



**Town of Clayton
Regular Town Council Meeting Agenda
Monday, June 4, 2018 @ 6:00 PM
Council Chambers**

1. CALL TO ORDER

Pledge of Allegiance and Invocation

a.

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. Local Water Supply Plan

[Resolution](#)

b. Resolutions to Collect Taxes - Johnston & Wake Counties

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

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

c. 2018 Audit Contract

[Audit Contract FY 17-18](#)

POTENTIAL ACTION:

Adoption of Consent Agenda as Presented

4. ADMINISTRATIVE ITEMS

a. Resolution to Adopt TJCOG Charter

[Cover](#)

[Letter](#)

[TJCOG Charter REDLINE](#)

[TJCOG Charter AMENDED](#)

POTENTIAL ACTION:

Place on June 18, 2018 Consent Agenda

5. INTRODUCTIONS AND SPECIAL PRESENTATIONS

a. Local Litter Patrols

Presenter: Stacy Beard, Public Information Officer

[Cover](#)

6. PUBLIC HEARINGS

a. Floodplain Ordinance Revisions

Presenter: Rich Cappola, Engineering & Inspections Director

[Cover](#)

[FEMA Letter](#)
[Public Notice](#)
[Ordinance 2018-06-02](#)

POTENTIAL ACTION: Adoption of Ordinance # 2018-06-01

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

Presenter: David DeYoung, Economic & Community Development Director

[Cover](#)

[Map](#)

[Public Notice](#)

[Red Line Version](#)

[Ordinance](#)

POTENTIAL ACTION: Adoption of Ordinance #2018-06-02

7. OLD BUSINESS

8. NEW BUSINESS

- a. Utility Relocation Reimbursement Agreement
Presenter: Rich Cappola, Engineering & Inspections Director

[Cover](#)

[Letter from NCDOT on Utility Construction Agreement](#)

[Utility Relocation Reimbursement Agreement](#)

POTENTIAL ACTION: Place on June 18, 2018 Consent Agenda

- b. Minimum Housing Process Update
Presenter: Samantha Wullenwaber, Planning Director

POTENTIAL ACTION: None - Informational Only

- c. 2018-98-OA - Review Bodies Amendments - Chapter 32 & Chapter 155
Presenter: Samantha Wullenwaber, Planning Director

[Cover](#)

[Application](#)

[Staff Report](#)

[Chapter 32 - DRAFT](#)

[Chapter 32 - Clean Copy](#)

[Chapter 155, Article 7 - DRAFT](#)

[Chapter 155 , Article 7 Clean Copy](#)

[Public Notice](#)

[Planning Board Recommendation](#)

POTENTIAL ACTION: Set Public Hearing for June 18, 2018

- d. 2018-30-PDD - Steeplechase - Planned Development Rezoning
Presenter: Samantha Wullenwaber, Planning Director

[Cover](#)

[Application](#)

[Staff Report](#)

[Map](#)
[Neighborhood Meeting Minutes](#)
[Public Notice](#)
[Planning Board Recommendation](#)

POTENTIAL ACTION: Set Public Hearing for June 18, 2018

- e. 2018-31-SD - Steeplechase - Master Plan
Presenter: Samantha Wullenwaber, Planning Director
[Cover](#)
[Application](#)
[Staff Report](#)
[Map](#)
[Site Plan](#)
[Neighborhood Meeting Minutes 2018-31-SD Steeplechase Master Plan](#)
[Public Notice](#)
[NCDOT Comments](#)
[TIA Review](#)
[Planning Board Recommendation](#)

POTENTIAL ACTION: Set Public Hearing for June 18, 2018

- f. 2018-66-RZ - Spinning Mill - Rezoning
Presenter: Samantha Wullenwaber, Planning Director
[Cover](#)
[Application](#)
[Staff Report](#)
[Map](#)
[Neighborhood Meeting Material](#)
[Public Notice](#)
[Planning Board Recommendation](#)

POTENTIAL ACTION: Set Public Hearing for June 18, 2018

- g. 2018-72-RZ - Spring Branch - Rezoning
Presenter: Samantha Wullenwaber, Planning Director
[Cover](#)
[Application](#)
[Staff Report](#)
[Map](#)
[Neighborhood Meeting Materials](#)
[Public Notice](#)
[Planning Board Recommendation](#)

POTENTIAL ACTION: Set Public Hearing for June 18, 2018

- h. 2018-88-RZ - 330 W. Stallings Street - Rezoning
Presenter: Samantha Wullenwaber, Planning Director
[Cover](#)
[Application](#)
[Staff Report](#)

[Map](#)
[Neighborhood Meeting Materials](#)
[Public Notice](#)
[Planning Board Recommendation](#)

POTENTIAL ACTION: Set Public Hearing for June 18, 2018

- i. 2018-87-SUP - 330 W. Stallings Street - Special Use Permit
Presenter: Samantha Wullenwaber, Planning Director

[Cover](#)
[Application](#)
[Staff Report](#)
[Map](#)
[Site Plan](#)
[Neighborhood Meeting Materials](#)
[Public Notice](#)
[Planning Board Recommendation](#)

POTENTIAL ACTION: Set Public Hearing for June 18, 2018

9. STAFF REPORTS

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

10. OTHER BUSINESS

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

11. ADJOURNMENT

- a. Adjourn the Meeting

POTENTIAL ACTION: Motion to Adjourn

RESOLUTION APPROVING LOCAL WATER SUPPLY PLAN

WHEREAS, North Carolina General Statute 143-355 (l) requires that each unit of local government that provides public water service or that plans to provide public water service and each large community water system shall, either individually or together with other units of local government and large community water systems, prepare and submit a Local Water Supply Plan; and

WHEREAS, as required by the statute and in the interests of sound local planning, a Local Water Supply Plan for the Town of Clayton has been developed and submitted to the Clayton Town Council for approval; and

WHEREAS, the Clayton Town Council finds that the Local Water Supply Plan is in accordance with the provisions of North Carolina General Statute 143-355 (l) and that it will provide appropriate guidance for the future management of water supplies for the Town of Clayton, as well as useful information to the Department of Environmental Quality for the development of a state water supply plan as required by statute;

NOW, THEREFORE, BE IT RESOLVED by the Town of Clayton of the Town of Clayton that the Local Water Supply Plan is hereby approved and shall be submitted to the Department of Environmental Quality, Division of Water Resources; and

BE IT FURTHER RESOLVED that the Clayton Town Council intends that this plan shall be revised to reflect changes in relevant data and projections at least once every five years or as otherwise requested by the Department, in accordance with the statute and sound planning practice.

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

Jody McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk

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

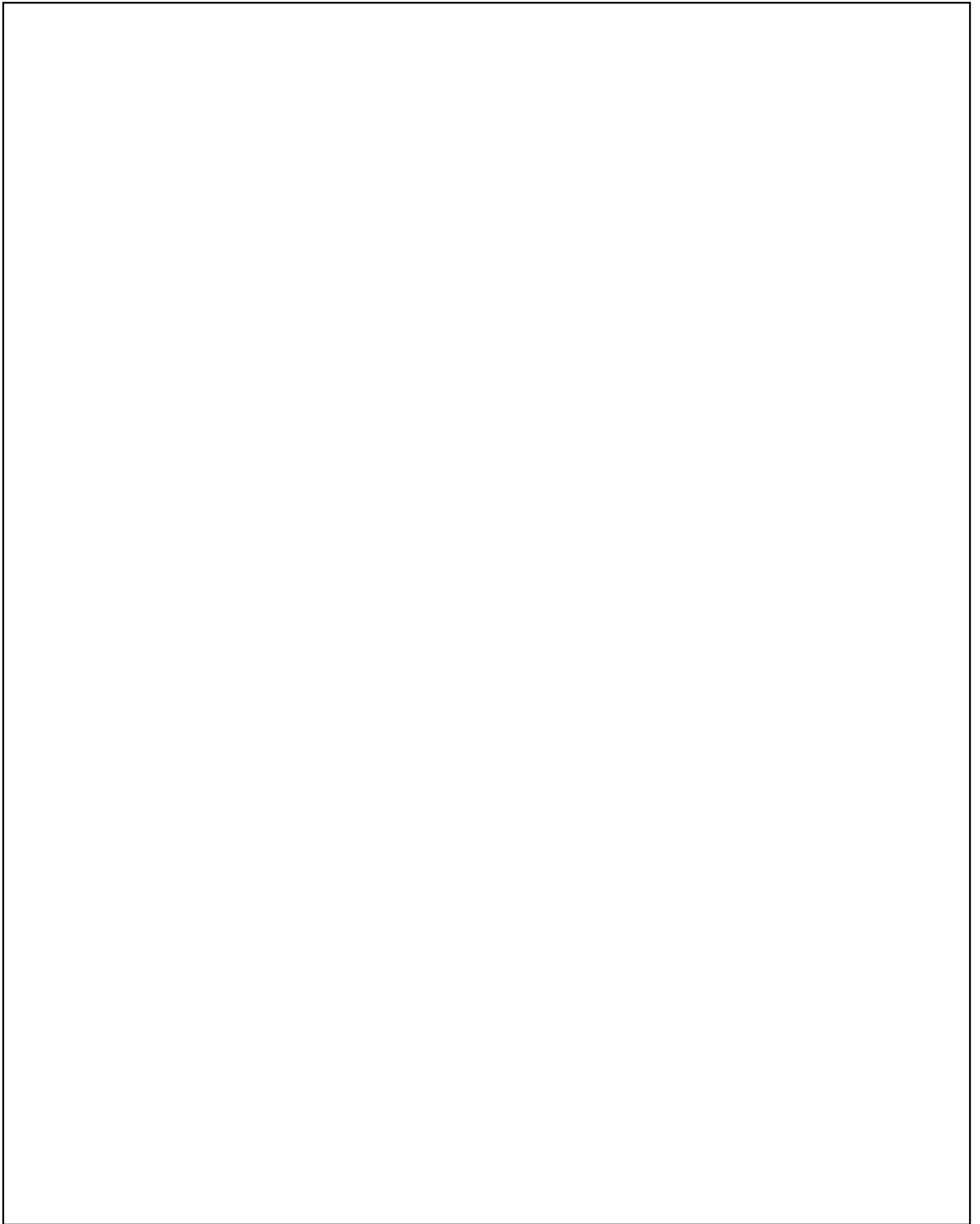
**BE IT RESOLVED by the Town Council of the Town of
Clayton, North Carolina, as follows:**

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

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

Jody L. McLeod
Mayor

Kimberly A. Moffett, CMC, NCCMC
Town Clerk



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

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

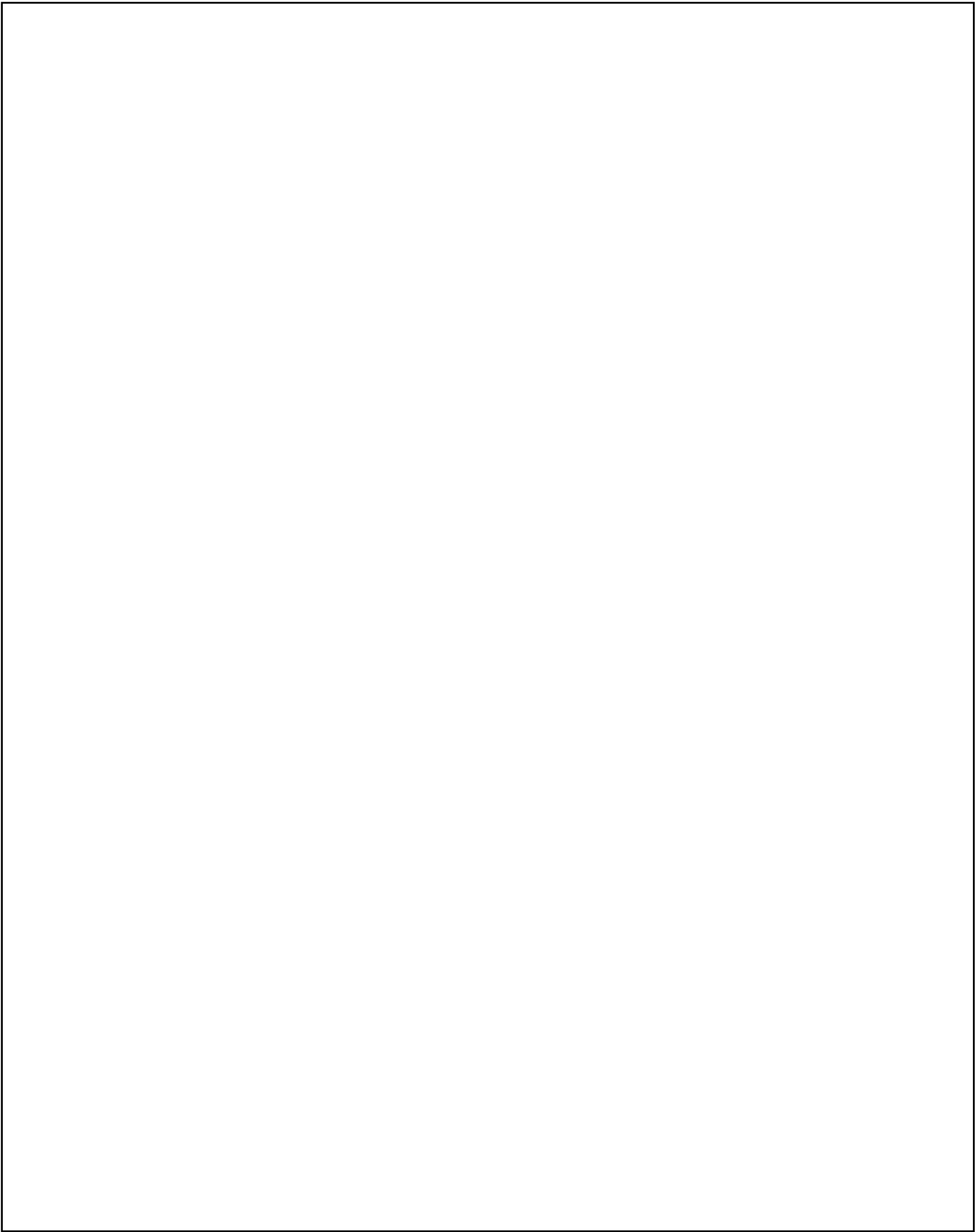
The Johnston County Tax Administrator is hereby authorized, empowered, and commanded to collect the taxes set forth in the tax records filed in the Office of the Johnston County Tax Administrator in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be a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

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

Jody L. McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk



CONTRACT TO AUDIT ACCOUNTS

Of TOWN OF CLAYTON
Primary Government Unit
NA
Discretely Presented Component Unit (DPCU) if applicable
 On this 4TH day of APRIL, 2018,
 Auditor: ANDERSON SMITH & WIKE PLLC Auditor Mailing Address: PO BOX 697
ROCKINGHAM, NC 28380 Hereinafter referred to as The Auditor
 and TOWN COUNCIL (Governing Board(s)) of TOWN OF CLAYTON
(Primary Government)
 and NA: hereinafter referred to as the Governmental Unit(s), agree as follows:
 (Discretely Presented Component Unit)

1. The Auditor shall audit all statements and disclosures required by accounting principles generally accepted in the United States of America (GAAP) and additional required legal statements and disclosures of all funds and/or divisions of the Governmental Unit (s) for the period beginning JULY 1, 2017, and ending JUNE 30, 2018. The non-major combining, and individual fund statements and schedules shall be subjected to the auditing procedures applied in the audit of the basic financial statements and an opinion shall be rendered in relation to (as applicable) the governmental activities, the business-type activities, the aggregate DPCUs, each major governmental and enterprise fund, and the aggregate remaining fund information (non-major government and enterprise funds, the internal service fund type, and the fiduciary fund types).
2. At a minimum, the Auditor shall conduct his/her audit and render his/her report in accordance with auditing standards generally accepted in the United States of America. The Auditor shall perform the audit in accordance with *Government Auditing Standards* if required by the State Single Audit Implementation Act, as codified in G.S. 159-34. If required by OMB *Uniform Administration Requirements, Cost Principles, and Audit Requirements for Federal Awards*, (Uniform Guidance) and the State Single Audit Implementation Act, the Auditor shall perform a Single Audit. This audit and all associated audit documentation may be subject to review by Federal and State agencies in accordance with Federal and State laws, including the staffs of the Office of State Auditor (OSA) and the Local Government Commission (LGC). If the audit and Auditor communication are found in this review to be substandard, the results of the review may be forwarded to the North Carolina State Board of CPA Examiners (NC State Board). **County and Multi-County Health Departments:** The Office of State Auditor (OSA) will require Auditors of these Governmental Units to perform agreed upon procedures (AUPs) on eligibility determination on certain programs. Both Auditor and Governmental Unit agree that Auditor shall complete and report on these AUPs on Eligibility Determination as required by OSA and in accordance with the instructions and timeline provided by OSA.
3. If an entity is determined to be a component of another government as defined by the group audit standards, the entity's Auditor shall make a good faith effort to comply in a timely manner with the requests of the group auditor in accordance with AU-6 §600.41 - §600.42.
4. This contract contemplates an unqualified opinion being rendered. If during the process of conducting the audit the Auditor determines that it will not be possible to render an unqualified opinion on the financial statements of the unit, the Auditor shall contact the SLGFD staff to discuss the circumstances leading to that conclusion as soon as is practical and before the final report is issued. The audit shall include such tests of the accounting records and such other auditing procedures as are considered by the Auditor to be necessary in the circumstances. Any limitations or restrictions in scope which would lead to a qualification should be fully explained in an attachment to this contract.

Contract to Audit Accounts (cont.) TOWN OF CLAYTON

Primary Government Unit

NA

Discretely Presented Component Unit (DPCU) if applicable

5. If this audit engagement is subject to the standards for audit as defined in *Government Auditing Standards*, 2011 revisions, issued by the Comptroller General of the United States, then by accepting this engagement, the Auditor warrants that he has met the requirements for a peer review and continuing education as specified in *Government Auditing Standards*. The Auditor agrees to provide a copy of their most recent peer review report regardless of the date of the prior peer review report to the Governmental Unit and the Secretary of the LGC prior to the execution of the audit contract. **If the audit firm received a peer review rating other than pass**, the Auditor shall not contract with the Governmental Unit without first contacting the Secretary of the LGC for a peer review analysis that may result in additional contractual requirements.

If the audit engagement is not subject to Government Accounting Standards or if financial statements are not prepared in accordance with GAAP and fail to include all disclosures required by GAAP, the Auditor shall provide an explanation as to why in an attachment.

6. It is agreed that time is of the essence in this contract. All audits are to be performed and the report of audit submitted to the SLGFD within four months of fiscal year end.
Audit report is due on OCTOBER 31, 2018. If it becomes necessary to amend this due date or the audit fee, an amended contract along with a written explanation of the delay shall be submitted to the Secretary of the LGC for approval.
7. It is agreed that generally accepted auditing standards include a review of the Governmental Unit's systems of internal control and accounting as same relate to accountability of funds and adherence to budget and law requirements applicable thereto; that the Auditor shall make a written report, which may or may not be a part of the written report of audit, to the Governing Board setting forth his findings, together with his recommendations for improvement. That written report shall include all matters defined as "significant deficiencies and material weaknesses" in AU-C 265 of the *AICPA Professional Standards (Clarified)*. The Auditor shall file a copy of that report with the Secretary of the LGC.
8. All local government and public authority contracts for audit or audit-related work require the approval of the Secretary of the LGC. This includes annual or special audits, agreed upon procedures related to internal controls, bookkeeping or other assistance necessary to prepare the Governmental Unit's records for audit, financial statement preparation, any finance-related investigations, or any other audit-related work in the State of North Carolina. **Invoices for services rendered under these contracts shall not be paid by the Governmental Unit until the invoice has been approved by the Secretary of the LGC.** (This also includes any progress billings.) [G.S. 159-34 and 115C-447] All invoices for Audit work shall be submitted in PDF format to the Secretary of the LGC for approval. The invoices shall be sent via upload through the current portal address: <http://nctreasurer.slgfd.leapfile.net> Subject line should read "Invoice – [Unit Name]. The PDF invoice marked 'approved' with approval date shall be returned by email to the Auditor to present to the Governmental Unit for payment. Approval is not required on contracts and invoices for system improvements and similar services of a non-auditing nature.
9. In consideration of the satisfactory performance of the provisions of this contract, the Primary Government shall pay to the Auditor, upon approval by the Secretary of the LGC, the fee, which includes any cost the Auditor may incur from work paper or peer reviews or any other quality assurance program required by third parties (Federal and State grantor and oversight agencies or other organizations) as required under the Federal and State Single Audit Acts. (Note: **Fees listed on Fees page.**) This does not include fees for any Pre-Issuance reviews that may be required by the NC Association of CPAs (NCACPA) Peer Review Committee or NC State Board of CPA Examiners (see Item #12).
10. If the Governmental Unit has outstanding revenue bonds, the Auditor shall submit to the SLGFD either in the notes to the audited financial statements or as a separate report, a calculation demonstrating compliance with the revenue

Contract to Audit Accounts (cont.) TOWN OF CLAYTON

Primary Government Unit

NA

Discretely Presented Component Unit (DPCU) if applicable

bond rate covenant. Additionally, the Auditor shall submit to the SLGFD simultaneously with the Governmental Unit's audited financial statements any other bond compliance statements or additional reports required by the authorizing bond documents, unless otherwise specified in the bond documents.

11. After completing the audit, the Auditor shall submit to the Governing Board a written report of audit. This report shall include, but not be limited to, the following information: (a) Management's Discussion and Analysis, (b) the financial statements and notes of the Governmental Unit and all of its component units prepared in accordance with GAAP, (c) supplementary information requested by the Governmental Unit or required for full disclosure under the law, and (d) the Auditor's opinion on the material presented. The Auditor shall furnish the required number of copies of the report of audit to the Governing Board as soon as practical after the close of the fiscal year end.
12. If the audit firm is required by the NC State Board, the NCACPA Peer Review Committee, or the Secretary of the LGC to have a pre-issuance review of its audit work, there shall be a statement in the engagement letter indicating the pre-issuance review requirement. There also shall be a statement that the Governmental Unit shall not be billed for the pre-issuance review. The pre-issuance review shall be performed **prior** to the completed audit being submitted to the SLGFD. The pre-issuance review report shall accompany the audit report upon submission to the SLGFD.
13. The Auditor shall electronically submit the report of audit to the SLGFD as a text-based PDF file when (or prior to) submitting the invoice for services rendered. The report of audit, as filed with the Secretary of the LGC, becomes a matter of public record for inspection, review and copy in the offices of the SLGFD by any interested parties. **Any subsequent revisions to these reports shall be sent to the Secretary of the LGC along with an Audit report Reissuance form.** These audited financial statements, excluding the Auditors' opinion, may be used in the preparation of official statements for debt offerings, by municipal bond rating services to fulfill secondary market disclosure requirements of the Securities and Exchange Commission and for other lawful purposes of the Governmental Unit without subsequent consent of the Auditor. If the SLGFD determines that corrections need to be made to the Governmental Unit's financial statements, those corrections shall be provided within three days of notification unless another deadline is agreed to by the SLGFD.

If the OSA designates certain programs to be audited as major programs, as discussed in item #2, a turnaround document and a representation letter addressed to the OSA shall be submitted to the SLGFD.

The SLGFD's process for submitting contracts, audit reports and invoices is subject to change. Auditors shall use the submission process in effect at the time of submission. The most current instructions will be found on our website: <https://www.nctreasurer.com/slg/Pages/Audit-Forms-and-Resources.aspx>

14. Should circumstances disclosed by the audit call for a more detailed investigation by the Auditor than necessary under ordinary circumstances, the Auditor shall inform the Governing Board in writing of the need for such additional investigation and the additional compensation required therefore. Upon approval by the Secretary of the LGC, this contract may be varied or changed to include the increased time, compensation, or both as may be agreed upon by the Governing Board and the Auditor.
15. If an approved contract needs to be amended for any reason, the change shall be made in writing, on the Amended LGC-205 contract form and pre-audited if the change includes a change in audit fee. This amended contract shall be completed in full, including a written explanation of the change, signed and dated by all original parties to the contract. It shall then be submitted through the audit contract portal to the Secretary of the LGC for approval. The portal address to upload the amended contract is <http://nctreasurer.slgfd.leapfile.net> No change to the audit contract shall be effective unless approved by the Secretary of the LGC, the Governing Board, and the Auditor.

Contract to Audit Accounts (cont.)

TOWN OF CLAYTON

Primary Government Unit

NA

Discretely Presented Component Unit (DPCU) if applicable

16. A copy of the engagement letter, issued by the Auditor and signed by both the Auditor and the Governmental Unit shall be attached to the contract, and by reference here becomes part of the contract. In case of conflict between the terms of the engagement letter and the terms of this contract, the terms of this contract shall take precedence. Engagement letter terms that conflict with the contract are deemed to be void unless the conflicting terms of this contract are specifically deleted in Item #23 of this contract. Engagement letters containing indemnification clauses shall not be accepted by the SLGFD.
17. Special provisions should be limited. Please list any special provisions in an attachment.
18. A separate contract should not be made for each division to be audited or report to be submitted. If a DPCU is subject to the audit requirements detailed in the Local Government Budget and Fiscal Control Act and a separate audit report is issued, a separate audit contract is required. If a separate report is not to be issued and the DPCU is included in the primary government audit, the DPCU shall be named along with the parent government on this audit contract. DPCU Board approval date, signatures from the DPCU Board chairman and finance officer also shall be included on this contract.
19. The contract shall be executed, pre-audited, physically signed by all parties including Governmental Unit and the Auditor and then submitted in PDF format to the Secretary of the LGC. The current portal address to upload the contractual documents is <http://nctreasurer.slgfd.leapfile.net>. Electronic signatures are not accepted at this time. Included with this contract are instructions to submit contracts and invoices for approval as of November 2017. These instructions are subject to change. Please check the NC Treasurer's web site at <https://www.nctreasurer.com/slg/Pages/Audit-Forms-and-Resources.aspx> for the most recent instructions.
20. The contract is not valid until it is approved by the Secretary of the LGC. The staff of the LGC shall notify the Governmental Unit and Auditor of contract approval by email. **The audit should not be started before the contract is approved.**
21. There are no other agreements between the parties hereto and no other agreements relative hereto that shall be enforceable unless entered into in accordance with the procedure set out herein and approved by the Secretary of the LGC.
22. **E-Verify.** Auditor **shall comply** with the requirements of NCGS Chapter 64 Article 2. Further, if Auditor utilizes any subcontractor(s), Auditor **shall require** such subcontractor(s) to comply with the requirements of NCGS Chapter 64, Article 2.
23. All of the above paragraphs are understood and shall apply to this contract, except the following numbered paragraphs shall be deleted: (See Item #16 for clarification).

SIGNATURE PAGES FOLLOW FEES PAGE

Contract to Audit Accounts (cont.) TOWN OF CLAYTON

Primary Government Unit

NA

Discretely Presented Component Unit (DPCU) if applicable

FEES – PRIMARY GOVERNMENT

AUDIT: \$ 21,000 - \$22,000 NOT TO EXCEED \$22,000

WRITING FINANCIAL STATEMENTS: \$ 7,000 - \$8,000 NOT TO EXCEED \$8,000

ALL OTHER NON-ATTEST SERVICES: \$ _____

For all non-attest services the Auditor shall adhere to the independence rules of the AICPA Professional Code of Conduct and *Governmental Auditing Standards* (as applicable). Bookkeeping and other non-attest services necessary to perform the audit shall be included under this contract. However, bookkeeping assistance shall be limited to the extent that the Auditor is not auditing his or her own work or making management decisions. The Governmental Unit shall designate an individual with the suitable skills, knowledge, and/or experience necessary to oversee the services and accept responsibility for the results of the services. Financial statement preparation assistance shall be deemed a “significant threat” requiring the Auditor to apply safeguards sufficient to reduce the threat to an acceptable level. The Auditor shall maintain written documentation of his or her compliance with these standards in the audit work papers.

Prior to submission of the completed audited financial report, applicable compliance reports and amended contract (if required) the Auditor may submit invoices for approval for services rendered, not to exceed 75% of the total of the stated fees above. If the current contracted fee is not fixed in total, invoices for services rendered may be approved for up to 75% of the prior year audit fee.

The 75% cap for interim invoice approval for this audit contract is \$ 22,500

**** NA if there is to be no interim billing**

FEES – DPCU (IF APPLICABLE)

AUDIT: \$ NA

WRITING FINANCIAL STATEMENTS: \$ NA

ALL OTHER NON-ATTEST SERVICES: \$ NA

For all non-attest services the Auditor shall adhere to the independence rules of the AICPA Professional Code of Conduct and *Governmental Auditing Standards* (as applicable). Bookkeeping and other non-attest services necessary to perform the audit shall be included under this contract. However, bookkeeping assistance shall be limited to the extent that the Auditor is not auditing his or her own work or making management decisions. The Governmental Unit shall designate an individual with the suitable skills, knowledge, and/or experience necessary to oversee the services and accept responsibility for the results of the services. Financial statement preparation assistance shall be deemed a “significant threat” requiring the Auditor to apply safeguards sufficient to reduce the threat to an acceptable level. The Auditor shall maintain written documentation of his or her compliance with these standards in the audit work papers.

Prior to submission of the completed audited financial report, applicable compliance reports and amended contract (if required) the Auditor may submit invoices for approval for services rendered, not to exceed 75% of the total of the stated fees above. If the current contracted fee is not fixed in total, invoices for services rendered may be approved for up to 75% of the prior year audit fee.

The 75% cap for interim invoice approval for this audit contract is \$ NA

**** NA if there is to be no interim billing**

Contract to Audit Accounts (cont.)

TOWN OF CLAYTON

Primary Government Unit
NA

Discretely Presented Component Unit (DPCU) if applicable

Communication regarding audit contract requests for modification or official approvals will be sent to the email addresses provided in the spaces below.

Audit Firm Signature:

ANDERSON SMITH & WIKE PLLC

Name of Audit Firm

By KENNETH ANDERSON

Authorized Audit firm representative name: Type or print

Signature of authorized audit firm representative

Date

5/4/2018

krandersoncpa@bellsouth.net

Email Address of Audit Firm

Governmental Unit Signatures:

TOWN OF CLAYTON

Name of Primary Government

By JODY MCLEOD, MAYOR

Mayor / Chairperson: Type or print name and title

Signature of Mayor/Chairperson of governing board

Date

By NA

Chair of Audit Committee - Type or print name

Signature of Audit Committee Chairperson

Date NA

**** If Governmental Unit has no audit committee, mark this section "N/A"**

PRE-AUDIT CERTIFICATE: Required by G.S. 159-28 (a)

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act.

By ROBERT MCKIE

Primary Government Unit Finance Officer:

Type or print name

Primary Government Finance Officer Signature

Date

(Pre-audit Certificate **must be dated.**)

rmckie@townofclaytonnc.org

Email Address of Finance Officer

Date Primary Government Governing Body
Approved Audit Contract - G.S. 159-34(a)

*****Please provide us the most current email addresses available as we use this information to update our contact database*****

ASW ANDERSON SMITH & WIKE PLLC

Certified Public Accountants

220 East Washington Street
Post Office Box 697
Rockingham, North Carolina 28380
(910) 895-2899

Other Office Locations:
Seven Lakes, North Carolina
Gastonia, North Carolina
Statesville, North Carolina

April 4, 2018

To the Town of Clayton
P.O. Box 879
Clayton, NC 27528

We are pleased to confirm our understanding of the services we are to provide to the Town of Clayton for the year ended June 30, 2018. We will audit the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information, including the related notes to the financial statements, which collectively comprise the basic financial statements, of the Town of Clayton as of and for the year ended June 30, 2018. Accounting standards generally accepted in the United States of America provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement the Town of Clayton's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the Town of Clayton's RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

1. Management's Discussion and Analysis
2. Law Enforcement Officers' Special Separation Allowance
3. GASB Required Supplementary Pension Schedules

We have also been engaged to report on supplementary information other than RSI that accompanies the Town of Clayton's financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America, and we will provide an opinion on it in relation to the financial statements as a whole, in a report combined with our auditor's report on the financial statements.

1. Individual fund budgetary schedules and other schedules.

Audit Objectives

The objective of our audit is the expression of opinions as to whether your financial statements are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles and to report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements as a whole. The objective also includes reporting on—

- Internal control over financial reporting and compliance with provisions of laws, regulations, contracts, and award agreements, noncompliance with which could have a material effect on the financial statements in accordance with *Government Auditing Standards*.
- Internal control over compliance related to major programs and an opinion (or disclaimer of opinion) on compliance with federal statutes, regulations, and the terms and conditions of federal awards that could have a direct and material effect on each major program in accordance with the Single Audit Act Amendments of 1996 and Title 2 U.S. *Code of Federal Regulations* (CFR) Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance).

The *Government Auditing Standards* report on internal control over financial reporting and on compliance and other matters will include a paragraph that states that (1) the purpose of the report is solely to describe the scope of testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance, and (2) the report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. The Uniform Guidance report on internal control over compliance will include a paragraph that states that the purpose of the report on internal control over compliance is solely to describe the scope of testing of internal control over compliance and the results of that testing based on the requirements of the Uniform Guidance. Both reports will state that the report is not suitable for any other purpose.

Our audit will be conducted in accordance with auditing standards generally accepted in the United States of America; the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; the Single Audit Act Amendments of 1996; and the provisions of the Uniform Guidance, and will include tests of accounting records, a determination of major program(s) in accordance with the Uniform Guidance, and other procedures we consider necessary to enable us to express such opinions. We will issue written reports upon completion of our Single Audit. Our reports will be addressed to the Clayton Town Council of the Town of Clayton. We cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which it is necessary for us to modify our opinions or add emphasis-of-matter or other-matter paragraphs. If our opinions are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or issue reports, or we may withdraw from this engagement.

Audit Procedures—General

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. We will plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the government or to acts by management or employees acting on behalf of the government.

Because the determination of abuse is subjective, *Government Auditing Standards* do not expect auditors to provide reasonable assurance of detecting abuse.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is a risk that material misstatements or noncompliance may exist and not be detected by us, even though the audit is properly planned and performed in accordance with U.S. generally accepted auditing standards and *Government Auditing Standards*. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements or on major programs. However, we will inform the appropriate level of management of any material errors, any fraudulent financial reporting, or misappropriation of assets that come to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential, and of any material abuse that comes to our attention. We will include such matters in the reports required for a Single Audit. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of inventories, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of our audit, we will require certain written representations from you about your responsibilities for the financial statements; schedule of expenditures of federal awards; federal award programs; compliance with laws, regulations, contracts, and grant agreements; and other responsibilities required by generally accepted auditing standards.

Audit Procedures—Internal Control

Our audit will include obtaining an understanding of the government and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*.

As required by the Uniform Guidance, we will perform tests of controls over compliance to evaluate the effectiveness of the design and operation of controls that we consider relevant to preventing or detecting material noncompliance with compliance requirements applicable to each major federal award program. However, our tests will be less in scope than would be necessary to render an opinion on those controls and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to the Uniform Guidance.

An audit is not designed to provide assurance on internal control or to identify significant deficiencies or material weaknesses. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards, *Government Auditing Standards*, and the Uniform Guidance.

Audit Procedures—Compliance

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the Town of Clayton's compliance with provisions of applicable laws, regulations, contracts, and agreements, including grant agreements. However, the objective of those procedures will not be to provide an opinion on overall compliance and we will not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

Other Services

We will also assist in preparing the financial statements, schedule of expenditures of federal awards, and related notes of Tow of Clayton in conformity with U.S. generally accepted accounting principles and the Uniform Guidance based on information provided by you. These nonaudit services do not constitute an audit under *Government Auditing Standards* and such services will not be conducted in accordance with *Government Auditing Standards*. We will perform the services in accordance with applicable professional standards. The other services are limited to the financial statements, schedule of expenditures of federal awards, and related notes services previously defined. We, in our sole professional judgment, reserve the right to refuse to perform any procedure or take any action that could be construed as assuming management responsibilities.

Management Responsibilities

Management is responsible for (1) designing, implementing, and maintaining effective internal controls, including internal controls over federal awards, and for evaluating and monitoring ongoing activities to help ensure that appropriate goals and objectives are met; (2) following laws and regulations; (3) ensuring that there is reasonable assurance that government programs are administered in compliance with compliance requirements; and (4) ensuring that management and financial information is reliable and properly reported. Management is also responsible for implementing systems designed to achieve compliance with applicable laws, regulations, contracts, and grant agreements. You are also responsible for the selection and application of accounting principles; for the preparation and fair presentation of the financial statements, schedule of expenditures of federal awards, and all accompanying information in conformity with U.S. generally accepted accounting principles; and for compliance with applicable laws and regulations (including federal statutes) and the provisions of contracts and grant agreements (including award agreements). Your responsibilities also include identifying significant contractor relationships in which the contractor has responsibility for program compliance and for the accuracy and completeness of that information.

Management is also responsible for making all financial records and related information available to us and for the accuracy and completeness of that information. You are also responsible for providing us with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, (2) access to personnel, accounts, books, records, supporting documentation, and other information as needed to perform an audit under the Uniform Guidance, (3) additional information that we may request for the purpose of the audit, and (4) unrestricted access to persons within the government from whom we determine it necessary to obtain audit evidence.

Your responsibilities include adjusting the financial statements to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the government complies with applicable laws, regulations, contracts, agreements, and grants. Management is also responsible for taking timely and appropriate steps to remedy fraud and noncompliance with provisions of laws, regulations, contracts, and grant agreements, or abuse that we report. Additionally, as required by the Uniform Guidance, it is management's responsibility to evaluate and monitor noncompliance with federal statutes, regulations, and the terms and conditions of federal awards; take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings; promptly follow up and take corrective action on reported audit findings; and prepare a summary schedule of prior audit findings and a separate corrective action plan. The summary schedule of prior audit findings should be available for our review on October 31, 2018.

You are responsible for identifying all federal awards received and understanding and complying with the compliance requirements and for the preparation of the schedule of expenditures of federal awards (including notes and noncash assistance received) in conformity with the Uniform Guidance. You agree to include our report on the schedule of expenditures of federal awards in any document that contains and indicates that we have reported on the schedule of expenditures of federal awards. You also agree to [include the audited financial statements with any presentation of the schedule of expenditures of federal awards that includes our report thereon OR make the audited financial statements readily available to intended users of the schedule of expenditures of federal awards no later than the date the schedule of expenditures of federal awards is issued with our report thereon]. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the schedule of expenditures of federal awards in accordance with the Uniform Guidance; (2) you believe the schedule of expenditures of federal awards, including its form and content, is stated fairly in accordance with the Uniform Guidance; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the schedule of expenditures of federal awards.

You are also responsible for the preparation of the other supplementary information, which we have been engaged to report on, in conformity with U.S. generally accepted accounting principles. You agree to include our report on the supplementary information in any document that contains, and indicates that we have reported on, the supplementary information. You also agree to [include the audited financial statements with any presentation of the supplementary information that includes our report thereon OR make the audited financial statements readily available to users of the supplementary information no later than the date the supplementary information is issued with our report thereon]. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the supplementary information in accordance with GAAP; (2) you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying and providing report copies of previous financial audits, attestation engagements, performance audits, or other studies related to the objectives discussed in the Audit Objectives section of this letter. This

responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits, or studies. You are also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions, for the report, and for the timing and format for providing that information.

You agree to assume all management responsibilities relating to the financial statements, schedule of expenditures of federal awards, and related notes, and any other nonaudit services we provide. You will be required to acknowledge in the management representation letter our assistance with preparation of the financial statements, schedule of expenditures of federal awards, and related notes and that you have reviewed and approved the financial statements, schedule of expenditures of federal awards, and related notes prior to their issuance and have accepted responsibility for them. Further, you agree to oversee the nonaudit services by designating an individual, preferably from senior management, with suitable skill, knowledge, or experience; evaluate the adequacy and results of those services; and accept responsibility for them.

Engagement Administration, Fees, and Other

We may from time to time and depending on the circumstances, use third-party service providers in serving your account. We may share confidential information about you with these service providers, but remain committed to maintaining the confidentiality and security of your information. Accordingly, we maintain internal policies, procedures, and safeguards to protect the confidentiality of your personal information. In addition, we will secure confidentiality agreements with all service providers to maintain the confidentiality of your information and we will take reasonable precautions to determine that they have appropriate procedures in place to prevent the unauthorized release of your confidential information to others. In the event that we are unable to secure an appropriate confidentiality agreement, you will be asked to provide your consent prior to the sharing of your confidential information with the third-party service provider. Furthermore, we will remain responsible for the work provided by any such third-party service providers.

We understand that your employees will prepare all cash, accounts receivable, or other confirmations we request and will locate any documents selected by us for testing.

At the conclusion of the engagement, we will complete the appropriate sections of the Data Collection Form that summarizes our audit findings. It is management's responsibility to electronically submit the reporting package (including financial statements, schedule of expenditures of federal awards, summary schedule of prior audit findings, auditors' reports, and corrective action plan) along with the Data Collection Form to the federal audit clearinghouse. We will coordinate with you the electronic submission and certification. The Data Collection Form and the reporting package must be submitted within the earlier of 30 calendar days after receipt of the auditors' reports or nine months after the end of the audit period.

We will provide copies of our reports to the Town of Clayton, North Carolina; however, management is responsible for distribution of the reports and the financial statements. Unless restricted by law or regulation, or containing privileged and confidential information, copies of our reports are to be made available for public inspection.

The audit documentation for this engagement is the property of Anderson Smith & Wike PLLC and constitutes confidential information. However, subject to applicable laws and regulations, audit documentation and appropriate individuals will be made available upon request and in a timely manner to the Town of Clayton or its designee, a federal agency providing direct or indirect funding, or the U.S. Government Accountability Office for purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of Anderson Smith & Wike PLLC personnel. Furthermore, upon request, we

April 4, 2018
Town of Clayton
Page 7

may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

The audit documentation for this engagement will be retained for a minimum of five years after the report release date or for any additional period requested by the Town of Clayton. If we are aware that a federal awarding agency, pass-through entity, or auditee is contesting an audit finding, we will contact the party(ies) contesting the audit finding for guidance prior to destroying the audit documentation.

We expect to begin our audit on approximately September 1, 2018 and to issue our reports no later than October 31, 2018. Kenneth Anderson is the engagement partner and is responsible for supervising the engagement and signing the reports or authorizing another individual to sign them.

We appreciate the opportunity to be of service to the Town of Clayton and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.

Very truly yours,



This letter correctly sets forth the understanding of the Town of Clayton, NC.

Management signature: _____

Title: _____

Date: _____

Governance signature: _____

Title: _____

Date: _____



Koonce, Wooten & Haywood, LLP
CERTIFIED PUBLIC ACCOUNTANTS

SYSTEM REVIEW REPORT

To the Partners of Anderson Smith & Wike, PLLC
and the Peer Review Committee of the North Carolina Association
of Certified Public Accountants

We have reviewed the system of quality control for the accounting and auditing practice of Anderson Smith & Wike, PLLC (the firm) in effect for the year ended March 31, 2016. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants. As a part of our peer review, we considered reviews by regulatory entities, if applicable, in determining the nature and extent of our procedures. The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on our review. The nature, objectives, scope, limitations of, and the procedures performed in a System Review are described in the standards at www.aicpa.org/prsummary.

As required by the standards, engagements selected for review included engagements performed under *Government Auditing Standards* and audits of employee benefit plans.

In our opinion, the system of quality control for the accounting and auditing practice of Anderson Smith & Wike, PLLC in effect for the year ended March 31, 2016, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency(ies)* or *fail*. Anderson Smith & Wike, PLLC has received a peer review rating of *pass*.

Koonce, Wooten & Haywood, LLP

Koonce, Wooten & Haywood, LLP

August 1, 2016

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4060 Barrett Drive
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Raleigh, North Carolina 27619

919 782 9265
919 783 8937 FAX

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3511 Shannon Road
Suite 100
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919 354 2584
919 489 8183 FAX

Pittsboro
10 Sanford Road
Post Office Box 1399
Pittsboro, North Carolina 27312

919 542 6000
919 542 5764 FAX



Town Council Agenda Cover Sheet

Meeting Date

June 4 2018

Agenda Location

Administrative

Item Title

Resolution to Adopt Triangle J Council on Government Charter

Presenter

N/A

Summary/Description

An email was recently received from the Triangle J Board of Delegates. They approved updates to their organization's governing document - the Charter Resolution - to reflect current practice and regional boundaries. In order to finalize the adoption process, each of their member government's governing boards must review and adopt the updated resolution. Attached, you will find a letter from Ronnie Currin, Board Chair, with more information on the update and this process.

They have requested that we include the Charter Resolution on the agenda for adoption. A red-lined copy with the changes visible and a final version of the document are included in the agenda.

Requested Action

Place on Consent Agenda

Additional Documents To Be Included in Agenda Packet



TRIANGLE J COUNCIL OF GOVERNMENTS

World Class Region

May 2018

Dear Mayor McLeod,

Recently, Triangle J Council of Government leadership and legal counsel reviewed the organization's Charter Resolution and recommended updates to reflect current practice and the revised boundaries of our region. The document was last updated in 1996.

The Charter Resolution is the organization's governing document and must be endorsed by each member government. Your governing board approved the Charter Resolution when your local government joined Triangle J Council of Governments as a member.

On March 28, 2018, the Triangle J Board of Delegates reviewed and endorsed these updates. Now, your governing board must review and adopt the updated Charter Resolution. This adoption process is critical as it ensures that each member government recognize Triangle J's role in the success of the region.

At your upcoming June meeting, I ask that you include the attached, updated resolution on your consent agenda. You have also received a "red-line" version of the Charter Resolution, so that you can review the proposed edits. TJCOG staff are available if you have any questions about the document or process.

Thank you for your continued involvement and support of TJCOG- it is critical to ensure the organization is representative of our regional needs and challenges.

Sincerely,

Ronnie Currin

Ronnie Currin

Chair, Triangle J Council of Governments Board of Delegates

Mayor Pro Tempore, Town of Rolesville

4307 Emperor Boulevard, Suite 110 www.tjcog.org
Durham, NC 27703
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@TJCOGnc
@TJCOG

Triangle J Council of Governments Charter Resolution

WHEREAS, together with the other county and municipal governmental units adopting concurrent Resolutions identical hereto, recognize that there is a need for such governmental units to consult among themselves and to act in concert with reference to regional matters affecting health, safety, welfare, education, recreation, economic conditions, regional planning or planning development; now, therefore, be it

RESOLVED, that pursuant to the General Statutes of North Carolina, Chapter 160A, Article 20, Part 2, the following Resolution is adopted for the establishment of a regional council of governments.

ARTICLE I

Short Title - Binding Effect. This Resolution is the "Charter" of this Regional Council; and said Charter, together with all amendments thereto, is binding upon and shall ensure the benefit of all governmental units adopting it.

ARTICLE II

Name. The name of the regional council of governments hereby established is the Triangle J Council of Governments.

ARTICLE III

Purpose. The purposes of the Council are:

- 1) To serve as a forum for discussion of governmental problems of mutual interest and concern;
- 2) To develop and formalize policy recommendations concerning specific matters having an areawide significance which may include but are not limited to the following:
 - a) human resource development and human relations.
 - b) housing, public and private.

- c) health care and hospital services.
- d) ~~R~~recreation.
- e) sanitation and refuse disposal.
- f) ~~C~~ommunications.
- g) ~~T~~ransportation.
- h) water, sanitary sewer, electric power and other utility services.
- i) air, water and other environmental development.
- j) commercial and industrial development.
- k) law enforcement.
- l) ~~W~~elfare.
- m) fire protection and prevention.
- n) regional land use planning.
- o) ~~manpower~~ ~~workforce~~ development and training. ~~and~~
- p) conservation and development of natural resources.

- 3) To promote inter-governmental cooperation;
- 4) To provide organizational machinery to insure effective communication and coordination among the participating governmental units and other governmental units.
- 5) To serve as a vehicle for the collection and distribution of information concerning matters of areawide interest~~s~~;
- 6) To review, upon request of any governmental unit within the Triangle J Region, applications of that unit for any grant in aid~~e~~, federal, state or private; and
- 7) To provide services to local governments and residents in the area known as the Triangle J Region where appropriate and authorized.

The Council shall strive to promote harmony and cooperation among its members. It shall seek to deal with regional problems in a ~~manner which~~ ~~manner that~~ is mutually satisfactory and shall respect the autonomy of all local governments within the Triangle J Region.

ARTICLE IV

Membership

- 1) The initial membership of the Council of Governments shall consist of the general purpose governmental units of and in the counties of Chatham, Durham, Johnston,

Lee, Orange, and Wake, known as the Triangle J Region, which adopted a resolution pursuant to N.C.G.S. 160A-470 on or before June 30, 1972.

- 2) Any municipality or county in the Triangle J Region ~~which-that~~ is not an initial member of the Council may join this Council by ratifying or adopting this Charter and upon a majority vote of approval by ~~the-existing-member~~ the Board of Delegates. Notice of such application for admission shall be given ~~to existing~~ a members ~~of by~~ the Council at least ten (10) days prior to the date of the meeting at which the vote is to be taken.
- 3) All rights and privileges of membership in the Council shall be exercised on behalf of the member governments by their delegates to the Council.
- 4) Any special purpose governmental agency in the Triangle J region involved in matters affecting the health, safety, natural resources, welfare or education of the citizens of North Carolina, such as school boards, sanitary districts, and soil and water conservation districts, is eligible to apply for an affiliate membership in the Council. The application may be approved and an affiliate membership granted to such special purpose governmental unit upon the affirmative vote of the Board of Delegates. ~~a majority of the membership attending at any meeting~~ The affiliate member shall pay no assessment, but the Council may charge each affiliate members a reasonable sum to cover its proportionate share of the direct costs of providing services to the affiliate members, provided such payments are authorized by law. The affiliate member shall have no vote in the Council, but its designated representative may serve on any technical or advisory committee and may otherwise participate in the deliberations of the Council.

ARTICLE V

Withdrawal. Any member may withdraw from the Council at the end of any fiscal year, provided written notice of intent to withdraw is given to each of the other members at least sixty (60) days prior to the end of the fiscal year.

ARTICLE VI

Governing Board.

- 1) The governing board of the Council of Governments shall be known as the Board of Delegates, which shall be constituted as described below.

- 2) The Board of Delegates shall consist of one delegate from each member governmental unit. Each governmental unit may designate any number of alternate~~eive~~ delegates. All delegates and alternates shall be elected members of the governing bodies of the member governmental units they represent. The delegates and alternates, as well as their successors, shall be selected by the member governing bodies in any manner consistent with law and the regulations governing such body, and their names shall be certified to the Council in the manner described by the Bylaws of the Council.
- 3) The term of office of each delegate shall commence upon the date of his/her appointment and certification to the Council by the governing body of the member governmental unit he or she represents; and such terms shall expire when the appointing body has appointed his or her successor and certified such successor to the Council, unless he or she shall sooner resign, or cease to be an elected member of said governing body, in which case his or her term shall expire on the effective date of such event. Each member shall certify to the Council the names of its delegates and any alternate(s) prior to the first Board of Delegates meeting of the calendar year. Only an individual who has been duly appointed and certified to the Council as a delegate or alternate may beserve as a voting member of the Board of Delegates.
- 4) The delegates shall be compensated, upon submittal of proper receipts, for direct expenses incurred in connection with discharging their duties as delegates to the Triangle J Council of Governments.
- 5) It is the intent of this Charter that all delegates to the Council shall have demonstrated an interest in the sound development of Region J.

ARTICLE VII

Meeting. Regular meetings of the Board of Delegates shall be held, monthlyas provided in the Bylaws to receive reports from its standing committees and to conduct necessary business. The Chair~~man~~ may cancel the regular meeting if he or she determines that there is no need for the meeting. Special meetings of the Board of Delegates may be called by the Chair~~man~~, or by any three members thereof. All meetings shall be open to the public.

At least 48 hours written notice of any meeting shall be given to all delegates of the Board of Delegates. It shall state the time, place, and purpose of the meeting, and may be sent by electronic meanstelegram. At least twenty-four (24) hours oralwritten notice shall be given of any committee meeting to all committee members. Any member may waive notice of this requirement foras to himself/herself.

ARTICLE VIII

Quorum and Voting Requirements.

- 1) Except as provided in Paragraph 4 of this Article, each member governmental unit shall be entitled to one vote on all matters coming before the Board of Delegates or before any committee to which such member unit is duly appointed. All votes shall be cast by the delegates, or in his or her absence, by an alternate delegate of the member government.
- 2) The quorum shall be established in the Bylaws. The affirmative vote of a simple majority of ~~representatives-members~~ present at any meeting at which a quorum is present shall be required for any action or recommendation of the Board ~~or~~ any Committee, unless this Charter or the Bylaws of the Council require a larger affirmative vote on particular matters.
- 3) Voting shall be by voice, by show of hands, or, upon the request of any three delegates, by a poll of the delegates.
- 4) At the request of any delegate present, any questions shall be determined by weighted voting. Weighted voting shall mean that each participating member local government shall have one vote for each 5,000 units of population, as determined by the most recent decennial census, and for any remaining fraction of 5,000 units within the geographical boundaries of the participating government, except that any participating government whose jurisdiction has a population of less than 5,000 shall have one vote. In the case of any weighted voting question delegates representing local governments with at least two thirds of the aggregate votes of member local governments shall be present and participating. An affirmative vote of at least two thirds of the votes cast shall be required to decide any weighted voting question.
- 5) Proxy voting is not allowed.

~~5)6)~~ The provisions in this Article VIII apply to all committees and boards of the Council except to the extent such committee or board has adopted different measures.

ARTICLE IX

~~Officers of the~~ Board of Delegates

- 1) At the first regular meeting of the Board of Delegates, and annually thereafter as provided by the Bylaws, the Board of Delegates shall elect a ~~Chairman~~, a ~~First~~ Vice

~~eChairman, a sSecond vVice eChair and a sSecretary-tTreasurer, and a treasurer~~ to serve as officers for one year or until their successors have been duly elected. The Board of Delegates may also elect such additional officers as the Board of Delegates finds to be necessary in the proper performance of its duties.

- 2) The ~~eChairman~~ shall preside at all meetings of the Board of Delegates and shall conduct said meeting in an orderly and impartial manner so as to permit a free and full discussion by the membership of such matters as may be brought to the Board of Delegates. The ~~eChairman~~ shall have the same voting rights as other members.
- 3) The ~~eChairman~~ may appoint such advisory committees as he or she finds ~~to be~~ necessary or desirable.
- 4) The ~~fFirst vVice eChairman~~ shall perform all of the duties of the ~~eChairman~~ in the absence of the ~~eChairman~~, or in the event of the inability of the ~~eChairman~~ to act, and shall perform such other duties as the Board of Delegates may delegate to him or her. The Second Vice Chair shall perform all of the duties of the First Vice Chair in the absence of the First Vice Chair or in the event of the inability of the First Vice Chair to act.
- 5) All other officers elected by the Board of Delegates shall perform such duties as may be prescribed by the Board of Delegates.

ARTICLE X

Finance Matters:

- 1) On or before the 15th day of April each year, the Council shall prepare and submit to each participating governmental unit its proposed general budget for the next fiscal year.
- 2) The general budget shall set out the proportionate share of the budget to be borne by each member governmental unit by a method ~~as~~ established in the By-laws and reviewed periodically by the Board of Delegates.
- 3) A special budget providing for cooperative arrangements or coordinated action for two or more members may be adopted at the request of members participating in special functions. The share of the special budget to be borne by each participating member shall be determined by the participating members.

- 4) Upon approval of its share of each budget by a member local government, such member shall appropriate its share of the budget, and after adoption of its own budget, shall forward to the budget officer ~~his~~its share of the budget.
- 5) All local appropriations to the Council shall be made in accordance with the Local Government Budget and Fiscal Control Act, as may be appropriate.
- 6) The finance officer shall have authority to collect, deposit, and disburse funds made available to the Council from any source whatsoever, and also perform other duties as prescribed by G.-S. 159-25. Finance officers shall be bonded as required by G.-S. 159.29. All monies received for the Council shall be deposited into an official depository of the Council for the exclusive use of the Council, and shall be paid out only by check signed by the finance officer and countersigned by the Executive Director or another official designated ~~for this product~~ by the Council. ~~The countersigning officer shall countersign checks~~Funds shall be disbursed only when they are within the amount of appropriations made according to the budget of the Council.
- 7) The Board of Delegates may designate a Council employee or, with the agreement of the governing body involved, designate one of the city or county accountants as the finance officer to perform the duties as described in the Local Government Budget and Fiscal Control Act insofar as post-budget approval of expenditures is concerned.
- 8) It shall be the duty of the Board of Delegates to require that all financial records and accounts of the Council be audited annually by a certified public accountant or by an accountant certified by the Local Government Commission as qualified to audit local governmental accounts. A copy of the annual audit shall be forwarded to each member county and municipality and to the secretary of the Local Government Commission.

ARTICLE XI

Committee Structure.

- 1) The Board of Delegates may establish an Executive Committee, other committees of the Board itself, and technical and advisory committees.
- 2) Executive Committee. The Executive Committee shall consist of ~~twelve~~two delegates, ~~two~~ from each county in the Region. The officers of the Council ~~and the immediate past eChair~~ shall automatically be members, and will thereby occupy that number of the two seats allotted to their county. Each county government will occupy one seat

on the committee. The other seat from each county, will be occupied by a municipal delegate from that county. The municipal delegate will be chosen- by a vote of all the municipal delegates from that county unless that seat is allotted automatically assigned as provided above. If delegates from two municipalities within the same county serve as an officer and/or immediate past chair,
-----If there are more eligible delegates than available seats for those delegates to serve on the Executive Committee due to the automatic assignments provided above, then the number of Executive Committee members shall be temporarily increased to allow all eligible delegates to serve on the Executive Committee. such delegates shall decide amongst themselves who shall serve on the Executive Committee. In the event of disagreement, the remaining members of the Executive Committee shall make the selection.

- 3) Technical and Advisory Committees. The Chair~~man~~ may appoint technical or advisory committees with broadly representative membership for any of the planning studies and work elements in the Program of Work. These Committees should work directly with the Council staff and its consultants and make periodic reports to the Council. In addition to reviewing periodic progress reports, these advisory committees should directly participate in the planning process.

ARTICLE XII

Annual Report. The Council shall prepare and submit an annual written report of its activities, including a financial statement, to the participating governmental units.

ARTICLE XIII

Powers, Duties and Functions of the Council. Within the limits of funds and personnel available, the Council:

- 1) Shall have and may exercise, in accordance with its Charter and Bylaws, all of the powers which the General Assembly of North Carolina has authorized, and may hereafter from time to time authorize, this Charter to confer upon the Council, including, but not limited to, all of the specific powers enumerated in Section 160A-475 (any amendments thereto) of the General Statutes of North Carolina, which powers are incorporated herein by reference.
- 2) Shall have, and may exercise, in addition to and not in limitation of the foregoing, the following powers:

- (a) To create such committees as it deems necessary to exercise the powers granted to the Council herein in dealing with problems or problem areas that do not involve all the members of the Council. At least one delegate from each member governmental unit affected by the problem or problem area to be dealt with by the committee is entitled to be a member of that committee. Any two or more member governmental units shall have the right to have a Council committee formed to exercise the powers of the Council with reference to any problem which affects the petitioning governmental units, unless the Council shall reasonably determine that the problem or problem area in question should be assigned to an existing committee, in which case the petitioning member shall be entitled to be represented on said committee. The subject matter over which ~~may~~any committee has jurisdiction to exercise the powers of the Council shall be specifically defined, but may be enlarged or restricted by the Council from time to time. Unless the right of a member of representation on any particular committee granted herein above is asserted, the Chair~~man~~ of the Council shall designate the membership of all committees.
- (b) To accept, receive and disburse in furtherance of the duties, purposes, powers, and functions specified in the Charter all member assessments, funds, grants, and services made available by the State of North Carolina, any other municipality or county or other governmental or quasi-governmental unit or agency, (whether or not a member of such Council) and private and civic sources. The Council may provide matching funds, grants or services, received from any source, to or from any governmental or quasi-governmental agencies established by the Council or any two or more member governmental units in furtherance of the duties, purposes, powers, and functions herein contained. None of the powers contained in this subparagraph may be exercised by any committee except with respect to ~~t~~ funds budgeted or appropriated for their use by the Council.
- (c) To meet with, consult with, and act in concert with any county or municipality, ~~or~~ any agency of the State, ~~or~~ Federal government, any civic organization, ~~or any private organization any other~~ in the furtherance of the purposes and objects within its jurisdiction.
- (d) To participate, as a unit of local government, in any undertaking with any other unit of local government, whether or not a member of the Council, for the joint exercise of governmental powers in accordance with the ~~pursuant to the~~ provisions of Chapter 160A, Article 20, Part 1 of the General Statutes of North Carolina (and any amendments thereto).

- (e) To contract with any person, firm or corporation for goods and/or services when same have been authorized by budget appropriations or by special resolution of the Council appropriating available funds.
- (f) To adopt Bylaws containing such rules and regulations for the conduct of its business as it may deem necessary for the proper discharge of its duties and the performance of its functions, not inconsistent with the Charter of the laws of North Carolina.
- (g) To create agencies of the Council to act for and on behalf of the Council in the planning and development of particular programs which affect the health, safety, welfare, housing, education, economic conditions or regional development of two or more member governmental units. Such agencies shall have such membership, staff, powers, duties and responsibilities as may be specified in the Council Resolutions ~~pursuant to this establishing~~ such agency ~~iesy is established~~, consistent with powers herein granted to the Council. Provided, however, such agency shall at all times be acting for and on behalf of, and shall be responsible to the Council. The Council may appropriate funds for the use of agency programs which it has received from any source, including member assessments, provided such appropriation is made in accordance with the Charter.
- (h) To contract with and provide services to local governmental units within Region J.
- (i) To serve as an informational clearinghouse and, as a reviewing agency with respect to Federal, State and local services or resources available to assist in the solution of problems.
- (j) To request and receive contributions of research assistance from its own agencies, private research organizations, civil foundations, institutions of higher learning, and other organizations.
- (k) To purchase, lease, rent or otherwise acquire real and personal property to the extent necessary to discharge the other powers, duties and functions set forth herein and to the extent such purchases are authorized by general or special budgets and are within the limits of funds appropriated for or provided to the Council by the participating governmental units and others for such purposes.
- (l) To act as the official reviewing agency of the participating governmental units for all programs, Federal, State, or private, requiring regional review.

It is the desire of the membership of this Council to avoid duplication of governmental functions, particularly in the planning and development of future programs in areas of governmental responsibility, and to that end this Council is created, should function, and these powers are given.

ARTICLE XIV

Amendments. Amendments to this Charter shall become effective when adopted by resolution of two-thirds (2/3rds) of the participating governmental units in the Council of Governments.

ARTICLE XV

Dissolution. The Council may be dissolved at the end of any fiscal year only (1) upon the adoption of a dissolution resolution by the governing bodies of all member governmental units, or (2) the withdrawal from the Council of all but one (1) of the member governmental units. If such dissolution is affected by resolution of all member governments, such resolutions shall specify the method of liquidating the Council's assets and liabilities. If such dissolution is occasioned by withdrawal of all but one member, the remaining governmental unit shall have the power to liquidate all assets and liabilities and it shall then distribute the net proceeds, if any, to those members who paid the latest annual assessment and in the same proportion~~tion~~^{sition}. Any deficit shall be the responsibility of those member governments who would have received the net proceeds, and in the same proportions.

Amended: July 1, 1975
February 18, 1976
April 28, 1982
February 14, 1985
March 27, 1996

Insert Date

Triangle J Council of Governments Charter Resolution

WHEREAS, together with the other county and municipal governmental units adopting concurrent Resolutions identical hereto, recognize that there is a need for such governmental units to consult among themselves and to act in concert with reference to regional matters affecting health, safety, welfare, education, recreation, economic conditions, regional planning or planning development; now, therefore, be it

RESOLVED, that pursuant to the General Statutes of North Carolina, Chapter 160A, Article 20, Part 2, the following Resolution is adopted for the establishment of a regional council of governments.

ARTICLE I

Short Title - Binding Effect. This Resolution is the "Charter" of this Regional Council; and said Charter, together with all amendments thereto, is binding upon and shall ensure the benefit of all governmental units adopting it.

ARTICLE II

Name. The name of the regional council of governments hereby established is the Triangle J Council of Governments.

ARTICLE III

Purpose. The purposes of the Council are:

- 1) To serve as a forum for discussion of governmental problems of mutual interest and concern;
- 2) To develop and formalize policy recommendations concerning specific matters having an areawide significance which may include but are not limited to the following:
 - a) human resource development and human relations.
 - b) housing, public and private.

- c) health care and hospital services.
- d) recreation.
- e) sanitation and refuse disposal.
- f) communications.
- g) transportation.
- h) water, sanitary sewer, electric power and other utility services.
- i) air, water and other environmental development.
- j) commercial and industrial development.
- k) law enforcement.
- l) welfare.
- m) fire protection and prevention.
- n) regional land use planning.
- o) workforce development and training, and
- p) conservation and development of natural resources.

- 3) To promote inter-governmental cooperation;
- 4) To provide organizational machinery to insure effective communication and coordination among the participating governmental units and other governmental units.
- 5) To serve as a vehicle for the collection and distribution of information concerning matters of areawide interest;
- 6) To review, upon request of any governmental unit within the Triangle J Region, applications of that unit for any grant in aid, federal, state or private; and
- 7) To provide services to local governments and residents in the area known as the Triangle J Region where appropriate and authorized.

The Council shall strive to promote harmony and cooperation among its members. It shall seek to deal with regional problems in a manner that is mutually satisfactory and shall respect the autonomy of all local governments within the Triangle J Region.

ARTICLE IV

Membership

- 1) The initial membership of the Council of Governments shall consist of the general purpose governmental units of and in the counties of Chatham, Durham, Johnston,

Lee, Orange, and Wake, known as the Triangle J Region, which adopted a resolution pursuant to N.C.G.S. 160A-470 on or before June 30, 1972.

- 2) Any municipality or county in the Triangle J Region that is not an initial member of the Council may join this Council by ratifying or adopting this Charter and upon a majority vote of approval by the Board of Delegates. Notice of such application for admission shall be given to existing members of the Council at least ten (10) days prior to the date of the meeting at which the vote is to be taken.
- 3) All rights and privileges of membership in the Council shall be exercised on behalf of the member governments by their delegates to the Council.
- 4) Any special purpose governmental agency in the Triangle J region involved in matters affecting the health, safety, natural resources, welfare or education of the citizens of North Carolina, such as school boards, sanitary districts, and soil and water conservation districts, is eligible to apply for an affiliate membership in the Council. The application may be approved and an affiliate membership granted to such special purpose governmental unit upon the affirmative vote of the Board of Delegates. The affiliate member shall pay no assessment, but the Council may charge each affiliate member a reasonable sum to cover its proportionate share of the direct costs of providing services to the affiliate members, provided such payments are authorized by law. The affiliate member shall have no vote in the Council, but its designated representative may serve on any technical or advisory committee and may otherwise participate in the deliberations of the Council.

ARTICLE V

Withdrawal. Any member may withdraw from the Council at the end of any fiscal year, provided written notice of intent to withdraw is given to each of the other members at least sixty (60) days prior to the end of the fiscal year.

ARTICLE VI

Governing Board.

- 1) The governing board of the Council of Governments shall be known as the Board of Delegates, which shall be constituted as described below.
- 2) The Board of Delegates shall consist of one delegate from each member governmental unit. Each governmental unit may designate any number of alternate delegates. All

delegates and alternates shall be elected members of the governing bodies of the member governmental units they represent. The delegates and alternates, as well as their successors, shall be selected by the member governing bodies in any manner consistent with law and the regulations governing such body, and their names shall be certified to the Council in the manner described by the Bylaws of the Council.

- 3) The term of office of each delegate shall commence upon the date of his/her appointment and certification to the Council by the governing body of the member governmental unit he or she represents; and such terms shall expire when the appointing body has appointed his or her successor and certified such successor to the Council, unless he or she shall sooner resign, or cease to be an elected member of said governing body, in which case his or her term shall expire on the effective date of such event. Each member shall certify to the Council the name of its delegate and any alternate(s) prior to the first Board of Delegates meeting of the calendar year. Only an individual who has been duly appointed and certified to the Council as a delegate or alternate may serve as a voting member of the Board of Delegates.
- 4) The delegates shall be compensated, upon submittal of proper receipts, for direct expenses incurred in connection with discharging their duties as delegates to the Triangle J Council of Governments.
- 5) It is the intent of this Charter that all delegates to the Council shall have demonstrated an interest in the sound development of Region J.

ARTICLE VII

Meeting. Regular meetings of the Board of Delegates shall be held, as provided in the Bylaws to receive reports from its standing committees and to conduct necessary business. The Chair may cancel the regular meeting if he or she determines that there is no need for the meeting. Special meetings of the Board of Delegates may be called by the Chair, or by any three members thereof. All meetings shall be open to the public.

At least 48 hours written notice of any meeting shall be given to all delegates of the Board of Delegates. It shall state the time, place, and purpose of the meeting, and may be sent by electronic means. At least twenty-four (24) hours written notice shall be given of any committee meeting to all committee members. Any member may waive notice of this requirement for himself/herself.

ARTICLE VIII

Quorum and Voting Requirements.

- 1) Except as provided in Paragraph 4 of this Article, each member governmental unit shall be entitled to one vote on all matters coming before the Board of Delegates or before any committee to which such member unit is duly appointed. All votes shall be cast by the delegate, or in his or her absence, by an alternate delegate of the member government.
- 2) The quorum shall be established in the Bylaws. The affirmative vote of a simple majority of members present at any meeting at which a quorum is present shall be required for any action or recommendation of the Board or any Committee, unless this Charter or the Bylaws of the Council require a larger affirmative vote on particular matters.
- 3) Voting shall be by voice, by show of hands, or, upon the request of any three delegates, by a poll of the delegates.
- 4) At the request of any delegate present, any questions shall be determined by weighted voting. Weighted voting shall mean that each participating member local government shall have one vote for each 5,000 units of population, as determined by the most recent decennial census, and for any remaining fraction of 5,000 units within the geographical boundaries of the participating government, except that any participating government whose jurisdiction has a population of less than 5,000 shall have one vote. In the case of any weighted voting question delegates representing local governments with at least two thirds of the aggregate votes of member local governments shall be present and participating. An affirmative vote of at least two thirds of the votes cast shall be required to decide any weighted voting question.
- 5) Proxy voting is not allowed.
- 6) The provisions in this Article VIII apply to all committees and boards of the Council except to the extent such committee or board has adopted different measures.

ARTICLE IX

Board of Delegates

- 1) At the first regular meeting of the Board of Delegates, and annually thereafter as provided by the Bylaws, the Board of Delegates shall elect a Chair, a First Vice Chair, a Second Vice Chair and a Secretary-Treasurer to serve as officers for one year or until their successors have been duly elected. The Board of Delegates may also elect such

additional officers as the Board of Delegates finds to be necessary in the proper performance of its duties.

- 2) The Chair shall preside at all meetings of the Board of Delegates and shall conduct said meeting in an orderly and impartial manner so as to permit a free and full discussion by the membership of such matters as may be brought to the Board of Delegates. The Chair shall have the same voting rights as other members.
- 3) The Chair may appoint such advisory committees as he or she finds necessary or desirable.
- 4) The First Vice Chair shall perform all of the duties of the Chair in the absence of the Chair, or in the event of the inability of the Chair to act, and shall perform such other duties as the Board of Delegates may delegate to him or her. The Second Vice Chair shall perform all of the duties of the First Vice Chair in the absence of the First Vice Chair or in the event of the inability of the First Vice Chair to act.
- 5) All other officers elected by the Board of Delegates shall perform such duties as may be prescribed by the Board of Delegates.

ARTICLE X

Finance Matters:

- 1) On or before the 15th day of April each year, the Council shall prepare and submit to each participating governmental unit its proposed general budget for the next fiscal year.
- 2) The general budget shall set out the proportionate share of the budget to be borne by each member governmental unit by a method established in the By-laws and reviewed periodically by the Board of Delegates.
- 3) A special budget providing for cooperative arrangements or coordinated action for two or more members may be adopted at the request of members participating in special functions. The share of the special budget to be borne by each participating member shall be determined by the participating members.
- 4) Upon approval of its share of each budget by a member local government, such member shall appropriate its share of the budget, and after adoption of its own budget, shall forward to the budget officer its share of the budget.

- 5) All local appropriations to the Council shall be made in accordance with the Local Government Budget and Fiscal Control Act, as may be appropriate.
- 6) The finance officer shall have authority to collect, deposit, and disburse funds made available to the Council from any source whatsoever, and also perform other duties as prescribed by G.S. 159-25. Finance officers shall be bonded as required by G.S. 159.29. All monies received for the Council shall be deposited into an official depository of the Council for the exclusive use of the Council, and shall be paid out only by check signed by the finance officer and countersigned by the Executive Director or another official designated by the Council. Funds shall be disbursed only when they are within the amount of appropriations made according to the budget of the Council.
- 7) The Board of Delegates may designate a Council employee or, with the agreement of the governing body involved, designate one of the city or county accountants as the finance officer to perform the duties as described in the Local Government Budget and Fiscal Control Act insofar as post-budget approval of expenditures is concerned.
- 8) It shall be the duty of the Board of Delegates to require that all financial records and accounts of the Council be audited annually by a certified public accountant or by an accountant certified by the Local Government Commission as qualified to audit local governmental accounts. A copy of the annual audit shall be forwarded to each member county and municipality and to the secretary of the Local Government Commission.

ARTICLE XI

Committee Structure.

- 1) The Board of Delegates may establish an Executive Committee, other committees of the Board itself, and technical and advisory committees.
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then the number of Executive Committee members shall be temporarily increased to allow all eligible delegates to serve on the Executive Committee. .

- 3) Technical and Advisory Committees. The Chair may appoint technical or advisory committees with broadly representative membership for any of the planning studies and work elements in the Program of Work. These Committees should work directly with the Council staff and its consultants and make periodic reports to the Council. In addition to reviewing periodic progress reports, these advisory committees should directly participate in the planning process.

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Annual Report. The Council shall prepare and submit an annual written report of its activities, including a financial statement, to the participating governmental units.

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Powers, Duties and Functions of the Council. Within the limits of funds and personnel available, the Council:

- 1) Shall have and may exercise, in accordance with its Charter and Bylaws, all of the powers which the General Assembly of North Carolina has authorized, and may hereafter from time to time authorize, this Charter to confer upon the Council, including, but not limited to, all of the specific powers enumerated in Section 160A-475 (any amendments thereto) of the General Statutes of North Carolina, which powers are incorporated herein by reference.
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 - (a) To create such committees as it deems necessary to exercise the powers granted to the Council herein in dealing with problems or problem areas that do not involve all the members of the Council. At least one delegate from each member governmental unit affected by the problem or problem area to be dealt with by the committee is entitled to be a member of that committee. Any two or more member governmental units shall have the right to have a Council committee formed to exercise the powers of the Council with reference to any problem which affects the petitioning governmental units, unless the Council shall reasonably determine that the problem or problem area in question should be assigned to an existing committee, in which case the petitioning

member shall be entitled to be represented on said committee. The subject matter over which any committee has jurisdiction to exercise the powers of the Council shall be specifically defined, but may be enlarged or restricted by the Council from time to time. Unless the right of a member of representation on any particular committee granted herein above is asserted, the Chair of the Council shall designate the membership of all committees.

- (b) To accept, receive and disburse in furtherance of the duties, purposes, powers, and functions specified in the Charter all member assessments, funds, grants, and services made available by the State of North Carolina, any other municipality or county or other governmental or quasi-governmental unit or agency, (whether or not a member of such Council) and private and civic sources. The Council may provide matching funds, grants or services, received from any source, to or from any governmental or quasi-governmental agencies established by the Council or any two or more member governmental units in furtherance of the duties, purposes, powers, and functions herein contained. None of the powers contained in this subparagraph may be exercised by any committee except with respect to funds budgeted or appropriated for their use by the Council.
- (c) To meet with, consult with, and act in concert with any county or municipality, any agency of the State or Federal government, any civic organization, or any private organization in the furtherance of the purposes and objects within its jurisdiction.
- (d) To participate, as a unit of local government, in any undertaking with any other unit of local government, whether or not a member of the Council, for the joint exercise of governmental powers in accordance with the provisions of Chapter 160A, Article 20, Part 1 of the General Statutes of North Carolina (and any amendments thereto).
- (e) To contract with any person, firm or corporation for goods and/or services when same have been authorized by budget appropriations or by special resolution of the Council appropriating available funds.
- (f) To adopt Bylaws containing such rules and regulations for the conduct of its business as it may deem necessary for the proper discharge of its duties and the performance of its functions, not inconsistent with the Charter of the laws of North Carolina.
- (g) To create agencies of the Council to act for and on behalf of the Council in the planning and development of particular programs which affect the health,

safety, welfare, housing, education, economic conditions or regional development of two or more member governmental units. Such agencies shall have such membership, staff, powers, duties and responsibilities as may be specified in the Council Resolutions establishing such agencies, consistent with powers herein granted to the Council. Provided, however, such agency shall at all times be acting for and on behalf of, and shall be responsible to the Council. The Council may appropriate funds for the use of agency programs which it has received from any source, including member assessments, provided such appropriation is made in accordance with the Charter.

- (h) To contract with and provide services to local governmental units within Region J.
- (i) To serve as an informational clearinghouse and, as a reviewing agency with respect to Federal, State and local services or resources available to assist in the solution of problems.
- (j) To request and receive contributions of research assistance from its own agencies, private research organizations, civil foundations, institutions of higher learning, and other organizations.
- (k) To purchase, lease, rent or otherwise acquire real and personal property to the extent necessary to discharge the other powers, duties and functions set forth herein and to the extent such purchases are authorized by general or special budgets and are within the limits of funds appropriated for or provided to the Council by the participating governmental units and others for such purposes.
- (l) To act as the official reviewing agency of the participating governmental units for all programs, Federal, State, or private, requiring regional review.

It is the desire of the membership of this Council to avoid duplication of governmental functions, particularly in the planning and development of future programs in areas of governmental responsibility, and to that end this Council is created, should function, and these powers are given.

ARTICLE XIV

Amendments. Amendments to this Charter shall become effective when adopted by resolution of two-thirds (2/3rds) of the participating governmental units in the Council of Governments.

ARTICLE XV

Dissolution. The Council may be dissolved at the end of any fiscal year only (1) upon the adoption of a dissolution resolution by the governing bodies of all member governmental units, or (2) the withdrawal from the Council of all but one (1) of the member governmental units. If such dissolution is affected by resolution of all member governments, such resolutions shall specify the method of liquidating the Council's assets and liabilities. If such dissolution is occasioned by withdrawal of all but one member, the remaining governmental unit shall have the power to liquidate all assets and liabilities and it shall then distribute the net proceeds, if any, to those members who paid the latest annual assessment and in the same proportion. Any deficit shall be the responsibility of those member governments who would have received the net proceeds, and in the same proportions.

Amended: July 1, 1975
 February 18, 1976
 April 28, 1982
 February 14, 1985
 March 27, 1996
 April 25, 2018

Duly adopted this the 18th day of June, 2018 while in regular session.

Jody McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk



Town Council Agenda Cover Sheet

Meeting Date

June 4 2018

Agenda Location

Introductions & Special Presentations

Item Title

Local Litter Patrol & Awareness Recognition

Presenter

Stacy Beard, Public Information Officer

Summary/Description

Do you ever wish you could make a "Citizen's Arrest" when you see someone throw trash out a car window? Tired of seeing our beautiful landscapes and roadsides cluttered with litter? Many of us are concerned with this growing problem and now the Mayor & Town Council would like to recognize two people taking action and inspiring others!

Matthew Lloyd is only 6 years old, but this Downtown Clayton resident and Cooper Academy student is showing no shyness or fear in tackling this BIG enemy of litter! Matthew has inspired people in his neighborhood and community to pick up trash and beautify his town. In just 2 hours one Saturday morning, he and his crew of volunteers filled more than 15 bags with trash near his school. Matthew's efforts have even grabbed the attention Johnston County's largest private employer and one of our most passionate corporate environmental stewards: Grifols! This global leader in the manufacture of plasma-derived medicines for the treatment and prevention of rare diseases has invited Matthew to the Grifols manufacturing site on June 5th (the day after our Council meeting) to honor him for [joining forces with Grifols in the fight against trash](#).

Council would also like to recognize another crusader in this fight: Clayton resident and artist Jen Kehrer. She kick-started the [#CleanUpClayton](#) effort and it's gaining HUGE momentum. Disgusted by the amount of litter on the roadsides of our community and disheartened that her community is becoming an eye sore, Kehrer took to inspiring neighbors to join her to tackle litter one weekend at a time. Her before and after pictures following a clean-up are astounding and applause worthy! She's showing how just a few people can make difference and working to change attitudes.

"It is bad for the environment and for our reputation as a healthy, safe and clean place to live," she writes on her popular Facebook group, where more than 200 people have joined the cause in just weeks. "We're committed to cleaning up Clayton, North Carolina. #CleanUpClayton doesn't mind picking up the garbage, but hopes to inspire others by setting an example."

Clayton is a beautiful place to live, work and play. To keep it that way takes work - cleaning the roads costs millions! The problem is three-fold: people throw trash out of car windows, trash is illegally dumped and uncovered loads add debris along the roads. Town of Clayton & NCDOT crews work hard to keep things clean but it is a never-ending battle with litter. That's where people like Matthew and Jen with their community pride pitch in!

The annual Spring "Litter Sweep" encouraged by NCDOT is something Clayton residents have taken part in for years. The "Neighbors & Newcomers" club led the charge, trying to organize volunteers to get out in Clayton. They inspired school groups, scout troops, neighborhood HOAs to make this annual showing of community pride. The North Carolina Department of Transportation provided supplies - gloves, cool orange vests and bags and the Town

of Clayton collected the bags when the groups were done. But it always became evident that one weekend a year was simply NOT enough to tackle this ongoing and growing problem.

"Working together we can make a big difference in the way our town looks," said volunteer Judy Hoffman who helped spearhead the effort when she first moved to Clayton. "We are trying to get other town civic and service organizations to also take up this cause."

All of us can do our part. You don't have to "formally" volunteer for litter efforts with a group - simply take a trash bag or two out to an area that bothers you, clean it up and put it in your own trash can.

Call 1-800-331-5864 or our local Johnston County NCDOT office and tell them you want to organize a Litter Sweep. You pick the road and they'll help coordinate the rest! As you venture around Clayton, are you bothered by the excessive amount of litter? Here's your chance to do something about it.

Litter Sweep participation does not stop with cleanup events; motorists are encourage to participate in the NCDOT Swat-A-Litterbug program throughout the year. It's easy to promote clean roadsides by participating in the program - simply record the littering offense and report it through the Office of Beautification Swat-A-Litterbug website.

By the way...you did know that...

Littering is illegal! You could be fined up to \$2,000, get a point on your driver's license AND be sentenced to community service work! Fines can double upon a second conviction. So...throw it out and you could REALLY pay to pick it up later!

Requested Action

Informational Only

Additional Documents to Be Included in Agenda Packet

NONE



Town Council Agenda Cover Sheet

Meeting Date

June 4 2018

Agenda Location

Public Hearings

Item Title

Code of Ordinance Amendment - Chapter 151 – Flood Damage Prevention Ordinance

Presenter *(Name & Title)*

Rich Cappola, PE – Dir. of Engineering & Inspections

Summary/Description

Update to Chapter 151, Flood Damage Prevention Code, of the Town of Clayton Code of Ordinances to adopt the updated Flood Insurance Rate Mapping (FIRM) as required to maintain participation in the National Flood Insurance Program. (NFIP). A Public Hearing must be held to meet the State Statute requirements for Ordinance Amendments and Map Adoption. Maps can be viewed on the North Carolina Flood Mapping Program website at www.ncfloodmaps.com using the Flood Risk Information System (FRIS) viewer.

Action must be taken by Town Council and documentation provided to the NC Flood Mapping Program by June 20, 2018 to remain a participant in the program. **It is requested that action to adopt be taken by the Town Council that evening to remain on schedule with FEMA's requirements.**

Requested Action

Approval

Additional Documents To Be Included in Agenda Packet

ATTH_01 FEMA Letter

ATTH_02 Chapter 151, Flood Damage Prevention Code with changes shown



FEMA

MAR 20 2018

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Jody McLeod
Town Manager
Town of Clayton
Post Office Box 879
Clayton, North Carolina 27520

Dear Ms. McLeod:

I commend you for the efforts that have been put forth in implementing the floodplain management measures for the Town of Clayton, North Carolina, to participate in the National Flood Insurance Program (NFIP). As you implement these measures, I want to emphasize the following:

- Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) have been completed for your community;
- the FIS and FIRM will become effective on June 20, 2018; and
- by the FIS and FIRM effective date, the Department of Homeland Security's Federal Emergency Management Agency (FEMA) Regional Office is required to approve the legally enforceable floodplain management measures your community adopts in accordance with Title 44 Code of Federal Regulations Section 60.3(d).

As noted in FEMA's letter dated December 20, 2017, no significant changes have been made to the flood hazard data on the Preliminary and/or revised Preliminary copies of the FIRM for Johnston County. Therefore, the Town of Clayton should use the Preliminary and/or revised Preliminary copies of the FIRM as the basis for adopting the required floodplain management measures. Final printed copies of the FIRM for the Town of Clayton will be sent to you within the next few months.

If you encounter difficulties in enacting the measures, I recommend you contact the North Carolina Department of Public Safety, Risk Management Section. You may contact John D. Brubaker, P.E., CFM, the NFIP State Coordinator, by telephone at (919) 825-2300, in writing at 4218 Mail Service Center, Raleigh, North Carolina 27699-4218, or by electronic mail at dan.brubaker@ncdps.gov.

The FEMA Regional staff in Atlanta, Georgia, is also available to provide technical assistance and guidance in the development of floodplain management measures. The adoption of compliant floodplain management measures will provide protection for the Town of Clayton and will ensure its participation in the NFIP. The Regional Office may be contacted by telephone at (770) 220-5200 or in writing. Please send your written inquiries to the Director, Federal Insurance and Mitigation Division, FEMA Region IV, at 3003 Chamblee Tucker Road, Atlanta, Georgia 30341.

www.fema.gov

Jody McLeod

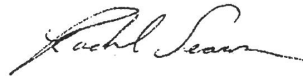
MAR 20 2018

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You may have already contacted the NFIP State Coordinator and/or the FEMA Regional Office, and may be in the final adoption process or recently adopted the appropriate measures. However, in the event your community has not adopted the appropriate measures, this letter is FEMA's official notification that you only have until June 20, 2018, to adopt and/or submit a floodplain management ordinance that meets or exceeds the minimum NFIP requirements, and request approval from the FEMA Regional Office by the effective date. Your community's adopted measures will be reviewed upon receipt and the FEMA Regional Office will notify you when the measures are approved.

I appreciate your cooperation to ensure that your community's floodplain management measures are approved by the FEMA Regional Office by June 20, 2018. Your compliance with these mandatory program requirements will enable your community to avoid suspension from the NFIP.

Sincerely,



Rachel Sears, Director
Floodplain Management Division
Mitigation Directorate | FEMA

cc: Gracia Szczech, Regional Administrator, FEMA Region IV
John D. Brubaker, P.E., CFM, NFIP State Coordinator, North Carolina Department of Public
Safety, Risk Management Section
Tim Simpson, Public Works Director, Town of Clayton

NOTICE OF PUBLIC HEARING The Clayton Town Council will hold a public hearing on Monday, June 4, 2018 at 6:00 p.m. at Town Hall, 111 East Second Street, Clayton, NC. The purpose of the public hearing is to receive public comment and discussion on a proposed amendment to the Town of Clayton Code of Ordinance, Chapter 151, as it relates to the Flood Damage Prevention Ordinance as well as adoption of the new Flood Insurance Rate Map panels as found on the North Carolina Floodplain Mapping Program website at <http://fris.nc.gov/FRIS/> dated as preliminary on April 30, 2014. A copy of the proposed ordinance amendment may be obtained by visiting the Town of Claytons' website at <https://townofclaytonnc.civicweb.net/portal/> (See June 4, 2018 Town Council Meeting Agenda) or by contacting the Town of Clayton Engineering Department located at 111 East Second Street, Clayton NC between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, or call 919-553-5002. Citizens may also contact the Town of Clayton Engineering Department for assistance with viewing the Flood Insurance Rate Maps. **Maps will be effective June 20, 2018.** Please be advised that the Council may choose to take action on the proposed ordinance amendment as well as the Flood Insurance Rate Maps following the public hearing.

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

Rich Cappola, Town Engineer

919-553-5002

.....
Ads to Run:

May 11, 2018

May 25, 2018

TOWN OF CLAYTON
Amendment to the Code of Ordinances, Chapter 151

**BEING HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON,
NORTH CAROLINA,** Chapter 151 will be amended to read as follows:

CHAPTER 151: FLOOD DAMAGE PREVENTION CODE

Section

General Provisions

- 151.01 Statutory authorization; findings of fact
- 151.02 Statement of purpose
- 151.03 Objectives
- 151.04 Definitions
- 151.05 Lands to which this chapter applies
- 151.06 Basis for establishing the special flood hazard areas
- 151.07 Establishment of floodplain development permit
- 151.08 Compliance
- 151.09 Abrogation and greater restrictions
- 151.10 Interpretation
- 151.11 Warning and disclaimer of liability
- 151.12 Penalties for Violation

Administration

- 151.20 Designation of Floodplain Administrator
- 151.21 Floodplain development application, permit and certification requirements
- 151.22 Duties and responsibilities of the Floodplain Administrator
- 151.23 Corrective procedures
- 151.24 Variance procedures

Provisions for Flood Hazard Reduction

- 151.40 General standards
- 151.41 Specific standards
- 151.42 Standards for floodplains without established base flood elevations
- 151.43 Standards for riverine floodplains with BFE but without established floodways or non-encroachment areas
- 151.44 Floodways and non-encroachment areas

Legal Status

- 151.60 Effect on rights and liabilities under the existing flood damage prevention code
- 151.61 Effect upon outstanding floodplain development permits
- 151.99 Penalty

GENERAL PROVISIONS

§ 151.01 STATUTORY AUTHORIZATION; FINDINGS OF FACT.

The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3, 5, and 8 of Article 19 of Chapter 160A; and Article 8 of Chapter 160A of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare. Therefore, the Town Council does ordain as follows:

- (A) The flood prone areas within the jurisdiction of the town are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- (B) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities and by the occupancy in flood prone areas of uses vulnerable to floods or other hazards.

§ 151.02 STATEMENT OF PURPOSE.

It is the purpose of this chapter to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within flood prone areas by provisions designed to:

- (A) Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;
- (B) Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
- (C) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
- (D) Control filling, grading, dredging, and all other development that may increase erosion or flood damage; and
- (E) Prevent or regulate the construction of flood barriers that will unnaturally divert floodwaters or which may increase flood hazards to other lands.

§ 151.03 OBJECTIVES.

The objectives of this chapter are:

- (A) Protect human life, safety, and health;
- (B) Minimize expenditure of public money for costly flood control projects;
- (C) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (D) Minimize prolonged business losses and interruptions;
- (E) Minimize damage to public facilities and utilities (i.e. water and gas mains, electric, telephone, cable and sewer lines, streets, and bridges) that are located in flood prone areas;
- (F) Minimize damage to private and public property due to flooding;
- (G) Make flood insurance available to the community through the National Flood Insurance Program;
- (H) Maintain the natural and beneficial functions of floodplains;
- (I) Help maintain a stable tax base by providing for the sound use and development of flood prone areas; and
- (J) Ensure that potential buyers are aware that property is in a Special Flood Hazard Area.

§ 151.04 DEFINITIONS.

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance it's most reasonable application.

"Accessory Structure (Appurtenant Structure)" means a structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

“Addition (to an existing building)” means an extension or increase in the floor area or height of a building or structure.

“Alteration of a watercourse” means a dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

“Appeal” means a request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance.

“Area of Shallow Flooding” means a designated Zone AO or AH on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one (1) to three (3) feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

“Area of Special Flood Hazard” see “Special Flood Hazard Area (SFHA)”.

“Area of Future-Conditions Flood Hazard” means the land area that would be inundated by the 1-percent-annual-chance (100- year) flood based on future-conditions hydrology.

“Base Flood” means the flood having a one (1) percent chance of being equaled or exceeded in any given year.

“Base Flood Elevation (BFE)” means a determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a “Special Flood Hazard Area”, it may be obtained from engineering studies available from a Federal, State, or other source using FEMA approved engineering methodologies. This elevation, when combined with the “Freeboard”, establishes the “Regulatory Flood Protection Elevation”.

“Basement” means any area of the building having its floor subgrade (below ground level) on all sides.

“Building” see “Structure”.

“Chemical Storage Facility” means a building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

“Design Flood”: See “Regulatory Flood Protection Elevation.”

“Development” means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

“Development Activity” means any activity defined as Development which will necessitate a Floodplain Development Permit. This includes buildings, structures, and non-structural items, including (but not limited to) fill, bulkheads, piers, pools, docks, landings, ramps, and erosion control/stabilization measures.

“Digital Flood Insurance Rate Map (DFIRM)” means the digital official map of a community, issued by the Federal Emergency Management Agency (FEMA), on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

“Disposal” means, as defined in NCGS 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent

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part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

“Elevated Building” means a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

“Encroachment” means the advance or infringement of uses, fill, excavation, buildings, structures or development into a special flood hazard area, which may impede or alter the flow capacity of a floodplain.

“Existing building and existing structure” means any building and/or structure for which the “start of construction” commenced before April 1, 1982, the effective date of the initial Flood Insurance Rate Map.

“Existing Manufactured Home Park or Manufactured Home Subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed June 16, 1987, before the initial effective date of the floodplain management regulations adopted by the community.

“Flood” or “Flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (A) The overflow of inland or tidal waters; and/or
- (B) The unusual and rapid accumulation or runoff of surface waters from any source.

“Flood Boundary and Floodway Map (FBFM)” means an official map of a community, issued by the FEMA, on which the Special Flood Hazard Areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).

“Flood Hazard Boundary Map (FHBM)” means an official map of a community, issued by the FEMA, where the boundaries of the Special Flood Hazard Areas have been defined as Zone A.

“Flood Insurance” means the insurance coverage provided under the National Flood Insurance Program.

“Flood Insurance Rate Map (FIRM)” means an official map of a community, issued by the FEMA, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated. (see also DFIRM)

“Flood Insurance Study (FIS)” means an examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the FEMA. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

“Flood Prone Area” see “Floodplain”

“Flood Zone” means a geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

“Floodplain” means any land area susceptible to being inundated by water from any source.

“Floodplain Administrator” is the individual appointed to administer and enforce the floodplain management regulations.

“Floodplain Development Permit” means any type of permit that is required in conformance with the provisions of this ordinance, prior to the commencement of any development activity.

“Floodplain Management” means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

“Floodplain Management Regulations” means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power. This term describes federal, state or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

“Floodproofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

“Flood-resistant material” means any building product [material, component or system] capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage that requires more than low-cost cosmetic repair. Any material that is water-soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade use, is not flood-resistant. Pressure-treated lumber or naturally decay-resistant lumbars are acceptable flooring materials. Sheet-type flooring coverings that restrict evaporation from below and materials that are impervious, but dimensionally unstable are not acceptable. Materials that absorb or retain water excessively after submergence are not flood-resistant. Please refer to Technical Bulletin 2, *Flood Damage-Resistant Materials Requirements*, and available from the FEMA. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.

“Floodway” means the channel of a river or other watercourse, including the area above a bridge or culvert when applicable, and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

“Floodway encroachment analysis” means an engineering analysis of the impact that a proposed encroachment into a floodway or non-encroachment area is expected to have on the floodway boundaries and flood levels during the occurrence of the base flood discharge. The evaluation shall be prepared by a qualified North Carolina licensed engineer using standard engineering methods and models.

“Freeboard” means the height added to the BFE to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings, and the hydrological effect of urbanization of the watershed. The BFE plus the freeboard establishes the “Regulatory Flood Protection Elevation”.

“Functionally Dependent Facility” means a facility which cannot be used for its intended purpose unless it is located in close proximity to water, limited to a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

“Hazardous Waste Management Facility” means, as defined in NCGS 130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

“Highest Adjacent Grade (HAG)” means the highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

“Historic Structure” means any structure that is:

- (A) Listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
- (B) Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (C) Individually listed on a local inventory of historic landmarks in communities with a “Certified Local Government (CLG) Program”; or
- (D) Certified as contributing to the historical significance of a historic district designated by a community with a “Certified Local Government (CLG) Program.”

Certified Local Government (CLG) Programs are approved by the US Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.

- (A) “Letter of Map Change (LOMC)” means an official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include Letter of Map Amendment (LOMA): An official amendment, by letter, to an effective National Flood Insurance Program map. A LOMA is based on technical data showing that a property had been inadvertently mapped as being in the floodplain, but is actually on natural high ground above the base flood elevation. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.
- (B) Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.
- (C) Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the BFE and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community’s floodplain management regulations.
- (D) Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

“Light Duty Truck” means any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less as defined in 40 CFR 86.082-2 and is:

- (A) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
- (B) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
- (C) Available with special features enabling off-street or off-highway operation and use.

“Lowest Adjacent Grade (LAG)” means the lowest elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

“Lowest Floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building’s lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

“Manufactured Home” means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term “manufactured home” does not include a “recreational vehicle”.

“Manufactured Home Park or Subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

“Market Value” means the building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.

“New Construction” means structures for which the “start of construction” commenced on or after June 16, 1987, the effective date of the initial floodplain management regulations and includes any subsequent improvements to such structures.

“Non-Conversion Agreement” means a document stating that the owner will not convert or alter what has been constructed and approved. Violation of the agreement is considered a violation of the ordinance and, therefore, subject to the same enforcement procedures and penalties. The agreement must be filed with the recorded deed for the property. The agreement must show the clerk’s or recorder’s stamps and/or notations that the filing has been completed.

“Non-Encroachment Area (NEA)” means the channel of a river or other watercourse, including the area above a bridge or culvert when applicable, and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot as designated in the Flood Insurance Study report.

“Post-FIRM” means construction or other development for which the “start of construction” occurred on or after April 1, 1982, the effective date of the initial Flood Insurance Rate Map.

“Pre-FIRM” means construction or other development for which the “start of construction” occurred before April 1, 1982, the effective date of the initial Flood Insurance Rate Map.

“Principally Above Ground” means that at least 51% of the actual cash value of the structure is above ground.

“Public Safety” and/or “Nuisance” means anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

“Recreational Vehicle (RV)” means a vehicle, which is:

- (A) Built on a single chassis;
- (B) 400 square feet or less when measured at the largest horizontal projection;
- (C) Designed to be self-propelled or permanently towable by a light duty truck;
- (D) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use, and
- (E) Is fully licensed and ready for highway use.

For the purpose of this ordinance, “Tiny Homes/Houses” and Park Models that do not meet the items listed above are not considered Recreational Vehicles and should meet the standards of and be permitted as Residential Structures.)

“Reference Level” is the top of the lowest floor for structures within Special Flood Hazard Areas designated as Zones A, AE, AH, AO, A99.

“Regulatory Flood Protection Elevation” means the “Base Flood Elevation” plus the “Freeboard”. In “Special Flood Hazard Areas” where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE *plus two (2) feet freeboard*. In “Special Flood Hazard Areas” where no BFE has been established, this elevation shall be at least two (2) feet above the highest adjacent grade.

“Remedy a Violation” means to bring the structure or other development into compliance with state and community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.

“Riverine” means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

“Salvage Yard” means any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.

“Solid Waste Disposal Facility” means any facility involved in the disposal of solid waste, as defined in NCGS 130A-290(a)(35).

“Solid Waste Disposal Site” means, as defined in NCGS 130A-290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

“Special Flood Hazard Area (SFHA)” means the land in the floodplain subject to a one percent (1%) or greater chance of being flooded in any given year, as determined in 151.06 of this ordinance.

“Start of Construction” includes substantial improvement, and means the date the building permit was issued provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

“Structure” means a walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.

“Substantial Damage” means damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to it’s before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. See definition of “substantial improvement”.

“Substantial Improvement” means any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period for which the cost equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:

- (A) Any correction of existing violations of state or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (B) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure and the alteration is approved by variance issued pursuant to 151.24 of this ordinance.

“Technical Bulletin and Technical Fact Sheet” means a FEMA publication that provides guidance concerning the building performance standards of the NFIP, which are contained in Title 44 of the U.S. Code of Federal Regulations at Section 60.3. The bulletins and fact sheets are intended for use primarily by State and local officials responsible for interpreting and enforcing NFIP regulations and by members of the development community, such as design professionals and builders. New bulletins, as well as updates of existing bulletins, are issued periodically as needed. The bulletins do not create regulations; rather they provide specific guidance for complying with the minimum requirements of existing NFIP regulations.

It should be noted that Technical Bulletins and Technical Fact Sheets provide guidance on the minimum requirements of the NFIP regulations. State or community requirements that exceed those of the NFIP take precedence. Design professionals should contact the community officials to determine whether more restrictive State or local regulations apply to the building or site in question. All applicable standards of the State or local building code must also be met for any building in a flood hazard area.

“Temperature Controlled” means having the temperature regulated by a heating and/or cooling system, built-in or appliance.

“Variance” is a grant of relief from the requirements of this ordinance.

“Violation” means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in **Administration** and **Provisions for Flood Hazard Reduction** sections is presumed to be in violation until such time as that documentation is provided.

“Water Surface Elevation (WSE)” means the height, in relation to NAVD 1988, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

“Watercourse” means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

§ 151.05 LANDS TO WHICH THIS CHAPTER APPLIES.

This ordinance shall apply to all Special Flood Hazard Areas within the jurisdiction, *including Extra-Territorial Jurisdictions (ETJs)*, of the Town of Clayton.

§ 151.06 BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS.

The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its FIS dated June 20, 2018 for Johnston County and associated DFIRM panels, including any digital data developed as part of the FIS, which are adopted by reference and declared a part of this ordinance. Future revisions to the FIS and DFIRM panels that do not change flood hazard data within the jurisdictional authority of the Town of Clayton are also adopted by reference and declared a part of this ordinance. Subsequent Letter of Map Revisions (LOMRs) and/or Physical Map Revisions (PMRs) shall be adopted within 3 months.

§ 151.07 ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT.

A Floodplain Development Permit, in the form or document established by the Town of Clayton, shall be required in conformance with the provisions of this ordinance prior to the commencement of any

development activities within Special Flood Hazard Areas determined in accordance with the provisions of § 151.06 of this ordinance.

§ 151.08 COMPLIANCE.

No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this ordinance and other applicable regulations.

§ 151.09 ABROGATION AND GREATER RESTRICTIONS.

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

§ 151.10 INTERPRETATION.

In the interpretation and application of this chapter, all provisions shall be:

- (A) Considered as minimum requirements;
- (B) Liberally construed in favor of the governing body; and
- (C) Deemed neither to limit nor repeal any other powers granted under state statutes.

§ 151.11 WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur. Actual flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of Town of Clayton or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

ADMINISTRATION

§ 151.12 PENALTIES FOR VIOLATION.

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a Class 1 misdemeanor pursuant to NC G.S. § 143-215.58. . Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$100.00 or imprisoned for not more than thirty (30) days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Town of Clayton from taking such other lawful action as is necessary to prevent or remedy any violation

§ 151.20 DESIGNATION OF FLOODPLAIN ADMINISTRATOR.

The Director of Engineering & Inspections or his designee, hereinafter referred to as the “Floodplain Administrator”, is hereby appointed to administer and implement the provisions of this ordinance. In instances where the Floodplain Administrator receives assistance from others to complete tasks to administer and implement this ordinance, the Floodplain Administrator shall be responsible for the coordination and community’s overall compliance with the National Flood Insurance Program and the provisions of this ordinance.

§ 151.21 FLOODPLAIN DEVELOPMENT APPLICATION, PERMIT AND CERTIFICATION REQUIREMENTS.

- (A) *Application requirements.* Application for a Floodplain Development Permit shall be made to the Floodplain Administrator prior to any development activities located within Special Flood Hazard Areas. The following items shall be presented to the Floodplain Administrator to apply for a floodplain development permit:
 - (1) A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:

- (a) The nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;
 - (b) The boundary of the special flood hazard area as delineated on the FIRM or other flood map as determined in § 151.06, or a statement that the entire lot is within the special flood hazard area;
 - (c) Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in § 151.06;
 - (d) The boundary of the floodway(s) or non-encroachment area(s) as determined in § 151.06
 - (e) The base flood elevation (BFE) where provided as set forth in § 151.06; § 151.22 ; or § 151.42; or
 - (f) The old and new location of any watercourse that will be altered or relocated as a result of proposed development.
 - (g) The certification of the plot plan by a registered land surveyor or professional engineer.
 - (2) Proposed elevation, and method thereof, of all development within a special flood hazard area including but not limited to:
 - (a) Elevation in relation to NAVD 1988 of the proposed reference level (including basement) of all structures
 - (b) Elevation in relation to NAVD 1988 to which any non-residential structure in Zone AE will be flood-proofed;
 - (c) Elevation in relation to NAVD 1988 to which any proposed utility systems will be elevated or floodproofed;
 - (3) If floodproofing, a Floodproofing Certificate (FEMA Form 086-0-34) with supporting data, an operational plan, and an inspection and maintenance plan that include, but are not limited to, installation, exercise, and maintenance of floodproofing measures.
 - (4) A foundation plan drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this ordinance, are met. These details include but are not limited to:
 - (a) The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls);
 - (b) Openings to facilitate equalization of hydrostatic flood forces on walls in accordance with § 151.41(D)(4), when solid foundation perimeter walls are used in Zones A, AE, AH, AO, A99.;
 - (5) Usage details of any enclosed areas below the lowest floor.
 - (6) Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage;
 - (7) Certification that all other Local, State and Federal permits required prior to floodplain development permit issuance have been received including copies of the issued approvals.
 - (8) Documentation for placement of recreational vehicles and/or temporary structures, when applicable, to ensure that the provisions of § 151.41(F) and (G) are met.
 - (9) A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.
- (B) *Permit requirements.* The floodplain development permit shall include, but not be limited to:

- (1) A complete description of all the development to be permitted under the floodplain development permit (e.g. house, garage, pool, septic, bulkhead, cabana, pier, bridge, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials, etc.).
 - (2) The special flood hazard area determination for the proposed development per available data specified in § 151.06.
 - (3) The Regulatory Flood Protection Elevation required for the reference level and all attendant utilities.
 - (4) The Regulatory Flood Protection Elevation required for the protection of all public utilities.
 - (5) All certification submittal requirements with timelines.
 - (6) A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse unless the requirements of § 151.44 have been met.
 - (7) The flood openings requirements, if in Zones A, AE, AH, AO, A99.
- (C) *Certification requirements.*

(1) Elevation certificates:

- (a) An elevation certificate (*FEMA Form 086-0-33*) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to NAVD 1988. Elevation certification shall be prepared by, or under direct supervision of, a registered land surveyor or professional engineer and certified by same. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit..
- (b) An *Elevation Certificate (FEMA Form 086-0-33)* is required after the reference level is established. Within seven (7) calendar days of establishment of the reference level elevation, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to NAVD 1988. Any work done within the seven (7) day calendar period and prior to submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being permitted to proceed. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop-work order for the project.
- (c) A Final As-Built Elevation Certificate (*FEMA Form 086-0-33*) is required after construction is completed and prior to certificate of compliance/occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. Elevation certification shall be prepared by, or under the direct supervision of, a registered land surveyor or professional engineer and certified by same. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to certificate of compliance/occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a certificate of compliance/occupancy.

(2) Floodproofing Certificate

- (a) If non-residential floodproofing is used to meet the Regulatory Flood Protection Elevation requirements, a Floodproofing Certificate (FEMA Form 086-0-34), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to NAVD 1988. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.
 - (b) A final Finished Construction Floodproofing Certificate (FEMA Form 086-0-34), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the issuance of a Certificate of Compliance/Occupancy. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to NAVD 1988. Floodproofing certificate shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to Certificate of Occupancy. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to deny a Certificate of Compliance/Occupancy.
- (3) If a manufactured home is placed within Zones A, AE, AH, AO, A99 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required in accordance with the provisions of § 151.41(C)(2).
- (4) If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.
- (5) Certification Exemptions. The following structures, if located within Zones A, AE, AH, AO, A99, are exempt from the elevation/floodproofing certification requirements specified in divisions (C)(1) and (2) of this section:
- (a) Recreational vehicles meeting requirements of § 151.41(F)(1);
 - (b) Temporary structures meeting requirements of § 151.41(G); and
 - (c) Accessory structures less than 150 square feet or less or valued at \$3,000 or less and meeting requirements of § 151.41(H)
- (6) Determinations for existing buildings and structures.
- (a) For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of

substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

- i. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
- ii. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
- iii. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and

Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the NC Building Code and this ordinance is required.

§ 151.22 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR.

The Floodplain Administrator shall perform, but not be limited to, the following duties:

- (A) Review all floodplain development applications and issue permits for all proposed development within special flood hazard areas to assure that the requirements of this chapter have been satisfied.
- (B) Review all proposed development within Special Flood Hazard Areas to assure that all necessary local, state and federal permits have been received, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- (C) Notify adjacent communities and the North Carolina Department of Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
- (D) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
- (E) Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of § 151.44 are met.
- (F) Obtain actual elevation (in relation to NAVD 1988) of the reference level (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with the provisions of §151.21 (A)(1)(c) .
- (G) Obtain actual elevation (in relation to NAVD 1988) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with the provisions of §151.21 (C).
- (H) Obtain actual elevation (in relation to NAVD 1988) of all public utilities in accordance with the provisions of §151.21 (C).
- (I) When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with § 151.21(C) and 151.41 (B).
- (J) Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas, floodways, or non-encroachment areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this section.
- (K) When base flood elevation (BFE) data has not been provided in accordance with § 151.06, obtain, review, and reasonably utilize any base flood elevation (BFE) data, along with floodway data or non-encroachment area data available from a federal, state, or other source, including data developed pursuant to § 151.42(B(3)), in order to administer the provisions of this chapter.

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- (L) When base flood elevation (BFE) data is provided but no floodway nor non-encroachment area data has been provided in accordance with § 151.06, obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a federal, state, or other source in order to administer the provisions of this chapter.
- (M) *When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a Special Flood Hazard Area is above the BFE, advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the LOMA issued by FEMA in the floodplain development permit file.*
- (N) Permanently maintain all records that pertain to the administration of this ordinance and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.
- (O) Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the Floodplain Administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action..
- (P) Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.
- (Q) Revoke floodplain development permits as required. The Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.
- (R) Make periodic inspections throughout the Special Flood Hazard Areas within the jurisdiction of the community. The Floodplain Administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
- (S) Follow through with corrective procedures of § 151.23.
- (T) Review, provide input, and make recommendations for variance requests.
- (U) Maintain a current map repository to include, but not limited to, historical and effective FIS Report, historical and effective FIRM and other official flood maps and studies adopted in accordance with the provisions of § 151.06 .of this ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs. (V) Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-Fs) and Letters of Map Revision (LOMRs).

§ 151.23 CORRECTIVE PROCEDURES.

- (A) *Violations to be corrected.* When the Floodplain Administrator finds violations of applicable state and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law pertaining to their property.

- (B) *Actions in event of failure to take corrective action.* If the owner of a building or property shall fail to take prompt corrective action, the Floodplain Administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:
- (1) That the building or property is in violation of the Flood Damage Prevention Ordinance;
 - (2) That a hearing will be held before the Floodplain Administrator at a designated place and time, not later than ten days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and,
 - (3) That following the hearing, the Floodplain Administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as appears appropriate.
- (C) *Order to Take Corrective Action:* If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, he or she shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than sixty (60) calendar days, nor more than one-hundred and eighty (180) calendar days. Where the Floodplain Administrator finds that there is imminent danger to life or other property, he or she may order that corrective action be taken in such lesser period as may be feasible.
- (D) *Appeal:* Any owner who has received an order to take corrective action may appeal the order to the local elected governing body by giving notice of appeal in writing to the Floodplain Administrator and the clerk within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the Floodplain Administrator shall be final. The local governing body shall *hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.*
- (E) *Failure to Comply with Order:* If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be guilty of a Class 1 misdemeanor pursuant to NC G.S. § 143-215.58 and shall be punished at the discretion of the court.

§ 151.24 VARIANCE PROCEDURES.

- (A) The Board of Adjustment as established by the town hereinafter referred to as the "Appeal Board", shall hear and decide requests for variances from the requirements of this chapter.
- (1) Any person aggrieved by the decision of the appeal board may appeal such decision to the Court, as provided in Chapter 7A of the North Carolina General Statutes.
 - (2) Variances may be issued for:
 - (a) The repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure;
 - (b) Functionally dependent facilities if determined to meet the definition as stated in 151.04 of this ordinance, provided provisions of 151.24 § 151.06 (A)(8)(b), (c), and (e) have been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety; or
 - (c) Any other type of development provided it meets the requirements of this Section.
 - (3) In passing upon variances, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:
 - (a) The danger that materials may be swept onto other lands to the injury of others;
 - (b) The danger to life and property due to flooding or erosion damage;
 - (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (d) The importance of the services provided by the proposed facility to the community;

- (e) The necessity to the facility of a waterfront location as defined under § 151.04 of this ordinance as a functionally dependent facility, where applicable;
 - (f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - (g) The compatibility of the proposed use with existing and anticipated development;
 - (h) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - (i) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (j) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 - (k) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
- (4) A written report addressing each of the above factors shall be submitted with the application for a variance.
- (5) Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes and objectives of this ordinance.
- (6) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the BFE and the elevation to which the structure is to be built and that such construction below the BFE increases risks to life and property, and that the issuance of a variance to construct a structure below the BFE may result in increased premium rates for flood insurance up to \$25 per \$100 of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.
- (7) The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the FEMA and the State of North Carolina upon request.
- (8) Conditions for Variances:
 - (a) Variances shall not be issued when the variance will make the structure in violation of other federal, state, or local laws, regulations, or ordinances.
 - (b) Variances shall not be issued within any designated floodway or non-encroachment area if the variance would result in any increase in flood levels during the base flood discharge.
 - (c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (d) Variances shall only be issued prior to development permit approval.
 - (e) Variances shall only be issued upon:
 - (i) A showing of good and sufficient cause;
 - (ii) A determination that failure to grant the variance would result in exceptional hardship; and
 - (iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (9) A variance may be issued for solid waste disposal facilities or sites, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas provided that all of the following conditions are met.
 - (a) The use serves a critical need in the community.
 - (b) No feasible location exists for the use outside the Special Flood Hazard Area.

- (c) The reference level of any structure is elevated or floodproofed to at least the Regulatory Flood Protection Elevation.
- (d) The use complies with all other applicable federal, state and local laws.
- (e) The Town has notified the Secretary of the North Carolina Department of Public Safety of its intention to grant a variance at least thirty (30) calendar days prior to granting the variance.

PROVISIONS FOR FLOOD HAZARD REDUCTION

§ 151.40 GENERAL STANDARDS.

In all Special Flood Hazard Areas the following provisions are required:

- (A) All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.
- (B) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage in accordance with the FEMA Technical Bulletin 2, *Flood Damage-Resistant Materials Requirements*.
- (C) All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.
- (D) All new electrical, heating, ventilation, plumbing, air conditioning equipment, and other service equipment shall be located at or above the RFPE or designed and installed to prevent water from entering or accumulating within the components during the occurrence of the base flood. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, water heaters, and electric outlets/switches.
 - (1) Replacements part of a substantial improvement, electrical, heating, ventilation, plumbing, air conditioning equipment, and other service equipment shall also meet the above provisions.
 - (2) Replacements that are for maintenance and not part of a substantial improvement, may be installed at the original location provided the addition and/or improvements only comply with the standards for new construction consistent with the code and requirements for the original structure.
- (E) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (F) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.
- (G) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- (H) Nothing in this ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this ordinance and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the Regulatory Flood Protection Elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.
- (I) New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in § 151.24 (A)(9). A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the Regulatory Flood Protection Elevation and certified in accordance with the provisions of § 151.21 (C).

- (J) All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.
- (K) All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- (L) All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- (M) All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- (N) When a structure is partially located in a Special Flood Hazard Area, the entire structure shall meet the requirements for new construction and substantial improvements.
- (O) When a structure is located in multiple flood hazard zones or in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest BFE shall apply.

§ 151.41 SPECIFIC STANDARDS.

In all special flood hazard areas where base flood elevation (BFE) data has been provided, as set forth in § 151.06, or § 151.42, the following provisions, in addition to § 151.40, are required:

- (A) *Residential construction.* New construction or substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in § 151.04.
- (B) *Non-Residential Construction.* New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation, as defined in § 151.04 of this ordinance. Structures located in Zones A, AE, AH, AO, A99 may be floodproofed to the Regulatory Flood Protection Elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the Regulatory Flood Protection Elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the floodproofing standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in § 151.21 (C), along with the operational plan and the *inspection and maintenance plan*.
- (C) *Manufactured homes.*
 - (1) New or replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the regulatory flood protection elevation, as defined in § 151.04.
 - (2) Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified engineered foundation system, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to NCGS 143-143.15. Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.
 - (3) All enclosures or skirting below the lowest floor shall meet the requirements of § 151.41 (D).
 - (4) An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions

located within flood prone areas. This plan shall be filed with and approved by the Floodplain Administrator and the local emergency management coordinator.

(D) *Elevated buildings.* Fully enclosed areas, of new construction or substantially improved structures, which are below the regulatory flood protection elevation.

- (1) Shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be partitioned or finished into separate rooms, except to enclose storage areas.
- (2) Shall not be temperature-controlled or conditioned;
- (3) Shall be constructed entirely of flood resistant materials below the regulatory flood protection elevation;
- (4) Shall include, in Zones A, AE, AH, AO, A99 flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:
 - (a) A minimum of two flood openings on different sides of each enclosed area subject to flooding;
 - (b) The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;
 - (c) If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;
 - (d) The bottom of all required flood openings shall be no higher than one (1) foot above the higher of the interior or exterior adjacent grade;
 - (e) Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and
 - (f) Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.

(E) *Additions/improvements.*

- (1) Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - (a) Not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure.
 - (b) A substantial improvement, with modifications/rehabilitations/improvements to the existing structure or the common wall is structurally modified more than installing a doorway, both the existing structure and the addition must comply with the standards for new construction.
- (2) Additions to pre-FIRM or post-FIRM structures that are a substantial improvement with no modifications/rehabilitations/improvements to the existing structure other than a standard door in the common wall, shall require only the addition to comply with the standards for new construction.
- (3) Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

- (a) Not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction consistent with the code and requirements for the original structure.
 - (b) A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
- (4) Where a fire wall or independent perimeter load-bearing wall is provided between the addition and the existing building, the addition(s) shall be considered a separate building and only the addition must comply with the standards for new construction.
- (5) Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a One (1) year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started must comply with the standards for new construction. For each building or structure, the One (1) year period begins on the date of the first improvement or repair of that building or structure subsequent to the effective date of this ordinance. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The requirement does not, however, include either:
 - (a) Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assume safe living conditions.
 - (b) Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.
- (F) *Recreational vehicles.* Recreational vehicles placed on sites within a special flood hazard area shall either:
 - (1) Temporary Placement
 - (a) Be on site for fewer than 180 consecutive days; or
 - (b) Be fully licensed and ready for highway use. (A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions.)
 - (c) Permanent Placement. Recreational vehicles that do not meet the limitations of Temporary Placement shall meet all the requirements for new construction.
- (G) *Temporary non-residential structures.* Prior to the issuance of a floodplain development permit for a temporary structure, applicants must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval:
 - (1) A specified time period for which the temporary use will be permitted. Time specified may not exceed three (3) months, renewable up to one (1) year;
 - (2) The name, address, and phone number of the individual responsible for the removal of the temporary structure
 - (3) The time frame prior to the event at which a structure will be removed (i.e., minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);
 - (4) A copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and b
 - (5) Designation, accompanied by documentation of a location outside the special flood hazard area, to which the temporary structure will be moved.

(H) *Accessory structures.* When accessory structures (sheds, detached garages, etc.) are to be placed within a special flood hazard area, the following criteria shall be met:

- (1) Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);
- (2) Accessory structures shall not be temperature-controlled;
- (3) Accessory structures shall be designed to have low flood damage potential;
- (4) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
- (5) Accessory structures shall be firmly anchored in accordance with § 151.40(A);
- (6) All service facilities such as electrical shall be installed in accordance with § 151.40(D); and
- (7) Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below Regulatory Flood Protection Elevation in conformance with the provisions of § 151.41(D)(4).
- (8) An accessory structure with a footprint less than One-Hundred and forty-four (144) square-feet or that is a minimal investment of Three-thousand (\$3,000.00) Dollars or less and satisfies the criteria outlined above is not required to meet the elevation or floodproofing standards of § 151.41(B). Elevation or floodproofing certifications are required for all other accessory structures in accordance with § 151.21(C).

(9) Tanks. When gas and liquid storage tanks are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

- (a) Underground tanks. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty;
- (b) Above-ground tanks, elevated. Above-ground tanks in flood hazard areas shall be elevated to or above the Regulatory Flood Protection Elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area;
- (c) Above-ground tanks, not elevated. Above-ground tanks that do not meet the elevation requirements of § 151.41(B) of this section shall be permitted in flood hazard areas provided the tanks are designed, constructed, installed, and anchored to resist all flood-related and other loads, including the effects of buoyancy, during conditions of the design flood and without release of contents in the floodwaters or infiltration by floodwaters into the tanks. Tanks shall be designed, constructed, installed, and anchored to resist the potential buoyant and other flood forces acting on an empty tank during design flood conditions.
- (d) Tank inlets and vents. Tank inlets, fill openings, outlets and vents shall be:
 - (i) At or above the Regulatory Flood Protection Elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
 - (ii) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

(10) Other Development.

- (a) Fences in regulated floodways and NEAs that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of § 151.44 of this ordinance.

- (b) Retaining walls, sidewalks and driveways in regulated floodways and NEAs. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of § 151.44 of this ordinance.
- (c) Roads and watercourse crossings in regulated floodways and NEAs. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of § 151.44 of this ordinance.

§ 151.42 STANDARDS FOR FLOODPLAINS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS.

Within the Special Flood Hazard Areas designated as Approximate Zone A and established in § 151.06, where no BFE data has been provided by FEMA, the following provisions, in addition to the provisions of § 151.40, shall apply:

- (A) No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of 20 feet each side from top of bank or five times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (B) The BFE used in determining the Regulatory Flood Protection Elevation shall be determined based on the following criteria:
 - (1) When BFE data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this ordinance and shall be elevated or floodproofed in accordance with standards in § 151.40 and § 151.41.
 - (2) When floodway or non-encroachment data is available from a Federal, State, or other source, all new construction and substantial improvements within floodway and non-encroachment areas shall also comply with the requirements of § 151.41 and § 151.44.
 - (3) All subdivision, manufactured home park and other development proposals shall provide BFE data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such BFE data shall be adopted by reference in accordance with § 151.06 and utilized in implementing this ordinance.
 - (4) When BFE data is not available from a Federal, State, or other source as outlined above, the reference level shall be elevated or floodproofed (nonresidential) to or above the Regulatory Flood Protection Elevation, as defined in § 151.04. All other applicable provisions of § 151.41 shall also apply.

§ 151.43 STANDARDS FOR RIVERINE FLOODPLAINS WITH BFE BUT WITHOUT ESTABLISHED FLOODWAYS OR NON-ENCROACHMENT AREAS.

Along rivers and streams where BFE data is provided but neither floodway nor non-encroachment areas are identified for a special flood hazard area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

- (A) Standards outlined in § 151.40 and 151.41; and
- (B) Until a regulatory floodway or non-encroachment area is designated, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.

§ 151.44 FLOODWAYS AND NON- ENCROACHMENT AREAS.

Areas designated as floodways or non-encroachment areas are located within the special flood hazard areas established in § 151.06. The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in § 151.40 and 151.41, shall apply to all development within such areas:

- (A) No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless:
 - (1) It is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood discharge, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of floodplain development permit; or
 - (2) A Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained within six months of completion of the proposed encroachment.
- (B) If division (A) of this section is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this chapter.
- (C) No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision, provided the following provisions are met:
 - (1) The anchoring and the elevation standards of § 151.41(C); and
 - (2) The no encroachment standard of division (A) of this section are met.

LEGAL STATUS

§ 151.60 EFFECT ON RIGHTS AND LIABILITIES UNDER THE EXISTING FLOOD DAMAGE PREVENTION CODE.

This chapter in part comes forward by re-enactment of some of the provisions of the flood damage prevention ordinance enacted June 16, 1987, as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this chapter shall not affect any action, suit or proceeding instituted or pending. All provisions of the flood damage prevention ordinance of Town of Clayton enacted on June 16, 1987, as amended, which are not reenacted herein are repealed.

The date of the initial Flood Damage Prevention Ordinance for Johnston County is September 30, 1983.

§ 151.61 EFFECT UPON OUTSTANDING FLOODPLAIN DEVELOPMENT PERMITS.

Nothing herein contained shall require any change in the plans, construction, size, or designated use of any development or any part thereof for which a floodplain development permit has been granted by the Floodplain Administrator or his or her authorized agents before the time of passage of this ordinance; provided, however, that when construction is not begun under such outstanding permit within a period of six (6) months subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of this ordinance. § 151.99 PENALTY.

Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$50 or imprisoned for not more than 30 days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the town from taking such other lawful action as is necessary to prevent or remedy any violation.

If any section, clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

This Ordinance shall become effective June 20, 2018.

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

Jody McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk



Town Council Agenda Cover Sheet

Meeting Date

May 21 2018

Agenda Location

Administrative

Item Title

Code Amendment - DESIGNATED COMMERCIAL VEHICLE TRUCK ROUTING

Presenter

David DeYoung, Economic and Community Development Director

Summary/Description

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

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

Requested Action

Set Public Hearing

Additional Documents To Be Included in Agenda Packet

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

Designated Commercial Vehicle Routes



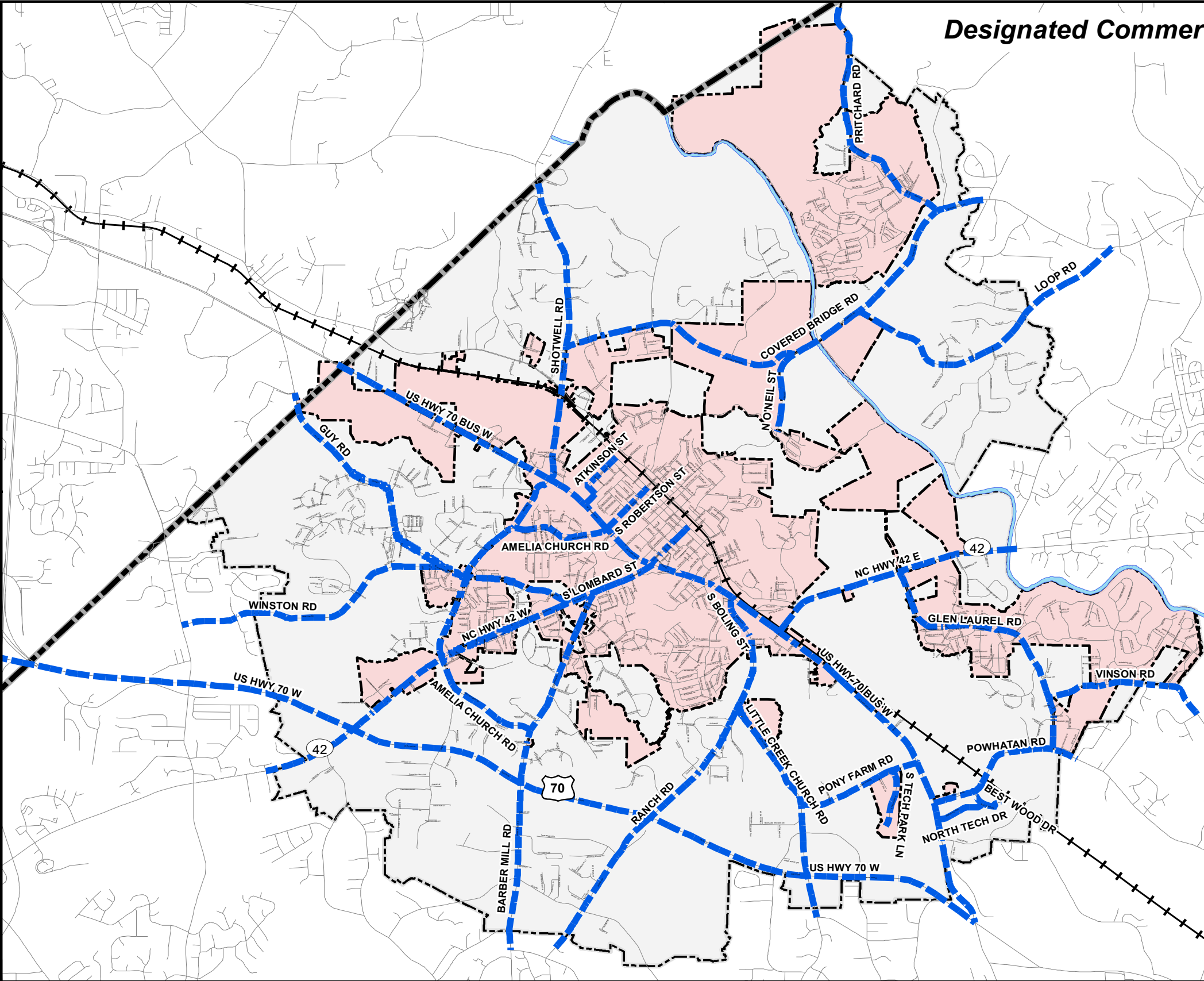
Legend

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

1 0.5 0 1 Miles



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



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

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

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

News & Observer

Please advertise on the following date:

May 25, 2018

Affidavit of publication required.

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

(A) PURPOSE AND INTENT

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

(B) DEFINITIONS

(1) Commercial Vehicle

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

(C) APPLICABILITY

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

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

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

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

(D) DESIGNATED COMMERCIAL VEHICLE ROUTES

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

(1) US 70 Highway Business

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

[\(E\) PENALTY](#)

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

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

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

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

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

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

TOWN OF CLAYTON
Amended to the Code of Ordinances: Chapter 71

BEING HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON, NORTH CAROLINA to amend Chapter 71, Section 3 with the following:

§ 71.03 DESIGNATED COMMERCIAL VEHICLE TRUCK ROUTING

(A) PURPOSE AND INTENT

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

(B) DEFINITIONS

(1) Commercial Vehicle

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

(C) APPLICABILITY

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

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

(2) Commercial vehicles shall use or travel upon roads and streets designated by the Town. Commercial traffic is permitted if the truck is traveling to a residence or a business to deliver

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

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

(D) DESIGNATED COMMERCIAL VEHICLE ROUTES

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

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

- (26) North Tech Drive
- (27) Best Wood Lane

(E) PENALTY

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

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

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

Jody McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk



Town Council Agenda Cover Sheet

Meeting Date

June 4 2018

Agenda Location

New Business

Item Title

NCDOT Utility Construction Agreement R-3825B

Presenter *(Name & Title)*

Rich Cappola, PE – Dir. of Engineering & Inspections

Summary/Description

North Carolina Department of Transportation (NC DOT) project R-3825B proposes widening of Highway NC 42 From SR 1902 (Glen Laurel Rd.) To R 1003 (Buffalo Rd.) within Johnston County. Right of way acquisition and clearing are occurring now. The Town of Clayton has sanitary sewer facilities along this corridor which are allowed by Encroachment Agreement with NCDOT. Per that agreement, the Town is responsible for reimbursing NCDOT for costs associated with the relocation of those facilities as part of the project. Current Estimate of Probable Cost (EPC) provided by the Engineering Consultant for NCDOT is \$21,635. The Town will be invoiced based on actual cost once the work is completed per the agreement. This request is to approve the Town Manager to execute the Agreement and plan for a future budget allocation (anticipated to occur in FY20).

Requested Action

Approval with Conditions

Authorize the Town Manager and staff to execute the agreement and plan for a future budget allocation.

Additional Documents To Be Included in Agenda Packet

ATTH01 – Correspondence from NCDOT

ATTH02 – Agreement & Supporting Documentation



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

JAMES H. TROGDON, III
SECRETARY

STATE PROJECT: R-3825B (34552.3.5)
COUNTY: Johnston
DESCRIPTION: NC 42 From East of SR 1902 (Glen Laurel Road) to SR 1003 (Buffalo Road)
DATE: May 23, 2018

SUBJECT: Utility Construction Agreement – Town of Clayton

Mr. Rich Cappola, PE
Director of Engineering and Inspections
111 E. Second Street
Clayton, NC 27520

Dear Mr. Cappola:

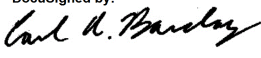
Enclosed is the Utility Construction Agreement to adjust and relocate sewer lines owned by the Town of Clayton.

After you have reviewed this agreement, please have the appropriate authority approve and execute the agreement. Once signed, three originals should be returned to the Utility Engineer for Departmental execution. One fully executed agreement will be returned to you for your file.

In order to keep the project on schedule, please approve and return the signed agreement back to this office no later than **June 22, 2018**. Should this office not receive the signed agreement by the requested date, the project is subject to be delayed.

If this date can't be achieved or revisions are necessary, please email Mr. Ashley Cox, Utilities Engineer, abcox@ncdot.gov or call (919) 707- 6695 to make the appropriate changes. I will promptly return the revised agreement to you for review and execution.

Sincerely,

DocuSigned by:

C1F3F9069A404EA...
Carl A. Barclay, PE
State Utilities Manager

CAB:abc
Enclosures

cc: Mr. Ronnie Keeter, PE: Division Engineer
Mr. Corey McLamb: Construction Engineer
Ms. Madeline Rawley: NCDOT Contract Officer

Mailing Address:
NC DEPARTMENT OF TRANSPORTATION
1555 MAIL SERVICE CENTER
RALEIGH, NC 27699-1555

Telephone: (919) 707-6690
Fax: (919) 250-4151
Customer Service: 1-877-368-4968

Website: www.ncdot.gov

Location:
1020 BIRCH RIDGE DRIVE
RALEIGH, NC 27610

NORTH CAROLINA
JOHNSTON COUNTY

UTILITY CONSTRUCTION AGREEMENT (UCA)

DATE: 5/21/2018

NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION

Project: R-3825B

AND

WBS Elements: 34552.3.5

TOWN OF CLAYTON

THIS AGREEMENT is made and entered into on the last date executed below, by and between the North Carolina Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the "Department" and the Town of Clayton, hereinafter referred to as the "Municipality."

W I T N E S S E T H:

WHEREAS, the Department has prepared and adopted plans to make certain street and highway improvements under Project R-3825B, in Johnston County, said plans consists of NC 42 from east of SR 1902 (Glen Laurel Road) to SR 1003 (Buffaloe Road), widen to multi-lanes; Johnston County; said project having a right-of-way width as shown on the project plans on file with the Department's office in Raleigh, North Carolina; and,

WHEREAS, the parties hereto wish to enter into an agreement for certain utility work to be performed by the Department's construction contractor with full reimbursement by the Municipality for the costs thereof as hereinafter set out.

NOW, THEREFORE, it is agreed as follows:

1. The Department shall place provisions in the construction contract for Project R-3825B Johnston County, for the contractor to adjust and relocate sewer lines. Said work shall be accomplished in accordance with the project plan sheets attached hereto as Exhibit "A", cost estimates attached hereto as Exhibit "B", and project special provisions attached hereto as Exhibit "C".
2. The Municipality shall be responsible for sewer lines cost as shown on the attached Exhibit "A". The estimated cost to the Municipality is \$21,635 as shown on the attached Exhibit "B". It is understood by both parties that this is an estimated cost and is subject to change. The Municipality shall reimburse the Department for said costs as follows:

Agreement ID # 7985

1

- A. Upon completion of the highway work, the Department shall submit an itemized invoice to the Municipality for costs incurred. Billing will be based upon the actual bid prices and actual quantities used.
 - B. Reimbursement shall be made by the Municipality in one final payment within sixty (60) days of said invoice.
 - C. If the Municipality does not pay said invoice within sixty (60) days of the date of the invoice, the Department shall charge interest on any unpaid balance at a variable rate of the prime plus (1%) in accordance with G.S. 136-27.3.
 - D. Said interest rate shall be set upon final execution of the Agreement by the Department. The Municipality will be notified of the set interest rate by the Department's approval letter upon receipt of the fully executed agreement.
 - E. Any cost incurred due to additional utility work requested by the Municipality after award of the construction contract, shall be solely the responsibility of the Municipality. The Municipality shall reimburse the Department 100% of the additional utility cost.
3. In the event the Municipality fails for any reason to pay the Department in accordance with the provisions for payment hereinabove provided, North Carolina General Statute 136-41.3 authorizes the Department to withhold so much of the Municipality's share of funds allocated to said Municipality by North Carolina General Statute, Section 136-41.1, until such time as the Department has received payment in full.
4. Upon the satisfactory completion of the relocations and adjustments of the utility lines covered under this Agreement, the Municipality shall assume normal maintenance operations to the said utility lines. Upon completion of the construction of the highway project, the Municipality shall release the Department from any and all claims for damages in connection with adjustments made to its utility lines; and, further, the Municipality shall release the Department of any future responsibility for the cost of maintenance to said utility lines. Said releases shall be deemed to be given by the Municipality upon completion of construction of the project and its acceptance by the Department from its contractor unless the Municipality notifies the Department, in writing, to the contrary prior to the Department's acceptance of the project.

5. It is further agreed that the following provisions shall apply regarding the utilities covered in this Agreement.
 - A. The Municipality obligates itself to service and to maintain its facilities to be retained and installed over and along the highway within the Department's right-of-way limits in accordance with the mandate of the North Carolina General Statutes and such other laws, rules, and regulations as have been or may be validly enacted or adopted, now or hereafter.
 - B. If at any time the Department shall require the removal of or changes in the location of the encroaching facilities which are being relocated at the Municipality's expense, the Municipality binds itself, its successors and assigns, to promptly remove or alter said facilities, in order to conform to the said requirement (if applicable per G.S. 136-27.1), without any cost to the Department.
6. By Executive Order 24, issued by Governor Perdue, and N.C. G.S. § 133-32, it is unlawful for any vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e., Administration, Commerce, Environmental Quality, Health and Human Services, Information Technology, Military and Veterans Affairs, Natural and Cultural Resources, Public Safety, Revenue, Transportation, and the Office of the Governor).

IN WITNESS WHEREOF, this Agreement has been executed, in duplicate, the day and year heretofore set out, on the part of the Department and the Municipality by authority duly given.

L.S. ATTEST:

TOWN OF CLAYTON

BY: _____ BY: _____

TITLE: _____ TITLE: _____

DATE: _____

N.C.G.S. § 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.

Approved by _____ of the local governing body of the Town of Clayton as
attested to by the signature of Clerk of said governing body on _____ (Date)

This instrument has been pre-audited in the manner
required by the Local Government Budget and
Fiscal Control Act.

(SEAL)

(FINANCE OFFICER)

Federal Tax Identification Number

Remittance Address:

Town of Clayton

DEPARTMENT OF TRANSPORTATION

BY: _____
(CHIEF ENGINEER)

DATE: _____

APPROVED BY BOARD OF TRANSPORTATION ITEM O: _____ (Date)

Agreement ID # 7985

4

EXHIBIT B

 TECHNICAL SERVICES 701 Corporate Center Drive Suite 475 Raleigh, NC 27607 919-854-6200		AECOM PROJECT NO.									SHEET 1 OF 1																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																														
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Estimated cost to the Town of Clayton for relocation of 12" Gravity sewer will be \$21,635

Project: R-3825B

UC-1

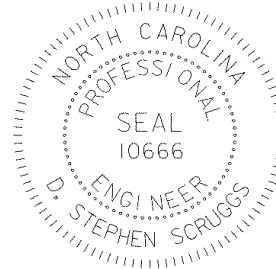
County: Johnston

PROJECT SPECIAL PROVISIONS
Utility Construction

EXHIBIT C



Technical Services of North Carolina, Inc.
701 Corporate Center Drive, Suite 475
Raleigh, NC 27607-5238
Project Number. 60519134 R-3825B
March 23, 2018



**DOCUMENT NOT CONSIDERED FINAL
UNLESS ALL SIGNATURES COMPLETED**

Revise the 2018 Standard Specifications as follows:

Page 15-1, Sub-article 1500-2 Cooperation with the Utility Owner, paragraph 2:
add the following sentences:

The utility owner of the 12" water main and 8" sewer force main is Johnston County Public Utilities. The contact person is Chandra Farmer and she can be reached by phone at 919-209-8333.

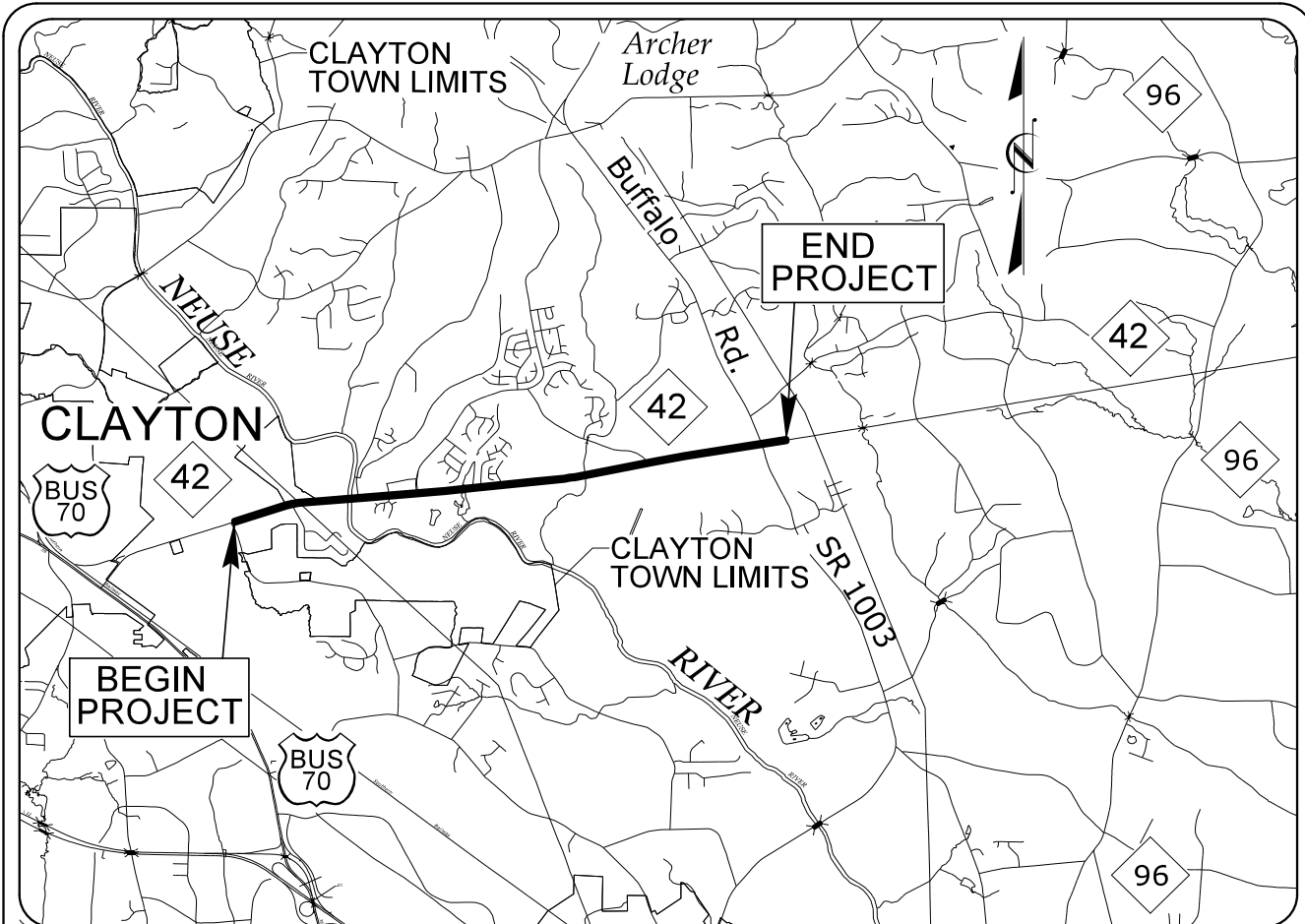
The utility owner of the 12" sanitary gravity sewer is the Town of Clayton. The contact person is Chris Rowland and he can be reached by phone at 919-553-5002.

03/23/2018

1/1

TIP PROJECT: R-3825B

CONTRACT:



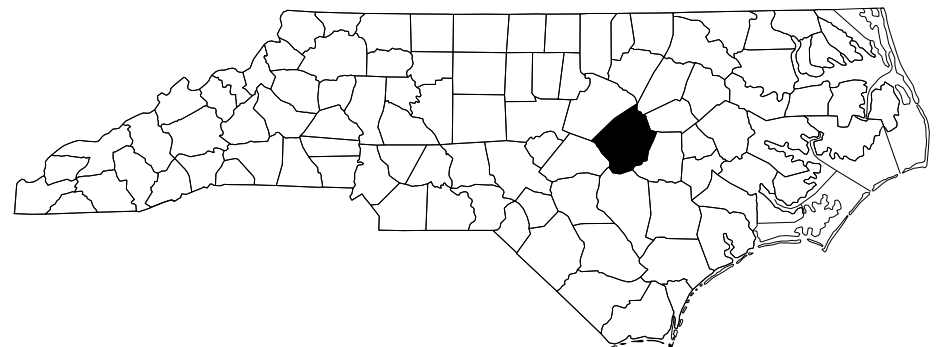
VICINITY MAP
NOT TO SCALE

STATE OF NORTH CAROLINA
DIVISION OF HIGHWAYS

UTILITY CONSTRUCTION PLANS
JOHNSTON COUNTY

LOCATION: NC 42 FROM SR 1902 (GLEN LAUREL RD)
TO SR 1003 (BUFFALO RD)

TYPE OF WORK: WATER AND SEWER RELOCATIONS



COST BREAKDOWN LEGEND	
STATE COST 100%	
BETTERMENT COST	
TOWN OF CLAYTON 100% COST	

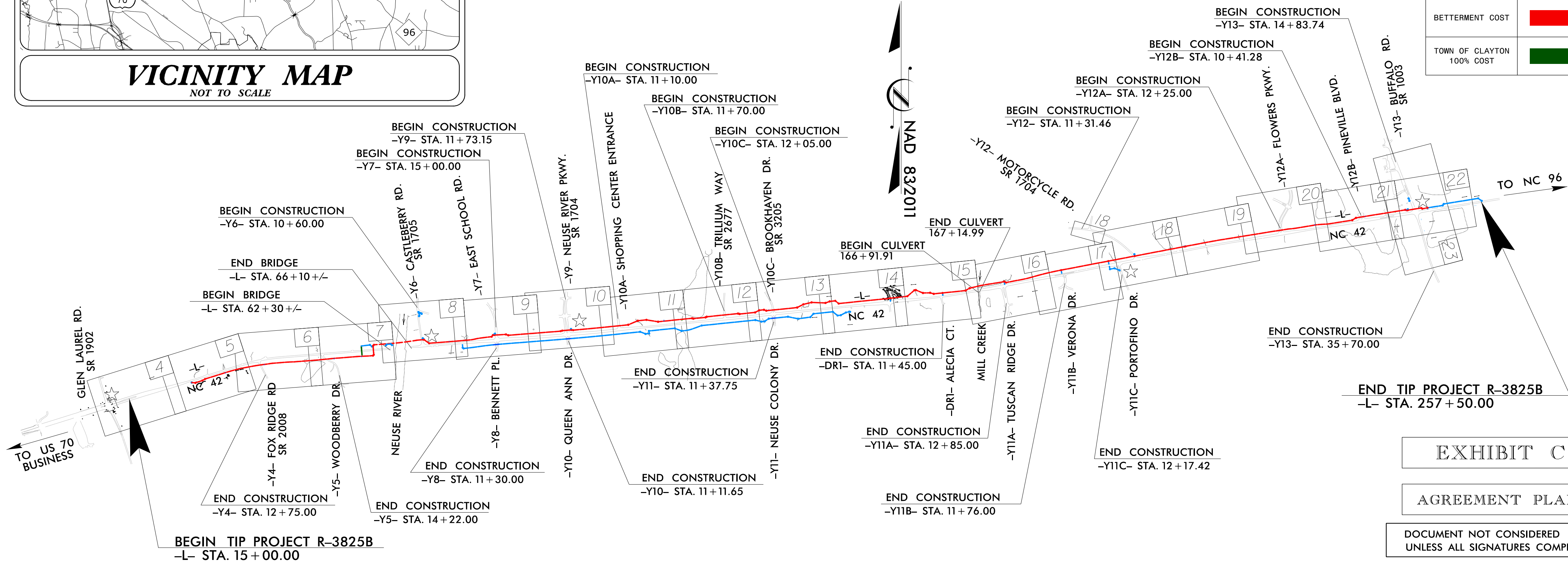
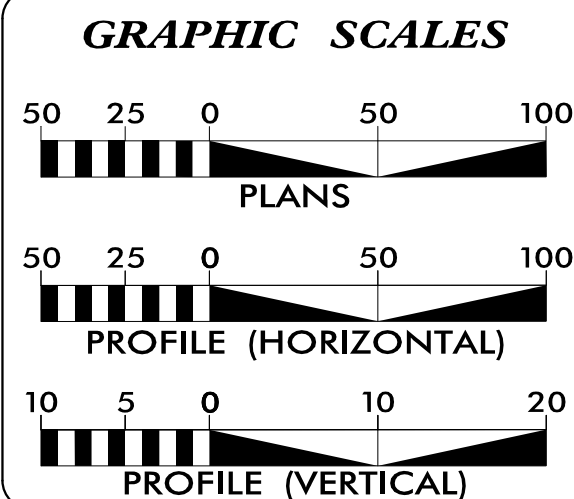


EXHIBIT C

AGREEMENT PLANS

DOCUMENT NOT CONSIDERED FINAL
UNLESS ALL SIGNATURES COMPLETED

INCOMPLETE PLANS
DO NOT USE FOR R/W ACQUISITION



INDEX OF SHEETS

SHEET NO.:	DESCRIPTION:
UC-1	TITLE SHEET
UC-4 THRU UC-23	UTILITY CONSTRUCTION SHEETS

WATER AND SEWER
OWNERS ON PROJECT

(A) WATER: JOHNSTON COUNTY UTILITIES
(B) SANITARY SEWER: JOHNSTON COUNTY UTILITIES,
TOWN OF CLAYTON

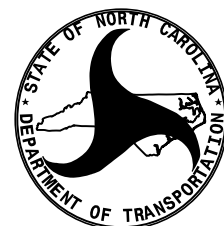
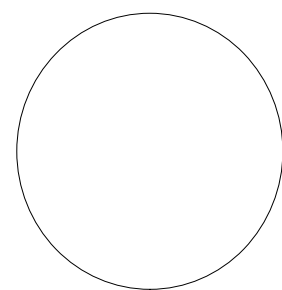
PREPARED IN THE OFFICE OF:

AECOM

AECOM TECHNICAL SERVICES OF NORTH CAROLINA, INC.
701 CORPORATE CENTER DRIVE, SUITE 475, RALEIGH, NC 27607
919-854-6200 919-854-6259 (fax)
F - 0342

Steve Scruggs, PE UTILITIES PROJECT ENGINEER

SEAL

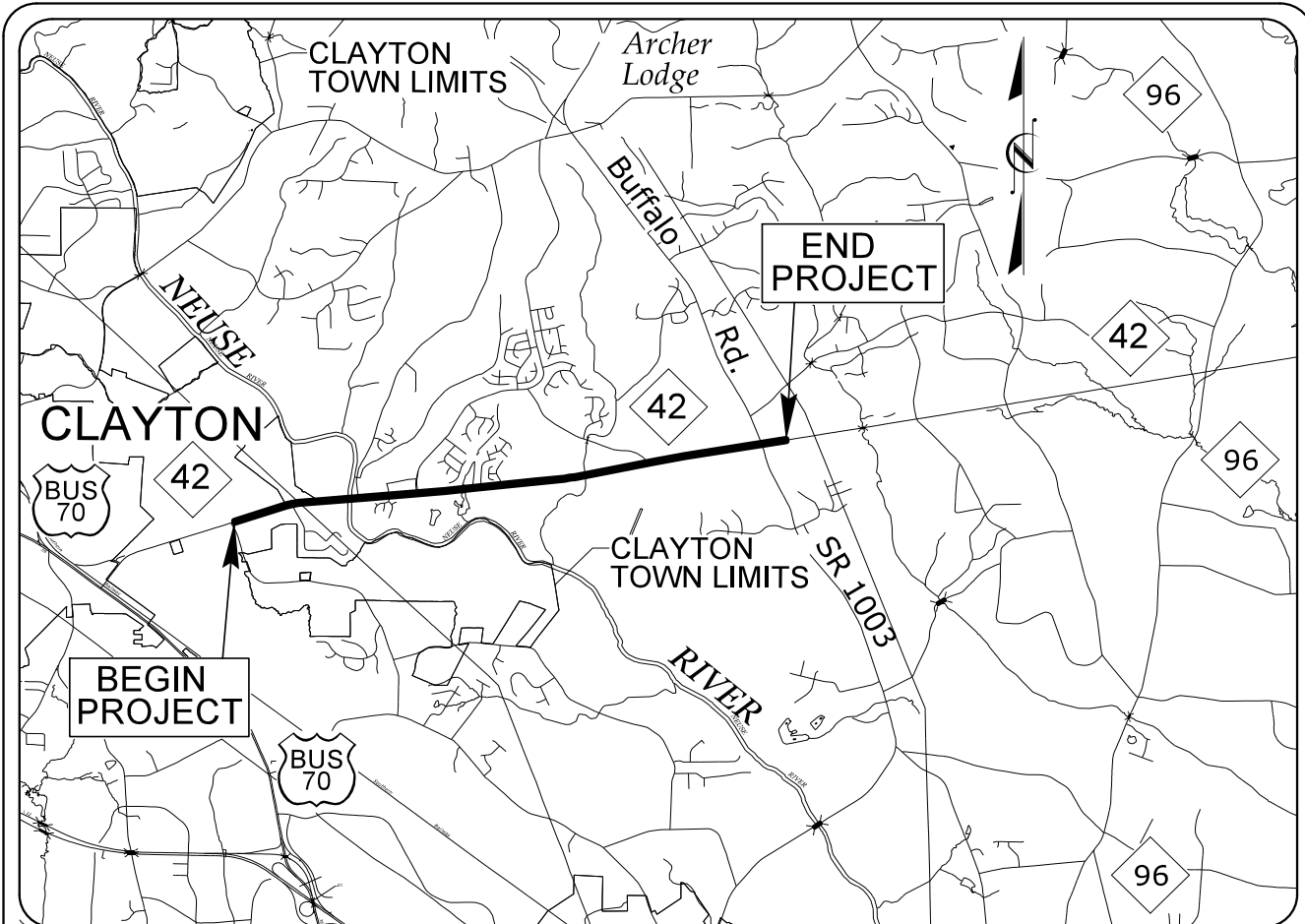


DIVISION OF HIGHWAYS
UTILITIES UNIT
1555 MAIL SERVICES CENTER
RALEIGH NC 27699-1555
PHONE (919) 707-0690
FAX (919) 250-4151

Nabil Hamdan UTILITIES REGIONAL ENGINEER
Ashley B. Cox, Jr, LG UTILITIES ENGINEER
Kyle Pleasant UTILITIES AREA COORDINATOR
Dayton Martin UTILITIES COORDINATOR

TIP PROJECT: R-3825B

CONTRACT:



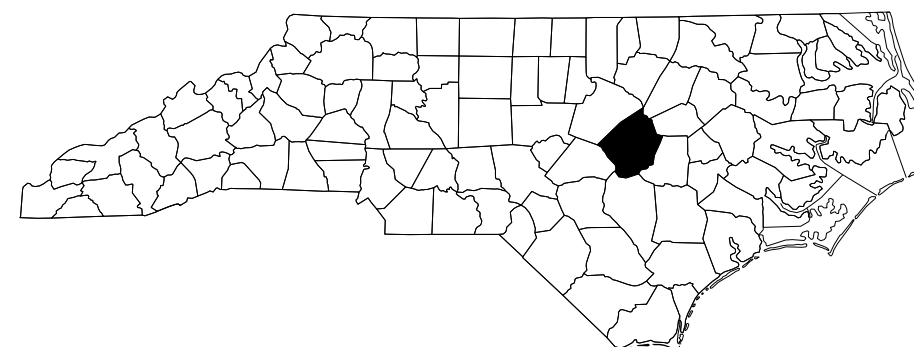
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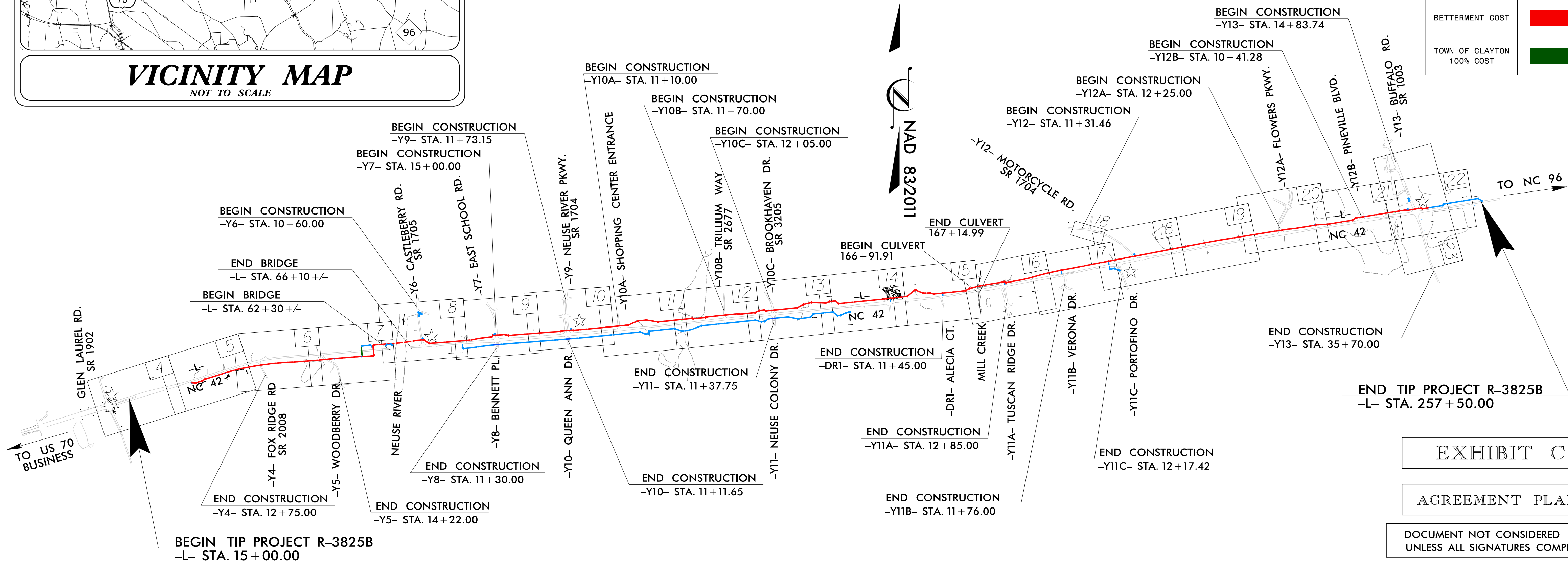
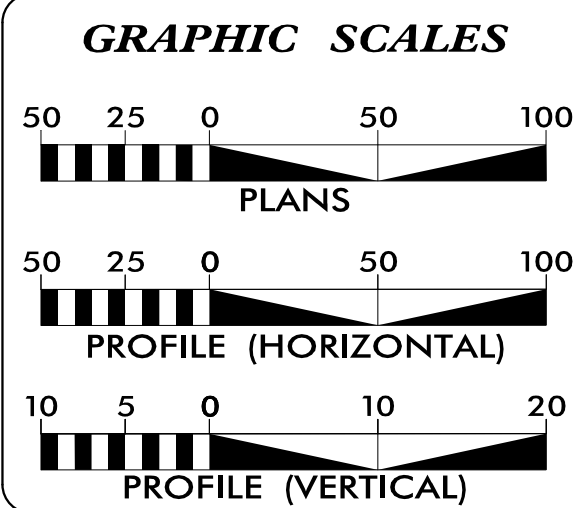


EXHIBIT C

AGREEMENT PLANS

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INCOMPLETE PLANS
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INDEX OF SHEETS	
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UC-1	TITLE SHEET
UC-4 THRU UC-23	UTILITY CONSTRUCTION SHEETS

WATER AND SEWER
OWNERS ON PROJECT

(A) WATER: JOHNSTON COUNTY UTILITIES
(B) SANITARY SEWER: JOHNSTON COUNTY UTILITIES,
TOWN OF CLAYTON

PREPARED IN THE OFFICE OF:

AECOM

AECOM TECHNICAL SERVICES OF NORTH CAROLINA, INC.
701 CORPORATE CENTER DRIVE, SUITE 475, RALEIGH, NC 27607
919-854-6200 919-854-6259 (fax)
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Ashley B. Cox, Jr, LG UTILITIES ENGINEER
Kyle Pleasant UTILITIES AREA COORDINATOR
Dayton Martin UTILITIES COORDINATOR



Town Council Agenda Cover Sheet

Meeting Date

June 4 2018

Agenda Location

Administrative

Item Title

Ordinance Amendment: 2018-98-OA Review Bodies Ordinance Amendment

Presenter

Samantha Wullenwaber, Planning Director

Summary/Description

The purpose of the proposed ordinance amendment to the Unified Development Code, Title XV, §155.700, §155.701, §155.705, §155.706, §155.707, §155.711., and §32.001 is to streamline the duties of the Planning Board and Board of Adjustment. The amendment also requests to remove the review authority of quasi-judicial applications from Planning Board to allow these applications to proceed directly to Town Council for public hearings.

Requested Action

Set Public Hearing

Additional Documents To Be Included in Agenda Packet



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

ORDINANCE AMENDMENT APPLICATION

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

Application Fee: TBD

Advertisement Fee: \$100.00

All fees are due when the application is submitted.

AMENDMENT INFORMATION

Project Name: Review Bodies Ordinance Amendment

Chapter 155: Review Bodies (700), Summary of Review Authority (701), Planned Development Review (705), Preliminary Plat Review (706), Site Plan Review (707), Special Use Review (711)

Existing title of Code Section(s): Chapter 32: Board of Adjustment (32.001)

Title XV, Chapter 155, Articles 700, 701, 705, 706, 707, and 711

Code Section Number(s): and Chapter 32.001

APPLICANT/CONTACT INFORMATION

Applicant: Town of Clayton, Planning Department

Mailing Address: P.O. Box 879, Clayton, NC 27528

Phone Number: 919-553-5002

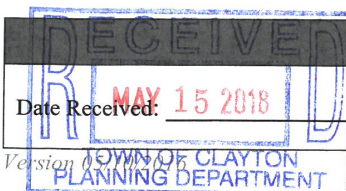
Fax: _____

Contact Person: Samantha Wullenwaber (Planning Director) or Haley Hogg (Planner)

Email Address: swullenwaber@townofclaytonnc.org or hhogg@townofclaytonnc.org

DESCRIPTION OF REQUESTED CHANGES

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



FOR OFFICE USE ONLY

Date Received: MAY 15 2018

Amount Paid: N/A - Town initiated

File Number: 2018-98-0A

Page 1 of 3

Due to the workload of the BOA, staff seeks to streamline board duties by allowing Planning Board to also serve as the Board of Adjustment. The proposed amendment also requests to remove the review authority of quasi-judicial applications from Planning Board and allow these applications to proceed directly to Town Council for a hearing. This is to ensure that all decisions by Town Council are made based upon only the evidence presented at the hearing.

REQUIRED INFORMATION (to be submitted with the application)

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

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

APPROVAL CRITERIA

All applications for Ordinance Amendment must address the following criteria:

- The extent to which the proposed text amendment is consistent with the remainder of the chapter, including specifically, any purpose and intent statements.
The proposed changes are consistent with the remainder of the chapter.
- The extent to which the proposed text amendment represents a new idea not considered in the existing chapter, or represents a revision necessitated by changing circumstances over time.
The proposed amendment represents a new idea to remove the review authority of Planning Board from quasi-judicial applications, in order to ensure that decisions are made solely on evidence presented at the hearing. It also represents a revision to the designated duties of the Board of Adjustment, to combine duties with Planning Board and allow the Planning Board to also serve the duties of Board of Adjustment.
- Whether or not the proposed text amendment corrects an error in the chapter.
The proposed amendment does not correct an error in the chapter.
- Whether or not the proposed text amendment revises the chapter to comply with state or federal statutes or case law.
The proposed amendment partly seeks to ensure that quasi-judicial applications are reviewed in accordance with applicable statutes. The proposed changes are consistent with statutes.

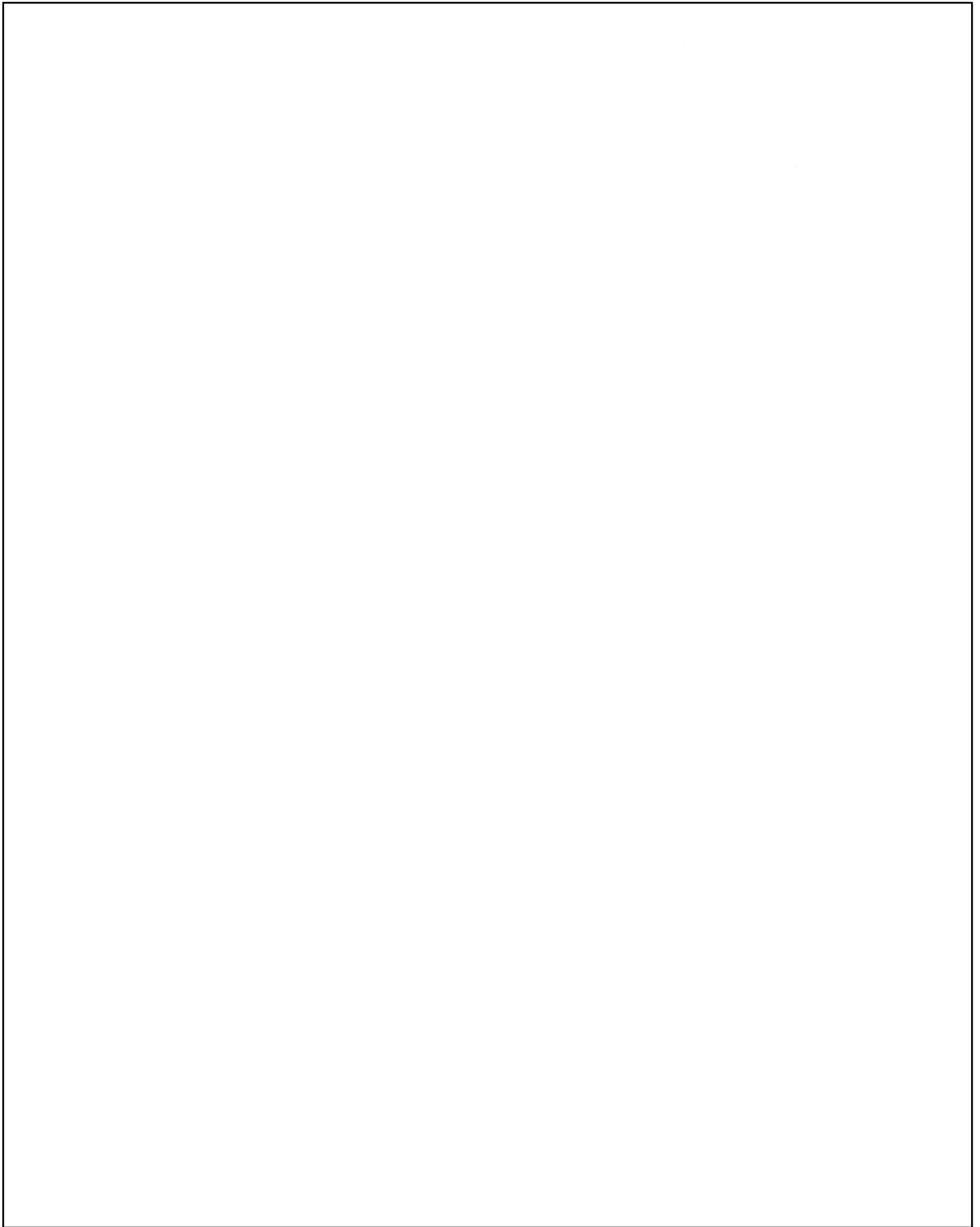
APPLICANT AFFIDAVIT

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

Halley Hogg
Print Name

Halley Hogg
Signature of Applicant

5-15-18
Date





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

*Planning Board
May 29, 2018*

STAFF REPORT

Application Number:

Project Name: Review Bodies Ordinance Amendment

Applicant: Town of Clayton

Public Noticing:

- Newspaper ad posted June 8, 2018 and June 15, 2018

REQUEST: Request to make amendments to the text of the Unified Development Code, Title XV, §155.700, §155.701, §155.705, §155.706, §155.707, and §155.711. This request also seeks to amend §32.001. This amendment requests to streamline board duties by allowing Planning Board to also serve the duties of the Board of Adjustment. The amendment also requests to remove the review authority of quasi-judicial applications from Planning Board to allow these applications to proceed directly to Town Council for required hearings.

SECTIONS PROPOSED FOR AMENDMENT:

The following sections of Title XV, Chapter 32 and Chapter 155 and their general description are proposed for amendment:

- 32.001 – Board of Adjustment
- 700 – Review Bodies
- 701 – Summary of Review Authority
- 705 – Planned Development Review
- 706 – Preliminary Plat Review
- 707 – Site Plan Review
- 711 – Special Use Review

STAFF ANALYSIS AND COMMENTARY:

Overview

Due to the workload of the Board of Adjustment, staff is requesting the proposed amendment to streamline board duties by allowing Planning Board to also serve the duties of the Board of Adjustment. This would be

Page 1 of 2

beneficial in reducing the number of people, administrative work hours, and creating fewer meeting dates for applicants.

Additionally, staff is also requesting to amend the ordinance to remove the review authority of Planning Board in regards to quasi-judicial applications. Currently, Planning Board reviews quasi-judicial applications and makes a recommendation to Town Council. This violates the requirement that a quasi-judicial decision be based solely upon information presented at the hearing. As a result, staff is concerned that a recommendation based upon evidence that may not be presented to Council on the date of the hearing has the potential to invalidate quasi-judicial decisions made by Town Council. This proposed amendment will allow quasi-judicial applications to proceed directly to Town Council for a hearing.

Approval Criteria:

- **Consistency with remainder of the Chapter**
The request is consistent with the remainder of Chapter 32 and Chapter 155.

- **Novelty of the request**
The request does not represent novel changes to the Code.

CONSIDERATIONS

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

STAFF RECOMMENDATION:

Staff is recommending approval of the ordinance amendment.

ATTACHMENTS:

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

CHAPTER 32: DEPARTMENTS, BOARDS AND COMMISSIONS

Building Inspection Department

32.001 Establishment; duties

Board of Adjustment

32.010 Establishment; composition

32.011 Organization

32.012 Powers and duties

Fire Department

32.040 Establishment and duties of Fire Chief

32.041 Right to enter buildings

32.042 Standard procedures

32.043 Membership

32.044 Command at fire scene; assistance at fires

Library Board

32.060 Establishment

Planning Board

32.075 Members; terms; vacancies

32.076 Officers; rules; records

32.077 Meetings; quorum

32.078 Powers and duties

Police Department

32.090 Composition

32.091 Duties

Recreation Advisory Committee

32.115 Establishment; purpose

32.116 Powers and duties

32.117 Members

32.118 Meetings

32.119 Officers

32.120 Director of Recreation

32.121 Committees

32.122 Annual reports

32.123 Amendment of subchapter

Fire Department Advisory Board

32.145 Purpose

32.146 Scope of responsibility

32.147 Structure of Advisory Board

BUILDING INSPECTION DEPARTMENT

§ 32.001 ESTABLISHMENT; DUTIES.

For provisions concerning the Building Inspection Department, see §§ 150.060 through 150.065.

BOARD OF ADJUSTMENT

§ 32.010 ESTABLISHMENT; COMPOSITION.

(A) **Establishment.** The Board of Adjustment is established pursuant to G.S. § 160A-388 and Chapter 32 of the Town's Code of Ordinances. Effective July 1, 2018 the Town abolishes the previously established Board of Adjustment and designates the Town Planning Board established under Chapter 32.010 32.075 to 32.078 to perform the duties of a Board of Adjustment as provided in this article. The term "Board of Adjustment" when used in this article shall be construed to mean the Planning Board while performing the duties of the Board of Adjustment under this article. The Planning Board may perform the duties of a Board of Adjustment under this article at meetings concurrently with other duties, or it may hold separate meetings solely for the purpose of performing the duties of a Board of Adjustment.

(B) **Composition.**

(1) *Number and term.*

(a) The Board of Adjustment shall consist of seven members with four members residing in the corporate limits and three members residing within the town's extraterritorial jurisdiction (ETJ); and each member is to be appointed for three years.

(b) In appointing the original members or in the filling of vacancies caused by the expiration of the terms of existing members, the Town Council may appoint certain members for less than three years to the end that thereafter the terms of all members shall not expire at the same time.

(2) *Membership.*

(a) Membership on the Board of Adjustment shall include representatives from the corporate limits and ETJ.

(b) Any member of the Board of Adjustment representing the ETJ shall be appointed by the Town Council, subject to approval by the Johnston County Board of County Commissioners.

(3) *Attendance.* All members are expected to attend scheduled meetings for the prompt and efficient transaction of business. The clerk to the Board shall maintain the attendance record, including attendance at regular meetings, work sessions and special called meetings. If at any time a member either fails to attend two-thirds of the scheduled meetings during a calendar year or misses three scheduled meetings in succession, the secretary to the Board shall notify the Chairman of the Board. The Chairman of the Board will send a letter of recommendation on this member's attendance to the Town Council liaison and the Town Clerk. The Town Clerk, Town Council liaison, and the Planning Director shall make a decision on this member's continued service to the Board.

(Am. Ord. 2007-04-05, passed 4-2-07; Am. Ord. 2016-11-01, passed 11-7-16)

§ 32.011 ORGANIZATION.

Proceedings.

- (A) **Meetings.** All meetings of the Board of Adjustment shall be held at a regular place and shall be open to the public.
- (B) **Minutes.** The Board of Adjustment shall keep minutes of proceedings in a book maintained for that purpose only, showing the vote of each member upon each question, or if absent or failing to vote, an indication of such fact; and final disposition of appeals shall be by recorded resolution, indicating the reasons of the Board, all of which shall be a public record.
- (C) **Quorum.** A quorum shall consist of four members.

(Am. Ord. 2016-11-01, passed 11-7-16)

§ 32.012 POWERS AND DUTIES.

Powers and duties. In execution of the provisions of this chapter, the Board of Adjustment shall have the following powers and duties.

- (A) *General authority.* The Board of Adjustment may exercise additional powers as may be described elsewhere in this chapter and as permitted by North Carolina General Statutes.
- (B) *Final authority.* The Board of Adjustment shall be responsible for final action regarding the following:
 - (1) Conditional Use Review (§ 155.710); and
 - (2) Variances (§ 155.716); and
 - (3) Administrative Appeal (§155.717).

(Am. Ord. 2007-04-05, passed 4-2-07; Am. Ord. 2016-11-01, passed 11-7-16)

CHAPTER 32: DEPARTMENTS, BOARDS AND COMMISSIONS

Building Inspection Department

32.001 Establishment; duties

Board of Adjustment

32.010 Establishment; composition

32.011 Organization

32.012 Powers and duties

Fire Department

32.040 Establishment and duties of Fire Chief

32.041 Right to enter buildings

32.042 Standard procedures

32.043 Membership

32.044 Command at fire scene; assistance at fires

Library Board

32.060 Establishment

Planning Board

32.075 Members; terms; vacancies

32.076 Officers; rules; records

32.077 Meetings; quorum

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Police Department

32.090 Composition

32.091 Duties

Recreation Advisory Committee

32.115 Establishment; purpose

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32.117 Members

32.118 Meetings

32.119 Officers

32.120 Director of Recreation

32.121 Committees

32.122 Annual reports

32.123 Amendment of subchapter

Fire Department Advisory Board

32.145 Purpose

32.146 Scope of responsibility

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BUILDING INSPECTION DEPARTMENT

§ 32.001 ESTABLISHMENT; DUTIES.

For provisions concerning the Building Inspection Department, see §§ 150.060 through 150.065.

BOARD OF ADJUSTMENT

§ 32.010 ESTABLISHMENT; COMPOSITION.

(A) **Establishment.** The Board of Adjustment is established pursuant to G.S. § 160A-388 and Chapter 32 of the Town's Code of Ordinances.

(B) **Composition.**

(1) *Number and term.*

(a) The Board of Adjustment shall consist of seven members with four members residing in the corporate limits and three members residing within the town's extraterritorial jurisdiction (ETJ); and each member is to be appointed for three years.

(b) In appointing the original members or in the filling of vacancies caused by the expiration of the terms of existing members, the Town Council may appoint certain members for less than three years to the end that thereafter the terms of all members shall not expire at the same time.

(2) *Membership.*

(a) Membership on the Board of Adjustment shall include representatives from the corporate limits and ETJ.

(b) Any member of the Board of Adjustment representing the ETJ shall be appointed by the Town Council, subject to approval by the Johnston County Board of County Commissioners.

(3) **Attendance.** All members are expected to attend scheduled meetings for the prompt and efficient transaction of business. The clerk to the Board shall maintain the attendance record, including attendance at regular meetings, work sessions and special called meetings. If at any time a member either fails to attend two-thirds of the scheduled meetings during a calendar year or misses three scheduled meetings in succession, the secretary to the Board shall notify the Chairman of the Board. The Chairman of the Board will send a letter of recommendation on this member's attendance to the Town Council liaison and the Town Clerk. The Town Clerk, Town Council liaison, and the Planning Director shall make a decision on this member's continued service to the Board.

(Am. Ord. 2007-04-05, passed 4-2-07; Am. Ord. 2016-11-01, passed 11-7-16)

§ 32.011 ORGANIZATION.

Proceedings.

(A) **Meetings.** All meetings of the Board of Adjustment shall be held at a regular place and shall be open to the public.

(B) **Minutes.** The Board of Adjustment shall keep minutes of proceedings in a book maintained for that purpose only, showing the vote of each member upon each question, or if absent or failing to vote,

an indication of such fact; and final disposition of appeals shall be by recorded resolution, indicating the reasons of the Board, all of which shall be a public record.

(C) **Quorum.** A quorum shall consist of four members.

(Am. Ord. 2016-11-01, passed 11-7-16)

§ 32.012 POWERS AND DUTIES.

Powers and duties. In execution of the provisions of this chapter, the Board of Adjustment shall have the following powers and duties.

(A) *General authority.* The Board of Adjustment may exercise additional powers as may be described elsewhere in this chapter and as permitted by North Carolina General Statutes.

(B) *Final authority.* The Board of Adjustment shall be responsible for final action regarding the following:

(1) Conditional Use Review (§ 155.710); and

(2) Variances (§ 155.716).

(Am. Ord. 2007-04-05, passed 4-2-07; Am. Ord. 2016-11-01, passed 11-7-16)

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§ 155.700 REVIEW BODIES

(A) TOWN COUNCIL

(1) **Establishment and Composition**

The Town Council is established and composed pursuant to the Town Charter and Chapter 30 of the Town's Code of Ordinances.

(2) **Powers and Duties**

In execution of the provisions of this Chapter, the Town Council shall be responsible for final action regarding the following:

- (a) Text Amendments (§ 155.703);
- (b) Rezoning (§ 155.704);
- (c) Planned Development Review (§ 155.705);
- ~~(d)~~ Preliminary Plat Review (§ 155.706);
- ~~(d)~~~~(e)~~ Major Site Plan Review, associated with a Special Use Permit (§ 155.707);
- ~~(e)~~~~(f)~~ Special Use Review (§ 155.711);
- ~~(f)~~~~(g)~~ Zoning Vested Rights (§ 155.718); and
- ~~(g)~~~~(h)~~ Alternative Sign Plans (§ 155.703).

(B) **PLANNING BOARD**

(1) **Establishment and Composition**

The Planning Board is established and composed pursuant to Chapter 32 of the Town's Code of Ordinances.

(2) **Powers and Duties**

In execution of the provisions of this Chapter, the Planning Board shall have the following power and duties.

(a) **General Authority**

1. The Planning Board may exercise additional powers as may be described elsewhere in this chapter and as permitted by North Carolina General Statutes.
2. The Planning Board shall perform related duties as directed by the Town Council.

(b) **Review Authority**

The Planning Board shall make recommendations regarding the following:

1. Text Amendments (§ 155.703);
2. Rezoning (§ 155.704);
- ~~3. Planned Development Review (§ 155.705);~~
- ~~4. Preliminary Plat Review (§ 155.706); and~~
- ~~5. Special Use Review (§ 155.711).~~

(c) ***Final Authority***

The Planning Board shall be responsible for final action regarding the following:

1. Major Site Plan Review, except those associated with a Special Use Permit application (§ 155.707); and
2. Alternative means of compliance in the Thoroughfare Overlay District.

(C) **BOARD OF ADJUSTMENT**

(1) **Establishment and Composition**

The Board of Adjustment is established pursuant to G.S. § 160A-388 and Chapter 32 of the Town's Code of Ordinances. Effective July 1, 2018 the Town abolishes the previously established Board of Adjustment and designates the Town Planning Board established under Chapter 32-010-32.075 to 32.078 to perform the duties of a Board of Adjustment as provided in this article. The term "Board of Adjustment" when used in this article shall be construed to mean the Planning Board while performing the duties of the Board of Adjustment under this article. The Planning Board may perform the duties of a Board of Adjustment under this article at meetings concurrently with other duties, or it may hold separate meetings solely for the purpose of performing the duties of a Board of Adjustment.

(2) **Powers and Duties**

In execution of the provisions of this Chapter, the Board of Adjustment shall have the following powers and duties.

(a) ***General Authority***

The Board of Adjustment may exercise additional powers as may be described elsewhere in this Chapter and as permitted by North Carolina General Statutes.

(b) ***Final Authority***

The Board of Adjustment shall be responsible for final action regarding the following:

1. Conditional Use Review (§ 155.710);
2. Variances (§ 155.716); and
3. Administrative Appeals (§ 155.717).

(D) **PLANNING DIRECTOR**

(1) **Designation**

The Planning Director shall administer certain provisions of this Chapter as may be required below.

(2) **Delegation of Authority**

The Planning Director may designate any staff member to represent the Planning Director in any function assigned by this Chapter but shall remain responsible for any final action.

(3) **Powers and Duties**

In execution of the provisions of this Chapter, the Planning Director shall have the following powers and duties.

(a) **General Authority**

1. The Planning Director may exercise additional powers as may be described elsewhere in this Chapter and as permitted by North Carolina General Statutes.
2. The Planning Director shall perform related duties as directed by the Town Council.

(b) **Review Authority**

The Planning Director shall make recommendations regarding the following:

1. Text Amendments (§ 155.703);
2. Rezoning (§ 155.704);
3. Planned Development Review (§ 155.705);
4. Preliminary Plat Review (§ 155.706);
5. Major Site Plan Review (§ 155.707);
6. Conditional Use Review (§ 155.710);
7. Special Use Review (§ 155.711);
8. Alternative Sign Plans (§ 155.713);
9. Variances (§ 155.716); and
10. Zoning Vested Rights (§ 155.718).

(c) **Final Authority**

The Planning Director shall be responsible for final action regarding the following:

1. Minor Plat Review (§ 155.706);
2. Final Plat Review (§ 155.706);
3. Administrative Amendment (§ 155.707);
4. Minor Site Plan Review (§ 155.707);
5. Traffic Impact Analyses (§ 155.708);
6. Zoning Permits (§ 155.709);
7. Temporary Use Permits (§ 155.712);
8. Sign Permits (§ 155.713);
9. Tree Clearing Certificates (§155.21); and
10. Written Interpretations (§ 155.715).

(E) **TECHNICAL REVIEW COMMITTEE**

(1) **Establishment and Composition**

The Technical Review Committee (TRC) is established for the purpose of performing technical evaluations of land development activities, including but not limited to subdivisions, planned developments, and site plan applications as set forth in Section 155.701(E) of the Unified Development Code (UDC). The TRC is further authorized to complete appropriate analyses of land development activities pursuant to the Town's Code of Ordinances. The Technical Review Committee shall be composed of the persons below, or their designee:

- (a) The Planning Director, chairman;
- (b) Planning department staff, designated with primary review responsibility for each application;
- (c) The Public Works Director;
- (d) The Electric System Director;
- (e) The Town Engineer;
- (f) The Fire Chief;
- (g) The Parks and Recreation Director; and
- (h) The North Carolina Department of Transportation.

The TRC may request input from other governmental agencies including, but not limited to, the School Board, the USPS Clayton Postmaster, Johnston County Department of Public Utilities, North Carolina Railroad and adjacent municipalities as needed.

(2) Powers and Duties.

The Technical Review Committee has the following duties and responsibilities regarding the review and consideration of applications that come before them:

(a) The TRC shall undertake technical evaluations of land development applications and activities to identify deficiencies and/or discrepancies from the provisions of the Town's Unified Development Code and the Town's Code of Ordinances. This includes:

1. Planned Development Review (§ [155.705](#));
2. Minor Plat Review (§ [155.706](#));
3. Preliminary Plat Review (§ [155.706](#));
4. Final Rlat Review (§ [155.706](#));
5. Minor Site Plan Review (§ [155.707](#)); and
6. Major Site Plan Review (§ [155.707](#)).

(b) The TRC, through its chairman, may approve, approve with conditions, disapprove or postpone consideration of applications that require staff-level approval only. Actions by the TRC regarding staff-level approvals shall be final unless appealed in accordance with Section 155.717 of the UDC. Applications which proceed to the Board of Adjustment, Planning Board, or Town Council will be scheduled for the next available agenda, once receiving TRC chairman approval to proceed.

(Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2008-09-01, passed 9-2-08; Am. Ord. 2011-12-02, passed 12-5-11; Am. Ord. 2013-02-02, passed 2-4-13; Am. Ord. 2013-12-03, passed 12-2-13; Am. Ord. 2014-06-10, passed 6-16-14; Am. Ord. 2017-01-01, adopted 01/03/2017)

§ 155.701 SUMMARY OF REVIEW AUTHORITY

Table 7-1 below summarizes review and approval authority under this chapter.

Table 7-1 Review and Approval Authority

	Technical Review Committee TRC	Planning Director PD	Board of Adjustment BOA	Planning Board PB	Town Council TC	
Text Amendment		Review		Review	<DECISION>	§ 155.703
Rezoning		Review		Review	<DECISION>	§ 155.704
Planned Development	Review	Review		Review	<DECISION>	§ 155.705
Minor Subdivision Plat	Review	DECISION				§ 155.706
Preliminary Plat	Review	Review		Review	<DECISION>	§ 155.706
Final Plat	Review	DECISION				§ 155.706
Administrative Amendment		DECISION				§ 155.707
Minor Site Plan	Review	DECISION				§ 155.707
Major Site Plan	Review	Review		DECISION	<DECISION>*	§ 155.707
Traffic Impact Analysis						§ 155.708
Zoning Permit		DECISION				§ 155.709
Conditional Use		Review	<DECISION>			§ 155.710
Special Use		Review		Review	<DECISION>	§ 155.711
Temporary Use Permit		DECISION				§ 155.712
Sign Permit		DECISION				§ 155.713
Alternative Sign Plan		Review			<DECISION>	§ 155.713
Written Interpretation		DECISION				§ 155.715
Variance		Review	<DECISION>			§ 155.716
Administrative Appeal			<DECISION>			§ 155.717
Zoning Vested Right		Review			<DECISION>	§ 155.718
Tree Clearing Certificate	Review	DECISION				§ 155.721
<Public Hearing Required>						
*Major Site Plans that are associated with a Special Use Permit application shall be reviewed for final decision by Town Council.						

Commented [HH1]: Why is this in here if no one actually makes a decision regarding it?

Commented [SW2R2]: We should remove it IMO

Commented [HH3R2]: removed

(Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2013-02-02, passed 2-4-13; Am. Ord. 2013-12-03, passed 12-2-13; Am. Ord. 2017-01-01, adopted 01/03/2017)

§ 155.702 COMMON REVIEW PROCEDURES

(A) PRE-APPLICATION CONFERENCE

- (1) Before submitting an application for development approval, each applicant shall schedule a pre-application conference with the Planning Department to discuss the procedures, standards and regulations required for development approval in accordance with this chapter.
- (2) Unless waived by the Planning Director, a pre-application conference with the Planning Department shall be required for all development approvals listed in Table 7-1, with the exception of Written Interpretations (§155.715), Administrative Appeals (§155.717), Zoning Permits (§155.709), and Sign Permits (§155.713).

(B) NEIGHBORHOOD MEETING

- (1) After the pre-application conference and prior to the first public meeting, the applicant shall hold a mandatory neighborhood meeting for the following:
 - (a) Rezoning (§ 155.704);
 - (b) Planned Development Review (§ 155.705);
 - (c) Major Subdivision / Preliminary Plat Review, (§ 155.706);
 - (d) Major Site Plan Review (§ 155.707);
 - (e) Special Use Review (§ 155.711); and
 - (f) Conditional Use Review (§ 155.710).
- (2) Only the initial application for Planned Development review shall require a neighborhood meeting. Subsequent applications for Subdivision or Site Plan review do not require further neighborhood meetings.
- (3) The purpose of the neighborhood meeting shall be to inform the neighborhood of the nature of the proposed land use and development features, explain the site plan if any, and solicit comments.
- (4) The applicant shall provide notification by mail to property owners as identified in (D)(2)(c) of this Section. The notice shall be mailed at least ten days but not more than 25 days prior to the date of the neighborhood meeting. Neighborhood meetings shall be held no earlier than 6:00 pm Monday through Friday to allow adequate time for attendees to get to the meeting.
- (5) The applicant shall provide to the Planning Department a copy of all notice materials including the letter and addresses, and provide written certification of the mailing. Certification shall note the date of the mailing and be signed by the applicant.

- (6) The applicant shall prepare and submit to the Planning Director a meeting summary that outlines attendance, major points discussed, and any agreements reached between the parties involved.
- (7) The Planning Director may develop administrative rules pertaining to any additional requirements for the conduct of the meeting.

(C) **APPLICATION REQUIREMENTS**

(1) **Forms**

Applications required under this Chapter shall be submitted on forms and in such numbers as required by the Planning Director.

(2) **Fees**

- (a) All applications and associated fees shall be filed with the Planning Department.
- (b) Filing fees shall be established from time to time to defray the actual cost of processing the application, as listed in the Town's Comprehensive List of Fees and Charges.
- (c) An applicant who has paid the appropriate fee pursuant to the submission of an application, but who chooses to withdraw such application prior to its distribution for review shall be entitled to a refund of the total amount paid, less 10% for administrative costs, upon written request to the appropriate department. Once review has begun, no refund shall be available, except that unused notice surcharges shall be refunded less 10% for administrative purposes.

(3) **Application Deadline**

Applications shall be submitted to the Planning Department in accordance with the published calendar schedule. Schedules indicating submittal dates shall be developed each year and made available to the public.

(4) **Applications Sufficient For Processing**

- (a) All applications shall be sufficient for processing before the Planning Department is required to review the application.
- (b) An application shall be sufficient for processing when it contains all of the required information and materials have been submitted for review.
- (c) The presumption shall be that all of the information required in the application materials is necessary to satisfy the requirements of this section. However, it is recognized that each application is unique, and therefore more or less information may be required according to the needs of the particular case. The applicant may rely

on the recommendations of the appropriate department as to whether more or less information should be submitted.

- (d) Once the application has been determined sufficient for processing, copies of the application shall be referred by the Planning Department to the appropriate reviewing entities.

(5) **Final Determinations on Sufficient Applications**

- (a) Following review by appropriate entities, Planning Department staff shall review any updated application materials and confer with the applicant to ensure an understanding of the applicable requirements of this Chapter; that the applicant has submitted all of the information they intend to submit; and that the application represents precisely and completely what the applicant proposes to do.
- (b) Once the applicant indicates that the application is as complete as the applicant intends to make it, Planning Department staff will make a determination on the application, or as required by this Chapter, the application shall be placed on the agenda of the appropriate review board in accordance with standard procedures.

(6) **Concurrent Applications**

- (a) If approved by the Planning Director, applications for development approvals may be filed and reviewed concurrently. Any application that also requires a variance shall not be eligible for final approval until the variance has been granted.
- (b) Applications submitted concurrently are subject to approval of all other related applications; denial or disapproval of any concurrently submitted application shall stop consideration of any related applications until the denied or disapproved application is resolved.

(D) **NOTICE AND PUBLIC HEARINGS**

(1) **Summary of Notice Required**

Notice shall be required for applications for approval as shown in Table 7-2 below.

Table 7-2 – Public Notice Requirements

	Published	Mailed	Posted	
Text Amendment	•			§ 155.703
Rezoning	•	•	•	§ 155.704
Planned Development	•	•	•	§ 155.705
Preliminary Plat Review	•	•	•	§ 155.706
Major Site Plan			•	§ 155.707

Conditional Use Review	•	•	•	§ 155.710
Special Use Review	•	•	•	§ 155.711
Variance	•	•	•	§ 155.716
Administrative Appeal		•	•	§ 155.717

(2) **Public Notice Requirements**

(a) ***Published Notice***

Where published notice is required, a distinctive advertisement shall be placed by the Town in a local newspaper of general circulation once a week for two successive calendar weeks, the first notice being published not less than ten days nor more than 25 days before the date fixed for the public hearing.

(b) ***Posted Notice (Sign)***

Where posted notice is required, a sign shall be posted not less than ten days prior to the public hearing at which the application shall be reviewed. The sign shall be posted on the property or at a point visible from the nearest public street. The sign shall indicate that a public hearing will be held and a phone number to contact the Town.

(c) ***Mailed Notice***

1. Where mailed notice is required, the applicant shall supply stamped addressed envelopes to the Planning Department. The notification shall be made by first-class mail by Planning Department Staff (at the last addresses listed for such owners in the county tax records) to all property owners within 100 feet and immediately abutting the subject property. Where the subject property immediately adjoins a public or private right-of-way, landscape or riparian buffer, commonly-owned private area, public property, or homeowners' association property, then letters of notification shall be sent to adjoining property owners as if they directly abut the subject property. The Planning Department shall certify to the Town Council that fact, and such certificate shall be deemed conclusive in the absence of fraud.
2. The notice shall be mailed at least ten but not more than 25 days prior to the date of the public hearing.
3. Mailed notice under this section shall not be required if a rezoning (including a planned development rezoning) directly affects more than 50 properties owned by a total of at least 50 different property owners, and the Town elects to use the following expanded notice requirements:

- A. Published notice of the hearing shall be provided as set forth in (D)(2)(a) of this section. The advertisement shall not be less than one-half of a newspaper page in size.
- B. Mailed notice of the hearing shall be provided (as set forth in (D)(2)(c)1. and 2. of this section) to all property owners who reside outside of the newspaper's circulation area.

(d) ***Content of Notice***

A published or mailed notice shall provide at least the following:

- 1. Parcel identification number;
- 2. The address of the subject property (if available);
- 3. The general location of the land that is the subject of the application, which may include, a location map;
- 4. A description of the action requested;
- 5. Where a rezoning is proposed, the current and proposed districts;
- 6. The time, date and location of the public hearing;
- 7. A phone number to contact the Town; and
- 8. A statement that interested parties may appear at the public hearing.

(3) **Constructive Notice**

Minor defects in notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements.

(E) **REQUIRED HEARINGS**

A public hearing shall be required for development review as shown in Table 7-3 below.

Table 7-3 Required Hearings

	Board of Adjustment BOA	Town Council TC	
Text Amendment		•	§ 155.703
Rezoning		•	§ 155.704

Planned Development		•	§ 155.705
Preliminary Plat		•	§ 155.706
Conditional Use Review	•		§ 155.710
Special Use Review		•	§ 155.711
Alternative Sign Plan		•	§ 155.713
Variance	•		§ 155.716
Administrative Appeal	•		§ 155.717

(F) **DECISIONS**

Unless specifically provided elsewhere, all decisions on land use changes, including rezonings, shall require an affirmative vote. Tie votes shall be considered denials of any requested change.

(G) **NOTICE OF DECISION**

Within 14 days after a decision is made, a copy of the decision shall be delivered to the applicant by personal delivery, electronic mail or first-class mail. The decision shall also be filed with the Planning Department and available for public inspection during regular office hours.

(H) **WITHDRAWAL OF APPLICATION**

- (1) An applicant may withdraw an application at any time, by filing a statement of withdrawal with the Planning Director.
- (2) The statement of withdrawal shall be signed by all persons who signed the application, or in the event of death or incompetence, by the estate's lawful personal representative.
- (3) If a valid zoning protest petition shall have been filed, the application may be withdrawn only if the statement of withdrawal is filed no later than five days prior to the date of the Town Council hearing date upon which the matter is to be returned for action by the Town Council. Thereafter, the application may be withdrawn only by leave of the Town Council, by majority vote.
- (4) The Planning Director may withdraw applications due to failure of the applicant to submit required information within 90 days of the initial request.
- (5) An applicant may postpone a scheduled public hearing once per application for up to 90 days after the date the first public hearing was scheduled to occur, after which the Planning Director may withdraw the application.

(Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2007-04-05, passed 4-2-07; Am. Ord. 2011-05-01, passed 5-2-11; Am. Ord. 2013-02-02, passed 2-4-13; Am. Ord. 2013-12-03, passed 12-2-13; Am. Ord. 2017-01-01, adopted 01/03/2017)

|

§ 155.703 TEXT AMENDMENT

(A) APPLICABILITY

Amendments to the text of this chapter shall be made in accordance with the provisions of this section.

- (1) The Town Council shall consider amendments to the text of this chapter, as may be required from time to time.



(B) INITIATION OF AMENDMENT

A request to amend the text of this chapter may be initiated by the town council, board of adjustment, planning board, planning director, or the general public.

(C) APPLICATION REQUIREMENTS

Applications for a text amendment shall be submitted in accordance with § 155.702(c).

(D) NOTICE AND PUBLIC HEARINGS

The town shall hold all required public hearings and give notice in accordance with § 155.702(d).

(E) ACTION BY PLANNING DIRECTOR

- (1) The Planning Director shall draft the appropriate amendment and prepare a staff report that reviews the proposed text amendment request.

- (a) Following completion of technical review by staff, the Planning Director shall forward the completed request and any related materials to the Planning Board for a recommendation.

(F) **ACTION BY PLANNING BOARD**

- (1) The Planning Board shall make a recommendation on the application to the Town Council. If the Planning Board fails to make a recommendation, the Town Council may process the request without a recommendation.
- (2) Following Planning Board review, the Planning Director shall forward the completed request and any related materials, including the Planning Board recommendation (if applicable), to the Town Council for final action.

(G) **ACTION BY TOWN COUNCIL**

- (1) Before taking action on a text amendment, the Town Council shall consider the recommendations of the Planning Board and Planning Director.
- (2) The Town Council may approve the amendment, deny the amendment, or send the amendment back to the Planning Board for additional consideration.

(H) **APPROVAL CRITERIA**

- (1) In evaluating any proposed amendment of the text of this chapter, the Planning Board and the Town Council shall consider the following:
 - (a) The extent to which the proposed text amendment is consistent with the remainder of the chapter, including, specifically, any purpose and intent statements;
 - (b) The extent to which the proposed text amendment represents a new idea not considered in the existing chapter, or represents a revision necessitated by changing circumstances over time;
 - (c) Whether or not the proposed text amendment corrects an error in the chapter; and
 - (d) Whether or not the proposed text amendment revises the chapter to comply with state or federal statutes or case law.
- (2) In deciding whether to adopt a proposed text amendment to this chapter, the central issue before the Town Council is whether the proposed amendment advances the public health, safety or welfare and is consistent with the adopted plans and policies of the Town and the specific intent of this chapter.

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

§ 155.704 REZONING

(A) APPLICABILITY

- (1) Amendments to the zoning map shall be made in accordance with the provisions of this section.
- (2) The Town Council shall consider amendments to the zoning map, as may be required from time to time.
- (3) Rezonings should correspond with the boundary lines of existing platted lots or parcels. Where the boundaries of a rezoning request stop short of an exterior property line, it must be possible to subdivide and develop that portion of the property outside the proposed rezoning boundary in accordance with the existing zoning and other requirements of this chapter.
- (4) All zoning requirements shall be met within the boundaries of the area being rezoned. If all of the requirements cannot be met on the site being rezoned, prior to advertisement of the public hearing, the rezoning shall be expanded to include all property necessary to meet zoning requirements.



(B) INITIATION OF AMENDMENT

- (1) A request for a rezoning may be initiated by the Town Council, the Planning Board, or the Planning Director.
- (2) An owner of land within the jurisdiction of the Town (or a duly authorized agent or representative) may petition the Town Council for a rezoning.

(C) **PRE-APPLICATION CONFERENCE**

All applicants petitioning for a rezoning shall schedule a pre-application conference with the Planning Director in accordance with § 155.702(a).

(D) **NEIGHBORHOOD MEETING**

All applicants petitioning for a rezoning shall hold a neighborhood meeting in accordance with § 155.702(b).

(E) **APPLICATION REQUIREMENTS**

All applications for a rezoning shall be submitted in accordance with § 155.702(c).

(F) **NOTICE AND PUBLIC HEARINGS**

The town shall hold all required public hearings and give notice in accordance with § 155.702(d).

(G) **ACTION BY PLANNING DIRECTOR**

- (1) The Planning Director shall prepare a staff report that reviews the rezoning request in light of the adopted plans and policies of the Town and the general requirements of this chapter.
- (2) Following completion of technical review by staff, the Planning Director shall forward the completed request and any related materials to the Planning Board.

(H) **ACTION BY PLANNING BOARD**

- (1) The Planning Board shall make a recommendation on the application to the Town Council. The Planning Board's recommendation shall include a written statement to the Town Council describing whether its recommendation is consistent with the adopted plans and policies of the Town. If the Planning Board fails to make a recommendation, the Town Council may process the request without a recommendation.
- (2) Following Planning Board review, the Planning Director shall forward the completed rezoning request and any related materials, including the Planning Board recommendation (if applicable), to the Town Council for final action.

(I) **ACTION BY TOWN COUNCIL**

- (1) Before taking action on a rezoning, the Town Council shall consider the recommendations of the Planning Board and Planning Director.
- (2) The Town Council may approve the rezoning, deny the rezoning, or send the rezoning back to the Planning Board for additional consideration.
- (3) Concurrently with adopting, denying, or remanding any rezoning, the Town Council shall adopt a statement describing whether its action is consistent with the adopted plans and policies of the Town and explaining why the Town Council considers the action taken to be reasonable and in the public interest.

(J) **APPROVAL CRITERIA**

In connection with its legislative decision on a rezoning request, the Town Council may consider factors including, but not limited to, the following:

- (1) Consistency with the adopted plans and policies of the Town;
- (2) Suitability of the subject property for uses permitted by the current versus the proposed district;
- (3) Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the Town;
- (4) The capacity of adequate public facilities and services including schools, roads, recreation facilities wastewater treatment and water supply facilities and stormwater drainage facilities for the proposed use;
- (5) It has been determined that the legal purposes for which zoning exists are not contravened;
- (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; and
- (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.

(K) **MODIFICATION OF APPLICATION**

An applicant in a zoning matter may reduce the geographic scope and or propose a district of lower density or intensity from that requested in the application by filing a statement of modification with the Planning Director.

(L) **TIME LAPSE BETWEEN SIMILAR APPLICATIONS**

- (1) In the event of a withdrawal of an application during Town Council review on the merits, no application may be filed requesting the rezoning of any parcel contained in the withdrawn application prior to the expiration of a minimum period of six months from the withdrawal of the application. Where the application is withdrawn prior to the required public hearing, no expiration period shall be imposed on a new application.

- (2) When the Town Council has voted on a zoning application and the proposed rezoning has either been denied or has failed to be adopted by the vote required in the event of a valid protest petition, then the application shall be deemed to have expired.
- (3) No subsequent application requesting a zoning change for any parcel contained in an application which has expired may be made prior to the expiration of a minimum period of six months from the date of expiration.
- (4) No subsequent application requesting the same zoning district for any parcel contained in an application which has expired may be filed prior to the expiration of a minimum period of one year from the expiration.
- (5) The Town Council, by a three-fourths majority vote, may waive the time-lapse requirements of this section if the Town Council deems it to be in the public interest to do so.

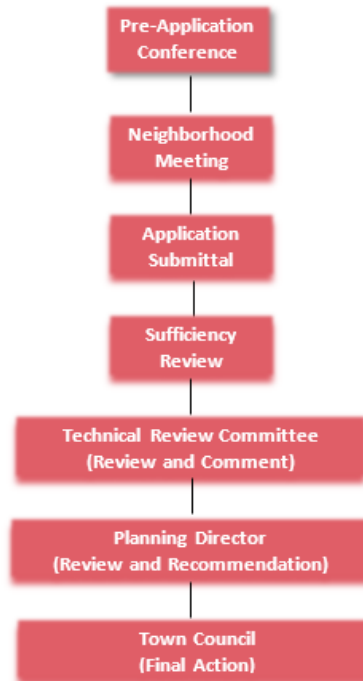
(Ord. 2005-11-02, passed 11-21-2005; Am. Ord. 2007-04-05, passed 4-2-2007; Am. Ord. 2009-03-04, passed 3-2-2009; Am. Ord. 2016-04-04, passed 04-04-2016)

§ 155.705 PLANNED DEVELOPMENT REVIEW

PLANNED DEVELOPMENT REVIEW



PLANNED DEVELOPMENT REVIEW



(A) APPLICABILITY

- (1) Planned development review shall occur in accordance with the provisions of this section.
- (2) The Town Council shall consider planned development rezonings, as may be required from time to time.
- (3) All requirements shall be met within the boundaries of the area being rezoned. If all of the requirements cannot be met on the site being rezoned, prior to advertisement of the public hearing, the rezoning shall be expanded to include all property necessary to meet zoning requirements.

(B) INITIATION OF AMENDMENT

An owner of land within the jurisdiction of the town (or a duly authorized agent or representative) may petition the town council for planned development rezoning.

(C) PRE-APPLICATION CONFERENCE

All applicants petitioning for planned development rezoning shall schedule a pre-application conference with the planning director in accordance with § 155.702(a).

(D) **NEIGHBORHOOD MEETING**

All applicants petitioning for planned development rezoning shall hold a neighborhood meeting in accordance with § 155.702(b).

(E) **APPLICATION REQUIREMENTS**

- (1) Concurrent with a request for planned development rezoning, an applicant shall submit a master plan to govern the development and maintenance of the land within the planned development. The master plan shall be prepared by a professionally certified landscape architect, engineer or architect.
- (2) All applications for planned development rezoning shall be submitted in accordance with § 155.702(C).
- (3) A master plan which meets the requirements for submittal of a preliminary plat may be approved as the master plan for the development and the preliminary plat concurrently.
- (4) A traffic impact analysis may be required if the proposed planned development meets the thresholds established in § 155.708.

(F) **NOTICE AND PUBLIC HEARINGS**

The town shall hold all required public hearings and give notice in accordance with § 155.702(d).

(G) **ACTION BY PLANNING DIRECTOR**

- (1) Upon submission of a completed application, the Planning Director shall schedule the master plan for review by the Technical Review Committee. The Technical Review Committee shall review the master plan for consistency with the requirements of this chapter.
- (2) Upon completion of the technical review, the Planning Director may meet with the applicant to discuss any changes in development design.
- (3) The Planning Director shall prepare a staff report that reviews the application in light of comments provided by the Technical Review Committee, in light of the adopted plans and policies of the town, and the general requirements of this chapter. The report, master plan and any related application materials shall be forwarded to the Planning Board.

~~(H) **ACTION BY PLANNING BOARD**~~

- ~~(1) The Planning Board shall make a recommendation on the application to the Town Council. The Planning Board's recommendation shall include a written statement to the Town Council describing whether its recommendation is consistent with the adopted plans and~~

~~policies of the town. If the Planning Board fails to make a recommendation, the Town Council may process the request without a recommendation.~~

- ~~(2) Following Planning Board review, the Planning Director shall forward the completed planned development request and any related materials, including the Planning Board recommendation (if applicable), to the Town Council for final action.~~

~~(H)~~(H) **ACTION BY TOWN COUNCIL**

- (1) Before taking action on a planned development rezoning, the Town Council shall consider the recommendations of the ~~Planning Board and~~ Planning Director.
- (2) The Town Council may approve ~~or deny~~ the ~~Planned Development~~ rezoning, ~~deny the rezoning, or send the rezoning back to the Planning Board for additional consideration.~~
- (3) Concurrently with adopting, denying, or remanding any rezoning, the Town Council shall adopt a statement describing whether its action is consistent with the adopted plans and policies of the town and explaining why the Town Council considers the action taken to be reasonable and in the public interest.
- (4) A master plan which meets the requirements for submittal of a preliminary plat may be approved as the master plan for the development and the preliminary plat concurrently.

~~(I)~~(I) **REZONING APPROVAL CRITERIA**

In connection with its legislative decision on a rezoning request, the town council may consider factors including, but not limited to, the following:

- (1) Consistency with the adopted plans and policies of the town;
- (2) Suitability of the subject property for uses permitted by the current versus the proposed district;
- (3) Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the town;
- (4) The capacity of adequate public facilities and services including schools, roads, recreation facilities wastewater treatment and water supply facilities and stormwater drainage facilities for the proposed use;
- (5) It has been determined that the legal purposes for which zoning exists are not contravened;
- (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; and
- (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.

~~(J)~~(J) **MASTER PLAN APPROVAL CRITERIA**

The master plan review shall include and the applicant shall be responsible for successfully addressing the following:

- (1) Compliance with § 155.203(L) and all other applicable requirements of this chapter;
- (2) Consistency with the Clayton General Design Guidelines;
- (3) Conformance of the proposal with the stated purpose of the requested planned development district;
- (4) Compatibility of the proposed development with the adjacent community;
- (5) The quality of design intended for each component of the project and the ability of the overall development plan to ensure a unified, cohesive environment at full build-out;
- (6) Compatible relationships between each component of the overall project;
- (7) Self-sufficiency of each phase of the overall project;
- (8) Documentation that the proposed infrastructure improvements accommodate the additional impacts caused by the development, or documentation to assure that the development, as proposed, will not overtax the existing public infrastructure systems;
- (9) The fiscal impact of the proposal and the proposed financing of required improvements;
- (10) The success of the proposal in providing adequate pedestrian and bicycle links within the development and with the adjacent community; and
- (11) The effectiveness with which the proposal protects and preserves the ecologically sensitive areas within the development.

(L)(K) ACTION AFTER APPROVAL

- (1) Upon approval of a planned development rezoning by the Town Council, and on recordation of the approved master plan, the district is deemed established. Properly executed documents shall be returned to the office of the Town Clerk for recording no later than 90 days from the date of approval or the approval shall be null and void. All documents (including the approved master plan) shall be an integral part of the approved proposal.
- (2) The approved planned development and associated master plan shall run with the land and shall be binding on the original applicant as well as any successors, assigns and heirs. The approved master plan shall be recorded in the Johnston County Register of Deeds office and the Zoning Map amended.
- (3) Approval of a planned development rezoning and associated master plan does not constitute site plan approval or subdivision approval (if the property is to be further subdivided), except where the master plan meets the requirements for and is approved as a preliminary plat.

- (4) Property to be further subdivided shall obtain approval in accordance with § 155.706. Where a preliminary plat has been approved, the applicant may move forward to provide construction plans and a final plat.
- (5) Property not to be further subdivided shall obtain site plan approval as set forth in § 155.707.
- (6) Conditional uses not shown on the approved master plan require approval in accordance with § 155.710.
- (7) Special uses not shown on the approved master plan require approval in accordance with § 155.711.

(M)(L) TIME LAPSE BETWEEN SIMILAR APPLICATION

- (1) In the event of a withdrawal of an application prior to action by the Town Council, no application may be filed requesting the same planned development contained in the withdrawn application prior to the expiration of a minimum period of six months from the withdrawal of the application.
- (2) When the Town Council has voted on a planned development and the proposed rezoning has either been denied or has failed to be adopted by the vote required in the event of a valid protest petition, then the application shall be deemed to have expired.
- (3) No subsequent application requesting a planned development for any parcel contained in an application which has expired may be made prior to the expiration of a minimum period of six months from the date of expiration.
- (4) No subsequent application requesting the same zoning category for any parcel contained in an application which has expired may be filed prior to the expiration of a minimum period of one year from the expiration.
- (5) The Town Council, by a three-fourths majority vote, may waive the time-lapse requirements of this section if the Town Council deems it to be in the public interest to do so.

(N)(M) APPROVED MASTER PLAN MODIFICATIONS

- (1) Amendments to an approved master plan, if minor in scope, may be approved administratively by the Planning Director. Minor changes shall include up to 10% modifications to the approved mixture of uses (so long as the maximums stated are not exceeded), adjustments to phasing, and the realignment of internal roadways. Minor changes to the typical project details, which include but are not limited to signage, lighting, parking, amenities and landscape requirements may also be approved administratively by the Planning Director.
- (2) Major modifications shall require resubmittal to the Town Council. These shall include the addition of land, modifications to the approved mixture of uses in excess of 10%, and the addition, deletion, or relocation of main vehicular entrances. Major modifications shall also

include any proposed revisions that are deemed by the Planning Director to be inconsistent with the adopted plans and policies of the town.

(Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2007-04-05, passed 4-2-07; Am. Ord. 2008-06-01, passed 6-2-08; Am. Ord. 2009-03-04, passed 3-2-09; Am. Ord. 2015-02-01, passed 2-2-15; Am. Ord. 2016-04-04, passed 04-04-2016)

§ 155.706 SUBDIVISION REVIEW

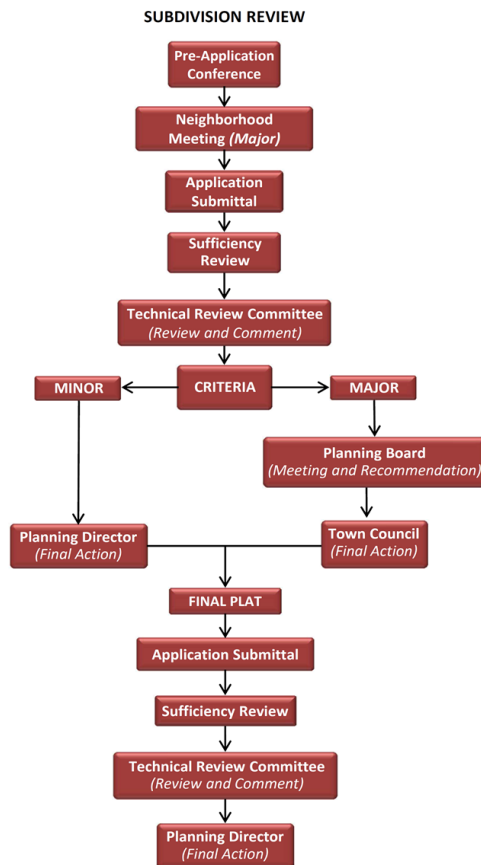
(A) **APPLICABILITY**

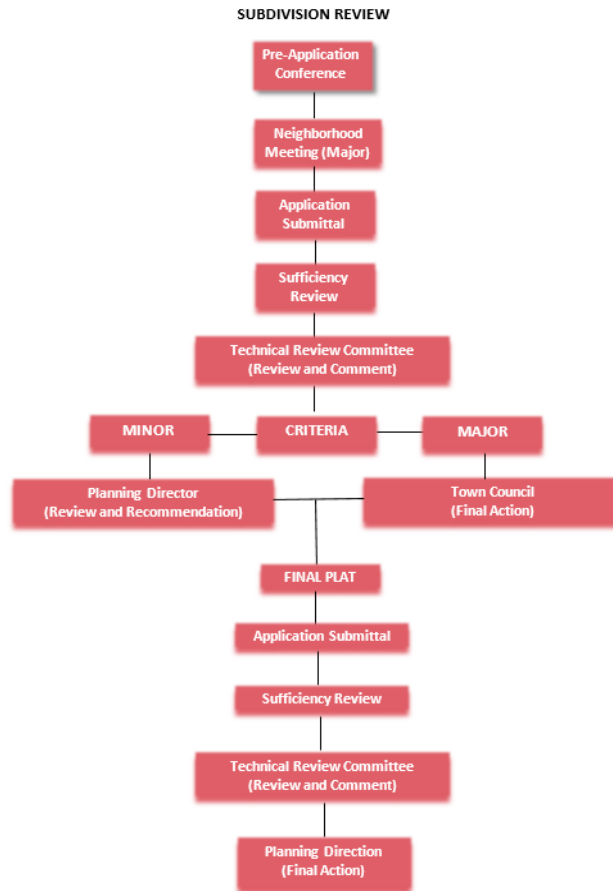
Subdivision approval shall be required before the division of land (for any purpose) into two or more parcels, except as expressly exempted below.

(B) **ACTIONS EXEMPT FROM SUBDIVISION REQUIREMENTS**

The following shall not be considered "subdivision" subject to review under this section:

- (1) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resulting lots are equal to or exceed the standards of this chapter;





- (2) The division of land into parcels greater than ten acres where no street right-of-way dedication is involved;
- (3) The public acquisition by purchase of strips of land for water or sewer infrastructure or the widening or opening of streets;
- (4) The division of a site in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of this chapter

(C) **NO SUBDIVISION WITHOUT PLAT APPROVAL**

- (1) No person may subdivide land except in accordance with all of the provisions of this chapter. In particular, no subdivision may occur unless and until a final plat of the subdivision has been approved in accordance with the provisions of this section and recorded in the Johnston County Registry.

- (2) The Johnston County Register of Deeds shall not record a plat of any subdivision within the town's planning jurisdiction unless the plat has been approved in accordance with the provisions of this chapter.
- (3) Not all divisions of land constitute subdivisions that are subject to regulation under this chapter. However, to ensure that such divisions are in fact exempt from the requirements of this chapter, all plats creating a division of land shall be presented to the Planning Director before recordation in the Johnston County Registry and the Planning Director shall indicate on the face of the plat that the division is exempt from the provisions of this chapter if that is the case.
- (4) No street shall be maintained or accepted by the town, or shall any street lights, water, or sewer be extended to or connected with any subdivision of land, or shall any permit be issued by any administrative agent or department of the town for the construction of any building or other improvements requiring permit, upon any land for which a plat is to be approved, unless and until the requirements set forth in this chapter have been complied with.
- (5) There are a variety of requirements for differing levels of resource protection in §§ 155.500 through 155.502, which must be met prior to the subdivision of land.

(D) **DELEGATION OF AUTHORITY**

The town council delegates review and approval authority for all minor plats and final plats to the planning director, with review by the technical review committee.

(E) **UNLAWFUL TO RECORD PLAT WITHOUT FINAL OR MINOR PLAT APPROVAL**

It shall be unlawful to offer and cause to be recorded any final plat within the town limits with the [Johnston](#) Johnston county register of deeds unless the plat bears the endorsement and approval of the planning director or town clerk.

(F) **DEFINITIONS**

(1) **Minor Subdivision**

- (a) A minor subdivision is a subdivision that does not involve any of the following:
 - 1. Creation of a total of more than five lots;
 - 2. Creation of any new public streets;
 - 3. Extension of any water or sewer lines; or
 - 4. Installation of drainage improvements through one or more lots to serve one or more other lots.
 - 5. A traffic impact analysis as established in § 155.708.

- (b) Minor subdivisions requires minor plat review and final plat review.

(2) **Major Subdivision**

- (a) All other divisions of land not exempted in (B) of this section or listed in (F)(1) of this section shall be considered major subdivisions.
- (b) Major subdivisions require preliminary plat approval and final plat approval.

(G) **PRE-APPLICATION CONFERENCE AND SKETCH PLAN**

- (1) All applicants seeking subdivision approval shall schedule a pre-application conference with the Planning Director, in accordance with § 155.702(A).
- (2) At the time of the pre-application conference, applicants shall submit a sketch plan for review by the Planning Director. This plan should, in simple sketch form, show the proposed layout of streets, lots and other features in relation to existing conditions (see Planning Department for specific submittal requirements).
- (3) The Planning Director shall make a determination as to which approval process authorized by this section can be used. The Planning Director may require the applicant to submit whatever supplemental information is necessary to make this determination.
- (4) When a subdivision is to be developed in stages, a master plan shall be submitted for the entire development and a preliminary plat shall be submitted for each individual stage. A final plat is submitted for individual stages as each stage is developed. Each new stage shall be developed adjacent to an earlier stage.

(H) **MINOR PLAT REVIEW**

(1) **Applicability**

- (a) The procedure for approval of a minor subdivision plat is intended to simplify processing of routine small subdivisions with due regard to protection of the public interest. The difference between the minor and major subdivision processes is that minor subdivisions do not require preliminary plat review.
- (b) There shall be only one minor subdivision approved on any original tax parcel in any three-year period. This division shall not apply to minor subdivisions for which the following conditions are met:
 - 1. The owner and grantee certify that the grantee of each lot is the child or child and spouse, or grandchild and spouse of the owner;
 - 2. The owner and grantee certify that no consideration shall be paid for any of the lots;
 - 3. The owner and grantee certify that the purpose of the minor subdivision is not to circumvent the provisions of this chapter, and that none of the lots shall be

conveyed to third parties for a period of not less than three years, and that the record plat shall indicate same.

4. Failure of any person to comply with the provisions of (H)(1)(b)1., 2. and 3. of this section shall be in violation of this chapter, and all of the remedies available in G.S. § 160A-375 shall apply.

(2) **Application Requirements**

All applications for minor plat review shall be submitted in accordance with § 155.702(C).

(3) **Action by Planning Director**

- (a) Upon submission of a completed application, the Planning Director shall schedule the minor subdivision plat for review by the Technical Review Committee. The Technical Review Committee shall review the plat for consistency with the requirements of this chapter. The Planning Director shall, after review by the Technical Review Committee, determine whether the plat conforms to the standards of a minor subdivision.
- (b) If the minor subdivision plat is determined not to be in conformance with the requirements for a minor subdivision, the applicant may proceed with preliminary plat approval.

(4) **Action Following Approval**

Upon minor preliminary plat approval, the applicant may begin preliminary site work. All site work shall be performed in compliance with the requirements of this chapter, and other applicable regulations of the town, Johnston County, and the state. The final plat may be recorded in the Johnston County Record of Deeds.

(5) **Continuing Validity of Minor Plats**

Within 24 months of the date of approval of the minor subdivision plat, the applicant shall submit application for final plat review otherwise the minor subdivision plat shall be null and void.

(6) **Minor Plat Approval Criteria**

Minor subdivision plats shall be approved only when the Planning Director, after Technical Review Committee review, finds that all of the following conditions exist:

- (a) Consistency with the adopted plans and of policies of the town;
- (b) The plat complies with the standards of §§ 155.600 through 155.607, and any other applicable requirements of this chapter;
- (c) The plat indicates that all subject lots will have frontage on existing approved streets;

- (d) New or residual parcels conform to the requirements of this chapter and other applicable regulations;
- (e) No new streets are required or are likely to be required for access to interior property;
- (f) No drainage or utility easements will be required to serve interior property;
- (g) No extension of public sewerage or water lines will be required; and
- (h) The proposed subdivision will not adversely effect permissible development of the remainder of the parcel or of adjoining property.

(7) **Waivers for Minor Plat Approval**

The Planning Director may grant exceptions to the requirements for minor plat approval provided that the purposes and intent of this section have been met.

(I) **PRELIMINARY PLAT APPROVAL (MAJOR SUBDIVISIONS ONLY)**

(1) **Applicability**

A preliminary plat shall be required for all subdivisions that do not meet the definition of a minor subdivision as set forth in (F) of this section.

(2) **Application Requirements**

- (a) All applications for preliminary plat review shall be submitted in accordance with § 155.702(C).
- (b) A traffic impact analysis may be required if the proposed subdivision meets the thresholds established in § 155.708.
- (c) An application for a waiver from any of the provisions of §§ 155.600 through 155.607 shall be submitted in writing by the applicant at the time the preliminary plat is filed. The application shall state the grounds for the waiver and all the facts relied upon by the applicant.

(3) **Notice and Public Hearings**

The town shall hold all required public hearings and give notice in accordance with § 155.702(D).

(4) **Neighborhood Meeting**

All applicants seeking major subdivision approval (open space subdivision only) shall hold a neighborhood meeting in accordance with § 155.702(B).

(5) **Action by Planning Director**

- (a) Upon submission of a completed application, the Planning Director shall schedule the preliminary plat for review by the Technical Review Committee. The Technical Review Committee shall review the preliminary plat for consistency with the requirements of this chapter.
- (b) The following agencies shall be given an opportunity to review the proposed plat as needed:
 - 1. County Superintendent of Schools.
 - 2. County Health Department.
 - 3. State Department of Transportation District Engineer.
 - 4. State Department of Natural Resources and Community Development.
 - 5. Other agencies and officials as the Planning Director or Planning Board may deem necessary or desirable.
- (c) The Planning Director shall prepare a report that reviews the application in light of comments provided by the Technical Review Committee, and in light of the adopted plans and policies of the town, and the general requirements of this chapter. The report, preliminary plat and any related application materials shall be forwarded to the Planning Board-Town Council.

~~(6)~~—Action by Planning Board

~~The Planning Board shall review and make a recommendation to the Town Council on the preliminary plat within 60 days of the required submittal date.~~

~~(7)~~(6) Waivers

- (a) The Town Council may authorize, in specific situations, waivers to certain requirements of §§ 155.600 through 155.607 if it is clear that adequate provisions for the type and intensity of the proposed use has been or will be provided, and 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.
 - 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 wavier is not based primarily upon financial consideration.
- (b) In granting a waiver, the Town Council may require certain conditions that in its judgment, substantially secure the objectives, standards or requirements of this chapter.

(8)(7) Action by Town Council

- (a) The preliminary plat shall be referred to the Town Council for final action after ~~review is completed by the Planning Director and Technical Review Committee. action is taken by the Planning Board.~~ The preliminary plat shall be considered by the Town Council in accordance with its rules of procedure and the General Statutes of North Carolina.
- (b) An evidentiary hearing shall be held after due notice has been given to the applicant and the general public. Sworn parties shall be given the opportunity to present evidence, cross-examine other parties, inspect any documentation, and offer evidence or testimony in rebuttal.
- (c) Findings of fact shall be made by the Town Council that are based on sworn evidence or testimony presented at the meeting. Such evidence or testimony must be relevant, material, and competent.
- (d) No final action shall be deemed to have been given by the Town Council on the preliminary plat until the Town Council's written decision on the preliminary plat is delivered to the applicant by the town.
- (e) The Town Council may approve the preliminary plat, deny the preliminary plat, or send the preliminary plat back to the ~~Planning Board~~ Technical Review Committee for additional consideration.
- (f) If the Town Council should disapprove the preliminary plat, the reasons for such action shall be given to the applicant.

(9)(8) Action Following Approval

- (a) Upon preliminary plat approval, the applicant may initiate proceedings to begin site work and installation of improvements. All work shall be performed in compliance with the requirements of §§ 155.600 through 155.607, and other applicable regulations of the town, Johnston County, and the state.
- (b) Approval of a preliminary plat does not constitute approval of the final plat. Application for approval of the final (record) plat will be considered only after the requirements for final plat approval as specified in (J) of this section have been fulfilled and after all other specified conditions have been met.

Commented [HH4]: Probably shouldn't note this? TRC bases certification upon code, and can't really condition plans to meet additional requirements. Should we just require council to approve or deny the application, instead of sending it back to staff for additional review?

On the other hand, if Council notices something in the code was missed by TRC sending it back for revisions would be beneficial. They could also condition the plan accordingly though to avoid a trip back to TRC...

Commented [SW5R5]: I think putting TRC in there in place of planning board would be ok. Leave this note for Katherine to review for her judgement.

Commented [HH6R5]: Noted.

~~(10)~~(9) **Findings of Fact Required**

No preliminary plat may be approved by the Town Council unless all of the following findings are made concerning the subdivision:

- (a) Consistency with the adopted plans and of policies of the town.
- (b) The subdivision meets all required specifications of this chapter.
- (c) 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.
- (d) 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.

~~(11)~~(10) **Modification of Construction Standards**

Notwithstanding the approval of a preliminary plat, the town shall have the authority to apply any revised construction standards to future plats at the time of application for final plat approval. The Public Works Director shall determine the maximum extent to which such new standards may feasibly apply.

~~(12)~~(11) **Continuing Validity of Preliminary Plats**

- (a) Within 24 months of the date of approval of the preliminary plat, the applicant shall submit a final plat for at least one section of the subdivision otherwise the preliminary plat shall be null and void.
- (b) All sections of an approved preliminary plat must be submitted for final plat approval within three years of preliminary plat approval for a preliminary plat containing up to 100 lots, and within five years for a preliminary plat containing 100 lots or more. Otherwise, the preliminary plat shall be null and void.

(J) **FINAL PLAT REVIEW (MAJOR AND MINOR SUBDIVISIONS)**

(1) **Applicability**

A final plat shall be required for all subdivision of land in the town and its extraterritorial jurisdiction.

(2) **Application Requirements**

All applications for final plat review shall be submitted in accordance with § 155.702(C).

(3) **Action by Planning Director**

- (a) Upon submission of a completed application, the Planning Director shall within 60 days schedule the final plat for review by the Technical Review Committee. The Technical Review Committee shall review the final plat for consistency with the with the approved minor subdivision plat or approved preliminary plat, as applicable, and the general requirements of this chapter.
- (b) Upon completion of the technical review, the Planning Director may approve the final plat, deny the final plat, or send the plat back for additional consideration.
- (c) If the final plat is disapproved by the Planning Director, the reasons for such disapproval shall be stated in writing, specifying the provisions of this chapter with which the final plat does not comply.

(4) **Final Plat Approval Criteria**

Final plats shall be approved when the following conditions exist:

- (a) Consistency with the adopted plans and of polices of the town;
- (b) The plat substantially complies with the approved minor plat or preliminary plat, as applicable;
- (c) The plat complies with the standards of §§ 155.600 through 155.607 and the other applicable requirements of this chapter;
- (d) New and residual parcels will conform to the requirements of this chapter and other applicable regulations;
- (e) All necessary right-of-way has been offered for reservation or dedication; and
- (f) All necessary drainage easements have been provided.

(5) **Endorsements On Final Plats**

(a) ***Minor Plats***

All minor subdivision final plats shall contain the following certificates:

1. Certificate of ownership;
2. Certificate of survey and accuracy;
3. Certificate of approval by the Planning Director; and
4. Johnston County Plat Review Officer's Certificate

(b) ***Major Plats***

1. All major subdivision final plats shall contain the following certificates:

- A. Certificate of ownership and dedication;
 - B. Certificate of survey and accuracy;
 - C. Certificate of approval of water supply and sewage and disposal systems (county);
 - D. Certificate of approval of the design and installation of streets, utilities, and other required improvements;
 - E. Certificate of approval by the Town Manager, as applicable; and
 - F. Johnston County Plat Review Officer's Certificate.
2. All final plats located outside the corporate limits of the town, but within the planning jurisdiction, shall contain the following certificates:
- A. NCDOT Engineer Certificate; and
 - B. Certificate of approval of non-municipal water supply & sewage disposal systems.
3. When required by the federal government, all final plats shall contain a certificate for a federally funded project.

(6) Action After Approval

- (a) The applicant shall file the approved final plat with the County Register of Deeds for recording within 60 days after the date of approval. The Planning Director, upon receipt of a written request, may extend this date an additional 30 days, if the request is received prior to the original expiration date and the final plat meets all applicable provisions of this chapter.
- (b) The approval of a final plat shall not be deemed to constitute or affect the acceptance or affect the acceptance by the town of the dedication of any street or other ground, public utility line, or other public facility shown on the plat. However, the town may, by resolution, accept any dedication made to the public of lands or facilities for streets, parks, public utility lines, or other public purposes, when the lands or facilities are located within its subdivision regulation jurisdiction. Acceptance or dedication of lands or facilities located within the subdivision regulation jurisdiction but outside the corporate limits of the town shall not place on the town any duty to open, operate, repair, or maintain any street, utility line, or other land or facility, and the town shall in no event be held to answer in any civil action or proceeding for failure to open, repair, or maintain any street located outside its corporate limits.

(K) DEDICATION AND IMPROVEMENTS

- (1) In the development of any subdivision, the applicant shall be required to dedicate any additional right-of-way necessary to the width required by the town for streets adjoining

the property, to install curbs and gutters and pave all streets adjoining the property to town standards, and to install sidewalks in accordance with the policies and requirements of §§ 155.600 through 155.607.

- (2) The applicant shall bear the costs of the installation of all on-site improvements as required by this chapter, including provision for surface drainage, pavement, landscaping, and utilities. Any applicant required to install or construct off-site improvements pursuant to this section may, with the approval as a condition of subdivision approval, and upon a determination by the Planning Director that such improvements are not necessary or desirable at the time, but will be needed in the future, make a payment in lieu of such improvements or part thereof. The amount of any such payment shall be an amount estimated by the town to be the actual and total installation and construction costs of such improvements. The amount paid for a given improvement shall be considered total and complete payment for the improvements considered, and will preclude any further assessment of the property in the event that the town elects to install such improvements at a later date.
- (3) For all residential developments approved after July 3, 1995, recreation and open space dedication, or payment of fee-in-lieu thereof in accordance with § 155.203(H) shall be required.

(L) **GUARANTEES OF IMPROVEMENTS**

Guarantee of improvements shall be made in accordance with § 155.607.

(M) **INSPECTIONS OF REQUIRED IMPROVEMENTS**

Inspections of improvements shall be made in accordance with § 155.607(d).

(N) **APPROVED PLAT MODIFICATIONS**

(1) **Minor Modifications**

(a) ***Preliminary Plat***

Minor revisions to an approved preliminary plat may be approved by the Planning Director if the revisions are within the scope and intent of the original approval. Such revisions may include but not be limited to:

1. Reducing the lot count;
2. Modifying phase lines; and
3. Minor adjustments to lot or street locations.

(b) ***Final Plat***

A final plat may be rerecorded to:

1. Revise or correct dimensions;
2. Change street names;
3. Add, delete or modify easements or private covenants;
4. Change subdivision name; or
5. Other minor modifications that are within the scope and intent of the original approval subject to approval of the Planning Director.

(c) ***Procedures***

1. Preliminary Plat

- A. When minor revisions are proposed to an approved preliminary plat, the applicant shall submit a written request to the Planning Director with a copy sent to the Technical Review Committee delineating the revisions and requesting authorization for administrative revision.
- B. The Planning Director shall notify the applicant whether the proposed revision qualifies for minor modification and the basis for the determination. If approved, the final plat may be submitted in accordance with the revisions.
- C. The Planning Director shall distribute copies of the revised plat to the appropriate agencies.

2. Final Plat

- A. When minor revisions are proposed to an approved final plat, the applicant shall submit a written request to the Planning Director with a copy sent to the Technical Review Committee delineating the revisions and requesting authorization for administrative revision.
- B. If the plat has been recorded, the applicant shall submit the recorded plat with a statement describing the revisions made and title block for the Planning Director signature, and date of signing.
- C. If the ownership of the subdivision has changed or if any lots have been sold since the previous recording, an owner's and notary's certificates shall be provided on the plat for each current owner.
- D. In addition to the letter and the revised final plat, the applicant shall submit the required fees to the Planning Director for processing and rerecording the revised plat.
- E. The Planning Director shall distribute copies of the recorded final plat to the appropriate agencies.

(2) **Major Modifications**

Proposed modifications to an approved preliminary plat or final plat not considered minor revisions shall be submitted and processed as new applications in accordance with the provisions of this section.

(O) **RESUBDIVISION AND RECOMBINATION PROCEDURES**

For any replatting or resubdivision of land, the same procedures, rules, and regulations shall apply as prescribed for an original subdivision. Lot size and configuration may, however, be varied on an approved plat after recording, provided that:

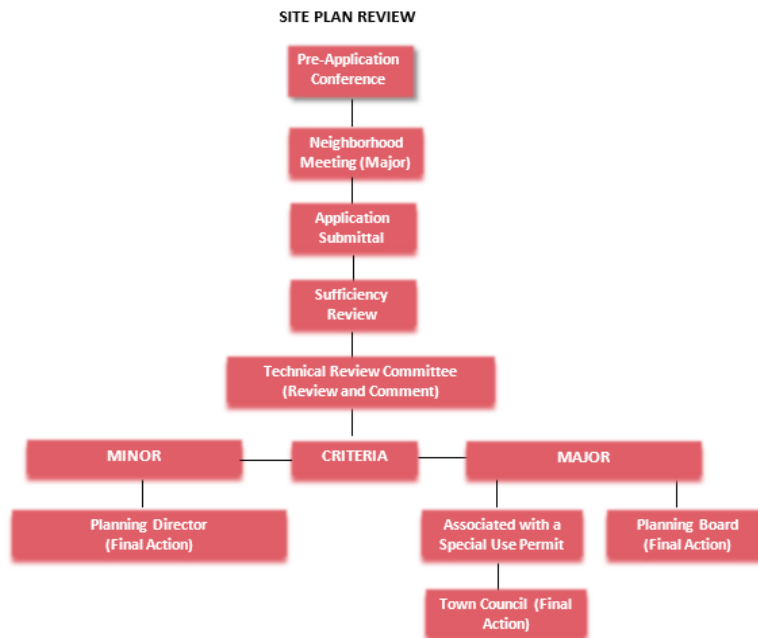
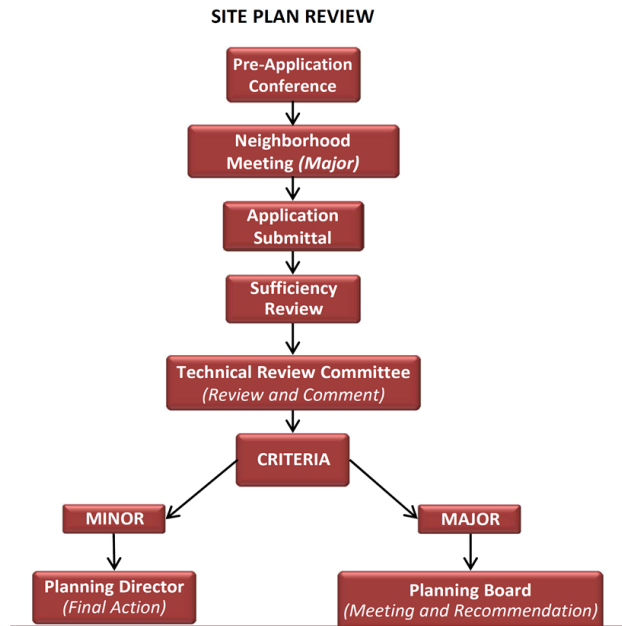
- (1) No lot or parcel of land shall be created or sold that does not conform to the minimum standards of the applicable zoning district;
- (2) Easements or rights-of-way shall not be changed;
- (3) Street alignment and block sizes shall not be changed;
- (4) The character of the area shall be maintained;
- (5) A recombination of existing parcels may be approved by the Planning Director, subject to the following:
 - (a) The resultant lots are equal to the standards of this chapter or more closely conform to the minimum lot size standards in this chapter;
 - (b) The total number of lots is not increased;
 - (c) All the metes and bounds boundaries of the affected lots are shown;
 - (d) All lot boundaries changed or eliminated by requested combination are indicated by dashed lines;
 - (e) The title block contains the word "recombination";
 - (f) Structures on the affected lots are shown and the requested recombination does not violate setback requirements of the §§ 155.200 through 155.204;
 - (g) The recombination plat is signed by all property owners if either the number of lots is reduced or different owners for different lots are involved in the recombination;
 - (h) The recombination plat is signed and sealed by a registered surveyor;
 - (i) The recombination plat is certified by the Planning Director; and
 - (j) The recombination plat conforms to all laws and ordinances for the recordation of maps.

(P) **APPEAL**

Final action on a final plat may be appealed to the ~~B~~board of ~~A~~adjustment in accordance with § 155.717.

(Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2007-04-05, passed 4-2-07; Am. Ord. 2008-08-04, passed 8-4-08; Am. Ord. 2011-05-02, passed 5-2-11)

§155.707 SITE PLAN REVIEW



(A) **APPLICABILITY**

- (1) All proposed development, except for single-family detached, zero lot line, and alley-loaded dwelling units on individual lots, shall be subject to the site plan review process.
- (2) Temporary uses may require site plan review (see § 155.712).

(B) **SITE PLAN TYPES**

There are two types of site plans with differing levels of approval required for each. The criteria for establishing which type of site plan and the corresponding level of approval for each are indicated below.

(1) **Minor Site Plans**

(a) ***Applicability***

1. The following shall be reviewed as a minor site plan:
 - A. Parking lot expansions where there is no increase in excess of 5% of floor area of the principal structure;
 - B. Accessory uses in commercial districts involving structures less than 500 square feet; and
 - C. Amenity facilities, park and open area uses in approved subdivisions.
2. Projects listed below shall also be reviewed as a minor site plan provided they do not require a traffic impact analysis in accordance with § 155.708; do not require modification of the standards established in this chapter other than those which the Planning Director may modify administratively; and do not involve the issuance of a conditional use permit or a special use permit.
 - A. Developments of up to 2,500 square feet of building for nonresidential uses; and
 - B. Expansion of an existing conforming structure or expansion of a previously approved site plan by less than 2,500 square feet or 5% in floor area or number of units, whichever is greater.

(b) ***Approval Authority***

The Planning Director shall be responsible for approving a minor site plan.

(2) **Major Site Plans**

(a) ***Applicability***

Any development requiring site plan review not listed in (B)(1) of this section as a minor site plan shall be considered a major site plan.

(b) **Approval Authority**

The Planning Board shall be responsible for approving all major site plans, ~~including site plans associated with an approved planned development master plan (see (E) of this section), and~~ conditional use permits (see § 155.710);

~~The Town Council shall be responsible for approval of all major site plans associated with and~~ special use permits (see § 155.711).

Commented [HH7]: Should individual phases still go to PB?
Most of the time individual phases of a master plan are conditioned to be reviewed by staff...sometimes they have gone back to PB though (mainly when the master plan is a bubble plan)...

Commented [HH8R8]: Remove this section, since sometimes phases of master plans are conditioned to be reviewed by staff...

(C) **PRE-APPLICATION CONFERENCE**

- (1) All applicants seeking site plan approval shall schedule a pre-application conference with the Planning Director, in accordance with § 155.702(A).
- (2) The Planning Director shall make a determination as to which approval process authorized by this section can be used. The Planning Director may require the applicant to submit whatever supplemental information is necessary to make this determination.

(D) **MINOR SITE PLAN REVIEW**

(1) **Application Requirements**

An application for minor site plan approval shall be submitted accordance with § 155.702(C).

(2) **Action by Planning Director**

- (a) Upon submission of a completed application, the Planning Director shall schedule the minor site plan for review by the Technical Review Committee. The Technical Review Committee shall review the minor site plan for consistency with the requirements of this chapter.
- (b) After technical review, the Planning Director shall determine whether the minor site plan conforms to the requirements of this chapter.

(3) **Modifications to Approved Minor Site Plans**

The Planning Director shall have authority to grant modifications to approved minor site plans in accordance with the provisions of this section or refer the modification to the Technical Review Committee if deemed necessary.

(E) **MAJOR SITE PLAN REVIEW**

(1) **Application Requirements**

An application for major site plan approval shall be submitted accordance with § 155.702(C).

(2) **Neighborhood Meeting**

All applicants seeking major site plan approval shall hold a neighborhood meeting in accordance with § 155.702(B).

(3) **Action by Planning Director**

- (a) Upon submission of a completed application, the Planning Director shall schedule the major site plan for review by the Technical Review Committee. The Technical Review Committee shall review the major site plan for consistency with the requirements of this chapter.
- (b) Upon completion of the technical review, the Planning Director shall prepare a report that reviews the application in light of comments provided by the Technical Review Committee, and in light of the adopted plans and policies of the Town and the general requirements of this chapter. The report, site plan and any related application materials shall be forwarded to the Planning Board. If the site plan is running concurrently with an associated Special Use Permit, the site plan and any related application materials shall be forwarded directly to the Town Council for final review.

(4) **Action by Planning Board**

- (a) After considering the Planning Director's comments, the Planning Board shall approve or disapprove the major site plan, or send the site plan back to the Technical Review Committee for additional consideration.
- (b) Major site plans requiring revisions shall be returned to the Planning Board within 90 days or the application shall be considered withdrawn. One extension period may be granted by the Planning Board.

(5) Action by Town Council

- (a) After considering the Planning Director's comments, the Town Council shall approve or disapprove or deny a major site plan associated with a Special Use Permit application, or send the site plan back to the Technical Review Committee for additional consideration.
- (b) Major site plans requiring revisions shall be returned to the Technical Review Committee within 90 days or the application shall be considered withdrawn.

(5)(6) Modifications to Approved Major Site Plans

- (a) Minor deviations. If a proposed amendment to a major site plan represents only a minor deviation from the approved site plan, the applicant shall file a written application for such amendment with the Planning Director who shall act upon such application within ten days of its receipt. Minor deviations shall include, but are not limited to, the following:
1. A less than 5% increase, or any decrease, in the floor area or number of units, provided that the district maximums of the subject property for which an minor site plan has been submitted, is not exceeded.
 2. A less than 10% decrease in parking spaces, open space or livability space;
 3. The minor relocation of any structure, dedicated street, easement or landscape screen in any direction from the location shown on the site plan unless deemed by the Planning Director to significantly alter the approved plan.

~~(6)~~(7) **Substantial Deviations**

If a proposed amendment to a site plan deviates substantially from the approved site plan, the approved site plan shall be amended in accordance with the procedure and standards which governed its approval. Such substantial deviations include the following:

- (a) A 5% or greater increase in floor area or number of units;
- (b) A 10% or greater decrease in parking spaces, open space or livability space;
- (c) The relocation of any structure, dedicated street, easement or landscape screen in any direction from the location shown on the major site plan for the distances specified below based on the size of the development:
1. 25 feet or more for major site plans of two acres or less;
 2. 50 feet or more for major site plans of more than two acres but less than eight acres;
 3. 100 feet or more for major site plans of eight acres but less than 20 acres; and
 4. 150 feet for major site plans of 20 acres or more.

(F) **APPROVAL CRITERIA**

In approving a site plan, the ~~P~~lanning ~~D~~irector, ~~and P~~lanning ~~B~~oard, and Town Council shall consider the following:

- (1) Consistency with the adopted plans and polices of the Town;
- (2) Compliance with all applicable requirements of this chapter;

- (3) Site design and development intensity is appropriate for and tailored to the unique natural characteristics of the site, such as significant wooded areas, specimen trees, wetlands, steep slopes, and floodplains;
- (4) For nonresidential and multifamily projects, the site plan displays the location of trash handling, recycling, grease bins, and other waste-related facilities employed in the normal operation of the use;
- (5) Adequacy and location of parking areas and pedestrian and vehicular access points;
- (6) Compliance with site construction specifications;
- (7) Adequacy of stormwater facilities, water supply, sanitary sewer service, fire protection, street signs, and street lighting as evidenced by conformance with department standards, specifications and guidelines;
- (8) 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;
- (9) Compliance with requirements for easements or dedications;
- (10) Compliance with any applicable subdivision improvements; and
- (11) If applicable, compliance with the approved planned development master plan.
- (12) Building design and materials uphold and promote high quality development in the Town and are compatible with other uses in the surrounding neighborhood.

(G) **PERIOD OF VALIDITY**

An approved site plan shall expire two years from the date of approval unless the proposed development is pursued as set forth below:

- (1) A complete building permit application has been submitted and remains valid;
- (2) Where more than one building is to be built, the applicant may submit a series of building permit applications. The first application shall be submitted within two years from the date that site plan approval is granted. Each subsequent application shall be submitted within 180 days from the date of issuance of a certificate of occupancy for the previous building; or
- (3) If no building permit is required, a certificate of occupancy has been issued.

(H) **BUILDING PERMIT/CERTIFICATE OF OCCUPANCY**

- (1) No building permit or certificate of occupancy shall be issued until the required site plan of the proposed use or development has been approved by the appropriate Town officials.

- (2) In order to secure a vested right for a site plan, the applicant must submit a site-specific development plan in accordance with § 155.718.

(I) **DEDICATION AND IMPROVEMENTS**

- (1) In the development of any property for which a site plan is required in this section, the applicant shall be required to dedicate any additional right-of-way necessary to the width required by the Town for streets adjoining the property, to install curbs and gutters and pave all streets adjoining the property to Town standards, and to install sidewalks in accordance with the policies and requirements of §§ 155.600 through 155.607.
- (2) The applicant shall bear the costs of the installation of all on-site improvements as required by this chapter, including provision for surface drainage, pavement, landscaping, and utilities. Any applicant required to install or construct off-site improvements pursuant to this section may, with the approval of the Planning Director as a condition of site plan approval, and upon a determination by the Planning Director that such improvements are not necessary or desirable at the time, but will be needed in the future, make a payment in lieu of such improvements or part thereof. The amount of any such payment shall be an amount estimated by the Town to be the actual and total installation and construction costs of such improvements. The amount paid for a given improvement shall be considered total and complete payment for the improvements considered, and will preclude any further assessment of the property in the event that the Town elects to install such improvements at a later date. Full payment shall be made before any building permit or certificate of occupancy is issued for any use shown on the site plan.
- (3) For all residential and planned developments approved the effective date of this chapter, recreation and open space dedication, or payment of fee-in-lieu thereof in accordance with § 155.203(H) shall be required.

(J) **GUARANTEES OF IMPROVEMENTS**

- (1) Prior to the approval of any site plan, the applicant shall submit a cost estimate and time schedule for installation of each phase of the site improvements.
- (2) The Town shall require a bond guaranteeing required on-site and off-site improvements. This bond shall be in the amount determined by the Town Manager. This bond shall be in cash, certified check, or be made by a bonding/insurance company authorized to do business in North Carolina.
- (3) As each phase of improvements is installed and inspected by the Town, the bond amount shall be reduced by the costs of the installed improvements.
- (4) In the event that the applicant wishes to occupy any building or any portion of any building prior to the completion of the required site improvements, the bond guaranteeing improvements shall be retained by the Town until the remaining required improvements are completed.

(K) **INSPECTIONS OF REQUIRED IMPROVEMENTS**

Inspections during of site improvements shall be made in accordance with § 155.607(d).

(Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2007-04-05, passed 4-2-07)

§ 155.708 TRAFFIC IMPACT ANALYSIS

(A) APPLICABILITY

- (1) A traffic impact analysis may be required to be submitted in conjunction with an application for a planned development, preliminary plat, major site plan, or special use permit.
- (2) Unless exempted in (B) of this section, a traffic impact analysis shall be required for projects, which can be anticipated to generate at least 100 vehicle trips at peak hour from the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual.

***Commentary:** 100 peak hour vehicle trips equates to approximately 100 single-family units or 25,000 square feet of general commercial space.*

(B) EXEMPTIONS

The following projects shall not be required to submit a traffic impact analysis:

- (1) Developments approved prior to the effective date of this chapter that have maintained valid planned development master plans, preliminary plats, major site plans or special use permits.
- (2) Redevelopment of any site on which the additional traffic at peak hour represents an increase of less than 100 trips from the previous development, where the redevelopment is initiated within 12 months of the completion of demolition of the previous project.
- (3) Minor site plans.

(C) PRE-APPLICATION CONFERENCE

- (1) All applicants required to submit a traffic impact analysis shall schedule a pre-application conference with the Planning Director, in accordance with § 155.702(A).
- (2) The Planning Director and the Town's consultant, if applicable, shall determine the type and scope of the study during the pre-application conference, which may also involve representatives from other agencies or departments.

(D) WAIVER AUTHORIZED

- (1) The Planning Director may waive the requirement to submit a traffic impact analysis. If the Director waives the requirement to submit a traffic impact analysis, the Director shall include the reason for the waiver in the Director's decision or recommendation on the application.
- (2) An applicant who obtains a waiver under this section must mitigate adverse effects of the traffic generated from a proposed development.

- (3) The traffic generated from a proposed development for which the requirement to submit a traffic impact was waived may not:
 - (a) In combination with existing traffic, exceed the desirable operating level established in (H) of this section; or
 - (b) Endanger the public safety.

(E) **APPLICATION REQUIREMENTS**

A traffic impact analysis prepared by a professional engineer licensed in the state of ~~north carolina~~[North Carolina](#) shall be submitted in accordance with § 155.702(c). The traffic impact analysis must conform with the requirements of this section and the town's engineering design manual. The traffic impact analysis report must describe the study methodology, the data used, and the study findings and provide recommendations based on the results.

(F) **DEFINITION OF IMPACT AREA**

The director shall determine the geographic area to be included in a traffic impact analysis. Identification of the points of access and key streets and intersections to be affected by development of the subject parcel shall be required. Traffic recorder and turning movement assessment locations may also have to be determined. The study area shall not extend beyond the point where the project traffic at build-out is less than 10% of the capacity of the roadway or intersection.

(G) **CONSULTANTS**

The planning director may require that an independent consultant be hired by the town to perform the required studies, or to review all or part of a study prepared by the applicant's consultant. The planning director is authorized to administer the contract for any such consultant.

- (1) The Town shall determine the scope of services to be performed by the independent consultant and receive a cost estimate of such services.
- (2) The applicant shall provide an amount equal to the cost estimate to the Town, which shall deposit the amount in an escrow or other special account set up for this purpose. Any funds not used shall be returned to the applicant in a timely manner, without interest. If the estimated or actual cost increases during the review from the Town's initial cost estimate, the applicant immediately shall provide an amount equal to the increased cost to the Town, which the Town shall deposit in the escrow or special account. The final approval of any application requiring a traffic impact analysis by the Town shall be contingent upon the full payment of all consultant costs incurred for the analysis.
- (3) The Town may require additional funds for independent review where a decision-making body expands the scope of the required review; the applicant substantially amends the application; additional meetings involving the consultant are requested by the applicant; or the consultant's appearance is requested at public or affected agency meetings beyond those anticipated in the original scope of services.

(H) **DESIRABLE OPERATING LEVELS FOR CERTAIN STREETS**

Traffic on a residential local or collector street is operating at a desirable level if it does not exceed the following levels:

<i>Pavement Width</i>	<i>Vehicles Per Day</i>
Less than 30 feet	1,200
30 feet to less than 40 feet	1,800
40 feet or wider	4,000

(I) **ACTION ON APPLICATION**

- (1) The Planning Director may deny an application if the results of a traffic impact analysis demonstrate that a proposed development may overburden the Town's street system.
- (2) The Planning Director shall deny an application if the traffic impact analysis demonstrates that:
 - (a) The projected traffic generated by the project, combined with existing traffic, exceeds the desirable operating level established in (H) of this section in the traffic impact analysis study area; or
 - (b) The project endangers the public safety.

(J) **APPLICATION MODIFICATION BASED ON TRAFFIC ANALYSIS**

An applicant may modify an application to minimize the traffic-related effects identified in a traffic impact analysis. Modifications may include:

- (1) A reduction in the projected vehicle trips per day;
- (2) The dedication of additional right-of-way;
- (3) The rerouting of traffic and a proposed access and egress point;
- (4) Participation in the funding of a traffic signal or intersection improvement; and
- (5) Other modification determined to be necessary.

(K) **APPEAL OF PLANNING DIRECTOR'S ACTION**

- (1) An applicant may appeal the Planning Director's denial to the Town Council.
- (2) The Town Council may approve the traffic impact analysis if the Council determines that the:
 - (a) Applicant has satisfactorily mitigated adverse traffic effects; or

(b) Additional traffic from the project has an insignificant effect on the Town's streets.

(L) **PERIOD OF VALIDITY**

A traffic impact analysis shall be valid for a specific site for no more than ten years, so long as no significant modifications to the development approved for the site are made.

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

§ 155.709 ZONING PERMIT

(A) APPLICABILITY

- (1) It shall be unlawful to begin moving, constructing, altering, or repairing, except ordinary repairs, of any building or other structure on a site including an accessory structure, until the Planning Department has issued a zoning permit for such work.
- (2) It shall be unlawful to change the type of use of land, or to change the type of use or type of occupancy of any building, or to extend any use or any lot on which there is a nonconforming use, until the Planning Department has issued a zoning permit for such intended use, including a determination that the proposed use, in all respects, conforms to the provisions of this chapter.
- (3) It shall be unlawful to undertake any land-disturbing activity until the Planning Department has issued a zoning permit for such work.
- (4) No zoning permit is required for permitted temporary uses (see § 155.712).

(B) TIMING OF APPLICATION

In all cases where a building permit is required, application for a zoning permit shall be made concurrently with the application for a building permit. In all other cases, application shall be made before initiating any of the activities that trigger compliance with this section.

(C) APPLICATION REQUIREMENTS

All applications for a zoning permit shall be submitted in accordance with § 155.702(c).

(D) ACTION BY PLANNING DIRECTOR

- (1) If the proposed application is in conformity with the provisions of this chapter, the Planning Department shall issue a zoning permit, provided that all of the following conditions shall apply:
 - (a) Issuance of a zoning permit shall in no case be construed as waiving any provisions of this chapter;
 - (b) The Planning Director shall not grant any exceptions to the actual meaning of any clause, standards, or regulation contained in this chapter to any person making application to excavate, construct, move, alter or use buildings, structures or land;
 - (c) The Planning Director shall issue a permit when the imposed conditions of this chapter are complied with by the applicant regardless of whether the use of the permit would violate contractual or other arrangements (including, but not by way of limitation, restrictive covenants) among private parties; and

(d) The zoning permit shall include a determination that plans, specifications and the intended use of such structure and land do, in all respects, conform to the provisions of this chapter. Prior to the issuance of a zoning permit, the Planning Director shall consult with other applicable departments, as necessary.

(2) If the proposed application, is not in conformity with the provisions of this chapter, the Planning Director shall not issue the zoning permit and shall provide in writing the cause of such disapproval to the applicant.

(E) **EXPIRATION**

Once a zoning permit has been issued, all activities pursuant to such permit shall be commenced within six months. If the proposed moving, constructing, altering, repairing, or use of land, as set forth in an application for a zoning permit, is discontinued for a period of one year or more, the zoning permit shall lapse and be of no further force and effect.

(F) **APPEAL**

Final action on a zoning permit may be appealed to the board of adjustment in accordance with § 155.717.

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

§ 155.710 CONDITIONAL USE PERMIT REVIEW

CONDITIONAL USE PERMIT PROCESS



(A) APPLICABILITY

- (1) Conditional Uses are considered to be uses that may be appropriate in a particular zoning district, but because of their potential for incompatibility with adjacent uses require individual review by the Board of Adjustment.
- (2) A Conditional Use Permit shall be required for all Conditional Uses as set forth in the Permitted Land Use Table (see § 155.202(B)). A development comprised of uses regulated by separate rows on the table shall be reviewed using the most restrictive process from among the proposed uses. The Conditional Use review process is as follows:
- (3) Where a use requiring approval as Conditional Use lies on a separate legal parcel, only the building containing the use and its separate parcel shall be subject to Conditional Use review, not the entire project. However, where the separate legal parcel is an outparcel, the application shall describe the relationship of the outparcel to the remaining site.

(B) PRE-APPLICATION CONFERENCE

All applicants seeking Conditional Use approval shall schedule a pre-application conference with the Planning Director, in accordance with § 155.702(A).

(C) **APPLICATION REQUIREMENTS**

- (1) An application for a Conditional Use Permit shall be submitted in accordance with § 155.702(C).
- (2) If a Site Plan is required for the proposed Conditional Use Permit pursuant to § 155.707, the applicant shall submit a Site Plan for review and approval concurrent with the Conditional Use Permit request, in accordance with § 155.707. The two applications shall be filed together and review of each application shall proceed simultaneously in accordance with the provisions of this Chapter. However, the designated decision-making body shall render separate decisions on each application, recognizing that the applications are distinct and subject to different standards for approval.
- (3) A Traffic Impact Analysis may be required if the proposed development meets the thresholds established in § 155.708.

(D) **NEIGHBORHOOD MEETING**

All applicants seeking Conditional Use Permit approval shall hold a neighborhood meeting in accordance with § 155.702(B).

(E) **ACTION BY PLANNING DIRECTOR**

- (1) Upon submission of a completed application, the Planning Director shall schedule the Conditional Use Permit request and site plan, if applicable, for review by the Technical Review Committee. The Technical Review Committee shall review the request for consistency with the requirements of this Chapter.
- (2) Upon completion of the technical review, the Planning Director shall prepare a report that reviews the application in light of comments provided by the Technical Review Committee, in light of the adopted plans and policies of the Town, and the general requirements of this Chapter. The report, site plan and any related application materials shall be forwarded to the Board of Adjustment.
- (3) Where a Major Site Plan is required, the Planning Board shall consider the site plan application following action by the Board of Adjustment. The site plan shall be processed pursuant to § 155.707.

(F) **NOTICE AND PUBLIC HEARINGS**

The Town shall hold all required public hearings and give notice in accordance with § 155.702(D).

(G) **ACTION BY BOARD OF ADJUSTMENT**

(1) **Procedure**

- (a) The Board of Adjustment may approve the request, deny the request, or continue the request. A simple majority vote of the Board is necessary to grant a Conditional Use Permit.
- (b) Each decision shall be accompanied by the Findings of Fact that specifies the reason for the decision.
- (c) In approving the Conditional Use Permit, the Board of Adjustment may prescribe reasonable and appropriate conditions which will ensure that the use will be compatible with adjacent properties and will not alter the character of the neighborhood.
- (d) Conditions may be imposed by the Board of Adjustment regarding the location, character, and other features of the proposed building or use as may be deemed by the Board of Adjustment to protect property values and general welfare of the neighborhood. Nonconformance with such conditions and safeguards, when part of the terms under which the Conditional Use Permit is granted, shall be deemed a violation of this Chapter.
- (e) Any additional condition approved by the Board of Adjustment shall become a part of the permit.

(2) **Findings of Fact**

No Conditional Use Permit shall be approved by the Board of Adjustment, unless the following findings are made concerning the application:

- (a) 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.
- (b) 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.
- (c) 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.
- (d) 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.

(H) **MODIFICATIONS TO APPROVED CONDITIONAL USE PERMITS**

(1) **Minor Deviations**

The Planning Director is authorized to approve minor deviations to a Conditional Use Permit, if such change is not contrary to the approving action of the Board of Adjustment, but shall not have the authority to approve substantial deviations as set forth below.

(2) **Substantial Deviations**

- (a) Any deviation requiring evidentiary support in addition to that presented at a public hearing on applications for the original permit shall constitute a substantial deviation. Before making a determination as to whether a proposed action is a minor deviation or a substantial deviation, the Planning Director shall review the record of the proceedings on the original application. Substantial deviations shall include the following:
 - 1. A change in the boundaries of the approved site;
 - 2. A change from the approved use;
 - 3. An increase of 5% or more in the approved floor area, unless proposed addition is 500 square feet of floor area or less, whether such addition is proposed at one time or over an extended period of time;
 - 4. An increase of 5% or more in the number of approved parking spaces, unless the proposed addition is ten or fewer spaces, whether such addition is proposed at one time or over an extended period of time;
 - 5. Substantial change in the location of principal or accessory structures;
 - 6. Structural alterations significantly affecting the basic size, form, style, ornamentation, and appearance of principal or accessory structures as shown on the approved site plan;
 - 7. Substantial changes in pedestrian or vehicular access or circulation; and
 - 8. Substantial change in the amount or location of landscape screens.
- (b) If a proposed amendment deviates substantially from the approved Conditional Use Permit, the approved Conditional Use Permit shall be amended in accordance with the procedure and standards which governed its approval.

(I) **EFFECT OF DECISION**

- (1) If the Board of Adjustment votes to deny an application, there may be no subsequent application for the same or similar use submitted by any party for any part of the subject property until 12 months have elapsed from the date of denial. If the Board of Adjustment votes to approve an application, the permit shall be recorded in the County Register of Deeds office.

- (2) The Conditional Use Permit and additional conditions, if applicable, shall run with the land and shall be binding on the original applicant as well as any successors, assigns, and heirs. Any decision by the Board of Adjustment, may be appealed within 30 days of the decision in accordance with G.S. § 160A-381.

(J) **PERIOD OF VALIDITY**

- (1) An approved Conditional Use Permit shall expire 12 months from the date of approval unless the proposed development is pursued as set forth below:
 - (a) A complete building permit application has been submitted and remains valid;
 - (b) Where more than one building is to be built, the applicant may submit a series of building permit applications. The first application shall be submitted within 12 months from the date approval was granted. Each subsequent application shall be submitted within 180 days from the date of issuance of a certificate of occupancy for the previous building; or
 - (c) If no building permit is required, a Zoning Permit has been issued.
- (2) Once the appropriate permit has been issued, the Conditional Use Permit shall remain in force unless the use, construction, or activity ceases for a period of 12 consecutive months. In such instance the Conditional Use Permit shall become void. If a Conditional Use is determined by the Planning Director to be void, such determination shall be transmitted in writing to the applicant.

(K) **BUILDING PERMIT/CERTIFICATE OF OCCUPANCY/ZONING PERMIT**

- (1) No building permit, certificate of occupancy or Zoning Permit shall be issued for the Conditional Use Permit until the site plan (if required) for the proposed use or development has been approved by the Planning Director (minor) or the Planning Board (major).
- (2) In order to secure a vested right for a site plan, the applicant must submit a site-specific development plan in accordance with § 155.718.

(L) **REVOCATION OF A CONDITIONAL USE PERMIT**

- (1) If any conditions of a Conditional Use Permit or other requirements of this Chapter are violated, the Board of Adjustment may revoke the permit. Revocation may occur after an evidentiary hearing is conducted by the Board of Adjustment.
- (2) Upon a four-fifths vote, the Board of Adjustment shall revoke the permit, and notice of such revocation shall be recorded in the County Register of Deeds office.
- (3) Violations of conditions of a Conditional Use Permit shall be considered a violation of this Chapter and thereby subject to the provisions of § 155.720.

(M) **COORDINATION WITH VARIANCES**

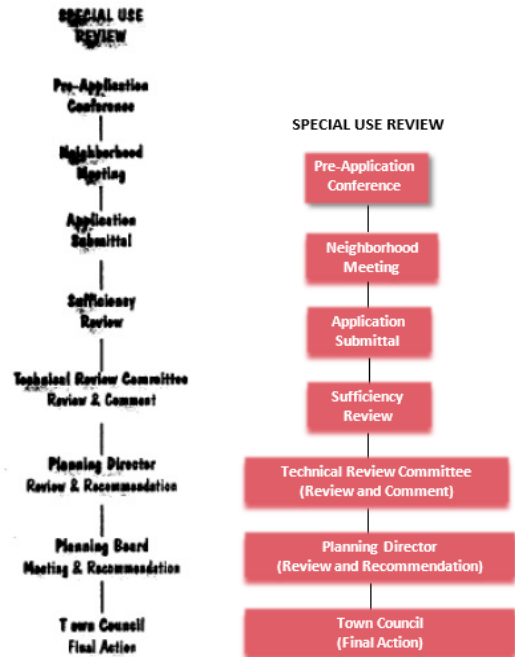
Applications for Variances may be submitted concurrently with a request for a Conditional Use Permit. However, decisions shall be rendered with separate motions. The Conditional Use Permit request shall be considered first , and where it is denied, the variance request shall be null and void.

(N) **COORDINATION WITH REZONING**

An application for a Conditional Use Permit may be reviewed concurrently with a Rezoning application. However, a decision shall be rendered first for any Rezoning and then subsequently for any Conditional Use Permit.

(Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2011-05-01, passed 5-2-11; Am. Ord. 2014-03-02, passed 3-17-14)

§ 155.711 SPECIAL USE REVIEW



(A) APPLICABILITY

- (1) Special uses within each general use district are uses that may be appropriate in a particular district, but because of the increased potential for incompatibility with adjacent uses requires individual review by the Town Council.
- (2) A special use permit shall be required for all special uses as set forth in the Permitted Land Use Table (see § 155.202(B)). A development comprised of uses regulated by separate rows on the table shall be reviewed using the most restrictive process from among the proposed uses.

Commentary: If a proposed development includes a gas station, library and a restaurant, including outparcels, and one of those uses is only permitted as a special use in the district, then the entire development requires special use review.

Commented [HH9]: Remove commentary? This has been proposed for removal in the past as it clutters/confuses some...maybe good time to clean it up a bit?

Commented [SW10R10]: Yes

Commented [HH11R10]: Done!

- (3) Where a use requiring a approval as a special use lies on a separate legal parcel, only the building containing the use and its separate parcel shall be subject to special use review, not the entire project. However, where the separate legal parcel is an outparcel, the application shall describe the relationship of the outparcel to the remaining site.

Commentary: For example, where a use in the B-3 District (requiring a special use permit) is an outparcel within a larger retail development, the special use review shall apply to the outparcel only – not the entire development. However, where a special use is proposed in a building that contains a variety of other uses, the entire building and its associated parcel of land shall require special use review.

Commented [HH12]: See comment above

Commented [SW13R13]: Yes

Commented [HH14R13]: Done!

(B) **PRE-APPLICATION CONFERENCE**

All applicants seeking special use approval shall schedule a pre-application conference with the planning director, in accordance with § 155.702(a).

(C) **NEIGHBORHOOD MEETING**

All applicants seeking special use approval shall hold a neighborhood meeting in accordance with § 155.702(b).

(D) **APPLICATION REQUIREMENTS**

- (1) Concurrent with a request for a special use permit, an applicant shall submit a site plan for review and approval.
- (2) An application for a special use permit shall be submitted in accordance with § 155.702(C).
- (3) A traffic impact analysis may be required if the proposed development meets the thresholds established in § 155.708.

(E) **NOTICE AND PUBLIC HEARINGS**

The town shall hold all required public hearings and give notice in accordance with § 155.702(d).

(F) **ACTION BY PLANNING DIRECTOR**

- (1) Upon submission of a completed application, the Planning Director shall schedule the site plan for review by the Technical Review Committee. The Technical Review Committee shall review the site plan for consistency with the requirements of this chapter.
- (2) Upon completion of the technical review, the Planning Director shall prepare a report that reviews the application in light of comments provided by the Technical Review Committee, in light of the adopted plans and policies of the town, and the general requirements of this chapter. The report, site plan and any related application materials shall be forwarded to the ~~Planning Board~~Town Council.

~~(G)~~ **ACTION BY PLANNING BOARD**

- ~~(1) After considering the Technical Review Committee's comments, the Planning Board shall approve or disapprove the site plan, or send the site plan back to the Technical Review Committee for additional consideration.~~
- ~~(2) Site plans requiring revisions shall be returned to the Planning Board within 90 days or the application shall be considered withdrawn. One extension period may be granted by the Planning Board.~~

~~(H)~~~~(G)~~ **ACTION BY TOWN COUNCIL**

- (1) Before taking action on the special use request, the Town Council shall consider the recommendations of the ~~Planning Board~~Planning Director.
- (2) The Town Council may approve the request or deny the request, ~~or send the request back to the Planning Board for additional consideration.~~

Commented [HH15]: Doesn't make sense to send SUP back to PD or TRC since it's quasi judicial?

~~(H)~~~~(H)~~ **FINDINGS OF FACT REQUIRED**

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.

~~(H)~~~~(I)~~ **ADDITIONAL CONDITIONS**

- (1) In granting approval of a special use permit, the Town Council may impose reasonable conditions which serve to assure that the required findings are upheld. Such conditions may include, but are not limited to, right-of-way or easement dedication; recreation, open space, or buffer provision; limitation in scale, intensity, or hours of operation; and other reasonable restrictions.
- (2) Any additional condition approved by the Town Council shall become a part of the permit and be of equal importance in the responsibility of the applicant or subsequent assigns to adhere to its terms.

~~(K)~~(J) **MODIFICATIONS TO APPROVED SPECIAL USE PERMITS**

(1) **Minor Deviations**

The Planning Director is authorized to approve minor deviations to a special use permit, if such change is not contrary to the approving action of the Town Council, but shall not have the authority to approve substantial deviations as set forth below.

(2) **Substantial Deviations**

(a) Any deviation requiring evidentiary support in addition to that presented at a public hearing on applications for the original permit shall constitute a substantial deviation. Before making a determination as to whether a proposed action is a minor deviation or a substantial deviation, the Planning Director shall review the record of the proceedings on the original application. Substantial deviations shall include the following:

1. A change in the boundaries of the approved site;
2. A change from the approved use;
3. An increase of 5% or more in the approved floor area, unless proposed addition is 500 square feet of floor area or less, whether such addition is proposed at one time or over an extended period of time;
4. An increase of 5% or more in the number of approved parking spaces, unless the proposed addition is ten or fewer spaces, whether such addition is proposed at one time or over an extended period of time;
5. Substantial change in the location of principal or accessory structures;
6. Structural alterations significantly affecting the basic size, form; style, ornamentation, and appearance of principal or accessory structures as shown on the approved site plan;
7. Substantial changes in pedestrian or vehicular access or circulation; and
8. Substantial change in the amount or location of landscape screens.

(b) If a proposed amendment deviates substantially from the approved special use permit, the approved special use permit shall be amended in accordance with the procedure and standards which governed its approval.

~~(L)~~(K) **EFFECT OF DECISION**

- (1) If the Town Council votes to deny an application, there may be no subsequent application for the same or similar use submitted by any party for any part of the subject property until 12 months have elapsed from the date of denial. If the Town Council votes to approve an application, the permit shall be recorded in the County Register of Deeds office.

- (2) The special use permit and additional conditions, if applicable, shall run with the land and shall be binding on the original applicant as well as any successors, assigns, and heirs. Any decision by the Town Council may be appealed within 30 days of the decision in accordance with G.S. § 160A-381.

~~(M)~~(L) **PERIOD OF VALIDITY**

- (1) An approved special use permit shall expire 12 months from the date of approval unless the proposed development is pursued as set forth below:
 - (a) A complete building permit application has been submitted and remains valid;
 - (b) Where more than one building is to be built, the applicant may submit a series of building permit applications. The first application shall be submitted within 12 months from the date approval was granted. Each subsequent application shall be submitted within 180 days from the date of issuance of a certificate of occupancy for the previous building; or
 - (c) If no building permit is required, a certificate of occupancy has been issued.
- (2) Once the appropriate permit has been issued, the special use permit shall remain in force unless the use, construction, or activity ceases for a period of 12 consecutive months. In such instance the special use permit shall become void. If a special use is determined by the Planning Director to be void, such determination shall be transmitted in writing to the applicant.

~~(N)~~(M) **BUILDING PERMIT/CERTIFICATE OF OCCUPANCY**

- (1) No building permit or certificate of occupancy shall be issued until the required site plan of the proposed use or development has been approved by the appropriate review body. ~~Town Council.~~
- (2) In order to secure a vested right for a site plan, the applicant must submit a site-specific development plan in accordance with § 155.718.

Commented [HH16]: Apparently we've always required site plans for SUPs to be approved by TC, not PB?

Commented [SW17R17]: This may have been a typo until now ☺

Commented [HH18R17]: Changed...does this work? Just to capture minor site plans that may be associated with SUPs since all minor site plans are staff level?

~~(O)~~(N) **REVOCATION OF A SPECIAL USE PERMIT**

- (1) If any conditions of a special use permit, or other requirements of this chapter are violated, the town may revoke the permit.
- (2) Revocation may occur after an evidentiary hearing is conducted by the Town Council.
- (3) Upon a four-fifths vote, the Town Council shall revoke the permit, and notice of such revocation shall be recorded in the County Register of Deeds office.
- (4) Violations of conditions of a special use permit shall be considered a violation of the this chapter and thereby subject to the provisions of § 155.720.

~~(P)~~(O) **COORDINATION WITH VARIANCES**

Applications for variances may be submitted concurrently with a request for a special use permit. The special use permit request shall be considered first (including any site plan), and where it is denied, the variance request shall be null and void.

(Q)(P) COORDINATION WITH REZONING

An application for a special use permit may be reviewed concurrently with a rezoning application. However, a decision shall be rendered first for any rezoning and then subsequently for any special use permit.

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

ARTICLE 7: ADMINISTRATION

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§ 155.700 REVIEW BODIES

(A) TOWN COUNCIL

(1) **Establishment and Composition**

The Town Council is established and composed pursuant to the Town Charter and Chapter 30 of the Town's Code of Ordinances.

(2) **Powers and Duties**

In execution of the provisions of this Chapter, the Town Council shall be responsible for final action regarding the following:

- (a) Text Amendments (§ 155.703);
- (b) Rezoning (§ 155.704);
- (c) Planned Development Review (§ 155.705);
- (d) Preliminary Plat Review (§ 155.706);
- (e) Special Use Review (§ 155.711);
- (f) Zoning Vested Rights (§ 155.718); and
- (g) Alternative Sign Plans (§155.703).

(B) **PLANNING BOARD**

(1) **Establishment and Composition**

The Planning Board is established and composed pursuant to Chapter 32 of the Town's Code of Ordinances.

(2) **Powers and Duties**

In execution of the provisions of this Chapter, the Planning Board shall have the following power and duties.

(a) ***General Authority***

- 1. The Planning Board may exercise additional powers as may be described elsewhere in this chapter and as permitted by North Carolina General Statutes.
- 2. The Planning Board shall perform related duties as directed by the Town Council.

(b) ***Review Authority***

The Planning Board shall make recommendations regarding the following:

- 1. Text Amendments (§ 155.703);
- 2. Rezoning (§ 155.704);
- 3. Planned Development Review (§ 155.705);
- 4. Preliminary Plat Review (§ 155.706); and
- 5. Special Use Review (§ 155.711).

(c) ***Final Authority***

The Planning Board shall be responsible for final action regarding the following:

1. Major Site Plan Review (§ 155.707); and
2. Alternative means of compliance in the Thoroughfare Overlay District.

(C) **BOARD OF ADJUSTMENT**

(1) **Establishment and Composition**

The Board of Adjustment is established pursuant to G.S. § 160A-388 and Chapter 32 of the Town's Code of Ordinances.

(2) **Powers and Duties**

In execution of the provisions of this Chapter, the Board of Adjustment shall have the following powers and duties.

(a) ***General Authority***

The Board of Adjustment may exercise additional powers as may be described elsewhere in this Chapter and as permitted by North Carolina General Statutes.

(b) ***Final Authority***

The Board of Adjustment shall be responsible for final action regarding the following:

1. Conditional Use Review (§ 155.710);
2. Variances (§ 155.716); and
3. Administrative Appeals (§ 155.717).

(D) **PLANNING DIRECTOR**

(1) **Designation**

The Planning Director shall administer certain provisions of this Chapter as may be required below.

(2) **Delegation of Authority**

The Planning Director may designate any staff member to represent the Planning Director in any function assigned by this Chapter but shall remain responsible for any final action.

(3) **Powers and Duties**

In execution of the provisions of this Chapter, the Planning Director shall have the following powers and duties.

(a) **General Authority**

1. The Planning Director may exercise additional powers as may be described elsewhere in this Chapter and as permitted by North Carolina General Statutes.
2. The Planning Director shall perform related duties as directed by the Town Council.

(b) **Review Authority**

The Planning Director shall make recommendations regarding the following:

1. Text Amendments (§ 155.703);
2. Rezoning (§ 155.704);
3. Planned Development Review (§ 155.705);
4. Preliminary Plat Review (§ 155.706);
5. Major Site Plan Review (§ 155.707);
6. Conditional Use Review (§ 155.710);
7. Special Use Review (§ 155.711);
8. Alternative Sign Plans (§ 155.713);
9. Variances (§ 155.716); and
10. Zoning Vested Rights (§ 155.718).

(c) **Final Authority**

The Planning Director shall be responsible for final action regarding the following:

1. Minor Plat Review (§ 155.706);
2. Final Plat Review (§ 155.706);
3. Administrative Amendment (§ 155.707);
4. Minor Site Plan Review (§ 155.707);
5. Traffic Impact Analyses (§ 155.708);

6. Zoning Permits (§ 155.709);
7. Temporary Use Permits (§ 155.712);
8. Sign Permits (§ 155.713);
9. Tree Clearing Certificates (§155.21); and
10. Written Interpretations (§ 155.715).

(E) **TECHNICAL REVIEW COMMITTEE**

(1) **Establishment and Composition**

The Technical Review Committee (TRC) is established for the purpose of performing technical evaluations of land development activities, including but not limited to subdivisions, planned developments, and site plan applications as set forth in Section 155.701(E) of the Unified Development Code (UDC). The TRC is further authorized to complete appropriate analyses of land development activities pursuant to the Town's Code of Ordinances. The Technical Review Committee shall be composed of the persons below, or their designee:

- (a) The Planning Director, chairman;
- (b) Planning department staff, designated with primary review responsibility for each application;
- (c) The Public Works Director;
- (d) The Electric System Director;
- (e) The Town Engineer;
- (f) The Fire Chief;
- (g) The Parks and Recreation Director; and
- (h) The North Carolina Department of Transportation.

The TRC may request input from other governmental agencies including, but not limited to, the School Board, the USPS Clayton Postmaster, Johnston County Department of Public Utilities, North Carolina Railroad and adjacent municipalities as needed.

(2) **Powers and Duties.**

The Technical Review Committee has the following duties and responsibilities regarding the review and consideration of applications that come before them:

(a) The TRC shall undertake technical evaluations of land development applications and activities to identify deficiencies and/or discrepancies from the provisions of the Town's Unified Development Code and the Town's Code of Ordinances. This includes:

1. Planned Development Review (§ [155.705](#));
2. Minor Plat Review (§ [155.706](#));
3. Preliminary Plat Review (§ [155.706](#));
4. Final Rlat Review (§ [155.706](#));
5. Minor Site Plan Review (§ [155.707](#)); and
6. Major Site Plan Review (§ [155.707](#)).

(b) The TRC, through its chairman, may approve, approve with conditions, disapprove or postpone consideration of applications that require staff-level approval only. Actions by the TRC regarding staff-level approvals shall be final unless appealed in accordance with Section 155.717 of the UDC. Applications which proceed to the Board of Adjustment, Planning Board, or Town Council will be scheduled for the next available agenda, once receiving TRC chairman approval to proceed.

(Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2008-09-01, passed 9-2-08; Am. Ord. 2011-12-02, passed 12-5-11; Am. Ord. 2013-02-02, passed 2-4-13; Am. Ord. 2013-12-03, passed 12-2-13; Am. Ord. 2014-06-10, passed 6-16-14; Am. Ord. 2017-01-01, adopted 01/03/2017)

§ 155.701 SUMMARY OF REVIEW AUTHORITY

Table 7-1 below summarizes review and approval authority under this chapter.

Table 7-1 Review and Approval Authority

	Technical Review Committee TRC	Planning Director PD	Board of Adjustment BOA	Planning Board PB	Town Council TC	
Text Amendment		Review		Review	<DECISION>	§ 155.703
Rezoning		Review		Review	<DECISION>	§ 155.704
Planned Development	Review	Review		Review	<DECISION>	§ 155.705
Minor Subdivision Plat	Review	DECISION				§ 155.706
Preliminary Plat	Review	Review		Review	<DECISION>	§ 155.706
Final Plat	Review	DECISION				§ 155.706
Administrative Amendment		DECISION				§ 155.707
Minor Site Plan	Review	DECISION				§ 155.707
Major Site Plan	Review	Review		DECISION		§ 155.707
Traffic Impact Analysis						§ 155.708
Zoning Permit		DECISION				§ 155.709
Conditional Use		Review	<DECISION>			§ 155.710
Special Use		Review		Review	<DECISION>	§ 155.711
Temporary Use Permit		DECISION				§ 155.712
Sign Permit		DECISION				§ 155.713
Alternative Sign Plan		Review			<DECISION>	§ 155.713
Written Interpretation		DECISION				§ 155.715
Variance		Review	<DECISION>			§ 155.716
Administrative Appeal			<DECISION>			§ 155.717
Zoning Vested Right		Review			<DECISION>	§ 155.718
Tree Clearing Certificate	Review	DECISION				§155.721
<Public Hearing Required>						

(Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2013-02-02, passed 2-4-13; Am. Ord. 2013-12-03, passed 12-2-13; Am. Ord. 2017-01-01, adopted 01/03/2017)

§ 155.702 COMMON REVIEW PROCEDURES

(A) PRE-APPLICATION CONFERENCE

- (1) Before submitting an application for development approval, each applicant shall schedule a pre-application conference with the Planning Department to discuss the procedures, standards and regulations required for development approval in accordance with this chapter.
- (2) Unless waived by the Planning Director, a pre-application conference with the Planning Department shall be required for all development approvals listed in Table 7-1, with the exception of Written Interpretations (§155.715), Administrative Appeals (§155.717), Zoning Permits (§155.709), and Sign Permits (§155.713).

(B) NEIGHBORHOOD MEETING

- (1) After the pre-application conference and prior to the first public meeting, the applicant shall hold a mandatory neighborhood meeting for the following:
 - (a) Rezoning (§ 155.704);
 - (b) Planned Development Review (§ 155.705);
 - (c) Major Subdivision / Preliminary Plat Review, (§ 155.706);
 - (d) Major Site Plan Review (§ 155.707);
 - (e) Special Use Review (§ 155.711); and
 - (f) Conditional Use Review (§ 155.710).
- (2) Only the initial application for Planned Development review shall require a neighborhood meeting. Subsequent applications for Subdivision or Site Plan review do not require further neighborhood meetings.
- (3) The purpose of the neighborhood meeting shall be to inform the neighborhood of the nature of the proposed land use and development features, explain the site plan if any, and solicit comments.
- (4) The applicant shall provide notification by mail to property owners as identified in (D)(2)(c) of this Section. The notice shall be mailed at least ten days but not more than 25 days prior to the date of the neighborhood meeting. Neighborhood meetings shall be held no earlier than 6:00 pm Monday through Friday to allow adequate time for attendees to get to the meeting.
- (5) The applicant shall provide to the Planning Department a copy of all notice materials including the letter and addresses, and provide written certification of the mailing. Certification shall note the date of the mailing and be signed by the applicant.

- (6) The applicant shall prepare and submit to the Planning Director a meeting summary that outlines attendance, major points discussed, and any agreements reached between the parties involved.
- (7) The Planning Director may develop administrative rules pertaining to any additional requirements for the conduct of the meeting.

(C) **APPLICATION REQUIREMENTS**

(1) **Forms**

Applications required under this Chapter shall be submitted on forms and in such numbers as required by the Planning Director.

(2) **Fees**

- (a) All applications and associated fees shall be filed with the Planning Department.
- (b) Filing fees shall be established from time to time to defray the actual cost of processing the application, as listed in the Town's Comprehensive List of Fees and Charges.
- (c) An applicant who has paid the appropriate fee pursuant to the submission of an application, but who chooses to withdraw such application prior to its distribution for review shall be entitled to a refund of the total amount paid, less 10% for administrative costs, upon written request to the appropriate department. Once review has begun, no refund shall be available, except that unused notice surcharges shall be refunded less 10% for administrative purposes.

(3) **Application Deadline**

Applications shall be submitted to the Planning Department in accordance with the published calendar schedule. Schedules indicating submittal dates shall be developed each year and made available to the public.

(4) **Applications Sufficient For Processing**

- (a) All applications shall be sufficient for processing before the Planning Department is required to review the application.
- (b) An application shall be sufficient for processing when it contains all of the required information and materials have been submitted for review.
- (c) The presumption shall be that all of the information required in the application materials is necessary to satisfy the requirements of this section. However, it is recognized that each application is unique, and therefore more or less information may be required according to the needs of the particular case. The applicant may rely on the recommendations of the appropriate department as to whether more or less information should be submitted.

- (d) Once the application has been determined sufficient for processing, copies of the application shall be referred by the Planning Department to the appropriate reviewing entities.

(5) **Final Determinations on Sufficient Applications**

- (a) Following review by appropriate entities, Planning Department staff shall review any updated application materials and confer with the applicant to ensure an understanding of the applicable requirements of this Chapter; that the applicant has submitted all of the information they intend to submit; and that the application represents precisely and completely what the applicant proposes to do.
- (b) Once the applicant indicates that the application is as complete as the applicant intends to make it, Planning Department staff will make a determination on the application, or as required by this Chapter, the application shall be placed on the agenda of the appropriate review board in accordance with standard procedures.

(6) **Concurrent Applications**

- (a) If approved by the Planning Director, applications for development approvals may be filed and reviewed concurrently. Any application that also requires a variance shall not be eligible for final approval until the variance has been granted.
- (b) Applications submitted concurrently are subject to approval of all other related applications; denial or disapproval of any concurrently submitted application shall stop consideration of any related applications until the denied or disapproved application is resolved.

(D) **NOTICE AND PUBLIC HEARINGS**

(1) **Summary of Notice Required**

Notice shall be required for applications for approval as shown in Table 7-2 below.

Table 7-2 – Public Notice Requirements

	Published	Mailed	Posted	
Text Amendment	•			§ 155.703
Rezoning	•	•	•	§ 155.704
Planned Development	•	•	•	§ 155.705
Preliminary Plat Review	•	•	•	§ 155.706
Major Site Plan			•	§ 155.707
Conditional Use Review	•	•	•	§ 155.710

Special Use Review	•	•	•	§ 155.711
Variance	•	•	•	§ 155.716
Administrative Appeal		•	•	§ 155.717

(2) **Public Notice Requirements**

(a) ***Published Notice***

Where published notice is required, a distinctive advertisement shall be placed by the Town in a local newspaper of general circulation once a week for two successive calendar weeks, the first notice being published not less than ten days nor more than 25 days before the date fixed for the public hearing.

(b) ***Posted Notice (Sign)***

Where posted notice is required, a sign shall be posted not less than ten days prior to the public hearing at which the application shall be reviewed. The sign shall be posted on the property or at a point visible from the nearest public street. The sign shall indicate that a public hearing will be held and a phone number to contact the Town.

(c) ***Mailed Notice***

1. Where mailed notice is required, the applicant shall supply stamped addressed envelopes to the Planning Department. The notification shall be made by first-class mail by Planning Department Staff (at the last addresses listed for such owners in the county tax records) to all property owners within 100 feet and immediately abutting the subject property. Where the subject property immediately adjoins a public or private right-of-way, landscape or riparian buffer, commonly-owned private area, public property, or homeowners' association property, then letters of notification shall be sent to adjoining property owners as if they directly abut the subject property. The Planning Department shall certify to the Town Council that fact, and such certificate shall be deemed conclusive in the absence of fraud.
2. The notice shall be mailed at least ten but not more than 25 days prior to the date of the public hearing.
3. Mailed notice under this section shall not be required if a rezoning (including a planned development rezoning) directly affects more than 50 properties owned by a total of at least 50 different property owners, and the Town elects to use the following expanded notice requirements:
 - A. Published notice of the hearing shall be provided as set forth in (D)(2)(a) of this section. The advertisement shall not be less than one-half of a newspaper page in size.

- B. Mailed notice of the hearing shall be provided (as set forth in (D)(2)(c)1. and 2. of this section) to all property owners who reside outside of the newspaper's circulation area.

(d) **Content of Notice**

A published or mailed notice shall provide at least the following:

1. Parcel identification number;
2. The address of the subject property (if available);
3. The general location of the land that is the subject of the application, which may include, a location map;
4. A description of the action requested;
5. Where a rezoning is proposed, the current and proposed districts;
6. The time, date and location of the public hearing;
7. A phone number to contact the Town; and
8. A statement that interested parties may appear at the public hearing.

(3) **Constructive Notice**

Minor defects in notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements.

(E) **REQUIRED HEARINGS**

A public hearing shall be required for development review as shown in Table 7-3 below.

Table 7-3 Required Hearings

	Board of Adjustment BOA	Town Council TC	
Text Amendment		•	§ 155.703
Rezoning		•	§ 155.704
Planned Development		•	§ 155.705
Preliminary Plat		•	§ 155.706

Conditional Use Review	•		§ 155.710
Special Use Review		•	§ 155.711
Alternative Sign Plan		•	§ 155.713
Variance	•		§ 155.716
Administrative Appeal	•		§ 155.717

(F) **DECISIONS**

Unless specifically provided elsewhere, all decisions on land use changes, including rezonings, shall require an affirmative vote. Tie votes shall be considered denials of any requested change.

(G) **NOTICE OF DECISION**

Within 14 days after a decision is made, a copy of the decision shall be delivered to the applicant by personal delivery, electronic mail or first-class mail. The decision shall also be filed with the Planning Department and available for public inspection during regular office hours.

(H) **WITHDRAWAL OF APPLICATION**

- (1) An applicant may withdraw an application at any time, by filing a statement of withdrawal with the Planning Director.
- (2) The statement of withdrawal shall be signed by all persons who signed the application, or in the event of death or incompetence, by the estate's lawful personal representative.
- (3) If a valid zoning protest petition shall have been filed, the application may be withdrawn only if the statement of withdrawal is filed no later than five days prior to the date of the Town Council hearing date upon which the matter is to be returned for action by the Town Council. Thereafter, the application may be withdrawn only by leave of the Town Council, by majority vote.
- (4) The Planning Director may withdraw applications due to failure of the applicant to submit required information within 90 days of the initial request.
- (5) An applicant may postpone a scheduled public hearing once per application for up to 90 days after the date the first public hearing was scheduled to occur, after which the Planning Director may withdraw the application.

(Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2007-04-05, passed 4-2-07; Am. Ord. 2011-05-01, passed 5-2-11; Am. Ord. 2013-02-02, passed 2-4-13; Am. Ord. 2013-12-03, passed 12-2-13; Am. Ord. 2017-01-01, adopted 01/03/2017)

§ 155.703 TEXT AMENDMENT

(A) APPLICABILITY

Amendments to the text of this chapter shall be made in accordance with the provisions of this section.

- (1) The Town Council shall consider amendments to the text of this chapter, as may be required from time to time.



(B) INITIATION OF AMENDMENT

A request to amend the text of this chapter may be initiated by the town council, board of adjustment, planning board, planning director, or the general public.

(C) APPLICATION REQUIREMENTS

Applications for a text amendment shall be submitted in accordance with § 155.702(c).

(D) NOTICE AND PUBLIC HEARINGS

The town shall hold all required public hearings and give notice in accordance with § 155.702(d).

(E) ACTION BY PLANNING DIRECTOR

- (1) The Planning Director shall draft the appropriate amendment and prepare a staff report that reviews the proposed text amendment request.

- (a) Following completion of technical review by staff, the Planning Director shall forward the completed request and any related materials to the Planning Board for a recommendation.

(F) **ACTION BY PLANNING BOARD**

- (1) The Planning Board shall make a recommendation on the application to the Town Council. If the Planning Board fails to make a recommendation, the Town Council may process the request without a recommendation.
- (2) Following Planning Board review, the Planning Director shall forward the completed request and any related materials, including the Planning Board recommendation (if applicable), to the Town Council for final action.

(G) **ACTION BY TOWN COUNCIL**

- (1) Before taking action on a text amendment, the Town Council shall consider the recommendations of the Planning Board and Planning Director.
- (2) The Town Council may approve the amendment, deny the amendment, or send the amendment back to the Planning Board for additional consideration.

(H) **APPROVAL CRITERIA**

- (1) In evaluating any proposed amendment of the text of this chapter, the Planning Board and the Town Council shall consider the following:
 - (a) The extent to which the proposed text amendment is consistent with the remainder of the chapter, including, specifically, any purpose and intent statements;
 - (b) The extent to which the proposed text amendment represents a new idea not considered in the existing chapter, or represents a revision necessitated by changing circumstances over time;
 - (c) Whether or not the proposed text amendment corrects an error in the chapter; and
 - (d) Whether or not the proposed text amendment revises the chapter to comply with state or federal statutes or case law.
- (2) In deciding whether to adopt a proposed text amendment to this chapter, the central issue before the Town Council is whether the proposed amendment advances the public health, safety or welfare and is consistent with the adopted plans and policies of the Town and the specific intent of this chapter.

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

§ 155.704 REZONING

(A) APPLICABILITY

- (1) Amendments to the zoning map shall be made in accordance with the provisions of this section.
- (2) The Town Council shall consider amendments to the zoning map, as may be required from time to time.
- (3) Rezoning should correspond with the boundary lines of existing platted lots or parcels. Where the boundaries of a rezoning request stop short of an exterior property line, it must be possible to subdivide and develop that portion of the property outside the proposed rezoning boundary in accordance with the existing zoning and other requirements of this chapter.
- (4) All zoning requirements shall be met within the boundaries of the area being rezoned. If all of the requirements cannot be met on the site being rezoned, prior to advertisement of the public hearing, the rezoning shall be expanded to include all property necessary to meet zoning requirements.



(B) INITIATION OF AMENDMENT

- (1) A request for a rezoning may be initiated by the Town Council, the Planning Board, or the Planning Director.
- (2) An owner of land within the jurisdiction of the Town (or a duly authorized agent or representative) may petition the Town Council for a rezoning.

(C) **PRE-APPLICATION CONFERENCE**

All applicants petitioning for a rezoning shall schedule a pre-application conference with the Planning Director in accordance with § 155.702(a).

(D) **NEIGHBORHOOD MEETING**

All applicants petitioning for a rezoning shall hold a neighborhood meeting in accordance with § 155.702(b).

(E) **APPLICATION REQUIREMENTS**

All applications for a rezoning shall be submitted in accordance with § 155.702(c).

(F) **NOTICE AND PUBLIC HEARINGS**

The town shall hold all required public hearings and give notice in accordance with § 155.702(d).

(G) **ACTION BY PLANNING DIRECTOR**

- (1) The Planning Director shall prepare a staff report that reviews the rezoning request in light of the adopted plans and policies of the Town and the general requirements of this chapter.
- (2) Following completion of technical review by staff, the Planning Director shall forward the completed request and any related materials to the Planning Board.

(H) **ACTION BY PLANNING BOARD**

- (1) The Planning Board shall make a recommendation on the application to the Town Council. The Planning Board's recommendation shall include a written statement to the Town Council describing whether its recommendation is consistent with the adopted plans and policies of the Town. If the Planning Board fails to make a recommendation, the Town Council may process the request without a recommendation.
- (2) Following Planning Board review, the Planning Director shall forward the completed rezoning request and any related materials, including the Planning Board recommendation (if applicable), to the Town Council for final action.

(I) **ACTION BY TOWN COUNCIL**

- (1) Before taking action on a rezoning, the Town Council shall consider the recommendations of the Planning Board and Planning Director.
- (2) The Town Council may approve the rezoning, deny the rezoning, or send the rezoning back to the Planning Board for additional consideration.
- (3) Concurrently with adopting, denying, or remanding any rezoning, the Town Council shall adopt a statement describing whether its action is consistent with the adopted plans and policies of the Town and explaining why the Town Council considers the action taken to be reasonable and in the public interest.

(J) **APPROVAL CRITERIA**

In connection with its legislative decision on a rezoning request, the Town Council may consider factors including, but not limited to, the following:

- (1) Consistency with the adopted plans and policies of the Town;
- (2) Suitability of the subject property for uses permitted by the current versus the proposed district;
- (3) Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the Town;
- (4) The capacity of adequate public facilities and services including schools, roads, recreation facilities wastewater treatment and water supply facilities and stormwater drainage facilities for the proposed use;
- (5) It has been determined that the legal purposes for which zoning exists are not contravened;
- (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; and
- (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.

(K) **MODIFICATION OF APPLICATION**

An applicant in a zoning matter may reduce the geographic scope and or propose a district of lower density or intensity from that requested in the application by filing a statement of modification with the Planning Director.

(L) **TIME LAPSE BETWEEN SIMILAR APPLICATIONS**

- (1) In the event of a withdrawal of an application during Town Council review on the merits, no application may be filed requesting the rezoning of any parcel contained in the withdrawn application prior to the expiration of a minimum period of six months from the withdrawal of the application. Where the application is withdrawn prior to the required public hearing, no expiration period shall be imposed on a new application.

- (2) When the Town Council has voted on a zoning application and the proposed rezoning has either been denied or has failed to be adopted by the vote required in the event of a valid protest petition, then the application shall be deemed to have expired.
- (3) No subsequent application requesting a zoning change for any parcel contained in an application which has expired may be made prior to the expiration of a minimum period of six months from the date of expiration.
- (4) No subsequent application requesting the same zoning district for any parcel contained in an application which has expired may be filed prior to the expiration of a minimum period of one year from the expiration.
- (5) The Town Council, by a three-fourths majority vote, may waive the time-lapse requirements of this section if the Town Council deems it to be in the public interest to do so.

(Ord. 2005-11-02, passed 11-21-2005; Am. Ord. 2007-04-05, passed 4-2-2007; Am. Ord. 2009-03-04, passed 3-2-2009; Am. Ord. 2016-04-04, passed 04-04-2016)

§ 155.705 PLANNED DEVELOPMENT REVIEW

PLANNED DEVELOPMENT REVIEW



(A) APPLICABILITY

- (1) Planned development review shall occur in accordance with the provisions of this section.
- (2) The Town Council shall consider planned development rezonings, as may be required from time to time.
- (3) All requirements shall be met within the boundaries of the area being rezoned. If all of the requirements cannot be met on the site being rezoned, prior to advertisement of the public hearing, the rezoning shall be expanded to include all property necessary to meet zoning requirements.

(B) INITIATION OF AMENDMENT

An owner of land within the jurisdiction of the town (or a duly authorized agent or representative) may petition the town council for planned development rezoning.

(C) PRE-APPLICATION CONFERENCE

All applicants petitioning for planned development rezoning shall schedule a pre-application conference with the planning director in accordance with § 155.702(a).

(D) **NEIGHBORHOOD MEETING**

All applicants petitioning for planned development rezoning shall hold a neighborhood meeting in accordance with § 155.702(b).

(E) **APPLICATION REQUIREMENTS**

- (1) Concurrent with a request for planned development rezoning, an applicant shall submit a master plan to govern the development and maintenance of the land within the planned development. The master plan shall be prepared by a professionally certified landscape architect, engineer or architect.
- (2) All applications for planned development rezoning shall be submitted in accordance with § 155.702(C).
- (3) A master plan which meets the requirements for submittal of a preliminary plat may be approved as the master plan for the development and the preliminary plat concurrently.
- (4) A traffic impact analysis may be required if the proposed planned development meets the thresholds established in § 155.708.

(F) **NOTICE AND PUBLIC HEARINGS**

The town shall hold all required public hearings and give notice in accordance with § 155.702(d).

(G) **ACTION BY PLANNING DIRECTOR**

- (1) Upon submission of a completed application, the Planning Director shall schedule the master plan for review by the Technical Review Committee. The Technical Review Committee shall review the master plan for consistency with the requirements of this chapter.
- (2) Upon completion of the technical review, the Planning Director may meet with the applicant to discuss any changes in development design.
- (3) The Planning Director shall prepare a staff report that reviews the application in light of comments provided by the Technical Review Committee, in light of the adopted plans and policies of the town, and the general requirements of this chapter. The report, master plan and any related application materials shall be forwarded to the Planning Board.

(H) **ACTION BY PLANNING BOARD**

- (1) The Planning Board shall make a recommendation on the application to the Town Council. The Planning Board's recommendation shall include a written statement to the Town Council describing whether its recommendation is consistent with the adopted plans and policies of the town. If the Planning Board fails to make a recommendation, the Town Council may process the request without a recommendation.

- (2) Following Planning Board review, the Planning Director shall forward the completed planned development request and any related materials, including the Planning Board recommendation (if applicable), to the Town Council for final action.

(I) **ACTION BY TOWN COUNCIL**

- (1) Before taking action on a planned development rezoning, the Town Council shall consider the recommendations of the Planning Board and Planning Director.
- (2) The Town Council may approve the rezoning, deny the rezoning, or send the rezoning back to the Planning Board for additional consideration.
- (3) Concurrently with adopting, denying, or remanding any rezoning, the Town Council shall adopt a statement describing whether its action is consistent with the adopted plans and policies of the town and explaining why the Town Council considers the action taken to be reasonable and in the public interest.
- (4) A master plan which meets the requirements for submittal of a preliminary plat may be approved as the master plan for the development and the preliminary plat concurrently.

(J) **REZONING APPROVAL CRITERIA**

In connection with its legislative decision on a rezoning request, the town council may consider factors including, but not limited to, the following:

- (1) Consistency with the adopted plans and policies of the town;
- (2) Suitability of the subject property for uses permitted by the current versus the proposed district;
- (3) Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the town;
- (4) The capacity of adequate public facilities and services including schools, roads, recreation facilities wastewater treatment and water supply facilities and stormwater drainage facilities for the proposed use;
- (5) It has been determined that the legal purposes for which zoning exists are not contravened;
- (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; and
- (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.

(K) **MASTER PLAN APPROVAL CRITERIA**

The master plan review shall include and the applicant shall be responsible for successfully addressing the following:

- (1) Compliance with § 155.203(L) and all other applicable requirements of this chapter;
- (2) Consistency with the Clayton General Design Guidelines;
- (3) Conformance of the proposal with the stated purpose of the requested planned development district;
- (4) Compatibility of the proposed development with the adjacent community;
- (5) The quality of design intended for each component of the project and the ability of the overall development plan to ensure a unified, cohesive environment at full build-out;
- (6) Compatible relationships between each component of the overall project;
- (7) Self-sufficiency of each phase of the overall project;
- (8) Documentation that the proposed infrastructure improvements accommodate the additional impacts caused by the development, or documentation to assure that the development, as proposed, will not overtax the existing public infrastructure systems;
- (9) The fiscal impact of the proposal and the proposed financing of required improvements;
- (10) The success of the proposal in providing adequate pedestrian and bicycle links within the development and with the adjacent community; and
- (11) The effectiveness with which the proposal protects and preserves the ecologically sensitive areas within the development.

(L) **ACTION AFTER APPROVAL**

- (1) Upon approval of a planned development rezoning by the Town Council, and on recordation of the approved master plan, the district is deemed established. Properly executed documents shall be returned to the office of the Town Clerk for recording no later than 90 days from the date of approval or the approval shall be null and void. All documents (including the approved master plan) shall be an integral part of the approved proposal.
- (2) The approved planned development and associated master plan shall run with the land and shall be binding on the original applicant as well as any successors, assigns and heirs. The approved master plan shall be recorded in the Johnston County Register of Deeds office and the Zoning Map amended.
- (3) Approval of a planned development rezoning and associated master plan does not constitute site plan approval or subdivision approval (if the property is to be further subdivided), except where the master plan meets the requirements for and is approved as a preliminary plat.
- (4) Property to be further subdivided shall obtain approval in accordance with § 155.706. Where a preliminary plat has been approved, the applicant may move forward to provide construction plans and a final plat.

- (5) Property not to be further subdivided shall obtain site plan approval as set forth in § 155.707.
- (6) Conditional uses not shown on the approved master plan require approval in accordance with § 155.710.
- (7) Special uses not shown on the approved master plan require approval in accordance with § 155.711.

(M) **TIME LAPSE BETWEEN SIMILAR APPLICATION**

- (1) In the event of a withdrawal of an application prior to action by the Town Council, no application may be filed requesting the same planned development contained in the withdrawn application prior to the expiration of a minimum period of six months from the withdrawal of the application.
- (2) When the Town Council has voted on a planned development and the proposed rezoning has either been denied or has failed to be adopted by the vote required in the event of a valid protest petition, then the application shall be deemed to have expired.
- (3) No subsequent application requesting a planned development for any parcel contained in an application which has expired may be made prior to the expiration of a minimum period of six months from the date of expiration.
- (4) No subsequent application requesting the same zoning category for any parcel contained in an application which has expired may be filed prior to the expiration of a minimum period of one year from the expiration.
- (5) The Town Council, by a three-fourths majority vote, may waive the time-lapse requirements of this section if the Town Council deems it to be in the public interest to do so.

(N) **APPROVED MASTER PLAN MODIFICATIONS**

- (1) Amendments to an approved master plan, if minor in scope, may be approved administratively by the Planning Director. Minor changes shall include up to 10% modifications to the approved mixture of uses (so long as the maximums stated are not exceeded), adjustments to phasing, and the realignment of internal roadways. Minor changes to the typical project details, which include but are not limited to signage, lighting, parking, amenities and landscape requirements may also be approved administratively by the Planning Director.
- (2) Major modifications shall require resubmittal to the Town Council. These shall include the addition of land, modifications to the approved mixture of uses in excess of 10%, and the addition, deletion, or relocation of main vehicular entrances. Major modifications shall also include any proposed revisions that are deemed by the Planning Director to be inconsistent with the adopted plans and policies of the town.

(Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2007-04-05, passed 4-2-07; Am. Ord. 2008-06-01, passed 6-2-08; Am. Ord. 2009-03-04, passed 3-2-09; Am. Ord. 2015-02-01, passed 2-2-15; Am. Ord. 2016-04-04, passed 04-04-2016)

§ 155.706 SUBDIVISION REVIEW

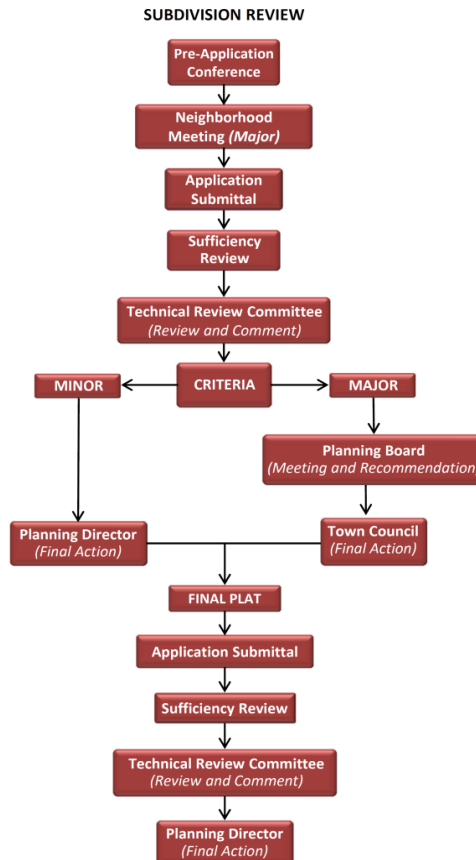
(A) APPLICABILITY

Subdivision approval shall be required before the division of land (for any purpose) into two or more parcels, except as expressly exempted below.

(B) ACTIONS EXEMPT FROM SUBDIVISION REQUIREMENTS

The following shall not be considered "subdivision" subject to review under this section:

- (1) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resulting lots are equal to or exceed the standards of this chapter;



- (2) The division of land into parcels greater than ten acres where no street right-of-way dedication is involved;
- (3) The public acquisition by purchase of strips of land for water or sewer infrastructure or the widening or opening of streets;
- (4) The division of a site in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of this chapter

(C) **NO SUBDIVISION WITHOUT PLAT APPROVAL**

- (1) No person may subdivide land except in accordance with all of the provisions of this chapter. In particular, no subdivision may occur unless and until a final plat of the subdivision has been approved in accordance with the provisions of this section and recorded in the Johnston County Registry.
- (2) The Johnston County Register of Deeds shall not record a plat of any subdivision within the town's planning jurisdiction unless the plat has been approved in accordance with the provisions of this chapter.
- (3) Not all divisions of land constitute subdivisions that are subject to regulation under this chapter. However, to ensure that such divisions are in fact exempt from the requirements of this chapter, all plats creating a division of land shall be presented to the Planning Director before recordation in the Johnston County Registry and the Planning Director shall indicate on the face of the plat that the division is exempt from the provisions of this chapter if that is the case.
- (4) No street shall be maintained or accepted by the town, or shall any street lights, water, or sewer be extended to or connected with any subdivision of land, or shall any permit be issued by any administrative agent or department of the town for the construction of any building or other improvements requiring permit, upon any land for which a plat is to be approved, unless and until the requirements set forth in this chapter have been complied with.
- (5) There are a variety of requirements for differing levels of resource protection in §§ 155.500 through 155.502, which must be met prior to the subdivision of land.

(D) **DELEGATION OF AUTHORITY**

The town council delegates review and approval authority for all minor plats and final plats to the planning director, with review by the technical review committee.

(E) **UNLAWFUL TO RECORD PLAT WITHOUT FINAL OR MINOR PLAT APPROVAL**

It shall be unlawful to offer and cause to be recorded any final plat within the town limits with the Johnston County Register of Deeds unless the plat bears the endorsement and approval of the planning director or town clerk.

(F) **DEFINITIONS**

(1) **Minor Subdivision**

- (a) A minor subdivision is a subdivision that does not involve any of the following:
1. Creation of a total of more than five lots;
 2. Creation of any new public streets;
 3. Extension of any water or sewer lines; or
 4. Installation of drainage improvements through one or more lots to serve one or more other lots.
 5. A traffic impact analysis as established in § 155.708.
- (b) Minor subdivisions requires minor plat review and final plat review.

(2) **Major Subdivision**

- (a) All other divisions of land not exempted in (B) of this section or listed in (F)(1) of this section shall be considered major subdivisions.
- (b) Major subdivisions require preliminary plat approval and final plat approval.

(G) **PRE-APPLICATION CONFERENCE AND SKETCH PLAN**

- (1) All applicants seeking subdivision approval shall schedule a pre-application conference with the Planning Director, in accordance with § 155.702(A).
- (2) At the time of the pre-application conference, applicants shall submit a sketch plan for review by the Planning Director. This plan should, in simple sketch form, show the proposed layout of streets, lots and other features in relation to existing conditions (see Planning Department for specific submittal requirements).
- (3) The Planning Director shall make a determination as to which approval process authorized by this section can be used. The Planning Director may require the applicant to submit whatever supplemental information is necessary to make this determination.
- (4) When a subdivision is to be developed in stages, a master plan shall be submitted for the entire development and a preliminary plat shall be submitted for each individual stage. A final plat is submitted for individual stages as each stage is developed. Each new stage shall be developed adjacent to an earlier stage.

(H) **MINOR PLAT REVIEW**

(1) **Applicability**

- (a) The procedure for approval of a minor subdivision plat is intended to simplify processing of routine small subdivisions with due regard to protection of the public interest. The difference between the minor and major subdivision processes is that minor subdivisions do not require preliminary plat review.
 - (b) There shall be only one minor subdivision approved on any original tax parcel in any three-year period. This division shall not apply to minor subdivisions for which the following conditions are met:
 - 1. The owner and grantee certify that the grantee of each lot is the child or child and spouse, or grandchild and spouse of the owner;
 - 2. The owner and grantee certify that no consideration shall be paid for any of the lots;
 - 3. The owner and grantee certify that the purpose of the minor subdivision is not to circumvent the provisions of this chapter, and that none of the lots shall be conveyed to third parties for a period of not less than three years, and that the record plat shall indicate same.
 - 4. Failure of any person to comply with the provisions of (H)(1)(b)1., 2. and 3. of this section shall be in violation of this chapter, and all of the remedies available in G.S. § 160A-375 shall apply.
- (2) **Application Requirements**
- All applications for minor plat review shall be submitted in accordance with § 155.702(C).
- (3) **Action by Planning Director**
- (a) Upon submission of a completed application, the Planning Director shall schedule the minor subdivision plat for review by the Technical Review Committee. The Technical Review Committee shall review the plat for consistency with the requirements of this chapter. The Planning Director shall, after review by the Technical Review Committee, determine whether the plat conforms to the standards of a minor subdivision.
 - (b) If the minor subdivision plat is determined not to be in conformance with the requirements for a minor subdivision, the applicant may proceed with preliminary plat approval.
- (4) **Action Following Approval**
- Upon minor preliminary plat approval, the applicant may begin preliminary site work. All site work shall be performed in compliance with the requirements of this chapter, and other applicable regulations of the town, Johnston County, and the state. The final plat may be recorded in the Johnston County Record of Deeds.
- (5) **Continuing Validity of Minor Plats**

Within 24 months of the date of approval of the minor subdivision plat, the applicant shall submit application for final plat review otherwise the minor subdivision plat shall be null and void.

(6) **Minor Plat Approval Criteria**

Minor subdivision plats shall be approved only when the Planning Director, after Technical Review Committee review, finds that all of the following conditions exist:

- (a) Consistency with the adopted plans and of policies of the town;
- (b) The plat complies with the standards of §§ 155.600 through 155.607, and any other applicable requirements of this chapter;
- (c) The plat indicates that all subject lots will have frontage on existing approved streets;
- (d) New or residual parcels conform to the requirements of this chapter and other applicable regulations;
- (e) No new streets are required or are likely to be required for access to interior property;
- (f) No drainage or utility easements will be required to serve interior property;
- (g) No extension of public sewerage or water lines will be required; and
- (h) The proposed subdivision will not adversely effect permissible development of the remainder of the parcel or of adjoining property.

(7) **Waivers for Minor Plat Approval**

The Planning Director may grant exceptions to the requirements for minor plat approval provided that the purposes and intent of this section have been met.

(I) **PRELIMINARY PLAT APPROVAL (MAJOR SUBDIVISIONS ONLY)**

(1) **Applicability**

A preliminary plat shall be required for all subdivisions that do not meet the definition of a minor subdivision as set forth in (F) of this section.

(2) **Application Requirements**

- (a) All applications for preliminary plat review shall be submitted in accordance with § 155.702(C).
- (b) A traffic impact analysis may be required if the proposed subdivision meets the thresholds established in § 155.708.

- (c) An application for a waiver from any of the provisions of §§ 155.600 through 155.607 shall be submitted in writing by the applicant at the time the preliminary plat is filed. The application shall state the grounds for the waiver and all the facts relied upon by the applicant.

(3) **Notice and Public Hearings**

The town shall hold all required public hearings and give notice in accordance with § 155.702(D).

(4) **Neighborhood Meeting**

All applicants seeking major subdivision approval (open space subdivision only) shall hold a neighborhood meeting in accordance with § 155.702(B).

(5) **Action by Planning Director**

- (a) Upon submission of a completed application, the Planning Director shall schedule the preliminary plat for review by the Technical Review Committee. The Technical Review Committee shall review the preliminary plat for consistency with the requirements of this chapter.
- (b) The following agencies shall be given an opportunity to review the proposed plat as needed:
 - 1. County Superintendent of Schools.
 - 2. County Health Department.
 - 3. State Department of Transportation District Engineer.
 - 4. State Department of Natural Resources and Community Development.
 - 5. Other agencies and officials as the Planning Director or Planning Board may deem necessary or desirable.
- (c) The Planning Director shall prepare a report that reviews the application in light of comments provided by the Technical Review Committee, and in light of the adopted plans and policies of the town, and the general requirements of this chapter. The report, preliminary plat and any related application materials shall be forwarded to the Planning Board.

(6) **Action by Planning Board**

The Planning Board shall review and make a recommendation to the Town Council on the preliminary plat within 60 days of the required submittal date.

(7) **Waivers**

- (a) The Town Council may authorize, in specific situations, waivers to certain requirements of §§ 155.600 through 155.607 if it is clear that adequate provisions for the type and intensity of the proposed use has been or will be provided, and 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.
 - 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.
 - (b) In granting a waiver, the Town Council may require certain conditions that in its judgment, substantially secure the objectives, standards or requirements of this chapter.
- (8) **Action by Town Council**
- (a) The preliminary plat shall be referred to the Town Council for final action after action is taken by the Planning Board. The preliminary plat shall be considered by the Town Council in accordance with its rules of procedure and the General Statutes of North Carolina.
 - (b) An evidentiary hearing shall be held after due notice has been given to the applicant and the general public. Sworn parties shall be given the opportunity to present evidence, cross-examine other parties, inspect any documentation, and offer evidence or testimony in rebuttal.
 - (c) Findings of fact shall be made by the Town Council that are based on sworn evidence or testimony presented at the meeting. Such evidence or testimony must be relevant, material, and competent.
 - (d) No final action shall be deemed to have been given by the Town Council on the preliminary plat until the Town Council's written decision on the preliminary plat is delivered to the applicant by the town.
 - (e) The Town Council may approve the preliminary plat, deny the preliminary plat, or send the preliminary plat back to the Planning Board for additional consideration.

- (f) If the Town Council should disapprove the preliminary plat, the reasons for such action shall be given to the applicant.

(9) Action Following Approval

- (a) Upon preliminary plat approval, the applicant may initiate proceedings to begin site work and installation of improvements. All work shall be performed in compliance with the requirements of §§ 155.600 through 155.607, and other applicable regulations of the town, Johnston County, and the state.
- (b) Approval of a preliminary plat does not constitute approval of the final plat. Application for approval of the final (record) plat will be considered only after the requirements for final plat approval as specified in (J) of this section have been fulfilled and after all other specified conditions have been met.

(10) Findings of Fact Required

No preliminary plat may be approved by the Town Council unless all of the following findings are made concerning the subdivision:

- (a) Consistency with the adopted plans and of policies of the town.
- (b) The subdivision meets all required specifications of this chapter.
- (c) 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.
- (d) 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.

(11) Modification of Construction Standards

Notwithstanding the approval of a preliminary plat, the town shall have the authority to apply any revised construction standards to future plats at the time of application for final plat approval. The Public Works Director shall determine the maximum extent to which such new standards may feasibly apply.

(12) Continuing Validity of Preliminary Plats

- (a) Within 24 months of the date of approval of the preliminary plat, the applicant shall submit a final plat for at least one section of the subdivision otherwise the preliminary plat shall be null and void.
- (b) All sections of an approved preliminary plat must be submitted for final plat approval within three years of preliminary plat approval for a preliminary plat containing up to

100 lots, and within five years for a preliminary plat containing 100 lots or more. Otherwise, the preliminary plat shall be null and void.

(J) **FINAL PLAT REVIEW (MAJOR AND MINOR SUBDIVISIONS)**

(1) **Applicability**

A final plat shall be required for all subdivision of land in the town and its extraterritorial jurisdiction.

(2) **Application Requirements**

All applications for final plat review shall be submitted in accordance with § 155.702(C).

(3) **Action by Planning Director**

- (a) Upon submission of a completed application, the Planning Director shall within 60 days schedule the final plat for review by the Technical Review Committee. The Technical Review Committee shall review the final plat for consistency with the with the approved minor subdivision plat or approved preliminary plat, as applicable, and the general requirements of this chapter.
- (b) Upon completion of the technical review, the Planning Director may approve the final plat, deny the final plat, or send the plat back for additional consideration.
- (c) If the final plat is disapproved by the Planning Director, the reasons for such disapproval shall be stated in writing, specifying the provisions of this chapter with which the final plat does not comply.

(4) **Final Plat Approval Criteria**

Final plats shall be approved when the following conditions exist:

- (a) Consistency with the adopted plans and of polices of the town;
- (b) The plat substantially complies with the approved minor plat or preliminary plat, as applicable;
- (c) The plat complies with the standards of §§ 155.600 through 155.607 and the other applicable requirements of this chapter;
- (d) New and residual parcels will conform to the requirements of this chapter and other applicable regulations;
- (e) All necessary right-of-way has been offered for reservation or dedication; and
- (f) All necessary drainage easements have been provided.

(5) **Endorsements On Final Plats**

(a) **Minor Plats**

All minor subdivision final plats shall contain the following certificates:

1. Certificate of ownership;
2. Certificate of survey and accuracy;
3. Certificate of approval by the Planning Director; and
4. Johnston County Plat Review Officer's Certificate

(b) **Major Plats**

1. All major subdivision final plats shall contain the following certificates:

- A. Certificate of ownership and dedication;
- B. Certificate of survey and accuracy;
- C. Certificate of approval of water supply and sewage and disposal systems (county);
- D. Certificate of approval of the design and installation of streets, utilities, and other required improvements;
- E. Certificate of approval by the Town Manager, as applicable; and
- F. Johnston County Plat Review Officer's Certificate.

2. All final plats located outside the corporate limits of the town, but within the planning jurisdiction, shall contain the following certificates:

- A. NCDOT Engineer Certificate; and
- B. Certificate of approval of non-municipal water supply & sewage disposal systems.

3. When required by the federal government, all final plats shall contain a certificate for a federally funded project.

(6) **Action After Approval**

- (a) The applicant shall file the approved final plat with the County Register of Deeds for recording within 60 days after the date of approval. The Planning Director, upon receipt of a written request, may extend this date an additional 30 days, if the request is received prior to the original expiration date and the final plat meets all applicable provisions of this chapter.

- (b) The approval of a final plat shall not be deemed to constitute or affect the acceptance or affect the acceptance by the town of the dedication of any street or other ground, public utility line, or other public facility shown on the plat. However, the town may, by resolution, accept any dedication made to the public of lands or facilities for streets, parks, public utility lines, or other public purposes, when the lands or facilities are located within its subdivision regulation jurisdiction. Acceptance or dedication of lands or facilities located within the subdivision regulation jurisdiction but outside the corporate limits of the town shall not place on the town any duty to open, operate, repair, or maintain any street, utility line, or other land or facility, and the town shall in no event be held to answer in any civil action or proceeding for failure to open, repair, or maintain any street located outside its corporate limits.

(K) **DEDICATION AND IMPROVEMENTS**

- (1) In the development of any subdivision, the applicant shall be required to dedicate any additional right-of-way necessary to the width required by the town for streets adjoining the property, to install curbs and gutters and pave all streets adjoining the property to town standards, and to install sidewalks in accordance with the policies and requirements of §§ 155.600 through 155.607.
- (2) The applicant shall bear the costs of the installation of all on-site improvements as required by this chapter, including provision for surface drainage, pavement, landscaping, and utilities. Any applicant required to install or construct off-site improvements pursuant to this section may, with the approval as a condition of subdivision approval, and upon a determination by the Planning Director that such improvements are not necessary or desirable at the time, but will be needed in the future, make a payment in lieu of such improvements or part thereof. The amount of any such payment shall be an amount estimated by the town to be the actual and total installation and construction costs of such improvements. The amount paid for a given improvement shall be considered total and complete payment for the improvements considered, and will preclude any further assessment of the property in the event that the town elects to install such improvements at a later date.
- (3) For all residential developments approved after July 3, 1995, recreation and open space dedication, or payment of fee-in-lieu thereof in accordance with § 155.203(H) shall be required.

(L) **GUARANTEES OF IMPROVEMENTS**

Guarantee of improvements shall be made in accordance with § 155.607.

(M) **INSPECTIONS OF REQUIRED IMPROVEMENTS**

Inspections of improvements shall be made in accordance with § 155.607(d).

(N) **APPROVED PLAT MODIFICATIONS**

- (1) **Minor Modifications**

(a) ***Preliminary Plat***

Minor revisions to an approved preliminary plat may be approved by the Planning Director if the revisions are within the scope and intent of the original approval. Such revisions may include but not be limited to:

1. Reducing the lot count;
2. Modifying phase lines; and
3. Minor adjustments to lot or street locations.

(b) ***Final Plat***

A final plat may be rerecorded to:

1. Revise or correct dimensions;
2. Change street names;
3. Add, delete or modify easements or private covenants;
4. Change subdivision name; or
5. Other minor modifications that are within the scope and intent of the original approval subject to approval of the Planning Director.

(c) ***Procedures***

1. Preliminary Plat

- A. When minor revisions are proposed to an approved preliminary plat, the applicant shall submit a written request to the Planning Director with a copy sent to the Technical Review Committee delineating the revisions and requesting authorization for administrative revision.
- B. The Planning Director shall notify the applicant whether the proposed revision qualifies for minor modification and the basis for the determination. If approved, the final plat may be submitted in accordance with the revisions.
- C. The Planning Director shall distribute copies of the revised plat to the appropriate agencies.

2. Final Plat

- A. When minor revisions are proposed to an approved final plat, the applicant shall submit a written request to the Planning Director with a copy sent to

the Technical Review Committee delineating the revisions and requesting authorization for administrative revision.

- B. If the plat has been recorded, the applicant shall submit the recorded plat with a statement describing the revisions made and title block for the Planning Director signature, and date of signing.
- C. If the ownership of the subdivision has changed or if any lots have been sold since the previous recording, an owner's and notary's certificates shall be provided on the plat for each current owner.
- D. In addition to the letter and the revised final plat, the applicant shall submit the required fees to the Planning Director for processing and rerecording the revised plat.
- E. The Planning Director shall distribute copies of the recorded final plat to the appropriate agencies.

(2) **Major Modifications**

Proposed modifications to an approved preliminary plat or final plat not considered minor revisions shall be submitted and processed as new applications in accordance with the provisions of this section.

(O) **RESUBDIVISION AND RECOMBINATION PROCEDURES**

For any replatting or resubdivision of land, the same procedures, rules, and regulations shall apply as prescribed for an original subdivision. Lot size and configuration may, however, be varied on an approved plat after recording, provided that:

- (1) No lot or parcel of land shall be created or sold that does not conform to the minimum standards of the applicable zoning district;
- (2) Easements or rights-of-way shall not be changed;
- (3) Street alignment and block sizes shall not be changed;
- (4) The character of the area shall be maintained;
- (5) A recombination of existing parcels may be approved by the Planning Director, subject to the following:
 - (a) The resultant lots are equal to the standards of this chapter or more closely conform to the minimum lot size standards in this chapter;
 - (b) The total number of lots is not increased;
 - (c) All the metes and bounds boundaries of the affected lots are shown;

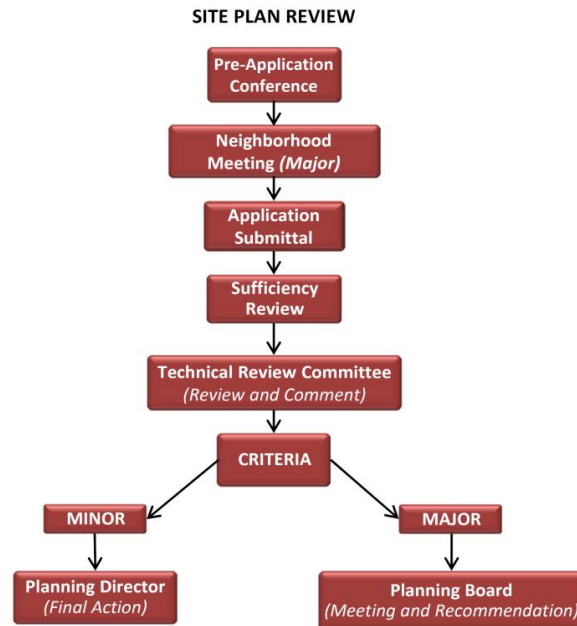
- (d) All lot boundaries changed or eliminated by requested combination are indicated by dashed lines;
- (e) The title block contains the word "recombination";
- (f) Structures on the affected lots are shown and the requested recombination does not violate setback requirements of the §§ 155.200 through 155.204;
- (g) The recombination plat is signed by all property owners if either the number of lots is reduced or different owners for different lots are involved in the recombination;
- (h) The recombination plat is signed and sealed by a registered surveyor;
- (i) The recombination plat is certified by the Planning Director; and
- (j) The recombination plat conforms to all laws and ordinances for the recordation of maps.

(P) **APPEAL**

Final action on a final plat may be appealed to the board of adjustment in accordance with § 155.717.

(Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2007-04-05, passed 4-2-07; Am. Ord. 2008-08-04, passed 8-4-08; Am. Ord. 2011-05-02, passed 5-2-11)

§155.707 SITE PLAN REVIEW



(A) **APPLICABILITY**

- (1) All proposed development, except for single-family detached, zero lot line, and alley-loaded dwelling units on individual lots, shall be subject to the site plan review process.
- (2) Temporary uses may require site plan review (see § 155.712).

(B) **SITE PLAN TYPES**

There are two types of site plans with differing levels of approval required for each. The criteria for establishing which type of site plan and the corresponding level of approval for each are indicated below.

(1) **Minor Site Plans**

(a) ***Applicability***

1. The following shall be reviewed as a minor site plan:
 - A. Parking lot expansions where there is no increase in excess of 5% of floor area of the principal structure;
 - B. Accessory uses in commercial districts involving structures less than 500 square feet; and

C. Amenity facilities, park and open area uses in approved subdivisions.

2. Projects listed below shall also be reviewed as a minor site plan provided they do not require a traffic impact analysis in accordance with § 155.708; do not require modification of the standards established in this chapter other than those which the Planning Director may modify administratively; and do not involve the issuance of a conditional use permit or a special use permit.

A. Developments of up to 2,500 square feet of building for nonresidential uses; and

B. Expansion of an existing conforming structure or expansion of a previously approved site plan by less than 2,500 square feet or 5% in floor area or number of units, whichever is greater.

(b) ***Approval Authority***

The Planning Director shall be responsible for approving a minor site plan.

(2) **Major Site Plans**

(a) ***Applicability***

Any development requiring site plan review not listed in (B)(1) of this section as a minor site plan shall be considered a major site plan.

(b) ***Approval Authority***

The Planning Board shall be responsible for approving all major site plans, including site plans associated with an approved planned development master plan (see (E) of this section), conditional use permits (see § 155.710); and special use permits (see § 155.711).

(C) **PRE-APPLICATION CONFERENCE**

(1) All applicants seeking site plan approval shall schedule a pre-application conference with the Planning Director, in accordance with § 155.702(A).

(2) The Planning Director shall make a determination as to which approval process authorized by this section can be used. The Planning Director may require the applicant to submit whatever supplemental information is necessary to make this determination.

(D) **MINOR SITE PLAN REVIEW**

(1) **Application Requirements**

An application for minor site plan approval shall be submitted accordance with § 155.702(C).

(2) **Action by Planning Director**

- (a) Upon submission of a completed application, the Planning Director shall schedule the minor site plan for review by the Technical Review Committee. The Technical Review Committee shall review the minor site plan for consistency with the requirements of this chapter.
- (b) After technical review, the Planning Director shall determine whether the minor site plan conforms to the requirements of this chapter.

(3) **Modifications to Approved Minor Site Plans**

The Planning Director shall have authority to grant modifications to approved minor site plans in accordance with the provisions of this section or refer the modification to the Technical Review Committee if deemed necessary.

(E) **MAJOR SITE PLAN REVIEW**

(1) **Application Requirements**

An application for major site plan approval shall be submitted accordance with § 155.702(C).

(2) **Neighborhood Meeting**

All applicants seeking major site plan approval shall hold a neighborhood meeting in accordance with § 155.702(B).

(3) **Action by Planning Director**

- (a) Upon submission of a completed application, the Planning Director shall schedule the major site plan for review by the Technical Review Committee. The Technical Review Committee shall review the major site plan for consistency with the requirements of this chapter.
- (b) Upon completion of the technical review, the Planning Director shall prepare a report that reviews the application in light of comments provided by the Technical Review Committee, and in light of the adopted plans and policies of the Town and the general requirements of this chapter. The report, site plan and any related application materials shall be forwarded to the Planning Board.

(4) **Action by Planning Board**

- (a) After considering the Planning Director's comments, the Planning Board shall approve or disapprove the major site plan, or send the site plan back to the Technical Review Committee for additional consideration.

- (b) Major site plans requiring revisions shall be returned to the Planning Board within 90 days or the application shall be considered withdrawn. One extension period may be granted by the Planning Board.

(5) **Modifications to Approved Major Site Plans**

- (a) Minor deviations. If a proposed amendment to a major site plan represents only a minor deviation from the approved site plan, the applicant shall file a written application for such amendment with the Planning Director who shall act upon such application within ten days of its receipt. Minor deviations shall include, but are not limited to, the following:
 - 1. A less than 5% increase, or any decrease, in the floor area or number of units, provided that the district maximums of the subject property for which an minor site plan has been submitted, is not exceeded.
 - 2. A less than 10% decrease in parking spaces, open space or livability space;
 - 3. The minor relocation of any structure, dedicated street, easement or landscape screen in any direction from the location shown on the site plan unless deemed by the Planning Director to significantly alter the approved plan.

(6) **Substantial Deviations**

If a proposed amendment to a site plan deviates substantially from the approved site plan, the approved site plan shall be amended in accordance with the procedure and standards which governed its approval. Such substantial deviations include the following:

- (a) A 5% or greater increase in floor area or number of units;
- (b) A 10% or greater decrease in parking spaces, open space or livability space;
- (c) The relocation of any structure, dedicated street, easement or landscape screen in any direction from the location shown on the major site plan for the distances specified below based on the size of the development:
 - 1. 25 feet or more for major site plans of two acres or less;
 - 2. 50 feet or more for major site plans of more than two acres but less than eight acres;
 - 3. 100 feet or more for major site plans of eight acres but less than 20 acres; and
 - 4. 150 feet for major site plans of 20 acres or more.

(F) **APPROVAL CRITERIA**

In approving a site plan, the planning director and planning board shall consider the following:

- (1) Consistency with the adopted plans and polices of the Town;
- (2) Compliance with all applicable requirements of this chapter;
- (3) Site design and development intensity is appropriate for and tailored to the unique natural characteristics of the site, such as significant wooded areas, specimen trees, wetlands, steep slopes, and floodplains;
- (4) For nonresidential and multifamily projects, the site plan displays the location of trash handling, recycling, grease bins, and other waste-related facilities employed in the normal operation of the use;
- (5) Adequacy and location of parking areas and pedestrian and vehicular access points;
- (6) Compliance with site construction specifications;
- (7) Adequacy of stormwater facilities, water supply, sanitary sewer service, fire protection, street signs, and street lighting as evidenced by conformance with department standards, specifications and guidelines;
- (8) 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;
- (9) Compliance with requirements for easements or dedications;
- (10) Compliance with any applicable subdivision improvements; and
- (11) If applicable, compliance with the approved planned development master plan.
- (12) Building design and materials uphold and promote high quality development in the Town and are compatible with other uses in the surrounding neighborhood.

(G) **PERIOD OF VALIDITY**

An approved site plan shall expire two years from the date of approval unless the proposed development is pursued as set forth below:

- (1) A complete building permit application has been submitted and remains valid;
- (2) Where more than one building is to be built, the applicant may submit a series of building permit applications. The first application shall be submitted within two years from the date that site plan approval is granted. Each subsequent application shall be submitted within 180 days from the date of issuance of a certificate of occupancy for the previous building; or
- (3) If no building permit is required, a certificate of occupancy has been issued.

(H) **BUILDING PERMIT/CERTIFICATE OF OCCUPANCY**

- (1) No building permit or certificate of occupancy shall be issued until the required site plan of the proposed use or development has been approved by the appropriate Town officials.
- (2) In order to secure a vested right for a site plan, the applicant must submit a site-specific development plan in accordance with § 155.718.

(I) **DEDICATION AND IMPROVEMENTS**

- (1) In the development of any property for which a site plan is required in this section, the applicant shall be required to dedicate any additional right-of-way necessary to the width required by the Town for streets adjoining the property, to install curbs and gutters and pave all streets adjoining the property to Town standards, and to install sidewalks in accordance with the policies and requirements of §§ 155.600 through 155.607.
- (2) The applicant shall bear the costs of the installation of all on-site improvements as required by this chapter, including provision for surface drainage, pavement, landscaping, and utilities. Any applicant required to install or construct off-site improvements pursuant to this section may, with the approval of the Planning Director as a condition of site plan approval, and upon a determination by the Planning Director that such improvements are not necessary or desirable at the time, but will be needed in the future, make a payment in lieu of such improvements or part thereof. The amount of any such payment shall be an amount estimated by the Town to be the actual and total installation and construction costs of such improvements. The amount paid for a given improvement shall be considered total and complete payment for the improvements considered, and will preclude any further assessment of the property in the event that the Town elects to install such improvements at a later date. Full payment shall be made before any building permit or certificate of occupancy is issued for any use shown on the site plan.
- (3) For all residential and planned developments approved the effective date of this chapter, recreation and open space dedication, or payment of fee-in-lieu thereof in accordance with § 155.203(H) shall be required.

(J) **GUARANTEES OF IMPROVEMENTS**

- (1) Prior to the approval of any site plan, the applicant shall submit a cost estimate and time schedule for installation of each phase of the site improvements.
- (2) The Town shall require a bond guaranteeing required on-site and off-site improvements. This bond shall be in the amount determined by the Town Manager. This bond shall be in cash, certified check, or be made by a bonding/insurance company authorized to do business in North Carolina.
- (3) As each phase of improvements is installed and inspected by the Town, the bond amount shall be reduced by the costs of the installed improvements.
- (4) In the event that the applicant wishes to occupy any building or any portion of any building prior to the completion of the required site improvements, the bond guaranteeing

improvements shall be retained by the Town until the remaining required improvements are completed.

(K) **INSPECTIONS OF REQUIRED IMPROVEMENTS**

Inspections during of site improvements shall be made in accordance with § 155.607(d).

(Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2007-04-05, passed 4-2-07)

§ 155.708 TRAFFIC IMPACT ANALYSIS

(A) APPLICABILITY

- (1) A traffic impact analysis may be required to be submitted in conjunction with an application for a planned development, preliminary plat, major site plan, or special use permit.
- (2) Unless exempted in (B) of this section, a traffic impact analysis shall be required for projects, which can be anticipated to generate at least 100 vehicle trips at peak hour from the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual.

***Commentary:** 100 peak hour vehicle trips equates to approximately 100 single-family units or 25,000 square feet of general commercial space.*

(B) EXEMPTIONS

The following projects shall not be required to submit a traffic impact analysis:

- (1) Developments approved prior to the effective date of this chapter that have maintained valid planned development master plans, preliminary plats, major site plans or special use permits.
- (2) Redevelopment of any site on which the additional traffic at peak hour represents an increase of less than 100 trips from the previous development, where the redevelopment is initiated within 12 months of the completion of demolition of the previous project.
- (3) Minor site plans.

(C) PRE-APPLICATION CONFERENCE

- (1) All applicants required to submit a traffic impact analysis shall schedule a pre-application conference with the Planning Director, in accordance with § 155.702(A).
- (2) The Planning Director and the Town's consultant, if applicable, shall determine the type and scope of the study during the pre-application conference, which may also involve representatives from other agencies or departments.

(D) WAIVER AUTHORIZED

- (1) The Planning Director may waive the requirement to submit a traffic impact analysis. If the Director waives the requirement to submit a traffic impact analysis, the Director shall include the reason for the waiver in the Director's decision or recommendation on the application.
- (2) An applicant who obtains a waiver under this section must mitigate adverse effects of the traffic generated from a proposed development.
- (3) The traffic generated from a proposed development for which the requirement to submit a traffic impact was waived may not:

- (a) In combination with existing traffic, exceed the desirable operating level established in (H) of this section; or
- (b) Endanger the public safety.

(E) **APPLICATION REQUIREMENTS**

A traffic impact analysis prepared by a professional engineer licensed in the state of north carolina shall be submitted in accordance with § 155.702(c). The traffic impact analysis must conform with the requirements of this section and the town's engineering design manual. The traffic impact analysis report must describe the study methodology, the data used, and the study findings and provide recommendations based on the results.

(F) **DEFINITION OF IMPACT AREA**

The director shall determine the geographic area to be included in a traffic impact analysis. Identification of the points of access and key streets and intersections to be affected by development of the subject parcel shall be required. Traffic recorder and turning movement assessment locations may also have to be determined. The study area shall not extend beyond the point where the project traffic at build-out is less than 10% of the capacity of the roadway or intersection.

(G) **CONSULTANTS**

The planning director may require that an independent consultant be hired by the town to perform the required studies, or to review all or part of a study prepared by the applicant's consultant. The planning director is authorized to administer the contract for any such consultant.

- (1) The Town shall determine the scope of services to be performed by the independent consultant and receive a cost estimate of such services.
- (2) The applicant shall provide an amount equal to the cost estimate to the Town, which shall deposit the amount in an escrow or other special account set up for this purpose. Any funds not used shall be returned to the applicant in a timely manner, without interest. If the estimated or actual cost increases during the review from the Town's initial cost estimate, the applicant immediately shall provide an amount equal to the increased cost to the Town, which the Town shall deposit in the escrow or special account. The final approval of any application requiring a traffic impact analysis by the Town shall be contingent upon the full payment of all consultant costs incurred for the analysis.
- (3) The Town may require additional funds for independent review where a decision-making body expands the scope of the required review; the applicant substantially amends the application; additional meetings involving the consultant are requested by the applicant; or the consultant's appearance is requested at public or affected agency meetings beyond those anticipated in the original scope of services.

(H) **DESIRABLE OPERATING LEVELS FOR CERTAIN STREETS**

Traffic on a residential local or collector street is operating at a desirable level if it does not exceed the following levels:

<i>Pavement Width</i>	<i>Vehicles Per Day</i>
Less than 30 feet	1,200
30 feet to less than 40 feet	1,800
40 feet or wider	4,000

(I) **ACTION ON APPLICATION**

- (1) The Planning Director may deny an application if the results of a traffic impact analysis demonstrate that a proposed development may overburden the Town's street system.
- (2) The Planning Director shall deny an application if the traffic impact analysis demonstrates that:
 - (a) The projected traffic generated by the project, combined with existing traffic, exceeds the desirable operating level established in (H) of this section in the traffic impact analysis study area; or
 - (b) The project endangers the public safety.

(J) **APPLICATION MODIFICATION BASED ON TRAFFIC ANALYSIS**

An applicant may modify an application to minimize the traffic-related effects identified in a traffic impact analysis. Modifications may include:

- (1) A reduction in the projected vehicle trips per day;
- (2) The dedication of additional right-of-way;
- (3) The rerouting of traffic and a proposed access and egress point;
- (4) Participation in the funding of a traffic signal or intersection improvement; and
- (5) Other modification determined to be necessary.

(K) **APPEAL OF PLANNING DIRECTOR'S ACTION**

- (1) An applicant may appeal the Planning Director's denial to the Town Council.
- (2) The Town Council may approve the traffic impact analysis if the Council determines that the:
 - (a) Applicant has satisfactorily mitigated adverse traffic effects; or
 - (b) Additional traffic from the project has an insignificant effect on the Town's streets.

(L) **PERIOD OF VALIDITY**

A traffic impact analysis shall be valid for a specific site for no more than ten years, so long as no significant modifications to the development approved for the site are made.

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

§ 155.709 ZONING PERMIT

(A) APPLICABILITY

- (1) It shall be unlawful to begin moving, constructing, altering, or repairing, except ordinary repairs, of any building or other structure on a site including an accessory structure, until the Planning Department has issued a zoning permit for such work.
- (2) It shall be unlawful to change the type of use of land, or to change the type of use or type of occupancy of any building, or to extend any use or any lot on which there is a nonconforming use, until the Planning Department has issued a zoning permit for such intended use, including a determination that the proposed use, in all respects, conforms to the provisions of this chapter.
- (3) It shall be unlawful to undertake any land-disturbing activity until the Planning Department has issued a zoning permit for such work.
- (4) No zoning permit is required for permitted temporary uses (see § 155.712).

(B) TIMING OF APPLICATION

In all cases where a building permit is required, application for a zoning permit shall be made concurrently with the application for a building permit. In all other cases, application shall be made before initiating any of the activities that trigger compliance with this section.

(C) APPLICATION REQUIREMENTS

All applications for a zoning permit shall be submitted in accordance with § 155.702(c).

(D) ACTION BY PLANNING DIRECTOR

- (1) If the proposed application is in conformity with the provisions of this chapter, the Planning Department shall issue a zoning permit, provided that all of the following conditions shall apply:
 - (a) Issuance of a zoning permit shall in no case be construed as waiving any provisions of this chapter;
 - (b) The Planning Director shall not grant any exceptions to the actual meaning of any clause, standards, or regulation contained in this chapter to any person making application to excavate, construct, move, alter or use buildings, structures or land;
 - (c) The Planning Director shall issue a permit when the imposed conditions of this chapter are complied with by the applicant regardless of whether the use of the permit would violate contractual or other arrangements (including, but not by way of limitation, restrictive covenants) among private parties; and

- (d) The zoning permit shall include a determination that plans, specifications and the intended use of such structure and land do, in all respects, conform to the provisions of this chapter. Prior to the issuance of a zoning permit, the Planning Director shall consult with other applicable departments, as necessary.
- (2) If the proposed application, is not in conformity with the provisions of this chapter, the Planning Director shall not issue the zoning permit and shall provide in writing the cause of such disapproval to the applicant.

(E) **EXPIRATION**

Once a zoning permit has been issued, all activities pursuant to such permit shall be commenced within six months. If the proposed moving, constructing, altering, repairing, or use of land, as set forth in an application for a zoning permit, is discontinued for a period of one year or more, the zoning permit shall lapse and be of no further force and effect.

(F) **APPEAL**

Final action on a zoning permit may be appealed to the board of adjustment in accordance with § 155.717.

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

§ 155.710 CONDITIONAL USE PERMIT REVIEW

CONDITIONAL USE PERMIT PROCESS



(A) APPLICABILITY

- (1) Conditional Uses are considered to be uses that may be appropriate in a particular zoning district, but because of their potential for incompatibility with adjacent uses require individual review by the Board of Adjustment.
- (2) A Conditional Use Permit shall be required for all Conditional Uses as set forth in the Permitted Land Use Table (see § 155.202(B)). A development comprised of uses regulated by separate rows on the table shall be reviewed using the most restrictive process from among the proposed uses. The Conditional Use review process is as follows:
- (3) Where a use requiring approval as Conditional Use lies on a separate legal parcel, only the building containing the use and its separate parcel shall be subject to Conditional Use review, not the entire project. However, where the separate legal parcel is an outparcel, the application shall describe the relationship of the outparcel to the remaining site.

(B) **PRE-APPLICATION CONFERENCE**

All applicants seeking Conditional Use approval shall schedule a pre-application conference with the Planning Director, in accordance with § 155.702(A).

(C) **APPLICATION REQUIREMENTS**

- (1) An application for a Conditional Use Permit shall be submitted in accordance with § 155.702(C).
- (2) If a Site Plan is required for the proposed Conditional Use Permit pursuant to § 155.707, the applicant shall submit a Site Plan for review and approval concurrent with the Conditional Use Permit request, in accordance with § 155.707. The two applications shall be filed together and review of each application shall proceed simultaneously in accordance with the provisions of this Chapter. However, the designated decision-making body shall render separate decisions on each application, recognizing that the applications are distinct and subject to different standards for approval.
- (3) A Traffic Impact Analysis may be required if the proposed development meets the thresholds established in § 155.708.

(D) **NEIGHBORHOOD MEETING**

All applicants seeking Conditional Use Permit approval shall hold a neighborhood meeting in accordance with § 155.702(B).

(E) **ACTION BY PLANNING DIRECTOR**

- (1) Upon submission of a completed application, the Planning Director shall schedule the Conditional Use Permit request and site plan, if applicable, for review by the Technical Review Committee. The Technical Review Committee shall review the request for consistency with the requirements of this Chapter.
- (2) Upon completion of the technical review, the Planning Director shall prepare a report that reviews the application in light of comments provided by the Technical Review Committee, in light of the adopted plans and policies of the Town, and the general requirements of this Chapter. The report, site plan and any related application materials shall be forwarded to the Board of Adjustment.
- (3) Where a Major Site Plan is required, the Planning Board shall consider the site plan application following action by the Board of Adjustment. The site plan shall be processed pursuant to § 155.707.

(F) **NOTICE AND PUBLIC HEARINGS**

The Town shall hold all required public hearings and give notice in accordance with § 155.702(D).

(G) **ACTION BY BOARD OF ADJUSTMENT**

(1) **Procedure**

- (a) The Board of Adjustment may approve the request, deny the request, or continue the request. A simple majority vote of the Board is necessary to grant a Conditional Use Permit.
- (b) Each decision shall be accompanied by the Findings of Fact that specifies the reason for the decision.
- (c) In approving the Conditional Use Permit, the Board of Adjustment may prescribe reasonable and appropriate conditions which will ensure that the use will be compatible with adjacent properties and will not alter the character of the neighborhood.
- (d) Conditions may be imposed by the Board of Adjustment regarding the location, character, and other features of the proposed building or use as may be deemed by the Board of Adjustment to protect property values and general welfare of the neighborhood. Nonconformance with such conditions and safeguards, when part of the terms under which the Conditional Use Permit is granted, shall be deemed a violation of this Chapter.
- (e) Any additional condition approved by the Board of Adjustment shall become a part of the permit.

(2) **Findings of Fact**

No Conditional Use Permit shall be approved by the Board of Adjustment, unless the following findings are made concerning the application:

- (a) 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.
- (b) 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.
- (c) 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.
- (d) 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.

(H) **MODIFICATIONS TO APPROVED CONDITIONAL USE PERMITS**

(1) **Minor Deviations**

The Planning Director is authorized to approve minor deviations to a Conditional Use Permit, if such change is not contrary to the approving action of the Board of Adjustment, but shall not have the authority to approve substantial deviations as set forth below.

(2) **Substantial Deviations**

(a) Any deviation requiring evidentiary support in addition to that presented at a public hearing on applications for the original permit shall constitute a substantial deviation. Before making a determination as to whether a proposed action is a minor deviation or a substantial deviation, the Planning Director shall review the record of the proceedings on the original application. Substantial deviations shall include the following:

1. A change in the boundaries of the approved site;
2. A change from the approved use;
3. An increase of 5% or more in the approved floor area, unless proposed addition is 500 square feet of floor area or less, whether such addition is proposed at one time or over an extended period of time;
4. An increase of 5% or more in the number of approved parking spaces, unless the proposed addition is ten or fewer spaces, whether such addition is proposed at one time or over an extended period of time;
5. Substantial change in the location of principal or accessory structures;
6. Structural alterations significantly affecting the basic size, form, style, ornamentation, and appearance of principal or accessory structures as shown on the approved site plan;
7. Substantial changes in pedestrian or vehicular access or circulation; and
8. Substantial change in the amount or location of landscape screens.

(b) If a proposed amendment deviates substantially from the approved Conditional Use Permit, the approved Conditional Use Permit shall be amended in accordance with the procedure and standards which governed its approval.

(I) **EFFECT OF DECISION**

- (1) If the Board of Adjustment votes to deny an application, there may be no subsequent application for the same or similar use submitted by any party for any part of the subject property until 12 months have elapsed from the date of denial. If the Board of Adjustment votes to approve an application, the permit shall be recorded in the County Register of Deeds office.

- (2) The Conditional Use Permit and additional conditions, if applicable, shall run with the land and shall be binding on the original applicant as well as any successors, assigns, and heirs. Any decision by the Board of Adjustment, may be appealed within 30 days of the decision in accordance with G.S. § 160A-381.

(J) **PERIOD OF VALIDITY**

- (1) An approved Conditional Use Permit shall expire 12 months from the date of approval unless the proposed development is pursued as set forth below:
 - (a) A complete building permit application has been submitted and remains valid;
 - (b) Where more than one building is to be built, the applicant may submit a series of building permit applications. The first application shall be submitted within 12 months from the date approval was granted. Each subsequent application shall be submitted within 180 days from the date of issuance of a certificate of occupancy for the previous building; or
 - (c) If no building permit is required, a Zoning Permit has been issued.
- (2) Once the appropriate permit has been issued, the Conditional Use Permit shall remain in force unless the use, construction, or activity ceases for a period of 12 consecutive months. In such instance the Conditional Use Permit shall become void. If a Conditional Use is determined by the Planning Director to be void, such determination shall be transmitted in writing to the applicant.

(K) **BUILDING PERMIT/CERTIFICATE OF OCCUPANCY/ZONING PERMIT**

- (1) No building permit, certificate of occupancy or Zoning Permit shall be issued for the Conditional Use Permit until the site plan (if required) for the proposed use or development has been approved by the Planning Director (minor) or the Planning Board (major).
- (2) In order to secure a vested right for a site plan, the applicant must submit a site-specific development plan in accordance with § 155.718.

(L) **REVOCATION OF A CONDITIONAL USE PERMIT**

- (1) If any conditions of a Conditional Use Permit or other requirements of this Chapter are violated, the Board of Adjustment may revoke the permit. Revocation may occur after an evidentiary hearing is conducted by the Board of Adjustment.
- (2) Upon a four-fifths vote, the Board of Adjustment shall revoke the permit, and notice of such revocation shall be recorded in the County Register of Deeds office.
- (3) Violations of conditions of a Conditional Use Permit shall be considered a violation of this Chapter and thereby subject to the provisions of § 155.720.

(M) **COORDINATION WITH VARIANCES**

Applications for Variances may be submitted concurrently with a request for a Conditional Use Permit. However, decisions shall be rendered with separate motions. The Conditional Use Permit request shall be considered first, and where it is denied, the variance request shall be null and void.

(N) **COORDINATION WITH REZONING**

An application for a Conditional Use Permit may be reviewed concurrently with a Rezoning application. However, a decision shall be rendered first for any Rezoning and then subsequently for any Conditional Use Permit.

(Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2011-05-01, passed 5-2-11; Am. Ord. 2014-03-02, passed 3-17-14)

§ 155.711 SPECIAL USE REVIEW



(A) APPLICABILITY

- (1) Special uses within each general use district are uses that may be appropriate in a particular district, but because of the increased potential for incompatibility with adjacent uses requires individual review by the Town Council.
- (2) A special use permit shall be required for all special uses as set forth in the Permitted Land Use Table (see § 155.202(B)). A development comprised of uses regulated by separate rows on the table shall be reviewed using the most restrictive process from among the proposed uses.

Commentary: *If a proposed development includes a gas station, library and a restaurant, including outparcels, and one of those uses is only permitted as a special use in the district, then the entire development requires special use review.*

- (3) Where a use requiring a approval as a special use lies on a separate legal parcel, only the building containing the use and its separate parcel shall be subject to special use review, not the entire project. However, where the separate legal parcel is an outparcel, the application shall describe the relationship of the outparcel to the remaining site.

***Commentary:** For example, where a use in the B-3 District (requiring a special use permit) is an outparcel within a larger retail development, the special use review shall apply to the outparcel only - not the entire development. However, where a special use is proposed in a building that contains a variety of other uses, the entire building and its associated parcel of land shall require special use review.*

(B) **PRE-APPLICATION CONFERENCE**

All applicants seeking special use approval shall schedule a pre-application conference with the planning director, in accordance with § 155.702(a).

(C) **NEIGHBORHOOD MEETING**

All applicants seeking special use approval shall hold a neighborhood meeting in accordance with § 155.702(b).

(D) **APPLICATION REQUIREMENTS**

- (1) Concurrent with a request for a special use permit, an applicant shall submit a site plan for review and approval.
- (2) An application for a special use permit shall be submitted in accordance with § 155.702(C).
- (3) A traffic impact analysis may be required if the proposed development meets the thresholds established in § 155.708.

(E) **NOTICE AND PUBLIC HEARINGS**

The town shall hold all required public hearings and give notice in accordance with § 155.702(d).

(F) **ACTION BY PLANNING DIRECTOR**

- (1) Upon submission of a completed application, the Planning Director shall schedule the site plan for review by the Technical Review Committee. The Technical Review Committee shall review the site plan for consistency with the requirements of this chapter.
- (2) Upon completion of the technical review, the Planning Director shall prepare a report that reviews the application in light of comments provided by the Technical Review Committee, in light of the adopted plans and policies of the town, and the general requirements of this chapter. The report, site plan and any related application materials shall be forwarded to the Planning Board.

(G) **ACTION BY PLANNING BOARD**

- (1) After considering the Technical Review Committee's comments, the Planning Board shall approve or disapprove the site plan, or send the site plan back to the Technical Review Committee for additional consideration.
- (2) Site plans requiring revisions shall be returned to the Planning Board within 90 days or the application shall be considered withdrawn. One extension period may be granted by the Planning Board.

(H) **ACTION BY TOWN COUNCIL**

- (1) Before taking action on the special use request, the Town Council shall consider the recommendations of the Planning Board.
- (2) The Town Council may approve the request, deny the request, or send the request back to the Planning Board for additional consideration.

(I) **FINDINGS OF FACT REQUIRED**

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.

(J) **ADDITIONAL CONDITIONS**

- (1) In granting approval of a special use permit, the Town Council may impose reasonable conditions which serve to assure that the required findings are upheld. Such conditions may include, but are not limited to, right-of-way or easement dedication; recreation, open space, or buffer provision; limitation in scale, intensity, or hours of operation; and other reasonable restrictions.
- (2) Any additional condition approved by the Town Council shall become a part of the permit and be of equal importance in the responsibility of the applicant or subsequent assigns to adhere to its terms.

(K) **MODIFICATIONS TO APPROVED SPECIAL USE PERMITS**

(1) **Minor Deviations**

The Planning Director is authorized to approve minor deviations to a special use permit, if such change is not contrary to the approving action of the Town Council, but shall not have the authority to approve substantial deviations as set forth below.

(2) **Substantial Deviations**

(a) Any deviation requiring evidentiary support in addition to that presented at a public hearing on applications for the original permit shall constitute a substantial deviation. Before making a determination as to whether a proposed action is a minor deviation or a substantial deviation, the Planning Director shall review the record of the proceedings on the original application. Substantial deviations shall include the following:

1. A change in the boundaries of the approved site;
2. A change from the approved use;
3. An increase of 5% or more in the approved floor area, unless proposed addition is 500 square feet of floor area or less, whether such addition is proposed at one time or over an extended period of time;
4. An increase of 5% or more in the number of approved parking spaces, unless the proposed addition is ten or fewer spaces, whether such addition is proposed at one time or over an extended period of time;
5. Substantial change in the location of principal or accessory structures;
6. Structural alterations significantly affecting the basic size, form; style, ornamentation, and appearance of principal or accessory structures as shown on the approved site plan;
7. Substantial changes in pedestrian or vehicular access or circulation; and
8. Substantial change in the amount or location of landscape screens.

(b) If a proposed amendment deviates substantially from the approved special use permit, the approved special use permit shall be amended in accordance with the procedure and standards which governed its approval.

(L) **EFFECT OF DECISION**

- (1) If the Town Council votes to deny an application, there may be no subsequent application for the same or similar use submitted by any party for any part of the subject property until 12 months have elapsed from the date of denial. If the Town Council votes to approve an application, the permit shall be recorded in the County Register of Deeds office.

- (2) The special use permit and additional conditions, if applicable, shall run with the land and shall be binding on the original applicant as well as any successors, assigns, and heirs. Any decision by the Town Council may be appealed within 30 days of the decision in accordance with G.S. § 160A-381.

(M) **PERIOD OF VALIDITY**

- (1) An approved special use permit shall expire 12 months from the date of approval unless the proposed development is pursued as set forth below:
 - (a) A complete building permit application has been submitted and remains valid;
 - (b) Where more than one building is to be built, the applicant may submit a series of building permit applications. The first application shall be submitted within 12 months from the date approval was granted. Each subsequent application shall be submitted within 180 days from the date of issuance of a certificate of occupancy for the previous building; or
 - (c) If no building permit is required, a certificate of occupancy has been issued.
- (2) Once the appropriate permit has been issued, the special use permit shall remain in force unless the use, construction, or activity ceases for a period of 12 consecutive months. In such instance the special use permit shall become void. If a special use is determined by the Planning Director to be void, such determination shall be transmitted in writing to the applicant.

(N) **BUILDING PERMIT/CERTIFICATE OF OCCUPANCY**

- (1) No building permit or certificate of occupancy shall be issued until the required site plan of the proposed use or development has been approved by the Town Council.
- (2) In order to secure a vested right for a site plan, the applicant must submit a site-specific development plan in accordance with § 155.718.

(O) **REVOCATION OF A SPECIAL USE PERMIT**

- (1) If any conditions of a special use permit, or other requirements of this chapter are violated, the town may revoke the permit.
- (2) Revocation may occur after an evidentiary hearing is conducted by the Town Council.
- (3) Upon a four-fifths vote, the Town Council shall revoke the permit, and notice of such revocation shall be recorded in the County Register of Deeds office.
- (4) Violations of conditions of a special use permit shall be considered a violation of the this chapter and thereby subject to the provisions of § 155.720.

(P) **COORDINATION WITH VARIANCES**

Applications for variances may be submitted concurrently with a request for a special use permit. The special use permit request shall be considered first (including any site plan), and where it is denied, the variance request shall be null and void.

(Q) **COORDINATION WITH REZONING**

An application for a special use permit may be reviewed concurrently with a rezoning application. However, a decision shall be rendered first for any rezoning and then subsequently for any special use permit.

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

PUBLIC NOTICE

In accordance with NC GS 160A-364, the Clayton Town Council will hold a public hearing on June 18, 2018, at 6:00 PM in the Council Chambers at the Clayton Center, 111 E Second Street, to consider amendments to the Unified Development Code (2018-98-OA Review Bodies Ordinance Amendment). Copies of the proposed amendments are available in the Planning office and the Town Clerk's office for review by the public. The following sections of Title XV, Chapter 155 are proposed for amendment:

- 32.001 Board of Adjustment
- 700- Review Bodies
- 701- Summary of Review Authority
- 705- Planned Development Review
- 706- Preliminary Plat Review
- 707- Site Plan Review
- 711- Special Use Review

The public is invited to attend.

Haley Hogg, Planner
919-553-5002

News & Observer (Clayton)

Please advertise on the following dates:

Friday, June 8, 2018
Friday, June 15, 2018

Affidavit of publication required.

**TOWN OF CLAYTON
PLANNING BOARD WRITTEN RECOMMENDATION
Ordinance Amendment**

2018-98-OA, Review Bodies Ordinance Amendment

On May 29, 2018 the Planning Board heard the above-referenced request and made the following vote:

Recommendation to the Town Council to

☒ approve the request with the conditions presented by staff;

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

☐ deny the request.

Recommendation(s) made this 29th day of May 2018 while in regular session.

Signed:



Robert Ahlert, Planning Board Chair



Town Council Agenda Cover Sheet

Meeting Date

June 4 2018

Agenda Location

New Business

Item Title

2018-30-PDD Steeplechase Planned Development rezoning

Presenter *(Name & Title)*

Planning Dept.

Summary/Description

Planned Development rezoning to Planned Development-Residential (PD-R), to entitle the new Steeplechase Master Plan (600 homes on 270± acres) on the southern half of the Earp property (south of Covered Bridge Road and west of North O'Neil Street).

Requested Action

Set Public Hearing

Additional Documents To Be Included in Agenda Packet

Application
Staff report
Map
Neighborhood meeting materials



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: Steeplechase Master Plan Acreage of Property: 266.724+/-
County Tag Number: Portion of 05H02009 NC PIN: Portion of 166900-39-5182
Address/Location: 1162 Covered Bridge Road, Clayton, NC
Existing Zoning District: R-E, R-10, B-2
Proposed Zoning District: PD-R

APPLICANT INFORMATION

Applicant: Shenandoah Homes, Inc., David Stallings
Mailing Address: 3724 National Drive, Suite 220, Raleigh, NC 27612
Phone Number: 919-415-2740 Fax: _____
Contact Person: Kathryn McPherson, ESP Associates, Inc. 2200 Gateway Centre Blvd.
Email Address: kmcpherson@espassociates.com Morrisville, NC 27560

FOR OFFICE USE ONLY

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

October 2017

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PROPERTY OWNER INFORMATION

Name: Raymond Elmore Earp, Jr. Family Trust, Nancy Crews Earp Trustee & Mary Earp Worley

Mailing Address: 7020 NC Hwy 42 East, Selma, NC 27576

Phone Number: 919-965-6113

Fax: N/A

Email Address: winkworley@gmail.com

EXPLANATION OF PROJECT

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

See Attached Steeplechase Planned Development Master Plan - Explanation of the Project

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:			
Submit 9 copies of all materials unless otherwise noted or directed by staff	Yes	N/A	Yes	No	N/A
1. A pre-application conference was held with Town of Clayton staff. Date: <u>January 3, 2018</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 <u>portion</u> 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>			To be submitted once date and location determined		
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>	•				



Steeplechase Planned Development Master Plan - Explanation of the Project

Shenandoah Homes, Inc. requests to rezone a portion of PIN# 166900-39-5182 comprised of 266.72± acres bound by North O'Neil Street on the east, Covered Bridge Road on the north, City Road on the west and the Sam's Branch Creek on the south to a Planned Development – Mixed Use (PD-MU) district concurrently with the Steeplechase Master Plan as a Major Preliminary Subdivision Plat. The proposed mix of uses will allow for commercial uses (general store with mailboxes) with up to 600 units maximum of residential housing types (townhomes, single-family residential front and rear-loaded lots and age-targeted homes) and amenities (private clubhouse/swimming pool, lake, pedestrian walks along both sides of tree-lined streets, multi-use paths and pocket-parks).

2200 Gateway Centre Blvd. • Suite 216 • Morrisville, NC 27560
phone: 919.678.1070 • fax: 919-677-1252
www.espassociates.com

APPROVAL CRITERIA

All applications for a Rezoning must address the following findings:

1. Consistency with the adopted plans of the Town.
See Attached Rezoning Approval Criteria

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

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

4. The capacity of adequate public facilities and services including schools, roads, recreation facilities, wastewater treatment, potable water supply and stormwater drainage facilities is available for the proposed use.

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

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

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

APPLICANT AFFIDAVIT

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

David Stallings
Print Name


Signature of Applicant

5/18/2018
Date



Steeplechase Planned Development–Mixed Use - Rezoning Approval Criteria

1. Consistency with the adopted plans of the Town.

The Steeplechase Master Plan and rezoning is consistent with the Town's Unified Development Code (UDC), Comprehensive Growth Plan 2040, Parks and Recreation Comprehensive Plan, Comprehensive Bicycle Plan, Johnston County Comprehensive Transportation Plan and Clayton General Design Guidelines.

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

The proposed Planned Development-Mixed Use (PD-MU) zoning district provides flexibility and opportunities for a mix of housing types with associated amenities as well as selective commercial and service uses within a planned development with appropriate perimeter buffering and open space where the current zoning of Residential-Estate (R-E), Single-Family Residential-10 (R-10), and Neighborhood-Business (B-2) independently does not provide.

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

The proposed rezoning will provide and meet the need for a range of housing types and options for residents with varying needs and stages of life in the Town.

4. The capacity of adequate public facilities and services including schools, roads, recreation facilities, wastewater treatment, potable water supply and stormwater drainage facilities is available for the proposed use.

There are adequate public facilities and services for the Steeplechase Planned Development. A Wastewater Allocation request for 310,210gpd is being submitted to the Town with this request for approval by Town Council. Gravity sewer will be extended throughout the development and will connect to the 12" Sam's Branch outfall. Public water will connect to a 12" existing water line along O'Neil Street and waterline along City Road. Drainage, erosion control and stormwater will be managed on-site per local and state regulations. The development is proposing to dedicate right-of-way for future widening along Covered Bridge Road and O'Neil Street. The community will connect to the adjacent Sam's Branch Greenway Trail and nearby Legends Park via internal and perimeter multi-use paths and pedestrian walks. The Master Planned community will also provide recreational opportunities with a private clubhouse/swimming pool, tennis courts, amenity lake, trails, and pocket parks for the residents. Johnston County Schools is in the process of updating their future growth plans.

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

The rezoning request is reasonable, promotes the good of the community and health, safety, and general welfare of the public.

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 Steeplechase Planned Development will produce no adverse effects on the surrounding property owners or community. The proposed development will enhance the surrounding community providing a variety of attractive housing types, connectivity via multi-use paths and pedestrian paths and an interconnected tree-lined street network to disperse traffic making it compatible with the surrounding residential uses. The Master Plan's Type C perimeter buffer will mitigate any impacts on surrounding uses.

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

The rezoning of the property will not benefit the any property owners to the detriment of the general public.

Steeplechase Planned Development Master Plan – Legal Description

February 21, 2018

Beginning at a point, said point being a point located at the intersection of City Road (SR 1709) and Covered Bridge Road (SR 1700) in Clayton Township, Johnston County, North Carolina. Said point further described as being located along the eastern right-of-way of City Road and the southern right-of-way of Covered Bridge Road and the POINT OF BEGINNING. Thence continuing along the southern right-of-way of Covered Bridge Road in a southeasterly direction S 76°33'44" E a distance of 134.27 feet to a point. Thence with a curve turning to the right with an arc length of 203.00 feet, a radius of 890.00 feet, a chord bearing of S 52°45'56" E, and a chord length of 202.56 feet to a point. Thence S 46°13'53" E a distance of 195.90 feet to a point. Thence with a curve turning to the left with an arc length of 178.02 feet, a radius of 6840.96 feet, a chord bearing of S 46°58'37" E, and a chord length of 178.01 feet to a point. Thence N 42°16'39" E a distance of 10.00 feet to a point. Thence with a curve turning to the left with an arc length of 658.70 feet, a radius of 5850.00 feet, a chord bearing of S 50°35'49" E, and a chord length of 658.35 feet to a point. Thence S 53°49'21" E a distance of 125.41 feet to a point. Thence with a curve turning to the left with an arc length of 286.98 feet, a radius of 1250.00 feet, a chord bearing of S 60°23'59" E, and a chord length of 286.35 feet to a point. Thence S 66°58'37" E a distance of 785.25 feet to a point. Thence with a curve turning to the left with an arc length of 593.47 feet, a radius of 5430.00 feet, a chord bearing of S 70°08'42" E, and a chord length of 593.18 feet to a point. Thence S 73°16'34" E a distance of 1185.04 feet to a point. Thence with a curve turning to the left with an arc length of 252.73 feet, a radius of 1005.00 feet, a chord bearing of S 80°28'49" E, and a chord length of 252.06 feet to a point. Thence leaving the southern right-of-way of Covered Bridge Road S 46°39'49" E a distance of 1497.95 feet to a point. Said point being located along the western right-of-way of N O'Neil Street (SR 1708). Thence along the western right-of-way of N O'Neil Street in a southerly direction S 07°35'33" E a distance of 186.59 feet to a point. Thence with a curve turning to the right with an arc length of 367.66 feet, a radius of 1780.27 feet, a chord bearing of S 01°39'32" E, and a chord length of 367.01 feet to a point. Thence S 04°19'08" W a distance of 819.87 feet to a point. Thence with a curve turning to the right with an arc length of 229.78 feet, a radius of 1320.00 feet, a chord bearing of S 09°17'53" W, and a chord length of 229.49 feet to a point. Thence S 14°18'31" W a distance of 756.87 feet to a point. Thence with a curve turning to the right with an arc length of 130.94 feet, a radius of 1060.00 feet, a chord bearing of S 17°50'51" W, and a chord length of 130.86 feet to a point at the run of Sam's Branch. Thence along the run of Sam's Branch in a northwesterly direction N 68°22'48" W a distance of 54.82 feet to a point. Thence N 45°00'04" W a distance of 55.30 feet to a point. Thence N 31°01'56" W a distance of 35.81 feet to a point. Thence N 21°35'11" W a distance of 71.21 feet to a point. Thence N 10°46'32" W a distance of 69.38 feet to a point. Thence N 20°18'57" W a distance of 27.57 feet to a point. Thence N 39°26'49" W a distance of 54.26 feet to a point. Thence N 30°18'17" E a distance of 19.74 feet to a point. Thence N 03°25'08" W a distance of 15.80 feet to a point. Thence N 32°52'53" W a distance of 12.59 feet to a point. Thence N 63°36'45" W a distance of 25.28 feet to a point. Thence S 88°22'42" W a distance of 9.46 feet to a point. Thence S 48°48'30" W a distance of 42.88 feet to a point. Thence N 62°17'19" W a distance of 40.34 feet to a point. Thence N 25°28'06" W a distance of 66.84 feet to a point. Thence N 37°32'55" W a distance of 64.95 feet to a point. Thence N 65°49'20" W a distance of 66.77 feet to a point. Thence N 70°20'45" W a distance of 44.26 feet to a point. Thence N 41°43'41" W a distance of 50.71 feet to a point. Thence N 22°10'52" W a distance of 65.37 feet to a point. Thence N 36°58'10" W a distance of 84.09 feet to a point. Thence N 14°55'39" W a distance of 59.02 feet to a point. Thence N 24°21'23" W a distance of 68.05 feet to a point. Thence N 46°14'39" W a distance of 92.25 feet to a point. Thence N 26°18'25" W a distance of 83.28 feet to a point. Thence N 17°41'06" W a distance of 61.58 feet to a point. Thence N 43°38'40" W a distance of 20.09 feet to a point. Thence N 62°50'21" W a distance of 49.48 feet to a point. Thence S 82°17'59" W a distance of 86.87 feet to a point. Thence S 79°07'39" W a distance of 57.45 feet to a point. Thence N 87°03'50" W a distance of 122.72 feet to a point. Thence S 85°03'51" W a distance of 57.26 feet to a point. Thence S 77°00'51" W a distance of 90.83 feet to a point. Thence N 71°47'00" W a distance of 108.59 feet to a point. Thence N 35°43'08" W a distance of 50.88 feet to a point. Thence N 09°25'19" W a distance of 72.95 feet to a point. Thence N 54°15'50" W a distance of 84.79 feet to a point. Thence N 31°07'13" W a distance of 34.06 feet to a point. Thence N 16°40'18" W a distance of 98.00 feet to a point. Thence N 36°01'25" W a distance of 38.80 feet to a

point. Thence N 77°32'10" W a distance of 19.64 feet to a point. Thence N 89°22'39" W a distance of 44.35 feet to a point. Thence N 65°23'15" W a distance of 27.92 feet to a point. Thence N 47°04'21" W a distance of 68.54 feet to a point. Thence N 55°50'55" W a distance of 87.81 feet to a point. Thence N 62°48'31" W a distance of 29.70 feet to a point. Thence N 65°02'29" W a distance of 71.02 feet to a point. Thence N 77°48'47" W a distance of 24.70 feet to a point. Thence S 45°06'00" W a distance of 24.51 feet to a point. Thence S 06°22'12" W a distance of 31.73 feet to a point. Thence S 38°27'00" E a distance of 35.79 feet to a point. Thence S 59°26'45" E a distance of 71.72 feet to a point. Thence S 13°37'28" W a distance of 28.25 feet to a point. Thence N 69°33'57" W a distance of 76.68 feet to a point. Thence N 54°46'22" W a distance of 37.79 feet to a point. Thence S 83°46'40" W a distance of 16.73 feet to a point. Thence S 10°10'06" W a distance of 85.68 feet to a point. Thence S 20°09'29" W a distance of 122.53 feet to a point. Thence S 75°31'08" W a distance of 103.55 feet to a point. Thence S 62°57'11" W a distance of 58.40 feet to a point. Thence S 70°05'52" W a distance of 80.21 feet to a point. Thence S 75°47'12" W a distance of 61.28 feet to a point. Thence S 77°51'09" W a distance of 46.17 feet to a point. Thence S 63°46'59" W a distance of 75.51 feet to a point. Thence S 64°45'25" W a distance of 26.12 feet to a point. Thence S 76°28'40" W a distance of 43.61 feet to a point. Thence S 53°48'52" W a distance of 79.19 feet to a point. Thence N 89°58'29" W a distance of 72.73 feet to a point. Thence N 84°41'21" W a distance of 117.79 feet to a point. Thence N 84°03'12" W a distance of 68.10 feet to a point. Thence N 83°05'53" W a distance of 80.01 feet to a point. Thence N 77°52'22" W a distance of 62.52 feet to a point. Thence N 83°23'33" W a distance of 130.27 feet to a point. Thence N 73°28'36" W a distance of 90.61 feet to a point. Thence S 87°44'54" W a distance of 93.77 feet to a point. Thence N 78°45'25" W a distance of 144.94 feet to a point. Thence N 86°29'45" W a distance of 44.76 feet to a point. Thence N 83°27'49" W a distance of 27.87 feet to a point. Thence S 79°58'30" W a distance of 29.29 feet to a point. Thence S 59°40'56" W a distance of 47.26 feet to a point. Thence leaving the run of Sam's Branch N 00°29'04" W a distance of 126.60 feet to a point. Thence N 87°30'56" E a distance of 132.30 feet to a point. Thence N 00°16'04" W a distance of 1009.09 feet to an iron pipe found. Thence N 88°49'16" E a distance of 128.40 feet to an iron pipe found. Thence N 17°42'29" E a distance of 835.24 feet to an iron pipe found. Thence N 69°25'27" W 1010.24 feet to an iron pipe found. Thence N 69°25'27" W 1065.11 feet to a point along the eastern right-of-way of City Road. Thence along the eastern right-of-way of City Road in a northerly direction N 00°05'56" W a distance of 1676.40 feet to a point and the POINT OF BEGINNING and containing 266.716 acres (11618149) square feet according to a map by **True Line Surveying, P.C.** entitled "Boundary Survey for Raymond Elmore Earp, Jr. Family Trust", dated February 16, 2018 and having a job number of 2160.003.

ADJACENT PROPERTY OWNERS LIST

Project Name: Steeplechase Master Plan

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
See Attached List		

ADJACENT PROPERTY OWNERS LIST
Steeplechase Master Plan

	PARCEL	NAME	ADDRESS
1	176000-01-4713	PILKINGTON, DAVID D JR	1331 CITY ROAD CLAYTON, NC 27520-0000
2	176000-01-4124	PILKINGTON, DAVID D JR	1331 CITY ROAD CLAYTON, NC 27520-0000
3	176000-00-4780	MADDOX, JAMES WILLIAM MADDOX, SHANDA TAYLOR	22 CEDARDALE CT CLAYTON, NC 27520-5542
4	176000-00-4476	MUNDAY, KIMBERLY ANN	27 CEDARDALE CT CLAYTON, NC 27520-0000
5	176000-00-4236	BLACKLEY, DOUGLAS E BLACKLEY, LINDA F	1057 CITY RD CLAYTON, NC 27520-5907
6	165908-99-1146	MIMS, ALLEN L JR	920 CITY RD CLAYTON, NC 27520-0000
7	166909-17-1164	TOWN OF CLAYTON	PO BOX 777 CLAYTON, NC 27528-0777
8	166910-36-0755	PEEDIN, EDNA S	2721 US 70 EAST SELMA, NC 27576-8174
9	166910-47-5025	MASSEY, JOHN WESLEY	8041 ST ANDREWS DR LAURINBURG, NC 28352-2155
10	166900-56-1474	CAPPS, BILLY WADE	1119 N ONEIL STREET EXT CLAYTON, NC 27520-6240
11	166900-56-4098	MCINTYRE, MARTHA ANN	1233 MT CARMEL CHURCH RD TROY, NC 27371-0220
12	166900-56-8375	TOWN OF CLAYTON	P O BOX 879 CLAYTON, NC 27528-0000
13	166900-66-4354	ASHCROFT PARTNERS, LLC	114 W MAIN ST STE 102 CLAYTON, NC 27520-2397
14	166900-67-0102	JONES, TRACY L JONES, DEANNA L	1504 N ONEIL ST EXT CLAYTON, NC 27520
15	166900-57-9493	JONES, DEANNA LYNNE	1500 N O'NEIL ST EXT CLAYTON, NC 27520-0000
16	166900-68-3043	JONES, TRACY L	1538 NORTH ONEIL STREET EXT CLAYTON, NC 27520-0000
17	166900-79-1467	JEAN K SMITH TRUST SMITH, JAMES D TRUSTEE	1814 N ONEIL STREET EXT CLAYTON, NC 27520-6236
18	176000-60-9362	RAYMOND ELMORE EARP JR FAMILY TRUST EARP, NANCY CREWS TRUSTEE	7030 NC HIGHWAY 42 E SELMA, NC 27576-6128

19	176000-70-3713	MASSEY, JOHN WESLEY	8041 ST ANDREWS DR LAURINBURG, NC 28352-0000
20	176000-71-6415	SORRELL, DAVID M SORRELL, SABRINA	2641 COVERED BRIDGE RD CLAYTON, NC 27527-0000
21	176000-82-1830	HOUSE, MAVIS C	2873 COVERED BRIDGE RD CLAYTON, NC 27527-0000
23	176000-64-9005	O'BRIEN, ANGELLA J O'BRIEN, DAVID MICHAEL	147 BAYHILL DR ADVANCE, NC 27006-7183
24	176000-64-3056	ALFORD, KENNETH W ALFORD, ANNETTE R	150 MICHAEL WAY CLAYTON, NC 27520-5507
25	176000-64-1118	FILLHART, ALAN THEODORE FILLHART, JEAN M	118 MICHAEL WAY CLAYTON, NC 27520-5507
26	176000-54-9169	HUBERT, PETER G. HUBERT, PATRICE A.	114 MICHAEL WAY CLAYTON, NC 27520-5507
27	176000-54-8156	WETMORE, MARK L WETMORE, TAMELA LYNN	104 MICHAEL WAY CLAYTON, NC 27520-0000
28	176000-54-7160	TYNDALL, CHARLES B JR TYNDALL, JUNE MARIE	101 MICHAEL WAY CLAYTON, NC 27520-0000
29	176000-54-6039	FARMER, MARY ANN	100 MICHAEL WAY CLAYTON, NC 27520-5507
30	176000-54-1106	HASKINS, WESLEY L HASKINS, ERIN L	1009 BROOKHILL DRIVE CLAYTON, NC 27520-0000
31	176000-44-8293	MOORE, AMY J CARAWAN, CLIFFORD C	101 KATIE DR CLAYTON, NC 27520-0000
32	176000-44-4078	WHITMAN, BRIAN HAROLD WHITMAN, GINA MUNDEN	105 KATIE DR CLAYTON, NC 27520-5509
33	176000-44-1066	HUTCHINS, JOSHUA P HUTCHINS, PATRICIA	111 KATIE DR CLAYTON, NC 27520-0000
34	176000-44-1147	MURRAY, RICHARD H MURRAY, JOELY A	115 KATIE DRIVE CLAYTON, NC 27520-0000
35	176000-15-9320	LEE BROTHERS RENTAL	400 W MAIN STREET CLAYTON, NC 27520-0000
36	176000-33-7839	SCHULTZE, HENRY NEAL SCHULTZE, JUDY	2005 DONNA COURT CLAYTON, NC 27520-0000
37	176000-33-7679	COON, STEVEN M COON, ERIN M	2009 DONNA COURT CLAYTON, NC 27520-0000
38	176000-33-7319	COATS, JEFFREY LAWRENCE 2008 DONNA CT	2005 DONNA COURT CLAYTON, NC 27520-0000

39	176000-32-6986	WHITLEY, WILLARD H WHITLEY, BETTY J	2000 KEVIN CT CLAYTON, NC 27520-0000
40	176000-32-6235	ROBINSON, PAUL W ROBINSON, VIRGINIE E	2304 SMITH DRIVE CLAYTON, NC 27520-0000
41	176000-32-2320	BELL, BRIAN O BELL, AMANDA H	2212 SMITH DR CLAYTON, NC 27520-9031
42	176000-22-9067	LAUFER, ANDREW N. WOOD, HEATHER L.	2009 WILLIAM LN CLAYTON, NC 27520-8257
43	176000-22-5017	FISCHER, DANIELLE FISCHER, PAUL	2008 WILLIAM LANE CLAYTON, NC 27520-0000
44	176000-21-3907	HILL, MICHAEL WAYNE	2013 MISSY LANE CLAYTON, NC 27520-0000
45	176000-12-9050	NOWAKOWSKI, GREGORY A NOWAKOWSKI, WENDY D	2012 MISSY LANE CLAYTON, NC 27520-9033
46	176000-11-3998	DOLDE, DONALD ANTHONY DOLDE, SANDRA RAE	2020 SMITH DR CLAYTON, NC 27520-9029
47	176000-01-9959	POPE, BILLY R POPE, BOBBIE	2008 SMITH DR CLAYTON, NC 27520-9029
48	176000-01-7918	POURRON, CHARLES WAYNE	2000 SMITH DR CLAYTON, NC 27520-9029
49	176000-02-6216	CREASY, JEFFREY L CREASY, SHARON	2001 SMITH DR CLAYTON, NC 27520-5908
50	176000-02-1779	PILKINGTON, DAVID DANIEL JR	1331 CITY ROAD CLAYTON, NC 27520-5908



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

May 29, 2018

STAFF REPORT

Application Number: 2018-30-PDD

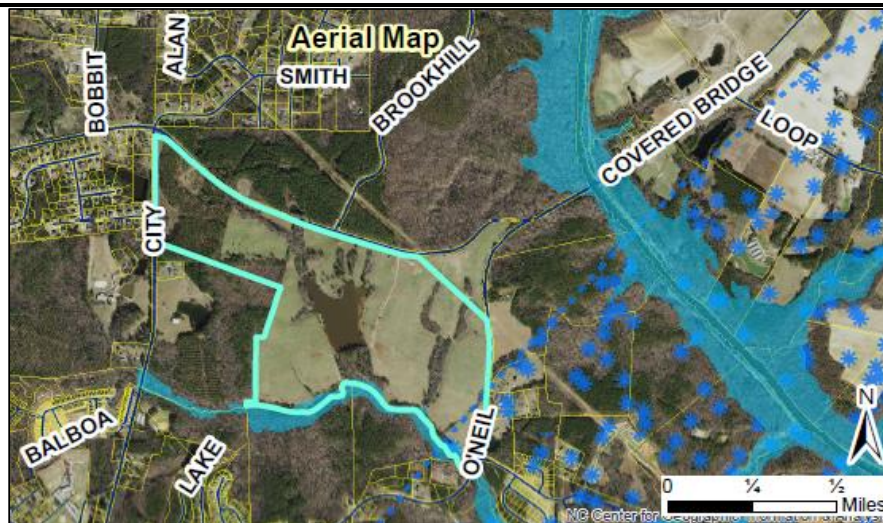
Project Name: Steeplechase Planned Development, Rezoning

NC PIN / Tag #: Southern portion of 166900-39-5182 / 05h02009
Town Limits/ETJ: Town Limits
Overlay: Southeasternmost 9.71 acres in Watershed Protection Overlay
Applicant: Shenandoah Homes Inc.
Owner: Raymond Elmore Earp, Jr. Family Trust, Nancy Crews Earp Trustee, and Mary Worley
Location: 266.72± acres generally located west of O'Neil Street, north of Sam's Branch Creek, east of City Road, and south of Covered Bridge Road; site of the old Steeplechase horse races.

Public Noticing:

- Neighborhood meeting held on May 10, 2018
- Sign posted May 18, 2018
- Letters mailed June 5, 2018
- Newspaper ad posted June 8, 2018 and June 15, 2018

REQUEST: Rezone 266.72± acres of the Earp tract to Planned Development-Residential (PD-R) and entitle that land per the associated Planned Development Master Plan (application #2018-31-SD).



SITE DATA:

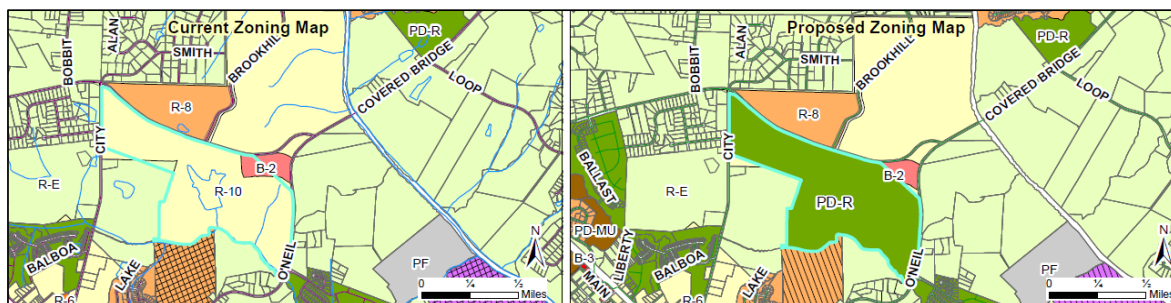
Acreage: 266.72± acres; the southern portion of the Earp tract.

Existing Use: Vacant/Agricultural

ADJACENT ZONING AND LAND USES:

Direction	Zoning	Existing Use
North	Residential-10, Residential-8, and small portion of Neighborhood Business (B-2)	Vacant
South	Residential-Estate, Residential-8-Special Use District	Town Park (Legend Park), Vacant
East	Residential-Estate	Vacant, Single family residential
West	Residential-Estate	Vacant, Agricultural, Single family residential

The Master Plan which would be the guiding development document for this tract of land is detailed in an associated application (2018-31-SD).

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

The applicant is requesting to rezone 266± acres of land from Residential-Estate, Residential-10 (R-10), and Neighborhood Business (B-2) to Planned Development-Residential (PD-R). A small number of nonresidential uses are also included as accessory uses at the Amenity Center for the development, which is located central to the neighborhood, on the north side of the large pond in the middle of the tract.

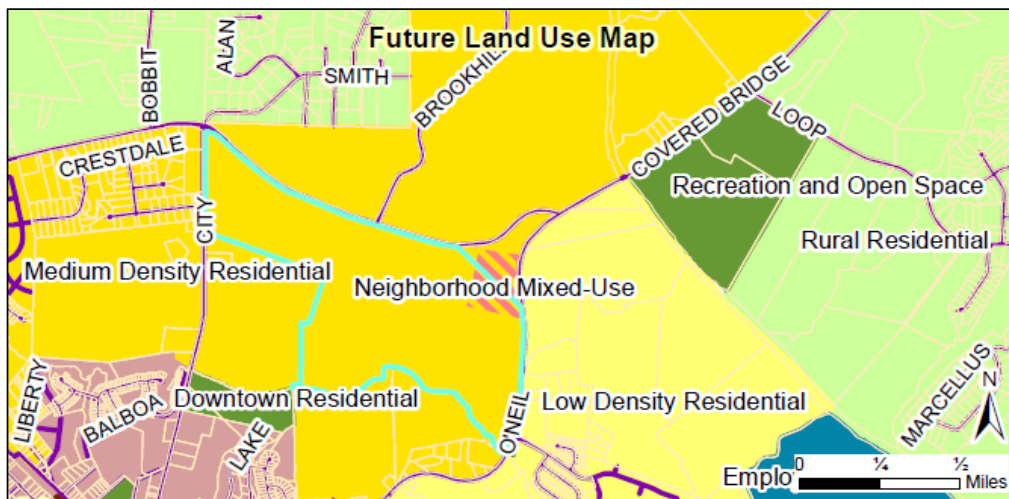
This application is running concurrently with a preliminary plat application, which is acting as a Master Plan (2018-31-SD, Steeplechase Master Plan). The master plan designates the uses, dimensional standards, and other associated design elements, including unique road design cross sections, that are part of the planned community. If this Planned Development rezoning and the associated Master Plan are approved, then individual phases of the development would be allowed to proceed to platting and construction through staff-level review, as each phase is developed.

Compatibility with surrounding land uses and potential for adverse effects

The proposed use is a residential subdivision and is compatible with the surrounding land uses, which are primarily single family residential (served by private septic), or vacant. The sewer line that was recently installed by the Town along Sam's Branch Creek (the southern border of the property, will allow the development to be served by Town sewer service. Even with the additional density often associated with public sewer service, the overall density of the tract will be 2.19± units per acre, with ample landscape buffers provided along the perimeter. This is due to the massive amounts of open space, the preservation of the pond, and the large riparian areas and external landscaping buffer areas incorporated into the design. The multifamily portion of the project (townhomes) are clustered along Covered Bridge Road.

Consistency with the Comprehensive Plan 2040

The Comprehensive Plan 2040 designates this property as "medium density residential" in the (underlying) residential future land use, with a small "neighborhood mixed-use" (aka "neighborhood center") located in the northeast corner. The requested planned development is compatible with this category(ies) based on the proposed density (2.19± dwellings/acre), requested zoning change, and master plan.

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

The site is (or can easily be) served by the Sam's Branch sewer line, as well as public water. If capacity exists, it may be approved by Council.

A Traffic Impact Analysis has been performed designating where off site improvements are needed. This report will be reviewed by NCDOT, which own N O'Neil Street and Covered Bridge Road.

CONSIDERATIONS:

- Rezoning is decided by the Town Council. The Planning Board shall make a recommendation to the Town Council.

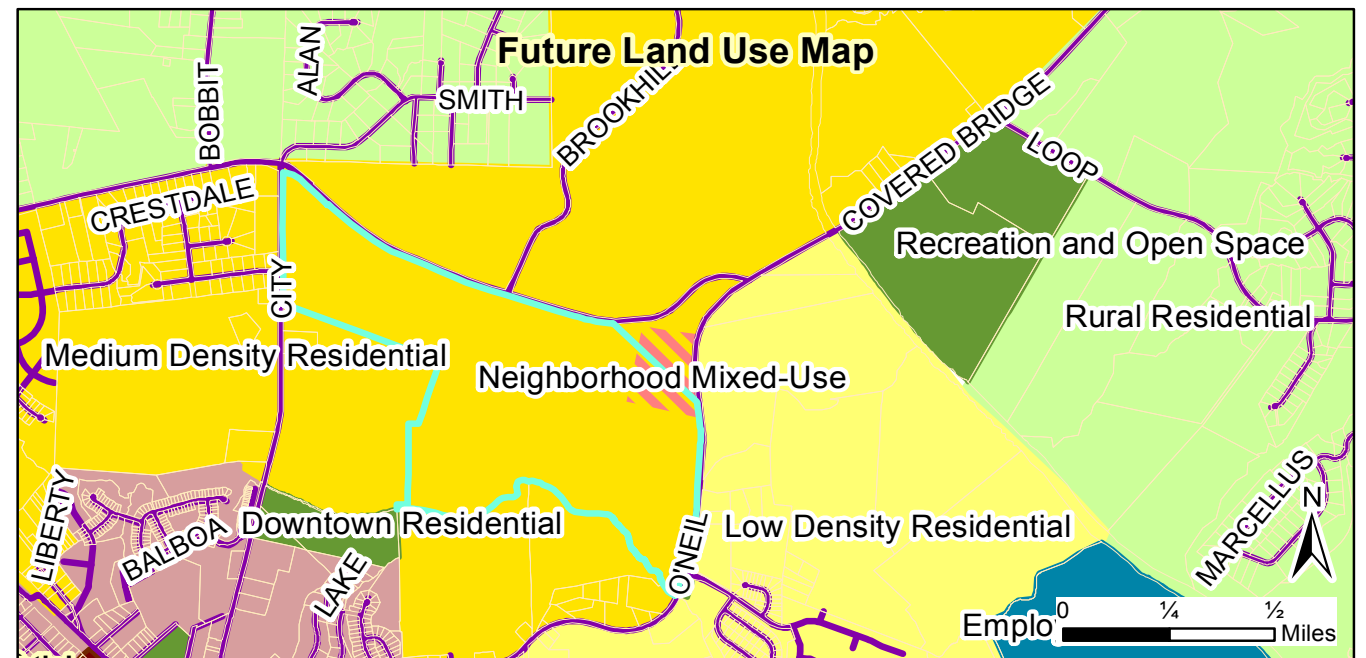
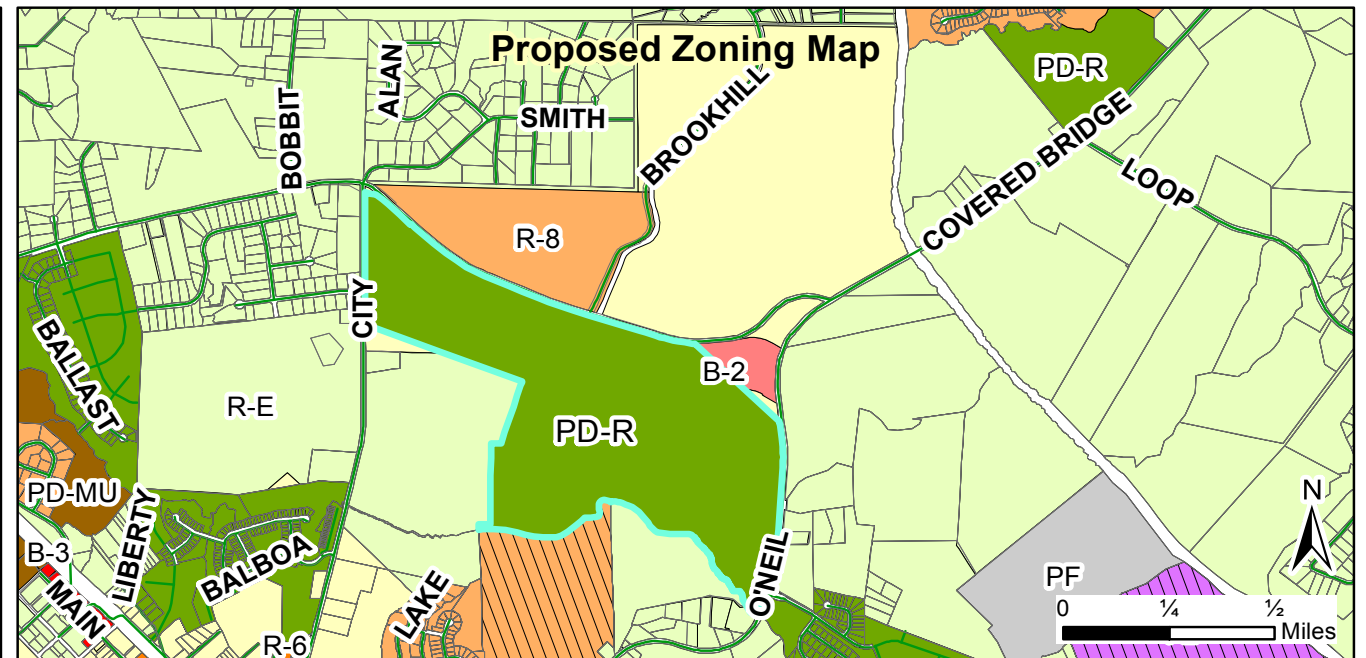
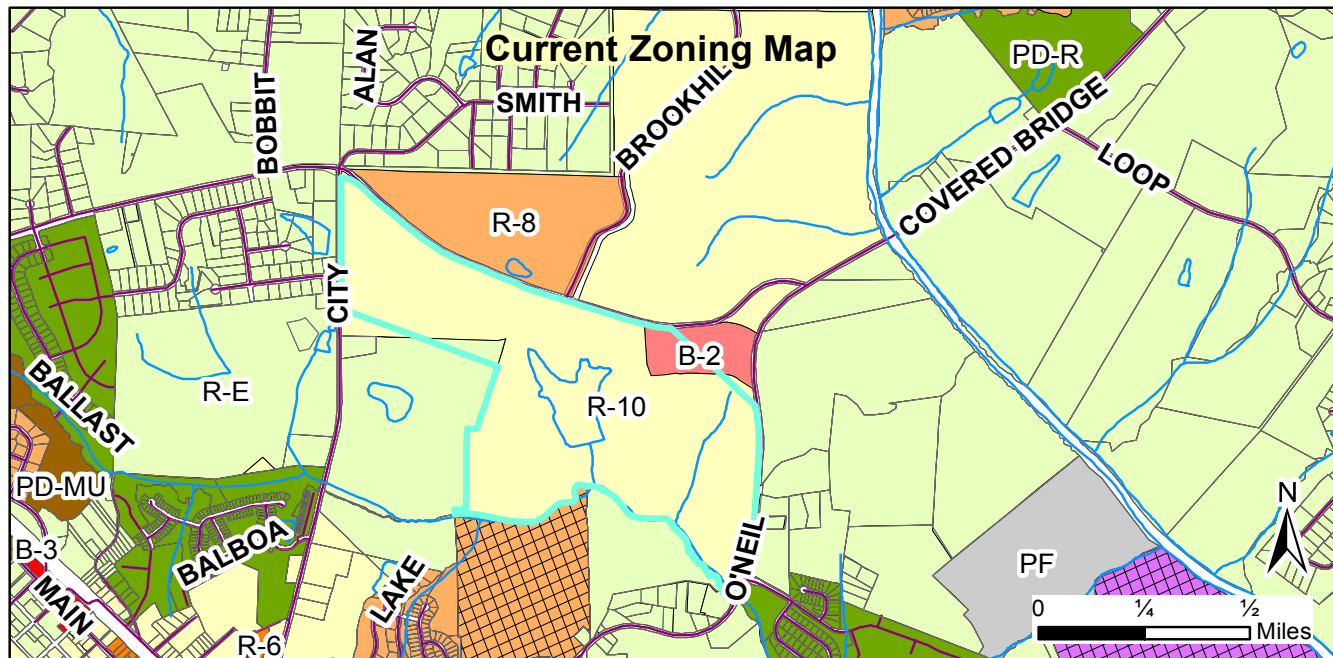
- When adopting or rejecting the rezoning, the Town Council shall approve a statement describing whether its action is consistent with adopted plans and/or policies of the Town and explaining why the Council considers the action taken to be reasonable and in the public interest.
 - This rezoning is running concurrently with a major preliminary plat request (2018-31-SD, Steeplechase Master Plan, acting as a master plan for the planned development).
 - Dimensional standards and other criteria for a planned development are set within the master plan.
-

APPROVAL CRITERIA:

The applicant has addressed the Rezoning Approval Criteria and Master Plan Approval Criteria outlined in §155.704 and .705. The applicant's responses are incorporated in the application, as an attachment to the Staff Report.

ATTACHMENTS:

- 1) Application
- 2) Staff Report Map
- 3) Neighborhood Meeting Materials
- 4) Associated Master Plan (2018-31-SD)



**Request:
2018-30-PDD & 2018-31-SD, Steeplechase Planned
Development, Rezoning and Master Plan**

Applicant: Shenandoah Homes, Inc.
Property Owners: Raymond Elmore Earp Jr., Family Trust; Nancy Crews Earp Trustee and Mary Worley
Parcel ID: southern portion of 166900-39-5182
Tag #: southern portion of 05h02009

Staff Report Map



Document Path: O:\PLANNING\SUBDIVISIONS\MAJOR SUBDIVISIONS\2018\2018-31-SD Steeplechase Master Plan\Map\Map 2018-31-SD, 2018-30-PDD Steeplechase Planned Development.mxd

Legend

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

05/04/2018

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



STEEPLECHASE
2018-31-SD & 2018-30-PDD

NEIGHBORHOOD MEETING SUMMARY
REPORTS, DOCUMENTS & EXHIBITS

MAY 17, 2018



ESP Associates, Inc.
2200 Gateway Centre Blvd., Suite 216
Morrisville, NC 27560
919.678.1070
www.espassociates.com



NEIGHBORHOOD MEETING INFORMATION

NOTE: *Neighborhood meetings are not required for minor modifications to an approved.*

Purpose:

The purpose of the neighborhood meeting shall be to inform the neighborhood of the nature of the proposed land use and development features, answer questions, respond to concerns, and solicit comments.

Meeting Date:

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

Meeting Time & Location:

The meeting must be held no earlier than 6:00 pm Monday through Friday, and must be held in a location generally accessible to residents within close proximity of the request.

Meeting Notice Mailing requirements:

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

Information provided to Planning Department:

Alert the Planning Department when the date, location, and time are determined. Planning staff may attend the neighborhood meeting to answer process/code questions.

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

- ☒ Neighborhood Meeting Summary Form
- ☒ Copy of the letter mailed
- ☒ Mailing list
- ☒ Attendance roster

- ☒ Stamped, addressed, empty envelopes with no return address, using the same addresses as used for the neighborhood meeting notification. (If not already submitted with the application). *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.* **Submitted with Application**

NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Date of Mailing: April 27, 2018

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

Printed Name: Kathryn McPherson

Signature: Kathryn R. McPherson

Date of Meeting: May 10, 2018

Time of Meeting: 6-8 pm

Location of Meeting: York Meeting Room, The Clayton Center, 111 East 2nd St., Clayton

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.*

See Attached

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

01/06/2016

Page 16 of 23



May 17, 2018

MEETING SUMMARY

Subject: Steeplechase Rezoning Neighborhood Meeting

Meeting Date/Time: May 10, 2018, 6-8 pm

Meeting Location: The Clayton Center, York Meeting Room,
111 East 2nd Street, Clayton, NC

Attendance: Shenandoah Homes: David Stallings, Mark Ward, Jeff Palmer, Wayne Koluch
ESP Associates, Inc.: Kathryn McPherson, Peter Tatge, Salman Moazzam, Jessica Grinstead
Neighbors: See attached Attendance Sheet, Exhibit D.

Below is a summary of the neighborhood meeting with Shenandoah Homes and ESP Associates' Planners and Engineer regarding the proposed Steeplechase rezoning and Preliminary Plat.

MEETING NOTIFICATION: A representative of the applicant mailed a written notice of the date, time and location of the Neighborhood meeting, with an overview of the proposed request, to individuals and organizations set out in Exhibit A, attached. A copy of the written notice, Exhibit B, attached, was sent via U.S. Mail on April 27, 2018.

MEETING SUBJECT: To provide adjoining property owners and other neighbors of the project the opportunity to examine the proposed master plan design and voice comments, questions and/or concerns. Four copies of the Master Plan, Exhibit C, attached, were positioned in the meeting room and representatives from Shenandoah Homes and ESP Associates, Inc. were available at each to answer questions or comments. After 30 minutes, Mark Ward spoke to neighbors and described the rezoning process and overview of the Steeplechase Master Plan and Shenandoah Homes. There was no specific opposition from the attendees to the proposed project. Most comments, see below, discussed off-site road safety concerns. After direct questions and comments from the neighbors and answers from Shenandoah Homes and ESP, discussions shifted into small groups and the meeting was concluded by 8:00 pm.

COMMENTS, QUESTIONS AND RESPONSE: (in no particular order)

1. Concern that the local schools were "very full" and that while Clayton has some high achieving schools they were all located away from the attendance zone for this site.

Would there be a school site as part of this development?

Response: Johnston County Schools were contacted about need for school sites and they were looking at larger tracts of land to create Elementary/Middle School or Middle and High School campuses.

2200 Gateway Center Blvd., Suite 216 • Morrisville, NC 27660
919.678.1070 • Fax 919.677.1252
www.espassociates.com

2. When will the traffic signal be placed on Covered Bridge Road and O'Neil?
Response: The traffic signal has been approved for the intersection and when the re-alignment is complete the signal will be placed at the new intersection of C.B.R. and O'Neil St. Date for placement is not known.
3. The Cul-De-Sac on O'Neil just north of the Greenway will be difficult due to steep grades in the area. How will that be addressed?
Response: Lot adjustments will occur as necessary during Construction Drawings.
4. What are the plans for the development of the northern side of CBR?
Response: Shenandoah Homes does not have any active interest on the remainder of the Steeplechase property. With the size and scope of the current project the northern parcel is at least 5+ years out.
5. What are the next steps and how can we, as neighbors, stay informed?
Response: The Town Planning Board will meet on May 29 to and a letter will be mailed out to the surrounding property owners informing them of the Public Hearing at the Town Council Meeting on June 18th. The Town Web site should be updated soon and will provide links to staff reports and exhibits.
6. How are NCDOT, the Town of Clayton and the developer addressing traffic concerns? What road improvements will be required and how will additional row affect the layout shown?
*Response: The Master Plan drawing is showing the additional ROW required by the Town of Clayton. A Traffic Impact Analysis is in progress and under review with NCDOT and will state the road improvements required for the surrounding streets. *several of the neighbors requested copies of the TIA.*
7. Will sidewalks/walking trails be provided along the perimeter roads, (Covered Bridge, City and O'Neil), to connect to the Sam's Branch Greenway?
Will sidewalks be provided on the interior roads?
Response: 10' Wide, asphalt walking trails will be provided along all frontages of City Road, Covered Bridge Road and O'Neil Street. A connection will also be provided along the existing powerline easement to connect the trail along O'Neil with the trail on Covered Bridge. The walking trails will be located within the street ROW. All internal public streets within Steeplechase will have public sidewalks on both sides of the street, (The road crossing at the dam shall only have a 10' asphalt trail on one-side).
8. What type of traffic calming devices (speed bumps?) will be provided along the main internal road from Covered Bridge Road to O'Neil?
Response: None are planned at this time but may be added during the construction drawings.
9. The aerial map shows the Smith Ridge Estates as Brook hill Estates.
Response: The map will be corrected.
10. Shotwell Road is heavily congested in the mornings and has minimal exits. Will a signal be placed there?
Response: Required road improvements will be part of NCDOT's comment responses to TIA. We have not yet received these comments.
11. ***City Road and Covered Bridge Road intersection. This intersection was "improved" by NCDOT and the result has made the crossing of Covered Bridge Road while on City Road more dangerous. Drivers and pedestrian have limited sight distance due to curve and grade change and the speed of vehicles on Covered Bridge Road (45 mph) to safely cross the intersection. No

May 14, 2018

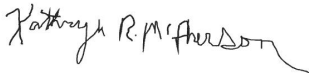
safety measures were provided when the intersection was widened. This resulted in increasing the risk because vehicles on Covered Bridge now go faster through the intersection.

Response: **This was by far the most discussed issue at the meeting.** Neighbors were very adamant that while they recognize that development is inevitable and that traffic would increase with new homes they were not as concerned with traffic but were very concerned with SAFETY. The developer agreed to bring this issue up in discussions with the traffic consultant, NCDOT and the Town of Clayton to determine what measures could be employed to address these safety concerns.

***The primary concern/discussion point with the attendees.

The Meeting Summary outline above is an account of the items discussed.

Respectfully Submitted,



Kathryn McPherson, RLA, ASLA
ESP Associates, Inc.

CC: Shenandoah Homes
ESP Associates

EXHIBIT A

ALFORD, KENNETH W
ALFORD, ANNETTE R
150 MICHAEL WAY
CLAYTON, NC 27520-5507

BLACKLEY, DOUGLAS E
BLACKLEY, LINDA F
1057 CITY RD
CLAYTON, NC 27520-5907

CASSEDALE PROPERTY OWNERS ASSOC.
5160 NC HWY. 42 WEST
GARNER, NC 27529

DOLDE, DONALD ANTHONY
DOLDE, SANDRA RAE
2020 SMITH DR
CLAYTON, NC 27520-9029

FISCHER, DANIELLE
FISCHER, PAUL
2008 WILLIAM LANE
CLAYTON, NC 27520-0000

HOUSE, MAVIS C
2873 COVERED BRIDGE RD
CLAYTON, NC 27527-0000

JEAN K SMITH TRUST SMITH,
JAMES D TRUSTEE
1814 N ONEIL STREET EXT
CLAYTON, NC 27520-6236

JONES, DEANNA LYNNE
1500 N O'NEIL ST EXT
CLAYTON, NC 27520-0000

MADDOX, JAMES WILLIAM
MADDOX, SHANDA TAYLOR
22 CEDARDALE CT
CLAYTON, NC 27520-5542

MIMS, ALLEN L JR
920 CITY RD
CLAYTON, NC 27520-0000

ASHCROFT PARTNERS
114 W. MAIN ST. STE. 102
CLAYTON, NC 27520

CAPPS, BILLY WADE
1119 N ONEIL STREET EXT
CLAYTON, NC 27520-6240

COON, STEVEN M
COON, ERIN M
2009 DONNA COURT
CLAYTON, NC 27520-0000

FARMER, MARY ANN
100 MICHAEL WAY
CLAYTON, NC 27520-5507

HASKINS, WESLEY L
HASKINS, ERIN L
1009 BROOKHILL DRIVE
CLAYTON, NC 27520-0000

HUBERT, PETER G.
HUBERT, PATRICE A.
114 MICHAEL WAY
CLAYTON, NC 27520-5507

JONES, TRACY L
JONES, DEANNA L
1504 N ONEIL ST EXT
CLAYTON, NC 27520

LAUFER, ANDREW N.
WOOD, HEATHER L.
2009 WILLIAM LN
CLAYTON, NC 27520-8257

MASSEY, JOHN WESLEY
8041 ST ANDREWS DR
LAURINBURG, NC 28352-0000

MURRAY, RICHARD H
MURRAY, JOELY A
115 KATIE DRIVE
CLAYTON, NC 27520-0000

BELL, BRIAN O
BELL, AMANDA H
2212 SMITH DR
CLAYTON, NC 27520-9031

COATS, JEFFERY I.
2008 DONNA CT.
CLAYTON, NC 27520-0000

CREASY, JEFFREY L
CREASY, SHARON
2001 SMITH DR
CLAYTON, NC 27520-0000

FILLHART, ALAN THEODORE
FILLHART, JEAN M
118 MICHAEL WAY
CLAYTON, NC 27520-5507

HILL, MICHAEL WAYNE
2013 MISSY LANE
CLAYTON, NC 27520-0000

HUTCHINS, JOSHUA P
HUTCHINS, PATRICIA
111 KATIE DR
CLAYTON, NC 27520-0000

JONES, TRACY L
1538 NORTH ONEIL STREET EXT
CLAYTON, NC 27520-0000

MOORE, AMY J
CARAWAN, CLIFFORD C
101 KATIE DR
CLAYTON, NC 27520-0000

MCINTYRE, MARTHA ANN
1233 MT CARMEL CHURCH RD
TROY, NC 27371-0220

MUNDAY, KIMBERLY ANN
27 CEDARDALE CT
CLAYTON, NC 27520-5541

NOWAKOWSKI, GREGORY A
NOWAKOWSKI, WENDY D
2012 MISSY LANE
CLAYTON, NC 27520-9033

OBRIEN, ANGELLA J
OBRIEN, DAVID MICHAEL
147 BAYHILL DR
ADVANCE, NC 27006-7183

OLE MILL STREAM ASSOCIATION
P.O. BOX 1265
CLAYTON, NC 27528

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

PILKINGTON, DAVID D JR
1331 CITY ROAD
CLAYTON, NC 27520-5908

LEE BROTHERS
400 W. MAIN STREET
CLAYTON, NC 27520-0000

POPE, BILLY R
POPE, BOBBIE
2008 SMITH DR
CLAYTON, NC 27520-9029

POURRON, CHARLES WAYNE
2000 SMITH DR
CLAYTON, NC 27520-9029

RAYMOND E EARP JR REVOCABLE
TRUST EARP, NANCY CREWS TRUSTEE
7230 NC HIGHWAY 42 E
SELMA, NC 27576-6005

ROBINSON, PAUL W
ROBINSON, VIRGINIE E
2304 SMITH DRIVE
CLAYTON, NC 27520-0000

SCHULTZE, HENRY NEAL
SCHULTZE, JUDY
2005 DONNA COURT
CLAYTON, NC 27520-0000

SORRELL, DAVID M
SORRELL, SABRINA
2641 COVERED BRIDGE RD
CLAYTON, NC 27527-0000

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

TOWN OF CLAYTON
PO BOX 777
CLAYTON, NC 27528-0777

TYNDALL, CHARLES B JR
TYNDALL, JUNE MARIE
101 MICHAEL WAY
CLAYTON, NC 27520-0000

WETMORE, MARK L
WETMORE, TAMELA LYNN
104 MICHAEL WAY
CLAYTON, NC 27520-0000

WHITLEY, WILLARD H
WHITLEY, BETTY J
2000 KEVIN CT
CLAYTON, NC 27520-0000

WHITMAN, BRIAN HAROLD
WHITMAN, GINA MUNDEN
105 KATIE DR
CLAYTON, NC 27520-5509

EXHIBIT B



April 27, 2018

Dear Clayton Area Property Owner:

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

Meeting Date: May 10, 2018

Location: The Clayton Center, York Meeting Room, 111 East 2nd Street, Clayton

Time: 6-8 pm

Type of Application:

Rezoning and Subdivision: Major Subdivision (Preliminary Subdivision Plat).

General Description of proposed request:

Shenandoah Homes, Inc., requests to rezone a portion of PIN# 166900-39-5182 comprised of +/-266.72 acres bounded by O'Neil Street on the east, Covered Bridge Road on the north, City Road on the west and Sam's Branch Creek on the south to a Planned Development-Residential (PD-R) district concurrently with the Steeplechase Master Plan as a Major Preliminary Subdivision Plat. The proposed community will be comprised of a maximum 600 residential units with a mix of housing types (townhomes, single-family detached homes with a mix of front loaded and rear loaded homes, and age targeted homes) and amenities (private clubhouse/swimming pool, lake, pedestrian walks on all streets, multi-use paths with connections to the Sam's Branch Greenway and pocket parks).

SHENANDOAHhomes.us
2840 Plaza Place Suite 200
Raleigh, North Carolina 27612

At the Neighborhood Meeting, the following items will be available for your inspection and comment:

1. A copy of the project application.
2. A map to scale showing the project area and neighboring properties and roads.
3. A map, drawing, or other depiction of the proposed land use change or development proposal.

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

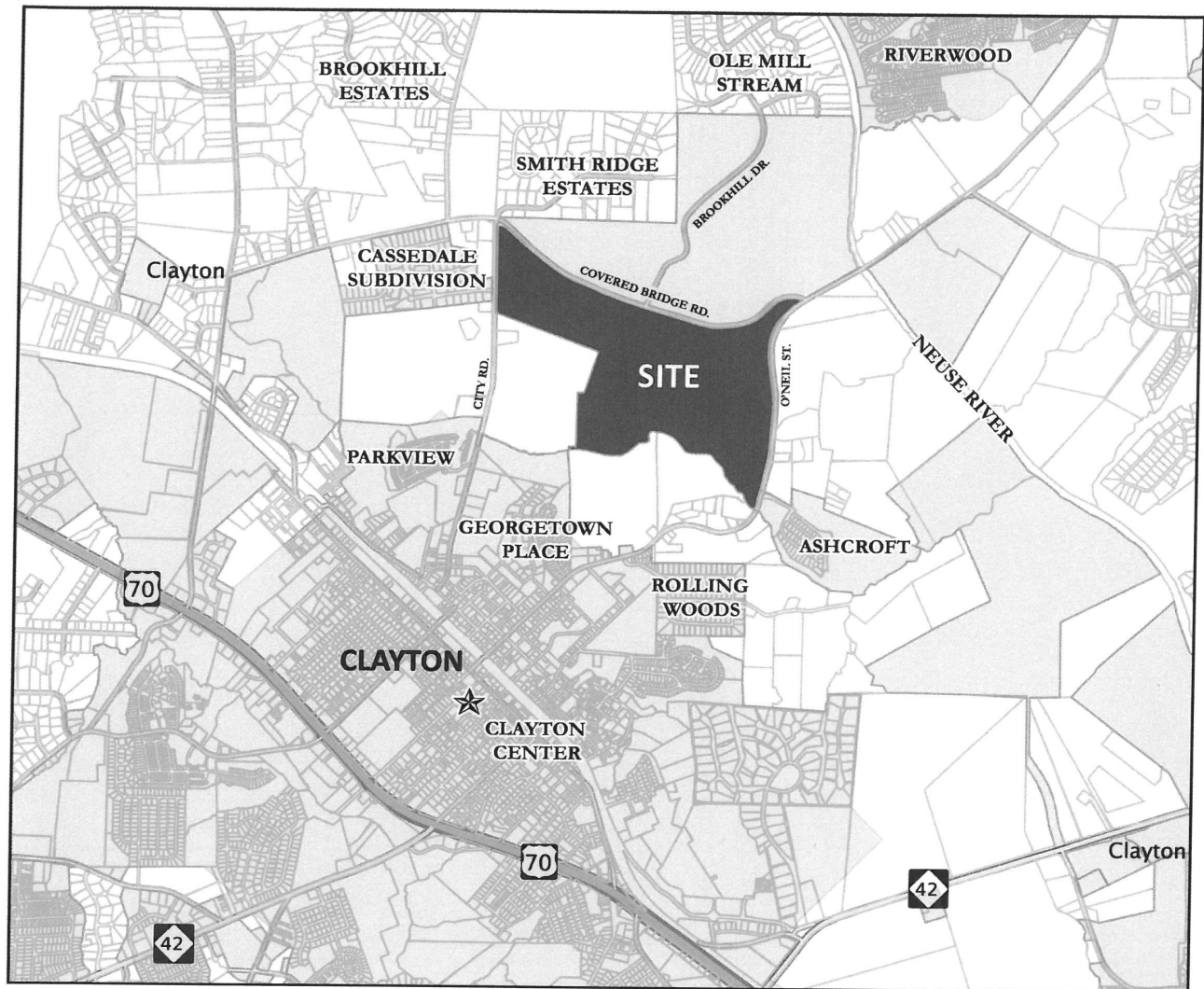
If you have any questions prior to or after this meeting, you may contact us at (984) 200-5540.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Palmer". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Jeff Palmer
Shenandoah Homes, Inc.

Cc: Clayton Planning Department



STEEPLECHASE NEIGHBORHOOD MEETING

THE CLAYTON CENTER
YORK MEETING ROOM
111 EAST 2ND STREET, CLAYTON

MAY 10, 2018
6-8 PM

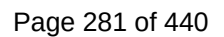


EXHIBIT D

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Applicant: _____ Shenandoah Homes: Steeplechase

Location/Date: _____ May 10, 2018, The Clayton Center, York Meeting Room, 111 East 2nd Street, Clayton

	Name	Address
1	Mavis House	2873 Cov. Bridge Rd.
2	Mike Joy Hill	8013 Missy Lane mh1115@nc-rr.com
3	Douglas E Blockley	1857 City Rd.
4	DON DOLDE	2020 SMITH DR.
5	Sandi Dolde	2020 Smith Dr
6	Linn Carson	2008 Missy Lane Clayton, NC
7	John R. House	2975 COVERED BRIDGE RD.
8	PETER TATGE	2731 CREEKBRIDGE LAKE, CHARL, NC
9	Wayne Pourra	2000 Smith Drive, CLYDE
10	Steve Smith	1814 N. ONEIL ST Ext Clayton 27520
11	James D Smith	1814 N. ONEIL ST Ext Clayton
12	Mark A. Peedin	154 Peedin Ext Selma, NC. 275.
13	mark.peedin@gmail.com	(FARM TO SOUTH GREENWAY QUEST.)
14	Willard Whitley	2000 Kevin Ct Clayton, N.C
15		
16		
17		
18		
19		
20		

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Applicant: _____ Shenandoah Homes: Steeplechase

Location/Date: _____ May 10, 2018, The Clayton Center, York Meeting Room, 111 East 2nd Street, Clayton

	Name	Address
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①

PUBLIC NOTICE

In accordance with NC GS 160A-364 and NC GS 160A-384 the Clayton Town Council will hold an evidentiary hearing on Monday, June 18, 2018, at 6:00 PM at Town Hall, 111 East Second Street, to consider the following requests:

- 2018-30-PDD Steeplechase Planned Development District Rezoning; request to rezone a portion of the property from R-E, R-10, and B-2 to PD-R. Located on the southern portion of parcel number 05H02009, located off Covered Bridge and City Roads.
- 2018-31-SD Steeplechase Preliminary Plat, acting as a Master Plan; request to develop up to 600 dwelling units on 266.72 acres of land. Located on the southern portion of parcel number 05H02009, located off Covered Bridge and City Roads.

For a rezoning request, 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.

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

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

Haley Hogg, Planner
919-553-5002

News & Observer (Clayton)

Please advertise on the following dates:

June 8, 2018

June 15, 2018

Affidavit of publication required.

**TOWN OF CLAYTON
PLANNING BOARD WRITTEN RECOMMENDATION
REZONING TO PLANNED DEVELOPMENT**

2018-30-PDD, Steeplechase Master Plan Rezoning to Planned Development

On May 29, 2018 the Planning Board heard the above-referenced request and made the following vote:

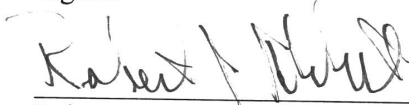
Recommendation to the Town Council to:

☒ approve the request.

☐ deny the request.

Recommendation(s) made this 29th day of May, 2018 while in regular session.

Signed:



Robert Ahlert, Planning Board Chair



Town Council Agenda Cover Sheet

Meeting Date

June 4 2018

Agenda Location

New Business

Item Title

2018-31-SD Steeplechase Master Plan

Presenter *(Name & Title)*

Planning Dept.

Summary/Description

Request for Planned Development Master Plan approval to entitle the new Steeplechase Master Plan (600 homes on 270± acres) on the southern half of the Earp property (south of Covered Bridge Road and west of North O'Neil Street).

Requested Action

Set Public Hearing

Additional Documents To Be Included in Agenda Packet

Application
Staff report
Map
Neighborhood meeting materials



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: _____
- ☐ Modification to Approved Preliminary Plat
Major: _____ Minor: _____
- ☒ New Subdivision Master Plan

Name of Project: Steeplechase Master Plan Acreage of Property: 266.72+/-

Tag #: Portion of 05H02009 NC PIN: Portion of 166900-39-5182

Location: 1162 Covered Bridge Road, Clayton, NC

Number of Lots (existing): 1 (Proposed) 600 units Max. Min Lot Size: 42'x120' (5,040sf)

Zoning District: R-E, R-10, B-2 Electric Provider: Duke Progress

Wastewater: ☐ Septic ☒ Sewer (check one) Water: ☐ Well ☒ Public/Private Water (check one)

Recreation/Open Space Requirement: ☐ Fee in lieu ☒ Land Dedication – Acreage: 14.0+/-
Covered Bridge Rd RW: 3.66+/- ac; O'Neil St RW: 1.63+/- ac; Parks & Recreation Land Dedication: 9.71+/- ac.

FOR OFFICE USE ONLY

Date Received: MAR 01 2018 Amount Paid: \$3,500 File Number: 2018-31-SD

01/06/2016

TOWN OF CLAYTON
PLANNING DEPARTMENT

Page 1 of 17

PROPERTY OWNER INFORMATION

Name: Raymond Elmore Earp, Jr. Family Trust, Nancy Crews Earp Trustee & Mary Earp Worley
Mailing Address: 7020 NC Hwy 42 East, Selma, NC 27576
Phone Number: 919-965-6113 Fax: N/A
Email Address: winkworley@gmail.com

APPLICANT INFORMATION

Applicant: Shenandoah Homes, Inc.
Mailing Address: 3724 National Drive, Suite 220, Raleigh, NC 27612
Phone Number: 919-230-8177 Fax: _____
Contact Person: Alex Crow
Email Address: alex@shenandoahhomes.us

REQUIRED INFORMATION (to be submitted with the application)

MAJOR PSP
The following items must accompany the application: **See Planned Development : Master Plan (PSP) Checklist**

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: <u>January 3, 2018</u>	☒				
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>	☒	☐			

01/06/2016

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12. A signed and sealed Traffic Impact Analysis (required for projects which generate at least 100 vehicle trips at peak hour. See §155.708 of the UDC)	☒	☐			
13. Neighborhood Meeting Notice Letter* (1 copy) See sample letter and meeting requirement, included in this packet. *Not required for minor modifications or subdivisions *Not required for subdivisions that are part of an approved planned development	☐	☐	To be submitted once date and location determined.		
14. Neighborhood Meeting summary form* Included in this packet – NOT submitted with application. *Not required for minor modifications or subdivisions *Not required for subdivisions that are part of an approved planned development		☐	Must be submitted after neighborhood meeting is held and at least 10 days prior to Planning Board meeting.		
15. Stamped, addressed, empty envelopes with no return address, using the adjacent property owner list. *Not required for minor modifications 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.	☒				

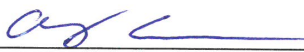
EXPLANATION OF PROJECT

Please provide detailed information concerning all requests. Attach additional sheets if necessary.
See Attached Steeplechase Planned Development Master Plan - Explanation of the Project

APPLICANT AFFIDAVIT

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

Alex Crow
Print Name


Signature of Applicant

March 1, 2018
Date

01/06/2016

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Steeplechase Planned Development Master Plan - Explanation of the Project

Shenandoah Homes, Inc. requests to rezone a portion of PIN# 166900-39-5182 comprised of 266.72± acres bound by North O'Neil Street on the east, Covered Bridge Road on the north, City Road on the west and the Sam's Branch Creek on the south to a Planned Development – Mixed Use (PD-MU) district concurrently with the Steeplechase Master Plan as a Major Preliminary Subdivision Plat. The proposed mix of uses will allow for commercial uses (general store with mailboxes) with up to 600 units maximum of residential housing types (townhomes, single-family residential front and rear-loaded lots and age-targeted homes) and amenities (private clubhouse/swimming pool, lake, pedestrian walks along both sides of tree-lined streets, multi-use paths and pocket-parks).

2200 Gateway Centre Blvd. · Suite 216 · Morrisville, NC 27560
phone: 919.678.1070 · fax: 919-677-1252
www.espassociates.com

PD-MU MASTER PLAN

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: January 3, 2018	☒				
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. Planned Development Approval Criteria Response, signed <i>Not required for minor modifications. Form is included in this packet.</i>	☒	☐			
6. Owner's Consent Form <i>Required if applicant is not the property owner. Included in this packet</i>	☒	☐			
7. Master Plan / Preliminary Plat Subdivision Requirements Checklist form, completed and signed <i>Checklist is included in this packet</i>	☒				
8. Plat sheet(s) meeting requirements of the Requirements Checklist	☒	☐			
9. 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). <i>Waiver Request sheet included with this application.</i>	☒	☐			
10. Adjacent Property Owners List	☒	☐			
11. Road Name Application <i>Included in this packet</i>	☒	☐			
12. Wastewater allocation request OR verification of wastewater allocation	☒	☐			
13. A signed and sealed Traffic Impact Analysis (<i>required for projects which generate at least 100 vehicle trips at peak hour. See §155.708 of the UDC</i>)	☒	☐			
14. Neighborhood Meeting Notice Letter* (1 copy) <i>See sample letter and meeting requirement, included in this packet.</i> <i>*Not required for minor modifications</i>	☐	☐	To be submitted once date and location determined.		
15. Neighborhood Meeting summary form* <i>Included in this packet – NOT submitted with application.</i> <i>*Not required for minor modifications</i>		☐	Must be submitted after neighborhood meeting is held and at least 10 days prior to Planning Board meeting.		
16. Stamped, addressed, empty envelopes with no return address, using the adjacent property owner list.* <i>*Not required for minor modifications</i> <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>	☒				

01/06/2016

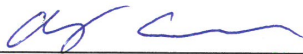
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APPLICANT AFFIDAVIT

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

Alex Crow

Print Name



Signature of Applicant

March 1, 2018

Date

FINDINGS OF FACT: MASTER PLAN ACTING AS A PRELIMINARY SUBDIVISION PLAT

Section 155.706(I)(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.

See attached Steeplechase Planned Development Master Plan - Findings of Fact

- (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.

- (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.

Project Name: Steeplechase Master Plan

Alex Crow
Print Name


Signature of Applicant

March 1, 2018
Date

01/06/2016

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Steeplechase Planned Development Master Plan – Findings of Fact

The proposed Steeplechase Planned Development Master Plan addresses 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 Master Plan is consistent with and meets or exceeds the Town's Unified Development Code (UDC), Subdivision Standards, Street Design and General Design Guidelines for zoning uses, density, streets, lots, blocks, utilities, recreation and open space, off-street parking, landscaping, screening and buffers, and natural resources protections.

- (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 proposed Master Plan will have a mix of residential housing types, styles, lot sizes and supporting services to meet the various needs of residents and in keeping with the surrounding community. The existing lake is being maintained and improved for its scenic views and recreational enjoyment for the residents by the Homeowner's Association.

- (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 proposed Steeplechase Master Plan includes an internal hierarchy of inter-connected tree-lined streets with pedestrian walks on both sides and four access points to distribute vehicular traffic onto existing thoroughfares. The development is proposing to dedicate right-of-way for future widening along Covered Bridge Road and O'Neil Street. Recommendations of the Traffic Impact Analysis are currently being reviewed by the Town and NCDOT. Multi-use paths will be installed along the perimeter roadways, connecting internal pedestrian walks and multi-use paths to Sam's Branch Greenway. Public sewer and water will be connected and extended throughout the community. A Wastewater Allocation request is being submitted to the Town for approval by Town Council. All improvements will be permitted per local, county and state regulations to ensure protection of the environment and health, safety and general welfare of the public.

- (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 proposed Master Plan promotes and supports the quality growth and development. The Town's Comprehensive Plan 2040 Future Land Use Plan recommends "Medium Density

Residential” development with a density of three to five units per acre with compatible R-8 and R-10 zoning districts and access to recreation/open space for the Steeplechase property. The development will provide a transition from the more suburban areas to the Town more urban character. The PD-MU zoning category is consistent with the strategic growth plan envisioned for this property. The Steeplechase Master Plan is consistent with the following Comprehensive Goals, Objectives and Recommendations:

- Encourage a mix of residential and non-residential land uses within Neighborhood and Community centers identified on the Future Land Use Map.
- Encourage quality development which maximizes existing infrastructure, promotes walking and biking, and enhances travel safety.
- Utilize landscaping to enhance collector streets that transverse through higher-density land uses to soften the visual impacts of high-intensity/density development.
- Update the Town’s roadway cross-sections to incorporate street tree requirements and landscaped medians.
- Encourage a range of housing types, styles and lot sizes within Planned Developments that meets the needs of various income levels, family sizes, and ages.
- Provide sidewalks, multi-use paths, and bicycle infrastructure along roadways as part of new development.
- Support interconnected street systems that efficiently disperse traffic with stub streets for future connections to adjacent parcels.
- Dedication of right-of-way for widening of existing roadways.
- Encourage the placement of underground utilities and co-location of utilities to reduce aesthetic impacts.

MASTER PLAN APPROVAL CRITERIA

Section 155.705(K) of the Unified Development Code requires that a Master Plan must successfully address the following elements. Outline below (you may attach additional sheets) how the application addresses each of the following criteria:

- (1) Compliance with §155.705(K) of the Unified Development Code (UDC) and all other applicable requirements of the UDC.

See attached Steeplechase Planned Development Master Plan - Approval Criteria

- (2) Consistency with the Clayton General Design Guidelines.

- (3) Conformance of the proposal with the stated purpose of the requested planned development district (see §155.200(A)(3) and §155.203(L) of the UDC).

- (4) Compatibility of the proposed development with the adjacent community.

- (5) The quality of design intended for each component of the project and the ability of the overall development plan to ensure a unified, cohesive environment at full build-out.

- (6) Compatible relationships between each component of the overall project.

- (7) Self-sufficiency of each phase of the overall development.

- (8) Documentation that the proposed infrastructure improvements accommodate the additional impacts caused by the development, or documentation to assure that the development, as proposed, will not overtax the existing public infrastructure systems.

- (9) The fiscal impact of the proposal and the proposed financing of required improvements.

- (10) The success of the proposal in providing adequate pedestrian and bicycle links within the development and with the adjacent community.

- (11) The effectiveness with which the proposal protects and preserves the ecologically sensitive areas within the development.

Alex Crow
Print Name


Signature of Applicant

March 1, 2018
Date

01/06/2016

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Steeplechase Planned Development - Master Plan Approval Criteria

- (1) Compliance with 155.705(K) of the Unified Development Code (UDC) and all other applicable requirements of the UDC.

The proposed Steeplechase Master Plan is in compliance with the Town of Clayton's Unified Development Code (UDC) for zoning uses, density, streets, lots, blocks, utilities, recreation and open space, off-street parking, landscaping, screening and buffers, and natural resources protections.

- (2) Consistency with the Clayton General Design Guidelines.

The proposed Master Plan is consistent with the Town of Clayton General Design Guidelines in enhancing the community's appearance and protecting its natural resources. The Master Plan incorporates sustainable site planning with open space and recreation, will provide for positive drainage, erosion control and stormwater management, a variety of housing types with quality construction materials, off-street parking, multi-modal circulation and connections to adjacent neighborhoods and attractions, attractive streetscapes, landscaping and screening with inviting amenities creating a unique sense of place and contributing to the quality of the Town.

- (3) Conformance of the proposal with the stated purpose of the requested planned development district.

The Planned Development has a unique set of Design Guidelines and dimensional standards based on the Unified Development Code (UDC) Design Standards, specifically a coordinated mix of housing types and uses, resource conservation areas along Sam's Branch Creek, recreation and open space with the preservation and improvements to Earp Lake, comprehensive stormwater management, development phasing and perimeter boundary buffers.

- (4) Compatibility of the proposed development with the adjacent community.

The adjacent property owners and community are comprised of undeveloped/agricultural land and single-family residential subdivisions. The proposed Steeplechase development will enhance the surrounding community providing a variety of attractive housing types, connectivity via multi-use paths and pedestrian paths and an interconnected tree-lined street network to disperse traffic making it compatible with the surrounding residential uses. The properties directly west of the site are single-family residences on larger lots in an R-E zoning district. The Master Plan's Type C perimeter buffer will mitigate any impacts on surrounding uses.

- (5) The quality of design intended for each component of the project and the ability of the overall development plan to ensure a unified, cohesive environment at full build-out.

The Steeplechase Master Plan includes groupings or “pods” of differing housing options cohesively linked together with tree-lined streets, pedestrian walks and shared amenities such as a clubhouse/pool with fitness center, meeting rooms, general store and mail boxes, multi-use paths with connection to the Sam’s Branch Greenway Trail, optional tennis courts and pickle ball, fishing dock, pocket parks with dog stations, playground equipment, picnic tables, and benches. Repair of the Earp Lake dam will provide a central unifying amenity and active recreation for the community.

- (6) Compatible relationships between each component of the overall project.

Development of the Master Plan provides an overall framework ensuring a holistic, comprehensive and compatible implementation of the various housing types and amenities to the highest level and consistent with local community development goals and plans consistent with the Town’s Design Guidelines. The Planned Development will create a sense of place meeting the needs of the residents and community as a place to live and play.

- (7) Self-sufficiency of each phase of the overall development.

The Steeplechase Master Plan has four phases of approximately 60-70± acres each and sub-phasing within each to allow flexibility in implementation. Development will occur so each phase of the development will have adequate site access, utilities, roadway and stormwater infrastructures, open space and amenities. Each phase will meet the Town’s UDC requirements and be subject to consistency with the Clayton General Design Guidelines.

- (8) Documentation that the proposed infrastructure improvements accommodate the additional impacts caused by the development, or documentation to assure that the development, as proposed will not overtax the existing public infrastructure systems.

All public infrastructure is to be constructed to the Town of Clayton Standards and approved by the Public Works Department. A Wastewater Allocation request for 310,210gpd is being submitted to the Town with this request for approval by Town Council. Gravity sewer will be extended throughout the development and will connect to the 12” Sam’s Branch outfall. Public water will connect to a 12” existing water line along O’Neil Street and waterline along City Road. The development is proposing to dedicate right-of-way for future widening along Covered Bridge Road and O’Neil Street. Off-site roadway improvements will be according to NCDOT requirements. The community will connect to the adjacent Sam’s Branch Greenway Trail and nearby Legends Park via internal and perimeter multi-use paths and pedestrian walks. The Master Planned community will also provide recreational opportunities with a private clubhouse/swimming pool, tennis courts, amenity lake, trails, and pocket parks for the residents. All improvements will be provided according to and permitted per local, county and state regulations.

- (9) The fiscal impact of the proposal and the proposed financing of required improvements.

Shenandoah Homes, the developer, assumes financial responsibility for the development and required improvements. It is anticipated the fiscal impact of the Steeplechase development at full build-out will exceed \$165 million in investment.

- (10) The success of the proposal in providing adequate pedestrian and bicycle links within the development and with the adjacent community.

The Steeplechase Master Plan provides pedestrian walks on both sides of all internal streets, multi-use paths along the perimeter boundary of O'Neil Street, Covered Bridge Road and City Road, around the lake and connecting to the Sam's Branch Greenway and adjacent community. Bicycle racks will be provided at the clubhouse and amenity areas.

- (11) The effectiveness with which the proposal protects and preserves the ecologically sensitive areas within the development.

The site's existing wetlands have been delineated and mapped with no anticipated impacts. There are two proposed stream crossings requiring US Army Corp of Engineers permits. 50' stream buffers are being maintained along all streams. The existing Earp Lake dam is being repaired and the lake maintained for a stormwater quantity and as an amenity feature. A small southeast portion of the site adjacent to O'Neil Street and the Sam's Branch Greenway Trail lies in the Neuse River Watershed Protection Overlay area. The 9.71± acres will be dedicated to Clayton's Park and Recreation department for a future park/greenway trail head.

MASTER PLAN – PRELIMINARY PLAT REQUIREMENTS CHECKLIST

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

Approval Criteria applicable to each sheet are provided for reference and guidance.

, consisting of color renderings including, but not limited to, architectural elevations, recreational features, fencing, lighting features, entry features, landscape buffers, site amenities, street/sidewalk/trail cross-sections.

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). <i>Regulating Plan may be on 8.5"x11" or 11"x17". Plans are 1" = 200' per Town Planning Staff</i>	☒	☐	
2. Separate sheets for each: - Existing Conditions - Overall Master Plan - Phasing Plan - Recreation and Open Space - Transportation (street circulation, bicycle and pedestrian facilities, access points) - Parking Plan (if applicable). <i>May be included in transportation plan or overall plan if appropriate.</i> - Generalized Stormwater Plan Included on Master Plan - Major Utilities Plan - "Regulating Plan" with typical details for site elements. <i>May be on 8.5"x11" or 11"x17" sheets if desired.</i> - 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 development (including phase numbers if applicable) and title "Master Plan."	☒	☐	
6. Revision Date	☐	☒	
EXISTING CONDITIONS SHEET:			
7. 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.	☒	☐	
8. Location of all existing buildings and structures, water/sewer/gas infrastructure, underground structures, easements, or other existing features.	☒	☐	
9. Existing structures, existing streets and roadway improvements, and existing	☒	☐	

01/06/2016

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To be completed by the applicant:			Staff:																		
	Yes	N/A																			
utilities within 100 feet of the site.																					
10. Label adjacent property acreage, owners, and zoning districts.	☒	☐																			
11. Label subject parcel property owner, acreage, and zoning.	☒	☐																			
MASTER PLAN SHEET:																					
- The project is compatible with the adjacent community, and takes into account existing development patterns, architecture, scale, and use. - Compatibility among different uses is achieved through effective site planning and architectural design. - Project phases/components are compatible with one another.																					
12. Name of township, county, and state in which the property is located.	☒	☐																			
13. Vicinity sketch/map.	☒	☐																			
14. Surveyor or professional engineer's name and seal.	☒	☐																			
15. Date of plan preparation.	☒	☐																			
16. Provide the following project data in <u>Tabular</u> form:	☒	☐																			
- Area of tract in square feet and acres	☒	☐																			
- NC Parcel Identification Number (and/or County Tag #)	☒	☐																			
- Owner's name and address	☒	☐																			
- Within Town limits or ETJ	☒	☐																			
- Zoning District	☒	☐																			
- Existing Use(s)	☒	☐																			
- Table of Proposed Use(s) and associated acreages	☒	☐																			
<i>Example:</i> <table border="1"> <tbody> <tr> <td>Single Family Residential</td> <td>500 units (max)</td> <td>200 acres (max)</td> </tr> <tr> <td>Commercial (Retail)</td> <td>25,000 sf (max)</td> <td>10 acres (max)</td> </tr> <tr> <td>Resource Conservation Area (RCA)</td> <td>---</td> <td>80 acres (min)</td> </tr> <tr> <td>Active/Improved Recreation</td> <td>5,000 sf of clubhouse + 10 acres of park (min) + 2 miles (105,600 sf) of greenway</td> <td>20 acres (min)</td> </tr> <tr> <td>Open Space (unimproved, does not include RCAs)</td> <td>---</td> <td>8 acres</td> </tr> <tr> <td>Total:</td> <td>---</td> <td>338 acres</td> </tr> </tbody> </table>				Single Family Residential	500 units (max)	200 acres (max)	Commercial (Retail)	25,000 sf (max)	10 acres (max)	Resource Conservation Area (RCA)	---	80 acres (min)	Active/Improved Recreation	5,000 sf of clubhouse + 10 acres of park (min) + 2 miles (105,600 sf) of greenway	20 acres (min)	Open Space (unimproved, does not include RCAs)	---	8 acres	Total:	---	338 acres
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Open Space (unimproved, does not include RCAs)	---	8 acres																			
Total:	---	338 acres																			
- Overlay District(s)	☒	☐																			
- 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)			
17. 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.	☒	☐	
18. Provide a color-coded layout of the proposed land use organization, including traffic circulation, parks, open space, and major land features. <i>Example:</i> 	☒	☐	
19. Show the 100 year flood plain, riparian buffer, wetlands, and any Resource Conservation Areas. See §155.500 of the UDC for a definition of RCAs.	☒	☐	
20. The name and location of all adjoining subdivisions and adjoining lot property lines.	☒	☐	
21. Call out landscape buffer location, type, and width. See §155.402 for information on landscape buffers. A Class C buffer is required around the perimeter of the site. Waivers must be obtained if proposing an alternate buffer.	☒	☐	
22. Show how streets are connected to property lines ("stub-out" streets) to provide for cross-connectivity and development on adjacent parcels.	☒	☐	
23. Location and orientation of freestanding signs (signage is permitted separately).	☒	☐	
PHASING PLAN SHEET • Each phase of the overall project is self-sufficient.	☒	☐	
24. Using the master plan sheet layout, provide numbered or lettered phase lines, with each phase labeled accordingly.	☒	☐	
GREEN INFRASTRUCTURE / RECREATION AND OPEN SPACE SHEET • Required for all developments with a residential component. See §155.203(l) for information on recreation areas. Planned Developments with residential components are required to meet the minimum standards set forth for Open Space subdivisions. • Open space is a significant element of the project's design. Formal and informal, active	☒	☐	

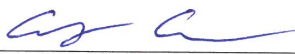
To be completed by the applicant:			Staff:
	Yes	N/A	
<i>and passive open spaces are included.</i> - Project design protects and features the unique aspects of a site such as waterways, significant trees, public open space, or sense of history. - The project protects and preserves the ecologically sensitive areas within the development.			
25. Use color coding to differentiate between Resource Conservation Areas (RCAs), unimproved open space/landscape buffers, and improved active recreation space.	☒	☐	
26. Provide a table identifying the acreage/square feet of each type of open space provided within the development, and % of gross acreage.			
27. Label active recreation areas with the park type, using the definitions outlined in §155.203(l) of the UDC. <i>The regulation plan sheets shall include typical</i>	☒	☐	
28. Show the 100 year flood plain, riparian buffer, wetlands, and any Resource Conservation Areas. If none are present, note that no RCAs are present. See §155.500 of the UDC for a definition of RCAs. <i>Include a note that RCAs will remain undisturbed per the requirements of Article 5 of the Unified Development Code.</i> <i>Include a note that the extents of all areas to be preserved will be delineated by orange temporary fencing during grading and construction.</i>	☒	☐	
29. Delineation of tree preservation areas.	☐	☒	
30. Indicate the boundaries of any utility / greenway easements to be dedicated to the Town of Clayton and label "To Be Dedicated to the Town of Clayton."	☐	☒	
31. Indicate the boundaries of any park land to be dedicated to the Town of Clayton and label "To Be Dedicated to the Town of Clayton."	☒	☐	
TRANSPORTATION / CIRCULATION PLAN SHEET - The project includes a variety of street types designed to be accessible to the pedestrian, bicycle, and automobile. Streets are connected in such a way that encourages walking and reduces the number and length of automobile trips. - Pedestrian and bicycle links are provided within the development to provide access to destinations, natural features, and to the adjacent community. - Pedestrian ways are destination-oriented, separated from auto traffic, and tailored to the intended use of the path. The primary circulation route should be the widest and most direct. Pedestrian ways are separated from traffic with parked cars and street trees wherever possible. - Parking areas are easily located yet screened by architecture or landscaping to prevent auto storage spaces from becoming visually dominant features of the site or street frontage. Decorative paving, landscaping, and curved alignments are incorporated to minimize impacts. - Off street bicycle paths and/or bicycle lanes on streets are included with and part of the transportation circulation system as possible. The design for these facilities complies with the most recently published American Association of State Highway and Transportation Officials (AASHTO) standards.	☒	☐	
32. Color code proposed roadway types. See §155.602(D) for definitions of street types. Indicate which are proposed for dedication to the Town or NCDOT, and which will remain private.	☒	☐	

To be completed by the applicant:			Staff:
	Yes	N/A	
33. Show how streets are connected to property lines ("stub-out" streets) to provide for cross-connectivity and development on adjacent parcels.	☒	☐	
34. Note requirements for # of access points to identify timing/phasing, i.e. "Two access points shall be constructed prior to Certificate of Occupancy of more than 30 units" (see §155.400 for requirements).	☒	☐	
35. Show sidewalk circulation. Note width.	☒	☐	
36. Show on-road bicycle lanes.	☐	☒	
37. Show bicycle parking areas.	☒	☐	
38. Show multi-use paths / greenways. Note width and materials.	☒	☐	
39. Identify school bus stop areas, if provided.	☐	☒	
40. Indicate location of proposed parking areas.	☒	☐	
41. Show proposed on and off-site traffic improvements (such as those identified by a Traffic Impact Analysis).	☒	☐	
REGULATING PLAN SHEETS <i>The project is compatible with the adjacent community, and takes into account existing development patterns, architecture, scale, and use.</i> <i>Compatibility among different uses is achieved through effective site planning and architectural design.</i> <i>Architecture and landscape design are based on the local climate, topography, history, and building practice.</i> <i>Public art, including but not limited to, monuments, sculpture, and water features, is encouraged.</i> <i>Parking areas are easily located yet screened by architecture or landscaping to prevent auto storage spaces from becoming visually dominant features of the site or street frontage. Decorative paving, landscaping, and curved alignments are incorporated to minimize impacts.</i> <i>The project includes a variety of street types designed to be accessible to the pedestrian, bicycle, and automobile.</i>			
42. All dimensional standards are shown in table format. Dimensional standards shall include but are not limited to: building setbacks (min. or max.), min. lot size per land use, min. lot width, max building coverage, max impervious surface (entire subdivision), max impervious surface (per lot), density, max height, and min dwelling unit size. Dimensional standards tables shall be provided for each type of land use. <i>All dimensional standards are established and approved as part of the Master Plan.</i>	☒	☐	
43. Proposed Street Cross-Sections and associated graphics, indicating if they will be public or private ROW	☒	☐	
44. Typical architectural detail (color graphic) for each type of land use, noting primary construction materials and applicable notes on design features. - Graphics depicting the final "vision" of the land use can be utilized. - Examples of language guiding land use and architecture include: "commercial areas shall be brought up to the sidewalk and be pedestrian-oriented," "townhome parking shall be alley-loaded," or "commercial area shall include	☒	☐	

01/06/2016

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To be completed by the applicant:			Staff:
	Yes	N/A	
second-story residential with commercial uses on the first floor." Example: 			
45. Typical color graphics identifying design of project features, including but not limited to: - Entry features (public art, pavement stamping, landscaping, etc) - Signage - Lighting fixtures - Landscape buffers and other identified planting areas (<i>plants species need not be identified, though minimum caliper and height should be established</i>). - Parks and green space with amenities - Other site elements as applicable.	☒	☐	
GENERALIZED STORMWATER PLAN SHEET			
46. Show preliminary stormwater management ponds and basins.	☒	☐	
MAJOR UTILITIES SHEET	☒	☐	
47. Location of all existing and proposed utilities (water, sewer, electric, natural gas, etc.).	☒	☐	
OTHER	☐	☒	
48. Any other information considered by either the applicant or the Town to be pertinent to the review.	☐	☒	

Signed by Applicant:  Date: 3/1/18

PLANNED DEVELOPMENT MASTER PLAN WAIVER REQUESTS:

Per §155.203(L)(1)(d) and §155.706(I)(7), waivers to the subdivision standards specified in UDC § 155.400 through 155.400 and 155.600 through 155.607 may be granted by Town Council if it is clear that adequate provisions for the type and intensity of the proposed use has been or will be provided, and 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. Unless a waiver is granted, all development standards outlined in these sections shall apply.

Please list Waiver requests:

Code Section	Requirement	Waiver
155.402(F)(1) Street Yard Trees	1-Canopy tree/lot of every 40lf (max.50lf) along ROW	1-Street Tree in Planting Strip between back of curb & pedestrian walk
Clayton Typical Street Sections	3' Utility Strip between back of curb & pedestrian walk	5' Utility Easement outside ROW

For each waiver, provide a typed document addressing the following four elements:

- (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.

See Attached Steeplechase Planned Development Master Plan Design Waiver Request - Alternate Street Sections

- (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.

- (4) The purpose of the waiver is not based primarily upon financial consideration.

Alex Crow

Print Name

01/06/2016


Signature of Applicant

March 1, 2018

Date

Page 8 of 23



Steeplechase Planned Development Master Plan Design Waiver Request:

1. **Alternate Street Sections:** (See Proposed Alternate Street Sections on Sheet C4.1)
Code: 155.402(F)(1), 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).

Town of Clayton's Typical Street Sections for Residential and Residential Collector Streets provides a 3' Utility Strip between the back-of curb and pedestrian walk with street yard trees placed outside the rights-of-way.

Waiver: For all Residential and Residential Collector Streets in the Steeplechase Planned Development, alternate street sections are proposed to include street trees in widened planting strips between back of curb and the pedestrian walks with five-foot wide utility easements outside the public rights-of-way on each side of the street.

- (1) The Alternate Street Section design waiver will not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood.

Locating the required street yard trees in the planting strip (40'-50'O.C.) between the back of curb and the pedestrian walk will provide traffic calming and separation between vehicular and pedestrian movements increasing safety along the Steeplechase Planned Development's residential streets.

- (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.

The proposed alternate street sections are unique to the Steeplechase Planned Development from the Town of Clayton's Typical Street Cross Sections establishing a harmonious streetscape for the community.

- (3) Because of the particular physical surroundings, shape, or topographic 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 is enforced.

The proposed Steeplechase Planned Development's houses are set back 25' from the rights-of-way. As the required street yard trees mature in the small front yards, they will "grow" into the houses therefore needing severe pruning and/or removal, leaving few, if any trees along the streets.

- (4) The purpose of the waiver is not based primarily upon financial consideration.

The requested Alternate Street Sections waiver provides no financial benefit to the developer.

2200 Gateway Centre Blvd. • Suite 216 • Morrisville, NC 27560
phone: 919.678.1070 • fax: 919-677-1252
www.espassociates.com



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

May 29, 2018
Planning Board

STAFF REPORT

Application Number: 2018-31-SD

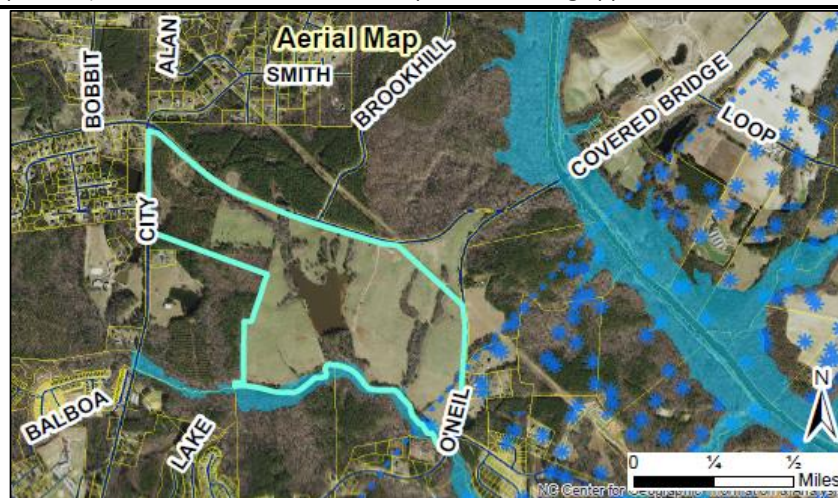
Project Name: Steeplechase Planned Development Master Plan

NC PIN / Tag #: Southern portion of 166900-39-5182 / 05h02009
Town Limits/ETJ: Town Limits
Overlay: Southeasternmost 9.71 acres in Watershed Protection Overlay
Applicant: Shenandoah Homes Inc.
Owner: Raymond Elmore Earp, Jr. Family Trust, Nancy Crews Earp Trustee, and Mary Worley
Location: 266.72± acres generally located west of O'Neil Street, north of Sam's Branch Creek, east of City Road, and south of Covered Bridge Road; site of the old Steeplechase horse races.

Public Noticing:

- Neighborhood meeting held on May 10, 2018
- Sign posted May 18, 2018
- Letters mailed June 5, 2018
- Newspaper ad posted June 8, 2018 and June 15, 2018

REQUEST: Entitle the Master Plan for the Steeplechase Planned Development, up to 600 dwellings on 266.72± acres of the Earp tract. (The associated Planned Development rezoning application is #2018-30-PDD.)



Page 1 of 7

SITE DATA:

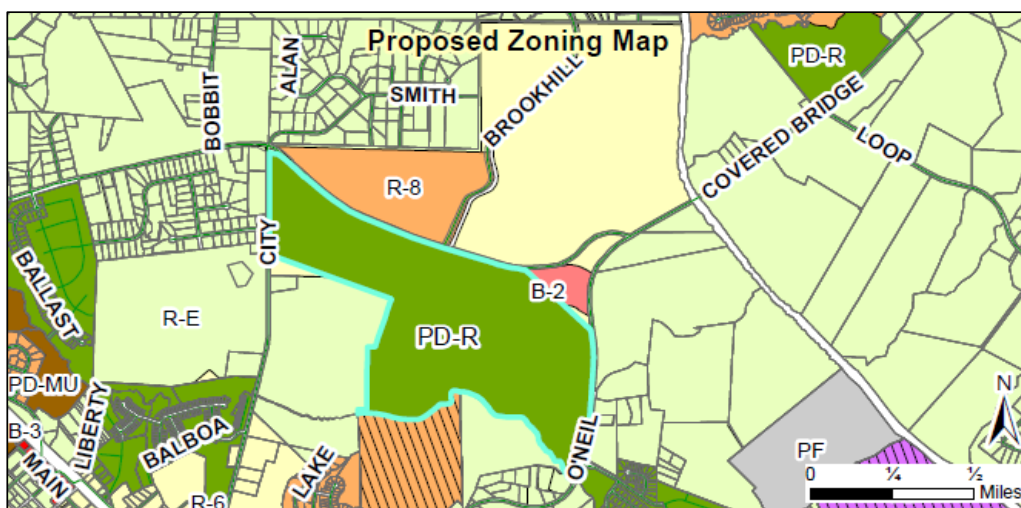
Acreage: 266.72± acres; the southern portion of the Earp tract.

Existing Use: Vacant/Agricultural

ADJACENT ZONING AND LAND USES:

Direction	Zoning	Existing Use
North	Residential-10, Residential-8, and small portion of Neighborhood Business (B-2)	Vacant
South	Residential-Estate, Residential-8-Special Use District	Town Park (Legend Park), Vacant
East	Residential-Estate	Vacant, Single family residential
West	Residential-Estate	Vacant, Agricultural, Single family residential

Although currently zoned R-10 and a small portion B-2, this tract is proposed for a rezoning to Planned Development-Residential, as part of an associated application (2018-30-PDD).



DEVELOPMENT DATA:

Proposed Uses: 585 residential units (600 max.) with approx. 161 of those as townhomes; amenity center; recreational waterbody; multi-use trails; parks.

Number of Stories: Maximum height of 35' for single family and 45' for townhomes.

Proposed Impervious Surface: From 50% on the largest residential lots to 90% on the townhomes and narrowest residential lots. Due to lots of open space, the overall impervious surface for the tract will be closer to 40%.

Required / Proposed Parking:	2 spaces per unit / 2 spaces per unit; Townhomes with shared parking will also provide 1 guest parking space per four units.
Fire Protection:	The Town of Clayton Fire Department will provide fire protection.
Access/Streets:	There will be major access points to N. O'Neil Street, Covered Bridge Road and City Road. Stub-outs are also provided to the west and south (to the Mims Property) and to the north (which will ultimately connect to a realigned Covered Bridge Road).
Water/Sewer Provider:	Town of Clayton
Electric Provider:	Town of Clayton & Duke; the tract has portions that will be served by each.

STAFF ANALYSIS:

Overview

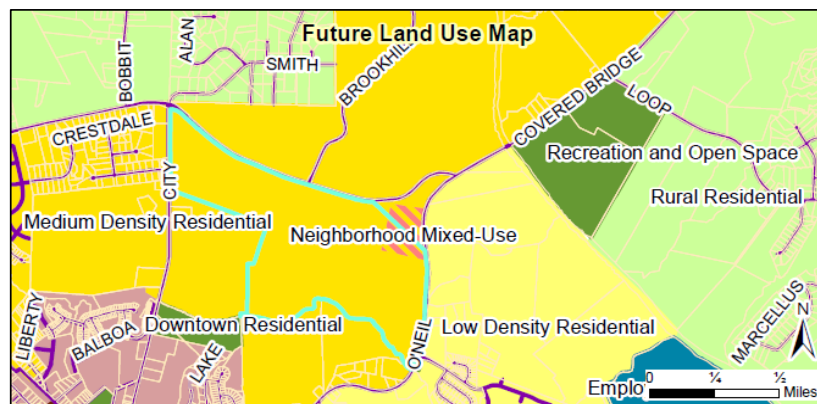
The applicant is requesting to establish a Planned Development via Master Plan approval for 600 dwellings on 266± acres on the Earp Property. The tract is generally located west of O'Neil Street, north of Sam's Branch Creek, east of City Road, and south of Covered Bridge Road; site of the old Steeplechase horse races. There will be major access points to N. O'Neil Street, Covered Bridge Road and City Road. Stub-outs are also provided to the west and south (to the Mims Property) and to the north (which will ultimately connect to a realigned Covered Bridge Road). Townhomes (accounting for almost 25% of the total units) are clustered along Covered Bridge Road and the other single family detached homes of various lot sizes are dispersed throughout the site. The homes are connected by a series of multi-use trails, which ultimately connect to the Sam's Branch Greenway and a multi-use trail which is proposed along the property boundary on City Road, Covered Bridge Road, and N O'Neil Street. A unique street design incorporates wide planter strips that bring trees between edge of curb and sidewalks to provide for traffic calming, and enhanced pedestrian environment, and (in the future) a canopy road. The lake is retained as a recreational feature (including a boat dock and fishing pier), and pocket parks are scattered throughout as an amenity. Nearly a third of the site is retained as resource conservation areas, open space, or amenity/park areas.

Consistency with Adopted Plans:

- **Comprehensive Plan**

The Comprehensive Plan 2040 designates this property as "medium density residential" in the (underlying) residential future land use, with a small "neighborhood mixed-use" (aka "neighborhood center") located in the northeast corner. The requested planned

development is compatible with this category(ies) based on the proposed density (2.19± dwellings/acre), requested zoning change, and master plan.



- **Unified Development Code**

If approved, the proposed development will be consistent with the Unified Development Code (UDC). Dimensional standards and other associated criteria are required to be consistent with the approved Master Plan.

Compatibility with Surrounding Land Uses

The proposed use is a residential subdivision and is compatible with the surrounding land uses, which are primarily single family residential (served by private septic), or vacant. The sewer line that was recently installed by the Town along Sam's Branch Creek (the southern border of the property), will allow the development to be served by Town sewer service. Even with the additional density often associated with public sewer service, the overall density of the tract will be 2.19± units per acre, with ample landscape buffers provided along the perimeter. This is due to the massive amounts of open space, the preservation of the pond, and the large riparian areas and external landscaping buffer areas incorporated into the design. The multifamily portion of the project (townhomes) are clustered along Covered Bridge Road.

Development Standards

The proposed lot standards are shown below, and recorded on the "Housing Types" sheet of the plans (currently Sheet 5.0). A variety of lot sizes and housing types are proposed. Garages are setback enough to accommodate a parked car in the front without encroaching into the sidewalk. Maximum building heights are comparable with other single family residential neighborhoods, and the townhomes are proposed at up to 45' tall. Townhomes will be either alley-loaded or with shared, surface parking.

LOT STANDARDS								
HOUSING TYPE	MINIMUM LOT WIDTH	MINIMUM LOT DEPTH	TYPICAL LOT WIDTH/DEPTH	MINIMUM LOT SIZE (SF)	MAXIMUM IMPERVIOUS AREA	BUILDING SETBACKS		BEDROOMS
42' SINGLE FAMILY 2-CAR GARAGE FRONT LOADED	42'	110'	42' x 120'	5,000 SF	90%	FRONT: (F)	22'	3-5
						CORNER SIDE: (C)	10'	
						SIDE: (S)	5'	
						REAR: (R)	10'	
						ACCESSORY: (A)	5'	
55' SINGLE FAMILY 2-CAR GARAGE ALLEY LOADED	55'	130'	55' x 150'	8,000 SF	60%	FRONT: (F)	20'	3-5
						CORNER SIDE: (C)	10'	
						SIDE: (S)	6'	
						REAR: (R)	23'	
						ACCESSORY: (A)	5'	
60' SINGLE FAMILY 2-CAR GARAGE FRONT LOADED	60'	130'	60' x 150'	9,000 SF	50%	FRONT: (F)	25'	3-5
						CORNER SIDE: (C)	10'	
						SIDE: (S)	6'	
						REAR: (R)	15'	
						ACCESSORY: (A)	5'	
70' SINGLE FAMILY 2-CAR GARAGE FRONT/SIDE LOADED	70'	130'	70' x 150'	10,000 SF	50%	FRONT: (F)	25'	3-5
						CORNER SIDE: (C)*	10'	
						SIDE: (S)	6'	
						REAR: (R)	15'	
						ACCESSORY: (A)	5'	
*SIDE LOADED GARAGES SHALL HAVE A 23' CORNER SIDE SETBACK TO FACE OF GARAGE								
TOWNHOMES	18' - 22'	NONE	VARIES	1,200 SF	90%	FRONT: (F)	15'	3
					WITHIN EACH LOT	CORNER SIDE: (C)	10'	
						SIDE: (S)	5'	
						INTERIOR SIDE	0'	
						REAR: (R)	10'	
						ACCESSORY(Attached-No Garage Option)	5'	

Landscaping and Buffering

A Class C perimeter landscaping buffer is required along the boundary of residential planned developments. The riparian area is used to meet the requirement where it coincides with the property line on the south, and elsewhere a generous (min. 20' width) landscaping buffer is proposed. A multi-use trail is proposed on the public roads bordering the project. Street trees are provided throughout, per code, with a unique streetscape proposed that provides a generous 7.5'-8.0' planting strip. This planting strip is much wider than other projects with this street profile (ex – Parkview, 6'), and even wider than the minimum required by other jurisdictions, such as Wake Forest (6.5') or Raleigh (6').

Recreation and Open Space

Recreation and open space requirements have been met by the overall Planned Development, sufficient to justify the payment of half recreation impact fees. Nearly a third of the development is open space, recreation area, or resource conservation area, including the 16-acre pond, which will have a boat dock and fishing pier. The dam on the pond ("Earp Lake") will be reconstructed and a road constructed on top. There will be a walking trail circling the pond. Pocket parks will be distributed throughout the community, to serve more local needs for open space and recreation. A main amenity area provides the focal point, with a pool, playground, adult playground (i.e. – putting green), and other associated nonresidential amenities (coffee shop, small food service restaurant, possibly a small postal service shop, etc.) that support a larger residential area. These amenities are intended for the residents only, and will not draw people from the surrounding neighborhoods.

Access/Streets

The development provides one major access point on N. O'Neil Street, two major access points on Covered Bridge Road, and one major access point on City Road. A smaller entrance will serve a cul-de-sac for 6± units on N. O'Neil Street, closer to the Town's Sam's Branch trailhead parking lot. Stub-outs are also provided to the west, to connect to the adjacent Mims property, which will provide interconnectivity when that property develops. Right-of-way is dedicated to the NCDOT proportional with planned future expansions to adjacent state highways.

A stub-out is provided to the northeast that will one day connect under the electric transmission lines over to a re-aligned Covered Bridge Road. It is unclear at this time if the realignment will be included in a phase of this development. It may be necessary to pave the extension a little further (i.e. – completely across the transmission line easement) to ensure this connection occurs. If it does not occur, then this section of the neighborhood will exceed the maximum cul-de-sac length, which was established to protect health/safety by providing adequate emergency services access.

The townhome sections are either rear-loaded with garages on the lot, or with shared, surface parking. The streets serving these sections are proposed as either private streets or private alleys. Private streets must still meet the construction standards for the Town, per code, including vertical street design profiles. Private alleys are proposed at 20' wide, and units served by alleys will front on public streets.

Multi-Modal Access

Sidewalks are provided along both sides of each street, with private greenways (multi-use trails) provided throughout the development. These private greenways connect to the public Sam's Branch Greenway along the creek, as well as to perimeter greenways along City Road, Covered Bridge Road, and N. O'Neil Street. The reconstructed dam will also have a greenway across it, which will serve as part of the walking loop around the pond.

Traffic Impact Analysis

The Traffic Impact Analysis (TIA) for this project is currently under review by NCDOT, and comments are expected to be delivered prior to the Planning Board meeting, with impacts discussed at that time.

Garbage / Recycling

Roll-outs will be at each single family detached home. Compactors will be used for the multi-family (townhome) section.

Architecture/Design

Since there is no proposed minimum home size for the single family detached residential, it is assumed that these homes will meet the minimum floor area requirements of the Code, which are easily achievable. No materials are specified for the townhomes, so it is assumed that the architecture will be consistent with the amenity center, which is themed after horse racing venues and includes fiber-cement siding and asphalt shingles on the roof.

Waivers/Deviations/Variations from Code Requirements

- The development will use the pond as part of the amenity package, which will involve the development of access points to serve the residents.

CONSIDERATIONS:

- This approval is subject to concurrent approval of the Planned Development rezoning, 2018-30-PDD.
- Since this master plan does not meet the requirements of a preliminary plat, each individual phase or amenity area shall require review and approval as either a Minor Preliminary Plat or Minor Site Plan, prior to platting.
- Off-site traffic improvements have yet to be determined.

FINDINGS:

The applicant has addressed the Master Plan Approval Criteria outlined in §155.705(K) and §155.706(I)(10).

CONDITIONS:

If approved, staff recommends the following conditions be applied:

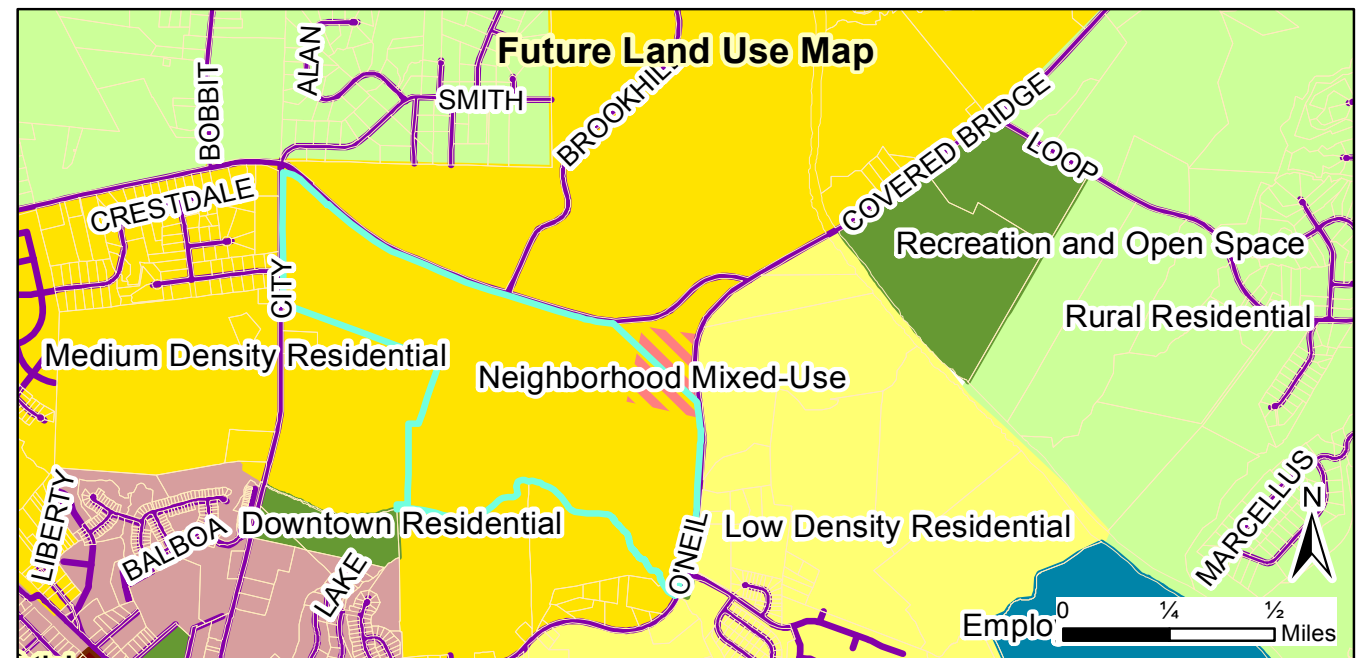
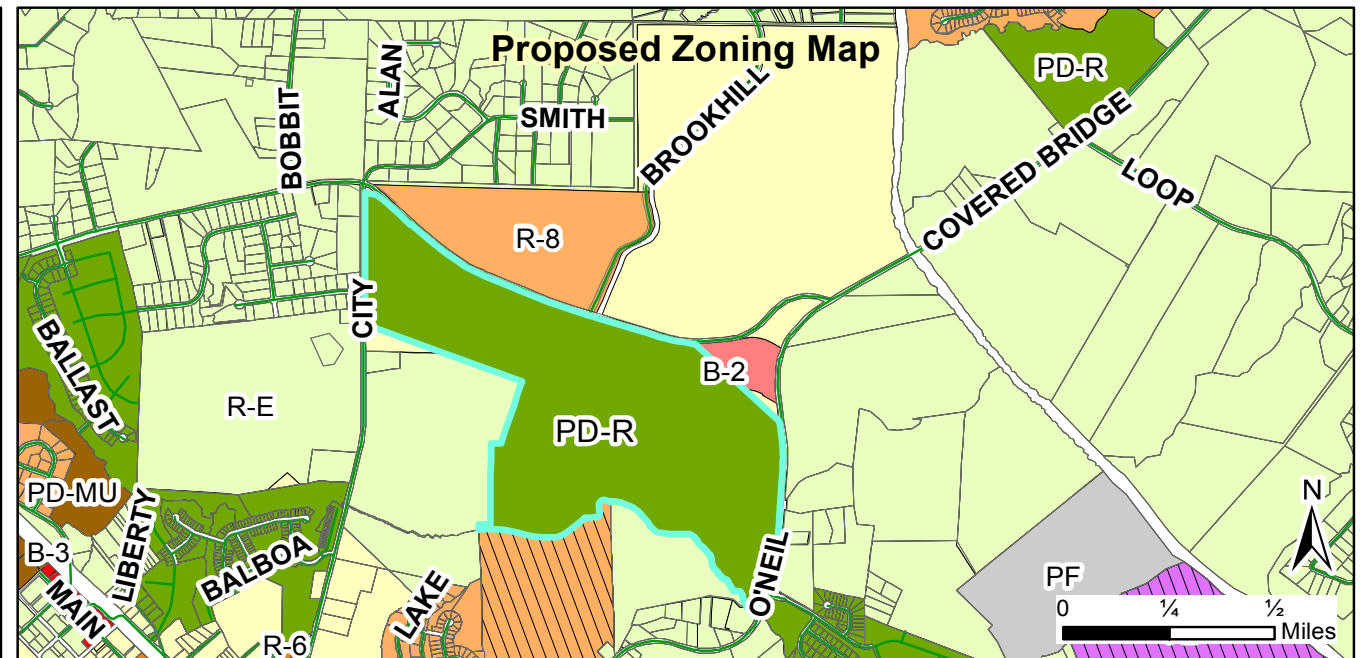
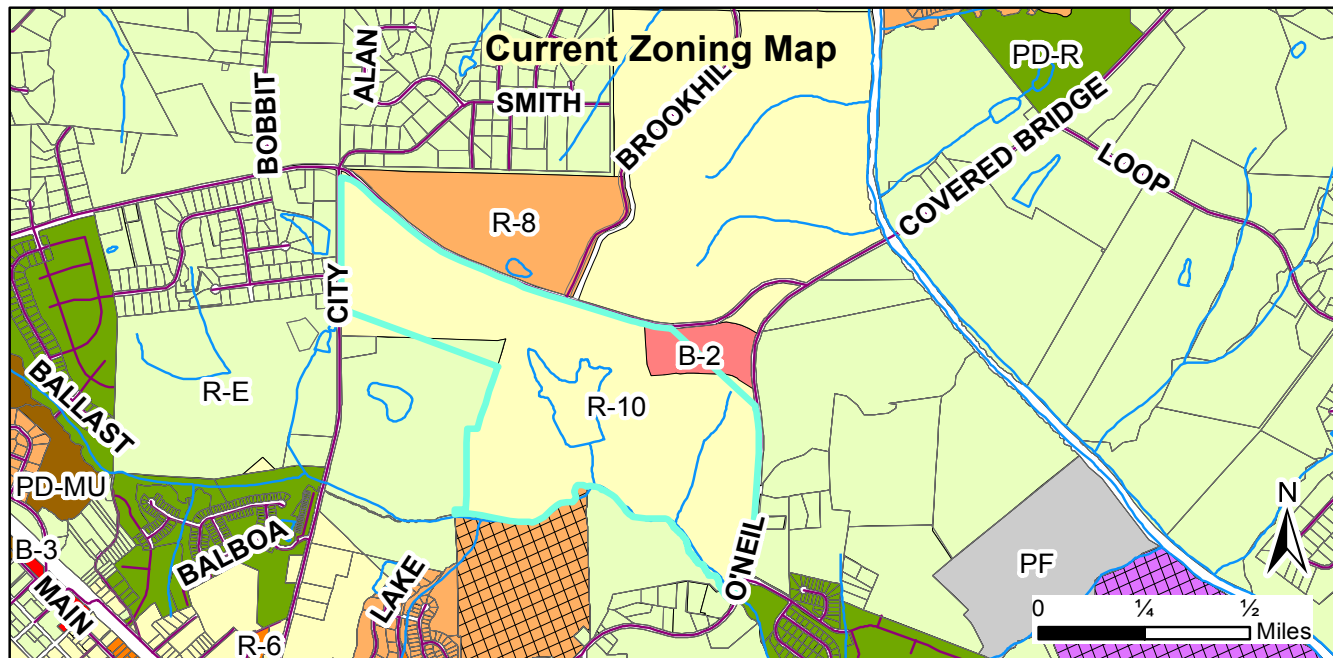
General

1. Following Board approvals, three copies of the Planned Development Master Plan meeting the Conditions of Approval shall be submitted to Planning Department for final approval. The Conditions of Approval for the master plan shall be recorded on the cover sheet and shall be binding upon the master preliminary plat and upon the planned development rezoning.
2. Recreational amenities shall be constructed prior to or concurrent with any adjacent phases, and shall at all times provide enough amenity facilities to serve the portion of the project that is platted. The pond shall not be counted in this calculation of proportional amenity area, but shall be developed at the time of the main clubhouse building.

3. Each individual phase, park, greenway section, or amenity area shall be reviewed as either a minor preliminary plat or minor site plan, prior to associated plat recordation.
4. No more than 75 certificates of occupancy may be issued within the subdivision until the required secondary access has been constructed.
5. Any right-of-way dedication shall occur concurrently with (or before) the platting of the adjacent phase.
6. All roadway and traffic improvements recommended by the Town and/or NCDOT shall be constructed or financially guaranteed prior to the platting of the phase of development that will trigger their necessity. If no phase is specified, the improvements shall be required immediately.
7. All required landscaping buffers or plantings shall be installed or bonded prior to the platting of the phase in which they occur.
8. Multi-use trails shall be constructed or bonded prior to platting for the phase in which they occur.
9. Multi-use trails along existing public rights-of-way (City Road, Covered Bridge Road, N O'Neil Street) shall be constructed or bonded prior to platting for the adjacent phase.
10. Review and site plan approval of multi-use trails shall occur prior to platting for the phase in which they occur, or are adjacent to.
11. Prior to site grading and construction activities, tree protection fencing shall be installed around all Resource Conservation Areas and other areas of protected vegetation.
12. The pond ("Earp Lake") will serve as part of the amenity package, which will involve the development of access points to serve the residents.
13. Unless otherwise specified and approved, the materials for the townhomes shall be consistent with that used for the other nonresidential building on site - the clubhouse - which consists of fiber-cement siding and asphalt shingles.

ATTACHMENTS:

- 1) Application
- 2) Map
- 3) Neighborhood Meeting Materials
- 4) Master Plan



**Request:
2018-30-PDD & 2018-31-SD, Steeplechase Planned
Development, Rezoning and Master Plan**

Applicant: Shenandoah Homes, Inc.
Property Owners: Raymond Elmore Earp Jr., Family Trust; Nancy Crews Earp Trustee and Mary Worley
Parcel ID: southern portion of 166900-39-5182
Tag #: southern portion of 05h02009

Staff Report Map



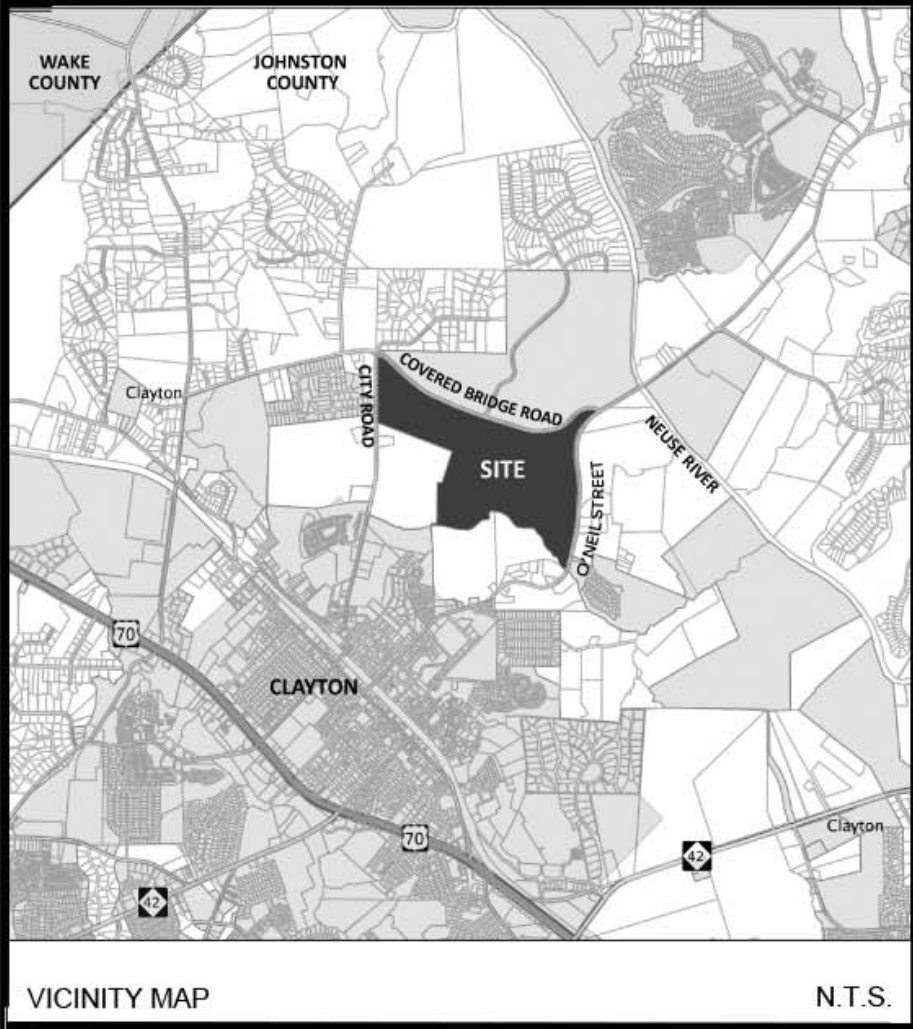
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Legend

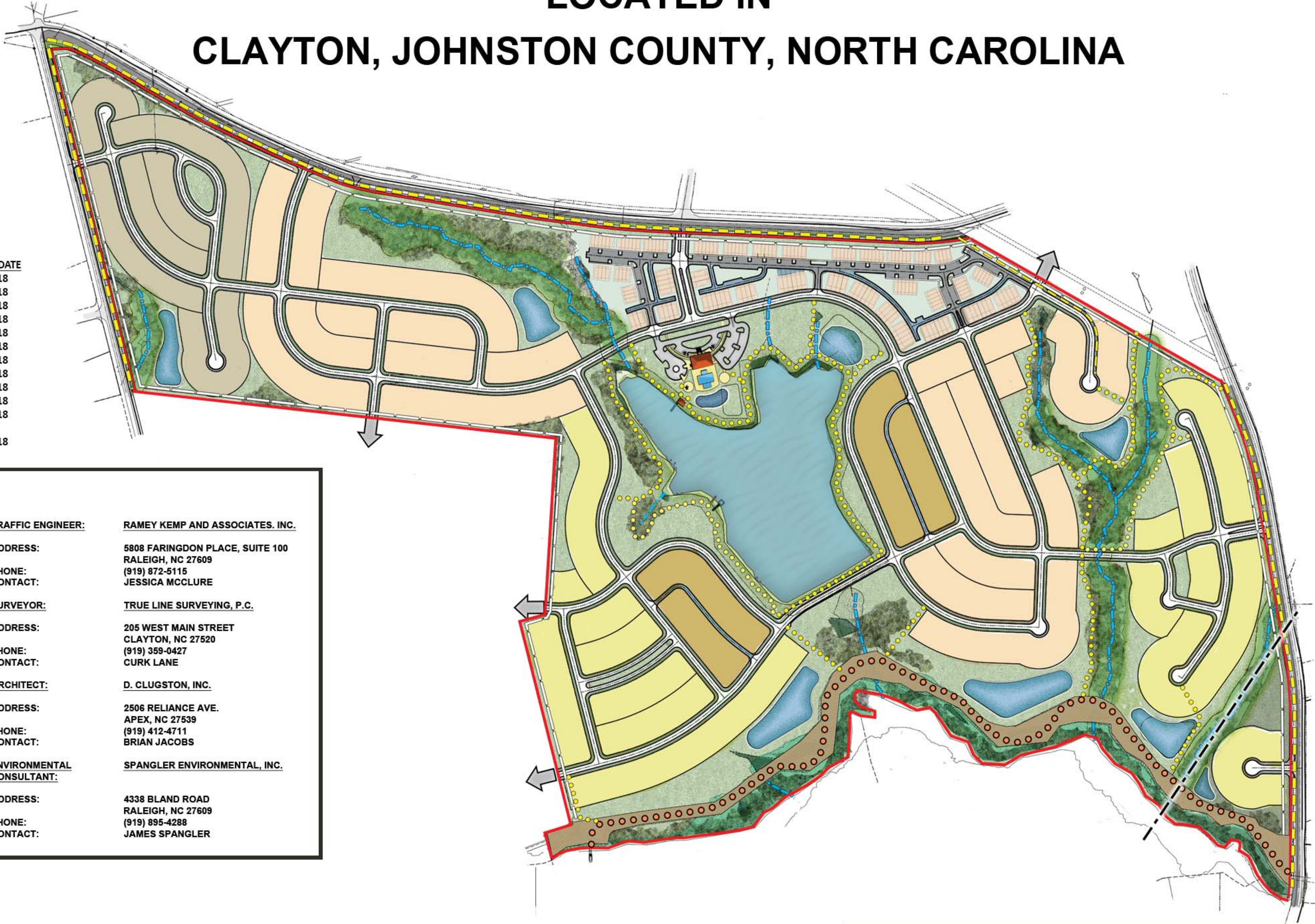
- Site
- 100-yr Flood Zone
- Thoroughfare Overlay
- Watershed Protection Overlay

05/04/2018

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



Town of Clayton Project: 2018-31-SD & 2018-30-PDD
PLANNED DEVELOPMENT MASTER PLAN
STEEPLECHASE
LOCATED IN
CLAYTON, JOHNSTON COUNTY, NORTH CAROLINA



INDEX OF SHEETS

SHEET NO.	SHEET NAME	ORIGINAL DATE	REVISED DATE
C0.0	COVER SHEET	03-01-2018	04-06-2018
C1.0	ADJOINING OWNERS AND ZONING	03-01-2018	04-06-2018
C1.1	EXISTING CONDITIONS	03-01-2018	04-06-2018
C2.0	MASTER PLAN	03-01-2018	04-06-2018
C3.0	PHASING PLAN	03-01-2018	04-06-2018
C4.0	TRANSPORTATION AND CIRCULATION PLAN	03-01-2018	04-06-2018
C4.1	TYPICAL STREET SECTIONS AND WAIVERS	03-01-2018	04-06-2018
C5.0	HOUSING TYPES	03-01-2018	04-06-2018
C6.0	RECREATION AND OPEN SPACE PLAN	03-01-2018	04-06-2018
C6.1	RECREATION ELEMENTS	03-01-2018	04-06-2018
C7.0	PRELIMINARY UTILITIES	03-01-2018	04-05-2018
C8.0	PRELIMINARY STORM DRAINAGE	04-05-2018	04-05-2018
A0.0	CLUBHOUSE CONCEPT	03-01-2018	04-06-2018

PROJECT TEAM:

REVIEW AGENCY:

TOWN OF CLAYTON
ADDRESS: 111 E. SECOND STREET
CLAYTON, NC 27528
FAX: (919) 553-5002

PROPERTY OWNER:

RAYMOND ELMORE EARP, JR. FAMILY TRUST
EARP, NANCY CREWS, TRUSTEE & WORLEY, MARY EARP
ADDRESS: 7020 NC HIGHWAY 42 E, SELMA, NC 27576-6128

APPLICANT:

SHENANDOAH HOMES/CAPITAL PROPERTIES
ADDRESS: 3724 NATIONAL DRIVE, SUITE 220
RALEIGH, NC 27612
PHONE: (919) 230-8177
CONTACT: DAVID STALLINGS

LAND PLANNING/
ENGINEERING:

ESP ASSOCIATES, INC.
ADDRESS: 2200 GATEWAY CENTRE BLVD, SUITE 216
MORRISVILLE, NC 27560
PHONE: (919) 678-1070, EXT. 634
FAX: (919) 677-1292
CONTACT: KATHRYN R. MCPHERSON, R.L.A., ASLA
SALMAN MOAZZAM, PE

TRAFFIC ENGINEER:

RAMEY KEMP AND ASSOCIATES, INC.
ADDRESS: 5808 FARINGDON PLACE, SUITE 100
RALEIGH, NC 27609
PHONE: (919) 872-5116
CONTACT: JESSICA MCCLURE

SURVEYOR:

TRUE LINE SURVEYING, P.C.
ADDRESS: 205 WEST MAIN STREET
CLAYTON, NC 27520
PHONE: (919) 359-0427
CONTACT: CURK LANE

ARCHITECT:

D. CLUGSTON, INC.
ADDRESS: 2506 RELIANCE AVE.
APEX, NC 27539
PHONE: (919) 412-4711
CONTACT: BRIAN JACOBS

ENVIRONMENTAL
CONSULTANT:

SPANGLER ENVIRONMENTAL, INC.
ADDRESS: 4338 BLAND ROAD
RALEIGH, NC 27609
PHONE: (919) 895-4288
CONTACT: JAMES SPANGLER



NO.	DATE	REVISION	BY	REASON	THE 1ST REVIEW COMMENTS
1	04-06-2018		KRM		

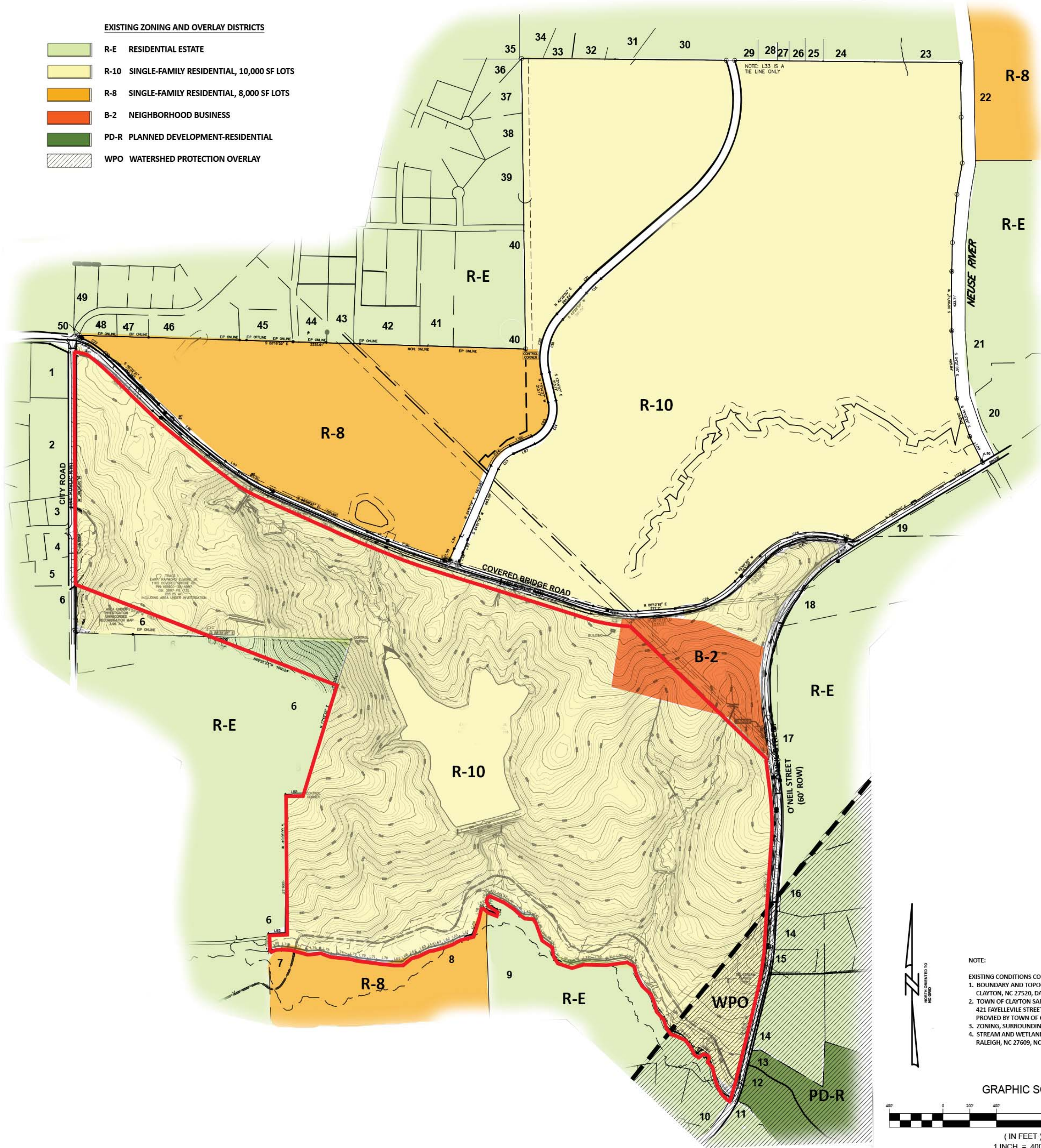
COVER
STEEPLECHASE MASTER PLAN
CLAYTON, NC
SHENANDOAH HOMES

PROJECT INFORMATION	
PROJECT MANAGER:	KRM
DESIGNED BY:	KRM
DRAWN BY:	KRM
PROJECT NUMBER:	FR51
ORIGINAL DATE:	03/01/2018
SHEET:	C0.0

Conditions of Approval:

PRELIMINARY PLANS NOT FOR CONSTRUCTION

- EXISTING ZONING AND OVERLAY DISTRICTS
- R-E RESIDENTIAL ESTATE
 - R-10 SINGLE-FAMILY RESIDENTIAL, 10,000 SF LOTS
 - R-8 SINGLE-FAMILY RESIDENTIAL, 8,000 SF LOTS
 - B-2 NEIGHBORHOOD BUSINESS
 - PD-R PLANNED DEVELOPMENT-RESIDENTIAL
 - WPO WATERSHED PROTECTION OVERLAY



NOTE:
EXISTING CONDITIONS COMPILED FROM:
1. BOUNDARY AND TOPOGRAPHIC SURVEY: TRUE LINE SURVEYING, P.C., 205 WEST MAIN STREET, CLAYTON, NC 27520, DATED FEBRUARY 16, 2018.
2. TOWN OF CLAYTON SAM'S BRANCH GREENWAY SEWER AND EASEMENT: STEWART ENGINEERING, 421 FAYELLEVILLE STREET SUITE 400, RALEIGH, NC 27601, DATED JANUARY 28, 2016. DRAWINGS PROVIDED BY TOWN OF CLAYTON.
3. ZONING, SURROUNDING INFORMATION: JONSTON COUNTY GIS.
4. STREAM AND WETLAND DELINEATIONS: SPANGLER ENVIRONMENTAL, INC., 4338 BLAND ROAD, RALEIGH, NC 27609, NCDWQ CONFIRMATION* SEPTEMBER 2, 2014.

GRAPHIC SCALE

(IN FEET)
1 INCH = 400 FT.

ADJACENT PROPERTY OWNERS LIST
Steeplechase Master Plan

steepcreek master plan					
PARCEL	NAME	ADDRESS	ACREAGE	ZONING	
1	176000-01-4713	PILKINGTON, DAVID D JR	1331 CITY ROAD CLAYTON, NC 27520-0000	2.44 AC	RE
2	176000-01-4124	PILKINGTON, DAVID D JR	1331 CITY ROAD CLAYTON, NC 27520-0000	4.14 AC	RE
3	176000-00-4780	MADDOX, JAMES WILLIAM MADDOX, SHANDA TAYLOR	22 CEDARDALE CT CLAYTON, NC 27520-5542	0.76 AC	RE
4	176000-00-4476	MUNDAY, KIMBERLY ANN	27 CEDARDALE CT CLAYTON, NC 27520-0000	0.7 AC	RE
5	176000-00-4236	BLACKLEY, DOUGLAS E BLACKLEY, LINDA F	1057 CITY RD CLAYTON, NC 27520-5907	1.06 AC	RE
6	165908-99-1146	MIMS, ALLEN L JR	920 CITY RD CLAYTON, NC 27520-0000	213.7 AC	RE R-10
7	166909-17-1164	TOWN OF CLAYTON	PO BOX 777 CLAYTON, NC 27528-0777	21.85 AC	RE
8	166910-36-0755	PEEDIN, EDNA S	2721 US 70 EAST SELMA, NC 27576-8174	71.69 AC	RE, SLD
9	166910-47-5025	MASSEY, JOHN WESLEY	8041 ST ANDREWS DR LAURINBURG, NC 28352-2155	33.03 AC	RE
10	166900-56-1474	CAPPS, BILLY WADE	1119 N ONEIL STREET EXT CLAYTON, NC 27520-6240	4.67 AC	RE
11	166900-56-4098	MCINTYRE, MARTHA ANN	1233 MT CARMEL CHURCH RD TROY, NC 27371-0220	4.37 AC	RE
12	166900-56-8375	TOWN OF CLAYTON	P O BOX 879 CLAYTON, NC 27528-0000	5.41 AC	PD-R
13	166900-66-4354	ASHCROFT PARTNERS, LLC	114 W MAIN ST STE 102 CLAYTON, NC 27520-2197		RE
14	166900-67-0102	JONES, TRACY L JONES, DEANNA L	1504 N ONEIL ST EXT CLAYTON, NC 27520	10.25 AC	RE
15	166900-57-9493	JONES, DEANNA LYNNE	1500 N O'NEIL ST EXT CLAYTON, NC 27520-0000	1.27 AC	RE
16	166900-68-3043	JONES, TRACY L	1538 NORTH ONEIL STREET EXT CLAYTON, NC 27520-0000	8.4 AC	RE
17	166900-79-1467	JEAN K SMITH TRUST SMITH, JAMES D TRUSTEE	1814 N ONEIL STREET EXT CLAYTON, NC 27520-6236	89.93 AC	RE
18	176000-60-9362	RAYMOND ELMORE EARP JR FAMILY TRUST EARP, NANCY CREWS TRUSTEE	7030 NC HIGHWAY 42 E SELMA, NC 27576-6128	630.63 AC	RE R-8 R-10
19	176000-70-3713	MASSEY, JOHN WESLEY	8041 ST ANDREWS DR LAURINBURG, NC 28352-0000	5.25 AC	RE
20	176000-71-6415	SORRELL, DAVID M SORRELL, SABBINA	2641 COVERED BRIDGE RD CLAYTON, NC 27527-0000	7.28 AC	RE
21	176000-82-1830	HOUSE, MAVIS C	2873 COVERED BRIDGE RD CLAYTON, NC 27527-0000	68.94 AC	RE
23	176000-64-9005	O'BRIEN, ANGELLA J O'BRIEN, DAVID MICHAEL	147 BAYHILL DR ADVANCE, NC 27006-7183	1.88 AC	RE R-8
24	176000-64-3056	ALFORD, KENNETH W ALFORD, ANNETTE R	150 MICHAEL WAY CLAYTON, NC 27520-5507	1.07 AC	RE
25	176000-64-1118	FILIHART, ALAN THEODORE FILIHART, JEAN M	118 MICHAEL WAY CLAYTON, NC 27520-5507	1.06 AC	RE
26	176000-54-9169	HUBERT, PETER G HUBERT, PATRICE A.	114 MICHAEL WAY CLAYTON, NC 27520-5507	1.09 AC	RE
27	176000-54-8156	WETMORE, MARK L WETMORE, TAMELA LYNN	104 MICHAEL WAY CLAYTON, NC 27520-0000	0.92 AC	RE
28	176000-54-7160	TYNDALL, CHARLES B JR TYNDALL, JUNE MARIE	101 MICHAEL WAY CLAYTON, NC 27520-0000	0.43 AC	RE
29	176000-54-6039	FARMER, MARY ANN	100 MICHAEL WAY CLAYTON, NC 27520-5507	0.92 AC	RE
30	176000-54-1106	HASKINS, WESLEY L HASKINS, ERIN L	1009 BROOKHILL DRIVE CLAYTON, NC 27520-0000	3.3 AC	RE
31	176000-44-8293	MOORE, AMY J CARAWAN, CLIFFORD C	101 KATIE DR CLAYTON, NC 27520-0000	2.75 AC	RE
32	176000-44-4078	WHITMAN, BRIAN HAROLD WHITMAN, GINA MUNDEN	105 KATIE DR CLAYTON, NC 27520-5509	0.92 AC	RE
33	176000-44-1066	HUTCHINS, JOSHUA P HUTCHINS, PATRICIA	111 KATIE DR CLAYTON, NC 27520-0000	0.92 AC	RE
34	176000-44-1147	MURRAY, RICHARD H MURRAY, JOELY A	115 KATIE DRIVE CLAYTON, NC 27520-0000	1.15 AC	RE
35	176000-15-9320	LEE BROTHERS RENTAL	400 W MAIN STREET CLAYTON, NC 27520-0000	213.94 AC	RE
36	176000-33-7839	SCHULTZE, HENRY NEAL SCHULTZE, JUDY	2005 DONNA COURT CLAYTON, NC 27520-0000	1.6 AC	RE
37	176000-33-7679	COON, STEVEN M COON, ERIN M	2009 DONNA COURT CLAYTON, NC 27520-0000	1.83 AC	RE
38	176000-33-7319	COATS, JEFFREY LAWRENCE 2008 DONNA CT	2005 DONNA COURT CLAYTON, NC 27520-0000	2.0 AC	RE
39	176000-32-6986	WHITLEY, WILLARD H WHITLEY, BETTY J	2000 KEVIN CT CLAYTON, NC 27520-0000	4.64 AC	RE
40	176000-32-6235	ROBINSON, PAUL W ROBINSON, VIRGINIE E	2304 SMITH DRIVE CLAYTON, NC 27520-0000	9.77 AC	RE
41	176000-32-2320	BELL, BRIAN O BELL, AMANDA H	2212 SMITH DR CLAYTON, NC 27520-9031	4.82 AC	RE
42	176000-22-9067	LAUFER, ANDREW N. WOOD, HEATHER L	2009 WILLIAM LN CLAYTON, NC 27520-8257	3.0 AC	RE
43	176000-22-5017	FISCHER, DANIELLE FISCHER, PAUL	2008 WILLIAM LANE CLAYTON, NC 27520-0000	2.02 AC	RE
44	176000-21-3907	HILL, MICHAEL WAYNE	2013 MISSY LANE CLAYTON, NC 27520-0000	1.05 AC	RE
45	176000-12-9050	NOWAKOWSKI, GREGORY A NOWAKOWSKI, WENDY D	2012 MISSY LANE CLAYTON, NC 27520-9033	2.05 AC	RE
46	176000-11-3998	DOLDE, DONALD ANTHONY DOLDE, SANDRA RAE	2020 SMITH DR CLAYTON, NC 27520-9029	3.57 AC	RE
47	176000-01-9559	POPE, BILLY R POPE, BOBBIE	2008 SMITH DR CLAYTON, NC 27520-9029	1.0 AC	RE
48	176000-01-7918	POURBON, CHARLES WAYNE	2000 SMITH DR CLAYTON, NC 27520-9029	0.92 AC	RE
49	176000-02-6216	CREASY, JEFFREY L CREASY, SHARON	2001 SMITH DR CLAYTON, NC 27520-5908	1.47 AC	RE
50	176000-02-1779	PILKINGTON, DAVID DANIEL JR	1331 CITY ROAD CLAYTON, NC 27520-5908	32.42 AC	RE



NO.	DATE	REVISION	REASON	BY	CHK	DATE
1	04-06-2018		TRC LIST REVIEW COMMENTS	KRM		

ADJOINING OWNERS & ZONING

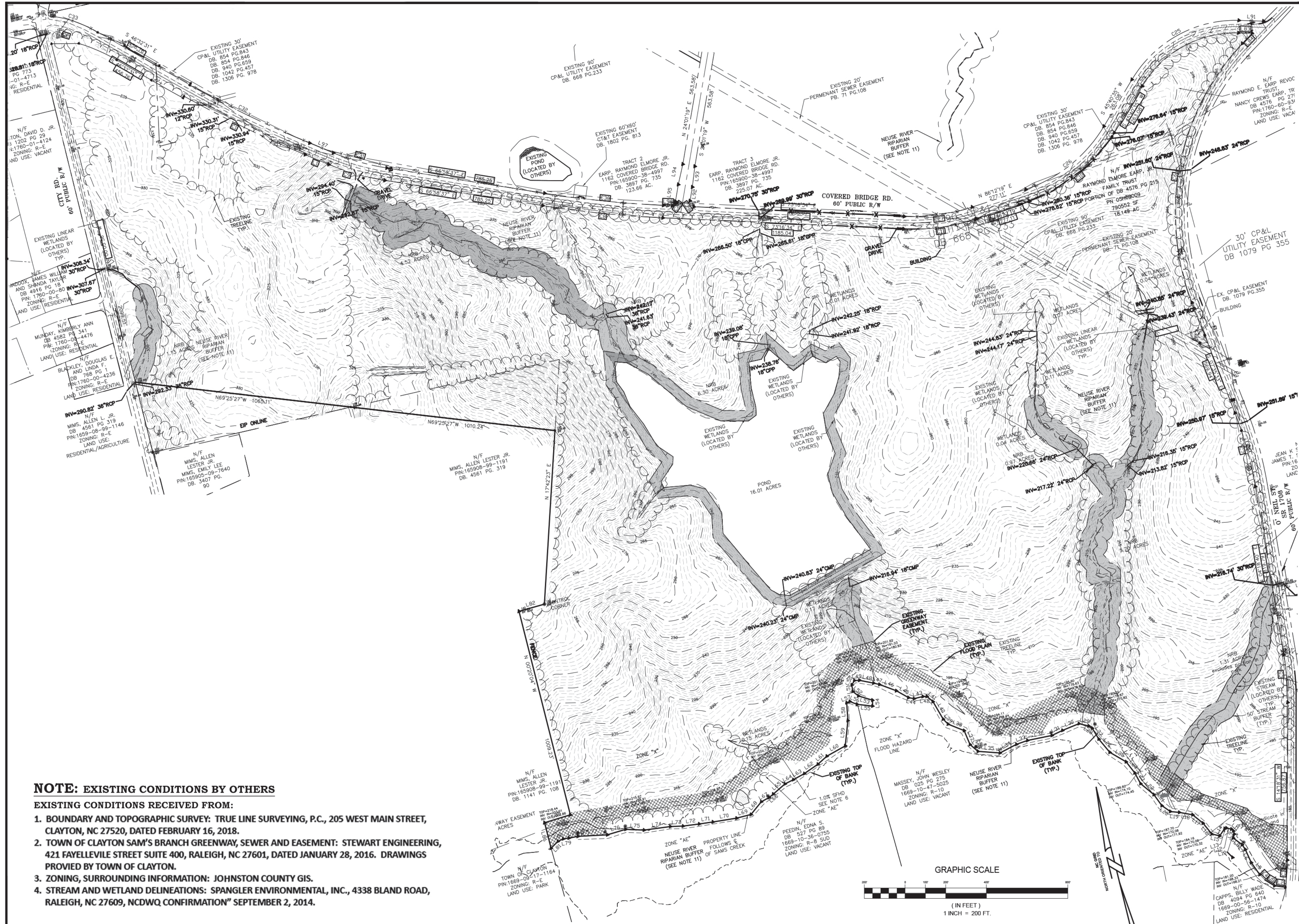
STEEPLECHASE MASTER PLAN

SHELANDOAH HOMES

CLAYTON, NC

PROJECT INFORMATION	
PROJECT MANAGER:	KRM
DESIGNED BY:	KRM
DRAWN BY:	KRM
PROJECT NUMBER:	FR51
ORIGINAL DATE:	03/01/2018
SHEET:	

C1.0



NOTE: EXISTING CONDITIONS BY OTHERS
EXISTING CONDITIONS RECEIVED FROM:
1. BOUNDARY AND TOPOGRAPHIC SURVEY: TRUE LINE SURVEYING, P.C., 205 WEST MAIN STREET, CLAYTON, NC 27520, DATED FEBRUARY 16, 2018.
2. TOWN OF CLAYTON SAM'S BRANCH GREENWAY, SEWER AND EASEMENT: STEWART ENGINEERING, 421 FAYETTEVILLE STREET SUITE 400, RALEIGH, NC 27601, DATED JANUARY 28, 2016. DRAWINGS PROVIDED BY TOWN OF CLAYTON.
3. ZONING, SURROUNDING INFORMATION: JOHNSTON COUNTY GIS.
4. STREAM AND WETLAND DELINEATIONS: SPANGLER ENVIRONMENTAL, INC., 4338 BLAND ROAD, RALEIGH, NC 27609, NCDWQ CONFIRMATION# SEPTEMBER 2, 2014.

FOR INFORMATION PURPOSES ONLY - BY OTHERS



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NC LICENSE #1407

NO.	DATE	REVISION	BY	REASON
1	04-06-2018		KRM	TRC LIST REVIEW COMMENTS

EXISTING CONDITIONS

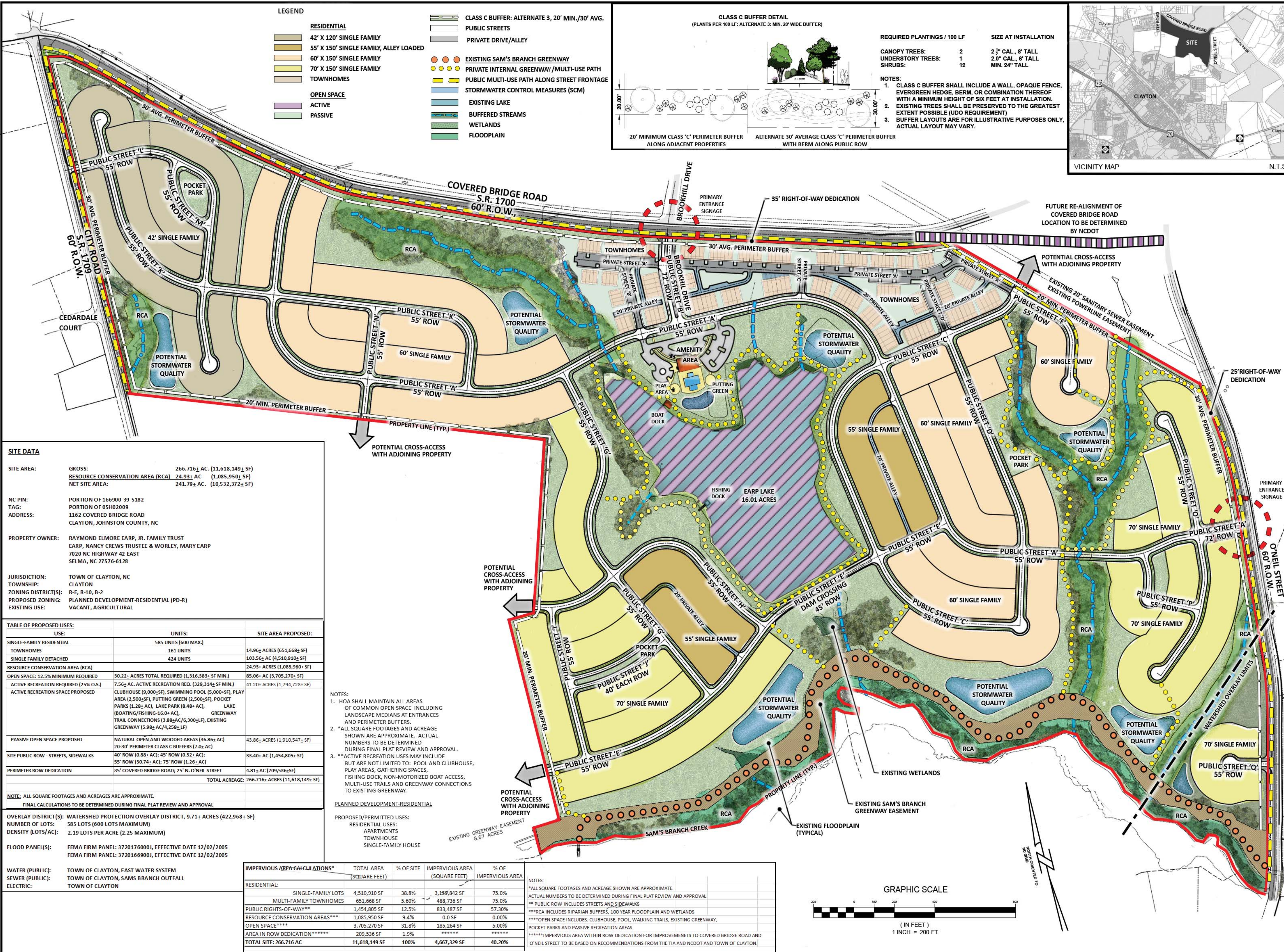
STEEPLECHASE MASTER PLAN

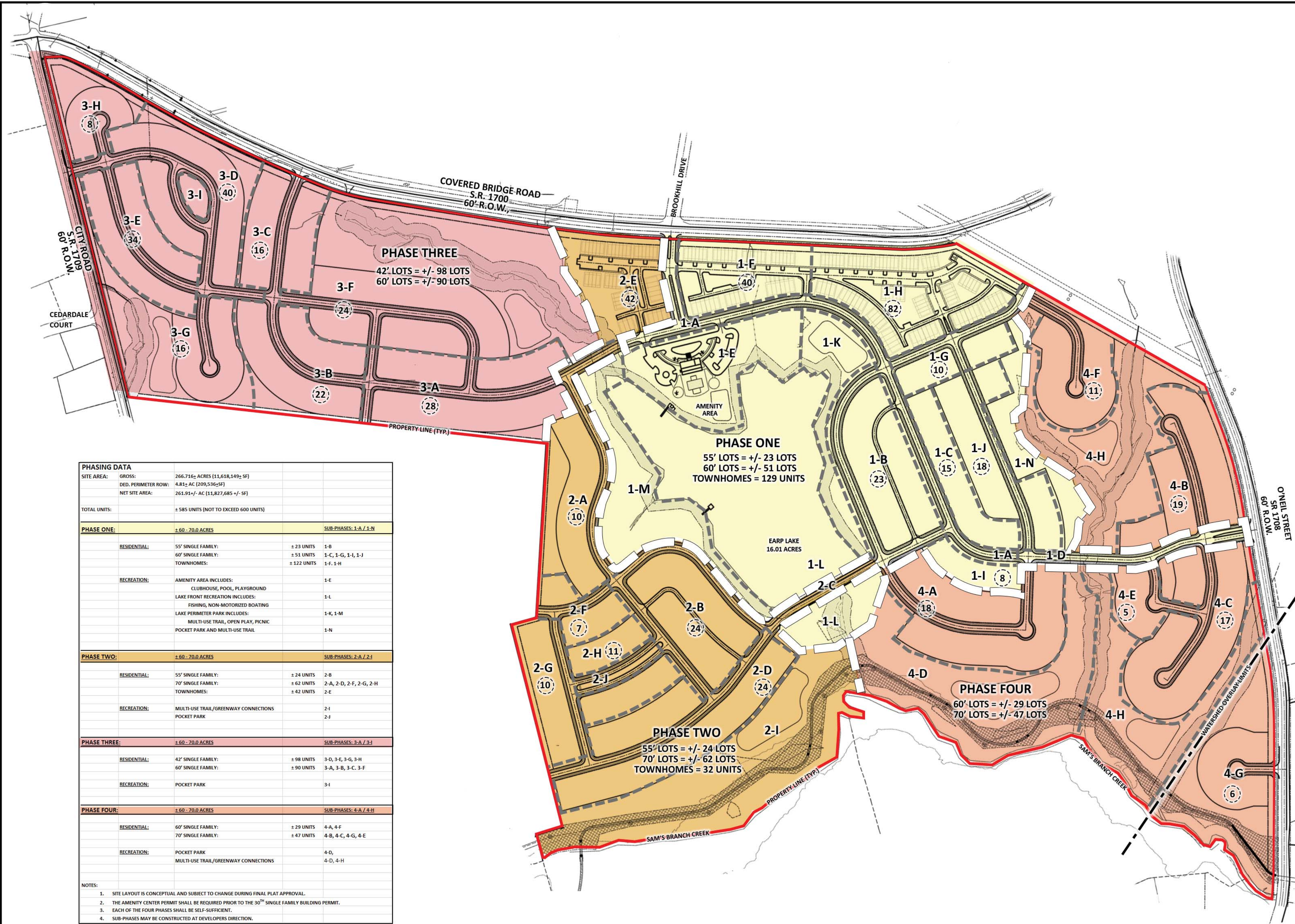
CLAYTON, NC

SHEWANDAH HOMES

PROJECT INFORMATION

PROJECT MANAGER:	KRM
DESIGNED BY:	KRM
DRAWN BY:	KRM
PROJECT NUMBER:	FR51
ORIGINAL DATE:	03/01/2018
SHEET:	C1.1





PHASING DATA			
SITE AREA:	GROSS:	266.71± ACRES (11,618,149± SF)	
	DED. PERIMETER ROW:	4.81± AC (209,536±SF)	
	NET SITE AREA:	261.91±/- AC (11,827,685 +/- SF)	
TOTAL UNITS:	± 585 UNITS (NOT TO EXCEED 600 UNITS)		
PHASE ONE:		± 60 - 70.0 ACRES	SUB-PHASES: 1-A / 1-N
RESIDENTIAL:	55' SINGLE FAMILY:	± 23 UNITS	1-B
	60' SINGLE FAMILY:	± 51 UNITS	1-C, 1-G, 1-I, 1-J
	TOWNHOMES:	± 122 UNITS	1-F, 1-H
RECREATION:	AMENITY AREA INCLUDES:		1-E
	CLUBHOUSE, POOL, PLAYGROUND		
	LAKE FRONT RECREATION INCLUDES:		1-L
	FISHING, NON-MOTORIZED BOATING		
	LAKE PERIMETER PARK INCLUDES:		1-K, 1-M
		MULTI-USE TRAIL, OPEN PLAY, PICNIC	
		POCKET PARK AND MULTI-USE TRAIL	1-N
PHASE TWO:		± 60 - 70.0 ACRES	SUB-PHASES: 2-A / 2-I
RESIDENTIAL:	55' SINGLE FAMILY:	± 24 UNITS	2-B
	70' SINGLE FAMILY:	± 62 UNITS	2-A, 2-D, 2-F, 2-G, 2-H
	TOWNHOMES:	± 42 UNITS	2-E
RECREATION:	MULTI-USE TRAIL/GREENWAY CONNECTIONS		2-I
	POCKET PARK		2-J
PHASE THREE:		± 60 - 70.0 ACRES	SUB-PHASES: 3-A / 3-I
RESIDENTIAL:	42' SINGLE FAMILY:	± 98 UNITS	3-D, 3-E, 3-G, 3-H
	60' SINGLE FAMILY:	± 90 UNITS	3-A, 3-B, 3-C, 3-F
RECREATION:	POCKET PARK		3-I
PHASE FOUR:		± 60 - 70.0 ACRES	SUB-PHASES: 4-A / 4-H
RESIDENTIAL:	60' SINGLE FAMILY:	± 29 UNITS	4-A, 4-F
	70' SINGLE FAMILY:	± 47 UNITS	4-B, 4-C, 4-G, 4-E
RECREATION:	POCKET PARK		4-D,
		MULTI-USE TRAIL/GREENWAY CONNECTIONS	4-D, 4-H
NOTES:			
1. SITE LAYOUT IS CONCEPTUAL AND SUBJECT TO CHANGE DURING FINAL PLAT APPROVAL.			
2. THE AMENITY CENTER PERMIT SHALL BE REQUIRED PRIOR TO THE 30 TH SINGLE FAMILY BUILDING PERMIT.			
3. EACH OF THE FOUR PHASES SHALL BE SELF-SUFFICIENT.			
4. SUB-PHASES MAY BE CONSTRUCTED AT DEVELOPERS DIRECTION.			

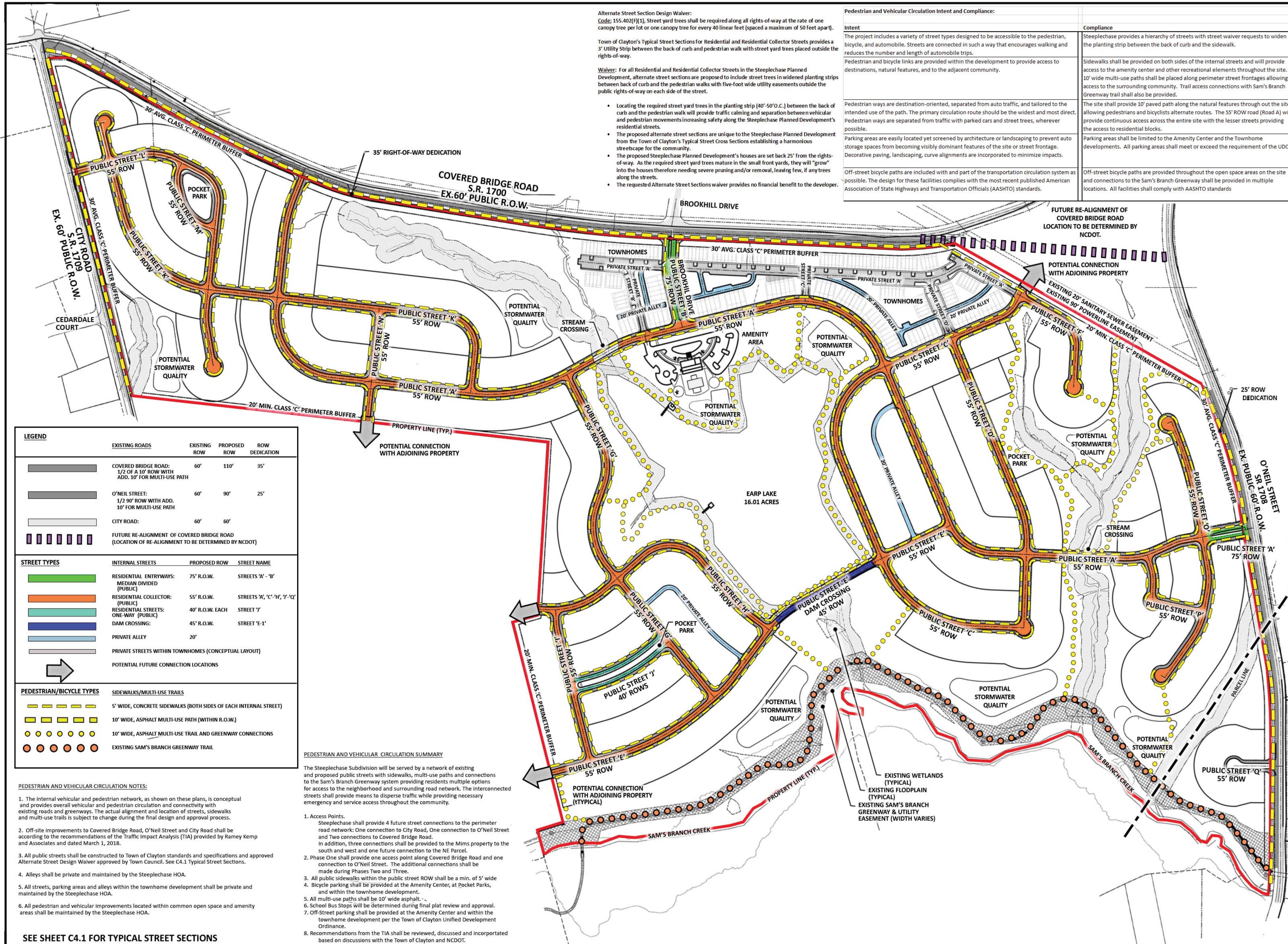
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919.275.1070
www.espaceassociates.com
NC LICENSE #F-1407

SEAL
028116
JANUARY 16, 2018

BY: KRM
DATE: 04-06-2018
REVISION: 1
NO. 1

PHASING PLAN
STEEPLECHASE MASTER PLAN
SHEWANDA H. HINES
CLAYTON, NC

PROJECT INFORMATION
PROJECT MANAGER: KRM
DESIGNED BY: KRM
DRAWN BY: KRM
PROJECT NUMBER: FR51
ORIGINAL DATE: 03/01/2018
SHEET: C3.0



LEGEND			
EXISTING ROADS		EXISTING ROW	PROPOSED ROW
COVERED BRIDGE ROAD: 1/2 OF A 10' ROW WITH ADD. 10' FOR MULTI-USE PATH		60'	110'
O'NEIL STREET: 1/2 90' ROW WITH ADD. 10' FOR MULTI-USE PATH		60'	90'
CITY ROAD:		60'	60'
FUTURE RE-ALIGNMENT OF COVERED BRIDGE ROAD (LOCATION OF RE-ALIGNMENT TO BE DETERMINED BY NCDOT)			
STREET TYPES		INTERNAL STREETS	PROPOSED ROW
RESIDENTIAL ENTRYWAYS: MEDIAN DIVIDED (PUBLIC)		75' R.O.W.	STREETS 'A' - 'B'
RESIDENTIAL COLLECTOR: (PUBLIC)		55' R.O.W.	STREETS 'C', 'D', 'E', 'F', 'G', 'H', 'I', 'J', 'K', 'L', 'M', 'N', 'O', 'P', 'Q', 'R', 'S', 'T', 'U', 'V', 'W', 'X', 'Y', 'Z'
RESIDENTIAL STREETS: ONE-WAY (PUBLIC)		40' R.O.W. EACH	STREET 'Y'
DAM CROSSING:		45' R.O.W.	STREET 'E-1'
PRIVATE ALLEY		20'	
PRIVATE STREETS WITHIN TOWNHOMES (CONCEPTUAL LAYOUT)			
POTENTIAL FUTURE CONNECTION LOCATIONS			
PEDESTRIAN/BICYCLE TYPES		SIDEWALKS/MULTI-USE TRAILS	
		5' WIDE, CONCRETE SIDEWALKS (BOTH SIDES OF EACH INTERNAL STREET)	
		10' WIDE, ASPHALT MULTI-USE PATH (WITHIN R.O.W.)	
		10' WIDE, ASPHALT MULTI-USE TRAIL AND GREENWAY CONNECTIONS	
		EXISTING SAM'S BRANCH GREENWAY TRAIL	

- PEDESTRIAN AND VEHICULAR CIRCULATION NOTES:
- The internal vehicular and pedestrian network, as shown on these plans, is conceptual and provides overall vehicular and pedestrian circulation and connectivity with existing roads and greenways. The actual alignment and location of streets, sidewalks and multi-use trails is subject to change during the final design and approval process.
 - Off-site improvements to Covered Bridge Road, O'Neil Street and City Road shall be according to the recommendations of the Traffic Impact Analysis (TIA) provided by Ramey Kemp and Associates and dated March 1, 2018.
 - All public streets shall be constructed to Town of Clayton standards and specifications and approved Alternate Street Design Waiver approved by Town Council. See C4.1 Typical Street Sections.
 - Alleys shall be private and maintained by the Steeplechase HOA.
 - All streets, parking areas and alleys within the townhome development shall be private and maintained by the Steeplechase HOA.
 - All pedestrian and vehicular improvements located within common open space and amenity areas shall be maintained by the Steeplechase HOA.

- PEDESTRIAN AND VEHICULAR CIRCULATION SUMMARY
- The Steeplechase Subdivision will be served by a network of existing and proposed public streets with sidewalks, multi-use paths and connections to the Sam's Branch Greenway system providing residents multiple options for access to the neighborhood and surrounding road network. The interconnected streets shall provide means to disperse traffic while providing necessary emergency and service access throughout the community.
- Access Points.
Steeplechase shall provide 4 future street connections to the perimeter road network: One connection to City Road, One connection to O'Neil Street and Two connections to Covered Bridge Road.
In addition, three connections shall be provided to the Mims property to the south and west and one future connection to the NE Parcel.
 - Phase One shall provide one access point along Covered Bridge Road and one connection to O'Neil Street. The additional connections shall be made during Phases Two and Three.
 - All public sidewalks within the public street ROW shall be a min. of 5' wide
 - Bicycle parking shall be provided at the Amenity Center, at Pocket Parks, and within the townhome development.
 - All multi-use paths shall be 10' wide asphalt.
 - School Bus Stops will be determined during final plat review and approval.
 - Off-Street parking shall be provided at the Amenity Center and within the townhome development per the Town of Clayton Unified Development Ordinance.
 - Recommendations from the TIA shall be reviewed, discussed and incorporated based on discussions with the Town of Clayton and NCDOT.

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2200 Gateway Center Blvd
Morrisonville, NC 27560
919.676.1070
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NC LICENSE #F-1407

BY	DATE	REVISION
1.	04-26-2018	TIC & CIV REVIEW COMMENTS

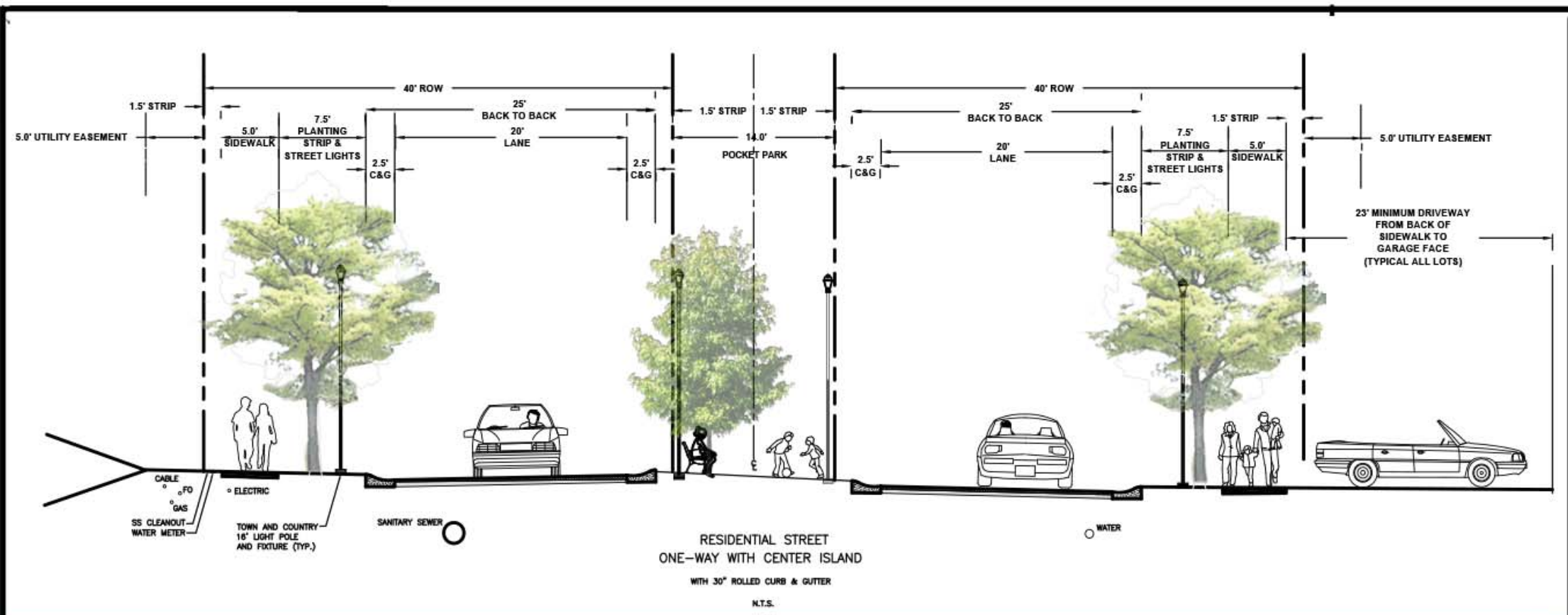
PROJECT INFORMATION	
PROJECT MANAGER:	KRM
DESIGNED BY:	KRM
DRAWN BY:	KRM
PROJECT NUMBER:	FRS1
ORIGINAL DATE:	03/01/2018
SHEET:	C4.0

TRANSPORTATION AND CIRCULATION PLAN

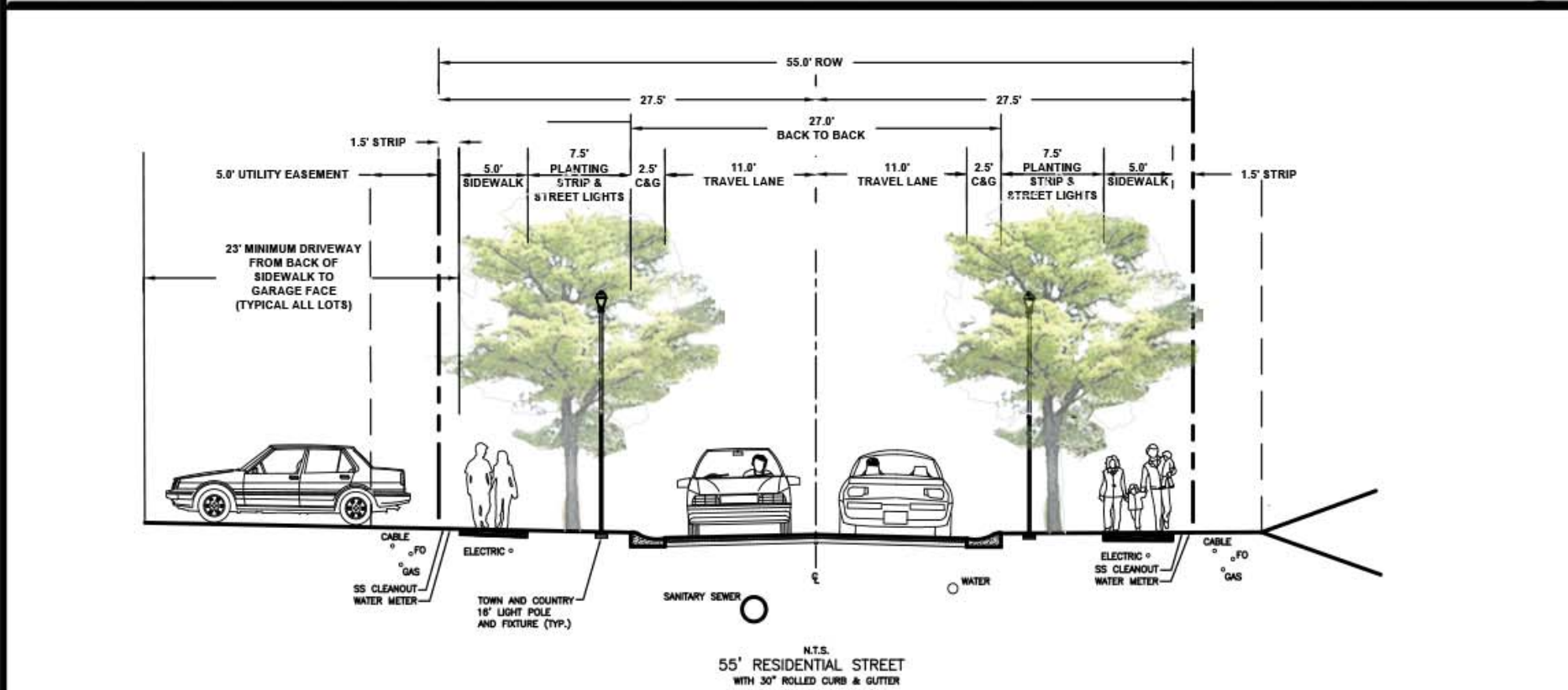
STEEPLECHASE MASTER PLAN

SHEMANDOAH HOMES

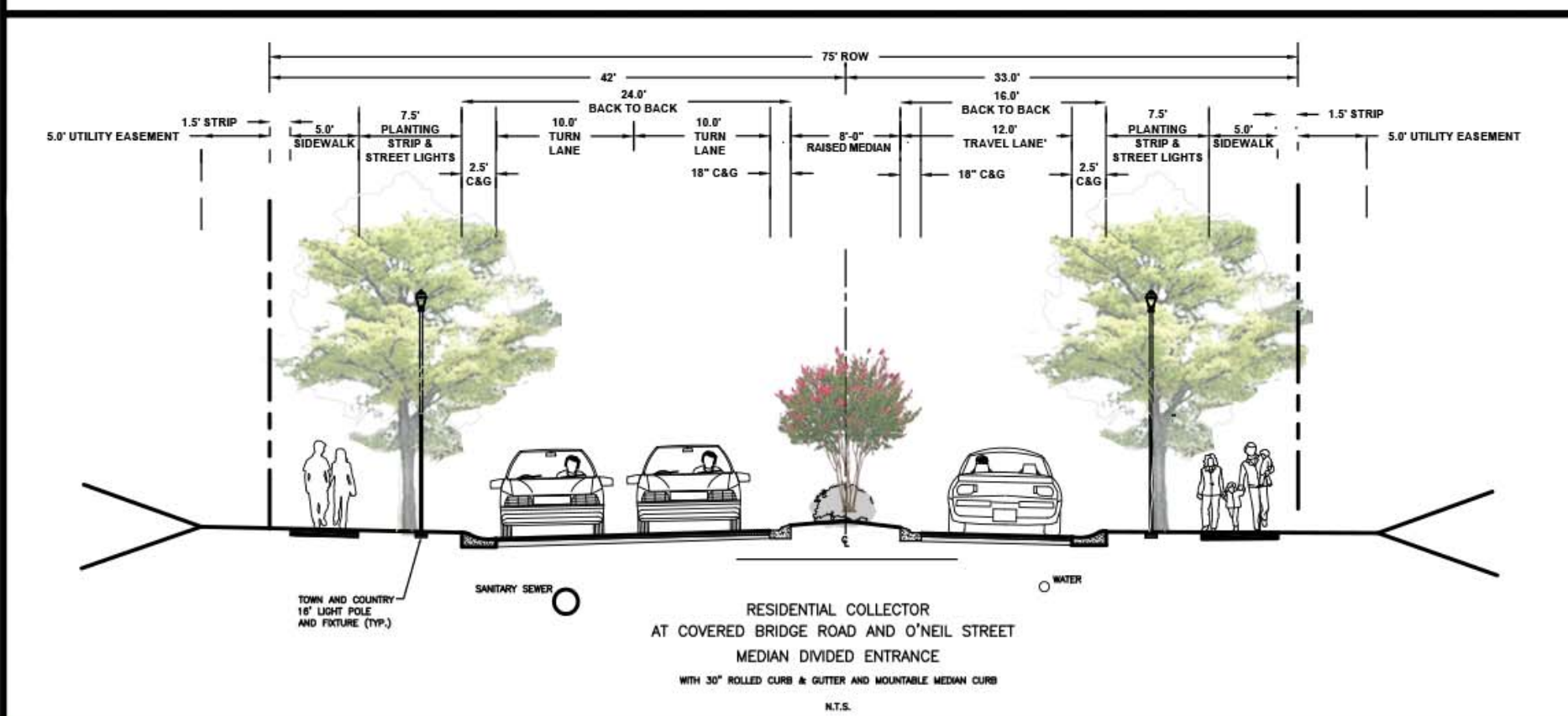
CLAYTON, NC



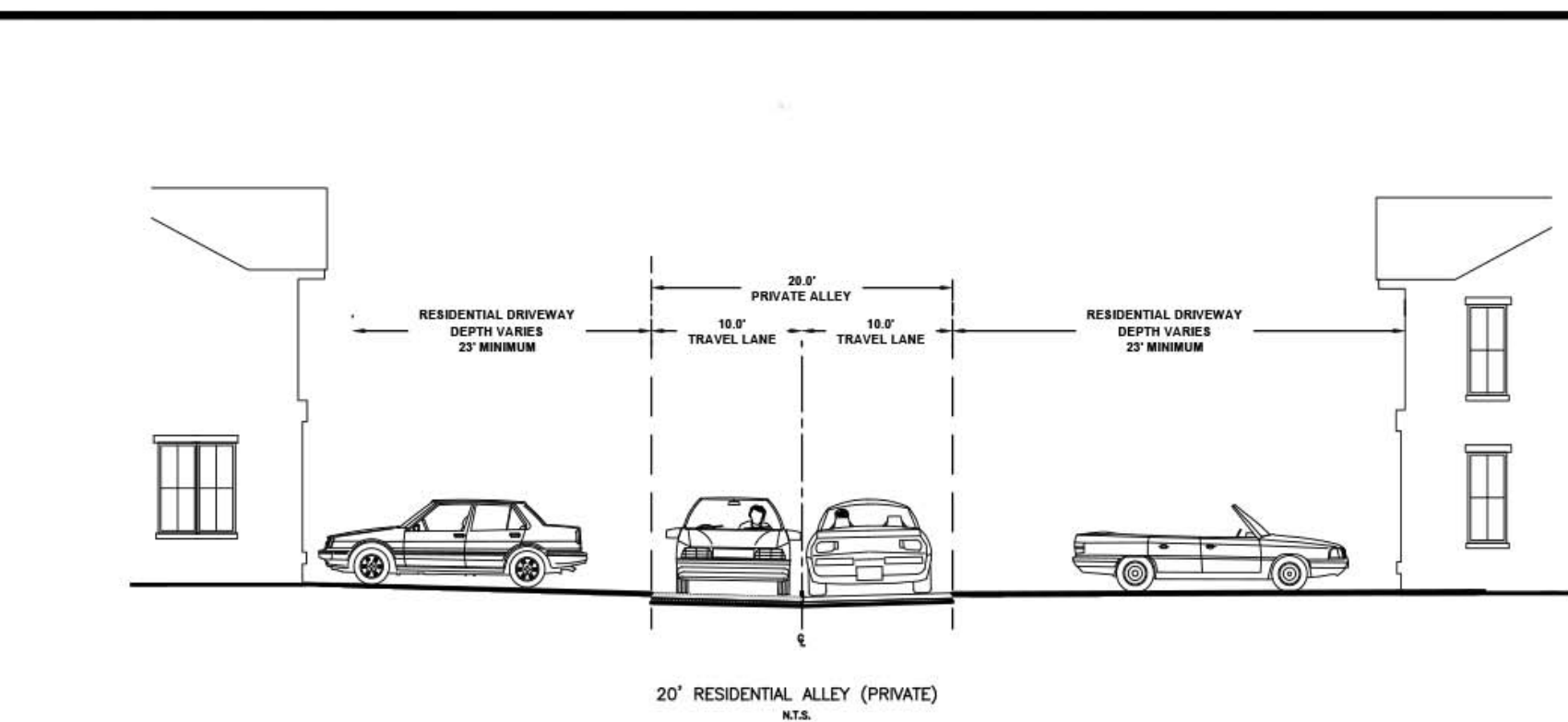
RESIDENTIAL STREET - PUBLIC STREET: 'J'



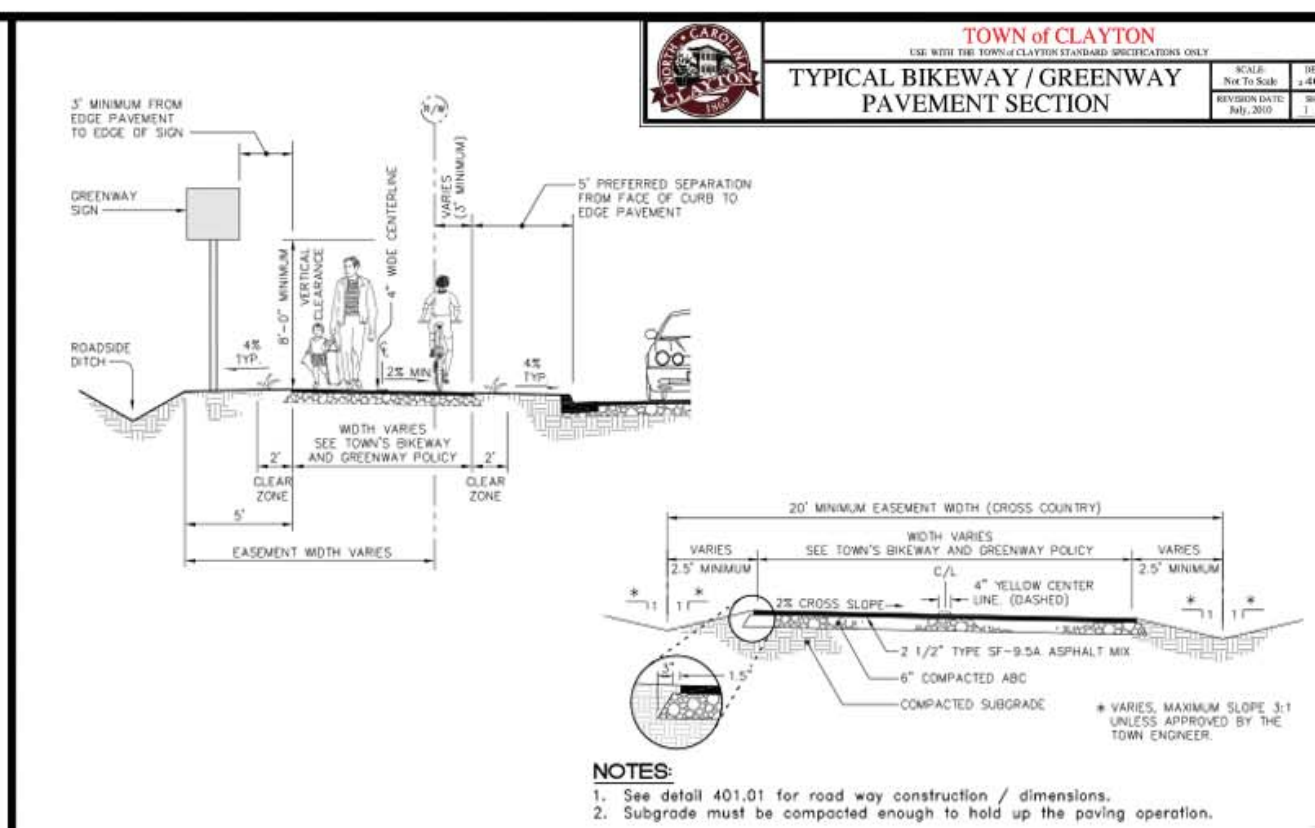
RESIDENTIAL STREET - PUBLIC STREETS: 'A', 'C', 'I', 'K', 'Q'



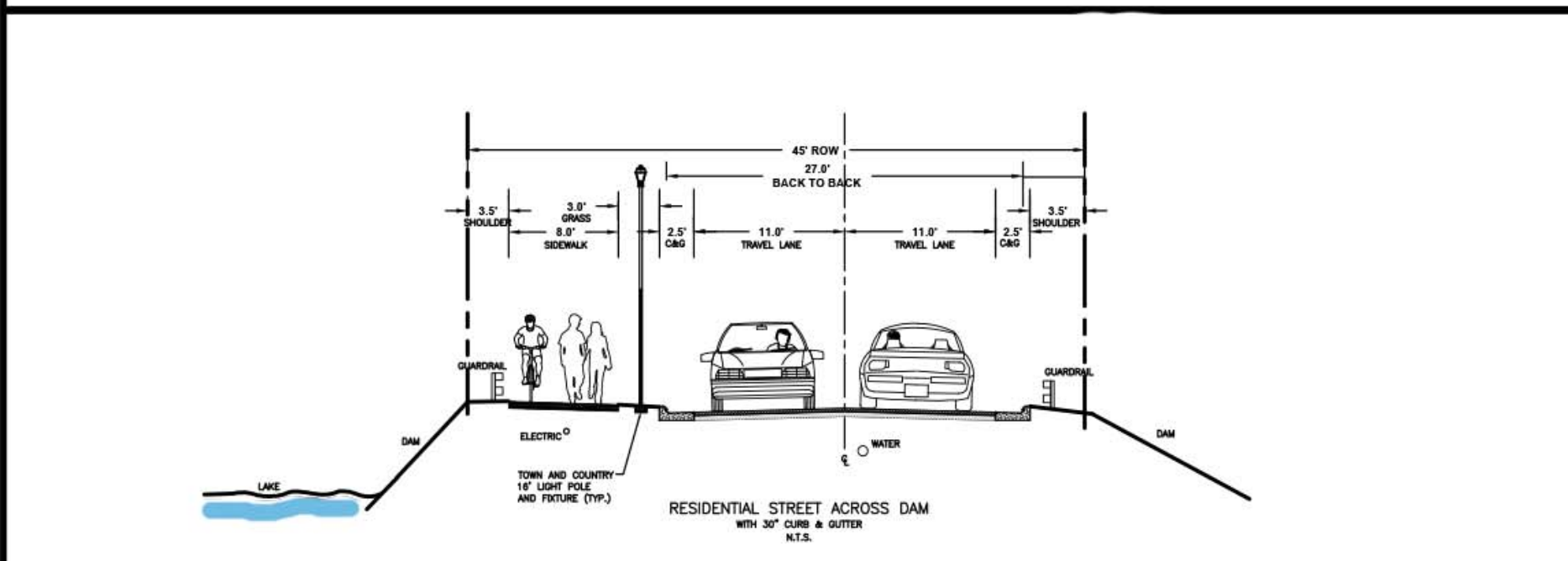
RESIDENTIAL ENTRYWAY - PUBLIC STREETS 'A-1' AND 'B'



PRIVATE ALLEY



10' MULTI-USE TRAIL



DAM CROSSING - PUBLIC STREET 'E-1'

Alternate Street Section Design Waiver:
Code: 155.402(F)(1). 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).

Town of Clayton's Typical Street Sections for Residential and Residential Collector Streets provides a 3' Utility Strip between the back of curb and pedestrian walk with street yard trees placed outside the rights-of-way.

Waiver: For all Residential and Residential Collector Streets in the Steeplechase Planned Development, alternate street sections are proposed to include street trees in widened planting strips between back of curb and the pedestrian walks with five-foot wide utility easements outside the public rights-of-way on each side of the street.

- Locating the required street yard trees in the planting strip (40'-50' O.C.) between the back of curb and the pedestrian walk will provide traffic calming and separation between vehicular and pedestrian movements increasing safety along the Steeplechase Planned Development's residential streets.
- The proposed alternate street sections are unique to the Steeplechase Planned Development from the Town of Clayton's Typical Street Cross Sections establishing a harmonious streetscape for the community.
- The proposed Steeplechase Planned Development's houses are set back 25' from the rights-of-way. As the required street yard trees mature in the small front yards, they will "grow" into the houses therefore needing severe pruning and/or removal, leaving few, if any trees along the streets.
- The requested Alternate Street Sections waiver provides no financial benefit to the developer.

Street Section Notes:

- The internal street and sidewalk network, as shown on these plans, is conceptual and provided to show overall vehicular and pedestrian circulation and connectivity with existing roads and greenways. The actual alignment and location of streets, sidewalks and multi-use trails is subject to change during the final plat design and approval process.
- All road improvements to Covered Bridge Road, O'Neals Street and City Road shall be according to the recommendations of the Traffic Impact Analysis (TIA) provided by Ramey Kemp and Associates and dated March 1, 2018.
- All internal streets shall have sidewalks on both sides of the street to provide a network of pedestrian accessibility throughout the neighborhood and to provide connections to the internal private trail system proposed for the Steeplechase Subdivision and connections to the Sam's Branch Greenway.
- The dam crossing street shall only provide sidewalk on one side of the street.
- All streets shall have rolled curb & gutter except where noted.
- All residential streets shall have a seven and one-half foot wide planting strip between the back of curb and the sidewalk to allow optimal area for the healthy growth of the required street trees.
- All utilities shall be located underground and within the 5' Utility Easements. Sanitary Sewer and Waterlines shall be placed within the street pavement sections and shall comply with all Town of Clayton standards and specifications.
- All streets, sidewalks, curb and gutter, multi-use trails and other public road improvements shall comply with all Town of Clayton Standards and Specifications. All road improvements to Covered Bridge Road, O'Neal Street and City Road shall comply with all NCDOT Standards and Specifications.

Suggested Street Trees Species:

- Bosque Lacebark Elm
- Highpoint Nuttall Oak
- Highbeam Overcup Oak
- Panache Shumard Oak
- Hightower Willow Oak
- Green Vase Zelkova
- Autumn Gold Bald Cypress

Ulmus parvifolia 'UPMITF' PP#11295
Quercus muhlenbergii 'QNFPA' PP#13524
Quercus lyrata 'QLFTB' PP#13470
Quercus shumardii 'QSFPC' PP#14424
Quercus phellos 'QPSTA' PP#13677
Zelkova serrata 'Green Vase'
Taxodium distichum 'Sofine'

ESP Associates, Inc.
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Morrisville, NC 27560
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NC LICENSE #F-1407

BY: [Signature]
DATE: 04-06-2018
TIC-1ST REVIEW COMMENTS

NO. 1
DATE 04-06-2018
TIC-1ST REVIEW COMMENTS

TYPICAL STREET SECTIONS

STEEPLECHASE MASTER PLAN

CLAYTON, NC

SHENANDOAH HOMES

PROJECT INFORMATION

PROJECT MANAGER:	KRM
DESIGNED BY:	KRM
DRAWN BY:	KRM
PROJECT NUMBER:	FRS1
ORIGINAL DATE:	03/01/2018
SHEET:	C4.1

The diagram illustrates a residential lot layout with the following features and zones:

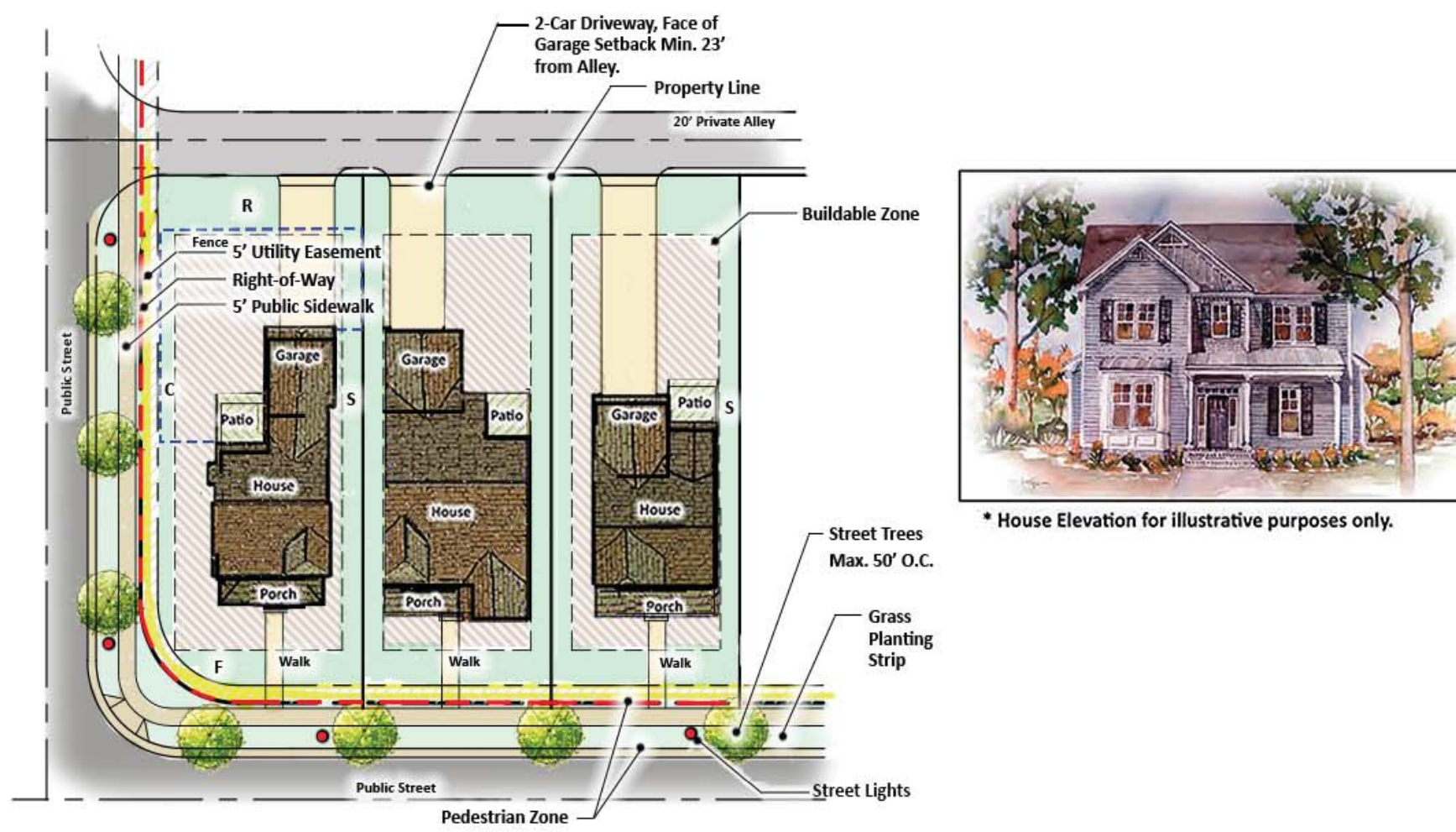
- Street Frontage:**
 - Street Lights
 - 5' Utility Easement
 - Right-of-Way
 - 5' Public Sidewalk
- Property Line Buildable Zone:** Indicated by a dashed line.
- Internal Layout:**
 - Patios:** Three patios are shown, each with a "Patio" label.
 - Houses:** Three houses are shown, each with a "House" label.
 - Porch:** A central porch is labeled "Porch".
 - Garage:** A garage is labeled "Garage".
 - Walk:** Walkways are labeled "Walk".
 - Other Labels:** "R", "S", "C", "F", and "S" are placed throughout the lot, possibly indicating setbacks or other dimensions.
- External Features:**
 - Fence:** A fence line is indicated.
 - Street Trees:** Trees are shown along the street frontage.
 - Grass Planting Strip:** A strip of grass is shown between the sidewalk and the street.
 - 2-Car Driveway:** A driveway is shown leading to the garage.
 - Face of Garage Setback:** A setback line is indicated.
 - Min. 23' from Back of Sidewalk:** A setback dimension is indicated.
- Zones:**
 - Pedestrian Zone:** Located along the sidewalk.
 - Public Street:** The street adjacent to the lot.

* House Elevation for illustrative purposes only.

The diagram illustrates a residential lot layout with the following features and setbacks:

- Public Street:** Located on the left and bottom edges of the lot.
- Street Lights:** Indicated by red dots along the Public Street.
- Property Line:** The boundary of the lot.
- 5' Utility Easement:** A narrow strip along the top boundary.
- Right-of-Way / 5' Public Sidewalk:** A strip along the top boundary, adjacent to the utility easement.
- Buildable Zone:** The central area where construction is permitted, bounded by dashed lines.
- Fence:** A dashed line indicating the location of a fence along the top and right boundaries of the Buildable Zone.
- House and Garage Footprints:** Three identical house and garage units are shown, each with a front porch and a rear patio.
- Setbacks:**
 - Front Setback:** 23' from the back of the sidewalk (indicated by a dashed line).
 - Side Setback:** 5' from the side of the sidewalk.
 - Rear Setback:** 23' from the back of the sidewalk.
- 2-Car Driveway:** Located at the front of each house unit.
- Walk:** A path leading from the driveway to the front porch of each house.
- Patio:** A rear outdoor space for each house.
- Garage:** Attached to the rear of each house.
- Porch:** A front entrance porch for each house.
- House Elevation:** An inset image showing a two-story house with a gabled roof, a front porch, and a garage, illustrating the intended look.
- Street Trees:** Planted along the Public Street, with a maximum spacing of 50' O.C. (On-Center).
- Grass Planting Strip:** A strip of grass located between the Public Street and the Property Line.
- Pedestrian Zone:** The area between the Public Street and the Property Line.

LOT STANDARDS							
HOUSING TYPE	MINIMUM LOT WIDTH	MINIMUM LOT DEPTH	TYPICAL LOT WIDTH/DEPTH	MINIMUM LOT SIZE (SF)	MAXIMUM IMPERVIOUS AREA	BUILDING SETBACKS	BEDROOMS
42' SINGLE FAMILY 2-CAR GARAGE FRONT LOADED	42'	110'	42' x 120'	5,000 SF	90%	FRONT: (F) 22' CORNER SIDE: (C) 10' SIDE: (S) 5' REAR: (R) 10' ACCESSORY: (A) 5'	3-5
55' SINGLE FAMILY 2-CAR GARAGE ALLEY LOADED	55'	130'	55' x 150'	8,000 SF	60%	FRONT: (F) 20' CORNER SIDE: (C) 10' SIDE: (S) 6' REAR: (R) 23' ACCESSORY: (A) 5'	3-5
60' SINGLE FAMILY 2-CAR GARAGE FRONT LOADED	60'	130'	60' x 150'	9,000 SF	50%	FRONT: (F) 25' CORNER SIDE: (C) 10' SIDE: (S) 6' REAR: (R) 15' ACCESSORY: (A) 5'	3-5
70' SINGLE FAMILY 2-CAR GARAGE FRONT/SIDE LOADED	70'	130'	70' x 150'	10,000 SF	50%	FRONT: (F) 25' CORNER SIDE: (C) * 10' SIDE: (S) 6' REAR: (R) 15' ACCESSORY: (A) 5'	3-5
*SIDE LOADED GARAGES SHALL HAVE A 23' CORNER SIDE SETBACK TO FACE OF GARAGE							
TOWNHOMES	18' - 22'	NONE	VARIES	1,200 SF	90% *WITHIN EACH LOT	FRONT: (F) 15' CORNER SIDE: (C) * 10' SIDE: (S) 5' INTERIOR SIDE 0' REAR: (R) 10' ACCESSORY (Attached-No Garage Option) 5'	3



The diagram illustrates a three-lot residential subdivision. Key features include:

- Public Street:** Located on the left and bottom edges of the lots.
- Setbacks and Easements:**
 - 5' Utility Easement (top left)
 - Right-of-Way (top left)
 - 5' Public Sidewalk (top left)
 - Property Line Buildable Zone (top center)
- Lot Layouts:**
 - Lot R (Left):** Contains a House, Garage, Porch, and Patio. A Walkway leads from the sidewalk to the Porch.
 - Lot S (Middle):** Contains a House, Garage, Porch, and Patio. A Walkway leads from the sidewalk to the Porch.
 - Lot F (Right):** Contains a House, Garage, Porch, and Patio. A Walkway leads from the sidewalk to the Porch.
- Additional Features:**
 - Fence:** Located between Lot S and Lot F.
 - Shed / Accessory Bldg:** Located behind Lot F.
 - 2-Car Driveway:** Located behind Lot F, with a setback of Min. 23' from the Back of Sidewalk.
 - Street Trees:** Max. 50' O.C. (On-Center).
 - Grass Planting Strip:** Located between the sidewalk and the lots.
 - Street Lights:** Located at the intersection of the Public Street and the sidewalk.
- Inset Photo:** A photograph of a house with a gabled roof and a chimney, labeled "House Elevation".

NOTES:

SINGLE FAMILY RESIDENTIAL

1. LOT WIDTH SHALL BE MEASURED AT THE FRONT SETBACK LINE
2. SIDE LOADED GARAGES (ON CORNER 70'-LOTS) SHALL HAVE A MINIMUM 23' SETBACK
3. THE BUILDABLE ZONE IS DEFINED AS ALL AREAS OF THE LOT BOUNDED BY THE SETBACK FROM THE PROPERTY LINES AND THE STREET RIGHT-OF-WAY.
4. THE PEDESTRIAN ZONE IS DEFINED AS THE AREA FROM THE PUBLIC RIGHTS-OF-WAY TO THE BACK OF CURB AND MAY INCLUDE 5' WIDE PUBLIC SIDEWALK, PLANTING STRIP WITH STREET TREES AND STREET LIGHTS.
5. STREET TREES SHALL BE PLANTED WITHIN THE PLANTING STRIP BETWEEN THE BACK OF CURB AND THE SIDEWALK. TREES SHALL BE SPACED 40' - 50' ON-CENTER.
6. RESIDENCES SHALL CONSIST OF SINGLE-FAMILY DETACHED HOMES WITH ATTACHED 2-CAR GARAGES FRONTING ONTO PUBLIC STREETS, EXCEPT:
 - *70' WIDE LOTS MAY HAVE SIDE-LOADING DRIVEWAYS AND GARAGES WITH A MINIMUM 23' SETBACK
 - *55' WIDE LOTS SHALL HAVE ALLEY LOADED DRIVEWAYS. GARAGE SETBACK SHALL BE A MINIMUM OF 23'.
7. ALL SINGLE-FAMILY HOMES SHALL HAVE 2-CAR GARAGES.
8. EACH HOME SHALL HAVE A FRONT PORCH THAT MAY WRAP AROUND THE SIDE OF THE HOUSE.
9. ACCESSORY STRUCTURES: SEE CLAYTON CODE OF ORDINANCES, SECTION 155.201 (G)(4) AND BELOW FOR ACCESSORY STRUCTURE REQUIREMENTS. IN CASES OF DIFFERING REQUIREMENTS, THE MORE RESTRICTIVE WILL APPLY.
 - A. ONE ACCESSORY STRUCTURE SHALL BE PERMITTED PER LOT.
 - B. NO ACCESSORY STRUCTURE SHALL BE LOCATED CLOSER THAN TEN FEET FROM THE PRIMARY RESIDENCE.
 - C. ACCESSORY STRUCTURES SHALL ONLY BE PERMITTED WITHIN THE REAR YARD.
 - D. NO ACCESSORY STRUCTURE SHALL BE LOCATED WITHIN 20' OF ANY STREET RIGHT-OF-WAY.
 - E. NO ACCESSORY DWELLING USES PERMITTED.
 - F. ACCESSORY STRUCTURES SHALL BE ARCHITECTURALLY CONSISTENT WITH THE PRIMARY STRUCTURE.
 - G. NO ACCESSORY STRUCTURES MAY EXTEND WITHIN 5 FEET OF ANY LOT LINE.
 - F. NO IN-GROUND OR ABOVE GROUND POOLS SHALL BE PERMITTED ON ANY LOT.
10. FENCING SHALL BE PERMITTED FROM THE REAR CORNER OF THE PRINCIPAL RESIDENCE AND MAY BE LOCATED WITH A ZERO (0') SETBACK ALONG THE PROPERTY LINE.
11. NO FENCING SHALL BE PERMITTED IN ANY EASEMENT. FENCE SETBACK ON CORNER LOTS SHALL BE A MINIMUM OF 5' OFF THE RIGHT-OF-WAY LINE.
12. FENCING SHALL COMPLY WITH THE ARCHITECTURAL STANDARDS SET FORTH IN THE HOMEOWNER ASSOCIATE DOCUMENTS.
13. MAXIMUM BUILDING HEIGHT SHALL BE 35'
14. ROOF PITCHES SHALL BE BETWEEN 3:12 AND 10:12.
15. ALL SINGLE FAMILY DETACHED HOMES SHALL HAVE 3-5 BEDROOMS, 2-CAR GARAGES, 2-CAR DRIVEWAYS
16. EACH DRIVEWAY SHALL ACCOMMODATE 2 VEHICLES WITH A MINIMUM DEPTH OF 23' FROM BACK OF SIDEWALK TO GARAGE FACE.
17. DRIVEWAYS SHALL BE A MINIMUM OF 3.5' FROM ANY LOT LINE.
18. DRIVEWAYS SHALL BE A MINIMUM OF 30' FROM CURB LINE OF INTERSECTING STREETS
19. ALL HVAC AND MECHANICAL EQUIPMENT SHALL BE LOCATED IN THE REAR OR STAGGERED BETWEEN HOMES IN THE SIDE YARDS SO AS TO NOT IMPED EMERGENCY ACCESS AND SCREENED FROM THE PUBLIC RIGHTS-OF-WAY.

The diagram illustrates a townhome development layout. The top portion is a site plan showing a grid of townhome units, with labels for the 'Buildable Zone Property Line', 'Community Open Space', 'Shed (Typ.)', and 'Townhome No Garage'. The bottom portion is a cross-section showing the 'Pedestrian Zone Building Setback (Typ.)', 'Sewer', 'Walk', 'Paving and Private Street', and '5' Utility Easement'. A '1.5' Grass Planting Strip' is also indicated. To the right, a photograph shows a row of three-story townhomes with gabled roofs and multiple windows, labeled as 'Townhomes with Surface Parking/No Garage' and 'Townhome Elevations for illustrative purposes only'.

The diagram illustrates a proposed townhome development. The site plan on the left shows a rectangular lot with a 20' Private Alley on the north side, a 5' Public Sidewalk on the west side, and a 5' Utility Easement on the east side. The lot is divided into a 2-Car Driveway (Pav.) and a Garage (Typ.) on the west side, and a central area for Townhomes with Garages. The site is bordered by a Right-of-Way, Curb & Gutter, and a Pedestrian Zone. A Building Setback and Grass Planting Strip are shown along the south side. A Buildable Zone is indicated by a dashed line. A 1.5' setback is shown between the building and the utility easement. An inset rendering on the right shows a three-story townhome elevation with multiple windows and a gabled roof.

20' Private Alley

Buildable Zone

Right-of-Way

Curb & Gutter

5' Public Sidewalk

2-Car Driveway (Pav.)

Garage (Typ.)

Property Line

Townhomes with Garages

5' Utility Easement

1.5'

Public or Private Street

Pedestrian Zone

Building Setback

Grass Planting Strip

* Townhome Elevations for illustrative purposes only.

<u>MULTI-FAMILY RESIDENTIAL [TOWNHOMES]</u>					
1.	ALL SURFACE PARKING AREAS SHALL COMPLY WITH ALL TOWN OF CLAYTON LANDSCAPE REQUIREMENTS FOR PARKING LOTS AND ISLANDS.				
2.	ALL HVAC AND MECHANICAL EQUIPMENT SHALL BE LOCATED AT THE REAR OF EACH UNIT AND SCREENED FROM THE PUBLIC RIGHTS-OF-WAY.				
3.	COMMUNAL TRASH AND RECYCLING COMPACTOR LOCATION PROVIDED FOR SOLID WASTE DISPOSAL AND RECYCLING COLLECTION BY PRIVATE COMPANY.				
4.	ALL COMMON AREAS SHALL MEET THE SITE INTERIOR LANDSCAPING REQUIREMENTS AS PER THE TOWN OF CLAYTON CODE, SECTION 155.402(D).				
5.	ALL COMMON AREAS SHALL BE MAINTAINED BY THE STEEPLECHASE HOA.				
6.	ALL BUILDING UNITS SHALL MAINTAIN A 20 FOOT MINIMUM BUILDING SEPARATION.				
7.	GUEST PARKING SHALL BE PROVIDED AT A RATIO OF 1 SPACE PER 4 TOWNHOMES.				
8.	MAXIMUM BUILDING HEIGHT SHALL BE 45'.				
9.	AN INTERNAL LANDSCAPE ISLAND SHALL BE PROVIDED BETWEEN EVERY 10 PARKING SPACES.				
10.	ALL REQUIRED LANDSCAPE ISLANDS SHALL BE A MINIMUM OF 150 SQ IN AREA AND NO LESS THAN 8" WIDE.				
11.	ALL PARKING AREAS SHALL BE SCREENED FROM THE PUBLIC RIGHTS-OF-WAY TO A MINIMUM HEIGHT OF 3 FEET.				
12.	STAND ALONE GARAGE UNITS MAY BE PROVIDED IN ADDITION TO ANY REQUIRED PARKING.				
13.	STAND ALONE GARAGE UNITS SHALL COMPLY WITH ALL SETBACK REQUIREMENTS.				
14.	MULTI-FAMILY RESIDENTIAL TOWNHOMES ARE DEFINED AS 2 OR MORE ATTACHED DWELLING UNITS WITH A SHARED INTERIOR FIRE-RATED PARTY WALLS. DWELLING UNITS MAY BE LOCATED ON INDIVIDUALLY OWNED LOTS OR ON A SINGLE LOT WITH COMMON OPEN SPACE, SHARED PARKING, SIDEWALKS AND STREET NETWORKS.				
15.	SIDE YARDS ARE NOT REQUIRED FOR INTERIOR TOWNHOME UNITS WITHIN EACH CLUSTER.				
16.	STREET AND REAR YARDS SHALL BE PROVIDED FOR ALL TOWNHOMES.				
17.	SEPARATION BETWEEN EACH TOWNHOME CLUSTER SHALL BE A MINIMUM OF 20'.				
18.	EACH CLUSTER OF TOWNHOMES SHALL HAVE A MAXIMUM OF 5 UNITS PER CLUSTER.				
19.	TWO UNIT TYPES ARE PROPOSED:				
A.	2-STORY UNITS WITH NO GARAGE. SURFACE PARKING SHALL BE PROVIDED ON INTERNAL, PRIVATE STREETS.				
B.	3-STORY UNITS WITH ALLEY LOADED GARAGES. GARAGE UNITS SHALL BE ACCESSED BY INTERNAL PRIVATE ALLEYS WITH ADDITIONAL GUEST PARKING LOCATED OFF THE ALLEY.				
20.	THE MINIMUM PARKING REQUIREMENT SHALL BE CALCULATED AS FOR APARTMENT OR MULTI-FAMILY DEVELOPMENT.				
21.	NO STAND-ALONE ACCESSORY BUILDINGS SHALL BE PERMITTED.				
22.	ROOF PITCHES SHALL BE BETWEEN 3:12 AND 10:12.				

1. ALL ARCHITECTURAL STANDARDS SHALL BE CONSISTENT WITH THE STANDARDS SET FOR BY THE ARCHITECTURAL REVIEW COMMITTEE.
2. ALL SINGLE FAMILY DETACHED AND MULTI-FAMILY ATTACHED HOMES SHALL REQUIRE REVIEW AND APPROVAL BY THE ARCHITECTURAL REVIEW COMMITTEE.

[illegible]



MINI-PARK/POCKET PARK

- 1. MINIMUM 2500 SF AREA
- 2. MAINTAINED BY HOA

- MAY INCLUDE:
- SEATING
 - SHADE SHELTER
 - CHESS/CHECKERS TABLES
 - PUTTING GREEN
 - BOCCE BALL COURT
 - PLAY EQUIPMENT
 - FITNESS EQUIPMENT
 - BIKE RACK
 - DOG WASTE STATION



AMENITY CENTER/NEIGHBORHOOD PARK

- 1. MINIMUM 1-5 ACRES
- 2. MAINTAINED BY HOA
- 3. POOL MINIMUM 5,000 SF
- 4. CLUBHOUSE 9,000 SF

- MAY INCLUDE:
- POOL
 - PLAYGROUND
 - OUTDOOR SEATING/DINING
 - PUTTING GREEN
 - SCENIC OVERLOOK
 - GATHERING SPACE
 - FITNESS CENTER
 - BIKE RACKS
 - CENTRAL MAILBOX KIOSK



POCKET PARKS

- 1. SIZE 2,500 SF - 1 ACRE
- 2. MAINTAINED BY HOA

- MAY INCLUDE:
- PLAYGROUND
 - NATURAL OPEN PLAY
 - DOG PARK
 - BENCHES
 - DOG WASTE STATIONS



LAKE SHORE PARK

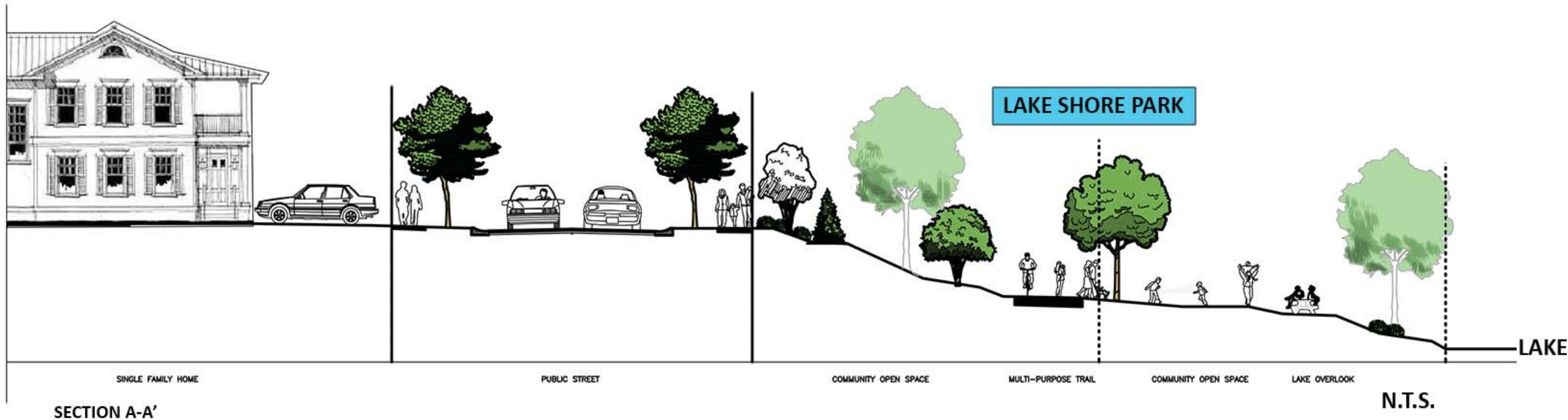
- 1. MINIMUM SIZE 1-5 ACRES
- 2. MAINTAINED BY HOA

- MAY INCLUDE:
- PICNIC TABLES
 - MULTI-USE TRAIL
 - NON-MOTORIZED BOATING
 - FISHING
 - NATURAL OPEN PLAY
 - DOG PARK
 - BENCHES
 - DOG WASTE STATIONS



MULTI-USE PATHS/
GREENWAY CONNECTIONS

- 1. FOLLOW NATURAL FEATURES
- 2. MAINTAINED BY HOA



ESP Associates, Inc.
2200 Gateway Center Blvd
Suite 216
Mooresville, NC 28115
www.esp-associates.com
NC LICENSE #F-1407

NO.	DATE	REVISION	BY	REVIEW	COMMENTS
1	04-06-2018		KRM		THE 1ST REVIEW COMMENTS

RECREATION AND OPEN SPACE

STEPPLECHASE MASTER PLAN

CLAYTON, NC

SHENANDOAH HOMES

PROJECT INFORMATION

PROJECT MANAGER:	KRM
DESIGNED BY:	KRM
DRAWN BY:	KRM
PROJECT NUMBER:	FRS1
ORIGINAL DATE:	03/01/2018

SHEET:

C6.1

811 Project: Steeplechase Clayton (Shenandoah) - PRELIMINARY UTILITY PLAN



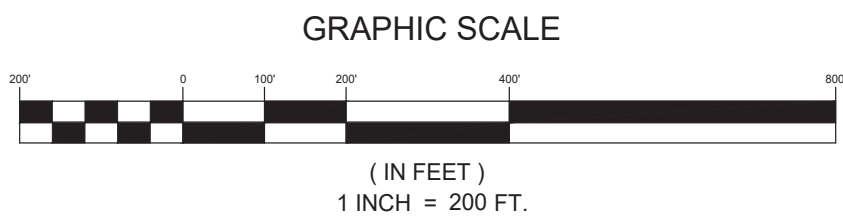
WATER/SEWER NOTES

1. A PRECONSTRUCTION MEETING WILL BE REQUIRED BEFORE WORK BEGINS ON ANY PROJECT. THE MEETING WILL CONSIST OF, AT MINIMUM, THE DEVELOPER'S ENGINEER, THE CONTRACTOR, AND A REPRESENTATIVE OF UTILITY. OTHER ATTENDEES CAN BE REQUIRED BY UTILITY AS NEEDED. INCLUDING ANY SUBCONTRACTORS AND REGULATORS. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO CONTACT ANY LOCAL AND STATE REGULATORS TO SEE IF THEIR PRESENCE IS REQUIRED AT THE PRECONSTRUCTION MEETING.
2. TOWN OF CLAYTON SHALL BE NOTIFIED 48 HOURS BEFORE CONSTRUCTION IS TO BEGIN.
3. TOWN OF CLAYTON SHALL BE NOTIFIED 48 HOURS BEFORE ANY CONSTRUCTION IS BURIED.
4. A MINIMUM HORIZONTAL SEPARATION OF TEN FEET, OUTSIDE OF PIPE TO OUTSIDE OF PIPE, SHALL BE MAINTAINED BETWEEN POTABLE WATER PIPING AND DOMESTIC WASTEWATER GRAVITY PIPING OR STORM WATER PIPING.
5. A MINIMUM VERTICAL SEPARATION OF EIGHTEEN INCHES, OUTSIDE OF PIPE TO OUTSIDE OF PIPE, SHALL BE MAINTAINED BETWEEN POTABLE WATER PIPING, WASTEWATER GRAVITY PIPING, STORM SEWER PIPING OR RECLAIMED WATER PIPING. A 24 INCH SEPARATION SHALL BE PROVIDED BETWEEN STORM SEWER AND SANITARY SEWER LINES.
6. WHERE THE EIGHTEEN INCHES OF NET VERTICAL CLEARANCE BETWEEN POTABLE WATER PIPE AND THE WASTEWATER GRAVITY PIPE CANNOT BE MAINTAINED, THE WASTEWATER GRAVITY PIPE SHALL BE DUCTILE IRON PIPE AND SHALL BE HYDROSTATICALLY PRESSURE TESTED WITH WATER TO ENSURE JOINT TIGHTNESS. PIPES SHALL BE LOCATED SO THAT THE POINTS ARE AS FAR AS POSSIBLE FROM EACH OTHER.
7. ALL CONSTRUCTION SHALL CONFORM TO TOWN OF CLAYTON STANDARDS, SPECIFICATIONS, AND DETAILS.

WATER AND SEWER

NOTE: WATER AND SEWER DESIGN AND UTILITY EASEMENTS REPRESENTED ON THIS SHEET ARE FOR CONCEPT PURPOSES ONLY.

DRY UTILITIES SUCH AS POWER, TELECOM, GAS, ETC. WILL BE LOCATED IN THE PUBLIC UTILITY EASEMENT LOCATED OUTSIDE OF THE STREET RIGHT-OF-WAY. PUBLIC UTILITY EASEMENT IS PROVIDED ON BOTH SIDES OF THE STREET RIGHT-OF-WAY.



ESP Associates, Inc.
2200 Gateway Center Blvd
Merrillville, NC 27560
Phone 919.675.1070
Fax 919.677.1262
www.espassoc.com
NC LICENSE: P-1407

North Carolina
Professional Engineer
Seal
028116
05/16/2018

BY

DATE

NO.

REVISION

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CLAYTON, NC

PRELIMINARY UTILITIES

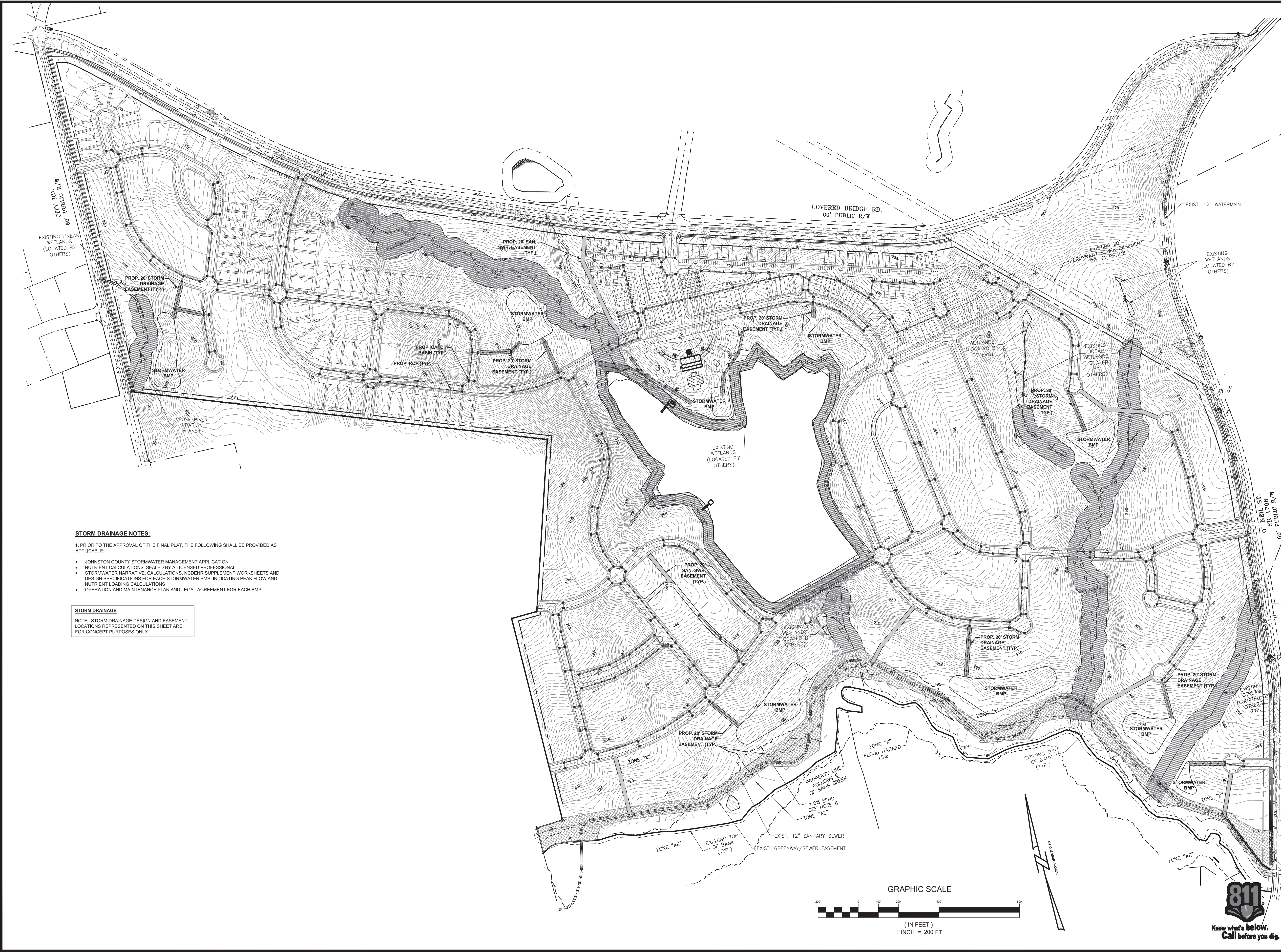
STEEPLECHASE MASTER PLAN

SHENANDOAH HOMES

PROJECT INFORMATION

PROJECT MANAGER:	CH
DESIGNED BY:	RDD
DRAWN BY:	RDD
PROJECT NUMBER:	FR51
ORIGINAL DATE:	03/01/2018
SHEET:	C7.0

S:\8001_8\Projects\2017 Projects\8001_8\8001_8.dwg PRELIMINARY STORM.dwg



- STORM DRAINAGE NOTES:**
1. PRIOR TO THE APPROVAL OF THE FINAL PLAT, THE FOLLOWING SHALL BE PROVIDED AS APPLICABLE:
- JOHNSTON COUNTY STORMWATER MANAGEMENT APPLICATION
 - NUTRIENT CALCULATIONS, SEALED BY A LICENSED PROFESSIONAL
 - STORMWATER NARRATIVE, CALCULATIONS, NOISE/SUPPLEMENT WORKSHEETS AND DESIGN SPECIFICATIONS FOR EACH STORMWATER BMP, INDICATING PEAK FLOW AND NUTRIENT LOADING CALCULATIONS
 - OPERATION AND MAINTENANCE PLAN AND LEGAL AGREEMENT FOR EACH BMP

STORM DRAINAGE

NOTE: STORM DRAINAGE DESIGN AND EASEMENT LOCATIONS REPRESENTED ON THIS SHEET ARE FOR CONCEPT PURPOSES ONLY.

ESP Associates, Inc.
2200 Gateway Center Blvd
Merrillville, NC 27560
Phone 919.675.1070
Fax 919.677.1262
www.esp-associates.com
NC LICENSE: P-1407

PROFESSIONAL SEAL
028116
05/16/2018

NO.	DATE	REVISION	BY

PRELIMINARY STORM DRAINAGE

STEEPLECHASE MASTER PLAN

CLAYTON, NC

SHEWANDA HINES

PROJECT INFORMATION

PROJECT MANAGER:	CH
DESIGNED BY:	CDL
DRAWN BY:	CDL
PROJECT NUMBER:	FR51
ORIGINAL DATE:	03/01/2018
SHEET:	C8.0



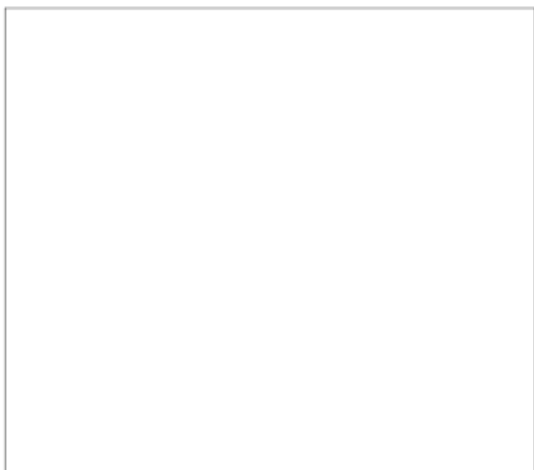


FRONT ELEVATION - COLOR RENDERING

CERTAINTED® LANDMARK ASPHALT ROOF SINGLES
COLOR: CHARCOAL - ARCHITECTURAL STYLE



NOTE: ALTERNATE ROOFING: BLACK
STANDING SEAM METAL



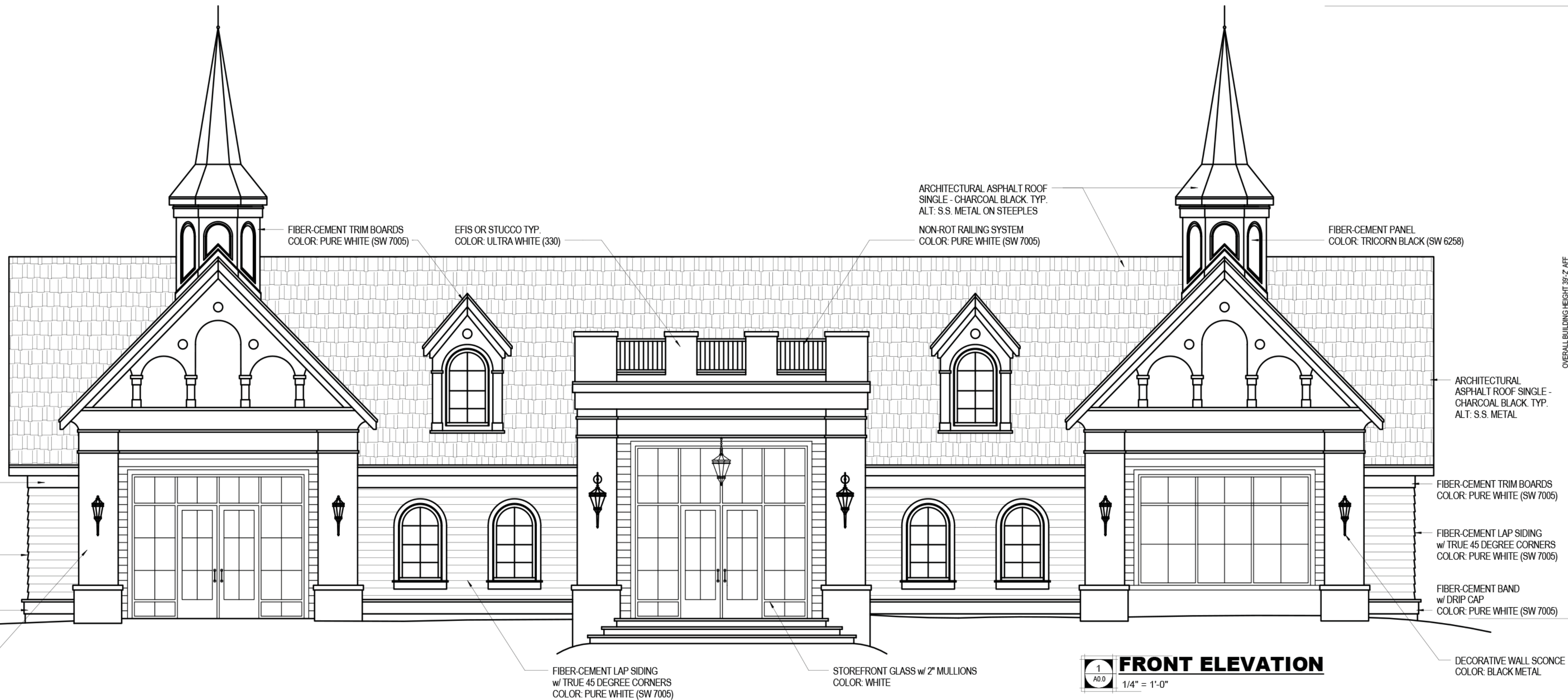
PURE WHITE (SW 7005)

FIBER-CEMENT TRIM BOARDS
COLOR: PURE WHITE (SW 7005)

FIBER-CEMENT LAP SIDING
w/ TRUE 45 DEGREE CORNERS
COLOR: PURE WHITE (SW 7005)

FIBER-CEMENT BAND
w/ DRIP CAP
COLOR: PURE WHITE (SW 7005)

EFIS OR STUCCO TYP.
COLOR: ULTRA WHITE (330)



FIBER-CEMENT TRIM BOARDS
COLOR: PURE WHITE (SW 7005)

EFIS OR STUCCO TYP.
COLOR: ULTRA WHITE (330)

ARCHITECTURAL ASPHALT ROOF
SINGLE - CHARCOAL BLACK, TYP.
ALT: S.S. METAL ON STEEPLES
NON-ROT RAILING SYSTEM
COLOR: PURE WHITE (SW 7005)

FIBER-CEMENT PANEL
COLOR: TRICORN BLACK (SW 6258)

ARCHITECTURAL
ASPHALT ROOF SINGLE -
CHARCOAL BLACK, TYP.
ALT: S.S. METAL

FIBER-CEMENT TRIM BOARDS
COLOR: PURE WHITE (SW 7005)

FIBER-CEMENT LAP SIDING
w/ TRUE 45 DEGREE CORNERS
COLOR: PURE WHITE (SW 7005)

FIBER-CEMENT BAND
w/ DRIP CAP
COLOR: PURE WHITE (SW 7005)

DECORATIVE WALL SCONCE
COLOR: BLACK METAL

FIBER-CEMENT LAP SIDING
w/ TRUE 45 DEGREE CORNERS
COLOR: PURE WHITE (SW 7005)

STOREFRONT GLASS w/ 2" MULLIONS
COLOR: WHITE

1
A0.0
1/4" = 1'-0"

FRONT ELEVATION

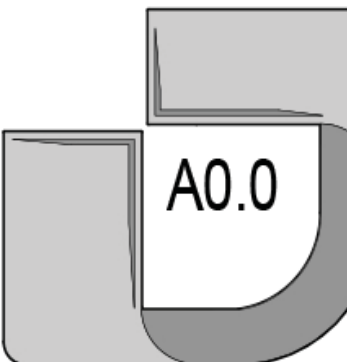
OVERALL BUILDING HEIGHT 39'-2" AFF

NO.	REVISION	DATE

SHEET DESCRIPTION
**PLANNING
ELEVATION**

PROJECT #:	2018.006
DATE ISSUED:	02/25/2018
DRAWING BY:	BSJ
CHECKED BY:	DSC

**STEEPLECHASE AMENITY
SHENANDOAH HOMES
CLUBHOUSE CONCEPT
CLAYTON, NC**





STEEPLECHASE
2018-31-SD & 2018-30-PDD

NEIGHBORHOOD MEETING SUMMARY
REPORTS, DOCUMENTS & EXHIBITS

MAY 17, 2018



ESP Associates, Inc.
2200 Gateway Centre Blvd., Suite 216
Morrisville, NC 27560
919.678.1070
www.espassociates.com



NEIGHBORHOOD MEETING INFORMATION

NOTE: *Neighborhood meetings are not required for minor modifications to an approved.*

Purpose:

The purpose of the neighborhood meeting shall be to inform the neighborhood of the nature of the proposed land use and development features, answer questions, respond to concerns, and solicit comments.

Meeting Date:

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

Meeting Time & Location:

The meeting must be held no earlier than 6:00 pm Monday through Friday, and must be held in a location generally accessible to residents within close proximity of the request.

Meeting Notice Mailing requirements:

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

Information provided to Planning Department:

Alert the Planning Department when the date, location, and time are determined. Planning staff may attend the neighborhood meeting to answer process/code questions.

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

- ☒ Neighborhood Meeting Summary Form
- ☒ Copy of the letter mailed
- ☒ Mailing list
- ☒ Attendance roster

- ☒ Stamped, addressed, empty envelopes with no return address, using the same addresses as used for the neighborhood meeting notification. (If not already submitted with the application). *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.* **Submitted with Application**

NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Date of Mailing: April 27, 2018

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

Printed Name: Kathryn McPherson Signature: Kathryn R. McPherson

Date of Meeting: May 10, 2018 Time of Meeting: 6-8 pm

Location of Meeting: York Meeting Room, The Clayton Center, 111 East 2nd St., Clayton

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.*

See Attached

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

01/06/2016

Page 16 of 23



May 17, 2018

MEETING SUMMARY

Subject: Steeplechase Rezoning Neighborhood Meeting

Meeting Date/Time: May 10, 2018, 6-8 pm

Meeting Location: The Clayton Center, York Meeting Room,
111 East 2nd Street, Clayton, NC

Attendance: Shenandoah Homes: David Stallings, Mark Ward, Jeff Palmer, Wayne Koluch
ESP Associates, Inc.: Kathryn McPherson, Peter Tatge, Salman Moazzam, Jessica Grinstead
Neighbors: See attached Attendance Sheet, **Exhibit D.**

Below is a summary of the neighborhood meeting with Shenandoah Homes and ESP Associates' Planners and Engineer regarding the proposed Steeplechase rezoning and Preliminary Plat.

MEETING NOTIFICATION: A representative of the applicant mailed a written notice of the date, time and location of the Neighborhood meeting, with an overview of the proposed request, to individuals and organizations set out in **Exhibit A.** attached. A copy of the written notice, **Exhibit B.** attached, was sent via U.S. Mail on April 27, 2018.

MEETING SUBJECT: To provide adjoining property owners and other neighbors of the project the opportunity to examine the proposed master plan design and voice comments, questions and/or concerns. Four copies of the Master Plan, **Exhibit C.** attached, were positioned in the meeting room and representatives from Shenandoah Homes and ESP Associates, Inc. were available at each to answer questions or comments. After 30 minutes, Mark Ward spoke to neighbors and described the rezoning process and overview of the Steeplechase Master Plan and Shenandoah Homes. There was no specific opposition from the attendees to the proposed project. Most comments, see below, discussed off-site road safety concerns. After direct questions and comments from the neighbors and answers from Shenandoah Homes and ESP, discussions shifted into small groups and the meeting was concluded by 8:00 pm.

COMMENTS, QUESTIONS AND RESPONSE: (in no particular order)

1. Concern that the local schools were "very full" and that while Clayton has some high achieving schools they were all located away from the attendance zone for this site.

Would there be a school site as part of this development?

Response: Johnston County Schools were contacted about need for school sites and they were looking at larger tracts of land to create Elementary/Middle School or Middle and High School campuses.

2200 Gateway Center Blvd., Suite 216 • Morrisville, NC 27660
919.678.1070 • Fax 919.677.1252
www.espassociates.com

2. When will the traffic signal be placed on Covered Bridge Road and O'Neil?
Response: The traffic signal has been approved for the intersection and when the re-alignment is complete the signal will be placed at the new intersection of C.B.R. and O'Neil St. Date for placement is not known.
3. The Cul-De-Sac on O'Neil just north of the Greenway will be difficult due to steep grades in the area. How will that be addressed?
Response: Lot adjustments will occur as necessary during Construction Drawings.
4. What are the plans for the development of the northern side of CBR?
Response: Shenandoah Homes does not have any active interest on the remainder of the Steeplechase property. With the size and scope of the current project the northern parcel is at least 5+ years out.
5. What are the next steps and how can we, as neighbors, stay informed?
Response: The Town Planning Board will meet on May 29 to and a letter will be mailed out to the surrounding property owners informing them of the Public Hearing at the Town Council Meeting on June 18th. The Town Web site should be updated soon and will provide links to staff reports and exhibits.
6. How are NCDOT, the Town of Clayton and the developer addressing traffic concerns? What road improvements will be required and how will additional row affect the layout shown?
*Response: The Master Plan drawing is showing the additional ROW required by the Town of Clayton. A Traffic Impact Analysis is in progress and under review with NCDOT and will state the road improvements required for the surrounding streets. *several of the neighbors requested copies of the TIA.*
7. Will sidewalks/walking trails be provided along the perimeter roads, (Covered Bridge, City and O'Neil), to connect to the Sam's Branch Greenway?
Will sidewalks be provided on the interior roads?
Response: 10' Wide, asphalt walking trails will be provided along all frontages of City Road, Covered Bridge Road and O'Neil Street. A connection will also be provided along the existing powerline easement to connect the trail along O'Neil with the trail on Covered Bridge. The walking trails will be located within the street ROW. All internal public streets within Steeplechase will have public sidewalks on both sides of the street, (The road crossing at the dam shall only have a 10' asphalt trail on one-side).
8. What type of traffic calming devices (speed bumps?) will be provided along the main internal road from Covered Bridge Road to O'Neil?
Response: None are planned at this time but may be added during the construction drawings.
9. The aerial map shows the Smith Ridge Estates as Brook hill Estates.
Response: The map will be corrected.
10. Shotwell Road is heavily congested in the mornings and has minimal exits. Will a signal be placed there?
Response: Required road improvements will be part of NCDOT's comment responses to TIA. We have not yet received these comments.
11. ***City Road and Covered Bridge Road intersection. This intersection was "improved" by NCDOT and the result has made the crossing of Covered Bridge Road while on City Road more dangerous. Drivers and pedestrian have limited sight distance due to curve and grade change and the speed of vehicles on Covered Bridge Road (45 mph) to safely cross the intersection. No

May 14, 2018

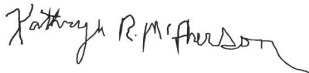
safety measures were provided when the intersection was widened. This resulted in increasing the risk because vehicles on Covered Bridge now go faster through the intersection.

Response: **This was by far the most discussed issue at the meeting.** Neighbors were very adamant that while they recognize that development is inevitable and that traffic would increase with new homes they were not as concerned with traffic but were very concerned with SAFETY. The developer agreed to bring this issue up in discussions with the traffic consultant, NCDOT and the Town of Clayton to determine what measures could be employed to address these safety concerns.

***The primary concern/discussion point with the attendees.

The Meeting Summary outline above is an account of the items discussed.

Respectfully Submitted,



Kathryn McPherson, RLA, ASLA
ESP Associates, Inc.

CC: Shenandoah Homes
ESP Associates

EXHIBIT A

ALFORD, KENNETH W
ALFORD, ANNETTE R
150 MICHAEL WAY
CLAYTON, NC 27520-5507

BLACKLEY, DOUGLAS E
BLACKLEY, LINDA F
1057 CITY RD
CLAYTON, NC 27520-5907

CASSEDALE PROPERTY OWNERS ASSOC.
5160 NC HWY. 42 WEST
GARNER, NC 27529

DOLDE, DONALD ANTHONY
DOLDE, SANDRA RAE
2020 SMITH DR
CLAYTON, NC 27520-9029

FISCHER, DANIELLE
FISCHER, PAUL
2008 WILLIAM LANE
CLAYTON, NC 27520-0000

HOUSE, MAVIS C
2873 COVERED BRIDGE RD
CLAYTON, NC 27527-0000

JEAN K SMITH TRUST SMITH,
JAMES D TRUSTEE
1814 N ONEIL STREET EXT
CLAYTON, NC 27520-6236

JONES, DEANNA LYNNE
1500 N O'NEIL ST EXT
CLAYTON, NC 27520-0000

MADDOX, JAMES WILLIAM
MADDOX, SHANDA TAYLOR
22 CEDARDALE CT
CLAYTON, NC 27520-5542

MIMS, ALLEN L JR
920 CITY RD
CLAYTON, NC 27520-0000

ASHCROFT PARTNERS
114 W. MAIN ST. STE. 102
CLAYTON, NC 27520

CAPPS, BILLY WADE
1119 N ONEIL STREET EXT
CLAYTON, NC 27520-6240

COON, STEVEN M
COON, ERIN M
2009 DONNA COURT
CLAYTON, NC 27520-0000

FARMER, MARY ANN
100 MICHAEL WAY
CLAYTON, NC 27520-5507

HASKINS, WESLEY L
HASKINS, ERIN L
1009 BROOKHILL DRIVE
CLAYTON, NC 27520-0000

HUBERT, PETER G.
HUBERT, PATRICE A.
114 MICHAEL WAY
CLAYTON, NC 27520-5507

JONES, TRACY L
JONES, DEANNA L
1504 N ONEIL ST EXT
CLAYTON, NC 27520

LAUFER, ANDREW N.
WOOD, HEATHER L.
2009 WILLIAM LN
CLAYTON, NC 27520-8257

MASSEY, JOHN WESLEY
8041 ST ANDREWS DR
LAURINBURG, NC 28352-0000

MURRAY, RICHARD H
MURRAY, JOELY A
115 KATIE DRIVE
CLAYTON, NC 27520-0000

BELL, BRIAN O
BELL, AMANDA H
2212 SMITH DR
CLAYTON, NC 27520-9031

COATS, JEFFERY I.
2008 DONNA CT.
CLAYTON, NC 27520-0000

CREASY, JEFFREY L
CREASY, SHARON
2001 SMITH DR
CLAYTON, NC 27520-0000

FILLHART, ALAN THEODORE
FILLHART, JEAN M
118 MICHAEL WAY
CLAYTON, NC 27520-5507

HILL, MICHAEL WAYNE
2013 MISSY LANE
CLAYTON, NC 27520-0000

HUTCHINS, JOSHUA P
HUTCHINS, PATRICIA
111 KATIE DR
CLAYTON, NC 27520-0000

JONES, TRACY L
1538 NORTH ONEIL STREET EXT
CLAYTON, NC 27520-0000

MOORE, AMY J
CARAWAN, CLIFFORD C
101 KATIE DR
CLAYTON, NC 27520-0000

MCINTYRE, MARTHA ANN
1233 MT CARMEL CHURCH RD
TROY, NC 27371-0220

MUNDAY, KIMBERLY ANN
27 CEDARDALE CT
CLAYTON, NC 27520-5541

NOWAKOWSKI, GREGORY A
NOWAKOWSKI, WENDY D
2012 MISSY LANE
CLAYTON, NC 27520-9033

OBRIEN, ANGELLA J
OBRIEN, DAVID MICHAEL
147 BAYHILL DR
ADVANCE, NC 27006-7183

OLE MILL STREAM ASSOCIATION
P.O. BOX 1265
CLAYTON, NC 27528

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

PILKINGTON, DAVID D JR
1331 CITY ROAD
CLAYTON, NC 27520-5908

LEE BROTHERS
400 W. MAIN STREET
CLAYTON, NC 27520-0000

POPE, BILLY R
POPE, BOBBIE
2008 SMITH DR
CLAYTON, NC 27520-9029

POURRON, CHARLES WAYNE
2000 SMITH DR
CLAYTON, NC 27520-9029

RAYMOND E EARP JR REVOCABLE
TRUST EARP, NANCY CREWS TRUSTEE
7230 NC HIGHWAY 42 E
SELMA, NC 27576-6005

ROBINSON, PAUL W
ROBINSON, VIRGINIE E
2304 SMITH DRIVE
CLAYTON, NC 27520-0000

SCHULTZE, HENRY NEAL
SCHULTZE, JUDY
2005 DONNA COURT
CLAYTON, NC 27520-0000

SORRELL, DAVID M
SORRELL, SABRINA
2641 COVERED BRIDGE RD
CLAYTON, NC 27527-0000

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

TOWN OF CLAYTON
PO BOX 777
CLAYTON, NC 27528-0777

TYNDALL, CHARLES B JR
TYNDALL, JUNE MARIE
101 MICHAEL WAY
CLAYTON, NC 27520-0000

WETMORE, MARK L
WETMORE, TAMELA LYNN
104 MICHAEL WAY
CLAYTON, NC 27520-0000

WHITLEY, WILLARD H
WHITLEY, BETTY J
2000 KEVIN CT
CLAYTON, NC 27520-0000

WHITMAN, BRIAN HAROLD
WHITMAN, GINA MUNDEN
105 KATIE DR
CLAYTON, NC 27520-5509

EXHIBIT B



April 27, 2018

Dear Clayton Area Property Owner:

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

Meeting Date: May 10, 2018

Location: The Clayton Center, York Meeting Room, 111 East 2nd Street, Clayton

Time: 6-8 pm

Type of Application:

Rezoning and Subdivision: Major Subdivision (Preliminary Subdivision Plat).

General Description of proposed request:

Shenandoah Homes, Inc., requests to rezone a portion of PIN# 166900-39-5182 comprised of +/-266.72 acres bounded by O'Neil Street on the east, Covered Bridge Road on the north, City Road on the west and Sam's Branch Creek on the south to a Planned Development-Residential (PD-R) district concurrently with the Steeplechase Master Plan as a Major Preliminary Subdivision Plat. The proposed community will be comprised of a maximum 600 residential units with a mix of housing types (townhomes, single-family detached homes with a mix of front loaded and rear loaded homes, and age targeted homes) and amenities (private clubhouse/swimming pool, lake, pedestrian walks on all streets, multi-use paths with connections to the Sam's Branch Greenway and pocket parks).

SHENANDOAHhomes.us
2840 Plaza Place Suite 200
Raleigh, North Carolina 27612

At the Neighborhood Meeting, the following items will be available for your inspection and comment:

1. A copy of the project application.
2. A map to scale showing the project area and neighboring properties and roads.
3. A map, drawing, or other depiction of the proposed land use change or development proposal.

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

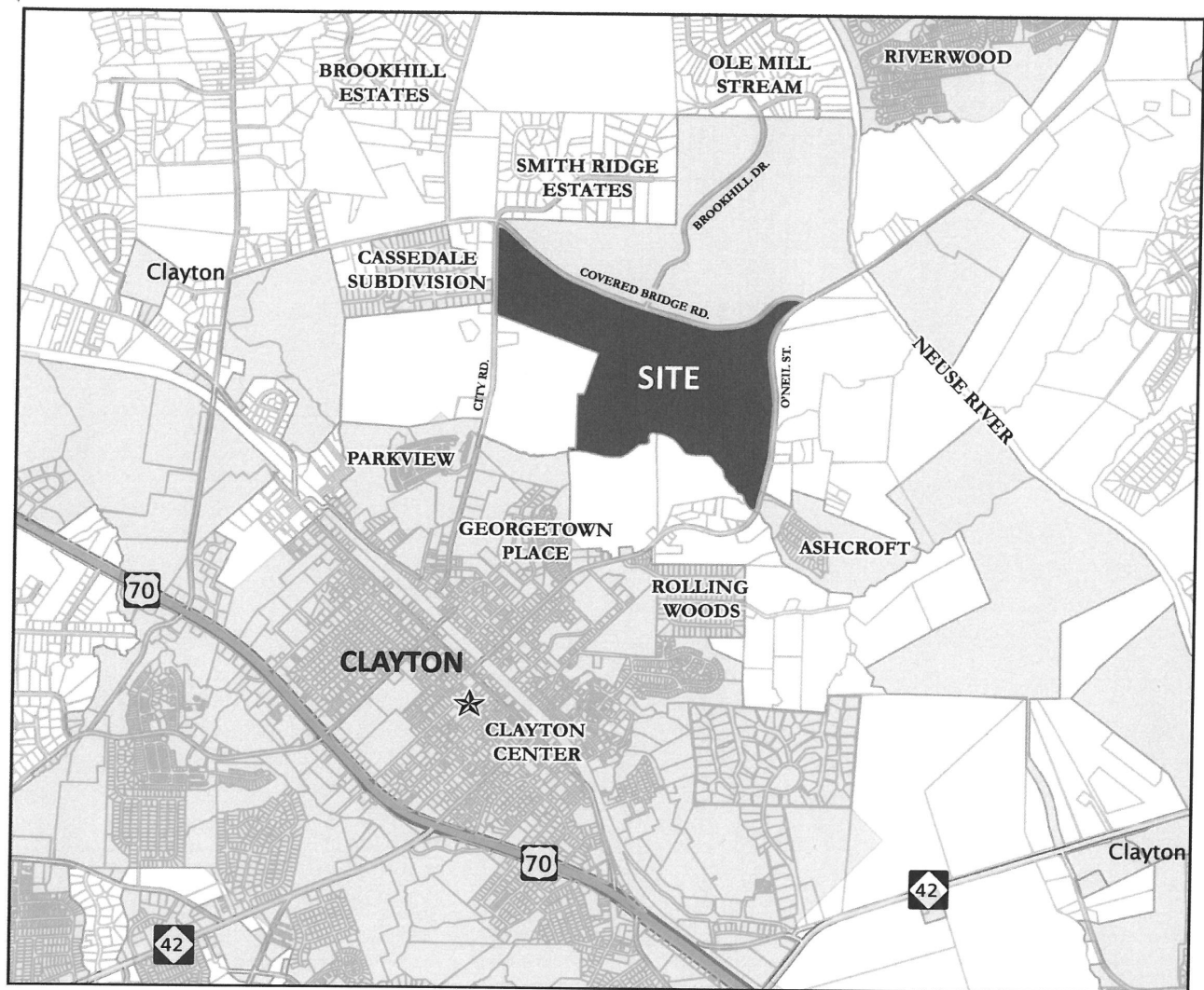
If you have any questions prior to or after this meeting, you may contact us at (984) 200-5540.

Sincerely,



Jeff Palmer
Shenandoah Homes, Inc.

Cc: Clayton Planning Department



STEEPLECHASE NEIGHBORHOOD MEETING

THE CLAYTON CENTER
YORK MEETING ROOM
111 EAST 2ND STREET, CLAYTON

MAY 10, 2018
6-8 PM

EXHIBIT D

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Applicant: _____ Shenandoah Homes: Steeplechase

Location/Date: _____ May 10, 2018, The Clayton Center, York Meeting Room, 111 East 2nd Street, Clayton

	Name	Address
1	Mavis House	2873 Cov. Bridge Rd.
2	Mike & Joy Hill	8013 Missy Lane mh1115@nc-rr.com
3	Douglas E Blockley	1857 City Rd.
4	DON DOLDE	2020 SMITH DR.
5	Sandi Dolde	2020 Smith Dr
6	Linn Carson	2008 Missy Lane Clayton, NC
7	John R. House	2975 COVERED BRIDGE RD.
8	PETER TATGE	2731 CREEKBRIDGE LAKE, CHARL, NC
9	Wayne Pourra	2000 Smith Drive, CLYDE
10	Steve Smith	1814 N. ONEIL ST Ext Clayton 27520
11	James D Smith	1814 N. ONEIL ST Ext Clayton
12	Mark A. Peedin	154 Peedin Ext Selma, NC. 275.
13	mark.peedin@gmail.com	(FARM TO SOUTH GREENWAY QUEST.)
14	Willard Whitley	2000 Kevin Ct Clayton, N.C
15		
16		
17		
18		
19		
20		

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Applicant: _____ Shenandoah Homes: Steeplechase

Location/Date: _____ May 10, 2018, The Clayton Center, York Meeting Room, 111 East 2nd Street, Clayton

	Name	Address
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10

PUBLIC NOTICE

In accordance with NC GS 160A-364 and NC GS 160A-384 the Clayton Town Council will hold an evidentiary hearing on Monday, June 18, 2018, at 6:00 PM at Town Hall, 111 East Second Street, to consider the following requests:

- 2018-30-PDD Steeplechase Planned Development District Rezoning; request to rezone a portion of the property from R-E, R-10, and B-2 to PD-R. Located on the southern portion of parcel number 05H02009, located off Covered Bridge and City Roads.
- 2018-31-SD Steeplechase Preliminary Plat, acting as a Master Plan; request to develop up to 600 dwelling units on 266.72 acres of land. Located on the southern portion of parcel number 05H02009, located off Covered Bridge and City Roads.

For a rezoning request, 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.

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

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

Haley Hogg, Planner
919-553-5002

News & Observer (Clayton)

Please advertise on the following dates:

June 8, 2018
June 15, 2018

Affidavit of publication required.



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

JAMES H. TROGDON, III
SECRETARY

DELIVERY VIA EMAIL

May 29, 2018

Samantha L. Wullenwaber, MPA
Planning Director - Town of Clayton
PO Box 879
Clayton, NC 27528

COUNTY: Johnston

SUBJECT: **TIA Review of Proposed Steeplechase Subdivision at SR 1700 (Covered Bridge Road), SR 1709 (City Road) and SR 1708 (O'Neil Street) in Clayton**

Dear Ms. Wullenwaber,

Highway Division Four (Division) has reviewed the Traffic Impact Analysis (TIA) for the subject development and offers the following comments. These comments are in addition to any requirements that are included in the attached Traffic Impact Analysis Review Report performed by the Congestion Management Section of the Transportation Mobility and Safety Division of NCDOT. All requirements or recommendations included herein are based off current Department policies. This review should not be mistaken for approval of the driveway permit, design/construction plans, or final plat. A driveway permit must be obtained prior to construction. All design aspects of any submitted plans shall comply with current NCDOT Standard Specifications for Roads and Structures and Policy on Street and Driveway Access to North Carolina Highways.

GENERAL COMMENTS

- Lane Closures for required improvement construction will only be permitted under restricted hours due to heavy traffic volumes in the vicinity of the proposed development. These restrictions will be determined during the driveway permitting application and approval

RIGHT-OF-WAY DEDICATION & RESERVATION

- A 25' right-of-way reservation shall be a requirement of the driveway permit and recorded via plat for the proposed subdivision for the property frontage along SR 1700.
- ROW dedications, typically 15 ft., for installation of right turn lanes to access driveways where identified necessary herein shall be provided

INTERSECTIONS / SITE ACCESSES AND ASSOCIATED IMPROVEMENTS

Mailing Address:
NC DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS | DIV. 4 DIST. 3
2671 US 70 WEST
GOLDSBORO, NC 27530

Telephone: (919) 739-5300
Fax: (919) 731-2017
Customer Service: 1-877-368-4968
Website: www.ncdot.gov

Location:
2671 US 70 WEST
GOLDSBORO, NC 26730

SR 1700 and Site Driveway #1/Brookhill Drive Intersection – Phase 1

- Eastbound right turn lane on SR 1700 with a minimum storage of 100' and appropriate taper
- Eastbound left turn lane on SR 1700 with a minimum storage of 150' and appropriate taper
- Westbound right turn lane on SR 1700 with a minimum storage of 150' and appropriate taper

SR 1700 and SR 1708 Intersection – Phase 1

- A signal shall be installed at this intersection by the commencement of Phase 2/completion of Phase 1. Additional evaluation will be necessary for lane configurations and storage lengths at this location. For informational purposes, the previous proposed TIA review for this parcel identified the following configuration:
 - Four-lane cross section with dual left turn lanes and right turn lane on EB SR 1700 Covered Bridge Road
 - Three-lane cross section with exclusive left turn and through lanes on NB SR 1708 O'Neil Street
 - Four-lane cross section with exclusive right turn and through lanes on SB SR 1708 O'Neil Street, dual NB receiving lanes to the north of the intersection for the EB dual left
- This intersection was previously identified as being realigned in concurrence with the Town's long range transportation plan. The Department continues to support a realignment at this location should the Town require. The configuration, when determined will not be subject to realignment occurring.
- The installation of a signal at this intersection being identified by a TIA for an adjacent development does not dismiss or release this development from installation and or participation of a signal at this location provided the other development does not move forward as intended. It is recommended that the Developers coordinate this installation with other committed developments. The Department will not participate in determining the value of each individual contribution to this roadway improvement.
- **SR 1708 and Site Driveway – Phase 1** - Northbound left turn lane on SR 1708 with a minimum storage of 150' and appropriate taper

SR 1700 and SR 1553 Intersection – Phase 2

- Installation of a signal at this intersection has been identified as being necessary at this intersection. The installation of a signal at this intersection being identified by a TIA for an adjacent development does not dismiss or release this development from installation and or participation of a signal at this location provided the other development does not move forward as intended. It is recommended that the Developers coordinate this installation with other committed developments. The Department will not participate in determining the value of each individual contribution to this roadway improvement.

SR 1700 and Site Driveway #3– Phase 2

- Westbound left turn lane on SR 1700 with a minimum storage of 150' and appropriate taper
- Eastbound right turn lane on SR 1700 with a minimum storage of 100' and appropriate taper

SR 1709 and Site Driveway – Phase 2

- Southbound left turn lane on SR 1709 with a minimum storage of 150' and appropriate taper

SR 1700 and SR 1708 Intersection – Phase 2

- Northbound left turn lane on SR 1708 with a minimum storage of 150' and appropriate taper

Any roadway improvements and right-of-way dedication necessary to accommodate the road construction shall be the responsibility of the owner/developers. These conditions are based on current traffic volumes and projected growth for the study area. Should the timelines presented for project build-out dates not be met and traffic conditions change due to growth in adjacent areas, these recommendations may not be applicable. Feel free to contact me if you have any additional questions or concerns.

Sincerely,



Sam Lawhorn, PE
District Engineer

cc: Ronnie Keeter, PE - Division Engineer
Andy Brown, PE - Division Traffic Engineer
Solomon Mengesha – Congestion Management Project Design Engineer
Jessica McClure, PE – Ramey Kemp and Associates
Driveway Permit File



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

JAMES H. TROGDON, III
SECRETARY

DEPARTMENT OF TRANSPORTATION
TRANSPORTATION MOBILITY AND SAFETY DIVISION
TRAFFIC MANAGEMENT UNIT
CONGESTION MANAGEMENT SECTION

May 18, 2018

Traffic Impact Analysis Review Report
Steeplechase Development

TIA Project: SC-2018-023
Division: 4
County: Johnston
Description: Steeplechase Development on SR 1700 (Covered Bridge Rd) at SR 1708 (N O'Neil St) in Clayton



James H. Dunlop 18 May 2018

James H. Dunlop, P. E.
Congestion Management Engineer

Solomon Mengesha
Congestion Management Project Design Engineer

MAILING ADDRESS:
1561 Mail Service Center
Raleigh, North Carolina 27699-1561

Telephone: 919-814-5000

Website: WWW.NCDOT.ORG/DOH/Preconstruct/Traffic/Congestion/CM/

LOCATION:
750 North Greenfield Parkway
Garner, North Carolina 27529

Steeplechase Development

SC-2018-023

Johnston County

05/18/2018

Per your request, the Congestion Management Section (CMS) of the Transportation Mobility and Safety Division has completed a review of the subject site. The comments and recommendations contained in this review are based on data presented in the sealed Traffic Impact Analysis (TIA) as well as the submitted revised documents and are subject to the approval of the local District Engineer's Office and appropriate local authorities.

Date Initially Received by CMS	03/01/2018	Date of Site Plan Prepared by ESP Associates, P.A.	01/11/2018
Date Additional Information Received	04/24/2018	Date of Sealed TIA Prepared by Ramey Kemp & Associates, Inc	03/01/2018
Date of Second Preliminary Review Letter Accepting TIA for Review	05/18/2018		

Proposed Development

According to the TIA, the proposed Steeplechase Development is to be located on SR 1700 (Covered Bridge Rd) at SR 1708 (N O'Neil St) in Clayton, Johnston County. The TIA states the development is to be constructed in two phases.

Phase one is to be constructed by 2020 and is to consist of the following:

Land Use	Land Use Code	Size
Single Family Detached Housing	210	62 Dwelling Units
Townhomes	230	120 Dwelling Units

Phase two is to be constructed by 2026 and is to consist of the following:

Land Use	Land Use Code	Size
Single Family Detached Housing	210	435 Dwelling Units
Townhomes	230	190 Dwelling Units

Trip Generation - Unadjusted Volumes During a Typical Weekday

Based on appropriate methodology outlined in the *ITE Trip Generation Manual, 9th Ed.*

	IN	OUT	TOTAL
Phase 1			
AM Peak Hour	21	79	100
PM Peak Hour	81	43	124
Daily Trips			1,300
Phase 2			
AM Peak Hour	95	315	410
PM Peak Hour	340	194	534
Daily Trips			5,200

Requested Access Points		
Driveway	Public Roadway	Access Type
Site Driveway #1	SR 1700 (Covered Bridge Rd)	All-Movement
Site Driveway #2	SR 1708 (N O'Neil St)	All-Movement
Site Driveway #3	SR 1700 (Covered Bridge Rd)	All-Movement
Site Driveway #4	SR 1709 (City Rd)	All-Movement

TIP Projects in Study Area
None In Area

General Reference

For reference to various documents applicable to this review please reference the following link: <http://www.ncdot.org/doh/preconstruct/traffic/teppl/Topics/C-37/C-37.html>

Once the driveway permit has been approved and issued, a copy of the final driveway permit requirements should be forwarded to this office. If we can provide further assistance, please contact the Congestion Management Section at (919) 773-2800.

Recommendations	
LEGEND	
①	Improvement by Developer. Congestion Management concurs with recommendation.
②	Improvement by Developer. Additional or modified recommendation.
③	Improvement by Others (Committed)

Phase 1

SR 1553 (Shotwell Rd) and SR 1700 (Covered Bridge Rd) Intersection

New Signal ③

No other improvements are recommended for site traffic at this time

SR 1700 (Covered Bridge Rd) and SR 1709 (City Rd) Intersection

No improvements are recommended for site traffic at this time

SR 1700 (Covered Bridge Rd) and Brookhill Dr/Site Driveway #1 Intersection

- **EB 1700 (Covered Bridge Rd)**
 - 100' Left-Turn Lane ② (This Left-Turn Lane is in lieu of required Right-Turn Lane)
- **WB 1700 (Covered Bridge Rd)**
 - 100' Left-Turn Lane ②
- **NB Site Driveway #1**
 - Three-lane cross-section: one ingress, two egress ①
 - Egress: Left-Turn Lane and Thru/Right Lane ①
 - 125' Internal Protected Stem ②

SR 1700 (Covered Bridge Rd) and SR 1708 (N O'Neil St) Intersection

New Signal ③

No other improvements are recommended for site traffic at this time

SR 1708 (N O'Neil St) and Site Driveway #2 Intersection

- **NB SR 1708 (N O'Neil St)**
 - 100' Left-Turn Lane ②
- **EB Site Driveway #2**
 - Two-lane cross-section: one ingress, one egress ①
 - Egress: Left/Right Lane ①
 - 100' Internal Protected Stem ②

SR 1708 (N O'Neil St) and SR 1004 (W Main St) Intersection

No improvements are recommended for site traffic at this time

Phase 2

SR 1553 (Shotwell Rd) and SR 1700 (Covered Bridge Rd) Intersection

- **NB 1553 (Shotwell Rd)**
 - 150' Right-Turn Lane ②
- **SB 1553 (Shotwell Rd)**
 - 350' Left-Turn Lane ①
- **WB 1700 (Covered Bridge Rd)**
 - 100' Right-Turn Lane ①

SR 1700 (Covered Bridge Rd) and SR 1709 (City Rd) Intersection

No improvements are recommended for site traffic

SR 1700 (Covered Bridge Rd) and Brookhill Dr/Site Driveway #3 Intersection

- **WB 1700 (Covered Bridge Rd)**
 - 100' Left-Turn Lane ②
- **NB Site Driveway #3**
 - Two-lane cross-section: one ingress, one egress ①
 - Egress: Left/Right Lane ①
 - 100' Internal Protected Stem ②

SR 1709 (City Rd) and Site Driveway #4 Intersection

- **SB SR 1709 (City Rd)**
 - 100' Left-Turn Lane ②

- **WB Site Driveway #4**
 - Two-lane cross-section: one ingress, one egress ①
 - Egress: Left/Right Lane ①
 - 100' Internal Protected Stem ②

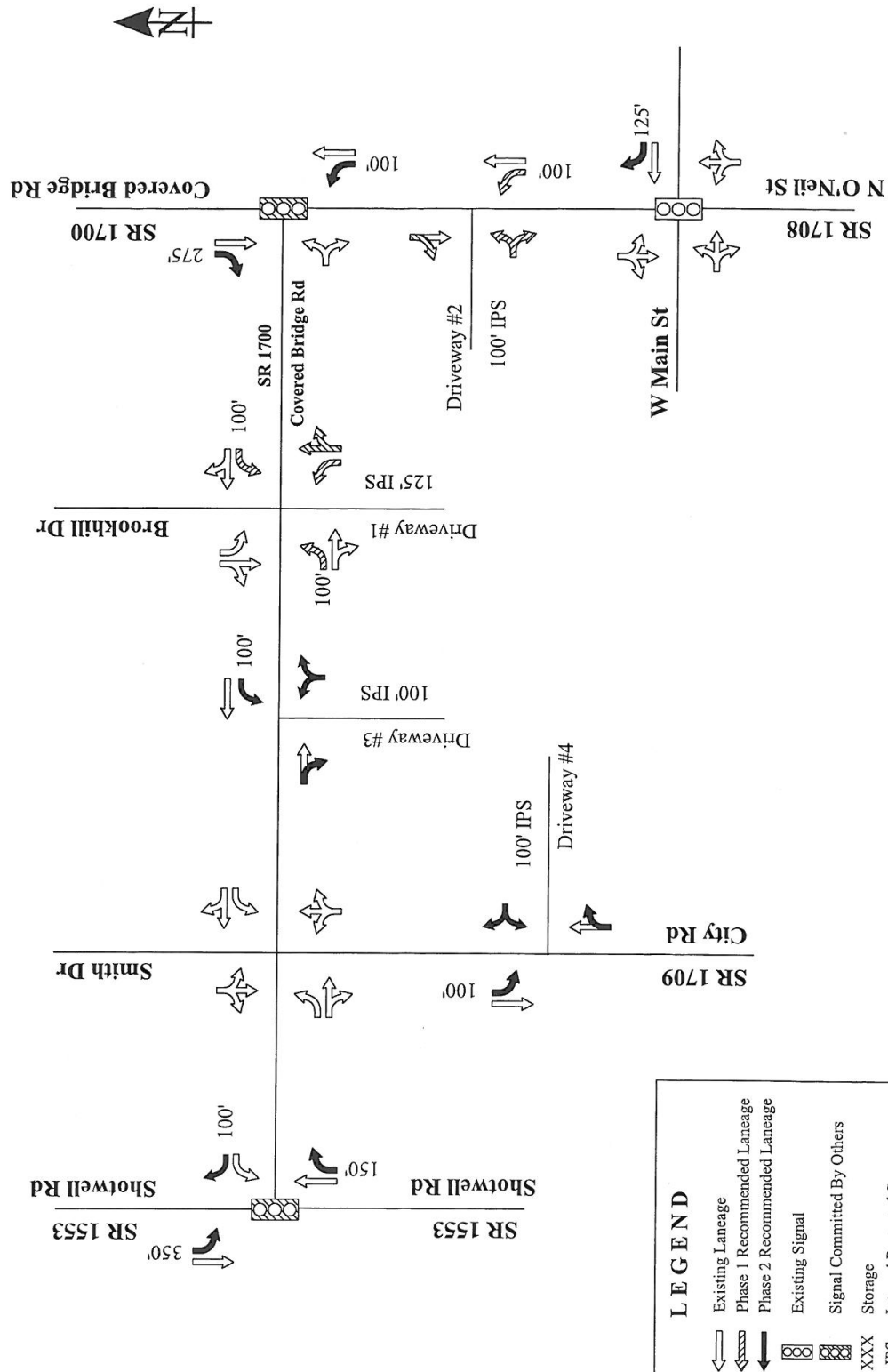
SR 1700 (Covered Bridge Rd) and SR 1708 (N O'Neil St) Intersection

- **NB 1708 (N O'Neil St)**
 - 100' Left-Turn Lane ①
- **SB 1700 (Covered Bridge Rd)**
 - 275' Right-Turn Lane ②

SR 1708 (N O'Neil St) and SR 1004 (W Main St) Intersection

- **WB SR 1004 W Main St)**
 - 125' Right-Turn Lane ②

Steeplechase Development SC-2018-023



LEGEND

- Existing Laneage
- Phase 1 Recommended Laneage
- Phase 2 Recommended Laneage
- Existing Signal
- Signal Committed By Others
- Storage
- Internal Protected Stern
- IPS
- Drawing Not to Scale

SM 05/18/2018

**TOWN OF CLAYTON
PLANNING BOARD WRITTEN RECOMMENDATION
Major Subdivision**

2018-31-SD Steeplechase Master Plan Major Subdivision

On May 29, 2018 the Planning Board heard the above-referenced request and made the following vote:

Recommendation to the Town Council to

☒ approve the request with the conditions presented by staff;

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

☐ deny the request.

Recommendation(s) made this 29th day of May 2018 while in regular session.

Signed:



Robert Ahlert, Planning Board Chair



Town Council Agenda Cover Sheet

Meeting Date

June 4 2018

Agenda Location

New Business

Item Title

2018-66-RZ Spinning Mill rezoning

Presenter *(Name & Title)*

Planning Dept.

Summary/Description

Rezoning to Neighborhood Business (B-2) for the Spinning Mill property and surrounding parcels, bordering on Front Street on the south, Central Street on the west, and the East Village and Arbors developments to the east.

Requested Action

Set Public Hearing

Additional Documents To Be Included in Agenda Packet

Application
Staff report
Map
Neighborhood meeting materials



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.

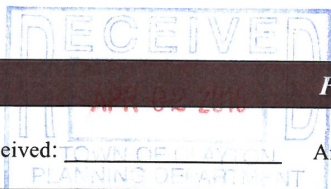
Note on Planned Developments: Requests to rezone to a Planned Development District must be accompanied by a Master Plan submittal. Master Plans are approved as Preliminary Subdivision Plats – please submit a concurrent Preliminary Subdivision Plat application and Master Plan.

SITE INFORMATION

Name of Project: Spinning Mill Lofts at East Village Acreage of Property: 24.50
County Tag Number: See Attachment NC PIN: See Attachment
Address/Location: 300 Mill Street, Clayton, NC
Existing Zoning District: O&I; B-1; B-3; RE
Proposed Zoning District: B2 - Neighborhood Business

APPLICANT INFORMATION

Applicant: Bass, Nixon and Kennedy, Inc. Consulting Engineers
Mailing Address: 6310 Chapel Hill Rd., Ste. 250, Clayton, NC 27607
Phone Number: 919-851-4422 Fax: 919-8968
Contact Person: Marty D. Bizzell, PE
Email Address: marty.bizzell@bnkinc.com



FOR OFFICE USE ONLY

Date Received: APR 22 2016 Amount Paid: \$600 File Number: 2015-66-R2

October 2017

Page 1 of 10

Spinning Mill Lofts at East Village			
County Tag #	NC PIN	Deed	Page
05037009T	1669.18-30-2104	3322	198
05037008V	1669.18-30-5328	3322	196
05037009W	1669.18-30-8385	3322	198
05037009U	1669.18-30-4740	3322	196
5037011	1668.06-48-6538	4099	330
05H03197H	1669.18-40-2748	3371	449

PROPERTY OWNER INFORMATION

Name: WBB, LLC; HCY, LLC; SCA Ventures, LLC; East Village Investments, LLC

Mailing Address: 132 Citation Lane, Smithfield, NC and 227 E. Front St. New Bern, NC 28560-2145

Phone Number: 919-938-1086; 252-670-9370

Fax: N/A

Email Address: Hubie@uhfdevelopmentgroup.com

EXPLANATION OF PROJECT

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

Request to rezone the noted parcels to B2 - Neighborhood to accommodate a proposed redevelopment of the existing spinning mill building and surrounding parcels to a residential apartment community. B2 zoning will also allow for a proposed small coffee shop or restaurant within the existing building.

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>2/14/18</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:

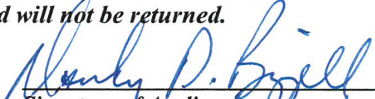
1. Consistency with the adopted plans of the Town.
The proposed rezoning is consistent with the adopted plans of the Town of Clayton including the the 2040
Comprehensive Plan. The property is noted as Downtown Core and Downtown residential in the comprehensive
plan.
2. Suitability of the subject property for uses permitted by the current vs. the proposed district.
The property is well suited for the uses permitted by proposed B2 zoning district. A portion of the project is currently
zoned B3 and B1.
3. Whether the proposed change tends to improve the balance of uses, or meets specific demand in the Town.
The proposed rezoning change will tend to improve the balance of uses and will meet a residential housing demand
in and near the growing downtown area.
4. The capacity of adequate public facilities and services including schools, roads, recreation facilities, wastewater treatment, potable water supply and stormwater drainage facilities is available for the proposed use.
Adequate public facilities exist in the area including street, water, sewer, power and stormwater drainage facilities.
5. It has been determined that the legal purposes for which zoning exists are not violated.
The legal purposes of the zoning request are not violated.
6. It has been determined that there will be no adverse effect upon adjoining property owners unless such effect can be justified by the overwhelming public good or welfare.
It is not anticipated that there will be an adverse effect upon the adjoining property owners.
7. It has been determined that no one property owner or small group of property owners will benefit materially from the change to the detriment of the general public.
It is not anticipaed that any one property owner or small group of property owners will benefit materially from the
rezoning change that will be determined to be a detriment of the general public.

APPLICANT AFFIDAVIT

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

Marty D. Bizzell

Print Name


Signature of Applicant


Date



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
May 29, 2018

STAFF REPORT

Application Number: 2018-66-RZ Project Name: Spinning Mill, Rezoning

NC PIN / Tag #: 166918-30-2104; 166918-30-5328; 166918-30-8385; 166918-30-4740; 166806-48-6538 (portion north of Front Street); 166918-40-2748 / 05037009T; 05037008V; 05037009W; 05037009U; 05037011 (portion north of Front Street); 05H03197H

Town Limits/ETJ: Town limits

Overlay: Watershed Protection Overlay

Applicant: Bass, Nixon, and Kennedy, Inc.

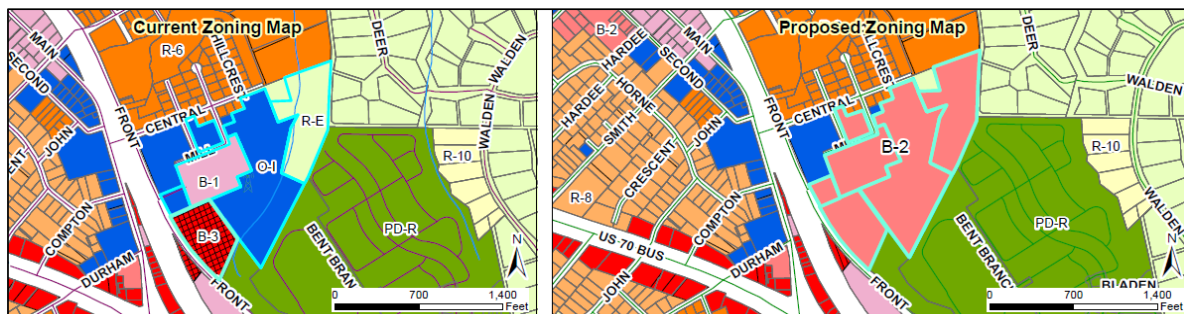
Owner: WBB LLC; HCY LLC; SCA Ventures LLC; East Village Investments LLC

Location: The property is located on E. Front Street and Central Street

Public Noticing:

- Neighborhood meeting on May 16, 2018
- Site posted prior to May 18, 2018
- Letters mailed June 5, 2018
- Newspaper ad posted June 8, 2018 and June 15, 2018

REQUEST: Rezoning of multiple parcels to Neighborhood Business (B-2).



SITE DATA:

Acreage: 24.5 acres

Existing Use: Vacant

ADJACENT ZONING AND LAND USES:

The subject parcels are currently zoned a combination of Central Business (B-1), Office-Institutional (O-I), Highway Business-Special Use District (B-3-SUD), and Residential-Estate (R-E). The proposed rezoning is to Neighborhood Business (B-2).

Direction	Zoning	Existing Use
North	Residential-6, Office-Institutional	Single family residential, Post Office
South	Planned Development - Residential, Central Business, Highway Business – Special Use District	Vacant, Railroad tracks
East	Planned Development – Residential, Residential-Estate	Apartments, Single family residential
West	Office-Institutional	Post Office, Railroad tracks

STAFF ANALYSIS AND COMMENTARY:**Overview**

The applicant is requesting to rezone 24.5± acres to Neighborhood Business (B-2). All of the subject property to be rezoned is north of Front Street. The subject parcels are currently zoned a combination of Central Business (B-1), Office-Institutional (O-I), Highway Business-Special Use District (B-3-SUD), and Residential-Estate (R-E).

Consistency with the Comprehensive Plan 2040

The property is identified in the adopted Future Land Use Map as Downtown Residential and Downtown Core. Since the writing of the Comprehensive Plan, the B-2 zoning district has been revised to include uses that are more compatible with higher density residential neighborhoods – low intensity uses that support the neighborhoods surrounding them.

When the Comprehensive Plan was created, the Spinning Mill property was included in the Downtown Core Future Land Use Designation primarily because of a desire to encourage redevelopment of the property, and not so much because it is actually urban or in the Main Street / downtown business district of Clayton. For instance, the Downtown Overlay District, which was revised after the Comprehensive Plan, was shrunk to exclude the Spinning Mill property. A downzoning of the property from B-1 to B-2 would be in keeping with the intent of the Future Land Use Map and Comprehensive Plan, which encourage a focusing of development in areas that are already served by public infrastructure, and close to the downtown area. Also, this rezoning would provide for a better mix of uses across the parcels, that would support the neighboring uses and compliment the growth of the general area, particularly given the proximity to Main Street and downtown.

It is staff's recommendation that this rezoning to B-2 be approved, and that the Comprehensive Plan be amended to include B-2 as a compatible zoning district for both the Downtown Residential and the Downtown Core Future Land Use Designations.

Comprehensive Plan Goals supporting the rezoning request include:

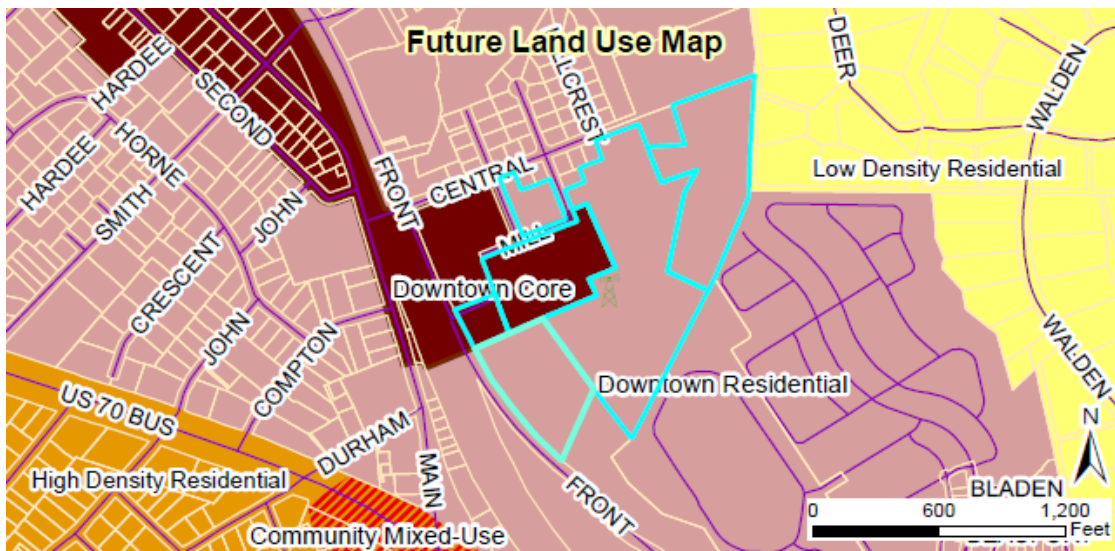
- LU1.2 – Encourage the redevelopment or adaptive reuse of under-utilized commercial development.
- LU1.4 – Protect and enhance the historic downtown character while promoting quality redevelopment and infill.

Staff Report
2018-66-RZ Spinning Mill rezoning

- LU2 – Encourage quality development which maximizes existing infrastructure, promotes walking and biking, and enhances travel safety.
- D1 – Promote quality new, adaptive re-use, and infill development projects downtown, while preserving its historic character and small-town charm.
- D1.2 – Support the renovation and redevelopment of under-utilized sites and building in an effort to invigorate investment and/or revitalization in downtown.
- D1.3 – Increase the residential activity downtown and promote mixed-use projects in downtown.

Comprehensive Plan Goals not supporting the rezoning request include:

- None



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

The site is within the Watershed Protection Overlay district which is a state required protection for areas that are in close proximity, and upstream, from public water intake facilities. In this case, the water intake is just north of Smithfield on the Neuse River, which is the point of origin of much of the drinking water used in Clayton. The rezoning will not change the status of the overlay district, and any future development will have to conform to the standards of the overlay district.

Compatibility with surrounding land uses and potential for adverse effects

Surrounding land uses are a mix of office (Post Office) and single family residential to the west and north, and apartments and single family to the east. A B-2 rezoning would provide an opportunity for context sensitive development that would be complimentary to the surrounding uses, especially given the proximity to downtown.

Capacity/adequacy of public facilities and services

The site has access to public water and sewer, and fronts on Front Street. There is also vehicular access along the northwestern side of the property over to Central Street.

CONSIDERATIONS:

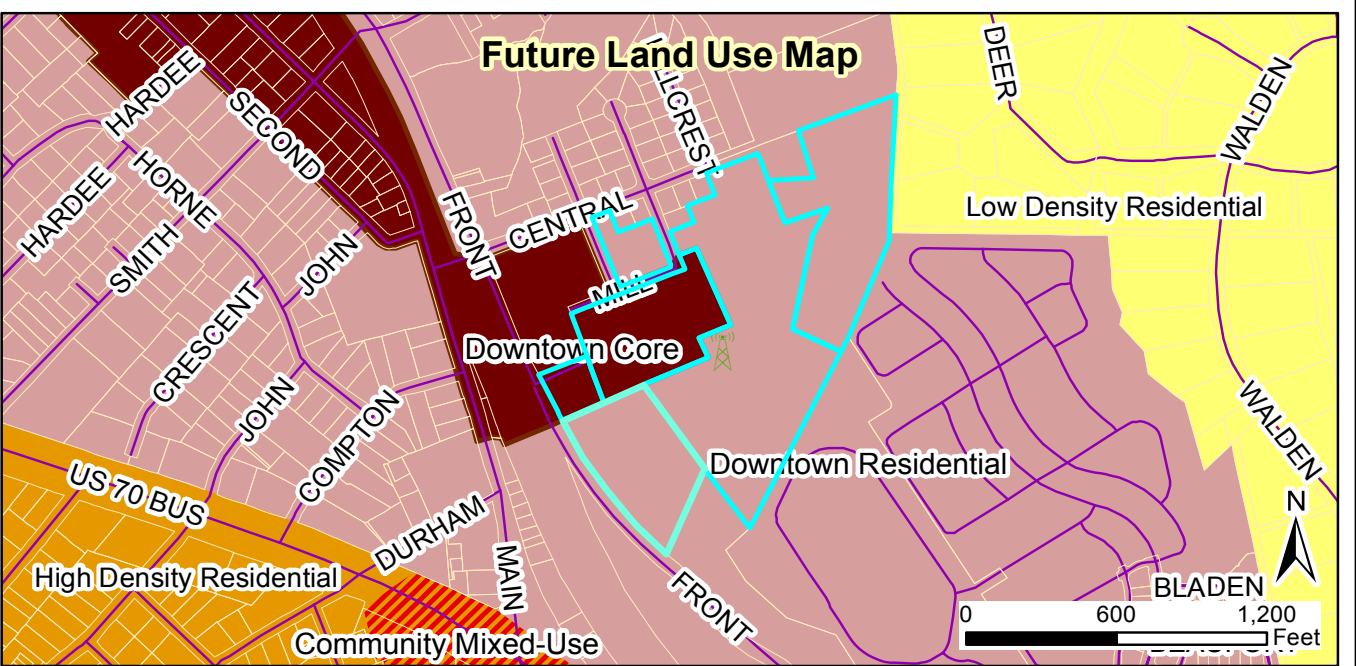
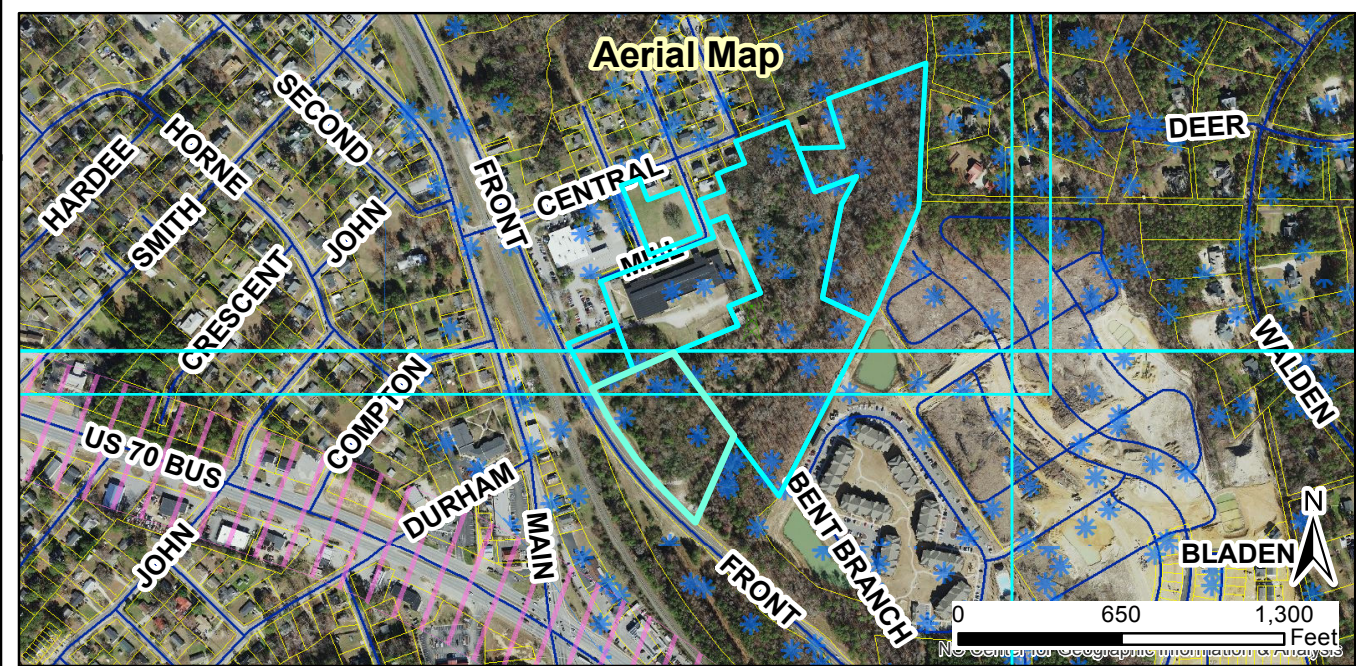
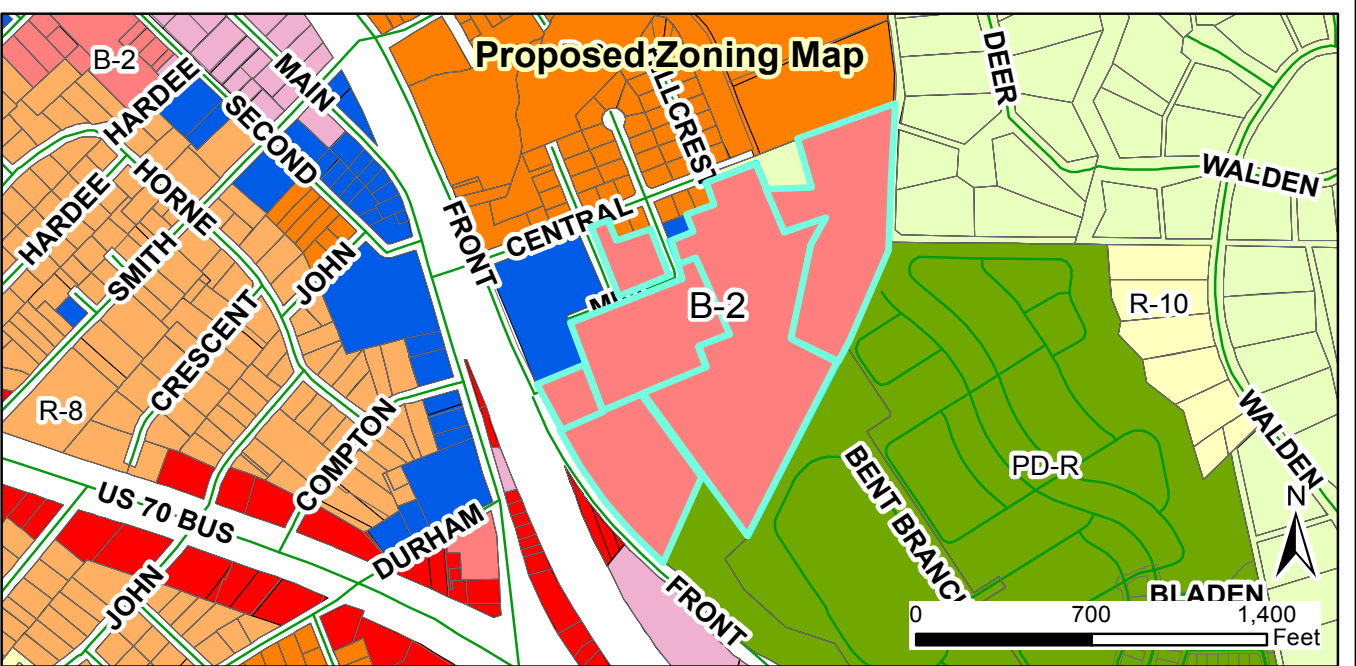
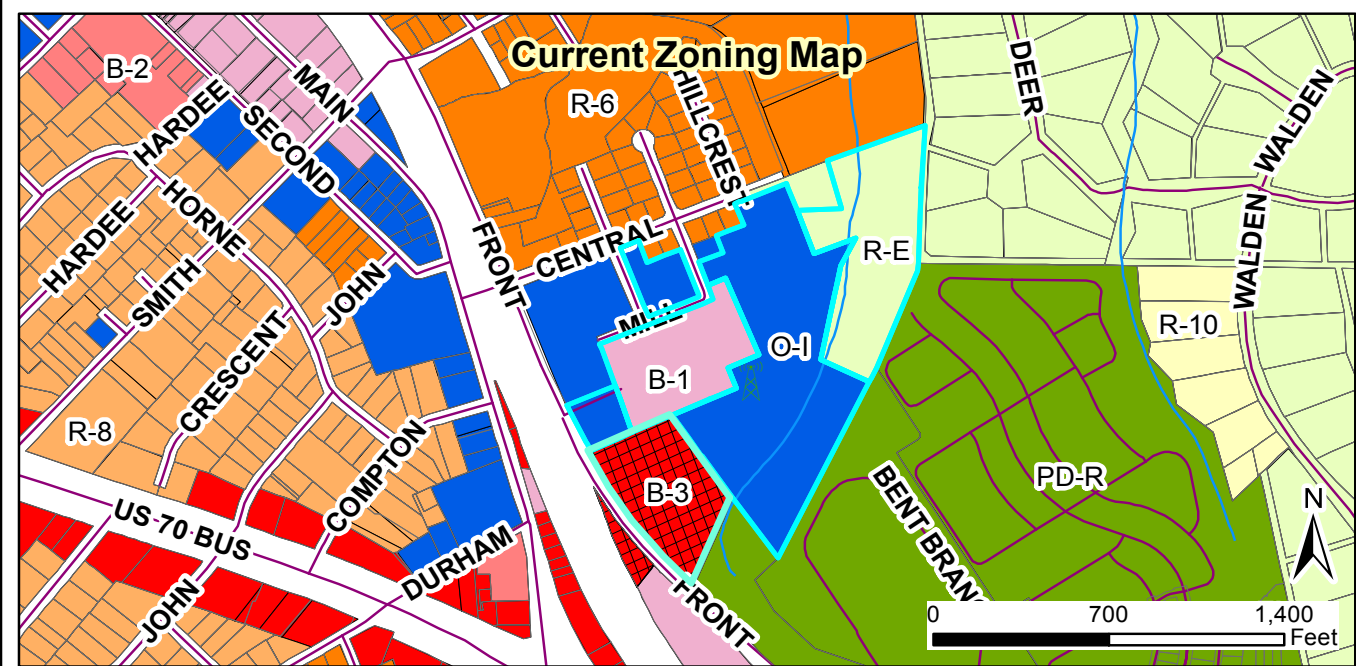
- Rezoning is decided by the Town Council. The Planning Board shall make a recommendation to the Town Council.
- The Comprehensive Plan should be amended to include B-2 as a compatible zoning district in the Downtown Core and the Downtown Residential Future Land Use Designations.
- When adopting or rejecting the rezoning, the Town Council shall approve a statement describing whether its action is consistent with adopted plans and/or policies of the Town and explaining why the Council considers the action taken to be reasonable and in the public interest.

STAFF RECOMMENDATION:

Approval of the rezoning.

ATTACHMENTS:

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



**Request:
2018-66-RZ, Spinning Mill Lofts at East Village**

Applicant: Bass, Nixon, and Kennedy, Inc.
 Property Owners: WBB LLC; HCY LLC; SCA Ventures LLC; East Village Investments LLC
 Parcel ID: 166918-30-2104; 166918-30-5328; 166918-30-8385; 166918-30-4740;
 166806-48-6538 (portion north of Front Street; 166918-40-2748
 Tag #: 05037009t; 05037008v; 05037009w; 05037009u; 05037011 (portion north
 of Front Street); 05h03197h

Staff Report Map



Document Path: O:\PLANNING\REZONING\Rezoning\2018\2018-66-RZ Spinning Mill Lofts at East Village\Map\Map 2018-66-RZ Spinning Mill Lofts at East Village.mxd

Legend

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

05/03/2018
 Produced by: TOC Planning
 Disclaimer: Town of Clayton assumes no legal responsibility for the quality of the data represented here.

ADJACENT PROPERTY OWNERS LIST

Project Name: Spinning Mill Lofts at East Village (Page 1 of 2)

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
1669.18-30-1510	United States Postal Service	3980 Dekalb Tech. Parkway S240, Atlanta, GA 30340-2778
1669.18-30-3737	Scott J. Perdun	111 Central Street, Clayton, N.C. 27520-2004
1669.18-30-3799	Allen Rhodes	P.O. Box 973, Greenboro, NC 27402-0973
1669.18-30-2808	John R. & Elaine W. Johnson	155 Richard Dr., Garner, NC 27529-6717
1669.18-30-6834	SCA Ventures, LLC	132 Citation Lane, Smithfield, NC 27577
1669.18-30-5814	Nelson K. & Angelina A. Daniels	401 Central Street, Clayton, NC 27520
166.18-30-5887	Raechel L. Marsh	409 Central Street, Clayton, NC 27520-2006
1669.18-30-6849	Joy R. Roberson	P.O. Box 865, Clayton, NC 27528
1669.18-31-9081	Joyce Roberson	P.O. Box 865, Clayton, NC 27528
1669.18-31-7006	Joy R. Roberson	P.O. Box 865, Clayton, NC 27528
1669.18-31-1477	Harvey B. & Mildred S. Gordon	133 Plantation Cir S., Ponte Vedra Beach, FL 32082
1669.18-41-1304	Joy R. Roberson	P.O. Box 865, Clayton, NC 27528
1669.18-41-7775	Walden Homeowners Assoc., Inc.	2044 Deer Trail, Clayton, NC 27527
1669.18-41-6242	Jerry D. & Leetha House	2025 Deer Trail, Clayton, NC 27527
1669.18-41-5034	Hamilton Family Trust	2021 Deer Trail, Clayton, NC 27527
1669.18-40-5883	Anthony R. Tuel	2017 Deer Trl., Clayton, NC 27527-9181
1668.07-59-0985	TH Clayton Development Co., LLC	P.O. Box 566, Greenville, NC 27835-0566

ADJACENT PROPERTY OWNERS LIST

Project Name: Spinning Mill Lofts at East Village (Page 2 of 2)

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
1668.06-49-3499	Clayton Multi Family Investments, LLC	P.O Box 566, Greenville, NC 27835-0566
1668.06-39-9260	East Village Investments, LLC	227 E. Front St., New Bern, NC 28560-2145
	North Carolina Railroad	2809 Highwoods Blvd., Raleigh, NC 27604



BASS, NIXON & KENNEDY, INC., CONSULTING ENGINEERS
6310 CHAPEL HILL ROAD, SUITE 250, RALEIGH, NC 27607
919/851-4422 FAX 919/851-8968 BNK@BNKinc.com

May 4, 2018

Dear Clayton Area Property Owner:

The purpose of this letter is to notify you of an application filed with the Town of Clayton for a land use 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: May 16, 2018

Meeting Time: 7:00PM

Meeting Location: The Arbors at East Village Apts. Clubhouse
50 Bentbranch Loop, Clayton

Type of Application: Rezoning, Special Use Permit and Site Plan.

Project/proposal property address: 300 Mill St., Clayton

Description of project/proposal: Residential apartments and amenities

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

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

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

If you have any questions prior to or after this meeting, you may contact us at 919-851-4422. You may also contact the Planning Department at 919-553-5002.

Sincerely,

A handwritten signature in blue ink that reads 'Marty D. Bizzell'.

Marty D. Bizzell, PE
Bass, Nixon & Kennedy, Inc

Cc: Town of Clayton Planning Dept.

PUBLIC NOTICE

In accordance with NC GS 160A-384 and NC GS 160A-364, the Clayton Town Council will hold a public hearing and evidentiary hearing on Monday, June 18, 2018, at 6:00 PM at Town Hall, 111 East Second Street, to consider the following requests:

- 2018-66-RZ Spinning Mill Lofts at East Village Rezoning for parcel numbers 05037009T, 05037008V, 05037009W, 05037009U, 05037011, 05H03197, located off Front St.. The requested change is from O-I, B-1, B-3, and R-E to B-2.
- 2018-72-RZ Spring Branch Plaza Rezoning for parcel numbers 05F02035A and 05F02036, located off HWY 42 W. The requested change is from R-E to B-3.
- 2018-88-RZ W Stallings St. Rezoning for parcel number 05031031, located at the corners of Robertson and Whitaker Streets, and Robertson and W Stallings St.. The requested change is from R-8 to R-6.
- 2018-87-SUP W Stallings St. Special Use Permit; request to allow the use of a duplex on a portion of the subject property, located at the corner of Whitaker and Robertson Streets; parcel number 05031031.

For a rezoning, 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.

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

This is an open meeting and the public is invited to

attend.

**Haley Hogg, Planner
919-553-5002**

News & Observer (Clayton)

Please advertise on the following dates:

June 8, 2018

June 15, 2018

Affidavit of publication required.

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

2018-66-RZ Spinning Mill Lofts at East Village Rezoning

On May 29, 2018 the Planning Board heard the above-referenced request and made the following vote:

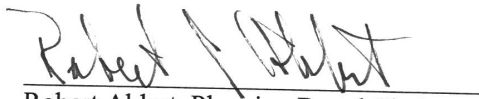
Recommendation to the Town Council to:

☒ approve the request.

☐ deny the request.

Recommendation(s) made this 29th day of May, 2018 while in regular session.

Signed:


Robert Ahlert, Planning Board Chair



Town Council Agenda Cover Sheet

Meeting Date

June 4 2018

Agenda Location

New Business

Item Title

2018-72-RZ Spring Branch Plaza rezoning

Presenter *(Name & Title)*

Planning Dept.

Summary/Description

Rezoning of two parcels on the corner of NC Hwy 42 W and Johnson Estates Road to Highway Business (B-3). This site is also bordered by the Spring Branch medical plaza and Gabriel Manor Assisted Living Facility.

Requested Action

Set Public Hearing

Additional Documents To Be Included in Agenda Packet

Application
Staff report
Map
Neighborhood meeting materials



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: Spring Branch Plaza Acreage of Property: 2.12
County Tag Number: 05F02035A & 05F02036 NC PIN: 164800-63-6554 & 164800-63-5397
Address/Location: 2330 & 2364 NC Hwy 42 Clayton, NC 27520
Existing Zoning District: R-E Residential Estate
Proposed Zoning District: B-3 Highway Business

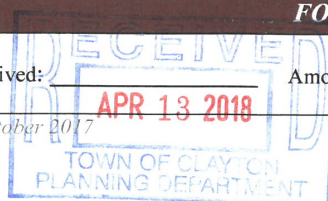
APPLICANT INFORMATION

Applicant: Bartlett Engineering & Surveying, PC
Mailing Address: 1906 Nash Street North Wilson, NC 27893-1726
Phone Number: 252-399-0704 ext 224 Fax: 252-399-0804
Contact Person: Robert S. Bartlett, PE
Email Address: robert@bartletteg.com

FOR OFFICE USE ONLY

Date Received: APR 13 2018 Amount Paid: \$600 File Number: 2018-12-RZ

October 2017



Page 1 of 10

PROPERTY OWNER INFORMATION

Name: Spring Branch Plaza, LLC & Spring Branch Square, LLC

Mailing Address: 303 Parkridge Dr. Clayton, NC 27527

Phone Number: 361-228-2071

Fax: N/A

Email Address: ranjeetagarwala@hotmail.com

EXPLANATION OF PROJECT

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

The request is to rezone the 2.12 acres from R-E to B-3.

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:		
Submit 9 copies of all materials unless otherwise noted or directed by staff	Yes	N/A	Yes	No	N/A
1. A pre-application conference was held with Town of Clayton staff. Date: <u>3-14-2018</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. If property to be rezoned is a <u>portion</u> 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.		X			
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.
This site is adjacent to the Spring Branch Medical & Commercial Office Park which includes the hospital facility on NC 42. This application will be consistent with the plans of the Town of Clayton.

2. Suitability of the subject property for uses permitted by the current vs. the proposed district.
The current R-E zone encourages a low-density residential and rural land uses. The subject property is more suitable for the proposed B-3 zone due to its location on a major thoroughfare that serves the entire community. The surrounding development is predominantly commercial and office in nature.

3. Whether the proposed change tends to improve the balance of uses, or meets specific demand in the Town.
The proposed change should complement the mixed use development that surrounds the site.
The Town has developed a small area plan for the NC 42 West corridor and this proposed development should improve the balance of uses in the Town of Clayton.

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 site is located on a major thoroughfare with access to public utilities necessary for proper development. Stormwater drainage to be provided onsite underground.

5. It has been determined that the legal purposes for which zoning exists are not violated.
The site location, along a major thoroughfare, is consistent with the proposed B-3 zoning.
There are no zoning conditions known to conflict with this rezoning request.

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 proposed rezoning has no negative effect on adjoining properties.

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 and development is not anticipated to negatively impact the general public.
The Town of Clayton design standards and regulations will be met during the design and development process.

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.

Robert S. Bartlett

Print Name


Signature of Applicant

4/9/18

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: SPRING BRANCH PLAZA, LLC **Address or PIN #:** 164800-63-5397

AGENT/APPLICANT INFORMATION:

ROBERT S. BARTLETT, PE
(Name - type, print clearly)

1906 NASH ST. NORTH
(Address)
WILSON, NC 27893
(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 PROCESS

PLAN REVIEW/APPROVAL PROCESS

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:

RANJEET AGARWALA
(Name - type, print clearly)

1301 HERITAGE CLUB AVENUE
(Address)

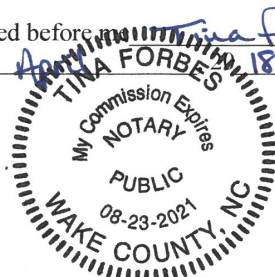
Ranjeet Agarwal
(Owner's Signature)

WAKE FOREST, NC 27587
(City, State, Zip)

STATE OF N.C.
COUNTY OF Wake

Sworn and subscribed before me, *Tina Forbes*, a Notary Public for the above State and County, this the 10th day of August, 2021.

SEAL



Tina Forbes
Notary Public
My Commission
Expires:

08/23/21

October 2017

Page 10 of 10



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

OWNER'S CONSENT FORM

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

Project Name: SPRING BRANCH SQUARE, LLC **Address or PIN #:** 164800-63-6554

AGENT/APPLICANT INFORMATION:

ROBERT S. BARTLETT, PE 1906 NASH ST. NORTH
(Name - type, print clearly) (Address)
WILSON, NC 27893
(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 PROCESS PLAN REVIEW/APPROVAL PROCESS

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.

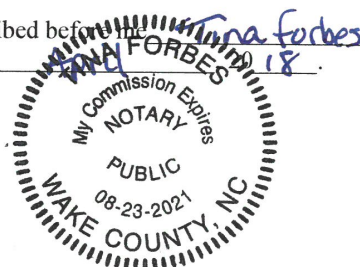
OWNER AUTHORIZATION:

RANJEET AGARWALA 1301 HERITAGE CLUB AVENUE
(Name - type, print clearly) (Address)
Ranjeet Agarwala WAKE FOREST, NC 27587
(Owner's Signature) (City, State, Zip)

STATE OF N.C.
COUNTY OF Wake

Sworn and subscribed before me, *Tina Forbes*, a Notary Public for the above State and County, this the 10th day of October, 2021.

SEAL



Tina Forbes
Notary Public
My Commission
Expires: 08/23/21

October 2017

Page 10 of 10

PROPOSED REZONING
SPRING BRANCH PLAZA
2330 NC HIGHWAY 42 WEST &
2364 NC HIGHWAY 42 WEST
CLAYTON, NC



BARTLETT
ENGINEERING & SURVEYING, PC

1906 NASH STREET NORTH
WILSON, NORTH CAROLINA 27893
TEL (252)399-0704 FAX (252)399-0804

DATE: APRIL, 2018	CADFILE: 17156SP2-REV8X11
SCALE: NOT TO SCALE	DRAWN BY: LR
CLIENT: SPRBRA	SURVEYED BY: NA

PRELIMINARY PLAT
NOT FOR RECORDATION,
SALES OR CONVEYANCES



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
May 29, 2018

STAFF REPORT

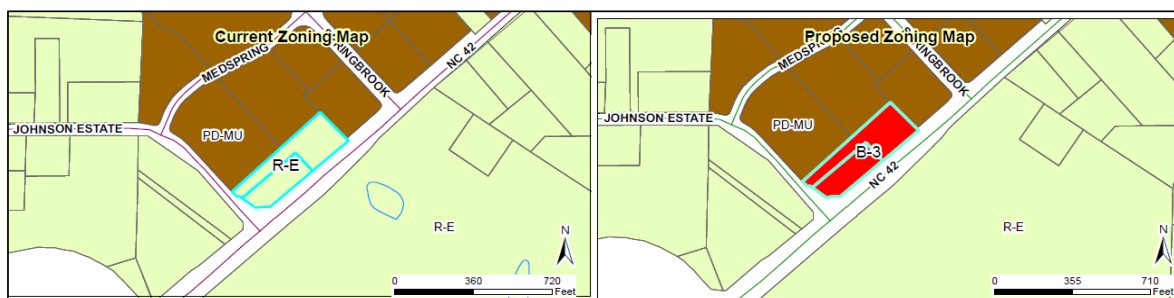
Application Number: 2018-72-RZ Project Name: Spring Branch Plaza, Rezoning

NC PIN / Tag #: 164800-63-6554; 164800-63-5397 / 05f02035a; 05f02036
Town Limits/ETJ: ETJ
Overlay: Thoroughfare Overlay District
Applicant: Bartlett Engineering & Surveying PC
Owner: Spring Branch Plaza LLC; Spring Branch Square LLC
Location: 2330 & 2364 NC Hwy 42 West, on the northern corner of Johnson Estate Road and NC 42 W.

Public Noticing:

- Neighborhood meeting April 25, 2018
- Sign posted May 18, 2018
- Letters mailed June 5, 2018
- Newspaper ad posted June 8, 2018 and June 15, 2018

REQUEST: Rezoning from Residential-Estate (R-E) to Highway Business (B-3).



SITE DATA:

Acreage: 2.12 acres
Existing Use: Single family residential / vacant

ADJACENT ZONING AND LAND USES:

Direction	Zoning	Existing Use
North	Planned Development – Mixed Use	Office, medical office, assisted living facility, retail
South	Residential-Estate	Agricultural, Single family residential
East	Planned Development – Mixed Use, Residential-Estate	Agricultural, vacant
West	Residential-Estate	Vacant

STAFF ANALYSIS AND COMMENTARY:

Overview

The applicant is requesting to rezone 2.12 acres on the corner of Johnson Estate Road and NC Hwy 42 West from Residential-Estate (R-E) to Highway Business (B-3). This piece of land is currently single family residential and primarily fronts on NC Hwy 42 West. It is adjacent to and bordered by the Spring Branch Medical Center to the north and east. Lot 12 of Spring Branch Medical Center is currently developing as an office building, just to the north of the subject parcels.

Existing vs. Proposed Zoning

The following uses are typical (but not exhaustive) of the existing zoning district: R-E

- Single family residential
- Manufactured home
- Adult care home
- Golf course
- Park
- Bed & Breakfast

The following uses are typical (but not exhaustive) of the proposed zoning district: B-3

- Nursing home
- Upper-story residence
- Daycare
- Hospital
- Trade or technical school
- Government service
- Fitness center
- Nursery
- Car-wash
- Convenience store
- Creative studio
- Bank
- Hotel
- Office
- Microbrewery
- Restaurant
- Retail
- Service

Consistency with the Comprehensive Plan 2040

The property is identified in the adopted Future Land Use Map as Community Mixed Use (aka Community Center).

Comprehensive Plan Goals supporting the rezoning request include:

- LU1 Preserve Clayton’s small-town character while allowing for growth and development in appropriate areas.
- LU1.3 Encourage a mix of residential and non-residential land uses within Neighborhood and Community Centers.

Comprehensive Plan Goals not supporting the rezoning request include:

- none

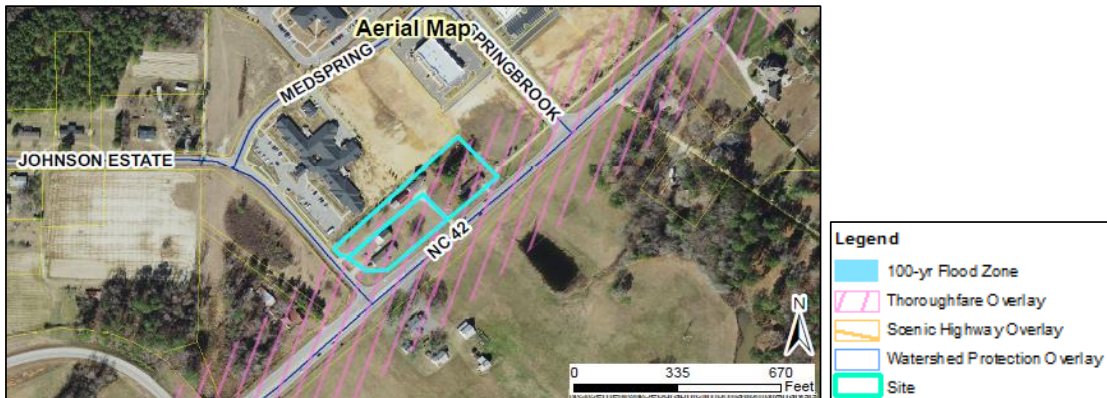


The following table identifies which zoning districts are consistent with the Future Land Use Map categories (designations).

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

The properties are located within the Thoroughfare Overlay District. Generally speaking, this overlay requires additional landscaping for new development, and the rezoning is consistent.



Compatibility with surrounding land uses and potential for adverse effects

The uses allowed in the B-3 zoning district are compatible with the surrounding land uses.

Access to public facilities and services

There is sufficient access to public water and sewer service, as well as to the highway for automobiles.

CONSIDERATIONS:

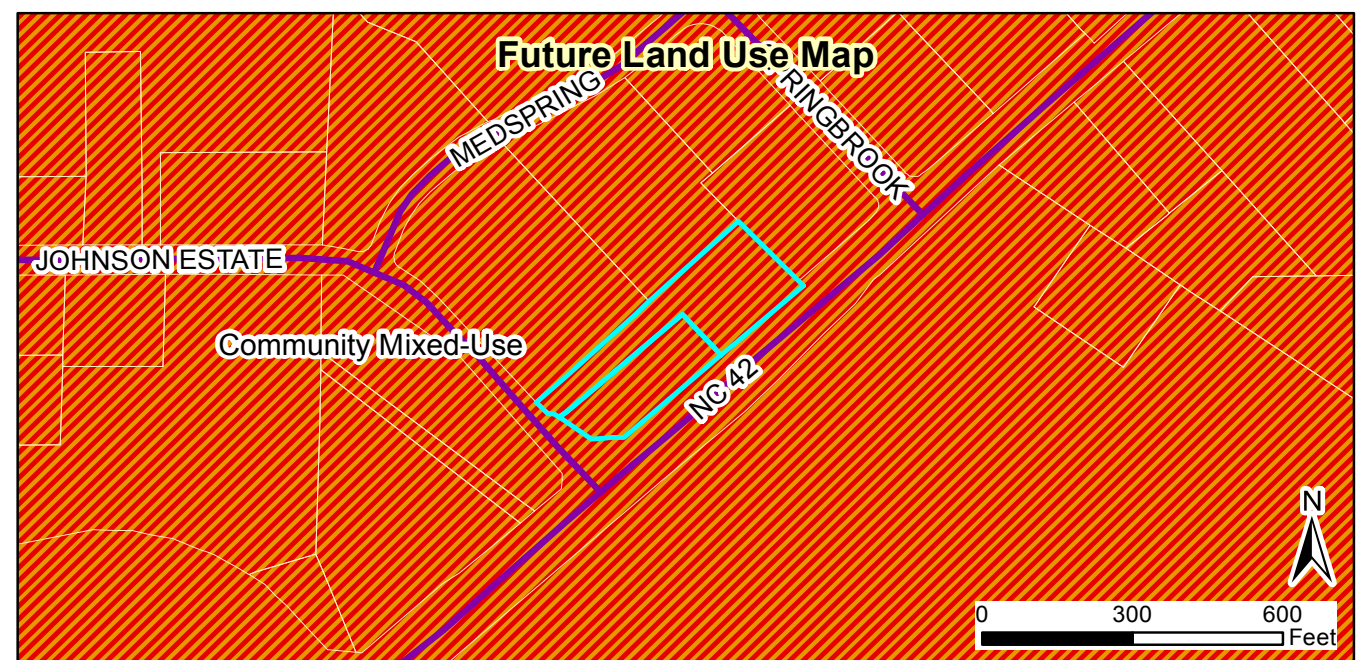
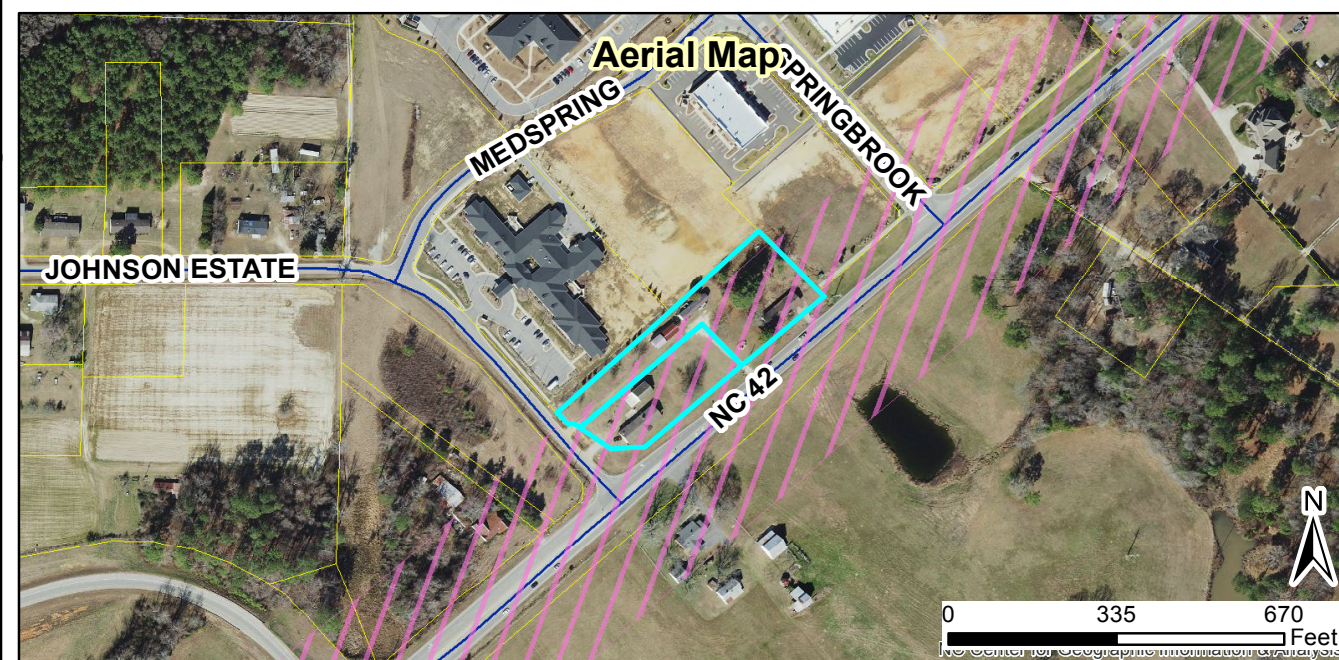
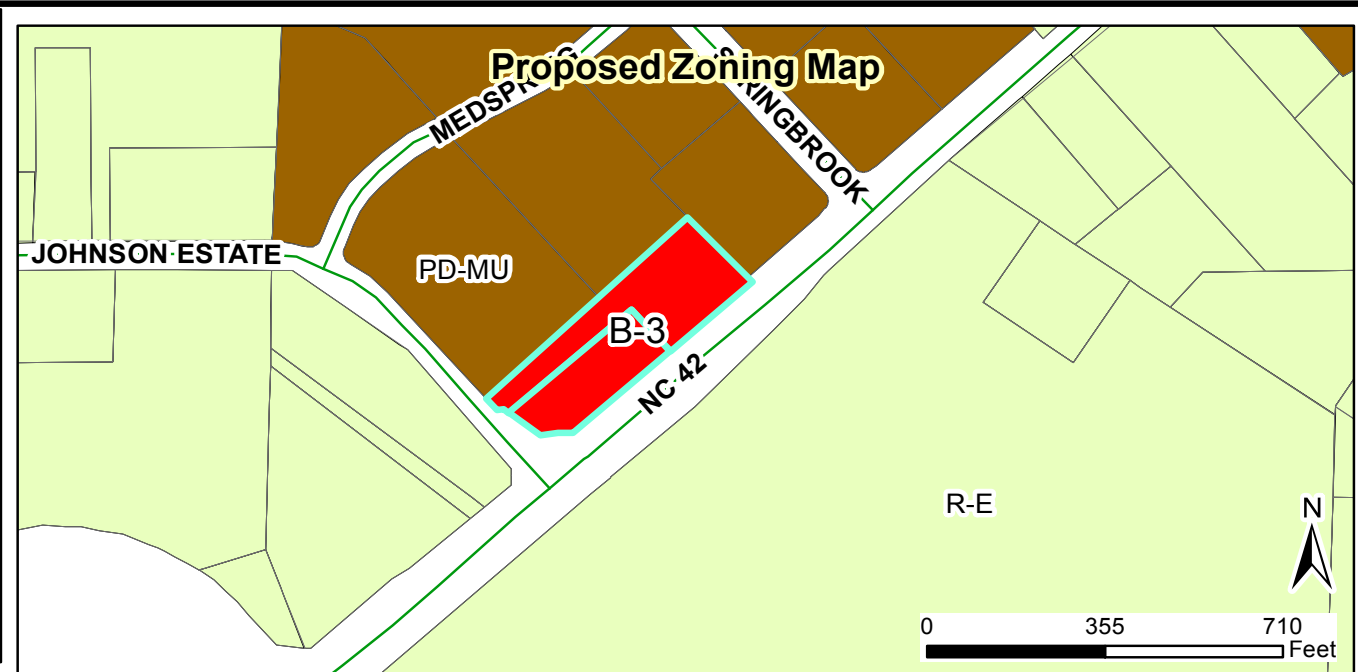
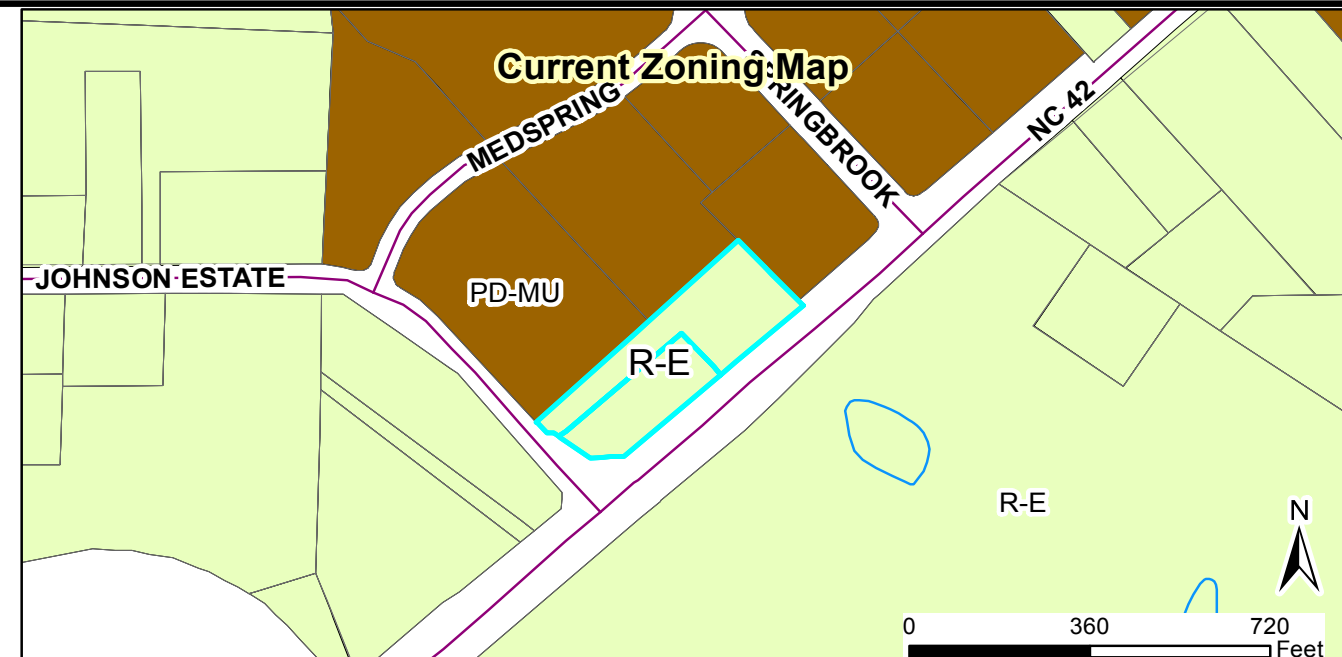
- Rezoning is decided by the Town Council. The Planning Board shall make a recommendation to the Town Council.
- When adopting or rejecting the rezoning, the Town Council shall approve a statement describing whether its action is consistent with adopted plans and/or policies of the Town and explaining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

STAFF RECOMMENDATION:

Approval of the rezoning.

ATTACHMENTS:

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



Request: **2018-72-RZ, Spring Branch Plaza rezoning**

Applicant: Bartlett Engineering & Surveying PC
 Property Owners: Spring Branch Plaza LLC; Spring Branch Square LLC
 Parcel ID: 164800-63-6554; 164800-63-5397
 Tag #: 05f02035a; 05f02036

Staff Report Map



Document Path: O:\PLANNING\REZONING\Rezoning\2018\2018-72-RZ Spring Branch Plaza Rezoning\Map\Map 2018-72-RZ Spring Branch Plaza rezoning.mxd

Legend

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

05/03/2018
 Produced by: TOC Planning
 Disclaimer: Town of Clayton assumes no legal responsibility for the quality of the data represented here.

ADJACENT PROPERTY OWNERS LIST

Project Name: Spring Branch Plaza

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

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

[illegible]

7011 3500 0002 1439 6716

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CLAYTON, NC 27527

Postage	\$3.45
Certified Fee	\$0.00
Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
	\$0.50
Total Postage & Fees	\$3.95

0894
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04/10/2018

Sent To **VACFE, LLC**
 Street, Apt. No.,
 or PO Box No. **12 LAFOY DRIVE**
 City, State, ZIP+4 **CLAYTON, NC 27527**

PS Form 3800, August 2006

See Reverse for Instructions

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RALEIGH, NC 27607

Postage	\$3.45
Certified Fee	\$0.00
Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
	\$0.50
Total Postage & Fees	\$3.95

0894
08

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04/10/2018

Sent To **JMA MOB CLAYTON, LLC**
 Street, Apt. No.,
 or PO Box No. **5400 TRINITY RD STE 309**
 City, State, ZIP+4 **RALEIGH, NC 27607**

PS Form 3800, August 2006

See Reverse for Instructions

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GRAND FORKS, ND 58201

Postage	\$3.45
Certified Fee	\$0.00
Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
	\$0.50
Total Postage & Fees	\$3.95

0894
08

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04/10/2018

Sent To **PRAMOD MALLIPADI**
 Street, Apt. No.,
 or PO Box No. **3026 TIMES SQUARE CT**
 City, State, ZIP+4 **GRAND FORKS, ND 58201**

PS Form 3800, August 2006

See Reverse for Instructions

7011 3500 0002 1439 7195

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CLAYTON, NC 27520

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Certified Fee	\$0.00
Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
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Total Postage & Fees	\$3.95

0894
08

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04/10/2018

Sent To **MURIEL E PENNY**
 Street, Apt. No.,
 or PO Box No. **2375 NC HWY 42 W**
 City, State, ZIP+4 **CLAYTON NC 27520**

PS Form 3800, August 2006

See Reverse for Instructions

7011 3500 0002 1439 7232

U.S. Postal Service™
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 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

TOLEDO, OH 43615

Postage	\$3.45
Certified Fee	\$0.00
Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
	\$0.50
Total Postage & Fees	\$3.95

0894
08

Postmark
Here

04/10/2018

Sent To **RSF SP SMITHFIELD V.L.P.**
 Street, Apt. No.,
 or PO Box No. **4500 DORE ST**
 City, State, ZIP+4 **TOLEDO, OH 43615**

PS Form 3800, August 2006

See Reverse for Instructions



BARTLETT
ENGINEERING & SURVEYING, PC

1906 Nash Street North Wilson, NC 27893-1726
Phone: (252) 399-0704 Fax: (252) 399-0804
www.bartlett.us.com

April 9, 2018

Dear Clayton Area Property Owner:

The purpose of this letter is to notify you of an application filed with the Town of Clayton for a land use 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: April 25, 2018 Meeting Time: 7:00 PM

Meeting Location: 12965 US 70 Business West, Clayton, NC 27520 (RTP Furniture Outlet)

Type of Application: Rezoning (R-E Residential Estate to B-3 Highway Business)

Project/Proposal Property Address: 2330 & 2364 NC HWY 42 Clayton, NC 27520

Description of Project/Proposal: Rezoning 2.12 acres of existing residential property to provide for office/commercial/retail development.

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

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

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

If you have any questions prior to or after this meeting, you may contact us at 252-399-0704. You may also contact the Planning Department at 919-553-5002.

Sincerely,

Robert S. Bartlett, PE
Bartlett Engineering & Surveying, PC

Cc: Town of Clayton Planning Dept.

PROPOSED REZONING
SPRING BRANCH PLAZA
2330 NC HIGHWAY 42 WEST &
2364 NC HIGHWAY 42 WEST
CLAYTON, NC



BARTLETT
ENGINEERING & SURVEYING, PC

1906 NASH STREET NORTH
WILSON, NORTH CAROLINA 27893
TEL (252)399-0704 FAX (252)399-0804

DATE: APRIL, 2018	CADFILE: 17156SP2-REV8X11
SCALE: NOT TO SCALE	DRAWN BY: LR
CLIENT: SPRBRA	SURVEYED BY: NA

PRELIMINARY PLAT
NOT FOR RECORDATION,
SALES OR CONVEYANCES

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Project: SPRING BRANCH PLAZA

Application: REZONING

Location/Date: 12965 US 70 BUSINESS W CLAYTON, NC 4/25/18
7:00PM

	NAME	ADDRESS
1	TONY BARTLETT	1906 NASH ST N. WILSON, NC
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
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20		

NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Application: REZONING - SPRING BRANCH PLAZA

Date of Mailing: 4/10/18

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: ROBERT S. SALVETTI Signature: [Signature]

Date of Meeting: 4/25/18

Time of Meeting: 7:00 PM

Location of Meeting: 12905 US 70 BUS WEST 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.

NO PROPERTY OWNERS OR CONCERNED CITIZENS
ATTENDED THE MEETING; THEREFORE, NO
DISCUSSION.

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

PUBLIC NOTICE

In accordance with NC GS 160A-384 and NC GS 160A-364, the Clayton Town Council will hold a public hearing and evidentiary hearing on Monday, June 18, 2018, at 6:00 PM at Town Hall, 111 East Second Street, to consider the following requests:

- 2018-66-RZ Spinning Mill Lofts at East Village Rezoning for parcel numbers 05037009T, 05037008V, 05037009W, 05037009U, 05037011, 05H03197, located off Front St.. The requested change is from O-I, B-1, B-3, and R-E to B-2.
- 2018-72-RZ Spring Branch Plaza Rezoning for parcel numbers 05F02035A and 05F02036, located off HWY 42 W. The requested change is from R-E to B-3.
- 2018-88-RZ W Stallings St. Rezoning for parcel number 05031031, located at the corners of Robertson and Whitaker Streets, and Robertson and W Stallings St.. The requested change is from R-8 to R-6.
- 2018-87-SUP W Stallings St. Special Use Permit; request to allow the use of a duplex on a portion of the subject property, located at the corner of Whitaker and Robertson Streets; parcel number 05031031.

For a rezoning, 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.

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

This is an open meeting and the public is invited to

attend.

**Haley Hogg, Planner
919-553-5002**

News & Observer (Clayton)

Please advertise on the following dates:

June 8, 2018

June 15, 2018

Affidavit of publication required.

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

2018-72-RZ Spring Branch Rezoning

On May 29, 2018 the Planning Board heard the above-referenced request and made the following vote:

Recommendation to the Town Council to:

☒ approve the request.

☐ deny the request.

Recommendation(s) made this 29th day of May, 2018 while in regular session.

Signed:



Robert Ahlert, Planning Board Chair



Town Council Agenda Cover Sheet

Meeting Date

June 4 2018

Agenda Location

New Business

Item Title

2018-88-RZ, 330 W Stallings Street

Presenter *(Name & Title)*

Planning Dept.

Summary/Description

Request to rezone the old Champion House site (approx. ½ acre at 330 W Stallings Street) from Residential-8 (R-8) to Residential-6 (R-6).

Requested Action

Set Public Hearing

Additional Documents To Be Included in Agenda Packet

Application
Staff report
Map
Neighborhood meeting materials



ORIGINAL

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.

Rezoning applications must be accompanied by nine (9) sets of the application, nine (9) sets of required plans, an Owner's Consent Form (attached) and the application fee. The application fee is \$500.00 for a rezoning to a Standard District. A rezoning to a Planned Development District requires a fee of \$1,000.00 +\$5.00 per acre. All fees are due when the application is submitted.

If the rezoning request is to a Planned Development District, the application must be accompanied by a Major Site Plan application and associated fees.

Please note that Section 155.702(B) of the Unified Development Code requires a Neighborhood Meeting for all Rezoning Petitions.

SITE INFORMATION:

Name of Project: 330 W. Stallings Street Acreage of Property: 0.5

Parcel ID Number: 166913-04-1327 Tax ID: 4700780

Deed Book: 04899 Deed Page(s): 0124

Address: 330 W. Stallings Street - Clayton, NC 27520

Location: Corner of W. Stallings and W. Whitaker Streets

Existing Use: Vacant Proposed Use: 2 SF dwellings, 1 duplex.

Existing Zoning District: R-8

Requested Zoning District R-6

Is project within a Planned Development: ☐ Yes ☒ No

Planned Development District (if applicable): _____

Is project within an Overlay District: ☐ Yes ☒ No

Overlay District (if applicable): _____

FOR OFFICE USE ONLY

File Number: MAY 01 2018 Date Received: _____ Amount Paid: \$500-

July 2013

TOWN OF CLAYTON
PLANNING DEPARTMENT

2018-88-RZ

OWNER INFORMATION:

Name: 101 W. First Street, LLC

Mailing Address: 114 W Main Street, Suite 102 - Clayton, NC

Phone Number: 919-827-1089 Ext. 202 **Fax:** 919-827-1089

Email Address: holton@communitysmith.com

APPLICANT INFORMATION:

Applicant: CommunitySmith, LLC

Mailing Address: 114 W. Main Street, Suite 105 - Clayton, NC 27520

Phone Number: (919) 827-1089 Ext. 202 **Fax:** (919) 827-1089

Contact Person: Holton Wilkerson

Email Address: holton@communitysmith.com

REQUIRED PLANS AND SUPPLEMENTAL INFORMATION

The following items must accompany a rezoning application. This information is required to be present on all plans, except where otherwise noted:

- ☒ A signed and sealed boundary survey (**not more than a year old unless otherwise approved by the Planning Department**) with the azimuth or courses and distances of every property line shown. Distances shall be in feet or meters and decimals thereof. The number of decimal places shall be appropriate to the class of survey required. The survey must include any and all easements of record (referenced by Deed Book and Page) and must be prepared by a surveyor registered in the State of North Carolina.
- ☒ Property legal description typed (10 pt. font or greater) on an 8.5 inch by 11 inch paper with one inch margins. The legal description must also be submitted electronically in Microsoft Word format.
- ☒ A copy of the last recorded deed for the subject property.

JUSTIFICATION STATEMENT

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

Request is to rezone the property from R-8 to R-6, similar to the zoning of most houses on the street.

Developer will complete minor subdivision to create three total lots on the parcel.

Two single family lots will be located on the Stallings Street side, and a Special Use Permit is being done in conjunction for a duplex facing W. Whitaker Street.

APPROVAL CRITERIA

All applications for a Rezoning must address the following findings:

1. Consistency with the adopted plans of the Town.

The proposed rezoning is consistent with the adopted plans of the Town of Clayton.

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

It is suitable as it is located within a residential area currently populated by both single and multi-family dwellings.

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

The proposed rezoning improves the balance of uses and meets specific demand in the Town.

Single family homes in the price point planned have been very successful in the area surrounding downtown. In our experience, rentals in the same area, especially new construction, have leased quickly for at-or-above market rents and remained full with quality tenants that are very complimentary to the neighborhoods.

4. The capacity of adequate public facilities and services including schools, roads, recreation facilities, wastewater treatment, potable water supply and stormwater drainage facilities is available for the proposed use.

Adequate public facilities and services are available for the property as noted on the site plan and as indicated by Town staff at the pre-application meeting on April 26, 2018.

July 2013

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

This is correct; the purposes for which the 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.

There will be no adverse affect on adjoining property owners. In fact, the reactivation of a vacant, formerly blighted parcel will have a positive impact on adjacent properties and their valuation.

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.

This is correct; there will be no detriment to 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.

Holton Wilkerson

Print Name



Signature of Applicant

5-1-2018

Date

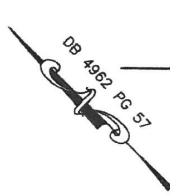
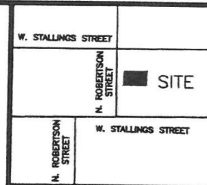
July 2013

NOTES:

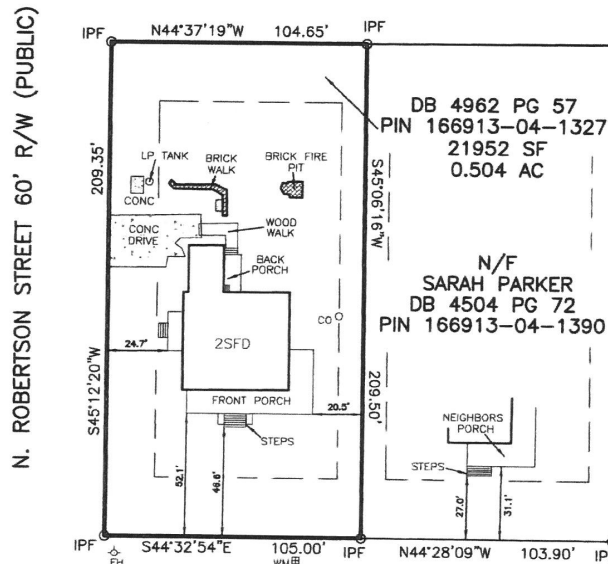
- 1) ALL DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES
- 2) AREAS COMPUTED BY COORDINATE METHOD
- 3) PROPERTY SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD
- 4) NO HORIZONTAL CONTROL FOUND WITHIN 2000 FEET OF SURVEY
- 5) BOUNDARY PREDICATED ON EXISTING MONUMENTATION FOUND IN THE FIELD
- 6) NO DETERMINATION HAS BEEN MADE AS TO THE EXISTENCE OF FEMA FLOOD HAZARD AREAS ON THIS PARCEL

MINIMUM BUILDING SETBACKS
ZONING: R-8

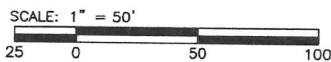
FRONT.....25 FEET
SIDE.....10 FEET
REAR.....25 FEET
CORNER SIDE.....20 FEET



W. WHITAKER STREET 60' R/W (PUBLIC)



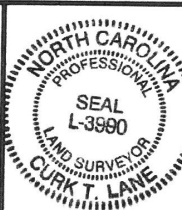
W. STALLINGS STREET 60' R/W (PUBLIC)



330

W. STALLING STREET

LEGEND	
○ IPF	IRON PIPE FOUND
● IPS	IRON PIN SET
○ RRSF	RAILROAD SPIKE
○ PKNF	PARKER-KALON
○ WV	NAIL FOUND
○ WM	WATER VALVE
○ CO	WATER METER
○ S.F.	CLEAN OUT
○ 100.0	SQUARE FEET
○ CATV	ELEVATIONS
○ ELEC	CABLE TV BOX
○ PB	ELECTRIC BOX
○ PP	PLAT BOOK
○ DB	POWER POLE
---	DEED BOOK
---	LINE NOT SURVEYED



NOT PREPARED FOR RECORDATION JOB NO. 3037.001

I, CURK T. LANE CERTIFY THAT THIS MAP WAS DRAWN FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION, THAT THE ERROR OF CLOSURE AS CALCULATED IS 1:10,000+, THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES.

L - 3990
REGISTRATION NUMBER SURVEYOR

PHYSICAL SURVEY
FOR

101 W. FIRST ST., LLC

330 W. STALLING STREET, CLAYTON, NC 27520
CLAYTON TOWNSHIP JOHNSTON COUNTY NORTH CAROLINA

TRUE LINE SURVEYING, P.C.



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

DATE OF SURVEY: 6/2/17 DRAWN: HUSSEIN DATE: 6/8/17 CHECKED: CURK

Filed in JOHNSTON COUNTY, NC CRAIG OLIVE, Register of Deeds Filed 07/06/2017 03:31:06 PM
DEED BOOK: 4987 PAGE: 199-201 INSTRUMENT # 2017536183
Real Estate Excise Tax: \$120.00 Deputy/Assistant Register of Deeds: LaWanda Neal

Prepared by: McCullers, Whitaker & Hamer, PLLC –
104 N. Fayetteville St., Clayton, NC 27520
Mail To: GRANTEE
Excise Tax: \$120
PIN: 05031031
330 W. Stallings Street, Clayton
The property conveyed herein is NOT Grantor's primary residence

NORTH CAROLINA SPECIAL WARRANTY DEED

State of NORTH CAROLINA
County of JOHNSTON

This SPECIAL WARRANTY DEED, made this, the 5 day of July, 2017, by and between **SECU*RE, INC.**, a North Carolina corporation (hereinafter referred to as "GRANTOR"), and **101 W. FIRST STREET, LLC**, a North Carolina limited liability company, whose mailing address is 114 W. Main Street, Suite 102, Clayton, NC 27520 (hereinafter referred to as "GRANTEE"):

WITNESSETH:

That the Grantor, for valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land more particularly described as follows:

SEE ATTACHED EXHIBIT "A" FOR A MORE COMPLETE AND ACCURATE DESCRIPTION THEREOF.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

submitted electronically by "McCullers, Whitaker & Hamer, PLLC"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Johnston County Register of Deeds.

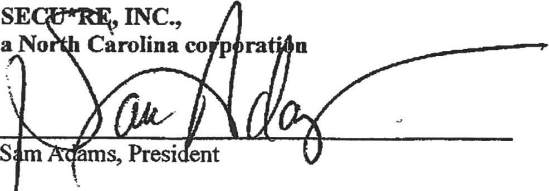
AND THE GRANTOR covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

- (1) Subject to 2017 ad valorem taxes; and
- (2) Subject to easements, restrictions, covenants and right-of-ways of record.

IN WITNESS WHEREOF, the Grantor(s) have hereunto set his hand and seal, or if corporate, has caused this instrument to be executed by duly authorized officers and its seal affixed by authority of its Board of Directors, the day and year set forth above.

SECU*RE, INC.,
a North Carolina corporation

BY:

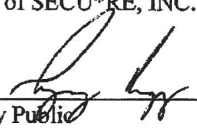

Sam Adams, President

STATE OF NORTH CAROLINA

COUNTY OF Wake

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Sam Adams as President of SECU*RE, INC.

This the 5 day of July, 2017.


Notary Public

Gregory Bragg
Notary Printed Name

My Commission Expires: 2/19/19



Exhibit "A"

BEGINNING at a stake at the intersection of Cardinal Avenue (now N. Robertson Street) and Stallings Street in the town of Clayton, Johnston County, North Carolina; runs with Stallings Street South 45 degrees East 105 feet to a stake, (formerly) Aubrey S. Gattis' corner; thence with this line North 45 degrees East 210 feet to a stake on Whitaker Street; thence as Whitaker Street North 45 degrees West 105 feet to a stake; the intersection of Whitaker Street and Cardinal Avenue (now N. Robertson Street); thence along the line of Cardinal Avenue (now N. Robertson Street) South 45 degrees West 210 feet to the POINT AND PLACE OF BEIGNNING, containing one-half of an acre, more or less. For chain of title reference see conveyances to Battle Wilson Champion and Sybil Champion at Book 641, Page 182; and to Battle Wilson Champion at Book 465, Page 280; and to Dr. BB Pool and wife, Alta Debnam Pool at Book 250, Page 506, Johnston County Registry. Being that same property acquired by Grantor in Book 4962, Page 57, Johnston County Registry.

Legal Description – 330 W. Stallings Street – Clayton, NC 27520

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

*Planning Board
May 29, 2018*

STAFF REPORT

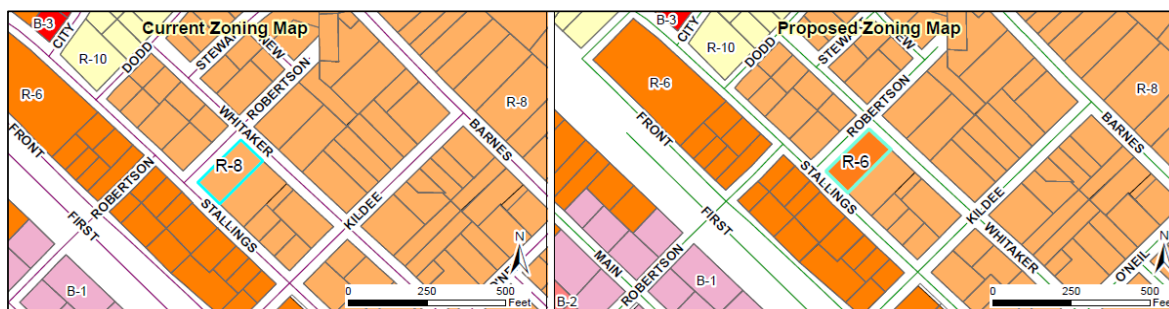
Application Number: 2018-88-RZ Project Name: 330 W Stallings Street, Rezoning

NC PIN / Tag #: 166913-04-1327 / 4700780
Town Limits/ETJ: Town Limits
Overlay: None
Applicant: CommunitySmith LLC
Owner: 101 W. First Street LLC
Location: 330 W. Stallings Street; site of the former Champion House

Public Noticing:

- Neighborhood meeting May 16, 2018
- Sign posted prior to May 18, 2018
- Letters mailed June 5, 2018
- Newspaper ad posted June 8, 2018 and June 15, 2018

REQUEST: Rezoning from Residential-8 (R-8) to Residential-6 (R-6).



SITE DATA:

Acreage: 0.5 acres
Existing Use: Vacant; formerly vacant single family residential.

ADJACENT ZONING AND LAND USES:

Direction	Zoning	Existing Use
North	Residential-8	Single family residential, Multi-family residential (apartment, quadplex)
South	Residential-6	Single family residential
East	Residential-8	Single family residential
West	Residential-8, Residential-6	Single family residential, with Multi-family residential nearby on the intersection of Robertson Street and Stallings Street

STAFF ANALYSIS AND COMMENTARY:

Overview

The applicant is requesting to rezone 0.5 acres on the corner of Stallings Street, Robertson Street, and Whittaker Street (site of the former Champion House) from Residential-8 (R-8) to Residential-6 (R-6). This piece of land is currently vacant. It is adjacent to and bordered by a quadplex apartment to the north, and is otherwise generally bordered by single family residential. To the south is a large amount of R-6 zoning districts.

Existing vs. Proposed Zoning

The following uses are typical (but not exhaustive) of both the existing (R-8) and proposed (R-6) zoning districts.

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

The primary distinction between the two districts, other than minor differences in dimensional standards (setbacks, min. lot width, etc.), is that minimum lot size for conventional single family residential development is 8,000 sqft in the R-8 district and 6,000 sqft in the R-6 district.

Consistency with the Comprehensive Plan 2040

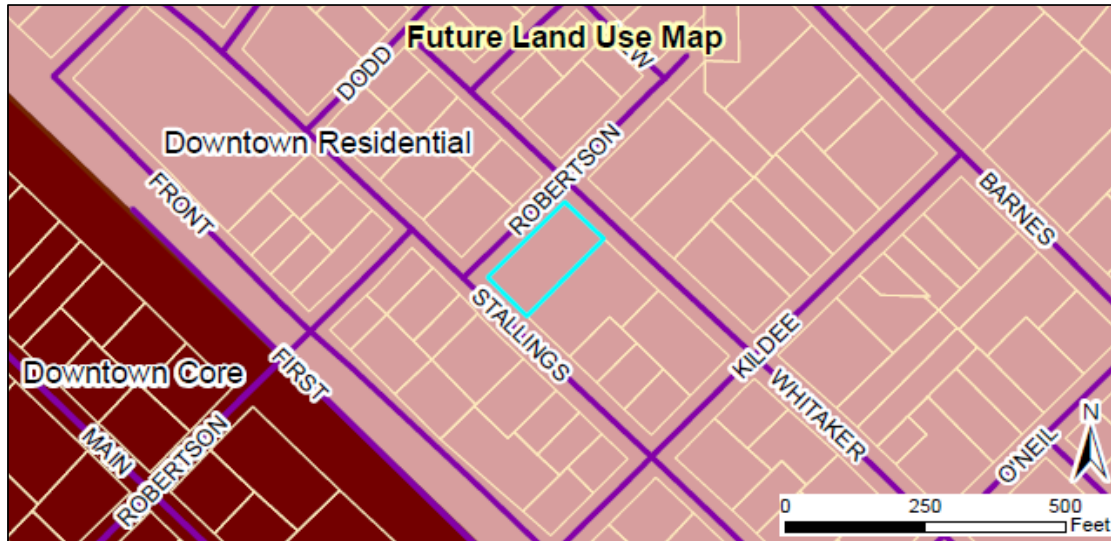
The property is identified in the adopted Future Land Use Map as Downtown Residential. One of the purposes of the Downtown Residential designation is to encourage dense residential development that will support the commercial and service businesses in the Downtown Core, which generally refers to the downtown / central business district. R-6 is identified as a compatible zoning district for the Downtown Residential Future Land Use Designation.

Comprehensive Plan Goals supporting the rezoning request include:

- LU1.1.2 Support residential development at varying densities based on the Future Land Use Map.
- D1 Promote quality new, adaptive re-use, and infill development projects downtown.
- D1.2 Support the renovation and redevelopment of under-utilized sites and buildings in an effort to invigorate investment and/or revitalization in downtown.
- D1.3 Increase the residential activity downtown.

Comprehensive Plan Goals not supporting the rezoning request include:

- None



Access to public facilities and services

There is sufficient access to public water and sewer service. The site is proximate to public parks and the downtown central business district.

CONSIDERATIONS:

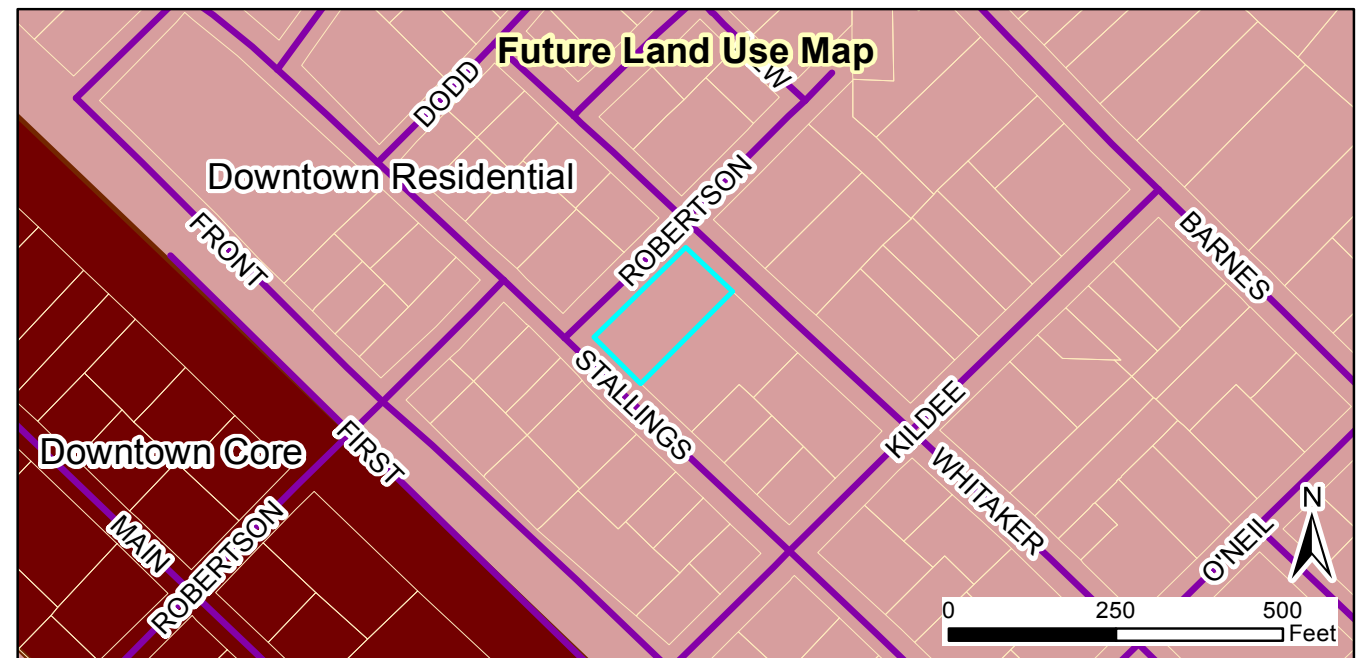
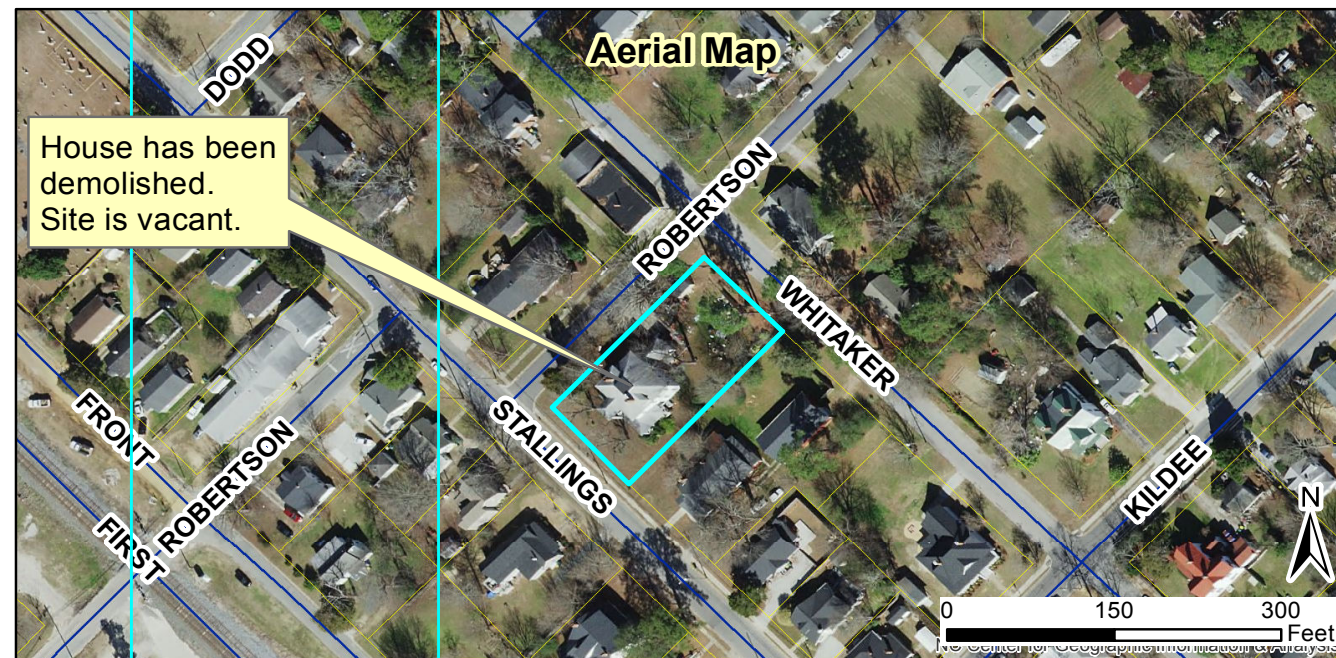
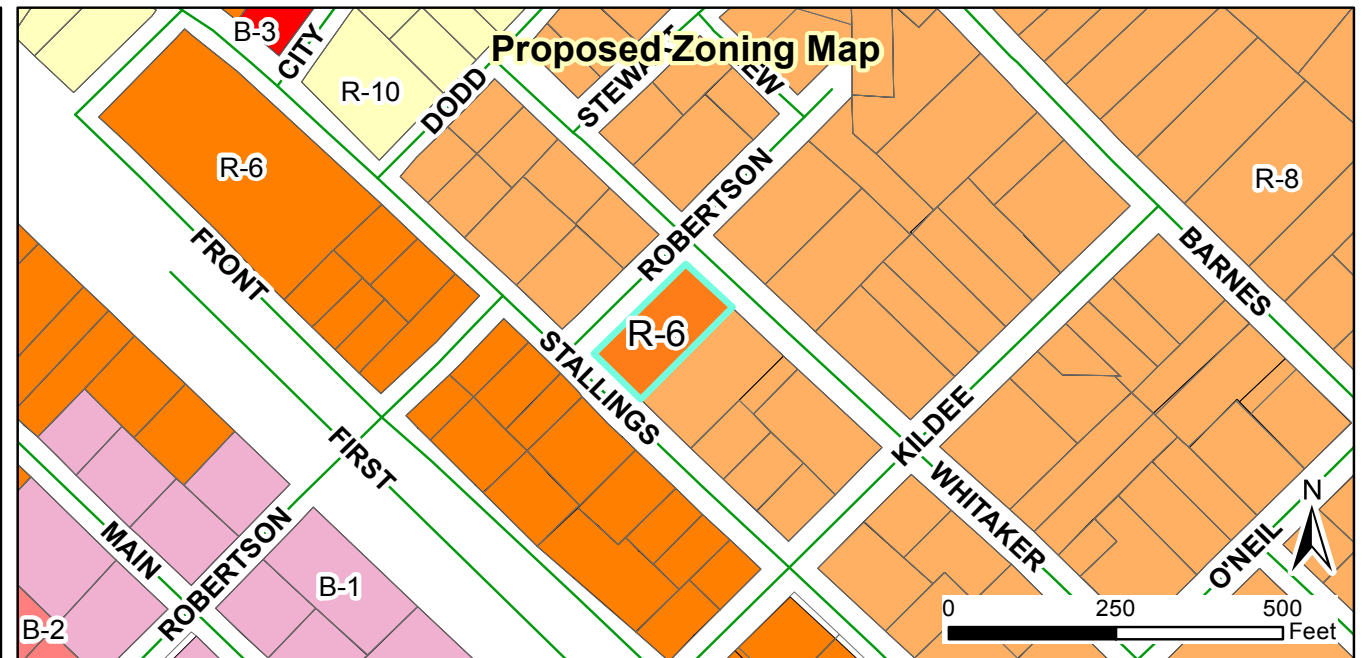
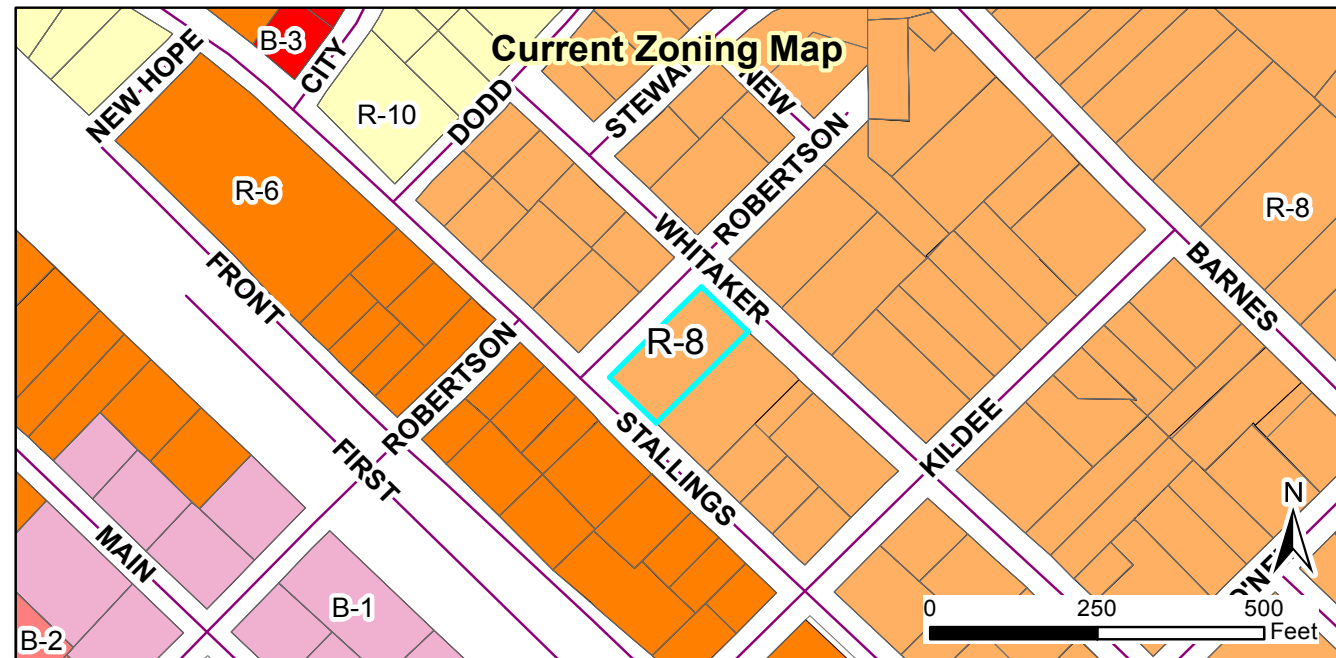
- Rezoning is decided by the Town Council. The Planning Board shall make a recommendation to the Town Council.
- When adopting or rejecting the rezoning, the Town Council shall approve a statement describing whether its action is consistent with adopted plans and/or policies of the Town and explaining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

STAFF RECOMMENDATION:

Approval of the rezoning.

ATTACHMENTS:

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



Request:
2018-88-RZ, 330 W Stallings Street, rezoning

Applicant: CommunitySmith, LLC
Property Owners: 101 W First Street, LLC
Parcel ID: 166913-04-1327
Tag #: 4700780

Staff Report Map



Document Path: O:\PLANNING\REZONING\Rezoning\2018\2018-88-RZ 330 W. Stallings St\Map\Map 2018-88-RZ 330 W Stallings Street rezoning.mxd

Legend

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

05/04/2018
Produced by: TOC Planning
Disclaimer: Town of Clayton assumes no legal responsibility for the quality of the data represented here.



Dear Clayton Area Property Owner:

May 1, 2018

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: Wednesday, May 16th, 2018 Meeting Time: 6:00pm

Meeting Location: Bldv. West Coffee Shop, 104 W. Main Street, Clayton, NC 27520

Type of Application: Rezoning And Special Use Permit

Project/proposal property address: 330 W. Stallings Street, Clayton, NC 27520

Description of project/proposal: The project involves rezoning the parcel from R-8 to R-6, allowing for two single family homes to be built on the Stallings Street frontage, and a duplex to be built on the Whitaker frontage which requires requesting a special use permit from the Town of Clayton.

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

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

A map is enclosed with this letter showing the location of the property that is subject to this application for land use change and/or development proposal. If you have any questions prior to or after this meeting, you may contact us at 919-827-1089 Ext. 202. You may also contact the Planning Department at 919-553-5002.

Sincerely,

A handwritten signature in black ink that reads 'Holton Wilkerson'.

Holton Wilkerson
President, CommunitySmith, LLC
Cc: Town of Clayton Planning Dept.

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Applicant: CommunitySmith, LLC

Location/Date: Blvd. West Coffee Shop; 5/16/2018

	NAME	ADDRESS
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ADJACENT PROPERTY OWNERS LIST

Project Name: **330 W. Stallings Street Duplex**

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
05031057	LEE, HUBERT L & BONNIE Y	2236 SHOTWELL RD CLAYTON, NC 27520-8223
05031032	PARKER, LESLIE E. & SARAH K	320 W STALLINGS ST CLAYTON, NC 27520-1726
05030010	PLOUFFE, RANDI	310 N ROBERTSON ST CLAYTON, NC 27520
05031027	LARGENT, KATIE I.	327 W STALLINGS ST CLAYTON, NC 27520-1725
05031026	MINTER, M L & GERALDINE G	579 RANCH RD CLAYTON, NC 27520-6465
05031029	SPENCE, AVA C; COLLINS, EARL J	4579 C BARBER MILL RD CLAYTON, NC 27520-0000
05031028	KIMBLE, PAUL L JR & LAURIE A	PO BOX 875 CLAYTON, NC 27528-0875
05030001	SPENCE, AVA C; COLLINS, EARL J	4579 C BARBER MILL RD CLAYTON, NC 27520-0000
05030084	JOHNSON, DERRICK B & KEITHA	404 N ROBERTSON STREET CLAYTON, NC 27520-0000
05030017	BUESO, CELEA PATRICIA	10936 STAGE DR RALEIGH, NC 27603-9697
05031056	LEE, CHARLES FRED & TEXIE C	2130 SHOTWELL RD CLAYTON, NC 27520-8221

PUBLIC NOTICE

In accordance with NC GS 160A-384 and NC GS 160A-364, the Clayton Town Council will hold a public hearing and evidentiary hearing on Monday, June 18, 2018, at 6:00 PM at Town Hall, 111 East Second Street, to consider the following requests:

- 2018-66-RZ Spinning Mill Lofts at East Village Rezoning for parcel numbers 05037009T, 05037008V, 05037009W, 05037009U, 05037011, 05H03197, located off Front St.. The requested change is from O-I, B-1, B-3, and R-E to B-2.
- 2018-72-RZ Spring Branch Plaza Rezoning for parcel numbers 05F02035A and 05F02036, located off HWY 42 W. The requested change is from R-E to B-3.
- 2018-88-RZ W Stallings St. Rezoning for parcel number 05031031, located at the corners of Robertson and Whitaker Streets, and Robertson and W Stallings St.. The requested change is from R-8 to R-6.
- 2018-87-SUP W Stallings St. Special Use Permit; request to allow the use of a duplex on a portion of the subject property, located at the corner of Whitaker and Robertson Streets; parcel number 05031031.

For a rezoning, 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.

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

This is an open meeting and the public is invited to

attend.

**Haley Hogg, Planner
919-553-5002**

News & Observer (Clayton)

Please advertise on the following dates:

June 8, 2018

June 15, 2018

Affidavit of publication required.

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

2018-88-RZ 330 W. Stallings Street Rezoning

On May 29, 2018 the Planning Board heard the above-referenced request and made the following vote:

Recommendation to the Town Council to:

☒ approve the request.

☐ deny the request.

Recommendation(s) made this 29th day of May, 2018 while in regular session.

Signed:

A handwritten signature in dark ink, appearing to read 'Robert Ahlert', is written over a horizontal line.

Robert Ahlert, Planning Board Chair



Town Council Agenda Cover Sheet

Meeting Date

June 4 2018

Agenda Location

New Business

Item Title

2018-87-RZ, 330 W Stallings Street

Presenter *(Name & Title)*

Planning Dept.

Summary/Description

Request to develop the use of a duplex on a portion of the subject property. This request is running concurrently with a rezoning request (2018-88-RZ) to rezone the property from Residential-8 (R-8) to Residential-6 (R-6).

Requested Action

Set Public Hearing

Additional Documents To Be Included in Agenda Packet

Application
Staff report
Map
Neighborhood meeting materials
Planning Board Motion Sheet



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: 330 W. Stallings Street Acreage of Property: .5

Parcel ID Number: 166913-04-1327 Tax ID: 4700780

Deed Book: 04899 Deed Page(s): 0124

Address/Location: 330 W. Stallings Street - Clayton, NC 27520

Corner of W. Stallings Street and W. Whitaker Street

Existing Use: Vacant Proposed Use: Duplex

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: MAY 01 2018 Amount Paid: \$500- Permit Number: 2018-87-SUP

TOWN OF CLAYTON
PLANNING DEPARTMENT
version 01/06/2015

Page 1 of 9

PROPERTY OWNER INFORMATION

Name: 101 W. First Street, LLC

Mailing Address: 114 W Main Street, Suite 102 - Clayton, NC

Phone Number: 919-827-1089 Ext. 202 Fax: 919-827-1089

Email Address: holton@communitysmith.com

APPLICANT INFORMATION

Applicant: CommunitySmith, LLC

Mailing Address: 114 W. Main Street, Suite 105 - Clayton, NC 27520

Phone Number: 919-827-1089 Ext. 202 Fax: 919-827-1089

Contact Person: Holton Wilkerson

Email Address: holton@communitysmith.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 <u>was held</u> with Town of Clayton staff. Date: <u>April 26, 2018</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 application will not materially endanger public health or safety if located where proposed and will be developed in accordance with the plans as submitted to the Town of Clayton.

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 application has been prepared to ensure compliance with all Town of Clayton ordinance requirements and will be an example of sound land use practice.

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.

Application will not injure value of, or be detrimental to the use or development of, adjoining or abutting properties which are currently developed.

In fact, the reactivation of a vacant, formerly blighted parcel will have a very positive impact on adjacent properties and their valuation.

Single family homes in the price point planned have been very successful in the area surrounding downtown. In our experience, rentals in the same area, especially new construction, have leased quickly at at-or-above market rate rents and remained full with quality tenants that are very complimentary to the neighborhoods.

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 application will certainly not have an adverse affect, rather will comply with adopted plans and policies of the Town and will improve the character of the surrounding area.

EXPLANATION OF PROJECT

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

Plan is to construct one duplex facing W. Whitaker Street on newly formed lot via minor subdivision.

Area is a mix of single family and multifamily dwellings and the duplex will not only be in keeping with the surroundings, but a welcome addition to them given the new construction and character of the design as shown in the attached plans and elevations.

The duplex will be approximately 2,400 square feet - 1,200 per side. Each side will consist of a 3 bedroom, 2 bath unit with covered porch in front and deck/patio area in the rear.

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.

Holton Wilkerson

Print Name



Signature of Applicant

5-1-18

Date



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
May 29, 2018*

STAFF REPORT

Application Number: 2018-87-SUP

Project Name: 330 W. Stallings Street Duplex Special Use Permit

NC PIN / Tag #: 166913-04-1327 / 4700780
Town Limits/ETJ: Town Limits
Overlay: None
Applicant: CommunitySmith LLC
Owner: 101 W. First Street LLC
Location: 330 W. Stallings Street; site of the former Champion House

Public Noticing:

- Neighborhood meeting May 16, 2018
- Sign posted prior to May 18, 2018
- Letters mailed June 5, 2018
- Newspaper ad posted June 8, 2018 and June 15, 2018

REQUEST: Request to allow the use of a duplex on a portion of the subject property (outlined in blue below). A rezoning request (2018-88-RZ) is running concurrently with this application to rezone the parcel from Residential-8 to Residential-6.

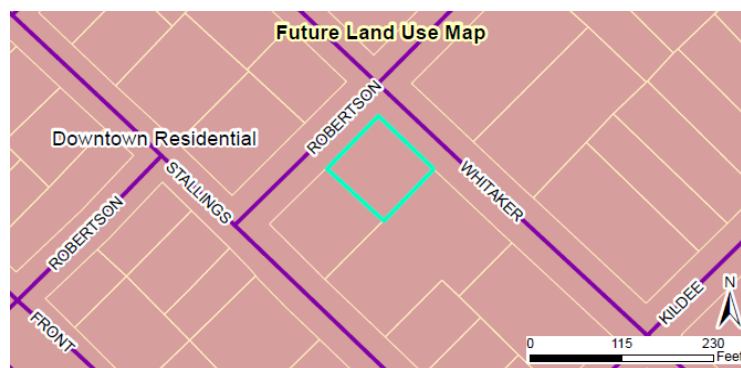


SITE DATA:**Acreage:** 0.22 acres**Existing Use:** Vacant; formerly vacant single family residential lot**ADJACENT ZONING AND LAND USES:**

Direction	Zoning	Existing Use
North	Residential-8	Single family residential, Multi-family residential (apartment, quadplex)
South	Residential-6	Single family residential
East	Residential-8	Single family residential
West	Residential-8, Residential-6	Single family residential, with Multi-family residential nearby on the intersection of Robertson Street and Stallings Street

STAFF ANALYSIS AND COMMENTARY:**Overview**

The applicant is requesting issuance of a special use permit in order to develop the use of a duplex on .22 acres of the overall .5 acre subject property. Per UDC requirements, a duplex requires a special use permit in order to be permitted. Running concurrently with this request is a rezoning request (2018-88-RZ) for the entire parcel, requesting to be rezoned from R-8 to R-6. The subject property is currently vacant. It is adjacent to and bordered by a quadplex apartment to the north, and is otherwise generally bordered by single-family residential.

**Consistency with the Comprehensive Plan 2040**

The property is identified in the Future Land Use Map as Downtown Residential. This district typically allows single-family residential uses, but does also allow higher density housing types in areas that are located in close proximity to the Downtown Core. Therefore, this request is consistent with the Comprehensive Plan 2040.

Consistency with Surrounding Land Uses

The proposed use of a duplex is consistent with the surrounding land uses, which consist of apartments and single-family residential homes.

Site Plan

The proposed duplex will be 2,836 square feet in size, and will consist of two units. The duplex will front on Whitaker Street and the applicant is proposing 5' wide sidewalk along the frontage. Both units will be accessed via private driveways off Whitaker Street. The rear yard will be enclosed within a 6' tall wooden privacy fence.

Landscaping and Buffering

A class "A" compatibility landscape buffer is required and proposed along the eastern property line, abutting Residential-8 zoning. Required street trees are also proposed at the rate of one canopy tree per 40 linear feet.

CONSIDERATIONS:

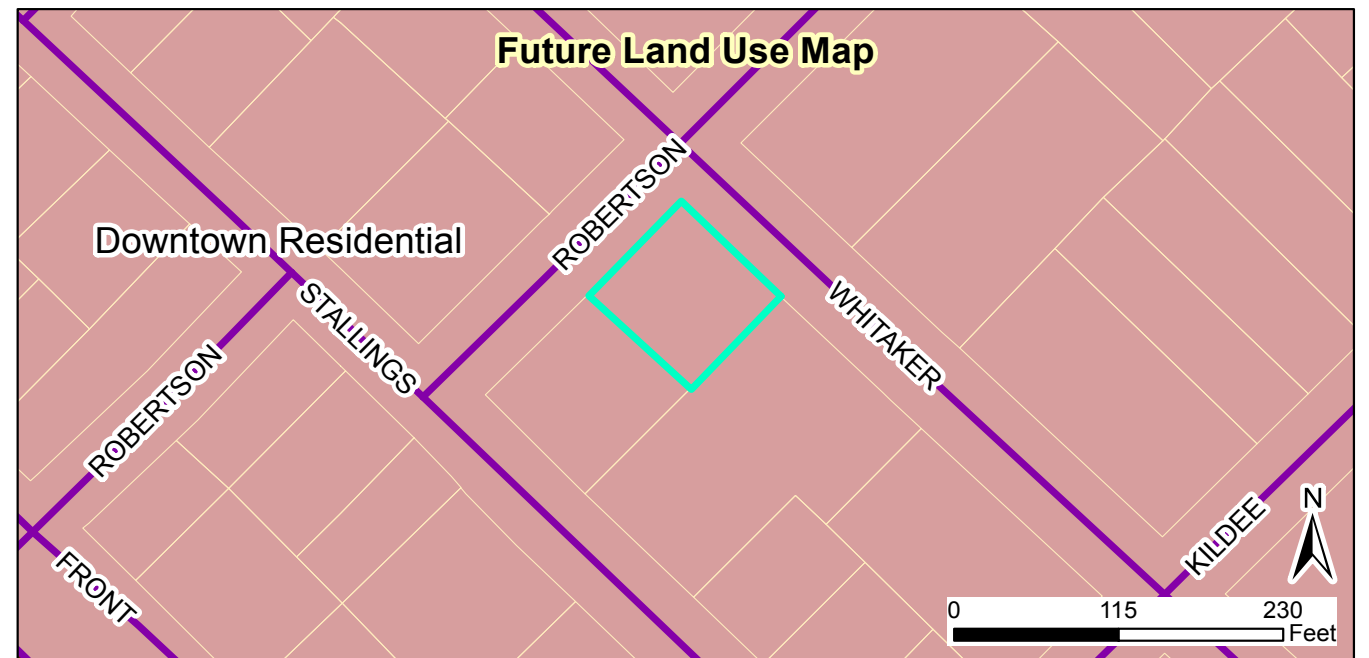
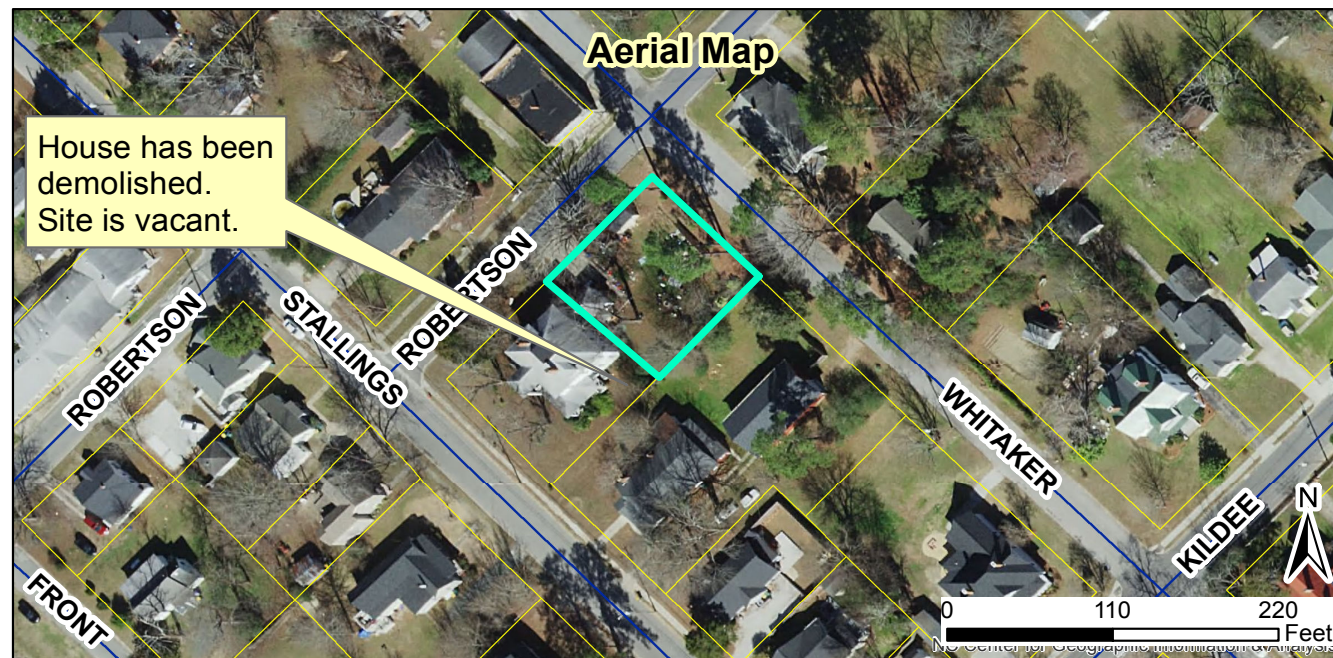
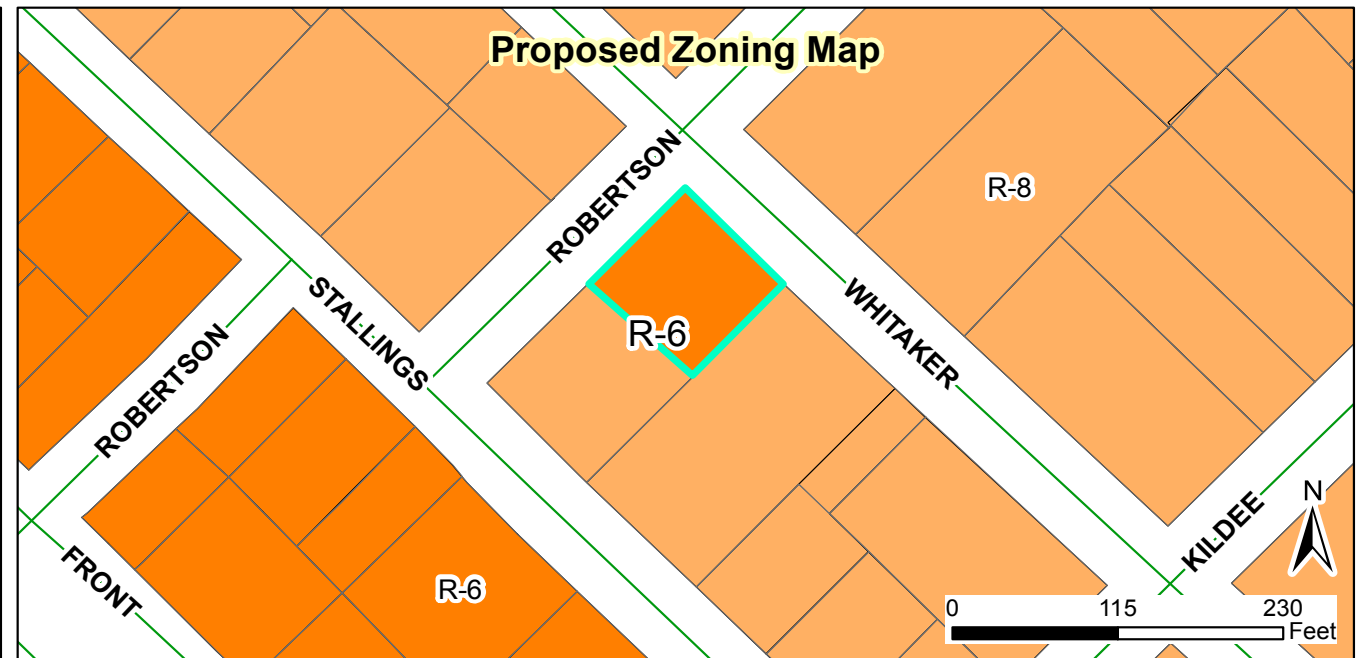
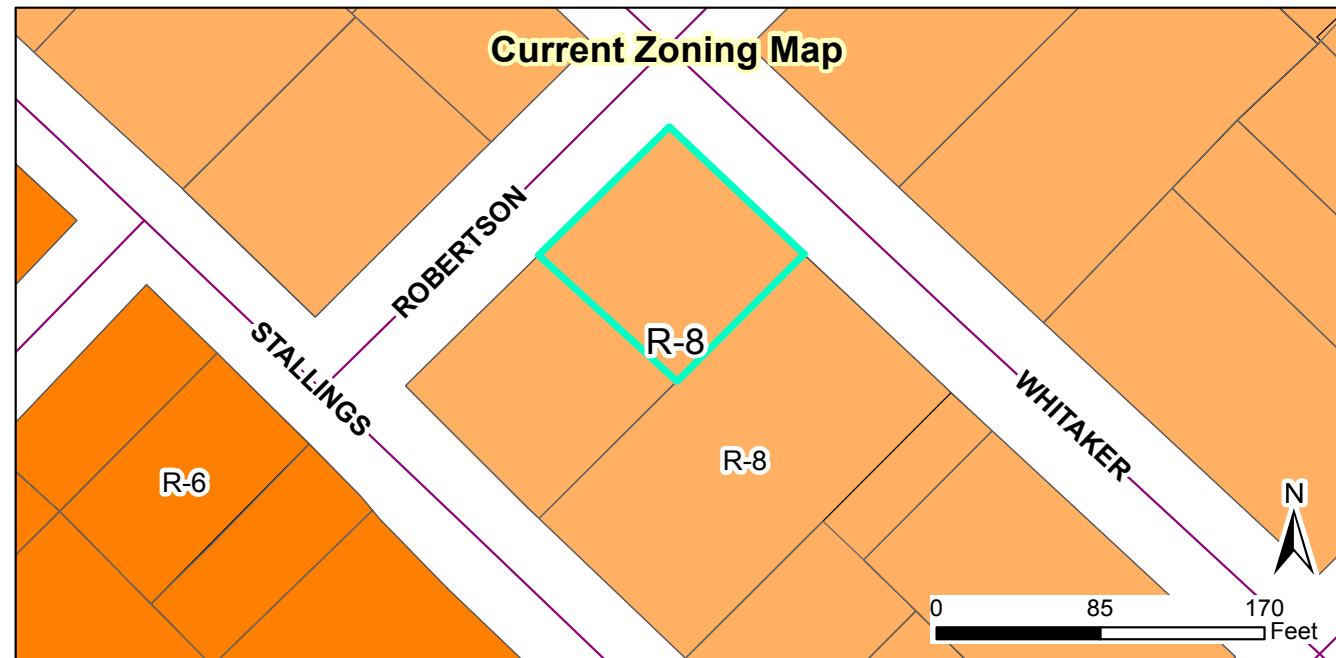
- Special Use Permits are decided upon by Town Council. Planning Board shall make a recommendation to Town Council.
- The Special Use Permit shall only be valid for the portion of the property included within the associated site plan.

RECOMMENDED CONDITIONS OF APPROVAL:

1. This Special Use Permit shall only be valid for the .229 acres of the property included within this application and associated site plan.
2. The Class "A" compatibility landscape buffer shall be installed along the eastern property line prior to issuance of a Certificate of Occupancy.
3. All mechanical equipment shall be screened entirely from view, per requirements within the Unified Development Code.
4. Per UDC requirements, driveways must have a minimum corner clearance from the curb line or edge of pavement of intersecting streets shall be at least 20 feet from the point of tangency of the radius curvature, or 20 feet from the intersection of the right-of-way lines, whichever is greater.
5. The architectural elevations, including materials and features, shall be consistent on all four sides of the structure.

ATTACHMENTS:

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



2018-87-SUP 330 W Stallings Street Duplex, Special Use Permit
Request: Request to allow the use of a duplex on a portion of the subject property

Applicant: CommunitySmith, LLC
 Property Owners: 101 W First Street, LLC
 Parcel ID: 166913-04-1327
 Tag #: 4700780

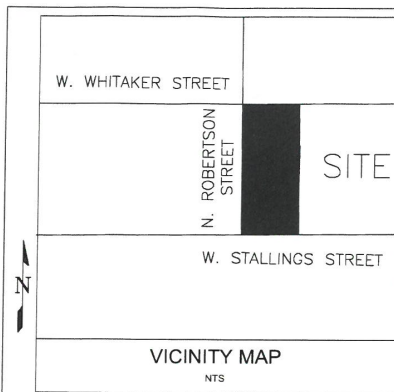
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Staff Report Map

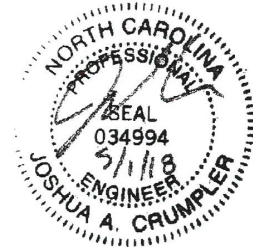
05/04/2018
 Produced by: TOC Planning
 Disclaimer: Town of Clayton assumes no legal responsibility for the quality of the data represented here.

Legend

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



PRELIMINARY PLANS
NOT FOR CONSTRUCTION



PLOT PLANS **FOR** **330 W. STALLINGS STREET** **CLAYTON, NORTH CAROLINA**

PREPARED FOR:
COMMUNITYSMITH, LLC
114 W. MAIN STREET, SUITE 105
CLAYTON, NORTH CAROLINA 27520

<u>SHEET</u>	<u>DESCRIPTION</u>
C-1	COVER
C-2	EXISTING CONDITIONS (SURVEY)
C-3	PLOT PLAN



ALL CONSTRUCTION TO BE IN ACCORDANCE WITH ALL
TOWN OF CLAYTON STANDARDS AND SPECIFICATIONS.

CRUMPLER
Consulting Services, PLLC

2308 Ridge Road
Raleigh, North Carolina 27612
Ph. 919-413-1704
P-1533

PROJECT NO.:	18013
DRAWN BY:	JAC
CHECKED BY:	JAC
DATE:	04/30/18
SCALE:	NO SCALE

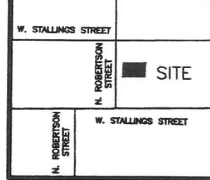
C-1

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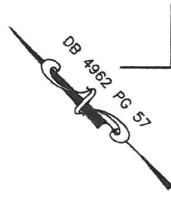
- 1) ALL DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES
- 2) AREAS COMPUTED BY COORDINATE METHOD
- 3) PROPERTY SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD
- 4) NO HORIZONTAL CONTROL FOUND WITHIN 2000 FEET OF SURVEY
- 5) BOUNDARY PREDICATED ON EXISTING MONUMENTATION FOUND IN THE FIELD
- 6) NO DETERMINATION HAS BEEN MADE AS TO THE EXISTENCE OF FEMA FLOOD HAZARD AREAS ON THIS PARCEL

MINIMUM BUILDING SETBACKS
ZONING: R-8

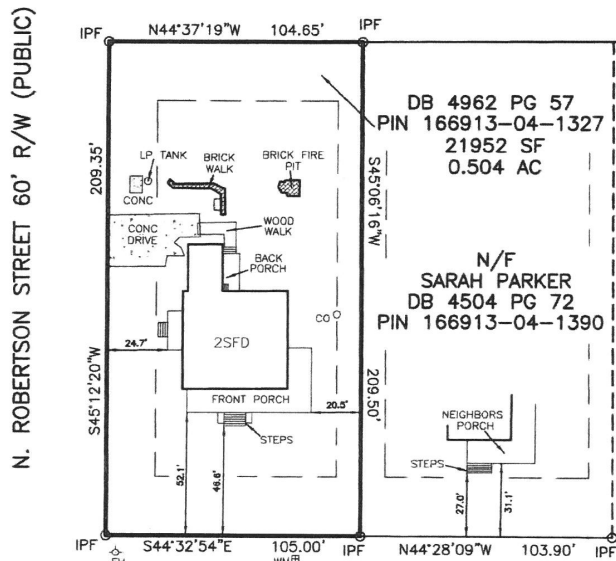
FRONT.....25 FEET
SIDE.....10 FEET
REAR.....25 FEET
CORNER SIDE.....20 FEET



VICINITY MAP
(not to scale)



W. WHITAKER STREET 60' R/W (PUBLIC)



W. STALLINGS STREET 60' R/W (PUBLIC)

SCALE: 1" = 50'



330

W. STALLING STREET

- LEGEND
- IPF IRON PIPE FOUND
 - IPS IRON PIN SET
 - RRSF RAILROAD SPIKE
 - PKNF PARKER-KALON
 - NAIL FOUND
 - WM WATER VALVE
 - WM WATER METER
 - CO CLEAN OUT
 - S.F. SQUARE FEET
 - 100.0 ELEVATIONS
 - CATV CABLE TV BOX
 - ELEC ELECTRIC BOX
 - PB PLAT BOOK
 - PP POWER POLE
 - DB DEED BOOK
 - LINES NOT SURVEYED



PHYSICAL SURVEY
FOR

101 W. FIRST ST., LLC

330 W. STALLING STREET, CLAYTON, NC 27520
CLAYTON TOWNSHIP JOHNSTON COUNTY NORTH CAROLINA

TRUE LINE SURVEYING, P.C.



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

NOT PREPARED FOR RECORDATION

JOB NO. 3037.001

I, CURK T. LANE CERTIFY THAT THIS MAP WAS DRAWN FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION, THAT THE ERROR OF CLOSURE AS CALCULATED IS 1:10,000+, THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES.

L - 3990
REGISTRATION NUMBER

SURVEYOR

DATE OF SURVEY: 6/2/17

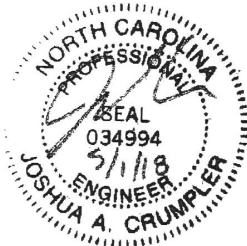
DRAWN: HUSSEIN

DATE: 6/8/17

CHECKED: CURK

PRELIMINARY PLANS

NOT FOR CONSTRUCTION



NOTES

1. ALL FENCING TO BE PLACE
1' INSIDE OF PROPERTY LINE.

2. EXISTING STRUCTURE AS SHOWN
ON SURVEY HAS BEEN PREVIOUSLY
REMOVED FROM SITE.

LOT # 1

IMPERVIOUS SURFACE COVERAGE = 3,765 SF
LOT AREA = 9,960 SF
PERCENTAGE OF IMPERVIOUS AREA = 37.8%

LOT # 2

IMPERVIOUS SURFACE COVERAGE = 2,004 SF
LOT AREA = 5,990 SF
PERCENTAGE OF IMPERVIOUS AREA = 33.5%

LOT # 3

IMPERVIOUS SURFACE COVERAGE = 2,014 SF
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PERCENTAGE OF IMPERVIOUS AREA = 33.6%

PLOT PLAN

330 W. STALLINGS STREET
CLAYTON, NORTH CAROLINA

CRUMPLER
Consulting Services, PLLC

2308 Ridge Road
Raleigh, North Carolina 27612
Ph. 919-413-1704
P-1533

PROJECT NO.: 18013

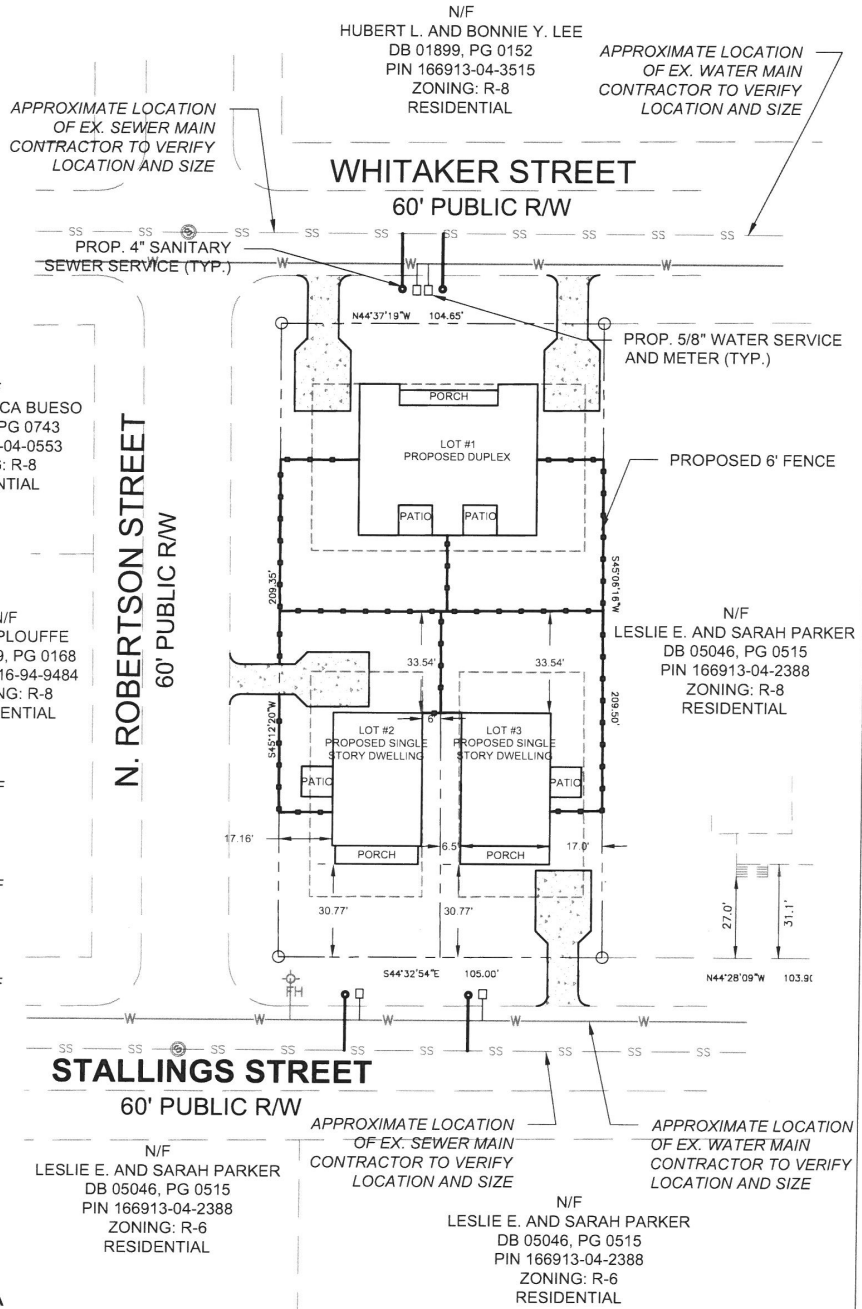
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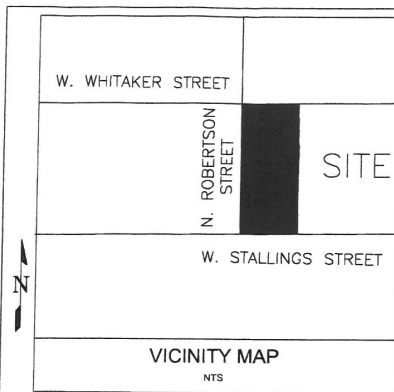
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DATE: 04/30/18

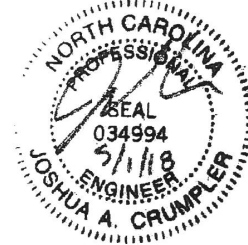
SCALE: 1 : 50

C-3





PRELIMINARY PLANS
NOT FOR CONSTRUCTION



PLOT PLANS **FOR** **330 W. STALLINGS STREET** **CLAYTON, NORTH CAROLINA**

PREPARED FOR:
COMMUNITYSMITH, LLC
114 W. MAIN STREET, SUITE 105
CLAYTON, NORTH CAROLINA 27520

<u>SHEET</u>	<u>DESCRIPTION</u>
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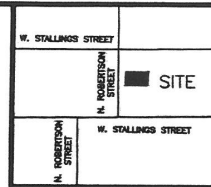
PROJECT NO.:	18013
DRAWN BY:	JAC
CHECKED BY:	JAC
DATE:	04/30/18
SCALE:	NO SCALE

C-1

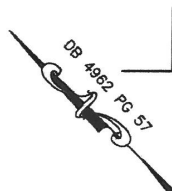
- NOTES:
- 1) ALL DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES
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MINIMUM BUILDING SETBACKS
ZONING: R-8

FRONT.....25 FEET
SIDE.....10 FEET
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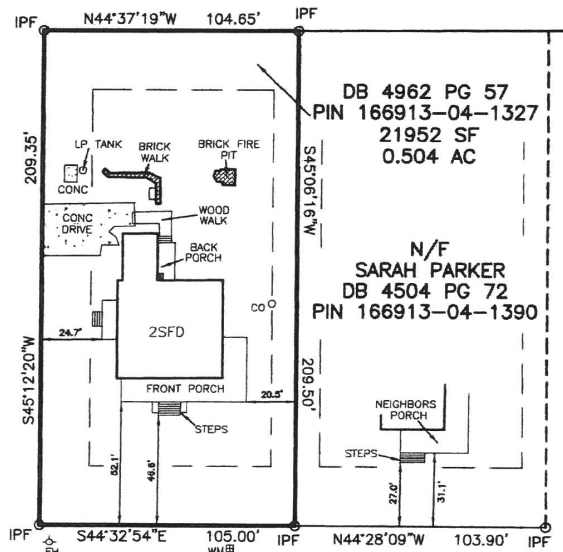


VICINITY MAP
(not to scale)

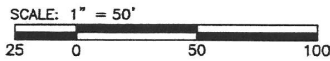


W. WHITAKER STREET 60' R/W (PUBLIC)

N. ROBERTSON STREET 60' R/W (PUBLIC)



W. STALLINGS STREET 60' R/W (PUBLIC)



330

W. STALLING STREET

- LEGEND
- IPF IRON PIPE FOUND
 - IPS IRON PIN SET
 - RRSF RAILROAD SPIKE
 - PKNF PARKER-KALON
 - NAIL FOUND
 - WV WATER VALVE
 - WM WATER METER
 - CO CLEAN OUT
 - S.F. SQUARE FEET
 - 100.0 ELEVATIONS
 - CATV CABLE TV BOX
 - ELEC ELECTRIC BOX
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 - PP POWER POLE
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 - LINES NOT SURVEYED



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FOR

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L - 3990

REGISTRATION NUMBER

SURVEYOR

DATE OF SURVEY: 6/2/17

DRAWN: HUSSEIN

DATE: 6/8/17

CHECKED: CURK

PRELIMINARY PLANS

NOT FOR CONSTRUCTION



N/F
CELEA PATRICA BUESO
DB 04670, PG 0743
PIN 166913-04-0553
ZONING: R-8
RESIDENTIAL

NOTES

1. ALL FENCING TO BE PLACE
1' INSIDE OF PROPERTY LINE.

2. EXISTING STRUCTURE AS SHOWN
ON SURVEY HAS BEEN PREVIOUSLY
REMOVED FROM SITE.

N/F
RANDI PLOUFFE
DB 045+9, PG 0168
PIN 165916-94-9484
ZONING: R-8
RESIDENTIAL

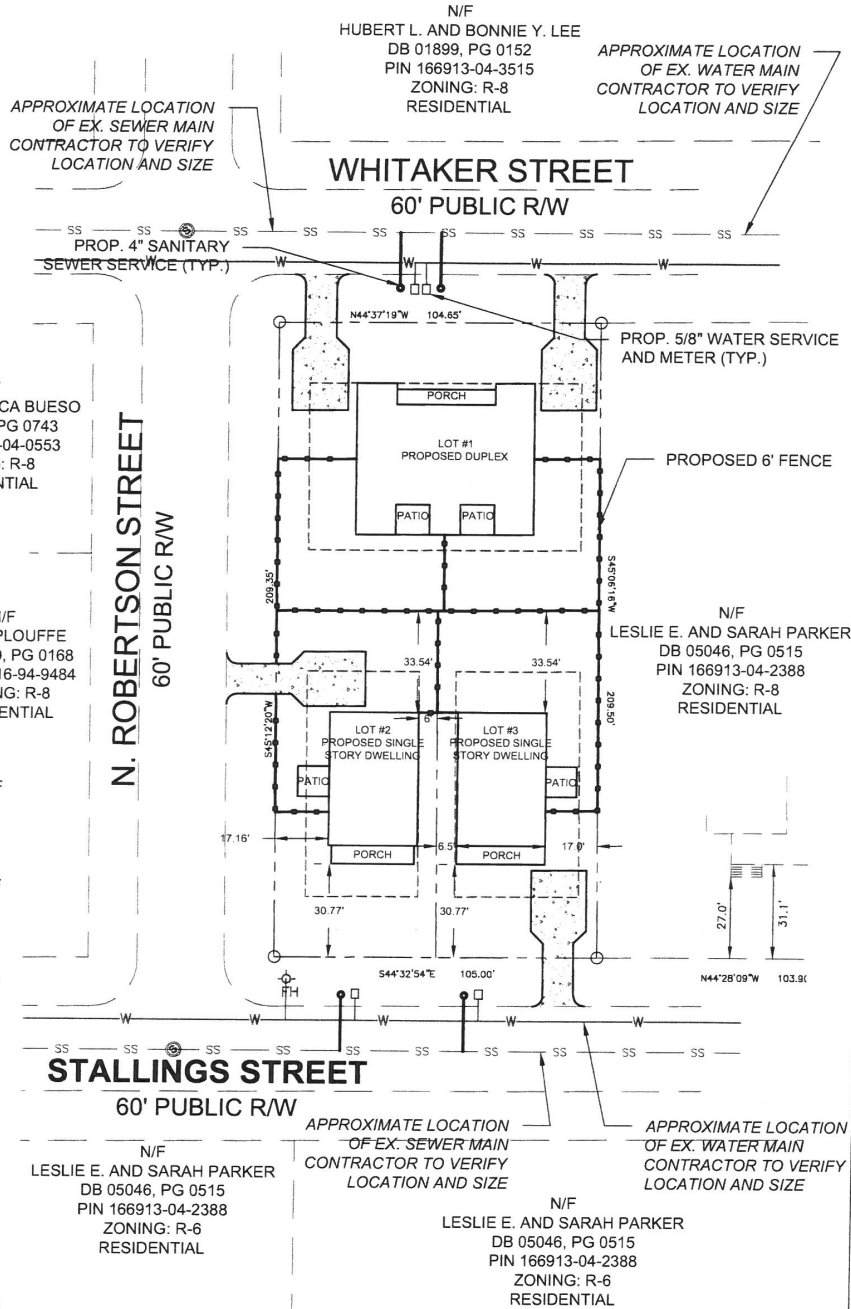
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PLOT PLAN

330 W. STALLINGS STREET
CLAYTON, NORTH CAROLINA



CRUMPLER
Consulting Services, PLLC

2308 Ridge Road
Raleigh, North Carolina 27612
Ph. 919-413-1704
P-1533

PROJECT NO.: 18013

DRAWN BY: JAC

CHECKED BY: JAC

DATE: 04/30/18

SCALE: 1 : 50

C-3

NEIGHBORHOOD MEETING INFORMATION

Purpose:

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

Meeting Date:

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

Meeting Time & Location:

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

Meeting Notice Mailing requirements:

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

Information provided at the Neighborhood Meeting:

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

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

Information provided to Planning Department:

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

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

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

ADJACENT PROPERTY OWNERS LIST

Project Name: 330 W. Stallings Street Duplex

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
05031057	LEE, HUBERT L & BONNIE Y	2236 SHOTWELL RD CLAYTON, NC 27520-8223
05031032	PARKER, LESLIE E. & SARAH K	320 W STALLINGS ST CLAYTON, NC 27520-1726
05030010	PLOUFFE, RANDI	310 N ROBERTSON ST CLAYTON, NC 27520
05031027	LARGENT, KATIE I.	327 W STALLINGS ST CLAYTON, NC 27520-1725
05031026	MINTER, M L & GERALDINE G	579 RANCH RD CLAYTON, NC 27520-6465
05031029	SPENCE, AVA C; COLLINS, EARL J	4579 C BARBER MILL RD CLAYTON, NC 27520-0000
05031028	KIMBLE, PAUL L JR & LAURIE A	PO BOX 875 CLAYTON, NC 27528-0875
05030001	SPENCE, AVA C; COLLINS, EARL J	4579 C BARBER MILL RD CLAYTON, NC 27520-0000
05030084	JOHNSON, DERRICK B & KEITHA	404 N ROBERTSON STREET CLAYTON, NC 27520-0000
05030017	BUESO, CELEA PATRICIA	10936 STAGE DR RALEIGH, NC 27603-9697
05031056	LEE, CHARLES FRED & TEXIE C	2130 SHOTWELL RD CLAYTON, NC 27520-8221



Dear Clayton Area Property Owner:

May 1, 2018

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: Wednesday, May 16th, 2018 Meeting Time: 6:00pm

Meeting Location: Blvd. West Coffee Shop. 104 W. Main Street, Clayton, NC 27520

Type of Application: Rezoning And Special Use Permit

Project/proposal property address: 330 W. Stallings Street, Clayton, NC 27520

Description of project/proposal: The project involves rezoning the parcel from R-8 to R-6, allowing for two single family homes to be built on the Stallings Street frontage, and a duplex to be built on the Whitaker frontage which requires requesting a special use permit from the Town of Clayton.

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

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

A map is enclosed with this letter showing the location of the property that is subject to this application for land use change and/or development proposal. If you have any questions prior to or after this meeting, you may contact us at 919-827-1089 Ext. 202. You may also contact the Planning Department at 919-553-5002.

Sincerely,

A handwritten signature in black ink that reads 'Holton Wilkerson'.

Holton Wilkerson
President, CommunitySmith, LLC
Cc: Town of Clayton Planning Dept.

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Project: 330 W. Stallings Street Duplex

Application: 330 W. Stallings Street Duplex

Location/Date: Blvd. West Coffee Shop - 5/16/2018

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NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Application: Duplex - 330 W Stallings Street - Clayton, NC

Date of Mailing: **May 2, 2018**

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: **Holton Wilkerson** Signature: _____

Date of Meeting: **May 16, 2018** Time of Meeting: **6:00PM**

Location of Meeting: Blvd. West Coffee Shop - 104 W 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.*

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

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

PUBLIC NOTICE

In accordance with NC GS 160A-384 and NC GS 160A-364, the Clayton Town Council will hold a public hearing and evidentiary hearing on Monday, June 18, 2018, at 6:00 PM at Town Hall, 111 East Second Street, to consider the following requests:

- 2018-66-RZ Spinning Mill Lofts at East Village Rezoning for parcel numbers 05037009T, 05037008V, 05037009W, 05037009U, 05037011, 05H03197, located off Front St.. The requested change is from O-I, B-1, B-3, and R-E to B-2.
- 2018-72-RZ Spring Branch Plaza Rezoning for parcel numbers 05F02035A and 05F02036, located off HWY 42 W. The requested change is from R-E to B-3.
- 2018-88-RZ W Stallings St. Rezoning for parcel number 05031031, located at the corners of Robertson and Whitaker Streets, and Robertson and W Stallings St.. The requested change is from R-8 to R-6.
- 2018-87-SUP W Stallings St. Special Use Permit; request to allow the use of a duplex on a portion of the subject property, located at the corner of Whitaker and Robertson Streets; parcel number 05031031.

For a rezoning, 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.

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

This is an open meeting and the public is invited to

attend.

**Haley Hogg, Planner
919-553-5002**

News & Observer (Clayton)

Please advertise on the following dates:

June 8, 2018

June 15, 2018

Affidavit of publication required.

**TOWN OF CLAYTON
PLANNING BOARD WRITTEN RECOMMENDATION
SPECIAL USE PERMIT**

2018-87-SUP, 330 W. Stallings Street Special Use Permit

On May 29, 2018 the Planning Board heard the above-referenced request and made the following vote:

Recommendation to the Town Council to:

☐ approve the request with the conditions as noted within the staff report.

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

~~NOURASHI to be approved for 229 acres of property~~

~~NOURASHI to be approved~~

- Sidewalk on Robertson St.

☐ deny the request.

Recommendation(s) made this 29th day of May, 2018 while in regular session.

Signed:


Robert Ahlert, Planning Board Chair