



The Town of Clayton
Regular Town Council Meeting Agenda
Monday, March 5, 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

- January 16, 2018
- February 19, 2018

[Cover](#)

b. Resolution Directing Clerk to Investigate Sufficiency - 2018-06-ANX - Glen Haven

[Resolution #2018-05](#)

c. Resolution Directing Clerk to Investigate Sufficiency - 2018-19-ANX - Powhatan Warehouse Annexation

[Resolution #2018-06](#)

d. Warranty Acceptances:

- Lionsgate Phases 3A & 3G
- RWAC Phases 6A-1, 6B, 6C & 6E
- RWAC Ravens Ridge 8C-1 & 8C-2

[Lionsgate Phase 3A & 3G](#)

[RWAC Phase 6A-1, 6B, 6C & 6E Swann Trail](#)

[RWAC Ravens Ridge 8C-1 & 8C-2](#)

e. Budget Amendment - Talton Property Acquisition

[Ordinance #2018-03-01](#)

POTENTIAL ACTION:

Adoption of Consent Agenda as Presented

4. ADMINISTRATIVE ITEMS

a. Recommendation for Appointment to Recreation Advisory Board

Presenter: Kimberly Moffett, Town Clerk

[Cover](#)

[Application - Monica Antes](#)

POTENTIAL ACTION:

Place on March 19, 2018 Consent Agenda

5. INTRODUCTIONS AND SPECIAL PRESENTATIONS

- a. Introduction of Samantha Wullenwaber, Planning Director
Presenter: Adam Lindsay, Town Manager

- b. Proclamation Recognizing March 16th as 2018 Arbor Day
Presenter: Stacy Beard, Public Information Officer
[Proclamation - 2018 Arbor Day](#)

POTENTIAL ACTION: Adoption of Proclamation

- c. Proclamation Request Recognizing May 5, 2018 as Clayton Derby Classic Day
Presenters: Mike Marvel, Clayton Derby Classic Chair & Stewart McLeod, Johnston Health Foundation Chair
[Clayton Derby Proclamation](#)

POTENTIAL ACTION: Place on March 19, 2018 Consent Agenda

- d. Special Event Request - Mondo Roots - June 2, 2018
Presenter: Blair Myhand, Police Chief
[Cover](#)
[Application](#)

POTENTIAL ACTION: Place on March 19, 2018 Consent Agenda

- e. Special Event Request - Alzheimer's NC Johnston County Walk/Fun Run - April 28, 2018
Presenter: Blair Myhand, Police Chief
[Cover](#)
[Application](#)

POTENTIAL ACTION: Place on March 19, 2018 Consent Agenda

- f. Special Event Request - Clayton Road Race - May 12, 2018
Presenter: Blair Myhand, Police Chief
[Cover](#)
[Application](#)

POTENTIAL ACTION: Place on March 19, 2018 Consent Agenda

6. PUBLIC HEARINGS

- a. 2017-195-RZ - Recovery Logistics Rezoning
Presenter: Planning Department
[Cover](#)
[Application](#)
[Staff Report](#)
[Map](#)
[Neighborhood Meeting Materials](#)
[Newspaper Ad](#)
[Planning Board Recommendation](#)

Note: During a Quasi-Judicial (evidentiary) hearing, Town Council must make findings based upon sworn testimony and other credible evidence. Citizens may give testimony in an evidentiary hearing after they have taken an oath.

[Consistency Statement](#)
[Motion Form](#)
[Ordinance #2018-03-02](#)

POTENTIAL ACTION: Adoption of Ordinance #2018-03-02

- b. 2017-160-RZ - Massey Property Rezoning

Presenter: Planning Department

[Cover](#)
[Application](#)
[Staff Report](#)
[Map](#)
[Support Materials](#)
[Neighborhood Meeting Materials](#)
[Neighborhood Meeting Minutes](#)
[Newspaper Ad](#)
[Planning Board Recommendation](#)
[Consistency Statement](#)
[Motion Form](#)
[Ordinance #2018-03-03](#)

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

- c. 2017-98-SD - Kyli Knolls (Preliminary Plat) Subdivision - **QUASI JUDICIAL HEARING**

Presenter: Planning Department

[Application](#)
[Staff Report](#)
[Map](#)
[Site Plan](#)
[Waiver Request](#)
[Adj. Property Letter](#)
[Neighborhood Meeting Materials](#)
[Newspaper Ad](#)
[Planning Board Recommendation](#)
[Motion Form](#)
[Approval](#)

POTENTIAL ACTION: Approval of 2017-98-SD

- d. 2017-176-SUP - Barbour Street Townhomes Special Use Permit - **QUASI JUDICIAL**

Presenter: Planning Department

[Cover](#)
[Application](#)
[Staff Report](#)
[Map](#)
[Site Plan](#)
[Elevations](#)

Note: During a Quasi-Judicial (evidentiary) hearing, Town Council must make findings based upon sworn testimony and other credible evidence. Citizens may give testimony in an evidentiary hearing after they have taken an oath.

[Adj Prop Letter](#)
[Certificate of Mailing](#)
[Neighborhood Meeting Materials](#)
[Newspaper Ad](#)
[Planning Board Recommendation](#)

POTENTIAL ACTION: Continue until April 16, 2018 at Request of Applicant

- e. 2018-10-RZ - 110 East Second Street Rezoning
Presenter: Planning Department

[Application](#)
[Staff Report](#)
[Maps](#)
[Adjacent Property Letter](#)
[Neighborhood Meeting](#)
[Consistency Statement](#)
[Newspaper Ad](#)
[Motion Form](#)
[Ordinance #2018-03-04](#)

POTENTIAL ACTION: Adoption of Ordinance #2018-03-04

7. ITEMS SCHEDULED FOR THE UPCOMING TOWN COUNCIL MEETING

8. OLD BUSINESS

9. NEW BUSINESS

- a. Resolution Authorizing Staff to Execute Contract for ECIA Water & Wastewater Project

Presenter: Tim Simpson, Public Works Director

[Resolution #2018-07](#)

POTENTIAL ACTION: Adoption of Resolution #2018-07

10. STAFF REPORTS

- a. Town Manager
b. Town Attorney
c. Town Clerk
d. Other Staff
 - Main Street Conference Update
Presenter: Kaitlin Russo, Economic Development Specialist

11. OTHER BUSINESS

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

Note: During a Quasi-Judicial (evidentiary) hearing, Town Council must make findings based upon sworn testimony and other credible evidence. Citizens may give testimony in an evidentiary hearing after they have taken an oath.

12. ADJOURNMENT

Note: During a Quasi-Judicial (evidentiary) hearing, Town Council must make findings based upon sworn testimony and other credible evidence. Citizens may gave testimony in an evidentiary hearing after they have taken an oath.



Town Council Agenda Cover Sheet

Meeting Date

March 5 2018

Agenda Location

Consent Agenda

Item Title

Draft Minutes – January 16, 2018 & February 19, 2018

Presenter *(Name & Title)***Summary/Description**

These drafts minutes will be sent under separate cover

Requested Action

Approval

Additional Documents To Be Included in Agenda Packet

Draft Minutes

**ANNEXATION PETITION 2018-6-ANX
Glen Haven Ph. 4
Parcel: 05G03023A
Owners: Glenwood Homes, LLC
Contiguous; 8.85 +/- acres**

**TOWN OF CLAYTON
RESOLUTION DIRECTING THE CLERK TO INVESTIGATE
A PETITION RECEIVED UNDER G.S. 160A-31**

WHEREAS, a petition requesting annexation of an area described in said petition was received on January 29, 2018, by the Town of Clayton; and

WHEREAS, G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and

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

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

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

Duly adopted this 5th day of March 2018, while in regular session.

Jody L. McLeod,
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk

ANNEXATION PETITION 2018-19-ANX
Powhatan Warehouse
Parcels: Portion of 05105017D
Owners: Franklin Clayton Associates, LLC
Non-Contiguous; 0.35 acres

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

WHEREAS, a petition requesting annexation of an area described in said petition was received on February 16, 2018, by the Town of Clayton; and

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

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

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

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

Duly adopted this 5th day of March 2018, while in regular session.

Jody L. McLeod
Mayor

Kimberly A. Moffett, CMC, NCCMC
Town Clerk



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

MEMORANDUM

To: Kimberly Moffett, Town Clerk

From: Chris Rowland, Construction Project Administrator 

Copy: Donnie Adams, Adams & Hodge Engineering
Paralee Smith, Development Services Coordinator
Joe Staynings, Fred Smith Company

Date: January 16, 2018

Re: Lionsgate, Phases 3A & 3G (Shadboat Lane, Honeybee Trace, Scotch Bonnet Ridge, Scuppernong Way, & Plott Hound Drive)

The final lift of asphalt pavement has been installed within the referenced public street sections. Please schedule Council action for the acceptance of this work, subject to a one-year warranty period. Upon expiration of the warranty period, pavement and base course condition will be evaluated and any identified faults corrected prior to final acceptance.



**Town of Clayton
Engineering Department**

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

MEMORANDUM

To: Kimberly Moffett, Town Clerk

From: Chris Rowland, Construction Project Administrator 

Copy: Donnie Adams, Adams & Hodge Engineering
Para Smith, Development Services Coordinator

Date: February 5, 2018

Subject: RWAC, Phases 6A-1, 6B, 6C, & 6E (Swann Trail)

Please place a final acceptance request for the subject asphalt pavement on the next available agenda. A final inspection was performed with all identified items corrected via complete overlay. Upon final acceptance, the Town will assume responsibility and maintenance duties.



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

MEMORANDUM

To: Kimberly Moffett, Town Clerk

From: Chris Rowland, Construction Project Administrator 

Copy: Donnie Adams, Adams & Hodge Engineering
Para Smith, Development Services Coordinator

Date: January 31, 2018

Subject: RWAC, Ravens Ridge 8C-1 & 8C-2

Please place a final acceptance request for the subject public water, sewer, associated storm drainage utilities, and all pertinent easements on the next available agenda. A final inspection was performed with all noted items corrected. Following acceptance, the Town will assume operational and maintenance duties associated with these utilities.

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 Appropriation</u>	<u>Adjustment</u>	<u>Revised Appropriation</u>	
Revenue					
100-40-00-48 99	Fund Balance Appropriated		\$68,136	+70,000	\$1
Expenditures					
100-42-95-58 50	Capital Outlay		\$0	+70,000	\$7

Amendment necessary to appropriate fund balance to procure a
parcel of vacant land located at 311 S Fayetteville St, which is
required for compliance with G.S. 159-15:

Duly adopted this 5th Day of March, 2018 while in regular
session.

Jody L. McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk



Town Council Agenda Cover Sheet

Meeting Date

March 5 2018

Agenda Location

Administrative

Item Title

Volunteer Advisory Board Appointment Recommendation

Presenter *(Name & Title)*

Kimberly Moffett, Town Clerk

Summary/Description

An application was received for the current vacancy on the Parks & Recreation Advisory Board. Staff conducted an interview and is recommending appointment of Monica Antes to the Recreation Advisory Board with a term expiration of 12/31/2020.

Requested Action

Place on Consent Agenda

Additional Documents To Be Included in Agenda Packet

Application



ADVISORY BOARD CANDIDATE APPLICATION

The Town of Clayton welcomes and appreciates your interest in serving the Town. This application is designed to gather information to evaluate your qualifications. Candidates may be interviewed prior to appointment.

If requesting consideration for more than one, please submit a separate application for each board.

CHOOSE ONE:

☐ Planning & Zoning Board

☐ Board of Adjustment

☐ Downtown Development Assoc.

☐ Clayton Library Board

☒ Recreation Advisory Committee

☐ Fire Dept. Advisory Board

☐ Public Arts Advisory Board

PLEASE NOTE: In accordance with North Carolina law, this application is a public record and will be disclosed upon request and without notice. If there is any information you do not want released to the public, please do not include it.

Please type or use dark ink.

Monica Antes

Name: _____

2113 Lee st Clayton NC 27520

Mailing Address: _____

2113 Lee st Clayton NC 27520

Physical HOME Address: _____

(269)267-1109

Phone Number (HOME): _____ **(WORK)** _____

(269)267-1109

FAX Number: _____ **Mobile Number:** _____

Mlafevre@hotmail.com

Email Address: _____

***Female** ☒ ***Male** ☐

Self employed

***Race** _____ White

Employer: _____

Real estate broker

Occupation: _____

*This information is voluntary and is requested for the sole purpose of assuring that a cross section of the community is appointed; NC GS 143-157.1.

Residency within the Town limits or ETJ (extra territorial jurisdiction) is required for membership on most Council advisory boards.

Length of residence in Clayton: 13 months

Do you live in the Clayton town limits: Yes ☐ No ☒ ETJ: Yes ☒ No ☐

How did you find out about this board or committee? Facebook ☐ Website ☒ TV ☐

Newspaper ☐ Email ☐ Twitter ☐ Mail ☐ Other _____

Outline your qualifications and why you wish to serve the board/committee you indicated.

I am interested in being a bigger part of the community I live in. I spent a decade working for the Olive Garden. I have great organizational skills. I was a manager of a high volume restaurant and have lead large teams. I changed careers so I can be a bigger part of my children's lives. That includes being a part of the community we all call home. I enjoy organizing events and meeting people.

State why you would be an asset to this board or committee. I am great at being part of a team
and helping lead events. My skills include asset management, multitasking, and organization.

Do you anticipate a conflict of interest if asked to serve as a member on the requested board or committee? No ☐ Yes ☐ If Yes, explain:

PLEASE LIST CURRENT AND PREVIOUS SERVICE TO THE COMMUNITY, CIVIC CLUBS, ETC., ACTIVITY AND ANY SPECIAL TALENTS.

Boards/Committees/Civic	From	To
Girl Scouts of America co leader	August 2017	Current
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____



Signature

September 5, 2017

Date

- Please do not submit resumes or attachments.
- This application is a **public record**.
- Information in the application will be considered in making appointments.
- Candidates may be interviewed prior to appointment.
- If not initially appointed to serve, this application will remain active until August 1 of the following year.

Applications are to be turned in to the Town Clerk in person (111 East Second Street), by mail (Town of Clayton, PO BOX 879, Clayton, NC 27528) or by email (kmoftett@townofclaytonnc.org)

**TOWN OF CLAYTON
PROCLAMATION**



WHEREAS, J. Sterling Morton made a special holiday called Arbor Day where you celebrate trees and show how they help the community and help us; and

WHEREAS, we celebrate Arbor Day to continue educating people about the importance of trees; and

WHEREAS, trees make our world better because they give us oxygen, shelter, food and fertilized soil; and

WHEREAS, trees give us oxygen to help us breathe and since they are so important to us we give them carbon dioxide so they can breathe; and

WHEREAS, trees help provide shelter for us to live in and not be homeless; and

WHEREAS, ecosystems are provided by trees for animals, bugs, and other creatures to live in and to live off of;

WHEREAS, being surrounded by trees can lower stress levels to create a calm environment; and

WHEREAS, trees make places look good like parks and forests and you always want a good looking community; and

WHEREAS, trees help us in all sorts of ways and without trees we can't survive, so come on... let's plant more trees!

NOW, THEREFORE, LET IT BE PROCLAIMED by the Honorable Mayor and Town Council of the Town of Clayton, North Carolina, that Friday, March 16, 2018, be recognized as "**Arbor Day**" and we urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands. We encourage all citizens to plant trees to promote the well-being of this and future generations.

Duly proclaimed by the Clayton Town Council this 5th day of March 2018, while in regular session.

Jody L. McLeod
Mayor

*P*ROCLAMATION

Whereas, in 2012, the Clayton Rotary Club started the Clayton Derby Day event and hosted for 3 years until 2015, simultaneous with the popular Kentucky Derby; and

Whereas, May 5, 2018 marks the revival of the Clayton Derby Day, relaunched as Portofino Derby Classic with Johnston Health Foundation as lead proponent, in collaboration with local business and community leaders; and

Whereas, the event will promote the Town of Clayton and Johnston County to the Triangle and Eastern North Carolina, expecting at least 1,000 visitors from neighboring counties and states; and

Whereas, cancer is the 2nd leading cause of death in Johnston County which is 22% of all deaths in 2016 and the 2nd leading significant health need in Johnston County; and

Whereas, education on early screening and access to resources for treatment and support for the underinsured and uninsured is important; and

Whereas, the financial challenges of a patient in need who is diagnosed with cancer is enormous and assistance from individuals and organizations will go a long way; and

Whereas, the net proceeds of the Derby Classic will benefit local cancer patients in need through the Johnston Health Foundation's Angel Fund; and

Whereas, the Derby Classic is an opportunity to increase cancer awareness and the growing needs of local cancer patients in need, and to encourage support not just from our county, but from residents in neighboring communities; and

Whereas, the Derby Classic supports the Foundation's mission to "Bridge the gap to provide quality healthcare close to home"; and

Whereas, on this day, we recognize cancer survivors, those battling the disease, their families who are their source of love and encouragement, and applaud the efforts of our medical professionals who provide quality care; and

NOW, THEREFORE, the Honorable Mayor Jody McLeod and Clayton Town Council do hereby proclaim Saturday, May 5, 2018 as "**CLAYTON DERBY CLASSIC DAY**" and encourage businesses, industries and citizens in the Clayton community to support and participate in this event.

Duly proclaimed this 19th day of March 2018, while in regular session.

Jody L. McLeod
Mayor



Town Council Agenda Cover Sheet

Meeting Date

March 5 2018

Agenda Location

Introductions & Special Presentations

Item Title

Special Event Request – Mondo Roots

Presenter *(Name & Title)*

Blair Myhand, Chief of Police

Summary/Description

This is a special events request for the use of Town Square and a closure of the following roads on June 2, 2018 from 8 a.m. until 11 p.m.:

Main Street from O'Neil St. to Church St.

Fayetteville St. from First St. to Second St.

The applicant is also requesting the closure of the Town Square parking lot beginning on Friday, June 1st until 11 p.m. June 2nd.

Requested Action

Place on Consent Agenda

Additional Documents To Be Included in Agenda Packet

Special Event Application



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 EVENT PERMIT APPLICATION

Pursuant to Article 7, Section 155.712 of the Unified Development Code, a property owner/business owner within the jurisdiction of the Town (or a duly authorized agent) may apply for a Special Event Permit from the Planning Department. Special Event Permits are valid for a maximum 30 days within a one year time period.

Applications must be accompanied by one (1) copy of a site plan depicting the special event location, an Owner's Consent Form and the \$100.00 application fee (if applicable). All fees are due when the application is submitted.

NOTE: If the event is to be held on public property, approval to use the property must be obtained from Town Council; therefore the application must be submitted 90 days prior to the event.

A special event is a non-routine happening or social activity such as a festival, concert, sporting event, parade, walk or run bringing people together in a defined area on Town property, right of way, or private property. Special events generally require Town services to ensure safety and coordination.

Applications and events are prioritized based on a first come-first served basis and the Town may approve or disapprove an event's requested date based on availability of resources. Events that occur on an annual basis will receive priority the following year.

APPLICANT INFORMATION

Name of Event: Mondo Roots Festival
Applicant Name and Title: Princess Hester, President
Organization: Clayton Visual Arts (CVA)
Mailing (Billing) Address: PO Box 698
City: Clayton State: NC Zip Code: 27528
Daytime Phone: 240-461-8892 Cell: _____ Email: info@claytonvisualarts.org

EVENT INFORMATION

Event Location: Towne Square
Event Address: 110 West Main Street Parcel ID : _____
Date(s) of Event: June 2, 2018
Event Start Time: 12:00pm Event End Time: 10:00pm
Will roads need to be closed: ☒ Yes ☐ No
Set Up Begins: June 1, 2018 Clean Up Ends: June 3, 2018
Estimated Attendance: 1500
Description of Event: A multi-cultural event featuring different mediums of art for sale and on display along with featured artists demonstrating their art/craft en plein air for all to enjoy.

TOWN OF CLAYTON STAFF USE ONLY

Date Received: 1/23/18 Amount Paid: 100.00 Permit Number: 2018-02

April 2014

ORGANIZATION INFORMATION

Please complete the following information if the Special event is benefitting an organization or check the box if not applicable: ☐ N/A

Is the Organization a 501(c) 3? ☒ Yes ☐ No

	Yes	No
1. Is the Special Event being held by or for the benefit of an organization?	☒	☐
2. Is the organization a 501(C)3	☒	☐

Briefly describe the purpose of the organization: The mission and purpose of Clayton Visual Arts is to bring a variety of art forms and art experience opportunities to the residents of Clayton and its surrounding communities.

Name of Organization: Clayton Visual Arts

Organization Address: PO Box 698

Clayton, NC 27528

Organization Contact Name: Princess Hester

Phone Number: 240-461-8892

Organization Email: info@claytonvisualarts.org

Federal Identification Number: 27-377-7515

TENTS & MEMBRANE STRUCTURES

**** A TENT is a structure, enclosure, or shelter, with or without sidewalls or drops****

To be completed by the applicant:			To be completed by staff: Permit/Inspections Required?	
	Yes	No	Yes	No
1. Will tents be used at the event?	☒	☐		
2. How many tents will be used?	70			
3. What is the size of the tents being used? <i>Please note that tents greater than 240 square feet in size require a building permit and associated inspections.</i>				
4. Are there multiple tents without sidewalls being placed side by side? <i>Please note that 12 feet of separation is required between all tents larger than 700 square feet.</i>	☒	☐		

**** A MEMBRANE structure is an air-inflated or air supported structure ****

To be completed by the applicant:			To be completed by staff: Permit/Inspections Required?	
	Yes	No	Yes	No
1. Will a membrane structure(s) be used at the event?	☐	☒		
2. How many membrane structures will be used?				

April 2014

POWER SOURCES

To be completed by the applicant:	Yes	No	Staff Notes
1. Will you use electric generators?	☐	☒	
2. Will you use a Town of Clayton power source?	☒	☐	
PLEASE NOTE: NO direct wiring to any power source is permitted.			

VOICE/MUSIC AMPLIFICATION

	Yes	No	Staff Notes
1. Are there any musical entertainment features related to your event? (If no, proceed to next section)	☒	☐	
If yes, state the number of bands:	Six (6)		
2. Will a temporary stage be utilized?	☒	☐	
If yes, please state the number of stages	Two (2)		
3. Will the event use amplified sound?	☒	☐	
If yes, please list start time and finish time.	Start Time 12:00PM	Finish Time 9:00PM	

HAZARDOUS MATERIALS

	Yes	No	Staff Notes
1. Will the event have any hazardous materials such as propane, butane, gasoline, diesel tanks, helium cylinders or other upright tanks? <i>If yes, note that all tanks must be secured in a manner to prevent accidentally being knocked over. All helium tanks not being used shall have their caps in place.</i>	☐	☒	
2. Will there be any portable heaters?	☐	☒	
3. Will there be any deep fat fryers?	☐	☒	
4. Will there be any fireworks, lasers, torches, candles or pyrotechnics? <i>If yes, please contact the Fire Marshall for more 919-553-1520 information.</i>	☐	☒	

ALCOHOL

	Yes	No	Staff Notes
1. Will alcoholic beverages be served? <i>If yes, an ABC permit is required.</i>	☒	☐	
2. Will alcoholic beverages be sold? <i>If yes, an ABC permit is required.</i>	☒	☐	
3. What type of alcohol will be served?			
Draft Beer			
Can/Bottle Beer			
Wine			
Liquor			
☒ ☒ ☒ ☒			
4. Who will be serving the alcohol? <i>Please identify on the site plan the locations within event site where alcohol will be served.</i>	CVA		
5. List times that alcohol will be served	Start Time 12:00PM	Finish Time 8:30PM	
6. Copies of the ABC permit should be submitted upon receipt to the Planning Department.			

April 2014

VENDORS

	Yes	No	Staff Notes
1. Will the event include mechanical rides, or other similar attractions? <i>Applicants contracting with amusement ride companies are required to provide the Town of Clayton with a certificate of insurance, naming applicant and the Town of Clayton (if applicable) as additional insured on general liability.</i>	☐	☒	
2. Please list/describe rides and attractions: NA			
3. Does the event have food vendors?	☒	☐	
If yes, check all that apply:			
Served	Sold	Free	Catered
☐	☒	☐	☒
	Served Outdoors		Other
	☒		☐
4. If the event includes food concessions and/or cooking areas: <i>Event organizers are required to submit a Temporary Food Event Sponsor form with Johnston County Environmental Health (919-989-5180) at least 14 days prior to the event. A copy of the application must be submitted to the Planning Department at the same time. Fire Code requires a fire extinguisher at each cooking location.</i>	☒	☐	

TOWN SERVICES

The Town of Clayton does not provide amenities such as portable washrooms, sound systems, tables, chairs, tents, canopies or other equipment. The applicant is responsible for arranging and providing services such as solid waste, wastewater, event clean up, traffic control, etc.

TRASH RECEPTICLES/ROLL-OUT CARTS				Yes	No	Staff Notes
1. Does the event require roll-out carts?				☐	☒	
2. What types of trash will be discarded?						
Aluminum Cans	Glass Bottles / Jars	Plastic Bottles / Cups	Paper Cups / Plates	Styrofoam Cups / Plates	Other	
☒	☐	☒	☒	☒	☒	
3. How many trash roll-out carts are needed?				Number		
				0		
4. How many recycle roll-out carts are needed?				0		
5. Delivery location?				n/a		
6. Date rollout carts are to be delivered/picked up?				Delivered	Picked-up	
PUBLIC PROPERTY CLEAN-UP				Yes	No	
7. Will portable toilets be used during the event?				☒	☐	
8. Date portable toilets will be delivered/and removed?				Delivered	Picked-up	
				June 1	June 3	
9. What is the clean-up plan for the event? Volunteer clean-up crew						
<i>Applicants are responsible for cleaning and restoring the site after the event. Please pick up all trash including paper, plastic, bottles, cans and event marketing signs. Any cost incurred by the Town due to the failure of an applicant to clean and/or restore the site following the event will be borne by the applicant. If you believe that no litter will be generated during your event, please state this in your plan.</i>						

April 2014

SAFETY AND SECURITY		Yes	No
10. Will security be used during the event?		☒	☐
11. Will overnight security be used?		☐	☒
12. How many off duty officers will be used?			
13. Please check the type(s) of security that will be used:			
Alcohol Security	Stage Security	Event Area Security	Gate Security
☒	☒	☒	☒
			☐
14. Date(s) and time(s) security will be on site:		June 2, 2018; 12:00PM-10:00PM	
<i>Applicant may be required to hire off-duty Town of Clayton police officers to provide security to insure public safety. The Town of Clayton Police Department will determine the number of security personnel required on site.</i>			

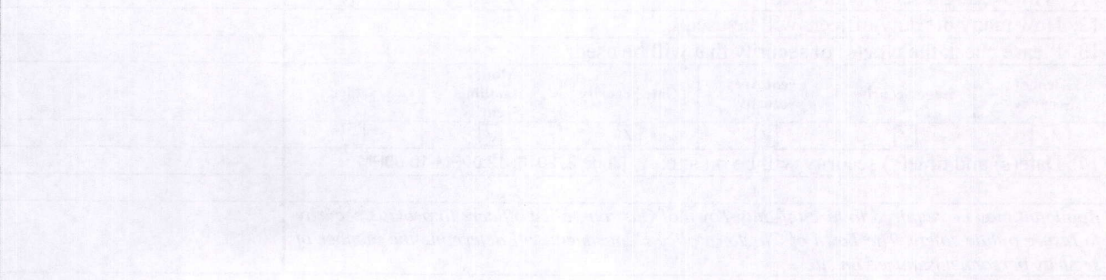
SITE PLAN

Provide a detailed Site-Plan sketch of the event. Include maps, outline or diagram of the entire event venue including the names of all streets or areas that are part of the venue and the surrounding area. The plan should include the following information (if applicable):

- Location of the event/activity on the property. Showing adjacent streets/roads and boundaries.
- Location of temporary structures that will be used during the event. Must indicate size of temporary structures, distances between temporary structures and existing buildings.
- Identify how each temporary structure will be used. Example: type of vendor, food preparation, alcohol sales, etc.
- Identify location of all cooking devices and open flames. (Grills only)
- Location of all fencing, barricades, or other restrictions that will impair access to and from the event or property.
- Identify all designated parking areas.
- Identify location of any generators and fuel storage.

SITE PLAN SKETCH

(Note: you may sketch site plan here or attach a drawing to the application.)



PROPOSED PROJECT DESCRIPTION

Provide a detailed description of the proposed project, including the location, scope, and purpose of the project. This section should be completed by the applicant.

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April 2014

EVENT BOUNDARY AND ROAD TRAFFIC PLAN

EVENT TYPE						Yes	No	Staff Notes
1. Will the event include use of public streets?						☒	☐	
2. How will the route be utilized?								
Parade	March or Walk	Vehicles Only	Vendors	Foot/Bicycle Race	Other			
☐	☒	☐	☒	☐	☐			
3. How many participants are expected?					Number			
					1500+			
4. How many floats will participate?					NA			
5. How many vehicles will participate?					NA			
					Yes	No		
6. Will animals participate in the event?					☐	☒		
7. If yes, please list the types of animals:								
EVENT BOUNDARIES								
<i>Please describe the event boundaries. If event is a road event then include route below. If there is more than one segment to the event, include start and finish times for each segment. (Example: The "GENERIC AWARENESS RUN" may include a 5K, a 10K, and a Fun Run).</i>								
Main Street between O'Neill & Church Streets								
Fayetteville Street between First & Second Streets								

ROAD CLOSURE REQUESTS

All road closure requests are reviewed by the Town of Clayton. Approval, denial, or modification of road closure requests is at sole discretion of the Town, including but not limited to the route, placement and number of all barricades, signs and police/volunteer locations. If your event involves road closures, please attach a Route and Traffic Plan. Include the required information (listed below) and any additional information that you believe applies to your event.

ROAD CLOSURE				Staff Notes
1. List the street(s) and times in which street(s) will need to be closed <i>(Please note that NC and US roadways require approval from the North Carolina Department of Transportation):</i>				
Street(s):		Begins	Ends	
Main Street between O'Neill & Church Streets		8:00AM	11:00PM	
Fayetteville Street between First & Second Streets		8:00AM	11:00PM	
Town Square Parking Lot		Friday	Saturday	
2. How many participants are expected?		Number		
		1500+		
EVENT ROUTE				Staff Notes
<i>DESCRIBE THE EVENT ROUTE BELOW. IF THERE IS MORE THAN ONE SEGMENT TO AN EVENT, INCLUDE START AND FINISH TIMES FOR EACH SEGMENT. (Example: The "GENERIC AWARENESS RUN" may include a 5K, a 10K, and a Fun Run).</i>				
Please note that white temporary water-base paint can be used to mark the route on the street pavement (May be purchased at common hardware stores such as Lowes, Home Depot, etc.).				

April 2014

ROAD CLOSURE/DETOUR PLAN

Illustrate a plan to include roads that you are requesting to be closed to vehicular or other traffic for your event. Include all proposed locations for barricades, signs and police/volunteers. Identify the proposed locations for emergency access lanes (Minimum 20' width) throughout the event site. Describe planned arrangements to resolve conflicts with people trying to reach businesses, their own residences, places of worship and public facilities including public transportation.

(Note: you may sketch site plan here or attach a drawing to the application.)

SPECIAL EVENT PROCESSING

The applicant must follow the steps below in chronological order to ensure successful processing of the Special Event request:

1. Request a pre-application meeting with the Planning Department to discuss the scope of the Special Event. If the event is downtown, the meeting must include the Downtown Development Coordinator.
2. Submit a completed application with any important supplemental information.
3. Provide proof of \$1,000,000 General Liability Insurance. Certificate naming Town of Clayton as Additional Insured may be required.
4. Meet with the Special Events Committee to review the request, receive comments and a recommendation of approval for the event.
5. If Special Events Committee approves, a staff request will be made to the Town Clerk in order to be placed on a Town Council agenda if Town services or road closures are necessary.
6. Upon agenda scheduling, applicant will present the Special Event request to Town Council to receive authorization.

April 2014

7. If the event will utilize Home Square, a \$250.00 deposit is required following approval.
8. Prior to the Event, a meeting to review the incident action plan (IAP) is required

Upon completion of the steps above, the Planning Department will issue a Special Event Permit approval (with or without Conditions), or notify the applicant in writing that the request is denied.

DO NOT ASSUME, ADVERTISE, OR PROMOTE YOUR EVENT UNTIL YOU HAVE A SIGNED PARADE PERMIT FROM THE TOWN OF CLAYTON POLICE DEPARTMENT. CONFLICTS DO ARISE AND CHANGES TO THE REQUEST MAY BE NECESSARY.

USE OF TOWN OWNED PROPERTY

	Yes	No
1. Use policies and procedures obtained and submitted for use of any Town owned property or streets.	☐	☐

DENIAL OR REVOCATION OF PERMIT

Denial

A Special Event Permit application may be denied if it is found that its granting would not be in the Town of Clayton's or the public's interest. Any applicant denied a permit to utilize Town-owned property for a special event shall receive a written statement outlining the grounds on which the denial is based. The applicant may appeal the denial of the application to the Town Council within fifteen working days of the written denial and the Town Council may take such corrective action as it shall find necessary. The findings and the determination of the Town Council shall be final.

Permit Revocation

The Town may revoke a permit issued pursuant to this section if the applicant or operator of the special event has:

1. Misrepresented or provided false information in the permit application;
2. Violated any provision of the Town of Clayton Unified Development Code or Johnston County Health Department regulations;
3. Violated any law, regulation or ordinance regarding the possession, sale, transportation or consumption of intoxicating beverages or controlled substances; or
4. Operated the special event in such a manner as to create a public nuisance or to constitute a hazard to the public health, safety or welfare, specifically including failure to keep the Town of Clayton owned property clean and free of refuse.

APPLICANT'S AFFIDAVIT

I/We, the undersigned, do hereby make application and petition to the Planning Department of the Town of Clayton to approve the subject Special Event 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.

The undersigned does understand and agree to the rules and regulations that apply to a Special Event Permit.

Applicant's Signature: _____

Date: _____

1/23/18

April 2014

**NORTH CAROLINA
JOHNSTON COUNTY**



INDEMNIFICATION AGREEMENT

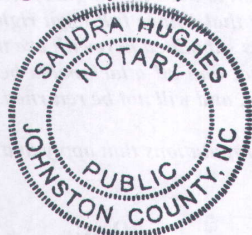
I, Princess Hester, CVA President have submitted an application for a Special Event Permit for Saturday, June 2, 2018 on property owned by the Town of Clayton. As the authorized applicant/authorized representative for the Special Event, I hereby agree to indemnify and hold the Town of Clayton, its officers, agents and employees, harmless from all claims, liabilities, demands, expenses, of any nature or kind, expresses or implied, whether sounding in tort or in contract that may be asserted against the Town, its officials, agents and employees by any person, firm, or corporation, that may arise out of any acts or omissions, active or passive, related to operating an event on the Town's property.

A handwritten signature in black ink, appearing to be "Princess Hester", written over a horizontal line.

Signature of Applicant & Authorized Representative of Event

Sworn to (or affirmed) and subscribed before me this the 23rd day of January, 2018.

(Official Seal) Sandra Hughes
Official Signature of Notary



Sandra Hughes, Notary Public
Notary's printed or typed name

My commission expires: 7/31/21





Town Council Agenda Cover Sheet

Meeting Date

March 5 2018

Agenda Location

Introductions & Special Presentations

Item Title

Special Event Request Alzheimer's NC Johnston County Walk/Fun Run

Presenter *(Name & Title)*

Blair Myhand, Chief of Police

Summary/Description

This is a special events request for the use of Town Square and a closure of Second St. from Fayetteville St. to Smith St. on April 28, 2018 from 9 a.m. until 11 a.m. for a fun run.

Requested Action

Place on Consent Agenda

Additional Documents To Be Included in Agenda Packet

Special Event Application



**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 EVENT PERMIT APPLICATION

Pursuant to Article 7, Section 155.712 of the Unified Development Code, a property owner/business owner within the jurisdiction of the Town (or a duly authorized agent) may apply for a Special Event Permit from the Planning Department. Special Event Permits are valid for a maximum 30 days within a one year time period.

Applications must be accompanied by one (1) copy of a site plan depicting the special event location, an Owner's Consent Form and the \$100.00 application fee (if applicable). All fees are due when the application is submitted.

NOTE: If the event is to be held on public property, approval to use the property must be obtained from Town Council; therefore the application must be submitted 90 days prior to the event.

A special event is a non-routine happening or social activity such as a festival, concert, sporting event, parade, walk or run bringing people together in a defined area on Town property, right of way, or private property. Special events generally require Town services to ensure safety and coordination.

Applications and events are prioritized based on a first come-first served basis and the Town may approve or disapprove an event's requested date based on availability of resources. Events that occur on an annual basis will receive priority the following year.

APPLICANT INFORMATION

Name of Event: ALZHEIMER'S NORTH CAROLINA JOHNSTON COUNTY WALK/RUN
Applicant Name and Title: Kacy Hall
Organization: ALZHEIMER'S NORTH CAROLINA
Mailing (Billing) Address: 9131 ANSON WAY, STE 206
City: RALEIGH State: NC Zip Code: 27615
Daytime Phone: 919 832 3732 Cell: _____ Email: khallca@nc.org

EVENT INFORMATION

Event Location: CLAYTON TOWN SQUARE
Event Address: 110 W. Main St. Clayton Parcel ID: _____
Date(s) of Event: 28-APR-2018
Event Start Time: 9:00 am Event End Time: 11:00 am
Will roads need to be closed: ☒ Yes ☐ No
Set Up Begins: 7:30 am Clean Up Ends: 12:00 pm
Estimated Attendance: 200
Description of Event: A WALK/RUN TO BENEFIT ALZHEIMER'S NORTH CAROLINA FUND RAISING EFFORTS, AND INVOLVE COMMUNITY IN ALZHEIMER'S /DEMENTIA EDUCATION & INFORMATION/AWARENESS.

TOWN OF CLAYTON STAFF USE ONLY

Date Received: 1-23-18 Amount Paid: 100.00 Permit Number: 2018-3

ORGANIZATION INFORMATION

Please complete the following information if the Special event is benefitting an organization or check the box if not applicable: ☐ N/A

Is the Organization a 501(c) 3?

☒ Yes

☐ No

	Yes	No
1. Is the Special Event being held by or for the benefit of an organization?	☒	☐
2. Is the organization a 501(C)3	☐	☐

Briefly describe the purpose of the organization: ALZHEIMER'S NC IS DEDICATED TO PROVIDING EDUCATION, SUPPORT & SERVICES TO INDIVIDUALS WITH DEMENTIA & THEIR FAMILIES & COMMUNITIES, AND RAISING AWARENESS & FUNDING RESEARCH.

Name of Organization: ALZHEIMER'S NORTH CAROLINA.

Organization Address: 9131 ANSON WAY, STE 206
RALEIGH, NC 27615

Organization Contact Name: Kacy Hall Phone Number: 919-832-3732

Organization Email: khalicealznc.org

Federal Identification Number: 56-1501117

TENTS & MEMBRANE STRUCTURES

**** A TENT is a structure, enclosure, or shelter, with or without sidewalls or drops****

To be completed by the applicant:			To be completed by staff: Permit/Inspections Required?	
	Yes	No	Yes	No
1. Will tents be used at the event?	☒	☐		
2. How many tents will be used?	APPROX 5			
3. What is the size of the tents being used? Please note that tents greater than 240 square feet in size require a building permit and associated inspections.	10' EVENT TENT			
4. Are there multiple tents without sidewalls being placed side by side? Please note that 12 feet of separation is required between all tents larger than 700 square feet.	☒	☐		

**** A MEMBRANE structure is an air-inflated or air supported structure ****

To be completed by the applicant:			To be completed by staff: Permit/Inspections Required?	
	Yes	No	Yes	No
1. Will a membrane structure(s) be used at the event?	☐	☒		
2. How many membrane structures will be used?				

POWER SOURCES

To be completed by the applicant:	Yes	No	Staff Notes
1. Will you use electric generators?	☐	☒	
2. Will you use a Town of Clayton power source?	☒	☐	
PLEASE NOTE: NO direct wiring to any power source is permitted.			

VOICE/MUSIC AMPLIFICATION

	Yes	No	Staff Notes
1. Are there any musical entertainment features related to your event? (If no, proceed to next section)	☒	☐	
If yes, state the number of bands:	01		
2. Will a temporary stage be utilized?	☐	☒	
If yes, please state the number of stages			
3. Will the event use amplified sound?	☒	☐	
If yes, please list start time and finish time.	Start Time 9AM	Finish Time 11AM	

HAZARDOUS MATERIALS

	Yes	No	Staff Notes
1. Will the event have any hazardous materials such as propane, butane, gasoline, diesel tanks, helium cylinders or other upright tanks? <i>If yes, note that all tanks must be secured in a manner to prevent accidentally being knocked over. All helium tanks not being used shall have their caps in place.</i>	☐	☒	
2. Will there be any portable heaters?	☐	☒	
3. Will there be any deep fat fryers?	☐	☒	
4. Will there be any fireworks, lasers, torches, candles or pyrotechnics? <i>If yes, please contact the Fire Marshall for more 919-553-1520 information.</i>	☐	☒	

ALCOHOL

	Yes	No	Staff Notes
1. Will alcoholic beverages be served? <i>If yes, an ABC permit is required.</i>	☐	☒	
2. Will alcoholic beverages be sold? <i>If yes, an ABC permit is required.</i>	☐	☒	
3. What type of alcohol will be served?			
Draft Beer Can/Bottle Beer Wine Liquor ☐ ☐ ☐ ☐			
4. Who will be serving the alcohol? <i>Please identify on the site plan the locations within event site where alcohol will be served.</i>			
5. List times that alcohol will be served	Start Time	Finish Time	
6. Copies of the ABC permit should be submitted upon receipt to the Planning Department.	N.A.		

VENDORS

	Yes	No	Staff Notes
1. Will the event include mechanical rides, or other similar attractions? <i>Applicants contracting with amusement ride companies are required to provide the Town of Clayton with a certificate of insurance, naming applicant and the Town of Clayton (if applicable) as additional insured on general liability.</i>	☐	☒	
2. Please list/describe rides and attractions:			
3. Does the event have food vendors?	☒	☐	
If yes, check all that apply:			
Served	Sold	Free	Catered
☒	☒	☐	☐
4. If the event includes food concessions and/or cooking areas: <i>Event organizers are required to submit a Temporary Food Event Sponsor form with Johnston County Environmental Health (919-989-5180) at least 14 days prior to the event. A copy of the application must be submitted to the Planning Department at the same time. Fire Code requires a fire extinguisher at each cooking location.</i>	☐	☐	

TOWN SERVICES

The Town of Clayton does not provide amenities such as portable washrooms, sound systems, tables, chairs, tents, canopies or other equipment. The applicant is responsible for arranging and providing services such as solid waste, wastewater, event clean up, traffic control, etc.

TRASH RECEIPTICLES/ROLL-OUT CARTS	Yes	No	Staff Notes
1. Does the event require roll-out carts?	☒	☐	
2. What types of trash will be discarded?			
Aluminum Cans	Glass Bottles / Jars	Plastic Bottles / Cups	Paper Cups / Plates
☒	☐	☒	☒
3. How many trash roll-out carts are needed?	Number 4		
4. How many recycle roll-out carts are needed?	2		
5. Delivery location?	TOWN SQUARE		
6. Date rollout carts are to be delivered/picked up?	Delivered 27-APR-18	Picked-up 28-APR-18	
PUBLIC PROPERTY CLEAN-UP			
7. Will portable toilets be used during the event?	☒	☐	
8. Date portable toilets will be delivered/and removed?	Delivered 27-APR-18	Picked-up 28-APR-18	
9. What is the clean-up plan for the event?			
EVENT TEAM WILL REMOVE ALL ITEMS FROM EVENT, & LEAVE LOCATION THE WAY IT WAS FOUND.			
Applicants are responsible for cleaning and restoring the site after the event. Please pick up all trash including paper, plastic, bottles, cans and event marketing signs. Any cost incurred by the Town due to the failure of an applicant to clean and/or restore the site following the event will be borne by the applicant. If you believe that no litter will be generated during your event, please state this in your plan.			

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SAFETY AND SECURITY					Yes	No
10. Will security be used during the event?					☒	☒
11. Will overnight security be used?					☐	☒
12. How many off duty officers will be used?						
13. Please check the type(s) of security that will be used:						
Alcohol Security	Stage Security	Event Area Security	Gate Security	Money Handling Security	Other	
☐	☐	☒	☐	☐	☐	
14. Date(s) and time(s) security will be on site:						
28-APR-18: FOR CLOSURE OF 2nd ST. & DIRECTING TRAFFIC						
Applicant may be required to hire off-duty Town of Clayton police officers to provide security to insure public safety. The Town of Clayton Police Department will determine the number of security personnel required on site.						

SITE PLAN

Provide a detailed Site-Plan sketch of the event. Include maps, outline or diagram of the entire event venue including the names of all streets or areas that are part of the venue and the surrounding area. The plan should include the following information (if applicable):

- Location of the event/activity on the property. Showing adjacent streets/roads and boundaries.
- Location of temporary structures that will be used during the event. Must indicate size of temporary structures, distances between temporary structures and existing buildings.
- Identify how each temporary structure will be used. Example: type of vendor, food preparation, alcohol sales, etc.
- Identify location of all cooking devices and open flames. (Grills only)
- Location of all fencing, barricades, or other restrictions that will impair access to and from the event or property.
- Identify all designated parking areas.
- Identify location of any generators and fuel storage.

SITE PLAN SKETCH

(Note: you may sketch site plan here or attach a drawing to the application.)

April 2014

EVENT BOUNDARY AND ROAD TRAFFIC PLAN

EVENT TYPE						Yes	No	Staff Notes
1. Will the event include use of public streets?						☒	☐	
2. How will the route be utilized?								
Parade	March or Walk	Vehicles Only	Vendors	Foot/Bicycle Race	Other			
☐	☒	☐	☐	☐	☐			
3. How many participants are expected?						Number		
						200		
4. How many floats will participate?						0		
5. How many vehicles will participate?						0		
						Yes	No	
6. Will animals participate in the event?						☒	☐	
7. If yes, please list the types of animals:								
PETS WILL BE ALLOWED TO WALK ON LEASH WITH PET OWNER.								
EVENT BOUNDARIES								
Please describe the event boundaries. If event is a road event then include route below. If there is more than one segment to the event, include start and finish times for each segment. (Example: The "GENERIC AWARENESS RUN" may include a 5K, a 10K, and a Fun Run).								
THE "ALZNC JOANSTON COUNTY WALK" MAY INCLUDE A 0.5 MILE RUN FOR CHILDREN (RUNNING FOR GRANDPARENTS).								

ROAD CLOSURE REQUESTS

All road closure requests are reviewed by the Town of Clayton. Approval, denial, or modification of road closure requests is at sole discretion of the Town, including but not limited to the route, placement and number of all barricades, signs and police/volunteer locations. If your event involves road closures, please attach a Route and Traffic Plan. Include the required information (listed below) and any additional information that you believe applies to your event.

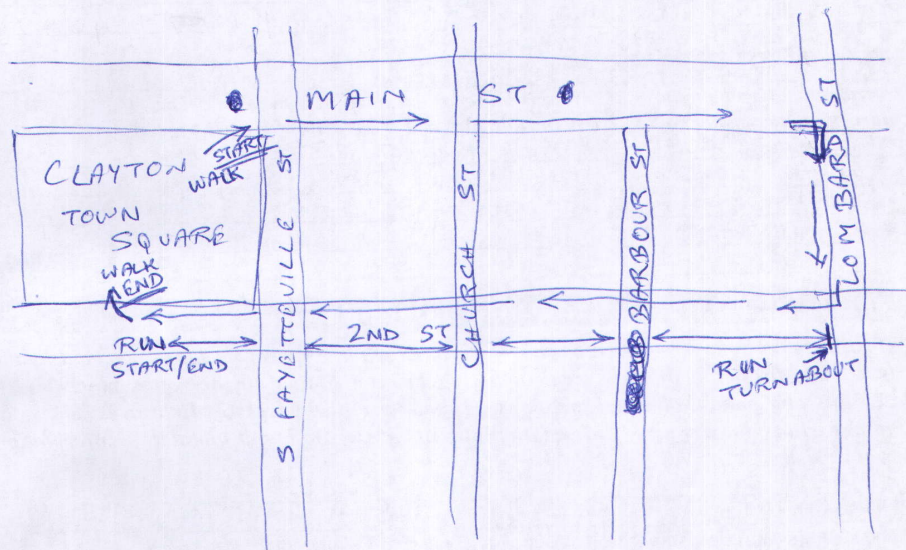
ROAD CLOSURE			Staff Notes
1. List the street(s) and times in which street(s) will need to be closed (Please note that NC and US roadways require approval from the North Carolina Department of Transportation):			
Street(s):	Begins	Ends	
2ND STREET	9AM	11AM	
2. How many participants are expected?			
Number			
200			
EVENT ROUTE			Staff Notes
DESCRIBE THE EVENT ROUTE BELOW. IF THERE IS MORE THAN ONE SEGMENT TO AN EVENT, INCLUDE START AND FINISH TIMES FOR EACH SEGMENT. (Example: The "GENERIC AWARENESS RUN" may include a 5K, a 10K, and a Fun Run).			
PARTICIPANTS WILL START WALK AT CLAYTON TOWN SQUARE; DOWN MAIN ST, TURN RIGHT ON SOUTH LOMBARD & WALK BACK TO TOWN SQ VIA 2ND ST. RUNNERS WILL DO AN OUT & BACK ON 2ND ST.			
Please note that white temporary water-base paint can be used to mark the route on the street pavement (May be purchased at common hardware stores such as Lowes, Home Depot, etc.).			

April 2014

ROAD CLOSURE/DETOUR PLAN

Illustrate a plan to include roads that you are requesting to be closed to vehicular or other traffic for your event. Include all proposed locations for barricades, signs and police/volunteers. Identify the proposed locations for emergency access lanes (Minimum 20' width) throughout the event site. Describe planned arrangements to resolve conflicts with people trying to reach businesses, their own residences, places of worship and public facilities including public transportation.

(Note: you may sketch site plan here or attach a drawing to the application.)



NOTE: * WALKERS WILL USE SIDEWALKS ON MAIN & LOMBARD ST.
* WALKERS/RUNNERS WILL USE ROADWAY ON 2ND ST.

SPECIAL EVENT PROCESSING

The applicant must follow the steps below in chronological order to ensure successful processing of the Special Event request:

1. Request a pre-application meeting with the Planning Department to discuss the scope of the Special Event. If the event is downtown, the meeting must include the Downtown Development Coordinator.
2. Submit a completed application with any important supplemental information.
3. Provide proof of \$1,000,000 General Liability Insurance. Certificate naming Town of Clayton as Additional Insured may be required.
4. Meet with the Special Events Committee to review the request, receive comments and a recommendation of approval for the event.
5. If Special Events Committee approves, a staff request will be made to the Town Clerk in order to be placed on a Town Council agenda if Town services or road closures are necessary.
6. Upon agenda scheduling, applicant will present the Special Event request to Town Council to receive authorization.

April 2014

7. If the event will utilize Horne Square, a \$250.00 deposit is required following approval.
8. Prior to the Event, a meeting to review the incident action plan (IAP) is required

Upon completion of the steps above, the Planning Department will issue a Special Event Permit approval (with or without Conditions), or notify the applicant in writing that the request is denied.

DO NOT ASSUME, ADVERTISE, OR PROMOTE YOUR EVENT UNTIL YOU HAVE A SIGNED PARADE PERMIT FROM THE TOWN OF CLAYTON POLICE DEPARTMENT. CONFLICTS DO ARISE AND CHANGES TO THE REQUEST MAY BE NECESSARY.

USE OF TOWN OWNED PROPERTY

	Yes	No
1. Use policies and procedures obtained and submitted for use of any Town owned property or streets.	☒	☐

DENIAL OR REVOCATION OF PERMIT

Denial

A Special Event Permit application may be denied if it is found that its granting would not be in the Town of Clayton's or the public's interest. Any applicant denied a permit to utilize Town-owned property for a special event shall receive a written statement outlining the grounds on which the denial is based. The applicant may appeal the denial of the application to the Town Council within fifteen working days of the written denial and the Town Council may take such corrective action as it shall find necessary. The findings and the determination of the Town Council shall be final.

Permit Revocation

The Town may revoke a permit issued pursuant to this section if the applicant or operator of the special event has:

1. Misrepresented or provided false information in the permit application;
2. Violated any provision of the Town of Clayton Unified Development Code or Johnston County Health Department regulations;
3. Violated any law, regulation or ordinance regarding the possession, sale, transportation or consumption of intoxicating beverages or controlled substances; or
4. Operated the special event in such a manner as to create a public nuisance or to constitute a hazard to the public health, safety or welfare, specifically including failure to keep the Town of Clayton owned property clean and free of refuse.

APPLICANT'S AFFIDAVIT

I/We, the undersigned, do hereby make application and petition to the Planning Department of the Town of Clayton to approve the subject Special Event 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.

The undersigned does understand and agree to the rules and regulations that apply to a Special Event Permit.

Applicant's Signature: _____

Date: _____

April 2014

NORTH CAROLINA
JOHNSTON COUNTY



INDEMNIFICATION AGREEMENT

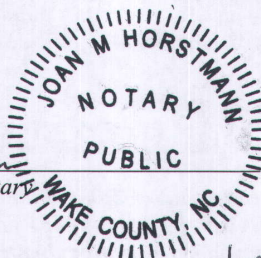
I, Kacy Hall have submitted an application for a Special Event Permit for the 2018 A12NC Johnston County Walk on property owned by the Town of Clayton. As the authorized applicant/authorized representative for the Special Event, I hereby agree to indemnify and hold the Town of Clayton, its officers, agents and employees, harmless from all claims, liabilities, demands, expenses, of any nature or kind, expresses or implied, whether sounding in tort or in contract that may be asserted against the Town, its officials, agents and employees by any person, firm, or corporation, that may arise out of any acts or omissions, active or passive, related to operating an event on the Town's property.

K Hall

Signature of Applicant & Authorized Representative of Event

Sworn to (or affirmed) and subscribed before me this the 23rd day of January, 2018.

(Official Seal)
Joan M. Horstmann
Official Signature of Notary

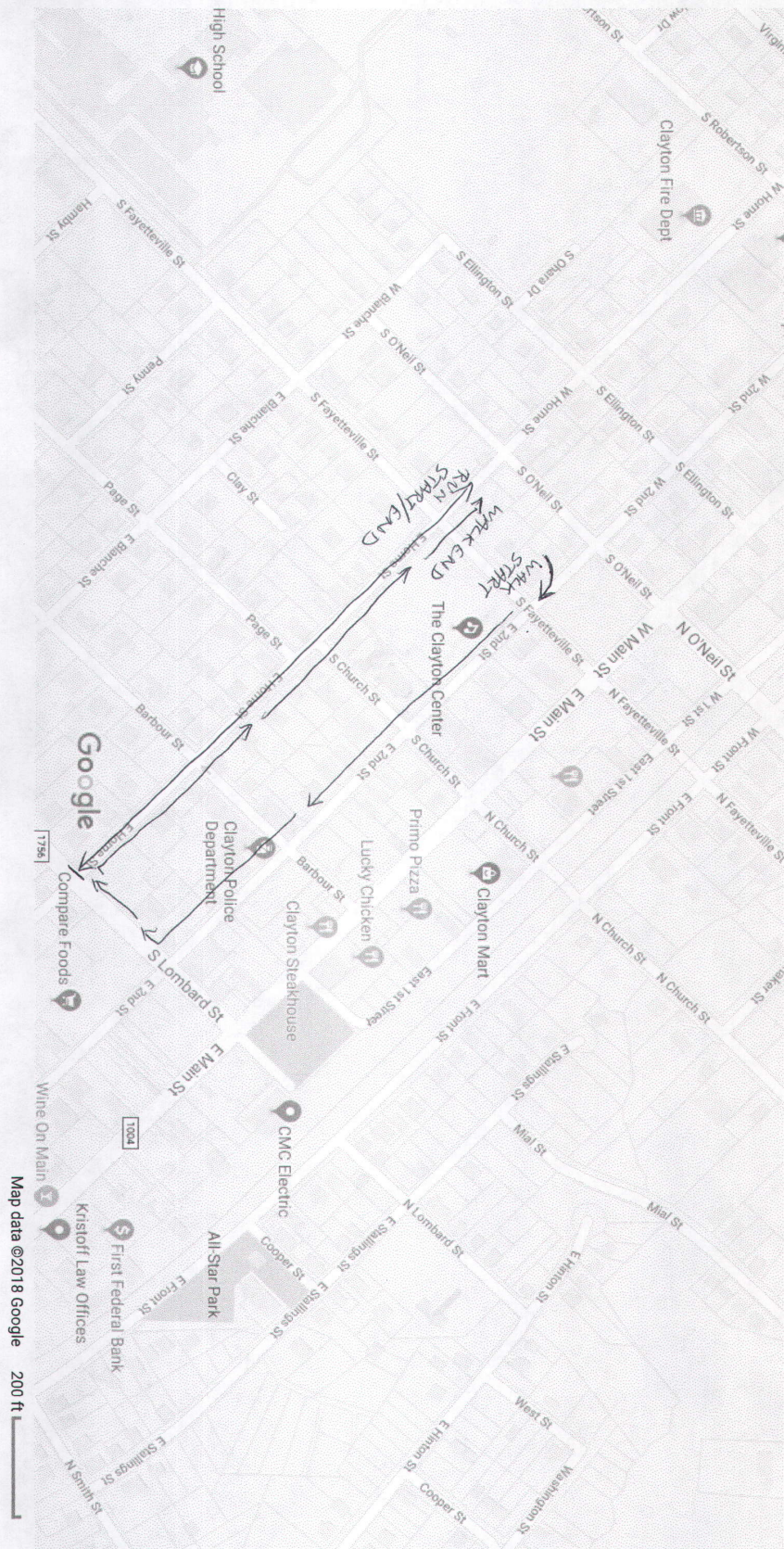


Joan M. Horstmann Notary Public
Notary's printed or typed name

My commission expires: 7-24-2019

Google Maps

WALK: Start at Town Square on Main St sidewalk; Right on Lombard St; Right on 2nd St; Walk up 2nd St; **END** at Town Square
RUN: Start at Town Square on 2nd St; Run out to Lombard St; Turn around at Lombard St; Run back on 2nd St; **END** at Town Square





Town Council Agenda Cover Sheet

Meeting Date

March 5 2018

Agenda Location

Introductions & Special Presentations

Item Title

Special Event Request – Clayton Road Race

Presenter *(Name & Title)*

Blair Myhand, Chief of Police

Summary/Description

This is a special events request for a rolling closure of the roads along the route according to the map from 7 a.m. until noon on May 12th.

Requested Action

Place on Consent Agenda

Additional Documents To Be Included in Agenda Packet

Special Event Application



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 EVENT PERMIT APPLICATION

Pursuant to Article 7, Section 155.712 of the Unified Development Code, a property owner/business owner within the jurisdiction of the Town (or a duly authorized agent) may apply for a Special Event Permit from the Planning Department. Special Event Permits are valid for a maximum 30 days within a one year time period.

Applications must be accompanied by one (1) copy of a site plan depicting the special event location, an Owner's Consent Form and the \$100.00 application fee (if applicable). All fees are due when the application is submitted. NOTE: If the event is to be held on public property, approval to use the property must be obtained from Town Council; therefore the application must be submitted 90 days prior to the event.

A special event is a non-routine happening or social activity such as a festival, concert, sporting event, parade, walk or run bringing people together in a defined area on Town property, right of way, or private property. Special events generally require Town services to ensure safety and coordination.

Applications and events are prioritized based on a first come-first served basis and the Town may approve or disapprove an event's requested date based on availability of resources. Events that occur on an annual basis will receive priority the following year.

APPLICANT INFORMATION

Name of Event: Clayton Road Race
Applicant Name and Title: Matt Lorion Recreation Program Supervisor
Organization: Town of Clayton
Mailing (Billing) Address: PO BOX 879
City: Clayton State: NC Zip Code: 27528
Daytime Phone: 919-553-1554 Cell: 919-624-9807 Email: mlorion@townofclaytonnc.org

EVENT INFORMATION

Event Location: Streets of Clayton (See attached Map)
Event Address: _____ Parcel ID : _____
Date(s) of Event: May 12, 2018
Event Start Time: 8am Event End Time: 11am
Will roads need to be closed: ☒ Yes ☐ No
Set Up Begins: 7am Clean Up Ends: 12pm
Estimated Attendance: 300-400
Description of Event: This will be a 5k road race. We will start and end at the Clayton Center

TOWN OF CLAYTON STAFF USE ONLY

Date Received: 2/6/18 Amount Paid: N/A Permit Number: 2018-04
DB

April 2014

ORGANIZATION INFORMATION

Please complete the following information if the Special event is benefitting an organization or check the box if not applicable: ☒ N/A

Is the Organization a 501(c) 3? ☐ Yes ☐ No

	Yes	No
1. Is the Special Event being held by or for the benefit of an organization?	☐	☐
2. Is the organization a 501(C)3	☐	☐

Briefly describe the purpose of the organization: _____

Name of Organization: _____

Organization Address: _____

Organization Contact Name: _____ Phone Number: _____

Organization Email: _____

Federal Identification Number: _____

TENTS & MEMBRANE STRUCTURES

**** A TENT is a structure, enclosure, or shelter, with or without sidewalls or drops****

To be completed by the applicant:			To be completed by staff: Permit/Inspections Required?	
	Yes	No	Yes	No
1. Will tents be used at the event?	☒	☐		
2. How many tents will be used?	4			
3. What is the size of the tents being used? <i>Please note that tents greater than 240 square feet in size require a building permit and associated inspections.</i>	10x10			
4. Are there multiple tents without sidewalls being placed side by side? <i>Please note that 12 feet of separation is required between all tents larger than 700 square feet.</i>	☐	☒		

**** A MEMBRANE structure is an air-inflated or air supported structure ****

To be completed by the applicant:			To be completed by staff: Permit/Inspections Required?	
	Yes	No	Yes	No
1. Will a membrane structure(s) be used at the event?	☐	☒		
2. How many membrane structures will be used?				

POWER SOURCES

To be completed by the applicant:	Yes	No	Staff Notes
1. Will you use electric generators?	☐	☒	
2. Will you use a Town of Clayton power source?	☒	☐	
PLEASE NOTE: NO direct wiring to any power source is permitted.			

VOICE/MUSIC AMPLIFICATION

	Yes	No	Staff Notes
1. Are there any musical entertainment features related to your event? (If no, proceed to next section) If yes, state the number of bands:	☐	☒	
2. Will a temporary stage be utilized? If yes, please state the number of stages	☐	☒	
3. Will the event use amplified sound? If yes, please list start time and finish time.	☒	☐	
	Start Time 10:00am	Finish Time 11:00am	

HAZARDOUS MATERIALS

	Yes	No	Staff Notes
1. Will the event have any hazardous materials such as propane, butane, gasoline, diesel tanks, helium cylinders or other upright tanks? <i>If yes, note that all tanks must be secured in a manner to prevent accidentally being knocked over. All helium tanks not being used shall have their caps in place.</i>	☐	☒	
2. Will there be any portable heaters?	☐	☒	
3. Will there be any deep fat fryers?	☐	☒	
4. Will there be any fireworks, lasers, torches, candles or pyrotechnics? <i>If yes, please contact the Fire Marshall for more 919-553-1520 information.</i>	☐	☒	

ALCOHOL

	Yes	No	Staff Notes								
1. Will alcoholic beverages be served? <i>If yes, an ABC permit is required.</i>	☐	☒									
2. Will alcoholic beverages be sold? <i>If yes, an ABC permit is required.</i>	☐	☒									
3. What type of alcohol will be served?											
<table border="1" style="width: 100%;"> <tr> <td>Draft Beer</td> <td>Can/Bottle Beer</td> <td>Wine</td> <td>Liquor</td> </tr> <tr> <td>☐</td> <td>☐</td> <td>☐</td> <td>☐</td> </tr> </table>	Draft Beer	Can/Bottle Beer	Wine	Liquor	☐	☐	☐	☐			
Draft Beer	Can/Bottle Beer	Wine	Liquor								
☐	☐	☐	☐								
4. Who will be serving the alcohol? <i>Please identify on the site plan the locations within event site where alcohol will be served.</i>											
5. List times that alcohol will be served	Start Time	Finish Time									
6. Copies of the ABC permit should be submitted upon receipt to the Planning Department.											

April 2014

VENDORS

	Yes	No	Staff Notes
1. Will the event include mechanical rides, or other similar attractions? <i>Applicants contracting with amusement ride companies are required to provide the Town of Clayton with a certificate of insurance, naming applicant and the Town of Clayton (if applicable) as additional insured on general liability.</i>	☐	☒	
2. Please list/describe rides and attractions:			
3. Does the event have food vendors?	☐	☒	
If yes, check all that apply:			
Served	Sold	Free	Catered
☐	☐	☐	☐
4. If the event includes food concessions and/or cooking areas: <i>Event organizers are required to submit a Temporary Food Event Sponsor form with Johnston County Environmental Health (919-989-5180) at least 14 days prior to the event. A copy of the application must be submitted to the Planning Department at the same time. Fire Code requires a fire extinguisher at each cooking location.</i>	☐	☐	

TOWN SERVICES

The Town of Clayton does not provide amenities such as portable washrooms, sound systems, tables, chairs, tents, canopies or other equipment. The applicant is responsible for arranging and providing services such as solid waste, wastewater, event clean up, traffic control, etc.

TRASH RECEPTICLES/ROLL-OUT CARTS	Yes	No	Staff Notes
1. Does the event require roll-out carts?	☒	☐	
2. What types of trash will be discarded? plastic bottles and fruit peels			
Aluminum Cans	Glass Bottles / Jars	Plastic Bottles / Cups	Paper Cups / Plates
☐	☐	☒	☐
3. How many trash roll-out carts are needed?	Number		
	6		
4. How many recycle roll-out carts are needed?	3		
5. Delivery location?	The Clayton Center		
6. Date rollout carts are to be delivered/picked up?	Delivered	Picked-up	
	5/11/18	5/14/18	
PUBLIC PROPERTY CLEAN-UP		Yes	No
7. Will portable toilets be used during the event?	☐	☒	
8. Date portable toilets will be delivered/and removed?	Delivered	Picked-up	
9. What is the clean-up plan for the event? Our event staff will clean up any			
trash that is not put in the trash cans.			
<i>Applicants are responsible for cleaning and restoring the site after the event. Please pick up all trash including paper, plastic, bottles, cans and event marketing signs. Any cost incurred by the Town due to the failure of an applicant to clean and/or restore the site following the event will be borne by the applicant. If you believe that no litter will be generated during your event, please state this in your plan.</i>			

SAFETY AND SECURITY				Yes	No
10. Will security be used during the event?				☐	☒
11. Will overnight security be used?				☐	☒
12. How many off duty officers will be used?					
13. Please check the type(s) of security that will be used:					
Alcohol Security	Stage Security	Event Area Security	Gate Security	Money Handling Security	Other
☐	☐	☐	☐	☐	☐
14. Date(s) and time(s) security will be on site:					
<i>Applicant may be required to hire off-duty Town of Clayton police officers to provide security to insure public safety. The Town of Clayton Police Department will determine the number of security personnel required on site.</i>					

SITE PLAN

Provide a detailed Site-Plan sketch of the event. Include maps, outline or diagram of the entire event venue including the names of all streets or areas that are part of the venue and the surrounding area. The plan should include the following information (if applicable):

- Location of the event/activity on the property. Showing adjacent streets/roads and boundaries.
- Location of temporary structures that will be used during the event. Must indicate size of temporary structures, distances between temporary structures and existing buildings.
- Identify how each temporary structure will be used. Example: type of vendor, food preparation, alcohol sales, etc.
- Identify location of all cooking devices and open flames. (Grills only)
- Location of all fencing, barricades, or other restrictions that will impair access to and from the event or property.
- Identify all designated parking areas.
- Identify location of any generators and fuel storage.

SITE PLAN SKETCH

(Note: you may sketch site plan here or attach a drawing to the application.)

April 2014

EVENT BOUNDARY AND ROAD TRAFFIC PLAN

EVENT TYPE						Yes	No	Staff Notes
1. Will the event include use of public streets?						☒	☐	
2. How will the route be utilized?								
Parade	March or Walk	Vehicles Only	Vendors	Foot/Bicycle Race	Other			
☐	☐	☐	☐	☒	☐			
3. How many participants are expected?						Number		
						300-400		
4. How many floats will participate?								
5. How many vehicles will participate?								
						Yes	No	
6. Will animals participate in the event?						☐	☒	
7. If yes, please list the types of animals:								
EVENT BOUNDARIES								
<i>Please describe the event boundaries. If event is a road event then include route below. If there is more than one segment to the event, include start and finish times for each segment. (Example: The "GENERIC AWARENESS RUN" may include a 5K, a 10K, and a Fun Run).</i>								

ROAD CLOSURE REQUESTS

All road closure requests are reviewed by the Town of Clayton. Approval, denial, or modification of road closure requests is at sole discretion of the Town, including but not limited to the route, placement and number of all barricades, signs and police/volunteer locations. If your event involves road closures, please attach a Route and Traffic Plan. Include the required information (listed below) and any additional information that you believe applies to your event.

ROAD CLOSURE			Staff Notes
1. List the street(s) and times in which street(s) will need to be closed (<i>Please note that NC and US roadways require approval from the North Carolina Department of Transportation</i>):			
Street(s):	Begins	Ends	
See attached map.			
2. How many participants are expected?			
Number			
200-300			
EVENT ROUTE			Staff Notes
<i>DESCRIBE THE EVENT ROUTE BELOW. IF THERE IS MORE THAN ONE SEGMENT TO AN EVENT, INCLUDE START AND FINISH TIMES FOR EACH SEGMENT. (Example: The "GENERIC AWARENESS RUN" may include a 5K, a 10K, and a Fun Run).</i>			
see attached map			
<i>Please note that white temporary water-base paint can be used to mark the route on the street pavement (May be purchased at common hardware stores such as Lowes, Home Depot, etc.).</i>			

April 2014

ROAD CLOSURE/DETOUR PLAN

Illustrate a plan to include roads that you are requesting to be closed to vehicular or other traffic for your event. Include all proposed locations for barricades, signs and police/volunteers. Identify the proposed locations for emergency access lanes (Minimum 20' width) throughout the event site. Describe planned arrangements to resolve conflicts with people trying to reach businesses, their own residences, places of worship and public facilities including public transportation.

(Note: you may sketch site plan here or attach a drawing to the application.)

SPECIAL EVENT PROCESSING

The applicant must follow the steps below in chronological order to ensure successful processing of the Special Event request:

1. Request a pre-application meeting with the Planning Department to discuss the scope of the Special Event. If the event is downtown, the meeting must include the Downtown Development Coordinator.
2. Submit a completed application with any important supplemental information.
3. Provide proof of \$1,000,000 General Liability Insurance. Certificate naming Town of Clayton as Additional Insured may be required.
4. Meet with the Special Events Committee to review the request, receive comments and a recommendation of approval for the event.
5. If Special Events Committee approves, a staff request will be made to the Town Clerk in order to be placed on a Town Council agenda if Town services or road closures are necessary.
6. Upon agenda scheduling, applicant will present the Special Event request to Town Council to receive authorization.

April 2014

7. If the event will utilize Horne Square, a \$250.00 deposit is required following approval.
8. Prior to the Event, a meeting to review the incident action plan (IAP) is required

Upon completion of the steps above, the Planning Department will issue a Special Event Permit approval (with or without Conditions), or notify the applicant in writing that the request is denied.

DO NOT ASSUME, ADVERTISE, OR PROMOTE YOUR EVENT UNTIL YOU HAVE A SIGNED PARADE PERMIT FROM THE TOWN OF CLAYTON POLICE DEPARTMENT. CONFLICTS DO ARISE AND CHANGES TO THE REQUEST MAY BE NECESSARY.

USE OF TOWN OWNED PROPERTY

	Yes	No
1. Use policies and procedures obtained and submitted for use of any Town owned property or streets.	☒	☐

DENIAL OR REVOCATION OF PERMIT

Denial

A Special Event Permit application may be denied if it is found that its granting would not be in the Town of Clayton's or the public's interest. Any applicant denied a permit to utilize Town-owned property for a special event shall receive a written statement outlining the grounds on which the denial is based. The applicant may appeal the denial of the application to the Town Council within fifteen working days of the written denial and the Town Council may take such corrective action as it shall find necessary. The findings and the determination of the Town Council shall be final.

Permit Revocation

The Town may revoke a permit issued pursuant to this section if the applicant or operator of the special event has:

1. Misrepresented or provided false information in the permit application;
2. Violated any provision of the Town of Clayton Unified Development Code or Johnston County Health Department regulations;
3. Violated any law, regulation or ordinance regarding the possession, sale, transportation or consumption of intoxicating beverages or controlled substances; or
4. Operated the special event in such a manner as to create a public nuisance or to constitute a hazard to the public health, safety or welfare, specifically including failure to keep the Town of Clayton owned property clean and free of refuse.

APPLICANT'S AFFIDAVIT

I/We, the undersigned, do hereby make application and petition to the Planning Department of the Town of Clayton to approve the subject Special Event 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.

The undersigned does understand and agree to the rules and regulations that apply to a Special Event Permit.

Applicant's Signature: _____ Date: 2/6/18

**NORTH CAROLINA
JOHNSTON COUNTY**



INDEMNIFICATION AGREEMENT

I, Matt Lorion have submitted an application for a Special Event Permit for the Clayton 5K Road Race on property owned by the Town of Clayton. As the authorized applicant/authorized representative for the Special Event, I hereby agree to indemnify and hold the Town of Clayton, its officers, agents and employees, harmless from all claims, liabilities, demands, expenses, of any nature or kind, expresses or implied, whether sounding in tort or in contract that may be asserted against the Town, its officials, agents and employees by any person, firm, or corporation, that may arise out of any acts or omissions, active or passive, related to operating an event on the Town's property.

Signature of Applicant & Authorized Representative of Event

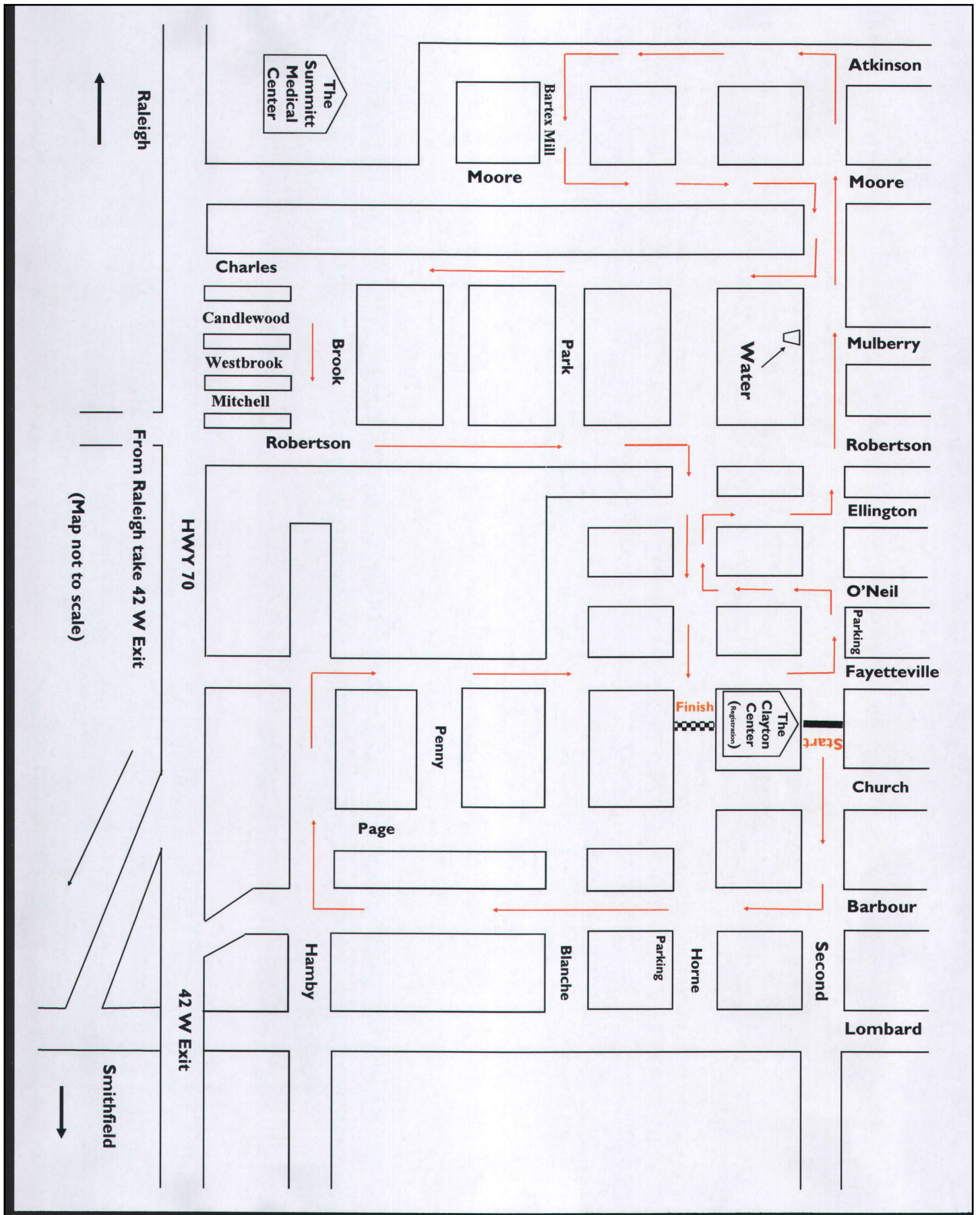
Sworn to (or affirmed) and subscribed before me this the 6th day of
February, 2018.

(Official Seal)

Official Signature of Notary

_____, Notary Public
Notary's printed or typed name

My commission expires: _____



35th ANNUAL CLAYTON ROAD RACE



Part of the Eastern Carolina Corporate Race Series

SATURDAY MAY 12, 2018



Sponsored by the Clayton Parks & Recreation Department

START TIME: 5K Race and 5K Health Walk (ages 7 & up) - 9am
.1 Mile Tot Trot (ages 6 & under) - 9:45am

START/FINISH: The 5K Race and Health Walk will start at The Clayton Center on Second Street and will finish at The Clayton Center on Horne Street (map of course on back). The .1 mile Tot Trot is open to children ages 6 and under and will start on Horne Street after the adult runners are in.

COURSE: A 5,000 meter (3.1 miles), TAC certified and sanctioned course with some hills through residential Clayton. Electronic timing. Split times at one and two miles. Water will be provided midway through the race and at the finish. See map.

REGISTRATION FEES: Early Bird \$25 by April 22, \$35 April 23-May 10, At Packet Pick-Up \$40
Tot Trot \$5

RACE DAY: Timing chip, T-shirt pick-up and race day registration will be at The Clayton Center on Second Street from 7:45am until 8:30am.

T-SHIRTS: Guaranteed to all pre-registered 5K entrants returning entries by Saturday April 22 and available to all other entrants while supplies last.

AWARDS: **5K Race** - Awards for the top 3 overall male and female runners. No duplication of awards. Awards include the following age categories: 11 & under, 12-19, 20-29, 30-39, 40-49, 50-59, 60 & over. **5K Health Walk** - Awards to the first 3 finishers **Tot Trot** - Ribbons to all participants.

PARKING: Ample parking is available in the parking lot at the corner of Horne and Barbour Streets and Second and Fayetteville Streets (see map).

REFRESHMENTS: Provided by Access Physical Therapy & Wellness and Girl Scout Troop #464

ADDITIONAL INFORMATION: Contact Matt Lorion at 919-553-1550.

REGISTRATION FORM

CIRCLE EVENT: 5K Race 5K Health Walk .1 Mile Tot Trot

Circle T-Shirt Size: Youth S M L Adult S M L XL XXL

Name: _____ Sex: _____ Age on Race Day: _____ Date of Birth: _____

Address: _____ City _____ St _____ Zip _____

Email: _____ Phone: _____

Check if you are an Eastern Carolina Corporate Race Series Participant _____ Company _____

In consideration of acceptance of my entry, I do hereby, for myself, my heirs, executors, administrators, and assigns, waive, release, and forever discharge the Town of Clayton, the sponsors and any race personnel from any and all claims for damages suffered by me as the result of my participation in or traveling to or from the race.

Runner or Parent Signature _____ Date _____

**To register go to ClaytonParks.org or
Make checks payable to: Town of Clayton**

Mail to: Clayton Parks & Recreation Department, PO Box 879, Clayton, NC 27528



Town Council Agenda Cover Sheet

Meeting Date

March 5 2018

Agenda Location

Public Hearings

Item Title

2017-195-RZ, Recovery Logistics rezoning

Presenter *(Name & Title)*

Jay McLeod, Senior Planner

Summary/Description

Request to rezoning 2.3 acres in between Moore St, Atkinson St, Bartex Mill St, and Horne St from Residential-10 (R-10) to Light Industrial (I-1). Applicant is Dalton Engineering, representing Recovery Logistics. Property owner is G.T. Page, Jr.

Requested Action

Legislative decision.

- Planning Board recommended partial rezoning according to Future Land Use Map designation, per staff recommendation.

Additional Documents To Be Included in Agenda Packet

Application
Staff Report Map
Neighborhood Meeting Materials
Planning Board recommendation
Newspaper Ad
Adjacent property owner notification letter
Certification of mailing
Statement of Consistency and Reasonableness



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 <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> - Property legal description typed (10 pt. font or greater, and also submitted electronically in MS Word format.) - Plat showing property to be rezoned, matching legal description.		•			
7. Adjacent property owners list	•				
8. Neighborhood meeting notice letter (1 copy) <i>See sample letter and meeting requirements included in this packet</i>					
9. Neighborhood meeting summary form (1 copy) <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) <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 DALTON
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)

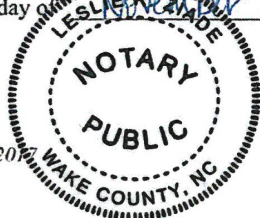
[Signature]
(Owner's Signature)

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

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(Name - type, print clearly)

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

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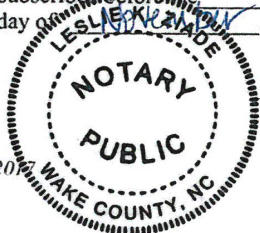
[Signature]
(Owner's Signature)

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	Eugene Broadwell	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	Miles M Mercer	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	Gaile M Detellem	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	Lynn A Sprague	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

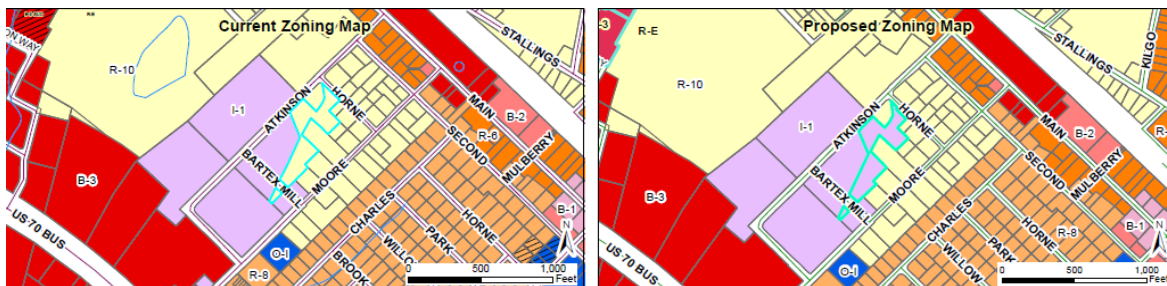
Application Number: 2017-195-RZ Project Name: Recovery Logistics, Rezoning

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.

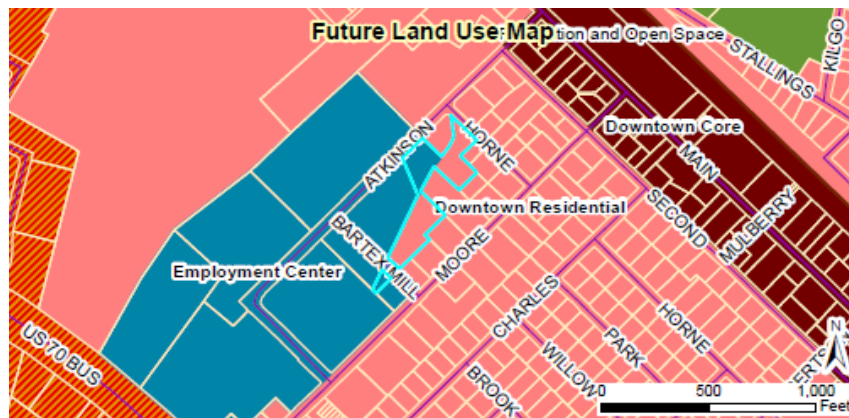
- Single Family Home
- Zero Lot Line Home
- Golf Course
- NOTE: Apartments and Townhomes are permitted in the R-10 zoning district via a Special Use Permit.

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-1	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:

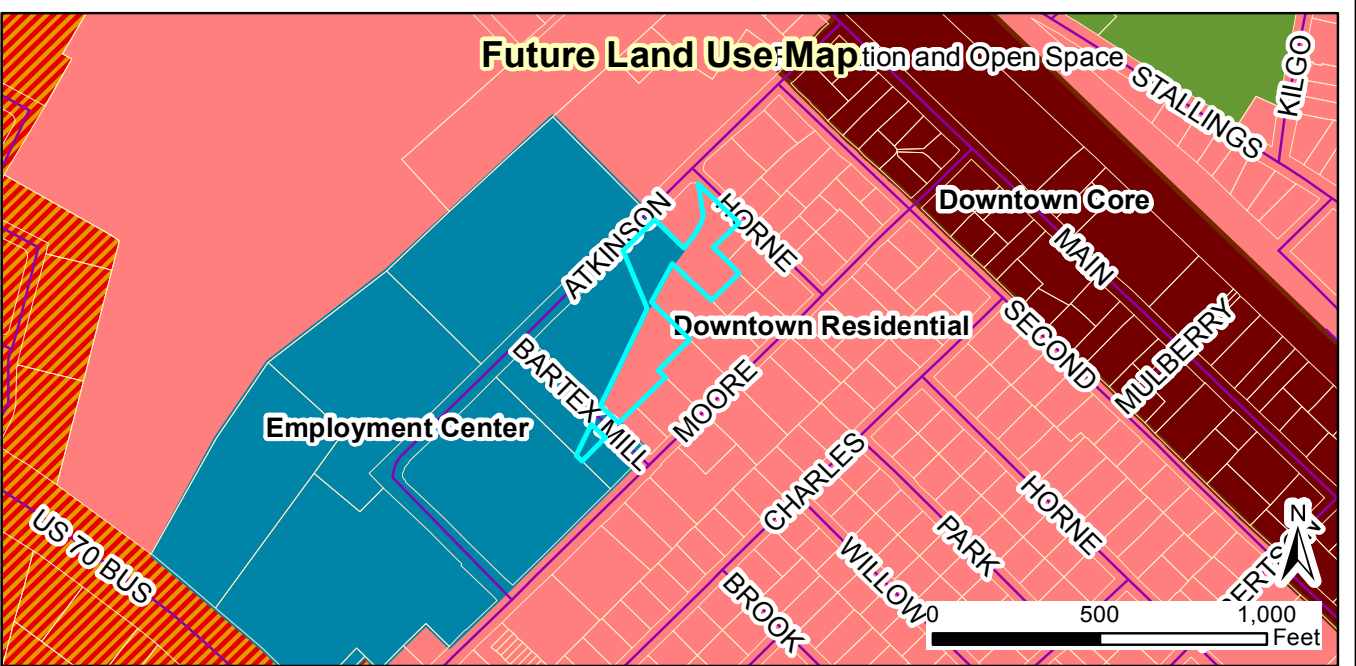
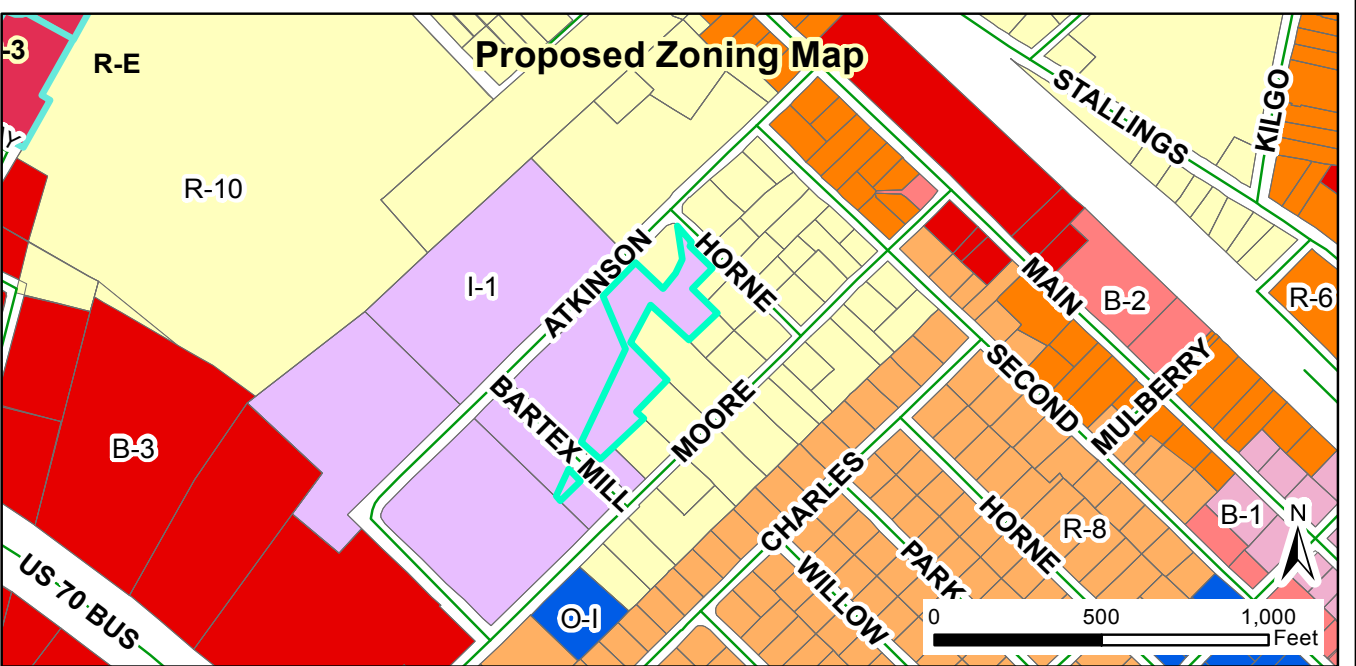
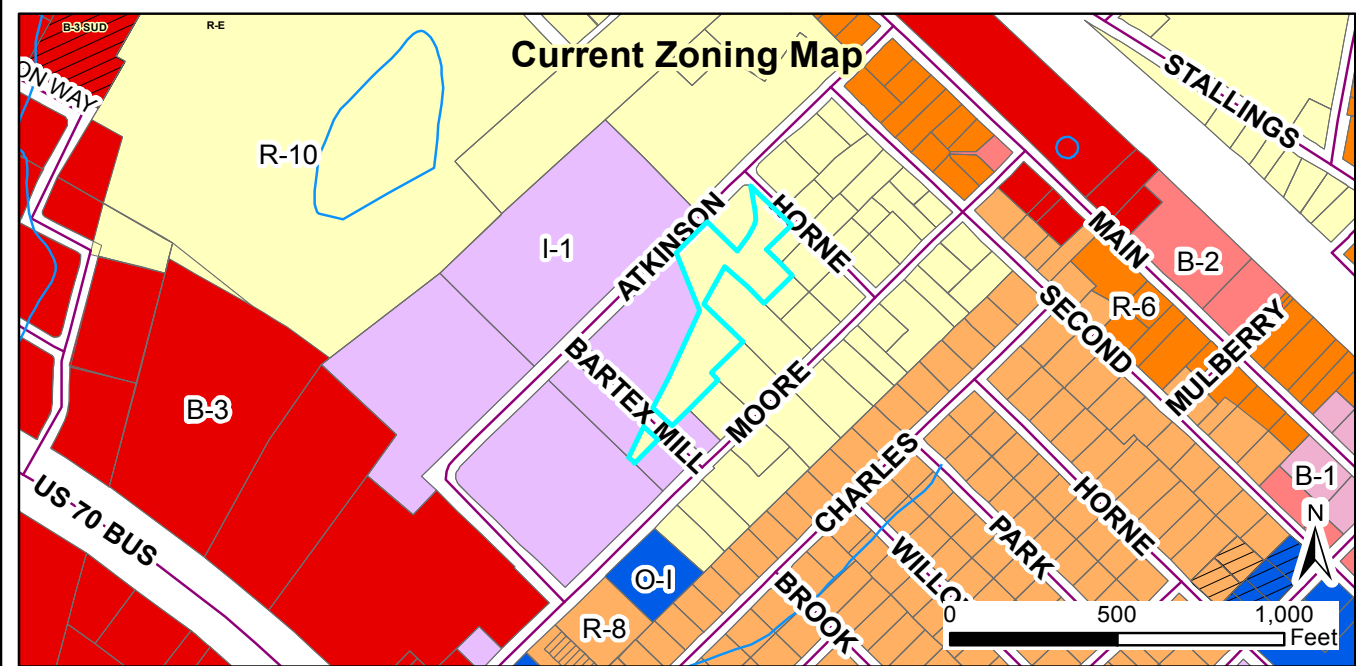
- Rezoning is a legislative decision and is made by the Town Council. The Planning Board shall make a recommendation to the Town Council.
- When adopting or rejecting the rezoning, the Town Council shall approve a statement describing whether its action is consistent with adopted plans and/or policies 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 in 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.

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Project: Recovery Logistics

Application: Rezoning Application

Location/Date: Dalton Engineering and Associates, P.A. 446 East Main Street Clayton, NC / 01/02/18

	NAME	ADDRESS
1	Jonathan Barnes	446 East Main Street Clayton, NC
2	Chris & DeAnne Moore	1947 Shotwell Rd Clayton NC
3		
4		
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NEIGHBORHOOD MEETING SUMMARY FORM

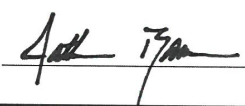
FILL OUT THE FOLLOWING:

Application: Recovery Logistics - Rezoning Application

Date of Mailing: 12/22/17

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: Jonathan Barnes

Signature: 

Date of Meeting: 01/02/18

Time of Meeting: 6:30 p.m.

Location of Meeting: Dalton Engineering and Associates, P.A. 446 East Main Street Clayton, NC

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.*

There were a total of three Participants that attended the Neighborhood Meeting for subject project, including one Representative of the Applicant. A general overview of the rezoning process was provided to the Participants, with the understanding that the public could provide comments to the Town at the upcoming Planning Board and Town Council Meetings. The Participants were informed that it is our office's understanding the reason for the rezoning request was due to a possible expansion of a general outdoor storage area. Issues that were raised during the Neighborhood Meeting included the amount of noise the proposed development could create. It is my understanding that the Participants that attended the Neighborhood Meeting own rental property adjacent to the parcel that is being proposed to be rezoned. At the conclusion of the Meeting, the Participants left with a blank Summary Form in order to write down their comments and concerns. As of 2:00 p.m. on 01/05/18, the Participants' Summary Form had not been received by our office. Once the Participants' Summary Form is received, nine copies of the Summary Form will be delivered to the Town of Clayton Planning Department.

Jonathan Barnes - Dalton Engineering and Associates, P.A. (Applicant)

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

NEIGHBORHOOD MEETING SUMMARY FORM

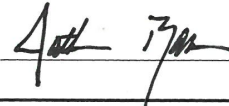
FILL OUT THE FOLLOWING:

Application: Recovery Logistics - Rezoning Application

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Printed Name: Jonathan Barnes

Signature: 

Date of Meeting: 01/02/18

Time of Meeting: 6:30 p.m.

Location of Meeting: Dalton Engineering and Associates, P.A. 446 East Main Street Clayton, NC

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.

MY NAME IS CHRIS MOORE. MY M# 919-369-4461
I OWN APARTMENTS AND A HOUSE ADJACENT TO
THIS PROPERTY. REZONING THIS PROPERTY FROM
RESIDENTIAL TO COMMERCIAL WOULD POTENTIALLY
DESTROY MY LIVELIHOOD. I ALSO HAVE TALKED
TO SEVERAL PEOPLE IN THIS NEIGHBORHOOD THAT
COMPLAIN ABOUT THE NOISE THAT IS BEING CREATED
BY EQUIPMENT AND MATERIALS THAT ARE IN OUR
BACKYARD NOW! ADDING TO THIS PROBLEM
AS WELL AS THE MANY OTHER PROBLEMS THAT
REZONING THIS PROPERTY WILL CAUSE IS CERTAINLY
NOT FAIR TO THE PEOPLE LIVING IN THIS

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

RESIDENTIAL AREA NOR THE LAND OWNERS THAT
HAVE BROUGHT REVENUE TO THE TOWN OF CLAYTON
FOR WELL OVER 30 YEARS!

REZONING THIS PROPERTY SHOULD NEVER HAPPEN!
October 2017

Page 9 of 10

Chris Moore

Rezoning [Additional requirements listed in Town Ordinance 155.702]:	PUBLIC NOTICE In accordance with NC GS 160A-384, the Clayton Town Council will hold a public hearing on Monday, March 5, 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 The Clayton News Star Please advertise on the following dates: February 23, 2018 March 2, 2018 Affidavit of publication required.
---	--

**TOWN OF CLAYTON
PLANNING BOARD WRITTEN RECOMMENDATION
ZONING AMENDMENT
(REZONING AMENDMENT)**

**Recovery Logistics
2017-195-RZ**

On January 22, 2018 the Planning Board heard the above-referenced request and made the following vote:

Recommendation to the Town Council to

☐ approve the request;

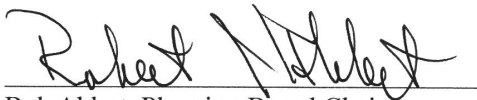
☐ deny the request;

☒ other

Rezoning per staff recommendations (according to future land use map)

Recommendation(s) made this 22 day of January 2018 while in regular session.

Signed:



Bob Ahlert, Planning Board Chair

ROBERT J.

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 (EC) Future Land Use (FLU) designation of the Future Land Use Map in the Comprehensive Plan shall be considered for the purposes of the 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 that portion that is currently east of the creek 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 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 node along Atkinson Street,

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

**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] 2017-195-RZ – Recovery Logistics Rezoning

[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
Item 6a

**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 Residential-10 (R-10) zone the property described below, said property formerly being zoned Light Industrial (L-1); and

WHEREAS said property is owned by the GT 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 Clayton News Star, 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 March 5, 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 zone the following described property:

General Description:

Property is located south of Atkinson Street and adjacent to 350 Atkinson Street.

Specific Description:

NC Parcel Identification Numbers: 165915-74-4561

SECTION 2. That the official Town of Clayton Zoning Map is hereby amended to include in the Light Industrial 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 5th day of March, 2018 while in regular session.

Jody McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk



Town Council Agenda Cover Sheet

Meeting Date

March 5 2018

Agenda Location

Public Hearings

Item Title

2017-160-RZ, Massey Property rezoning

Presenter *(Name & Title)*

Jay McLeod, Senior Planner

Summary/Description

Request to rezone three tracts of land (approx. 47 acres) from Residential-Estate (R-E) to Residential-8 (R-8) (approx. 45 acres) and Neighborhood Business (B-2) (approx. 2 acres), near the intersection of Ranch Road and Little Creek Church Road. Applicant is Allen Tew, representing the Massey family.

Requested Action

Legislative rezoning.

- Planning Board recommended approval of all tracts.
- Staff recommended partial approval – just the tract west of Ranch Road.

Additional Documents To Be Included in Agenda Packet

Application
Staff Report Map
Neighborhood Meeting Materials
Planning Board recommendation
Applicant supporting materials
Newspaper Ad
Adjacent property owner notification letter
Certification of mailing
Statement of consistency and reasonableness



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

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: Massey Rezoning Acreage of Property: 1- 45.52 acres 2- 3.00 acres
County Tag Number: 1- 05H0431D 2- 05H04031Y NC PIN: Tract 1. 166814-33-0328 Tract 2. 166814-32-6999
Address/Location: 1 and 2 Ranch Road and Little Creek Church Road, Clayton, NC
Existing Zoning District: 1 and 2 Residential Estate (R-E)
Proposed Zoning District: 1 Residential 8 (R-8) 2 Neighborhood Business

APPLICANT INFORMATION

Applicant: 1. ALLEN R. TEW, Attorney representing Devra S. Massey Trustee, Devra S. Massey Trust and Andrea Lynn Massey and Michael John Massey
Mailing Address: PO Box 145, Clayton, NC 27528
Phone Number: 919 553 6142 Fax: 919 553 8742
Contact Person: Allen R. Tew
Email Address: allen@atewlawfirm.com

FOR OFFICE USE ONLY		
Date Received:	<u>SEP 26 2017</u>	Amount Paid: <u>\$1000</u>
		File Number: <u>2017-1160-RZ</u>

version 1/6/2016 OF CLAYTON PLANNING DEPARTMENT

PROPERTY OWNER INFORMATION

Name: 1. Devra S. Massey Trustee, Devra S. Massey Trust 2. Andrea Lynn Massey and Michael John Massey

Mailing Address: C/O Allen R. Tew, Attorney

Phone Number: 919 553 6142

Fax: 919 553 8742

Email Address: allen@atewlawfirm.com

EXPLANATION OF PROJECT

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

1- 45.52 acres and 2- 3.80 acres The parcels are being rezoned for the purpose of selling to an interested developer for residential (Tract 1) and neighborhood commercial uses (Tract 2)

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:		
	Yes	N/A	Yes	No	N/A
Submit 9 copies of all materials unless otherwise noted or directed by staff					
1. A pre-application conference was held with Town of Clayton staff. Date: 9/7/17	☒	☐			
2. Review Fee (\$500 for standard rezoning OR \$1,000 + \$5.00/acre for Planned Developments) and Advertisement Fee (\$100)	☒				
3. Completed application	☒				
4. Owner's Consent Form <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. If property to be rezoned is a portion of a parcel: - Property legal description typed (10 pt. font or greater, and also submitted electronically in MS Word format.) - Plat showing property to be rezoned, matching legal description.	☐ ☐	☒ ☒			
7. Adjacent property owners list	☒	☐			
8. Neighborhood meeting notice letter (1 copy) <i>See sample letter and meeting requirements included in this packet</i>	☒				
9. Neighborhood meeting summary form (1 copy) <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) <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 proposed rezoning, R-8, with supporting Neighborhood Center commercial, NC, are consistent with the proposed land uses shown in the Comprehensive Plan 2040 adopted October 15, 2015.

2. Suitability of the subject property for uses permitted by the current vs. the proposed district.
The property proposed for rezoning is located in the southeast sector of the Town's jurisdiction which is currently characterized by residences, undeveloped land, and the proposed town park on the 67 across Little Creek Church Road. This application will provide a zoning transition from (see attachment 2A)

3. Whether the proposed change tends to improve the balance of uses, or meets specific demand in the Town.
As noted in 2 above, the proposed residential uses reflect an orderly extension of the current development pattern. Further, the proposed neighborhood commercial use will provide convenient services for existing and proposed residences as there are no commercial uses other than the (see attachment 3A)

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.
Major utilities such as water, sewer, and electricity are available in the area and can be readily provided.

5. It has been determined that the legal purposes for which zoning exists are not violated.
The permitted uses in the proposed zoning districts, R-8 and NC, are compatible with existing uses and represent well planned growth of the Town.

6. It has been determined that there will be no adverse effect upon adjoining property owners unless such effect can be justified by the overwhelming public good or welfare.
See 5 above.

7. It has been determined that no one property owner or small group of property owners will benefit materially from the change to the detriment of the general public.
The proposed rezoning reflects reasonable development growth for the Town of Clayton in a manner which is consistent with the Comprehensive Plan and benefits the immediate area and Town in general. No special interest groups are involved in the process.

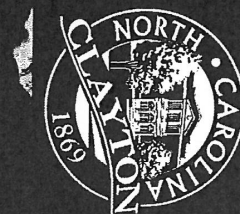
ATTACHMENT “2 A” TO TOWN OF CLAYTON, MASSEY ZONING APPLICATION

“...residential use in Cobblestone to the north to lower density uses which are not served by public utilities.

In addition, the Planning Department’s Transportation Improvements – 2017 Plan presented to the Council in March, 2017 shows the following:

1. US 70 Bypass Conversion makes US 70 bypass Interstate 42 as shown on the US 70 Bypass Conversion map included as a part of this attachment.
2. The South Connector is proposed to be completed and connected to Ranch Road/Boling Street according to the NCDOT 2016-2025 STIP, a copy of which is included as a part of this attachment.
3. NC Highway 42 is projected to be rerouted from its intersection with US Highway 70 bypass (to be designated as future I-42) along 70 bypass to Ranch Road and then northward along Ranch Road past Little Creek Church Road, Boling Street, South Connector and out to US Highway 70 business to align with NC Highway 42 East at its intersection at US Highway 70 business at the Sheets station. A copy of the NCDOT US-70 Resurfacing/Safety Project with notes is also attached.
4. The Southeast Area Study – Critical Projects portion of the Transportation Improvements – 2017 sheet shows that Ranch road is scheduled for widening. A copy of that sheet is also attached.
5. The y-intersection of Ranch Road and Little Creek Church Road was proposed to be realigned in early 2009, by State Project 24459.2.8, I.D. Number 25552B as shown on Map Sheet 25 A, a copy of which is included in this attachment.”

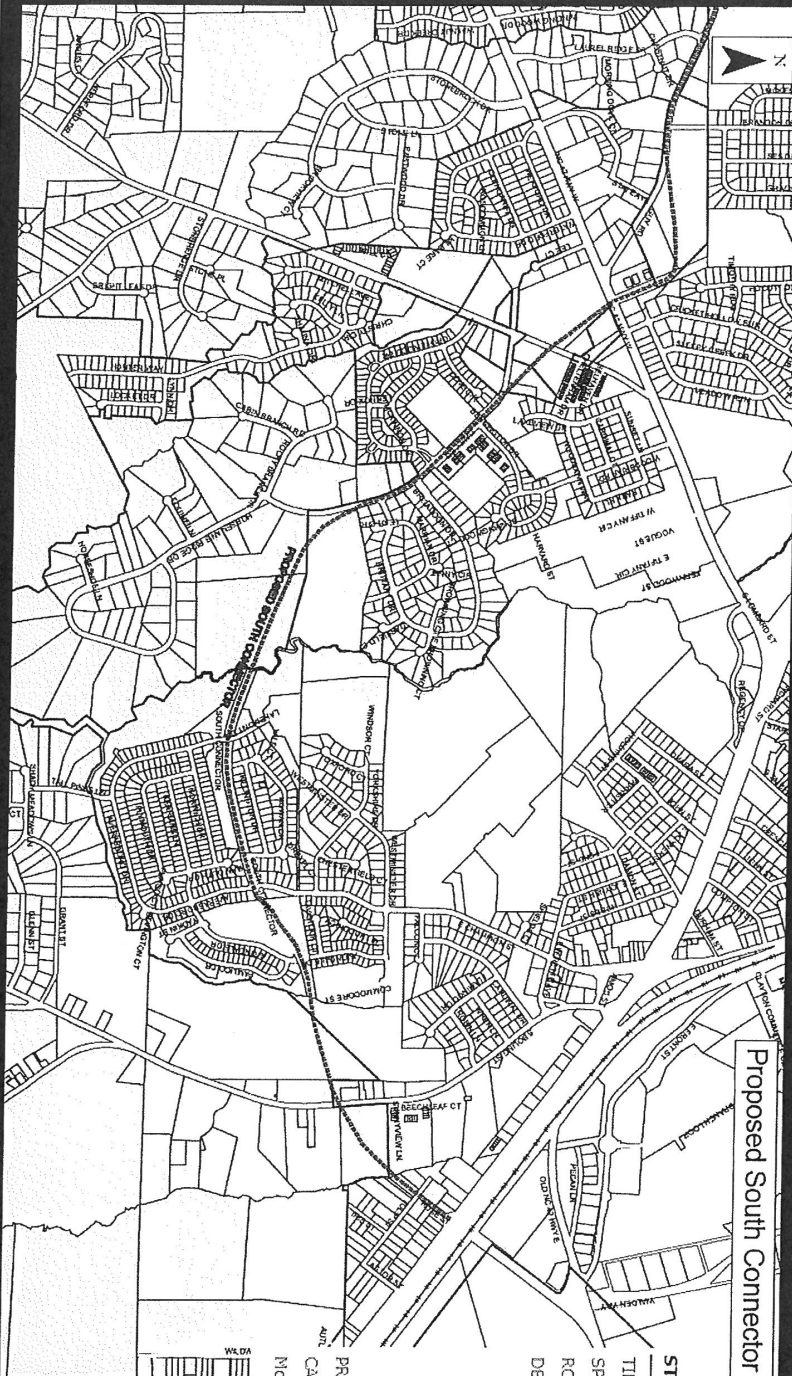
US 70 Bypass Conversion



NCDOT 2016-2025 STIP



Proposed South Connector



STIP Number: R-3618

TIP R-3618
SPOTID H090250
ROUTE_CITY NEW ROUTE
DESC SR 1553
(SHOTWELL ROAD)
SOUTHWEST OF US
70 TO NC 42 EAST
OF CLAYTON.
CONSTRUCT TWO
LANE ROAD ON
MULTI-LANE RIGHT
OF WAY.

PROGRAM R
CATEGORY Division Needs
Mode Highway

Design By:
2025

NCDOT US-70 Resurfacing / Safety Project

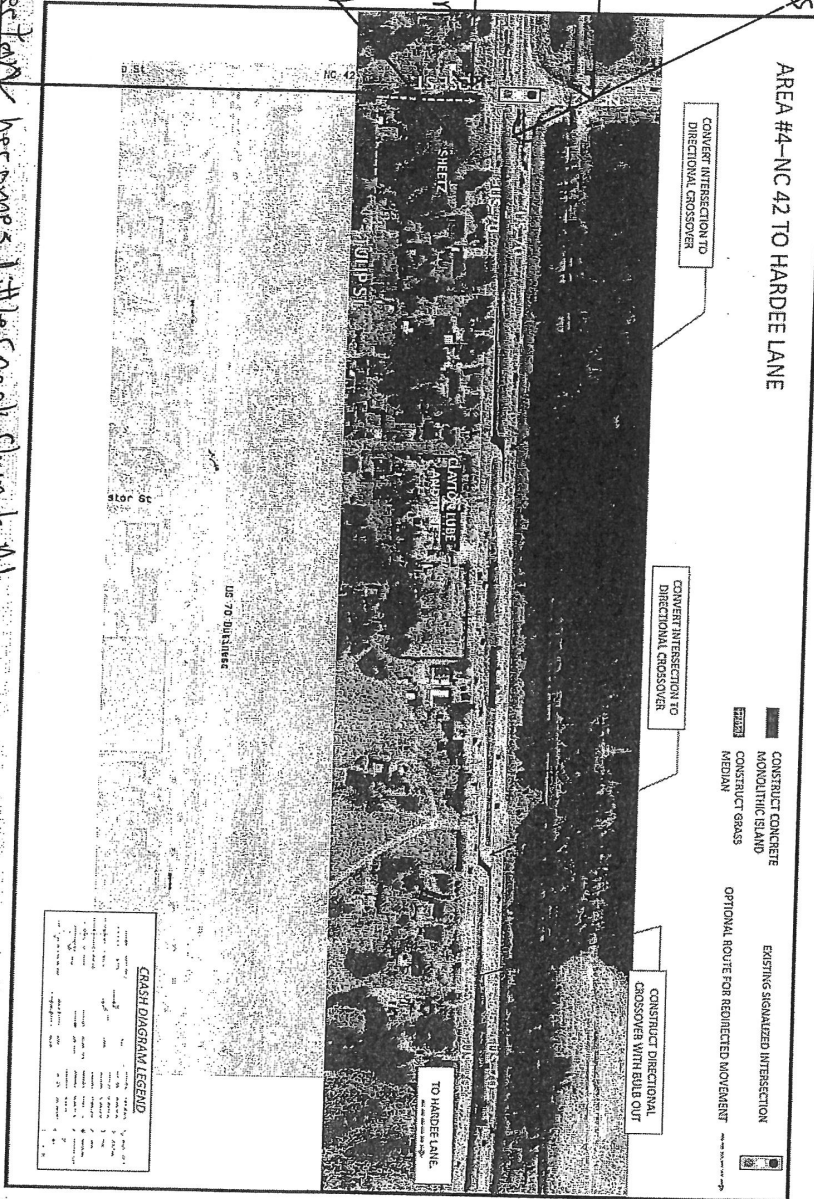
US 70 BUSINESS

NC 42 EAST
TO WILSON

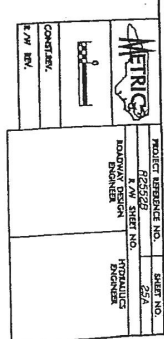
Proposed
South Connector
Intersection

Sheet 2 station

South Connector becomes Little Creek Church Rd.



######



ATTACHMENT “3 A” TO TOWN OF CLAYTON, MASSEY ZONING APPLICATION

“... Food Lion shopping center 1.1 mile to the north. There is no westward road access to anything, residential or commercial, and Little Creek Church Road has no commercial uses on it to the east to its terminus. In addition no commercial uses are located on Ranch Road which intersects with US 70 bypass 1 mile to the south from the current intersection with Little Creek Church Road. According to the Transportation Improvements – 2017, plan referenced above, Ranch Road and Little Creek Church Road will become an intersection of two major roads making the commercial use consistent with the Neighborhood Center (NC) concept. According to the Comprehensive Plan, a Neighborhood Center use should be located at the intersection of 2 major roads and page 17 of the Comprehensive Plan further states, “...The scale of the Neighborhood Center varies depending on the market and competition. Typical Neighborhood Centers have a service area of 1 to 2 miles.

Finally, as noted in 2A, the current ‘y’ intersection of Ranch Road and Little Creek Church Road was proposed to be realigned by STATE PROJECT 34459.2.9, I.D. NUMBER R-2552B as shown on MAP no.25A.

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.

Devra S. Massey, Trustee

Print Name

Devra S. Massey, Trustee
Signature of Applicant

9/22/17
Date

STATE OF Virginia
COUNTY OF Kingston

Sworn and subscribed before me, David O. Melendez Ventura, a Notary Public for the above State and County, this the 22 day of September, 2017.



David O. Melendez Ventura
Notary Public
My Commission Expires: Feb 28, 2018

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.

Michael John Massey

Print Name

Signature of Applicant

Date

9/22/17

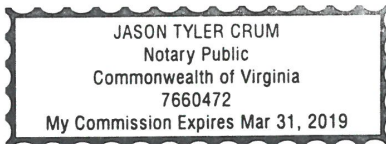
STATE OF Virginia
COUNTY OF Albemarle

Sworn and subscribed before me, Jason T Crum, a Notary Public for the above State and County, this the 22 day of September, 2017.

SEAL

Notary Public

My Commission Expires: 03/31/2019



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 accurate 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.

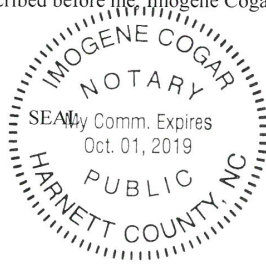
Allen R. Tew
Print Name

Allen R. Tew
Signature of Applicant

9/26/17
Date

STATE OF NORTH CAROLINA
COUNTY OF JOHNSTON

Sworn and subscribed before me, Imogene Cogar, a Notary Public for the above State and County, this the 26th day of September, 2017.



Imogene Cogar
Imogene Cogar, Notary Public
My Commission Expires: October 1, 2019

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.

Andrea Lynn Massey

Print Name

Andrea Lynn Massey
Signature of Applicant

9/22/17
Date

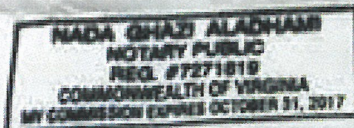
STATE OF Virginia
COUNTY OF Charlottesville

Sworn and subscribed before me, Andrea Massey a Notary Public for the above State and County, this the 22nd day of Sept, 2017.

SEAL

Notary Public

My Commission Expires 10/31/2017





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: Massey Rezoning **Address or PIN #:** 166814-32-6999

AGENT/APPLICANT INFORMATION:

Allen T. Tew PO Box 145
(Name - type, print clearly) (Address)
Clayton, N.C. 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*):

Massey 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.

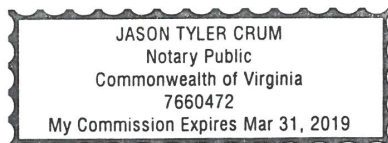
OWNER AUTHORIZATION:

Michael John Massey 1840 Summitt View Lane
(Name - type, print clearly) (Address)
Charlottesville, Va. 22903
(Owner's Signature) (City, State, Zip)

STATE OF Virginia
COUNTY OF Albemarle

Sworn and subscribed before me Jason T Crum, a Notary Public for the above State and County, this the 22 day of September, 2017.

SEAL



version 10/15/2015

Jason T Crum
Notary Public
My Commission
Expires:

03/31/19

Page 10 of 10



**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: Massey Rezoning **Address or PIN #:** 1. 166814-33-032828 2. 166814-32-6999

AGENT/APPLICANT INFORMATION:

Allen R. Tew

(Name - type, print clearly)

PO Box 145

(Address)

Clayton, N.C. 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*):

Massey 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:

Devra S. Massey, Trustee of Devra S. Massey Trust
(Name - type, print clearly)

513 W. Broad Street, # 302
(Address)

Devra Massey, Trustee of Devra Massey Trust
(Owner's Signature)

Falls Church, Va. 22046
(City, State, Zip)

STATE OF
COUNTY OF

Virginia

Arlington

Sworn and subscribed before me David O Melendez Ventura a Notary Public for the above State and County, this the 22 day of September, 2017.

David O Melendez Ventura
Notary Public
My Commission
Expires:

#7042102
Feb 28, 2019





**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: Massey Rezoning

Address or PIN #: 106814-32-6099

AGENT/APPLICANT INFORMATION:

Allen T. Tew

(Name - type, print clearly)

PO Box 145

(Address)

Clayton, N.C. 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):

Massey 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:

Andrea Lynn Massey

(Name - type, print clearly)

Andrea Lynn Massey
(Owner's Signature)

1840 Summit View Lane

(Address)

Charlottesville, Va. 22903

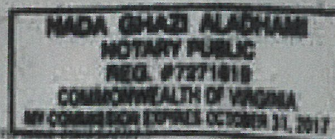
(City, State, Zip)

STATE OF Virginia

COUNTY OF Charlottesville

Sworn and subscribed before me Andrea Massey, a Notary Public for the above State and County, this
the 22nd day of Sept., 2017

SEAL



Notary Public
My Commission
Expires:

10/31/2017



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

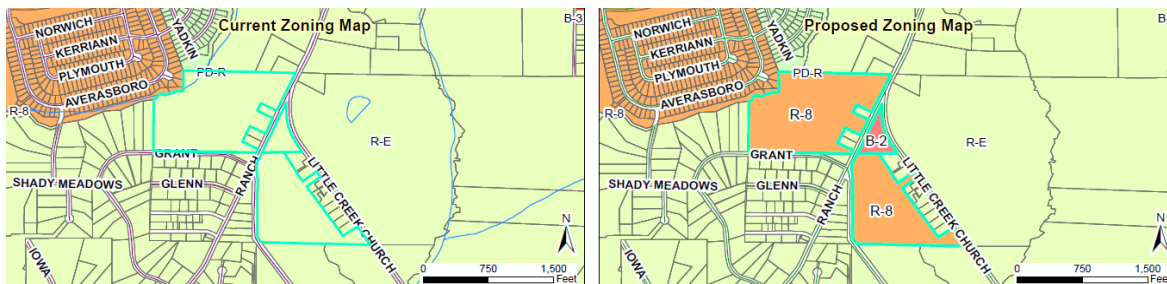
Application Number: 2017-160-RZ
Project Name: Massey Rezoning

NC PIN / Tag #: 166814-33-0328, 166814-32-6999 / 05h04031d, 05h04031y
Town Limits/ETJ: ETJ
Overlay: none.
Applicant: Allen Tew, representing the property owners
Owners: Devra S. Massey Trust, Andrea Lynn Massey and Michael John Massey
Location: The two properties are generally located west and south of the intersection of Little Creek Church Road and Ranch Road.

Public Noticing:

- Neighborhood meeting December 21, 2017
- Site posted Prior to January 1, 2018
- Letters mailed prior to February 23, 2018
- Newspaper ad posted the two Fridays prior to the Hearing (starting February 23, 2018)

REQUEST: Rezoning of two parcels from Residential-Estate (R-E) to Residential-8 (R-8) and Neighborhood Business (B-2).



SITE DATA:**Acreage:** 47.2 acres total

Tract 1: 26.9 acres

Tract 2: 17.5 acres

Tract 3: 2.5 acres

Existing Use: Vacant**ADJACENT ZONING AND LAND USES:**

For the purposes of discussion in this staff report, the two parcels are further divided into three tracts of land (see graphic).

Tract 1 is west of Ranch Road and is primarily bordered by Grant Street to the south, the Cobblestone residential subdivision to the west.

Tract 1 (proposed for rezoning to Residential-8)		
Direction	Zoning	Existing Use
North	Planned Development-Residential and Residential-Estate	Single family residential and vacant
South	Residential-Estate	Single family residential
East	Residential-Estate (proposed Neighborhood Business)	Single family residential and vacant
West	Residential-Estate and Residential-8	Single family residential

Tract 2 is primarily bordered by large-lot single family residential uses, and is bounded by Ranch Road on the west and Little Creek Church Road on the east.

Tract 2 (proposed for rezoning to Residential-8)		
Direction	Zoning	Existing Use
North	Residential-Estate (proposed Neighborhood Business)	Single family residential and vacant
South	Residential-Estate	Single family residential and cemetery
East	Residential-Estate	Single family residential and vacant
West	Residential-Estate	Single family residential

Tract 3 is bordered by Ranch Road on the west, Little Creek Church Road on the east, and on the south by Tract 2. The intersection of Ranch Road and Little Creek Church Road is at the northern tip of the parcel.

Tract 3 (proposed for rezoning to Neighborhood Business)		
Direction	Zoning	Existing Use
North	Residential-Estate	Single family residential and vacant
South	Residential-Estate (proposed Residential-8)	Single family residential and vacant
East	Residential-Estate	Vacant
West	Residential-Estate (proposed Residential-8)	Single family residential and vacant

STAFF ANALYSIS AND COMMENTARY:

Overview

The applicant is requesting to rezone approximately 45± acres from Residential-Estate (R-E) to Residential-8 (R-8), and approximately 2.5 acres from Residential-Estate (R-E) to Neighborhood Business (B-2). The properties are located (generally) at the intersection of Ranch Road and Little Creek Church Road.

Existing vs. Proposed Zoning

The following uses are typical (but not exhaustive) of the existing zoning district: Residential-Estate (R-E). The R-E zoning district is generally characterized by low density/low intensity development, primarily large-lot single family residential. The majority of surrounding parcels are zoned Residential-Estate. For comparison, a conventional single family residential development in R-E is limited to densities ranging from 1.0 to 2.1 dwellings per acre.

- Single Family Home
- Manufactured Home
- Golf Course
- Agriculture, Sales and Service
- Plant Nursery
- Bed-and-Breakfast
- NOTE: Apartments and Townhomes are not permitted in the R-E zoning district.

The following uses are typical (but not exhaustive) of the zoning district proposed for Tracts 1 and 2: Residential-8 (R-8). This zoning district allows a more dense development pattern than R-E, and development is usually conditional upon the availability of public water and public sewer services. The Cobblestone neighborhood, to the west of and bordering Tract 1, is zoned R-8. For comparison, a conventional single family residential development in R-8 is limited to a density of 5 dwellings per acre.

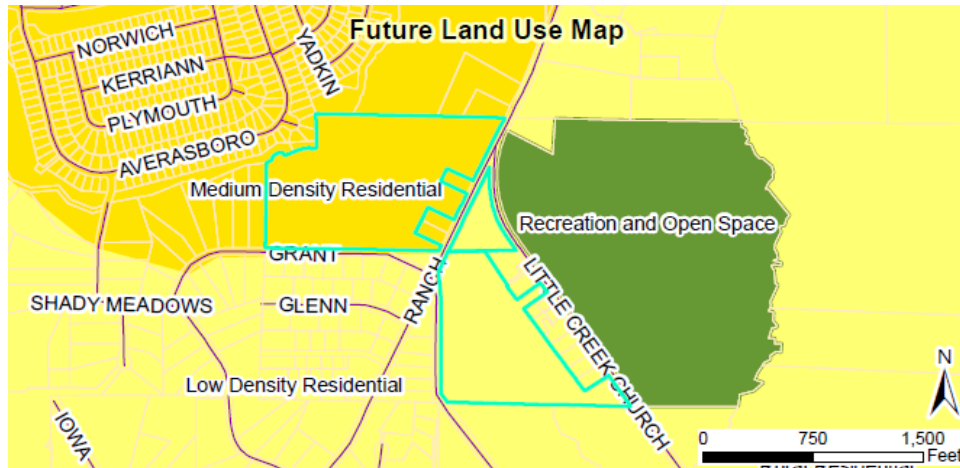
- Single Family Home
- Zero Lot Line Home
- Golf Course
- NOTE: Apartments and Townhomes are permitted in the R-8 zoning district via a Special Use Permit.

The following uses are typical (but not exhaustive) of the zoning district proposed for Tract 3: Neighborhood Business (B-2). Tract 3 is currently completely surrounded by Residential-Estate (R-E) zoned properties. The B-2 zoning district is intended to provide “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.” per §155.200(B)(2)(d).

- Upper story residence (as in apartments above retail or other mixed use)
- Daycare Facility
- Fitness / Recreation Center
- Bed-and-Breakfast
- Car Wash
- Creative Studio (Art, Yoga, Karate, etc.)
- Bank
- Offices, including medical offices
- Restaurant
- Retail establishments
- Service-oriented establishments
- NOTE: Apartments and Townhomes are permitted in the R-8 zoning district via a Special Use Permit.

Consistency with the Comprehensive Plan 2040

The property is identified in the adopted Future Land Use Map as shown in the staff report map. Tract 1 (west of Ranch Road) is Medium Density Residential, which has compatible zoning districts of R-10, R-8, and R-6. Tracts 2 and 3 are east of Ranch Road, and are



identified as Low Density Residential, which has compatible zoning districts of R-E and R-10. Therefore, the rezoning of Tract 1 to R-8 is consistent with the Future Land Use Map, and the proposed rezoning of Tracts 2 and 3 are inconsistent with the Future Land Use Map. Therefore, the proposed rezoning is only partially consistent with adopted plans of the Town (Approval Criterial #1, per §155.704(J)(1)).

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 applicable overlay districts.

Compatibility with surrounding land uses and potential for adverse effects

As noted previously, the parcels are primarily surrounded by large-lot single family residential and some vacant parcels. While this does not necessarily preclude a rezoning to a more dense or more intense zoning district, it

does have the potential to cause a situation in which incompatible land uses wind up adjacent to each other. In situations such as these, landscaping buffers are generally used to mitigate incompatibility and separate incompatible uses, with the buffer required upon the more intense zoning district. Both R-8 and B-2 are potentially compatible with Residential-Estate zoned, single family homes as neighbors.

Adequacy of Public Facilities

No evidence has been provided to staff that adequate public facilities exist to support the proposed rezonings (Approval Criterial #4, per §155.704(J)(1)), although this does not necessarily mean that such facilities do not exist. Access to public water service appears to exist within the rights-of-way south of the intersection of Ranch Road and Little Creek Church Road. Access to sewer service is presumably attainable via the sewer pump station adjacent to the northwest corner of Tract 1, although no data has been provided regarding pump station or line capacity.

CONSIDERATIONS:

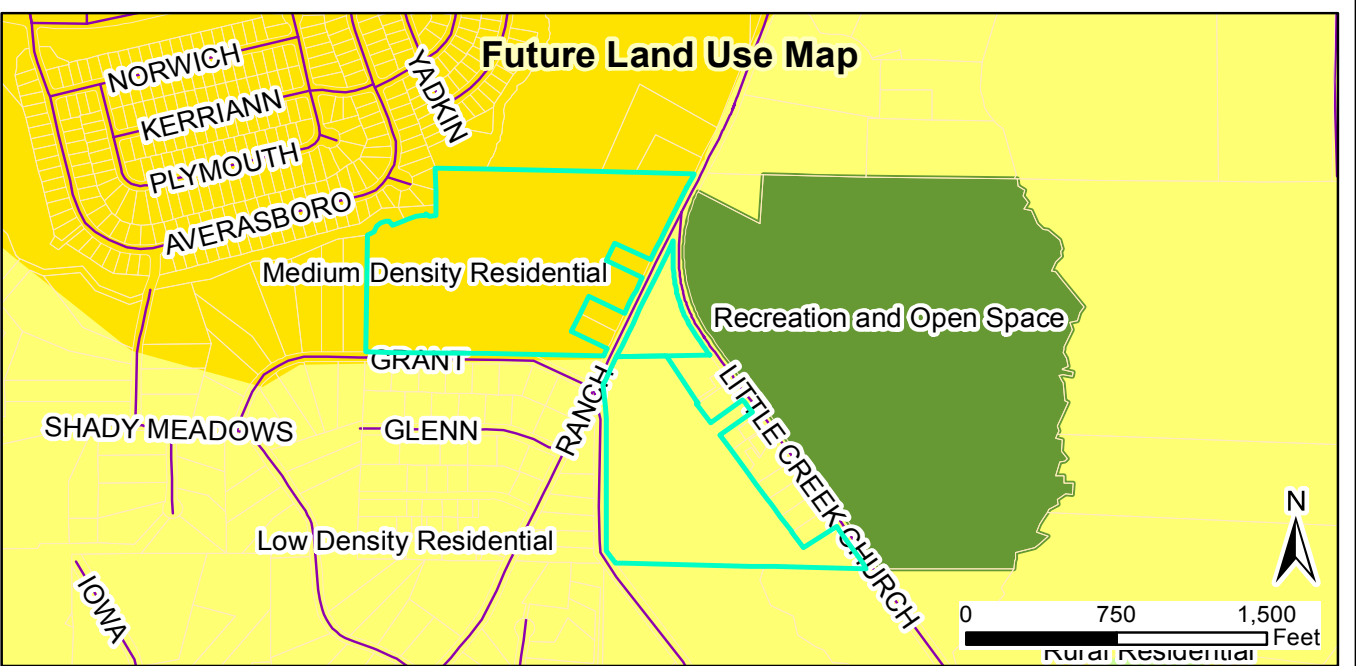
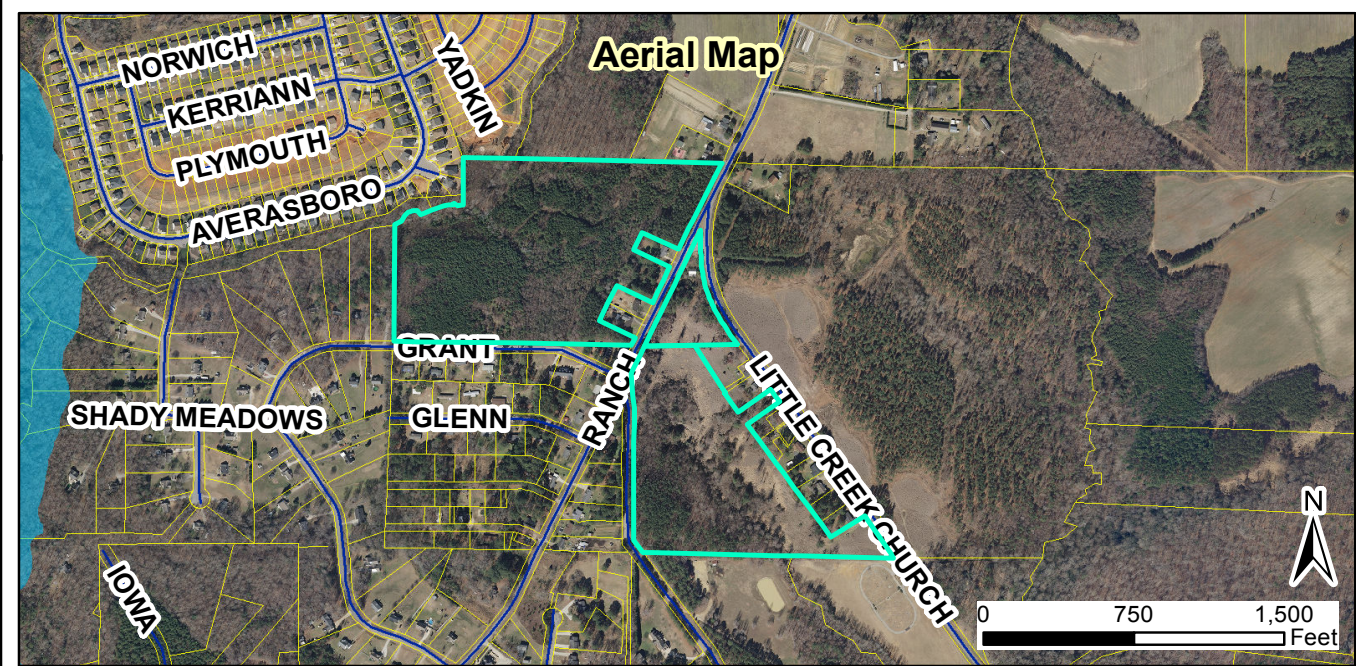
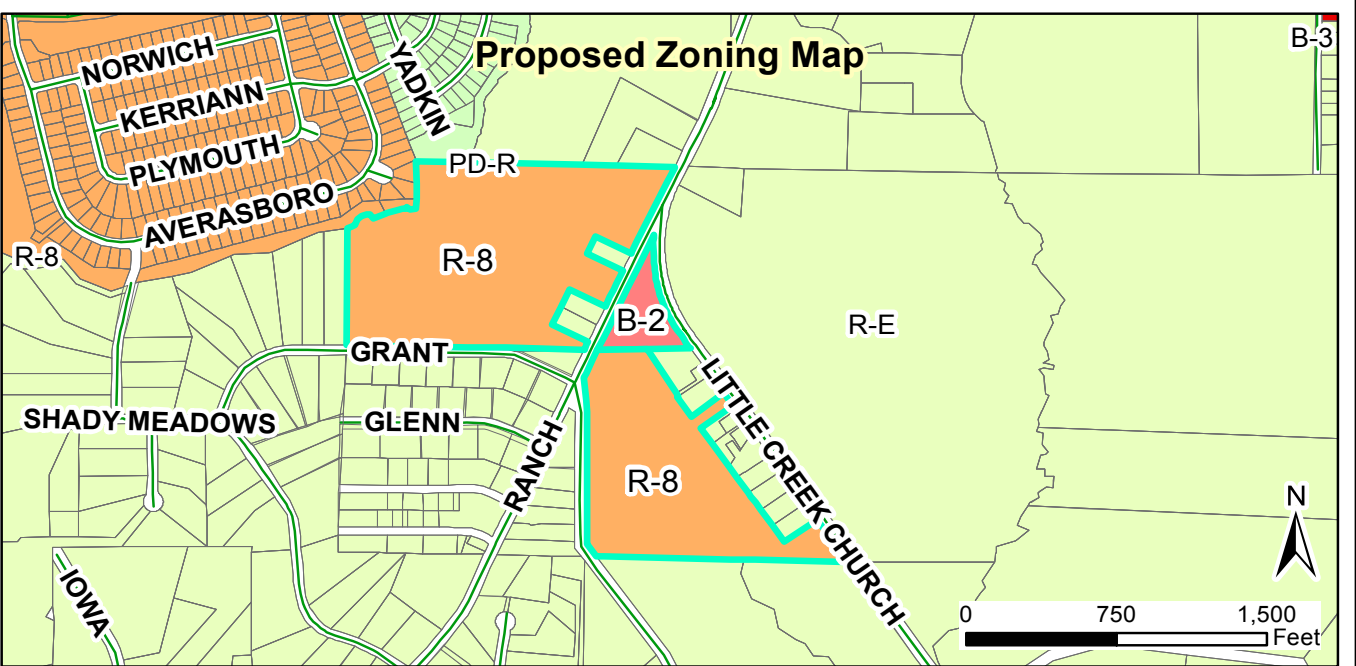
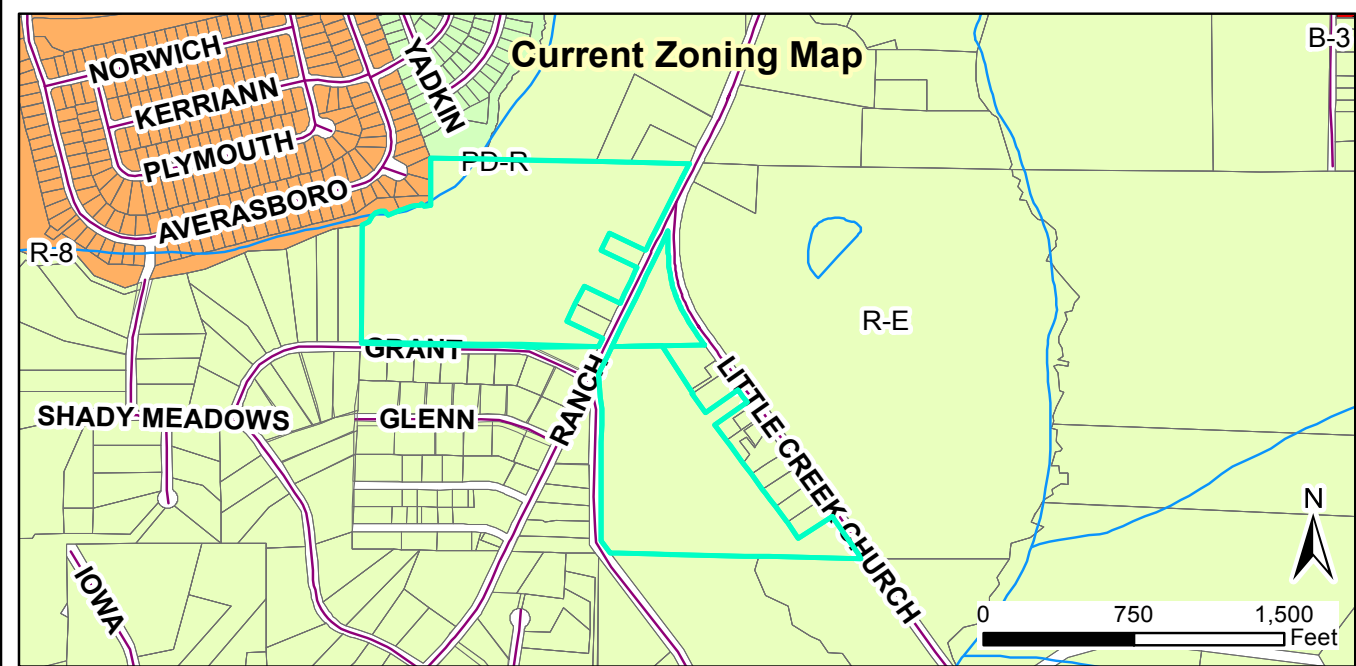
- Rezoning is legislative decisions and are made by the Town Council. The Planning Board shall make a recommendation to the Town Council.
- When adopting or rejecting the rezoning, the Town Council shall approve a statement describing whether its action is consistent with adopted plans and/or policies 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 is possible in this proposed split-rezoning, especially since Tract 1 and 2 are currently split by and have sufficient frontage on Ranch Road.

STAFF RECOMMENDATION:

- Approval of the rezoning of Tract 1 from Residential-Estate to Residential-8.
- Denial of the rezoning of Tract 2 from Residential-Estate to Residential-8.
- Denial of the rezoning of Tract 3 from Residential-Estate to Neighborhood Business.

ATTACHMENTS:

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



Request:
2017-160-RZ, Massey Property rezoning request.

Applicant: Allen Tew, representing Devra S. Massey Trust, Andrea and Michael Massey
 Property Owners: Devra S. Massey Trust, Andrea and Michael Massey
 Parcel ID: 166814-33-0328 & 166814-32-6999
 Tag #: 05h04031d & 05h04031y

Staff Report Map



Document Path: O:\PLANNING\REZONING\Rezoning\2017\2017-160-RZ Massey Rezoning\Map\Map - Massey rezoning - 2017-160-RZ.mxd

Legend

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

11/13/2017
 Produced by: TOC Planning
 Disclaimer: Town of Clayton assumes no legal responsibility for the quality of the data represented here.

Allen R. Tew, P. A.
Attorneys at Law
202 South Lombard Street
Post Office Box 145
Clayton, North Carolina 27528

Allen R. Tew

allen@atewlawfirm.com

Also Licensed in South Carolina
Certified Superior Court Mediator

Telephone: (919) 553-6142
Facsimile: (919) 553-8742

October 24, 2017

Via Email in PDF Format Only
ddeyoung@townofclaytonnc.org

Mr. David DeYoung
Planning Director
Town of Clayton
111 E. Second Street
Post Office Box 879
Clayton, North Carolina 27528

Re: Massey Rezoning Application

Dear Dave, Jay and Paralee:

Thank you for taking the time to discuss the Massey Rezoning Application at our conference on Thursday, October 19, 2017, beginning at 11:00 a.m. and lasting for approximately one hour. Jay and Para met with us. I took notes during the meeting and, at the end, dictated in everyone's presence, a summary of my understanding of the essence of your comments. There were no additional comments suggested after I completed my dictation and asked for them.

I am, by this letter, making a public documents request for documents showing the location of water and sewer in close proximity to the subject property. In one of my prior meetings, I requested the information; however, I was told that the engineer didn't like to let this information out. In addition, this public documents request includes information relating to the current capacity and available capacity for the sewer lines in close proximity to the property. Specifically, those include the lift station in Cobblestone to the west of Tract 1, and the town line on Ranch Road/Boling Street north of the subject property.

During the course of our exchange, I suggested that the success of the rezoning should not be predicated upon having a commitment for sewer. The sewer lines exist to

Mr. David DeYoung
December 7, 2017
Page 2

wnm hte

provide utilities to accommodate growth. The line to the north obviously has value to serve the property along Boling Street/Ranch Road, including the property at the intersection of Little Creek Church Road and Ranch Road, which was acquired for use as a park. Other users would also have, at some time, the opportunity to access the line.

In response, you stated to me that if the Massey property is rezoned and there is no sewer available, the Town could be exposed to an inverse condemnation claim by a developer for damages. At that time, I respectfully disagreed with you. Afterwards, I contacted a colleague who specializes in condemnation. Following a discussion with my colleague, I was emphatically told that my colleague is unaware of any such authority.

I would appreciate it if you would provide me with the authority or the source who provided this information.

It seems to me that whether sewer is available or not is a part of any purchaser's due diligence which shape their decision in determining the cost of developing the property and, therefore, whether or not to purchase.

Finally, I want to delay the neighborhood meeting until a date and time to be determined following receipt of the requested information, an assessment of our options, followed by meeting with you all.

I look forward to your response.

Cordially,

Allen R. Tew

ART/isc

cc: Paralee Smith (*Via Email*) psmith@townofclaytonnc.org
Jay McLeod (*Via Email*) jwmcleod@townofclaytonnc.org
Deb Massey

Allen Tew

From: David DeYoung <DDeYoung@townofclaytonnc.org>
Sent: Monday, November 13, 2017 11:56 AM
To: Allen Tew
Cc: Jay McLeod; Paralee Smith; Kimberly Moffett; Tim Simpson; Rich Cappola
Subject: RE: Massey Rezoning - Tax ID 05H04031D

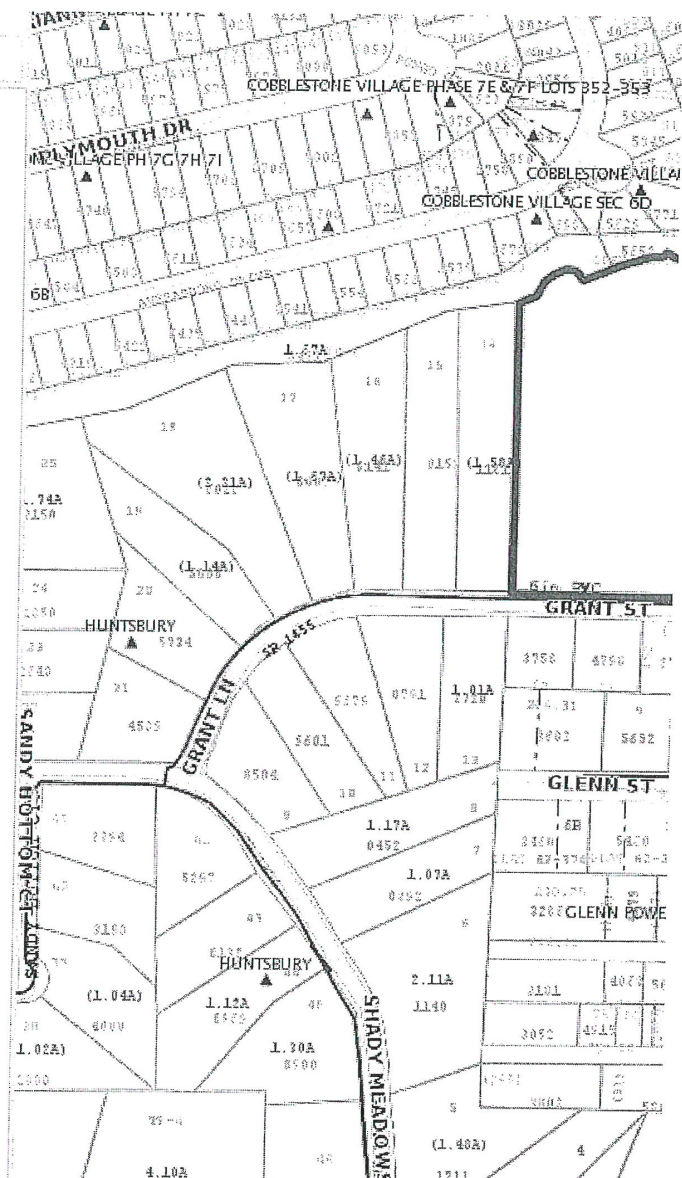
Allen,

Good morning. We have received your request re: Massey Rezoning Application dated October 24, 2017. In response, I offer the following information:

Public Request 1: Public documents showing the location of water and sewer in close proximity to the subject property.

- We do not have any public documents which show the location of public sewer.
- Public water lines owned and operated by Johnston County are located within Grant Street (6-inch), Ranch Road (8-inch) and Little Creek Church Road (8-inch) which are adjacent to the subject property. See clip below from Johnston County GIS:

Results for item 1	
Id	05H04031D
Tag	05H04031D
Tax Unique Id	4715761
NCPin	166814-33-0328
Mapsheet No	166814
Owner Name 1	DEVRA S MASSEY TRUST
Owner Name 2	MASSEY, DEVRA S TRUSTEE
Mail Address 1	513 WEST BROAD STREET #302
Mail Address 2	
Mail Address 3	FALLS CHURCH, VA 22046-0000
Site Address 1	
Site Address 2	
Book	02745
Page	0733
Market Value	255770
Assessed Acreage	44.65
Calc. Acreage	44.65
Sales Price	0
Sale Date	2004-08-11



- Public sewer lines owned and operated by the Town of Clayton (TOC) are located within the Cobblestone Village subdivision, which is adjacent to the west parcel line of the Massey Property identified above. A TOC sewer line also exists approximately 3,000 feet north of the subject property near the Boiling Townhomes and the transition of the street from Little Creek Church Road and Boiling Street. With regard to specific details, The Town of Clayton does not provide specific information regarding its water and sewer infrastructure because of public security concerns in accordance with N.C.G.S. 132-1.7.

Public Request 2: Public documents that include information relating to the current capacity and available capacity for sewer lines in close proximity to the property.

- The information requested above does not exist in the form of a public document. To determine available capacity and flow, the applicant will need to hire a registered engineer who can perform the necessary

calculations to determine if connection to the existing sewer system is possible, and if there is capacity to support development.

Public Request 3: Inverse Condemnation – Authority or source of information relating to rezoning without sewer available.

- Following additional research regarding the rezoning and inverse condemnation (Regulatory Takings – UNC School of Government) you are correct. Rezoning the property with no provision of sewer would not constitute a “taking”.

In closing, please note that this item is currently scheduled for the November 27th Planning Board meeting. Please advise Planning if the application will proceed at that time.

Sincerely,

Dave

David L. DeYoung, AICP

Planning and Development Director

Town of Clayton

111 East Second Street | PO Box 879 | Clayton, NC 27528

P (919)359-9347 | F (919)553-1720

ddeyoung@townofclaytonnc.org



Please consider the environment before printing this email.

From: Allen Tew [mailto:Allen@atewlawfirm.com]

Sent: Thursday, October 26, 2017 2:46 PM

To: David DeYoung <DDeYoung@townofclaytonnc.org>

Cc: Jay McLeod <jwmcleod@townofclaytonnc.org>; Paralee Smith <psmith@townofclaytonnc.org>

Subject: Massey Rezoning

Dear David, Jay, and Para,

I would appreciate a response to the attached letter acknowledging receipt and giving your time frame for providing the requested information. Afterwards, I would like to meet with you and discuss possible modifications of the application and setting a new time for the neighborhood meeting.

Cordially,

Allen



NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Project: Recovery Logistics

Application: Rezoning Application

Location/Date: Dalton Engineering and Associates, P.A. 446 East Main Street Clayton, NC / 01/02/18

	NAME	ADDRESS
1	Jonathan Barnes	446 East Main Street Clayton, NC
2	Chris & DeAnne Moore	1947 Shotwell Rd Clayton NC
3		
4		
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11		
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NEIGHBORHOOD MEETING SUMMARY FORM

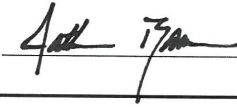
FILL OUT THE FOLLOWING:

Application: Recovery Logistics - Rezoning Application

Date of Mailing: 12/22/17

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: Jonathan Barnes

Signature: 

Date of Meeting: 01/02/18

Time of Meeting: 6:30 p.m.

Location of Meeting: Dalton Engineering and Associates, P.A. 446 East Main Street Clayton, NC

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.*

There were a total of three Participants that attended the Neighborhood Meeting for subject project, including one Representative of the Applicant. A general overview of the rezoning process was provided to the Participants, with the understanding that the public could provide comments to the Town at the upcoming Planning Board and Town Council Meetings. The Participants were informed that it is our office's understanding the reason for the rezoning request was due to a possible expansion of a general outdoor storage area. Issues that were raised during the Neighborhood Meeting included the amount of noise the proposed development could create. It is my understanding that the Participants that attended the Neighborhood Meeting own rental property adjacent to the parcel that is being proposed to be rezoned. At the conclusion of the Meeting, the Participants left with a blank Summary Form in order to write down their comments and concerns. As of 2:00 p.m. on 01/05/18, the Participants' Summary Form had not been received by our office. Once the Participants' Summary Form is received, nine copies of the Summary Form will be delivered to the Town of Clayton Planning Department.

Jonathan Barnes - Dalton Engineering and Associates, P.A. (Applicant)

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

NEIGHBORHOOD MEETING SUMMARY FORM

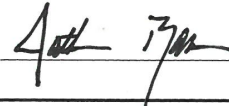
FILL OUT THE FOLLOWING:

Application: Recovery Logistics - Rezoning Application

Date of Mailing: 12/22/17

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: Jonathan Barnes

Signature: 

Date of Meeting: 01/02/18

Time of Meeting: 6:30 p.m.

Location of Meeting: Dalton Engineering and Associates, P.A. 446 East Main Street Clayton, NC

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.

MY NAME IS CHRIS MOORE. MY M# 919-369-4461
I OWN APARTMENTS AND A HOUSE ADJACENT TO
THIS PROPERTY. REZONING THIS PROPERTY FROM
RESIDENTIAL TO COMMERCIAL WOULD POTENTIALLY
DESTROY MY LIVELIHOOD. I ALSO HAVE TALKED
TO SEVERAL PEOPLE IN THIS NEIGHBORHOOD THAT
COMPLAIN ABOUT THE NOISE THAT IS BEING CREATED
BY EQUIPMENT AND MATERIALS THAT ARE IN OUR
BACKYARD NOW! ADDING TO THIS PROBLEM
AS WELL AS THE MANY OTHER PROBLEMS THAT
REZONING THIS PROPERTY WILL CAUSE IS CERTAINLY
NOT FAIR TO THE PEOPLE LIVING IN THIS

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

RESIDENTIAL AREA NOR THE LAND OWNERS THAT
HAVE BROUGHT REVENUE TO THE TOWN OF CLAYTON
FOR WELL OVER 30 YEARS!

REZONING THIS PROPERTY SHOULD NEVER HAPPEN!
October 2017

Page 9 of 10

Chris Moore

NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Application: MASSEY REZONING PAGE 1

Date of Mailing: December 21, 2017

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: ALLEN R. TEW

Signature: 

Date of Meeting: January 10, 2018 Time of Meeting: 6:30 pm

Location of Meeting: Masonic Lodge, 621 Boling St. Clayton, N.C. 27520

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.*

The meeting began on time. The attached sheet shows 18 signed in. However, about 30 attended.

Only one spouse signed for some couples accounting for the difference.

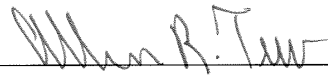
A power point presentation using the future land use plan map, was shown. They were told what the current zoning permitted uses are. The code sections for permitted uses for the new proposed zonings were shown on slides. The remaining portion of the presentation involved the Transportation Improvements - 2017 report which had been presented to the Council in March, 2017, by the Planning Director. We utilized those portions of Transportation power point illustrating the changes impacting Ranch Road transforming it from a rural paved road to NC Highway 42 which will be widened and punched through to align with Highway 42 East at business 70 (Sheetz station). All of the attendees seemed to be unaware of the proposed changes as well as some of the changes which are currently underway.

CONTINUED ON PAGE 2

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

NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Application: MASSEY REZONING PAGE 2
Date of Mailing: December 21, 2017
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: ALLEN R. TEW Signature: 

Date of Meeting: January 10, 2018 Time of Meeting: 6:30 pm
Location of Meeting: Masonic Lodge, 621 Boling St. Clayton, N.C. 27520

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.*

THE FOLLOWING ISSUES WERE RAISED AND DISCUSSED:

1. WILL THIS BRING MY PROPERTY INTO THE CITY?

I explained that the rezoning would not, and that the Town would have to annex the property. If annexation is sought, I explained that they would have the opportunity to be heard during the process.

2. WILL THE REZONING INCREASE MY TAX VALUATION?

They were advised that the tax values are revisited every 8 years, with the next revaluation being in 2019, at which time their property will be valued based on the zoning and use whether residential or otherwise as well as the condition of their property.

CONTINUED ON PAGE 3

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

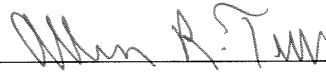
NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Application: MASSEY REZONING PAGE 3

Date of Mailing: December 21, 2017

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: ALLEN R. TEW Signature: 

Date of Meeting: January 10, 2018 Time of Meeting: 6:30 pm

Location of Meeting: Masonic Lodge, 621 Boling St. Clayton, N.C. 27520

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.*

3. WILL THE B-2 REZONING BENEFIT OTHER OWNERS WHOSE PROPERTY IS USED FOR BUSINESS PURPOSES OR WHO WOULD LIKE TO HAVE PROPERTY REZONED TO BUSINESS?

They were told that any rezoning would have to go through the process and that it probably wouldn't hurt them because of the change in the road and its impact on the neighboring properties.

4. WHAT WILL BE BUILT?

This was the primary focus. Both Steve Stroud, the real estate agent representing the Masseys, and I consistently provided the same response.

We are only seeking to have the property rezoned so that the buyer can come to the Town and present its specific plans to develop the property.

CONTINUED ON PAGE 4

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

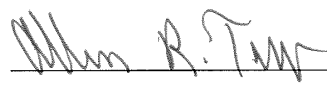
NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Application: MASSEY REZONING PAGE 4

Date of Mailing: December 21, 2017

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: ALLEN R. TEW Signature: 

Date of Meeting: January 10, 2018 Time of Meeting: 6:30 pm

Location of Meeting: Masonic Lodge, 621 Boling St. Clayton, N.C. 27520

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.*

Furthermore, they were told that the plans would have to be submitted to the Planning Department which would assure that the development complied with the code applicable to each parcel. Steve explained that R-8 zoning was a normal development density for other suburban communities. Discussions about the B-2 Neighborhood Center use seemed to be well received, with some positive comments about such a use, and the R-8 density did not produce any negative comments.

OBSERVATIONS:

1. The meeting was well attended and conducted and was characterized by attendees who gave meaningful comments and asked good questions.
2. They seemed to acknowledge and accept the need and likelihood

CONTINUED ON PAGE 5

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

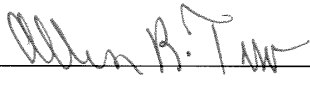
NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Application: MASSEY REZONING PAGE 5

Date of Mailing: December 21, 2017

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: ALLEN R. TEW Signature: 

Date of Meeting: January 10, 2018 Time of Meeting: 6:30 pm

Location of Meeting: Masonic Lodge, 621 Boling St. Clayton, N.C. 27520

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.*

that the property is ripe for rezoning and that the rezoning is warranted.

3. There were no objections to the R-8 or B-2 classifications. Some
seemed to welcome the prospect of some small business use for their
neighborhood. One neighbor put it this way, "It's just an emotional
thing to see our neighborhood change."

4. NONE

5. CHANGES PROPOSED: NONE

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

Rezoning
[Additional
requirements
listed in Town
Ordinance
155.702]:

PUBLIC NOTICE

In accordance with **NC GS 160A-384**, the Clayton Town Council will hold a public hearing on Monday, March 5, 2018, at 6:00 PM at Town Hall, 111 East Second Street, to consider rezoning request 2017-160-RZ, Massey Property rezoning, for two properties (47± acres) near the intersection of Ranch Road and Little Creek Church Road, parcel number(s) 166814-33-0328, and 166814-32-6999, all within the Town's extraterritorial jurisdiction. The requested change is from Residential-Estate to Residential-8 for 166814-33-0328 and from Residential-Estate to Neighborhood Business for 166814-32-6999.

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

The Clayton News Star

Please advertise on the following dates:
February 23, 2018
March 2, 2018

Affidavit of publication required.

TOWN OF CLAYTON
PLANNING BOARD WRITTEN RECOMMENDATION
ZONING AMENDMENT
(REZONING AMENDMENT)

Massey Rezoning
2017-160-RZ

On January 22, 2018 the Planning Board heard the above-referenced request and made the following vote:

Recommendation to the Town Council to

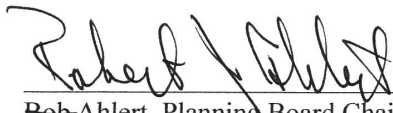
☒ approve the request;

☐ deny the request;

☐ other

Recommendation(s) made this 22 day of January 2018 while in regular session.

Signed:



Bob Ahlert, Planning Board Chair
ROBERT J.

TOWN OF CLAYTON
ZONING AMENDMENT
CONSISTENCY AND REASONABLENESS STATEMENT

2017-160-RZ, Massey Property rezoning

The Town Council of the Town of Clayton hereby states:

Section 1: The above referenced zoning amendment IS APPROVED for Tract 1 as shown in the staff report, and also being that portion of parcel PIN 166814-33-0328 (Tag 05h04031d) that is west of Ranch Road.

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

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

- **The Medium Density Residential (MDR) Future Land Use designation is consistent with a rezoning to Residential-8 (R-8), which permits densities consistent with MDR.**
- **Objective LU1.1.2 Support residential development at varying densities based on the Future Land Use Map.**

Description of zoning amendment's inconsistency with the above plan objective:
The rezoning of this tract is consistent with the Future Land Use designation.

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 **(insert specifics to case)**

that the proposed rezoning is consistent with the Future Land Use Map, surrounding uses, and adjacent zoning,

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

TOWN OF CLAYTON
ZONING AMENDMENT
CONSISTENCY AND REASONABLENESS STATEMENT

2017-160-RZ, Massey Property rezoning

The Town Council of the Town of Clayton hereby states:

Section 1: The above referenced zoning amendment IS REJECTED for Tracts 2 and 3 as shown in the staff report, and also being all of parcel PIN 166814-32-6999, (Tag 05h04031y) and that portion of parcel PIN 166814-33-0328 (Tag 05h04031d) that is east of Ranch Road.

Section 2: The above referenced zoning amendment IS NOT CONSISTENT with:

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

- **The Future Land Use Map, designating these areas as Low Density Residential (LDR), which is not currently suitable for rezoning to Residential-8 (R-8) or Neighborhood Business (B-2), which are identified as incompatible zoning districts for LDR.**
- **Objective LU1.1.2 Support residential development at varying densities based on the Future Land Use Map.**

Description of zoning amendment's inconsistency with the above plan objective:

The denial of rezoning on these two tracts is consistent with the Future Land Use designation.

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 **(insert specifics to case)**

The Future Land Use Map, designating these areas as Low Density Residential (LDR), which is not currently suitable for rezoning to Residential-8 (R-8) or Neighborhood Business (B-2), which are identified as incompatible zoning districts for LDR, and that particularly rezoning the intersection of two rural highways to a commercial district is not consistent with the surrounding uses or zoning districts,

the above referenced zoning amendment is not reasonable and is not in the public interest.

**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] 2017-160-RZ - Massey Property Rezoning

[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
2017-160-RZ
Item 6b

**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 Residential-8 (R-8) and Neighborhood Business (B-2) zone the property described below, said property formerly being zoned Residential-Estate (R-E) ; and

WHEREAS said property is owned by the Devra S. Massey Trust, Andrea Lynn Massey and Michael John Massey; 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 Clayton News Star, 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 March 5, 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 Residential-8 and Neighborhood Business (B-2) zone the following described property:

General Description:

Two properties generally located west and south of intersections of Church and Ranch Roads.

Specific Description:

NC Parcel Identification Numbers: 166814-33-0328 & 166814-32-6999

SECTION 2. That the official Town of Clayton Zoning Map is hereby amended to include in the Residential-8 (R-8) and Neighborhood Business (B-2) 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 5th day of March, 2018 while in regular session.

Jody McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk



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

SUBDIVISION: MAJOR SUBDIVISION (Preliminary Subdivision Plat)

Pursuant to Article 7, §155.706 of the Unified Development Code (UDC), an owner of land within the jurisdiction of the Town (or a duly authorized agent) may petition the Town of Clayton to approve a subdivision of land. Please complete all fields in this application and submit to the Planning Department with all required materials.

Application Fees: **Major Preliminary Subdivision Plat Fee: \$400.00 + \$5.00 per lot**
Advertisement Fee: \$100.00
Modifications to Approved Plans Fee:
Major Modification: \$400.00 + \$5.00 per lot modified
Minor Modification: \$200.00 + \$5.00 per lot modified

See §155.706(F) of the UDC for a definition of Major vs. Minor Subdivisions.
See §155.706(I) for Preliminary Plat approval (major subdivision) process/approval information.
See §155.203(F), (G), and (H) for information on Conventional vs. Open Space Subdivisions.
See §155.706(N) for information on minor and major modifications.
See UDC Article 6 for Subdivision Standards.

SITE INFORMATION

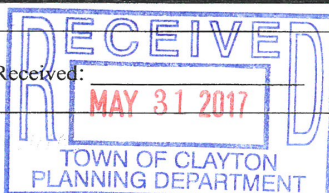
☒ New Major Subdivision
Conventional: _____ Open Space: _____
☐ New Subdivision Master Plan
☐ Modification to Approved Preliminary Plat
Major: _____ Minor: _____

Name of Project: Kyli Knolls Acreage of Property: 18.561
Tag #: 05G03009A NC PIN: 165803-23-2656
Location: Amelia Church Rd.

Number of Lots (existing): 1 (Proposed) 20 Min Lot Size: 0.689
Zoning District: R-E Electric Provider: _____
☒ Septic ☐ Well
Wastewater: ☐ Sewer (check one) Water: ☒ Public/Private Water (check one)
Recreation/Open Space Requirement: ☐ Fee in lieu ☒ Land Dedication – Acreage: _____

FOR OFFICE USE ONLY

Date Received:



Amount Paid:

\$500-

File Number:

2017-98-50

PROPERTY OWNER INFORMATION

Name: Full Spectrum Custom Homes

Mailing Address: 865 Sanders Rd., Benson, NC 27504

Phone Number: 919-422-3325

Fax:

Email Address:

APPLICANT INFORMATION

Applicant: True Line Surveying

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

Phone Number: 919-359-0427

Fax: 919-359-0428

Contact Person: Curk Lane

Email Address: curk@truelinesurveying.com

REQUIRED INFORMATION (to be submitted with the application)

The following items must accompany the application:

To be completed by the applicant:			To be completed by staff:		
Submit 9 copies of all materials unless otherwise noted or directed by staff	Yes	N/A	Yes	No	N/A
1. A pre-application meeting was held with Town Staff. Date: April 2017	☒				
2. Completed Application	☒				
3. Review Fee and Advertisement Fee	☒				
4. Findings of Fact, signed <i>Not required for minor modifications. Form is included in this packet.</i>	☒	☐			
5. Owner's Consent Form <i>Required if applicant is not the property owner. Included in this packet</i>	☒	☐			
6. Preliminary Plat Subdivision Requirements Checklist form, completed and signed <i>Checklist is included in this packet</i>	☒				
7. Plat sheet(s) meeting requirements of the Requirements Checklist	☒	☐			
8. If subdivision waivers are requested, applicant must attach a separate typed document requesting the waivers. The document must specifically list the waivers requested, including Code references, and must address the 4 considerations outlined in §155.706(l)(7).	☐	☒			
9. Adjacent Property Owners List	☒	☐			
10. Road Name Application <i>Included in this packet</i>	☐	☒			
11. Wastewater allocation request OR verification of wastewater allocation <i>Letter format, to the attention of the Town Manager.</i>	☐	☒			

FINDINGS OF FACT

Section 155.706(1)(10) of the Unified Development Code requires that certain findings must be made by the Town Council before a Major Subdivision may be approved. Outline below (you may attach additional sheets) how the application addresses each of the following findings:

- (1) That the subdivision meets all required specifications of the town Subdivision Regulations and conforms to the town Unified Development Code.

The proposed subdivision plan meets all required specifications of the town Subdivision Regulations and conforms to the town UDO.

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

The subdivision will not be detrimental to the use or orderly development of other properties in the surrounding area. The subdivision will match existing character of nearby residential subdivisions.

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

The subdivision design connects to Ameila Church in the only location where the subject property has road frontage also providing a road stub to the north for future connections.

- (4) That the subdivision will not adversely affect the general plans for the orderly growth and development of the town and is consistent with the planning policies adopted by the Town Council.

The subdivision matches current zoning (RE) for a residential subdivision as adopted by the Town Council.

Project Name: Kyli Knolls

Cune Lane
Print Name


Signature of Applicant

5/31/17
Date

3/10/2017

1530 40727

ADJACENT PROPERTY OWNERS LIST

Project Name: Kyli Knolls

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
165803-13-5547	BUTLER, JOSEPH F	P O BOX 488 GARNER, NC 27529
165803-13-1039	HENDERSON, KIMBERLY DAUGHTRY	PO BOX 1423 SWANSBORO, NC 28584-1423
165803-24-3257	PARRISH, FRANCES B	377 SHORT JOHNSON ROAD CLAYTON, NC 27520-0000
165801-35-0357	PARRISH, FRANCES B	377 SHORT JOHNSON ROAD CLAYTON, NC 27520-0000
165803-23-9834	SPENCE, AVA C	4579 C BARBER MILL ROAD CLAYTON, NC 27520-0000
165803-33-0847	SPENCE, AVA C	4579 C BARBER MILL ROAD CLAYTON, NC 27520-0000
165803-33-0656	WHITLEY, SHARON S	317 HEREFORD DR CLAYTON, NC 27520-0000
165803-33-0525	WHITLEY, SHARON S	317 HEREFORD DR CLAYTON, NC 27520-0000
165803-23-9378	WHITLEY, SHARON S	317 HEREFORD DR CLAYTON, NC 27520-0000
165803-23-6366	BALL, RICHARD SCOTT	2425 AMELIA CHURCH RD CLAYTON, NC 27520-0000
165803-23-1192	HOLMES, JIMMIE L	2431 AMELIA CHURCH RD CLAYTON, NC 27520-0000
165803-23-5049	BARBOUR, LISA M	2555 AMELIA CHURCH RD CLAYTON, NC 27520-0000
165803-13-6099	TART, WADE J	2430 AMELIA CHURCH RD CLAYTON, NC 27520-0000

01/06/2016

Page 7 of 17

MAJOR SUBDIVISION – PRELIMINARY PLAT REQUIREMENTS CHECKLIST

The applicant is responsible for completing this checklist. Please sign and submit with the completed application.

To be completed by the applicant:			Staff:
	Yes	N/A	
GENERAL (ALL SHEETS):			
1. Plans are a maximum of 24" x 36", folded to an 8.5" x 11" format, with a scale no smaller than 1 inch = 100 feet (scale of 1" = 20' to 60' preferred).	☒	☐	
2. Separate sheets for each : Subdivision Plan, Preliminary Engineering Plan, Existing Conditions. Information in this checklist should be placed on the appropriate sheet. (Additional sheets may be required depending on scope of the project).	☒	☐	
3. Multiple sheets are consecutively numbered (e.g. Sheet 1 of 4).			
4. Engineer/Surveyor Logo Box (name, address, phone number, fax, and e-mail, if applicable)	☒	☐	
5. Name of subdivision (including phase numbers if applicable) and plan type (Subdivision, Final Plat, Exempt Plat, or Recombination).	☒	☐	
6. Revision Date	☐	☒	
PRELIMINARY PLAN SHEET:			
7. Name of township, county, and state in which the property is located.	☒	☐	
8. Vicinity sketch/map.	☒	☐	
9. Surveyor or professional engineer's name and seal.	☒	☐	
10. Date of survey and plat preparation.	☒	☐	
11. Provide the following project data in <u>Tabular</u> form:			
- Area of tract in square feet and acres	☒	☐	
- Parcel Identification # (and/or Tag #)	☒	☐	
- Owner's name and address	☒	☐	
- Within Town limits or ETJ	☒	☐	
- Zoning District	☒	☐	
- Overlay District (if applicable)	☐	☒	
- Indicate if the site is within a Watershed Protection Overlay	☐	☒	
- Total Number of Lots	☒	☐	
- Number of lots per acre (density)	☒	☐	
- Acreage in Resource Conservation Areas (UDC §155.500)	☒	☐	
- Annexation # (if applicable)	☐	☒	
- FEMA designated flood plain and floodway (include FIRM panel reference number and effective date) or certification that no flood plain exists within the subdivision.	☐	☒	
- Electric Provider	☐	☒	
- Water Provider (or indicate if well)	☐	☒	

To be completed by the applicant:			Staff:
	Yes	N/A	
- Sewer Provider (or indicate if septic)	☐	☒	
- Impervious (existing and proposed, square feet and %) – provide impervious for overall development and per lot	☐	☒	
- Maximum allowed impervious	☐	☒	
- Existing Use	☒	☐	
- Proposed Use	☒	☐	
12. An accurately positioned north arrow indicating true north, magnetic north, North Carolina grid ("NAD 83" or "NAD 27"), or is referenced to old deed or plat bearings. If the north index is magnetic or referenced to an old deed or plat bearings, the date and the source (if known) the index was originally determined is clearly indicated.	☒	☐	
13. The exact course and distance of every boundary line of the tract to be subdivided, fully dimensioned (metes and bounds) along with the location of intersecting boundary lines of adjoining lands in accordance with the North Carolina General Statutes § 47-30 – Plats and subdivisions; mapping requirements.	☒	☐	
14. Accurate location and description of all monuments, markers and control points.	☒	☐	
15. Show the 100 year flood plain, riparian buffer, wetlands, and any Resource Conservation Areas on all sheets.	☐	☒	
16. Blocks numbered consecutively throughout entire subdivision with lots numbered consecutively in each block. Lot numbers shall be placed in a circle or labeled "Lot ___".	☒	☐	
17. Phase lines. Phases are clearly labeled.	☒	☐	
18. The name and location of all adjoining subdivisions and adjoining lot property lines drawn with dotted lines at the same scale. Include the names of adjacent landowners.	☒	☐	
19. Location and width of all existing and proposed rights-of-way, Resource Conservation Areas, easements and areas dedicated to public use with the purpose of each stated.	☒	☐	
20. Location of safe sight triangles at project ingress/egress points, or as required.	☒	☐	
21. Minimum building setbacks /envelope are noted.	☒	☐	
22. All dimensional standards are shown in table format. Dimensional standards shall include: min. lot size, min. lot width, max building coverage, max impervious surface (entire subdivision), max impervious surface (per lot, in %), density, max height, and min dwelling unit size.	☒	☐	
23. Location of all existing and proposed easements, labeled as "public" or "private" and labeled with easement type.	☒	☐	
24. Width and type of any buffers and easements.	☒	☐	
25. Indicate the boundaries of any utility or greenway easements dedicated to the Town of Clayton and label "To Be Dedicated to the Town of Clayton."	☒	☐	
26. Proposed streets are labeled, named and dimensioned. Correct street cross	☐	☐	

To be completed by the applicant:			Staff:
	Yes	N/A	
section detail provided. Label street type based on definitions in §155.602(D). If streets are private:			
- All private streets shall be maintained by a designated responsible party. The party shall be noted on the plat.	☐	☒	
- Streets are labeled "Private Streets – No Town Maintenance."	☐	☒	
Street names must be approved by Town of Clayton via a Road Name Application.			
27. Lengths of all cul-de-sacs.	☒	☐	
28. Identify proposed traffic control signs and striping.	☒	☐	
29. Location, purpose and dimensions of non-residential areas (such as parks, playgrounds, open space, churches, school sites, etc.)	☒	☐	
- All open space, parks, and similar common areas shall be maintained by a designated responsible party. The party shall be noted on the plat.			
30. Resource Conservation Areas must be shown and dimensioned on the plat. The following note must also be provided: "The Resource Conservation Area shown hereon is provided per the requirements of Article 5 of the Town of Clayton's Unified Development Code. This Resource Conservation Area must be preserved in perpetuity per the standards of the Unified Development Code"	☒	☐	
31. Proposed stormwater retention/detention features and dimensions. If fenced, include fence location.	☐	☒	
32. Existing and proposed sidewalk system, access ramps, and crosswalks.	☐	☒	
33. Identify alternative modes of transportation including school stops, pedestrian connections, bicycle paths and bicycle racks.	☐	☒	
34. Show how streets are connected to property lines ("stub-out" streets) to provide for cross-connectivity and development on adjacent parcels. Show cross-access easements.	☒	☐	
35. Location of clustered mailboxes.	☒	☐	
36. Location and orientation of freestanding signs (signage is permitted separately).	☒	☐	
LANDSCAPING PLAN SHEET (See §155.402 for Landscaping Requirements)			
37. Show location, width, and type of all landscape buffers.	☐	☒	
38. Provide a plant list summary table which includes:			
- A planting key identifying the various planting elements			
- The quantity of each type of plant material proposed	☐	☒	
- The size, height, caliper and spacing of plant material proposed			
- The Botanical and common names of plant material proposed			
39. If common landscaped areas are provided, provide an irrigation note to read as follows: "All landscaped areas shall be provided with an automatically operated irrigation system that will adequately cover all living plant material, such system shall include a rain sensor." (If irrigation will not be utilized, drought-tolerant	☐	☒	

To be completed by the applicant:			Staff:
	Yes	N/A	
species must be used).			
40. Location, species, and caliper of any existing trees that will remain on site. If used to meet planting requirements, make note of what requirements are fulfilled by the preserved trees.	☐	☒	
EXISTING CONDITIONS SHEET:			
41. On the existing conditions sheet, provide topography with two-foot contour intervals, showing the location of any natural features such as water courses, wooded areas, steep slopes (above 25%), or other geological features.	☒	☐	
42. Location of all existing buildings and structures, water/sewer/gas infrastructure, underground structures, easements, or other existing features.	☒	☐	
43. Existing structures, existing streets and roadway improvements, and existing utilities within 100 feet of the site.	☒	☐	
44. Label adjacent property acreage, owners, and zoning districts.	☒	☐	
45. Label subject parcel property owner, acreage, and zoning.	☒	☐	
PRELIMINARY ENGINEERING PLAN SHEET:			
46. Show subdivision layout, streets, and all pertinent information from subdivision plat sheet.	☒	☐	
47. Identify curb radii for all internal and external vehicular use areas.	☒	☐	
48. Location of all existing and proposed utilities (water, sewer, electric, natural gas, etc.).	☒	☐	
49. Location of all existing and proposed drainage structures.	☒	☐	
50. Location of all existing and proposed fire hydrants.	☒	☐	
51. Location of all existing and proposed easements, labeled as "public" or "private."	☐	☒	
52. Show street cross-sections.	☒	☐	
53. Indicate method of slope stabilization measures for all slopes steeper than 2.5:1.	☒	☐	
54. Identify the proposed storm water management system with location of inlets, piping and positive outfall along with typical section and top surface area of storm water retention/detention pond, including soil types, slope, bottom and top elevations, and finish floor elevations.	☒	☐	
OTHER			
55. If subdivision includes townhomes, include architectural elevations sheet, noting construction materials, finishes and colors, height, and number of stories.	☐	☐	
56. Any other information considered by either the applicant or the Town to be pertinent to the review.	☒	☐	

Signed by Applicant:



Date: 5/31/17



**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

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: Kylli Knolls Address or PIN #: 165803-23-2656

AGENT/APPLICANT INFORMATION:

True Line Surveying
(Name - type, print clearly)

205 W. Main St.
(Address)
Clayton, NC 27520
(City, State, Zip)

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

Major subdivision
Finice

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:

SEAN STRICKLAND
(Name - type, print clearly)

[Signature]
(Owner's Signature)

865 SANDERS Rd.
(Address)

BENSON NC 27504
(City, State, Zip)

STATE OF NC
COUNTY OF Johnston

Sworn and subscribed before me Kristin D. London, a Notary Public for the above State and County, this the 31st day of May, 2017.

SEAL

Kristin D. London
Notary Public

My Commission Expires: 7-16-18



October 2013



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

ROAD NAME APPROVAL APPLICATION

Road name applications are for public street signs (blades) that are located within the Town limits. Once the public street names have been approved, the applicant must submit a written request to the Town of Clayton Public Works Department identifying the approved blades and their installation location(s). The Public Works Department will order and install the blades along with any required regulatory signage. The applicant will be invoiced for the total cost of the blades, one-half the cost of sign posts and one man hour of labor per sign post.

SITE INFORMATION

Name of Project: Kyli Knolls Acreage of Property: 18561
Tax ID #: 165803-23-2656 NC PIN: 165803-23-2656
Deed Book: 04911 Deed Page(s): 0845
Location:
Amelia Church Rd.
Nearest Intersecting Roads: Barber Mill Rd. and Corbett Rd.
Township: Clayton

PROPERTY OWNER INFORMATION

Name: Full Spectrum Custom Homes
Mailing Address: 865 Sanders Rd., Benson, NC 27504
Phone Number: 919-422-3235 Fax: _____
Email Address: _____

APPLICANT INFORMATION

Applicant: True Line Surveying
Mailing Address: 205 W. Main St. Clayton, NC 27520
Phone Number: 919-359-0427 Fax: 919-359-0428
Contact Person: Curk Lane Curk@truelinesurveying.com
Email Address: _____

FOR OFFICE USE ONLY

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

ROAD NAME GUIDELINES SUPPLEMENTAL INFORMATION

The following guidelines must be followed. Please note that the Town of Clayton reserves the right to not approve any street name that is deemed inappropriate or fails to meet the guidelines.

- ☐ No street names duplicate or sound similar to existing road names.
- ☐ None of the streets are names after individuals.
- ☐ Street names have been limited to 14 characters or less.
- ☐ No compass directions are included in the street names (north, south, east, west).
- ☐ Punctuation marks are not used in the street names (e.g. periods, hyphens, apostrophes, etc.).
- ☐ Double suffixes have been avoided (e.g. Deer Path Lane).
- ☐ All names have acceptable suffixes (e.g. Street, Drive, Court, Lane, etc.). *Please see the Town of Clayton's approved list of suffixes (attached).*
- ☐ Names that are difficult to pronounce have been avoided.

REQUIRED PLANS AND SUPPLEMENTAL INFORMATION

Please submit twice as many road names as needed with highest priority names listed first, written exactly as they should appear on the sign. The Town of Clayton Planning Department will coordinate with the Johnston County Planning Department for joint approval of street names. The Town of Clayton Planning Department will provide the applicant the final approval of street names. Approved street names are reserved for one year.

Road Name	Suffix
<i>Ex: Willow</i>	<i>Lane</i>
1. Kyli	Drive
2. Kolt's	Way
3. Kyli's	Way
4. Kolt's	Lane
5. Kolt's	Circle
6.	
7.	
8.	
9.	
10.	

Road Name	Suffix
11.	
12.	
13.	
14.	
15.	
16.	
17.	
18.	
19.	
20.	
21.	

APPLICANT AFFIDAVIT

I/We, the undersigned, do hereby make application and petition to the Town of Clayton Planning Department for street names. 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.

Cure Lane
Print Name

[Signature]
Signature of Applicant

5/31/17
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
January 22, 2018*

STAFF REPORT

Application Number: 2017-98-SD
Project Name: Kyli Knolls Major Subdivision

NC PIN / Tag #: 165803-23-2656 / 05G03009A
Town Limits/ETJ: ETJ
Overlay: None
Applicant: True Line Surveying
Owner: Full Spectrum Custom Homes
Location: Off Amelia Church Road

Public Noticing:

- Neighborhood meeting July 6, 2017
- Sign posted prior to January 12, 2018
- Letters mailed prior to February 22, 2018
- Newspaper ad published February 23, 2018 and March 2, 2018

REQUEST: To develop 20 single-family residential lots on 18.56 acres of land zoned Residential-Estate (R-E).

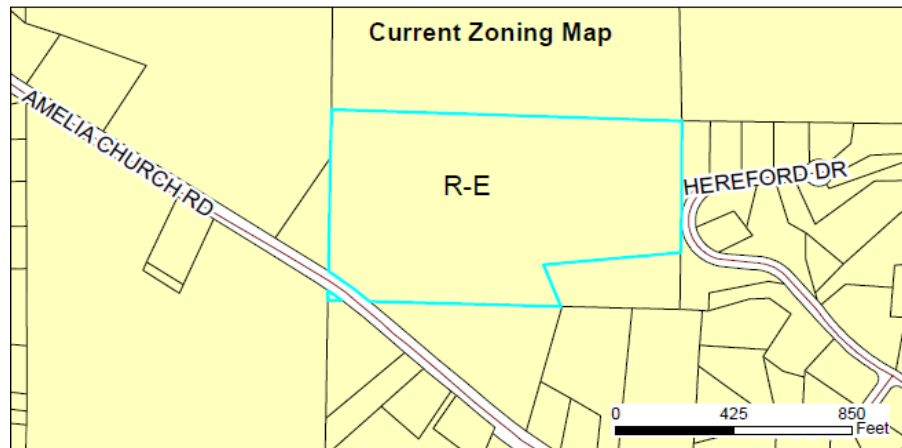


SITE DATA:

Acreage: 18.56
Existing Use: Vacant

ADJACENT ZONING AND LAND USES:

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

**DEVELOPMENT DATA:**

Proposed Uses: Single-Family Homes
Buildings: 20 dwelling units
Density/Intensity: 1.07 dwelling units per acre
Required Parking: 2 spaces per unit
Access/Streets: One access off Amelia Church Road and one stub-out to the property to the north

STAFF ANALYSIS:**Overview**

The proposed development is located on the north side of Amelia Church Road, approximately 3,000 feet southeast of the intersection of Amelia Church Road and NC HWY 42 West. The applicant is requesting a conventional single-family residential subdivision on 18.56 acres of land zoned Residential-Estate (R-E). The proposed subdivision includes 20 single-family lots with a minimum lot size of 30,000 square feet. The applicant

is intending to annex the property into the Town of Clayton to be served with public water as well as Police and Fire services.

The applicant is also requesting a waiver from the Town's typical roadway cross-section which requires both curb and gutter. The waiver would allow the applicant to build a ditch cross-section in lieu of the curb and gutter. The applicant has submitted an official waiver request, which has been included as an attachment to this staff report. Per UDC 155.706(7), waivers may be granted by Town Council if it is clear that there are special circumstances, such as unique characteristics of the lot and area, or strict interpretation of the requirements render the subdivision of the property not feasible or desirable. Applicants must prove that they meet the following criteria in order for a waiver to be granted by Town Council:

1. 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;
2. The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not generally applicable to other property;
3. 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
4. The purpose of the waiver is not based primarily upon financial consideration

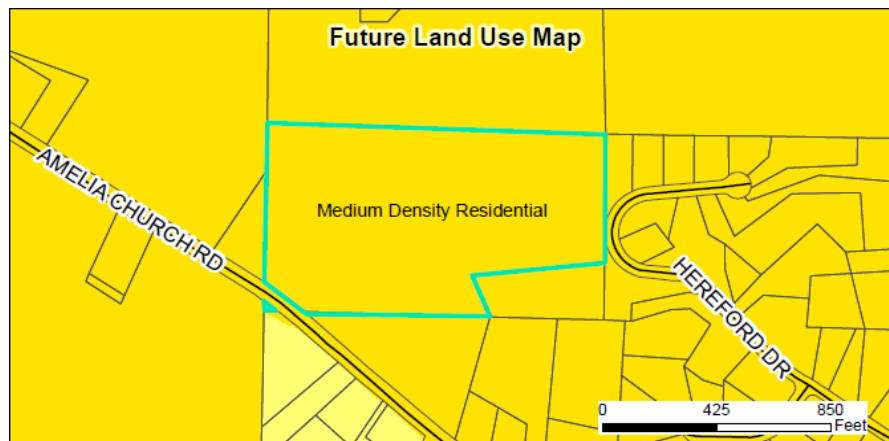
Planning staff, as well as the Public Works Director, have reviewed the waiver request submitted by the applicant and does not support the request. It is not appropriate for the applicant to compare this development with those located in Johnston County's Planning jurisdiction, since this property is located within Clayton's jurisdiction and therefore should be developed based on Clayton's adopted plans (including the future land use map). It is also worth noting that Johnston County's jurisdiction is not located in close proximity to this property or the surrounding properties.

Furthermore, staff does not agree that the existing topography and use of septic tanks would interfere with the installation of curb and gutter since the slopes to move water by ditch vs. gutter/pipe do not differ greatly. Overall, staff does not believe the applicant has sufficiently demonstrated that this development meets the approval criteria needed to obtain a waiver from required curb and gutter.

Consistency with Adopted Plans

- **2040 Comprehensive Plan**

The Future Land Use for this area is envisioned as Medium Density Residential, which typically consists of three to five dwelling units per acre. This development is not consistent with the future land use map, as it only proposes 1.07 dwelling units an acre. This area of town is designated for Medium Density Residential due to the ability of the property to be serviced by both water and sewer. Extending sewer service to the property would allow smaller lot sizes and a density more consistent with the Comprehensive Plan designation.



- **Unified Development Code**

While the lot sizes requested within the subdivision meet the minimum requirements of the Unified Development Code (UDC), staff has several concerns regarding access and landscape requirements, including:

- The main entrance to the subdivision does not have adequate separation from a 30' recorded access easement to the Richard Scott Ball property. The proposed road connection results in the convergence of three separate vehicular connections at one point along Amelia Church Road resulting in a major safety concern. In addition, the road appears to have a partial offset to a residential driveway on the south side of Amelia Church Road as well. This driveway was not shown on the subdivision plan. Staff recommends relocating the 30' access easement and properly aligning the entrance to the subdivision to alleviate these safety concerns **(see Condition of Approval)**.
- The subdivision entrance requires a left turn lane off Amelia Church Road and into the subdivision. While NCDOT usually requires a turn lane at the 21st house, staff feels that with the connection into adjacent property (including the Ball and Parrish properties) and the high rate of speed on Amelia Church Road (45 MPH), a turn lane is warranted **(see Condition of Approval)**.
- The main roadway connection (future) into the Parrish property will ultimately serve as a residential collector for residents who wish to exit onto Amelia Church Road. Consequently, the section of road from Amelia Church Road to the Parrish Tract (Street "A" and "D") should be a typical 31' back to back curbed section, or, if the waiver is approved by Council, 26' of pavement **(See Condition of Approval)**.
- The current plans indicate a 10' wide street buffer along the project frontage adjacent to Amelia Church Road. This buffer encroaches into the existing 30' access easement and hinders safe sight viewing for vehicles exiting the subdivision. This will need to be corrected prior to final subdivision approval **(see Condition of Approval)**.

Compatibility with Surrounding Land Uses

There is a single-family residential subdivision located to the east of the subject property. All other surrounding land uses are single-family residential or vacant properties, zoned Residential-Estate (R-E), making the proposed residential development compatible with the existing, surrounding land uses.

Landscaping and Buffering

The applicant is proposing to provide one street tree per lot, as required by the Town of Clayton's Unified Development Code. A Class "A" landscaping buffer will also be provided along Amelia Church Road, which is consistent with the UDC requirements. However, as noted above, there are concerns regarding the placement of this buffer.

Mail Kiosk

The applicant is proposing to add a mail kiosk off Street "D" which serves as a stub-out until the property to the north is developed and a connection is made. The kiosk is proposed to have two designated parking spaces. One of these proposed parking spaces will be handicap accessible, as required by NC building code. Additionally, the applicant is proposing landscaping around the location of the mail kiosk.

Access/Streets

Access to the development is proposed to be located off Amelia Church Road. At this time, this will be the only entrance/exit into the development. A stub-out to the property to the north (Parrish Property) is proposed as a part of this subdivision to provide future cross access and to meet the access requirements of the UDC.

Although the applicant is proposing to provide sidewalks on both sides of the street throughout the development, they are requesting a waiver from the Town's typical roadway cross section for residential. The waiver includes removal of the curb and gutter for a ditch section, reduction of paved areas from 22' to 20' and placement of sidewalks outside of the right-of-way and into an easement.

CONSIDERATIONS:

- The applicant is requesting Preliminary Subdivision Plat approval for a 20 lot single-family residential subdivision.
- The applicant is requesting a waiver from curb & gutter.
- Planning Board shall make a recommendation to Town Council.
- This plan is subject to final approval by Town Council.

FINDINGS:

The applicant has addressed the Major Subdivision Approval Criteria outlined in UDC Section 155.706.

CONDITIONS OF APPROVAL:

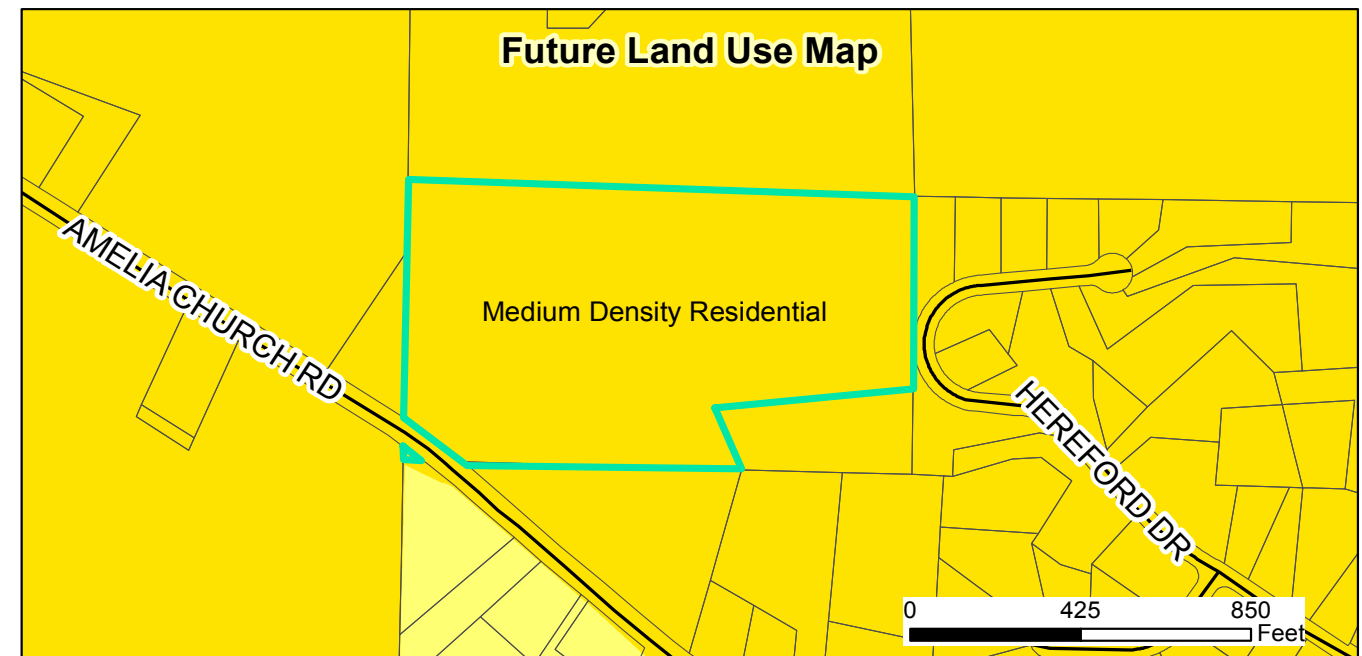
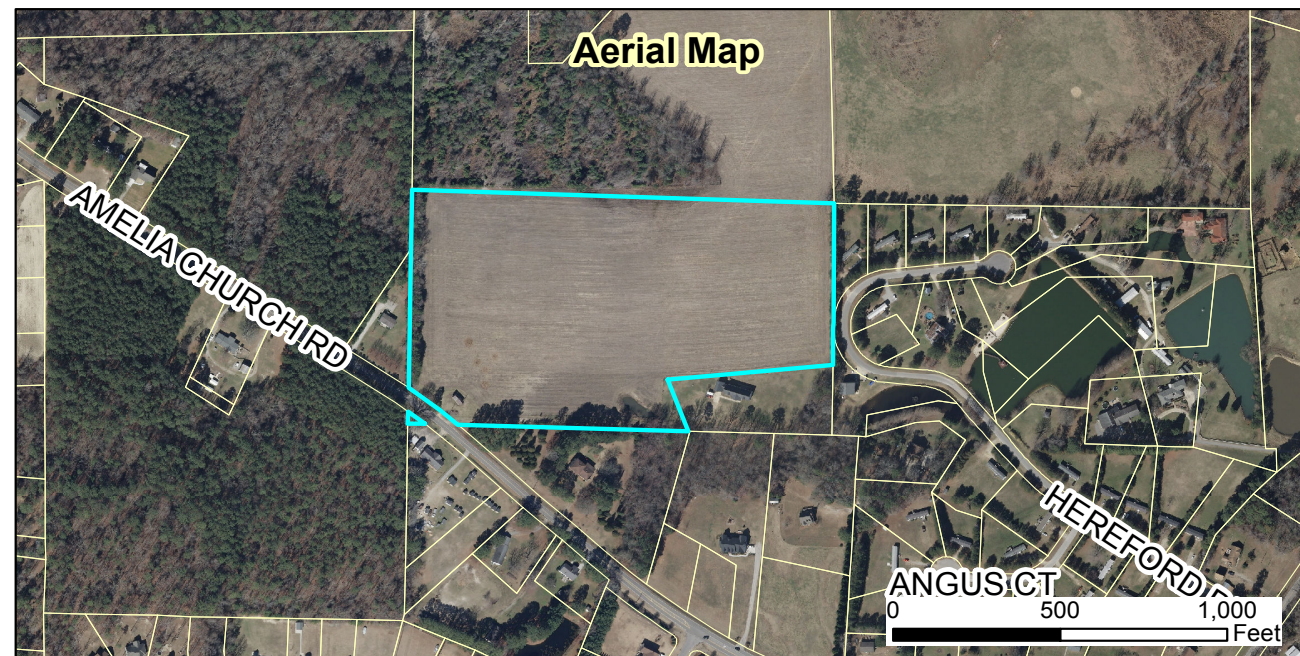
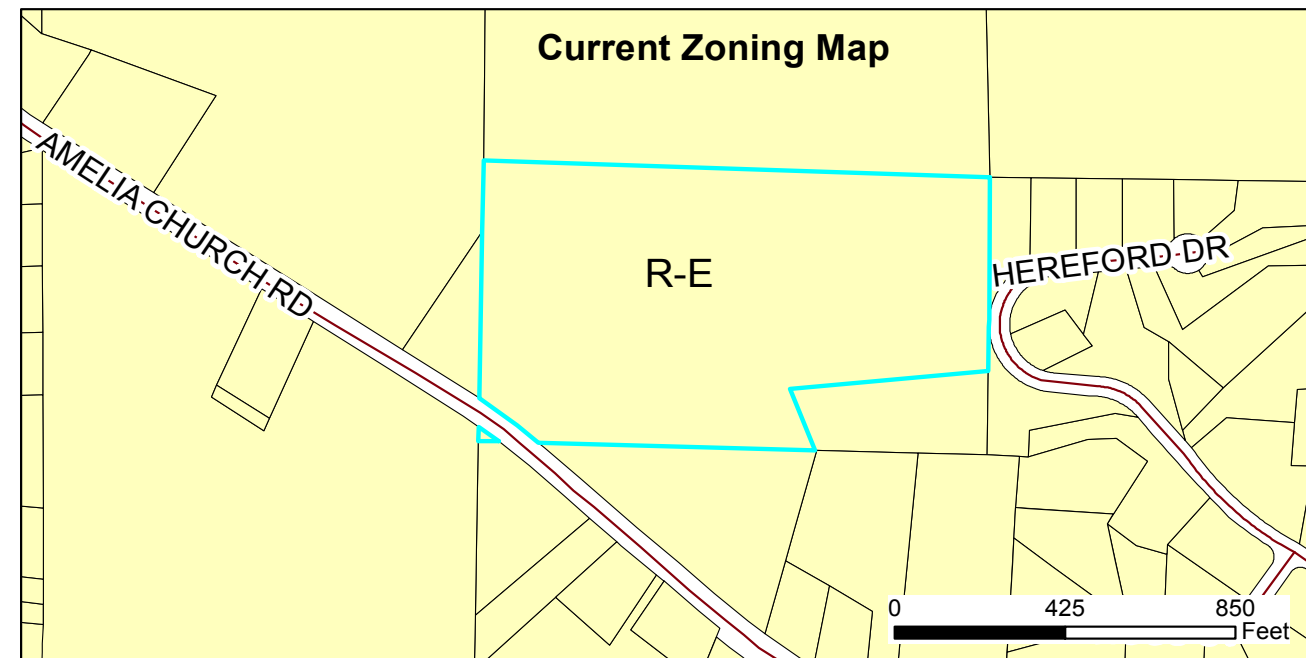
If approved, staff recommends the following conditions be applied to the approval of the preliminary subdivision plan for the Kyli Knolls Subdivision (2017-98-SD):

1. A voluntary annexation application shall be submitted prior to Final Plat recordation.

2. The conflict between the 30' access easement, the proposed site entrance and Amelia Church Road shall be resolved through relocation or proper separation of these points of access prior to final subdivision approval / platting of the property.
 3. A dedicated left-turn lane into the development shall be provided on Amelia Church Road prior to issuance of the first Certificate of Occupancy.
 4. The Class "A" landscape buffer along Amelia Church Road shall not encroach into safe sight triangles or the adjacent existing 30' access easement.
 5. The Class "A" landscape buffer along Amelia Church Road shall be installed prior to issuance of the first Certificate of Occupancy.
 6. Unless a waiver from curb and gutter is granted, a 31' back to back street section shall be required for Street "A" and "D", and a 27' back to back street section shall be required for Street "B" and "C". If the waiver is approved, the minimum pavement width of streets "A" and "D" shall be 26' and Street "B" and "C" shall be 22'.
-

ATTACHMENTS:

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

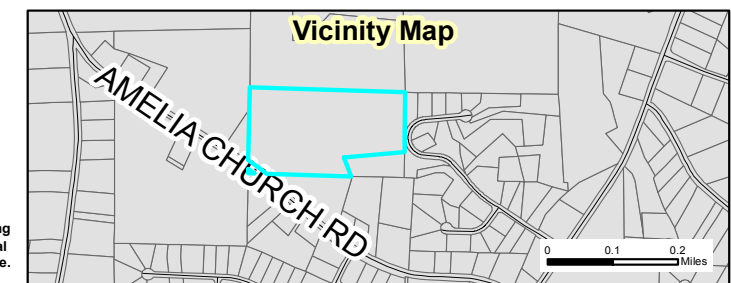


2017-98-SD Kyli Knolls Major Subdivision
Request: To develop 20 single-family residential lots

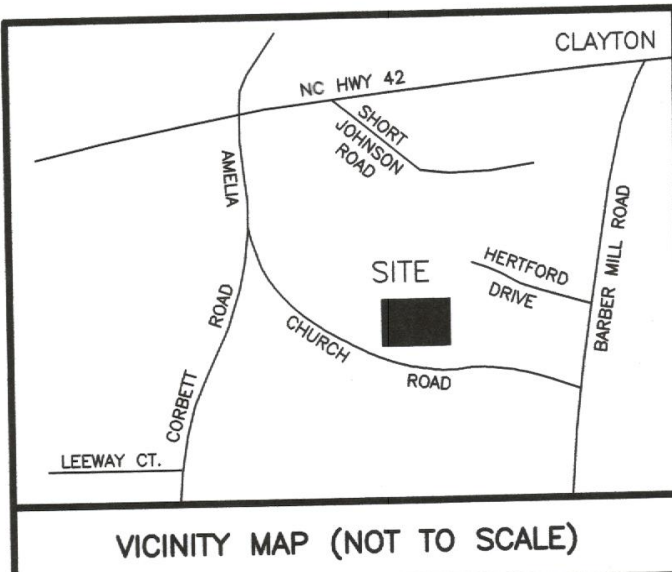
Applicant: True Line Surveying
 Property Owners: Full Spectrum Custom Homes
 Parcel ID: 165803-23-2656
 Tag #: 05G03009A



Document Path: O:\PLANNING\SUBDIVISIONS\MAJOR SUBDIVISIONS\2017\2017-98-SD Kyli Knolls\Maps\StaffReport\Map- 2017-98-SD Kyli Knolls.mxd



07/24/17
 Produced by: TOC Planning
 Disclaimer: Town of Clayton assumes no legal
 responsibility for the information represented here.



PRELIMINARY SUBDIVISION PLAN

FOR

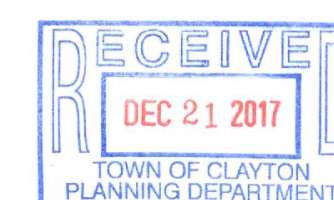
KYLI KNOLLS SUBDIVISION

CLAYTON, NORTH CAROLINA

TOWN OF CLAYTON PROJECT NO. 2017-98-SD

SHEET INDEX

SHEET TITLE	SHEET No.
EXISTING CONDITIONS.....	2
SUBDIVISION PLAN.....	3
CBU SITE PLAN & DETAILS.....	4
LANDSCAPING PLAN.....	5
UTILITY PLAN.....	6



DEVELOPER/APPLICANT:

FULL SPECTRUM CUSTOM HOMES
865 SANDERS ROAD
BENSON, NORTH CAROLINA, 27504

LAND SURVEYOR

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

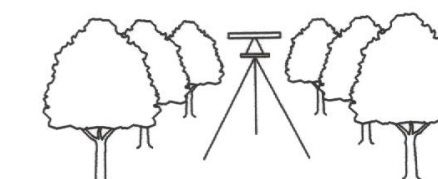
ENGINEER

DALTON ENGINEERING & ASSOCIATES, P.A.
446 EAST MAIN STREET
CLAYTON, NORTH CAROLINA, 27520
TELEPHONE: 919-550-4740
FAX: 919-550-4741

SHEET 1: COVER SHEET

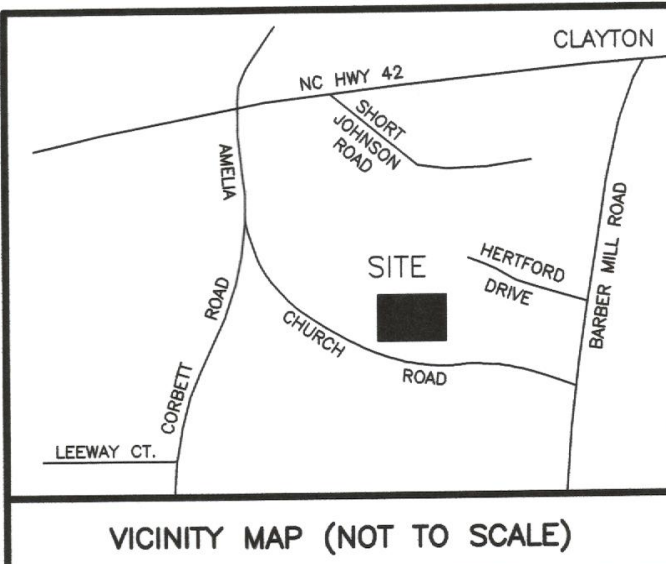
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DRAWN BY: MIKE
CHECKED BY: CURK
DRAWING NAME: COVER SHEET
SURVEY DATE:
JOB NO. 430.090

TRUE LINE SURVEYING, P.C.



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

C-1859



VICINITY MAP (NOT TO SCALE)

DEVELOPER/APPLICANT:

FULL SPECTRUM CUSTOM HOMES
865 SANDERS ROAD
BENSON, NORTH CAROLINA, 27504

N/F
KIMBERLY HENDERSON
PIN 165803-13-1039
PN 05G03069
ZONING: R-E
CURRENT USE: VACANT

N/F
JOSEPH F. BUTLER
DB 1795 PG 880
PN 05G03071L
ZONING: R-E
CURRENT USE: RESIDENTIAL

N/F
FULL SPECTRUM CUSTOM HOMES
PORTION OF DB 4911 PG 845
PN 05G03009A
ZONING: R-E
CURRENT USE: VACANT

N/F
WADE TART
DB 1658 PG 591
PN 05G03059
ZONING: R-E
CURRENT USE: RESIDENTIAL

N/F
JIMMIE L. HOLMES
DB 791 PG 16
PN 05G03061
ZONING: R-E
CURRENT USE: RESIDENTIAL

N/F
FRANCES B. PARRISH
DB 2998 PG 915
PN 05G03009B
ZONING: R-E
CURRENT USE: VACANT

N/F
FRANCES B. PARRISH
DB 2998 PG 912
PN 05G03015
ZONING: R-E
CURRENT USE: VACANT

SUBJECT PROPERTY
N/F
FULL SPECTRUM CUSTOM HOMES, INC.
PORTION OF DB 4911 PG 845
PN 05G03009A
808534 SF
18.561 AC
ZONING: R-E
CURRENT USE: VACANT

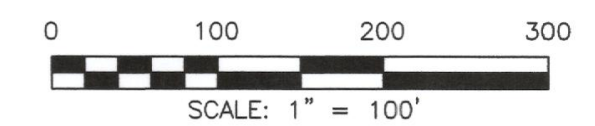
N/F
RICHARD SCOTT BALL
DB 4413 PG 768
PN 05G03009J
ZONING: R-E
CURRENT USE: RESIDENTIAL

N/F
LISA M. BARBOUR
DB 3114 PG 436
PN 05G03058D
ZONING: R-E
CURRENT USE: RESIDENTIAL

S&W RANCHES SUBDIVISION
PB 35 PG 31

SITE INFORMATION

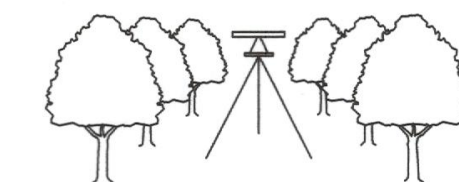
OWNER: FULL SPECTRUM CUSTOM HOMES, INC.
865 SANDERS ROAD
BENSON, N.C. 27504
PARCEL NO. 05G03009A
NC PIN NO. 165803-23-2856
PARENT TRACT DEED: DB 4911 PG 845
THERE ARE NO INSTANCES OF 100 YEAR FEMA FLOOD
ON SITE. FEMA FLOOD PANEL: 3720165800 J
TAX UNIQUE ID: 4759574
TOWNSHIP: CLAYTON
ETJ: CLAYTON
TOWN ZONING: R-E
CURRENT USE: VACANT
TOTAL ACREAGE: 18.561



SHEET 2: EXISTING CONDITIONS

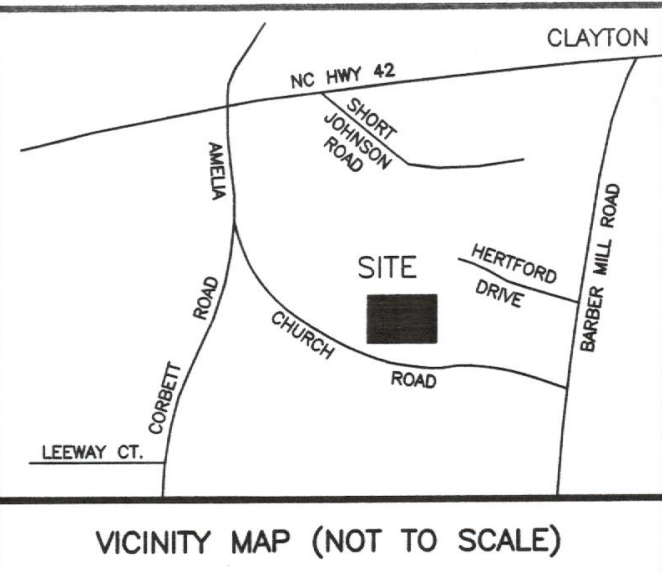
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DRAWN BY:	MIKE
CHECKED BY:	CLARK
DRAWING NAME:	EXISTING.DWG
SURVEY DATE:	
JOB NO.	430.090

TRUE LINE SURVEYING, P.C.



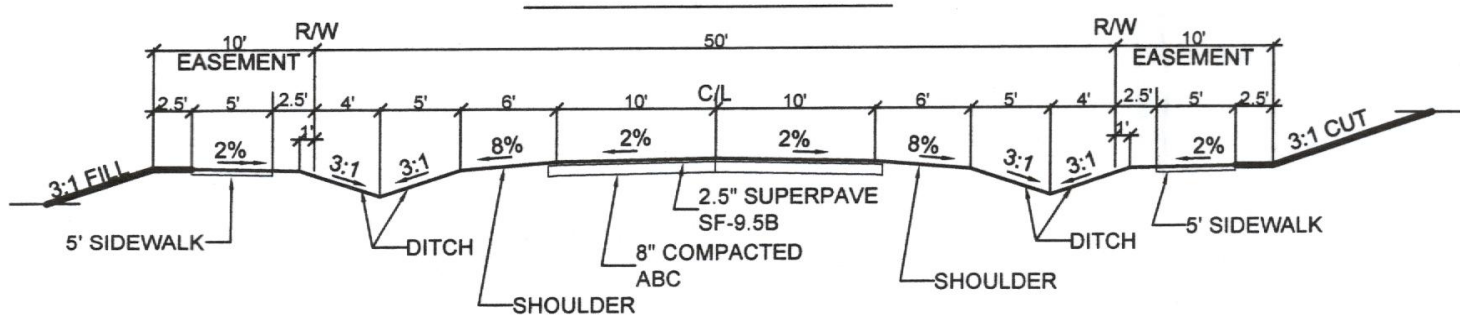
205 WEST MAIN STREET
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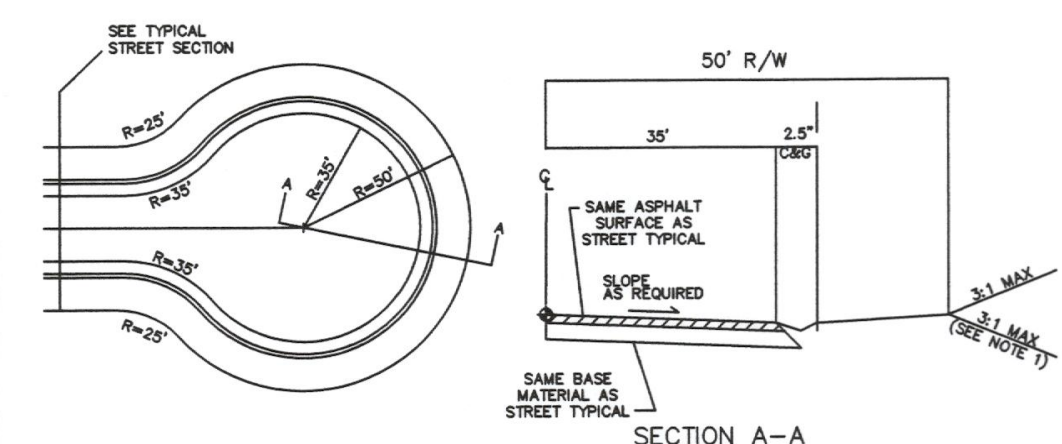
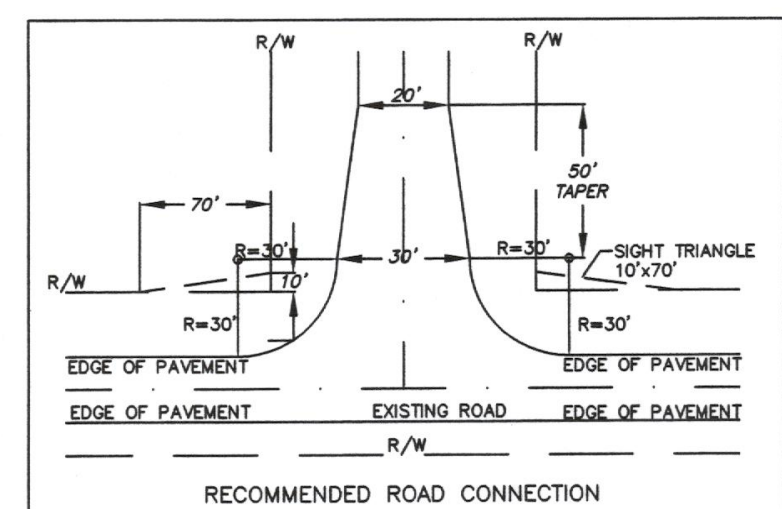
VICINITY MAP (NOT TO SCALE)

TYPICAL SECTION



DEVELOPER/APPLICANT:

FULL SPECTRUM CUSTOM HOMES
865 SANDERS ROAD
BENSON, NORTH CAROLINA, 27504



NCDOT TYPICAL SYMMETRICAL CULDESAC

NO SCALE
NOTES: 1. STEEPER SIDESLOPES OF 1.5:1 MAY BE USED IN STEEP OR HILLY TERRAIN.
2. USE ROADSIDE FILL DITCH (SEE SEPARATE DETAIL) WHEN NECESSARY TO CONTINUE DRAINAGE AROUND CUL-DE-SAC IN FILL SECTIONS.

3. CONTRACTOR SHALL PROVIDE SUBGRADE, BASE, AND PAVEMENT TESTING ON ALL STREETS IN ACCORDANCE WITH NCDOT STANDARDS.

4. THIS DETAIL IS INTENDED TO MEET OR EXCEED THE TYPICAL NCDOT CUL-DE-SAC CRITERIA (REF: NCDOT SUBDIVISION ROADS MIN. CONSTRUCTION STANDARDS 2000 VERSION).

SITE INFORMATION

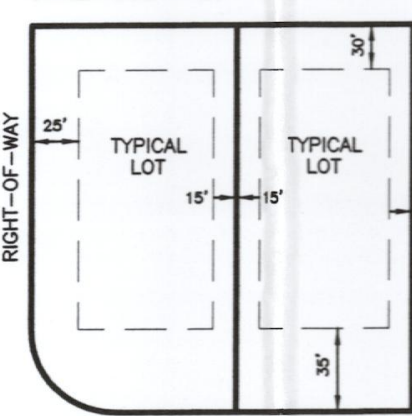
OWNER: FULL SPECTRUM CUSTOM HOMES, INC.
865 SANDERS ROAD
BENSON, N.C. 27504
PARCEL NO. 05G03009A
TOWN PIN NO. 165803-23-2656
PARENT TRACT DEED: DB 4911 PG 845
NO. LOTS PROPOSED: 20

TAX UNIQUE ID: 4759574
TOWNSHIP: CLAYTON
COUNTY: CLAYTON
TOWN ZONING: R-E
CURRENT USE: VACANT
TOTAL ACREAGE: 18.561

R-E ZONING STANDARDS

1. SETBACKS AS SHOWN ARE TYPICAL
2. MAXIMUM BUILDING HEIGHT = 35'
3. MAXIMUM IMPERVIOUS COVERAGE PER LOT = 50%
4. MAXIMUM LOT COVERAGE = 35%
5. MINIMUM LOT SIZE = 30,000 SF
6. MINIMUM DWELLING UNIT SIZE = 1,400 SF

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



NOTE:
MINIMUM LOT WIDTH=35'
MINIMUM LOT DEPTH=150'

N/F
KIMBERLY HENDERSON
DB 1795 PG 880
PN 05G03071L
ZONING: R-E
CURRENT USE: VACANT

N/F
JOSEPH F. BUTLER
DB 1795 PG 880
PN 05G03071L
ZONING: R-E
CURRENT USE: RESIDENTIAL

N/F
FULL SPECTRUM CUSTOM HOMES
PORTION OF DB 4911 PG 845
PN 05G03009A
ZONING: R-E
CURRENT USE: VACANT

N/F
WADE TART
DB 1658 PG 591
PN 05G03059
ZONING: R-E
CURRENT USE: RESIDENTIAL

N/F
JIMMIE L. HOLMES
DB 791 PG 16
PN 05G03061
ZONING: R-E
CURRENT USE: RESIDENTIAL

N/F
LISA M. BARBOUR
DB 3114 PG 436
PN 05G03058D
ZONING: R-E
CURRENT USE: RESIDENTIAL

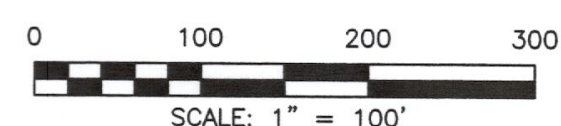
N/F
RICHARD SCOTT BALL
DB 4413 PG 768
PN 05G03009J
ZONING: R-E
CURRENT USE: RESIDENTIAL

N/F
FRANCES B. PARRISH
DB 2998 PG 915
PN 05G03009B
ZONING: R-E
CURRENT USE: VACANT

N/F
FRANCES B. PARRISH
DB 2998 PG 912
PN 05G03015
ZONING: R-E
CURRENT USE: VACANT

LINE	BEARING	DISTANCE
L1	N00°30'54"E	95.80'
L2	N00°29'07"E	119.65'
L3	N00°29'07"E	43.97'
L4	S21°41'59"E	100.40'
L5	S21°41'59"E	69.22'
L6	N88°24'13"W	74.22'
L7	N88°28'00"W	40.23'
L8	N88°28'00"W	57.50'
L9	N00°25'50"E	35.89'
L10	N00°25'50"E	71.35'
L11	S50°48'32"E	48.18'
L12	S00°49'22"W	82.51'
L13	S25°44'32"E	22.36'
L14	S00°49'22"W	50.00'
L15	S27°23'16"W	22.36'
L16	S00°49'22"W	44.25'
L17	S89°10'38"E	76.86'
L18	N89°10'38"W	93.66'
L19	S00°49'22"W	104.63'
L20	N00°49'22"E	104.63'
L21	S36°03'34"W	16.32'
L22	S56°48'32"E	56.13'
L23	S89°10'38"E	68.85'
L24	S21°41'59"E	44.38'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	25.00'	38.02'	34.48'	N79°37'31"E
C2	230.00'	55.15'	55.01'	N29°11'26"E
C3	245.00'	35.10'	35.07'	N68°15'53"E
C4	255.00'	80.33'	80.00'	N39°13'57"E
C5	255.00'	80.33'	80.00'	N57°18'56"E
C6	255.00'	80.33'	80.00'	N78°19'56"E
C7	255.00'	28.78'	28.76'	N87°35'23"E
C8	25.00'	39.27'	35.36'	N45°49'22"E
C9	25.00'	39.27'	35.36'	S44°10'38"E
C10	25.00'	21.03'	20.41'	N66°43'41"E
C11	50.00'	37.49'	36.61'	N64°06'39"E
C12	50.00'	83.11'	73.87'	S46°41'39"E
C13	50.00'	96.46'	82.20'	S56°05'14"W
C14	50.00'	24.11'	23.88'	N54°48'04"W
C15	25.00'	21.03'	20.41'	N65°04'56"W
C16	25.00'	39.27'	35.36'	S45°49'22"W
C17	25.00'	21.03'	20.41'	S23°18'19"E
C18	50.00'	64.42'	60.05'	S10°27'34"E
C19	50.00'	84.58'	74.85'	S74°54'27"W
C20	50.00'	92.19'	79.68'	N03°48'37"W
C21	25.00'	21.03'	20.41'	N24°55'04"E
C22	25.00'	39.27'	35.36'	N44°10'38"W
C23	205.00'	31.00'	30.97'	S89°29'26"W
C24	205.00'	214.09'	204.49'	S52°14'25"W
C25	280.00'	67.13'	66.97'	S29°11'26"W
C26	25.00'	40.52'	36.23'	S10°22'29"E

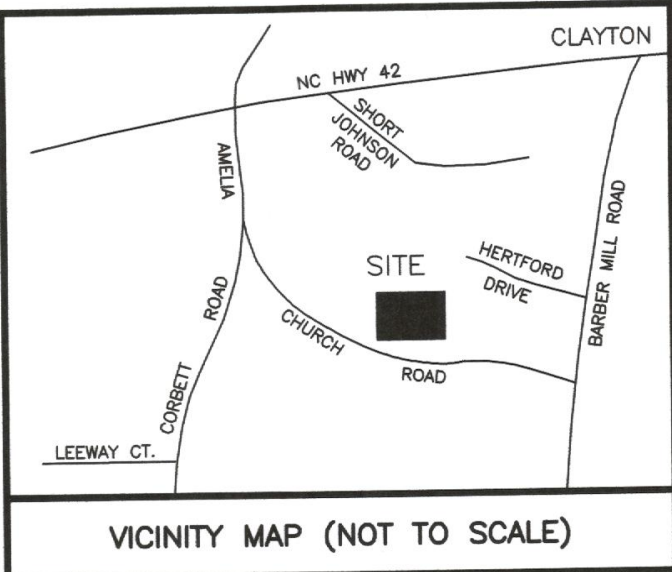


SHEET 3: SUBDIVISION

SURVEYED BY: _____
DRAWN BY: MIKE
CHECKED BY: CURK
DRAWING NAME: SUBDIVISION.DWG
SURVEY DATE: _____
JOB NO. 430.090

TRUE LINE SURVEYING, P.C.

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



DEVELOPER/APPLICANT:

FULL SPECTRUM CUSTOM HOMES
865 SANDERS ROAD
BENSON, NORTH CAROLINA, 27504

FLORENCE CORPORATION
5535 CORPORATE DRIVE
MANHATTAN, KS 66503
TOLL FREE: 1-800-275-1747
PHONE: (785) 323-4400
FAX: (800) 275-5081
www.florencemailboxes.com

FRONT ELEVATION

SIDE ELEVATION

PEDESTAL DETAIL

MANUFACTURER NOTES:

1. THIS UNIT IS APPROVED FOR USPS AND PRIVATE APPLICATIONS.
2. DECORATIVE MAILBOX ACCESSORIES SOLD SEPARATELY AND ARE USPS APPROVED PRODUCTS.
3. PEDESTAL SHOULD BE INSTALLED WITH INCLUDED RUBBER PAD. MOUNTING HARDWARE NOT INCLUDED. REFER TO INSTALLATION MANUAL FOR RECOMMENDATIONS.
4. FLORENCE "P" SERIES CBU IS OFFICIALLY LICENSED BY USPS. LICENSE #DCSE08-08-0012.

NOTES:

1. INSTALLATION TO BE COMPLETED IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS.
2. DO NOT SCALE DRAWING.
3. THIS DRAWING IS INTENDED FOR USE BY ARCHITECTS, ENGINEERS, CONTRACTORS, CONSULTANTS AND DESIGN PROFESSIONALS FOR PLANNING PURPOSES ONLY. THIS DRAWING MAY NOT BE USED FOR CONSTRUCTION.
4. ALL INFORMATION CONTAINED HEREIN WAS CURRENT AT THE TIME OF DEVELOPMENT BUT MUST BE REVIEWED AND APPROVED BY THE PRODUCT MANUFACTURER TO BE CONSIDERED ACCURATE.
5. CONTRACTOR'S NOTE FOR PRODUCT AND COMPANY INFORMATION VISIT www.CADetails.com/info AND ENTER REFERENCE NUMBER mailbox plan2

VITAL™ 1570 CLUSTER BOX UNIT
MODEL 1570-13

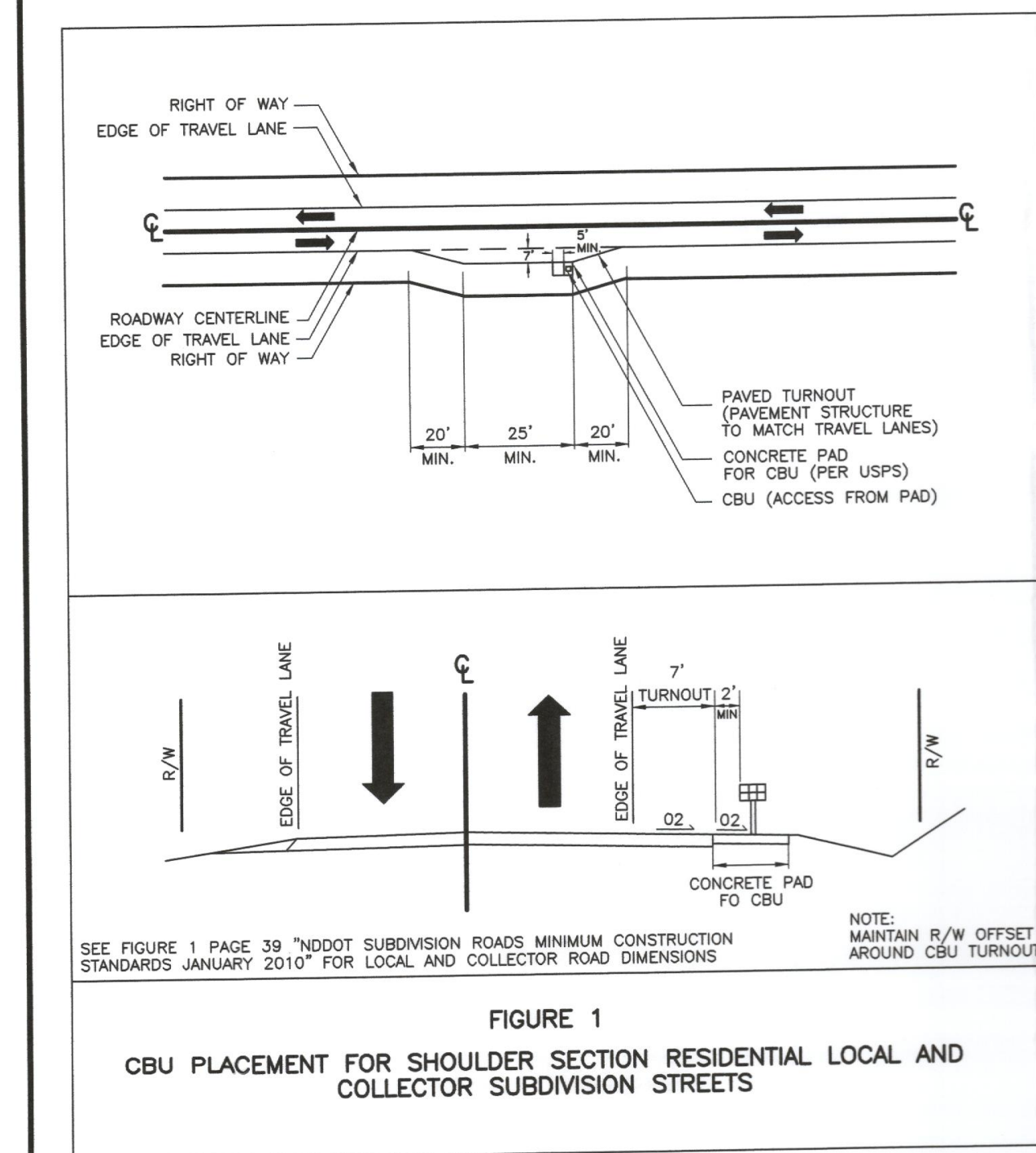
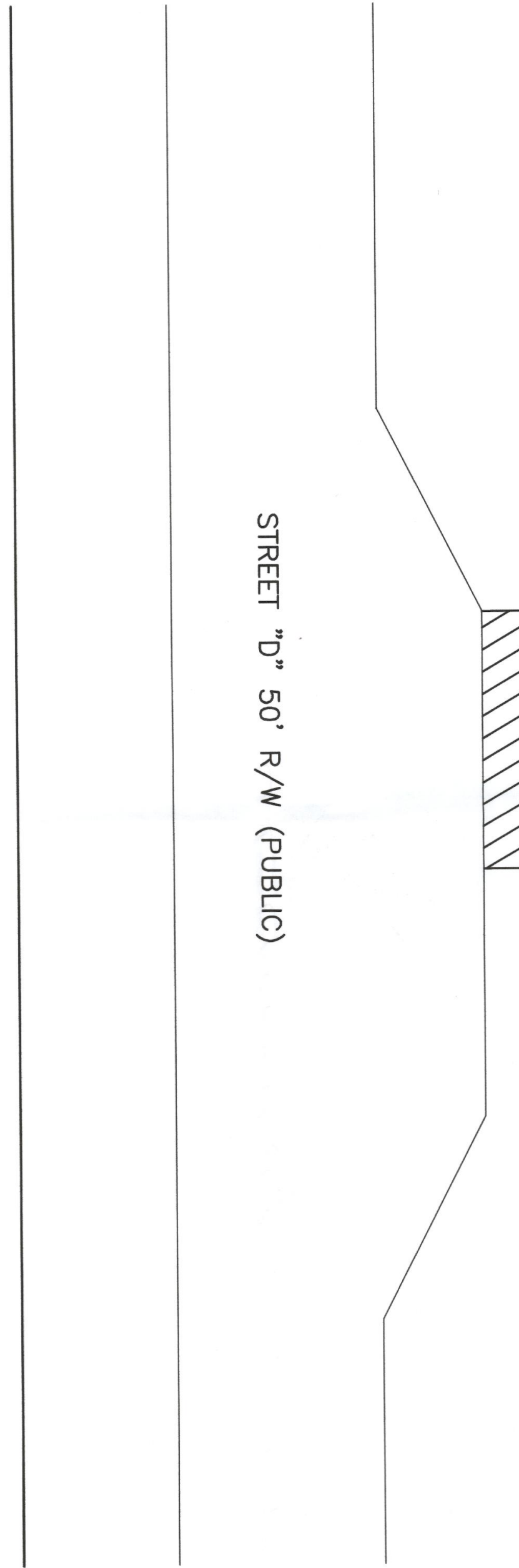


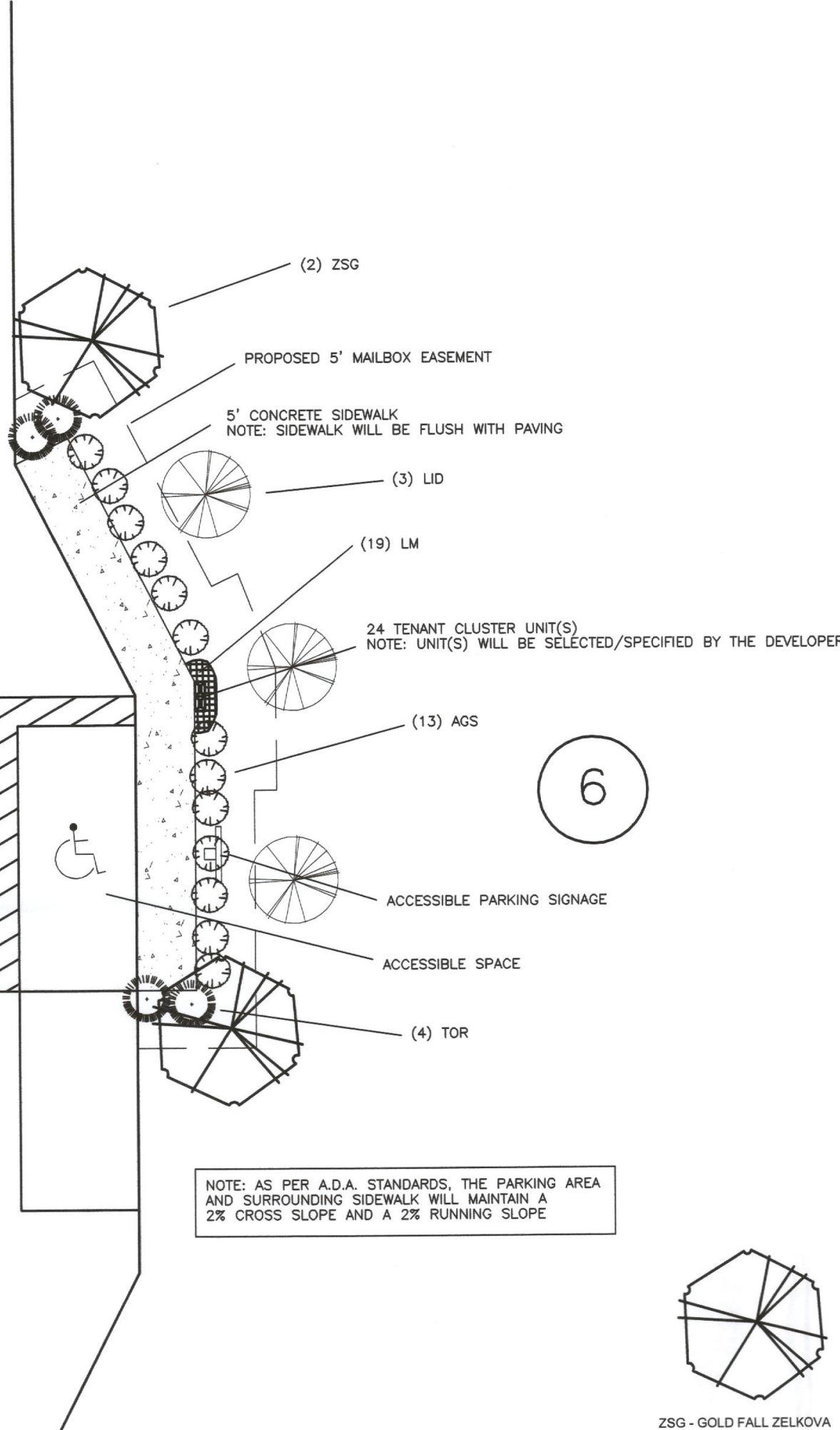
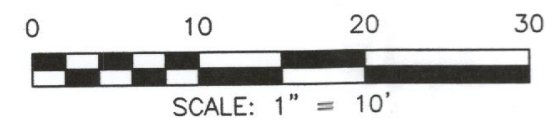
FIGURE 1
CBU PLACEMENT FOR SHOULDER SECTION RESIDENTIAL LOCAL AND COLLECTOR SUBDIVISION STREETS

SHEET 4: CBU SITE PLAN

5



CLUSTER MAIN BOX UNIT – ENLARGED SITE PLAN



CBU - Plant List

PLANT LIST - CBU SITE ONLY							
ALIAS	QTY.	BOTANICAL NAME	COMMON NAME	CALIPER	HEIGHT	SPREAD	REMARKS
AGS	32	ABELIA GRANDIFLORA 'SHERWOOD'	SHERWOOD ABELIA	-	-	5 GAL.	CBU PLANTINGS
LID	3	LAGERSTROEMIA INDICA 'WHIT II'	DYNAMITE CRAPE MYRTLE (MULTI-STEM)	-	6' MIN.	8 & 8	CBU PLANTINGS
LM	19	LIRIOPE MUSCARI 'VARIEGATA'	VARIEGATE LIRIOPE	-	-	1 GAL.	CBU PLANTINGS
TOR	6	THUJA OCCIDENTALIS 'RHEINGOLD'	RHEINGOLD ARBORVITAE	-	-	7 GAL.	CBU PLANTINGS
ZSG	2	ZELKOVA SERRATA 'GOLD FALL'	GOLD FALL ZELKOVA	2.5"	8' MIN.	CONT/B&B	CBU PLANTINGS

1. ALL PLANTS AND INSTALLATION SHALL BE IN ACCORDANCE WITH TOWN OF CLAYTON RULES, REGULATIONS AND REQUIREMENTS AND, AT THE LEAST, MEET THE TOWN'S MINIMUM REQUIREMENTS FOR CODE COMPLIANCY
2. THE LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR VERIFYING PLANT QUANTITIES AND IS TO NOTIFY THE CONTRACTOR ASAP OF ANY DISCREPANCIES BETWEEN THE PLANT LIST AND THE PLAN
3. THE LANDSCAPE CONTRACTOR SHALL ADJUST ANY SCREEN PLANTING AS NEEDED TO MAINTAIN REQUIRED CLEARANCES AROUND TRANSFORMERS, GENERATORS AND OTHER UTILITIES THAT REQUIRE CLEARANCES FOR ACCESS

SURVEYED BY:

DRAWN BY: MIKE

CHECKED BY: CURK

DRAWING NAME: MAILBOX PLAN

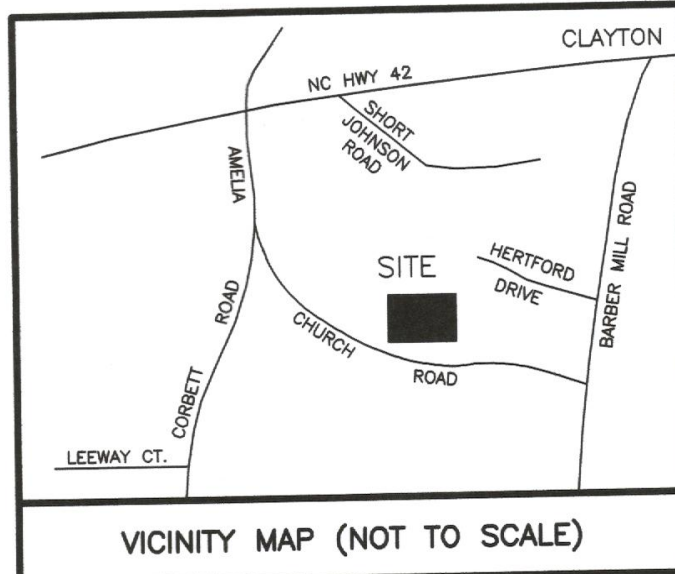
SURVEY DATE:

JOB NO. 430,090

TRUE LINE SURVEYING, P.C.

205 WEST MAIN STREET
CLAYTON, N.C. 27520
TELEPHONE: (919) 359-0427
FAX: (919) 359-0428
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C-1859



DEVELOPER/APPLICANT:
FULL SPECTRUM CUSTOM HOMES
865 SANDERS ROAD
BENSON, NORTH CAROLINA, 27504

N/F
FRANCES B. PARRISH
DB 2998 PG 915
PN 05G03009B
ZONING: R-E
CURRENT USE: VACANT

NOTES

1. THE PLANTING PROCES IS SIMILAR FOR DECIDUOUS AND EVERGREEN TREES.

2. FOR SINGLE STEM TREES, DO NOT SUPPLY TREES WITH MULTIPLE LEADERS. ONLY PROVIDE TREES WITH A SINGLE LEADER. DO NOT PRUNE TREE AT PLANTING EXCEPT FOR SPECIFIC STRUCTURAL CORRECTIONS AND TO INSURE COMPLIANCE WITH SIGHT.

3. MARK THE NORTH SIDE OF THE TREE AT THE NURSERY AND LOCATE TO THE NORTH IN THE FIELD.

4. WHERE SEVERAL TREES WILL BE PLANTED CLOSE TOGETHER SUCH THAT THEY WILL LIKELY SHARE ROOT SPACE, TILL IN SOIL AMENDMENTS TO A DEPTH OF 4" TO 6" OVER THE ENTIRE BED AREA.

5. FOR CONTAINER-GROWN TREES, SET THE ROOTS OUT OF THE OUTER LAYER OF POTTING SOIL, THEN CUT OR PULL APART ANY ROOTS CIRCLING THE PERIMETER OF THE CONTAINER.

6. 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.

7. IF PLANTING HOLES ARE DUG WITH A LARGE AUGER, BREAKING DOWN THE SIDES WITH A SHOVEL TO ELIMINATE GLAZING AND CREATE THE SLOPING SIDE PROFILE SHOWN ON THE DETAIL.

8" HT. AND GREATER TREES SHALL BE ANCHORED WITH (2) OPPOSING STAKES WITH SEPARATE FLEXIBLE TIES. STAKES SHALL BE PLACED ON THE NORTHEAST AND SOUTHWEST SIDES OF THE TREE AND SHALL BE REMOVED AFTER ONE FULL GROWING SEASON (SEE SPECS).

2-4" THK. LAYER OF TRIPLE SHREDDED HARDWOOD MULCH

DIG PLANTING HOLE THREE (3) TIMES ROOT BALL DIAMETER. REFER TO SPECIFICATIONS. TAPER SIDES OF HOLE AT 45 DEGREE ANGLE.

CUT BURLAP, ROPE, AND WIRE BASKET AWAY FROM TOP HALF OF ROOT BALL

EXTEND STAKES INTO UNDISTURBED SOIL

SET BALL ON UNDISTURBED SOIL TO PREVENT SETTLING

4" HIGH RAISED RING OF SOIL TO DIRECT WATER INTO ROOT BALL

MACHINE OR SPADE EDGING; PROVIDE CRISP TRANSITION AT LAWN

EXISTING GRADE

PLACE BACKFILL SOIL AROUND BASE OF ROOT BALL TO STABILIZE; LIGHTLY TAMP REST OF BACKFILL (SEE BACKFILL SPECS)

4-6" DEEPER THAN ROOT BALL FOR LOWERED PLANTING HOLE AS NEEDED WITH POOR DRAINAGE

*FOR BOTH CANOPY OR UNDERSTORY TREES

*** TYPICAL TREE INSTALLATION**

SCALE: NTS

1

NOTE: 1 (ONE) TREE SHALL BE PROVIDED PER LOT.

CLASS "A" BUFFER - Plant List

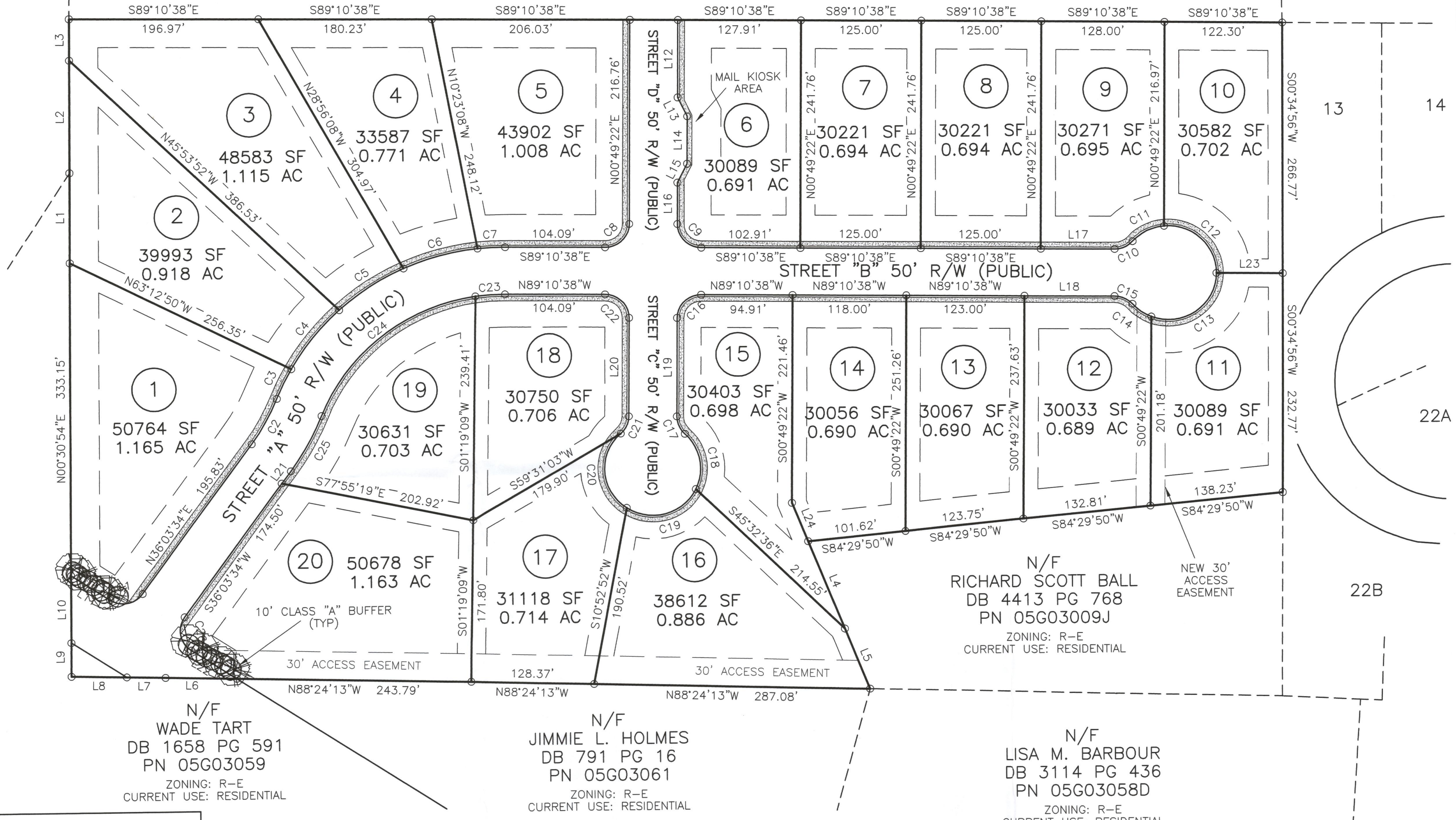
PLANT LIST - CLASS "A" BUFFER ONLY								
ALIAS	QTY.	BOTANICAL NAME	COMMON NAME	CALIPER	HEIGHT	SPREAD	ROOT	REMARKS
CANOPY TREES (CANOPY TREES = 93, INCLUDES TREES USED FOR SCREENING/BUFFERS)								
ARO	4	ACER RUBRUM OCTOBER GLORY	OCTOBER GLORY RED MAPLE	2.5"	8' MIN.	-	B & B	BUFFER PLANTINGS
QS	4	QUERCUS SHUMARDII	SHUMARD OAK	2.5"	8' MIN.	-	B & B	BUFFER PLANTINGS
UNDERSTORY TREES (UNDERSTORY TREES = 77, INCLUDES TREES USED FOR SCREENING/BUFFERS)								
CCF	8	CERCIS CANADENSIS 'FOREST PANSY'	FOREST PANSY REDBUD	2"	8' MIN.	-	CONT/B&B	BUFFER PLANTINGS

1. ALL PLANTS AND INSTALLATION SHALL BE IN ACCORDANCE WITH TOWN OF CLAYTON RULES, REGULATIONS AND REQUIREMENTS AND, AT THE LEAST, MEET THE TOWN'S MINIMUM REQUIREMENTS FOR CODE COMPLIANCE

2. THE LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR VERIFYING PLANT QUANTITIES AND IS TO NOTIFY THE CONTRACTOR ASAP OF ANY DISCREPANCIES BETWEEN THE PLANT LIST AND THE PLAN

3. THE LANDSCAPE CONTRACTOR SHALL ADJUST ANY SCREEN PLANTING AS NEEDED TO MAINTAIN REQUIRED CLEARANCES AROUND TRANSFORMERS, GENERATORS AND OTHER UTILITIES THAT REQUIRE CLEARANCES FOR ACCESS

QS-SHUMARD OAK ARO-OCTOBER GLORY RED MAPLE CCF-FOREST PANSY REDBUD



GENERAL LANDSCAPE NOTES

1. ALL PLANT MATERIALS AND PLANTING BEDS SHALL BE LOCATED BY SCALED DIMENSIONS FROM BUILDINGS, CURBS, PAVEMENTS, ETC. LOCATION OF ALL PLANTS SHALL BE REVIEWED IN THE FIELD BY THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION. THE CONTRACTOR SHALL PROVIDE 48 HOURS NOTICE FOR REVIEW.

2. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE EXACT LOCATION OF ALL UNDERGROUND UTILITIES PRIOR TO ANY EXCAVATION OR PLANTING AND SHALL BE RESPONSIBLE FOR THEIR REPAIR OR PAY FOR ALL DAMAGES MADE TO UNDERGROUND UTILITIES.

3. THE LANDSCAPE CONTRACTOR SHALL VERIFY ALL PLANT QUANTITIES.

4. THE LANDSCAPE ARCHITECT SHALL BE NOTIFIED IN WRITING OF ANY PROPOSED PLANT SUBSTITUTIONS BY THE LANDSCAPE CONTRACTOR. NO SUBSTITUTIONS SHALL BE MADE UNDER ANY CIRCUMSTANCES WITHOUT PRIOR APPROVAL BY THE LANDSCAPE ARCHITECT.

5. ALL DISTURBED AREAS NOT IDENTIFIED TO EITHER BE SEEDED OR SOODED SHALL BE MULCHED IN ACCORDANCE WITH THE SPECIFICATIONS.

6. A PRE-EMERGENT HERBICIDE SHALL BE APPLIED TO ALL PLANTING BEDS IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS.

7. ALL PLANTING BEDS, SAUCERS, AND AREAS DESIGNATED TO BE MULCHED SHALL BE MULCHED WITH A MINIMUM OF 3-4 INCHES OF TRIPLE SHREDDED HARDWOOD MULCH.

8. PLANTING BEDS AND SAUCERS SHALL BE EDGED TO PROVIDE A 2" TO 3" DEEP "Y" CUT ALONG ITS BORDER WITH SOODED OR SEEDED AREAS.

9. ALL SAUCERS SHALL BE SOODED WITH WATER AND MULCHED IMMEDIATELY FOLLOWING PLANTING.

10. GUYING SHALL BE REMOVED AFTER ONE FULL GROWING SEASON.

11. THE LANDSCAPE CONTRACTOR SHALL INSTALL ALL LANDSCAPING IN ACCORDANCE WITH THE DETAILS AND SPECIFICATIONS SHOWN AND ENUMERATED ON THIS SHEET UNLESS ALTERNATIVE METHODS OR PRACTICES ARE REVIEWED AND ACCEPTED BY THE LANDSCAPE ARCHITECT.

12. AT INSTALLATION AND CONTINUOUSLY DURING THE MAINTENANCE CONTRACT, ALL PROPOSED SHRUBS THAT ARE SQUARE IN SHAPE AND ARRANGED IN ROWS SHOULD BE PRUNED INTO BOXED AND CLIPPED HEDGEROWS.

13. ALL LANDSCAPED AREAS SHALL BE MAINTAINED IN AN ATTRACTIVE AND HEALTHY CONDITION. DEAD OR DISEASED PLANTINGS SHALL BE REMOVED AND REPLACED IN A TIMELY FASHION.

14. ALL LANDSCAPED AREAS SHALL BE PROVIDED WITH AN AUTOMATICALLY OPERATED IRRIGATION SYSTEM THAT WILL ADEQUATELY COVER ALL LIVING PLANT MATERIAL. SUCH SYSTEM SHALL INCLUDE A RAIN SENSOR.

15. ALL HVAC AND MECHANICAL EQUIPMENT WILL BE SCREENED WITH LANDSCAPING OR DECORATIVE FENCING.

0 60 120 180
SCALE: 1" = 60'

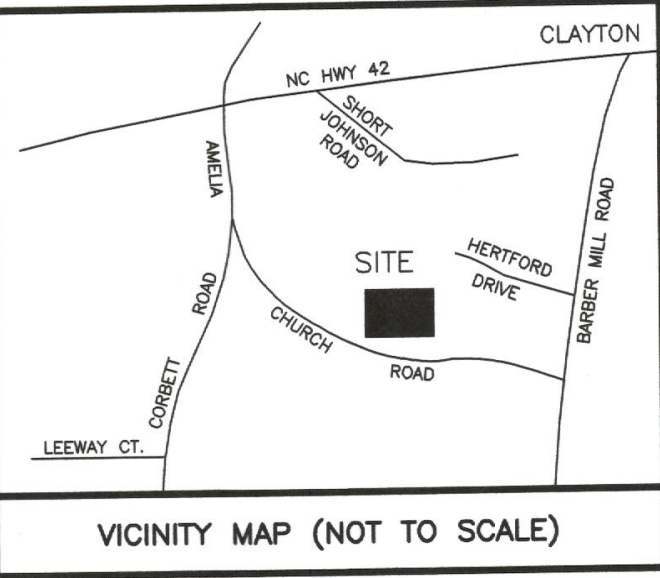
SHEET 5: LANDSCAPING PLAN

TRUE LINE SURVEYING, P.C.

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

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

C-185



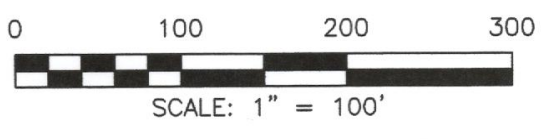
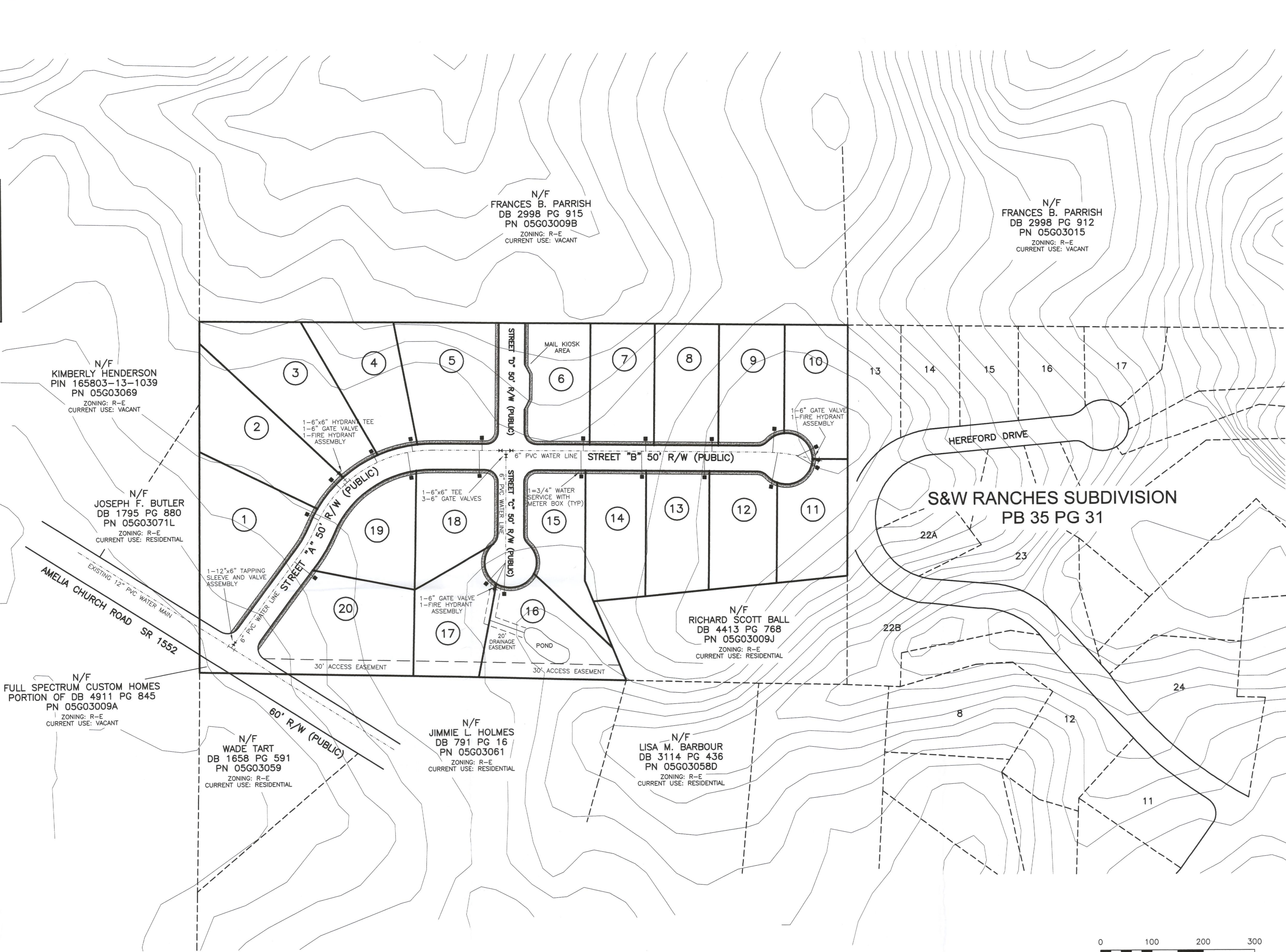
DEVELOPER/APPLICANT:
FULL SPECTRUM CUSTOM HOMES
865 SANDERS ROAD
BENSON, NORTH CAROLINA, 27504

NOTE:
A COMPLETE SET OF CONSTRUCTION
DRAWINGS FOR WATER, SEWER,
EROSION CONTROL, GRADING AND
STREET EXTENSION TO BE SUBMITTED
TO AND APPROVED BY TOWN'S
ENGINEERING DEPARTMENT PRIOR TO
CONSTRUCTION.

THE TOWN OF CLAYTON AND/OR
JOHNSON COUNTY RESERVE THE RIGHT
TO MODIFY THE EROSION AND
SEDIMENTATION CONTROL PLAN IF THE
EXISTING PLAN OR ITS IMPLEMENTATION
PROVE TO BE INADEQUATE.

LEGEND	
EXISTING	PROPOSED
WATERLINE	WATERLINE
BLOWOFF	BLOWOFF
HYDRANT	HYDRANT
VALVE	VALVE
REDUCER	REDUCER
METER	METER
SEWERLINE	SEWERLINE
MANHOLE	MANHOLE
CLEANOUT	CLEANOUT
STORM DRAINAGE	STORM DRAINAGE
CATCH BASIN	CATCH BASIN
DROP INLET/YARD INLET	DROP INLET/YARD INLET
PROPOSED DITCH FLOW	

SITE INFORMATION
OWNER: FULL SPECTRUM CUSTOM HOMES, INC.
865 SANDERS ROAD
BENSON, N.C. 27504
PARCEL NO. 05G03009A
NC PIN NO. 165803-23-2656
PARENT TRACT DEED: DB 4911 PG 845
TAX UNIQUE ID: 4759574
TOWNSHIP: CLAYTON
ETC: CLAYTON
TOWN ZONING: R-E
CURRENT USE: VACANT
TOTAL ACREAGE: 18.561
THERE ARE NO INSTANCES OF 100 YEAR FEMA FLOOD
ON SITE. FEMA FLOOD PANEL 3720165800 J

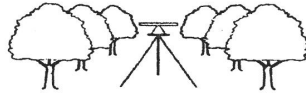


SHEET 6: UTILITY PLAN

SURVEYED BY:	MIKE
DRAWN BY:	MIKE
CHECKED BY:	CURK
DRAWING NAME:	UTILITY.DWG
SURVEY DATE:	
JOB NO.	430.090

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

TRUE LINE SURVEYING, P.C.



Para Smith

Development Services Coordinator

Town of Clayton

January 16, 2018

Please accept this letter as a request for a waiver to the requirement for Storm water controlled streets (curb and gutter) (per 155.602(A)(2)(I)) for the proposed development of Kyli Knolls subdivision. This development is of rural character like the surrounding developments in that area. Those developments are in Johnston County Planning jurisdiction. This development is in the Clayton ETJ and we are requesting to be annexed as a request from the Town of Clayton Planning Department. Granting this waive will not be detrimental to eh Public safety, health or welfare as it will be in the same manner and style of existing neighborhoods. Due to the use of onsite septic and the topo of the site it is best to keep the grading to a minimum and allow the grass lined swales to filter the storm water and to keep the impervious surface areas to a minimum. This request is not based primarily on financial consideration. This request is based on surrounding development styles, onsite septic suitability, storm water infiltration in the grass lined swales, and keeping the rural character of the land with the larger lots with less density that comes with onsite septic. This development will use a street profile that was supplied by the Town Engineer and will have 60' right of way with grass swales and sidewalks much like Riverwood Athletic and Warrick Park. Thank you for your consideration.

Curk T. Lane, PLS

A handwritten signature in black ink, appearing to be 'Curk T. Lane', written over a horizontal line.

True Line Surveying

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



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

February 20, 2018

RE: Project #: 2017-98-SD Kyli Knolls Preliminary Plat (Major Subdivision)
PIN #: 165803-23-2656
TAG #: 05G03009A
Applicant: Full Spectrum Custom Homes

Dear Clayton Area Property Owner:

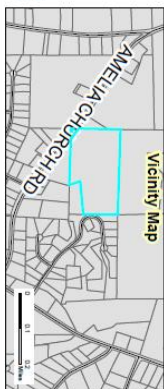
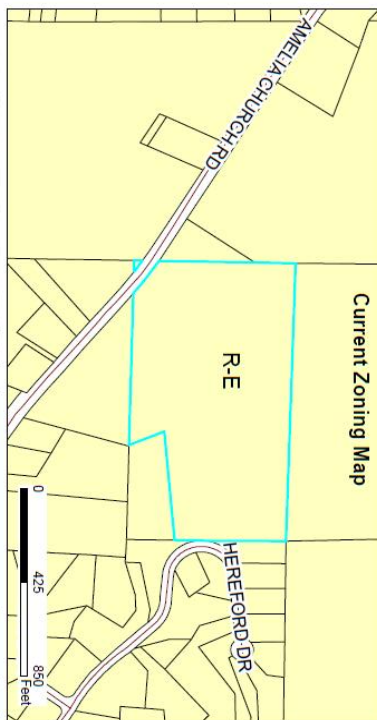
The Clayton Town Council will hold an evidentiary hearing on Monday, March 5, 2018 at 6:00 PM at Town Hall, 111 East Second Street, to consider the above referenced application requesting to develop 20 single-family residential lots on the subject property. The property is located off Amelia Church Road. Please see the map on the back of this letter.

Based upon records in the Johnston County Tax Office, you are the owner of property that is within 100 feet of this request, which is why you are receiving this letter of notification. You are invited to attend this meeting and express your opinions on these requests. During an evidentiary hearing, the Clayton Town Council must make findings of fact based upon sworn testimony and other credible evidence. Citizens may give testimony in an evidentiary hearing after they have taken an oath. This is an open meeting and the public is invited to attend.

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

Sincerely,

Haley Hogg, CZO
Planner

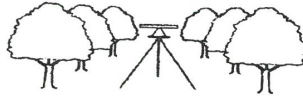


2017-98-SD Kyli Knolls Major Subdivision
Request: To develop 20 single-family residential lots
 Applicant: True Line Surveying
 Property Owner: Full Spectrum Custom Homes
 Parcel ID: 165803-23-2658
 Tag #: 056300094



Document Path: C:\PLANNING\SUBDIVISIONS\2017-98-SD KYL KNOLLS\Map\2017-98-SD KYL KNOLLS.MXD
 Produced by: TDC Planning
 Date: 10/10/2017
 Responsibility for the information represented herein

TRUE LINE SURVEYING, P.C.



May 31, 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 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: Thursday July 6, 2017

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

Time: 6:00pm

Type of Application: Major Subdivision

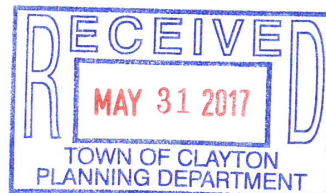
General Description: Purpose of this application is to develop a single family residential subdivision.

If you have any questions prior to or after this meeting, you may contact us at (919)359-0427.

Sincerely,


Curt T. Lane
True Line Surveying

Cc: Clayton Planning Dept.



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

NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Date of Mailing: May 31, 2017

I hereby attest that letters were mailed to the addresses listed on the Adjacent Property Owners List (attached):

Printed Name: Curk Lane Signature: [Signature]

Date of Meeting: July 6, 2017 Time of Meeting: 6:00pm

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

Meeting Summary/Minutes: provide a summary of the discussion held at the meeting, including issues raised and any changes made by the applicant as a result of the meeting.

Neighborhood meeting was held on July 6, 2017, 6pm at True Line Surveying. The meeting was officiated by Curk Lane. These were the topics of concern. (1). Storm Water-make sure palns meet or exceed J.C. rules and concerned about pond on Lot 16 & 1, 2, 3 (2). Zoning change for neighbor-none. (3). All contractors and subcontractors must park on development site and not on any neighbors land. No one was against the development of the subdivision.

[Empty lines for additional meeting summary/minutes text]

Please write clearly (or submit a typed summary), and use additional sheets if necessary.

Kyli Knolls Project

Neighborhood Meeting ~~7-27-17~~
7-6-17

<u>Name</u>	<u>Address</u>
Juni Ann Holmes	2431 Amelia Child Clayton NC 27520
Joe Butler	2321 Amelia Church Road
Kim Henderson	P.O. Box 611, Hubert, NC 28539
Phil Daughtry	589 Daughtry Rd. Smithfield N.C.
Lisa Ennis	225 Parkridge Dr. Clayton, NC 27527

- Storm Water - make sure plans meet or exceed J.C. Rules - concern about pond on Lot 16 & 1, 2, 3
- Zoning Change for neighbors - None
- All contractors & subcontractors must park on development site & not on any neighbors land

PUBLIC NOTICE

In accordance with NC GS 160A-364 the Clayton Town Council will hold an evidentiary hearing on Monday, March 5, 2018, at 6:00 PM at Town Hall, 111 East Second Street, to consider preliminary subdivision request 2017-98-SD; requesting to develop 20 single-family residential lots on property zoned Residential-Estate (R-E). The property is located off Amelia Church Road; parcel number 165803-23-2656.

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.

Haley Hogg, Planner
919-553-5002

The Clayton News Star

Please advertise on the following dates:
February 23, 2018
March 2, 2018

Affidavit of publication required.

**TOWN OF CLAYTON
PLANNING BOARD WRITTEN RECOMMENDATION
PRELIMINARY SUBDIVISION PLAT:**

**Kyli Knolls
2017-98-SD**

On January 22, 2018 the Planning Board heard the above-referenced request and made the following vote:

Recommendation to the Town Council to

☐ approve the request;

☒ approve the request with the following modified or added conditions:

Modify condition to require right-of-way dedication rather than a left-turn lane. Add condition to relocate mail kiosks to end of street "B" cul-de-sac

☐ deny the request;

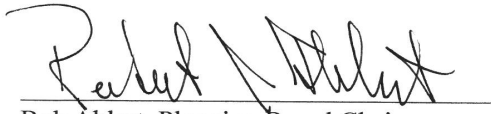
Recommendation of Wavier Request for Curb and Gutter

☒ approve the request;

☐ deny the request

Recommendation(s) made this 22nd day of January 2018 while in regular session.

Signed:



Bob Ahlert, Planning Board Chair

ROBERT L.

TOWN OF CLAYTON
MOTION GRANTING SUBDIVISION APPROVALS
SHORT FORM

Motion:

Based on the substantial and competent evidence and testimony presented to the Town Council on this matter, the Council finds and concludes that Subdivision Application **2017-98-SD**, (subject to the conditions recommended by the Planning Board and Planning Staff and with full incorporation of all statements and agreements entered into the record by the testimony of the applicant and applicant's representatives):

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

Duly adopted by the Clayton Town Council this 5th day of March, 2018.

MOTION FORM
Kyli Knolls – 2017-98-SD
Item 6c

TOWN OF CLAYTON
SUBDIVISION APPROVAL 2017-98-SD
KYLI KNOLLS
GRANTED

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

Applicant:	True Line Surveying
Property Location:	Off Amelia Church Road
Tax Parcel Number:	165803-23-2625 / 05G03009A
Proposed Use of Property:	20 Single-Family Residential Lots
Meeting Date:	March 5, 2018

Having heard all the evidence and argument presented at the hearing, the Town Council finds that the application is complete, that the application complies with all of the applicable requirements of the Clayton Zoning Ordinance for the subdivision proposed, and that, therefore, the application to subdivide the above-described property for the purpose indicated is hereby approved, subject to all applicable provisions of the Zoning Ordinance and the following conditions:

(1) The applicant shall complete the subdivision strictly in accordance with the plans submitted to and approved by this Board, a copy of which is filed in the Planning Department office.

(2) If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this approval shall be void and of no effect.

The Town Council imposed the following **additional conditions** of the Subdivision Approval:

1. A voluntary annexation application shall be submitted prior to Final Plat recordation.
2. The conflict between the 30' access easement, the proposed site entrance and Amelia Church Road shall be resolved through relocation or proper separation of these points of access prior to final subdivision approval / platting of the property.
3. A dedicated left-turn lane into the development shall be provided on Amelia Church Road prior to issuance of the first Certificate of Occupancy.
4. The Class "A" landscape buffer along Amelia Church Road shall not encroach into safe sight triangles or the adjacent existing 30' access easement.
5. The Class "A" landscape buffer along Amelia Church Road shall be installed prior to issuance of the first Certificate of Occupancy.
6. Unless a waiver from curb and gutter is granted, a 31' back to back street section shall be required for Street "A" and "D", and a 27' back to back street section shall be required for Street "B" and "C". If the waiver is approved, the minimum pavement width of streets "A" and "D" shall be 26' and Street "B" and "C" shall be 22'.

IN WITNESS WHEREOF, the Town has caused this approval to be issued in its name.

TOWN OF CLAYTON

BY: _____
Jody L. McLeod
Mayor

ATTEST:

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



Town Council Agenda Cover Sheet

Meeting Date

March 5 2018

Agenda Location

Public Hearings

Item Title

2017-176-SUP, Barbour Street Townhomes, Special Use Permit

Presenter *(Name & Title)*

Jay McLeod, Senior Planner

Summary/Description

Request to develop four townhomes (two buildings) on a half-acre lot in the Residential-8 (R-8) zoning district, located at 619 S. Barbour Street. Applicant is Dalton Engineering, representing the property owner Nathan Evans of VAST Real Estate and Development, Inc.

Requested Action

Quasi-judicial hearing

- Planning Board recommended “denial” based on the site plan presented at the meeting.

Additional Documents To Be Included in Agenda Packet

Application
Staff Report Map
Neighborhood Meeting Materials
Planning Board recommendation
Associated site plan (2017-175-SPM)
Newspaper ad
Adjacent property owner notification letter
Certification 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: Barbour Street Townhomes Acreage of Property: 0.54 acre
Parcel ID Number: 165920-90-6715 Tax ID: 4736771
Deed Book: 05023 Deed Page(s): 0058
Address/Location: 619 South Barbour Street Clayton, North Carolina 27520

Existing Use: Vacant, wooded parcel Proposed Use: Residential townhomes

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): _____

OFFICE USE ONLY

Date Received: _____ Amount Paid: \$500 Permit Number: 2017-176-SUP

PROPERTY OWNER INFORMATION

Name: Vast Real Estate and Development, Inc.

Mailing Address: Post Office Box 189 Clayton, North Carolina 27528

Phone Number: (919) 201 - 2626 Fax: (919) 359 - 0386

Email Address: jrcox14@live.com

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 Dalton

Email Address: jdalton@daltonengineering.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>10/23/17</u>	☒	☐			
2. Review Fee (\$400) and Application Fee (\$100)	☒	☐			
3. Completed application (9 copies)	☒	☐			
4. Owner's Consent Form (9 copies)	☒	☐			
5. Adjacent property owners list (9 copies)	☒	☐			
6. Wastewater allocation request OR verification of wastewater allocation (9 copies)	☒	☐			
7. Signed and sealed traffic impact analysis (2 copies)	☐	☒			
8. If applicant is concurrently applying for site plan approval, a copy of the proposed site plan.	☒	☐			
9. Neighborhood meeting notice letter (9 copies) <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) <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.

The subject project will provide proper distribution of traffic to avoid congestion to the public in the immediate area. The project meets the Town's requirements for the number of ingress / egress points, and a Driveway Permit Application has been submitted to the Town of Clayton for review and comment. A paved asphalt 'stub - out' has been extended to the parcel to the South to assist with future access to the adjacent parcel. The project will utilize the extension of the Town of Clayton's existing infrastructure to provide services to the public that are desired and will not be an endangerment to the environment or the public.

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

The subject property is currently zoned R - 8. The proposed use of the parcel, lot sizes, minimum building setbacks and landscape / buffer requirements are reviewed and approved during the Special Use Application process. The items listed are shown and delineated on the attached Preliminary Subdivision Plan sheets.

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

The proposed development of the subject property is consistent with the overall development plan of the Town of Clayton. The requirements set by the Town of Clayton regarding lot size, housing / unit density, etc. will be revised as necessary during the Special Use Application review and comment process. The proposed use is consistent with the current zoning of the parcel (R - 8).

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

The subject project will compliment the surrounding properties and the proposed use is consistent with the existing surrounding residential development. The location of the subject parcel in relation to downtown Clayton will encourage continued residential growth and development of the surrounding properties.

EXPLANATION OF PROJECT

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

The Owner is requesting approval to develop subject property into a residential subdivision utilizing townhome dwellings. The subdivision consists of a 0.54 acre parcel which would contain a total of four (4) residential lots. Access to the development would be provided by South Barbour Street. Improvements to the site include a paved access drive and parking areas. Public water and sewer services would be provided by the Town of Clayton. The Town of Clayton would also act as the electric provider for the proposed townhomes. A paved 'stub - out ' to the parcel located to the South of the project is also provided. All improvements are to meet current Town of Clayton specifications.

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.

Jerry Dalton

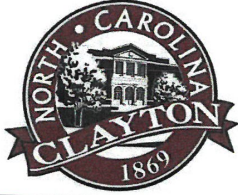
Print Name



Signature of Applicant

11/1/17

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

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: Barbour Street Townhomes Address or PIN #: 165920-90-6715

AGENT/APPLICANT INFORMATION:

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

446 East Main Street
 (Address)
Clayton, North Carolina 27520
 (City, State, Zip)

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

Minor Subdivision Application
Special Use Application

Wastewater Allocation Request

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:

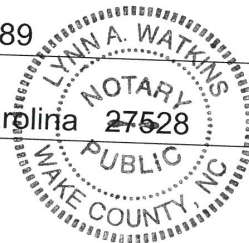
Vast Real Estate and Development, Inc.
 (Name - type, print clearly)

(Owner's Signature)

Post Office Box 189
 (Address)

Clayton, North Carolina 27528
 (City, State, Zip)

STATE OF North Carolina
 COUNTY OF Wake



Sworn and subscribed before me Lynn A. Watkins, a Notary Public for the above State and County, this the 1 day of November, 2017.

SEAL

Notary Public

My Commission
 Expires:

12-7-2021
 Page 5 of 12

November 2014



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
January 22, 2018*

STAFF REPORT

Application Number: 2017-176-SUP
Project Name: Barbour Street Townhomes

NC PIN / Tax ID#: 165920-90-6715 / 4736771
Town Limits/ETJ: Town Limits
Overlay: none
Applicant: Dalton Engineering and Assoc., c/o Jerry Dalton
Owners: Vast Real Estate and Development, Inc.

Neighborhood Meeting: Held Nov. 28, 2017
Public Noticing: Property posted Dec. 8, 2017
Adjacent Owner Notification: Prior to February 23, 2018
Legal Ad in Newspaper: Posted the two Fridays prior to the Hearing (starting February 23, 2018)

PROJECT LOCATION: The project is located at 619 S. Barbour Street.

REQUEST: Special use permit to establish townhomes and associated dimensional standards in the R-8 zoning district. See associated site plan (2017-175-SDM).



Page 1 of 6

SITE DATA:

Acreage: 0.54 acres
Zoning: Residential-8 (R-8)
Existing Use: Vacant

DEVELOPMENT DATA:

Proposed Uses: Townhomes
Buildings: Two buildings with two units each; approx. 1,100-1,300 sq ft per unit.
Number of Stories: One story (max. height proposed is 25'; 35' allowed in R-8 zoning district)
Impervious Surface: 0.34 acres (62%)
Required Parking: 9 spaces required (2 spaces per townhome unit; with shared parking, (as apartment), guest parking is 1 space per 4 units.)
Proposed Parking: 11 vehicle parking spaces, incl. 1 handicap accessible space and 2 guest spaces.
Fire Protection: Town of Clayton Fire Department
Access/Streets: Driveway off of S. Barbour Street, with shared parking and cross-access to the south.
Water/Sewer Provider: Town of Clayton
Electric Provider: Town of Clayton

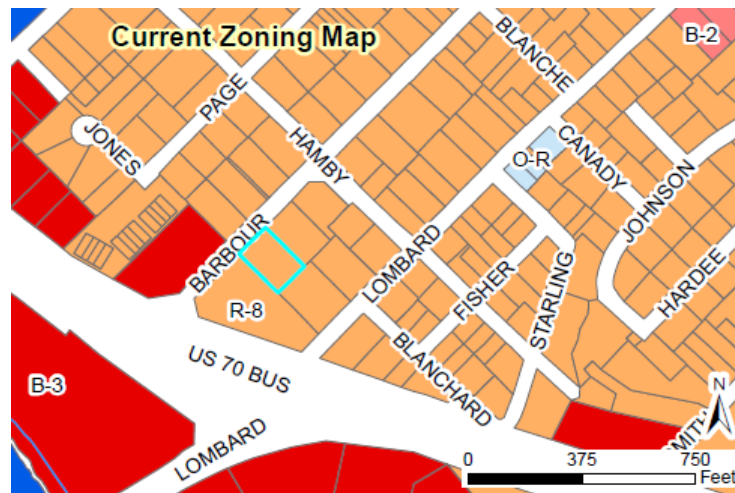
ADJACENT ZONING AND LAND USES:

North: Zoning: Residential-8 (R-8)
Existing Use: Single Family Residential

South: Zoning: Residential-8 (R-8)
Existing Use: Vacant

East: Zoning: Residential-8 (R-8)
Existing Use: Single Family Residential

West: Zoning: Residential-8 (R-8) and Highway Business (B-3)
Existing Use: Single Family Residential and Daycare



STAFF ANALYSIS AND COMMENTARY:

Overview

A vacant lot is proposed to be the site for four new townhomes in downtown Clayton. The arrangement is two, 2-unit townhomes, with parking spaces and mail kiosk in a common area.

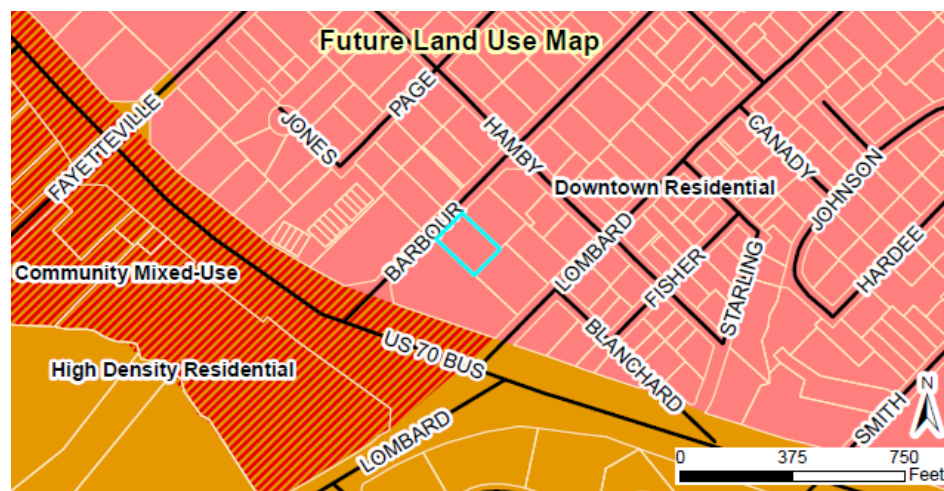
Associated Site Plan

Pursuant to §155.711(D)(1), concurrent with a request for a special use permit, an applicant shall submit a site plan for review and approval. Since the applicant also desires to subdivide the property, the site plan is also functioning as a minor preliminary plat (aka minor subdivision). This minor preliminary plat is processed as any other minor preliminary plat, with a final decision made by the applicable reviewing body. A minor preliminary plat would typically be a staff-level approval (approved by the Technical Review Committee and Planning Director), but since it is tied to a Special Use Permit, the Town Council has the authority to review and add conditions (if appropriate).

The site has a unique layout, in that the site is accessed from Barbour Street, but the proposed units face sideways, with the rear of each of the four units facing the side yard of the adjacent neighbor. The rear of each unit's development "box" is approximately 10' from the side property line, which is consistent with the side setbacks in the R-8 district if the parcel were developed as a single family home. However, with the sideways orientation of the townhomes, it is not clear if the R-8 rear setback of 25' would be more appropriate, or if 10' is sufficient. A discussion was had with the applicant about the potential to rotate the units (so that they would all face Barbour Street), but ultimately the applicant decided to pursue the current layout. The applicant has attempted to mitigate any impacts from having four units back up to the neighbor by proposing a 6' tall privacy fence, which could be considered the critical element of a Class C landscape buffer. No landscaping is proposed in conjunction with the privacy fence because of separation considerations from the buildings as well as the three sewer lines that will run from each unit to the street right-of-way, in that 10' corridor. As such, the 10' between the back of the townhomes and the side property line does not meet the standards of a Class C landscape buffer. Given the issues described above, it is unclear that this application meets the Findings of Fact that the development will not substantially injure the value of the adjoining property, be detrimental to its use, or violate the character of existing standards for development.

Consistency with the Comprehensive Plan

The Comprehensive Plan supports higher density development in this area – up to 20 units per acre. The purpose of which is to provide additional residential density to support the commercial uses in the downtown core.



Consistency with the Unified Development Code

Townhome development and dimensional standards are set as part of the Special Use Permit. However, since the zoning district is Residential-8 (R-8), some comparison of the proposed development and surrounding development is justified. As previously discussed, it is difficult to determine if the side setback of 10' should apply on the side property line, given the orientation of the townhomes. In more than one instance, the dimensional standards of the R-8 zoning district are more stringent than the proposed development. However, the Comprehensive Plan goal of increased density in the downtown area would likely require a more dense development pattern than current R-8 standards allow, and townhomes do determine their own development standards as part of the Special Use Permit process.

In addition the rear setback in the R-8 district is 25', but the proposed townhomes would use 15'. This would be from the side of the farthest unit from Barbour Street to the rear property line, which is shared with the property owner behind this parcel. Again, because of the non-traditional orientation, it is unclear if this is in keeping with the spirit of the Unified Development Code.

Comparison of dimensional standards		
Standard	Residential-8 zoning district	Proposed Townhomes
Front setback	25'	25'
Side (interior) setback	10'	10'
Rear setback	25'	15'
Max. impervious surface	55%	62%
Max. density	5 units/acre	7.84 units/acre
Max. building height	35'	25' (one story)
Min. dwelling unit size	1,100 sqft	1,106 sqft and 1,347 sqft

Landscaping and Buffering

The proposed landscaping plan satisfies all of the site interior landscaping requirements and parking screening requirements. Since both parcels are zoned R-8, there are no landscape buffering requirements between neighbors. This may be modified as part of the Special Use Permit process, or possibly as a condition of approval, to ensure that the townhomes are compatible with the surrounding neighborhood. The most relevant Findings of Fact relating to an additional landscaping requirement would likely be regarding meeting the standards and practices of sound land use planning, or the potential impact to adjacent property values, or that the plan will not violate the character of existing standards for development of adjacent properties. The applicant has attempted to mitigate any potential impact on their existing neighbor through the use of a 6' tall privacy fence.

Recreation and Open Space

The applicant is proposing to develop as a conventional townhome development, and no recreational opportunities or open space are expressly provided on the site.

Environmental

None identified.

Signs

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.

Pr §155.711(I):

"No special use permit shall be approved unless the following findings are made concerning the application:

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."

CONSIDERATIONS

- The Town Council approves Special Use Permits.
- The orientation of the buildings places four rear yards against the side yard of one existing single family home, with the buildings just 10' from the property line.

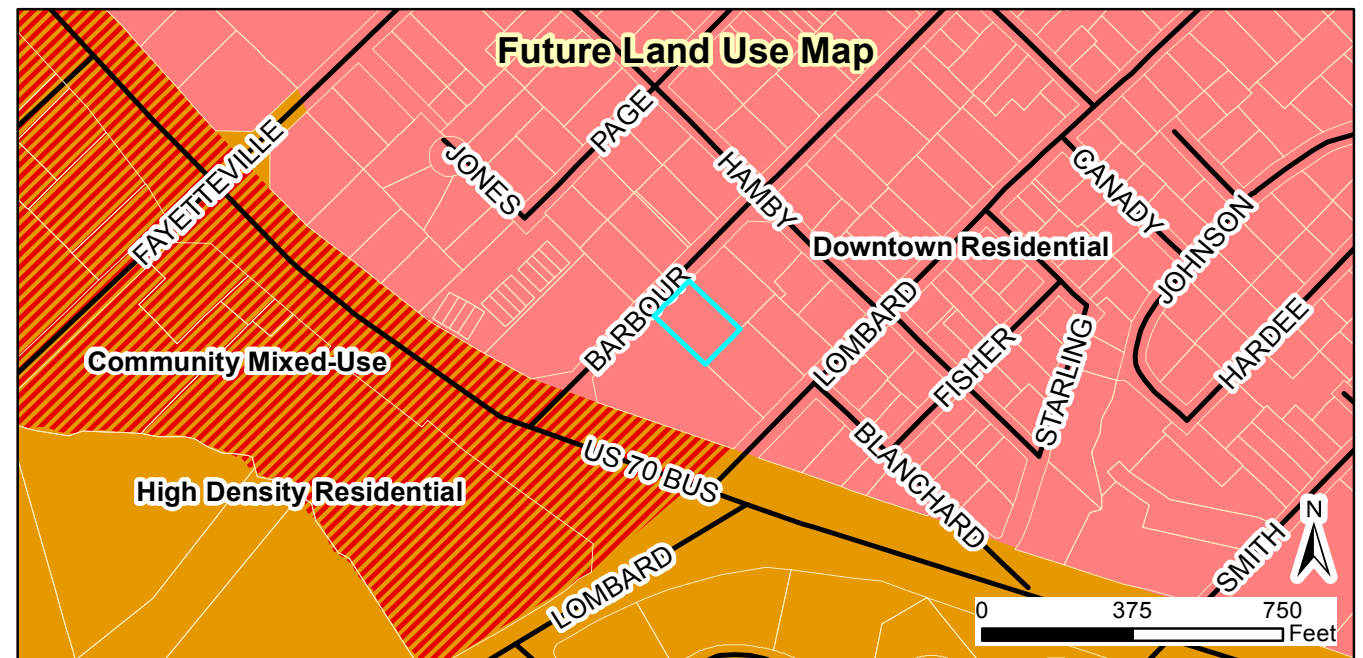
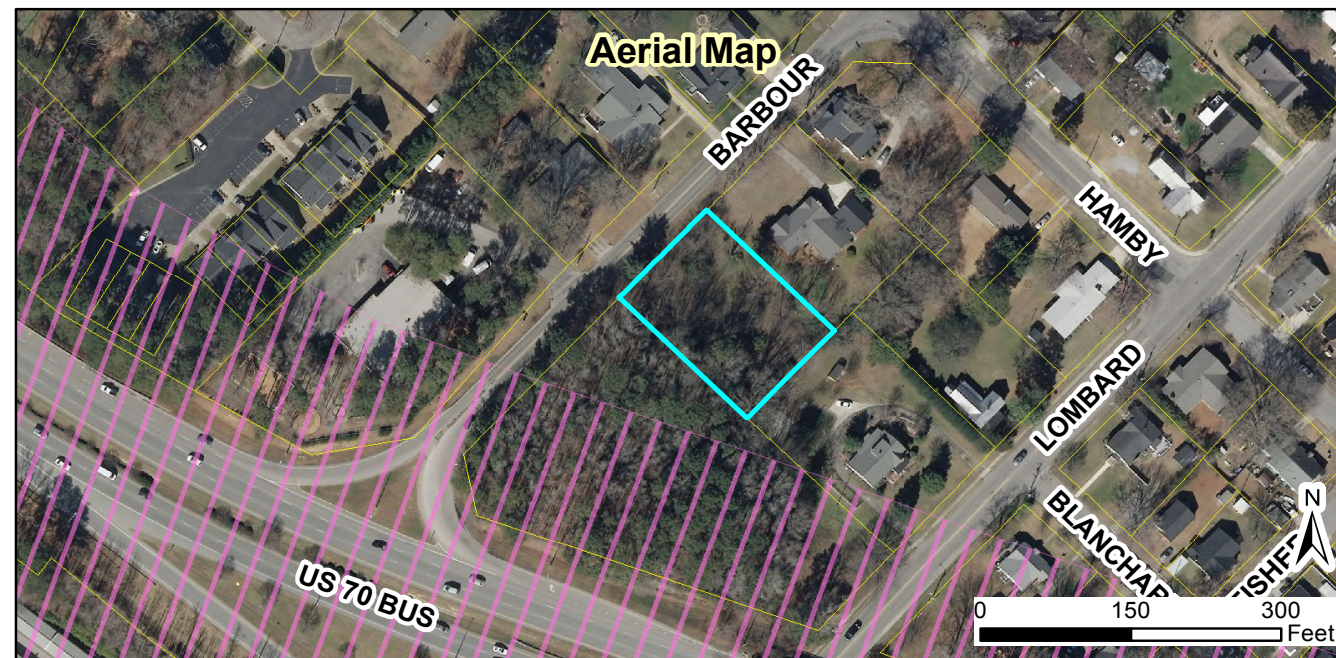
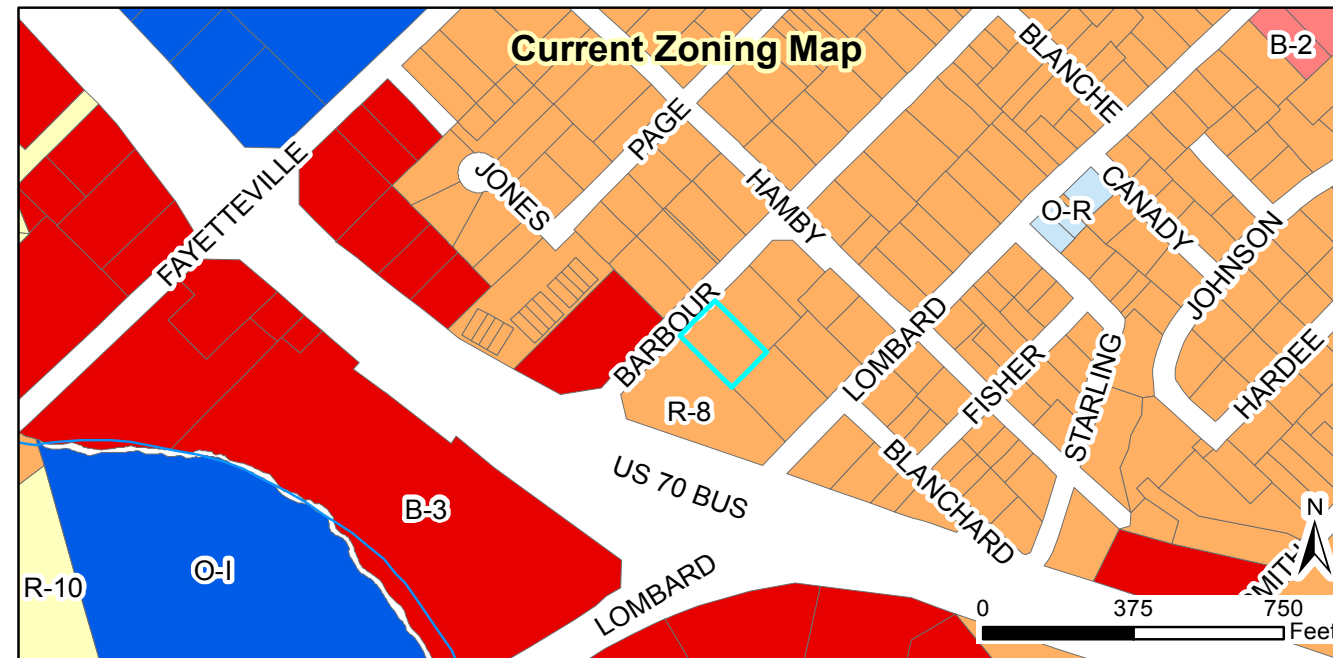
CONDITIONS OF APPROVAL

If approved, staff recommends the following conditions of approval:

1. A cross-access easement agreement shall be recorded, and provided to the Town, prior to the issuance of any building permits.

ATTACHMENTS

- 1) Application
- 2) Map
- 3) Neighborhood Meeting Materials
- 4) Associated Site (Subdivision) Plan & architectural elevations



Request:
2017-176-SUP, Barbour Street townhomes, to allow townhomes in the R-8 zoning district.

Applicant: Dalton Engineering and Assoc., PA
 Property Owners: Vast Real Estate and Development, Inc.
 Parcel ID: 165920-90-6715
 Tax ID: 4736771

Staff Report Map



Document Path: O:\PLANNING\SPECIAL USE\2017\2017-176-SUP Barbour Street Townhomes\Map\Map - Barbour St townhomes - 2017-176-SUP.mxd

Legend

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

12/11/2017
 Produced by: TOC Planning
 Disclaimer: Town of Clayton assumes no legal responsibility for the quality of the data represented here.

PRELIMINARY SUBDIVISION PLANS
FOR
BARBOUR STREET TOWNHOMES
TOWN OF CLAYTON - JOHNSTON COUNTY, NC

INDEX TO DRAWINGS

SHEET 1..... COVER SHEET
SHEET 2..... EXISTING CONDITIONS SHEET
SHEET 3..... PRELIMINARY SITE PLAN
SHEET 4..... PRELIMINARY UTILITY PLAN

ENGINEER

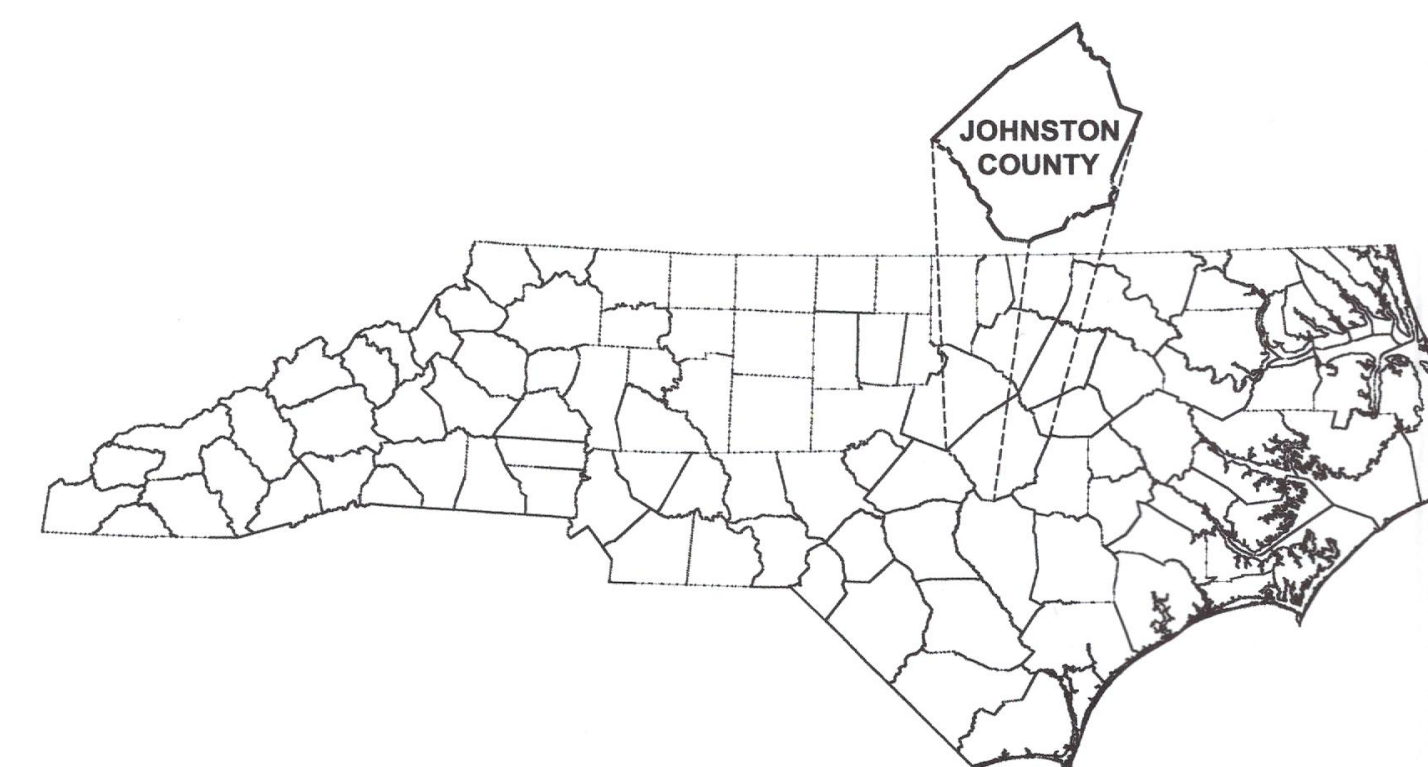
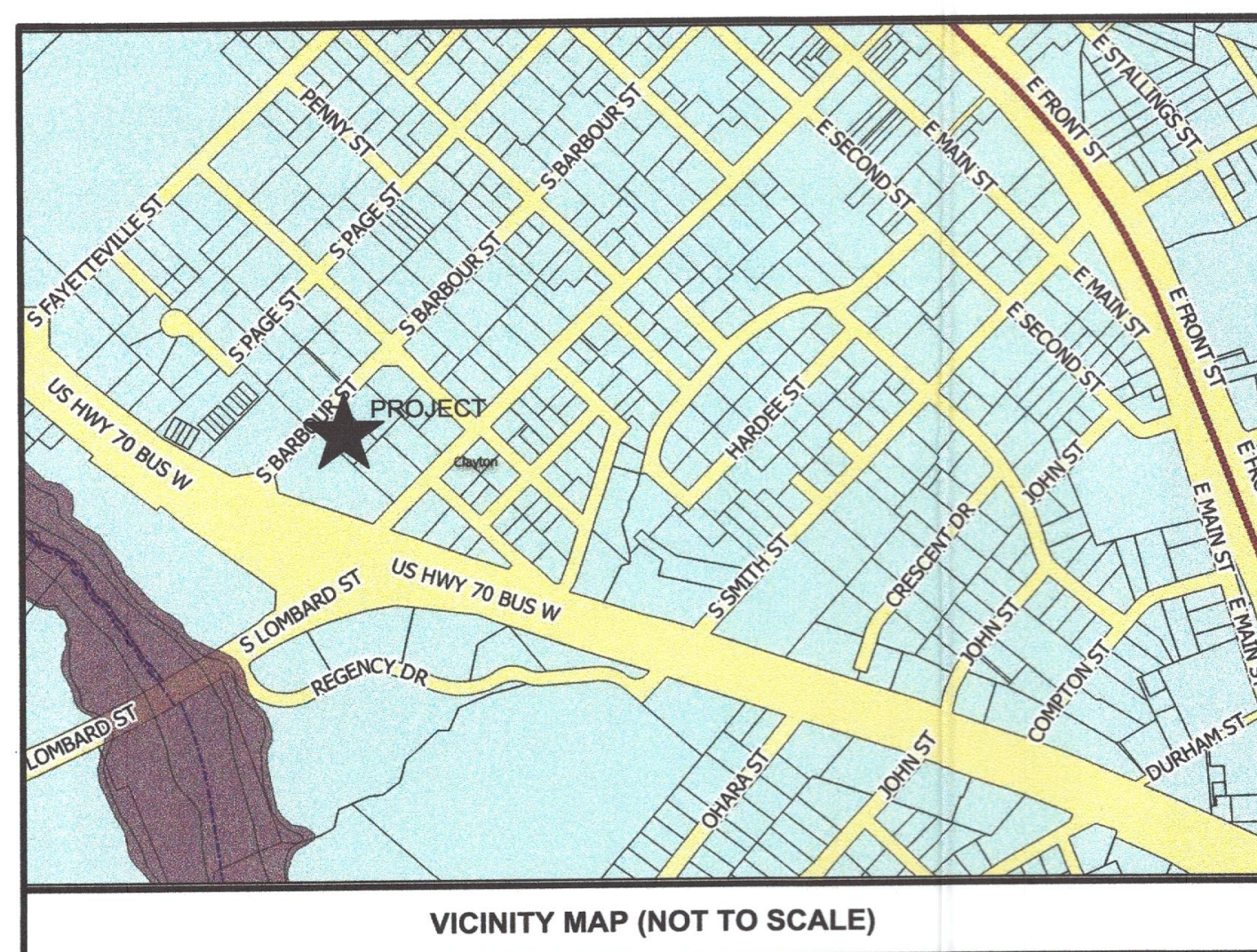
DALTON ENGINEERING AND ASSOCIATES, P. A.
446 EAST MAIN STREET P. O. BOX 426
CLAYTON, NC 27520 CLAYTON, NC 27528
(919) 550-4740 - FAX (919) 550-4741

SURVEYOR

TRUE LINE SURVEYING, P. C.
205 WEST MAIN STREET
CLAYTON, NC 27520
(919) 359-0427

OWNER

VAST REAL ESTATE AND DEVELOPMENT, INC.
PO. BOX 189
CLAYTON, NC 27528
(919) 201-2626



NOTES:

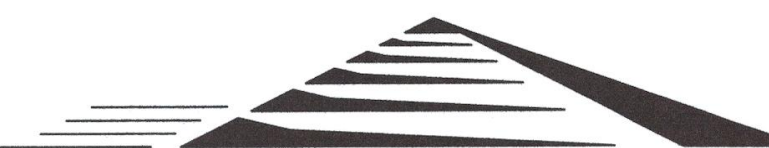
1. ALL SURVEY INFORMATION/DATA TO ALL DIGITAL INFORMATION (DWG) THE CONSTRUCTION DRAWINGS. H- PROFESSIONAL LAND SURVEYOR, ENGINEERING AND ASSOCIATES, P. A.
2. AERIAL PHOTO FROM NC ONEMA
3. IT IS THE RESPONSIBILITY OF THE DRAWINGS TO THE VARIOUS UTILITIES, CENTURYLINK, SPECTRUM, ETC.

NOTES:

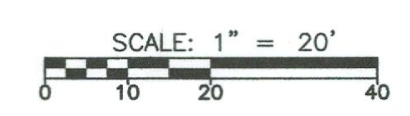
DALTON ENGINEERING AND ASSOCIATES, P. A. TO ALL DIGITAL INFORMATION (DWG) THE CONSTRUCTION DRAWINGS. THAT INFORMATION SHALL BE THE PROPERTY OF DALTON ENGINEERING AND ASSOCIATES, P. A. WITHOUT THE WRITTEN CONSENT OF DALTON ENGINEERING AND ASSOCIATES, P. A.

Job: 17056 Date: 11/17/2017
File: 17056-PRELIM Drawn:

Dalton Engineering
and Associates, P. A.

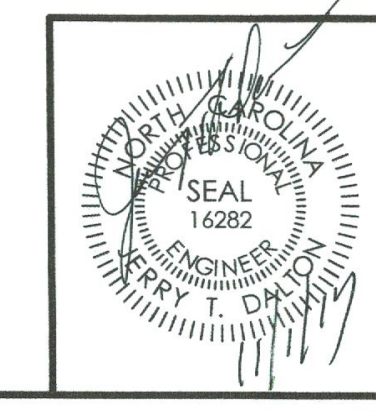


REVIEW ONLY
NOT FOR CONSTRUCTION



EXISTING CONDITIONS SHHET
FOR
BARBOUR STREET TOWNHOMES
TOWN OF CLAYTON - JOHNSTON COUNTY, N.C.

REVIEW ONLY
NOT FOR CONSTRUCTION



Dalton Engineering and Associates, P. A.		
446 East Main Street P.O. Box 426 Clayton, NC 27520		
(919) 550-4740 Fax (919) 550-4741		
Job: 17056	Date: 11/01/17	Revision:
File: 17056-PRELIM	Drawn: RVM	Sheet: 2 OF 4

CALL BEFORE YOU DIG!
NORTH CAROLINA LAW REQUIRES NOTIFICATION OF THE UNDERGROUND FACILITY OWNER NOT LESS THAN TWO (2) BUT NO MORE THAN TEN (10) WORKING DAYS PRIOR TO EXCAVATION OR DEMOLITION

 **North Carolina One-Call Center, Inc.**
www.ncocc.org
1-800-632-4949

P:\PROJECTS\17056-DRAINAGE\17056-PRELIM\DWG\SHHET.dwg 11/1/2017 11:58 AM

DEVELOPMENT NAME: BARBOUR STREET TOWNHOMES
OWNER / APPLICANT
VAST REAL ESTATE AND DEVELOPMENT, INC.
MAILING ADDRESS: P.O. BOX 189 CLAYTON, N.C. 27528
SITE ADDRESS: 619 S. BARBOUR ST. CLAYTON, N.C. 27520

TOWNSHIP: TOWN OF CLAYTON
NC PIN: 165920-90-6715
ETJ: TOWN OF CLAYTON
ZONING: R-8
SITE ACREAGE: 0.54 A.C. (23,604 S.F.)
PROPOSED IMPERVIOUS: 0.34 AC
SITE DENSITY: 7.84 LOTS PER ACRE
MAX BUILDING HEIGHT: 25'
EXISTING USE: WOODED
THOROUGHFARE OVERLAY DISTRICT: NO
NO FLOOD PLAIN ON SITE: PANEL 1659
WATERSHED PROTECTION AREA: NO
INSIDE CITY LIMITS: YES

INTERIOR LANDSCAPING
TWENTY PERCENT OF THE TOTAL
AREA SHALL BE LANDSCAPED
0.54 AC X 20% = .11 AC (4,721SF.)
1 CANOPY TREE, 1 UNDERSTORY TREE AND 2 SHRUBS
SHALL BE PLANTED FOR EACH 1,000 SF. OF LANDSCAPE
ARE REQUIRED.
4,721 / 1,000 = 5 CANOPY TREES
4,721 / 1,000 = 5 UNDERSTORY TREES
4,721 / 1,000 X 2 = 10 SHRUBS

STREET YARD TREES SHALL BE REQUIRED ALONG ALL RIGHTS OF WAY AT THE RATE OF ONE CANOPY TREE PER LOT OR ONE CANOPY TREE FOR EVERY 40 LINEAR FEET (SPACED A MAXIMUM OF 50 FEET APART).
80LF / 40 = 2 CANOPY TREES

TOTAL NUMBER OF MULTI-FAMILY UNITS: 4
PROPOSED USE: MULTI-FAMILY SUBDIVISION
M.B.S.L. FRONT: 25'
M.B.S.L. SIDE: 10'
M.B.S.L. REAR: 15'
ELECTRIC PROVIDER: TOWN OF CLAYTON
SANITARY SEWER PROVIDER: TOWN OF CLAYTON
WATER PROVIDER: TOWN OF CLAYTON

IMPERVIOUS AREA - 2,491.67 SF (0.06 AC)
PERVIOUS AREA - 1,308.29 SF (0.03 AC)

LOT 3

LOT 4 IMPERVIOUS AREA - 2,445.29 SF (0.06 AC)

COMMON AREA
IMPERVIOUS AREA - 4,799.28 SF (0.09 AC)
PERVIOUS AREA - 3,893.94 SF (0.09 AC)

Technical drawing of a curb and gutter cross-section. The drawing shows a curb with a top width of 24.00 MIN and a base width of 24.00 MIN. The curb height is 10.00. The gutter has a width of 4.00 and a depth of 5.00. The gutter is lined with a slope surface of .25 inch per foot on all sides for drainage. The gutter is bordered by a curb with a top width of 24.00 MIN and a base width of 24.00 MIN. The curb is bordered by a gutter with a width of 4.00 and a depth of 5.00. The gutter is lined with a slope surface of .25 inch per foot on all sides for drainage. The gutter is bordered by a curb with a top width of 24.00 MIN and a base width of 24.00 MIN. The curb is bordered by a gutter with a width of 4.00 and a depth of 5.00. The gutter is lined with a slope surface of .25 inch per foot on all sides for drainage.

Labels and dimensions include:

- 24.00 MIN
- 24.00 MIN
- 4.00
- 2.00
- 10.00
- 5.00
- 24.00 MIN
- 24.00 MIN
- CBU OUTLINE
- CBU PEDESTAL
- 4X #50 ANCHOR BOLTS
- 4X 4.50 MIN
- 4X 4.00
- 8.00 MIN
- 3.00
- BROOM FINISH
- 4X #50 ANCHOR BOLTS. USE TEMPLATE TO ENSURE ALIGNMENT
- CHAMFER EDGES, IN LANDSCAPE AREAS, TOOL EDGES FLUSH WITH ADJOINING SURFACES IN PAVED AREAS.
- SLOPE SURFACE .25 INCH PER FOOT ON ALL SIDES FOR DRAINAGE.
- BUTYL RUBBER PAD (WITH METAL PIEDestal ONLY)
- MATCH EXISTING GRADE IN PAVED AREAS
- SLOPE SURFACE .25 INCH PER FOOT ON ALL SIDES FOR DRAINAGE
- 4 RODS ON 14.00 CENTERS MAXIMUM, EACH WAY
- OPTIONAL COMPACT GRAVEL OR CRUSHED STONE (OMIT WHERE SOLID ROCK OCCURS)
- MAXIMUM FROST DEPTH
- FIRM UNDISTURBED SOIL OR WELL-COMPACTED FILL

1. CONCRETE SHALL HAVE A COMPRESSIVE STRENGTH OF 3000 PSI @ 28 DAYS, CONTAIN 4% MIN - 6% MAX AIR ENTRAINMENT AND BE PLACED WITH A 3.50 - 4.50 SLUMP IN ACCORDANCE WITH ACI 301.
2. REINFORCING STEEL RODS SHALL CONFORM TO ASTM A615, GRADE 60.
3. ANCHOR BOLTS SHALL CONFORM TO ASTM A193, GRADE B8M, TYPE 316 STAINLESS STEEL.

NORTH CAROLINA LAW REQUIRES NOTIFICATION OF THE UNDERGROUND FACILITY OWNER NOT LESS THAN TWO (2) BUT NO MORE THAN TEN (10) WORKING DAYS PRIOR TO EXCAVATION OR DEMOLITION

 North Carolina One-Call Center, Inc.
www.ncocc.org
1-800-632-4949

KEY	QUANTITY	SCIENTIFIC NAME	COMMON NAME	SIZE	HEIGHT
1	33	Loropetalum chinense	Loropetalum	3 Gal.	18"-24"
2	5	Prunus x yedoensis	Yoshino Cherry	2" B&B	8'-10"
3	7	Quercus phellos	Willow Oak	2" B&B	10'-12"

Technical drawing of a 6-foot high fence section. The drawing shows a cross-section of the fence with the following components and dimensions:

- PICKETS 1"x4" DOG EAR**: The vertical slats of the fence.
- BACK RAIL**: The top horizontal rail.
- 4"x4"**: The vertical post supporting the top rail.
- 2"x4"**: The horizontal rail below the top rail.
- 12"**: The height of the top rail section.
- 24"**: The height of the middle section.
- 12"**: The height of the bottom section.
- ONLY FOR 6' TALL FENCE SECTION**: A note indicating the drawing is for a 6-foot fence.
- EL TO 4'**: A note indicating the elevation is to 4 feet.
- (SEE SHEET 3 OF 4 FOR HEIGHT)**: A note indicating to see sheet 3 of 4 for the full height.
- CONCRETE**: The foundation for the fence posts.
- 4' ON CENTER**: The spacing between the fence posts.
- NOTE:** ALL MATERIAL SHALL BE PRESSURE TREATED OR A ROT RESISTANT MATERIAL.

TYPICAL WOODEN PRIVACY FENCE SECTION

N/F
PEGGY ATKINSON
DB 750 PG 952
PIN 165920-90-5558
ZONING R-8

ROLL-OUT TASH CANS
FOR PICKUP

TOWN OF CLAYTON MAINTAINED
5' SIDEWALK (TYP)

GRADE AS SHOWN

6" AGGREGATE BASE COURSE ON COMPACTED SUB-GRADE

6" 10" 2" CHAMFER (ALL AROUND)

REVISION 002: ADDRESS TOWN OF CLAYTON COMMENTS - 12/13/17
REVISION 001: ADDRESS TOWN OF CLAYTON COMMENTS - 11/27/17

N/F
RUTH FERRELL PLEASANT
DB 636 PG 372
PIN 165920-90-4953
ZONING R-8

N/F
RUTH F PLEASANT REVOCABLE TRUST
RUTH F. PLEASANT TRUSTEE /
DB 359 PG 18
PIN 165920-90-4998
ZONING R-8

N/F
LINDA MCADAMS
ID. NO. 5017027
PIN 165920-90-7804

NOTES:

1. CONSTRUCTION DRAWINGS ARE TO BE SUBMITTED TO THE TOWN OF CLAYTON PUBLIC WORKS ENGINEERING DIVISION FOR REVIEW AND APPROVAL.
2. N.C.D.O.T. AND TOWN OF CLAYTON DRIVEWAY PERMIT APPROVAL IS REQUIRED FOR ROADWAY CONNECTION TO SOUTH BARBOUR STREET.
3. THE 10'X70 SIGHT TRIANGLES SHALL TAKE PRECEDENCE OVER ANY SIGN EASEMENT.
4. DRIVEWAY PERMIT REQUIRED FROM N.C.D.O.T.
5. UTILITY FEES (ACREAGE, CAPACITY AND NUTRIENTS OFFSET) ARE DUE AT BUILDING PERMIT ISSUANCE.
6. DEVELOPER WILL BE RESPONSIBLE FOR WATER AND SEWER TAP INSTALLATIONS.
7. A THIRD PARTY ENCROACHMENT AGREEMENT TO T.O.C. ENGINEERING DEPARTMENT WILL BE REQUIRED.

N/F
JAMES GILBERT
DB 4830 PG 368
PIN 165920-90-8742
ZONING R-8

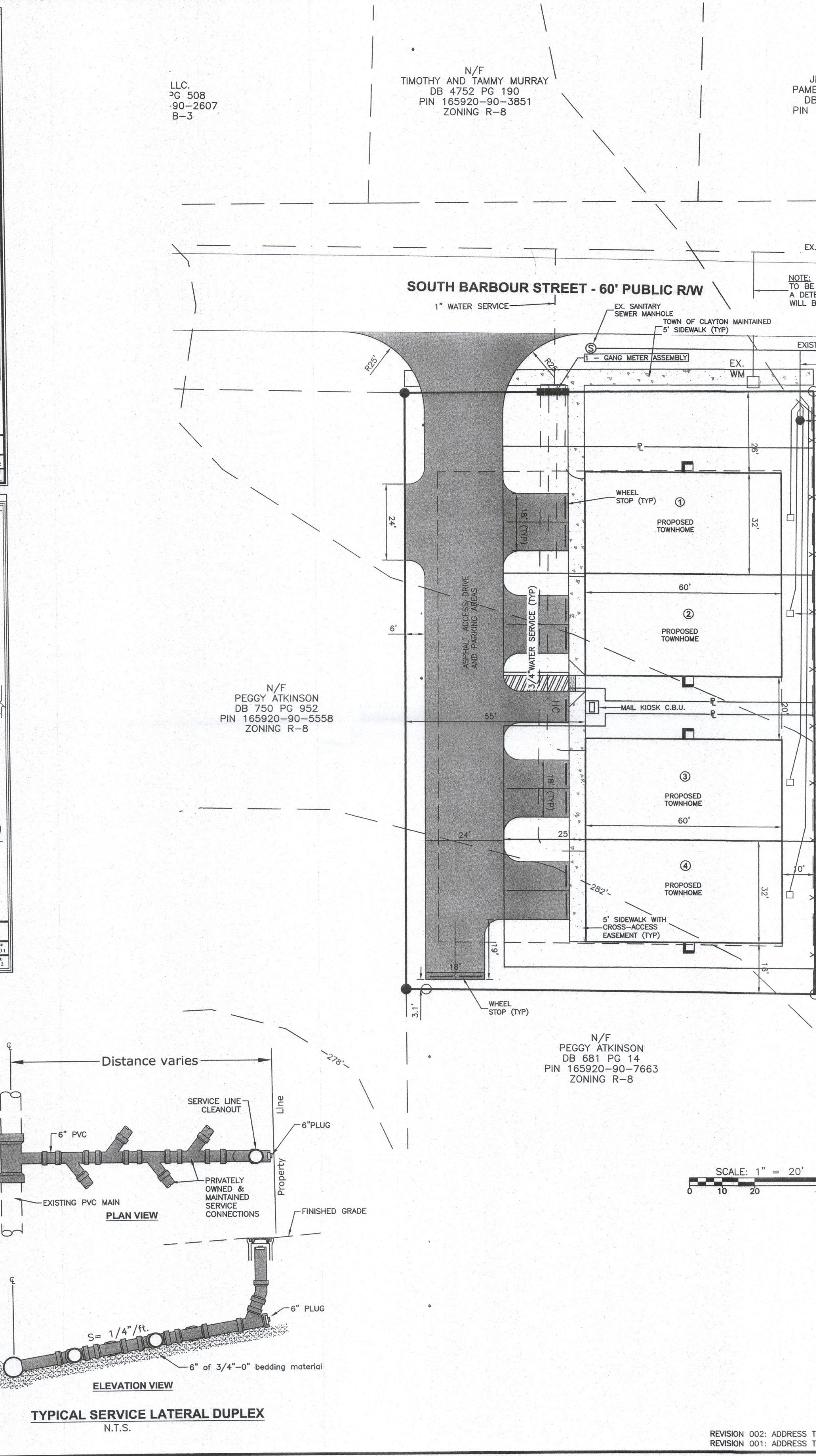
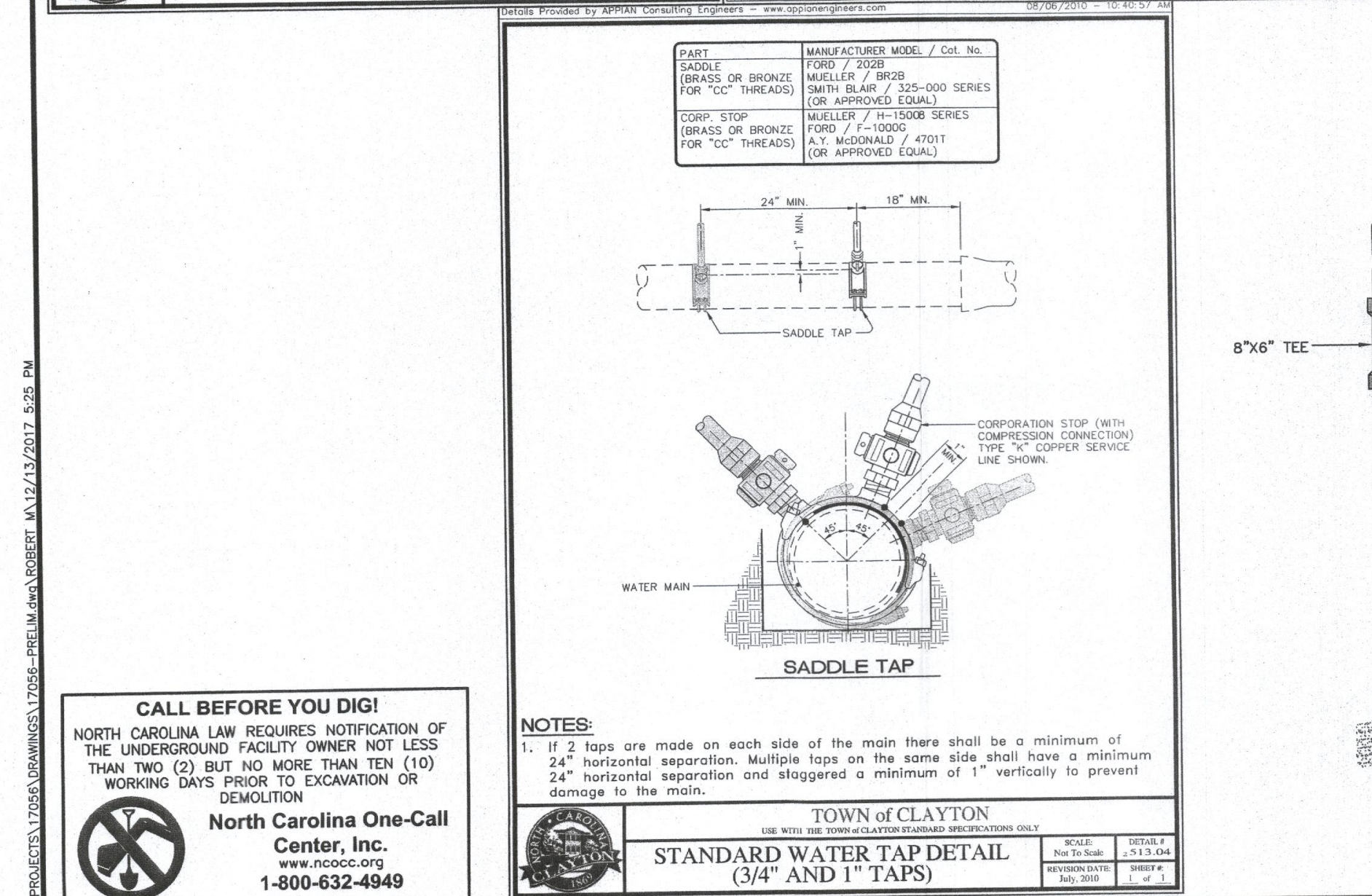
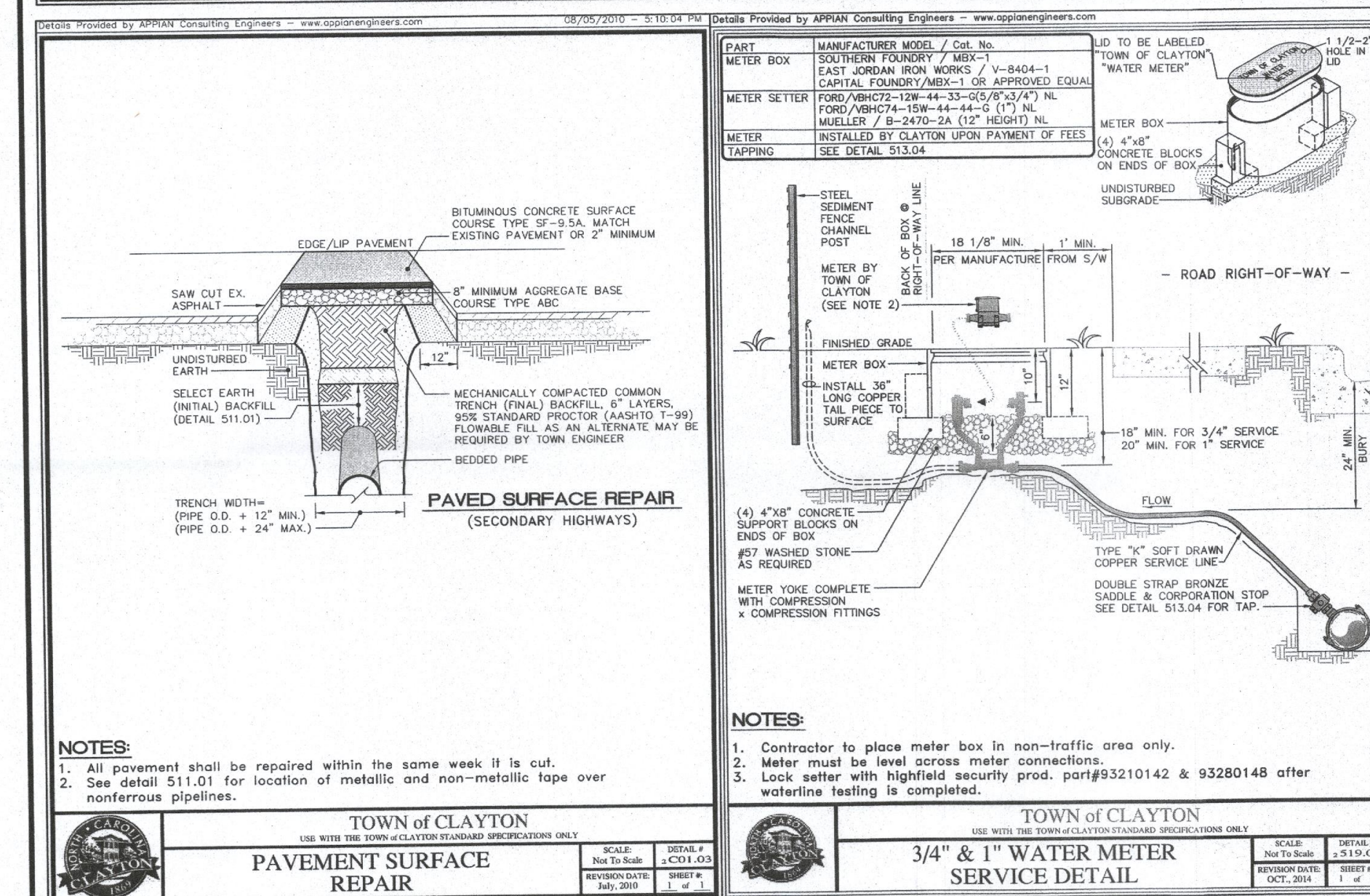
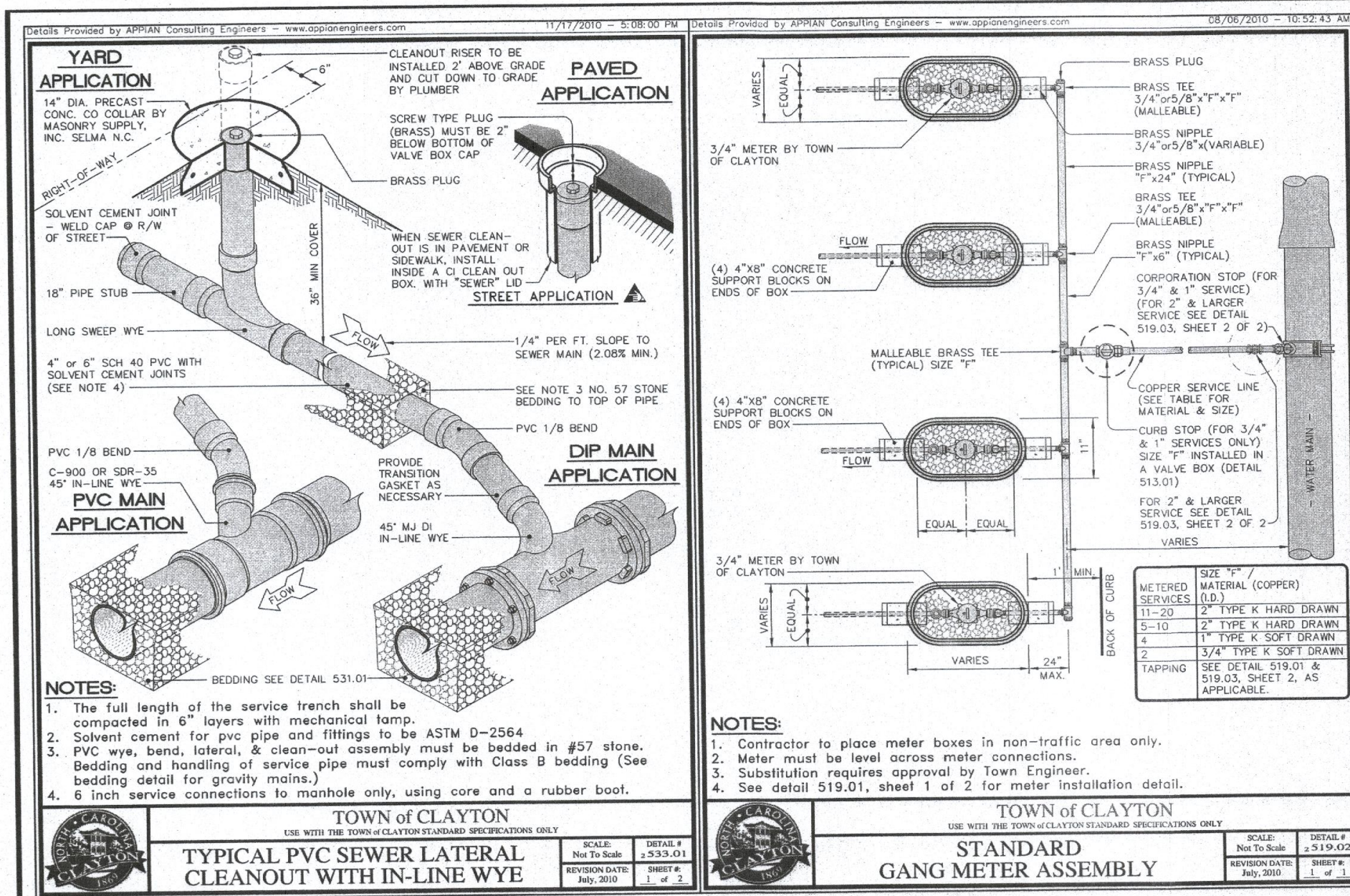
PRELIMINARY SITE PLAN
FOR
BARBOUR STREET TOWNHOMES
TOWN OF CLAYTON - JOHNSTON COUNTY, N.C.

**Dalton Engineering
and Associates, P. A.**

446 East Main Street
P.O. Box 426
Clayton, NC 27520

(919)550-4740
Fax (919) 550-4741

Job: 17056	Date: 11/01/17	Revision: 002
File: 17056-PRELIM	Drawn: RVM	Sheet: 3 OF 4



LLC.
PG 508
90-2607
B-3

N/F
TIMOTHY AND TAMMY MURRAY
DB 4752 PG 190
PIN 165920-90-3851
ZONING R-8

N/F
JERRY LEE AND
PAMELA DAVIS GUNTER
DB 3507 PG 940
PIN 165920-90-4819
ZONING R-8

N/F
RUTH FERRELL PLEASANT
DB 636 PG 372
PIN 165920-90-4953
ZONING R-8

N/F
RUTH F. PLEASANT REVOCABLE TRUST
RUTH F. PLEASANT TRUSTEE
DB 359 PG 18
PIN 165920-90-4998
ZONING R-8

N/F
LINDA MCADAMS
ID. NO. 5017027
PIN 165920-90-7804

N/F
PEGGY ATKINSON
DB 750 PG 952
PIN 165920-90-5558
ZONING R-8

N/F
PEGGY ATKINSON
DB 681 PG 14
PIN 165920-90-7663
ZONING R-8

N/F
JAMES GILBERT
DB 4830 PG 368
PIN 165920-90-8742
ZONING R-8

**PRELIMINARY UTILITY PLAN
FOR
BARBOUR STREET TOWNHOMES
TOWN OF CLAYTON - JOHNSTON COUNTY, N.C.**

**Dalton Engineering
and Associates, P. A.**

446 East Main Street
P.O. Box 426
Clayton, NC 27520

(919)550-4740
Fax (919) 550-4741

Job: 17056 **Date:** 11/01/17 **Revision:** 002

File: 17056-PRELIM **Drawn:** RVM **Sheet:** 4 OF 4

Moss Creek Village

1106B-109



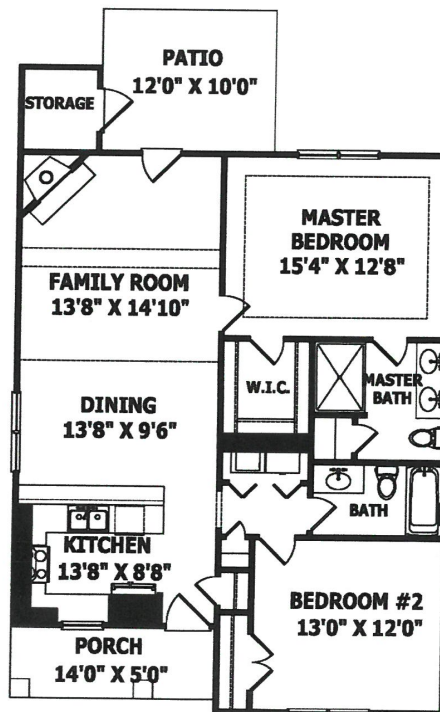
FRONT ELEVATION - A



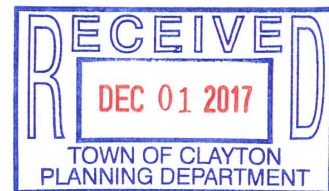
FRONT ELEVATION - B

SQUARE FOOTAGE

HEATED	
FIRST FLOOR	1106 SQ.FT.
TOTAL	1106 SQ.FT.
UNHEATED	
FRONT PORCH	70 SQ.FT.
PATIO	120 SQ.FT.
STORAGE	34 SQ.FT.
TOTAL	224 SQ.FT.



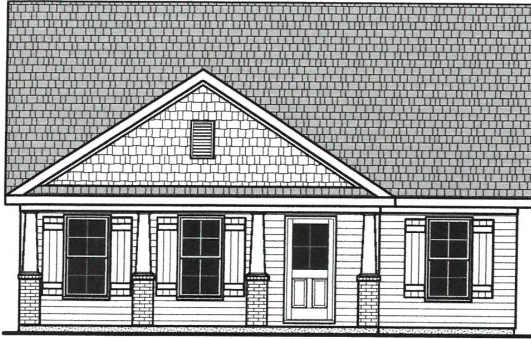
FIRST FLOOR PLAN



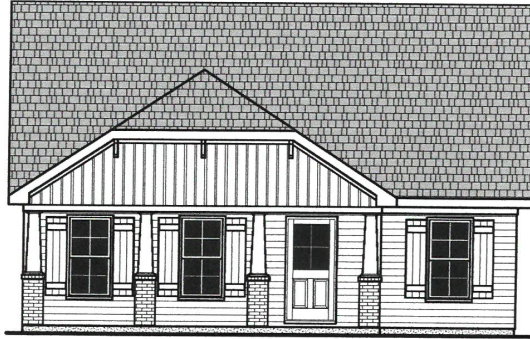
This is a rendering only and subject to change when being built as drawn for actual lots.
Porch, patio & room dimensions are not guaranteed.

Moss Creek Village

1387-110



FRONT ELEVATION - A



FRONT ELEVATION - B

SQUARE FOOTAGE

HEATED

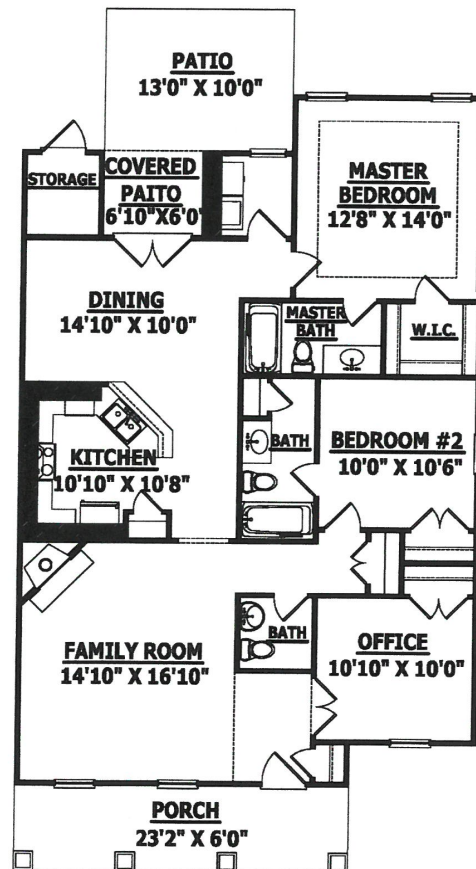
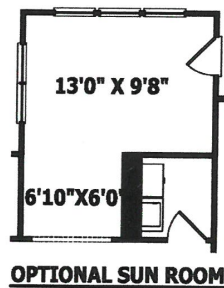
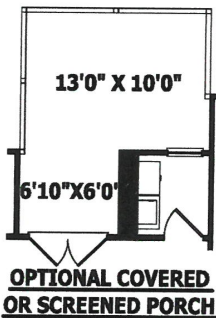
FIRST FLOOR 1387 SQ.FT.
TOTAL 1387 SQ.FT.

OPTIONAL

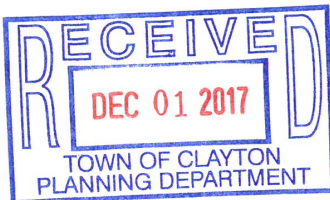
COVERED PORCH 171 SQ.FT.
SUN ROOM 176 SQ.FT.
TOTAL 347 SQ.FT.

UNHEATED

FRONT PORCH 139 SQ.FT.
REAR PORCH 41 SQ.FT.
PATIO 130 SQ.FT.
STORAGE 34 SQ.FT.
TOTAL 344 SQ.FT.



FIRST FLOOR PLAN





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

February 20, 2018

NOTICE

SUBJECT: Barbour Street townhomes, special use permit, 2017-176-SUP, request to allow townhomes on property zoned Residential-8.

Address: 619 S Barbour Street

Petitioner: Vast Real Estate and Development, Inc., c/o Nathan Evans

Dear Clayton Area Property Owner:

Notice is hereby given that the Clayton Town Council will hold a public hearing on Monday, March 5 at 6:00 PM at Town Hall, 111 E Second Street, to consider the above-referenced special use permit request, and associated minor subdivision (2017-175-SDM). Please see the map on the back of this letter. This application requires a Special Use Permit to establish townhomes in the R-8 zoning district.

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

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

Sincerely,


Jay McLeod, AICP
Senior Planner

cc: File folder: 2017-176-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 land¹, 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 and copy of letter)

This the 20 day of Feb., 2018

Name (print): JAY McLEOD

Signed: 

PROJECT #/Name: 2017-176-SUP, Barbour Street townhomes, Special Use Permit.

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.

Dalton Engineering

and Associates, P.A.



November 15, 2017

Timothy & Tammy Murray
616 South Barbour St
Clayton, NC 27520
165920-90-3851

Dear Mr. & Mrs. Murray:

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

Meeting Date: Tuesday, November 28, 2017 Meeting Time: 6:30 PM

Meeting Location: Dalton Engineering and Associates, P.A.
446 East Main Street
Clayton, NC 27520

Type of Application: Minor Subdivision Application and Special Use Application

Project/proposal property address: The project is located at 619 South Barbour Street, Clayton, NC 27520.

Description of project/proposal: The Developer of the subject project has submitted a Minor Subdivision Application and Special Use Application to the Town due to an interest in developing the parcel into 4 residential townhome lots.

Upcoming public meetings for this application (Planning Board and/or Town Council):
Planning Board and Town Council

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

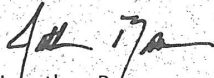
1. A copy of the project application.
2. A map at a scale that is appropriate to the project and shows neighboring properties and roads.
3. A map, drawing, or other depiction of the proposed land use change or development proposal.

446 East Main Street ▲ P.O. Box 426 ▲ Clayton, NC 27528 ▲ (919) 550-4740/Fax (919) 550-4741

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 our office at 919-550-4740. You may also contact the Town of Clayton Planning Department at 919-553-5002.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jon Barnes', with a stylized flourish at the end.

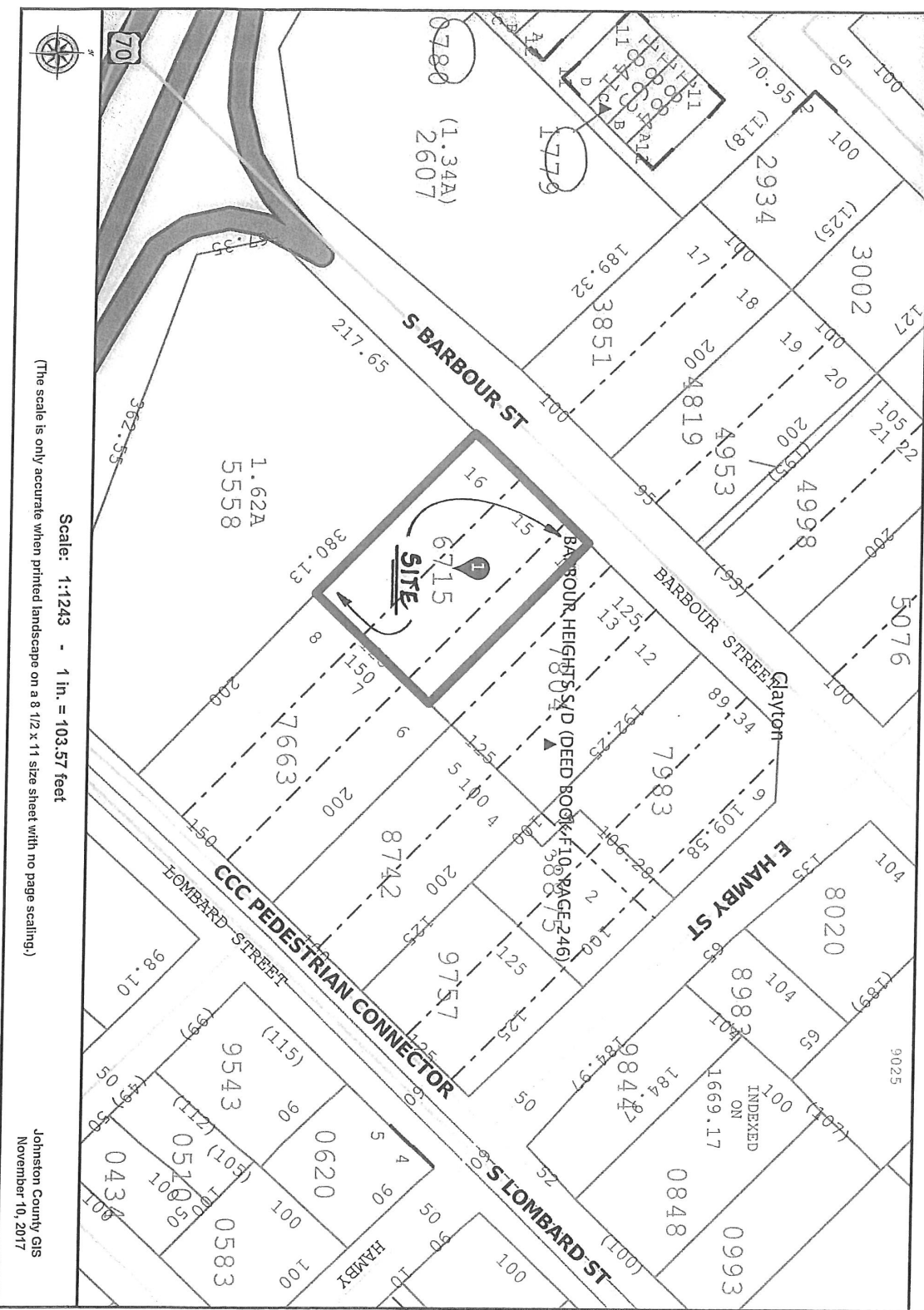
Jonathan Barnes
Dalton Engineering and Associates, P.A.

Cc: Town of Clayton Planning Dept.

Barbour Street Townhomes



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



Scale: 1:1243 - 1 in. = 103.57 feet
 (The scale is only accurate when printed landscape on a 8 1/2 x 11 size sheet with no page scaling.)

Johnston County GIS
 November 10, 2017

ADJACENT PROPERTY OWNERS LIST

Project Name: Barbour Street Townhomes

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
165920-90-7663	Peggy Jones Atkinson	303 Williams St Greenville,NC 27858
165920-90-3851	Timothy & Tammy Murray	618 S Barbour St Clayton,NC 27520
165920-90-7804	Linda Mitchiner McAdams	611 Barbour St Clayton,NC 27520
165920-90-5558	Peggy Jones Atkinson and Others	303 Williams St Greenville, NC 27858
165920-90-4953	Ruth Ferrell Pleasant	612 Barbour St Clayton, NC 27520
165920-90-8742	James M Gilbert	PO Box 236 Clayton,NC 27528
165920-90-2607	Roses,LLC	PO Box 1379 Clayton,NC 27528
165920-90-4998	Ruth F Pleasant Revocable Trust	612 S Barbour St Clayton,NC 27520
165920-90-4819	Jerry L & Pamela D Gunter	616 S Barbour St Clayton,NC 27520

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Applicant: Dalton Engineering & Associates, P.A.

Location/Date: Dalton Engineering & Associates, P.A. 446 East Main Street Clayton, NC 27520 11/28/17

	NAME	ADDRESS
1	Tammy Murray	618 Barbours St
2	Rochelle Pleasant	612 Barbours St
3	Jerry Gunter	616 Barbours St
4	Linda M. McAdams	611 Barbours St.
5	Misty Tull	6165 Lombard st.
6	JONATHAN BARUES	446 EAST MAIN ST. CLAYTON, NC 27520
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		

NEIGHBORHOOD MEETING SUMMARY FORM

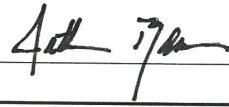
FILL OUT THE FOLLOWING:

Application: Barbour Street Townhomes : Special Use Application

Date of Mailing: November 16, 2017

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: Jonathan Barnes

Signature: 

Date of Meeting: November 28, 2017 Time of Meeting: 6:30 p.m.

Location of Meeting: Dalton Engineering and Associates, P.A. 446 East Main Street Clayton, NC 27520

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.*

There were a total of six Participants that attended the Neighborhood Meeting held for subject project, including one Representative of the Applicant. A general overview of the project was provided to the Participants, as well as the meeting dates and location of the upcoming public hearings. Issues that were raised during the Neighborhood Meeting included the utilization of the parcel for townhomes, the number of townhomes that are being proposed to be constructed on the parcel, the available sight distance at the project's driveway and the amount of traffic the project would generate. Questions were asked about the aesthetics and the height of the proposed townhomes; elevation views of the townhomes were not available at the time of the Neighborhood Meeting. At the conclusion of the Meeting, each of the five Property Owners left with a blank Summary Form in order to write down their comments and concerns. One Property Owner called to let our office know they would be voicing their comments during the public hearing at the Planning Board Meeting. As of the end of the business day on 12/4/17, two other Property Owners had delivered their comments to our office, which are included in the attached Neighborhood Meeting information packet. Jonathan Barnes - Dalton Engineering and Associates, P.A. (Applicant)

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

NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Date of Mailing: November 16, 2017

I hereby attest that letters were mailed to the addresses listed on the Adjacent Property Owners List (attached):

Printed Name: Jonathan Barnes

Signature: Beth Pleasant

Date of Meeting: Tuesday November 28, 2017 Time of Meeting: 6:30

Location of Meeting: Dalton Engineering & Associates, P.A. 446 East Main St Clayton, NC 27520

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

Concerns — ① Traffic - off highway/getting out of driveway
② The building of more townhomes in the future.
③ Safety crossing street to visit neighbors
④ More cars by my house each day - (Hard to get out of driveway now!)

Please write clearly (or submit a typed summary), and use additional sheets if necessary.

01/06/2016

Page 6 of 17

NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Date of Mailing: November 16, 2017

I hereby attest that letters were mailed to the addresses listed on the Adjacent Property Owners List (attached):

Printed Name: Jonathan Barnes

Signature: 

Date of Meeting: Tuesday November 28, 2017 Time of Meeting: 6:30

Location of Meeting: Dalton Engineering & Associates, P.A. 446 East Main St Clayton, NC 27520

Meeting Summary/Minutes: provide a summary of the discussion held at the meeting, including issues raised and any changes made by the applicant as a result of the meeting.

We are deeply concerned about the impact this development will have on our neighborhood. The only entrance/exit will be directly across from our driveway as well as the driveway at the adjacent daycare center. It is already very challenging for us to exit our driveway with the large amount of traffic on Barber St. Adding a driveway for multiple units directly across this narrow, busy street will create a safety issue.

We also are distressed about the dramatic change in the neighborhood that will be caused by putting so many units on this small residential lot. We are a neighborhood of lovely single family homes and feel strongly that the addition of multiple units in a small space will negatively impact our quality of life in our home as well as property values.

Tim & Tammy Murray 618 Barber St

Please write clearly (or submit a typed summary), and use additional sheets if necessary.

01/06/2016

401-338-6782

508-577-5684

Page 6 of 17

Special Use [quasi-judicial hearing] [Additional requirements listed in Town Ordinance 155.702]:	PUBLIC NOTICE In accordance with NC GS 160A-364, the Clayton Town Council will hold an evidentiary hearing on Monday, March 5, 2018, at 6:00 PM at Town Hall, 111 East Second Street, to consider special use application 2017-176-SUP, Barbour Street Townhomes. This application requires a Special Use Permit to allow townhomes at 619 S. Barbour Street; parcel number 165920-90-6715. 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 The Clayton News Star Please advertise on the following dates: February 23, 2018 March 2, 2018 Affidavit of publication required.
--	---

**TOWN OF CLAYTON
PLANNING BOARD WRITTEN RECOMMENDATION
SPECIAL USE PERMIT:**

**Barbour Street Townhomes
2017-176-SUP**

On January 22, 2018, the Planning Board heard the above-referenced request and made the following vote:

Recommendation to the Town Council to

☐ approve the request;

☐ approve the request with the following modified or added conditions:

☒ deny the request;

☐ other

Recommendation(s) made this 22nd day of January 2018 while in regular session.

Signed:



ROBERT L. AHLERT PLANNING BOARD CHAIR



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

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: My Girlfriends Properties LLC **Acreage of Property:** .15
County Tag Number: 0501 5077 **NC PIN:** 166913-02-3765
Address/Location: 110 E Second Street
Existing Zoning District: O-I
Proposed Zoning District: B-1

APPLICANT INFORMATION

Applicant: Paul Black - My Girlfriends Properties, LLC
Mailing Address: 126 Reedy Creek Road Four Oaks NC 27524
Phone Number: (919) 524-5858 **Fax:** N/A
Contact Person: Paul Black
Email Address: Blackstone@nc.rr.com

FOR OFFICE USE ONLY		
Date Received: <u>JAN 31 2018</u>	Amount Paid: <u>\$600</u>	File Number: <u>2018-10-RZ</u>
version 10/6/2016		Page 1 of 11

TO: PLANNING DEPARTMENT

PROPERTY OWNER INFORMATION

Name: My Girlfriends Properties, LLC
Mailing Address: 126 Reedy Creek Rd Four Oaks NC 27524
Phone Number: 919 524 5858 **Fax:** _____
Email Address: Blackstone@nc.rr.com

EXPLANATION OF PROJECT

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

We will be utilizing the building for our salon. We will not require changes to the building structurally, only cosmetically inside. Our staff will be 4 providers. We have no plans to expand.

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:		
	Yes	N/A	Yes	No	N/A
Submit 9 copies of all materials unless otherwise noted or directed by staff					
1. A pre-application conference was held with Town of Clayton staff. Date: <u>1-22-2018</u>	☒	☐			
2. Review Fee (\$500 for standard rezoning OR \$1,000 + \$5.00/acre for Planned Developments) and Advertisement Fee (\$100)	☒				
3. Completed application	☒				
4. Owner's Consent Form <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. If property to be rezoned is a portion of a parcel: - Property legal description typed (10 pt. font or greater, and also submitted electronically in MS Word format.) - Plat showing property to be rezoned, matching legal description.	☐	☐			
7. Adjacent property owners list	☒	☐			
8. Neighborhood meeting notice letter (1 copy) <i>See sample letter and meeting requirements included in this packet</i>	☒				
9. Neighborhood meeting summary form (1 copy) <i>Included in this packet</i> <u>- latex</u>			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) <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.

this application will be consistent with the plans of the Town of Clanton.

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

Currently this O&I. Most of the downtown locations are zoned B-1, and we are proposing this location to be zoned B-1 also.

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

Yes, this change will benefit downtown because it will match the majority of current businesses zoning in downtown.

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.

Yes, we are currently in the downtown surrounded by a wonderful community.

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

Yes, it has been determined that legal purposes for which zoning exists are not violated.

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

Correct, it has been determined that there will be no adverse effects upon adjoining property owners.

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.

Correct. No one owner or group of property owners will benefit materially from the change to the detriment of the general public.

APPLICANT AFFIDAVIT

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

Paul A. Block

Print Name

[Signature]
Signature of Applicant

1-31-18

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

*Town Council Work Session
February 19, 2018*

STAFF REPORT

Application Number: 2018-10-RZ Project Name: 110 E Second Street Rezoning

NC PIN / Tag #: 166913-02-3765 / 05015077
Town Limits/ETJ: Town Limits
Overlay: Downtown Overlay
Applicant: Paul Black (My Girlfriend's Properties LLC)
Owner: My Girlfriend's Properties LLC
Location: 110 E Second Street

Public Noticing:

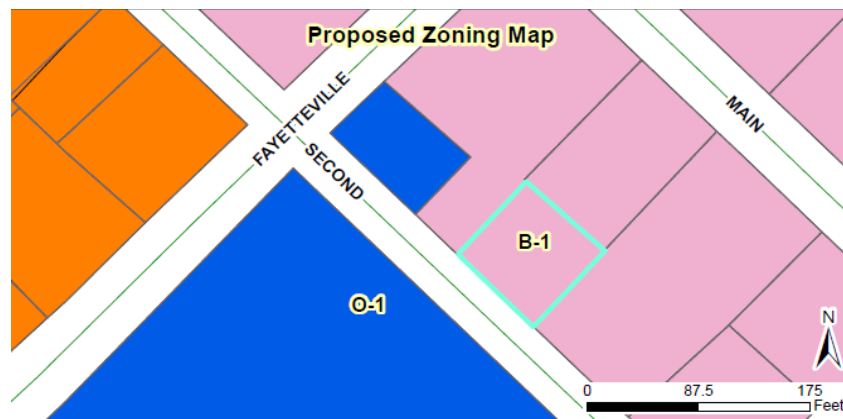
- Neighborhood meeting held on February 12, 2018
- Signs Posted prior to February 16, 2018
- Letters mailed prior to February 23, 2018
- Newspaper ad published February 23, 2018 and March 2, 2018

REQUEST: Request to rezone the subject property from Office-Institutional (O-I) to Central Business (B-1).



SITE DATA:**Acreage:** .15 acres**Existing Uses:** Office Building (vacant)**ADJACENT ZONING AND LAND USES:**

Direction	Zoning	Existing Use
North	Central Business (B-1)	Single-family residential
South	Office-Institutional (O-I)	The Clayton Center/Town Hall
East	Central Business (B-1)	Wagner House
West	Central Business (B-1)	Single-family residential

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

The applicant is requesting to rezone .15 acres from Office-Institutional (O-I) to Central Business (B-1). There is an existing building located on this property, which has historically been used as office space but is currently vacant. The property does not have any existing on-site parking, and is located within the downtown overlay district. A rezoning of the property to B-1 would create consistency with the surrounding zoning districts, and allow more relaxed parking standards for future tenants.

Compatibility with Surrounding Land Uses

The proposed rezoning is compatible with surrounding land uses, which includes single-family residential, office, and commercial.

Consistency with the 2040 Comprehensive Plan

The proposed rezoning is compatible with the 2040 Comprehensive Plan and Future Land Use Map, which designates this land as "Downtown Core".



CONSIDERATIONS:

- Rezoning is decided by the Town Council. The Planning Board shall make a recommendation to the Town Council.
- When adopting or rejecting the rezoning, the Town Council shall approve a statement describing whether its action is consistent with adopted plans and/or policies of the Town and explaining why the Council considers the action taken to be reasonable and in the public interest.
- If approved, this rezoning will result in a modification to amend the official zoning map for The Town of Clayton.

APPROVAL CRITERIA:

The applicant has addressed the Rezoning Approval Criteria outlined in §155.704. The applicant's responses are incorporated as an attachment to the Staff Report.

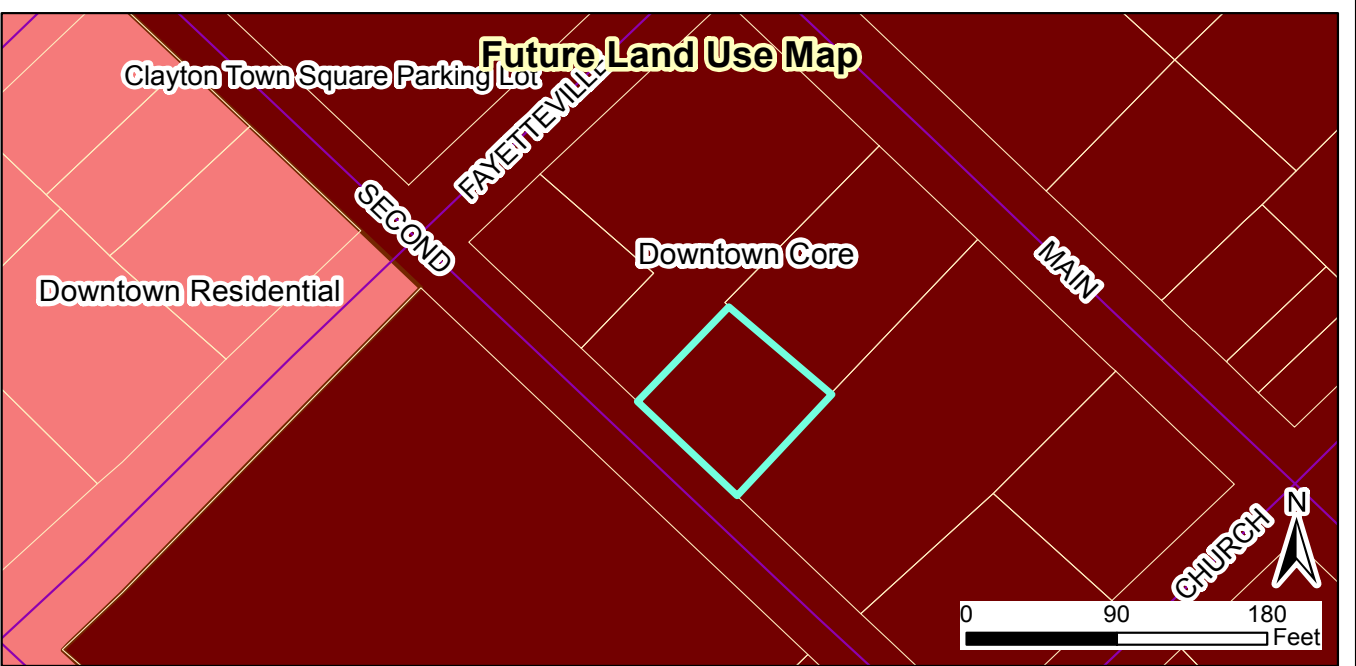
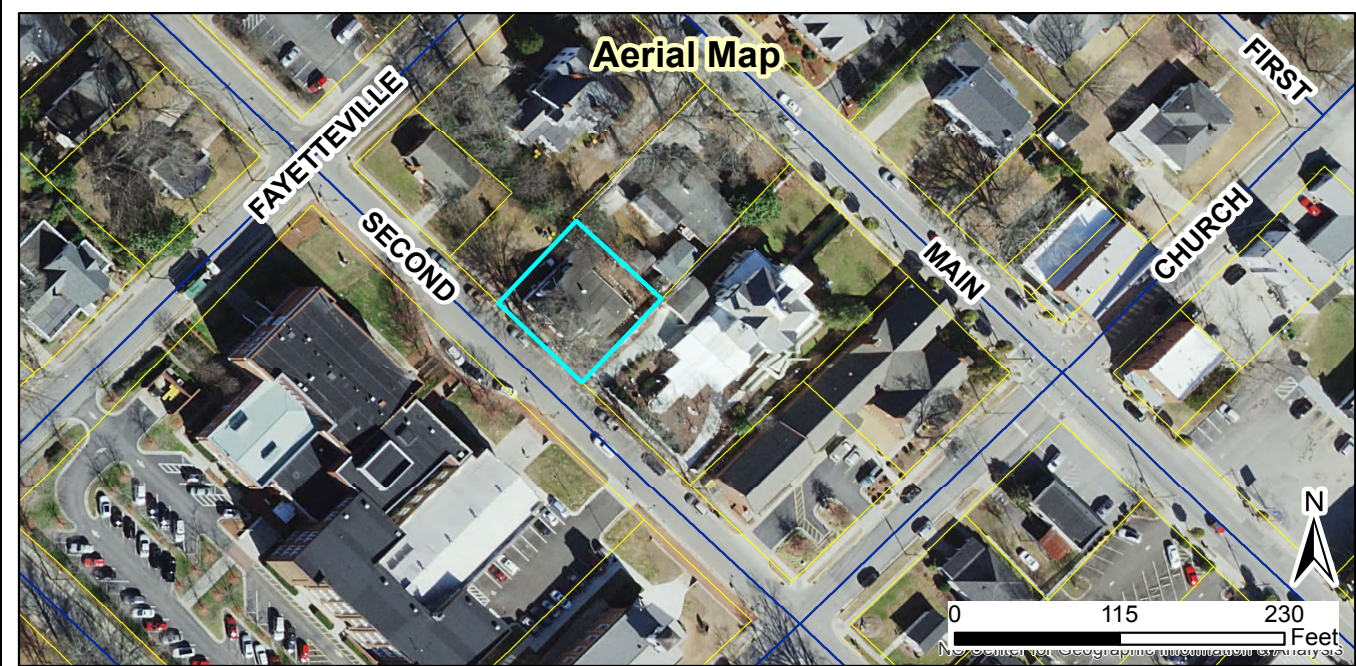
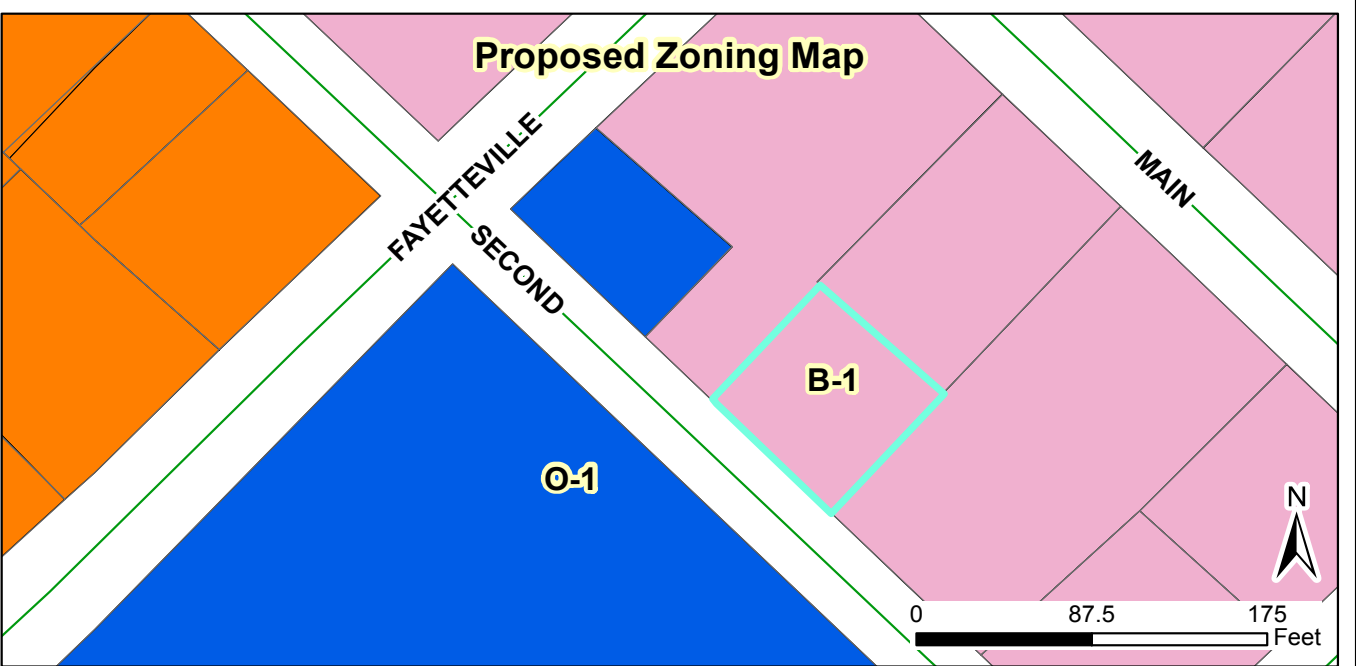
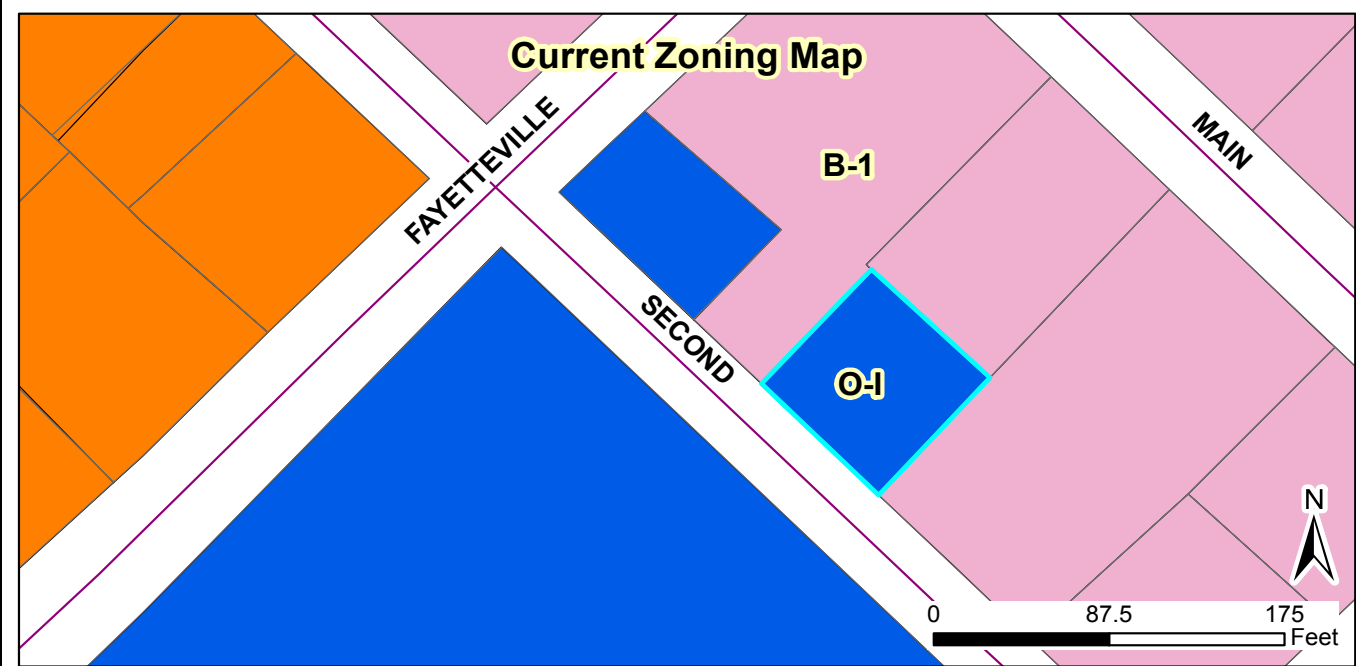
STAFF RECOMMENDATION:

Staff is recommending approval of the rezoning of the subject parcel.

ATTACHMENTS:

- 1) Staff Report Maps
- 2) Application
- 3) Public Notice- Newspaper Ad
- 4) Public Notice- Adjacent Property Letter

- 5) Neighborhood Meeting Materials
- 6) Consistency & Reasonableness Statement



2018-10-RZ
110 E Second Street Rezoning
 Applicant: My Girlfriend's Properties LLC
 Property Owners: My Girlfriend's Properties LLC
 Parcel ID: 166913-02-3765
 Tag #: 05015077

Staff Report Map



02/05/2018

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

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

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

February 20, 2018

NOTICE

SUBJECT: **Project #:** 2018-10-RZ 110 E Second Street Rezoning
 PIN #: 166913-02-3765
 TAG #: 05015077
 Applicant: My Girlfriend's Properties, LLC

Dear Clayton Area Property Owner:

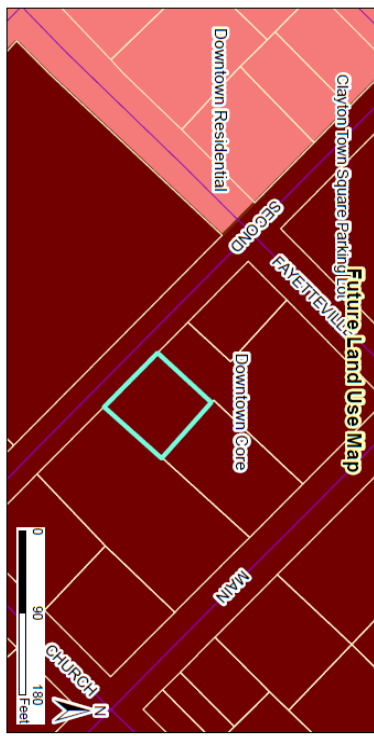
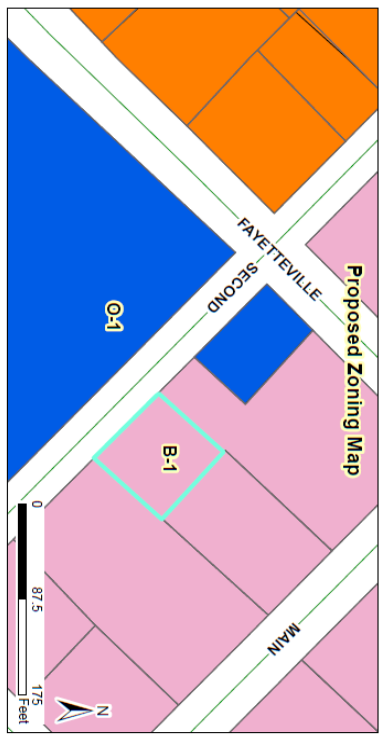
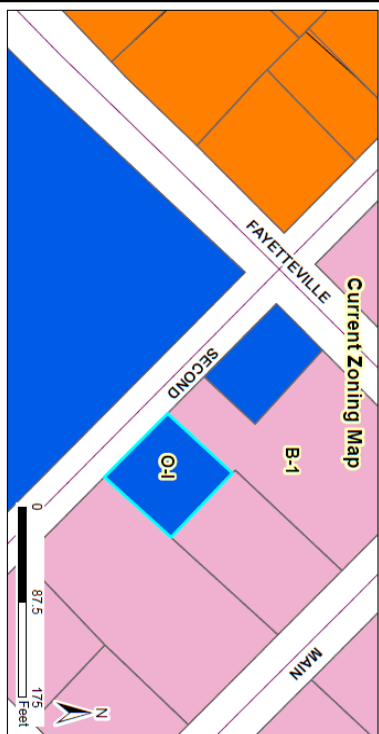
Notice is hereby given that the Clayton Town Council will hold a public hearing on Monday, March 5, 2018 at 6:00 PM at Town Hall, 111 E Second Street, to consider 2018-10-RZ, requesting to rezone a portion of the above referenced subject property from Office-Institutional (O-I) to Central Business (B-1). The property is located at 110 E Second Street. Please see the map on the back of this letter.

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

If you should need additional assistance or information, please contact Haley Hogg, Planner with the Town Planning Department at (919) 359-2102 or email at hhogg@townofclaytonnc.org.

Sincerely,

Haley Hogg, CZO
Planner



2018-10-RZ
110 E Second Street Rezoning
 Applicant: My Girlfriend's Properties LLC
 Property Owners: My Girlfriend's Properties LLC
 Parcel ID: 166913-02-3765
 Tag #: 05015077

Staff Report Map

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02/05/2018

Responsible for the content of the map

Responsible for the content of the map

Legend

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

My Girlfriends Properties, LLC

110 E Second Street Clayton, NC | 919-524-5858 | Blackstone@nc.rr.com

Town of Clayton
PO Box 879
Clayton, NC 27528-0000

Dear Sir or Madam:

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 the application, answer questions, and solicit comments.

Meeting date: Monday, February 12, 2018 Meeting time: 6:30pm

Meeting location: 110 E Second Street Clayton, NC 27520

Type of Application: Rezoning

Project/proposal property address: 110 E Second Street Clayton, NC 27520

Description of Project: We are moving our salon, My Girlfriends Place, which is currently at The Wagner House, to 110 E Second Street. The staff consists of 2 hairstylists, 1 nail technician, and 1 Esthetician. We are proposing no structural changes to the outside or inside of the property.

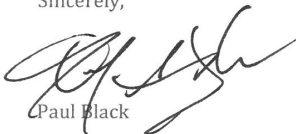
At a minimum, the following will be available for your inspection at the Neighborhood Meeting:

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 this meeting, you may contact us at 919-524-5858. You may also contact the Planning Department at 919-553-5002.

Sincerely,



Paul Black

cc: Town of Clayton Planning Dept

TOWN OF CLAYTON
ZONING AMENDMENT
CONSISTENCY AND REASONABLENESS STATEMENT
[2018-10-RZ 110 E SECOND STREET REZONING]

The Town Council of the Town of Clayton hereby states:

Section 1: The above referenced zoning amendment IS APPROVED.

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

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

- Objective LU1.2 Encourage the redevelopment or adaptive re-use of under-utilized commercial development

Description of zoning amendment's consistency with the above plan objective:

The requested rezoning is consistent with the above referenced objective within the Comprehensive Plan 2040. The Future Land Use Map designates this property as being located within the "Downtown Core", which accommodates a variety of uses including commercial and offices. Rezoning this property to Central Business (B-1) will create consistency with the future land use map designation, and the surrounding zoning districts, which are primarily B-1. This rezoning may also encourage the re-use of the subject property through the attraction of tenants due to the lenient setback and parking requirements permitted within B-1.

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 will create consistency with the surrounding land uses and zoning districts, as well as the future land use map,

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, March 5, 2018, at 6:00 PM at Town Hall, 111 East Second Street, to consider rezoning request 2018-10-RZ for parcel number 166913-02-3765, located within the town limits. The requested change is from Office-Institutional (O-I) to Central Business (B-1).

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

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

Haley Hogg, Planner
919-553-5002

The Clayton News Star

Please advertise on the following dates:
February 23, 2018
March 2, 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] 2017-10-RZ - 110 East Secon Street
Rezoning

[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
2017-10-RZ
Item 6e

**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 Central Business (B-1) zone the property described below, said property formerly being zoned Office-Institutional (O-I); and

WHEREAS said property is owned by the My Girlfriend's Properties LLC; 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 Clayton News Star, 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 March 5, 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 Central Business (B-1) zone the following described property:

General Description:
110 East Second Street, Clayton, NC.

Specific Description:

NC Parcel Identification Numbers: 166913-02-3765

SECTION 2. That the official Town of Clayton Zoning Map is hereby amended to include in the Central Business (B-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 5th day of March, 2018 while in regular session.

Jody McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk

**RESOLUTION AUTHORIZING STAFF TO EXECUTE CONTRACT
ECIA WATER & WASTEWATER PROJECT**

WHEREAS, a call for bids will end on March 6, 2018 for the above project; and

WHEREAS, bids will be forwarded to the engineering firm for review following the closing of bids; and

WHEREAS, it is anticipated that the bid will be awarded on or around March 10, 2018; and

WHEREAS, it is the desire to the award the bid in a timely manner; and

NOW, THEREFORE, BE IT RESOLVED, the Clayton Town Council hereby authorizes the Town Manager to negotiate, award and execute a bid that falls within the budgeted amount for the above named project.

Duly adopted this the 5th day of March, 2018 while in regular session.

Jody McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk