



Town of Clayton
Regular Town Council Meeting Agenda
Monday, July 16, 2018 @ 6:00 PM
Council Chambers

1. CALL TO ORDER

Pledge of Allegiance and Invocation

2. ADJUSTMENT OF THE AGENDA

3. CONSENT AGENDA

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

a. Draft Minutes

- June 18, 2018
- June 25, 2018

[June 18, 2018 DRAFT Minutes](#)

[June 25, 2018 DRAFT Minutes](#)

b. Disposal of Surplus Property Valued at Less than \$30,000

[Ordinance](#)

POTENTIAL ACTION:

Adoption of Consent Agenda as Presented

4. ADMINISTRATIVE ITEMS

5. INTRODUCTIONS AND SPECIAL PRESENTATIONS

a. Introduction of New Employee

Presenter: Byron Poelman, Distribution & Collection System Supervisor

- Dantrez Kelley, Utility Maintenance Mechanic Trainee - Water & Sewer Operations

6. PUBLIC HEARINGS

a. 2018-98-OA - Code of Ordinance Amendments - Review Bodies Chapters 32 & 155

Presenter: Samantha Wullenwaber, Planning Director

[Cover](#)

[Application](#)

[Staff Report - Updated](#)

[Updated Draft - Chapter 32](#)

[Updated Draft - Chapter 155](#)

[Newspaper Ad](#)

[Planning Board Recommendation](#)

[Ordinance](#)

POTENTIAL ACTION: Adoption of Ordinance #2018-07-02

- b. 2018-88-RZ - 330 W. Stallings Street - Rezoning
Presenter: Samantha Wullenwaber, Planning Director

[Cover](#)

[Application](#)

[Staff Report](#)

[Map](#)

[Site Plan 2nd Submittal](#)

[Adjoining Property Letter](#)

[Neighborhood Meeting Materials](#)

[Architectural Elevations](#)

[Consistency Statement](#)

[Newspaper Ad](#)

[Planning Board Recommendation](#)

[Motion Form](#)

[Ordinance](#)

POTENTIAL ACTION: Adoption of Ordinance #2018-07-03

- c. 2018-87-SUP - 330 W. Stallings Street - Special Use Permit
(QUASI-JUDICIAL)

Presenter: Samantha Wullenwaber, Planning Director

[Cover](#)

[Application](#)

[Staff Report](#)

[Map](#)

[Site Plan](#)

[Adjoining Property Letter](#)

[Neighborhood Meeting Materials](#)

[Newspaper Ad](#)

[Planning Board Recommendation](#)

[Approval](#)

POTENTIAL ACTION: Approval of 2018-87-SUP

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

[Cover](#)

[Application](#)

[Staff Report](#)

[Map](#)

[Site Plan](#)

[Adjoining Property Letter](#)

[Neighborhood Meeting Material 2018-30-PDD Steeplechase Master Plan](#)

[Neighborhood Meeting Minutes](#)

[Newspaper Ad](#)

[Consistency Statement](#)

[Planning Board Recommendation](#)

[Motion Form](#)
[Ordinance](#)

POTENTIAL ACTION: Adopt Ordinance #2018-07-04

- e. 2018-31-SD - Steeplechase - Master Plan
(QUASI-JUDICIAL)
Presenter: Samantha Wullenwaber, Planning Director
[Cover](#)
[Application](#)
[Updated Staff Report](#)
[Map](#)
[Site Plan](#)
[Neighborhood Meeting Minutes 2018-31-SD Steeplechase Master Plan](#)
[NCDOT Congestion Management Comments](#)
[Traffic Impact Analysis](#)
[Newspaper Ad](#)
[Planning Board Recommendation](#)
[Motion Form](#)
[Approval](#)

POTENTIAL ACTION: Approval of 2018-31-SD

- f. 2018-31-SD Steeplechase - Wastewater Allocation
Presenter: Rich Cappola, Engineering & Inspections Director
[Cover](#)
[Wastewater Allocation Request](#)
[Resolution](#)

POTENTIAL ACTION: Adoption of Resolution #2018-19

- g. 2018-66-RZ - Spinning Mill - Rezoning
Presenter: Samantha Wullenwaber, Planning Director
[Cover](#)
[Application](#)
[Staff Report](#)
[Map](#)
[Adjoining Property Letter](#)
[Neighborhood Meeting Notice 05.04.18](#)
[Neighborhood Meeting Material](#)
[Consistency Statement](#)
[Newspaper Ad](#)
[Planning Board Recommendation](#)
[Motion Form](#)
[Ordinance](#)

POTENTIAL ACTION: Adoption of Ordinance #2018-07-05

- h. 2018-72-RZ - Spring Branch - Rezoning
Presenter: Samantha Wullenwaber, Planning Director
[Cover](#)
[Application](#)

[Staff Report](#)
[Map](#)
[Adjoining Property Letter](#)
[Neighborhood Meeting Materials](#)
[Neighborhood Meeting Minutes](#)
[Consistency Statement](#)
[Newspaper Ad](#)
[Planning Board Recommendation](#)
[Motion Form](#)
[Ordinance](#)

POTENTIAL ACTION: Adoption of Ordinance #2018-07-06

7. OLD BUSINESS

8. NEW BUSINESS

- a. Code of Ordinance Amendment - Chapters 50, 51 and 52
Presenters: Rich Cappola, Engineering & Inspections Director and Tim Simpson, Public Works Director

[Cover](#)

[Ordinance](#)

POTENTIAL ACTION: Adoption of Ordinance #2018-07-07

- b. Comprehensive List of Fees & Charges Amendment - Electric Meter Rates
Presenter: Nancy Medlin, Deputy Town Manager

[Cover](#)

[List of Fees & Charges AMENDED](#)

[Ordinance](#)

POTENTIAL ACTION: Adoption of Ordinance #2018-07-08

9. STAFF REPORTS

- a. Town Manager
b. Town Clerk
c. Town Attorney
d. Other Staff
 • Police Vehicle Design Update
 Presenter: Blair Myhand, Police Chief

[Police Vehicle Design](#)

10. OTHER BUSINESS

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

11. ADJOURNMENT



Town of Clayton
Regular Town Council Meeting Minutes
Monday, June 18, 2018 @ 6:00 PM
Council Chambers

COUNCIL PRESENT:

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

STAFF PRESENT:

Adam Lindsay, Town Manager
Nancy Medlin, Deputy Town Manager
Katherine Ross, Town Attorney
Kimberly Moffett, Town Clerk
Samantha Wullenwaber, Planning Director
David DeYoung, Economic & Community
Development Director
Rich Cappola, Engineering & Inspections Director
Tim Simpson, Public Works Director
Larry Bailey, Parks & Recreation Director
Robert McKie, Finance Director
Stacy Beard, Public Information Officer
John Hamlin, A/Public Information Officer

1 CALL TO ORDER

Pledge of Allegiance and Invocation

- a) Mayor McLeod called the meeting to order at 6:02 p.m. He led everyone in the Pledge of Allegiance as well as offering the Invocation.

2 ADJUSTMENT OF THE AGENDA

3 CONSENT AGENDA

- a) Draft Minutes
 - May 21, 2018 (Regular & Closed)
 - June 4, 2018
- b) Resolution to Adopt TJCOG Charter
- c) NCDOT Utility Relocation Reimbursement Agreement

ACTION: Adoption of Consent Agenda as Presented

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

4 ADMINISTRATIVE ITEMS

5 INTRODUCTIONS AND SPECIAL PRESENTATIONS

- a) Library Advisory Board Annual Update

Presenter: Stephanie Satkowiak, Board Chair

Ms. Satkowiak provided an overview of the accomplishments of the board for 2018. She stated how thrilled she was to be included during the hiring process of Ms. Garretson. She stated over the past year some of the projects the board had been part of included; culling the library collection, physical updates include paint and carpeting, children's room, an overall face lift of the library and application for an LSTA grant. She stated that moving forward the board plans to look at and address space constraints, the need for designated private study spaces, children reading time and events, concerns about common area for staff, safety concerns and in general staff needs. She stated that the library serves as the heart of downtown and helps in bringing folks into Clayton. She further stated the library is a tremendous asset to the community.

Mayor McLeod asked that all the board members who were present to stand and be acknowledged. On behalf of the entire council, he thanked them for their years of service to the library as well as their part in taking Clayton to the next level.

- b) **Recognition of Parks & Recreation Department Staff**
Presenter: Larry Bailey, Director Parks & Recreation

The Parks & Recreation staff joined Mr. Bailey. He thanked the council for the support and spoke about July being recognized as Parks & Recreation month. He spoke about the July 4th celebration and the many other events that have taken place this year to include; Special Needs Camp, Summer Camp Programs, Senior Games, Halloween Events, Special Needs Dance, Santa Workshop and Santa Calls. He shared the fact that there will be 76 basketball teams this year with 10 members per team. He shared data regarding national staffing data and the fact that the national average is 8 full time staff members for populations of 10,000, while Clayton has 8 full time staff members with a population of over 20,000. Mr. Bailey introduced and provided a brief bio of all the staff members present; Mike Beasley, Steven Brown, Amy Shearin, Lauren Lambert, Nick Rummage, Jimmy Bradley and Matt Lorion.

Mayor McLeod offered his thanks to the entire staff and presented a formal recognition to the staff.

Council Member Thompson stated he was very impressed by all the resumes of each department member and how every member of the town is touched in some way by the staff. He appreciated all the expertise within the department.

Council Member Bunn stated that most folks do not realize how much Parks and Recreation staff accomplishes. He stated they do an outstanding job and he is extremely proud.

Council Member Lawter spoke about being part of the Parks & Recreation Advisory Board prior to serving on the council and well as council liaison to the

board. He spoke about the success of the new dog park as well as the new disc golf course. He offered his sincere thanks to the staff.

Mayor Pro Tem Grannis spoke about the dedication and commitment of the parks and recreation staff being unmatched. He stated feedback he receives is consistently amazing. He offered his thanks and appreciation.

6 PUBLIC HEARINGS

- a) 2018-98-OA - Review Bodies Amendments - Chapters 32 & 155
Presenter: Samantha Wullenwaber, Planning Director

Due to a procedural error, this public hearing has been tabled to July 16, 2018.

ACTION: Tabled to July 16, 2018

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

- b) 2018-30-PDD - Steeplechase - Planned Development Rezoning
Presenter: Samantha Wullenwaber, Planning Director

Due to a procedural error, this public hearing has been tabled to July 16, 2018.

ACTION: Tabled to July 16, 2018

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

- c) 2018-31-SD - Steeplechase - Master Plan
Presenter: Samantha Wullenwaber, Planning Director

Due to a procedural error, this public hearing has been tabled to July 16, 2018.

ACTION: Tabled to July 16, 2018

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

- d) 2018-66-RZ - Spinning Mill - Rezoning
Presenter: Samantha Wullenwaber, Planning Director

Due to a procedural error, this public hearing has been tabled to July 16, 2018.

ACTION: Tabled to July 16, 2018

Motion: Mayor Pro Tem Grannis
Second: Council Member Thompson

Vote: Unanimous

- e) 2018-72-RZ - Spring Branch - Rezoning
Presenter: Samantha Wullenwaber, Planning Director

Due to a procedural error, this public hearing has been tabled to July 16, 2018.

ACTION: Tabled to July 16, 2018

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

- f) 2018-88-RZ - 330 W. Stallings Street - Rezoning
Presenter: Samantha Wullenwaber, Planning Director

Due to a procedural error, this public hearing has been tabled to July 16, 2018.

ACTION: Tabled to July 16, 2018

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

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

Due to a procedural error, this public hearing has been tabled to July 16, 2018.

ACTION: Tabled to July 16, 2018

Motion: Mayor Pro Tem Grannis
Second: Council Member Thompson

- h) System Development Fees Analysis
Presenters: Robert Chambers, Black & Veach & TOC Staff Members

Mr. Tim Simpson presented and provided a brief background regarding the analysis. He stated HB 436 directed that all municipalities collecting development fees must follow a certain set of requirements to include an analysis being conducted by a third party. This analysis has been completed by Black & Veach.

Mr. Chambers, who is with Black & Veach, provided detailed information regarding the process. He stated a required public comment period was posted for 45 days prior to this presentation and further that several meetings were held with staff to ensure compliance was met. He provided analysis details that included purpose of system development fees/impact fees. He shared information regarding different approaches to include; buy-in approach, incremental cost approach and combined systems approach. Mr. Chambers stated the approach taken for the town was the combined systems approach. He also shared information regarding capacity standard

determination to include components of calculation. It was confirmed that the new wastewater plan was included in expansion figures. Also discussed was the actual water system calculation and total related cost and how credit is to be issue. He stated a review of Impact Fees should be performed every 3 years.

Council Member Bunn asked for a chart of current rates versus those being proposed. Council Member Lawter asked about the proposed water/sewer plant and Mr. Simpson stated a contingency had been included. Mayor Pro Tem Grannis asked out meter sizes and if they would remain the same. Mr. Simpson stated the least frequently used meter size was 1.5 and further stated we do not currently collect fees based on size.

Mr. Cappola stated current fees are based on capacity and acreage and new fees would be a combination of the two. Number has some fluctuation based on lot size. Average increase would be \$1100 for a 3-4 bedroom home. He stated staff had dedicated many hours working on this project. He stated this might need to be re-visited as we work through the process.

Attorney Ross stated the staff has worked extremely hard on this process. She stated that everyone across the state must go this process. She further stated this is a very complex subject and staff had done an excellent job.

Mr. Cappola asked that a special meeting be set for June 25, 2018 to consider adoption of the written analysis of system development fees as well as ordinance setting fees.

Mayor McLeod noted this as a public hearing at 7:01. With there being no one wishing to speak, the item was turned over to council for deliberations.

ACTION: Set Special Meeting for June 25, 2018

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

7 ITEMS SCHEDULED FOR THE UPCOMING TOWN COUNCIL MEETING

8 OLD BUSINESS

- a) Code of Ordinance Amendment - Chapter 71 - Designated Commercial Vehicle Truck Routing
Presenter: David DeYoung, Economic & Community Development Director

Mr. DeYoung provided a brief update to the ordinance, regarding clarification of the penalty fee to be included in the ordinance.

Council Member Bunn asked how things were progressing. Mr. DeYoung stated he believed everything was going well. Warning tickets were being issued and a stop sign issue at Robertson is being addressed.

ACTION: Adopt Ordinance #2018-06-1A

Motion: Council Member Bunn

Second: Council Member Thompson

Vote: Unanimous

9 NEW BUSINESS

- a) Disposal of Surplus Property Valued Less than \$30,000

Presenter: Robert McKie, Finance Director

Mr. McKie presented this item regarding how the town currently disposes of surplus personal property valued at less than \$30,000. He stated the council has authority to delegate the approval of disposal of these types of item to a designee. He stated he believed authorizing the disposal via a designee would be a more effective and efficient manner.

ACTION: Placed on July 16, 2018 Consent Agenda

- b) Budget Amendments

Presenter: Robert McKie, Finance Director

- Police Special Reserve Fund
- Capital Project - ECIA Lift Station Project
- Salary Reserve Allocation
- Electric Fund
- Capital Project - CAMPO LAPP Projects
- Capital Project - Raleigh/Clayton Sewer Project
- Capital Project - Sam's Branch Phase II Interceptor
- Capital Project - Rollingwood Gravity Sewer Extension Project
- Water & Sewer Fund
- Water & Sewer Capital Reserves

Mr. McKie provided information for each budget amendment as listed above.

ACTION: Adoption of Ordinances:

2018-06-04

2018-06-05

2018-06-06

2018-06-07

2018-06-08

2018-06-09

2018-06-10

2018-06-11

2018-06-12

2018-06-13

Motion: Council Member Lawter

Second: Council Member Holder

Vote: Unanimous

- c) East Wake Sewer Study Memorandum of Understanding between City Raleigh and Clayton

Presenter: Tim Simpson, Public Works Director

Mr. Simpson provided information regarding a draft Memorandum of Understanding. He stated the City of Raleigh had reached out to Clayton, Fuquay and Johnston County to look at the needs of Eastern Wake County as well as possible partnerships. There is no cost to participate; however, based on outcome of efforts there may be a cost later.

Council Member Lawter asked if there were any strings attached that would affect us to make decisions for ourselves. Mr. Simpson stated no, there were none. Mr. Lindsay confirmed.

ACTION: Approval of Memorandum of Understanding

Motion: Council Member Lawter

Second: Council Member Holder

Vote: Unanimous

- d) 2018-79-SNA - Alternate Sign Plan - Clayton Professional Center

Presenter: Samantha Wullenwaber, Planning Director

Ms. Wullenwaber presented an Alternate Sign Plan request for the Clayton Professional Center, which is located on Highway 42. The request is for a non-residential sign and the applicant is present to answer any questions.

Staff stated the widening of Highway 42 needed to be considered and requested a new condition be added to ensure that the signage is placed far enough back off the road and to not interfere with that work. Staff recommended approval with condition just mentioned as well as those listed in staff report.

ACTION: Approval with Conditions as listed in Staff Report as well as added condition

Motion: Council Member Thompson

Second: Council Member Holder

Vote: Unanimous

- e) NCDOT Transportation Improvement Project Municipal Agreement - TIP R-3825B

Presenter: Rich Cappola, Engineering & Inspections Director

Mr. Cappola provided information regarding this agreement.

ACTION: Approval of Agreement

Motion: Council Member Thompson

Second: Council Member Holder

Vote: Unanimous

10 STAFF REPORTS

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

Stacy Beard, Public Information Officer, provided update regarding the 2018 sculpture trail. She stated the installation of new sculptures is going very well. She spoke about the amazing job that is done by our public works department. She stated many of the new sculptures are now in place and several others will be placed shortly.

11 OTHER BUSINESS

- a) Informal Discussion & Public Comment

A resident addressed the council and suggested a coat drive be considered in conjunction with a location on the sculpture trail.

- b) Council Comments

Council Member Thompson offered his thanks to everyone who attended the meeting and Mayor Pro Tem Grannis stated he was very happy to publicly acknowledge town departments and staff.

12 ADJOURNMENT

- a) With there being nothing further, the meeting was adjourned at 7:35 p.m.

ACTION: Motion to Adjourn

Motion: Council Member Thompson

Second: Mayor Pro Tem Grannis

Vote: Unanimous

Duly adopted this the 16th day of July, 2018 while in regular session.

Jody L. McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk

June 18, 2018
Minutes



**Town of Clayton
Regular Town Council Meeting Minutes
Monday, June 25, 2018 @ 6:00 PM
Council Chambers**

COUNCIL PRESENT:

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

STAFF PRESENT:

Adam Lindsay, Town Manager
Katherine Ross, Town Attorney
Kimberly Moffett, Town Clerk
Tim Simpson, Public Works Director
Rich Cappola, Engineering & Inspections Director

COUNCIL ABSENT:

Council Member Lawter
Council Member Holder

1 CALL TO ORDER

Pledge of Allegiance and Invocation

- a) Mayor McLeod called the meeting to order at 4:32 p.m. He led everyone in the Pledge of Allegiance and offered the Invocation.

2 OLD BUSINESS

- a) System Development Fees

Mr. Tim Simpson, Public Works Director presented. He stated an analysis was required to be completed by a third party. This was done and the analysis was presented to council. Council was requested to adopt an ordinance which accepted the prepared analysis and allowed for implementation of System Development Fees as included in the ordinance.

Mayor Pro Tem Grannis asked for confirmation that the fees as listed in the ordinance were the same as those presented during the analysis. Mr. Simpson indicated they were.

ACTION: Adoption of Ordinance #2018-06-14

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

3 ADJOURNMENT

- a) With there being nothing further the meeting was adjourned at 4:35 p.m.

ACTION: Adjourn the Meeting

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

Duly adopted this the 16th day of July, 2018 while in regular session.

Jody L. McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk

June 25, 2018
Minutes

**AN ORDINANCE PRESCRIBING PROCEDURES
FOR DISPOSING OF
PERSONAL PROPERTY VALUED AT LESS THAN \$30,000**

BE IT ORDAINED by the Town Council of the Town of Clayton, North Carolina:

Section 1. The Finance Director or his or her designee is hereby authorized to dispose of any surplus personal property owned by the Town of Clayton, whenever he or she determines, in his or her discretion, that:

- (a) the item or group of items has a fair market value of less than thirty thousand dollars (\$30,000.00);
- (b) the property is no longer necessary for the conduct of public business; and,
- (c) sound property management principles and financial considerations indicate that the interests of the Town of Clayton would best be served by disposing of the property.

Section 2. The Finance Director or his or her designee may dispose of any such surplus personal property by any means which he or she judges reasonably calculated to yield the highest attainable sale price in money or other consideration, including but not limited to the methods of sale provided in Article 12 of N.C. Gen. Stat. Chapter 160A. Such sale may be public or private, and with or without notice and minimum waiting period.

Section 3. The surplus property shall be sold to the party who tenders the highest offer, or exchanged for any property or services useful to the Town of Clayton if greater value may be obtained in that manner, and the Finance Director or his or her designee is hereby authorized to execute and deliver any applicable title documents. If no offers are received within a reasonable time, the Finance Director or his or her designee may retain the property, obtain any reasonably available salvage value, or cause it to be discarded. No surplus property may be donated to any individual or organization except by resolution of the Town Council.

Section 4. The Finance Director or his or her designee shall keep a record of all property sold under authority of this Ordinance and that record shall

generally describe the property sold or exchanged, to whom it was sold or with whom exchanged, and the amount of money or other consideration received for each sale or exchange.

Section 5. This Ordinance is enacted pursuant to the provisions of N.C. Gen. Stat. § 160A-266(c).

Section 6. This Ordinance shall become effective upon adoption.

Duly adopted this the 16th day of July, 2018 while in regular session.

Jody L. McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk

Approved as to Form:

Town Attorney



Town Council Agenda Cover Sheet

Meeting Date

July 16 2018

Agenda Location

Public Hearings

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

Staff Report

Ch. 32 Clean Copy

Ch. 32 Strikethrough Copy

Ch. 155 Clean Copy

Ch. 155 Strikethrough Copy

Newspaper Ad

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

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

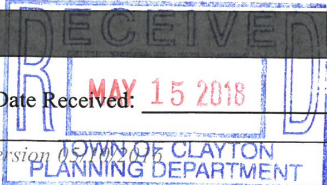
Fax: _____

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		
	Amount Paid: <u>N/A - Town initiated</u>	File Number: <u>2018-98-0A</u>
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.

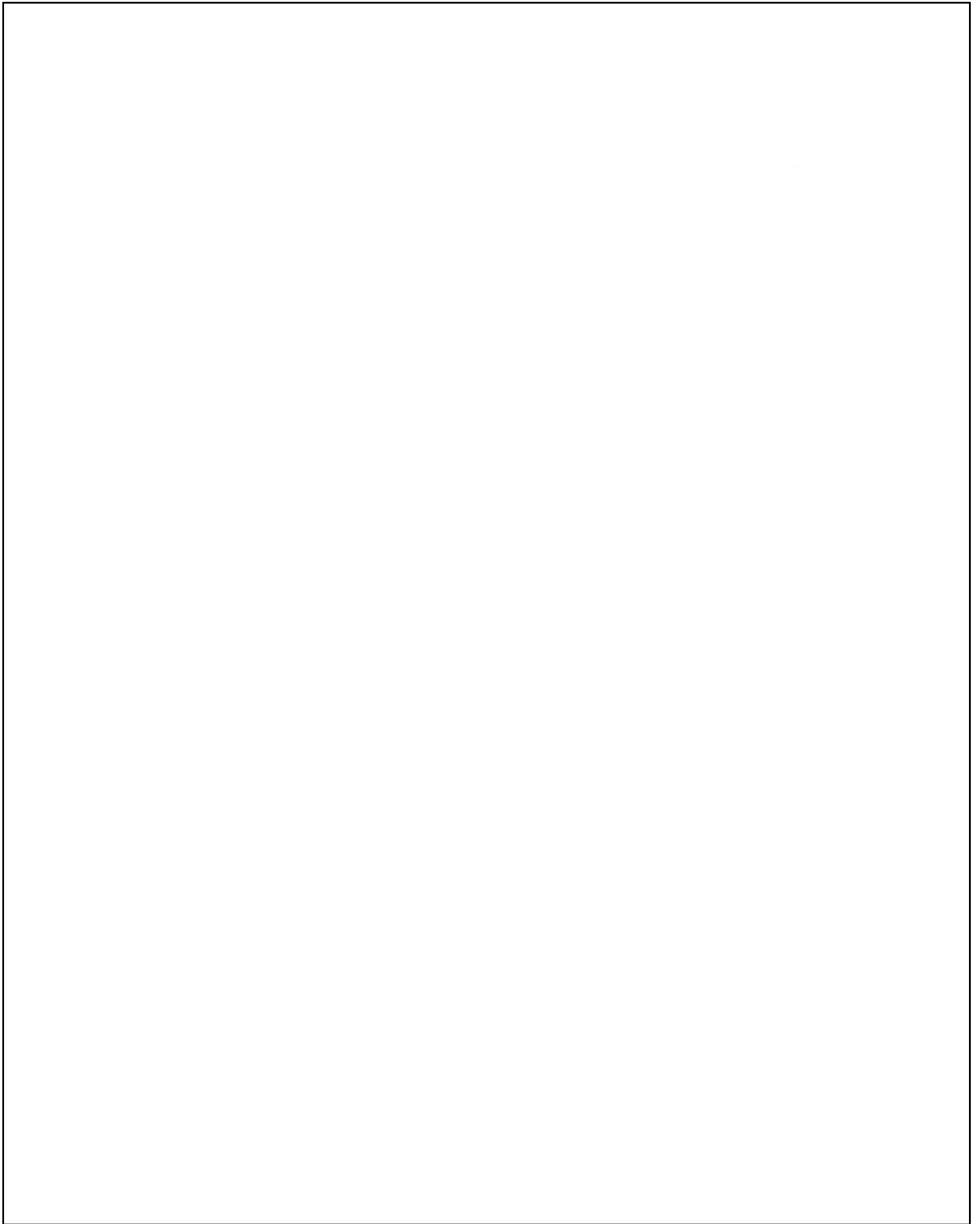
APPLICANT AFFIDAVIT

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

*Town Council
July 16, 2018*

STAFF REPORT

Application Number: 2018-98-OA 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
 - 32.078 – Planning Board
 - 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 beneficial in

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reducing the number of people, administrative work hours, creating uniform procedural compliance 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~~ August 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)

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§ 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)

Commented [SW2]: Per Merrick Parrot- already have established for planning board and do not need anymore.

§ 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).~~

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

FIRE DEPARTMENT

§ 32.040 ESTABLISHMENT AND DUTIES OF FIRE CHIEF

- (A) *Establishment.* The Chief of the Fire Department shall be appointed by the Town Manager and shall be subjected to the supervision of the Town Manager.
- (B) *Duties.* It shall be the duty of the Chief of the Fire Department to:
- (1) Supervise and direct the extinguishing of fires.
 - (2) Preserve, maintain, and account for all equipment of the Fire Department.
 - (3) Enforce all rules and ordinances relative to fire prevention.
 - (4) Inspect all premises for compliance with applicable codes.
 - (5) Perform such other duties as may be assigned to him by the Town Manager, as a provision of this Code, other ordinances of the town or state law.

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('71 Code, § 7-33) (Ord. 99-01-02, passed 1-19-99)

Statutory reference:

Municipal fire departments, see G.S. § 160A-291 et seq.

§ 32.041 RIGHT TO ENTER BUILDINGS.

The Fire Chief shall have the right to enter all buildings and premises at reasonable hours and with notice for the purpose of making inspection.
(‘71 Code, § 7-34) (Ord. passed 4-1-73; Amend. adopted 5-4-92; Am. Ord. 99-01-02, passed 1-19-99)

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§ 32.042 STANDARD PROCEDURES.

The activities and procedures of the Department shall be guided by the adopted policies of the town and such administrative rules and procedures as established by the Fire Chief and the Town Manager.

(‘71 Code, § 7-34) (Ord. passed 4-1-73; Am. Ord. 99-01-02, passed 1-19-99)

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§ 32.043 MEMBERSHIP.

(A) *General members.* Membership in the town Volunteer Fire Department shall be in accordance with and subject to the rules and procedures established by the Fire Chief.

(B) *Officers.* In addition to the Chief, the Department shall be composed of additional officer positions as adopted by the Town Council upon recommendation by the Fire Chief and Town Manager. Selection of Department officers shall be based on the rules and procedures established by the Fire Chief and the Town Manager.

(‘71 Code, § 7-35) (Ord. 99-01-02, passed 1-19-99)

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§ 32.044 COMMAND AT FIRE SCENE; ASSISTANCE AT FIRES.

- (A) The Fire Chief or, in his absence, the Assistant Fire Chief, upon arriving at the scene of fire shall command the Fire Department until arrival of his superior. All orders shall be promptly obeyed; any willful violation of any order given by the Fire Chief or any other officer of the Fire Department shall be unlawful. (‘71 Code, § 7-36)
- (B) The Fire Chief, or the officer in control at a fire, shall have authority to establish a limit around the fire and forbid people from entering within the limits. No person shall wrongfully intrude within the limits as defined by the Fire Chief, or otherwise interfere in any way with the work of the Fire Department at any fire, or in any way disobey the Fire Chief at any fire. (‘71 Code, § 7-37)
- (C) The Mayor, or the Fire Chief, shall be fully authorized, whenever either shall find it may be necessary for the protection of the property at any fire, to appoint such number

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of persons as is proper to remove and guard the property exposed to danger. The owners of the property so guarded shall bear the expense for this protection or removal.

- (D) The Fire Chief, or the officer in charge, shall during the progress of a fire have the authority to summon any bystanders to duty in case of an emergency requiring more work than the organized Fire Department is capable of doing.

('71 Code, § 7-38)

(Ord. passed 4-1-73) Penalty, see § [10.99](#)

LIBRARY BOARD

§ 32.060 ESTABLISHMENT.

- (A) *Establishment.* There is hereby established a Library Board of Trustees to be known as the Library Board.
- (B) *Purpose.* The Library Board shall serve as an advisory body for the Library Department and the town. The Board shall serve as a liaison between the Library Department, Town Manager, Town Council, and citizens of the community. The Board shall consult with and advise the Library Director, Town Manager, Deputy Town Manager and Town Council in matters affecting library policies, programs, finances, and related issues.
- (C) *Charges.*
- (1) Recommend to the Library Director programs, policies, capital projects, library facility changes, and regulations for the operation of the library;
 - (2) Advise the Town Manager and Deputy Town Manager concerning the appointment of a Library Director;
 - (3) The Library Director will receive recommendations from the Board in the preparation of the annual budget of the library. The Library Director will provide an overview of the adopted budget to the Board; and
 - (4) Advise the town administration on library matters generally.
- (D) *Members.*
- (1) *Appointment.* The Library Board shall consist of ten members appointed by the Town Council. Seven members shall be chosen from within the corporate limits of the town and three from within the extra-territorial jurisdiction (ETJ). Prerequisite for appointment is all members have a library card.
 - (2) *Ex officio member.* The Town Council shall appoint a member to serve as an ex officio member and will serve concurrently with his term of office. The ex officio member will not have a vote on items coming before the Library Board.

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- (3) *Length of appointment.* A term for a three year appointment begins January 1 and expires December 31. Appointments that are vacated shall be filled by the Town Council for the completion of the unexpired term.
- (4) *Attendance of members.* An appointed member who, with no excuse, misses more than three consecutive regular meetings or a total of four such meetings during the year may lose his status as a member of the Board until reappointed or replaced by the Town Council. Absences to be excused should be reported to the Chair. Absences due to sickness, deaths or other emergencies of like nature shall be regarded as approved absences and shall not affect the member's status on the Board except in the event of a long illness or other prolonged absence or a total of four misses, when a member may be replaced. Following three consecutive unexcused absences or a total of four excused absences during the year of one of its members, the Chair shall request the Town Council to declare the seat vacant and bring the Library Board back to full membership.

(E) *Meetings.*

- (1) As a public body, the Library Board shall hold monthly meetings, and all of its meetings shall be open to the public (G.S. § 143-318.10).
 - (a) The meeting schedule is to be adopted before the end of the calendar year and filed with the Town Clerk and posted on the Town of Clayton website. (G.S. § 143-318.12).
 - (b) If the Board needs to amend its calendar, it must do so at least 48 hours before the meeting.
- (2) The election of officers for the ensuing year shall take place at the regular Library Board meeting in January of each year. In the event an officer's appointment to the Library Board is terminated, a replacement to this office shall be elected by the Board from its membership at the meeting following the termination. Officers:
 - (a) *Chair.* Facilitate the meetings of the Library Board with a published agenda.
 - (b) *Vice Chair.* In the absence of the Chair, the Vice-Chair will facilitate the meeting of the Library Board with a published agenda.
 - (c) *Recorder.* Record and transcribe the attendance and the minutes of the official meetings of the Library Board.
 - 1. In accordance with G.S. § 143-318.10(e), the Library Board shall keep full and accurate minutes of all official meetings.
 - 2. Minutes are to include the date, time and place of the meeting, members present and absent, a summary of points discussed, motions of the Board, and adjournment.
- (3) Officers shall be elected for one year terms with eligibility for re-election up to three consecutive terms. Mid-year replacement of officers shall serve for the period remaining in that term. New officers shall take office at the first meeting following the regular January meeting.
- (4) In collaboration with the State Library of North Carolina, the Library Director shall complete the annual report on library operations (G.S. § 153A-266) to the

Town of Clayton and an annual report to the Department of Cultural Resources as required by G.S. § 125-5. The Library Director will provide an overview of the report to the Board.

- (5) Special meetings may be called by the Chair, Vice-Chair, or three or more members of the Board. In accordance with G.S. § 143-318.12, a written notice of the meeting stating its purpose is to be posted on the principal bulletin board or door of its usual meeting room; and mailed, emailed, or delivered to each media or individual requesting notice; and it must be posted on the town website prior to the scheduled meeting time.
- (6) A quorum shall consist of a simple majority of the total membership of the Library Board. A quorum of the Library Board shall be in attendance before action of an official nature can be taken.

(F) *Committees.* The Chair shall have the authority, subject to the approval of the Library Board, to appoint such committees as may be deemed desirable to complete the work of the Board. Committees may be composed of Board members, library staff members, and perhaps others. No committee, either standing or special, can be given power to act for the Board; rather the committee investigates a particular matter and makes recommendations to the full Board. Committees will adhere to the open meetings and public records laws as followed by the Board.

(Adopted 10-2-89; Am. adopted 2-4-91; Am. Ord. 2012-12-01, passed 12-3-12; Am. Ord. 2013-03-01, passed 3-4-13; Am. Ord. 2014-10-03, passed 10-6-14; Am. Ord. 2015-12-01, passed 12-7-15; Am. Ord. 2017-08-06, passed 8-7-17)

PLANNING BOARD

§ 32.075 MEMBERS; TERMS; VACANCIES.

- (A) The Planning Board shall consist of nine regular members. Five of the regular members shall be citizens and residents of the town, and four shall be residents of the county who reside in the Town's Extraterritorial Jurisdiction (ETJ). The Town Council shall appoint all members who reside within the Town's corporate limits. All members residing outside the corporate limits but within the Town's ETJ shall be recommended for approval by the County Board of County Commissioners. In the event the County Board of County Commissioners fails to make the requested appointments within 90 days of receipt of the request, the Town Council shall make the appointments.
- (B) Members shall be appointed for three year terms. Vacancies occurring for reasons other than expiration of terms shall be filled for the unexpired term only, by the legislative body responsible for original appointment.

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- (C) 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.

('71 Code, § 2-151) (Ord. passed 11-6-72; Am. Ord. passed 11-2-92; Am. Ord. passed 1-23-95; Am. Ord. passed 11-4-96; Am. Ord. 2003-07-01, passed 7-21-03; Am. Ord. 2008-06-04, passed 6-16-08; Am. Ord. 2011-12-01, passed 12-5-11; Am. Ord. 2016-11-01, passed 11-7-16)

§ 32.076 OFFICERS; RULES; RECORDS.

- (A) Within 30 days after appointment, the Planning Board shall meet and elect a Chairperson and create and fill those offices as it may determine. The term of the Chairperson and other officers shall be one year, with eligibility for re-election. Elections shall be held at the January meeting each year.
- (B) The Planning Board shall adopt rules for transaction of business and shall keep a record of its members' attendance, and its resolutions, discussions, findings, and recommendations, which record shall be a public record.

('71 Code, § 2-152) (Ord. passed 11-6-72; Am. Ord. passed 11-4-96)

§ 32.077 MEETINGS; QUORUM.

- (A) The Planning Board shall hold at least one meeting monthly, and all of its meetings shall be open to the public.
- (B) A quorum shall consist of five members.

('71 Code, § 2-152) (Ord. passed 11-6-72; Am. Ord. passed 1-23-95; Am. Ord. passed 11-4-96; Am. Ord. 98-01-02, passed 1-20-98; Am. Ord. 2003-07-01, passed 7-21-03; Am. Ord. 2008-06-04, passed 6-16-08; Am. Ord. 2016-11-01, passed 11-7-16)

§ 32.078 POWERS AND DUTIES.

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- (A) The Planning Board shall review and/or make recommendations on studies of present and future development of the Town and its ETJ. These studies may include, but shall not be limited to, land use surveys; population studies; economic studies; school, park, and recreation studies; traffic and parking studies; urban renewal studies, housing and market analysis, and annexation studies.
- (B) The Planning Board shall review and make recommendations on the Town's Comprehensive Plan to the Town Council. The purpose of the Comprehensive Plan is to establish a vision of the future with long range goals, objectives and strategies to manage growth and guide the future actions of the Town. The Comprehensive Plan consists of a number of elements which may include, but is not be limited to land use, downtown development, economic development, recreation and open space, housing, mobility, utilities, intergovernmental coordination, natural resources, and arts and culture.
- (C) The Planning Board shall review and make recommendations to the Town Council on certain matters pertaining to zoning and subdivision of land in accordance with §155.700(B). The Planning Board shall have final approval authority over major site plans, except those associated with a Special Use Permit application.
- (D) The Planning Board shall not make a recommendation that requires Town Council approval unless the applicant (or a representative of the applicant knowledgeable about the applicant's proposal) is present at the meeting and answers the Board's and staffs questions about the applicant's proposal, except by a unanimous vote of the Board members present.
1. (E) The Planning Board shall perform any other related duties assigned or directed by Town Council.

('71 Code, § 2-154) (Ord. passed 11-6-72; Am. Ord. passed 1-16-01; Am. Ord. 2006-10-02, passed 10-17-06; Am. Ord. 2016-11-01, passed 11-7-16)

Statutory reference:

Duties of planning agency, see G.S. § 160A-361

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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);
- ~~(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

(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 requests 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.

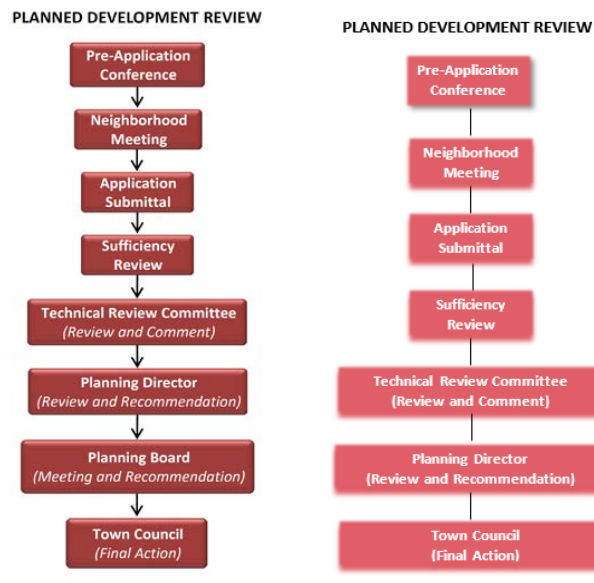
(L) **TIME LAPSE BETWEEN SIMILAR APPLICATIONS**

- (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



(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-Town Council.

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~~(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~~disapprove 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.

(K)(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.

(K)(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.

~~(M)~~(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

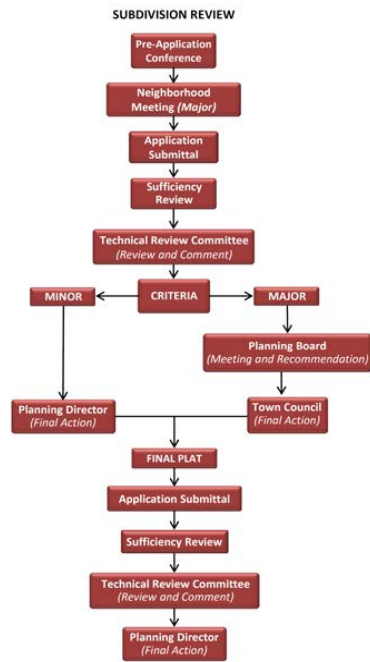
(A) **APPLICABILITY**

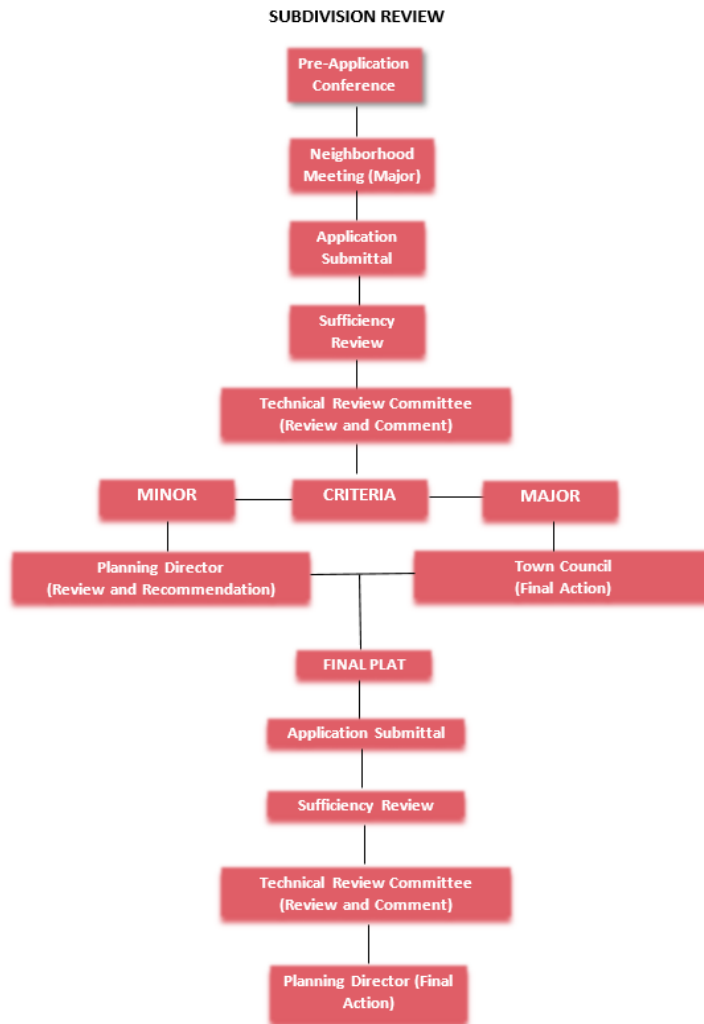
Subdivision approval shall be required before the division of land (for any purpose) into two or more parcels, except as expressly exempted below.

(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.

(b)(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 (I) of this section have been fulfilled and after all other specified conditions have been met.

~~(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;

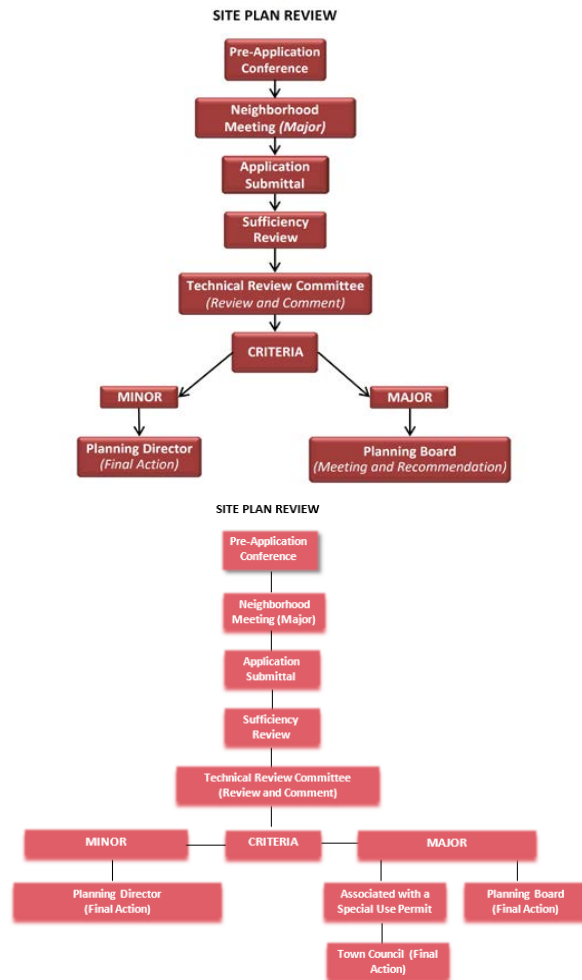
- (c) All the metes and bounds boundaries of the affected lots are shown;
- (d) All lot boundaries changed or eliminated by requested combination are indicated by dashed lines;
- (e) The title block contains the word "recombination";
- (f) Structures on the affected lots are shown and the requested recombination 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**oard of **A**djustment 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 other than those associated with special use permits, conditional use permits~~ (see § 155.710);

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~~The Town Council shall be responsible for approval of all major site plans associated with 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. 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- 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

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- (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 ~~Planning Director, and Planning Board, and Town Council~~ shall consider the following:

- (1) Consistency with the adopted plans and policies 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**

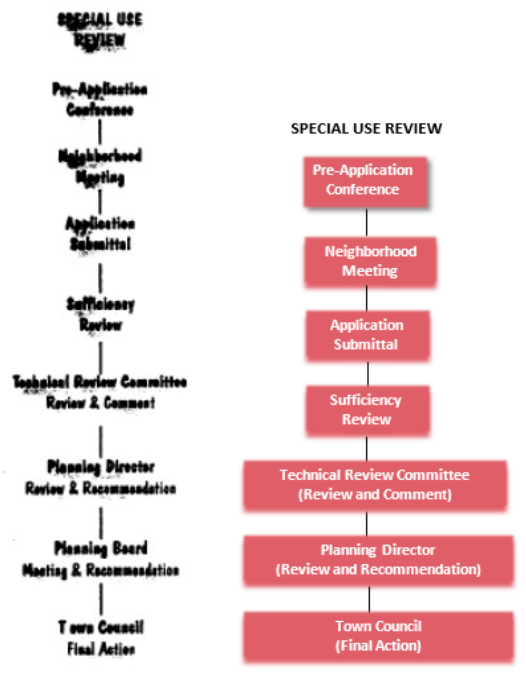
Applications for Variances may be submitted concurrently with a request for a Conditional Use Permit. However, decisions shall be rendered with separate motions. The Conditional Use Permit request shall be considered first , and where it is denied, the variance request shall be null and void.

(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.

- (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~~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~~ **Technical Review Committee** for additional consideration. ~~for additional consideration.~~

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~~(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.

(K)(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.

~~(M)~~(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.

~~(O)~~(N) **REVOCAION 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.

~~(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)

PUBLIC NOTICE

In accordance with NC GS 160A-364, the Clayton Town Council will hold a public hearing on July 16, 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, July 6, 2018
Friday, July 13, 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 OF CLAYTON

Amendment to the Code of Ordinance; Chapter 32 and Chapter 155; Section 7

BEING HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON, NORTH CAROLINA to amend Chapter 32 and Chapter 155, Section 7 with the following:

CHAPTER 32

Building Inspection Department

32.001 Establishment; duties

Board of Adjustment

32.010 Establishment

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

- (A) ***Establishment.*** Effective August 1, 2018, the Town abolishes the previously established Board of Adjustment and designates the Town Planning Board established under Chapter 32.075 to 32.078 to perform the duties of a Board of Adjustment. The term “Board of Adjustment” when used in this chapter shall be construed to mean the Planning Board.

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

FIRE DEPARTMENT

§ 32.040 ESTABLISHMENT AND DUTIES OF FIRE CHIEF

- (A) ***Establishment.*** The Chief of the Fire Department shall be appointed by the Town Manager and shall be subjected to the supervision of the Town Manager.
- (B) ***Duties.*** It shall be the duty of the Chief of the Fire Department to:
- (1) Supervise and direct the extinguishing of fires.
 - (2) Preserve, maintain, and account for all equipment of the Fire Department.
 - (3) Enforce all rules and ordinances relative to fire prevention.
 - (4) Inspect all premises for compliance with applicable codes.
 - (5) Perform such other duties as may be assigned to him by the Town Manager, as a provision of this Code, other ordinances of the town or state law.

('71 Code, § 7-33) (Ord. 99-01-02, passed 1-19-99)

Statutory reference:

Municipal fire departments, see G.S. § 160A-291 et seq.

§ 32.041 RIGHT TO ENTER BUILDINGS.

The Fire Chief shall have the right to enter all buildings and premises at reasonable hours and with notice for the purpose of making inspection.

('71 Code, § 7-34) (Ord. passed 4-1-73; Amend. adopted 5-4-92; Am. Ord. 99-01-02, passed 1-19-99)

§ 32.042 STANDARD PROCEDURES.

The activities and procedures of the Department shall be guided by the adopted policies of the town and such administrative rules and procedures as established by the Fire Chief and the Town Manager.

('71 Code, § 7-34) (Ord. passed 4-1-73; Am. Ord. 99-01-02, passed 1-19-99)

§ 32.043 MEMBERSHIP.

(A) *General members.* Membership in the town Volunteer Fire Department shall be in accordance with and subject to the rules and procedures established by the Fire Chief.

(B) *Officers.* In addition to the Chief, the Department shall be composed of additional officer positions as adopted by the Town Council upon recommendation by the Fire Chief and Town Manager. Selection of Department officers shall be based on the rules and procedures established by the Fire Chief and the Town Manager.

('71 Code, § 7-35) (Ord. 99-01-02, passed 1-19-99)

§ 32.044 COMMAND AT FIRE SCENE; ASSISTANCE AT FIRES.

- (A) The Fire Chief or, in his absence, the Assistant Fire Chief, upon arriving at the scene of fire shall command the Fire Department until arrival of his superior. All orders shall be promptly obeyed; any willful violation of any order given by the Fire Chief or any other officer of the Fire Department shall be unlawful. ('71 Code, § 7-36)
- (B) The Fire Chief, or the officer in control at a fire, shall have authority to establish a limit around the fire and forbid people from entering within the limits. No person shall wrongfully intrude within the limits as defined by the Fire Chief, or otherwise interfere in any way with the work of the Fire Department at any fire, or in any way disobey the Fire Chief at any fire. ('71 Code, § 7-37)
- (C) The Mayor, or the Fire Chief, shall be fully authorized, whenever either shall find it may be necessary for the protection of the property at any fire, to appoint such number

of persons as is proper to remove and guard the property exposed to danger. The owners of the property so guarded shall bear the expense for this protection or removal.

- (D) The Fire Chief, or the officer in charge, shall during the progress of a fire have the authority to summon any bystanders to duty in case of an emergency requiring more work than the organized Fire Department is capable of doing.

('71 Code, § 7-38)

(Ord. passed 4-1-73) Penalty, see § [10.99](#)

LIBRARY BOARD

§ 32.060 ESTABLISHMENT.

- (A) *Establishment.* There is hereby established a Library Board of Trustees to be known as the Library Board.
- (B) *Purpose.* The Library Board shall serve as an advisory body for the Library Department and the town. The Board shall serve as a liaison between the Library Department, Town Manager, Town Council, and citizens of the community. The Board shall consult with and advise the Library Director, Town Manager, Deputy Town Manager and Town Council in matters affecting library policies, programs, finances, and related issues.
- (C) *Charges.*
- (1) Recommend to the Library Director programs, policies, capital projects, library facility changes, and regulations for the operation of the library;
 - (2) Advise the Town Manager and Deputy Town Manager concerning the appointment of a Library Director;
 - (3) The Library Director will receive recommendations from the Board in the preparation of the annual budget of the library. The Library Director will provide an overview of the adopted budget to the Board; and
 - (4) Advise the town administration on library matters generally.
- (D) *Members.*
- (1) *Appointment.* The Library Board shall consist of ten members appointed by the Town Council. Seven members shall be chosen from within the corporate limits of the town and three from within the extra-territorial jurisdiction (ETJ). Prerequisite for appointment is all members have a library card.
 - (2) *Ex officio member.* The Town Council shall appoint a member to serve as an ex officio member and will serve concurrently with his term of office. The ex officio member will not have a vote on items coming before the Library Board.

- (3) *Length of appointment.* A term for a three year appointment begins January 1 and expires December 31. Appointments that are vacated shall be filled by the Town Council for the completion of the unexpired term.
- (4) *Attendance of members.* An appointed member who, with no excuse, misses more than three consecutive regular meetings or a total of four such meetings during the year may lose his status as a member of the Board until reappointed or replaced by the Town Council. Absences to be excused should be reported to the Chair. Absences due to sickness, deaths or other emergencies of like nature shall be regarded as approved absences and shall not affect the member's status on the Board except in the event of a long illness or other prolonged absence or a total of four misses, when a member may be replaced. Following three consecutive unexcused absences or a total of four excused absences during the year of one of its members, the Chair shall request the Town Council to declare the seat vacant and bring the Library Board back to full membership.

(E) *Meetings.*

- (1) As a public body, the Library Board shall hold monthly meetings, and all of its meetings shall be open to the public (G.S. § 143-318.10).
 - (a) The meeting schedule is to be adopted before the end of the calendar year and filed with the Town Clerk and posted on the Town of Clayton website. (G.S. § 143-318.12).
 - (b) If the Board needs to amend its calendar, it must do so at least 48 hours before the meeting.
- (2) The election of officers for the ensuing year shall take place at the regular Library Board meeting in January of each year. In the event an officer's appointment to the Library Board is terminated, a replacement to this office shall be elected by the Board from its membership at the meeting following the termination. Officers:
 - (a) *Chair.* Facilitate the meetings of the Library Board with a published agenda.
 - (b) *Vice Chair.* In the absence of the Chair, the Vice-Chair will facilitate the meeting of the Library Board with a published agenda.
 - (c) *Recorder.* Record and transcribe the attendance and the minutes of the official meetings of the Library Board.
 - 1. In accordance with G.S. § 143-318.10(e), the Library Board shall keep full and accurate minutes of all official meetings.
 - 2. Minutes are to include the date, time and place of the meeting, members present and absent, a summary of points discussed, motions of the Board, and adjournment.
- (3) Officers shall be elected for one year terms with eligibility for re-election up to three consecutive terms. Mid-year replacement of officers shall serve for the period remaining in that term. New officers shall take office at the first meeting following the regular January meeting.
- (4) In collaboration with the State Library of North Carolina, the Library Director shall complete the annual report on library operations (G.S. § 153A-266) to the

Town of Clayton and an annual report to the Department of Cultural Resources as required by G.S. § 125-5. The Library Director will provide an overview of the report to the Board.

- (5) Special meetings may be called by the Chair, Vice-Chair, or three or more members of the Board. In accordance with G.S. § 143-318.12, a written notice of the meeting stating its purpose is to be posted on the principal bulletin board or door of its usual meeting room; and mailed, emailed, or delivered to each media or individual requesting notice; and it must be posted on the town website prior to the scheduled meeting time.
- (6) A quorum shall consist of a simple majority of the total membership of the Library Board. A quorum of the Library Board shall be in attendance before action of an official nature can be taken.

- (F) *Committees.* The Chair shall have the authority, subject to the approval of the Library Board, to appoint such committees as may be deemed desirable to complete the work of the Board. Committees may be composed of Board members, library staff members, and perhaps others. No committee, either standing or special, can be given power to act for the Board; rather the committee investigates a particular matter and makes recommendations to the full Board. Committees will adhere to the open meetings and public records laws as followed by the Board.

(Adopted 10-2-89; Am. adopted 2-4-91; Am. Ord. 2012-12-01, passed 12-3-12; Am. Ord. 2013-03-01, passed 3-4-13; Am. Ord. 2014-10-03, passed 10-6-14; Am. Ord. 2015-12-01, passed 12-7-15; Am. Ord. 2017-08-06, passed 8-7-17)

PLANNING BOARD

§ 32.075 MEMBERS; TERMS; VACANCIES.

- (A) The Planning Board shall consist of nine regular members. Five of the regular members shall be citizens and residents of the town, and four shall be residents of the county who reside in the Town's Extraterritorial Jurisdiction (ETJ). The Town Council shall appoint all members who reside within the Town's corporate limits. All members residing outside the corporate limits but within the Town's ETJ shall be recommended for approval by the County Board of County Commissioners. In the event the County Board of County Commissioners fails to make the requested appointments within 90 days of receipt of the request, the Town Council shall make the appointments.
- (B) Members shall be appointed for three year terms. Vacancies occurring for reasons other than expiration of terms shall be filled for the unexpired term only, by the legislative body responsible for original appointment.

- (C) 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.

('71 Code, § 2-151) (Ord. passed 11-6-72; Am. Ord. passed 11-2-92; Am. Ord. passed 1-23-95; Am. Ord. passed 11-4-96; Am. Ord. 2003-07-01, passed 7-21-03; Am. Ord. 2008-06-04, passed 6-16-08; Am. Ord. 2011-12-01, passed 12-5-11; Am. Ord. 2016-11-01, passed 11-7-16)

§ 32.076 OFFICERS; RULES; RECORDS.

- (A) Within 30 days after appointment, the Planning Board shall meet and elect a Chairperson and create and fill those offices as it may determine. The term of the Chairperson and other officers shall be one year, with eligibility for re-election. Elections shall be held at the January meeting each year.
- (B) The Planning Board shall adopt rules for transaction of business and shall keep a record of its members' attendance, and its resolutions, discussions, findings, and recommendations, which record shall be a public record.

('71 Code, § 2-152) (Ord. passed 11-6-72; Am. Ord. passed 11-4-96)

§ 32.077 MEETINGS; QUORUM.

- (A) The Planning Board shall hold at least one meeting monthly, and all of its meetings shall be open to the public.
- (B) A quorum shall consist of five members.

('71 Code, § 2-152) (Ord. passed 11-6-72; Am. Ord. passed 1-23-95; Am. Ord. passed 11-4-96; Am. Ord. 98-01-02, passed 1-20-98; Am. Ord. 2003-07-01, passed 7-21-03; Am. Ord. 2008-06-04, passed 6-16-08; Am. Ord. 2016-11-01, passed 11-7-16)

§ 32.078 POWERS AND DUTIES.

- (A) The Planning Board shall review and/or make recommendations on studies of present and future development of the Town and its ETJ. These studies may include, but shall not be limited to, land use surveys; population studies; economic studies; school, park, and recreation studies; traffic and parking studies; urban renewal studies, housing and market analysis, and annexation studies.
- (B) The Planning Board shall review and make recommendations on the Town's Comprehensive Plan to the Town Council. The purpose of the Comprehensive Plan is to establish a vision of the future with long range goals, objectives and strategies to manage growth and guide the future actions of the Town. The Comprehensive Plan consists of a number of elements which may include, but is not be limited to land use, downtown development, economic development, recreation and open space, housing, mobility, utilities, intergovernmental coordination, natural resources, and arts and culture.
- (C) The Planning Board shall review and make recommendations to the Town Council on certain matters pertaining to zoning and subdivision of land in accordance with §155.700(B). The Planning Board shall have final approval authority over major site plans, except those associated with a Special Use Permit application.
- (D) The Planning Board shall not make a recommendation that requires Town Council approval unless the applicant (or a representative of the applicant knowledgeable about the applicant's proposal) is present at the meeting and answers the Board's and staffs questions about the applicant's proposal, except by a unanimous vote of the Board members present.
- (E) The Planning Board shall perform any other related duties assigned or directed by Town Council.

('71 Code, § 2-154) (Ord. passed 11-6-72; Am. Ord. passed 1-16-01; Am. Ord. 2006-10-02, passed 10-17-06; Am. Ord. 2016-11-01, passed 11-7-16)

Statutory reference:

Duties of planning agency, see G.S. § 160A-361

CHAPTER 155; Section 7

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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) Major Site Plan Review, associated with a Special Use Permit (§ 155.707);
- (f) Special Use Review (§ 155.711);
- (g) Zoning Vested Rights (§ 155.718); and
- (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);

(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 and

2. Alternative means of compliance in the Thoroughfare Overlay District.
3. Conditional Use Review (§ 155.710);
4. Variances (§ 155.716); and
5. Administrative Appeals (§ 155.717).

(C) **BOARD OF ADJUSTMENT**

(1) **Establishment**

Effective August 1, 2018, the Town abolishes the previously established Board of Adjustment and designates the Town Planning Board established under Chapter 32.075 to 32.078 to perform the duties of a Board of Adjustment. The term “Board of Adjustment” when used in this chapter shall be construed to mean the Planning Board.

(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		Planning Board PB	Town Council TC	
Text Amendment		Review		Review	<DECISION>	§ 155.703
Rezoning		Review		Review	<DECISION>	§ 155.704
Planned Development	Review	Review			<DECISION>	§ 155.705
Minor Subdivision Plat	Review	DECISION				§ 155.706
Preliminary Plat	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
Zoning Permit		DECISION				§ 155.709
Conditional Use		Review		<DECISION>		§ 155.710
Special Use		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.**

(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

	Planning Board PB	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.

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**

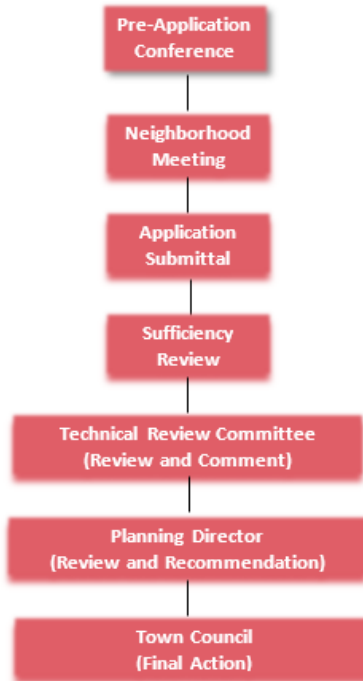
- (1) In the event of a withdrawal of an application during Town Council review on the merits, no application may be filed requesting the rezoning of any parcel contained in the withdrawn application prior to the expiration of a minimum period of six months from the withdrawal of the application. Where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

(H) **ACTION BY TOWN COUNCIL**

- (1) Before taking action on a planned development rezoning, the Town Council shall consider the recommendation of the Planning Director.
- (2) The Town Council may approve or disapprove the Planned Development rezoning

- (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) **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) **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.

(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.

(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.

(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

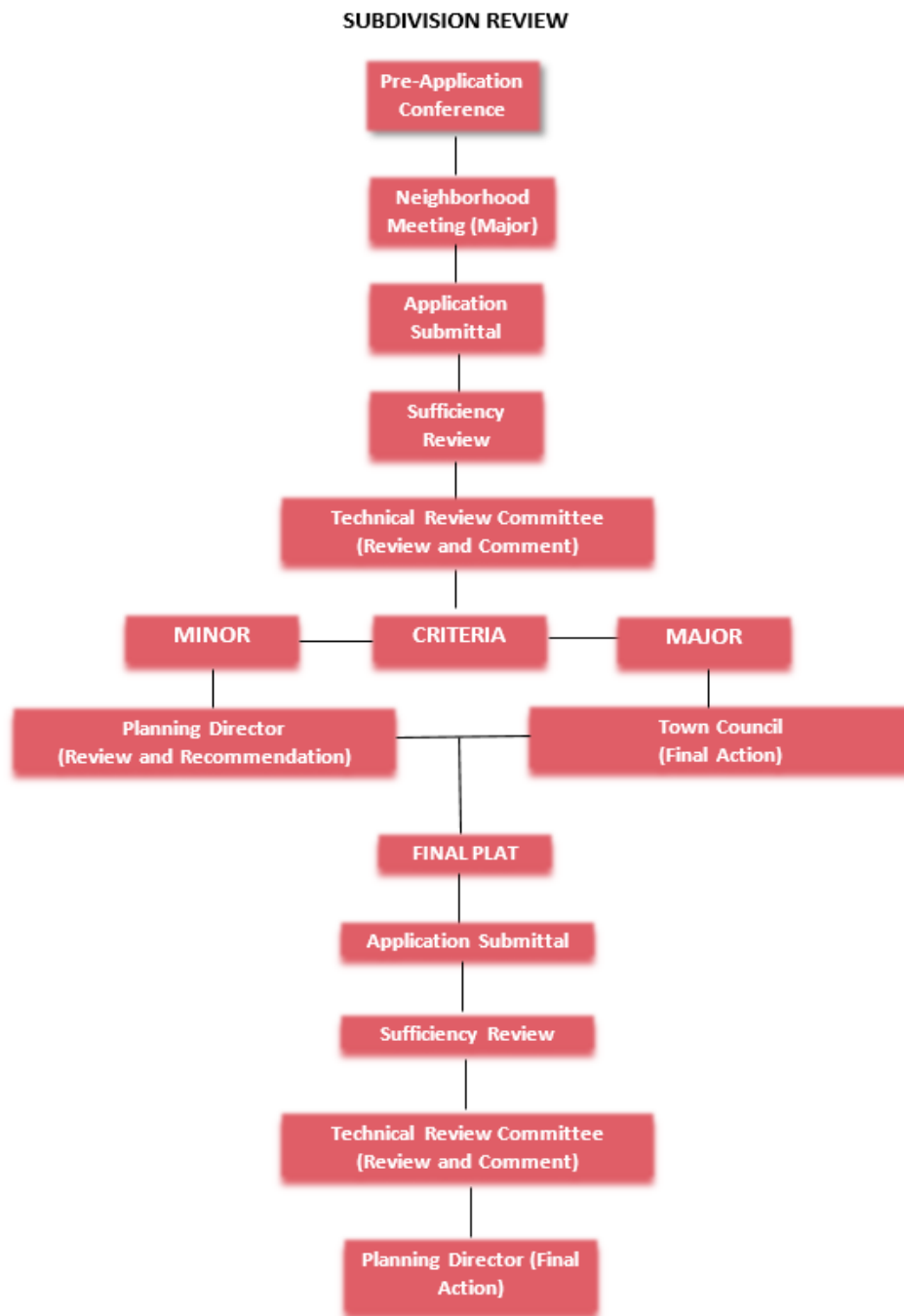
(A) APPLICABILITY

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 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 Town Council.

(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.

(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. 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 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.

(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.

(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.

(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.

(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

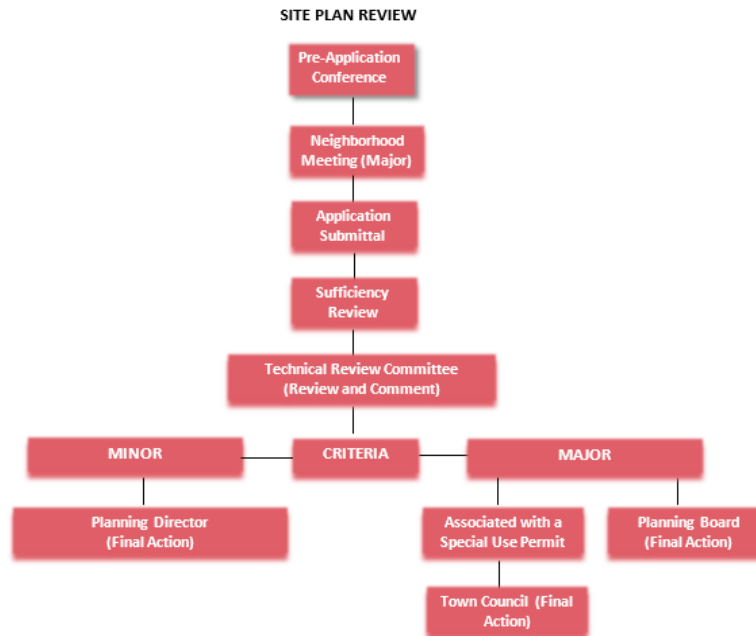
- (j) The recombination plat conforms to all laws and ordinances for the recordation of maps.

(P) **APPEAL**

Final action on a final plat may be appealed to the 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 major site plans other than those associated with special use permits. ~~conditional use permits~~ (see § 155.710);

The Town Council shall be responsible for approval of major site plans associated with 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. 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 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.
- (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.
- (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 Planning Director, Planning Board, and Town Council shall consider the following:

- (1) Consistency with the adopted plans and policies 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.
- (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.

(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 Town Council.

(G) **ACTION BY TOWN COUNCIL**

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

(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.

(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.

(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.

(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.

(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.

(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..
- (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.

(N) **REVOCAION 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.

(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.

(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)



Town Council Agenda Cover Sheet

Meeting Date

July 16 2018

Agenda Location

Public Hearings

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

Approval

Additional Documents To Be Included in Agenda Packet

Application
Staff report
Map
Neighborhood meeting materials
Adjacent Property Letter
Newspaper Ad
Planning Board Motion Sheet



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

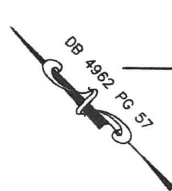
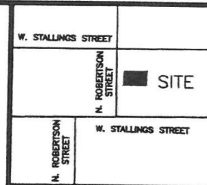
July 2013

NOTES:

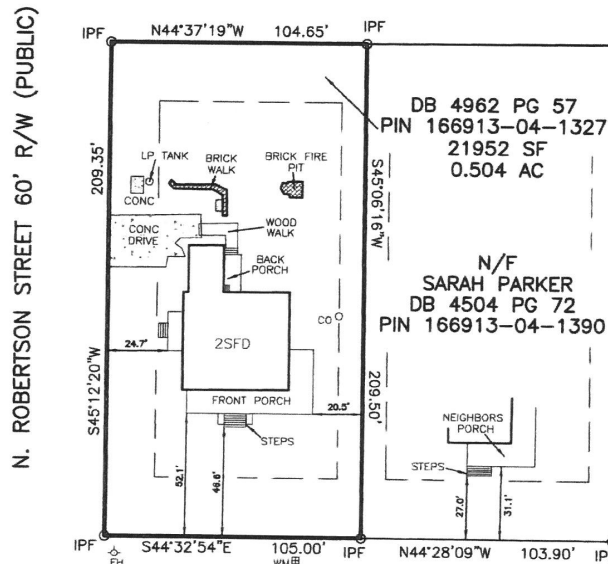
- 1) ALL DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES
- 2) AREAS COMPUTED BY COORDINATE METHOD
- 3) PROPERTY SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD
- 4) NO HORIZONTAL CONTROL FOUND WITHIN 2000 FEET OF SURVEY
- 5) BOUNDARY PREDICATED ON EXISTING MONUMENTATION FOUND IN THE FIELD
- 6) NO DETERMINATION HAS BEEN MADE AS TO THE EXISTENCE OF FEMA FLOOD HAZARD AREAS ON THIS PARCEL

MINIMUM BUILDING SETBACKS
ZONING: R-8

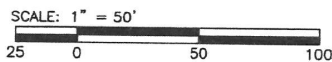
FRONT.....25 FEET
SIDE.....10 FEET
REAR.....25 FEET
CORNER SIDE.....20 FEET



W. WHITAKER STREET 60' R/W (PUBLIC)



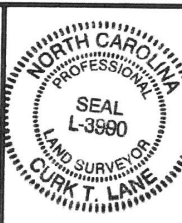
W. STALLINGS STREET 60' R/W (PUBLIC)



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 DASHED 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.

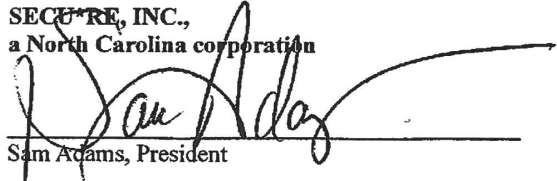
AND THE GRANTOR covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons 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:

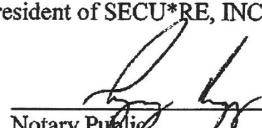

Sam Adams, President

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

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 Granter in Book 4962, Page 57, Johnston County Registry



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

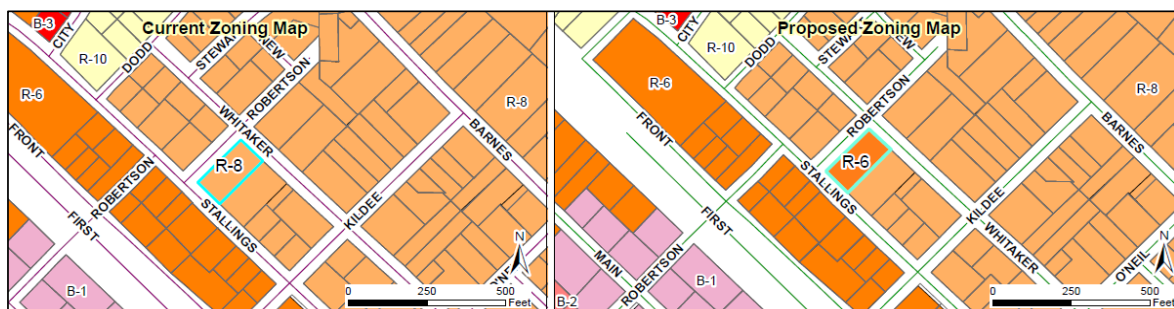
Application Number: 2018-88-RZ Project Name: 330 W Stallings Street, Rezoning

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

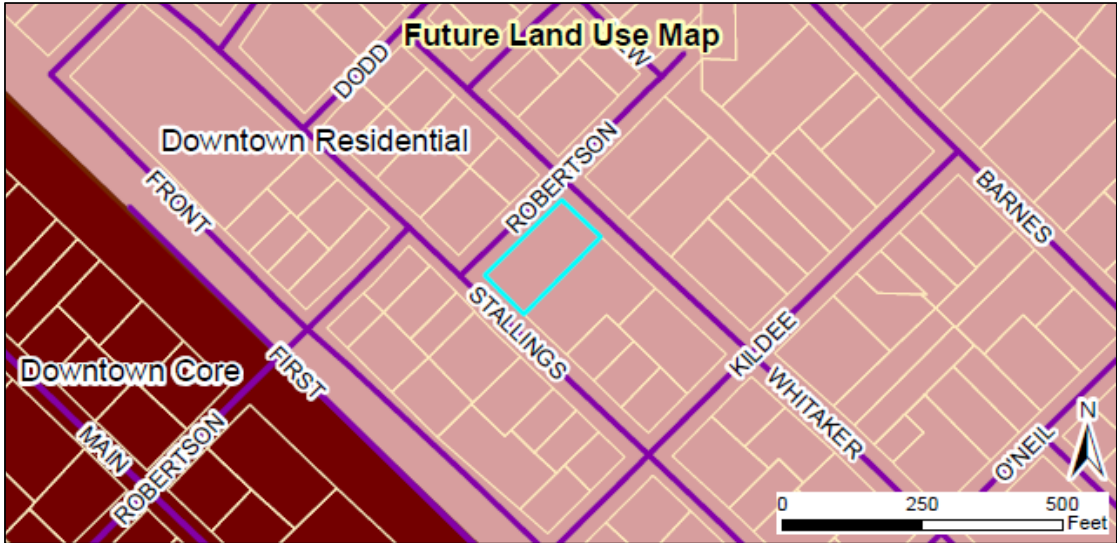
The property is identified in the adopted Future Land Use Map as Downtown Residential. One of the purposes of the Downtown Residential designation is to encourage dense residential development that will support the commercial and service businesses in the Downtown Core, which generally refers to the 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:

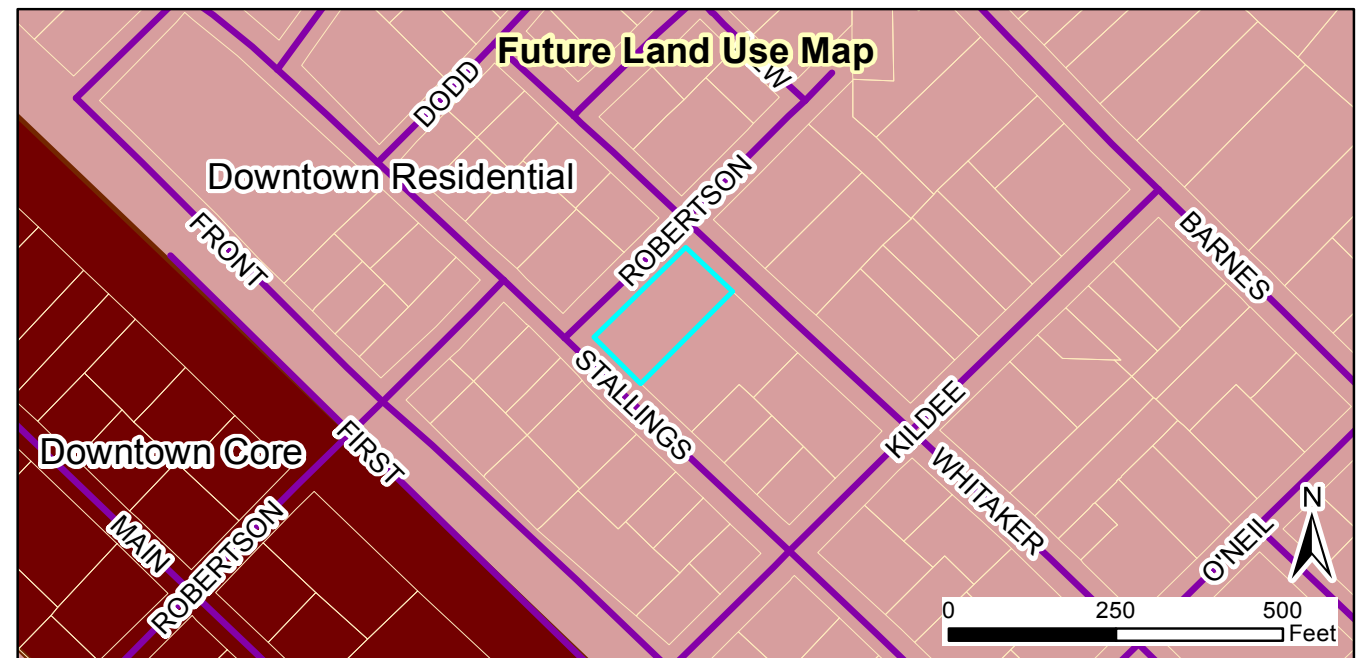
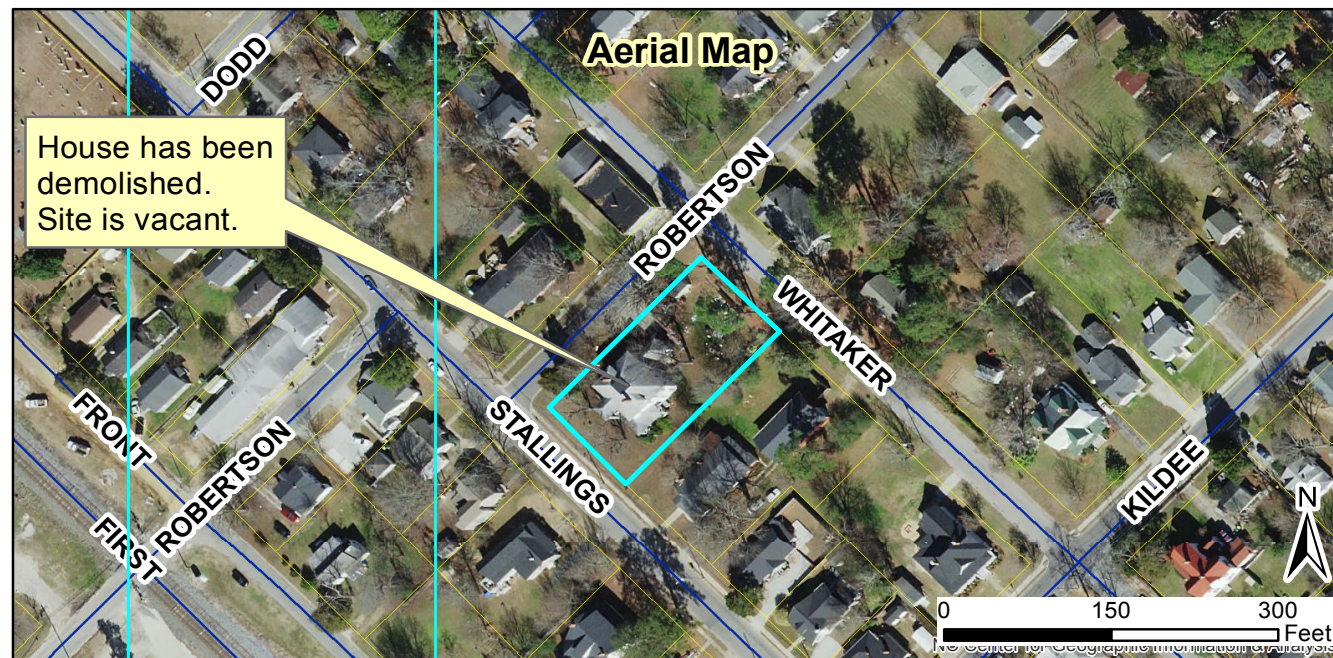
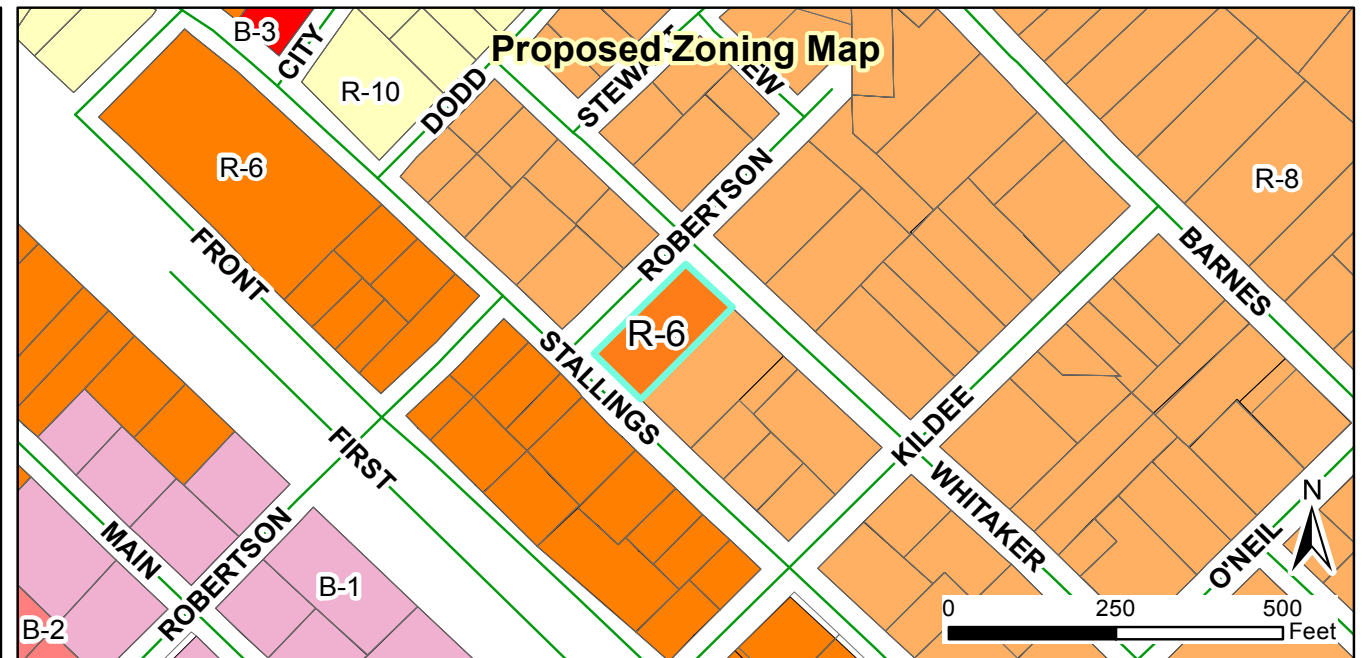
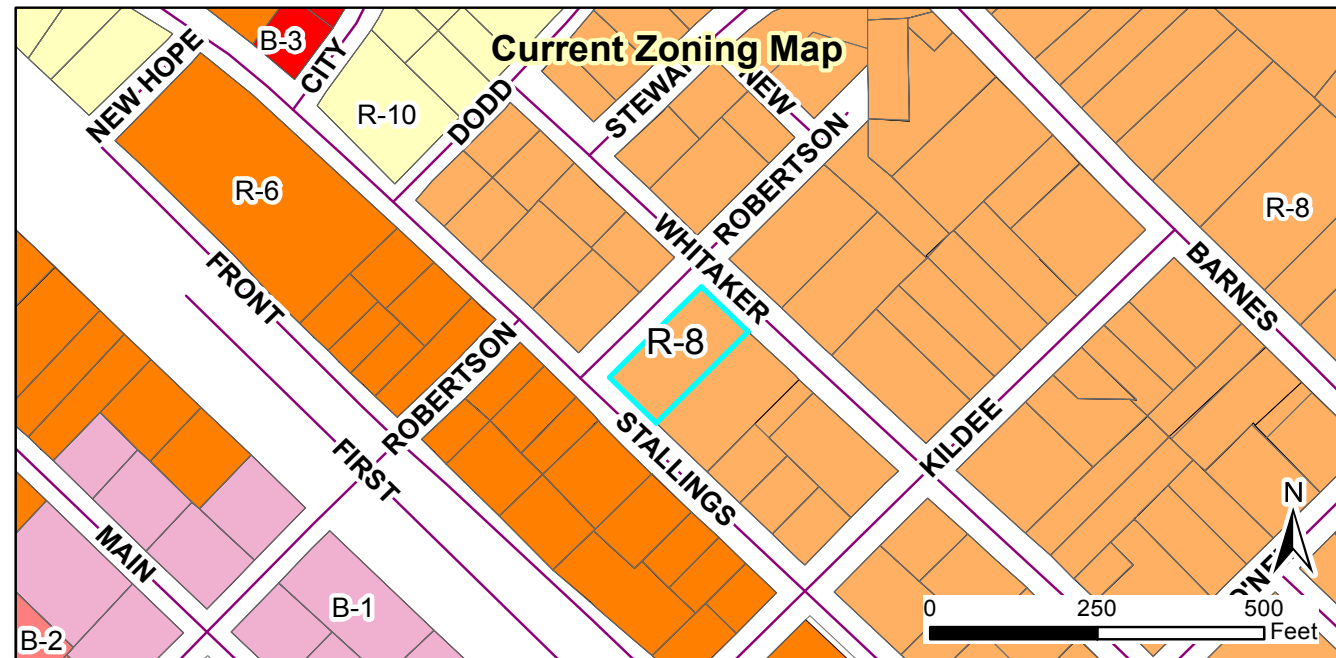
- Rezoning is decided by the Town Council. The Planning Board shall make a recommendation to the Town Council.
- When adopting or rejecting the rezoning, the Town Council shall approve a statement describing whether its action is consistent with adopted plans and/or policies of the Town and explaining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

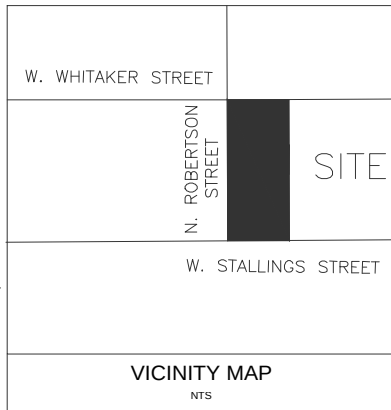


Document Path: O:\PLANNING\REZONING\Rezoning\2018\2018-88-RZ 330 W. Stallings St\Map\Map 2018-88-RZ 330 W Stallings Street rezoning.mxd

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.



PRELIMINARY PLANS
NOT FOR CONSTRUCTION



PLOT PLANS FOR 330 W. STALLINGS STREET CLAYTON, NORTH CAROLINA

2018-87-SUP W STALLINGS STREET DUPLEX

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

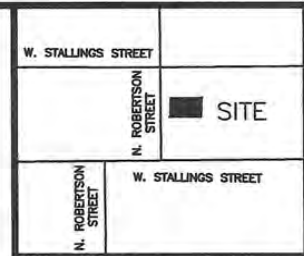
C-1

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
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MINIMUM BUILDING SETBACKS
ZONING: R-8

FRONT.....25 FEET
SIDE.....10 FEET
REAR.....25 FEET
CORNER SIDE.....20 FEET

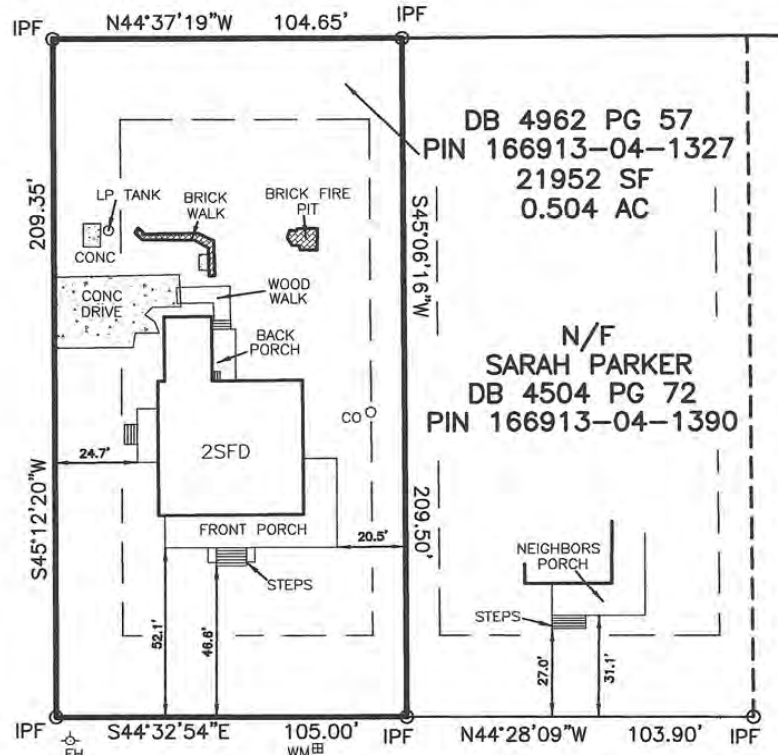


VICINITY MAP
(not to scale)



W. WHITAKER STREET 60' R/W (PUBLIC)

N. ROBERTSON 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
WV	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
---	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

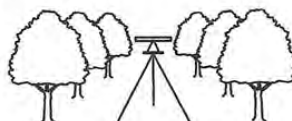
SURVEYOR

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

PRELIMINARY PLANS

NOT FOR CONSTRUCTION



NOTES

1. ALL 6' PRIVACY FENCING TO BE PLACED 1' INSIDE OF PROPERTY LINE.
2. EXISTING STRUCTURE AS SHOWN ON SURVEY HAS BEEN PREVIOUSLY REMOVED FROM SITE.
3. AIR CONDITIONING UNIT TO BE PLACE BEHIND PRIVACY FENCING TO MEET SCREENING REQUIREMENT 155.402(G)(4).
4. THE TOWN'S ENG. DEPT WILL REQUIRE 48 HOUR NOTICE PRIOR TO START OF WORK.
5. A VALID TOWN OF CLAYTON ENCROACHMENT AGREEMENT WILL NEED TO BE SECURED FOR WORK WITHIN THE PUBLIC R.O.W.
6. EXISTING UTILITY SERVICES WILL REMAIN FOR FUTURE DEVELOPMENT ALONG STALLINGS STREET.
7. A UTILITY SUBMITTAL PACKAGE WILL NEED TO BE FORWARDED TO THE ENGINEERING DEPT FOR APPROVAL, PRIOR TO START OF WORK, FOR ALL MATERIALS PROPOSED FOR INSTALLATION.

SUMMARY INFORMATION

PIN NUMBER: 166913-04-1327
COUNTY TAG NUMBER: 4700780

JURISDICTION: TOWN OF CLAYTON
CURRENT ZONING DISTRICT: R-8
PROPOSED ZONING DISTRICT: R-6

TOTAL ACREAGE: 0.229 ACRES (9,961 SF)
EXISTING USE: VACANT
PROPOSED USE: DUPLEX
PROPERTY SETBACKS:
FRONT: 20'
SIDE STREET: 10'
SIDE: 6'
REAR: 20'

NUMBER OF UNITS: ONE DUPLEX
PROPOSED DENSITY: 2 U/A
BUILDING COVERAGE: 2,836SF (28%)
PROPOSED BUILDING HEIGHT: 21'-1"
EXISTING IMPERVIOUS SURFACE: 0.0 SF (0.0%)
PROPOSED IMPERVIOUS SURFACE: 3,765 SF (37.8%)
EXISTING PERVIOUS SURFACE COVERAGE: 9,961 SF (100.0%)
PROPOSED PERVIOUS SURFACE: 7,125 SF (28.2%)

REQUIRED PARKING: 2 SPACES PER UNIT
PROVIDED PARKING: 4 SPACES

ELECTRIC PROVIDER: TOWN OF CLAYTON
WATER PROVIDER: TOWN OF CLAYTON
SEWER PROVIDER: TOWN OF CLAYTON

APPROXIMATE LOCATION
OF EX. SEWER MAIN
CONTRACTOR TO VERIFY
LOCATION AND SIZE

N/F
HUBERT L. AND BONNIE Y. LEE
DB 01899, PG 0152
PIN 166913-04-3515
ZONING: R-8
RESIDENTIAL

APPROXIMATE LOCATION
OF EX. WATER MAIN
CONTRACTOR TO VERIFY
LOCATION AND SIZE

WHITAKER STREET

60' PUBLIC R/W

PROPOSED STREET TREE
(TYP.)

N/F
CELEA PATRICA BUESO
DB 04670, PG 0743
PIN 166913-04-0553
ZONING: R-8
RESIDENTIAL

N. ROBERTSON STREET
60' PUBLIC R/W

PROPOSED 5' SIDEWALK
PROPOSED 3/4" WATER SERVICE
AND METER (TYP.)

PROPOSED TYPE 'A'
BUFFER YARD
2-CANOPY TREES
2-UNDERSTORY TREES
12- SHRUBS

PROPOSED 6' PRIVACY
WOOD FENCE

N/F
LESLIE E. AND SARAH PARKER
DB 05046, PG 0515
PIN 166913-04-2388
ZONING: R-8
RESIDENTIAL

EXISTING STREET TREE
TO REMAIN

STALLINGS STREET

60' PUBLIC R/W

EX. WATER METER
AND SERVICE
TO REMAIN

PLOT PLAN

2018-87-SUP W STALLINGS STREET
330 W. STALLINGS STREET
CLAYTON, NORTH CAROLINA

50 25 0 50
SCALE: 1 INCH = 50 FEET

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



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

June 5, 2018

NOTICE

**SUBJECT: 2018-88-RZ, 330 W Stallings Street rezoning
2018-87-SUP, 330 W Stallings Street Special Use Permit**

Address: 330 W Stallings Street, Clayton, NC
Tag #: 05031031
Applicant: CommunitySmith, LLC

Dear Clayton Area Property Owner:

Notice is hereby given that the Clayton Town Council will hold a public hearing and evidentiary hearing on Monday, June 18th, 2018, at 6:00 PM at Town Hall, 111 E Second Street, to consider the above referenced rezoning and special use request. The applicant is requesting the rezoning of approximately 0.5 acres located on the corner of W Stallings Street, Robertson Street, and Whittaker Street – the old Champion house. The requested rezoning change is from Residential-8 (R-8) to Residential-6 (R-6). For the Special Use Permit, the applicant is requesting to allow the use of a duplex on a portion of the subject property at the corner of Whitaker Street and Robertson Street. Please see the map on the back of this letter.

Based upon records in the Johnson County Tax Office, you are the owner of property that is within 100 feet of these requests. For the rezoning, you are invited to attend this meeting and express your opinions on this request to Council.

For the Special Use Permit, the Town Council will hold an evidentiary hearing and must make findings of fact based upon sworn testimony and other credible evidence. Citizens are invited to attend and may give testimony in an evidentiary hearing after they have taken an oath.

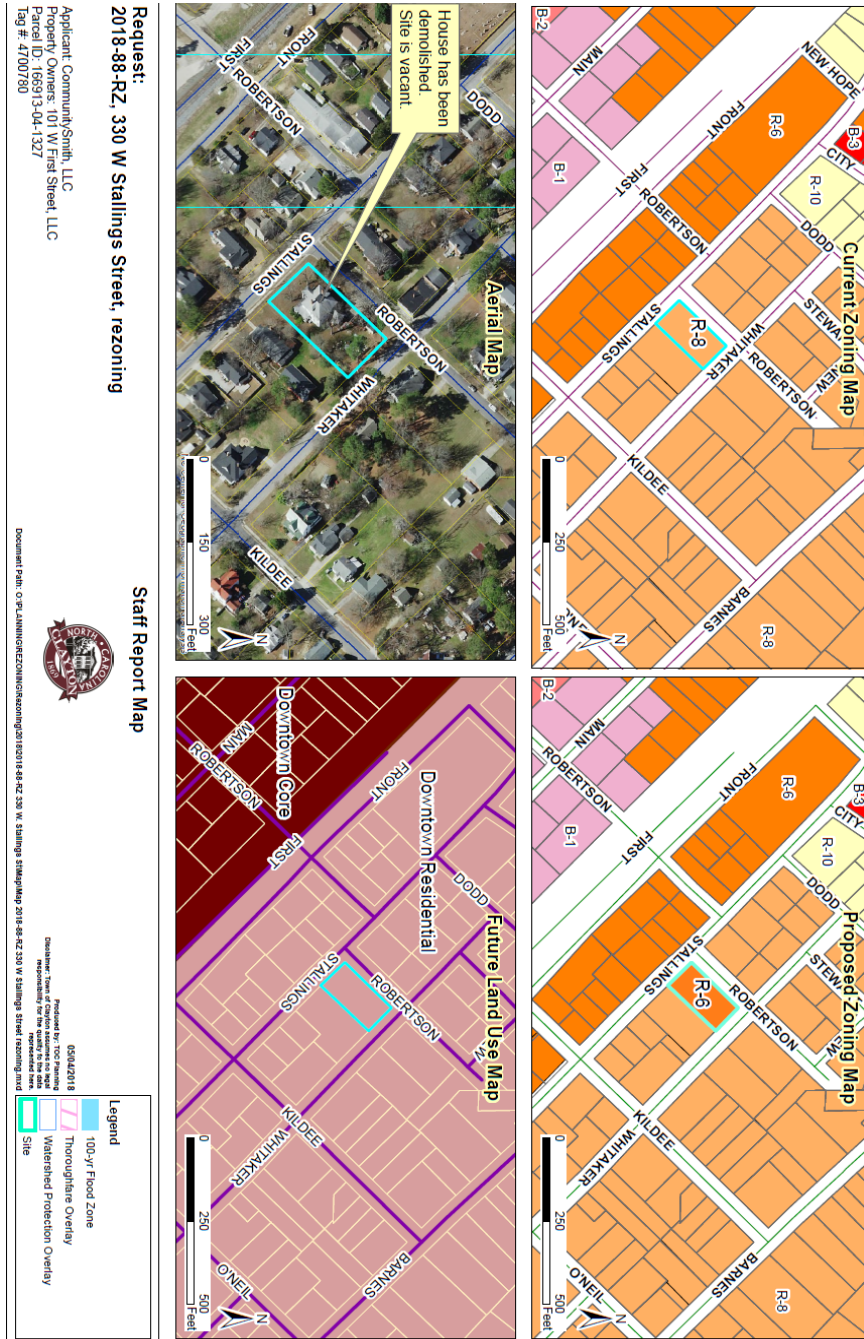
If you should need additional assistance or information, please contact the Planning Department by phone at (919) 553-5002 or by email at hhogg@townofclaytonnc.org.

Sincerely,

Haley Hogg

Planner

CC: File folder: 2018-88-RZ
Kimberly Moffett, Town Clerk





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

Applicant: CommunitySmith, LLC

Location/Date: Blvd. West Coffee Shop; 5/16/2018

	NAME	ADDRESS
1		
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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

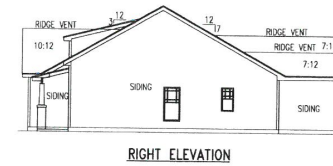
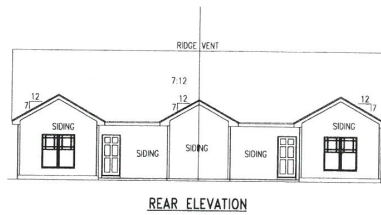
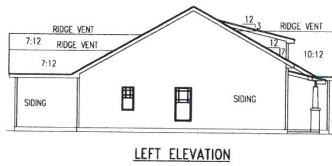
It is the responsibility of the applicant to correctly identify the current owner, based upon records in the Johnston County GIS Office, for all property owners of land within the required public notice radius.

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



ATTIC SPACE VENTILATION	
REQUIRED	
1983	SQ. FT. OF CLG. / 150 = 10.6 SQ. FT. REQUIRED
REFER TO SECTION 8808 (ROOF VENTILATION) IN NORTH CAROLINA STATE 2000 INTERNATIONAL RESIDENTIAL BUILDING CODES.	

MEAN ROOF HGT.		
Soffit Hgt. From Assumed Grade	+ Highest Ridge Hgt. From Assumed Grade	= Mean Roof Hgt.
9'-10"	+ 20'-10"	= 15'-4" Mean Roof Hgt.



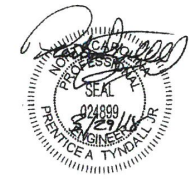
SCALE
24'x36' = 1/4"=1'-0"
11'x17' = 3/8"=1'-0"

REVISIONS:
314 East Main Street
Chapel Hill, NC 27514
813-701-1278
FAX 813-701-1278

ADAMS & HODGE
ENGINEERING, PC

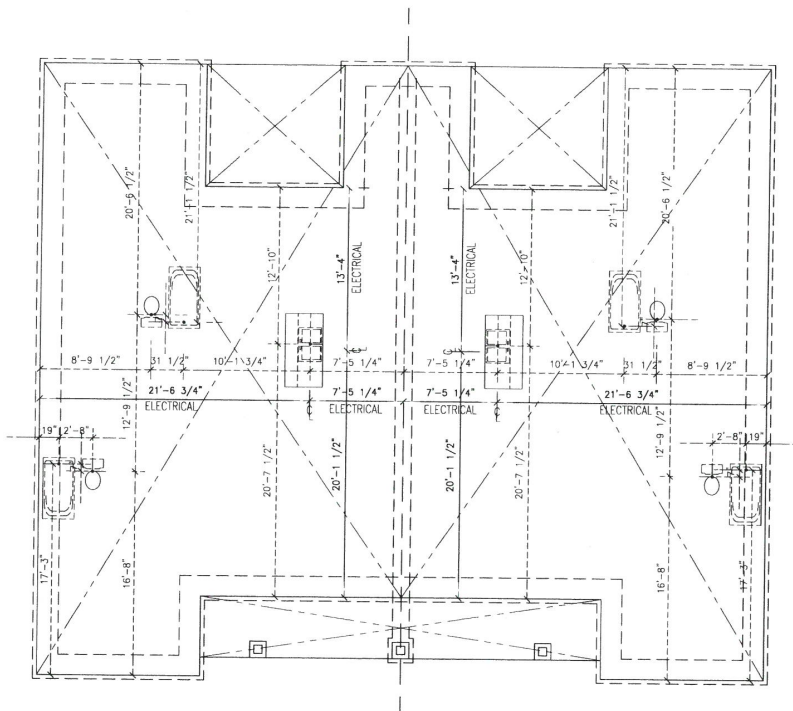
BYWATER
Elevation

FILE
DESIGN
ADS
DRAWN
ADS
CHECKED
DATE
3/07/2018
SHEET
1A



MONOLITHIC
FOUNDATION

114 East Main Street Amesbury, MA 01921 978-253-2117 FAX 978-253-2117	REVISED:
ADAMS & HODGE ENGINEERING, PC	114 East Main Street Amesbury, MA 01921 978-253-2117 FAX 978-253-2117
A&H	114 East Main Street Amesbury, MA 01921 978-253-2117 FAX 978-253-2117
Monolithic Foundation	114 East Main Street Amesbury, MA 01921 978-253-2117 FAX 978-253-2117
BYWATER	114 East Main Street Amesbury, MA 01921 978-253-2117 FAX 978-253-2117
FILE	114 East Main Street Amesbury, MA 01921 978-253-2117 FAX 978-253-2117
DESIGN	114 East Main Street Amesbury, MA 01921 978-253-2117 FAX 978-253-2117
CMP	114 East Main Street Amesbury, MA 01921 978-253-2117 FAX 978-253-2117
DRAWN	114 East Main Street Amesbury, MA 01921 978-253-2117 FAX 978-253-2117
CMP	114 East Main Street Amesbury, MA 01921 978-253-2117 FAX 978-253-2117
CHECKED	114 East Main Street Amesbury, MA 01921 978-253-2117 FAX 978-253-2117
PIR	114 East Main Street Amesbury, MA 01921 978-253-2117 FAX 978-253-2117
DATE	114 East Main Street Amesbury, MA 01921 978-253-2117 FAX 978-253-2117
3/07/2018	114 East Main Street Amesbury, MA 01921 978-253-2117 FAX 978-253-2117
2.1	114 East Main Street Amesbury, MA 01921 978-253-2117 FAX 978-253-2117
SHEET	114 East Main Street Amesbury, MA 01921 978-253-2117 FAX 978-253-2117



STANDARD PLUMBING LAYOUT

SCALE
24"x36" = 1/4"=1'-0"
11"x17" = 1/8"=1'-0"

REVISIONS:	
111 Elm Ave. Ste. 200 Chapel Hill, NC 27514 adams@adams-hodge.com 919.487.7218 FIRM PCL-187	
BYWATER	ADAMS & HODGE ENGINEERING, PC
Plumbing Layout	
FILE	
DESIGN ADS	
DRAWN ADS	
CHECKED	
DATE 3/07/2018	
SHEET 2A	

Architectural floor plan of a three-story building. The plan shows a central corridor (CORRIDOR) and three wings (WING) with rooms (ROOM). Dimensions are given in feet and inches. Key features include a central corridor (CORRIDOR) and three wings (WING) with rooms (ROOM). The plan is oriented with North (N) at the top. Dimensions are given in feet and inches. Structural notes include 'CONCRETE FLOOR', 'CONCRETE WALLS', and 'CONCRETE ROOF'. The plan is dated 10/12/12.

ROOF FRAMING PLAN



Project Number: 1601-010071
*** Structural analysis based on NC Residential Building Code 2012**



Roof Framing

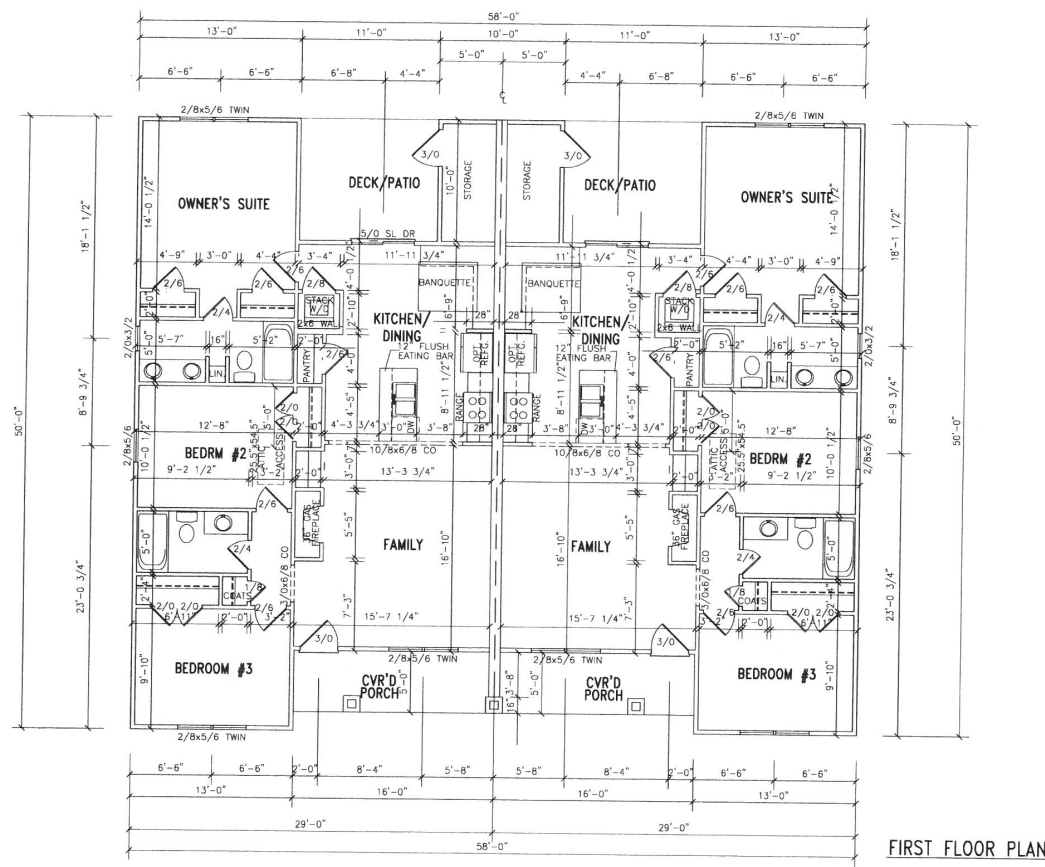
BYWATER

A&H ADAMS & HODGE ENGINEERING, PC

131 East Main Street
Chapel Hill, NC 27514
adams@ahengr.com
919-286-2729
FBI#A-C-1418

REVISIONS:

FILED	DESIGN	CMP	DRAWN	CMP	DATE	SHEET
					3/07/2018	4



FIRST FLOOR PLAN

SQUARE FOOTAGE EACH UNIT	
HTD. FLOOR	1185
STORAGE	50
PATIO	110
PORCH	78

1ST FLOOR PLAN NOTES:	
1) 8'-0" C.G. HCL. (W-1 1/2" PLT. HCL.)	UNLESS OTHERWISE NOTED
2) ALL EXTERIOR WALLS FIGURED AT 4" NOMINAL	WIDTHS UNLESS OTHERWISE NOTED
3) ALL INTERIOR WALLS FIGURED AT 3 1/2"	WIDTHS UNLESS OTHERWISE NOTED
4) SET FINISHING AT 8'-0" AT 1/2"	UNLESS OTHERWISE NOTED
5) DIMENSIONS ARE TO FINISH	UNLESS OTHERWISE NOTED

SCALE	
24'x36' = 1/4"=1'-0"	
11'x17' = 1/8"=1'-0"	

REVISIONS:

114 East Main Street
Greenville, SC 29615
864.671.1111
www.adamsandhodge.com
FIRM # A-117

A&H **ADAMS & HODGE**
ENGINEERING, PC

Floor Plan

BYWATER

FILE

DESIGN
ADS

DRAWN
ADS

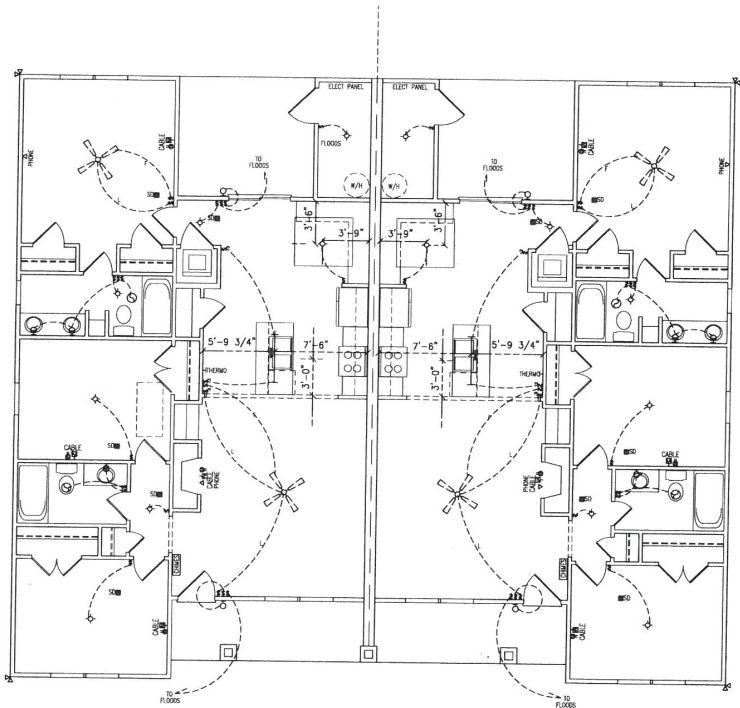
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ADS

DATE
3/07/2018

SHEET
5

ELECTRICAL SYMBOLS			
⬤	CEILING MOUNTED LIGHT FIXTURE	⬤	SINGLE RECEPTACLE OUTLET
⬤	DIRECTIONAL, C.O. LIGHT FIXTURE	⬤	DUPLEX RECEPTACLE OUTLET
⬤	RECESSED LIGHT FIXTURE	⬤	QUADRUPLER RECEPTACLE OUTLET
⬤	WALL MOUNTED LIGHT FIXTURE	⬤	FLOOR OUTLET
⬤	EXTERIOR FLOOD LIGHT	⬤	DUPLEX RECEPTACLE OUTLET SPLIT USED
⬤	TRACK LIGHT FIXTURE	⬤	220 VOLT OUTLET
⬤	CHIMNEY	⬤	WATER PROOF OUTLET
⬤	SINGLE POLE WALL SWITCH	⬤	TELEPHONE OUTLET
⬤	3-WAY POLE WALL SWITCH	⬤	TV OUTLET
⬤	4-WAY POLE SWITCH	⬤	GROUND FAULT INTERCEPTOR
⬤	GROUND FAULT INTERCEPTOR	⬤	ACCESSIBLE LIGHT FIXTURE
⬤	WATER PROOF SWITCH	⬤	ANGLE EEL
⬤	DIMMER SWITCH	⬤	PULL CHAIN LIGHT FIXTURE
⬤	TIMER SWITCH	⬤	FLUORESCENT LIGHT BOX
⬤	FLUORESCENT LIGHT	⬤	CEILING FAN
⬤	ELECTRICAL OUTLET	⬤	EXHAUST FAN
⬤	SAFETY LIGHT	⬤	SMOKE DETECTOR
⬤	WIRING LIGHT FIXTURE	⬤	EXHAUST FAN/LIGHT
⬤	CEILING FAN/LIGHT	⬤	SHOWER LIGHT

NOTE:
 (1) ALL RECEPTACLE PLACEMENT TO CODE.
 (2) PLEASE NOTE RECEPTACLE PLACEMENT PER BUILDER.



REVISIONS:

314 East Main Street
 Charlotte, NC 27202
 704.333.2778
 704.333.2779

A&H **ADAMS & HODGE**
 ENGINEERING, PC

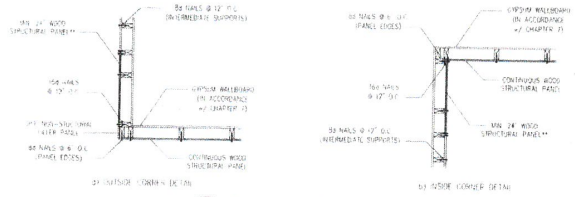
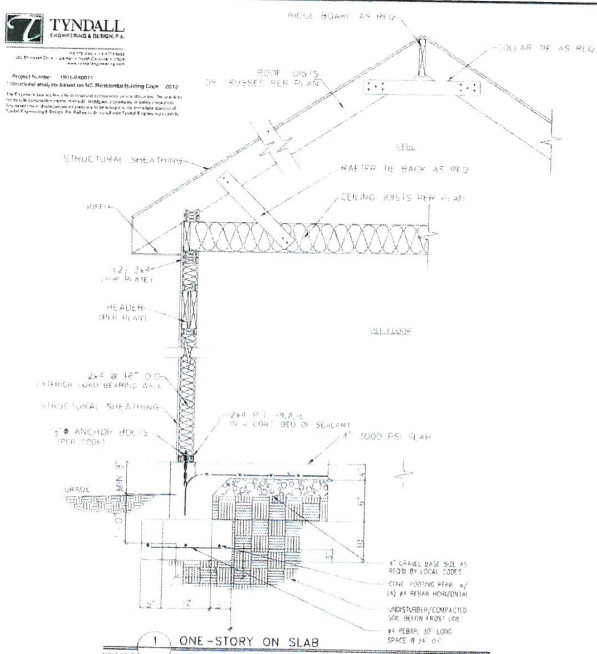
Electrical
 Plan

BYWATER

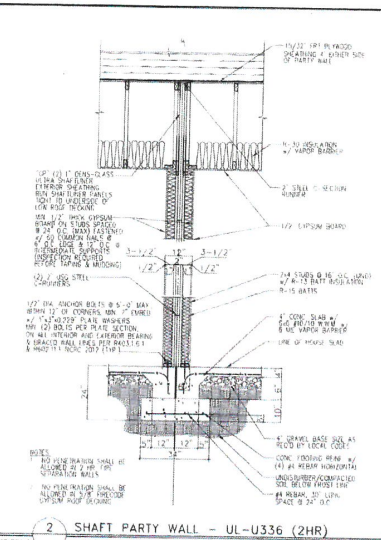
FILE
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 CHECKED
 DATE
 5/07/2018
 SHEET

6

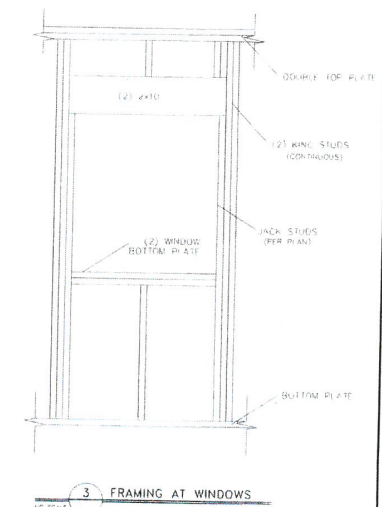
Project Number: 1901-0-00071
* Structural analysis and design for MC Residential Building, Cape Girardeau, MO 2012



TYPICAL EXTERIOR CORNER FRAMING
FOR CONTINUOUS SHEATHING



2 SHAFT PARTY WALL - UL-U336 (2HR)



3 FRAMING AT WINDOWS

LENGTH REQUIREMENTS FOR BRACED RAIL PANELS WITH CONTINUOUS BRACING * (INCHES)					
METHOD	OPENING HEIGHT		RAIL HEIGHT (FEET)		
	4	8	9	10	11
CS: WSP	64	24	27	30	33
	68	28	27	30	33
	72	32	27	30	33
	76	36	29	32	35
	80	36	29	30	33
	84	35	30	31	34
	88	34	31	32	35
	92	41	42	39	40
	96	48	45	42	43
	100	48	45	45	45
	104	51	47	48	48
	108	51	51	51	51
	112	54	54	54	54
116					
120			57		
124			60		
128				66	
132					
136					
CS: G	5 1/2	24	27	30	33
CS: FT	5 1/2	16	16	20	25

b. BRACED WALL PANELS (USING WSP) WOOD STRUCTURAL PANEL SHEATHING ON BOTH SIDES MAY BE USED TO REDUCE THE PANEL LENGTHS SHOWN BY 50 PERCENT.

REQUIRED BRACE NAIL PANEL CONNECTIONS				
METHOD	MATERIAL	NAIL THICKNESS	REQUIRED CONNECTION	
			@ PANEL EDGES	@ INTERMEDIATE SUPPORTS
CS WSP	WOOD STRUCTURAL PANEL	1/8"	6d COMMON NAILS @ 7" O.C.	6d COMMON NAILS @ 12" O.C.
GR	CITISWEN BOARD	1/2"	5d COOLER NAIL** @ 7" O.C.	5d COOLER NAIL** @ 7" O.C.
KSP	WOOD STRUCTURAL PANEL	3/8"	6d COMMON NAILS @ 7" O.C.	6d COMMON NAILS @ 12" O.C.

**OR EQUIVALENT PER TABLE R702.2.5

BRACE WALL PANEL CONNECTIONS
NO SCALE



SCALE	
24"X36"	1/4" = 1' - 0"
31"X17"	1/8" = 1' - 0"

REVISIONS:

314 East Main Street
Chaparral, NM 87920
www.chaparralnmbridge.com
919.763.7278
FB204 @ C-4187

A&H
ADAMS & HODGE
ENGINEERING, PC

Structural Floor Plan

BYWATER

FILE
DESIGN CMP
DRAWN CMP
CHECKED PTB
DATE 3/29/2018
SHEET SD1

TOWN OF CLAYTON
ZONING AMENDMENT
CONSISTENCY AND REASONABLENESS STATEMENT
[2018-88-RZ 330 W Stallings Street Rezoning]

The Town Council of the Town of Clayton hereby states:

Section 1: The above referenced zoning amendment IS APPROVED.

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

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

- Objective LU1.1.2- Support residential development at varying densities based upon 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.

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

The requested rezoning is consistent with the above referenced objective within the Comprehensive Plan 2040. The Future Land Use Map designates this property as being located within the "Downtown Residential" designation, which encourages dense residential development that will support the commercial and service businesses in the Downtown Core. Residential-6 is identified as a compatible zoning district for the Downtown Residential area in the Comprehensive Plan 2040.

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

that the rezoning is consistent with the Future Land Use Map designation in the Comprehensive Plan 2040,

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

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, July 16, 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:

July 6, 2018

July 13, 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:



Robert Ahlert, Planning Board Chair

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

After considering the recommendations of the Planning Board and Planning Director, I move to [approve OR deny] 2018-88-RZ (330 W. Stallings St)

[IF APPROVING]

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

MOTION SHEET
Item 6b
2018-88-RZ
330. W. Stallings Street

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

WHEREAS a petition has been filed with the Town Council of the Town of Clayton requesting an amendment to the Zoning Ordinance and Zoning Map of the Town of Clayton to include in the Residential-6 (R-6) zone the property described below, said property formerly being zoned Residential-8 (R-8); and

WHEREAS said property is owned by 101 W. First Street, LLC; and

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

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

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

WHEREAS the said public hearing was actually conducted at 6:00 p.m. on July 16, 2018 wherein a reasonable opportunity was given to all those in attendance to speak either in favor or against the said change or to make relevant comments;

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

SECTION 1. That the Unified Development Code of the Town of Clayton is hereby amended to include in the Residential-6 (R-6) zone the following described property:

General Description:

.5 acres, currently vacant, located at 330 W. Stallings Street.

Specific Description:

NC Parcel Identification Numbers: 166913-04-1327 / 4700780

SECTION 2. That the official Town of Clayton Zoning Map is hereby amended to include in the Residential-6 (R-6) zone the above-described property and will be so marked.

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

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

DULY ADOPTED by the Clayton Town Council this 16th day of July, 2018 while in regular session.

Jody McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk



Town Council Agenda Cover Sheet

Meeting Date

June 18 2018

Agenda Location

Public Hearings

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

Approval

Additional Documents To Be Included in Agenda Packet

Application
Staff report
Map
Neighborhood meeting materials
Planning Board Motion Sheet
Adjacent Property Letter
Newspaper Ad



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 INFORMATIONName: 101 W. First Street, LLCMailing Address: 114 W Main Street, Suite 102 - Clayton, NCPhone Number: 919-827-1089 Ext. 202 Fax: 919-827-1089Email Address: holton@communitysmith.com**APPLICANT INFORMATION**Applicant: CommunitySmith, LLCMailing Address: 114 W. Main Street, Suite 105 - Clayton, NC 27520Phone Number: 919-827-1089 Ext. 202 Fax: 919-827-1089Contact Person: Holton WilkersonEmail 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.

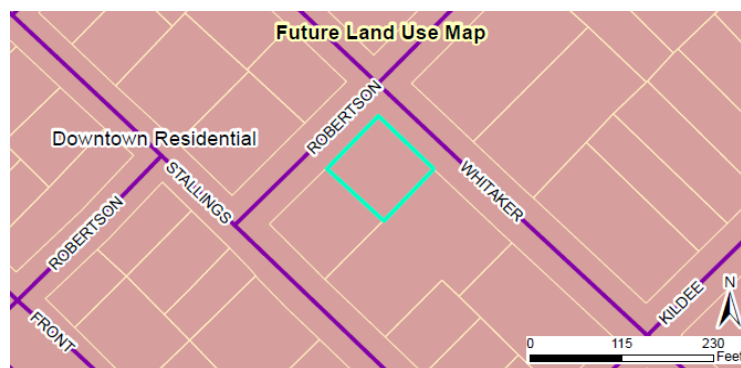


SITE DATA:**Acreage:** 0.22 acres**Existing Use:** Vacant; formerly vacant single family residential lot**ADJACENT ZONING AND LAND USES:**

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:

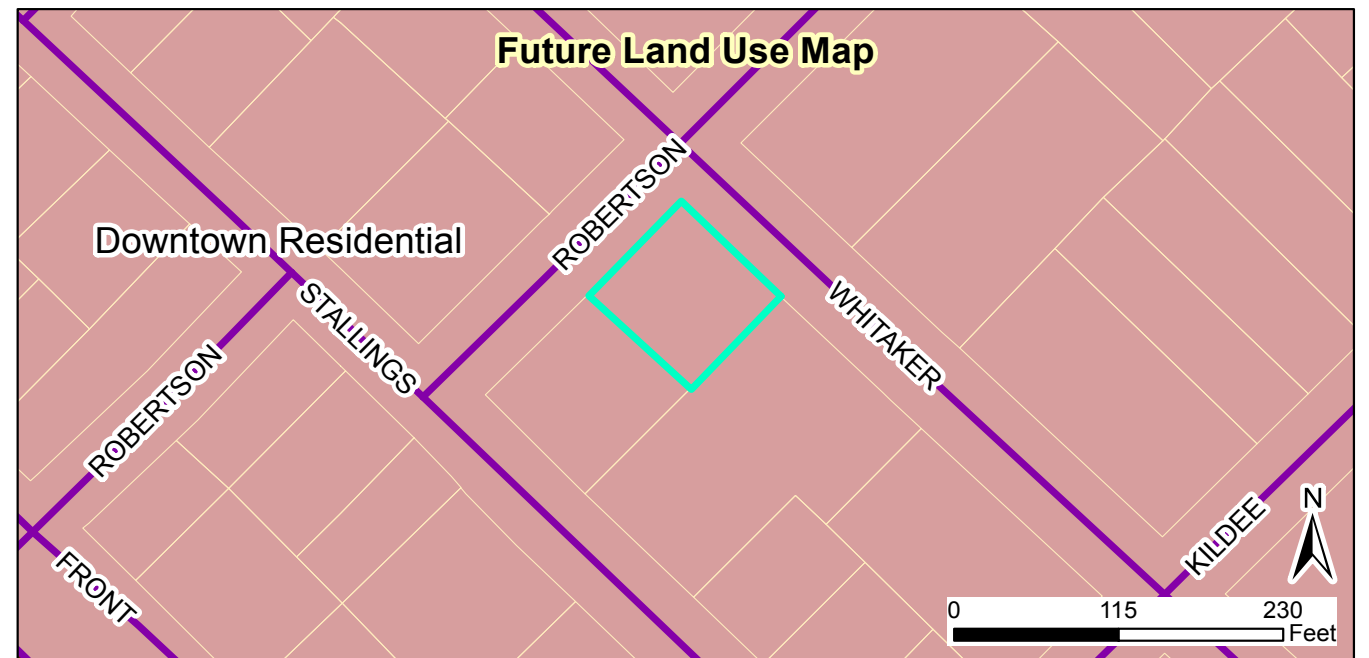
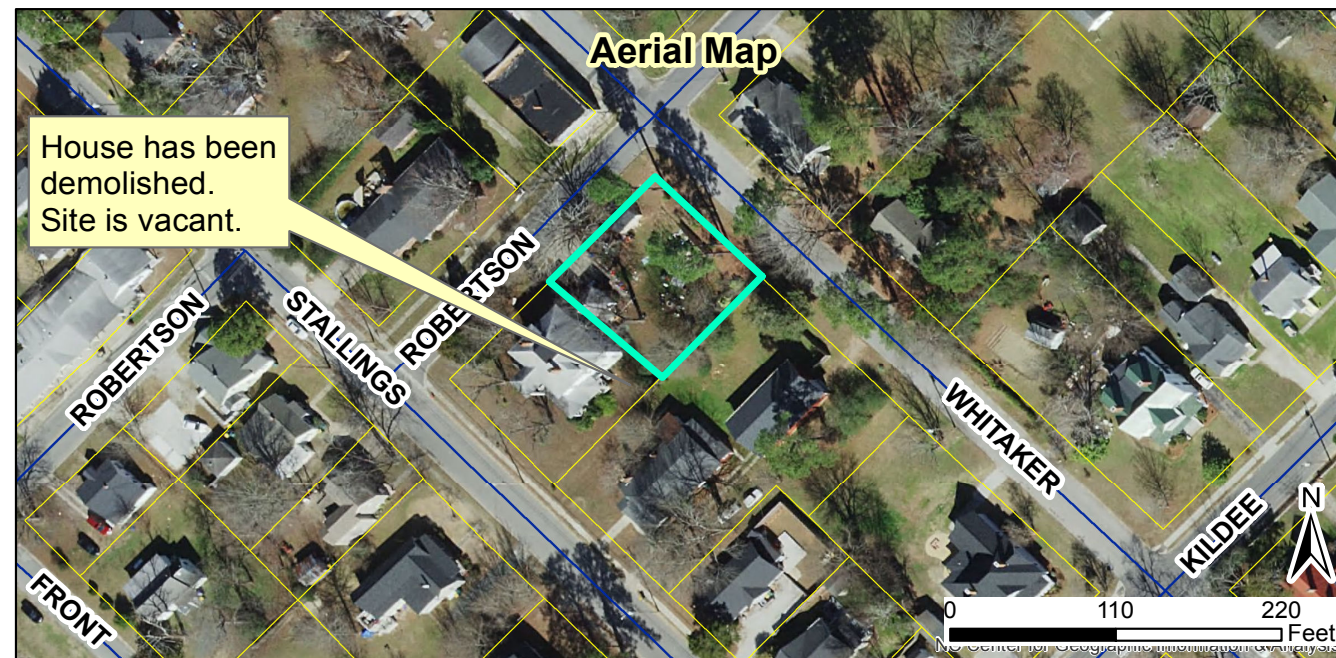
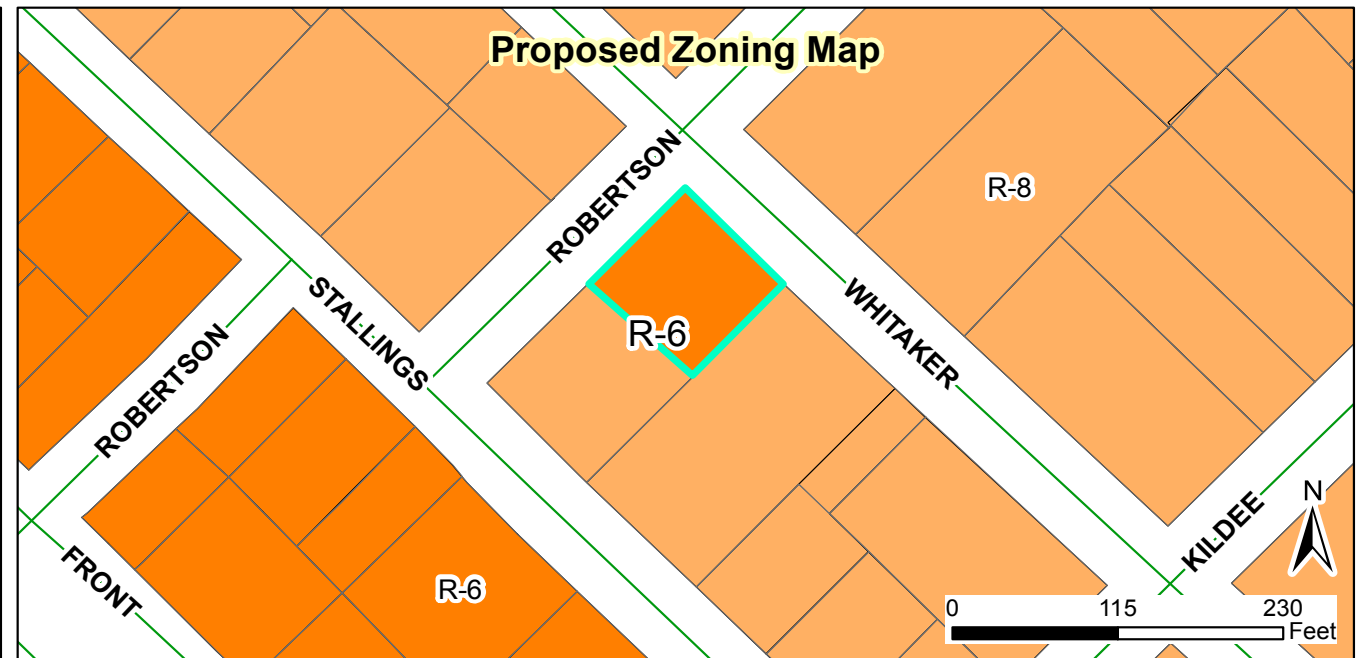
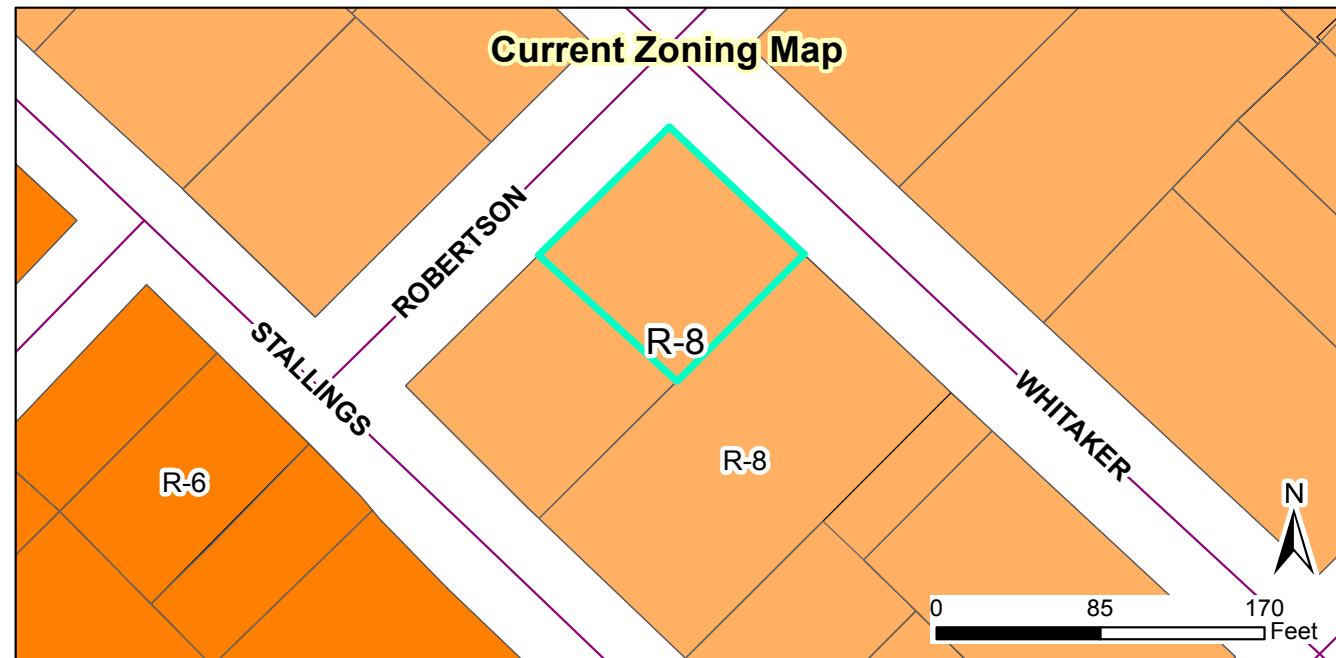
- Special Use Permits are decided upon by Town Council. Planning Board shall make a recommendation to Town Council.
- The Special Use Permit shall only be valid for the portion of the property included within the associated site plan.

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

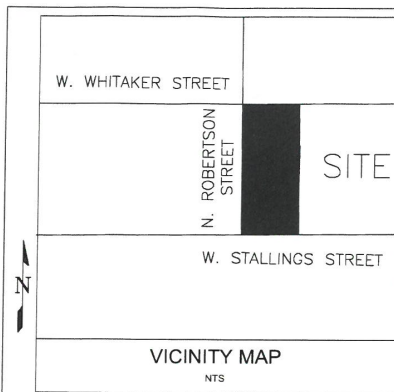
Document Path: O:\PLANNING\SPECIAL USE\2018\2018-87-SUP 330 W. Stallings St\Maps\2018-87-SUP 330 W Stallings Street special use.mxd

Staff Report Map

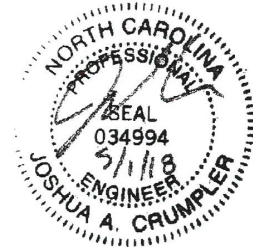
05/04/2018
Produced by: TOC Planning
Disclaimer: Town of Clayton assumes no legal responsibility for the quality of the data represented here.

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

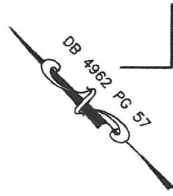
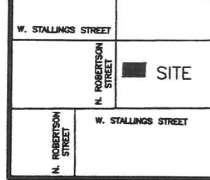
C-1

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

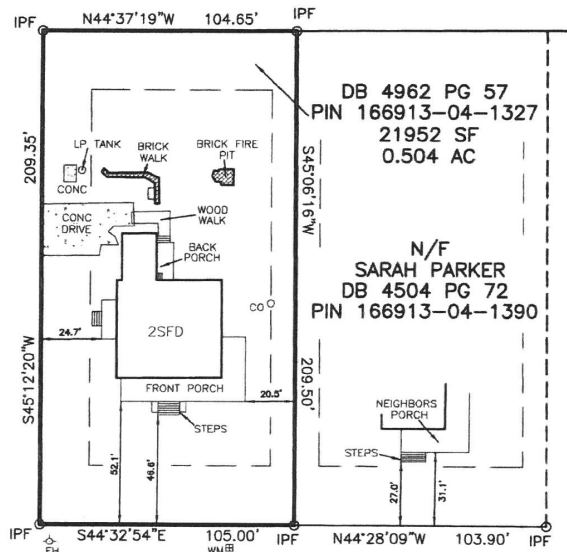
MINIMUM BUILDING SETBACKS
ZONING: R-8

FRONT.....25 FEET
SIDE.....10 FEET
REAR.....25 FEET
CORNER SIDE.....20 FEET



N. ROBERTSON STREET 60' R/W (PUBLIC)

W. WHITAKER STREET 60' R/W (PUBLIC)



W. STALLINGS STREET 60' R/W (PUBLIC)

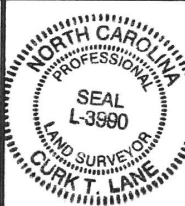
SCALE: 1" = 50'



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

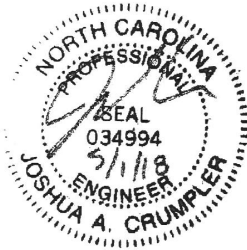
DRAWN: HUSSEIN

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
LOT AREA = 6,002 SF
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

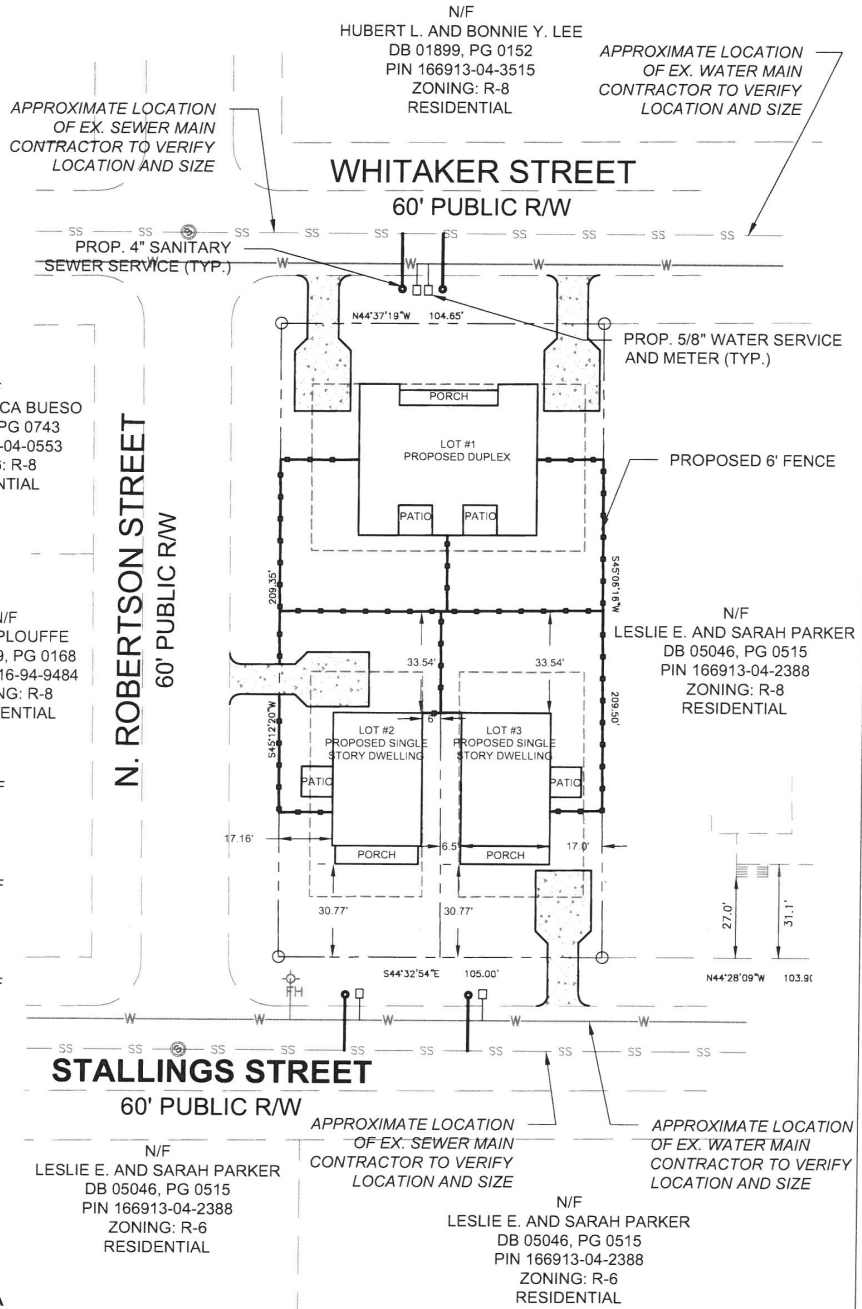
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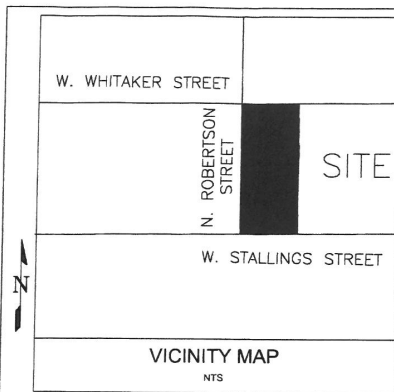
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DATE: 04/30/18

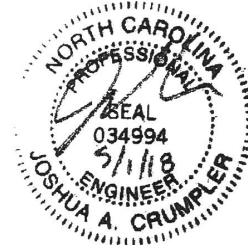
SCALE: 1 : 50

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>
C-1	COVER
C-2	EXISTING CONDITIONS (SURVEY)
C-3	PLOT PLAN

ALL CONSTRUCTION TO BE IN ACCORDANCE WITH ALL
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CRUMPLER
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2308 Ridge Road
Raleigh, North Carolina 27612
Ph. 919-413-1704
P-1533

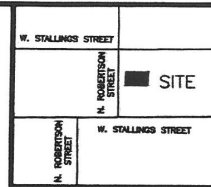
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DRAWN BY:	JAC
CHECKED BY:	JAC
DATE:	04/30/18
SCALE:	NO SCALE

C-1

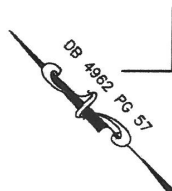
- NOTES:
- 1) ALL DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES
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MINIMUM BUILDING SETBACKS
ZONING: R-8

FRONT.....25 FEET
SIDE.....10 FEET
REAR.....25 FEET
CORNER SIDE.....20 FEET

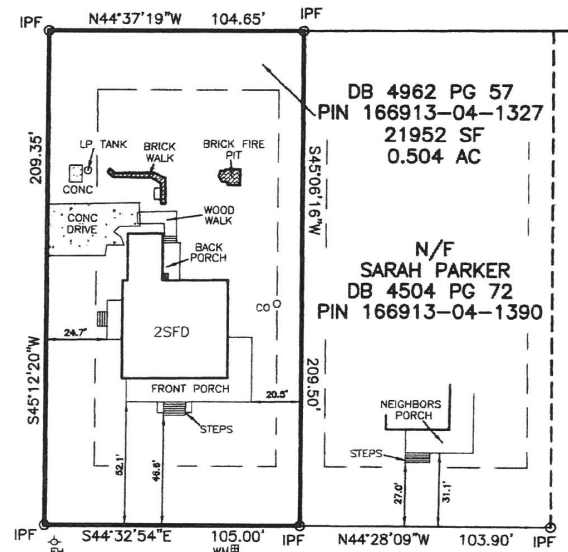


VICINITY MAP
(not to scale)

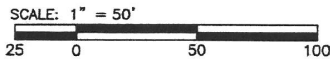


N. ROBERTSON STREET 60' R/W (PUBLIC)

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
 - NAIL FOUND
 - WV WATER VALVE
 - WM WATER METER
 - CO CLEAN OUT
 - S.F. SQUARE FEET
 - 100.0 ELEVATIONS
 - CATV CABLE TV BOX
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 - PB PLAT BOOK
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 - 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.



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www.truelinesurveying.com

NOT PREPARED FOR RECORDATION JOB NO. 3037.001

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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

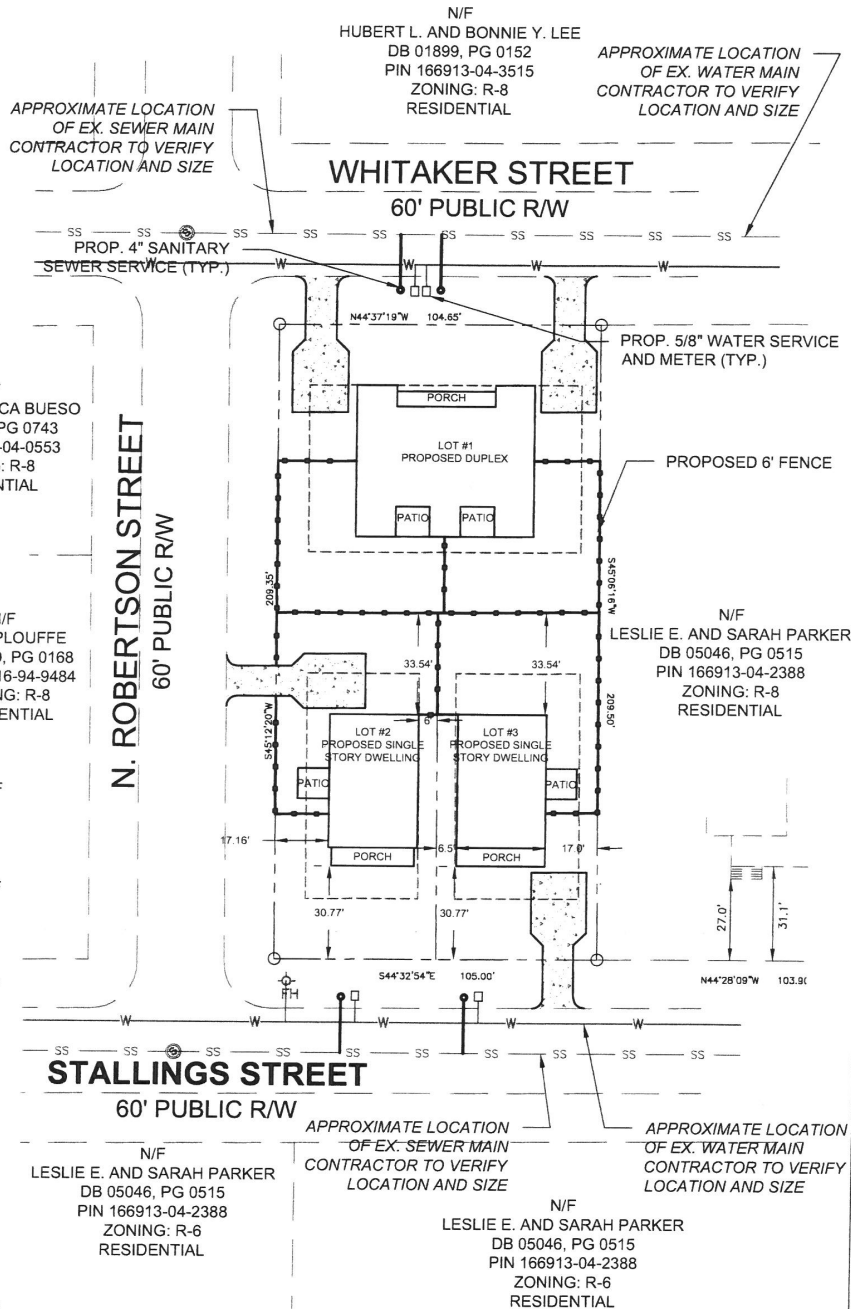
LOT # 1
IMPERVIOUS SURFACE COVERAGE = 3,765 SF
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PLOT PLAN

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



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

June 5, 2018

NOTICE

**SUBJECT: 2018-88-RZ, 330 W Stallings Street rezoning
2018-87-SUP, 330 W Stallings Street Special Use Permit**

Address: 330 W Stallings Street, Clayton, NC
Tag #: 05031031
Applicant: CommunitySmith, LLC

Dear Clayton Area Property Owner:

Notice is hereby given that the Clayton Town Council will hold a public hearing and evidentiary hearing on Monday, June 18th, 2018, at 6:00 PM at Town Hall, 111 E Second Street, to consider the above referenced rezoning and special use request. The applicant is requesting the rezoning of approximately 0.5 acres located on the corner of W Stallings Street, Robertson Street, and Whittaker Street – the old Champion house. The requested rezoning change is from Residential-8 (R-8) to Residential-6 (R-6). For the Special Use Permit, the applicant is requesting to allow the use of a duplex on a portion of the subject property at the corner of Whitaker Street and Robertson Street. Please see the map on the back of this letter.

Based upon records in the Johnson County Tax Office, you are the owner of property that is within 100 feet of these requests. For the rezoning, you are invited to attend this meeting and express your opinions on this request to Council.

For the Special Use Permit, the Town Council will hold an evidentiary hearing and must make findings of fact based upon sworn testimony and other credible evidence. Citizens are invited to attend and may give testimony in an evidentiary hearing after they have taken an oath.

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

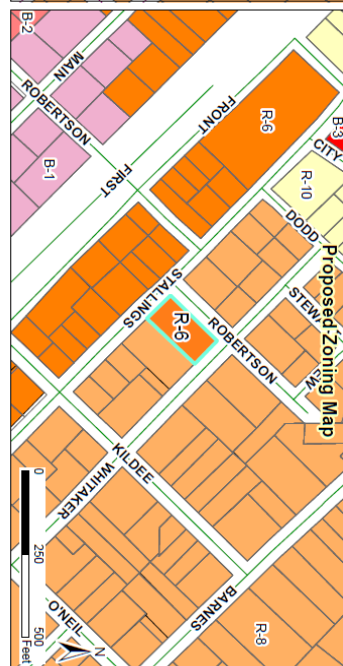
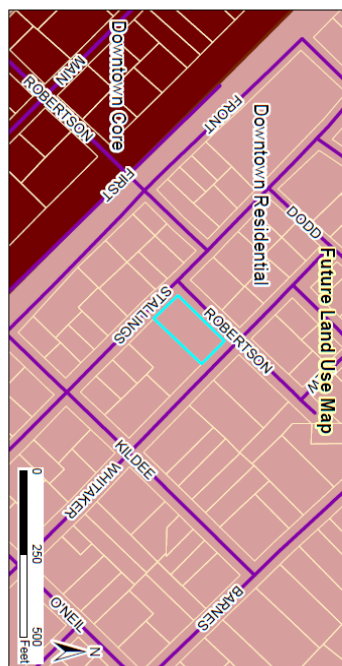
Sincerely,

Haley Hogg

CC: File folder: 2018-88-RZ
Kimberly Moffett, Town Clerk

Staff Report Map

Document path: O:\PLANNING\REZONING\2018\2018-88-RZ-330 W. Stallings St\Map\Map 2018-88-RZ-330 W Stallings Street rezoning.mxd



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, July 16, 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:

July 6, 2018

July 13, 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

**TOWN OF CLAYTON
SPECIAL USE PERMIT
#2018-87-SUP
GRANTED**

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

Applicant:	Community Smith LLC
Property Owner:	101 W. First Street LLC
Property Location:	3330 W. Stallings Street
Brief Property Description:	.229 acres
Tax Parcel Number:	166913-04-1327 / 4700780
Proposed Use of Property:	Duplex
Hearing Date:	July 16, 2018

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

(1) That the application will not materially endanger the public health or safety if located where proposed, and developed according to the plans as submitted and approved.

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

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

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

CONDITIONS OF APPROVAL:

1. 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.

[REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

TOWN OF CLAYTON

BY: _____
Jody McLeod
Mayor

DATE: _____ [Note:
within 14 days of decision per Code Section
155.702(G)]

ATTEST:

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



Town Council Agenda Cover Sheet

Meeting Date

June 18 2018

Agenda Location

Public Hearings

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

Approval

Additional Documents To Be Included in Agenda Packet

Application
Staff report
Map
Neighborhood meeting materials
Newspaper Ad
Adjacent Property Letter
Planning Board Motion Sheet



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

Page 1 of 10

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

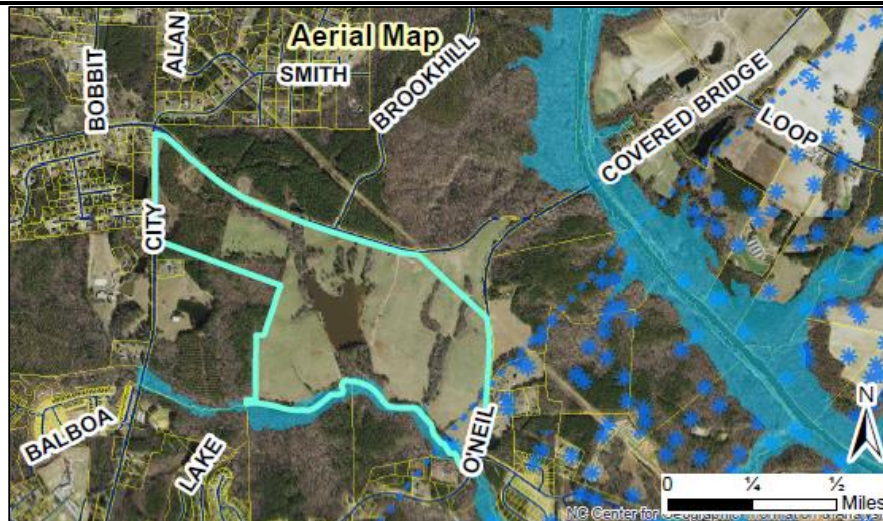
Application Number: 2018-30-PDD Project Name: Steeplechase Planned Development, Rezoning

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:

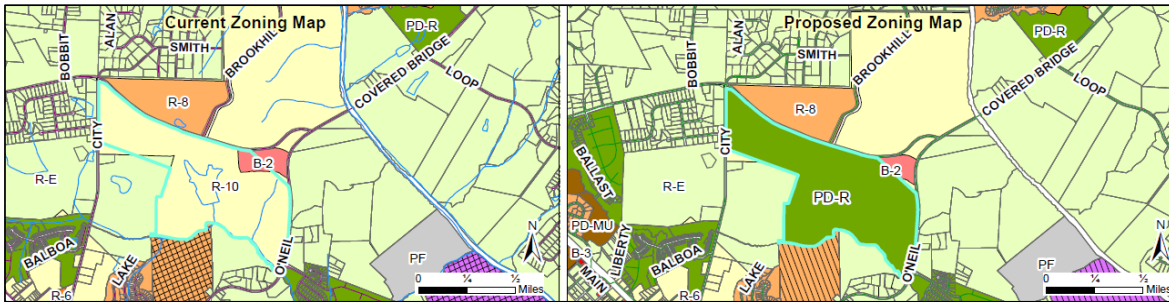
Acreage: 266.72± acres; the southern portion of the Earp tract.

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.

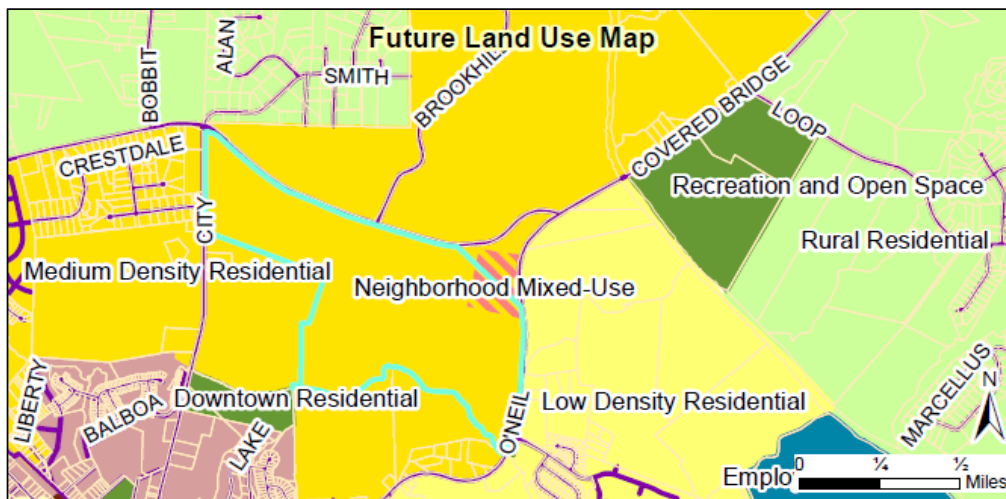
This application is running concurrently with a preliminary plat application, which is acting as a Master Plan (2018-31-SD, Steeplechase Master Plan). The master plan designates the uses, dimensional standards, and other associated design elements, including unique road design cross sections, that are 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.

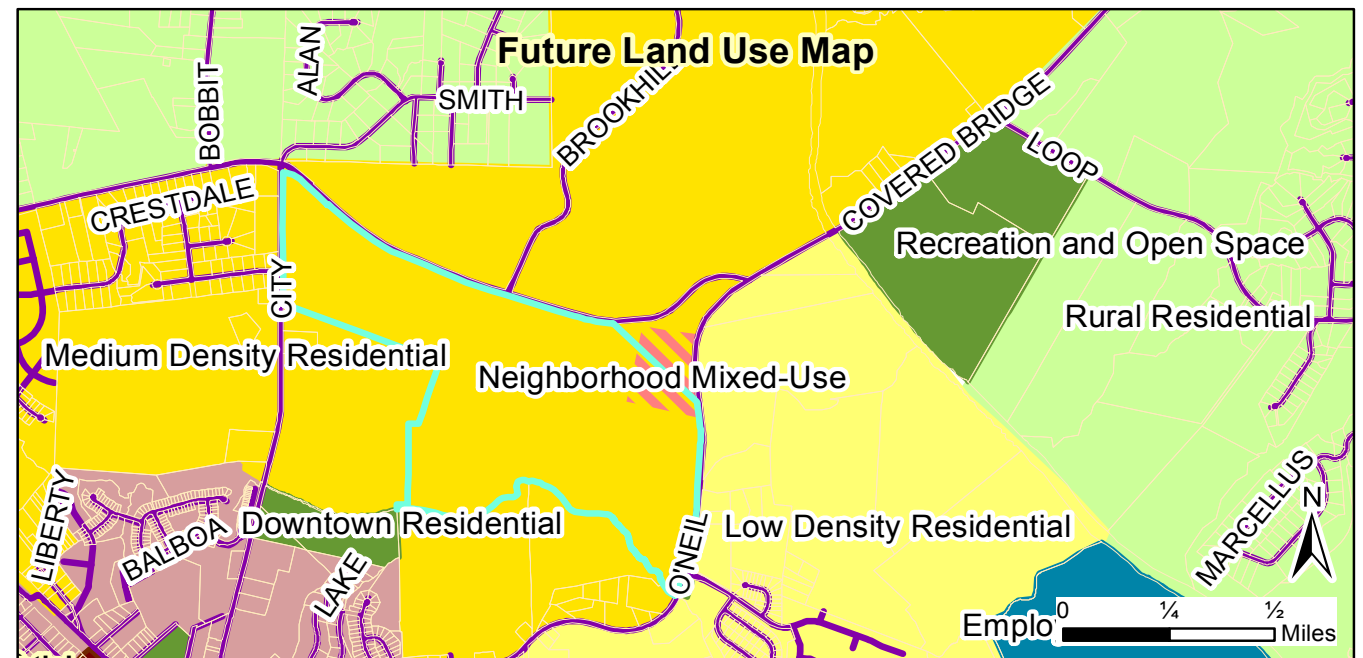
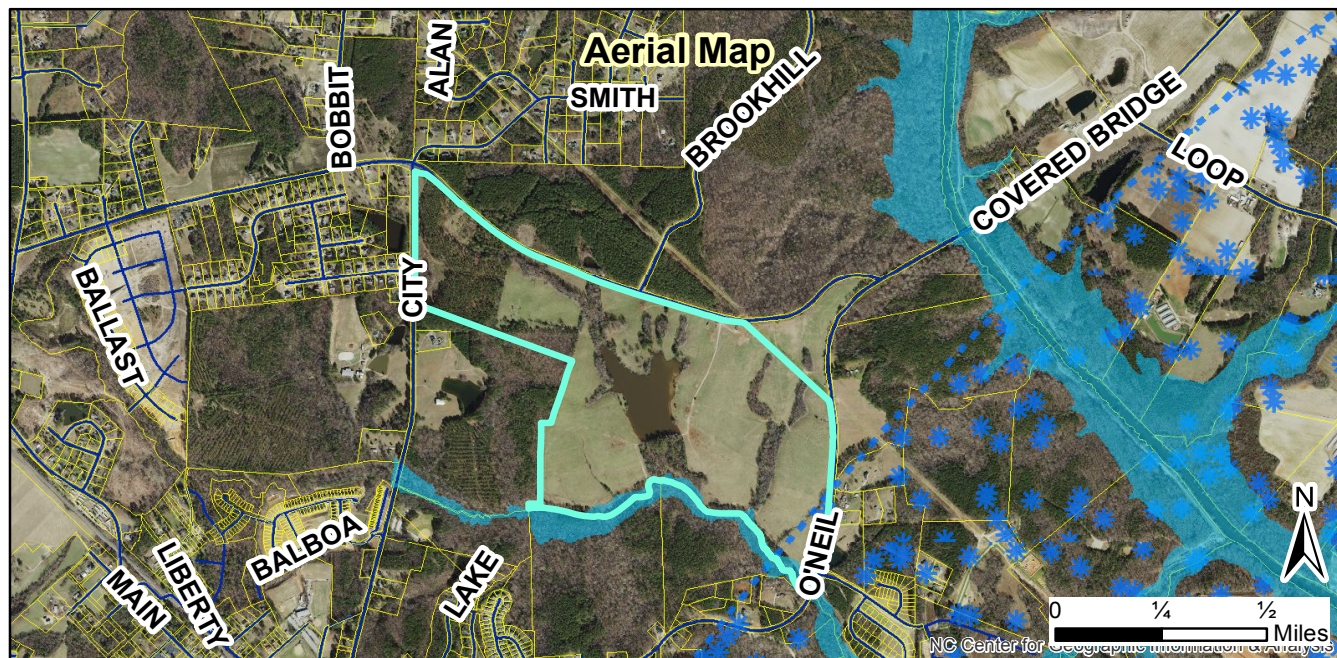
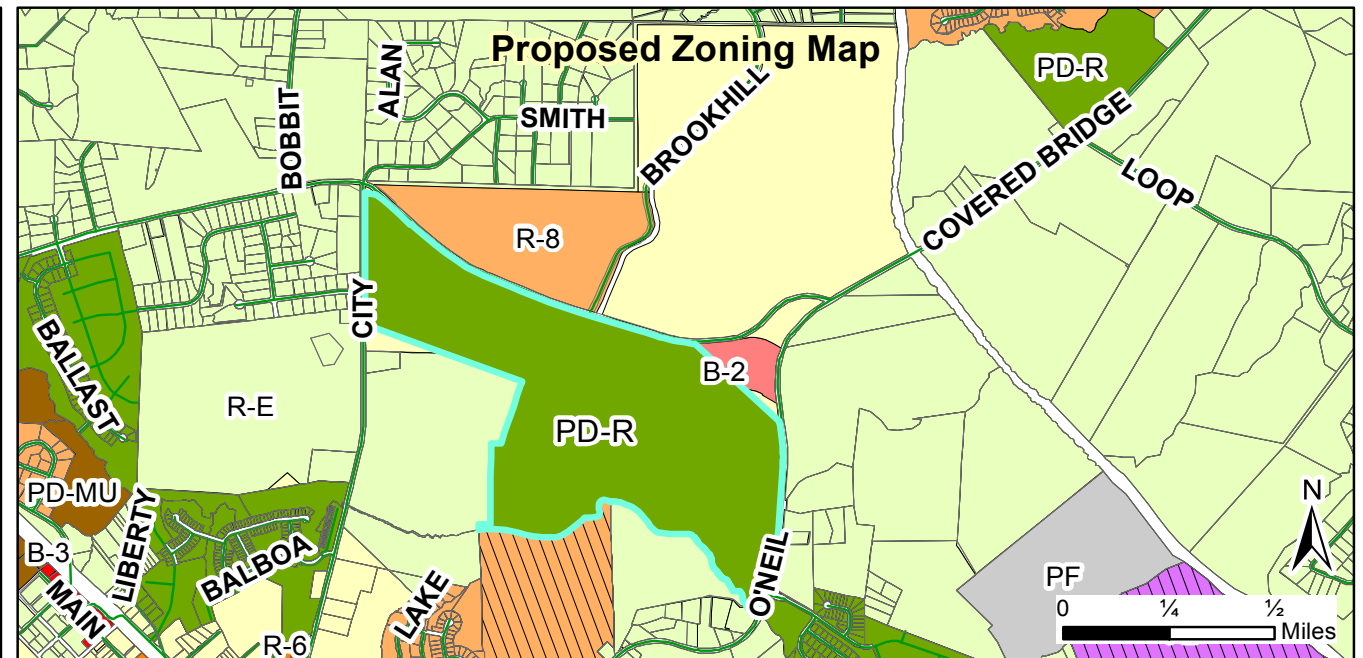
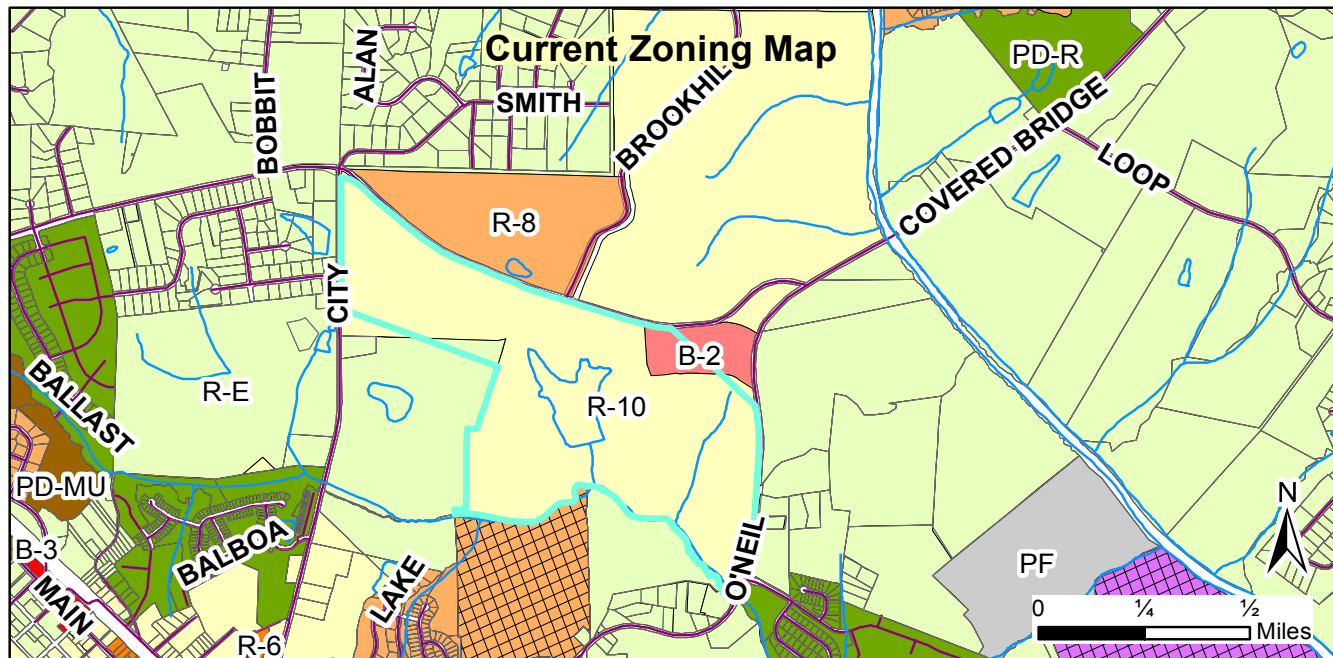
- When adopting or rejecting the rezoning, the Town Council shall approve a statement describing whether its action is consistent with adopted plans and/or policies of the Town and explaining why the Council considers the action taken to be reasonable and in the public interest.
 - This rezoning is running 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



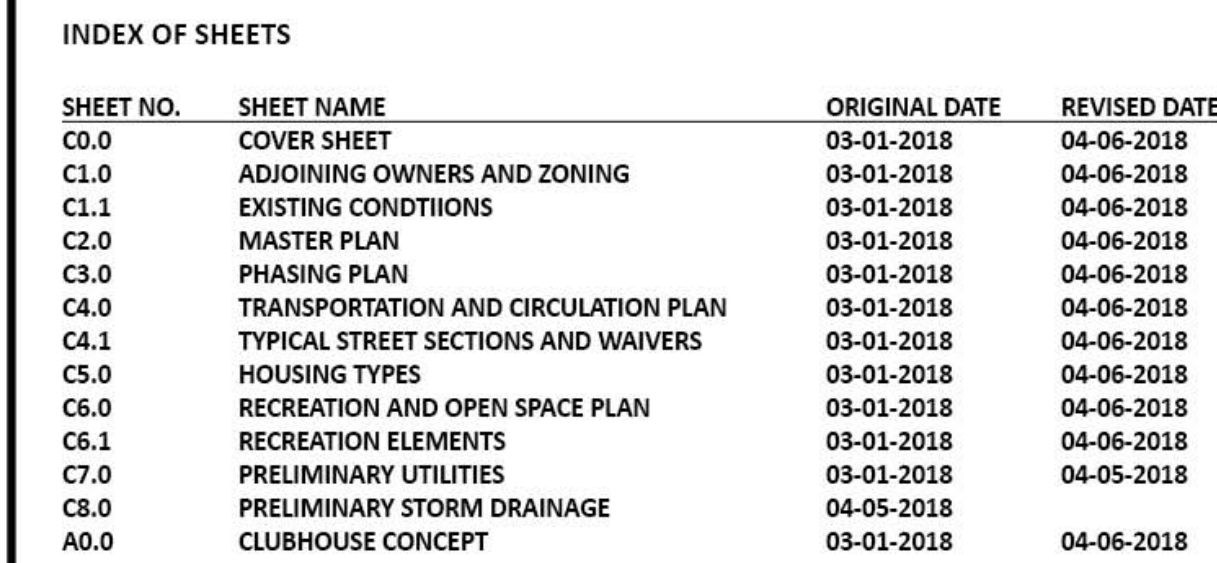
Document Path: O:\PLANNING\SUBDIVISIONS\MAJOR SUBDIVISIONS\2018\2018-31-SD Steeplechase Master Plan\Map\Map 2018-31-SD, 2018-30-PDD Steeplechase Planned Development.mxd

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.



LOCATED IN

CLAYTON, JOHNSTON COUNTY, NORTH CAROLINA

TRAFFIC ENGINEER: RAMEY KEMP AND ASSOCIATES, INC.
ADDRESS: 5808 FARINGTON PLACE, SUITE 100
RALEIGH, NC 27609
PHONE: (919) 872-5115
CONTACT: JESSICA MCCLURE

SURVEYOR: TRUE LINE SURVEYING, P.C.
ADDRESS: 205 WEST MAIN STREET
CLAYTON, NC 27620
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) 895-4289
CONTACT: JAMES SPANGLER

PROJECT TEAM:			
REVIEW AGENCY:	TOWN OF CLAYTON	TRAFFIC ENGINEER:	RAMEY KEMP AND ASSOCIATES, INC.
ADDRESS:	111 E. SECOND STREET CLAYTON, NC 27528	ADDRESS:	5808 FARINGTON PLACE, SUITE 100 RALEIGH, NC 27609
FAX:	(919) 553-5002	PHONE:	(919) 872-5115
		CONTACT:	JESSICA MOCLURE
PROPERTY OWNER:	RAYMOND ELMORE EARP, JR. FAMILY TRUST EARP, NANCY CREWS, TRUSTEE & WORLEY, MARY EARP	SURVEYOR:	TRUE LINE SURVEYING, P.C.
ADDRESS:	7020 NC HIGHWAY 42 E, SELMA, NC 27576-6128	ADDRESS:	205 WEST MAIN STREET CLAYTON, NC 27520
APPLICANT:	SHENANDOAH HOMES/CAPITAL PROPERTIES	PHONE:	(919) 359-0427
ADDRESS:	3724 NATIONAL DRIVE, SUITE 220 RALEIGH, NC 27612	CONTACT:	CURK LANE
PHONE:	(919) 330-8177	ARCHITECT:	D. CLUGSTON, INC.
CONTACT:	DAVID STALLINGS	ADDRESS:	2506 RELIANCE AVE. APEX, NC 27539
		PHONE:	(919) 412-4711
LAND PLANNING/ ENGINEERING:	ESP ASSOCIATES, INC.	CONTACT:	BRIAN JACOBS
ADDRESS:	2200 GATEWAY CENTRE BLVD, SUITE 216 MORRISVILLE, NC 27660	ENVIRONMENTAL CONSULTANT:	SPANGLER ENVIRONMENTAL, INC.
PHONE:	(919) 678-1070, EXT. 534	ADDRESS:	4338 BLAND ROAD RALEIGH, NC 27609
FAX:	(919) 877-1252	PHONE:	(919) 885-4288
CONTACT:	KATHRYN R. MCPHERSON, R.L.A., ASLA SALMAN MOAZZAM, PE	CONTACT:	JAMES SPANGLER

Conditions of Approval:

PRELIMINARY PLANS NOT FOR CONSTRUCTION

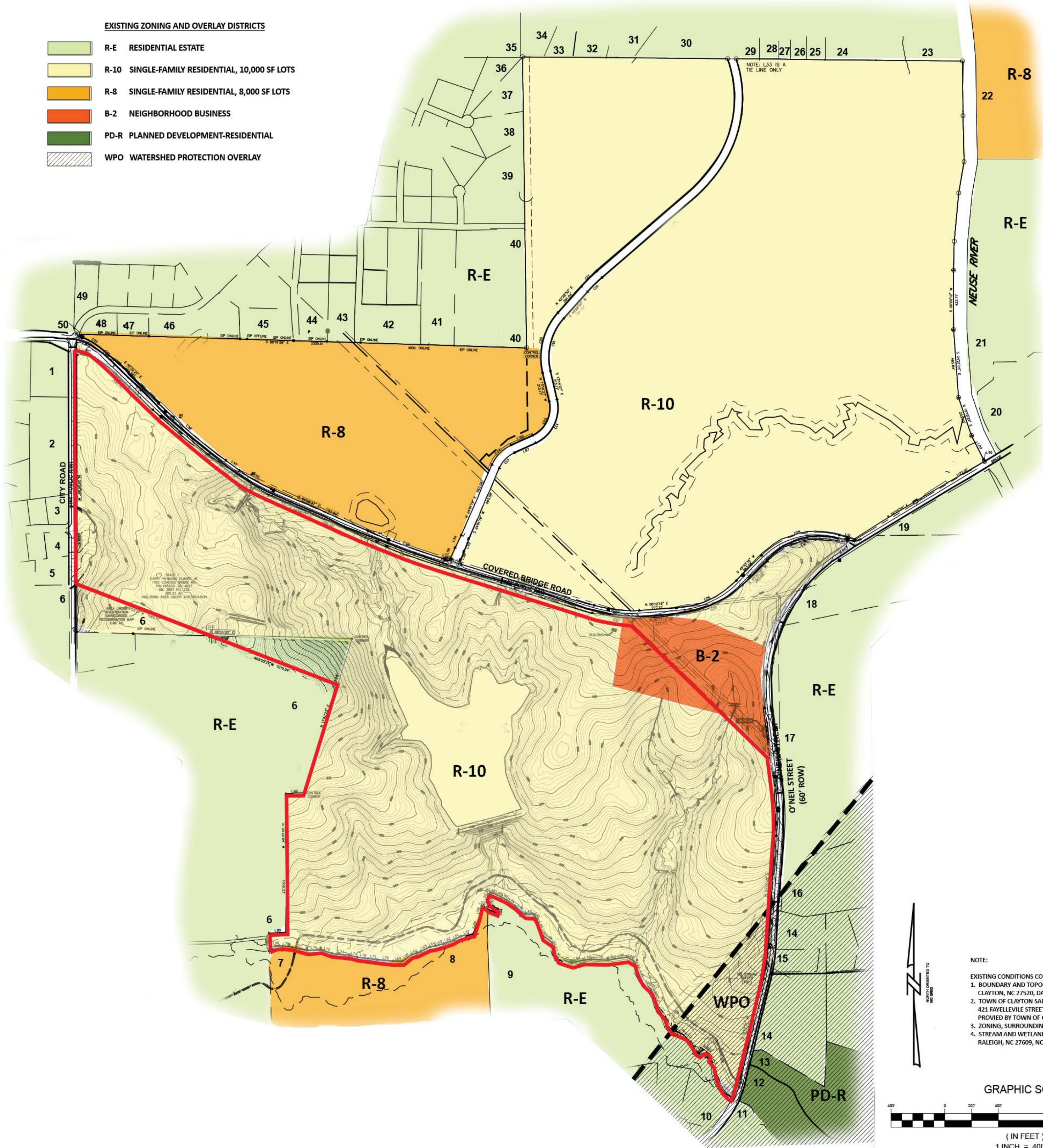


NO.	DATE	REVISION	BY
1.	04-06-2018	TWC-1ST REVIEW COMMENTS	KRM

COVER	STEEPLECHASE MASTER PLAN	SHEWANDOAH HOMES	CLAYTON, NC
-------	--------------------------	------------------	-------------

PROJECT INFORMATION	
PROJECT MANAGER:	KRM
DESIGNED BY:	KRM
DRAWN BY:	KRM
PROJECT NUMBER:	FR51
ORIGINAL DATE:	03/01/2018
SHEET:	
C0.0	

- 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 FAYLEVILLE 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, NCDWG CONFIRMATION# SEPTEMBER 2, 2014.

GRAPHIC SCALE

(IN FEET)
1 INCH = 400 FT.

ADJACENT PROPERTY OWNERS LIST
Steeplechase 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	21.81 AC	RE
8	166910-36-0755	PEEDIN, EDNA S 2721 US 70 EAST SELMA, NC 27578-8174	71.69 AC	R-8, 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 27578-6128	630.63 AC	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	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 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

ESP Associates, Inc.
2300 Gateway Centre Blvd
Morrisville, NC 27560
919-675-1070
www.espace.com
NC LICENSE #F-1407



BY: KRM

DATE: 04-06-2018

REASON: PRELIMINARY REVIEW COMMENTS

NO. 1

DATE: 04-06-2018

REASON: PRELIMINARY REVIEW COMMENTS

NO. 1

DATE: 04-06-2018

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REASON: PRELIMINARY REVIEW COMMENTS

NO. 1

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DATE: 04-06-2018

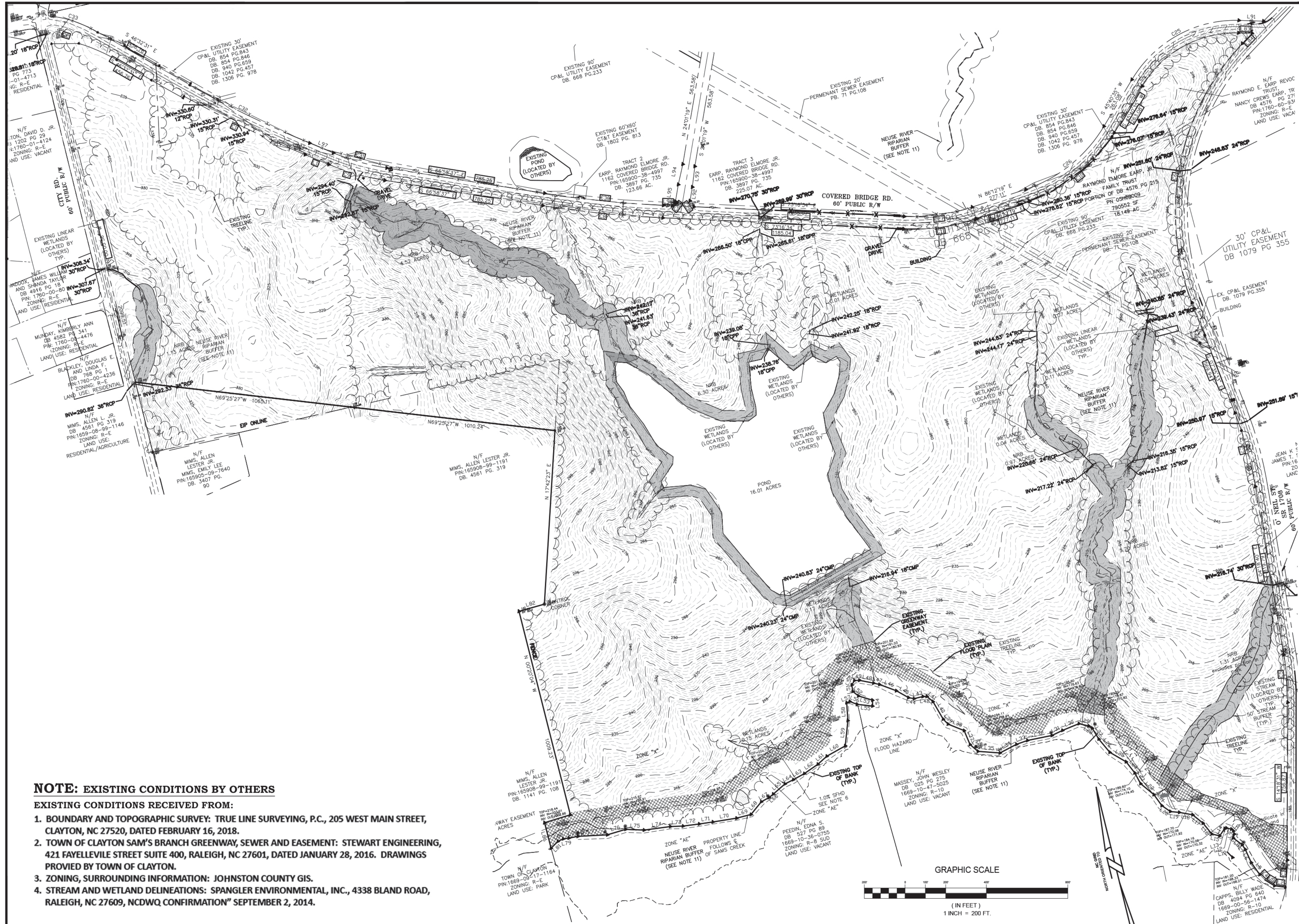
REASON: PRELIMINARY REVIEW COMMENTS

NO. 1

DATE: 04-06-2018

REASON: PRELIMINARY REVIEW COMMENTS

NO. 1



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 CONFIRMATION⁷ 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

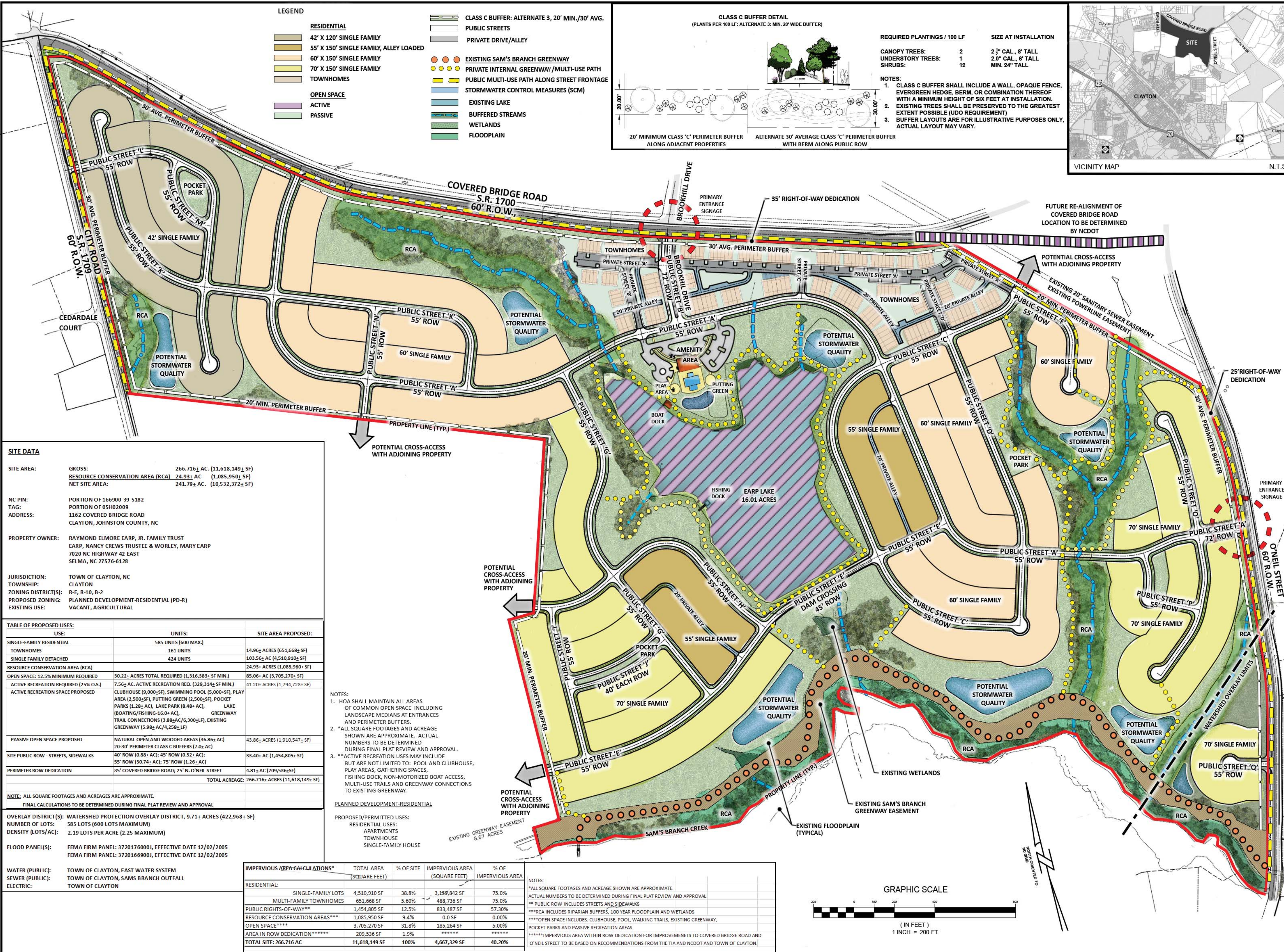
STEEPLECHASE MASTER PLAN

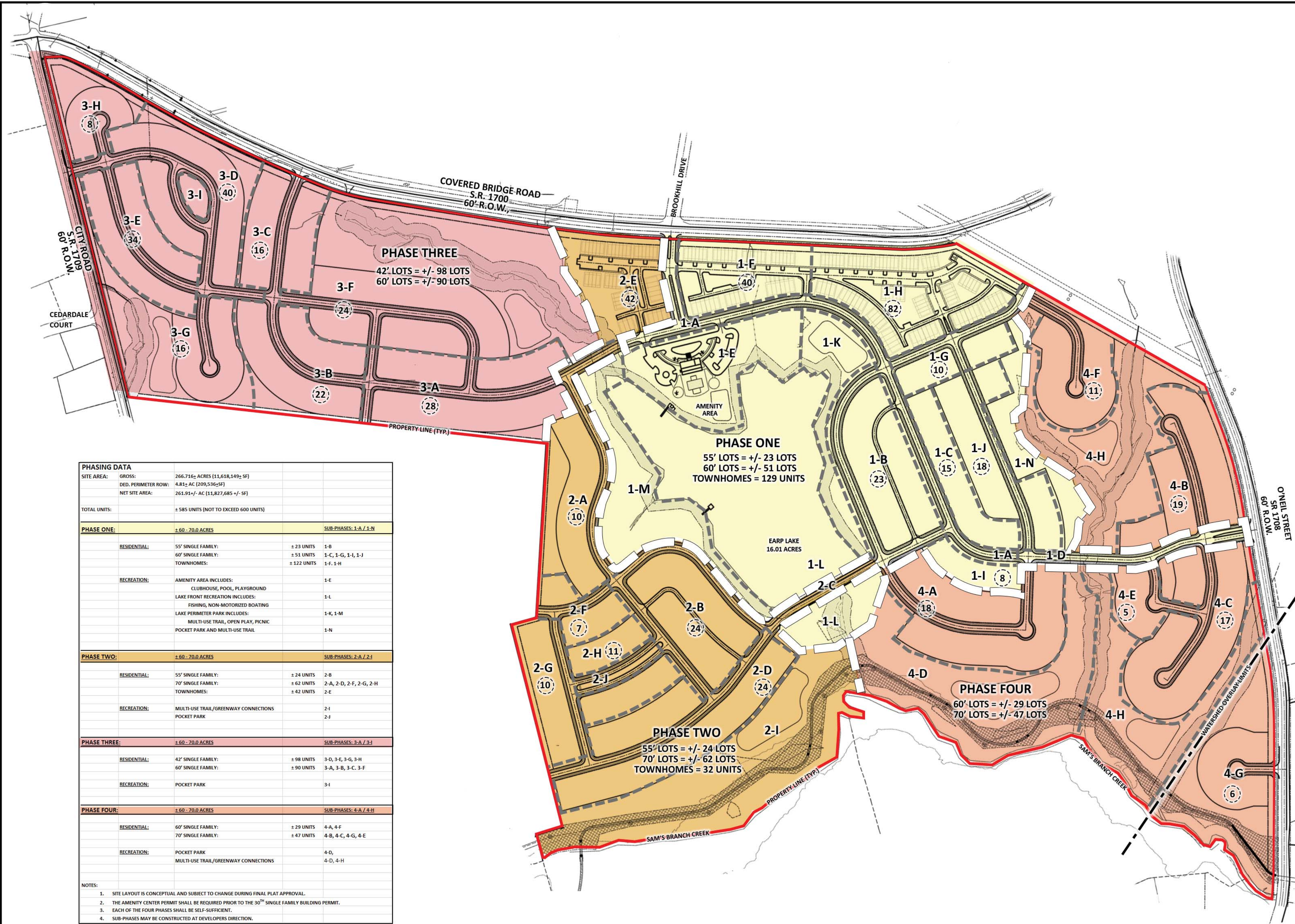
CLAYTON, NC

SHEWANDOH 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.			

ESP Associates, Inc.
2200 Gateway Centre Blvd
Suite 215
Morrisville, NC 27560
919.275.1070
www.espaceassociates.com
NC LICENSE #F-1407

05/16/2018

BY: KRM

DATE: 04-26-2018

NO. 1

REVISION: TBC 1ST REVIEW COMMENTS

PROJECT INFORMATION

PROJECT MANAGER:	KRM
DESIGNED BY:	KRM
DRAWN BY:	KRM
PROJECT NUMBER:	FR51
ORIGINAL DATE:	03/01/2018

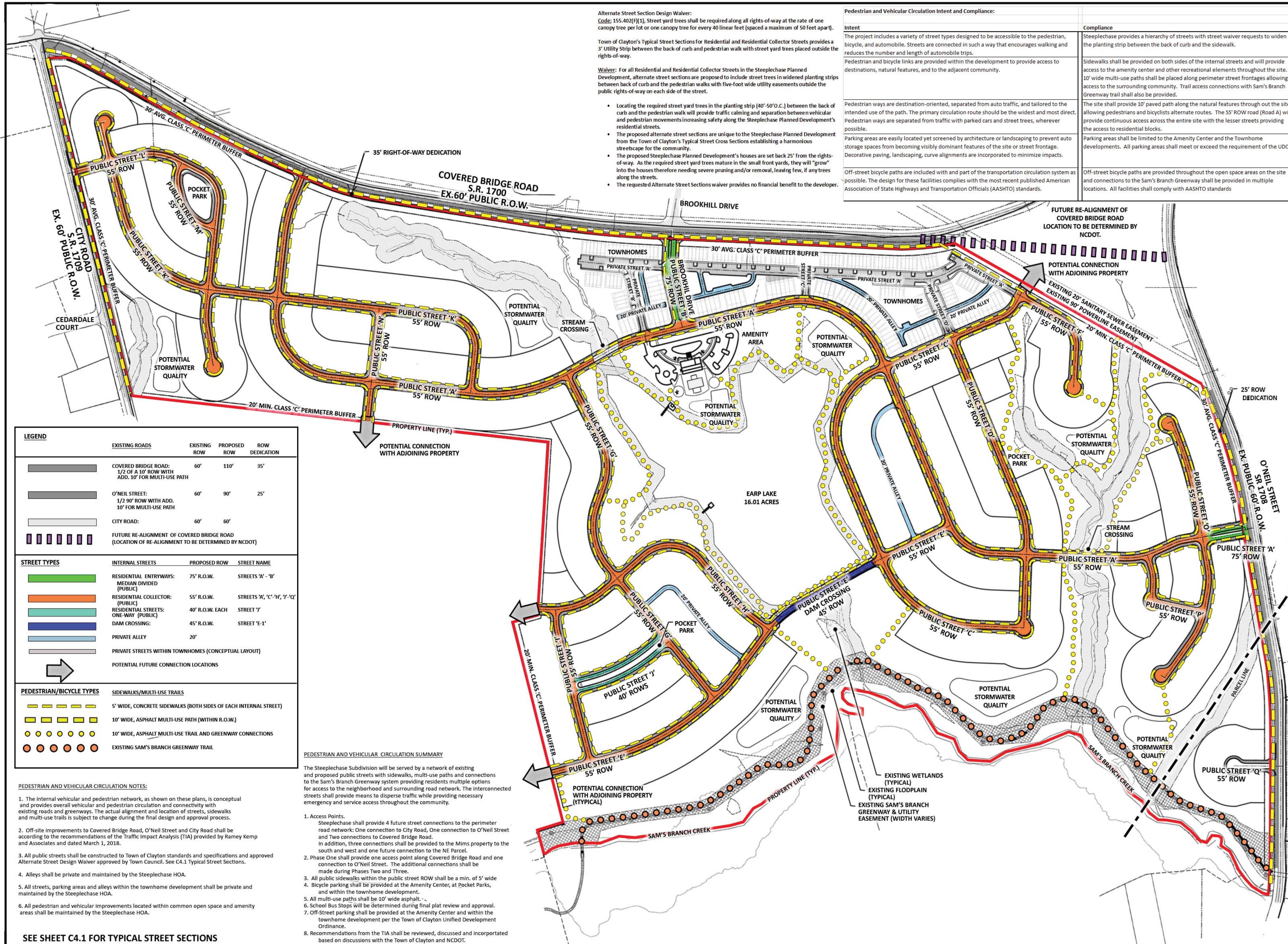
SHEET: C3.0

PHASING PLAN

STEEPLECHASE MASTER PLAN

CLAYTON, NC

SHEWANDA H. HINES



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.

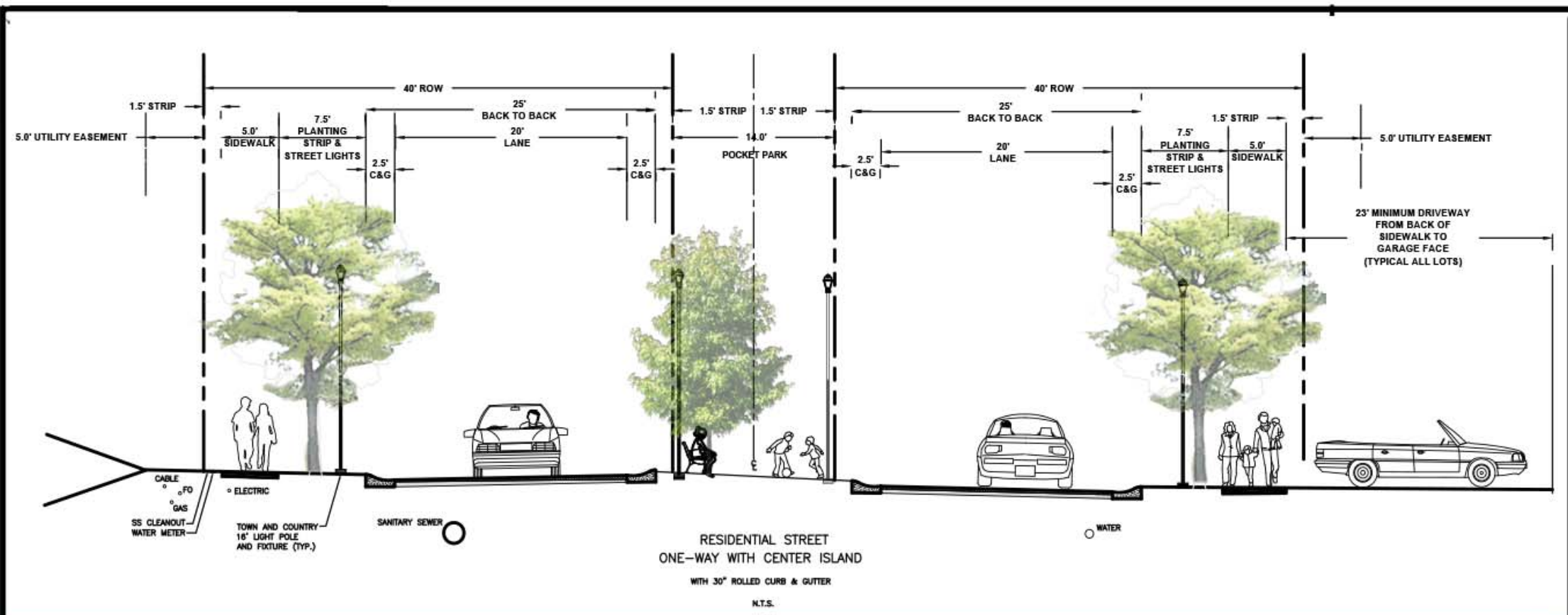
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BY: _____
DATE: _____
NO. _____

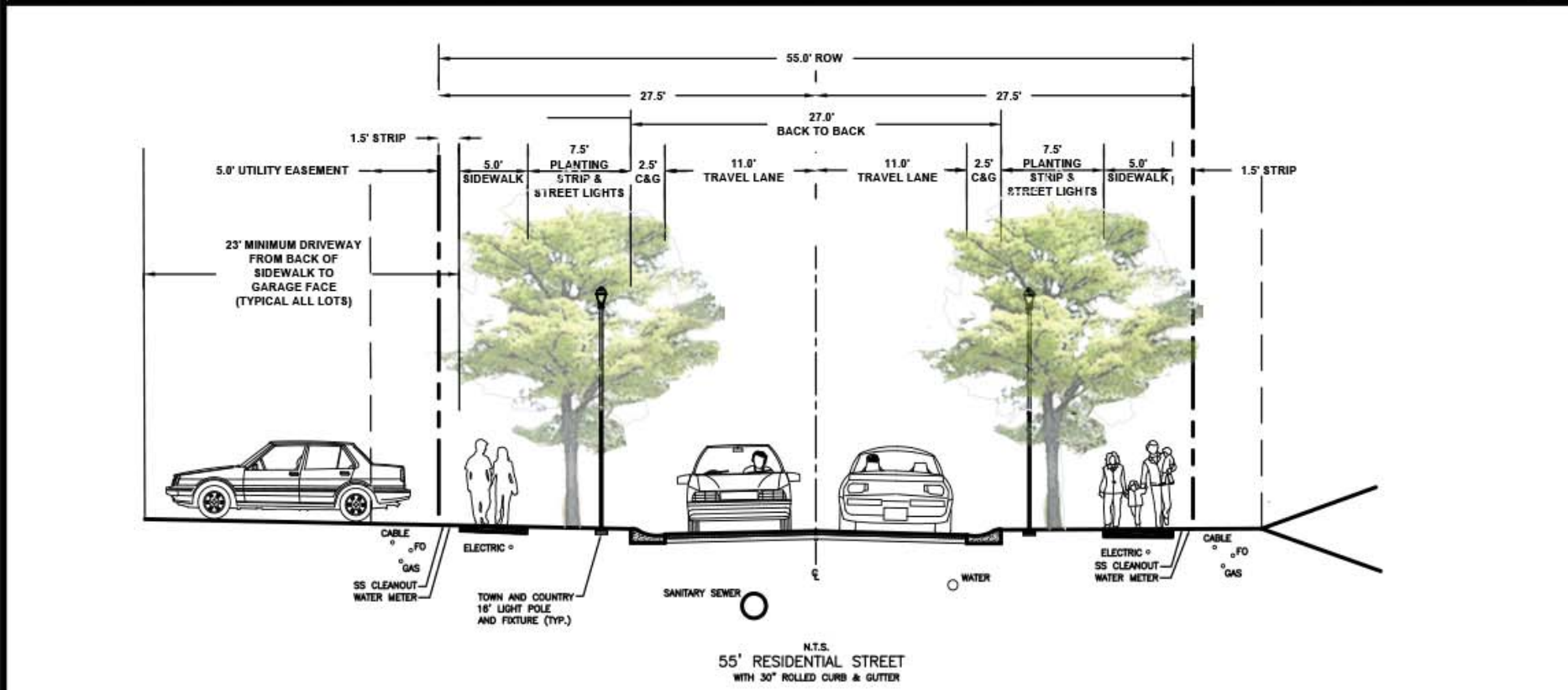
REVISION
1. 04-26-2018 TIA & CIP REVIEW COMMENTS

PROJECT INFORMATION
PROJECT MANAGER: KRM
DESIGNED BY: KRM
DRAWN BY: KRM
PROJECT NUMBER: FRS1
ORIGINAL DATE: 03/01/2018
SHEET: C4.0

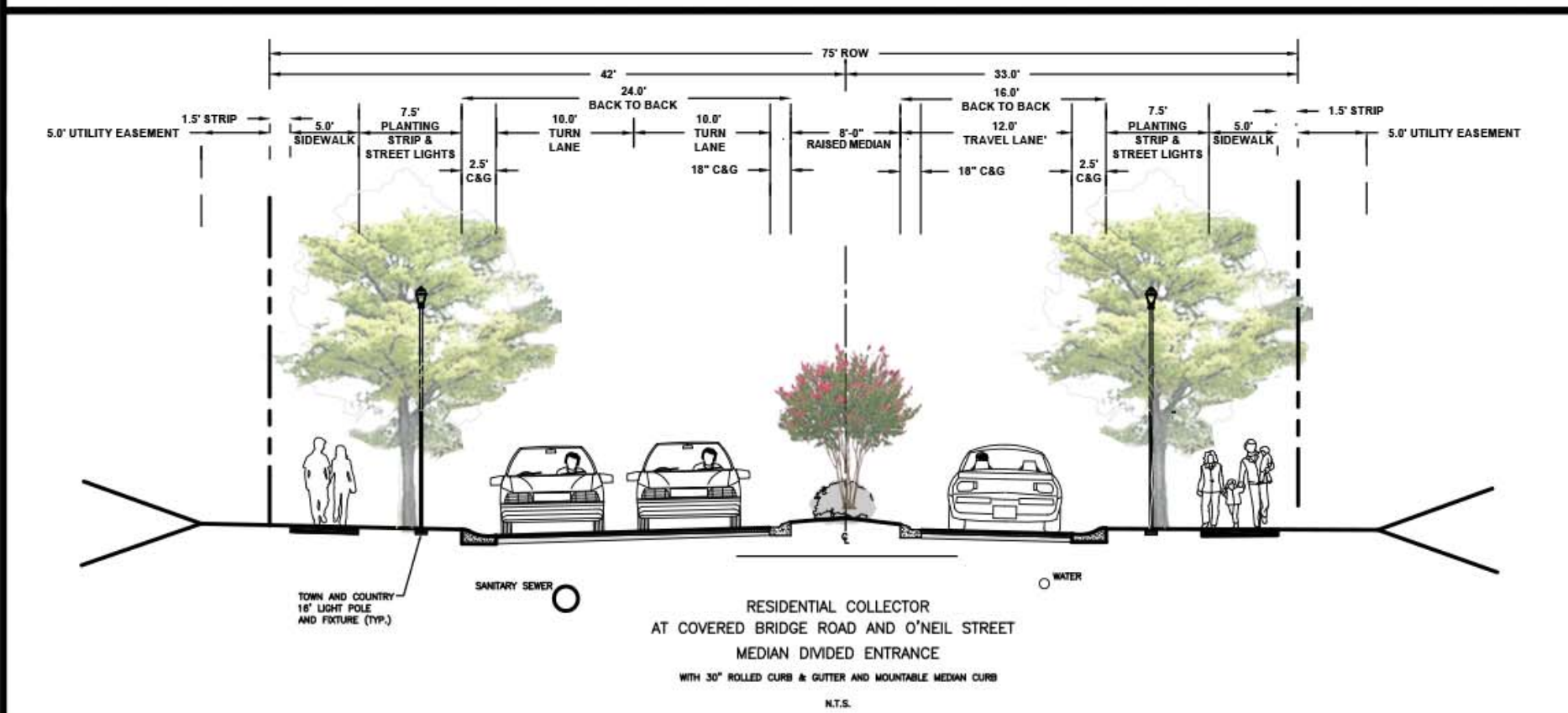
TRANSPORTATION AND CIRCULATION PLAN
STEEPLECHASE MASTER PLAN
SHEMARDON HOMES
CLAYTON, NC



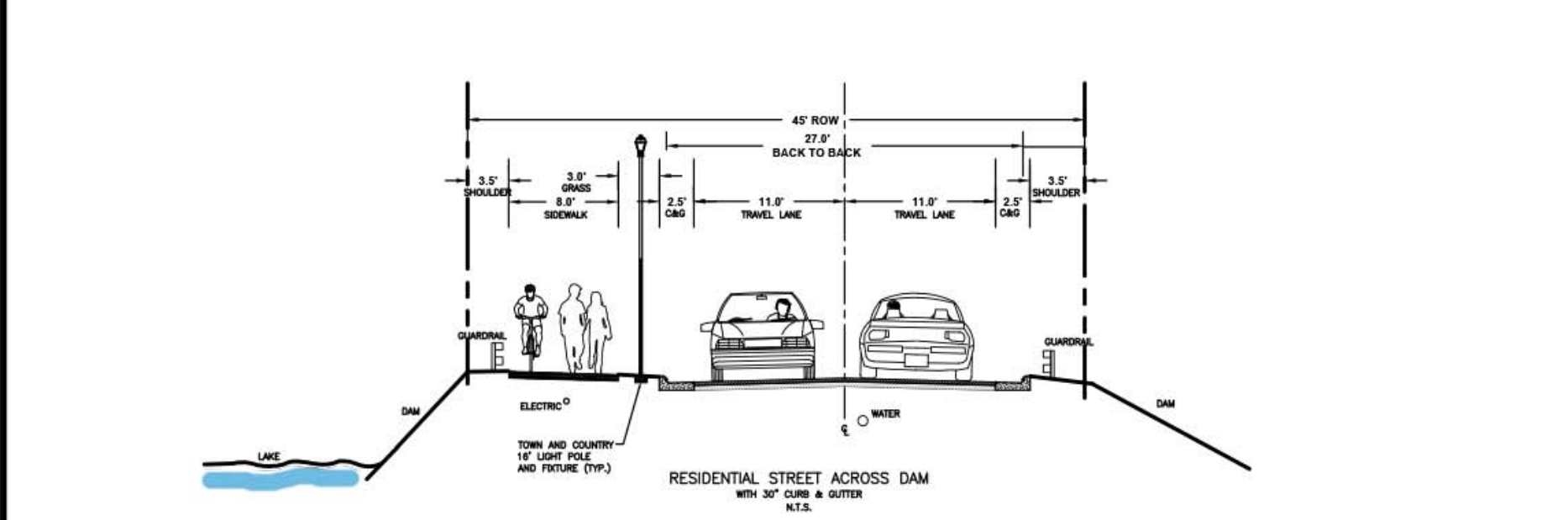
RESIDENTIAL STREET - PUBLIC STREET: 'J'



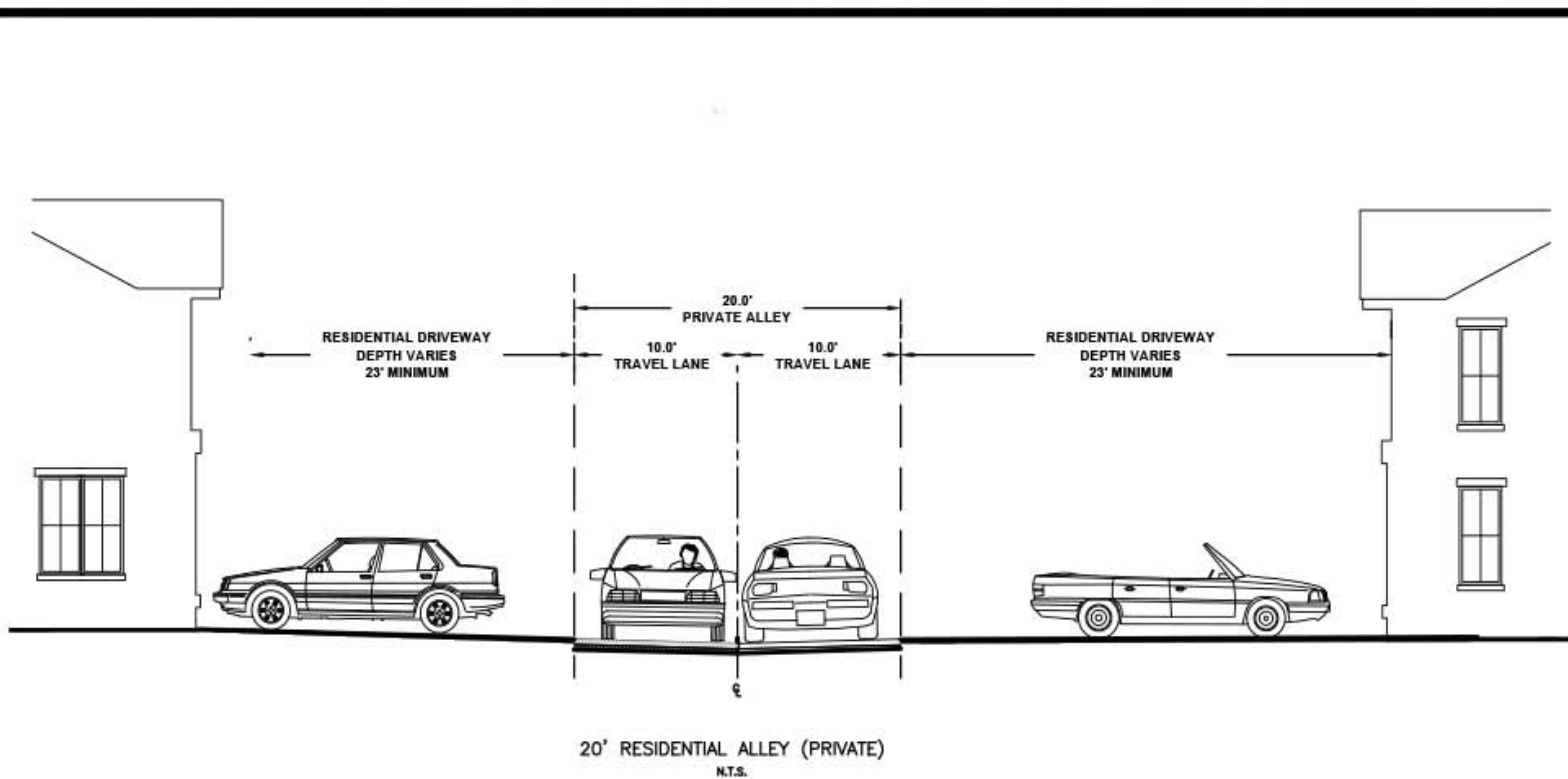
RESIDENTIAL STREET - PUBLIC STREETS: 'A', 'C', 'I', 'K', 'Q'



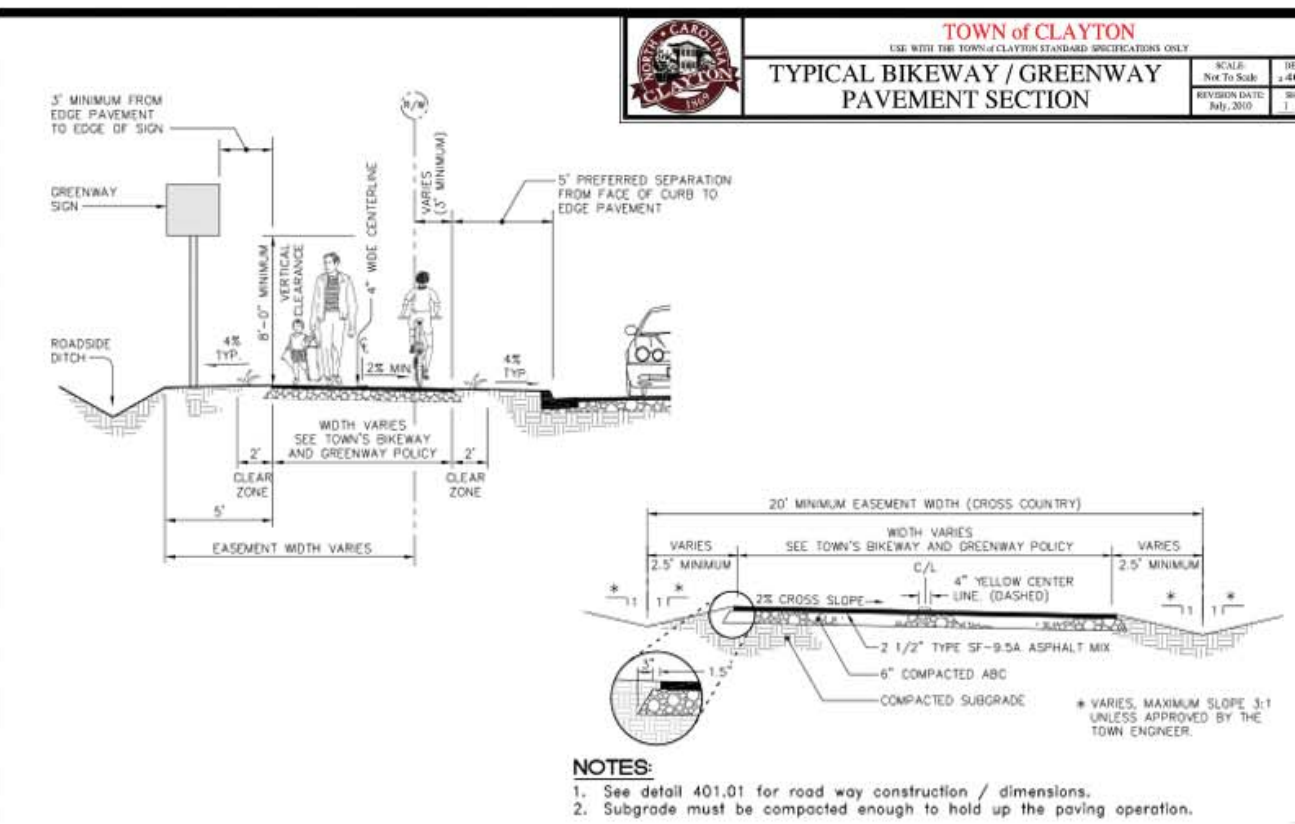
RESIDENTIAL ENTRYWAY - PUBLIC STREETS 'A-1' AND 'B'



DAM CROSSING - PUBLIC STREET 'E-1'



PRIVATE ALLEY



10' MULTI-USE TRAIL

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'

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2200 Gateway Centre Blvd
Morrisville, NC 27560
919.475.1070
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ESP

SEAL
028116
10/16/2018

BY: [Signature]
DATE: 10/16/2018

TYPICAL STREET SECTIONS

STEEPLECHASE MASTER PLAN

CLAYTON, NC

SHEANDOAH HOMES

PROJECT INFORMATION

PROJECT MANAGER: KRM

DESIGNED BY: KRM

DRAWN BY: KRM

PROJECT NUMBER: FR51

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:** Three houses (House, House, House) with associated Porch, Garage, and Walk areas. A central Fence runs between the houses. A 2-Car Driveway is located at the rear of the lot.
- Public Street:** Located on the left and bottom edges of the lot.
- Other Features:** Grass Planting Strip, Pedestrian Zone, and a 2-Car Driveway with a 23' Garage Setback from the Back of Sidewalk.

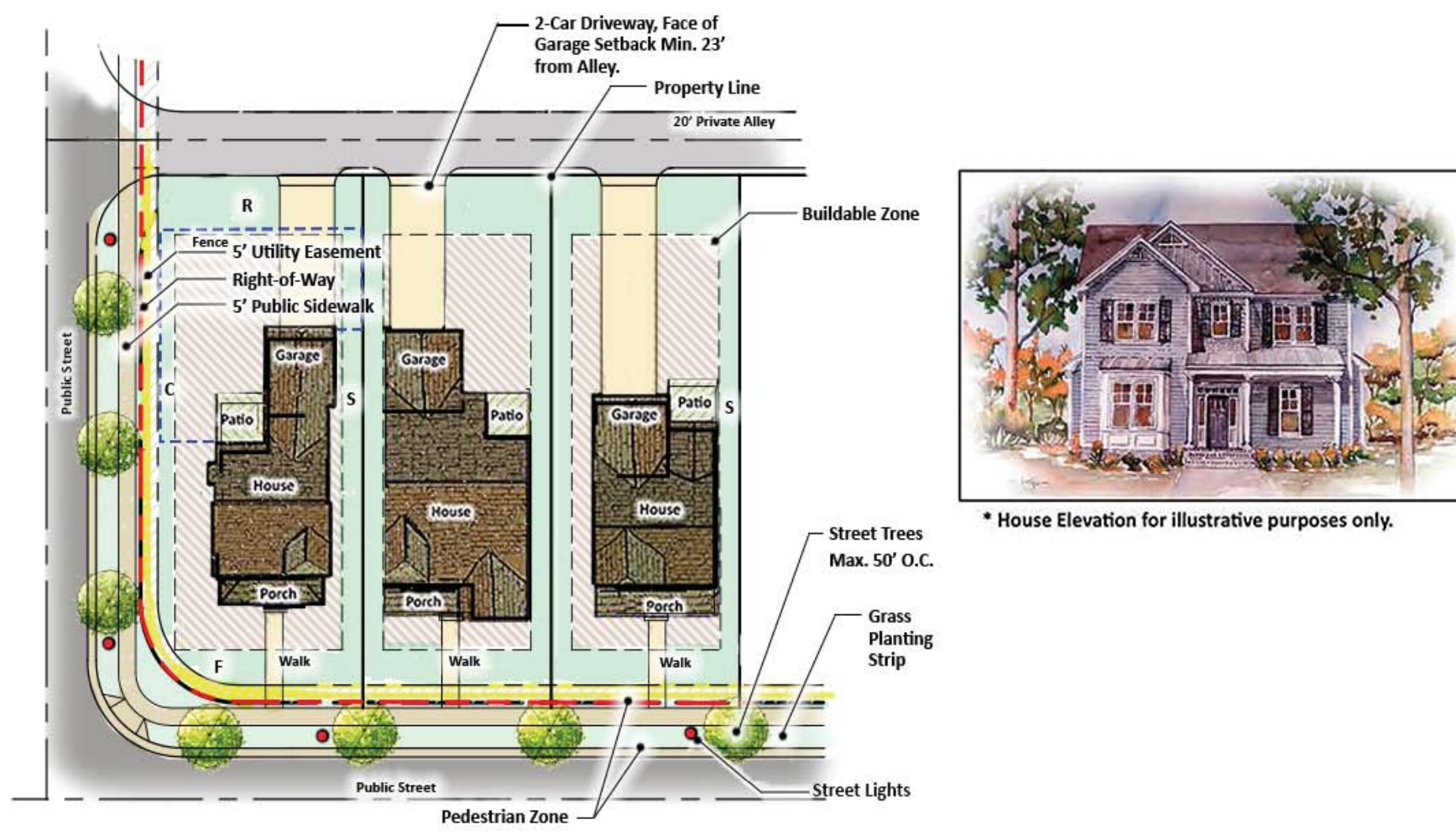
* House Elevation for illustrative purposes only.

The diagram illustrates a residential lot layout with the following features and labels:

- Street Lights**: Located along the top and bottom public streets.
- Property Line**: The boundary of the lot.
- 5' Utility Easement**: A strip along the top boundary.
- Right-of-Way**: The area for the public street.
- 5' Public Sidewalk**: A strip along the bottom boundary.
- Buildable Zone**: The area within the lot where construction is permitted, bounded by dashed lines.
- Fence**: A dashed line indicating a potential fence line.
- Public Street**: The street on the left and bottom.
- Patio**: Outdoor areas adjacent to the houses.
- House**: The main living structures.
- Porch**: Attached outdoor spaces.
- Garage**: Attached or detached storage structures.
- Walk**: Paths between buildings.
- Street Trees**: Trees planted along the public streets.
- Max. 50' O.C.**: Maximum spacing for street trees.
- Grass Planting Strip**: A strip of grass between the sidewalk and the street.
- 2-Car Driveway, Face of Garage Setback Min. 23'**: A driveway with a minimum setback for the garage face.
- Pedestrian Zone**: An area near the bottom street.

** House Elevation for illustrative purposes only.*

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 residential lot layout with the following features and setbacks:

- Public Street** (left and bottom)
- 5' Utility Easement** (top left)
- Right-of-Way** (top left)
- 5' Public Sidewalk** (top left)
- Property Line** (top and right)
- Buildable Zone** (shaded green area)
- Fence** (top right)
- Shed / Accessory Bldg** (top right)
- House** (three units shown)
- Patio** (three units shown)
- Garage** (three units shown)
- Porch** (three units shown)
- Walk** (three units shown)
- Street Trees** (bottom right, Max. 50' O.C.)
- Grass Planting Strip** (bottom right)
- Street Lights** (bottom right)
- 2-Car Driveway, Face of Garage Setback Min. 2' from Back of Sidewalk** (bottom right)
- Pedestrian Zone** (bottom right)

* House Elevation for illustrative purposes only.

NOTES:

The diagram illustrates the layout of townhomes with surface parking. It shows a grid of townhome units, each with a 'No Garage' label. Key features include a 'Buildable Zone' and 'Property Line' at the top, a 'Community Open Space' to the right, and a '5' Utility Easement' at the bottom. The bottom edge features a '1.5' Grass Planting Strip', 'Sidewalk', 'Pedestrian Zone', and 'Building Setback (Typ.)'. The right side shows a 'Parking and Private Street'. A photograph on the right shows a row of three-story townhomes with gabled roofs and multiple windows.

Townhomes with Surface Parking/No Garage
 * Townhome Elevations for illustrative purposes only.

The diagram illustrates the layout of a townhome lot. Key features include:

- 20' Private Alley**: Located at the top of the lot.
- Buildable Zone**: The area within the property line where construction is permitted.
- Property Line**: The boundary of the lot.
- 2-Car Driveway (Typ.)**: Located on the left side of the lot.
- Garage (Typ.)**: Located adjacent to the driveway.
- Townhome with Garage**: The main structure of the townhome.
- 5' Public Sidewalk**: Located on the left side of the lot.
- Right-of-Way**: The area adjacent to the public sidewalk.
- Curb & Gutter**: The boundary between the sidewalk and the street.
- Public or Private Street**: Located at the bottom of the lot.
- Pedestrian Zone**: The area adjacent to the public street.
- Building Setbacks**: The required distance between the building and the property lines.
- Grass Planting Strip**: The area between the building setbacks.
- 5' Utility Easement**: Located on the right side of the lot.
- 1.5'**: A specific setback dimension.

An illustrative townhome elevation is shown in the top right corner, featuring a two-story structure with multiple windows and a gabled roof.

* Townhome Elevations for illustrative purposes only.

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' 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 6 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.



NO.	DATE	REVISION	BY
1	04-06-2018	THE 1ST REVIEW COMMENTS	HRM

HOUSING TYPES

STEEPLECHASE MASTER PLAN

SHEMANDOAH HOMES CLAYTON, NC

PROJECT INFORMATION	
PROJECT MANAGER:	KRM
DESIGNED BY:	KRM
DRAWN BY:	KRM
PROJECT NUMBER:	FR5
ORIGINAL DATE:	03/01/

SHEET:

C5.0



RECREATION AND OPEN SPACE TYPES (REQUIREMENTS PER UDO)

1. CLUBHOUSE/POOL AMENITY AREA:

- A. AMENITY CENTER SHALL BE CENTRALLY LOCATED
- B. POOL SHALL BE A MINIMUM OF 5,000 SF
- C. MAY INCLUDE (BUT NOT LIMITED TO): TENNIS COURTS, SWIMMING POOL, COMMUNITY ACTIVITY ROOM, GAZEBO, EXERCISE ROOMS, AND OUTDOOR SEATING AREAS

2. NEIGHBORHOOD PARKS:

- A. MAY BE LOCATED WITHIN AMENITY AREA.
- B. MINIMUM SIZE FROM 1-5 ACRES.
- C. SHALL BE BOUNDED ON STREETS ON 50% OF PERIMETER.
- D. SHALL INCLUDE BENCHES AND WALKWAYS.
- E. MAY INCLUDE: PLAYGROUNDS, TENNIS COURTS, DOG PARKS, AND OTHER RECREATIONAL ACTIVITIES.

3. MINI-PARK (POCKET PARK):

- A. PROVIDES ACTIVE RECREATION TO NEIGHBORHOODS WITHIN OVERALL DEVELOPMENT.
- B. SIZE SHALL BE FROM 2,500 SF TO ONE ACRE.
- C. MAY INCLUDE: SEATING, PLAYGROUNDS, AND WALKWAYS.
- D. SHALL BE MAINTAINED BY THE HOA.

4. TOT LOT AND PLAYGROUND:

- A. SHALL CONTAIN COMMERCIAL GRADE PLAY EQUIPMENT FOR AGE ONE-FIVE AND FIVE TO TEN.—
- B. SHALL CONTAIN A MINIMUM OF TWO BENCHES AND ONE TRASH RECEPTACLE.
- C. MAY NOT EXCEED ALL FEDERAL, STATE AND LOCAL REGULATIONS AND BE COMPLIANT WITH THE AMERICANS WITH DISABILITIES ACT.

5. GREENWAY:

- A. PEDESTRIAN AND MULTI-USE TRAILS SHALL FOLLOW NATURAL FEATURES AND PROVIDE CONNECTIONS TO EXISTING AND PROPOSED PUBLIC GREENWAYS.

6. ALL RECREATION AND OPEN SPACE SHALL BE MAINTAINED BY THE HOA.

OPEN SPACE NOTES:

1. ALL RESOURCE CONSERVATION AREAS SHALL REMAIN UNDISTURBED PER THE REQUIREMENTS OF ARTICLE 5 OF THE UNIFIED DEVELOPMENT ORDINANCE.
2. ALL AREAS THAT WILL BE PRESERVED SHALL BE DELINEATED BY ORANGE TEMPORARY FENCING DURING GRADING AND CONSTRUCTION.

CLASS C BUFFER DETAIL
(PLANTS PER 100 LF: ALTERNATE 3: MIN. 20' WIDE BUFFER)

REQUIRED PLANTINGS / 100 LF		SIZE AT INSTALLATION
CANOPY TREES:	2	2 3/4" CAL., 8' TALL
UNDERSTORY TREES:	1	2.0" CAL., 6' TALL
SHRUBS:	12	MIN. 24" TALL

NOTES:

1. CLASS C BUFFER SHALL INCLUDE A WALL, OPAQUE FENCE, EVERGREEN HEDGE, BERM, OR COMBINATION THEREOF WITH A MINIMUM HEIGHT OF SIX FEET AT INSTALLATION.
2. EXISTING TREES SHALL BE PRESERVED TO THE GREATEST EXTENT POSSIBLE (UDO REQUIREMENT)
3. ACTUAL LAYOUTS ARE FOR ILLUSTRATIVE PURPOSES ONLY, BUTTER FIELDS MAY VARY.

- ## LEGEND
- OPEN SPACE
- ACTIVE OPEN SPACE
 - EXISTING SAMS BRANCH GREENWAY
 - PRIVATE INTERNAL MULTI-USE PATHS
 - EXISTING LAKE WITH DAM REPAIR
 - PASSIVE OPEN SPACE
 - CLASS C BUFFER: ALTERNATE 3 (20' MIN/30' AVERAGE)
 - STORMWATER CONTROL MEASURES (SCM)
 - BUFFERED STREAMS (50' BOTH SIDES OF STREAM)
 - WETLANDS
 - 100 YEAR FLOODPLAIN
 - PUBLIC STREETS (ROW VARIES)
 - PUBLIC SIDEWALKS, BOTH SIDES ALONG INTERNAL STREETS
 - PUBLIC MULTI-USE PATH ALONG EXIST. ROAD FRONTS

ESP ASSOCIATES, INC.
 2220 Gateway Centre Blvd
 Suite 412
 Morrisville, NC 27560
 919-278-1070
www.espassociates.com
 NC LICENSE #F-1407






RECREATION AND OPEN SPACE

STEEPLECHASE MASTER PLAN

CLAYTON, NC

SHENANDOAH HOMES

PROJECT INFORMATION			
PROJECT MANAGER:	DESIGNED BY:	DRAWN BY:	PROJECT NUMBER:
KRM	KRM	KRM	FR51
ORIGINAL DATE:			03/01/2018
SHEET:			

C6.0



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

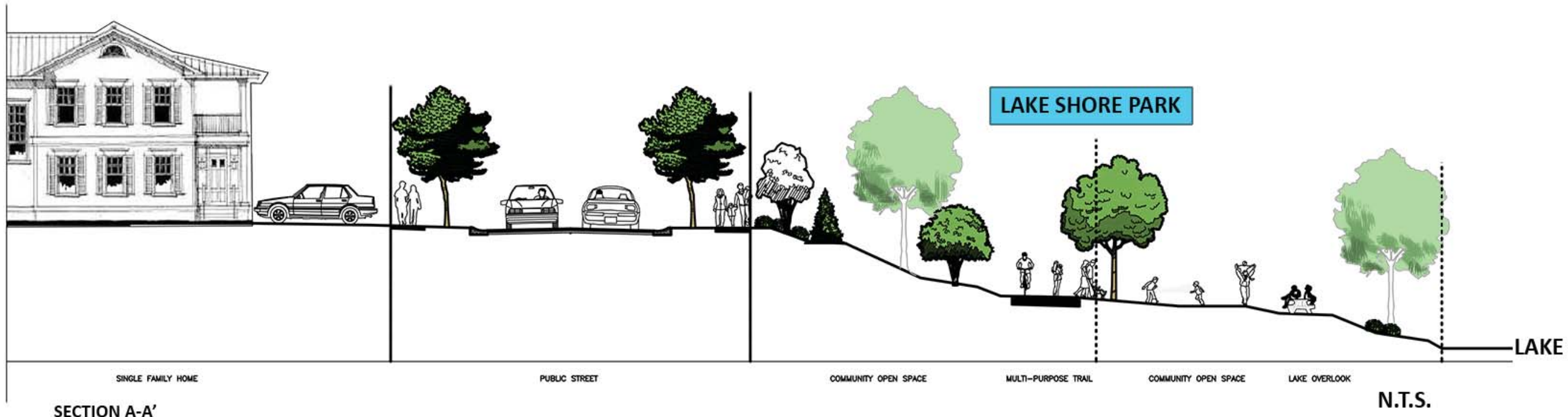
- 1. MINIMUM SIZE 1-5 ACRES
- 2. MAINTAINED BY HOA

- 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.essassociates.com
NC LICENSE #F-1407

ESP

SEAL
028116
ENGINEER
05/16/2018

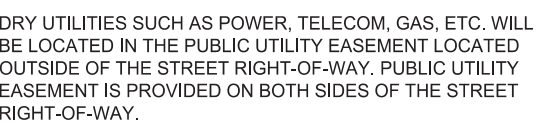
BY: KRM
DATE: 04-06-2018
REVISION: THE 1ST REVIEW COMMENTS

NO. 1

RECREATION AND OPEN SPACE

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: **C6.1**



Now what's below.
Call before you dig.

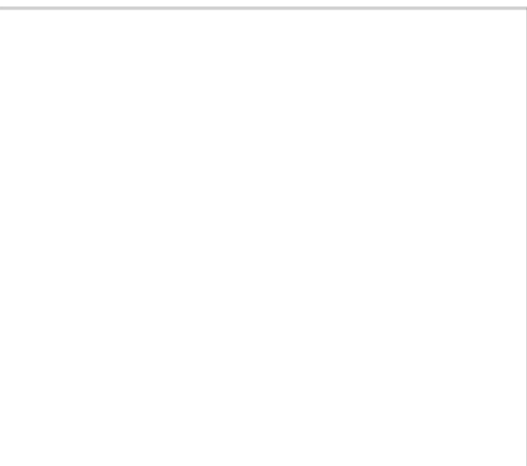


FRONT ELEVATION - COLOR RENDERING

CERTAINTED® LANDMARK ASPHALT ROOF SINGLES
COLOR: CHARCOAL - ARCHITECTURAL STYLE



NOTE: ALTERNATE ROOFING: BLACK
STANDING SEAM METAL



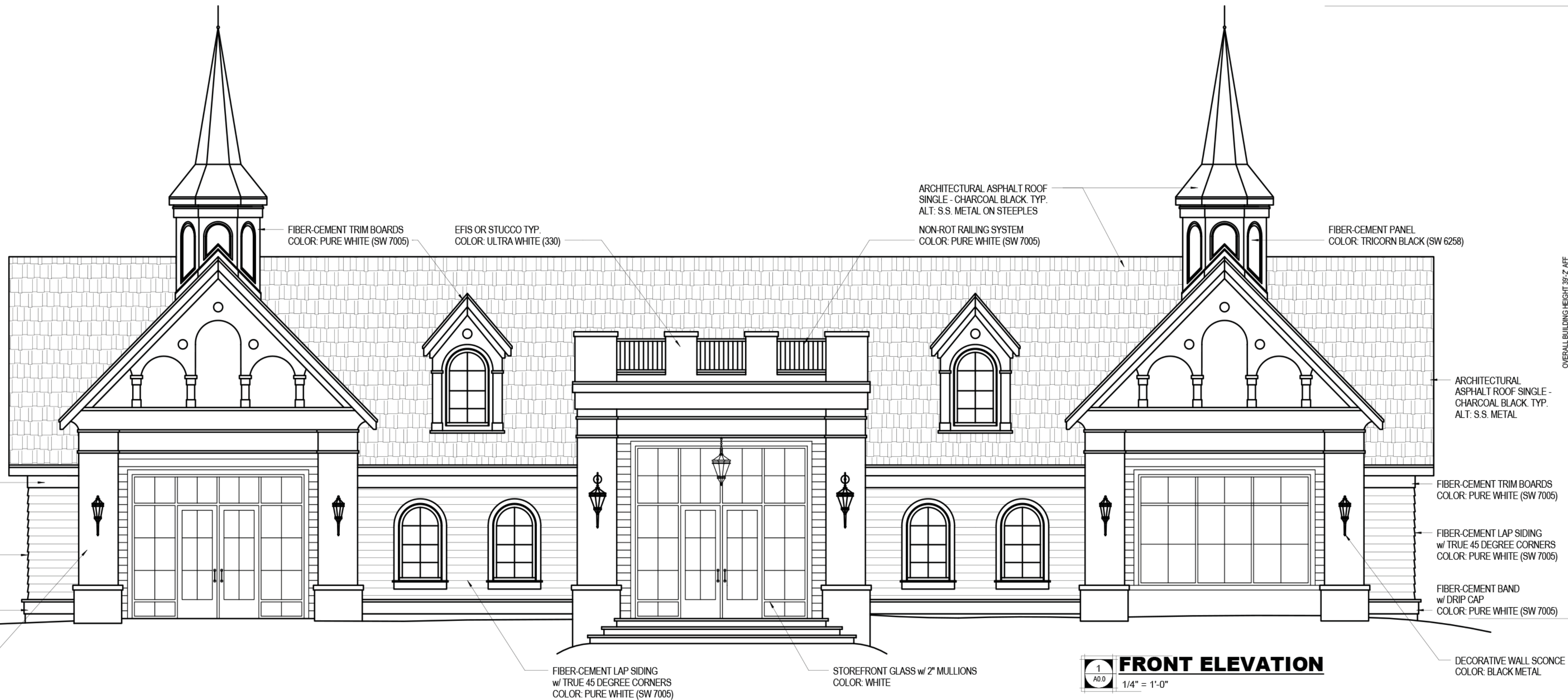
PURE WHITE (SW 7005)

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

A0.0



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

June 5, 2018

NOTICE

Subject: 2018-30-PDD, Steeplechase Planned Development rezoning, and
2018-31-SD, Steeplechase Master Plan
Location: 1162 Covered Bridge Road, Clayton, NC
Tag #: portion of parcel tag # 05h02009

Dear Clayton Area Property Owner:

The Clayton Town Council will hold an evidentiary hearing on Monday, June 18th, 2018, at 6:00 PM at Town Hall, 111 East Second Street, to consider a request the above referenced requests. The Steeplechase Master Planned community is proposing 600 homes (a mix of single family detached and townhomes) on 266± acres, with associated amenities such as clubhouse, pool, and private parks. A rezoning to Planned Development – Residential (PD-R) has been requested as part of this application. The property is bordered by Covered Bridge Road on the north, N O'Neil Street on the east, Sam's Branch Creek on the south, and City Road on the west. Please see the map on the back of this letter.

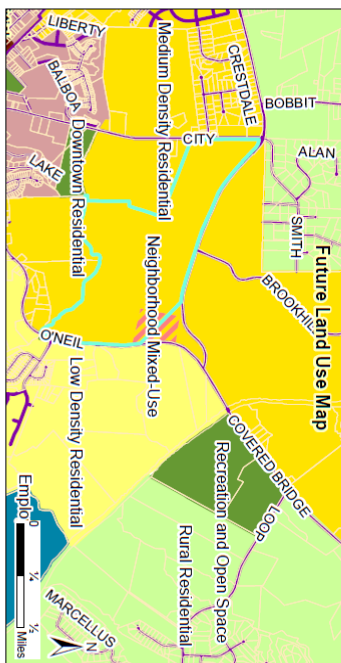
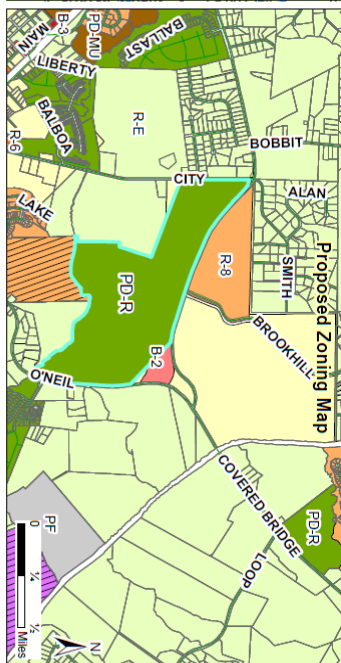
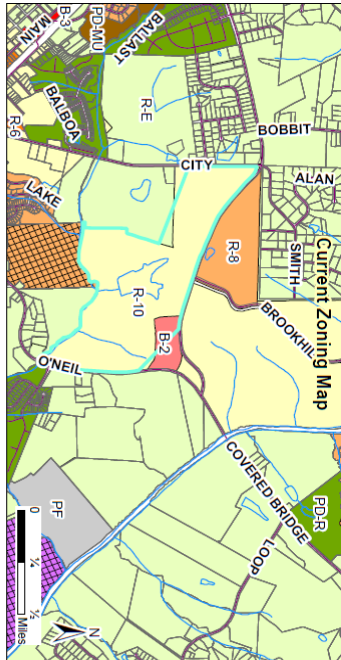
Based upon records in the Johnston County Tax Office, you are the owner of property that is within 100 feet of this request, which is why you are receiving this letter of notification. You are invited to attend this meeting and express your opinions on these requests. During an evidentiary hearing, the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

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

Sincerely,

Haley Hogg
Planner

cc: 2018-30-PDD and 2018-31-SD, file folders
Kimberly Moffett, Town Clerk



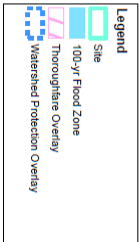
Request:
2018-30-PDD & 2018-31-SD, Steeplechase Planned Development, Rezoning and Master Plan

Applicant: Shearandoh Homes, Inc.
 Property Owners: Raymond Emore Earp Jr., Family Trust, Nancy Clews Earp Trustee and Mary Worley
 Parcel ID: southern portion of 166500-38-5-162
 Tag #: southern portion of 05102005



Staff Report Map

05/04/2018
 Produced by: TSP Planning
 Date: 05/04/2018
 Title: Staff Report Map
 Project: 2018-30-PDD & 2018-31-SD, Steeplechase Planned Development





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

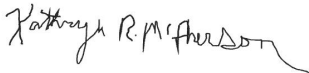
safety measures were provided when the intersection was widened. This resulted in increasing the risk because vehicles on Covered Bridge now go faster through the intersection.

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.

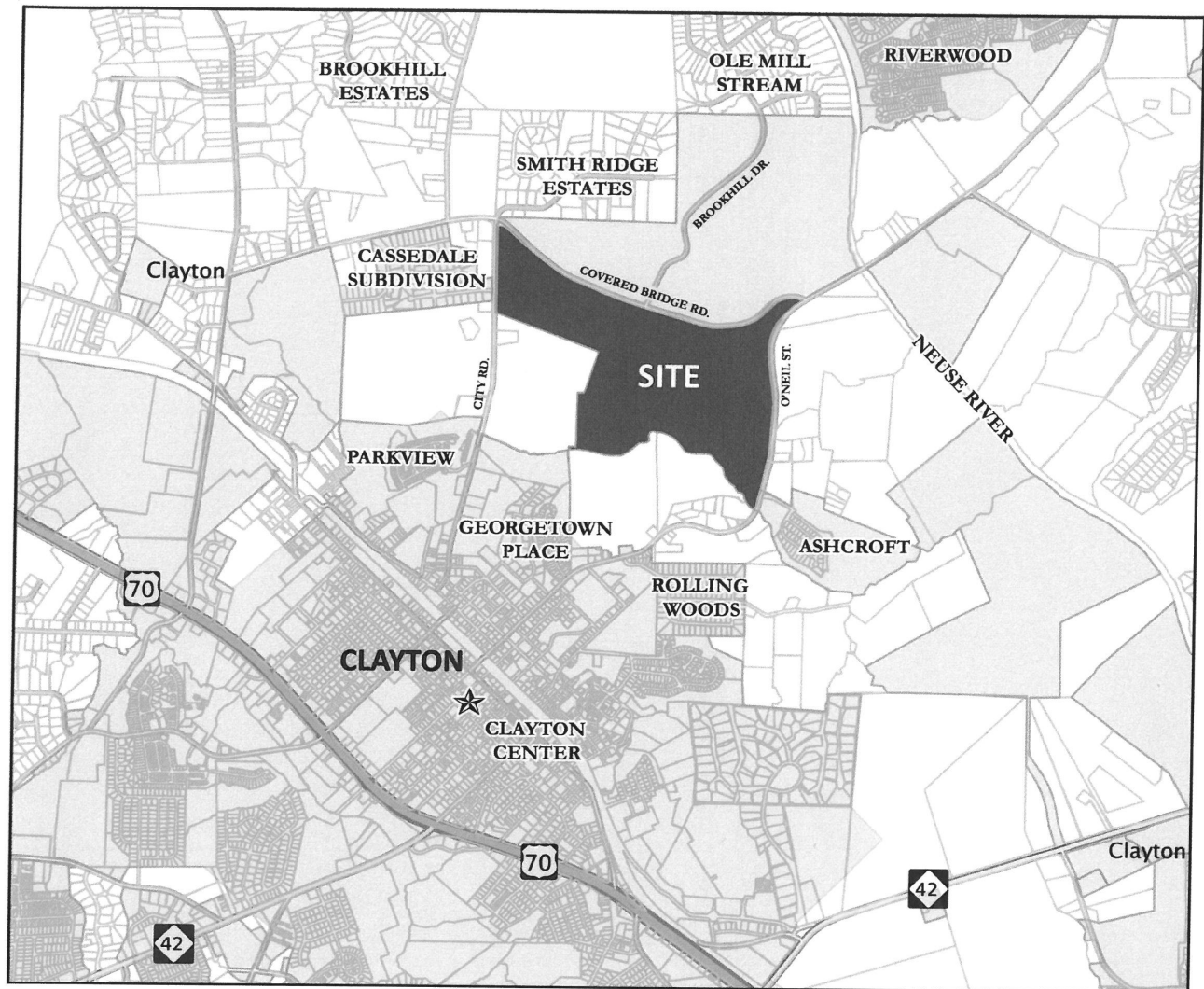
If you have any questions prior to or after this meeting, you may contact us at (984) 200-5540.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Palmer".

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	Meis 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		
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NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Applicant: _____ Shenandoah Homes: Steeplechase

Location/Date: _____ May 10, 2018, The Clayton Center, York Meeting Room, 111 East 2nd Street, Clayton

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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

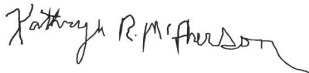
safety measures were provided when the intersection was widened. This resulted in increasing the risk because vehicles on Covered Bridge now go faster through the intersection.

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
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WHITMAN, BRIAN HAROLD
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EXHIBIT B



April 27, 2018

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Time: 6-8 pm

Type of Application:

Rezoning and Subdivision: Major Subdivision (Preliminary Subdivision Plat).

General Description of proposed request:

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SHENANDOAHhomes.us
2840 Plaza Place Suite 200
Raleigh, North Carolina 27612

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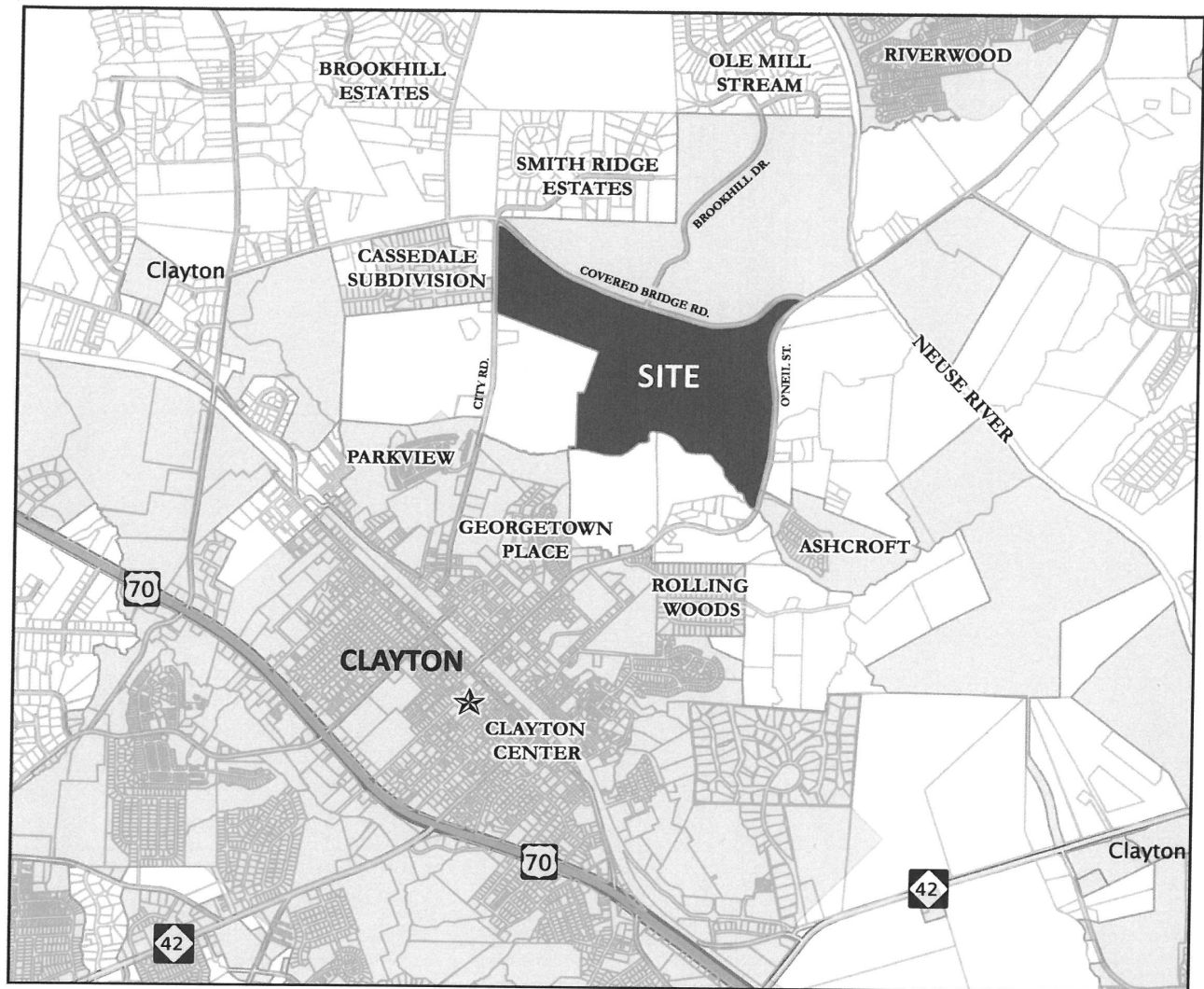
If you have any questions prior to or after this meeting, you may contact us at (984) 200-5540.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Palmer", with a stylized flourish at the end.

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.
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5	Sandi Dolde	2020 Smith Dr
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NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Applicant: _____ Shenandoah Homes: Steeplechase

Location/Date: _____ May 10, 2018, The Clayton Center, York Meeting Room, 111 East 2nd Street, Clayton

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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, July 16, 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:

July 6, 2018
July 13, 2018

Affidavit of publication required.

TOWN OF CLAYTON
ZONING AMENDMENT
CONSISTENCY AND REASONABLENESS STATEMENT
[2018-30-PDD Steeplechase Planned Development Rezoning]

The Town Council of the Town of Clayton hereby states:

Section 1: The above referenced zoning amendment IS APPROVED.

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

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

- Objective H1.1.3- Encourage a range of housing types and styles within Planned Developments that include a residential component.

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

The requested rezoning is consistent with the above referenced objectives within the Comprehensive Plan 2040. The Future Land Use Map designates this property as "Medium Density Residential", with a small a portion designated as "Neighborhood Center". The proposed rezoning will allow the potential for higher-density development, as well as a range of mixed housing types as it is a proposed Planned Development.

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

that the rezoning is consistent with the Future Land Use Map designation in the Comprehensive Plan 2040,

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

**TOWN OF CLAYTON
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:

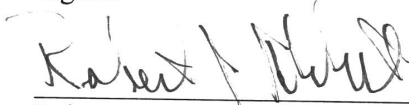
Recommendation to the Town Council to:

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

After considering the recommendations of the Planning Board and Planning Director, I move to [approve OR deny] **2018-30-PDD (Steeplechase)**

[IF APPROVING]

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

MOTION SHEET
Item 6d
2018-30-PDD
Steeplechase

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

WHEREAS a petition has been filed with the Town Council of the Town of Clayton requesting an amendment to the Zoning Ordinance and Zoning Map of the Town of Clayton to include in the Planned Development Residential (PDR) zone the property described below, said property formerly being zoned Residential-Estate (RE), Residential-10 (R-10) and Neighborhood Business (B2); and

WHEREAS said property is owned by Raymond Elmore Earp, Jr. Family Trust, Nancy Crews Earp Trustee and Mary Worley; and

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

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

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

WHEREAS the said public hearing was actually conducted at 6:00 p.m. on July 16, 2018 wherein a reasonable opportunity was given to all those in attendance to speak either in favor or against the said change or to make relevant comments;

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

SECTION 1. That the Unified Development Code of the Town of Clayton is hereby amended to include in the Planned Development Residential (PDR) zone the following described property:

General Description:

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.

Specific Description:

NC Parcel Identification Numbers: 166900-39-5182 / 05h02009

SECTION 2. That the official Town of Clayton Zoning Map is hereby amended to include in the Planned Development Residential (PDR) zone the above-described property and will be so marked.

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

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

DULY ADOPTED by the Clayton Town Council this 16th day of July, 2018 while in regular session.

Jody McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk



Town Council Agenda Cover Sheet

Meeting Date

June 18 2018

Agenda Location

Public Hearings

Item Title

2018-31-SD Steeplechase Master Plan

Presenter *(Name & Title)*

Planning Dept.

Summary/Description

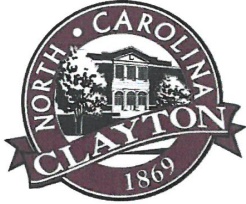
Request for Planned Development Master Plan approval to entitle the new Steeplechase Master Plan (600 homes on 270± acres) on the southern half of the Earp property (south of Covered Bridge Road and west of North O'Neil Street).

Requested Action

Approval with Conditions

Additional Documents To Be Included in Agenda Packet

Application
Staff report
Map
Neighborhood meeting materials
Newspaper Ad
Adjacent Property Letters
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

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

☐ Septic

☐ Well

Wastewater: ☒ Sewer (check one)

Water: ☒ 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

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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

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>	☒	☐			

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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).

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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

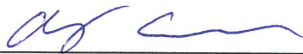
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APPLICANT AFFIDAVIT

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

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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	☒	☐	

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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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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	☒	☐	

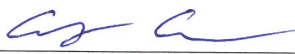
To be completed by the applicant:			Staff:
	Yes	N/A	
<i>and passive open spaces are included.</i> • Project design protects and features the unique aspects of a site such as waterways, significant trees, public open space, or sense of history. • The project protects and preserves the ecologically sensitive 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 - 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. - Architecture and landscape design are based on the local climate, topography, history, and building practice. - Public art, including but not limited to, monuments, sculpture, and water features, is encouraged. - 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. - The project includes a variety of street types designed to be accessible to the pedestrian, bicycle, and automobile.			
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.

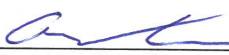
- (3) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of this chapter are enforced.

- (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

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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

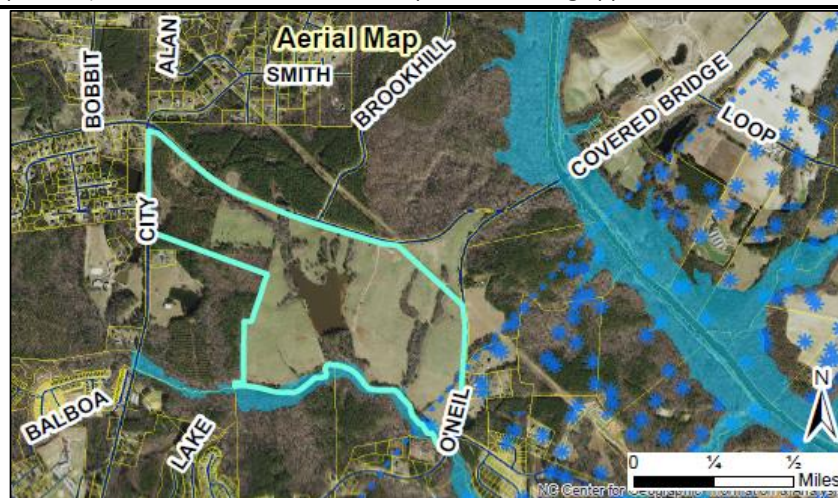
Project Name: Steeplechase Planned Development Master Plan

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.)



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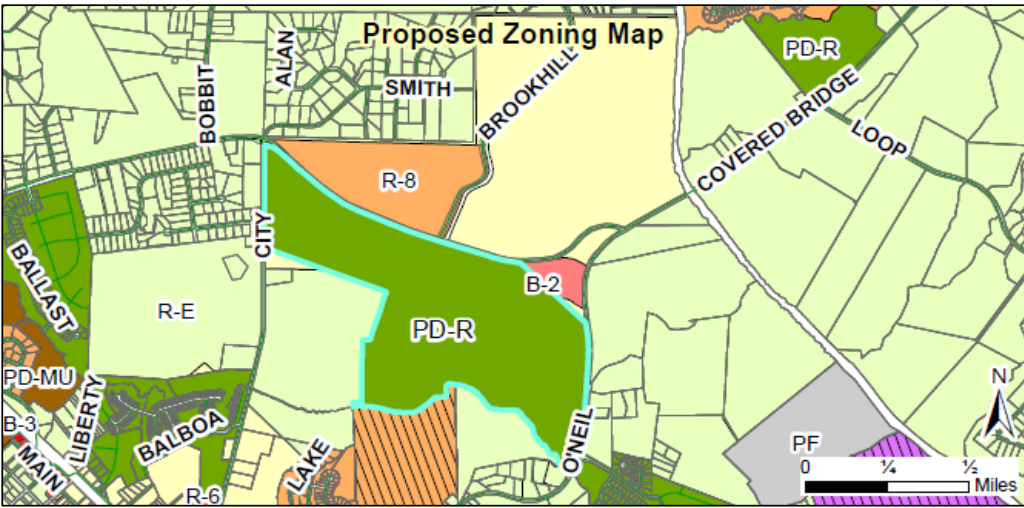
SITE DATA:

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

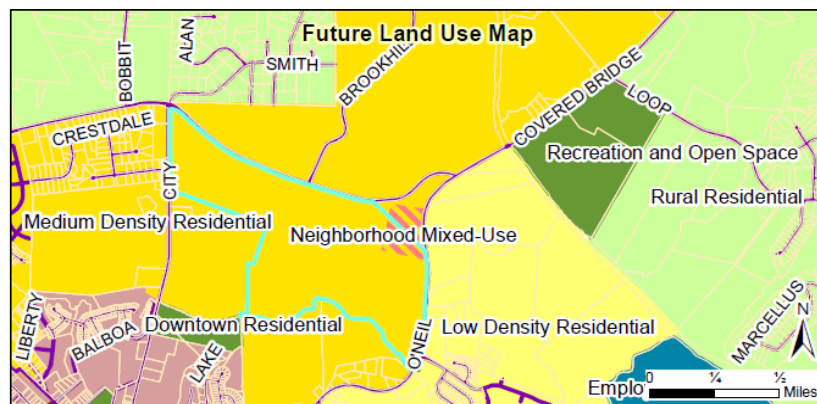
The applicant is requesting to establish a Planned Development via Master Plan approval for 600 dwellings on 266± acres on the Earp Property. The tract is generally located west of O'Neil Street, north of Sam's Branch Creek, east of City Road, and south of Covered Bridge Road; site of the old Steeplechase 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 was reviewed by NCDOT. The proposed traffic improvements are attached.

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

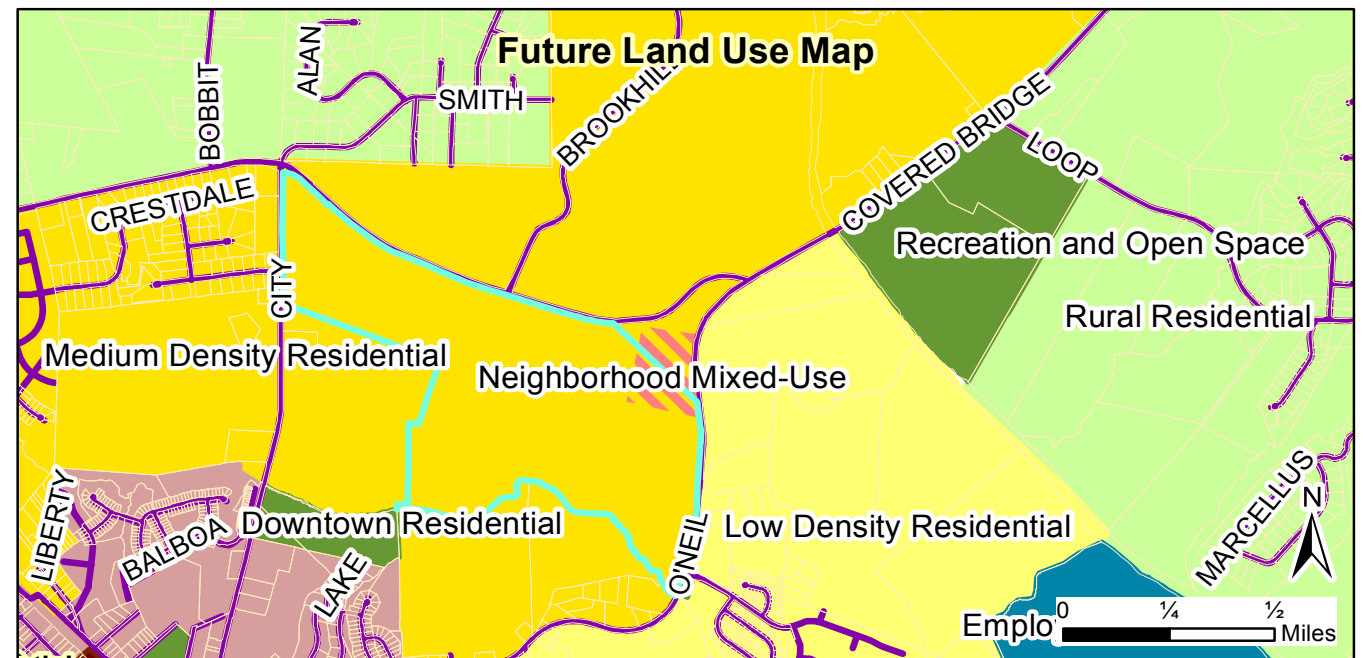
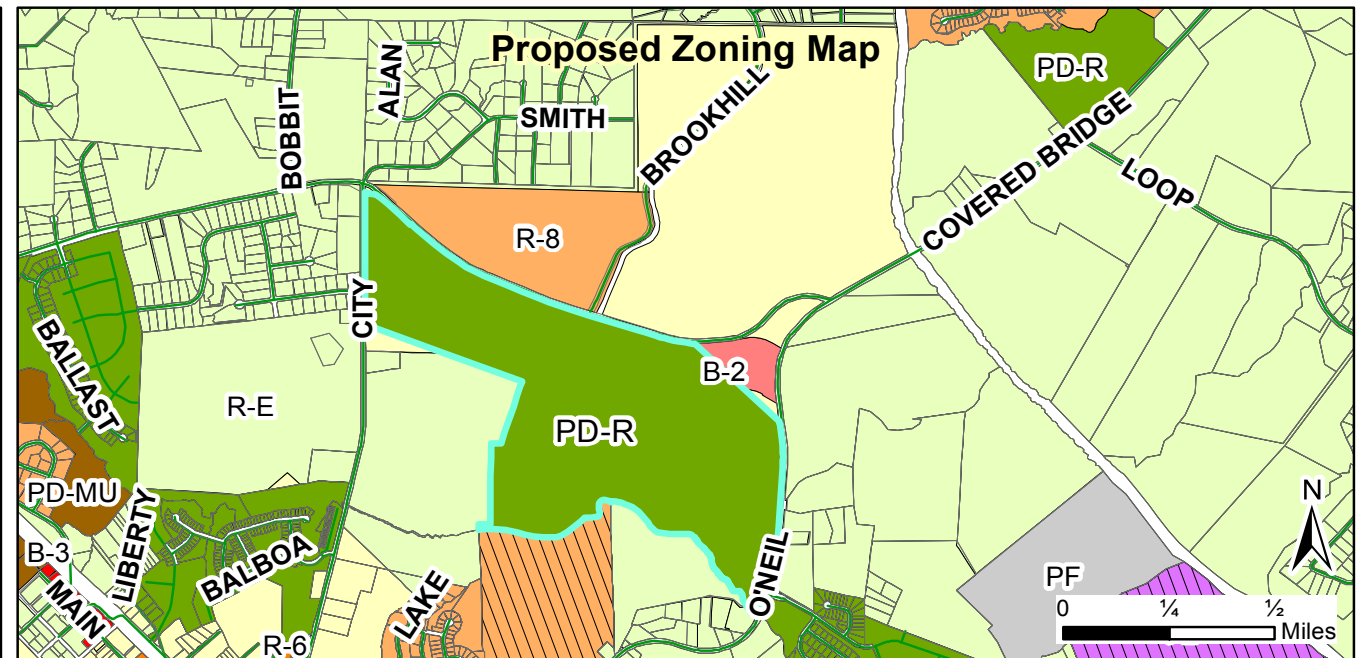
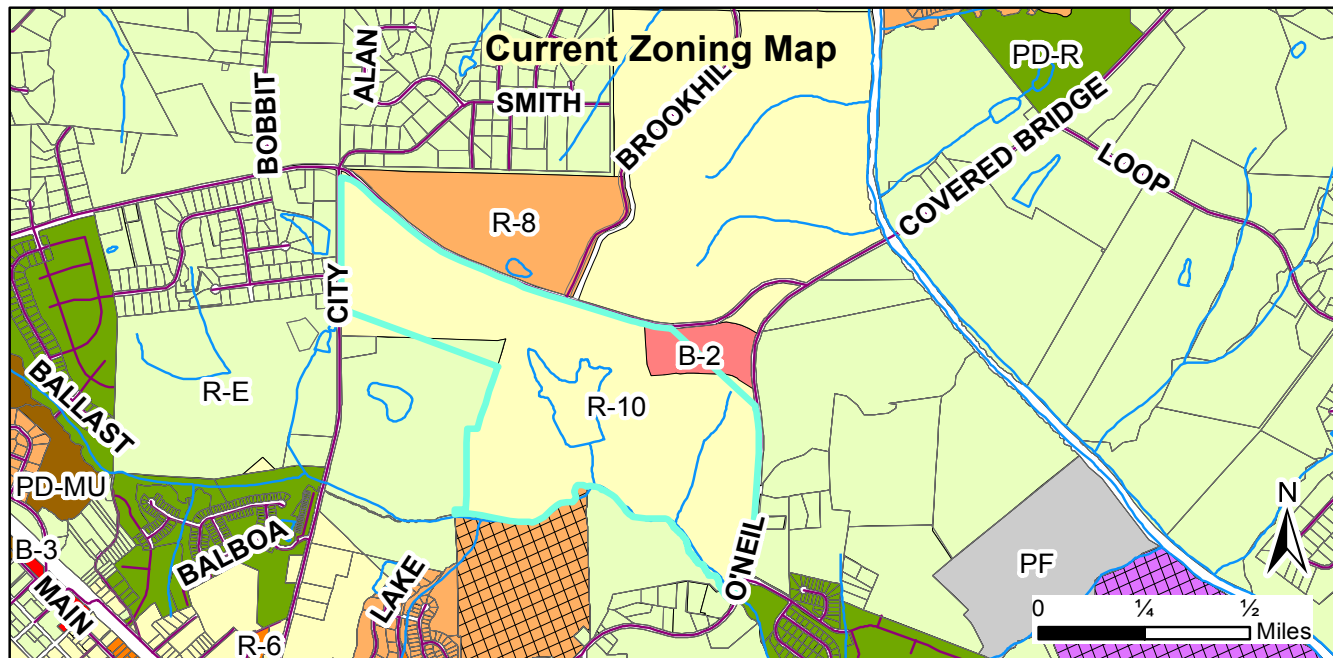
1. Following Board approvals, three copies of the Planned Development Master Plan meeting the Conditions of Approval shall be submitted to Planning Department for final approval. The Conditions of Approval for the master plan shall be recorded on the cover sheet and shall be binding upon the master preliminary 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. All decorative traffic related signage shall be maintained solely by the developer or Homeowner's Association.
5. All phases of the development shall consist of complete street sections; no mid-block phasing shall be permitted.
6. The realignment of Covered Bridge Road and O'Neil Street including the location of the traffic signal or roundabout shall be reviewed and approved by the North Carolina Department of Transportation, and the Town of Clayton Planning department and Engineering department. The realignment shall occur prior to the issuance of the 250th residential building permit. With regard to the realignment road improvement at the intersection of O'Neil Street and Covered Bridge Road, if another development contributes traffic to this intersection, they will contribute to the cost of the improvements based on their impact at the intersection at the Town's discretion of determining such impact.
7. The traffic signal proposed as shown by others at the intersection of Shotwell Road and Covered Bridge Road shall be installed prior to the completion of the subdivision.
8. No more than 100 residential building permits shall be issued within the subdivision prior to the construction of the amenity center.
9. A portion of land shall be dedicated and reserved for the Board of Education for a period of 18 months, beginning on the date of final subdivision approval. If the Board of Education has not purchased or begun proceedings to acquire the site within 18 months, the applicant may proceed to dispose of it in accordance with 155.600 of the Unified Development Code.
10. No more than 75 residential building permits shall be issued within the subdivision until the required secondary access has been constructed.
11. No more than 250 residential building permits shall be issued within the subdivision until the required third access has been constructed.
12. Half of the required right of way shall be dedicated on Covered Bridge Road for future improvements as shown on the transportation plan.
13. Any right-of-way dedication shall occur concurrently with (or before) the platting of the adjacent phase.
14. All roadway and traffic improvements required by the Town and/or NCDOT including those shown on *C4.2 TIA AND NCDOT ROAD IMPROVEMENTS PLAN* 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.
15. All required landscaping buffers or plantings shall be installed or bonded prior to the platting of the phase in which they occur.

16. Multi-use trails shall be constructed or bonded prior to platting for the phase in which they occur.
 17. 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.
 18. 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.
 19. Prior to site grading and construction activities, tree protection fencing shall be installed around all Resource Conservation Areas and other areas of protected vegetation.
 20. The pond ("Earp Lake") will serve as part of the amenity package, which will involve the development of access points to serve the residents.
 21. 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



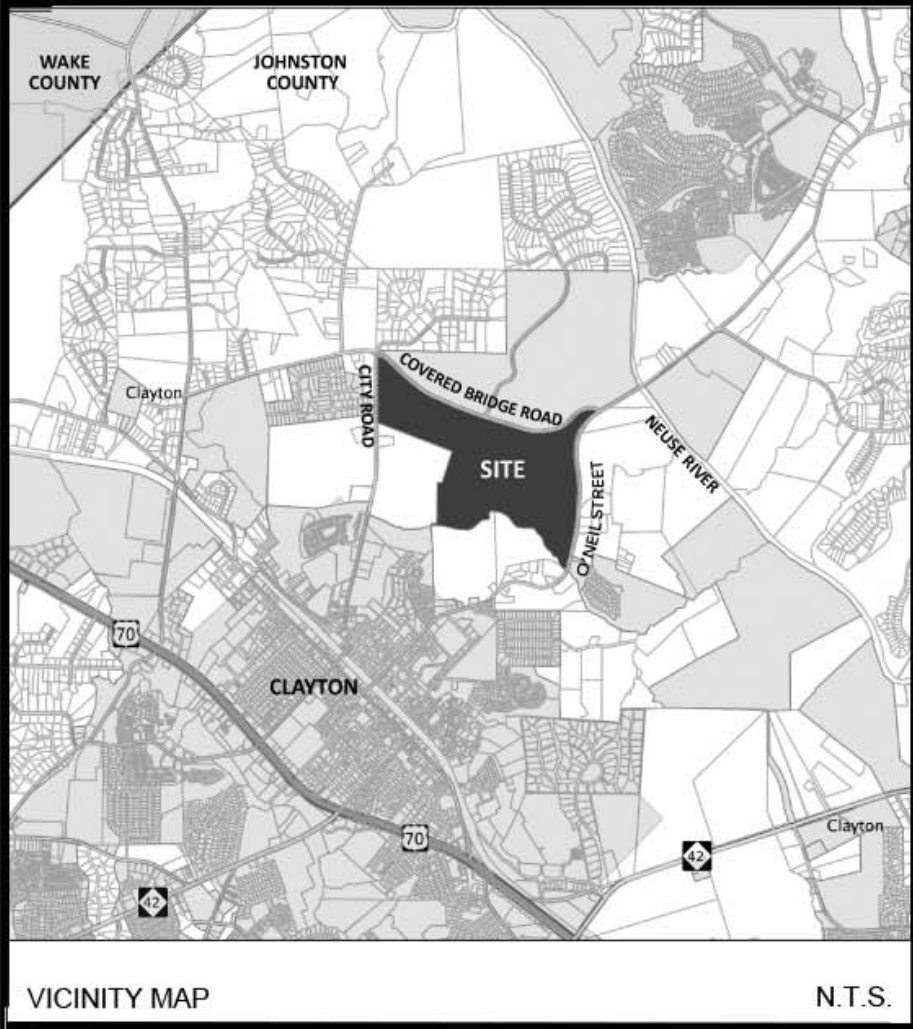
Document Path: O:\PLANNING\SUBDIVISIONS\MAJOR SUBDIVISIONS\2018\2018-31-SD Steeplechase Master Plan\Map\Map 2018-31-SD, 2018-30-PDD Steeplechase Planned Development.mxd

Legend

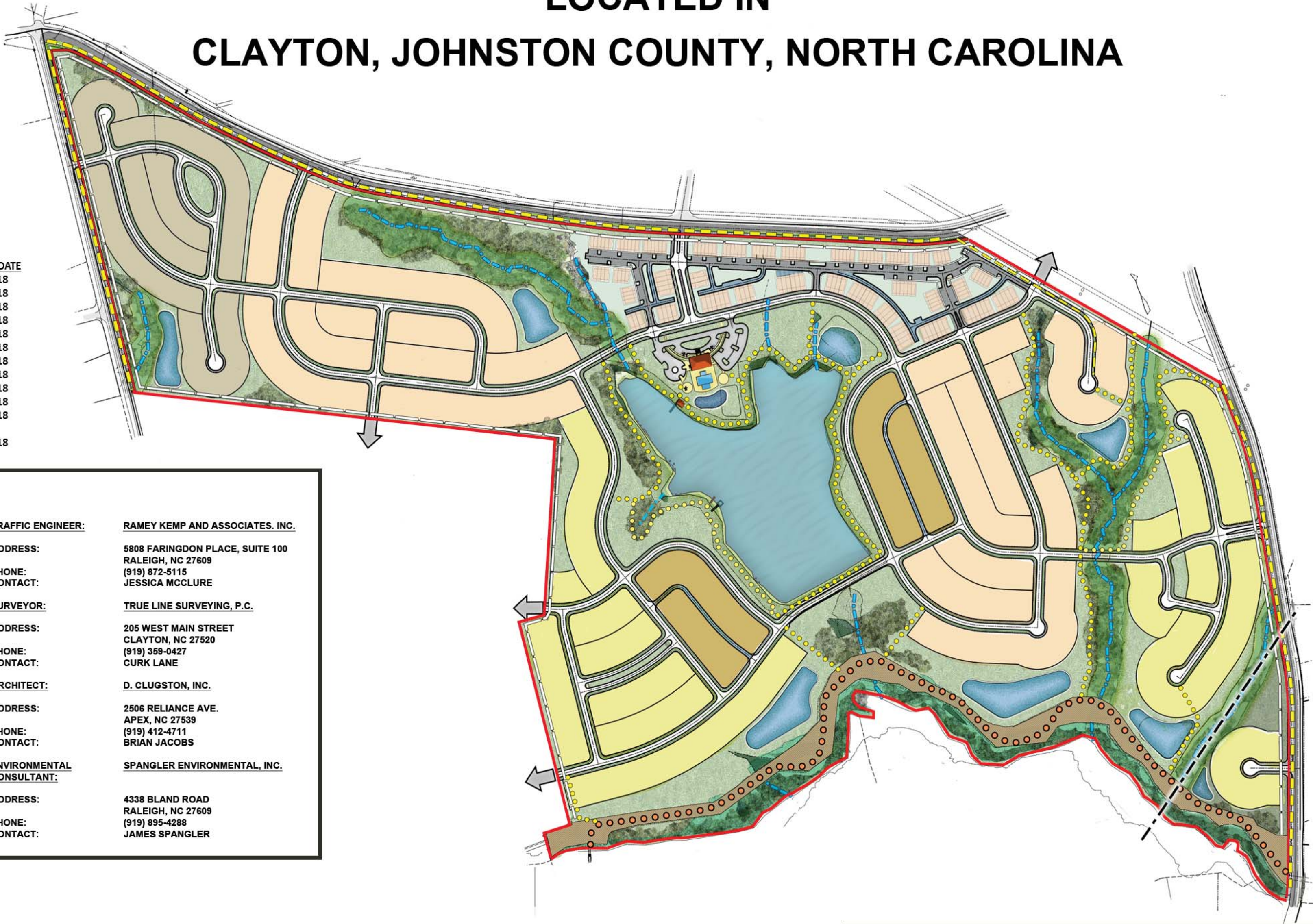
- Site
- 100-yr Flood Zone
- Thoroughfare Overlay
- Watershed Protection Overlay

05/04/2018

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



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

Conditions of Approval:

PRELIMINARY PLANS NOT FOR CONSTRUCTION

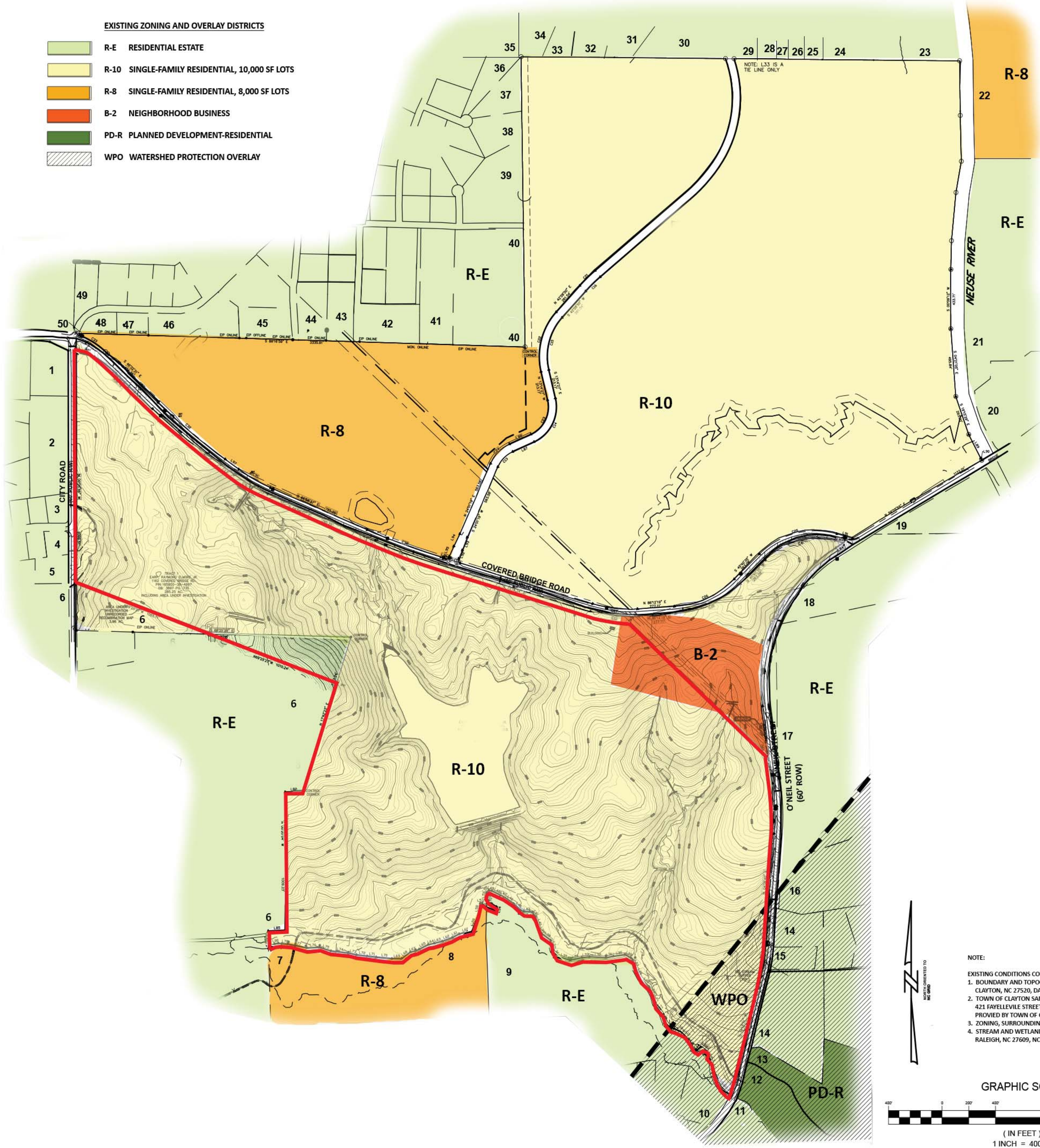


NO.	DATE	REVISION	BY	REASON	THE 1ST REVIEW COMMENTS
1	04-06-2018		KRM		

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

- 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, NCDWG CONFIRMATION# SEPTEMBER 2, 2014.

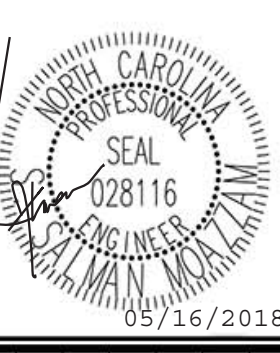
GRAPHIC SCALE

(IN FEET)
1 INCH = 400 FT.

ADJACENT PROPERTY OWNERS LIST
Steeplechase 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 27578-8174	71.69 AC	R-8 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 27578-6128	630.63 AC	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, SABRINA 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	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

ESP Associates, Inc.
2300 Gateway Centre Blvd
Morrisville, NC 27560
919-675-1070
www.espace.com
NC LICENSE #F-1407



BY: KRM

NO. 1

DATE 04-06-2018

REASON TRC LIST REVIEW COMMENTS

ADJOINING OWNERS & ZONING

STEEPLECHASE MASTER PLAN

CLAYTON, NC

SHEANDOAH HOMES

PROJECT INFORMATION

PROJECT MANAGER: KRM

DESIGNED BY: KRM

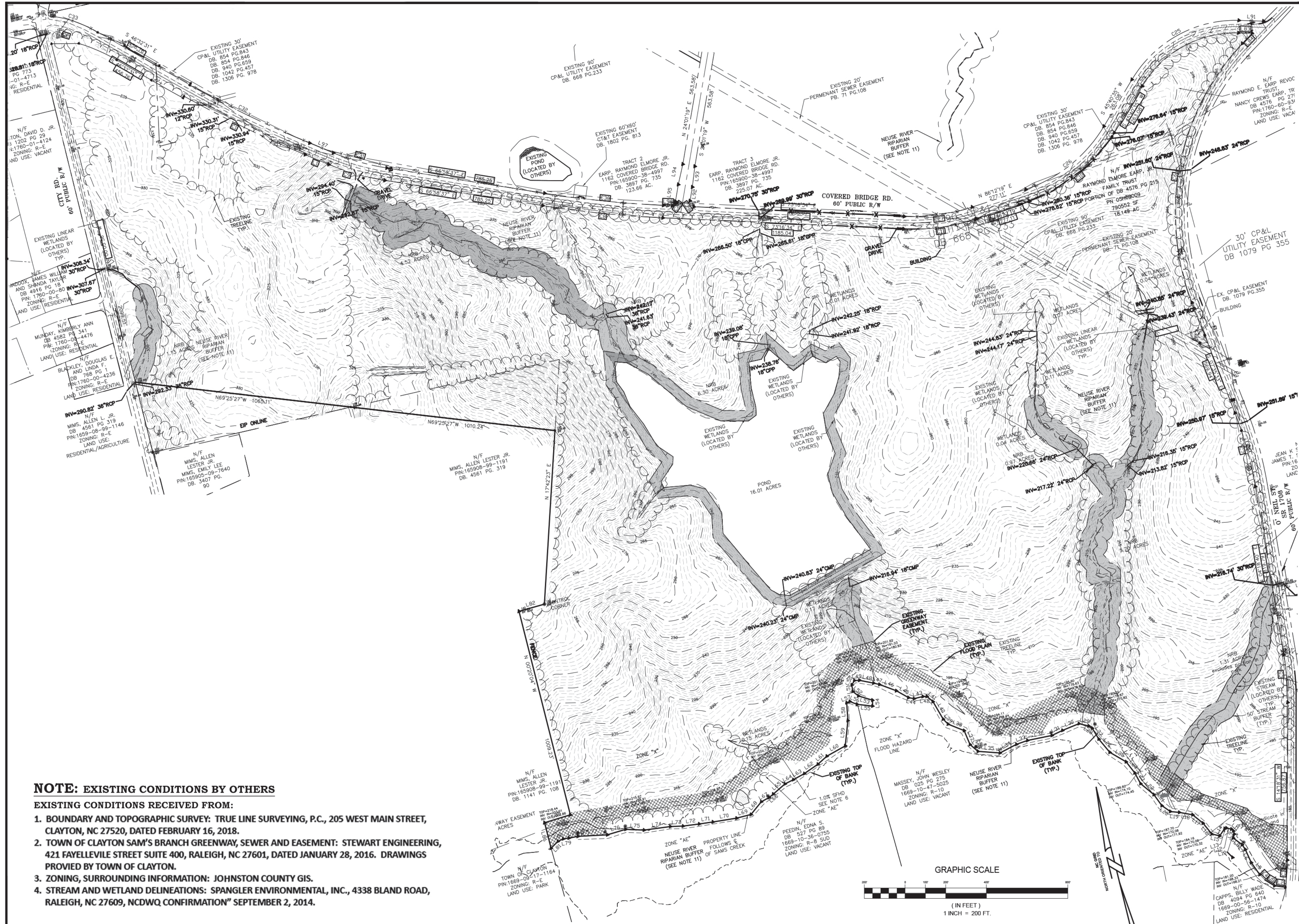
DRAWN BY: KRM

PROJECT NUMBER: FRS1

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 FAYELLEVILLE 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

ESP Associates, Inc.
2300 Gateway Center Blvd
Morrisville, NC 27560
919-675-1070
www.espsolutions.com
NC LICENSE #1407

NO.	DATE	REVISION	BY	REASON
1	04-06-2018		KRM	TRC LIST REVIEW COMMENTS

EXISTING CONDITIONS

STEEPLECHASE MASTER PLAN

CLAYTON, NC

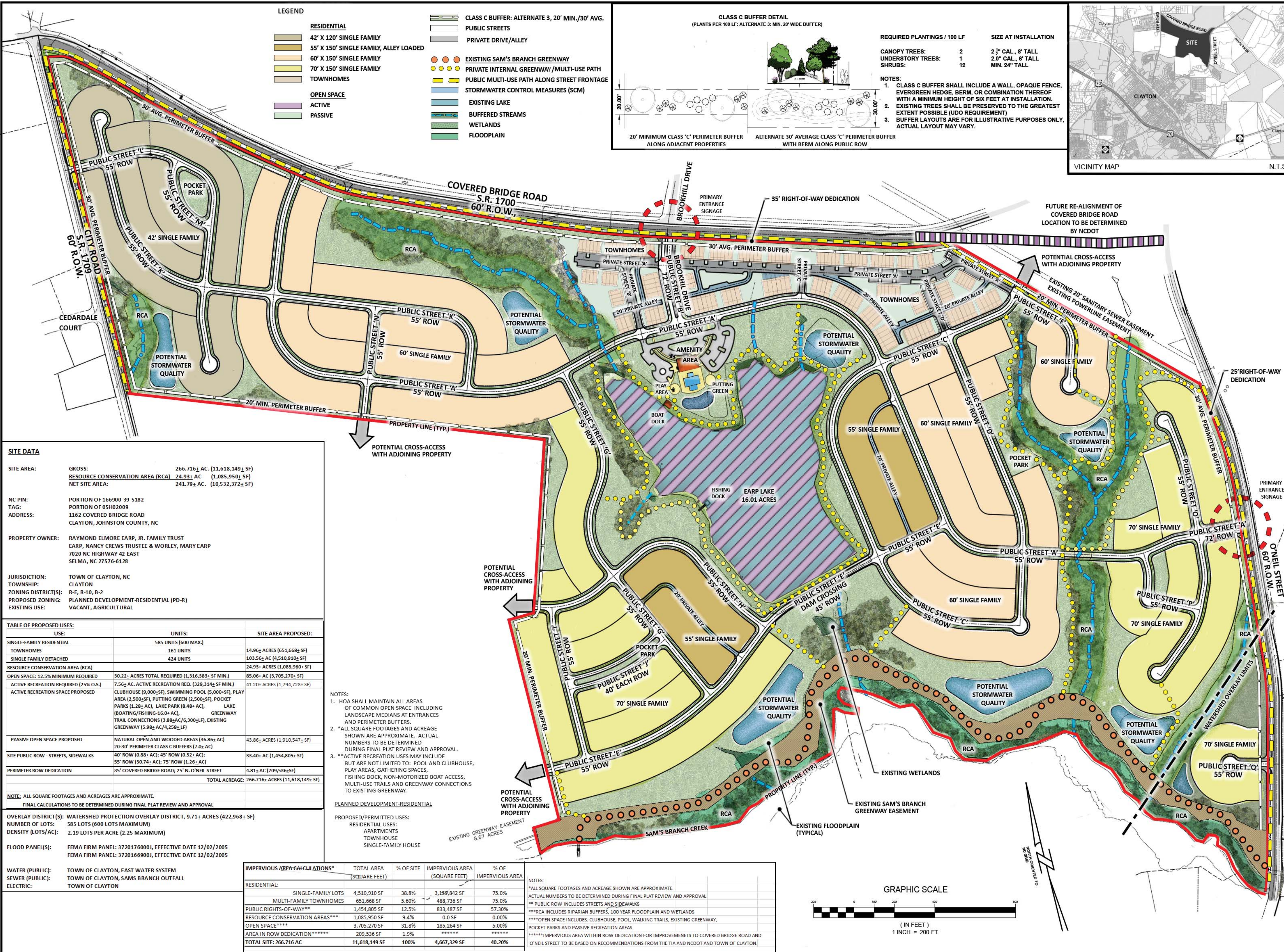
SHEWANDOH HOMES

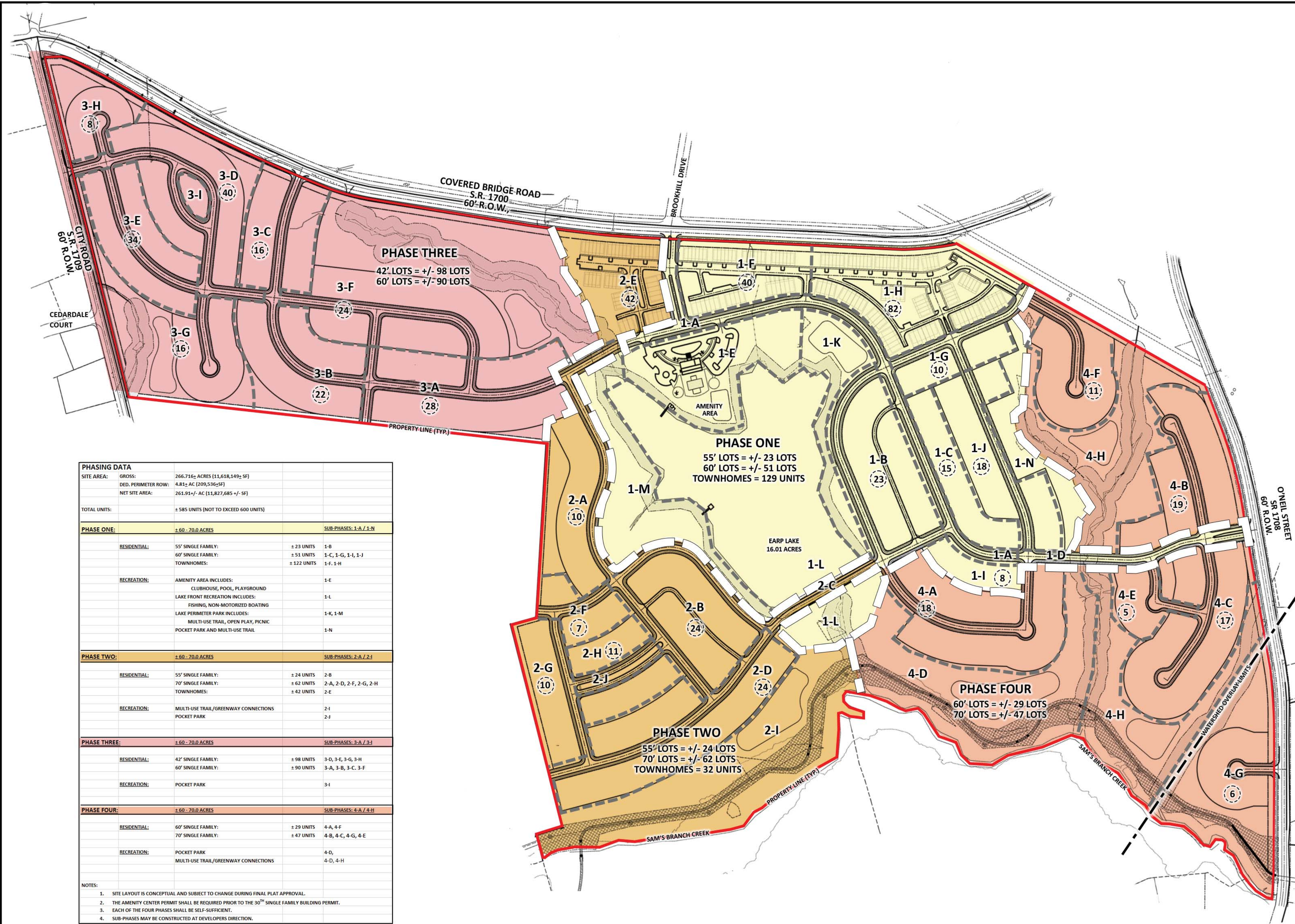
PROJECT INFORMATION

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.			

ESP Associates, Inc.
2200 Gateway Centre Blvd
Suite 215
Morrisville, NC 27560
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
DATE	04-06-2018
REVISION	1
NO.	1

PHASING PLAN

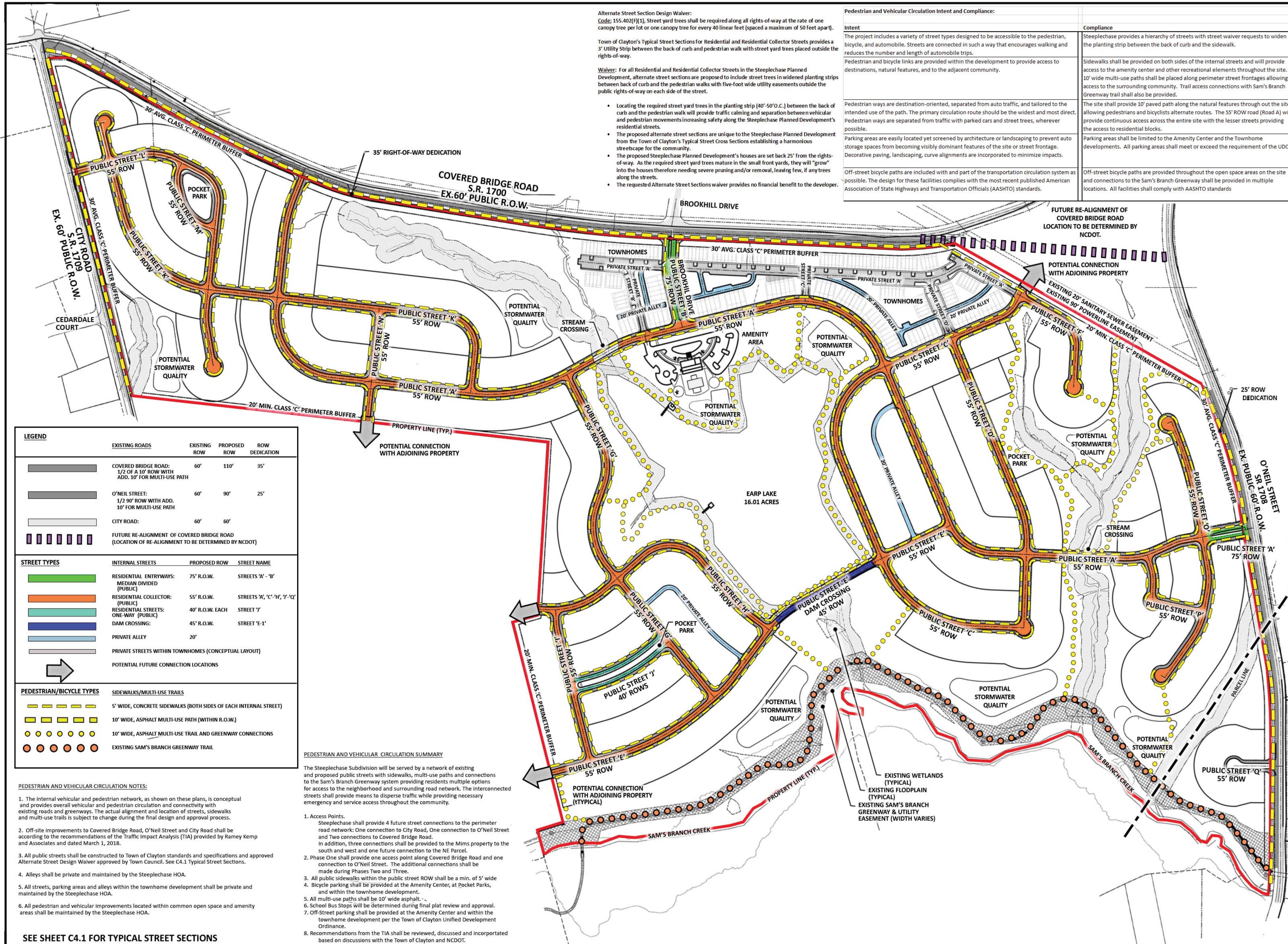
STEEPLECHASE MASTER PLAN

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.

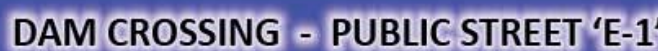
- PEDESTRIAN AND VEHICULAR CIRCULATION SUMMARY
- The Steeplechase Subdivision will be served by a network of existing and proposed public streets with sidewalks, multi-use paths and connections to the Sam's Branch Greenway system providing residents multiple options for access to the neighborhood and 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.

ESP Associates, Inc.
2200 Gateway Center Blvd
Morrisonville, NC 27560
919-676-1070
www.espsolutions.com
NC LICENSE #F-1407

BY	DATE	REVISION	NO.	DATE	REVISION	NO.

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



Street Section Notes:

1. 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.
2. All road improvements to Covered Bridge Road, O'Neal 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.
3. 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.
4. The dam crossing street shall only provide sidewalk on one side of the street.
5. All streets shall have rolled curb & gutter except where noted.
6. 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.
7. All utilities shall be located underground and within the S' 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.
8. 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 *Ulmus parvifolia* 'UPMTF' PP#11295
- Highpoint Nuttall Oak *Quercus nuttallii* 'QNFITA' PP#13524
- Highbeam Overcup Oak *Quercus lyrata* 'QLFTB' PP#13470
- Panache Shumard Oak *Quercus shumardii* 'QSFCTC' PP#1442
- Hightower Willow Oak *Quercus phellos* 'QPSTA' PP#13677
- Green Vase Zelkova *Zelkova serrata* 'Green Vase'
- Autumn Gold Bald Cypress *Taxodium distichum* 'Sofine'

PROJECT INFORMATION	
PROJECT MANAGER:	KRM
DESIGNED BY:	KRM
DRAWN BY:	KRM
PROJECT NUMBER:	FR51
ORIGINAL DATE:	03/01/2018
SHEET:	

C4.1



NO.	DATE	REVISION	BY
1.	04-06-2018	TIC 1ST REVIEW COMMENTS	ROM

TYPICAL STREET SECTIONS

STEEPLECHASE MASTER PLAN

SHENANDOAH HOMES

PROJECT INFORMATION	
PROJECT MANAGER:	KRM
DESIGNED BY:	KRM
DRAWN BY:	KRM
PROJECT NUMBER:	FR51
ORIGINAL DATE:	03/01/2018
SHEET:	

C4.1

Diagram illustrating a residential lot layout with various zones and features:

- Street Lights**
- 5' Utility Easement**
- Right-of-Way**
- 5' Public Sidewalk**
- Property Line**
- Buildable Zone**
- Fence**
- House** (Three units shown)
- Patio**
- Porch**
- Garage**
- Walk**
- Public Street**
- Pedestrian Zone**
- Street Trees** (Max. 50' O.C.)
- Grass Planting Strip**
- 2-Car Driveway, Face of Garage Setback Min. 23' from Back of Sidewalk**

* House Elevation for illustrative purposes only.

The diagram illustrates a residential lot layout with the following labeled zones and features:

- Street Lights**: Located along the top and left boundaries.
- Property Line**: The boundary of the lot.
- 5' Utility Easement**: A narrow strip along the top boundary.
- Right-of-Way**: The area between the utility easement and the public sidewalk.
- 5' Public Sidewalk**: A strip along the bottom boundary.
- Buildable Zone**: The central area of the lot where construction is permitted.
- Fence**: A dashed line indicating a potential fence line.
- Public Street**: The street on the left and bottom.
- Pedestrian Zone**: A strip along the bottom boundary.
- 2-Car Driveway, Face of**: The driveway leading to the garage.
- House**: The main living structure.
- Patio**: Outdoor living areas.
- Porch**: A covered outdoor area.
- Garage**: A structure for vehicle storage.
- Walk**: A path within the lot.
- Street Trees**: Trees planted along the street.
- Max. 50' O.C.**: Maximum spacing between street trees.
- Grass Planting Strip**: A strip of grass along the street.

An inset image shows a two-story house with a gabled roof, a front porch, and a garage, labeled as a house elevation for illustrative purposes only.

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) CORNER SIDE: (C) SIDE: (S) REAR: (R) ACCESSORY: (A)	22' 10' 5' 10' 5'	3-5
55' SINGLE FAMILY 2-CAR GARAGE ALLEY LOADED	55'	130'	55' x 150'	8,000 SF	60%	FRONT: (F) CORNER SIDE: (C) SIDE: (S) REAR: (R) ACCESSORY: (A)	20' 10' 6' 23' 5'	3-5
60' SINGLE FAMILY 2-CAR GARAGE FRONT LOADED	60'	130'	60' x 150'	9,000 SF	50%	FRONT: (F) CORNER SIDE: (C) SIDE: (S) REAR: (R) ACCESSORY: (A)	25' 10' 6' 15' 5'	3-5
70' SINGLE FAMILY 2-CAR GARAGE FRONT/SIDE LOADED	70'	130'	70' x 150'	10,000 SF	50%	FRONT: (F) CORNER SIDE: (C) * SIDE: (S) REAR: (R) ACCESSORY: (A)	25' 10' 6' 15' 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) CORNER SIDE: (C) * SIDE: (S) INTERIOR SIDE REAR: (R) ACCESSORY(Attached-No Garage Option)	15' 10' 5' 0' 10' 5'	3

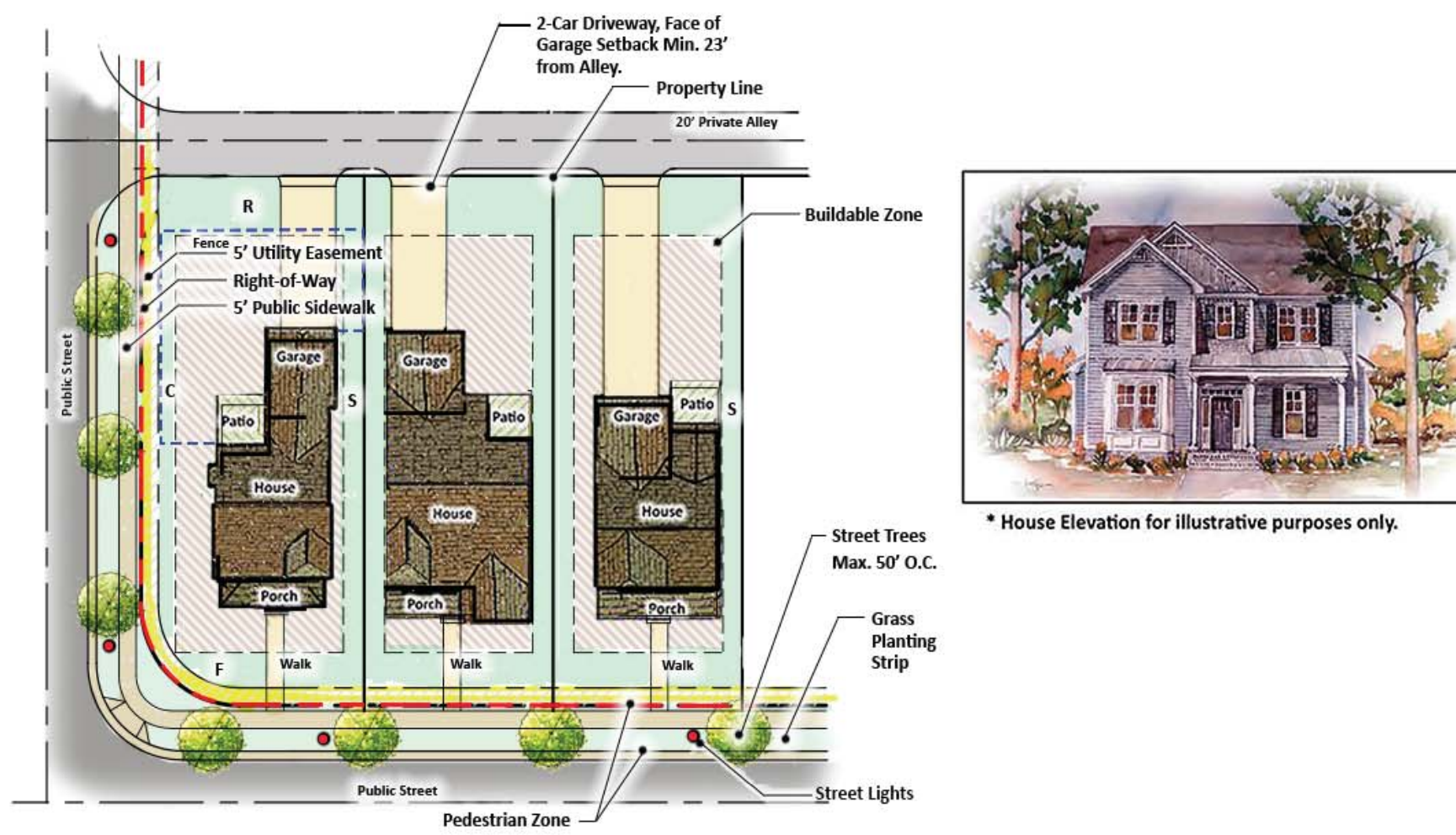


Diagram illustrating the layout of a residential lot, showing setbacks, easements, and building footprints.

Setbacks and Easements:

- 5' Utility Easement
- Right-of-Way
- 5' Public Sidewalk
- Property Line Buildable Zone
- 5' Pedestrian Zone

Building Footprints and Features:

- House
- Garage
- Porch
- Walk
- Patio
- Shed / Accessory Bldg
- Fence

Other Features:

- Street Trees Max. 50' O.C.
- Grass Planting Strip
- Street Lights
- 2-Car Driveway, Face of Garage Setback Min. 2' from Back of Sidewalk

House Elevation for illustrative purposes only.

NOTES:

The diagram illustrates the layout of a townhome development. It features a central row of townhome units, each with a 'No Garage' label. To the left of the townhomes is a 'Pedestrian Zone Building Setback (Typ.)' and a '1.5' Grass Planting Strip'. To the right is a 'Parking and Private Street' area. Above the townhomes is a 'Buildable Zone Property Line' and a 'Community Open Space' area. A '5' Utility Easement' is shown on the right side. A 'Shed (Typ.)' is located to the left of the townhomes, and a 'Patio (Typ.)' is located to the right. A 'Townhome No Garage' label is also present. The diagram includes various setbacks and easements, such as 'Setback (Typ.)', 'Building Setback (Typ.)', and '5' Utility Easement'.

The diagram illustrates the layout of a townhome lot. Key features include:

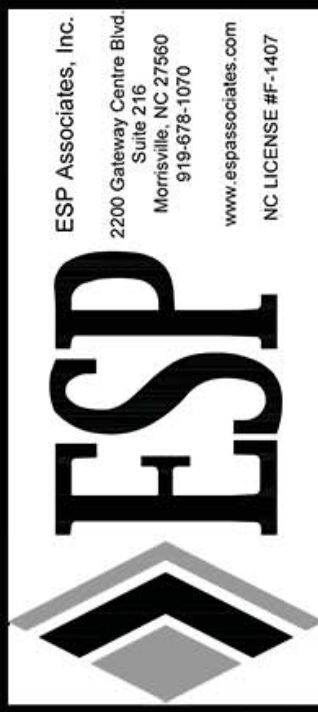
- 20' Private Alley**: Located at the rear of the lot.
- Buildable Zone**: The area within the property line where construction is permitted.
- Property Line**: The boundary of the lot.
- 2-Car Driveway (Typ.)**: A driveway leading to a garage.
- Garage (Typ.)**: A typical garage structure.
- Townhome with Garage**: The main residential unit.
- Public or Private Street**: The front boundary of the lot.
- Right-of-Way**: The area adjacent to the street.
- Curb & Gutter**: The edge of the street.
- 5' Public Sidewalk**: A sidewalk adjacent to the street.
- Pedestrian Zone**: An area for pedestrian use.
- Building Setbacks**: The distance between the building and the street.
- Grass Planting Strip**: A strip of grass adjacent to the building.
- 5' Utility Easement**: A 5-foot utility easement.
- 1.5'**: A 1.5-foot dimension, likely for a sidewalk or easement.

An illustrative elevation of a townhome is shown, featuring multiple stories, gabled roofs, and a central entrance. A note states: *** Townhome Elevations for illustrative purposes only.**

- MULTI-FAMILY RESIDENTIAL (TOWNHOMES)**
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 155.40(2)(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 SF 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 6 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.

ARCHITECTURAL AND CONTEXTURAL STANDARDS FOR ALL RESIDENTIAL HOUSING:

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]

CLAYTON, NC

HOUSING TYPES

STEEPLECHASE MASTER PLAN

CLAYTON, NC

PROJECT INFORMATION	
PROJECT MANAGER:	KRM
DESIGNED BY:	KRM
DRAWN BY:	KRM
PROJECT NUMBER:	FR51
ORIGINAL DATE:	03/01/2018
SHEET:	
C5.0	



ESP Associates, Inc.
2200 Gateway Center Blvd
Charlotte, NC 27260
919-475-1070
www.espassociates.com
NC LICENSE #F-1407

ESP

SEAL
028116
JANUARY 16, 2018

RECREATION AND OPEN SPACE

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: C6.0



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

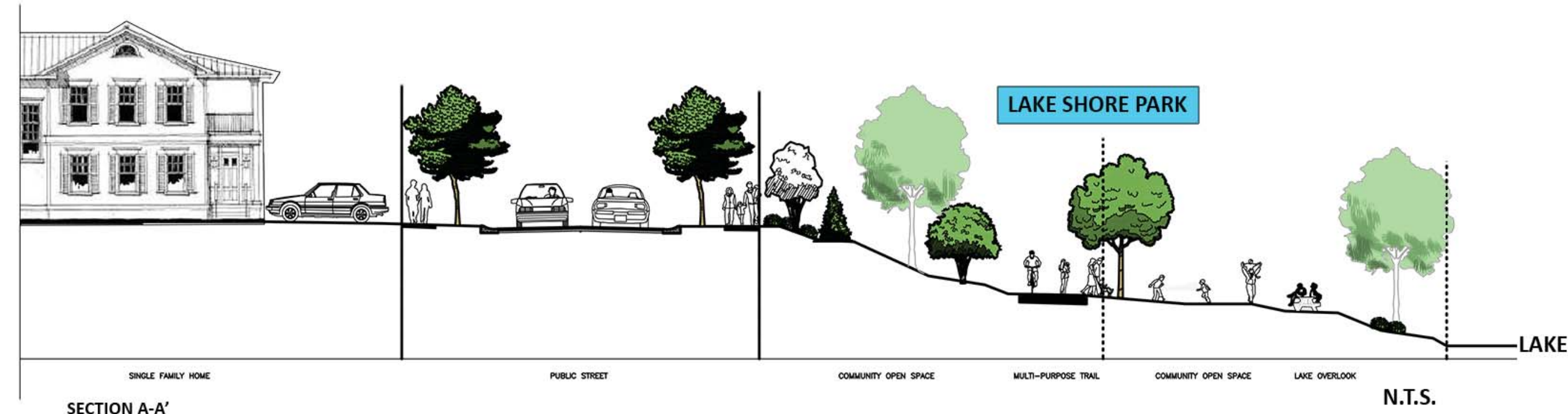
- 1. MINIMUM SIZE 1-5 ACRES
- 2. MAINTAINED BY HOA

- 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.espaceassociates.com
NC LICENSE #F-1407

ESP

SEAL
028116
05/16/2018

BY	KRM
REVISION	THE 1ST REVIEW COMMENTS
DATE	04-06-2018
NO.	1

RECREATION AND OPEN SPACE

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:

C6.1

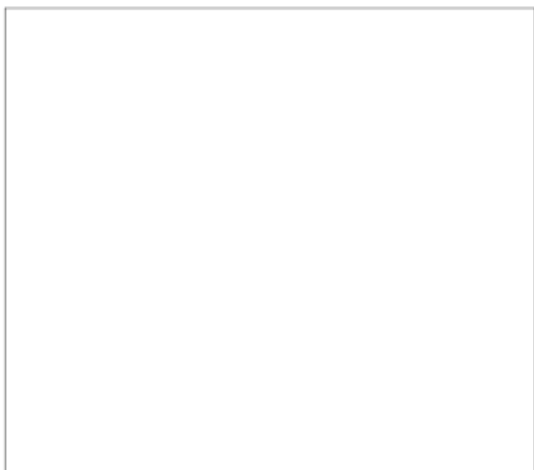


FRONT ELEVATION - COLOR RENDERING

CERTAINTEED - 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)



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

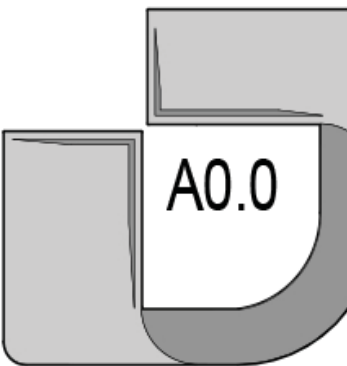
OVERALL BUILDING HEIGHT 39'-2" AFF

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

This image shows a single sheet of white paper with horizontal blue or grey 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), 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

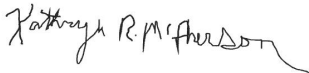
safety measures were provided when the intersection was widened. This resulted in increasing the risk because vehicles on Covered Bridge now go faster through the intersection.

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.

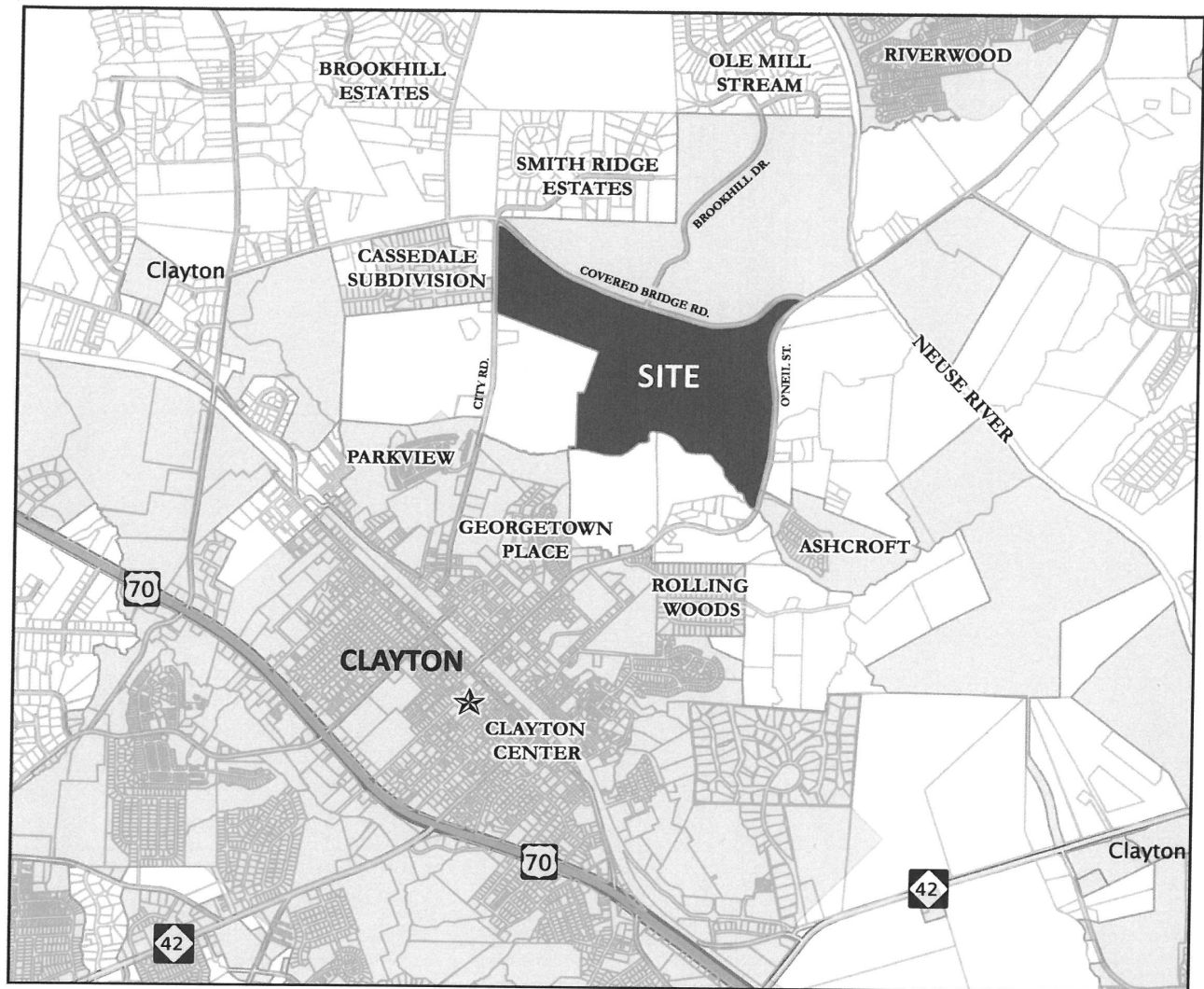
If you have any questions prior to or after this meeting, you may contact us at (984) 200-5540.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Palmer", with a stylized flourish at the end.

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 CREEKWOOD LAKE, CHARL, NC
9	Wayne Pourra	2000 Smith Drive, CHL
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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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

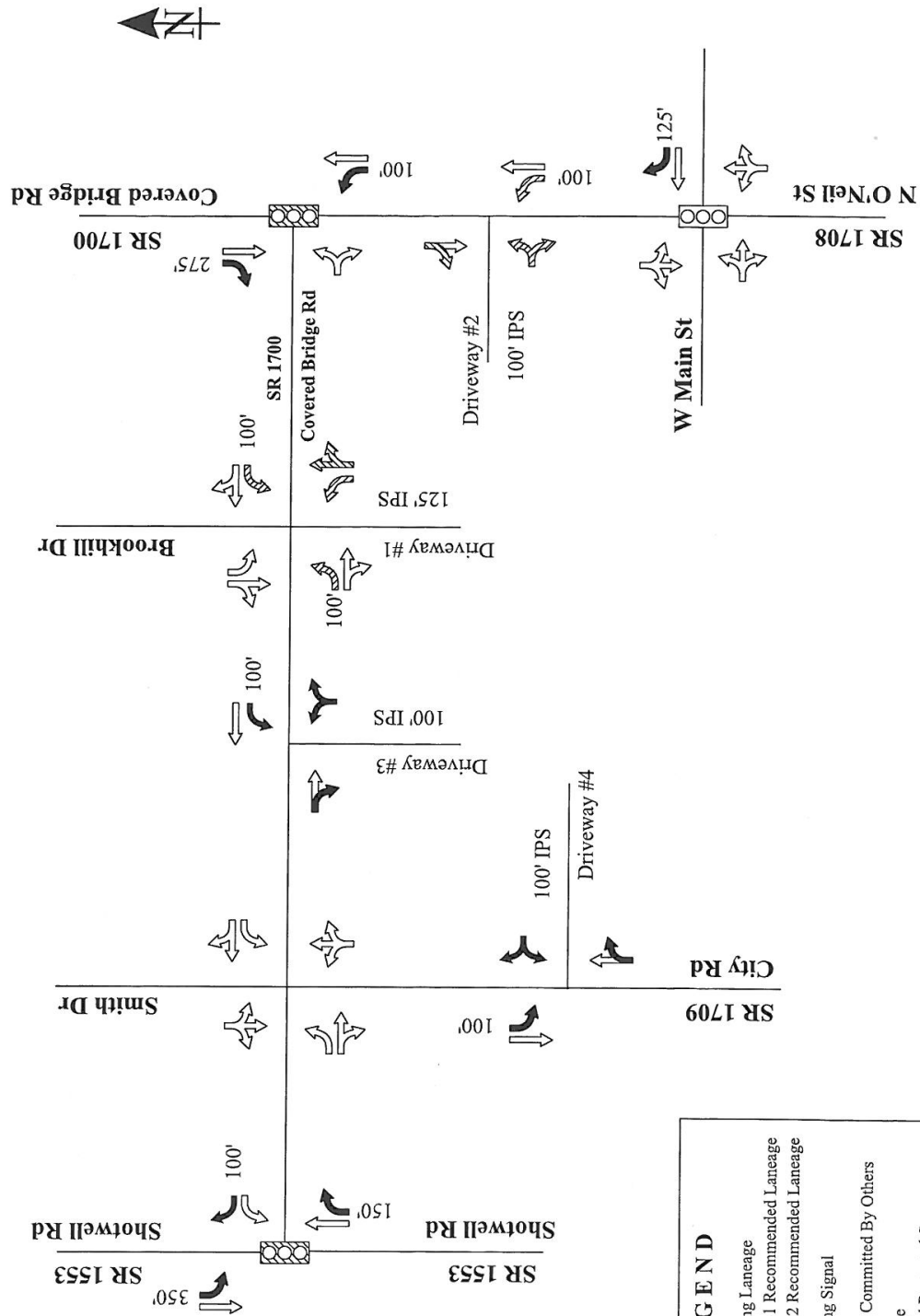
SR 1700 (Covered Bridge Rd) and SR 1708 (N O'Neil St) Intersection

- **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

Drawing Not to Scale

SM 05/18/2018

Traffic Impact Analysis Steeplechase Clayton, NC March 2018



TRAFFIC IMPACT ANALYSIS

FOR

STEEPLECHASE

LOCATED

IN

CLAYTON, NORTH CAROLINA

Prepared For:
Shenandoah Homes, LLC
2840 Plaza Place, Ste. 200
Raleigh, NC 27612

Prepared By:
Ramey Kemp & Associates, Inc.
5808 Faringdon Place, Suite 100
Raleigh, NC 27609
License #C-0910

March 2018



RKA Project No. 17173

Prepared By: MPK

Reviewed By: JMM

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**TRAFFIC IMPACT ANALYSIS
STEEPLECHASE
CLAYTON, NORTH CAROLINA**

1. INTRODUCTION

The contents of this report present the findings of the Traffic Impact Analysis (TIA) conducted for the proposed Steeplechase development to be located south of Covered Bridge Road and west of O'Neil Street near Brookhill Drive in Clayton, North Carolina. The purpose of this study is to determine the potential impacts to the surrounding transportation system created by traffic generated by the proposed development, as well as recommend improvements to mitigate the impacts.

The proposed development was analyzed in two (2) phases. Phase 1 is anticipated to be complete in 2020 and consist of 62 single-family detached homes and 120 townhomes. Full build-out of the proposed development is expected to be complete in 2026 and is expected to add the following land uses to those of Phase 1:

- 373 single-family detached homes
- 70 townhomes

The full development is planned to consist of 435 single-family homes and 190 townhomes.

The study analyzes traffic conditions during the weekday AM and PM peak hours for the following scenarios:

- Existing (2018) Traffic Conditions
- Background (2020) Traffic Conditions – Phase 1
- Combined (2020) Traffic Conditions – Phase 1
- Background (2026) Traffic Conditions – Full Build-Out
- Combined (2026) Traffic Conditions – Full Build-Out

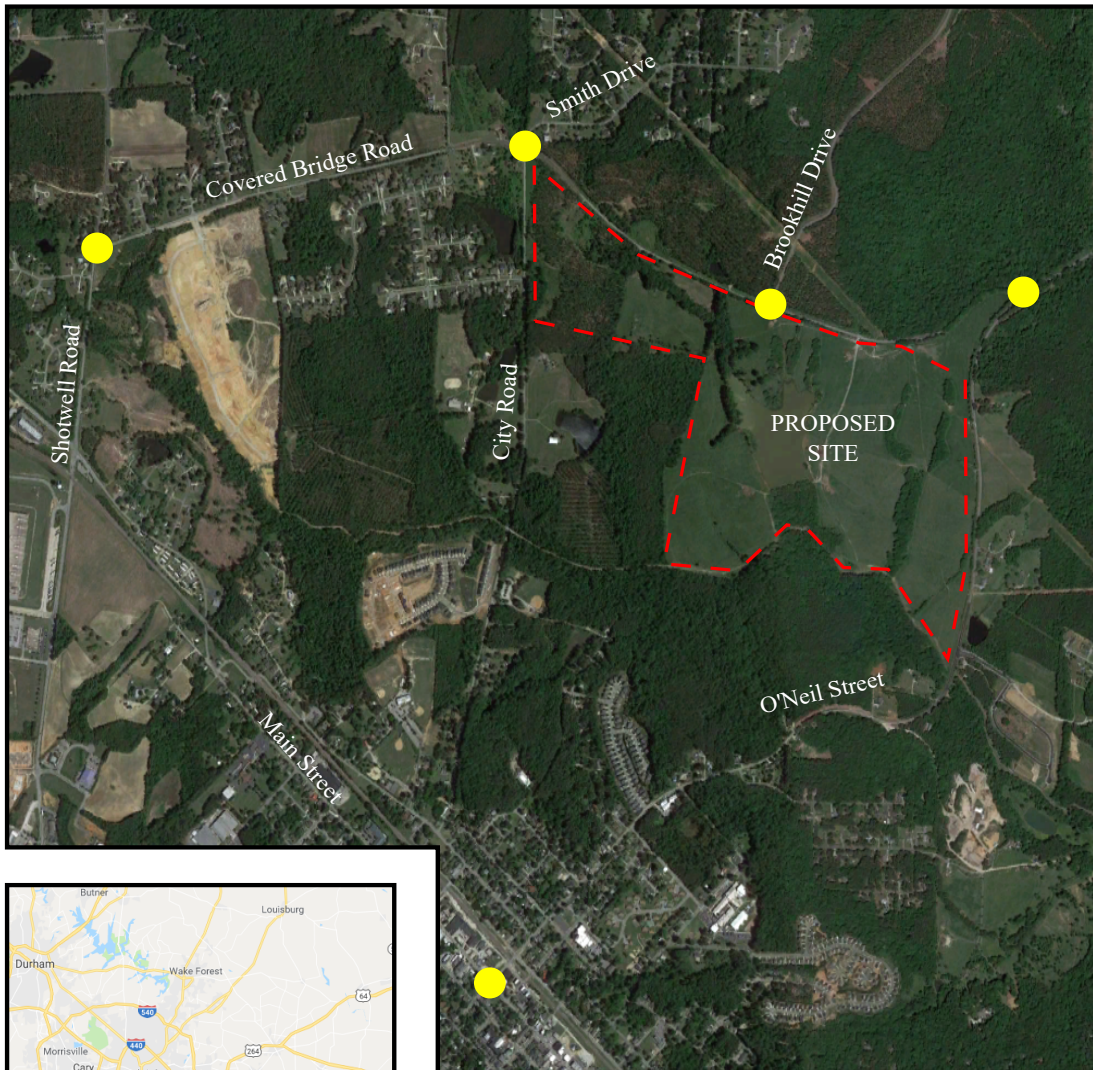


1.1. Site Location and Study Area

The development is proposed to be located south of Covered Bridge Road and west of O'Neil Street near Brookhill Drive in Clayton, North Carolina. The study area for the TIA was determined through coordination with the Town of Clayton (Town) and the North Carolina Department of Transportation (NCDOT) and consists of the following existing intersections:

- O'Neil Street and Covered Bridge Road (unsignalized)
- Covered Bridge Road and Brookhill Drive (unsignalized)
- Covered Bridge Road and City Road / Smith Drive (unsignalized)
- Covered Bridge Road and Shotwell Road (unsignalized)
- O'Neil Street and Main Street (signalized)

Refer to Figure 1 for the site location map.



LEGEND

- Proposed Site Location
- Study Intersection
- Study Area



Steeplechase
Clayton, NC

Site Location Map

Scale: Not to Scale

Figure 1

1.2. Proposed Land Use and Site Access

The proposed development was analyzed in two (2) phases. Phase 1 is anticipated to be complete in 2020 and consist of 62 single-family detached homes and 120 townhomes. Full build-out of the proposed development is expected to be complete in 2026 and is expected to add the following land uses to those of Phase 1:

- 373 single-family detached homes
- 70 townhomes

Access to Phase 1 of the proposed development will be provided via one (1) site driveway on Covered Bridge Road that is expected to align with Brookhill Drive and one (1) site driveway on O'Neil Street. At full build-out of the proposed development, two (2) additional site driveways will be provided on Covered Bridge Road and City Road. Refer to Figure 2 for a copy of the preliminary site plan.

1.3. Adjacent Land Uses

The proposed development is located in an area consisting primarily of undeveloped land and residential development. Clayton High School and Cooper Elementary School are located in downtown Clayton just south of the study area.

1.4. Existing Roadways

Field data (collected during data collection), as well as Google Satellite and Streetview imagery, were utilized to determine the existing roadway conditions within the study area. Refer to Table 1 for a summary of the existing roadways within the study area.

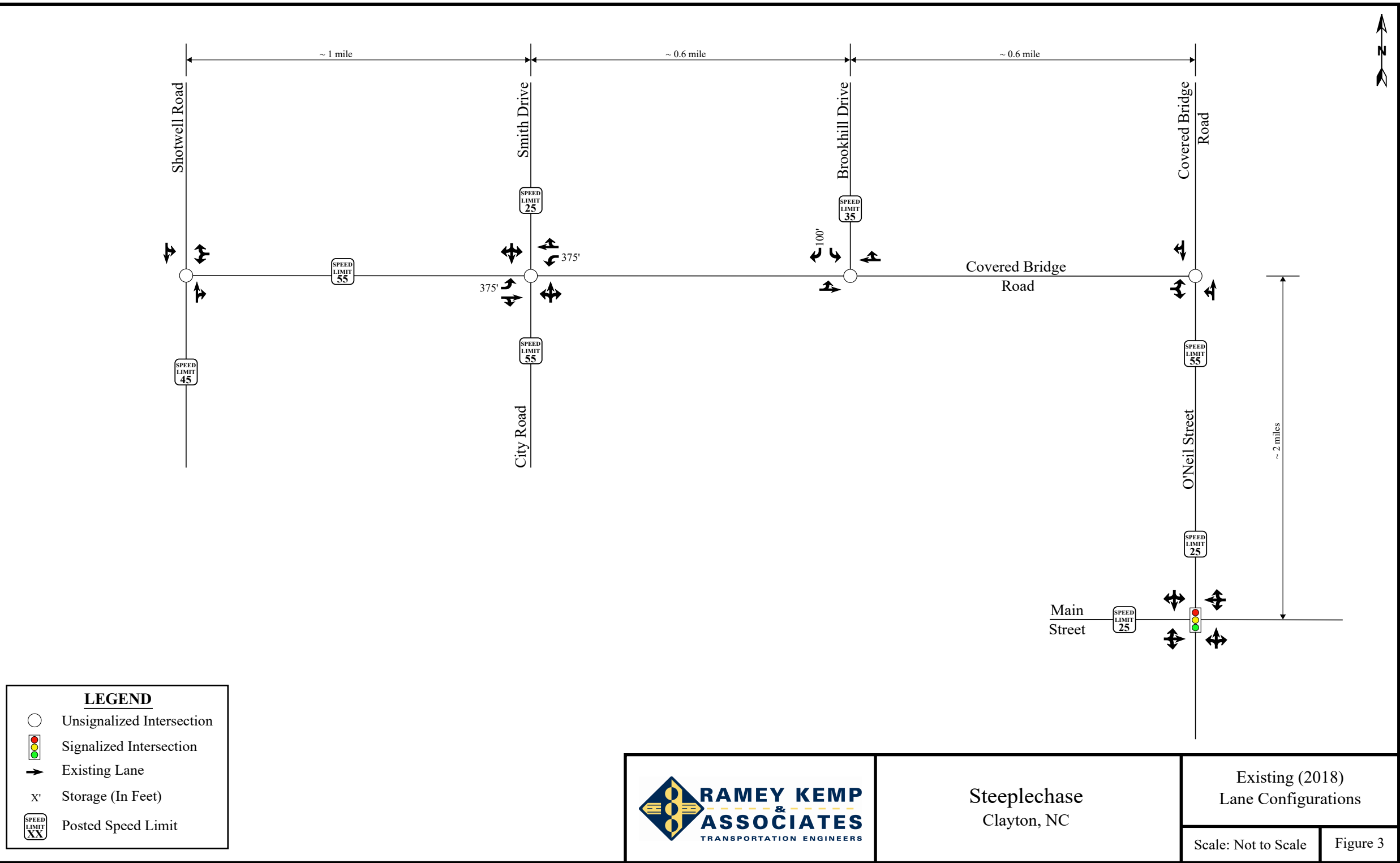
Table 1: Street Inventory Summary

Roadway Name	Route #	Typical Cross Section	Speed Limit	2015 NCDOT AADT (vpd)	Maintained By
Covered Bridge Road	SR 1700	2-lane undivided	55 mph	11,000	NCDOT
O'Neil Street	SR 1708	2-lane undivided	Varies; (25 / 35 / 45 / 55 mph)	8,200	NCDOT
Shotwell Road	SR 1553	2-lane undivided	45 mph	4,800 ¹	NCDOT
Brookhill Drive	SR 2620	2-lane undivided	35 mph	930 ²	NCDOT
City Road	SR 1709	2-lane undivided	55 mph	1,300	NCDOT
Smith Drive	SR 1768	2-lane undivided	25 mph	480 ²	NCDOT
Main Street	SR 1004	2-lane undivided	25 mph	9,800	NCDOT

1. NCDOT 2016 AADT information.

2. NCDOT AADT data not available. Average daily traffic volumes determined based on current traffic counts from 2018, assuming the PM peak hour volume is 10% of the average daily traffic.

Existing lane configurations (number of traffic lanes on each intersection approach), lane widths, storage capacities, and other intersection and roadway information was collected through field reconnaissance by Ramey Kemp & Associates, Inc. (RKA). Refer to Figure 3 for an illustration of the existing lane configurations within the study area.



2. EXISTING (2018) PEAK HOUR CONDITIONS

2.1. Existing (2018) Peak Hour Traffic

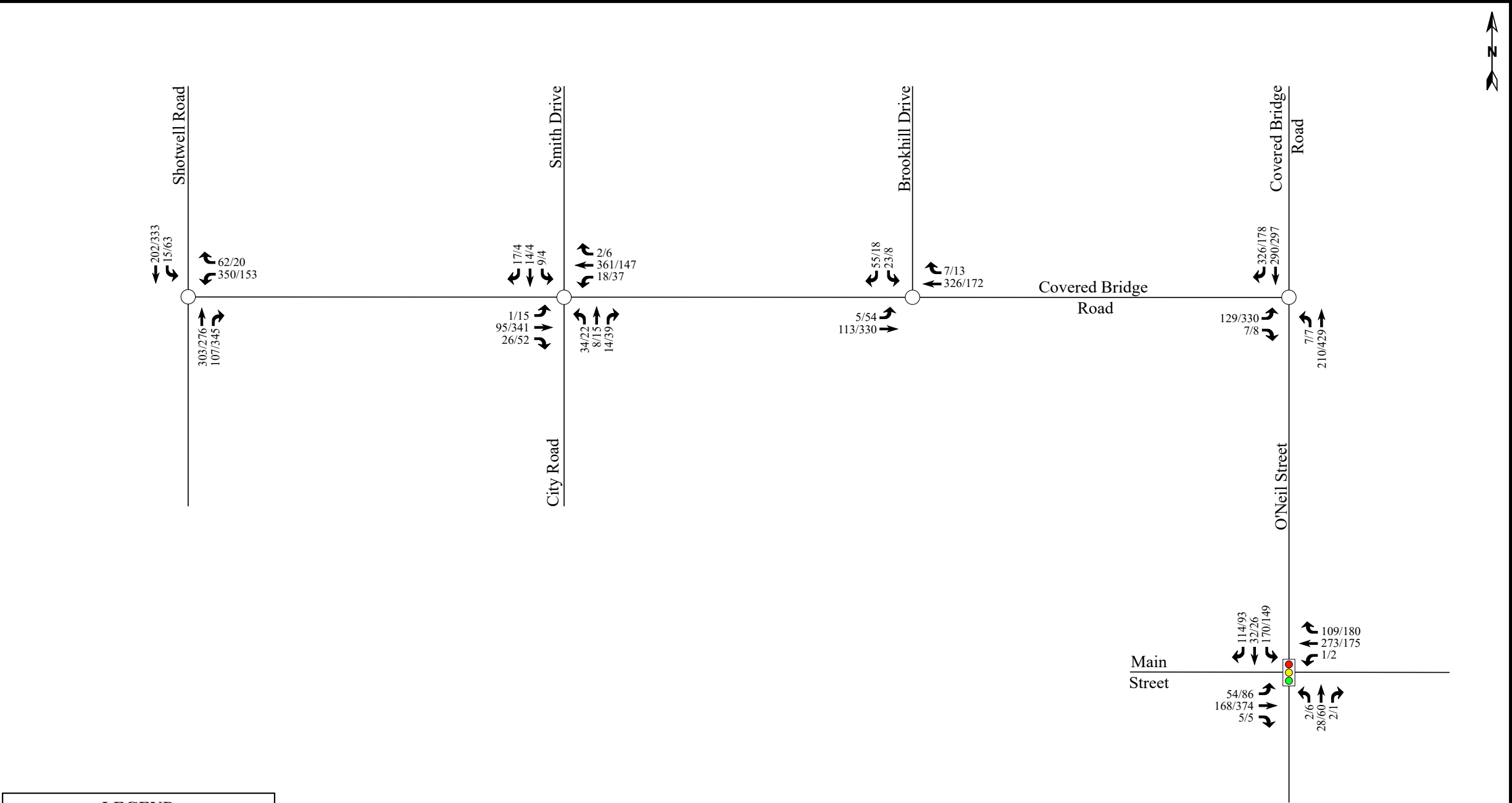
Existing peak hour traffic volumes were determined based on traffic counts conducted at the study intersections listed below, in February of 2018 by RKA during typical weekday AM (6:30 AM – 9:00 AM) and PM (4:00 PM – 7:00 PM) peak periods:

- Covered Bridge Road and Brookhill Drive (unsignalized)
- Covered Bridge Road and City Road / Smith Drive (unsignalized)
- Covered Bridge Road and Shotwell Road (unsignalized)
- O'Neil Street and Main Street (signalized)

A 13-hour count was conducted at the intersection of O'Neil Street and Covered Bridge Road in February of 2018 by RKA from 6:00 AM – 7:00 PM on a typical weekday. Traffic volumes were balanced between study intersections, where appropriate. Refer to Figure 4 for existing (2018) weekday AM and PM peak hour traffic volumes. A copy of the count data is located in Appendix A of this report.

2.2. Analysis of Existing (2018) Peak Hour Traffic

The existing (2018) weekday AM and PM peak hour traffic volumes were analyzed to determine the current levels of service at the study intersections under existing roadway conditions. The results of the analysis are presented in Section 7 of this report.



LEGEND

- Unsignalized Intersection
- ◫ Signalized Intersection
- X / Y → AM / PM Peak Hour Traffic

Steeplechase
Clayton, NC

Existing (2018)
Peak Hour Traffic

Scale: Not to Scale

Figure 4

3. BACKGROUND (2020, 2026) PEAK HOUR CONDITIONS

In order to account for growth of traffic and subsequent traffic conditions at a future year, background traffic projections are needed. Background traffic is the component of traffic due to the growth of the community and surrounding area that is anticipated to occur regardless of whether or not the proposed development is constructed. Background traffic is comprised of existing traffic growth within the study area and additional traffic created as a result of adjacent approved developments.

3.1. Ambient Traffic Growth

Through coordination with the Town and NCDOT, an annual growth rate of 3% per year was used to project existing traffic volumes at the study intersections to the analysis years of 2020 and 2026. The ambient traffic growth rate was applied to all intersections within the study area. Refer to Figures 5A and 5B for illustrations of the projected (2020) peak hour traffic volumes and projected (2026) peak hour traffic volumes, respectively.

3.2. Adjacent Development Traffic

Through coordination with the Town, the following adjacent developments were considered in the analysis of future traffic conditions:

- Ashcroft Residential
- HighGate and Creech
- Parkview
- Shotwell Residential
- Stalling Mill Apartments
- Walton Acres at Riverwood

The Ashcroft Residential development is proposed to consist of 104 single-family detached homes and 46 townhomes and is expected to be completed upon build-out of the proposed Steeplechase development. The site is located east of O'Neil Street, approximately 4,000 feet south of Covered Bridge Road in Clayton, North Carolina.

The HighGate and Creech developments are located south of Covered Bridge Road, east of Shotwell Road, and north of Old US 70 in Clayton, North Carolina. In 2019, phase 1 of the HighGate development will be the only section built of both developments, and is expected to consist of 69 single-family detached homes and is therefore the only part considered for 2020 analysis. In 2021, both the HighGate and Creech developments are expected to be fully built-out, and are expected to consist of 229 single-family detached homes (HighGate Phases 1 and 2) and 252 townhomes (Creech) in addition to the land uses identified in the 2019 analysis year.

The Parkview residential development is proposed to consist of 280 single-family detached homes and 50 townhomes and is expected to be completed by 2019. The site is located west of City Road and north of Stallings Street in Clayton, North Carolina. The site trips associated with this development were included for 2020 and 2026 analysis.

The Shotwell Road residential development is proposed to consist of 152 townhomes and is expected to be completed by 2019. The site is located northeast of the intersection of US Highway 70 Business and Shotwell Road in Clayton, North Carolina. The site trips associated with this development were included for 2020 and 2026 analysis.

The Stalling Mill apartments are proposed to consist of 288 apartment dwelling units and was expected to be completed by 2016. It was determined through field reconnaissance that a portion of the proposed Stalling Mill apartments were partially built-out at the time traffic counts were collected and therefore were captured in the traffic counts; however, the maximum trip generation potential for the proposed Stalling Mill apartments (288 apartment dwelling units) was utilized to provide for a conservative analysis for the 2020 and 2026 analysis years. The site is located west of Shotwell Road and north of US Highway 70 Business in Clayton, North Carolina.

The Walton Acres at Riverwood Athletic Club is proposed to consist of 190 single-family detached homes and 120 apartment dwelling units and is expected to be completed by 2022. The site is located east of the Neuse River and north of Covered Bridge Road in Clayton,

North Carolina. The site trips associated with this development were included for 2026 analysis.

As a result of the site driveways for the above listed adjacent developments, the trips associated with these developments may not balance between the study intersections for the Steeplechase development. Refer to Figure 6 for an illustration of the total peak hour adjacent development trips. Adjacent development information can be found in Appendix B.

3.3. Future Roadway Improvements

Based on coordination with the NCDOT and the Town, it was determined there are no planned future roadway improvements to consider in the study area.

3.4. Background (2020, 2026) Peak Hour Traffic Volumes

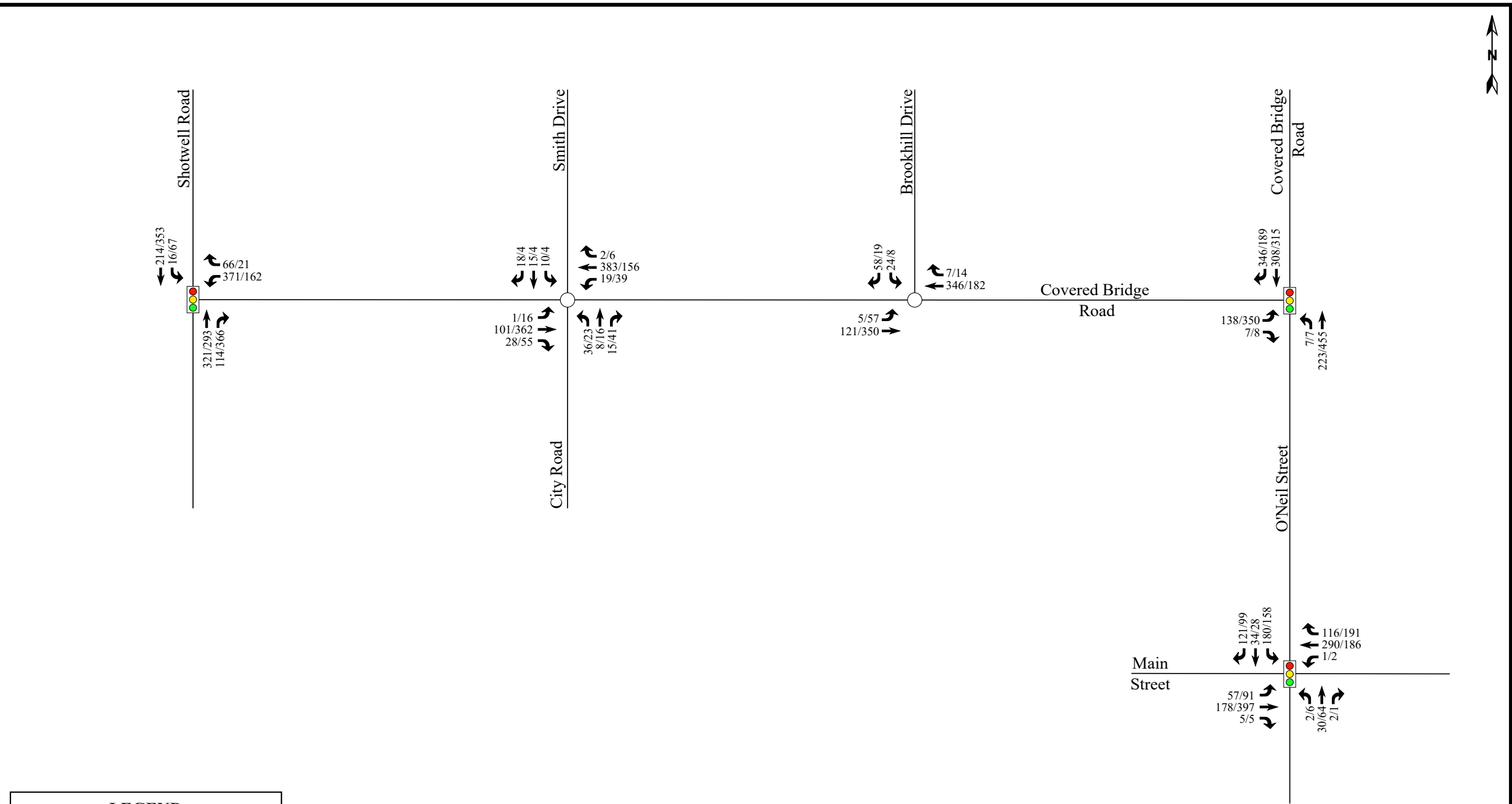
The background (2020, 2026) traffic volumes were determined by projecting the existing (2018) peak hour traffic to the analysis years of 2020 and 2026 and adding the adjacent development trips. Refer to Figures 7A and 7B for illustrations of the background (2020) peak hour traffic volumes and background (2026) peak hour traffic volumes, respectively.

3.5. Analysis of Background (2020, 2026) Peak Hour Traffic Conditions

The background (2020, 2026) AM and PM peak hour traffic volumes at the study intersections were analyzed with future geometric roadway conditions and traffic control. The analysis results are presented in Section 7 of this report.

It should be noted that under background (2020) conditions, the intersection of O'Neil Street & Covered Bridge Road meets the necessary signal warrants from the *Manual On Uniform Traffic Control Devices* (MUTCD) for installation of a traffic signal. Additionally, the peak hour warrants from the MUTCD were considered at the intersection of Covered Bridge Road and Shotwell Road and the peak hour volumes under background (2020) conditions warrant installation of a traffic signal during the weekday AM and PM peak hours. Without signalization and additional lanes, the intersection operates with significant delays and queueing. Based on discussions with NCDOT, it is our understanding that the HighGate and

Creech adjacent developments will be partially responsible for the signalization of the intersection of Covered Bridge Road and Shotwell Road. As these intersections meet signal warrants under background conditions, without any site traffic, the analysis for background (2020, 2026) conditions includes a traffic signal and additional turn lanes needed to accommodate the background growth. This configuration was used as the basis for the combined (2020, 2026) conditions and analyses. These intersections are anticipated to operate at acceptable levels of service with signalization and additional lanes.



LEGEND

○ Unsignalized Intersection

🚦 Signalized Intersection

X / Y → AM / PM Peak Hour Traffic

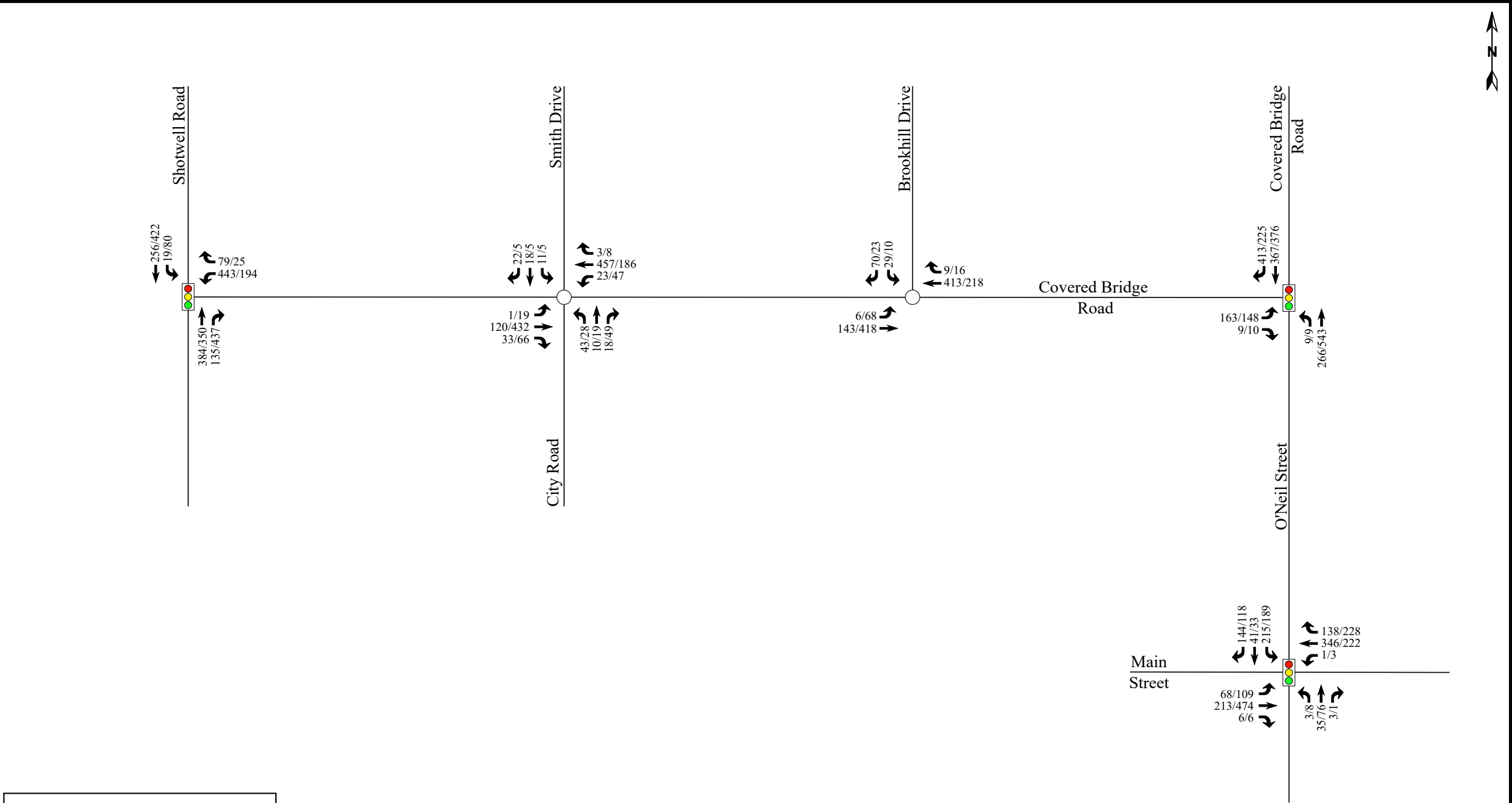


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TRANSPORTATION ENGINEERS

Steeplechase
Clayton, NC

Projected (2020)
Peak Hour Traffic

Scale: Not to Scale Figure 5A



LEGEND

○ Unsignalized Intersection

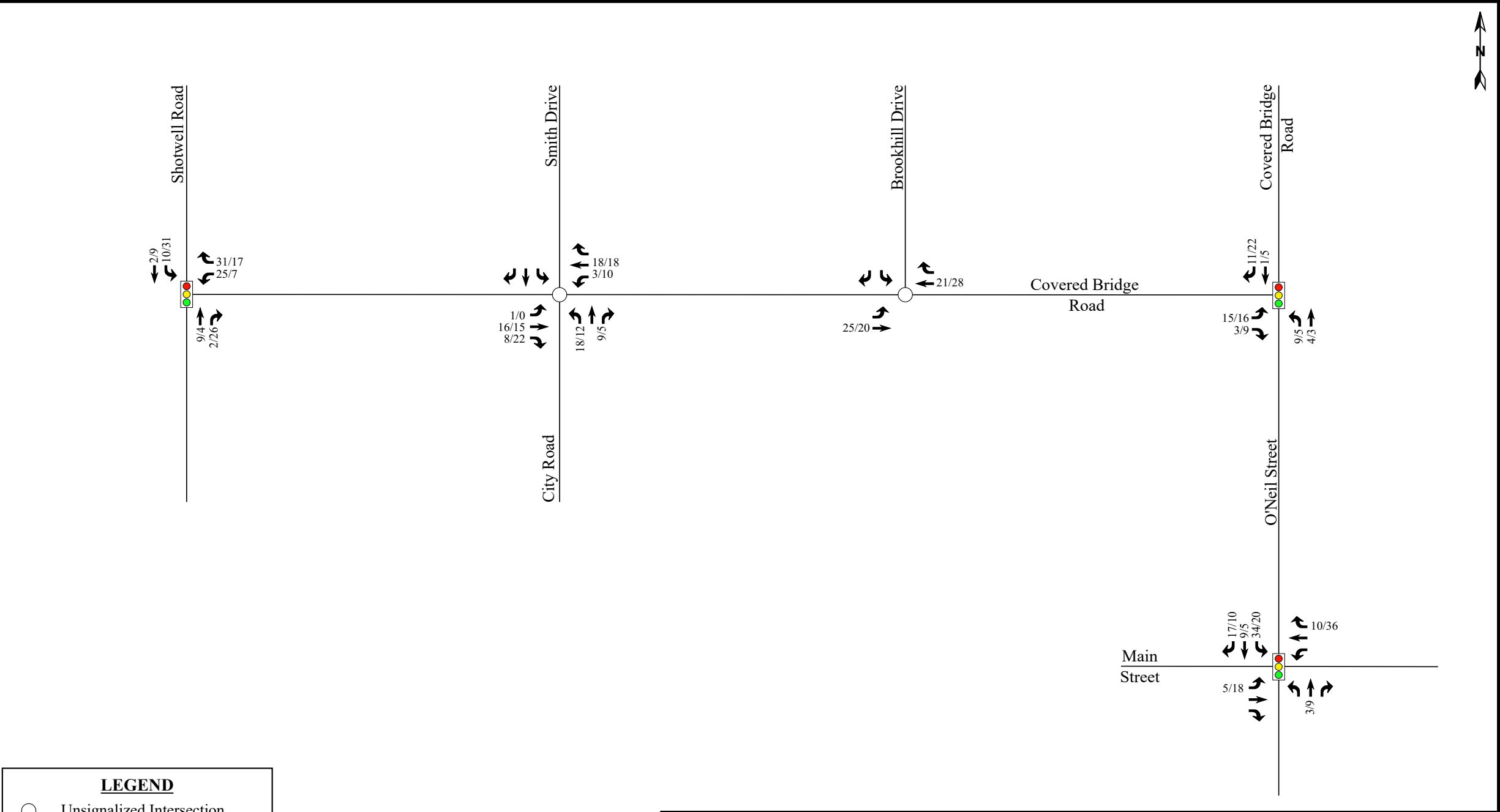
🚦 Signalized Intersection

X / Y → AM / PM Peak Hour Traffic

Steeplechase
Clayton, NC

Projected (2026)
Peak Hour Traffic

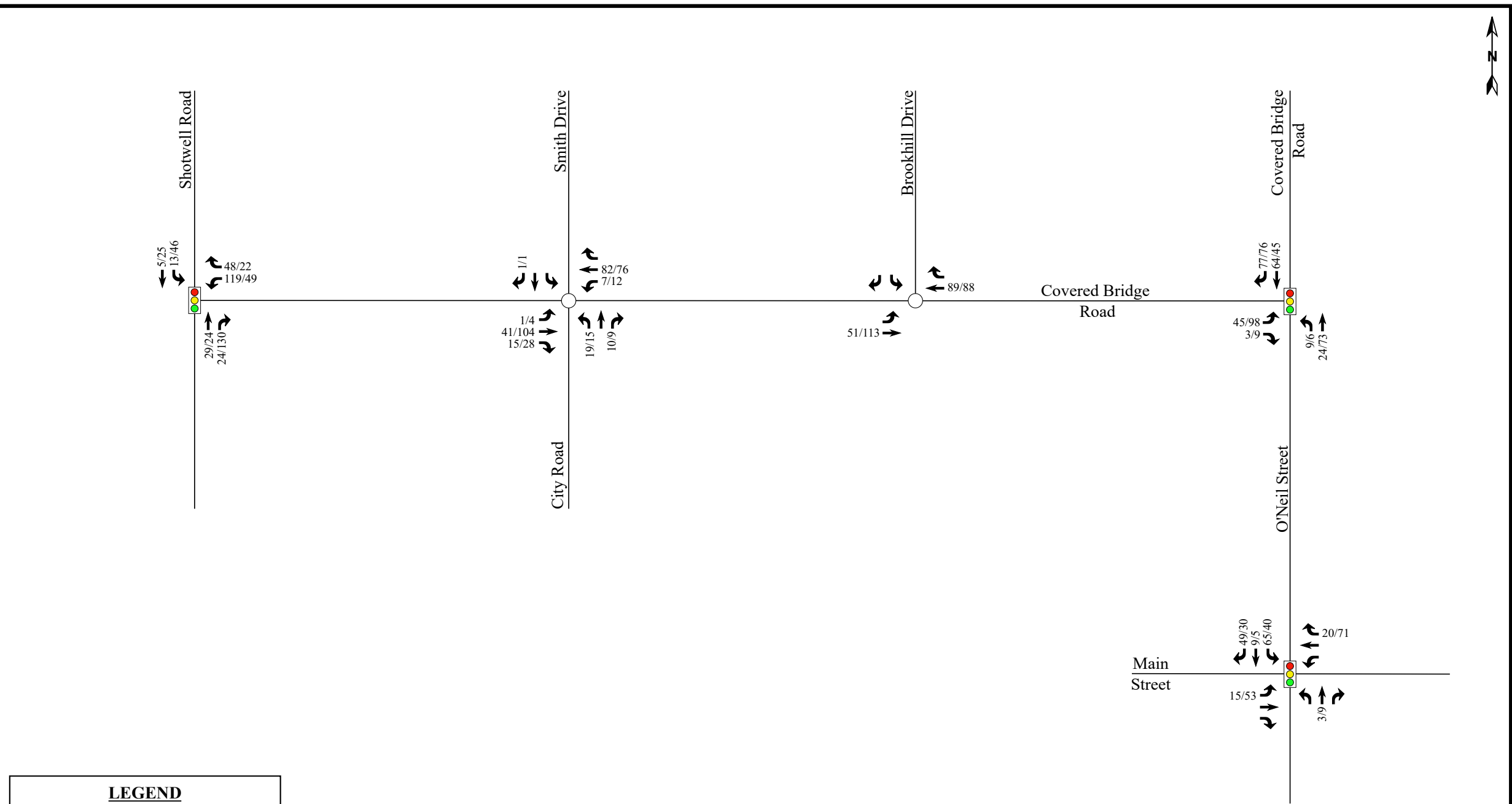
Scale: Not to Scale Figure 5B



Steeplechase
Clayton, NC

Adjacent Development
Trips - Phase 1

Scale: Not to Scale Figure 6A

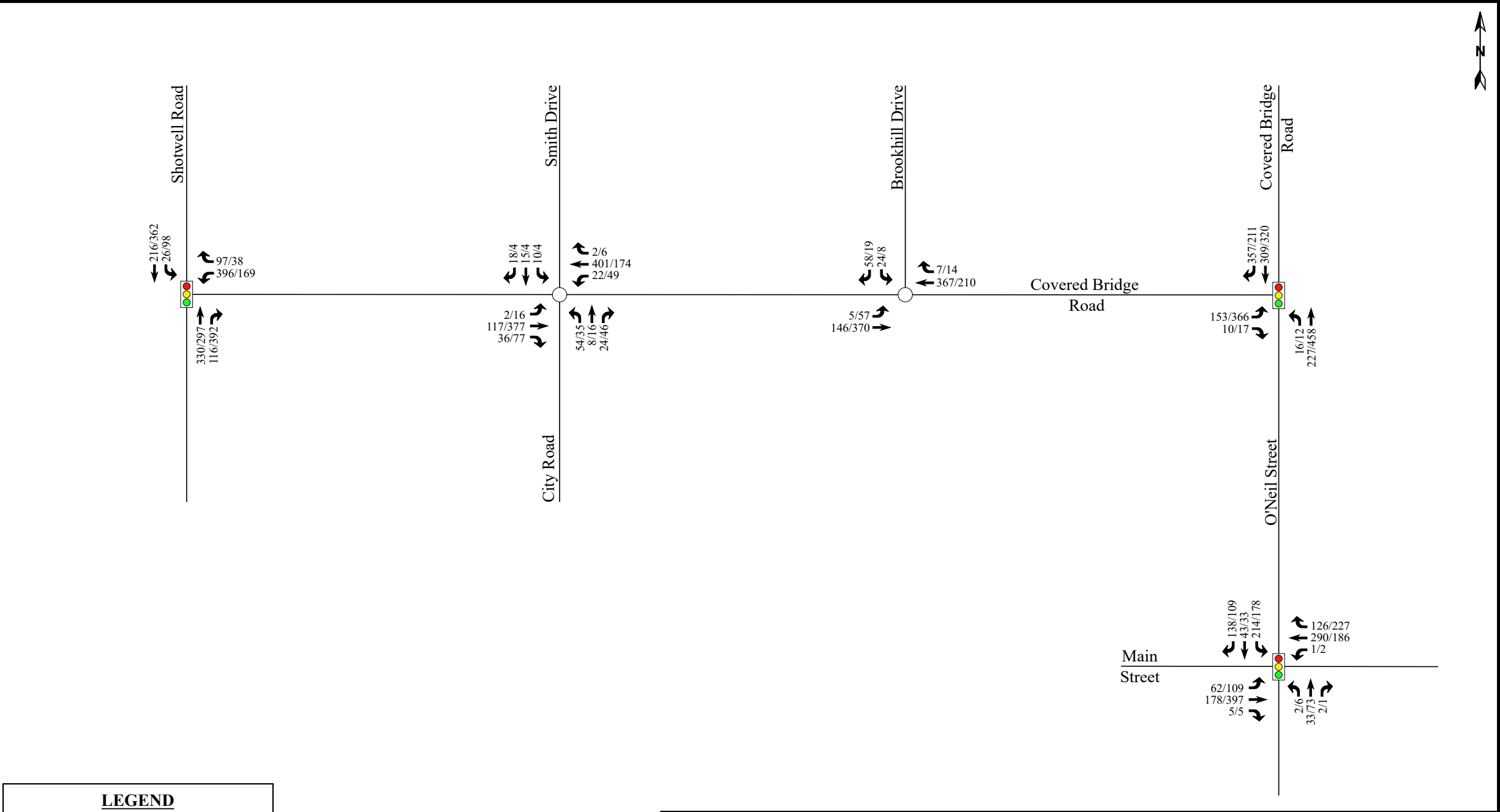


Steeplechase
Clayton, NC

Adjacent Development
Trips - Full Build-Out

Scale: Not to Scale

Figure 6B



LEGEND

○ Unsignalized Intersection

🚦 Signalized Intersection

X / Y → AM / PM Peak Hour Traffic



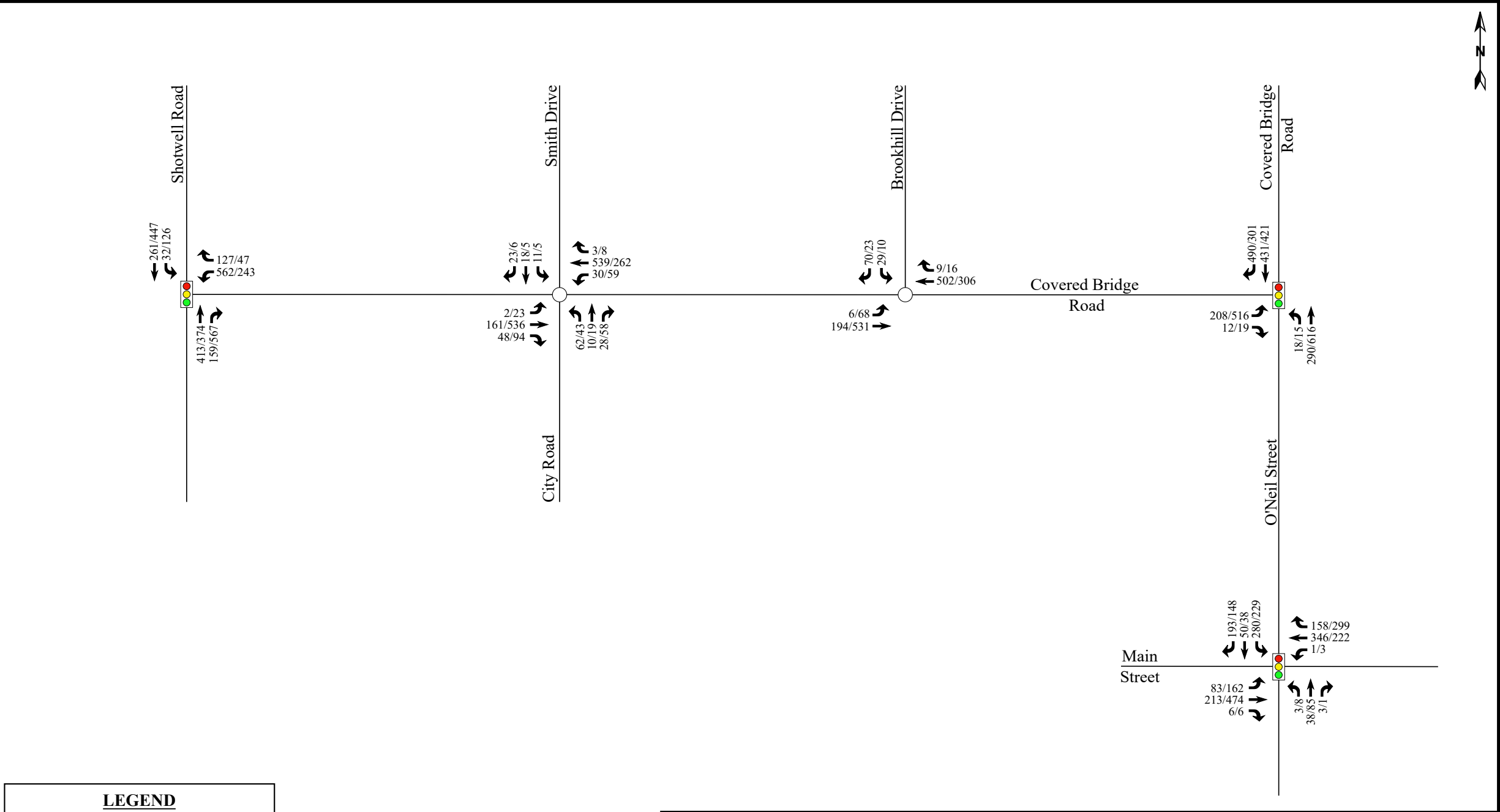
RAMEY KEMP & ASSOCIATES
TRANSPORTATION ENGINEERS

Steeplechase
Clayton, NC

Background (2020)
Peak Hour Traffic

Scale: Not to Scale

Figure 7A



LEGEND

○ Unsignalized Intersection

🚦 Signalized Intersection

X / Y ➡ AM / PM Peak Hour Traffic

	Steeplechase Clayton, NC	Background (2026) Peak Hour Traffic	
		Scale: Not to Scale	Figure 7B

4. SITE TRIP GENERATION AND DISTRIBUTION

4.1. Trip Generation

The proposed development was analyzed in two (2) phases. Phase 1 is anticipated to be complete in 2020 and consist of 62 single-family detached homes and 120 townhomes. Full build-out of the proposed development is expected to be complete in 2026 and is expected to add the following land uses to those of Phase 1:

- 373 single-family detached homes
- 70 townhomes

Refer to Table 2A for a summary of the trip generation potential for Phase 1.

Table 2A: Trip Generation Summary – Phase 1

Land Use (ITE Code)	Intensity	Daily Traffic (vpd)	AM Peak Hour Trips (vph)			PM Peak Hour Trips (vph)		
			Enter	Exit	Total	Enter	Exit	Total
Single Family Detached Housing (210)	62 Units	600	12	35	47	39	23	62
Townhouse (230)	120 Units	700	9	44	53	42	20	62
Total Site Trips		1,300	21	79	100	81	43	124

It is estimated that Phase 1 of the proposed development will generate approximately 1,300 total site trips on the roadway network during a typical 24-hour weekday period. Of the daily traffic volume, it is anticipated that 100 trips (21 entering and 79 exiting) will occur during the AM peak hour and 124 trips (81 entering and 43 exiting) will occur during the PM peak hour.

The full development is planned to consist of 435 single-family homes and 190 townhomes. Average weekday daily, AM peak hour, and PM peak hour trips for the proposed development were estimated using methodology contained within the ITE *Trip Generation Manual*, 9th Edition. Refer to Table 2B for a summary of the trip generation potential for the site at full build-out.

Table 2B: Trip Generation Summary – Full Build-Out

Land Use (ITE Code)	Intensity	Daily Traffic (vpd)	AM Peak Hour Trips (vph)			PM Peak Hour Trips (vph)		
			Enter	Exit	Total	Enter	Exit	Total
Single Family Detached Housing (210)	435 Units	4,100	81	245	326	274	161	435
Townhouse (230)	190 Units	1,100	14	70	84	66	33	99
Total Site Trips		5,200	95	315	410	340	194	534

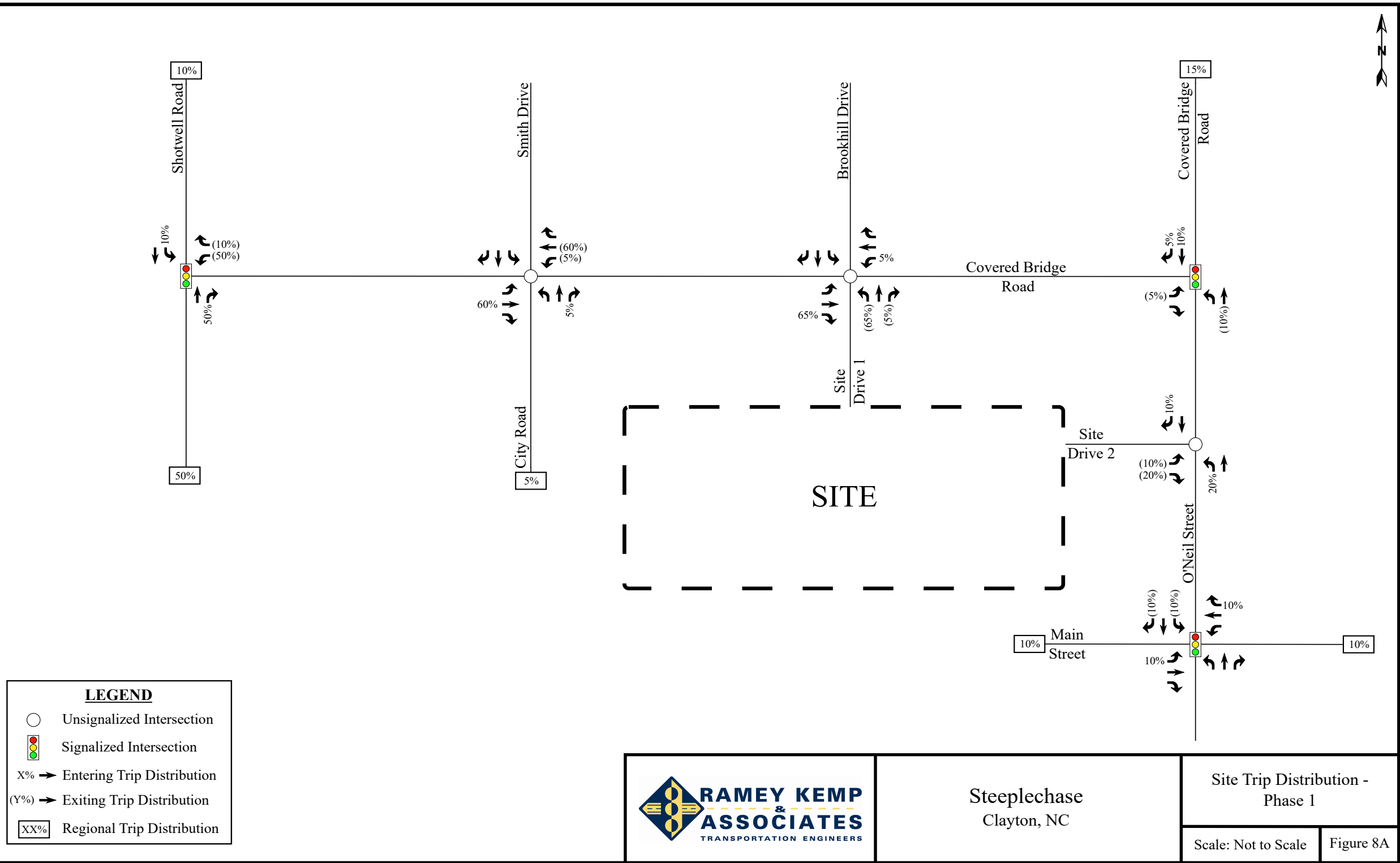
It is estimated that full build-out of the site will generate approximately 5,200 total site trips on the roadway network during a typical 24-hour weekday period. Of the daily traffic volume, it is anticipated that 410 trips (95 entering and 315 exiting) will occur during the AM peak hour and 534 trips (340 entering and 194 exiting) will occur during the PM peak hour.

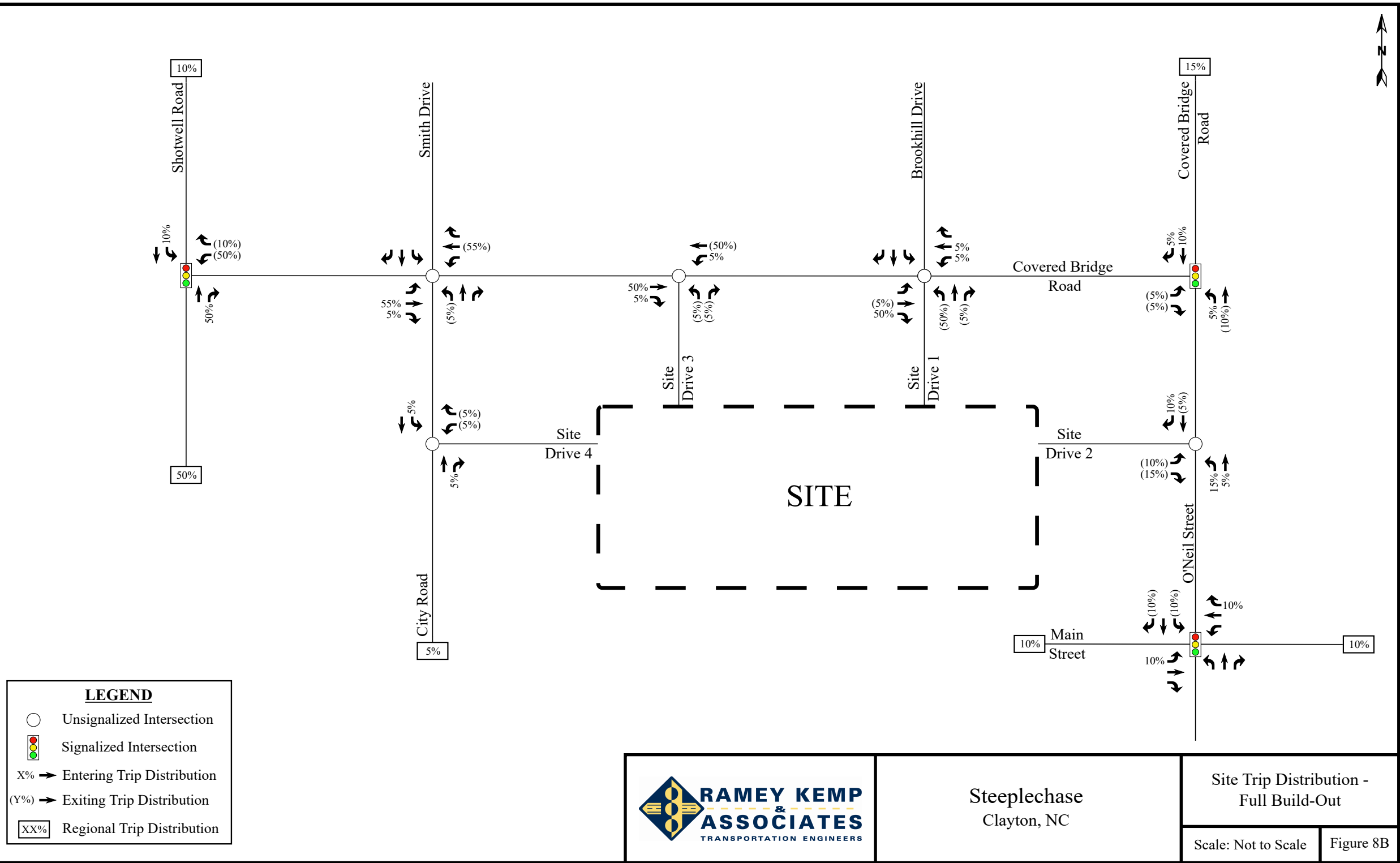
4.2. Site Trip Distribution and Assignment

Trip distribution percentages used in assigning site traffic for this development were estimated based on a combination of existing traffic patterns, population centers adjacent to the study area, and engineering judgment. It is estimated that trips generated by the proposed development will be distributed as follows:

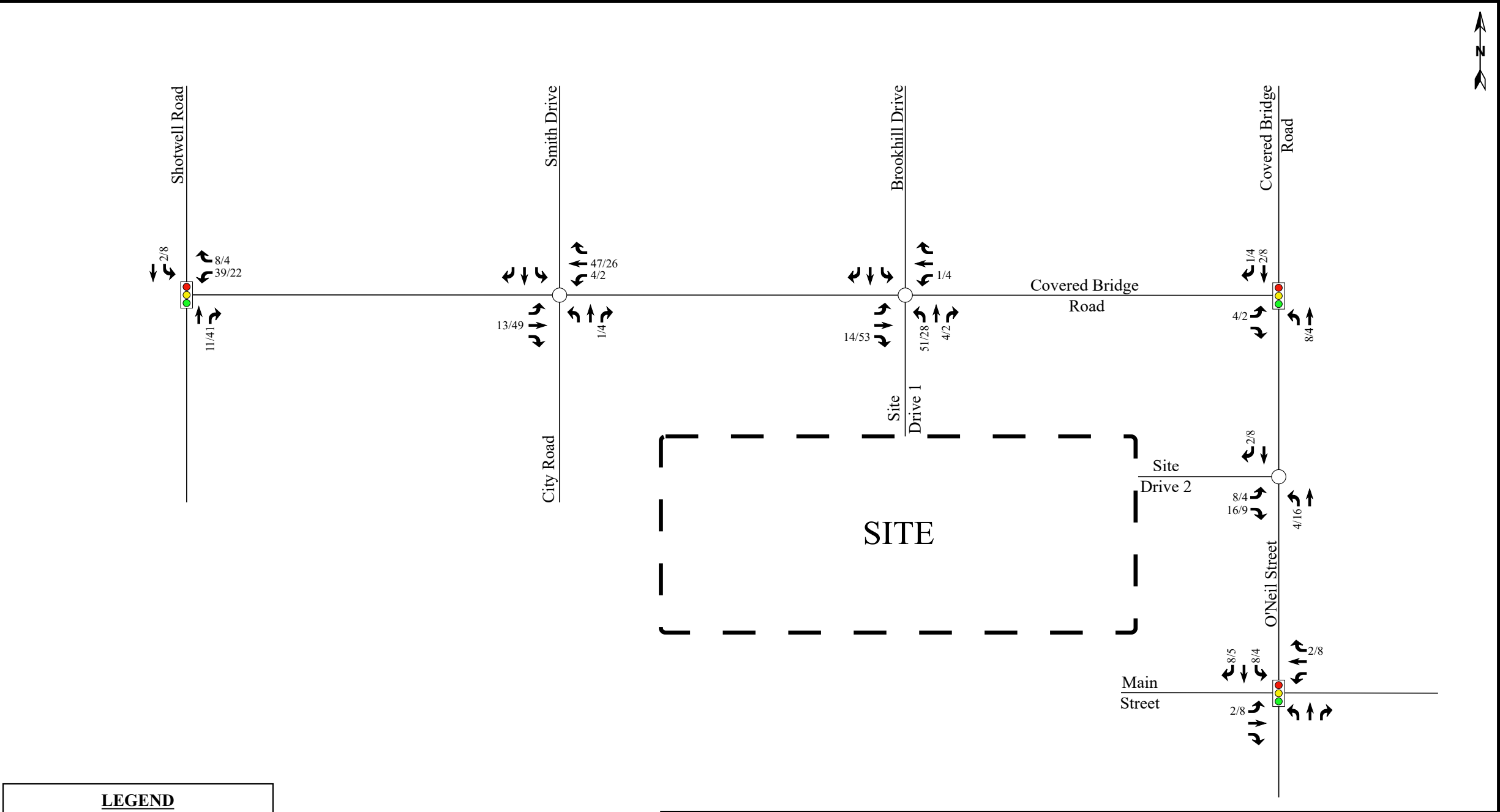
- 10% to/from the east via Main Street
- 10% to/from the west via Main Street
- 15% to/from the north via Covered Bridge Road
- 50% to/from the south via Shotwell Road
- 10% to/from the north via Shotwell Road
- 5% to/from the south via City Road

The site trip distribution is shown in Figures 8A and 8B for Phase 1 and full build-out, respectively. Refer to Figures 9A and 9B for an illustration of the site trip assignments for Phase 1 and full build-out, respectively.



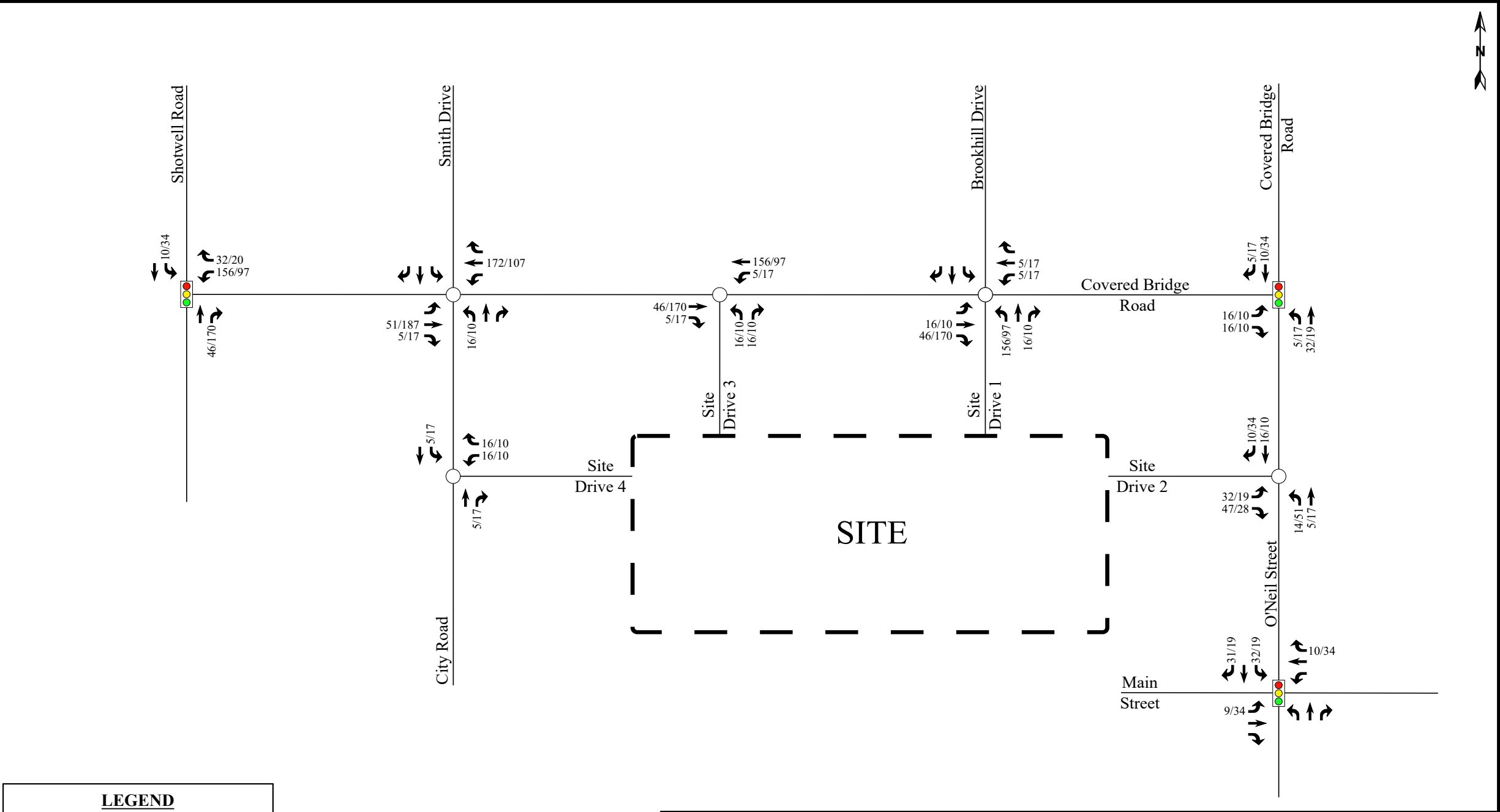


 RAMEY KEMP & ASSOCIATES TRANSPORTATION ENGINEERS	Steeplechase Clayton, NC	Site Trip Distribution - Full Build-Out	
		Scale: Not to Scale	Figure 8B



Steeplechase
Clayton, NC

Site Trip Assignment - Phase 1	
Scale: Not to Scale	Figure 9A



 RAMEY KEMP & ASSOCIATES TRANSPORTATION ENGINEERS	Steeplechase Clayton, NC	Site Trip Assignment - Full Build-Out	
		Scale: Not to Scale	Figure 9B

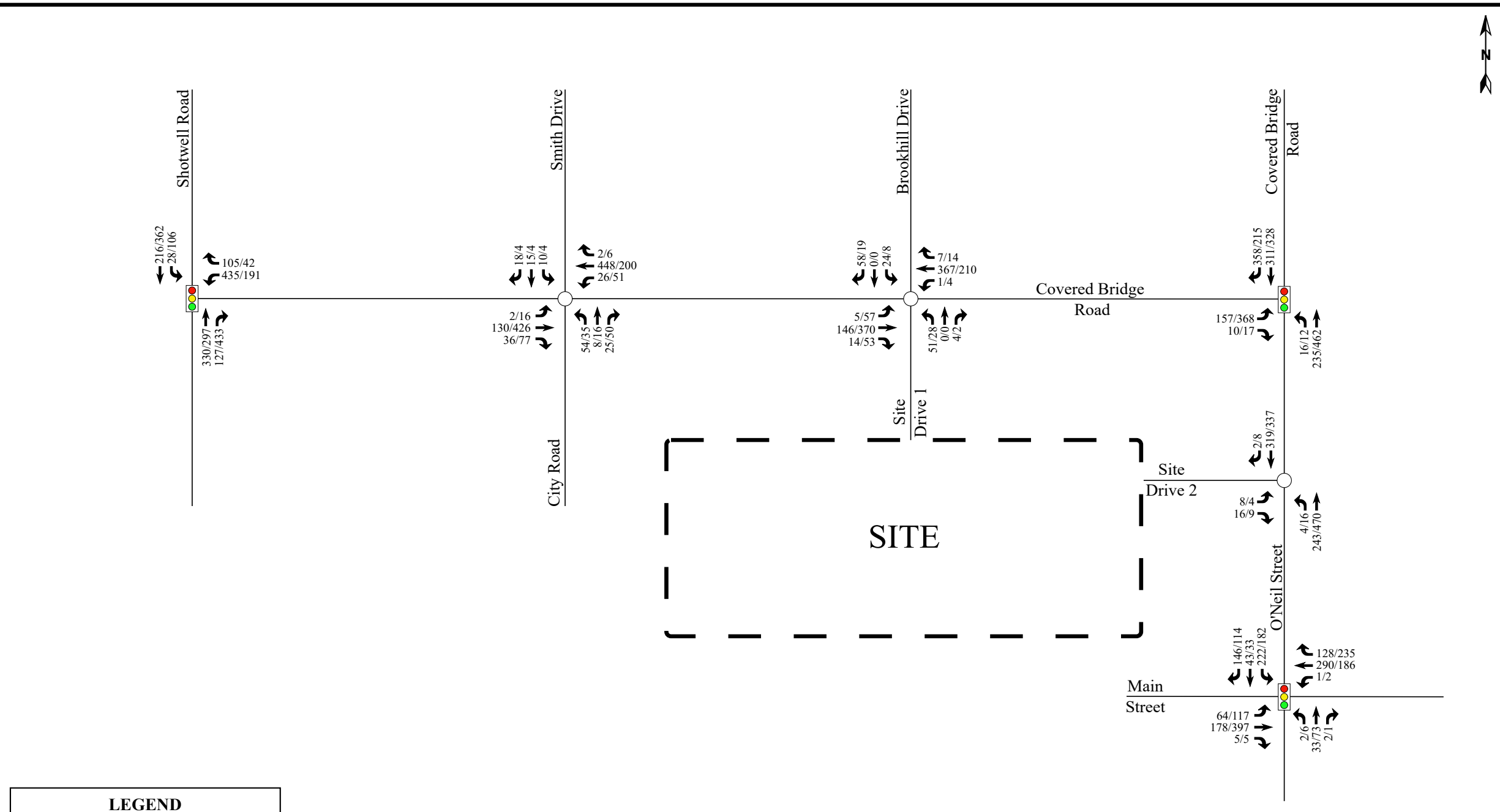
5. COMBINED (2020, 2026) TRAFFIC CONDITIONS

5.1. Combined (2020, 2026) Peak Hour Traffic Volumes

To estimate traffic conditions with the site under development, the site trips (Figures 9A, 9B) were added to the background (2020, 2026) traffic volumes (Figures 7A, 7B) to determine the combined (2020, 2026) traffic volumes that can be expected upon build-out of the proposed development phases. Refer to Figures 10A and 10B for illustrations of the combined (2020) and combined (2026) peak hour traffic volumes, respectively.

5.2. Analysis of Combined (2020, 2026) Peak Hour Traffic

Study intersections were analyzed with the combined (2020, 2026) traffic volumes using the same methodology previously discussed for background traffic conditions. Intersections were analyzed with improvements necessary to accommodate future traffic volumes. The analysis results are presented in Section 7 of this report.

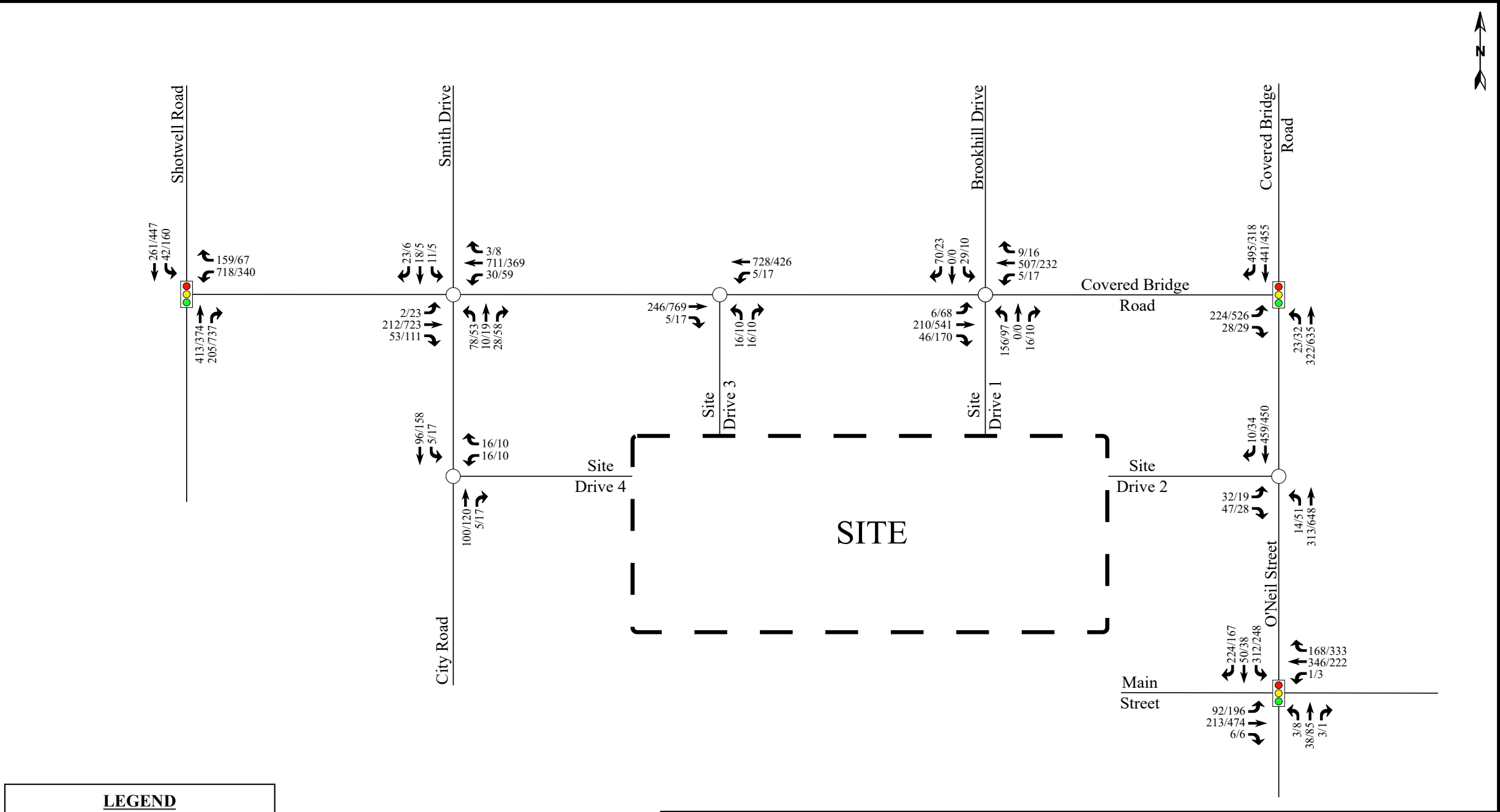


Steeplechase
Clayton, NC

Combined (2020)
Peak Hour Traffic

Scale: Not to Scale

Figure 10A



Steeplechase
Clayton, NC

Combined (2026)
Peak Hour Traffic

Scale: Not to Scale

Figure 10B

6. TRAFFIC ANALYSIS PROCEDURE

Study intersections were analyzed using the methodology outlined in the *2010 Highway Capacity Manual* (HCM) published by the Transportation Research Board. Capacity and level of service are the design criteria for this traffic study. A computer software package, Synchro (Version 9.2/10.1), was used to complete the analyses for most of the study area intersections. Please note that the unsignalized capacity analysis does not provide an overall level of service for an intersection; only delay for an approach with a conflicting movement.

The HCM defines capacity as “the maximum hourly rate at which persons or vehicles can reasonably be expected to traverse a point or uniform section of a lane or roadway during a given time period under prevailing roadway, traffic, and control conditions.” Level of service (LOS) is a term used to represent different driving conditions, and is defined as a “qualitative measure describing operational conditions within a traffic stream, and their perception by motorists and/or passengers.” Level of service varies from Level “A” representing free flow, to Level “F” where breakdown conditions are evident. Refer to Table 3 for HCM levels of service and related average control delay per vehicle for both signalized and unsignalized intersections. Control delay as defined by the HCM includes “initial deceleration delay, queue move-up time, stopped delay, and final acceleration delay”. An average control delay of 50 seconds at a signalized intersection results in LOS “D” operation at the intersection.

Table 3: Highway Capacity Manual – Levels-of-Service and Delay

UNSIGNALIZED INTERSECTION		SIGNALIZED INTERSECTION	
LEVEL OF SERVICE	AVERAGE CONTROL DELAY PER VEHICLE (SECONDS)	LEVEL OF SERVICE	AVERAGE CONTROL DELAY PER VEHICLE (SECONDS)
A	0-10	A	0-10
B	10-15	B	10-20
C	15-25	C	20-35
D	25-35	D	35-55
E	35-50	E	55-80
F	>50	F	>80

6.1. Adjustments to Analysis Guidelines

Capacity analysis at all study intersections was completed according to the NCDOT Congestions Management Guidelines.

7. CAPACITY ANALYSIS

7.1. O'Neil Street and Covered Bridge Road

The unsignalized intersection of O'Neil Street and Covered Bridge Road was analyzed under existing (2018), background (2020, 2026), and combined (2020, 2026) traffic conditions with the lane configurations and traffic control shown in Table 4. Refer to Table 4 for a summary of the analysis results. Refer to Appendix C for the Synchro capacity analysis reports.

Table 4: Analysis Summary of O'Neil Street and Covered Bridge Road

ANALYSIS SCENARIO	APPROACH	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
Existing (2018) Conditions	EB NB SB	1 LT-RT 1 LT-TH 1 TH-RT	C ² A ¹ --	N/A	F ² A ¹ --	N/A
Background (2020) Conditions w/ Signalization	EB NB SB	1 LT-RT 1 LT-TH 1 TH-RT	C A B	B (14)	C B C	B (20)
Combined (2020) Conditions	EB NB SB	1 LT-RT 1 LT-TH 1 TH-RT	C A B	B (14)	C B C	C (20)
Background (2026) Conditions w/ Signalization	EB NB SB	1 LT-RT 1 LT-TH 1 TH-RT	D A C	C (23)	D D D	D (43)
Combined (2026) Conditions	EB NB SB	1 LT-RT 1 LT-TH 1 TH-RT	D A C	C (25)	E F D	F (94)
Combined (2026) Conditions w/ Improvements	EB NB SB	1 LT-RT 1 LT, 1 TH 1 TH-RT	E A C	C (33)	E C E	D (51)

1. Level of service for major-street left-turn movement.

2. Level of service for minor-street approach.

Improvements and/or revised lane configurations by HighGate and Creech developments shown in *italics*.

Improvements and/or revised lane configurations by developer shown in **BOLD** to be reassessed at the appropriate build-out year.

Capacity analysis of existing (2018) conditions indicates the minor street approach operates with levels of service and delays typical for minor street approaches with heavy mainline volumes. Under background (2020) conditions, the intersection meets the necessary signal warrants from the *Manual On Uniform Traffic Control Devices* (MUTCD) for installation of a traffic signal. Refer to Section 8 of this report for more information regarding the full Signal Warrant Analysis that was conducted at this intersection. Without signalization and additional lanes, the intersection operates with significant delays and queueing. Based on discussions with NCDOT, it is our understanding that the HighGate and Creech adjacent developments will be partially responsible for the signalization of this intersection. As the intersection meets signal warrants under background conditions, without any site traffic, the analysis for background (2020, 2026) conditions includes a traffic signal needed to accommodate the background growth. This configuration was used as the basis for the combined (2020, 2026) conditions and analyses.

Under combined (2026) conditions with a traffic signal, this intersection is expected to operate at an overall LOS C during the weekday AM peak hour and an overall LOS F during the weekday PM peak hour. With an exclusive northbound left-turn lane, this intersection is expected to operate at an overall LOS C during the weekday AM peak hour and an overall LOS D during the weekday PM peak hour under combined (2026) conditions with similar delays as expected for background (2026) conditions. It should be noted that background growth is a major contributing factor to the operational deficiencies expected at this intersection. While improvements have been identified to mitigate to delays and levels-of-service expected under combined (2026) conditions at this intersection, it is recommended that this intersection be reassessed to determine actual field conditions closer to the analysis year of 2026 prior to installation of these improvements.

It should be noted that the alignment of this intersection has been a point of discussion between the reviewing agencies as part of the scoping process. Covered Bridge Road could potentially be realigned to remove the severe curvature and connect straight to O'Neil Street. The land needed to complete this change is not part of this development, but it may be beneficial to discuss potential right-of-way dedications with the developer for a third party

realignment. If the existing intersection of Covered Bridge Road and O'Neil Street is signalized, it is likely any signal equipment and pavement for turn lanes would need to be removed and replaced at the realigned intersection, once the realignment is complete.

7.2. Covered Bridge Road and Brookhill Drive / Site Drive 1

The unsignalized intersection of Covered Bridge Road and Brookhill Drive / Site Drive 1 was analyzed under existing (2018), background (2020, 2026), and combined (2020, 2026) traffic conditions with the lane configurations and traffic control shown in Table 5. Refer to Table 5 for a summary of the analysis results. Refer to Appendix D for the Synchro capacity analysis reports.

Table 5: Analysis Summary of Covered Bridge Road and Brookhill Drive / Site Drive 1

ANALYSIS SCENARIO	A P P R O A C H	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
Existing (2018) Conditions	EB WB SB	1 LT-TH 1 TH-RT 1 LT, 1 RT	A ¹ -- B ²	N/A	A ¹ -- B ²	N/A
Background (2020) Conditions	EB WB SB	1 LT-TH 1 TH-RT 1 LT, 1 RT	A ¹ -- B ²	N/A	A ¹ -- B ²	N/A
Combined (2020) Conditions	EB WB NB SB	1 LT-TH-RT 1 LT-TH-RT 1 LT, 1 TH-RT 1 LT, 1 TH-RT	A ¹ A ¹ C ² B ²	N/A	A ¹ A ¹ C ² B ²	N/A
Background (2026) Conditions	EB WB SB	1 LT-TH 1 TH-RT 1 LT, 1 RT	A ¹ -- B ²	N/A	A ¹ -- B ²	N/A
Combined (2026) Conditions	EB WB NB SB	1 LT-TH, 1 RT 1 LT , 1 TH-RT 1 LT, 1 TH-RT 1 LT, 1 TH-RT	A ¹ A ¹ F ² C ²	N/A	A ¹ A ¹ F ² C ²	N/A

1. Level of service for major-street left-turn movement.

2. Level of service for minor-street approach.

Improvements and/or revised lane configurations by developer shown in **BOLD**.

Capacity analysis of existing (2018), background (2020, 2026), and combined (2020, 2026) conditions indicates the minor street approaches and major street left-turn movements are anticipated to operate at acceptable levels of service with the improvements shown in Table 5 with the exception of the northbound minor street approach (Site Drive 1) under combined

(2026) conditions during the weekday AM and PM peak hours. It is not uncommon for a minor street approach (northbound development exit) to operate at poor levels of service when there are heavy mainline volumes. A traffic signal was considered at this intersection under combined (2026) conditions utilizing the criteria contained in the MUTCD; however, the intersection is not expected to meet the peak hour warrants for a traffic signal during the weekday AM and PM peak hours. It is not expected that this intersection would satisfy the MUTCD 8-hour and 4-hour warrants, which NCDOT favors for installation of a traffic signal. These longer period warrants are not typically met for residential areas that do not meet the peak hour warrants due to the distinct peak traffic periods for residential development.

It should be noted that the analysis was completed to identify improvements that are needed for the intersection to operate acceptably under combined (2020, 2026) conditions. The Town may require additional lanes or right-of-way dedication along the project frontage to satisfy the ultimate cross section for this roadway.

7.3. Covered Bridge Road and City Road / Smith Drive

The unsignalized intersection of Covered Bridge Road and City Road / Smith Drive was analyzed under existing (2018), background (2020, 2026), and combined (2020, 2026) traffic conditions with the lane configurations and traffic control shown in Table 6. Refer to Table 6 for a summary of the analysis results. Refer to Appendix E for the Synchro capacity analysis reports.

Table 6: Analysis Summary of Covered Bridge Road and City Road / Smith Drive

ANALYSIS SCENARIO	A P P R O A C H	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
Existing (2018) Conditions	EB WB NB SB	1 LT, 1 TH-RT 1 LT, 1 TH-RT 1 LT-TH-RT 1 LT-TH-RT	A ¹ A ¹ B ² B ²	N/A	A ¹ A ¹ B ² B ²	N/A
Background (2020) Conditions	EB WB NB SB	1 LT, 1 TH-RT 1 LT, 1 TH-RT 1 LT-TH-RT 1 LT-TH-RT	A ¹ A ¹ C ² B ²	N/A	A ¹ A ¹ C ² C ²	N/A
Combined (2020) Conditions	EB WB NB SB	1 LT, 1 TH-RT 1 LT, 1 TH-RT 1 LT-TH-RT 1 LT-TH-RT	A ¹ A ¹ C ² C ²	N/A	A ¹ A ¹ C ² C ²	N/A
Background (2026) Conditions	EB WB NB SB	1 LT, 1 TH-RT 1 LT, 1 TH-RT 1 LT-TH-RT 1 LT-TH-RT	A ¹ A ¹ C ² C ²	N/A	A ¹ A ¹ E ² C ²	N/A
Combined (2026) Conditions	EB WB NB SB	1 LT, 1 TH-RT 1 LT, 1 TH-RT 1 LT-TH-RT 1 LT-TH-RT	A ¹ A ¹ F ² D ²	N/A	A ¹ B ¹ F ² E ²	N/A

1. Level of service for major-street left-turn movement.
2. Level of service for minor-street approach.

Capacity analysis indicates that all movements on Covered Bridge Road are expected to operate at LOS B or better during the weekday AM and PM peak hours under all analysis scenarios. Under existing (2018), background (2020), and combined (2020) conditions, the northbound and southbound minor street approaches are expected to operate at LOS C or better

during the weekday AM and PM peak hours. The northbound and southbound minor street approaches are expected to operate at LOS E or LOS F during the weekday AM and PM peak hours under background (2026) and combined (2026) conditions with delays that are not uncommon for minor street approaches with heavy mainline volumes. A traffic signal was considered at this intersection under combined (2026) conditions utilizing the criteria contained in the MUTCD; however, the intersection is not expected to meet the peak hour warrants for a traffic signal during the weekday AM and PM peak hours. It is not expected that this intersection would satisfy the MUTCD 8-hour and 4-hour warrants, which NCDOT favors for installation of a traffic signal. These longer period warrants are not typically met for residential areas that do not meet the peak hour warrants due to the distinct peak traffic periods for residential development.

7.4. Covered Bridge Road and Shotwell Road

The unsignalized intersection of Covered Bridge Road and Shotwell Road was analyzed under existing (2018), background (2020, 2026), and combined (2020, 2026) traffic conditions with the lane configurations and traffic control shown in Table 7. Refer to Table 7 for a summary of the analysis results. Refer to Appendix F for the Synchro capacity analysis reports.

Table 7: Analysis Summary of Covered Bridge Road and Shotwell Road

ANALYSIS SCENARIO	A P P R O A C H	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
Existing (2018) Conditions	WB NB SB	1 LT-RT 1 TH-RT 1 LT-TH	F ² -- A ¹	N/A	F ² -- A ¹	N/A
Background (2020) Conditions w/ <i>Signalization</i>	WB NB SB	1 LT-RT 1 TH-RT 1 LT-TH	D D B	C (33)	D C B	C (28)
Combined (2020) Conditions	WB NB SB	1 LT-RT 1 TH-RT 1 LT-TH	D D B	D (36)	E C C	C (33)
Background (2026) Conditions w/ <i>Signalization</i>	WB NB SB	1 LT-RT 1 TH-RT 1 LT-TH	E E D	E (62)	F F F	F (170)
Combined (2026) Conditions	WB NB SB	1 LT-RT 1 TH-RT 1 LT-TH	F F F	F (122)	F F F	F (263)
Combined (2026) Conditions w/ Improvements	WB NB SB	1 LT, 1 RT 1 TH-RT 1 LT, 1 TH	E E C	E (64)	F F E	F (98)

1. Level of service for major-street left-turn movement.

2. Level of service for minor-street approach.

Improvements and/or revised lane configurations by HighGate and Creech developments shown in *italics*.

Improvements and/or revised lane configurations by developer shown in **BOLD** to be reassessed at the appropriate build-out year.

Capacity analysis of existing (2018) conditions indicates the minor street approach operates with levels of service and delays typical for minor street approaches with heavy mainline volumes. Due to the significant delay and queuing expected at the intersection during the

weekday AM and PM peak hours under background (2020) conditions, the peak hour signal warrant from the MUTCD was considered and the peak hour volumes under background (2020) conditions warrant installation of a traffic signal during the weekday AM and PM peak hours. Without signalization, the intersection operates with significant delays and queueing. Based on discussions with NCDOT, it is our understanding that the HighGate and Creech adjacent developments will be partially responsible for the signalization of this intersection. As the intersection meets peak hour warrants under background conditions during the weekday AM and PM peak hours, without any site traffic, the analysis for background (2020, 2026) conditions includes a traffic signal needed to accommodate the background growth. This configuration was used as the basis for the combined (2020, 2026) conditions and analyses.

Under background (2026) and combined (2026) conditions with a traffic signal, this intersection is expected to operate at an overall LOS E or worse during the weekday AM and PM peak hours. With an exclusive southbound left-turn lane and an exclusive westbound right-turn lane, this intersection is expected to operate at an overall LOS E during the weekday AM peak hour and an overall LOS F during the weekday PM peak hour under combined (2026) conditions with similar delays as expected for background (2026) conditions. It should be noted that background growth is a major contributing factor to the operational deficiencies expected at this intersection. While improvements have been identified to mitigate to delays and levels-of-service expected under combined (2026) conditions at this intersection, it is recommended that this intersection be reassessed to determine actual field conditions closer to the analysis year of 2026 prior to installation of these improvements.

7.5. O'Neil Street and Main Street

The signalized intersection of O'Neil Street and Main Street was analyzed under existing (2018), background (2020, 2026), and combined (2020, 2026) traffic conditions with the lane configurations and traffic control shown in Table 8. Refer to Table 8 for a summary of the analysis results. Refer to Appendix G for the Synchro capacity analysis reports.

Table 8: Analysis Summary of O'Neil Street and Main Street

ANALYSIS SCENARIO	A P P R O A C H	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
Existing (2018) Conditions	EB WB NB SB	1 LT-TH-RT 1 LT-TH-RT 1 LT-TH-RT 1 LT-TH-RT	A B B D	B (20)	B A B C	B (17)
Background (2020) Conditions	EB WB NB SB	1 LT-TH-RT 1 LT-TH-RT 1 LT-TH-RT 1 LT-TH-RT	A B B E	C (33)	B B B D	C (22)
Combined (2020) Conditions	EB WB NB SB	1 LT-TH-RT 1 LT-TH-RT 1 LT-TH-RT 1 LT-TH-RT	A B B F	D (38)	B B B D	C (23)
Background (2026) Conditions	EB WB NB SB	1 LT-TH-RT 1 LT-TH-RT 1 LT-TH-RT 1 LT-TH-RT	B B B F	F (83)	E B B F	E (60)
Combined (2026) Conditions	EB WB NB SB	1 LT-TH-RT 1 LT-TH-RT 1 LT-TH-RT 1 LT-TH-RT	B B B F	F (116)	F B B F	F (96)
Combined (2026) Conditions w/ Improvements and Signal Timing Adjustments	EB WB NB SB	1 LT-TH-RT 1 LT-TH, 1 RT 1 LT-TH-RT 1 LT-TH-RT	D C A D	C (33)	D B B E	D (42)

Improvements and/or revised lane configurations by developer shown in **BOLD**.

Capacity analysis of existing (2018), background (2020), and combined (2020) conditions indicate that this intersection is expected to operate at an overall LOS D or better during the weekday AM and PM peak hours. It should be noted that minor signal timing adjustments to

this intersection are expected to alleviate the level-of-service and delay observed on the southbound approach during the weekday AM peak hour under combined (2020) conditions. Under background (2026) and combined (2026) conditions, the intersection is expected to operate at an overall LOS F during the weekday AM and PM peak hours. With signal timing adjustments and restriping the westbound approach to provide a shared left-turn/through lane and an exclusive right-turn lane, this intersection is expected to operate at an overall LOS C during the weekday AM peak hour and an overall LOS D during the weekday PM peak hour. It should be noted that the recommended restriping exercise to provide an exclusive right-turn lane on the westbound approach is not expected to require additional widening and as there is additional pavement for on-street parking provided on the northern side of the eastern leg of Main Street.

7.6. O'Neil Street and Site Drive 2

The proposed intersection of O'Neil Street and Site Drive 2 was analyzed under combined (2020, 2026) traffic conditions with the lane configurations and traffic control shown in Table 9. Refer to Table 9 for a summary of the analysis results. Refer to Appendix H for the Synchro capacity analysis reports.

Table 9: Analysis Summary of O'Neil Street and Site Drive 2

ANALYSIS SCENARIO	A P P R O A C H	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
Combined (2020) Conditions	EB NB SB	1 LT-RT 1 LT-TH 1 TH-RT	B ² A ¹ --	N/A	B ² A ¹ --	N/A
Combined (2026) Conditions	EB NB SB	1 LT-RT 1 LT, 1 TH 1 TH-RT	C ² A ¹ --	N/A	C ² A ¹ --	N/A

1. Level of service for major-street left-turn movement.

2. Level of service for minor-street approach.

Improvements and/or revised lane configurations by developer shown in **BOLD**.

Capacity analysis indicates that all major-street left-turn movements and minor-street approaches are expected to operate at LOS C or better during the weekday AM and PM peak hours under combined (2020) and combined (2026) conditions. It should be noted that the analysis was completed to identify improvements that are needed for the intersection to operate acceptably under combined (2020, 2026) conditions. The Town may require additional lanes or right-of-way dedication along the project frontage to satisfy the ultimate cross section for this roadway.

7.7. Covered Bridge Road and Site Drive 3

The proposed intersection of Covered Bridge Road and Site Drive 3 was analyzed under combined (2026) traffic conditions with the lane configurations and traffic control shown in Table 10. Refer to Table 10 for a summary of the analysis results. Refer to Appendix I for the Synchro capacity analysis reports.

Table 10: Analysis Summary of Covered Bridge Road and Site Drive 3

ANALYSIS SCENARIO	A P P R O A C H	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
Combined (2026) Conditions	EB WB NB	1 TH-RT 1 LT-TH 1 LT-RT	-- A ¹ C ²	N/A	-- A ¹ C ²	N/A

1. Level of service for major-street left-turn movement.

2. Level of service for minor-street approach.

Improvements and/or revised lane configurations by developer shown in **BOLD**.

Capacity analysis indicates that all major-street left-turn movements and minor-street approaches are expected to operate at LOS C or better during the weekday AM and PM peak hours under combined (2026) conditions. It should be noted that the analysis was completed to identify improvements that are needed for the intersection to operate acceptably under combined (2026) conditions. The Town may require additional lanes or right-of-way dedication along the project frontage to satisfy the ultimate cross section for this roadway.

7.8. City Road and Site Drive 4

The proposed intersection of City Road and Site Drive 4 was analyzed under combined (2026) traffic conditions with the lane configurations and traffic control shown in Table 11. Refer to Table 11 for a summary of the analysis results. Refer to Appendix J for the Synchro capacity analysis reports.

Table 11: Analysis Summary of City Road and Site Drive 4

ANALYSIS SCENARIO	A P P R O A C H	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
Combined (2026) Conditions	WB NB SB	1 LT-RT 1 TH-RT 1 LT-TH	A ² -- A ¹	N/A	B ² -- A ¹	N/A

1. Level of service for major-street left-turn movement.

2. Level of service for minor-street approach.

Improvements and/or revised lane configurations by developer shown in **BOLD**.

Capacity analysis indicates that all major-street left-turn movements and minor-street approaches are expected to operate at LOS B or better during the weekday AM and PM peak hours under combined (2026) conditions. It should be noted that the analysis was completed to identify improvements that are needed for the intersection to operate acceptably under combined (2026) conditions. The Town may require additional lanes or right-of-way dedication along the project frontage to satisfy the ultimate cross section for this roadway.

8. SIGNAL WARRANT ANALYSIS

A signal warrant analysis was conducted at the intersection of O'Neil Street and Covered Bridge Road under background (2020) conditions to evaluate the proposed development's proportional impact on this intersection upon build out. The purpose of the signal warrant analysis is to evaluate the intersection to determine whether a traffic signal is warranted based on background (2020) conditions. The analysis of the traffic volumes utilizes the criteria in the MUTCD.

O'Neil Street / Covered Bridge Road is a two-lane undivided roadway with a posted speed limit of 55 mph within the vicinity of the site. There currently exists signalized intersections approximately two (2) miles northeast at the intersection of Covered Bridge Road and Pritchard Road and approximately two (2) miles southwest at the intersection of O'Neil Street and Main Street.

A thirteen (13) hour traffic count was conducted at the intersection of O'Neil Street and Covered Bridge Road by RKA in February of 2018. The existing traffic volumes were projected to the future year (2020) and were combined with the adjacent development site trips that were distributed throughout the day and were then compared to signal warrants. The results of the signal warrants are summarized in Table 12.

Table 12: Signal Warrant Analysis Results for O'Neil Street and Covered Bridge Road – Background (2020) Conditions

TIME	VEHICLE COUNT		WARRANTS (2009)			
	MAJOR	MINOR	#1A	#1B	#2	#3
6:00 am to 7:00 am	475	69	N	N	N	N
7:00 am to 8:00 am	794	134	N	Y	N	N
8:00 am to 9:00 am	802	116	N	Y	N	N
9:00 am to 10:00 am	611	126	N	N	N	N
10:00 am to 11:00 am	542	113	N	N	N	N
11:00 am to 12:00 pm	565	142	N	N	N	N
12:00 pm to 1:00 pm	641	164	Y	N	N	N
1:00 pm to 2:00 pm	629	210	Y	N	N	N
2:00 pm to 3:00 pm	698	208	Y	N	N	N
3:00 pm to 4:00 pm	832	257	Y	Y	Y	N
4:00 pm to 5:00 pm	834	283	Y	Y	Y	N
5:00 pm to 6:00 pm	1,000	346	Y	Y	Y	Y
6:00 pm to 7:00 pm	840	283	Y	Y	Y	N
WARRANTS MET			7	6	4	1

The signal warrant analysis indicates that Warrant 1A (8-hour warrant) was met for 7 hours, Warrant 1B (8-hour warrant) was met for 6 hours, Warrant 2 (4-hour warrant) was met for 4 hours, and Warrant 3 (peak hour warrant) was met for 1 hour. It should be noted that the combination of Warrants 1A and 1B are met for 9 hours. Without signalization and additional lanes, the intersection is expected to operate with significant delays and queueing under background conditions; therefore, it is recommended that a traffic signal be installed at this intersection regardless of whether the proposed Steeplechase development comes online. The HighGate and Creech adjacent developments are partially responsible for the signalization of this intersection. Refer to Appendix K for signal warrant analysis printouts.

9. CONCLUSIONS

This Traffic Impact Analysis was conducted to determine the potential traffic impacts of the proposed Steeplechase development to be located south of Covered Bridge Road and west of O'Neil Street near Brookhill Drive in Clayton, North Carolina.

The proposed development was analyzed in two (2) phases. Phase 1 is anticipated to be complete in 2020 and consist of 62 single-family detached homes and 120 townhomes. Full build-out of the proposed development is expected to be complete in 2026 and is expected to add the following land uses to those of Phase 1:

- 373 single-family detached homes
- 70 townhomes

The full development is planned to consist of 435 single-family homes and 190 townhomes.

The study analyzes traffic conditions during the weekday AM and PM peak hours for the following scenarios:

- Existing (2018) Traffic Conditions
- Background (2020) Traffic Conditions – Phase 1
- Combined (2020) Traffic Conditions – Phase 1
- Background (2026) Traffic Conditions – Full Build-Out
- Combined (2026) Traffic Conditions – Full Build-Out

Trip Generation

It is estimated that Phase 1 of the proposed development will generate approximately 1,300 total site trips on the roadway network during a typical 24-hour weekday period. Of the daily traffic volume, it is anticipated that 100 trips (21 entering and 79 exiting) will occur during the AM peak hour and 124 trips (81 entering and 43 exiting) will occur during the PM peak hour.

It is estimated that full build-out of the site will generate approximately 5,200 total site trips on the roadway network during a typical 24-hour weekday period. Of the daily traffic volume, it is

anticipated that 410 trips (95 entering and 315 exiting) will occur during the AM peak hour and 534 trips (340 entering and 194 exiting) will occur during the PM peak hour.

Adjustments to Analysis Guidelines

Capacity analysis at all study intersections was completed according to NCDOT Congestion Management Guidelines. Refer to Section 6.1 of this report for a detailed description of any adjustments to these guidelines made throughout the analysis.

Intersection Capacity Analysis Summary

It should be noted that the analysis was completed to identify improvements that are needed for the intersection to operate acceptably under combined (2020, 2026) conditions. The Town may require additional lanes or right-of-way dedication along the project frontage to satisfy the ultimate cross section for this roadway.

All the study area intersections (including the proposed site driveways) are expected to operate at acceptable levels-of-service under existing and future year conditions with the exception of the intersections listed below. A summary of the study area intersections that are expected to need improvements are as follows:

O'Neil Street and Covered Bridge Road

Under background (2020) conditions, the intersection meets the necessary signal warrants from the MUTCD for installation of a traffic signal. Without signalization and additional lanes, the intersection operates with significant delays and queueing. Based on discussions with NCDOT, it is our understanding that the HighGate and Creech adjacent developments will be partially responsible for the signalization of this intersection. As the intersection meets signal warrants under background conditions, without any site traffic, the analysis for background (2020, 2026) conditions includes a traffic signal and additional turn lanes needed to accommodate the background growth. This configuration was used as the basis for the combined (2020, 2026) conditions and analyses. The intersection is anticipated to operate at acceptable levels of service with signalization and additional lanes.

It should be noted that the alignment of this intersection has been a point of discussion between the reviewing agencies as part of the scoping process. Covered Bridge Road could potentially be realigned to remove the severe curvature and connect straight to O'Neil Street. The land needed to complete this change is not part of this development, but it may be beneficial to discuss potential right-of-way dedications with the developer for a third party realignment. If the existing intersection of Covered Bridge Road and O'Neil Street is signalized, it is likely any signal equipment and pavement for turn lanes would need to be removed and replaced at the realigned intersection, once the realignment is complete.

Covered Bridge Road and Brookhill Drive / Site Drive 1

The northbound minor street approach (Site Drive 1) is expected to operate at LOS F under combined (2026) conditions during the weekday AM and PM peak hours. It is not uncommon for a minor street approach (northbound development exit) to operate at poor levels of service when there are heavy mainline volumes. A traffic signal was considered at this intersection under combined (2026) conditions utilizing the criteria contained in the MUTCD; however, the intersection is not expected to meet the peak hour warrants for a traffic signal during the weekday AM and PM peak hours. It is not expected that this intersection would satisfy the MUTCD 8-hour and 4-hour warrants, which NCDOT favors for installation of a traffic signal. These longer period warrants are not typically met for residential areas that do not meet the peak hour warrants due to the distinct peak traffic periods for residential development.

Covered Bridge Road and City Road / Smith Drive

The northbound and southbound minor street approaches (City Road and Smith Drive, respectively) are expected to operate at LOS E or LOS F during the weekday AM and PM peak hours under background (2026) and combined (2026) conditions with delays that are not uncommon for minor street approaches with heavy mainline volumes. A traffic signal was considered at this intersection under combined (2026) conditions utilizing the criteria contained in the MUTCD; however, the intersection is not expected to meet the peak hour warrants for a traffic signal during the weekday AM and PM peak hours. It is not expected that this intersection would satisfy the MUTCD 8-hour and 4-hour warrants, which NCDOT favors for installation of a traffic signal. These longer period warrants are not typically met for

residential areas that do not meet the peak hour warrants due to the distinct peak traffic periods for residential development.

Covered Bridge Road and Shotwell Road

The westbound minor street approach (Shotwell Road) currently operates at LOS F during the weekday AM and PM peak hours. Due to the significant delay and queuing expected at the intersection during the weekday AM and PM peak hours under background (2020) conditions, the peak hour signal warrant from the MUTCD was considered and the peak hour volumes under background (2020) conditions warrant installation of a traffic signal during the weekday AM and PM peak hours. Without signalization and additional lanes, the intersection operates with significant delays and queueing. As the intersection meets peak hour warrants under background conditions during the weekday AM and PM peak hours, without any site traffic, the analysis for background (2020, 2026) conditions includes a traffic signal and additional turn lanes needed to accommodate the background growth. This configuration was used as the basis for the combined (2020, 2026) conditions and analyses. The intersection is anticipated to operate at acceptable levels of service with signalization and additional lanes.

O'Neil Street and Main Street

Under background (2026) and combined (2026) conditions, the intersection is expected to operate at an overall LOS F during the weekday AM and PM peak hours. With signal timing adjustments and restriping the westbound approach to provide a shared left-turn/through lane and an exclusive right-turn lane, this intersection is expected to operate at an overall LOS C during the weekday AM peak hour and an overall LOS D during the weekday PM peak hour. It should be noted that the recommended restriping exercise to provide an exclusive right-turn lane on the westbound approach is not expected to require additional widening and as there is additional pavement for on-street parking provided on the northern side of the eastern leg of Main Street.

10. RECOMMENDATIONS

Based on the findings of this study, specific geometric improvements have been identified and are recommended to accommodate future traffic conditions. See a more detailed description of the recommended improvements below. Refer to Figure 11A and 11B for an illustration of the recommended lane configurations for Phase 1 and full build-out of the propose development, respectively.

Background Improvements (HighGate and Creech) – Phase 1

O'Neil Street and Covered Bridge Road

- Install a traffic signal at this intersection.

Covered Bridge Road and Shotwell Road

- Install a traffic signal at this intersection.

Recommended Improvements by Developer – Phase 1

Covered Bridge Road and Brookhill Drive / Site Drive 1

- Construct Site Drive 1 with one ingress lane and two egress lanes. Stripe the egress lanes as an exclusive left-turn lane and a shared through/right-turn lane.
- Provide stop control for the northbound approach (Site Drive 1).

O'Neil Street and Site Drive 2

- Construct Site Drive 2 with one ingress lane and one egress lane.
- Provide stop control for the eastbound approach (Site Drive 2).

Recommended Improvements by Developer – Full Build-Out

O'Neil Street and Covered Bridge Road

- Construct an exclusive northbound left-turn lane with 100 feet of storage and appropriate taper.
 - It should be noted that it is recommended that this intersection be reassessed to determine actual field conditions and needed improvements closer to the analysis year of 2026 prior to installation of this improvement.

Covered Bridge Road and Shotwell Road

- Construct an exclusive southbound left-turn lane with 350 feet of storage and appropriate taper.
- Construct an exclusive westbound right-turn lane with 100 feet of storage and appropriate taper.
 - It should be noted that it is recommended that this intersection be reassessed to determine actual field conditions and needed improvements closer to the analysis year of 2026 prior to installation of these improvements.

Covered Bridge Road and Brookhill Drive / Site Drive 1

- Construct an exclusive eastbound right-turn lane with 100 feet of storage and appropriate taper.
- Construct an exclusive westbound left-turn lane with 100 feet of storage and appropriate taper.

O'Neil Street and Main Street

- Restripe the westbound approach to provide a shared left-turn/through lane and an exclusive right-turn lane with 50 feet of storage and appropriate taper. It should be noted that there is additional pavement that is currently utilized for on-street parking on the northern side of the eastern leg of Main Street.
- Modify signal timings to accommodate background traffic growth.

O'Neil Street and Site Drive 2

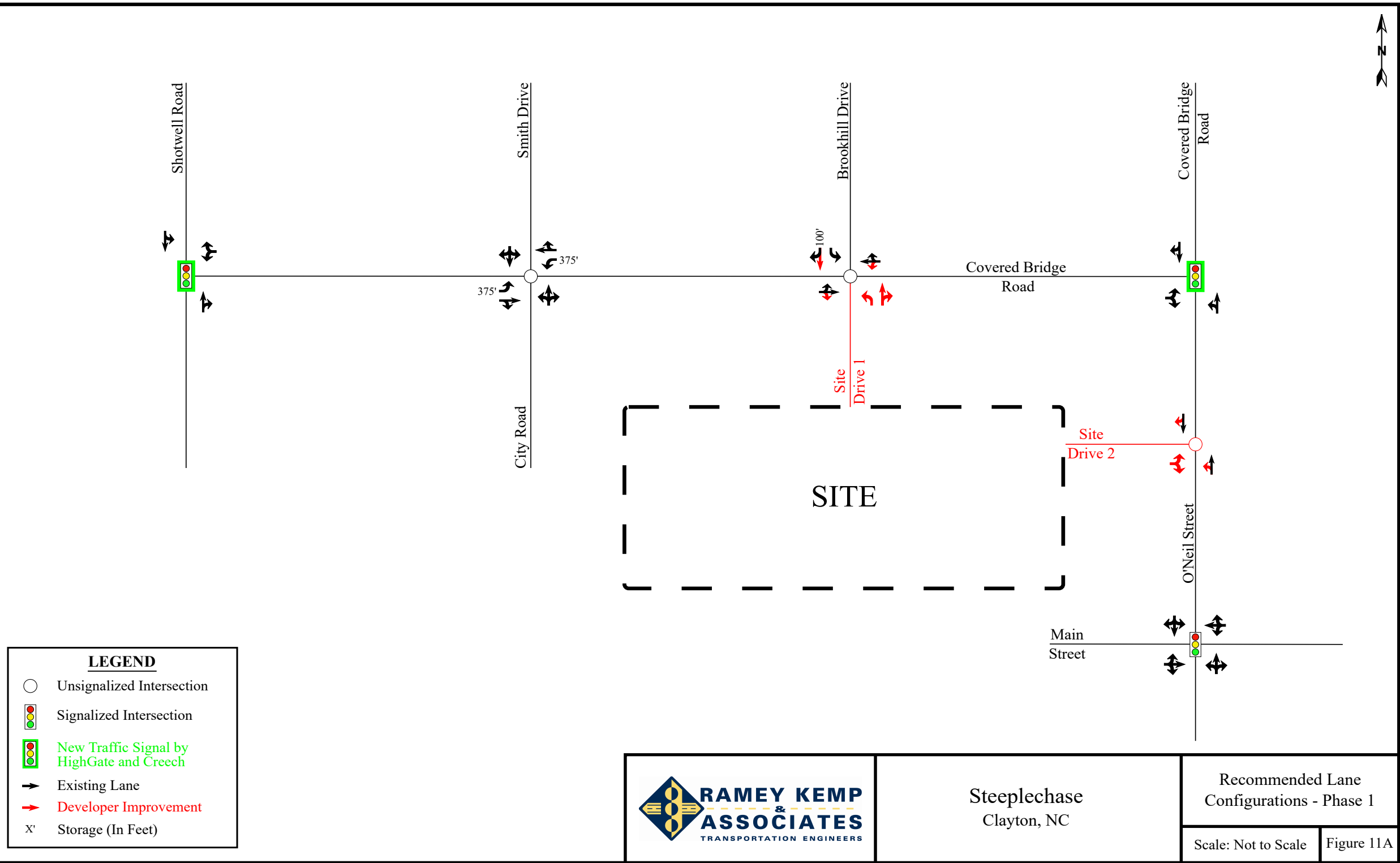
- Construct an exclusive northbound left-turn lane with 100 feet of storage and appropriate taper.

Covered Bridge Road and Site Drive 3

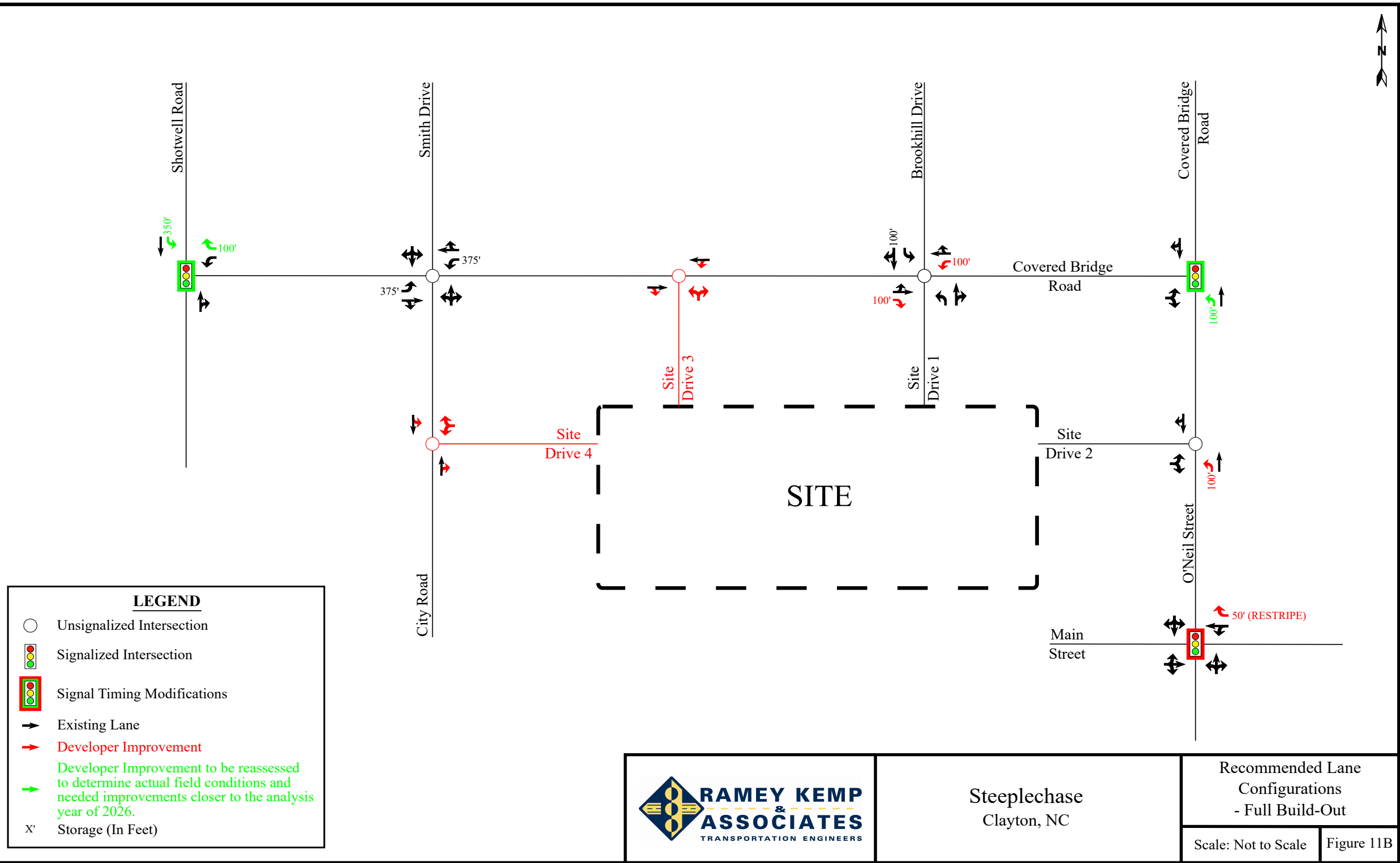
- Construct Site Drive 3 with one ingress lane and one egress lane.
- Provide stop control for the northbound approach (Site Drive 3).

City Road and Site Drive 4

- Construct Site Drive 4 with one ingress lane and one egress lane.
- Provide stop control for the westbound approach (Site Drive 4).



 RAMEY KEMP & ASSOCIATES TRANSPORTATION ENGINEERS	Steeplechase Clayton, NC	Recommended Lane Configurations - Phase 1	
		Scale: Not to Scale	Figure 11A





Charleston, SC - Charlotte, NC - Raleigh, NC - Richmond, VA - Winston-Salem, NC

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, July 16, 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:

July 6, 2018
July 13, 2018

Affidavit of publication required.

**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 of Clayton
Town Council
Preliminary Subdivision Plat Motion Sheet**

After considering the competent, material, and substantial evidence presented, including the application and materials of record, I move to **(PICK ONE)**:

- ☐ Approve
- ☐ Deny
- ☐ Approve with Conditions

Preliminary Subdivision Plat Application Number **2018-31-SD - Steeplechase**

This motion is based on the following findings:

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

OR

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

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

OR

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

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

OR

The subdivision **WILL** be detrimental to the use or orderly development of other properties in the surrounding area and **WILL** violate the character of existing standards for development of properties in the surrounding area. (State evidence supporting finding.)

Motion Form
Item 6e
2018-31-SD - Steeplechase

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

OR

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

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

TOWN OF CLAYTON
SUBDIVISION APPROVAL 2018-31-SD
STEEPLECHASE
GRANTED

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

Applicant:	Shenandoah Homes Inc.
Property Location:	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.
Tax Parcel Number:	Southern Portion of 1666900-39-5182 / 05h02009
Proposed Use of Property:	600 Residential Units (Maximum)
Meeting Date:	July 16, 2018

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

purpose indicated is hereby approved, subject to all applicable provisions of the Zoning Ordinance and the following conditions:

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

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

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

1. 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. All decorative traffic related signage shall be maintained solely by the developer or Homeowner's Association.
5. All phases of the development shall consist of complete street sections; no mid-block phasing shall be permitted.
6. The realignment of Covered Bridge Road and O'Neil Street including the location of the traffic signal or roundabout shall be reviewed and approved by the North Carolina Department of Transportation, and the Town of Clayton Planning department and Engineering department. The realignment shall occur prior to the issuance of the 250th residential building permit. With regard to the realignment road improvement at the intersection of O'Neil Street and Covered Bridge Road, if another development contributes traffic to this intersection, they will contribute to the cost of the improvements based on their impact at the intersection at the Town's discretion of determining such impact.

7. The traffic signal proposed as shown by others at the intersection of Shotwell Road and Covered Bridge Road shall be installed prior to the completion of the subdivision.
8. No more than 100 residential building permits shall be issued within the subdivision prior to the construction of the amenity center.
9. A portion of land shall be dedicated and reserved for the Board of Education for a period of 18 months, beginning on the date of final subdivision approval. If the Board of Education has not purchased or begun proceedings to acquire the site within 18 months, the applicant may proceed to dispose of it in accordance with 155.600 of the Unified Development Code.
10. No more than 75 residential building permits shall be issued within the subdivision until the required secondary access has been constructed.
11. No more than 250 residential building permits shall be issued within the subdivision until the required third access has been constructed.
12. Half of the required right of way shall be dedicated on Covered Bridge Road for future improvements as shown on the transportation plan.
13. Any right-of-way dedication shall occur concurrently with (or before) the platting of the adjacent phase.
14. All roadway and traffic improvements required by the Town and/or NCDOT including those shown on *C4.2 TIA AND NCDOT ROAD IMPROVEMENTS PLAN* 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.
15. All required landscaping buffers or plantings shall be installed or bonded prior to the platting of the phase in which they occur.
16. Multi-use trails shall be constructed or bonded prior to platting for the phase in which they occur.
17. 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.
18. 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.
19. Prior to site grading and construction activities, tree protection fencing shall be installed around all Resource Conservation Areas and other areas of protected vegetation.

20. The pond ("Earp Lake") will serve as part of the amenity package, which will involve the development of access points to serve the residents.
21. 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.

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

TOWN OF CLAYTON

BY: _____
Jody L. McLeod
Mayor

ATTEST:

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



Town Council Agenda Cover Sheet

Meeting Date

July 16 2018

Agenda Location

Public Hearings

Item Title

Steeplechase Subdivision Wastewater Allocation

Presenter *(Name & Title)*

Rich Cappola, PE – Dir. of Engineering & Inspections

Summary/Description

Request for Wastewater Allocation Approval for 244,210 Gallons per Day (GPD) associated with the Planned Steeplechase Subdivision 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).

Staff is recommending approval of 120,000 GPD at this time with subsequent approvals, up to the a Maximum of 244,210 GPD being provided as Administrative approval from the Town Manager, or his designee, at the time of Minor Preliminary Plat Approval or Minor Preliminary Site Plan on subsequent phases.

Requested Action

Approval with Conditions

Additional Documents To Be Included in Agenda Packet

Wastewater Allocation Request Form
Phasing Plan from Master Plan approval



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

Wastewater Allocation Request

The Town of Clayton, in an effort to manage and maintain the sewer and water capacity for the Town, requires that this application be completed and submitted to the Town for consideration of a utility allocation.

Application MUST be completed and sealed by a registered engineer unless otherwise approved by staff.

SITE INFORMATION

Name of Project: Steeplechase Master Plan Acreage of Property: 266.72+/-
County Tag Number: Portion of 05H02009 NC PIN: Portion of 166900-39-5182
Address/Location: 1162 Covered Bridge Road, Clayton, NC

Zoning District: Existing: R-E, R-10, B-2; Proposed: PD-MU

Town Limits / ETJ: ☒ Town Limits ☐ ETJ (Extra-Territorial Jurisdiction)

APPLICANT INFORMATION – Applicant must be a registered engineer unless otherwise approved by Town Engineer

Applicant: ESP Associates, PA
Mailing Address: 2200 Gateway Centre, Suite 220, Morrisville, NC 27560
Phone Number: 919-678-1070 ext.604 Fax: _____
Contact Person: Salman Moazzam, PE
Email Address: smoazzam@espassociates.com

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

FOR OFFICE USE ONLY

Date Received: _____ File Number: _____ Associated Project Number: _____

PROJECT INFORMATIONUse: ☒ New ☐ Expanded ☐ ChangeUse Type: ☒ Residential ☒ Non-Residential

Proposed Use(s): Residential Mixed-Use Existing Use(s): Vacant; Agricultural

Invoice shall be mailed to the following:

Developer Name: Shenandoah Homes, Inc., Alex Crow

Mailing Address: 3724 National Drive, Suite 220, Raleigh, NC 27612

Phone Number: 919-230-8177

Fax Number:

Email Address: alex@shenandoahhomes.us

ALLOCATION REQUEST

- Use additional sheets if necessary.
- Provide any documentation supporting/justifying the request as an attachment.
- If a phasing / take-down schedule is proposed, include as an attachment.

Residential:

Gross Acreage: 261.14 Ac

Single Family	# of Units	GPD per Unit	Total Requested GPD
1-2 Bedroom Units			
3 Bedroom Units			
>3 Bedroom Units	455	401.91	182,870
Total	455	-----	182,870

121 Units with 5 BRs
 334 Units with 4 BRs
 TOTAL of 455 Single Family Units

Multi-Family	# of Units	GPD per Unit	Total Requested GPD
1-2 Bedroom Units			
3 Bedroom Units			
>3 Bedroom Units	145	370	53650
Total	145	-----	69,600

145 Units with 4 BRs

Non-Residential: (Design Flow Guideline provided as Appendix A)*

*If design flow deviates from the flow rates presented in Appendix A, provide supporting documentation/justification as an attachment in the form of 12 months of water bills demonstrating gallons per day utilized.

Gross Acreage: 5.58 Acres

Use	Measurement Unit	# of Units	GPD per Unit	Total Requested GPD
Swimming Pool, Bath houses and Spas	Gallons/Person	774	10 Gal/Person	7440
Convenience Store w/o food prep	Gal/Plumbing fixture	1	250 Gal/Fixture	250
Total			-----	7,690 GPD

TOTAL REQUESTED GALLONS PER DAY: 244,210 GPD

NOTE TO APPLICANT:

Invoicing:

Invoices are generated on the following schedule:

Non-Residential:

Generated with the application for a Zoning Compliance Permit.

Residential:

Multi-Family / Apartments:

Generated with the application for a Zoning Compliance Permit.

Subdivision / Subdivided Lots:

Generated at Final Plat submittal.

Fee Development:

Development Fees are calculated and invoiced based on the Town of Clayton adopted [Comprehensive List of Fees and Charges](#). Invoiced fees include acreage fees, capacity fees, nutrient offset fees, recreation fees, fees-in-lieu, and electric department lot deposit. Please speak with Town staff with questions.

Approval:

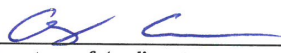
Requests over 10,000 GPD are approved by the Town Council, by resolution. All other requests are approved by the Town Manager.

APPLICANT AFFIDAVIT

I/We, the undersigned, do hereby make application and petition to the Town of Clayton to approve the subject Wastewater Allocation. 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

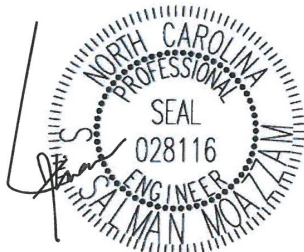
Print Name


Signature of Applicant

March 1, 2018

Date

Engineer Seal:



02/26/2018



June 2015

Page 3 of 6

TOWN OF CLAYTON OFFICE USE ONLY:

Approved by: ☐ Town Manager
☐ Town Council (*requests of 10,000 GPD or more require Council approval by resolution*)

The **Town Manager / Town Council (circle one)** has authorized the allocation of _____

gallons per day for project # _____.

Date of Approval: _____

Signed:

Town Manager

If approved by Town Council:
Attach a copy of the resolution and any associated documentation.

APPENDIX A: DESIGN FLOW RATES

The following table from the North Carolina Administrative Code 02T.0114 shall be used to determine the minimum allowable design daily flow of wastewater facilities. Alternatively, the Town in its sole and absolute discretion may calculate the customer's initial average daily wastewater flow based on data from the customer's operations (or from similarly situated customers) with a comparable sanitary sewer system, where such data are available and reasonably current.

Establishment Type	Daily Flow Rate
Barber and Beauty Shops	
Barber Shops	50 gal/chair
Beauty Shops	125 gal/booth or bowl
Businesses, Offices and Factories	
General business and office facilities	25 gal/employee/shift
Factories, excluding industrial waste	25 gal/employee/shift
Factories or businesses with showers or food preparation	35 gal/employee/shift
Warehouse	100 gal/loading bay
Warehouse – self storage (not including caretaker residence)	1 gal/unit
Churches	
Churches without kitchens, day care or camps	3 gal/seat
Churches with kitchen	5 gal/seat
Churches providing day care or camps	25 gal/person (child & employee)
Fire, Rescue and Emergency Response	
Fire or rescue stations without on-site staff	25 gal/person
Fire or rescue stations with on-site staff	50 gal/person/shift
Food and Drink Facilities	
Banquet, dining hall	30 gal/seat
Bars, cocktail lounges	20 gal/seat
Caterers	50 gal/100 sq. ft. floor space
Restaurant, full Service	40 gal/seat
Restaurant, single service articles	20 gal/seat
Restaurant, drive-in	50 gal/car space
Restaurant, carry out only	50 gal/100 sq. ft. floor space
Institutions, dining halls	5 gal/meal
Deli	40 gal/100 sq. ft. floor space
Bakery	10 gal/100 sq. ft. floor space
Meat department, butcher shop or fish market	75 gal/100 sq. ft. floor space
Specialty food stand or kiosk	50 gal/100 sq. ft. floor space
Hotels and Motels	
Hotels, motels and bed & breakfast facilities, without in-room cooking facilities	120 gal/room
Hotels and motels, with in-room cooking facilities	175 gal/room
Resort hotels	200 gal/room
Cottages, cabins	200 gal/unit
Self-service laundry facilities	500 gal/machine
Medical, Dental and Veterinary Facilities	
Medical or dental offices	250 gal/practitioner/shift
Veterinary offices (not including boarding)	250 gal/practitioner/shift
Veterinary hospitals, kennels, animal boarding facilities	20 gal/pen, cage, kennel or stall
Hospitals, medical	300 gal/bed
Hospitals, mental	150 gal/bed
Convalescent, nursing, rest homes without laundry facilities	60 gal/bed
Convalescent, nursing, rest homes with laundry facilities	120 gal/bed
Residential care facilities	60 gal/person

Establishment Type	Daily Flow Rate
Parks, Recreation, Camp Grounds, R-V Parks and other Outdoor Activity Facilities	
Campgrounds with comfort station, without water or sewer hookups	75 gal/campsite
Campgrounds with water and sewer hookups	100 gal/campsite
Campground dump station facility	50 gal/space
Construction, hunting or work camps with flush toilets	60 gal/person
Construction, hunting or work camps with chemical or portable toilets	40 gal/person
Parks with restroom facilities	250 gal/plumbing fixture
Summer camps without food preparation or laundry facilities	30 gal/person
Summer camps with food preparation and laundry facilities	60 gal/person
Swimming pools, bathhouses and spas	10 gal/person
Public access restrooms	325 gal/plumbing fixture
Schools, Pre-school and Day Care	
Day care and preschool facilities	25 gal/person (child & employee)
Schools with cafeteria, gym and showers	15 gal/student
Schools with cafeteria	12 gal/student
Schools without cafeteria, gym or showers	10 gal/student
Boarding schools	60 gal/person (student & employee)
Service Stations and Car Wash Facilities	
Service stations, gas stations	250 gal/plumbing fixture
Car wash facilities	1200 gal/bay
Sports Centers	
Bowling center	50 gal/lane
Fitness, exercise, karate or dance center	50 gal/100 sq. ft.
Tennis, racquet ball	50 gal/court
Gymnasium	50 gal/100 sq. ft.
Golf course with only minimal food service	250 gal/plumbing fixture
Country clubs	60 gal/member or patron
Mini golf, putt-putt	250 gal/plumbing fixture
Go-kart, motocross	250 gal/plumbing fixture
Batting cages, driving ranges	250 gal/plumbing fixture
Marinas without bathhouse	10 gal/slip
Marinas with bathhouse	30 gal/slip
Video game arcades, pool halls	250 gal/plumbing fixture
Stadiums, auditoriums, theaters, community centers	5 gal/seat
Stores, Shopping Centers, Malls and Flea Markets	
Auto, boat, recreational vehicle dealerships/showrooms with restrooms	125 gal/plumbing fixture
Convenience stores, with food preparation	60 gal/100 sq. ft.
Convenience stores, without food preparation	250 gal/plumbing fixture
Flea markets	30 gal/stall
Shopping centers and malls with food service	130 gal/1000 sq. ft.
Stores and shopping centers without food service	100 gal/1000 sq. ft.
Transportation Terminals	
Air, bus, train, ferry, port and dock	5 gal/passenger

Source: North Carolina Administrative Code 02T.0114, January 1, 2007

**TOWN OF CLAYTON
RESOLUTION GRANTING WASTEWATER TREATMENT CAPACITY
2018-31-SD STEEPLECHASE**

WHEREAS, the Town of Clayton operates a wastewater treatment plant known and permitted as the "Little Creek Water Reclamation Facility"; and,

WHEREAS, said facility is permitted to treat a maximum average of 2.5 million gallons daily; and,

WHEREAS, the Town of Clayton holds several interlocal agreements which secure additional wastewater treatment capacity from other available sources; and,

WHEREAS, the North Carolina Department of Environment and Natural Resources (NCDENR) regulates, reviews, and permits flow tributary to newly extended or installed wastewater treatment collection facilities tributary to the Town of Clayton system; and,

WHEREAS, flow from sanitary sewer customers tributary to existing lines owned and operated as part of the Town of Clayton is bound to abide by the permitted average daily flow at the Little Creek Water Reclamation Facility in conjunction with other available sources and consistent with interlocal agreements regarding wastewater treatment.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON that the following is found:

1. The Town of Clayton has, according to the most recent accounting, sufficient excess and unallocated treatment capacity to approve additional allocation.
2. Such available capacity may be made available to users in accordance with regulatory and legal parameters established to ensure satisfactory treatment plant operation.
3. An allocation for wastewater treatment capacity is granted in the amount of 120,000 GPD to Steeplechase Subdivision in allocation request from ESP Associates, PA.; **herewith attached**. Subsequent approvals, up to the maximum of 244,210 GPD will be provided as an administrative approval from the Town Manager, or designee, at the time of minor preliminary plat approval or minor preliminary site plan on subsequent phases.
4. Said allocation is approved subject to and conditioned upon review and approval of all required regulatory processes.

5. Said allocation is non transferable, non assignable, and made for the projects as described and for the noted location unless explicitly approved by the Town of Clayton.
6. Said allocation may be revoked or reclaimed in accordance with the policies of the Town of Clayton as adopted or amended now or in the future. No property right is conferred with the granting of an allocation except as otherwise explicitly allowed by policy, ordinance, or action of the Town of Clayton.
7. Said allocation is subject to payment of applicable fees in accordance with adopted ordinances, policies, and fee schedules of the Town of Clayton.

Duly resolved by the Clayton Town Council this 16th day of July, 2018 while in regular session.

Jody L. McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk



Town Council Agenda Cover Sheet

Meeting Date

June 18 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

Approval

Additional Documents To Be Included in Agenda Packet

Application
Staff report
Map
Neighborhood meeting materials
Adjacent Property Letter
Newspaper Ad
Planning Board Motion Sheet



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.

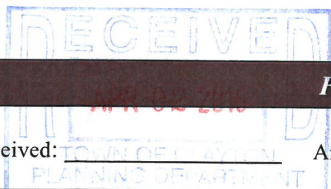
Note on Planned Developments: Requests to rezone to a Planned Development District must be accompanied by a Master Plan submittal. Master Plans are approved as Preliminary Subdivision Plats – please submit a concurrent Preliminary Subdivision Plat application and Master Plan.

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: 2/14/18	•				
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.

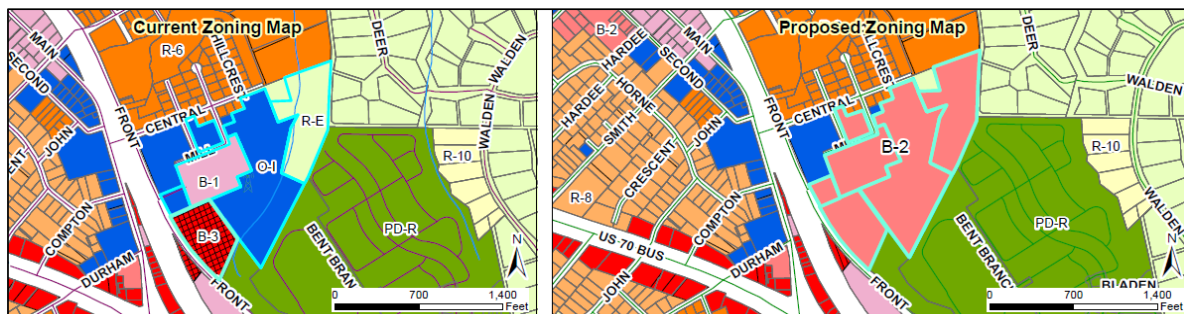
Owner: WBB LLC; HCY LLC; SCA Ventures LLC; East Village Investments LLC

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:

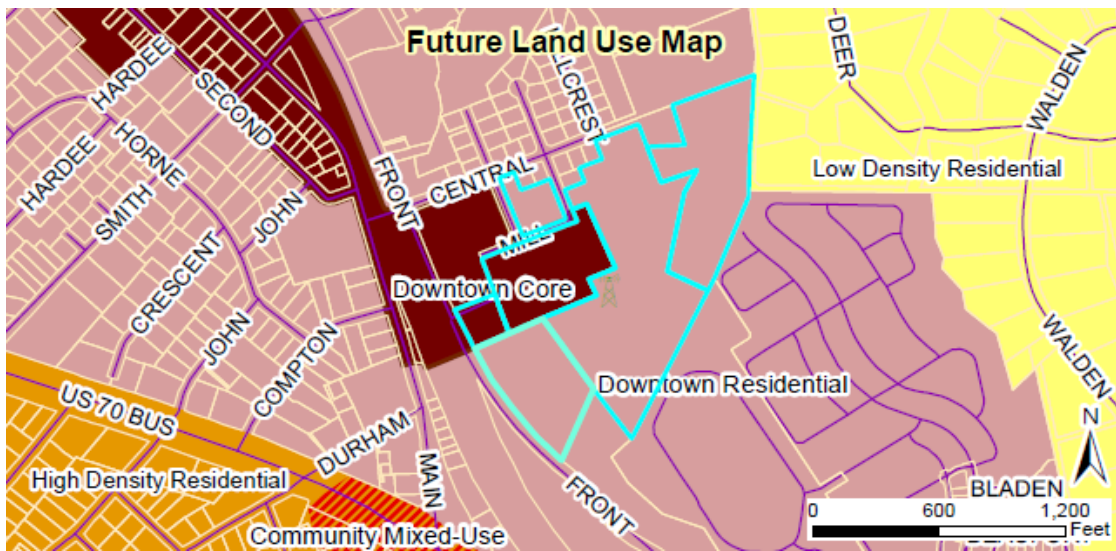
- LU1.2 – Encourage the redevelopment or adaptive reuse of under-utilized commercial development.
- LU1.4 – Protect and enhance the historic downtown character while promoting quality redevelopment and infill.

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:

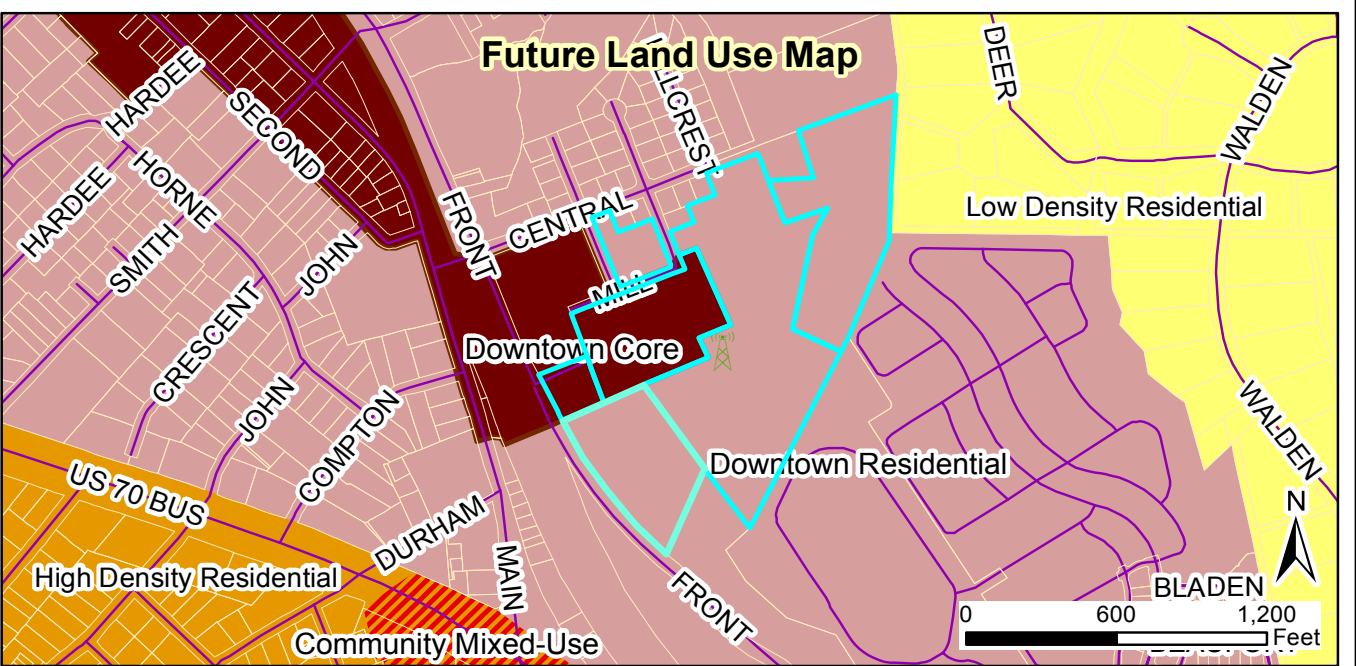
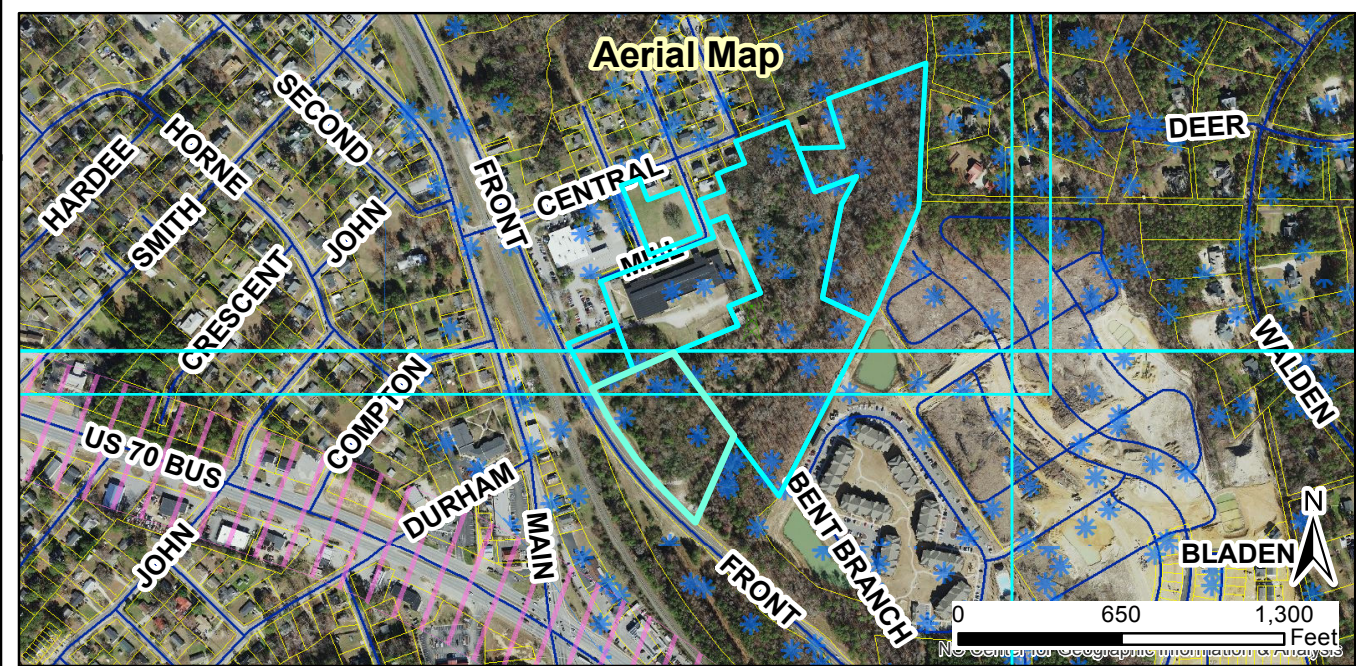
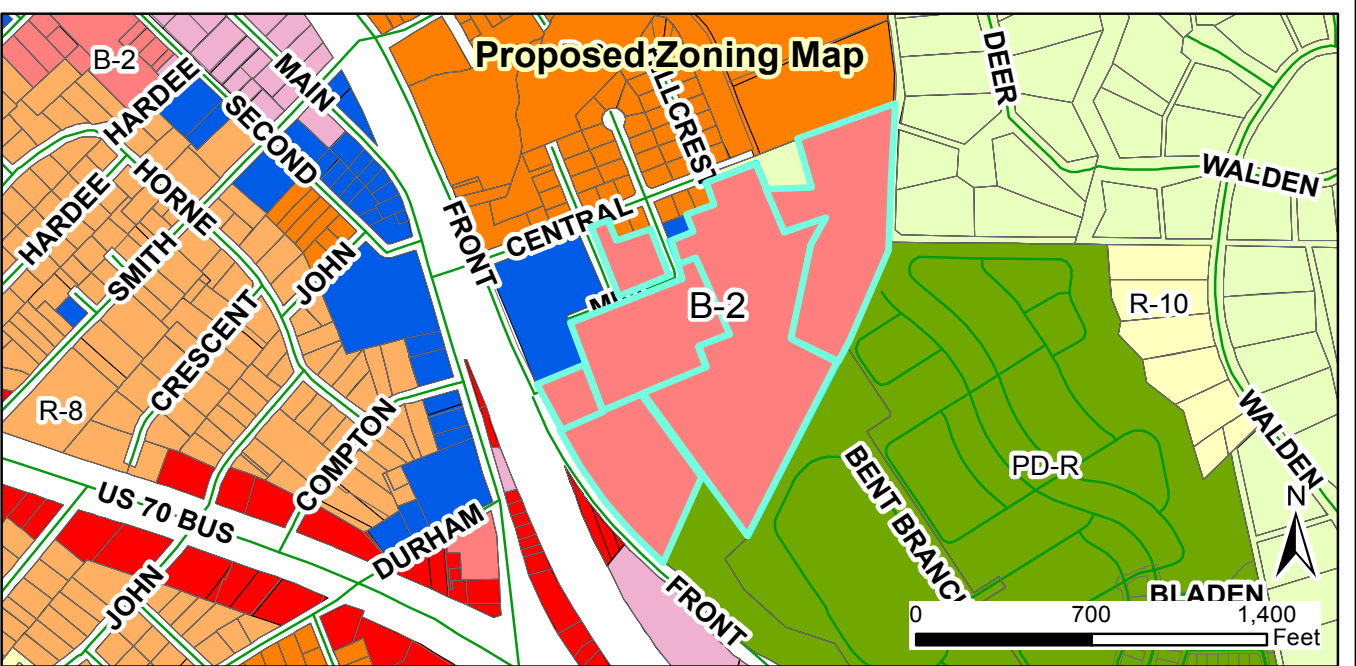
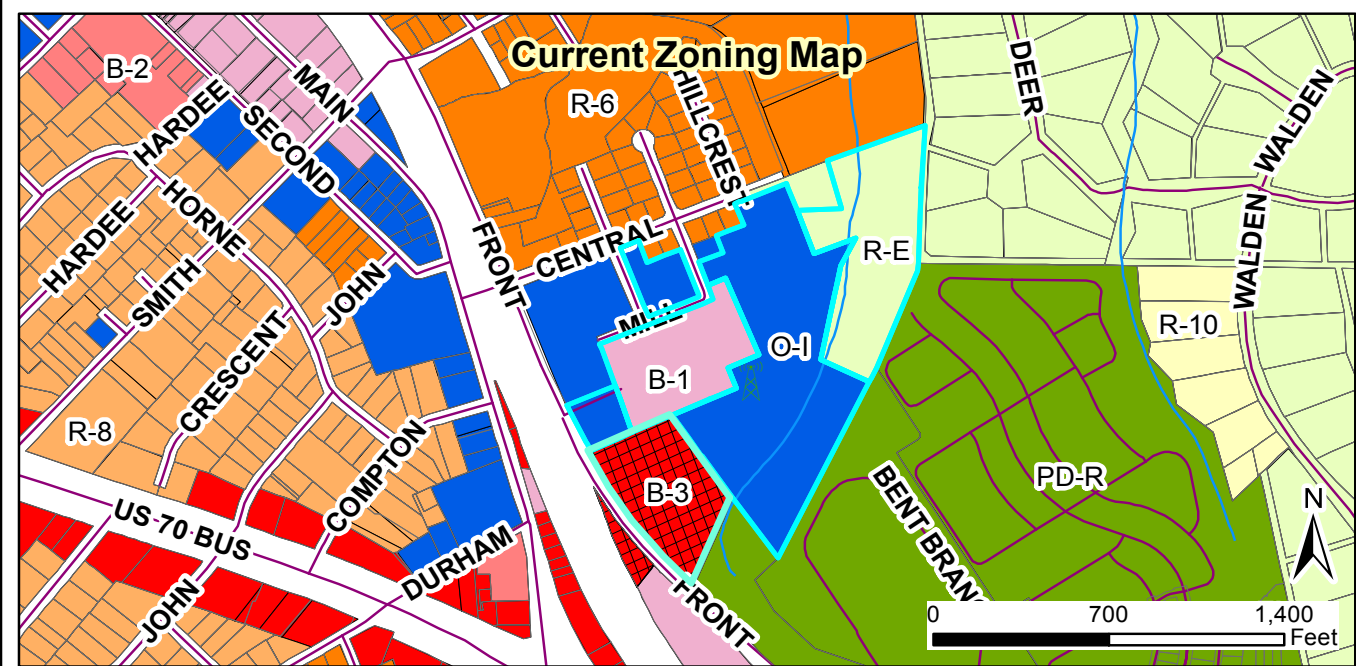
- Rezoning is decided by the Town Council. The Planning Board shall make a recommendation to the Town Council.
- The Comprehensive Plan should be amended to include B-2 as a compatible zoning district in the Downtown Core and the Downtown Residential Future Land Use Designations.
- When adopting or rejecting 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.



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

June 5, 2018

NOTICE

SUBJECT: 2018-66-RZ, Spinning Mill rezoning

Address: 300 Mill Street, Clayton, NC, and surrounding parcels
Tag #: 05037009t, 05037008v, 05037009w, 05037009u, 05037011, & 05h03197h
Applicant: Bass, Nixon, & Kennedy, Inc. Consulting Engineers

Dear Clayton Area Property Owner:

Notice is hereby given that the Clayton Town Council will hold a public hearing on Monday, June 18th, 2018, at 6:00 PM at Town Hall, 111 E Second Street, to consider the above referenced rezoning request. The applicant is requesting the rezoning of approximately 24.5 acres on several parcels, located at the old Clayton Spinning Mill, and surrounding properties. The requested rezoning change is from Office-Institutional (O-I), Central Business (B-1), and Residential Estate (R-E) to Neighborhood Business (B-2). Please see the map on the back of this letter.

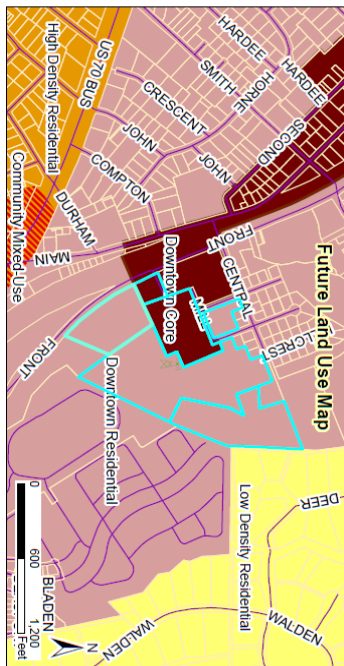
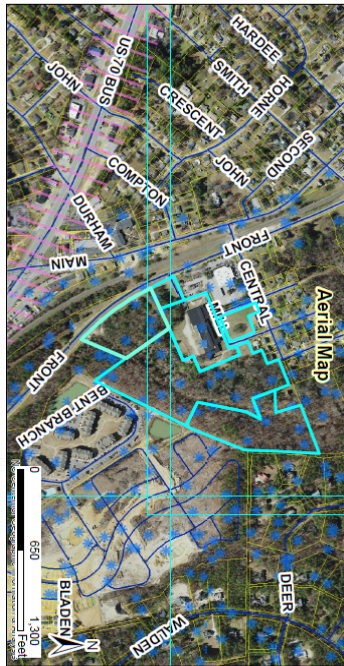
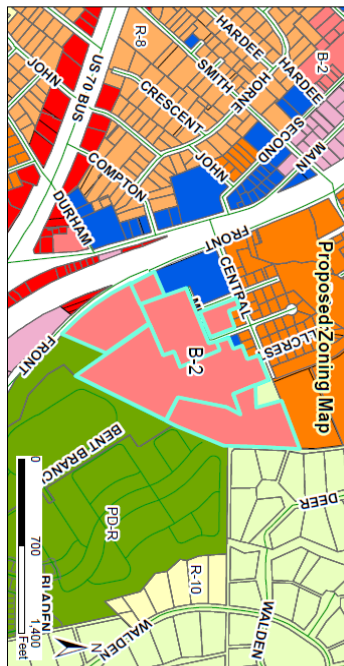
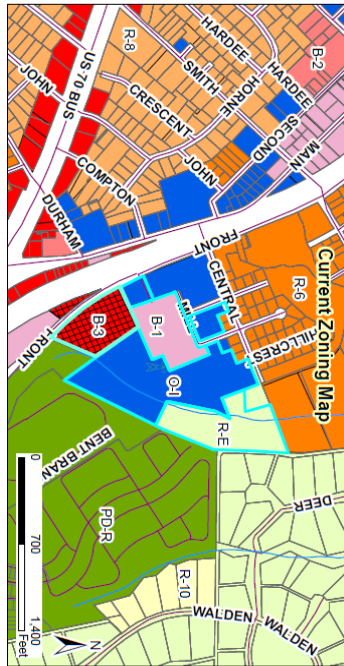
Based upon records in the Johnson County Tax Office, you are the owner of property that is within 100 feet of this proposed rezoning request. You are invited to attend this meeting and express your opinions on this request to Council.

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

Sincerely,

Haley Hogg
Planner

CC: File folder: 2018-66-RZ
Kimberly Moffett, Town Clerk



Request:
2018-06-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: 166918-30-2-104, 166918-30-5-228, 166918-30-8-395, 166918-30-4-740,
 166806-48-65-38 (portion north of Front Street, 166918-40-2-746,
 166806-48-65-38 (portion north of Front Street, 166918-40-2-746,
 Tag #: 050370094, 050370089, 050370094, 050370094, 050370111 (portion north
 of Front Street), 050370111



Staff Report Map

06/03/2018
 Prepared by: TSC Planning
 Reviewed by: TSC Planning
 Date: 06/03/2018
 Description: Town of Charlotte Planning and Zoning Department
 Department: Planning and Zoning
 Project: 2018-06-RZ, Spinning Mill Lofts at East Village

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



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.

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

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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.

TOWN OF CLAYTON
ZONING AMENDMENT
CONSISTENCY AND REASONABLENESS STATEMENT
[2018-66-RZ Spinning Mill Rezoning]

The Town Council of the Town of Clayton hereby states:

Section 1: The above referenced zoning amendment IS APPROVED.

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

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

- Objective LU1.2- Encourage the redevelopment or adaptive reuse of under-utilized commercial development.
- LU1.4- Protect and enhance the historic downtown character while promoting quality redevelopment and infill.
- LU2- Encourage quality development which maximizes existing infrastructure, promotes walking and biking, and enhances travel safety.
- D1- Promote quality new, adaptive reuse, 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.

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

The requested rezoning is consistent with the above referenced objectives within the Comprehensive Plan 2040. The Future Land Use Map designates these properties as "Downtown Residential" and "Downtown Core". The proposed rezoning will prepare and encourage these properties for redevelopment in the future by allowing higher-density residential uses and a mix of non-residential uses that will be consistent with the goals of the Comprehensive Plan 2040.

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

that the rezoning is consistent with the Future Land Use Map designation in the Comprehensive Plan 2040,

PPAB 2574608v3

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

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, July 16, 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:

July 6, 2018

July 13, 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:

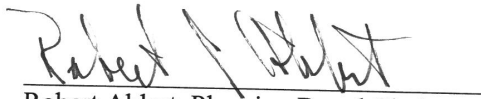
Recommendation to the Town Council to:

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

After considering the recommendations of the Planning Board and Planning Director, I move to [approve OR deny] 2018-66-RZ (Spinning Mill)

[IF APPROVING]

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

MOTION SHEET
Item 6g
2018-66-RZ
Spinning Mill

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

WHEREAS a petition has been filed with the Town Council of the Town of Clayton requesting an amendment to the Zoning Ordinance and Zoning Map of the Town of Clayton to include in the Neighborhood Business (B-2) zone the property described below, said property formerly being zoned a combination of Central Business (B-1), Office-Institutional (O-I), Highway Business Special District (B-3 SUD) and Residential Estate (R-E); and

WHEREAS said property is owned by WBB LLC; HCY LLC; SCA Ventures LLC and East Village Investments LLC; and

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

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

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

WHEREAS the said public hearing was actually conducted at 6:00 p.m. on July 16, 2018 wherein a reasonable opportunity was given to all those in attendance to speak either in favor or against the said change or to make relevant comments;

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

SECTION 1. That the Unified Development Code of the Town of Clayton is hereby amended to include in the Neighborhood Business (B-2) zone the following described property:

General Description:

24.5 vacant acres located on E. Front Street and Central Street.

Specific Description:

NC Parcel Identification Numbers: 166918-30-2104; 166918-30-5328; 166918-30-8385; 166918-30-4740; 166806-48-6538; 166918-40-2748 . 05037009T; 05037008V; 05037009W; 05037009U; 05037011; 05H03197H

SECTION 2. That the official Town of Clayton Zoning Map is hereby amended to include in the Neighborhood Hood Business (B-2) zone the above-described property and will be so marked.

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

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

DULY ADOPTED by the Clayton Town Council this 16th day of July, 2018 while in regular session.

Jody McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk



Town Council Agenda Cover Sheet

Meeting Date

June 18 2018

Agenda Location

Public Hearings

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

Approval

Additional Documents To Be Included in Agenda Packet

Application
Staff report
Map
Neighborhood meeting materials
Adjacent Property Letter
Newspaper Ad
Planning Board Motion Sheet



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

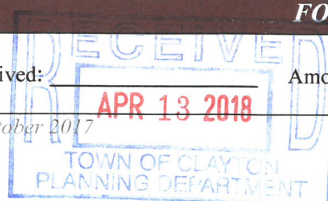
APPLICANT INFORMATION

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)

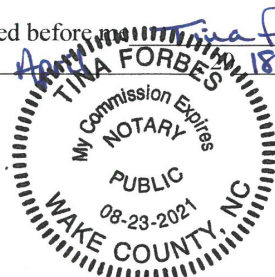
Ranjeet Agarwal
(Owner's Signature)

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
(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)

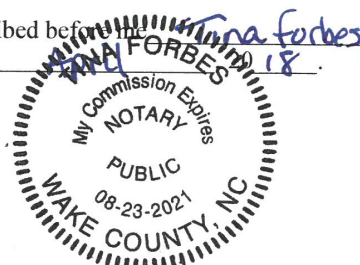
Ranjeet Agarwala
(Owner's Signature)

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 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

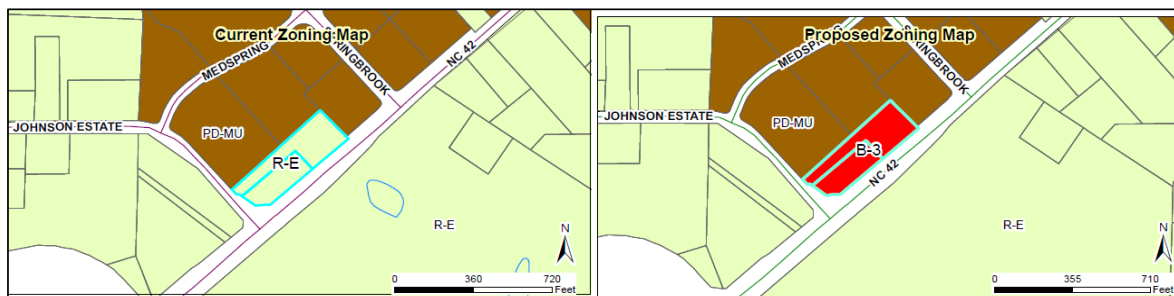
Application Number: 2018-72-RZ Project Name: Spring Branch Plaza, Rezoning

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

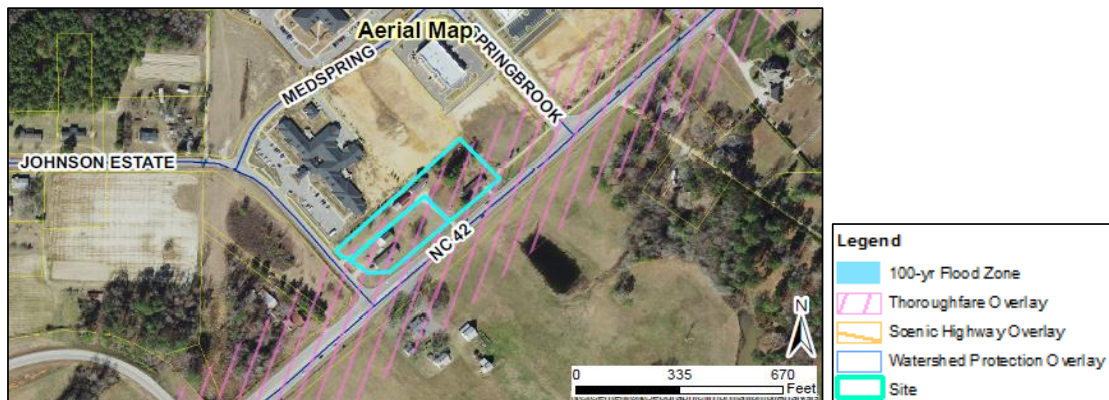


The following table identifies which zoning districts are consistent with the Future Land Use Map categories (designations).

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:

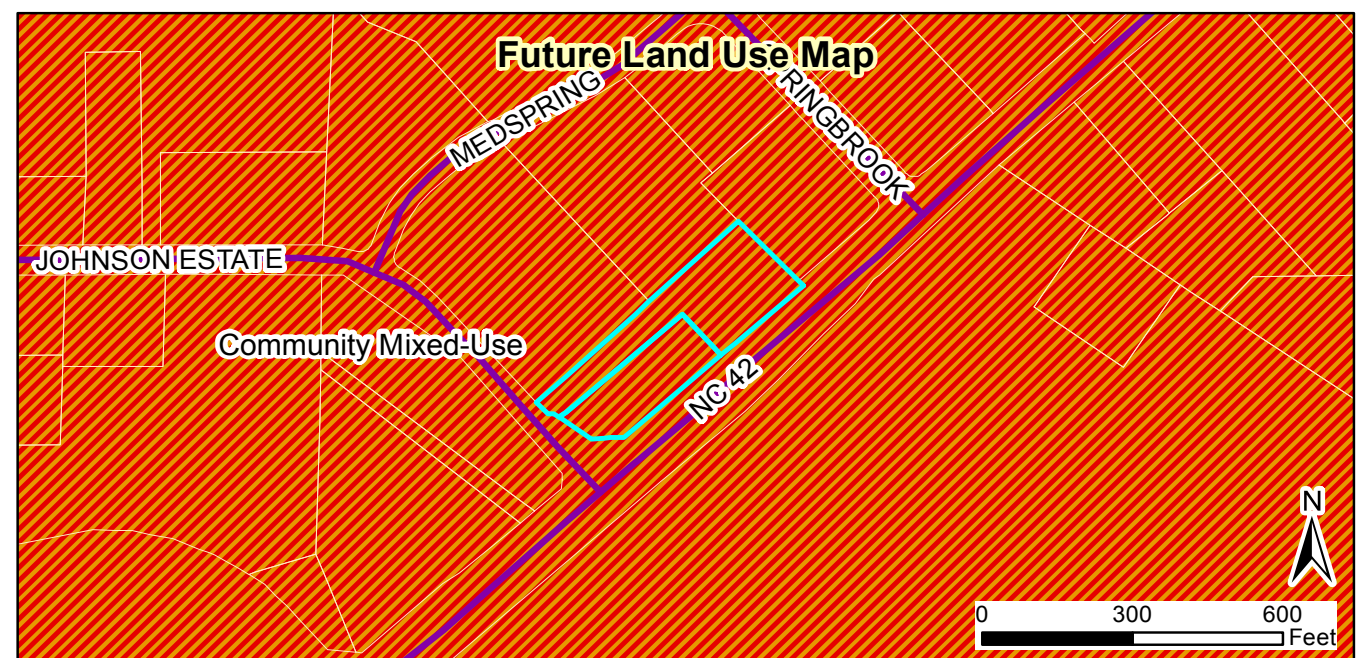
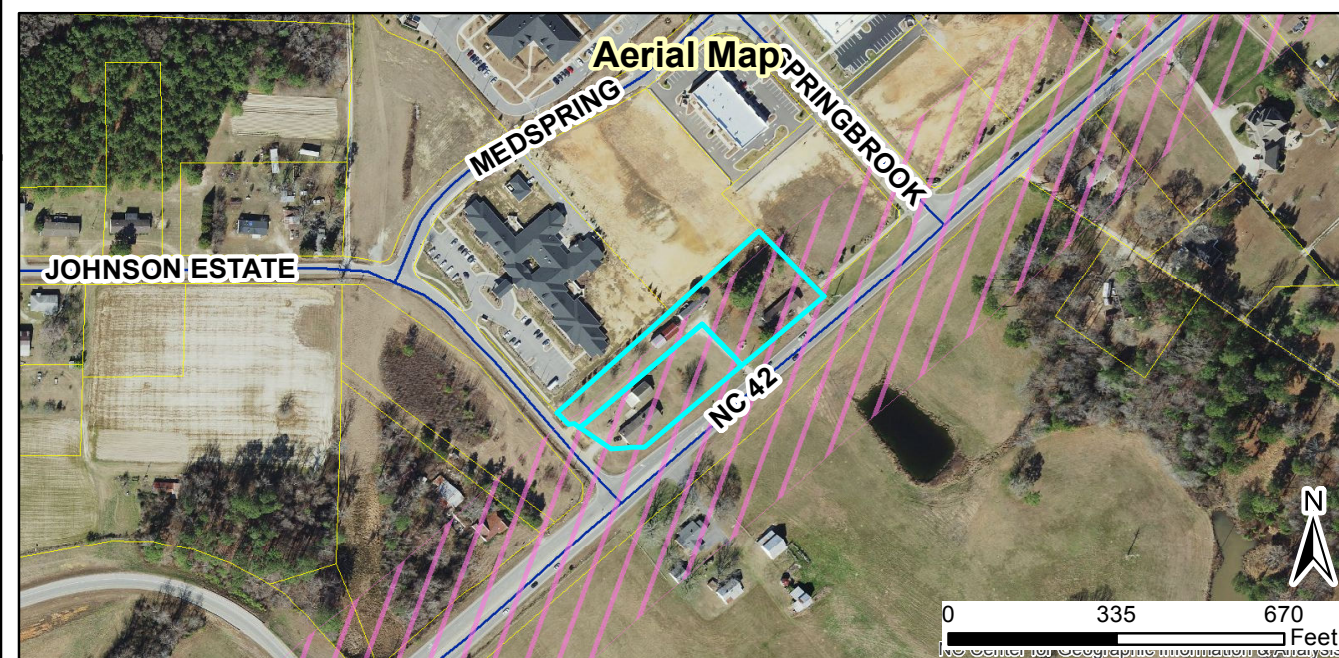
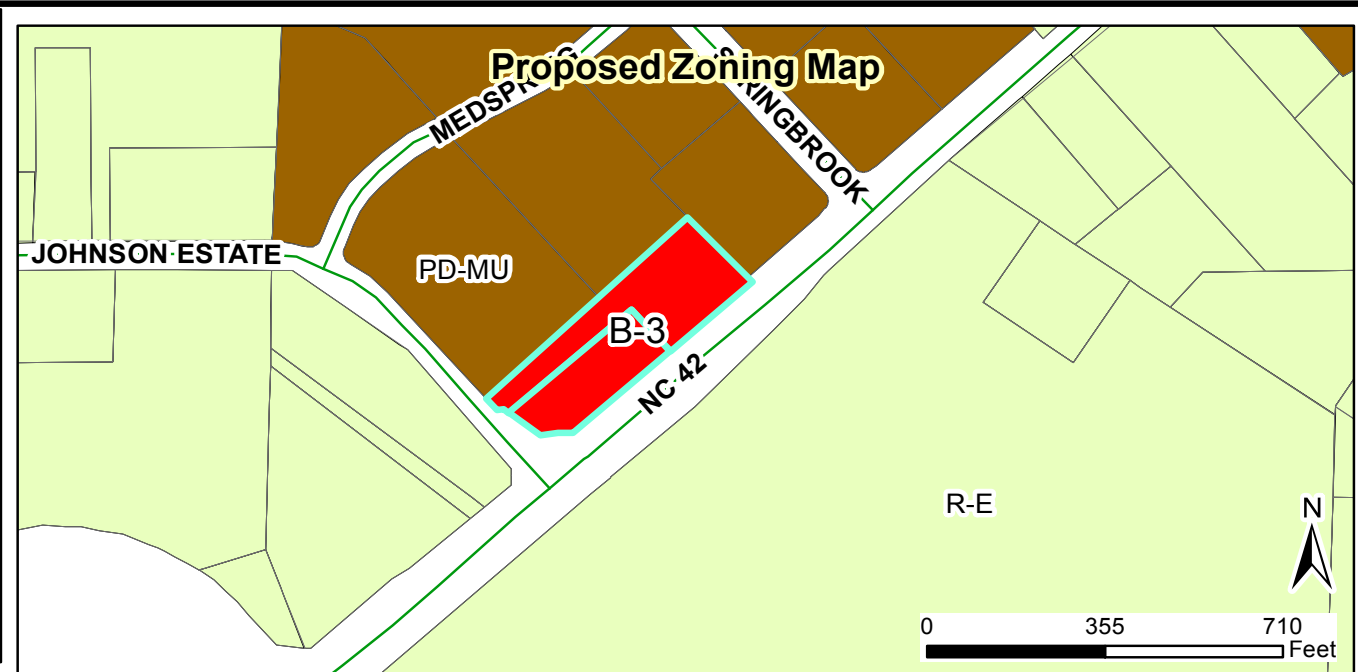
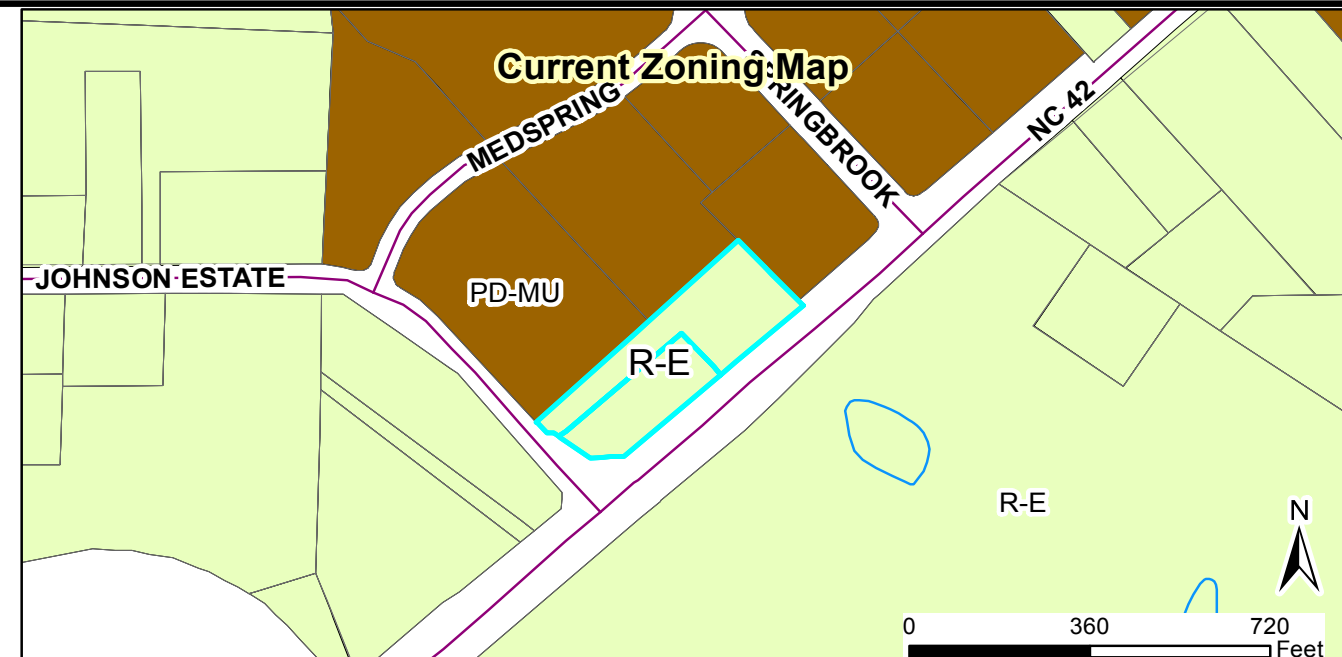
- Rezoning is decided by the Town Council. The Planning Board shall make a recommendation to the Town Council.
- When adopting or rejecting the rezoning, the Town Council shall approve a statement describing whether its action is consistent with adopted plans and/or policies of the Town and explaining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



Town of Clayton
Planning Department
111 E. Second Street, Clayton, NC 27312
P.O. Box 879, Clayton, NC 27312
Phone: 919-553-5002

June 5, 2018

NOTICE

SUBJECT: 2018-72-RZ, Spring Branch Plaza rezoning

Address: 2330 & 2364 NC Hwy 42 West, Clayton, NC
Tag #: 05f02035a & 05f02036
Applicant: Bartlett Engineering & Surveying, Inc.

Dear Clayton Area Property Owner:

Notice is hereby given that the Clayton Town Council will hold a public hearing on Monday, June 18th, 2018, at 6:00 PM at Town Hall, 111 E Second Street, to consider 2018-72-RZ, Spring Branch Plaza rezoning. The applicant is requesting the rezoning of approximately 2.12 acres located on the corner of Johnston Estates Road and NC Hwy 42 West, adjacent to Spring Branch Medical Plaza and Gabriel Manor Assisted Living Facility. The requested rezoning change is from Residential-Estate (R-E) to Highway Business (B-3). Please see the map on the back of this letter.

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

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

Sincerely,

Haley Hogg
Planner

CC: File folder: 2018-72-RZ
Kimberly Moffett, Town Clerk

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

U.S. Postal Service™
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For delivery information visit our website at www.usps.com

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
08

Postmark
Here

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

7011 3500 0002 1439 7201

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

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

Postmark
Here

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

7011 3500 0002 1439 7218

U.S. Postal Service™
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For delivery information visit our website at www.usps.com

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
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Total Postage & Fees	\$3.95

0894
08

Postmark
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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

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

CLAYTON, NC 27520

Postage	\$3.45
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

Postmark
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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™
CERTIFIED MAIL™ RECEIPT
 (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		
12		
13		
14		
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17		
18		
19		
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.

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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Restricted Delivery Fee (Endorsement Required)	\$0.00
	\$0.50
Total Postage & Fees	\$3.95

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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

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RALEIGH, NC 27607

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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

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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

7011 3500 0002 1439 7218

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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

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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**

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CLAYTON, NC 27520

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

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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

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TOLEDO, OH 43615

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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

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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		
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4		
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8		
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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.

TOWN OF CLAYTON
ZONING AMENDMENT
CONSISTENCY AND REASONABLENESS STATEMENT
[2018-72-RZ Spring Branch Plaza Rezoning Rezoning]

The Town Council of the Town of Clayton hereby states:

Section 1: The above referenced zoning amendment IS APPROVED.

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

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

- Objective LU1- 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.

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

The requested rezoning is consistent with the above referenced objectives within the Comprehensive Plan 2040. The Future Land Use Map designates this property as "Community Mixed Use (Community Center). Properties within this designation typically include community-serving uses such as office, civic, commercial, and institutional uses. The requested rezoning will prepare the properties for future development of community-serving uses, consistent with existing non-residential surrounding development.

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

that the rezoning is consistent with the Future Land Use Map designation in the Comprehensive Plan 2040,

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

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, July 16, 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:

July 6, 2018

July 13, 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 of Clayton
Town Council
Zoning Ordinance Amendment Motion Sheet
(Rezoning or Text Amendment)**

After considering the recommendations of the Planning Board and Planning Director, I move to [approve OR deny] 2018-72-RZ (Spring Branch)

[IF APPROVING]

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

MOTION SHEET
Item 6h
2018-72-RZ
Spring Branch

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

WHEREAS a petition has been filed with the Town Council of the Town of Clayton requesting an amendment to the Zoning Ordinance and Zoning Map of the Town of Clayton to include in the Highway-Business (B-3) zone the property described below, said property formerly being zoned Residential Estate (R-E); and

WHEREAS said property is owned by Spring Branch Plaza LLC; Spring Branch Square, LLC; and

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

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

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

WHEREAS the said public hearing was actually conducted at 6:00 p.m. on July 16, 2018 wherein a reasonable opportunity was given to all those in attendance to speak either in favor or against the said change or to make relevant comments;

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

SECTION 1. That the Unified Development Code of the Town of Clayton is hereby amended to include in the Highway-Business (B-) zone the following described property:

General Description:

2.12 acres, vacant, single-family residential

Specific Description:

NC Parcel Identification Numbers: 164800-63-6554; 164800-63-5397 / 05f02036;
05f02036

SECTION 2. That the official Town of Clayton Zoning Map is hereby amended to include in the Highway-Business (B-3) zone the above-described property and will be so marked.

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

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

DULY ADOPTED by the Clayton Town Council this 16th day of July, 2018 while in regular session.

Jody McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk



Town Council Agenda Cover Sheet

Meeting Date

July 16 2018

Agenda Location

New Business

Item Title

Code of Ordinances Ch. 50 (General Utility Regulations), 51 (Water and Sewer System Extension Policy) & 52 (Sewer Use) Updates

Presenter *(Name & Title)*

Rich Cappola, PE – Dir. of Engineering & Inspections

Summary/Description

Chapters 50 (General Utility Regulations), 51 (Water and Sewer System Extension Policy) & 52 (Sewer Use) of the Town of Clayton Code of Ordinances require updates due to changes to the State Statutes. Changes are primarily related to the elimination of language referring to "Acreage" and "Capacity" Fees and inclusion of language consistent with Session Law 2017-138 (HB 436) related to "Water and Sewer System Development Fees". An additional change proposed to Ch. 51 will require any property within City limits that develops within 300 Linear feet of Town water and/or sewer will be required to extend the mains to their property and connect to service. This will ensure the Town's infrastructure continues to expand serviceability area and meet density and intensities proposed by the Future Land Use Map. The change to Chapter 52 was to remove the reference to Impact Fees.

Requested Action

Approval

Additional Documents To Be Included in Agenda Packet

Updated Ordinance – Final Wording

PPAB 4338170v1

TOWN OF CLAYTON

Amendment to the Code of Ordinances: Chapter 50, Chapter 51 and Chapter 52

BEING HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON, NORTH CAROLINA to amend Chapter 50, Chapter 51 and Chapter 52 with the following:

Chapter

- 50. GENERAL UTILITY REGULATIONS**
- 51. WATER AND SEWER SYSTEM EXTENSION POLICY**
- 52. SEWER USE**

CHAPTER 50: GENERAL UTILITY REGULATIONS

Section

General Provisions

- 50.01 Town Council to adopt rates, rules, and regulations
- 50.02 Water and sewer utility fees

Rates; Billing

- 50.10 Establishment of rates
- 50.11 Security deposit for electric and water service
- 50.12 Sewer charges to start upon completion of sewer tap
- 50.13 Bad check policy
- 50.14 Meter tampering fee
- 50.15 Water and sewer tap replacements

GENERAL PROVISIONS

§ 50.01 TOWN COUNCIL TO ADOPT RATES, RULES, AND REGULATIONS.

The Town Council shall from time to time, as it shall deem wise, adopt rates, rules, and regulations, governing the water, sewerage, and electrical systems of the town, and it shall at all times keep available for inspection by the public a copy of the rates, rules, and regulations in force and on file in the office of the Town Clerk.

('71 Code, § 15-1) (Ord. 13, passed 8-1-32; Am. Ord. 2017-03-01, passed 3-6-17)

§ 50.02 WATER AND SEWER UTILITY FEES.

Except as provided in this section, the town shall charge water and sewer System Development Fees. These fees shall apply uniformly to all real property within the town's utility service area, and shall be collected in addition to any other fees or charges allowed by General Statute and set forth in the town's Code of Ordinances, including but not limited to tap fees and rates for water and sewer service, as adopted by the Town Council pursuant to § 50.10, and any fees charged by the town pursuant to Chapters 51 or 52 of the Code of Ordinances.

(A) *Water and Sewer System Development Fees.* The town shall charge System Development Fees on all New Development that requests to use the town's water distribution system and/or the town's sewer system or the services furnished or to be furnished by the systems in an amount as set forth in the Town of Clayton Comprehensive List of Fees and Charges.

(B) *Nutrient Fees.*

(1) The town shall charge nutrient fees to all properties which propose to connect or expand their use of the town's sewer system or the services furnished or to be furnished by the system to recover nutrient related investments made by the town in an amount as set forth in the Town of Clayton Comprehensive List of Fees

and Charges.

(2) Residential connections to the town's sanitary sewer system, either inside or outside the town's municipal corporate limits, shall be assessed a nutrient fee calculated on a per dwelling basis for single-family residential dwellings, and on a per unit basis for multi-family residential dwellings, and shall be in an amount as set forth in the Town of Clayton Comprehensive List of Fees and Charges.

(3) All commercial, industrial and institutional connections to the town's sanitary sewer system, either inside or outside the town's municipal corporate limits, shall be assessed a nutrient fee calculated based on the average annual wastewater flow of the property to be served, and shall be in an amount as set forth in the Town of Clayton Comprehensive List of Fees and Charges.

(C) *Payment.* Except as provided in this section, all System Development Fees and nutrient fees must be paid at the time of plat recordation for subdivisions of land, or at issuance of a wastewater allocation approval for non-subdivision development.

(D) *Water Service Districts.* All connections involving a property within a water service district established pursuant to Chapter 153A of the North Carolina General Statutes shall be subject to a development agreement.

(E) *Definitions.*

NEW DEVELOPMENT, as herein used, shall mean any of the following which increases the capacity necessary to serve that development: (1) the subdivision of land; (2) the construction, reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of any structure which increases the number of service units; and (3) any use or extension of the use of land which increases the number of service units.

SYSTEM DEVELOPMENT FEES, as herein used, shall be defined as a charge or assessment for service imposed with respect to new development to fund costs of capital improvements necessitated by and attributable to such new development, to recoup costs of existing facilities which serve such new development, or a combination of those costs. The term includes amortized charges, lump-sum charges, and any other fee that functions as such. System Development Fees are developed in accordance with N.C. Gen. Stat. Chapter 162A, Article 8, and are in the amount as set forth in the Town of Clayton Comprehensive List of Fees and Charges.

(Ord. passed 1-16-01; Am. Ord. 2016-08-01, passed 8-1-16; Am. Ord. 2017-03-01, passed 3-6-17)

RATES; BILLING

§ 50.10 ESTABLISHMENT OF RATES.

The rates for water, sewer, and electrical service from the town water, sewer, and electrical systems shall be as amended from time to time by the Town Council and listed in the Town of Clayton Comprehensive List of Fees and Charges.

('71 Code, § 15-3) (Am. Ord. 2017-03-01, passed 3-6-17)

§ 50.11 SECURITY DEPOSIT FOR ELECTRIC AND WATER SERVICE.

Any person desiring municipal electrical and water service shall, before obtaining this service, be required to make such deposit with the town as prescribed from time to time by the Town Council.

('71 Code, § 15-2) (Am. Ord. 2017-03-01, passed 3-6-17)

§ 50.12 SEWER CHARGES TO START UPON COMPLETION OF SEWER TAP.

When a sewer tap is made by the town, the sewer service charge will start immediately upon completion.

('71 Code, § 15-4) (Am. Ord. 2017-03-01, passed 3-6-17)

§ 50.13 BAD CHECK POLICY.

When a customer has a bad check returned in any month, the appropriate returned check charge, as set forth in the Town of Clayton Comprehensive List of Fees and Charges, will apply in addition to any other charges and fees.

(Ord. passed 2-23-87; Amend. adopted 10-2-89; Am. Ord. 2003-07-02, passed 7-21-03; Am. Ord. 2017-03-01, passed 3-6-17)

§ 50.14 METER TAMPERING FEE.

(A) Should any town personnel detect an electric meter or service which has been tampered with, the appropriate charge, as set forth in the Town of Clayton Comprehensive List of Fees and Charges, will be added to the customer's account in addition to any use, reconnection, repair or other applicable fees.

(B) Should any town personnel detect a water meter or service which has been tampered with, the appropriate charge, as set forth in the Town of Clayton Comprehensive List of Fees and Charges, will be added to the customer's account in addition to any use, reconnection, repair or other applicable fees. (Ord. 98-05-02, passed 5-18-98; Am. Ord. 2003-07-02, passed 7-21-03; Am. Ord. 2017-03-01, passed 3-6-17)

§ 50.15 WATER AND SEWER TAP REPLACEMENTS.

(A) Costs associated with relocation or replacement of water and/or sewer service taps shall be borne by the customer receiving service in accordance with the fee schedule adopted by the town for such improvements.

(B) *Exceptions.* The only exceptions to the above requirement shall be made by the Public Works Director and shall be based on the criteria contained herein. Exceptions to this policy shall be limited based on budgetary allocation and manpower availability.

(1) In cases where replacement of a service tap would tend to reduce the maintenance or service call burden of the town as evidenced by at least two service calls during the preceding twelve months, an exception may be granted.

(2) In cases where a service tap crosses private property not under the ownership of the customer and without clear easement for maintenance and access, an exception may be granted.

(Ord. 98-07-02, passed 7-20-98; Am. Ord. 2017-03-01, passed 3-6-17)

CHAPTER 51: WATER AND SEWER SYSTEM EXTENSION POLICY

Section

General Provisions

- 51.01 General principles
- 51.02 Reserved
- 51.03 General extension requirements

Initiation of Extension; Financing

- 51.20 Application by property owner/developer
- 51.21 Discretion of town
- 51.22 Reserved
- 51.23 Subdivisions
- 51.24 Other properties
- 51.25 Reserved

GENERAL PROVISIONS

§ 51.01 GENERAL PRINCIPLES.

The planning and extension of the water and sewer system of the town shall be accomplished in accordance with the following general principles:

(A) Extension shall be made in a manner so as to promote the orderly growth of the community without regard to town boundaries.

(B) Extension of utilities to properties located outside of subdivisions under development shall be financed by the owners of the benefitted property through a development agreement.

(C) The town shall be responsible for the maintenance, operation and control of all water and sewer facilities after dedication and acceptance by the Town Council.

(D) Requests for extension shall be preceded by an application for a specific water and/or verification of sewer capacity in accordance with the procedures established herein.

(Ord. passed 2-18-85; Am. Ord. passed 4-2-90; Am. Ord. 98-02-02, passed 2-16-98; Am. Ord. 2017-03-01, passed 3-6-17)

§ 51.02 RESERVED.

§ 51.03 GENERAL EXTENSION REQUIREMENTS.

The general requirements as to extensions of water and sewer systems shall be in keeping with the following principles:

(A) Each developer of land shall be responsible for providing water and sewer line connections and all necessary pump stations, lift stations, and fire hydrants between their property and the town systems.

(B) Extension of both water and sewer mains shall be required when service is requested. Extension of

one utility without the simultaneous extension of the other shall be permitted only in the event that water or sewer mains are available and considered adequate by the town.

(C) In accordance with G.S. § 160A-317, any property proposing to develop within the town limits and within 300 linear feet of any water line or sewer collection line owned, leased as lessee, or operated by the town or on behalf of the town shall extend and connect, unless it is determined by the town, in its sole discretion, that connection to the property is not feasible. The minimum distance for the extension of water mains or sewer mains shall be determined by the town. In general, the minimum distance for extension shall be one platted block, or in the case of water mains, from main line valve to valve, and in the case of sanitary sewers, from manhole to manhole. However, in no case shall water and sewer lines be extended less than the entire length of the developer's property and to adjacent parcels.

(D) The minimum diameter for a water main shall be six inches and the minimum diameter for a sewer main shall be eight inches. All sewer mains shall be installed at a maximum depth to ensure service to as large an area as possible.

(E) Within floodway and floodway fringe zones and areas of special flood hazard, the following requirements shall apply:

(1) All new and replacement water supply systems shall be designed to minimize or eliminate filtration of flood waters into the system.

(2) New and replacement sanitary sewer systems shall be designed to minimize and eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

(3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(F) The water and sewer extension policy and all extension requests shall be administered by the Town Manager, or designee.

(G) No water or sewer service shall be provided to any property outside of the municipal limits of the town, except upon compliance with one of the following:

(1) If the property is contiguous to the municipal limits of the town, the property owners shall immediately petition for and obtain annexation of the property into the municipal limits of the town.

(2) If the property is not then contiguous to the municipal limits of the town, the property owners shall enter into a written agreement with the town for the voluntary annexation thereof at such future date as said property shall be contiguous to the municipal limits of the town, or it is determined by the Town Council that it is in the best interests of the town to satellite annex the property.

(3) The Town Council may negotiate terms for voluntary annexation of tracts which require water and/or sewer system extensions.

(Ord. passed 4-2-90; Am. Ord. 2017-03-01, passed 3-6-17)

INITIATION OF EXTENSION; FINANCING

§ 51.20 APPLICATION BY PROPERTY OWNER/DEVELOPER.

(A) Any property owner or developer desiring to have water or sanitary sewer services extended to and along any public street or other area where no water or sanitary sewer main exists shall apply to the Town Manager, or designee, in writing requesting a specific daily allocation for such services.

(B) The application shall contain plans and analysis in sufficient detail to enable the Town Manager, or designee, to verify the adequate size of facilities necessary for the proposed extension and anticipated future growth.

(C) Prior to approval of any application for water or sewer capacity allocation the provisions of § 51.03(G) must be met.

(D) The town shall not approve any development which proposes to be served for water and/or sewer service by the town utility systems without first receiving an application for water and/or sewer capacity allocation and all other documents, applications, and studies specified in this chapter.

(Ord. passed 4-2-90; Am. Ord. 98-02-02, passed 2-16-98; Am. Ord. 2017-03-01, passed 3-6-17)

§ 51.21 DISCRETION OF TOWN.

The town may extend water and/or sewer lines at its own discretion in the following circumstances:

(A) *To alleviate health problems.* When the Johnston County Health Department certifies to the town that a health problem exists in a certain area, the town may order the extension of water and/or sewer lines if said

extension will alleviate the health problem. The town may finance those extensions through the assessment of adjacent property owners under the same procedures set out in § 51.24 or through water and/or sewer fund proceeds.

(B) *To serve petition projects.* Upon receipt of a valid petition, the town may order the extension of a water and/or sewer line to service the areas petitioned even though the property owners between the exiting water and/or sewer lines and the requested service area have not entered into the petition for water and/or sewer service. The properties to be served as a result will be assessed under the same procedure set out in § 51.24.

(C) *Greater public interest.* The Town Council may, upon one letter of request for service from a property owner in a residential subdivision, or at its own discretion, authorize the construction of a water and/or sewer line where it deems said construction to be in the greater public interest and in the general public welfare. The town may finance these extensions through the same procedures set forth in division (B) of this section. (Ord. passed 4-2-90; Am. Ord. 2011-09-02, passed 9-6-11; Am. Ord. 2017-03-01, passed 3-6-17)

§ 51.22 RESERVED.

§ 51.23 SUBDIVISIONS.

With respect to the installation of utilities to serve subdivisions, the following policies shall apply:

(A) *Specifications.* All installations shall be made according to such specifications as may be approved by the town or its engineers, including the size of all lines and their locations, grade, and material used.

(B) *Ownership and control.* All lines constructed and connected with the facilities of the town under these policies shall become the property of the town upon their completion, dedication, and acceptance. The town shall have exclusive control of all such lines and shall be responsible for their maintenance, repair, and operation.

(C) *Contracts.* All installations made under a reimbursement agreement shall be accomplished under contracts let after the receipt of sealed competitive bids. The town shall exercise general supervision over the letting of such contracts in order to assure the securing of free competition on such contracts.

(D) *Reimbursement policy.*

(1) A reimbursement agreement may be entered into between the town and each private party installing water and/or sewer lines, which shall become the property of, and operation and maintenance responsibility of the town.

(2) The cost of installing all lines within a subdivision shall be borne initially by the participating developer or developers.

(3) Infrastructure subject to reimbursement shall be:

(a) Those between a subdivision and the facilities of the town and which are so located as to serve other properties; and

(b) Lines within a subdivision which will serve lands outside the subdivision and are of a size in excess of the needs of the subdivision itself. In this case, the cost subject to reimbursement shall be only the extra cost incurred by installing lines larger than needed to serve the subdivision itself; and

(c) The proportionate cost of lines of any size to which direct service connections may be made by property other than those by the initial investor; and

(d) The town shall be reimbursed for its expenses in constructing or providing for water or sewer utility capital improvements adjacent or ancillary to the development if the owner or developer has agreed to be financially responsible for such expenses, and such reimbursement shall be credited against the System Development Fees owed by the owner or developer.

(4) Only the actual cost of the lines shall be included in the calculations of costs subject to reimbursement. No interest on costs pending reimbursement shall be allowed.

(5) No reimbursement of any cost shall be made after ten years from the date of acceptance by the town of the lines installed under a reimbursement agreement.

(Ord. passed 2-18-85; Am. Ord. passed 4-2-90; Am. Ord. 2017-03-01, passed 3-6-17)

§ 51.24 OTHER PROPERTIES.

In accordance with the general principle that benefitted property should bear the cost of extending water and sewer lines, one or more of the following methods shall be used in providing for the extension of water and sewer lines to serve properties not located within subdivisions currently under development. Properties

which are annexed by the town based upon the properties meeting the necessary standards for annexation as set forth in the N.C. General Statutes (i.e. annexation not based on a petition requesting annexation by the property owners) will have services extended to them with financing arranged by assessments as described in divisions (A)(1) through (7) below.

(A) *Assessments for costs.*

(1) Lateral water and sewer main extensions will be made by assessment of the cost thereof against property owners to be benefitted thereby in conformity with G.S. Chapter 160A, Article 10. In the event it is necessary or desirable to lay a water main larger than a six-inch main, or a sewer main larger than an eight-inch main, the town will bear the cost of the difference between the cost of the size of main required and that of a six-inch water main or eight-inch sewer main.

(2) Lots at the intersection of streets, except lots in a subdivision which are assessed on a per lot basis as authorized by G.S. Chapter 160A, Article 10, shall be assessed as follows:

(a) If water and sewer mains or both are installed simultaneously on both streets on which the lot abuts, assessment of the cost of the installation shall be based upon the entire frontage on one street plus the frontage on the other street in excess of 150 feet.

(b) If such lot is already served by water or sewer mains in a street on which the lot abuts and a like main is installed in the other abutting street, the cost of such new installation shall be assessed against the lot to the extent that such frontage abutting the new installation exceeds 150 feet.

(c) If water or sewer service is installed in a street abutting a corner lot, and such service is not a duplicating service, and the method of assessment used is the street frontage method, the assessment shall not exceed the number of feet of the shortest side of said lot abutting the street. Upon installation of a duplicating service to said lot, an exemption as specified in division (A)(2) above shall be credited against the longest side of said lot abutting on the public street.

(3) Where one or more water or sewer lines traverse a lot or tract of land and the method of assessment used is the abutting footage on the improvement, the abutting footage for each lot, tract, or parcel assessed according to the assessment roll shall not exceed the straight line distance between the beginning point and the ending point of said line or lines. However, upon the installation of a duplicating service to a traversed lot or tract of land, an exemption of 150 feet shall be allowed for the duplicating service, whether it is installed separately or simultaneously with the original service.

(4) A lot not on a corner abutting two streets which has a water or sewer service in one street shall not be liable for an assessment for a duplicating service in the other street or streets if the subdivision of such lot or sale of any part thereof for an additional building site or sites is prohibited by the zoning or subdivision standard provisions of the town or any restrictive covenants running for a period of not less than five years from the date of the assessment for such installation.

(5) The term **LOT** as used in this section is defined as a parcel of land without regard to whether or not it is shown on any subdivision map as a separate lot and without regard to how or when acquired, except that when an assessment is made on a per lot basis in a subdivision, the term **LOT** shall apply to each separate subdivided lot. However, when a lot in a subdivision is already served by a water or sewer line and the lots in the subdivision are assessed on a per lot basis, the lot so served shall not be assessed a greater amount than the amount which would be assessed against the lot on a linear foot basis after giving credit for the exemptions contained in this section.

(6) The Town Council shall determine which method of assessment authorized by G.S. § 160A-218 would be most equitable to be used in an assessment roll.

(7) When the Town Council determines that the most equitable method of assessment is on the basis of the frontage abutting the project, the Council shall determine the amount of the construction cost to be borne by the abutting property owner and the amount to be borne by the town.

(B) *Reimbursement policy.*

(1) The reimbursement policy outlined in division (A)(2) of this section shall be available for use by an individual property owner who desires service at some distance from existing lines and when assessment of, or contributions from, intervening property does not appear feasible. This method may also be used in financing extensions both inside and outside the town boundaries.

(2) Extensions under any of the above financing methods may be made either by forces of the town or

under contracts let by the town, or by private contracts let under the supervision of the town.
(Ord. passed 2-18-85; Am. Ord. passed 4-2-90; Am. Ord. 2017-03-01, passed 3-6-17)

§ 51.25 RESERVED.

CHAPTER 52: SEWER USE

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GENERAL PROVISIONS

§ 52.001 PURPOSE; POLICY.

(A) This chapter sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the Town of Clayton, hereafter referred to as the town, and enables the town to comply with all applicable state and federal laws required by the Clean Water Act (33 USC 1251, et seq.) and the General Pretreatment Regulations (40 CFR 403).

(B) The objectives of this chapter are:

- (1) To prevent the introduction of pollutants and wastewater discharges into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
- (2) To prevent the introduction of pollutants and wastewater discharges into the municipal wastewater system which will pass through the system, inadequately treated, into any waters of the state or otherwise be incompatible with the system;
- (3) To promote reuse and recycling of industrial wastewater and sludge from the municipal system;
- (4) To protect both municipal personnel who might be affected by sewage, sludge, and effluent in the course of their employment as well as protecting the general public;
- (5) To provide for equitable distribution of the cost of operation, maintenance and improvement of the municipal wastewater system; and
- (6) To ensure that the municipality complies with its NPDES or non-discharge permit conditions, sludge use and disposal requirements, and any other federal or state laws and/or regulations to which the municipal wastewater system is subject.

(C) This chapter provides for the regulation of direct and indirect contributors to the municipal wastewater system, through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

(D) This chapter shall apply to all users of the municipal wastewater system as authorized by G.S. § 160A-312 or § 153A-275. Except as otherwise provided herein, the Superintendent and/or Director shall administer, implement, and enforce the provisions of this chapter. Any powers granted to or imposed upon the Superintendent or Director may be delegated by the Superintendent or Director to other town personnel. By discharging wastewater into the municipal wastewater system, industrial users located outside the town limits agree to comply with the terms and conditions established in this chapter, as well as any permits, enforcement actions, or orders issued hereunder.

(Ord. passed 11-8-94; Am. Ord. 2013-04-01, passed 4- 1-13)

§ 52.002 DEFINITIONS AND ABBREVIATIONS.

(A) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACT or THE ACT. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251 et seq.

APPROVAL AUTHORITY. The Director of the Division of Water Quality of the North Carolina Department of Environment, and Natural Resources or designee.

AUTHORIZED REPRESENTATIVE OF THE INDUSTRIAL USER.

(a) If the industrial user is a corporation, authorized representative shall mean:

1. The president, secretary, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or

2. The manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(b) If the industrial user is a partnership, association, or sole proprietorship, an authorized representative shall mean a general partner or the proprietor, respectively.

(c) If the industrial user is a federal, state, or local government facility, an authorized representative shall mean a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

(d) The individuals described in (a) – (c) above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the authorization is submitted to the town.

(e) If the designation of an authorized representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of this section must be submitted to POTW Superintendent prior to or together with any reports to be signed by an authorized representative.

BIOCHEMICAL OXYGEN DEMAND (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five days at 20°C, usually expressed as a concentration (milligrams per liter (mg/l)).

BUILDING SEWER. A sewer conveying wastewater from the premises of a user to the POTW.

BYPASS. The intentional diversion of waste streams from any portion of a user's treatment facility.

CATEGORICAL STANDARDS. National Categorical Pretreatment Standards or Pretreatment Standard.

CONTROL AUTHORITY. Refers to the POTW organization if the POTW organization's approval has not been withdrawn.

DIRECTOR or DIRECTOR OF PUBLIC WORKS. The person designated by the town to manage the operation of the publicly-owned treatment works and the wastewater collection system and who is charged with certain duties and responsibilities by this chapter, or his duly authorized representative.

ENVIRONMENTAL PROTECTION AGENCY or EPA. The U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the Administrator or other duly authorized official of that agency.

GRAB SAMPLE. A sample which is taken from a waste stream on a one-time basis without regard to the flow in the waste stream and over a period of time not to exceed 15 minutes.

HOLDING TANK WASTE. Any waste from holding tanks, including but not limited to such holding tanks as chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

INDIRECT DISCHARGE or DIS-CHARGE. The discharge or the introduction from any non-domestic source regulated under § 307(b), (c), or (d) of the Act, (33 USC 1317), into the POTW (including holding tank waste discharged into the system).

INDUSTRIAL USER or USER. Any person which is a source of indirect discharge.

INTERFERENCE. The inhibition, or disruption of the collection system, POTW treatment processes, operations, or its sludge process, use, or disposal, which causes or contributes to a violation of any requirement of the Control Authority's (and/or POTW's if different from the Control Authority) NPDES, collection system, or non-discharge permit or prevents sewage sludge use or disposal in compliance with specified applicable state and federal statutes, regulations, or permits. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with § 405 of the Act, (33 USC 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA) (42 USC

6901, et seq.), the Clean Air Act, the Toxic Substances Control Act, the Marine Protection Research and Sanctuary Act (MPRSA) or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.

MEDICAL WASTE. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

NATIONAL CATEGORICAL PRETREATMENT STANDARD or CATEGORICAL STANDARD. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with § 307(b) and (c) of the Act (33 USC 1317) which applies to a specific category of industrial users, and which appears in 40 CFR Chapter 1, Subchapter N, Parts 405-471.

NATIONAL PROHIBITIVE DISCHARGE STANDARD or PROHIBITIVE DISCHARGE STANDARD. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in § 52.010 of this chapter and are developed under the authority of § 307(b) of the Act and 40 CFR 403.5.

NEW SOURCE.

(a) Any building, structure, facility, or installation from which there may be a discharge of pollutants, the construction of which commenced after the publication of proposed categorical pretreatment standards under § 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with § 307(c), provided that:

1. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
2. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
3. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

(b) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of division (a)1. or (a)2. above but otherwise alters, replaces, or adds to existing process or production equipment.

(c) For purposes of this definition, construction of a new source has commenced if the owner or operator has:

1. Begun, or caused to begin as part of a continuous on-site construction program:
 - a. Any placement, assembly, or installation of facilities or equipment; or
 - b. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
2. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this definition.

NON-CONTACT COOLING WATER. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

NON-DISCHARGE PERMIT. A disposal system permit issued by the state pursuant to G.S. § 143-215.1.

NPDES PERMIT or NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM PERMIT. A permit issued pursuant to § 402 of the Act (33 USC 1342), or pursuant to G.S. § 143-215.1 by the state under delegation from EPA.

PASS-THROUGH. A discharge which exits the Control Authority's (and/or POTW's if different from

the Control Authority) into waters of the state in quantities or concentrations which, alone or with discharges from other sources, causes a violation of the POTW's NPDES, non-discharge permit, or collection system permit.

PERSON. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. This definition includes all federal, state, and local government entities.

pH. A measure of the acidity or alkalinity of a substance, expressed as standard units, and calculated as the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

POLLUTANT. Any waste as defined in G.S. § 143-213(18) and dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste and certain characteristics of wastewater (e.g. pH, temperature, TSS, turbidity, color, metals, BOD, COD, toxicity, and odor).

POTW (PUBLICLY-OWNED TREATMENT WORKS) or MUNICIPAL WASTEWATER TREATMENT or WATER RECLAMATION FACILITY. A treatment works as defined by § 212 of the Act (33 USC 1292), which is owned in this instance by the town. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to the POTW treatment plant. For the purposes of this chapter, **POTW** shall also include any sewers that convey wastewaters to the POTW from persons outside the town who are, by contract or agreement with the town, or in any other way, users of the town's POTW.

POTW TREATMENT PLANT. That portion of the POTW designed to provide treatment to wastewater.

PRETREATMENT or TREATMENT. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes or other means, except by diluting the concentration of the pollutants, unless allowed by an applicable pretreatment standard.

PRETREATMENT PROGRAM. The program for the control of pollutants introduced into the POTW from non-domestic sources which was developed by the town in compliance with 40 CFR 403.8 and approved by the approval authority as authorized by G.S. § 143-215.3(a)(14) in accordance with 40 CFR 403.11.

PRETREATMENT REQUIREMENTS. Any substantive or procedural requirement related to pretreatment, other than a pretreatment standard.

PRETREATMENT STANDARDS. Prohibited discharge standards, categorical standards, or local limits which apply to an industrial user.

SEVERE PROPERTY DAMAGE. Substantial physical damage to property, damage to the user's treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. **SEVERE PROPERTY DAMAGE** does not mean economic loss caused by delays in production.

SIC (STANDARD INDUSTRIAL CLASSIFICATION). A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1987.

SIGNIFICANT NONCOMPLIANCE (SNC) or REPORTABLE NONCOMPLIANCE (RNC)
Significant Noncompliance or SNC is the status of noncompliance of a Significant Industrial User when one or more of the following criteria are met.

(a) Violations of wastewater discharge limits.

1. Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of all the measurements taken for the same pollutant parameter (not including flow) during a six month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR Part 403.3(1):

2. Technical Review Criteria (TRC) violations, defined here as those in which 33% or more of all

the measurements taken for the same pollutant parameter during a six-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3(1) multiplied by the applicable TRC; (TRC= 1.4 for BOD, TSS, fats, oil and grease, 12. for all other pollutants (except flow and pH));

3. Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR Part 403.3(1) (daily maximum, long term average, instantaneous limit, or narrative standard) that the Control Authority and/or POTW determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of Town or contracted personnel or the general public);

4. Any discharge of a pollutant or wastewater that has caused imminent endangerment to human health, welfare or to the environment or has resulted in either the Control Authority's or the POTW's, if different from the Control Authority, exercise of its emergency authority under 40 CFR Part 403.8(f)(1)(vi)(B) to halt or prevent such a discharge;

(b) Violations of compliance schedule milestones, contained in a pretreatment permit or enforcement order, for starting construction, completing construction, and attaining final compliance by 90 days or more after the schedule date.

(c) Failure to provide reports for compliance schedule, self-monitoring data, baseline monitoring reports, 90-day compliance reports, and periodic compliance reports within 30 days from the due date.

(d) Failure to accurately report non-compliance.

(e) Any other violation or group of violations that the control authority and/or POTW determines will adversely affect the operation or implementation of the local pretreatment program.

SIU or SIGNIFICANT INDUSTRIAL USER. An industrial user that discharges wastewater into a publicly owned treatment works and that:

(a) Discharges an average 25,000 gpd or more of process wastewater to the POTW (excluding sanitary, non contact and boiler blowdown wastewaters); or

(b) Contributes process wastewater which makes up 5% or more of the NPDES, non-discharge permit flow limit or organic capacity of the POTW treatment plant. In this context the organic capacity refers to BOD, TSS, Ammonia, Total Phosphorus, and Total Nitrogen; or

(c) Is subject to Categorical Pretreatment Standards under 40 CFR Part 403.6 and 40 CFR Chapter I, Subchapter N, Parts 405-471; or

(d) Is designated as such by the Control Authority on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation, or for violating any Pretreatment Standard or requirement, or for contributing to violations of the POTW's effluent limitations and conditions in its NPDES or non-discharge permit, or for limiting the POTW's sludge disposal options.

SLUG LOAD or DISCHARGE. Any discharge at a flow rate or concentration which has a reasonable potential to cause interference or pass-through, or in any other way violates the POTW's regulations, local limits, or industrial user permit conditions. This can include but is not limited to spills and other accidental discharges; discharges of a non-routine, episodic nature; a non-customary batch discharge; or any other discharges that can cause a violation of the prohibited discharge standards in § 52.010 of this chapter.

STORM WATER. Any flow occurring during or following any form of natural precipitation and resulting therefrom.

SUPERINTENDENT (WRF SUPER- INTENDENT). The person designated by the town to supervise the operation of the publicly-owned treatment works and who is charged with certain duties and responsibilities by this chapter, or his duly authorized representative.

SUSPENDED SOLIDS. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.

UPSET. An exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities lack of preventive maintenance, or careless or improper operation.

WASTEWATER. The liquid and water- carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, mobile sources, treatment facilities and institutions, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated, which is

contributed into or permitted to enter the POTW.

WASTEWATER PERMIT. As set forth in § 52.041 of this chapter.

WATERS OF THE STATE. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.

(B) The following abbreviations shall have the designated meanings:

- (1) **BOD:** Biochemical Oxygen Demand
- (2) **CFR:** Code of Federal Regulations
- (3) **COD:** Chemical Oxygen Demand
- (4) **EPA:** Environmental Protection Agency
- (5) **gpd:** Gallons per day
- (6) **G.S.:** North Carolina General Statutes (also, NCGS)
- (7) **l:** Liter
- (8) **mg:** Milligrams
- (9) **mg/l:** Milligrams per liter
- (10) **NPDES:** National Pollution Discharge Elimination System
- (11) **O&M:** Operation and Maintenance
- (12) **POTW:** Publicly-Owned Treatment Works
- (13) **RCRA:** Resource Conservation and Recovery Act
- (14) **SIC:** Standard Industrial Classification
- (15) **SIU:** Significant Industrial User
- (16) **SWDA:** Solid Waste Disposal Act, 42 USC 6901, et seq.
- (17) **TSS:** Total Suspended Solids
- (18) **TKN:** Total Kjeldahl Nitrogen
- (19) **USC:** United States Code

(Ord. passed 11-8-94; Am. Ord. passed 7-15-96; Am. Ord. 2008-05-02, passed 5-5-08; Am. Ord. 2009-03-02, passed 3-2-09; Am. Ord. 2013-04-01, passed 4-1-13)

GENERAL SEWER USE REQUIREMENTS

§ 52.010 PROHIBITED DISCHARGE STANDARDS.

(A) *General prohibitions.* No user shall contribute or cause to be contributed into the POTW, directly or indirectly, any pollutant or wastewater which causes interference or pass-through. These general prohibitions apply to all users of a POTW whether or not the user is a significant industrial user or subject to any national, state, or local pretreatment standards or requirements.

(B) *Specific prohibitions.* No user shall contribute or cause to be contributed into the POTW the following pollutants, substances, or wastewater:

- (1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21.
- (2) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference.
- (3) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass-through.
- (4) Any wastewater having a pH less than 6.0 or greater than 10.5 or wastewater having any other corrosive property capable of causing damage to the POTW or equipment. (Any pH above 12.5 is considered hazardous under 40 CFR 261.22.)
- (5) Any wastewater containing pollutants, including oxygen-demanding pollutants, (BOD, and the like) in sufficient quantity, (flow or concentration) either singly or by interaction with other pollutants, to cause interference with the POTW.
- (6) Any wastewater having a temperature greater than 150°F (66°C), or which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104°F (40°C).

(7) Any pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

(8) Any trucked or hauled pollutants, except at discharge points designated by the Superintendent or Director in accordance with § 52.018 of this chapter.

(9) Any noxious or malodorous liquids, gases, or solids or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.

(10) Any substance which may cause the POTW's effluent or any other product of the POTW, such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal regulations or permits issued under § 405 of the Act, the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used.

(11) Any wastewater which imparts color which cannot be removed by the treatment process, including, but not limited to dye wastes and vegetable tanning solutions, which consequently imparts sufficient color to the treatment plant's effluent to render the waters injurious to public health or secondary recreation or to aquatic life and wildlife or to adversely affect the palatability of fish or aesthetic quality or impair the receiving waters for any designated uses.

(12) Any wastewater containing any radio- active wastes or isotopes except as specifically approved by the Superintendent or Director in compliance with applicable state or federal regulations.

(13) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, non-contact cooling water and unpolluted industrial wastewater, unless specifically authorized by the Superintendent or Director.

(14) Fats, oils, or greases of animal or vegetable origin in concentrations greater than 200 mg/l.

(15) Any sludges, screenings or other residues from the pretreatment of industrial wastes.

(16) Any medical wastes, except as specifically authorized by the Superintendent or Director in a wastewater discharge permit.

(17) Any material containing ammonia, ammonia salts, or other chelating agents which will produce metallic complexes that interfere with the municipal wastewater system.

(18) Any material that would be identified as hazardous waste according to 40 CFR 261 if not disposed of in a sewer except as may be specifically authorized by the Superintendent or Director.

(19) Any wastewater causing the treatment plant effluent to violate State Water Quality Standards for toxic substances as described in 15A NCAC 2B.0200.

(20) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.

(21) Recognizable portions of the human or animal anatomy.

(22) Any wastes containing detergents, surface active agents, or other substances which may cause excessive foaming in the municipal wastewater system.

(23) At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than 5%, nor any single reading over 10% of the lower explosive limit (LEL) of the meter.

(C) Pollutants, substances, wastewater, or other wastes prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the municipal wastewater system. All floor drains located in process or materials storage areas must discharge to the industrial user's pretreatment facility before connecting with the system.

(D) When the Superintendent or Director determines that a user is contributing to the POTW, any of the above enumerated substances in such amounts which may cause or contribute to interference of POTW operation or pass-through, the Superintendent or Director shall:

(1) Advise the user of the potential impact of the contribution on the POTW in accordance with § 52.990; and,

(2) Take appropriate actions in accordance with §§ 52.040 and 52.041 for such user to protect the POTW from interference or pass-through.

(Ord. passed 11-8-94; Am. Ord. 2013-04-01, passed 4-1-13)

§ 52.011 NATIONAL CATEGORICAL PRETREATMENT STANDARDS.

(A) Users subject to categorical pretreatment standards are required to comply with applicable standards as set out in 40 CFR Chapter 1, Subchapter N, Parts 405-471 and incorporated herein.

(B) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Superintendent or Director may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).

(C) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Superintendent or Director shall impose an alternate limit using the combined waste stream formula in 40 CFR 403.6(e).

(D) A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.

(E) A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15. (Ord. passed 11-8-94)

§ 52.012 LOCAL LIMITS.

(A) To implement the general and specific discharge prohibitions listed in this chapter, industrial user-specific local limits will be developed, ensuring that the POTW's maximum allowable headworks loading is not exceeded for particular pollutants of concern for each industrial user. Where specific local limits are not contained for a given parameter or pollutant in an industrial user permit, the following average discharge limits will apply to all users:

- 200 mg/l FOG (Fat, Oils, Grease)
- 20 mg/l NH₃-N (Ammonia-Nitrogen)
- 250 mg/l TSS (Total Suspended Solids)
- 0.003 mg/l As (Arsenic)
- 0.003 mg/l Cd (Cadmium)
- 0.061 mg/l Cu (Copper)
- 0.015 mg/l CN (Cyanide)
- 0.049 mg/l Pb (Lead)
- 0.0003 mg/l HG (Mercury)
- 0.021 mg/l Ni (Nickel)
- 0.005 mg/l Ag (Silver)
- 0.05 mg/l Total Cr (Chromium)
- 0.175 mg/l Zn (Zinc)
- 0.1 mg/l Phenolic Compounds
- 0.25 mg/l Total Identifiable Chlorinated Hydrocarbons

(B) Industrial user-specific local limits for appropriate pollutants of concern shall be included in wastewater permits and are considered pretreatment standards. The Superintendent or Director may impose mass limits in addition to, or in place of, the concentration-based limits above.

(Ord. passed 11-8-94; Am. Ord. 2008-05-02, passed 5-5-08; Am. Ord. 2013-04-01, passed 4-1-13)

§ 52.013 STATE REQUIREMENTS.

State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this chapter.

(Ord. passed 11-8-94)

§ 52.014 RIGHT OF REVISION.

The town reserves the right to establish limitations and requirements which are more stringent than those required by either state or federal regulation if deemed necessary to comply with the objectives presented in § 52.001 or the general and specific prohibitions in §§ 52.010 through 52.018 as is allowed by 40 CFR 403.4.

(Ord. passed 11-8-94)

§ 52.015 DILUTION.

No user shall ever increase the use of process water or in any way attempt to dilute a discharge as a partial

or complete substitute for adequate treatment to achieve compliance with the limitations contained in the National Categorical Pretreatment Standards, unless expressly authorized by an applicable pre-treatment standard, or in any other pollutant-specific limitation developed by the town or state.

(Ord. passed 11-8-94) Penalty, see § 52.990 et seq.

§ 52.016 PRETREATMENT OF WASTEWATER.

(A) *Pretreatment facilities.* Users shall provide wastewater treatment as necessary to comply with this chapter and wastewater permits issued under § 52.041, and shall achieve compliance with all National Categorical Pretreatment Standards, local limits, and the prohibitions set out in § 52.010 of this chapter within the time limitations as specified by EPA, the state, or the Superintendent or Director, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be approved by the Superintendent or Director before construction of the facility. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the town under the provisions of this chapter. Any subsequent changes in the pre-treatment facilities or method of operation shall be reported to and be approved by the Superintendent or Director prior to the user's initiation of the changes.

(B) *Additional pretreatment measures.*

(1) Whenever deemed necessary, the Superintendent or Director may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the users compliance with the requirements of this chapter.

(2) The Superintendent or Director may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.

(3) Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent or Director, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of a type and capacity approved by the Superintendent or Director and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at the user's expense.

(4) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

(Ord. passed 11-8-94) Penalty, see § 52.990 et seq.

§ 52.017 ACCIDENTAL DISCHARGE/SLUG CONTROL PLANS.

(A) At least once every two years, the Superintendent or Director shall evaluate whether each significant industrial user needs a plan or other action to control and prevent slug discharges and accidental discharges as defined in § 52.002. All SIUs must be evaluated within one year of being designated an SIU. The Superintendent or Director may require any user to develop, submit for approval, and implement such a plan. Alternatively, the Superintendent or Director may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

- (1) Description of discharge practices, including non-routine batch discharges;
- (2) Description of stored chemicals;
- (3) Procedures for immediately notifying the Superintendent or Director of any accidental or slug discharge, as required by § 52.055; and
- (4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and measures and equipment for emergency response.

(B) All SIUs are required to notify the POTW immediately of any changes at its facility affecting the potential for spills and other accidental discharge, discharge of a non-routine, episodic nature, a non-

customary batch discharge, or a slug load. Also see §§ 52.045 and 52.055.
(Ord. passed 11-8-94; Am. Ord. 2008-05-02, passed 5-5-08)

§ 52.018 HAULED WASTEWATER.

(A) Septic tank waste may be introduced into the POTW only at locations designated by the Superintendent or Director, and at such times as are established by the Superintendent or Director. Such waste shall not violate §§ 52.010 through 52.018 of this chapter or any other requirements established by the town. The Superintendent or Director may require septic tank waste haulers to obtain wastewater discharge permits.

(B) The Superintendent or Director shall require haulers of industrial waste to obtain wastewater discharge permits. The Superintendent or Director may require generators of hauled industrial waste to obtain wastewater discharge permits. The Superintendent or Director also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this chapter.

(C) Industrial waste haulers may discharge loads only at locations designated by the Superintendent or Director. No load may be discharged without prior consent of the Superintendent or Director. The Superintendent or Director may collect samples of each hauled load to ensure compliance with applicable standards. The Superintendent or Director may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

(D) Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.
(Ord. passed 11-8-94)

FEES

§ 52.030 PURPOSE.

It is the purpose of this subchapter to provide for the recovery of costs from users of the town's wastewater disposal system for the implementation of the program established herein. The applicable charges or fees shall be set forth in the town's schedule of charges and fees.
(Ord. passed 11-8-94)

§ 52.031 USER CHARGES.

A user charge shall be levied on all users including, but not limited to, persons, firms, corporations or governmental entities that discharge, cause or permit the discharge of sewage into the POTW.

(A) The user charge shall reflect at least the cost of debt service, operation and maintenance (including replacement) of the POTW.

(B) Each user shall pay its proportionate cost based on volume of flow.

(C) The Town Manager or his designee shall review annually the sewage contributions of users, the total costs of debt service, operation and maintenance of the POTW, and will make recommendations to the Town Council for adjustments in the schedule of charges and fees as necessary.

(D) Charges for flow to the POTW not directly attributable to the users shall be distributed among all users of the POTW based upon the volume of flow of the users.
(Ord. passed 11-8-94)

§ 52.032 SURCHARGES.

(A) All industrial users of the POTW are subject to industrial waste surcharges on discharges which exceed the following levels:

(1) With the written approval of the Town Manager, waste having the following characteristics may be discharged into the town's sanitary sewer upon payment of an additional charge (surcharge):

(a) Wastes having a BOD of greater than 250 mg/l, but not to exceed 1,500 mg/l.

(b) Wastes containing suspended solids of more than 250 mg/l, but not to exceed 1,000 mg/l.

(c) Waste having COD greater than 500 mg/l, but not to exceed 3,000 mg/l.

(d) Any waste containing constituents in concentrations in excess of the limits set forth in § 52.012, but for which a permit has been issued by the town.

(2) The amount of surcharge will be based upon the mass emission rate (in pounds per day) discharged above the levels listed above. The amount charged per pound of excess will be set forth in the schedule of

charges and fees.

(B) The volume of flow used in determining the total discharge of wastewater for payment of user charges and surcharges shall be based on the following:

- (1) Metered water consumption as shown in the records of meter readings maintained by the town; or
- (2) If required by the town or at the individual discharger's option, other flow monitoring devices which measure the actual volume of waste- water discharged to the sewer. Such devices shall be accessible and safely located, and the measuring system shall be installed in accordance with plans approved by the town. The metering system shall be installed and maintained at the user's expense according to arrangements that may be made with the town.

(3) Where any user procures all or part of his water supply from sources other than the town, the user shall install and maintain at his own expense a flow measuring device of a type approved by the town.

(C) The character and concentration of the constituents of the wastewater used in determining surcharges shall be determined by samples collected and analyzed by the town and/or constituent concentrations reported by the user. Samples shall be collected in such a manner as to be representative of the actual discharge and shall be analyzed using procedures set forth in 40 CFR 136.

(D) The determination of the character and concentration of the constituents of the wastewater discharge by the Superintendent or Director or his duly appointed representatives shall be binding as a basis for charges.

(Ord. passed 11-8-94)

§ 52.033 PRETREATMENT PROGRAM ADMINISTRATION CHARGES.

The schedule of charges and fees adopted by the town may include charges and fees for:

- (A) Reimbursement of costs of setting up and operating the pretreatment program;
- (B) Monitoring, inspections and surveillance procedures;
- (C) Reviewing slug control plans, including accidental and/or slug load discharge procedures and construction plans and specifications;
- (D) Permitting;
- (E) Other fees as the town may deem necessary to carry out the requirements of the pretreatment program.

(Ord. passed 11-8-94)

WASTEWATER DISCHARGE PERMIT APPLICATION AND ISSUANCE

§ 52.040 WASTEWATER DISCHARGERS.

It shall be unlawful for any person to connect or discharge to the POTW without first obtaining the permission of the town. When requested by the Superintendent or Director, a user must submit information on the nature and characteristics of its wastewater within 30 days of the request. The Superintendent or Director is authorized to prepare a form for this purpose and may periodically require users to update this information.

(Ord. passed 11-8-94) Penalty, see § 52.990 et seq.

§ 52.041 WASTEWATER PERMITS.

(A) All significant industrial users shall obtain a significant industrial user permit prior to the commencement of discharge to the POTW. Existing industrial users who are determined by the Superintendent or Director to be significant industrial users shall obtain a significant industrial user permit within 180 days of receiving notification of the Superintendent's or Director's determination. Industrial users who do not fit the significant industrial user criteria may, at the discretion of the Superintendent or Director, be required to obtain a wastewater discharge permit for non-significant industrial users.

(B) *Significant industrial user determination.* All persons proposing to discharge non-domestic wastewater, or proposing to change the volume or characteristics of an existing discharge of non-domestic wastewater, shall request from the Superintendent or Director a significant industrial user determination. If the Superintendent or Director determines or suspects that the proposed discharge fits the significant industrial user criteria, he will require that a significant industrial user permit application be filed.

(C) *Significant industrial user permit application.* Users required to obtain a significant industrial user permit shall complete and file with the town an application in the form prescribed by the Superintendent or Director. Significant industrial users shall apply for a significant industrial user permit within 90 days after notification of the Superintendent's or Director's determination in division (B) above. In support of the

application, the user shall submit, in units and terms appropriate for evaluation, the following information:

- (1) Name of industrial user;
- (2) Address of industrial user;
- (3) Standard industrial classification (SIC) code(s) or expected classification and industrial user category;
- (4) Wastewater flows to include: average daily and 30-minute peak wastewater flow rates, including daily, monthly and seasonal variations if any expected;
- (5) Types and concentrations (or mass) of pollutants contained, or expected in the discharge;
- (6) Lists of products manufactured or services supplied;
- (7) Description of activities, facilities and plant processes on the premises, including a description of existing on-site pretreatment facilities and practices;
- (8) Flow diagram or sewer map to include sewer lines, floor drains, and discharge points;
- (9) Raw materials used and stored at the site;
- (10) Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;
- (11) Description of current and projected waste reduction activities in accordance with G.S. § 143-215.1(g);
- (12) If subject to a categorical standard, a baseline monitoring report in accordance with 40 CFR 403.12(b) and 15A NCAC 2H.0908(a), as outlined in § 52.050 of this chapter;
- (13) Any other information as may be deemed by the Superintendent or Director to be necessary to evaluate the permit application.

(D) *Application signatories and certification.* All wastewater discharge permit applications and user reports must be signed by the current authorized representative of the user on file with the control authority and/or municipality as defined in § 52.002(A)(a)2., and contain the following certification statement:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

(E) *Application review and evaluation.* The Superintendent or Director will evaluate the data furnished by the user and may require additional information.

- (1) The Superintendent or Director is authorized to accept applications for the town and shall refer all applications to the POTW staff for review and evaluation.
- (2) Within 60 days of receipt the Superintendent or Director shall acknowledge and accept the complete application; or if not complete, shall return the application to the applicant with a statement of what additional information is required.

(F) *Tentative determination and draft permit.*

- (1) The POTW staff shall conduct a review of the application and an on-site inspection of the significant industrial user, including any pretreatment facilities, and shall prepare a written evaluation and tentative determination to issue or deny the significant industrial user permit.
- (2) If the staff's tentative determination in division (F)(1) above is to issue the permit, the following additional determinations shall be made in writing:
 - (a) Proposed discharge limitations for those pollutants proposed to be limited;
 - (b) A proposed schedule of compliance, including interim dates and requirements, for meeting the proposed limitations; and
 - (c) A brief description of any other proposed special conditions which will have significant impact upon the discharge described in the application.
- (3) The staff shall organize the determinations made pursuant to divisions (F)(1) and (F)(2) above and the town's general permit conditions into a significant industrial user permit.

(G) *Permit supporting documentation.* The Control Authority staff shall prepare the following documents

for all Significant Industrial User permits.

(1) An allocation table (AT) listing permit information for all Significant Industrial Users, including but not limited to permit limits, permit effective and expiration dates, and a comparison of total permitted flows and loads with Division approved maximum allowable loadings of the POTW, including flow, on forms or in a format approved by the Division. The AT shall be updated as permits are issued and renewed, and as permits are modified where the permitted limits or other AT information is revised.

(2) The basis, or rationale, for pretreatment limitations, including the following:

(a) Documentation of categorical determination, including documentation of any calculations used in applying categorical pretreatment standards; and

(b) Documentation of the rationale of any parameters for which monitoring has been waived under 40 CFR Part 403.12(e)(2).

(H) *Final action on significant industrial user permit applications.*

(1) The Superintendent or Director shall take final action on all applications not later than 90 days following receipt of a complete application.

(2) The Superintendent or Director is authorized to:

(a) Issue a significant industrial user permit containing such conditions as are necessary to effectuate the purposes of this chapter and G.S. § 143-215.1;

(b) Issue a significant industrial user permit containing time schedules for achieving compliance with applicable pretreatment standards and requirements;

(c) Modify any permit upon not less than 60 days notice and pursuant to § 52.041(J);

(d) Revoke any permit pursuant to § 52.990;

(e) Suspend a permit pursuant to § 52.990;

(f) Deny a permit application when in the opinion of the Superintendent or Director such discharge may cause or contribute to pass-through or interference of the wastewater treatment plant or where necessary to effectuate the purposes of G.S. § 143-215.1.

(I) *Hearings.*

(1) *Adjudicatory hearing.* An applicant whose permit is denied, or is granted subject to conditions he deems unacceptable, a permittee/user assessed a civil penalty under § 52.991, or one issued an administrative order under § 52.990, shall have the right to an adjudicatory hearing before a hearing officer designated by the Town Manager upon making written demand, identifying the specific issues to be contested, to the Town Manager within 30 days following receipt of the significant industrial user permit, civil penalty assessment, or administrative order. Unless such written demand is made within the time specified herein, the action shall be final and binding and further appeal is barred. For modified permits, only those parts of the permit being modified may be adjudicated. The conditions/requirements in the newly issued permit, civil penalty, or administrative order shall be stayed pending the adjudicatory hearing, however, the user shall be fully liable for any and all damages to the POTW and any fines and penalties levied against the town which were the result of the user failing to comply with the stayed conditions of the permit, penalty, or order pending the adjudicatory hearing. The hearing officer shall make a final decision on the contested permit, penalty, or order within 45 days of the receipt of the written demand for a hearing. The Town Manager shall transmit a copy of the hearing officer's decision by registered or certified mail as described in division (3) below. The decision is a final decision for the purposes of seeking a judicial review. The terms and conditions of a permit under appeal shall be as follows:

(a) *New permits.* Upon appeal, including judicial review in the General Courts of Justice, of the terms or conditions of a newly issued permit, the terms and conditions of the entire permit are stayed and the permit is not in effect until either the conclusion of judicial review or until the parties reach a mutual resolution.

(b) *Renewed permits.* Upon appeal, including judicial review in the General Courts of Justice, of the terms or conditions of a renewed permit, the terms and conditions of the existing permit remain in effect until either the conclusion of judicial review or until the parties reach a mutual resolution.

(c) *Terminated permits.* Upon appeal, including judicial review in the General Courts of Justice, of a terminated permit, no permit is in effect until either the conclusion of judicial review or until the parties reach a mutual resolution.

(2) *Final appeal hearing.* Any decision of a hearing officer made as a result of an adjudicatory hearing

held under division (I)(1) above may be appealed to the Town Council upon filing a written demand within ten days of receipt of notice of the decision. Hearings held under this division shall be conducted in accordance with local hearing procedures. Failure to make written demand within the time specified herein shall bar further appeal. The Town Council shall make a final decision on the appeal within 90 days of the date the appeal was filed and shall transmit a written copy of its decision by registered or certified mail as described in division (3) below. The decision is a final decision for the purpose of seeking judicial review.

(3) *Official record.* When a final decision is issued under division (I)(2) above, the Town Council shall prepare an official record of the case that includes:

- (a) All notices, motions, and other like pleadings;
- (b) A copy of all documentary evidence introduced;
- (c) A certified transcript of all testimony taken, if testimony is transcribed. If testimony is taken and not transcribed, then a narrative summary of any testimony taken.
- (d) A copy of the final decision of Town Council.

(4) *Judicial review.* Any person against whom a final order or decision of the Town Council is entered, pursuant to the hearing conducted under division (I)(2) above, may seek judicial review of the order or decision by filing a written request for review by the Superior Court of Johnston County within 30 days after receipt of notice by registered or certified mail of the order or decision, but not thereafter, along with a copy to the town. Within 30 days after receipt of the copy of the petition of judicial review, the Town Council shall transmit to the reviewing court the original or a certified copy of the official record.

(J) *Permit modification.*

(1) Modifications of permits shall be subject to the same procedural requirements as the issuance of permits, except as listed below. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

- (a) Changes in the ownership of the discharge when no other change in the permit is indicated;
- (b) A single modification of any compliance schedule not in excess of four months;
- (c) Modification of compliance schedules (construction schedules) in permits for new sources where the new source will not begin to discharge until control facilities are operational. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(2) Within nine months of the promulgation of a National Categorical Pretreatment Standard, the wastewater discharge permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a wastewater discharge permit as required by § 52.041(B), the user shall apply for a wastewater discharge permit within 180 days after the promulgation of the applicable National Categorical Pretreatment Standard.

(3) A request for a modification by the permittee shall constitute a waiver of the 60-day notice required by G.S. § 143-215.1(b) for modifications.

(K) *Permit conditions.*

(1) The Superintendent or Director shall have the authority to grant a permit with such conditions attached as he believes necessary to achieve the purpose of this chapter and G.S. § 143-215.1. Wastewater permits shall contain, but are not limited to, the following:

- (a) A statement of duration (in no case more than five years);
- (b) A statement of non-transferability;
- (c) Applicable effluent limits based on categorical standards or local limits or both;
- (d) Applicable monitoring, sampling, reporting, notification, and recordkeeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on federal, state and local law;
- (e) Requirements for notifying the POTW in the event of an accidental discharge or slug load as defined in § 52.002(A);
- (f) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements and any applicable compliance schedule;
- (g) Requirements to implement a plan or other controls for prevention of accidental discharges and/or slug loads as defined in § 52.002(A), if determined by the Wastewater Superintendent or Director to be

necessary for the user; and

(h) Requirements for immediately notifying the POTW of any changes at its facility affecting the potential for spills and other accidental discharges, or slug load as defined in § 52.002(A). Also see §§ 5.5 and 5.6.

(2) In addition, permits may contain, but are not limited to, the following:

(a) Limits on the average and/or maximum rate of discharge, and requirements for flow regulation and equalization.

(b) Limits on the instantaneous, daily and monthly average and/or maximum concentration, mass, or other measure of identified wastewater pollutants or properties.

(c) Requirements for the installation of pretreatment technology or construction of appropriate containment devices and the like, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works.

(d) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the municipal wastewater system.

(e) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the municipal wastewater system.

(f) A statement of applicable civil and/or criminal penalties for violation of pretreatment standards and requirements and any applicable compliance schedule;

(g) Requirements for installation and maintenance of inspection and sampling facilities and equipment.

(h) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests, and reporting schedules.

(i) Requirements for immediate reporting of any instance of noncompliance and for automatic resampling and reporting within 30 days where self-monitoring indicates a violation.

(j) Compliance schedules for meeting pretreatment standards and requirements.

(k) Requirements for submission of periodic self-monitoring or special notification reports.

(l) Requirements for maintaining and retaining plans and records relating to wastewater discharges as specified in § 52.062 and affording the Superintendent or Director, or his representatives, access thereto.

(m) Requirements for prior notification and approval by the Superintendent or Director of any new introduction of wastewater pollutants or of any significant change in the volume or character of the wastewater prior to introduction into the system.

(n) A statement that compliance with the permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the terms of the permit.

(o) Requirements for immediate notification of excessive, accidental, or slug discharges, or any discharge which could cause any problems to the system.

(p) A statement that compliance with the permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the terms of the permit.

(q) Other conditions as deemed appropriate by the Superintendent or Director to ensure compliance with this chapter, and state and federal laws, rules, and regulations.

(L) *Permit duration.* Permits shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period less than a year or may be stated to expire on a specific date.

(M) *Permit transfer.* Wastewater permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be re-assigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation.

(N) *Permit reissuance.* A significant industrial user shall apply for permit reissuance by submitting a complete permit application in accordance with this § 52.041 a minimum of 180 days prior to the expiration of the existing permit.

(Ord. passed 11-8-94 ; Am. Ord. 2008-05-02, passed 5-5-08; Am. Ord. 2013-04-01, passed 4-1-13)

REPORTING REQUIREMENTS

§ 52.050 BASELINE MONITORING REPORTS.

(A) Within either 180 days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the Superintendent or Director a report which contains the information listed in division (B), below. At least 90 days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the Superintendent or Director a report which contains the information listed in division (B), below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

(B) Users described above shall submit the information set forth below.

(1) *Identifying information.* The name and address of the facility, including the name of the operator and owner.

(2) *Environmental permits.* A list of any environmental control permits held by or for the facility.

(3) *Description of operations.* A brief description of the nature, average rate of production, and standard industrial classifications of the operations carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.

(4) *Flow measurement.* Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR 403.6(e)

(5) *Measurement of pollutants.*

(a) The categorical pretreatment standards applicable to each regulated process.

(b) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Superintendent or Director, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in § 52.059 of this chapter.

(c) Samplings must be performed in accordance with procedures set out in § 52.060 and 40 CFR 403.12(b) and (g), including 40 CFR 403.12(g)(4).

(6) *Certification.* A statement, reviewed by the user's current authorized representative as defined in § 52.002(A)(a)2., and certified by a qualified professional, indicating whether pre-treatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) or additional pretreatment is required to meet the pretreatment standards and requirements.

(7) *Compliance schedule.* If additional pretreatment or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in § 52.051.

(8) *Signature and certification.* All baseline monitoring reports must be signed and certified in accordance with § 52.041(D).

(Ord. passed 11-8-94 ; Am. Ord. 2008-05-02, passed 5-5-08)

§ 52.051 COMPLIANCE SCHEDULE PROGRESS REPORTS.

The following conditions shall apply to the compliance schedule required by § 52.050(b)(7):

(A) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

(B) No increment referred to above shall exceed nine months;

(C) The user shall submit a progress report to the Superintendent or Director no later than 14 days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and,

(D) In no event shall more than nine months elapse between such progress reports to the Superintendent or Director.

(Ord. passed 11-8-94)

§ 52.052 REPORTS ON COMPLIANCE WITH CATEGORICAL PRETREATMENT STANDARD DEADLINE.

Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the Superintendent or Director a report containing the information described in § 52.050(B)(4) through (6). For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with § 52.041(D).

(Ord. passed 11-8-94)

§ 52.053 PERIODIC COMPLIANCE REPORTS.

(A) All significant industrial users shall, at a frequency determined by the Superintendent or Director but in no case less than once every six months, submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily applicable flows for the reporting period. Sampling and analysis must be performed in accordance with procedures set out in § 52.059. All periodic compliance reports must be signed and certified in accordance with § 52.041(D).

(B) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

(C) If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the Superintendent or Director, using the procedures prescribed in § 52.059, the results of this monitoring shall be included in the report.

(Ord. passed 11-8-94 ; Am. Ord. 2008-05-02, passed 5-5-08)

§ 52.054 REPORTS OF CHANGED CONDITIONS.

(A) Each user must notify the Superintendent or Director of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least 30 days before the change. The permittee shall not begin the changes until receiving written approval from the Control Authority and/or Municipality. See § 52.055 for other reporting requirements.

(B) The Superintendent or Director may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under § 52.041.

(C) The Superintendent or Director may issue a wastewater discharge permit under § 52.041 or modify an existing wastewater discharge permit under § 52.041 in response to changed conditions or anticipated changed conditions.

(D) For purposes of this requirement, significant changes include, but are not limited to, flow or pollutant increases of 20% or greater, and the discharge of any previously unreported pollutants.

(Ord. passed 11-8-94; Am. Ord. 2008-05-02, passed 5-5-08; Am. Ord. 2013-04-01, passed 4-1-13)

§ 52.055 REPORTS OF POTENTIAL PROBLEMS.

(A) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load as defined § 52.002(A) that may cause potential problems for the POTW, the user shall immediately telephone and notify the Superintendent or Director of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

(B) Within five days following such discharge, the user shall, unless waived by the Superintendent or

Director, submit a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this chapter.

(C) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in division (A) above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.

(D) All SIUs are required to notify the POTW immediately of any changes at its facility affecting the potential for spills and other accidental discharge, discharge of a non-routine, episodic nature, a non-customary batch discharge, or a slug load as defined in § 52.002(A).

(Ord. passed 11-8-94; Am. Ord. 2008-05-02, passed 5-5-08)

§ 52.056 REPORTS FROM UNPERMITTED USERS.

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Superintendent or Director as the Superintendent or Director may require.

(Ord. passed 11-8-94)

§ 52.057 NOTICE OF VIOLATION; REPEAT SAMPLING AND REPORTING.

(A) If sampling performed by a user indicates a violation, the user must notify the POTW Superintendent within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the POTW Director within 30 days after becoming aware of the violation. If allowed by the POTW Director, the user is not required to resample:

(1) If the Superintendent monitors at the user's facility at least once a month; or

(2) If the Superintendent samples between the user's initial sampling and when the user receives the results of this sampling.

(B) If the Superintendent does not require the user to perform any self-monitoring and the POTW sampling of the user indicates a violation, the Superintendent shall repeat the sampling and obtain the results of the repeat analysis within 30 days after becoming aware of the violations, unless one of the following occurs:

(1) The Superintendent monitors at the user's facility at least once a month;

(2) The Superintendent samples the user between their initial sampling and when the POTW receives the results of this initial sampling; or

(3) The Superintendent requires the user to perform sampling and submit the results to the POTW Director within the 30 day deadline of the POTW becoming aware of the violation.

(Ord. passed 11-8-94; Am. Ord. 2008-05-02, passed 5-5-08)

§ 52.058 NOTIFICATION OF THE DISCHARGE OF HAZARDOUS WASTE.

(A) (1) Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and the state hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR 261, in accordance with 40 CFR 403.12(p). Such notification must include the name of the hazardous waste as set forth in 40 CFR 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user:

(a) An identification of the hazardous constituents contained in the wastes,

(b) An estimation of the mass and concentration of such constituents in the waste stream discharge during the calendar month, and

(c) A plan to reduce and eliminate the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(2) All notifications must take place no later than ten working days after the discharge commences. Any notification under this division need be submitted only once for each hazardous waste discharge. However, notifications of changed conditions must be submitted under § 52.054. The notification requirement in this

section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of §§ 52.050, 52.052, and 52.053.

(B) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this chapter, a permit issued thereunder, or any applicable federal or state law.
(Ord. passed 11-8-94)

§ 52.059 ANALYTICAL REQUIREMENTS.

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed by a laboratory certified by the state to perform the wastewater analysis in accordance with the techniques prescribed in 40 CFR 136, unless otherwise specified in an applicable categorical pretreatment standard or unless otherwise performed in accordance with procedures approved by EPA or Town. If 40 CFR 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA and Town. Analysis must be performed by a State certified lab for each parameter analyzed, if such certification exists for that parameter.

(Ord. passed 11-8-94; Am. Ord. 2013-04-01, passed 4-1-13)

§ 52.060 GRAB AND COMPOSITE SAMPLE COLLECTION.

(A) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

(B) Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, volatile organic compounds, and any other pollutants as required by 40 CFR 136. The POTW shall determine the number of grabs necessary to be representative of the user's discharge. See 40 CFR 403.12(g)(5) for additional grab sample number requirements for BMR and 90 Day Compliance Reports. Additionally, the Superintendent may allow collection of multiple grabs during a 24 hour period which are composited prior to analysis as allowed under 40 CFR 136.

(C) Composite samples. All wastewater composite samples shall be collected with a minimum of hourly aliquots or grabs for each hour that there is a discharge. All wastewater composite samples shall be collected using flow proportional composite collection techniques, unless time-proportional composite sampling or grab sampling is authorized by the Superintendent. When authorizing time-proportional composites or grabs, the samples must be representative and the decision to allow the alternative sampling must be documented.

(Ord. passed 11-8-94; Am. Ord. 2008-05-02, passed 5-5-08)

§ 52.061 TIMING.

Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

(Ord. passed 11-8-94)

§ 52.062 RECORD KEEPING.

Users subject to the reporting requirements of this chapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this chapter and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the names of the persons taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning the user or the town, or where the user has been specifically notified of a longer retention period by the Superintendent or Director.

(Ord. passed 11-8-94)

COMPLIANCE MONITORING

§ 52.070 MONITORING FACILITIES.

(A) The town requires the user to provide and operate at the user's own expense, monitoring facilities to

allow inspection, sampling, and flow measurement of the building sewer and internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the town may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

(B) Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the town's requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the town. (Ord. passed 11-8-94)

§ 52.071 INSPECTION AND SAMPLING.

The town will inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the town, approval authority and EPA or their representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination and copying or in the performance of any of their duties. The town, approval authority, and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the town, approval authority, and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities. Denial of the POTW, approval authority's, or EPA's access to the user's premises shall be a violation of this chapter. Unreasonable delays may constitute denial of access. (Ord. passed 11-8-94; Am. Ord. 2013-04-01, passed 4-1-13)

§ 52.072 SEARCH WARRANTS.

If the POTW, approval authority, or EPA has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect or sample as part of a routine inspection and sampling program of the town designed to verify compliance with this chapter or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the POTW, approval authority, or EPA may seek issuance of a search warrant from the Superior Court of Johnston County. (Ord. passed 11-8-94; Am. Ord. 2013-04-01, passed 4-1-13)

§ 52.073 CONFIDENTIAL INFORMATION.

(A) Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the Superintendent or Director that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. Any such request must be asserted at the time of submission of the information or data.

(B) When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available upon written request to governmental agencies for uses related to this chapter, the National Pollutant Discharge Elimination System (NPDES) permit, non-discharge permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

(C) All records relating to compliance with pretreatment standards shall be made available to officials of the approval authority and EPA upon request. (Ord. passed 11-8-94)

AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

§ 52.080 UPSET.

(A) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of division (B), below, are met.

(B) A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (1) An upset occurred and the user can identify the cause of the upset;
- (2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
- (3) The user has submitted the following information to the Superintendent or Director within 24 hours of becoming aware of the upset. (If this information is provided orally, a written submission must be provided within five days):

- (a) A description of the indirect discharge and cause of noncompliance;
- (b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

- (c) Steps being taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

(C) In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.

(D) Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

(E) Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

(Ord. passed 11-8-94)

§ 52.081 PROHIBITED DISCHARGE STANDARDS DEFENSE.

A user shall have an affirmative defense to an enforcement action brought against it for non-compliance with the general prohibitions in § 52.010(A) of this chapter or the specific prohibitions in § 52.010(B)(2), (3), (5) through (7), and (9) through (23) of this chapter if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass-through or interference and that either:

(A) A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass-through or interference; or

(B) No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the town was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

(Ord. passed 11-8-94)

§ 52.082 BYPASS.

(A) A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of divisions (B) and (C) of this section.

(B) (1) If a user knows in advance of the need for a bypass, it shall submit prior notice to the Superintendent or Director, at least ten days before the date of the bypass, if possible.

(2) A user shall submit oral notice to the Superintendent or Director of an unanticipated bypass that exceeds applicable pretreatment standards within 24 hours from the time it becomes aware of the bypass. A written submission shall also be provided within five days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Superintendent or Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

(C) (1) Bypass is prohibited, and the Superintendent or Director may take an enforcement action against a user for a bypass, unless:

- (a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(c) The user submitted notices as required under division (B) of this section.

(2) The Superintendent or Director may approve an anticipated bypass, after considering its adverse effects, if the Superintendent or Director determines that it will meet the three conditions listed in division (C)(1) of this section.

(Ord. passed 11-8-94)

OIL AND GREASE

§ 52.085 PURPOSE.

This subchapter is intended to aid in the prevention of sanitary sewer blockages and obstructions caused by the introduction, discharge and contribution of fats, oils, greases, grease complexes, scum, sludge and other organic polar compounds into the town's wastewater collection system or publicly owned treatment works by commercial, industrial, institutional and all other non-residential activities.

(Ord. passed 10-16-00)

§ 52.086 DEFINITIONS.

For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COMMERCIAL ESTABLISHMENT and **INDUSTRIAL ESTABLISHMENT.** Any user that has the potential to use, contribute to or otherwise impact the town's wastewater collection system or POTW. Such establishments include, but are not limited to, maintenance facilities, repair facilities and equipment cleaning facilities.

COOKING ESTABLISHMENT. Any person primarily engaged in the activities of cooking, preparing, serving or otherwise making available for human consumption any form of foodstuff, and which uses one or more of the following cooking or preparation methods in connection with such activities: cooking or preparation by frying (all methods), baking (all methods), grilling, sauteing, rotisserie cooking, broiling (all methods), boiling, blanching, roasting, toasting, poaching, or any type of cooking or preparation that produces a hot non- potable product in or on a receptacle that requires washing, rinsing or other form of cleaning. Such establishments include, but are not limited to, restaurants, cafeterias, extended care facilities, school cafeterias (public and private), and day care facilities where meals for more than six children are prepared, served or otherwise made available for human consumption.

GREASE. All greases, grease complexes, fats, oils, scum, sludges and all other organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. Such substances are detectable and measurable using analytical procedures established in 40 CFR 136.

GREASE TRAP or **GREASE INTERCEPTOR.** A device for separating and retaining waterborne greases before the wastewater which contains such grease exits the grease trap or interceptor into the town's wastewater collection system or POTW. The grease trap or interceptor also collects settleable solids generated by or incidental to commercial, industrial and food preparation activities.

NON-COOKING ESTABLISHMENT. Any person primarily engaged in the rendering or preparation of pre-cooked foodstuffs that do not require or involve any form of cooking. Such establishments include, but are not limited to, establishments that are primarily engaged in the rendering preparation of cold dairy and frozen foodstuffs.

PERSON. Any actual person, corporation, partnership, unincorporated association, and any governmental entity or political subdivision and departments and agencies thereof.

TOWN. Town of Clayton, North Carolina, and its utility service area.

USER. Any person primarily engaged in any commercial, industrial, institutional or other non- residential activity who introduces, contributes or discharges (or causes or permits the introduction, contribution or discharge of) wastewater into the town's wastewater collection system or POTW, including but not limited to any person who introduces, contributes or discharges wastewater into the wastewater collection system or POTW through any mobile source.

WASTEWATER. Any substance introduced, contributed to, or discharged into the town's wastewater collection system or publicly-owned treatment works (POTW).
(Ord. passed 10-16-00)

§ 52.087 GREASE TRAP AND INTERCEPTOR INSTALLATION; MAINTENANCE; RECORD KEEPING AND REMOVAL.

(A) No later than one year after adoption of this ordinance, all users shall install grease traps or interceptors designed to limit the introduction, contribution and discharge of greases into the town's wastewater collection system or POTW. Grease traps and interceptors with appropriate sampling or inspection points shall be installed at the user's expense whenever any user operates a commercial establishment, industrial establishment, or a cooking establishment. Grease traps and interceptors must have a minimum capacity of 1,000 gallons or more as required to effect a grease concentration maximum of 200 mg/l.

(B) Alternative methods of compliance may be approved by the town if the user demonstrates that compliance with this ordinance is impossible or impractical at the time of adoption of this ordinance as a result of limited space. However, any such proposed alternative method of compliance will be required to meet the performance criteria specified in division (A) of this section, and the user must adequately demonstrate to the satisfaction of the town that the proposed alternative method will satisfy those performance criteria. In addition, any such alternative method must be cleaned at a more frequent interval than is required of grease traps and interceptors under division (E) of this section. Prior to approval of any such proposed alternative method of compliance, documentation of the proposed method's actual performance criteria must be submitted to the town's Enforcement Official or Public Works Director for review and approval.

(C) Grease traps and interceptors may also be required in other facilities, as deemed necessary by the town's designated Enforcement Official or Public Works Director.

(D) Upon the prior written approval of the Public Works Director, non-cooking establishments may be exempted from the requirements of this subchapter after an inspection of the subject premises and submission of adequate supporting documentation, as deemed necessary in the sole and absolute discretion of the Public Works Director. At a minimum, such supporting documentation shall include: blueprints of the subject premises, a full and detailed description of the operations and activities at the subject premises, and a full and detailed list of all potential sources of grease at the subject premises.

(E) Users shall empty and service grease traps and interceptors as often as necessary to comply with the performance criteria in division (A) of this section. The default maximum period of time allowed between servicing of grease traps shall be 60 days; however, individual customers may prepare and submit an alternative schedule for review and approval by the Public Works Director. Alternative schedules may be approved based on evaluation of the flow volume, character of the wastewater, and capacity of the grease trap. Once approved, the user must adhere to the alternative schedule. Under-the-counter types of grease traps and interceptors shall be cleaned at least daily, and shall comply with the performance criteria in division (A) of this section. There shall be no reintroduction of wastewater back into the grease trap or interceptor unless and until said wastewater has been proven to contain 200 mg/l or less of grease. Under no circumstances shall the sludge or scum layer be reintroduced or discharged into the town's wastewater collection system or POTW.

(F) Users shall supply (1) an adequate sampling point downstream of the grease trap or interceptor, prior to mixing with other sanitary flows, and (2) an accessible entry into each chamber of the grease trap or interceptor. The minimum requirement for the sampling point shall be four-inch vertical clean-out.

(G) Users shall retain detailed records on-site for a minimum of three years reflecting all maintenance carried out pursuant to this section. At a minimum, such records shall contain the following information: date of service, name of the employee involved, and a receipt reflecting all services rendered by the waste hauler providing the service.

(H) Users are required to keep the grease trap or interceptor free of inorganic solids such as grit, towels, gloves, cigarettes, eating utensils, and the like, which could clog or settle in the trap or interceptor, thereby reducing the effective volume or capacity of the trap or interceptor.

(I) Users are required to ensure that all waste material removed from grease traps and interceptors is

disposed of in a manner that complies with all federal, state and local statutes, rules, regulations, policies and ordinances.

(J) Except as provided herein, for a period of one year following the adoption of this subchapter, no enforcement actions will be taken under this section for failure to achieve the performance criteria specified in division (A) of this section. If, during such period, (1) an obstruction of any of the town's sanitary sewer main(s) occurs and causes a sewer overflow, spill, leak or other event with any environmental impact, and (2) such overflow, spill, leak or other event may be attributed in part or in whole to a particular user, then the town will seek enforcement action under this chapter, and/or the Pretreatment Enforcement Plan. For purposes of this section, an overflow, spill, leak or other event shall be deemed to have an environmental impact when (1) such overflow or other event involves an amount of wastewater equal to or in excess of 1,000 gallons, or (2) any amount of wastewater reaches any body of surface water.

(Ord. passed 10-16-00; Am. Ord. 2004-05-03, passed 5-17-04)

§ 52.088 ENFORCEMENT.

The town shall enforce this subchapter pursuant to the provisions of this chapter and Chapter 10 of the town's Code of Ordinances and/or the town's Pretreatment Enforcement Plan.

(Ord. passed 10-16-00)

ENFORCEMENT/PENALTIES

§ 52.990 ADMINISTRATIVE REMEDIES.

(A) *Notification of violation.* Whenever the Superintendent or Director finds that any industrial user has violated or is violating this chapter, wastewater permit, or any prohibition, imitation or requirements contained therein or any other pretreatment requirement the Superintendent or Director may serve upon such a person a written notice stating the nature of the violation. Within 30 days from the date of this notice, an explanation for the violation and a plan for the satisfactory correction thereof shall be submitted to the town by the user. Submission of this plan does not relieve the discharger of liability for any violations occurring before or after receipt of the notice of violation.

(B) *Consent orders.* The Superintendent or Director is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the person responsible for the noncompliance. Such orders will include specific action to be taken by the discharger to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as an administrative order issued pursuant to § 52.990(D) below.

(C) *Show cause hearing.*

(1) The Superintendent or Director may order any industrial user who causes or is responsible for an unauthorized discharge, has violated this chapter or is in noncompliance with a wastewater discharge permit to show cause why a proposed enforcement action should not be taken. In the event the Superintendent or Director determines that a show cause order should be issued, a notice shall be served on the user specifying the time and place for the hearing, the proposed enforcement action, the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten days before the hearing. Service may be made on any agent or officer of a corporation.

(2) The Superintendent or Director shall review the evidence presented at the hearing and determine whether the proposed enforcement action is appropriate.

(3) A show cause hearing under this section is not a prerequisite to the assessment of a civil penalty under § 52.991 nor is any action or inaction taken by the Superintendent or Director under this section subject to an administrative appeal under § 52.041(I).

(D) *Administrative orders.* When the Superintendent or Director finds that an industrial user has violated or continues to violate this chapter, permits or orders issued hereunder, or any other pretreatment requirement, the Superintendent or Director may issue an order to cease and desist all such violations and direct those persons in noncompliance to do any of the following:

- (1) Immediately comply with all requirements;
- (2) Comply in accordance with a compliance time schedule set forth in the order;
- (3) Take appropriate remedial or preventive action in the event of a continuing or threatened violation;
- (4) Disconnect unless adequate treatment facilities, devices or other related appurtenances are installed

and properly operated within a specified time period.

(E) *Emergency suspensions.*

(1) The Superintendent or Director may suspend the wastewater treatment service and wastewater permit when such suspension is necessary in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or the environment, interferes with the POTW or causes the POTW to violate any condition of its NPDES or non-discharge permit.

(2) Any user notified of a suspension of the wastewater treatment service or the wastewater permit shall immediately stop or eliminate the contribution. A hearing will be held within 15 days of the notice of suspension to determine whether the suspension may be lifted or the user's waste discharge permit terminated. In the event of a failure to comply voluntarily with the suspension order, the Superintendent or Director shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The Superintendent or Director shall reinstate the wastewater permit and the wastewater treatment service upon proof of the elimination of the noncompliant discharge. The industrial user shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the Superintendent or Director prior to the date of the above-described hearing.

(F) *Termination of permit or permission to discharge.* The Superintendent may revoke a wastewater discharge permit or permission to discharge for good cause, including, but not limited to, the following reasons:

- (1) Failure to accurately report the wastewater constituents and characteristics of his discharge;
- (2) Failure to report significant changes in operations, or wastewater constituents and characteristics;
- (3) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or,
- (4) Violation of conditions of the permit or permission to discharge, conditions of this chapter, or any applicable state and federal regulations.

Noncompliant industrial users will be notified of the proposed termination of their wastewater permit and will be offered an opportunity to show cause under § 52.990 why the proposed action should not be taken. (Ord. passed 11-8-94; Am. Ord. 2008-05-02, passed 5-5-08)

§ 52.991 CIVIL PENALTIES.

(A) Any user who is found to have failed to comply with any provision of this chapter, or the orders, rules, regulations and permits issued hereunder, may be assessed a civil penalty of up to \$25,000 per day per violation.

(1) Penalties between \$10,000 and \$25,000 per day per violation may be assessed against a violator only if:

(a) For any class of violation, only if a civil penalty has been imposed against the violator within the five years preceding the violation; or

(b) In the case of failure to file, submit, or make available, as the case may be, any documents, data, or reports required by this chapter, or the orders, rules, regulations and permits issued hereunder, only if the Superintendent determines that the violation was intentional and a civil penalty has been imposed against the violator within the five years preceding the violation.

(B) In determining the amount of the civil penalty, the Superintendent shall consider the following:

- (1) The degree and extent of the harm to the natural resources, to the public health, or to public or private property resulting from the violation;
- (2) The duration and gravity of the violation;
- (3) The effect on ground or surface water quantity or quality or on air quality;
- (4) The cost of rectifying the damage;
- (5) The amount of money saved by noncompliance;
- (6) Whether the violation was committed willfully or intentionally;
- (7) The prior record of the violator in complying or failing to comply with the pretreatment program;
- (8) The costs of enforcement to the town.

(C) Appeals of civil penalties assessed in accordance with this section shall be as provided in § 52.041(I). (Ord. passed 11-8-94; Am. Ord. 2008-05-02, passed 5-5-08; Am. Ord. 2013-04-01, passed 4-1-13)

§ 52.992 OTHER AVAILABLE REMEDIES.

Remedies, in addition to those previously mentioned in this chapter, are available to the Superintendent or Director who may use any single one or combination against a noncompliant user. Additional available remedies include, but are not limited to:

(A) *Criminal violations.* The District Attorney for the 11th Judicial District may, at the request of the town, prosecute noncompliant users who violate the provisions of G.S. § 143-215.6B.

[Note: Under North Carolina law, it is a crime to negligently violate any term, condition, or requirement of a pretreatment permit, or negligently fail to apply for a pretreatment permit, issued by local governments (G.S. § 143-215.6B(f)), to knowingly and willfully violate any term, condition, or requirement of a pretreatment permit, or knowingly and willfully fail to apply for a pretreatment permit, issued by local governments (G.S. § 143-215.6B(g)), to knowingly violate any term, condition, or requirement of a pretreatment permit issued by local governments, or knowingly fail to apply for a pretreatment permit, knowing at the time that a person is placed in imminent danger of death or serious bodily injury, (G.S. § 143-215.6B(h)), and to falsify information required under Article 21 of Chapter 143 of the General Statutes (G.S. § 143-215.6B(i)).]

(B) *Injunctive relief.* Whenever a user is in violation of the provisions of this chapter or an order or permit issued hereunder, the Superintendent or Director, through the Town Attorney, may petition the Superior Court of Justice for the issuance of a restraining order or a preliminary and permanent injunction which restrains or compels the activities in question.

(C) *Water supply severance.* Whenever an industrial user is in violation of the provisions of this chapter or an order or permit issued hereunder, water service to the industrial user may be severed and service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.

(D) *Public nuisances.* Any violation of the prohibitions or effluent limitations of this chapter or of a permit or order issued hereunder, is hereby declared a public nuisance and shall be corrected or abated as directed by the Superintendent or Director. Any person creating a public nuisance shall be subject to the provisions of Chapter 97 (Health and Sanitation) of the Town of Clayton Code of Ordinances, governing such nuisances, including reimbursing the POTW for any costs incurred in removing, abating or remedying such nuisance.

(Ord. passed 11-8-94)

§ 52.993 REMEDIES NONEXCLUSIVE.

The remedies provided for in this chapter are not exclusive. The Superintendent or Director may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the town's enforcement response plan. However, the Superintendent or Director may take other action against any user when the circumstances warrant. Further, the Superintendent or Director is empowered to take more than one enforcement action against any noncompliant user.

(Ord. passed 11-8-94)

§ 52.994 ANNUAL PUBLICATION OF SIGNIFICANT NONCOMPLIANCE.

At least annually, the Superintendent or Director shall publish in a newspaper of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW, a list of those industrial users which were found to be in significant noncompliance, also referred to as reportable noncompliance in 15A NCAC 2H.0903(b)(34), with applicable pretreatment standards and requirements, during the previous 12 months.

(Ord. passed 11-8-94; Am. Ord. 2008-05-02, passed 5-5-08; Am. Ord. 2013-04-01, passed 4-1-13)

§ 52.995 SEVERABILITY.

If any provision, paragraph, word, section or article of this chapter is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and chapters shall not be affected and shall continue in full force and effect.

(Ord. 2008-05-02, passed 5-5-08)

§ 52.996 CONFLICT.

All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this chapter are hereby repealed to the extent of such inconsistency or conflict.

(Ord. 2008-05-02, passed 5-5-08)

§ 52.997 EFFECTIVE DATE.

This chapter shall be in full force and effect from and after its passage, approval and publication, as provided by law.
(Ord. 2008-05-02, passed 5-5-08)

Duly adopted this the 16th day of July, 2018 while in regular session.

Jody L. McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk



Town Council Agenda Cover Sheet

Meeting Date

July 16 2018

Agenda Location

New Business

Item Title

Amendment to Comprehensive List of Fees and Charges

Presenter

Nancy Medlin, Deputy Town Manager

Summary/Description

We are requesting the amendment of electric meter fees to compensate for increases in the Town's cost to purchase meters. We would like to request that the electric meter fees be increased effective immediately as shown on the enclosed Comprehensive List of Fees and Charges and that staff be given the authority to adjust these meter fees moving forward using the formula of Cost + 10%. This will allow the Town to maintain a cost recovery basis for our electric operations. It is possible we will need to adjust these meter fees again to coincide with the beginning of the AMI project.

Requested Action

Approval

Additional Documents To Be Included in Agenda Packet

Excerpt from Comprehensive List of Fees and Charges
Ordinance

**Town of Clayton
2018-2019
COMPREHENSIVE LIST OF FEES & CHARGES**

ADMINISTRATION

ITEM	FEES
Filing Fee for office of Council Member [NCGS 163-294.2(e)]	\$5.00
Filing Fee for office of Mayor	\$10.00
Document Reproduction(s) *Any person, other than a media representative, who requests a copy of the agenda packet, including support materials, shall be responsible for reproduction costs as noted.	\$.10 per page
Reproduction of town meeting(s) audio or documents. *This fee is for the cost of the CD only and will be waived if the citizens provides a CD.	\$1.50
Paper copy of Council Agenda [NCGS 143-318.12(b)(2)] "The public body shall charge a fee to persons other than the media, who request notice, of ten dollars (\$10) per calendar year and may require them to renew their requests quarterly."	No Charge for email notification \$10 charge for mail or other notice; payable per calendar year
Certified Copies of Town of Clayton record will be in accordance with NCGS 161-10(9)	http://www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_161/GS_161-10.html
Real Property Taxes	\$0.58 per one hundred dollar valuation*
Municipal Vehicle Tax	\$30.00 per vehicle registered*
<i>*Effective July 1, 2018</i>	

FINANCE

No Fees charged by the Administrative Division of the Finance Department	
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CUSTOMER SERVICE DEPARTMENT

ITEM	FEES
Connection Fee	\$25.00
Cutoff List Fee	\$25.00
Returned Item Charge	\$25.00
Water/Sewer/Meter Charge - 5/8"	\$200.00
Water/Sewer/Meter Charge - 1"	\$250.00
Electric Meter Residential – Single Phase Charge	\$75.00 \$100.00
Electric Meter – Small Commercial	\$350.00
Electric Meter – Large Commercial	\$500.00
Meter Tampering Fee, Bucket Truck Not Required	\$300.00
Meter Tampering Fee, Bucket Truck Required	\$500.00

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

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

Electric Meters:

Residential Meter – Single Phase	\$100
Small Commercial Meter	\$350
Large Commercial Meter	\$500

Duly adopted this the 16th day of July 2018 while in regular session.

Jody L. McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk

