



**The Town Of Clayton  
Work Session Agenda  
Monday, August 17, 2015 @ 6:30 PM  
Council Chambers**

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**1. CALL TO ORDER**

Pledge of Allegiance and Invocation

**2. ADJUSTMENT OF THE AGENDA**

- a. Suspend Rules in Order to Take Action

**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  
[Cover - Draft Minutes - Pdf](#)  
[July 20 2015 Minutes.pdf](#)

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

**4. ADMINISTRATIVE ITEMS**

- a. Amendment to Code of Ordinance - Chapter 91 Section 99  
[Cover - Amend Code of Ordinance - 91.99 - Pdf](#)  
[Ordinance - Amend 91.99.docx](#)

**POTENTIAL ACTION:** Place on Consent - September 8, 2015

**5. INTRODUCTIONS AND SPECIAL PRESENTATIONS**

- a. Introduction - Planner

[Cover - Introduction - Planning Department - Pdf](#)

- b. Introduction - Building Inspector  
[Cover - Introduction - Building Inspector - Pdf](#)
- c. Comprehensive Plan 2040  
[Cover - Comprehensive Plan 2040 - Pdf](#)
- d. 2015 Halloween Parade  
[Cover - 2015 Halloween Parade - Pdf](#)  
[Special Event Sheet - 2015 Halloween Parade.pdf](#)

**POTENTIAL ACTION:** Place on Consent - September 8, 2015

## 6. ITEMS SCHEDULED FOR THE REGULAR MEETING

- a. Gordon Tract - Rezoning - RZ 2014-21  
[Cover - Gordon Tract Rezoning - RZ 2014-21 - Pdf](#)  
[Public Notice - Gordon Tract and Brookside.docx](#)  
[Staff Report - Gordon Tract Rezoning - RZ 2014-21.pdf](#)  
[Planning Board Recommendation.pdf](#)  
[Consistency Stmt - Gordon Tract rezoning.pdf](#)

**POTENTIAL ACTION:** Set Public Hearing - September 8, 2015

- b. Gordon Tract Subdivision - PSD 2014-95  
[Cover - Gordon Tract Subdivision - PSD 2014-95 - Pdf](#)  
[Staff Report - Gordon Tract Subdivision - PSD 2014-95.pdf](#)  
[Planning Board Recommendation.pdf](#)

**POTENTIAL ACTION:** Set Public Hearing - September 8, 2015

- c. Brookside Rezoning - 15-22-01-RZ  
[Cover - Brookside Rezoning - 15-22-01-RZ - Pdf](#)  
[Public Notice - Gordon Tract and Brookside.docx](#)  
[Staff Report - Brookside Rezoning - 15-22-01-RZ.pdf](#)  
[Planning Board Recommendation .pdf](#)  
[Consistency Stmt - Brookside rezoning.pdf](#)

**POTENTIAL ACTION:** Set Public Hearing - September 8, 2015



- d. Brookside Subdivision - 15-22-02-SUB  
[Cover - Brookside Subdivision - 15-22-02-SUB - Pdf](#)  
[Staff Report - Brookside Subdivision - 15-22-02-SUB pdf](#)  
[NCDOT letter 8-7-15 Brookside Subdivision.pdf](#)  
[Planning Board Recommendation.pdf](#)

**POTENTIAL ACTION:** Set Public Hearing - September 8, 2015

- e. Town Facility Operations Center - Rezoning - RZ 2015-25  
[Cover - Town Facility Operations - RZ 2015-25.Pdf](#)  
[Public Notice - RZ2015-25, 26 & 28 - Ops Ctr.docx](#)  
[Staff Report - Town Facility Operations Center Rezoning - RZ 2015-25.pdf](#)  
[Planning Board Recommendation.pdf](#)  
[Consistency Statement.pdf](#)

**POTENTIAL ACTION:** Set Public Hearing - September 8, 2015

- f. Town Facility - Waste Water Treatment Plant - Rezoning - RZ 2015-26  
[Cover - Waste Water Treatment Plant - Rezoning - RZ 2015-26 - Pdf](#)  
[Public Notice - RZ2015-25, 26 & 28.docx](#)  
[Staff Report - Waste Water Treatment Plant - Rezoning - RZ 2015-26.pdf](#)  
[Planning Board Recommendation.pdf](#)  
[ConsistencyAndReasonableStatement.pdf](#)

**POTENTIAL ACTION:** Set Public Hearing - September 8, 2015

- g. Maplewood Cemetery Rezoning - RZ 2015-28  
[Cover - Maplewood - Rezoning - RZ 2015-28 - Pdf](#)  
[Public Notice - RZ2015-25, 26 & 28.docx](#)  
[Staff Report - Maplewood Cemetery Rezoning - RZ 2015-28 .pdf](#)  
[Planning Board Recommendation.pdf](#)  
[ConsistencyAndReasonableStatement .pdf](#)

**POTENTIAL ACTION:** Set Public Hearing - September 8, 2015

- h. Amendment to Town Code of Ordinances - Chapter 95  
[Cover - Amend Code of Ordinances - Chapter 95 - Pdf](#)  
[Staff Report - Open Burning.pdf](#)  
[Ordinance - Open Burning.docx](#)

**POTENTIAL ACTION:** Place on Consent - September 8, 2015

- i. Carolina Park - Alternate Sign Plan  
[Cover - Alternate Sign Plan - Pdf](#)  
[Application - Carolina Park Alt Sign Plan.pdf](#)  
[Staff Report - Carolina Park Alt Sign Plan.pdf](#)

**POTENTIAL ACTION:** Place on Consent - September 8, 2015

## **7. PUBLIC HEARINGS**

- a. Public Hearing - Voluntary Annexation - 14-111-01-ANX - Parkview  
[Cover - 14-111-01-ANX - Pdf](#)  
[PublicNotice 14-111-01-ANX Parkview.docx](#)  
[Support Documents - 14-111-01-ANX.pdf](#)  
[Map - 14-111-01-ANX..pdf](#)  
[Ordinance -14-111-01-ANX.pdf](#)

**POTENTIAL ACTION:** Approval/Disapproval

- b. Public Hearing - PDD 2014-127- Steeplechase  
[Cover - PDD 2014-127 - Steeplechase - Pdf](#)
- c. Public Hearing - PDD 2014-128 - Steeplechase  
[Cover - PDD 2014-128 - Steeplechase - Pdf](#)

## **8. ITEMS CONTINGENT FOR THE REGULAR MEETING**

## **9. ITEMS FOR DISCUSSION**

- a. Resolution - Vactor Truck Capital Lease  
[Cover- Vactor Truck Lease - Pdf](#)  
[Vactor Truck Lease.pdf](#)  
[Resolution - Vactor Truck.docx](#)

**POTENTIAL ACTION:** Approval/Disapproval

## **10. OLD BUSINESS**

## **11. STAFF REPORTS**

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

## **12. OTHER BUSINESS**

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

## **13. ADJOURNMENT**

**TOWN OF CLAYTON  
TOWN COUNCIL  
AGENDA COVER SHEET**

**AGENDA LOCATION:**

Consent

**Meeting Date:**

August 17, 2015

**ITEM TITLE:**

Draft Minutes

**DESCRIPTION:**

Draft minutes from July 20, 2015 are attached for approval.

**POTENTIAL ACTION:**

Approval/Disapproval

**DEPARTMENT:**

Administration

**PRESENTER:**

Kimberly Moffett

**ITEM HISTORY:**

**Date:**

**Action Taken:**

**Information Provided:**

**Date:**

**Action Taken:**

**Information Provided:**

**Minutes  
Clayton Town Council Work Session  
July 20, 2015**

**Present:** Mayor Jody McLeod, Mayor Pro Tem Michael Grannis, , Council Member Art Holder, Council Member Jason Thompson, and Council Member Bob Satterfield.

**Absent:** Council Member Lawter

**Staff Present:** Steve Biggs, Town Manager; Nancy Medlin, Deputy Town Manager; David DeYoung, Planning Director; Tim Simpson, Public Works Director; Stephanie Ross, Downtown Development; Ann Game, Customer Service Director; Dale Medlin, Electric Systems Director; Katherine Ross, Town Attorney and Kimberly Moffett, Town Clerk

**1. CALL TO ORDER**

Mayor McLeod called the meeting to order at 6:34 p.m. and led the Pledge of Allegiance as well as offering the Invocation.

**2. ADJUSTMENT OF THE AGENDA**

Mr. Biggs requested the addition of a Closed Session to discuss matters related to a potential economic development opportunity. Also added was introduction of a new employee.

**3. CONSENT AGENDA**

- a. Draft Minutes - June 15, 2015 Work Session Meeting
- b. Warranty and Dedication Acceptances:
  - Stone Ridge Subdivision, Phase 2
  - RWAC, Ravens Ridge 8A
- c. Certification of Sufficiency of Petition for Voluntary Annexation - 14-111-01-ANX - Parkview
- d. Christmas Village & Tree Lighting

**ACTION:** Approval of Consent Agenda as presented

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

**4. ADMINISTRATIVE ITEMS**

**ACTION:** Motion to suspend rules to allow action be taken

**Motion:** Council Member Holder

Second: Council Member Thompson  
Vote: Unanimous

- a. Warranty and Dedication Acceptance:
- Creekside Commons Subdivision - Asphalt Final Acceptance

**ACTION:** Place on August 3, 2015 Consent Agenda

- b. Clayton-Raleigh Interlocal Agreement and Johnston County/Raleigh Interlocal Agreement - First Amendment

Mr. Biggs provided information regarding the merging of these agreements, which previously were separate. The merging into one will extend the agreement for an additional ten years.

**ACTION:** Approval of Agreement

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

- c. Amendment to Code of Ordinance - Repealing Privilege License Tax

On May 28, 2014 Governor McCrory signed HB 1050 into law, which eliminated the Town's authority under General Statute 160-211(a) to levy privilege license taxes effective, July 1, 2015.

**ACTION:** Approval of Amendment

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

## **5. INTRODUCTIONS AND SPECIAL PRESENTATIONS**

- a. Presentation of RP3 Gold Recognition Plaque to Town of Clayton Electric Department

Mr. Medlin presented a recognition plaque to Mayor McLeod. Mr. Medline offered background information on the requirements necessary for a municipality to receive this honor.

- b. Presentation of Scholarship from the North Carolina State Fireman's Association

Chief Barbee and Mayor McLeod presented a \$6,000 scholarship on behalf of the North Carolina Fireman's Association to Arden Julie Vessie, who is a senior at Clayton High School.

c. New Library Employee

Ms. Starnes introduced Mr. Gabe Johnson who is the newest Library employee. Mr. Johnson graduated from Clayton HS in 1995 and has extensive library experience, to include four years with wake County Library System. Mr. Johnson was welcomed by all council members.

**6. ITEMS SCHEDULED FOR THE REGULAR MEETING**

a. Voluntary Annexation - 14-111-01-ANX - Parkview

Mr. DeYoung provided information regarding the voluntary annexation of two parcels known as Parkview. These parcels are contiguous 3.55 acres and 25.33 acres.

**ACTION:** Set Public Hearing for August 3, 2014

b. 15-18-01-RZ, Young Family Tract

Mr. DeYoung provided information on both 15-18-01-RZ, Young Family Tract and 15-19-01-RZ, Wiggins Tract s. Both properties are in the ETJ and are part of the Johnston County Research and Zone.

Applicant is requesting rezoning from R-E (Residential-Estate) to I-1 (Light Industrial). The Young Family Tract is located on Gordon Road, near US Highway 70 Business and is 69.58 acres and the existing use is Agriculture. The Wiggins Tract is located on Gordon Road, near US Highway 70 Business and is 45.73 acres and the existing use is Agriculture.

Both sites are located on the outside boundary of the industrial and technology oriented uses that currently occupy the industrially zoned land to the north and on the developing fringe of Clayton's ETJ.

Staff and Planning Board recommend approval.

Mayor Pro Tem Grannis stated that while reading information in the agenda packet, he noticed some concerns at the neighborhood meetings. He further stated he would like to hear those concerns at the Public Hearing.

**ACTION:** Set Public Hearing for August 3, 2015

c. 15-19-01 RZ, Wiggins Tract Rezoning

**ACTION:** Set Public Hearing for August 3, 2015

d. PSD 2014-97, Magnolia Pointe Major Subdivision - Preliminary Plat

Applicant is requesting preliminary subdivision plat approval for a new single family residential subdivision. This would be an Open-Space R-8 subdivision and is running concurrently with rezoning RZ-2014-99.

This zoning is consistent with proposed land use map and is also compatible with adjacent zoning and existing uses. It is generally consistent with the Strategic Growth Plan. Applicant has addressed Findings of Fact.

Staff recommends approval with conditions as listed in staff report as well as approval of requested waiver of alternate landscape buffer along Shotwell Road.

Planning Board recommends approval.

Council Member Satterfield asked if applicant requested to pay fee in lieu of sidewalks from development down to the creek. Mr. DeYoung stated applicant requested to pay fee in lieu for a portion. Council Member Satterfield stated he felt a sidewalk should be included. Mayor Pro Tem Grannis agreed a sidewalk should be included.

A discussion took place regarding sidewalks and property lines. Mayor Pro Tem Grannis stated he would like the applicant to provide additional information regarding slopes and retaining walls that will be along Shotwell Road; specifically the grades of slopes and impact to retaining walls.

**ACTION:** Set Public Hearing for August 3, 2015

e. Amend Comprehensive List of Fees & Charges - Irrigation Tap Fee

Ms. Game provided information regarding the addition of Irrigation Tap fees to be added to the Comprehensive List of Fees and Charges. It was recently discovered that this fee had been inadvertently omitted from the list.

**ACTION:** Approval of Ordinance

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



f. 2015 Fire Contract with Johnston County Emergency Services

Mr. Biggs provided brief background regarding this standing agreement.

**ACTION:** Approval of Contract

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

g. Reimbursement Resolution - Raleigh/Clayton Sewer Project

This Resolution provides for application to the Local Government Commission for approval of Water and Sewer System Revenue Bonds.

**ACTION:** Approval of Resolution

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

h. Recommendation for Appointment of Vacancy on Library Advisory Board

Recommendation for appointment of Linda Brogdon to fill current unexpired term on Library Board

**ACTION:** Place on August 3, 2015 Consent Agenda

i. Special Event 2015-14 - Squealin' on the Square

This event, which is sponsored by the Chamber of Commerce, will be held on October 9 – 10, 2015. Approximately 1500 people are expected to attend. The event will take place at Town Square. Requested road closure is Fayetteville Street from Main to Second Street as well as parking lot. Closure times are 8:00 p.m. on October 9 until 7:00 p.m. on October 10, 2015.

**ACTION:** Place on August 3, 2015 Consent Agenda

## **7. PUBLIC HEARINGS**

a. Public Hearing - RZ-2014-99 - Magnolia Pointe - Request rezoning from PD-MU and R-10 to R-8

Mr. DeYoung provided information regarding this rezoning request. The location of the property is on Shotwell Road and is located in between US 70 Business Highway and Amelia Church Road. This is a vacant parcel across from Lion's Spring. A neighborhood meeting was held with no issues being raised. The requested rezoning is consistent with the Strategic Growth Plan.

Planning Board has recommended approval. Staff also recommends approval.

The Public Hearing was opened at 7:10 p.m. No one came forward to speak and the Public Hearing was closed at 7:11 p.m. Item was turned over to Council for discussion.

**ACTION:** Approval of RZ-2014-99

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

- b. Public Hearing - Voluntary Annexation - 14-100-01-ANX - East Village Office

Applicant is requesting voluntary annexation of 0.09 acres. This property is known at East Village Office and is located on the northeast corner of Front Street and Highway 42.

The Public Hearing was opened at 7:12 p.m.

With no one coming forward to speak, the Public Hearing was closed and turned over to Council for deliberation.

**ACTION:** Approval of Annexation

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

- c. Public Hearing - Voluntary Annexation - 15-08-06-ANX - Riverwood Athletic Club - Ravens Ridge

Mr. DeYoung stated this item was inadvertently advertised as a non-contiguous annexation and is a contiguous annexation. This item will be re-advertised. It is requested that the Public Hearing be postponed until August 3, 2015.

**ACTION:** Re-Set Public Hearing for August 3, 2015

- d. Public Hearing - PDD 2014-127 - Steeplechase Planned Development  
- Rezoning to PD-MU

**ACTION:** Tabled until August 17, 2015

- e. Public Hearing - PSD 2014-128 - Steeplechase Planned Development  
- Preliminary Plat/Master Plan

**ACTION:** Tabled until August 17, 2015

## **8. ITEMS CONTINGENT FOR THE REGULAR MEETING**

## **9. ITEMS FOR DISCUSSION**

- a. Sam's Branch Sewer Agreement - Creech
- b. Sam's Branch Sewer Agreement – Parkview

Mr. Biggs provided background information regarding the above items. Both agreements were presented for information.

**Action:** Place on August 3, 2015 Agenda

- c. CCC Pedestrian Connector Process Update

Mr. Simpson provided information on the process regarding the pedestrian connector. Bids are scheduled to be opened on August 20, 2015. Applications will be available beginning July 23, 2015.

Mayor Pro Tem Grannis stated it was important to note that 80% of the funding for this project is coming from CAMPO. He applauded the involvement of the Town's Planning Director with CAMPO. Mr. Biggs stated the remaining 20% has been included in the this fiscal year budget.

## **10. OLD BUSINESS**

## **11. STAFF REPORTS**

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

## **12. OTHER BUSINESS**

- a. Informal Discussion & Public Comment

The floor was opened for Public Comment at 7:20 p.m. Mr. Patrick Holzer thanked the Town Council for their assistance in obtaining dates regarding paving by the townhomes at Riverwood.

b. Council Comments

c. Town Council went into Closed Session under NCGS 153-318.11(a)(4) to discuss economic development.

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

Town Council returned to Open Session at 7:54 p.m.

### 13. ADJOURNMENT

With there being nothing further, the meeting was adjourned at 7:55 p.m.

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

**TOWN OF CLAYTON  
TOWN COUNCIL  
AGENDA COVER SHEET**

**AGENDA LOCATION:**

Administrative Items

**Meeting Date:**

August 17, 2015

**ITEM TITLE:**

Code of Ordinance - Amend 91.99

**DESCRIPTION:**

On October 4, 2010 Ordinance 2010-10-02 was passed which amended 10.98 (Civil Penalties) in the Town's Code of Ordinances. This amendment increased the fees for violations, however, 91.99 (Animals - Penalty) was not amended to reflect this change/increase.

**POTENTIAL ACTION:**

Place on Consent Agenda

**DEPARTMENT:**

Administration

**PRESENTER:**

Kimberly Moffett, Town Clerk

**ITEM HISTORY:**

**Date:**

**Action Taken:**

**Information Provided:**

**Date:**

**Action Taken:**

**Information Provided:**

**TOWN OF CLAYTON**

**Amendment to the Code of Ordinances: Chapter 91**

**Animals**

**BEING HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON, NORTH CAROLINA** to amend §91.99 (Penalty) with the following amended language. This change will reflect the changes that were adopted with Ordinance 2010-10-02 which amended Civil Penalties.

§ 91.99 PENALTY

Unless a different fine or penalty is set out in a particular section of this chapter, a violation of any provision of this chapter shall subject the violator to the following schedule for Notices of Violation:

First Note of Violation: \$25.00

Second and Subsequent Notices of Violation: \$75.00

If a higher fine or penalty is set out in section, the highest fine or penalty shall apply.

(Amend. adopted 8-17-15)

Duly adopted this 17<sup>th</sup> day of August 2015, while in regular session.

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

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Kimberly Moffett, MMC  
Town Clerk

\_\_\_\_\_  
Katherine Ross  
Town Attorney

**TOWN OF CLAYTON  
TOWN COUNCIL  
AGENDA COVER SHEET**

**AGENDA LOCATION:**

Introductions & Special Presentations

**Meeting Date:**

August 17, 2015

**ITEM TITLE:**

Introduction - Planner

**DESCRIPTION:**

David DeYoung will introduce Haley Hogg, Planner.

**POTENTIAL ACTION:**

None – Informational Only

**DEPARTMENT:**

Planning + Zoning

**PRESENTER:**

David DeYoung, Planning Director

**ITEM HISTORY:**

N/A

**Date:**

**Action Taken:**

**Information Provided:**

**Date:**

**Action Taken:**

**Information Provided:**

**TOWN OF CLAYTON  
TOWN COUNCIL  
AGENDA COVER SHEET**

**AGENDA LOCATION:**

Introductions & Special Presentations

**Meeting Date:**

August 17, 2015

**ITEM TITLE:**

Introduction - Building Inspector

**DESCRIPTION:**

Introduction of Ernie Wilkes, who is the new Building Inspector will be made by John McCullen, Town Engineer.

**POTENTIAL ACTION:**

None – Informational Only

**DEPARTMENT:**

Engineers/Inspection

**PRESENTER:**

John McCullen, Town Engineer

**ITEM HISTORY:**

**Date:**

**Action Taken:**

**Information Provided:**

**Date:**

**Action Taken:**

**Information Provided:**



**TOWN OF CLAYTON  
TOWN COUNCIL  
AGENDA COVER SHEET**

**AGENDA LOCATION:**

Introductions & Special Presentations

**Meeting Date:**

August 17, 2015

**ITEM TITLE:**

Comprehensive Plan 2040

**DESCRIPTION:**

Comprehensive Plan 2040 will be distributed this evening. Presentation and Public Comments will take place on September 8, 2015 with potential adoption taking place on October 5, 2015.

**POTENTIAL ACTION:**

None – Informational Only

**DEPARTMENT:**

Planning + Zoning

**PRESENTER:**

David DeYoung, Planning Director

**ITEM HISTORY:**

**Date:**

**Action Taken:**

**Information Provided:**

**Date:**

**Action Taken:**

**Information Provided:**

**TOWN OF CLAYTON  
TOWN COUNCIL  
AGENDA COVER SHEET**

**AGENDA LOCATION:**

Introductions & Special Presentations

**Meeting Date:**

August 17, 2015

**ITEM TITLE:**

2015 Halloween Parade

**DESCRIPTION:**

Information regarding the 2015 Halloween Parade will be provided. Parade is scheduled to be held on Friday, October 30, 2015

**POTENTIAL ACTION:**

Place on Consent Agenda

**DEPARTMENT:**

Planning + Zoning

**PRESENTER:**

David DeYoung, Planning Director

**ITEM HISTORY:**

**Date:**

**Action Taken:**

**Information Provided:**

**Date:**

**Action Taken:**

**Information Provided:**



## Town of Clayton

### Planning Department

111 E. Second Street, Clayton, NC 27520

P.O. Box 879, Clayton, NC 27528

Phone: 919-553-5002

Fax: 919-553-1720

## SPECIAL EVENT PERMIT APPLICATION

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

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

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

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

## APPLICANT INFORMATION

Name of Event: Halloween Parade  
Applicant Name and Title: Matt Lorian Recreation Program Supervisor  
Organization: Town of Clayton Parks & Recreation  
Mailing (Billing) Address: PO BOX 879  
City: Clayton State: NC Zip Code: 27528  
Daytime Phone: 919-553-1550 Cell: 919-624-9807 Email: mlorian@townofclaytonnc.org

## EVENT INFORMATION

Event Location: Main Street between Smith Street and Town Square  
Event Address: 110 W. Main Street Parcel ID : \_\_\_\_\_  
Date(s) of Event: 10/30/15  
Event Start Time: 2pm Event End Time: 4pm  
Will roads need to be closed: ☒ Yes ☐ No  
Set Up Begins: 11am Clean Up Ends: 5pm  
Estimated Attendance: 500  
Description of Event: The participants will Trick or Treat down Main St from Home Sq to Town Sq.  
The kids will go to the businesses located on Main St to Trick or Treat. The event will begin at Home at 2:30pm

## TOWN OF CLAYTON STAFF USE ONLY

Date Received: 7-24-15 Amount Paid: NA Permit Number: 2015-15

April 2014



### ORGANIZATION INFORMATION

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

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

|                                                                              | Yes                      | No                       |
|------------------------------------------------------------------------------|--------------------------|--------------------------|
| 1. Is the Special Event being held by or for the benefit of an organization? | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Is the organization a 501(C)3                                             | <input type="checkbox"/> | <input type="checkbox"/> |

Briefly describe the purpose of the organization: \_\_\_\_\_

Name of Organization: \_\_\_\_\_

Organization Address: \_\_\_\_\_

Organization Contact Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Organization Email: \_\_\_\_\_

Federal Identification Number: \_\_\_\_\_

### TENTS & MEMBRANE STRUCTURES

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

| To be completed by the applicant:                                                                                                                                          |                                     |                                     | To be completed by staff:<br>Permit/Inspections Required? |    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|-------------------------------------|-----------------------------------------------------------|----|
|                                                                                                                                                                            | Yes                                 | No                                  | Yes                                                       | No |
| 1. Will tents be used at the event?                                                                                                                                        | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                                                           |    |
| 2. How many tents will be used?                                                                                                                                            | 5                                   |                                     |                                                           |    |
| 3. What is the size of the tents being used? Please note that tents greater than 240 square feet in size require a building permit and associated inspections.             | 10x10                               |                                     |                                                           |    |
| 4. Are there multiple tents without sidewalls being placed side by side? Please note that 12 feet of separation is required between all tents larger than 700 square feet. | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |                                                           |    |

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

| To be completed by the applicant:                     |                          |                                     | To be completed by staff:<br>Permit/Inspections Required? |    |
|-------------------------------------------------------|--------------------------|-------------------------------------|-----------------------------------------------------------|----|
|                                                       | Yes                      | No                                  | Yes                                                       | No |
| 1. Will a membrane structure(s) be used at the event? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |                                                           |    |
| 2. How many membrane structures will be used?         |                          |                                     |                                                           |    |

April 2014



### POWER SOURCES

| To be completed by the applicant:                               | Yes                                 | No                                  | Staff Notes |
|-----------------------------------------------------------------|-------------------------------------|-------------------------------------|-------------|
| 1. Will you use electric generators?                            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |             |
| 2. Will you use a Town of Clayton power source?                 | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |             |
| PLEASE NOTE: NO direct wiring to any power source is permitted. |                                     |                                     |             |

### VOICE/MUSIC AMPLIFICATION

|                                                                                                         | Yes                                 | No                                  | Staff Notes |
|---------------------------------------------------------------------------------------------------------|-------------------------------------|-------------------------------------|-------------|
| 1. Are there any musical entertainment features related to your event? (If no, proceed to next section) | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |             |
| If yes, state the number of bands:                                                                      |                                     |                                     |             |
| 2. Will a temporary stage be utilized?                                                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |             |
| If yes, please state the number of stages                                                               |                                     |                                     |             |
| 3. Will the event use amplified sound?                                                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |             |
| If yes, please list start time and finish time.                                                         |                                     |                                     |             |
|                                                                                                         | Start Time<br>2pm                   | Finish Time<br>4pm                  |             |

### HAZARDOUS MATERIALS

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

### ALCOHOL

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



## VENDORS

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

## TOWN SERVICES

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

|                                                                                                                                                                                                                                                                                                                                                                                                                                             | Yes                                 | No                                  | Staff Notes                         |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| 1. Does the event require roll-out carts?                                                                                                                                                                                                                                                                                                                                                                                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                                     |
| 2. What types of trash will be discarded?                                                                                                                                                                                                                                                                                                                                                                                                   |                                     |                                     |                                     |
| Aluminum Cans                                                                                                                                                                                                                                                                                                                                                                                                                               | Glass Bottles / Jars                | Plastic Bottles / Cups              | Paper Cups / Plates                 |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                    | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
|                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                     |                                     |                                     |
| 3. How many trash roll-out carts are needed?                                                                                                                                                                                                                                                                                                                                                                                                | Number                              |                                     |                                     |
|                                                                                                                                                                                                                                                                                                                                                                                                                                             | 6                                   |                                     |                                     |
| 4. How many recycle roll-out carts are needed?                                                                                                                                                                                                                                                                                                                                                                                              |                                     |                                     |                                     |
| 5. Delivery location?                                                                                                                                                                                                                                                                                                                                                                                                                       | Town Square                         |                                     |                                     |
| 6. Date roll-out carts are to be delivered/picked up?                                                                                                                                                                                                                                                                                                                                                                                       | Delivered                           | Picked-up                           |                                     |
|                                                                                                                                                                                                                                                                                                                                                                                                                                             | 10/30/15                            | 11/2/15                             |                                     |
| <b>PUBLIC PROPERTY CLEAN-UP</b>                                                                                                                                                                                                                                                                                                                                                                                                             |                                     |                                     |                                     |
| 7. Will portable toilets be used during the event?                                                                                                                                                                                                                                                                                                                                                                                          | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |                                     |
| 8. Date portable toilets will be delivered/and removed?                                                                                                                                                                                                                                                                                                                                                                                     | Delivered                           | Picked-up                           |                                     |
| 9. What is the clean-up plan for the event? <u>The parks and recreation staff will</u>                                                                                                                                                                                                                                                                                                                                                      |                                     |                                     |                                     |
| clean up town square after the event.                                                                                                                                                                                                                                                                                                                                                                                                       |                                     |                                     |                                     |
| <i>Applicants are responsible for cleaning and restoring the site after the event. Please pick up all trash including paper, plastic, bottles, cans and event marketing signs. Any cost incurred by the Town due to the failure of an applicant to clean and/or restore the site following the event will be borne by the applicant. If you believe that no litter will be generated during your event, please state this in your plan.</i> |                                     |                                     |                                     |

April 2014



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

#### SITE PLAN

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

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



### SITE PLAN SKETCH

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

*April 2014*



### EVENT BOUNDARY AND ROAD TRAFFIC PLAN

| EVENT TYPE                                                                                                                                                                                                                                                               |                                     |                          |                          |                          |                          | Yes                                 | No                                  | Staff Notes |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|-------------------------------------|-------------|
| 1. Will the event include use of public streets?                                                                                                                                                                                                                         |                                     |                          |                          |                          |                          | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |             |
| 2. How will the route be utilized?                                                                                                                                                                                                                                       |                                     |                          |                          |                          |                          |                                     |                                     |             |
| Parade                                                                                                                                                                                                                                                                   | March or Walk                       | Vehicles Only            | Vendors                  | Foot/Bicycle Race        | Other                    |                                     |                                     |             |
| <input type="checkbox"/>                                                                                                                                                                                                                                                 | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |                                     |                                     |             |
| 3. How many participants are expected?                                                                                                                                                                                                                                   |                                     |                          |                          |                          |                          | Number                              |                                     |             |
|                                                                                                                                                                                                                                                                          |                                     |                          |                          |                          |                          | 500                                 |                                     |             |
| 4. How many floats will participate?                                                                                                                                                                                                                                     |                                     |                          |                          |                          |                          |                                     |                                     |             |
| 5. How many vehicles will participate?                                                                                                                                                                                                                                   |                                     |                          |                          |                          |                          |                                     |                                     |             |
|                                                                                                                                                                                                                                                                          |                                     |                          |                          |                          |                          | Yes                                 | No                                  |             |
| 6. Will animals participate in the event?                                                                                                                                                                                                                                |                                     |                          |                          |                          |                          | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |             |
| 7. If yes, please list the types of animals:                                                                                                                                                                                                                             |                                     |                          |                          |                          |                          |                                     |                                     |             |
|                                                                                                                                                                                                                                                                          |                                     |                          |                          |                          |                          |                                     |                                     |             |
|                                                                                                                                                                                                                                                                          |                                     |                          |                          |                          |                          |                                     |                                     |             |
| EVENT BOUNDARIES                                                                                                                                                                                                                                                         |                                     |                          |                          |                          |                          |                                     |                                     |             |
| Please describe the event boundaries. If event is a road event then include route below. If there is more than one segment to the event, include start and finish times for each segment. (Example: The "GENERIC AWARENESS RUN" may include a 5K, a 10K, and a Fun Run). |                                     |                          |                          |                          |                          |                                     |                                     |             |
| Main St between Smith St and Fayetteville St                                                                                                                                                                                                                             |                                     |                          |                          |                          |                          |                                     |                                     |             |
|                                                                                                                                                                                                                                                                          |                                     |                          |                          |                          |                          |                                     |                                     |             |
|                                                                                                                                                                                                                                                                          |                                     |                          |                          |                          |                          |                                     |                                     |             |
|                                                                                                                                                                                                                                                                          |                                     |                          |                          |                          |                          |                                     |                                     |             |

### ROAD CLOSURE REQUESTS

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

| ROAD CLOSURE                                                                                                                                                                                                   |        |      | Staff Notes |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|------|-------------|
| 1. List the street(s) and times in which street(s) will need to be closed (Please note that NC and US roadways require approval from the North Carolina Department of Transportation):                         |        |      |             |
| Street(s):                                                                                                                                                                                                     | Begins | Ends |             |
| Main St between Smith Street and Fayetteville St                                                                                                                                                               | 2pm    | 4pm  |             |
|                                                                                                                                                                                                                |        |      |             |
|                                                                                                                                                                                                                |        |      |             |
| 2. How many participants are expected?                                                                                                                                                                         |        |      |             |
| Number                                                                                                                                                                                                         |        |      |             |
| 500                                                                                                                                                                                                            |        |      |             |
| EVENT ROUTE                                                                                                                                                                                                    |        |      | Staff Notes |
| DESCRIBE THE EVENT ROUTE BELOW. IF THERE IS MORE THAN ONE SEGMENT TO AN EVENT, INCLUDE START AND FINISH TIMES FOR EACH SEGMENT. (Example: The "GENERIC AWARENESS RUN" may include a 5K, a 10K, and a Fun Run). |        |      |             |
| The event will run on Main St. between Smith St. and Fayetteville St.                                                                                                                                          |        |      |             |
|                                                                                                                                                                                                                |        |      |             |
|                                                                                                                                                                                                                |        |      |             |
|                                                                                                                                                                                                                |        |      |             |
| Please note that <u>white temporary water-base paint</u> can be used to mark the route on the street pavement (May be purchased at common hardware stores such as Lowes, Home Depot, etc.).                    |        |      |             |

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### ROAD CLOSURE/DETOUR PLAN

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

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

### SPECIAL EVENT PROCESSING

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

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

*April 2014*



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

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

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

#### USE OF TOWN OWNED PROPERTY

|                                                                                                      | Yes                                 | No                       |
|------------------------------------------------------------------------------------------------------|-------------------------------------|--------------------------|
| 1. Use policies and procedures obtained and submitted for use of any Town owned property or streets. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

#### DENIAL OR REVOCATION OF PERMIT

##### Denial

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

##### Permit Revocation

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

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

#### APPLICANT'S AFFIDAVIT

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

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

Applicant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

April 2014

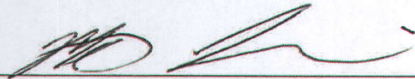


NORTH CAROLINA  
JOHNSTON COUNTY



INDEMNIFICATION AGREEMENT

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

  
\_\_\_\_\_

Signature of Applicant & Authorized Representative of Event

Sworn to (or affirmed) and subscribed before me this the 23 day of July, 2015.

(Official Seal)

\_\_\_\_\_  
*Official Signature of Notary*

\_\_\_\_\_, Notary Public  
*Notary's printed or typed name*

My commission expires: \_\_\_\_\_

**TOWN OF CLAYTON  
TOWN COUNCIL  
AGENDA COVER SHEET**

**AGENDA LOCATION:**

Items Scheduled for Regular Meetings

**Meeting Date:**

August 17, 2015

**ITEM TITLE:**

RZ 2014-21 - Rezoning - Gordon Tract

**DESCRIPTION:**

Applicant is requesting to rezone 61.29 acres located east of Glen Laurel Rd., from Residential Estate - R-E (Town) and Agricultural Residential -AR (County) to Residential-8 - R-8

**POTENTIAL ACTION:**

Set Public Hearing

**DEPARTMENT:**

Parks + Recreation

**PRESENTER:**

David DeYoung, Planning Director

**ITEM HISTORY:**

**Date:**

**Action Taken:**

**Information Provided:**

**Date:**

**Action Taken:**

**Information Provided:**



### **PUBLIC NOTICE**

In accordance with NC GS 160A-384 and NC GS 160A-364, the Clayton Town Council will hold a public hearing on September 8, 2015, at 6:30 PM at Town Hall, 111 East Second Street, to consider the following:

- Brookside Rezoning, 15-22-01-RZ, request to rezone parcel number 165801-17-0116. The requested change is from Residential-10 (R-10) to Residential-8 (R-8).
- Brookside Preliminary Plat (major subdivision), 15-22-02-SUB, request to develop parcel 165801-17-0116 into a conventional subdivision with 38 single-family detached homes.
- Gordon Tract Rezoning, RZ-2014-21, request to rezone parcels generally located between Vinson Rd and Powhatan Rd, east of Glen Laurel Rd (tag numbers 05i04012, 05i0412a, 05i04012b, 05i04012c, 05i04012d, 05i04012e, 05i04012f, 05i04012g, 05i04012h, 05i04012i, 05i04012r, 05e99007h, and 05e99007s). The requested change is from Residential-Estate (R-E) (Town) and Agricultural Residential (AR) (County) to Residential-8 (R-8) (Town).
- Gordon Tract Preliminary Plat (major subdivision), PSD2014-95, request to develop parcels generally located between Vinson Rd and Powhatan Rd, east of Glen Laurel Rd (tag numbers 05i04012, 05i0412a, 05i04012b, 05i04012c, 05i04012d, 05i04012e, 05i04012f, 05i04012g, 05i04012h, 05i04012i, 05i04012r, 05e99007h, and 05e99007s) into 177± detached, single-family residential units.

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

**For Preliminary Plats (major subdivisions), the Clayton Town Council must make findings of fact based upon sworn testimony and other credible evidence during an evidentiary hearing. 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  
919-359-9335**

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**News & Observer**

**Please advertise on the following dates:**

**August 26, 2015**

**September 2, 2015**

**Affidavit of publication required.**



Town of Clayton  
Planning Department  
111 E. Second Street, Clayton, NC 27520  
P.O. Box 879, Clayton, NC 27528  
Phone: 919-553-1545  
Fax: 919-553-1720

Planning Board  
July 27, 2015

## STAFF REPORT

### Application Number: RZ2014-21 Project Name: Gordon Tract Rezoning

**Tag #:** 05i04012, 05i04012a, 05i04012b, 05i04012c, 05i04012d, 05i04012e, 05i04012f, 05i04012g, 05i04012h, 05i04012i, 05i04012r, 05e99007h, 05e99007s

**Town Limits/ETJ:** Currently ETJ, with three of the parcels located within Johnston County. To be annexed into the Town.

**Overlay:** Watershed Protection Overlay

**Applicant:** Dalton Engineering and Associates PA

**Owner:** CGC Properties LLC, and Powhatan Road Limited Partnership

**Location:** The property is located east of Glen Laurel Road, and stretches from Vinson Road to Powhatan Road. Powhatan Elementary School borders the parcel on the northeast.

**Public Noticing:**

- Neighborhood meeting July 2, 2015
- Sign posted July 20, 2015
- Letters mailed prior to August 27, 2015
- Newspaper ad posted prior to August 25, 2015

**REQUEST:** Rezoning from Residential-Estate (R-E) (Town) and Agricultural Residential (AR) (County) to Residential-8 (R-8).



**SITE DATA:****Acreage:** 61.29± acres**Existing Use:** Agriculture and some residential that will be removed.

---

**ADJACENT ZONING AND LAND USES:**

| Direction | Zoning                                                                      | Existing Use                                                                                                |
|-----------|-----------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|
| North     | Residential-10 and Residential-Estate (R-E)                                 | Rural residential                                                                                           |
| South     | County Agricultural Residential (AR) and some County Light Industrial (I-1) | Agriculture and rural residential                                                                           |
| East      | County Agricultural Residential (AR) and Residential-10 (Town)              | Agriculture, large-lot rural residential subdivision, and Powhatan Elementary School to the north-northeast |
| West      | Residential-Estate (R-E)                                                    | Rural residential subdivision                                                                               |

---

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

The applicant is requesting to rezone 61.29 ± acre property located at the northeast corner of Powhatan Road and Glen Laurel Road from Residential-Estate to Residential-8. Historically, the property was used for residential (mobile home park) and agricultural uses with some accessory outdoor storage. Since a portion of the property is located outside of the Town's Extraterritorial Planning Jurisdiction (ETJ), the property owner has entered into an annexation agreement with the Town. With the annexation agreement in place, Johnston County has authorized the Town to process the development application for the entire property.

**Compatibility with Surrounding Land Uses**

The uses surrounding the subject property are primarily agricultural or rural residential which is compatible with the R-8 zoning district. The site is in the Watershed Protection Overlay, which limits the density to 2 dwelling units per acre. The two adjacent developments, Powhatan Glen and Stallings Station are developed closer to one dwelling unit per acre.

**Access/Streets:**

The subject property will ultimately be developed as a single-family subdivision with internal public streets. The property also adequate frontage to facilitate connections to Gordon Rd and Glen Laurel Road, providing ingress/egress to the development. Additional connections to stub out streets will be required during subdivision approval.

**Consistency with the Strategic Growth Plan**

The 2008 Strategic Growth Plan designates this area as a "Residential-Light". This rezoning is consistent with the intent of the Future Land Use for these and surrounding lands.

**Consistency with Overlays**

The entire property is located in the Watershed Protection Overlay District and subject to the development limitations of that classification. The primary restriction limits residential development to two dwelling units per acre or a maximum impervious surface area of 36 percent.



**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.

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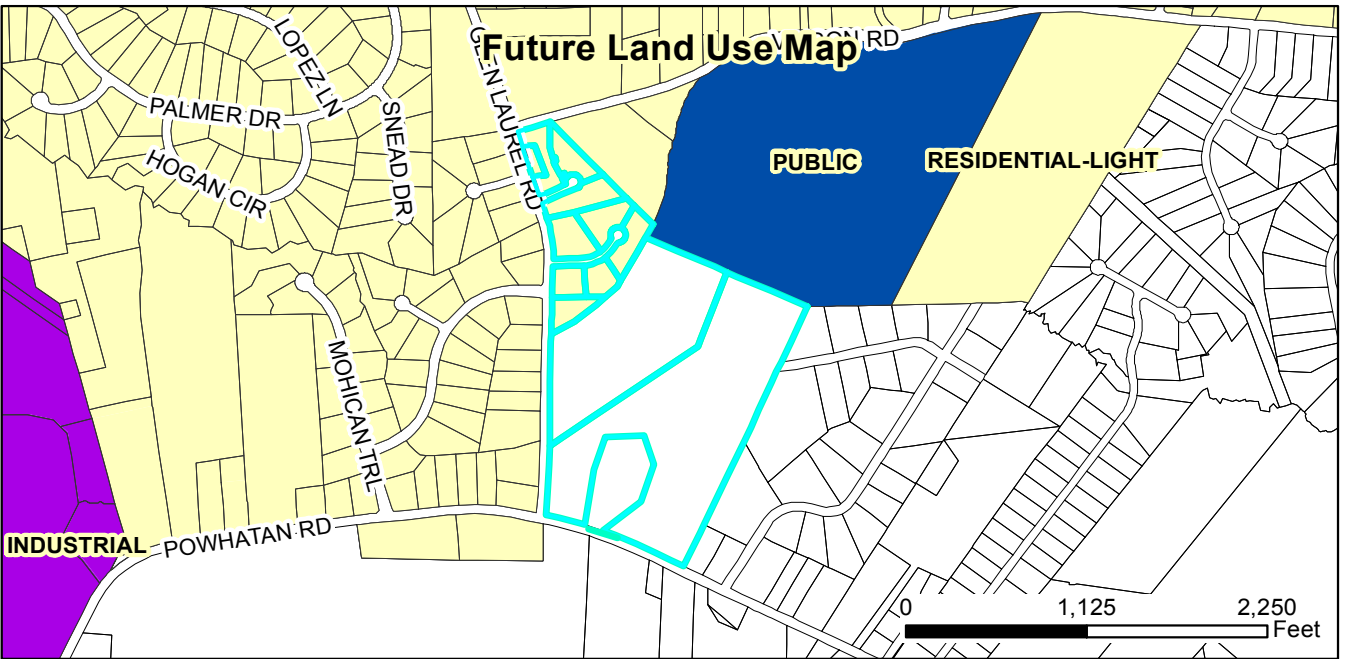
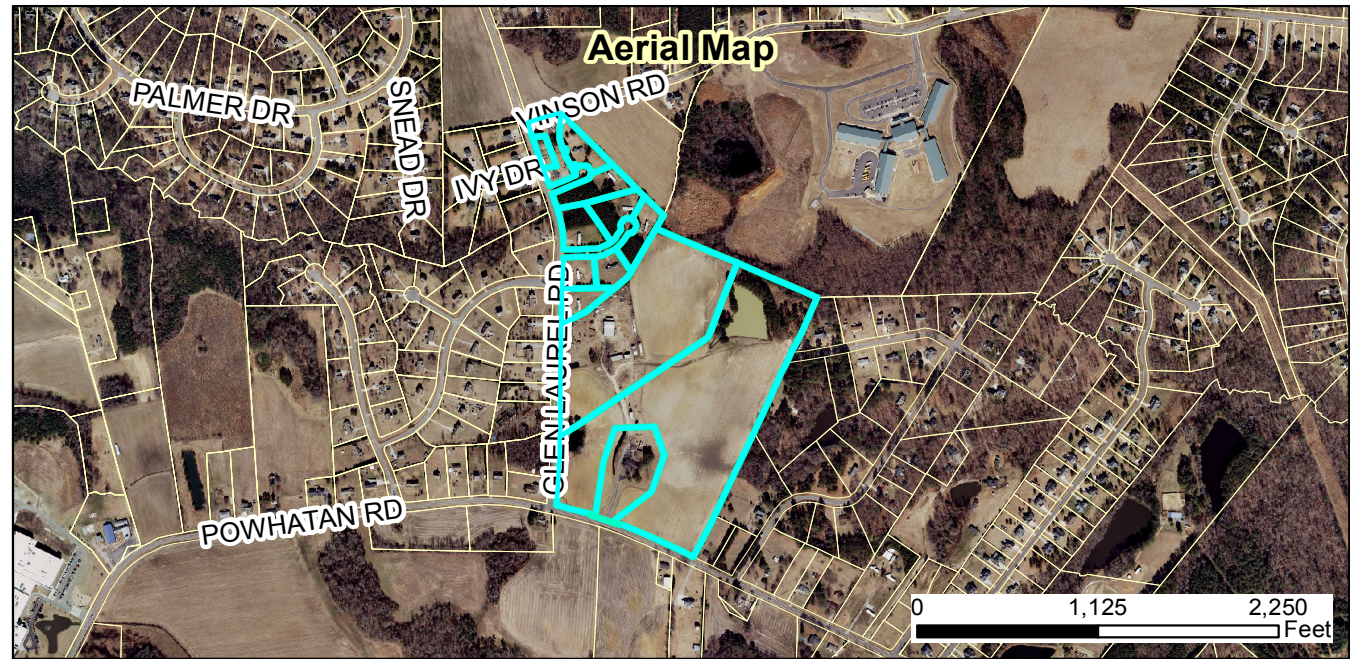
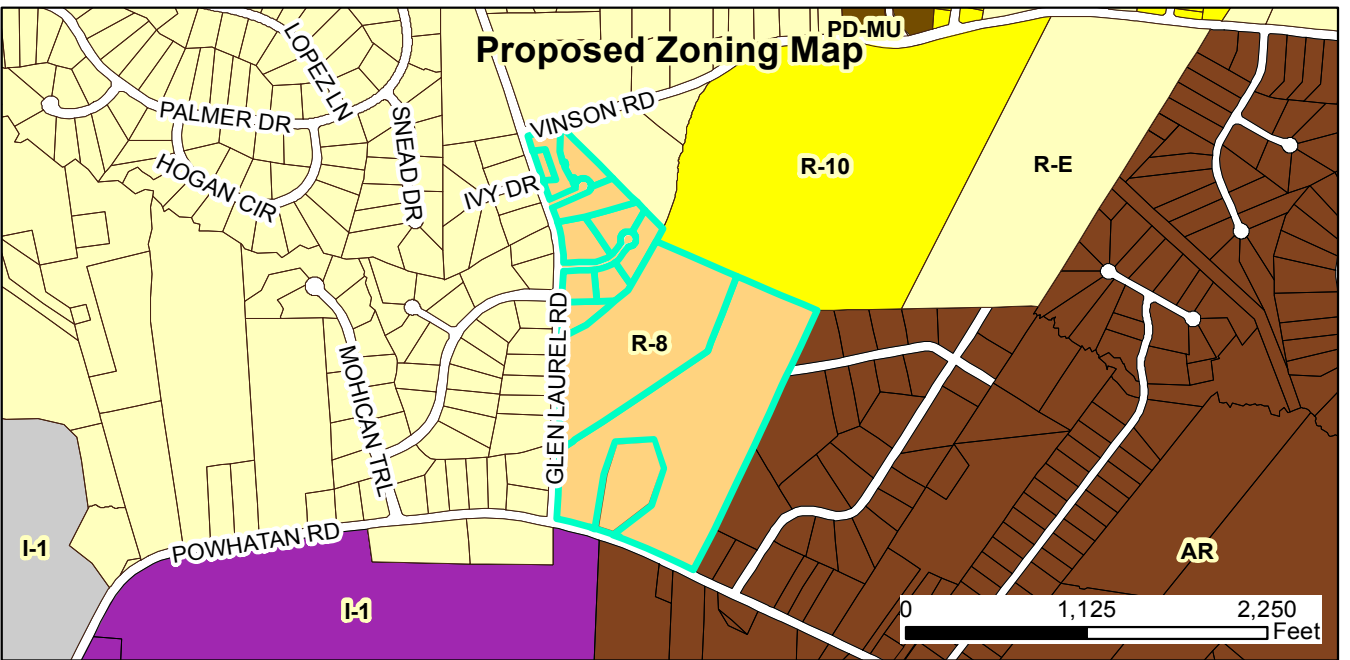
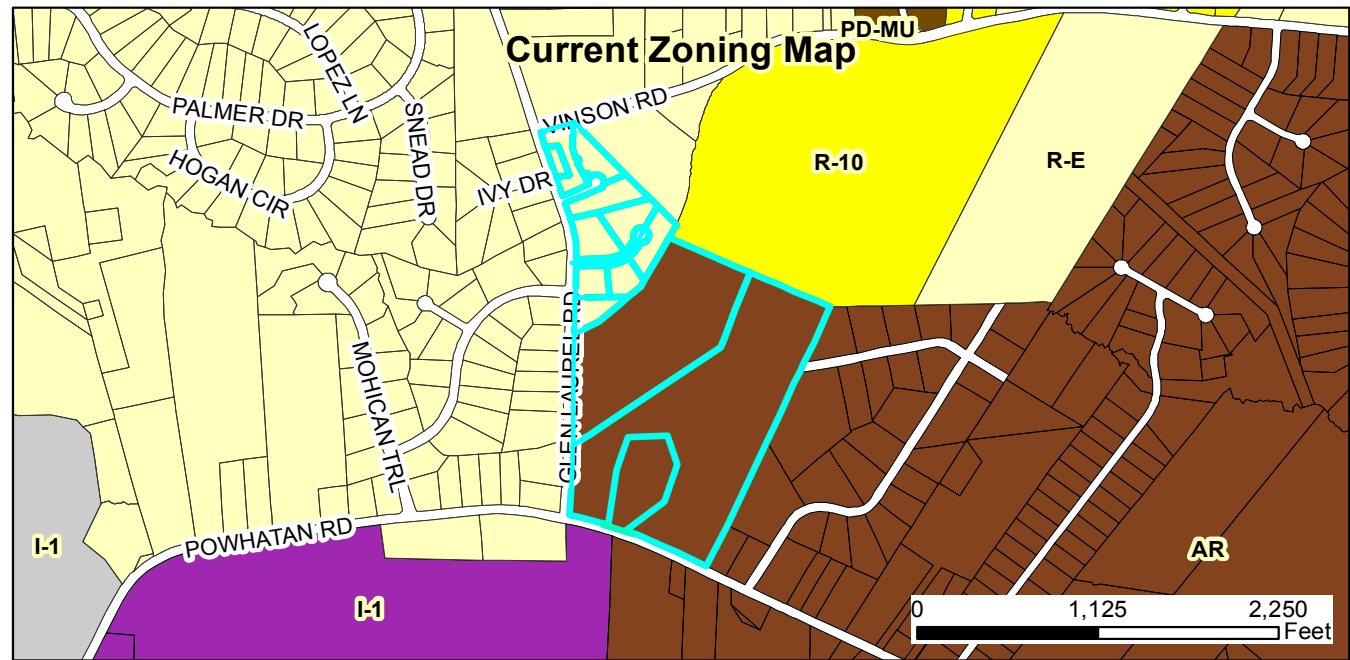
**STAFF RECOMMENDATION:**

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

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**ATTACHMENTS:**

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



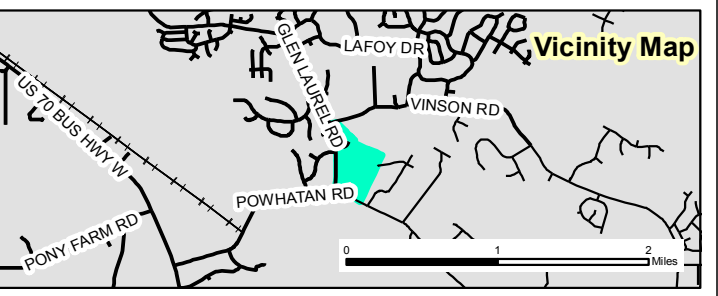
**RZ2014-21 Gordon Tract Rezoning**  
**Request: Rezoning from R-E (Town) and AR (County) to R-8 (Town)**  
**PSD2014-95 Gordon Tract Subdivision**  
**Request: 177 single family detached residential units**  
 Applicant: Dalton Engineering and Associates, PA  
 Property Owner: CGC Properties LLC and Powhatan Road Limited Partnership  
 Tag #: 05i04012, 05i04012a, 05i04012b, 05i04012c, 05i04012d, 05i04012e,  
 05i04012f, 05i04012g, 05i04012h, 05i04012i, 05i04012r, 05e99007h, 05e99007s



- Site
- Special Use District
- Thorough Fare Overlay
- Scenic Highway Overlay

07/17/2015  
 Produced by: TOC Planning  
 Disclaimer: Town of Clayton assumes no legal responsibility for the information represented here.

Document Path: O:\PLANNING\REZONING\Rezoning\2014\RZ 2014-21 Gordon Tract Rezoning\Maps\Maps Gordon Tract RZ2014-21 .mxd







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

## REZONING APPLICATION

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

*Rezoning applications must be accompanied by nine (9) sets of the application, nine (9) sets of required plans, an Owner's Consent Form (attached) and the application fee. The application fee is \$500.00 for a rezoning to a Standard District. A rezoning to a Planned Development District requires a fee of \$1,000.00 +\$5.00 per acre. All fees are due when the application is submitted.*

*If the rezoning request is to a Planned Development District, the application must be accompanied by a Major Site Plan application and associated fees.*

*Please note that Section 155.702(B) of the Unified Development Code requires a Neighborhood Meeting for all Rezoning Petitions.*

### SITE INFORMATION:

Name of Project: Gordon Tract Acreage of Property: 31.74 acres ( approx. )  
Parcel ID Number: See list, attached. Tax ID: See list, attached.  
Deed Book: See list, attached. Deed Page(s): See list, attached.  
Address: Glen Laurel Road  
Location: On the East side of Glen Laurel Road, between the Vinson Road / Glen Laurel Road intersection and the Powhatan Road / Glen Laurel Road intersection.  
Existing Use: Residential and Agriculture Proposed Use: Residential Subdivision  
Existing Zoning District: R-E ( Town of Clayton ) and AR ( Johnston County )  
Requested Zoning District R-10 Open Space Subdivision  
Is project within a Planned Development: ☐ Yes ☒ No  
Planned Development District (if applicable): n/a  
Is project within an Overlay District: ☐ Yes ☒ No  
Overlay District (if applicable): n/a

### FOR OFFICE USE ONLY

File Number: 2014-21 Date Received: 3/5/14 Amount Paid: 500.00

### OWNER INFORMATION:

Name: See list, attached.

Mailing Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

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

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

### APPLICANT INFORMATION:

Applicant: Dalton Engineering & Associates, P.A.

Mailing Address: Post Office Box 426 Clayton, NC 27528

Phone Number: (919) 550-4740

Fax: (919) 550-4741

Contact Person: Jonathan Barnes

Email Address: jlbarnes@daltonengineering.com

### REQUIRED PLANS AND SUPPLEMENTAL INFORMATION

*The following items must accompany a rezoning application. This information is required to be present on all plans, except where otherwise noted:*

- ☐ A signed and sealed boundary survey (**not more than a year old unless otherwise approved by the Planning Department**) with the azimuth or courses and distances of every property line shown. Distances shall be in feet or meters and decimals thereof. The number of decimal places shall be appropriate to the class of survey required. The survey must include any and all easements of record (referenced by Deed Book and Page) and must be prepared by a surveyor registered in the State of North Carolina.
- ☐ Property legal description typed (10 pt. font or greater) on an 8.5 inch by 11 inch paper with one inch margins. The legal description must also be submitted electronically in Microsoft Word format.
- ☐ A copy of the last recorded deed for the subject property.

### JUSTIFICATION STATEMENT

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

The Owners of subject properties are requesting the rezoning of approximately 31.74 acres, adjacent to Glen Laurel Road. Approximately 12.68 acres is located within the Town of Clayton E.T.J., and approximately 18.96 acres is located within Johnston County zoning jurisdiction. A 'Petition Requesting Annexation' for the 31.74 acres has been submitted to the Town, and the acreage is pending annexation.



## APPROVAL CRITERIA

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

1. Consistency with the adopted plans of the Town.

The subject property is proposed to be zoned R-10 Open Space Subdivision and the project would comply with all zoning requirements of the Town of Clayton Unified Development Code.

2. Suitability of the subject property for uses permitted by the current vs. the proposed district.

The subject property is proposed to be zoned R-10 Open Space Subdivision and the project would comply with all zoning requirements of the Town of Clayton Unified Development Code.

3. Whether the proposed change tends to improve the balance of uses, or meets specific demand in the Town.

The subject property is proposed to be zoned R-10 Open Space Subdivision and the project would comply with all zoning requirements of the Town of Clayton Unified Development Code.

4. The capacity of adequate public facilities and services including schools, roads, recreation facilities, wastewater treatment, potable water supply and stormwater drainage facilities is available for the proposed use.

The capacity of public facilities in the area is adequate to support the proposed use of the anticipated development.

5. It has been determined that the legal purposes for which zoning exists are not violated.

The subject property is proposed to be zoned R-10 Open Space Subdivision and the project would comply with all zoning requirements of the Town of Clayton Unified Development Code.

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

The subject property is proposed to be zoned R-10 Open Space Subdivision and the project would comply with all zoning requirements of the Town of Clayton Unified Development Code.  
No adverse effects upon adjoining properties are expected.

7. It has been determined that no one property owner or small group of property owners will benefit materially from the change to the detriment of the general public.

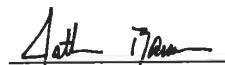
The development of this property would be beneficial to the Town of Clayton as well as surrounding businesses.

#### APPLICANT AFFIDAVIT

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

DALTON ENGINEERING  
AND ASSOCIATES, P.A.

CONTACT : JONATHAN BARNES  
Print Name

  
Signature of Applicant

3/4/14  
Date

L E G A L   D E S C R I P T I O N

Beginning at a point where the Southern Right-of-way line of Vinson road (SR 1903) Intersects the Eastern Right-of-way line of Glen Laurel Road (SR1902);

THENCE South 18 degrees 23 minutes 45 seconds East for a distance of 226.48 feet along the Eastern Right-of-way line of Glen Laurel road to a point marking the Northeastern corner of a cemetery;

THENCE North 80 degrees 06 minutes 04 seconds East for a distance of 44.07 feet Along the Northern line of the cemetery to an existing iron pipe;

THENCE South 10 degrees 43 minutes 03 seconds East for a distance of 22.89 feet along the Eastern line of the cemetery to an existing iron pipe;

THENCE South 79 degrees 04 minutes 22 seconds West for a distance of 40.80 feet along the Southern line of the cemetery to a point in the Eastern Right-of-way line of Glen Laurel Road;

THENCE South 18 degrees 34 minutes 47 seconds East for a distance of 208.03 feet along the Eastern Right-of-way line of Glen Laurel Road to a Point;

THENCE South 18 degrees 11 minutes 32 seconds East for a distance of 109.53 feet along the Eastern Right-of-way line of Glen Laurel Road;

THENCE South 16 degrees 16 minutes 51 seconds East for a distance of 46.08 feet along the Eastern Right-of-way line of Glen Laurel road;

THENCE South 14 degrees 26 minutes 01 seconds East for a distance of 39.51 feet along the Eastern Right-of-way line of Glen Laurel Road;

THENCE South 12 degrees 31 minutes 54 seconds East for a distance of 36.61 feet along the Eastern right-of-way line of Glen Laurel Road;

THENCE South 09 degrees 51 minutes 39 seconds East for a distance of 37.35 feet along the Eastern Right-of-way line of Glen Laurel Road;

THENCE South 06 degrees 51 minutes 23 seconds East for a distance of 39.16 feet along the Eastern Right-of-way line of Glen Laurel Road;

THENCE South 03 degrees 55 minutes 46 seconds East for a distance of 41.76 feet along the Eastern Right-of-way line of Glen Laurel Road;

THENCE South 00 degrees 12 minutes 01 seconds East for a distance of 88.32 feet along the Eastern Right-of-way line of Glen Laurel road;

THENCE South 01 degrees 23 minutes 46 seconds West for a distance of 62.14 feet along the Eastern Right-of-way line of Glen Laurel Road;

THENCE South 86 degrees 44 minutes 30 seconds East for a distance of 1406.09 feet to an Existing iron pipe Marking the end of the Southern Right-of-way of Green Path (SR 2014);

THENCE North 24 degrees 44 minutes 54 seconds East for a distance of 456.83 feet to an existing iron pipe, a corner with Kimberly S. Bowles and Johnston County;

THENCE North 65 degrees 45 minutes 36 seconds West for a distance of 1101.45 feet along the line of Johnston County to an existing iron pipe;

THENCE North 28 degrees 58 minutes 15 seconds East for a distance of 99.74 feet along the line of Johnston County to an existing iron pipe, a corner with Johnston County and Eugene D. Woodall;

THENCE North 44 degrees 31 minutes 07 seconds West for a distance of 913.32 feet along the line of Woodall to a point in the Southern Right-of-way of Vinson Road;

THENCE South 75 degrees 06 minutes 18 seconds West for a distance of 213.76 feet along the Southern Right-of-way line of Vinson Road to the Place and Point of Beginning, and containing 31.76 acres more or less.



## ADJACENT PROPERTY OWNERS LIST

Project Name: GORDON TRACT

*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. 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                                      |
|----------------|------------------------------|----------------------------------------------|
| 167804-84-7129 | TGS Properties, L.L.C.       | 514 Daniels St., Suite 414 Raleigh, NC 27605 |
| 167804-93-0658 | Eugene and Betty Sue Woodall | 484 Packing Plant Road Smithfield, NC 27577  |
| 168803-03-5526 | County of Johnston           | P.O. Box 1049 Smithfield, NC 27577           |
| 168803-02-2456 | Samuel and Kimberly Bowles   | 513 Green Path Clayton, NC 27527             |
| 168803-01-1958 | Rickie Avate                 | 508 Green Path Clayton, NC 27527             |
| 167804-82-4105 | Ralph and Patsy Hester       | 109 Glen Laurel Rd. Clayton, NC 27527        |
| 167804-82-4229 | Trevor and Kathryn Beyma     | 135 Glen Laurel Rd. Clayton, NC 27527        |
| 167804-82-4443 | Gary and Jennifer Fuller     | 148 Ridgemont Dr. Columbia, SC 29212-8690    |
| 167804-82-4650 | Robert and Sharon Parrish    | 189 Glen Laurel Rd. Clayton, NC 27527        |
| 167804-82-4877 | Rita and Nathan Byars        | 245 Glen Laurel Rd. Clayton, NC 27527        |
| 167804-83-4043 | Kenneth and Donna Watson     | 315 Glen Laurel Rd. Clayton, NC 27527        |
| 167804-83-3290 | Donovan Spence               | 331 Hereford Dr. Clayton, NC 27520           |
| 167804-83-3343 | Donovan Spence               | 331 Hereford Dr. Clayton, NC 27520           |
| 167804-83-2439 | Sharon Whitley               | 317 Hereford Dr. Clayton, NC 27520           |
| 167804-83-2635 | Sharon Whitley               | 317 Hereford Dr. Clayton, NC 27520           |
| 167800-85-1849 | TGS Properties, L.L.C.       | 514 Daniels St., Suite 414 Raleigh, NC 27605 |
|                |                              |                                              |
|                |                              |                                              |
|                |                              |                                              |
|                |                              |                                              |

Page 5 of 9

July 2013



**Town of Clayton  
Planning Department**

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

## OWNER'S CONSENT FORM

*Consent is required from the property owner(s) and if applicable, to an agent if the property owner(s) do not intend to attend all meetings and public hearings and submit in person all material pertaining to the application. A separate form is required from each owner. Consent is valid for one year from date of notary, unless otherwise specified. Attach copy of last recorded deed for subject property.*

**Project Name:** Gordon Tract

**Submittal Date:** 3/4/14

I hereby give CONSENT to DALTON ENGINEERING AND ASSOCIATES, P.A. (type, stamp or print clearly full name of agent) to act on my behalf, to submit or have submitted this application and all required material and documents, and to attend and represent me at all meetings and public hearings pertaining to the application(s) indicated above. 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 ownership interest in the subject of this application. 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 INFORMATION:** *(Corporations must submit verification that signatory has authorization to sign)*

Charles B. Gordon, Jr.

(Name - type, print clearly)

Charles B. Gordon, Jr.

(Signature)  
Clayton, North Carolina 27528

Post Office Box 327

(Address)

(City, State, Zip)

**AGENT INFORMATION:**

Dalton Engineering and Associates, P.A.

(Name - type, print clearly)

Dalton Engineering and Associates, P.A.

(Signature)  
Clayton, North Carolina 27528

Post Office Box 426

(Address)

(City, State, Zip)

**STATE OF** North Carolina

**COUNTY OF** Johnston

Sworn and subscribed before me March 4, 2014, a Notary Public for the above State and County, this the 4 day of March, 2014.

**SEAL**

Lynn A. Watkins

(Signature)  
Notary Public Lynn A. Watkins

My Commission Expires: 12-7-2016

Parcel Information :

| <u>Parcel I.D.</u> | <u>Tax I.D.</u> | <u>D.B.</u> | <u>PG.</u> |                              |
|--------------------|-----------------|-------------|------------|------------------------------|
| 1. 167804-83-5516  | 05I04012        | 03119       | 0725       |                              |
| 2. 167804-83-5732  | 05I04012A       | 03119       | 0725       |                              |
| 3. 167804-83-7557  | 05I04012B       | 03119       | 0725       |                              |
| 4. 167804-83-7391  | 05I04012C       | 03119       | 0725       |                              |
| 5. 167804-83-7047  | 05I04012D       | 03119       | 0725       |                              |
| 6. 167804-83-9137  | 05I04012E       | 03119       | 0725       |                              |
| 7. 167804-93-1057  | 05I04012F       | 03119       | 0725       |                              |
| 8. 167804-82-9830  | 05I04012G       | 03119       | 0725       |                              |
| 9. 167804-82-7738  | 05I04012H       | 03119       | 0725       |                              |
| 10. 167804-82-7631 | 05I04012I       | 03119       | 0725       |                              |
| 11. 167804-92-1555 | 05I04199R       | 03544       | 0488       | ( Note : portion of tract. ) |
| 12. 167804-91-5923 | 05E99007H       | 03544       | 0488       | ( Note : portion of tract. ) |

Owner Information :

1. CGC Properties, L.L.C.  
113 State Avenue  
Suite 101  
Clayton, North Carolina 27520
2. Powhatan Road Limited Partnership  
Post Office Box 327  
Clayton, North Carolina 27528  
( 919 ) 553 – 7904 ( office )  
( 919 ) 553 – 3706 ( fax )



## LETTER OF TRANSMITTAL

TO: TOWN OF CLAYTON ATTENTION: EMILY BEDDINGFIELD  
 DATE: 3/5/14 REFERENCE: GORDON TRACT

We are sending You:

|                                                                                                                                                         |                                                                                                                                                                            |
|---------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> PLANS<br><input type="checkbox"/> SPECIFICATIONS<br><input type="checkbox"/> REVISED PLANS<br><input type="checkbox"/> PERMITS | <input checked="" type="checkbox"/> CHECK<br><input type="checkbox"/> COPY OF LETTER<br><input checked="" type="checkbox"/> APPLICATIONS<br><input type="checkbox"/> OTHER |
|---------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

| Copies | Date | Dwg. # | Description                                                            |
|--------|------|--------|------------------------------------------------------------------------|
| 9      |      |        | REZONING APPLICATION                                                   |
| 9      |      |        | OWNER'S CONSENT FORM                                                   |
| 1      |      |        | APPLICATION FEE - CHECK # 3209 : \$ 250.00<br>CHECK # 1513 : \$ 250.00 |

These are transmitted as checked below:

|                                                                                                                                                                                 |                                                                                                                                                                                           |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> For Approval<br><input type="checkbox"/> As Requested<br><input type="checkbox"/> Review & Comment<br><input type="checkbox"/> For Your Use | <input type="checkbox"/> Revisions As Requested<br><input type="checkbox"/> Return Corrected Copies<br><input type="checkbox"/> Make Corrections Needed<br><input type="checkbox"/> Other |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

### COMMENTS

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THANK YOU

Jonathan Barnes



## ADJACENT PROPERTY OWNERS LIST

Project Name: GORDON TRACT

*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                                      |
|----------------|------------------------------|----------------------------------------------|
| 167804-84-7129 | TGS Properties, L.L.C.       | 514 Daniels St., Suite 414 Raleigh, NC 27605 |
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| 167804-83-3290 | Donovan Spence               | 331 Hereford Dr. Clayton, NC 27520           |
| 167804-83-3343 | Donovan Spence               | 331 Hereford Dr. Clayton, NC 27520           |
| 167804-83-2439 | Sharon Whitley               | 317 Hereford Dr. Clayton, NC 27520           |
| 167804-83-2635 | Sharon Whitley               | 317 Hereford Dr. Clayton, NC 27520           |
| 167800-85-1849 | TGS Properties, L.L.C.       | 514 Daniels St., Suite 414 Raleigh, NC 27605 |
|                |                              |                                              |

## Dalton Engineering

and Associates, P.A.



March 10, 2014

167804-84-7129  
167800-85-1849  
TGS Properties, LLC.  
514 Daniels Street  
Suite 414  
Raleigh, NC 27605

Dear Clayton Area Property Owner:

The purpose of this letter is to notify you of an application filed with the Town of Clayton for a land use proposal involving property adjacent to, or in close proximity to, property shown in your ownership by Johnston County tax records. Per Town of Clayton regulation, 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, March 26, 2014

Location: Dalton Engineering  
446 East Main Street  
Clayton, NC 27520

Time: 6:00 pm.

Type of Application: Rezoning

General Description: Rezoning land for residential subdivision.

If you have any questions prior to or after this meeting, you may contact the Clayton Planning Department at (919) 553-5002.

Thank you very much.

Sincerely,

Jonathan Barnes  
Dalton Engineering and Associates, P.A.  
(919) 550-4740

cc. Clayton Planning Dept

**TOWN OF CLAYTON  
COUNCIL MOTION SHEET  
ZONING ORDINANCE AMENDMENT**

**RZ 2014-21 Gordon Tract Rezoning**

On July 27, 2015 the Planning Board heard the above-referenced request and made the following vote:

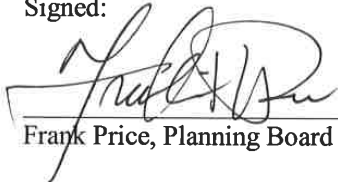
Recommendation to the Town Council to

☒ approve the request;

☐ deny the request.

Recommendation(s) made this 27 day of July 2015 while in regular session.

Signed:

  
\_\_\_\_\_  
Frank Price, Planning Board Chair



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

RZ2014-21, Gordon Tract 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 Strategic Growth Plan, specifically:

- Objective 2.5 – More Housing Opportunities: Beyond Starter Homes

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.

**TOWN OF CLAYTON  
TOWN COUNCIL  
AGENDA COVER SHEET**

**AGENDA LOCATION:**

Items Scheduled for Regular Meetings

**Meeting Date:**

August 17, 2015

**ITEM TITLE:**

Gordon Tract Subdivision - PSD 2014-95

**DESCRIPTION:**

Request for approval of major preliminary subdivision for a property located to the east of Glen Laurel Rd., between Vinson and Powhatan Roads.

**POTENTIAL ACTION:**

Set Public Hearing

**DEPARTMENT:**

Planning + Zoning

**PRESENTER:**

David DeYoung, Planning Director

**ITEM HISTORY:**

**Date:**

**Action Taken:**

**Information Provided:**

**Date:**

**Action Taken:**

**Information Provided:**



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

July 27, 2015

## STAFF REPORT

### Application Number: PSD 2014-95 Project Name: Gordon Tract Subdivision

**Tag #:** 05i04012, 05i04012a, 05i04012b, 05i04012c, 05i04012d, 05i04012e, 05i04012f, 05i04012g, 05i04012h, 05i04012i, 05i04012r, 05e99007h, 05e99007s

**Town Limits/ETJ:** Currently ETJ, with three of the parcels located within Johnston County. To be annexed into the Town.

**Overlay:** Watershed Protection Overlay

**Applicant:** Dalton Engineering and Associates PA

**Owner:** CGC Properties LLC, and Powhatan Road Limited Partnership

**Location:** The property is located east of Glen Laurel Road, and stretches from Vinson Road to Powhatan Road. Powhatan Elementary School borders the parcel on the northeast.

**Public Noticing:**

- Neighborhood meeting July 2, 2015
- Sign posted July 20, 2015
- Letters mailed prior to August 27, 2015
- Newspaper ad posted prior to August 25, 2015

**REQUEST:** Preliminary Plat (Subdivision) to allow development of a R-8 residential subdivision with 164 detached, single family residential units.



**SITE DATA:**

**Acreage:** 61.29± acres

**Existing Use:** Agriculture and some residential that will be removed prior to development.

---

**ADJACENT ZONING AND LAND USES:**

| Direction | Zoning                                                                      | Existing Use                                                                                                |
|-----------|-----------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|
| North     | Residential-10 and Residential-Estate (R-E)                                 | Rural residential                                                                                           |
| South     | County Agricultural Residential (AR) and some County Light Industrial (I-1) | Agriculture and rural residential                                                                           |
| East      | County Agricultural Residential (AR) and Residential-10 (Town)              | Agriculture, large-lot rural residential subdivision, and Powhatan Elementary School to the north-northeast |
| West      | Residential-Estate (R-E)                                                    | Rural residential subdivision                                                                               |

---

**DEVELOPMENT DATA:**

Proposed Uses: Single family detached residential units

Buildings: 177 dwelling units

Number of Stories: Maximum height of 35 feet

Density/Impervious: Maximum 36% impervious surface or 2 dwelling units per acre (because of Watershed Protection Overlay). Applicant has chosen 36% impervious for entire site, which equates to 31.75% (3,329 SF) impervious per lot

Proposed Density: 2.88 units/acre

Required Parking: 2 spaces per unit

Proposed Parking: 2 spaces per unit

Minimum lot area: 8,000 SF

Fire Protection: Town of Clayton

Access/Streets: Primary access to Glen Laurel Road (1) and Powhatan Road (1)

Water/Sewer Provider: Town of Clayton

Electric Provider: TBD

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**STAFF ANALYSIS:**

**Overview**

The applicant is requesting preliminary subdivision plat approval for 177 dwelling units in three phases. Approval of this preliminary subdivision plat is subject to approval of Rezoning RZ2014-21. A portion of the property is located outside of the Town's Extraterritorial Planning Jurisdiction (ETJ), so the property owner has entered into

an annexation agreement with the Town. With the annexation agreement in place, Johnston County has authorized the Town to process the development application for the entire property. Under the annexation agreement, the Town will be providing water and sewer services, police and fire protection, and assuming responsibility for the public roads, once accepted by Town Council.

**Consistency with Adopted Plans:**

- **Comprehensive Plan**  
The request is consistent with the Strategic Growth Plan.
- **Unified Development Code**  
The proposed development is consistent with and meets the applicable requirements of the Unified Development Code (UDC). Individual lot development specifications including building placement, driveway placement, etc. will be required to meet all Town standards and be consistent with the provisions of the approved subdivision plan and R-8 development standards.

**Compatibility with Surrounding Land Uses**

The uses surrounding the subject property are primarily agricultural or rural residential which is compatible with the R-8 zoning district. The site is in the Watershed Protection Overlay, which limits the density to 2 dwelling units per acre. The two adjacent developments, Powhatan Glen and Stallings Station are developed closer to one dwelling unit per acre.

**Landscaping and Buffering**

A 20 foot Class B perimeter buffer is provided along the boundary of the property.

**Recreation and Open Space**

A fee-in-lieu for recreation and open space is being accepted for the subdivision.

**Environmental**

Resource conservation areas (stream buffers, 100-year flood zones) shall be preserved by a binding legal instrument recorded with the deed as each phase is platted. Riparian buffers not considered "stream buffers" by the UDC will meet all state preservation requirements.

**Access/Streets**

The subject property will ultimately be developed as a single-family subdivision with internal public streets. The property also adequate frontage to facilitate connections to Gordon Rd and Glen Laurel Road, providing ingress/egress to the development. Additional connections/stub out streets are required and shown on the subdivision plan.

**Multi-Modal Access**

Sidewalks are provided along both sides of the street and will extend fully around the cul-de-sac. A 20 foot access point is provided access from the cul-de-sac sidewalk to the intersection of Powhatan Road and Glen Laurel Road.

**Garbage / Recycling**

Roll-out carts.

**Architecture/Design**

None.



**Waivers/Deviations/Variances from Code Requirements**

None.

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**CONSIDERATIONS:**

- The applicant is requesting Preliminary Subdivision Plat approval.
  - This approval is subject to approval of RZ2014-21.
- 

**FINDINGS:**

The applicant has addressed the Major Subdivision Approval Criteria outlined in UDC Section 155.706. The applicant's Findings of Fact are incorporated into the record as an attachment to the Staff Report.

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**CONDITIONS:**

If approved, staff recommends the following conditions be applied to the approval of the preliminary subdivision plan:

1. Following Council approvals, three copies of the approved Master Plan/Preliminary Subdivision Plan meeting the requirements of the Conditions of Approval shall be submitted to Planning Department.
2. The final plat and subsequent development of the site shall be consistent with the specifications of the approved Preliminary Subdivision Plan. Modifications may require additional approvals pursuant to Section 155.706 of the Unified Development Code.
3. All utility acreage and nutrient offset fees, and recreation and open space fees are due prior to plat recordation. Capacity fees shall be due prior to the issuance of each building permit.
4. Approved street names and addresses shall be applied to the plat prior to recording.
5. The street connections to Glen Laurel Road(SR 1902) and Powhatan Road (SR 1901) shall be approved by NCDOT prior to recording final plats.
6. Resource conservation areas as defined by Section 155.500 of the Unified Development Code (UDC) shall be identified on the final plats as being permanently set aside, and shall be protected in perpetuity by a binding legal instrument recorded with the deed which includes clear restriction on the use of the resource conservation area, as described in Section 155.500(F) of the UDC.
7. Homeowners Association (HOA) documents/covenants which provide for provide for the perpetual maintenance and management of all common facilities within the subdivision must be recorded prior to any plat recordation.

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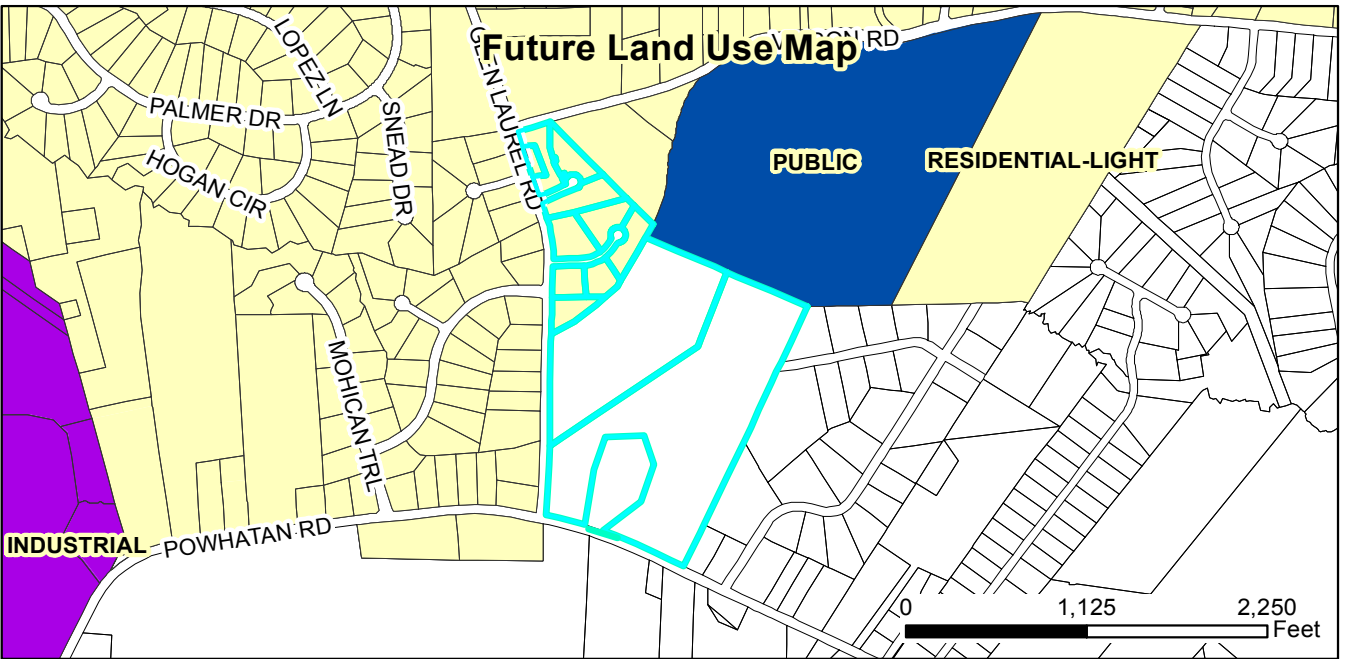
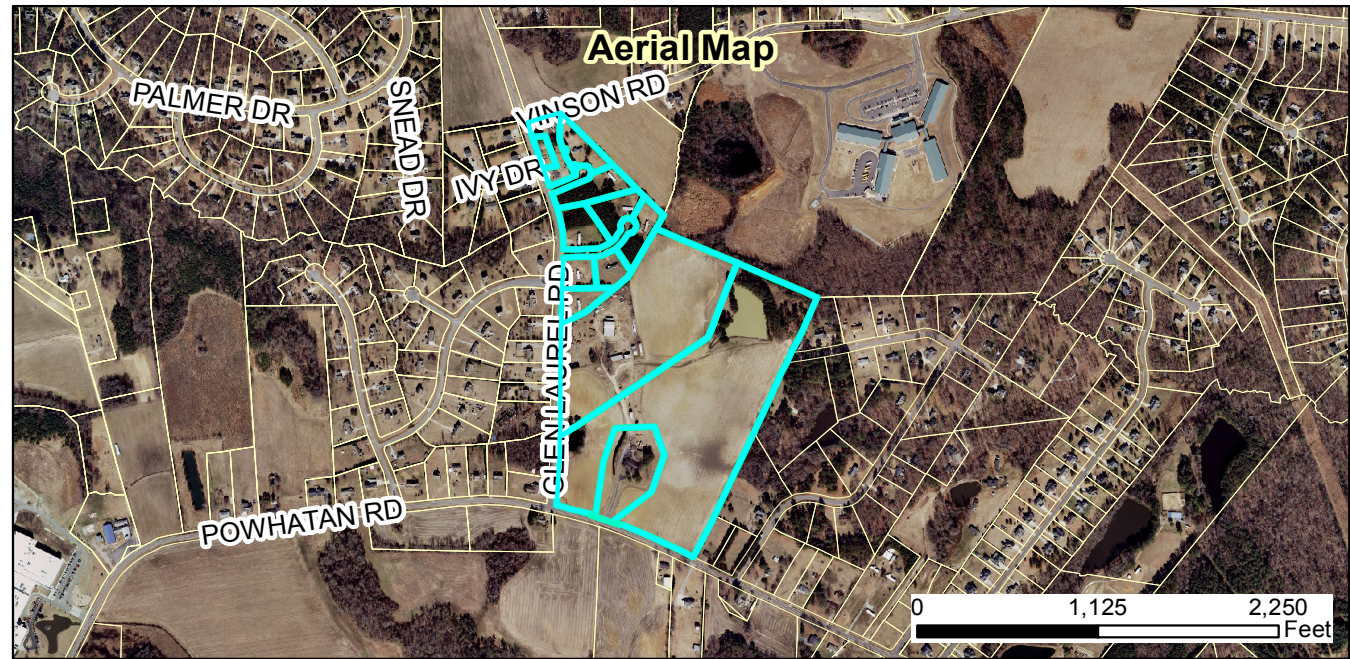
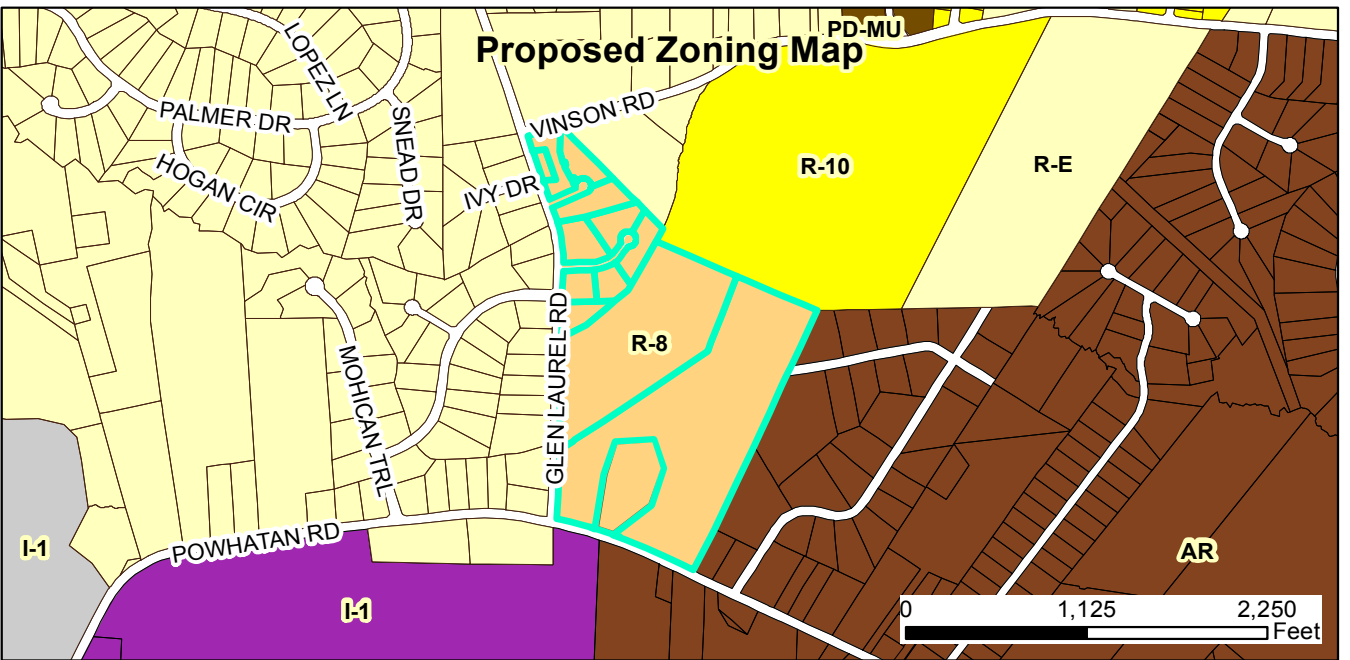
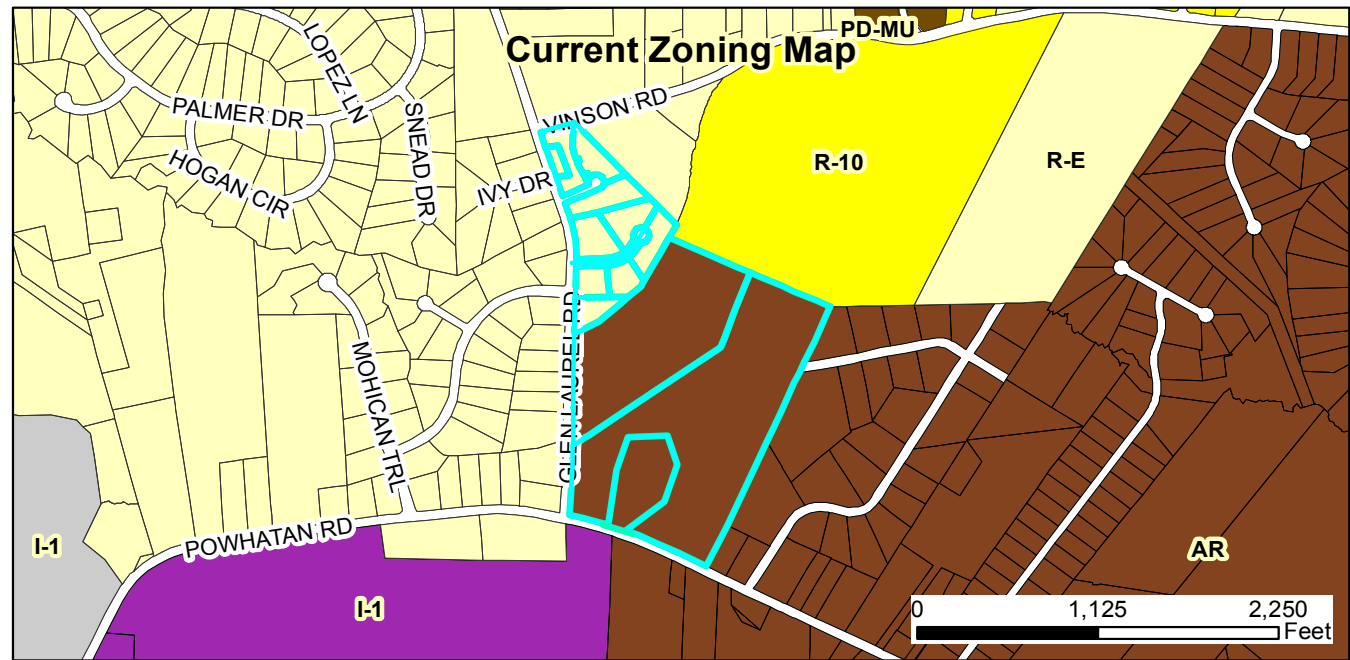
**STAFF RECOMMENDATION:**

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

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**ATTACHMENTS:**

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



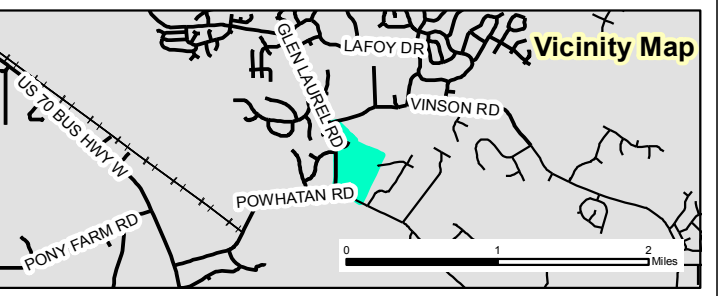
**RZ2014-21 Gordon Tract Rezoning**  
**Request: Rezoning from R-E (Town) and AR (County) to R-8 (Town)**  
**PSD2014-95 Gordon Tract Subdivision**  
**Request: 177 single family detached residential units**  
 Applicant: Dalton Engineering and Associates, PA  
 Property Owner: CGC Properties LLC and Powhatan Road Limited Partnership  
 Tag #: 05i04012, 05i04012a, 05i04012b, 05i04012c, 05i04012d, 05i04012e, 05i04012f, 05i04012g, 05i04012h, 05i04012i, 05i04012r, 05e99007h, 05e99007s



- Site
- Special Use District
- Thorough Fare Overlay
- Scenic Highway Overlay

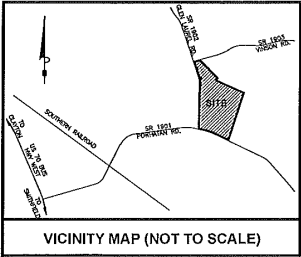
07/17/2015  
 Produced by: TOC Planning  
 Disclaimer: Town of Clayton assumes no legal responsibility for the information represented here.

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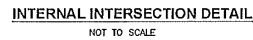
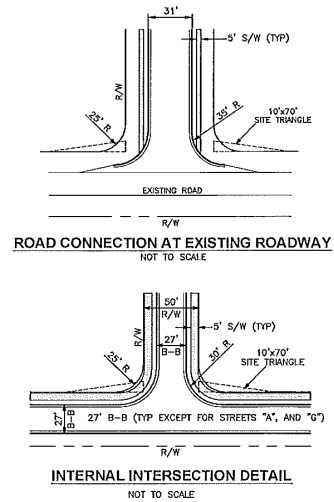
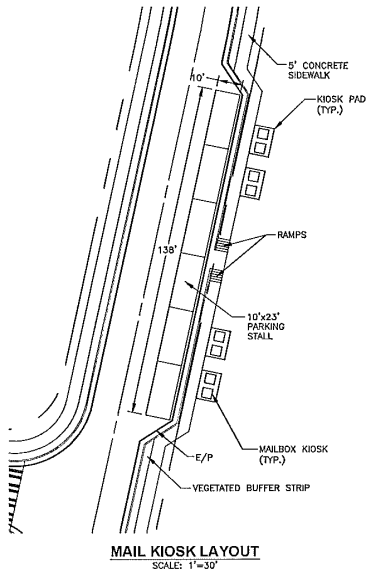


- NOTES:
1. CONSTRUCTION DRAWINGS ARE TO BE SUBMITTED TO THE TOWN OF CLAYTON PUBLIC WORKS ENGINEERING DIVISION FOR REVIEW AND APPROVAL.
  2. N.C.D.O.T. DRIVEWAY PERMIT APPROVAL IS REQUIRED FOR ROADWAY CONNECTION TO POWHATAN ROAD AND GLEN LAUREL ROAD.
  3. ALL RESOURCE CONSERVATION AREAS SHALL REMAIN UNDISTURBED IN ACCORDANCE WITH ARTICLE 5 OF THE UNITED DEVELOPMENT CODE.
  4. STREET YARD TREES ARE REQUIRED ALONG ALL INTERNAL RIGHTS OF WAY AT A RATE OF ONE CANOPY TREE PER LOT, OR ONE FOR EVERY 40 LINEAR FEET (SPACED A MAXIMUM OF 50 FEET APART) IN ACCORDANCE WITH UDC SECTION 155.402 (F).
  5. AS PER JOHNSTON COUNTY GIS, A 100-YEAR FLOODPLAIN DOES NOT EXIST ON THIS PROPERTY.
  6. NCDOT WILL REVIEW AND APPROVE ASSOCIATED IMPROVEMENTS/ALTERATIONS TO GLEN LAUREL ROAD AND POWHATAN ROAD.
  7. INFRASTRUCTURE RELATED CONSTRUCTION DRAWINGS WILL BE REVIEWED BY PUBLIC WORKS - ENGINEERING DIVISION.
  8. STRUCTURE RELATED DRAWINGS WILL BE PERMITTED, REVIEWED, AND INSPECTED IN ACCORDANCE WITH NORTH CAROLINA BUILDING CODE BY THE TOWN OF CLAYTON BUILDING INSPECTORS.
  9. GRADE UTILITY EASEMENTS TO TOWN OF CLAYTON STANDARDS.
  10. CONSTRUCTION/UTILITY PLANS TO BE REVIEWED AND APPROVED BY THE ENGINEERING DEPARTMENT PRIOR TO CONSTRUCTION.

| LOT SUMMARY |             |
|-------------|-------------|
| LOT #       | PARCEL AREA |
| 1           | 8503 SF     |
| 2           | 8440 SF     |
| 3           | 8779 SF     |
| 4           | 9365 SF     |
| 5           | 10875 SF    |
| 6           | 13343 SF    |
| 7           | 9405 SF     |
| 8           | 9385 SF     |
| 9           | 9364 SF     |
| 10          | 9365 SF     |
| 11          | 9413 SF     |
| 12          | 9481 SF     |
| 13          | 9240 SF     |
| 14          | 8750 SF     |
| 15          | 8750 SF     |
| 16          | 8753 SF     |
| 17          | 9157 SF     |
| 18          | 15617 SF    |
| 19          | 11323 SF    |
| 20          | 11073 SF    |
| 21          | 9357 SF     |
| 22          | 8585 SF     |
| 23          | 8550 SF     |
| 24          | 12910 SF    |
| 25          | 11717 SF    |
| 26          | 8125 SF     |
| 27          | 9241 SF     |
| 28          | 9241 SF     |
| 29          | 8125 SF     |
| 30          | 8125 SF     |
| 31          | 8125 SF     |
| 32          | 8125 SF     |
| 33          | 8125 SF     |
| 34          | 8125 SF     |
| 35          | 8125 SF     |
| 36          | 8125 SF     |
| 37          | 8125 SF     |
| 38          | 8125 SF     |
| 39          | 8125 SF     |
| 40          | 8125 SF     |
| 41          | 8125 SF     |
| 42          | 8125 SF     |
| 43          | 9241 SF     |
| 44          | 8875 SF     |
| 45          | 8894 SF     |
| 46          | 8914 SF     |
| 47          | 8934 SF     |
| 48          | 8953 SF     |
| 49          | 8973 SF     |
| 50          | 8992 SF     |
| 51          | 8982 SF     |
| 52          | 14615 SF    |
| 53          | 11408 SF    |
| 54          | 8096 SF     |
| 55          | 8013 SF     |
| 56          | 8023 SF     |
| 57          | 8078 SF     |
| 58          | 9550 SF     |
| 59          | 9819 SF     |
| 60          | 9887 SF     |
| 61          | 9756 SF     |
| 62          | 9824 SF     |
| 63          | 9893 SF     |
| 64          | 9960 SF     |
| 65          | 12341 SF    |
| 66          | 12389 SF    |
| 67          | 9896 SF     |
| 68          | 10000 SF    |
| 69          | 10000 SF    |
| 70          | 10000 SF    |
| 71          | 10000 SF    |
| 72          | 10491 SF    |
| 73          | 14718 SF    |
| 74          | 12407 SF    |
| 75          | 9884 SF     |
| 76          | 9886 SF     |
| 77          | 9884 SF     |
| 78          | 9884 SF     |
| 79          | 9884 SF     |
| 80          | 9884 SF     |
| 81          | 9884 SF     |
| 82          | 10242 SF    |
| 83          | 10242 SF    |
| 84          | 9884 SF     |
| 85          | 9884 SF     |
| 86          | 9884 SF     |
| 87          | 9884 SF     |
| 88          | 9883 SF     |
| 89          | 9886 SF     |

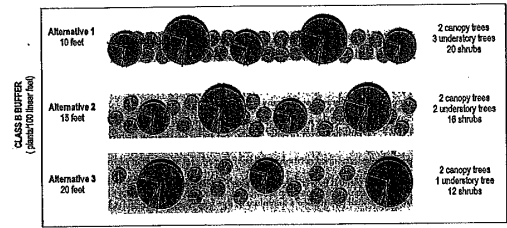
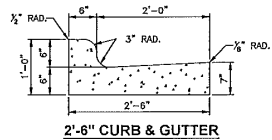
| LOT SUMMARY |             |
|-------------|-------------|
| LOT #       | PARCEL AREA |
| 90          | 16208 SF    |
| 91          | 12385 SF    |
| 92          | 11893 SF    |
| 93          | 13526 SF    |
| 94          | 8959 SF     |
| 95          | 8737 SF     |
| 96          | 8757 SF     |
| 97          | 8776 SF     |
| 98          | 8796 SF     |
| 99          | 8816 SF     |
| 100         | 8835 SF     |
| 101         | 8855 SF     |
| 102         | 8125 SF     |
| 103         | 8125 SF     |
| 104         | 8125 SF     |
| 105         | 8125 SF     |
| 106         | 8125 SF     |
| 107         | 8125 SF     |
| 108         | 8125 SF     |
| 109         | 11709 SF    |
| 110         | 9703 SF     |
| 111         | 8264 SF     |
| 112         | 8125 SF     |
| 113         | 8125 SF     |
| 114         | 8125 SF     |
| 115         | 8125 SF     |
| 116         | 8125 SF     |
| 117         | 8125 SF     |
| 118         | 11399 SF    |
| 119         | 8750 SF     |
| 120         | 8750 SF     |
| 121         | 8759 SF     |
| 122         | 8750 SF     |
| 123         | 8750 SF     |
| 124         | 9241 SF     |
| 125         | 12416 SF    |
| 126         | 12446 SF    |
| 127         | 13792 SF    |
| 128         | 13850 SF    |
| 129         | 12594 SF    |
| 130         | 12787 SF    |
| 131         | 13209 SF    |
| 132         | 11797 SF    |
| 133         | 9538 SF     |
| 134         | 12163 SF    |
| 135         | 12057 SF    |
| 136         | 11063 SF    |
| 137         | 14402 SF    |
| 138         | 24051 SF    |
| 139         | 21849 SF    |
| 140         | 13948 SF    |
| 141         | 14697 SF    |
| 142         | 17776 SF    |
| 143         | 11784 SF    |
| 144         | 16119 SF    |
| 145         | 17934 SF    |
| 146         | 26232 SF    |
| 147         | 16402 SF    |
| 148         | 12311 SF    |
| 149         | 11650 SF    |
| 150         | 9882 SF     |
| 151         | 12572 SF    |
| 152         | 16351 SF    |
| 153         | 10828 SF    |
| 154         | 13477 SF    |
| 155         | 16871 SF    |
| 156         | 17709 SF    |
| 157         | 13205 SF    |
| 158         | 13200 SF    |
| 159         | 13200 SF    |
| 160         | 13200 SF    |
| 161         | 10491 SF    |
| 162         | 10000 SF    |
| 163         | 10000 SF    |
| 164         | 10000 SF    |
| 165         | 10000 SF    |
| 166         | 9886 SF     |
| 167         | 8873 SF     |
| 168         | 10000 SF    |
| 169         | 10000 SF    |
| 170         | 10000 SF    |
| 171         | 10000 SF    |
| 172         | 10468 SF    |
| 173         | 13573 SF    |
| 174         | 15441 SF    |
| 175         | 15089 SF    |
| 176         | 12872 SF    |
| 177         | 11385 SF    |

NOTE: A MINIMUM LOT AREA OF 8,000 SF IS REQUIRED.

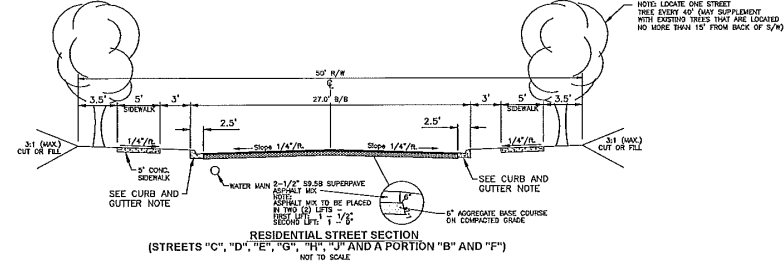
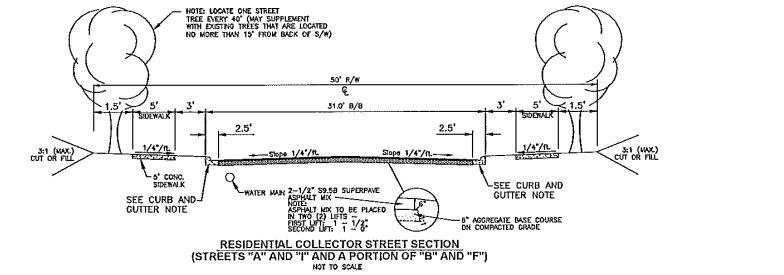
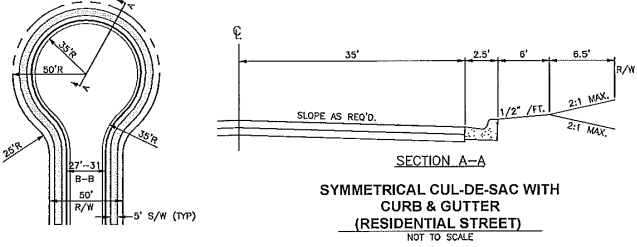


| IMPERVIOUS SURFACE AREA SUMMARY                                                                                                                   |                                  |
|---------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| 1. TOTAL AREA CONTAINED WITHIN TRACT                                                                                                              | = 61.29 AC. OR 2,670,029.39 S.F. |
| 2. MAXIMUM ALLOWABLE IMPERVIOUS SURFACE AREA                                                                                                      | = 961,210 S.F. x 36%             |
| 3. AREA CONTAINED WITHIN BUILDING LOTS                                                                                                            | = 1,855,239.69 S.F.              |
| 4. ALLOWABLE IMPERVIOUS SURFACE AREA WITHIN LOTS                                                                                                  | = 589,328 S.F. x 31.76%          |
| 5. IMPERVIOUS SURFACE CONTAINED WITHIN ASPHALT AND C & G                                                                                          | = 281,825 S.F.                   |
| 6. IMPERVIOUS SURFACE CONTAINED WITHIN CONCRETE SIDEWALK                                                                                          | = 90,057 S.F.                    |
| 7. TOTAL PROPOSED IMPERVIOUS SURFACE AREAS                                                                                                        | = 371,882 S.F.                   |
|                                                                                                                                                   | + 50,057 S.F.                    |
|                                                                                                                                                   | = 961,210 S.F.                   |
| B. 961,210 S.F. ± 961,210 S.F. (OKAY) MAXIMUM PROJECT IMPERVIOUS = 36.00% (MAXIMUM IMPERVIOUS PER LOT = 589,328 S.F. / 177 LOTS = 3,329 S.F./LOT) |                                  |

| SUMMARY INFORMATION                                                                                                    |          |
|------------------------------------------------------------------------------------------------------------------------|----------|
| DEVELOPMENT NAME: GORDON FARM                                                                                          |          |
| PARCEL INFORMATION:                                                                                                    |          |
| PARCEL ID                                                                                                              | TAX ID   |
| 1. 167804-83-5516                                                                                                      | 0304012A |
| 2. 167804-83-5517                                                                                                      | 0304012B |
| 3. 167804-83-5518                                                                                                      | 0304012C |
| 4. 167804-83-5519                                                                                                      | 0304012D |
| 5. 167804-83-5520                                                                                                      | 0304012E |
| 6. 167804-83-5521                                                                                                      | 0304012F |
| 7. 167804-83-5522                                                                                                      | 0304012G |
| 8. 167804-83-5523                                                                                                      | 0304012H |
| 9. 167804-83-5524                                                                                                      | 0304012I |
| 10. 167804-83-5525                                                                                                     | 0304012J |
| 11. 167804-83-5526                                                                                                     | 0304012K |
| 12. 167804-83-5527                                                                                                     | 0304012L |
| 13. 167804-83-5528                                                                                                     | 0304012M |
| TOTAL AREA CONTAINED WITHIN TRACTS: 61.29 AC.                                                                          |          |
| TOTAL FLOOD AREA: 0.00 AC.                                                                                             |          |
| NET USABLE LAND: 61.29 AC.                                                                                             |          |
| TOTAL AREA IN OPEN SPACE PROVIDED: 6.80 AC.                                                                            |          |
| MAX DENSITY IN WATERSHED PROTECTION AREA 2 UNITS/ACRE OR 36% IMPERVIOUS DENSITY PROPOSED: 2.88 DWELLING UNITS PER ACRE |          |
| TOTAL NUMBER OF UNITS PROPOSED: 177                                                                                    |          |
| TOTAL 177 SINGLE-FAMILY RESIDENTIAL MINIMUM LOT AREA: 8,000 S.F.                                                       |          |
| MIN. LOT WIDTH: 80'                                                                                                    |          |
| MIN. FRONT SETBACK: 25'                                                                                                |          |
| MIN. SIDE SETBACK: 10'                                                                                                 |          |
| MIN. REAR SETBACK: 25'                                                                                                 |          |
| AREA IN SIDEWALKS: 85,057 S.F.                                                                                         |          |
| AREA IN PAVEMENT: 25,625 S.F.                                                                                          |          |
| LINEAR FEET OF STREETS: 9,468 L.F.                                                                                     |          |
| WATER SYSTEM PROVIDER: TOWN OF CLAYTON                                                                                 |          |
| SEWAGE TREATMENT SYSTEM PROVIDER: TOWN OF CLAYTON                                                                      |          |
| ELECTRICAL SERVICE PROVIDER: DUKE ENERGY PROGRESS OR TOWN OF CLAYTON (UNITS TO BE DETERMINED)                          |          |
| ZONING DISTRICT: R-E AND AR                                                                                            |          |
| WATERSHED PROTECTION AREA: YES                                                                                         |          |
| INSIDE CITY LIMITS? SITE IS WITHIN THE TOWN OF CLAYTON ETJ (ANNEXATION PENDING)                                        |          |
| OWNER INFORMATION:                                                                                                     |          |
| 1. C.C. PROPERTIES, LLC                                                                                                |          |
| POST OFFICE BOX 10786                                                                                                  |          |
| WILMINGTON, NORTH CAROLINA 28404                                                                                       |          |
| 2. POWHATAN ROAD LIMITED PARTNERSHIP                                                                                   |          |
| POST OFFICE BOX 327                                                                                                    |          |
| CLAYTON, NORTH CAROLINA 27528                                                                                          |          |
| (919) 553-7804 (OFFICE)                                                                                                |          |
| PRELIMINARY LAYOUT PREPARED BY:                                                                                        |          |
| DALTON ENGINEERING AND ASSOCIATES, PA                                                                                  |          |
| POST OFFICE BOX 428                                                                                                    |          |
| CLAYTON, NC 27528                                                                                                      |          |
| (919) 550-4740                                                                                                         |          |



CLASS "B" PERIMETER BUFFER DETAIL



PRELIMINARY SUBDIVISION PLAN  
FOR  
**GORDON FARM**  
TOWN OF CLAYTON - JOHNSTON COUNTY, NC

REVISION 001: ADDRESSED TOWN OF CLAYTON COMMENTS - 6/22/15



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

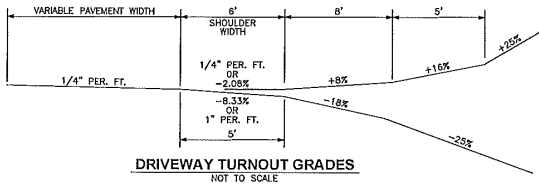
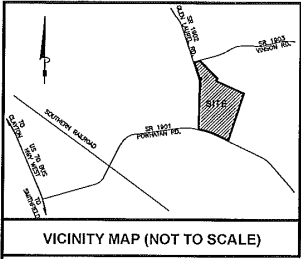
446 East Main Street  
P.O. Box 426  
Clayton, NC 27520

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

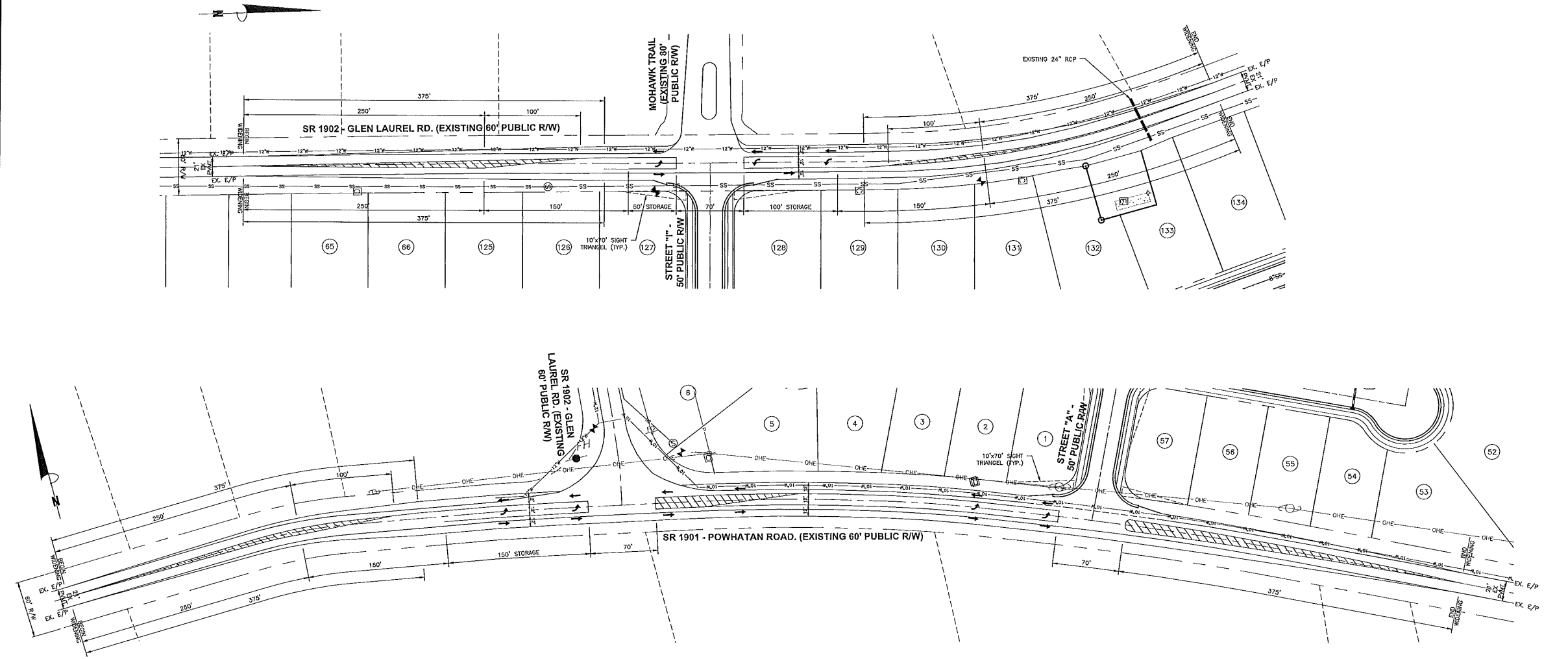
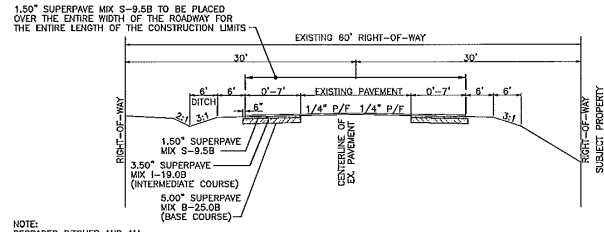
Job: 13014 Date: 11/6/14 Revision: 001  
File: PRELIMINARY Drawn: WJB Sheet: 2 OF 4





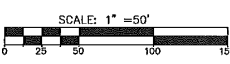


- NOTES TO CONTRACTOR:
1. THIS CONSTRUCTION SHALL CONSIST OF THE ROADWAY WIDENING OF SR 1901 & SR 1902 REQUIRED FOR THE LEFT TURN LANE AND SYMMETRICAL WIDENING FOR GORDON TRACT SUBDIVISION, AS SHOWN ON THIS PLAN. THE CONSTRUCTION SHALL ALSO INCLUDE THERMAL STRIPING, INSTALLATION OF PAVEMENT MARKERS, AND THE PLACEMENT OF THE FINAL PAVEMENT OVERLAY.
  2. THE CONSTRUCTION SHALL CONFORM TO N.C. DEPARTMENT OF TRANSPORTATION, DIVISION OF HIGHWAYS STANDARD SPECIFICATIONS.
  3. THERMOPLASTIC PAVEMENT MARKINGS AND RAISED PAVEMENT MARKERS SHALL BE INSTALLED WITHIN THE TURN LANE CONSTRUCTION LIMITS IN ACCORDANCE WITH N. C. DEPARTMENT OF TRANSPORTATION STANDARDS AND SPECIFICATIONS.
  4. TRAFFIC FLOW SHALL BE MAINTAINED AT ALL TIMES DURING CONSTRUCTION BY MEANS OF FLAGGERS.



CALL BEFORE YOU DIG!  
NORTH CAROLINA LAW REQUIRES NOTIFICATION OF THE UNDERGROUND FACILITY OWNER NOT LESS THAN TWO (2) BUT NO MORE THAN TEN (10) WORKING DAYS PRIOR TO EXCAVATION OR DEMOLITION.  
**North Carolina One-Call Center, Inc.**  
www.nccoc.org  
1-800-632-4949

SOME WATER, SANITARY SEWER, ELECTRIC, TELEPHONE AND CABLE SERVICES COULD EXIST ALONG THE CONSTRUCTION ROUTE THAT MAY NOT BE SHOWN ON THE PLANS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR NOTIFYING THE PROPER UTILITY IN ADVANCE TO LOCATE THESE SERVICES.



ROADWAY WIDENING  
AND  
TURN LANE IMPROVEMENTS SHEET  
FOR  
**GORDON FARM**  
TOWN OF CLAYTON - JOHNSTON COUNTY, NC

**REVIEW ONLY**

NOT FOR CONSTRUCTION

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

446 East Main Street  
P.O. Box 428  
Clayton, NC 27520

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

|              |               |               |
|--------------|---------------|---------------|
| Job: 13014   | Date: 5/26/15 | Revision:     |
| File: MASTER | Drawn: WJB    | Sheet: 1 OF 1 |



## 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: \$400.00 + \$5.00 per lot

Modifications to approved plans:

Major Modification: \$400.00 + \$5.00 per lot modified

Minor Modification: \$200.00 + \$5.00 per lot modified

See §155.706(F) of the UDC for a definition of Major vs. Minor Subdivisions.

See §155.706(I) for Preliminary Plat approval (major subdivision) process/approval information.

See §155.203(F), (G), and (H) for information on Conventional vs. Open Space Subdivisions.

See §155.706(N) for information on minor and major modifications.

See UDC Article 6 for Subdivision Standards.

## SITE INFORMATION

☒ New Major Subdivision  
Conventional: ☒ Open Space: ☐  
☐ New Subdivision Master Plan

☐ Modification to Approved Preliminary Plat  
Major: \_\_\_\_\_ Minor: ☐

Name of Project: Gordon Tract Subdivision Acreage of Property: 61.29 Acres

Tag #: See list, attached NC PIN: See list, attached

Location: 2990 Powhatan Road, Clayton, NC 27527

Number of Lots (existing): 0 (Proposed) 177 Min Lot Size: 8,000 sf

Zoning District: R-8 Electric Provider: Duke

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 03 2015

Amount Paid: \_\_\_\_\_

File Number:

PSD 2014-95

November 2014

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## PROPERTY OWNER INFORMATION

Name: See list, attached

Mailing Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

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

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

## APPLICANT INFORMATION

Applicant: Dalton Engineering & Associates PA

Mailing Address: PO Box 426, Clayton, NC 27528

Phone Number: 919-550-4740

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

Contact Person: Jonathan Barnes

Email Address: [jbarnes@daltonengineering.com](mailto:jbarnes@daltonengineering.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 directed by staff</i>                                                                                                                                                                                               | Yes                                 | N/A                                 | Yes                       | No | N/A |
| 1. A pre-application meeting was held with Town Staff. Date: _____                                                                                                                                                                                                       | <input checked="" type="checkbox"/> |                                     |                           |    |     |
| 2. Completed Application                                                                                                                                                                                                                                                 | <input checked="" type="checkbox"/> |                                     |                           |    |     |
| 3. Review Fee                                                                                                                                                                                                                                                            | <input checked="" type="checkbox"/> |                                     |                           |    |     |
| 4. Findings of Fact, signed<br><i>Not required for minor modifications. Form is included in this packet.</i>                                                                                                                                                             | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                           |    |     |
| 5. Owner's Consent Form<br><i>Required if applicant is not the property owner. Included in this packet</i>                                                                                                                                                               | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                           |    |     |
| 6. Preliminary Plat Subdivision Requirements Checklist form, completed and signed<br><i>Checklist is included in this packet</i>                                                                                                                                         | <input checked="" type="checkbox"/> |                                     |                           |    |     |
| 7. Plat sheet(s) meeting requirements of the Requirements Checklist                                                                                                                                                                                                      | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                           |    |     |
| 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). | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |                           |    |     |
| 9. Adjacent Property Owners List                                                                                                                                                                                                                                         | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                           |    |     |
| 10. Road Name Application <i>Included in this packet</i>                                                                                                                                                                                                                 | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                           |    |     |
| 11. Wastewater allocation request OR verification of wastewater allocation<br><i>Letter format, to the attention of the Town Manager.</i>                                                                                                                                | <input type="checkbox"/>            | <input type="checkbox"/>            |                           |    |     |

|                                                                                                                                                                                                                                                                                                               |                          |                                     |                                                                                                            |  |  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|-------------------------------------|------------------------------------------------------------------------------------------------------------|--|--|
| 12. A signed and sealed Traffic Impact Analysis (required for projects which generate at least 100 vehicle trips at peak hour. See §155.708 of the UDC)                                                                                                                                                       | <input type="checkbox"/> | <input checked="" type="checkbox"/> |                                                                                                            |  |  |
| 13. Neighborhood Meeting Notice Letter*<br>See sample letter and meeting requirement, included in this packet.<br>*Not required for minor modifications or subdivisions<br>*Not required for subdivisions that are part of an approved planned development                                                    | <input type="checkbox"/> | <input checked="" type="checkbox"/> |                                                                                                            |  |  |
| 14. Neighborhood Meeting summary form*<br>Included in this packet – NOT submitted with application.<br>*Not required for minor modifications or subdivisions<br>*Not required for subdivisions that are part of an approved planned development                                                               |                          | <input checked="" type="checkbox"/> | Must be submitted after neighborhood meeting is held and at least 10 days prior to Planning Board meeting. |  |  |
| 15. Stamped, addressed, empty envelopes with no return address, using the adjacent property owner list.<br>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. | <input type="checkbox"/> | <input type="checkbox"/>            |                                                                                                            |  |  |

## EXPLANATION OF PROJECT

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

The owner is requesting approval to develop subject property as a conventional residential subdivision. The subdivision consist of 61.29 acres subdivided into 177 residential lots with a minimum of 8,000 sf per lot. Access to the development will utilize the existing roadway system off of Powhattan Road and Glen Laurel Road. Improvements include curb and gutter streets with sidewalk, storm drainage and public water and sewer services provided by the Town of Clayton. All improvements are to meet current Town of Clayton specifications.

## APPLICANT AFFIDAVIT

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

**DALTON ENGINEERING  
AND ASSOCIATES P.A.  
JONATHAN BARNES**

Print Name

*[Signature]*  
Signature of Applicant

*6/2/15*  
Date

November 2014

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## FINDINGS OF FACT

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

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

~~A rezoning Application has been submitted to rezone the property to R-8. The proposed development conforms to the R-8 zoning.~~

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

~~The subject property will complement the surrounding properties and is consistent with surrounding development. The location of subject property in relation to downtown Clayton will encourage continued residential growth and development of the surrounding properties.~~

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

~~The subject project will provide proper distribution of traffic to avoid congestion to the public in the immediate area. The project will utilize connection to existing infrastructure to provide products and services to the public that are desired and will not be an endangerment to the environment or the public.~~

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

~~The proposed development of the subject property is consistent with the overall development plan of the Town.~~

Project Name: Gordon Tract Subdivision

**DALTON ENGINEERING  
AND ASSOCIATES, P.A.**  
**JONATHAN BARNES**

Print Name

  
Signature of Applicant

6/2/15  
Date

November 2014

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## 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                                 |        |
| <b>GENERAL (ALL SHEETS):</b>                                                                                                                                                                                                                             |                                     |                                     |        |
| 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).                                                                                                | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |        |
| 2. Separate <b>sheets for each:</b> 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). | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |        |
| 3. Multiple sheets are consecutively numbered (e.g. Sheet 1 of 4).                                                                                                                                                                                       | <input checked="" type="checkbox"/> |                                     |        |
| 4. Engineer/Surveyor Logo Box (name, address, phone number, fax, and e-mail, if applicable)                                                                                                                                                              | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |        |
| 5. Name of subdivision (including phase numbers if applicable) and plan type (Subdivision, Final Plat, Exempt Plat, or Recombination).                                                                                                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |        |
| 6. Revision Date                                                                                                                                                                                                                                         | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |        |
| <b>PRELIMINARY PLAN SHEET:</b>                                                                                                                                                                                                                           |                                     |                                     |        |
| 7. Name of township, county, and state in which the property is located.                                                                                                                                                                                 | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |        |
| 8. Vicinity sketch/map.                                                                                                                                                                                                                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |        |
| 9. Surveyor or professional engineer's name and seal.                                                                                                                                                                                                    | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |        |
| 10. Date of survey and plat preparation.                                                                                                                                                                                                                 | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |        |
| 11. Provide the following project data in <u>Tabular</u> form:                                                                                                                                                                                           |                                     |                                     |        |
| - Area of tract in square feet and acres                                                                                                                                                                                                                 | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |        |
| - Parcel Identification # (and/or Tag #)                                                                                                                                                                                                                 | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |        |
| - Owner's name and address                                                                                                                                                                                                                               | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |        |
| - Within Town limits or ETJ                                                                                                                                                                                                                              | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |        |
| - Zoning District                                                                                                                                                                                                                                        | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |        |
| - Overlay District (if applicable)                                                                                                                                                                                                                       | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |        |
| - Indicate if the site is within a Watershed Protection Overlay                                                                                                                                                                                          | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |        |
| - Total Number of Lots                                                                                                                                                                                                                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |        |
| - Number of lots per acre (density)                                                                                                                                                                                                                      | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |        |
| - Acreage in Resource Conservation Areas (UDC §155.500)                                                                                                                                                                                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |        |
| - Annexation # (if applicable)                                                                                                                                                                                                                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |        |
| - FEMA designated flood plain and floodway (include FIRM panel reference number and effective date) or certification that no flood plain exists within the subdivision.                                                                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |        |
| - Electric Provider                                                                                                                                                                                                                                      | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |        |
| - Water Provider (or indicate if well)                                                                                                                                                                                                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |        |

| To be completed by the applicant:                                                                                                                                                                                                                                                                                                                     |                                     |                          | Staff: |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|--------------------------|--------|
|                                                                                                                                                                                                                                                                                                                                                       | Yes                                 | N/A                      |        |
| - Sewer Provider (or indicate if septic)                                                                                                                                                                                                                                                                                                              | <input checked="" type="checkbox"/> | <input type="checkbox"/> |        |
| - Impervious (existing and proposed, square feet and %) – provide impervious for overall development and per lot                                                                                                                                                                                                                                      | <input checked="" type="checkbox"/> | <input type="checkbox"/> |        |
| - Maximum allowed impervious                                                                                                                                                                                                                                                                                                                          | <input checked="" type="checkbox"/> | <input type="checkbox"/> |        |
| - Existing Use                                                                                                                                                                                                                                                                                                                                        | <input checked="" type="checkbox"/> | <input type="checkbox"/> |        |
| - Proposed Use                                                                                                                                                                                                                                                                                                                                        | <input checked="" type="checkbox"/> | <input type="checkbox"/> |        |
| 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. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |        |
| 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.                                 | <input checked="" type="checkbox"/> | <input type="checkbox"/> |        |
| 14. Accurate location and description of all monuments, markers and control points.                                                                                                                                                                                                                                                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |        |
| 15. Show the 100 year flood plain, riparian buffer, wetlands, and any Resource Conservation Areas on all sheets.                                                                                                                                                                                                                                      | <input checked="" type="checkbox"/> | <input type="checkbox"/> |        |
| 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 __".                                                                                                                                                                          | <input checked="" type="checkbox"/> | <input type="checkbox"/> |        |
| 17. Phase lines. Phases are clearly labeled.                                                                                                                                                                                                                                                                                                          | <input checked="" type="checkbox"/> | <input type="checkbox"/> |        |
| 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.                                                                                                                                                                         | <input checked="" type="checkbox"/> | <input type="checkbox"/> |        |
| 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.                                                                                                                                                                          | <input checked="" type="checkbox"/> | <input type="checkbox"/> |        |
| 20. Location of safe sight triangles at project ingress/egress points, or as required.                                                                                                                                                                                                                                                                | <input checked="" type="checkbox"/> | <input type="checkbox"/> |        |
| 21. Minimum building setbacks /envelope are noted.                                                                                                                                                                                                                                                                                                    | <input checked="" type="checkbox"/> | <input type="checkbox"/> |        |
| 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.                                                             | <input checked="" type="checkbox"/> | <input type="checkbox"/> |        |
| 23. Location of all existing and proposed easements, labeled as "public" or "private" and labeled with easement type.                                                                                                                                                                                                                                 | <input checked="" type="checkbox"/> | <input type="checkbox"/> |        |
| 24. Width and type of any buffers and easements.                                                                                                                                                                                                                                                                                                      | <input checked="" type="checkbox"/> | <input type="checkbox"/> |        |
| 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."                                                                                                                                                                                                 | <input checked="" type="checkbox"/> | <input type="checkbox"/> |        |
| 26. Proposed streets are labeled, named and dimensioned. Correct street cross                                                                                                                                                                                                                                                                         | <input checked="" type="checkbox"/> | <input type="checkbox"/> |        |

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| To be completed by the applicant:                                                                                                                                                                                                                                                                                                                                                        |                                     |                          | Staff: |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|--------------------------|--------|
|                                                                                                                                                                                                                                                                                                                                                                                          | Yes                                 | N/A                      |        |
| section detail provided. Label street type based on definitions in §155.602(D).<br>If streets are private:                                                                                                                                                                                                                                                                               |                                     |                          |        |
| - All private streets shall be maintained by a designated responsible party. The party shall be noted on the plat.                                                                                                                                                                                                                                                                       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |        |
| - Streets are labeled "Private Streets – No Town Maintenance."                                                                                                                                                                                                                                                                                                                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> |        |
| Street names must be approved by Town of Clayton via a Road Name Application.                                                                                                                                                                                                                                                                                                            |                                     |                          |        |
| 27. Lengths of all cul-de-sacs.                                                                                                                                                                                                                                                                                                                                                          | <input checked="" type="checkbox"/> | <input type="checkbox"/> |        |
| 28. Identify proposed traffic control signs and striping.                                                                                                                                                                                                                                                                                                                                | <input checked="" type="checkbox"/> | <input type="checkbox"/> |        |
| 29. Location, purpose and dimensions of non-residential areas (such as parks, playgrounds, open space, churches, school sites, etc.)                                                                                                                                                                                                                                                     | <input checked="" type="checkbox"/> | <input type="checkbox"/> |        |
| - 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:<br>"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" | <input checked="" type="checkbox"/> | <input type="checkbox"/> |        |
| 31. Proposed stormwater retention/detention features and dimensions. If fenced, include fence location.                                                                                                                                                                                                                                                                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |        |
| 32. Existing and proposed sidewalk system, access ramps, and crosswalks.                                                                                                                                                                                                                                                                                                                 | <input checked="" type="checkbox"/> | <input type="checkbox"/> |        |
| 33. Identify alternative modes of transportation including school stops, pedestrian connections, bicycle paths and bicycle racks.                                                                                                                                                                                                                                                        | <input checked="" type="checkbox"/> | <input type="checkbox"/> |        |
| 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.                                                                                                                                                                                                            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |        |
| 35. Location of clustered mailboxes.                                                                                                                                                                                                                                                                                                                                                     | <input checked="" type="checkbox"/> | <input type="checkbox"/> |        |
| 36. Location and orientation of freestanding signs (signage is permitted separately).                                                                                                                                                                                                                                                                                                    | <input checked="" type="checkbox"/> | <input type="checkbox"/> |        |
| LANDSCAPING PLAN SHEET (See §155.402 for Landscaping Requirements)                                                                                                                                                                                                                                                                                                                       |                                     |                          |        |
| 37. Show location, width, and type of all landscape buffers.                                                                                                                                                                                                                                                                                                                             | <input type="checkbox"/>            | <input type="checkbox"/> |        |
| 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                                                                                                                                                                                                                                                                                                                                   | <input type="checkbox"/>            | <input type="checkbox"/> |        |
| - 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                                               | <input type="checkbox"/>            | <input type="checkbox"/> |        |

| 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.                                                                                             | <input type="checkbox"/>            | <input type="checkbox"/> |        |
| 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.                                                        | <input type="checkbox"/>            | <input type="checkbox"/> |        |
| 42. Location of all existing buildings and structures, water/sewer/gas infrastructure, underground structures, easements, or other existing features.                                                                                                                                      | <input type="checkbox"/>            | <input type="checkbox"/> |        |
| 43. Existing structures, existing streets and roadway improvements, and existing utilities within 100 feet of the site.                                                                                                                                                                    | <input type="checkbox"/>            | <input type="checkbox"/> |        |
| 44. Label adjacent property acreage, owners, and zoning districts.                                                                                                                                                                                                                         | <input type="checkbox"/>            | <input type="checkbox"/> |        |
| 45. Label subject parcel property owner, acreage, and zoning.                                                                                                                                                                                                                              | <input type="checkbox"/>            | <input type="checkbox"/> |        |
| PRELIMINARY ENGINEERING PLAN SHEET:                                                                                                                                                                                                                                                        |                                     |                          |        |
| 46. Show subdivision layout, streets, and all pertinent information from subdivision plat sheet.                                                                                                                                                                                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> |        |
| 47. Identify curb radii for all internal and external vehicular use areas.                                                                                                                                                                                                                 | <input checked="" type="checkbox"/> | <input type="checkbox"/> |        |
| 48. Location of all existing and proposed utilities (water, sewer, electric, natural gas, etc.).                                                                                                                                                                                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> |        |
| 49. Location of all existing and proposed drainage structures.                                                                                                                                                                                                                             | <input checked="" type="checkbox"/> | <input type="checkbox"/> |        |
| 50. Location of all existing and proposed fire hydrants.                                                                                                                                                                                                                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |        |
| 51. Location of all existing and proposed easements, labeled as "public" or "private."                                                                                                                                                                                                     | <input checked="" type="checkbox"/> | <input type="checkbox"/> |        |
| 52. Show street cross-sections.                                                                                                                                                                                                                                                            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |        |
| 53. Indicate method of slope stabilization measures for all slopes steeper than 2.5:1.                                                                                                                                                                                                     | <input checked="" type="checkbox"/> | <input type="checkbox"/> |        |
| 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. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |        |
| OTHER                                                                                                                                                                                                                                                                                      |                                     |                          |        |
| 55. If subdivision includes townhomes, include architectural elevations sheet, noting construction materials, finishes and colors, height, and number of stories.                                                                                                                          | <input type="checkbox"/>            | <input type="checkbox"/> |        |
| 56. Any other information considered by either the applicant or the Town to be pertinent to the review.                                                                                                                                                                                    | <input type="checkbox"/>            | <input type="checkbox"/> |        |

Signed by Applicant:



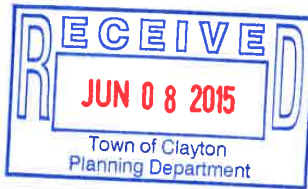
Date:

6/2/15

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**TOWN OF CLAYTON  
Planning Department**

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

## 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: GORDON FARM Address or PIN #: SEE LIST, ATTACHED.

**AGENT/APPLICANT INFORMATION:**

DALTON ENGINEERING  
AND ASSOCIATES, P.A.

(Name - type, print clearly)

P.O. Box 426

(Address)

CLAYTON, NC 27528

(City, State, Zip)

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

MAJOR SUBDIVISION APPLICATION

REZONING APPLICATION

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

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

**OWNER AUTHORIZATION:**

Charles B Gordon Jr

(Name - type, print clearly)

Charles B Gordon Jr

(Owner's Signature)

P.O. Box 327

(Address)

CLAYTON, N.C. 27520

(City, State, Zip)

STATE OF North Carolina  
COUNTY OF Wake

Sworn and subscribed before me Lynna A. Watkins, a Notary Public for the above State and County, this  
the 8 day of June, 2015.

SEAL

Lynna A. Watkins  
Notary Public

My Commission Expires: 12-7-2016

October 2013

Owner Information :

1. CGC Properties, L.L.C.  
113 State Avenue  
Suite 101  
Clayton, North Carolina 27520
2. Powhatan Road Limited Partnership  
Post Office Box 327  
Clayton, North Carolina 27528  
( 919 ) 553 - 7904 ( office )  
( 919 ) 553 - 3706 ( fax )

## ADJACENT PROPERTY OWNERS LIST

Project Name: GORDON 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. 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.*

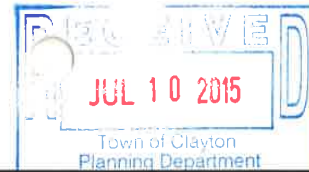
| PARCEL NUMBER  | NAME                         | ADDRESS                                      |
|----------------|------------------------------|----------------------------------------------|
| 167804-84-7129 | TGS Properties, L.L.C.       | 514 Daniels St., Suite 414 Raleigh, NC 27605 |
| 167804-93-0658 | Eugene and Betty Sue Woodall | 484 Packing Plant Road Smithfield, NC 27577  |
| 168803-03-5526 | County of Johnston           | P.O. Box 1049 Smithfield, NC 27577           |
| 168803-02-2456 | Samuel and Kimberly Bowles   | 513 Green Path Clayton, NC 27527             |
| 168803-01-1958 | Rickie Avate                 | 508 Green Path Clayton, NC 27527             |
| 167804-82-4105 | Ralph and Patsy Hester       | 109 Glen Laurel Rd. Clayton, NC 27527        |
| 167804-82-4229 | Trevor and Kathryn Beyma     | 135 Glen Laurel Rd. Clayton, NC 27527        |
| 167804-82-4443 | Gary and Jennifer Fuller     | 148 Ridgemont Dr. Columbia, SC 29212-8690    |
| 167804-82-4650 | Robert and Sharon Parrish    | 189 Glen Laurel Rd. Clayton, NC 27527        |
| 167804-82-4877 | Rita and Nathan Byars        | 245 Glen Laurel Rd. Clayton, NC 27527        |
| 167804-83-4043 | Kenneth and Donna Watson     | 315 Glen Laurel Rd. Clayton, NC 27527        |
| 167804-83-3290 | Donovan Spence               | 331 Hereford Dr. Clayton, NC 27520           |
| 167804-83-3343 | Donovan Spence               | 331 Hereford Dr. Clayton, NC 27520           |
| 167804-83-2439 | Sharon Whitley               | 317 Hereford Dr. Clayton, NC 27520           |
| 167804-83-2635 | Sharon Whitley               | 317 Hereford Dr. Clayton, NC 27520           |
| 167800-85-1849 | TGS Properties, L.L.C.       | 514 Daniels St., Suite 414 Raleigh, NC 27605 |
|                |                              |                                              |
|                |                              |                                              |
|                |                              |                                              |
|                |                              |                                              |

Project Name: GORDON 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. 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                                              |
|---------------------------|-------------------------------------|------------------------------------------------------|
| <del>167804-82-4443</del> | <del>Gary and Jennifer Fuller</del> | <del>148 Ridgemont Dr. Columbia, SC 29212-8690</del> |
| 167804-82-4229            | Trevor and Kathryn Fuller           | 135 Glen Laurel Rd. Clayton, NC 27527                |
| <del>167804-82-4105</del> | <del>Ralph and Patsy Hester</del>   | <del>109 Glen Laurel Rd. Clayton, NC 27527</del>     |
| 167804-82-3082            | Keith Smith and Maribeth Barnes     | 81 Glen Laurel Rd. Clayton, NC 27527                 |
| 167804-81-3884            | Sherry and Andrew Davis             | 55 Glen Laurel Rd. Clayton, NC 27527                 |
| 167804-81-4622            | Yazan Hassan Issa                   | 23 Glen Laurel Rd. Clayton, NC 27527                 |
| 167804-81-4402            | Yazan Hassan Issa                   | 23 Glen Laurel Rd. Clayton, NC 27527                 |
| 167804-81-3106            | James and Sandra Ellis              | 2007 Ridge Ct. Clayton, NC 27520                     |
| 167804-60-8595            | Novo Nordisk Pharm Ind              | 3612 Powhatan Rd. Clayton, NC 27527                  |
| 167804-90-0621            | Eugene and Betty Woodall            | 484 Packing Plant Rd. Smithfield, NC 27577           |
| 167804-90-2960            | Donald Adams                        | 2925 Powhatan Rd. Clayton, NC 27527                  |
| 167804-90-4403            | Eric and Amanda Gordon              | 2909 Powhatan Rd. Clayton, NC 27527                  |
| 167804-91-5079            | Derek Evans                         | 2894 Powhatan Rd.. Clayton, NC 27527                 |
| 167804-91-7490            | Larry and Lisa Bailey               | 2901 Powhatan Rd.. Clayton, NC 27527                 |
| <del>168803-01-1958</del> | <del>Rickie Avate</del>             | <del>508 Green Path Clayton, NC 27527</del>          |
| <del>168803-02-2456</del> | <del>Kimberly Bowles</del>          | <del>513 Green Path Clayton, NC 27527</del>          |
|                           |                                     |                                                      |
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|                           |                                     |                                                      |

GORDON



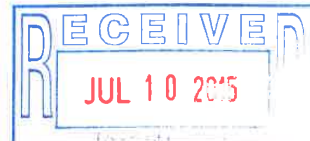
## NEIGHBORHOOD MEETING ATTENDANCE ROSTER

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

**Location/Date:** Dalton Engineering and Associates, P.A. 446 East Main Street Clayton, NC / 7/2/15

|    | NAME            | ADDRESS                            |
|----|-----------------|------------------------------------|
| 1  | Jonathan Barnes | 446 East Main Street Clayton, NC   |
| 2  | Rita D. Jones   | 2452 Vinson Rd Clayton NC          |
| 3  | Betty Woodall   | 484 Packing Plant Rd Smithfield NC |
| 4  | Rick Aute       | 508 GREEN PATH CLAYTON NC          |
| 5  | MARGARET AUTE   | 508 GREEN PATH CLAYTON NC          |
| 6  | Sharon Parrish  | 189 Glen Laurel Rd                 |
| 7  | Robert Parrish  | " Clayton NC                       |
| 8  | Lisa Bailey     | 2901 Powhatan Rd, Clayton          |
| 9  | Larry Bailey    | 2901 Powhatan Rd, Clayton          |
| 10 |                 |                                    |
| 11 |                 |                                    |
| 12 |                 |                                    |
| 13 |                 |                                    |
| 14 |                 |                                    |
| 15 |                 |                                    |
| 16 |                 |                                    |
| 17 |                 |                                    |
| 18 |                 |                                    |
| 19 |                 |                                    |
| 20 |                 |                                    |





## NEIGHBORHOOD MEETING SUMMARY FORM

### FILL OUT THE FOLLOWING:

Date of Mailing: 6/19/15

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

Printed Name: Jonathan Barnes

Signature: [Signature]

Date of Meeting: 7/2/15

Time of Meeting: 7:30 p.m.

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

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

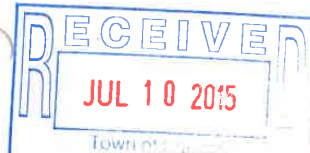
- (1) As an owner of farmland on Vinson Road that joins the subdivision I am concerned about a fence or berm of some sort being constructed along the property line to prevent trespassing onto our crops.
- (2) Also, we have no intent to develop our field. The street does not need to deadend at the field. This is a perfect way for children to ride the bikes or 4-wheelers onto our field.

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

November 2014 Farm Owner

Page 6 of 18

Betty O. Woodall HSH Parking Plant Rd Smithfield NC



## NEIGHBORHOOD MEETING SUMMARY FORM

### FILL OUT THE FOLLOWING:

Date of Mailing: 6/19/15

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

Printed Name: Jonathan Barnes

Signature: [Signature]

Date of Meeting: 7/2/15

Time of Meeting: 7:30 p.m.

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

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

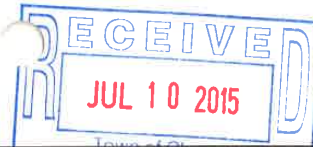
- ① Issue of the family cemetery - shown on map - NOT TO BE DESTROYED  
Need to maintain access for maintenance - ditch is steep & we usually park in yard of the house near it.  
How will we keep access when lots are sold & developed?  
Would the developers want to do any relocation? If so, the family would need to be informed & approve it.
- ② Lots are too small - will cause major traffic congestion.
- ③ Road to farm on Vinson Rd. needs to be removed & just be a cul-de-sac. Also, there should be a divider (NOT TREES) between lots & the farm lot.
- ④ Should fence in & protect the ponds.

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

November 2014

Page 6 of 18

*Rita O. Jones, descendant of the Cemetery residents*



## NEIGHBORHOOD MEETING SUMMARY FORM

### FILL OUT THE FOLLOWING:

Date of Mailing: 6 / 19 / 15

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

Printed Name: Jonathan Barnes

Signature: [Signature]

Date of Meeting: 7/2/15

Time of Meeting: 7:30 p.m.

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

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

\* Wetland \*

1. Stallings Station Sub division has a pond - that homeowners property backs up and is a property value - concern that pond will dry up - drop property value of house. CONCERN ABOUT POND!
2. Stalling Station sub division roads cannot handle ~~XXXXX~~ ~~more~~ additional traffic. Stalling Station does not have gutters - run off - no curbs
3. Too many houses - make lots bigger. Way too many - Lisa Bailey
- 4- Need at least a berm or divider between stalling station sub division - homeowners prefer a berm.
5. Price of Houses - ?? Really small houses! ? ! ?
- 6 Traffic

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

November 2014

7. Indian Artifacts -
8. Street Lights

Page 6 of 18

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

**PSD 2014-95 Gordon Tract Subdivision**

On July 27, 2015 the Planning Board heard the above-referenced request and made the following vote:

Recommendation to the Town Council to

☒ approve the request with the conditions presented by staff;

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

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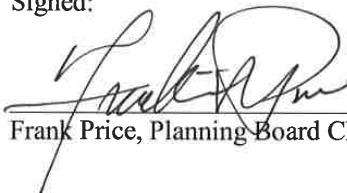
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☐ deny the request.

Recommendation(s) made this 27 day of July 2015 while in regular session.

Signed:

  
\_\_\_\_\_  
Frank Price, Planning Board Chair

**TOWN OF CLAYTON  
TOWN COUNCIL  
AGENDA COVER SHEET**

**AGENDA LOCATION:**

Items Scheduled for Regular Meetings

**Meeting Date:**

August 17, 2015

**ITEM TITLE:**

Brookside Rezoning - 15-22-01-RZ

**DESCRIPTION:**

Request to rezone 20.88 acres located east of Amelia Church Rd., between NC 42 W and Breeze Lane from R-10 to R-8

**POTENTIAL ACTION:**

Set Public Hearing

**DEPARTMENT:**

Planning + Zoning

**PRESENTER:**

David DeYoung, Planning Director

**ITEM HISTORY:**

**Date:**

**Action Taken:**

**Information Provided:**

**Date:**

**Action Taken:**

**Information Provided:**



### **PUBLIC NOTICE**

In accordance with NC GS 160A-384 and NC GS 160A-364, the Clayton Town Council will hold a public hearing on September 8, 2015, at 6:30 PM at Town Hall, 111 East Second Street, to consider the following:

- Brookside Rezoning, 15-22-01-RZ, request to rezone parcel number 165801-17-0116. The requested change is from Residential-10 (R-10) to Residential-8 (R-8).
- Brookside Preliminary Plat (major subdivision), 15-22-02-SUB, request to develop parcel 165801-17-0116 into a conventional subdivision with 38 single-family detached homes.
- Gordon Tract Rezoning, RZ-2014-21, request to rezone parcels generally located between Vinson Rd and Powhatan Rd, east of Glen Laurel Rd (tag numbers 05i04012, 05i0412a, 05i04012b, 05i04012c, 05i04012d, 05i04012e, 05i04012f, 05i04012g, 05i04012h, 05i04012i, 05i04012r, 05e99007h, and 05e99007s). The requested change is from Residential-Estate (R-E) (Town) and Agricultural Residential (AR) (County) to Residential-8 (R-8) (Town).
- Gordon Tract Preliminary Plat (major subdivision), PSD2014-95, request to develop parcels generally located between Vinson Rd and Powhatan Rd, east of Glen Laurel Rd (tag numbers 05i04012, 05i0412a, 05i04012b, 05i04012c, 05i04012d, 05i04012e, 05i04012f, 05i04012g, 05i04012h, 05i04012i, 05i04012r, 05e99007h, and 05e99007s) into 177± detached, single-family residential units.

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

**For Preliminary Plats (major subdivisions), the Clayton Town Council must make findings of fact based upon sworn testimony and other credible evidence during an evidentiary hearing. 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  
919-359-9335**

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**News & Observer**

**Please advertise on the following dates:**

**August 26, 2015**

**September 2, 2015**

**Affidavit of publication required.**



Town of Clayton  
Planning Department  
111 E. Second Street, Clayton, NC 27520  
P.O. Box 879, Clayton, NC 27528  
Phone: 919-553-1545  
Fax: 919-553-1720

*Planning Board  
July 27, 2015*

## STAFF REPORT

### Application Number: 15-22-01-RZ Project Name: Brookside Rezoning

**NC PIN / Tag #:** 165801-17-0116 / 05g03003z  
**Town Limits/ETJ:** Town Limits  
**Overlay:** partially within Thoroughfare Overlay  
**Applicant:** Dalton Engineering and Associates PA  
**Owner:** Clayton NDJC LLC  
**Location:** Northeast of the intersection of NC 42 Hwy West and Short Johnson Road (see map).

**Public Noticing:**

- Neighborhood meeting July 2, 2015
- Sign posted July 20, 2015
- Letters mailed prior to August 27, 2015
- Newspaper ad posted prior to August 25, 2015

**REQUEST:** Rezoning from Residential-10 to Residential-8.

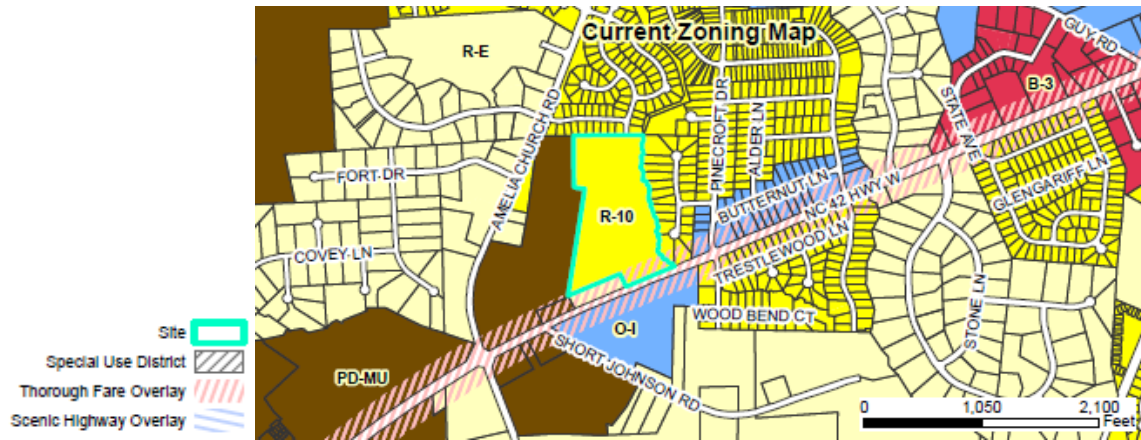
**SITE DATA:**

**Acreage:** 20.88 acres  
**Existing Use:** Vacant



**ADJACENT ZONING AND LAND USES:**

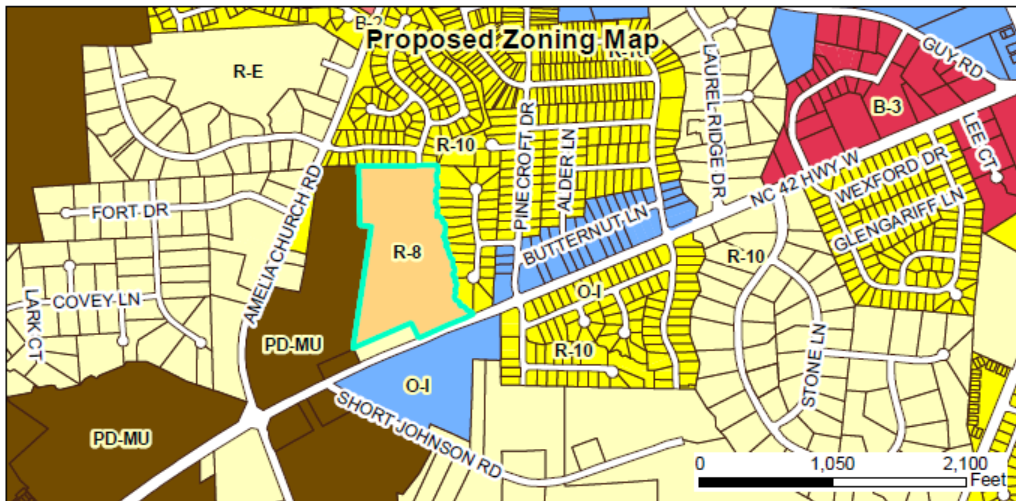
| Direction | Zoning                          | Existing Use            |
|-----------|---------------------------------|-------------------------|
| North     | Residential-10                  | Residential             |
| South     | Office-Institutional            | Church, and vacant land |
| East      | Residential-10                  | Residential             |
| West      | Planned Development – Mixed Use | Vacant                  |



**STAFF ANALYSIS AND COMMENTARY:**

**Overview**

The applicant is requesting to rezone 22± acres from Residential-10 to Residential-8 in anticipation of development of a residential subdivision.



### Compatibility with Surrounding Land Uses

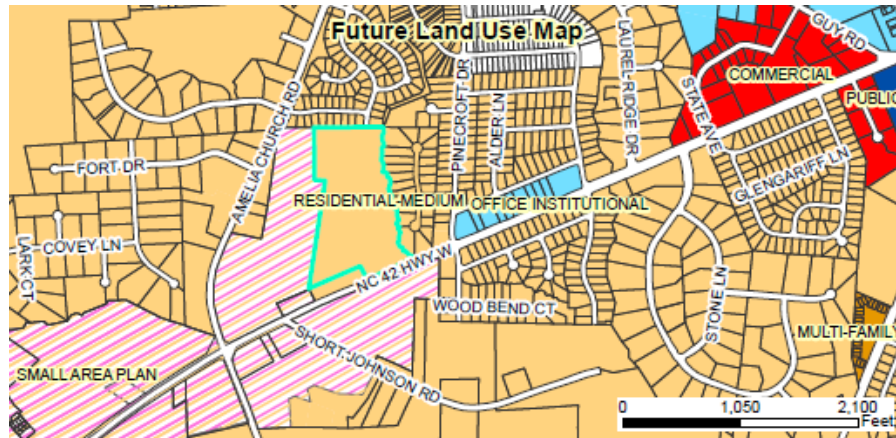
The proposed zoning would be similar and compatible to uses that are surrounding the property. Parcels to the north and east are currently developed as residential subdivisions, which are compatible with the proposed zoning category. The parcels directly to the west and south are primarily vacant, but are currently zoned to allow more dense development than even Residential-8. The R-10 and R-8 zoning districts allow the exact same types of uses, so a change to R-8 would not affect the uses allowed in the neighborhood. The differences in lot sizes between the current and proposed zoning are shown below.

| Conventional Subdivision Standards |                      |                        |                            |                            |                      |                      |                            |                                 |                        |               |             |      |                    |                                   |
|------------------------------------|----------------------|------------------------|----------------------------|----------------------------|----------------------|----------------------|----------------------------|---------------------------------|------------------------|---------------|-------------|------|--------------------|-----------------------------------|
| Zoning District                    | Unit Type            | Lot Standards          |                            |                            |                      |                      |                            | Density (dwelling units / acre) | Minimum Setbacks (ft.) |               |             |      | Building Standards |                                   |
|                                    |                      | Min. Site Area (Acres) | Min. Parcel Size (sq. ft.) | Min. Lot Area (sq. ft.)    | Min. Lot Width (ft.) | Max Lot Coverage (%) | Max Impervious Surface (%) |                                 | Front                  | Side Interior | Side Street | Rear | Max. Height (ft.)  | Min. Dwelling Unit Size (sq. ft.) |
| R-10                               | Single Family        | --                     | --                         | 10,000                     | 70                   | 35                   | 50                         | 4                               | 30                     | 10            | 20          | 25   | 35                 | 1,100                             |
|                                    | Zero Lot Line        | --                     | --                         | 10,000                     | 70                   | 35                   | 50                         | 4                               | 30                     | 0             | 20          | 25   | 35                 | 1,100                             |
|                                    | Alley Loaded         | --                     | --                         | 10,000                     | 70                   | 35                   | 50                         | 4                               | 30                     | 10            | 10          | 25   | 35                 | 1,100                             |
|                                    | Two Family           |                        | 12,000                     | Set by Special Use Process |                      |                      |                            |                                 |                        |               |             |      |                    |                                   |
|                                    | Townhouse (2 units)  |                        | 12,000                     |                            |                      |                      |                            |                                 |                        |               |             |      |                    |                                   |
|                                    | Townhouse (3+ units) |                        | 20,000                     |                            |                      |                      |                            |                                 |                        |               |             |      |                    |                                   |
|                                    | Apartments           |                        | 20,000                     |                            |                      |                      |                            |                                 |                        |               |             |      |                    |                                   |
| R-8                                | Single Family        | --                     | --                         | 8,000                      | 60                   | 35                   | 55                         | 5                               | 25                     | 10            | 15          | 25   | 35                 | 1,100                             |
|                                    | Zero Lot Line        | --                     | --                         | 8,000                      | 60                   | 35                   | 55                         | 5                               | 25                     | 0             | 15          | 25   | 35                 | 1,100                             |
|                                    | Alley Loaded         | --                     | --                         | 8,000                      | 60                   | 35                   | 55                         | 5                               | 15                     | 10            | 15          | 25   | 35                 | 1,100                             |
|                                    | Two Family           |                        | 10,000                     | Set by Special Use Process |                      |                      |                            |                                 |                        |               |             |      |                    |                                   |
|                                    | Townhouse (2 units)  |                        | 10,000                     |                            |                      |                      |                            |                                 |                        |               |             |      |                    |                                   |
|                                    | Townhouse (3+ units) |                        | 20,000                     |                            |                      |                      |                            |                                 |                        |               |             |      |                    |                                   |
|                                    | Apartments           |                        | 20,000                     |                            |                      |                      |                            |                                 |                        |               |             |      |                    |                                   |

### Consistency with the Strategic Growth Plan

The 2008 Strategic Growth Plan designates this area as Residential Medium, surrounded by the same on the north and east. Residential Medium is compatible with the proposed R-8 zoning. The primary land use on the south and west is part of the Johnston County Medical Hospital / NC 42 West Small Area Plan, which envisions dense residential adjacent to this parcel, in the form of single family detached and townhomes. The intersection of Amelia Church Road and NC 42 Hwy West is seen as a potential neighborhood commercial center in the future, and more dense residential zoning in this area would be compatible with that type of development.





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#### 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.

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#### FINDINGS:

The applicant has addressed the Rezoning Approval Criteria outlined in §155.704. The applicant's Findings of Fact are incorporated into the record as an attachment to the Staff Report.

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#### STAFF RECOMMENDATION:

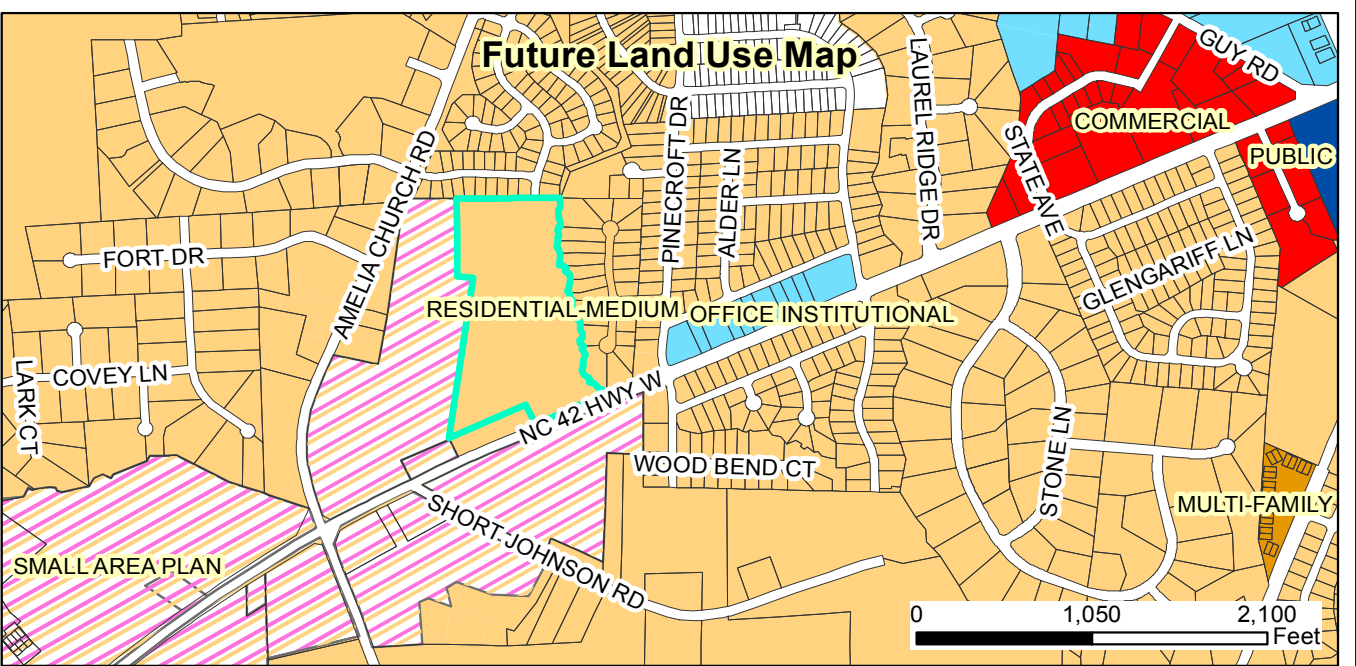
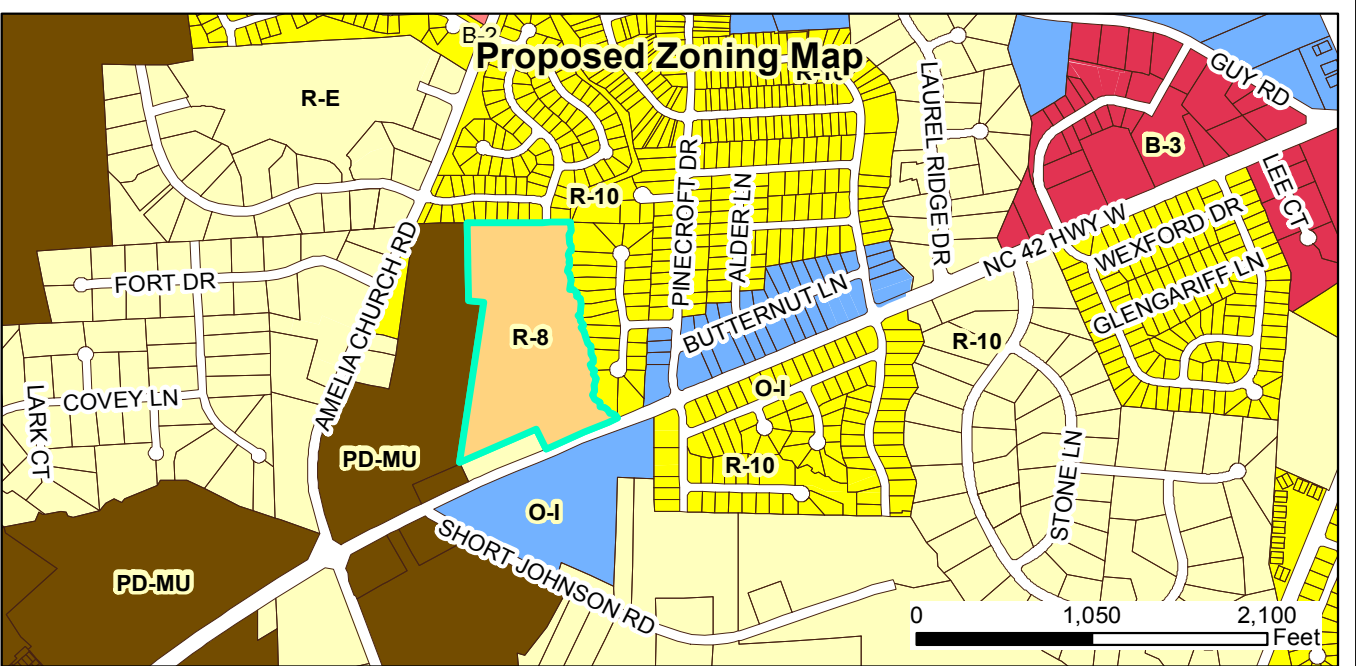
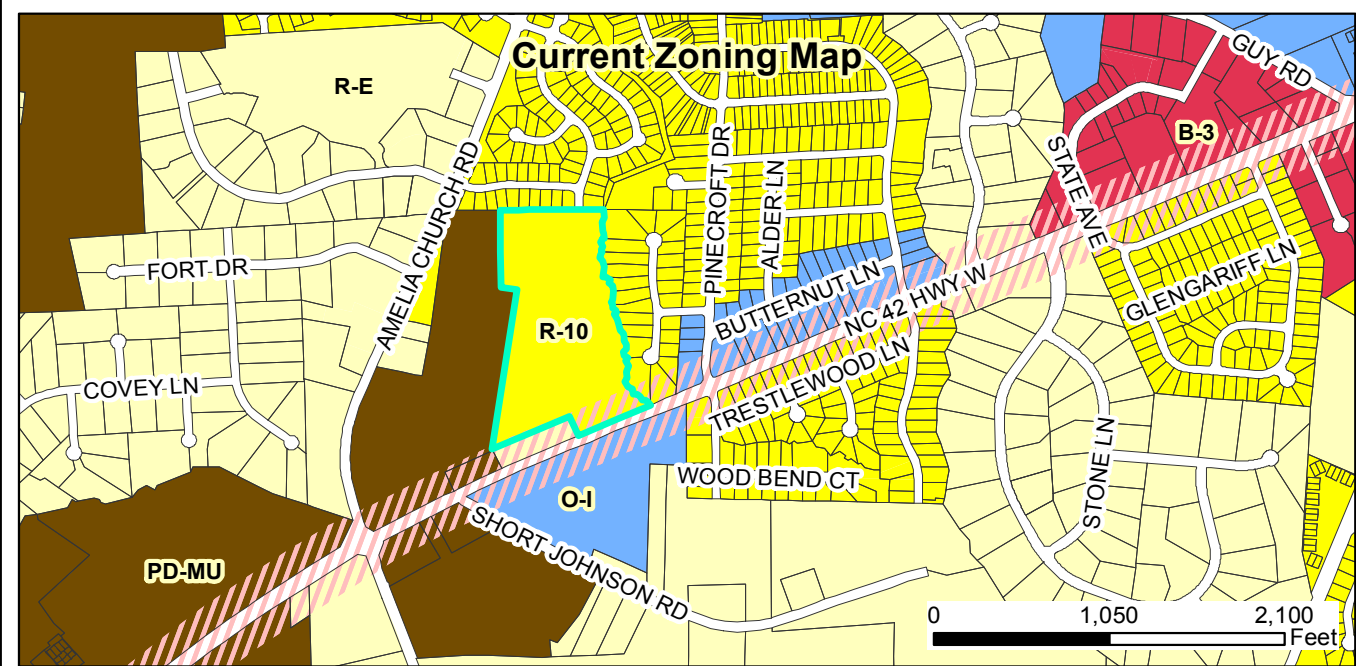
Staff is recommending approval of the rezoning of the subject parcel.

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#### ATTACHMENTS:

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

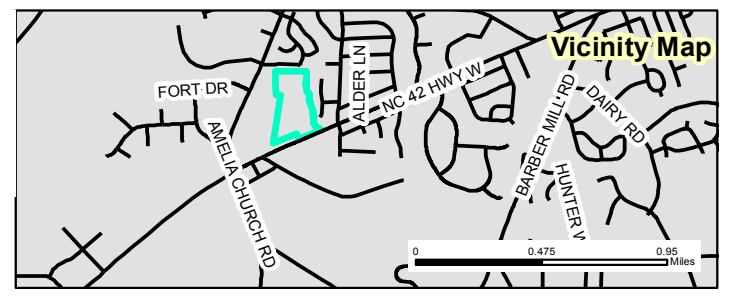




**15-22-01-RZ - Brookside Rezoning**  
**Request: Rezoning from R-10 to R-8 and subdivision**  
**15-22-02-SUB - Brookside Subdivision**  
**Request: 38-lot subdivision**  
 Applicant: Dalton Engineering and Associates PA  
 Property Owner: Clayton NDJC LLC  
 Parcel ID Number: 165801-17-0116  
 Tag #: 05g03003z



Site   
 Special Use District   
 Thorough Fare Overlay   
 Scenic Highway Overlay   
 07/15/2015  
 Produced by: TOC Planning  
 Disclaimer: Town of Clayton assumes no legal responsibility for the information represented here.  
 Document Path: O:\PLANNING\REZONING\Rezoning\2015\15-22-01-RZ Brookside Rezoning\Maps\Staff Rpt Map - 15-22-01-RZ - Brookside.mxd







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

## REZONING APPLICATION

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

*Rezoning applications must be accompanied by nine (9) sets of the application, nine (9) sets of required plans, an Owner's Consent Form (attached) and the application fee. The application fee is \$500.00 for a rezoning to a Standard District. A rezoning to a Planned Development District requires a fee of \$1,000.00 +\$5.00 per acre. All fees are due when the application is submitted.*

*If the rezoning request is to a Planned Development District, the application must be accompanied by a Major Site Plan application and associated fees.*

*Please note that Section 155.702(B) of the Unified Development Code requires a Neighborhood Meeting for all Rezoning Petitions.*

### SITE INFORMATION:

Name of Project: Brookside Subdivision Acreage of Property: 20.88 acres

Parcel ID Number: 05G03003Z Tax ID: 165801-17-0116

Deed Book: 04395 Deed Page(s): 0478

Address: PO Box 189, Clayton, NC 27528

Location: NC Highway 42 West, Clayton, NC 27520

Existing Use: Agriculture Proposed Use: Residential Subdivision

Existing Zoning District: R-10

Requested Zoning District R-8 Conventional Subdivision

Is project within a Planned Development: ☐ Yes ☒ No

Planned Development District (if applicable): n/a

Is project within an Overlay District: ☒ Yes ☐ No

Overlay District (if applicable): Municipal Transition District

### FOR OFFICE USE ONLY

File Number: \_\_\_\_\_ Date Received: \_\_\_\_\_ Amount Paid: \_\_\_\_\_

### OWNER INFORMATION:

**Name:** Clayton NDJC LLC

**Mailing Address:** PO Box 189, Clayton, NC 27528

**Phone Number:** 919-345-6729

**Fax:**

**Email Address:** nathan@nlevans.com

### APPLICANT INFORMATION:

**Applicant:** Dalton Engineering & Associates, P.A.

**Mailing Address:** Post Office Box 426 Clayton, NC 27528

**Phone Number:** (919) 550-4740

**Fax:** (919) 550-4741

**Contact Person:** Jonathan Barnes

**Email Address:** jbarnes@daltonengineering.com

### REQUIRED PLANS AND SUPPLEMENTAL INFORMATION

*The following items must accompany a rezoning application. This information is required to be present on all plans, except where otherwise noted:*

- ☐ A signed and sealed boundary survey (not more than a year old unless otherwise approved by the **Planning Department**) with the azimuth or courses and distances of every property line shown. Distances shall be in feet or meters and decimals thereof. The number of decimal places shall be appropriate to the class of survey required. The survey must include any and all easements of record (referenced by Deed Book and Page) and must be prepared by a surveyor registered in the State of North Carolina.
- ☐ Property legal description typed (10 pt. font or greater) on an 8.5 inch by 11 inch paper with one inch margins. The legal description must also be submitted electronically in Microsoft Word format.
- ☐ A copy of the last recorded deed for the subject property.

### JUSTIFICATION STATEMENT

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

The Owners of subject properties are requesting the rezoning of approximately 20.88 acres to R-8.

## APPROVAL CRITERIA

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

1. Consistency with the adopted plans of the Town.

The subject property is proposed to be zoned R-8 Conventional Subdivision and the project would comply with all zoning requirements of the Town of Clayton Unified Development Code.

2. Suitability of the subject property for uses permitted by the current vs. the proposed district.

The subject property is proposed to be zoned R-8 Conventional Subdivision and the project would comply with all zoning requirements of the Town of Clayton Unified Development Code.

3. Whether the proposed change tends to improve the balance of uses, or meets specific demand in the Town.

The subject property is proposed to be zoned R-8 Conventional Subdivision and the project would comply with all zoning requirements of the Town of Clayton Unified Development Code.

4. The capacity of adequate public facilities and services including schools, roads, recreation facilities, wastewater treatment, potable water supply and stormwater drainage facilities is available for the proposed use.

The capacity of public facilities in the area is adequate to support the proposed use of the anticipated development.



5. It has been determined that the legal purposes for which zoning exists are not violated.

The subject property is proposed to be zoned R-8 Conventional Subdivision and the project would comply with all zoning requirements of the Town of Clayton Unified Development Code.

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

The subject property is proposed to be zoned R-8 Conventional Subdivision and the project would comply with all zoning requirements of the Town of Clayton Unified Development Code.  
No adverse effects upon adjoining properties are expected.

7. It has been determined that no one property owner or small group of property owners will benefit materially from the change to the detriment of the general public.

The development of this property would be beneficial to the Town of Clayton as well as surrounding area.

#### APPLICANT AFFIDAVIT

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

**DALTON ENGINEERING  
AND ASSOCIATES, P.A.  
JONATHAN BARNES**  
Print Name

  
Signature of Applicant

**6/1/15**  
Date

## ADJACENT PROPERTY OWNERS LIST

**Project Name:** Brookside Subdivision

*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                                             |
|----------------|----------------------------------------|-----------------------------------------------------|
| 165801-06-1681 | Marie A. Hargis & Wallace D. Aiken     | 1863 Guy Road, Clayton, NC 27520                    |
| 165801-07-3788 | Christopher L. Earp & Tammy S. Carroll | 1033 Breeze Lane, Clayton, NC 27520-3769            |
| 165801-07-4759 | Joel B. & Holly D. Little              | 1029 Breeze Lane, Clayton, NC 27520                 |
| 165801-07-5719 | Jason M. & Meredith B. Karr            | 1025 Breeze Lane, Clayton, NC 27520                 |
| 165801-07-5880 | John W. & Mattie Hawkins               | 1021 Breeze Lane, Clayton, NC 27520                 |
| 165801-07-6749 | Charlie L. & Stephanie L. James        | 138 Parkdale Lane, Clayton, NC 27520                |
| 165801-07-7719 | Timothy L. & Joyce A. Ballard          | 1918 Parkside Village Drive, Clayton, NC 27520-4145 |
| 165801-07-7789 | Michael R. Snodgrass                   | 1009 Breeze Lane, Clayton, NC 27520-3769            |
| 165801-07-8749 | Robert Mutone, Jr. & Jill K. Mutone    | 1005 Breeze Lane, Clayton, NC 27520                 |
| 165801-07-9718 | <b>Linda M. Lang</b>                   | 1001 Breeze Lane, Clayton, NC 27520                 |
| 165801-17-0758 | Charles & Heather Long                 | 5005 Satinwood Drive, Clayton, NC 27520             |
| 165801-17-1844 | Wynston Homeowners Assoc. Inc.         | 3739 National Drive, Suite 101, Raleigh, NC 27612   |
| 16801-17-3803  | <b>Toni M. Hutto</b>                   | 109 Roundtree Court, Clayton, NC 27520-4421         |
| 165801-17-3732 | Brandi H. & Kyle S. Robertson          | 101 Ferndale Court, Clayton, NC 27520-6934          |
| 165801-17-3539 | <b>Richard B. Lowry</b>                | 89 Ferndale Court, Clayton, NC 27520-6931           |
| 165801-17-3521 | William G. & Cynthia L. Graham         | 73 Ferndale Court, Clayton, NC 27520-6931           |
| 165801-17-3433 | Benjamin G. & Garrietta H. Proutey     | 57 Ferndale Court, Clayton, NC 27520-6931           |

## ADJACENT PROPERTY OWNERS LIST

**Project Name:** Brookside Subdivision

*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                                       |
|----------------|-------------------------------------------|-----------------------------------------------|
| 165801-17-3346 | Suzanne L. Fitzgerald                     | 41 Ferndale Court, Clayton, NC 27520-6931     |
| 165801-17-3268 | <b>Doris R. Lindsay</b>                   | 27 Ferndale Court, Clayton, NC 27520-6931     |
| 165801-17-3271 | Timothy F. Donehoo                        | 58 Chardonney Drive, Clayton, NC 27520-9613   |
| 165801-17-3184 | <b>Becky B. Batts</b>                     | 8 Potted Plant Court, Clayton, NC 27520-6935  |
| 165801-17-3097 | Alvin L. & Sarah T. Bailey                | 26 Potted Plant Court, Clayton, NC 27520-6935 |
| 165801-16-4907 | On Top Building Company, LLC              | 101 Ferndale Court, Clayton, NC 27520-6934    |
| 165801-16-4709 | Cari & Alan Braswell                      | 1257 Grovewood Drive, Clayton, NC 27520-7297  |
| 165801-16-5763 | John L. & Carol A. Troeger                | 71 Potted Plant Court, Clayton, NC 27520      |
| 165801-16-0020 | West Clayton Church of God                | PO Box 777, Clayton, NC 27528-0777            |
| 165801-06-7398 | Pensco Trust Company, FBO Michael Edwards | PO Box 173859, Denver, CO 80217-3859          |
| 165801-06-4221 | Jose & Thommasina Boya                    | 100 Chapel Fields Lane, Garner, NC 27529      |
|                |                                           |                                               |
|                |                                           |                                               |
|                |                                           |                                               |
|                |                                           |                                               |
|                |                                           |                                               |
|                |                                           |                                               |
|                |                                           |                                               |



## 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: BROOKSIDE SUBDIVISION Address or PIN #: 165801 - 17 - 0116

### AGENT/APPLICANT INFORMATION:

DALTON ENGINEERING

AND ASSOCIATES, P.A.

(Name - type, print clearly)

P.O. Box 426

(Address)

CLAYTON, NC 27528

(City, State, Zip)

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

MAJOR SUBDIVISION APPLICATION

REZONING APPLICATION

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

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

### OWNER AUTHORIZATION:

CLAYTON NOTC, LLC

BY: NATHAN EVANS, MGR/MBR

(Name - type, print clearly)

CLAYTON NOTC, LLC

BY: [Signature]

(Owner's Signature)

PO Box 189,

(Address)

CLAYTON NC 27528

(City, State, Zip)

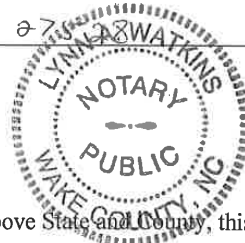
STATE OF North Carolina  
COUNTY OF Wake

Sworn and subscribed before me Lynn A. Watkins, a Notary Public for the above State and County, this  
the 28 day of May, 2015.

SEAL

Lynn A. Watkins  
Notary Public

My Commission Expires: 12-7-2016

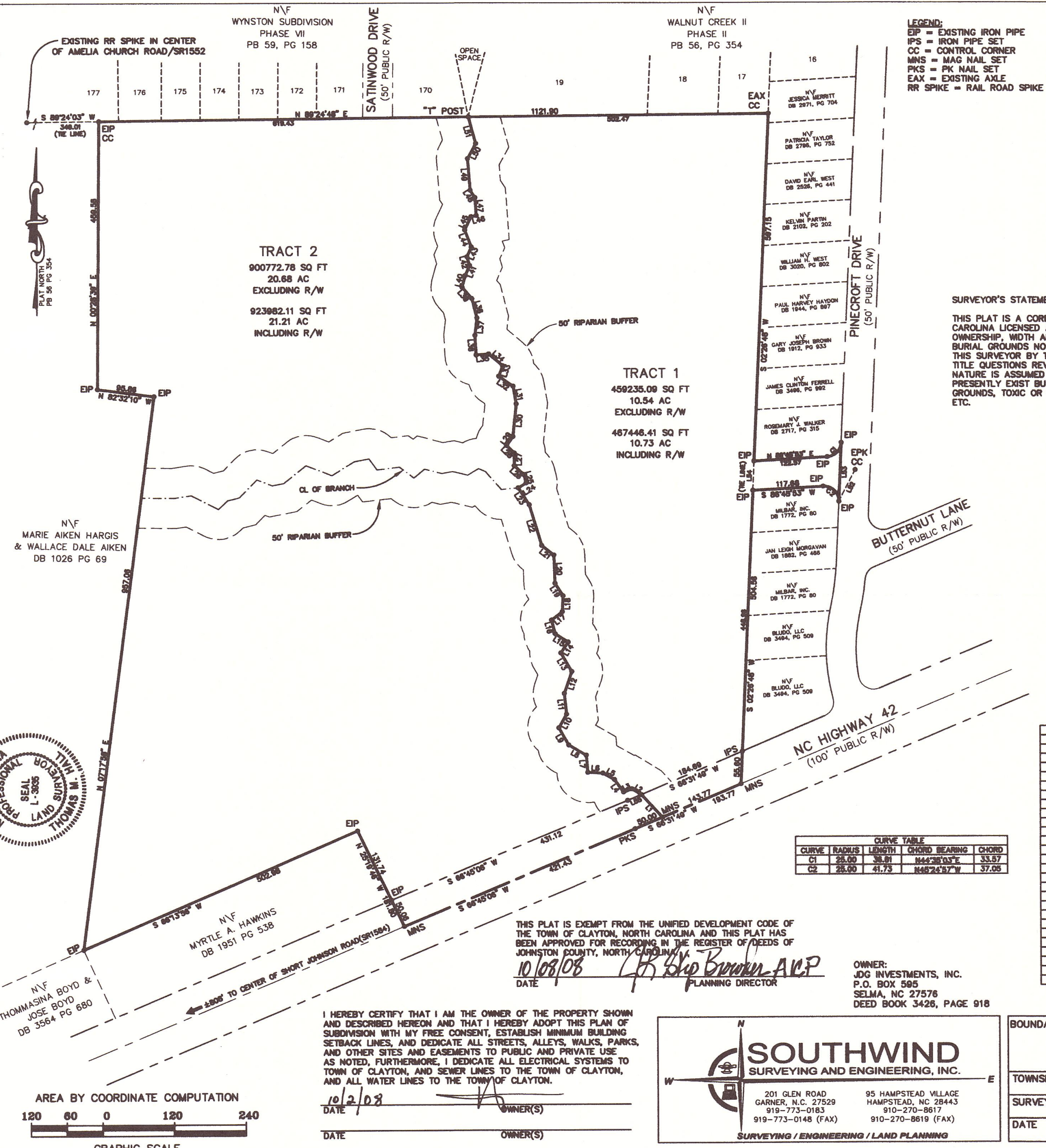




STATE OF NORTH CAROLINA, Johnston County  
Filed for Registration at 11:32:25 a.m. on the 8 day of October, AD 2008  
Recorded in Map Book 144, Page 144  
By *Thomas M. Hall*  
REGISTERED DEEDS

STATE OF NORTH CAROLINA, Johnston County  
L. Hall, Jr. Notary Public for Johnston County  
certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.  
DATE: October 8, 2008  
REVIEW OFFICER

STATE OF NORTH CAROLINA, Johnston County  
I, *Thomas M. Hall*, certify that this map was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book \_\_\_\_\_, page \_\_\_\_\_, etc.), (other) \_\_\_\_\_  
that the boundaries not surveyed are clearly indicated as such, and that the area of the land surveyed is calculated in accordance with G.S. 47-30 as amended.  
Witness my original signature, registration number and seal this 2 day of October, AD, 2008  
L. Hall, Jr.  
Land Surveyor

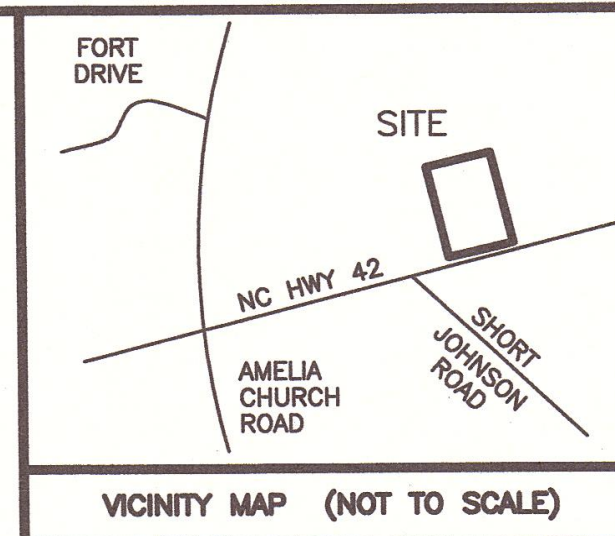
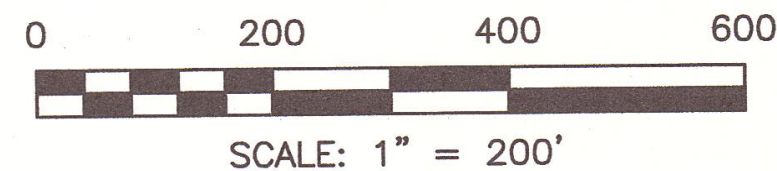


BOUNDARY SURVEY FOR:  
**WALNUT CREEK  
PHASE III**

|             |          |          |           |             |         |
|-------------|----------|----------|-----------|-------------|---------|
| TOWNSHIP    | CLAYTON  | COUNTY   | JOHNSTON  | STATE       | NC      |
| SURVEYED BY | DC       | DRAWN BY | PLJ       |             |         |
| DATE        | 10-01-08 | SCALE    | 1" = 120' | DRAWING NO. | 05-5011 |



| LINE | BEARING     | DISTANCE |
|------|-------------|----------|
| L1   | N07°21'59"E | 175.05'  |
| L2   | N82°28'48"W | 95.86'   |
| L3   | N87°47'43"E | 44.28'   |
| L4   | N89°33'25"E | 60.97'   |
| L5   | N89°32'31"E | 65.03'   |
| L6   | N89°33'05"E | 65.05'   |
| L7   | N85°45'36"E | 4.18'    |
| L8   | S41°55'30"E | 81.34'   |
| L9   | S03°46'02"W | 116.04'  |
| L10  | S21°52'11"E | 199.44'  |
| L11  | S06°34'30"E | 217.56'  |
| L12  | S06°45'32"W | 93.57'   |
| L13  | S53°51'42"E | 163.71'  |
| L14  | N25°17'38"W | 131.70'  |
| L15  | N76°00'05"E | 6.34'    |
| L16  | N68°40'29"E | 33.76'   |
| L17  | N75°19'40"E | 29.73'   |
| L18  | N33°21'12"E | 47.17'   |
| L19  | N83°57'37"E | 53.08'   |
| L20  | N55°28'20"E | 31.86'   |
| L21  | N82°56'09"E | 34.71'   |
| L22  | N84°48'02"E | 66.22'   |
| L23  | S76°14'33"E | 42.47'   |
| L24  | N88°30'20"E | 44.39'   |
| L25  | N75°40'37"E | 46.48'   |
| L26  | S77°49'58"E | 50.89'   |
| L27  | S72°57'20"E | 63.95'   |
| L28  | S85°13'52"E | 51.00'   |
| L29  | N88°46'02"E | 53.97'   |
| L30  | S88°52'38"E | 39.42'   |
| L31  | N67°02'46"E | 48.97'   |
| L32  | N10°16'23"W | 23.02'   |
| L33  | N12°14'44"W | 24.39'   |
| L34  | N29°29'23"W | 27.85'   |
| L35  | N27°10'21"W | 58.92'   |
| L36  | N16°30'40"W | 23.49'   |
| L37  | N07°54'54"W | 31.39'   |
| L38  | N24°13'33"W | 27.57'   |
| L39  | N69°19'16"E | 33.85'   |
| L40  | N45°05'25"E | 18.46'   |
| L41  | N55°08'59"E | 15.46'   |
| L42  | N13°22'37"E | 14.18'   |
| L43  | N03°20'03"E | 40.13'   |
| L44  | N10°42'11"W | 41.76'   |
| L45  | N17°45'02"W | 45.57'   |
| L46  | N21°20'11"W | 48.93'   |
| L47  | N27°18'42"W | 36.80'   |
| L48  | N63°29'23"W | 36.50'   |
| L49  | N29°34'41"W | 48.87'   |
| L50  | N68°12'35"W | 20.72'   |
| L51  | N83°26'30"W | 35.83'   |
| L52  | N82°20'13"W | 48.00'   |
| L53  | S61°02'27"W | 40.28'   |
| L54  | S80°51'30"W | 49.41'   |
| L55  | S61°08'51"W | 29.13'   |
| L56  | S49°20'08"W | 41.53'   |
| L57  | S76°09'08"W | 36.09'   |
| L58  | N88°31'19"W | 35.22'   |
| L59  | S68°04'30"W | 25.70'   |
| L60  | S47°26'23"W | 45.97'   |
| L61  | N82°15'52"W | 33.78'   |
| L62  | N67°17'37"W | 28.01'   |
| L63  | S80°59'06"W | 22.85'   |
| L64  | N53°31'17"W | 32.72'   |
| L65  | N52°36'18"W | 37.66'   |
| L66  | N66°36'40"E | 12.79'   |
| L67  | S48°55'14"E | 35.51'   |
| L68  | S89°32'59"E | 29.40'   |
| L69  | S55°36'33"E | 31.09'   |
| L70  | S66°53'52"E | 50.75'   |
| L71  | N69°26'36"E | 21.73'   |
| L72  | S84°22'29"E | 30.68'   |
| L73  | N72°54'43"E | 72.07'   |



N/F  
MARIE AIKEN HARGIS  
DB 1026 PG 69  
PIN 165801-06-1681

N/F  
CLAYTON NDJC, LLC.  
DB 4395 PG 478  
PIN 165801-17-0116  
902086 SF  
20.709 AC

WYNSTON SUBDIVISION  
PHASE SEVEN  
PB 59 PG 158

AREA IN  
WETLANDS  
252394 SF  
5.794 AC

50' RIPARIAN  
BUFFER

NOTE: RUN OF CREEK IS PROPERTY  
LINE. L8-L13 ARE REFERENCE LINES  
ONLY

COTTAGES OF WALNUT CREEK  
PB 75 PG 492

BOUNDARY MAP  
OF  
**BROOKSIDE**  
FOR

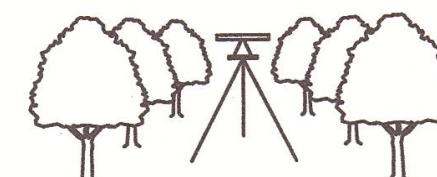
**CLAYTON NDJC, LLC.**  
CLAYTON TOWNSHIP, JOHNSTON COUNTY  
NORTH CAROLINA  
APRIL 14, 2015

| LINE | BEARING     | DISTANCE |
|------|-------------|----------|
| L74  | N69°24'22"E | 28.18'   |
| L75  | N78°20'31"E | 24.72'   |
| L76  | N74°56'32"E | 32.00'   |
| L77  | N83°09'39"E | 28.09'   |
| L78  | N77°52'27"E | 28.68'   |
| L79  | S85°25'18"E | 21.46'   |
| L80  | N87°59'15"E | 32.40'   |
| L81  | N77°13'56"E | 40.99'   |
| L82  | N36°19'54"E | 16.04'   |
| L83  | N11°11'42"W | 35.04'   |
| L84  | N02°18'37"W | 33.59'   |
| L85  | N09°38'49"E | 57.64'   |
| L86  | N03°54'55"W | 41.74'   |
| L87  | N00°56'28"E | 45.62'   |
| L88  | N09°38'13"W | 27.35'   |
| L89  | N66°07'50"E | 41.60'   |
| L90  | S66°47'31"W | 229.54'  |
| L91  | N86°31'51"W | 74.26'   |
| L92  | S65°50'41"W | 68.34'   |
| L93  | S64°37'45"W | 28.34'   |

| LINE | BEARING     | DISTANCE |
|------|-------------|----------|
| L94  | S49°48'58"W | 22.34'   |
| L95  | S69°35'02"W | 37.14'   |
| L96  | N75°54'10"W | 8.15'    |
| L97  | N15°13'29"W | 42.64'   |
| L98  | S40°22'02"W | 35.33'   |
| L99  | S44°08'08"W | 34.18'   |
| L100 | S60°49'08"W | 48.40'   |
| L101 | S67°50'37"W | 53.42'   |
| L102 | S68°15'07"W | 51.59'   |
| L103 | S59°58'35"W | 65.99'   |
| L104 | S37°55'15"W | 11.16'   |

SURVEYED BY:  
DRAWN BY:  
MIKE  
CHECKED BY:  
C. LANE - PLS  
DRAWING NAME:  
WETLANDS.DWG  
SURVEY DATE:  
JOB NO.  
2044.015

**TRUE LINE SURVEYING, P.C.**

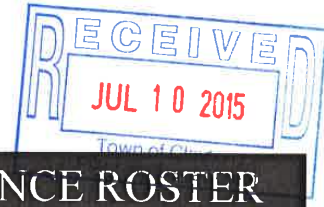


205 WEST MAIN STREET  
CLAYTON, N.C. 27520  
TELEPHONE: (919) 359-0427  
FAX: (919) 359-0428  
www.truelinesurveying.com

C-1859



BROOKSIDE

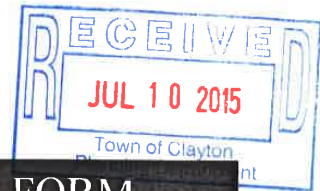


## NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Applicant: Dalton Engineering and Associates, P.A.

Location/Date: Dalton Engineering and Associates, P.A. 446 East Main Street Clayton, NC / 7/2/15

|    | NAME            | ADDRESS                          |
|----|-----------------|----------------------------------|
| 1  | Jonathan Barnes | 446 East Main Street Clayton, NC |
| 2  | DURWOOD HARGIS  | 1863 GUY RD, CLAYTON, N.C.       |
| 3  | Luve Long       | 5005 satinwood Dr Clayton        |
| 4  | John Tregeer    | 71 Potted Plant Ct               |
| 5  | Eric Ballard    | 1013 Breeze Ln                   |
| 6  | Chris Carp      | 1033 Breeze Ln.                  |
| 7  | John Hastings   | 1021 Breeze Lane                 |
| 8  | Jason Kerr      | 1025 Breeze Lane                 |
| 9  | CAROL TROEGER   | 71 POTTED PLANT CT               |
| 10 |                 |                                  |
| 11 |                 |                                  |
| 12 |                 |                                  |
| 13 |                 |                                  |
| 14 |                 |                                  |
| 15 |                 |                                  |
| 16 |                 |                                  |
| 17 |                 |                                  |
| 18 |                 |                                  |
| 19 |                 |                                  |
| 20 |                 |                                  |



## NEIGHBORHOOD MEETING SUMMARY FORM

### FILL OUT THE FOLLOWING:

Date of Mailing: 6/19/15

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

Printed Name: Jonathan Barnes

Signature: [Signature]

Date of Meeting: 7/2/15

Time of Meeting: 6:00 p.m.

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

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

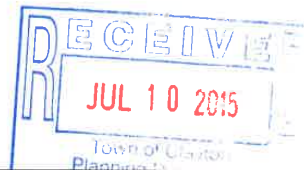
- Eric Sallard*
- Wynston neighborhood entrance should not be an entrance for another neighborhood. We pay dues & maintain the entrance.
  - construction traffic is a huge concern & will have a large impact on Breeze Lane.
  - Would this new community be interested in joining the Wynston HOA & have use of our pool etc.?
  - Will this be a gated community?
  - adding about 75 cars coming in and out of Breeze lane is a huge concern. (38 houses = about 1 1/2 cars per house).
  - What if any space will be between the "Street B" & Breeze Lane? i.e. how close will fences be?
  - What, if any, trees or bushes will be between "Street B" & Breeze Lane?
  - School buses will ~~be~~ increase in traffic as well as delivery vehicles.

*Wynwood Hargis* → STUBBING STREETS TO COMMERCIAL PROPERTY IS PROBLEMATIC TO OWNERS

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

November 2014

Page 6 of 18



## NEIGHBORHOOD MEETING SUMMARY FORM

### FILL OUT THE FOLLOWING:

Date of Mailing: 6/19/15

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

Printed Name: Jonathan Barnes

Signature: [Signature]

Date of Meeting: 7/2/15

Time of Meeting: 6:00 p.m.

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

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

*Eric Ballard*  
-allowing the houses to be built with only a min. of 25' to the property line is a huge concern as this is really close to Breeze Ln houses.

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

November 2014

Page 6 of 18



## NEIGHBORHOOD MEETING SUMMARY FORM

### FILL OUT THE FOLLOWING:

Date of Mailing: 6/19/15

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

Printed Name: Jonathan Barnes

Signature: [Signature]

Date of Meeting: 7/2/15

Time of Meeting: 6:00 p.m.

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

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

*I object to the proposed development. The traffic down Breeze Lane for the 38 proposed houses will result in tremendous safety concerns for the neighborhood children who play in <sup>our</sup> front yards and walk along the streets from school. Further, the noise from the extra traffic will greatly affect the neighborhood's house values. The construction traffic, dust, & noise will be unduly burdensome. There are only sidewalks on one side of the street on the street in Winston, including Breeze Lane. The increased traffic passing each other, especially the construction traffic, will be extremely disruptive. I'm also extremely concerned about the effect on the stream passing across the property. The rail track will*

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

November 2014

*create a major congested area. No buffer is planned next to the current Winston sub-division,*

Page 6 of 18



Dalton Engineering

and Associates, P.A.  
446 East Main Street  
Post Office Box 426  
Clayton, NC 27528

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

PROJECT NO. 14-032

PAGE NO. \_\_\_\_\_

PROJECT BROOKSIDE

CALCULATED BY JWB

DATE 6/23/15

CHECKED BY \_\_\_\_\_

DATE \_\_\_\_\_

SUBJECT NOTE TO FILE

TIM BALLARD  
# 1918 PARKSIDE VILLAGE DR  
1013 BREEZE LN



- NOTES:
1. WHO WILL MAINTAIN FENCE ON THE REAR OF HIS PROPERTY ?
  2. WHO WILL MAINTAIN THE AREA BEHIND THE FENCE, ON THE REAR OF HIS PROPERTY ?

Dalton Engineering  
and Associates, P.A.

Neighborhood  
meeting letters for  
Brookside



June 19, 2015

165801-06-1681  
Marie A. Hargis and  
Wallace D. Aiken  
1863 Guy Road  
Clayton, NC 27520

Dear Clayton Area Property Owners:

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

Meeting Date: Thursday, July 2, 2015

Location: Dalton Engineering  
446 East Main Street  
Clayton, NC 27520

Time: 6:00 PM

Type of Application: Major Subdivision Application and Rezoning Application

General Description: The owners of the adjacent property are requesting approval to develop the parcel as a residential subdivision. The subdivision would consist of 38 single-family lots. Improvements would include curb and gutter streets with sidewalk and public water and sewer service provided by the Town of Clayton.

If you have any questions prior to or after this meeting, you may contact the Town of Clayton Planning Department at (919) 553-5002.

Thank you.

  
Jonathan Barnes  
Dalton Engineering and Associates, P.A.  
(919) 550-4740

CC: Town of Clayton Planning Dept.

446 East Main Street ▲ P.O. Box 426 ▲ Clayton, NC 27528 ▲ (919) 550-4740/Fax (919) 550-4741

**TOWN OF CLAYTON  
COUNCIL MOTION SHEET  
ZONING ORDINANCE AMENDMENT**

**15-22-01-RZ Brookside Rezoning**

On July 27, 2015 the Planning Board heard the above-referenced request and made the following vote:

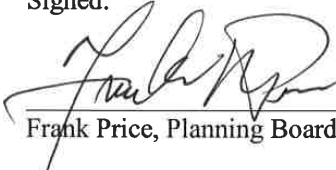
Recommendation to the Town Council to

☒ approve the request;

☐ deny the request.

Recommendation(s) made this 27 day of July 2015 while in regular session.

Signed:

  
\_\_\_\_\_  
Frank Price, Planning Board Chair

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

15-22-01-RZ, Brookside 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 Strategic Growth Plan, specifically:

- Objective 2.5 – More Housing Opportunities: Beyond Starter Homes

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.



**TOWN OF CLAYTON  
TOWN COUNCIL  
AGENDA COVER SHEET**

**AGENDA LOCATION:**

Items Scheduled for Regular Meetings

**Meeting Date:**

August 17, 2015

**ITEM TITLE:**

Brookside Subdivision - 15-22-02-SUB

**DESCRIPTION:**

Request approval for major preliminary subdivision for property located east of Amelia Church Road, between NC 42 W and Breeze Lane

**POTENTIAL ACTION:**

Set Public Hearing

**DEPARTMENT:**

Planning + Zoning

**PRESENTER:**

David DeYoung, Planning Director

**ITEM HISTORY:**

**Date:**

**Action Taken:**

**Information Provided:**

**Date:**

**Action Taken:**

**Information Provided:**



Town of Clayton  
Planning Department  
111 E. Second Street, Clayton, NC 27520  
P.O. Box 879, Clayton, NC 27528  
Phone: 919-553-1545  
Fax: 919-553-1720

*Planning Board  
July 27, 2015*

## STAFF REPORT

### Application Number: 15-22-02-SUB Project Name: Brookside Subdivision

**NC PIN / Tag #:** 165801-17-0116 / 05g03003z  
**Town Limits/ETJ:** Town Limits  
**Overlay:** partially within Thoroughfare Overlay  
**Applicant:** Dalton Engineering and Associates PA  
**Owner:** Clayton NDJC LLC  
**Location:** Northeast of the intersection of NC 42 Hwy West and Short Johnson Road (see map).

**Public Noticing:**

- Neighborhood meeting July 2, 2015
- Sign posted July 20, 2015
- Letters mailed prior to August 27, 2015
- Newspaper ad posted prior to August 25, 2015

**REQUEST:** Conventional subdivision with 38 single family detached homes. (Rezoning running concurrently.)

**SITE DATA:**

**Acreage:** 20.88 acres  
**Existing Use:** Vacant



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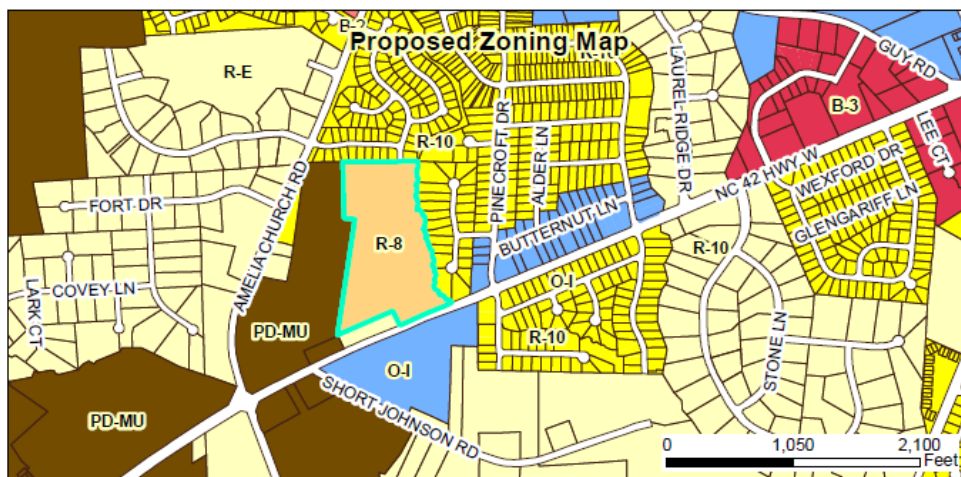
**DEVELOPMENT DATA:**

|                       |                                                                                                                                                                                                  |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Proposed Use(s):      | Single family detached residential                                                                                                                                                               |
| Buildings:            | 38 dwellings                                                                                                                                                                                     |
| Proposed density:     | 1.8 units per acre                                                                                                                                                                               |
| Number of Stories:    | Maximum height of 35 feet                                                                                                                                                                        |
| Minimum lot area:     | 8,000 square feet                                                                                                                                                                                |
| Impervious Surface:   | Maximum 55%                                                                                                                                                                                      |
| Required Parking:     | 2 spaces per unit                                                                                                                                                                                |
| Proposed Parking:     | 2 spaces per unit                                                                                                                                                                                |
| Fire Protection:      | Town of Clayton                                                                                                                                                                                  |
| Access/Streets:       | One access point on Satinwood Drive from the subdivision to the north, with two stub-out roads within the development for future access to the west. No access is proposed along NC 42 Hwy West. |
| Water/Sewer Provider: | Town of Clayton                                                                                                                                                                                  |
| Electric Provider:    | Undetermined                                                                                                                                                                                     |

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

The applicant is requesting to develop a 38-unit single-family residential subdivision. A concurrent rezoning is requesting a rezoning of the parcel to Residential-8. The subdivision being proposed is a conventional subdivision.



#### **Compatibility with Surrounding Land Uses**

The proposed development would be similar and compatible to uses that are surrounding the property. Parcels to the north and east are currently developed as residential subdivisions, which are compatible with the proposed zoning category and density. The parcels directly to the west and south are primarily vacant, but are currently zoned to allow more dense development than even Residential-8. The R-10 and R-8 zoning districts allow the exact same types of uses.

The minimum lot size in a R-8 subdivision is 8,000 square feet (sqft). The proposed development will have a minimum parcel size of 9,064 sqft, and only two parcels are less than 10,000 sqft. The maximum parcel size proposed is 60,120 sqft.

#### **Consistency with Adopted Plans and Overlays:**

- **Consistency with the Strategic Growth Plan**

The 2008 Strategic Growth Plan designates this area as Residential Medium, surrounded by the same on the north and east. The primary land use on the south and west is part of the Johnston County Medical Hospital / NC 42 West Small Area Plan, which envisions dense residential and multi-family residential adjacent to this parcel. The intersection of Amelia Church Road and NC 42 Hwy West is seen as a potential neighborhood commercial center in the future, and more residential development in this area would be compatible with that type of future development.

- **Unified Development Code**

The proposed development is consistent with the Unified Development Code (UDC). Individual lot development specifications including building placement, driveway placement, etc. are required to meet all Town standards and be consistent with the provisions of the approved Master Plan.

- **Consistency with Overlays**

A portion of this parcel is within the Thoroughfare Overlay, which requires additional landscaping plantings within a certain distance of major roadways. NC 42 Highway West is one of these roadways. The developer is proposing to leave the land in its current, wooded, undisturbed state within the area covered by this overlay. Staff agrees that this satisfies the intent of the overlay.

#### **Landscaping and Buffering**

A required Class A landscape buffer is provided along the portions of this development that back up to Residential-10 zoned neighborhoods. The appropriate Resource Conservation Areas have been provided along riparian areas and jurisdictional wetlands. This buffer along the east and south is functioning as the Class A buffer in those locations. Staff supports the incorporation of natural, existing vegetation.

#### **Recreation and Open Space**

This conventional subdivision will be paying fee-in-lieu for recreation. No common open space or active recreation are being provided on site.

#### **Access/Streets:**

The parcel has frontage along NC 42 Hwy West and a stub-out street (Satinwood Drive) connects to the subdivision from the north. The developer is proposing two stub-out streets to the west that would ultimately provide connectivity to Amelia Church Road, when this parcel is developed in the future. If a stub-out street



exists on a property line, adjacent parcels are generally required to maintain that connectivity if and when they develop in the future.

Initially, and until the parcel to the west is developed, all 38 lots within this development are proposed to be accessed by Satinwood Drive. Even counting the lots in the existing subdivision to the north, the lot count is still well below the 75 dwelling threshold upon which a secondary access point is required. Regardless of future access through the parcel to the west, there are no deficiencies with the proposed access to the subdivision. Once the additional connectivity occurs, travel upon Satinwood Drive will be reduced. However, until the parcel to the west is developed and that connection is made, all access to Brookside will be via Satinwood Drive. Due to limited access and street length initially, the Fire Marshall has been consulted on fire hydrant placement and truck turning motions, and has determined that this design is acceptable, given the particulars of this proposed development. Staff also supports the single connection via Satinwood Drive as it was anticipated as a cross connection when the Wynston subdivision was developed. It should be noted that the developer has chosen not to cross the stream and wetland/riparian area stretching east-to-west along the southern portion of the property. Staff feels that the decision to not cross this buffer for access to NC 42 Hwy West eliminates a potential cross-thru from NC 42 Hwy West to Amelia Church Road and improves future spacing of driveway connections along this section of NC 42 Hwy West.

#### **Multi-Modal Access**

Sidewalks are provided along both sides of all streets and will extend fully around the cul-de-sacs. A 30-foot wide pedestrian/greenway easement is proposed from the southernmost cul-de-sac along the sewer easement to connect to NC 42 Hwy West. The developer is not proposing to build any pedestrian facilities within this easement or along NC 42 Hwy West, but the Town would be able to build a pedestrian facility at their discretion and expense in the future. Any pedestrian facility would require crossing the riparian buffer and stream in this area.

#### **Waivers/Deviations/Variations from Code Requirements**

None.

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#### **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.

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#### **FINDINGS:**

The applicant has addressed the Major Subdivision Approval Criteria outlined in UDC Section 155.706. The applicant's Findings of Fact are incorporated into the record as an attachment to the Staff Report.

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#### **CONDITIONS:**

If approved, staff recommends the following conditions be applied to the approval of the preliminary subdivision plan:

1. Conditions of approval shall be recorded on the site plan before final approval is granted.
2. All development fees shall be paid prior to final plat recordation, except that Capacity fees shall be paid prior to issuance of building permits.
3. The final plat and subsequent development of the site shall be consistent with the specifications of the approved Preliminary Subdivision Plan. Modifications may require additional approvals pursuant to Section 155.706 of the Unified Development Code.
4. All utility acreage and nutrient offset fees, and recreation and open space fees are due prior to plat recordation. Capacity fees shall be due prior to the issuance of each building permit.
5. Approved street names and addresses shall be applied to the plat prior to recording.
6. Resource conservation areas as defined by Section 155.500 of the Unified Development Code (UDC) shall be identified on the final plats as being permanently set aside, and shall be protected in perpetuity by a binding legal instrument recorded with the deed which includes clear restriction on the use of the resource conservation area, as described in Section 155.500(F) of the UDC.
7. Homeowners Association (HOA) documents/covenants which provide for provide for the perpetual maintenance and management of all common facilities within the subdivision (i.e. – the mail kiosk area and entrance area) must be recorded prior to any plat recordation. Alternatively, these areas may be incorporated into the adjacent lot, with maintenance of any easements (i.e. – street trees, mail kiosk, traffic island) provided by the appropriate homeowner, at which point a HOA will not be relevant or necessary.

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**STAFF RECOMMENDATION:**

Staff is recommending

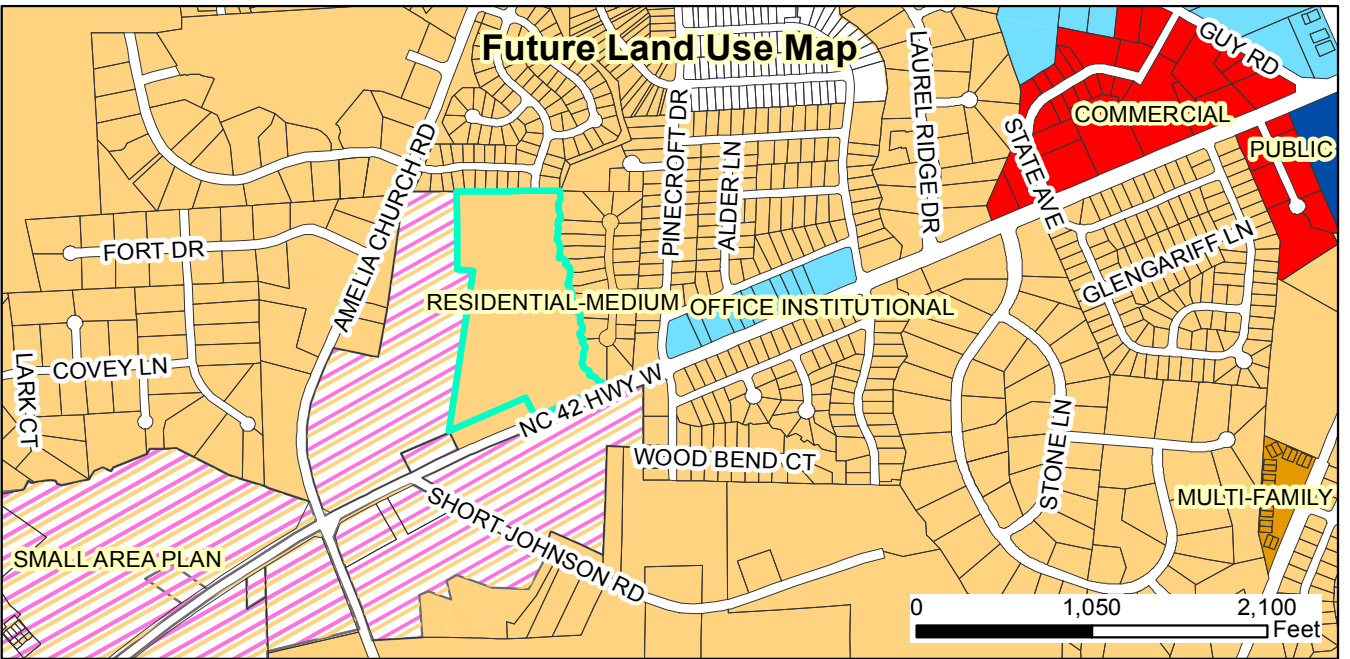
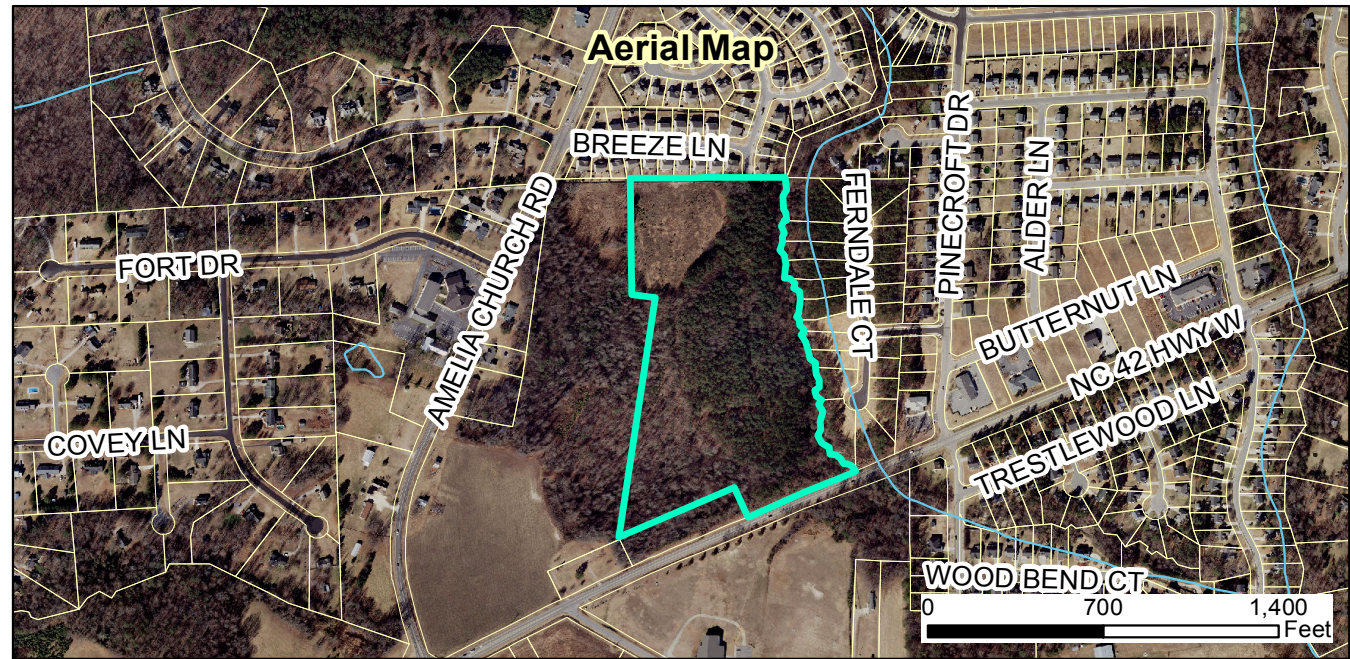
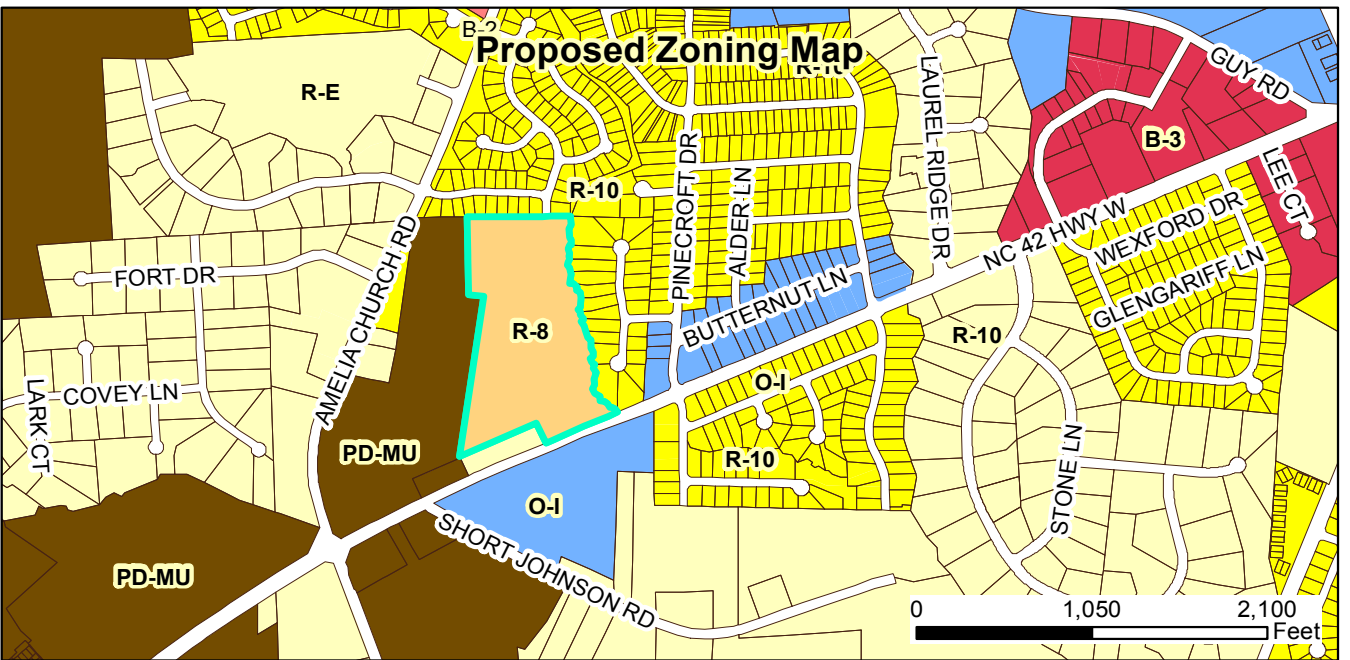
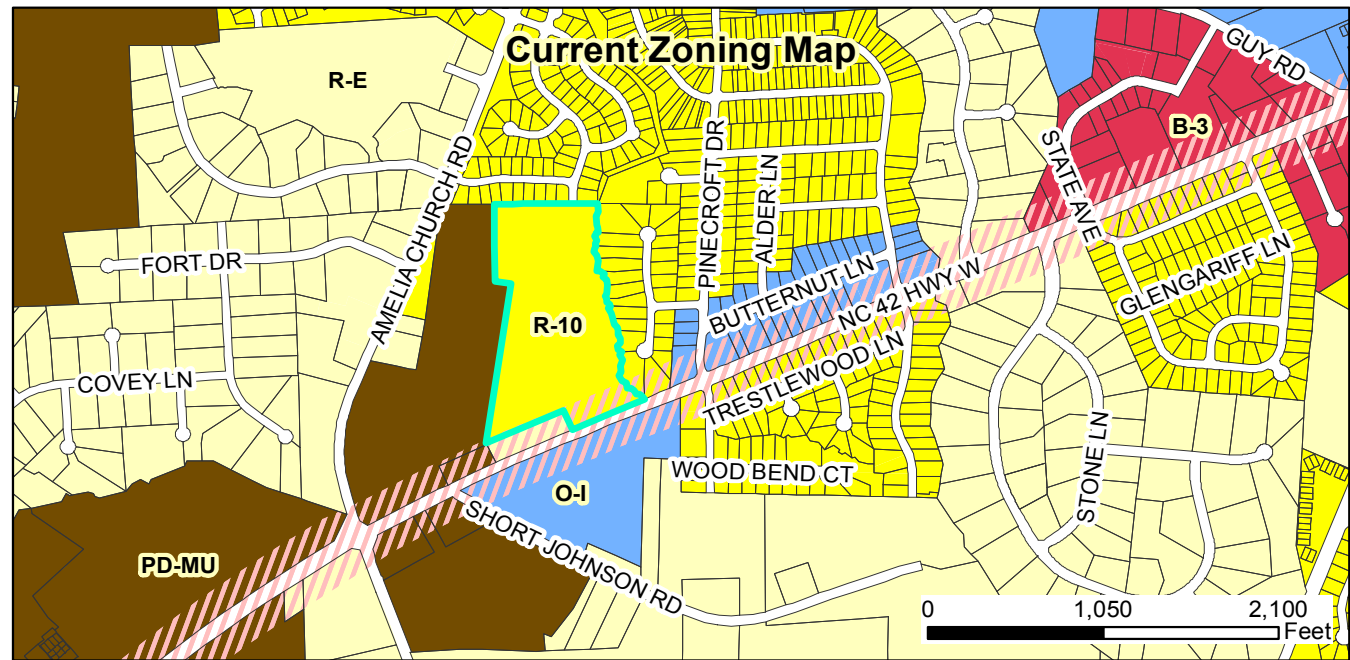
- Approval with conditions of the preliminary plat (subdivision) of the subject parcel.

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**ATTACHMENTS:**

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

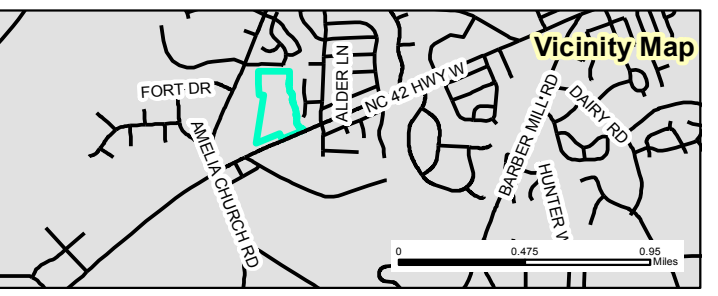




**15-22-01-RZ - Brookside Rezoning**  
**Request: Rezoning from R-10 to R-8 and subdivision**  
**15-22-02-SUB - Brookside Subdivision**  
**Request: 38-lot subdivision**  
 Applicant: Dalton Engineering and Associates PA  
 Property Owner: Clayton NDJC LLC  
 Parcel ID Number: 165801-17-0116  
 Tag #: 05g03003z

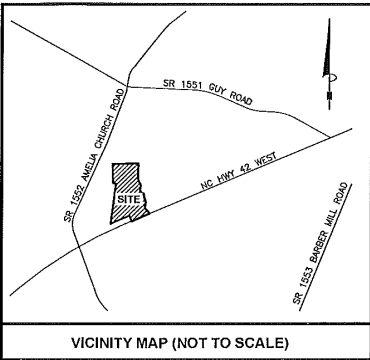


Site   
 Special Use District   
 Thorough Fare Overlay   
 Scenic Highway Overlay   
 07/15/2015  
 Produced by: TOC Planning  
 Disclaimer: Town of Clayton assumes no legal responsibility for the information represented here.

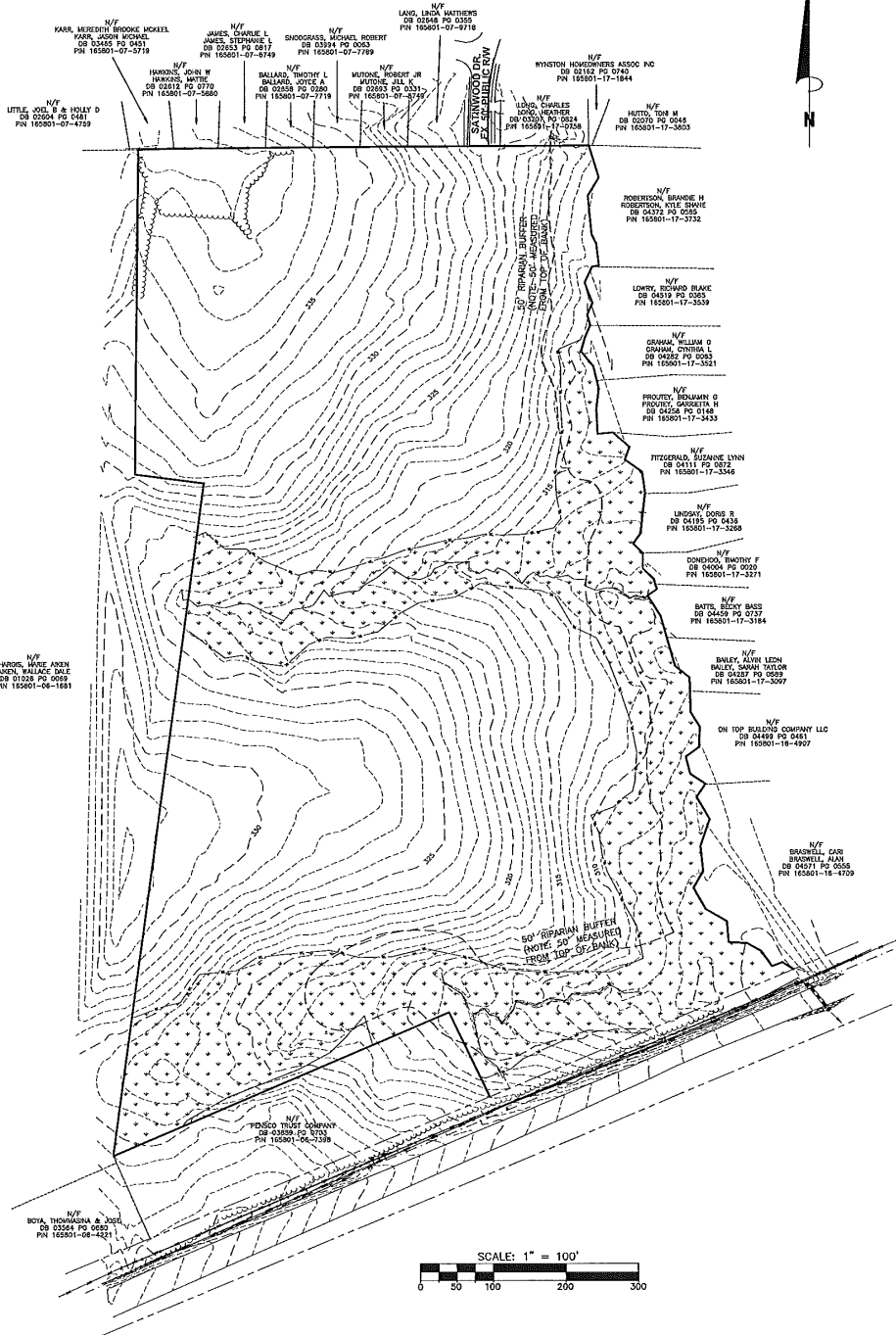


Document Path: O:\PLANNING\REZONING\Rezoning\2015\15-22-01-RZ Brookside Rezoning\Maps\Staff Rpt Map - 15-22-01-RZ - Brookside.mxd

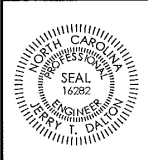




LEGEND:  
WETLANDS

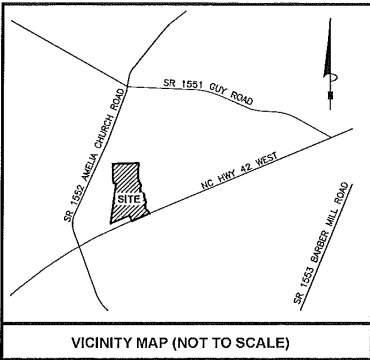


EXISTING CONDITIONS SHEET  
FOR  
BROOKSIDE SUBDIVISION  
TOWN OF CLAYTON - JOHNSTON COUNTY, NC



**Dalton Engineering and Associates, P. A.**  
446 East Main Street  
P.O. Box 426  
Clayton, NC 27520  
(919) 550-4740  
Fax (919) 550-4741

|                |               |               |
|----------------|---------------|---------------|
| Job: 14032     | Date: 5/25/15 | Revision:     |
| File: EXISTING | Drawn: DBL    | Sheet: 1 OF 4 |



NOTE: CONSTRUCTION DRAWINGS ARE TO BE SUBMITTED TO THE TOWN OF CLAYTON PUBLIC WORKS ENGINEERING DIVISION FOR REVIEW AND APPROVAL.

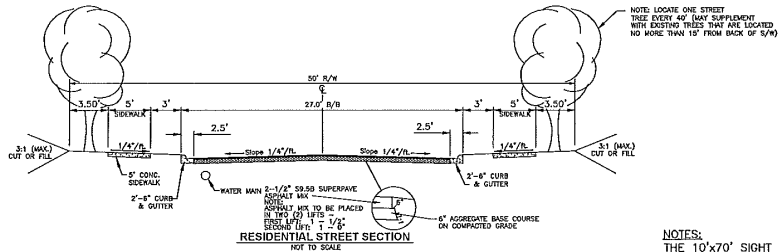
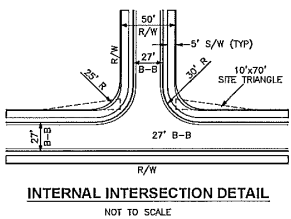
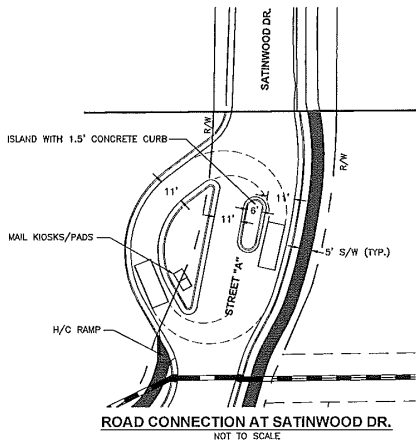
NOTE: N.C.D.O.T. DRIVEWAY PERMIT APPROVAL IS REQUIRED FOR ROADWAY CONNECTION TO SATINWOOD DRIVE.

NOTE: FEE-IN-LIEU WILL BE REQUIRED TO MEET RECREATION AND OPEN SPACE REQUIREMENTS.

NOTE: NO BUILDINGS MAY OCCUR WITHIN 20' OF RIPARIAN BUFFERS; ROADS AND DRIVEWAYS MAY OCCUR IN THAT 20' AREA.

NOTE: NO BUILDING ENVELOPES MAY EXTEND INTO JURISDICTIONAL WETLANDS.

NOTE: ALL STREET TREES WILL BE 8' TALL AT TIME OF PLANTING.

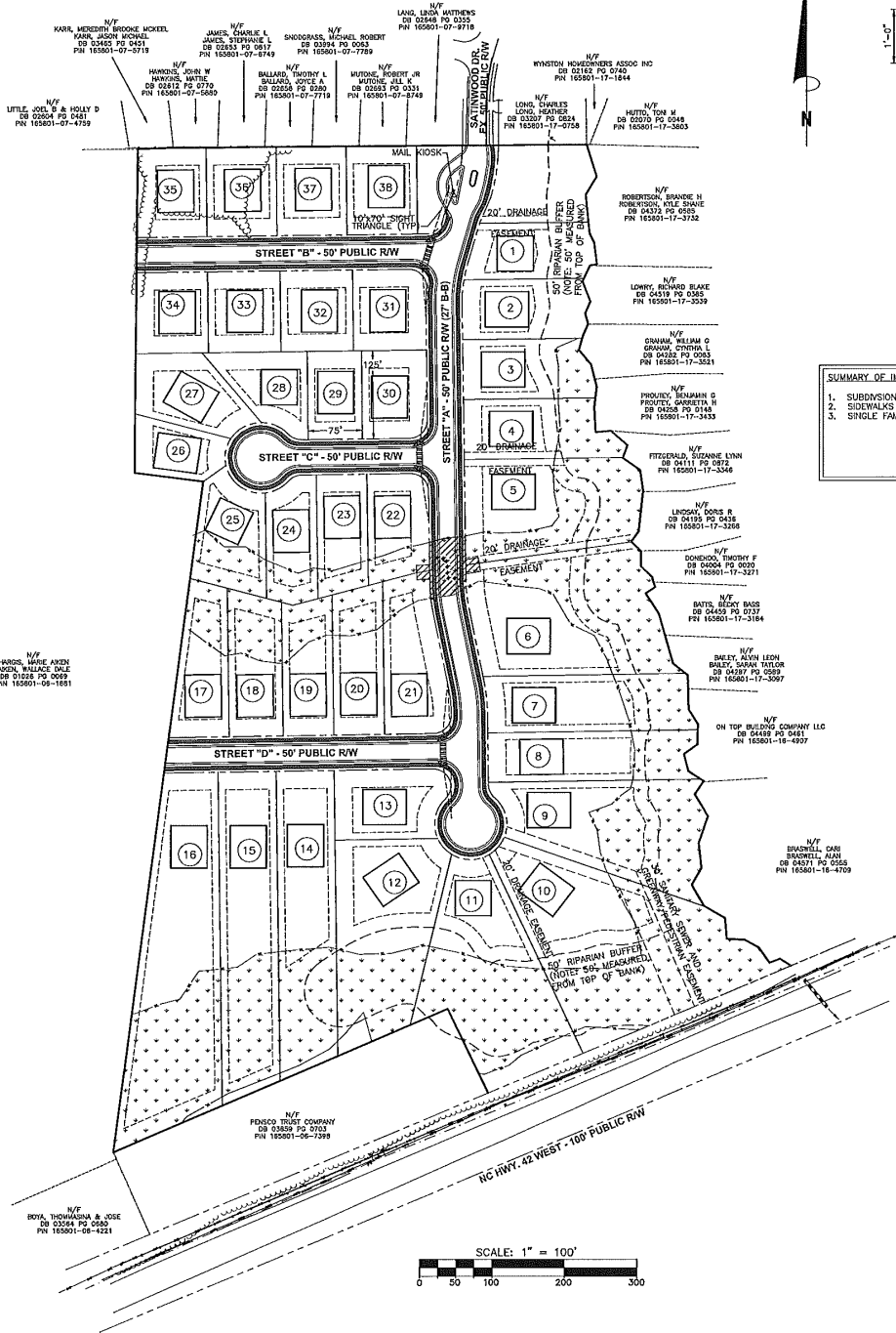


NOTES:

THE 10'x70' SIGHT TRIANGLES SHALL TAKE PRECEDENCE OVER ANY SIGN EASEMENTS.

THE FINAL PLAT WILL ENSURE THAT ALL DRAINAGE EASEMENTS INTERSECT THE PUBLIC RIGHT-OF-WAY ALONG A LOT LINE. DRAINAGE EASEMENTS WITHIN THE INTERIOR OF THE PROJECT MAY OR MAY NOT COMPLETELY CENTER ALONG A LOT LINE.

ALL ACCESS TO UTILITY EASEMENTS ALONG THE OUTFALL LINE SHALL HAVE A MAXIMUM SLOPE OF 4:1 (H:V) AND A MAXIMUM CROSS SLOPE OF 4%.



SUMMARY OF IMPERVIOUS SURFACES:

|                                              |          |
|----------------------------------------------|----------|
| 1. SUBDIVISION STREETS (ASPHALT AND C & G) - | 1.50 AC. |
| 2. SIDEWALKS -                               | 0.47 AC. |
| 3. SINGLE FAMILY RESIDENTIAL LOTS -          | 4.36 AC. |
| TOTAL:                                       | 6.33 AC. |

IMPERVIOUS SURFACE AREA SUMMARY

|                                                                          |                             |
|--------------------------------------------------------------------------|-----------------------------|
| 1. TOTAL AREA CONTAINED WITHIN TRACT                                     | = 909,533 S.F. OR 20.88 AC. |
| 2. AREA CONTAINED WITHIN THE RESOURCE CONSERVATION AREA                  | = 278,984 S.F.              |
| 3. MAXIMUM ALLOWABLE IMPERVIOUS SURFACE AREA                             | = 630,533 S.F. x 55%        |
| 4. AREA CONTAINED WITHIN BUILDING LOTS                                   | = 500,243 S.F.              |
| 5. ALLOWABLE IMPERVIOUS SURFACE AREA WITHIN LOTS                         | = 778,274 S.F. x 55%        |
| 6. IMPERVIOUS SURFACE CONTAINED WITHIN ASPHALT AND C & G                 | = 429,551 S.F.              |
| 7. IMPERVIOUS SURFACE CONTAINED WITHIN CONCRETE SIDEWALK                 | = 65,433 S.F.               |
| 8. TOTAL PROPOSED IMPERVIOUS SURFACE AREAS                               | = 20,581 S.F.               |
|                                                                          | = 65,433                    |
|                                                                          | = 20,581                    |
|                                                                          | = 278,014 S.F.              |
| 9. 278,014 S.F. < 500,243 S.F. MAXIMUM ALLOWABLE IMPERVIOUS SURFACE AREA |                             |

LOT SUMMARY

| LOT # | PARCEL AREA | LOT AREA |
|-------|-------------|----------|
| 1     | 13273 SF    | 8619 SF  |
| 2     | 14593 SF    | 9938 SF  |
| 3     | 14879 SF    | 9704 SF  |
| 4     | 18803 SF    | 11031 SF |
| 5     | 32224 SF    | 23682 SF |
| 6     | 44554 SF    | 30891 SF |
| 7     | 22809 SF    | 17658 SF |
| 8     | 19763 SF    | 15249 SF |
| 9     | 35110 SF    | 24588 SF |
| 10    | 60120 SF    | 24571 SF |
| 11    | 42568 SF    | 13020 SF |
| 12    | 37087 SF    | 19675 SF |
| 13    | 14644 SF    | 14644 SF |
| 14    | 33526 SF    | 20202 SF |
| 15    | 36599 SF    | 21320 SF |
| 16    | 55384 SF    | 29908 SF |
| 17    | 14605 SF    | 9854 SF  |
| 18    | 14833 SF    | 8176 SF  |
| 19    | 13329 SF    | 8832 SF  |
| 20    | 14490 SF    | 10057 SF |
| 21    | 17748 SF    | 14725 SF |
| 22    | 12364 SF    | 9124 SF  |
| 23    | 11650 SF    | 9121 SF  |
| 24    | 11978 SF    | 8603 SF  |
| 25    | 14396 SF    | 8079 SF  |
| 26    | 9064 SF     | 9064 SF  |
| 27    | 13999 SF    | 13999 SF |
| 28    | 11284 SF    | 11284 SF |
| 29    | 9379 SF     | 9379 SF  |
| 30    | 11135 SF    | 11135 SF |
| 31    | 11534 SF    | 11534 SF |
| 32    | 11500 SF    | 11500 SF |
| 33    | 11500 SF    | 11500 SF |
| 34    | 11365 SF    | 11365 SF |
| 35    | 12010 SF    | 12010 SF |
| 36    | 12203 SF    | 12203 SF |
| 37    | 12164 SF    | 12164 SF |
| 38    | 12234 SF    | 12234 SF |

SUMMARY INFORMATION

DEVELOPMENT NAME: BROOKSIDE SUBDIVISION

PARCEL: P/N: 165901-17-0118

TOTAL AREA CONTAINED WITHIN TRACT: 20.88 AC

TOTAL FLOOD AREA: 0 AC

NET USABLE LAND: 20.88 AC

TOTAL AREA IN OPEN SPACE REQUIRED: 2.81 AC

(12.0% OF NET USABLE LAND 20.88 AC)

TOTAL AREA IN OPEN SPACE PROVIDED: 0 AC

TOTAL AREA IN RECREATION/OPEN SPACE: 0 AC

MAX DENSITY: 5.0 DWELLING UNITS/ACRE

DENSITY PROPOSED: 1.8 UNITS/ACRE

TOTAL NUMBER OF UNITS PROPOSED: 38

TOTAL 38 SINGLE-FAMILY RESIDENTIAL

MINIMUM LOT AREA: 8,000 S.F.

MIN. LOT WIDTH: 50'

MIN. FRONT SETBACK: 25'

MIN. SIDE INTERIOR SETBACK: 10'

MIN. SIDE SETBACK: 15'

MIN. REAR SETBACK: 25'

MAX. BUILDING HEIGHT: 35'

MAX. BUILDING LOT COVERAGE: 35%

MAX. IMPERVIOUS PER LOT: 55%

AREA IN SIDEWALKS: 20,581 S.F.

AREA IN PAVEMENT AND C&G: 65,433 S.F.

LINEAR FEET OF STREETS: 2,149 L.F.

TYPE OF WATER SYSTEM PROPOSED: TOWN OF CLAYTON

TYPE OF SANITARY SEWER SYSTEM PROPOSED: TOWN OF CLAYTON

ELECTRICAL SERVICE PROVIDED BY TOWN OF CLAYTON

ZONING DISTRICT: R-10

THOROUGHFARE OVERLAY DISTRICT: YES

WATERSHED PROTECTION AREA: NO

PROPOSED ZONING: R-8

INSIDE CITY LIMITS: YES

OWNER AND APPLICANT:

CLAYTON TRUST, LLC

P.O. BOX 189

CLAYTON, NC 27528

PRELIMINARY LAYOUT PREPARED BY:

DALTON ENGINEERING AND ASSOCIATES, P.A.

448 EAST MAIN STREET

CLAYTON, NC 27529

(919) 550-4740

PRELIMINARY SITE PLAN  
FOR  
BROOKSIDE SUBDIVISION  
TOWN OF CLAYTON - JOHNSTON COUNTY, NC



Dalton Engineering  
and Associates, P. A.

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

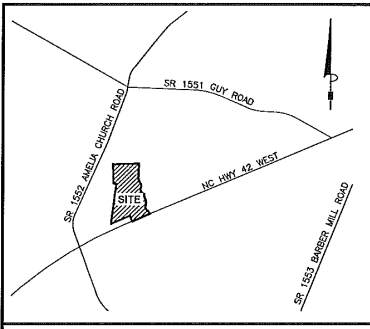
(919) 550-4740  
Fax (919) 550-4741

Job: 14032 Date: 5/25/15 Revision: 001

File: SITE Drawn: DBL Sheet: 2 OF 4

REVISION 001: ADDRESSED TOWN OF CLAYTON COMMENTS - 6/22/15

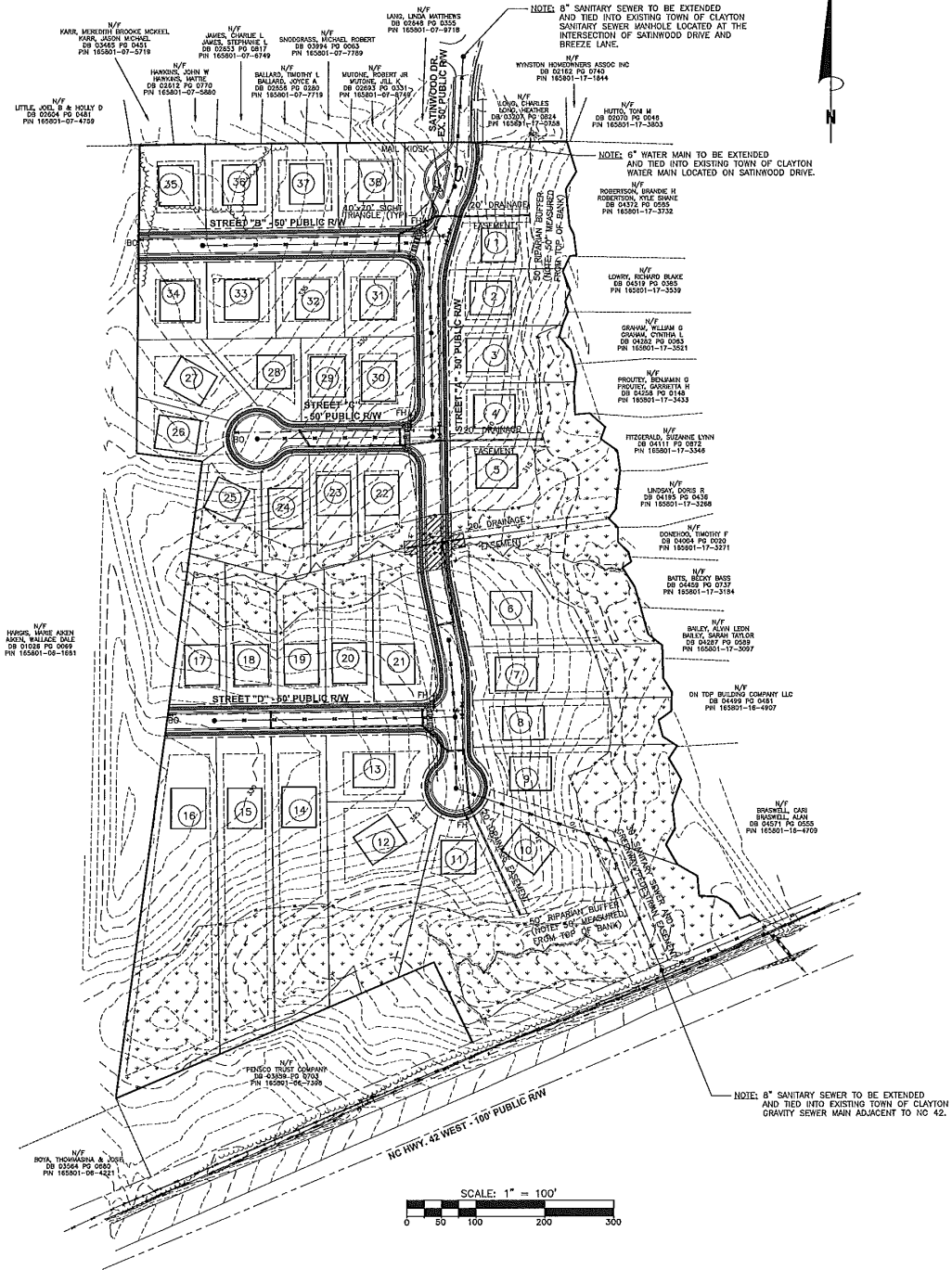




VICINITY MAP (NOT TO SCALE)

- NOTE: INFRASTRUCTURE RELATED CONSTRUCTION WILL BE REVIEWED BY THE ENGINEERING DIVISION OF PUBLIC WORKS.
- NOTE: STRUCTURE RELATED DRAWINGS WILL BE PERMITTED, REVIEWED, AND INSPECTED IN ACCORDANCE WITH NORTH CAROLINA BUILDING CODE BY THE TOWN OF CLAYTON BUILDING INSPECTIONS.
- NOTE: NCDOT WILL REVIEW AND APPROVE ROADWAY IMPROVEMENTS.
- NOTE: CONSTRUCTION/UTILITY PLANS TO BE REVIEWED AND APPROVED BY THE ENGINEERING DEPARTMENT PRIOR TO CONSTRUCTION.

- LEGEND:
- SANITARY SEWER MANHOLE
  - 8" GRAVITY SANITARY SEWER LINE
  - 6" WATER LINE
  - FIRE HYDRANT ASSEMBLY (FH)
  - CURB INLET
  - STORM DRAINAGE



PRELIMINARY UTILITY PLAN  
FOR  
BROOKSIDE SUBDIVISION  
TOWN OF CLAYTON - JOHNSTON COUNTY, NC

REVISION 001: ADDRESSED TOWN OF CLAYTON COMMENTS - 6/22/15

SEAL

16282

ENGINEER

HENRY T. DALTON

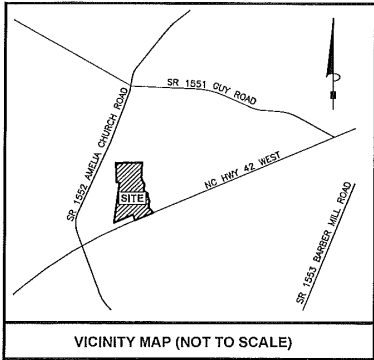
DALTON ENGINEERING  
and Associates, P. A.

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

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

|               |               |               |
|---------------|---------------|---------------|
| Job: 14032    | Date: 5/25/15 | Revision: 001 |
| File: UTILITY | Drawn: DBL    | Sheet: 3 OF 4 |

Page 115 of 284



VICINITY MAP (NOT TO SCALE)

#### Lawn Seeding/Sod Notes

Loosen subgrade to a depth of 4" in Add 2" depth of topsoil, add specified soil amendments and mix thoroughly into top 4" of topsoil, till surface to level, fine surface.

Grade and roll prepared lawn surface. Water thoroughly but do not create muddy soil condition.

Lay sod strips with tight joints, roll or tamp lightly, and water thoroughly.

Sow grass seed uniformly in two directions in the quantity recommended by the seed producer, except as otherwise indicated. Rake seed lightly into top 1/8 inch of lawn surface. Water thoroughly with fine spray.

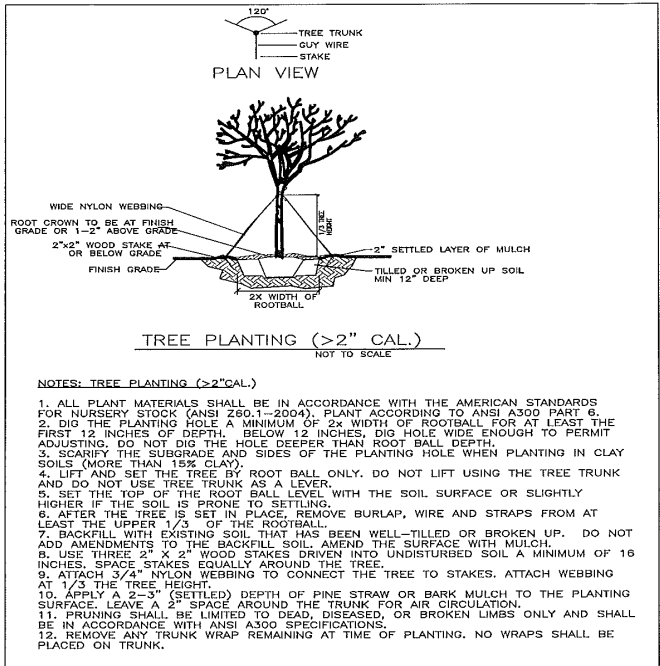
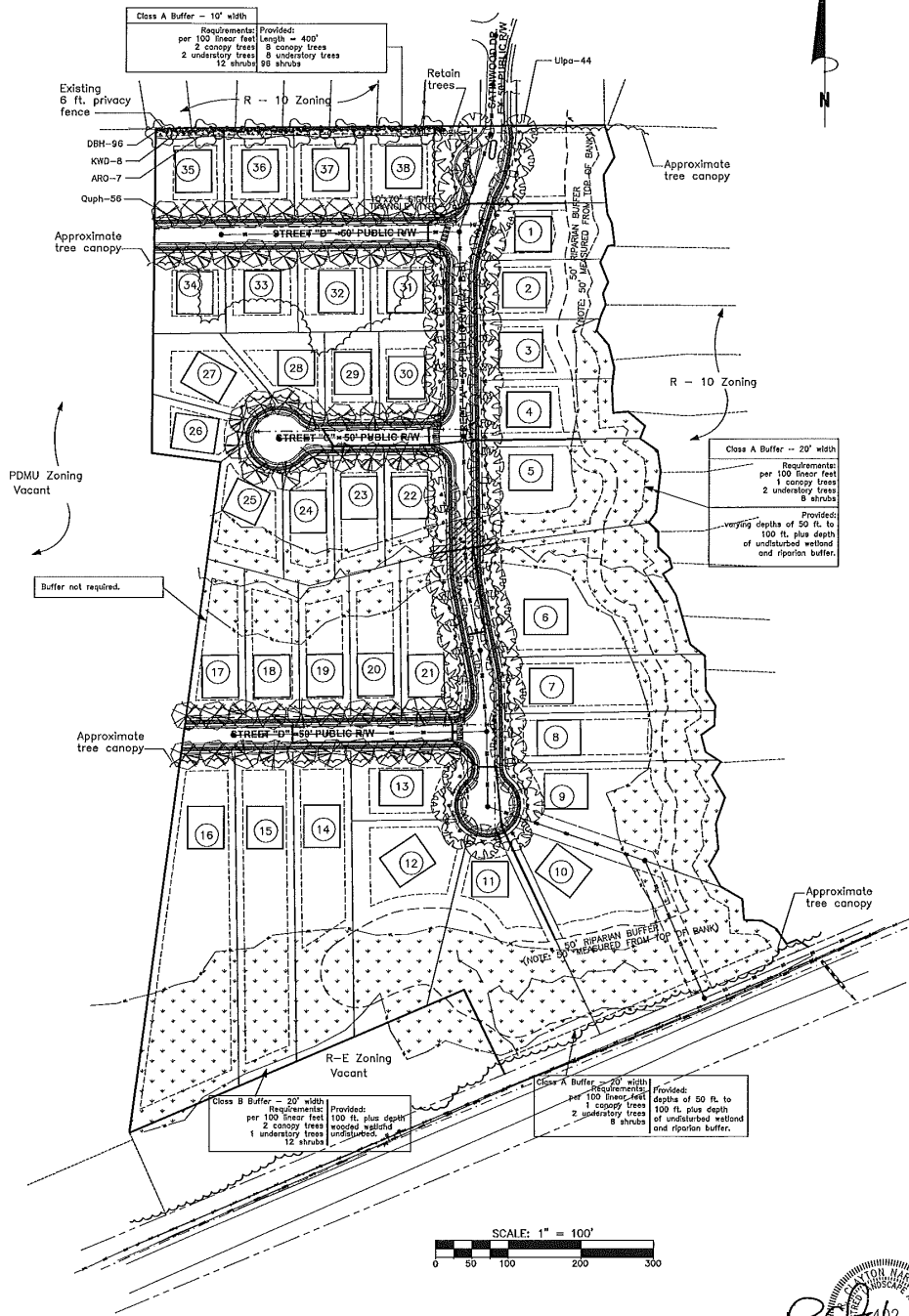
Protect seeded areas against erosion spreading straw to a uniform loose depth of 1 - 1/2 inch.

#### Lawn Seeding Rates per Acre\*

| March 1 - August 31       | September 1 - February 28   |
|---------------------------|-----------------------------|
| 50# Rebel IV Fescue       | 50# Rebel IV Fescue         |
| 10# Centipede             | 10# Centipede               |
| 25# Bermudagrass (hulled) | 35# Bermudagrass (unhulled) |
| 500# Fertilizer 10-20-20  | 500# Fertilizer 10-20-20    |
| 4000# Limestone           | 4000# Limestone             |

All areas seeded and mulched shall be tacked with asphalt. Crimping of straw in lieu of asphalt tack shall not be allowed on this project.

\* Seed type to be selected by Owner.



#### NOTES: TREE PLANTING (>2" CAL.)

1. ALL PLANT MATERIALS SHALL BE IN ACCORDANCE WITH THE AMERICAN STANDARDS FOR NURSERY STOCK (ANSI Z60.1-2004). PLANT ACCORDING TO ANSI A300 PART 6.
2. DIG THE PLANTING HOLE A MINIMUM OF 2x WIDTH OF ROOTBALL FOR AT LEAST THE FIRST 12 INCHES OF DEPTH. BELOW 12 INCHES, DIG HOLE WIDE ENOUGH TO PERMIT ADJUSTING. DO NOT DIG THE HOLE DEEPER THAN ROOT BALL DEPTH.
3. SCARIFY THE SUBGRADE AND SIDES OF THE PLANTING HOLE WHEN PLANTING IN CLAY SOILS (MORE THAN 15% CLAY).
4. LIFT AND SET THE TREE BY ROOT BALL ONLY. DO NOT LIFT USING THE TREE TRUNK AND DO NOT USE TREE TRUNK AS A LEVER.
5. SET THE TOP OF THE ROOT BALL LEVEL WITH THE SOIL SURFACE OR SLIGHTLY HIGHER IF THE SOIL IS PRONE TO SETTLING.
6. AFTER THE TREE IS SET IN PLACE, REMOVE BURLAP, WIRE AND STRAPS FROM AT LEAST THE UPPER 1/3 OF THE ROOTBALL.
7. BACKFILL WITH EXISTING SOIL THAT HAS BEEN WELL-TILLED OR BROKEN UP. DO NOT ADD AMENDMENTS TO THE BACKFILL SOIL. AMEND THE SURFACE WITH MULCH.
8. USE THREE 2" X 2" WOOD STAKES DRIVEN INTO UNDISTURBED SOIL A MINIMUM OF 16 INCHES. SPACE STAKES EQUALLY AROUND THE TREE.
9. ATTACH 3/4" NYLON WEBBING TO CONNECT THE TREE TO STAKES. ATTACH WEBBING AT 1/3 THE TREE HEIGHT.
10. APPLY A 2-3" (SETTLED) DEPTH OF PINE STRAW OR BARK MULCH TO THE PLANTING SURFACE. LEAVE A 2" SPACE AROUND THE TRUNK FOR AIR CIRCULATION.
11. PRUNING SHALL BE LIMITED TO DEAD, DISEASED, OR BROKEN LIMBS ONLY AND SHALL BE IN ACCORDANCE WITH ANSI A300 SPECIFICATIONS.
12. REMOVE ANY TRUNK WRAP REMAINING AT TIME OF PLANTING. NO WRAPS SHALL BE PLACED ON TRUNK.

#### Planting Schedule

| Code Name        | Quantity | Common Name         | Scientific Name              | Height              | Width  | Comments  |
|------------------|----------|---------------------|------------------------------|---------------------|--------|-----------|
| CANOPY TREES     |          |                     |                              |                     |        |           |
| Uipa             | 44       | Chinese elm         | Ulmus parvifolia             | 2 1/2" Cal, 8' min  | 6'     | B&B       |
| Quph             | 56       | Nutall oak          | Quercus nuttallii            | 2 1/2" Cal, 8' min  | 6'     | B&B       |
| ARO              | 7        | October Glory Maple | Acer rubrum 'October Glory'  | 2 1/2" Cal, 8' min  | 6'     | B&B       |
| UNDERSTORY TREES |          |                     |                              |                     |        |           |
| KWD              | 8        | Kousa Dogwood       | Cornus kousa                 | 8' - 9' 6' min. ht. | 4-5'   | B&B       |
| SHRUBS           |          |                     |                              |                     |        |           |
| DBH              | 96       | Dwarf Burford holly | Ilex cornuta 'Dwarf Burford' | 30" min. ht.        | 18-22" | Container |

#### General Planting Notes:

1. Mulch all new plant beds with 3" clean pine straw mulch.
2. Warranty plantings for 1 year period following completion.
3. Prepare plant beds by removing grass, add 6" of 50% topsoil blend soil to beds, till and rake smooth. Remove large clods, roots, etc..
4. See spec this sheet for lawn.
5. All plants shall be watered by Landscape Contractor for 90 days (after planting) as needed to ensure healthy growth. There is no irrigation system planned for this project.
6. All landscaped areas shall be maintained in an attractive and healthy condition. Dead or diseased plantings shall be removed and replaced in a timely fashion.
7. Credit shall be given for any existing tree with a minimum dbh of six inches that is preserved within the planting strip at rate of one preserved tree for two required street yard trees.

#### LANDSCAPE PLAN FOR BROOKSIDE SUBDIVISION TOWN OF CLAYTON - JOHNSTON COUNTY, NC

Clayton Narron, Landscape Architect  
312 South Fourth St., Smithfield, NC 27577  
Tele: 919-464-9329

|                                                           |                                      |
|-----------------------------------------------------------|--------------------------------------|
| <b>Dalton Engineering and Associates, P. A.</b>           |                                      |
| 446 East Main Street<br>P.O. Box 426<br>Clayton, NC 27520 | (919) 550-4740<br>Fax (919) 550-4741 |
| Job: 14032                                                | Date: 5/25/15                        |
| File: UTILITY                                             | Drawn: DBL                           |
| Revision:                                                 | Sheet: 3 OF 4                        |



## 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: \$400.00 + \$5.00 per lot

Modifications to approved plans:

Major Modification: \$400.00 + \$5.00 per lot modified

Minor Modification: \$200.00 + \$5.00 per lot modified

See §155.706(F) of the UDC for a definition of Major vs. Minor Subdivisions.

See §155.706(I) for Preliminary Plat approval (major subdivision) process/approval information.

See §155.203(F), (G), and (H) for information on Conventional vs. Open Space Subdivisions.

See §155.706(N) for information on minor and major modifications.

See UDC Article 6 for Subdivision Standards.

## SITE INFORMATION

☐ New Major Subdivision

Conventional: ☒ Open Space: ☐

☐ New Subdivision Master Plan

☐ Modification to Approved Preliminary Plat

Major: \_\_\_\_\_ Minor: ☐

Name of Project: Brookside Subdivision Acreage of Property: 20.88 Acres

Tag #: 05G03003Z NC PIN: 165801-17-0116

Location: ADJACENT TO NC 42 WEST

Number of Lots (existing): 0 (Proposed) 38 Min Lot Size: 8,000 sf

Zoning District: R-10 Electric Provider: Undetermined

☐ Septic

☐ Well

Wastewater: ☒ Sewer (check one) Water: ☒ Public/Private Water (check one)

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

## FOR OFFICE USE ONLY

Date Received: \_\_\_\_\_ Amount Paid: \_\_\_\_\_ File Number: \_\_\_\_\_

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## PROPERTY OWNER INFORMATION

Name: Clayton NDJC LLC

Mailing Address: PO Box 189, Clayton, NC 27528

Phone Number: 919-345-6729

Fax: N/A

Email Address: nathan@nlevans.com

## APPLICANT INFORMATION

Applicant: Dalton Engineering & Associates PA

Mailing Address: PO Box 426, Clayton, NC 27528

Phone Number: 919-550-4740

Fax: (919) 550-4741

Contact Person: Jonathan Barnes

Email Address: jlbarnes@daltonengineering.com

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

*The following items must accompany the application:*

| To be completed by the applicant:                                                                                                                                                                                                                                        |                                     |                                     | To be completed by staff: |    |     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|-------------------------------------|---------------------------|----|-----|
| Submit 9 copies of all materials unless otherwise directed by staff                                                                                                                                                                                                      | Yes                                 | N/A                                 | Yes                       | No | N/A |
| 1. A pre-application meeting was held with Town Staff. Date: _____                                                                                                                                                                                                       | <input checked="" type="checkbox"/> |                                     |                           |    |     |
| 2. Completed Application                                                                                                                                                                                                                                                 | <input checked="" type="checkbox"/> |                                     |                           |    |     |
| 3. Review Fee                                                                                                                                                                                                                                                            | <input checked="" type="checkbox"/> |                                     |                           |    |     |
| 4. Findings of Fact, signed<br><i>Not required for minor modifications. Form is included in this packet.</i>                                                                                                                                                             | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                           |    |     |
| 5. Owner's Consent Form<br><i>Required if applicant is not the property owner. Included in this packet</i>                                                                                                                                                               | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                           |    |     |
| 6. Preliminary Plat Subdivision Requirements Checklist form, completed and signed<br><i>Checklist is included in this packet</i>                                                                                                                                         | <input checked="" type="checkbox"/> |                                     |                           |    |     |
| 7. Plat sheet(s) meeting requirements of the Requirements Checklist                                                                                                                                                                                                      | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                           |    |     |
| 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). | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |                           |    |     |
| 9. Adjacent Property Owners List                                                                                                                                                                                                                                         | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                           |    |     |
| 10. Road Name Application <i>Included in this packet</i>                                                                                                                                                                                                                 | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                           |    |     |
| 11. Wastewater allocation request OR verification of wastewater allocation<br><i>Letter format, to the attention of the Town Manager.</i>                                                                                                                                | <input type="checkbox"/>            | <input type="checkbox"/>            |                           |    |     |

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|                                                                                                                                                                                                                                                                                                               |                          |                                     |                                                                                                            |  |  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|-------------------------------------|------------------------------------------------------------------------------------------------------------|--|--|
| 12. A signed and sealed Traffic Impact Analysis (required for projects which generate at least 100 vehicle trips at peak hour. See §155.708 of the UDC)                                                                                                                                                       | <input type="checkbox"/> | <input checked="" type="checkbox"/> |                                                                                                            |  |  |
| 13. Neighborhood Meeting Notice Letter*<br>See sample letter and meeting requirement, included in this packet.<br>*Not required for minor modifications or subdivisions<br>*Not required for subdivisions that are part of an approved planned development                                                    | <input type="checkbox"/> | <input checked="" type="checkbox"/> |                                                                                                            |  |  |
| 14. Neighborhood Meeting summary form*<br>Included in this packet – NOT submitted with application.<br>*Not required for minor modifications or subdivisions<br>*Not required for subdivisions that are part of an approved planned development                                                               |                          | <input checked="" type="checkbox"/> | Must be submitted after neighborhood meeting is held and at least 10 days prior to Planning Board meeting. |  |  |
| 15. Stamped, addressed, empty envelopes with no return address, using the adjacent property owner list.<br>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. | <input type="checkbox"/> | <input type="checkbox"/>            |                                                                                                            |  |  |

## EXPLANATION OF PROJECT

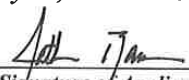
*Please provide detailed information concerning all requests. Attach additional sheets if necessary.*

The owner is requesting approval to develop subject property as a conventional residential subdivision. The subdivision consist of 20.88 acres subdivided into 38 residential lots with a minimum of 8,000 sf per lot. Access to the development will utilize an existing stub from the adjoining Wynston Subdivision Phase 7. Improvements include curb and gutter streets with sidewalk, storm drainage and public water and sewer services provided by the Town of Clayton. All improvements are to meet current Town of Clayton specifications.

## APPLICANT AFFIDAVIT

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

JONATHAN BARNES  
Print Name

  
Signature of Applicant

6/1/15  
Date

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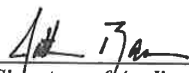
## FINDINGS OF FACT

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

- (1) That the subdivision meets all required specifications of the town Subdivision Regulations and conforms to the town Unified Development Code.  
~~The subject property is currently zoned R-10. A rezoning Application has been submitted to rezone the property to R-8.~~  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- (2) That the subdivision will not be detrimental to the use or orderly development of other properties in the surrounding area and will not violate the character of existing standards for development of properties in the surrounding area.  
~~The subject property will complement the surrounding properties and is consistent with surrounding development. The location of subject property in relation to downtown Clayton will encourage continued residential growth and development of the surrounding properties.~~  
\_\_\_\_\_  
\_\_\_\_\_
- (3) That the subdivision design will provide for the distribution of traffic in a manner that will avoid or mitigate congestion within the immediate area, will provide for the unified and orderly use of or extension of public infrastructure, and will not materially endanger the environment, public health, safety, or the general welfare.  
~~The subject project will provide proper distribution of traffic to avoid congestion to the public in the immediate area. The project will utilize the extension of the Town of Clayton's existing infrastructure to provide products and services to the public that are desired and will not be an endangerment to the environment or the public.~~  
\_\_\_\_\_  
\_\_\_\_\_
- (4) That the subdivision will not adversely affect the general plans for the orderly growth and development of the town and is consistent with the planning policies adopted by the Town Council.  
~~The proposed development of the subject property is consistent with the overall development plan of the Town.~~  
\_\_\_\_\_  
\_\_\_\_\_

Project Name: Brookside Subdivision

JONATHAN BARNES  
Print Name

  
Signature of Applicant

6/1/15  
Date

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## ADJACENT PROPERTY OWNERS LIST

**Project Name:** Brookside Subdivision

*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                                             |
|----------------|----------------------------------------|-----------------------------------------------------|
| 165801-06-1681 | Marie A. Hargis & Wallace D. Aiken     | 1863 Guy Road, Clayton, NC 27520                    |
| 165801-07-3788 | Christopher L. Earp & Tammy S. Carroll | 1033 Breeze Lane, Clayton, NC 27520-3769            |
| 165801-07-4759 | Joel B. & Holly D. Little              | 1029 Breeze Lane, Clayton, NC 27520                 |
| 165801-07-5719 | Jason M. & Meredith B. Karr            | 1025 Breeze Lane, Clayton, NC 27520                 |
| 165801-07-5880 | John W. & Mattie Hawkins               | 1021 Breeze Lane, Clayton, NC 27520                 |
| 165801-07-6749 | Charlie L. & Stephanie L. James        | 138 Parkdale Lane, Clayton, NC 27520                |
| 165801-07-7719 | Timothy L. & Joyce A. Ballard          | 1918 Parkside Village Drive, Clayton, NC 27520-4145 |
| 165801-07-7789 | Michael R. Snodgrass                   | 1009 Breeze Lane, Clayton, NC 27520-3769            |
| 165801-07-8749 | Robert Mutone, Jr. & Jill K. Mutone    | 1005 Breeze Lane, Clayton, NC 27520                 |
| 165801-07-9718 | <b>Linda M. Lang</b>                   | 1001 Breeze Lane, Clayton, NC 27520                 |
| 165801-17-0758 | Charles & Heather Long                 | 5005 Satinwood Drive, Clayton, NC 27520             |
| 165801-17-1844 | Wynston Homeowners Assoc. Inc.         | 3739 National Drive, Suite 101, Raleigh, NC 27612   |
| 16801-17-3803  | <b>Toni M. Hutto</b>                   | 109 Roundtree Court, Clayton, NC 27520-4421         |
| 165801-17-3732 | Brandi H. & Kyle S. Robertson          | 101 Ferndale Court, Clayton, NC 27520-6934          |
| 165801-17-3539 | <b>Richard B. Lowry</b>                | 89 Ferndale Court, Clayton, NC 27520-6931           |
| 165801-17-3521 | William G. & Cynthia L. Graham         | 73 Ferndale Court, Clayton, NC 27520-6931           |
| 165801-17-3433 | Benjamin G. & Garrietta H. Prouty      | 57 Ferndale Court, Clayton, NC 27520-6931           |

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## ADJACENT PROPERTY OWNERS LIST

**Project Name:** Brookside Subdivision

*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                                       |
|----------------|-------------------------------------------|-----------------------------------------------|
| 165801-17-3346 | Suzanne L. Fitzgerald                     | 41 Ferndale Court, Clayton, NC 27520-6931     |
| 165801-17-3268 | <b>Doris R. Lindsay</b>                   | 27 Ferndale Court, Clayton, NC 27520-6931     |
| 165801-17-3271 | Timothy F. Donehoo                        | 58 Chardonney Drive, Clayton, NC 27520-9613   |
| 165801-17-3184 | <b>Becky B. Batts</b>                     | 8 Potted Plant Court, Clayton, NC 27520-6935  |
| 165801-17-3097 | Alvin L. & Sarah T. Bailey                | 26 Potted Plant Court, Clayton, NC 27520-6935 |
| 165801-16-4907 | On Top Building Company, LLC              | 101 Ferndale Court, Clayton, NC 27520-6934    |
| 165801-16-4709 | Cari & Alan Braswell                      | 1257 Grovewood Drive, Clayton, NC 27520-7297  |
| 165801-16-5763 | John L. & Carol A. Troeger                | 71 Potted Plant Court, Clayton, NC 27520      |
| 165801-16-0020 | West Clayton Church of God                | PO Box 777, Clayton, NC 27528-0777            |
| 165801-06-7398 | Pensco Trust Company, FBO Michael Edwards | PO Box 173859, Denver, CO 80217-3859          |
| 165801-06-4221 | Jose & Thommasina Boya                    | 100 Chapel Fields Lane, Garner, NC 27529      |
|                |                                           |                                               |
|                |                                           |                                               |
|                |                                           |                                               |
|                |                                           |                                               |
|                |                                           |                                               |
|                |                                           |                                               |

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## 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                                 |        |
| <b>GENERAL (ALL SHEETS):</b>                                                                                                                                                                                                                             |                                     |                                     |        |
| 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).                                                                                                | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |        |
| 2. Separate <b>sheets for each:</b> 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). | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |        |
| 3. Multiple sheets are consecutively numbered (e.g. Sheet 1 of 4).                                                                                                                                                                                       | <input checked="" type="checkbox"/> |                                     |        |
| 4. Engineer/Surveyor Logo Box (name, address, phone number, fax, and e-mail, if applicable)                                                                                                                                                              | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |        |
| 5. Name of subdivision (including phase numbers if applicable) and plan type (Subdivision, Final Plat, Exempt Plat, or Recombination).                                                                                                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |        |
| 6. Revision Date                                                                                                                                                                                                                                         | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |        |
| <b>PRELIMINARY PLAN SHEET:</b>                                                                                                                                                                                                                           |                                     |                                     |        |
| 7. Name of township, county, and state in which the property is located.                                                                                                                                                                                 | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |        |
| 8. Vicinity sketch/map.                                                                                                                                                                                                                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |        |
| 9. Surveyor or professional engineer's name and seal.                                                                                                                                                                                                    | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |        |
| 10. Date of survey and plat preparation.                                                                                                                                                                                                                 | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |        |
| 11. Provide the following project data in <u>Tabular</u> form:                                                                                                                                                                                           |                                     |                                     |        |
| - Area of tract in square feet and acres                                                                                                                                                                                                                 | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |        |
| - Parcel Identification # (and/or Tag #)                                                                                                                                                                                                                 | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |        |
| - Owner's name and address                                                                                                                                                                                                                               | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |        |
| - Within Town limits or ETJ                                                                                                                                                                                                                              | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |        |
| - Zoning District                                                                                                                                                                                                                                        | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |        |
| - Overlay District (if applicable)                                                                                                                                                                                                                       | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |        |
| - Indicate if the site is within a Watershed Protection Overlay                                                                                                                                                                                          | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |        |
| - Total Number of Lots                                                                                                                                                                                                                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |        |
| - Number of lots per acre (density)                                                                                                                                                                                                                      | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |        |
| - Acreage in Resource Conservation Areas (UDC §155.500)                                                                                                                                                                                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |        |
| - Annexation # (if applicable)                                                                                                                                                                                                                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |        |
| - FEMA designated flood plain and floodway (include FIRM panel reference number and effective date) or certification that no flood plain exists within the subdivision.                                                                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |        |
| - Electric Provider                                                                                                                                                                                                                                      |                                     |                                     |        |
| - Water Provider (or indicate if well)                                                                                                                                                                                                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |        |



| To be completed by the applicant:                                                                                                                                                                                                                                                                                                                     |                                     |                          | Staff: |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|--------------------------|--------|
|                                                                                                                                                                                                                                                                                                                                                       | Yes                                 | N/A                      |        |
| - Sewer Provider (or indicate if septic)                                                                                                                                                                                                                                                                                                              | <input checked="" type="checkbox"/> | <input type="checkbox"/> |        |
| - Impervious (existing and proposed, square feet and %) – provide impervious for overall development and per lot                                                                                                                                                                                                                                      | <input checked="" type="checkbox"/> | <input type="checkbox"/> |        |
| - Maximum allowed impervious                                                                                                                                                                                                                                                                                                                          | <input checked="" type="checkbox"/> | <input type="checkbox"/> |        |
| - Existing Use                                                                                                                                                                                                                                                                                                                                        | <input checked="" type="checkbox"/> | <input type="checkbox"/> |        |
| - Proposed Use                                                                                                                                                                                                                                                                                                                                        | <input checked="" type="checkbox"/> | <input type="checkbox"/> |        |
| 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. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |        |
| 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.                                 | <input checked="" type="checkbox"/> | <input type="checkbox"/> |        |
| 14. Accurate location and description of all monuments, markers and control points.                                                                                                                                                                                                                                                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |        |
| 15. Show the 100 year flood plain, riparian buffer, wetlands, and any Resource Conservation Areas on all sheets.                                                                                                                                                                                                                                      | <input checked="" type="checkbox"/> | <input type="checkbox"/> |        |
| 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 __".                                                                                                                                                                          | <input checked="" type="checkbox"/> | <input type="checkbox"/> |        |
| 17. Phase lines. Phases are clearly labeled.                                                                                                                                                                                                                                                                                                          | <input checked="" type="checkbox"/> | <input type="checkbox"/> |        |
| 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.                                                                                                                                                                         | <input checked="" type="checkbox"/> | <input type="checkbox"/> |        |
| 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.                                                                                                                                                                          | <input checked="" type="checkbox"/> | <input type="checkbox"/> |        |
| 20. Location of safe sight triangles at project ingress/egress points, or as required.                                                                                                                                                                                                                                                                | <input checked="" type="checkbox"/> | <input type="checkbox"/> |        |
| 21. Minimum building setbacks /envelope are noted.                                                                                                                                                                                                                                                                                                    | <input checked="" type="checkbox"/> | <input type="checkbox"/> |        |
| 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.                                                             | <input checked="" type="checkbox"/> | <input type="checkbox"/> |        |
| 23. Location of all existing and proposed easements, labeled as "public" or "private" and labeled with easement type.                                                                                                                                                                                                                                 | <input checked="" type="checkbox"/> | <input type="checkbox"/> |        |
| 24. Width and type of any buffers and easements.                                                                                                                                                                                                                                                                                                      | <input checked="" type="checkbox"/> | <input type="checkbox"/> |        |
| 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."                                                                                                                                                                                                 | <input checked="" type="checkbox"/> | <input type="checkbox"/> |        |
| 26. Proposed streets are labeled, named and dimensioned. Correct street cross                                                                                                                                                                                                                                                                         | <input checked="" type="checkbox"/> | <input type="checkbox"/> |        |

November 2014

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| To be completed by the applicant:                                                                                                                                                                                                                                                                                                                                                        |                                     |                          | Staff: |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|--------------------------|--------|
|                                                                                                                                                                                                                                                                                                                                                                                          | Yes                                 | N/A                      |        |
| section detail provided. Label street type based on definitions in §155.602(D).<br>If streets are private:                                                                                                                                                                                                                                                                               |                                     |                          |        |
| - All private streets shall be maintained by a designated responsible party. The party shall be noted on the plat.                                                                                                                                                                                                                                                                       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |        |
| - Streets are labeled "Private Streets – No Town Maintenance."                                                                                                                                                                                                                                                                                                                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> |        |
| Street names must be approved by Town of Clayton via a Road Name Application.                                                                                                                                                                                                                                                                                                            |                                     |                          |        |
| 27. Lengths of all cul-de-sacs.                                                                                                                                                                                                                                                                                                                                                          | <input checked="" type="checkbox"/> | <input type="checkbox"/> |        |
| 28. Identify proposed traffic control signs and striping.                                                                                                                                                                                                                                                                                                                                | <input checked="" type="checkbox"/> | <input type="checkbox"/> |        |
| 29. Location, purpose and dimensions of non-residential areas (such as parks, playgrounds, open space, churches, school sites, etc.)                                                                                                                                                                                                                                                     | <input checked="" type="checkbox"/> | <input type="checkbox"/> |        |
| - 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:<br>"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" | <input checked="" type="checkbox"/> | <input type="checkbox"/> |        |
| 31. Proposed stormwater retention/detention features and dimensions. If fenced, include fence location.                                                                                                                                                                                                                                                                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |        |
| 32. Existing and proposed sidewalk system, access ramps, and crosswalks.                                                                                                                                                                                                                                                                                                                 | <input checked="" type="checkbox"/> | <input type="checkbox"/> |        |
| 33. Identify alternative modes of transportation including school stops, pedestrian connections, bicycle paths and bicycle racks.                                                                                                                                                                                                                                                        | <input checked="" type="checkbox"/> | <input type="checkbox"/> |        |
| 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.                                                                                                                                                                                                            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |        |
| 35. Location of clustered mailboxes.                                                                                                                                                                                                                                                                                                                                                     | <input checked="" type="checkbox"/> | <input type="checkbox"/> |        |
| 36. Location and orientation of freestanding signs (signage is permitted separately).                                                                                                                                                                                                                                                                                                    | <input checked="" type="checkbox"/> | <input type="checkbox"/> |        |
| LANDSCAPING PLAN SHEET (See §155.402 for Landscaping Requirements)                                                                                                                                                                                                                                                                                                                       |                                     |                          |        |
| 37. Show location, width, and type of all landscape buffers.                                                                                                                                                                                                                                                                                                                             | <input type="checkbox"/>            | <input type="checkbox"/> |        |
| 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                                                                                                                                                                                                                                                                                                                                   | <input type="checkbox"/>            | <input type="checkbox"/> |        |
| - 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                                               | <input type="checkbox"/>            | <input type="checkbox"/> |        |

| 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.                                                                                             | <input type="checkbox"/>            | <input type="checkbox"/> |        |
| 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.                                                        | <input type="checkbox"/>            | <input type="checkbox"/> |        |
| 42. Location of all existing buildings and structures, water/sewer/gas infrastructure, underground structures, easements, or other existing features.                                                                                                                                      | <input type="checkbox"/>            | <input type="checkbox"/> |        |
| 43. Existing structures, existing streets and roadway improvements, and existing utilities within 100 feet of the site.                                                                                                                                                                    | <input type="checkbox"/>            | <input type="checkbox"/> |        |
| 44. Label adjacent property acreage, owners, and zoning districts.                                                                                                                                                                                                                         | <input type="checkbox"/>            | <input type="checkbox"/> |        |
| 45. Label subject parcel property owner, acreage, and zoning.                                                                                                                                                                                                                              | <input type="checkbox"/>            | <input type="checkbox"/> |        |
| PRELIMINARY ENGINEERING PLAN SHEET:                                                                                                                                                                                                                                                        |                                     |                          |        |
| 46. Show subdivision layout, streets, and all pertinent information from subdivision plat sheet.                                                                                                                                                                                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> |        |
| 47. Identify curb radii for all internal and external vehicular use areas.                                                                                                                                                                                                                 | <input checked="" type="checkbox"/> | <input type="checkbox"/> |        |
| 48. Location of all existing and proposed utilities (water, sewer, electric, natural gas, etc.).                                                                                                                                                                                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> |        |
| 49. Location of all existing and proposed drainage structures.                                                                                                                                                                                                                             | <input checked="" type="checkbox"/> | <input type="checkbox"/> |        |
| 50. Location of all existing and proposed fire hydrants.                                                                                                                                                                                                                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |        |
| 51. Location of all existing and proposed easements, labeled as "public" or "private."                                                                                                                                                                                                     | <input checked="" type="checkbox"/> | <input type="checkbox"/> |        |
| 52. Show street cross-sections.                                                                                                                                                                                                                                                            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |        |
| 53. Indicate method of slope stabilization measures for all slopes steeper than 2.5:1.                                                                                                                                                                                                     | <input checked="" type="checkbox"/> | <input type="checkbox"/> |        |
| 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. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |        |
| OTHER                                                                                                                                                                                                                                                                                      |                                     |                          |        |
| 55. If subdivision includes townhomes, include architectural elevations sheet, noting construction materials, finishes and colors, height, and number of stories.                                                                                                                          | <input type="checkbox"/>            | <input type="checkbox"/> |        |
| 56. Any other information considered by either the applicant or the Town to be pertinent to the review.                                                                                                                                                                                    | <input type="checkbox"/>            | <input type="checkbox"/> |        |

Signed by Applicant:



Date: 6/1/15

November 2014

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

## 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: Brookside Subdivision Acreage of Property: 20.88 acres  
Tax ID #: 4235470 NC PIN: 165801-17-0116  
Deed Book: 04395 Deed Page(s): 0478  
Location:  
adjacent to NC 42 West  
Nearest Intersecting Roads: NC 42 West and Amelia Church Road  
Township: Clayton

### PROPERTY OWNER INFORMATION

Name: Clayton NDJC, L.L.C.  
Mailing Address: Post Office Box 189 Clayton, NC 27528  
Phone Number: ( 919 ) 345 - 6729 Fax: n/a  
Email Address: nathan@nlevans.com

### APPLICANT INFORMATION

Applicant: Dalton Engineering and Associates, P.A.  
Mailing Address: Post Office Box 426 Clayton, NC 27528  
Phone Number: ( 919 ) 550 - 4740 Fax: ( 919 ) 550 - 4741  
Contact Person: Jonathan Barnes  
Email Address: j.barnes @ daltonengineering.com

### FOR OFFICE USE ONLY

Date Received: \_\_\_\_\_ Amount Paid: \_\_\_\_\_ File Number: \_\_\_\_\_

November 2014

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## 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. MORADA   | Lane   |
| 2. SANIBEL  | Street |
| 3. AZUL     | Drive  |
| 4.          |        |
| 5.          |        |
| 6.          |        |
| 7.          |        |
| 8.          |        |
| 9.          |        |
| 10.         |        |

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

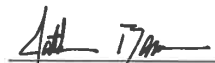
## APPLICANT AFFIDAVIT

*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.*

**Jonathan Barnes**

Print Name

November 2014

  
Signature of Applicant

**6/1/15**

Date

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## APPROVED SUFFIXES AND ABBREVIATIONS

| STREET SUFFIX | ABBREVIATION |
|---------------|--------------|
| Avenue        | AVE          |
| Bend          | BND          |
| Boulevard     | BLVD         |
| Center        | CTR          |
| Circle        | CIR          |
| Cove          | CV           |
| Court         | CT           |
| Drive         | DR           |
| Expressway    | EXPY         |
| Extension     | EXT          |
| Gateway       | GTWY         |
| Freeway       | FWY          |
| Highway       | HWY          |
| Lane          | LN           |
| Loop          | LOOP         |
| Parkway       | PKWY         |
| Park          | PARK         |
| Path          | PATH         |
| Place         | PL           |
| Point         | PT           |
| Square        | SQ           |
| Ridge         | RDG          |
| Street        | ST           |
| Trace         | TRCE         |
| Trail         | TRL          |
| Way           | WAY          |
| Walk          | WALK         |



**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: BROOKSIDE SUBDIVISION Address or PIN #: 165801 - 17 - 0116

**AGENT/APPLICANT INFORMATION:**

DALTON ENGINEERING  
AND ASSOCIATES, P.A.  
(Name - type, print clearly)

P.O. Box 426  
(Address)  
CLAYTON, NC 27528  
(City, State, Zip)

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

MAJOR SUBDIVISION APPLICATION  
REZONING APPLICATION

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

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

**OWNER AUTHORIZATION:**

CLAYTON NOTIC, LLC  
BY: NATHAN EVANS, MGR/MBR  
(Name - type, print clearly)  
CLAYTON NOTIC, LLC  
BY: [Signature] MGR/MBR  
(Owner's Signature)

PO Box 189,  
(Address)  
CLAYTON NC 27528  
(City, State, Zip)

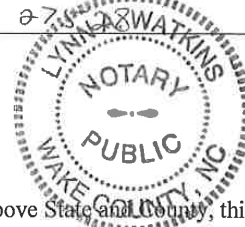
STATE OF North Carolina  
COUNTY OF Wake

Sworn and subscribed before me Lynne A. Watkins, a Notary Public for the above State and County, this  
the 28 day of May, 2015.

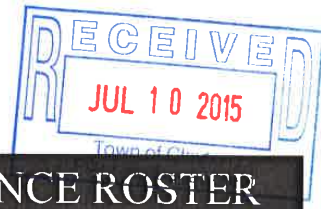
SEAL

Notary Public

My Commission Expires: 12-7-2016



BROOKSIDE

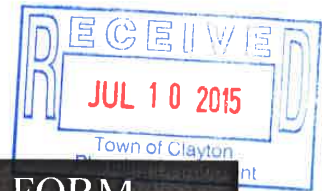


## NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Applicant: Dalton Engineering and Associates, P.A.

Location/Date: Dalton Engineering and Associates, P.A. 446 East Main Street Clayton, NC / 7/2/15

|    | NAME            | ADDRESS                          |
|----|-----------------|----------------------------------|
| 1  | Jonathan Barnes | 446 East Main Street Clayton, NC |
| 2  | DURWOOD HARGIS  | 1863 GUY RD, CLAYTON, N.C.       |
| 3  | Luke Long       | 5005 satinwood Dr Clayton        |
| 4  | John Tregeer    | 71 Potted Plant Ct               |
| 5  | Eric Ballard    | 1013 Breeze Ln                   |
| 6  | Chris Carp      | 1033 Breeze Ln.                  |
| 7  | John Hastings   | 1021 Breeze Lane                 |
| 8  | Jason Kerr      | 1025 Breeze Lane                 |
| 9  | CAROL TROEGER   | 71 POTTED PLANT CT               |
| 10 |                 |                                  |
| 11 |                 |                                  |
| 12 |                 |                                  |
| 13 |                 |                                  |
| 14 |                 |                                  |
| 15 |                 |                                  |
| 16 |                 |                                  |
| 17 |                 |                                  |
| 18 |                 |                                  |
| 19 |                 |                                  |
| 20 |                 |                                  |



## NEIGHBORHOOD MEETING SUMMARY FORM

### FILL OUT THE FOLLOWING:

Date of Mailing: 6/19/15

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

Printed Name: Jonathan Barnes

Signature: [Signature]

Date of Meeting: 7/2/15

Time of Meeting: 6:00 p.m.

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

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

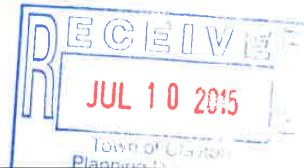
- Eric Sallard*
- Wynston neighborhood entrance should not be an entrance for another neighborhood. we pay dues & maintain the entrance.
  - construction traffic is a huge concern & will have a large impact on Breeze Lane.
  - Would this new community be interested in joining the Wynston HOA & have use of our pool etc.?
  - Will this be a gated community?
  - adding about 75 cars coming in and out of Breeze lane is a huge concern. (38 houses = about 1 1/2 cars per house).
  - what if any space will be between the "Street B" & Breeze Lane? ie. how close will fences be?
  - What, if any, trees or bushes will be between "Street B" & Breeze Lane?
  - School buses will ~~be~~ increase in traffic as well as delivery vehicles.

*WYNWOOD HARGIS* → STUBBING STREETS TO COMMERCIAL PROPERTY IS PROBLEMATIC TO OWNERS

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

November 2014

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## NEIGHBORHOOD MEETING SUMMARY FORM

### FILL OUT THE FOLLOWING:

Date of Mailing: 6/19/15

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

Printed Name: Jonathan Barnes

Signature: [Signature]

Date of Meeting: 7/2/15

Time of Meeting: 6:00 p.m.

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

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

*Eric Ballard*  
-allowing the houses to be built with only a min. of 25' to the property line is a huge concern as this is really close to Breeze Ln houses.

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

November 2014

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## NEIGHBORHOOD MEETING SUMMARY FORM

### FILL OUT THE FOLLOWING:

Date of Mailing: 6/19/15

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

Printed Name: Jonathan Barnes

Signature: [Signature]

Date of Meeting: 7/2/15

Time of Meeting: 6:00 p.m.

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

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

*I object to the proposed development. The traffic down Breeze Lane for the 38 proposed houses will result in tremendous safety concerns for the neighborhood children who play in <sup>our</sup> front yards and walk along the streets from school. Further, the noise from the extra traffic will greatly affect the neighborhood's house values. The construction traffic, dust, & noise will be unduly burdensome. There are only sidewalks on one side of the street on the street in Winston, including Breeze Lane. The increased traffic passing each other, especially the construction traffic, will be extremely disruptive. I'm also extremely concerned about the effect on the stream passing across the property. The rail track will*

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

November 2014

*create a major congested area. No buffer is planned next to the current Winston sub-division,*

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Dalton Engineering

and Associates, P.A.  
446 East Main Street  
Post Office Box 426  
Clayton, NC 27528

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

PROJECT NO. 14-032

PAGE NO. \_\_\_\_\_

PROJECT BROOKSIDE

CALCULATED BY JWB

DATE 6/23/15

CHECKED BY \_\_\_\_\_

DATE \_\_\_\_\_

SUBJECT NOTE TO FILE

TIM BALLARD  
# 1918 PARKSIDE VILLAGER DR  
1013 BREEZE LN



- NOTES:
1. WHO WILL MAINTAIN FENCE ON THE REAR OF HIS PROPERTY ?
  2. WHO WILL MAINTAIN THE AREA BEHIND THE FENCE, ON THE REAR OF HIS PROPERTY ?

Dalton Engineering  
and Associates, P.A.

Neighborhood  
meeting letters for  
Brookside



June 19, 2015

165801-06-1681  
Marie A. Hargis and  
Wallace D. Aiken  
1863 Guy Road  
Clayton, NC 27520

Dear Clayton Area Property Owners:

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

Meeting Date: Thursday, July 2, 2015

Location: Dalton Engineering  
446 East Main Street  
Clayton, NC 27520

Time: 6:00 PM

Type of Application: Major Subdivision Application and Rezoning Application

General Description: The owners of the adjacent property are requesting approval to develop the parcel as a residential subdivision. The subdivision would consist of 38 single-family lots. Improvements would include curb and gutter streets with sidewalk and public water and sewer service provided by the Town of Clayton.

If you have any questions prior to or after this meeting, you may contact the Town of Clayton Planning Department at (919) 553-5002.

Thank you.

Jonathan Barnes  
Dalton Engineering and Associates, P.A.  
(919) 550-4740

CC: Town of Clayton Planning Dept.

446 East Main Street ▲ P.O. Box 426 ▲ Clayton, NC 27528 ▲ (919) 550-4740/Fax (919) 550-4741



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

PAT MCCRORY  
GOVERNOR

NICHOLAS J. TENNYSON  
SECRETARY

August 7, 2015

**DELIVERY VIA EMAIL**

David L. DeYoung, AICP  
Planning Director - Town of Clayton  
PO Box 879  
Clayton, NC 27528

COUNTY: Johnston

SUBJECT: **Proposed Brookside Subdivision**

Dear Mr. DeYoung:

Per your request, this letter is to provide additional review comments of the proposed Brookside Subdivision that was presented at the Town Technical Review Committee (TRC) on June 17, 2015.

I would like to preface these comments with our office has only reviewed the plan as presented at the TRC meeting which places all access to the development via existing Satinwood Drive. At the TRC meeting, the Department provided no comments as it was my understanding the development would be served internally from adjacent development.

Our office would consider an entrance onto NC 42, however we always encourage streets and developments to be served internally wherever feasible. This practice increases safety and mobility amongst major roadways by reducing the number of intersections, turning movements and potential conflicts on major corridors. In addition, the future widening project R-3410 for NC 42 is anticipated to be constructed beginning in 2023, of which the available turning movements such an intersection could be reduced based on the proposed cross sections, access management needs or environmental constraints necessary for construction of the project and safety and mobility of the corridor.

Please keep in mind the Department has not taken into account any environmental or riparian buffer impacts due to a driveway at this location with these additional comments. Feel free to contact me if you have any additional questions or concerns.

Sincerely,  
DocuSigned by:

6C10249A6B37469...

Jiles P. Harrell, PE  
District Engineer

JPH

cc: Tim Little, PE - Division Engineer  
Andy Brown, PE - Division Traffic Engineer  
Driveway Permit File

District Engineer's Office  
2671 US 70 West, Goldsboro, NC 27530  
Telephone: (919) 739-5300



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

**15-22-01-RZ Brookside Subdivision**

On July 27, 2015 the Planning Board heard the above-referenced request and made the following vote:

Recommendation to the Town Council to

☐ approve the request with the conditions presented by staff;

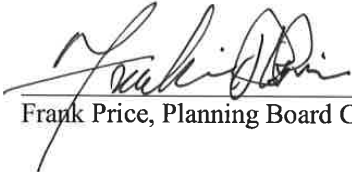
☒ approve the request with the following modified or added conditions:

*conditions presented by staff;  
applicant shall investigate / provide alternative  
construction entrance (instead of Satinwood Dr).*

☐ deny the request.

Recommendation(s) made this 27 day of July 2015 while in regular session.

Signed:

  
\_\_\_\_\_  
Frank Price, Planning Board Chair



**TOWN OF CLAYTON  
TOWN COUNCIL  
AGENDA COVER SHEET**

**AGENDA LOCATION:**

Items Scheduled for Regular Meetings

**Meeting Date:**

August 17, 2015

**ITEM TITLE:**

Town Facility Operations Center - Rezoning - Rz 2015-25

**DESCRIPTION:**

Request to rezone 13.10 acres located east of Lee Court, between NC 42 W and Barber Mill Rd., from B-3 to PF

**POTENTIAL ACTION:**

Set Public Hearing

**DEPARTMENT:**

Planning + Zoning

**PRESENTER:**

David DeYoung, Planning Director

**ITEM HISTORY:**

**Date:**

**Action Taken:**

**Information Provided:**

**Date:**

**Action Taken:**

**Information Provided:**

### **PUBLIC NOTICE**

In accordance with NC GS 160A-384, the Clayton Town Council will hold a public hearing on September 8<sup>th</sup>, 2015, at 6:30 PM at Town Hall, 111 East Second Street, to consider the following rezoning requests:

- Request 2015-25-RZ, Town Facility: Operations Center, parcel number 165807-67-0901, all within the town limits. The requested change is from Highway Business (B-3) to Public Facilities (PF).
- Request 2015-26-RZ, Town Facility: Waste Water Treatment Plant (WWTP), parcel numbers 165808-98-5881, 165808-98-5176, 165808-97-9704, all within the town limits. The requested change is from Residential (R-8) to Public Facilities (PF).
- Request 2015-28-RZ, Town Facility/Property: Maplewood Cemetery, parcel number 166805-09-3472, all within the town limits. The requested change is from Residential (R-8) to Public Facilities (PF).

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

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

Jay McLeod, Planner  
919-359-9335

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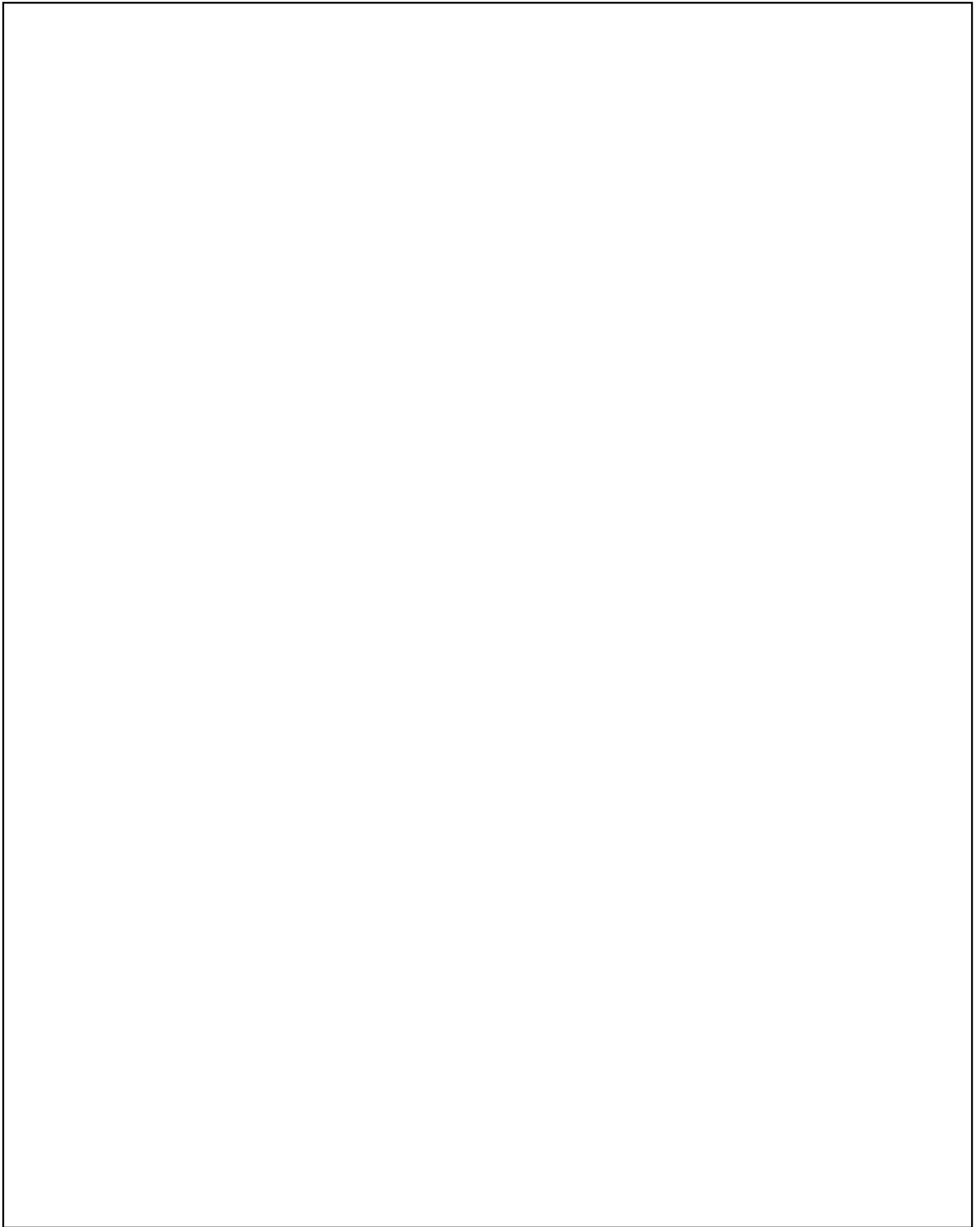
News & Observer

Please advertise on the following dates:

August 26<sup>th</sup>, 2015

September 2<sup>nd</sup>, 2015

Affidavit of publication required.





Town of Clayton  
Planning Department  
111 E. Second Street, Clayton, NC 27520  
P.O. Box 879, Clayton, NC 27528  
Phone: 919-553-1545  
Fax: 919-553-1720

Planning Board  
July 27, 2015

## STAFF REPORT

### Application Number: RZ 2015-25 Project Name: Town Facility Operations Center Rezoning

**NC PIN / Tag #:** 165807-67-0901 / 05G02011K  
**Town Limits/ETJ:** Town Limits  
**Overlay:** Small portion of the property is in the Thoroughfare Overlay District.  
**Applicant:** Town of Clayton  
**Owner:** Town of Clayton  
**Location:** The property is located at 653 NC 42 Hwy W (see map).

#### Public Noticing:

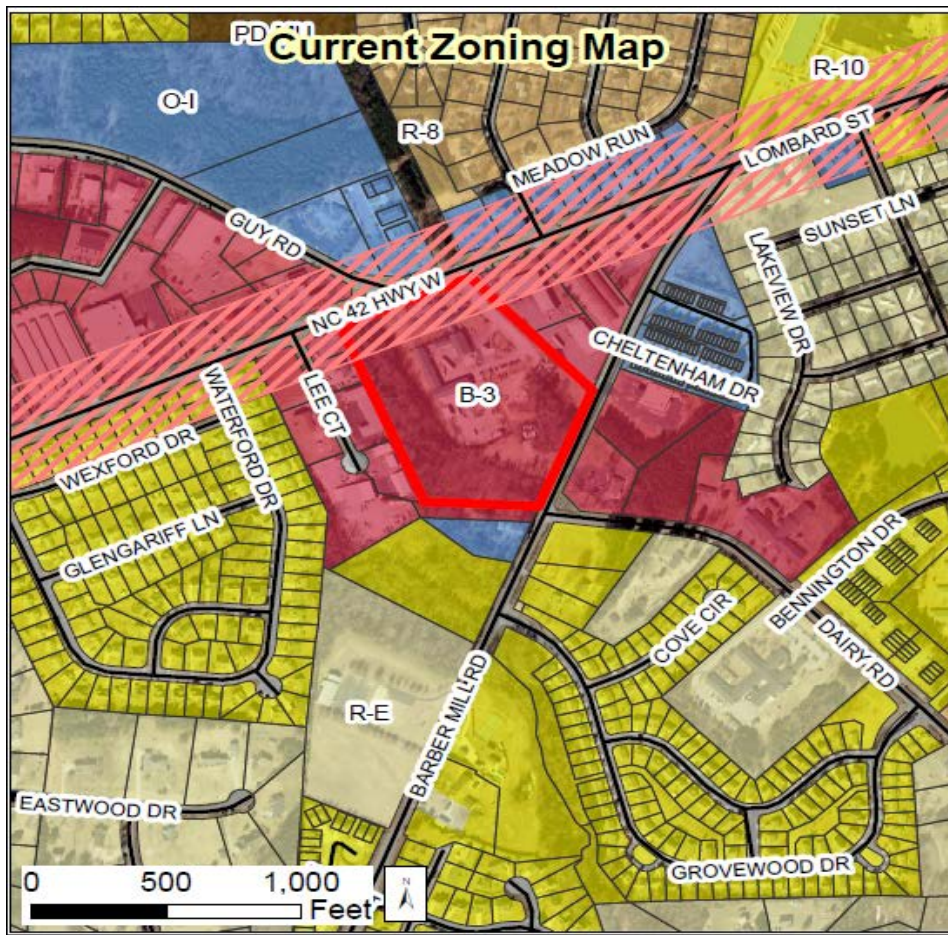
- Neighborhood meeting July 8, 2015
- Sign posted July 21, 2015
- Letters mailed prior to September 8, 2015
- Newspaper ad posted prior to September 8, 2015

**REQUEST:** Rezoning from Highway Business (B-3) to Public Facilities (PF).



**SITE DATA:****Acreage:** 13.10 acres**Existing Use:** Public Town of Clayton Operations Center**ADJACENT ZONING AND LAND USES:**

| Direction | Zoning                                                                 | Existing Use                               |
|-----------|------------------------------------------------------------------------|--------------------------------------------|
| North     | Highway Business (B-3), Office Institutional (O-I)                     | Commercial, Office Institutional           |
| South     | Highway Business (B-3), Office Institutional (O-I), Residential (R-10) | Residential – Medium, Office Institutional |
| East      | Highway Business (B-3)                                                 | Commercial                                 |
| West      | Highway Business (B-3)                                                 | Commercial                                 |



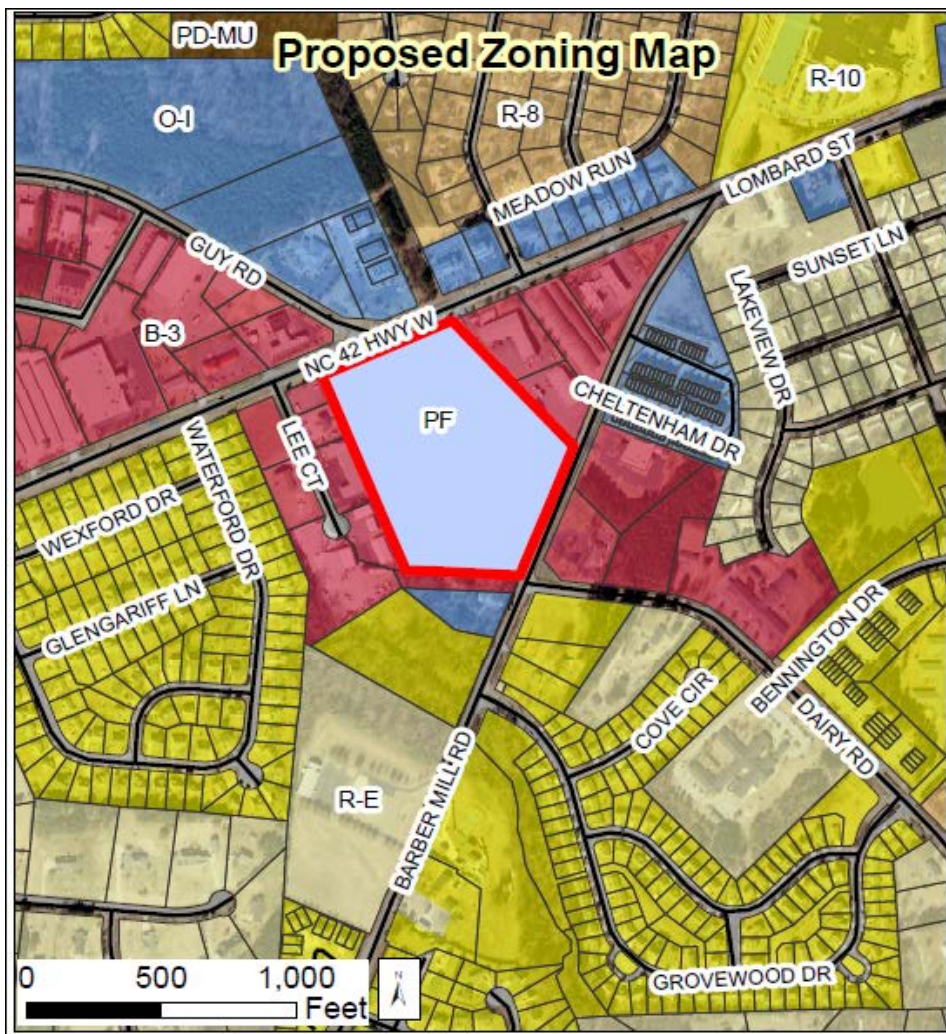


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## STAFF ANALYSIS AND COMMENTARY:

### Overview

The applicant (Town of Clayton) is requesting to rezone a Town owned public facility from B-3 (Highway Business) to the newly adopted zoning classification PF (Public Facilities) to provide consistency between the zoning district and the attached use of the property. The Operations Center property consists of 13.10 acres. The proposed Land Use classification for the property is Public and the property is located in the Town Limits of Clayton.



Compatibility with Surrounding Land Uses

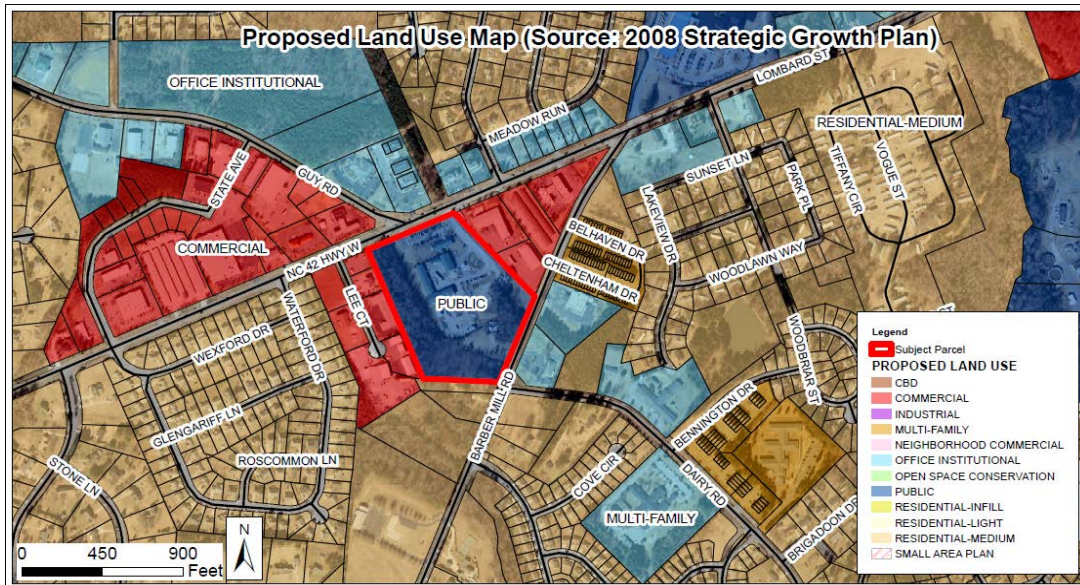
The existing Operations Center facility is compatible with the surrounding land uses.

**Access/Streets:**

Primary access to the property is from NC 42 Hwy W.

**Consistency with the Strategic Growth Plan**

The 2008 Strategic Growth Plan designates this area as “Public”. This rezoning is consistent with the intent of the Future Land Use for the Operations Center facility and surrounding lands.



**Consistency with Overlays**

A small portion of the property is in the Thoroughfare Overlay District.

---

**CONSIDERATIONS:**

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

---

**STAFF RECOMMENDATION:**

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

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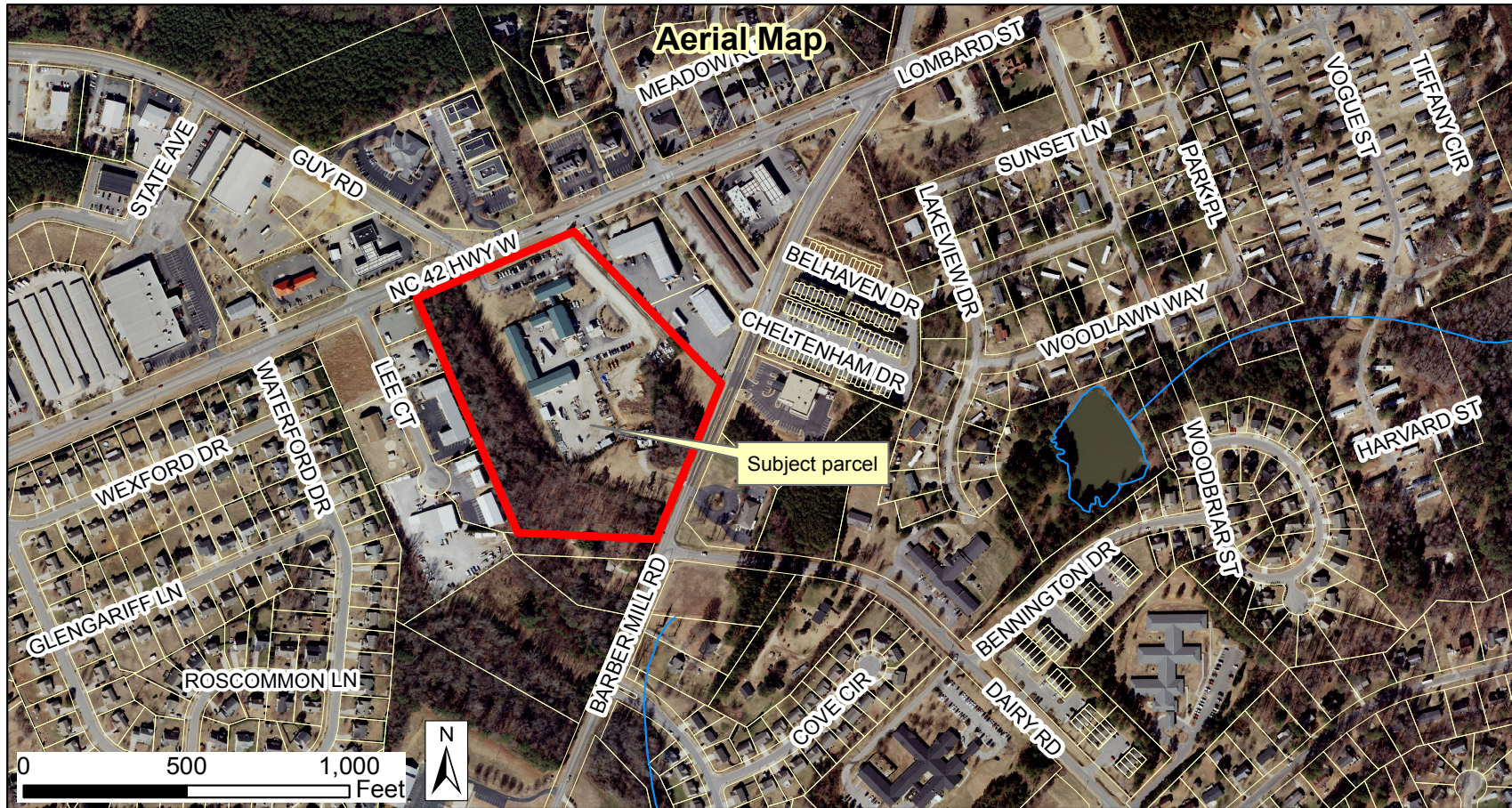
Staff Report  
RZ 2015-25 Town Facility Operation Center

**PLANNING BOARD RECOMMENDATION:**

**ATTACHMENTS:**

- 1) Aerial Map
- 2) Existing and Proposed Zoning Map
- 3) Proposed Land Use Map
- 4) Application
- 5) Neighborhood Meeting Materials





## 2015-25-RZ Town Facility Operation Center Rezoning Rezoning from B-3 to PF

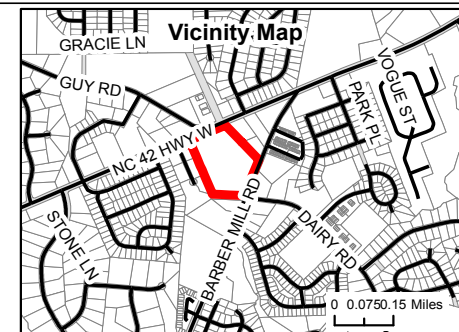
Applicant: Town of Clayton  
 Property Owner: Town of Clayton  
 Parcel ID Number: 165807-67-0901  
 Tag #: 05G02011K

Produced by: TOC Planning

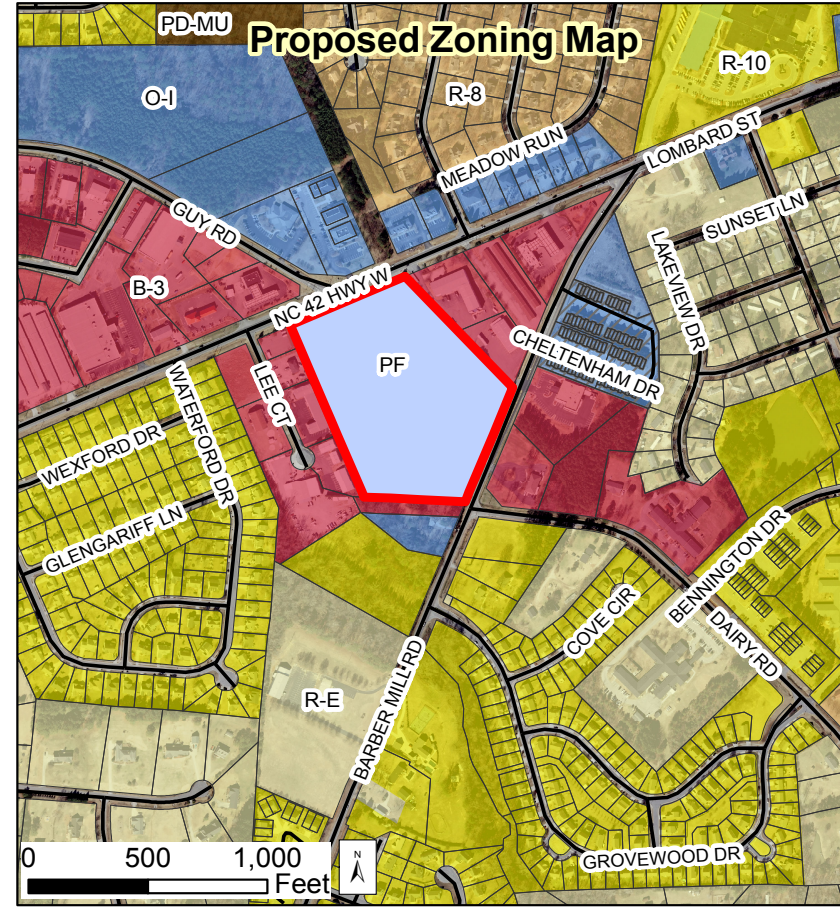
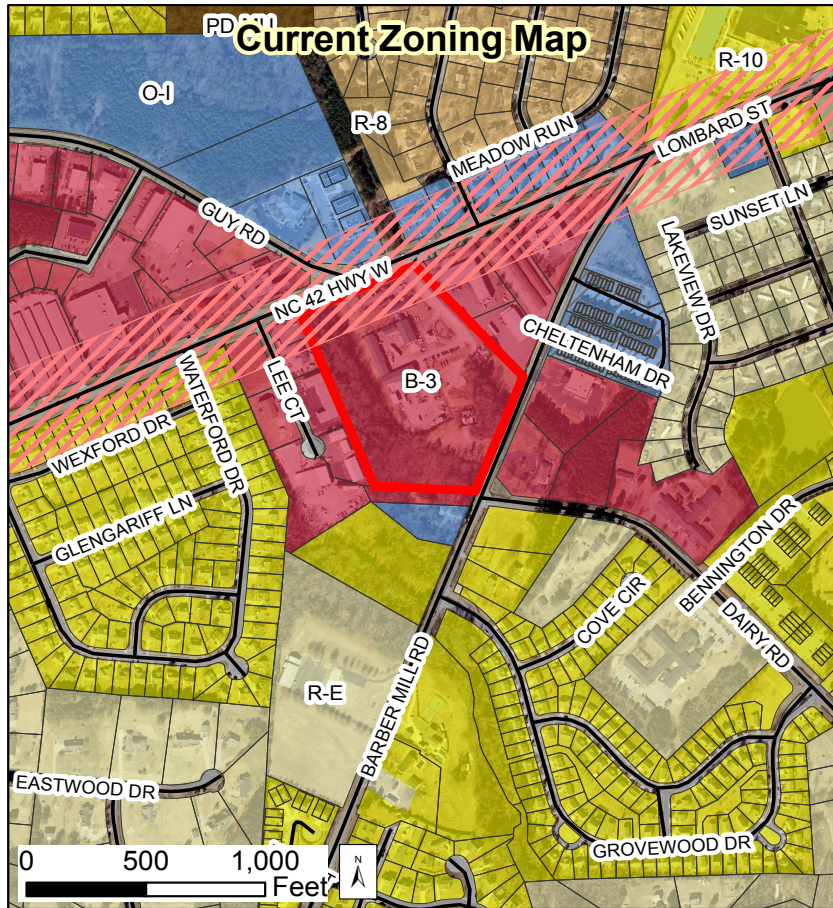
Disclaimer: Town of Clayton assumes no legal  
 responsibility for the information represented here.



06/26/2015







## 2015-25-RZ Town Facility Operation Center Rezoning Rezoning from B-3 to PF

Applicant: Town of Clayton  
Property Owner: Town of Clayton  
Parcel ID Number: 165807-67-0901  
Tag #: 05G02011K

Produced by: TOC Planning

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

06/15/2015



### Legend

  Subject Parcel

  Thoroughfare Overlay

  R-E

  R-10

  R-8

  R-6

  PD-R

  O-R

  B-1

  B-2

  B-3

  PD-C

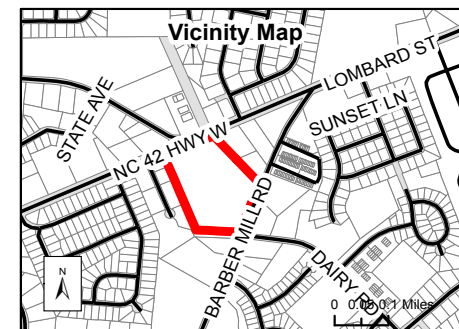
  I-1

  I-2

  O-I

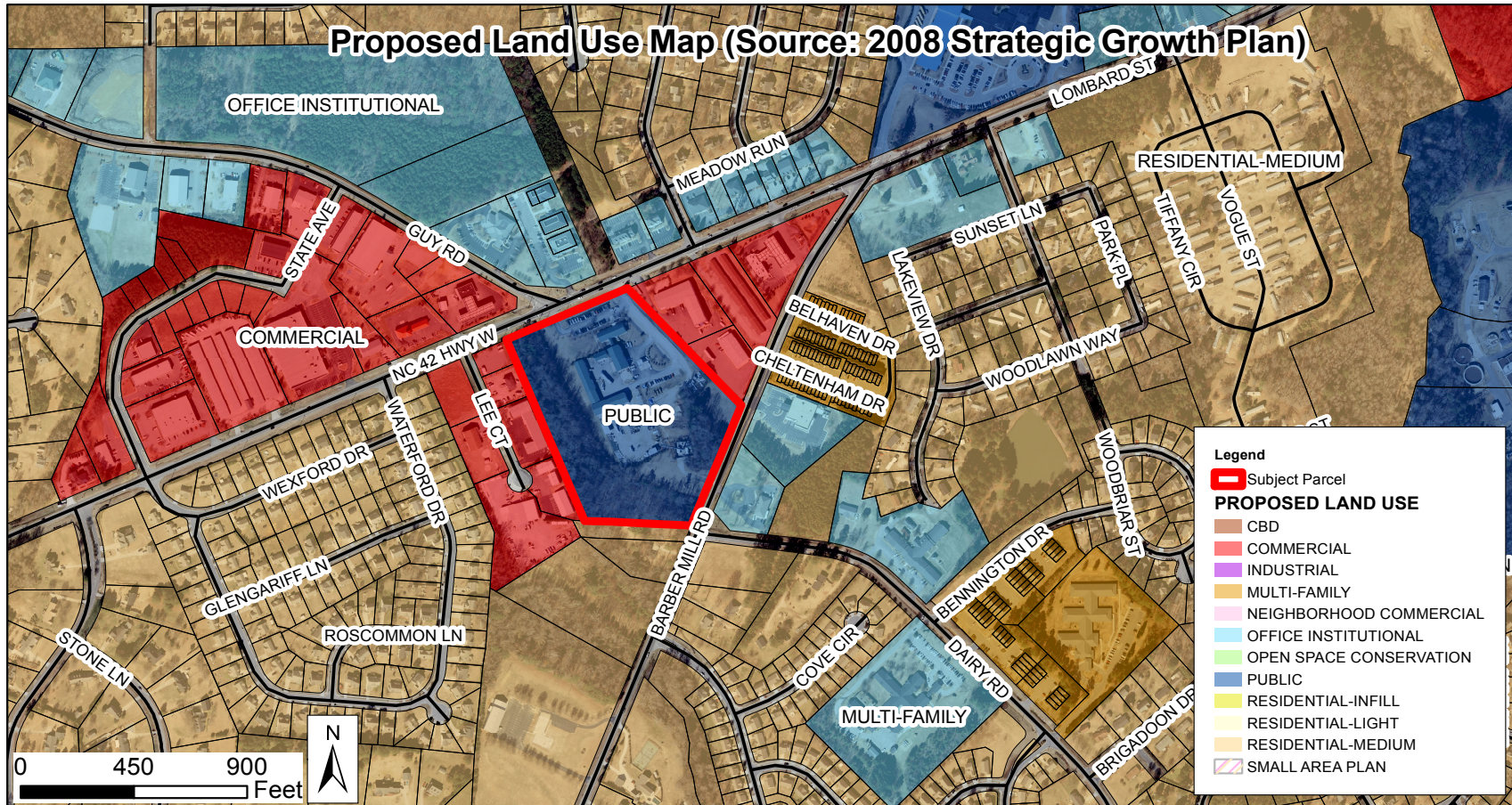
  PF

  PD-MU





## Proposed Land Use Map (Source: 2008 Strategic Growth Plan)



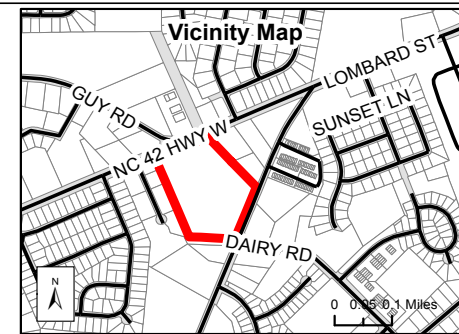
### 2015-25-RZ Town Facility Operation Center Rezoning Rezoning from B-3 to PF

Applicant: Town of Clayton  
Property Owner: Town of Clayton  
Parcel ID Number: 165807-67-0901  
Tag #: 05G02011K

Produced by: TOC Planning

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

06/15/2015





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 fee: Standard Rezoning: \$500.00  
Rezoning to Planned Development District: \$1,000.00 + \$5.00 acre  
*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: Town Facility Operation  
Center Acreage of Property: 13.10 acres  
County Tag Number: 05G02011K NC PIN: 165807-67-0901  
Address/Location: 653 NC 42 Hwy W  
  
Existing Zoning District: B-3 (Business Highway)  
Proposed Zoning District: PF (Public Facilities)  
Is project within an Overlay District? ☐ No  
☒ Yes (list): TOD

### APPLICANT INFORMATION

Applicant: Town of Clayton  
Mailing Address: P O Box 879 Clayton, NC 27528  
Phone Number: 919 553-5002 Fax: \_\_\_\_\_  
Contact Person: Beth Franson  
Email Address: bfranson@townofclaytonnc.org

### FOR OFFICE USE ONLY

Date Received: 6-18-2015 Amount Paid: NA File Number: 222015-25



## PROPERTY OWNER INFORMATION

Name: Town of Clayton

Mailing Address: P O Box 879 Clayton, NC 27528

Phone Number: 919 553-5002

Fax: 919 553-8919

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

## EXPLANATION OF PROJECT

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

To rezone Town owned public facilities to the newly adopted zoning classification PF (Public Facilities) and utilize the dimensional standards for the PF zoning classification.

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

*The following items must accompany a Rezoning application.*

| To be completed by the applicant:                                                                                                                                                                                                                                                  |                                                                                                            |                                                                            | To be completed by staff: |    |     |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|---------------------------|----|-----|
| Submit 9 copies of all materials unless otherwise noted or directed by staff                                                                                                                                                                                                       | Yes                                                                                                        | N/A                                                                        | Yes                       | No | N/A |
| 1. A pre-application conference was held with Town of Clayton staff. Date: _____                                                                                                                                                                                                   | <input type="checkbox"/>                                                                                   | <input checked="" type="checkbox"/>                                        |                           |    |     |
| 2. Review Fee (\$500 for standard rezoning OR \$1,000 + \$5.00/acre for Planned Developments)                                                                                                                                                                                      | <input type="checkbox"/>                                                                                   | N/A                                                                        |                           |    |     |
| 3. Completed application                                                                                                                                                                                                                                                           | <input checked="" type="checkbox"/>                                                                        |                                                                            |                           |    |     |
| 4. Owner's Consent Form<br><i>Required if applicant is not property owner.</i>                                                                                                                                                                                                     | <input type="checkbox"/>                                                                                   | <input checked="" type="checkbox"/>                                        |                           |    |     |
| 5. A signed and sealed boundary survey (not more than a year old unless otherwise approved by the Planning Department).                                                                                                                                                            | <input type="checkbox"/>                                                                                   | N/A                                                                        |                           |    |     |
| 6. If property to be rezoned is a portion of a parcel:<br>- Property legal description typed (10 pt. font or greater). The legal description must also be submitted electronically in Microsoft Word format.<br>- Plat showing property to be rezoned, matching legal description. | <input type="checkbox"/><br><input type="checkbox"/>                                                       | <input checked="" type="checkbox"/><br><input checked="" type="checkbox"/> |                           |    |     |
| 7. Adjacent property owners list                                                                                                                                                                                                                                                   | <input checked="" type="checkbox"/>                                                                        | <input type="checkbox"/>                                                   |                           |    |     |
| 8. Neighborhood meeting notice letter (1 copy)<br><i>See sample letter and meeting requirements included in this packet</i>                                                                                                                                                        | <input checked="" type="checkbox"/>                                                                        |                                                                            |                           |    |     |
| 9. Neighborhood meeting summary form (1 copy)<br><i>Included in this packet</i>                                                                                                                                                                                                    | Must be submitted after neighborhood meeting is held and at least 10 days prior to Planning Board meeting. |                                                                            |                           |    |     |
| 10. Stamped, addressed, empty envelopes with no return address, using the adjacent property owner list (1 set)<br><i>This for a public notice of the public hearing mailed by the Town – thus, neighbors will receive both a neighborhood meeting letter</i>                       | <input checked="" type="checkbox"/>                                                                        |                                                                            |                           |    |     |

## APPROVAL CRITERIA

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

1. Consistency with the adopted plans of the Town.

The Town of Clayton recently adopted the PF (Public Facilities) zoning district, specifically for public property. This rezoning to PF (Public Facilities) will make the subject properties consistent with Town Council direction.

2. Suitability of the subject property for uses permitted by the current vs. the proposed district.

As stated above the PF (Public Facilities) district was created to be the suitable zoning district for public property.

3. Whether the proposed change tends to improve the balance of uses, or meets specific demand in the Town.

The change to the subject properties classifies them in a new zoning district. This district balances other uses by separating public and private property.

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 PF (Public Facilities) zoning category is designed to specifically differentiate public facilities and services.

5. It has been determined that the legal purposes for which zoning exists are not violated.

The subject rezoning does not violate the legality of the purposed zoning.

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

The subject properties are currently occupied with public facilities and associated uses.

7. It has been determined that no one property owner or small group of property owners will benefit materially from the change to the detriment of the general public.

The purpose of the rezoning is to correctly classify public facilities which benefit 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.*

Beth Franson  
Print Name

Beth Franson  
Signature of Applicant

6-18-2015  
Date

January 2015

Page 4 of 10



## ADJACENT PROPERTY OWNERS LIST

**Project Name: Town Facility Operation Center**

*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                                  |
|-------------------------------------------|---------------------------------------------------------|------------------------------------------|
| 05G02012K, 05G02009G                      | TRAC Properties                                         | 3420 Seven Lakes West West End, NC 27376 |
| 05G02012, 05G02011L, 05G02012A, 05G04199I | MTR Properties                                          | P O Box 934 Clayton, NC 27528            |
| 05G02011J, 05G03199C                      | Gypsy W Rowland                                         | P O Box 551 Garner, NC 27529             |
| 05H03197G                                 | Eric Le                                                 | 411 Cox Rd. Ste. 130 Gastonia, NC 28054  |
| 05G02019S                                 | Folden W Lee III                                        | 5400 Barber Mill Rd. Clayton, NC 27520   |
| 05G02011E                                 | Health Systems Management Inc.                          | 1804 King Rd. Tifton, GA 31793           |
| 05G02009F                                 | Brandon Wayne Andrews C/O South Eastern Plumbing Supply | P O Box 968 Clayton, NC 27528            |
| 05G02016U                                 | Jerry W Andrews C/O South Eastern Plumbing Supply       | P O Box 968 Clayton, NC 27528            |
| 05E99004R                                 | Stephen C Woodard Jr.                                   | P O Box 1960 Smithfield, NC 27577        |
| 05G02010N                                 | Calamari Properties LLC                                 | 1321 Oberlin Road Raleigh, NC 27608      |
| 05G02011B                                 | Meehan LLC                                              | 100 Guy Rd. Clayton, NC 27520            |
| 05G02031P                                 | United Energy Inc.                                      | P O Box 469 Clinton, NC 28328            |
|                                           |                                                         |                                          |
|                                           |                                                         |                                          |
|                                           |                                                         |                                          |

January 2015

Page 7 of 10

Jody L. McLeod  
**MAYOR**

Bruce Thompson  
**TOWN ATTORNEY**

Steve Biggs  
**TOWN MANAGER**



Bob Satterfield  
Art Holder  
Jason Thompson  
R.S. "Butch" Lawter, Jr.  
**COUNCIL MEMBERS**

Michael Grannis  
**MAYOR PRO TEM**

June 25, 2015

Dear Clayton Area Property Owner:

The purpose of this letter is to notify you of an application filed by the Town of Clayton for a rezoning involving Town 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 Town will be present to explain the rezoning, answer questions, and solicit comments.

Meeting Date: July 8, 2015

Location: Clayton Center Lobby, Clayton Town Hall 111 E. Second Street, Clayton, NC 27520

Time: 6:00pm

Type of Application: Rezoning

General Description: Rezoning the Town of Clayton Operations Center at 653 NC 42 Hwy W., Clayton, NC 27520. The town owned property is currently zoned B-3 (Business Highway), the proposed rezoning change is to PF (Public Facilities).

If you have any questions prior to or after this meeting, you may contact me at 919 553-5002  
Town of Clayton Planning

Sincerely,

Beth Franson, GISP  
GIS Analyst  
Town of Clayton

cc: Clayton Planning Dept.

---

P. O. Box 879 - Clayton, North Carolina 27528 - Office (919) 553-5002 - Fax (919) 553-8919

## NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Applicant: Town of Clayton

Location/Date: Clayton Town Hall Lobby 7-8-2015

|    | NAME         | ADDRESS                        |
|----|--------------|--------------------------------|
| 1  | Jay McLeod   | 102 Gordon St, Clayton         |
| 2  | Beth Franson | Town of Clayton Planning Dept. |
| 3  |              |                                |
| 4  |              |                                |
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| 19 |              |                                |
| 20 |              |                                |

## NEIGHBORHOOD MEETING SUMMARY FORM

### FILL OUT THE FOLLOWING:

Date of Mailing: 6-25-2015

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

Printed Name: Beth Franson Signature: Beth Franson

Date of Meeting: 7-8-2015 Time of Meeting: 6:00 pm

Location of Meeting: Clayton Town Hall Lobby

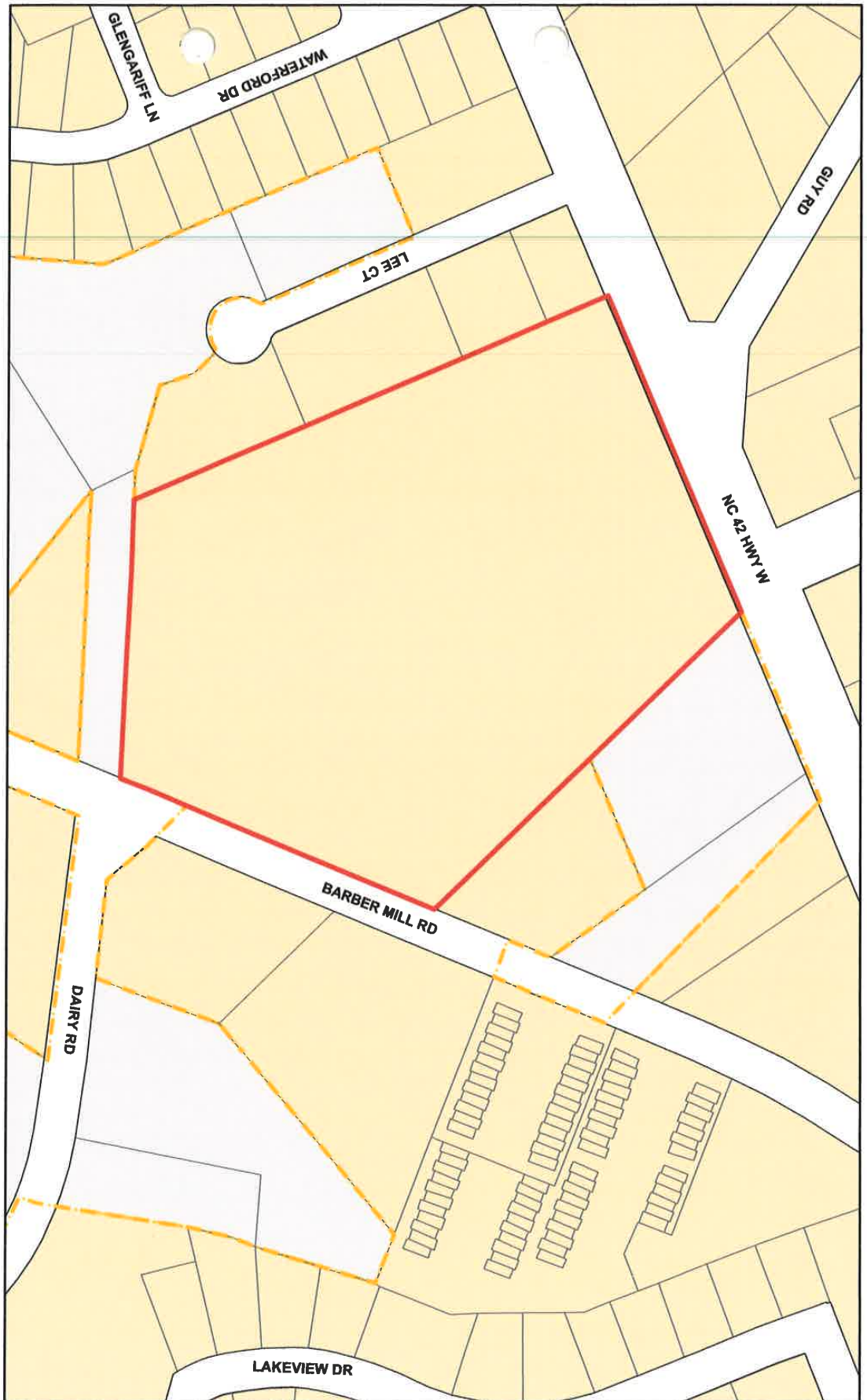
**Meeting Summary/Minutes:** provide a summary of the discussion held at the meeting, including issues raised and any changes made by the applicant as a result of the meeting.

Meeting began at 6pm, Beth Franson representative for the OTown attended the meeting. The meeting ended at 7pm.

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

January 2015

Page 6 of 10



**Legend**

- Clayton Town Limits
- Clayton ETJ
- Parcels
- Operation Center

## Town of Clayton Operation Center

Produced by: TOC Planning  
June 16, 2015

TAG 05G02011K  
NCPIN 165807-67-0901  
Town of Clayton Operation Center  
653 NC 42 Hwy W  
Deed Book 1151 Page 2429  
Acreage 13.10 acres

1 inch = 200 feet



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



Jody L. McLeod  
**MAYOR**

Bruce Thompson  
**TOWN ATTORNEY**

Steve Biggs  
**TOWN MANAGER**



Bob Satterfield  
Art Holder  
Jason Thompson  
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Michael Grannis  
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If you have any questions prior to or after this meeting, you may contact me at 919 553-5002  
Town of Clayton Planning

Sincerely,

Beth Franson, GISP  
GIS Analyst  
Town of Clayton

cc: Clayton Planning Dept.

---

P. O. Box 879 - Clayton, North Carolina 27528 - Office (919) 553-5002 - Fax (919) 553-8919

## NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Applicant: Town of Clayton

Location/Date: Clayton Town Hall Lobby 7-8-2015

|    | NAME         | ADDRESS                        |
|----|--------------|--------------------------------|
| 1  | Jay McLeod   | 102 Gordon St, Clayton         |
| 2  | Beth Franson | Town of Clayton Planning Dept. |
| 3  |              |                                |
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| 20 |              |                                |

## NEIGHBORHOOD MEETING SUMMARY FORM

### FILL OUT THE FOLLOWING:

Date of Mailing: 6-25-2015

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

Printed Name: Beth Franson

Signature: Beth Franson

Date of Meeting: 7-8-2015 Time of Meeting: 6:00 pm

Location of Meeting: Clayton Town Hall Lobby

**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.

Meeting began at 6pm, Beth Franson representative for the OTown attended the meeting. The meeting ended at 7pm.

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

January 2015

Page 6 of 10

**TOWN OF CLAYTON  
COUNCIL MOTION SHEET  
ZONING ORDINANCE AMENDMENT**

**RZ 2015-25 Town Facility Operations Center**

On July 27, 2015 the Planning Board heard the above-referenced request and made the following vote:

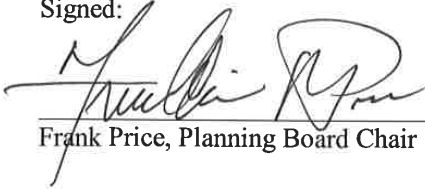
Recommendation to the Town Council to

☒ approve the request;

☐ deny the request.

Recommendation(s) made this 27 day of July 2015 while in regular session.

Signed:

  
Frank Price, Planning Board Chair

**TOWN OF CLAYTON**  
**ZONING AMENDMENT**  
**CONSISTENCY AND REASONABLENESS STATEMENT**  
**TOWN FACILITIES OPERATIONS CENTER [RZ 2015-25]**

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 Strategic Growth Plan, specifically:

The 2008 Strategic Growth Plan designates this area as "Public". This rezoning is consistent with the intent of the Future Land Use for the Operations Center Facility.

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 **the zoning classification PF (Public Facilities) will provide consistency between the zoning district and the attached use of the property. The PF district is established to provide a coordinated land planning approach to the sale, rent, lease, purchase, management, or alteration of publicly owned or operated lands. The PF district is primarily intended for, but not limited to, public parks, and recreation areas, public buildings and facilities, and other capital improvements of a significant nature** , the above referenced zoning amendment is reasonable and in the public interest.



**TOWN OF CLAYTON  
TOWN COUNCIL  
AGENDA COVER SHEET**

**AGENDA LOCATION:**

Items Scheduled for Regular Meetings

**Meeting Date:**

August 17, 2015

**ITEM TITLE:**

Town Facility - Waste Water Treatment Plant - Rezoning - RZ 2015-26

**DESCRIPTION:**

Request for approval to rezone 53.27 acres along Durham St., between Holding Street and Vogue St., from R-8 to PF

**POTENTIAL ACTION:**

Set Public Hearing

**DEPARTMENT:**

Planning + Zoning

**PRESENTER:**

David DeYoung

**ITEM HISTORY:**

**Date:**

**Action Taken:**

**Information Provided:**

**Date:**

**Action Taken:**

**Information Provided:**

### **PUBLIC NOTICE**

In accordance with NC GS 160A-384, the Clayton Town Council will hold a public hearing on September 8<sup>th</sup>, 2015, at 6:30 PM at Town Hall, 111 East Second Street, to consider the following rezoning requests:

- Request 2015-25-RZ, Town Facility: Operations Center, parcel number 165807-67-0901, all within the town limits. The requested change is from Highway Business (B-3) to Public Facilities (PF).
- Request 2015-26-RZ, Town Facility: Waste Water Treatment Plant (WWTP), parcel numbers 165808-98-5881, 165808-98-5176, 165808-97-9704, all within the town limits. The requested change is from Residential (R-8) to Public Facilities (PF).
- Request 2015-28-RZ, Town Facility/Property: Maplewood Cemetery, parcel number 166805-09-3472, all within the town limits. The requested change is from Residential (R-8) to Public Facilities (PF).

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

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

Jay McLeod, Planner  
919-359-9335

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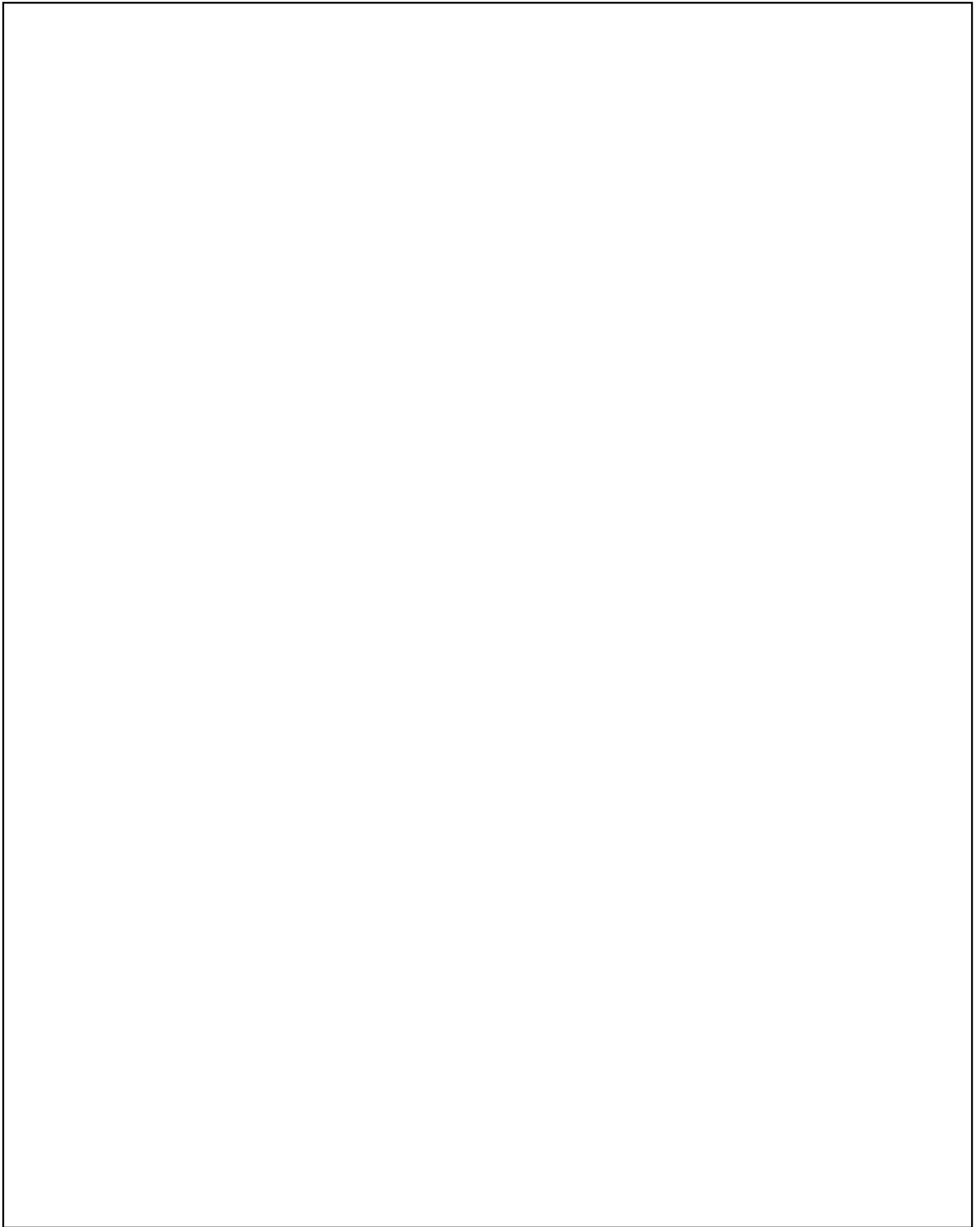
News & Observer

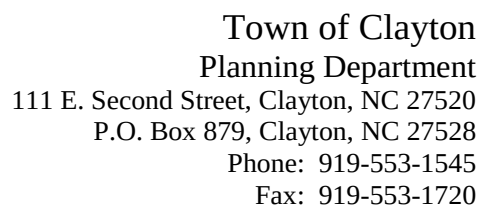
Please advertise on the following dates:

August 26<sup>th</sup>, 2015

September 2<sup>nd</sup>, 2015

Affidavit of publication required.





## STAFF REPORT

**Project Name:** Town Facility WWTP (Waste Water Treatment Plant) Rezoning

- Neighborhood meeting July 8, 2015
- Sign posted August 10, 2015
- Letters mailed prior to September 8, 2015
- Newspaper ad posted prior to September 8, 2015

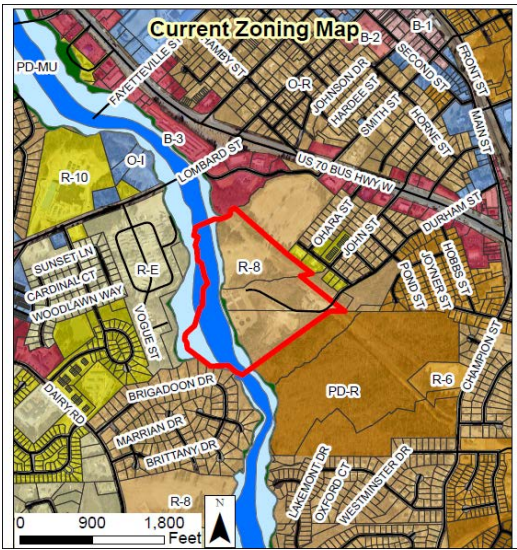
[illegible]

**SITE DATA:**

**Acreage:** 53.27 acres  
**Existing Use:** Public

**ADJACENT ZONING AND LAND USES:**

| Direction | Zoning                                          | Existing Use            |
|-----------|-------------------------------------------------|-------------------------|
| North     | Highway Business (B-3), Residential-Estate(R-E) | Commercial, Residential |
| South     | Planned Development- Residential (PD-R)         | Residential - Medium    |
| East      | Residential (R-10), Residential (R-8)           | Residential             |
| West      | Residential-Estate (R-E), Residential (R-8)     | Residential             |

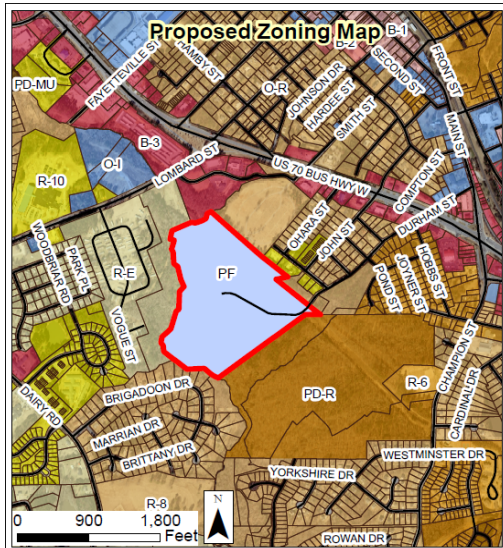


**STAFF ANALYSIS AND COMMENTARY:**

**Overview**

The applicant (Town of Clayton) is requesting to rezone a Town owned public facility from R-8 (Residential) to the newly adopted zoning classification PF (Public Facilities) to provide consistency between the zoning district and the attached use of the property. The WWTP (Waste Water Treatment Plant) consist of three parcels for a total acreage of 53.27 acres. The proposed Land Use classification for the properties is Public and the properties are in the Town Limits of Clayton.





#### Compatibility with Surrounding Land Uses

The existing WWTP (Waste Water Treatment Plant) is compatible with the surrounding land uses.

#### Access/Streets:

Primary access to the property is from Durham Street.

#### Consistency with the Strategic Growth Plan

The 2008 Strategic Growth Plan designates this area as "Public". This rezoning is consistent with the intent of the Future Land Use for these and surrounding lands.



**Consistency with Overlays**

NA

---

**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.

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**STAFF RECOMMENDATION:**

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

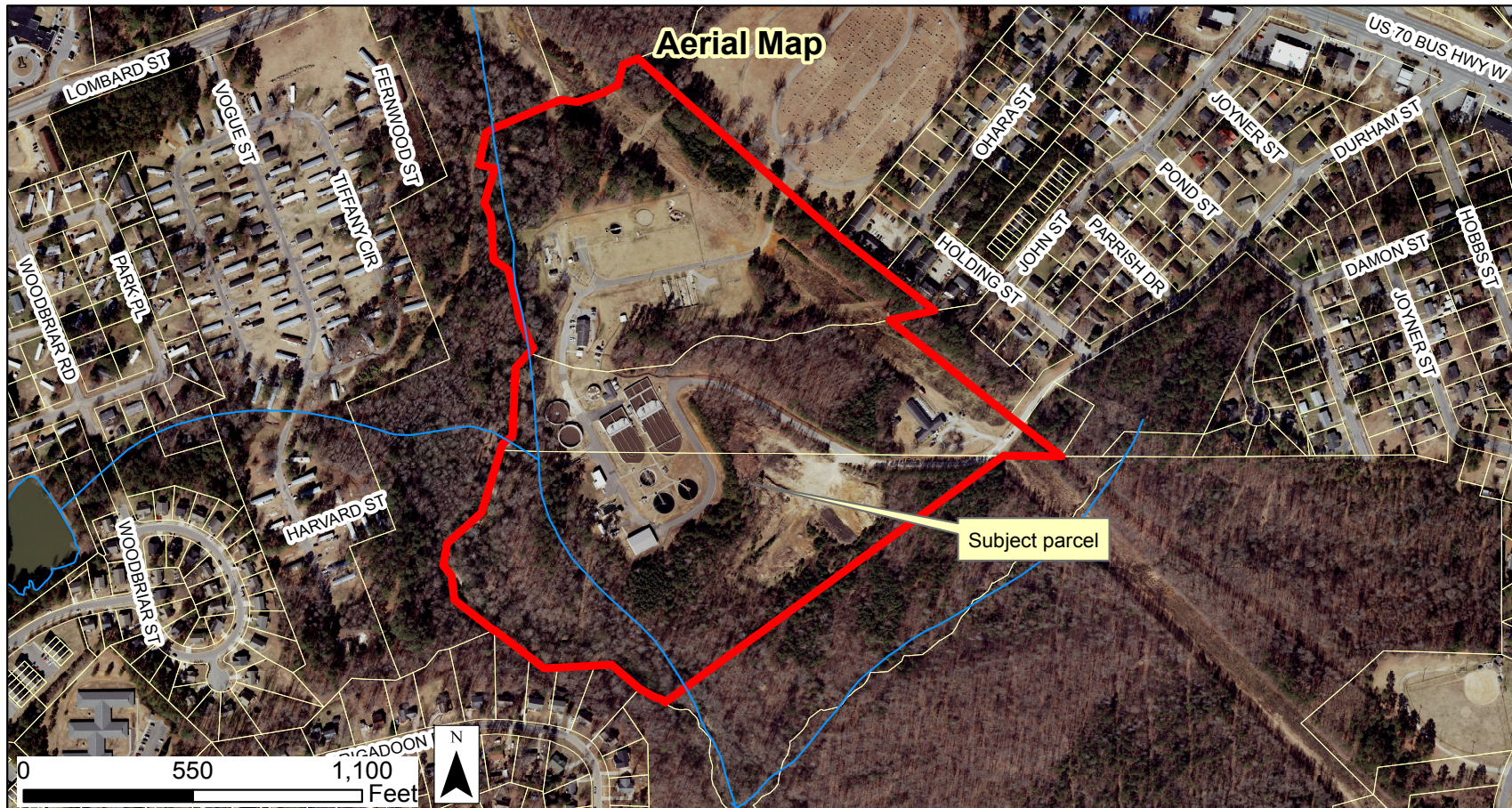
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**PLANNING BOARD RECOMMENDATION:**

**ATTACHMENTS:**

- 1) Aerial Map
- 2) Existing and Proposed Zoning Map
- 3) Proposed Land Use Map
- 4) Application
- 5) Neighborhood Meeting Materials





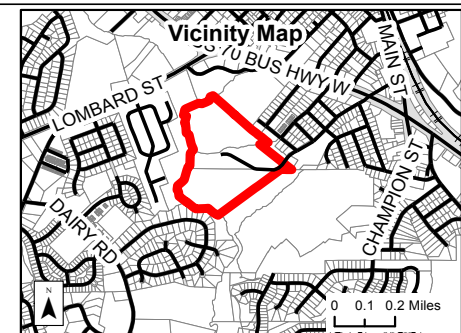
**2015-26-RZ Town Facility WWTP (Waste Water Treatment Plant) Rezoning  
Rezoning from R-8 to PF**

Applicant: Town of Clayton  
 Property Owner: Town of Clayton  
 Parcel ID Numbers: 165808-98-5881, 165808-98-5176  
 & 165808-97-9704  
 Tag #s: 05H03027Z, 05005199A & 05H03022C

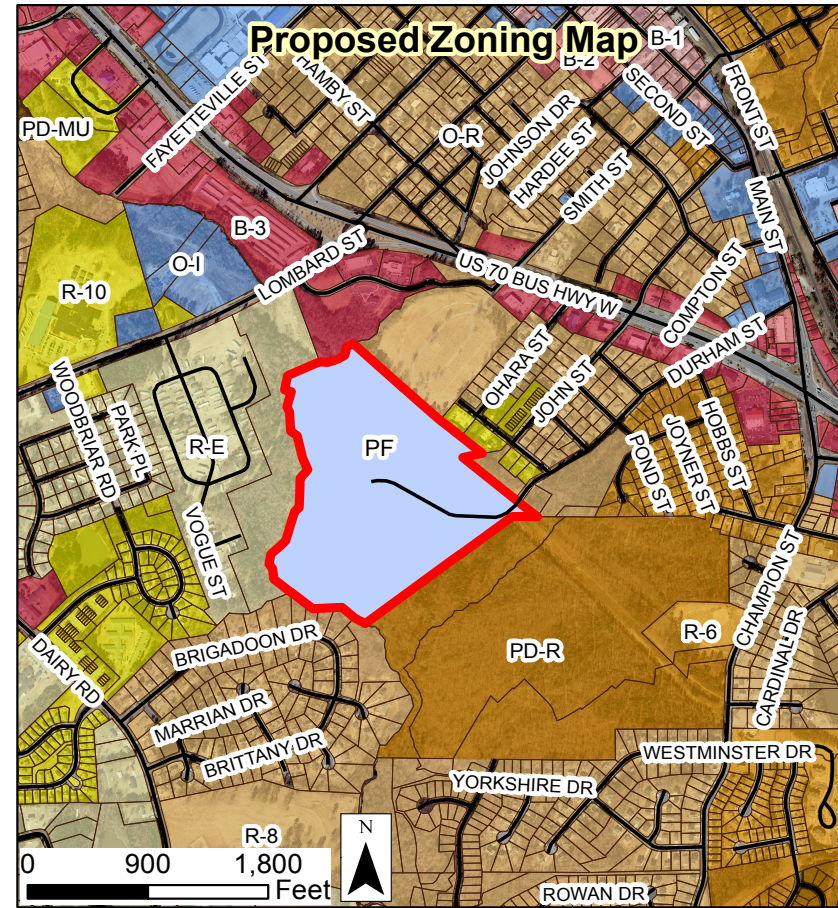
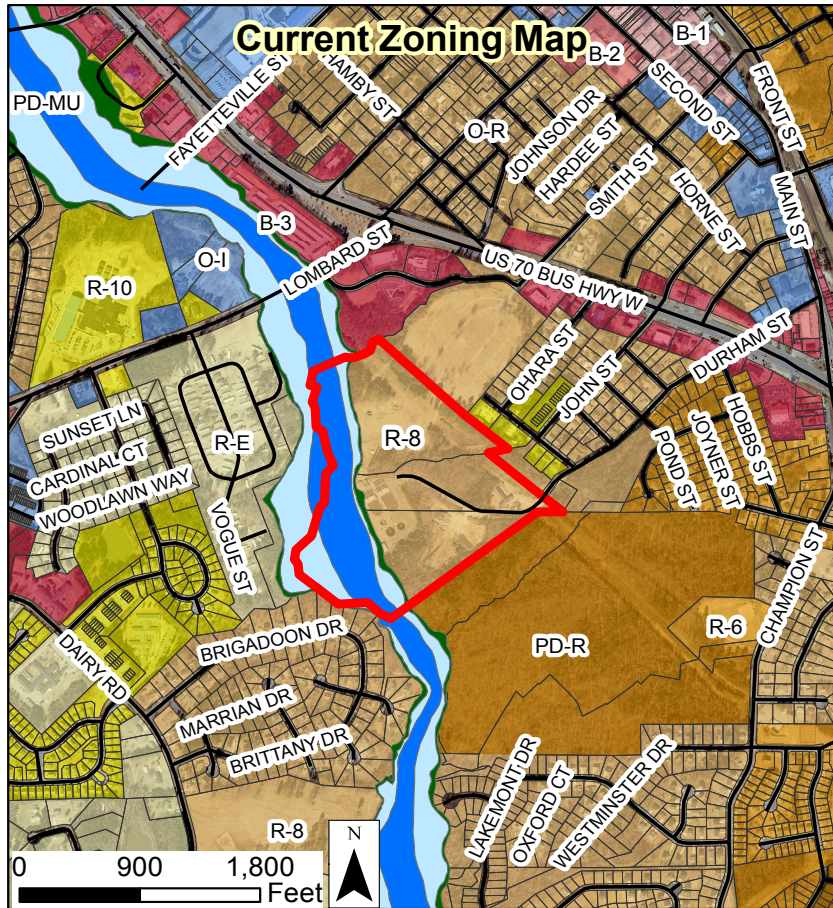
Produced by: TOC Planning

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

06/26/2015







## 2015-26-RZ Town Facility WWTP (Waste Water Treatment Plant) Rezoning

### Rezoning from R-8 to PF

Applicant: Town of Clayton  
 Property Owner: Town of Clayton  
 Parcel ID Numbers: 165808-98-5881, 165808-98-5176  
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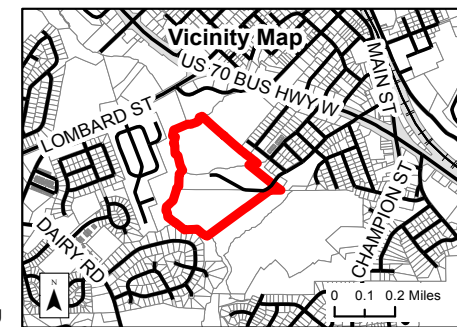
06/15/2015



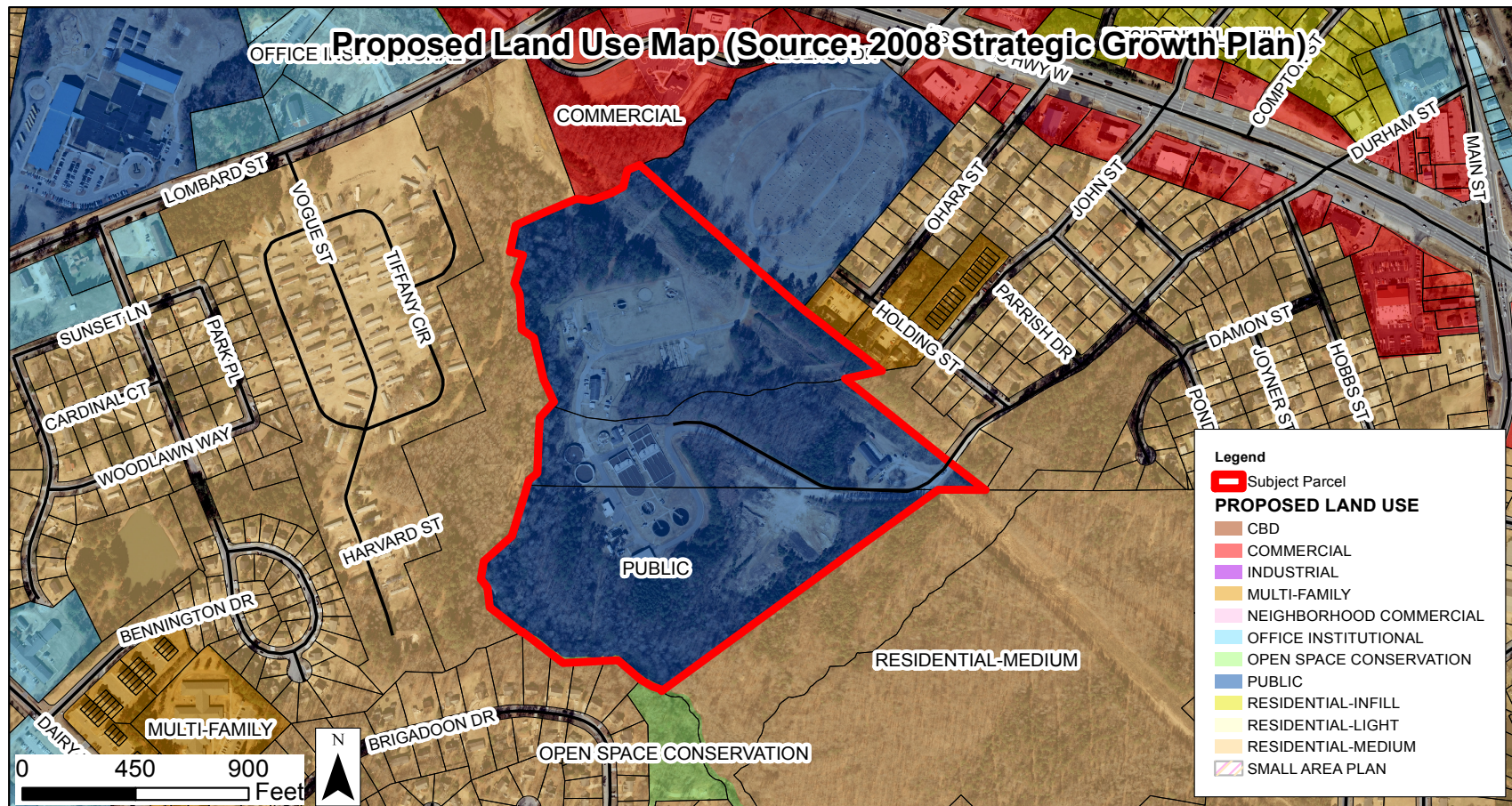
### Legend

Subject Parcel

|                                                                                                                                  |                                                                                                                                    |
|----------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|
| <span style="background-color: yellow; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> R-E   | <span style="background-color: lightcoral; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> B-1 |
| <span style="background-color: yellow; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> R-10  | <span style="background-color: lightcoral; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> B-2 |
| <span style="background-color: orange; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> R-8   | <span style="background-color: lightcoral; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> B-3 |
| <span style="background-color: orange; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> R-6   | <span style="background-color: red; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> PD-C       |
| <span style="background-color: orange; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> PD-R  | <span style="background-color: lightgray; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> I-1  |
| <span style="background-color: orange; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> O-R   | <span style="background-color: lightgray; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> I-2  |
| <span style="background-color: lightblue; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> PF | <span style="background-color: lightblue; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> O-I  |
| <span style="background-color: brown; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> PD-MU  |                                                                                                                                    |







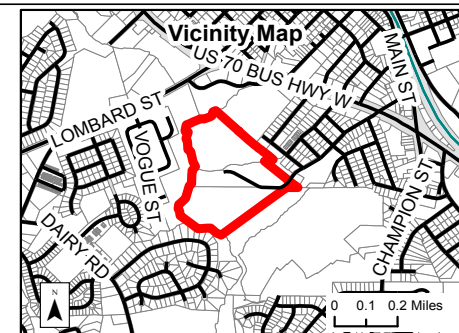
**2015-26-RZ Town Facility WWTP (Waste Water Treatment Plant) Rezoning**  
**Rezoning from R-8 to PF**

Applicant: Town of Clayton  
 Property Owner: Town of Clayton  
 Parcel ID Numbers: 165808-98-5881, 165808-98-5176  
 & 165808-97-9704  
 Tag #s: 05H03027Z, 05005199A & 05H03022C

Produced by: TOC Planning

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

06/15/2015







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 fee: Standard Rezoning: \$500.00  
Rezoning to Planned Development District: \$1,000.00 + \$5.00 acre  
*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: Town Facility WWTP (Waste Water Treatment Plant) Acreage of Property: 53.27 acres  
05H03027Z, 05005199A, & 165808-98-5881, 165808-98-  
County Tag Number: 05H03022C NC PIN: 5176, & 165808-97-9704  
Address/Location: 1000 Durham Street Clayton, NC 27520  
Existing Zoning District: R-8 (Residential)  
Proposed Zoning District: PF (Public Facilities)  
Is project within an Overlay District? ☒ No  
☐ Yes (list): \_\_\_\_\_

### APPLICANT INFORMATION

Applicant: Town of Clayton  
Mailing Address: P O Box 879 Clayton, NC 27528  
Phone Number: 919 553-5002 Fax: \_\_\_\_\_  
Contact Person: Beth Franson  
Email Address: bfranson@townofclaytonnc.org

### FOR OFFICE USE ONLY

Date Received: 6-18-2015 Amount Paid: NA File Number: 2015-26

PROPERTY OWNER INFORMATION

Name: Town of Clayton  
Mailing Address: P O Box 879 Clayton, NC 27528  
Phone Number: 919 553-5002 Fax: 919 553-8919  
Email Address:

EXPLANATION OF PROJECT

Please provide detailed information concerning all requests. Attach additional sheets if necessary.  
To rezone Town owned public facilities to the newly adopted zoning classification PF (Public Facilities) and utilize the dimensional standards for the PF zoning classification.

REQUIRED INFORMATION (to be submitted with the application)

The following items must accompany a Rezoning application.

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

APPROVAL CRITERIA

All applications for a Rezoning must address the following findings:

- 1. Consistency with the adopted plans of the Town.

The Town of Clayton recently adopted the PF (Public Facilities) zoning district, specifically for public property. This rezoning to PF (Public Facilities) will make the subject properties consistent with Town Council direction.

- 2. Suitability of the subject property for uses permitted by the current vs. the proposed district.

As stated above the PF (Public Facilities) district was created to be the suitable zoning district for public property.

- 3. Whether the proposed change tends to improve the balance of uses, or meets specific demand in the Town.

The change to the subject properties classifies them in a new zoning district. This district balances other uses by separating public and private property.

- 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 PF (Public Facilities) zoning category is designed to specifically differentiate public facilities and services.

5. It has been determined that the legal purposes for which zoning exists are not violated.

The subject rezoning does not violate the legality of the purposed zoning.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

The subject properties are currently occupied with public facilities and associated uses.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. It has been determined that no one property owner or small group of property owners will benefit materially from the change to the detriment of the general public.

The purpose of the rezoning is to correctly classify public facilities which benefit 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.*

Beth Franson  
Print Name

January 2015

Beth Franson  
Signature of Applicant

1-18-2015  
Date



## ADJACENT PROPERTY OWNERS LIST

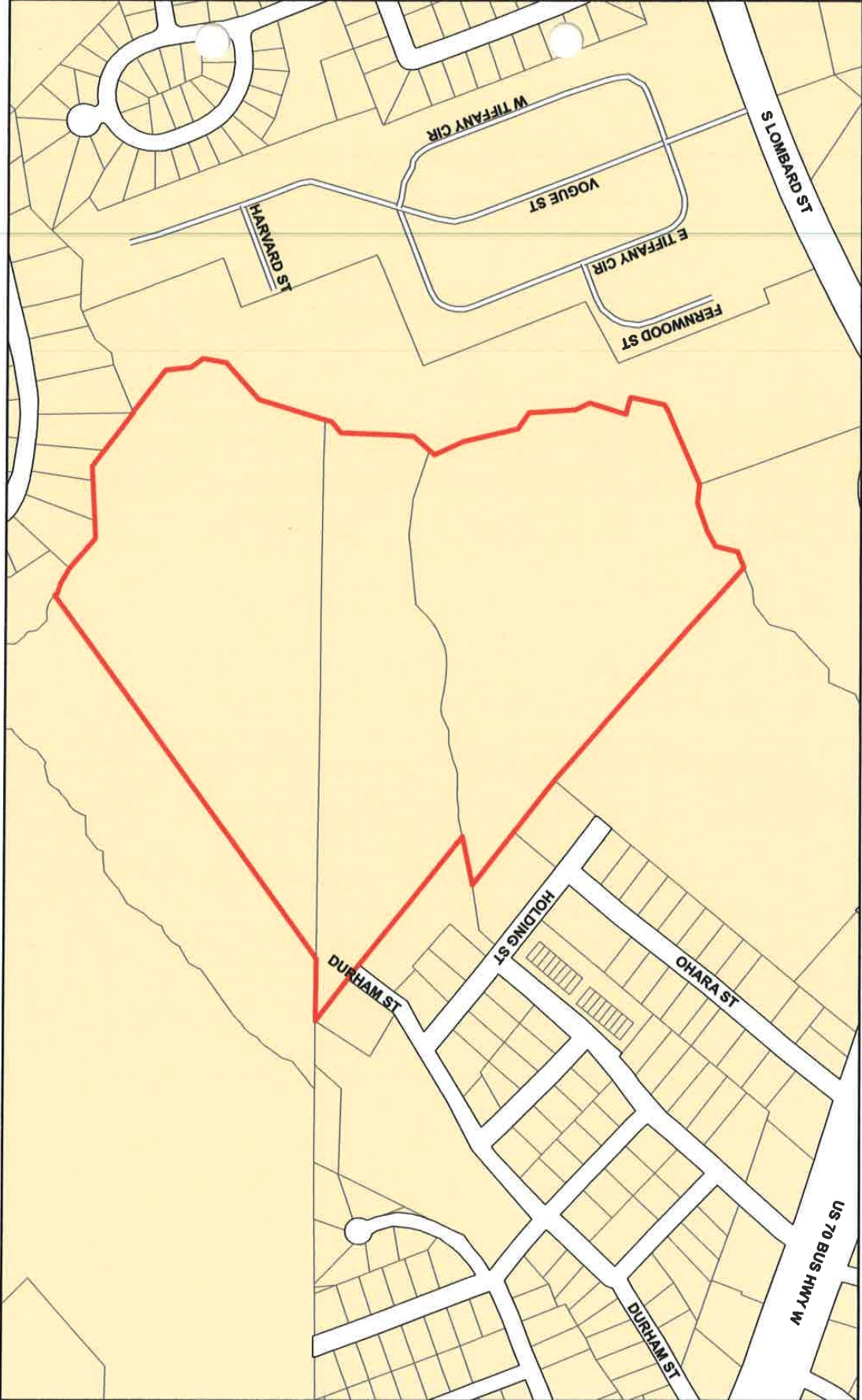
**Project Name: Town Facility WWTP**

*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                                        |
|----------------------------------|--------------------------------|------------------------------------------------|
| 05E99020Z                        | Maplewood Cemetery             |                                                |
| 05018005K                        | State Employees Credit Union   | P O Box 26807 Raleigh, NC 27611                |
| 05H03029S                        | The Glennie Rea Corp           | P O Box 607 Selma, NC 27576                    |
| 05H03192S                        | Adam Capani                    | 2205 Canterbury Rd. Clayton, NC 27520          |
| 05H03192T                        | Harry B Gillon III             | 2752 Brigadoon Dr. Clayton, NC 27520           |
| 05H03192U                        | Robert L Browning              | 1201 Aversboro Rd. Ste. G-102 Garner, NC 27529 |
| 05H03192V                        | Tanisha Rashawn Harris         | 3012 Brittany Dr. Clayton, NC 27520            |
| 05H03192W                        | Neighborhood Select Properties | 58 Austin Rd. Clayton, NC 27520                |
| 05H03192X                        | Rebecca Valente                | 3008 Brittany Dr. Clayton, NC 27520            |
| 05H03197B, 05H03036S, 05H03036T, | Town of Clayton                | P O Box 879 Clayton, NC 27528                  |
| 05E99200                         | Dennis M Parrish               | 44B S Sussex Dr. Smithfield, NC 27577          |
| 05E99015V                        | Home Rental Resources LLC      | P O Box 99535 Raleigh, NC 27624                |
| 05E99015W                        | Apartment Resources LLC        | P O Box 99535 Raleigh, NC 27624                |
|                                  |                                |                                                |
|                                  |                                |                                                |

**SAMPLE NEIGHBORHOOD MEETING LETTER -  
PLACE ON AGENT OR OWNER LETTERHEAD**



**Legend**

- Clayton Town Limits
- Clayton ETJ
- Parcels
- WWTP Waste Water Treatment Plant

Produced by: TDC Planning  
June 16, 2018

**Town of Clayton WWTP (Waste Water Treatment Plant)**

TAG(s) 05H03027Z, 05005199A, 05H03022C  
NCPIN(s) 165808-98-5881, 165808-98-5176, 165808-97-9704  
Town of Clayton WWTP (Waste Water Treatment Plant)  
1000 Durham Street  
Deed Book 519 Page 104, DB 995 Pg 328, DB 1005 Pg 361  
Acreage 53.27 (total acres)



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

Jody L. McLeod  
**MAYOR**

Bruce Thompson  
**TOWN ATTORNEY**

Steve Biggs  
**TOWN MANAGER**



Bob Satterfield  
Art Holder  
Jason Thompson  
R.S. "Butch" Lawter, Jr.  
**COUNCIL MEMBERS**

Michael Grannis  
**MAYOR PRO TEM**

June 25, 2015

Dear Clayton Area Property Owner:

The purpose of this letter is to notify you of an application filed by the Town of Clayton for a rezoning involving Town 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 Town will be present to explain the rezoning, answer questions, and solicit comments.

Meeting Date: July 8, 2015

Location: Clayton Center Lobby, Clayton Town Hall 111 E. Second Street, Clayton, NC 27520

Time: 6:00pm

Type of Application: Rezoning

General Description: Rezoning the Town of Clayton Property WWTP (Waste Water Treatment Plant) at 1000 Durham Street Clayton, NC 27520. The town owned property is currently zoned R-8 (Residential), the proposed rezoning change is to PF (Public Facilities).

If you have any questions prior to or after this meeting, you may contact me at 919 553-5002  
Town of Clayton Planning

Sincerely,

Beth Franson, GISP  
GIS Analyst  
Town of Clayton

cc: Clayton Planning Dept.

NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Date of Mailing: 7-8-2015 6-25-2015

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

Printed Name: Beth Franson Signature: Beth Franson

Date of Meeting: 7-8-2015 Time of Meeting: 6:00pm

Location of Meeting: Clayton Town Hall Lobby

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.

Meeting began at 6pm. Beth Franson representative for the Town attended the meeting. The meeting ended at 7pm.

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



Applicant: Town of Clayton

Location/Date: Clayton Town Hall Lobby

|    | NAME         | ADDRESS                        |
|----|--------------|--------------------------------|
| 1  | Beth Franson | Town of Clayton Planning Dept. |
| 2  |              |                                |
| 3  |              |                                |
| 4  |              |                                |
| 5  |              |                                |
| 6  |              |                                |
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| 18 |              |                                |
| 19 |              |                                |
| 20 |              |                                |



January 2015

**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

Page 9 of 10

Jody L. McLeod  
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Town of Clayton Planning

Sincerely,

Beth Franson, GISP  
GIS Analyst  
Town of Clayton

cc: Clayton Planning Dept.

---

P. O. Box 879 - Clayton, North Carolina 27528 - Office (919) 553-5002 - Fax (919) 553-8919

## NEIGHBORHOOD MEETING SUMMARY FORM

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Applicant: Town of Clayton

Location/Date: Clayton Town Hall Lobby

|    | NAME         | ADDRESS                        |
|----|--------------|--------------------------------|
| 1  | Beth Franson | Town of Clayton Planning Dept. |
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January 2015

**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

Page 9 of 10



**TOWN OF CLAYTON  
COUNCIL MOTION SHEET  
ZONING ORDINANCE AMENDMENT**

**RZ 2015-26 Town Facility Waste Water Treatment Plant Rezoning**

On July 27, 2015 the Planning Board heard the above-referenced request and made the following vote:

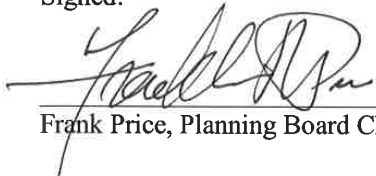
Recommendation to the Town Council to

☒ approve the request;

☐ deny the request.

Recommendation(s) made this 27 day of July 2015 while in regular session.

Signed:

  
\_\_\_\_\_  
Frank Price, Planning Board Chair

**TOWN OF CLAYTON**  
**ZONING AMENDMENT**

**CONSISTENCY AND REASONABLENESS STATEMENT**

**TOWN FACILITY WASTE WATER TREATMENT PLANT [RZ 2015-26]**

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 Strategic Growth Plan, specifically:

The 2008 Strategic Growth Plan designates this area as "Public". This rezoning is consistent with the intent of the Future Land Use for the (WWTP) Waste Water Treatment Plant Facility.

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 **the zoning classification PF (Public Facilities) will provide consistency between the zoning district and the attached use of the property. The PF district is established to provide a coordinated land planning approach to the sale, rent, lease, purchase, management, or alteration of publicly owned or operated lands. The PF district is primarily intended for, but not limited to, public parks, and recreation areas, public buildings and facilities, and other capital improvements of a significant nature** , the above referenced zoning amendment is reasonable and in the public interest.

**TOWN OF CLAYTON  
TOWN COUNCIL  
AGENDA COVER SHEET**

**AGENDA LOCATION:**

Items Scheduled for Regular Meetings

**Meeting Date:**

August 17, 2015

**ITEM TITLE:**

Maplewood Cemetery Rezoning - RZ 2015-28

**DESCRIPTION:**

Request for approval to rezone 16.15 acres south of US 70 Bus Hwy W, between Regency Drive and O'Hara Street from R-8 to PF

**POTENTIAL ACTION:**

Set Public Hearing

**DEPARTMENT:**

Planning + Zoning

**PRESENTER:**

David DeYoung, Planning Director

**ITEM HISTORY:**

**Date:**

**Action Taken:**

**Information Provided:**

**Date:**

**Action Taken:**

**Information Provided:**

### **PUBLIC NOTICE**

In accordance with NC GS 160A-384, the Clayton Town Council will hold a public hearing on September 8<sup>th</sup>, 2015, at 6:30 PM at Town Hall, 111 East Second Street, to consider the following rezoning requests:

- Request 2015-25-RZ, Town Facility: Operations Center, parcel number 165807-67-0901, all within the town limits. The requested change is from Highway Business (B-3) to Public Facilities (PF).
- Request 2015-26-RZ, Town Facility: Waste Water Treatment Plant (WWTP), parcel numbers 165808-98-5881, 165808-98-5176, 165808-97-9704, all within the town limits. The requested change is from Residential (R-8) to Public Facilities (PF).
- Request 2015-28-RZ, Town Facility/Property: Maplewood Cemetery, parcel number 166805-09-3472, all within the town limits. The requested change is from Residential (R-8) to Public Facilities (PF).

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

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

Jay McLeod, Planner  
919-359-9335

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News & Observer

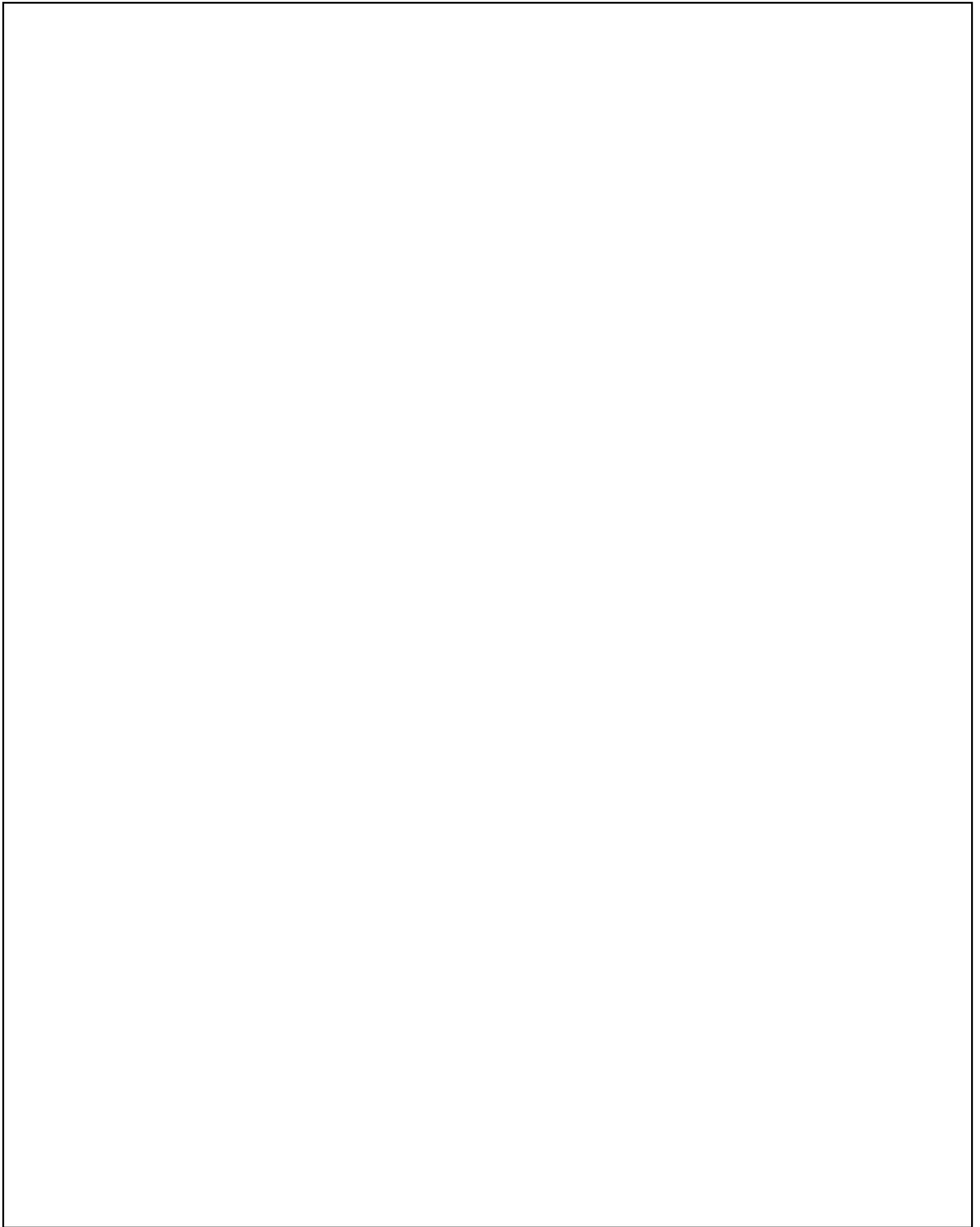
Please advertise on the following dates:

August 26<sup>th</sup>, 2015

September 2<sup>nd</sup>, 2015

Affidavit of publication required.







Town of Clayton  
Planning Department  
111 E. Second Street, Clayton, NC 27520  
P.O. Box 879, Clayton, NC 27528  
Phone: 919-553-1545  
Fax: 919-553-1720

Planning Board  
July 27, 2015

## STAFF REPORT

**Application Number:** RZ 2015-28

**Project Name:** Town Facility/Property Maplewood Cemetery Rezoning

**NC PIN / Tag #:** 166805-09-3472 / 05E99020Z  
**Town Limits/ETJ:** Town Limits  
**Overlay:** Small portion of the property is in the Thoroughfare Overlay District.  
**Applicant:** Town of Clayton  
**Owner:** Town of Clayton  
**Location:** The property is located at 504 S Smith Street (see map).

**Public Noticing:**

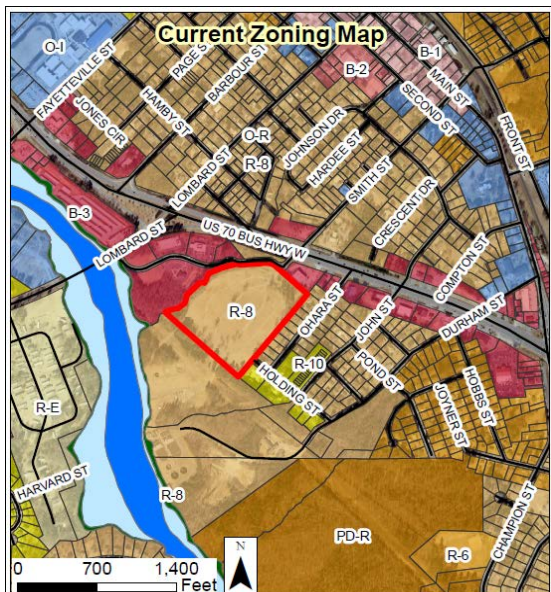
- Neighborhood meeting July 8, 2015
- Sign posted August 10, 2015
- Letters mailed prior to September 8, 2015
- Newspaper ad posted prior to September 8, 2015

**REQUEST:** Rezoning from Residential (R-8) to Public Facilities (PF).

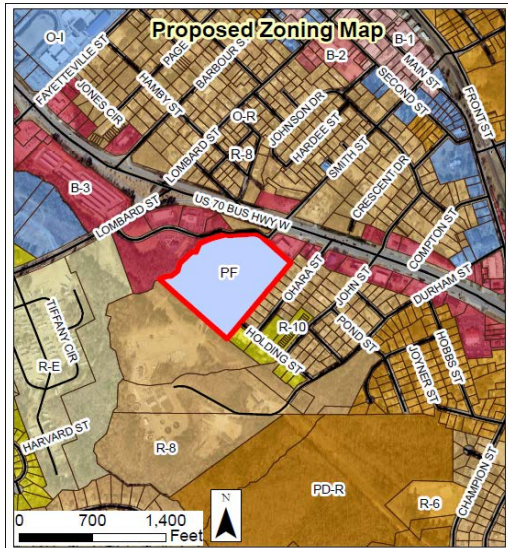


**SITE DATA:****Acreage:** 16.15 acres**Existing Use:** Public**ADJACENT ZONING AND LAND USES:**

| Direction | Zoning                                    | Existing Use            |
|-----------|-------------------------------------------|-------------------------|
| North     | Highway Business (B-3)                    | Commercial              |
| South     | Residential (R-8), Residential (R-10)     | Residential – Medium    |
| East      | Highway Business (B-3), Residential (R-8) | Commercial, Residential |
| West      | Residential (R-8)                         | Public                  |

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

The applicant (Town of Clayton) is requesting to rezone a Town owned public facility/property from R-8 (Residential) to the newly adopted zoning classification PF (Public Facilities) to provide consistency between the zoning district and the attached use of the property. The Maplewood Cemetery property consists of 16.15 acres. The proposed Land Use classification for the property is Public and the property is located in the Town Limits of Clayton.



**Compatibility with Surrounding Land Uses**

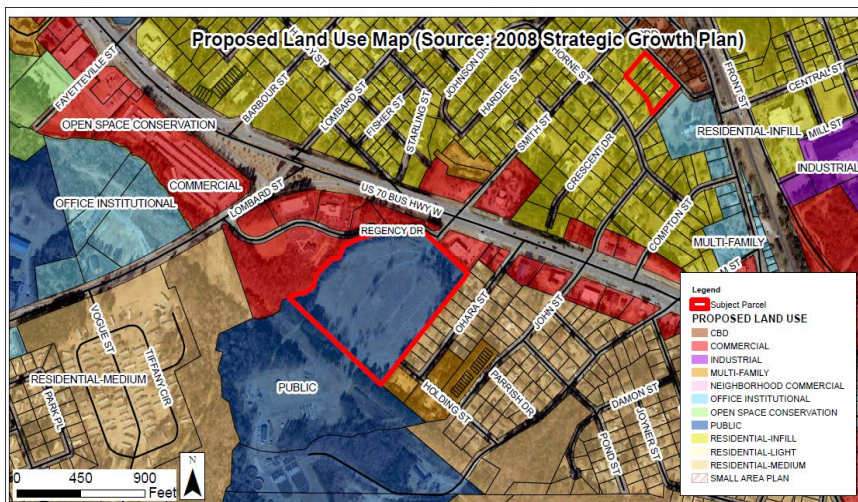
The existing cemetery is compatible with the surrounding land uses.

**Access/Streets:**

Primary access to the property is from S Smith Street.

**Consistency with the Strategic Growth Plan**

The 2008 Strategic Growth Plan designates this area as "Public". This rezoning is consistent with the intent of the Future Land Use for the cemetery property and surrounding lands.



**Consistency with Overlays**

An extremely small portion of the cemetery property is in the Thoroughfare Overlay District.

---

**CONSIDERATIONS:**

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

**STAFF RECOMMENDATION:**

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

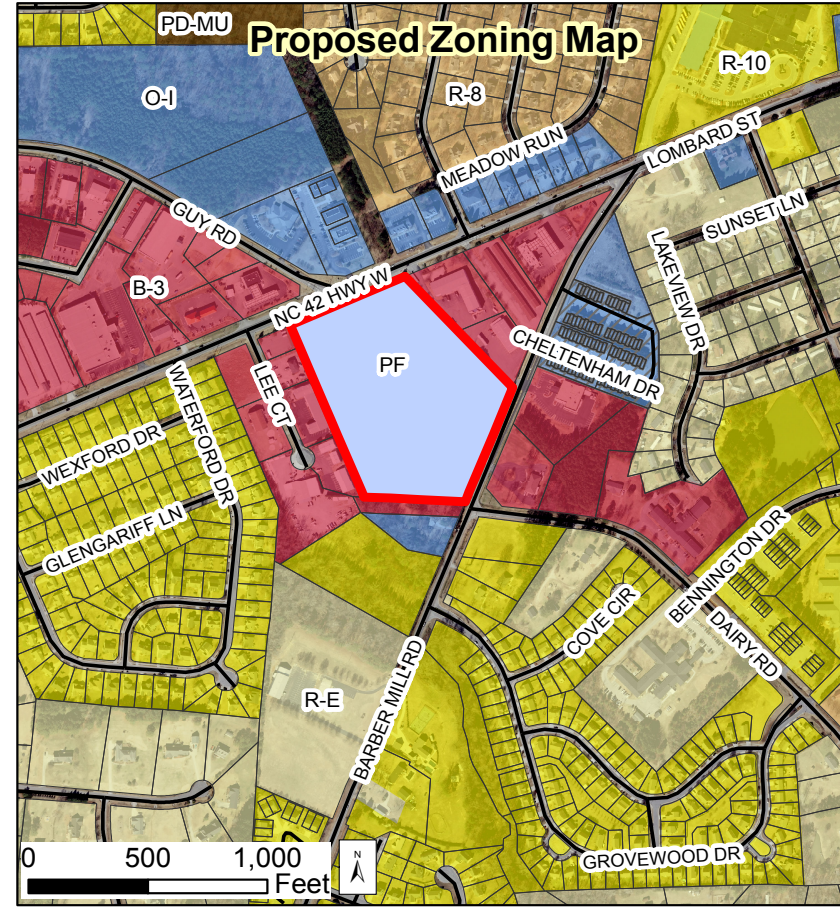
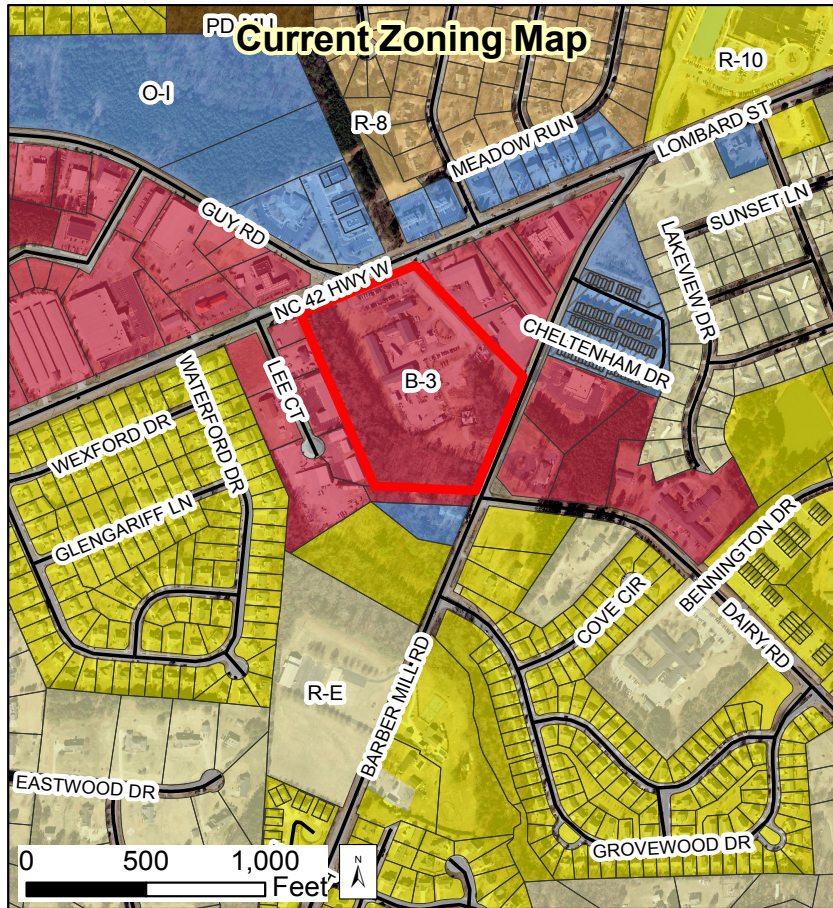
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**PLANNING BOARD RECOMMENDATION:**

**ATTACHMENTS:**

- 1) Aerial Map
- 2) Existing and Proposed Zoning Map
- 3) Proposed Land Use Map
- 4) Application
- 5) Neighborhood Meeting Materials





## 2015-25-RZ Town Facility Operation Center Rezoning Rezoning from B-3 to PF

Applicant: Town of Clayton  
Property Owner: Town of Clayton  
Parcel ID Number: 165807-67-0901  
Tag #: 05G02011K

Produced by: TOC Planning

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

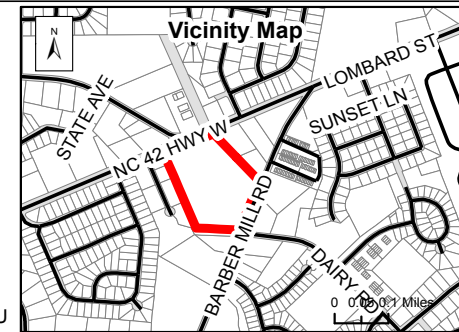
06/15/2015



### Legend

Subject Parcel

|      |       |
|------|-------|
| R-E  | B-2   |
| R-10 | B-3   |
| R-8  | PD-C  |
| R-6  | I-1   |
| PD-R | I-2   |
| O-R  | O-I   |
| B-1  | PF    |
|      | PD-MU |







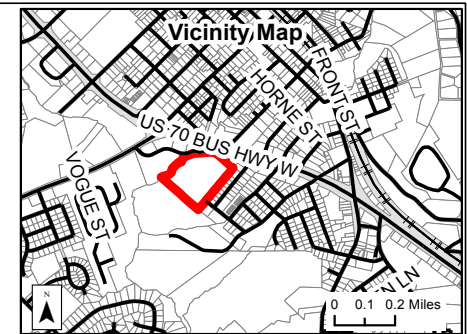
# **2015-28-RZ Town Facility Maplewood Cemetery Rezoning Rezoning from R-8 to PF**

Applicant: Town of Clayton  
Property Owner: Town of Clayton  
Parcel ID Number: 166805-09-3472  
Tag #: 05E99020Z

Produced by: TOC Planning

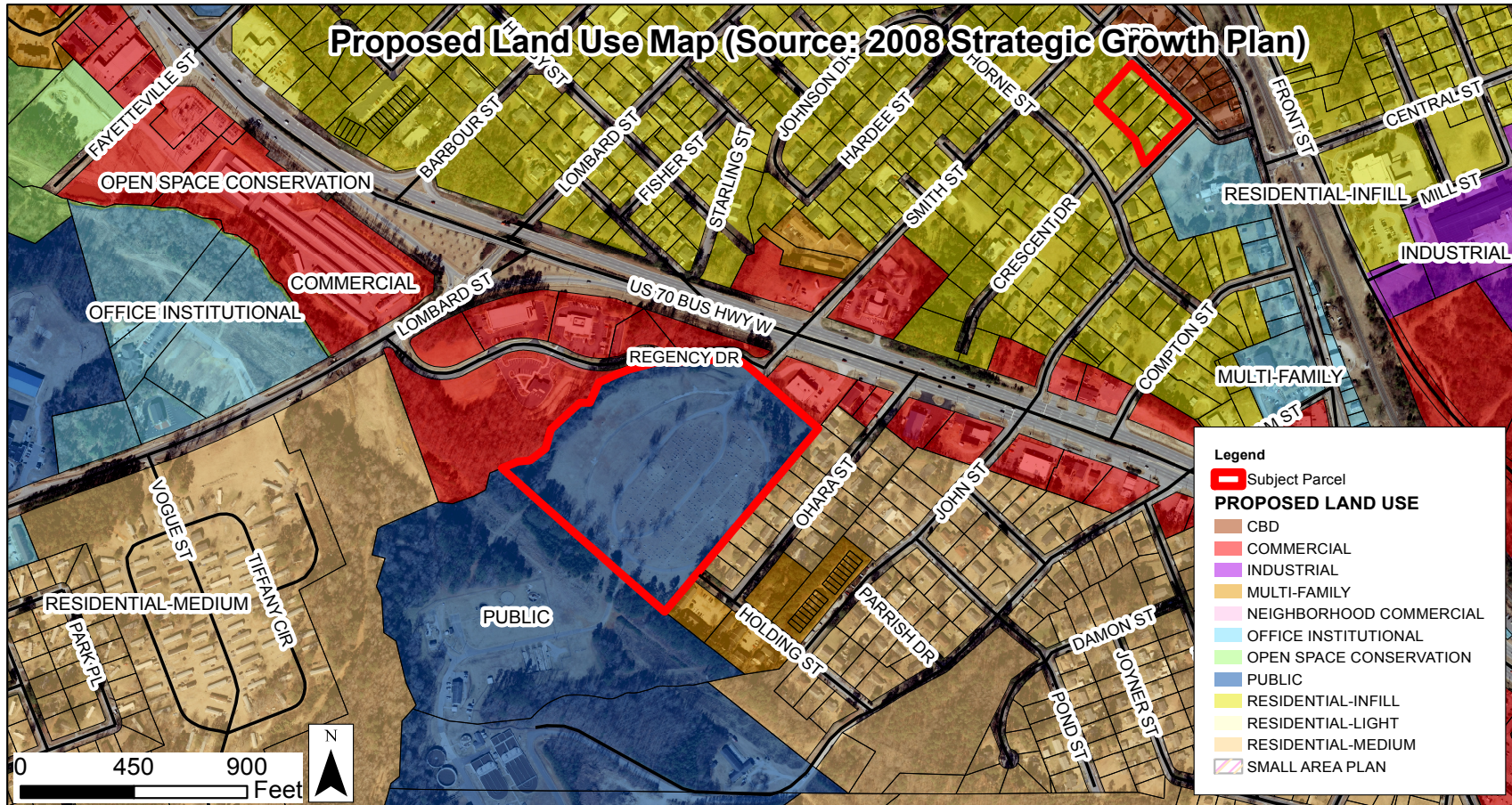
Disclaimer: Town of Clayton assumes no legal  
responsibility for the information represented here.

06/26/2015





## Proposed Land Use Map (Source: 2008 Strategic Growth Plan)



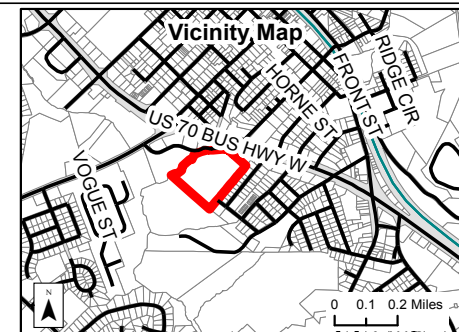
### 2015-28-RZ Town Facility Maplewood Cemetery Rezoning Rezoning from R-8 to PF

Applicant: Town of Clayton  
Property Owner: Town of Clayton  
Parcel ID Number: 166805-09-3472  
Tag #: 05E99020Z

Produced by: TOC Planning

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

06/15/2015





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 fee: Standard Rezoning: \$500.00  
Rezoning to Planned Development District: \$1,000.00 + \$5.00 acre  
*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

Town Facility/Property  
Name of Project: Maplewood Cemetery Acreage of Property: 16.15 acres  
County Tag Number: 05E99020Z NC PIN: 166805-09-3472  
Address/Location: 504 S Smith Street Clayton, NC 27520  
Existing Zoning District: R-8 (Residential)  
Proposed Zoning District: PF (Public Facilities)  
Is project within an Overlay District? ☒ No  
☐ Yes (list): \_\_\_\_\_

### APPLICANT INFORMATION

Applicant: Town of Clayton  
Mailing Address: P O Box 879 Clayton, NC 27528  
Phone Number: 919 553-5002 Fax: 919 553-8919  
Contact Person: Beth Franson  
Email Address: bfranson@townofclaytonnc.org

### FOR OFFICE USE ONLY

Date Received: 6-18-2015 Amount Paid: NA File Number: 2015-28



## PROPERTY OWNER INFORMATION

Name: Town of Clayton

Mailing Address: P O Box 879 Clayton, NC 27528

Phone Number: 919 553-5002

Fax: 919 553-8919

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

## EXPLANATION OF PROJECT

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

To rezone Town owned public facilities to the newly adopted zoning classification PF (Public Facilities) and utilize the dimensional standards for the PF zoning classification.

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

*The following items must accompany a Rezoning application.*

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



## APPROVAL CRITERIA

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

1. Consistency with the adopted plans of the Town.

The Town of Clayton recently adopted the PF (Public Facilities) zoning district, specifically for public property. This rezoning to PF (Public Facilities) will make the subject properties consistent with Town Council direction.

2. Suitability of the subject property for uses permitted by the current vs. the proposed district.

As stated above the PF (Public Facilities) district was created to be the suitable zoning district for public property.

3. Whether the proposed change tends to improve the balance of uses, or meets specific demand in the Town.

The change to the subject properties classifies them in a new zoning district. This district balances other uses by separating public and private property.

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 PF (Public Facilities) zoning category is designed to specifically differentiate public facilities and services.

5. It has been determined that the legal purposes for which zoning exists are not violated.

The subject rezoning does not violate the legality of the proposed zoning.

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

The subject properties are currently occupied with public facilities and associated uses.

7. It has been determined that no one property owner or small group of property owners will benefit materially from the change to the detriment of the general public.

The purpose of the rezoning is to correctly classify public facilities which benefit 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.*

Beth Franson  
Print Name

Beth Franson  
Signature of Applicant

6-18-2015  
Date

January 2015

Page 4 of 10

## ADJACENT PROPERTY OWNERS LIST

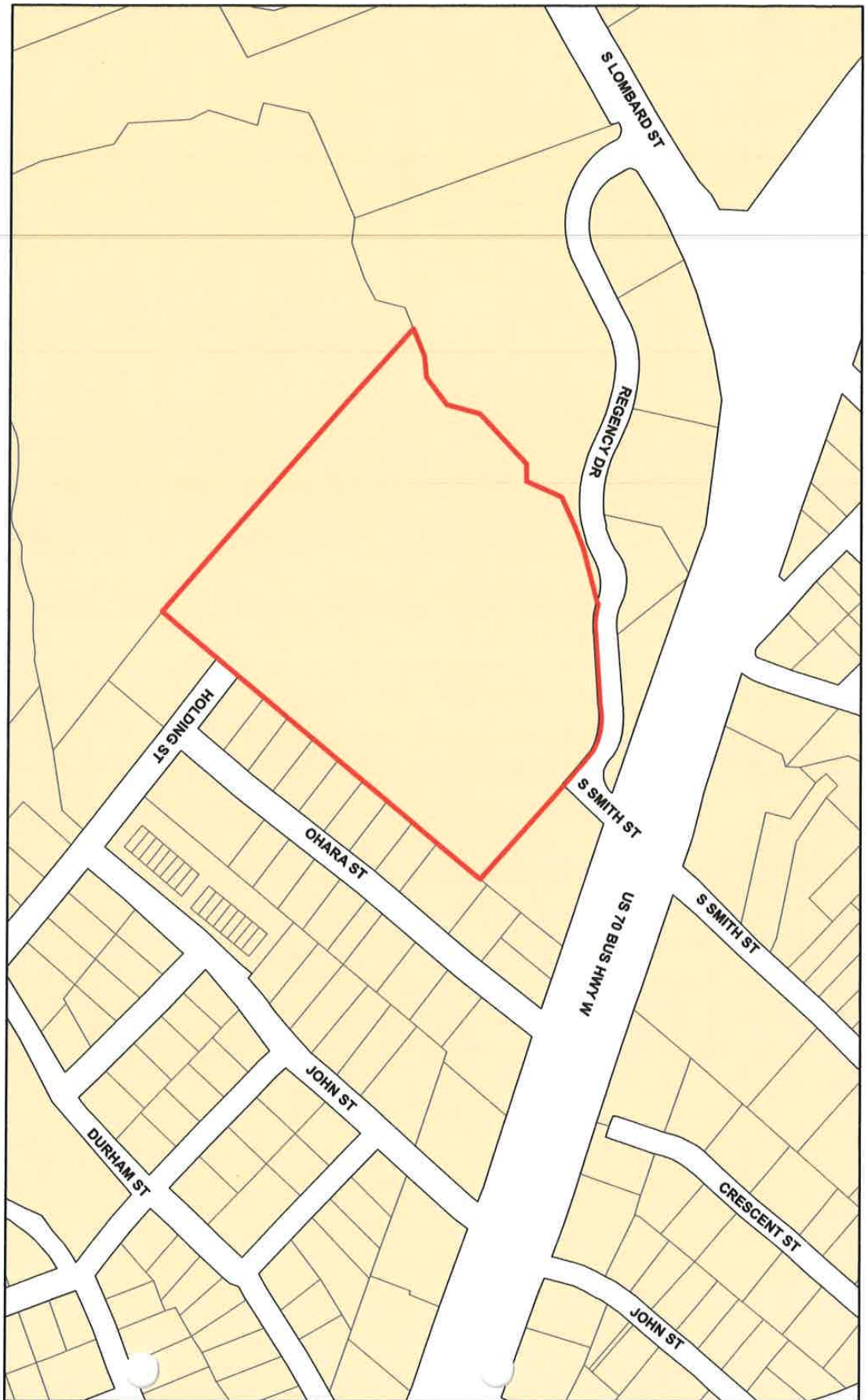
**Project Name: Town Facility/Property Maplewood Cemetery**

*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                                       |
|-----------------------------------------------|------------------------------|-----------------------------------------------|
| 05018005F, 05018005G,<br>05018005C, 05018005K | State Employees Credit Union | P O Box 26807 Raleigh, NC 27611               |
| 05H03027Z                                     | Town of Clayton              | P O Box 879 Clayton, NC 27528                 |
| 05E99015W                                     | Apartment Resources LLC      | P O Box 99535 Raleigh, NC 27624               |
| 05007012                                      | KAD Inc.                     | 1025 Ridge Drive Clayton, NC 27520            |
| 05007013                                      | Tunstall Properties LLC      | 5273 Raleigh Rd. Benson, NC 27504             |
| 05007014                                      | John P. Olsen                | 304 Airedale Dr. Holly Springs, NC 27540      |
| 05007015                                      | Shirley Frances Upchurch     | 512 O'Hara Street Clayton, NC 27520           |
| 05007016                                      | Anthony Hal Morris           | 510 O'Hara Street Clayton, NC 27520           |
| 05007017                                      | Cecil Berry Heavner          | P O Box 1266 Smithfield, NC 27577             |
| 05007018                                      | Alphonzo McNeil              | 506 O'Hara Street Clayton, NC 27520           |
| 05007019                                      | Elizabeth Hodges Bryan       | 504 O'Hara Street Clayton, NC 27520           |
| 05006025, 05E99014I                           | Stacy Morgan                 | 106 Adams Street Wallace, NC28466             |
| 05013049A                                     | DEVAZ LLC C/O Ralph Falls    | 1310 S Tryon St. Ste. 104 Charlotte, NC 28203 |
|                                               |                              |                                               |
|                                               |                              |                                               |

**SAMPLE NEIGHBORHOOD MEETING LETTER -  
PLACE ON AGENT OR OWNER LETTERHEAD**



**Legend**

- Clayton Town Limits
- Parcel
- Clayton ETJ
- Maplewood Cemetery Rezoning

Produced by: TOC Planning  
June 16, 2016

### Town of Clayton Property Maplewood Cemetery

TAG(s) 05E99020Z  
NCPIN(s) 166805-09-3472  
Town of Clayton Property Maplewood Cemetery  
504 S Smith Street  
Deed Book No Deed Reference  
Acreage 16.15 acres

1 inch = 300 feet

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



Applicant: Town of Clayton

Location/Date: Clayton Town Hall Lobby 7-8-2015

|    | NAME         | ADDRESS                         |
|----|--------------|---------------------------------|
| 1  | HAL MORRIS   | 510 OHANA ST.                   |
| 2  | Beth Franson | Town of Clayton - Planning Dept |
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January 2015

**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

Page 9 of 10

## NEIGHBORHOOD MEETING SUMMARY FORM

### FILL OUT THE FOLLOWING:

Date of Mailing: 6-25-2015

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

Printed Name: Beth Franson Signature: Beth Franson

Date of Meeting: 7-8-2015 Time of Meeting: 6:00pm

Location of Meeting: Clayton Town Hall Lobby

**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.

Meeting began at 6pm. Beth Franson representative for the Town + Hal Morris - adjoining property owner attended the meeting. Mr. Morris asked how or if the rezoning of the town property (Maplewood Cemetery) ~~would~~ would affect his property. The meeting ended at 7pm.

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

Jody L. McLeod  
**MAYOR**

Bruce Thompson  
**TOWN ATTORNEY**

Steve Biggs  
**TOWN MANAGER**



Bob Satterfield  
Art Holder  
Jason Thompson  
R.S. "Butch" Lawter, Jr.  
**COUNCIL MEMBERS**

Michael Grannis  
**MAYOR PRO TEM**

June 25, 2015

Dear Clayton Area Property Owner:

The purpose of this letter is to notify you of an application filed by the Town of Clayton for a rezoning involving Town 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 Town will be present to explain the rezoning, answer questions, and solicit comments.

Meeting Date: July 8, 2015

Location: Clayton Center Lobby, Clayton Town Hall 111 E. Second Street, Clayton, NC 27520

Time: 6:00pm

Type of Application: Rezoning

General Description: Rezoning the Town of Clayton Property Maplewood Cemetery at 504 S Smith Street Clayton, NC 27520. The town owned property is currently zoned R-8 (Residential), the proposed rezoning change is to PF (Public Facilities).

If you have any questions prior to or after this meeting, you may contact me at 919 553-5002  
Town of Clayton Planning

Sincerely,

Beth Franson, GISP  
GIS Analyst  
Town of Clayton

cc: Clayton Planning Dept.

---

P. O. Box 879 - Clayton, North Carolina 27528 - Office (919) 553-5002 - Fax (919) 553-8919

Jody L. McLeod  
**MAYOR**

Bruce Thompson  
**TOWN ATTORNEY**

Steve Biggs  
**TOWN MANAGER**



Bob Satterfield  
Art Holder  
Jason Thompson  
R.S. "Butch" Lawter, Jr.  
**COUNCIL MEMBERS**

Michael Grannis  
**MAYOR PRO TEM**

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If you have any questions prior to or after this meeting, you may contact me at 919 553-5002  
Town of Clayton Planning

Sincerely,

  
Beth Franson, GISP  
GIS Analyst  
Town of Clayton

cc: Clayton Planning Dept.

---

P. O. Box 879 - Clayton, North Carolina 27528 - Office (919) 553-5002 - Fax (919) 553-8919



## NEIGHBORHOOD MEETING SUMMARY FORM

### FILL OUT THE FOLLOWING:

Date of Mailing: 6-25-2015

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

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

Applicant: Town of Clayton

Location/Date: Clayton Town Hall Lobby 7-8-2015

|    | NAME         | ADDRESS                         |
|----|--------------|---------------------------------|
| 1  | HAL MORRIS   | 510 OHANA ST.                   |
| 2  | Beth Franson | Town of Clayton - Planning Dept |
| 3  |              |                                 |
| 4  |              |                                 |
| 5  |              |                                 |
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| 19 |              |                                 |
| 20 |              |                                 |



January 2015

**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

Page 9 of 10

**TOWN OF CLAYTON  
COUNCIL MOTION SHEET  
ZONING ORDINANCE AMENDMENT**

**RZ 2015-28 Maplewood Cemetery**

On July 27, 2015 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 27 day of July 2015 while in regular session.

Signed:

  
Frank Price, Planning Board Chair

**TOWN OF CLAYTON**  
**ZONING AMENDMENT**  
**CONSISTENCY AND REASONABLENESS STATEMENT**  
**MAPLEWOOD CEMETERY REZONING [RZ 2015-28]**

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 Strategic Growth Plan, specifically:

The 2008 Strategic Growth Plan designates this area as "Public". This rezoning is consistent with the intent of the Future Land Use for the Maplewood Cemetery Property.

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 **the zoning classification PF (Public Facilities) will provide consistency between the zoning district and the attached use of the property. The PF district is established to provide a coordinated land planning approach to the sale, rent, lease, purchase, management, or alteration of publicly owned or operated lands. The PF district is primarily intended for, but not limited to, public parks, and recreation areas, public buildings and facilities, and other capital improvements of a significant nature** , the above referenced zoning amendment is reasonable and in the public interest.



**TOWN OF CLAYTON  
TOWN COUNCIL  
AGENDA COVER SHEET**

**AGENDA LOCATION:**

Items Scheduled for Regular Meetings

**Meeting Date:**

August 17, 2015

**ITEM TITLE:**

Amendment to Town Code of Ordinances - Chapter 95

**DESCRIPTION:**

This amendment will amend Chapter 95 to include 95.07 which will address the issue of Open Burning within Clayton's Fire District. Chief Barbee and/or D/Chief Atkinson will be available for any questions/concerns.

**POTENTIAL ACTION:**

Place on Consent Agenda

**DEPARTMENT:**

Planning + Zoning

**PRESENTER:**

David DeYoung, Planning Director

**ITEM HISTORY:**

**Date:**

**Action Taken:**

**Information Provided:**

**Date:**

**Action Taken:**

**Information Provided:**



Town of Clayton  
Planning Department  
111 E. Second Street, Clayton, NC 27520  
P.O. Box 879, Clayton, NC 27528  
Phone: 919-553-1545  
Fax: 919-553-1720

*Town Council  
August 17, 2015*

## STAFF REPORT

**Application Number:** OA2015-40

**Project Name:** Open Burning Code Amendment to §95.07

---

**Area affected:** Town of Clayton Fire District  
**Applicant:** Fire Department, c/o Anthony Atkinson, Fire Marshall  
**Public Noticing:**

- Newspaper ad posted prior to August 26, 2015

**REQUEST:** Add regulations regarding open burning within Town's Fire District.

---

### LANGUAGE TO BE ADDED TO CHAPTER 95:

#### §95.07 OPEN BURNING WITHIN CLAYTON'S FIRE DISTRICT

(A) In accordance with North Carolina Administrative Code §15A NCAC 02D.1903 and .1904, certain types of open burning shall be permitted without an Air Quality Permit within the Town of Clayton's Fire District.

(B) Prior to commencing any open burning activities, inspection of the burning location and approval of the open burning by the Town's Fire Official must occur.

(adopted 09-08-2015; Ord. 2015-XX-XX, passed 09-08-2015)

### STAFF ANALYSIS AND COMMENTARY:

The Fire Department is requesting to regulate open burning within the Town's Fire District, in accordance with North Carolina Administrative Code, based on the potential for nuisance created by these activities. Open burning can create conditions that are potentially hazardous to humans, such as increased air pollution which is linked to hospital admissions relating to respiratory or heart afflictions, and reduced visibility on roadways from smoke. Open burning of land-clearing debris might still be allowed to occur in a manner that is safe for surrounding residents, as determined by the Fire Official.

---

### CONSIDERATIONS:

- Amendments to the Town's Code of Ordinances are decided by the Town Council.

*Page 1 of 2*

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**RECOMMENDATION:**

The Fire Department is recommending approval of the ordinance amendment.

---

**ATTACHMENTS:**

- 1) None.

**TOWN OF CLAYTON**

**Amendment to the Code of Ordinances: Chapter 95**

**Fire Prevention**

**BEING HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON, NORTH CAROLINA** to amend Chapter 95 to add §95.07 with the following new language:

§ 95.07 OPEN BURNING WITHIN CLAYTON’S FIRE DISTRICT.

(A) In accordance with North Carolina Administrative Code § 15A NCAC 02D .1903 and .1904, certain types of open burning shall be permitted without an Air Quality Permit within the Town of Clayton’s Fire District.

(B) Prior to commencing any open burning activities, a fire inspection fee must be paid and a permit must be acquired from the Town’s Fire Official.

(Amend. adopted X-X-XX)

Duly adopted this \_\_\_\_ day of \_\_\_\_\_ 2015, while in regular session.

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

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Kimberly Moffett, MMC  
Town Clerk

\_\_\_\_\_  
Katherine Ross  
Town Attorney



**TOWN OF CLAYTON  
TOWN COUNCIL  
AGENDA COVER SHEET**

**AGENDA LOCATION:**

Items Scheduled for Regular Meetings

**Meeting Date:**

August 17, 2015

**ITEM TITLE:**

Carolina Park - Alternate Sign Plan

**DESCRIPTION:**

Applicant has requested approval of Alternate Sign Plan.

**POTENTIAL ACTION:**

Approval/Disapproval

**DEPARTMENT:**

Planning + Zoning

**PRESENTER:**

David DeYoung, Planning Director

**ITEM HISTORY:**

**Date:**

**Action Taken:**

**Information Provided:**

**Date:**

**Action Taken:**

**Information Provided:**



## 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

### SIGN PERMIT APPLICATION

Pursuant to Article 7, Section 155.713 of the Unified Development Code (UDC), no sign, unless specifically exempted under Section 155.403(D) of the UDC may be erected, located or altered in any manner until a sign permit (and building permit if necessary) has been secured from the Planning Department. An owner of land within the jurisdiction of the Town (or a duly authorized agent) may make application with the Planning Department for a Sign Permit.

See Section 155.403 of the UDC for information on sign regulations. Note that signs in overlay districts (i.e. Downtown Overlay) may be subject to additional requirements.

#### SIGN TYPE

- ☐ Permanent Sign (\$50.00 + \$5 per each add'l sign) New \_\_\_\_\_ Modification \_\_\_\_\_
- ☐ Master Sign Plan (\$100.00) New \_\_\_\_\_ Modification \_\_\_\_\_
- ☒ Alternative Sign Plan (\$100.00) New ☒ Modification \_\_\_\_\_

#### SITE INFORMATION

Business Name: \_\_\_\_\_

Parcel ID Number: 05G02001G Tax ID Number: 4286174

Business Address  
(include suite #, if applicable): \_\_\_\_\_

Is the business in a multi-tenant building or shopping center? If yes, which one? ☐ No ☒ Yes: Multi-Tenant

(If located in a multi-tenant building, sign may be subject to Master or Alternative Sign Plan criteria)

Applicable Master or Alternative Sign Plan: Alternative Sign Plan

Overlay District (if applicable): \_\_\_\_\_

Property Owner: Carolina Park LLC

#### APPLICANT INFORMATION

Applicant: Carolina Park LLC

Contact Person: Michael Akins

Mailing Address: PO Box 1090 Angier, NC 27501

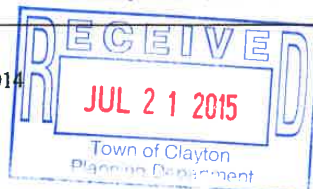
Phone Number: 919-639-4666 Fax: \_\_\_\_\_

Email Address: michael.akers@advancesignservice.com

#### OFFICE USE ONLY

Date Received: Via Email 7-8-15 Amount Paid: 100.00 Permit Number: 15-33-01-ASP

June 2014



Page 1 of 4

## TOTAL ALLOWABLE SIGN FACE AREA CALCULATION

*Unless subject to a Master or Alternative Sign Plan or Overlay District requirements, the permitted sign face area for a site is based on the street frontage length for the subject property. Use the calculation below to determine total allowable sign face area for a site. Contact the Planning Department with questions.*

$$1.25 \times \frac{\text{Street Frontage in Linear Feet}^*}{\text{}} = \text{Square Feet of total allowable sign face area}^{**}$$

*\* If site is has frontage on two streets, use the linear footage of the longest street frontage.*

*\*\*Individual signs may have maximum size requirements depending on the sign type.  
Please review Section 155.403 for these requirements.*

**OR**

Total Sign Face Area permitted by Master/Alternative Sign Plan or Overlay District\* = \_\_\_\_\_

*\*Signs subject to an existing Master/Alternative sign Plan or Overlay District may have sign face area requirements that differ from the calculation above.*

## SIGN SQUARE FOOTAGE TOTALS

Total amount of sign face area allowed = \_\_\_\_\_ Square Feet

Total amount of sign face area requested = \_\_\_\_\_ Square Feet\*

*\*Provide the total for all signs requested – see Section 155.403 of the Unified Development Code for instructions on how to calculate requested sign face area.*

- o *Include details for individual signs on separate sheets as described in "required information" below*
- o *Both sides of a two-sided sign must be calculated in the total signage requested.*

Will the sign(s) be illuminated? ☐ Yes ☐ No

If Yes: ☐ Internal Illumination ☐ External Illumination

Further description of illumination, if necessary: \_\_\_\_\_

## REQUIRED INFORMATION

*The following items **MUST** be provided by the applicant. An application shall not be considered complete until all required information is provided.*

**ALL APPLICATIONS** For all sign applications, provide the following:

| Provided?                           |                                     | Item                                                                                   |
|-------------------------------------|-------------------------------------|----------------------------------------------------------------------------------------|
| Yes                                 | N/A                                 |                                                                                        |
| <input checked="" type="checkbox"/> |                                     | One copy of this application, signed                                                   |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Owner's Consent Form (if applicant is other than the property owner)                   |
| <input checked="" type="checkbox"/> |                                     | Permit Fee (\$50.00 + \$5/each add'l sign OR \$100 for a Master/Alternative Sign Plan) |

**PERMANENT SIGN** For a new or modified permanent sign application, provide one copy of the following:

| Provided?                |                          | Item                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|--------------------------|--------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Yes                      | N/A                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <input type="checkbox"/> |                          | <p>A color rendering of each proposed sign. Renderings <u>must</u> include:</p> <ul style="list-style-type: none"> <li>○ Sign Type (monument, wall sign, etc)</li> <li>○ Materials</li> <li>○ Dimensions, including sign face and sign structure</li> <li>○ Sign Face Area (in square feet)</li> <li>○ Whether sign will be illuminated, and if so, the type of illumination (external or internal, and lighting fixture to be used)</li> <li>○ Letter Style/Font</li> <li>○ Letter Size</li> <li>○ Sign Color (include letter, background, and raceway color, and PMS numbers or vinyl manufacturer and number)</li> </ul> |
| <input type="checkbox"/> | <input type="checkbox"/> | Construction plans demonstrating compliance with the North Carolina Building Code (if applicable)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <input type="checkbox"/> |                          | <p><u>Freestanding Signs</u>: Plan of the property drawn to scale that clearly depicts the location of proposed sign(s), safe sight triangles, applicable setbacks and landscaping.</p> <p><u>Wall Signs</u>: For signs attached to the wall or window, provide an image or drawing of the building that indicates the location of the sign, drawn to scale</p>                                                                                                                                                                                                                                                             |

*If subject to a Master or Alternative Sign Plan, application must demonstrate the proposed sign is consistent with the approved Plan.*

**MASTER SIGN PLAN** For a new or modified Master Sign Plan, provide one copy of the following:

| Provided?                           | Item                                                                                                                                                                                                                                                                                                                  |
|-------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> | Provide a <u>typed</u> document including the following items. See Section 155.403(J) for Master Sign Plan requirements and approval criteria.                                                                                                                                                                        |
| <input checked="" type="checkbox"/> | 1. <b>Date:</b> Effective Date                                                                                                                                                                                                                                                                                        |
| <input checked="" type="checkbox"/> | 2. <b>Name:</b> Development Name                                                                                                                                                                                                                                                                                      |
| <input checked="" type="checkbox"/> | 3. <b>Location:</b> Development Location/Address                                                                                                                                                                                                                                                                      |
| <input checked="" type="checkbox"/> | 4. <b>Allocation of Sign Area:</b> Allocation of total permitted sign face area (among tenants and all proposed site signs), and total allowable sign face area for the site                                                                                                                                          |
| <input checked="" type="checkbox"/> | 5. <b>Permitted Sign Types:</b> Sign type(s) to be permitted on the site (monument signs, wall signs, window signs, etc)                                                                                                                                                                                              |
| <input checked="" type="checkbox"/> | 6. <b>Sign Design:</b> For each sign type, provide a sketch of generic sign design, including lighting design, colors, and materials, to act as a guide for signs                                                                                                                                                     |
| <input checked="" type="checkbox"/> | <b>7. Location:</b> <ul style="list-style-type: none"> <li>- Proposed freestanding sign locations, shown on a site plan</li> <li>- Other sign type locations, including any required positioning (i.e. walls signs shall be centered above the doorway), shown on a building elevation sketch if available</li> </ul> |
| <input checked="" type="checkbox"/> | 8. <b>Materials:</b> Construction materials permitted for each sign type                                                                                                                                                                                                                                              |
| <input checked="" type="checkbox"/> | 9. <b>Illumination:</b> List whether signs will be illuminated and what sign types will be permitted to be illuminated. Indicate type of illumination, including lighting design standards                                                                                                                            |
| <input checked="" type="checkbox"/> | 10. <b>Colors:</b> Color palette permitted, including PMS numbers or vinyl manufacturer and number. <i>Note one color is permitted for multi-tenant building wall signs (such as a strip shopping center), unless permitted as an Alternative Sign Plan.</i>                                                          |
| <input checked="" type="checkbox"/> | 11. <b>Trademarked Logos:</b> Indicate whether trademarked logos with colors other than the approved color are permitted (maximum 12 SF permitted)                                                                                                                                                                    |
| <input checked="" type="checkbox"/> | 12. <b>Sign Approvals:</b> Include a note that all signage must receive approval from the Town of Clayton Planning Department                                                                                                                                                                                         |



**ALTERNATIVE SIGN PLAN** *An Alternative Sign Plan is intended to be used to achieve a higher quality of project design and creativity than could be accomplished through the strict application of the regulations found in Section 155.403 of the UDC. For a new or modified Alternative Sign Plan, provide one copy of the following:*

| Provided?                           | Item                                                                                                                                                                                                                                                               |
|-------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> | Provide a <u>typed</u> document including the following items. See Section 155.403(K) of the UDC for Alternative Sign Plan requirements and approval criteria.                                                                                                     |
| <input checked="" type="checkbox"/> | 1. Justification statement which details project information, modifications being requested, specific code references and proposed alternatives. Statement shall include a response to each of the approval criteria outlined in Section 155.403(K)(3) of the UDC. |
| <input checked="" type="checkbox"/> | 2. Location (address and development name)                                                                                                                                                                                                                         |
| <input checked="" type="checkbox"/> | 3. All information required for the applicable sign application that the Alternative Sign Plan is replacing (permanent sign or master sign plan), as listed in the tables in this application                                                                      |

#### APPLICANT AFFIDAVIT

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

Michael Akins  
Print Name

  
Signature of Applicant

6/22/15  
Date

PLEASE NOTE: Applicable building permits (including electrical and foundation permits) must be secured from the Town of Clayton Building & Inspections Department in addition to this application approval. Building Permit applications shall be submitted to the Building & Inspection Department no later than six months from the date of the sign permit approval (must include a copy of this permit approval), as sign permits expire six months from the date of approval.



**Alternative Sign Plan – Multi-Tenant Building – Town Centre Blvd. Clayton, NC**

**Effective 8/03/15**

All current tenant signage to remain as is. Any and all changes to current signage and all future tenant signage are subject to this alternative sign plan.

**Current Tenants at Time of Proposal:**

Pottery Camp

Butterfly Life

**General Sign Specifications**

As a multi-tenant building with no ground or directional signage, only wall signs shall be allowed.

***All signage must receive approval from the Town of Clayton Planning Department***

**General Sign Specifications – Wall Signs**

**Location**

Tenant wall signs to be located per attached Exhibit A. Tenant spaces with additional elevations shall be allowed 1 sign per elevation. No wall sign shall be installed so as to obstruct walkways and windows. Any deviation from Exhibit A for sign location shall require landlord approval.

**Materials and Illumination**

Wall Signs to be constructed using approved colors only.

Wall signs to be individual channel letters with 4" deep .063" aluminum returns with .090 aluminum backs. Aluminum returns to be mig welded construction and internally sealed to prevent any light leaks.

Letter faces to be minimum 3/16" acrylic faces with 1" jewelite chemically bond trim cap. Trim cap to be attached to returns with low profile pan head screws painted to match trim.

Letters to be LED internally illuminated.

Letters to be mounted to 4" x 7" extruded aluminum raceway painted to match wall. All secondary wiring and power supplies must be located within raceway. Raceway shall have external safety disconnect for primary power.

Secondary pan channel cabinets are allowed to accompany channel letters however the cabinet cannot account for more than 40% of the overall sign square footage (Exhibit B). Pan channels must be constructed using same methods as channel letters including mounting to 4" x 7"

extruded aluminum raceway painted to match wall. Pan channels can include logos and/or text (State of North Carolina or Federally registered tenant logos are allowed for use as tenant signage). See Exhibit C for fabrication diagram.

**Wall Sign – Color**

**Faces – Letters and Pan Channels**

White #2447

Red 3M-3630-033

Green 3M-3630-026

Yellow 3M-3630-025 (Sunflower)

**Trim and Returns (must match) – Letters and Pan Channels**

Black

White

**LED illumination - Letters and Pan Channels**

White

Red (with red faces only)

**Overall Sign Size**

Allowable sign area:

$1.25 \times \text{linear frontage in feet} = \text{square feet of total allowable sign area per elevation.}$



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

**Result 1**

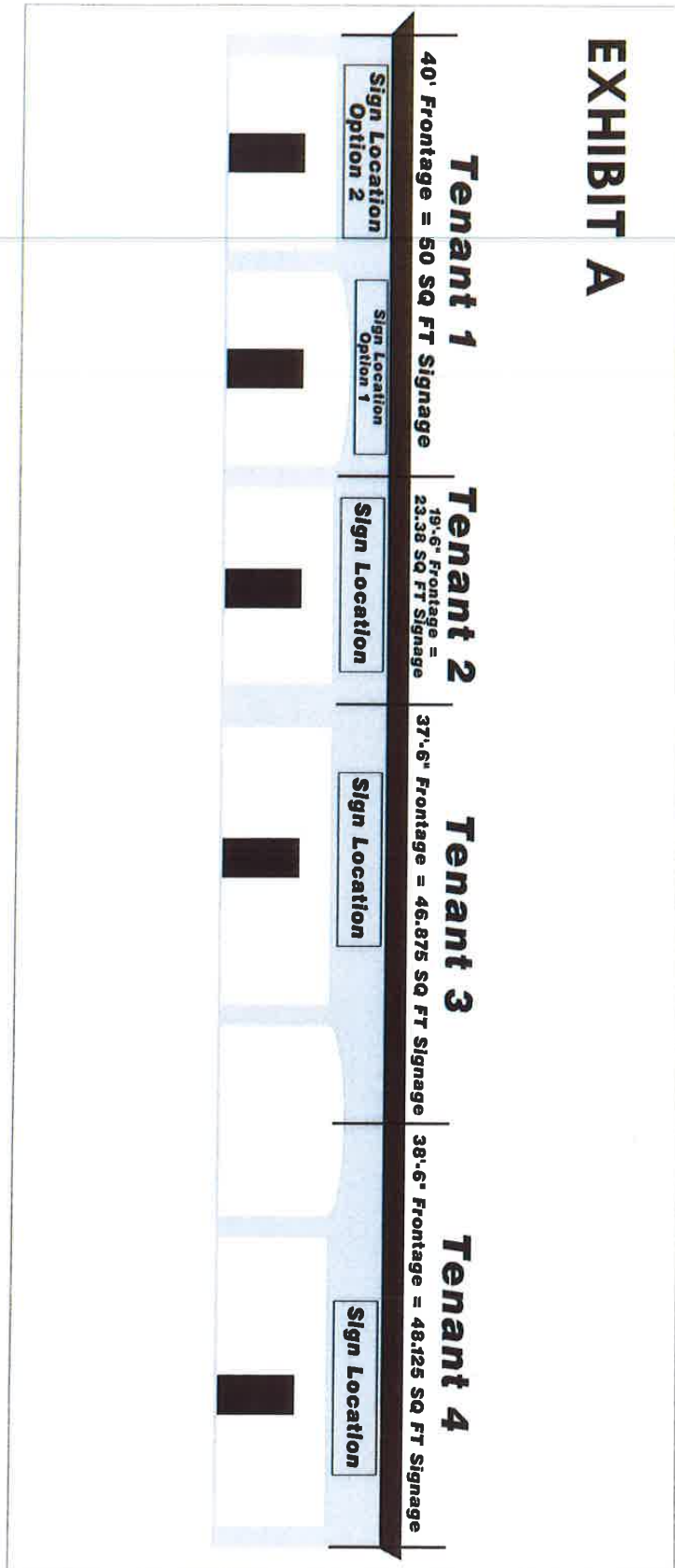
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Tag: 05G02001G  
Tax Unique Id: 4286174  
NCPin: 164900-87-8294  
Mapsheet No: 1649  
Owner Name 1: CAROLINA PARK LLC  
Owner Name 2:  
Mail Address 1: 9005 PEACHTREE TOWN LN  
Mail Address 2:  
Mail Address 3: KNIGHTDALE, NC 27545-9710  
Site Address 1:  
Site Address 2:  
Book: 04541  
Page: 0642  
Market Value: 860010  
Assessed Acreage: 1.73  
Calc. Acreage: 1.699  
Sales Price: 709000  
Sale Date: 2014-12-29



Scale: 1:8618 - 1 in. = 709.86 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 19, 2015

# EXHIBIT A

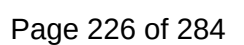






## Channel Letter and Pan Channel Construction Diagram

- Cut-Thru Detail  
Not to Scale



**I. GENERAL REQUIREMENTS**

1. The character, design and layout of all signs shall be subject to the Landlord's approval to the extent that the sign in question complies with the criteria set forth in this document.
2. The Landlord reserves the right to have non-conforming signs removed at the sole risk, cost and expense of the Tenant if such sign(s) are not removed within three (3) days following the date Tenant is notified of non-conformance.
3. All signs shall be in accordance with the following requirements:
  - a. Signs, symbols and/or trademarks must have preliminary approval by the Landlord before shop drawings are made.
  - b. Tenant shall submit three (3) copies of scaled shop drawings to the Landlord for approval. Drawings must show size of all letters, spacing, material mounting, methods and overall sign dimensions in relation to these frontage.
4. The content of all signs shall be limited to the letters designating the store name, type and specialty. No advertising symbols or logos shall be used without approval of the Landlord.
5. The fabrication, installation and operation of all signs shall be subject to the following restrictions:
  - a. No flashing, moving or blinking illumination shall be permitted.
  - b. No animation shall be permitted.
6. The following types of signs are prohibited:
  - a. Portable, outrigger, iridescent and painted canopy signs.
  - b. Moving signs or signs with moving parts or exposed tubing.
7. All signs shall be fabricated and installed in compliance with all applicable building codes and the city sign ordinance. If any discrepancy or question shall arise as to whether a particular sign and/or installation is completely in accordance with these specifications and/or approve drawings, the Tenant shall immediately cease production or installation pending notification to proceed by an authorized representative of the Landlord. The sign company's identification shall not be exposed to view. No sign shall be placed in final position without Landlord's approval.
8. The Landlord reserves the right to make any necessary variations in this document.

**II TENANT CANOPY SIGNS**

1. Each Tenant shall be allowed one (1) sign to be placed on the front fascia.
2. The canopy sign shall be made of single letters.
3. The maximum length of the canopy sign shall be 4' - 0" less than the total width of the Tenant's lease area. The total square footage of the sign shall not exceed 1.0 times the total width of the lease area.

4. NA

5. Type style of all signs must be approved by Landlord.

6. All letters shall be five inch (5") deep, fabricated from .090 aluminum (mig-weld construction). Channel letters to have acrylic face 1/8" thick using Red #2157, White # 7328, or Yellow #2037 and Black Channel .Letters to be installed on a raceway using non-rusting concealed fasteners. All letters to be solid aluminum sides and backs (no plywood or channelume accepted) with illumination by 13 mm, 6,500 white neon tubing with all secondary wiring located in raceway using U.S. approved receptacles and wiring devices.

7. The raceway shall be 12" height x 7" deep, .063 aluminum with finish of red to match the existing metal accent band. The raceway shall be attached to studs behind the sign trough only.

8. The cost of fabrication, installation, electrical hookup, illumination, maintenance and removal of all signs shall be the responsibility of the Tenant.

### III UNDER CANOPY SIGNS (UNLIGHTED)

1. NA

### IV. STOREFRONT SIGNS - (DOORS, WINDOWS, ETC.)

1. Storefront signs shall be limited to numbers and/or letters with a maximum height of 3". Only one (1) storefront sign shall be allowed.

2. Signs, symbols and/or trademarks must have preliminary approval of Landlord with final approval based on shop drawings showing material, the approved colors and overall dimensions ins relations to the storefront.

### V. CONTRACTOR RESPONSIBILITIES

Sign contractor is required to visit the job site prior to furnishing prices and/or building and installing each sign. In the event the project is under construction, it is the sole responsibility of the contractor to verify the trough area is complete before dimensions are verified for fabrication. Contractor shall also familiarize himself with the criteria specifications herein, and submit working drawings for approval in accordance with the criteria before building and installing the sign.



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

*Town Council  
August 17, 2015*

## STAFF REPORT

**Application Number:** 15-33-01-ASP

**Project Name:** Carolina Park - Anthony's Pizza - Alternative Sign Plan

**Tag #:** 05g02001g  
**Town Limits/ETJ:** Town limits  
**Overlay:** Thoroughfare Overlay District  
**Applicant:** Michael Akins, Carolina Park LLC, [michael.akers@advancesignservice.com](mailto:michael.akers@advancesignservice.com)  
**Owner:** Carolina Park LLC  
**Location:** The property is located as an outparcel strip building in the WalMart Plaza (see map).

**Public Noticing:**

- Not required.

**REQUEST:** Alternative Sign Plan to allow signage with more colors than typically allowed in a strip building.



**CONTEXT:**

This building is located in the WalMart Plaza as an outparcel commercial strip building with four tenant spaces.

---

**STAFF ANALYSIS AND COMMENTARY:**

The applicant is requesting approval of an Alternative Sign Plan (ASP) to allow more sign colors than are permitted by the Unified Development Code (UDC). In this case, the request is to allow four colors – white, red, green, and yellow – on each sign in the strip commercial building in question.

Per §155.403(J) of the UDC, a Master Sign Plan is required for all developments which include multiple tenants, including commercial strip buildings. The stated purpose of a Master Sign Plan is to “promote coordinated signage”. Master Sign Plans allow one color (chosen by the property owner) for signs, as well as black accents. Federal and state registered trademarks may be employed, with no color restrictions, so long as they do not exceed 12 square feet in area.

The proposed Alternative Sign Plan does not propose any significant differences from a Master Sign Plan other than it would allow four colors per sign, instead of one color allowed in a Master Sign Plan. Incidentally, the four colors chose as part of this Alternative Sign Plan are the four that they applicant wants in the sign on their space. The Alternative Sign Plan would also allow black trim accents, which is similar to the Master Sign Plan. The proposed Alternative Sign Plan does not specify which or how many fonts are acceptable. A Master Sign Plan allows one font per tenant, but does not require consistency between tenants.

An example of a sign that would be allowed under this Alternative Sign Plan is shown below.





According to section 155.403(K), an Alternative Sign Plan may be submitted to request approval of signage that does not comply with the requirements of the UDC. "The purpose and intent of an Alternative Sign Plan (ASP) is to allow for creativity of sign design, providing an opportunity to demonstrate the intent of this Section can be exceeded, in whole or in part, through an ASP."

➤ **Consistency with the Approval Criteria (155.403(K)(3))**

The following approval criteria apply to ASPs. Each approval criteria is followed by staff's analysis of whether and how the request meets this criteria:

- (a) Components of the ASP shall be consistent with the Town of Clayton General Design Guidelines.
  - *The Design Guidelines specify that signs should be kept simple, with few colors and typefaces (fonts). The proposed signs have four colors and (potentially) 3 different fonts on a single sign.*
- (b) The proposed sign design, size, color, and placement are compatible in style and character with any building to which the sign is to be attached, any surrounding structures, and any adjoining signage on the site.
  - *There is no evidence to suggest that the sign proposed is uniquely suited to the building upon which it is proposed. The evidence seems to suggest that the Alternative Sign Plan is designed only to accommodate a sign for one business (Anthony's Pizza), and that all other tenants are irrelevant. There is no cohesive design envisioned in this Sign Plan.*
- (c) Innovative use of materials and design techniques in response to unique characteristics of the specific site.
  - *This Alternative Sign Plan does not appear to be innovative in materials and/or design.*
- (d) Placement of sign incorporates or preserves existing native vegetation.
  - *Not applicable. The proposed Sign Plan only allows wall signs above tenant spaces.*
- (e) Sign design, scale, and placement are oriented to pedestrian traffic.
  - *Not applicable. There is little incidental pedestrian traffic expected at this location.*
- (f) Integrates architectural features in a manner compatible with the surroundings in which the development is located.
  - *The sign does not take architectural features of adjacent or associated buildings into account.*
- (g) Includes pedestrian facilities, including but not limited to sidewalks, walkways, street furniture, landscaping, and lighting.
  - *Not applicable. As mentioned in (e), above, in this particular location pedestrian traffic is very limited..*
- (h) Consistent with approved neighborhood plans, studies, or area plans.
  - *There are no plans or studies for this area.*
- (i) Future tenants will be provided adequate opportunities to construct, erect, or maintain a sign for identification.
  - *The proposed Sign Plan treats all tenants fairly with respect to allowable sign area, but is more designed with one tenant in mind – Anthony's Pizza – and does not really attempt to accommodate other tenants in any meaningful way.*

- (j) Directional signage and building addressing is adequate for pedestrian and vehicular circulation and emergency vehicle access.
  - *Not applicable. The proposed Alternative Sign Plan would be equivalent with a Master Sign Plan in this respect.*
- (k) The ASP improves the safety and welfare of the general public by minimizing distractions, hazards, and obstructions from sign design or placement.
  - *The proposed sign actually increases distraction by providing a larger color palette for tenants, thus visually cluttering the landscape.*

In conclusion, staff recommends denial. The proposed Alternative Sign Plan intentionally attempts to skirt the intent of the Master Sign Plan and does not add any meaningful "creativity of sign design", as is the intent of an Alternative Sign Plan. A Master Sign Plan is appropriate for this location, with one sign color for all tenants in the building.

---

**CONSIDERATIONS:**

- Signage that does not meet the requirements of the UDC can request approval via an Alternative Sign Plan, but must show that the sign exceeds the intent of the UDC by providing a superior design.
- The Town Council approves Alternative Sign Plans.

---

**STAFF RECOMMENDATION:**

Staff is recommending denial of the Alternative Site Plan (15-33-01-ASP) for Carolina Park.

If Council does decide to approve the Alternative Site Plan, the following conditions of approval are suggested:

1. The applicant must specify font(s) prior to approval.

---

**ATTACHMENTS:**

- 1) Application

**TOWN OF CLAYTON  
TOWN COUNCIL  
AGENDA COVER SHEET**

**AGENDA LOCATION:**

Public Hearings

**Meeting Date:**

August 17, 2015

**ITEM TITLE:**

Public Hearing - Vountary Annexation - 14-111-01-ANX - Parkview

**DESCRIPTION:**

Applicant is requesting voluntary annexation of 3.55 and 25.33 contiguous acres.

**POTENTIAL ACTION:**

Approval/Disapproval

**DEPARTMENT:**

Planning + Zoning

**PRESENTER:**

David DeYoung, Planning Director

**ITEM HISTORY:**

**Date:**

June 15, 2015

**Action Taken:**

Direct Clerk to Certify Sufficiency

**Information Provided:**

Application / Resolution

**Date:**

July 20, 2015

**Action Taken:**

Certification of Sufficiency by Clerk  
8-3-15 - Set Public Hearing

**Information Provided:**

Application / Certification  
Resolution



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

14-111-01-ANX

Parkview - Adams + City Road 44 Annexation

## 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                                                                            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. A boundary plat of the area to be annexed meeting requirements of the Plat Checklist (included in this application packet). | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3. Legal Description (metes and bounds)                                                                                        | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

### PROCESS:

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

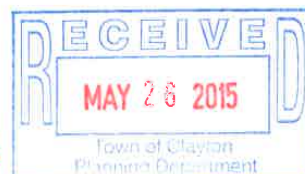
**Annexation Plat Submission:** After the map and legal description are deemed sufficient by the Town, the applicant is required to submit two (2) Mylar annexation plats to the Planning Department.

**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 - August 2014

Parkview (Adams + City Road 44)

Page 1 of 3

**Petition for Voluntary Annexation Application – Property Information**  
**COMPLETE IF PROPERTY IS OWNED BY INDIVIDUAL (S)**

Submittal Date: 5-26-2015

Petition No.: 14-111-01-ANX

**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 ✓ 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:

Existing housing units:

Population of acreage to be annexed:

Existing Zoning District\*:

Proposed Town Zoning District\*:

Reason for petitioner to annex:

Receive Town Services

✓ Other (please specify):

PURSUANT TO MARINA PEAN APPROVAL

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.)

DONALD C. ADAMS

Please Print

Donald C. Adams

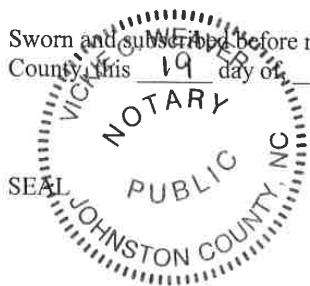
Signature

\_\_\_\_\_  
Please Print

\_\_\_\_\_  
Signature

**STATE OF NORTH CAROLINA**  
**COUNTY OF JOHNSTON**

Sworn and subscribed before me, Vickie C Weaver, a Notary Public for the above State and County, this 19 day of MAY, 20 15.



Vickie C Weaver

Notary Public

My Commission Expires: 6/6/2016



## 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 of 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. | <p>The following certification must be placed on the map near a border to allow the map to be sealed:</p> <p>Annexation # _____</p> <p>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, _____.</p> <p>Day/Month/Year</p> <p style="text-align: right;">_____</p> <p style="text-align: right;">David DeYoung AICP</p> |
| 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.                                                                                                                                                                                                                                                                                                                                  |

Lying and being in Clayton Township, Johnston County, North Carolina and being more particularly described as follows:

Beginning at a common property corner between the now-or-formerly City Road, LLC property, deed book 4557 page 814, the now or formerly Allen Lester Mims, Jr. property, deed book 1141 page 108, and the now-or-formerly Donald C. Adams property, plat book 81 page 126, said point being the place and point of beginning;

Thence with the City Road, LLC/Adams property line S28°35'54"E 188.18 feet to a point;

Thence S43°05'30"W 1640.69 feet to a point;

Thence N36°58'23"W 371.90 feet to a point;

Thence N48°38'26"E 358.45 feet to a point;

Thence N36°35'41"W 350.25 feet to a point;

Thence N04°39'32"E 139.39 feet to a point;

Thence N13°31'37"W 230.32 feet to a point;

Thence N10°28'46"W 128.70 feet to a point;

Thence N04°33'25"E 187.32 feet to a point;

Thence S84°07'58"E 1251.86 feet to the place and point of beginning and containing 25.33 acres more or less.

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

Submittal Date: \_\_\_\_\_

Petition No.: \_\_\_\_\_

**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 ☒ 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: \_\_\_\_\_

Existing housing units: \_\_\_\_\_

Population of acreage to be annexed: \_\_\_\_\_

Existing Zoning District\*: \_\_\_\_\_

Proposed Town Zoning District\*: \_\_\_\_\_

Reason for petitioner to annex: \_\_\_\_\_

3.55 DCA  
34.25 ACRES  
0  
0  
PD-R  
PD-R  
Receive Town Services  
☒ Other (please specify):

Pursuant To Master Plan Amendment

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, City Road LLC a limited liability company, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this 19 day of MAY, 2015.

Name of Limited Liability Company: \_\_\_\_\_

By: \_\_\_\_\_

Signature of Member/Manager

STATE OF NORTH CAROLINA  
COUNTY OF JOHNSTON

Sworn and subscribed before me  
this 19 day of MAY, 2015.

SEAL  
JOHNSTON COUNTY

Vickie C. Weaver, a Notary Public for the above State and County,

Vickie C. Weaver  
Notary Public

My Commission Expires: 6/6/2016



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                                                                            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. A boundary plat of the area to be annexed meeting requirements of the Plat Checklist (included in this application packet). | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3. Legal Description (metes and bounds)                                                                                        | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

### PROCESS:

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

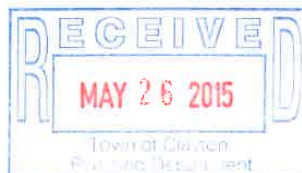
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**Legal Advertisement:** A legal advertisement will be published no more than 25 days and no less than 10 days prior to the date of the public hearing.

**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.



## 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 of 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.                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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| 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.                                                                                                                                                                                                                                                                                                                                  |



Lying and being in Clayton Township, Johnston County, North Carolina and being more particularly described as follows:

Beginning at a point on the western r-o-w of City Road (N.C.S.R. 1709), said point being a common property corner with the now-or-formerly Janet E. Daniel Property, deed book 1603 page 9, and the now-or-formerly City Road, LLC property, deed book 4557 page 814, and being the place and point of beginning;

Thence with the western r-o-w of City Road S13°21'31"W 427.62 feet to a point;

Thence with leaving the western r-o-w of City Road N50°30'49"W 623.75 feet to a point;

Thence N80°14'57"E 57.23 feet to a point;

Thence N80°14'57"E 173.33 feet to a point;

Thence S86°48'56"E 353.52 feet to the place and point of beginning and containing 2.95 acres more or less.

Lying and being in Clayton Township, Johnston County, North Carolina and being more particularly described as follows:

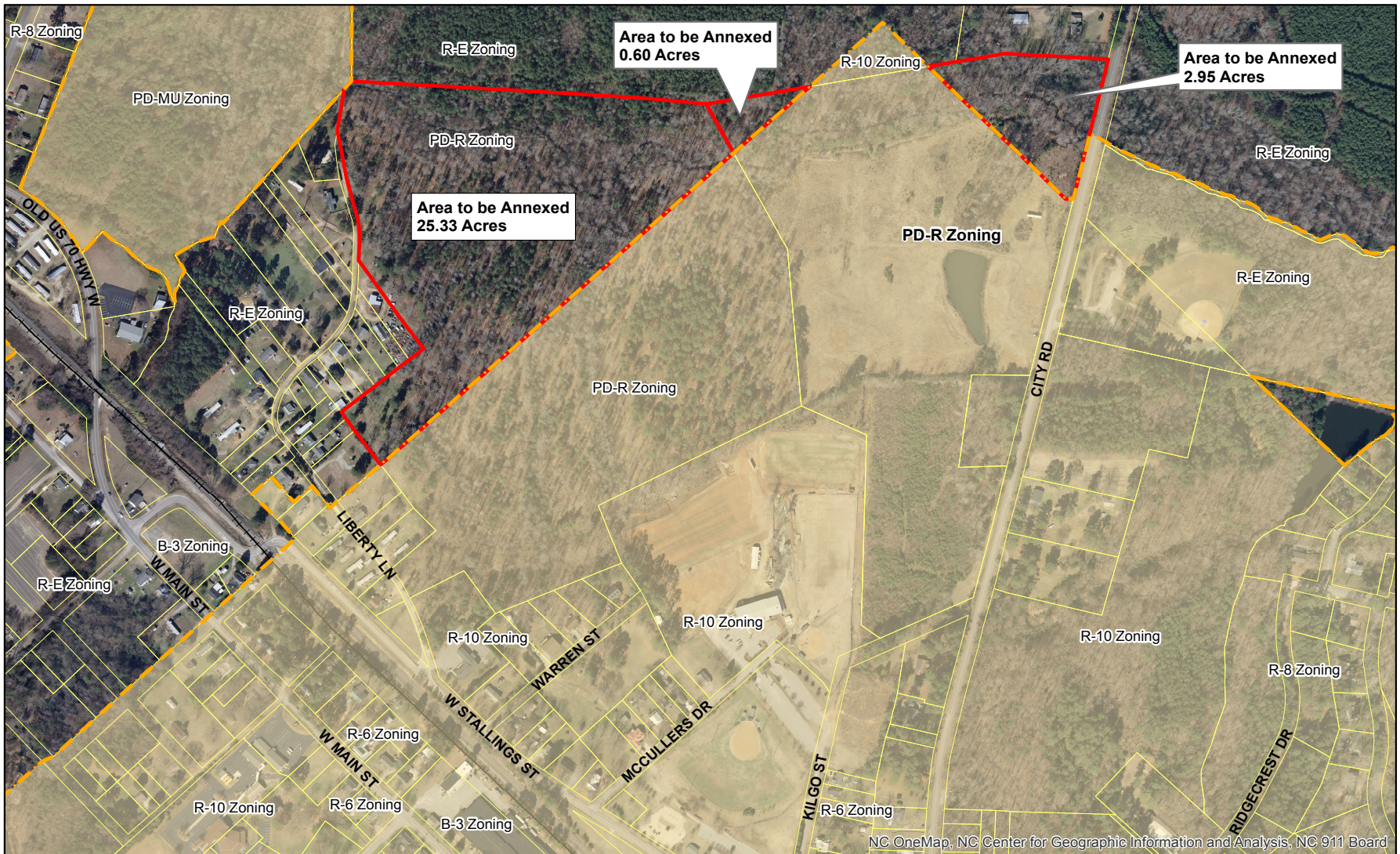
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Thence with the City Road, LLC/Mims property line N80°15'52"E 295.68 feet to a point;

Thence S43°05'30"W 294.72 feet to a point in the City Road, LLC/Adams property line;

Thence with the common City Road, LLC/Adams property line N28°35'54"W 188.18 feet to the place and point of beginning and containing 0.60 acres more or less.





#### Legend

- Clayton Town Limits
- Parcels
- Area to be Annexed

Produced by: TOC Planning  
April 20, 2015

#### Annexation Map

Applicant(s): Donald C Adams & City Road, LLC  
Property Owner(s): Donald C Adams & City Road, LLC  
Parcel Number(s) Portion of 05030069 & 05030071  
File Number(s): 14-111-01-ANX



1 inch = 450 feet



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

## **PUBLIC NOTICE**

The Clayton Town Council has called a public hearing at 6:30 PM on Monday, August 17, 2015, at Town Hall, 111 E. Second Street, on the question of annexing the following described contiguous area, requested by annexation petition 14-111-01-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 a point on the western r-o-w of City Road (N.C.S.R. 1709), said point being a common property corner with the now-or-formerly Janet E. Daniel Property, deed book 1603 page 9, and the now-or-formerly City Road, LLC property, deed book 4557 page 814, and being the place and point of beginning; Thence with the western r-o-w of City Road S 13°21'31"W 427 .62 feet to a point; Thence with leaving the western r-o-w of City Road N50°30'49"W 623.75 feet to a point; Thence N80°14'57"E 57.23 feet to a point; Thence N80°14'57"E 173.33 feet to a point; Thence S86°48'56"E 353.52 feet to the place and point of beginning and containing 2.95 acres more or less.

Lying and being in Clayton Township, Johnston County, North Carolina and being more particularly described as follows:

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feet to a point; Thence N04°33'25"E 187.32 feet to a point; Thence S84°07'58"E 1251.86 feet to the place and point of beginning and containing 25.33 acres 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:

August 5, 2015

Affidavit of publication required.



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

14-111-01-ANX

Parkview - Adams + City Road 44 Annexation

## 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                                                                            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. A boundary plat of the area to be annexed meeting requirements of the Plat Checklist (included in this application packet). | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3. Legal Description (metes and bounds)                                                                                        | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

### PROCESS:

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

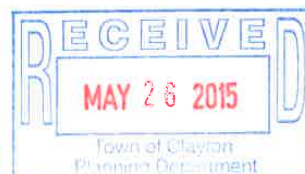
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**Recordation:** If the annexation is approved by the Town Council, the Annexation Plats shall be recorded at the appropriate county Register of Deeds.



Petition for Voluntary Annexation Application - August 2014

Parkview (Adams + City Road 44)

Page 1 of 3



Petition for Voluntary Annexation Application – Property Information  
COMPLETE IF PROPERTY IS OWNED BY INDIVIDUAL (S)

Submittal Date: 5-26-2015

Petition No.: 14-111-01-ANX

**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 ✓ 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:

Existing housing units:

Population of acreage to be annexed:

Existing Zoning District\*:

Proposed Town Zoning District\*:

Reason for petitioner to annex:

Receive Town Services

✓ Other (please specify):

PURSUANT TO MARINA PEAN APPROVAL

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.)

DONALD C. ADAMS

Please Print

Donald C. Adams

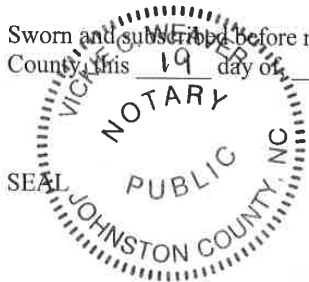
Signature

\_\_\_\_\_  
Please Print

\_\_\_\_\_  
Signature

**STATE OF NORTH CAROLINA  
COUNTY OF JOHNSTON**

Sworn and subscribed before me, Vickie C Weaver, a Notary Public for the above State and County, this 19 day of MAY, 20 15.



Vickie C Weaver

Notary Public

My Commission Expires: 6/6/2016

## 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 of 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. | <p>The following certification must be placed on the map near a border to allow the map to be sealed:</p> <p>Annexation # _____</p> <p>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, _____.</p> <p>Day/Month/Year</p> <p style="text-align: right;">_____</p> <p style="text-align: right;">David DeYoung AICP</p> |
| 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.                                                                                                                                                                                                                                                                                                                                  |

Lying and being in Clayton Township, Johnston County, North Carolina and being more particularly described as follows:

Beginning at a common property corner between the now-or-formerly City Road, LLC property, deed book 4557 page 814, the now or formerly Allen Lester Mims, Jr. property, deed book 1141 page 108, and the now-or-formerly Donald C. Adams property, plat book 81 page 126, said point being the place and point of beginning;

Thence with the City Road, LLC/Adams property line S28°35'54"E 188.18 feet to a point;

Thence S43°05'30"W 1640.69 feet to a point;

Thence N36°58'23"W 371.90 feet to a point;

Thence N48°38'26"E 358.45 feet to a point;

Thence N36°35'41"W 350.25 feet to a point;

Thence N04°39'32"E 139.39 feet to a point;

Thence N13°31'37"W 230.32 feet to a point;

Thence N10°28'46"W 128.70 feet to a point;

Thence N04°33'25"E 187.32 feet to a point;

Thence S84°07'58"E 1251.86 feet to the place and point of beginning and containing 25.33 acres more or less.

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

Submittal Date: \_\_\_\_\_

Petition No.: \_\_\_\_\_

**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 ☒ 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: \_\_\_\_\_

Existing housing units: \_\_\_\_\_

Population of acreage to be annexed: \_\_\_\_\_

Existing Zoning District\*: \_\_\_\_\_

Proposed Town Zoning District\*: \_\_\_\_\_

Reason for petitioner to annex: \_\_\_\_\_

3.55 DCA  
34.25 ACRES  
0  
0  
PD-R  
PD-R  
Receive Town Services  
☒ Other (please specify):

Pursuant To Master Plan Amendment

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, City Road LLC a limited liability company, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this 19 day of MAY, 2015.

Name of Limited Liability Company: \_\_\_\_\_

By: \_\_\_\_\_

Signature of Member/Manager

STATE OF NORTH CAROLINA  
COUNTY OF JOHNSTON

Sworn and subscribed before me  
this 19 day of MAY, 2015.

SEAL  
JOHNSTON COUNTY

Vickie C. Weaver, a Notary Public for the above State and County,

Vickie C. Weaver  
Notary Public

My Commission Expires: 6/6/2016



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                                                                            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. A boundary plat of the area to be annexed meeting requirements of the Plat Checklist (included in this application packet). | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3. Legal Description (metes and bounds)                                                                                        | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

### PROCESS:

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

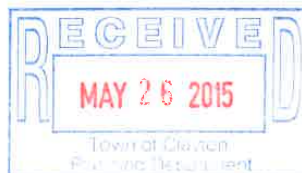
**Annexation Plat Submission:** After the map and legal description are deemed sufficient by the Town, the applicant is required to submit two (2) Mylar annexation plats to the Planning Department.

**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.





## 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 of 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. | <p>The following certification must be placed on the map near a border to allow the map to be sealed:</p> <p>Annexation # _____</p> <p>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, _____.</p> <p>Day/Month/Year</p> <p style="text-align: right;">_____</p> <p style="text-align: right;">David DeYoung AICP</p> |
| 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.                                                                                                                                                                                                                                                                                                                                  |

Lying and being in Clayton Township, Johnston County, North Carolina and being more particularly described as follows:

Beginning at a point on the western r-o-w of City Road (N.C.S.R. 1709), said point being a common property corner with the now-or-formerly Janet E. Daniel Property, deed book 1603 page 9, and the now-or-formerly City Road, LLC property, deed book 4557 page 814, and being the place and point of beginning;

Thence with the western r-o-w of City Road S13°21'31"W 427.62 feet to a point;

Thence with leaving the western r-o-w of City Road N50°30'49"W 623.75 feet to a point;

Thence N80°14'57"E 57.23 feet to a point;

Thence N80°14'57"E 173.33 feet to a point;

Thence S86°48'56"E 353.52 feet to the place and point of beginning and containing 2.95 acres more or less.

Lying and being in Clayton Township, Johnston County, North Carolina and being more particularly described as follows:

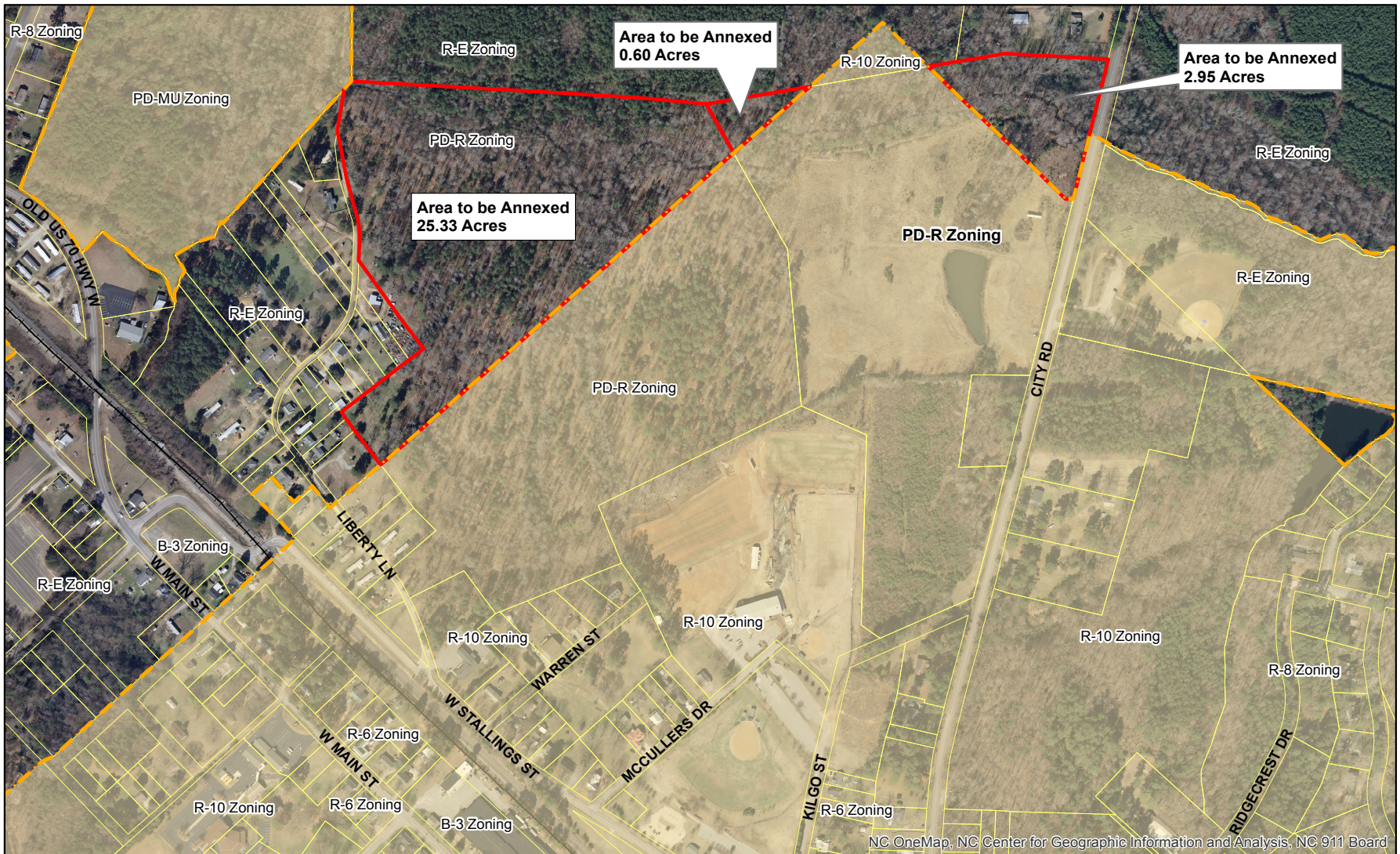
Beginning at a common property corner between the now-or-formerly City Road, LLC property, deed book 4557 page 814, the now or formerly Allen Lester Mims, Jr. property, deed book 1141 page 108, and the now-or-formerly Donald C. Adams property, plat book 81 page 126, said point being the place and point of beginning;

Thence with the City Road, LLC/Mims property line N80°15'52"E 295.68 feet to a point;

Thence S43°05'30"W 294.72 feet to a point in the City Road, LLC/Adams property line;

Thence with the common City Road, LLC/Adams property line N28°35'54"W 188.18 feet to the place and point of beginning and containing 0.60 acres more or less.





### Legend

- Clayton Town Limits
- Parcels
- Area to be Annexed

Produced by: TOC Planning  
April 20, 2015

### Annexation Map

Applicant(s): Donald C Adams & City Road, LLC  
Property Owner(s): Donald C Adams & City Road, LLC  
Parcel Number(s) Portion of 05030069 & 05030071  
File Number(s): 14-111-01-ANX



1 inch = 450 feet



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

**ANNEXATION PETITION 14-111-01ANX**  
**Parkview (Donald C. Adams & City Road LLC**  
**Parcel 05030069 & 05030071**  
**Owners: City Road LLC & Donald C Adams**  
**Contiguous; 3.55 acres & 25.33 acres**

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF  
THE TOWN OF CLAYTON, NORTH CAROLINA**

**WHEREAS, the Town of Clayton has been petitioned under G.S. 160A-31 to annex the area described below; and**

**WHEREAS, the Town of Clayton has by resolution directed the Town Clerk to investigate the sufficiency of the petition; and**

**WHEREAS, the Town Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at Town Hall at 6:30 PM on August 17, 2015, after due notice by publication on August 5, 2015; and**

**WHEREAS, the Town of Clayton finds that the petition meets the requirements of G.S. 160A-31;**

**NOW, THEREFORE, BE IT ORDAINED by the Town Council of Clayton, North Carolina that:**

**Section 1. By virtue of the authority granted by G.S. 160A-31, the following**

Page 1 of 4



described territory is hereby annexed and made part of the Town of Clayton as of August 17, 2015:

Beginning at a common property corner between the now-or-formerly City Road, LLC property, deed book 4557 page 814, the now or formerly Allen Lester Mims, Jr. property, deed book 1141 page 108, and the now-or-formerly Donald C. Adams property, plat book 81 page 126, said point being the place and point of beginning; Thence with the City Road, LLC/Mims property line N80°15'52"E 295.68 feet to a point; Thence S43°05'30"W 294.72 feet to a point in the City Road, LLC/Adams property line; Thence with the common City Road, LLC/Adams property line N28°35'54"W 188.18 feet to the place and point of beginning and containing 0.60 acres more or less.

Lying and being in Clayton Township, Johnston County, North Carolina and being more particularly described as follows:

Beginning at a common property corner between the now-or-formerly City Road, LLC property, deed book 4557 page 814, the now or formerly Allen Lester Mims, Jr. property, deed book 1141 page 108, and the now-or-formerly Donald C. Adams property, plat book 81 page 126, said point being the place and point of beginning; Thence with the City Road, LLC/Adams property line S28°35'54"E 188.18 feet to a point; Thence S43°05'30"W 1640.69 feet to a point; Thence N36°58'23"W 371.90 feet to a point; Thence N48°38'26"E 358.45 feet to a point; Thence N36°35'41"W 350.25 feet to a point; Thence N04°39'32"E 139.39 feet to a point; Thence N13°31'37"W 230.32 feet to a point; Thence N10°28'46"W 128.70 feet to a point; Thence N04°33'25"E 187.32 feet to a point; Thence S84°07'58"E 1251.86 feet to the place and point of beginning and containing 25.33 acres more or less.

Section 2. Upon and after August 17, 2015, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Clayton and shall be entitled to the same privileges and benefits as other parts of the Town of Clayton. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.



**Section 3. The Mayor of the Town of Clayton shall cause to be recorded in the office of the Register of Deeds of Johnston County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the County Board of Elections, as required by G.S. 163-288.1.**

**Duly adopted this 17th day of August, 2015, while in regular session.**

**ATTEST:**

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

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

\_\_\_\_\_  
**Katherine Ross,**  
**Town Attorney**

**NORTH CAROLINA  
JOHNSTON COUNTY**

This \_\_\_\_ day of \_\_\_\_\_, 2015, personally appeared before me Kimberly A. Moffett, Clerk of the Town of Clayton, who, being duly sworn by me, says that she knows the common seal of the Town of Clayton and is acquainted with Jody L. McLeod, who is the Mayor and presiding member of said municipal corporation; and that she saw the said Mayor sign the foregoing instrument and saw the said common seal of said municipal corporation affixed to said instrument by said Mayor, and that she, the said Kimberly A. Moffett, signed her name in attestation of said instrument in the presence of said Mayor.

Witness my hand and notarial seal, this the day and year first above written.

(SEAL)

\_\_\_\_\_  
Notary Public - Signature

\_\_\_\_\_  
Notary Public – Printed Name

Commission Expires: \_\_\_\_\_

County of Commission: \_\_\_\_\_

**TOWN OF CLAYTON  
TOWN COUNCIL  
AGENDA COVER SHEET**

**AGENDA LOCATION:**

Public Hearings

**Meeting Date:**

August 17, 2015

**ITEM TITLE:**

Public Hearing - PDD 2014-127- Steeplechase

**DESCRIPTION:**

Applicant is requesting rezoning from R-E, R-10, R-8 and B-2 to PD-MU.

**POTENTIAL ACTION:**

**DEPARTMENT:**

Planning + Zoning

**PRESENTER:**

David DeYoung, Planning Director

**ITEM HISTORY:**

**Date:**

February 5, 2015

**Action Taken:**

Set Public Hearing for March 2, 2015

**Information Provided:**

Staff Report & Supporting Documents

3/2/2015 - Public Hearing Tabled until 3/16/15

3/16/2015 - Public Hearing Tabled until 4/6/15

**Date:**

April 6, 2015

**Action Taken:**

Public Hearing Tabled until April 20, 2015

**Information Provided:**

4/20/2105 - - Public Hearing Tabled until May 4, 2015

5/4/2015 - Public Hearing Tabled until July 20, 2015

7/20/2015 - Public Hearing Tabled until August 17, 2015

**TOWN OF CLAYTON  
TOWN COUNCIL  
AGENDA COVER SHEET**

**AGENDA LOCATION:**

Public Hearings

**Meeting Date:**

August 17, 2015

**ITEM TITLE:**

Public Hearing - PDD 2014-128 - Steeplechase

**DESCRIPTION:**

Applicant is requesting Master Plan approval for the Steeplechase Planned Development to allow a maximum of 2200 residential units and 75,000 square feet of commercial uses.

**POTENTIAL ACTION:**

**DEPARTMENT:**

Planning + Zoning

**PRESENTER:**

David DeYoung, Planning Director

**ITEM HISTORY:**

**Date:**

February 5, 2015

**Action Taken:**

Set Public Hearing for March 2, 2015

**Information Provided:**

Staff Report & Supporting Documents

3/2/2015 - Public Hearing Tabled until March 16, 2015

3/16/2015 - Public Hearing Tabled until April 6, 2015

**Date:**

April 6, 2015

**Action Taken:**

Public Hearing Tabled until April 20, 2015

**Information Provided:**

4/20/2015 - Public Hearing Tabled until May 4, 2015

5/4/2015 - Public Hearing Tabled until July 20, 2015

7/20/2015 - Public Hearing Tabled until August 17, 2015

**TOWN OF CLAYTON  
TOWN COUNCIL  
AGENDA COVER SHEET**

**AGENDA LOCATION:**

Items for Discussion

**Meeting Date:**

August 17, 2015

**ITEM TITLE:**

Resolution - Vactor Truck Lease

**DESCRIPTION:**

Resolution - Vactor Truck Lease

**POTENTIAL ACTION:**

Approval/Disapproval

**DEPARTMENT:**

Finance Department

**PRESENTER:**

Robert McKie, Finance Director

**ITEM HISTORY:**

**Date:**

**Action Taken:**

**Information Provided:**

**Date:**

**Action Taken:**

**Information Provided:**



## DOCUMENTATION INSTRUCTIONS

The instructions listed below should be followed when completing the enclosed documentation. Documentation completed improperly will delay funding. If you have any questions regarding the Conditions to Funding, instructions or the documentation, please call us at 800-700-7878.

### I. Attached Documentation

---

1. **Government Obligation Contract**
  - ◆ An authorized individual that is with the Obligor should sign on the first space provided.
2. **Exhibit A – Description of Equipment**
  - ◆ Review equipment description. Complete serial number/VIN if applicable.
  - ◆ List the location where the equipment will be located after delivery/installation.
3. **Exhibit B – Payment Schedule**
  - ◆ Sign and print name and title
4. **Exhibit C - Acceptance of Obligation**
  - ◆ Sign and print name and title
5. **Exhibit D - Obligor Resolution**
  - ◆ Type in the date of the meeting in which the purchase was approved.
  - ◆ Print or type the name and title of the individual(s) who is authorized to execute the Contract.
  - ◆ The secretary, chairman or other authorized board member of the Obligor must sign the Resolution where indicated.
  - ◆ A second authorized individual that is with the Obligor should attest the Resolution where indicated.
6. **Exhibit E - Officer's Certificate**
  - ◆ Sign and print name and title
  - ◆ Please list the Source of Funds for the Contract Payments.
7. **Exhibit F - Finance Officer's Certificate**
  - ◆ Finance Officer should sign and print name and title
8. **Exhibit G - Payment Request & Equipment Acceptance Form**
  - ◆ Do Not Return until you need to request funds from the Vendor Payable Account.
9. **Exhibit H - Signature Card**
  - ◆ Sign and print name and title
  - ◆ An additional individual may sign as an authorized individual, if desired.
10. **Exhibit I - Obligor Acknowledgement**
  - ◆ Complete information as indicated.
11. **Exhibit J - Bank Qualified Certificate**
  - ◆ Sign and print name and title
12. **Notice of Assignment**
  - ◆ Sign and print name and title.
13. **Insurance Requirements**
  - ◆ Complete insurance company contact information where indicated.
14. **Debit Authorization – (Preferred)**
  - ◆ Complete form and attach a voided check
15. **8038G IRS Form**
  - ◆ Please read 8038 Review Form
  - ◆ In Box 2, type Employer Identification Number
  - ◆ Sign and print name and title

### II. Condition to Funding

---

If, for any reason: (i) the required documentation is not returned by October 3, 2015, is incomplete, or has unresolved issues relating thereto, or (ii) on, or prior to the return of the documentation, there is a change of circumstance which adversely affects the expectations, rights or security of the Obligee or its assignees; then Obligee or its assignees reserve the right to adjust the quoted interest rate or withdraw/void its offer to fund this transaction in its entirety. *Neither KS StateBank nor Baystone Government Finance is acting as an advisor to the municipal entity/obligated person and neither owes a fiduciary duty pursuant to Section 15B of the Exchange Act of 1934.*

All documentation should be returned to:  
 Republic First National Corporation  
 2525 West State Road 114  
 Rochester, Indiana 46975

## GOVERNMENT OBLIGATION CONTRACT

### Obligor

Town of Clayton, North Carolina  
111 East Second Street  
Clayton, North Carolina 27520

### Obligee

Republic First National Corporation  
2525 West State Road 114  
Rochester, Indiana 46975

**Dated as of July 31, 2015**

This Government Obligation Contract dated as of the date listed above is between Obligee and Obligor listed directly above. Obligee desires to finance the purchase of the Equipment described in Exhibit A to Obligor and Obligor desires to have Obligee finance the purchase of the Equipment subject to the terms and conditions of this Contract which are set forth below.

### I. Definitions

Section 1.01 Definitions. The following terms will have the meanings indicated below unless the context clearly requires otherwise:

"Additional Schedule" refers to the proper execution of additional schedules to Exhibit A and Exhibit B, as well as other exhibits or documents that may be required by the Obligee all of which relate to the financing of additional Equipment.

"Budget Year" means the Obligor's fiscal year.

"Commencement Date" is the date when Obligor's obligation to pay Contract Payments begins.

"Contract" means this Government Obligation Contract and all Exhibits attached hereto, all addenda, modifications, schedules, refinancings, guarantees and all documents relied upon by Obligee prior to execution of this Contract.

"Contract Payments" means the payments Obligor is required to make under this Contract as set forth on Exhibit B.

"Contract Term" means the Original Term and all Renewal Terms.

"Exhibit" includes the Exhibits attached hereto, and any "Additional Schedule", whether now existing or subsequently created.

"Equipment" means all of the items of Equipment listed on Exhibit A and any Additional Schedule, whether now existing or subsequently created, and all replacements, restorations, modifications and improvements.

"Government" as used in the title hereof means a State or a political subdivision of the State within the meaning of Section 103(a) of the Internal Revenue Code of 1986, as amended ("Code"), or a constituted authority or district authorized to issue obligations on behalf of the State or political subdivision of the State within the meaning of Treasury Regulation 1.103-1(b), or a qualified volunteer fire company within the meaning of section 150(e)(1) of the Code.

"Obligee" means the entity originally listed above as Obligee or any of its assignees.

"Obligor" means the entity listed above as Obligor and which is financing the Equipment through Obligee under the provisions of this Contract.

"Original Term" means the period from the Commencement Date until the end of the Budget Year of Obligor.

"Partial Prepayment Date" means the first Contract Payment date that occurs on or after the earlier of (a) the twenty-four month (24) anniversary of the Commencement Date or (b) the date on which Obligor has accepted all the Equipment and all amounts have been disbursed from the Vendor Payable Account to pay for the Equipment.

"Purchase Price" means the total cost of the Equipment, including all delivery charges, installation charges, legal fees, financing costs, recording and filing fees and other costs necessary to vest full, clear legal title to the Equipment in Obligor, subject to the security interest granted to and retained by Obligee as set forth in this Contract, and otherwise incurred in connection with the financing of this Equipment.

"Renewal Term" means the annual term which begins at the end of the Original Term and which is simultaneous with Obligor's Budget Year and each succeeding Budget Year for the number of Budget Years necessary to comprise the Contract Term.

"State" means the state in which Obligor is located.

"Surplus Amount" means any amount on deposit in the Vendor Payable Account on the Partial Prepayment Date.

"Vendor Payable Account" means the separate account of that name established pursuant to Section X of this Contract.

### II. Obligor Warranties

Section 2.01 Obligor represents, warrants and covenants as follows for the benefit of Obligee or its assignees:

- (a) Obligor is an "issuer of tax exempt obligations" because Obligor is the State or a political subdivision of the State within the meaning of Section 103(a) of the Internal Revenue Code of 1986, as amended, (the "Code") or because Obligor is a constituted authority or district authorized to issue obligations on behalf of the State or political subdivision of the State within the meaning of Treasury Regulation 1.103-1(b), or a qualified volunteer fire company within the meaning of section 150(e)(1) of the Code.
- (b) Obligor has complied with any requirement for a referendum and/or competitive bidding.
- (c) Obligor has complied with all statutory laws and regulations that may be applicable to the execution of this Contract; Obligor, and its officer executing this Contract, are authorized under the Constitution and laws of the State to enter into this Contract and have used and followed all proper procedures of its governing body in executing and delivering this Contract. The officer of Obligor executing this Contract has the authority to execute and deliver this Contract. This Contract constitutes a legal, valid, binding and enforceable obligation of the Obligor in accordance with its terms.
- (d) Obligor shall use the Equipment only for essential, traditional government purposes.
- (e) Should the IRS disallow the tax-exempt status of the interest portion of the Contract Payments as a result of the failure of the Obligor to use the Equipment for governmental purposes, or should the Obligor cease to be an issuer of tax exempt obligations, or should the obligation of Obligor created under this Contract cease to be a tax exempt obligation for any reason, then Obligor shall be required to pay additional sums to the Obligee or its assignees so as to bring the after tax yield on this Contract to the same level as the Obligee or its assignees would attain if the transaction continued to be tax-exempt.
- (f) Obligor has never non-appropriated funds under a contract similar to this Contract.
- (g) Obligor will submit to the Secretary of the Treasury an information reporting statement as required by the Code.
- (h) Upon request by Obligee, Obligor will provide Obligee with current financial statements, reports, budgets or other relevant fiscal information.
- (i) Obligor shall retain the Equipment free of any hazardous substances as defined in the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9601 et. seq. as amended and supplemented.
- (j) Obligor hereby warrants the General Fund of the Obligor is the primary source of funds or a backup source of funds from which the Contract Payments will be made.
- (k) Obligor presently intends to continue this Contract for the Original Term and all Renewal Terms as set forth on Exhibit B hereto. The official of Obligor responsible for budget preparation will include in the budget request for each Budget Year the Contract Payments to become due in such Budget Year, and will use all reasonable and lawful means available to secure the appropriation of money for such Budget Year sufficient to pay the Contract Payments coming due therein. Obligor reasonably believes that moneys can and will lawfully be appropriated and made available for this purpose.
- (l) Obligor has selected both the Equipment and the vendor(s) from whom the Equipment is to be purchased upon its own judgment and without reliance on any manufacturer, merchant, vendor or distributor, or agent thereof, of such equipment to the public.
- (m) Obligor owns free and clear of any liens any additional collateral pledged, subject only to the lien described herein; Obligor has not and will not, during the Contract Term, create, permit, incur or assume any levies, liens or encumbrances of any kind with respect to the Equipment and any additional collateral except those created by this Contract.

Section 2.02 Escrow Agreement. In the event both Obligee and Obligor mutually agree to utilize an Escrow Account, then immediately following the execution and delivery of this Contract, Obligee and Obligor agree to execute and deliver and to cause Escrow Agent to execute and deliver the Escrow Agreement. This Contract shall take effect only upon execution and delivery of the Escrow Agreement by the parties thereto. Obligee shall deposit or cause to be deposited with the Escrow Agent for credit to the Equipment Acquisition Fund the sum of N/A, which shall be held, invested and disbursed in accordance with the Escrow Agreement.

### III. Acquisition of Equipment, Contract Payments and the Purchase Option Price

Section 3.01 Acquisition and Acceptance. Obligor shall be solely responsible for the ordering of the Equipment and for the delivery and installation of the Equipment. The Payment Request and Equipment Acceptance Form must be signed by the same authorized individual(s) who signed the Signature Card, Exhibit H. By making a Contract Payment after its receipt of the Equipment pursuant to this Contract, Obligor shall be deemed to have accepted the Equipment on the date of such Contract Payment for purposes of this Contract. All Contract Payments paid prior to delivery of the Payment Request and Equipment Acceptance Form shall be credited to Contract Payments as they become due as shown on the Contract Payment Schedule attached as Exhibit B hereto.

**Section 3.02 Contract Payments.** Obligor shall pay Contract Payments exclusively to Obligees or its assignees in lawful, legally available money of the United States of America. The Contract Payments shall be sent to the location specified by the Obligees or its assignees. The Contract Payments shall constitute a current expense of the Obligor and shall not constitute an indebtedness of the Obligor. The Contract Payments, payable without notice or demand, are due as set forth on Exhibit B. Obligees shall have the option to charge interest at the highest lawful rate on any Contract Payment received later than the due date for the number of days that the Contract Payment(s) were late, plus any additional accrual on the outstanding balance for the number of days that the Contract Payment(s) were late. Obligees shall also have the option, on monthly payments only, to charge a late fee of up to 10% of the monthly Contract Payment that is past due. Furthermore, Obligor agrees to pay any fees associated with the use of a payment system other than check, wire transfer, or ACH. Once all amounts due Obligees hereunder have been received, Obligees will release any and all of its rights, title and interest in the Equipment.

**SECTION 3.03 Contract Payments Unconditional.** Except as provided under Section 4.01, THE OBLIGATIONS OF OBLIGOR TO MAKE CONTRACT PAYMENTS AND TO PERFORM AND OBSERVE THE OTHER COVENANTS CONTAINED IN THIS CONTRACT SHALL BE ABSOLUTE AND UNCONDITIONAL IN ALL EVENTS WITHOUT ABATEMENT, DIMINUTION, DEDUCTION, SET-OFF, OR SUBJECT TO DEFENSE OR COUNTERCLAIM.

**Section 3.04 Purchase Option Price.** Upon thirty (30) days written notice, Obligor shall have the option to pay, in addition to the Contract Payment, the corresponding Purchase Option Price which is listed on the same line on Exhibit B. This option is only available to the Obligor on the Contract Payment date and no partial prepayments are allowed. If Obligor chooses this option and pays the Purchase Option Price to Obligees then Obligees will transfer any and all of its rights, title and interest in the Equipment to Obligor.

**Section 3.05 Contract Term.** The Contract Term shall be the Original Term and all Renewal Terms until all the Contract Payments are paid as set forth on Exhibit B except as provided under Section 4.01 and Section 9.01 below. If, after the end of the budgeting process which occurs at the end of the Original Term or any Renewal Term, Obligor has not non-appropriated as provided for in this Contract then the Contract Term shall be extended into the next Renewal Term and the Obligor shall be obligated to make all the Contract Payments that come due during such Renewal Term.

**Section 3.06 Disclaimer of Warranties.** OBLIGEE MAKES NO WARRANTY OR REPRESENTATION, EITHER EXPRESS OR IMPLIED, AS TO THE VALUE, DESIGN, CONDITION, MERCHANTABILITY, FITNESS FOR PARTICULAR PURPOSE OR ANY OTHER WARRANTY WITH RESPECT TO THE EQUIPMENT. OBLIGEE IS NOT A MANUFACTURER, SELLER, VENDOR OR DISTRIBUTOR, OR AGENT THEREOF, OF SUCH EQUIPMENT; NOR IS OBLIGEE A MERCHANT OR IN THE BUSINESS OF DISTRIBUTING SUCH EQUIPMENT TO THE PUBLIC. OBLIGEE SHALL NOT BE LIABLE FOR ANY INCIDENTAL, INDIRECT, SPECIAL OR CONSEQUENTIAL DAMAGE ARISING OUT OF THE INSTALLATION, OPERATION, POSSESSION, STORAGE OR USE OF THE EQUIPMENT BY OBLIGOR.

#### **IV. Non-Appropriation**

**Section 4.01 Non-Appropriation.** If insufficient funds are available in Obligor's budget for the next Budget Year to make the Contract Payments for the next Renewal Term and the funds to make such Contract Payments are otherwise unavailable by any lawful means whatsoever, then Obligor may non-appropriate the funds to pay the Contract Payments for the next Renewal Term. Such non-appropriation shall be evidenced by the passage of an ordinance or resolution by the governing body of Obligor specifically prohibiting Obligor from performing its obligations under this Contract and from using any moneys to pay the Contract Payments due under this Contract for a designated Budget Year and all subsequent Budget Years. If Obligor non-appropriates, then all obligations of the Obligor under this Contract regarding Contract Payments for all remaining Renewal Terms shall be terminated at the end of the then current Original Term or Renewal Term without penalty or liability to the Obligor of any kind provided that if Obligor has not delivered possession of the Equipment to Obligees as provided herein and conveyed to Obligees or released its interest in the Equipment by the end of the last Budget Year for which Contract Payments were paid, the termination shall nevertheless be effective but Obligor shall be responsible for the payment of damages in an amount equal to the amount of the Contract Payments thereafter coming due under Exhibit B which are attributable to the number of days after such Budget Year during which Obligor fails to take such actions and for any other loss suffered by Obligees as a result of Obligor's failure to take such actions as required. Obligor shall immediately notify the Obligees as soon as the decision to non-appropriate is made. If such non-appropriation occurs, then Obligor shall deliver the Equipment to Obligees as provided below in Section 9.04. Obligor shall be liable for all damage to the Equipment other than normal wear and tear. If Obligor fails to deliver the Equipment to Obligees, then Obligees may enter the premises where the Equipment is located and take possession of the Equipment and charge Obligor for costs incurred.

#### **V. Insurance, Damage, Insufficiency of Proceeds**

**Section 5.01 Insurance.** Obligor shall maintain both property insurance and liability insurance at its own expense with respect to the Equipment. Obligor shall be solely responsible for selecting the insurer(s) and for making all premium payments and ensuring that all policies are continuously kept in effect during the period when Obligor is required to make Contract Payments. Obligor shall provide Obligees with a Certificate of Insurance which lists the Obligees and/or assigns as a loss payee and an additional insured on the policies with respect to the Equipment.

- (a) Obligor shall insure the Equipment against any loss or damage by fire and all other risks covered by the standard extended coverage endorsement then in use in the State and any other risks reasonably required by Obligees in an amount at least equal to the then applicable Purchase Option Price of the Equipment. Alternatively, Obligor may insure the Equipment under a blanket insurance policy or policies.
- (b) The liability insurance shall insure Obligees from liability and property damage in any form and amount satisfactory to Obligees.
- (c) Obligor may self-insure against the casualty risks and liability risks described above. If Obligor chooses this option, Obligor must furnish Obligees with a certificate and/or other documents which evidences such coverage.
- (d) All insurance policies issued or affected by this Section shall be so written or endorsed such that the Obligees and its assignees are named additional insureds and loss payees and that all losses are payable to Obligor and Obligees or its assignees as their interests may appear. Each policy issued or affected by this Section shall contain a provision that the insurance company shall not cancel or materially modify the policy without first giving thirty (30) days advance notice to Obligees or its assignees. Obligor shall furnish to Obligees certificates evidencing such coverage throughout the Contract Term.

**Section 5.02 Damage to or Destruction of Equipment.** Obligor assumes the risk of loss or damage to the Equipment. If the Equipment or any portion thereof is lost, stolen, damaged, or destroyed by fire or other casualty, Obligor will immediately report all such losses to all possible insurers and take the proper procedures to obtain all insurance proceeds. At the option of Obligees, Obligor shall either (1) apply the Net Proceeds to replace, repair or restore the Equipment or (2) apply the Net Proceeds to the applicable Purchase Option Price. For purposes of this Section and Section 5.03, the term Net Proceeds shall mean the amount of insurance proceeds collected from all applicable insurance policies after deducting all expenses incurred in the collection thereof.

**Section 5.03 Insufficiency of Net Proceeds.** If there are no Net Proceeds for whatever reason or if the Net Proceeds are insufficient to pay in full the cost of any replacement, repair, restoration, modification or improvement of the Equipment, then Obligor shall, at the option of Obligees, either (1) complete such replacement, repair, restoration, modification or improvement and pay any costs thereof in excess of the amount of the Net Proceeds or (2) apply the Net Proceeds to the Purchase Option Price and pay the deficiency, if any, to the Obligees.

**Section 5.04 Obligor Negligence.** Obligor assumes all risks and liabilities, whether or not covered by insurance, for loss or damage to the Equipment and for injury to or death of any person or damage to any property whether such injury or death be with respect to agents or employees of Obligor or of third parties, and whether such property damage be to Obligor's property or the property of others (including, without limitation, liabilities for loss or damage related to the release or threatened release of hazardous substances under the Comprehensive Environmental Response, Compensation and Liability Act, the Resource Conservation and Recovery Act or similar or successor law or any State or local equivalent now existing or hereinafter enacted which in any manner arise out of or are incident to any possession, use, operation, condition or storage of any Equipment by Obligor), which is proximately caused by the negligent conduct of Obligor, its officers, employees and agents.

**Section 5.05 Indemnification.** Obligor hereby assumes responsibility for and agrees to reimburse Obligees for all liabilities, obligations, losses, damages, penalties, claims, actions, costs and expenses (including reasonable attorneys' fees) of whatsoever kind and nature, imposed on, incurred by or asserted against Obligees that in any way relate to or arise out of a claim, suit or proceeding, based in whole or in part upon the negligent conduct of Obligor, its officers, employees and agents, or arose out of installation, operation, possession, storage or use of any item of the Equipment, to the maximum extent permitted by law.

#### **VI. Title and Security Interest**

**Section 6.01 Title.** Title to the Equipment shall vest in Obligor when Obligor acquires and accepts the Equipment. Title to the Equipment will automatically transfer to the Obligees in the event Obligor non-appropriates under Section 4.01 or in the event Obligor defaults under Section 9.01. In such event, Obligor shall execute and deliver to Obligees such documents as Obligees may request to evidence the passage of legal title to the Equipment to Obligees.

**Section 6.02 Security Interest.** To secure the payment of all Obligor's obligations under this Contract, as well as all other obligations, debts and liabilities, plus interest thereon, whether now existing or subsequently created, Obligor hereby grants to Obligees a security interest under the Uniform Commercial Code constituting a first lien on the Equipment described more fully on Exhibit A, including any and all additional collateral listed on any other Exhibit A. The security interest established by this section includes not only all additions, attachments, repairs and replacements to the Equipment but also all proceeds therefrom. Obligor authorizes Obligees to prepare and record any Financing Statement required under the Uniform Commercial Code to perfect the security interest created hereunder. Obligor agrees that any Equipment listed on Exhibit A is and will remain personal property and will not be considered a fixture even if attached to real property.

#### **VII. Assignment**

**Section 7.01 Assignment by Obligees.** All of Obligees's rights, title and/or interest in and to this Contract may be assigned and reassigned in whole or in part to one or more assignees or sub-assignees by Obligees at any time without the consent of Obligor. No such assignment shall be effective as against Obligor until the assignor shall have filed with Obligor written notice of assignment identifying the assignee. Obligor shall pay all Contract Payments due hereunder relating to such Equipment to or at the direction of Obligees or the assignee named in the notice of assignment. Obligor shall keep a complete and accurate record of all such assignments.

Section 7.02 Assignment by Obligor. None of Obligor's right, title and interest under this Contract and in the Equipment may be assigned by Obligor unless Obligee approves of such assignment in writing before such assignment occurs and only after Obligor first obtains an opinion from nationally recognized counsel stating that such assignment will not jeopardize the tax-exempt status of the obligation.

#### **VIII. Maintenance of Equipment**

Section 8.01 Equipment. Obligor shall keep the Equipment in good repair and working order, and as required by manufacturer's and warranty specifications. If Equipment consists of copiers, Obligor is required to enter into a copier maintenance/service agreement. Obligee shall have no obligation to inspect, test, service, maintain, repair or make improvements or additions to the Equipment under any circumstances. Obligor will be liable for all damage to the Equipment, other than normal wear and tear, caused by Obligor, its employees or its agents. Obligor shall pay for and obtain all permits, licenses and taxes related to the ownership, installation, operation, possession, storage or use of the Equipment. If the Equipment includes any titled vehicle(s), then Obligor is responsible for obtaining such title(s) from the State and also for ensuring that Obligee is listed as First Lienholder on all of the title(s). Obligor shall not use the Equipment to haul, convey or transport hazardous waste as defined in the Resource Conservation and Recovery Act, 42 U.S.C. 6901 et. seq. Obligor agrees that Obligee or its Assignee may execute any additional documents including financing statements, affidavits, notices, and similar instruments, for and on behalf of Obligor which Obligee deems necessary or appropriate to protect Obligor's interest in the Equipment and in this Contract. Obligor shall allow Obligee to examine and inspect the Equipment at all reasonable times.

#### **IX. Default**

Section 9.01 Events of Default defined. The following events shall constitute an "Event of Default" under this Contract:

- (a) Failure by Obligor to pay any Contract Payment listed on Exhibit B for fifteen (15) days after such payment is due according to the Payment Date listed on Exhibit B.
- (b) Failure to pay any other payment required to be paid under this Contract at the time specified herein and a continuation of said failure for a period of fifteen (15) days after written notice by Obligee that such payment must be made. If Obligor continues to fail to pay any payment after such period, then Obligee may, but will not be obligated to, make such payments and charge Obligor for all costs incurred plus interest at the highest lawful rate.
- (c) Failure by Obligor to observe and perform any warranty, covenant, condition, promise or duty under this Contract for a period of thirty (30) days after written notice specifying such failure is given to Obligor by Obligee, unless Obligee agrees in writing to an extension of time. Obligee will not unreasonably withhold its consent to an extension of time if corrective action is instituted by Obligor. Subsection (c) does not apply to Contract Payments and other payments discussed above.
- (d) Any statement, material omission, representation or warranty made by Obligor in or pursuant to this Contract which proves to be false, incorrect or misleading on the date when made regardless of Obligor's intent and which materially adversely affects the rights or security of Obligee under this Contract.
- (e) Any provision of this Contract which ceases to be valid for whatever reason and the loss of such provision would materially adversely affect the rights or security of Obligee.
- (f) Except as provided in Section 4.01 above, Obligor admits in writing its inability to pay its obligations.
- (g) Obligor defaults on one or more of its other obligations.
- (h) Obligor becomes insolvent, is unable to pay its debts as they become due, makes an assignment for the benefit of creditors, applies for or consents to the appointment of a receiver, trustee, conservator, custodian, or liquidator of Obligor, or all or substantially all of its assets, or a petition for relief is filed by Obligor under federal bankruptcy, insolvency or similar laws, or is filed against Obligor and is not dismissed within thirty (30) days thereafter.

Section 9.02 Remedies on Default. Whenever any Event of Default exists, Obligee shall have the right to take one or any combination of the following remedial steps:

- (a) With or without terminating this Contract, Obligor may declare all Contract Payments and other amounts payable by Obligor hereunder to the end of the then current Budget Year to be immediately due and payable.
- (b) With or without terminating this Contract, Obligor may require Obligor at Obligor's expense to redeliver any or all of the Equipment and any additional collateral to Obligor as provided below in Section 9.04. Such delivery shall take place within fifteen (15) days after the Event of Default occurs. If Obligor fails to deliver the Equipment and any additional collateral, Obligor may enter the premises where the Equipment and any additional collateral is located and take possession of the Equipment and any additional collateral and charge Obligor for costs incurred. Notwithstanding that Obligor has taken possession of the Equipment and any additional collateral, Obligor shall still be obligated to pay the remaining Contract Payments due up until the end of the then current Original Term or Renewal Term. Obligor will be liable for any damage to the Equipment and any additional collateral caused by Obligor or its employees or agents.
- (c) Obligor may take whatever action at law or in equity that may appear necessary or desirable to enforce its rights. Obligor shall be responsible to Obligor for all costs incurred by Obligor in the enforcement of its rights under this Contract including, but not limited to, reasonable attorney fees.

Section 9.03 No Remedy Exclusive. No remedy herein conferred upon or reserved to Obligor is intended to be exclusive and every such remedy shall be cumulative and shall be in addition to every other remedy given under this Contract now or hereafter existing at law or in equity. No delay or omission to exercise any right or power accruing upon any default shall impair any such right or shall be construed to be a waiver thereof.

#### Section 9.04 Return of Equipment and Storage.

- (a) Surrender: The Obligor shall, at its own expense, surrender the Equipment, any Additional Collateral and all required documentation to evidence transfer of title from Obligor to the Obligor in the event of a default or a non-appropriation by delivering the Equipment and any Additional Collateral to the Obligor to a location accessible by common carrier and designated by Obligor. In the case that any of the Equipment and any Additional Collateral consists of software, Obligor shall destroy all intangible items constituting such software and shall deliver to Obligor all tangible items constituting such software. At Obligor's request, Obligor shall also certify in a form acceptable to Obligor that Obligor has complied with the above software return provisions and that they will immediately cease using the software and that they shall permit Obligor and/or the vendor of the software to inspect Obligor's locations to verify compliance with the terms hereto.
- (b) Delivery: The Equipment and any Additional Collateral shall be delivered to the location designated by the Obligor by a common carrier unless the Obligor agrees in writing that a common carrier is not needed. When the Equipment and any Additional Collateral is delivered into the custody of a common carrier, the Obligor shall arrange for the shipping of the item and its insurance in transit in accordance with the Obligor's instructions and at the Obligor's sole expense. Obligor at its expense shall completely sever and disconnect the Equipment and any Additional Collateral or its component parts from the Obligor's property all without liability to the Obligor. Obligor shall pack or crate the Equipment and any Additional Collateral and all of the component parts of the Equipment and any Additional Collateral carefully and in accordance with any recommendations of the manufacturer. The Obligor shall deliver to the Obligor the plans, specifications, operation manuals or other warranties and documents furnished by the manufacturer or vendor on the Equipment and any Additional Collateral and such other documents in the Obligor's possession relating to the maintenance and methods of operation of such Equipment and any Additional Collateral.
- (c) Condition: When the Equipment is surrendered to the Obligor it shall be in the condition and repair required to be maintained under this Contract. It will also meet all legal regulatory conditions necessary for the Obligor to sell or lease it to a third party and be free of all liens. If Obligor reasonably determines that the Equipment or an item of the Equipment, once it is returned, is not in the condition required hereby, Obligor may cause the repair, service, upgrade, modification or overhaul of the Equipment or an item of the Equipment to achieve such condition and upon demand, Obligor shall promptly reimburse Obligor for all amounts reasonably expended in connection with the foregoing.
- (d) Storage: Upon written request by the Obligor, the Obligor shall provide free storage for the Equipment and any additional collateral for a period not to exceed 60 days after the expiration of the Contract Term before returning it to the Obligor. The Obligor shall arrange for the insurance described to continue in full force and effect with respect to such item during its storage period and the Obligor shall reimburse the Obligor on demand for the incremental premium cost of providing such insurance.

#### **X. Vendor Payable Account**

Section 10.01 Establishment of Vendor Payable Account. On the date that the Obligor executed this Contract, which is on or after the date that the Obligor executes this Contract, Obligor agrees to (i) make available to Obligor an amount sufficient to pay the total Purchase Price for the Equipment by establishing a separate, non-interest bearing account (the "Vendor Payable Account"), as agent for Obligor's account, with a financial institution that Obligor selects that is acceptable to Obligor (including Obligor or any of its affiliates) and (ii) to deposit an amount equal to such Purchase Price as reflected on Exhibit B in the Vendor Payable Account. Obligor hereby further agrees to make the representations, warranties and covenants relating to the Vendor Payable Account as set forth in Exhibit C attached hereto. Upon Obligor's delivery to Obligor of a Payment Request and Equipment Acceptance Form in the form set forth in Exhibit G attached hereto, Obligor authorizes Obligor to withdraw funds from the Vendor Payable Account from time to time to pay the Purchase Price, or a portion thereof, for each item of Equipment as it is delivered to Obligor. The Payment Request and Equipment Acceptance Form must be signed by an authorized individual acting on behalf of Obligor. The authorized individual or individuals designated by the Obligor must sign the Signature Card which will be kept in the possession of the Obligor.

Section 10.02 Down Payment. Prior to the disbursement of any funds from the Vendor Payable Account, the Obligor must either (1) deposit all the down payment funds that the Obligor has committed towards the purchase of the Equipment into the Vendor Payable Account or (2) Obligor must provide written verification to the satisfaction of the Obligor that all the down payment funds Obligor has committed towards the purchase of the Equipment have already been spent or are simultaneously being spent with the funds requested from the initial Payment Request and Equipment Acceptance Form. For purposes of this Section, the down payment funds committed towards the Equipment from the Obligor are the down payment funds that were represented to the Obligor at the time this transaction was submitted for credit approval by the Obligor to the Obligor.

Section 10.03 Disbursement upon Non-Appropriation or Default. If an event of non-appropriation or default occurs prior to the Partial Prepayment Date, the amount then on deposit in the Vendor Payable Account shall be retained by the Obligor and Obligor will have no interest therein.

Section 10.04 Surplus Amount. Any Surplus Amount then on deposit in the Vendor Payable Account on the Partial Prepayment Date shall be applied to pay on such Partial Prepayment Date a portion of the Purchase Option Price then applicable.

Section 10.05 Recalculation of Contract Payments. Upon payment of a portion of the Purchase Option Price as provided in Section 10.04 above, each Contract Payment thereafter shall be reduced by an amount calculated by Obligees based upon a fraction the numerator of which is the Surplus Amount and the denominator of which is the Purchase Option Price on such Partial Prepayment Date. Within 15 days after such Partial Prepayment Date, Obligees shall provide to Obligor a revised Exhibit B to this Contract, which shall take into account such payment of a portion of the Purchase Option Price thereafter and shall be and become thereafter Exhibit B to this Contract. Notwithstanding any other provision of this Section 10, this Contract shall remain in full force and effect with respect to all or the portion of the Equipment accepted by Obligor as provided in this Contract, and the portion of the principal component of Contract Payments remaining unpaid after the Partial Prepayment Date plus accrued interest thereon shall remain payable in accordance with the terms of this Contract, including revised Exhibit B hereto which shall be binding and conclusive upon Obligees and Obligor.

**XI. Miscellaneous**

Section 11.01 Notices. All notices shall be sufficiently given and shall be deemed given when delivered or mailed by registered mail, postage prepaid, to the parties at their respective places of business as first set forth herein or as the parties shall designate hereafter in writing.

Section 11.02 Binding Effect. Obligor acknowledges this Contract is not binding upon the Obligees or its assignees unless the Conditions to Funding listed on the Documentation Instructions have been met to Obligees's satisfaction, and Obligees has executed the Contract. Thereafter, this Contract shall inure to the benefit of and shall be binding upon Obligees and Obligor and their respective successors and assigns.

Section 11.03 Severability. In the event any provision of this Contract shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof.

Section 11.04 Amendments, Addenda, Changes or Modifications. This Contract may be amended, added to, changed or modified by written agreement duly executed by Obligees and Obligor. Furthermore, Obligees reserves the right to directly charge or amortize into the remaining balance due from Obligor, a reasonable fee, to be determined at that time, as compensation to Obligees for the additional administrative expense resulting from such amendment, addenda, change or modification requested by Obligor.

Section 11.05 Execution in Counterparts. This Contract may be simultaneously executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

Section 11.06 Captions. The captions or headings in this Contract do not define, limit or describe the scope or intent of any provisions or sections of this Contract.

Section 11.07 Master Contract. This Contract can be utilized as a Master Contract. This means that the Obligees and the Obligor may agree to the financing of additional Equipment under this Contract at some point in the future by executing one or more Additional Schedules to Exhibit A and Exhibit B, as well as other exhibits or documents that may be required by Obligees. Additional Schedules will be consecutively numbered on each of the exhibits which make up the Additional Schedule and all the terms and conditions of the Contract shall govern each Additional Schedule.

Section 11.08 Entire Writing. This Contract constitutes the entire writing between Obligees and Obligor. No waiver, consent, modification or change of terms of this Contract shall bind either party unless in writing and signed by both parties, and then such waiver, consent, modification or change shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements, representations, conditions, or warranties, express or implied, which are not specified herein regarding this Contract, the Equipment or any additional collateral, financed hereunder. Any terms and conditions of any purchase order or other documents submitted by Obligor in connection with this Contract which are in addition to or inconsistent with the terms and conditions of this Contract will not be binding on Obligees and will not apply to this Contract.

Obligees and Obligor have caused this Contract to be executed in their names by their duly authorized representatives listed below.

**Town of Clayton, North Carolina**

**Republic First National Corporation**

\_\_\_\_\_  
Signature

**Steve Biggs, Town Manager**

\_\_\_\_\_  
Printed Name and Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name and Title



**EXHIBIT A**

**DESCRIPTION OF EQUIPMENT**

**RE: Government Obligation Contract dated as of July 31, 2015, between Republic First National Corporation (Obligee) and Town of Clayton, North Carolina (Obligor)**

---

Below is a detailed description of all the items of Equipment including quantity, model number and serial number where applicable:

One (1) Vactor 2115P-16 Truck on a 2016 Freightliner

Physical Address of Equipment after Delivery : \_\_\_\_\_

## EXHIBIT B

## PAYMENT SCHEDULE

RE: Government Obligation Contract dated as of July 31, 2015, between Republic First National Corporation (Obligee) and Town of Clayton, North Carolina (Obligor)

Date of First Payment: September 1, 2015  
 Original Balance: \$339,000.00  
 Total Number of Payments: Six (6)  
 Number of Payments Per Year: One (1)

| 15<br>No. | Due<br>Date | Total<br>Payment | Service<br>Payment | Contract<br>Payment | Applied to<br>Interest | Applied to<br>Principal | *Purchase<br>Option Price |
|-----------|-------------|------------------|--------------------|---------------------|------------------------|-------------------------|---------------------------|
| 1         | 1-Sep-15    | \$56,421.95      | \$12,000.00        | \$44,421.95         | \$949.92               | \$43,472.03             | Not Available             |
| 2         | 1-Sep-16    | \$56,421.95      | \$12,000.00        | \$44,421.95         | \$9,316.18             | \$35,105.77             | Not Available             |
| 3         | 1-Sep-17    | \$56,421.95      | \$12,000.00        | \$44,421.95         | \$8,209.51             | \$36,212.44             | Not Available             |
| 4         | 1-Sep-18    | \$56,421.95      | \$12,000.00        | \$44,421.95         | \$7,067.96             | \$37,353.99             | \$189,064.05              |
| 5         | 1-Sep-19    | \$56,421.95      | \$12,000.00        | \$44,421.95         | \$5,890.42             | \$38,531.53             | \$149,311.98              |
| 6         | 1-Sep-20    | \$153,000.00     | \$0.00             | \$153,000.00        | \$4,675.76             | \$148,324.24            | \$0.00                    |

Town of Clayton, North Carolina

Signature

Steve Biggs, Town Manager

Printed Name and Title

\*Assumes all Contract Payments due to date are paid

EXHIBIT C

ACCEPTANCE OF OBLIGATION  
TO COMMENCE CONTRACT PAYMENTS UNDER EXHIBIT B

**RE: Government Obligation Contract dated as of July 31, 2015, between Republic First National Corporation (Obligee) and Town of Clayton, North Carolina (Obligor)**

---

I, the undersigned, hereby certify that I am a duly qualified representative of Obligor and that I have been given the authority by the governing body of Obligor to sign this Acceptance of Obligation to commence Contract Payments with respect to the above referenced Contract. I hereby certify that:

1. The Equipment described on Exhibit A has not been delivered, installed or available for use as of the Commencement date of this Contract.
2. Obligor acknowledges that Obligee has agreed to deposit into a Vendor Payable Account an amount sufficient to pay the total purchase price (the "Purchase Price") for the Equipment so identified in such Exhibit A;
3. The principal amount of the Contract Payments in the Exhibit B accurately reflects the Purchase Price;
4. Obligor agrees to execute a Payment Request and Equipment Acceptance Form authorizing payment of the Purchase Price, or a portion thereof, for each withdrawal of funds from the Vendor Payable Account.

Notwithstanding that the Equipment has not been delivered to or accepted by Obligor on the date of execution of the Contract, Obligor hereby warrants that:

- (a) Obligor's obligation to commence Contract Payments as set forth in Exhibit B is absolute and unconditional as of the Commencement Date and on each date set forth in Exhibit B thereafter, subject to the terms and conditions of the Contract;
- (b) immediately upon delivery and acceptance of all the Equipment, Obligor will notify Obligee of Obligor's final acceptance of the Equipment by delivering to Obligee the "Payment Request and Equipment Acceptance Form" in the form set forth in Exhibit G attached to the Contract;
- (c) in the event that any Surplus Amount is on deposit in the Vendor Payable Account when an event of non-appropriation or default under the Contract occurs, then those amounts shall be applied as provided in Section 10 of the Contract;
- (d) regardless of whether Obligor delivers a final Payment Request and Equipment Acceptance Form, all Contract Payments paid prior to delivery of all the Equipment shall be credited to Contract Payments as they become due under the Contract as set forth in Exhibit B.

**Town of Clayton, North Carolina**

\_\_\_\_\_  
Signature

Steve Biggs, Town Manager

\_\_\_\_\_  
Printed Name and Title

EXHIBIT D

OBLIGOR RESOLUTION

RE: Government Obligation Contract dated as of July 31, 2015, between Republic First National Corporation (Obligee) and Town of Clayton, North Carolina (Obligor)

---

At a duly called meeting of the Governing Body of the Obligor (as defined in the Contract) held on \_\_\_\_\_ the following resolution was introduced and adopted:

BE IT RESOLVED by the Governing Body of Obligor as follows:

1. **Determination of Need.** The Governing Body of Obligor has determined that a true and very real need exists for the acquisition of the Equipment described on Exhibit A of the Government Obligation Contract dated as of July 31, 2015, between Town of Clayton, North Carolina (Obligor) and Republic First National Corporation (Obligee).
2. **Approval and Authorization.** The Governing Body of Obligor has determined that the Contract, substantially in the form presented to this meeting, is in the best interests of the Obligor for the acquisition of such Equipment, and the Governing Body hereby approves the entering into of the Contract by the Obligor and hereby designates and authorizes the following person(s) to execute and deliver the Contract on Obligor's behalf with such changes thereto as such person(s) deem(s) appropriate, and any related documents, including any Escrow Agreement, necessary to the consummation of the transaction contemplated by the Contract.

**Authorized Individual(s):** Steve Biggs, Town Manager

(Typed or Printed Name and Title of individual(s) authorized to execute the Contract)

3. **Adoption of Resolution.** The signatures below from the designated individuals from the Governing Body of the Obligor evidence the adoption by the Governing Body of this Resolution.

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

(Signature of Secretary, Board Chairman or other member of the Governing Body)

**Printed Name & Title:** Steve Biggs, Town Manager

(Printed Name and Title of individual who signed directly above)

**Attested By:** \_\_\_\_\_

(Signature of one additional person who can witness the passage of this Resolution)

**Printed Name & Title:** Kimberly Moffett, Town Clerk

(Printed Name of individual who signed directly above)

**EXHIBIT E**

**OFFICER'S CERTIFICATE**

**RE: Government Obligation Contract dated as of July 31, 2015, between Republic First National Corporation (Obligee) and Town of Clayton, North Carolina (Obligor)**

---

I, the undersigned, hereby certify that I am a duly qualified representative of Obligor and that I have been given the authority by the governing body of Obligor to sign this Officer's Certificate with respect to the above referenced Contract. I hereby certify that:

1. Obligor has appropriated and/or taken other lawful actions necessary to provide moneys sufficient to pay all Contract Payments required to be paid under the Contract during the current Budget Year of Obligor, and such moneys will be applied in payment of all Contract Payments due and payable during such current Budget Year.
2. Obligor has obtained insurance coverage as required under the Contract from an insurer qualified to do business in the State.
3. No event or condition that constitutes or would constitute an Event of Default exists as of the date hereof.
4. The governing body of Obligor has approved the authorization, execution and delivery of this Contract on its behalf by the authorized representative of Obligor who signed the Contract.
5. Please list the Source of Funds (Fund Item in Budget) for the Contract Payments that come due under Exhibit B of this Contract.

Source of Funds : Water and Sewer Fund

By signing below, Obligor hereby authorizes the General Fund of the Obligor as a backup source of funds from which the Contract Payments can be made.

**Town of Clayton, North Carolina**

\_\_\_\_\_  
Signature

Steve Biggs, Town Manager

\_\_\_\_\_  
Printed Name and Title



**EXHIBIT F**

**FINANCE OFFICER'S CERTIFICATE**

**RE: Government Obligation Contract dated as of July 31, 2015, between Republic First National Corporation (Obligee) and Town of Clayton, North Carolina (Obligor)**

---

This Government Obligation Contract has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

**Town of Clayton, North Carolina**

---

Signature of Finance Officer

---

Printed Name and Title

## EXHIBIT G

## PAYMENT REQUEST AND EQUIPMENT ACCEPTANCE FORM

**RE: Government Obligation Contract dated as of July 31, 2015, between Republic First National Corporation (Obligee) and Town of Clayton, North Carolina (Obligor)**

In accordance with Section 10.01, by executing this Payment Request and Equipment Acceptance Form the Obligor hereby represents that the Payee or Payees listed below who are requesting payment have delivered the Equipment or a portion of the Equipment or performed the services to the satisfaction of the Obligor and that the amounts requested below by the Payee or Payees are proportionate with the value of the Equipment delivered or services rendered by the Payee or Payees. The Obligor hereby represents and warrants for all purposes that:

1. Pursuant to the invoice attached hereto, the amount to be disbursed is \$ \_\_\_\_\_ and this amount is consistent with the Contract between Obligor and Vendor.
2. Payment is to be made to: Payee: \_\_\_\_\_
3. The undersigned certifies that the following documents are attached to this Payment Request and Equipment Acceptance Form when there is a request for a release of funds from the Vendor Payable Account to pay for a portion, or all, of the Equipment: (1) Invoice from the Vendor, (2) copy of the Contract between Obligor and Vendor (if requested by the Obligee), (3) Insurance Certificate (if applicable), (4) front and back copy of the original MSO/Title listing KS StateBank and/or its assigns as the first lien holder (if applicable). By executing this Payment Request and Equipment Acceptance Form and attaching the documents as required above, the Obligor shall be deemed to have accepted this portion of the Equipment for all purposes under the Contract, including, without limitation, the obligation of Obligor to make the Contract Payments with respect thereto in a proportionate amount of the total Contract Payment.
4. No amount listed in this exhibit was included in any such exhibit previously submitted.
5. Each disbursement hereby requested has been incurred and is a proper charge against the Vendor Payable Account. No amount hereby requested to be disbursed will be paid to Obligor as reimbursement for any expenditure paid by Obligor more than 60 days prior to the date of execution and delivery of the Contract.
6. The Equipment referenced in the attached has been delivered, installed, inspected and tested as necessary and in accordance with Obligor's specifications and accepted for all purposes.
7. That Obligor is or will be the title owner to the Equipment referenced in the attached, and that in the event that any third party makes a claim to such title that Obligor will take all measures necessary to secure title including, without limitation, the appropriation of additional funds to secure title to such Equipment, or a portion thereof, and keep the Contract in full force and effect. Furthermore, Obligor has obtained insurance coverage as required under the Contract from an insurer qualified to do business in the State.
8. Obligor has appropriated and/or taken other lawful actions necessary to provide moneys sufficient to pay all Contract Payments required to be paid under the Contract during the current Budget Year of Obligor, and such moneys will be applied in payment of all Contract Payments due and payable during such current Budget Year.
9. No event or condition that constitutes or would constitute an Event of Default exists as of the date hereof.

I, the undersigned, hereby certify that I am a duly qualified representative of Obligor and that I have been given the authority by the governing body of Obligor to sign this Payment Request and Equipment Acceptance Form.

Please forward this document and any correspondence relating to vendor payment to:

angie@rfnonline.com

or Fax: 800-865-8517

Please call 800-700-7878 if you have any questions.

**Town of Clayton, North Carolina**

\_\_\_\_\_  
Signature  
Steve Biggs, Town Manager  
\_\_\_\_\_  
Printed Name and Title

**EXHIBIT H**

**SIGNATURE CARD**

**RE: Government Obligation Contract dated as of July 31, 2015, between Republic First National Corporation (Obligee) and Town of Clayton, North Carolina (Obligor)**

---

The below signatures will be used for purposes of verifying the signature on a Payment Request and Equipment Acceptance Form prior to making payments from the Equipment Acquisition Fund or Vendor Payable Account. By signing below, the undersigned represents and warrants that s/he has received all appropriate authority from Town of Clayton, North Carolina.

**Town of Clayton, North Carolina**

---

Signature  
Steve Biggs, Town Manager

---

Printed Name and Title

**Signature of additional authorized individual (optional) of Obligor**

---

Signature  
Kimberly Moffett, Town Clerk

---

Printed Name and Title

EXHIBIT I

OBLIGOR ACKNOWLEDGEMENT

**RE: Government Obligation Contract dated as of July 31, 2015, between Republic First National Corporation (Obligee) and Town of Clayton, North Carolina (Obligor)**

---

Obligor hereby acknowledges that it has ordered or caused to be ordered the equipment that is the subject of the above-mentioned Contract.

Please complete the below information, attach another page if necessary

Vendor Name: \_\_\_\_\_

Phone: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Equipment: \_\_\_\_\_

Amount of Equipment: \_\_\_\_\_

Vendor Name: \_\_\_\_\_

Phone: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Equipment: \_\_\_\_\_

Amount of Equipment: \_\_\_\_\_

Vendor Name: \_\_\_\_\_

Phone: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Equipment: \_\_\_\_\_

Amount of Equipment: \_\_\_\_\_

Vendor Name: \_\_\_\_\_

Phone: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Equipment: \_\_\_\_\_

Amount of Equipment: \_\_\_\_\_

Vendor Name: \_\_\_\_\_

Phone: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Equipment: \_\_\_\_\_

Amount of Equipment: \_\_\_\_\_

**Obligor will immediately notify Obligee if any of the information listed above is changed.**

EXHIBIT J

BANK QUALIFIED CERTIFICATE

RE: Government Obligation Contract dated as of July 31, 2015, between Republic First National Corporation (Obligee) and Town of Clayton, North Carolina (Obligor)

---

Whereas, Obligor hereby represents that it is a "Bank Qualified" Issuer for the calendar year in which this Contract is executed by making the following designations with respect to Section 265 of the Internal Revenue Code. (A "Bank Qualified Issuer" is an issuer that issues less than ten million (\$10,000,000) dollars of tax-exempt obligations during the calendar year).

Now, therefor, Obligor hereby designates this Contract as follows:

1. **Designation as Qualified Tax-Exempt Obligation.** Pursuant to Section 265(b)(3)(B)(i) of the Internal Revenue Code of 1986 as amended (the "Code"), the Obligor hereby specifically designates the Contract as a "qualified tax-exempt obligation" for purposes of Section 265(b)(3) of the Code. In compliance with Section 265(b)(3)(D) of the Code, the Obligor hereby represents that the Obligor will not designate more than \$10,000,000 of obligations issued by the Obligor in the calendar year during which the Contract is executed and delivered as such "qualified tax-exempt obligations".
2. **Issuance Limitation.** In compliance with the requirements of Section 265(b)(3)(C) of the Code, the Obligor hereby represents that the Obligor (including all subordinate entities of the Obligor within the meaning of Section 265(b)(3)(E) of the Code) reasonably anticipates not to issue in the calendar year during which the Contract is executed and delivered, obligations bearing interest exempt from federal income taxation under Section 103 of the Code (other than "private activity bonds" as defined in Section 141 of the Code) in an amount greater than \$10,000,000.

**Town of Clayton, North Carolina**

---

Signature

Steve Biggs, Town Manager

---

Printed Name and Title



---

**NOTICE OF ASSIGNMENT**

---

**JULY 31, 2015**

Republic First National Corporation (Obligee/Assignor) hereby gives notice of an Assignment between Obligee/Assignor and KS StateBank (Assignee) of the Government Obligation Contract (Contract) between Obligee/Assignor and Town of Clayton, North Carolina, dated as of July 31, 2015.

All Contract Payments coming due pursuant to the Contract shall be made to:

KS StateBank  
1010 Westloop, P.O. Box 69  
Manhattan, Kansas 66505-0069

**Republic First National Corporation, Obligee/Assignor**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name and Title

---

**ACKNOWLEDGEMENT OF AND CONSENT TO ASSIGNMENT**

---

Town of Clayton, North Carolina (Obligor) as party to a Government Obligation Contract dated as of July 31, 2015 between Obligor and Republic First National Corporation (Obligee), hereby acknowledges receipt of a Notice of Assignment dated July 31, 2015 whereby Obligee gave notice of its assignment to KS StateBank of its right to receive all Contract Payments due from Obligor under the Contract and hereby consents to that Assignment. Pursuant to the Notice of Assignment from Obligee, Obligor agrees to deliver all Contract Payments coming due under the Contract to:

KS StateBank  
1010 Westloop, P.O. Box 69  
Manhattan, Kansas 66505-0069

**Town of Clayton, North Carolina**

\_\_\_\_\_  
Signature

Steve Biggs, Town Manager

\_\_\_\_\_  
Printed Name and Title

## INSURANCE REQUIREMENTS

Pursuant to Article V of the Government Obligation Contract, you have agreed to provide us evidence of insurance covering the Equipment.

A Certificate of Insurance listing the information stated below should be sent to us no later than the date on which the equipment is delivered.

**Insured:**

Town of Clayton, North Carolina  
111 East Second Street  
Clayton, North Carolina 27520

**Certificate Holder:**

KS StateBank  
1010 Westloop, P.O. Box 69  
Manhattan, Kansas 66505-0069

**1. Equipment Description**

- ♦ One (1) Vactor 2115P-16 Truck on a 2016 Freightliner
- ♦ Please include all applicable VIN's, serial numbers, etc.

**2. Deductible**

- ♦ The deductible amounts on the insurance policy should not exceed \$25,000.00.

**3. Physical Damage**

- ♦ All risk coverage to guarantee proceeds of at least \$339,000.00.

**4. Liability**

- ♦ Minimum Combined Single Limit of \$1,000,000.00 on bodily injury and property damage.

**5. Additional Insured and Loss Payee**

- ♦ KS StateBank and/or Its Assigns MUST be listed as additional insured and loss payee.

Please forward certificate as soon as possible to:

Fax: 800-865-8517

or

Email: britney@rfnonline.com

Please complete the information below and return this form along with the Contract.

**Town of Clayton, North Carolina**

Insurance Company: \_\_\_\_\_

Agent's Name: \_\_\_\_\_

Telephone #: \_\_\_\_\_

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

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

City, State Zip: \_\_\_\_\_

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

**\*PREFERRED\***

\*As an additional payment option for Obligor, we are now providing the option of ACH (Automatic Clearing House). By completing this form, Obligor is authorizing Obligee to withdraw said payment amount on said date.

**DEBIT AUTHORIZATION**

I hereby authorize KS StateBank Government Finance Department to initiate debit entries, and, if necessary, to reinstate returned entries up to two additional times, to the account indicated below at the financial institution named below and to debit the same to such account for:

|                                                         |                                            |                                        |
|---------------------------------------------------------|--------------------------------------------|----------------------------------------|
| <b>Contract Number</b><br>3380465                       | <b>Payment Amount</b><br>1-5 @ \$56,421.95 | <b>Frequency of Payments</b><br>Annual |
| <b>Beginning</b> <u>      </u> Month <u>      </u> Year | <b>Day of Month</b><br>1st                 |                                        |

I acknowledge that the origination of ACH transactions to this account must comply with the provisions of U.S. law.

|                                   |             |                       |            |
|-----------------------------------|-------------|-----------------------|------------|
| <b>Financial Institution Name</b> |             | <b>Branch</b>         |            |
| <b>Address</b>                    | <b>City</b> | <b>State</b>          | <b>Zip</b> |
| <b>Routing Number</b>             |             | <b>Account Number</b> |            |

**Type of Account**      ☐ Checking      ☐ Savings

This authority is to remain in full force and effect until KS StateBank has received written notification from any authorized signer of the account of its termination in such time and manner as to afford KS StateBank a reasonable opportunity to act on it.

|                                                                    |                               |
|--------------------------------------------------------------------|-------------------------------|
| <b>Obligor Name on Contract</b><br>Town of Clayton, North Carolina |                               |
| <b>Signature</b>                                                   | <b>Printed Name and Title</b> |
| <b>Tax ID Number</b><br>56-6001203                                 | <b>Date</b>                   |

**PLEASE ATTACH COPY OF A VOIDED CHECK TO THIS FORM!**

**USA Patriot Act**

USA Patriot Act requires identity verification for all new accounts. This means that we may require information from you to allow us to make a proper identification.

# INVOICE

DATE SENT: 08-04-2015

**BILL TO:**

TOWN OF CLAYTON, NORTH CAROLINA  
ATTN: ACCOUNTS PAYABLE  
111 EAST SECOND STREET  
CLAYTON, NORTH CAROLINA 27520

**REMIT TO:**

KS STATEBANK  
GOVERNMENT FINANCE DEPARTMENT  
PO BOX 69  
MANHATTAN, KS 66505-0069  
FOR INQUIRIES: 800-700-7878

| ACCOUNT NUMBER | PAYMENT DATE | PAYMENT DUE DATE | TOTAL AMOUNT DUE |
|----------------|--------------|------------------|------------------|
| 3380465        | 09-01-2015   | 09-01-2015       | \$56,421.95      |

| DESCRIPTION                                                                             | AMOUNT                      |
|-----------------------------------------------------------------------------------------|-----------------------------|
| GOVERNMENT OBLIGATION CONTRACT<br>DATED AS OF JULY 31, 2015                             | PAYMENT AMOUNT: \$56,421.95 |
| ONE (1) VACTOR 2115P-16 TRUCK ON A 2016 FREIGHTLINER                                    |                             |
| <i>Additional interest will be assessed on any payment received after the due date.</i> |                             |
|                                                                                         | \$56,421.95                 |
|                                                                                         | <b>TOTAL DUE</b>            |

## 8038 REVIEW FORM

---

The 8038 form attached hereto is an important part of the documentation package and must be properly filled out and submitted to the Department of the Treasury in order for you to receive the lower tax-exempt rate. Unless you instruct us otherwise, we have engaged a Paid Preparer to assist in the filling out of this form. The Paid Preparer has filled out the relevant portions of this form based on the current understanding of what is required by the Department of the Treasury. The responses on this 8038 form are based on the dates and amounts which you have requested (structure of the transaction) and which are on the Payment Schedule.

1. Please review our responses for accuracy. If anything is inaccurate, please contact our office so that we can make proper revisions.
2. If the information provided to you on this form is accurate, please sign where indicated and return with the document package.
3. If there are any changes to the structure of the transaction that occur prior to funding which require a change to the 8038 form, we will make such changes and provide notification to you.
4. We will return to you a copy of the 8038 form that was mailed to the Department of the Treasury.

**Important Note:**

The IRS is now requesting information regarding tax-exempt issuers' and borrowers' written policies and procedures designed to monitor post-issuance compliance with the federal tax rules applicable to tax-exempt obligations (boxes 43 and 44). Do not check items 43 and 44 on the 8038 form unless you have established written procedures in accordance with the instructions referenced directly below. If you choose to "check" items 43 and/or 44, please be prepared to provide copies of such written procedures to the Paid Preparer or any representatives of the IRS upon request. Written procedures should contain certain key characteristics, including making provisions for:

- Due diligence review at regular intervals;
- Identifying the official or employee responsible for review;
- Training of the responsible official/employee;
- Retention of adequate records to substantiate compliance (e.g., records relating to expenditure of proceeds);
- Procedures reasonably expected to timely identify noncompliance; and
- Procedures ensuring that the issuer will take steps to timely correct noncompliance.

For additional guidance on this 8038 form, you can refer to the Documentation Instructions located on the following government website: <http://www.irs.gov/app/picklist/list/formsInstructions.html>, or contact your local IRS office.



**Information Return for Tax-Exempt Governmental Obligations**

► Under Internal Revenue Code section 149(e)

► See separate instructions.

Caution: If the issue price is under \$100,000, use Form 8038-GC.

OMB No. 1545-0720

|                                                                                                                                                                                     |            |                                                                                                |  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|------------------------------------------------------------------------------------------------|--|
| <b>Part I Reporting Authority</b>                                                                                                                                                   |            | If Amended Return, check here <input type="checkbox"/>                                         |  |
| <b>1</b> Issuer's name<br><b>Town of Clayton, North Carolina</b>                                                                                                                    |            | <b>2</b> Issuer's employer identification number (EIN)<br><b>56-6001203</b>                    |  |
| <b>3a</b> Name of person (other than issuer) with whom the IRS may communicate about this return (see instructions)                                                                 |            | <b>3b</b> Telephone number of other person shown on 3a                                         |  |
| <b>4</b> Number and street (or P.O. box if mail is not delivered to street address)<br><b>111 East Second Street</b>                                                                | Room/suite | <b>5</b> Report number (For IRS Use Only)<br><b>3</b>                                          |  |
| <b>6</b> City, town, or post office, state, and ZIP code<br><b>Clayton, North Carolina 27520</b>                                                                                    |            | <b>7</b> Date of issue<br><b>07/31/2015</b>                                                    |  |
| <b>8</b> Name of issue<br><b>Government Obligation Contract</b>                                                                                                                     |            | <b>9</b> CUSIP number<br><b>None</b>                                                           |  |
| <b>10a</b> Name and title of officer or other employee of the issuer whom the IRS may call for more information (see instructions)<br><b>Mr. Johnny Stanley, Purchasing Officer</b> |            | <b>10b</b> Telephone number of officer or other employee shown on 10a<br><b>(919) 553-1530</b> |  |

**Part II Type of Issue (enter the issue price).** See the instructions and attach schedule.

|                                                                                                             |           |                |           |
|-------------------------------------------------------------------------------------------------------------|-----------|----------------|-----------|
| <b>11</b> Education                                                                                         | <b>11</b> |                |           |
| <b>12</b> Health and hospital                                                                               | <b>12</b> |                |           |
| <b>13</b> Transportation                                                                                    | <b>13</b> |                |           |
| <b>14</b> Public safety                                                                                     | <b>14</b> |                |           |
| <b>15</b> Environment (including sewage bonds)                                                              | <b>15</b> |                |           |
| <b>16</b> Housing                                                                                           | <b>16</b> |                |           |
| <b>17</b> Utilities                                                                                         | <b>17</b> |                |           |
| <b>18</b> Other. Describe ► <u>One (1) Vactor 2115P-16 Truck on a 2016 Freightliner</u>                     | <b>18</b> | <b>343,072</b> | <b>82</b> |
| <b>19</b> If obligations are TANs or RANs, check only box 19a <input type="checkbox"/>                      |           |                |           |
| If obligations are BANs, check only box 19b <input type="checkbox"/>                                        |           |                |           |
| <b>20</b> If obligations are in the form of a lease or installment sale, check box <input type="checkbox"/> |           |                |           |

**Part III Description of Obligations.** Complete for the entire issue for which this form is being filed.

|           | (a) Final maturity date | (b) Issue price      | (c) Stated redemption price at maturity | (d) Weighted average maturity | (e) Yield      |
|-----------|-------------------------|----------------------|-----------------------------------------|-------------------------------|----------------|
| <b>21</b> | <b>09/01/2020</b>       | <b>\$ 343,072.82</b> | <b>\$ 339,000.00</b>                    | <b>4.290</b> years            | <b>3.129</b> % |

**Part IV Uses of Proceeds of Bond Issue (including underwriters' discount)**

|                                                                                                    |           |                |           |
|----------------------------------------------------------------------------------------------------|-----------|----------------|-----------|
| <b>22</b> Proceeds used for accrued interest                                                       | <b>22</b> |                |           |
| <b>23</b> Issue price of entire issue (enter amount from line 21, column (b))                      | <b>23</b> | <b>343,072</b> | <b>82</b> |
| <b>24</b> Proceeds used for bond issuance costs (including underwriters' discount)                 | <b>24</b> | <b>4,072</b>   | <b>82</b> |
| <b>25</b> Proceeds used for credit enhancement                                                     | <b>25</b> |                |           |
| <b>26</b> Proceeds allocated to reasonably required reserve or replacement fund                    | <b>26</b> |                |           |
| <b>27</b> Proceeds used to currently refund prior issues                                           | <b>27</b> |                |           |
| <b>28</b> Proceeds used to advance refund prior issues                                             | <b>28</b> |                |           |
| <b>29</b> Total (add lines 24 through 28)                                                          | <b>29</b> | <b>4,072</b>   | <b>82</b> |
| <b>30</b> Nonrefunding proceeds of the issue (subtract line 29 from line 23 and enter amount here) | <b>30</b> | <b>339,000</b> | <b>00</b> |

**Part V Description of Refunded Bonds.** Complete this part only for refunding bonds.

|                                                                                               |       |
|-----------------------------------------------------------------------------------------------|-------|
| <b>31</b> Enter the remaining weighted average maturity of the bonds to be currently refunded | years |
| <b>32</b> Enter the remaining weighted average maturity of the bonds to be advance refunded   | years |
| <b>33</b> Enter the last date on which the refunded bonds will be called (MM/DD/YYYY)         |       |
| <b>34</b> Enter the date(s) the refunded bonds were issued ► (MM/DD/YYYY)                     |       |

For Paperwork Reduction Act Notice, see separate instructions.

Cat. No. 63773S

Form **8038-G** (Rev. 9-2011)

**Part VI Miscellaneous**

|            |                                                                                                                                                                                                                          |            |  |                                     |
|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|--|-------------------------------------|
| <b>35</b>  | Enter the amount of the state volume cap allocated to the issue under section 141(b)(5) . . . . .                                                                                                                        | <b>35</b>  |  |                                     |
| <b>36a</b> | Enter the amount of gross proceeds invested or to be invested in a guaranteed investment contract (GIC) (see instructions) . . . . .                                                                                     | <b>36a</b> |  |                                     |
| <b>b</b>   | Enter the final maturity date of the GIC ▶ _____                                                                                                                                                                         |            |  |                                     |
| <b>c</b>   | Enter the name of the GIC provider ▶ _____                                                                                                                                                                               |            |  |                                     |
| <b>37</b>  | Pooled financings: Enter the amount of the proceeds of this issue that are to be used to make loans to other governmental units . . . . .                                                                                | <b>37</b>  |  |                                     |
| <b>38a</b> | If this issue is a loan made from the proceeds of another tax-exempt issue, check box <input type="checkbox"/> and enter the following information:                                                                      |            |  |                                     |
| <b>b</b>   | Enter the date of the master pool obligation ▶ _____                                                                                                                                                                     |            |  |                                     |
| <b>c</b>   | Enter the EIN of the issuer of the master pool obligation ▶ _____                                                                                                                                                        |            |  |                                     |
| <b>d</b>   | Enter the name of the issuer of the master pool obligation ▶ _____                                                                                                                                                       |            |  |                                     |
| <b>39</b>  | If the issuer has designated the issue under section 265(b)(3)(B)(i)(III) (small issuer exception), check box . . . . .                                                                                                  |            |  | <input checked="" type="checkbox"/> |
| <b>40</b>  | If the issuer has elected to pay a penalty in lieu of arbitrage rebate, check box . . . . .                                                                                                                              |            |  | <input type="checkbox"/>            |
| <b>41a</b> | If the issuer has identified a hedge, check here <input type="checkbox"/> and enter the following information:                                                                                                           |            |  |                                     |
| <b>b</b>   | Name of hedge provider ▶ _____                                                                                                                                                                                           |            |  |                                     |
| <b>c</b>   | Type of hedge ▶ _____                                                                                                                                                                                                    |            |  |                                     |
| <b>d</b>   | Term of hedge ▶ _____                                                                                                                                                                                                    |            |  |                                     |
| <b>42</b>  | If the issuer has superintegrated the hedge, check box . . . . .                                                                                                                                                         |            |  | <input type="checkbox"/>            |
| <b>43</b>  | If the issuer has established written procedures to ensure that all nonqualified bonds of this issue are remediated according to the requirements under the Code and Regulations (see instructions), check box . . . . . |            |  | <input type="checkbox"/>            |
| <b>44</b>  | If the issuer has established written procedures to monitor the requirements of section 148, check box . . . . .                                                                                                         |            |  | <input type="checkbox"/>            |
| <b>45a</b> | If some portion of the proceeds was used to reimburse expenditures, check here <input type="checkbox"/> and enter the amount of reimbursement. . . . . ▶ _____                                                           |            |  |                                     |
| <b>b</b>   | Enter the date the official intent was adopted ▶ _____                                                                                                                                                                   |            |  |                                     |

**Signature and Consent**

Under penalties of perjury, I declare that I have examined this return and accompanying schedules and statements, and to the best of my knowledge and belief, they are true, correct, and complete. I further declare that I consent to the IRS's disclosure of the issuer's return information, as necessary to process this return, to the person that I have authorized above.



Signature of issuer's authorized representative

Date



Type or print name and title

**Paid Preparer Use Only**

|                                                                           |                                                                                                                                      |                                 |                                                 |                          |
|---------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|-------------------------------------------------|--------------------------|
| Print/Type preparer's name<br><b>H. Evan Howe</b>                         | Preparer's signature<br><i>H. Evan Howe</i><br><small>Digitally signed by H. Evan Howe<br/>Date: 2015.08.04 13:38:46 -05'00'</small> | Date<br><b>08/04/2015</b>       | Check <input type="checkbox"/> if self-employed | PTIN<br><b>P01438994</b> |
| Firm's Name ▶ <b>Baystone Financial LLC</b>                               |                                                                                                                                      | Firm's EIN ▶ <b>48-1223987</b>  |                                                 |                          |
| Firm's Address ▶ <b>12980 Metcalf, Suite 310, Overland Park, KS 66213</b> |                                                                                                                                      | Phone no. <b>(800) 752-3562</b> |                                                 |                          |

Form **8038-G** (Rev. 9-2011))

### **Resolution Approving Financing Terms**

**WHEREAS,** The Town of Clayton (the "Town") has previously determined to undertake a project for the financing of the Water and Sewer System's purchase of a 2016 Vactor Truck (the "Project") from Public Works Equipment and Supply, Inc. and the Finance Director has now presented a proposal for the financing of such Project,

**BE IT THEREFORE RESOLVED, as follows:**

1. The Town hereby determines to finance the Project with Republic First National Corporation through its funding partner KS StateBank (collectively, the Lender), in accordance with the proposal dated July 31, 2015. The financing shall consist of an installment financing contract in an amount not to exceed \$339,000, with an annual interest rate (in the absence of default or change in tax status) of 3.15% and a 5-year term with a balloon payment in the amount of \$153,000 due on September 1, 2020. The Town will grant a lien on the Project to the Lender as security for the financing.
2. All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. The Finance Director and other officers of the Town are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution. The Financing Documents shall include a Financing Agreement, and a Vendor Payable Account as the Lender may request.
3. The Finance Director is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such director's satisfaction. The Finance Director is authorized to approve changes to any Financing Documents previously signed by Town officers or employees, so long as such changes to the Financing Documents are consistent with this resolution. The Financing Documents shall be in such final forms as the Finance Director shall approve, with the Finance Director's release of any Financing Document for delivery constituting conclusive evidence of such director's final approval of the Document's final form.
4. Each of the Finance Director and other Town officers are hereby authorized to execute future amendments and modifications to the Financing Documents as they deem to be in the best interest of the Town, without further action on the part of the Town Council, so long as such amendment or modification does not increase the interest rate applicable to the Financing Documents or extend the weighted average maturity of the financing.
5. The Town shall not take or omit to take any action the taking or omission of which will cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the

interest payment obligations. The Town hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3).

6. The Town intends that the adoption of this resolution will be a declaration of the Town's official intent to reimburse expenditures for the project that is to be financed from the proceeds of the Republic First National Corporation financing described above. The Town intends that funds that have been advanced, or that may be advanced, from the Town's Water and Sewer Fund or any other Town fund related to the Project, for project costs may be reimbursed from the financing proceeds.
7. All prior actions of Town officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict.

This resolution is effective upon its adoption this 17<sup>th</sup> day of August, 2015.

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

ATTEST:

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

This is to certify that this is a true and accurate copy of a Resolution, adopted by the Town Council of Clayton on the 17<sup>th</sup> day of August, 2015.

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

\_\_\_\_\_  
Date