



The Town of Clayton
Regular Town Council Meeting Agenda
Monday, October 2, 2017 @ 6:30 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

- September 5, 2017 - Regular
- September 5, 2017 - Closed

[September 5, 2017 DRAFT Minutes](#)

b. Warranty Acceptance

- Stallings Mill Apartments
- RWAC Ravens Ridge 8D
- RWAC Ravens Ridge 8D (Asphalt Pavement)
- Parkview Subdivision Phase 2A
- Parkview Subdivision Phases 2B, 3, 5 & 7
- Chandlers Ridge (Old Lyndale) Subdivision Phases 1 & 2 (Asphalt Pavement)
- Chandlers Ridge (Old Lyndale) Subdivision Phases 2 & 3

[Cover - Warranty Acceptance](#)

[Warranty - Stallings Mill Apartments](#)

[Warranty - RWAC Ravens Ridge 8D Water, Sewer, Storm Drainage Utilities, All Pertinent Easements](#)

[Warranty - RWAC Ravens Ridge 8D Asphalt Pavement](#)

[Warranty - Parkview Subdivision Phase 2A](#)

[Warranty - Parkview Subdivision Phases 2B, 3, 5 & 7](#)

[Warranty - Chandlers Ridge \(Old Lyndale\) Subdivision Phase 1 and 2 \(Final\)](#)

[Warranty - Chandlers Ridge \(Old Lyndale\) Subdivision Phase 2 \(Final\)](#)

[Warranty - Chandlers Ridge \(Old Lyndale\) Subdivision Phase 3 \(Final\)](#)

c. Proclamation - 2017 Constitution Week

[Cover - 2017 Constitution Week Proclamation](#)

[Proclamation 2017 Constitution Week](#)

d. Recommendation for Appointment to the Clayton Planning Board

[Cover - Recommendations for Appointment - Planning Board](#)

[Planning Board Application - Andria Merritt](#)

- e. Budget Amendment
 - Ordinance 2017-10-01 Drug Seizure
 - Ordinance 2017-10-02 Water Barricades

[Cover - Budget Amendments](#)
[Ordinance #2017-10-01 Drug Seizure Funds-Budget Amendment](#)
[Ordinance #2017-10-02 Water Barricades-Budget Amendment](#)
- f. Water & Sewer Capacity Rate Changes - Ordinance 2017-10-03
[Cover - Water & Sewer Capacity Rate Changes](#)
[Ordinance #2017-10-03 Water & Sewer Capacity Fees](#)
- g. 2018 Holiday Schedule - Resolution 2017-28
[Cover - 2018 Holiday Schedule](#)
[Resolution #2017-28 - 2018 Holiday Schedule](#)
- h. 2018 Town Council Meeting Schedule - Resolution 2017-29
[Cover - 2018 Town Council Meeting Schedule](#)
[Resolution # 2017-29 - 2018 Town Council Meeting Schedule](#)

POTENTIAL ACTION: Adoption of Consent Agenda as Presented

4. INTRODUCTIONS AND SPECIAL PRESENTATIONS

5. PUBLIC HEARINGS

- a. 2017-115-RZ - 3049 Barber Mill Road
Presenter: Planning Department
[Cover - 3049 Barber Mill Road - 2017-115-RZ](#)
[Application - 3049 Barber Mill Road 2017-115-RZ](#)
[Staff Report - 3049 Barber Mill Road 2017-115-RZ](#)
[Map - 3049 Barber Mill Road 2017-115-RZ](#)
[Adjacent Property Letter- 3049 Barber Mill Road 2017-115-RZ](#)
[Neighborhood Meeting Materials - 3049 Barber Mill Road 2017-115-RZ](#)
[Consistency Statement- 3049 Barber Mill Road 2017-115-RZ](#)
[Newspaper Ad- 3049 Barber Mill Road 2017-115-RZ](#)
[Planning Board Recommendation - 3049 Barber Mill Road 2017-115-RZ](#)
[Ordinance - 3049 Barber Mill Road](#)
[Motion - 2017-115-RZ](#)

POTENTIAL ACTION: Adoption of Ordinance #2017-10-04

- b. 2017-130-RZ - Bannister Property
Presenter: Planning Department
[Cover - Bannister Property - 2017-130- RZ](#)
[Application - Bannister Property 2017-130-RZ](#)
[Staff Report - Bannister Property 2017-130-RZ](#)
[Map - Bannister Property 2017-130-RZ](#)
[Adjacent Property Letter- Bannister Property 2017-130-RZ](#)
[Neighborhood Meeting Minutes - Bannister Property 2017-130-RZ](#)
[Consistency Statement- Bannister Property 2017-130-RZ](#)
[Newspaper Ad- Bannister Property 2017-130-RZ](#)

[Planning Board Recommendation - Bannister Property 2017-130-RZ](#)
[Ordinance - Bannister Property](#)
[Motion - 2017-130-RZ](#)

POTENTIAL ACTION: Adoption of Ordinance #2017-10-05

- c. 2017-137-SUP - Lofts @ Old Town Hall
Presenter: Planning Department
[Cover - Lofts @ Old Town Hall - 2017-137-SUP](#)
[Application - Lofts @ Old Town Hall 2017-137-SUP](#)
[Staff Report - Lofts @ Old Town Hall 2017-137-SUP](#)
[Map - Lofts @ Old Town Hall 2017-137-SUP](#)
[Adjacent Property Letter- The Lofts @ Old Town Hall 2017-137-SUP](#)
[Neighborhood Meeting Materials - Lofts @ Old Town Hall 2017-137-SUP](#)
[Plot Plan - Lofts @ Old Town Hall 2017-137-SUP](#)
[Floor Plan - The Lofts @ Old Town Hall 2017-137-SUP](#)
[Newspaper Ad- Lofts @ Old Town Hall 2017-137-SUP](#)
[Planning Board Recommendation - The Lofts @ Old Town Hall 2017-137-SUP](#)
[Motion - 2017-137-SUP](#)

POTENTIAL ACTION: Continue to November 6, 2017

- d. 2017-100-SD - Avery Farm Major Subdivision
Presenter: Planning Department
[Cover - Avery Farm Subdivision - 2017-100-SD](#)
[Application - Avery Farm Major Subdivision 2017-100-SD](#)
[Staff Report - Avery Farm Major Subdivision 2017-100-SD](#)
[Map - Avery Farm Major Subdivision 2017-100-SD](#)
[Site Plan - Avery Farm Major Subdivision 2017-100-SD](#)
[Easements Combined - Avery Farm Major Subdivision 2017-100-SD](#)
[Adjacent Property Letter - Avery Farm Major Subdivision 2017-100-SD](#)
[Waiver Request Letter - Avery Farm Major Subdivision 2017-100-SD](#)
[Certification of Mailing - Avery Farm Major Subdivision 2017-100-SD](#)
[Neighborhood Meeting - Avery Farm Major Subdivision 2017-100-SD](#)
[4th Submission Site Plan - Avery Farm Major Subdivision 2017-100-SD](#)
[Newspaper Ad - Avery Farm Major Subdivision 2017-100-SD](#)
[Planning Board Recommendation - Avery Farm Major Subdivision 2017-100-SD](#)
[Approval - 2017-100-SD - Avery Farms](#)
[Motion - 2017-100-SD](#)

POTENTIAL ACTION: Approval of 2017-100-SD Avery Farm Major Subdivision

- e. 2017-141-ANX - Grand Plaza LLC
Presenter: Planning Department
[Cover - Grand Plaza LLC 2017-141-ANX](#)
[Application - Grand Plaza LLC 2017-141-ANX](#)
[Aerial Map - Grand Plaza LLC 2017-141-ANX](#)
[Non-Aerial Map - Grand Plaza LLC 2017-141-ANX](#)
[Annexation Map - Grand Plaza LLC 2017-141-ANX](#)
[Legal Description - Grand Plaza LLC 2017-141-ANX](#)

[Newspaper Ad - Grand Plaza LLC 2017-141-ANX](#)
[Withdrawal of Application - Grand Plaza LLC](#)

POTENTIAL ACTION: None - Application Withdrawn

- f. Code of Ordinances Chapter 98 Amendment - Noise
Presenter: David DeYoung, Planning & Development Director
[Cover - Chapter 98 Noise Ordinance](#)
[Newspaper Ad - Chapter 98 Noise Ordinance - Chapter 98 Noise](#)

POTENTIAL ACTION: Adoption of Ordinance #2017-10-06

6. OLD BUSINESS

- a. Central Lift Station Abandonment Easement Acquisition - Resolution Authorizing Condemnation
Presenter: Katherine Ross, Town Attorney
[Cover - Central Lift Station Easement Acquisition](#)
[Resolution - Central Lift Station Easement Acquisition](#)
- POTENTIAL ACTION:** Adoption of Resolution #2017-30 by Walden Homeowners Easement Acquisition Committee
- b. Lease Portions of Property located at 3798 Powhatan Road to YMCA and Novo Nordisk
Presenter: Nancy Medlin, Deputy Town Manager
[Cover - Resolutions of Intent to Lease Powhatan Road Property](#)
[Newspaper Ad - Lease of Property 3798 Powhatan Road](#)
[Resolution - Lease of Property - Novo](#)
[Resolution - Lease of Property - YMCA](#)

POTENTIAL ACTION: Place on October 16, 2017 Consent Agenda

7. NEW BUSINESS

8. STAFF REPORTS

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

9. OTHER BUSINESS

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

10. ADJOURNMENT



**The Town of Clayton
Regular Town Council Meeting Minutes
Tuesday, September 5, 2017 @ 6:30 PM
Council Chambers**

COUNCIL PRESENT:

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

STAFF PRESENT:

Adam Lindsay, Town Manager
Nancy Medlin, Deputy Town Manager
Katherine Ross, Town Attorney
Kimberly Moffett, Town Clerk
David DeYoung, Planning Director
Jay McLeod, Senior Planner
Robert McKie, Finance Director
Ann Game, Customer Service Director
Lee Barbee, Fire Chief
Blair Myhand, Police Chief
Stacy Beard Public Information Officer
John Hamlin, A/Public Information Officer

COUNCIL ABSENT:

1 CALL TO ORDER

Pledge of Allegiance and Invocation

- a) Mayor McLeod called the meeting to order at 6:33 p.m. He led everyone in the Pledge and offered the Invocation.

At this time, Mayor McLeod acknowledged the passing of long time employee, Jim Poindexter. Mr. Poindexter was the Code Enforcement Officer for the Town and retired from this position in September of 2014. Chief Barbee shared fond memories of Jim. He stated that Jim was a member of the Clayton Fire Department from 1999 - 2008 and was instrumental in the start of the Honor Guard. Chief Barbee stated the family would be appreciative of any assistance with funeral costs and further that funeral services would be held at McLaurin Funeral Home on October 7. The council offered their deepest condolences to the family and friends of Mr. Poindexter.

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
- August 21, 2017

- b) Building Inspector Position
- c) New Inspection Fees
- d) Residential Utility Deposit Policy & Comprehensive Fees & Charges Update
- e) Variable Credit Card Fees for Utilities
- f) Resolution Directing Clerk to Investigate Sufficiency - 2017-141-ANX - Lidl Grocery Store
- g) Proclamation Honoring Samuel Robertson

ACTION: Adoption of Consent Agenda as Presented

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

4 INTRODUCTIONS AND SPECIAL PRESENTATIONS

- a) Hurricane Harvey Donation Site
Presenter: Jay Dinner, Everett Chapel FWB Church

Mr. Dinner, who is a member of Everett Chapel FWD Church, shared information regarding a donation site for victims of Hurricane Harvey. Informational flyers were provided. The donation site will be open beginning September 6, 2017 through September 24, 2017. Donation collection hours will be 7:00 - 11:00 a.m. and 3:00-7:00 p.m. Mayor Pro Tem Grannis offered his thanks to Mr. Dinner for his willingness to take the lead in this effort.

- b) Clayton High School - 2017 Homecoming Parade
Presenter: Kaitlin Russo, Downtown Development Coordinator

Ms. Russo shared information regarding changes for the 2017 Homecoming Parade. The parade will be held on Tuesday September 19, 2017 and will begin at 6:30 p.m. Request is for rolling closures of Main Street during the parade, meaning sections of the road will be closed as needed.

ACTION: Approval of Road Closures for 2017 Clayton High School Homecoming Parade

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

5 PUBLIC HEARINGS

- a) 2016-239-OA - Downtown Overlay District
Presenter: Planning Department

Mr. McLeod provided information regarding suggested amendments to the downtown overlay district. The current downtown overlay district only provides restrictions on signage and promotional banners. The proposed

update includes changes to designation and boundary, permitted uses, sign regulations (including some relaxations of signage requirements), dimensional regulations (setbacks, etc.), development standards (parking and landscaping requirements, on-street parking, building materials and design), district character and architecture, and development incentives and disincentives (outdoor dining, density, development fees, and demolition waiting period).

The proposed amendments are consistent with the remainder of the Chapter and is consistent with all known state and federal laws. The proposed changes are consistent with the Comprehensive Plan as well as the Unified Development Ordinance.

The Downtown Development Association, Planning Board and Staff all recommend approval.

There was discussion regarding bike racks and locations. Mr. McLeod stated that with basically no setback requirement for new construction, there would be room directly in front of a location for installation of a bike rack or pay fee-in-lieu. There was also brief discussion regarding choice of paint colors. Mr. McLeod stated that this was not an issue that had the need to be addressed. There was discussion regarding windows and faux windows. Mr. McLeod stated safety was part of the reason behind this as windows tend to make folks feel more comfortable. He further added if requested a variance could be submitted to the Board of Adjustment. Council Member Lawter asked for staff input regarding feedback received from open house. Mr. McLeod stated there was good turnout. Council Member Lawter stated he was pleased and wanted to ensure that folks had a chance to provide feedback. Mr. DeYoung stated that in addition to the open house, folks came into the office, came into the office, attended Planning Board, Downtown Development Association and Town Council meetings. He stated there were many opportunities to receive information and provide feedback.

Mayor McLeod had a question regarding signage and whether it addressed signage stating "No Walk Ins" etc. Mr. McLeod stated we do not regulate content of signage but we did restrict use of ground floor space to be open and active and that 2nd floor space should be dedicated to those types of business who do business by appointment only. Council Member Satterfield asked if there was a there a requirement that would make these types of business be located on the second floor and Mr. McLeod stated a zoning compliance permit would be not issued to businesses who ran exclusively by appointment for ground floor space.

With there being nothing further, the public hearing was closed at 7:04 p.m.

ACTION: Adoption of Ordinance #2017-09-03

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

- b) 2017-96-RZ - Clayton Corners & Town Center Blvd.
Presenter: Planning Department

Mr. DeYoung provided background information. Council had staff to review SUD's back in 2016. This category requires adds a layer of complexity to the approval process. Staff has evaluated and feels that the above location should have the SUD designation removed. It is a very large shopping center and the SUD designation could preclude future uses when one tenant move out and another wished to move in. This requested rezoning would simply remove the SUD.

Rezoning is consistent with the Comprehensive Plan and is compatible with Surrounding Land Uses.

With there being nothing further the public hearing was closed at 7:07 p.m.

ACTION: Adoption of Ordinance #2017-09-04

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

- c) 2017-99-RZ - Capps Tract
Presenter: Planning Department

Council Member Lawter made full disclosure and stated that he is employed by applicant and requested to be recused from voting.

Mr. McLeod stated the request to is to rezone this property which is located behind the commercial development at Enterprise Drive and Cameron Way from Residential-Estate (R-E) and Highway Business (B-3) to Residential-10 (R-10), with some land also being rezoned from Residential-Estate (R-E) to Highway Business (B-3).

The request is consistent with the Comprehensive Plan and Surrounding Land Use.

The Planning Board and Staff recommend approval.

There were no questions of staff. A citizen who resides at 230 Summit Avenue stated they would like to request that berm be placed when the new development is in place. The Mayor stated there are requirements regarding buffers and should staff deem additional buffering be required that would considered.

With there being nothing further, the public hearing was closed at 7:13 p.m.

ACTION: Adoption of Ordinance #2017-09-05

Motion: Council Member Satterfield

Second: Council Member Thompson

Vote: Unanimous

- d) **Development/ Incentive Agreement - 231 E. Second Street**
Presenter: Katherine Ross, Town Attorney

Ms. Ross provided update regarding property at 231 E. Second Street and redevelopment project. She shared information regarding incentives offered through the RFP process and spoke about the protection of the historical integrity of the building. She stated a draft agreement has been provided regarding transformer locations. Ms. Ross stated council would be requested to take action regarding the developer's agreement at a later date, most likely at the same time a parking agreement was complete. Ms. Ross further stated that a full developer's agreement would be provided.

Mayor McLeod opened the floor for comments at 7:20 p.m.

Darlene Earl and Gene Rimely of 313 East Horne Street stated they currently have a shared parking lot with the town and have an access agreement. They had concerns that reserved parking spaces in this lot for the above project could potentially create issues for their clients as well as safety issues. Ms. Earl requested that she be included in discussions regarding parking spaces at this location.

Mr. DeYoung spoke about this parking lot and provided background details. He stated there is currently a cross access agreement with above owner and stated many town vehicles currently park there. He stated that approximately 10 of these town vehicles would be relocated to another lot. With the potential parking agreement it is the intent to reserve 16 spaces in this lot, one designated for each apartment unit in the building. These spaces would be marked and there would be a monthly fee associated with them. Staff is currently working with the developer regarding pricing. Currently looking at \$15 - \$20 per month per space.

Mr. DeYoung further stated there really are no other options for parking alternatives and further stated he is not concerned about the need to find new locations for the town vehicles to park. He further stated that he is not concerned regarding locating additional parking spaces for town vehicles that currently park in this parking lot. He also stated the cross access agreement is safe would not be affected with the proposed parking. He further stated spaces that are part of the cross access agreement are currently signed/posted and if necessary the owner could have folks towed right now.

There was brief discussion regarding potential impact if project did not take place. Mr. DeYoung stated should the property need to be torn down the cost associated would be \$100,000 and no revenue would be generated. With the project taking place the building would add a minimum of 16 active citizens in downtown and would help to generate revenue and taxes.

Council Member Satterfield asked for clarification regarding the number of

parking spaces and Mr. DeYoung confirmed it would be a maximum of 16 spaces, 1 space per unit up to a total of 16. Additionally, Mr. DeYoung added there would be a dedicated handicap space in front of the building.

Council Member Lawter asked for a visual regarding parking be provided. Also discussed were possible locations for parking of town vehicles. These locations included the PD parking lot, Operations Center parking lot, and lot on O'Neil by the water tower.

Council Member Lawter asked if there were any known environmental issues and Mr. DeYoung stated there were none known. He further stated that to date the property is being taken care of by the town.

With there being nothing further, the public hearing was closed.

This item will be brought back to council at a future date for approval.

ACTION: To Be Placed on Future Agenda Once Parking Agreement is Available

6 OLD BUSINESS

- a) Update on Regional Wastewater Pretreatment Facility
Presenters: Adam Lindsay, Town Manager & Katherine Ross, Town Attorney

Ms. Ross provided additional information regarding the agreement. She stated that staff has been working with Novo, YMCA, Johnston County and many others. She stated there has been a lot of input and energy from all involved. It has been a very collaborative process. Ms. Ross shared additional information about the construction process and donation process. She provided details regarding the protections offered in the agreement for the town. Attorney Ross stated she recommended approval of the agreement. She further stated that the next goal upon approval would be the execution of the agreement next Friday and to exercise the option for the YMCA property exchange. Following would be published notification regarding intent to lease the front portion of the property to the YMCA with adoption of resolutions to take place at the October 16, 2017 meeting.

Mayor Pro Tem Grannis asked what would happen if standards were not met. Attorney Ross stated that would indicate a breach of agreement and notice to resolve would be issued. There was a question regarding Exhibit E and testing activities and how actions would be completed. Attorney Ross provided detailed information regarding the process and standards that are expected to be met. Once again if contractual obligations were not being met it would need to be resolved and operations would need to be adjusted to meet obligations.

Council Member Satterfield confirmed that this facility would be designed as a regional facility. Attorney Ross confirmed that it is being designed as Regional Facility.

ACTION: Approval of Agreement By and Between Novo Nordisk and the Town of Clayton

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

7 NEW BUSINESS

a) Issuance and Sale of Revenue Bonds to USDA

Presenter: Robert McKie, Finance Director

Mr. McKie provided information regarding the issuance and sale of Revenue Bonds to the USDA in the aggregate amount of \$5,097,000 which would retire the outstanding Revenue Bond Anticipation Note currently held by BB&T. The current term rate is 3.25%, it could go lower but will never go above 3.5%. An anticipated close date of September 27, 2017 is expected.

ACTION: Adoption of Resolution #2017-25

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

b) Funding Application / Intent to Apply

Presenter: Tim Simpson, Public Works Director

- Walnut Creek Outfall Improvements

Mr. Lindsay provided information regarding application for funding regarding the Walnut Creek Outfall Improvement Project. Mr. Lindsay stated applying does not mean that we will receive, however, it does offer us some flexibility and additional options.

ACTION: Adoption of Resolutions #2017-26

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

8 STAFF REPORTS

a) Town Manager

Request to go into Closed Session

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

9 OTHER BUSINESS

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

Council Member Satterfield stated he had received an email this morning regarding some flooding issues. Mayor McLeod stated that the Town Manager was not included on the original email and he has now been copied and the Town Manager will handle.

10 CLOSED SESSION

- a) Closed Session pursuant to NCGS 143-318.11(a)(3)

ACTION: Motion to go into Closed Session

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

11 ADJOURNMENT

- a) Council returned from Closed Session at 8:21 p.m.

With there being nothing further, the meeting was adjourned.

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

Duly adopted this the 2nd day of October, 2017 while in regular session

Jody L. McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk

September 5, 2017
Minutes



Town Council Agenda Cover Sheet

Meeting Date

October 2, 2017

Agenda Location

Consent Agenda

Item Title

Warranty Acceptance

Presenter (Name & Title)

Chris Rowland, Construction Project Administrator

Summary/Description

- **Stallings Mill Apartment** – *One-year warranty* acceptance request for public water, sewer utilities and all pertinent easements. Upon expiration of the warranty, a final inspection will be done and all deficient items corrected by the developer's contract prior to final acceptance.
- **RWAC Ravens Ridge 8D** – Warranty request for public water, sewer, associated storm drainage utilities and all pertinent easements. Record drawings have been reviewed and accepted. Following acceptance, the utilities will be subject to a *one-year warranty* period. Following expiration of the warranty, a final inspection will be done with all deficient items corrected by the developer prior to final acceptance.
- **RWAC Ravens Ridge 8D** – Asphalt pavement has been installed within the subject phase. Request for acceptance of this work subject to a *five-year warranty*. Subsequent to the warranty period, pavement and base course conditions will be evaluated with any faults corrected by the developer prior to final acceptance.
- **Parkview Subdivision Phase 2A, 2B, 3, 5 & 7** – Warranty request for public water sewer and associated storm drainage utilities, including all pertinent easements. Record drawings have been reviewed and accepted. Following acceptance, the public infrastructure will be subject to a *one-year warranty* period. Following the warranty, a final inspection will be done with all deficient items corrected by the developer prior to final acceptance.
- **Chandlers Ridge (Old Lyndale) Subdivision Phase 1&2** – Final acceptance request for asphalt pavement sections. A final inspection was done and all identified faults have been corrected. Upon acceptance, the Town will assume all operation and maintenance.
- **Chandlers Ridge (Old Lyndale) Subdivision Phase 2** – Final acceptance request for public water, sewer, associated storm drainage utilities and all related utility easements. A final inspection was done and all identified faults have been corrected. Upon acceptance, the Town will assume all operation and maintenance.
- **Chandlers Ridge (Old Lyndale) Subdivision Phase 3** – Final acceptance request for water, sewer, storm drainage utilities, all pertinent easements and the asphalt pavement structure. A final inspection was done and all identified faults have been corrected. Following acceptance the Town will assume all operation and maintenance duties.

Requested Action

Approval

Additional Documents To Be Included in Agenda Packet

Memorandum

TOWN OF CLAYTON OPERATIONS CENTER

"SERVICE"

ELECTRIC SERVICE
(919) 553-1530

VEHICLE MAINTENANCE
(919) 553-1530



"ENVIRONMENT"

PUBLIC WORKS
(919) 553-1530

WATER RECLAMATION
(919) 553-1535

MEMORANDUM

To: Kimberly Moffett, Town Clerk

From: Chris Rowland, Construction Project Administrator *CR*

Copy: Para Smith, Development Services Coordinator
Loftee Smith, Withers & Ravenel

Date: August 18, 2017

Subject: Stallings Mill Apartments

Please place the one-year warranty acceptance request for the subject public water and sewer utilities along with all pertinent easements on the next available agenda. All punch list items have been addressed and record drawings have been accepted. Upon expiration of the warranty, a final inspection will be done and all deficient items corrected by the developer's contractor prior to final acceptance.

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"ENVIRONMENT"

PUBLIC WORKS
(919) 553-1530

WATER RECLAMATION
(919) 553-1535

MEMORANDUM

To: Kimberly Moffett, Town Clerk

From: Chris Rowland, Construction Project Administrator 

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

Date: August 22, 2017

Subject: RWAC, Ravens Ridge 8D

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

TOWN OF CLAYTON OPERATIONS CENTER

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"ENVIRONMENT"

PUBLIC WORKS
(919) 553-1530

WATER RECLAMATION
(919) 553-1535

MEMORANDUM

To: Kimberly Moffett, Town Clerk

From: Chris Rowland, Construction Project Administrator 

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

Date: August 22, 2017

Subject: RWAC, Ravens Ridge 8D

The asphalt pavement has been installed within the subject phase. Please schedule Council action for the acceptance of this work subject to a five-year warranty. Subsequent to the warranty period, pavement and base course conditions will be evaluated with any faults corrected by the developer prior to final acceptance.

TOWN OF CLAYTON OPERATIONS CENTER

"SERVICE"

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(919) 553-1530

VEHICLE MAINTENANCE
(919) 553-1530



"ENVIRONMENT"

PUBLIC WORKS
(919) 553-1530

WATER RECLAMATION
(919) 553-1535

MEMORANDUM

To: Kimberly Moffett, Town Clerk

From: Chris Rowland, Construction Project Administrator *CR*

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

Date: August 29, 2017

Subject: Parkview Subdivision, Phase 2A

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

TOWN OF CLAYTON OPERATIONS CENTER

"SERVICE"

ELECTRIC SERVICE
(919) 553-1530

VEHICLE MAINTENANCE
(919) 553-1530



"ENVIRONMENT"

PUBLIC WORKS
(919) 553-1530

WATER RECLAMATION
(919) 553-1535

MEMORANDUM

To: Kimberly Moffett, Town Clerk

From: Chris Rowland, Construction Project Administrator 

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

Date: August 29, 2017

Subject: Parkview Subdivision, Phases 2B, 3, 5, & 7

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



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

MEMORANDUM

To: Kimberly Moffett, Town Clerk

From: Chris Rowland, Construction Project Administrator 

Copy: Danny Blackburn, Blackburn Engineering
Rob Bailey, Royal Oaks
Para Smith, Development Services Coordinator

Date: September 12, 2017

Re: Chandlers Ridge (Old Lyndale) Subdivision, Phases 1 & 2

Please place a final acceptance request for the subject asphalt pavement sections on the next available agenda. A final inspection was done and all identified faults have been corrected. Upon acceptance, the Town will assume all operation and maintenance duties.



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

MEMORANDUM

To: Kimberly Moffett, Town Clerk

From: Chris Rowland, Construction Project Administrator 

Copy: Danny Blackburn, Blackburn Engineering
Rob Bailey, Royal Oaks
Para Smith, Development Services Coordinator

Date: September 12, 2017

Re: Chandlers Ridge (Old Lyndale) Subdivision, Phase 2

Please place a final acceptance request for the subject public water, sewer, associated storm drainage utilities, and all related utility easements on the next available agenda. A final inspection was done and all identified faults have been corrected. Upon acceptance, the Town will assume all operation and maintenance duties.



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

MEMORANDUM

To: Kimberly Moffett, Town Clerk

From: Chris Rowland, Construction Project Administrator 

Copy: Danny Blackburn, Blackburn Engineering
Rob Bailey, Royal Oaks
Para Smith, Development Services Coordinator

Date: September 12, 2017

Re: Chandlers Ridge (Old Lyndale) Subdivision, Phase 3

Please place a final acceptance request for the subject public water, sewer, storm drainage utilities, all pertinent easements, and the asphalt pavement structure on the next available agenda. A final inspection was done and all identified faults have been corrected. Following acceptance, the Town will assume all operation and maintenance duties.



Town Council Agenda Cover Sheet

Meeting Date

October 2, 2017

Agenda Location

Consent Agenda

Item Title

2017 Constitution Week Proclamation Request

Presenter (Name & Title)

Gayenell Gull, Regent-Smith-Brian Chapter National Society Daughters of the American Revolution

Summary/Description

A request has been received by Gayenell Gull with the Regent-Smith-Brian Chapter National Society Daughters of the American Revolution. The 2017 Constitution Week will take place September 17 – 23.

Requested Action

Approval

Additional Documents To Be Included in Agenda Packet

Proclamation

*P*ROCLAMATION

Constitution Week 2017

Whereas, September 17, 2017 marks the two hundred thirtieth anniversary of the drafting of the Constitutional Convention; and

Whereas, it is fitting and proper to officially recognize this magnificent document and the anniversary of its creation; and

Whereas, it is fitting and proper to officially recognize the patriotic celebrations which will commemorate the occasion; and

Whereas, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 – September 23, 2017 as Constitution Week;

NOW, THEREFORE, I, Jody McLeod, Mayor of the Town of Clayton on behalf of the Clayton Town Council, do hereby proclaim September 17 – through September 23, 2017 be recognized as **CONSTITUTION WEEK** in Clayton.

Duly adopted this 2nd day of October, 2017 while in regular session.

Jody L. McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk



Town Council Agenda Cover Sheet

Meeting Date

October 2, 2017

Agenda Location

Consent Agenda

Item Title

Recommendation for Appointment to the Clayton Planning Board

Presenter (Name & Title)

David DeYoung, Planning & Development Director

Summary/Description

Interviews were recently completed for recommendation of appointment to fill one current vacancy on the Clayton Planning Board. It is the recommendation that Ms. Andria Merritt be appointed to the Planning Board to fill the "In Town" vacancy with an expiration term of 12/31/2019.

Requested Action

Approval

Additional Documents To Be Included in Agenda Packet

Application



received 9/8/17
Town Limits

ADVISORY BOARD CANDIDATE APPLICATION

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

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

CHOOSE ONE:

- | | |
|---|--|
| ☒ Planning & Zoning Board | ☐ Board of Adjustment |
| ☐ Downtown Development Assoc. | ☐ Clayton Library Board |
| ☐ Recreation Advisory Committee | ☐ Fire Dept. Advisory Board |
| ☐ Public Arts Advisory Board | |

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

Please type or use dark ink.

Name: Andria Merritt

Mailing Address: 123 East Blanche St., Clayton, NC 27520

Physical HOME Address: 123 E. Blanche St., Clayton, NC 27520

Phone Number (HOME): _____ (WORK) 919-707-8157

FAX Number: _____ Mobile Number: 919-747-1483

Email Address: andria1836@gmail.com

*Female ☒ *Male ☐

*Race white

Employer: NCDEQ

Occupation: Hydrogeologist

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

Interview 9/11/17 @ 4pm GS123

Page 1 of 2

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

Length of residence in Clayton: 11 years

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

How did you find out about this board or committee? Facebook ☐ Website ☐ TV ☐
Newspaper ☐ Email ☐ Twitter ☐ Mail ☒ Other Friend

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

As a geologist for NCDEQ, I am responsible for implementing complex federal and state regulations for underground storage tank systems. I interpret engineered drawings and equipment specifications which requires a high level of attention to detail. I write technical documents, procedures, and interpretations of UST rules. I am an active and invested resident of the Town and would like to put my technical skills to work for my community.

State why you would be an asset to this board or committee. I enjoy learning and would appreciate the opportunity to try something new by serving this Board. I also care about the quality of work being performed in my community and would therefore gladly give my time and attention to reviewing those projects.

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

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

Boards/Committees/Civic	From	To
Clayton Farm & Comm Mkt	8/2015	current
Clayton Junior Woman's Club	9/2016	current



Signature

9/7/2017

Date

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

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



Town Council Agenda Cover Sheet

Meeting Date

October 2, 2017

Agenda Location

Consent Agenda

Item Title

Budget Amendments - Police Department

Presenter (Name & Title)

Nancy Medlin, Deputy Town Manager

Summary/Description

Budget amendments for the following items in the Police Department to comply with G.S. 159-15:

1. Drug Seizure Revenues to cover expenditures to enhance law enforcement activities.
2. Fund Balance Appropriation to purchase water fillable barricades, trailer, and accessories to enhance public safety during special events or other periodic street closures.

Requested Action

Approval of Ordinance 2017-10-01 & Ordinance 2017-10-02

Additional Documents To Be Included in Agenda Packet

Budget Amendments for the following items:

1. Drug Seizure Funds
2. Water Barricade Purchase
 - a. Barricade and Lights Quote - Traffic Safety Warehouse
 - b. Trailer Quote - Rampart Trailers

**Town of Clayton
Amendment to the FY 17-18 Budget**

BE IT HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON that the following amendments shall be made to the FY 17-18 Budget:

Fund: General Fund and Police Special Revenue Fund

<u>Line Item</u>	<u>Previous Appropriation</u>	<u>Adjustment</u>	<u>Revised Appropriation</u>
Revenue			
100-40-00-48 99	Fund Balance Appropriated \$38,000	+8,191	\$46,191
212-42 50	Drug Seizure Revenue – Federal \$0	+4,728	\$4,728
212-48 99	Fund Balance Appropriated \$0	+12,419	\$12,419
Expenditures			
100-50-00-55 06	Drug Seizure Funds – State \$0	+8,191	\$8,191
212-55 05	Drug Seizure Funds – Federal \$0	+17,147	\$17,147

-Explanation: Amendment necessary to reflect the appropriation of Fund Balance to purchase equipment for police investigations with the proceeds from unauthorized substance tax distributions (USTD) from the State and forfeited property from the U.S. Department of Justice Asset Forfeiture Program, which were received in prior years. The General Statutes (G.S. 105-113.113) mandates the Department of Revenue to distribute 75% of the USTD funds to the local law enforcement agency that conducted the investigation of a dealer that led to the assessment. The State establishes a special nonreverting account for the USTD funds. The Controlled Substances Act, Section 881(e)(3) of Title 21, United States Code authorizes the sharing of forfeited property. All funds received from USTD and the forfeiture program are restricted to directly enhancing the law enforcement activities of the Clayton Police Department.

Duly adopted this ____ day of _____, 2017 while in regular session.

Jody L. McLeod
Mayor

Attest:

Kimberly A. Moffett
Town Clerk

Town of Clayton
Amendment to the FY 17-18 Budget

BE IT HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON that the following amendments shall be made to the FY 17-18 Budget:

Fund: General Fund

<u>Line Item</u>	<u>Previous Appropriation</u>	<u>Adjustment</u>	<u>Revised Appropriation</u>
Revenue			
100-40-00-48 99	Fund Balance Appropriated \$46,191	+9,845	\$56,036
Expenditures			
100-50-02-52 60	Equipment Purchase \$2,000	+9,845	\$11,845

Amendment necessary to appropriate fund balance to procure equipment that will enhance public safety during special events and other periodic street closures, which is required for compliance with G.S. 159-15:

Duly adopted this ____ day of _____, 2017 while in regular session.

Jody L. McLeod
Mayor

Attest:

Kimberly A. Moffett
Town Clerk



Town Council Agenda Cover Sheet

Meeting Date

October 2, 2017

Agenda Location

Consent Agenda

Item Title

Water & Sewer Capacity Rate Changes

Presenter *(Name & Title)*

Nancy Medlin, Deputy Town Manager

Summary/Description

Water & Sewer Capacity Rate Changes requested to be implemented to follow fee adjustments adopted by Johnston County Utilities.

Requested Action

Approval of Ordinance 2017-10-03

Additional Documents To Be Included in Agenda Packet

Ordinance

Town of Clayton
Amendment to the Comprehensive
List of Fees and Charges
Water and Sewer Capacity Fee Adjustment

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:

Water and Sewer Capacity

Current Town of Clayton Capacity Fee =	\$3.25 per gallon
Revised Town of Clayton Capacity Fee =	\$3.90 per gallon (based on 9/01/2017 Johnston County increase)
Current Town of Clayton Sewer Capacity Fee =	\$6.00 per gallon
Revised Town of Clayton Sewer Capacity Fee =	\$8.46 per gallon (based on most recent Johnston County invoicing to us)

“Future adjustment to Water and Sewer Capacity Fees will be implemented following fee adjustments adopted by Johnston County Utilities”.

Duly adopted this 2nd day of October 2017 while in regular session.

Jody L. McLeod
Mayor

ATTEST:

Kimberly A. Moffett
Town Clerk



Town Council Agenda Cover Sheet

Meeting Date

October 2, 2017

Agenda Location

Consent Agenda

Item Title

2018 Holiday Schedule

Presenter *(Name & Title)*

Kimberly A. Moffett, Town Clerk

Summary/Description

It is the policy of the Town of Clayton to follow the annual holiday schedule provided by the State of North Carolina for its employees. Attached is the proposed 2018 Holiday Schedule.

Requested Action

Approval of Resolution 2017-28

Additional Documents To Be Included in Agenda Packet

Resolution

TOWN OF CLAYTON**2018 HOLIDAY SCHEDULE**

WHEREAS, it is the policy of the Town of Clayton to follow the holiday schedule provided by the State of North Carolina for its employees; and

WHEREAS, the below 2018 Holiday Schedule was retrieved from the State of North Carolina website: Listed below are the holidays that will be observed by State employees during 2018.

2018 Holiday Schedule		
Holiday	Observance Date	Day of Week
New Year's Day	January 1, 2018	Monday
Martin Luther King Jr.'s Birthday	January 15, 2018	Monday
Good Friday	March 30, 2018	Friday
Memorial Day	May 28, 2018	Monday
Independence Day	July 4, 2018	Wednesday
Labor Day	September 3, 2018	Monday
Veteran's Day	November 12, 2018	Monday
Thanksgiving	November 22 & 23, 2018	Thursday and Friday
Christmas	December 24, 25 & 26, 2018	Monday, Tuesday & Wednesday

NOW, THEREFORE, BE IT RESOLVED that the Town Council of Clayton hereby adopts the 2018 Holiday Scheduled as presented.

Duly adopted this 2nd day of October , 2017 while in regular session.

Jody McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk



Town Council Agenda Cover Sheet

Meeting Date

October 2, 2017

Agenda Location

Consent Agenda

Item Title

2018 Town Council meeting Schedule

Presenter *(Name & Title)*

Kimberly A. Moffett, Town Clerk

Summary/Description

Clayton Town Council meetings are held on the first and third Monday of each month at 6:30 p.m. and here held in the Council Chambers. When a holiday falls on a Monday, the meeting is held on the following day. Historically there is only one meeting held in July. That meeting, which is held on the third Monday of that month will serve as both the regular meeting and the work session for July.

Requested Action

Approval of Resolution 2017-29

Additional Documents To Be Included in Agenda Packet

Resolution

**TOWN OF CLAYTON
2018 TOWN COUNCIL MEETING SCHEDULE**

WHEREAS, the Clayton Town Council exists to conduct the business of the citizens; and

WHEREAS, the Clayton Town Council meetings are held the first and third Monday of the month at 6:30 p.m. in the Council chamber of the Town Hall, unless otherwise noted; and

WHEREAS, each meeting of the Clayton Town Council is open to the public, except as provided by NC G.S. 143-318.11; and

WHEREAS, the Clayton Town Council may amend the yearly meeting schedule in accordance with NC G.S. 143-318.12:

TOWN OF CLAYTON 2018 CALENDAR TOWN COUNCIL MEETINGS		
MONTH	REGULAR SESSION	WORK SESSION
January	January 2, 2018 (Tuesday)	January 16, 2018 (Tuesday)
February	February 5, 2018	February 19, 2018
March	March 5, 2018	March 19, 2018
April	April 2, 2018	April 16, 2018
May	May 7, 2018	May 21, 2018
June	June 4, 2018	June 18, 2018
July	July 16, 2018* This meeting will serve as both regular and work session.	
August	August 6, 2018	August 20, 2018
September	September 4, 2018 (Tuesday)	September 17, 2018
October	October 1, 2018	October 15, 2018
November	November 5, 2018	November 19, 2018
December	December 3, 2018	December 17, 2018

NOW THEREFORE, BE IT RESOLVED that the Town Council of Clayton hereby adopts the 2018 Clayton Town Council Schedule as presented.

Duly adopted this 2nd day of October, 2017 while in regular session.

Jody McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk



Town Council Agenda Cover Sheet

Meeting Date

October 2, 2017

Agenda Location

Public Hearings

Item Title

2017-115-RZ 3049 Barber Mill Rezoning

Presenter *(Name & Title)*

Planning Department

Summary/Description

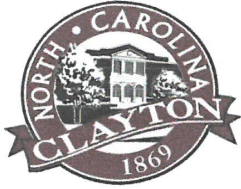
Request to rezone subject properties from Neighborhood Business (B-2) to Residential-Estate (R-E).

Requested Action

Approval

Additional Documents To Be Included in Agenda Packet

Staff Report
Application
Maps
Neighborhood Meeting Materials
Newspaper Ad
Adjacent Property Owner Letter



TOWN OF CLAYTON

Planning Department

111 E. Second Street, Clayton, NC 27520

P.O. Box 879, Clayton, NC 27528

Phone: 919-553-5002

Fax: 919-553-1720

REZONING APPLICATION

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

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

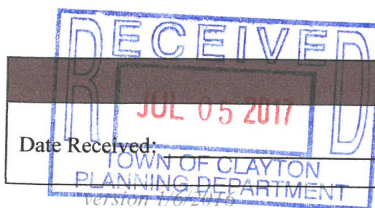
Note on Planned Developments: Requests to rezone to a Planned Development District must be accompanied by a Master Plan submittal. Master Plans are approved as Preliminary Subdivision Plats – please submit a concurrent Preliminary Subdivision Plat application and Master Plan.

SITE INFORMATION

Name of Project: 3049 Barber Mill Rezoning Acreage of Property: 0.45, 0.77, 0.06
County Tag Number: 05603050E, 05603050V, 05603051A NC PIN: 165701-35-1656, 165701-36-0164,
Address/Location: 3049 Barber Mill Road 165701-35-1902 MA
Existing Zoning District: B-2
Proposed Zoning District: R-E

APPLICANT INFORMATION

Applicant: Jason Meadows
Mailing Address: 103 Stone Lane Clayton NC 27520
Phone Number: 919-889-2614 Fax: _____
Contact Person: Jason Meadows
Email Address: jmeadows01@gmail.com



FOR OFFICE USE ONLY

Date Received:

Amount Paid:

\$600 -

File Number:

2017-115-RZ

PROPERTY OWNER INFORMATION

Name: Richard Meadows
Mailing Address: 162 Ella Lane Swansboro NC 28584
Phone Number: 919-524-5935 Fax: _____
Email Address: _____

EXPLANATION OF PROJECT

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

Rezoning 3 parcels From B-2 to R-E. Existing single-family house and accessory structure to remain.

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

APPROVAL CRITERIA

All applications for a Rezoning must address the following findings:

1. Consistency with the adopted plans of the Town.
The subject parcels are surrounded by R-E zoning classifications and residential uses. This rezoning will unify the subject area once rezoned to the R-E classification.

2. Suitability of the subject property for uses permitted by the current vs. the proposed district.
The subject parcels are currently used for single family residential and this rezoning will provide a consistent zoning classification with the use.

3. Whether the proposed change tends to improve the balance of uses, or meets specific demand in the Town.
This rezoning will unify the subject area once rezoned to the R-E classification.

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 use of the subject parcels is currently single family residential and will not be altered as a result of this rezoning. As such impact on public facilities will remain unchanged.

5. It has been determined that the legal purposes for which zoning exists are not violated.
The current use of single family residential is allowed in the R-E zoning district.

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 will not alter the current use and therefore not adversely affect adjacent 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.
This rezoning will unify the zoning classification with adjacent properties and reduce possibility for future commercial development which could be deemed detrimental.

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.

Jason G. Meadows
Print Name


Signature of Applicant

6/30/17
Date



TOWN OF CLAYTON

Planning Department

111 E. Second Street, Clayton, NC 27520

P.O. Box 879, Clayton, NC 27528

Phone: 919-553-5002

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: 3049 Barber Mill Rezoning Address or PIN #: 165701-35-1656, 165701-36-0164
165701-35-1902

AGENT/APPLICANT INFORMATION:

Jason Meadows
(Name - type, print clearly)

103 Stone Lane
(Address)
Clayton, NC 27520
(City, State, Zip)

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

Rezoning

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:

Richard Warren Meadows
(Name - type, print clearly)

162 Ella Lane
(Address)

Richard Warren Meadows
(Owner's Signature)

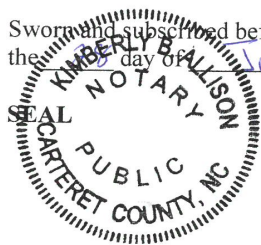
Swansboro NC 28584
(City, State, Zip)

STATE OF

COUNTY OF

NC
Onslow

Sworn and subscribed before me Richard Warren Meadows a Notary Public for the above State and County, this
the 16 day of June, 2017.



Kimberly B. Allison
Notary Public
My Commission
Expires: 11-22-2020



*** DISCLAIMER ***

Johnston County assumes no legal responsibility for the information represented here.



Scale: 1:1500 - 1 in. = 125 feet

(The scale is only accurate when printed landscape on a 8 1/2 x 11 size sheet with no page scaling.)

Johnston County GIS
June 23, 2017



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

*Planning Board
August 28, 2017*

STAFF REPORT

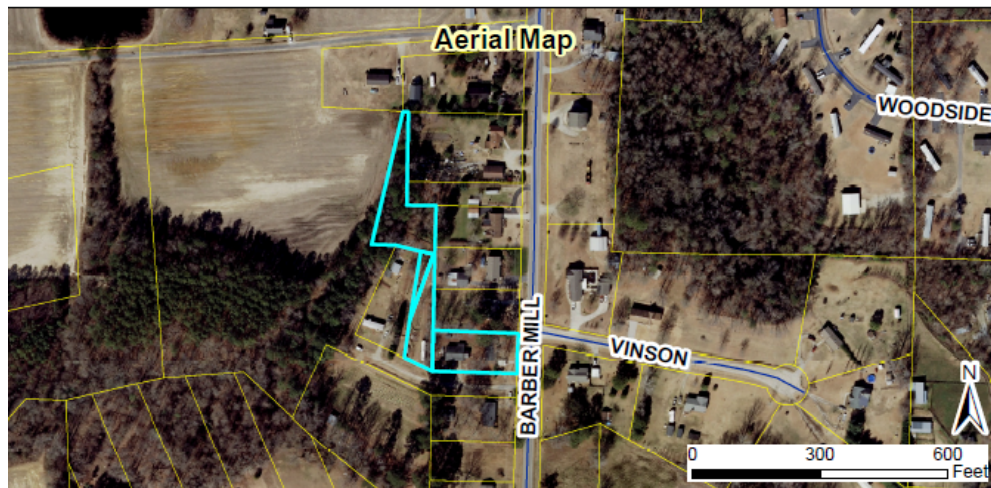
Application Number: 2017-115-RZ Project Name: 3049 Barber Mill Rezoning

NC PIN / Tag #: 165701-35-1656 / 05G03050E, 165701-36-0164 / 05G03050V, 165701-35-1902 / 05G03051A
Town Limits/ETJ: ETJ
Overlay: None
Applicant: Jason Meadows
Owner: Richard Meadows
Location: 3049 Barber Mill Road

Public Noticing:

- Neighborhood meeting held of August 21, 2017
- Signs Posted prior to August 18, 2017
- Letters mailed prior to September 22, 2017
- Newspaper ad published September 20, 2017 & September 27, 2017

REQUEST: Request to rezone the subject parcels from Neighborhood-Business (B-2) to Residential-Estate (R-E).

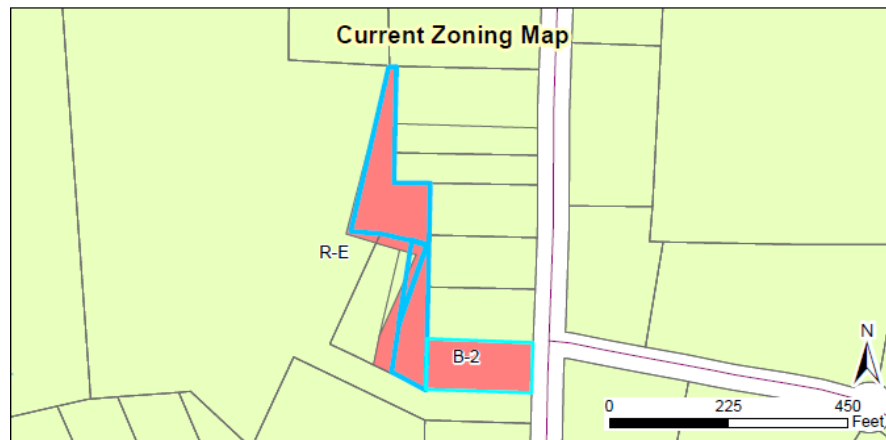


SITE DATA:

Acreage: 1.28 total acres
Existing Uses: Single-family residence

ADJACENT ZONING AND LAND USES:

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

**STAFF ANALYSIS AND COMMENTARY:****Overview**

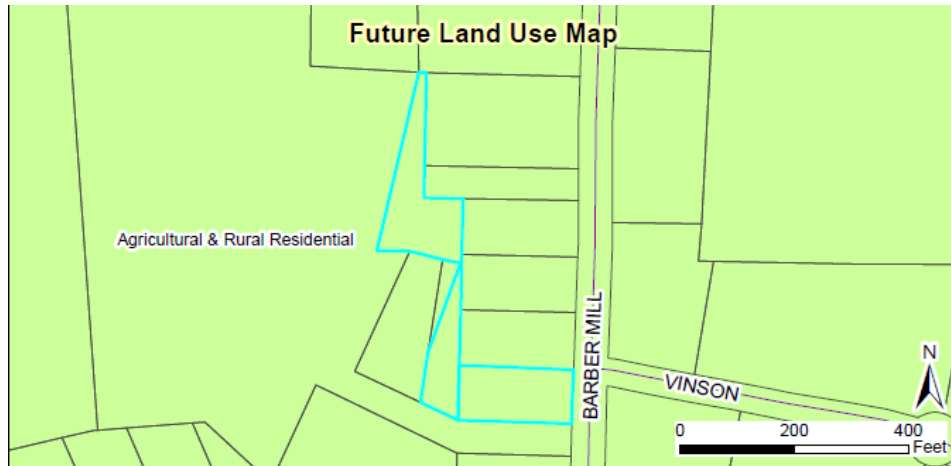
The applicant is requesting to rezone the subject parcels from Neighborhood-Business (B-2) to Residential-Estate (R-E). The surrounding land uses are single-family residential, and all properties surrounding the subject properties are zoned Residential-Estate (R-E). In the past, these properties were used for vehicle repair, which is why they received the zoning designation of B-2 when brought into the ETJ. The properties are now used as a single family residence, and do not have any commercial uses associated with them. The applicant is requesting this rezoning to create consistency with surrounding land uses and prepare the property for future sale.

Compatibility with Surrounding Land Uses

The proposed zoning change to Residential-Estate (R-E) is consistent with the surrounding land uses, which are single-family residential.

Consistency with the 2040 Comprehensive Plan

The proposed zoning change is consistent with the Comprehensive Plan 2040, which designates this area as Agricultural and Rural Residential.



CONSIDERATIONS:

- Rezoning is decided by the Town Council. The Planning Board shall make a recommendation to the Town Council.
- When adopting or rejecting the rezoning, the Town Council shall approve a statement describing whether its action is consistent with adopted plans and/or policies of the Town and explaining why the Council considers the action taken to be reasonable and in the public interest.
- If approved, this rezoning will result in a modification to amend the official zoning map for The Town of Clayton.

APPROVAL CRITERIA:

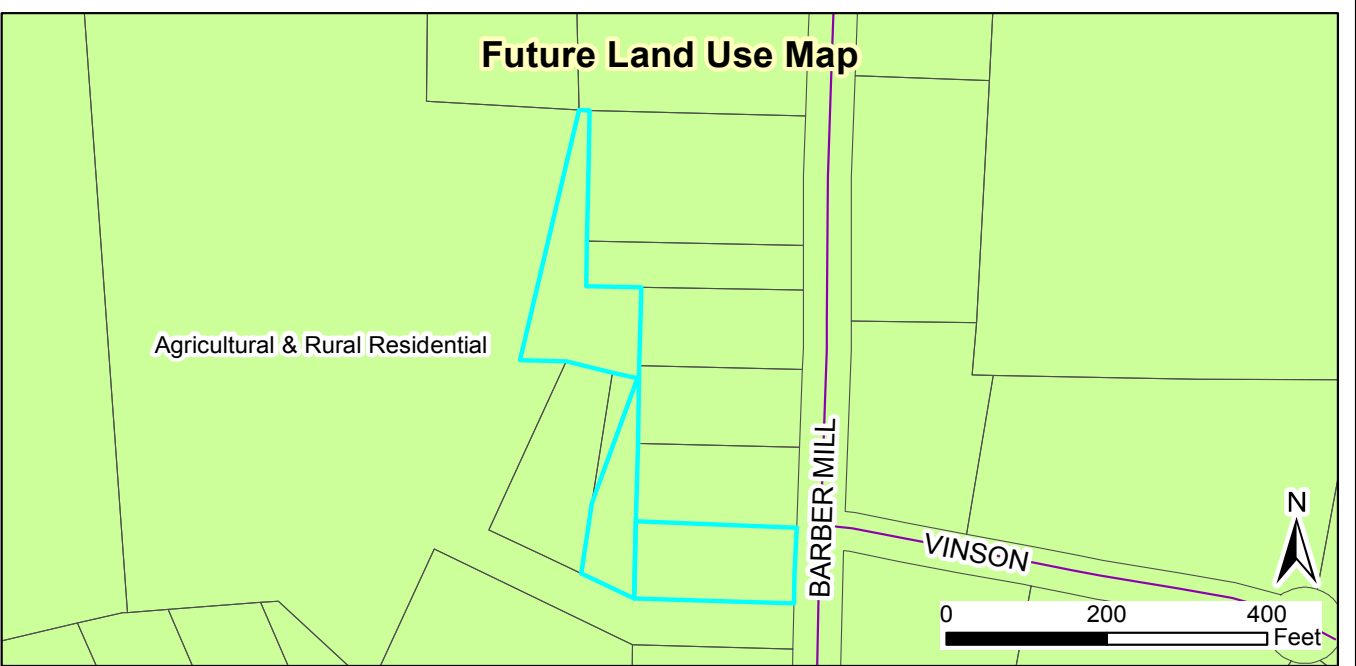
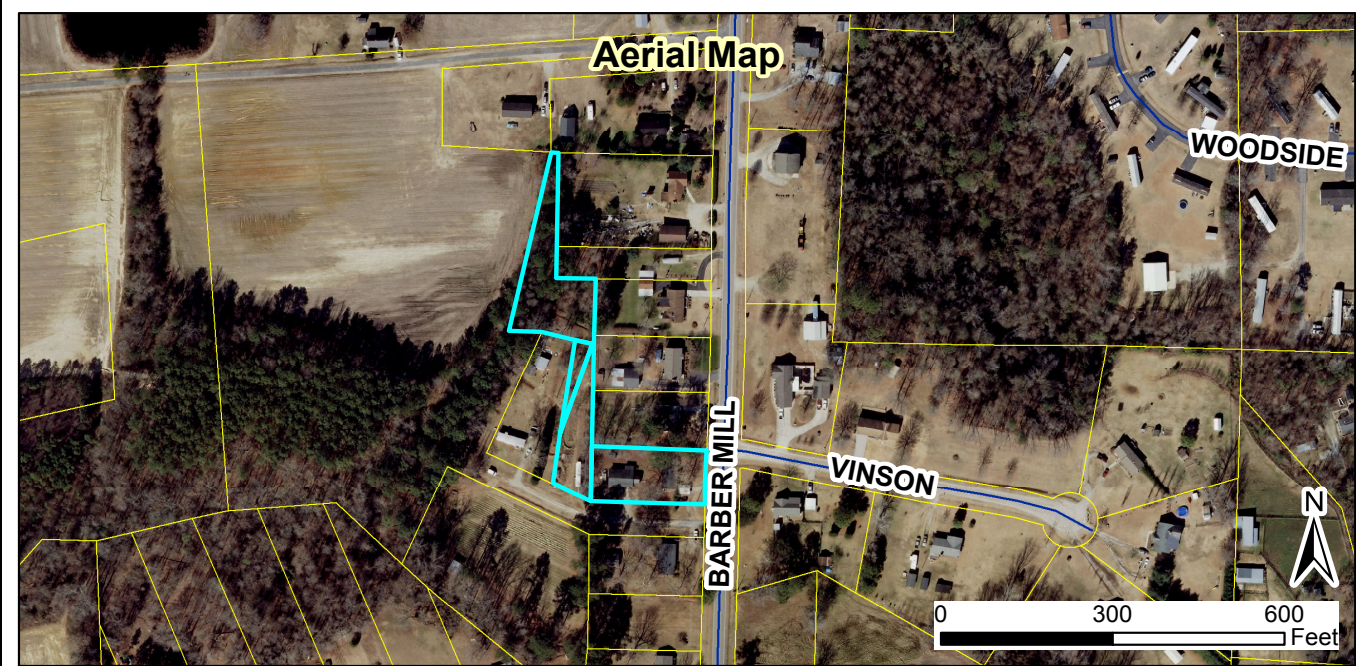
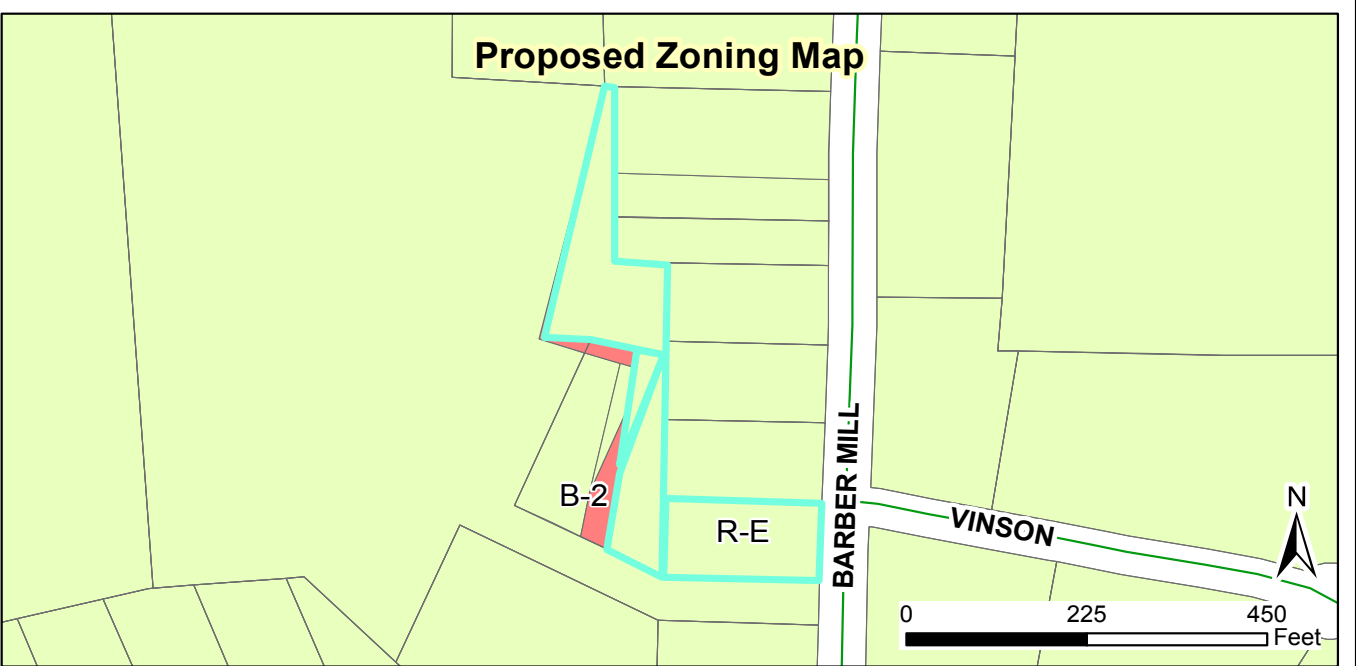
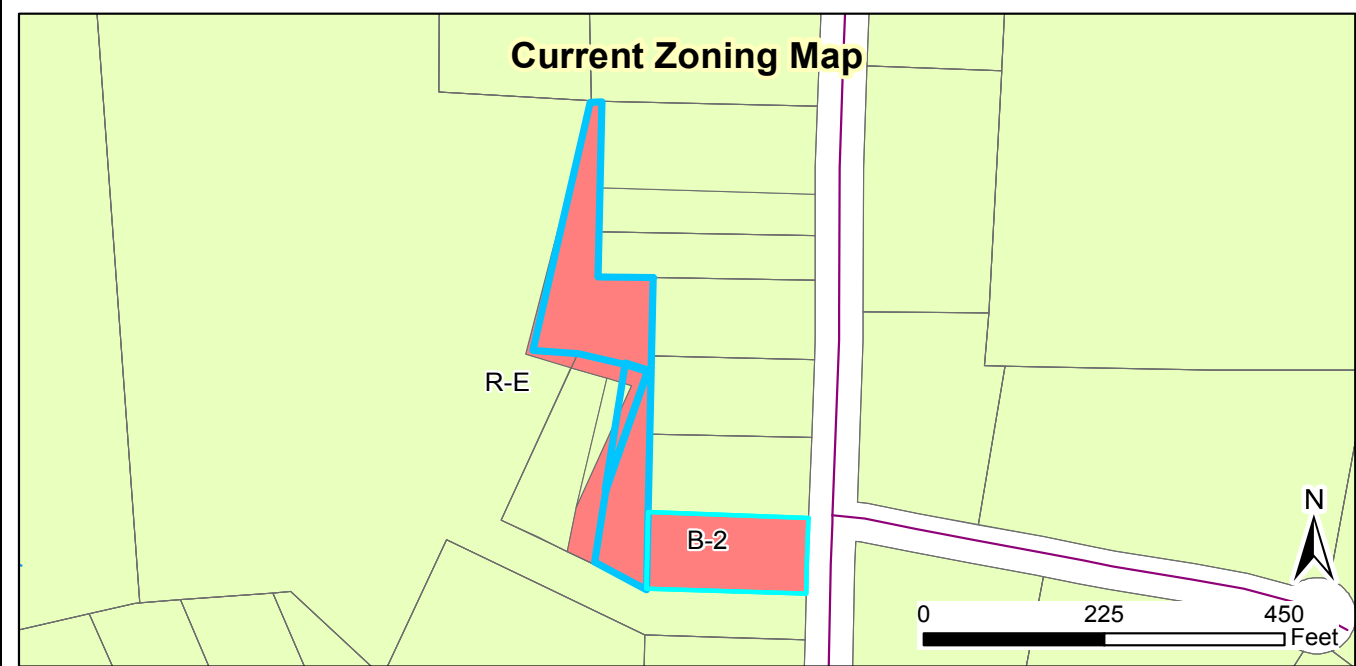
The applicant has addressed the Rezoning Approval Criteria outlined in §155.704. The applicant's responses are incorporated as an attachment to the Staff Report.

STAFF RECOMMENDATION:

Staff is recommending approval of the rezoning of the subject parcels.

ATTACHMENTS:

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



2017-115-RZ 3049 Barber Mill Rezoning
Request: Rezone the subject parcels from Neighborhood-Business (B-2) to Residential-Estate (R-E)
 Applicant: Jason Meadows
 Property Owners: Richard Meadows
 Parcel ID: 165701-35-1656, 165701-36-0164, 165701-35-1902
 Tag #: 05G03050E, 05G03050V, 05G03051A



07/28/2017
 Produced by: TOC Planning
 Disclaimer: Town of Clayton assumes no legal responsibility for the quality of the data represented here.

Legend

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

Document Path: O:\PLANNING\REZONING\Rezoning\2017\2017-115-RZ 3049 Barber Mill Rezoning\Maps\2017-115-RZ Staff Report Map.mxd



Town of Clayton
Planning Department
111 E. Second Street, Clayton, NC 27925
P.O. Box 879, Clayton, NC 27925
Phone: 919-553-1111
Fax: 919-553-1112

September 18, 2017

NOTICE

SUBJECT: **Project #:** 2017-115-RZ 3049 Barber Mill Rezoning
PIN #: 165701-35-1656, 165701-36-0164, 165701-35-1902
TAG #: 05G03050E, 05G03050V, 05G03051A
Applicant: Jason Meadows

Dear Clayton Area Property Owner:

Notice is hereby given that the Clayton Town Council will hold a public hearing on **Monday, October 2, 2017** at 6:30 PM at Town Hall, 111 E Second Street, to consider 2017-115-RZ, requesting a rezoning of the subject properties from Neighborhood-Business (B-2) to Residential-Estate (R-E). The properties are located off Barber Mill Road. Please see the map on the back of this letter.

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

If you should need additional assistance or information, please contact Haley Hogg, Planner with the Town Planning Department at (919) 359-2102 or email at hhogg@townofclaytonnc.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Haley Hogg".

Haley Hogg, CZO
Planner



NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Project: 3049 Barber Mill Rd.

Application: Rezoning

Location/Date: The Clayton Center York Room - 111 E. 2nd Street

	NAME	ADDRESS
1	Jason Meadows	103 Stone Lane Clayton NC 27520
2	Cory Brandage	3049 Barber Mill Rd Clayton NC 27520
3		
4		
5		
6		
7		
8		
9		
10		
11		
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13		
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19		
20		

NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Application: 3049 Barber Mill Road Rezoning

Date of Mailing: August 9, 2017

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

Printed Name: Jason Meadows

Signature: 

Date of Meeting: August 21, 2017 Time of Meeting: 6:00 PM

Location of Meeting: The Clayton Center - The York Room

Meeting Summary/Minutes: *provide a summary of the discussion held at the meeting, including issues raised and any resolution discussed, and any changes made to the application as a result of the meeting.*

The applicant and current renter of 3049 Barber Mill were present to discuss the rezoning application. No additional attendees were present so further discussion about the application did not occur.

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

August 9, 2017

Dear Clayton Area Property Owner:

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

Meeting Date: August 21, 2017

Meeting Time: 6:00 PM EST

Meeting Location: The Clayton Center – The York Room
111 E. 2nd Street
Clayton, NC 27520
919-553-3152

Type of Application: Rezoning

Project/Proposal property address: 3049 Barber Mill Rd. (PINs: 165701-35-1656, 165701-36-0164,
165701-35-1902)

Description of project/proposal: Rezoning of 3 parcels currently zoned B-2 Business to R-E Residential.
Current residential use with accessory building to remain unchanged.

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 rezoning.

If you have any questions prior to or after this meeting, you may contact me at 919-889-2614. You may also contact the Planning Department at 919-553-5002.

Sincerely,



Jason G. Meadows, P.E.

Cc: Town of Clayton Planning Dept.

TOWN OF CLAYTON
ZONING AMENDMENT
CONSISTENCY AND REASONABLENESS STATEMENT

2017-115-RZ 3049 Barber Mill Rezoning

The Town Council of the Town of Clayton hereby states:

Section 1: The above referenced zoning amendment IS CONSISTENT with:

The Town of Clayton's Comprehensive Plan, specifically:

- Objective LU1.1- Encourage quality development through the implementation of the Comprehensive Plan, the Unified Development Code, and other plans and regulations adopted by the Town.

Section 2: Based upon information presented at the public hearings and by the applicant, and based upon the recommendations and detailed information developed by staff and the Planning Board contained in the staff report, and considering the criteria applicable sections of the Unified Development Code of the Town of Clayton, specifically **(insert specifics to case)**

_____ ,

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

PUBLIC NOTICE

In accordance with NC GS 160A-384, the Clayton Town Council will hold a public hearing on October 2, 2017, at 6:30 PM at Town Hall, 111 East Second Street, to consider the following rezoning requests:

- 2017-130-RZ Bannister Property Rezoning for parcel number 164900-69-4913. The requested change is from Residential-Estate (R-E) and Industrial-Heavy Special Use District (I-2 SUD) to Industrial-Light Special Use District (I-1 SUD).
- 2017-115-RZ 3049 Barber Mill Rezoning, for parcel numbers 165701-35-1656, 165701-36-0164, and 165701-35-1902. The requested change is from Neighborhood-Business (B-2) to Residential-Estate (R-E).

The Clayton Town Council reserves the right to approve the request as presented or any portion of the request without necessity of withdrawal or modification of the application or additional public hearing on the matter. Likewise, the Town Council may designate approval to the district requested or another district or districts without modification of the request or additional public hearing.

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

Haley Hogg, Planner
919-553-5002

The Clayton News Star

Please advertise on the following dates:

September 20, 2017

September 27, 2017

Affidavit of publication required.

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

3049 Barber Mill
2017-115-RZ

On August 28, 2017 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 28 day of August 2017 while in regular session.

Signed:


Planning Board Chair

**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-Estate (R-E) Town zone the property described below, said property formerly being zoned Neighborhood-Business (B-2_

WHEREAS said property is owned by Richard Meadows and

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

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

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

WHEREAS the said public hearing was actually conducted at 6:30 p.m. on October 2, 2017, 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-Estate (R-E) Town Zoning the following described property:

General Description:

Property is located at 3049 Barber Mill Road

Specific Description:

NC Pin / Tag # 166701-35-1656/05G03050E/165701-36-
0164/05G03050N/165701-35-1902/05G03051A

SECTION 2. That the official Town of Clayton Zoning Map is hereby amended to include in the Residential-Estate (R-E) 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 2nd day of October, 2017 while in regular session.

Jody McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk

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

After considering the recommendations of the Planning Board and Planning Director, I move to **[approve OR deny] #2017-115-RZ – 3409 Barber Mill Rd**

[IF APPROVING]

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

**Item 5b
2017-130-RZ
Bannister Property**



Town Council Agenda Cover Sheet

Meeting Date

October 2, 2017

Agenda Location

Public Hearings

Item Title

2017-130-RZ Bannister Property Rezoning

Presenter *(Name & Title)*

Planning Department

Summary/Description

Request to rezone subject property from Residential-Estate (R-E) and Industrial-Heavy Special Use District (I-2 SUD) to Industrial-Light Special Use District (I-1 SUD).

Requested Action

Approval

Additional Documents To Be Included in Agenda Packet

Staff Report
Application
Maps
Consistency Statement
Neighborhood Meeting Materials
Newspaper Ad
Adjacent Property Owner Letter



TOWN OF CLAYTON

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

REZONING APPLICATION

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

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

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

SITE INFORMATION

Name of Project: Bannister Outdoor Storage Acreage of Property: 6.04
County Tag Number: 05G012001 NC PIN: 164900-68-4913
Address/Location: 624 Ramblewood Dr / Off Hwy 70 W Bus
Existing Zoning District: I2 SUD
Proposed Zoning District: I1 SUD

APPLICANT INFORMATION

Applicant: Adams & Hodge Engineering, PC
Mailing Address: 335 Athletic Club Blvd, Clayton, NC 27527
Phone Number: 919-763-7278 Fax: _____
Contact Person: Donnie Adams
Email Address: donnies@adamsandhodge.com

FOR OFFICE USE ONLY

Date Received: AUG 01 2017 Amount Paid: \$500 File Number: 2017-130-RZ

version 1/6/2016

Page 1 of 10

PROPERTY OWNER INFORMATION

Name: D & S Properties, LLC

Mailing Address: PO Box 1238, Garner, NC 27529

Phone Number: 919-359-8060

Fax: _____

Email Address: db16586@gmail.com

EXPLANATION OF PROJECT

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

This site will be an outdoor storage yard for miscellaneous storage including RV's, utility trailers, vehicles, boats, and containers.

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>06/07/17</u>	☒	☐			
2. Review Fee (\$500 for standard rezoning OR \$1,000 + \$5.00/acre for Planned Developments) and Advertisement Fee (\$100)	☒				
3. Completed application	☒				
4. Owner's Consent Form <i>Required if applicant is not property owner.</i>	☒	☐			
5. A signed and sealed boundary survey (not more than a year old unless otherwise approved by the Planning Department).	☒				
6. <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 use is consistent with the adopted plans to the town.

2. Suitability of the subject property for uses permitted by the current vs. the proposed district.
The property is suitable for uses allowed in both the current zoning (I2 SUD) and the proposed zoning (I1 SUD).

3. Whether the proposed change tends to improve the balance of uses, or meets specific demand in the Town.
The proposed zoning meets a specific demand in the town. Thence is a need for outdoor storage yards.

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 available to meet the needs of the proposed use.

5. It has been determined that the legal purposes for which zoning exists are not violated.
The proposed zoning does not violate any legal standards.

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 are no perceived adverse effects on adjacent property.

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.
No single property owner or group of property owners will benefit from the change in zoning 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.

Donnie Adams

Print Name



Signature of Applicant

7/31/2017

Date



TOWN OF CLAYTON

Planning Department

111 E. Second Street, Clayton, NC 27520

P.O. Box 879, Clayton, NC 27528

Phone: 919-553-5002

Fax: 919-553-1720

OWNER'S CONSENT FORM

Consent is required from the property owner(s) if an agent will act on their behalf. A separate form is required from each owner. Consent is valid for one year from date of notary, unless otherwise specified. All fields must be completed.

Project Name: Bannister Outdoor Storage **Address or PIN #:** 624 Ramblewood Drive

AGENT/APPLICANT INFORMATION:

Adams & Hodge Engineering, PC

(Name - type, print clearly)

335 Athletic Club Blvd

(Address)

Clayton, NC 27520

(City, State, Zip)

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

SITE PLANS, REZONING APPLICATIONS

CONSTRUCTION PLANS

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

I hereby certify that I have authority to execute this consent form as/on behalf of the property owner. I understand that any false, inaccurate or incomplete information provided by me or my agent will result in the denial, revocation or administrative withdrawal of this application, request, approval or permits. I further agree to all terms and conditions which may be imposed as part of the approval of this application.

OWNER AUTHORIZATION:

David Bannister

(Name - type, print clearly)

(Owner's Signature)

PO Box 1238

(Address)

Garner, NC 27529

(City, State, Zip)

STATE OF North Carolina
COUNTY OF Johnston

Sworn and subscribed before me _____, a Notary Public for the above State and County, this
the 31 day of July, 20 17.

SEAL



Holland R Adams

Notary Public

My Commission

Expires:

12-11-21

Page 9 of 9



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

*Planning Board
August 28, 2017*

STAFF REPORT

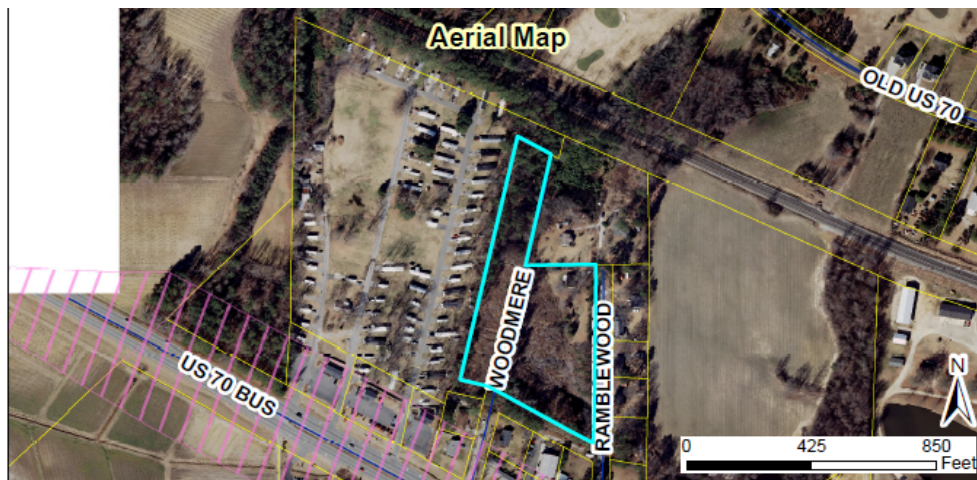
Application Number: 2017-130-RZ Project Name: Bannister Property Rezoning

NC PIN / Tag #: 164900-68-4913 / 05G01200I
Town Limits/ETJ: ETJ
Applicant: Adams & Hodge Engineering, PC
Owner: D & S Properties, LLC
Location: Off Ramblewood Drive, located off US HWY 70 BUS

Public Noticing:

- Neighborhood meeting held on August 22, 2017
- Signs Posted prior to August 18, 2017
- Letters mailed prior to September 22, 2017
- Newspaper ad published September 20, 2017 & September 27, 2017

REQUEST: Request to rezone the subject parcels from Industrial-Heavy Special Use District (I-2 SUD) and Residential-Estate (R-E) to Industrial-Light Special Use District (I-1 SUD).

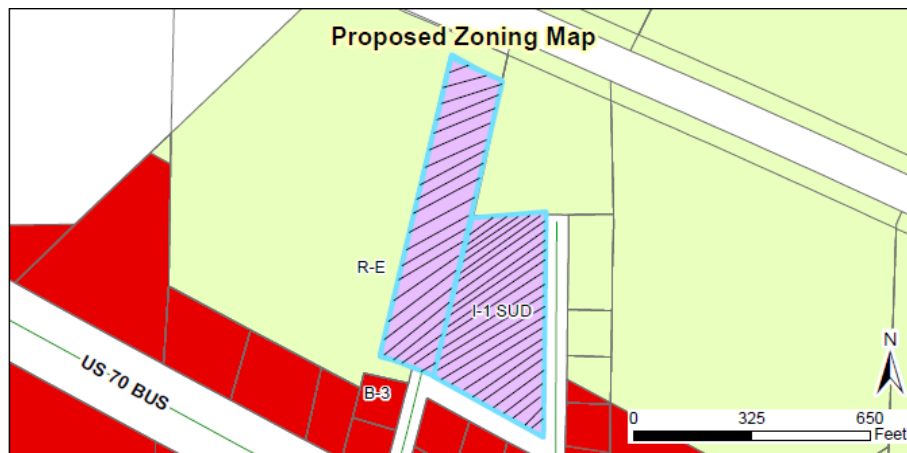


SITE DATA:

Acreage: 6.04
Existing Uses: Vacant

ADJACENT ZONING AND LAND USES:

Direction	Zoning	Existing Use
North	Residential-Estate (R-E)	Single-family residential
South	Highway-Business (B-3)	Commercial
East	Residential-Estate (R-E)	Single-family residential
West	Residential-Estate (R-E)	Mobile Home Park

**STAFF ANALYSIS AND COMMENTARY:****Overview**

The applicant is requesting to rezone the subject parcel from Industrial-Heavy Special Use District (I-2 SUD) and Residential-Estate (R-E) to Industrial-Light Special Use District (I-1 SUD). There was a previous Special Use Permit approved for outdoor storage on the subject property, which subsequently expired. Consequently, the property is currently vacant. The surrounding land uses are a mixture of residential and commercial uses. The rezoning of the subject property to I-1 SUD moves the property into a less intensive zoning category, making it more compatible with surrounding zoning districts and land uses while allowing the owner to re-establish the previous approved use. In order to protect the surrounding residential properties, the applicant is proposing to keep the Special Use District on the property so that any proposed use in the future is subject to issuance of a Special Use Permit from Town Council (even if the use is typically permitted outright in I-1).

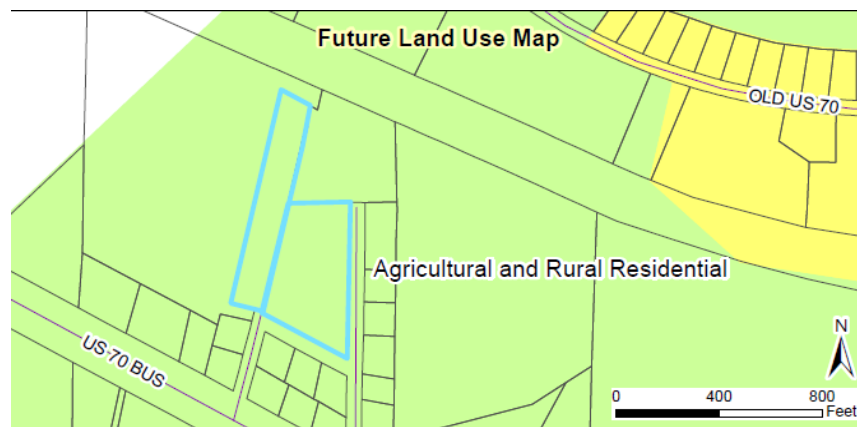
Compatibility with Surrounding Land Uses

The proposed zoning change to Industrial-Light Special Use District (I-1 SUD) is more consistent with surrounding land uses than the existing zoning category of Industrial-Heavy Special Use District (I-2 SUD). To further ensure compatibility with surrounding land uses, keeping the special use district on the property will require any proposed use, even uses permitted outright in I-1, to obtain a special use permit from Town Council in order to

be permitted. It is also worth noting that, if rezoned to I-1 SUD, the applicant will be required to provide a Class “C” landscape buffer along all property lines abutting residentially zoned districts, and a Class “B” landscape buffer along all properties zoned B-3. This will further protect surrounding land uses from the impacts of any potential use of the subject property.

Consistency with the 2040 Comprehensive Plan

The future land use map designates this property as “Agricultural and Rural Residential” due to the lack of water and sewer services available. While the proposed zoning change is not entirely consistent with this designation, it is less intensive than the zoning district the property is currently located in (I-2 SUD). It’s also worth noting that while this area is designated as “agricultural and rural residential”, all properties to the south are currently zoned Highway-Business (B-3) and are utilized for commercial uses. Therefore, the proposed zoning category is generally consistent with the current development pattern of this area.



CONSIDERATIONS:

- Rezonings are decided by the Town Council. The Planning Board shall make a recommendation to the Town Council.
- When adopting or rejecting the rezoning, the Town Council shall approve a statement describing whether its action is consistent with adopted plans and/or policies of the Town and explaining why the Council considers the action taken to be reasonable and in the public interest.
- If approved, this rezoning will result in a modification to amend the official zoning map for The Town of Clayton.

APPROVAL CRITERIA:

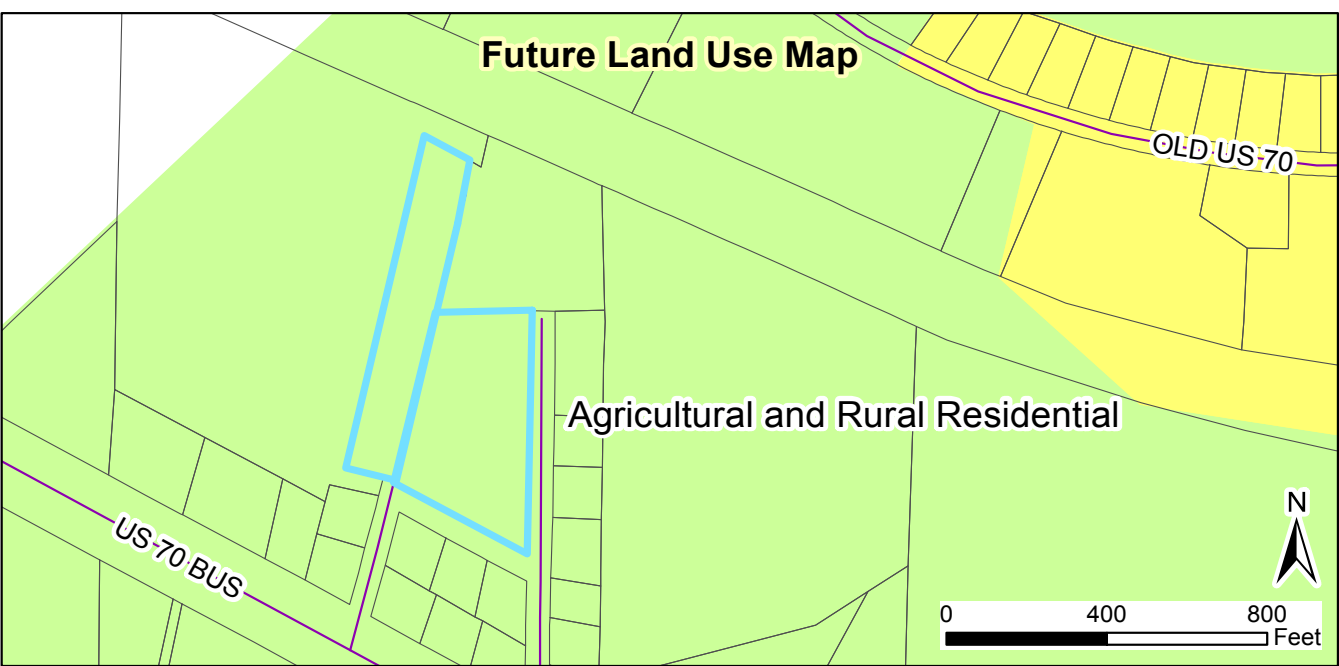
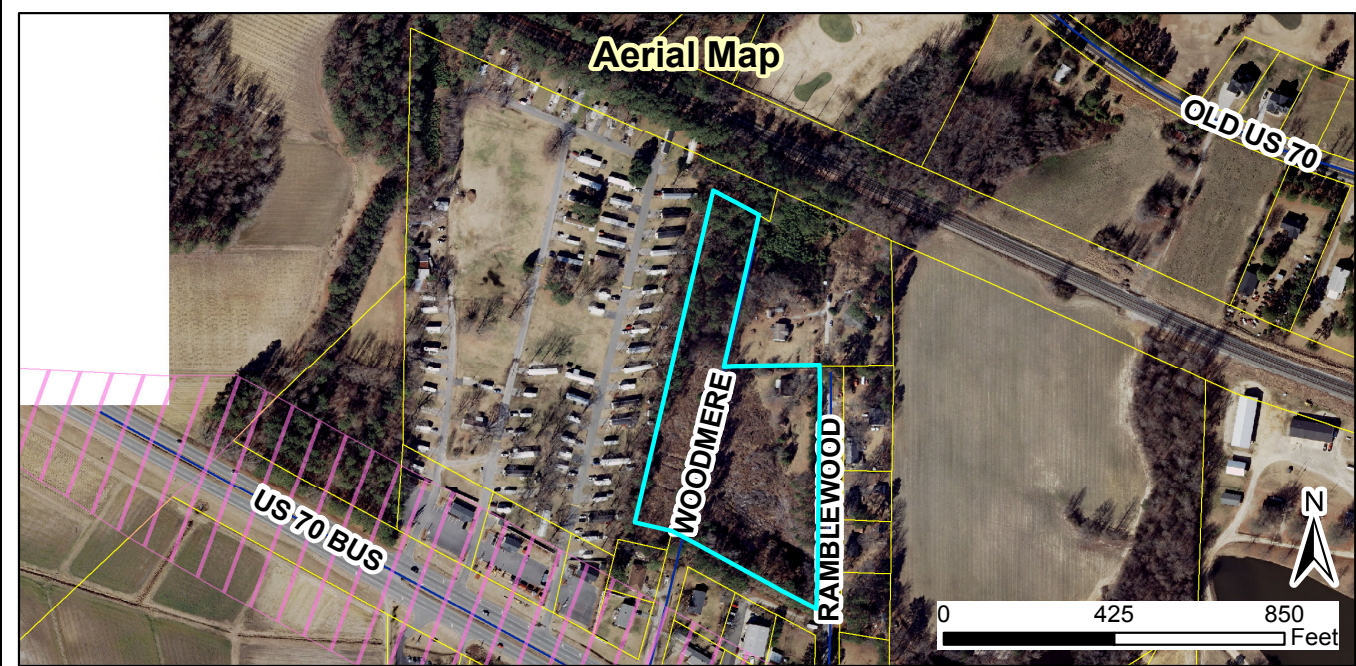
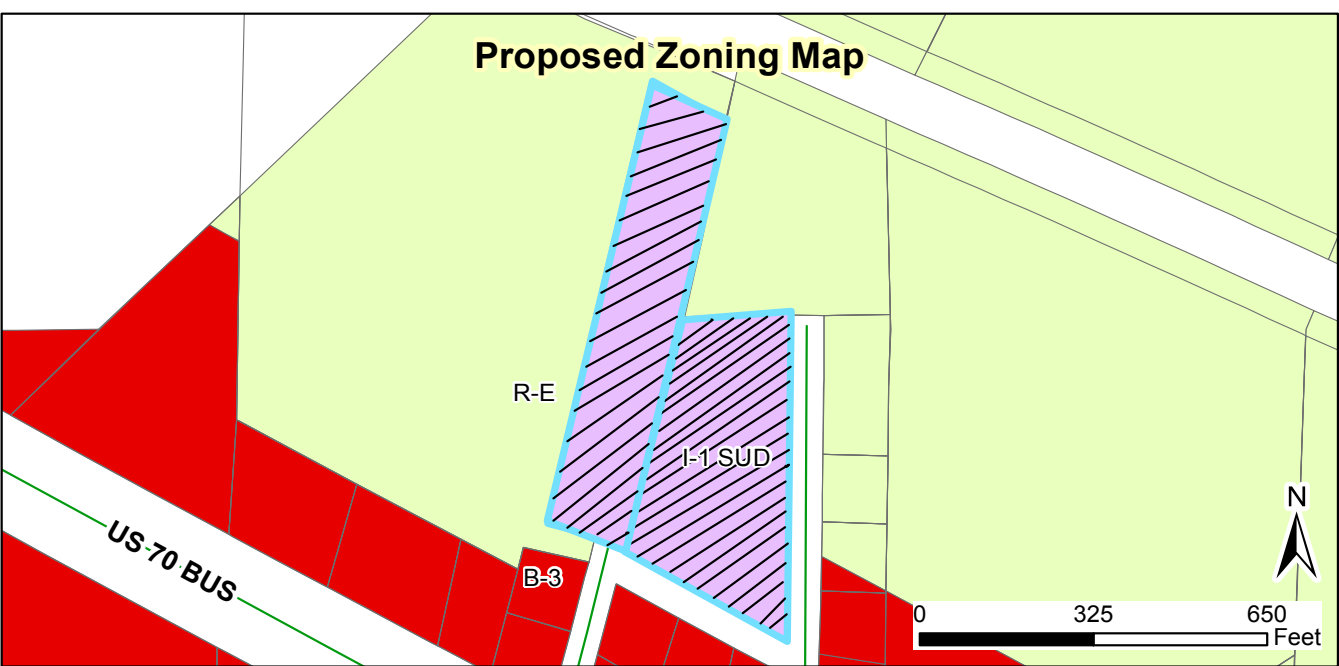
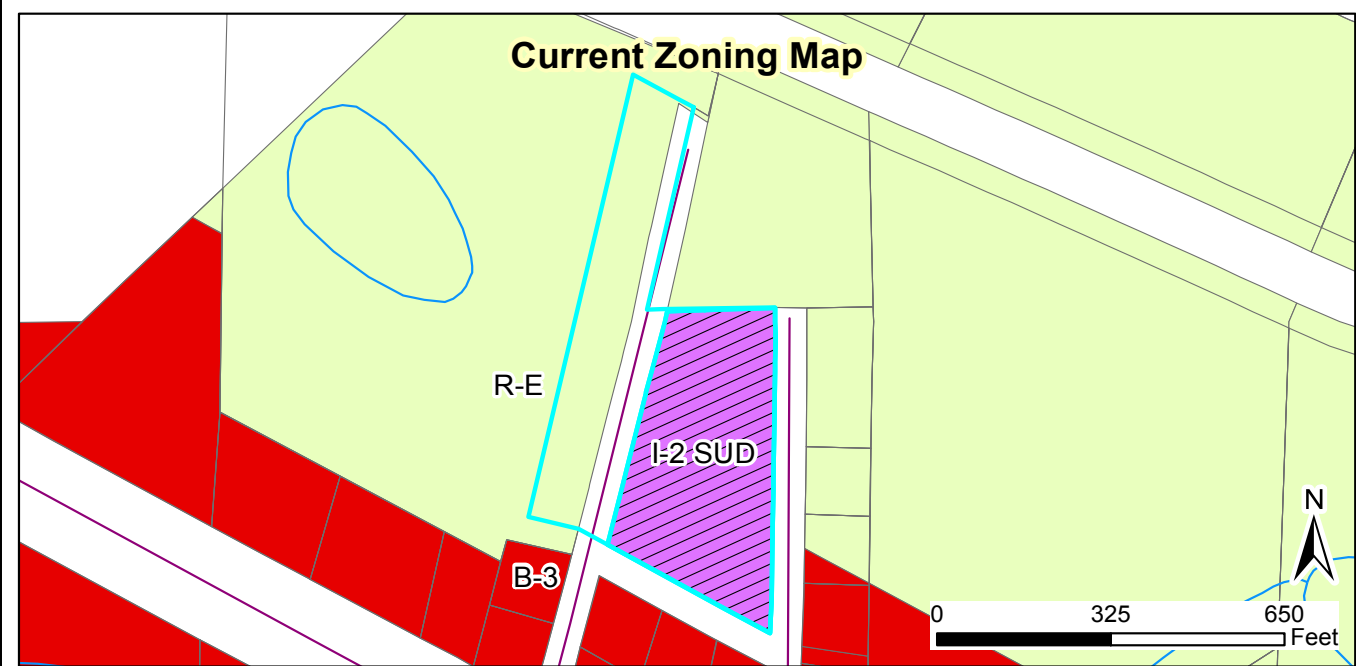
The applicant has addressed the Rezoning Approval Criteria outlined in §155.704. The applicant’s responses are incorporated as an attachment to the Staff Report.

STAFF RECOMMENDATION:

Staff is recommending approval of the rezoning of the subject parcels.

ATTACHMENTS:

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



2017-130-RZ Bannister Property Rezoning
Request: Rezone from Industrial-Heavy Special Use District (I-2 SUD) and Residential-Estate (R-E) to Industrial-Light Special Use District (I-1 SUD)
 Applicant: Adams & Hodge Engineering, PC
 Property Owners: D & S Properties, LLC
 Parcel ID: 164900-68-4913
 Tag #: 05G012001



08/09/2017
 Produced by: TOC Planning
 Disclaimer: Town of Clayton assumes no legal responsibility for the quality of the data represented here.

Legend

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

Document Path: O:\PLANNING\REZONING\Rezoning\2017\2017-130-RZ Bannister Outdoor Storage\Maps\2017-130-RZ Staff Report Map.mxd



Town of Clayton
Planning Department
111 E. Second Street, Clayton, NC 27925
P.O. Box 879, Clayton, NC 27925
Phone: 919-553-1111
Fax: 919-553-1112

September 18, 2017

NOTICE

SUBJECT: **Project #:** 2017-130-RZ Bannister Property Rezoning
PIN #: 164900-69-4913
TAG #: 05G01200I
Applicant: Adams & Hodge Engineering, PC

Dear Clayton Area Property Owner:

Notice is hereby given that the Clayton Town Council will hold a public hearing on **Monday, October 2, 2017** at 6:30 PM at Town Hall, 111 E Second Street, to consider 2017-130-RZ, requesting a rezoning of the subject property from Residential-Estate (R-E) and Industrial-Heavy Special Use District (I-2 SUD) to Industrial-Light Special Use District (I-1 SUD). Please see the map on the back of this letter.

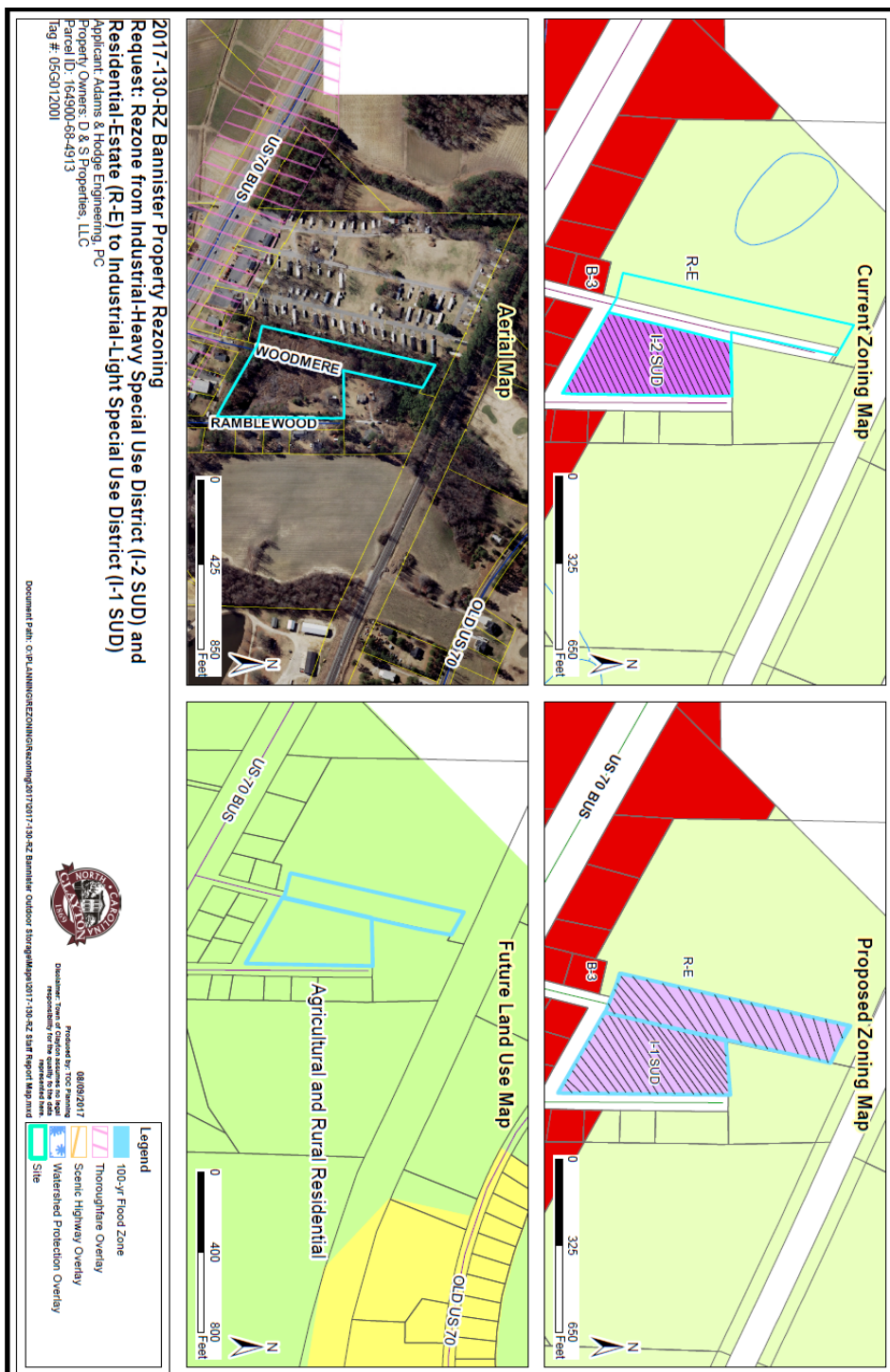
Based upon records in the Johnston County Tax Office, you are the owner of property that is within 100 feet of this proposed rezoning request. You are invited to attend this meeting and express your opinions on this request to Council.

If you should need additional assistance or information, please contact Haley Hogg, Planner with the Town Planning Department at (919) 359-2102 or email at hhogg@townofclaytonnc.org.

Sincerely,

A handwritten signature in black ink that reads "Haley Hogg".

Haley Hogg, CZO
Planner





Neighborhood Meeting Minutes

Project/Proposal property address: Bannister Outdoor Storage/624 Ramblewood Dr. Clayton, NC 27527

Date: Tuesday, August 22, 2017

Meeting Location: 335 Athletic Club Blvd., Clayton NC 27527

In Attendance: Donnie Adams, Andrew Hodge, David Bannister, Holland Adams

Time: 6:30pm

Donnie opened the meeting at 6:40pm and presented the project. Donnie gave details on the project. He asked for questions. There were no questions. The meeting adjourned at 6:45pm

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Project: BANNISTER OUTDOOR STORAGE - 2017-131-54P

Application: REZONING, SPECIAL USE & MAJOR SITE PLAN

Location/Date: AUGUST 22, 2017 @ ADAMS & HODGE OFFICE

	NAME	ADDRESS
1	Donnie Adams	335 ATHLETIC CLUB BLVD, CLAYTON, NC
2	Holland Adams	335 Athletic Club Blvd, Clayton, NC
3	David Bannister	P.O. Box 324 Garner NC 27529
4	Andrew Hodge	336 Athletic Club Blvd, Clayton, NC
5		
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TOWN OF CLAYTON
ZONING AMENDMENT
CONSISTENCY AND REASONABLENESS STATEMENT

2017-130-RZ Bannister Property Rezoning

The Town Council of the Town of Clayton hereby states:

Section 1: The above referenced zoning amendment IS CONSISTENT with:

The Town of Clayton's Comprehensive Plan, specifically:

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

Section 2: Based upon information presented at the public hearings and by the applicant, and based upon the recommendations and detailed information developed by staff and the Planning Board contained in the staff report, and considering the criteria applicable sections of the Unified Development Code of the Town of Clayton, specifically **(insert specifics to case)**

_____ ,

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

PUBLIC NOTICE

In accordance with NC GS 160A-384, the Clayton Town Council will hold a public hearing on October 2, 2017, at 6:30 PM at Town Hall, 111 East Second Street, to consider the following rezoning requests:

- 2017-130-RZ Bannister Property Rezoning for parcel number 164900-69-4913. The requested change is from Residential-Estate (R-E) and Industrial-Heavy Special Use District (I-2 SUD) to Industrial-Light Special Use District (I-1 SUD).
- 2017-115-RZ 3049 Barber Mill Rezoning, for parcel numbers 165701-35-1656, 165701-36-0164, and 165701-35-1902. The requested change is from Neighborhood-Business (B-2) to Residential-Estate (R-E).

The Clayton Town Council reserves the right to approve the request as presented or any portion of the request without necessity of withdrawal or modification of the application or additional public hearing on the matter. Likewise, the Town Council may designate approval to the district requested or another district or districts without modification of the request or additional public hearing.

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

Haley Hogg, Planner
919-553-5002

The Clayton News Star

Please advertise on the following dates:

September 20, 2017

September 27, 2017

Affidavit of publication required.

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

Bannister Property Rezoning
2017-130-RZ

On August 28, 2017 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 28 day of August 2017 while in regular session.

Signed:



Planning Board Chair

**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 Industrial-Light Special Use District (I-1 SUD) Town zone the property described below, said property formerly being zoned Industrial-Heavy Special Use District (I-2 SUD) & Residential Estate (R-E)

WHEREAS said property is owned by D&S Properties, LLC and;

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

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

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

WHEREAS the said public hearing was actually conducted at 6:30 p.m. on October 2, 2017, 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 Industrial-Light Special Use District (I-1 SUD) Town Zoning the following described property:

General Description:

Property is located at Off Ramblewood Drive, located off of US Highway 70 Business (Bannister Property)

Specific Description:

NC Pin / Tag # 164900-68-4913/05G01200I

SECTION 2. That the official Town of Clayton Zoning Map is hereby amended to include in the Industrial-Light Special Use District (I-1 SUD) 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 2nd day of October, 2017 while in regular session.

Jody McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk

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

After considering the recommendations of the Planning Board and Planning Director, I move to **[approve OR deny] #2017-130-RZ – Bannister Property**

[IF APPROVING]

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

**Item 5b
2017-130-RZ
Bannister Property**



Town Council Agenda Cover Sheet

Meeting Date

October 2, 2017

Agenda Location

Public Hearings

Item Title

2017-137-SUP The Lofts at Old Town Hall Special Use Permit

Presenter *(Name & Title)*

Planning Department

Summary/Description

Request to develop 16 apartment units within an existing building.

Requested Action

Continue to November 6, 2017

Additional Documents To Be Included in Agenda Packet

Staff Report
Application
Maps
Neighborhood Meeting Materials
Associated Minor Site Plan
Public Notice- Newspaper Ad
Public Notice- Adjacent Property Letter



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: The Lofts at Old Town Acreage of Property: 0.196
Parcel ID Number: 166917-02-7156 Tax ID: 05015051
Deed Book: 1255 Deed Page(s): 571
Address/Location: 231 E Second St. Clayton, NC 27520

Existing Use: Vacant Government Proposed Use: Apartments

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): Downtown Overlay District

OFFICE USE ONLY

Date Received: AUG 02 2017 Amount Paid: \$500 Permit Number: 2017-137-SUP

Version 01/06/2016

Page 1 of 9

PROPERTY OWNER INFORMATION

Name: Town of Clayton, Attn. David DeYoung
 Mailing Address: 111 E Second St. Clayton NC 27520
 Phone Number: 919-359-9347 Fax: 919-553-1720
 Email Address: ddeyoung@townofclaytonnc.org

APPLICANT INFORMATION

Applicant: Community Smith, LLC
 Mailing Address: P.O. Box 6086
 Phone Number: 919-827-1089 ext.161 Fax: 919-827-1089, opt. 2
 Contact Person: Holton Wilkerson
 Email Address: holton@communitysmith.com

REQUIRED INFORMATION (to be submitted with the application)

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

To be completed by the applicant:			To be completed by staff:		
	Yes	N/A	Yes	No	N/A
1. A pre-application conference was held with Town of Clayton staff. Date: <u>July 14th</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 is for the adaptive reuse of Old Town Hall for conversion to up to 16 apartments. The property will be developed in accordance with the plans submitted to the Town and a Developer's Agreement which will be executed between Town Council and the development team.

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. In addition, the adaptive reuse of existing structures is a common and 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.

All adjacent properties are currently developed. The reactivation of this vacant, deteriorating building will have a positive impact on adjacent properties and surrounding uses.

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

The development will both comply with adopted plans and policies and will improve the character of the surrounding area through the revitalization of an existing historic structure.

EXPLANATION OF PROJECT

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

Simply, the development is for the adaptive reuse of an existing historic structure. The proposed development plan will utilize the existing building and provide up to 16 apartments in the downtown core of Clayton.

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.

W. Horton Wilkerson, Jr.
Print Name


Signature of Applicant

8-2-17
Date



**Town of Clayton
Planning Department**

111 E. Second Street, Clayton, NC 27520

P.O. Box 879, Clayton, NC 27528

Phone: 919-553-5002

Fax: 919-553-1720

OWNER'S CONSENT FORM

Consent is required from the property owner(s) if an agent will act on their behalf. A separate form is required from each owner. Consent is valid for one year from date of notary, unless otherwise specified. All fields must be completed.

Project Name: Lofts at Old Town Hall Address or PIN #: 231 E Second Street, Clayton, NC
27520

AGENT/APPLICANT INFORMATION:

DAVID DEYOUNG, TOWN OF CLAYTON
(Name - type, print clearly)

111 E. Second Street
(Address)
Clayton, NC 27520
(City, State, Zip)

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

Holton Wilkerson, Community Smith.

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

I hereby certify that I have authority to execute this consent form as/on behalf of the property owner. I understand that any false, inaccurate or incomplete information provided by me or my agent will result in the denial, revocation or administrative withdrawal of this application, request, approval or permits. I further agree to all terms and conditions which may be imposed as part of the approval of this application.

OWNER AUTHORIZATION:

David DeYoung, Planning Dir.
(Name - type, print clearly)

111 E Second St
(Address)
Clayton NC, 27520
(City, State, Zip)

[Signature]
(Owner's Signature)

STATE OF
COUNTY OF

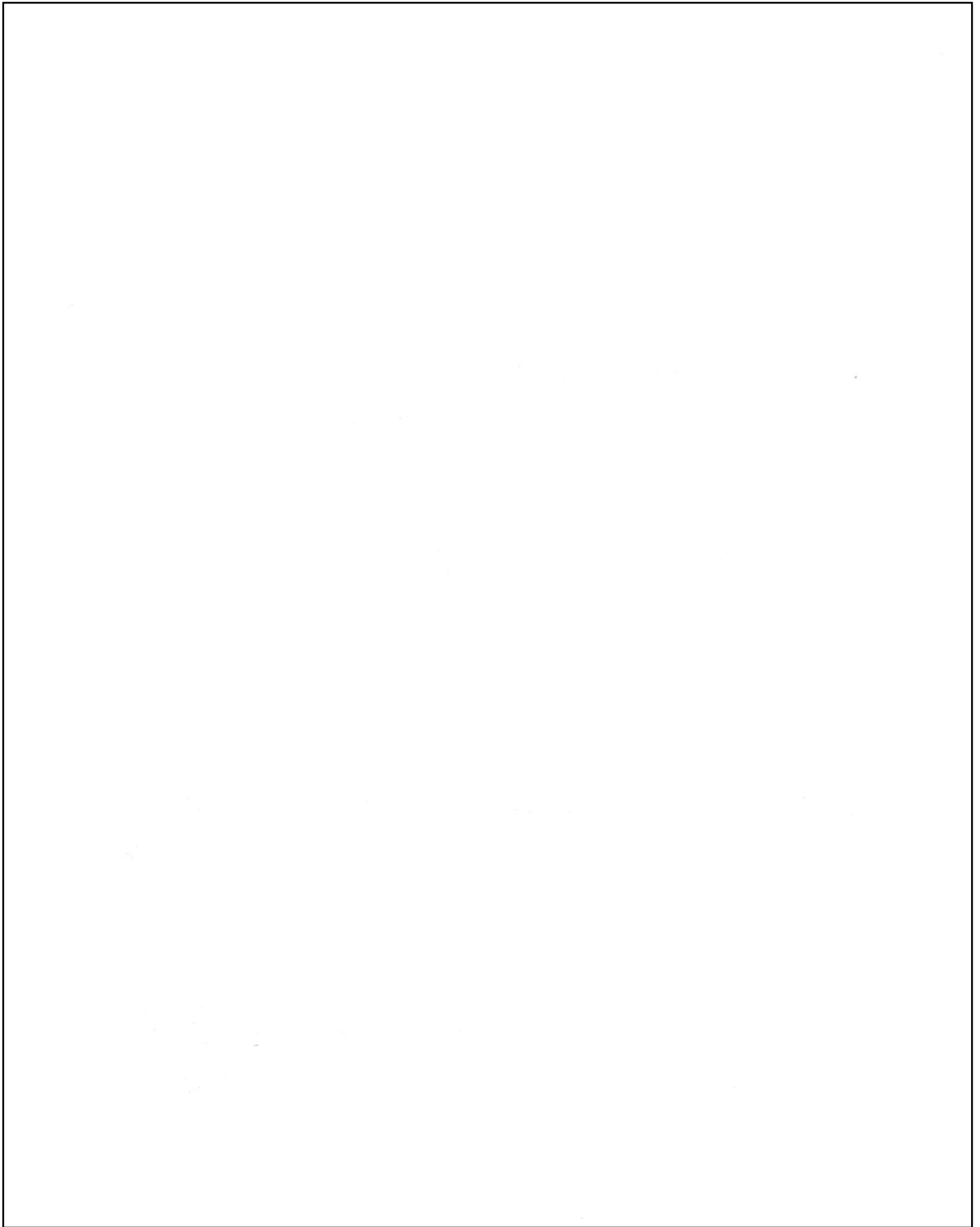
North Carolina
Johnston

Sworn and subscribed before me Karen J Durham, a Notary Public for the above State and County, this
the 2 day of August, 20 17.

SEAL

Karen J Durham
Notary Public
My Commission
Expires:

Sept 2, 2019





Town of
Planning D
111 E. Second Street, Clayton
P.O. Box 879, Clayton
Phone: 919
Fax: 919

August 28, 2017

STAFF REPORT

Application Number: 2017-137-SUP

Project Name: The Lofts at Old Town Hall Special Use Permit

NC PIN / Tag #: 166917-02-7136 / 05015051
Overlay: Downtown Overlay District
Applicant: Community Smith, LLC
Owner: Town of Clayton
Location: 231 East Second Street; at the corner of Barbour Street and East Second Street

Public Noticing:

- Neighborhood meeting held on August 23, 2017
- Sign posted prior to August 18, 2017
- Adjacent property letters mailed prior to September 22, 2017
- Newspaper ad published September 20, 2017 and September 27, 2017

REQUEST: The applicant is requesting a special use permit to allow the development of up to 16 multi-family apartment units within an existing building

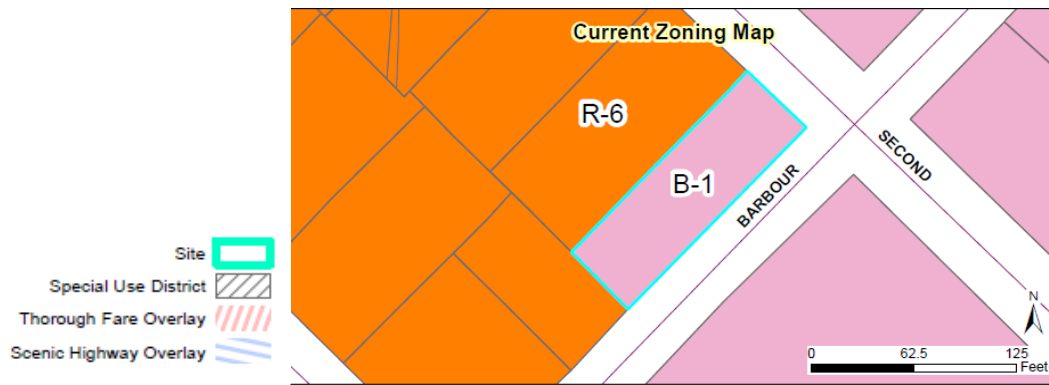
SITE DATA:

Acreage: .196
Existing Use: Vacant office building



ADJACENT ZONING AND LAND USES:

Direction	Zoning	Existing Use
North	Central-Business (B-1) / Residential-6 (R-6)	Commercial & Single-family residence
South	Central-Business (B-1)	Police Station/Office
East	Central-Business (B-1)	Police Station
West	Residential-6 (R-6)	Single-family residence

**DEVELOPMENT DATA:**

Proposed Uses:	Apartments (16 units)
Buildings:	1 building (existing)
Number of stories:	2 stories
Impervious Surface:	7102 SF (83%)
Required Parking:	16 spaces (1 space per studio or 1 bedroom unit), plus 4 guest spaces (1 guest space per 4 units)
Proposed Parking:	No on-site parking is proposed. Off-site parking is to be located within the existing parking lot at the corner of Barbour Street and Horne Street
Access/Streets:	Located at the corner of Barbour Street and East Second Street

STAFF ANALYSIS:**Overview**

The applicant is requesting a Special Use Permit to convert through adaptive reuse the existing office building for up to 16 apartment units on the subject property. The 16 apartment units will be located primarily within the existing structure. The property is zoned Central-Business (B-1). Per UDC requirements, any development of apartments within this zoning district is subject to issuance of a special use permit. Running concurrently with this request, the applicant has submitted a minor site plan application to be reviewed by staff (2017-136-SPM).

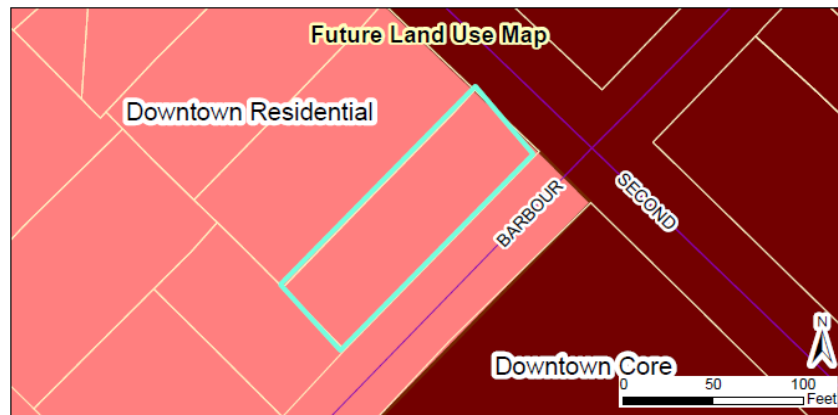
Consistency with Adopted Plans:

- **Comprehensive Plan 2040**

The proposed use is consistent with the Future Land Use map, which designates this property as “Downtown Residential”. It is also consistent with Goal D1 of the Comprehensive Plan 2040, which is to promote quality adaptive re-use projects downtown while preserving historic character.

- **Unified Development Code**

The proposed use is generally consistent with the Unified Development Code as an existing fully developed site.



Associated Site Plan

The applicant submitted a minor site plan application (2017-136-SPM), which is running concurrently with this special use permit request. The development will include up to 16 one bedroom apartment units within the existing building.

Parking

No on-site parking is to be provided as a part of this development. The applicant is proposing to utilize the existing parking lot located on the corner of Barbour Street and Horne Street for resident and guest parking.

Landscaping

The UDC requires any property zoned B-1 to provide a Class “B” landscape buffer along all property lines abutting an R-6 zoning district. However, the applicant is not proposing to provide any landscape buffers due to the existing site layout and space limitations. Staff considers the landscaping on-site to be a nonconforming site element, as it does not meet our current requirements. As permitted within the UDC, if site elements cannot be brought into compliance with the current requirements of the code for reasons such as site layout, space limitations, or other natural features, the Planning Director may approve a deviation from the site element requirements.

Mail Kiosks

The applicant is discussing potential mail kiosk locations with the local post-master. They are proposing the mail kiosks to be located indoors, but may locate the kiosks outside the front of the building if required by the Post Office.

Trash Collection

There will be no dumpsters located on the site. Instead, the development will utilize a concierge trash service. Residents will place their trash outside of their units indoors, and the company will remove the trash from the site.

FINDINGS

When considering a Special Use Permit application, the Town Council shall consider specific Findings of Fact. A Special Use failing to meet any of the Findings shall be deemed adverse to the public interest and shall not be approved. The applicant has addressed the Findings of Fact expressly established by Chapter 155.711(I) of the UDC, and these Findings are accepted as part of the completed application.

CONSIDERATIONS:

- The Town Council approves Special Use Permits.
 - Planning Board shall make a recommendation to Town Council.
-

RECOMMENDATION:

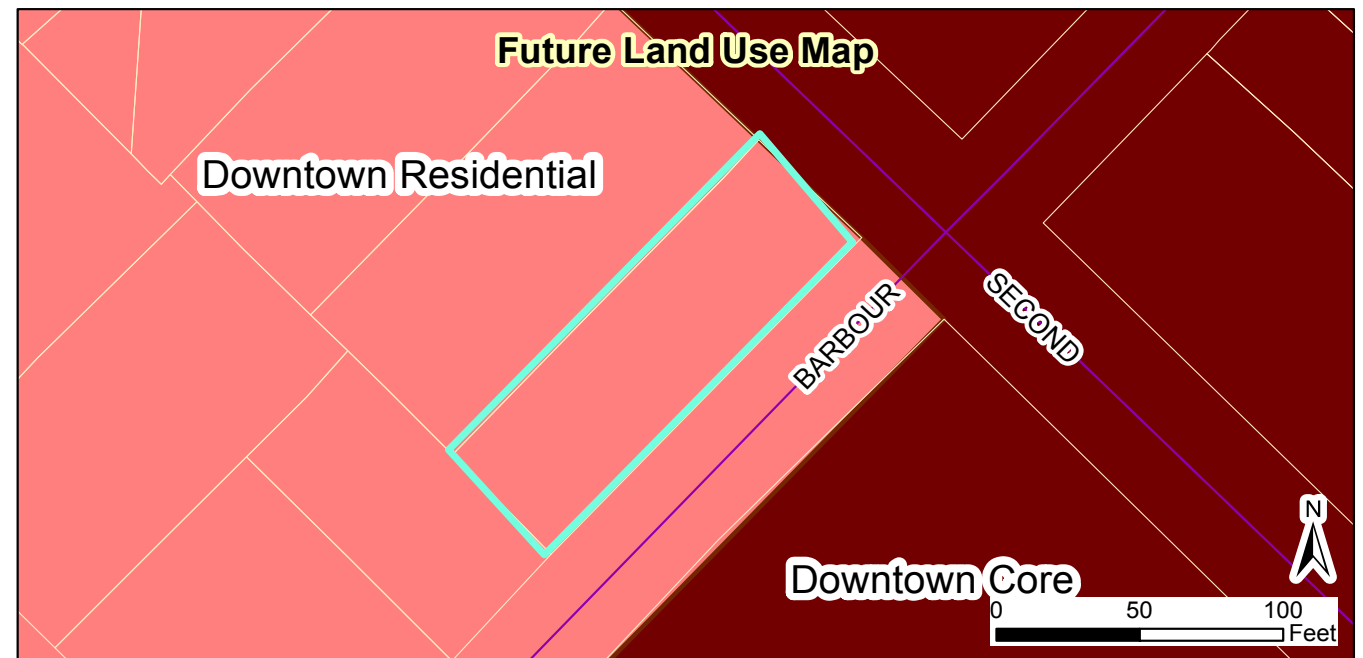
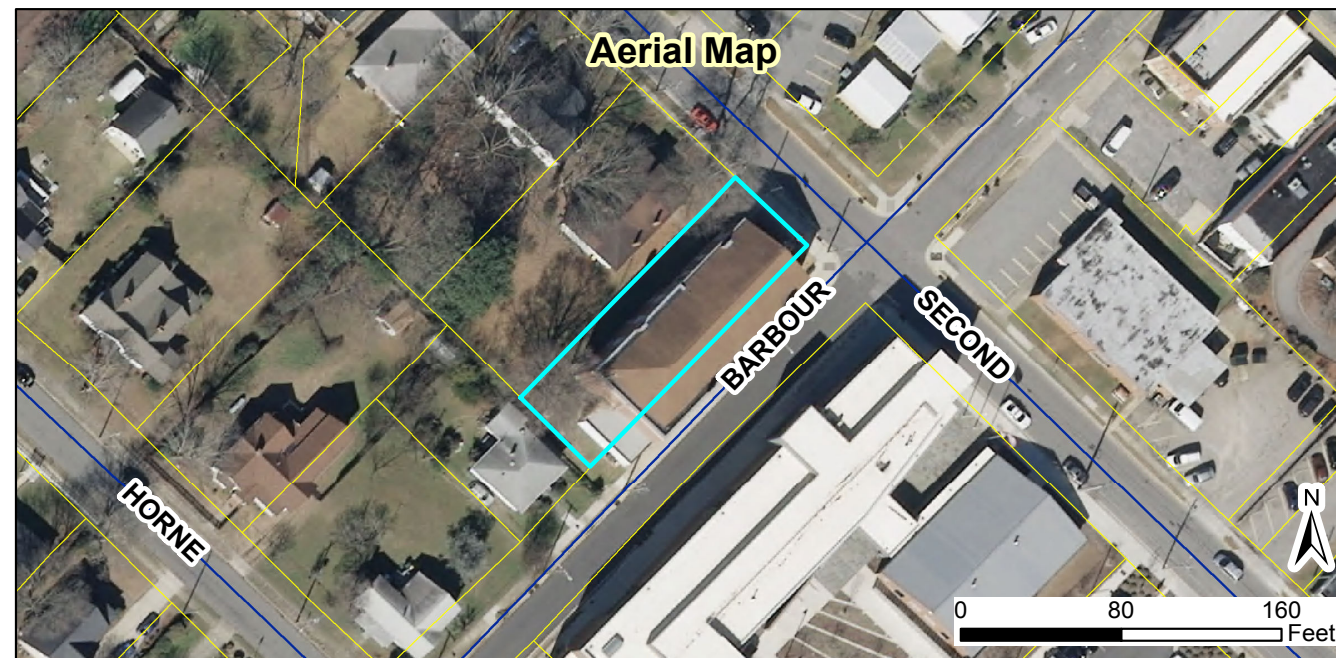
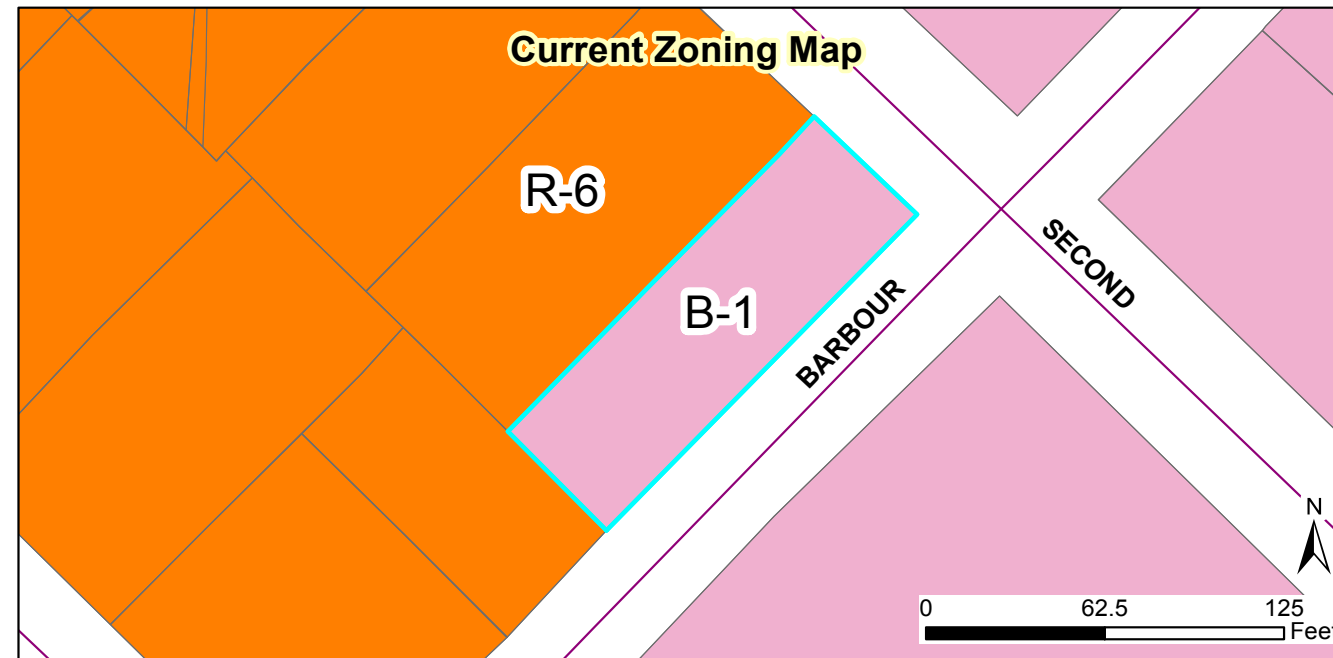
Staff recommends **approval with conditions** of the above referenced Special Use Permit

RECOMMENDED CONDITIONS OF APPROVAL:

1. Development of the subject property shall be in accordance with a Developer's Agreement executed between the Town of Clayton and the developer.
-

ATTACHMENTS:

- 1) Application
- 2) Staff Report Map
- 3) Associated Minor Site Plan
- 4) Associated Floor Plan
- 5) Neighborhood Meeting Materials



2017-137-SUP The Lofts at Old Town Hall Special Use Permit
Request: Special use permit approval to develop 16 apartment units within an existing building

Applicant: Community Smith, LLC
 Property Owners: Town of Clayton
 Parcel ID: 166917-02-7136
 Tag #: 05015051



05/12/2017

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

Document Path: O:\PLANNING\SPECIAL USE\2017\2017-137-SUP The Lofts @ Old Town Hall\Maps\2017-137-SUP Staff Report Map.mxd

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



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

September 18, 2017

NOTICE

SUBJECT: Project #: 2017-137-SUP The Lofts at Old Town Hall Special Use Permit
Address: 231 E Second Street
Parcel ID: 166917-02-7136
TAG #: 05015051
Applicant: Community Smith, LLC

Dear Clayton Area Property Owner:

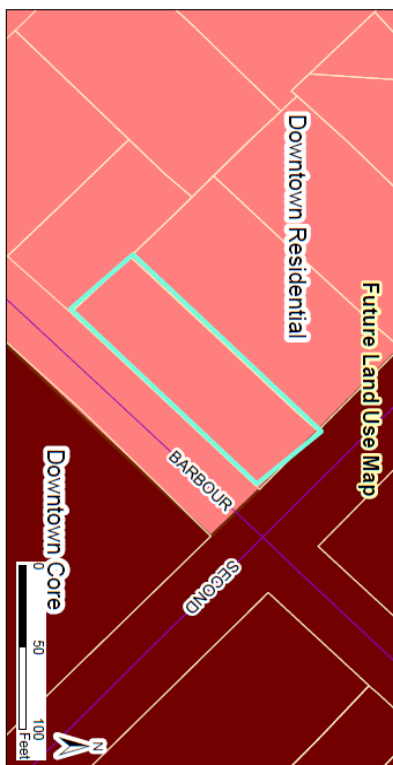
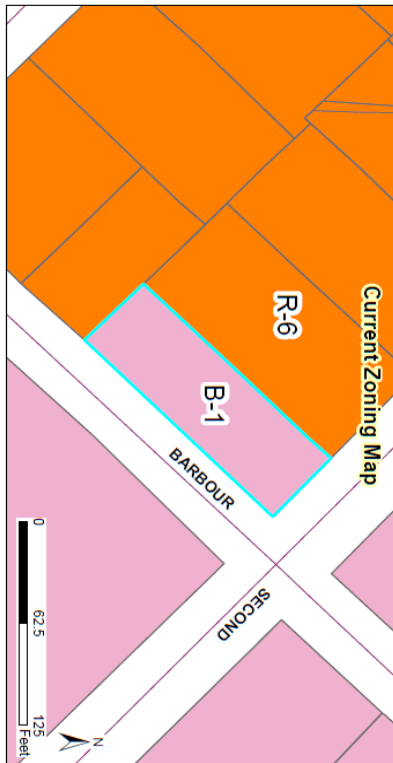
Notice is hereby given that the Clayton Town Council will hold an evidentiary hearing on **Monday, October 2, 2017** to consider the above referenced project. This project requires a Special Use Permit to develop up to 16 apartment units within an existing building, located on property zoned Central-Business (B-1). Per UDC 155.202(A), the use of apartments is permitted in this zoning district subject to issuance of a Special Use Permit. The property is located at the corner of East Second Street and Barbour Street. Please see the map on the back of this letter.

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 Haley Hogg in the Town Planning Department at 919-359-2102 or email at hhogg@townofclaytonnc.org.

Sincerely,

Haley Hogg, CZO
Planner



2017-137-SUP The Lofts at Old Town Hall Special Use Permit Request: Special use permit approval to develop 16 apartment units within an existing building

Applicant: Community Smith, LLC
Property Owner: Town of Clayton
Parcel ID: 165917-02-7136
Tag #: 05015051

Document Path: O:\PLANNING\SPECIAL USES\2017-137-SUP The Lofts @ Old Town Hall\Map\2017-137-SUP Staff Report Map.mxd

05/12/2017
Produced by: TDC Planning
Disclaimer: Town of Clayton assumes no legal
responsibility for the accuracy or
representation of the information
represented here.

Legend

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



Dear Clayton Area Property Owner:

August 11, 2017

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, August 23, 2017 Meeting Time: 6:00pm

Meeting Location: Old Town Hall – 231 E 2nd Street, Clayton, NC 27520 - Garage Bay on Barbour Street

Type of Application: Special Use Permit / Minor Site Plan Approval

Project/proposal property address: Lofts at Old Town Hall – 231 E 2nd Street, Clayton, NC 27520

Description of project/proposal: The development is for the adaptive reuse of an existing historic structure. The proposed redevelopment plan will utilize the existing building and provide up to sixteen (16) apartments in the downtown core of Clayton.

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

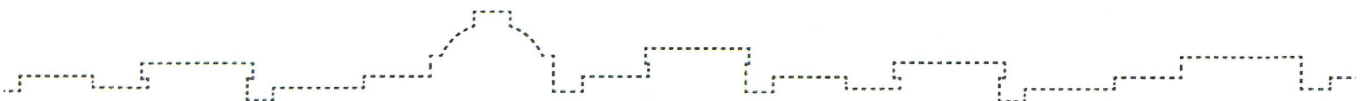
1. A copy of the project application.
2. A map at a scale that is appropriate to the project and shows neighboring properties and roads.
3. A map, drawing, or other depiction of the proposed land use change or development proposal.

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. 101. You may also contact the Planning Department at 919-553-5002.

Sincerely,

A handwritten signature in black ink, reading 'Holton Wilkerson'.

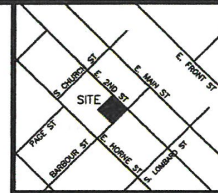
Holton Wilkerson
Managing Partner, CommunitySmith, LLC
Cc: Town of Clayton Planning Dept.



NOTES:

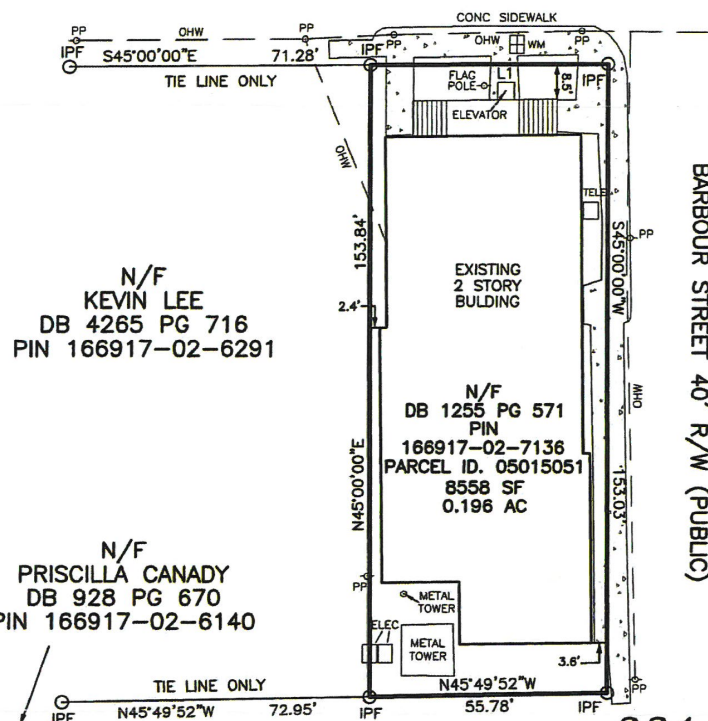
- 1) ALL DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES
- 2) AREAS COMPUTED BY COORDINATE METHOD
- 3) PROPERTY SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD
- 4) NO HORIZONTAL CONTROL FOUND WITHIN 2000 FEET OF SURVEY
- 5) BOUNDARY PREDICATED ON EXISTING MONUMENTATION FOUND IN THE FIELD
- 6) NO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

LINE	BEARING	DISTANCE
L1	S45°00'00"E	155.77'



VICINITY MAP (not to scale)

EAST SECOND STREET 50' R/W (PUBLIC)



N/F
KEVIN LEE
DB 4265 PG 716
PIN 166917-02-6291

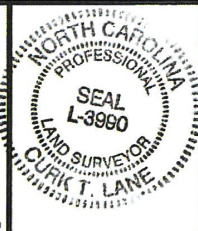
N/F
PRISCILLA CANADY
DB 928 PG 670
PIN 166917-02-6140

N/F
DB 1255 PG 571
PIN
166917-02-7136
PARCEL ID. 05015051
8558 SF
0.196 AC

SCALE: 1" = 30'

231
E. SECOND 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



PHYSICAL SURVEY FOR
COMMUNITY SMITH, LLC
231 E. SECOND 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 RECORDECTION JOB NO. 3059.001

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: 6/28/17 DRAWN: HUSSEIN DATE: 6/29/17 CHECKED: CURK

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Project: "Lofts at Old Town Hall"

Application: 8/2/2017

Location/Date: 231 E 2ND ST. CLAYTON, NC 27520 8/23/2017

	NAME	ADDRESS
1	HUBERT & BONNIE LEE	2236 SHOTWELL RD CLAYTON, NC 27520
2	ERNEST & JOYCE BLACKLEY	2133 SHOTWELL RD CLAYTON, NC 27520
3	CARRIE LEE	225 E 2ND ST CLAYTON, NC 27520
4	PRISCILLA CANADY	212 S BARBOUR ST CLAYTON, NC 27520
5	DENISE BROUGHTON-KETTNER	NOT PROVIDED; NOT IN 100' RADIUS
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		

NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Application: 8/2/2017

Date of Mailing: 8/11/2017

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

Printed Name: HOLTON WILKERSON

Signature: 

Date of Meeting: 8/23/2017

Time of Meeting: 6:00 PM

Location of Meeting: 231 E 2ND ST. CLAYTON, NC 27520

Meeting Summary/Minutes: *provide a summary of the discussion held at the meeting, including issues raised and any resolution discussed, and any changes made to the application as a result of the meeting.*

SEE ATTACHED NOTES

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

ATTACHMENT TO SPECIAL USE APPLICATION:

Neighborhood Mtg. Notes:

Q. number of units? A. 15-16 depending on final design.

Q. What about resident/guest/visitor parking? Likely all included in Town lot that used to service this building.

Q. What about the tenants like massage therapist and one other that the Town forced to have parking. Will it be taken away? A. I'm unsure of this and awaiting more information.

Q. Will children be likely to live in the building? A. Can't prevent that but with the likely demographic we'll be marketing to, there may be lower quantity or likelihood.

Q. Where will exterior HVAC units be located? A. on the roof.

Q. What's to be done to the exterior of the building? A. Very little as far as the looks of the building aside from pointing up masonry, cleaning, and otherwise significantly improving the look.

Q. Will the tower(s) be coming down? Yes, it will in the Town's public works folks will be doing the work.

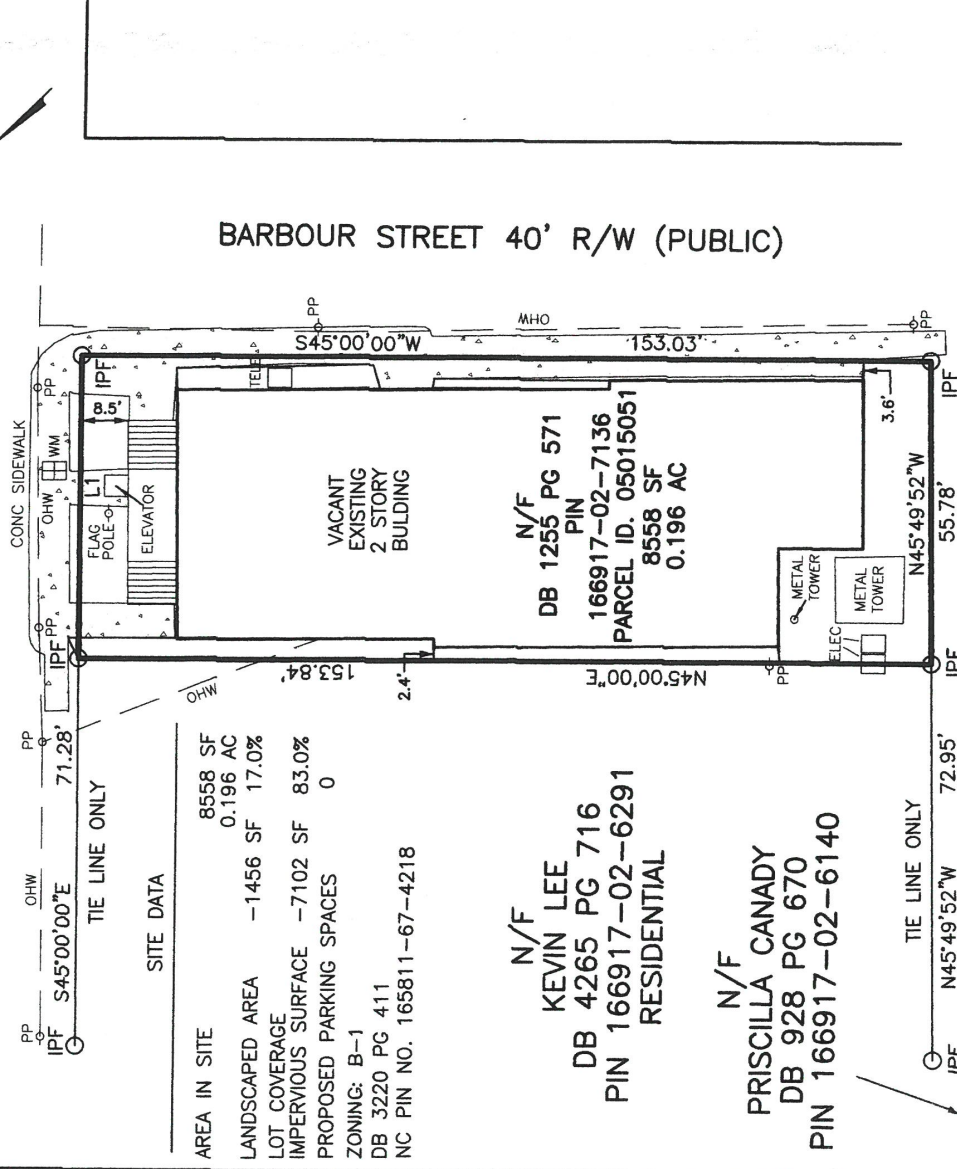
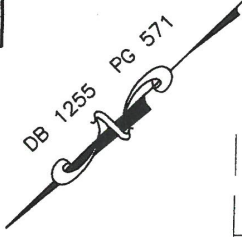
Comments:

- Quality of the tenants is a big concern. I mentioned that to support the amount of investment to be made, the rents would be such that it would not likely be an issue. Same goes for the aesthetics and level of finishes as well.
- Mention of a time capsule that used to be in the building or may still be or could've been moved to Clayton Center?
- Confirmed there will be a window overlooking Priscilla Cannady's house.

- 1) SITE IS LOCATED WITHIN THE TOWN LIMITS OF CLAYTON
- 2) SITE SERVED BY SEWER SERVICE FROM CLAYTON
- 3) SITE SERVED BY WATER SERVICE FROM CLAYTON
- 4) SITE SERVED BY ELECTRIC SERVICE FROM CLAYTON

VICINITY MAP (not to scale)

EAST SECOND STREET 50' R/W (PUBLIC)



SCALE: 1" = 30'

Age Group	No (%)	Small (%)	Medium (%)	Large (%)
15	10	10	10	70
30	10	10	10	70
60	10	10	10	70

231
E. SECOND 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 ELEVATIONS
100.0		CABLE TV BOX
CATV		ELECTRIC BOX
ELC		PLAT BOOK
PB		POWER POLE
PP		PEED BOOK
DB		LINE NOT CURED

The seal is circular with a serrated outer edge. The text "NORTH CAROLINA" is curved along the top inner edge, "PROFESSIONAL" is curved along the bottom inner edge, and "LAND SURVEYOR" is curved along the right inner edge. In the center, the text "SEAL" is above "L-3990", which is above "CURK T. LANE".

NOT PREPARED FOR RECORDATION

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

**על מנת להצטרף
לדיוקן**

DATE OF SURVEY:

9/28/17

DRAWN:

511

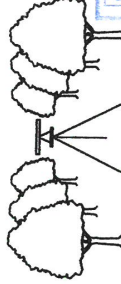
DATE: 78/01/17

CHECKED:

MINOR SITE PLAN
FOR
COMMUNITY SMITH, LLC
FOR
LOFTS AT OLD TOWN HALL

231 E. SECOND STREET, CLAYTON, NC 27520
CLAYTON TOWNSHIP JOHNSTON COUNTY NORTH CAROLINA

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919 829 4969

115 1/2 E. Hargett St
Suite 300
Raleigh, NC 27601
maurerarchitecture.com

NOT FOR
CONSTRUCTION
FOR REFERENCE
ONLY

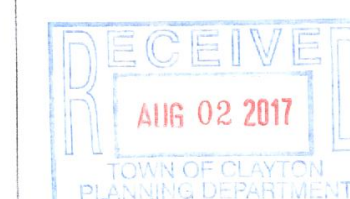
08-01-17

PROJECT TYPE: RENOVATION

CLAYTON TOWN HALL

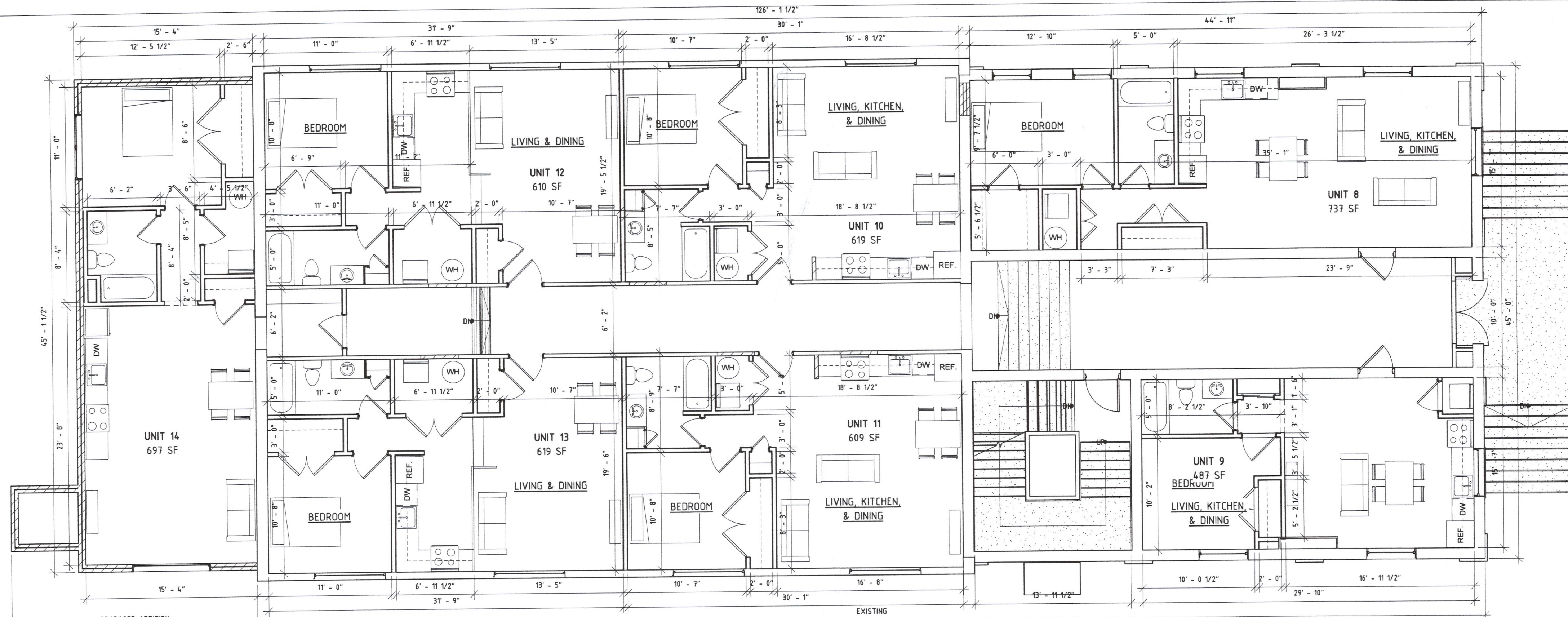
231 E Second Street, Clayton NC

DATE	08-01-17
DR.	MJK
CH.	DSM
PROJ. #	17025
REVISIONS	DATE

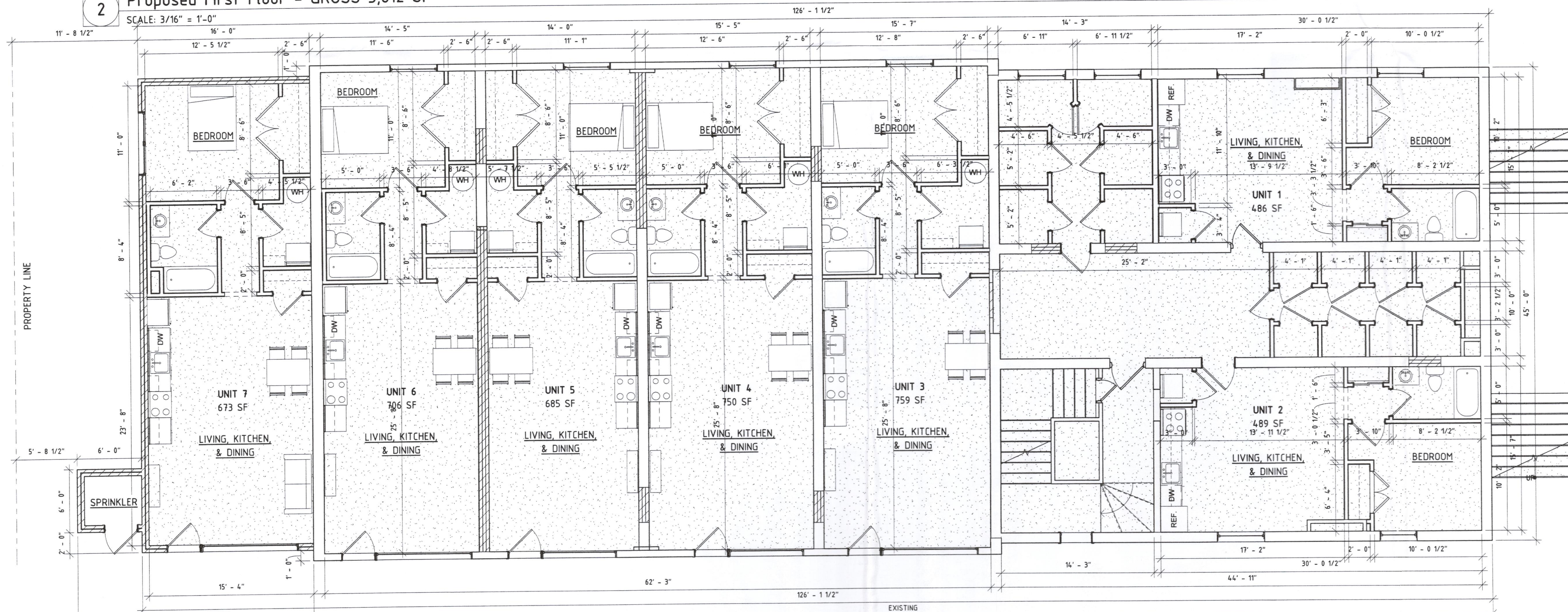


Proposed Floor
Plans

A1.1



2 Proposed First Floor - GROSS 5,812 SF
SCALE: 3/16" = 1'-0"



1 Proposed Basement - GROSS 5,848 SF
SCALE: 3/16" = 1'-0"



919 829 4969

115 1/2 E. Hargett St
Suite 300
Raleigh, NC 27601
maurerarchitecture.com

NOT FOR
CONSTRUCTION
FOR REFERENCE
ONLY

08-01-07

PROJECT TYPE: RENOVATION

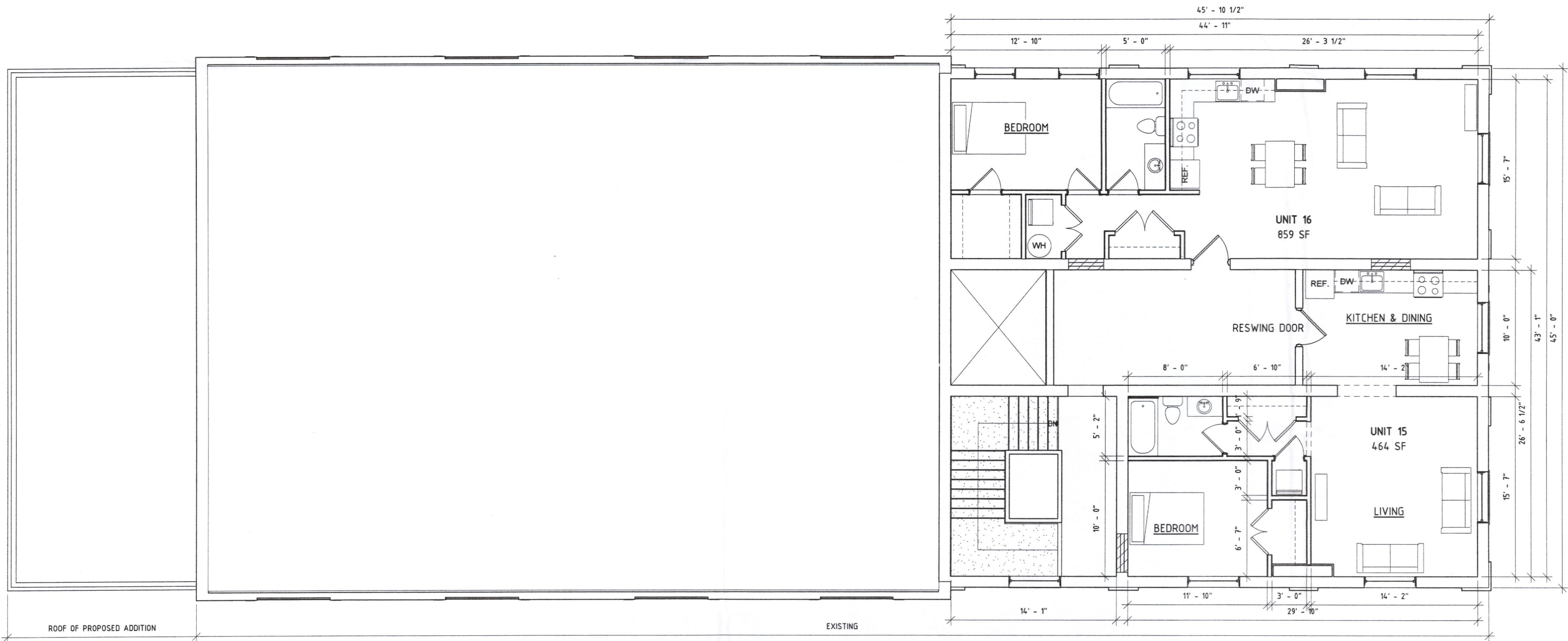
CLAYTON TOWN HALL

231 E Second Street, Clayton NC

DATE	08-01-07
DR.	MJK
CH.	DSM
PROJ. #	17025
REVISIONS	DATE

Proposed
Second Floor
Plan

A1.2



1 Proposed Second Floor - GROSS 2,110 SF
SCALE: 3/16" = 1'-0"

PUBLIC NOTICE

In accordance with NC GS 160A-364, the Clayton Town Council will hold an evidentiary hearing on Monday, October 2, 2017, at 6:30 PM at Town Hall, 111 East Second Street, to consider 2017-137-SUP The Lofts at Old Town Hall Special Use Permit. The request is to develop up to 16 apartment units within an existing building, located on a property zoned Central Business (B-1). The subject property is located at 231 E Second Street; Parcel ID 166917-02-7136.

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

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

Haley Hogg, Planner
919-553-5002

The Clayton News Star

Please advertise on the following dates:
September 20, 2017
September 27, 2017

Affidavit of publication required.

**TOWN OF CLAYTON
PLANNING BOARD WRITTEN RECOMMENDATION
SPECIAL USE PERMIT:**

**The Lofts at Old Town Hall
2017-137-SUP**

On August 28, 2017 the Planning Board heard the above-referenced request and made the following vote:

Recommendation to the Town Council to

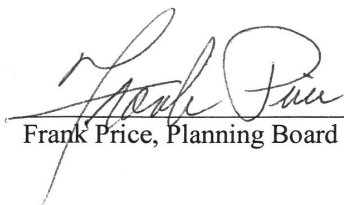
☒ approve the request; *w/ conditions in staff report*

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

☐ deny the request.

Recommendation(s) made this 28th day of August 2017 while in regular session.

Signed:



Frank Price, Planning Board Chair

**Town of Clayton
Town Council
SUP Motion Sheet**

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

- ☐ Approve
- ☐ Deny
- ☐ Approve with Conditions

SUP Application **#2017-137-SUP.**

This motion is based on the following findings:

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

OR

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

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

OR

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

**Item 5c
2017-137-SUP
Lofts @ Old Town Hall**

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

OR

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

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

OR

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

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

Item 5c
2017-137-SUP
Lofts @ Old Town Hall



Town Council Agenda Cover Sheet

Meeting Date

October 2, 2017

Agenda Location

Public Hearings

Item Title

Avery Farm Subdivision – 2017-100-SD

Presenter *(Name & Title)*

Planning Dept.

Summary/Description

Proposal to subdivide 18± acres into a 20-lot residential subdivision with public water (Johnston County) and private (on-site) septic.

Requested Action

Approval with Conditions as listed in Staff Report

Additional Documents To Be Included in Agenda Packet

- 1.) Application
- 2.) Map
- 3.) Neighborhood Meeting Materials
- 4.) Preliminary Subdivision Plan
- 5.) Easements
- 6.) Public noticing
- 7.) Adjacent property owner notification letter
- 8.) Certification of mailing

- 9.) Waiver request justification materials
- 10.) Planning Board recommendation



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: Avery Farm Acreage of Property: 18.64 AC

Tag #: 05G02033 NC PIN: 164900-74-1893

Location: 1872 Guy Road, just west of Englewood Drive

Number of Lots (existing): 1 (Proposed) 21 Min Lot Size: 25,253 SQFT

Zoning District: R-E Electric Provider: Duke Energy Progress

Wastewater: ☒ Septic

☐ Sewer (check one)

Water: ☐ Well

☒ Public/Private Water (check one)

Recreation/Open Space Requirement: ☒ Fee in lieu ☐ Land Dedication – Acreage:

FOR OFFICE USE ONLY

Date Received: JUN 01 2017

Amount Paid: \$1005

File Number: 2017-100-50

TOWN OF CLAYTON
PLANNING DEPARTMENT

Page 1 of 17

PROPERTY OWNER INFORMATION

Name: Sam H. Avery

Mailing Address: 1863 Guy Road, Clayton, NC 27520

Phone Number: 919-736-7278

Fax: N/A

Email Address: donnie@adamsandhodge.com

APPLICANT INFORMATION

Applicant: Adams & Hodge Engineering, PC

Mailing Address: 335 Athletic Club Boulevard, Clayton, NC 27527

Phone Number: 919-736-728

Fax: N/A

Contact Person: Donnie Adams/Mark Hall

Email Address: donnie@adamsandhodge.com/mark@adamsandhodge.com

REQUIRED INFORMATION (to be submitted with the application)

The following items must accompany the application:

To be completed by the applicant:			To be completed by staff:		
<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 meeting was held with Town Staff. Date: <u>Verify</u>	☒				
2. Completed Application	☒				
3. Review Fee and Advertisement Fee	☒				
4. Findings of Fact, signed <i>Not required for minor modifications. Form is included in this packet.</i>	☒	☐			
5. Owner's Consent Form <i>Required if applicant is not the property owner. Included in this packet</i>	☒	☐			
6. Preliminary Plat Subdivision Requirements Checklist form, completed and signed <i>Checklist is included in this packet</i>	☒				
7. Plat sheet(s) meeting requirements of the Requirements Checklist	☒	☐			
8. If subdivision waivers are requested, applicant must attach a separate typed document requesting the waivers. The document must specifically list the waivers requested, including Code references, and must address the 4 considerations outlined in §155.706(l)(7).	☐	☒			
9. Adjacent Property Owners List	☒	☐			
10. Road Name Application <i>Included in this packet</i>	☒	☐			
11. Wastewater allocation request OR verification of wastewater allocation <i>Letter format, to the attention of the Town Manager.</i>	☐	☒			

01/06/2016

Page 2 of 17

FINDINGS OF FACT

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

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

This proposed subdivision has been designed to adhere to the regulations and guidelines of the Town of Clayton's Unified Development Code

- (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.

This proposed subdivision has been designed to match the flavor and character of adjacent developments as well as other developments in the near vicinity.

- (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.

At only 21 lots this proposed subdivision does not pose a threat to the currently existing traffic patterns of this area. In addition it does not access directly onto a major thoroughfare such as US Hwy 70 or NC Hwy 42. Utility services are a combination of public water and individual septic systems. We see nothing in the design or infrastructure of this development that would materially endanger the environment, public health safety or the 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.

This proposed subdivision does not adversely affect the orderly growth and development of the Town and is indeed consistent with the planning policies adopted by the Town Council

Project Name: Avery Farm

Donnie Adams, PE

Print Name


Signature of Applicant

06/01/2017

Date

01/06/2016

Page 4 of 17

ADJACENT PROPERTY OWNERS LIST

Project Name: Avery Farm

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
175000-41-8275	Kathryn Ann & Donald J. Creasy	1577 Shotwell Rd, Clayton, NC 27520-7057
175000-40-6794	Phillip Jay & Kristi L. Stott	3404 Sparrowwood Dr, Wake Forest, NC 27587-4993
175000-40-4644	Eula Jean Thompson Hunter	25 Seven Oaks Dr, Clayton, NC 27520-8034
175000-40-4493	Patricia Moulthrop & Edward Poole	22 Seven Oaks Dr, Clayton, NC 27520-8033
175000-40-5111	Mary H. Rogel Heirs	113 Farida Dr, Asheville, NC 28804
165906-49-2805	H. I. Potts, Jr.	1722 Old US Hwy 70 W, Clayton, NC 27520
165906-49-1370	ASCO Builders, Inc.	319 Chapanoke Rd, Suite 201, Raleigh, NC 27603
165906-39-7457	Benny Wayne & Shelia Ann Powell	1805 Old US Hwy 70 W, Clayton, NC 27520-6568
165906-39-5615	Stephen L. & Barbara M. Poole	1821 Old US Hwy 70 W, Clayton, NC 27520
165906-39-2991	Hubert Donald Jones	1827 Old US Hwy 70 W, Clayton, NC 27520
175000-30-3139	Kristopher Z. Hogg	1830 Old US Hwy 70 W, Clayton, NC 27520
175000-30-3404	Rona Frost Privette & Mark D. Frost	1900 Old US Hwy 70 W, Clayton, NC 27520
175000-30-3584	Richard L. & Annie Pearl Stevens	103 Fieldstone Dr, Clayton, NC 27520
175000-30-4710	Curtine & Bernice Powell	101 Pebble Dr, Clayton, NC 27520-8042
175000-30-5829	James O. & Myra S. Taylor	100 Pebble Dr, Clayton, NC 27520-8042
175000-31-5085	Gregory Bruce & Beth Rhodes Franson	304 Rock Circle, Clayton, NC 27520
175000-31-6233	Thomas R. & Wanda Sue Howard	308 Rock Circle, Clayton, NC 27520

MAJOR SUBDIVISION – PRELIMINARY PLAT REQUIREMENTS CHECKLIST

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

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

01-06-2016

Page 10 of 17

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

01/06/2016

Page 11 of 17

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

01/06/2016

Page 12 of 17

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

Signed by Applicant:



Date: 06/01/2017

01/06/2016

Page 13 of 17



TOWN OF CLAYTON

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

ROAD NAME APPROVAL APPLICATION

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

SITE INFORMATION

Name of Project: Avery Farm Acreage of Property: 18.64 AC
Tax ID #: 4665049 NC PIN: 164900-74-1893
Deed Book: N/A Deed Page(s): N/A
Location:
1872 Guy Road, Clayton, NC 27520
Nearest Intersecting Roads: Guy Road and Englewood Drive
Township: Clayton

PROPERTY OWNER INFORMATION

Name: Sam H. Avery
Mailing Address: 1863 Guy Road, Clayton, NC 27520
Phone Number: N/A Fax: N/A
Email Address: N/A

APPLICANT INFORMATION

Applicant: Adams & Hodge Engineering, PC
Mailing Address: 335 Athletic Club Boulevard, Clayton, NC 27527
Phone Number: 919-763-7278 Fax: N/A
Contact Person: Donnie Adams/Mark Hall, donnie@adamsandhodge.com/mark@adamsandhodge.com
Email Address:

FOR OFFICE USE ONLY

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

01/06/2016

Page 15 of 17

ROAD NAME GUIDELINES SUPPLEMENTAL INFORMATION

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

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

REQUIRED PLANS AND SUPPLEMENTAL INFORMATION

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

Road Name	Suffix
Ex.: Willow	Lane
1. PLOW POINT	LANE
2. HAYSTACK	PLACE
3. PASTURE	PLACE
4. TILLER	LANE
5.	
6.	
7.	
8.	
9.	
10.	

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

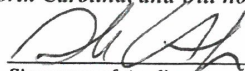
APPLICANT AFFIDAVIT

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

Donnie Adams, PE

Print Name

01/06/2016


Signature of Applicant

06/01/2016

Date

Page 16 of 17



**TOWN OF CLAYTON
Planning Department**

111 E. Second Street, Clayton, NC 27520

P.O. Box 879, Clayton, NC 27528

Phone: 919-553-5002

Fax: 919-553-1720

OWNER'S CONSENT FORM

Consent is required from the property owner(s) if an agent will act on their behalf. A separate form is required from each owner. Consent is valid for one year from date of notary, unless otherwise specified. All fields must be completed.

Project Name: Avery Farm **Address or PIN #:** 164900-74-1893

AGENT/APPLICANT INFORMATION:

Donnie Adams, PE, Adams & Hodge Engineering, PC
(Name - type, print clearly)

335 Athletic Club Boulevard
(Address)
Clayton, NC 27527
(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*):

Preliminary Subdivision Submittal

Required Utility Permit & Sedimentation/Erosion Control Permit Submittals

Subdivision Construction Drawings

Administrative Amendment Submittals

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:

Sam H. Avery
(Name - type, print clearly)

1863 Guy Road
(Address)

Mave Hargis Exect.
(Owner's Signature)

Clayton, NC 27520
(City, State, Zip)

STATE OF North Carolina
COUNTY OF Johnston

Sworn and subscribed before me Mia M. Richard a Notary Public for the above State and County, this the 30 day of May, 2017.



Mia M. Richard
Notary Public

**My Commission
Expires:**

June 27, 2021
Page 14 of 17



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

Planning Board
August 28, 2017

STAFF REPORT

Application Number: 2017-100-SD
Project Name: Avery Farm, Major Subdivision

NC PIN / Tag #: 164900-74-1893 / 05g02033
Town Limits/ETJ: ETJ
Overlay: None
Applicant: Adams & Hodge Engineering, PC (c/o Donnie Adams)
Owner: Sam H. Avery
Location: 1872 Guy Rd, farm parcel just west of Englewood Drive

Public Noticing:

- Neighborhood meeting July 11, 2017
- Sign posted prior to August 17, 2017
- Letters mailed prior to September 22, 2017
- Newspaper ad posted prior to September 15, 2017

REQUEST: To develop 21 single-family residential lots on ± 18.64 acres using public water and private septic.

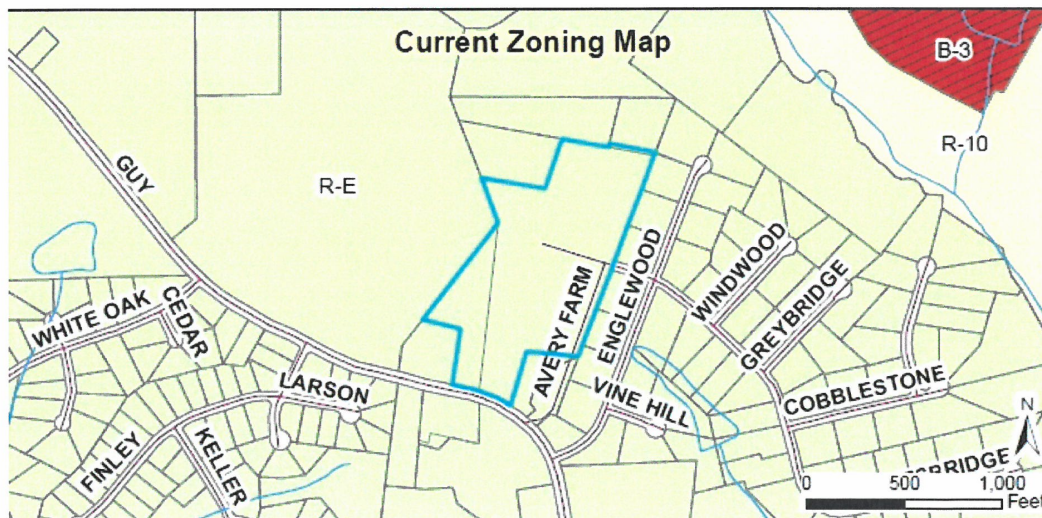


SITE DATA:

Acreage: 18.64 acres
Zoning: Residential-Estate (R-E)
Existing Use: Vacant / Agricultural

ADJACENT ZONING AND LAND USES:

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



DEVELOPMENT DATA:

Proposed Uses: Single-Family Homes
Buildings: 21 buildable lots proposed
Density/Intensity: 1.12 dwelling units per acre
Required Parking: 2 spaces per single family home
Access/Streets: One new access point off of Guy Road, and one connection to existing stub at Huntsbridge Drive.
Water Provider: Johnston County

Sewer Provider: private septic

Electric Provider: Duke Energy

STAFF ANALYSIS:

Overview

The applicant is requesting to develop a 21-lot, conventional single-family residential subdivision, with a minimum lot size of 25,000 sq ft (just over ½ acre), which is in accordance with a recent ordinance amendment. The average lot size is upwards of 38,000 sq ft (approx. 0.88 acre). The subdivision will utilize public water from a Johnston County water line in the Guy Road right-of-way. The lots will have private septic systems, similar to all other adjacent homes on that side of Guy Road. The development will also build internal streets to NCDOT standards and will not be annexed into the Town of Clayton.

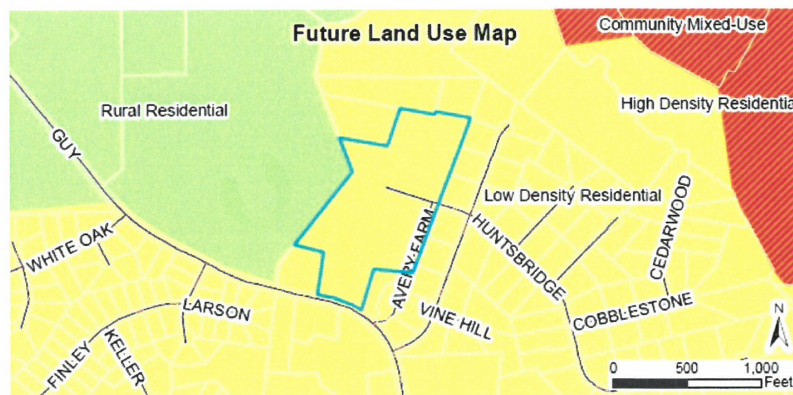
Consistency with Adopted Plans

- **2040 Comprehensive Plan**

The Future Land Use for this area is designated as Low Density Residential, which accommodates R-E zoned residential developments.

- **Unified Development Code**

The proposed development is generally consistent with the requirements of the Unified Development Code (UDC). A recent ordinance amendment to the Unified Development Code allows minimum lot sizes of 25,000 sq ft for this type of residential subdivision.



Compatibility with Surrounding Land Uses

Surrounding uses are either single family residential (R-E zoned) or vacant / agricultural land.

Landscaping and Buffering

The applicant is proposing to provide one street tree per lot, as required by Town of Clayton's Unified Development Code. A Class "A" landscape buffer is also required (and provided) along Guy Road. No other landscaping or buffers are required.

Mail Kiosk

A mail kiosk is proposed near Guy Road, and is most easily accessible to vehicles leaving the site. It has a pull-off space to accommodate nearly one parallel parking space. It does not currently appear to meet ADA accessibility

requirements, but review will occur during building permit application for the kiosk area to ensure that it meets applicable portions of the NC State Building Code.

Access/Streets

Access to the subdivision is proposed to be from Guy Road, with additional connection to and existing stub-out at Huntsbridge Drive, which connects to the adjacent residential neighborhood. Huntsbridge Drive will be extended through to the west, to stub-out to an adjacent, undeveloped parcel.

Access to parcels to the north is preserved by the 50' access easement, which may be developed as a paved street should those parcels develop. Likewise, another 50' access easement exists across the northwest most parcel at the end of Englewood Drive. (Note: This easement is not shown on these plans.)

Multi-Modal Access

Sidewalks are not proposed as part of the street cross section.

Waivers/Deviations/Variations from Code Requirements

The applicant is requesting the following waivers:

1. Waiver from providing a curb-and-gutter street - §155.601(B)(1).
2. Waiver from providing sidewalks - §155.602(H)(1).

Each of these requested waivers must meet the standards of §155.706(I)(7), which is reproduced below:

(7) Waivers

- a) The Town Council may authorize, in specific situations, waivers to certain requirements of §§ 155.600 through 155.607 if it is clear that adequate provisions for the type and intensity of the proposed use has been or will be provided, and there are special circumstances, such as unique characteristics of the lot and area, or strict interpretation of the requirements render the subdivision of the property not feasible or desirable.
 1. The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located;
 2. The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not generally applicable to other property;
 3. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of this chapter are enforced; and
 4. The purpose of the waiver is not based primarily upon financial consideration.
- b) In granting a waiver, the Town Council may require certain conditions that in its judgment, substantially secure the objectives, standards or requirements of this chapter.

CONSIDERATIONS:

- The applicant is requesting Preliminary Subdivision Plat approval for a 21-lot single-family residential subdivision.
- The applicant is requesting waivers from:
 1. Providing curb-and-gutter streets - §155.601(B)(1)
 2. Providing sidewalks - §155.602(H)(1)
- This preliminary plat is subject to final approval by Town Council.

Staff recommendations on waivers (see “Waivers” section of Conditions for details):

1. Approval with condition.
2. Approval.

FINDINGS:

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

CONDITIONS:

If approved, staff recommends the following Conditions of Approval be applied:

1. Following Board approvals, three copies of the final Preliminary Subdivision Plan (Preliminary Plat) meeting the requirements of the Conditions of Approval shall be submitted to the Planning Department for final approval. The following items shall be recorded on the plans before they receive final approval from the Planning Department:
 - a. All Conditions of Approval shall be recorded on the Preliminary Subdivision Plan sheet.
 - b. The “number of lots” in the Site Data Table shall be revised to reflect the actual number of resulting lots (21), which includes the ±3.3 acre “remainder lot” in the north.
 - c. The Site Data Table density calculation shall be revised.
 - d. The ±3.3 acre “remainder lot” in the north shall be labeled at Lot 21.
 - e. Streets shall be labeled based on the public entity to whom dedication is intended.
 - f. A note/label shall be provide on the Preliminary Subdivision Plan sheet designating that portion of Huntsbridge Drive that will be paved.
2. The final plat and subsequent development of the site shall be consistent with the specifications of the approved Preliminary Subdivision Plan. Modifications shall require additional approvals pursuant to §155.706 of the Unified Development Code.
3. All development fees shall be paid at building permit issuance, with the exception of recreation fees, which will be paid at plat.
4. The landscaping buffer along Guy Road shall be installed prior to plat or shall be bonded.
5. Sidewalks shall be provided according to NCDOT specifications for this type of street cross-section.
6. The road name “Avery Farm Lane”, that provides E911 addressing for the homes located north of this proposed subdivision, shall be preserved and the existing signs shall be relocated (if necessary) in such a

way as to provide no lapse in emergency services provision to these properties. Any relocation of these signs shall be coordinated with the appropriate emergency services agencies, the Town of Clayton Planning Dept., Town of Clayton Fire Dept., the County, and all other relevant agencies.

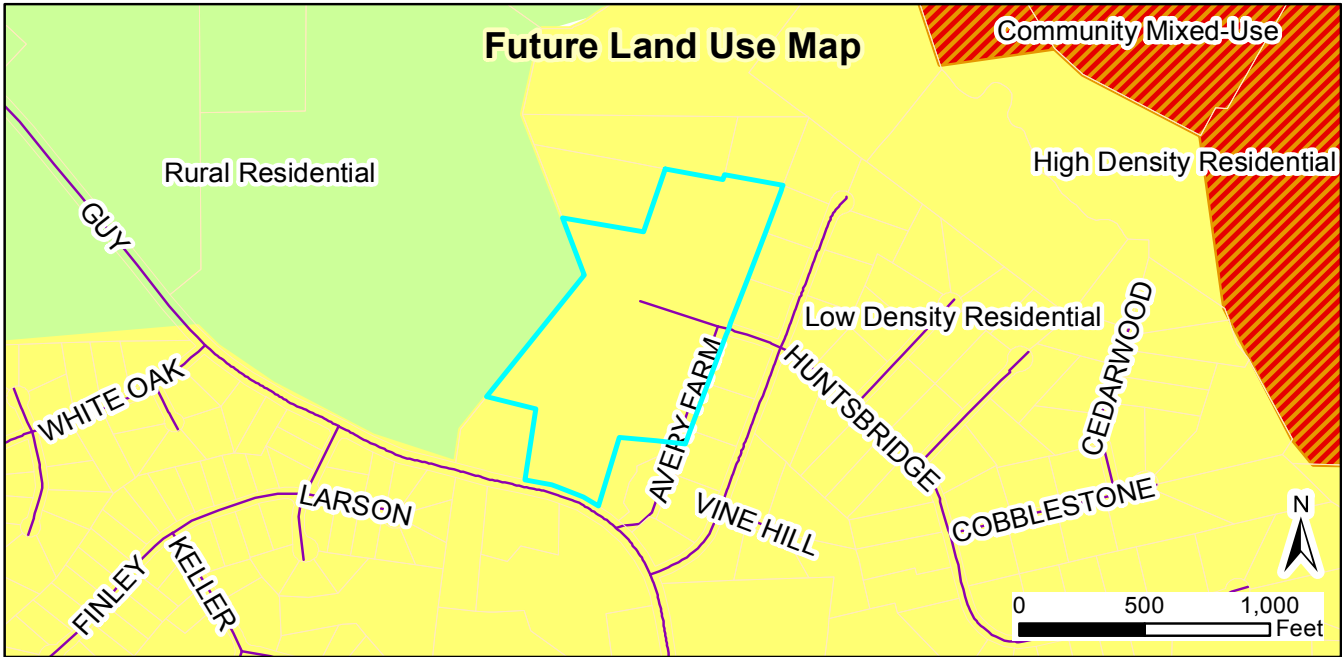
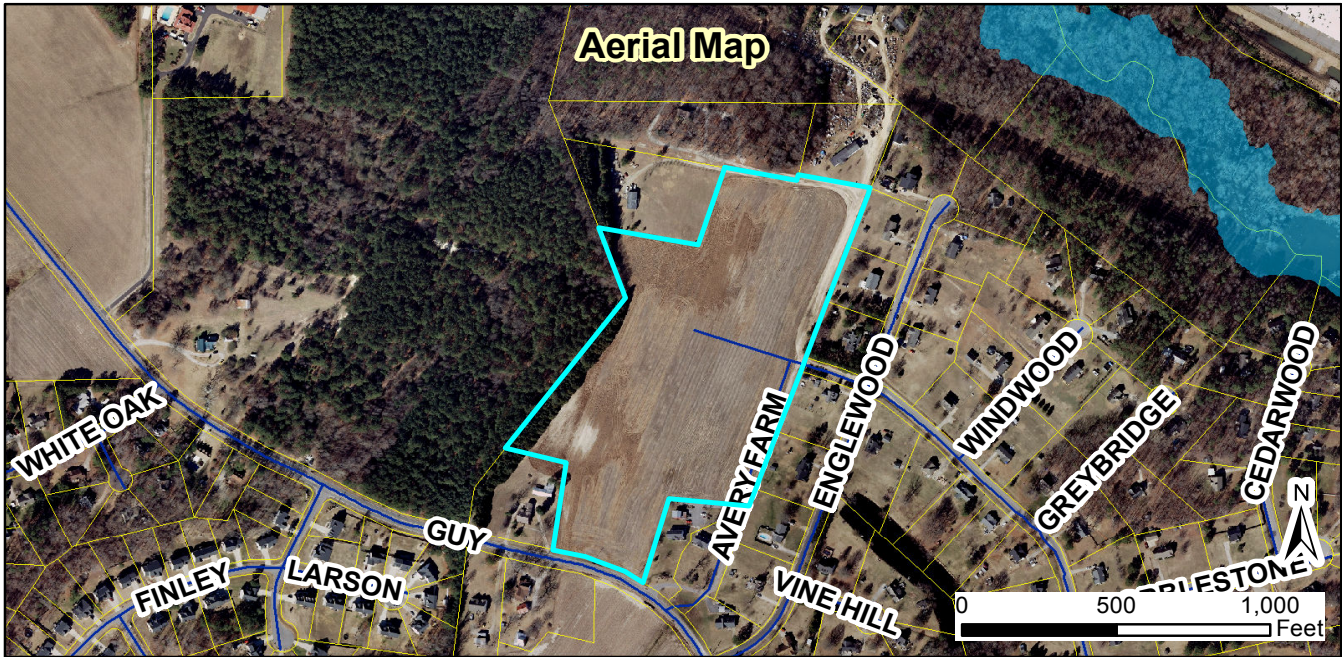
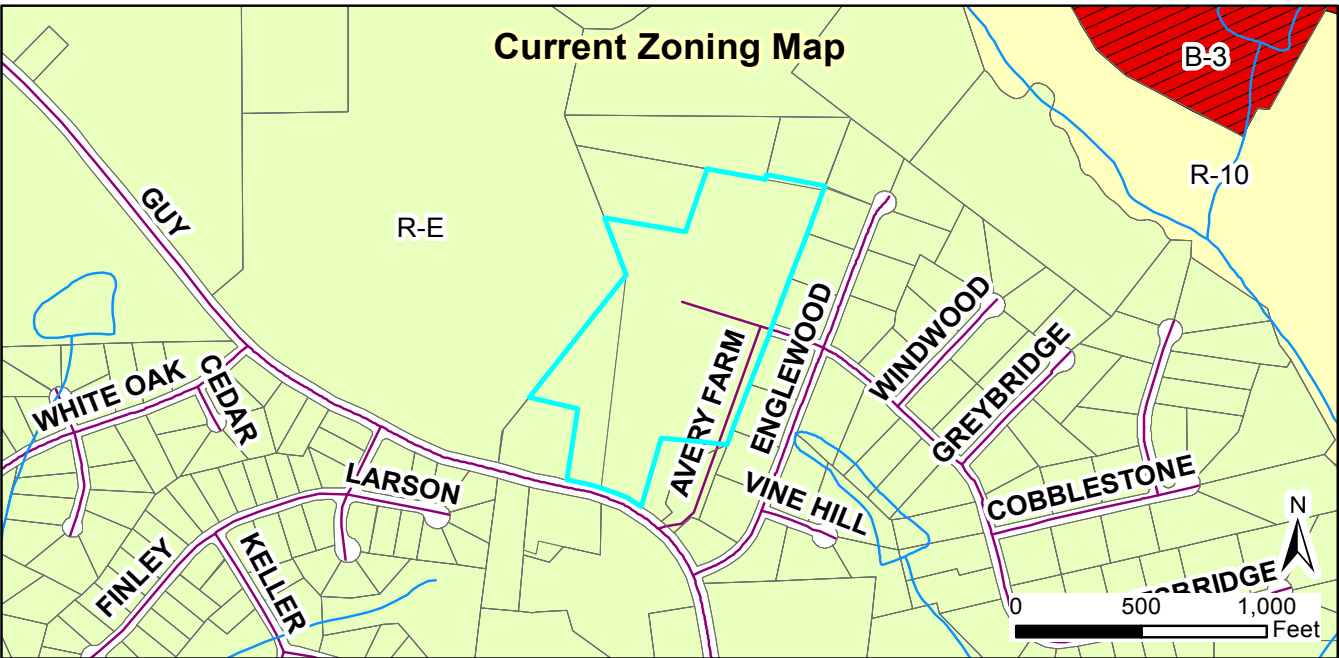
7. As a stub-out that is dedicated at the property line from the adjacent neighborhood, Huntsbridge Drive is a required connection to this subdivision for purposes of interconnectivity and public safety. The unpaved portion of Huntsbridge Drive shall be paved from the Avery farm property line to the connection at Englewood Drive. This shall occur (or be guaranteed) prior to platting.

STAFF RECOMMENDATION:

Approval with conditions.

ATTACHMENTS:

- 1.) Application
- 2.) Map
- 3.) Neighborhood Meeting Materials
- 4.) Preliminary Subdivision Plan



Request:
2017-100-SD, Avery Farm subdivision, to develop
a ±20 lot single family residential subdivision.

Applicant: Adams & Hodge Engineering
 Property Owners: Sam H. Avery
 Parcel ID: 164900-74-1893
 Tag #: 05g02033

Staff Report Map



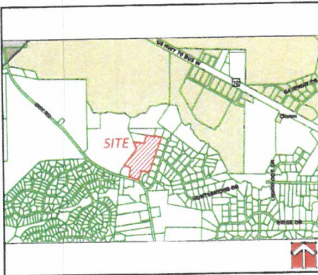
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Legend

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

08/07/2017

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



SITE VICINITY MAP
NOT TO SCALE

PRELIMINARY SUBDIVISION PLAN

FOR

AVERY FARM CLAYTON, NORTH CAROLINA

SHEET INDEX

SHEET TITLE	SHEET No.
EXISTING CONDITIONS.....	EC01
SUBDIVISION PLAN.....	SD01
CBU SITE PLAN & CLASS "A" BUFFER DIRECTIVES.....	SD02
UTILITY PLAN.....	UT01

DEVELOPER/APPLICANT:

TECHTWOOD, LLC
328 E. MAIN STREET
CLAYTON, NORTH CAROLINA 27520

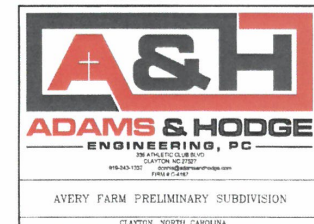
CONTACT/AGENT: DONNIE ADAMS, PE
919 763-7278



FOR REVIEW AND
COMMENT ONLY



REVISED
1:33 pm, Aug 17, 2017

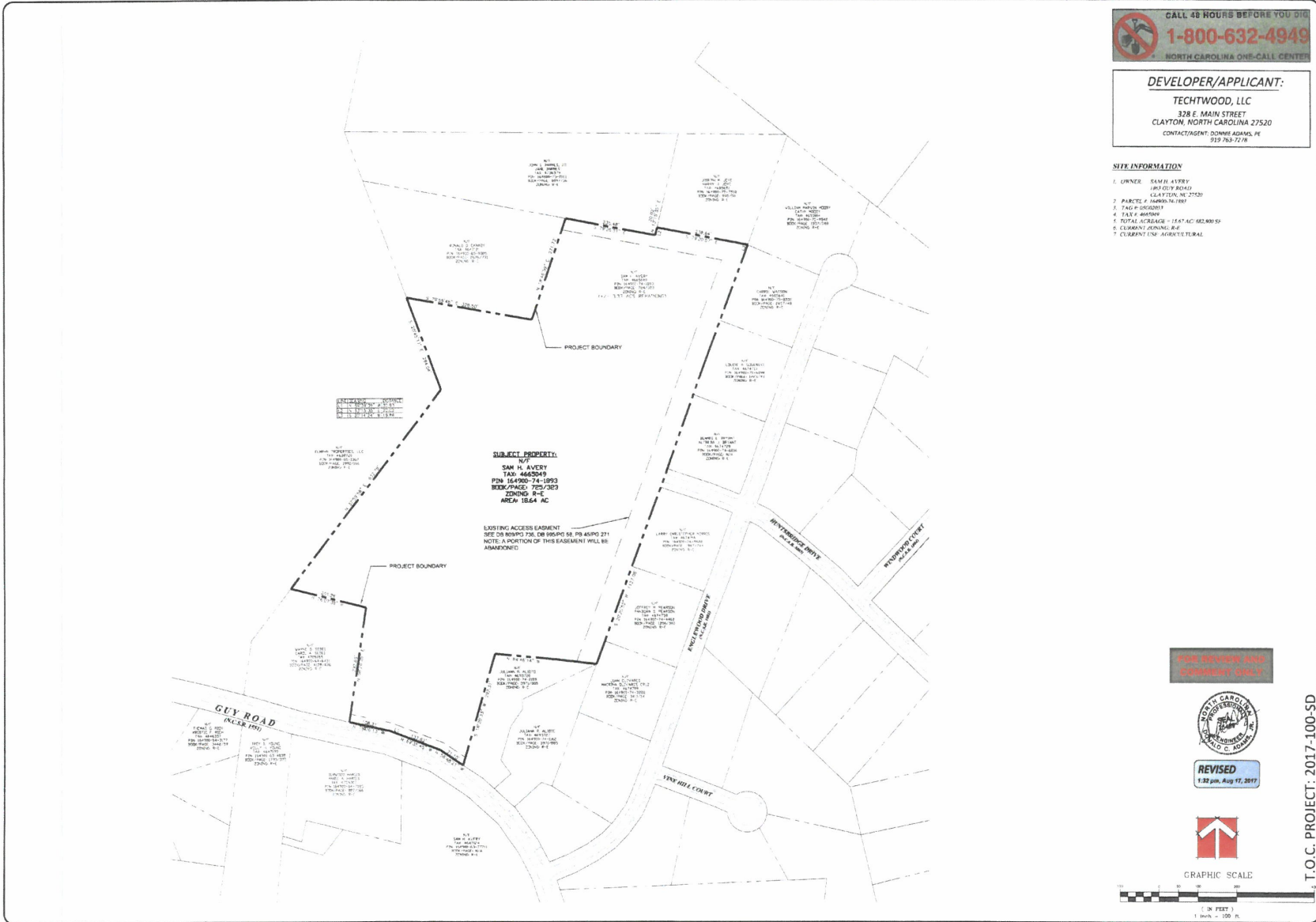


JUNE 1, 2017
REVISED JULY 3, 2017 AS PER TRC COMMENTS
REVISED AUGUST 10, 2017 AS PER DEVELOPER
REVISED AUGUST 17, 2017 AS PER DEVELOPER

3rd submission



T.O.C. PROJECT: 2017-100-SD



CALL 48 HOURS BEFORE YOU DIG
1-800-632-4949
NORTH CAROLINA ONE-CALL CENTER

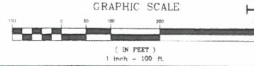
DEVELOPER/APPLICANT:
TECHTWOOD, LLC
328 E. MAIN STREET
CLAYTON, NORTH CAROLINA 27520
CONTACT/AGENT: DONNIE ADAMS, PE
919.765.7218

- SITE INFORMATION**
1. OWNER: SAM H. AVERY
1803 CITY ROAD
CLAYTON, NC 27520
 2. PARCEL # 164980-74-1893
 3. TAX # 468049
 4. TAX # 468049
 5. TOTAL ACRES: 18.64 AC (18,640 SF)
 6. CURRENT ZONING: R-1
 7. CURRENT USE: AGRICULTURAL

FOR REVIEW AND
COMMENT ONLY

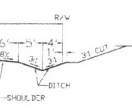
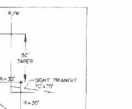
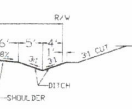


REVISED
1:32 pm, Aug 17, 2017



T.O.C. PROJECT: 2017-100-SD
EXISTING CONDITIONS

A&H ADAMS & HODGE ENGINEERING, PC
AVERY FARM
CLAYTON, NORTH CAROLINA
EC01



UPON CONSTRUCTION AND COMPLETION OF THE WARRANTY PERIOD, THE
STREETS MAY BE DEDICATED TO N.C.D.T. OR THE TOWN OF CLAYTON



TECHTWOOD, LLC
328 E. MAIN STREET
CLAYTON, NORTH CAROLINA 27520
CONTACT/AGENT: DONNIE ADAMS, PE
919 763-7278

1. OWNER: SAMMY ALVAY
1863 GUY ROAD
CLAYTON, NC 27526

2. DEVELOPER/APPLICANT: TECHPARK LLC
204 N. MAIN STREET
CLAYTON, NC 27526

3. PARCEL # 060909, 1863 GUY
4. TAG # 060909
5. TAX # 40-0000

6. TOTAL ACREAGE: 18.84 ACRES, 121.13 SS

7. CURRENT ZONING: R-1

8. UTILITIES (ELECTRICITY IN THE TOWN OF CLAYTON)

9. PRESENT USE: AGRICULTURAL/VACANT

10. PROPOSED USE: RESIDENTIAL, SINGLHDYNU

11. PREVIOUS COTN. NO. SINGLE A/C, DETACHED

12. DENSITY: 91.07/AC

13. ELECTRIC PROVIDER: DEERE ENERGY PROGRESS

14. WATER PROVIDED BY: TOWN OF CLAYTON

15. SEWER PROVIDED: INDIVIDUAL SEPTIC SYSTEM

16. SUBJECT PROPERTY IS NOT LOCATED IN A FLOOD HAZARD

17. A-AS PER FEMA LOG# 437064000 CLAYTON, NC

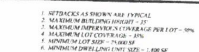
18. THE DEVELOPER WILL BE RESPONSIBLE FOR THE REPLACEMENT OF
DAMAGED TREES DURING CONSTRUCTION

19. MAXIMUM IMPERVIOUS AREA PER LOT: 50% (NO FLOODING STREET)

1. OWNER: SAMI ALTRY
1863 GUY ROAD
CLAYTON, NC 27526
2. DEVELOPER/APPLICANT: TECHPARK LLC
204 N. MAIN STREET
CLAYTON, NC 27526
3. PARCEL # 060900, 1863 GUY
4. TAG # 060900
5. TAX # 404500
6. TOTAL ACREAGE - 18.8 AC. 120' X 131.5'
7. CURRENT ZONING: R-1
8. UTILITIES (CITY/STATE): IN THE TOWN OF CLAYTON
9. PRESENT USE: AGRICULTURAL/VACANT
10. PROPOSED USE: RESIDENTIAL, SINGLIFAMILY
11. PREVIOUS CITIES, CO. SING. AGENCY, DETACHED
12. DENSITY: 91 LOT/AC
13. ELECTRIC PROVIDER: DEERE ENERGY SERVICES
14. WATER PROVIDER: TOWN OF CLAYTON
15. SEWER PROVIDER: INDIVIDUAL SEPTIC SYSTEM
16. SUBJECT PROPERTY IS NOT LOCATED IN A FLOOD HAZARD AREA AS PER FEMA LOG# 170646001 CLAYTON, NC
17. THE DEVELOPER WILL BE RESPONSIBLE FOR THE REPLACEMENT OF GUARDED TREES THAT ARE REMOVED DURING CONSTRUCTION
18. MAXIMUM IMPERVIOUS AREA PER LOT: 30% (NO PAVING DRIVE STRIPS)

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 FT. (SPACE A MAXIMUM OF 50 FT. APART)
2. ALL STREET YARD TREES SHALL BE A MINIMUM OF TWO AND ONE-HALF CALIPER INCHES AT TIME OF PLANTING AND SHALL BE PLANTED IN THE TREE STRIP NO LESS THAN FIVE FT. OR MORE THAN 15 FT. FROM THE BACK OF THE SIDEWALK.
3. NATTALL OAK, QUERCUS NUTTALLII IS THE DESIGNATED STREET

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 FT. (SPACE A MAXIMUM OF 50 FT. APART)
2. ALL STREET YARD TREES SHALL BE A MINIMUM OF TWO AND ONE-HALF CALIPER INCHES AT TIME OF PLANTING AND SHALL BE PLANTED IN THE TREE STRIP NO LESS THAN FIVE FT. OR MORE THAN 15 FT. FROM THE BACK OF THE SIDEWALK.
3. NATURAL OAK, QUERCUS NUTTALLII IS THE DESIGNATED STREET



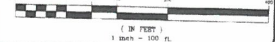
AVERY FARM DEVELOPMENT CHECK									
PHASE	AREA OF PHASE	# OF LOTS	IMPROVEMENTS	RESOURCE CONSERVATION AREAS	OPEN SPACE	UNDEVELOPED AREA	PURPOSED AREA	% OF OVERALL SITE	STATUS OF PHASE
OVERALL SITE	36.67 AC	20	1.00 AC	0 AC	0.20 AC	0.00 AC (0.00%)	0.00 AC (0.00%)	100.00%	Submitted to the Administrator



REVISED
1:32 pm, Aug 17, 2017



Year	Number of individuals
1960	100
1980	200
2000	250
2010	250



T.O.C. PROJECT: 2017-100-SD



STREETS NOTE

UPON CONSTRUCTION AND COMPLETION OF THE WARRANTY PERIOD, THE STRIPES MAY BE INDICATED TO INDICATE THE TURN OF CLAY JEN.



CALL 48 HOURS BEFORE YOU DIG
1-800-632-4949
NORTH CAROLINA ONE-CALL CENTER

DEVELOPER/APPLICANT:

TECHTWOOD, LLC
328 E. MAIN STREET
CLAYTON, NORTH CAROLINA 27520
CONTACT/AGENT: DONNIE ADAMS, PE
919 763-7278

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

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

LEGEND		
EXISTING		PROPOSED
	INTERLUM	4" V
	BLIND	800
	HYDRANT	100
	VALVE	100
	POLE/BOX	10
	METER	10
	SEWERLINE	100
	MANHOLE	100
	CLEANOUT	100
	STORM DRAINAGE	100
	CATCH BASIN	100
	DEEP INLET/PIED INLET	100
PROPOSED DITCH FLOW		

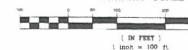
FOR REVIEW AND
COMMENT ONLY



REVISED
1:31 pm, Aug 17, 2017



GRAPHIC SCALE



T.O.C. PROJECT: 2017-100-SD

UTILITY PLAN

AVERY FARM

ADAMS & HODGE
ENGINEERING PC

335 ATHLETIC CLUB BLVD
CLAYTON, NC 27522
donnell@adamsandbrodge.com
919.243.1332

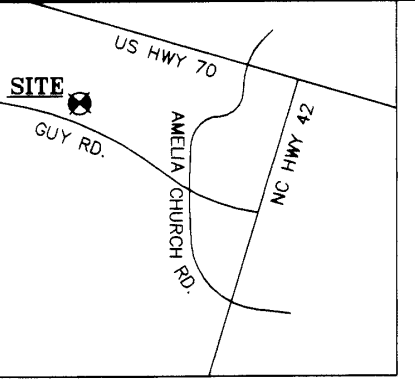
STATE OF NORTH CAROLINA, JOHNSTON COUNTY
Filed for Registration at 4:25:05 P
Register of Deeds Office
Recorded in Book 77 Page 215
APPROVED BY
APR 9 2012
MICHAEL W. KRAUSE, Professional Land Surveyor, No. L-3910

CERTIFICATION OF OWNERSHIP, DEDICATION AND JURISDICTION
I hereby certify that I am the owner of the property shown and described hereon and that I hereby adopt this plan of subdivision and dedicate all streets, alleys, walks, parks, and other sites and easements to public or private use as noted.
H-23-12-24
MICHAEL W. KRAUSE, PROFESSIONAL LAND SURVEYOR, NO. L-3910

MICHAEL W. KRAUSE, Professional Land Surveyor, No. 3910
I hereby certify that this plat is a true and correct copy of the original as recorded in the public records of Johnston County, North Carolina.
MICHAEL W. KRAUSE, PROFESSIONAL LAND SURVEYOR, NO. L-3910



STATE OF NORTH CAROLINA, JOHNSTON COUNTY
MICHAEL W. KRAUSE certifies that this plat was drawn under my supervision from an actual survey made under my supervision, and that the information contained herein is true and correct to the best of my knowledge and belief.
MICHAEL W. KRAUSE, Professional Land Surveyor, No. L-3910
MARCH 30, 2012



VICINITY MAP
NOT TO SCALE

- LEGEND**
- IPS ● IRON PIPE SET
 - IPF ● IRON PIPE FOUND
 - RBF ● REBAR FOUND
 - CC ● COMPUTED CORNER
 - AXLE ● AXLE FOUND
 - ECM ● EXISTING CONCRETE MONUMENT
 - WM ● WATER METER
 - A/C ● AIR HANDLING UNIT
 - CTV ● CABLE TV PEDISTAL
 - UTILITY POLE

LINE TABLE		
LINE #	BEARING	DIST
L1	N72-07-24W	283.61
L2	N11-58-49E	138.97
L3	N41-43-49E	166.30
L4	N72-25-52W	201.35
L5	N12-08-12E	292.88
L6	N41-43-49E	645.69
L7	N16-43-58W	244.24
L8	S74-45-22E	319.88
L9	N22-30-17E	274.43
L10	S74-48-13E	238.52
L11	N18-48-07E	20.02
L12	S74-48-41E	232.46
L13	S24-44-27W	44.10
L14	S24-44-27W	147.68
L15	S24-44-27W	200.09
L16	S24-44-27W	252.59
L17	S24-44-27W	212.86
L18	S24-44-27W	273.43
L19	N80-08-24W	257.83
L20	S21-23-33W	283.95
L21	S21-23-33W	0.54
L22	N72-07-24W	88.34

CERTIFICATION OF PRELIMINARY APPROVAL OF WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS INSTALLED OR PROPOSED FOR INSTALLATION IN LOTS 1R AND 2R MEET PUBLIC HEALTH REQUIREMENTS AS DESCRIBED IN APPENDIX II, JOHNSTON COUNTY SUBDIVISION REGULATIONS. FINAL APPROVAL FOR INDIVIDUAL LOTS WITHIN THIS SUBDIVISION WILL BE BASED ON DETACHED LOT EVALUATION UPON APPLICATION AND SUBMISSION OF PLANS FOR PROPOSED USE IN ACCORDANCE WITH REGULATIONS IN FORCE AT THE TIME OF PERMITTING. THIS PRELIMINARY CERTIFICATION IS ADVISORY ONLY AND CONFERS NO GUARANTEE.

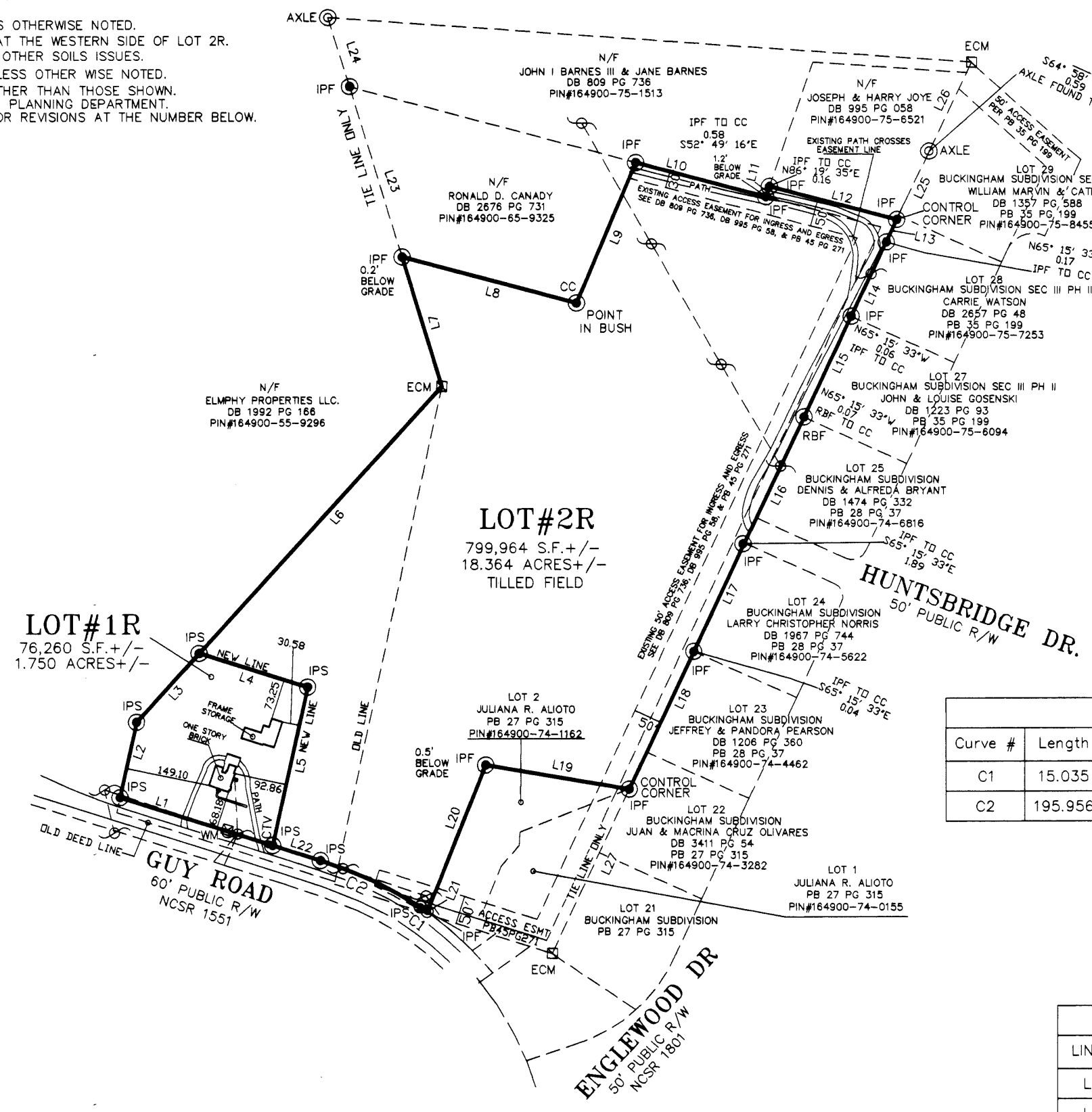
SEWER NOTE: EACH LOT SHOWN HEREON MAY REQUIRE THE USE OF SEWAGE PUMPS, LOW PRESSURE PIPE SYSTEMS, FILL SYSTEMS, INNOVATIVE SYSTEMS OR ANY OTHER ALTERNATE SYSTEM TYPE AND SITE MODIFICATIONS SPECIFIED IN THE NORTH CAROLINA LAWS AND RULES FOR SEWAGE TREATMENT AND DISPOSAL SYSTEMS, 15A NCAC 18A SECTION .0600. THE ACTUAL SYSTEM TYPE, DESIGN AND SITE MODIFICATIONS WILL BE DETERMINED AT THE TIME OF PERMITTING.

DATE _____ JOHNSTON COUNTY HEALTH OFFICIAL _____

RECORDED IN PB 77 PG 215

NOTES

1. LOT WAS RECORDED IN DEED BOOK 550, PAGE 21, DB 729 PG 323.
2. LOT IS SUBJECT TO JOHNSTON COUNTY ZONING REQUIREMENTS.
3. LOT IS ADDRESSED AS 1872 GUY ROAD CLAYTON, NC.
4. LOT IS ALL OF JOHNSTON CO. PIN. 164900-64-6378.
5. LOT IS SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.
6. NO TITLE SEARCH RECEIVED AT TIME OF SURVEY. THEREFORE SURVEY IS SUBJECT TO REVIEW.
7. THE SOLE PURPOSE OF THIS PLAT IS TO RECOMBINE THE PROPERTIES TO CREATE THE 1.75+/- ACRE TRACT WHICH IS SHOWN AS LOT 1R AND THE REMINANT 18.364 ACRES+/- BEING LOT 2R
8. NO MONUMENT REPORTED WITHIN 2000' OF SITE
9. INFORMATION SHOWN BASED ON REFERENCES LISTED AND FIELD LOCATIONS.
10. PRIOR TO LAND DISTURBING ACTIVITIES HAVE CONFLICTING LINES DETERMINED BY PROFESSIONALS.
11. THIS PROPERTY DOES NOT LIE WITHIN A 100YR FLOOD PLAIN AS DELINEATED BY FEMA AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP 40-B.
12. AREA COMPUTED BY COORDINATE METHOD.
13. DISTANCES ARE HORIZONTAL GROUND UNLESS OTHERWISE NOTED.
14. LOT IS SUBJECT TO AN ACCESS EASEMENT AT THE WESTERN SIDE OF LOT 2R. EXACT DETERMINATION OF THE RIPARIAN OR OTHER SOILS ISSUES.
15. IRON PIPES AT OR NEAR GROUND LEVEL UNLESS OTHERWISE NOTED.
16. NO EFFORT WAS MADE TO IDENTIFY ITEMS OTHER THAN THOSE SHOWN.
17. LOTS ARE ZONED RE PER TOWN OF CLAYTON PLANNING DEPARTMENT.
18. CONTACT KRAUSE SURVEYING ASSOCIATES FOR REVISIONS AT THE NUMBER BELOW.



REFERENCES

PLATS	DEEDS
PB 45 PG 271	DB 550 PG 021
PB 8 PG 107	DB 725 PG 323
PB 49 PG 388	DB 2676 PG 731
PB 35 PG 199	DB 2657 PG 048
PB 56 PG 163	DB 1357 PG 588
PB 28 PG 37	DB 1223 PG 093
PB 27 PG 315	DB 1474 PG 332
	DB 1967 PG 744
	DB 1206 PG 360
	DB 3411 PG 054

JOHNSTON COUNTY GIS INTERNET WEBSITE

Curve Table

Curve #	Length	Radius	Delta	CHD BRG	CD DIST
C1	15.035	642.617	001.3405	N54-16-27W	15.03
C2	195.956	741.281	015.1460	N64-33-01W	195.38

Area Table

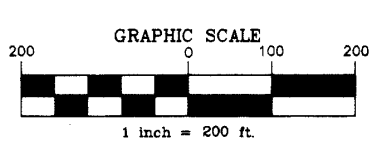
Lot #	S.F. +/-	Acres +/-
1	76,260	1.750
2	799,964	18.364

LINE TABLE

LINE #	BEARING	DIST
L23	S16-45-49E	321.22
L24	S17-03-01E	130.79
L25	N25-01-17E	136.00
L26	N25-01-17E	177.22
L27	S24-42-07W	325.85

REVIEW OFFICER'S CERTIFICATE
STATE OF NORTH CAROLINA, COUNTY OF JOHNSTON
I, Janet A. Seay, REVIEW OFFICER OF JOHNSTON COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.
4-25-12
DATE REVIEW OFFICER

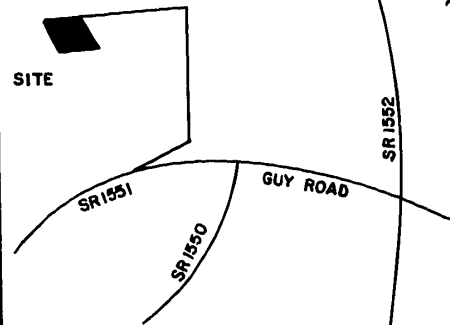
TOWN OF CLAYTON PLANNING DIRECTOR CERTIFICATE
THIS PLAT REPRESENTS A RECOMBINATION OF PREVIOUSLY RECORDED PARCELS OF LAND AND DOES NOT CONSTITUTE A SUBDIVISION AS SPECIFIED BY THE NORTH CAROLINA GENERAL STATUTES. APPROVAL FOR RECORDATION BY THE TOWN OF CLAYTON IS GRANTED BY CERTIFICATION BELOW.
4-25-12
DATE PLANNING DIRECTOR - TOWN OF CLAYTON, NC



KSA
Krause Surveying Associates, Inc.
5533 Hwy 42 West
SUITE A4 UNIT 6
Garner, N.C. 27529
(919) 661-4090 C-2086
DRAWN BY: MWK DRAWING: RECBOLOT25-26

RECOMBINATION PLAT
OF
LOT 1R AND LOT 2R
SAMUEL H. AVERY PROPERTY
PIN#S 164900-74-1853, 164900-64-6378 REVISED:
TOWN OF CLAYTON, JOHNSTON CO., N.C.
MARCH 30, 2012 SCALE: 1"=200' SHEET 1 OF 1

SITE



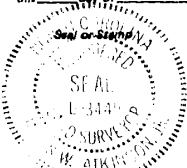
VICINITY MAP

LEGEND

- Lines Surveyed
- - - Lines Not Surveyed
- EIP — Existing Iron Pipe
- ECM — Existing Concrete Monument
- NIP — New Iron Pipe
- PKN — P K Nail
- DMD — Double Meridian Distance
- R/W — Right of Way
- DB — Dead Book
- CM — Concrete Monument
- ELS — Existing Lightwood Stake

NORTH CAROLINA
JOHNSTON COUNTY

I, JAMES W. ATKINSON, JR., certify that this plat was drawn under my supervision from (an actual survey made under my supervision) (dead description recorded in Book 725, page 323, etc.) (other), that the ratio of precision as calculated by latitude and departures is 1/10,000. I certify that the boundaries not surveyed are shown as broken lines plotted from information found in Book 809, page 736; that this plat was prepared in accordance with G. S. 47-30 as amended. Witness my original signature, registration number and seal this 21st day of MAY, A.D., 1995.



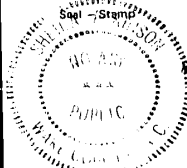
L-3449
Registration Number

NORTH CAROLINA
WAKE COUNTY

I, a Notary Public of the County and State aforesaid, certify that JAMES W. ATKINSON, JR., a registered land surveyor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 21st day of MAY, 1995.

Sheila Atkinson
Notary Public

My Commission expires 3-30-97



NORTH CAROLINA
JOHNSTON COUNTY

The foregoing certificate of SHEILA ATKINSON, Notary Public, is certified to be correct. This instrument was presented for registration and recorded in Plat Book 45, page 271. This June 15, 1995 at 4:15 P.M.

Phyllis N Wall by Sandra P Sullivan
Register of Deeds Assistant Reg. of Deeds

Recorded in Book of Maps Vol. 45 Pg. 271

"I, hereby certify that this record plat has been found to comply with the Subdivision Ordinance of Johnston County, North Carolina and that this plat has been approved for recording in the Register of Deeds of Johnston County".

5/23/95
Date

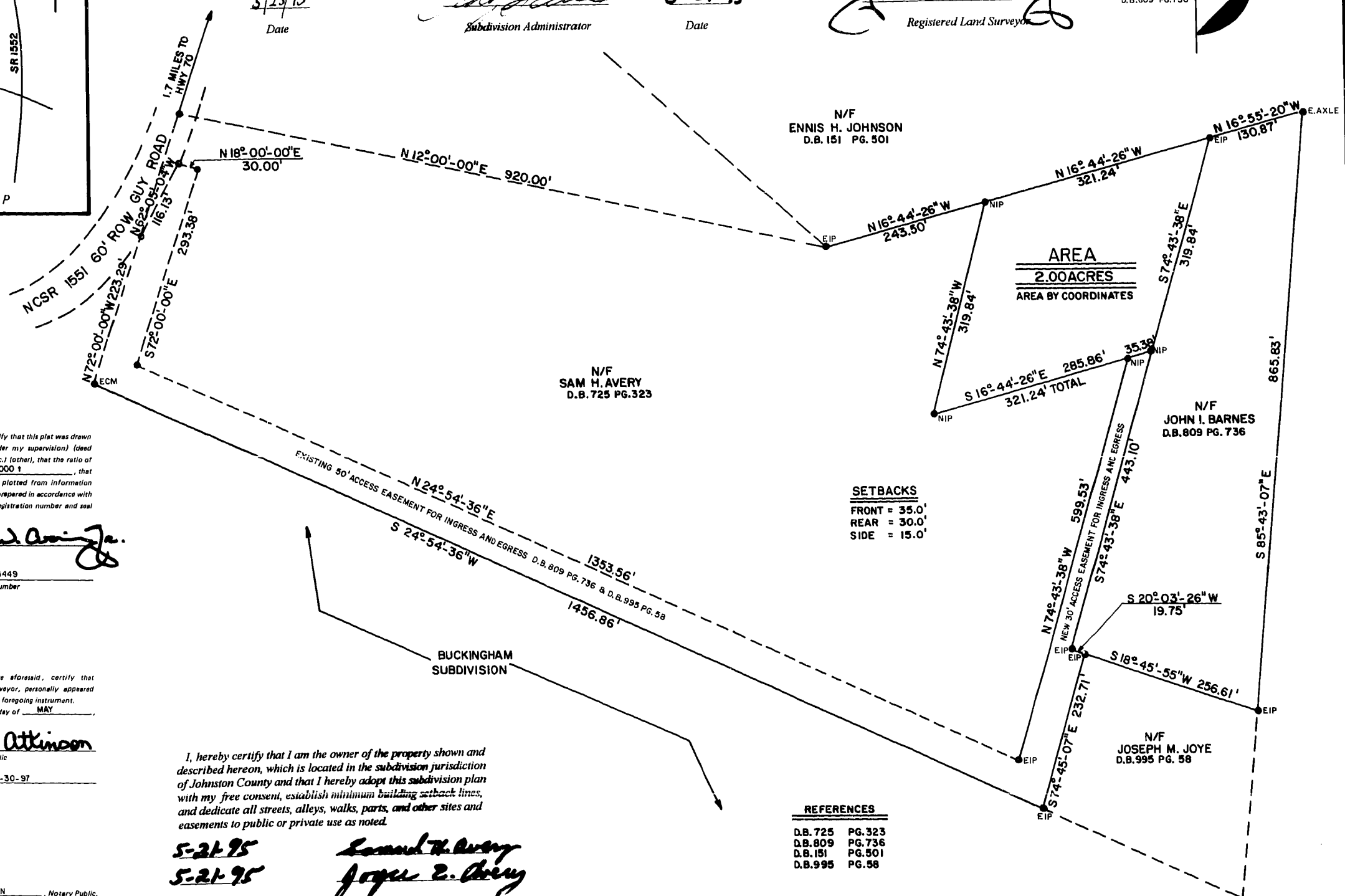
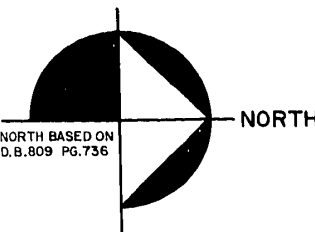
Subdivision Administrator

I, James W. Atkinson, Jr., Hereby certify that the property shown hereon is not located in a 100 year flood plain as delineated by the Federal Emergency Management Agency (FEMA) as shown on Flood Insurance Rate Map 40-B, Johnston County, North Carolina.

5-21-95
Date

James W. Atkinson, Jr.
Registered Land Surveyor

NORTH BASED ON
D.B. 809 PG. 736



SETBACKS
FRONT = 35.0'
REAR = 30.0'
SIDE = 15.0'

REFERENCES

D.B. 725 PG. 323
D.B. 809 PG. 736
D.B. 151 PG. 501
D.B. 995 PG. 58

I, hereby certify that I am the owner of the property shown and described hereon, which is located in the subdivision jurisdiction of Johnston County and that I hereby adopt this subdivision plan with my free consent, establish minimum building setback lines, and dedicate all streets, alleys, walks, parts, and other sites and easements to public or private use as noted.

5-21-95
5-21-95
Date

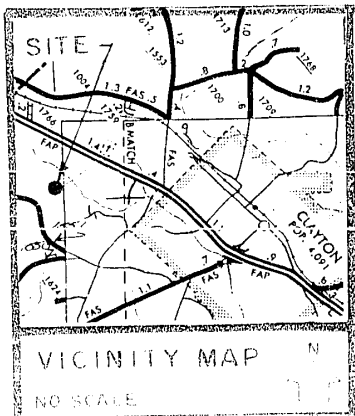
Ronald D. Canady
Nancy D. Canady
Owners

CERTIFICATE OF PRELIMINARY APPROVAL FOR THE SUPPLY AND SEWAGE DISPOSAL SYSTEMS INSTALLED OR PROPOSED FOR INSTALLATION IN THE SUBDIVISION. THIS CERTIFICATE IS VALID FOR 90 DAYS FROM THE DATE OF ISSUANCE. IF THE SUBDIVISION IS NOT COMPLETED WITHIN THE 90 DAY PERIOD, THE CERTIFICATE SHALL BE REAPPLIED FOR. THIS CERTIFICATE IS VALID FOR THE TIME OF PERMITTING. THIS PRELIMINARY CERTIFICATION IS ADVISORY ONLY AND CONFERS NO GUARANTEE.

6-12-95 James W. Atkinson

REVISIONS	PROPERTY OF		JAMES W. ATKINSON, JR., RLS		
	RONALD D. CANADY & WIFE NANCY D. CANADY		136 BEAVER DAM DR. YOUNGSVILLE, NC 27596 TELE: (919) 556-6818		
	TOWNSHIP: CLAYTON	COUNTY: JOHNSTON	DATE: 5-21-95	SURVEYED BY: JWA	FIELD BOOK
	STATE: NORTH CAROLINA		SCALE: 1" = 100'	DRAWN BY: JWA	DRAWING NO.
	ZONE:	TAX MAP:	PARCEL:	CHECKED & CLOSURE BY: JWA	





1-23-91 *W. Earl Powell, Jr.*

5/29/91 *John S. Hallcross, Jr.*

John S. Hallcross, Jr.
Sue U. Warrick
May 10-4-92

N. C. DEPARTMENT OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 SUBDIVISION ROAD CONSTRUCTION STANDARDS
 APPROVED.

DISTRICT ENGINEER

5-30-91

DATE

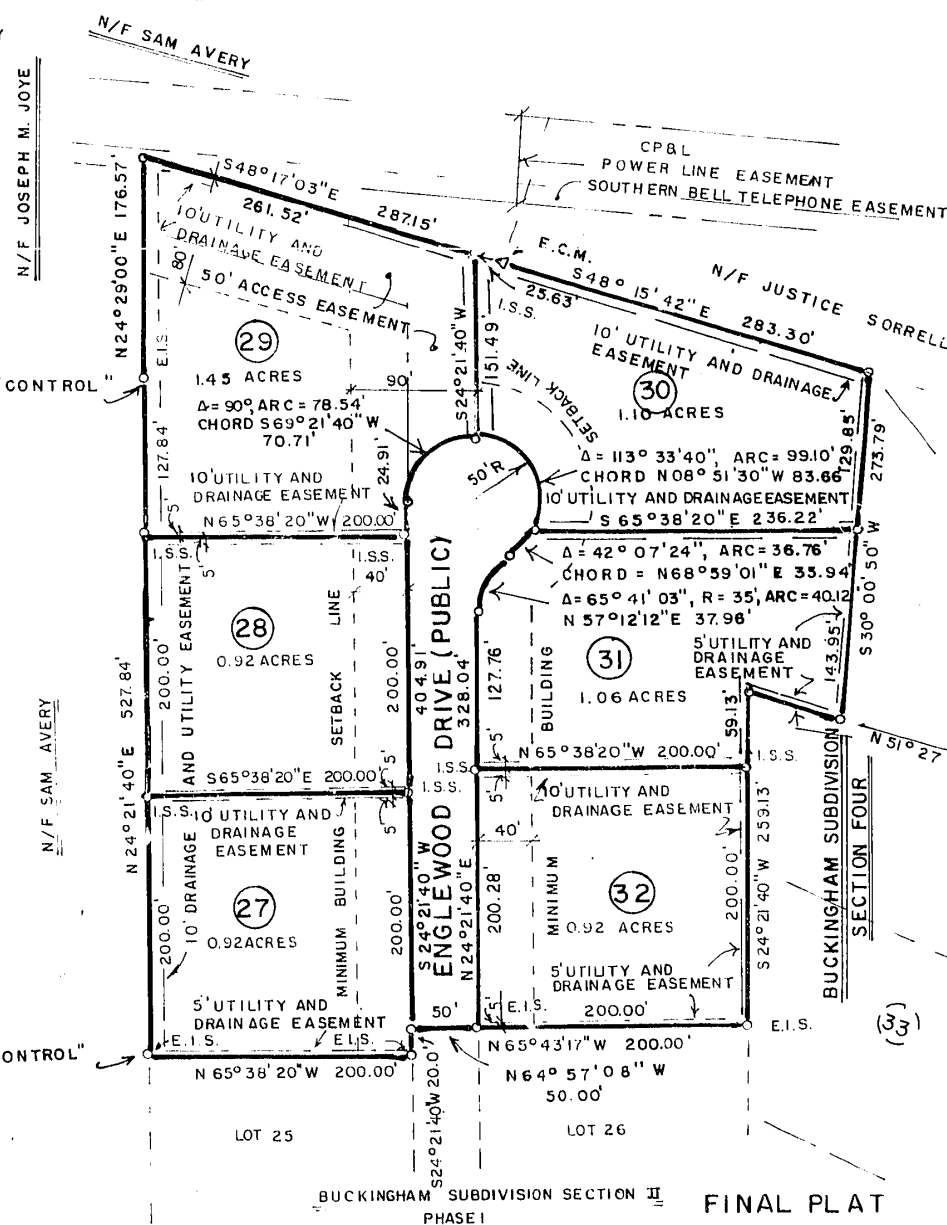
15/107

BE

NA

7. A LOW PRESSURE PIPE SEWER DISPOSAL SYSTEM WILL BE REQUIRED ON LOT 30 UNLESS APPROVED OTHERWISE BY THE JOHNSTON COUNTY ENVIRONMENTAL HEALTH SECTION.

8. SEWAGE PUMPS WILL BE REQUIRED ON LOTS 29, 31 & 32 UNLESS APPROVED OTHERWISE BY THE JOHNSTON COUNTY ENVIRONMENTAL HEALTH SECTION.
 9. THE EXISTING WELL ON LOT 30 MUST BE PROPERLY ABANDONED BEFORE A PERMIT CAN BE ISSUED FOR A SEWAGE DISPOSAL SYSTEM ON LOT 30.
 10. DRAINAGE ON LOTS IS THE RESPONSIBILITY OF THE LOT OWNERS.



BUCKINGHAM SUBDIVISION SECTION III, PHASE II

CLAYTON TOWNSHIP JOHNSTON COUNTY, N.C.

DATE: MAY 23, 1991

SCALE: 1"=100'

MAP BOOK 35 PAGE 199

WARRICK ENGINEERING & SURVEYING, P.A. 440 E. MAIN STREET, CLAYTON, NORTH CAROLINA 27520 TELEPHONE 919/553-3848

11/11/92



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

September 11, 2017

RE: Project # 2017-100-SD, Avery Farm residential subdivision

Dear Clayton Area Property Owner:

The Clayton Town Council will hold an evidentiary hearing on Monday, October 2nd, 2017 at 6:30 PM at Town Hall, 111 East Second Street, to consider a request to subdivide and develop 18.6 acres into 21 single-family residential lots. The property is located west of Englewood subdivision and Huntsbridge Drive, and north of Guy Road. Please see the map on the back of this letter. The present zoning is R-E (Residential-Estate) and the property is located within the Town's extraterritorial planning jurisdiction. The parcel tag number is 05g02033.

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

Sincerely,


Jay McLeod, AICP
Senior Planner

cc: File folder: 2017-100-SD, Avery Farm subdivision





September 6, 2017

David DeYoung
Planning Director
Town of Clayton
111 E. Second Street
Clayton, NC 27528

Subject: Typical Street Section and Sidewalk Waiver
T.O.C. Project #2017-100-SD
Avery Farm

Dear Mr. DeYoung,

The purpose of this letter is to share the developer's request to develop Avery Farm consistent with the standards and methods used in the existing developments that abut and surround it. This includes the construction of streets with grass swales and no sidewalks instead of the Town of Clayton curb and gutter with sidewalk typical section. Avery Farm includes a new street connection onto Guy Rd as well as connection to an existing adjacent development. The connection to the adjacent subdivision will be by extension of Huntsbridge Drive. The existing portion of Huntsbridge Drive is a standard strip asphalt with grass swales and no sidewalk. We feel that it is more appropriate to match the existing construction method used for the streets in the adjacent development. In addition, a street section that includes curb and gutter and sidewalks typically coincides with annexation by Town of Clayton and water and/or sewer service provided by Town of Clayton. Our understanding is that the Town of Clayton does not plan to annex Avery Farm. Furthermore, Town of Clayton water and sewer service is not available for the Avery Farm subdivision.

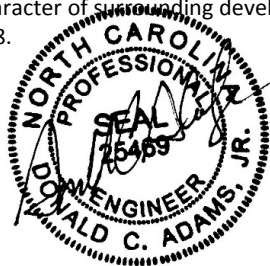
Please accept this letter as a request for Town Council approval of the aforementioned street section with strip asphalt, roadside swales and no sidewalks to be constructed in this development. The following statements address the requirements set out in the 155.602(H)(1) and 155.602(I) of the Town of Clayton UDC:

1. Pertaining to the street section, the granting of this waiver will allow for development of this new property in a manner consistent with adjacent and existing developments and will not be detrimental to the public safety, health, or welfare or injurious to other properties in this area.
2. In regard to the sidewalk, section 155.602(H)(1) of the UDC allows for the exclusion of a sidewalk on a street with less than (10) dwelling units. There are (9) lots that front the new portion of Huntsbridge Drive and (12) lots that front Street "A". We would like to maintain continuity for both streets by not having any curb and gutter nor sidewalks in this development.

I believe that this request will allow for a neighborhood that compliments the existing neighborhoods in this area, protecting the established character of surrounding developments. Please feel free to give me a call with any questions that may arise – 919-763-7278.

Sincerely,

Donald C. Adams, Jr., PE



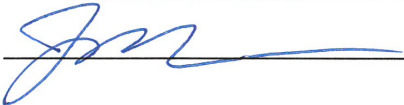
CERTIFICATION OF MAILING NOTICE
TOWN OF CLAYTON

In accordance with the requirements of Section 105.702(D)(2)(c) of the Unified Development Code of the Town of Clayton, I hereby certify that the undersigned has this date mailed a notice of the proposed request to the owners of all parcels of land within 100 feet and immediately abutting that (those) parcel(s) of land¹, as shown on the County Tax Listings, by depositing a copy of the same in the United States Mail, first class postage paid, in an envelope addressed to the property owners whose names and address are as follows:

(see attached addresses and copy of letter)

This the 11th day of Sept., 2017

Name (print): JAY McLEOD

Signed: 

PROJECT #/Name: 2017-100-SD, AVERY FARM SUBDIVISION

Notes:

1. Where the subject property immediately adjoins a public or private right-of-way, landscape, or riparian buffer, commonly-owned private area, public property, or homeowners' association property, then letters of notification shall be sent to adjoining property owners as if they directly abut the subject property.

NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Date of Mailing: June 28, 2017

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

Printed Name: Donald C. Adams Jr. Signature: 

Date of Meeting: July 11, 2017 Time of Meeting: 7:00 pm

Location of Meeting: 314 E. Main St. Clayton, NC 27520

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

See attached minutes

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



Neighborhood Meeting Avery Farm
314 E. Main St. Clayton, NC
July 11, 2017
Time: 7:00pm

Donnie Adams opened the meeting at 7:07 and gave a general overview of the project and opened the floor for questions.

Resident: Is there going to be a birm around the perimeter?

James Lipscomb: Its similar residential backing up to similar residential so no birm required. It will be grassed. If there is a surplus of dirt remaining form street construction it may be used for a birm as available.

Resident: Are you taking out any trees along the property lines?

James: We don't have plans to take out any trees around the perimeter.

James: The average price house will be around \$300 range. We expect the houses to be around 2800sf to over 3000sf.

Resident: Are you dealing with any variances?

Donnie: Explained that no variance is necessary due to pending rule changes with density.

Resident: When will they start building houses?

Donnie: Town approval expected in September. Vertical construction, most likely just after the first of the year.

Resident: Who will be the builders?

James: We would like to have at least three. Most likely One 27 Homes, Weaver, and Weston Homes.

Resident: What is the plan for the Old Avery Farm Ln. (the 50' access easement)?

James: The preference would be for three property owners to give up the easement from Guy Rd to Huntsbridge Dr. If they choose to keep it we will have to work around it.

Resident: Has to call NCDOT to fill in holes in road in Buckingham and is concerned about additional traffic through her neighborhood.

Resident: Is there going to be a turning lane on Guy Rd?

Donnie: Due to the low number of lots in this subdivision NCDOT is not requiring a turn lane.

Residents: Several accidents have occurred near the exiting entrance to Buckingham S/D

Donnie: I conducted an onsite evaluation and confirmed that there is sufficient sight distance in both direction per NCDOT access requirements.



Resident: Do you know how lots will be assigned for builders?

James: Not at this time.

Resident: Will this project have sidewalks?

Donnie: The developer may choose to install sidewalks - its undetermined at this time.

James: We are asking the town address the sidewalk situation given the rural character of the surrounding area.

Resident: Sounds like this is going to be a good place

Resident: Concerned about existing drainage problems from NCDOT R/W. Please pay attention to the stormwater drainage across the road (through the existing storm drain)

Donnie: This project goes before the Clayton Planning Board Monday, June 24th, then to Town Council work session in August with a final decision at the September 5 Town Council meeting.

Resident: How much proposed impervious area?

Donnie: Under 15 percent impervious.

Resident: Who determines the type and size of houses? Why wouldn't you build little modest houses?

Donnie: It's up to the developers and builders. They know what the market demand is in this area and make appropriate judgements.

Resident: Is the subdivision going to have covenants? As far as the size of the houses.

Donnie: There will be an HOA with covenants.

Donnie asked for further questions. Hearing none, the meeting adjourned at 7:46



June 28, 2017

Dear Clayton Area Property Owner:

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

Meeting Date: **Tuesday, July 11, 2017**

Meeting Time: **7:00 p.m.**

Meeting Location: **114 W. Main Street
Clayton, NC 27520**

Type of Application: **Major Subdivision Plan**

Project/proposal property address: **1872 Guy Rd, Clayton, NC 27520, north side of Guy just west of Englewood Dr.**

Description of project/proposal: **The proposed project is a 20 lot single family residential subdivision which will be serviced by public water and individual septic systems.**

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

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.

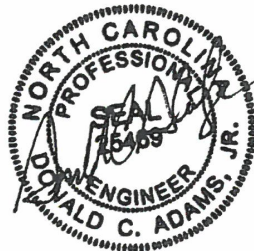
If you have any questions prior to or after this meeting, you may contact us at (919)763-7278.

You may also contact the Planning Department at 919-553-5002.

Sincerely,

Donald C. Adams, Jr., PE

Cc: Town of Clayton Planning Dept.



NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Applicant: Adams & Hodge Engineering, PC (AVERY FARM)

Location/Date: 314 E Main St. Clayton, NC

	NAME	ADDRESS
1	John & Jane Barnes	400 Avery Farm Lane
2	DURWOOD & BECKY HARGIS	1863 GUY RD.
3	JONATHAN BARNES	103 AVENEL LANE CLAYTON, NC
4	Jeff & Pandora Pearson	2105 Englewood Dr.
5	Scott / Carol Sedej	1872 Guy Rd.
6	Donnie Adams	404 Swann Trail
7	James Lipscomb	
8	Holland Adams	404 Swann Trail
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		



*** DISCLAIMER ***

Johnston County assumes no legal responsibility for the information represented here.

Result 3

id: 05G02026H
Tag: 05G02026H
Tax Unique Id: 4674713
Owner Name 1: GOSENSKI, LOUISE R
Owner Name 2:
Mail Address 1: 2205 ENGLEWOOD DR
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-0000
Book: 01223
Page: 0093

Result 4

id: 05G02033B
Tag: 05G02033B
Tax Unique Id: 4647124
Owner Name 1: AVERY, SAM H
Owner Name 2:
Mail Address 1: 1863 GUY RD
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-6736
Book:
Page:

Result 5

id: 05G02026I
Tag: 05G02026I
Tax Unique Id: 4685641
Owner Name 1: WATSON, CARRIE
Owner Name 2:
Mail Address 1: 2209 ENGLEWOOD DRIVE
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-0000
Book: 02657
Page: 0048

Result 6

id: 05G02033J
Tag: 05G02033J
Tax Unique Id: 4647121
Owner Name 1: CANADY, RONALD D
Owner Name 2:
Mail Address 1: 441 AVERY FARM LANE
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-0000
Book: 02676
Page: 0731

Result 7

id: 05G02034S
Tag: 05G02034S
Tax Unique Id: 4693728
Owner Name 1: ALIOTO, JULIANA R
Owner Name 2:
Mail Address 1: 129 LAFOY DRIVE
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-0000
Book: 03971
Page: 0885

Result 8

id: 05G02025F
Tag: 05G02025F
Tax Unique Id: 4674710
Owner Name 1: NORRIS, LARRY
CHRISTOPHER
Owner Name 2:
Mail Address 1: 2109 ENGLEWOOD DR
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-9364
Book: 01967
Page: 0744



*** DISCLAIMER ***

Johnston County assumes no legal responsibility for the information represented here.

Result 9

id: 05G02033A
Tag: 05G02033A
Tax Unique Id: 4705055
Owner Name 1: SEDEI, WAYNE D
Owner Name 2: SEDEI, CAROL A
Mail Address 1: 1872 GUY RD
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520
Book: 04125
Page: 0836

Result 10

id: 05G02033I
Tag: 05G02033I
Tax Unique Id: 4693727
Owner Name 1: ALIOTO, JULIANA R
Owner Name 2:
Mail Address 1: 129 LAFOY DRIVE
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-0000
Book: 03971
Page: 0885

Result 11

id: 05G02025E
Tag: 05G02025E
Tax Unique Id: 4674709
Owner Name 1: OLIVARES, JUAN
Owner Name 2: CRUZ, OLIVARES MACRINA
Mail Address 1: 2101 ENGLEWOOD DRIVE
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-0000
Book: 03411
Page: 0054

Result 12

id: 05G02033E
Tag: 05G02033E
Tax Unique Id: 4756307
Owner Name 1: HARGIS, DURWOOD
Owner Name 2: HARGIS, MARIE A
Mail Address 1: 1863 GUY RD
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-6737
Book: 00827
Page: 0166

Result 13

id: 05G02033C
Tag: 05G02033C
Tax Unique Id: 4736379
Owner Name 1: BARNES, JOHN I III
Owner Name 2: BARNES, JANE
Mail Address 1: 400 AVERY FARM LN
Mail Address 2: P O BOX 847
Mail Address 3: CLAYTON, NC 27520-0847
Book: 00809
Page: 0736

Result 14

id: 05G02033H
Tag: 05G02033H
Tax Unique Id: 4685651
Owner Name 1: JOYE, HARRY J.
Owner Name 2:
Mail Address 1: 330 AVERY FARM LN
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-6792
Book: 04969
Page: 0154



*** DISCLAIMER ***

Johnston County assumes no legal responsibility for the information represented here.

Result 15

id: 05G02025G
Tag: 05G02025G
Tax Unique Id: 4674729
Owner Name 1: BRYANT, DENNIS E
Owner Name 2: BRYANT, ALFREDA J
Mail Address 1: 2201 ENGLEWOOD DR
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-0000
Book: 00000
Page: 0000

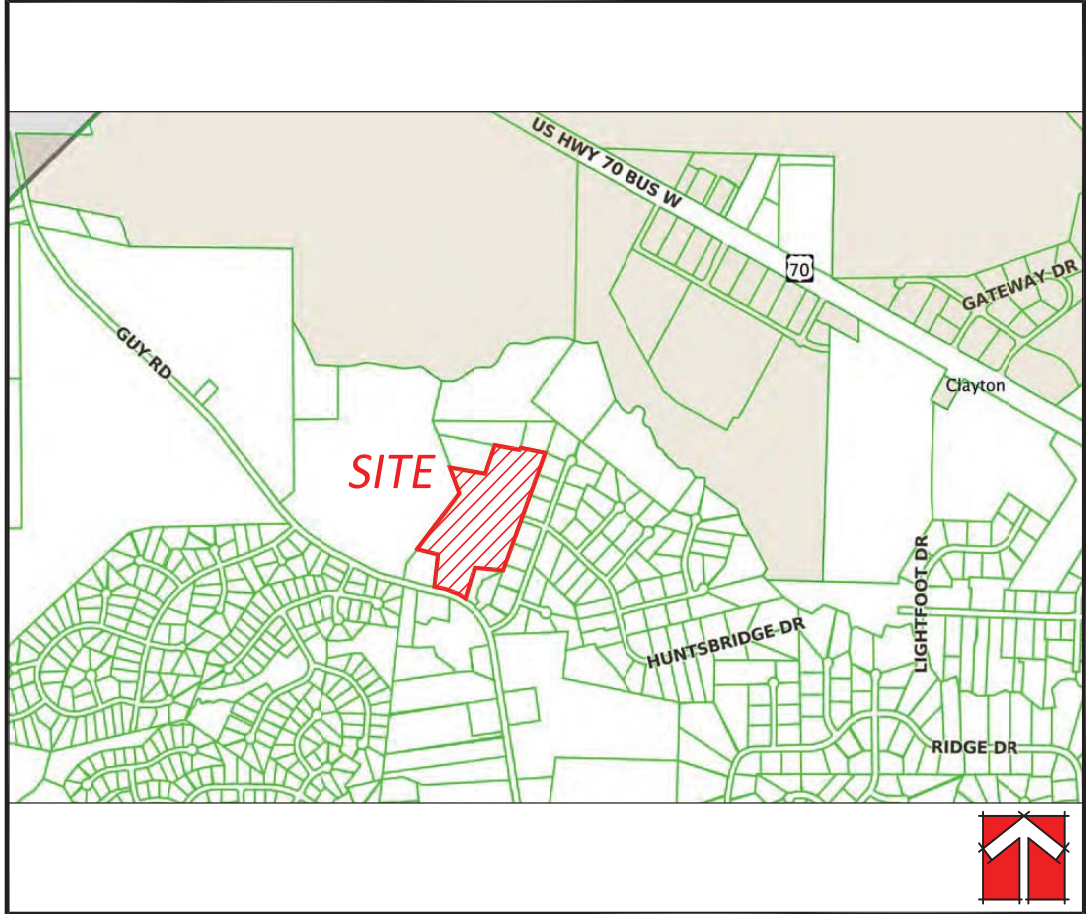
Result 16

id: 05G02026N
Tag: 05G02026N
Tax Unique Id: 4693014
Owner Name 1: MOODY, WILLIAM MARVIN
Owner Name 2: MOODY, CATHY
Mail Address 1: 2213 ENGLEWOOD DR
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-9366
Book: 01357
Page: 0588

Result 17

id: 05G02026A
Tag: 05G02026A
Tax Unique Id: 4674738
Owner Name 1: PEARSON, JEFFREY M
Owner Name 2: PEARSON, PANDORA S
Mail Address 1: 2105 ENGLEWOOD DRIVE
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-0000
Book: 01206
Page: 0360

Result 18
Young, Troy D
Young Kelly H
1877 Guy Rd
Clayton, NC 27520-
6737



SITE VICINITY MAP
NOT TO SCALE

PRELIMINARY SUBDIVISION PLAN

FOR

AVERY FARM CLAYTON, NORTH CAROLINA

FOR REVIEW AND
COMMENT ONLY



REVISED
4:15 pm, Sep 07, 2017

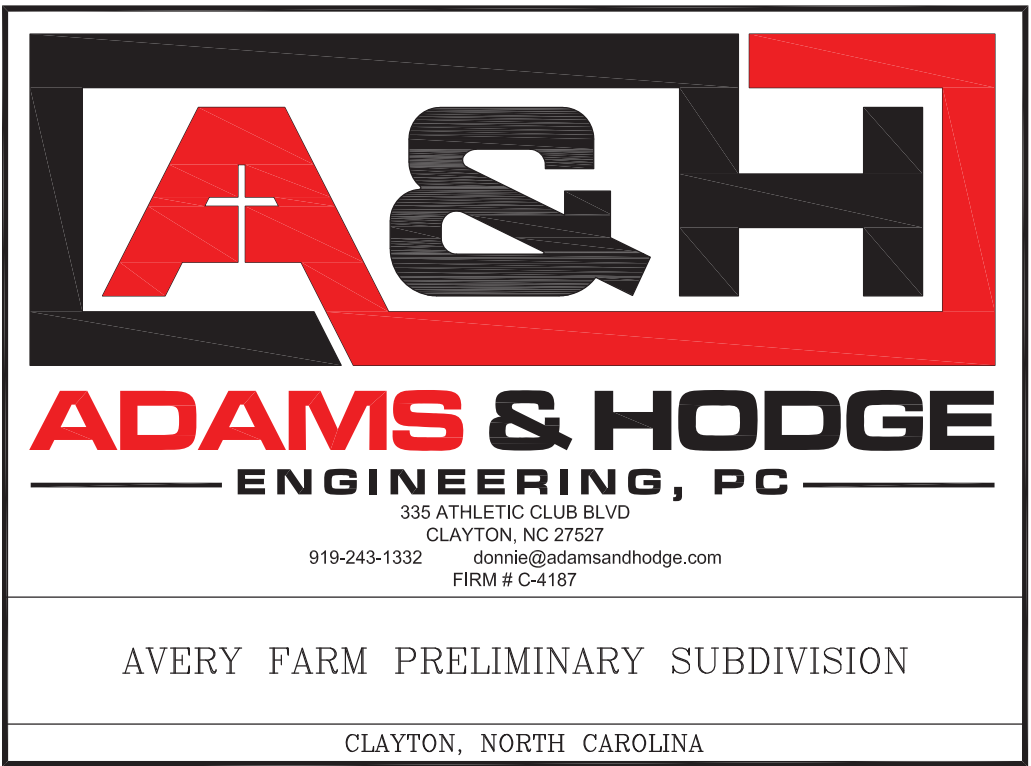
SHEET INDEX

SHEET TITLE	SHEET No.
EXISTING CONDITIONS.....	EC01
SUBDIVISION PLAN.....	SD01
CBU SITE PLAN & CLASS "A" BUFFER DIRECTIVES.....	SD02
UTILITY PLAN.....	UT01

DEVELOPER/APPLICANT:

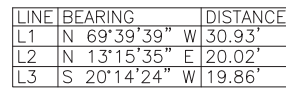
TECHTWOOD, LLC
328 E. MAIN STREET
CLAYTON, NORTH CAROLINA 27520

CONTACT/AGENT: DONNIE ADAMS, PE
919 763-7278



JUNE 1, 2017
REVISED JULY 3, 2017 AS PER TRC COMMENTS
REVISED AUGUST 10, 2017 AS PER DEVELOPER
REVISED AUGUST 17, 2017 AS PER DEVELOPER
REVISED SEPTEMBER 07, 2017 AS PER TRC

T.O.C. PROJECT: 2017-100-SD



SUBJECT PROPERTY:
N/F
SAM H. AVERY
TAX: 4665049
PIN: 164900-74-1893
BOOK/PAGE: 725/323
ZONING: R-E
AREA: 18.64 AC

EXISTING ACCESS EASEMENT
SEE DB 809/PG 736, DB 995/PG 58, PB 45/PG 271
NOTE: A PORTION OF THIS EASEMENT WILL BE
ABANDONED

 CALL 48 HOURS BEFORE YOU DIG

1-800-632-4949

NORTH CAROLINA ONE-CALL CENTER

DEVELOPER/APPLICANT:

TECHTWOOD, LLC
328 E. MAIN STREET
CLAYTON, NORTH CAROLINA 27520
CONTACT/AGENT: DONNIE ADAMS, PE
919 763-7278

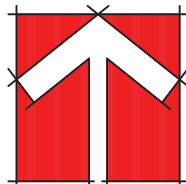
SITE INFORMATION

1. OWNER: SAM H. AVERY
1863 GUY ROAD
CLAYTON, NC 27520
2. PARCEL #: 164900-74-1893
3. TAG #: 05G02033
4. TAX #: 4665049
5. TOTAL ACREAGE = 15.67 AC/ 682,800 SF
6. CURRENT ZONING: R-E
7. CURRENT USE: AGRICULTURAL

FOR REVIEW AND
COMMENT ONLY



REVISED
10:37 am, Sep 11, 2017



GRAPHIC SCALE

T.O.C. PROJECT: 2017-100-SD

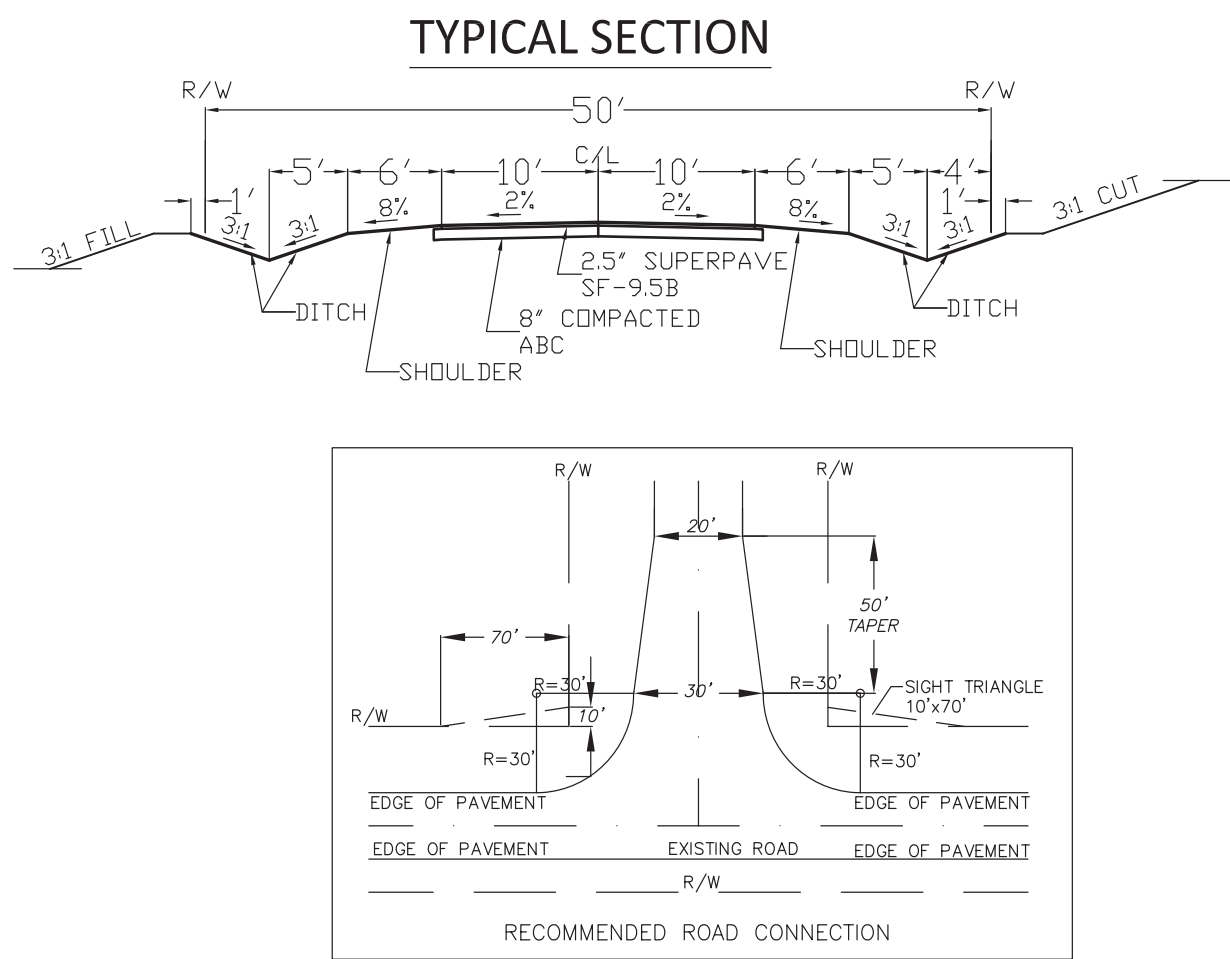
EXISTING CONDITIONS

DESIGN	DCA
DRAWN	TMH
CHECKED	DCA
HORIZONTAL SCALE	SEE GRAPHIC SCALE
VERTICAL SCALE	N/A
DATE	06/01/2017
JOB NO.	AH-
SHEET	EC01

335 ATHLETIC CLUB BLVD
CLAYTON, NC 27527
donnie@adamsandhodge.com
919-243-1332
FIRM # C-4187

ADAMS & HODGE
ENGINEERING, PC

AVERY FARM
CLAYTON, NORTH CAROLINA



STREETS NOTE
UPON CONSTRUCTION AND COMPLETION OF THE WARRANTY PERIOD, THE STREETS MAY BE DEDICATED TO N.C.D.O.T. OR THE TOWN OF CLAYTON



DEVELOPER/APPLICANT:
TECHTWOOD, LLC
328 E. MAIN STREET
CLAYTON, NORTH CAROLINA 27520
CONTACT/AGENT: DONNIE ADAMS, PE
919 763-7278

SITE INFORMATION

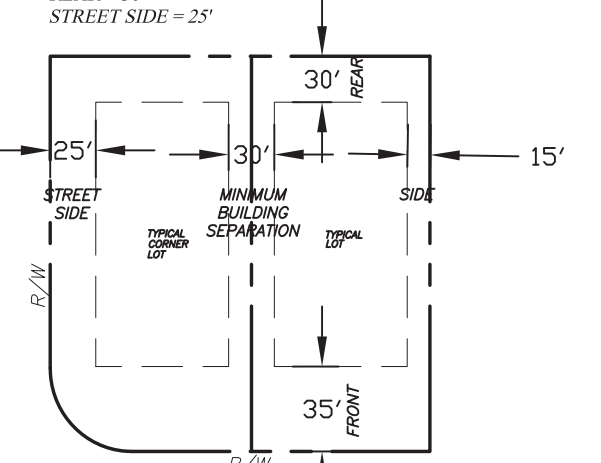
- OWNER: SAM H. AVERY
1863 GUY ROAD
CLAYTON, NC 27520
- DEVELOPER/APPLICANT: TECHTWOOD, LLC
328 E. MAIN STREET
CLAYTON, NC 27520
- PARCEL #: 164900-74-1893
- TAG #: 05G0203
- TAX #: 4665049
- TOTAL ACREAGE = 18.67 AC/812,101.13 SF
- CURRENT ZONING: R-E
- SITE IS LOCATED WITHIN THE TOWN OF CLAYTON E.T.J.
- CURRENT USE: AGRICULTURAL/VACANT
- PROPOSED USE: RESIDENTIAL SUBDIVISION
- PROPOSED LOTS: 20, SINGLE FAMILY, DETACHED
- DENSITY: 0.93 LOTS/AC
- ELECTRIC PROVIDER: DUKE ENERGY PROGRESS
- WATER PROVIDER: TOWN OF CLAYTON
- SEWER PROVIDER: INDIVIDUAL SEPTIC SYSTEMS
- THE SUBJECT PROPERTY IS NOT LOCATED IN A FLOOD HAZARD AREA AS PER FEMA FLOOD MAP #1720164000 DATED 05/02/2006
- THE DEVELOPER WILL BE RESPONSIBLE FOR THE REPLACEMENT OF ANY DAMAGED TREES WITHIN ANY LAND USE BUFFER.
- MAXIMUM IMPERVIOUS AREA PER LOT: 30% (INCLUDING STREETS)

STREET YARD TREES

- 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 FT. (SPACE A MAXIMUM OF 50 FT. APART).
- ALL STREET YARD TREES SHALL BE A MINIMUM OF TWO AND ONE-HALF CALIPER INCHES AT TIME OF PLANTING AND SHALL BE PLANTED IN THE TREE STRIP NO LESS THAN FIVE FT. OR MORE THAN 15 FT. FROM THE BACK OF THE SIDEWALK.
- NUTTALL OAK, QUERCUS NUTTALLII, IS THE DESIGNATED STREET TREE

- SETBACKS AS SHOWN ARE TYPICAL
- MAXIMUM BUILDING HEIGHT = 35'
- MAXIMUM IMPERVIOUS COVERAGE PER LOT = 30%
- MAXIMUM LOT COVERAGE = 35%
- MINIMUM LOT SIZE = 25,000 SF
- MINIMUM DWELLING UNIT SIZE = 1,400 SF

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



DIMENSIONAL INFORMATION FOR LOTS

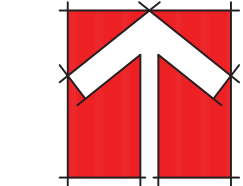
FOR REVIEW AND COMMENT ONLY



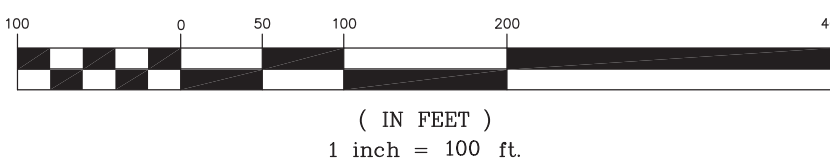
REVISED
10:33 am, Sep 11, 2017

AVERY FARM DEVELOPMENT CHART									
PHASE	AREA OF PHASE	# OF LOTS	RIGHTS-OF-WAY	RESOURCE CONSERVATION AREAS	OPEN SPACE	IMPERVIOUS AREA	PERVIOUS AREA	% OF OVERALL SITE	STATUS OF PHASE
OVERALL SITE	18.67 AC	20	1.68 AC	0 AC	0.33 AC	9.32 AC (50%)	9.32 AC (50%)	100.00%	SUBMITTED FOR APPROVAL

AVERY FARM SUBDIVISION STANDARDS														
ZONING	UNIT TYPE	LOT STANDARDS						MINIMUM SETBACKS (FT.)				BUILDING STANDARDS		
		Min. Site Area (acres)	Min. Parcel Size (sq.ft.)	Min. Lot Area (sq.ft.)	Min. Lot Width (sq.ft.)	Max. Lot Coverage (%)	Max. Impervious Surface (%)	Density (dwelling units/ acre)	Front	Side Interior	Side Street	Rear	Max. Height (ft.)	Min. Dwelling Unit Size (sq.ft.)
R-E	SINGLE FAMILY WITH PUBLIC WATER AND SEPTIC	-	-	25,000	80	35	50	1.13	35	15	25	30	35	1,400



GRAPHIC SCALE



T.O.C. PROJECT: 2017-100-SD

ADAMS & HODGE
ENGINEERING, PC



AVERY FARM
CLAYTON, NORTH CAROLINA

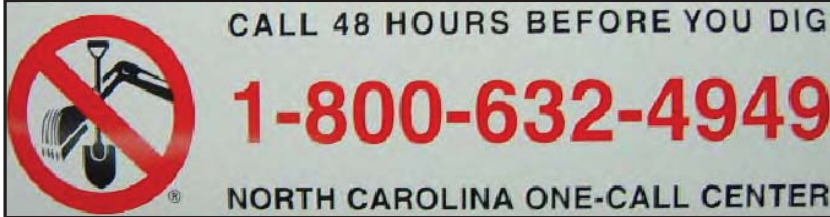
SUBDIVISION PLAN

DESIGN: DCA
DRAWN: TWH/ADS
CHECKED: DCA
HORIZONTAL SCALE: SEE GRAPHIC SCALE
VERTICAL SCALE: N/A
DATE: 06/01/2017
JOB NO.: 100-SD
SHEET: SD01



TECHTWOOD, LLC
328 E. MAIN STREET
CLAYTON, NORTH CAROLINA 27520
CONTACT/AGENT: DONNIE ADAMS, PE
919 763-7278

STREETS NOTE
UPON CONSTRUCTION AND COMPLETION OF THE WARRANTY PERIOD, THE
STREETS MAY BE DEDICATED TO N.C.D.O.T. OR THE TOWN OF CLAYTON



DEVELOPER/APPLICANT:
TECHTWOOD, LLC
328 E. MAIN STREET
CLAYTON, NORTH CAROLINA 27520
CONTACT/AGENT: DONNIE ADAMS, PE
919 763-7278

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

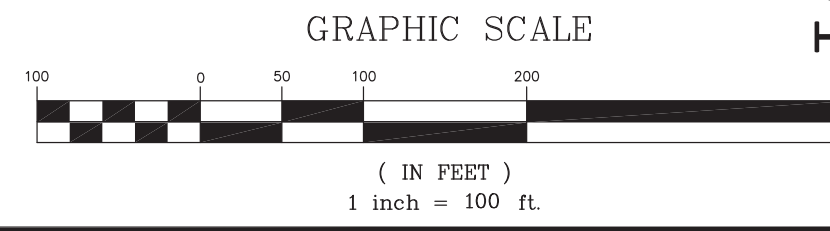
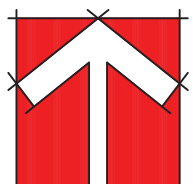
NOTE:
A COMPLETE SET OF CONSTRUCTION
DRAWINGS FOR WATER, SEWER,
EROSION CONTROL, GRADING AND
STREET EXTENSION TO BE SUBMITTED
TO AND APPROVED BY NCDOT AND
JOHNSTON COUNTY UTILITIES OR
TOWN'S ENGINEERING DEPARTMENT
PRIOR TO CONSTRUCTION.

LEGEND	
EXISTING	PROPOSED
6" WL	6" WL
BLW	BLW
VALVE	VALVE
REDUCER	REDUCER
METER	METER
SEWERLINE	SEWERLINE
MANHOLE	MANHOLE
CLEANOUT	CLEANOUT
STORM DRAINAGE	STORM DRAINAGE
CATCH BASIN	CATCH BASIN
DROP INLET/YARD INLET	DROP INLET/YARD INLET
PROPOSED DITCH FLOW	

FOR REVIEW AND
COMMENT ONLY



REVISED
4:15 pm, Sep 07, 2017



T.O.C. PROJECT: 2017-100-SD

ADAMS & HODGE
ENGINEERING, PC



UTILITY PLAN
CLAYTON, NORTH CAROLINA

UTILITY PLAN

DESIGN: DCA
DRAWN: TMH
CHECKED: DCA
HORIZONTAL SCALE: SEE GRAPHIC SCALE
VERTICAL SCALE: N/A
DATE: 08/01/2017
JOB NO: 100-SD
SHEET: UT01



PUBLIC NOTICE

In accordance with NC GS 160A-364 the Clayton Town Council will hold an evidentiary hearing on October 2nd, 2017, at 6:30 PM at Town Hall, 111 East Second Street, to consider preliminary subdivision request 2017-100-SD, Avery Farm Subdivision requesting to develop a 21-lot residential subdivision on 18.6 acres. The property is bounded by the Englewood Subdivision and Huntsbridge Drive to the east, and Guy Road to the south; parcel tag number 05g02033.

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

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

Jay McLeod, Planner
919-553-5002

The Clayton News Star

Please advertise on the following dates:

Sept. 20, 2017

Sept. 27, 2017

Affidavit of publication required.

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

**Avery Farm – Major Subdivision
2017-100-SD**

On August 28, 2017 the Planning Board heard the above-referenced request and made the following vote:

Recommendation to the Town Council to



approve the request;

with conditions, per staff report, & support of the waivers.



approve the request with the following modified or added conditions:

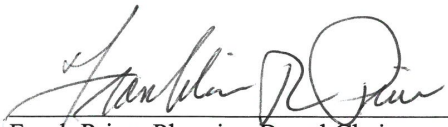
—



deny the request.

Recommendation(s) made this 28th day of August 2017 while in regular session.

Signed:



Frank Price, Planning Board Chair

TOWN OF CLAYTON
SUBDIVISION APPROVAL 2017-100-SD
AVERY FARM
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: Adams & Hodge Engineering

Property Location: 1872 Guy Road, farm parcel just west of Englewood Dr.

Tax Parcel Number: 164900-74-1893 / 05g02033

Proposed Use of Property: 20 Single-Family Residential

Meeting Date: October 2, 2017

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 final Preliminary Subdivision Plan (Preliminary Plat) meeting the requirements of the Conditions of Approval shall be submitted to the Planning Department for final approval. The following items shall be recorded on the plans before they receive final approval from the Planning Department:
 - a. All Conditions of Approval shall be recorded on the Preliminary Subdivision Plan sheet.
 - b. The "number of lots" in the Site Data Table shall be revised to reflect the actual number of resulting lots (21), which includes the ±3.3 acre "remainder lot" in the north.
 - c. The Site Data Table density calculation shall be revised.
 - d. The ±3.3 acre "remainder lot" in the north shall be labeled at Lot 21.
 - e. Streets shall be labeled based on the public entity to whom dedication is intended.
 - f. A note/label shall be provided on the Preliminary Subdivision Plan sheet designating that portion of Huntsbridge Drive that will be paved.
2. The final plat and subsequent development of the site shall be consistent with the specifications of the approved Preliminary Subdivision Plan. Modifications shall require additional approvals pursuant to §155.706 of the Unified Development Code.

3. All development fees shall be paid at building permit issuance, with the exception of recreation fees, which will be paid at plat.
4. The landscaping buffer along Guy Road shall be installed prior to plat or shall be bonded.
5. Sidewalks shall be provided according to NCDOT specifications for this type of street cross-section.
6. The road name "Avery Farm Lane", that provides E911 addressing for the homes located north of this proposed subdivision, shall be preserved and the existing signs shall be relocated (if necessary) in such a way as to provide no lapse in emergency services provision to these properties. Any relocation of these signs shall be coordinated with the appropriate emergency services agencies, the Town of Clayton Planning Dept., Town of Clayton Fire Dept., the County, and all other relevant agencies.
7. As a stub-out that is dedicated at the property line from the adjacent neighborhood, Huntsbridge Drive is a required connection to this subdivision for purposes of interconnectivity and public safety. The unpaved portion of Huntsbridge Drive shall be paved from the Avery farm property line to the connection at Englewood Drive. This shall occur (or be guaranteed) prior to platting.

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 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 **#2017-100-SD – Avery Farm**

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.)

Item 5d
#2017-100-SD
Avery Farm Subdivision

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

OR

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

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

Item 5d
#2017-100-SD
Avery Farm Subdivision



Town Council Agenda Cover Sheet

Meeting Date

October 2, 2017

Agenda Location

Public Hearings

Item Title

2017-141-ANX Grand Plaza, LLC

Presenter

Planning Department

Summary/Description

Annexation of the old Camptown RV owned by Grand Plaza, LLC.

Requested Action

Approval

Additional Documents To Be Included in Agenda Packet

Application
Aerial Map
Annexation Map
Legal Description
Newspaper Ad
Non-aerial Map



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

PETITION FOR VOLUNTARY ANNEXATION

VOLUNTARY ANNEXATION: Upon receipt of a valid petition signed by all of the owners of real property in the area described therein, the Town may annex an area either contiguous or not contiguous to its primary corporate limits when the area meets the standards set out under North Carolina General Statutes 160A-31 and 160A-58.1.

Applications are due by 5pm on the first working day of each month.

Request Information

☒ **Contiguous Annexation**

☐ **Non-Contiguous Annexation**

The following items must accompany an annexation petition:

To be completed by the applicant:	Included?	
	Yes	No
1. Petition for Annexation with original signatures	☒	☐
2. A boundary plat of the area to be annexed meeting requirements of the Plat Checklist (included in this application packet).	☒	☐
3. Legal Description (metes and bounds)	☒	☐

PROCESS:

Review by Staff: The Planning, Engineering and Public Works Departments review the annexation submission. Comments will be sent to the applicant.

Annexation Plat Submission: After the map and legal description are deemed sufficient by the Town, the applicant is required to submit two (2) Mylar annexation plats to the Planning Department.

Town Council Meeting: The Town Council will pass a resolution directing the Town Clerk to investigate the annexation petition. The Town Clerk will present to the Town Council a Certificate of Sufficiency indicating that the annexation petition is complete. A resolution setting the date of the public hearing is then approved.

Legal Advertisement: A legal advertisement will be published no more than 25 days and no less than 10 days prior to the date of the public hearing.

Public Hearing/Town Council Meeting: The Town Council will either adopt or deny an ordinance to extend the corporate limits of the Town of Clayton.

Recordation: If the annexation is approved by the Town Council, the Annexation Plats shall be recorded at the appropriate county Register of Deeds.

Petition for Voluntary Annexation Application – Property Information
COMPLETE IF A LIMITED LIABILITY COMPANY:

Submittal Date: 8-21-2017

Petition No.: 2017-141ANX

To the Town Council of the Town of Clayton, North Carolina:

1. I/We the undersigned owner(s)* of real property respectfully request that the area described in Paragraph 2 below be annexed to the Town of Clayton, North Carolina.

*If the owner of real property is a corporation or religious entity, attach a copy of the articles of incorporation describing who is/are authorized to sign with the petition.

2. The area to be annexed is X contiguous, _____ non-contiguous to the Town of Clayton, North Carolina and the boundaries of such territory are as provided in the boundary plat attached hereto.
3. If contiguous, this annexation will include all intervening rights-of-way for streets, railroads, and other areas as stated in G.S. 160A-31(f), unless otherwise stated in the annexation amendment.
4. Attached is a statement of the schedule for full development of the property to be annexed, which includes the type, number, and estimated value of planned improvements, if applicable.

Total acreage to be annexed:	<u>3.42 AC</u>
Existing housing units:	<u>NONE</u>
Population of acreage to be annexed:	<u>NONE</u>
Existing Zoning District*:	<u>B-3 (HIGHWAY COMMERCIAL)</u>
Proposed Town Zoning District*:	<u>B-3 (HIGHWAY COMMERCIAL)</u>
Reason for petitioner to annex:	<u>Receive Town Services</u>
	<u>X</u> Other (please specify): <u>WATER & SEWER SERVICE</u>

5. I/We acknowledge that any zoning vested rights acquired pursuant to G.S. 160A-385.1 or G.S. 153A-344.1 must be declared and identified on this petition. I/We further acknowledge that failure to declare such rights on this petition shall result in a termination of vested rights previously acquired for the property. (If zoning vested rights are claimed, indicate below and attach proof.)

In witness whereof, Grand Plaza, LLC a limited liability company, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this 10th day of August, 2017.

Name of Limited Liability Company: GRAND PLAZA LLC

By:

Barbara Brand
Signature of Member/Manager

~~STATE OF NORTH CAROLINA~~ Louisiana
~~COUNTY OF JOHNSTON~~ Parish of East Baton Rouge

Sworn and subscribed before me, Fiona J. Boyd, a Notary Public for the above State and County, this 10th day of August, 2017.

SEAL



OFFICIAL SEAL
FIONA J. BOYD
NOTARY PUBLIC NO. 49527
STATE OF LOUISIANA
PARISH OF EAST BATON ROUGE
MY COMMISSION IS FOR LIFE

Fiona J. Boyd

Notary Public # 49527

My Commission Expires: At Death

Voluntary Annexation Plat Checklist

#	Required Plat Items
1.	Fully dimensioned by metes and bounds, and the location of intersecting boundary lines of the existing town limits, labeled and distinctly marked. Include full right-of-way if the area on both sides is or will be in the corporate limits.
2.	Any utility easements with metes and bounds.
3.	Accurate locations and descriptions of all monuments, markers and control points.
4.	Ultimate right-of-way widths on all streets.
5.	Entitle "ANNEXATION MAP FOR THE TOWN OF CLAYTON" OR "SATELLITE ANNEXATION MAP FOR THE TOWN OF CLAYTON," as appropriate.
6.	Name of property owner(s).
7.	Name, seal, and registration of Professionally Licensed Surveyor (PLS).
8.	Date of the survey and map preparation; a north arrow indicating whether the index is true magnetic North Carolina grid (NAD 83 or NAD 27) or deed; graphic scale; and declination.
9.	Names of the township, county, and state.
10.	A detailed vicinity map.
11.	Include address of property if assigned.
12.	Show all contiguous or non-contiguous town limits.
13.	The following certification must be placed on the map near a border to allow the map to be sealed: Annexation # _____ I, David DeYoung, AICP, Planning Director, Clayton, North Carolina certify this is a true and exact map of annexation adopted the _____ day of _____, _____, by the Town Council. I set my hand and seal to the Town of Clayton, _____. Day/Month/Year _____ David DeYoung AICP
14.	Leave 2 inch by 2 inch space for the county Register of Deeds stamp on the plat. All final plats must be stamped and signed before they can be accepted by the Town.



BOHLERTM
ENGINEERING NC, PLLC

Date: July 27, 2017

**Legal Description for Annexation
Grand Plaza LLC – DB 3973, PG 610**

BEGINNING at an existing iron pipe, said pipe being the southeasterly corner the Now or Formerly Grand Plaza LLC Property, said point also being on the northerly line of Highway 70 West (Variable Public R/W), said point also being THE POINT OF BEGINNING;

Thence running with northerly line of Highway 70 West the following courses and distances:

N 60°59'44" W 206.75 to existing iron pipe;

N 60°55'01" W 14.96 to an existing iron pipe on the northerly line of Highway 70 West; said point also being the southeasterly corner to the Now or Formerly Grand Plaza LLC property as recorded in DB 4486, PG 470.

Thence departing the northerly line of Highway 70 West and running with the easterly lines of the Now or Formerly Grand Plaza LLC Property and the Now or Formerly Mohamed and Sons Inc. Property, the following courses and distances:

N 27°33'17" E 300.11' to an existing iron pipe;

N 27°33'17" E 334.71 to an existing iron pipe; said iron pipe being the northeasterly corner to Now or Formerly Mohamed and Sons Inc. Property, and also on the southerly line of Now or Formerly N.C. Department of Agriculture Property.

Thence running with the southerly line of the Now or Formerly N.C. Department of Agriculture Property, the following courses and distances:

S 88°17'22" E 35.92' to an existing iron pipe;

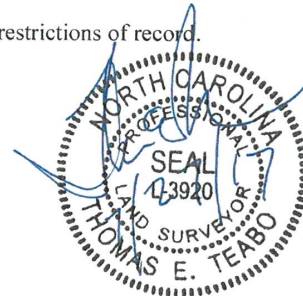
S 88°17'22" E 172.22' to an existing iron pipe; said iron pipe being the northwesterly corner to Now or Formerly McLaurin Funeral Home Property;

Thence departing the southerly line of the Now or Formerly N.C. Department of Agriculture Property and running with the westerly lines of Now or Formerly McLaurin Funeral Home Properties, the following courses and distances:

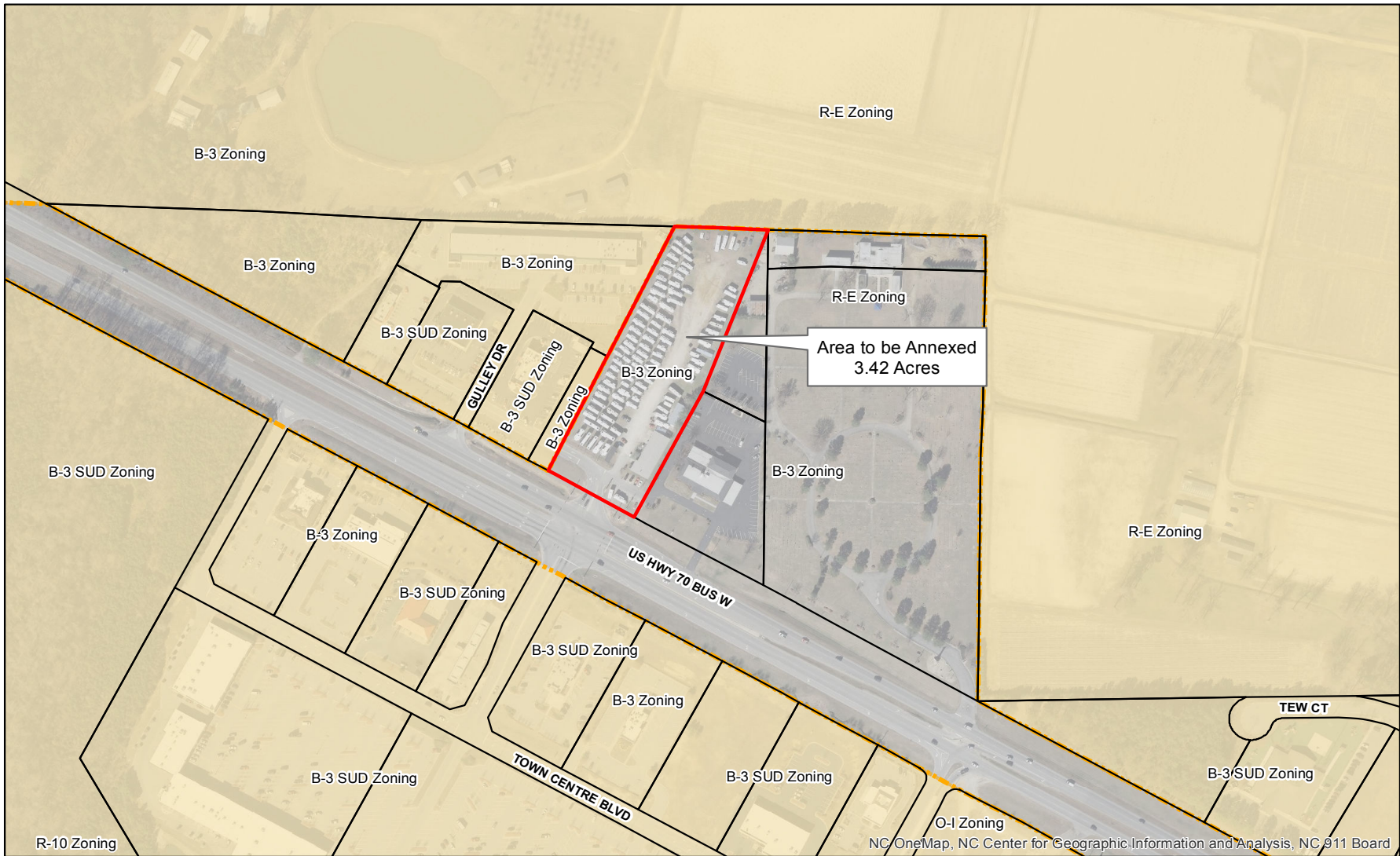
S 21°30'19" W 401.52' to an existing iron pipe;

S 28°56'03" W 331.99 to THE POINT OF BEGINNING and containing 149,010 sq. ft. or 3.42 Acres of land, more or less

The Property described here on is subject to all easements, Rights-of-Way and restrictions of record.



CIVIL AND CONSULTING ENGINEERS • PROJECT MANAGERS • SURVEYORS • ENVIRONMENTAL CONSULTANTS • LANDSCAPE ARCHITECTS
WWW.BOHLERENGINEERING.COM



Legend

-  Area to be Annexed
-  Clayton Town Limits
-  Clayton ETJ
-  Parcels

Produced by: TOC Planning
August 25, 2017

Annexation Map

Applicant(s): Grand Plaza, LLC
Property Owner(s): Grand Plaza, LLC
Parcel Number(s) 05G01199B
File Number(s): 2017-141-ANX



1 inch = 300 feet



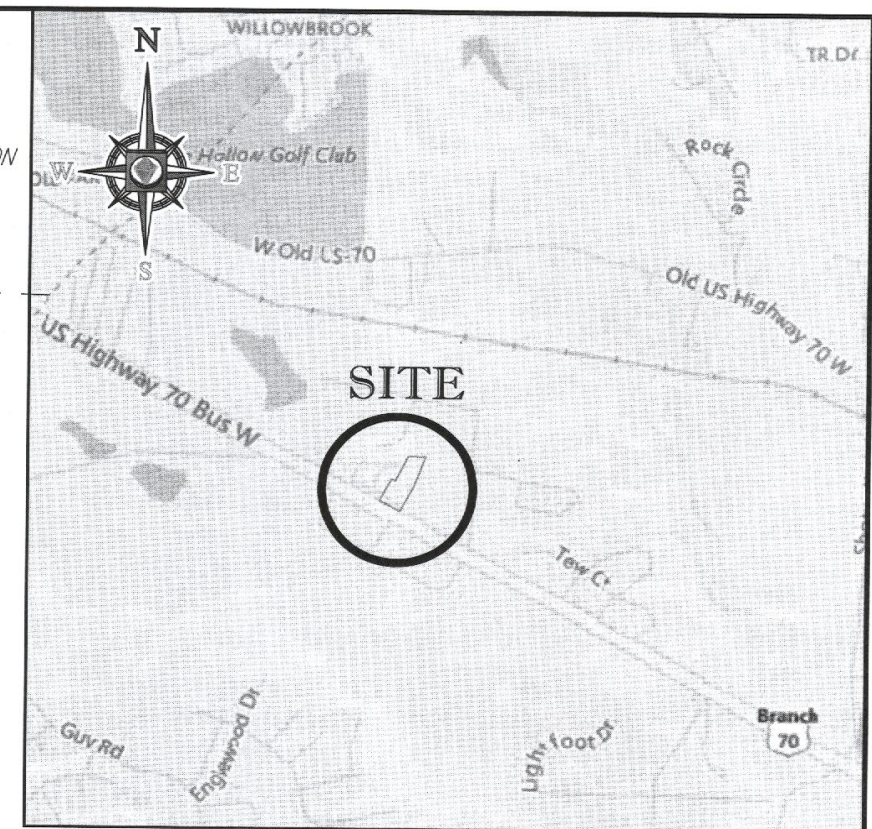
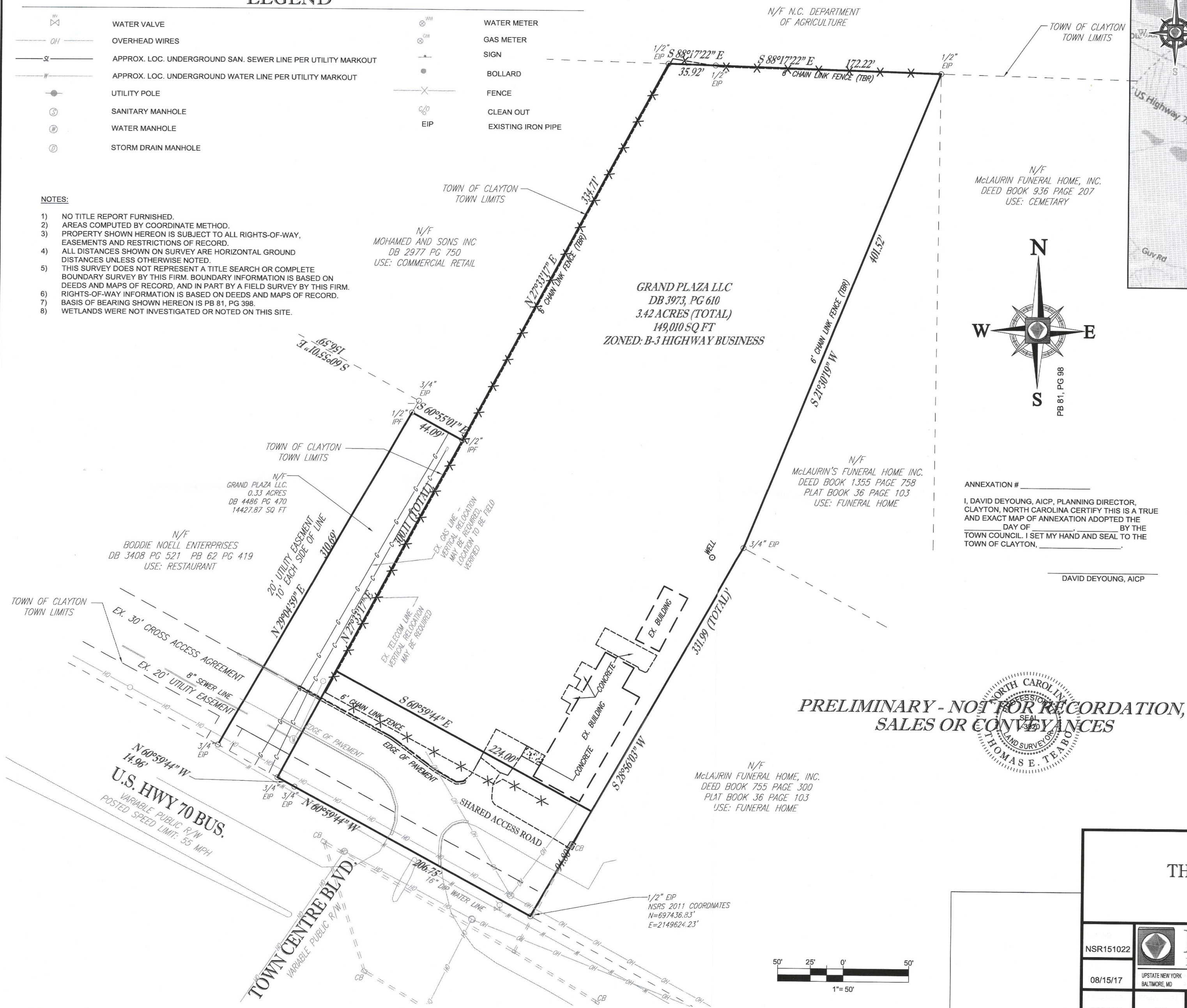
Disclaimer: Town of Clayton assumes no legal responsibility for the information represented here.

LEGEND

	WATER VALVE		WATER METER
	OVERHEAD WIRES		GAS METER
	APPROX. LOC. UNDERGROUND SAN. SEWER LINE PER UTILITY MARKOUT		SIGN
	APPROX. LOC. UNDERGROUND WATER LINE PER UTILITY MARKOUT		BOLLARD
	UTILITY POLE		FENCE
	SANITARY MANHOLE		CLEAN OUT
	WATER MANHOLE		EXISTING IRON PIPE
	STORM DRAIN MANHOLE		

NOTES:

- 1) NO TITLE REPORT FURNISHED.
- 2) AREAS COMPUTED BY COORDINATE METHOD.
- 3) PROPERTY SHOWN HEREON IS SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIONS OF RECORD.
- 4) ALL DISTANCES SHOWN ON SURVEY ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.
- 5) THIS SURVEY DOES NOT REPRESENT A TITLE SEARCH OR COMPLETE BOUNDARY SURVEY BY THIS FIRM. BOUNDARY INFORMATION IS BASED ON DEEDS AND MAPS OF RECORD, AND IN PART BY A FIELD SURVEY BY THIS FIRM.
- 6) RIGHTS-OF-WAY INFORMATION IS BASED ON DEEDS AND MAPS OF RECORD.
- 7) BASIS OF BEARING SHOWN HEREON IS PB 81, PG 398.
- 8) WETLANDS WERE NOT INVESTIGATED OR NOTED ON THIS SITE.



LOCATION MAP
COPYRIGHT 2013
DELOMRE STREET ATLAS USA 2013
SCALE: 1"=2000'

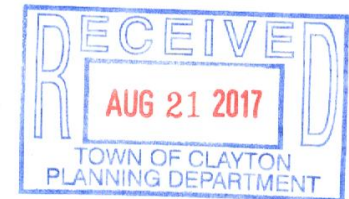
SURVEYOR CERTIFICATION

I, THOMAS E. TEABO, PLS, HEREBY CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION, FROM DEED AND MAP REFERENCES AS NOTED ON SAID MAP; THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FROM DEED AND MAP REFERENCES AS NOTED ON SAID MAP.

THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY OF THE SURVEY AS CALCULATED IS 1: 10,000+, THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION OF RECORD; THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

THAT THE SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND OR ONE OR MORE EXISTING EASEMENTS AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET. FOR THE PURPOSES OF THIS SUBSECTION, AN "EXISTING PARCEL" OR "EXISTING EASEMENT" IS AN AREA OF LAND DESCRIBED IN A SINGLE, LEGAL DESCRIPTION OR LEGALLY RECORDED SUBDIVISION THAT HAS BEEN OR MAY LEGALLY BE CONVEYED TO A NEW OWNER BY DEED IN ITS EXISTING CONFIGURATION; WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 18TH DAY OF AUGUST A.D., 2017.

NC L-3920 SURVEYOR



ANNEXATION MAP FOR THE TOWN OF CLAYTON

TOWN OF CLAYTON
JOHNSTON COUNTY, NORTH CAROLINA

NSR151022		4130 PARKLAKE AVENUE SUITE 130 RALEIGH, NORTH CAROLINA 27612 919.578.9000 - 919.703.2865 FAX www.bohlerengineering.com
08/15/17	UPSTATE NEW YORK BALTIMORE, MD	BOSTON, MA SOUTHERN MARYLAND
05/12/17	NK	TET

BOHLER ENGINEERING, ALL RIGHTS RESERVED.
THE CONTENTS OF THIS MAP ARE THE PROPERTY OF BOHLER ENGINEERING, INC. AND ARE NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF BOHLER ENGINEERING, INC.



Date: July 27, 2017

**Legal Description for Annexation
Grand Plaza LLC – DB 3973, PG 610**

BEGINNING at an existing iron pipe, said pipe being the southeasterly corner the Now or Formerly Grand Plaza LLC Property, said point also being on the northerly line of Highway 70 West (Variable Public R/W), said point also being THE POINT OF BEGINNING;

Thence running with northerly line of Highway 70 West the following courses and distances:

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Thence departing the northerly line of Highway 70 West and running with the easterly lines of the Now or Formerly Grand Plaza LLC Property and the Now or Formerly Mohamed and Sons Inc. Property, the following courses and distances:

N 27°33'17" E 300.11' to an existing iron pipe;

N 27°33'17" E 334.71 to an existing iron pipe; said iron pipe being the northeasterly corner to Now or Formerly Mohamed and Sons Inc. Property, and also on the southerly line of Now or Formerly N.C. Department of Agriculture Property.

Thence running with the southerly line of the Now or Formerly N.C. Department of Agriculture Property, the following courses and distances:

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Thence departing the southerly line of the Now or Formerly N.C. Department of Agriculture Property and running with the westerly lines of Now or Formerly McLaurin Funeral Home Properties, the following courses and distances:

S 21°30'19" W 401.52' to an existing iron pipe;

S 28°56'03" W 331.99 to THE POINT OF BEGINNING and containing 149,010 sq. ft. or 3.42 Acres of land, more or less

The Property described here on is subject to all easements, Rights-of-Way and restrictions of record.

PUBLIC NOTICE

The Clayton Town Council has called a public hearing at 6:30 PM on Monday, October 2, 2017, at Town Hall, 111 E. Second Street, on the question of annexing the following described contiguous area, requested by Annexation Petition 2017-141-ANX filed pursuant to G.S. 160A-31:

The area proposed for annexation is described as the following: Lying and being in Clayton Township, Johnston County, North Carolina and being more particularly described as follows:

BEGINNING at an existing iron pipe, said pipe being the southeasterly corner the Now or Formerly Grand Plaza LLC Property, said point also being on the northerly line of Highway 70 West (Variable Public R/W), said point also being **THE POINT OF BEGINNING**; Thence running with northerly line of Highway 70 West the following courses and distances: N 60°59'44" W 206.75 to existing iron pipe; N 60°55'01" W 14.96 to an existing iron pipe on the northerly line of Highway 70 West; said point also being the southeasterly corner to the Now or Formerly Grand Plaza LLC property as recorded in DB 4486, PG 470. Thence departing the northerly line of Highway 70 West and running with the easterly lines of the Now or Formerly Grand Plaza LLC Property and the Now or Formerly Mohamed and Sons Inc. Property, the following courses and distances: N 27°33'17" E 300.11' to an existing iron pipe; N 27°33'17" E 334.71 to an existing iron pipe; said iron pipe being the northeasterly corner to Now or Formerly Mohamed and Sons Inc. Property, and also on the southerly line of Now or Formerly N.C. Department of Agriculture Property. Thence running with the southerly line of the Now or Formerly N.C. Department of Agriculture Property, the following courses and distances: S 88°17'22" E 35.92' to an existing iron pipe; S 88°17'22" E 172.22' to an existing iron pipe; said iron pipe being the northwesterly corner to Now or Formerly McLaurin Funeral Home Property; Thence departing the southerly line of the Now or Formerly N.C. Department of Agriculture Property and running with the westerly lines of Now or Formerly McLaurin Funeral Home Properties, the following courses and distances: S 21°30'19" W 401.52' to an existing iron pipe; S 28°56'03" W 331.99 to **THE POINT OF BEGINNING** and containing 149,010 sq. ft. or 3.42 Acres of land, more or less.

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

Kimberly A. Moffett, CMC
Town Clerk
Town of Clayton
919-553-5002 ext. 5004

Clayton News-Star

Please advertise on the following date:

September 20, 2017

Affidavit of publication required.

From: [David Hillman](#)
To: [Kimberly Moffett](#)
Cc: [Mark Howe](#); [Barbara Grand \(b.grand@jwgrand.com\)](#)
Subject: Grand Plaza - withdrawal of application for annexation
Date: Thursday, September 28, 2017 11:08:36 AM
Attachments: [image001.png](#)

Kim,

Thanks for your time just now. As we discussed, I'm representing Grand Plaza, LLC with respect to its property along US 70 in Johnston County. The property was submitted for annexation at the request of a contract purchaser, but that contract has been terminated. The owner would now like to withdraw the application for annexation, which I believe is up for approval this coming Monday, October 2.

Please let us know if there is any additional paperwork or information you need to process that withdrawal.

Again, thanks so much for your assistance.

Best regards,

David L. Hillman
david.hillman@elliswinters.com
P 919.865.7090 | F 919.865.7010



4131 Parklake Avenue, Suite 400 | Raleigh, NC 27612
P.O. Box 33550 | Raleigh, NC 27636
[bio](#) | [elliswinters.com](#) | [map](#)

CONFIDENTIALITY NOTICE: This electronic mail message contains confidential information intended only for the person(s) named. Any use, distribution, copying, or disclosure by another person is strictly prohibited.



Town Council Agenda Cover Sheet

Meeting Date

October 2, 2017

Agenda Location

Public Hearings

Item Title

Chapter 98 – Noise Ordinance Update

Presenter

Planning Department

Summary/Description

The Noise Ordinance Update is the first update since 1994 and:

- Adds a purpose to the Chapter
- Adds definitions
- Provides exemptions for government and utility activities (repair, maintenance, etc.)
- Updates prohibited activities

Requested Action

Approval

Additional Documents To Be Included in Agenda Packet

Chapter 98 Update (Clean Version)

PUBLIC NOTICE

In accordance with NC GS 160A - 384, the Clayton Town Council will hold a public hearing on Monday, October 2, 2017, at 6:30 PM at Town Hall, 111 East Second Street, to consider an Ordinance Amendment to Chapter 98 Noise of the Town of Clayton's Code of Ordinances. 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. This is an open meeting and the public is invited to attend.

David DeYoung
919-553-5002

CS: September 20, 27, 2017

TOWN OF CLAYTON
Amendment to the Code of Ordinances:
Chapter 98 - Noise

BEING HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON, NORTH CAROLINA that the following text shall be amended to the Code of Ordinances:

Amend Chapter 98 to read as follows:

Section:

- § 98.00 Purpose
- § 98.01 Definitions
- § 98.02 Unreasonably loud or disturbing sound levels
- § 98.03 Exempted activities
- § 98.04 Prohibited activities
- § 98.05 Presumption in prosecution
- § 98.99 Penalty

§ 98.00 PURPOSE.

The purpose of this chapter is to prohibit unnecessary or unusually loud noises within the Town and to establish regulations for the control and enforcement of noise.

Statutory Reference:

Authority to regulate noise, see G.S. § 160A-184

§ 98.01 DEFINITIONS.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Daytime

7:00 a.m. until 10:00 p.m., local time.

Emergency Work

Any work or actions that must be undertaken immediately or within a time frame too short to allow full compliance with this Chapter, to avoid an immediate threat to public health, public safety, or serious environmental degradation.

Nighttime

10:00 p.m. until 7:00 a.m., local time.

§ 98.02 UNREASONABLY LOUD OR DISTURBING SOUND LEVELS.

It shall be unlawful for any person, firm or corporation to create or assist in creating any unreasonably loud, disturbing sound levels within the corporate limits of the town, taking into consideration volume, duration, frequency and other characteristics of the sound.

(Ord. passed 9-6-94)

§ 98.03 EXEMPTED ACTIVITIES

The following activities are exempted from the time restrictions:

- (A) Work or actions taken by the Town of Clayton, or its contractors, within the Central Business District (Main Street area) of the Town of Clayton. Work or actions may include, but are not limited to garbage collection, street sweeping, leaf blowing, power washing, or other similar activities which must be performed before businesses open.
- (B) The installation (including excavation), demolition, alteration or repair of public infrastructure by the Town of Clayton, or its contractors, when necessary to avoid lengthy service delays, mitigate traffic issues or concerns, handle non-emergency utility system modifications during periods of lower activity, or utilize off-hours service interruptions to minimize customer inconvenience.

§ 98.04 PROHIBITED ACTIVITIES.

The following activities, among others, are declared to be unreasonably loud, disturbing sound levels; however, such enumeration shall not be deemed exclusive:

- (A) The playing of any musical instrument, radio, phonograph, television, sound reproduction instrument, or amplifier in such a manner or with such volume, at any time of day or night, that a reasonably prudent person would recognize the same as likely to unreasonably disturb persons in the vicinity.
- (B) The operation of any motor or motorized equipment, except for emergency purposes, at any time between 10:00 p.m. and 7:00 a.m. on any day of the week which unreasonably or unnecessarily annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others within the town.

(C) The keeping of any animal, including birds, which makes frequent or long continued sounds, such that a reasonably prudent person would recognize the same as likely to unreasonably disturb persons in the vicinity.

(D) The use of any automobile, motorcycle or vehicle so out of repair, so equipped or operated in such a manner as to create unreasonably loud, disturbing sounds.

(E) The use of any mechanical device operated by compressed air, unless the noise created is effectively muffled and reduced, except for emergency purposes, at any time between 10:00 p.m. and 7:00 a.m. on any day of the week which unreasonably or unnecessarily disturbs persons in the vicinity.

(F) The sounding of any horn, siren or signal device on any motor vehicle, except as a danger signal to the public. Police, fire, ambulance or other emergency vehicles are exempted.

(G) The creation of unreasonably loud, disturbing sound adjacent to any school, educational facility, church or court during normal operating hours, which a reasonably prudent person would recognize as likely to unreasonably interfere with the working of such institutions.

(H) The erection (including excavation), demolition, alteration or repair of any building in a residential or business district other than between the hours of 7:00 a.m. and 10:00 p.m. on any day, except in the case of urgent necessity, security concerns, or in the interest of the public safety, and then only under the direction of the appropriate town official.

(I) The use of any electronic sound amplification equipment for advertising or solicitation purposes, except with a permit lawfully issued by the town.

(J) The firing or discharging of firearms anywhere within the town for the purpose of making noise or creating a disturbance.

(K) The shouting and crying out of any person, including but not limited to peddlers, barkers, hawkers, or vendors, which disturbs the quiet and peace of the neighborhood.

(L) The creation of loud or excessive noise in connection with loading or unloading of any vehicle, or the opening and destruction of bales, boxes, crates and containers.

(M) The collection of garbage and/or recyclables between the hours of 10:00 p.m. and 7:00 a.m. This provision shall not apply to industrial facilities located in industrial zoning districts as defined by the Unified Development Code.
(Ord. passed 9-6-94)

§ 98.05 PRESUMPTION IN PROSECUTION.

The complaints of two or more persons, at least one of whom resides in a different home from the other complaining person or persons, or the complaint of one or more persons when combined with the complaint of a duly authorized law enforcement officer shall be considered enough (prima facie evidence) evidence that the sound is loud and annoying, disturbing, unnecessary and unreasonably loud.

(Ord. passed 8-1-83; Am. Ord. passed 9-6-94)

§ 98.99 PENALTY.

A violation of any section of this chapter by any person shall be a misdemeanor and shall subject the offender to a fine of up to \$50 and/or imprisonment not to exceed 30 days. Each day of a continuing violation shall constitute a separate violation.

(Ord. passed 8-1-83; Am. Ord. passed 9-6-94)

Duly adopted by the Clayton Town Council this 2nd day of October, 2017 while in regular session.

Jody L. McLeod
Mayor

ATTEST:

APPROVED AS TO FORM:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk

Katherine Ross
Town Attorney



Town Council Agenda Cover Sheet

Meeting Date

October 2, 2017

Agenda Location

Old Business

Item Title

Central Lift Easement Acquisitions

Presenter

Katherine Ross, Town Attorney

Summary/Description

The Town of Clayton is installing a new gravity sewer line to expand its wastewater capacity and abandon a lift station near Central Ave. Small portions of the line will extend onto property owned by the Walden Home Owners Association (HOA), SCA Ventures, and the Averys.

The Town has been in easement negotiations with all three property owners for several months. The resolution authorizes proceeding with condemnation should the negotiations not be successful. To obtain the easement from the HOA, 2/3 of its members must sign a document agreeing to the easement. The Town has determined obtaining this large number of signatures is not feasible in the timeframe required to move forward with the sewer line. Therefore, the Town will move forward with condemnation of the easement on the HOA property. This action is being taken with the knowledge of the HOA Board and the Town has engaged HOA members to answer questions about the easement and condemnation process.

Requested Action

Approval

Additional Documents To Be Included in Agenda Packet

Resolution Authorizing Condemnation

**TOWN OF CLAYTON RESOLUTION
AUTHORIZING CONDEMNATION TO ACQUIRE CERTAIN
PROPERTY OF WALDEN HOMEOWNERS ASSOCIATION, INC.
OF CLAYTON, SCA VENTURES, LLC, AND PAULA AND JAMES
AVERY**

WHEREAS, the Town Council of the Town of Clayton hereby determines that it is necessary and in the public interest to acquire certain property to build publicly owned utility facilities.

WHEREAS, the proper officials or representatives of the Town of Clayton have been unable to acquire the needed interest in these properties by negotiated conveyance.

NOW, THEREFORE, be it resolved by the Town Council of the Town of Clayton that:

1. The Town of Clayton shall acquire by condemnation perpetual, exclusive easements, together with a perpetual right of ingress and egress over such easements, on the property being all of the roadways and fringe and greenway areas within and adjacent to said roadways, containing approximately 7.257 acres, as depicted on that plat recorded in Plat Book 25, Page 287, Johnston County Registry (the "Registry"), Clayton, Johnston County, North Carolina and held in the name of Walden Homeowners Association, Inc. of Clayton and referred to as Common Area in the Declaration of Covenants, Conditions and Restrictions recorded at Deed Book 792, Page 241 in the Registry.

2. The Town of Clayton shall acquire by condemnation perpetual, exclusive easements, together with a perpetual right of ingress and egress over such easements, on the following properties owned by SCA Ventures, LLC: (1) that certain tract of land, consisting of approximately 12.98 acres, and which is designated as PIN#: 166914-42-4854 by the Johnston County Revenue Department, and which is more particularly described in that certain deed recorded in Deed Book 4422, Page 302, in the Registry; (2) that certain tract of land, consisting of approximately 3.56 acres, and which is designated as PIN#: 166918-42-1327 by the Johnston County Revenue Department, and which is more particularly described in that certain deed recorded in Deed Book 3502, Page 611, in the Registry; and (3) that certain tract of land, consisting of approximately 9.0 acres, and which is designated as PIN#: 166918-42-8244 by the Johnston County Revenue Department,

and which is more particularly described in that certain deed recorded in Deed Book 3539, Page 718, in the Registry.

3. The Town of Clayton shall acquire by condemnation a perpetual, exclusive easement, together with a perpetual right of ingress and egress over such easement, on the property owned by Paula and James Avery, being that certain tract of land, consisting of approximately 1.02 acres, and which is designated as PIN#: 166918-42-4411 by the Johnston County Revenue Department, and which is more particularly described in that certain deed recorded in Deed Book 1402, Page 001 in the Registry.

4. The easements will be used (a) to construct, install, operate, maintain, repair, reconstruct, replace, and/or remove such facilities, fixtures, equipment, markers, and appurtenances as may be necessary or desirable for utility purposes, including: water transmission, reclamation, and distribution; sanitary sewer collection, reclamation, and transmission; stormwater collection, transmission, and mitigation; the operation of a system of overhead and/or underground facilities for electric transmission or distribution purposes; and the operation of communications and/or data transmission facilities, fibers, wires, cables, conduits and pipes, together with any and all uses incidental to such purposes; and (b) to cut and/or clear any or all vegetation and debris from the easements and to change permanently the grade and drainage of the land in such easement areas.

5. The attorneys representing the Town of Clayton are directed to institute the necessary proceedings under Chapter 40A of the North Carolina General Statutes to acquire the property herein described.

Duly adopted this the 2nd day of October, 2017 while in regular session.

Jody McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC

Town Clerk



Town Council Agenda Cover Sheet

Meeting Date

October 2, 2017

Agenda Location

Administrative

Item Title

Resolutions Authorizing Lease of Property at 3728 Powhatan Road

Presenter

Nancy Medlin, Deputy Town Manager

Summary/Description

The Town of Clayton previously authorized the option to exchange property owned by the Young Men's Christian Association (YMCA) at 3728 Powhatan Road for a tract of town-owned land at 2115 Amelia Church Road. On Oct. 17, the Town and YMCA will close on the property swap. Two resolutions related to this exchange are presented on the agenda: the first would allow the Town to lease the front portion of the Powhatan Rd property to the YMCA for continued use as soccer fields. The second resolution would allow the Town to lease the back portion of the same property to Novo Nordisk Pharmaceuticals Industries for the construction of a regional wastewater pretreatment facility. Now that these projects have been finalized, Deputy Town Manager Nancy Medlin will give an overview and recap of the process and the next steps going forward.

Requested Action

Place on Consent Agenda

Additional Documents To Be Included in Agenda Packet

Resolutions

In accordance with NC GS 160A-272, the Clayton Town Council intends to authorize the lease of a portion of the real property located at 3798 Powhatan Road to The Young Men's Christian Association of Triangle, Inc. and a portion of the property to Novo Nordisk Pharmaceutical Industries, Inc. at its regular meeting to be held at 6:30pm on October 16, 2017. The Town has an option to purchase the property at 3798 Powhatan Road. The Town intends to exercise its option to purchase the property, and then to lease a portion of the property back to The Young Men's Christian Association of Triangle, Inc. for its continued use as soccer fields for a lease rate of \$1.00 per year and a maximum term, including renewal periods, not to exceed 10 years and to lease a portion of the property to Novo Nordisk Pharmaceutical Industries, Inc. for the construction of a regional wastewater pretreatment facility for a lease rate of \$100.00 per year and a term not to exceed 4 years.

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

The Clayton News Star

Please advertise on the following date:

September 13, 2017

Affidavit of publication is required.

**RESOLUTION AUTHORIZING LEASE OF PROPERTY TO
NOVO NORDISK PHARMACEUTICAL INDUSTRIES, INC.**

WHEREAS, The Town of Clayton (the "Town") has an option agreement with The Young Men's Christian Association, Inc. to purchase property located in Johnston County, North Carolina with a current street address of 3798 Powhatan Road, Clayton, North Carolina 27527, consisting of approximately 13.571 acres of land, with PIN #167700-49-6694; and

WHEREAS, The Town intends to close on the property on or about October 17, 2017; and

WHEREAS, The Town has determined the property will not be needed by the Town for the term of the lease and that it is in the interest of the Town to lease a portion of the property to Novo Nordisk Pharmaceuticals Industries, Inc. (NNPI); and

WHEREAS, the Town has given the required public notice by publishing public notice on September 13, 2017 that included a description of the property, the annual lease payments, and the Council's intent to authorize the lease in compliance with N.C.G.S. §160A-272.

THEREFORE, THE TOWN COUNCIL FOR THE TOWN OF CLAYTON RESOLVES THAT:

1. The lease of the property to NNPI is authorized.
2. The term of the lease shall not exceed four (4) years and the annual lease payment shall be \$100.00 per year
3. The appropriate town officials are authorized to negotiate the lease of a portion of the property on Powhatan Road in compliance with the terms above and other terms as deemed necessary to protect and benefit the Town.

Duly adopted this the 16th day of October 2017 while in regular session.

Jody McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk

**RESOLUTION AUTHORIZING LEASE OF PROPERTY TO THE
YOUNG MEN'S CHRISTIAN ASSOCIATION, INC.**

WHEREAS, The Town of Clayton (the "Town") has an option agreement with The Young Men's Christian Association, Inc. to purchase property located in Johnston County, North Carolina with a current street address of 3798 Powhatan Road, Clayton, North Carolina 27527, consisting of approximately 13.571 acres of land, with PIN #167700-49-6694; and

WHEREAS, The Town intends to close on the property on or about October 17, 2017; and

WHEREAS, The Town has determined the property will not be needed by the Town for the term of the lease and that it is in the interest of the Town to lease a portion of the property to the YMCA; and

WHEREAS, the Town has given the required public notice by publishing public notice on September 13, 2017 that included a description of the property, the annual lease payments, and the Council's intent to authorize the lease in compliance with NCGS §160A-272.

THEREFORE, THE TOWN COUNCIL FOR THE TOWN OF CLAYTON RESOLVES THAT:

1. The lease of the property is authorized.
2. The term of the lease shall not exceed ten (10) years, including an initial term of three (3) years and renewal terms of one (1) year, and the annual lease payment shall be \$1.00 per year
3. The appropriate town officials are authorized to negotiate the lease of a portion of the property on Powhatan Road in compliance with the terms above and other terms as deemed necessary to protect and benefit the Town.

Duly adopted this the 16th day of October, 2017 while in regular session.

Jody McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk