



**Town of Clayton  
Regular Town Council Meeting Agenda  
Monday, May 21, 2018 @ 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. Draft Minutes

- May 7, 2018

[May 7, 2018 DRAFT Minutes](#)

**POTENTIAL ACTION:** Adoption of Consent Agenda as Presented

**4. ADMINISTRATIVE ITEMS**

a. Resolutions Authorizing Tax Collections

[Cover](#)

[Resolution to Collect Taxes - Johnston County 2018](#)

[Resolution to Collect Taxes - Wake County 2018](#)

**POTENTIAL ACTION:** Place on June 4, 2018 Consent Agenda

b. Code of Ordinance Amendment - Chapter 71 - Designated Commercial Vehicle Truck Routing

*Presenter:* David DeYoung, Economic & Community Development Director

[Cover](#)

[Map](#)

[Proposed Code Amendment](#)

[Public Notice](#)

**POTENTIAL ACTION:** Set Public Hearing for June 4, 2018

**5. INTRODUCTIONS AND SPECIAL PRESENTATIONS**

a. 2018-2019 Sculpture Trail Selections

*Presenter:* Sara Perricone, Public Art Advisory Board Chair

**6. PUBLIC HEARINGS**

a. 2018-2019 Fiscal Year Budget Hearing

*Presenter:* Adam Lindsay, Town Manager

[Cover](#)

[Presentation](#)

[Ordinance -Budget FY 18-19](#)

[Ordinance - Fees & Charges FY 18-19](#)

**POTENTIAL ACTION:** Adoption of Ordinances #2018-05-01 & 2018-05-02

- b. Proposed Electric Rate Increase

*Presenter:* Dale Medlin, Electric Systems Director

[Cover](#)

[Ordinance](#)

**POTENTIAL ACTION:** Adoption of Ordinance #2018-05-03

- c. 2017-195-RZ - Recovery Logistics Rezoning

*Presenter:* Samantha Wullenwaber, Planning Director

[Cover](#)

[Application](#)

[Staff Report](#)

[Map](#)

[Adjoining Property Letter #2](#)

[Certificate of Mailing #2](#)

[Consistency Statement](#)

[Public Notice](#)

[Motion Form](#)

[Ordinance](#)

**POTENTIAL ACTION:** Adoption of Ordinance #2018-05-04

- d. 2017-209-SUP - Sunbelt Rental Special Use Permit

(QUASI-JUDICIAL HEARING)

*Presenter:* Samantha Wullenwaber, Planning Director

[Cover](#)

[Application](#)

[Staff Report](#)

[Map](#)

[Site Plan](#)

[Adjoining Property Letter](#)

[Certificate of Mailing](#)

[Neighborhood Meeting Materials](#)

[Public Notice](#)

[Motion Form](#)

[Approval](#)

**POTENTIAL ACTION:** Approval of 2017-209-SUP

- e. 2018-75-OA - Scenic Highway Overlay District Amendment

*Presenter:* David DeYoung, Economic & Community Development Director

[Cover](#)

[Application](#)



[Staff Report](#)  
[Existing Overlay Map](#)  
[Draft, Strikethrough](#)  
[Draft, Clean](#)  
[Planning Board Recommendation](#)  
[Public Notice](#)  
[Motion Form](#)  
[Ordinance](#)

**POTENTIAL ACTION:** Adoption of Ordinance #2018-05-05

## 7. OLD BUSINESS

## 8. NEW BUSINESS

- a. Request for Proclamation Recognizing Building Safety Month - May 2018  
*Presenter:* Rich Cappola, Engineering & Inspections Director  
[Cover](#)  
[Proclamation](#)

**POTENTIAL ACTION:** Approval & Presentation of Proclamation

- b. Budget Amendment - Security Systems and Building Renovations  
*Presenter:* Nancy Medlin, Deputy Town Manager  
[Cover](#)  
[Presentation](#)  
[Ordinance](#)

**POTENTIAL ACTION:** Adoption of Ordinance #2018-05-06

- c. Bid Award Recommendation of Central Pump Station Decommission Gravity Sewer Project  
*Presenter:* Tim Simpson, Public Works Director  
[Cover](#)  
[Award Recommendation](#)  
[Resolution](#)

**POTENTIAL ACTION:** Adoption of Resolution #2018-13

- d. Request to Approve 2018 Audit Contract  
*Presenter:* Robert McKie, Finance Director  
[Cover](#)  
[Audit Contract FY 17-18](#)

**POTENTIAL ACTION:** Place on June 4, 2018 Consent Agenda

- e. Local Water Supply Plan  
*Presenter:* Tim Simpson, Public Works Director  
[Cover](#)  
[Local Water Supply Plan](#)  
[Resolution](#)

**POTENTIAL ACTION:** Place on June 4, 2018 Consent Agenda

**9. STAFF REPORTS**

- a. Town Manager
- b. Town Attorney
- c. Town Clerk
- d. Other Staff

**10. OTHER BUSINESS**

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

**11. CLOSED SESSION**

- a. Closed Session Pursuant to NCGS 143-318.11(a)(6)
  - Council will meet to conduct town manager annual review.

**12. ADJOURNMENT**



**Town of Clayton  
Regular Town Council Meeting Minutes  
Monday, May 7, 2018 @ 6:00 PM  
Council Chambers**

**COUNCIL PRESENT:**

Mayor McLeod  
Mayor Pro Tem Grannis  
Council Member Lawter  
Council Member Holder  
Council Member Thompson  
Council Member Bunn

**STAFF PRESENT:**

Adam Lindsay, Town Manager  
Nancy Medlin, Deputy Town Manager  
Merrick Parrot, Town Attorney  
Kimberly Moffett, Town Clerk  
David DeYoung, Economic & Development Director  
Rich Cappola, Engineering & Inspections Director  
Samantha Wullenwaber, Planning Director  
Lee Barbee, Fire Chief  
Stacy Beard, Public Information Officer  
John Hamlin, A/Public Information Officer  
Dale Medlin, Electrical Department Director  
Tim Simpson, Public Works Director  
Ann Game, Customer Service Director  
Jason Dean, Deputy Fire Chief

**COUNCIL ABSENT:**

**1 CALL TO ORDER**

Pledge of Allegiance and Invocation

- a) Mayor McLeod called the meeting to order at 6:04 p.m. He led everyone in the Pledge of Allegiance as well as offering the Invocation.

**2 ADJUSTMENT OF THE AGENDA**

**3 CONSENT AGENDA**

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

- a) Draft Minutes
- February 5, 2018
  - April 16, 2018
- b) Electronic Advertising for Construction Projects

**ACTION:** Adoption of Consent Agenda as Presented

Motion: Council Member Holder  
Second: Council Member Thompson  
Vote: Unanimous

#### 4 ADMINISTRATIVE ITEMS

- a) Set Public Hearing for 2018-2019 FY Budget  
*Presenter:* Adam Lindsay, Town Manager

Mr. Lindsay requested that a public hearing be set for presentation and possible adoption of the 2018-2019 fiscal year budget.

**ACTION:** Set Public Hearing for May 21, 2018

- b) Set Public Hearing for System Development Fees (HB 436)  
*Presenter:* Adam Lindsay, Town Manager

Mr. Lindsay requested that a public hearing be set regarding system development fees. HB 436 requires that public utilities perform an analysis of system developments fee collection and amount. The consultant, Black & Veatch will be presenting the results of this analysis. An additional requirement is that there be a 45 day notice to allow folks to provide feedback. This notice and report is now available for comments on the town website.

**ACTION:** Set Public Hearing for June 18, 2018

#### 5 INTRODUCTIONS AND SPECIAL PRESENTATIONS

- a) New Employee Introductions  
*Presenters:* Steve Blasko, Street/Property Maintenance Supervisor & Blair Myhand, Police Chief

- Ray Rhodes - Property Maintenance
- Dwayne Uhler - Property Maintenance
- Rodney Atkinson - Streets Division
- Officer Randall Ackley - Police Department
- Officer Grant Harris - Police Department
- Officer Jonathan Guider - Police Department

Chief Myhand introduced three new police officers; Randall Ackley, Jonathan Guider and Grant Harris. Officer Ackley has 16 years of law enforcement experience and previously worked for the Johnston County Sheriff Department. Officer Guider is a former Marine who had 2 deployments to Iraq and he previously worked for the Apex Police Department. Officer Harris is a native North Carolinian and recently graduated from BLET and this is his first law enforcement position. All three officers offered their thanks and appreciation for being a part of the Clayton Police Department

Mr. Blasko introduced three new Street & Property Maintenance employees and stated these new hires are exceptional. Mr. Rhodes is in the property maintenance department and stated he was recently retired and realized retirement wasn't for him. He stated he was very happy to be here and loves his job and working on the greenways. Mr. Atkinson is with the streets division and stated he is very happy to be here in Clayton. Mr. Uhler is also with the property maintenance department and stated he is very happy to be here. He said everyone is very respectful and great to work with.

Council offered their welcome and thanks to all.

- b) **Firehouse Subs Lifesaving Grant Received**  
*Presenter:* Jason Dean, Deputy Fire Chief

Deputy Fire Chief Jason Dean introduced stated that over the past several years the fire department had submitted for grants for a rescue boat package. He stated he was very happy to announce that Clayton Fire Department was awarded a grant this year. He shared details regarding some of the recent water rescues and vitally important this new equipment will be to ensuring the increased safety of rescue personnel. Mr. Paul Mehner who is a franchise owner was present along with Clayton store manager, James. Mr. Mehner offered his thanks and appreciation to Chief Barbee and other town employees, stating how extremely helpful they have been since the day the doors on the Clayton store opened, three years ago. He said the community has been extremely welcoming and shared information about the "round up" program, where customers donate funds to assist with the foundation and grants. He stated that just over \$1,000,000 had been raised from North Carolina. He stated he was very happy and honored to be at the meeting this evening and thrilled that Clayton was awarded this grant.

Council offered their thanks and appreciation.

- c) **Introduction of Miss Clayton - Lauren Walsh**  
*Presenter:* Keith Branch

Mr. Branch introduced Lauren Walsh, who is Miss Clayton 2018. He added that Lauren was Clayton Outstanding Teen 2015. He shared information regarding the financial impact holding the Miss Clayton pageant has on the town. He stated that over 500 people were in attendance at the pageant and that after speaking with Chris Johnson, JC Economic Development Director, it was thought the pageant provided a positive financial impact of \$100,000 - \$150,000. Ms. Walsh introduced herself and stated she is a music major at East Carolina University. She stated her platform is "Spark the Flame and Encourage Volunteerism". She stated it was exciting to be representing Clayton and spoke highly about the citizens and how involved they are. She shared information about some recent and upcoming events including a food drive, a princess party in the park and pups in the park. She invited everyone to watch the Miss America Pageant that will air live on ABC on June 23, 2018 beginning at 8:00 p.m. Council offered their thanks and offered their best wishes.

## **6 PUBLIC HEARINGS**

## **7 OLD BUSINESS**

- a) **Proposed Electric Rate Increase**  
*Presenter:* Dale Medlin, Electric Distribution Director

Mr. Medlin asked that a public hearing be set for May 21, 2018 regarding proposed electric rate increase.

**ACTION:** Set Public Hearing for May 21, 2018

## **8 NEW BUSINESS**

- a) Request to Surplus Property  
*Presenter:* Lee Barbee, Fire Chief

Chief Barbee asked that a resolution be adopted to surplus a skid unit. Chief Barbee provided background information regarding this item and stated it had been in storage and is approximately 18-19 years old. He further stated that he does not anticipate it being put back into service. Notice was sent out various fire departments regarding the availability of this equipment and the Four Oaks Fire Department has indicated its desire to obtain the skid unit and offered \$1,000 for same.

**ACTION:** Adoption of Resolution #2018-12

Motion: Council Member Lawter  
Second: Council Member Holder  
Vote: Unanimous

- b) Floodplain Ordinance Revisions  
*Presenter:* Rich Cappola, Engineering & Inspections Director

Mr. Cappola stated he would ask that a public hearing be set for June 4, 2018 in order to update the flood insurance rate maps. He further stated that the changes are not very extensive in our area.

**ACTION:** Set Public Hearing for June 4, 2018

- c) Request for Proclamation Recognizing Police Week - May 13 - 19, 2018  
*Presenter:* Blair Myhand, Police Chief

Chief Myhand requested a Proclamation be issued honoring National Police Week. He shared information about the three officers who lost their lives in the line of duty.

Mayor McLeod presented the Proclamation to Chief Myhand.

**ACTION:** Approval of Proclamation

Motion: Mayor Pro Tem Grannis  
Second: Council Member Holder  
Vote: Unanimous

- d) 2017-195-RZ - Recovery Logistics Rezoning  
*Presenter:* Samantha Wullenwaber, Planning Director

Ms. Wullenwaber requested that a public hearing be set for May 21, 2018.

**ACTION:** Set Public Hearing for May 21, 2018

- e) 2017-209-SUP - Sunbelt Rental  
*Presenter:* Samantha Wullenwaber, Planning Director

Ms. Wullenwaber requested that a public hearing be set for May 21, 2018.

**ACTION:** Set Public Hearing for May 21, 2018

- f) 2018-75-OA - Scenic Highway Overlay District Amendment  
*Presenter:* Samantha Wullenwaber, Planning Director

Ms. Wullenwaber requested that a public hearing be set for May 21, 2018.

**ACTION:** Set Public Hearing for May 21, 2018

## 9 STAFF REPORTS

- a) Town Manager
- b) Town Attorney
- c) Town Clerk
- d) Other Staff
  - 1. Library Update  
*Presenter:* Joy Garretson, Library Director

Ms. Garretson provided an update regarding current and upcoming activities taking place at the library. She shared some of the changes to include, re-organization of entire library, a new children's room, a new meeting room, computers as well as large print and audio books have been moved up to the front of the library, and space has been created in the teens room for seating and studying. Shared was information regarding staff training that has taken place to include public relations and material selection. There will be a kick-off event for the upcoming summer programs. The event will be held on June 16 from 12:00 - 2:00 p.m. Council was invited to drop by the library and see the changes. Council all offered their thanks and appreciation and stated it was obvious that Joy shares her enthusiasm and excitement in all she does. Mayor McLeod stated he hoped Ms. Garretson would be part of the planning for Clayton's 150th birthday celebration.

- 2. New Police Vehicle Design  
*Presenter:* Blair Myhand, Police Chief

Chief Myhand provided an update on the new police vehicle design. He stated the currently used decals would no longer be available and that was the catalyst for new design. He stated there was great involvement from some of the local schools and stated he had discussion with Ms. Beard regarding branding. He shared a rendition of the proposed new police vehicle. The vehicle will be black with a white wrap on the doors. The logo and printing on

the white wrap will also be black. He stated new vehicle design will be phased in as cars are replaced.

There was discussion regarding the cost and Chief Myhand stated the cost would be slightly higher than current cost. There was discussion regarding the proposed design and it was agreed everyone would like to see more and other options. It was felt design might be a bit plain and additional detailing was needed. Everyone agreed they like the idea of a black and white police car and suggested perhaps more color was needed in the graphics. Chief Myhand stated additional work will be completed and he will come back to council at a later date with additional options.

Chief Myhand reminded everyone that the Police Department will hold their 1st Awards Ceremony tomorrow evening in the Council Chambers. The event will begin at 6:00 p.m. and an invitation was extended to all.

**10 OTHER BUSINESS**

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

Council Member Lawter reminded everyone voting would take place tomorrow and every single vote is important.

**11 ADJOURNMENT**

- a) Adjourn the meeting

With there being nothing further, the meeting was adjourned at 7:03 p.m.

**ACTION:** Motion to Adjourn

Motion: Council Member Lawter  
Second: Council Member Holder  
Vote: Unanimous

Duly adopted this the 21<sup>st</sup> day of May, 2018 while in regular session.

---

Jody L. McLeod  
Mayor

ATTEST:

---

Kimberly A. Moffett, CMC, NCCMC  
Town Clerk

May 7, 2018  
Minutes





## Town Council Agenda Cover Sheet

---

---

**Meeting Date**

May 21 2018

**Agenda Location**

Administrative

**Item Title**

Authorizing Tax Collections

**Presenter** *(Name & Title)*

N/A

**Summary/Description**

Resolutions that will authorize County Tax Administrators of both Johnston and Wake Counties to levy and collect property taxes on behalf of the Town of Clayton.

**Requested Action**

Place on Consent Agenda

**Additional Documents To Be Included in Agenda Packet**

Resolutions (2)

**TOWN OF CLAYTON  
RESOLUTION AUTHORIZING THE JOHNSTON COUNTY TAX  
ADMINISTRATOR  
TO LEVY AND COLLECT PROPERTY TAXES FOR THE TOWN OF CLAYTON**

**BE IT RESOLVED** by the Town Council of the Town of Clayton, North Carolina,  
as follows:

The Johnston County Tax Administrator is hereby authorized, empowered, and commanded to collect the taxes set forth in the tax records filed in the Office of the Johnston County Tax Administrator in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in the Town of Clayton, and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell any real or personal property of such taxpayers, for and on account thereof, in accordance with the law.

Duly adopted this 4th day of June 2018, while in regular session.

\_\_\_\_\_  
Jody L. McLeod  
Mayor

ATTEST:

\_\_\_\_\_  
Kimberly A. Moffett, CMC, NCCMC  
Town Clerk

**TOWN OF CLAYTON  
RESOLUTION AUTHORIZING THE WAKE COUNTY REVENUE  
ADMINISTRATOR TO LEVY AND COLLECT PROPERTY TAXES FOR THE  
TOWN OF CLAYTON**

**BE IT RESOLVED** by the Town Council of the Town of Clayton, North Carolina,  
as follows:

The Wake County Revenue Administrator is hereby authorized, empowered, and commanded to collect the taxes set forth in the tax records filed in the Office of the Wake County Revenue Administrator in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in the Town of Clayton, and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell any real or personal property of such taxpayers, for and on account thereof, in accordance with the law.

Duly adopted this 4<sup>th</sup> day of June 2018, while in regular session.

\_\_\_\_\_  
Jody L. McLeod  
Mayor

\_\_\_\_\_  
Kimberly A. Moffett, CMC, NCCMC  
Town Clerk



## Town Council Agenda Cover Sheet

---

### **Meeting Date**

May 21 2018

### **Agenda Location**

Administrative

### **Item Title**

Code Amendment - DESIGNATED COMMERCIAL VEHICLE TRUCK ROUTING

### **Presenter**

David DeYoung, Economic and Community Development Director

### **Summary/Description**

The purpose of the proposed code amendment to § 71.03 - Code of Ordinances is to regulate the use of roads and streets in the Town of Clayton by providing designated routes for commercial vehicle traffic. § 71.03 of the Code of Ordinances currently provides a very limited number of streets where commercial truck traffic is not allowed. The proposed code provides a comprehensive list of available commercial truck routes and establishes penalties for violations.

By establishing designated commercial truck routes, the town is protecting its roads from costly repairs caused by heavy truck traffic, providing safety and enjoyment to its residents by eliminating regular travel through neighborhoods, and generally promoting the efficiency and safety of the connecting street system.

### **Requested Action**

Set Public Hearing

### **Additional Documents To Be Included in Agenda Packet**

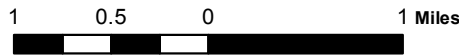
- § 71.03 - Code of Ordinances
- Map – Designated Commercial Routes

# Designated Commercial Vehicle Routes

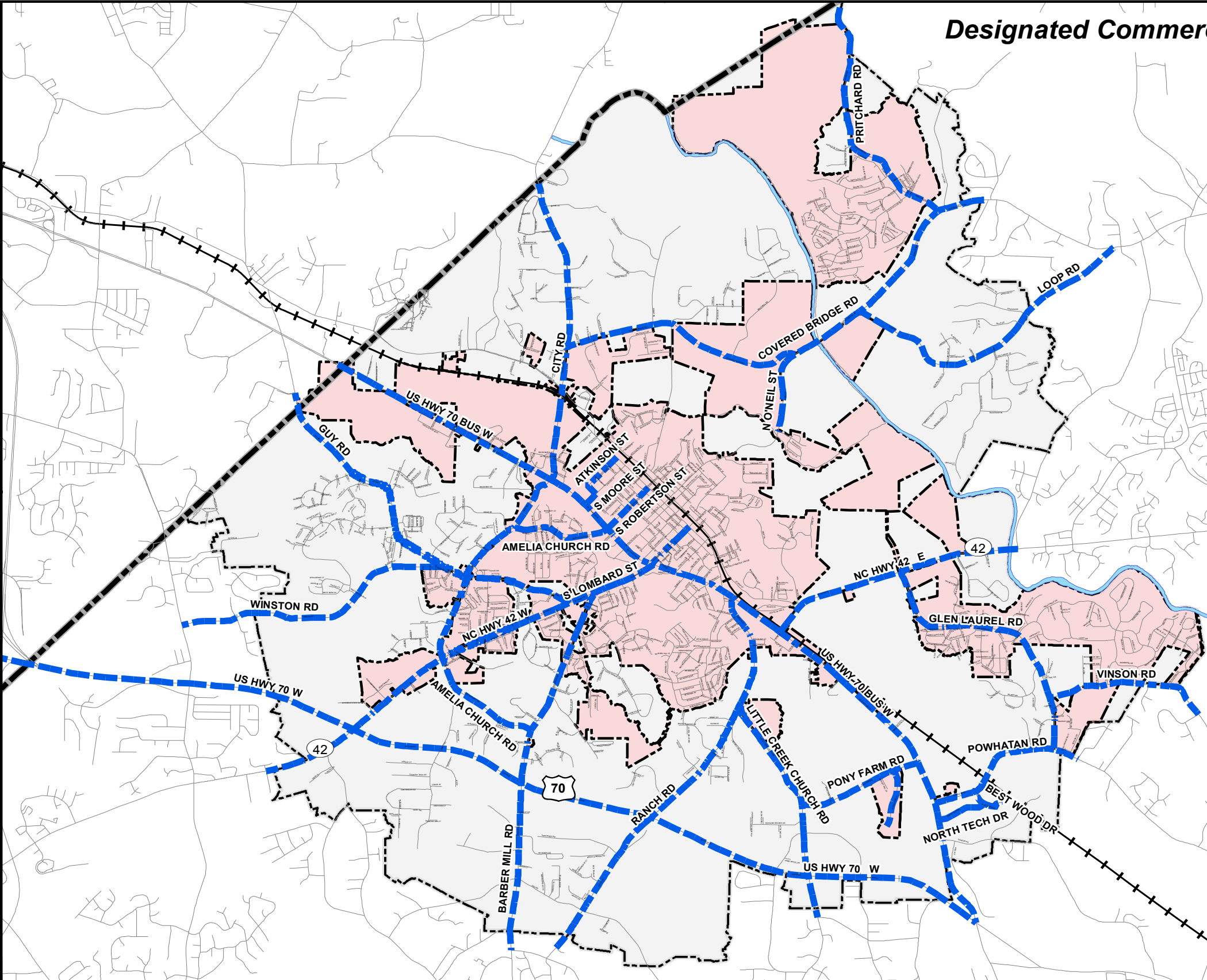


## Legend

- Designated Commercial Vehicle Routes
- Roads
- + + + Railroad
- Clayton Town Limits
- Extra Territorial Jurisdiction
- County Boundary



The Town of Clayton Planning Department shall not be held liable for any errors concerning content or positional accuracy of this mapped information. Use of these data for any purpose should be with the acknowledgement of the limitations of the data, including the fact that the data changes regularly. Please contact the Town of Clayton Planning Department for the most current data.  
 Path: O:\PLANNING\GIS Maps\2018\Designated Commercial Vehicle Routes April 2018 11 x 17.mxd  
 Printed Date: April 17, 2018



**§ 71.03 “NO THRU TRUCKS” ZONE, DESIGNATED COMMERCIAL VEHICLE TRUCK ROUTING**

**(A) PURPOSE AND INTENT**

The purpose of this Section to regulate the use of roads and streets in the Town of Clayton by providing designated routes for commercial vehicle traffic. Establishing designated routes promotes efficiency and safety of the connecting street system and protects residential neighborhoods from commercial traffic. These restrictions are intended to preserve and enhance the character of the community, while protecting the health, safety, and general welfare of the Town of Clayton’s residents.

**(B) DEFINITIONS**

**(1) Commercial Vehicle**

A motor vehicle, truck, or semi-trailer having more than two axels, and designated or used for the transportation of goods, wares, merchandise, carrying freight, animals, or materials in the furtherance of any commercial enterprise.

**(C) APPLICABILITY**

(1) The requirements of this Section shall apply to all commercial vehicles as defined above, except for those specifically listed below:

- (a) School buses and public transportation;
- (b) Fire trucks and other emergency vehicles;
- (c) Utility service vehicles or vehicles used for construction while in performance of that work;
- (d) Road construction and maintenance equipment, so long as being used for that purpose;

(2) Commercial vehicles shall use or travel upon roads and streets designated by the Town. Commercial traffic is permitted if the truck is traveling to a residence or a business to deliver or pick up goods, wares, merchandise, or providing services at a business or residence upon arrival. When commercial vehicles are traveling along a prohibited route, such travel is limited to the minimum necessary to accomplish the pickup, delivery, or service call, and said vehicle shall be driven in such a manner as to enter and leave the prohibited route as quickly as possible by the closest available truck route.

(3) Commercial vehicles may travel to their customary storage location, located along a route on which commercial traffic has been prohibited, only when the most direct route to and from a non-prohibited truck route is utilized.

**(D) DESIGNATED COMMERCIAL VEHICLE ROUTES**

Commercial vehicles are limited to the following routes within the Town, unless otherwise provided in this Ordinance:

**(1) US 70 Highway Business**

- [\(2\) US 70 Highway Bypass \(AKA Future Interstate 42\)](#)
- [\(3\) NC Highway 42 East](#)
- [\(4\) NC Highway 42 West](#)
- [\(5\) Amelia Church Road \(AKA SR 1554\)](#)
- [\(6\) South Robertson Street \(AKA SR 1554\)](#)
- [\(7\) Guy Road \(AKA SR 1551\)](#)
- [\(8\) Winston Road \(AKA SR 1550\)](#)
- [\(9\) Barber Mill Road \(AKA SR 1555\)](#)
- [\(10\) Ranch Road \(AKA SR 1560\)](#)
- [\(11\) Little Creek Church Road \(AKA SR 1563\)](#)
- [\(12\) Boling Street \(AKA SR 1563\)](#)
- [\(13\) Pony Farm Road \(AKA SR 1570\)](#)
- [\(14\) South Tech Park Lane](#)
- [\(15\) Shotwell Road \(AKA SR 1553\)](#)
- [\(16\) Atkinson Street](#)
- [\(17\) Moore Street \(Between US 70 Highway Business and Atkinson Street\)](#)
- [\(18\) South Lombard Street](#)
- [\(19\) Covered Bridge Road \(AKA SR 1700\)](#)
- [\(20\) North O'Neil Street \(Between Atwood Drive and Covered Bridge Road\)](#)
- [\(21\) Prichard Road \(AKA SR 1714\)](#)
- [\(22\) Loop Road \(AKA SR 1706\)](#)
- [\(23\) Glen Laurel Road \(AKA SR 1902\)](#)
- [\(24\) Vinson Road \(AKA SR 1903\)](#)
- [\(25\) Powhatan Road \(AKA SR 1901\)](#)
- [\(26\) North Tech Drive](#)
- [\(27\) Best Wood Lane](#)

[\(E\) PENALTY](#)

[The Clayton Police Department shall enforce the provisions of this Section and may impose an applicable penalty in accordance with the provisions set forth in §10.99 of this Code of Ordinances.](#)

~~—(A) The block of O'Neil Street bounded on the north by Second Street and on the south by Blanche Street shall be designated as a "No Thru Trucks" zone, and a sign designating such shall be installed at the intersection of O'Neil and Second Streets.~~

~~—(B) The block of Blanche Street west of Fayetteville Street shall be designated as a "No Thru Trucks" zone and a sign designating such shall be installed at the intersection of Blanche and Fayetteville Streets.~~

~~—(C) The block of Lombard Street bound on the south by Highway 70 and on the north by Main Street shall be designated as a "No Thru Trucks" zone.~~

~~—(D) The block of Main Street bound on the south by Highway 70 and on the north by Shotwell Road shall be designated as a "No Thru Trucks" zone.~~

(Ord. 98-04-02, passed 4-20-98; Am. Res. passed 9-5-00)

The Clayton Town Council will hold a public hearing on June 4, 2018 at 6:00 p.m. at Town Hall, 111 East Second Street, to receive public comment regarding proposed amendment to the Town's Code of Ordinance Chapter 71, "Designated Commercial Vehicle Truck Routing". A copy of the proposed amendment is on file in the Town Clerk's office at Town Hall, 111 East Second Street.

This is an open meeting and citizens are invited to attend.

Kimberly A. Moffett, CMC, NCCMC  
Town Clerk  
919-553-5002

---

News & Observer

Please advertise on the following date:

May 25, 2018

Affidavit of publication required.





## Town Council Agenda Cover Sheet

---

---

**Meeting Date**

May 21 2018

**Agenda Location**

Public Hearings

**Item Title**

2018-2019 Fiscal Year Budget Hearing and Presentation

**Presenter** *(Name & Title)*

Adam Lindsay, Town Manager

**Summary/Description**

Council and the public will listen to an overview of next year's recommended budget. Council and staff will consider comments from the public at this second public hearing on the budget. As presented the budget is balanced with revenues equaling expenditures and must be adopted by the Council before July 1, 2018.

**Requested Action**

Approval

**Additional Documents To Be Included in Agenda Packet**

Budget PowerPoint  
Budget Ordinance

# FY 2018-2019 BUDGET TOWN OF CLAYTON

May 21, 2018

## BUDGET PROCESS

- Departments prepare and submit information from Dec – Feb
- Department Budget Close Out meetings with Budget Team in January
- Public Hearing on Budget in February
- Council Retreat to discuss capital priorities and strategic plan in March
- Department Budget Request meetings with Budget Team in March
- Budget Team reviews and requests additional information from Departments in March
- Departments meet as group with Budget Team to help balance the budget in April
- Budget Team finalizes Manager's Recommended Budget in April
- Council reviews and discusses Recommended Budget in April or May
- Manager presents budget at 2<sup>nd</sup> Public Hearing in May
- Council adopts budget before July 1<sup>st</sup>



## BUDGET DIRECTION

Council gave clear direction at their retreat that they expected a budget that would begin to implement a capital improvement plan.

Council said they would consider a tax rate increase and other funding sources in order to pay for capital needs.

Council will consider a 2019 bond referendum to give voters options on some quality of life capital projects.

This budget lays the foundation to be able to borrow money to achieve some quality of life capital projects.

This budget begins to transition Clayton from small to medium size town in terms of amenities and street infrastructure.

The revenue generated from the proposed ad valorem and municipal vehicle tax increases will pay for parking and street infrastructure improvements next year

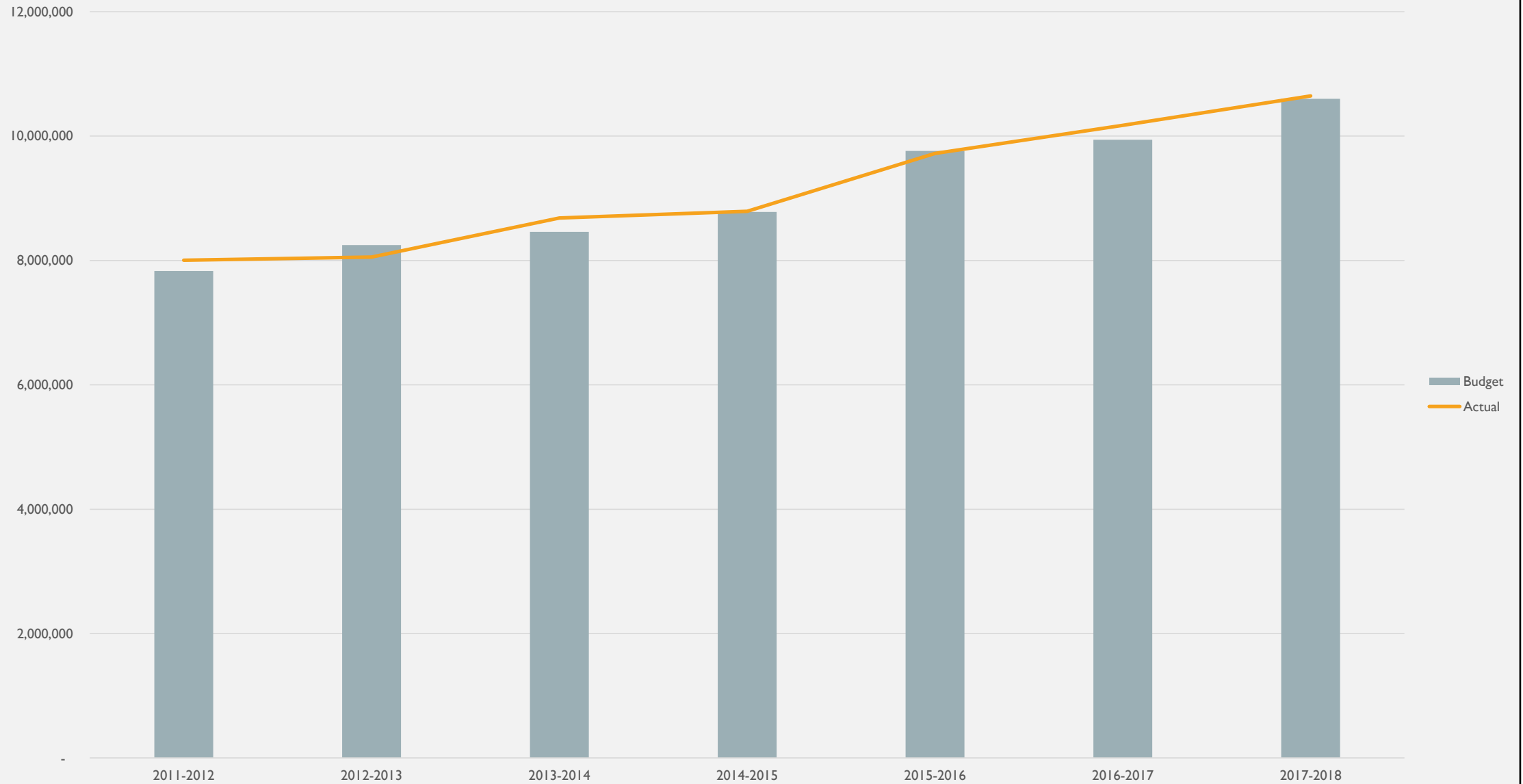
## BUDGET HIGHLIGHTS

- New revenue but not to cover \$7 million dollar deficit
- \$0.03 Ad Valorem Tax Rate increase
  - Town Hall Parking Lot Expansion
  - Sam's Branch Trail Head & Paving
  - First Street Parking from Church to O'Neil (with private developer contribution)
- \$25 vehicle tax increase (per vehicle)
  - Payton Drive Extension
  - Increased street maintenance budget
- 10% increases to both Water & Sewer due to rising costs (5% County pass along)
- \$0.50 Increase for solid waste due to CPI adjustment and tipping fee increase from County
- Technology advances will add \$2 per water and electric meter in May or June 2019
- Pay & Classification study included again
- Positions added in Police, Fire, Parks & Recreation, Inspections and Water & Sewer
- 7% cost increase in health insurance
- Services maintained with added focus on performance outcomes and strategic priorities

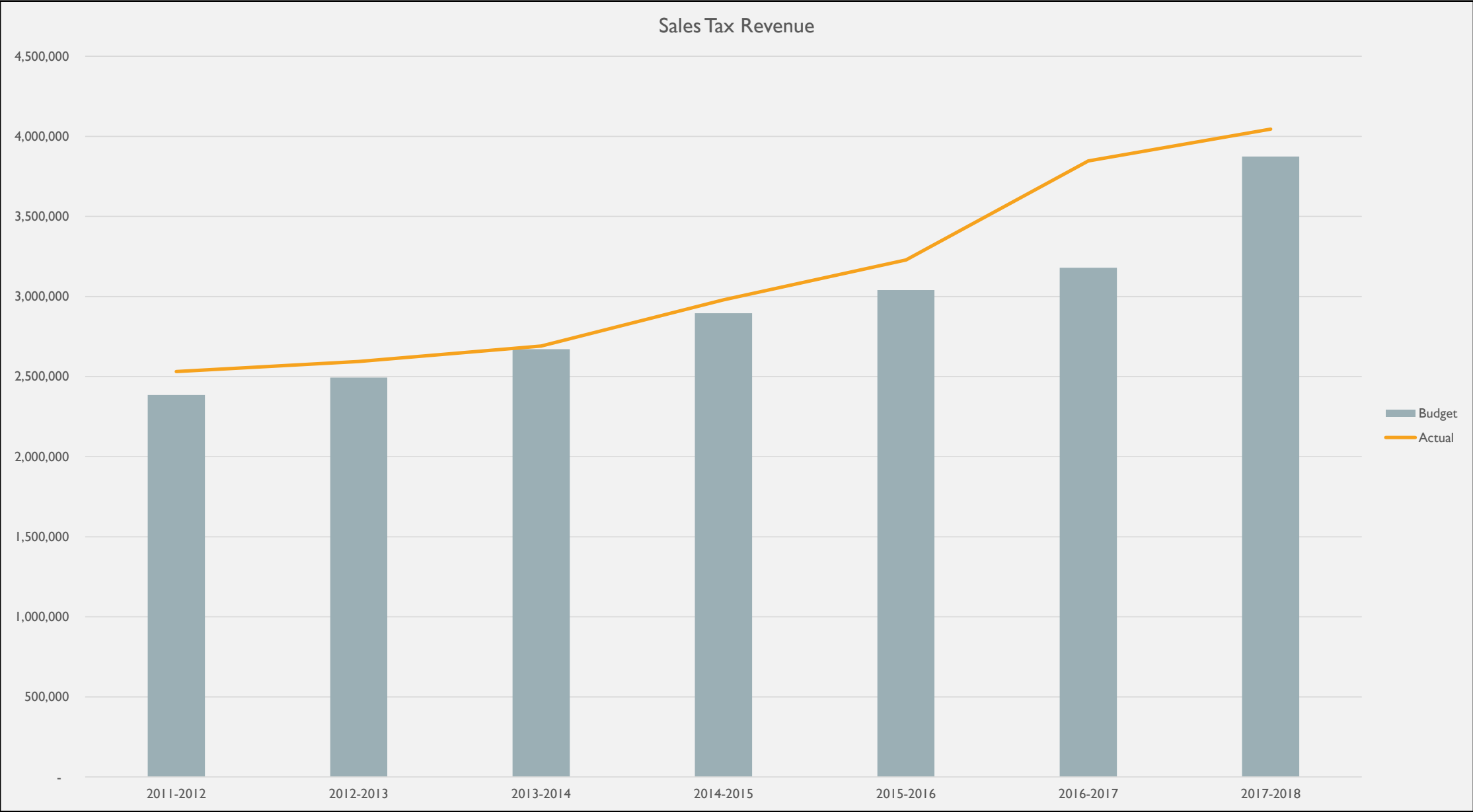
## BUDGET HIGHLIGHTS

- **New revenue but not to cover \$7 million dollar deficit**
- \$0.03 Ad Valorem Tax Rate increase
  - Town Hall Parking Lot Expansion
  - Sam's Branch Trail Head & Paving
  - First Street Parking from Church to O'Neil (with private developer contribution)
- \$25 vehicle tax increase (per vehicle)
  - Payton Drive Extension
  - Increased street maintenance budget
- 10% increases to both Water & Sewer due to rising costs (5% County pass along)
- \$0.50 Increase for solid waste due to CPI adjustment and tipping fee increase from County
- Technology advances will add \$2 per water and electric meter in May or June 2019
- Pay & Classification study included again
- Positions added in Police, Fire, Parks & Recreation, Inspections and Water & Sewer
- 7% cost increase in health insurance
- Services maintained with added focus on performance outcomes and strategic priorities

### Ad Valorem Tax Revenue







### Typical Taxpayer/Customer

|                                     | Current   | New       |
|-------------------------------------|-----------|-----------|
| Median Home (assumes \$162,000) tax | \$ 891.00 | \$ 48.60  |
| Median Water Bill                   | \$ 40.20  | \$ 4.02   |
| Median Sewer Bill                   | \$ 36.36  | \$ 3.64   |
| Resident Trash                      | \$ 17.57  | \$ 0.50   |
| Median Electric Bill                | \$ 140.93 | \$ 4.37   |
| Water AMI                           | \$ -      | \$ 2.00   |
| Electric AMI                        |           | 2.00      |
| Vehicle Tax (assumes two cars)      | \$ 10.00  | \$ 50.00  |
| Annualized New Charges              |           |           |
| Property Tax                        |           | \$ 48.60  |
| Monthly Fees                        |           | \$ 198.29 |
| Vehicle Tax                         |           | \$ 50.00  |
| Subtotal                            |           | 296.89    |
| Monthly Increase                    |           | \$ 24.74  |

## BUDGET HIGHLIGHTS

- New revenue but not to cover \$7 million dollar deficit
- **\$0.03 Ad Valorem Tax Rate increase**
  - **Town Hall Parking Lot Expansion**
  - **Sam's Branch Trail Head & Paving**
  - **First Street Parking from Church to O'Neil (with private developer contribution)**
- \$25 vehicle tax increase (per vehicle)
  - Payton Drive Extension
  - Increased street maintenance budget
- 10% increases to both Water & Sewer due to rising costs (5% County pass along)
- \$0.50 Increase for solid waste due to CPI adjustment and tipping fee increase from County
- Technology advances will add \$2 per water and electric meter in May or June 2019
- Pay & Classification study included again
- Positions added in Police, Fire, Parks & Recreation, Inspections and Water & Sewer
- 7% cost increase in health insurance
- Services maintained with added focus on performance outcomes and strategic priorities











# 1st Street Parking Expansion

## BUDGET HIGHLIGHTS

- New revenue but not to cover \$7 million dollar deficit
- \$0.03 Ad Valorem Tax Rate increase
  - Town Hall Parking Lot Expansion
  - Sam's Branch Trail Head & Paving
  - First Street Parking from Church to O'Neil (with private developer contribution)
- **\$25 vehicle tax increase (per vehicle)**
  - **Payton Drive Extension**
  - **Increased street maintenance budget**
- 10% increases to both Water & Sewer due to rising costs (5% County pass along)
- \$0.50 Increase for solid waste due to CPI adjustment and tipping fee increase from County
- Technology advances will add \$2 per water and electric meter in May or June 2019
- Pay & Classification study included again
- Positions added in Police, Fire, Parks & Recreation, Inspections and Water & Sewer
- 7% cost increase in health insurance
- Services maintained with added focus on performance outcomes and strategic priorities







## BUDGET HIGHLIGHTS

- New revenue but not to cover \$7 million dollar deficit
- \$0.03 Ad Valorem Tax Rate increase
  - Town Hall Parking Lot Expansion
  - Sam's Branch Trail Head & Paving
  - First Street Parking from Church to O'Neil (with private developer contribution)
- \$25 vehicle tax increase (per vehicle)
  - Payton Drive Extension
  - Increased street maintenance budget
- **10% increases to both Water & Sewer due to rising costs (5% County pass along)**
- \$0.50 Increase for solid waste due to CPI adjustment and tipping fee increase from County
- Technology advances will add \$2 per water and electric meter in May or June 2019
- Pay & Classification study included again
- Positions added in Police, Fire, Parks & Recreation, Inspections and Water & Sewer
- 7% cost increase in health insurance
- Services maintained with added focus on performance outcomes and strategic priorities



## BUDGET HIGHLIGHTS

- New revenue but not to cover \$7 million dollar deficit
- \$0.03 Ad Valorem Tax Rate increase
  - Town Hall Parking Lot Expansion
  - Sam's Branch Trail Head & Paving
  - First Street Parking from Church to O'Neil (with private developer contribution)
- \$25 vehicle tax increase (per vehicle)
  - Payton Drive Extension
  - Increased street maintenance budget
- 10% increases to both Water & Sewer due to rising costs (5% County pass along)
- **\$0.50 Increase for solid waste due to CPI and tipping fee increase from County**
- Technology advances will add \$2 per water and electric meter in May or June 2019
- Pay & Classification study included again
- Positions added in Police, Fire, Parks & Recreation, Inspections and Water & Sewer
- 7% cost increase in health insurance
- Services maintained with added focus on performance outcomes and strategic priorities





## BUDGET HIGHLIGHTS

- New revenue but not to cover \$7 million dollar deficit
- \$0.03 Ad Valorem Tax Rate increase
  - Town Hall Parking Lot Expansion
  - Sam's Branch Trail Head & Paving
  - First Street Parking from Church to O'Neil (with private developer contribution)
- \$25 vehicle tax increase (per vehicle)
  - Payton Drive Extension
  - Increased street maintenance budget
- 10% increases to both Water & Sewer due to rising costs (5% County pass along)
- \$0.50 Increase for solid waste due to CPI adjustment and tipping fee increase from County
- **Technology advances will add \$2 per water and electric meter in May or June 2019**
- Pay & Classification study included again
- Positions added in Police, Fire, Parks & Recreation, Inspections and Water & Sewer
- 7% cost increase in health insurance
- Services maintained with added focus on performance outcomes and strategic priorities





## BUDGET HIGHLIGHTS

- New revenue but not to cover \$7 million dollar deficit
- \$0.03 Ad Valorem Tax Rate increase
  - Town Hall Parking Lot Expansion
  - Sam's Branch Trail Head & Paving
  - First Street Parking from Church to O'Neil (with private developer contribution)
- \$25 vehicle tax increase (per vehicle)
  - Payton Drive Extension
  - Increased street maintenance budget
- 10% increases to both Water & Sewer due to rising costs (5% County pass along)
- \$0.50 Increase for solid waste due to CPI adjustment and tipping fee increase from County
- Technology advances will add \$2 per water and electric meter in May or June 2019
- **Pay & Classification study included again**
- Positions added in Police, Fire, Parks & Recreation, Inspections and Water & Sewer
- 7% cost increase in health insurance
- Services maintained with added focus on performance outcomes and strategic priorities

## BUDGET HIGHLIGHTS

- New revenue but not to cover \$7 million dollar deficit
- \$0.03 Ad Valorem Tax Rate increase
  - Town Hall Parking Lot Expansion
  - Sam's Branch Trail Head & Paving
  - First Street Parking from Church to O'Neil (with private developer contribution)
- \$25 vehicle tax increase (per vehicle)
  - Payton Drive Extension
  - Increased street maintenance budget
- 10% increases to both Water & Sewer due to rising costs (5% County pass along)
- \$0.50 Increase for solid waste due to CPI adjustment and tipping fee increase from County
- Technology advances will add \$2 per water and electric meter in May or June 2019
- Pay & Classification study included again
- **Positions added in Police, Fire, Parks & Recreation, Inspections and Water & Sewer**
- 7% cost increase in health insurance
- Services maintained with added focus on performance outcomes and strategic priorities

| 2018-2019 Fiscal Year Budget |                                          |                     |                     |                       |                                    |                                     |                                      |
|------------------------------|------------------------------------------|---------------------|---------------------|-----------------------|------------------------------------|-------------------------------------|--------------------------------------|
| Personnel Requests           |                                          |                     |                     |                       |                                    |                                     |                                      |
| Department                   | Classification Title                     | Proposed Start Date | Positions Requested | Positions Recommended | Position Expenses - As Recommended | Position Expenses - Annualized Cost | Total Cost for Fiscal Year 2018-2019 |
| <u>Police</u>                | Officer (GHSP grant position)            | 10/1/2018           | 3                   | 2                     | 45,046                             | 60,061                              | 90,092                               |
|                              | Evidence Clerk                           | 7/1/2018            | 1                   | 0                     | 15,868                             | 15,868                              | -                                    |
|                              | Accreditation Manager                    | 7/1/2018            | 1                   | 0                     | 59,445                             | 59,445                              | -                                    |
|                              | Support Services Manager                 | 7/1/2018            | 1                   | 0                     | 13,251                             | 13,251                              | -                                    |
|                              | School Crossing Guard                    | 7/1/2018            | 3                   | 3                     | 11,949                             | 11,949                              | 11,949                               |
|                              |                                          |                     |                     |                       |                                    |                                     |                                      |
| <u>Fire</u>                  | Sr. Administrative Support Specialist *  | 7/1/2018            | 1                   | 1                     | 64,526                             | 64,526                              | 64,526                               |
|                              | Fire Captains                            | 1/1/2019            | 3                   | 0                     | 117,867                            | 235,734                             | -                                    |
|                              | Fire Fighters                            | 1/1/2019            | 9                   | 0                     | 279,938                            | 559,876                             | -                                    |
|                              | Fire Inspector                           | 1/1/2019            | 1                   | 1                     | 32,119                             | 64,238                              | 32,119                               |
|                              |                                          |                     |                     |                       |                                    |                                     |                                      |
| <u>Inspections</u>           | Building Inspector                       | 7/1/2018            | 1                   | 1                     | 42,467                             | 42,467                              | 42,467                               |
|                              | Building Codes Inspection Superintendent | 7/1/2018            | 1                   | 1                     | 114,014                            | 114,014                             | 114,014                              |
|                              |                                          |                     |                     |                       |                                    |                                     |                                      |
| <u>Engineering</u>           | Stormwater Engineer                      | 7/1/2018            | 1                   | 0                     | 74,738                             | -                                   | -                                    |
|                              |                                          |                     |                     |                       |                                    |                                     |                                      |
| <u>Recreation</u>            | Park Maintenance Specialist *            | 9/1/2018            | 1                   | 1                     | 34,896                             | 46,528                              | 34,896                               |
|                              |                                          |                     |                     |                       |                                    |                                     |                                      |
| <u>Water/Sewer</u>           | Property Maintenance Technician          | 7/1/2018            | 1                   | 0                     | 53,532                             | 53,532                              | -                                    |
|                              | Utility Maintenance Mechanic             | 7/1/2018            | 2                   | 2                     | 102,430                            | 102,430                             | 102,430                              |
|                              | Utility Maintenance Crew Leader          | 7/1/2018            | 1                   | 0                     | 56,385                             | 56,385                              | -                                    |
|                              |                                          |                     |                     |                       |                                    |                                     |                                      |
|                              | Totals                                   |                     | 31                  | 12                    | 1,118,471                          | 1,500,304                           | 492,493                              |
|                              |                                          |                     |                     |                       |                                    |                                     |                                      |
| *                            | Part time to full time                   |                     |                     |                       |                                    |                                     |                                      |

## BUDGET HIGHLIGHTS

- New revenue but not to cover \$7 million dollar deficit
- \$0.03 Ad Valorem Tax Rate increase
  - Town Hall Parking Lot Expansion
  - Sam's Branch Trail Head & Paving
  - First Street Parking from Church to O'Neil (with private developer contribution)
- \$25 vehicle tax increase (per vehicle)
  - Payton Drive Extension
  - Increased street maintenance budget
- 10% increases to both Water & Sewer due to rising costs (5% County pass along)
- \$0.50 Increase for solid waste due to CPI adjustment and tipping fee increase from County
- Technology advances will add \$2 per water and electric meter in May or June 2019
- Pay & Classification study included again
- Positions added in Police, Fire, Parks & Recreation, Inspections and Water & Sewer
- **7% cost increase in health insurance**
- Services maintained with added focus on performance outcomes and strategic priorities



*North Carolina*  
**State Health Plan**

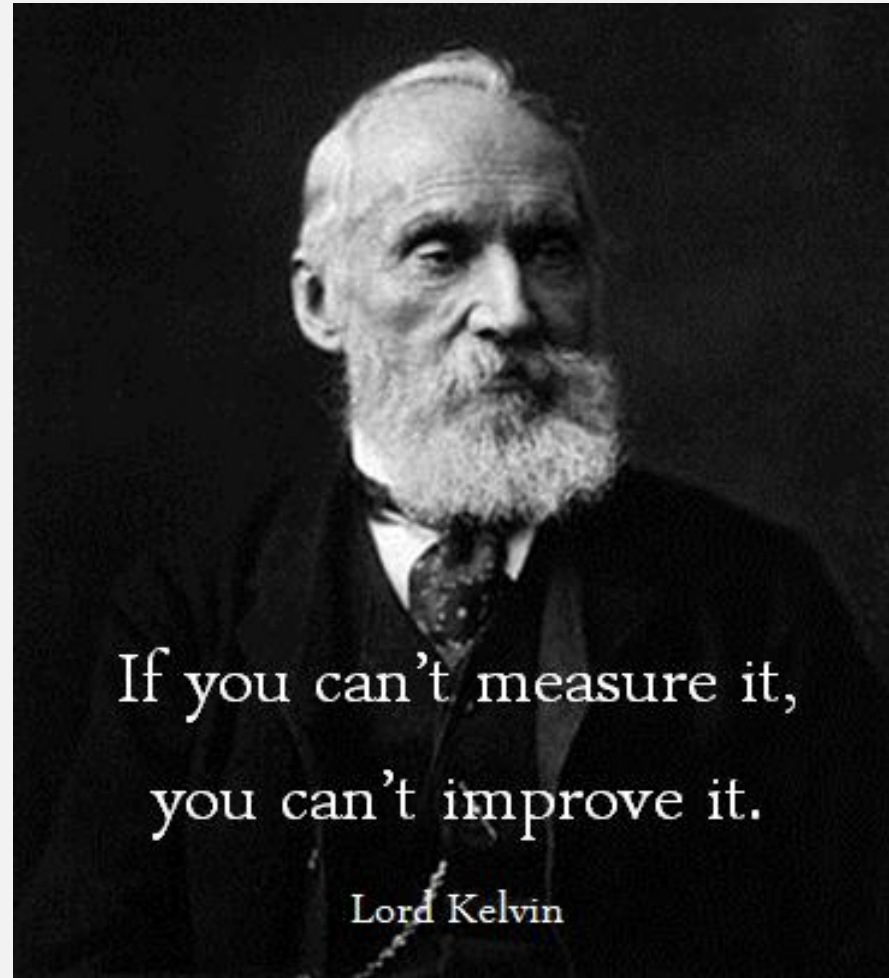
FOR TEACHERS AND STATE EMPLOYEES

*A Division of the Department of State Treasurer*



## BUDGET HIGHLIGHTS

- New revenue but not to cover \$7 million dollar deficit
- \$0.03 Ad Valorem Tax Rate increase
  - Town Hall Parking Lot Expansion
  - Sam's Branch Trail Head & Paving
  - First Street Parking from Church to O'Neil (with private developer contribution)
- \$25 vehicle tax increase (per vehicle)
  - Payton Drive Extension
  - Increased street maintenance budget
- 10% increases to both Water & Sewer due to rising costs (5% County pass along)
- \$0.50 Increase for solid waste due to CPI adjustment and tipping fee increase from County
- Technology advances will add \$2 per water and electric meter in May or June 2019
- Pay & Classification study included again
- Positions added in Police, Fire, Parks & Recreation, Inspections and Water & Sewer
- 7% cost increase in health insurance
- **Services maintained with focus on performance outcomes and strategic priorities**



## BUDGET

Special thanks to Nancy Medlin and Robert McKie for their help in developing the budget.

Special thanks to staff for their assistance and timeliness in submitting and refining their budget requests.

Special thanks to Council for your input and guidance.

ANY QUESTIONS?



Town of Clayton  
Fiscal Year 2018 - 2019  
Budget Ordinance

BE IT HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON, NORTH CAROLINA that the following shall be the Fiscal Year 2018 - 2019 Budget:

Section 1: The following amounts are hereby appropriated in the General Fund for the operation of the town government and its activities for the fiscal year beginning July 1, 2018 and ending June 30, 2019 in accordance with the chart of accounts heretofore established for this town:

|                                |            |
|--------------------------------|------------|
| General Government             | 1,880,359  |
| Financial Services             | 546,410    |
| Community Development Services | 1,069,541  |
| Data and Technology Services   | 909,241    |
| Public Information             | 101,012    |
| Customer Service               | 40,075     |
| Law Enforcement                | 5,311,886  |
| Fire Protection                | 3,738,677  |
| Public Works                   | 7,450,283  |
| Parks & Recreation Services    | 1,488,370  |
| Cultural & Performing Arts     | 772,633    |
| Library Operations             | 632,791    |
| Debt Service                   | 1,767,225  |
| <hr/>                          |            |
| Total =                        | 25,708,503 |

Section 2. It is estimated that the following revenues will be available in the General Fund for the fiscal year beginning July 1, 2018 and ending June 30, 2019:

REVENUES PENDING

|                           |            |
|---------------------------|------------|
| Ad Valorem Taxes          | 12,190,191 |
| State Shared Revenues     | 5,891,403  |
| Intergovernmental         | 2,673,249  |
| Permits & Fees            | 1,303,034  |
| Sales & Services          | 2,253,307  |
| Grants & Donations        | 245,799    |
| Other Financing Sources   | 6,000      |
| Miscellaneous             | 505,098    |
| Fund Balance/Cap. Reserve | 640,422    |
| <hr/>                     |            |
| Total =                   | 25,708,503 |

Section 3. The following amounts were hereby appropriated in the Water and Sewer Fund for the operation of the water and sewer utilities for the fiscal year beginning July 1, 2018 and ending June 30, 2019 in accordance with the chart of accounts heretofore approved for the Town:

|                            |            |
|----------------------------|------------|
| Non-Departmental           | 6,121,220  |
| Operations                 | 4,220,763  |
| Preventive Maintenance     | 1,277,293  |
| Wastewater Treatment Plant | 3,404,934  |
| Debt Service               | 895,224    |
| Capital Outlay             | 2,842,433  |
| Inter-Departmental         | 1,724,925  |
|                            | <hr/>      |
| Total =                    | 20,486,792 |

Section 4. It is estimated that the following revenues will be available in the Water/Sewer Fund for the fiscal year beginning July 1, 2018 and ending June 30, 2019:

REVENUES PENDING

|                           |            |
|---------------------------|------------|
| Permits & Fees            | 1,110,772  |
| Sales & Services          | 11,627,418 |
| Grants & Donations        | 0          |
| Other Financing Sources   | 5,123,000  |
| Miscellaneous             | 14,458     |
| Fund Balance/Cap. Reserve | 2,611,144  |
|                           | <hr/>      |
| Total =                   | 20,486,792 |



Section 5. The following amounts are hereby appropriated in the Electric Fund for the operation of the electric utility for the fiscal year beginning July 1, 2018 and ending June 30, 2019 in accordance with the chart of accounts heretofore approved for the Town:

|                    |            |
|--------------------|------------|
| Non-departmental   | 12,500     |
| Administration     | 312,198    |
| Operations         | 10,912,004 |
| Debt Service       | 723,150    |
| Capital Outlay     | 974,321    |
| Inter-departmental | 950,080    |
|                    | <hr/>      |
| Total =            | 13,884,253 |

Section 6. It is estimated that the following revenues will be available in the Electric Fund for the fiscal year beginning July 1, 2018 and ending June 30, 2019:

REVENUES PENDING

|                           |            |
|---------------------------|------------|
| Permits & Fees            | 387,350    |
| Sales & Services          | 13,209,000 |
| Grants & Donations        | 0          |
| Other Financing Sources   | 0          |
| Miscellaneous             | 68,535     |
| Fund Balance/Cap. Reserve | 219,368    |
|                           | <hr/>      |
| Total =                   | 13,884,253 |

Section 7. There is hereby levied a tax at the rate of fifty-eight cents (\$0.58) per one hundred dollars (\$100) valuation of property as listed for taxes as of January 1, 2018 for the purpose of raising the revenue listed as "Ad Valorem Taxes" in the General Fund in Section 2 of this ordinance. This rate is based on estimated real property valuation for the purposes of taxation of \$1,850,562,266 and an estimated rate of collection of 99.95%. The estimated rate of collection is based on the fiscal year 2016-2017 collection rate of 99.95%. The estimated vehicle property valuation for the purpose of taxation is \$183,585,944. There is hereby levied a Municipal Vehicle Tax at a rate of \$30 per vehicle registered as of July 1, 2018.

Section 8. The Budget Officer is hereby authorized to transfer appropriations with the exception of amounts in line item for Council Contingency as contained herein under the following conditions:

- a. The Budget Officer may transfer amounts between line item expenditures within a department without limitation and without a report being required. These changes should not result in increases in recurring obligations such as salaries.
- b. The Budget Officer may transfer amounts up to \$1,000 between departments, including contingency appropriations, within the same fund. He must make an official report on such transfers at the next regular meeting of the Town Council.
- c. The Budget Officer may not transfer any amounts between funds except as approved by the Town Council in the Budget Ordinance, as amended.
- d. No expenditure or transfer shall be made from line item for Council Contingency without express, prior approval by the Town Council.

Copies of this Budget Ordinance shall be furnished to the Clerk, the Council, the Budget Officer, and Finance Officer to be kept on file by them for their direction in the disbursement of funds.

Duly adopted this 21st day of May 2018 while in regular session.

\_\_\_\_\_  
Jody L. McLeod  
Mayor

ATTEST:

\_\_\_\_\_  
Kimberly Moffett, CMC, NCCMC  
Town Clerk

**Town of Clayton  
Ordinance Establishing Rates and Fees**

Be it hereby adopted by the Town Council for the Town of Clayton, North Carolina that the following fees are established as noted herein:

1. Water Rates – Water rates shall be revised to increase the commodity charge by 10% per 1,000 gallons of usage for all tiers and all categories, effective July 1, 2018.
2. Water Rates – Water rates shall be revised to add a \$2 per meter per month charge to each account to fund the AMI capital project, effective May 1, 2019.
3. Sewer Rates – Sewer rates shall be revised to increase the commodity charge by 10% per 1,000 gallons of usage for all tiers and all categories, effective July 1, 2018.
4. Electric Rates – Electric rates shall be revised to add a \$2 per meter per month charge to each account to fund the AMI capital project, effective May 1, 2019.
5. Solid Waste – Collection and disposal fee set at \$18.07 per month, effective July 1, 2018.
6. Various fees and charges shall be adjusted as indicated on Fee Changes Schedule A which follows, effective July 1, 2018.
7. All other rates, fees, and charges for FY 18-19 shall remain as indicated in the Town of Clayton Comprehensive List of Fees and Charges for FY 17-18 unless the subject of another action.

Duly adopted this 21st day of May 2018 while in regular session.

\_\_\_\_\_  
Jody L. McLeod  
Mayor

ATTEST:

\_\_\_\_\_  
Kimberly Moffett, CMC, NCCMC  
Town Clerk

**TOWN OF CLAYTON**  
**Fee Changes**  
**July 1, 2018**

| Department                                                         | From            | To                 | Change             |
|--------------------------------------------------------------------|-----------------|--------------------|--------------------|
| <b>Planning</b>                                                    |                 |                    |                    |
| Advertising Fee                                                    | \$ 100          | \$ 200             | \$ 100             |
|                                                                    |                 |                    |                    |
| <b>Inspections</b>                                                 |                 |                    |                    |
| Plan Review - New Single (Up to 1,200 sq. ft.)                     | \$ 500          | \$ 550             | \$ 50              |
| Residential - Adds/Remodel (0-400 sq. ft.)                         | \$ 150          | \$ 200             | \$ 50              |
| <b>Multi-Family</b>                                                |                 |                    |                    |
| First Unit                                                         | \$ 450          | \$ 475             | \$ 25              |
| Each Additional                                                    | \$ 150          | \$ 175             | \$ 25              |
| <b>Mobile Homes</b>                                                |                 |                    |                    |
| Single Wide                                                        | \$ 150          | \$ 175             | \$ 25              |
| Double Wide                                                        | \$ 175          | \$ 200             | \$ 25              |
| Triple Wide                                                        | \$ 200          | \$ 225             | \$ 25              |
| Quad                                                               | \$ 225          | \$ 250             | \$ 25              |
| Poured Footing Inspection                                          | \$ 40           | \$ 50              | \$ 10              |
| Mechanical Permit Fee                                              | \$ 35           | \$ 50              | \$ 15              |
| Electrical Permit Fee                                              | \$ 35           | \$ 50              | \$ 15              |
| Plumbing Permit Fee                                                | \$ 35           | \$ 50              | \$ 15              |
| Dwelling Moved On Fee                                              | \$ 150          | \$ 250             | \$ 100             |
| <b>Residential Accesory Bldg (12 x 12 and Over)</b>                |                 |                    |                    |
| Storage Building                                                   | \$ 65           | \$ 75              | \$ 10              |
| Deck/Porch/Gazebo                                                  | \$ 35           | \$ 50              | \$ 15              |
| <b>Permit Fees - Commercial Building</b>                           |                 |                    |                    |
| \$2,501 - \$25,000                                                 | \$ 200          | \$ 225             | \$ 25              |
| \$25,001 - \$50,000                                                | \$ 400          | \$ 550             | \$ 150             |
| \$50,001 - \$100,000                                               | \$ 805          | \$ 1,000           | \$ 195             |
| \$100,001 - \$200,000                                              | \$ 1,610        | \$ 1,650           | \$ 40              |
| \$200,001 - \$350,000                                              | \$ 2,815        | \$ 2,850           | \$ 35              |
| \$350,001 - \$500,000                                              | \$ 3,720        | \$ 3,900           | \$ 180             |
| \$500,001 - \$750,000                                              | \$ 4,975        | \$ 5,250           | \$ 275             |
| \$750,001 - \$1,000,000                                            | \$ 6,230        | \$ 6,500           | \$ 270             |
| \$1,000,001 and above plus 0.2%                                    | \$ 6,230        | \$ 6,500           | \$ 270             |
| <b>Additional Re-Inspection Fees for Same Item</b>                 | \$ 20           | \$ 100             | \$ 80              |
| <b>Miscellaneous</b>                                               |                 |                    |                    |
| ABC Permit Form - <b>New</b>                                       | \$ -            | \$ 150             | \$ 150             |
| Day Care Certification                                             | \$ 50           | \$ 100             | \$ 50              |
| Electrical Service Pole                                            | \$ 30           | \$ 40              | \$ 10              |
| Expired Permit Reissue (work started or code changes) - <b>New</b> | \$ -            | Original Fee x 50% | Original Fee x 50% |
| Expired Permit Reissue (work not started and no code changes)      | \$ 150          | \$ 150             | \$ -               |
| Re-Review, Lost Plans, or Update - <b>New</b>                      | \$ -            | \$ 150             | \$ 150             |
| <b>Sign - Building</b>                                             | \$ 25           | \$ 50              | \$ 25              |
| <b>Swimming Pools - Building</b>                                   | \$ 35           | \$ 50              | \$ 15              |
| <b>LP Gas Tanks</b>                                                |                 |                    |                    |
| Building                                                           | \$ 30           | \$ 40              | \$ 10              |
| Electrical                                                         | \$ 25           | \$ 35              | \$ 10              |
| <b>Tents (Per Bldg. Over 240 sq. ft.)</b>                          | \$ 30           | \$ 50              | \$ 20              |
| <b>Demolition - Commercial Flat Fee</b>                            | Commercial Rate | \$ 150             | Varies             |

**TOWN OF CLAYTON**  
**Fee Changes**  
**July 1, 2018**

| Department                                                    | From     | To       | Change |
|---------------------------------------------------------------|----------|----------|--------|
| <b>Fire</b>                                                   |          |          |        |
| Miscellaneous - Hydrant Flow Test - New                       | \$ -     | \$ 50    | \$ 50  |
|                                                               |          |          |        |
| <b>Parks &amp; Recreation</b>                                 |          |          |        |
| <b>Youth Athletics - Resident/Annual Member</b>               |          |          |        |
| Winter Basketball                                             | \$ 25    | \$ 35    | \$ 10  |
| Spring Baseball                                               | \$ 25    | \$ 35    | \$ 10  |
| Spring Softball                                               | \$ 25    | \$ 35    | \$ 10  |
| Fall Volleyball                                               | \$ 25    | \$ 35    | \$ 10  |
| Fall Softball                                                 | \$ 25    | \$ 35    | \$ 10  |
| <b>Youth Athletics - Non-Resident</b>                         |          |          |        |
| Winter Basketball                                             | \$ 60    | \$ 70    | \$ 10  |
| Spring Baseball                                               | \$ 60    | \$ 70    | \$ 10  |
| Spring Softball                                               | \$ 60    | \$ 70    | \$ 10  |
| Fall Volleyball                                               | \$ 60    | \$ 70    | \$ 10  |
| Fall Softball                                                 | \$ 60    | \$ 70    | \$ 10  |
| <b>Summer Camps</b>                                           |          |          |        |
| Resident                                                      | \$ 50    | \$ 60    | \$ 10  |
| Non-Resident                                                  | \$ 100   | \$ 120   | \$ 20  |
|                                                               |          |          |        |
| <b>Water &amp; Sewer</b>                                      |          |          |        |
| <b>Tap Fees*</b>                                              |          |          |        |
| 3/4 inch Water (plus meter cost)*                             | \$ 650   | \$ 1,425 | \$ 775 |
| 1 inch Water (plus meter cost)*                               | \$ 800   | \$ 1,575 | \$ 775 |
| 2 inch Water (plus meter cost)*                               | \$ 1,275 | \$ 2,050 | \$ 775 |
| 4 inch Sanitary Sewer*                                        | \$ 800   | \$ 1,625 | \$ 825 |
| Irrigation Split                                              | \$ 225   | \$ 425   | \$ 200 |
| Relocate Water/Service Line*                                  | \$ 225   | \$ 425   | \$ 200 |
| <b>*Plus \$500 if pavement or concrete repair is required</b> |          |          |        |

**Proposed New Fees are Shaded**



## Town Council Agenda Cover Sheet

---

---

**Meeting Date**

May 21 2018

**Agenda Location**

Public Hearings

**Item Title**

Proposed Electric Rate Increase

**Presenter**

Dale Medlin, Electric Director

**Summary/Description**

To request council approval of proposed electric rate increase of 3.1%,as recommended by the Town of Clayton consultant "Black & Veatch" during presentation at the April 16, 2018 Clayton Town Council meeting.

**Requested Action**

Approval

**Additional Documents To Be Included in Agenda Packet**

Ordinance #2018-05-03



Town of Clayton  
Amendment to the Comprehensive List of Fees and Charges

**BE IT HEREBY APPROVED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON, NORTH CAROLINA, THAT THE FOLLOWING SHALL BE AMENDED TO ITS COMPREHENSIVE LIST OF FEES AND CHARGES:**

**RESIDENTIAL SERVICE  
SCHEDULE RES-1**

**AVAILABILITY:**

This Schedule is available when electric service is used for domestic purposes in and about a residential dwelling unit, including electric service used on a farm and in the preparations of the farm's products for market. A residential house served under this Schedule may be used as a boarding house, fraternity house, tourist home, or like establishment, provided such residential house is one which ordinarily would be used as a private residence.

Service under this Schedule is not available for processing (or handling) for market of farm products produced by others, for separately metered farm operations, for individual motors in excess of 10 hp (in exceptional cases, motors as large as 15 hp may be served upon approval by the Electric Department), for commercial or industrial purposes, or for other uses not specifically provided for by the provisions herein, or for breakdown, standby, supplementary, or resale service.

**APPLICABILITY:**

This Schedule is applicable to all electric service of the same available type supplied to Customer's premises at one point of delivery through one kilowatt-hour meter.

**TYPE OF SERVICE:**

The types of service to which this Schedule is applicable are alternating current, 60 hertz, either single-phase 2 or 3 wires, or three phase 4 wires, at the Town's standard voltages of 240 volts or less

**MONTHLY RATE:**

Single Phase Service Customer Charge - \$12.75

Energy Charge: \$ .11967 per kWh

**THREE PHASE SERVICE:**

The bill computed for single-phase service plus \$3.25.

**CONTRACT PERIOD:**

The Contract Period shall not be less than one year.

**SALES TAX:**

To the above charges will be added any applicable NC sales tax.

**EFFECTIVE:**

June 1, 2018

**SMALL GENERAL SERVICE  
SCHEDULE SGS – 1 (GS1)**

**AVAILABILITY:**

This schedule is available for electric services (1) used by a commercial or industrial business and (2) for any other use not specifically excluded by the provisions hereof when the Town does not own equipment, other than meters and metering equipment, on Customer's side of the point of delivery.

This schedule is not available (1) for breakdown, standby, or supplementary service unless used in conjunction with applicable standby or generation service rider for a continuous period of not less than one year, (2) for resale service, or (3) for service used only for domestic purposes in and about an individual dwelling unit, and this schedule is only available when the monthly registered demand is less than 20kW.

**APPLICABILITY:**

This schedule is applicable to all electric service of the same available type supplied to Customer's premises at one point of delivery through one kilowatt-hour.

**TYPE OF SERVICE:**

The types of service to which this Schedule is applicable are alternating current, 60 hertz, single-phase two or three wires, or three phase, three or four wires, at the Town's standard voltages. When Customer's desire two or more types of service, which types can be supplied from a single phase three wire or a three phase four wire type, without voltage transformation, only the one of these two types necessary for Customer's requirements will be supplied.

**MONTHLY RATE:**

|                   |                                       |
|-------------------|---------------------------------------|
| Customer Charge - | \$17.50                               |
| Energy Charge     | .13818 per kWh for the first 750 kWh* |
|                   | .09248 per kWh for the next 2000 kWh  |
|                   | .08100per kWh for the additional kWh  |

\*When the kW of billing Demand exceeds 5 kW, add in the block 150 kWh for each additional kW of such excess.

**MINIMUM:**

In all areas of \$7.25 plus \$4.25 for each kW of Billings Demand in excess of 5 kW, but for three phase service not less than the smaller if (1) the bill computer in accordance with the preceding provisions plus \$3.25 or (2) \$21.50.

**BILLING DEMAND:**

The billing demand shall be the maximum kW registered or computed by or from the Town's metering facilities, during a 15-minute interval within the current billing month.

**CONTRACT PERIOD:**

The contract period shall not be less than one year, except for short term or temporary service. The Contract period may be for the period requested by Customer and in such event Customer agrees:

- (1) That the service supplied shall be for continuous period until disconnected; and
- (2) That where it is necessary for the Town of extend lines, erect transformers, or do any work necessary to supply service, except for installations of a self-contained meter, Customer shall pay in advance the estimated cost of such work, including the installation of the metering equipment; and that the estimated cost shall include labor, materials, transportation and supervision of furnishing, installing, and removing, less salvage value of such facilities.

**SALES TAX:**

To the above charges will be added all applicable NC sales tax.

**EFFECTIVE:**

June 1, 2018

**MEDIUM GENERAL SERVICE  
SCHEDULE MGS-1 (GS2)**

**AVAILABILITY:**

This schedule is available for electric services (1) used by a commercial or industrial business, (2) for any other use not specifically excluded by the provision hereof when the Town does not own equipment, other than meters and metering equipment on Customer's side of the point of delivery and (3) when monthly registered demand exceeds 20 kW in two months during a twelve month period or exceed 50 kW during any one month.

This schedule is not available for (1) breakdown, standby, or by supplementary service unless used in conjunction with applicable standby or generator service rider for a continuous period of not less than

one year (2) for resale service, (3) of service used only for domestic purposes in and about an individual dwelling unit, and (4) is not applicable for monthly demand of less than 20 kW.

**APPLICABILITY:**

This Schedule is applicable to all electric service of the same available type supplied to the Customer's premises at one point of delivery through one kilowatt-hour.

**TYPE OF SERVICE:**

The types of service to which this schedule is applicable are alternating current, 60 hertz, single phase two or three wires, or three-phase, three or four wires, at the Town's standard voltages. When customers desire two or more types of service, which types can be supplied from a single phase three wire or a three phase four wire type, without voltage transformation, only the one or these two types necessary for Customer's requirements will be supplied.

**MONTHLY RATE:**

|                 |                       |
|-----------------|-----------------------|
| Customer Charge | \$30.00               |
| Billing Demand  | \$8.41 for all kW     |
| Energy Charge   | \$ .07827 for all kWh |

**BILLING DEMAND:**

The billing demand shall be the maximum kW registered or computed by or from the Town's metering facilities during any measured interval within the current billing month.

**CONTRACT PERIOD:**

The contract period shall not be less than one year, except for short term or temporary service. The Contract period may be for the period requested by Customer and in such event Customer agrees:

- (1) That the service supplied shall be for continuous period until disconnected; and
- (2) That where it is necessary for the Town to extend lines, erect transformers, or do any work necessary to supply service, except for installations of a self-contained meter, Customer shall pay in advance the estimated cost of such work, including the installation of the metering equipment; and that the estimated cost shall include labor, materials, transportation and supervision of furnishing, installing, and removing, less salvage value of such facilities.

**SALES TAX:**

To the above charges will be added all applicable NC sales tax.

**EFFECTIVE:**

June 1, 2018

## COINCIDENT PEAK (CP) RATE

### I. Applicability

This schedule is available for nonresidential electric service where the monthly demand equals or exceeds 50 kW for at least three of the preceding twelve months, and where either operating procedures or load management facilities are installed to coordinate reduction of power requirements on the Town's electrical system during system peak periods. The Customer must demonstrate the ability to reduce at least 30% of peak demand load in order to be eligible for this rate.

This rate cannot be used in conjunction with any Load Management Rider.

The customer is allowed to use generation for load management purposes in accordance with the Town's Generation Policy. Such generation must be approved and inspected by the Town prior to operation.

### II. Monthly Rates

- A. Basic Customer Charge \$ 175.00 per billing month
- B. kW Demand Charge:
  - All Coincident Peak Demand \$ 18.00 per CP kW
  - All Excess Demand \$ 3.50 per kW
- C. Energy Charge \$.05472 per kWh
- D. Minimum Charge shall be such as may be contracted for, but not less than the sum of the charges in A, B, and C above.

### III. Definitions

A. **Coincident Peak Demand** shall be the Customer's contribution to the Town's 60-minute clock-hour kW demand measured during the 60-minute interval, which is used by the North Carolina Eastern Municipal Power Agency (NCEMPA) for wholesale billing purposes during the current calendar month.

B. **Excess Demand** shall be the difference between the maximum 15-minute demand recorded during the current billing month and the Coincident Peak (CP) Demand for the same billing month.

C. **kWh** energy consumption shall be the total usage of electricity during the current billing month.

### IV. Notification by the Town

The Town will use diligent, good faith efforts to predict each monthly system peak and notify Customer in advance. However, the Town is not able to guarantee an accurate prediction, or that notice will be provided. Notification by the Town will be provided to the Customer by direct telephone

communications or automatic signal, as mutually agreed. The Customer will hold the Town harmless in connection with its response to notification.

#### **V. Sales Tax**

To the above charges will be added any applicable North Carolina sales tax.

#### **EFFECTIVE:**

June 1, 2018

### **AREA LIGHTING SCHEDULE SCHEDULE AL-1**

#### **AVAILABILITY:**

This schedule is available for service supplied in the lighting of outdoor areas, private streets, and private driveways by means of mercury vapor or sodium vapor lighting units. Lighting units will be color corrected. The specific type of unit to be installed will be at the Town's discretion.

This Schedule is not available for the lighting of dedicated streets or highways, and is not available for rental property except by landlord or rental Management Company.

#### **SERVICE:**

Prior to installing area lighting facilities, customers must execute the Town's form entitled "Application for Area Lighting Service". The service supplied by the Town will include the installation and operation, according to Town standards and requirements of the area lighting units and will include the furnishing of electricity required for the illumination of the units from dusk to dawn. The Town will perform as soon as practicable, during regular working hours, the necessary maintenance to restore illumination after customer has notified the Town that a lamp is not burning.

**ENERGY CHARGE:** \$ .08362 per kWh

#### **MONTHLY RATE PER LIGHTING UNIT:**

Residential Unit - \$11.94/month [To be a unit of an average of 150 watts, either mercury vapor or sodium vapor to be installed at the Town's discretion.]

Small Commercial Unit - \$15.85/month [To be a unit of an average of 400 watts, either mercury vapor or sodium vapor to be installed at the Town's discretion.]

Large Commercial Unit - \$36.17/month [To be a unit of an average of 1000 watts, either mercury vapor or sodium vapor to be installed at the Town's discretion.]

Underground Charge - \$4.80/month [To be applied to any area lighting installation that either requires underground wiring or is requested by customer.]

**POLE OPTIONS:**

Pole Charge, Wooden - \$3.00/month

Any installation requiring one or more poles will be charged on a per pole basis. Multiple lighting units on one pole will be charged for the one pole only. This charge applies to wooden poles of standard length only.

Pole Charge, Decorative - \$6.60/month

Any installation requiring one or more poles will be charged on a per pole basis. Multiple lighting units on one pole will be charged for the one pole only. This charge applies to decorative fiberglass poles of standard length only.

Pole Purchase - At Cost

Customer may purchase a pole from the Town of Clayton rather than pay a monthly pole charge. The cost of installation will be calculated at actual cost for labor, materials and equipment use based on equipment rates as adopted by the Town. Ownership will then transfer to the customer and maintenance and repair of the pole will be the owner's responsibility.

Any application other than the above will be negotiated on an individual basis.

**CONTRACT PERIOD:**

The contract period shall be not less than three (3) years from installation date and shall extend from month to month thereafter. Customer may terminate the Agreement before the expiration of the three-year period by paying the Town fifty percent (50%) of the amount that would have been billed during the remainder of the contract period.

**SALES TAX:**

To the above charges will be added all applicable NC sales tax.

**EFFECTIVE:**

June 1, 2018

**GENERAL SERVICE  
TIME-OF-USE (TOU)**

**AVAILABILITY:**

This schedule is available for electric services (1) used by a commercial or industrial business, (2) for any other use not specifically excluded by the provisions hereof when the Town does not own equipment, on

Ordinance #2018-05-03  
Page 7



Customer's side of the point of delivery and (3) when contracted monthly demand equals or exceeds 50 kW. This schedule is not available (1) for breakdown, standby, or supplementary service, (2) for resale service, (3) for service used only for domestic purposes in and about an individual dwelling unit, and (4) is not applicable for monthly demand of less than 50 kW. This schedule is applicable to all electric service at the same available type supplied to Customer's premises at one point of delivery through one kilowatt-hour meter.

#### **TYPE OF SERVICE:**

The types of service to which this schedule is applicable are alternating current, 60 hertz, single-phase two or three wires, or three phase, three or four wires, at the Town's standard voltages. When customers desire two or more types of service, which types can be supplied from a single phase three wire or a three phase four wire type, without voltage transformation, only the one of these two types necessary for Customer's requirements will be supplied.

#### **MONTHLY RATE:**

|                                |                  |
|--------------------------------|------------------|
| Customer Charge                | \$175.00         |
| Demand Charge - All On-Peak kW | \$17.27/kW       |
| Energy Charges                 | \$.05778 per kWh |

#### **DETERMINATION OF kW DEMAND:**

The determination of the kW demand shall be the highest average kW measured in any fifteen minute interval during the times as indicated below.

| <b>PERIOD</b> | <b>CALENDAR MONTHS</b> | <b>HOURS</b>              |
|---------------|------------------------|---------------------------|
| Winter        | December - February    | 7:00-9:00                 |
| Spring        | March - May            | 7:00-10:00<br>16:00-20:00 |
| Summer        | June - September       | 14:00-18:00               |
| Fall          | October - November     | 7:00-10:00<br>16:00-20:00 |

#### **DETERMINATION OF ENERGY**

The kWh of energy shall be the difference between the current month's watt-hour meter reading and the previous month's watt-hour meter reading.

#### **EFFECTIVE:**

June 1, 2018

## **INSTITUTIONAL SERVICE**

### **AVAILABILITY:**

This Schedule is available for electric service used in a church plant contracting to pay for service for twelve months in each calendar year when the Town does not own equipment, other than meters or metering equipment, on Customer's side of the point of delivery.

### **APPLICABILITY:**

This Schedule is applicable to all electric service of the same available type supplied to Customer's premises at one point of delivery through one kilowatt-hour meter.

### **TYPE OF SERVICE:**

The types of service to which this schedule is applicable are alternating current, 60 hertz, single phase two or three wires, or three-phase, three or four wires, at the Town's standard voltages. When customer's desire two or more types of service, which types can be supplied from a single phase three wire or a three phase four wire type, without voltage transformation, only the one of these two types necessary for Customer's requirements will be supplied.

### **MONTHLY RATE:**

|                   |                                          |
|-------------------|------------------------------------------|
| Customer Charge - | \$30.00                                  |
| Energy Charge     | \$ .13613 per kWh for the first 600 kWh  |
|                   | \$ .11411 per kWh for the next 1900 kWh  |
|                   | \$ .10394 per kWh for all additional kWh |

### **CONTRACT PERIOD:**

The contract period shall not be less than one year.

### **SALES TAX:**

To the above charges will be added all applicable NC sales tax.

### **EFFECTIVE:**

June 1, 2018

## **TOWN SERVICE**

### **MONTHLY RATE:**

|                   |                  |
|-------------------|------------------|
| Customer Charge - | \$10.25          |
| Energy Charge     | \$.08362 per kWh |

### **SALES TAX:**

To the above charges will be added all applicable NC sales tax.

### **EFFECTIVE:**

June 1, 2018

All above rates will be effective June 1, 2018.

Duly adopted this the 21<sup>st</sup> day of May, 2018 while in regular session.

---

Jody McLeod  
Mayor

ATTEST:

---

Kimberly A. Moffett, CMC, NCCMC  
Town Clerk



## Town Council Agenda Cover Sheet

---

---

### **Meeting Date**

May 21 2018

### **Agenda Location**

Public Hearings

### **Item Title**

2017-195-RZ Recovery Logistics

### **Presenter** *(Name & Title)*

Planning Dept.

### **Summary/Description**

Proposed rezoning from R-10 (Residential-10) to I-1 (Light Industrial). The property is located south of Atkinson Street, and adjacent to 350 Atkinson Street. It generally winds along the creek that runs between the current industrial properties on Atkinson Street and the residential properties on Moore Street. The property is split between two different Future Land Use Map designations, and the Planning Board recommended that the rezoning follow that geometry.



### **Requested Action**

Approval with Conditions

### **Additional Documents To Be Included in Agenda Packet**

Application  
Staff Report Maps  
Neighborhood Meeting Materials  
Planning Board recommendation  
Newspaper legal ad  
Adjacent property owner notification  
Certificate of mailing



**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

*Pursuant to Article 7, Section 155.704 of the Unified Development Code, an owner of land within the jurisdiction of the Town (or a duly authorized agent) may petition the Town Council to amend the Official Zoning Map.*

Application Fees: **Standard Rezoning Fee: \$500.00**  
**Rezoning to Planned Development District Fee: \$1,000.00 + \$5.00 acre**  
**Advertisement Fee: \$100.00**  
*All fees are due when the application is submitted.*

*Note on Planned Developments: Requests to rezone to a Planned Development District must be accompanied by a Master Plan submittal. Master Plans are approved as Preliminary Subdivision Plats – please submit a concurrent Preliminary Subdivision Plat application and Master Plan.*

### SITE INFORMATION

Name of Project: Recovery Logistics Acreage of Property: 2.34 acres ( approx. )  
County Tag Number: 05026095E NC PIN: 165915-74-4561  
Address/Location: South side of Atkinson Street, adjacent to 350 Atkinson Street  
Existing Zoning District: R - 10  
Proposed Zoning District: I - 1

### APPLICANT INFORMATION

Applicant: Dalton Engineering and Associates, P.A.  
Mailing Address: Post Office Box 426 Clayton, North Carolina 27528  
Phone Number: ( 919 ) 550 - 4740 Fax: ( 919 ) 550 - 4741  
Contact Person: Jerry T. Dalton  
Email Address: jdalton@daltonengineering.com

### FOR OFFICE USE ONLY

Date Received: DEC 01 2017 Amount Paid: \$600 File Number: 2017-195-RZ

October 2017

TOWN OF CLAYTON  
PLANNING DEPARTMENT

Page 1 of 10



## PROPERTY OWNER INFORMATION

Name: G. T. Page, Jr.

Mailing Address: 119 Palace Grn. Cary, North Carolina 27511-9762

Phone Number: Unknown

Fax: Unknown

Email Address: Unknown

## EXPLANATION OF PROJECT

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

The Developer of the subject parcel is requesting the rezoning of the +/- 2.34 acres to I - 1.

## REQUIRED INFORMATION (to be submitted with the application)

*The following items must accompany a Rezoning application.*

| 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: <u>11/20/17</u>                                                                                                                                                                                                                                  | •                                                                                                          |     |                     |    |     |
| 2. Review Fee (\$500 for standard rezoning <u>OR</u> \$1,000 + \$5.00/acre for Planned Developments) and Advertisement Fee (\$100)                                                                                                                                                                                          | •                                                                                                          |     |                     |    |     |
| 3. Completed application                                                                                                                                                                                                                                                                                                    | •                                                                                                          |     |                     |    |     |
| 4. Owner's Consent Form<br><i>Required if applicant is not property owner.</i>                                                                                                                                                                                                                                              | •                                                                                                          |     |                     |    |     |
| 5. A signed and sealed boundary survey (not more than a year old unless otherwise approved by the Planning Department).                                                                                                                                                                                                     |                                                                                                            |     |                     |    |     |
| 6. <i>If property to be rezoned is a portion of a parcel:</i><br>- Property legal description typed (10 pt. font or greater, and also submitted electronically in MS Word format.)<br>- Plat showing property to be rezoned, matching legal description.                                                                    |                                                                                                            | •   |                     |    |     |
| 7. Adjacent property owners list                                                                                                                                                                                                                                                                                            | •                                                                                                          |     |                     |    |     |
| 8. Neighborhood meeting notice letter (1 copy)<br><i>See sample letter and meeting requirements included in this packet</i>                                                                                                                                                                                                 |                                                                                                            |     |                     |    |     |
| 9. Neighborhood meeting summary form (1 copy)<br><i>Included in this packet</i>                                                                                                                                                                                                                                             | Must be submitted after neighborhood meeting is held and at least 10 days prior to Planning Board meeting. |     |                     |    |     |
| 10. Stamped, addressed, empty envelopes with no return address, using the adjacent property owner list (1 set)<br><i>This for a public notice of the public hearing mailed by the Town – thus, neighbors will receive both a neighborhood meeting letter from the applicant, and a notice of the hearing from the Town.</i> | •                                                                                                          |     |                     |    |     |

## APPROVAL CRITERIA

*All applications for a Rezoning must address the following findings:*

1. Consistency with the adopted plans of the Town.  
The subject parcel is located within an 'Employment Center' of the Town of Clayton's Future Land Use Plan. Industrial District zoning is allowed within 'Employment Center' designated areas.
2. Suitability of the subject property for uses permitted by the current vs. the proposed district.  
The subject parcel is located directly adjacent to properties that are currently zoned within the Industrial District. Properties located to the Northwest and Southwest of the subject parcel, adjacent to Atkinson Street and Bartex Mill Street, are zoned I -1.
3. Whether the proposed change tends to improve the balance of uses, or meets specific demand in the Town.  
The proposed change would allow the subject parcel to be developed for an Industrial Use. Currently, there is a similar use ( outdoor storage and parking area ) located directly adjacent to the proposed project on the South side of Atkinson Street.
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.  
The capacity of public facilities is adequate to support the anticipated use of the proposed project. Any additional driveway connections to Atkinson Street would require a Driveway Access Permit to be approved by the Town of Clayton.
5. It has been determined that the legal purposes for which zoning exists are not violated.  
The subject parcel is proposed to be zoned I - 1 and the project would comply with all zoning requirements of the Town of Clayton Unified Development Code.
6. It has been determined that there will be no adverse effect upon adjoining property owners unless such effect can be justified by the overwhelming public good or welfare.  
The subject parcel is proposed to be zoned I - 1 and the project would comply with all zoning requirements of the Town of Clayton Unified Development Code. No adverse effects upon adjoining properties are expected. The existing riparian buffers located on the parcel would remain.
7. It has been determined that no one property owner or small group of property owners will benefit materially from the change to the detriment of the general public.  
The development of the subject parcel would be beneficial to the Town of Clayton as well as the surrounding area.



## 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.*

Dalton Engineering and Associates, P.A.

JERRY DART  
Print Name

  
Signature of Applicant

12/1/17  
Date



**TOWN OF CLAYTON**  
Engineering & Inspections  
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: Recovery Logistics Address or PIN #: 165915-74-4561

### AGENT/APPLICANT INFORMATION:

Dalton Engineering and Associates, P.A.  
(Name - type, print clearly)

Post Office Box 426  
(Address)  
Clayton, North Carolina 27528  
(City, State, Zip)

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

Rezoning Application

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:

WFCLHK Properties LLC  
(Name - type, print clearly)

8620 River Rd.  
(Address)

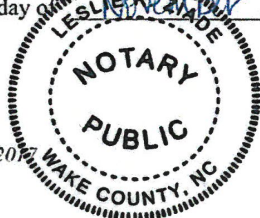
[Signature]  
(Owner's Signature)

Wilmington NC 28412  
(City, State, Zip)

STATE OF NC  
COUNTY OF Wake

Sworn and subscribed before me  
the 30 day of November, 20 17.

SEAL



October 2017

a Notary Public for the above State and County, this

[Signature]  
Notary Public  
My Commission  
Expires: 5/14/2022

Page 10 of 10



**TOWN OF CLAYTON**  
Engineering & Inspections  
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: Recovery Logistics Address or PIN #: 165915-74-4561

### AGENT/APPLICANT INFORMATION:

Dalton Engineering and Associates, P.A.  
(Name - type, print clearly)

Post Office Box 426  
(Address)  
Clayton, North Carolina 27528  
(City, State, Zip)

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

Rezoning Application

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:

WFCLHK Properties LLC  
(Name - type, print clearly)

8630 River Rd.  
(Address)

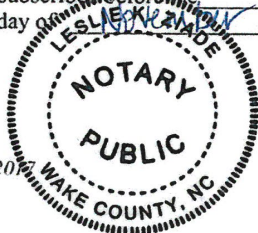
[Signature]  
(Owner's Signature)

Wilmington NC 28412  
(City, State, Zip)

STATE OF NC  
COUNTY OF Wake

Sworn and subscribed before me  
the 30 day of November, 20 17.

SEAL



October 2017

, a Notary Public for the above State and County, this

[Signature]  
Notary Public  
My Commission  
Expires:

5/14/2022

Page 10 of 10

## ADJACENT PROPERTY OWNERS LIST

Project Name: **Recovery Logistics**

*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                               |
|----------------|----------------------------------------------------|---------------------------------------|
| 165915-74-4851 | John and Zan Lipscomb                              | 3409 Barber Mill Rd Clayton, NC 27520 |
| 165916-74-6703 | Jerry C and Jacalyn P Creech                       | 2000 Forest Dr Clayton, NC 27520      |
| 165916-74-6507 | <b>Eugene Broadwell</b>                            | 707 W Horne St Clayton, NC 27520      |
| 165916-74-6685 | Olie Eugene and Lea Broadwell                      | 707 West Horne St Clayton, NC 27520   |
| 165916-74-6580 | <b>Miles M Mercer</b>                              | 306 S Moore St Clayton, NC 27520      |
| 165911-75-3120 | Fellowship Baptist Church                          | PO Box 535 Clayton, NC 27528          |
| 165916-74-5491 | Patricia Dean Life Estate, Oneta Nichols Remainder | 310 Moore St Clayton, NC 27520        |
| 165916-74-7566 | <b>Gaile M Detellem</b>                            | 302 Moore St Clayton, NC 27520        |
| 165915-74-0017 | SML RFID Technology LLC                            | PO Box 129 Clayton, NC 27528          |
| 165916-74-6897 | Jerry and Jacalyn Creech                           | 2000 Forest Dr Clayton, NC 27520      |
| 165915-74-4390 | Christopher Todd and Deanne S Moore                | 1947 Shotwell Rd Clayton, NC 27520    |
| 165915-74-4223 | Christopher Todd and Deanne S Moore                | 1947 Shotwell Rd Clayton, NC 27520    |
| 165915-74-0831 | WFCLHK Properties LLC                              | 8640 River Rd Wilmington, NC 28412    |
| 165916-74-6935 | Rent to Own Realty LLC                             | 2800 Peachleaf St Raleigh, NC 27614   |
| 165915-74-4375 | <b>Lynn A Sprague</b>                              | PO Box 183 Waynesville, NC 28786      |
| 165916-74-7862 | James C and Pearl Williams                         | 206 S Moore St Clayton, NC 27520      |
|                |                                                    |                                       |





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

*Planning Board  
January 22, 2018*

## STAFF REPORT

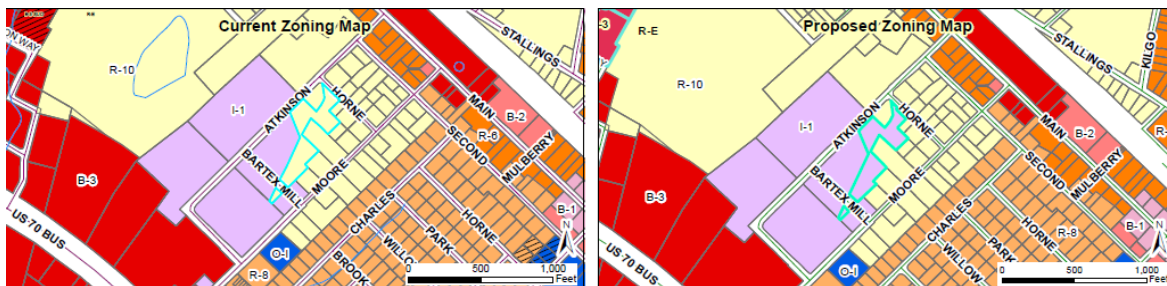
### Application Number: 2017-195-RZ Project Name: Recovery Logistics, Rezoning

**NC PIN / Tag #:** 165915-74-4561 / 05026095e  
**Town Limits/ETJ:** Town limits  
**Overlay:** none.  
**Applicant:** Dalton Engineering & Associates, PA  
**Owner:** G.T. Page Jr.  
**Location:** The property is located south of Atkinson Street, and adjacent to 350 Atkinson Street. It generally winds along the creek that runs between the current industrial properties on Atkinson Street and the residential properties on Moore Street.

#### Public Noticing:

- Neighborhood meeting January 2, 2018
- Site posted January 16, 2018
- Letters mailed prior to February 23, 2018
- Newspaper ad posted the two Fridays prior to the Hearing (starting February 23, 2018)

**REQUEST:** Rezoning from Residential-10 (R-10) to Light Industrial (I-1).



#### SITE DATA:

**Acreage:** 2.3 acres  
**Existing Use:** Vacant

#### ADJACENT ZONING AND LAND USES:

| Direction | Zoning                              | Existing Use                                                          |
|-----------|-------------------------------------|-----------------------------------------------------------------------|
| North     | Light Industrial and Residential-10 | Warehouse, Residential, and Church                                    |
| South     | Residential-10 and Light Industrial | Single Family and Multi-family Residential, and Self-Storage Facility |
| East      | Residential-10                      | Single Family and Multi-family Residential                            |
| West      | Light Industrial                    | Warehouse, Outdoor Storage, and [indoor] Manufacturing                |

#### STAFF ANALYSIS AND COMMENTARY:

##### Overview

The applicant is requesting to rezone 2.3 acres from Residential-10 (R-10) to Light Industrial (I-1). The property is vacant, and winds along with a small creek that runs between residential and industrial uses. It currently acts as a de-facto buffer between the two uses. The parcel is unique in that it has frontage on three different Town-owned roads, is split by Bartex Mill Street, and meanders behind 10 different properties (seven of which are zoned residential). The same creek has been marked as a buffered stream on a site plan for the outdoor storage area that currently exists on the adjacent property.



##### Existing vs. Proposed Zoning

The following uses are typical (but not exhaustive) of the existing zoning district: Residential-10 (R-10). The R-10 zoning district is also the district that is directly adjacent to the north and east of the subject parcel.

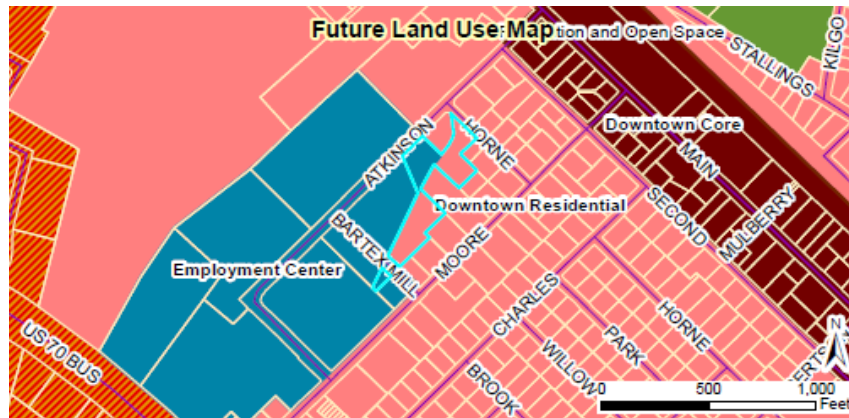
- Single Family Home
- Zero Lot Line Home
- Golf Course
- NOTE: Apartments and Townhomes are permitted in the R-10 zoning district via a Special Use Permit.

The following uses are typical (but not exhaustive) of the proposed zoning district: Light Industrial, (I-1). The existing industrial properties to the west and south of the subject parcel are also zoned I-1.

- Technical or Trade School
- Indoor or Outdoor Entertainment
- Fitness / Recreation Center
- Contractor Office
- Convenience Store / Gas Station
- Cocktail Lounge / Bar
- Microbrewery,
- Publisher
- General Offices
- Pawn Shop
- Radio or Television Studio
- Retail Sales
- Self-storage Facility
- Vehicle Sales, Rental, Repair, or Service
- Building Supply / Wholesale
- Crematorium
- Gas and Fuel Wholesale
- Research Laboratory
- Light Manufacturing (with activities generally occurring indoors only)
- Research and Development
- Warehousing / Freight Movement
- Major Utility

#### Consistency with the Comprehensive Plan 2040

The property is identified in the adopted Future Land Use Map partially as Downtown Residential (generally the part of the property east of the creek and adjacent to residential properties) and partially as Employment Center (generally the part of the property west of the creek and adjacent to the existing industrial properties). Areas identified as Employment Center are designated as consistent with the Light Industrial rezoning request. Areas identified as Downtown Residential are not designated as consistent with the Light Industrial rezoning request.



The following table identifies which zoning districts are consistent with the Future Land Use Map categories (designations).

| Future Land Use Designation | COMPATIBLE ZONING DISTRICTS |      |     |     |     |     |     |     |     |     |     |    |     |
|-----------------------------|-----------------------------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|----|-----|
|                             | R-E                         | R-10 | R-8 | R-6 | O-R | O-I | B-1 | B-2 | B-3 | I-1 | I-2 | PF | PDD |
| ARR                         | X                           |      |     |     |     |     |     |     |     |     |     | X  |     |
| LDR                         | X                           | X    |     |     |     |     |     |     |     |     |     | X  |     |
| MDR                         |                             | X    | X   | X   |     |     |     |     |     |     |     | X  |     |
| HDR                         |                             |      | X   | X   |     |     |     |     |     |     |     | X  |     |
| DR                          |                             |      | X   | X   | X   | X   | X   |     |     |     |     | X  | X   |
| NC                          |                             |      |     |     |     | X   | X   | X   |     |     |     | X  | X   |
| CC                          |                             |      |     |     |     |     |     | X   | X   |     |     | X  | X   |
| DC                          |                             |      |     |     |     |     | X   |     |     |     |     | X  | X   |
| EC                          |                             |      |     |     |     |     |     |     | X   | X   | X   | X  | X   |
| ROS                         |                             |      |     |     |     |     |     |     |     |     |     | X  |     |



**Consistency with Overlay Districts**

There are no overlay district that apply.

**Compatibility with surrounding land uses and potential for adverse effects**

The site is located on the border between a residential neighborhood and industrial facilities. The creek that runs through the property, and the fact that it is currently vacant have functioned as a de-facto landscape buffer between those two disparate uses. It is uncertain how much of the parcel is even available for development, given the nature of the creek and the requirements for stream buffers. If an industrial development were to occur on the properties, a landscaping buffer would be required on the Light Industrial zoned property, which would provide mitigation of adverse impacts to adjacent properties. The minimum size allowed by code for such a buffer would be a 10'-wide swath of landscaping.

**Capacity/adequacy of public facilities and services**

Adequate access to water, sewer, roads, and other facilities exists.

---

**CONSIDERATIONS:**

- Rezoning is legislative decisions and are made by the Town Council. The Planning Board shall make a recommendation to the Town Council.
- When adopting or rejecting the rezoning, the Town Council shall approve a statement describing whether its action is consistent with adopted plans and/or policies of the Town and explaining why the Council considers the action taken to be reasonable and in the public interest. If the rezoning is approved and is in conflict with an adopted plan, the plan shall be amended to be consistent with the rezoning.
- In general, a parcel should not be split-zoned unless, per §155.704(A)(3), it is "possible to subdivide the and develop that portion of the property outside the proposed rezoning boundary in accordance with the existing zoning and other requirements [of the Unified Development Code]". A subdivision and development of the property is possible is this proposed split-rezoning.

---

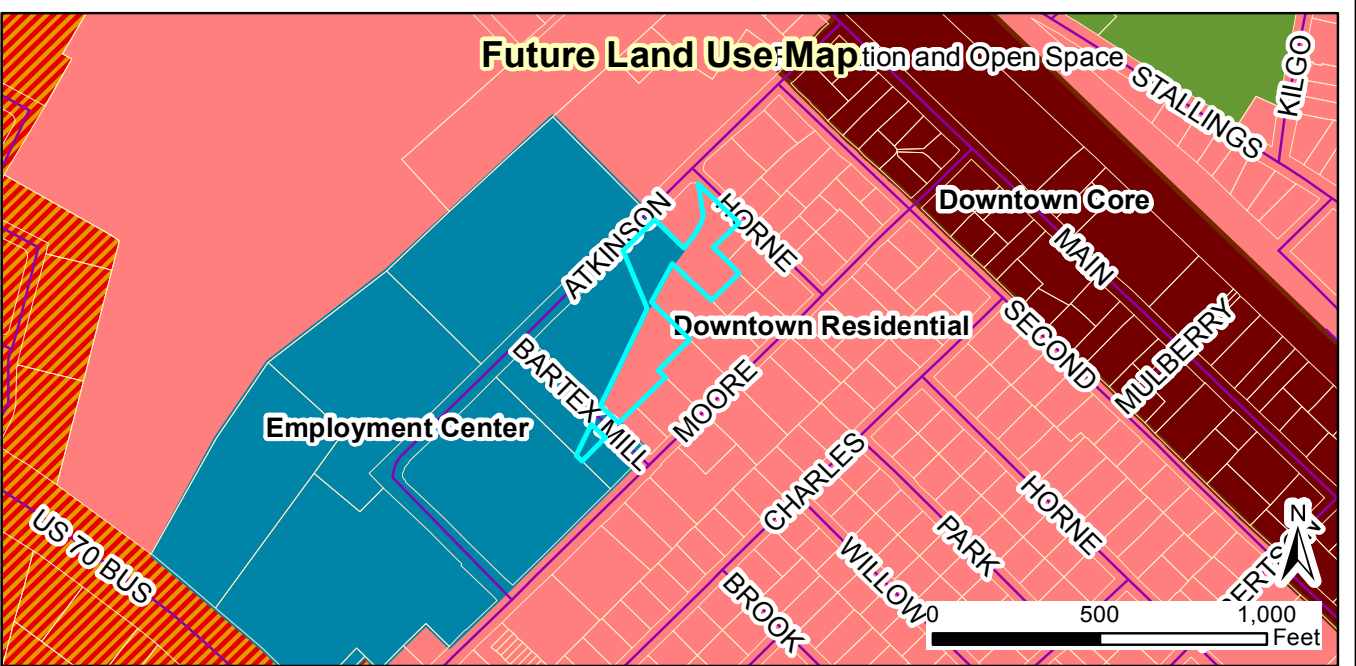
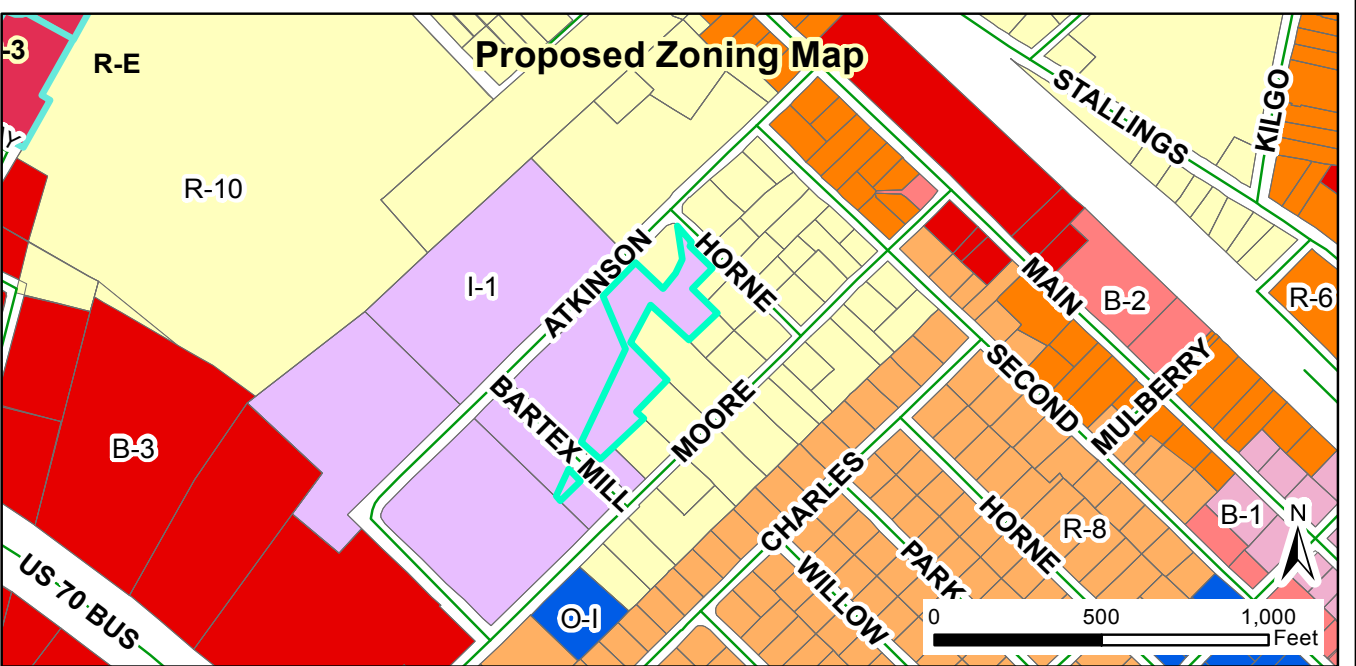
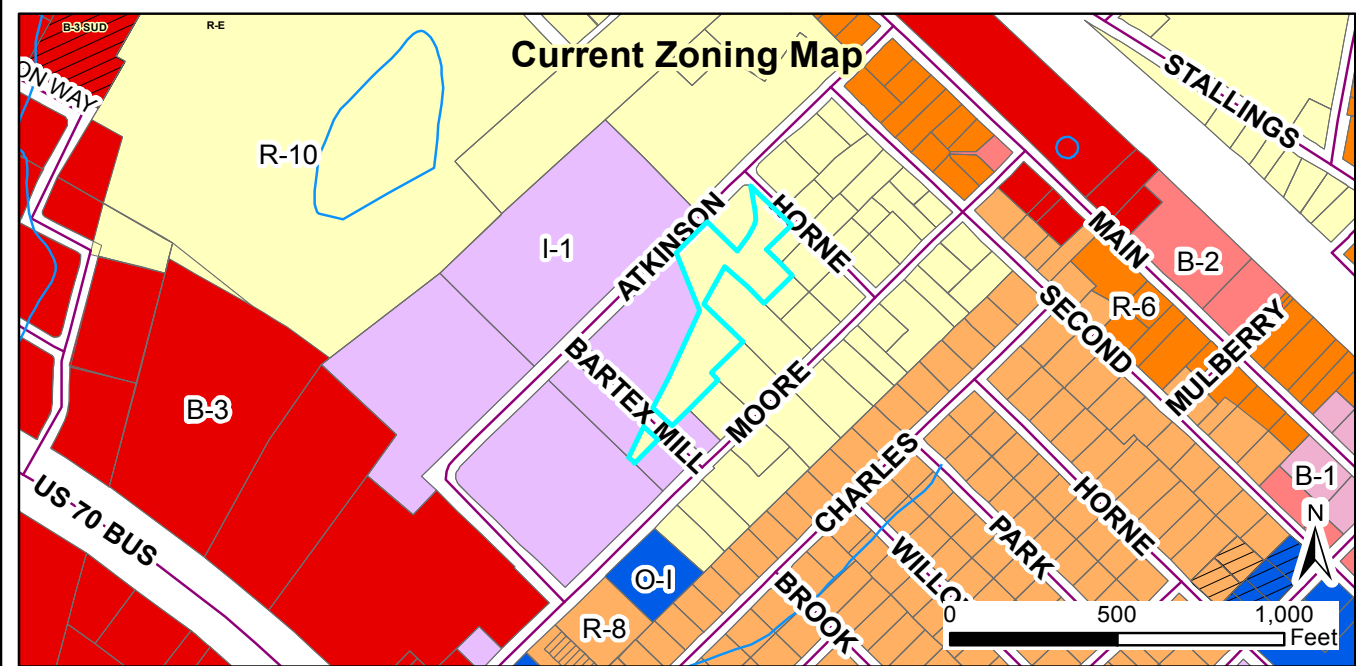
**STAFF RECOMMENDATION:**

- Approval of the rezoning of the property within the Employment Center Future Land Use category.
- Denial of the rezoning of the property within the Downtown Residential Future Land Use category.

---

**ATTACHMENTS:**

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



**Request:**  
**2017-197-RZ, Recovery Logistics rezoning from R-10 to I-1.**

Applicant: Dalton Engineering and Assoc., PA  
 Property Owners: G.T. Page Jr.  
 Parcel ID: 165915-74-4561  
 Tag #: 05026095e

**Staff Report Map**



Document Path: O:\PLANNING\REZONING\Rezoning\2017\2017-195-RZ Recovery Logistics\Map\Map - Recovery Logistics 2017-195-RZ.mxd

**Legend**

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

01/11/2018  
 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: 919-553-5002  
Fax: 919-553-1720

May 2, 2018

**NOTICE**

**SUBJECT:** Recovery Logistics rezoning, 2017-195-RZ  
**Address:** property between Atkinson Street, Moore Street, Horne Street, and Bartex Mill Drive; PIN 165915-74-4561  
**Applicant:** Dalton Engineering & Associates PA

Dear Clayton Area Property Owner:

Notice is hereby given that the Clayton Town Council will hold a public hearing on Monday, May 21<sup>st</sup> at 6:00 PM at Town Hall, 111 E Second Street, to consider the above-referenced rezoning request of approximately 47± acres. Please see the map on the back of this letter. The requested rezoning change is from Residential-10 (R-10) to Light Industrial (I-1).

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

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

Sincerely,

  
Jay McLeod, AICP  
Senior Planner

cc: File folder: 2017-195-RZ





**CERTIFICATION OF MAILING NOTICE**  
**TOWN OF CLAYTON**

In accordance with the requirements of Section 105.702(D)(2)(c) of the Unified Development Code of the Town of Clayton, I hereby certify that the undersigned has this date mailed a notice of the proposed request to the owners of all parcels of land within 100 feet and immediately abutting that (those) parcel(s) of land<sup>1</sup>, as shown on the County Tax Listings, by depositing a copy of the same in the United States Mail, first class postage paid, in an envelope addressed to the property owners whose names and address are as follows:

(see attached addresses per adjacent property owners list and copy of letter)

This the 1<sup>st</sup> day of May, 2018

Name (print): JAY McLEOD

Signed: 

PROJECT #/Name: RECOVERY LOGISTICS REZONING,  
2017-195-RZ

**Notes:**

1. 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.

**TOWN OF CLAYTON**  
**ZONING AMENDMENT**  
**CONSISTENCY AND REASONABLENESS STATEMENT**

2017-195-RZ, Recovery Logistics rezoning

The Town Council of the Town of Clayton hereby states:

**Section 1:** The above referenced zoning amendment IS PARTIALLY APPROVED, per the staff report and Planning Board recommendation, for rezoning along the borders coincident with the Future Land Use Map of the Comprehensive Plan. For the purposes of this Consistency and Reasonableness Statement, only the rezoning of that portion of the property within the Employment Center Future Land Use designation of the Future Land Use Map in the Comprehensive Plan shall be considered, for the purposes of this rezoning and for Section 2 (below).

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

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

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

Description of zoning amendment's consistency with the above plan objective:  
**The proposed rezoning of that portion within the Employment Center FLU makes available the use of currently vacant, underutilized land, while not rezoning the portion of the tract that is currently east of the creek and which protects the character of that residential neighborhood that fronts on Moore Street.**

**Section 3:** Based upon information presented at the public hearings and by the applicant, and based upon the recommendations and detailed information developed by staff and the Planning Board contained in the staff report, and considering the criteria applicable sections of the Unified Development Code of the Town of Clayton, specifically

**that the rezoning along the boundaries of the and including only the Employment Center Future Land Use designations accurately promotes the goals of the community as recorded in the Comprehensive Plan, while also allowing for development in appropriate areas, better utilizing vacant land and the adjacent public infrastructure, and serving the owners by allowing the expansion of the industrial land uses along Atkinson Street,**

the above referenced zoning amendment is reasonable and in the public interest.

## PUBLIC NOTICE

In accordance with NC GS 160A-384, the Clayton Town Council will hold a public hearing on Monday, May 21, 2018, at 6:00 PM at Town Hall, 111 East Second Street, to consider rezoning request 2.3 acres between Moore Street and Atkinson Street for parcel number(s) 165915-74-4561, all within the town limits. The requested change is from Residential-10 to Light Industrial.

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.

Jay McLeod, Senior Planner  
919-553-5002

---

Please advertise on the following dates:

May 11, 2018

May 18, 2018

Affidavit of publication required



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

After considering the recommendations of the Planning Board and Planning Director, I move to [approve OR deny] **Case Number 2017-195-RZ**

[IF APPROVING]

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

**MOTION FORM**  
**2017-195-RZ**  
**RECOVERY LOGISTICS REZONING**

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

**WHEREAS** a petition has been filed with the Town Council of the Town of Clayton requesting an amendment to the Zoning Ordinance and Zoning Map of the Town of Clayton to include in the Light Industrial (I-1) zone the property described below, said property formerly being zoned Residential-10 (R-10) and Planned Development Residential PDR) and

**WHEREAS** said property is owned by G.T. Page Jr. and

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

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

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

**WHEREAS** the said public hearing was actually conducted at 6:00 p.m. on May 21, 2018 wherein a reasonable opportunity was given to all those in attendance to speak either in favor or against the said change or to make relevant comments;

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

**SECTION 1.** That the Unified Development Code of the Town of Clayton is hereby amended to include in the Light Industrial (I-1) zone the following described property:

General Description:

Property is located south of Atkinson Street and adjacent to 350 Atkinson Street and generally winds along creek that runs between current industrial properties on Atkinson and residential properties on Main Street.

Specific Description:

NC Parcel Identification Numbers: 165915-74-4561 / 05026095e

**SECTION 2.** That the official Town of Clayton Zoning Map is hereby amended to include in the Light Industrial (I-1) zone the above-described property and will be so marked.

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

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

DULY ADOPTED by the Clayton Town Council this 21<sup>st</sup> day of May, 2018 while in regular session.

\_\_\_\_\_  
Jody McLeod  
Mayor

ATTEST:

\_\_\_\_\_  
Kimberly A. Moffett, CMC, NCCMC  
Town Clerk



## Town Council Agenda Cover Sheet

---

### **Meeting Date**

May 21 2018

### **Agenda Location**

Public Hearings

### **Item Title**

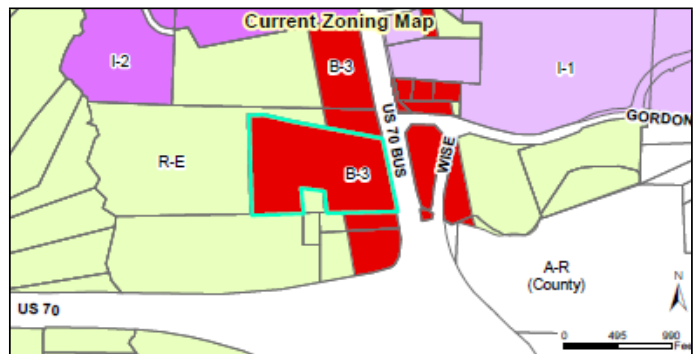
2017-209-SUP, Sunbelt Rentals Special Use Permit

### **Presenter** *(Name & Title)*

Planning Dept.

### **Summary/Description**

Moffatt Properties (c/o Craig Moffatt) has applied for a Special Use Permit to allow "Vehicle Sales and Rental" in the Highway Business (B-3) zoning district. The property is 6.22 acres of a 23± acre tract. The site is the old Clayton Homes site at 7635 US Hwy 70 Bus. West.

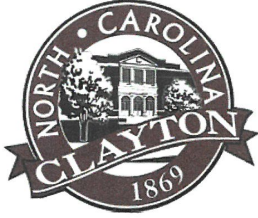


### **Requested Action**

Approval with Conditions

### **Additional Documents To Be Included in Agenda Packet**

Application  
Staff Report Map  
Neighborhood Meeting Materials  
Planning Board recommendation  
Newspaper legal ad  
Adjacent property owner notification  
Certificate of mailing



## 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

### SPECIAL USE APPLICATION

*Pursuant to Article 7, Section 155.711 of the Unified Development Code, an owner of land within the jurisdiction of the Town (or a duly authorized agent) may petition the Town Council to allow a Special Use. Special Uses are uses that may be appropriate in a particular district, but have the potential to create incompatibilities with adjacent uses.*

**Application Fee: \$400.00.**

**Advertisement Fee: \$100.00.**

*All fees are due when the application is submitted.*

*Please note that Section 155.702(B) of the Unified Development Code requires a Neighborhood Meeting for all Special Use Permit applications.*

#### APPLICATION TYPE

☒ New Special Use Permit

☐ Major Modification to an approved SUP

Permit Modified: \_\_\_\_\_

#### SITE INFORMATION

Name of Project: Clayton Homes Sunbelt Site Acreage of Property: 23.36 ac Total (6.00 ac SUP)

Parcel ID Number: 167700-26-7660 Tax ID: 4700370

Deed Book: 02251 Deed Page(s): 0242

Address/Location: 7635 US Highway 70 W Business, Clayton, North Carolina, 27520

Existing Use: Vacant Proposed Use: Equipment Sale/Rental

Is project within a Planned Development? ☒ No ☐ Yes

Planned Development District (if applicable): \_\_\_\_\_

Is project within an Overlay District: ☐ No ☒ Yes

Overlay District (if applicable): Scenic Highway Overlay

#### OFFICE USE ONLY

Date Received: DEC 22 2017

Amount Paid: \$500—

Permit Number: 2017-269-SUP

TOWN OF CLAYTON  
PLANNING DEPARTMENT

Page 1 of 9

## PROPERTY OWNER INFORMATION

Name: CMH Homes, Inc. Att: Retail Properties Department #855

Mailing Address: PO Box 9790 Maryville, Tennessee 37802

Phone Number: (865) 380-3000

Fax: \_\_\_\_\_

Email Address: \_\_\_\_\_

## APPLICANT INFORMATION

Applicant: Moffat Properties, LLC.

Mailing Address: 4901 Unicon Drive, Wake Forest, North Carolina 27587

Phone Number: (919) 669-7469

Fax: \_\_\_\_\_

Contact Person: Craig Moffat

Email Address: cmoffat@moffatproperties.com

## REQUIRED INFORMATION (to be submitted with the application)

*The following items must accompany a Conditional Use Permit (CUP) application.*

| To be completed by the applicant:                                                                                             |                                                                                                                                                |                                     | To be completed by staff: |    |     |
|-------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|---------------------------|----|-----|
|                                                                                                                               | Yes                                                                                                                                            | N/A                                 | Yes                       | No | N/A |
| 1. A pre-application conference was held with Town of Clayton staff. Date: <u>11/29/17</u>                                    | <input checked="" type="checkbox"/>                                                                                                            | <input type="checkbox"/>            |                           |    |     |
| 2. Review Fee (\$400) and Application Fee (\$100)                                                                             | <input checked="" type="checkbox"/>                                                                                                            | <input type="checkbox"/>            |                           |    |     |
| 3. Completed application (9 copies)                                                                                           | <input checked="" type="checkbox"/>                                                                                                            | <input type="checkbox"/>            |                           |    |     |
| 4. Owner's Consent Form (9 copies)                                                                                            | <input checked="" type="checkbox"/>                                                                                                            | <input type="checkbox"/>            |                           |    |     |
| 5. Adjacent property owners list (9 copies)                                                                                   | <input checked="" type="checkbox"/>                                                                                                            | <input type="checkbox"/>            |                           |    |     |
| 6. Wastewater allocation request OR verification of wastewater allocation (9 copies)                                          | <input checked="" type="checkbox"/>                                                                                                            | <input type="checkbox"/>            |                           |    |     |
| 7. Signed and sealed traffic impact analysis (2 copies)                                                                       | <input type="checkbox"/>                                                                                                                       | <input checked="" type="checkbox"/> |                           |    |     |
| 8. If applicant is concurrently applying for site plan approval, a copy of the proposed site plan.                            | <input checked="" type="checkbox"/>                                                                                                            | <input type="checkbox"/>            |                           |    |     |
| 9. Neighborhood meeting notice letter (9 copies)<br><i>See sample letter and meeting requirements included in this packet</i> | May be provided at time of submittal if meeting date is known – otherwise must be submitted by email or mail on date the letter is mailed out. |                                     |                           |    |     |
| 10. Set of stamped, addressed envelopes using the adjacent property owners list                                               | May be provided at time of submittal OR no later than 25 days prior to the Town Council meeting.                                               |                                     |                           |    |     |
| 11. Neighborhood meeting summary form (9 copies)<br><i>Form is included in this packet</i>                                    | Must be submitted after neighborhood meeting is held and at least 10 days prior to Planning Board meeting.                                     |                                     |                           |    |     |

*Note: More information may be requested by the Planning Department depending on the project*



## 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.

At the time of the site plan submission, the proposed site use will be designed for no negative effect on the public health or safety as approved by a licensed professional engineer.

---

---

---

---

---

---

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.

At the time of site plan submission, the proposed site use will be designed to the sound land use standards and the town's UDO.

---

---

---

---

---

---

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.

At the time of this submission, the proposed use and improvements are anticipated to increase the value of the subject property and surrounding properties. The proposed use and rezoning is consistent with the zoning and uses of the adjacent parcels to the north of the subject parcel.

---

---

---

---

---

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.

This site shall be developed according to the plans and policies of the Town of Clayton. Also, the neighboring properties to north have similar zoning and uses. The adjacent parcels to the rear (west) and south are agricultural. The proposed improvements shall incorporate adequate buffers to provide separation between the proposed use and the adjacent properties, per the Town of Clayton UDO.

---

---

---

---

---

## EXPLANATION OF PROJECT

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

The proposed project consists of developing approximately 6 acres of the 23+ acre parcel for use as an equipment sales and rental facility. Similar facilities exist on the US Hwy 70 corridor and have been found to be appropriate for this overlay district. The adjacent parcels to the north and south are zoned B-3, which has been found to be in harmony with the surrounding parcels. Equipment sales & rental is allowed in B-3 zoning by special use permit only. Equipment Sales & Rental is allowable by-right in the light industrial districts. However, after meeting and discussing the property and use with Town Staff, it was decided that B-3 zoning, with a Special Use permit would be more favorable along this corridor, because of the other uses allowed in the light industrial zoning districts. As such, we are submitting this application for a Special Use Permit in conjunction with the Rezoning Application to rezone the property from B-2 (Neighborhood Business) to B-3 (Highway Business), which is consistent with the adjacent properties fronting US Hwy. 70.

## 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.*

Craig Moffat  
Print Name

[Signature]  
Signature of Applicant

11.20.17  
Date

## NEIGHBORHOOD MEETING INFORMATION

### **Purpose:**

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

### **Meeting Date:**

The 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 provided at the Neighborhood Meeting:**

At a minimum, the following materials must be present for inspection at a Neighborhood Meeting:

1. A copy of the project application.
2. A map at a scale that is appropriate to the project and shows neighboring properties and roads.
3. 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)

## ADJACENT PROPERTY OWNERS LIST

**Project Name:** Clayton Homes Sunbelt Site

*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                                                        |
|----------------|---------------------------------------------------|----------------------------------------------------------------|
| 167700-36-1001 | Worth M. Pounds, Jr.                              | 1899 Strickland Road, Clayton, North Carolina 27520            |
| 167700-25-6963 | Smooch, LLC.                                      | P.O. Box 2346, Smithfield, North Carolina 27577                |
| 167700-26-6270 | Patricia Counts                                   | 221 E Stalling Street, Clayton, North Carolina 27520           |
| 167700-15-7659 | Smooch, LLC.                                      | P.O. Box 2346, Smithfield, North Carolina 27577                |
| 167700-16-9558 | Helen P. Tuttle                                   | P.O. Box 622, Clayton, North Carolina 27520                    |
| 167700-46-3313 | Young Family Irrevocable Trust & Jenny Y. Kelling | 3739 National Drive, Suite 227, Raleigh, North Carolina, 27612 |
| 167700-36-7026 | Johnston County                                   | P.O. Box 1049, Smithfield, North Carolina 27577                |
|                |                                                   |                                                                |
|                |                                                   |                                                                |
|                |                                                   |                                                                |
|                |                                                   |                                                                |
|                |                                                   |                                                                |
|                |                                                   |                                                                |
|                |                                                   |                                                                |
|                |                                                   |                                                                |
|                |                                                   |                                                                |
|                |                                                   |                                                                |
|                |                                                   |                                                                |
|                |                                                   |                                                                |



## SAMPLE NEIGHBORHOOD MEETING LETTER

(PLACE ON AGENT'S OR OWNER'S LETTERHEAD)

<Date>

Dear Clayton Area Property Owner:

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

Meeting Date: \_\_\_\_\_ Meeting Time: \_\_\_\_\_

Meeting Location: \_\_\_\_\_

Type of Application: \_\_\_\_\_

Project/proposal property address: \_\_\_\_\_

Description of project/proposal: \_\_\_\_\_

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

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

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

If you have any questions prior to or after this meeting, you may contact us at **<Insert phone number of applicant>**. You may also contact the Planning Department at 919-553-5002.

Sincerely,

<Applicant>

Cc: Town of Clayton Planning Dept.

## **Red Line Engineering, P.C.**

### **"Engineering Relationships"**

December 6, 2017

Dear Clayton Area Property Owner:

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

**Meeting Date:** December 19, 2017 **Meeting Time:** 7:30 pm  
**Meeting Location:** The Clayton Center (111 East 2nd Street, Clayton)  
**Type of Application:** Rezoning (B-2 to B-3) & Special Use

**Project/Proposal Address:** 7635 US Highway 70 W Business, Clayton, North Carolina, 27520

**Description of project/proposal:** The proposed project consists of developing approximately 5 acres of the 23+ acre parcel for use as an equipment sales and rental facility. Similar facilities exist on the US Hwy 70 corridor and have been found to be appropriate for this overlay district. The adjacent parcels to the north and south are zoned B-3, which has been found in harmony with surrounding parcels. Equipment sales & rental is allowed in B-3 Zoning by special use permit. As such, we are submitting this application for a rezoning from B-2 to B-3 and special use permit for equipment sales & rental.

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

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

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

If you have any questions prior to or after this meeting, you may contact us at 919-779-6851. You may also contact the Planning Department at 919-553-5002.

Sincerely,

Moffat Properties, LLC. (Developer)  
4901 Unicon Drive, Wake Forest, North Carolina 27587  
(919) 669-7469

Red Line Engineering, P.C. (Engineer)  
1401 Aversboro Road, Garner, North Carolina 27529  
(919) 779-6851

Cc: Town of Clayton Planning Dept.

**1401 Aversboro Road, Suite 210 ■ Garner, NC 27529 ■ Office: (919)779-6851 ■ [www.rle-pc.com](http://www.rle-pc.com)**





## NEIGHBORHOOD MEETING ATTENDANCE ROSTER

**Project:** Clayton Homes Sunbelt Site

**Application:** Rezoning & Special Use

**Location/Date:** The Clayton Center (York Room) / 12-19-17

|    | NAME          | ADDRESS                                         |
|----|---------------|-------------------------------------------------|
| 1  | Gary McCabe   | 1401 Aversboro Rd, Suite #210, Garner, NC 27529 |
| 2  | Timothy Lance | 1401 Aversboro Rd, Suite #210, Garner, NC 27529 |
| 3  | Craig Moffat  | 4901 Union Drive, Wake Forest, NC 27587         |
| 4  |               |                                                 |
| 5  |               |                                                 |
| 6  |               |                                                 |
| 7  |               |                                                 |
| 8  |               |                                                 |
| 9  |               |                                                 |
| 10 |               |                                                 |
| 11 |               |                                                 |
| 12 |               |                                                 |
| 13 |               |                                                 |
| 14 |               |                                                 |
| 15 |               |                                                 |
| 16 |               |                                                 |
| 17 |               |                                                 |
| 18 |               |                                                 |
| 19 |               |                                                 |
| 20 |               |                                                 |

## NEIGHBORHOOD MEETING SUMMARY FORM

### FILL OUT THE FOLLOWING:

Application: Rezoning & Special Use

Date of Mailing: \_\_\_\_\_

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:

Printed Name: Craig Moffat Signature: \_\_\_\_\_

Date of Meeting: 12/19/17 Time of Meeting: 7:30

Location of Meeting: The Clayton Center (York Room)

**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.*

Meeting End: 8:45pm (No show)

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



**TOWN OF CLAYTON  
Planning Department**

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

## 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:** Clayton Homes Sunbelt Site **Address or PIN #:** 7635 US Highway 70 Bus, Clayton, North Carolina 27520

**AGENT/APPLICANT INFORMATION:**

Craig Moffat  
(Name - type, print clearly)

4901 Unicon Drive

(Address)

Wake Forest, North Carolina 27587

(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 below*):

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:**

CMH Homes, Inc.

(Name - type, print clearly)

P.O. Box 9790

(Address)

Maryville, Tennessee 37602

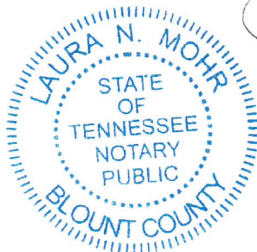
(City, State, Zip)

**STATE OF**  
**COUNTY OF**

TN  
Blount

Sworn and subscribed before me Laura N. Mohr, a Notary Public for the above State and County, this the 22 day of November, 2017.

**SEAL**



Laura N. Mohr  
Notary Public  
My Commission  
Expires: 6-28-20





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

*Planning Board  
April 23, 2018*

## STAFF REPORT

**Application Number:** 2017-209-SUP  
**Project Name:** Sunbelt Rental, Special Use Permit

**NC PIN / Tag #:** portion of 167700-26-7660 / 05i05035a  
**Town Limits/ETJ:** ETJ  
**Overlay:** Thoroughfare Overlay District (TOD)  
**Applicant:** Moffat Properties, Inc.  
**Owner:** CMH Homes Inc., Rental Properties Department  
**Location:** The property is located at 7635 US Hwy 70 Bus., at the old Clayton Homes site.

**Public Noticing:**

- Neighborhood meeting December 19, 2018
- Site posted January 16, 2018
- Letters mailed prior to May 10, 2018
- Newspaper ad posted the two Fridays prior to the Hearing (starting May 11, 2018)

**REQUEST:** Special Use Permit to allow "Vehicle Sales and Rental" in the Highway Business (B-3) zoning district.



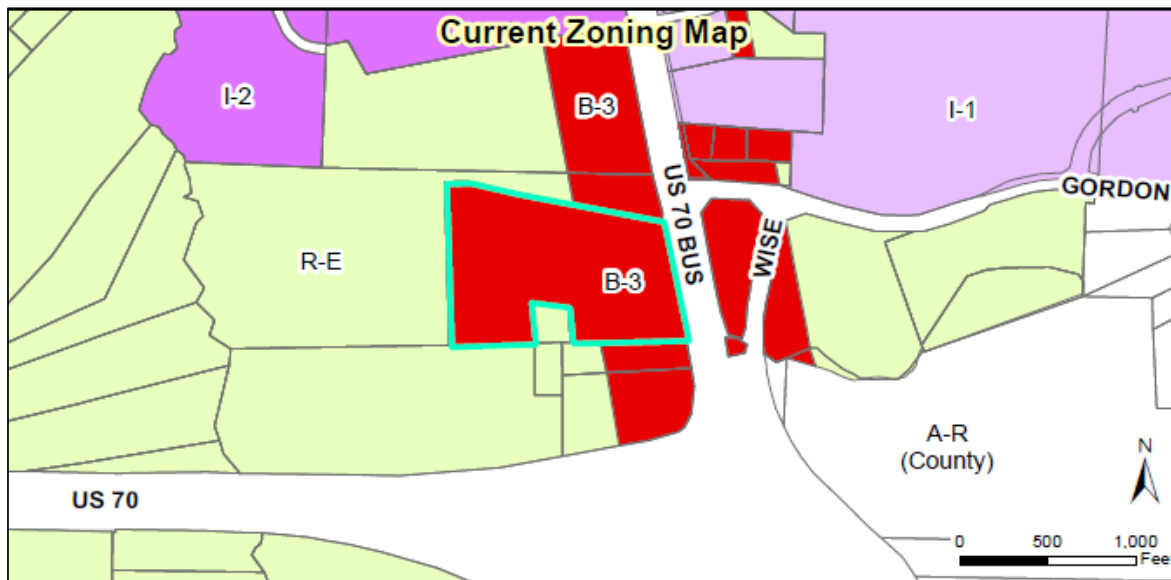
**SITE DATA:**

**Acreage:** 6.22 acres of a 23.4 acre tract  
**Existing Use:** Vacant  
**Proposed use:** Vehicle (Equipment) Sales and Rental

**ADJACENT ZONING AND LAND USES:**

The property was recently rezoned to Highway Business (B-3) and the parcel was entirely removed from the Scenic Highway Overlay District. The frontage along US Hwy 70 Bus. is within the Thoroughfare Overlay District.

| Direction | Zoning District                                     | Zoning Overlay District                                  | Existing Use                                                    |
|-----------|-----------------------------------------------------|----------------------------------------------------------|-----------------------------------------------------------------|
| North     | Highway Business (B-3) and Residential Estate (R-E) | Thoroughfare Overlay and Scenic Highway Overlay District | Vacant / Agricultural                                           |
| South     | Highway Business (B-3) and Residential Estate (R-E) | Scenic Highway Overlay and Thoroughfare Overlay          | Agricultural, and two large-lot Single Family Residential homes |
| East      | Highway Business (B-3)                              | Scenic Highway Overlay and Thoroughfare Overlay          | Vacant / Agricultural                                           |
| West      | Residential-Estate (R-E)                            | Scenic Highway Overlay only                              | Agricultural                                                    |





**DEVELOPMENT DATA:**

|                       |                                                                                                                                                                                                                                                                                                                                                                         |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Proposed Uses:        | Equipment rental facility (Sunbelt Rentals)                                                                                                                                                                                                                                                                                                                             |
| Building(s):          | 1 building (10,500 sqft) with associated fueling station                                                                                                                                                                                                                                                                                                                |
| Height:               | 24' proposed; max. height of 60 feet allowed                                                                                                                                                                                                                                                                                                                            |
| Impervious Surface:   | Maximum 1,850 SF per lot (maximum 60% impervious for overall development)                                                                                                                                                                                                                                                                                               |
| Parking:              | Office, enclosed area: 1 space / 250 sqft; site requires 12 spaces.<br><br>Service bays: 2 spaces / service bay; site requires 18 spaces.<br><br>Outdoor sales, rental, & display area: 1 space per 5,000 sqft of area; applicant has provided alternative parking schema based on their particular business model.<br><br><i>Site plan provides 34 parking spaces.</i> |
| Fire Protection:      | The Town of Clayton Fire Department will provide fire protection.                                                                                                                                                                                                                                                                                                       |
| Access/Streets:       | One access point will be provided directly off of US Hwy 70 Bus., with a one-way ingress and one-way egress.                                                                                                                                                                                                                                                            |
| Water/Sewer Provider: | Town of Clayton                                                                                                                                                                                                                                                                                                                                                         |
| Electric Provider:    | unspecified                                                                                                                                                                                                                                                                                                                                                             |

---

**STAFF ANALYSIS AND COMMENTARY:**

**Overview**

The applicant is requesting a special use permit for the use of Vehicle Sales and Rental, which is required for this use in the Highway Business (B-3) zoning district.

**Associated Site Plan**

The associated site plan (2018-02-SP) provides cross-access to neighboring properties, with parking in front of the building. Driveways into and exiting the site also provides access for the delivery and receipt of rental machines. An equipment washing area and fueling station are in the back of the building. The majority of the site will be graded and graveled and used for equipment storage. Area lighting will surround the perimeter of the property. The majority of the landscaping is provided along the property lines.

**Consistency with Adopted Plans:**

- **Comprehensive Plan**  
The request is consistent with the Future Land Use and the Comprehensive Plan, if the Special Use Permit is approved.
- **Consistency with Overlay Districts**  
The frontage of the site is within the Thoroughfare Overlay District.

**Compatibility with surrounding land uses**

Adjacent properties fronting on US Hwy 70 Bus. are zoned similarly and no use-related conflicts are anticipated. The site does have residential neighbors to the rear, and a Class C landscape buffer is required along that border.

Because of the industrial-type nature of the use of the site - outdoor equipment storage with area lighting - the use of evergreen species in the landscaping buffer along those properties is recommended.

#### **Landscaping and Buffering**

The site is generally cleared, graded gravel, with high travel areas using asphalt. The majority of the landscaping is scattered around the perimeter. Existing dense vegetation is being used to count towards a percentage of the required landscaping. Street trees and landscaping associated with the Thoroughfare Overlay District (TOD) are required along the US Hwy 70 Bus. frontage. Currently, the site plan does not show the TOD landscaping and it has been placed as a condition of approval. A Class C buffer is required in the rear of the site, adjacent to residentially-zoned properties. Additional buffering may be warranted as part of the special use permit, to mitigate impacts from the industrial-style outdoor equipment storage. Screening the outdoor storage area from view is a priority.

#### **Environmental**

No environmentally sensitive areas are shown on the plans.

#### **Signs**

A generic monument sign location is shown on the plans, and building signage is also anticipated on the façade facing US Hwy 70 Bus.

#### **Site Design**

The site is generally cleared, graded gravel, with high travel areas using asphalt. There is parking along the highway frontage, with fencing and gates separating the front (offices and sales floor) from the rear (working area, garage bays, outdoor storage) of the site. Area lights on 20' poles are used around the entire site. Some visual screening is provided on the front of the building, with some buffering also provided on the rear, against the neighboring residential properties. There is a wooden privacy fence shown in between the residential houses and the rear storage yard along with landscaping.

#### **Access/Streets**

One-way ingress and one-way egress off of US Hwy 70 Bus.

#### **Garbage / Recycling**

Dumpster enclosure on the north side of the property, inside the fence.

#### **Architecture**

The building is proposed to be approximately 24' tall. The proposed architecture is split face concrete block on the front façade, with green EIFS veneer, which has an appearance similar to stucco. These two materials will wrap around the sides up to enclose the office area. Further back, past the office area and behind the gates, the sides and rear of the building are proposed to be metal, with some additional concrete split face block on the bottom of the rear of the building. Metal flashing will be used along the parapet.



**Capacity/adequacy of public facilities and services**

Water and sewer facilities exist in the US Hwy 70 Business corridor and can be accessed by the site.

## **FINDINGS**

When considering a Special Use Permit application, The Town Council shall consider specific Findings of Fact. A Special Use which fails to meet any of these Findings shall be deemed adverse to the public interest and shall not be approved. The applicant has addressed the Findings expressly established by Chapter 155.711 (I) of the UDC. The applicant's Findings of Fact are incorporated into the record as an attachment to the Staff Report.

---

## **CONSIDERATIONS:**

- The Town Council approves Special Use Permits.
  - The Planning Board has the authority to review and approve the associated site plan (2018-2-SP).
- 

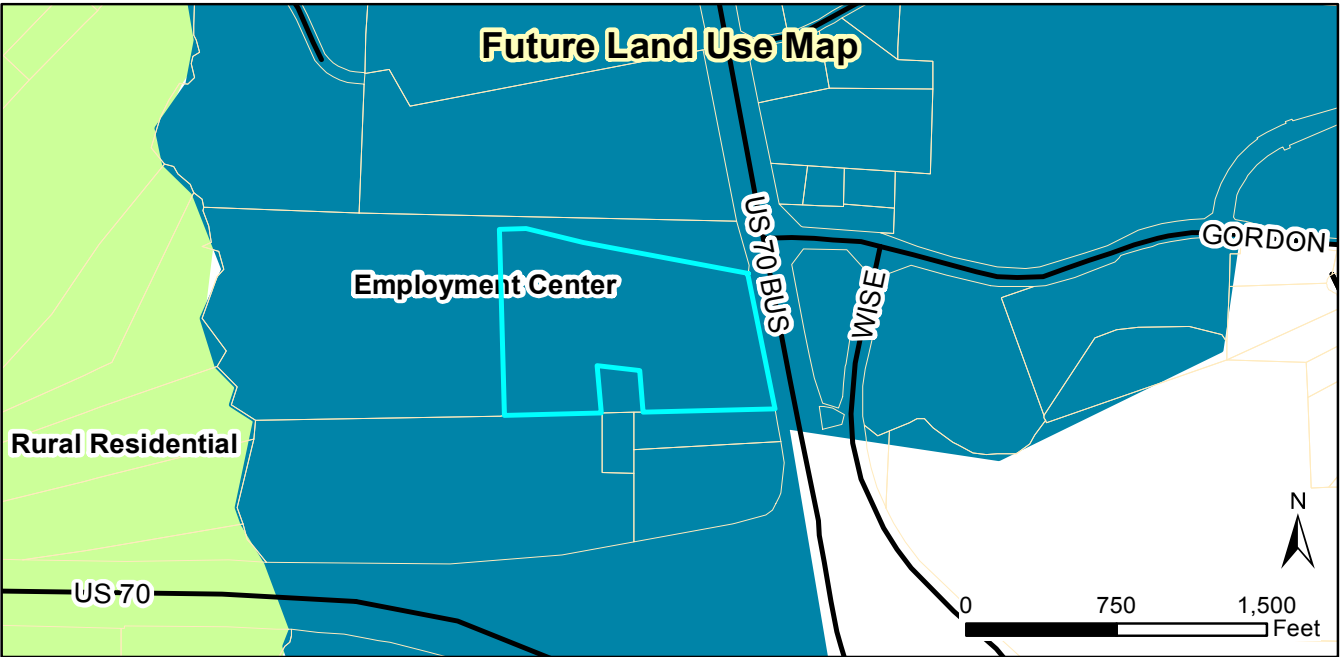
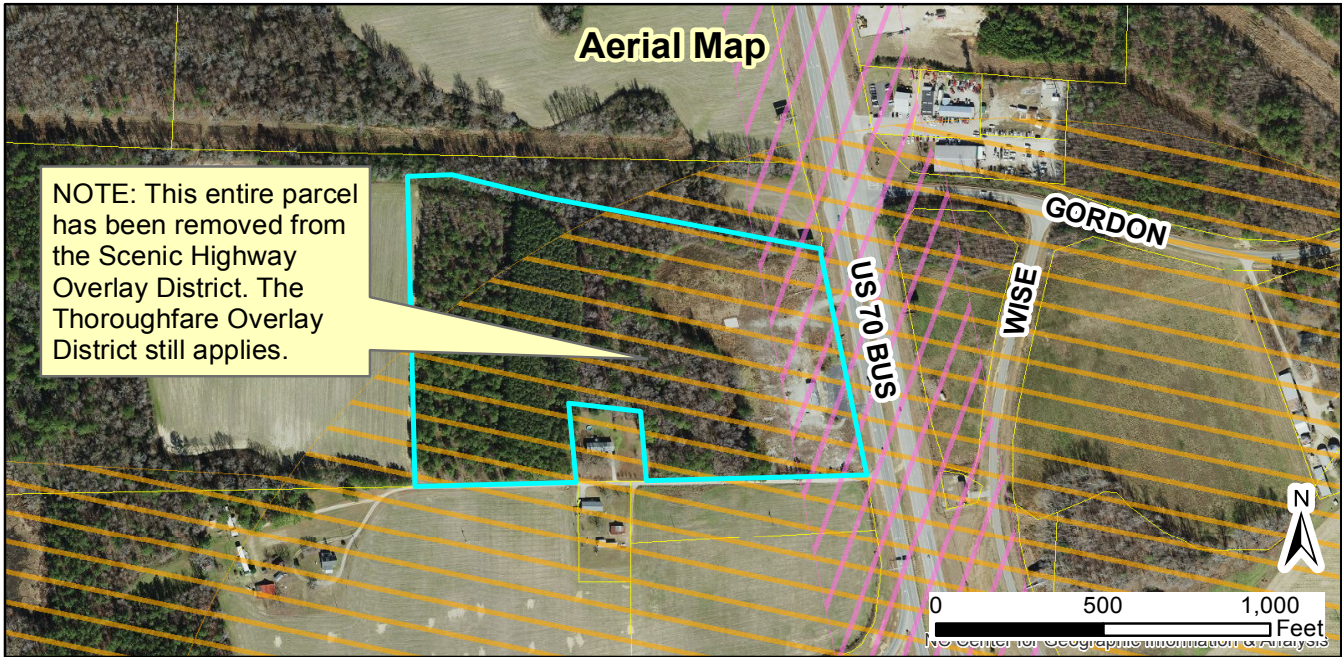
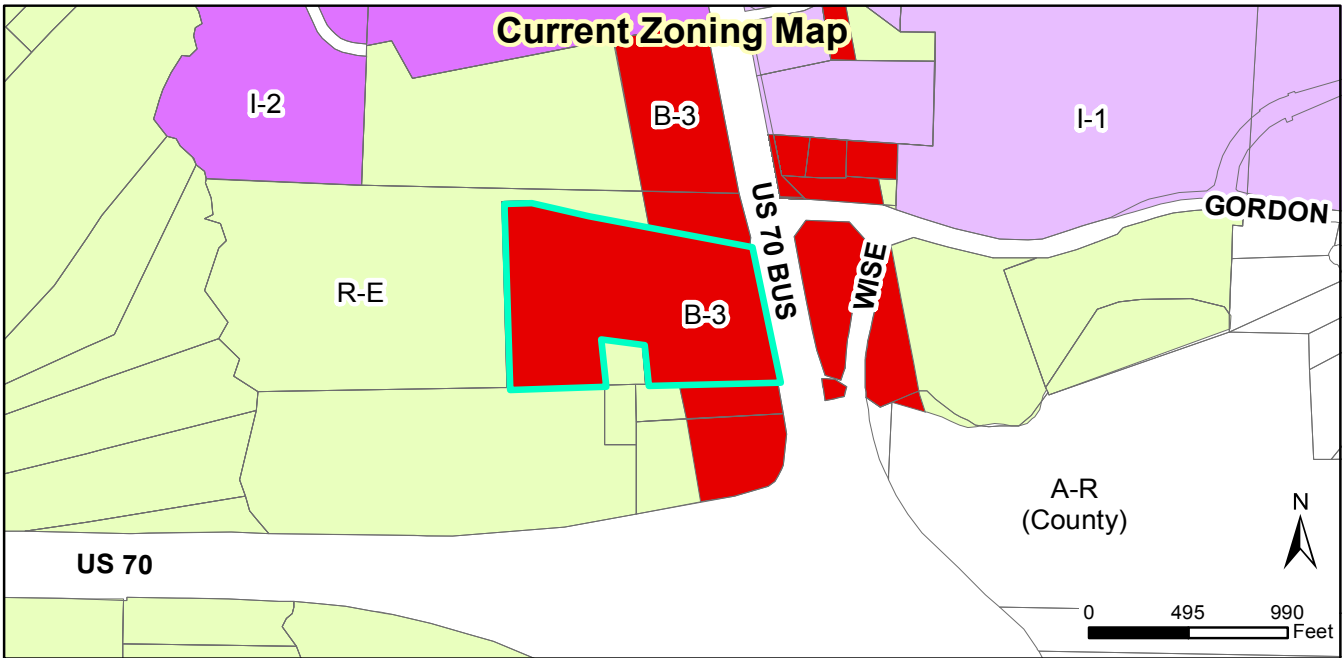
## **RECOMMENDATION:**

Staff does not make recommendations on quasi-judicial applications. If approved, staff recommends the following conditions of approval:

1. The special use permit that allows the use of "Vehicle Sales and Rental" shall be restricted to only the 6.22 acres in the associated site plan (2018-02-SP).
  2. Prior to building permit issuance, a minor subdivision application shall be required to separate the 6.22 acres of the special use permit area from the remainder of the tract.
  3. The development of the site is limited to the site design and uses approved by the Planning Board and Town Council of the associated site plan (2018-2-SP) and special use permit (2017-209-SUP). Modifications to the approved site plan or special use permit shall require review and approval in accordance with the provisions of the Unified Development Code.
  4. Per the note on the plans, a fee-in-lieu shall be paid for the required curb-and-gutter and sidewalk for the frontage along the public right-of-way. This shall be paid prior to or at building permit issuance.
  5. Annexation into the Town municipal limits is required and shall be completed prior to the issuance of a Certificate of Occupancy.
  6. A cross-access agreement shall be recorded and provided to the Planning Department prior to the issuance of a Certificate of Occupancy.
  7. Cross-access drives shall be paved to the property line. Where cross access stops short of the property line, an easement shall be recorded for future cross access, and that area shall be paved when the adjacent property develops.
- 

## **ATTACHMENTS:**

- 1) Application
- 2) Staff Report Map
- 3) Neighborhood Meeting Materials
- 4) Associated site plan (2018-02-SP)



**Request:**  
**2017-209-SUP, Sunbelt Rental, special use permit.**  
**2018-02-SP, Sunbelt Rental, major site plan.**

Applicant: Moffat Properties, Inc.  
 Property Owners: CMH Homes Inc.  
 Parcel ID: 167700-26-7660  
 Tag#: 05i05035a

**Staff Report Map**



Document Path: \\TOC-FILE-01\Shares\ComDev\Planning\PLANNING\SITE PLANS\Major Site Plans\2018\2018-02-SP Sunbelt Rental Major Site Plan\Map\Map 2018-02-SP and 2017-2019-SUP Sunbelt Rental.mxd

**Legend**

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

04/16/2018  
 Produced by: TOC Planning  
 Disclaimer: Town of Clayton assumes no legal responsibility for the quality of the data represented here.



# SUNBELT GENERAL TOOLS

## SPECIAL USE SITE PLAN

7635 US HIGHWAY 70 BUSINESS (P.I.N. 167700-26-7660)  
CLAYTON, NORTH CAROLINA 27520

**OWNER**

CMH HOMES, INC.  
P.O. BOX 9790  
MARYVILLE, TENNESSEE 37802

**DEVELOPER**

MOFFAT PROPERTIES, LLC.  
4901 UNICON DRIVE  
WAKE FOREST, NORTH CAROLINA 27587  
PHONE - (919) 669-7469

**CIVIL ENGINEER**



RED LINE ENGINEERING, P.C. (C-3075)  
1401 AVERSBORO ROAD, SUITE 210  
GARNER, NORTH CAROLINA 27529  
PHONE - (919) 779-6851

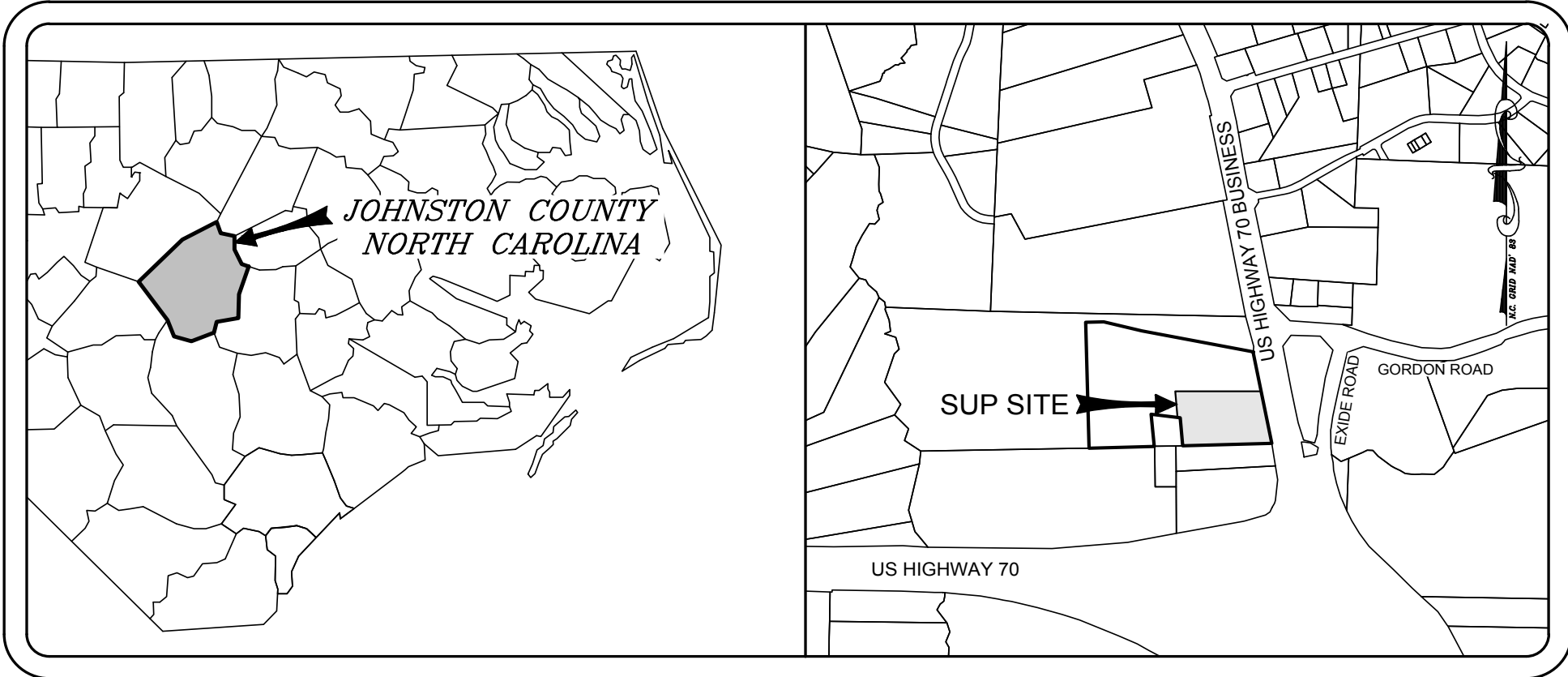
**SURVEYOR**

TERRESTRIAL SURVEYING, P.C. (C-3903)  
3813 WOODOWL DRIVE  
RALEIGH, NORTH CAROLINA 27613  
PHONE: (919) 219-4278

**SHEET INDEX**

|       |                                       |
|-------|---------------------------------------|
| C1    | COVER SHEET                           |
| C2    | EXISTING CONDITIONS & DEMOLITION PLAN |
| C3    | PRELIMINARY SITE PLAN                 |
| C4    | PRELIMINARY SITE LIGHTING PLAN        |
| C5    | PRELIMINARY UTILITY PLAN              |
| C6    | SITE DETAILS                          |
| L-1   | LANDSCAPE PLAN                        |
| A1.01 | FLOOR PLAN                            |
| A2.01 | ELEVATIONS                            |
| A2.02 | ELEVATIONS                            |

NOTE: ALL WORK MUST COMPLY WITH APPLICABLE NORTH CAROLINA BUILDING CODES, HANDICAPPED ACCESSIBILITY CODE VOL. 1C, AND WITH THE TOWN OF CLAYTON AND NCDOT STANDARDS, DETAILS AND SPECIFICATIONS.



VICINITY MAP  
SCALE: 1"=1,000'

| LEGEND   |                             |          |
|----------|-----------------------------|----------|
| EXISTING |                             | PROPOSED |
| ---      | PROPERTY LINE/EASEMENT      | ---      |
| ---      | SEDIMENT FENCE              | ---      |
| ---      | PROPERTY EASEMENT/SETBACK   | ---      |
| ---      | SANITARY SEWER              | ---      |
| ---      | SANITARY SEWER MANHOLE      | ---      |
| ---      | CLEAN OUT                   | ---      |
| ---      | WATER LINE                  | ---      |
| ---      | CENTERLINE OF ROAD          | ---      |
| ---      | LIGHT POLES                 | ---      |
| ---      | PROPERTY CORNER             | ---      |
| ---      | RIGHT OF WAY                | ---      |
| ---      | STORM PIPE/CULVERT          | ---      |
| ---      | DROP INLET                  | ---      |
| ---      | CONTOURS                    | ---      |
| ---      | FIRE HYDRANT                | ---      |
| ---      | WATER VALVE                 | ---      |
| ---      | RIP RAP APRON               | ---      |
| ---      | TEMP. CONSTRUCTION ENTRANCE | ---      |

**GENERAL NOTES**

- BOUNDARY & TOPOGRAPHIC SURVEY INFORMATION PROVIDED BY TERRESTRIAL SURVEYING, P.C., PERFORMED BY TIMOTHY P. MURRAY, P.L.S. (L-4833), DATED DECEMBER 20, 2017. INFORMATION PROVIDED FOR ENGINEERING DESIGN PURPOSES ONLY. NOT FOR SALE OR RECORDATION.
- CONTRACTOR SHALL FIELD VERIFY LOCATION, SIZE, MATERIAL AND DEPTH OF ALL EXISTING UTILITIES AND NOTIFY ENGINEER OF ANY DISCREPANCIES PRIOR TO COMMENCING CONSTRUCTION. ELEVATIONS INDICATED ON PLANS SHOWN AS APPROXIMATE. CONTRACTOR SHALL FIELD VERIFY ALL ELEVATIONS PRIOR TO COMMENCING CONSTRUCTION.
- CONTRACTOR IS RESPONSIBLE FOR DISPOSAL OF ALL WASTE MATERIALS GENERATED THROUGH ALL CONSTRUCTION RELATED ACTIVITIES.
- ALL DISTURBED AREAS SHALL BE SEEDED, FERTILIZED, AND MULCHED IN ACCORDANCE WITH NCDOT STABILIZATION TABLE.
- WATER & SEWER PIPES TO BE INSTALLED IN TRENCHES ACCORDING TO THE TOWN OF CLAYTON AND JOHNSTON COUNTY PUBLIC UTILITIES DEPARTMENT STANDARD SPECIFICATIONS AND DETAILS.
- ACCORDING TO THE SEDIMENTATION POLLUTION CONTROL ACT OF 1973 (NORTH CAROLINA GENERAL STATUTE 113A 51-66) THIS PROJECT IS SUBJECT TO AN APPROVED SEDIMENTATION AND EROSION CONTROL PLAN. TOTAL DISTURBED AREA EXCEEDS 12,000 SF, THEREFORE A TOWN OF CLAYTON LAND DISTURBING GRADING PERMIT IS REQUIRED.
- ALL WORK MUST COMPLY WITH APPLICABLE NCDOT STANDARDS, NORTH CAROLINA BUILDING CODES, TOWN OF CLAYTON, AND JOHNSTON COUNTY STANDARDS, DETAILS AND SPECIFICATIONS.
- ANY CONFLICT(S) BETWEEN ARCHITECTURAL, STRUCTURAL, PLUMBING, MECHANICAL, ELECTRICAL AND CIVIL SHEETS SHALL BE SUBMITTED BY CONTRACTOR, IN WRITING, TO BOTH ARCHITECT AND ENGINEER. WRITTEN CLARIFICATION/RESOLUTION MUST BE RECEIVED BY CONTRACTOR FROM ARCHITECT AND ENGINEER PRIOR TO COMMENCING CONSTRUCTION.
- LATERAL SEPARATION OF SEWERS OR WATER MAINS. WATER MAINS SHALL BE LAID AT LEAST TEN (10) FEET LATERALLY FROM EXISTING OR FUTURE SEWERS, UNLESS LOCAL CONDITIONS OR BARRIERS PREVENT A TEN (10) FOOT LATERAL SEPARATION -- IN WHICH CASE:
  - THE WATER MAIN IS LAID IN A SEPARATE TRENCH, WITH THE ELEVATION ON THE BOTTOM OF THE WATER MAIN AT LEAST EIGHTEEN (18) INCHES ABOVE THE TOP OF SEWER; OR
  - THE WATER MAIN IS LAID IN THE SAME TRENCH AS THE SEWER WITH THE WATER MAIN LOCATED AT ONE SIDE ON A BENCH OF UNDISTURBED EARTH, AND WITH THE ELEVATION OF THE BOTTOM OF THE WATER MAIN AT LEAST EIGHTEEN (18) INCHES ABOVE THE TOP OF SEWER.
- CROSSING A WATER MAIN OVER A SEWER. WHENEVER NECESSARY FOR A WATER MAIN TO CROSS OVER A SEWER, THE WATER MAIN SHALL BE LAID AT SUCH AN ELEVATION THAT THE BOTTOM OF THE WATER MAIN IS AT LEAST EIGHTEEN (18) INCHES ABOVE THE TOP OF THE SEWER, UNLESS LOCAL CONDITIONS OR BARRIERS PREVENT AN EIGHTEEN (18) INCH SEPARATION -- IN WHICH CASE, BOTH THE WATER MAIN AND SEWER SHALL BE CONSTRUCTED OF FERROUS MATERIALS AND WITH JOINTS THAT ARE EQUIVALENT TO WATER MAIN STANDARDS FOR A DISTANCE OF TEN (10) FEET ON EACH SIDE OF THE CROSSING.
- CROSSING A WATER MAIN UNDER A SEWER. WHENEVER IT IS NECESSARY FOR A WATER MAIN TO CROSS UNDER A SEWER, BOTH THE WATER MAIN AND THE SEWER SHALL BE CONSTRUCTED OF FERROUS MATERIALS AND WITH JOINTS EQUIVALENT TO WATER MAIN STANDARDS FOR A DISTANCE OF TEN (10) FEET ON EACH SIDE OF THE POINT(S) OF CROSSING. A SECTION OF WATER MAIN PIPE SHALL BE CENTERED AT THE POINT OF CROSSING.

PRELIMINARY DRAWING  
FOR REVIEW  
PURPOSES ONLY



Know what's below.  
Call before you dig.

DATE: FEBRUARY 28, 2018    PROJ. NO.: 17-014    SHEET C1





PRELIMINARY DRAWING  
FOR REVIEW  
PURPOSES ONLY

THIS ORIGINAL SHEET IS 24"X36". OTHER DIMENSIONS  
INDICATE IT HAS BEEN ALTERED. ALL INFORMATION  
REPRESENTED ON THIS SHEET IS THE PROPERTY OF  
RED LINE ENGINEERING, P.C. UNLESS OTHERWISE NOTED.  
THIS INFORMATION SHALL NOT BE DUPLICATED IN PART  
OR WHOLE WITHOUT PRIOR WRITTEN AUTHORIZATION  
FROM RED LINE ENGINEERING, P.C. 2017 ©



SUNBELT GENERAL TOOLS

7635 US HWY 70 BUSINESS  
CLAYTON, NORTH CAROLINA 27520

EXISTING CONDITIONS & DEMOLITION PLANS

REVISIONS: DATE:

ISSUED FOR: DATE:

REVIEW/APPROVAL: 2/28/18

PROJECT NO.: 17-014

DRAWN BY: TAL

REVIEWED BY: GJM

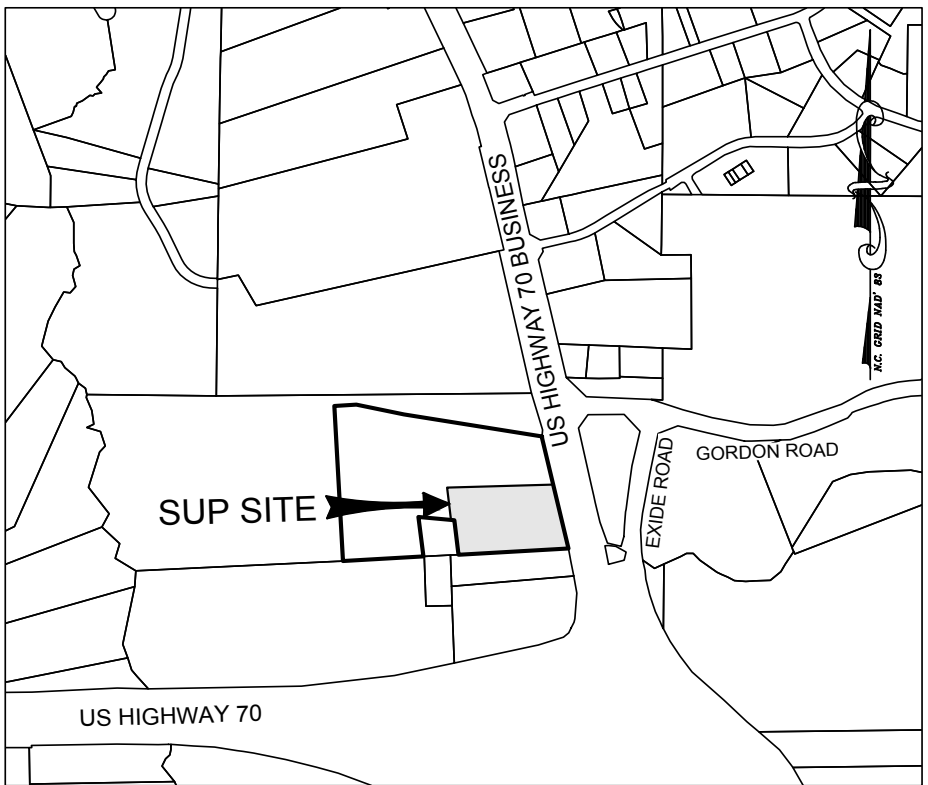
SHEET NUMBER:

C2

OF 10 SHEETS



Know what's below.  
Call before you dig.



VICINITY MAP  
SCALE: 1"=1,000'

NOTE: CONTRACTOR SHALL NOTIFY ARCHITECT/ENGINEER IMMEDIATELY  
IF ANY CONFLICTS, INCONSISTENCIES OR AMBIGUITIES EXIST BETWEEN  
ARCHITECTURAL, P.M.E., STRUCTURAL & CIVIL DRAWINGS &  
SPECIFICATIONS. IF HIDDEN SITE CONDITIONS ARE DISCOVERED  
DURING CONSTRUCTION/DEMOLITION, CONTRACTOR SHALL OBTAIN  
WRITTEN RESOLUTION PRIOR TO PROCEEDING WITH CONSTRUCTION.  
OTHERWISE, CONTRACTOR PROCEEDS AT THEIR OWN RISK.

NOTE: ALL CONSTRUCTION SHALL BE PERFORMED IN ACCORDANCE  
WITH TOWN OF CLAYTON, NCDOT, AND STATE OF NORTH CAROLINA  
STANDARDS AND SPECIFICATIONS

ALL PROPOSED WHEELCHAIR RAMPS (WCR) SHALL BE BUILT IN  
ACCORDANCE WITH NCDOT STANDARD DRAWINGS 848.05 & 848.06

SCALE: 1" = 60'  
60' 0 60'  
SCALE OF MAP MAY VARY  
DUE TO METHODS OF REPRODUCTION.

N 89°19'52" E  
132.98'

S 75°24'58" E  
290.77'

N/F  
HELEN P TUTTLE  
PIN: 167700-16-9558  
DB 665, PG 263  
ZONING: R-3

S 78°04'10" E  
871.55'

### GENERAL NOTES

- BOUNDARY & TOPOGRAPHIC SURVEY INFORMATION PROVIDED BY TERRESTRIAL SURVEYING, P.C., PERFORMED BY TIMOTHY P. MURRAY, P.L.S. (L-4833), DATED DECEMBER 20, 2017. INFORMATION PROVIDED FOR ENGINEERING DESIGN PURPOSES ONLY. NOT FOR SALE OR RECORDATION.
- CONTRACTOR SHALL FIELD VERIFY LOCATION, SIZE, MATERIAL AND DEPTH OF ALL EXISTING UTILITIES AND NOTIFY ENGINEER OF ANY DISCREPANCIES PRIOR TO COMMENCING CONSTRUCTION. ELEVATIONS INDICATED ON PLANS SHOWN AS APPROXIMATE. CONTRACTOR SHALL FIELD VERIFY ALL ELEVATIONS PRIOR TO COMMENCING CONSTRUCTION.
- CONTRACTOR IS RESPONSIBLE FOR DISPOSAL OF ALL WASTE MATERIALS GENERATED THROUGH ALL CONSTRUCTION RELATED ACTIVITIES.
- ALL DISTURBED AREAS SHALL BE SEEDED, FERTILIZED, AND MULCHED IN ACCORDANCE WITH NCDOT STABILIZATION TABLE.
- WATER & SEWER PIPES TO BE INSTALLED IN TRENCHES ACCORDING TO THE TOWN OF CLAYTON AND JOHNSTON COUNTY PUBLIC UTILITIES DEPARTMENT STANDARD SPECIFICATIONS AND DETAILS.
- ACCORDING TO THE SEDIMENTATION POLLUTION CONTROL ACT OF 1973 (NORTH CAROLINA GENERAL STATUTE 113A 51-60) THIS PROJECT IS SUBJECT TO AN APPROVED SEDIMENTATION AND EROSION CONTROL PLAN. TOTAL DISTURBED AREA EXCEEDS 12,000 SF, THEREFORE A TOWN OF CLAYTON LAND DISTURBING GRADING PERMIT IS REQUIRED.
- ALL WORK MUST COMPLY WITH APPLICABLE NCDOT STANDARDS, NORTH CAROLINA BUILDING CODES, TOWN OF CLAYTON, AND JOHNSTON COUNTY STANDARDS, DETAILS AND SPECIFICATIONS.
- ANY CONFLICT(S) BETWEEN ARCHITECTURAL, STRUCTURAL, PLUMBING, MECHANICAL, ELECTRICAL AND CIVIL SHEETS SHALL BE SUBMITTED BY CONTRACTOR, IN WRITING, TO BOTH ARCHITECT AND ENGINEER. WRITTEN CLARIFICATION/RESOLUTION MUST BE RECEIVED BY CONTRACTOR FROM ARCHITECT AND ENGINEER PRIOR TO COMMENCING CONSTRUCTION.
- LATERAL SEPARATION OF SEWERS OR WATER MAINS. WATER MAINS SHALL BE LAID AT LEAST TEN (10) FEET LATERALLY FROM EXISTING OR FUTURE SEWERS, UNLESS LOCAL CONDITIONS OR BARRIERS PREVENT A TEN (10) FOOT LATERAL SEPARATION - IN WHICH CASE:
  - THE WATER MAIN IS LAID IN A SEPARATE TRENCH, WITH THE ELEVATION ON THE BOTTOM OF THE WATER MAIN AT LEAST EIGHTEEN (18) INCHES ABOVE THE TOP OF SEWER; OR
  - THE WATER MAIN IS LAID IN THE SAME TRENCH AS THE SEWER WITH THE WATER MAIN LOCATED AT ONE SIDE ON A BENCH OF UNDISTURBED EARTH, AND WITH THE ELEVATION OF THE BOTTOM OF THE WATER MAIN AT LEAST EIGHTEEN (18) INCHES ABOVE THE TOP OF SEWER.
- CROSSING A WATER MAIN OVER A SEWER. WHENEVER NECESSARY FOR A WATER MAIN TO CROSS OVER A SEWER, THE WATER MAIN SHALL BE LAID AT SUCH AN ELEVATION THAT THE BOTTOM OF THE WATER MAIN IS AT LEAST EIGHTEEN (18) INCHES ABOVE THE TOP OF THE SEWER, UNLESS LOCAL CONDITIONS OR BARRIERS PREVENT AN EIGHTEEN (18) INCH SEPARATION - IN WHICH CASE, BOTH THE WATER MAIN AND SEWER SHALL BE CONSTRUCTED OF FERROUS MATERIALS AND WITH JOINTS THAT ARE EQUIVALENT TO WATER MAIN STANDARDS FOR A DISTANCE OF TEN (10) FEET ON EACH SIDE OF THE CROSSING.
- CROSSING A WATER MAIN UNDER A SEWER. WHENEVER IT IS NECESSARY FOR A WATER MAIN TO CROSS UNDER A SEWER, BOTH THE WATER MAIN AND THE SEWER SHALL BE CONSTRUCTED OF FERROUS MATERIALS AND WITH JOINTS EQUIVALENT TO WATER MAIN STANDARDS FOR A DISTANCE OF TEN (10) FEET ON EACH SIDE OF THE POINT(S) OF CROSSING. A SECTION OF WATER MAIN PIPE SHALL BE CENTERED AT THE POINT OF CROSSING.

N/F  
CMH HOMES INC  
PIN: 167700-26-7660  
DB 2251, PG 242  
ZONING: B-2  
(B-3 PROPOSED ZONING)

S 41°14'21" E  
243.37'

N 82°38'27" W  
172.01'

N 82°38'27" W  
40.03'

N 03°53'27" W  
213.00'

N 04°51'42" W  
108.56'

N 82°38'27" W  
172.01'

N 82°38'27" W  
40.03'

N 03°53'27" W  
213.00'

N 04°51'42" W  
108.56'

N 82°38'27" W  
172.01'

N 82°38'27" W  
40.03'

N 03°53'27" W  
213.00'

N 04°51'42" W  
108.56'

N 82°38'27" W  
172.01'

N 82°38'27" W  
40.03'

N 03°53'27" W  
213.00'

N 04°51'42" W  
108.56'

N 82°38'27" W  
172.01'

N 82°38'27" W  
40.03'

N 03°53'27" W  
213.00'

N 04°51'42" W  
108.56'

N 82°38'27" W  
172.01'

N 82°38'27" W  
40.03'

N 03°53'27" W  
213.00'

N 04°51'42" W  
108.56'

N 82°38'27" W  
172.01'

N 82°38'27" W  
40.03'

N 03°53'27" W  
213.00'

N 04°51'42" W  
108.56'

N 82°38'27" W  
172.01'

N 82°38'27" W  
40.03'

N 03°53'27" W  
213.00'

N 04°51'42" W  
108.56'

N 82°38'27" W  
172.01'

N 82°38'27" W  
40.03'

N 03°53'27" W  
213.00'

N 04°51'42" W  
108.56'

N 82°38'27" W  
172.01'

N 82°38'27" W  
40.03'

N 03°53'27" W  
213.00'

N 04°51'42" W  
108.56'

N 82°38'27" W  
172.01'

N 82°38'27" W  
40.03'

N 03°53'27" W  
213.00'

N 04°51'42" W  
108.56'

N 82°38'27" W  
172.01'

N 82°38'27" W  
40.03'

N 03°53'27" W  
213.00'

N 04°51'42" W  
108.56'

N 82°38'27" W  
172.01'

N 82°38'27" W  
40.03'

N 03°53'27" W  
213.00'

N 04°51'42" W  
108.56'

N 82°38'27" W  
172.01'

N 82°38'27" W  
40.03'

N 03°53'27" W  
213.00'

N 04°51'42" W  
108.56'

N 82°38'27" W  
172.01'

N 82°38'27" W  
40.03'

N 03°53'27" W  
213.00'

N 04°51'42" W  
108.56'

N 82°38'27" W  
172.01'

N 82°38'27" W  
40.03'

N 03°53'27" W  
213.00'

N 04°51'42" W  
108.56'

N 82°38'27" W  
172.01'

N 82°38'27" W  
40.03'

N 03°53'27" W  
213.00'

N 04°51'42" W  
108.56'

N 82°38'27" W  
172.01'

N 82°38'27" W  
40.03'

N 03°53'27" W  
213.00'

N 04°51'42" W  
108.56'

N 82°38'27" W  
172.01'

N 82°38'27" W  
40.03'

N 03°53'27" W  
213.00'

N 04°51'42" W  
108.56'

N 82°38'27" W  
172.01'

N 82°38'27" W  
40.03'

N 03°53'27" W  
213.00'

N 04°51'42" W  
108.56'

N 82°38'27" W  
172.01'

N 82°38'27" W  
40.03'

N 03°53'27" W  
213.00'

N 04°51'42" W  
108.56'

N 82°38'27" W  
172.01'

N 82°38'27" W  
40.03'

N 03°53'27" W  
213.00'

N 04°51'42" W  
108.56'

N 82°38'27" W  
172.01'

N 82°38'27" W  
40.03'

N 03°53'27" W  
213.00'

N 04°51'42" W  
108.56'

N 82°38'27" W  
172.01'

N 82°38'27" W  
40.03'

N 03°53'27" W  
213.00'

N 04°51'42" W  
108.56'

N 82°38'27" W  
172.01'

N 82°38'27" W  
40.03'

N 03°53'27" W  
213.00'

N 04°51'42" W  
108.56'

N 82°38'27" W  
172.01'

N 82°38'27" W  
40.03'

N 03°53'27" W  
213.00'

N 04°51'42" W  
108.56'

N 82°38'27" W  
172.01'

N 82°38'27" W  
40.03'

N 03°53'27" W  
213.00'

N 04°51'42" W  
108.56'

N 82°38'27" W  
172.01'

N 82°38'27" W  
40.03'

N 03°53'27" W  
213.00'

N 04°51'42" W  
108.56'

N 82°38'27" W  
172.01'

N 82°38'27" W  
40.03'

N 03°53'27" W  
213.00'

N 04°51'42" W  
108.56'

N 82°38'27" W  
172.01'

N 82°38'27" W  
40.03'

N 03°53'27" W  
213.00'

N 04°51'42" W  
108.56'

N 82°38'27" W  
172.01'

N 82°38'27" W  
40.03'

N 03°53'27" W  
213.00'

N 04°51'42" W  
108.56'

N 82°38'27" W  
172.01'

N 82°38'27" W  
40.03'

N 03°53'27" W  
213.00'

N 04°51'42" W  
108.56'

N 82°38'27" W  
172.01'

N 82°38'27" W  
40.03'

N 03°53'27" W  
213.00'

N 04°51'42" W  
108.56'

N 82°38'27" W  
172.01'

N 82°38'27" W  
40.03'

N 03°53'27" W  
213.00'

N 04°51'42" W  
108.56'

N 82°38'27" W  
172.01'

N 82°38'27" W  
40.03'

N 03°53'27" W  
213.00'

N 04°51'42" W  
108.56'

N 82°38'27" W  
172.01'

N 82°38'27" W  
40.03'

N 03°53'27" W  
213.00'

N 04°51'42" W  
108.56'

N 82°38'27" W  
172.01'

N 82°38'27" W  
40.03'

N 03°53'27" W  
213.00'

N 04°51'42" W  
108.56'

N 82°38'27" W  
172.01'

N 82°38'27" W  
40.03'

N 03°53'27" W  
213.00'

N 04°51'42" W  
108.56'

N 82°38'27" W  
172.01'

N 82°38'27" W  
40.03'

N 03°53'27" W  
213.00'

N 04°51'42" W  
108.56'

N 82°38'27" W  
172.01'

N 82°38'27" W  
40.03'

N 03°53'27" W  
213.00'

N 04°51'42" W  
108.56'

N 82°38'27" W  
172.01'

N 82°38'27" W  
40.03'

N 03°53'27" W  
213.00'

N 04°51'42" W  
108.56'

N 82°38'27" W  
172.01'

N 82°38'27" W  
40.03'

N 03°53'27" W  
213.00'

N 04°51'42" W  
108.56'

N 82°38'27" W  
172.01'

N 82°38'27" W  
40.03'

N 03°53'27" W  
213.00'

N 04°51'42" W  
108.56'

N 82°38'27" W  
172.01'

N 82°38'27" W  
40.03'

N 03°53'27" W  
213.00'

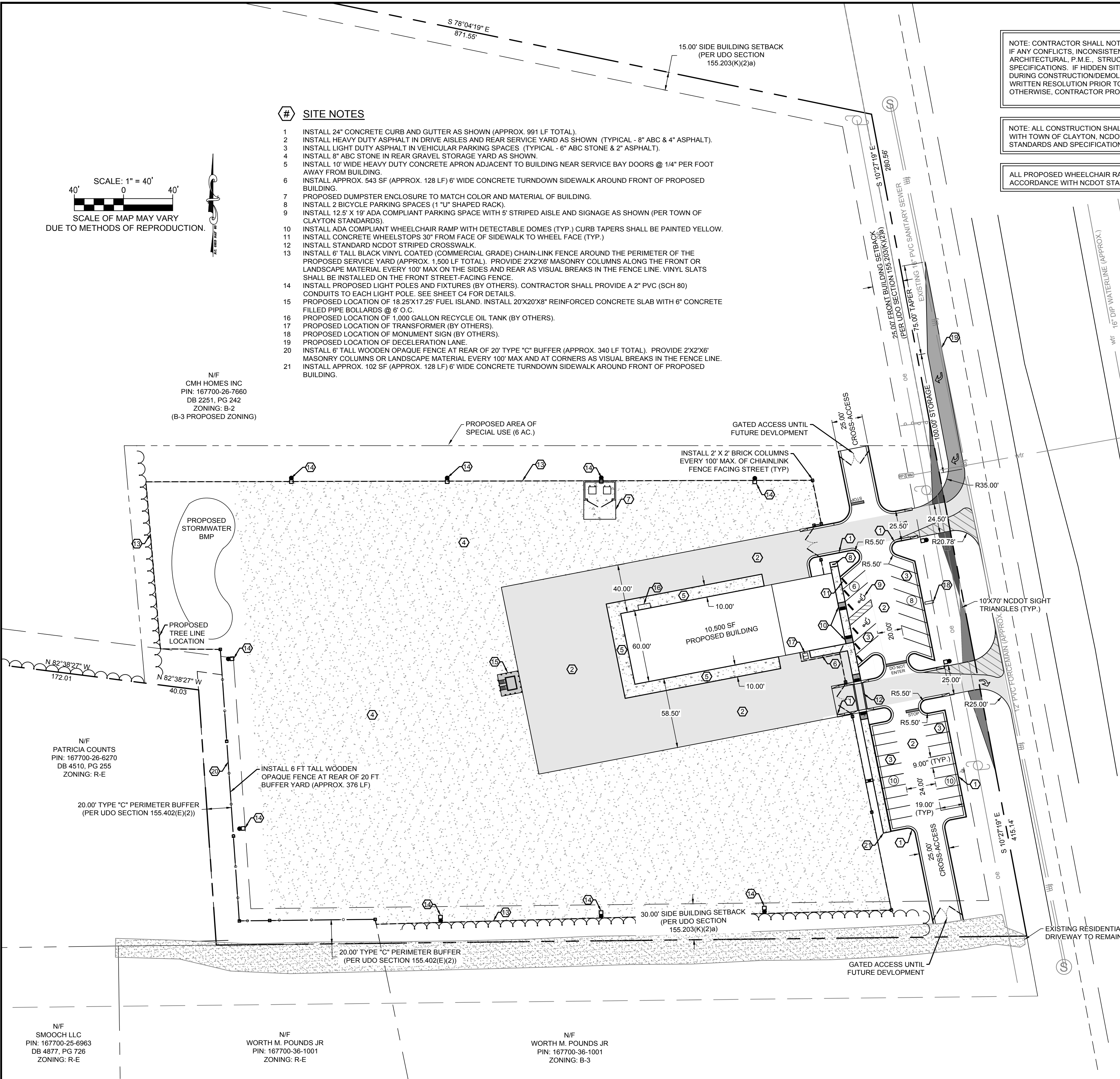
N 04°51'42" W  
108.56'

N 82°38'27" W  
172.01'

N 82°38'27" W  
40.03'

&lt;





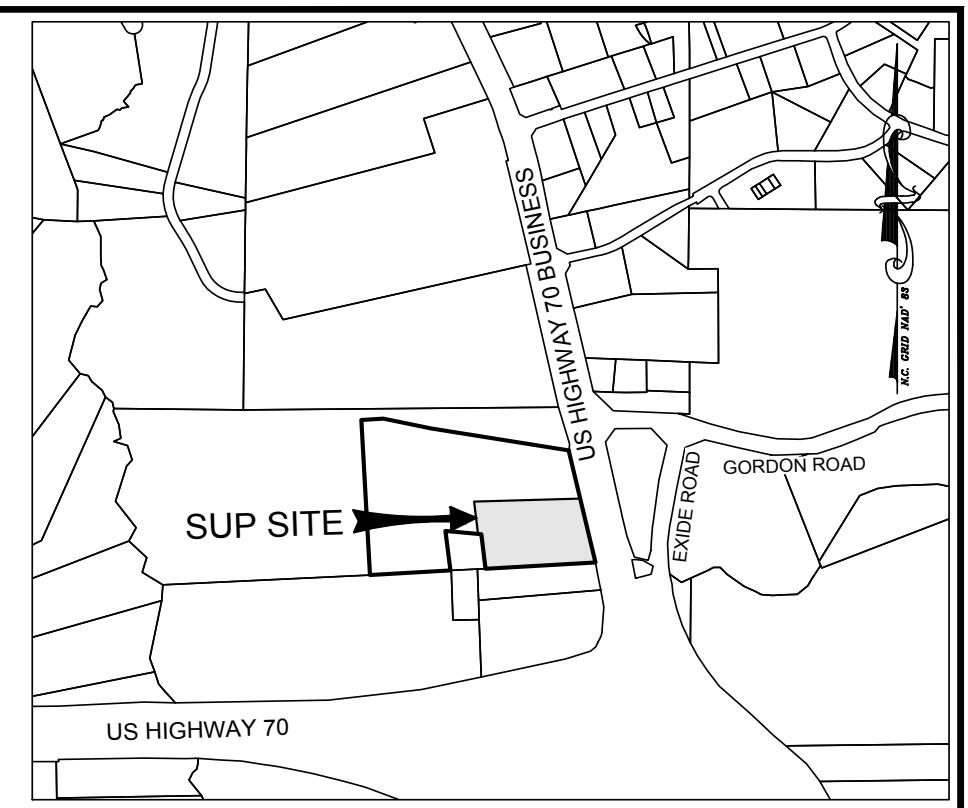
SCALE: 1" = 40'  
SCALE OF MAP MAY VARY  
DUE TO METHODS OF REPRODUCTION.

- # SITE NOTES
1. INSTALL 24" CONCRETE CURB AND GUTTER AS SHOWN (APPROX. 991 LF TOTAL).
  2. INSTALL HEAVY DUTY ASPHALT IN DRIVE AISLES AND REAR SERVICE YARD AS SHOWN (TYPICAL - 8" ABC & 4" ASPHALT).
  3. INSTALL LIGHT DUTY ASPHALT IN VEHICULAR PARKING SPACES (TYPICAL - 6" ABC STONE & 2" ASPHALT).
  4. INSTALL 8" ABC STONE IN REAR GRAVEL STORAGE YARD AS SHOWN.
  5. INSTALL 10" WIDE HEAVY DUTY CONCRETE APRON ADJACENT TO BUILDING NEAR SERVICE BAY DOORS @ 1/4" PER FOOT AWAY FROM BUILDING.
  6. INSTALL APPROX. 543 SF (APPROX. 128 LF) 6" WIDE CONCRETE TURNDOWN SIDEWALK AROUND FRONT OF PROPOSED BUILDING.
  7. PROPOSED DUMPSTER ENCLOSURE TO MATCH COLOR AND MATERIAL OF BUILDING.
  8. INSTALL 2 BICYCLE PARKING SPACES (1 "U" SHAPED RACK).
  9. INSTALL 12' 5" X 19' ADA COMPLIANT PARKING SPACE WITH 5' STRIPED AISLE AND SIGNAGE AS SHOWN (PER TOWN OF CLAYTON STANDARDS).
  10. INSTALL ADA COMPLIANT WHEELCHAIR RAMP WITH DETECTABLE DOMES (TYP.) CURB TAPERS SHALL BE PAINTED YELLOW.
  11. INSTALL CONCRETE WHEELSTOPS 30" FROM FACE OF SIDEWALK TO WHEEL FACE (TYP.)
  12. INSTALL STANDARD NCDOT STRIPED CROSSWALK.
  13. INSTALL 6" TALL BLACK VINYL COATED (COMMERCIAL GRADE) CHAIN-LINK FENCE AROUND THE PERIMETER OF THE PROPOSED SERVICE YARD (APPROX. 1,500 LF TOTAL). PROVIDE 2X2X8" MASONRY COLUMNS ALONG THE FRONT OR LANDSCAPE MATERIAL EVERY 100' MAX. ON THE SIDES AND REAR AS VISUAL BREAKS IN THE FENCE LINE. VINYL SLATS SHALL BE INSTALLED ON THE FRONT STREET-FACING FENCE.
  14. INSTALL PROPOSED LIGHT POLES AND FIXTURES (BY OTHERS), CONTRACTOR SHALL PROVIDE A 2" PVC (SCH 80) CONDUITS TO EACH LIGHT POLE. SEE SHEET C4 FOR DETAILS.
  15. PROPOSED LOCATION OF 18.25X17.25' FUEL ISLAND. INSTALL 20'X20'X8" REINFORCED CONCRETE SLAB WITH 6" CONCRETE FILLED PIPE BOLLARDS @ 5' O.C.
  16. PROPOSED LOCATION OF 1,000 GALLON RECYCLE OIL TANK (BY OTHERS).
  17. PROPOSED LOCATION OF TRANSFORMER (BY OTHERS).
  18. PROPOSED LOCATION OF MONUMENT SIGN (BY OTHERS).
  19. PROPOSED LOCATION OF DECELERATION LANE.
  20. INSTALL 6" TALL WOODEN OPAQUE FENCE AT REAR OF 20' TYPE "C" BUFFER (APPROX. 340 LF TOTAL). PROVIDE 2X2X8" MASONRY COLUMNS OR LANDSCAPE MATERIAL EVERY 100' MAX AND AT CORNERS AS VISUAL BREAKS IN THE FENCE LINE.
  21. INSTALL APPROX. 102 SF (APPROX. 128 LF) 6" WIDE CONCRETE TURNDOWN SIDEWALK AROUND FRONT OF PROPOSED BUILDING.

NOTE: CONTRACTOR SHALL NOTIFY ARCHITECT/ENGINEER IMMEDIATELY IF ANY CONFLICTS, INCONSISTENCIES OR AMBIGUITIES EXIST BETWEEN ARCHITECTURAL, P.M.E., STRUCTURAL & CIVIL DRAWINGS & SPECIFICATIONS. IF HIDDEN SITE CONDITIONS ARE DISCOVERED DURING CONSTRUCTION/DEMOLITION, CONTRACTOR SHALL OBTAIN WRITTEN RESOLUTION PRIOR TO PROCEEDING WITH CONSTRUCTION. OTHERWISE, CONTRACTOR PROCEEDS AT THEIR OWN RISK.

NOTE: ALL CONSTRUCTION SHALL BE PERFORMED IN ACCORDANCE WITH TOWN OF CLAYTON, NCDOT, AND STATE OF NORTH CAROLINA STANDARDS AND SPECIFICATIONS

ALL PROPOSED WHEELCHAIR RAMPS (WCR) SHALL BE BUILT IN ACCORDANCE WITH NCDOT STANDARD DRAWINGS 848.05 & 848.06



VICINITY MAP  
SCALE: 1"=1,000'

| SITE PLAN INFORMATION:                 |                                                                                                                                    |
|----------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|
| 1. NAME:                               | SUNBELT GENERAL TOOLS                                                                                                              |
| 2. STREET ADDRESS:                     | 7635 US HIGHWAY 70 BUSINESS<br>CLAYTON, NORTH CAROLINA 27520                                                                       |
| 3. P.I.N.:                             | 167700-26-7660                                                                                                                     |
| 4. LAND USE (EXISTING/PROPOSED):       | VACANT/ EQUIPMENT SALE & RENTAL                                                                                                    |
| 5. TOTAL NUMBER OF LOTS:               | 1                                                                                                                                  |
| 6. PROPOSED SPECIAL USE AREA:          | 271,061 SF/6.22 ACRES                                                                                                              |
| 7. DISTURBED AREA:                     | 240,540 SF/5.52 ACRES                                                                                                              |
| 8. CURRENT/PROPOSED ZONING:            | B-2/B-3                                                                                                                            |
| 9. PROPOSED BUILDING LOT COVERAGE:     | 4.02%                                                                                                                              |
| 12. BUILDING SETBACKS:                 | FRONT - 20 FT.<br>SIDE - 15 FT / 30 FT. (ADJACENT RESIDENTIAL)<br>REAR - 30 FT.                                                    |
| 13. INSIDE TOWN LIMITS:                | NO                                                                                                                                 |
| 14. INSIDE FLOOD HAZARD BOUNDARY:      | NO (PER FEMA MAP #3720167700J)<br>EFFECTIVE DATE: DECEMBER 2, 2005                                                                 |
| 15. BUILDING SQUARE FOOTAGE & USE:     | 3,000 SF OFFICE<br>7,500 SF SERVICE BAYS (9 TOTAL)<br>10,500 SF TOTAL                                                              |
| 16. PROPOSED PARKING REQUIREMENTS:     | OFFICE<br>(1 SPACE / 250 SF)<br>X (3,000 SF)<br>12 SPACES REQUIRED                                                                 |
| VEHICLE SALES / RENTAL                 | (2 SPACES / SERVICE BAY)<br>X (9 BAYS)<br>18 SPACES REQUIRED                                                                       |
| TOTAL SPACES REQUIRED                  | 30 SPACES TOTAL                                                                                                                    |
| TOTAL SPACES PROVIDED                  | 34 SPACES PROPOSED (2 H.C. + 32 REG.)                                                                                              |
| 17. PROPOSED BICYCLE PARKING REQUIRED: | 1 RACK REQUIRED (2 SPACES)                                                                                                         |
| VEHICLE SALES OR RENTAL                | PER UDO SECTION 155.401(C)(2)                                                                                                      |
| 18. IMPERVIOUS SURFACE AREA:           | EXISTING:<br>93,245 SF / 2.14 ACRES (34%)<br>PROPOSED:<br>108,978 SF / 2.50 ACRES (40%)<br>TOTAL:<br>202,223 SF / 4.64 ACRES (75%) |
| 19. PROPOSED WATER PROVIDER:           | TOWN OF CLAYTON                                                                                                                    |
| 20. PROPOSED SEWER PROVIDER:           | TOWN OF CLAYTON                                                                                                                    |
| 21. OWNER:                             | CMH HOMES, INC.<br>P.O. BOX 9790<br>MARYVILLE, TENNESSEE 37802                                                                     |
| 22. DEVELOPER:                         | MOFFAT PROPERTIES<br>4901 UNICON DRIVE<br>WAKE FOREST, NORTH CAROLINA 27587                                                        |

NOTE: A FEE-IN-LIEU IS PROPOSED FOR THE REQUIRED CURB AND GUTTER AND SIDEWALK ALONG THE PUBLIC RIGHT-OF-WAY FOR THE PROPERTY FRONTAGE ON US HWY. 70 BUSINESS, WHICH WILL BE REVIEWED PRIOR TO CONSTRUCTION DRAWINGS APPROVAL. THE DEVELOPER RETAINS THE RIGHT TO INSTALL THE REQUIRED IMPROVEMENTS OR PAY THE FEE-IN-LIEU.

PRELIMINARY DRAWING  
FOR REVIEW  
PURPOSES ONLY

THIS ORIGINAL SHEET IS 24"x36". OTHER DIMENSIONS INDICATE IT HAS BEEN ALTERED. ALL INFORMATION REPRESENTED ON THIS SHEET IS THE PROPERTY OF RED LINE ENGINEERING, P.C. UNDER PENALTY OF LAW, THIS INFORMATION SHALL NOT BE DUPLICATED IN PART OR WHOLE WITHOUT PRIOR WRITTEN AUTHORIZATION FROM RED LINE ENGINEERING, P.C. 2017 ©

RED LINE ENGINEERING, P.C. (C-3075)  
1401 AVERSBORO ROAD, SUITE #210  
CLAYTON, NORTH CAROLINA 27529  
PHONE: (813) 779-5851

SUNBELT GENERAL TOOLS  
7635 US HWY 70 BUSINESS  
CLAYTON, NORTH CAROLINA 27520

PRELIMINARY SITE PLAN

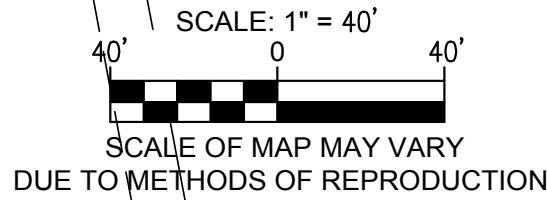
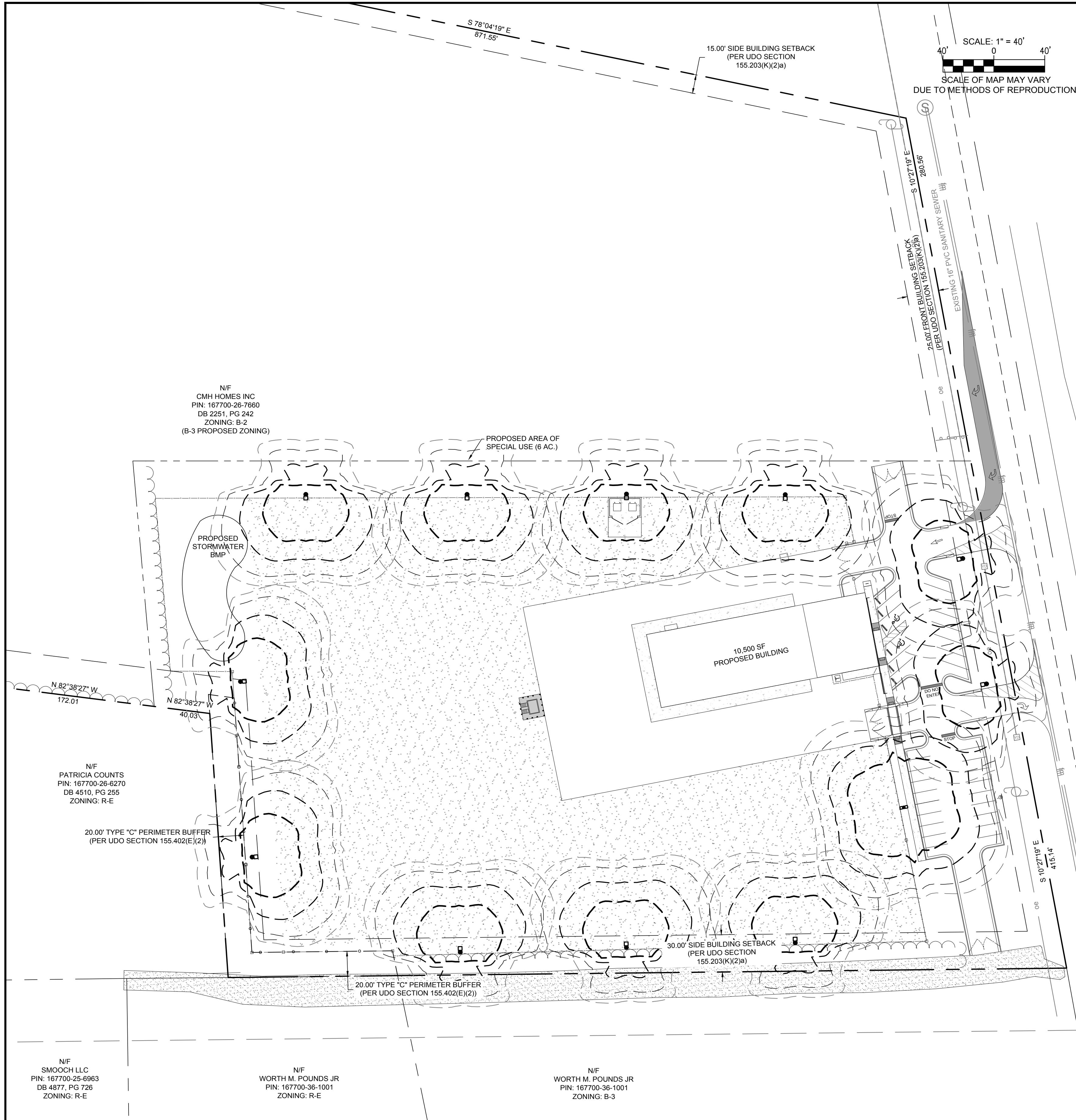
| REVISIONS: | DATE: |
|------------|-------|
|            |       |
|            |       |
|            |       |
|            |       |

| ISSUED FOR:     | DATE:   |
|-----------------|---------|
| REVIEW/APPROVAL | 2/28/17 |
|                 |         |
|                 |         |
|                 |         |

|               |        |
|---------------|--------|
| PROJECT NO.:  | 17-014 |
| DRAWN BY:     | TAL    |
| REVIEWED BY:  | GJM    |
| SHEET NUMBER: | C3     |
| OF 10 SHEETS  |        |



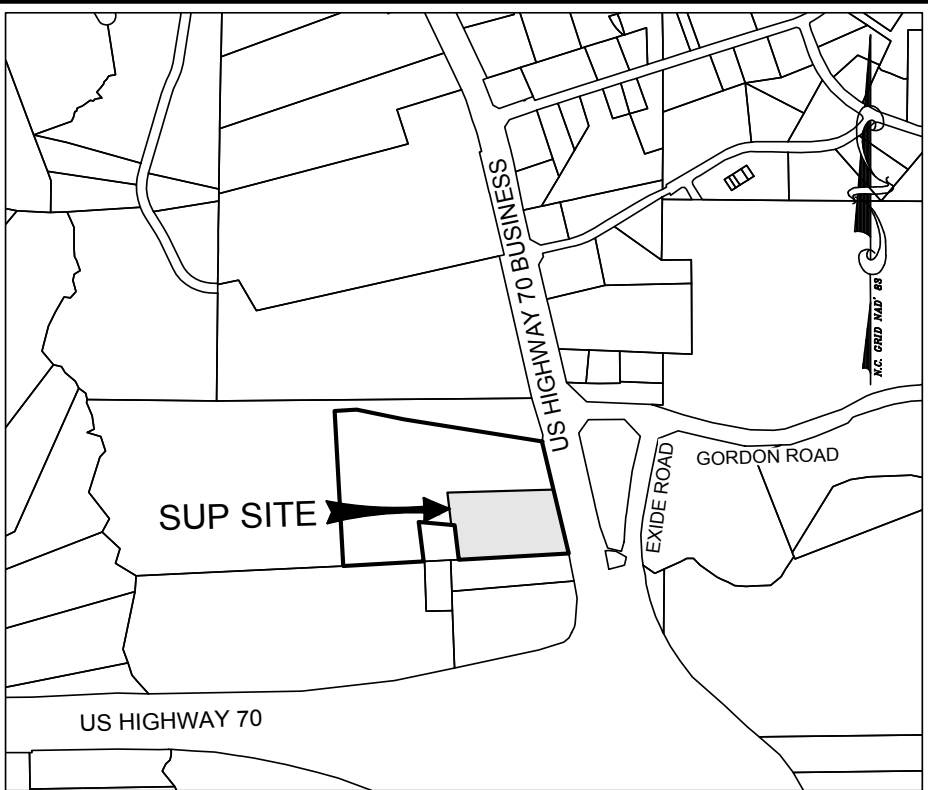




SITE LIGHTING NOTE: PLEASE NOTE THAT DUKE ENERGY WILL BE PROVIDING SITE LIGHTING POLES AND FIXTURES FOR THIS PROJECT. CONTRACTOR SHALL COORDINATE AND FACILITATE BETWEEN OWNER AND DUKE ENERGY. CONTRACTOR SHALL INSTALL BASES, CONDUITS AND PULL BOXES FOR SITE LIGHTING FIXTURES. SEE ARCHITECTURAL & ELECTRICAL PLANS FOR BUILDING MOUNTED AND GROUND MOUNTED LIGHTING.

PERIMETER SITE LIGHTING NOTE: PLEASE NOTE THAT ALL SITE LIGHTING WITHIN 50 FT. OF THE PROPERTY LINE OR PERIMETER OF THE PROPOSED IMPROVEMENTS SHALL BE FULL CUT-OFF FIXTURES AND SHALL NOT EXCEED 0.50 FOOT-CANDLES AT THE PROPERTY LINE.

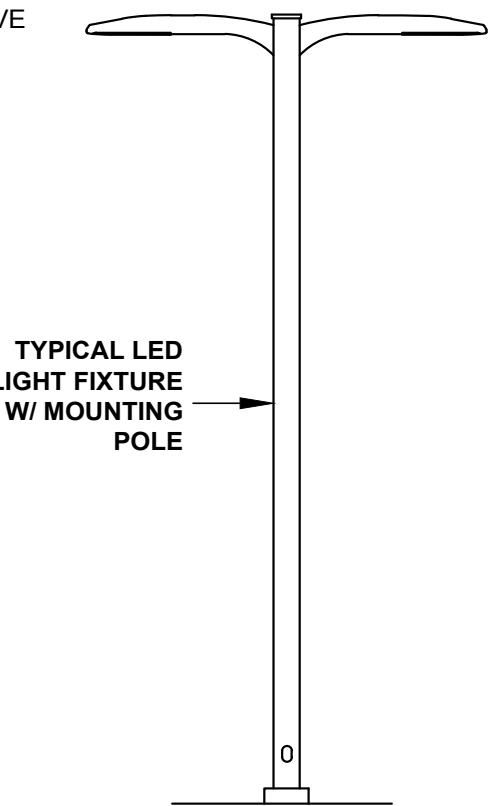
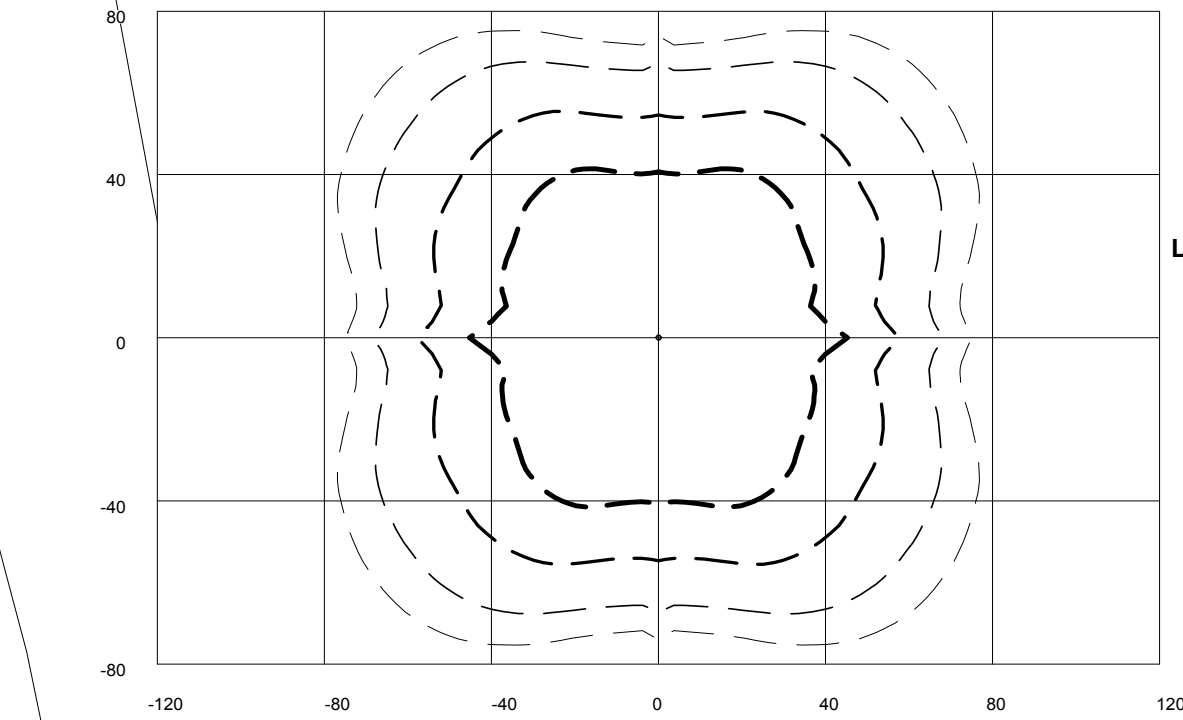
ELECTRICAL & GAS SERVICES NOTE: ELECTRICAL SERVICE AND TRANSFORMERS SHALL BE PROVIDED BY OTHERS (DUKE ENERGY). NATURAL GAS SERVICE SHALL BE PROVIDED BY OTHERS AND IS NOT SHOWN ON THESE PLANS. CONTRACTOR SHALL COORDINATE SERVICES WITH SERVICE PROVIDERS DIRECTLY.



VICINITY MAP  
SCALE: 1"=1,000'

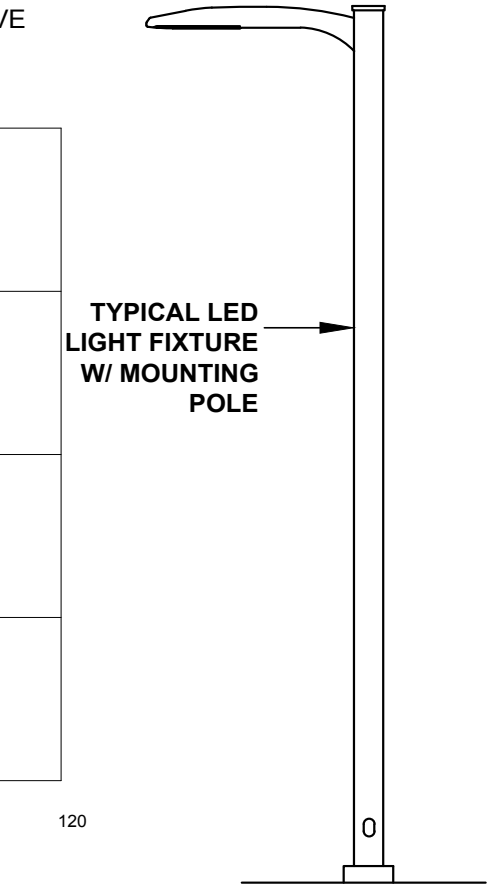
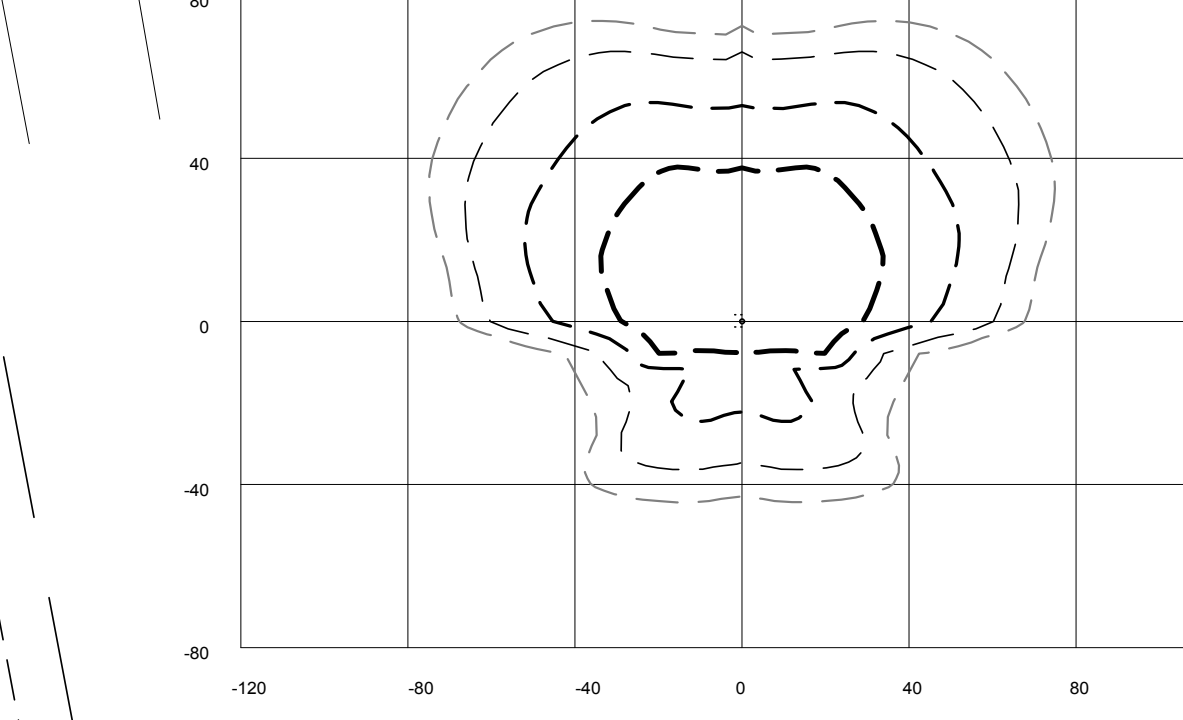
| FIXTURE SCHEDULE |        |                                                                   |                         |        |                            |         |
|------------------|--------|-------------------------------------------------------------------|-------------------------|--------|----------------------------|---------|
| TYP              | SYMBOL | DESCRIPTION                                                       | LAMP                    | LUMENS | MOUNTING/BALLAST           | LLF QTY |
| 20FT             |        | (2) LITHONIA LIGHTING DSX1 LED DSX1 LED 40C 1000 40K T4M MVOLT HS | (2) 20 LED LIGHT ENGINE | 12,379 | 20' MT HT LEDNTA1050C140DO | 0.64 1  |

NOTE: THE FOOTCANDLE READINGS BELOW ARE MAINTAINED AND HAVE BEEN DEPRECIATED FOR LAMP LUMEN DEPRECIATION AND LUMINAIRE DIRT DEPRECIATION. FOR INITIAL FOOTCANDLES, DIVIDE THE READINGS BELOW BY .64.



| FIXTURE SCHEDULE |        |                                                               |                         |        |                            |         |
|------------------|--------|---------------------------------------------------------------|-------------------------|--------|----------------------------|---------|
| TYP              | SYMBOL | DESCRIPTION                                                   | LAMP                    | LUMENS | MOUNTING/BALLAST           | LLF QTY |
| 20FT             |        | LITHONIA LIGHTING DSX1 LED DSX1 LED 40C 1000 40K T4M MVOLT HS | (2) 20 LED LIGHT ENGINE | 12,379 | 20' MT HT LEDNTA1050C140DO | 0.64 11 |

NOTE: THE FOOTCANDLE READINGS BELOW ARE MAINTAINED AND HAVE BEEN DEPRECIATED FOR LAMP LUMEN DEPRECIATION AND LUMINAIRE DIRT DEPRECIATION. FOR INITIAL FOOTCANDLES, DIVIDE THE READINGS BELOW BY .64.



PRELIMINARY DRAWING  
FOR REVIEW  
PURPOSES ONLY

THIS ORIGINAL SHEET IS 24"x36". OTHER DIMENSIONS INDICATE IT HAS BEEN ALTERED. ALL INFORMATION REPRESENTED ON THIS SHEET IS THE PROPERTY OF RED LINE ENGINEERING, P.C. UNDER PENALTY OF LAW, THIS INFORMATION SHALL NOT BE DUPLICATED IN PART OR WHOLE WITHOUT PRIOR WRITTEN AUTHORIZATION FROM RED LINE ENGINEERING, P.C. 2017 ©



SUNBELT GENERAL TOOLS

7635 US HWY 70 BUSINESS  
CLAYTON, NORTH CAROLINA 27520

PRELIMINARY SITE LIGHTING PLAN

REVISIONS: DATE:

ISSUED FOR: DATE:  
REVIEW/APPROVAL 2/28/18

PROJECT NO.: 17-014

DRAWN BY: TAL

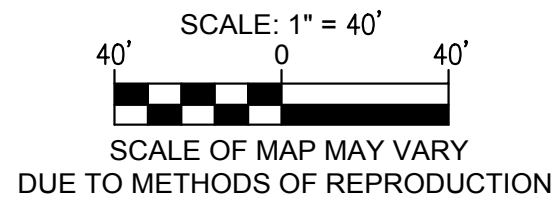
REVIEWED BY: GJM

SHEET NUMBER:

C4

OF 10 SHEETS



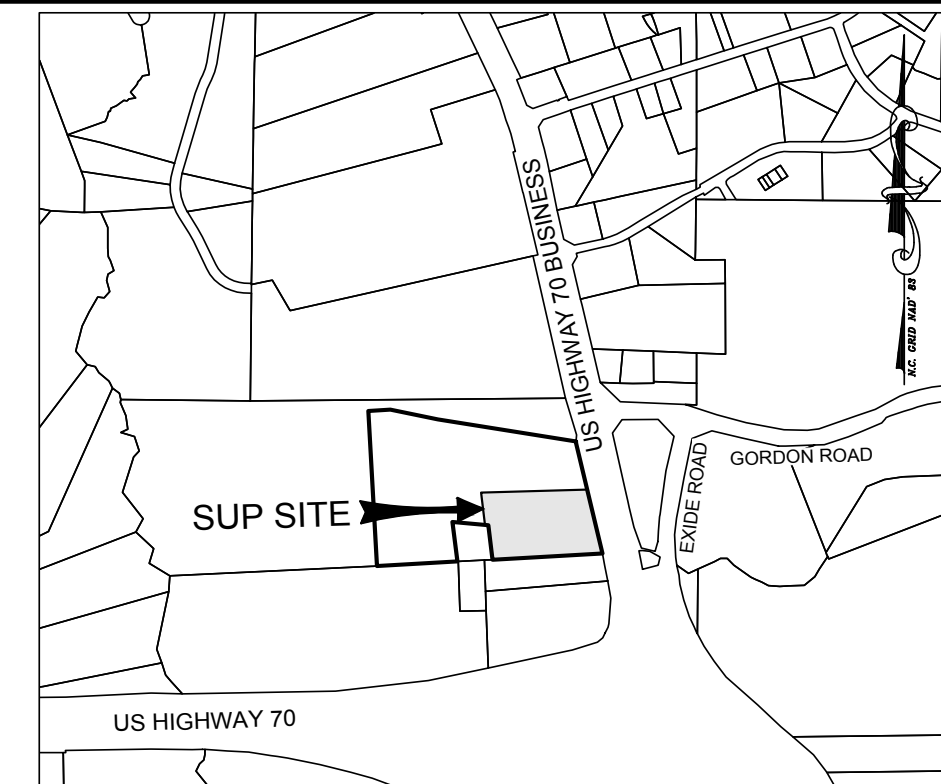


- 1 PROPOSED LOCATION OF SAND, OIL AND WATER SEPARATOR  
(SIZE TO BE DETERMINED AT SITE PLAN APPROVAL).
- 2 PROPOSED LOCATION SANITARY SEWER PRIVATE LIFT/COMPLEX EXISTING  
3 PUMP STATION TO LOCATE WITHIN 12' PWC FOREMAIN.
- 4 INSTALL APPROX. 128 LF 2" PVC (SCH 80) FOREMAIN TO EXISTING  
5 PUBLIC 12" PVC FOREMAIN. INSTALL 2" BALL VALVE AND 2" CHECK  
6 VALVE INSIDE 12' PWC FOREMAIN.
- 7 INSTALL APPROX. 165 LF OF 8" WATER MAIN AND FIRE HYDRANT  
8 ASSEMBLY VIA BORE & JACK WITH APPROX. 150 LF. OF 16" STEEL  
9 CASING PIPE (NCDOT MUST APPROVE UTILITY ENCRAGEMENT).
- 10 INSTALL 3/4" WATER MAIN TO EXISTING 12" WATER MAIN TO  
11 REMAIN. INSTALL APPROX. 230 LF OF 1" TYPE "K" COPPER WATER  
12 SERVICE FROM EXISTING RPZ TO PROPOSED BUILDING.
- 13 CONNECT TO EXISTING 16" DUE WATERLINE WITH 16"x8" FULL BODY  
14 TAP. SLEEVE AND GASKET ASSEMBLY TO EXISTING CLAYTON AND  
15 JOHNSON COUNTY PUBLIC UTILITIES APPROVED ASSEMBLIES LIST)

NOTE: CONTRACTOR SHALL NOTIFY ARCHITECT/ENGINEER IMMEDIATELY IF ANY CONFLICTS, INCONSISTENCIES OR AMBIGUITIES EXIST BETWEEN ARCHITECTURAL, P.M.E., STRUCTURAL & CIVIL DRAWINGS & SPECIFICATIONS. IF HIDDEN SITE CONDITIONS ARE DISCOVERED DURING CONSTRUCTION/DEMOLITION, CONTRACTOR SHALL OBTAIN WRITTEN RESOLUTION PRIOR TO PROCEEDING WITH CONSTRUCTION. OTHERWISE, CONTRACTOR PROCEEDS AT THEIR OWN RISK.

NOTE: ALL CONSTRUCTION SHALL BE PERFORMED IN ACCORDANCE WITH TOWN OF CLAYTON, NCDOT, AND STATE OF NORTH CAROLINA STANDARDS AND SPECIFICATIONS

ALL PROPOSED WHEELCHAIR RAMPS (WCR) SHALL BE BUILT IN ACCORDANCE WITH NCDOT STANDARD DRAWINGS 848.05 & 848.06



VICINITY MAP  
SCALE: 1"=1,000'



PRELIMINARY DRAWING  
FOR REVIEW  
PURPOSES ONLY

THIS ORIGINAL SHEET IS 24"x36". OTHER DIMENSIONS INDICATE IT HAS BEEN ALTERED. ALL INFORMATION REPRESENTED ON THIS SHEET IS THE PROPERTY OF RED LINE ENGINEERING, P.C. UNDER PENALTY OF LAW THIS INFORMATION SHALL NOT BE DUPLICATED IN PART OR WHOLE WITHOUT PRIOR WRITTEN AUTHORIZATION FROM RED LINE ENGINEERING, P.C. 2017 ©



**SUNBELT GENERAL TOOLS**  
7635 US HWY 70 BUSINESS  
CLAYTON, NORTH CAROLINA 27520

PRELIMINARY UTILITY PLAN

|            |       |
|------------|-------|
| REVISIONS: | DATE: |
|            |       |
|            |       |
|            |       |
|            |       |

|                 |         |
|-----------------|---------|
| ISSUED FOR:     | DATE:   |
| REVIEW/APPROVAL | 2/28/18 |
|                 |         |
|                 |         |
|                 |         |

PROJECT NO.: 17-014  
DRAWN BY: TAL  
REVIEWED BY: GJM  
SHEET NUMBER:

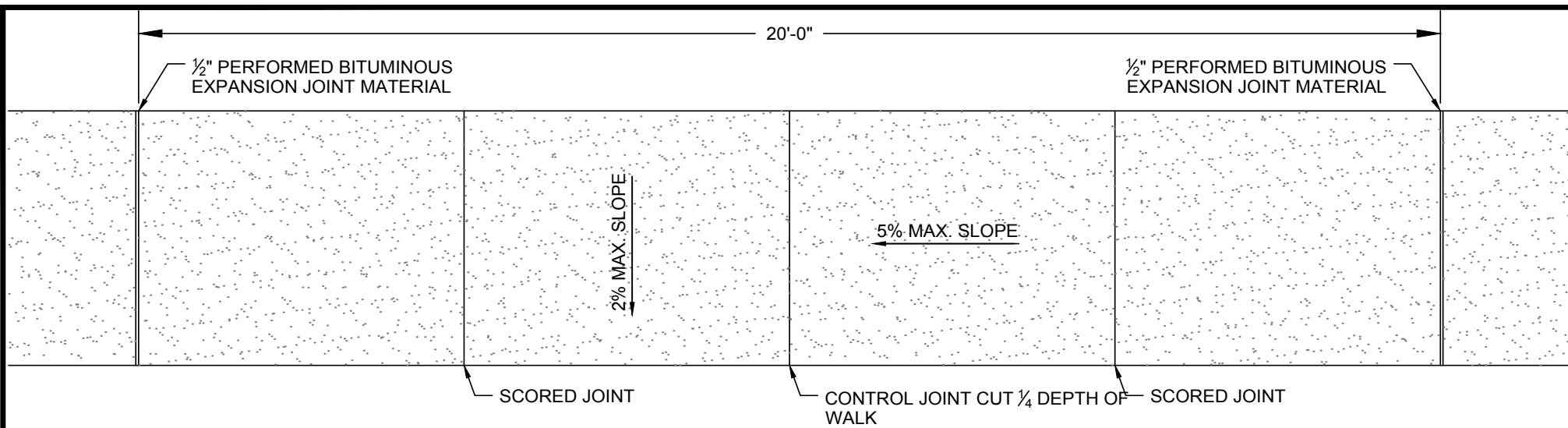
C5

OF 10 SHEETS

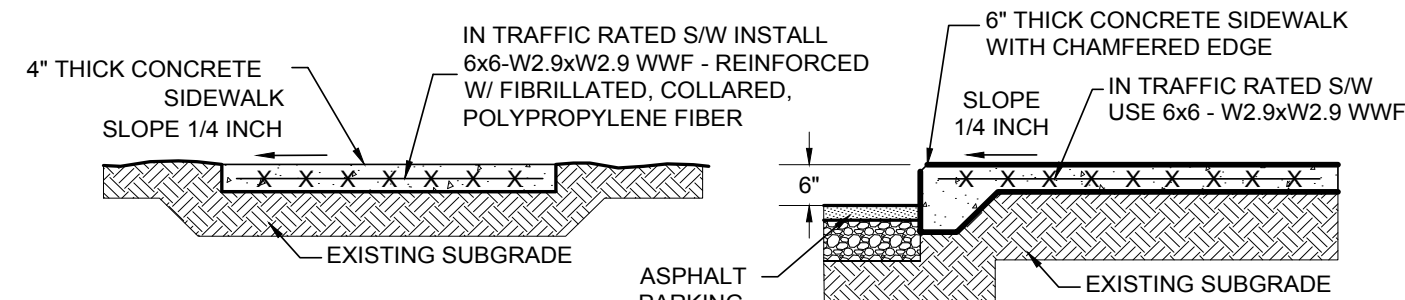


Know what's **below**.  
**Call** before you dig.





- NOTES:
1. WALKS SHALL BE PLACED ON COMPACTED STONE BASE COURSE.
  2. CROSS SLOPE OF ALL WALKS SHALL BE 1/4" PER FOOT MAX. (2% MAX.).
  3. THICKNESS OF CONCRETE WALKS SHALL BE 4" UNLESS OTHERWISE NOTED.
  4. SURFACE FINISH OF WALK SHALL BE LIGHT/MEDIUM BROOM FINISH PERPENDICULAR TO RUN OF WALK.
  5. DIFFERENCE BETWEEN TOP OF WALKWAY AND ADJACENT FINISHED GRADE SHALL BE 6" MAX.



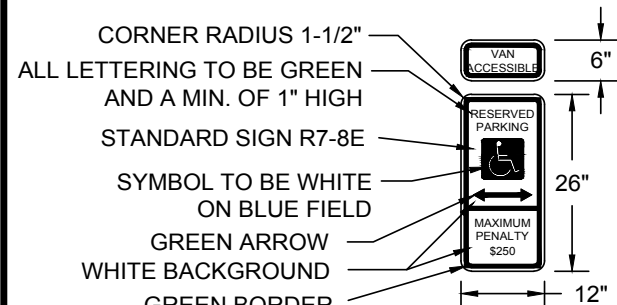
- NOTES:
1. A GROOVE JOINT 1" DEEP WITH A 1/8" RADIUS SHALL BE REQUIRED IN THE CONCRETE SIDEWALK AT 5' INTERVALS. ONE 1/2" EXPANSION JOINT WILL BE REQUIRED AT 20' INTERVALS. A SEALED 1/2" EXPANSION JOINT WILL BE REQUIRED WHERE THE SIDEWALK JOINS ANY RIGID STRUCTURE.
  2. CONCRETE COMPRESSIVE STRENGTH SHALL BE 3,000 PSI IN 28 DAYS. (4,000 PSI FOR TRAFFIC RATED SIDEWALKS)

### CONCRETE WALKWAYS

#### DETAIL

SCALE: NOT TO SCALE

1  
C6



#### SIGN NOTES:

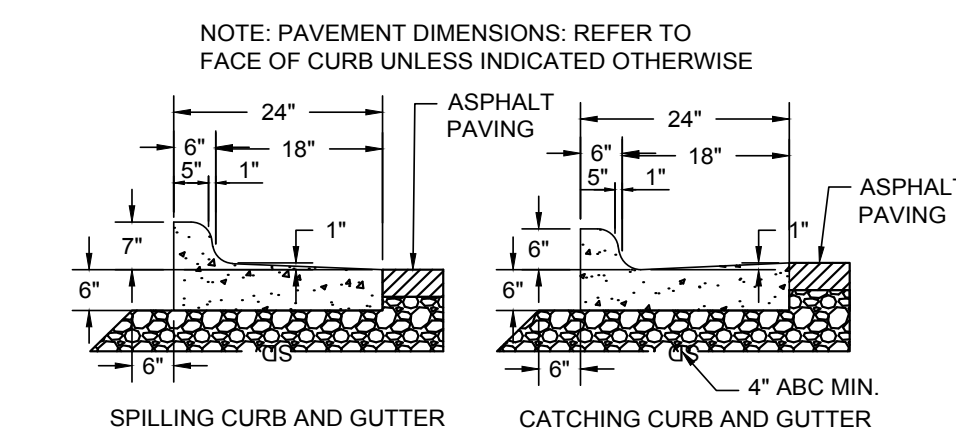
1. ALL SIGNS TO BE 0.080" THICK ALUMINUM.
2. ALL SIGNS SHALL CONFORM WITH ALL CURRENT A.D.A. FEDERAL, STATE, AND LOCAL CODES AND REGULATIONS.
3. PLACE "VAN ACCESSIBLE" SIGN IN FRONT OF VAN ACCESSIBLE SPACES ONLY.

### ACCESSIBILITY PARKING DETAILS

#### DETAIL

SCALE: NOT TO SCALE

8  
C6



NOTE: PAVEMENT DIMENSIONS: REFER TO FACE OF CURB UNLESS INDICATED OTHERWISE

CONCRETE FOR CURBING SHALL HAVE A MINIMUM COMPRESSIVE STRENGTH OF 3,000 P.S.I. AT 28 DAYS.

CONSTRUCTION STAKING FOR CURBING INSTALLATION SHALL BE REFERENCED (CUT OR FILL) TO THE FACE OF CURB AT CONTRACTOR'S OPTION THE GUTTER THICKNESS MAY BE INCREASED AT THE EDGE OF THE PAVEMENT TO MAKE BOTTOM OF GUTTER PARALLEL WITH PAVING OF BASE COURSE.

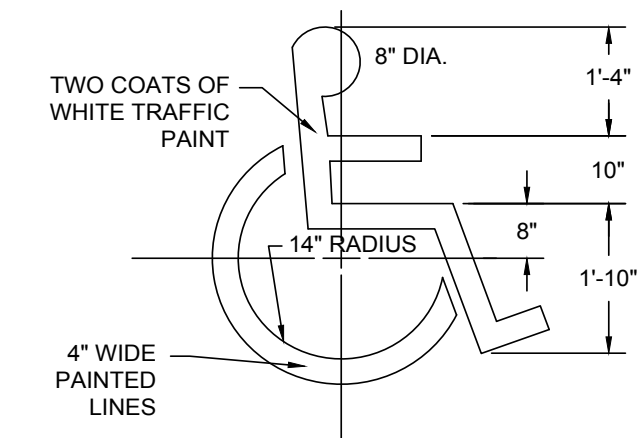
CONTRACTION JOINTS AT 10'-0" O.C. TOoled 1/4" (± 1/16"-0) WIDE, 1" OR MAX. D/4 DEEP WHEREVER IS GREATER. EXPANSION JOINTS AT 40' MAX. AND ALL P.C.'S. UNLESS APPROVED OR INDICATED OTHERWISE ON PLAN VIEW JOINT PATTERN.

### 24" CURB AND GUTTER SECTION

#### DETAIL

SCALE: NOT TO SCALE

2  
C6

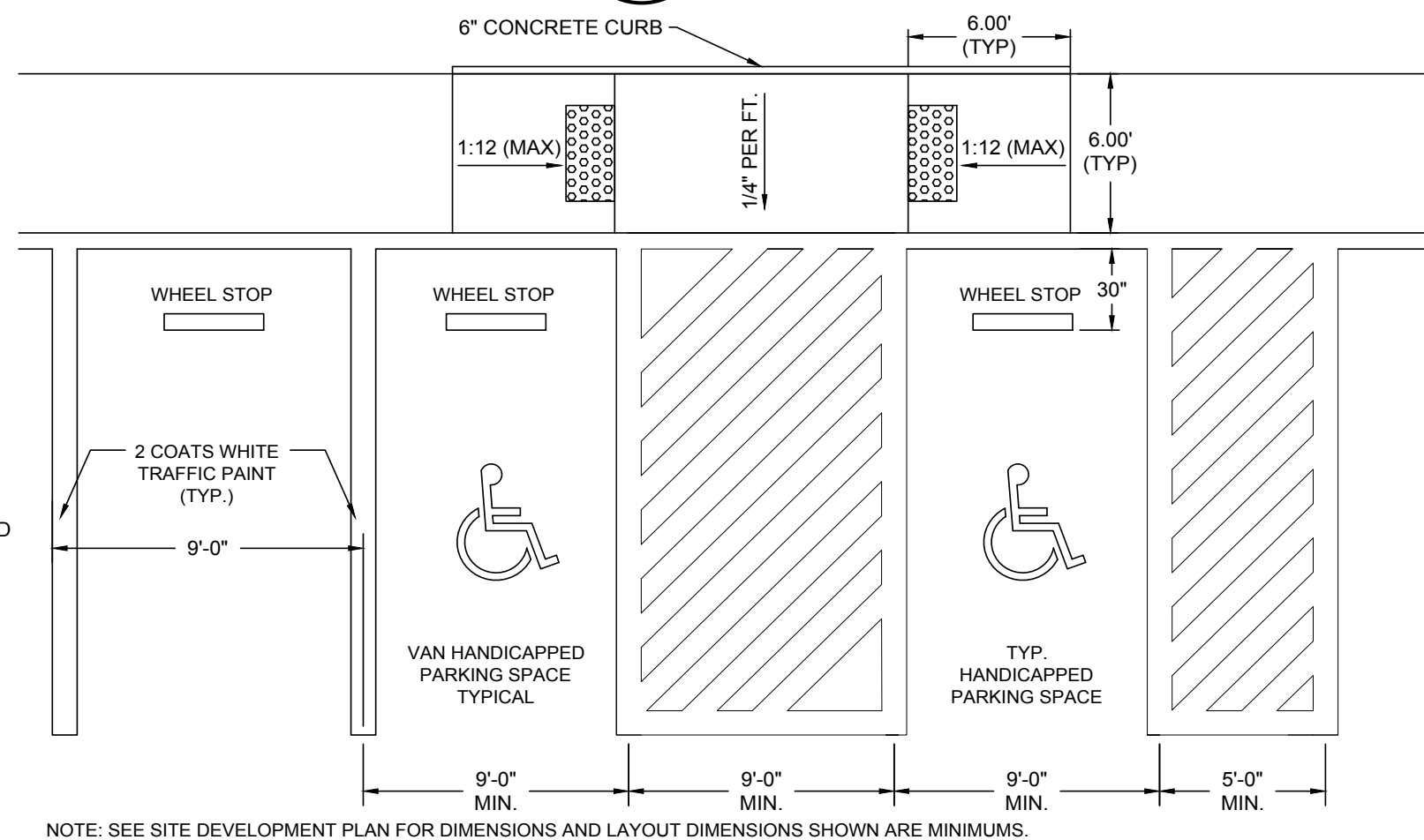


### HANDICAP PAVEMENT SYMBOL

#### DETAIL

SCALE: NOT TO SCALE

5  
C6



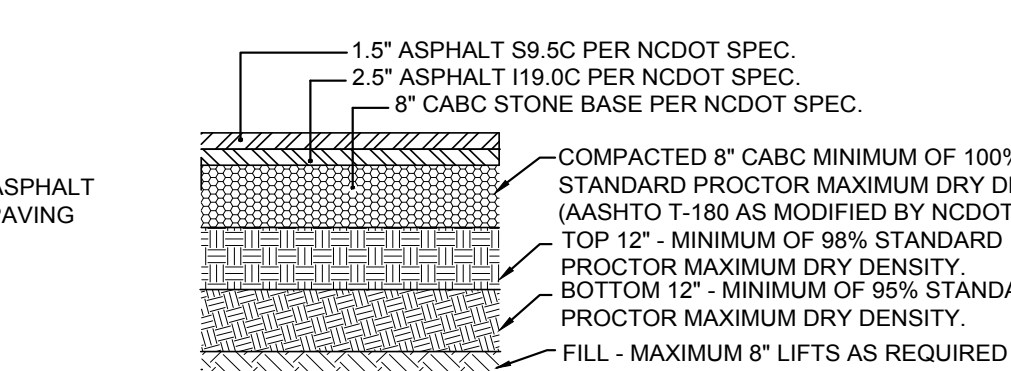
NOTE: SEE SITE DEVELOPMENT PLAN FOR DIMENSIONS AND LAYOUT DIMENSIONS SHOWN ARE MINIMUMS.

### HANDICAP PAVEMENT STRIPING

#### DETAIL

SCALE: NOT TO SCALE

9  
C6



NOTE: HEAVY DUTY ASPHALT SHALL BE INSTALLED IN ALL COMMERCIAL VEHICLE PARKING SPACES, ROADWAYS AND DRIVE AISLES.

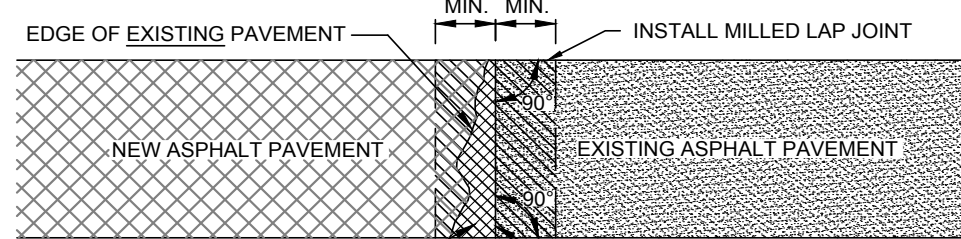
MATERIALS SHALL MEET THE REQUIRED SECTIONS OF THE N.C.D.O.T. STANDARD SPECIFICATION FOR ROADS AND STRUCTURES.

### HEAVY DUTY ASPHALT PAVEMENT

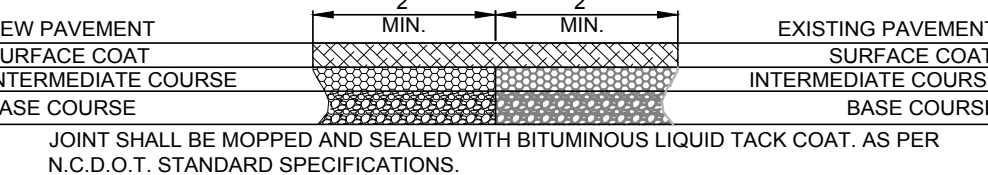
#### DETAIL

SCALE: NOT TO SCALE

3  
C6



- NOTE:
1. Sawcut existing pavement to form straight, neat edge perpendicular to centerline of roadway alignment.
  2. Min 1" minimum depth of existing surface course minimum of two feet from sawcut line in a direction parallel with sawcut alignment.
  3. Tack the joint prior to installing new pavement.
  4. Install new pavement so surface course forms a smooth transition to existing pavement surface.

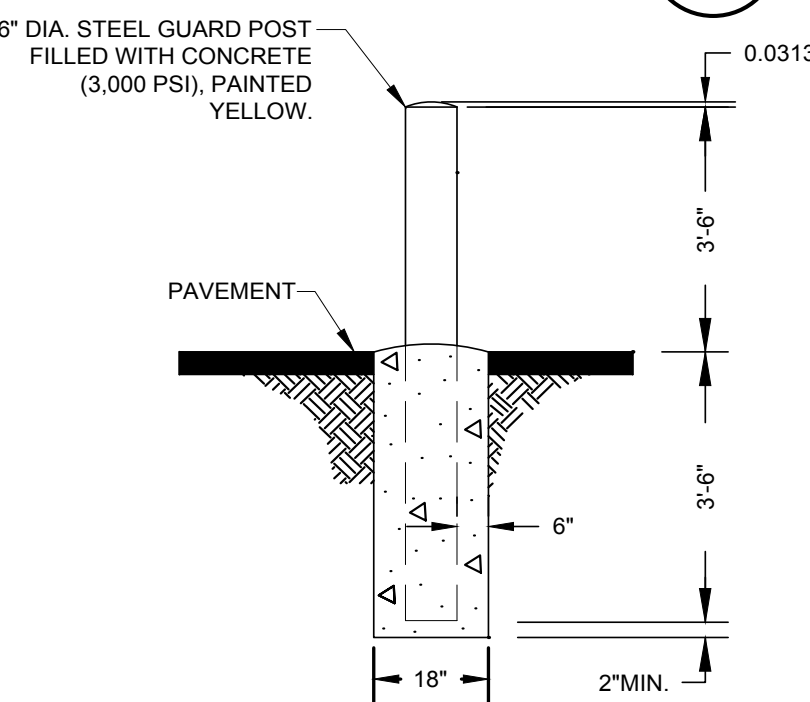


### TYPICAL ROAD MILLED JOINT

#### DETAIL

SCALE: NOT TO SCALE

6  
C6

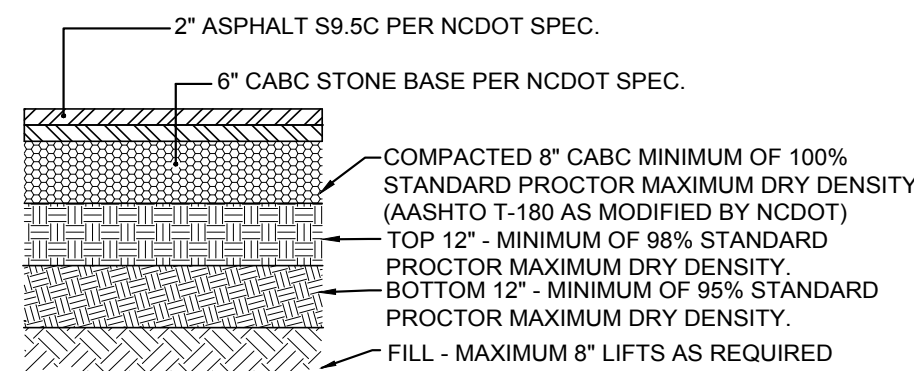


### CONCRETE BOLLARD

#### DETAIL

SCALE: NOT TO SCALE

10  
C6



NOTE: LIGHT DUTY ASPHALT SHALL BE INSTALLED IN PASSENGER VEHICLE PARKING SPACES ONLY.

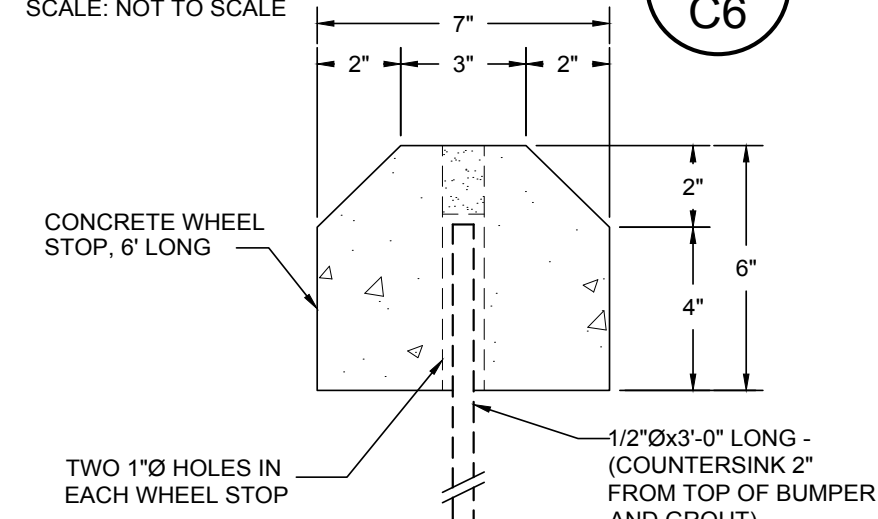
MATERIALS SHALL MEET THE REQUIRED SECTIONS OF THE N.C.D.O.T. STANDARD SPECIFICATION FOR ROADS AND STRUCTURES.

### LIGHT DUTY ASPHALT PAVEMENT

#### DETAIL

SCALE: NOT TO SCALE

4  
C6

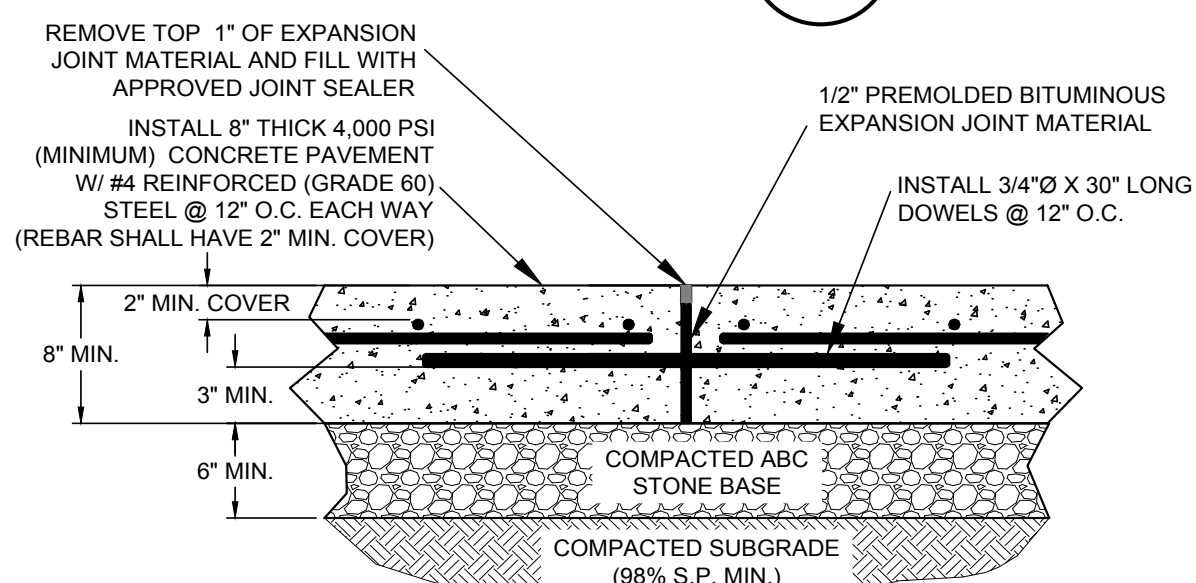


### TYPICAL WHEEL STOP SECTION

#### DETAIL

SCALE: NOT TO SCALE

7  
C6



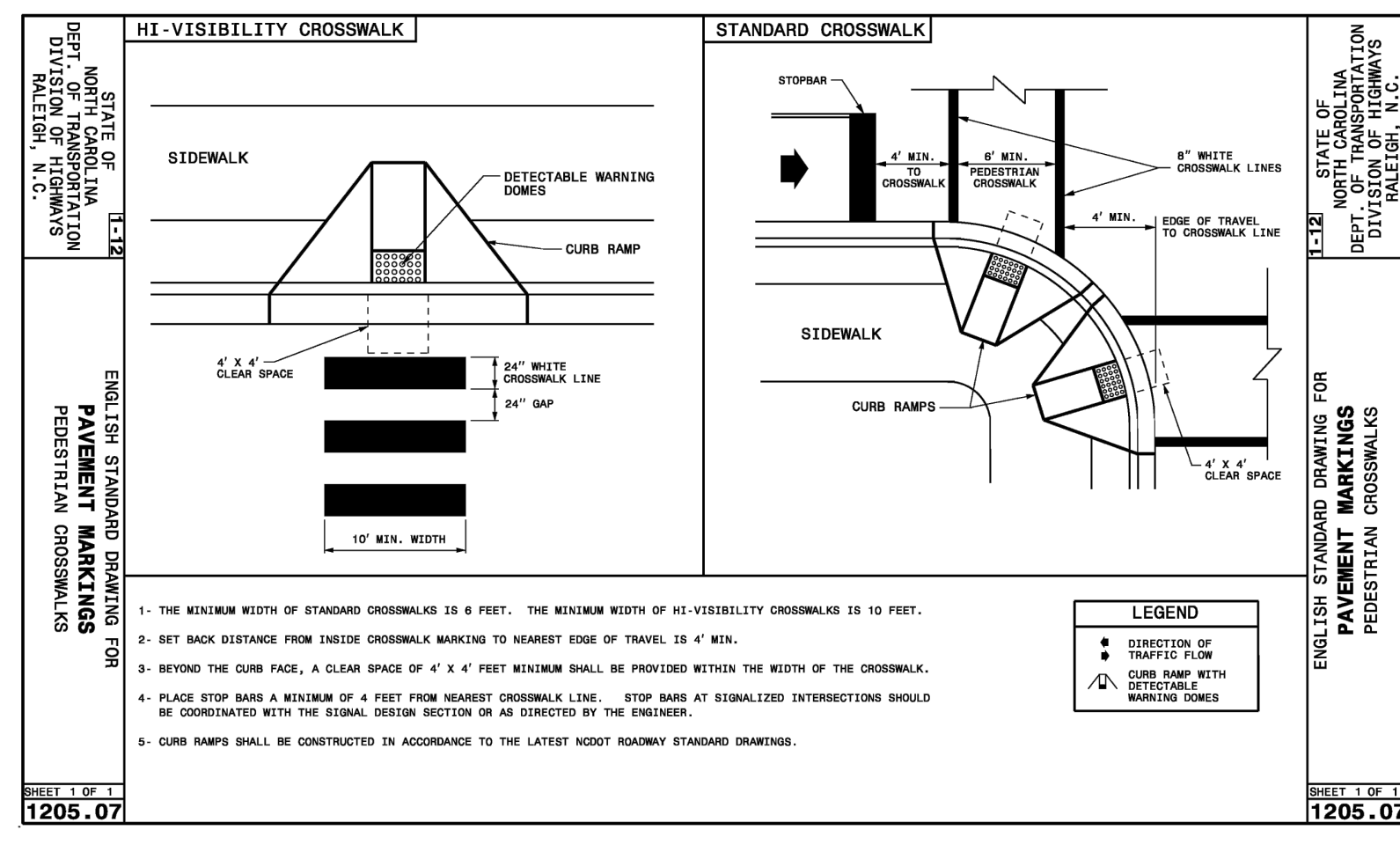
- NOTES:
1. ALL CONCRETE SHALL ACHIEVE A MINIMUM 28 DAY YIELD STRENGTH OF 4,000 PSI.
  2. ALL CONCRETE SHALL HAVE A MAXIMUM SLUMP OF 3 INCHES AND 2-4% AIR ENTRAINMENT.
  3. CONTRACTOR SHALL INSTALL EXPANSION JOINTS WITH PREFORMED FILLER STRIPS:
    - A) EVERY 80 LF EACH WAY FOR FLATWORK AND CURB & GUTTER
    - B) AT TERMINATION OF ALL PROPOSED PAVEMENT
    - C) WHERE PROPOSED PAVEMENT ABUTTS ANY STRUCTURE, BUILDING, AND CURB AND GUTTER
    - D) BETWEEN PROPOSED AND EXISTING PAVEMENT
  4. INSTALL CONTROL JOINTS EVERY 10 LF EACH WAY.
  5. WELDED WIRE MAY BE SUBSTITUTED FOR REBAR, WITH THE USE OF 4,000 PSI CONCRETE. (CONTRACTOR MUST HAVE ENGINEER'S APPROVAL PRIOR TO SUBSTITUTION)

### TYPICAL CONCRETE PAVEMENT SECTION THROUGH EXPANSION/ISOLATION JOINT

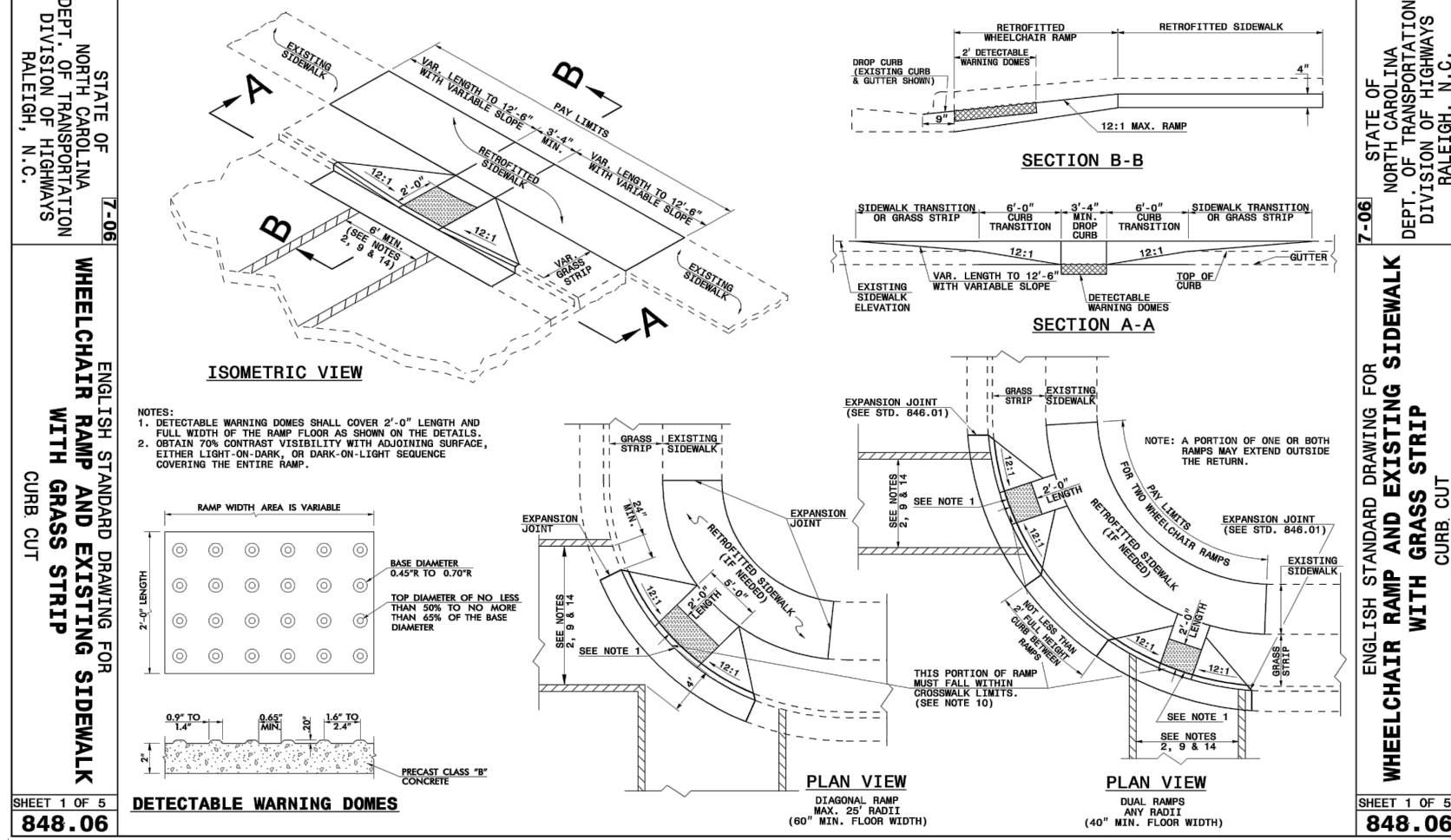
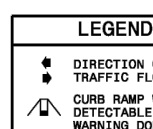
#### DETAIL

SCALE: NOT TO SCALE

11  
C6



1. THE MINIMUM WIDTH OF STANDARD CROSSWALKS IS 6 FEET. THE MINIMUM WIDTH OF HI-VISIBILITY CROSSWALKS IS 10 FEET.
2. SET BACK DISTANCE FROM INSIDE CROSSWALK MARKING TO NEAREST EDGE OF TRAVEL IS 4' MIN.
3. BEYOND THE CURB FACE, A CLEAR SPACE OF 4' X 4' FEET MINIMUM SHALL BE PROVIDED WITHIN THE WIDTH OF THE CROSSWALK.
4. PLACE STOP BARS A MINIMUM OF 4 FEET FROM NEAREST CROSSWALK LINE. STOP BARS AT SIGNALIZED INTERSECTIONS SHOULD BE COORDINATED WITH THE SIGNAL DESIGN SECTION OR AS DIRECTED BY THE ENGINEER.
5. CURB RAMP SHALL BE CONSTRUCTED IN ACCORDANCE TO THE LATEST NCDOT ROADWAY STANDARD DIMENSIONS.



#### ISOMETRIC VIEW

#### PLAN VIEW

#### SECTION A-A

#### SECTION B-B

#### SECTION C-C

#### SECTION D-D

#### SECTION E-E

#### SECTION F-F

#### SECTION G-G

#### SECTION H-H

#### SECTION I-I

#### SECTION J-J

#### SECTION K-K

#### SECTION L-L

#### SECTION M-M

#### SECTION N-N

#### SECTION O-O

#### SECTION P-P

#### SECTION Q-Q

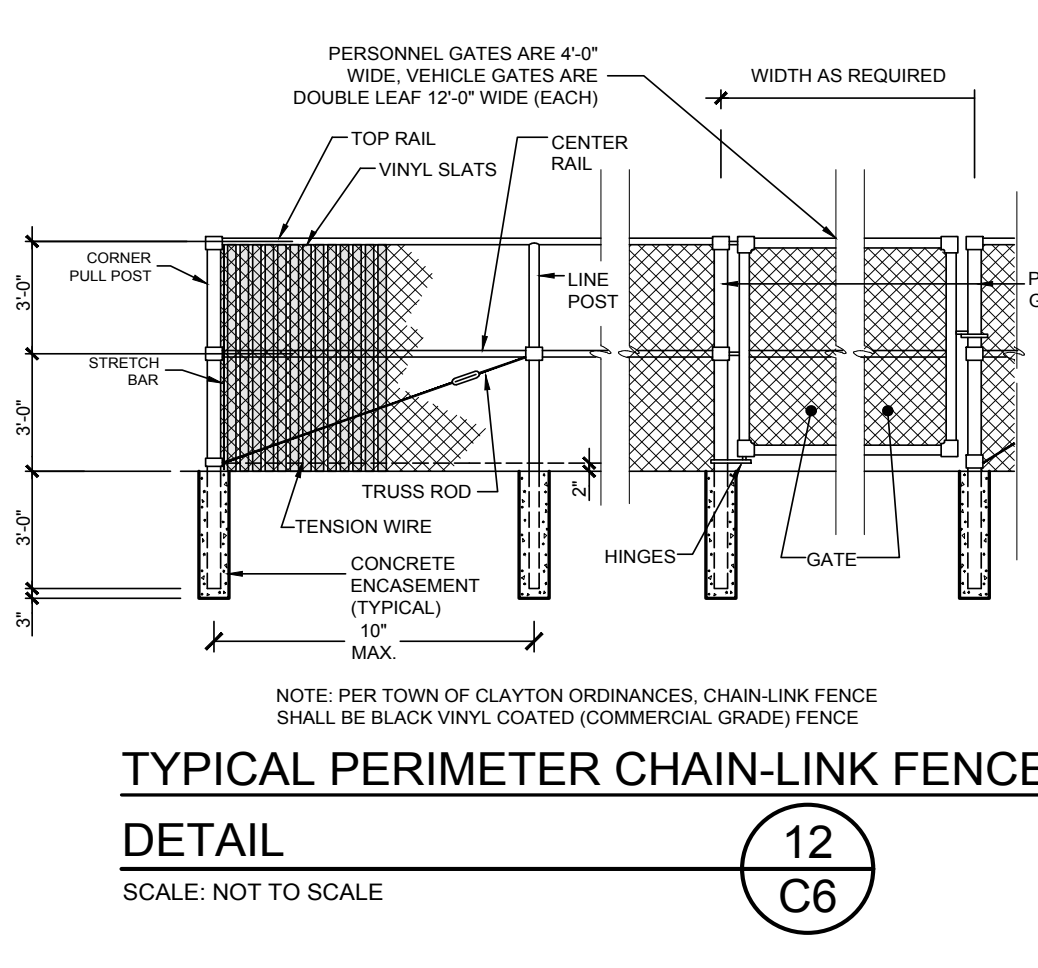
#### SECTION R-R

#### SECTION S-S

#### SECTION T-T

#### SECTION U-U

#### SECTION V-V

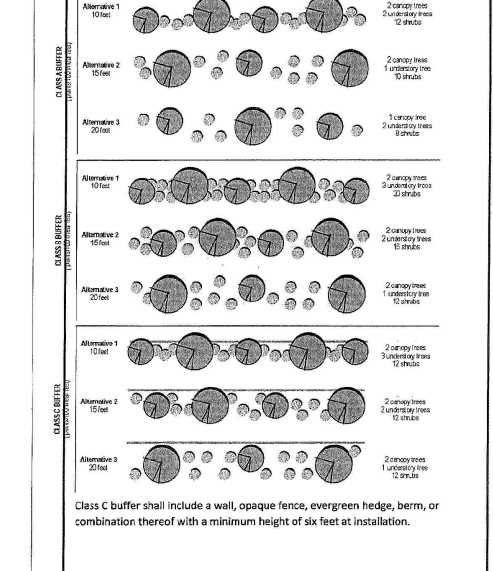


### TYPICAL PERIMETER CHAIN-LINK FENCE

#### DETAIL

SCALE: NOT TO SCALE

12  
C6



### BUFFER REQUIREMENTS

#### DETAIL

SCALE: NOT TO SCALE

13  
C6



PRELIMINARY DRAWING  
FOR REVIEW  
PURPOSES ONLY

THIS ORIGINAL SHEET IS 24"X36". OTHER DIMENSIONS INDICATE IT HAS BEEN ALTERED. ALL INFORMATION REPRESENTED ON THIS SHEET IS THE PROPERTY OF RED LINE ENGINEERING, P.C. UNLESS OTHERWISE NOTED. THIS INFORMATION SHALL NOT BE DUPLICATED IN PART OR WHOLE WITHOUT PRIOR WRITTEN AUTHORIZATION FROM RED LINE ENGINEERING, P.C. 2017 ©



SUNBELT GENERAL TOOLS

7635 US HWY 70 BUSINESS  
CLAYTON, NORTH CAROLINA 27520

SITE DETAILS

REVISIONS: DATE:

ISSUED FOR: DATE:  
REVIEW/APPROVAL 2/28/18

PROJECT NO.: MK2017  
DRAWN BY: GJM/TAL

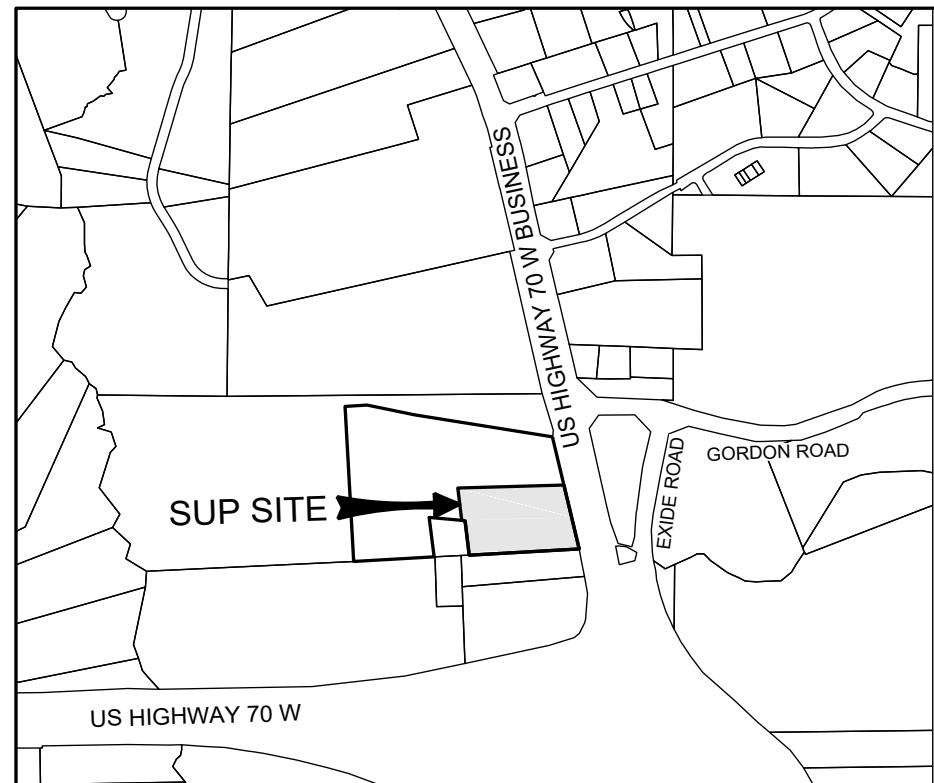
REVIEWED BY: GJM

SHEET NUMBER:

C6

OF 10 SHEETS





VICINITY MAP  
SCALE: 1"=1,000'

#### LANDSCAPE NOTES:

- Plant material on this site must be installed and maintained in conformance with the Town of Clayton Code of Ordinances.
- Please refer to planting detail on this sheet.
- Additional landscaping above and beyond Town of Clayton requirements subject to change.
- All seed to be to be Confederate Plus (fescue and bluegrass mix) or equal @ 6 lbs. per 1000 s.f.
- All mulch shall be double ground pine bark mulch to a depth of 4".
- Landscape Contractor shall notify owner and Landscape Architect no later than one week prior to all required visits here in.
- All areas shall be seeded, SEEDed or mulch to the limits of construction based on actual field conditions beyond the approved plans. Field verify existing conditions.
- Any steep slopes greater than 3:1 shall require hydro-seeding or other measures for stabilization unless otherwise approved by Owner.
- All plants shall be in accordance with the latest edition of the American Nursery and Landscape Association (ANLA).
- All landscape beds shall have positive drainage away from all structures.
- All landscape islands shall be graded for positive drainage with no low spots allowing water to be trapped.
- All landscape areas shall be maintained in an attractive and healthy condition. Dead or diseased plantings shall be removed and replaced in a timely fashion.
- All rooftop and ground mounted mechanical equipment will be completely screened from view.
- Plants shall be located as to not conflict with utilities.

| PLANT LIST - Sunbelt General Tools |                                           |                      |                   |       |      |                    |
|------------------------------------|-------------------------------------------|----------------------|-------------------|-------|------|--------------------|
| KEY                                | BOTANICAL NAME                            | COMMON NAME          | SIZE              | ROOT  | QTY. | LOCATION           |
| REQUIRED PLANT MATERIAL            |                                           |                      |                   |       |      |                    |
| TREES                              |                                           |                      |                   |       |      |                    |
| QN                                 | Quercus nuttallii                         | Nuttall Oak          | 2 1/2" CAL/8' HT. | B&B   | 8    | VUA/Site           |
| QP                                 | Quercus phellos                           | Willow Oak           | 2 1/2" CAL/8' HT. | B&B   | 14   | Buffer/Site        |
| CANOPY TREE TOTAL                  |                                           |                      |                   |       |      |                    |
| LIF                                | Lagerstroemia indica x fauriei 'Muskogee' | Muskogee Cape Myrtle | 2" CAL/6' HT.     | B&B   | 22   | Site/Street Tree   |
| CC                                 | Cercis canadensis                         | Red Bud              | 2" CAL/6' HT.     | B&B   | 23   | Buffer             |
| UNDERSTORY TREE TOTAL              |                                           |                      |                   |       |      |                    |
| SHRUBS                             |                                           |                      |                   |       |      |                    |
| ICB                                | Ilex cornuta 'Burfordii Nana'             | Dwarf Burford Holly  | 36" HT.           | Cont. | 56   | VUA Parking Screen |
| IVN                                | Ilex vomitoria 'Nana'                     | Dwarf Yaupon Holly   | 12" HT.           | Cont. | 24   | Buffer             |
| SHRUB TOTAL                        |                                           |                      |                   |       |      |                    |

#### LANDSCAPE MAINTENANCE PLAN:

- THE OWNERS OF THE PROPERTY AND THEIR AGENTS, HEIRS OR ASSIGNS SHALL BE RESPONSIBLE FOR THE INSTALLATION, PRESERVATION AND MAINTENANCE OF ALL PLANTINGS AND PHYSICAL FEATURES SHOWN ON THE APPROVED PLANS. THE OWNERS SHALL BE RESPONSIBLE FOR ANNUAL MAINTENANCE OF THE VEGETATION TO INCLUDE BUT NOT LIMITED TO:
  - FERTILIZATION: FERTILIZE LAWNS TWICE PER YEAR (FEBRUARY 15-MARCH 15 AND AGAIN IN SEPT. 1-OCT. 31) ACCORDING TO SOIL TEST RESULTS. FERTILIZE WARM SEASON GRASSES ONCE DURING GROWING SEASON PER SOIL TEST.
  - PRUNING: PRUNING SHALL BE LIMITED TO REMOVAL OF DEAD OR DAMAGED WOOD OR BRANCHES FOR TREES OR FOR SIGHT DISTANCES/SAFETY REASONS. THE SHMO STANDARDS SHOULD BE ADHERED TO. THE PRUNING OF SHRUBS SHALL BE LIMITED TO THE PRUNING NECESSARY TO MAINTAIN THE NATURAL SHAPE OF PLANT EXCEPT FOR SHEARED HEDGES.
  - PEST CONTROL: PRE-EMERGENT WEED CONTROL FOR LAWNS AND SHRUB BEDS MAY BE APPLIED IN FEBRUARY. CHEMICAL TREATMENT FOR INSECT INFESTATION AND DISEASE MAY BE APPLIED AND SHALL BE SPECIFIC TO THE PROBLEM. POST-EMERGENT WEED CONTROL MAY BE APPLIED AS NEEDED IN MULCHED AND LANDSCAPED AREAS TO MAINTAIN ACCEPTABLE APPEARANCES.
  - MULCHING: MULCHING SHALL BE MAINTAINED AT A DEPTH OF 3-4" IN PLANTING BEDS AND SHALL BE REAPPLIED EVERY YEAR.
  - MOWING: PRIMARY FESCUE LAWNS SHALL BE MAINTAINED AT A HEIGHT OF 3". SECONDARY TURF AREAS MAY BE MAINTAINED HIGHER AND LESS FREQUENTLY. WARM SEASON GRASSES SHALL BE MOWED AS NEEDED DURING THE GROWING SEASON TO MAINTAIN THE RECOMMENDED HEIGHT OF THE SPECIES OF TURF GRASS.
  - PLANT PROTECTION: AVOID EXCESS INTRUSION INTO THE CRITICAL ROOT ZONE AREA OF ESTABLISHED/MATURE VEGETATION.
  - WATERING: CONTRACTOR SHALL WATER ALL VEGETATION BY HAND AS NECESSARY TO ESTABLISH AND MAINTAIN THE NEW PLANTINGS FOR A PERIOD OF 1 YEAR.
  - WARRANTY: CONTRACTOR SHALL WARRANTY ANY AND ALL PLANTINGS FOR A PERIOD OF 3 YEARS. AT THE OWNER'S SOLE DISCRETION, THE CONTRACTOR SHALL REPLACE ANY AND ALL LANDSCAPE MATERIALS DEEMED TO BE UNACCEPTABLE, DAMAGED OR DEAD.

#### SITE INTERIOR LANDSCAPING

30% OF LOT AREA SHALL BE LANDSCAPED  
1 CANOPY TREE, 1 UNDERSTORY TREE, 2 SHRUBS PER 1,000 S.F. OF SITE  
SITE AREA: 6.22 AC./271,060.94 S.F.  
20% OF 271,060.94 = 54,212.19

REQUIRED: 54,212.19 S.F. SITE INTERIOR LANDSCAPING

54,212.19/1,000 S.F. = 54.21

54 CANOPY TREES

54 UNDERSTORY TREES

108 SHRUBS

PROVIDED: 54,000 S.F. SITE INTERIOR LANDSCAPING

(54 X 1,000 S.F. = 54,000 S.F.)

20 CANOPY TREES (NEW)

15 UNDERSTORY TREES (NEW)

56 SHRUBS (NEW)

EXISTING VEGETATION WILL BE USED AS CREDIT ALONG THE WEST AND SOUTH PERIMETERS OF THE SITE TO FULFILL THE REQUIREMENTS SET FOR THE INTERIOR LANDSCAPING.

#### LANDSCAPE DATA

##### BUFFERS

20' CLASS 'B' PERIMETER BUFFER : 390.20'

REQUIRED TOTALS:

2 TREES PER 100' = 8 CANOPY TREES'

1 TREE PER 100' = 4 UNDERSTORY TREES

12 SHRUBS PER 100' = 48 SHRUBS

PROVIDED TOTALS:

2 CANOPY TREES (NEW)

2 UNDERSTORY TREES (NEW)

24 SHRUBS (NEW)

EXISTING VEGETATION IN BUFFER AREA WILL BE USED AS CREDIT TO FULFILL THE REQUIREMENTS SET FOR THE 20' TYPE 'C' BUFFER.

##### STREET TREES

1 CANOPY TREE PER 40' OF STREET/YARD. 415.14'/40 = 10.38 TREES

TREES REQUIRED = 10

TREES PROVIDED = 10

##### VEHICLE USE AREA

REQUIRED AND PROVIDED:  
PARKING SCREENED FROM RIGHT OF WAY AND ADJACENT PROPERTY WITH SHRUBS  
@ 36" TALL AT INSTALLATION

PARKING LOT ISLANDS CONTAIN CANOPY TREE PLANTED AT 2 1/2" CAL.

#### TREE PLANTING DETAILS

Do not wrap trunk. Mark the north side of the tree in the nursery and locate to the north in the field.

Trunk flare and top of root ball should be at grade in well drained soil, up to 4 inches (10 cm) above grade in poorly drained soil.

Note: Width of planting hole is 3 times root ball diameter in highly compacted or clay soil; 2 times the root ball diameter minimum in all others.

Dig wide planting hole with tapered sides. Cut burlap, rope and wire basket away from top and sides of root ball.

Set ball on undisturbed soil to prevent settling.

Do not stake trees except where specified by Landscape Architect. If staking is necessary use two opposing stakes with separate flexible ties. Remove staking at end of first growing season.

2" (5 cm) bark mulch. Do not place mulch in contact with tree trunk.

4" (10 cm) raised ring of soil to direct water into root ball - especially important if top of root ball is raised above grade.

Before planting, add 3-4" (7-10 cm) of well-composted leaves, recycled yard waste or other compost and fill into top 6" (15 cm) of prepared soil. Add compost of 20-25% by volume to backfill.

Extend stakes into undisturbed soil.

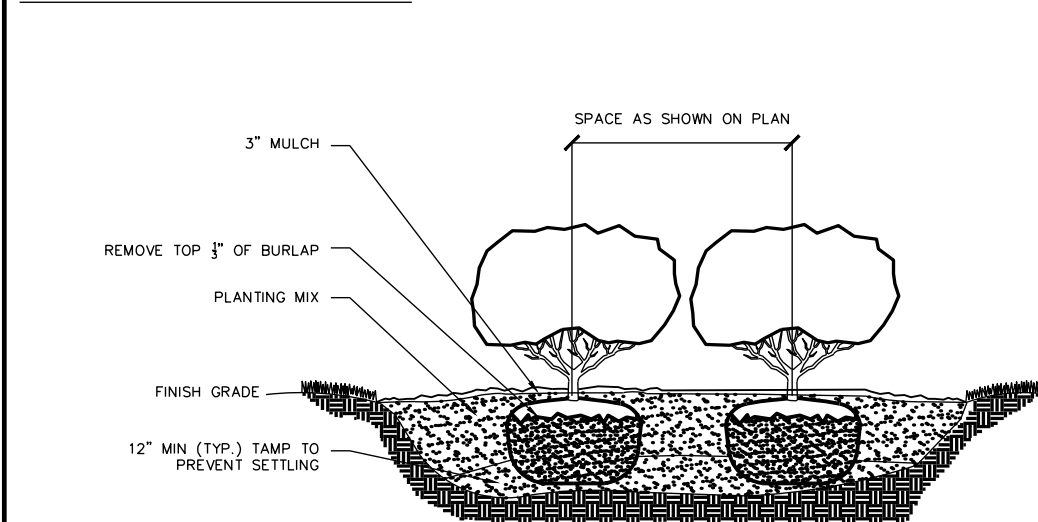
Back backfill soil around base of root ball to stabilize; allow rest of backfill to settle naturally or tamp lightly.

4-6" (10-15 cm) deeper than root ball for lowered planting hole or treated with poor drainage.

#### GENERAL PLANTING NOTES

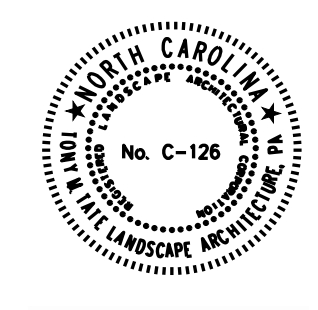
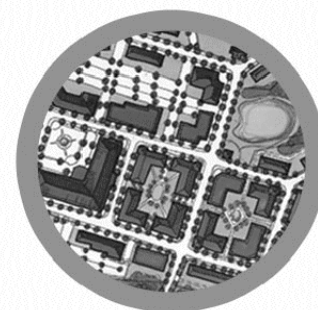
- VERIFICATION OF TOTAL QUANTITIES AS SHOWN ON THE PLANT LIST SHALL BE THE RESPONSIBILITY OF THE PLANTING CONTRACTOR, AND THE TOTAL QUANTITIES SHALL BE REQUIRED ON THE PLANTING PLAN.
- ALL TREES, SHRUBS, AND BEDDING PLANTS SHALL CONFORM TO THE ACCEPTED STANDARDS ESTABLISHED BY THE AMERICAN ASSOCIATION OF NURSERYMEN.
- ALL SAUERS SHALL BE SOAKED WITH WATER AND MULCHED IMMEDIATELY FOLLOWING PLANTING.
- THE SIZE OF ALL ROOT BALLS SHALL CONFORM TO AAS STANDARDS.
- FERTILIZE ALL PLANTS WITH AGRIFORM FERTILIZER TABLETS OR EQUAL TO BE APPLIED AT MANUFACTURERS RECOMMENDED RATE.
- GUYING, IF NECESSARY, SHALL BE REMOVED AFTER ONE GROWING SEASON.
- ALL ROOT BALLS REMOVED FROM CONTAINERS SHALL BE SCARIFIED PRIOR TO BACKFILLING.
- ALL TREES HAVE BEEN LOCATED WITH RESPECT TO PROPOSED OR EXISTING FACILITIES OR STRUCTURES.
- OWNERS SHALL MAINTAIN ALL PLANT BEDS AND PLANT MATERIAL IN GOOD HEALTH, AND ANY DEAD, UNHEALTHY OR MISSING PLANTS SHALL BE REPLACED WITH LOCALLY ADAPTED VEGETATION WHICH CONFORMS TO THE INITIAL PLANTING STANDARDS OF THE LANDSCAPE ORDINANCE.
- REPORT ANY DISCREPANCIES TO THE PROJECT LANDSCAPE ARCHITECT.
- SUBSTITUTIONS OR ALTERATIONS SHALL NOT BE MADE WITHOUT PRIOR WRITTEN NOTIFICATION OF THE PROJECT LANDSCAPE ARCHITECT.
- ALL PLANT MATERIAL SHALL BE OF SPECIMEN QUALITY.
- ALL PLANT MATERIAL SHALL BE OF SPECIMEN QUALITY.
- VERIFY PLANTING HOLES ARE DUG WITH A LARGE AUGER, BREAKING DOWN THE SOILS WITH A SHOVEL CAN ELIMINATE GLAZING AND CREATE THE PREFERRED SOILING SIDE.
- TRUNK FLARE AND TOP OF ROOT BALL SHOULD BE AT GRADE IN WELL DRAINED SOIL AND UP TO FOUR INCHES (10cm) ABOVE GRADE IN POORLY DRAINED SOILS.
- MULCH NOT TO BE IN CONTACT WITH TREE TRUNK.
- REMOVE TREE WRAP FROM TRUNK AT TIME OF INSTALLATION.
- REMOVE ALL STAKING AND GUYING ELEMENTS AT OR BEFORE THE WARRANTY TERMINATION DATE OR WITHIN ONE CALENDAR YEAR.
- IF PLANTING HOLES ARE DUG WITH A LARGE AUGER, BREAKING DOWN THE SOILS WITH A SHOVEL CAN ELIMINATE GLAZING AND CREATE THE PREFERRED SOILING SIDE.
- TREE PLANTING DETAIL (B&B PLANTS) ADAPTED FROM "ARCHITECTURAL GRAPHIC STANDARDS" 1998 AND WATSON & HAMELOCK "PRINCIPLES AND PRACTICE OF PLANTING TREES AND SHRUBS" REPEATED CLOSE TOGETHER SUCH THAT THEY WILL UNLESS SHOWN ROOT SPACE, TALL IN SOIL, AHEADWAYS TO A DEPTH OF 4-6" (10-15 CM) OVER THE ENTIRE AREA.
- FOR CONTAINER-BRED TREES OR SMALL HAND TOOLS TO PULL THE ROOTS OUT OF THE OUTER LAYER OF POTTING SOIL; THEN CUT OR PULL APART ANY ROOTS CIRCLED THE PERIMETER OF THE CONTAINER.
- DURING THE DESIGN PHASE, CONFIRM THAT WATER DRAINS OUT OF THE SOIL; USE LOWERED PLANTING HOLE DEPTH AND DESIGN ALTERNATIVE DRAINAGE SYSTEM AS REQUIRED.
- THOROUGHLY SOAK THE TREE ROOT BALL AND ADJACENT PREPARED SOIL SEVERAL TIMES DURING THE FIRST MONTH AFTER PLANTING AND REGULARLY THROUGHOUT THE FOLLOWING TWO SUMMERS.
- THE PLANTING PROCESS IS SIMILAR FOR DECIDUOUS AND EVERGREEN TREES.

#### SHRUB PLANTING DETAIL



#### GENERAL PLANTING NOTES

- VERIFICATION OF TOTAL QUANTITIES AS SHOWN ON THE PLANT LIST SHALL BE THE RESPONSIBILITY OF THE PLANTING CONTRACTOR, AND THE TOTAL QUANTITIES SHALL BE REQUIRED ON THE PLANTING PLAN.
- ALL TREES, SHRUBS, AND BEDDING PLANTS SHALL CONFORM TO THE ACCEPTED STANDARDS ESTABLISHED BY THE AMERICAN ASSOCIATION OF NURSERYMEN.
- ALL SAUERS SHALL BE SOAKED WITH WATER AND MULCHED IMMEDIATELY FOLLOWING PLANTING.
- THE SIZE OF ALL ROOT BALLS SHALL CONFORM TO AAS STANDARDS.
- FERTILIZE ALL PLANTS WITH AGRIFORM FERTILIZER TABLETS OR EQUAL TO BE APPLIED AT MANUFACTURERS RECOMMENDED RATE.
- GUYING, IF NECESSARY, SHALL BE REMOVED AFTER ONE GROWING SEASON.
- ALL ROOT BALLS REMOVED FROM CONTAINERS SHALL BE SCARIFIED PRIOR TO BACKFILLING.
- ALL TREES HAVE BEEN LOCATED WITH RESPECT TO PROPOSED OR EXISTING FACILITIES OR STRUCTURES.
- OWNERS SHALL MAINTAIN ALL PLANT BEDS AND PLANT MATERIAL IN GOOD HEALTH, AND ANY DEAD, UNHEALTHY OR MISSING PLANTS SHALL BE REPLACED WITH LOCALLY ADAPTED VEGETATION WHICH CONFORMS TO THE INITIAL PLANTING STANDARDS OF THE LANDSCAPE ORDINANCE.
- REPORT ANY DISCREPANCIES TO THE PROJECT LANDSCAPE ARCHITECT.
- SUBSTITUTIONS OR ALTERATIONS SHALL NOT BE MADE WITHOUT PRIOR WRITTEN NOTIFICATION OF THE PROJECT LANDSCAPE ARCHITECT.
- ALL PLANT MATERIAL SHALL BE OF SPECIMEN QUALITY.
- VERIFY PLANTING HOLES ARE DUG WITH A LARGE AUGER, BREAKING DOWN THE SOILS WITH A SHOVEL CAN ELIMINATE GLAZING AND CREATE THE PREFERRED SOILING SIDE.
- TRUNK FLARE AND TOP OF ROOT BALL SHOULD BE AT GRADE IN WELL DRAINED SOIL AND UP TO FOUR INCHES (10cm) ABOVE GRADE IN POORLY DRAINED SOILS.
- MULCH NOT TO BE IN CONTACT WITH TREE TRUNK.
- REMOVE TREE WRAP FROM TRUNK AT TIME OF INSTALLATION.
- REMOVE ALL STAKING AND GUYING ELEMENTS AT OR BEFORE THE WARRANTY TERMINATION DATE OR WITHIN ONE CALENDAR YEAR.
- IF PLANTING HOLES ARE DUG WITH A LARGE AUGER, BREAKING DOWN THE SOILS WITH A SHOVEL CAN ELIMINATE GLAZING AND CREATE THE PREFERRED SOILING SIDE.
- TREE PLANTING DETAIL (B&B PLANTS) ADAPTED FROM "ARCHITECTURAL GRAPHIC STANDARDS" 1998 AND WATSON & HAMELOCK "PRINCIPLES AND PRACTICE OF PLANTING TREES AND SHRUBS" REPEATED CLOSE TOGETHER SUCH THAT THEY WILL UNLESS SHOWN ROOT SPACE, TALL IN SOIL, AHEADWAYS TO A DEPTH OF 4-6" (10-15 CM) OVER THE ENTIRE AREA.
- FOR CONTAINER-BRED TREES OR SMALL HAND TOOLS TO PULL THE ROOTS OUT OF THE OUTER LAYER OF POTTING SOIL; THEN CUT OR PULL APART ANY ROOTS CIRCLED THE PERIMETER OF THE CONTAINER.
- DURING THE DESIGN PHASE, CONFIRM THAT WATER DRAINS OUT OF THE SOIL; USE LOWERED PLANTING HOLE DEPTH AND DESIGN ALTERNATIVE DRAINAGE SYSTEM AS REQUIRED.
- THOROUGHLY SOAK THE TREE ROOT BALL AND ADJACENT PREPARED SOIL SEVERAL TIMES DURING THE FIRST MONTH AFTER PLANTING AND REGULARLY THROUGHOUT THE FOLLOWING TWO SUMMERS.
- THE PLANTING PROCESS IS SIMILAR FOR DECIDUOUS AND EVERGREEN TREES.



Know what's below.  
Call before you dig.

#### REVISIONS:

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

#### LANDSCAPE PLAN

#### SUNBELT GENERAL TOOLS

7635 US HWY 70 WEST BUSINESS  
CLAYTON, NORTH CAROLINA

#### SCALE:

1" = 40'

DRAWN BY:

JWA

PROJECT #

18027

DATE:

3/2/2018

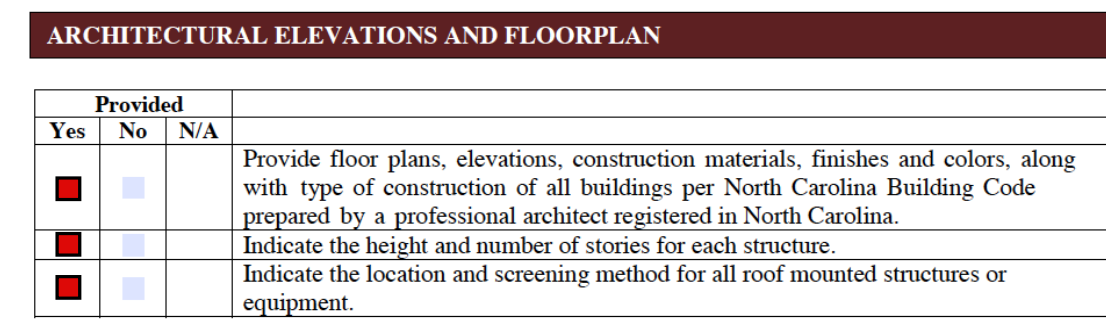
SHEET

L-1

OF

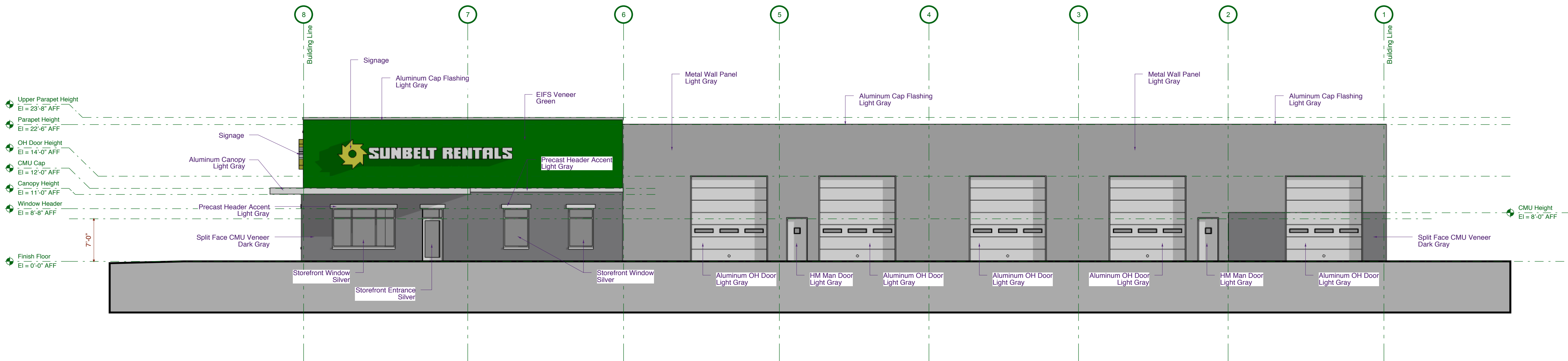
TONY M. TATE LANDSCAPE ARCHITECTURE PA  
5011 SOUTH PARK DRIVE, STE. 200 - DURHAM, NC 27713  
p: (919) 484-8880 f: (919) 484-8881 e: tony@tmlla.com





**51 SF** Type IIB for proposed construction type per NCBC  
1 Story, refer to elevations for vertical heights  
No roof mounted structures or equipment





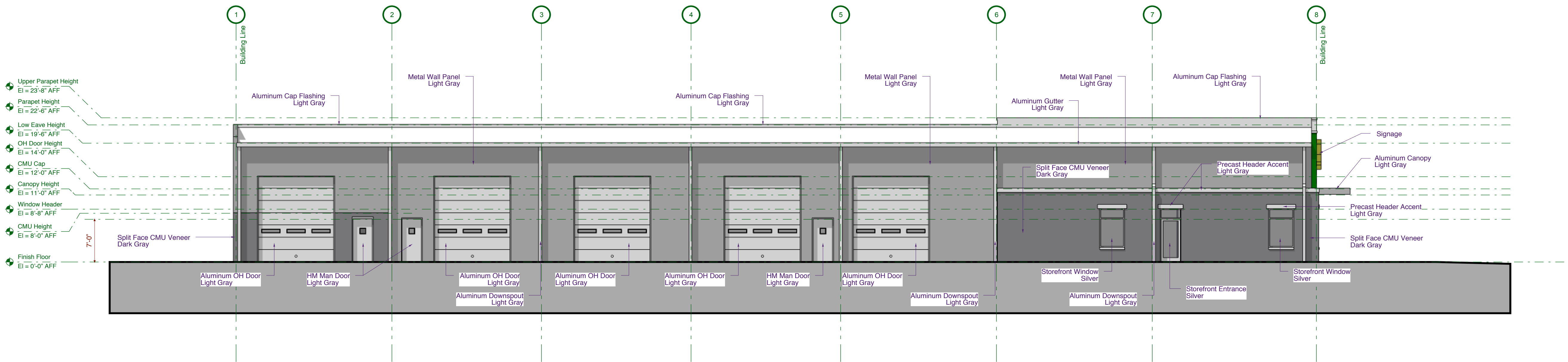
**Parking Lot / Storage Elevation - Side**  
Non-facing Street Elevation

1

Overall Elevation

Scale: 1/8" = 1'-0"

10' 0' 2' 4' 8' 10'



**Storage Elevation - Side**  
Non-facing Street Elevation

2

Overall Elevation

Scale: 1/8" = 1'-0"

10' 0' 2' 4' 8' 10'

**McGahey Design**  
architecture + planning  
404 Raleigh Street  
Fugate-Vernon, North Carolina 27526  
919.422.0265 • info@mcgaheydesign.com

**Preliminary**  
Do not use for Construction

**Preliminary**  
Do not use for Construction

**FOCUS**  
DESIGN BUILDERS LLC



|              |          |
|--------------|----------|
| PROJECT:     | 2017-11  |
| DATE ISSUED: | 03.01.18 |
| REVISIONS:   | DATE     |
|              |          |
|              |          |
|              |          |
|              |          |
|              |          |
|              |          |

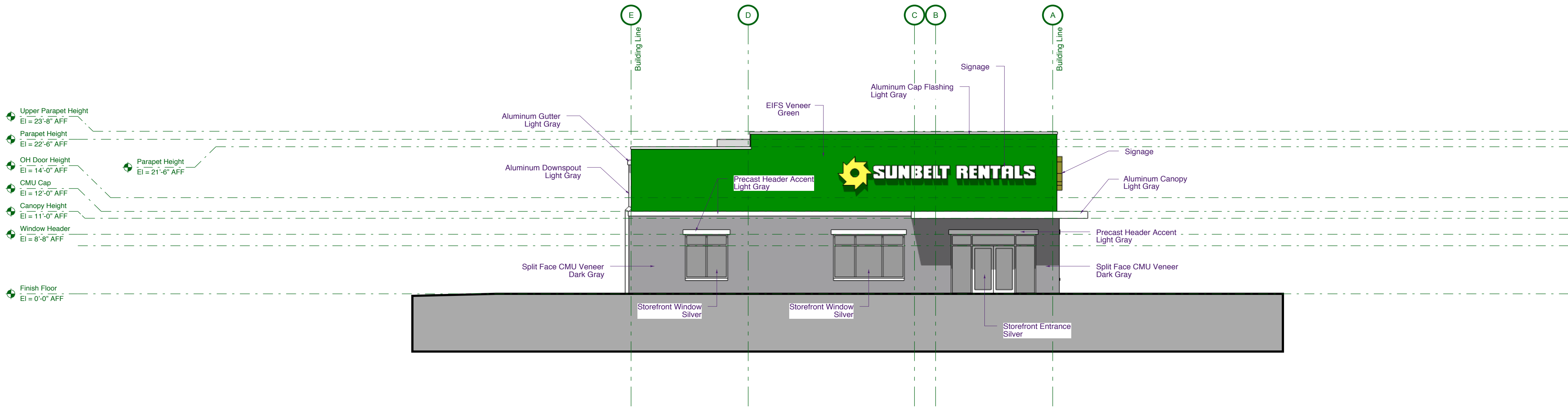
DRAWN BY: JMM  
CHECK BY: JMM

Proposed Overall Elevations

**A2.01**

© 2018 McGahey Design, PA. All rights reserved. No portion of this drawing may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without prior written permission from McGahey Design, PA.





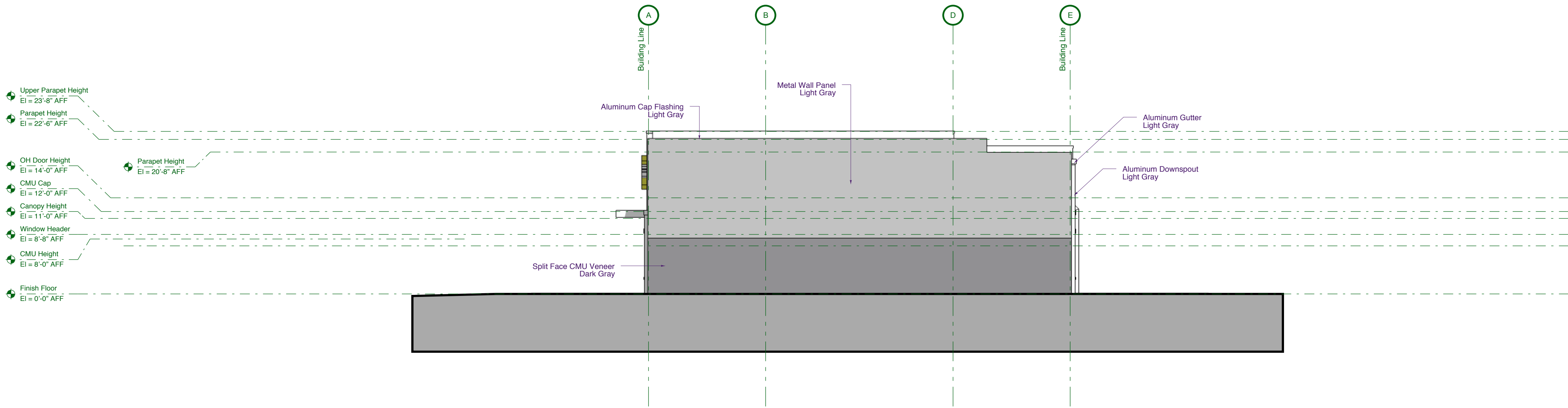
Street Elevation

1

Overall Elevation

Scale: 1/8" = 1'-0"

10' 0' 2' 4' 6' 8' 10'



Storage Lot Elevation - Rear

Non-facing Street Elevation

2

Overall Elevation

Scale: 1/8" = 1'-0"

10' 0' 2' 4' 6' 8' 10'

McGahey Design

architecture + planning

404 Raleigh Street  
Fugate-Vernon, North Carolina 27526  
919.422.0265 • info@mcgaheydesign.com

Preliminary

Do not use for Construction

Preliminary

Do not use for Construction

FOCUS

DESIGN BUILDERS LLC

SUNBELT

PROJECT: 2017-11

DATE ISSUED: 10.22.17

REVISIONS: DATE

DRAWN BY: JMM

CHECK BY: JMM

Proposed Overall Elevations

A2.02

© 2017 McGahey Design, PA. All rights reserved. No portion of this drawing may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without prior written permission from McGahey Design, PA. These drawings are not to be reproduced, changed or copied without obtaining written permission from McGahey Design, PA.



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

May 2, 2018

**NOTICE**

**SUBJECT:** Sunbelt Rental Special Use Permit, 2017-209-SUP  
**Address:** 7635 US Hwy 70 Bus. West  
**Applicant:** Moffatt Properties, LLC (c/o [cmoffatt@moffattproperties.com](mailto:cmoffatt@moffattproperties.com))

Dear Clayton Area Property Owner:

Notice is hereby given that the Clayton Town Council will hold a public hearing on Monday, May 21<sup>st</sup> at 6:00 PM at Town Hall, 111 E Second Street, to consider the above-referenced Special Use Permit request to allow "Vehicle Sales and Rental" on 6.22 acres of a 23± acre tract. Please see the map on the back of this letter. The parcel is currently zoned Highway Business (B-3).

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

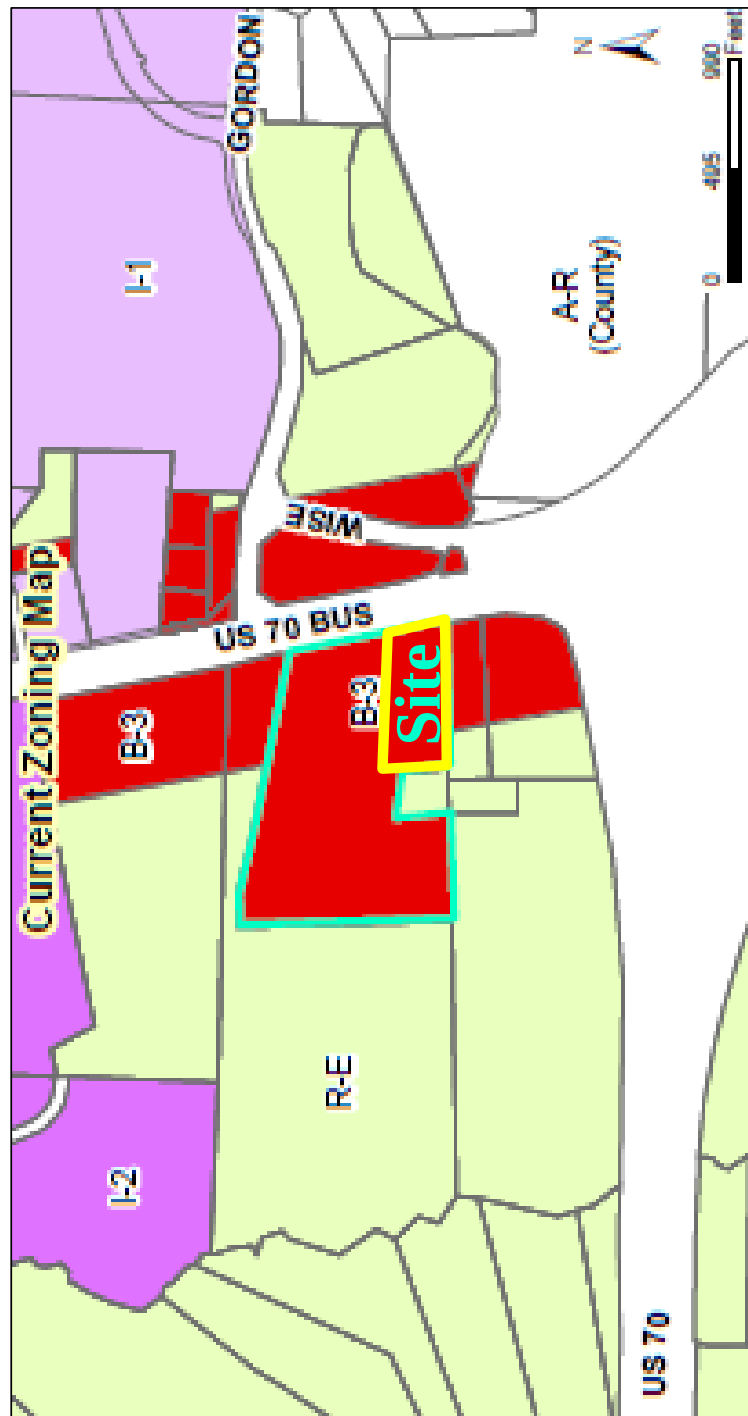
If you should need additional assistance or information, please contact the Planning Department at (919) 553-5002 or email at [jwmcleod@townofclaytonnc.org](mailto:jwmcleod@townofclaytonnc.org).

Sincerely,

  
Jay McLeod, AICP  
Senior Planner

cc: File folder: 2017-209-SUP





**CERTIFICATION OF MAILING NOTICE**  
**TOWN OF CLAYTON**

In accordance with the requirements of Section 105.702(D)(2)(c) of the Unified Development Code of the Town of Clayton, I hereby certify that the undersigned has this date mailed a notice of the proposed request to the owners of all parcels of land within 100 feet and immediately abutting that (those) parcel(s) of land<sup>1</sup>, as shown on the County Tax Listings, by depositing a copy of the same in the United States Mail, first class postage paid, in an envelope addressed to the property owners whose names and address are as follows:

(see attached addresses per adjacent property owners list and copy of letter)

This the 2<sup>nd</sup> day of May, 2018

Name (print): JAY McLEOD

Signed: 

PROJECT #/Name: SUNBELT RENTALS SPECIAL USE PERMIT,  
2017-209-SUP

Notes:

1. 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.

## NEIGHBORHOOD MEETING ATTENDANCE ROSTER

**Project:** Clayton Homes Sunbelt Site

**Application:** Rezoning & Special Use

**Location/Date:** The Clayton Center (York Room) / 12-19-17

|    | NAME          | ADDRESS                                         |
|----|---------------|-------------------------------------------------|
| 1  | Gary McCabe   | 1401 Aversboro Rd, Suite #210, Garner, NC 27529 |
| 2  | Timothy Lance | 1401 Aversboro Rd, Suite #210, Garner, NC 27529 |
| 3  | Craig Moffatt | 4901 Union Drive, Wake Forest, NC 27587         |
| 4  |               |                                                 |
| 5  |               |                                                 |
| 6  |               |                                                 |
| 7  |               |                                                 |
| 8  |               |                                                 |
| 9  |               |                                                 |
| 10 |               |                                                 |
| 11 |               |                                                 |
| 12 |               |                                                 |
| 13 |               |                                                 |
| 14 |               |                                                 |
| 15 |               |                                                 |
| 16 |               |                                                 |
| 17 |               |                                                 |
| 18 |               |                                                 |
| 19 |               |                                                 |
| 20 |               |                                                 |

## NEIGHBORHOOD MEETING SUMMARY FORM

### FILL OUT THE FOLLOWING:

Application: Rezoning & Special Use

Date of Mailing: \_\_\_\_\_

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:

Printed Name: Craig Moffat

Signature: \_\_\_\_\_

Date of Meeting: 12/19/17

Time of Meeting: 7:30

Location of Meeting: The Clayton Center (York Room)

**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.*

Meeting End: 8:45pm (No show)

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



### **PUBLIC NOTICE**

In accordance with NC GS 160A-364, the Clayton Town Council will hold an evidentiary hearing on May 21, 2018, , at 6:00 PM at Town Hall, 111 East Second Street, to consider special use application 2017-209-SUP for Sunbelt Rentals. This application requires a Special Use Permit to allow the use of "Vehicle Sales and Rental" in the B-3 (Highway Business) zoning district. The site is 6.22 acres of a 23± acre tract, located at 7635 US Hwy 70 Bus West; parcel number 167700-26-7660.

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.

Jay McLeod, Senior Planner  
919-553-5002

---

Please advertise on the following dates:

April 11, 2018

April 18, 2018

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 **2017-209-SUP – Sunbelt Rental**.

This motion is based on the following findings:

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

**OR**

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

\*\*\*\*\*

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

**OR**

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

\*\*\*\*\*

**Motion Form**  
**2017-209-SUP – Sunbelt Rental**

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

**OR**

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

\*\*\*\*\*

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

**OR**

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

\*\*\*\*\*

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

**Motion Form**  
**2017-209-SUP – Sunbelt Rental**

**TOWN OF CLAYTON  
SPECIAL USE PERMIT  
#2017-209-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:                  | Moffat Properties, Inc.                      |
| Property Owner:             | CMH Homes Inc., Rental Properties Department |
| Property Location:          | 7635 US Highway 70 Business                  |
| Brief Property Description: | 6.22 acres of 23.4 acre tract                |
| Tax Parcel Number:          | Portion of 167700-26-7660 / 05i05035a        |
| Proposed Use of Property:   | Vehicle Sales and Rental                     |
| Hearing Date:               | May 21, 2018                                 |

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.

**CONDITIONS OF APPROVAL:**

1. The special use permit that allows the use of "Vehicle Sales and Rental" shall be restricted to only the 6.22 acres in the associated site plan (2018-02-SP).
2. Prior to building permit issuance, a minor subdivision application shall be required to separate the 6.22 acres of the special use permit area from the remainder of the tract.
3. The development of the site is limited to the site design and uses approved by the Planning Board and Town Council of the associated site plan (2018-2-SP) and special use permit (2017-209-SUP). Modifications to the approved site plan or special use permit shall require review and approval in accordance with the provisions of the Unified Development Code.
4. Per the note on the plans, a fee-in-lieu shall be paid for the required curb-and-gutter and sidewalk for the frontage along the public right-of-way. This shall be paid prior to or at building permit issuance.
5. Annexation into the Town municipal limits is required and shall be completed prior to the issuance of a Certificate of Occupancy.
6. A cross-access agreement shall be recorded and provided to the Planning Department prior to the issuance of a Certificate of Occupancy.

7. Cross-access drives shall be paved to the property line. Where cross access stops short of the property line, an easement shall be recorded for future cross access, and that area shall be paved when the adjacent property develops.

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**

May 21 2018

### **Agenda Location**

Public Hearings

### **Item Title**

2018-75-0A Scenic Highway Overlay Amendment

### **Presenter**

Planning Department and Economic & Community Development Department

### **Summary/Description**

This amendment seeks to remove the Scenic Highway Overlay from the Unified Development Code. The Scenic Highway Overlay was established in 2011 to restrict certain additional uses beyond those of the standard underlying zoning district(s). The Scenic Highway Overlay District (SHO) further restricts uses and development within ½ mile of the interchange of US Hwy 70 Bus. and US Hwy 70 Bypass because the two interchanges function as entrances, or gateways, into Clayton from US Hwy 70 Bypass. The purpose of the SHO is to “encourage the development of specific uses at SHO interchanges, evoking a sense of arrival at a significant urban destination.” The SHO has not shown a substantial positive impact on the areas it effects and thus the original intent and reliability of that are in question. There have been multiple instances when the SHO has negatively impacted development in Clayton. Staff feels strongly that the SHO should be removed from the ordinance.

### **Requested Action**

Approval

### **Additional Documents To Be Included in Agenda Packet**

Application  
Staff Report Maps  
Planning Board Recommendation  
Newspaper Ad- Public Notice



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

## 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:** Overlay District Amendment

**Existing title of Code Section(s):** 155.200 (Districts Established), 155.204 (Overlay District Standards), 155.801 (Abbreviations)

**Code Section Number(s):** Title XV, Chapter 155, Articles 2 and 8

### APPLICANT/CONTACT INFORMATION

**Applicant:** Town of Clayton, Planning Department

**Mailing Address:** P.O. Box 864, Clayton, NC 27528

**Phone Number:** 919-553-5002

**Fax:** \_\_\_\_\_

**Contact Person:** Samantha Wullenwaber (Planning Director)

**Email Address:** swullenwaber@townofclaytonnc.org

### DESCRIPTION OF REQUESTED CHANGES

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

Request to remove the Scenic Highway Overlay District. Staff seeks to make this amendment in order to remove additional burden placed upon applicants looking to develop within the US HWY 70 W corridor.

| FOR OFFICE USE ONLY |                    |                                |
|---------------------|--------------------|--------------------------------|
| Date Received:      | <u>APR 18 2018</u> | Amount Paid: <u>_____</u>      |
|                     |                    | File Number: <u>2018-75-0A</u> |

Version 05/10/2016

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: |    |     |
|--------------------------------------------------------------------------------------|-------------------------------------|-----|---------------------|----|-----|
| Submit 9 copies of all materials unless otherwise noted or directed by staff         | Yes                                 | N/A | Yes                 | No | N/A |
| 1. A pre-application conference was held with Town of Clayton staff. Date: _____     | <input type="checkbox"/>            | X   |                     |    |     |
| 2. Review Fee and Advertisement Fee                                                  | <input type="checkbox"/>            | X   |                     |    |     |
| 3. Completed application                                                             | <input checked="" type="checkbox"/> |     |                     |    |     |
| 4. A bound strikethrough/underline copy of the Code section(s) proposed for revision | <input checked="" type="checkbox"/> |     |                     |    |     |
| 5. A bound "clean" copy of the Code section(s) proposed for revision                 | <input checked="" type="checkbox"/> |     |                     |    |     |

### 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 proposed amendment is 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 amendment seeks to remove additional burden placed upon applicants seeking to develop within the US HWY 70 W corridor.
3. Whether or not the proposed text amendment corrects an error in the chapter.  
This amendment does not correct an existing error within the chapter.
4. Whether or not the proposed text amendment revises the chapter to comply with state or federal statutes or case law.  
This amendment is not proposed to revise the chapter in order to comply with state or federal statutes or case law.

### 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.*

Samantha Wullenwaber  
Print Name

Samantha Wullenwaber  
Signature of Applicant

4-2-18  
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

Planning Board  
April 23, 2018

## STAFF REPORT

**Application Number: 2018-75-OA**  
**Project Name: Scenic Highway Overlay District Removal**  
**Ordinance Amendment**

---

**Applicant:** Town of Clayton

**Public Noticing:**

- Newspaper ad posted prior to May 21, 2018

---

**REQUEST:** Request to make amendments to the text of the Unified Development Code, Title XV, §155.200, §155.204, §155.801. This amendment seeks to remove the Scenic Highway Overlay District from the Unified Development Code. The proposed change is minor in scope.

---

**SECTIONS PROPOSED FOR AMENDMENT:**

The following sections of Title XV, Chapter 155 and their general description are proposed for amendment:

- 200 –Districts Established
- 204 –Overlay Districts Standards
- 801– Abbreviations

---

**STAFF ANALYSIS AND COMMENTARY:**

**Overview**

This amendment seeks to remove the Scenic Highway Overlay from the Unified Development Code. The Scenic Highway Overlay was established in 2011 to restrict certain additional uses beyond those of the standard underlying zoning district(s). The Scenic Highway Overlay District (SHO) further restricts uses and development within ½ mile of the interchange of US Hwy 70 Bus. and US Hwy 70 Bypass because the two interchanges function as entrances, or gateways, into Clayton from US Hwy 70 Bypass. The purpose of the SHO is to “encourage the development of specific uses at SHO interchanges, evoking a sense of arrival at a significant urban destination.” The SHO has not shown a substantial positive impact on the areas it effects and thus the original intent and

Page 1 of 2

reliability of that are in question. There have been multiple instances when the SHO has negatively impacted development in Clayton. Staff feels strongly that the SHO should be removed from the ordinance.

**Approval Criteria:**

- **Consistency with remainder of the Chapter**  
The request is consistent with the remainder of Chapter 155.
  
- **Novelty of the request**  
The request does not represent novel changes to the Code.

---

**CONSIDERATIONS**

- The Planning Board shall make a recommendation to Town Council. The Town Council shall make a final decision regarding revisions to the Town Code.

---

**STAFF RECOMMENDATION:**

Staff is recommending approval of the removal of the Scenic Highway Overlay from the UDC.

---

**CONDITIONS:**

Staff has no recommendation of Conditions.

---

**ATTACHMENTS:**

- 1) Application
- 2) Draft Ordinance Amendment, in strikethrough/underline
- 3) Draft Ordinance- Clean Copy
- 4) Existing Overlay Map

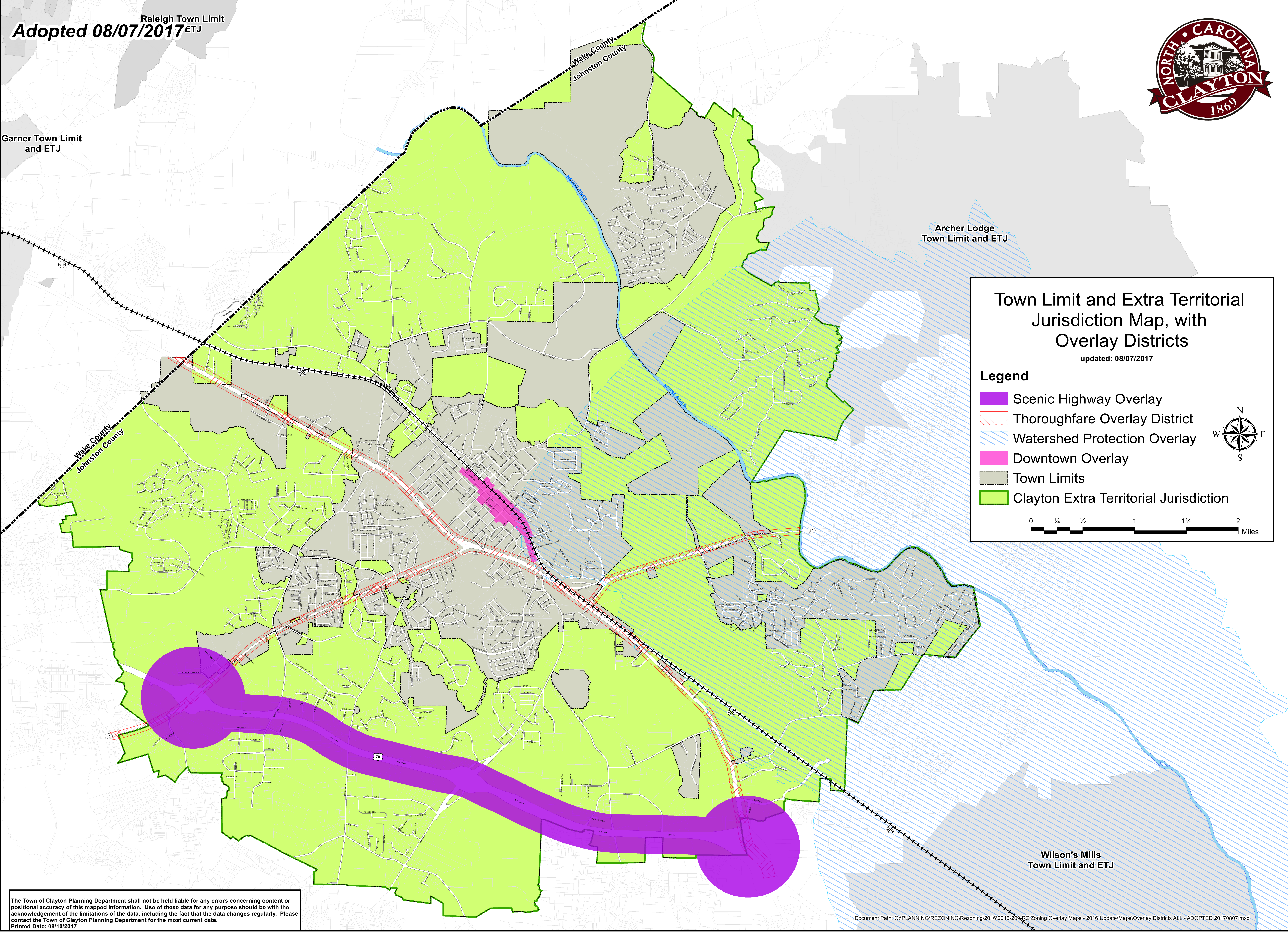
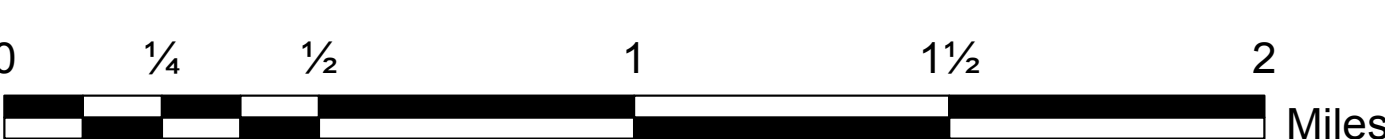
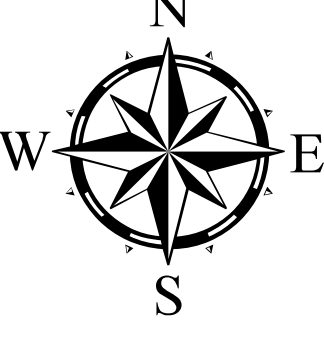




**Town Limit and Extra Territorial Jurisdiction Map, with Overlay Districts**  
updated: 08/07/2017

**Legend**

- Scenic Highway Overlay
- Thoroughfare Overlay District
- Watershed Protection Overlay
- Downtown Overlay
- Town Limits
- Clayton Extra Territorial Jurisdiction



The Town of Clayton Planning Department shall not be held liable for any errors concerning content or positional accuracy of this mapped information. Use of these data for any purpose should be with the acknowledgement of the limitations of the data, including the fact that the data changes regularly. Please contact the Town of Clayton Planning Department for the most current data.  
Printed Date: 08/10/2017

Document Path: O:\PLANNING\REZONING\Rezoning\2016\2016-209-22 Zoning Overlay Maps - 2016 Update\Maps\Overlay Districts ALL - ADOPTED 20170807.mxd



## ARTICLE 2: ZONING DISTRICTS

### § 155.200 DISTRICTS ESTABLISHED

To carry out the provisions of this Chapter, within the jurisdiction of the Town, the following zoning districts are established.

(A) **INTERPRETATION OF ZONING DISTRICT BOUNDARIES**

(1) **Defined**

District boundaries are as shown upon the Official Zoning Map and Future Land Use Map as set forth in § 155.104, and as adopted by Town Council. The provisions of this chapter are hereby established and declared to be in effect upon all land included within the boundaries as shown on the maps.

(2) **Rules for Interpretation**

- (a) The Planning Director shall be responsible for interpretations of the Official Zoning Map and Future Land Use Map in accordance with the standards set forth in this Section. Where uncertainty exists as to the boundaries of any district shown on the Official Zoning Map, the following rules shall apply:
1. Boundaries indicated as approximately following the centerlines of streets, alleys, highways, streams or railroads shall be construed to follow such centerlines.
  2. Boundaries indicated as approximately following lot lines, Town limits or extraterritorial jurisdiction boundary lines, shall be construed as following such lines, limits or boundaries; and
  3. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as following such changed shorelines.
  4. Where a district boundary divides a lot or where distances are not specifically indicated on the zoning map, the boundary shall be determined by measurement, using the scale of the zoning map.
  5. Where any street or alley is hereafter officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that portion of such street or alley added thereto by virtue of such vacation or abandonment.
- (b) Any person or party aggrieved by the Planning Director's interpretation of the Official Zoning Map may file an Administrative Appeal application to the Board of Adjustment, as provided in §155.717 of this ordinance. The application shall contain sufficient information to enable the Board of Adjustment to make the necessary interpretation.

(B) **GENERAL USE DISTRICTS**

(1) **Residential Districts**

- (a) ***R-E | Residential-Estate.*** The R-E district is comprised of low density, single-family dwellings, and other selected uses which are compatible with the open and rural character of the area. The established regulations for this district are designed to promote and encourage an environment for family life and agriculture. To encourage higher quality development and to ensure greater environmental protection, open space (cluster) subdivisions are permitted.
- (b) ***R-10 | Single-Family Residential-10.*** The R-10 district is established to provide for orderly suburban residential development and redevelopment and is intended to maintain residential areas at relatively low densities characterized predominantly by owner-occupied, single-family detached units. The district requirements protect existing neighborhoods from undesirable or incompatible uses. To encourage higher quality development and to ensure greater environmental protection, open space (cluster) subdivisions are permitted. A special permit process for higher intensity development is also allowed, using discretion to balance issues of higher density with improved amenities.
- (c) ***R-8 | Single-Family Residential-8.*** The R-8 district is established to provide for orderly suburban residential development and redevelopment and is intended to maintain residential areas at suburban densities characterized predominantly by owner-occupied, single-family detached units. To encourage higher quality development and to ensure greater environmental protection, open space (cluster) subdivisions are permitted. A special permit process for higher intensity development is also allowed, using discretion to balance issues of higher density with improved amenities.
- (d) ***R-6 | Single-Family Residential-6.*** The R-6 district is established to provide for orderly suburban residential development and redevelopment. Intended to protect, preserve and enhance existing residential areas of higher density, which includes multi-family dwellings mixed with other housing types. A special permit process for higher intensity development is also allowed, using discretion to balance issues of higher density with improved amenities.

(2) **Nonresidential Districts**

- (a) ***O-R | Office-Residential.*** The O-R district is intended to accommodate modest-scale professional occupations, along with single-family and multi-family residential units, to serve as a neighborhood activity center and as a transition between residential and more intense commercial uses.
- (b) ***O-I | Office-Institutional.*** The O-I district is intended to permit offices, institutions, and associated administrative, executive, professional and research uses in new and existing structures and limited retail uses. Such offices and institutional uses are generally located along or proximate to major roadways or adjacent to commercial uses and may act as a buffer between such areas and residential uses.



- (c) **B-1 | Central-Business.** The B-1 district is intended to foster a vibrant, safe, central business district and town center by encouraging dense residential development while retaining and further developing a broad range of commercial, retail, service, office, institutional, public, cultural, and entertainment uses and activities. The district is intended to define and promote the town center as a desirable place to live, work, shop, and recreate.
  - (d) **B-2 | Neighborhood-Business.** The B-2 district provides opportunities for small-scale commercial uses offering primarily convenience shopping and services for adjacent residential areas. Proximity to residences requires that commercial operations are low intensity, unobtrusive, and conducted at a scale and density compatible with the surrounding neighborhood. There is a relatively low demand on public services, transportation, and utilities.
  - (e) **B-3 | Highway-Business.** The B-3 district provides opportunities for offices, service uses, and businesses retailing durable and convenience goods for the community as a whole. Located on major and minor thoroughfares, this district is accessible to and serves the entire community. Site design and buffering mitigate impacts of traffic, operations, and scale on adjacent businesses and residential neighborhoods.
  - (f) **I-1 | Industrial-Light.** The I-1 district fosters the retention and growth of employment opportunities by providing areas where a broad range of industrial uses may locate and where options for complementary uses exist. Industries should be operated in a relatively clean and quiet manner, and should not be obnoxious to nearby residential or business districts, warehousing and wholesaling activities, and research facilities. The regulations of this district are intended to prohibit the use of land for industries that by their nature may create very minor nuisance to surrounding properties.
  - (g) **I-2 | Industrial-Heavy.** The I-2 district fosters the retention and growth of employment opportunities by providing areas where a broad range of industrial uses may locate and where options for complementary uses exist. Intended for heavy industries that, by their nature, may create some nuisance, and which are not properly associated with or are compatible with nearby residential or business districts, warehousing and wholesaling activities, and research facilities.
  - (h) **PF | Public Facilities.** The PF district is established to provide a coordinated land planning approach to the sale, rent, lease, purchase, management, or alteration of publicly owned or operated lands. Notwithstanding those public uses permitted elsewhere in this Code, the PF district is primarily intended for, although not limited to, public parks and recreation areas, public buildings and facilities, and other capital improvements of a significant nature. (*Ord. 2015-09-03, adopted 09/28/2015*)
- (3) **Planned Development Districts**
- (a) **PD-R | Planned Development-Residential.** The PD-R district provides opportunities for master-planned residential communities containing a mix of housing types, including associated amenities with appropriate perimeter buffering and open space. This district is primarily intended for large-scale residential projects that require either additional flexibility not available in a residential district or greater scrutiny by the Town due to their scale.

- (b) ***PD-C | Planned Development-Commercial.*** The PD-C district is intended to enhance the design of a commercial development by allowing for additional flexibility not available in the nonresidential districts. The district allows for innovations and special features in site development, including the location and type of structures, the conservation of natural features, the conservation of energy, and the efficient use of open space.
- (c) ***PD-I | Planned Development-Industrial.*** The PD-I district is intended to provide a means of achieving unified industrial complexes of high quality to promote amenities beyond those expected under conventional techniques, to achieve greater flexibility in design, to encourage well-planned industrial developments that provide for community needs, to provide for appropriate use of land which is significantly unique in its physical characteristics, location or other circumstances to warrant special methods of development, and to allow the expansion of existing industrial areas while safeguarding and maintaining the integrity of surrounding uses, especially those of a residential nature.
- (d) ***PD-MU | Planned Development-Mixed Use.*** The PD-MU district is intended to provide coordinated mixed use developments, which includes light industrial, commercial, office, educational, civic, institutional, residential and service uses within a planned development with appropriate perimeter buffering and open space. The variety of land uses available in this district allows flexibility to respond to market demands and the needs of tenants, which provides for a variety of physically and functionally integrated land uses.

(C) **SPECIAL USE DISTRICTS**

- (1) Pursuant to G.S. § 160A-382, the Town Council may establish by ordinance various special use districts upon request by or on behalf of all owners. Parallel special use districts shall be designated by adding "-SUD" to the corresponding general use district.
- (2) All zoning regulations that apply to the general use district are the minimum within the corresponding special use district.
- (3) A special use district may provide for greater but not lesser setbacks than those applicable to the corresponding general use district, and may limit the number of uses.
- (4) Under each special use district, all uses must be approved through the issuance of a special use permit granted by the Town Council in accordance with § 155.711. However, a special use permit is not required as a prerequisite to establish a special use district, since the district itself may be conditioned and established first and then developed much later. However, a special use permit may be submitted in tandem petition for the special use district, either by preference of the applicant or upon request by the Town Council or Planning Director, if either finds that such permit is necessary in order to consider an application for a special use district.
- (5) If for any reason a condition imposed pursuant to these regulations is found to be illegal or invalid, or if the applicant should fail to accept any condition, it is the intent of this chapter that the authorization of such special use district or special use permit within that district shall be null and void and of no effect and that proceedings be instituted to rezone the property to its previous zoning classification.

(D) **OVERLAY DISTRICTS**

(1) **Thoroughfare Overlay District (TOD)**

The Thoroughfare Overlay District is established for the purpose of maintaining a safe, efficient, and functional development pattern adjacent to major thoroughfares, while maintaining an aesthetic streetscape environment. It is recognized that an enhanced development quality in areas of high visibility promotes economic development and stability in the entire community. The standards established in § 155.204(A) shall be applied to properties which adjoin major thoroughfares, as designated on the Town's Overlay Zoning Map.

(2) **Watershed Protection Overlay (WPO)**

(a) The Watershed Protection Overlay (WPO) is hereby established as a district that overlays the designated water supply watershed. The designated water supply watershed under this district is defined and established by the overlay district "Watershed Protection Overlay" on the zoning map. Land use and development within the WPO must comply with all the requirements of both the underlying zoning district and the watershed overlay.

(b) The designated water supply watershed within the Town is designated by the state as a Class IV watershed protected area (WS-IV PA) and is referred to as the Neuse River (Smithfield) watershed within the Neuse River basin. Only new development activities that require an erosion/sedimentation control plan under state law or approved local government program are required to meet the provisions of this program. See § 155.501 for watershed protection standards.

~~(3) **Scenic Highway Overlay (SHO)**~~

~~The Scenic Highway Overlay is established for the purpose of protecting the visual qualities of the scenic US Highway 70 West corridor, as further described in this Article, specifically in §155.204.~~

(4) **Downtown Overlay District (DOD)**

The Downtown Overlay District is established for the purpose of fostering the economic vitality of the area within the district's boundaries, as well as the aesthetics and character of the district as further described in this Article, specifically in §155.204.

(Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2009-08-02, passed 8-3-09, Am. Ord. 2012-04-02, passed 4-2-12; Am. Ord. 2012-12-02, passed 12-3-12; Am. Ord. 2016-04-04, passed 04-04-2016; Ord. 2017-04-06, approved 04/03/2017)

## § 155.204 OVERLAY DISTRICT STANDARDS

### (A) THOROUGHFARE OVERLAY DISTRICT

#### (1) **Established**

the thoroughfare overlay district (TOD) is established for the purpose of maintaining a safe, efficient, and functional development pattern adjacent to major thoroughfares while maintaining an aesthetic streetscape environment. It is recognized that an enhanced development quality in areas of high visibility promotes economic development and stability in the entire community. The standards established in this section shall be applied, at the discretion of the town council, to nonresidential properties which adjoin major thoroughfares.

#### (2) **Designation**

Properties subject to these regulations shall be adjacent to, or have immediate access to a major thoroughfare. The boundaries follow the major thoroughfares both within the corporate limits and extraterritorial jurisdiction, and in no case extend more than 150 feet from the outer edge of the right-of-way of a thoroughfare.

#### **Permitted Uses**

All permitted, special, and conditional uses of the underlying zoning district are allowed subject to the specific requirements and procedures for each classification.

#### **Dimensional Requirements**

The dimensional requirements of this overlay district shall be the same as the underlying zoning district.

#### **Street Yard Requirements**

All new developments or major expansions of existing development (25% increase in building area, lot area, or parking requirement) shall provide a landscaped street yard as provided in Table 2-6.

**Table 2-6 TOD Street Yard Requirements**

|                | Street Yard Width (feet) |         |         |
|----------------|--------------------------|---------|---------|
|                | Average                  | Minimum | Maximum |
| TOD Commercial | 20                       | 10      | 40      |
| TOD Industrial | 40                       | 20      | 80      |

For purposes of this section, the street yard area is determined by multiplying the lot frontage, less driveways, times the average required width to determine the required street yard area. There shall be no structures allowed in this street yard, except as follows:



- 1) Landscaping;
- 2) Drainage features designed to mimic the natural environment;
- 3) Public utilities and facilities;
- 4) Driveways and streets;
- 5) Sidewalks, pedestrian ways, or bikeways;
- 6) Other than a Development Identification Sign described in §155.403, freestanding signs may not exceed six feet in height and 24 square feet per sign face.

#### Landscape Requirements

All required street yard areas shall be covered by lawn, ground cover, trees, shrubs, or mulch, except as noted above. Maintenance shall be the responsibility of the property owner. Landscaping shall be required according to Table 2-7 below.

**Table 2-7 TOD Landscape Requirements**

|                | Min. Landscape Requirements              |                                           |
|----------------|------------------------------------------|-------------------------------------------|
|                | Trees (per 1,000 sq. ft. of street yard) | Shrubs (per 1,000 sq. ft. of street yard) |
| TOD Commercial | 1                                        | 5                                         |
| TOD Industrial | 2                                        | 10                                        |

The preservation of existing trees shall be required when practical, utilizing recognized professional standards. The species and size of all plant material shall be specified on the site plan, and at least 50% of the total shall be evergreen. Trees shall have a minimum height of six feet and shrubs must have a minimum height of 18 inches at planting and reach 30 inches within two years. Additional trees may substitute for shrubs on a one-for-one basis. The requirements set forth in this section may be used to fulfill up to 67% (two-thirds) of the landscaping required under § 155.402(D), except that landscaping within all parking areas for vehicles, as set forth in § 155.401(C)(3)(d)2., and buffers, as set forth in § 155.402(E)(2)(c) shall be provided completely, as required, in addition to these requirements.

#### Access Regulations

All driveways and public street intersections in a Thoroughfare Overlay District shall be subject to NCDOT and the town standards and permitting processes, whichever is applicable. Any parcel of land with less than 400 feet of frontage on a thoroughfare may have no more than one point of access to the thoroughfare. One additional driveway for each additional 400 feet of thoroughfare frontage shall be allowed, and one per 400 feet of additional frontage. Where medians are provided which prohibit turns into oncoming traffic, access points may be provided every 200 linear feet. No driveway shall be allowed within 300 feet of the intersection of two thoroughfares or within 200 feet of an intersection of any other public street on the thoroughfare. Driveways shall be a minimum of 200 feet apart (measured from

center line to center line) on thoroughfares, and shall align with opposing drives, where possible. Shared driveways or parallel access roads shall be used when deemed necessary, and the appropriate legal documents may be required by the town prior to driveway permit issuance. If access to a lot or legally created parcel of land is physically unobtainable under these provisions, an access point may be approved which is located the greatest distance possible from an existing access point and in the safest possible location to be approved by NCDOT and/or the town. For the purpose of this section, adjacent lots in common ownership fronting on a thoroughfare in a Thoroughfare Overlay District shall be considered as one lot when determining permitted driveways.

#### **Alternative Means of Compliance**

It is recognized that strict interpretation and application of these standards may create particular hardships in areas of unusual topographic condition, or in retrofitting existing developed properties which are expanded. The Planning Board, by majority vote, may approve a site plan for any proposed development which does not meet any specific standard of this section as an alternate means of compliance, subject to making the following findings:

The proposed development attempts to meet the intent of the Thoroughfare Overlay District.

There are physical conditions, not only economic considerations, which prevent the proposed development from meeting the specific standards of this chapter.

The proposed development will be designed to meet the standards of this section to the fullest extent possible.

In determining alternative means of compliance, the Planning Board may consider various features such as width in relation to opacity of landscaping in street yard, number of required parking spaces, and driveway locations and/or distances from nearby intersections.

#### **(B) WATERSHED PROTECTION OVERLAY (-WP)**

The use and development standards for the Watershed Protection Overlay (-WP) are found in § 155.501.

#### **~~(C) SCENIC HIGHWAY OVERLAY (SHO)~~**

##### **~~Established~~**

~~The Scenic Highway Overlay (SHO) is established for the purpose of protecting the visual qualities of the scenic US Highway 70 West corridor by maintaining the corridor in as natural a state as is feasible and retaining its historic rural character while providing opportunities for growth and development, and encouraging urban development at highway interchanges. The property within the SHO offers a desirable, predominantly low density, rural lifestyle. A primary goal is to promote and enhance the quality of life experience by protecting the unique rural character and social fabric while enhancing appeal for new residential and business investment.~~

### **Designation**

~~Properties subject to these regulations shall be within the SHO boundaries for scenic US Highway 70 West. The general boundaries for the SHO follow the thoroughfare within Town limits and extra territorial jurisdiction (ETJ) for ½ mile, centered on highway interchanges and extends 1,000 feet from the centerline of the right-of-way for the remainder of the thoroughfare. The official SHO boundaries are subject to an Official Zoning Map amendment approved by Town Council.~~

### **Exemptions**

~~Existing single family lots of record and residential subdivisions which have a valid subdivision/plat approval.~~

~~Property used for "bona fide" farms as defined in North Carolina General Statutes (NCGS) Section 153A-340.~~

### **Permitted Uses**

~~All permitted, special, and conditional uses of the underlying zoning district are allowed subject to the specific requirements and procedures for each classification unless otherwise stated herein.~~

### **Development Requirements**

~~The development requirements of the SHO shall prevail over any conflicting regulation established within the underlying zoning district. All driveways and public street intersections shall be subject to applicable NCDOT requirements, town standards and permitting processes.~~

### **Nonconformities**

~~This section shall not be construed or held to affect the rights of (1) any existing established business, its successors, or assigns, to continue in a use or structure that may otherwise become a legal nonconformity as a result of the establishment of this section or (2) any use specifically approved by a development plan approval granted by the Town prior to the effective date of this section.~~

### **Waivers**

~~A waiver from one or more of the development requirements may be granted by the Town Council if the waiver criteria set forth below have been met.~~

~~The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located;~~

~~The conditions upon which the request for a waiver are based are unique to the property for which the waiver is sought and are not generally applicable to other property;~~

~~Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of this chapter are enforced; and~~

~~The purpose of the wavier is not based primarily upon financial consideration.~~

#### **SHO Interchange Development**

The Town seeks to encourage the development of specific uses at SHO interchanges, evoking a sense of arrival at a significant urban destination. SHO interchanges shall generally include properties within ½ mile radius of the intersection point of the following highway interchanges:

Scenic US Highway 70 West and business US Highway 70 West

Scenic US Highway 70 West and NC HWY 42 West

~~To create the unique character and aesthetics for these interchanges, development standards are provided which:~~

~~Create an urban identity for interchanges through the use of planning and design standards.~~

~~Ensure high quality, architecturally compatible, consistently landscaped development at interchanges.~~

~~Regulate uses at interchanges to create a specific character and aesthetic quality.~~

~~Ensure that new development or redevelopment projects at the interchanges preserve and enhance the existing visual character of the scenic corridor.~~

~~Promote and protect the health, safety and general welfare of the Town.~~

#### **Interchange Site Development Guidelines**

##### ***Application***

~~To promote and enhance the character of the SHO, certain uses shall be prohibited at the interchanges which might otherwise be permitted within the underlying zoning districts. Mixed-use development at the interchanges is encouraged.~~

##### ***Uses***

~~Those uses permitted, allowed subject to a conditional use or subject to a special use at SHO interchanges are listed in Table 2-8 below. A use not listed, but possessing similar characteristics to those identified may be established upon approval by the Planning Director. Appeals to such determinations shall be made to the Board of Adjustment.~~



[The Remainder of this Page Left Intentionally Blank]

**Table 2-8 Interchange Use Regulations**

| Use Type                                                            | SHO Interchange | Specific Use Section |
|---------------------------------------------------------------------|-----------------|----------------------|
| <b>Residential Uses</b>                                             |                 |                      |
| Apartments                                                          | S               | §155.301 (C)         |
| Alley Loaded                                                        | S               | §155.301 (B)         |
| Nursing Home (Congregate Living Facility)                           | S               | §155.301 (H)         |
| Townhouse                                                           | S               | §155.301 (J)         |
| Single Family House                                                 | S               | §155.301 (L)         |
| Upper story Residence                                               | P               | §155.301 (M)         |
| <b>Public and Civic Uses</b>                                        |                 |                      |
| College or University                                               | S               | §155.302 (D)         |
| Government Service                                                  | P               | §155.302 (F)         |
| Hospital or Medical Center                                          | C               | §155.302 (G)         |
| School (Technical, Trade or Business)                               | S               | §155.302 (J)         |
| School (Elementary or Secondary)                                    | S               | §155.302 (I)         |
| <b>Recreational Uses</b>                                            |                 |                      |
| Arena, Auditorium or Stadium                                        | S               |                      |
| Indoor Entertainment                                                | C               | §155.303(A)          |
| <b>Commercial Uses</b>                                              |                 |                      |
| Convenience Store with Gas Sales                                    | S               | §155.305 (F)         |
| Hotel/Motel                                                         | C               | §155.305 (K)         |
| Office, General                                                     | P               | §155.305 (P)         |
| Office, Medical                                                     | P               | §155.305 (Q)         |
| Outdoor Seating/Sidewalk Cafe                                       | S               | §155.305 (R)         |
| Restaurant, General                                                 | C               | §155.305 (V)         |
| Retail Sales, General                                               | P               | §155.305 (W)         |
| Service, General                                                    | P               | §155.305 (Z)         |
| Veterinarian/Animal Hospital                                        | C               | §155.305 (FF)        |
| <b>Industrial Uses</b>                                              |                 |                      |
| Research and Development                                            | C               | §155.306 (H)         |
| <b>Key:</b>                                                         |                 |                      |
| P— Permitted by right                                               |                 |                      |
| C— Conditional Use permitted if approved by the Board of Adjustment |                 |                      |
| S— Special Use permitted if approved by the Town Council (TC)       |                 |                      |
| * Mixed use development is encouraged                               |                 |                      |

**Site Design**

Development shall incorporate the design criteria established in the Town's General Design Guidelines to enhance and protect the health, safety and general welfare of the Town.

### ***Pedestrian Amenities***

~~Uses shall contribute to pedestrian-friendly focal spaces through the provision of well-designed walking paths, pedestrian spaces with furnishings, public art, generous plantings, marked crosswalks, and vehicular parking and circulation areas clearly separated from such pedestrian amenities.~~

### ***Landscaping***

~~To supplement landscape requirements, existing vegetation shall be incorporated into the design of the development to the greatest extent possible.~~

### ***Setback Requirements***

- ~~1) Setbacks for properties not having direct frontage along a thoroughfare within the SHO shall be as defined by the underlying zoning district.~~
- ~~2) Thoroughfare right of way setbacks shall be a minimum of 50 feet. The entire area within the right of way setback shall be fully grassed and landscaped. Structures and paved areas for motor vehicles, other than for ingress, egress and signage shall not be installed or constructed within 50 feet of a road right of way. Buildings shall be directly adjacent to the right of way setback with parking and circulation occurring interior to the development. Encroachment into the setback may be granted by Town Council to allow for art in public places, transit stops, pedestrian amenities such as meandering sidewalks, and outdoor seating with or without service for restaurants.~~

### ***Access Management***

- ~~1) NCDOT policies and access management practices shall be followed to limit traffic conflicts through the design and placement of driveways and medians within the SHO.~~
- ~~2) To improve safety and site circulation, cross access agreements shall be provided by proposed development to adjacent properties.~~

### ***Site Development***

~~To promote a sense of arrival, structures located on intersection properties having frontage on Scenic US Highway 70 West are encouraged to be multiple stories in height. Buildings directly adjacent to Scenic US 70 West shall be a minimum of two stories or 25 feet in height. To encourage both quality mixed use development and multiple story buildings, the Town Council may grant development incentives such as:~~

- ~~1) Density and/or intensity bonuses;~~
- ~~2) Increased building height allowances; and~~

- 3) ~~Reduced parking requirements.~~

### ***Prohibited Elements***

The following elements are prohibited at SHO interchanges:

- 1) ~~Unfinished concrete or concrete masonry walls.~~
- 2) ~~Unscreened dumpsters or trash receptacles.~~
- 3) ~~Visible neon and other elements with highly reflective or bright colored surfaces.~~
- 4) ~~Distracting or frivolous objects which are not in harmony with the SHO.~~

### ***SHO Interchange Building Design Guidelines***

#### ***General Design***

~~Development shall be designed to be compatible with the surrounding environment, both manmade and natural. A building shall provide a positive impact on the surrounding environment.~~

#### ***Building Elevations***

~~All building elevations shall be treated equally as if all sides were the front of the building. This requirement includes but is not limited to architectural elements, facade treatment, and landscaping.~~

#### ***Building Materials and Color***

~~Building materials and color selection shall achieve visual order through the consistent use of compatible color palettes.~~

#### ***Trademark Forms and Colors***

~~Buildings and structures which use trademark or symbolic forms and colors and which have a negative impact on the visual environment of the area, shall not be permitted.~~

#### ***Architectural Detail***

~~Architectural design shall prohibit large expanses of blank walls with limited or no windows or architectural embellishments.~~

#### ***Roof Overhangs***

~~Unless specifically designed otherwise, roof overhangs including mansard roof overhangs shall wrap around the building so that there is visual continuity around the entire building.~~



### ***Mechanical Equipment Screening***

The highest portion of mechanical equipment, such as backflow preventers, meters and valves for public utilities operations, satellite antennas, heating and ventilating, air conditioning, or other utility hardware on roofs, ground, or buildings shall be installed at or below the lowest elevation or below the level of screening materials. Materials used for screening purposes shall be compatible with the architectural style, color, and materials of the principal building. This equipment shall be located so as not to be visible from any street or adjoining property.

### ***Gutters And Down Spouts***

Gutters and down spouts shall be painted to match the surface to which they are attached. Gutters and down spouts may, however, be painted in such a way so as to become a design element if the color is consistent with the color scheme of the building.

### ***Service Yards, Storage Yards, and Loading Docks***

All refuse and waste containers, recycling or compacting containers, dumpsters, oil tanks, bottled gas tanks, service yards, storage yards, and loading docks shall be located in the rear or side yard. All such service equipment and service areas shall be screened from view from any street or adjoining property by means of a wall, landscaping, or other methods approved by the Town Council.

### ***SHO Corridor Development***

#### ***General Design***

New development along the SHO corridor shall be sited and designed to minimize adverse impacts on scenic areas visible from the scenic highway to the maximum extent feasible. As a general design principle, the density of vegetation should increase with the density or intensity of development. Priority shall be given to retaining existing natural resources and mature trees.

#### ***Special Setback Requirement***

Non-residential development must maintain a minimum 100 foot setback and non-exempt residential development must maintain a minimum 50 foot setback from the edge of the ultimate right-of-way for Scenic US Highway 70 West. Residential development which provides a 100 foot setback and provides unit clustering will receive a density bonus of one-half unit per acre. The following exceptions are permitted within the special setback:

- 1) — Landscaping;
- 2) — Drainage features designed to mimic the natural environment;

- 3) ~~Public utilities and facilities, and private wells and septic systems;~~
- 4) ~~Driveways and streets; and~~
- 5) ~~Sidewalks, pedestrian ways, or bikeways.~~

#### ***Development Location***

~~Development shall be designed so that it is located on the least visible portion of the site from the corridor. If there is no feasible building site location to minimize visibility, then the development shall be sited and designed to minimize impacts on scenic areas from the highway.~~

#### ***Landscape Elements***

~~Existing vegetation and proposed landscaping shall be blended to produce the feeling of masses of trees forming green arbors. These masses shall be interrupted by occasional views to open spaces and environmentally sensitive lands.~~

#### ***Clustering Development***

~~In an effort to preserve expansive open spaces and native vegetative communities within the corridor, development shall be clustered to preserve large areas of open space and the existing natural vegetation shall be preserved whenever possible, with the exception of invasive plant species.~~

#### ***Building Design***

~~Buildings and structures shall be designed to blend into the existing natural setting to the greatest extent possible. This shall be accomplished through the use of natural earth toned colors, architectural treatments on all sides of a structure and landscaping. Facilities such as loading zones, mechanical equipment, and trash and garbage containers shall be completely screened and buffered so that they cannot be viewed from the highway.~~

#### ***Site Grading***

~~Site grading shall be minimized to incorporate the existing topography to the greatest extent feasible.~~

#### ***Massing***

~~The massing of buildings, including height, bulk and scale, is important to maintaining the character of the SHO corridor. To ensure the impact of development is minimized, the height buildings shall be limited based on the topography and the shape of the site in relation to the highway.~~

- 1) ~~In order to better determine the impact of development on the corridor, the Planning Director may require the applicant to hold a “balloon test” prior to the~~

~~initial public hearing on the application. The applicant shall arrange to fly, or raise on a temporary mast, a large and brightly colored balloon in the approximate location and at the maximum height of the proposed structure(s).~~

***Prohibited Elements***

The following elements are prohibited along the SHO corridor:

- ~~1) Unfinished concrete or concrete masonry walls.~~
- ~~2) Unscreened dumpsters or trash receptacles.~~
- ~~3) Visible neon and other lighting elements with highly reflective or bright colored surfaces.~~
- ~~4) Unshielded lighting and backlit signage.~~
- ~~5) Distracting or frivolous objects which are not in harmony with the SHO.~~

**§ 155.801 ABBREVIATIONS**

ANSI: American National Standards Institute

BMP: Best Management Practices

BOA: Board of Adjustment

DAS: Distributive Access System

dbh. Diameter at Breast Height

DDA: Downtown Development Association

DENR: Department of Environment and Natural Resources (now known as Department of Environmental Quality)

DEQ: North Carolina Department of Environmental Quality

ETJ: Extraterritorial Jurisdiction

FAA: Federal Aviation Administration

FAR: Floor Area Ratio

FCC: Federal Communications Commission

FEMA: Federal Emergency Management Agency

FIRM: Flood Insurance Rate Map

GFA: Gross Floor Area

NCDOT: North Carolina Department of Transportation

NIER: Non-Ionizing Electromagnetic Radiation

PAAB: Public Arts Advisory Board

PB: Planning Board

PD: Planning Director

PW: Public Works Director

RF: Radio Frequency

~~SHO: Scenic Highway Overlay~~

TIA: Traffic Impact Analysis

TC: Town Council

TOD: Thoroughfare Overlay District

TRC: Technical Review Committee

UDC: Unified Development Code

USDA: United States Department of Agriculture

USGS: United States Geologic Survey

WP- Watershed Protection Overlay

(Ord. 2005-11-02, passed 11-21-05; Am. Ord 2016-04-04, adopted 04-04-2016)



## ARTICLE 2: ZONING DISTRICTS

### § 155.200 DISTRICTS ESTABLISHED

To carry out the provisions of this Chapter, within the jurisdiction of the Town, the following zoning districts are established.

(A) **INTERPRETATION OF ZONING DISTRICT BOUNDARIES**

(1) **Defined**

District boundaries are as shown upon the Official Zoning Map and Future Land Use Map as set forth in § 155.104, and as adopted by Town Council. The provisions of this chapter are hereby established and declared to be in effect upon all land included within the boundaries as shown on the maps.

(2) **Rules for Interpretation**

- (a) The Planning Director shall be responsible for interpretations of the Official Zoning Map and Future Land Use Map in accordance with the standards set forth in this Section. Where uncertainty exists as to the boundaries of any district shown on the Official Zoning Map, the following rules shall apply:
1. Boundaries indicated as approximately following the centerlines of streets, alleys, highways, streams or railroads shall be construed to follow such centerlines.
  2. Boundaries indicated as approximately following lot lines, Town limits or extraterritorial jurisdiction boundary lines, shall be construed as following such lines, limits or boundaries; and
  3. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as following such changed shorelines.
  4. Where a district boundary divides a lot or where distances are not specifically indicated on the zoning map, the boundary shall be determined by measurement, using the scale of the zoning map.
  5. Where any street or alley is hereafter officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that portion of such street or alley added thereto by virtue of such vacation or abandonment.
- (b) Any person or party aggrieved by the Planning Director's interpretation of the Official Zoning Map may file an Administrative Appeal application to the Board of Adjustment, as provided in §155.717 of this ordinance. The application shall contain sufficient information to enable the Board of Adjustment to make the necessary interpretation.

(B) **GENERAL USE DISTRICTS**

(1) **Residential Districts**

- (a) ***R-E | Residential-Estate.*** The R-E district is comprised of low density, single-family dwellings, and other selected uses which are compatible with the open and rural character of the area. The established regulations for this district are designed to promote and encourage an environment for family life and agriculture. To encourage higher quality development and to ensure greater environmental protection, open space (cluster) subdivisions are permitted.
- (b) ***R-10 | Single-Family Residential-10.*** The R-10 district is established to provide for orderly suburban residential development and redevelopment and is intended to maintain residential areas at relatively low densities characterized predominantly by owner-occupied, single-family detached units. The district requirements protect existing neighborhoods from undesirable or incompatible uses. To encourage higher quality development and to ensure greater environmental protection, open space (cluster) subdivisions are permitted. A special permit process for higher intensity development is also allowed, using discretion to balance issues of higher density with improved amenities.
- (c) ***R-8 | Single-Family Residential-8.*** The R-8 district is established to provide for orderly suburban residential development and redevelopment and is intended to maintain residential areas at suburban densities characterized predominantly by owner-occupied, single-family detached units. To encourage higher quality development and to ensure greater environmental protection, open space (cluster) subdivisions are permitted. A special permit process for higher intensity development is also allowed, using discretion to balance issues of higher density with improved amenities.
- (d) ***R-6 | Single-Family Residential-6.*** The R-6 district is established to provide for orderly suburban residential development and redevelopment. Intended to protect, preserve and enhance existing residential areas of higher density, which includes multi-family dwellings mixed with other housing types. A special permit process for higher intensity development is also allowed, using discretion to balance issues of higher density with improved amenities.

(2) **Nonresidential Districts**

- (a) ***O-R | Office-Residential.*** The O-R district is intended to accommodate modest-scale professional occupations, along with single-family and multi-family residential units, to serve as a neighborhood activity center and as a transition between residential and more intense commercial uses.
- (b) ***O-I | Office-Institutional.*** The O-I district is intended to permit offices, institutions, and associated administrative, executive, professional and research uses in new and existing structures and limited retail uses. Such offices and institutional uses are generally located along or proximate to major roadways or adjacent to commercial uses and may act as a buffer between such areas and residential uses.

- (c) **B-1 | Central-Business.** The B-1 district is intended to foster a vibrant, safe, central business district and town center by encouraging dense residential development while retaining and further developing a broad range of commercial, retail, service, office, institutional, public, cultural, and entertainment uses and activities. The district is intended to define and promote the town center as a desirable place to live, work, shop, and recreate.
  - (d) **B-2 | Neighborhood-Business.** The B-2 district provides opportunities for small-scale commercial uses offering primarily convenience shopping and services for adjacent residential areas. Proximity to residences requires that commercial operations are low intensity, unobtrusive, and conducted at a scale and density compatible with the surrounding neighborhood. There is a relatively low demand on public services, transportation, and utilities.
  - (e) **B-3 | Highway-Business.** The B-3 district provides opportunities for offices, service uses, and businesses retailing durable and convenience goods for the community as a whole. Located on major and minor thoroughfares, this district is accessible to and serves the entire community. Site design and buffering mitigate impacts of traffic, operations, and scale on adjacent businesses and residential neighborhoods.
  - (f) **I-1 | Industrial-Light.** The I-1 district fosters the retention and growth of employment opportunities by providing areas where a broad range of industrial uses may locate and where options for complementary uses exist. Industries should be operated in a relatively clean and quiet manner, and should not be obnoxious to nearby residential or business districts, warehousing and wholesaling activities, and research facilities. The regulations of this district are intended to prohibit the use of land for industries that by their nature may create very minor nuisance to surrounding properties.
  - (g) **I-2 | Industrial-Heavy.** The I-2 district fosters the retention and growth of employment opportunities by providing areas where a broad range of industrial uses may locate and where options for complementary uses exist. Intended for heavy industries that, by their nature, may create some nuisance, and which are not properly associated with or are compatible with nearby residential or business districts, warehousing and wholesaling activities, and research facilities.
  - (h) **PF | Public Facilities.** The PF district is established to provide a coordinated land planning approach to the sale, rent, lease, purchase, management, or alteration of publicly owned or operated lands. Notwithstanding those public uses permitted elsewhere in this Code, the PF district is primarily intended for, although not limited to, public parks and recreation areas, public buildings and facilities, and other capital improvements of a significant nature. (*Ord. 2015-09-03, adopted 09/28/2015*)
- (3) **Planned Development Districts**
- (a) **PD-R | Planned Development-Residential.** The PD-R district provides opportunities for master-planned residential communities containing a mix of housing types, including associated amenities with appropriate perimeter buffering and open space. This district is primarily intended for large-scale residential projects that require either additional flexibility not available in a residential district or greater scrutiny by the Town due to their scale.

- (b) ***PD-C | Planned Development-Commercial.*** The PD-C district is intended to enhance the design of a commercial development by allowing for additional flexibility not available in the nonresidential districts. The district allows for innovations and special features in site development, including the location and type of structures, the conservation of natural features, the conservation of energy, and the efficient use of open space.
- (c) ***PD-I | Planned Development-Industrial.*** The PD-I district is intended to provide a means of achieving unified industrial complexes of high quality to promote amenities beyond those expected under conventional techniques, to achieve greater flexibility in design, to encourage well-planned industrial developments that provide for community needs, to provide for appropriate use of land which is significantly unique in its physical characteristics, location or other circumstances to warrant special methods of development, and to allow the expansion of existing industrial areas while safeguarding and maintaining the integrity of surrounding uses, especially those of a residential nature.
- (d) ***PD-MU | Planned Development-Mixed Use.*** The PD-MU district is intended to provide coordinated mixed use developments, which includes light industrial, commercial, office, educational, civic, institutional, residential and service uses within a planned development with appropriate perimeter buffering and open space. The variety of land uses available in this district allows flexibility to respond to market demands and the needs of tenants, which provides for a variety of physically and functionally integrated land uses.

(C) **SPECIAL USE DISTRICTS**

- (1) Pursuant to G.S. § 160A-382, the Town Council may establish by ordinance various special use districts upon request by or on behalf of all owners. Parallel special use districts shall be designated by adding "-SUD" to the corresponding general use district.
- (2) All zoning regulations that apply to the general use district are the minimum within the corresponding special use district.
- (3) A special use district may provide for greater but not lesser setbacks than those applicable to the corresponding general use district, and may limit the number of uses.
- (4) Under each special use district, all uses must be approved through the issuance of a special use permit granted by the Town Council in accordance with § 155.711. However, a special use permit is not required as a prerequisite to establish a special use district, since the district itself may be conditioned and established first and then developed much later. However, a special use permit may be submitted in tandem petition for the special use district, either by preference of the applicant or upon request by the Town Council or Planning Director, if either finds that such permit is necessary in order to consider an application for a special use district.
- (5) If for any reason a condition imposed pursuant to these regulations is found to be illegal or invalid, or if the applicant should fail to accept any condition, it is the intent of this chapter that the authorization of such special use district or special use permit within that district shall be null and void and of no effect and that proceedings be instituted to rezone the property to its previous zoning classification.



(D) **OVERLAY DISTRICTS**

(1) **Thoroughfare Overlay District (TOD)**

The Thoroughfare Overlay District is established for the purpose of maintaining a safe, efficient, and functional development pattern adjacent to major thoroughfares, while maintaining an aesthetic streetscape environment. It is recognized that an enhanced development quality in areas of high visibility promotes economic development and stability in the entire community. The standards established in § 155.204(A) shall be applied to properties which adjoin major thoroughfares, as designated on the Town's Overlay Zoning Map.

(2) **Watershed Protection Overlay (WPO)**

(a) The Watershed Protection Overlay (WPO) is hereby established as a district that overlays the designated water supply watershed. The designated water supply watershed under this district is defined and established by the overlay district "Watershed Protection Overlay" on the zoning map. Land use and development within the WPO must comply with all the requirements of both the underlying zoning district and the watershed overlay.

(b) The designated water supply watershed within the Town is designated by the state as a Class IV watershed protected area (WS-IV PA) and is referred to as the Neuse River (Smithfield) watershed within the Neuse River basin. Only new development activities that require an erosion/sedimentation control plan under state law or approved local government program are required to meet the provisions of this program. See § 155.501 for watershed protection standards.

(3) **Downtown Overlay District (DOD)**

The Downtown Overlay District is established for the purpose of fostering the economic vitality of the area within the district's boundaries, as well as the aesthetics and character of the district as further described in this Article, specifically in §155.204.

(Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2009-08-02, passed 8-3-09, Am. Ord. 2012-04-02, passed 4-2-12; Am. Ord. 2012-12-02, passed 12-3-12; Am. Ord. 2016-04-04, passed 04-04-2016; Ord. 2017-04-06, approved 04/03/2017

## § 155.204 OVERLAY DISTRICT STANDARDS

### (A) THOROUGHFARE OVERLAY DISTRICT

#### (1) **Established**

the thoroughfare overlay district (TOD) is established for the purpose of maintaining a safe, efficient, and functional development pattern adjacent to major thoroughfares while maintaining an aesthetic streetscape environment. It is recognized that an enhanced development quality in areas of high visibility promotes economic development and stability in the entire community. The standards established in this section shall be applied, at the discretion of the town council, to nonresidential properties which adjoin major thoroughfares.

#### (2) **Designation**

Properties subject to these regulations shall be adjacent to, or have immediate access to a major thoroughfare. The boundaries follow the major thoroughfares both within the corporate limits and extraterritorial jurisdiction, and in no case extend more than 150 feet from the outer edge of the right-of-way of a thoroughfare.

#### **Permitted Uses**

All permitted, special, and conditional uses of the underlying zoning district are allowed subject to the specific requirements and procedures for each classification.

#### **Dimensional Requirements**

The dimensional requirements of this overlay district shall be the same as the underlying zoning district.

#### **Street Yard Requirements**

All new developments or major expansions of existing development (25% increase in building area, lot area, or parking requirement) shall provide a landscaped street yard as provided in Table 2-6.

**Table 2-6 TOD Street Yard Requirements**

|                | Street Yard Width (feet) |         |         |
|----------------|--------------------------|---------|---------|
|                | Average                  | Minimum | Maximum |
| TOD Commercial | 20                       | 10      | 40      |
| TOD Industrial | 40                       | 20      | 80      |

For purposes of this section, the street yard area is determined by multiplying the lot frontage, less driveways, times the average required width to determine the required street yard area. There shall be no structures allowed in this street yard, except as follows:

- 1) Landscaping;
- 2) Drainage features designed to mimic the natural environment;
- 3) Public utilities and facilities;
- 4) Driveways and streets;
- 5) Sidewalks, pedestrian ways, or bikeways;
- 6) Other than a Development Identification Sign described in §155.403, freestanding signs may not exceed six feet in height and 24 square feet per sign face.

#### **Landscape Requirements**

All required street yard areas shall be covered by lawn, ground cover, trees, shrubs, or mulch, except as noted above. Maintenance shall be the responsibility of the property owner. Landscaping shall be required according to Table 2-7 below.

**Table 2-7 TOD Landscape Requirements**

|                | Min. Landscape Requirements              |                                           |
|----------------|------------------------------------------|-------------------------------------------|
|                | Trees (per 1,000 sq. ft. of street yard) | Shrubs (per 1,000 sq. ft. of street yard) |
| TOD Commercial | 1                                        | 5                                         |
| TOD Industrial | 2                                        | 10                                        |

The preservation of existing trees shall be required when practical, utilizing recognized professional standards. The species and size of all plant material shall be specified on the site plan, and at least 50% of the total shall be evergreen. Trees shall have a minimum height of six feet and shrubs must have a minimum height of 18 inches at planting and reach 30 inches within two years. Additional trees may substitute for shrubs on a one-for-one basis. The requirements set forth in this section may be used to fulfill up to 67% (two-thirds) of the landscaping required under § 155.402(D), except that landscaping within all parking areas for vehicles, as set forth in § 155.401(C)(3)(d)2., and buffers, as set forth in § 155.402(E)(2)(c) shall be provided completely, as required, in addition to these requirements.

#### **Access Regulations**

All driveways and public street intersections in a Thoroughfare Overlay District shall be subject to NCDOT and the town standards and permitting processes, whichever is applicable. Any parcel of land with less than 400 feet of frontage on a thoroughfare may have no more than one point of access to the thoroughfare. One additional driveway for each additional 400 feet of thoroughfare frontage shall be allowed, and one per 400 feet of additional frontage. Where medians are provided which prohibit turns into oncoming traffic, access points may be provided every 200 linear feet. No driveway shall be allowed within 300 feet of the intersection of two thoroughfares or within 200 feet of an intersection of any other public street on the thoroughfare. Driveways shall be a minimum of 200 feet apart (measured from

center line to center line) on thoroughfares, and shall align with opposing drives, where possible. Shared driveways or parallel access roads shall be used when deemed necessary, and the appropriate legal documents may be required by the town prior to driveway permit issuance. If access to a lot or legally created parcel of land is physically unobtainable under these provisions, an access point may be approved which is located the greatest distance possible from an existing access point and in the safest possible location to be approved by NCDOT and/or the town. For the purpose of this section, adjacent lots in common ownership fronting on a thoroughfare in a Thoroughfare Overlay District shall be considered as one lot when determining permitted driveways.

#### **Alternative Means of Compliance**

It is recognized that strict interpretation and application of these standards may create particular hardships in areas of unusual topographic condition, or in retrofitting existing developed properties which are expanded. The Planning Board, by majority vote, may approve a site plan for any proposed development which does not meet any specific standard of this section as an alternate means of compliance, subject to making the following findings:

The proposed development attempts to meet the intent of the Thoroughfare Overlay District.

There are physical conditions, not only economic considerations, which prevent the proposed development from meeting the specific standards of this chapter.

The proposed development will be designed to meet the standards of this section to the fullest extent possible.

In determining alternative means of compliance, the Planning Board may consider various features such as width in relation to opacity of landscaping in street yard, number of required parking spaces, and driveway locations and/or distances from nearby intersections.

#### **(B) WATERSHED PROTECTION OVERLAY (-WP)**

The use and development standards for the Watershed Protection Overlay (-WP) are found in § 155.501.

### **§ 155.801 ABBREVIATIONS**

ANSI: American National Standards Institute

BMP: Best Management Practices

BOA: Board of Adjustment

DAS: Distributive Access System

dbh. Diameter at Breast Height



DDA: Downtown Development Association

DENR: Department of Environment and Natural Resources (now known as Department of Environmental Quality)

DEQ: North Carolina Department of Environmental Quality

ETJ: Extraterritorial Jurisdiction

FAA: Federal Aviation Administration

FAR: Floor Area Ratio

FCC: Federal Communications Commission

FEMA: Federal Emergency Management Agency

FIRM: Flood Insurance Rate Map

GFA: Gross Floor Area

NCDOT: North Carolina Department of Transportation

NIER: Non-Ionizing Electromagnetic Radiation

PAAB: Public Arts Advisory Board

PB: Planning Board

PD: Planning Director

PW: Public Works Director

RF: Radio Frequency

TIA: Traffic Impact Analysis

TC: Town Council

TOD: Thoroughfare Overlay District

TRC: Technical Review Committee

UDC: Unified Development Code

USDA: United States Department of Agriculture

USGS: United States Geologic Survey

WP- Watershed Protection Overlay

(Ord. 2005-11-02, passed 11-21-05; Am. Ord 2016-04-04, adopted 04-04-2016)

**TOWN OF CLAYTON  
PLANNING BOARD WRITTEN RECOMMENDATION  
REZONING**

**2018-75-OA Overlay District Ordinance Amendment**

On April 23, 2018 the Planning Board heard the above-referenced request and made the following vote:

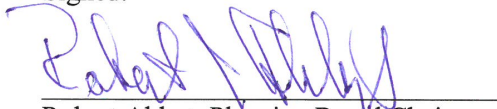
Recommendation to the Town Council to:

☒ approve the request.

☐ deny the request.

Recommendation(s) made this 23<sup>rd</sup> of April, 2018 while in regular session.

Signed:

  
\_\_\_\_\_  
Robert Ahlert, Planning Board Chair

### **PUBLIC NOTICE**

In accordance with NC GS 160A-364, the Clayton Town Council will hold a public hearing on May 21, 2018, at 6:00 PM in the Council Chambers at the Clayton Center, 111 E Second Street, to consider amendments to the Unified Development Code. Copies of the proposed amendments are available in the Planning office and the Town Clerk's office for review by the public. The following sections of Title XV, Chapter 155 are proposed for amendment:

- 200 –Districts Established
- 204 –Overlay District Standards
- 801 -Abbreviations

The public is invited to attend.

Samantha Wullenwaber, Planning Director  
919-553-5002

---

Clayton News Star

Please advertise on the following dates:

Friday, May 11, 2018  
Friday, May 18, 2018

Affidavit of publication required.

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

After considering the recommendations of the Planning Board and Planning Director, I move to [approve OR deny] Case Number 2018-75-OA

[IF APPROVING]

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

**MOTION FORM  
2018-75-OA  
Scenic Highway Overlay District Amendment**



TOWN OF CLAYTON  
Amendment to the Code of Ordinances: Chapter 155

BEING HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON, NORTH  
CAROLINA to amend Chapter 155, Sections 200, 204 and 801 with the following:

## **§ 155.200 DISTRICTS ESTABLISHED**

To carry out the provisions of this Chapter, within the jurisdiction of the Town, the following zoning districts are established.

(A) **INTERPRETATION OF ZONING DISTRICT BOUNDARIES**

(1) **Defined**

District boundaries are as shown upon the Official Zoning Map and Future Land Use Map as set forth in § 155.104, and as adopted by Town Council. The provisions of this chapter are hereby established and declared to be in effect upon all land included within the boundaries as shown on the maps.

(2) **Rules for Interpretation**

- (a) The Planning Director shall be responsible for interpretations of the Official Zoning Map and Future Land Use Map in accordance with the standards set forth in this Section. Where uncertainty exists as to the boundaries of any district shown on the Official Zoning Map, the following rules shall apply:
1. Boundaries indicated as approximately following the centerlines of streets, alleys, highways, streams or railroads shall be construed to follow such centerlines.
  2. Boundaries indicated as approximately following lot lines, Town limits or extraterritorial jurisdiction boundary lines, shall be construed as following such lines, limits or boundaries; and
  3. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as following such changed shorelines.
  4. Where a district boundary divides a lot or where distances are not specifically indicated on the zoning map, the boundary shall be determined by measurement, using the scale of the zoning map.
  5. Where any street or alley is hereafter officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that portion of such street or alley added thereto by virtue of such vacation or abandonment.
- (b) Any person or party aggrieved by the Planning Director's interpretation of the Official Zoning Map may file an Administrative Appeal application to the Board of Adjustment, as provided in §155.717 of this ordinance. The application shall contain sufficient information to enable the Board of Adjustment to make the necessary interpretation.

(B) **GENERAL USE DISTRICTS**

(1) **Residential Districts**

- (a) ***R-E | Residential-Estate.*** The R-E district is comprised of low density, single-family dwellings, and other selected uses which are compatible with the open and rural character of the area. The established regulations for this district are designed to promote and encourage an environment for family life and agriculture. To encourage higher quality development and to ensure greater environmental protection, open space (cluster) subdivisions are permitted.
- (b) ***R-10 | Single-Family Residential-10.*** The R-10 district is established to provide for orderly suburban residential development and redevelopment and is intended to maintain residential areas at relatively low densities characterized predominantly by owner-occupied, single-family detached units. The district requirements protect existing neighborhoods from undesirable or incompatible uses. To encourage higher quality development and to ensure greater environmental protection, open space (cluster) subdivisions are permitted. A special permit process for higher intensity development is also allowed, using discretion to balance issues of higher density with improved amenities.
- (c) ***R-8 | Single-Family Residential-8.*** The R-8 district is established to provide for orderly suburban residential development and redevelopment and is intended to maintain residential areas at suburban densities characterized predominantly by owner-occupied, single-family detached units. To encourage higher quality development and to ensure greater environmental protection, open space (cluster) subdivisions are permitted. A special permit process for higher intensity development is also allowed, using discretion to balance issues of higher density with improved amenities.
- (d) ***R-6 | Single-Family Residential-6.*** The R-6 district is established to provide for orderly suburban residential development and redevelopment. Intended to protect, preserve and enhance existing residential areas of higher density, which includes multi-family dwellings mixed with other housing types. A special permit process for higher intensity development is also allowed, using discretion to balance issues of higher density with improved amenities.

(2) **Nonresidential Districts**

- (a) ***O-R | Office-Residential.*** The O-R district is intended to accommodate modest-scale professional occupations, along with single-family and multi-family residential units, to serve as a neighborhood activity center and as a transition between residential and more intense commercial uses.
- (b) ***O-I | Office-Institutional.*** The O-I district is intended to permit offices, institutions, and associated administrative, executive, professional and research uses in new and existing structures and limited retail uses. Such offices and institutional uses are generally located along or proximate to major roadways or adjacent to commercial uses and may act as a buffer between such areas and residential uses.

- (c) **B-1 | Central-Business.** The B-1 district is intended to foster a vibrant, safe, central business district and town center by encouraging dense residential development while retaining and further developing a broad range of commercial, retail, service, office, institutional, public, cultural, and entertainment uses and activities. The district is intended to define and promote the town center as a desirable place to live, work, shop, and recreate.
- (d) **B-2 | Neighborhood-Business.** The B-2 district provides opportunities for small-scale commercial uses offering primarily convenience shopping and services for adjacent residential areas. Proximity to residences requires that commercial operations are low intensity, unobtrusive, and conducted at a scale and density compatible with the surrounding neighborhood. There is a relatively low demand on public services, transportation, and utilities.
- (e) **B-3 | Highway-Business.** The B-3 district provides opportunities for offices, service uses, and businesses retailing durable and convenience goods for the community as a whole. Located on major and minor thoroughfares, this district is accessible to and serves the entire community. Site design and buffering mitigate impacts of traffic, operations, and scale on adjacent businesses and residential neighborhoods.
- (f) **I-1 | Industrial-Light.** The I-1 district fosters the retention and growth of employment opportunities by providing areas where a broad range of industrial uses may locate and where options for complementary uses exist. Industries should be operated in a relatively clean and quiet manner, and should not be obnoxious to nearby residential or business districts, warehousing and wholesaling activities, and research facilities. The regulations of this district are intended to prohibit the use of land for industries that by their nature may create very minor nuisance to surrounding properties.
- (g) **I-2 | Industrial-Heavy.** The I-2 district fosters the retention and growth of employment opportunities by providing areas where a broad range of industrial uses may locate and where options for complementary uses exist. Intended for heavy industries that, by their nature, may create some nuisance, and which are not properly associated with or are compatible with nearby residential or business districts, warehousing and wholesaling activities, and research facilities.
- (h) **PF | Public Facilities.** The PF district is established to provide a coordinated land planning approach to the sale, rent, lease, purchase, management, or alteration of publicly owned or operated lands. Notwithstanding those public uses permitted elsewhere in this Code, the PF district is primarily intended for, although not limited to, public parks and recreation areas, public buildings and facilities, and other capital improvements of a significant nature. (*Ord. 2015-09-03, adopted 09/28/2015*)

(3) **Planned Development Districts**

- (a) **PD-R | Planned Development-Residential.** The PD-R district provides opportunities for master-planned residential communities containing a mix of housing types, including associated amenities with appropriate perimeter buffering and open space. This district is primarily intended for large-scale residential projects that require either additional flexibility not available in a residential district or greater scrutiny by the Town due to their scale.

- (b) ***PD-C | Planned Development-Commercial.*** The PD-C district is intended to enhance the design of a commercial development by allowing for additional flexibility not available in the nonresidential districts. The district allows for innovations and special features in site development, including the location and type of structures, the conservation of natural features, the conservation of energy, and the efficient use of open space.
- (c) ***PD-I | Planned Development-Industrial.*** The PD-I district is intended to provide a means of achieving unified industrial complexes of high quality to promote amenities beyond those expected under conventional techniques, to achieve greater flexibility in design, to encourage well-planned industrial developments that provide for community needs, to provide for appropriate use of land which is significantly unique in its physical characteristics, location or other circumstances to warrant special methods of development, and to allow the expansion of existing industrial areas while safeguarding and maintaining the integrity of surrounding uses, especially those of a residential nature.
- (d) ***PD-MU | Planned Development-Mixed Use.*** The PD-MU district is intended to provide coordinated mixed use developments, which includes light industrial, commercial, office, educational, civic, institutional, residential and service uses within a planned development with appropriate perimeter buffering and open space. The variety of land uses available in this district allows flexibility to respond to market demands and the needs of tenants, which provides for a variety of physically and functionally integrated land uses.

(C) **SPECIAL USE DISTRICTS**

- (1) Pursuant to G.S. § 160A-382, the Town Council may establish by ordinance various special use districts upon request by or on behalf of all owners. Parallel special use districts shall be designated by adding "-SUD" to the corresponding general use district.
- (2) All zoning regulations that apply to the general use district are the minimum within the corresponding special use district.
- (3) A special use district may provide for greater but not lesser setbacks than those applicable to the corresponding general use district, and may limit the number of uses.
- (4) Under each special use district, all uses must be approved through the issuance of a special use permit granted by the Town Council in accordance with § 155.711. However, a special use permit is not required as a prerequisite to establish a special use district, since the district itself may be conditioned and established first and then developed much later. However, a special use permit may be submitted in tandem petition for the special use district, either by preference of the applicant or upon request by the Town Council or Planning Director, if either finds that such permit is necessary in order to consider an application for a special use district.
- (5) If for any reason a condition imposed pursuant to these regulations is found to be illegal or invalid, or if the applicant should fail to accept any condition, it is the intent of this chapter that the authorization of such special use district or special use permit within that district shall be null and void and of no effect and that proceedings be instituted to rezone the property to its previous zoning classification.

(D) **OVERLAY DISTRICTS**

(1) **Thoroughfare Overlay District (TOD)**

The Thoroughfare Overlay District is established for the purpose of maintaining a safe, efficient, and functional development pattern adjacent to major thoroughfares, while maintaining an aesthetic streetscape environment. It is recognized that an enhanced development quality in areas of high visibility promotes economic development and stability in the entire community. The standards established in § 155.204(A) shall be applied to properties which adjoin major thoroughfares, as designated on the Town's Overlay Zoning Map.

(2) **Watershed Protection Overlay (WPO)**

(a) The Watershed Protection Overlay (WPO) is hereby established as a district that overlays the designated water supply watershed. The designated water supply watershed under this district is defined and established by the overlay district "Watershed Protection Overlay" on the zoning map. Land use and development within the WPO must comply with all the requirements of both the underlying zoning district and the watershed overlay.

(b) The designated water supply watershed within the Town is designated by the state as a Class IV watershed protected area (WS-IV PA) and is referred to as the Neuse River (Smithfield) watershed within the Neuse River basin. Only new development activities that require an erosion/sedimentation control plan under state law or approved local government program are required to meet the provisions of this program. See § 155.501 for watershed protection standards.

(3) **Downtown Overlay District (DOD)**

The Downtown Overlay District is established for the purpose of fostering the economic vitality of the area within the district's boundaries, as well as the aesthetics and character of the district as further described in this Article, specifically in §155.204.

(Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2009-08-02, passed 8-3-09, Am. Ord. 2012-04-02, passed 4-2-12; Am. Ord. 2012-12-02, passed 12-3-12; Am. Ord. 2016-04-04, passed 04-04-2016; Ord. 2017-04-06, approved 04/03/2017



## § 155.204 OVERLAY DISTRICT STANDARDS

### (A) THOROUGHFARE OVERLAY DISTRICT

#### (1) **Established**

the thoroughfare overlay district (TOD) is established for the purpose of maintaining a safe, efficient, and functional development pattern adjacent to major thoroughfares while maintaining an aesthetic streetscape environment. It is recognized that an enhanced development quality in areas of high visibility promotes economic development and stability in the entire community. The standards established in this section shall be applied, at the discretion of the town council, to nonresidential properties which adjoin major thoroughfares.

#### (2) **Designation**

Properties subject to these regulations shall be adjacent to, or have immediate access to a major thoroughfare. The boundaries follow the major thoroughfares both within the corporate limits and extraterritorial jurisdiction, and in no case extend more than 150 feet from the outer edge of the right-of-way of a thoroughfare.

#### **Permitted Uses**

All permitted, special, and conditional uses of the underlying zoning district are allowed subject to the specific requirements and procedures for each classification.

#### **Dimensional Requirements**

The dimensional requirements of this overlay district shall be the same as the underlying zoning district.

#### **Street Yard Requirements**

All new developments or major expansions of existing development (25% increase in building area, lot area, or parking requirement) shall provide a landscaped street yard as provided in Table 2-6.

**Table 2-6 TOD Street Yard Requirements**

|                | Street Yard Width (feet) |         |         |
|----------------|--------------------------|---------|---------|
|                | Average                  | Minimum | Maximum |
| TOD Commercial | 20                       | 10      | 40      |
| TOD Industrial | 40                       | 20      | 80      |

For purposes of this section, the street yard area is determined by multiplying the lot frontage, less driveways, times the average required width to determine the required street yard area. There shall be no structures allowed in this street yard, except as follows:

- 1) Landscaping;
- 2) Drainage features designed to mimic the natural environment;
- 3) Public utilities and facilities;
- 4) Driveways and streets;
- 5) Sidewalks, pedestrian ways, or bikeways;
- 6) Other than a Development Identification Sign described in §155.403, freestanding signs may not exceed six feet in height and 24 square feet per sign face.

#### **Landscape Requirements**

All required street yard areas shall be covered by lawn, ground cover, trees, shrubs, or mulch, except as noted above. Maintenance shall be the responsibility of the property owner. Landscaping shall be required according to Table 2-7 below.

**Table 2-7 TOD Landscape Requirements**

|                | <b>Min. Landscape Requirements</b>              |                                                  |
|----------------|-------------------------------------------------|--------------------------------------------------|
|                | <b>Trees (per 1,000 sq. ft. of street yard)</b> | <b>Shrubs (per 1,000 sq. ft. of street yard)</b> |
| TOD Commercial | 1                                               | 5                                                |
| TOD Industrial | 2                                               | 10                                               |

The preservation of existing trees shall be required when practical, utilizing recognized professional standards. The species and size of all plant material shall be specified on the site plan, and at least 50% of the total shall be evergreen. Trees shall have a minimum height of six feet and shrubs must have a minimum height of 18 inches at planting and reach 30 inches within two years. Additional trees may substitute for shrubs on a one-for-one basis. The requirements set forth in this section may be used to fulfill up to 67% (two-thirds) of the landscaping required under § 155.402(D), except that landscaping within all parking areas for vehicles, as set forth in § 155.401(C)(3)(d)2., and buffers, as set forth in § 155.402(E)(2)(c) shall be provided completely, as required, in addition to these requirements.

#### **Access Regulations**

All driveways and public street intersections in a Thoroughfare Overlay District shall be subject to NCDOT and the town standards and permitting processes, whichever is applicable. Any parcel of land with less than 400 feet of frontage on a thoroughfare may have no more than one point of access to the thoroughfare. One additional driveway for each additional 400 feet of thoroughfare frontage shall be allowed, and one per 400 feet of additional frontage. Where medians are provided which prohibit turns into oncoming traffic, access points may be provided every 200 linear feet. No driveway shall be allowed within 300 feet of the intersection of two thoroughfares or within 200 feet of an intersection of any other public street on the thoroughfare. Driveways shall be a minimum of 200 feet apart (measured from

center line to center line) on thoroughfares, and shall align with opposing drives, where possible. Shared driveways or parallel access roads shall be used when deemed necessary, and the appropriate legal documents may be required by the town prior to driveway permit issuance. If access to a lot or legally created parcel of land is physically unobtainable under these provisions, an access point may be approved which is located the greatest distance possible from an existing access point and in the safest possible location to be approved by NCDOT and/or the town. For the purpose of this section, adjacent lots in common ownership fronting on a thoroughfare in a Thoroughfare Overlay District shall be considered as one lot when determining permitted driveways.

#### **Alternative Means of Compliance**

It is recognized that strict interpretation and application of these standards may create particular hardships in areas of unusual topographic condition, or in retrofitting existing developed properties which are expanded. The Planning Board, by majority vote, may approve a site plan for any proposed development which does not meet any specific standard of this section as an alternate means of compliance, subject to making the following findings:

The proposed development attempts to meet the intent of the Thoroughfare Overlay District.

There are physical conditions, not only economic considerations, which prevent the proposed development from meeting the specific standards of this chapter.

The proposed development will be designed to meet the standards of this section to the fullest extent possible.

In determining alternative means of compliance, the Planning Board may consider various features such as width in relation to opacity of landscaping in street yard, number of required parking spaces, and driveway locations and/or distances from nearby intersections.

#### **(B) WATERSHED PROTECTION OVERLAY (-WP)**

The use and development standards for the Watershed Protection Overlay (-WP) are found in § 155.501.

### **§ 155.801 ABBREVIATIONS**

ANSI: American National Standards Institute

BMP: Best Management Practices

BOA: Board of Adjustment

DAS: Distributive Access System

dbh. Diameter at Breast Height

DDA: Downtown Development Association

DENR: Department of Environment and Natural Resources (now known as Department of Environmental Quality)

DEQ: North Carolina Department of Environmental Quality

ETJ: Extraterritorial Jurisdiction

FAA: Federal Aviation Administration

FAR: Floor Area Ratio

FCC: Federal Communications Commission

FEMA: Federal Emergency Management Agency

FIRM: Flood Insurance Rate Map

GFA: Gross Floor Area

NCDOT: North Carolina Department of Transportation

NIER: Non-Ionizing Electromagnetic Radiation

PAAB: Public Arts Advisory Board

PB: Planning Board

PD: Planning Director

PW: Public Works Director

RF: Radio Frequency

TIA: Traffic Impact Analysis

TC: Town Council

TOD: Thoroughfare Overlay District

TRC: Technical Review Committee

UDC: Unified Development Code

USDA: United States Department of Agriculture

USGS: United States Geologic Survey

WP- Watershed Protection Overlay

(Ord. 2005-11-02, passed 11-21-05; Am. Ord 2016-04-04, adopted 04-04-2016)

Duly adopted this the 21st day of May, 2018 while in regular session.

---

Jody McLeod  
Mayor

ATTEST:

---

Kimberly A. Moffett, CMC, NCCMC  
Town Clerk





## Town Council Agenda Cover Sheet

---

---

### **Meeting Date**

May 21 2018

### **Agenda Location**

New Business

### **Item Title**

Proclamation for Building Safety Month

### **Presenter** *(Name & Title)*

Rich Cappola, PE – Director of Engineering & Inspections

### **Summary/Description**

Building Safety Month (BSM) is a public awareness campaign celebrated by jurisdictions worldwide during the month of May for the past 38 years to help individuals, families and businesses understand what it takes to create safe and sustainable structures. The campaign reinforces the need for the adoption of modern, regularly-updated building codes, a strong and efficient system of code enforcement and a well-trained, professional workforce to maintain the system.

All communities need building codes to protect their citizens from disasters like fires, weather-related events and structural collapse. Building codes are society's best way of protecting homes, offices, schools, manufacturing facilities, stores and entertainment venues. Code officials work day in and day out to keep the public safe.

The campaign is presented by the International Code Council and its 64,000 members worldwide along with a diverse partnership of professionals from the building construction, design and safety communities. Corporations, government agencies, professional associations, nonprofits and more come together to support BSM because they understand the need for safe and sustainable structures where we live, work and play.

For more information go to:

<https://www.iccsafe.org/about-icc/building-safety-month/2018-building-safety-month/>

### **Requested Action**

Approval

**Additional Documents To Be Included in Agenda Packet**

Proclamation

# Proclamation

Building Safety Month — May, 2018

**Whereas**, Clayton is committed to recognizing our growth and strength depends on the safety and economic value of the homes, buildings and infrastructure that serve our citizens, both in everyday life and in times of natural disaster, and;

**Whereas**, our confidence in the structural integrity of these buildings that make up our community is achieved through the devotion of vigilant guardians--building safety and fire prevention officials, architects, engineers, builders, tradespeople, design professionals, laborers and others in the construction industry--who work year-round to ensure the safe construction of buildings, and;

**Whereas**, these guardians are dedicated members of the International Code Council, a U.S. based organization, that brings together local, state and federal officials that are experts in the built environment to create and implement the highest-quality codes to protect us in the buildings where we live, learn, work, worship, play, and;

**Whereas**, our nation benefits economically and technologically from using the International Codes® that are developed by a national, voluntary consensus codes and standards developing organization, our government is able to avoid the high cost and complexity of developing and maintaining these codes, which are the most widely adopted building safety and fire prevention codes in the nation; these modern building codes include safeguards to protect the public from natural disasters such as hurricanes, snowstorms, tornadoes, wildland fires, floods and earthquake; and;

**Whereas**, Building Safety Month a great opportunity to remind the public about the critical role of our communities' largely unknown guardians of public safety--our local code officials--who assure us of safe, efficient and livable buildings that are essential, and;

**Whereas**, each year, in observance of Building Safety Month, Americans are asked to consider the commitment to improve building safety and economic investment at home and in the community, and to acknowledge the essential service provided to all of us by local and state building departments, fire prevention bureaus and federal agencies in protecting lives and property.

**NOW, THEREFORE**, I, Jody McLeod Mayor of the Town of Clayton, do hereby proclaim the month of May 2018 as Building Safety Month.

Duly adopted this the 21<sup>st</sup> day of May, 2018 while in regular session.

---

Jody McLeod  
Mayor



## Town Council Agenda Cover Sheet

---

---

**Meeting Date**

May 21 2018

**Agenda Location**

New Business

**Item Title**

Budget Amendment – Security Systems and Building Renovations

**Presenter** *Nancy Medlin, Deputy Town Manager*

**Summary/Description**

This will be a presentation to Council recommending the addition of a security system to The Clayton Center, the replacement of a security system at Clayton Community Center, the addition of sun shades at The Clayton Center, and building renovations in the Planning/Engineering/Inspections office areas.

**Requested Action**

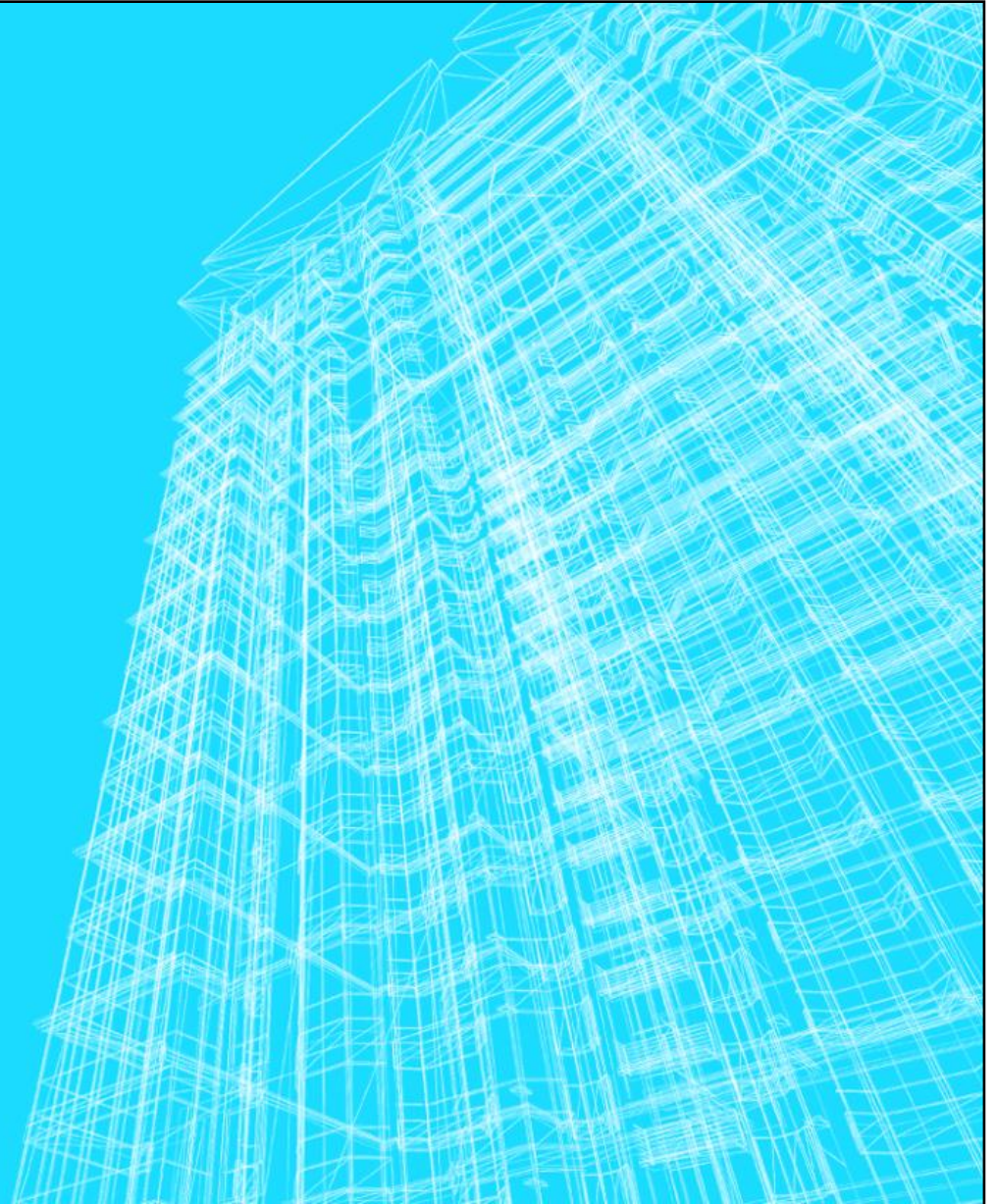
Approval

**Additional Documents To Be Included in Agenda Packet**

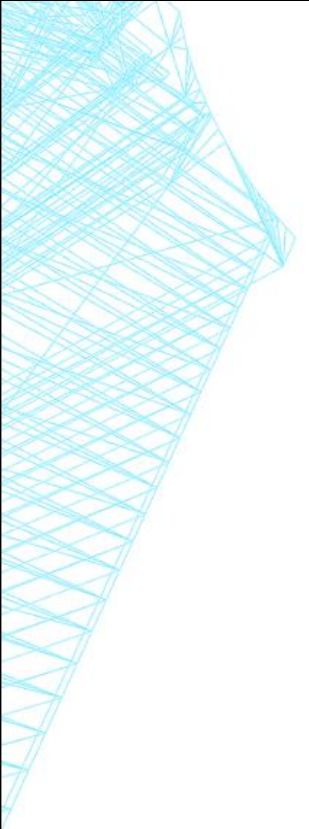
Budget Amendment  
Power Point Presentation

# BUILDING SECURITY

Clayton Center  
Clayton Community Center

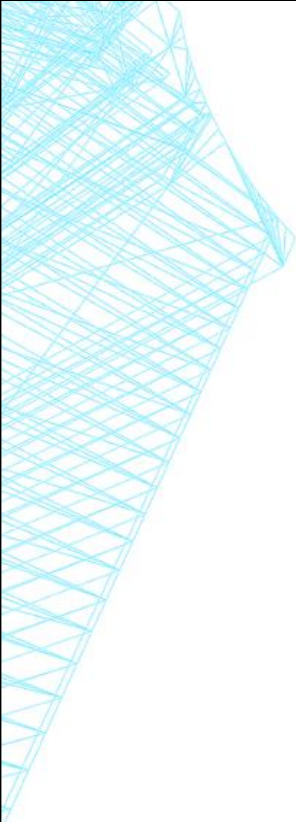






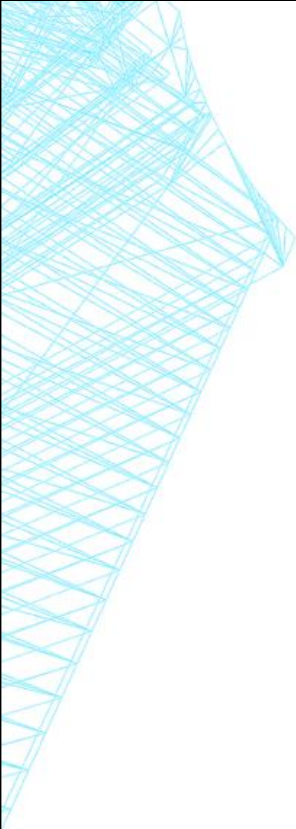
# SECURITY CONCERNS

- Original design of Clayton Center (18 years ago) did not provide for security cameras or automated access control.
- Issues with securing doors due to volume of events at Clayton Center.
- Clayton Center break in September 2017



## SELECTION PROCESS

- Solicited bids from four firms (CPI Security, Edwards Security, Gray Security, Brady Integrated Security)
- Each bid evaluated by PM Supervisor and Chief Information Officer
- References checked
- Firm selected – Brady Integrated Security



# BRADY INTEGRATED SECURITY

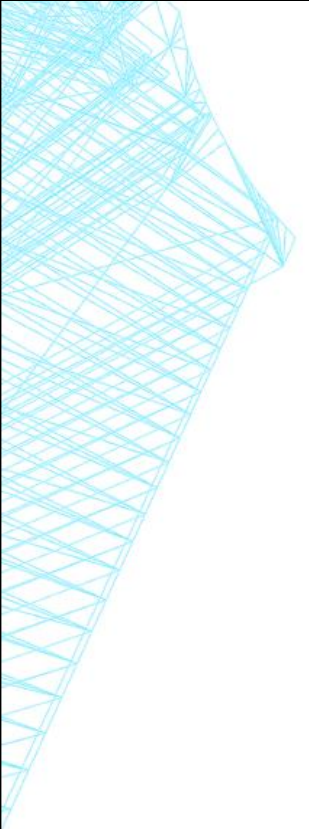
- Well respected security company in business for over 45 years.
- Sampling of governmental references:

City of High Point

Durham Public Schools

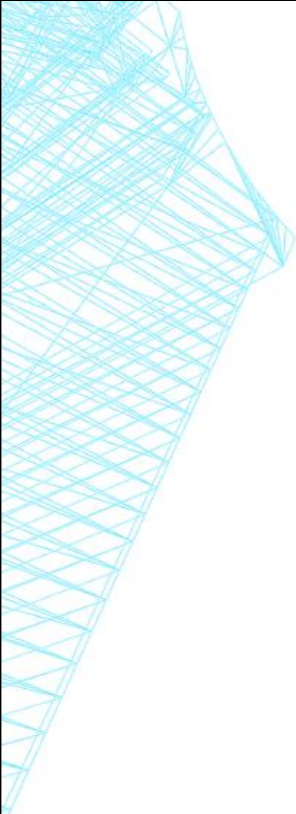
Guilford County

Forsyth County Sheriff's Department



## ADVANTAGES OF BRADY

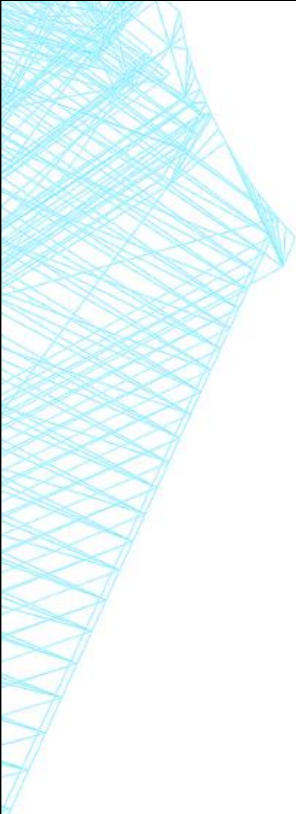
- Can integrate with existing security system at PD.
- Can leverage existing FOB system used by PD.
- By upgrading controller used by PD, can reduce costs and provide for long term integration with other Town facilities.



# PROPOSALS

- Clayton Center
  - Video Surveillance
  - Access Control
  - Door Contacts
  - Motion Sensors
  - Panic Bars on Doors
  - Replacement Doors for Lobby (due to damage)
- Cost \$63,550 (\$12,367.31 reimbursed by insurance proceeds)



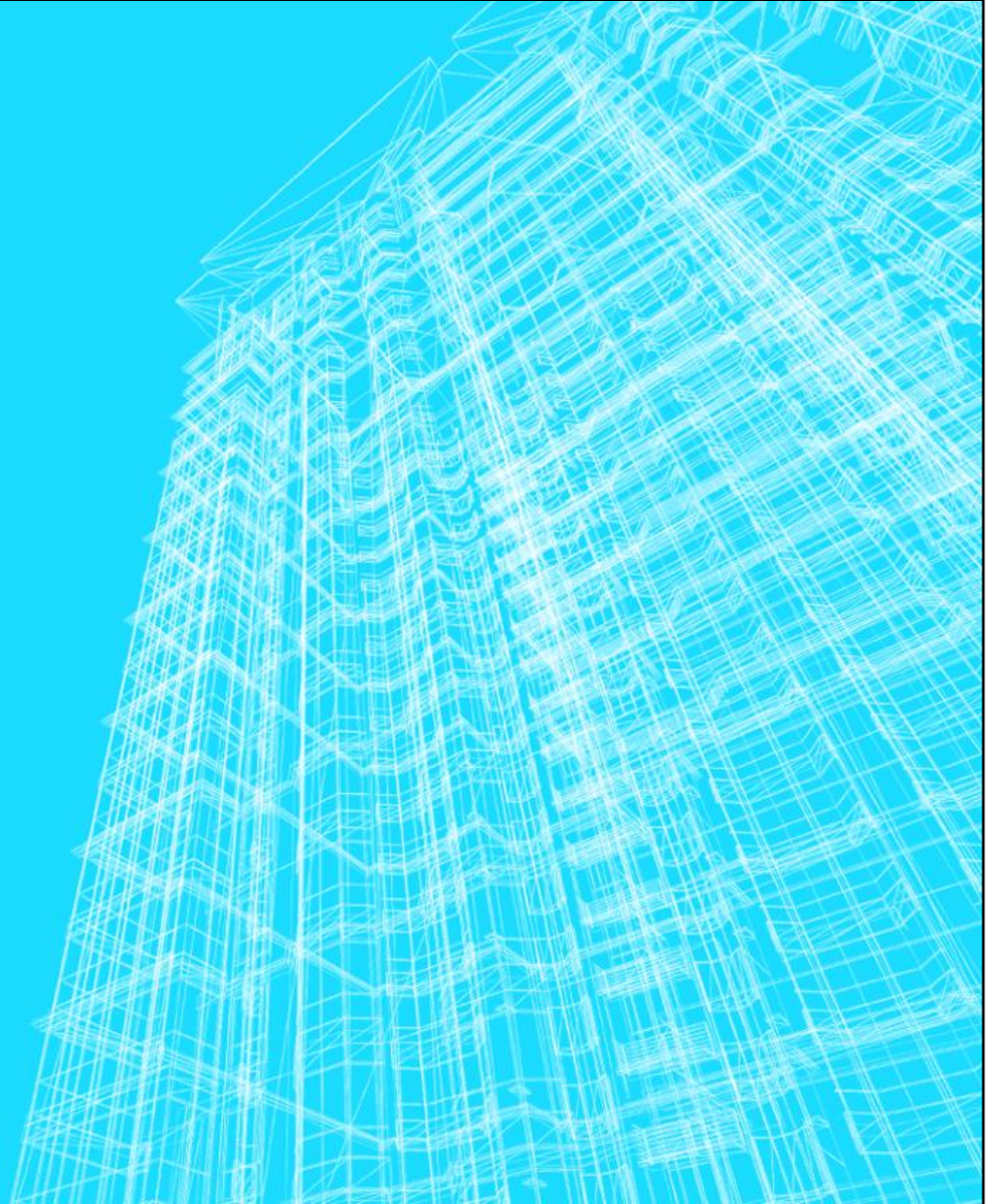


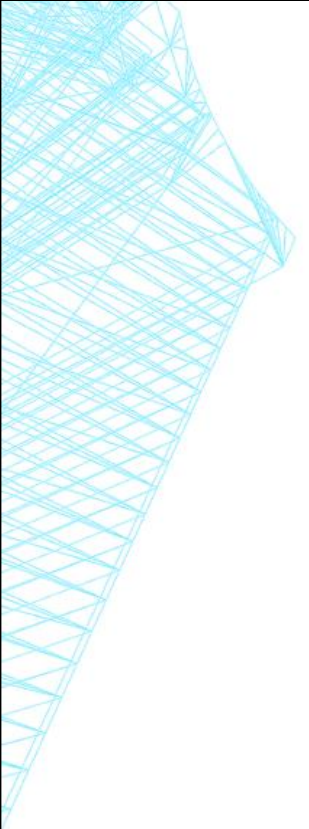
# PROPOSALS

- Clayton Community Center
  - Video Surveillance
  - Access Control
- Cost \$45,000

# BUILDING DESIGN

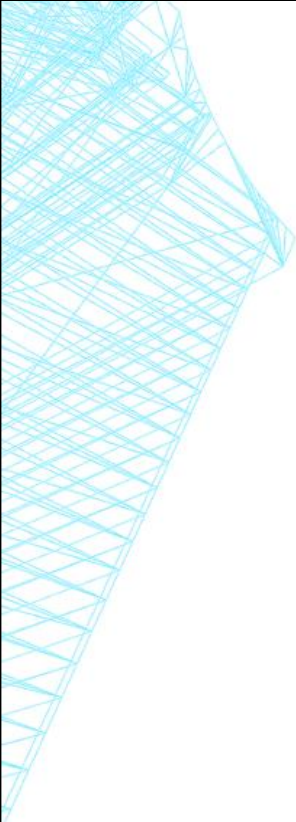
Clayton Center





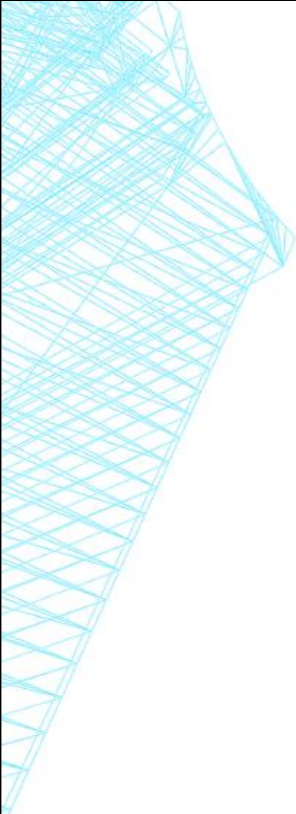
## LOBBY SPACE

- Issues with sunlight in early/late afternoon
- Heat, visibility, damage to art work
- Proposed solution:
  - Remote control sun shades
  - Cost \$6,750



# PLANNING AND ENGINEERING OFFICES

- Issues:
  - New work space for Town Engineer
  - New reception area for shared space



## TOWN ENGINEER OFFICE

- Construction of 10' x 13' office
- Construction to be performed by Closer Look Construction Company
- Cost (including furnishings) - \$18,500





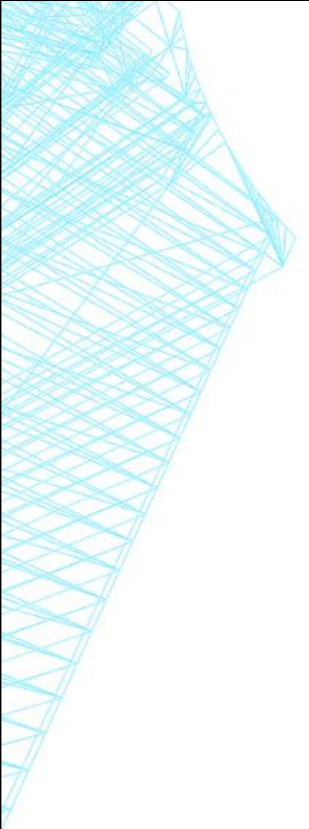
## YOUR PROJECT DESIGN



Option 2 Angle Elevation View – Hinge Door with Glass Clerestory, Glass Wall with Glass Clerestory; Low Walls; Millwork Transaction and Work Surfaces



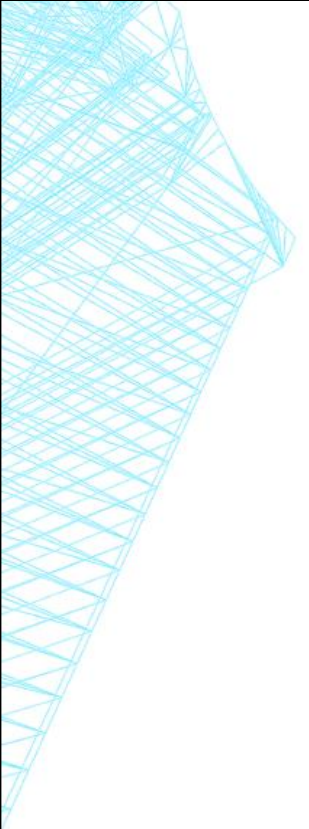
Option 2 Elevation View – Hinge Door with Glass Clerestory, Glass Wall with Glass Clerestory; Low Walls; Millwork Transaction and Work Surfaces; Millwork Base Cabinet with 1 drawer and 2 doors; DIRT Power with receptacle and data – electrician is responsible for final connection to base building; data vendor is responsible for all wiring, devices and final termination to base building



## PLANNING/ENGINEERING RECEPTION

- Requires removal of floating columns in center of GS2 hallway.
- Includes addition of partial glass wall to separate front of hallway from back of hallway.
- Advantages:
  - Creates central reception area for all Planning/Engineering/Inspections visitors
  - Increases overall usable staff space by capturing half of hallway for collaborative space.
  - Enhances the customer experience by creating central point of service.

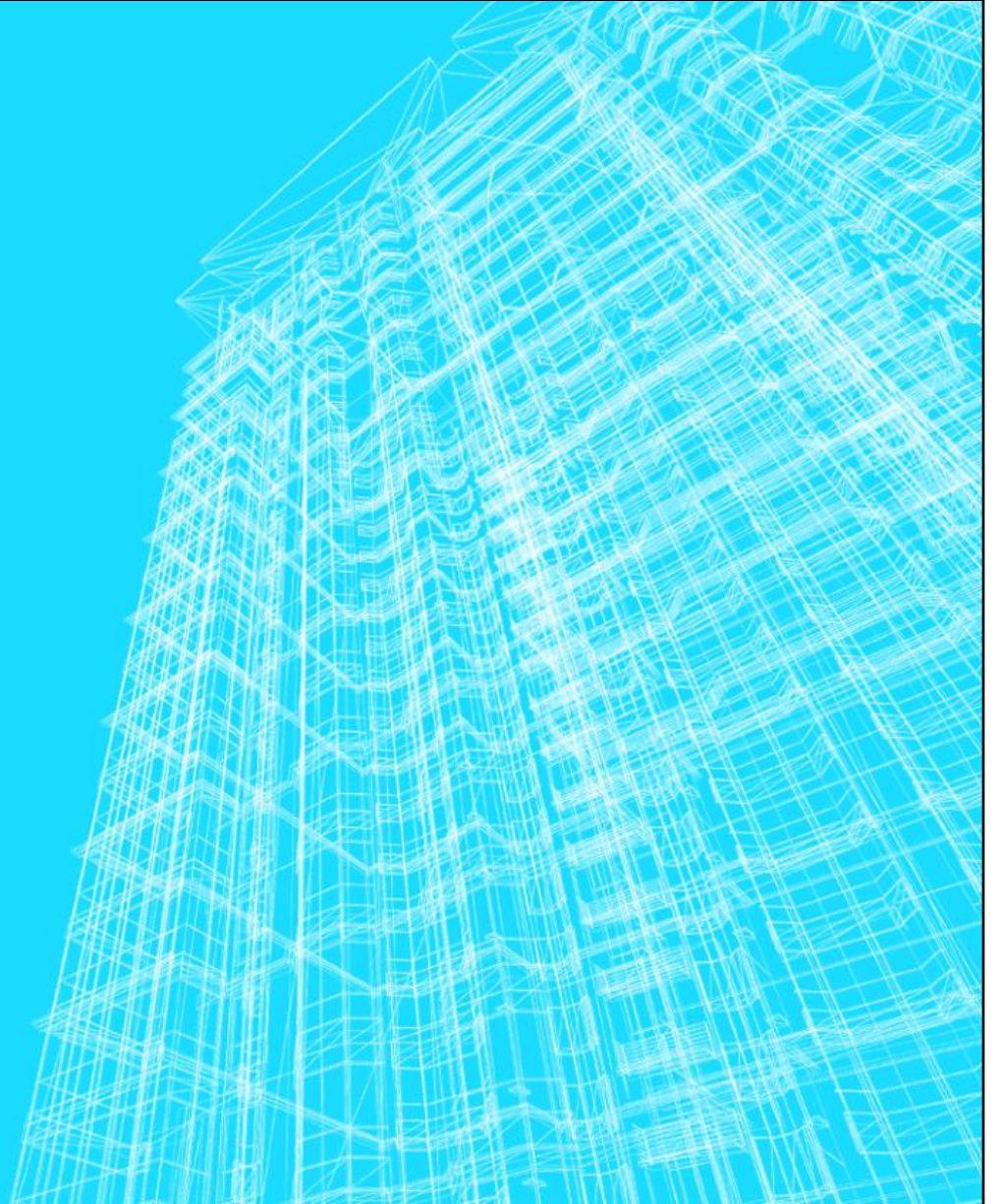
Cost: \$28,700

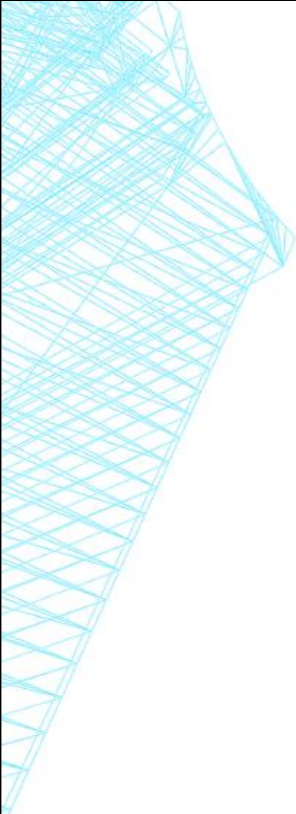


## GS223 – A FEW MORE ITEMS

- New furniture was purchased earlier in this budget year.
- Room gets a ton of use and it showing it's age in wear and tear.
- Need to expand AV capabilities in the space.
- Proposed renovations:
  - Paint
  - Second screen for presentations
  - Cost - \$4,000

# SUMMARY





## SUMMARY OF COSTS

|                                              |           |
|----------------------------------------------|-----------|
| ▪ Clayton Center Security                    | \$ 63,550 |
| ▪ Clayton Community Center Security          | \$ 45,000 |
| ▪ Clayton Center Shades                      | \$ 6,750  |
| ▪ Town Engineer Office                       | \$ 18,500 |
| ▪ Planning/Engineering/Inspections Reception | \$ 28,700 |
| ▪ GS223                                      | \$ 4,000  |
| ▪ Total Cost                                 | \$166,500 |



**Town of Clayton  
Amendment to the FY 17-18 Budget**

BE IT HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON that the following amendments shall be made to the FY 17-18 Budget:

**Fund: General Fund**

| <u>Line Item</u>   | <u>Previous<br/>Appropriation</u>           | <u>Adjustment</u> | <u>Revised<br/>Appropriation</u> |
|--------------------|---------------------------------------------|-------------------|----------------------------------|
| Expenditures       |                                             |                   |                                  |
| 100-40-02-01-58 00 | Cap Out Capital Projects<br>\$123,300       | +121,500          | \$244,800                        |
| 100-60-02-50-52 37 | Maintenance and Repair Building<br>\$23,800 | +45,000           | \$68,800                         |
| Revenue            |                                             |                   |                                  |
| 100-40-00-43 80    | Damage Reimbursement<br>\$0                 | +12,367           | \$12,367                         |
| 100-40-00-48 99    | Fund Balance Appropriated<br>\$251,978      | +154,133          | \$406,111                        |

-Explanation: Amendment necessary to reflect the expenditure of funds related to the addition of security systems for The Clayton Center and the Clayton Community Center, as well as addition of sun shades to The Clayton Center, and building modifications to The Clayton Center.

Duly adopted this 21<sup>st</sup> day of May, 2018 while in regular session.

\_\_\_\_\_  
Jody L. McLeod  
Mayor

ATTEST:

\_\_\_\_\_  
Kimberly Moffett, CMC, NCCMC  
Town Clerk



## Town Council Agenda Cover Sheet

---

---

### **Meeting Date**

May 21 2018

### **Agenda Location**

New Business

### **Item Title**

Bid Award Recommendation of Central Pump Station Decommission Gravity Sewer Project

### **Presenter** *(Name & Title)*

Tim Simpson, Public Works Director

### **Summary/Description**

The subject project is being performed in conjunction with the ECIA Water and Wastewater extension project. It will install new gravity sewer to allow abandonment of the Central Pump Station.

### **Requested Action**

Approval

### **Additional Documents To Be Included in Agenda Packet**

CH2M Analysis of Bids and Award Recommendation  
Resolution #2018-13

## Central Pump Station Decommissioning Gravity Sewer - Analysis of Bids and Award Recommendation

PREPARED FOR: Town of Clayton  
PREPARED BY: CH2M HILL  
DATE: April 27, 2018  
PROJECT NUMBER: 673583

### Purpose and Background

The purpose of this technical memorandum (TM) is to provide CH2M's analysis of the bids received for the Town of Clayton's Central Pump Station Decommissioning Gravity Sewer Project. Bids were received, opened, and read publicly after 1:00 p.m. on April 25, 2018 in the Training Room located at the Clayton Operations Center, 653 Highway 42 West, Clayton NC 27520.

The focus of this project is to improve the public linear infrastructure – such as pipes and pumping facilities –to convey wastewater by gravity away from and existing pump station, which can then be abandoned, and discharge it to an existing gravity sewer. Specific work items include but are not limited to:

1. Preparation and submission of submittals for review and approval.
2. Gravity Sanitary Sewer. Work includes but is not limited to:
  - o Installation of 250 linear feet of 8-inch polyvinyl (PVC) gravity wastewater line.
  - o Installation of 350 linear feet of 8-inch ductile iron gravity wastewater line.
  - o Installation of 1350 linear feet of 10-inch PVC gravity wastewater line.
  - o Installation of 350 linear feet of 10-inch ductile iron gravity wastewater line.
3. Abandonment of the existing approximately 200,000 gallons per day capacity sanitary sewer Central Pump Station, related selective demolition, salvage and return pump station equipment to the Town of Clayton.
4. Restoration to include paving, curb replacement, grassing and stabilization of other areas where disturbed by work completed as part of this project.

### Evaluation of Bids

One licensed contractor submitted responsive and responsible bids on this project. A summary of the bids that were received is provided in Attachment 1. A detailed breakdown by line item for the submitted bids is provided in Attachment 2.

Initially bid was received on March 28th, but the bid could not be opened due to the insufficient number of bid receives as stated in North Carolina General Statute NCGS 143-129. As a result, the initial bids were not opened and the project re-advertised with a bid opening date of April 25th. The same licensed contractor submitted a bid at each bid openings.

The construction estimate for this project was \$648,439. The bids submitted were determined to be reasonable for work to be performed. Unit bid prices for the apparent low bidder was reasonable.

The apparent low bidder for this project was Moffat Pipe Inc. The home office for this company is in Wake Forest, NC.

### Evaluation of Apparent Low Bidder:

The following bid items were evaluated:

- **Bid Form:** Bid was submitted on the appropriate, completed bid form, signed and sealed.
- **Addenda Acknowledgement:** Bidder acknowledged receipt of addenda in the appropriate place on the bid form.
- **General Contractors License:** Bidder included a North Carolina General Contractors License number in the appropriate place on the bid form.
- **Submission of Required Documents with the Bid Form to include:**
  - Bid Bond (Section 004313). Bid bond was submitted.
  - Bidder's Experience. List of experience was submitted.
  - Bidder's Qualifications. Qualifications statement was submitted.
  - List of Project References. List was submitted.
  - List of Proposed Subcontractors. List of Subcontractors was submitted.
  - Evidence of Authority to do business in the State. Evidence was submitted.
  - Copy of State of North Carolina Contractor's License. License was submitted.
  - Identification of Minority Business Participation (Section 004800). Statement was submitted.
  - State of North Carolina AFFIDAVIT A- Listing of Good Faith Efforts. Statement was submitted.

### Recommendation

It is recommended that this Project be awarded to Moffat Pipe Inc., the lowest responsive and responsible bidder.



## Attachment 1

### \*\*\*\*\*BID TABULATION\*\*\*\*\*

#### CENTRAL PUMP STATION DECOMMISSIONING GRAVITY SEWER

Town of Clayton, NC

Johnston County, North Carolina

BID DATE: April 25, 2018, AT 1:00 P.M.

| Contractor        | Total Bid Amount |
|-------------------|------------------|
| Moffat Pipe, Inc. | \$549,206.00     |

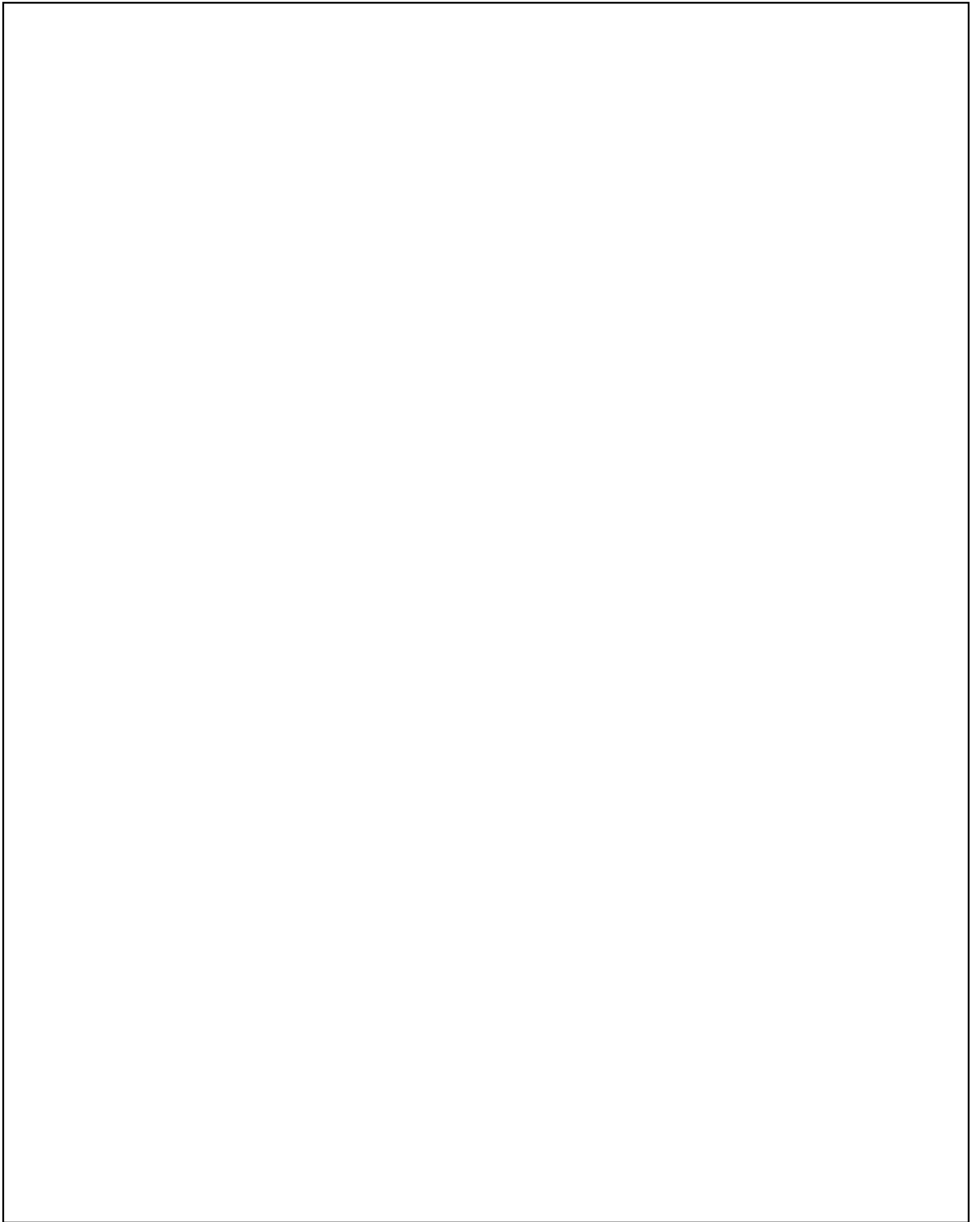
I certify that this is a true and correct tabulation of the bids received for this project.

---

Phil Ogden P.E.  
North Carolina PE Registration # 033797







Attachment 2  
Central Pump Station Decommissioning Gravity Sewer Project

Bid Tab

|                                           |                                                                         |                           |             | <b>Moffat Pipe Inc</b> |                  |
|-------------------------------------------|-------------------------------------------------------------------------|---------------------------|-------------|------------------------|------------------|
| <b>Item No</b>                            | <b>Description</b>                                                      | <b>Estimated Quantity</b> | <b>Unit</b> | <b>Bid Unit Price</b>  | <b>Bid Price</b> |
| <b>General Civil</b>                      |                                                                         |                           |             |                        |                  |
| 1                                         | Mobilization (not to exceed 3% of Total Base Bid)                       | 1                         | LS          | \$16,450.00            | \$16,450.00      |
| 2                                         | Silt Fence                                                              | 1330                      | LF          | \$2.00                 | \$2,660.00       |
| 3                                         | Rock Check Dam w/Pump Around                                            | 2                         | EA          | \$2,000.00             | \$4,000.00       |
| 4                                         | Dry Riprap for Streambank Stabilization                                 | 320                       | SY          | \$100.00               | \$32,000.00      |
| 5                                         | Foundation Stone, Trench                                                | 23                        | CY          | \$35.00                | \$805.00         |
| 6                                         | Select Fill, Trench                                                     | 95                        | CY          | \$35.00                | \$3,325.00       |
| 7                                         | Rock Excavation, Trench                                                 | 23                        | CY          | \$200.00               | \$4,600.00       |
| <b>Total for General Civil</b>            |                                                                         |                           |             |                        | \$63,840.00      |
| <b>Sanitary Sewer</b>                     |                                                                         |                           |             |                        |                  |
| 8                                         | 8-inch Epoxy-Lined Ductile Iron Gravity Sewer                           | 337                       | LF          | \$163.00               | \$54,931.00      |
| 9                                         | 8-inch C-900 PVC Gravity Sanitary Sewer                                 | 249                       | LF          | \$155.00               | \$38,595.00      |
| 10                                        | 10-inch Epoxy-Lined Ductile Iron Gravity Sanitary Sewer                 | 346                       | LF          | \$170.00               | \$58,820.00      |
| 11                                        | 10-inch C-900 PVC Gravity Sanitary Sewer                                | 1332                      | LF          | \$160.00               | \$213,120.00     |
| 12                                        | <b>Standard Sanitary Sewer Manhole, 4-foot diameter</b>                 |                           |             |                        |                  |
| a.                                        | Up to 6-foot depth                                                      | 2                         | EA          | \$4,000.00             | \$8,000.00       |
| b.                                        | Each additional foot of depth (beyond 6-feet)                           | 31                        | VLF         | \$400.00               | \$12,400.00      |
| 13                                        | <b>Standard Sanitary Sewer Manhole, 5-foot diameter w/Extended Base</b> |                           |             |                        |                  |
| a.                                        | Up to 6-foot depth                                                      | 6                         | EA          | \$5,000.00             | \$30,000.00      |
| b.                                        | Each additional foot of depth (beyond 6-feet)                           | 62                        | VLF         | \$500.00               | \$31,000.00      |
| 14                                        | <b>Drop Sanitary Sewer Manhole, 5-foot diameter w/Extended Base</b>     |                           |             |                        |                  |
| a.                                        | Up to 6-foot depth                                                      | 1                         | EA          | \$6,500.00             | \$6,500.00       |
| b.                                        | Each additional foot of depth (beyond 6-feet)                           | 9                         | VLF         | \$500.00               | \$4,500.00       |
| 15                                        | Connections to Existing Sanitary Sewers                                 | 1                         | EA          | \$2,500.00             | \$2,500.00       |
| <b>Total for Sanitary Sewer</b>           |                                                                         |                           |             |                        | \$460,366.00     |
| <b>Total for Extended Bid Unit Prices</b> |                                                                         |                           |             |                        | \$524,206.00     |
| <b>Lump Sum Bid Price</b>                 |                                                                         |                           |             |                        | \$25,000.00      |
| <b>TOTAL BASE BID (TOTAL OF ABOVE)</b>    |                                                                         |                           |             |                        | \$549,206.00     |

**TOWN OF CLAYTON  
RESOLUTION OF AWARD OF BID  
FOR THE  
CENTRAL PUMP STATION DECOMMISSION GRAVITY SEWER PROJECT**

**WHEREAS**, the Town of Clayton requested by invitation for bids to be received for the Central Pump Station Decommission Gravity Sewer Project project to be opened April 25, 2018; and

**WHEREAS**, the bids were publicly opened on the stated date; and

**WHEREAS**, the low Bidder is Moffat Pipe Inc. for the Bid Amount of \$549,206.00; and

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

**NOW THEREFORE BE IT RESOLVED, BY THE CLAYTON TOWN COUNCIL THAT** the Town of Clayton awards the Central Pump Station Decommission Gravity Sewer Project contract to Moffat Pipe Inc. in the amount of \$549,206.00.

Duly adopted this the 21<sup>st</sup> day of May, 2018 while in regular session.

\_\_\_\_\_  
Jody L. McLeod  
Mayor

ATTEST:

\_\_\_\_\_  
Kimberly A. Moffett, CMC, NCCMC  
Town Clerk



## Town Council Agenda Cover Sheet

---

---

### **Meeting Date**

May 21 2018

### **Agenda Location**

New Business

### **Item Title**

2018 Audit Contract

### **Presenter** *(Name & Title)*

Robert McKie – Finance Director

### **Summary/Description**

Recommendation to approve the 2018 Audit Contract with Anderson Smith & Wike PLLC with no change in fees.

### **Requested Action**

Place on Consent Agenda

### **Additional Documents To Be Included in Agenda Packet**

2018 Audit Contract

## CONTRACT TO AUDIT ACCOUNTS

Of TOWN OF CLAYTON  
Primary Government Unit

NA

Discretely Presented Component Unit (DPCU) if applicable

On this 4TH day of APRIL, 2018,

Auditor: ANDERSON SMITH & WIKE PLLC Auditor Mailing Address: PO BOX 697

ROCKINGHAM, NC 28380

Hereinafter referred to as The Auditor

and TOWN COUNCIL (Governing Board(s)) of TOWN OF CLAYTON  
(Primary Government)

and NA: hereinafter referred to as the Governmental Unit(s), agree as follows:  
(Discretely Presented Component Unit)

1. The Auditor shall audit all statements and disclosures required by accounting principles generally accepted in the United States of America (GAAP) and additional required legal statements and disclosures of all funds and/or divisions of the Governmental Unit (s) for the period beginning JULY 1, 2017, and ending JUNE 30, 2018. The non-major combining, and individual fund statements and schedules shall be subjected to the auditing procedures applied in the audit of the basic financial statements and an opinion shall be rendered in relation to (as applicable) the governmental activities, the business-type activities, the aggregate DPCUs, each major governmental and enterprise fund, and the aggregate remaining fund information (non-major government and enterprise funds, the internal service fund type, and the fiduciary fund types).
2. At a minimum, the Auditor shall conduct his/her audit and render his/her report in accordance with auditing standards generally accepted in the United States of America. The Auditor shall perform the audit in accordance with *Government Auditing Standards* if required by the State Single Audit Implementation Act, as codified in G.S. 159-34. If required by OMB *Uniform Administration Requirements, Cost Principles, and Audit Requirements for Federal Awards*, (Uniform Guidance) and the State Single Audit Implementation Act, the Auditor shall perform a Single Audit. This audit and all associated audit documentation may be subject to review by Federal and State agencies in accordance with Federal and State laws, including the staffs of the Office of State Auditor (OSA) and the Local Government Commission (LGC). If the audit and Auditor communication are found in this review to be substandard, the results of the review may be forwarded to the North Carolina State Board of CPA Examiners (NC State Board). **County and Multi-County Health Departments:** The Office of State Auditor (OSA) will require Auditors of these Governmental Units to perform agreed upon procedures (AUPs) on eligibility determination on certain programs. Both Auditor and Governmental Unit agree that Auditor shall complete and report on these AUPs on Eligibility Determination as required by OSA and in accordance with the instructions and timeline provided by OSA.
3. If an entity is determined to be a component of another government as defined by the group audit standards, the entity's Auditor shall make a good faith effort to comply in a timely manner with the requests of the group auditor in accordance with AU-6 §600.41 - §600.42.
4. This contract contemplates an unqualified opinion being rendered. If during the process of conducting the audit the Auditor determines that it will not be possible to render an unqualified opinion on the financial statements of the unit, the Auditor shall contact the SLGFD staff to discuss the circumstances leading to that conclusion as soon as is practical and before the final report is issued. The audit shall include such tests of the accounting records and such other auditing procedures as are considered by the Auditor to be necessary in the circumstances. Any limitations or restrictions in scope which would lead to a qualification should be fully explained in an attachment to this contract.



Contract to Audit Accounts (cont.) TOWN OF CLAYTON

Primary Government Unit

NA

Discretely Presented Component Unit (DPCU) if applicable

5. If this audit engagement is subject to the standards for audit as defined in *Government Auditing Standards*, 2011 revisions, issued by the Comptroller General of the United States, then by accepting this engagement, the Auditor warrants that he has met the requirements for a peer review and continuing education as specified in *Government Auditing Standards*. The Auditor agrees to provide a copy of their most recent peer review report regardless of the date of the prior peer review report to the Governmental Unit and the Secretary of the LGC prior to the execution of the audit contract. **If the audit firm received a peer review rating other than pass**, the Auditor shall not contract with the Governmental Unit without first contacting the Secretary of the LGC for a peer review analysis that may result in additional contractual requirements.

If the audit engagement is not subject to Government Accounting Standards or if financial statements are not prepared in accordance with GAAP and fail to include all disclosures required by GAAP, the Auditor shall provide an explanation as to why in an attachment.

6. It is agreed that time is of the essence in this contract. All audits are to be performed and the report of audit submitted to the SLGFD within four months of fiscal year end.  
Audit report is due on OCTOBER 31, 2018. If it becomes necessary to amend this due date or the audit fee, an amended contract along with a written explanation of the delay shall be submitted to the Secretary of the LGC for approval.
7. It is agreed that generally accepted auditing standards include a review of the Governmental Unit's systems of internal control and accounting as same relate to accountability of funds and adherence to budget and law requirements applicable thereto; that the Auditor shall make a written report, which may or may not be a part of the written report of audit, to the Governing Board setting forth his findings, together with his recommendations for improvement. That written report shall include all matters defined as "significant deficiencies and material weaknesses" in AU-C 265 of the *AICPA Professional Standards (Clarified)*. The Auditor shall file a copy of that report with the Secretary of the LGC.
8. All local government and public authority contracts for audit or audit-related work require the approval of the Secretary of the LGC. This includes annual or special audits, agreed upon procedures related to internal controls, bookkeeping or other assistance necessary to prepare the Governmental Unit's records for audit, financial statement preparation, any finance-related investigations, or any other audit-related work in the State of North Carolina. **Invoices for services rendered under these contracts shall not be paid by the Governmental Unit until the invoice has been approved by the Secretary of the LGC.** (This also includes any progress billings.) [G.S. 159-34 and 115C-447] All invoices for Audit work shall be submitted in PDF format to the Secretary of the LGC for approval. The invoices shall be sent via upload through the current portal address: <http://nctreasurer.slgfd.leapfile.net> Subject line should read "Invoice – [Unit Name]. The PDF invoice marked 'approved' with approval date shall be returned by email to the Auditor to present to the Governmental Unit for payment. Approval is not required on contracts and invoices for system improvements and similar services of a non-auditing nature.
9. In consideration of the satisfactory performance of the provisions of this contract, the Primary Government shall pay to the Auditor, upon approval by the Secretary of the LGC, the fee, which includes any cost the Auditor may incur from work paper or peer reviews or any other quality assurance program required by third parties (Federal and State grantor and oversight agencies or other organizations) as required under the Federal and State Single Audit Acts. (Note: **Fees listed on Fees page.**) This does not include fees for any Pre-Issuance reviews that may be required by the NC Association of CPAs (NCACPA) Peer Review Committee or NC State Board of CPA Examiners (see Item #12).
10. If the Governmental Unit has outstanding revenue bonds, the Auditor shall submit to the SLGFD either in the notes to the audited financial statements or as a separate report, a calculation demonstrating compliance with the revenue

Contract to Audit Accounts (cont.) TOWN OF CLAYTON

Primary Government Unit

NA

Discretely Presented Component Unit (DPCU) if applicable

bond rate covenant. Additionally, the Auditor shall submit to the SLGFD simultaneously with the Governmental Unit's audited financial statements any other bond compliance statements or additional reports required by the authorizing bond documents, unless otherwise specified in the bond documents.

11. After completing the audit, the Auditor shall submit to the Governing Board a written report of audit. This report shall include, but not be limited to, the following information: (a) Management's Discussion and Analysis, (b) the financial statements and notes of the Governmental Unit and all of its component units prepared in accordance with GAAP, (c) supplementary information requested by the Governmental Unit or required for full disclosure under the law, and (d) the Auditor's opinion on the material presented. The Auditor shall furnish the required number of copies of the report of audit to the Governing Board as soon as practical after the close of the fiscal year end.
12. If the audit firm is required by the NC State Board, the NCACPA Peer Review Committee, or the Secretary of the LGC to have a pre-issuance review of its audit work, there shall be a statement in the engagement letter indicating the pre-issuance review requirement. There also shall be a statement that the Governmental Unit shall not be billed for the pre-issuance review. The pre-issuance review shall be performed **prior** to the completed audit being submitted to the SLGFD. The pre-issuance review report shall accompany the audit report upon submission to the SLGFD.
13. The Auditor shall electronically submit the report of audit to the SLGFD as a text-based PDF file when (or prior to) submitting the invoice for services rendered. The report of audit, as filed with the Secretary of the LGC, becomes a matter of public record for inspection, review and copy in the offices of the SLGFD by any interested parties. **Any subsequent revisions to these reports shall be sent to the Secretary of the LGC along with an Audit report Reissuance form.** These audited financial statements, excluding the Auditors' opinion, may be used in the preparation of official statements for debt offerings, by municipal bond rating services to fulfill secondary market disclosure requirements of the Securities and Exchange Commission and for other lawful purposes of the Governmental Unit without subsequent consent of the Auditor. If the SLGFD determines that corrections need to be made to the Governmental Unit's financial statements, those corrections shall be provided within three days of notification unless another deadline is agreed to by the SLGFD.

If the OSA designates certain programs to be audited as major programs, as discussed in item #2, a turnaround document and a representation letter addressed to the OSA shall be submitted to the SLGFD.

The SLGFD's process for submitting contracts, audit reports and invoices is subject to change. Auditors shall use the submission process in effect at the time of submission. The most current instructions will be found on our website: <https://www.nctreasurer.com/slg/Pages/Audit-Forms-and-Resources.aspx>

14. Should circumstances disclosed by the audit call for a more detailed investigation by the Auditor than necessary under ordinary circumstances, the Auditor shall inform the Governing Board in writing of the need for such additional investigation and the additional compensation required therefore. Upon approval by the Secretary of the LGC, this contract may be varied or changed to include the increased time, compensation, or both as may be agreed upon by the Governing Board and the Auditor.
15. If an approved contract needs to be amended for any reason, the change shall be made in writing, on the Amended LGC-205 contract form and pre-audited if the change includes a change in audit fee. This amended contract shall be completed in full, including a written explanation of the change, signed and dated by all original parties to the contract. It shall then be submitted through the audit contract portal to the Secretary of the LGC for approval. The portal address to upload the amended contract is <http://nctreasurer.slgfd.leapfile.net> No change to the audit contract shall be effective unless approved by the Secretary of the LGC, the Governing Board, and the Auditor.

Contract to Audit Accounts (cont.)

TOWN OF CLAYTON

Primary Government Unit

NA

Discretely Presented Component Unit (DPCU) if applicable

16. A copy of the engagement letter, issued by the Auditor and signed by both the Auditor and the Governmental Unit shall be attached to the contract, and by reference here becomes part of the contract. In case of conflict between the terms of the engagement letter and the terms of this contract, the terms of this contract shall take precedence. Engagement letter terms that conflict with the contract are deemed to be void unless the conflicting terms of this contract are specifically deleted in Item #23 of this contract. Engagement letters containing indemnification clauses shall not be accepted by the SLGFD.
17. Special provisions should be limited. Please list any special provisions in an attachment.
18. A separate contract should not be made for each division to be audited or report to be submitted. If a DPCU is subject to the audit requirements detailed in the Local Government Budget and Fiscal Control Act and a separate audit report is issued, a separate audit contract is required. If a separate report is not to be issued and the DPCU is included in the primary government audit, the DPCU shall be named along with the parent government on this audit contract. DPCU Board approval date, signatures from the DPCU Board chairman and finance officer also shall be included on this contract.
19. The contract shall be executed, pre-audited, physically signed by all parties including Governmental Unit and the Auditor and then submitted in PDF format to the Secretary of the LGC. The current portal address to upload the contractual documents is <http://nctreasurer.slgfd.leapfile.net>. Electronic signatures are not accepted at this time. Included with this contract are instructions to submit contracts and invoices for approval as of November 2017. These instructions are subject to change. Please check the NC Treasurer's web site at <https://www.nctreasurer.com/slg/Pages/Audit-Forms-and-Resources.aspx> for the most recent instructions.
20. The contract is not valid until it is approved by the Secretary of the LGC. The staff of the LGC shall notify the Governmental Unit and Auditor of contract approval by email. **The audit should not be started before the contract is approved.**
21. There are no other agreements between the parties hereto and no other agreements relative hereto that shall be enforceable unless entered into in accordance with the procedure set out herein and approved by the Secretary of the LGC.
22. **E-Verify.** Auditor **shall comply** with the requirements of NCGS Chapter 64 Article 2. Further, if Auditor utilizes any subcontractor(s), Auditor **shall require** such subcontractor(s) to comply with the requirements of NCGS Chapter 64, Article 2.
23. All of the above paragraphs are understood and shall apply to this contract, except the following numbered paragraphs shall be deleted: (See Item #16 for clarification).

*SIGNATURE PAGES FOLLOW FEES PAGE*

Contract to Audit Accounts (cont.) TOWN OF CLAYTON

Primary Government Unit

NA

Discretely Presented Component Unit (DPCU) if applicable

**FEES – PRIMARY GOVERNMENT**

AUDIT: \$ 21,000 - \$22,000 NOT TO EXCEED \$22,000

WRITING FINANCIAL STATEMENTS: \$ 7,000 - \$8,000 NOT TO EXCEED \$8,000

ALL OTHER NON-ATTEST SERVICES: \$ \_\_\_\_\_

For all non-attest services the Auditor shall adhere to the independence rules of the AICPA Professional Code of Conduct and *Governmental Auditing Standards* (as applicable). Bookkeeping and other non-attest services necessary to perform the audit shall be included under this contract. However, bookkeeping assistance shall be limited to the extent that the Auditor is not auditing his or her own work or making management decisions. The Governmental Unit shall designate an individual with the suitable skills, knowledge, and/or experience necessary to oversee the services and accept responsibility for the results of the services. Financial statement preparation assistance shall be deemed a “significant threat” requiring the Auditor to apply safeguards sufficient to reduce the threat to an acceptable level. The Auditor shall maintain written documentation of his or her compliance with these standards in the audit work papers.

Prior to submission of the completed audited financial report, applicable compliance reports and amended contract (if required) the Auditor may submit invoices for approval for services rendered, not to exceed 75% of the total of the stated fees above. If the current contracted fee is not fixed in total, invoices for services rendered may be approved for up to 75% of the prior year audit fee.

The 75% cap for interim invoice approval for this audit contract is \$ 22,500

**\*\* NA if there is to be no interim billing**

**FEES – DPCU (IF APPLICABLE)**

AUDIT: \$ NA

WRITING FINANCIAL STATEMENTS: \$ NA

ALL OTHER NON-ATTEST SERVICES: \$ NA

For all non-attest services the Auditor shall adhere to the independence rules of the AICPA Professional Code of Conduct and *Governmental Auditing Standards* (as applicable). Bookkeeping and other non-attest services necessary to perform the audit shall be included under this contract. However, bookkeeping assistance shall be limited to the extent that the Auditor is not auditing his or her own work or making management decisions. The Governmental Unit shall designate an individual with the suitable skills, knowledge, and/or experience necessary to oversee the services and accept responsibility for the results of the services. Financial statement preparation assistance shall be deemed a “significant threat” requiring the Auditor to apply safeguards sufficient to reduce the threat to an acceptable level. The Auditor shall maintain written documentation of his or her compliance with these standards in the audit work papers.

Prior to submission of the completed audited financial report, applicable compliance reports and amended contract (if required) the Auditor may submit invoices for approval for services rendered, not to exceed 75% of the total of the stated fees above. If the current contracted fee is not fixed in total, invoices for services rendered may be approved for up to 75% of the prior year audit fee.

The 75% cap for interim invoice approval for this audit contract is \$ NA

**\*\* NA if there is to be no interim billing**

Contract to Audit Accounts (cont.)

TOWN OF CLAYTON

Primary Government Unit  
NA

Discretely Presented Component Unit (DPCU) if applicable

*Communication regarding audit contract requests for modification or official approvals will be sent to the email addresses provided in the spaces below.*

**Audit Firm Signature:**

ANDERSON SMITH & WIKE PLLC

Name of Audit Firm

By KENNETH ANDERSON

Authorized Audit firm representative name: Type or print

Signature of authorized audit firm representative

Date

5/4/2018

krandersoncpa@bellsouth.net

Email Address of Audit Firm

**Governmental Unit Signatures:**

TOWN OF CLAYTON

Name of Primary Government

By JODY MCLEOD, MAYOR

Mayor / Chairperson: Type or print name and title

Signature of Mayor/Chairperson of governing board

Date

By NA

Chair of Audit Committee - Type or print name

Signature of Audit Committee Chairperson

Date NA

**\*\* If Governmental Unit has no audit committee, mark this section "N/A"**

**\*\*\*Please provide us the most current email addresses available as we use this information to update our contact database\*\*\***

**PRE-AUDIT CERTIFICATE: Required by G.S. 159-28 (a)**

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act.

By ROBERT MCKIE

**Primary Government Unit Finance Officer:**

Type or print name

Primary Government Finance Officer Signature

Date

(Pre-audit Certificate **must be dated.**)

rmckie@townofclaytonnc.org

Email Address of Finance Officer

Date Primary Government Governing Body  
Approved Audit Contract - G.S. 159-34(a)



# ASW ANDERSON SMITH & WIKE PLLC

*Certified Public Accountants*

220 East Washington Street  
Post Office Box 697  
Rockingham, North Carolina 28380  
(910) 895-2899

Other Office Locations:  
Seven Lakes, North Carolina  
Gastonia, North Carolina  
Statesville, North Carolina

April 4, 2018

To the Town of Clayton  
P.O. Box 879  
Clayton, NC 27528

We are pleased to confirm our understanding of the services we are to provide to the Town of Clayton for the year ended June 30, 2018. We will audit the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information, including the related notes to the financial statements, which collectively comprise the basic financial statements, of the Town of Clayton as of and for the year ended June 30, 2018. Accounting standards generally accepted in the United States of America provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement the Town of Clayton's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the Town of Clayton's RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

1. Management's Discussion and Analysis
2. Law Enforcement Officers' Special Separation Allowance
3. GASB Required Supplementary Pension Schedules

We have also been engaged to report on supplementary information other than RSI that accompanies the Town of Clayton's financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America, and we will provide an opinion on it in relation to the financial statements as a whole, in a report combined with our auditor's report on the financial statements.

1. Individual fund budgetary schedules and other schedules.

### **Audit Objectives**

The objective of our audit is the expression of opinions as to whether your financial statements are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles and to report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements as a whole. The objective also includes reporting on—

- Internal control over financial reporting and compliance with provisions of laws, regulations, contracts, and award agreements, noncompliance with which could have a material effect on the financial statements in accordance with *Government Auditing Standards*.
- Internal control over compliance related to major programs and an opinion (or disclaimer of opinion) on compliance with federal statutes, regulations, and the terms and conditions of federal awards that could have a direct and material effect on each major program in accordance with the Single Audit Act Amendments of 1996 and Title 2 U.S. *Code of Federal Regulations* (CFR) Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance).

The *Government Auditing Standards* report on internal control over financial reporting and on compliance and other matters will include a paragraph that states that (1) the purpose of the report is solely to describe the scope of testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance, and (2) the report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. The Uniform Guidance report on internal control over compliance will include a paragraph that states that the purpose of the report on internal control over compliance is solely to describe the scope of testing of internal control over compliance and the results of that testing based on the requirements of the Uniform Guidance. Both reports will state that the report is not suitable for any other purpose.

Our audit will be conducted in accordance with auditing standards generally accepted in the United States of America; the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; the Single Audit Act Amendments of 1996; and the provisions of the Uniform Guidance, and will include tests of accounting records, a determination of major program(s) in accordance with the Uniform Guidance, and other procedures we consider necessary to enable us to express such opinions. We will issue written reports upon completion of our Single Audit. Our reports will be addressed to the Clayton Town Council of the Town of Clayton. We cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which it is necessary for us to modify our opinions or add emphasis-of-matter or other-matter paragraphs. If our opinions are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or issue reports, or we may withdraw from this engagement.

### **Audit Procedures—General**

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. We will plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the government or to acts by management or employees acting on behalf of the government.

Because the determination of abuse is subjective, *Government Auditing Standards* do not expect auditors to provide reasonable assurance of detecting abuse.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is a risk that material misstatements or noncompliance may exist and not be detected by us, even though the audit is properly planned and performed in accordance with U.S. generally accepted auditing standards and *Government Auditing Standards*. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements or on major programs. However, we will inform the appropriate level of management of any material errors, any fraudulent financial reporting, or misappropriation of assets that come to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential, and of any material abuse that comes to our attention. We will include such matters in the reports required for a Single Audit. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of inventories, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of our audit, we will require certain written representations from you about your responsibilities for the financial statements; schedule of expenditures of federal awards; federal award programs; compliance with laws, regulations, contracts, and grant agreements; and other responsibilities required by generally accepted auditing standards.

#### **Audit Procedures—Internal Control**

Our audit will include obtaining an understanding of the government and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*.

As required by the Uniform Guidance, we will perform tests of controls over compliance to evaluate the effectiveness of the design and operation of controls that we consider relevant to preventing or detecting material noncompliance with compliance requirements applicable to each major federal award program. However, our tests will be less in scope than would be necessary to render an opinion on those controls and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to the Uniform Guidance.

An audit is not designed to provide assurance on internal control or to identify significant deficiencies or material weaknesses. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards, *Government Auditing Standards*, and the Uniform Guidance.

### **Audit Procedures—Compliance**

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the Town of Clayton's compliance with provisions of applicable laws, regulations, contracts, and agreements, including grant agreements. However, the objective of those procedures will not be to provide an opinion on overall compliance and we will not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

### **Other Services**

We will also assist in preparing the financial statements, schedule of expenditures of federal awards, and related notes of Tow of Clayton in conformity with U.S. generally accepted accounting principles and the Uniform Guidance based on information provided by you. These nonaudit services do not constitute an audit under *Government Auditing Standards* and such services will not be conducted in accordance with *Government Auditing Standards*. We will perform the services in accordance with applicable professional standards. The other services are limited to the financial statements, schedule of expenditures of federal awards, and related notes services previously defined. We, in our sole professional judgment, reserve the right to refuse to perform any procedure or take any action that could be construed as assuming management responsibilities.

### **Management Responsibilities**

Management is responsible for (1) designing, implementing, and maintaining effective internal controls, including internal controls over federal awards, and for evaluating and monitoring ongoing activities to help ensure that appropriate goals and objectives are met; (2) following laws and regulations; (3) ensuring that there is reasonable assurance that government programs are administered in compliance with compliance requirements; and (4) ensuring that management and financial information is reliable and properly reported. Management is also responsible for implementing systems designed to achieve compliance with applicable laws, regulations, contracts, and grant agreements. You are also responsible for the selection and application of accounting principles; for the preparation and fair presentation of the financial statements, schedule of expenditures of federal awards, and all accompanying information in conformity with U.S. generally accepted accounting principles; and for compliance with applicable laws and regulations (including federal statutes) and the provisions of contracts and grant agreements (including award agreements). Your responsibilities also include identifying significant contractor relationships in which the contractor has responsibility for program compliance and for the accuracy and completeness of that information.

Management is also responsible for making all financial records and related information available to us and for the accuracy and completeness of that information. You are also responsible for providing us with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, (2) access to personnel, accounts, books, records, supporting documentation, and other information as needed to perform an audit under the Uniform Guidance, (3) additional information that we may request for the purpose of the audit, and (4) unrestricted access to persons within the government from whom we determine it necessary to obtain audit evidence.

Your responsibilities include adjusting the financial statements to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the government complies with applicable laws, regulations, contracts, agreements, and grants. Management is also responsible for taking timely and appropriate steps to remedy fraud and noncompliance with provisions of laws, regulations, contracts, and grant agreements, or abuse that we report. Additionally, as required by the Uniform Guidance, it is management's responsibility to evaluate and monitor noncompliance with federal statutes, regulations, and the terms and conditions of federal awards; take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings; promptly follow up and take corrective action on reported audit findings; and prepare a summary schedule of prior audit findings and a separate corrective action plan. The summary schedule of prior audit findings should be available for our review on October 31, 2018.

You are responsible for identifying all federal awards received and understanding and complying with the compliance requirements and for the preparation of the schedule of expenditures of federal awards (including notes and noncash assistance received) in conformity with the Uniform Guidance. You agree to include our report on the schedule of expenditures of federal awards in any document that contains and indicates that we have reported on the schedule of expenditures of federal awards. You also agree to [include the audited financial statements with any presentation of the schedule of expenditures of federal awards that includes our report thereon OR make the audited financial statements readily available to intended users of the schedule of expenditures of federal awards no later than the date the schedule of expenditures of federal awards is issued with our report thereon]. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the schedule of expenditures of federal awards in accordance with the Uniform Guidance; (2) you believe the schedule of expenditures of federal awards, including its form and content, is stated fairly in accordance with the Uniform Guidance; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the schedule of expenditures of federal awards.

You are also responsible for the preparation of the other supplementary information, which we have been engaged to report on, in conformity with U.S. generally accepted accounting principles. You agree to include our report on the supplementary information in any document that contains, and indicates that we have reported on, the supplementary information. You also agree to [include the audited financial statements with any presentation of the supplementary information that includes our report thereon OR make the audited financial statements readily available to users of the supplementary information no later than the date the supplementary information is issued with our report thereon]. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the supplementary information in accordance with GAAP; (2) you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying and providing report copies of previous financial audits, attestation engagements, performance audits, or other studies related to the objectives discussed in the Audit Objectives section of this letter. This



responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits, or studies. You are also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions, for the report, and for the timing and format for providing that information.

You agree to assume all management responsibilities relating to the financial statements, schedule of expenditures of federal awards, and related notes, and any other nonaudit services we provide. You will be required to acknowledge in the management representation letter our assistance with preparation of the financial statements, schedule of expenditures of federal awards, and related notes and that you have reviewed and approved the financial statements, schedule of expenditures of federal awards, and related notes prior to their issuance and have accepted responsibility for them. Further, you agree to oversee the nonaudit services by designating an individual, preferably from senior management, with suitable skill, knowledge, or experience; evaluate the adequacy and results of those services; and accept responsibility for them.

#### **Engagement Administration, Fees, and Other**

We may from time to time and depending on the circumstances, use third-party service providers in serving your account. We may share confidential information about you with these service providers, but remain committed to maintaining the confidentiality and security of your information. Accordingly, we maintain internal policies, procedures, and safeguards to protect the confidentiality of your personal information. In addition, we will secure confidentiality agreements with all service providers to maintain the confidentiality of your information and we will take reasonable precautions to determine that they have appropriate procedures in place to prevent the unauthorized release of your confidential information to others. In the event that we are unable to secure an appropriate confidentiality agreement, you will be asked to provide your consent prior to the sharing of your confidential information with the third-party service provider. Furthermore, we will remain responsible for the work provided by any such third-party service providers.

We understand that your employees will prepare all cash, accounts receivable, or other confirmations we request and will locate any documents selected by us for testing.

At the conclusion of the engagement, we will complete the appropriate sections of the Data Collection Form that summarizes our audit findings. It is management's responsibility to electronically submit the reporting package (including financial statements, schedule of expenditures of federal awards, summary schedule of prior audit findings, auditors' reports, and corrective action plan) along with the Data Collection Form to the federal audit clearinghouse. We will coordinate with you the electronic submission and certification. The Data Collection Form and the reporting package must be submitted within the earlier of 30 calendar days after receipt of the auditors' reports or nine months after the end of the audit period.

We will provide copies of our reports to the Town of Clayton, North Carolina; however, management is responsible for distribution of the reports and the financial statements. Unless restricted by law or regulation, or containing privileged and confidential information, copies of our reports are to be made available for public inspection.

The audit documentation for this engagement is the property of Anderson Smith & Wike PLLC and constitutes confidential information. However, subject to applicable laws and regulations, audit documentation and appropriate individuals will be made available upon request and in a timely manner to the Town of Clayton or its designee, a federal agency providing direct or indirect funding, or the U.S. Government Accountability Office for purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of Anderson Smith & Wike PLLC personnel. Furthermore, upon request, we

April 4, 2018  
Town of Clayton  
Page 7

may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

The audit documentation for this engagement will be retained for a minimum of five years after the report release date or for any additional period requested by the Town of Clayton. If we are aware that a federal awarding agency, pass-through entity, or auditee is contesting an audit finding, we will contact the party(ies) contesting the audit finding for guidance prior to destroying the audit documentation.

We expect to begin our audit on approximately September 1, 2018 and to issue our reports no later than October 31, 2018. Kenneth Anderson is the engagement partner and is responsible for supervising the engagement and signing the reports or authorizing another individual to sign them.

We appreciate the opportunity to be of service to the Town of Clayton and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.

Very truly yours,



This letter correctly sets forth the understanding of the Town of Clayton, NC.

Management signature: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Governance signature: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_



**Koonce, Wooten & Haywood, LLP**  
CERTIFIED PUBLIC ACCOUNTANTS

## SYSTEM REVIEW REPORT

To the Partners of Anderson Smith & Wike, PLLC  
and the Peer Review Committee of the North Carolina Association  
of Certified Public Accountants

We have reviewed the system of quality control for the accounting and auditing practice of Anderson Smith & Wike, PLLC (the firm) in effect for the year ended March 31, 2016. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants. As a part of our peer review, we considered reviews by regulatory entities, if applicable, in determining the nature and extent of our procedures. The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on our review. The nature, objectives, scope, limitations of, and the procedures performed in a System Review are described in the standards at [www.aicpa.org/prsummary](http://www.aicpa.org/prsummary).

As required by the standards, engagements selected for review included engagements performed under *Government Auditing Standards* and audits of employee benefit plans.

In our opinion, the system of quality control for the accounting and auditing practice of Anderson Smith & Wike, PLLC in effect for the year ended March 31, 2016, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency(ies)* or *fail*. Anderson Smith & Wike, PLLC has received a peer review rating of *pass*.

*Koonce, Wooten & Haywood, LLP*

Koonce, Wooten & Haywood, LLP

August 1, 2016

**Raleigh**  
4060 Barrett Drive  
Post Office Box 17806  
Raleigh, North Carolina 27619  
  
919 782 9265  
919 783 8937 FAX

**Durham**  
3511 Shannon Road  
Suite 100  
Durham, North Carolina 27707  
  
919 354 2584  
919 489 8183 FAX

**Pittsboro**  
10 Sanford Road  
Post Office Box 1399  
Pittsboro, North Carolina 27312  
  
919 542 6000  
919 542 5764 FAX



## Town Council Agenda Cover Sheet

---

---

**Meeting Date**

May 21 2018

**Agenda Location**

New Business

**Item Title**

2017 LWSP Resolution

**Presenter** *(Name & Title)*

Tim Simpson, Public Works and Utilities Director

**Summary/Description**

A resolution adopted by the Clayton Town Council adopting the 2017 Local Water Supply Plan is required every five years by the NC Division of Water Resources, NCDEQ.

**Requested Action**

Place on Consent Agenda

**Additional Documents To Be Included in Agenda Packet**

Copy of the 2017 LWSP

**Clayton**

2017 ▼

The Division of Water Resources (DWR) provides the data contained within this Local Water Supply Plan (LWSP) as a courtesy and service to our customers. DWR staff does not field verify data. Neither DWR, nor any other party involved in the preparation of this LWSP attests that the data is completely free of errors and omissions. Furthermore, data users are cautioned that LWSPs labeled **PROVISIONAL** have yet to be reviewed by DWR staff. Subsequent review may result in significant revision. Questions regarding the accuracy or limitations of usage of this data should be directed to the water system and/or DWR.

**1. System Information****Contact Information**

|                    |                                   |            |                                |
|--------------------|-----------------------------------|------------|--------------------------------|
| Water System Name: | Clayton                           | PWSID:     | 03-51-020                      |
| Mailing Address:   | P.O. Box 879<br>Clayton, NC 27528 | Ownership: | Municipality                   |
| Contact Person:    | Byron W. Poelman                  | Title:     | Utility Service Superintendent |
| Phone:             | 919-553-1530                      | Fax:       | 919-553-1541                   |
| Secondary Contact: | Timothy S. Simpson                | Phone:     | 919-553-1530                   |
| Mailing Address:   | P.O. Box 879<br>Clayton, NC 27528 | Fax:       | 919-553-1541                   |

**Complete****Distribution System**

| Line Type          | Size Range (Inches) | Estimated % of lines |
|--------------------|---------------------|----------------------|
| Asbestos Cement    | 6-16                | 9.74 %               |
| Cast Iron          | 6-8                 | 15.16 %              |
| Ductile Iron       | 6-16                | 21.08 %              |
| Galvanized Iron    | 3/4-2               | 0.34 %               |
| Polyvinyl Chloride | 6-12                | 53.68 %              |

What are the estimated total miles of distribution system lines? 127 Miles

How many feet of distribution lines were replaced during 2017? 1,265 Feet

How many feet of new water mains were added during 2017? 26,406 Feet

How many meters were replaced in 2017? 174

How old are the oldest meters in this system? 20 Year(s)

How many meters for outdoor water use, such as irrigation, are not billed for sewer services? 1,092

What is this system's finished water storage capacity? 1.8000 Million Gallons

Has water pressure been inadequate in any part of the system since last update? No

**Programs**

Does this system have a program to work or flush hydrants? Yes, Annually

Does this system have a valve exercise program? No

Does this system have a cross-connection program? Yes

Does this system have a program to replace meters? Yes

Does this system have a plumbing retrofit program? No

Does this system have an active water conservation public education program? No

Does this system have a leak detection program? No

**Water Conservation**

What type of rate structure is used? Decreasing Block

How much reclaimed water does this system use? 0.0320 MGD For how many connections? 1

Does this system have an interconnection with another system capable of providing water in an emergency? No

The Town of Clayton has several interconnections with Johnston County Utilities for regular purchase. Johnston County Utilities has their own Water Plant and several interconnections with other systems and is capable of providing additional water to the Town of Clayton in an emergency situation

[https://www.ncwater.org/Water\\_Supply\\_Planning/Local\\_Water\\_Supply\\_Plan/report.php?psid=0...](https://www.ncwater.org/Water_Supply_Planning/Local_Water_Supply_Plan/report.php?psid=0...) 5/15/2018



## 2. Water Use Information

### Service Area

| Sub-Basin(s)       | % of Service Population | County(s) | % of Service Population |
|--------------------|-------------------------|-----------|-------------------------|
| Neuse River (10-1) | 100 %                   | Johnston  | 100 %                   |

What was the year-round population served in 2017? 22,967

Has this system acquired another system since last report? No

### Water Use by Type

| Type of Use   | Metered Connections | Metered Average Use (MGD) | Non-Metered Connections | Non-Metered Estimated Use (MGD) |
|---------------|---------------------|---------------------------|-------------------------|---------------------------------|
| Residential   | 7,710               | 1.1310                    | 0                       | 0.0000                          |
| Commercial    | 661                 | 0.5410                    | 0                       | 0.0000                          |
| Industrial    | 21                  | 1.0230                    | 0                       | 0.0000                          |
| Institutional | 104                 | 0.0720                    | 0                       | 0.0000                          |

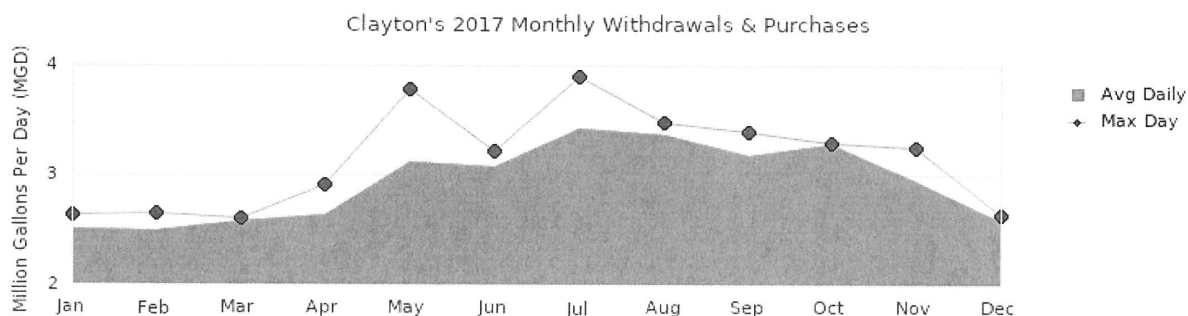
How much water was used for system processes (backwash, line cleaning, flushing, etc.)? 0.0110 MGD

## 3. Water Supply Sources

### Monthly Withdrawals & Purchases

|     | Average Daily Use (MGD) | Max Day Use (MGD) |     | Average Daily Use (MGD) | Max Day Use (MGD) |     | Average Daily Use (MGD) | Max Day Use (MGD) |
|-----|-------------------------|-------------------|-----|-------------------------|-------------------|-----|-------------------------|-------------------|
| Jan | 2.4980                  | 2.6300            | May | 3.1170                  | 3.7890            | Sep | 3.1770                  | 3.3860            |
| Feb | 2.4880                  | 2.6520            | Jun | 3.0660                  | 3.2090            | Oct | 3.2730                  | 3.2870            |
| Mar | 2.5730                  | 2.6090            | Jul | 3.4170                  | 3.8970            | Nov | 2.9430                  | 3.2500            |
| Apr | 2.6280                  | 2.9130            | Aug | 3.3650                  | 3.4800            | Dec | 2.5760                  | 2.6340            |

As a Purchase Water System we do not have daily usage readings for our maximum daily calculations. We do not have access to the Interconnection master meters for then daily readings. Max Day Use is based on the highest weekly average.



### Water Purchases From Other Systems

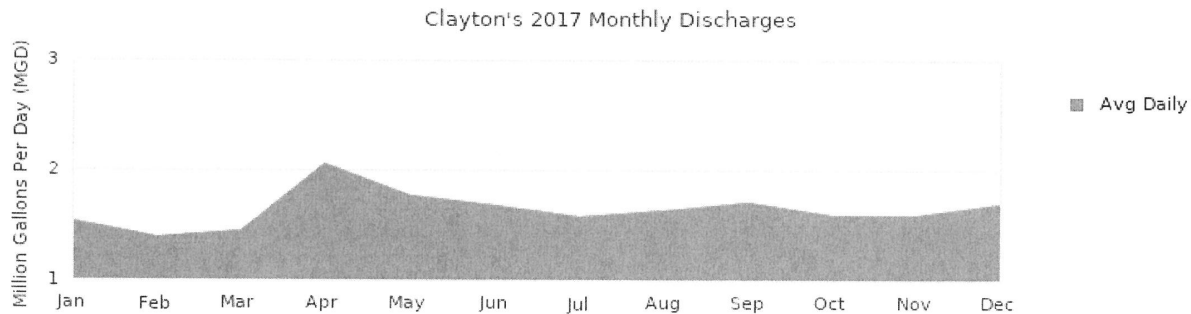
| Seller                    | PWSID     | Average Daily Purchased (MGD) | Days Used | MGD    | Contract Expiration | Recurring | Required to comply with water use restrictions? | Pipe Size (s) (Inches) | Use Type |
|---------------------------|-----------|-------------------------------|-----------|--------|---------------------|-----------|-------------------------------------------------|------------------------|----------|
| Johnston County Utilities | 03-51-070 | 2.9230                        | 365       | 3.0930 |                     | Yes       | Yes                                             | 16                     | Regular  |

## 4. Wastewater Information

### Monthly Discharges

[https://www.ncwater.org/Water\\_Supply\\_Planning/Local\\_Water\\_Supply\\_Plan/report.php?pwsid=0...](https://www.ncwater.org/Water_Supply_Planning/Local_Water_Supply_Plan/report.php?pwsid=0...) 5/15/2018

|     | Average Daily Discharge (MGD) |     | Average Daily Discharge (MGD) |     | Average Daily Discharge (MGD) |
|-----|-------------------------------|-----|-------------------------------|-----|-------------------------------|
| Jan | 1.5350                        | May | 1.7650                        | Sep | 1.7110                        |
| Feb | 1.3890                        | Jun | 1.6720                        | Oct | 1.5950                        |
| Mar | 1.4410                        | Jul | 1.5700                        | Nov | 1.5860                        |
| Apr | 2.0480                        | Aug | 1.6390                        | Dec | 1.6970                        |



How many sewer connections does this system have? 8,221

How many water service connections with septic systems does this system have? 254

Are there plans to build or expand wastewater treatment facilities in the next 10 years? Yes

The Town of Clayton has developed a Wastewater Conveyance and Treatment Plan for the entire system. A new Wastewater Treatment Plant is one of the options being considered for future use.

#### Wastewater Permits

| Permit Number | Permitted Capacity (MGD) | Design Capacity (MGD) | Average Annual Daily Discharge (MGD) | Maximum Day Discharge (MGD) | Receiving Stream | Receiving Basin    |
|---------------|--------------------------|-----------------------|--------------------------------------|-----------------------------|------------------|--------------------|
| NC0025453     | 2.5000                   | 2.5000                | 1.6470                               | 5.4500                      | Neuse River      | Neuse River (10-1) |

#### Wastewater Interconnections

| Water System              | PWSID     | Type        | Average Daily Amount |           | Contract Maximum (MGD) |
|---------------------------|-----------|-------------|----------------------|-----------|------------------------|
|                           |           |             | MGD                  | Days Used |                        |
| Johnston County Utilities | 03-51-070 | Discharging | 0.6850               | 365       | 0.9000                 |
| Johnston County Utilities | 03-51-070 | Receiving   | 0.0586               | 250       | 0.6500                 |

## 5. Planning

#### Projections

|                       | 2017   | 2020   | 2030   | 2040   | 2050   | 2060   |
|-----------------------|--------|--------|--------|--------|--------|--------|
| Year-Round Population | 22,967 | 25,097 | 33,728 | 45,327 | 60,916 | 81,866 |
| Seasonal Population   | 0      | 0      | 0      | 0      | 0      | 0      |
| Residential           | 1.1310 | 1.2000 | 1.4630 | 1.7830 | 2.1740 | 2.6500 |
| Commercial            | 0.5410 | 0.5740 | 0.7000 | 0.8530 | 1.0400 | 1.2680 |
| Industrial            | 1.0230 | 1.4900 | 1.8160 | 2.2130 | 2.6980 | 3.2890 |
| Institutional         | 0.0720 | 0.0760 | 0.0930 | 0.1140 | 0.1380 | 0.1690 |
| System Process        | 0.0110 | 0.0120 | 0.0150 | 0.0180 | 0.0220 | 0.0260 |
| Unaccounted-for       | 0.1450 | 0.3180 | 0.3880 | 0.4730 | 0.5770 | 0.7030 |

#### Future Supply Sources

[https://www.ncwater.org/Water\\_Supply\\_Planning/Local\\_Water\\_Supply\\_Plan/report.php?pwsid=0...](https://www.ncwater.org/Water_Supply_Planning/Local_Water_Supply_Plan/report.php?pwsid=0...) 5/15/2018

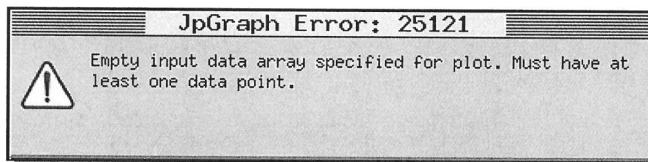
## Local Water Supply Planning - North Carolina Division of Water Resources

Page 4 of 4

| Source Name               | PWSID     | Source Type | Additional Supply | Year Online | Year Offline | Type    |
|---------------------------|-----------|-------------|-------------------|-------------|--------------|---------|
| Johnston County Utilities | 03-51-070 | Purchase    | 0.6000            | 2018        |              | Regular |
| Johnston County Utilities | 03-51-070 | Purchase    | 0.5000            | 2019        |              | Regular |
| Johnston County Utilities | 03-51-070 | Purchase    | 0.4000            | 2020        |              | Regular |
| Johnston County Utilities | 03-51-070 | Purchase    | 1.1000            | 2030        |              | Regular |
| Johnston County Utilities | 03-51-070 | Purchase    | 1.1250            | 2040        |              | Regular |

 Demand v/s Percent of Supply

|                              | 2017   | 2020   | 2030   | 2040   | 2050   | 2060   |
|------------------------------|--------|--------|--------|--------|--------|--------|
| Surface Water Supply         | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Ground Water Supply          | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Purchases                    | 3.0930 | 3.0930 | 3.0930 | 3.0930 | 3.0930 | 3.0930 |
| Future Supplies              |        | 1.5000 | 2.6000 | 3.7250 | 3.7250 | 3.7250 |
| Total Available Supply (MGD) | 3.0930 | 4.5930 | 5.6930 | 6.8180 | 6.8180 | 6.8180 |
| Service Area Demand          | 2.9230 | 3.6700 | 4.4750 | 5.4540 | 6.6490 | 8.1050 |
| Sales                        | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Future Sales                 |        | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Total Demand (MGD)           | 2.9230 | 3.6700 | 4.4750 | 5.4540 | 6.6490 | 8.1050 |
| Demand as Percent of Supply  | 95%    | 80%    | 79%    | 80%    | 98%    | 119%   |



The purpose of the above chart is to show a general indication of how the long-term per capita water demand changes over time. The per capita water demand may actually be different than indicated due to seasonal populations and the accuracy of data submitted. Water systems that have calculated long-term per capita water demand based on a methodology that produces different results may submit their information in the notes field.

Your long-term water demand is 49 gallons per capita per day. What demand management practices do you plan to implement to reduce the per capita water demand (i.e. conduct regular water audits, implement a plumbing retrofit program, employ practices such as rainwater harvesting or reclaimed water)? If these practices are covered elsewhere in your plan, indicate where the practices are discussed here.

Are there other demand management practices you will implement to reduce your future supply needs? Water customers are currently under voluntary water conservation measures and could be placed under mandatory measures if needed.

What supplies other than the ones listed in future supplies are being considered to meet your future supply needs? The water system management has discussed the construction of a water treatment plant as well as a connection to another water system for regular water purchase other than Johnston County Utilities.

How does the water system intend to implement the demand management and supply planning components above? The Town of Clayton is performing a water and sewer rate study and will continue to investigate the options mentioned above to meet the future water needs.

## Additional Information

Has this system participated in regional water supply or water use planning? No

What major water supply reports or studies were used for planning?

Please describe any other needs or issues regarding your water supply sources, any water system deficiencies or needed improvements (storage, treatment, etc.) or your ability to meet present and future water needs. Include both quantity and quality considerations, as well as financial, technical, managerial, permitting, and compliance issues:

The Division of Water Resources (DWR) provides the data contained within this Local Water Supply Plan (LWSP) as a courtesy and service to our customers. DWR staff does not field verify data. Neither DWR, nor any other party involved in the preparation of this LWSP attests that the data is completely free of errors and omissions. Furthermore, data users are cautioned that LWSPs labeled **PROVISIONAL** have yet to be reviewed by DWR staff. Subsequent review may result in significant revision. Questions regarding the accuracy or limitations of usage of this data should be directed to the water system and/or DWR.

[https://www.ncwater.org/Water\\_Supply\\_Planning/Local\\_Water\\_Supply\\_Plan/report.php?pwid=0...](https://www.ncwater.org/Water_Supply_Planning/Local_Water_Supply_Plan/report.php?pwid=0...) 5/15/2018

**RESOLUTION APPROVING LOCAL WATER SUPPLY PLAN**

**WHEREAS**, North Carolina General Statute 143-355 (l) requires that each unit of local government that provides public water service or that plans to provide public water service and each large community water system shall, either individually or together with other units of local government and large community water systems, prepare and submit a Local Water Supply Plan; and

**WHEREAS**, as required by the statute and in the interests of sound local planning, a Local Water Supply Plan for the Town of Clayton has been developed and submitted to the Clayton Town Council for approval; and

**WHEREAS**, the Clayton Town Council finds that the Local Water Supply Plan is in accordance with the provisions of North Carolina General Statute 143-355 (l) and that it will provide appropriate guidance for the future management of water supplies for the Town of Clayton, as well as useful information to the Department of Environmental Quality for the development of a state water supply plan as required by statute;

**NOW, THEREFORE, BE IT RESOLVED** by the Town of Clayton of the Town of Clayton that the Local Water Supply Plan is hereby approved and shall be submitted to the Department of Environmental Quality, Division of Water Resources; and

**BE IT FURTHER RESOLVED** that the Clayton Town Council intends that this plan shall be revised to reflect changes in relevant data and projections at least once every five years or as otherwise requested by the Department, in accordance with the statute and sound planning practice.

Duly adopted this the 4<sup>th</sup> day of June, 2018 while in regular session.

---

Jody McLeod  
Mayor

ATTEST:

---

Kimberly A. Moffett, CMC, NCCMC  
Town Clerk