



**The Town of Clayton
Town Council Work Session Meeting Agenda
Monday, February 19, 2018 @ 6:30 PM
Council Chambers**

1. CALL TO ORDER

Pledge of Allegiance and Invocation

2. ADJUSTMENT OF THE AGENDA

3. CONSENT AGENDA

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

- a. Town Council Meeting Procedure

[Resolution #2018-04](#)

POTENTIAL ACTION: Adoption of Consent Agenda as Presented

4. ADMINISTRATIVE ITEMS

- a. Warranty Acceptance

- Lionsgate Phases 3A & 3G (Shadboat Lane, Honeybee Trace, Scotch Bonnet Ridge, Scuppernong Way & Plott Hound)
- RWAC Phases 6A-1, 6B, 6C & 6E (Swann Trail)
- RWAC Ravens Ridge 8C-1 & 8C-2

[Cover](#)

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

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

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

POTENTIAL ACTION: Place on March 5, 2018 Consent Agenda

5. INTRODUCTIONS AND SPECIAL PRESENTATIONS

- a. Parks & Recreation Advisory Board Annual Update

Presenter: Rebecca Bradford, Parks & Recreation Advisory Board Chair

POTENTIAL ACTION: Informational Only

- b. NCDOT Roadway Improvements Update

Presenter: Jiles Harrell, NCDOT Division 4 Engineer

POTENTIAL ACTION: Informational Only

6. ITEMS SCHEDULED FOR THE REGULAR MEETING

- a. 2017-98-SD - Kyli Knolls (Preliminary Plat) Subdivision

Presenter: Planning Department

[Cover](#)

[Application](#)

[Staff Report](#)

[Map](#)

[Site Plan](#)

[Waiver Request](#)

[Adj. Property Letter](#)

[Neighborhood Meeting Materials](#)

[Newspaper Ad](#)

[Planning Board Recommendation](#)

POTENTIAL ACTION: Set Quasi-Judicial Public Hearing for March 5, 2018

b. 2017-195-RZ - Recovery Logistics Rezoning

Presenter: Planning Department

[Cover](#)

[Application](#)

[Staff Report](#)

[Map](#)

[Neighborhood Meeting](#)

[Newspaper Ad](#)

[Planning Board Recommendation](#)

POTENTIAL ACTION: Set Public Hearing for March 5, 2018

c. 2017-160-RZ - Massey Property Rezoning

Presenter: Planning Department

[Cover](#)

[Application](#)

[Staff Report](#)

[Map](#)

[Support Materials](#)

[Neighborhood Meeting Materials](#)

[Neighborhood Meeting Minutes](#)

[Newspaper Ad](#)

[Planning Board Recommendation](#)

POTENTIAL ACTION: Set Public Hearing for March 5, 2018

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

Presenter: Planning Department

[Cover](#)

[Application](#)

[Staff Report](#)

[Map](#)

[Site Plan](#)

[Elevations](#)

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

[Neighborhood Meeting Materials](#)
[Newspaper Ad](#)
[Planning Board Recommendation](#)

POTENTIAL ACTION: Set Quasi-Judicial Public Hearing for March 5, 2018

- e. 2018-10-RZ - 110 East Second Street Rezoning

Presenter: Planning Department

[Cover](#)
[Application](#)
[Staff Report](#)
[Maps](#)
[Adjacent Property Letter](#)
[Neighborhood Meeting](#)
[Consistency Statement](#)
[Newspaper Ad](#)

POTENTIAL ACTION: Set Public Hearing for March 5, 2018

7. NEW BUSINESS

- a. Property Lease to Clayton Area Ministries
Presenters: David DeYoung, Economic & Community Development Director
and Dale Matthews, Clayton Area Ministries

[Cover](#)

POTENTIAL ACTION: Information Only

- b. Budget Amendment - Talton Property Acquisition
Presenter: Robert McKie, Finance Director

[Cover](#)
[Budget Ordinance](#)

POTENTIAL ACTION: Place on March 5, 2018 Consent Agenda

8. ITEMS FOR DISCUSSION

9. ITEMS REQUIRING ACTION

(In order for any action to be taken during a Work Session, a motion must be made and seconded to suspend the rule to allow action to be taken.)

10. OLD BUSINESS

11. STAFF REPORTS

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

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

- Streetscape Update
Presenter: Kaitlin Russo, Downtown Development Coordinator

12. OTHER BUSINESS

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

13. CLOSED SESSION

- a. Pursuant to NCGS 143-318.11(a)(5)
To instruct staff or negotiating agents concerning price and other material terms regarding acquisition of real property.

14. ADJOURNMENT

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

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

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

WHEREAS, the Clayton Town Council wishes to amend their meeting schedule, effective the first meeting of March, 2018.

WHEREAS, The Clayton Town Council shall hold two **regular** meetings on the first and third Monday of the month at **6:00 p.m.** in the Council chamber of the Town Hall, unless otherwise noted; and

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

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

TOWN OF CLAYTON 2018 CALENDAR - TOWN COUNCIL MEETINGS <u>MEETINGS WILL NOW BEGIN AT 6:00 P.M.</u>		
MONTH	FIRST MEETING OF THE MONTH	SECOND MEETING OF THE MONTH
March	March 5, 2018	March 19, 2018
April	April 2, 2018	April 16, 2018
May	May 7, 2018	May 21, 2018
June	June 4, 2018	June 18, 2018
July	July 16, 2018 <i>There is only one meeting held during the month of July, 2018</i>	
August	August 6, 2018	August 20, 2018
September	September 4, 2018 (Tuesday)	September 17, 2018
October	October 1, 2018	October 15, 2018
November	November 5, 2018	November 19, 2018
December	December 3, 2018	December 17, 2018

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

Duly adopted this 19th day of February, 2018 while in regular session.

Jody McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk



Town Council Agenda Cover Sheet

Meeting Date

February 19 2018

Agenda Location

Administrative

Item Title

Warranty Acceptance

Presenter (Name & Title)

Chris Rowland, Construction Project Administrator

Summary/Description

- **Lionsgate Phases 3A & 3G (Shadboat Lane, Honeybee Trace, Scotch Bonnet Ridge, Scuppernog Way & Plott Hound Drive):** Request for final lift of asphalt pavement has been installed within the referenced public street sections. Acceptance of this work is subject to a one-year warranty period. Upon expiration of the warranty period, pavement and base course condition will be evaluated and any identified faults corrected prior to final acceptance.
- **RWAC Phases 6a-1, 6B, 6C & 6E (Swann Trail):** Final acceptance request for asphalt pavement. A final inspection was performed with all identified items corrected via complete overlay. Upon final acceptance, the Town will assume responsibility and maintenance duties.
- **RWAC Ravens Ridge 8C-1 & 8C-2:** Request for final acceptance request for public water, sewer, associated storm drainage utilities and all pertinent easements. A final inspection was performed with all noted items corrected. Following acceptance the Town will assume operational and maintenance associated with these utilities.

Requested Action

Place on Consent Agenda

Additional Documents To Be Included in Agenda Packet

Memorandums for each warranty acceptance
Click or tap here to enter text.



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

MEMORANDUM

To: Kimberly Moffett, Town Clerk

From: Chris Rowland, Construction Project Administrator 

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

Date: January 16, 2018

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

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



**Town of Clayton
Engineering Department**

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

MEMORANDUM

To: Kimberly Moffett, Town Clerk

From: Chris Rowland, Construction Project Administrator 

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

Date: February 5, 2018

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

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



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

MEMORANDUM

To: Kimberly Moffett, Town Clerk

From: Chris Rowland, Construction Project Administrator 

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

Date: January 31, 2018

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

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



Town Council Agenda Cover Sheet

Meeting Date

February 19 2018

Agenda Location

Items Scheduled for the Regular Meeting

Item Title

2017-98-SD Kyli Knolls Preliminary Plat (Major Subdivision)

Presenter *(Name & Title)*

Planning Department

Summary/Description

Request to develop 20 single-family residential lots.

Requested Action

Set Public Hearing

Additional Documents To Be Included in Agenda Packet

Staff Report
Application
Staff Report Maps
Neighborhood Meeting Materials
Consistency Statement
Newspaper Ad- Public Notice
Adjacent Property Letter- Public Notice
PB Recommendation- Motion Sheet



TOWN OF CLAYTON

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

SUBDIVISION: MAJOR SUBDIVISION (Preliminary Subdivision Plat)

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

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

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

SITE INFORMATION

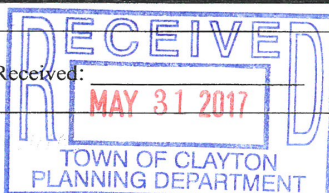
☒ New Major Subdivision
Conventional: _____ Open Space: _____
☐ New Subdivision Master Plan
☐ Modification to Approved Preliminary Plat
Major: _____ Minor: _____

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

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

FOR OFFICE USE ONLY

Date Received:



Amount Paid:

\$500-

File Number:

2017-98-510

PROPERTY OWNER INFORMATION

Name: Full Spectrum Custom Homes

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

Phone Number: 919-422-3325

Fax:

Email Address:

APPLICANT INFORMATION

Applicant: True Line Surveying

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

Phone Number: 919-359-0427

Fax: 919-359-0428

Contact Person: Curk Lane

Email Address: curk@truelinesurveying.com

REQUIRED INFORMATION (to be submitted with the application)

The following items must accompany the application:

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

FINDINGS OF FACT

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

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

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

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

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

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

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

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

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

Project Name: Kyli Knolls

Cune Lane
Print Name


Signature of Applicant

5/31/17
Date

3/16/2017

1530 40727

ADJACENT PROPERTY OWNERS LIST

Project Name: Kyli Knolls

The following are all the persons, firms, or corporations owning property within 100 feet and immediately adjacent to the property (including across street rights of way) subject to this request. Where the subject property immediately adjoins a public or private right-of-way, landscape or riparian buffer, commonly-owned private area, public property, or homeowners' association property, then letters of notification shall be sent to adjoining property owners as if they directly abut the subject property. Please use a separate sheet if necessary

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

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

01/06/2016

Page 7 of 17

MAJOR SUBDIVISION – PRELIMINARY PLAT REQUIREMENTS CHECKLIST

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

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

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

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

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

Signed by Applicant:



Date: 5/31/17



**Town of Clayton
Planning Department**

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

OWNER'S CONSENT FORM

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

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

AGENT/APPLICANT INFORMATION:

True Line Surveying
(Name - type, print clearly)

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

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

Major subdivision
Finice

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

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

OWNER AUTHORIZATION:

SEAN STRICKLAND
(Name - type, print clearly)

[Signature]
(Owner's Signature)

865 SANDERS Rd.
(Address)

BENSON NC 27504
(City, State, Zip)

STATE OF NC
COUNTY OF Johnston

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

SEAL

Kristin D. London
Notary Public

My Commission Expires: 7-16-18



October 2013



TOWN OF CLAYTON

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

ROAD NAME APPROVAL APPLICATION

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

SITE INFORMATION

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

PROPERTY OWNER INFORMATION

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

APPLICANT INFORMATION

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

FOR OFFICE USE ONLY

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

ROAD NAME GUIDELINES SUPPLEMENTAL INFORMATION

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

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

REQUIRED PLANS AND SUPPLEMENTAL INFORMATION

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

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

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

APPLICANT AFFIDAVIT

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

Cone Lane
Print Name

[Signature]
Signature of Applicant

5/31/17
Date



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

*Planning Board
January 22, 2018*

STAFF REPORT

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

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

Public Noticing:

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

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

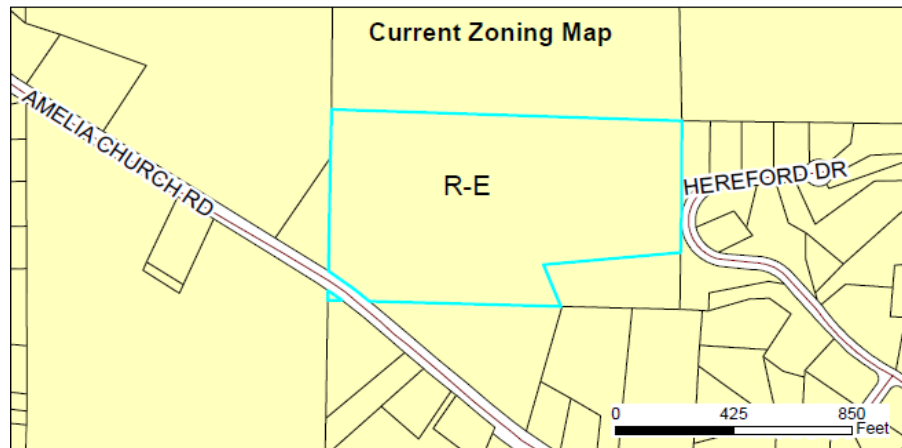


SITE DATA:

Acreage: 18.56
Existing Use: Vacant

ADJACENT ZONING AND LAND USES:

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

**DEVELOPMENT DATA:**

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

STAFF ANALYSIS:**Overview**

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

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

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

1. The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located;
2. The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not generally applicable to other property;
3. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of this chapter are enforced; and
4. The purpose of the waiver is not based primarily upon financial consideration

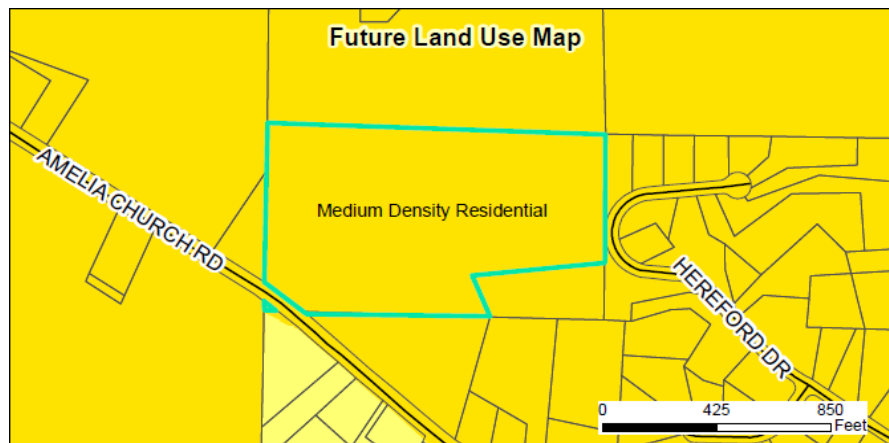
Planning staff, as well as the Public Works Director, have reviewed the waiver request submitted by the applicant and does not support the request. It is not appropriate for the applicant to compare this development with those located in Johnston County's Planning jurisdiction, since this property is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

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

Consistency with Adopted Plans

- **2040 Comprehensive Plan**

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



- **Unified Development Code**

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

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

Compatibility with Surrounding Land Uses

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

Landscaping and Buffering

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

Mail Kiosk

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

Access/Streets

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

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

CONSIDERATIONS:

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

FINDINGS:

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

CONDITIONS OF APPROVAL:

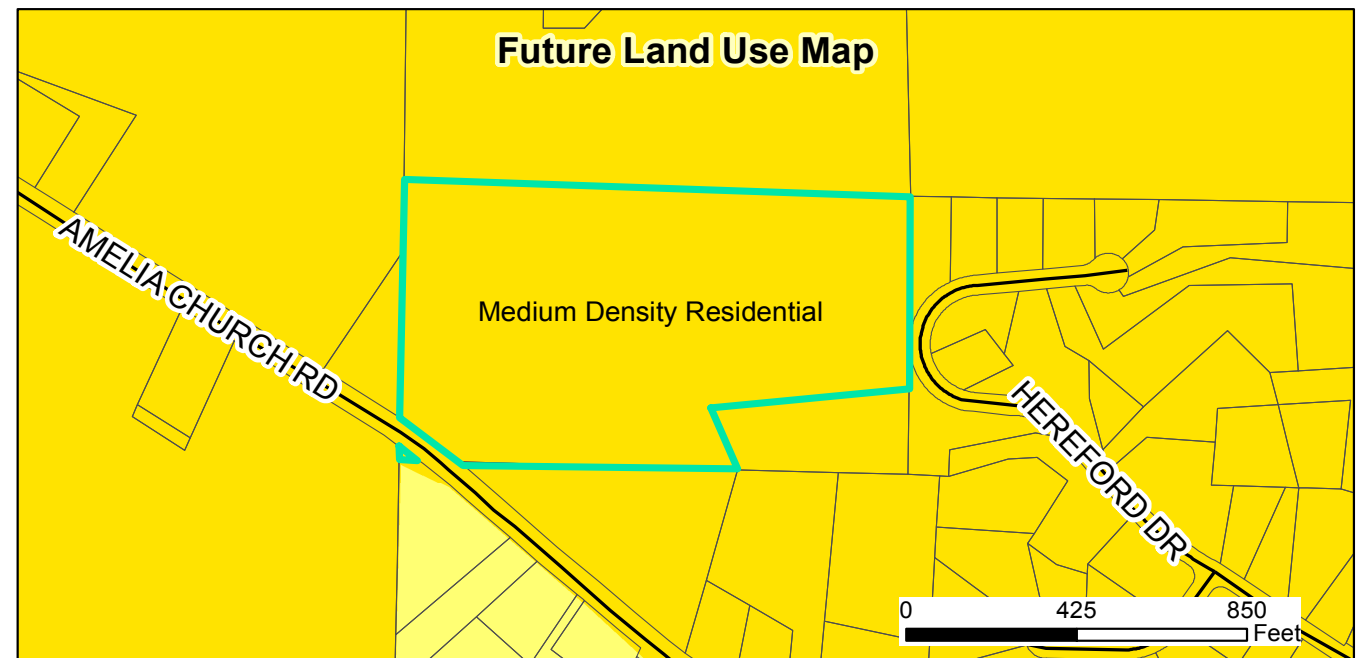
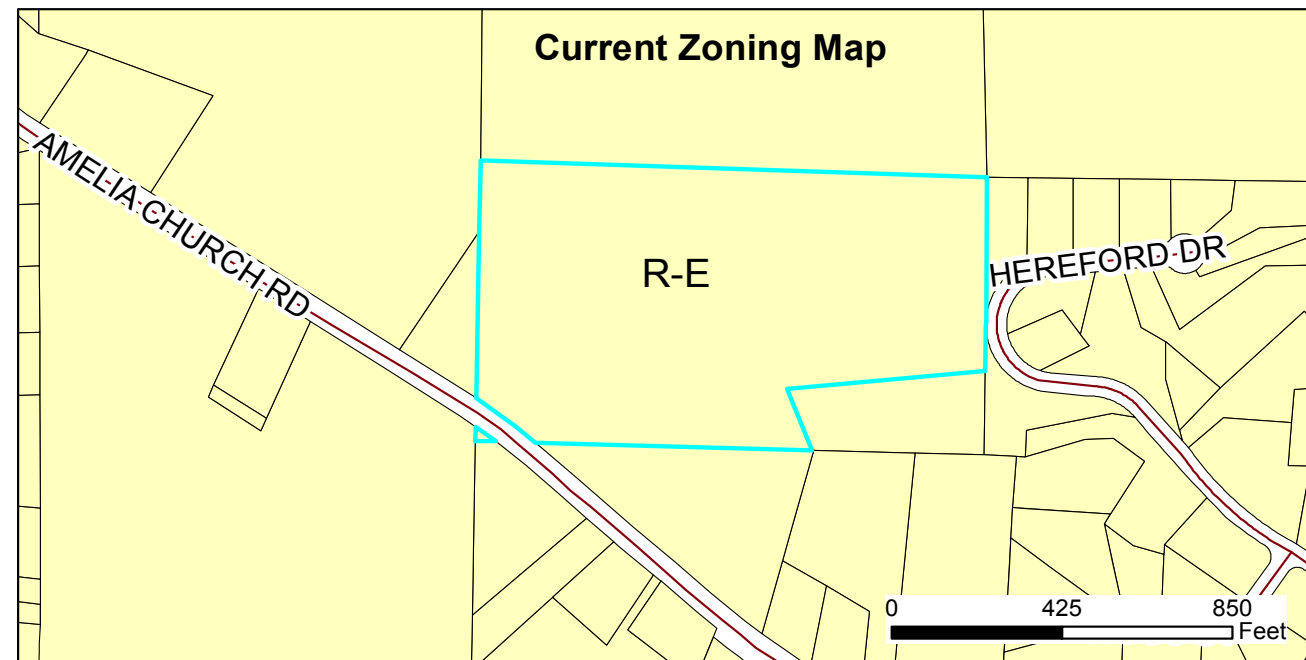
If approved, staff recommends the following conditions be applied to the approval of the preliminary subdivision plan for the Kyli Knolls Subdivision (2017-98-SD):

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

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

ATTACHMENTS:

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

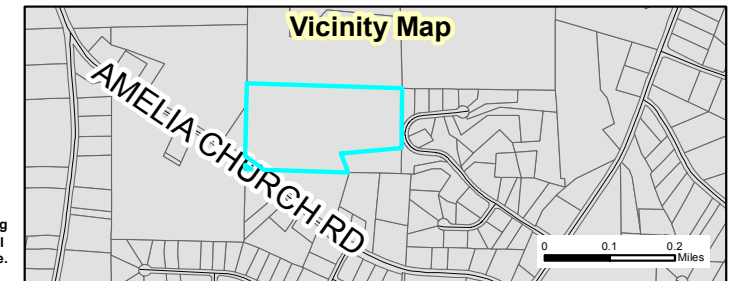


2017-98-SD Kyli Knolls Major Subdivision
Request: To develop 20 single-family residential lots

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

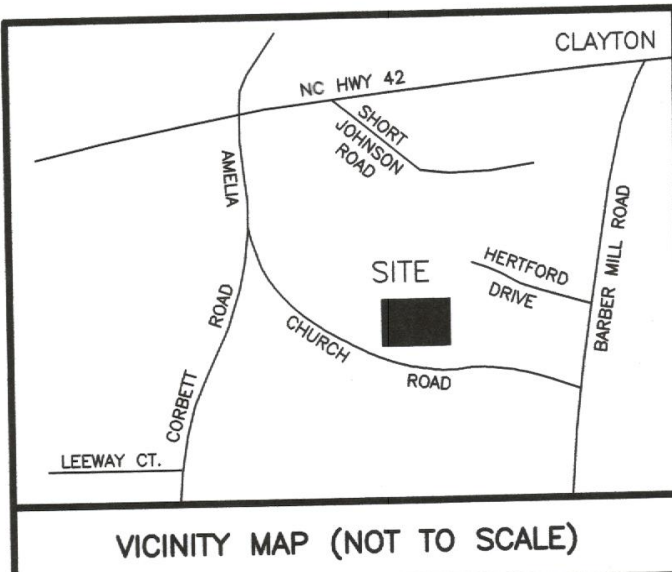


Document Path: O:\PLANNING\SUBDIVISIONS\MAJOR SUBDIVISIONS\2017\2017-98-SD Kyli Knolls\Maps\StaffReport\Map- 2017-98-SD Kyli Knolls.mxd



07/24/17

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



PRELIMINARY SUBDIVISION PLAN

FOR

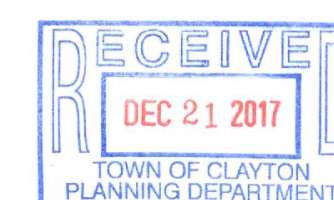
KYLI KNOLLS SUBDIVISION

CLAYTON, NORTH CAROLINA

TOWN OF CLAYTON PROJECT NO. 2017-98-SD

SHEET INDEX

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



DEVELOPER/APPLICANT:

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

LAND SURVEYOR

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

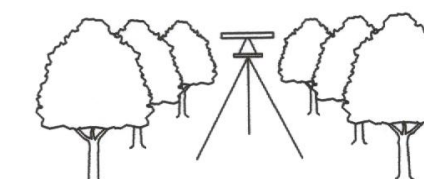
ENGINEER

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

SHEET 1: COVER SHEET

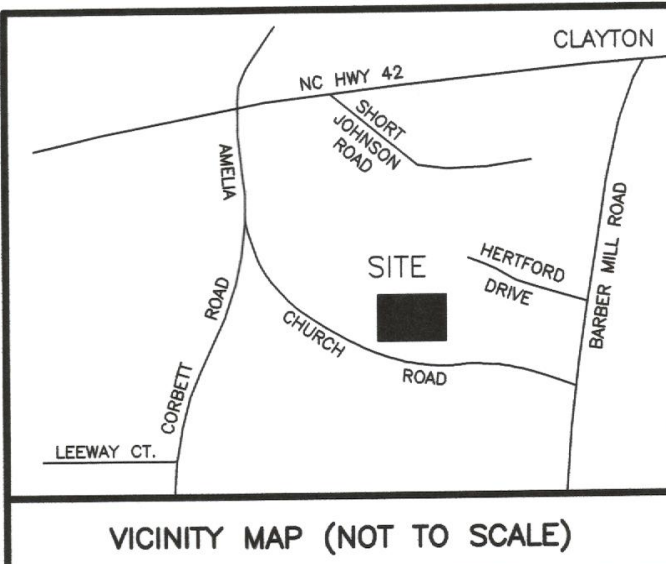
SURVEYED BY:
DRAWN BY: MIKE
CHECKED BY: CURK
DRAWING NAME: COVER SHEET
SURVEY DATE:
JOB NO. 430.090

TRUE LINE SURVEYING, P.C.



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

C-1859



VICINITY MAP (NOT TO SCALE)

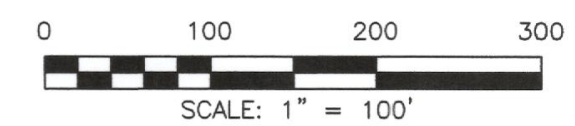
DEVELOPER/APPLICANT:

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



SITE INFORMATION

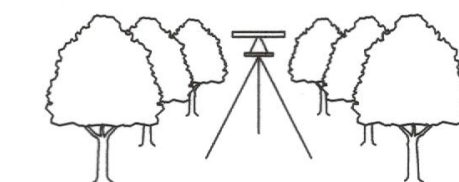
OWNER: FULL SPECTRUM CUSTOM HOMES, INC.
865 SANDERS ROAD
BENSON, N.C. 27504
PARCEL NO. 05G03009A
NC PIN NO. 165803-23-2856
PARENT TRACT DEED: DB 4911 PG 845
THERE ARE NO INSTANCES OF 100 YEAR FEMA FLOOD
ON SITE. FEMA FLOOD PANEL: 3720165800 J
TAX UNIQUE ID: 4759574
TOWNSHIP: CLAYTON
ETJ: CLAYTON
TOWN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



SHEET 2: EXISTING CONDITIONS

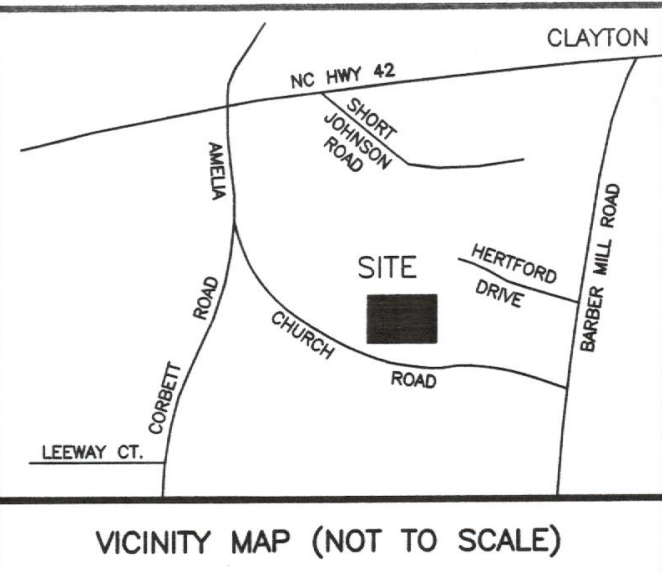
SURVEYED BY:	
DRAWN BY:	MIKE
CHECKED BY:	CLARK
DRAWING NAME:	EXISTING.DWG
SURVEY DATE:	
JOB NO.	430.090

TRUE LINE SURVEYING, P.C.

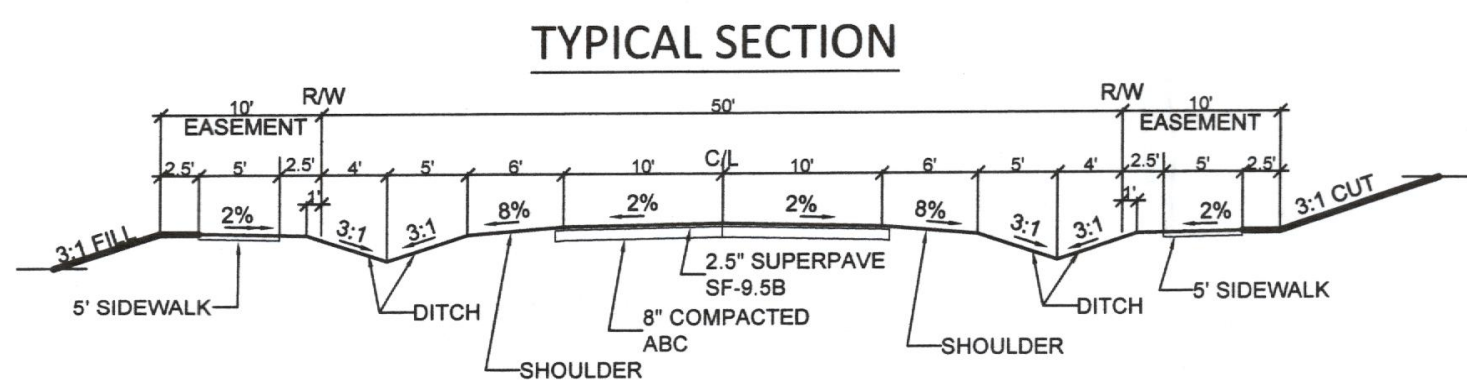


205 WEST MAIN STREET
CLAYTON, N.C. 27520
TELEPHONE: (919) 359-0427
FAX: (919) 359-0428
www.truelinesurveying.com

C-1859

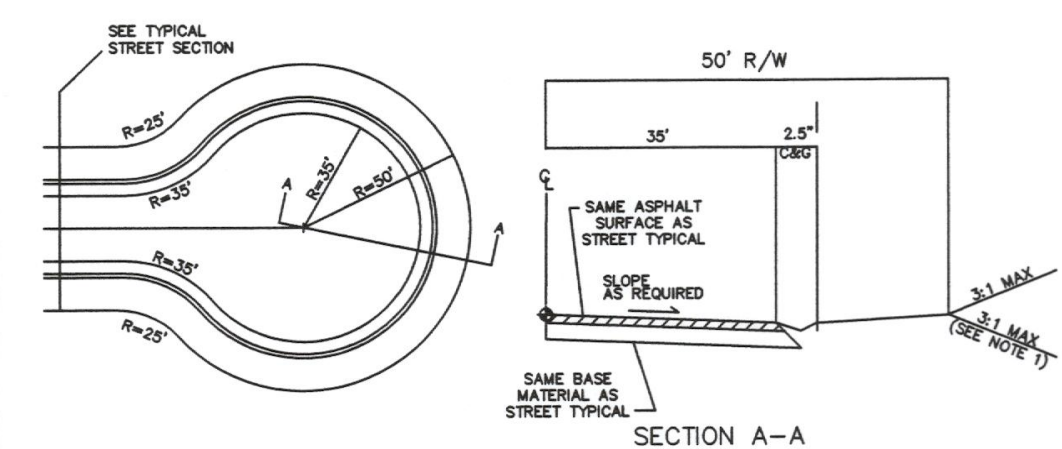
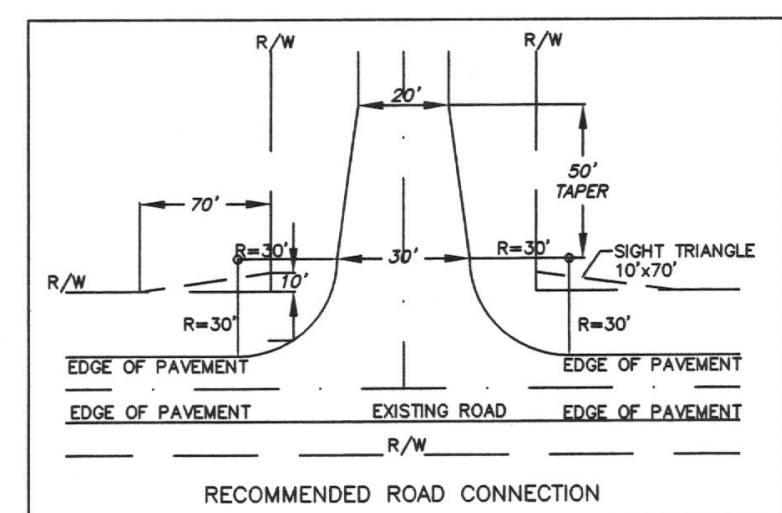


VICINITY MAP (NOT TO SCALE)



DEVELOPER/APPLICANT:

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



NCDOT TYPICAL SYMMETRICAL CULDESAC

NO SCALE
NOTES: 1. STEEPER SIDESLOPES OF 1.5:1 MAY BE USED IN STEEP OR HILLY TERRAIN.
2. USE ROADSIDE FILL DITCH (SEE SEPARATE DETAIL) WHEN NECESSARY TO CONTINUE DRAINAGE AROUND CUL-DE-SAC IN FILL SECTIONS.
3. CONTRACTOR SHALL PROVIDE SUBGRADE, BASE, AND PAVEMENT TESTING ON ALL STREETS IN ACCORDANCE WITH NCDOT STANDARDS.
4. THIS DETAIL IS INTENDED TO MEET OR EXCEED THE TYPICAL NCDOT CUL-DE-SAC CRITERIA (REF: NCDOT SUBDIVISION ROADS MIN. CONSTRUCTION STANDARDS 2000 VERSION).

SITE INFORMATION

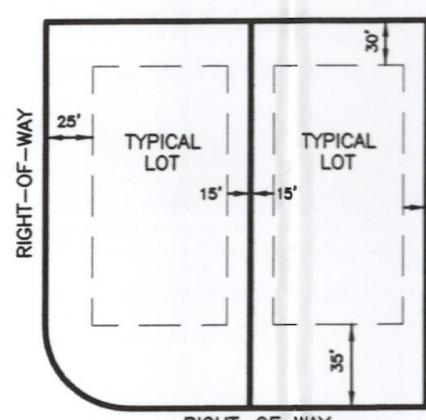
OWNER: FULL SPECTRUM CUSTOM HOMES, INC.
865 SANDERS ROAD
BENSON, N.C. 27504
PARCEL NO. 05G03009A
TOWN PIN NO. 165803-23-2656
PARENT TRACT DEED: DB 4911 PG 845
NO. LOTS PROPOSED: 20

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

R-E ZONING STANDARDS

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

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



NOTE:
MINIMUM LOT WIDTH=80'
MINIMUM LOT DEPTH=150'

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

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

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

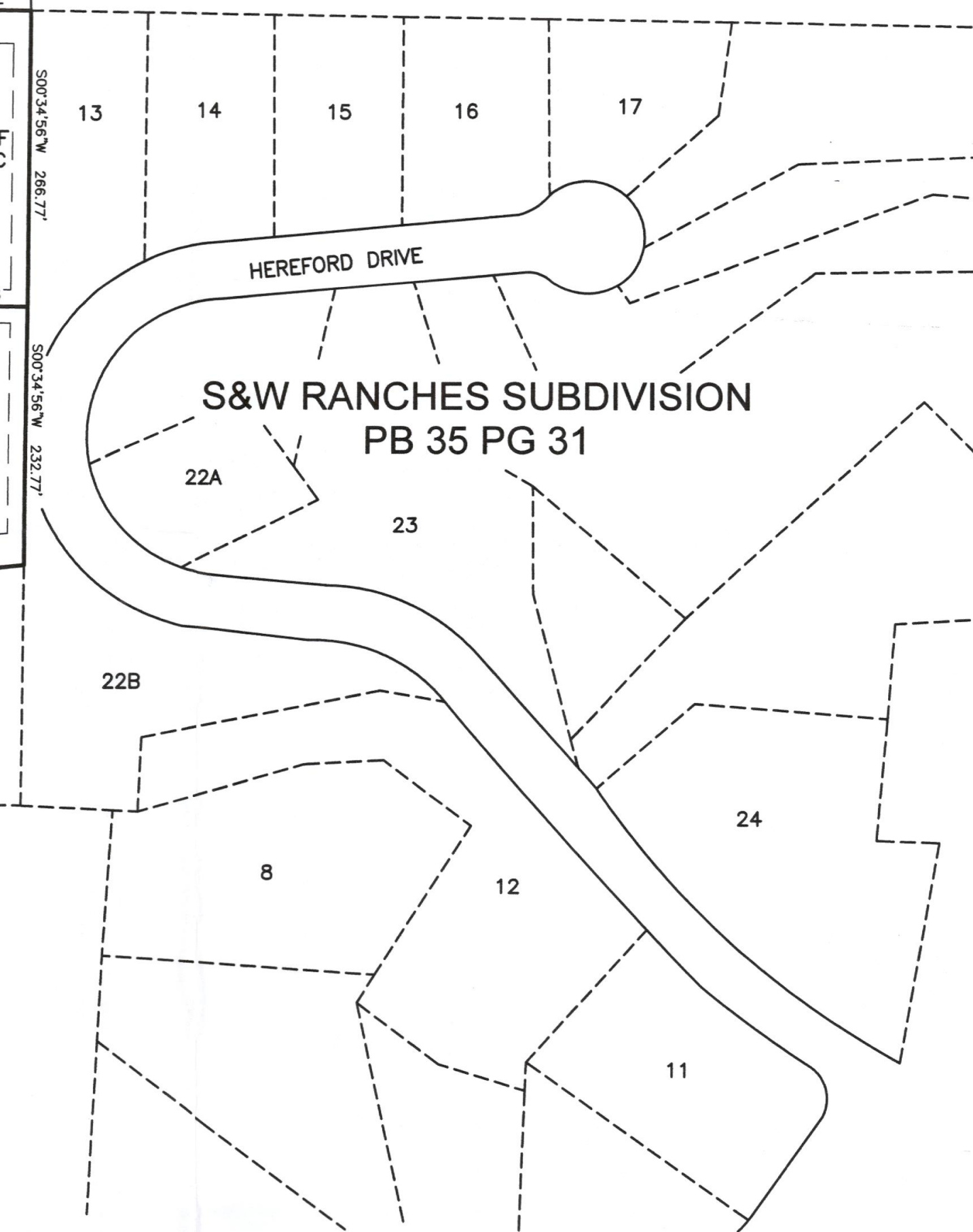
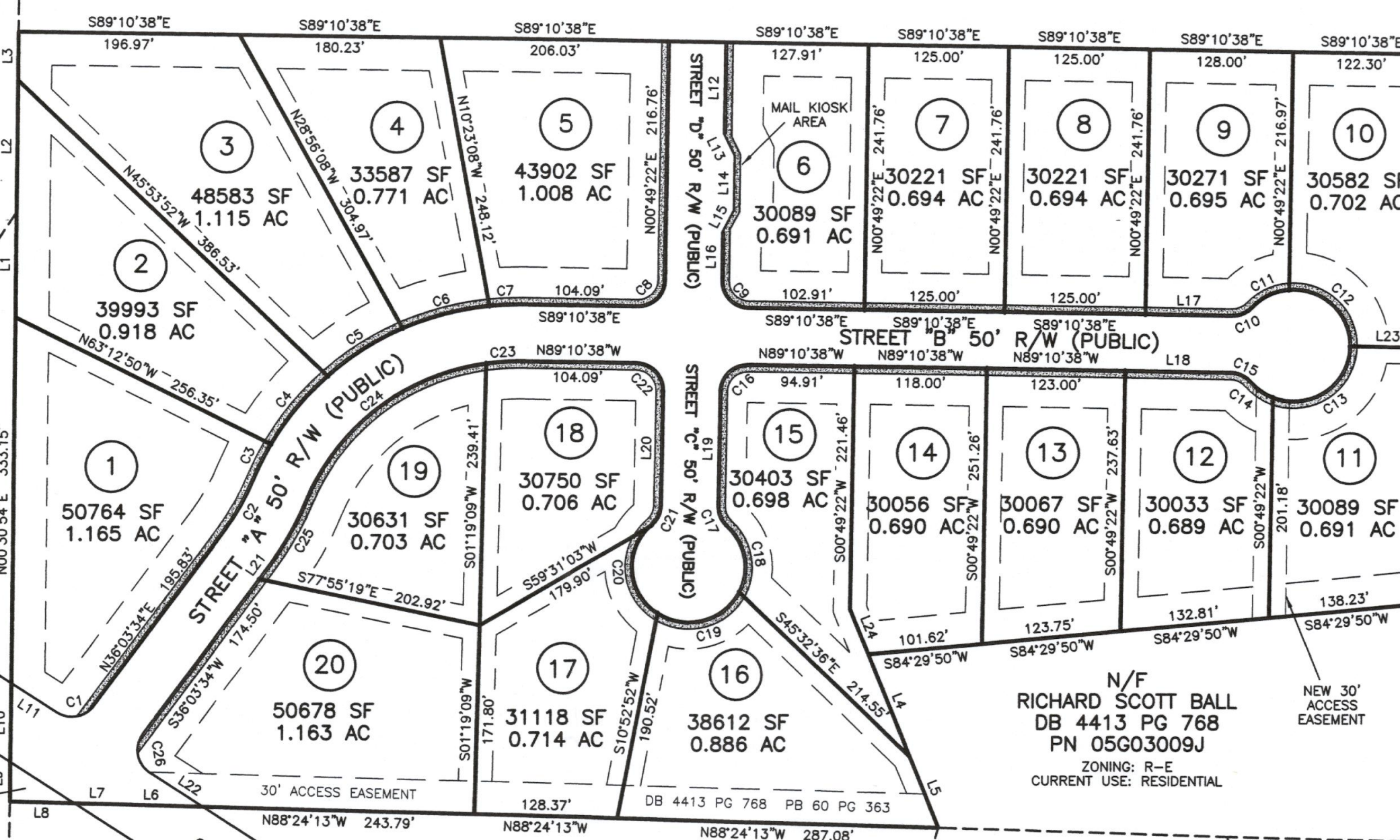
N/F
WADE TART
DB 1658 PG 591
PN 05G03059
ZONING: R-E
CURRENT USE: RESIDENTIAL

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

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

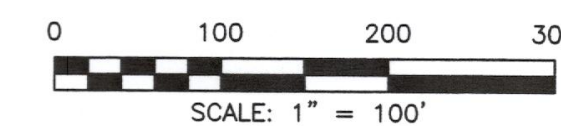
N/F
FRANCES B. PARRISH
DB 2998 PG 915
PN 05G03009B
ZONING: R-E
CURRENT USE: VACANT

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



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

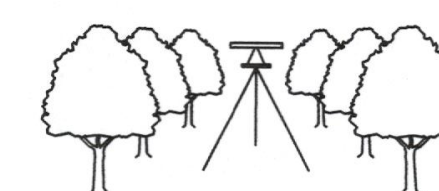
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	25.00'	38.02'	34.48'	N79°37'31"E
C2	230.00'	55.15'	55.01'	N29°11'26"E
C3	245.00'	35.10'	35.07'	N68°15'53"E
C4	255.00'	80.33'	80.00'	N39°13'57"E
C5	255.00'	80.33'	80.00'	N57°18'56"E
C6	255.00'	80.33'	80.00'	N78°19'56"E
C7	255.00'	28.78'	28.76'	N87°35'23"E
C8	25.00'	39.27'	35.36'	N45°49'22"E
C9	25.00'	39.27'	35.36'	S44°10'38"E
C10	25.00'	21.03'	20.41'	N66°43'41"E
C11	50.00'	37.49'	36.61'	N64°06'39"E
C12	50.00'	83.11'	73.87'	S46°41'39"E
C13	50.00'	96.46'	82.20'	S50°05'14"W
C14	50.00'	24.11'	23.88'	N54°48'04"W
C15	25.00'	21.03'	20.41'	N65°04'56"W
C16	25.00'	39.27'	35.36'	S45°49'22"W
C17	25.00'	21.03'	20.41'	S23°18'19"E
C18	50.00'	64.42'	60.05'	S10°27'34"E
C19	50.00'	84.58'	74.85'	S74°54'27"W
C20	50.00'	92.19'	79.68'	N03°48'37"W
C21	25.00'	21.03'	20.41'	N24°55'04"E
C22	25.00'	39.27'	35.36'	N44°10'38"W
C23	205.00'	31.00'	30.97'	S89°29'26"W
C24	205.00'	214.09'	204.49'	S52°14'25"W
C25	280.00'	67.13'	66.97'	S29°11'26"W
C26	25.00'	40.52'	36.23'	S10°22'29"E



SHEET 3: SUBDIVISION

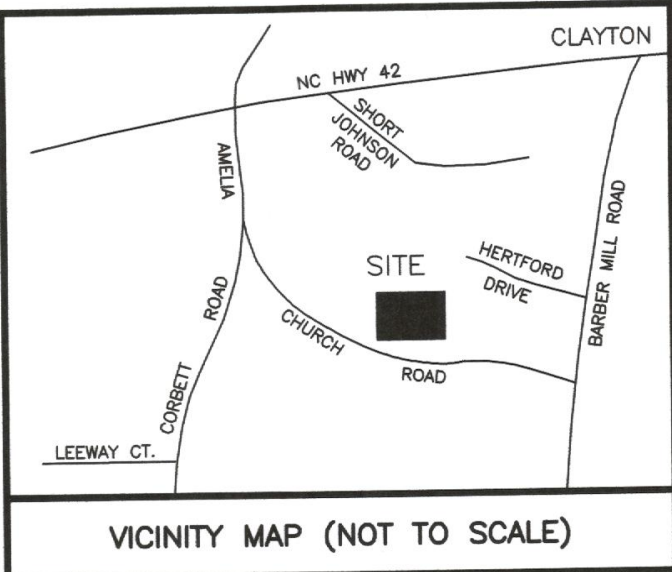
SURVEYED BY:
DRAWN BY:
CHECKED BY:
DRAWING NAME:
SUBDIVISION.DWG
SURVEY DATE:
JOB NO.
430.090

TRUE LINE SURVEYING, P.C.



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

C-1859



DEVELOPER/APPLICANT:

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

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

MANUFACTURER NOTES:

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

NOTES:

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

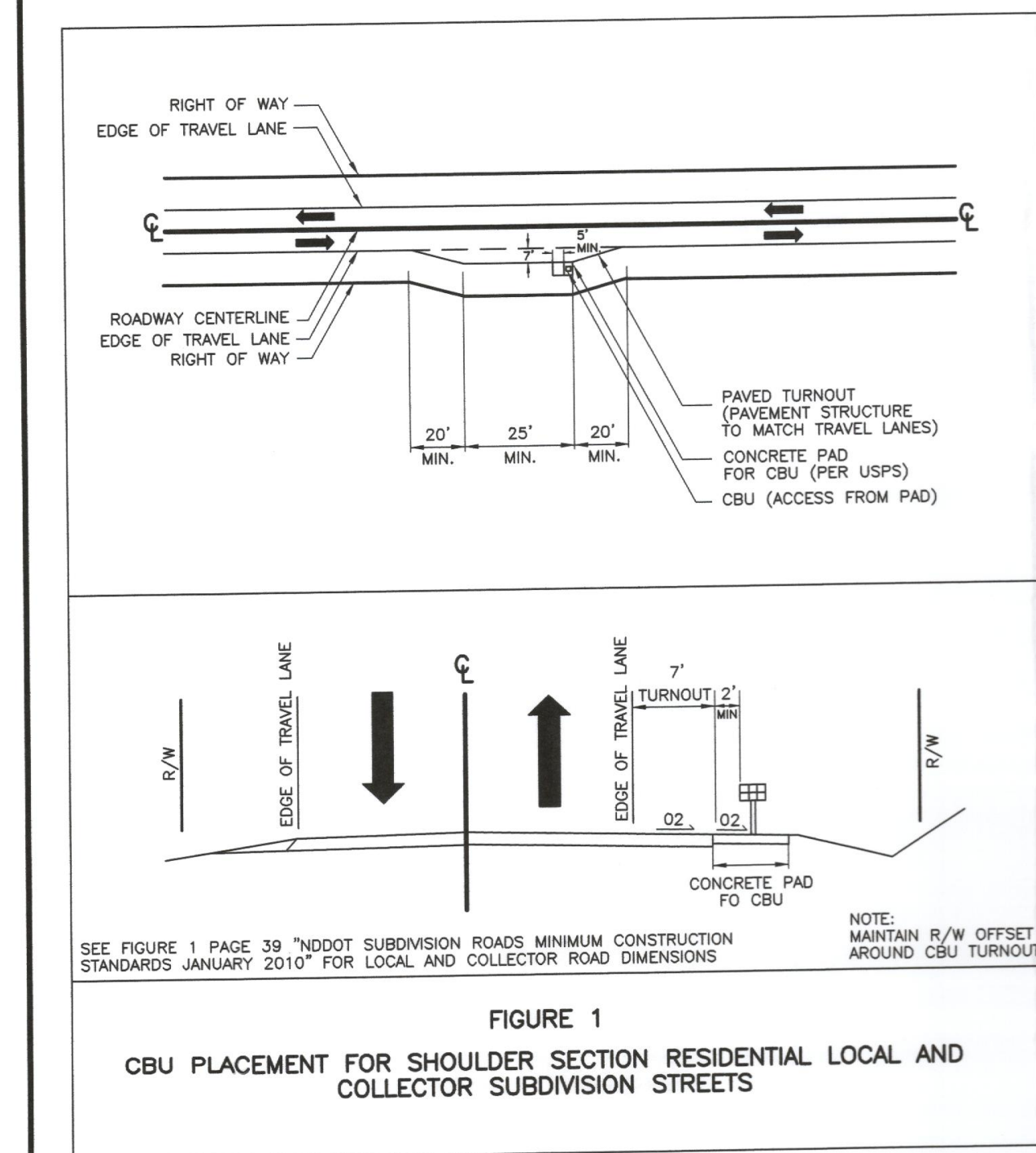
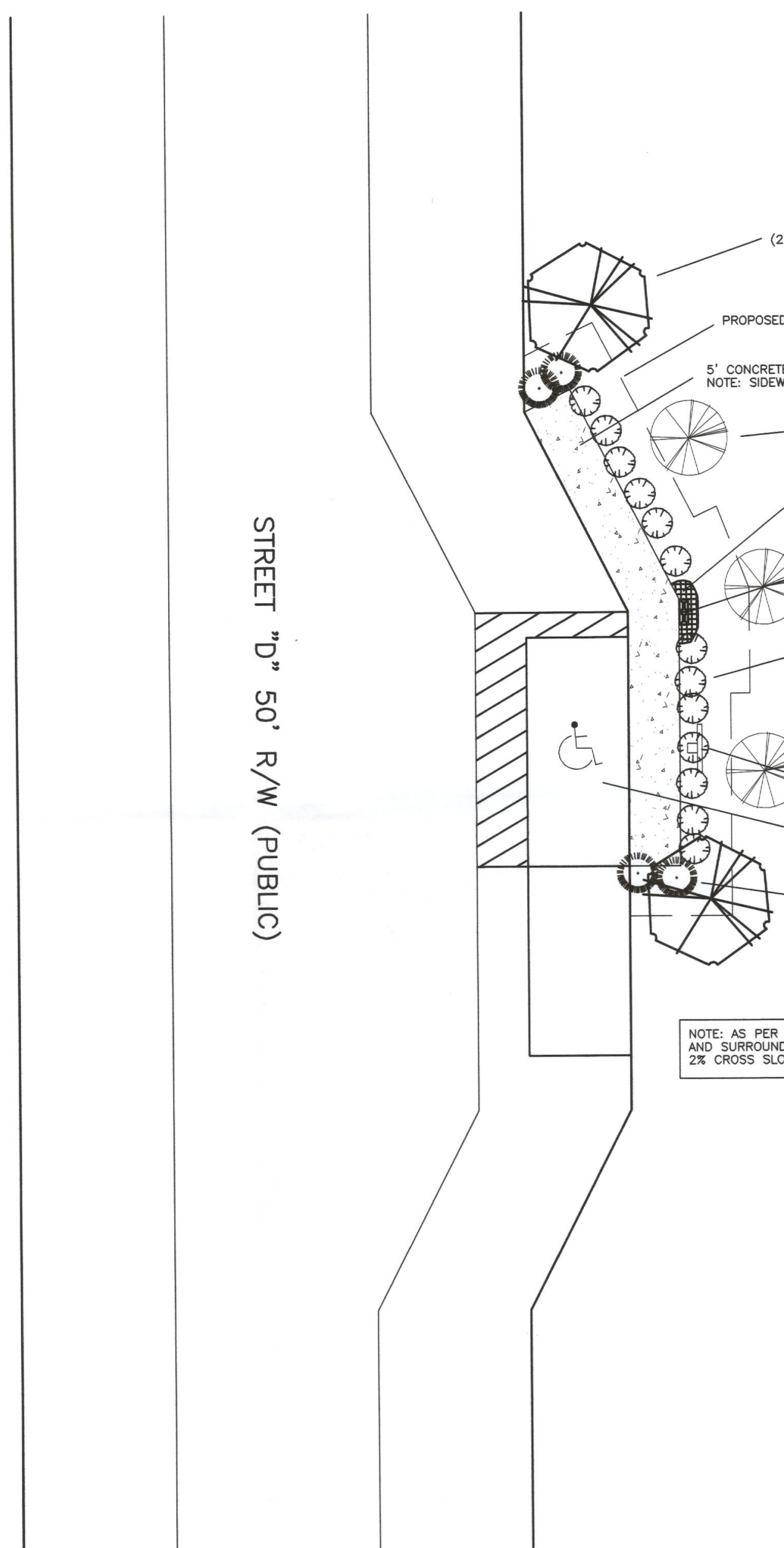
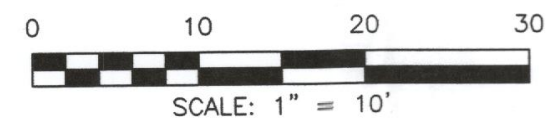


FIGURE 1
CBU PLACEMENT FOR SHOULDER SECTION RESIDENTIAL LOCAL AND COLLECTOR SUBDIVISION STREETS

5



CLUSTER MAIN BOX UNIT – ENLARGED SITE PLAN



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

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

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

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

SURVEYED BY:

DRAWN BY: MIKE

CHECKED BY: CURK

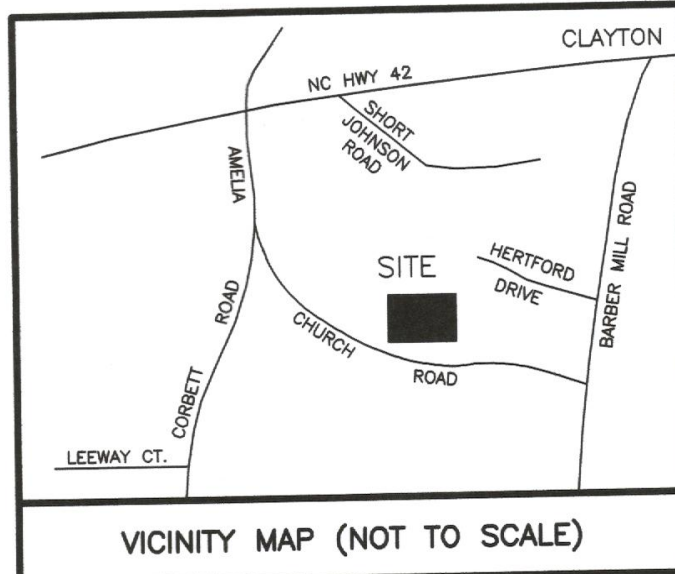
DRAWING NAME: MAILBOX PLAN

SURVEY DATE:

JOB NO. 430,090

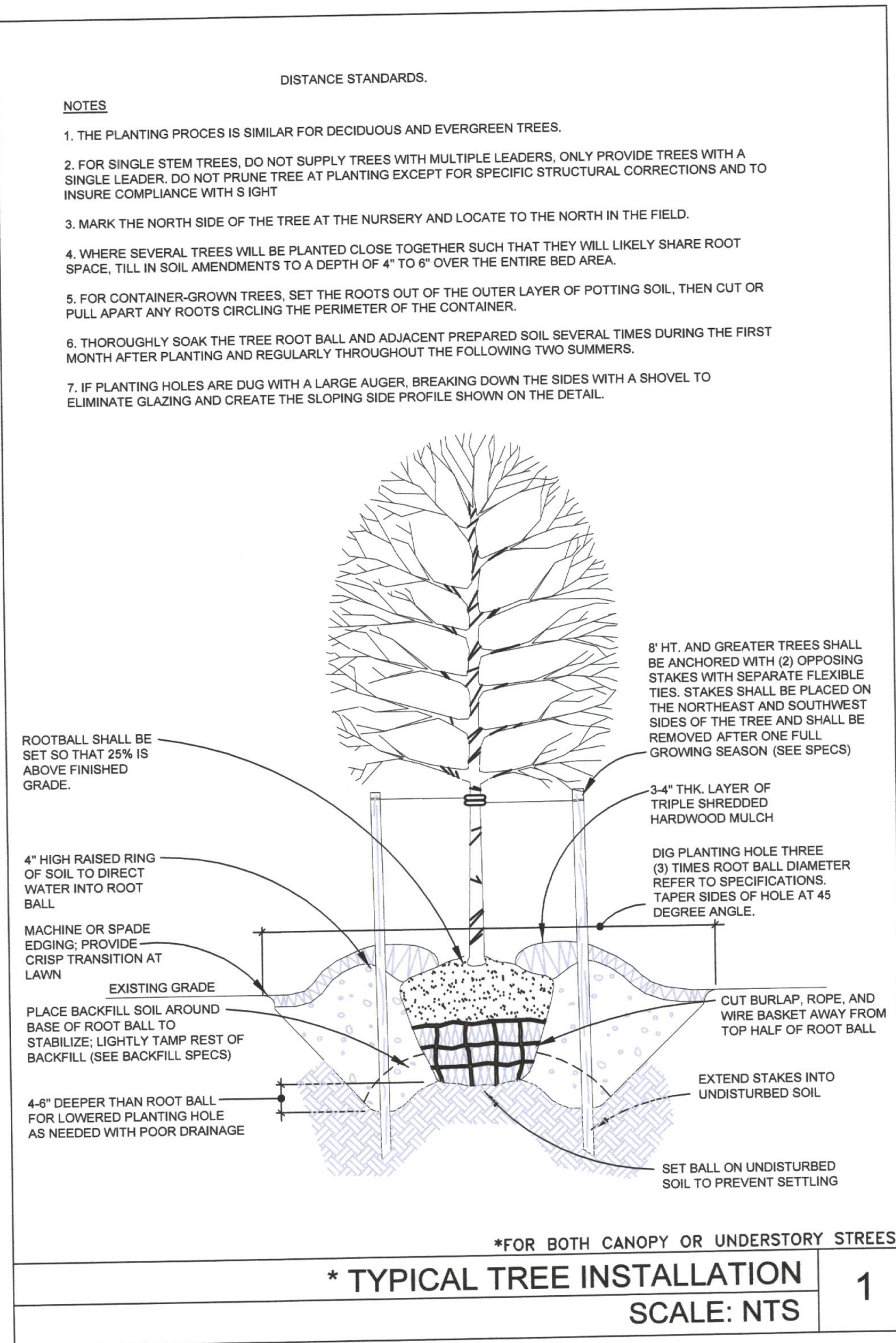
TRUE LINE SURVEYING, P.C.

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



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

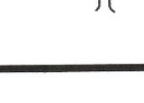
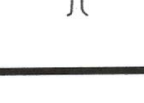
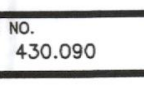
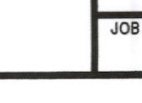
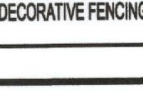
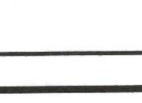
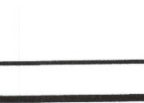
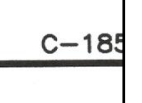
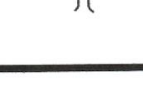
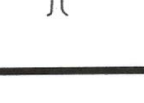
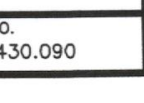
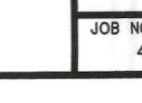
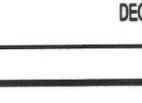
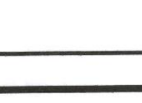
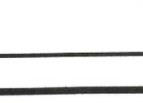
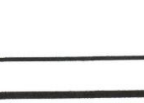
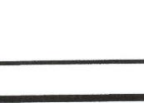
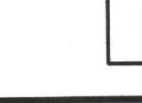
N/F
FRANCES B. PARRISH
DB 2998 PG 915
PN 05G03009B
ZONING: R-E
CURRENT USE: VACANT

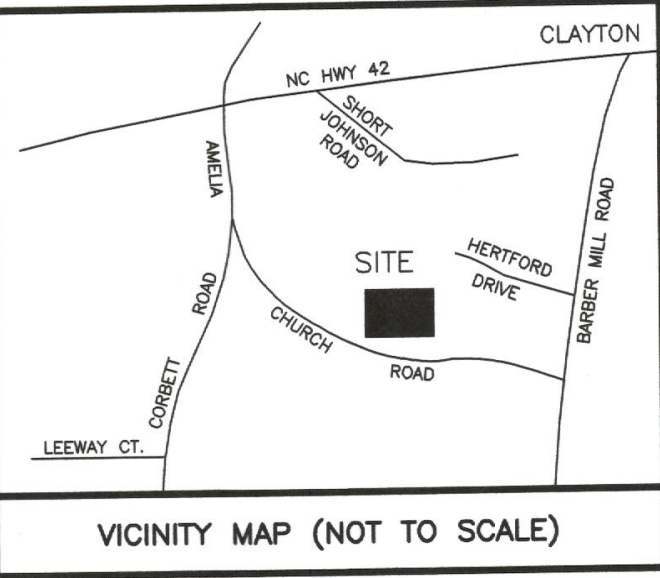


NOTE: 1 (ONE) TREE SHALL BE PROVIDED PER LOT.

CLASS "A" BUFFER - Plant List

PLANT LIST - CLASS "A" BUFFER ONLY								
ALIAS	QTY.	BOTANICAL NAME	COMMON NAME	CALIPER	HEIGHT	SPREAD	ROOT	REMARKS
C A N O P Y T R E E S (CANOPY TREES = 93, INCLUDES TREES USED FOR SCREENING/BUFFERS)								
ARO	4	ACER RUBRUM 'OCTOBER GLORY'	OCTOBER GLORY RED MAPLE	2.5"	8' MIN.	-	B & B	BUFFER PLANTINGS
QS	4	QUERCUS SHUMARDII	SHUMARD OAK	2.5"	8' MIN.	-	B & B	BUFFER PLANTINGS
U N D E R S T O R Y T R E E S (UNDERSTORY TREES = 77, INCLUDES TREES USED FOR SCREENING/BUFFERS)								
CCF	6	CERCIS CANADENSIS 'FOREST PANSY'	FOREST PANSY REDBUD	2"	8' MIN.	-	CONT/B&B	BUFFER PLANTINGS
						-		
						-		
1. ALL PLANTS AND INSTALLATION SHALL BE IN ACCORDANCE WITH TOWN OF CLAYTON RULES, REGULATIONS AND REQUIREMENTS AND, AT THE LEAST, MEET THE TOWN'S MINIMUM REQUIREMENTS FOR CODE COMPLIANCE								
2. THE LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR VERIFYING PLANT QUANTITIES AND IS TO NOTIFY THE CONTRACTOR ASAP OF ANY DISCREPANCIES BETWEEN THE PLANT LIST AND THE PLAN								
3. THE LANDSCAPE CONTRACTOR SHALL ADJUST ANY SCREEN PLANTING AS NEEDED TO MAINTAIN REQUIRED CLEARANCES AROUND TRANSFORMERS, GENERATORS AND OTHER UTILITIES THAT REQUIRE CLEARANCES FOR ACCESS								





DEVELOPER/APPLICANT:

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

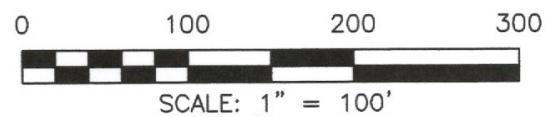
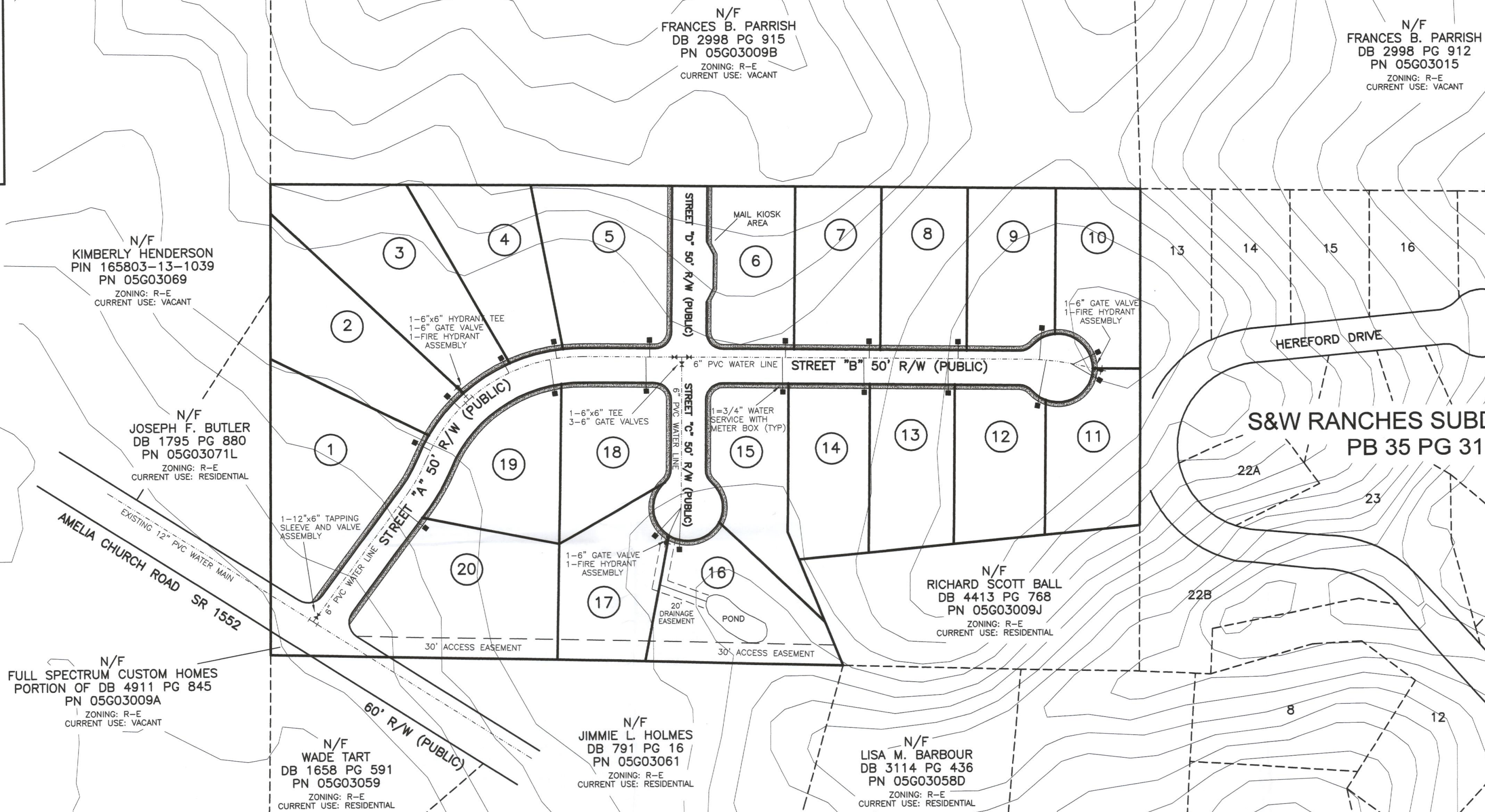
NOTE:
A COMPLETE SET OF CONSTRUCTION
DRAWINGS FOR WATER, SEWER,
EROSION CONTROL, GRADING AND
STREET EXTENSION TO BE SUBMITTED
TO AND APPROVED BY TOWN'S
ENGINEERING DEPARTMENT PRIOR TO
CONSTRUCTION.

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

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

SITE INFORMATION

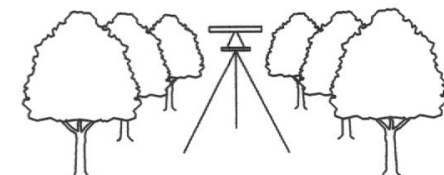
OWNER: FULL SPECTRUM CUSTOM HOMES, INC.
865 SANDERS ROAD
BENSON, N.C. 27504
PARCEL NO. 05G03009A
NC PIN NO. 165803-23-2656
PARENT TRACT DEED: DB 4911 PG 845
TAX UNIQUE ID: 4759574
TOWNSHIP: CLAYTON
ETC: CLAYTON
TOWN ZONING: R-E
CURRENT USE: VACANT
TOTAL ACREAGE: 18.561



SHEET 6: UTILITY PLAN

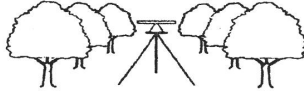
SURVEYED BY:	MIKE
DRAWN BY:	MIKE
CHECKED BY:	CURK
DRAWING NAME:	UTILITY.DWG
SURVEY DATE:	
JOB NO.	430.090

TRUE LINE SURVEYING, P.C.



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

TRUE LINE SURVEYING, P.C.



Para Smith

Development Services Coordinator

Town of Clayton

January 16, 2018

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

Curk T. Lane, PLS

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

True Line Surveying

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



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

February 20, 2018

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

Dear Clayton Area Property Owner:

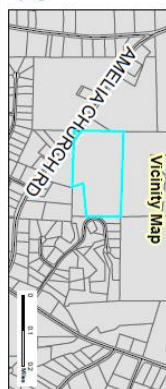
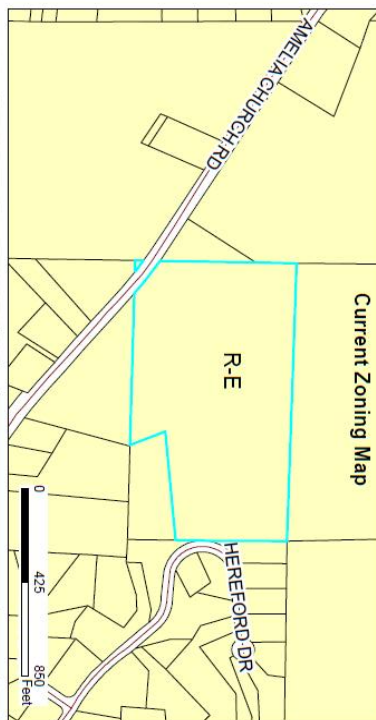
The Clayton Town Council will hold an evidentiary hearing on Monday, March 5, 2018 at 6:00 PM at Town Hall, 111 East Second Street, to consider the above referenced application requesting to develop 20 single-family residential lots on the subject property. The property is located off Amelia Church Road.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

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

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

Sincerely,

Haley Hogg, CZO
Planner



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

Document Path: C:\PLANNING\SUBDIVISIONS\2017-98-SD KYL KNOLL\Map\2017-98-SD KYL KNOLL\Map\2017-98-SD KYL KNOLL\Map-2017-98-SD KYL KNOLL.mxd

Produced by: TSC Planning
 Date: 10/10/2017
 Responsibility for the information represented herein

TRUE LINE SURVEYING, P.C.



May 31, 2017

Dear Clayton Area Property Owner:

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

Meeting Date: Thursday July 6, 2017

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

Time: 6:00pm

Type of Application: Major Subdivision

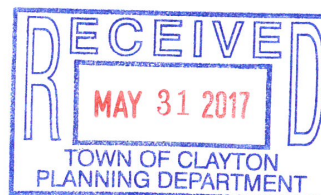
General Description: Purpose of this application is to develop a single family residential subdivision.

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

Sincerely,


Curt T. Lane
True Line Surveying

Cc: Clayton Planning Dept.



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

NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Date of Mailing: May 31, 2017

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

Printed Name: Curk Lane Signature: [Signature]

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

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

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

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

[Empty lines for additional meeting summary/minutes text]

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

Kyli Knolls Project

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

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

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

PUBLIC NOTICE

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

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

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

Haley Hogg, Planner
919-553-5002

The Clayton News Star

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

Affidavit of publication required.

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

**Kyli Knolls
2017-98-SD**

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

Recommendation to the Town Council to

☐ approve the request;

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

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

☐ deny the request;

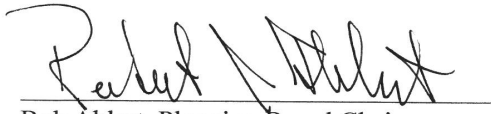
Recommendation of Wavier Request for Curb and Gutter

☒ approve the request;

☐ deny the request

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

Signed:



Bob Ahlert, Planning Board Chair

ROBERT J.



Town Council Agenda Cover Sheet

Meeting Date

February 19 2018

Agenda Location

New Business

Item Title

2017-195-RZ, Recovery Logistics rezoning

Presenter *(Name & Title)*

Jay McLeod, Senior Planner

Summary/Description

Request to rezoning 2.3 acres in between Moore St, Atkinson St, Bartex Mill St, and Horne St from Residential-10 (R-10) to Light Industrial (I-1).

Requested Action

Set Public Hearing

Additional Documents To Be Included in Agenda Packet

Application
Staff Report Map
Neighborhood Meeting Materials
Planning Board recommendation
Newspaper Ad



TOWN OF CLAYTON
Planning Department
111 E. Second St., P.O. Box 879
Clayton, NC 27528
Phone: 919-553-5002
Fax: 919-553-1720

REZONING APPLICATION

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

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

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

SITE INFORMATION

Name of Project: Recovery Logistics Acreage of Property: 2.34 acres (approx.)
County Tag Number: 05026095E NC PIN: 165915-74-4561
Address/Location: South side of Atkinson Street, adjacent to 350 Atkinson Street
Existing Zoning District: R - 10
Proposed Zoning District: I - 1

APPLICANT INFORMATION

Applicant: Dalton Engineering and Associates, P.A.
Mailing Address: Post Office Box 426 Clayton, North Carolina 27528
Phone Number: (919) 550 - 4740 Fax: (919) 550 - 4741
Contact Person: Jerry T. Dalton
Email Address: jdalton@daltonengineering.com

FOR OFFICE USE ONLY

Date Received: DEC 01 2017 Amount Paid: \$600 File Number: 2017-195-RZ

October 2017

TOWN OF CLAYTON
PLANNING DEPARTMENT

Page 1 of 10

PROPERTY OWNER INFORMATION

Name: G. T. Page, Jr.

Mailing Address: 119 Palace Grn. Cary, North Carolina 27511-9762

Phone Number: Unknown

Fax: Unknown

Email Address: Unknown

EXPLANATION OF PROJECT

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

The Developer of the subject parcel is requesting the rezoning of the +/- 2.34 acres to I - 1.

REQUIRED INFORMATION (to be submitted with the application)

The following items must accompany a Rezoning application.

To be completed by the applicant:			For staff use only:		
<i>Submit 9 copies of all materials unless otherwise noted or directed by staff</i>	Yes	N/A	Yes	No	N/A
1. A pre-application conference was held with Town of Clayton staff. Date: <u>11/20/17</u>	•				
2. Review Fee (\$500 for standard rezoning <u>OR</u> \$1,000 + \$5.00/acre for Planned Developments) and Advertisement Fee (\$100)	•				
3. Completed application	•				
4. Owner's Consent Form <i>Required if applicant is not property owner.</i>	•				
5. A signed and sealed boundary survey (not more than a year old unless otherwise approved by the Planning Department).					
6. <i>If property to be rezoned is a portion of a parcel:</i> - Property legal description typed (10 pt. font or greater, and also submitted electronically in MS Word format.) - Plat showing property to be rezoned, matching legal description.		•			
7. Adjacent property owners list	•				
8. Neighborhood meeting notice letter (1 copy) <i>See sample letter and meeting requirements included in this packet</i>					
9. Neighborhood meeting summary form (1 copy) <i>Included in this packet</i>	Must be submitted after neighborhood meeting is held and at least 10 days prior to Planning Board meeting.				
10. Stamped, addressed, empty envelopes with no return address, using the adjacent property owner list (1 set) <i>This for a public notice of the public hearing mailed by the Town – thus, neighbors will receive both a neighborhood meeting letter from the applicant, and a notice of the hearing from the Town.</i>	•				

APPROVAL CRITERIA

All applications for a Rezoning must address the following findings:

1. Consistency with the adopted plans of the Town.
The subject parcel is located within an 'Employment Center' of the Town of Clayton's Future Land Use Plan. Industrial District zoning is allowed within 'Employment Center' designated areas.
2. Suitability of the subject property for uses permitted by the current vs. the proposed district.
The subject parcel is located directly adjacent to properties that are currently zoned within the Industrial District. Properties located to the Northwest and Southwest of the subject parcel, adjacent to Atkinson Street and Bartex Mill Street, are zoned I -1.
3. Whether the proposed change tends to improve the balance of uses, or meets specific demand in the Town.
The proposed change would allow the subject parcel to be developed for an Industrial Use. Currently, there is a similar use (outdoor storage and parking area) located directly adjacent to the proposed project on the South side of Atkinson Street.
4. The capacity of adequate public facilities and services including schools, roads, recreation facilities, wastewater treatment, potable water supply and stormwater drainage facilities is available for the proposed use.
The capacity of public facilities is adequate to support the anticipated use of the proposed project. Any additional driveway connections to Atkinson Street would require a Driveway Access Permit to be approved by the Town of Clayton.
5. It has been determined that the legal purposes for which zoning exists are not violated.
The subject parcel is proposed to be zoned I - 1 and the project would comply with all zoning requirements of the Town of Clayton Unified Development Code.
6. It has been determined that there will be no adverse effect upon adjoining property owners unless such effect can be justified by the overwhelming public good or welfare.
The subject parcel is proposed to be zoned I - 1 and the project would comply with all zoning requirements of the Town of Clayton Unified Development Code. No adverse effects upon adjoining properties are expected. The existing riparian buffers located on the parcel would remain.
7. It has been determined that no one property owner or small group of property owners will benefit materially from the change to the detriment of the general public.
The development of the subject parcel would be beneficial to the Town of Clayton as well as the surrounding area.

APPLICANT AFFIDAVIT

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

Dalton Engineering and Associates, P.A.

JERRY DARTON
Print Name


Signature of Applicant

12/1/17
Date



TOWN OF CLAYTON
Engineering & Inspections
111 E. Second St., P.O. Box 879
Clayton, NC 27528
Phone: 919-553-5002
Fax: 919-553-1720

OWNER'S CONSENT FORM

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

Project Name: Recovery Logistics Address or PIN #: 165915-74-4561

AGENT/APPLICANT INFORMATION:

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

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

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

Rezoning Application

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

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

OWNER AUTHORIZATION:

WFCLHK Properties LLC
(Name - type, print clearly)

8620 River Rd.
(Address)

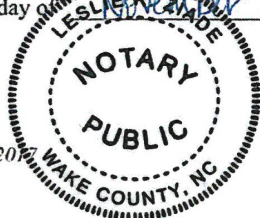
[Signature]
(Owner's Signature)

Wilmington NC 28412
(City, State, Zip)

STATE OF NC
COUNTY OF Wake

Sworn and subscribed before me
the 30 day of November, 2017.

SEAL



October 2017

a Notary Public for the above State and County, this

[Signature]
Notary Public
My Commission
Expires: 5/14/2022

Page 10 of 10



TOWN OF CLAYTON
Engineering & Inspections
111 E. Second St., P.O. Box 879
Clayton, NC 27528
Phone: 919-553-5002
Fax: 919-553-1720

OWNER'S CONSENT FORM

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

Project Name: Recovery Logistics Address or PIN #: 165915-74-4561

AGENT/APPLICANT INFORMATION:

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

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

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

Rezoning Application

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

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

OWNER AUTHORIZATION:

WFCLHK Properties LLC
(Name - type, print clearly)

8630 River Rd.
(Address)

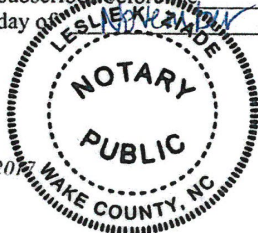
[Signature]
(Owner's Signature)

Wilmington NC 28412
(City, State, Zip)

STATE OF NC
COUNTY OF Wake

Sworn and subscribed before me
the 30 day of November, 20 17.

SEAL



October 2017

, a Notary Public for the above State and County, this

[Signature]
Notary Public
My Commission
Expires:

5/14/2022

Page 10 of 10

ADJACENT PROPERTY OWNERS LIST

Project Name: **Recovery Logistics**

The following are all the persons, firms, or corporations owning property within 100 feet and immediately adjacent to the property (including across street rights of way) subject to this request. Where the subject property immediately adjoins a public or private right-of-way, landscape or riparian buffer, commonly-owned private area, public property, or homeowners' association property, then letters of notification shall be sent to adjoining property owners as if they directly abut the subject property. Please use a separate sheet if necessary

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

PARCEL NUMBER	NAME	ADDRESS
165915-74-4851	John and Zan Lipscomb	3409 Barber Mill Rd Clayton, NC 27520
165916-74-6703	Jerry C and Jacalyn P Creech	2000 Forest Dr Clayton, NC 27520
165916-74-6507	Eugene Broadwell	707 W Horne St Clayton, NC 27520
165916-74-6685	Olie Eugene and Lea Broadwell	707 West Horne St Clayton, NC 27520
165916-74-6580	Miles M Mercer	306 S Moore St Clayton, NC 27520
165911-75-3120	Fellowship Baptist Church	PO Box 535 Clayton, NC 27528
165916-74-5491	Patricia Dean Life Estate, Oneta Nichols Remainder	310 Moore St Clayton, NC 27520
165916-74-7566	Gaile M Detellem	302 Moore St Clayton, NC 27520
165915-74-0017	SML RFID Technology LLC	PO Box 129 Clayton, NC 27528
165916-74-6897	Jerry and Jacalyn Creech	2000 Forest Dr Clayton, NC 27520
165915-74-4390	Christopher Todd and Deanne S Moore	1947 Shotwell Rd Clayton, NC 27520
165915-74-4223	Christopher Todd and Deanne S Moore	1947 Shotwell Rd Clayton, NC 27520
165915-74-0831	WFCLHK Properties LLC	8640 River Rd Wilmington, NC 28412
165916-74-6935	Rent to Own Realty LLC	2800 Peachleaf St Raleigh, NC 27614
165915-74-4375	Lynn A Sprague	PO Box 183 Waynesville, NC 28786
165916-74-7862	James C and Pearl Williams	206 S Moore St Clayton, NC 27520



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

*Planning Board
January 22, 2018*

STAFF REPORT

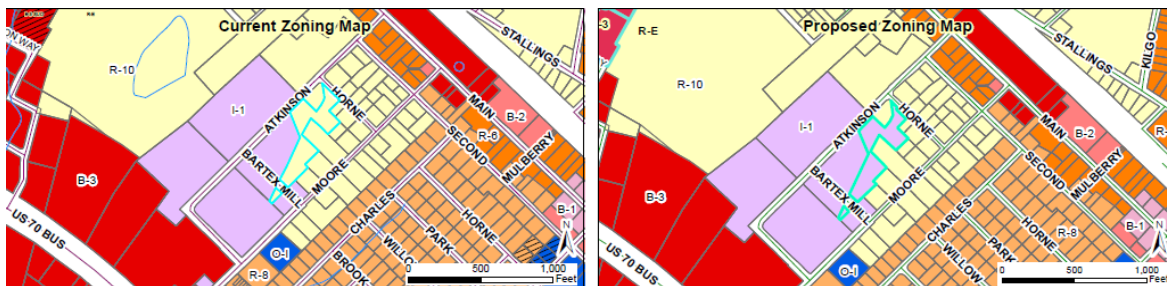
Application Number: 2017-195-RZ Project Name: Recovery Logistics, Rezoning

NC PIN / Tag #: 165915-74-4561 / 05026095e
Town Limits/ETJ: Town limits
Overlay: none.
Applicant: Dalton Engineering & Associates, PA
Owner: G.T. Page Jr.
Location: The property is located south of Atkinson Street, and adjacent to 350 Atkinson Street. It generally winds along the creek that runs between the current industrial properties on Atkinson Street and the residential properties on Moore Street.

Public Noticing:

- Neighborhood meeting January 2, 2018
- Site posted January 16, 2018
- Letters mailed prior to February 23, 2018
- Newspaper ad posted the two Fridays prior to the Hearing (starting February 23, 2018)

REQUEST: Rezoning from Residential-10 (R-10) to Light Industrial (I-1).



SITE DATA:

Acreage: 2.3 acres
Existing Use: Vacant

ADJACENT ZONING AND LAND USES:

Direction	Zoning	Existing Use
North	Light Industrial and Residential-10	Warehouse, Residential, and Church
South	Residential-10 and Light Industrial	Single Family and Multi-family Residential, and Self-Storage Facility
East	Residential-10	Single Family and Multi-family Residential
West	Light Industrial	Warehouse, Outdoor Storage, and [indoor] Manufacturing

STAFF ANALYSIS AND COMMENTARY:

Overview

The applicant is requesting to rezone 2.3 acres from Residential-10 (R-10) to Light Industrial (I-1). The property is vacant, and winds along with a small creek that runs between residential and industrial uses. It currently acts as a de-facto buffer between the two uses. The parcel is unique in that it has frontage on three different Town-owned roads, is split by Bartex Mill Street, and meanders behind 10 different properties (seven of which are zoned residential). The same creek has been marked as a buffered stream on a site plan for the outdoor storage area that currently exists on the adjacent property.



Existing vs. Proposed Zoning

The following uses are typical (but not exhaustive) of the existing zoning district: Residential-10 (R-10). The R-10 zoning district is also the district that is directly adjacent to the north and east of the subject parcel.

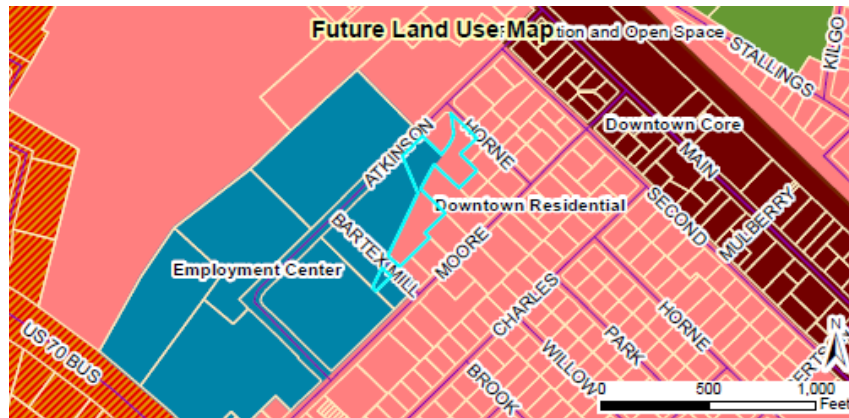
- Single Family Home
- Zero Lot Line Home
- Golf Course
- NOTE: Apartments and Townhomes are permitted in the R-10 zoning district via a Special Use Permit.

The following uses are typical (but not exhaustive) of the proposed zoning district: Light Industrial, (I-1). The existing industrial properties to the west and south of the subject parcel are also zoned I-1.

- Technical or Trade School
- Indoor or Outdoor Entertainment
- Fitness / Recreation Center
- Contractor Office
- Convenience Store / Gas Station
- Cocktail Lounge / Bar
- Microbrewery,
- Publisher
- General Offices
- Pawn Shop
- Radio or Television Studio
- Retail Sales
- Self-storage Facility
- Vehicle Sales, Rental, Repair, or Service
- Building Supply / Wholesale
- Crematorium
- Gas and Fuel Wholesale
- Research Laboratory
- Light Manufacturing (with activities generally occurring indoors only)
- Research and Development
- Warehousing / Freight Movement
- Major Utility

Consistency with the Comprehensive Plan 2040

The property is identified in the adopted Future Land Use Map partially as Downtown Residential (generally the part of the property east of the creek and adjacent to residential properties) and partially as Employment Center (generally the part of the property west of the creek and adjacent to the existing industrial properties). Areas identified as Employment Center are designated as consistent with the Light Industrial rezoning request. Areas identified as Downtown Residential are not designated as consistent with the Light Industrial rezoning request.



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

Future Land Use Designation	COMPATIBLE ZONING DISTRICTS												
	R-E	R-10	R-8	R-6	O-R	O-I	B-1	B-2	B-3	I-1	I-2	PF	PDD
ARR	X											X	
LDR	X	X										X	
MDR		X	X	X								X	
HDR			X	X								X	
DR			X	X	X	X	X					X	X
NC						X	X	X				X	X
CC								X	X			X	X
DC							X					X	X
EC									X	X	X	X	X
ROS												X	

Consistency with Overlay Districts

There are no overlay district that apply.

Compatibility with surrounding land uses and potential for adverse effects

The site is located on the border between a residential neighborhood and industrial facilities. The creek that runs through the property, and the fact that it is currently vacant have functioned as a de-facto landscape buffer between those two disparate uses. It is uncertain how much of the parcel is even available for development, given the nature of the creek and the requirements for stream buffers. If an industrial development were to occur on the properties, a landscaping buffer would be required on the Light Industrial zoned property, which would provide mitigation of adverse impacts to adjacent properties. The minimum size allowed by code for such a buffer would be a 10'-wide swath of landscaping.

Capacity/adequacy of public facilities and services

Adequate access to water, sewer, roads, and other facilities exists.

CONSIDERATIONS:

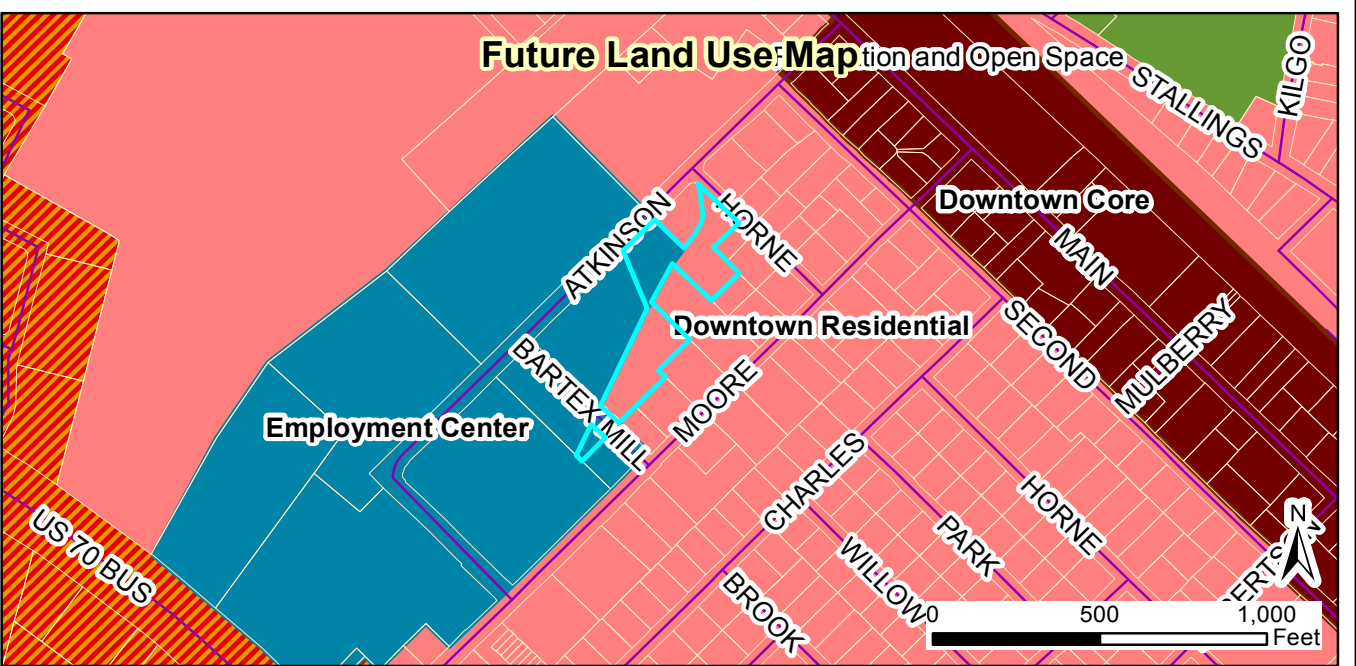
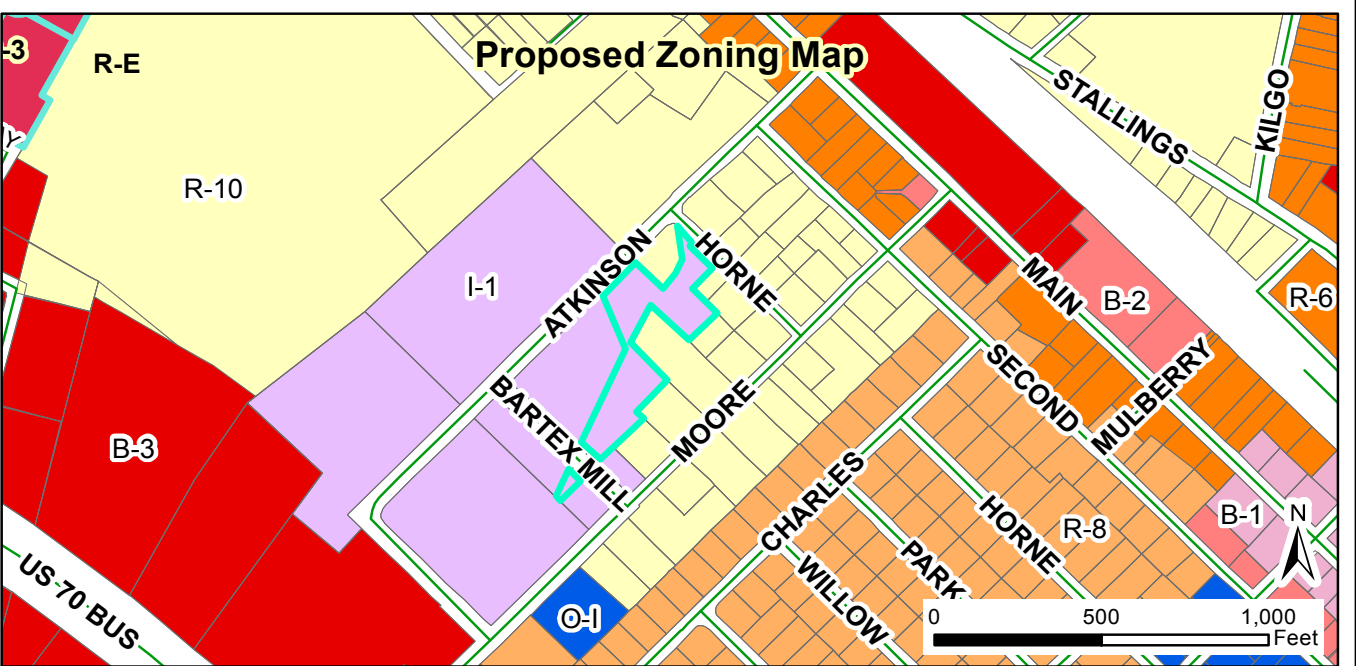
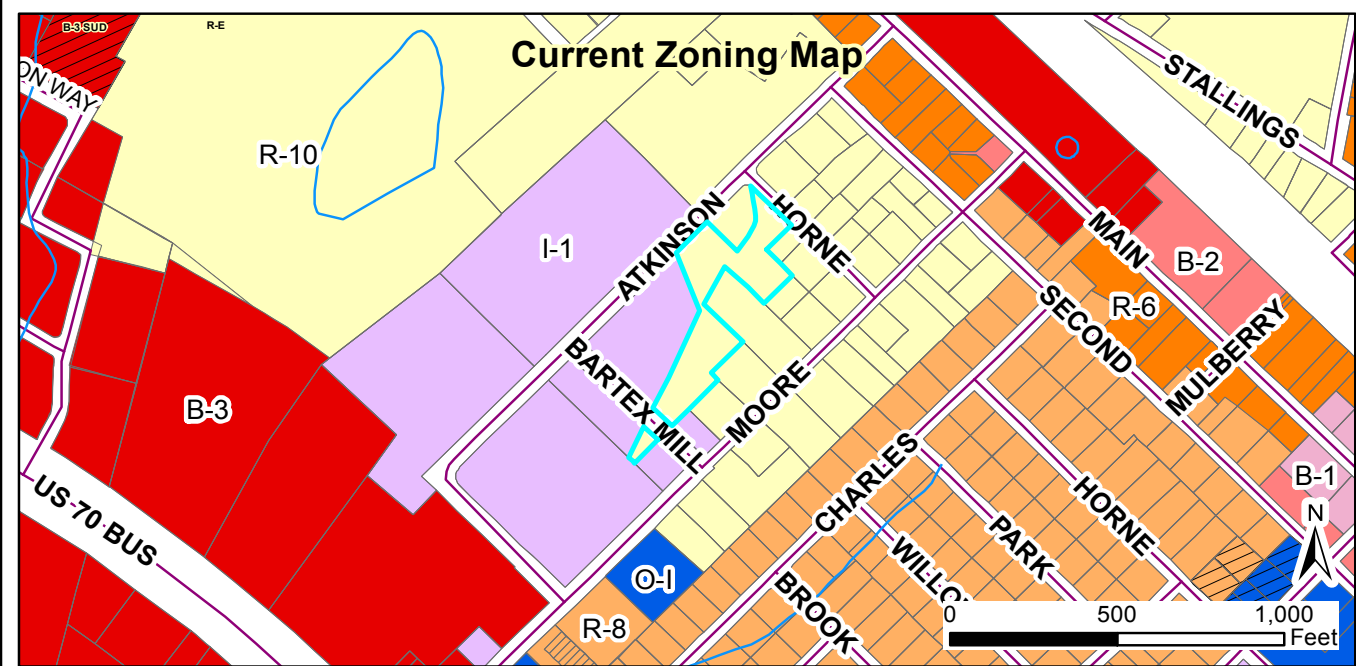
- Rezoning is legislative decisions and are made by the Town Council. The Planning Board shall make a recommendation to the Town Council.
- When adopting or rejecting the rezoning, the Town Council shall approve a statement describing whether its action is consistent with adopted plans and/or policies of the Town and explaining why the Council considers the action taken to be reasonable and in the public interest. If the rezoning is approved and is in conflict with an adopted plan, the plan shall be amended to be consistent with the rezoning.
- In general, a parcel should not be split-zoned unless, per §155.704(A)(3), it is "possible to subdivide the and develop that portion of the property outside the proposed rezoning boundary in accordance with the existing zoning and other requirements [of the Unified Development Code]". A subdivision and development of the property is possible is this proposed split-rezoning.

STAFF RECOMMENDATION:

- Approval of the rezoning of the property within the Employment Center Future Land Use category.
- Denial of the rezoning of the property within the Downtown Residential Future Land Use category.

ATTACHMENTS:

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



Request:
2017-197-RZ, Recovery Logistics rezoning from R-10 to I-1.

Applicant: Dalton Engineering and Assoc., PA
 Property Owners: G.T. Page Jr.
 Parcel ID: 165915-74-4561
 Tag #: 05026095e

Staff Report Map



Document Path: O:\PLANNING\REZONING\Rezoning\2017\2017-195-RZ Recovery Logistics\Map\Map - Recovery Logistics 2017-195-RZ.mxd

Legend

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

01/11/2018
 Produced by: TOC Planning
 Disclaimer: Town of Clayton assumes no legal responsibility for the quality of the data represented here.

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Project: Recovery Logistics

Application: Rezoning Application

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

	NAME	ADDRESS
1	Jonathan Barnes	446 East Main Street Clayton, NC
2	Chris & DeAnne Moore	1947 Shotwell Rd Clayton NC
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		

NEIGHBORHOOD MEETING SUMMARY FORM

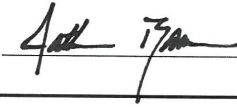
FILL OUT THE FOLLOWING:

Application: Recovery Logistics - Rezoning Application

Date of Mailing: 12/22/17

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

Printed Name: Jonathan Barnes

Signature: 

Date of Meeting: 01/02/18

Time of Meeting: 6:30 p.m.

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

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

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

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

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

NEIGHBORHOOD MEETING SUMMARY FORM

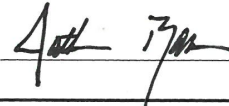
FILL OUT THE FOLLOWING:

Application: Recovery Logistics - Rezoning Application

Date of Mailing: 12/22/17

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

Printed Name: Jonathan Barnes

Signature: 

Date of Meeting: 01/02/18

Time of Meeting: 6:30 p.m.

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

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

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

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

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

REZONING THIS PROPERTY SHOULD NEVER HAPPEN!
October 2017

Page 9 of 10

Chris Moore

Rezoning
[Additional
requirements
listed in Town
Ordinance
155.702]:

PUBLIC NOTICE

In accordance with **NC GS 160A-384**, the Clayton Town Council will hold a public hearing on Monday, March 5, 2018, at 6:00 PM at Town Hall, 111 East Second Street, to consider rezoning request 2.3 acres between Moore Street and Atkinson Street for parcel number(s) 165915-74-4561, all within the town limits. The requested change is from Residential-10 to Light Industrial.

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

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

Jay McLeod, Senior Planner
919-553-5002

The Clayton News Star

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

Affidavit of publication required.

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

**Recovery Logistics
2017-195-RZ**

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

Recommendation to the Town Council to

☐ approve the request;

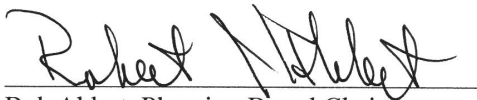
☐ deny the request;

☒ other

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

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

Signed:



Bob Ahlert, Planning Board Chair

ROBERT J.



Town Council Agenda Cover Sheet

Meeting Date

February 19 2018

Agenda Location

New Business

Item Title

2017-160-RZ, Massey Property rezoning

Presenter *(Name & Title)*

Jay McLeod, Senior Planner

Summary/Description

Request to rezone three tracts from Residential-Estate (R-E) to Residential-8 (R-8) and Neighborhood Business (B-2), near the intersection of Ranch Road and Little Creek Church Road.

Requested Action

Set Public Hearing

Additional Documents To Be Included in Agenda Packet

Application
Staff Report Map
Neighborhood Meeting Materials
Planning Board recommendation
Applicant supporting materials
Newspaper Ad



TOWN OF CLAYTON

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

REZONING APPLICATION

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

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

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

SITE INFORMATION

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

APPLICANT INFORMATION

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

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

version 1/6/2016

PROPERTY OWNER INFORMATION

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

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

Phone Number: 919 553 6142

Fax: 919 553 8742

Email Address: allen@atewlawfirm.com

EXPLANATION OF PROJECT

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

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

REQUIRED INFORMATION (to be submitted with the application)

The following items must accompany a Rezoning application.

To be completed by the applicant:			For staff use only:		
	Yes	N/A	Yes	No	N/A
Submit 9 copies of all materials unless otherwise noted or directed by staff					
1. A pre-application conference was held with Town of Clayton staff. Date: 9/7/17	☒	☐			
2. Review Fee (\$500 for standard rezoning OR \$1,000 + \$5.00/acre for Planned Developments) and Advertisement Fee (\$100)	☒				
3. Completed application	☒				
4. Owner's Consent Form <i>Required if applicant is not property owner.</i>	☒	☐			
5. A signed and sealed boundary survey (not more than a year old unless otherwise approved by the Planning Department).	☒				
6. If property to be rezoned is a portion of a parcel: - Property legal description typed (10 pt. font or greater, and also submitted electronically in MS Word format.) - Plat showing property to be rezoned, matching legal description.	☐ ☐	☒ ☒			
7. Adjacent property owners list	☒	☐			
8. Neighborhood meeting notice letter (1 copy) <i>See sample letter and meeting requirements included in this packet</i>	☒				
9. Neighborhood meeting summary form (1 copy) <i>Included in this packet</i>			Must be submitted after neighborhood meeting is held and at least 10 days prior to Planning Board meeting.		
10. Stamped, addressed, empty envelopes with no return address, using the adjacent property owner list (1 set) <i>This for a public notice of the public hearing mailed by the Town – thus, neighbors will receive both a neighborhood meeting letter from the applicant, and a notice of the hearing from the Town.</i>	☒				

APPROVAL CRITERIA

All applications for a Rezoning must address the following findings:

1. Consistency with the adopted plans of the Town.
The proposed rezoning, R-8, with supporting Neighborhood Center commercial, NC, are consistent with the proposed land uses shown in the Comprehensive Plan 2040 adopted October 15, 2015.

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

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

4. The capacity of adequate public facilities and services including schools, roads, recreation facilities, wastewater treatment, potable water supply and stormwater drainage facilities is available for the proposed use.
Major utilities such as water, sewer, and electricity are available in the area and can be readily provided.

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

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

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

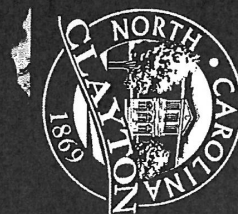
ATTACHMENT “2 A” TO TOWN OF CLAYTON, MASSEY ZONING APPLICATION

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

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

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

US 70 Bypass Conversion



NCDOT 2016-2025 STIP

Proposed South Connector



STIP Number: R-3618

TIP R-3618

SPOTID H090250

ROUTE_CITY NEW ROUTE

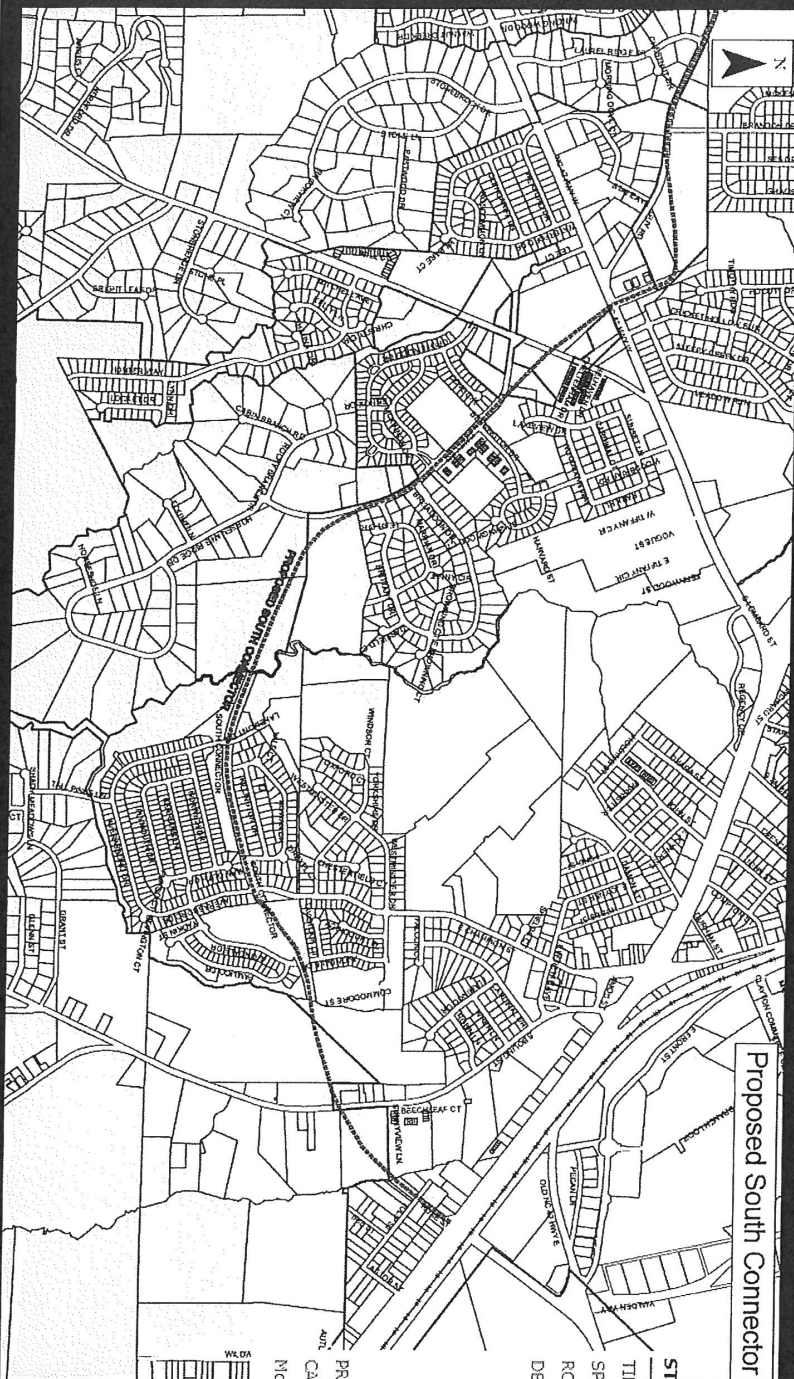
DESC SR 1553 (SHOTWELL ROAD) SOUTHWEST OF US 70 TO NC 42 EAST OF CLAYTON. CONSTRUCT TWO LANE ROAD ON MULTI-LANE RIGHT OF WAY.

PROGRAM R

CATEGORY Division Needs

Mode Highway

Design By:
2025



NCDOT US-70 Resurfacing / Safety Project

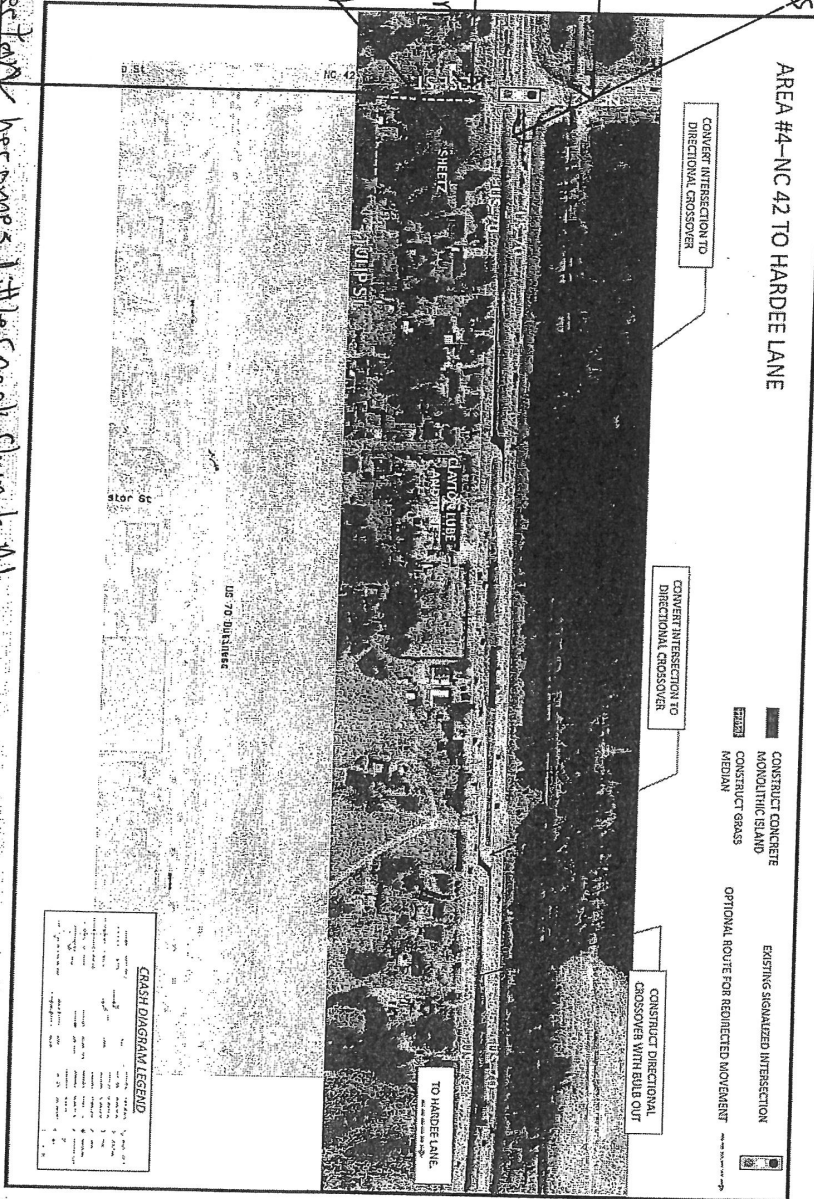
US 70 BUSINESS

NC 42 EAST
TO WILSON

Proposed
South Connector
Intersection

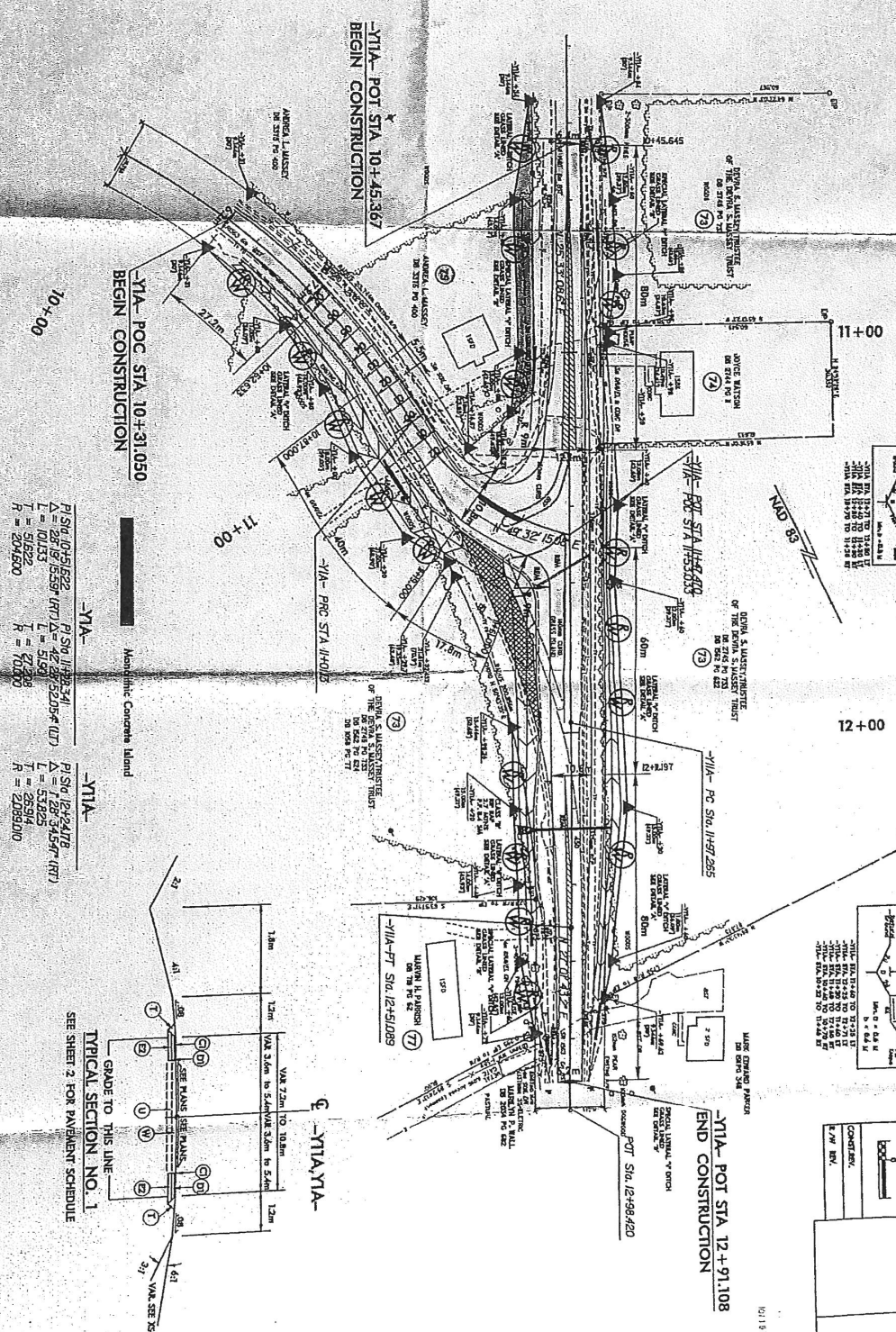
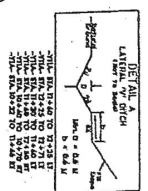
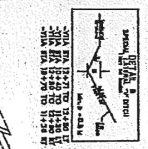
Sheet 2 station

South Connector becomes Little Creek Church Rd.



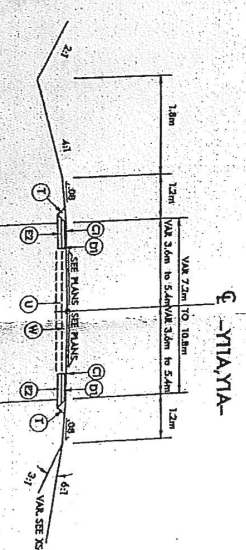
######

PROJECT RECORD NO.	SHEET NO.
2-25-22	25A
DATE	NO. SHEET NO.
2-25-22	25A
DESIGNED BY	PROFESSOR
ENGINEER	ENGINEER
CHECKED BY	
DATE	



P1 STA 10+45.367
 L = 101.53
 T = 51.622
 R = 204.600
 P1 STA 11+53.033
 L = 101.53
 T = 51.622
 R = 204.600
 P1 STA 12+51.089
 L = 101.53
 T = 51.622
 R = 204.600

TYPICAL SECTION NO. 1
 SEE SHEET 2 FOR PAVEMENT SCHEDULE



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

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

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

APPLICANT AFFIDAVIT

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

Devra S. Massey, Trustee

Print Name

Devra S. Massey, Trustee
Signature of Applicant

9/22/17
Date

STATE OF Virginia
COUNTY OF Kingston

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



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

APPLICANT AFFIDAVIT

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

Michael John Massey

Print Name

Signature of Applicant

Date

9/22/17

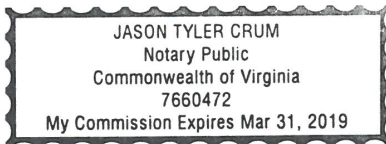
STATE OF Virginia
COUNTY OF Albemarle

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

SEAL

Notary Public

My Commission Expires: 03/31/2019



APPLICANT AFFIDAVIT

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

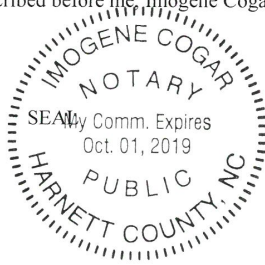
Allen R. Tew
Print Name

Allen R. Tew
Signature of Applicant

9/26/17
Date

STATE OF NORTH CAROLINA
COUNTY OF JOHNSTON

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



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

APPLICANT AFFIDAVIT

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

Andrea Lynn Massey

Print Name

Andrea Lynn Massey
Signature of Applicant

9/22/17
Date

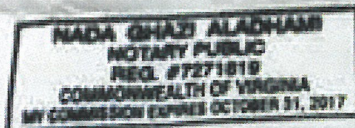
STATE OF Virginia
COUNTY OF Charlottesville

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

SEAL

Notary Public

My Commission Expires 10/31/2017





TOWN OF CLAYTON
Planning Department

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

OWNER'S CONSENT FORM

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

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

AGENT/APPLICANT INFORMATION:

Allen T. Tew
(Name - type, print clearly)

PO Box 145
(Address)
Clayton, N.C. 27528
(City, State, Zip)

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

Massey Rezoning Application

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

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

OWNER AUTHORIZATION:

Michael John Massey
(Name - type, print clearly)

1840 Summitt View Lane
(Address)

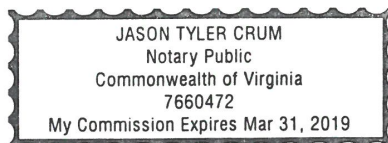
[Signature]
(Owner's Signature)

Charlottesville, Va. 22903
(City, State, Zip)

STATE OF Virginia
COUNTY OF Albemarle

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

SEAL



[Signature]
Notary Public
My Commission
Expires:

03/31/19

version 10/15/2015

Page 10 of 10



**TOWN OF CLAYTON
Planning Department**

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

OWNER'S CONSENT FORM

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

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

AGENT/APPLICANT INFORMATION:

Allen R. Tew

(Name - type, print clearly)

PO Box 145

(Address)

Clayton, N.C. 27528

(City, State, Zip)

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

Massey Rezoning Application

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

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

OWNER AUTHORIZATION:

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

513 W. Broad Street, # 302
(Address)

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

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

STATE OF
COUNTY OF

Virginia

Arlington

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

David O Melendez Ventura
Notary Public
My Commission
Expires:

#7042102
Feb 28, 2019





**TOWN OF CLAYTON
Planning Department**

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

OWNER'S CONSENT FORM

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

Project Name: Massey Rezoning

Address or PIN #: 106814-32-6099

AGENT/APPLICANT INFORMATION:

Allen T. Tew

(Name - type, print clearly)

PO Box 145

(Address)

Clayton, N.C. 27528

(City, State, Zip)

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

Massey Rezoning Application

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

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

OWNER AUTHORIZATION:

Andrea Lynn Massey

(Name - type, print clearly)

Andrea Lynn Massey
(Owner's Signature)

1840 Summit View Lane

(Address)

Charlottesville, Va. 22903

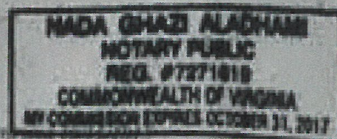
(City, State, Zip)

STATE OF Virginia

COUNTY OF Charlottesville

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

SEAL



Notary Public
My Commission
Expires:

10/31/2017



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

*Planning Board
January 22, 2018*

STAFF REPORT

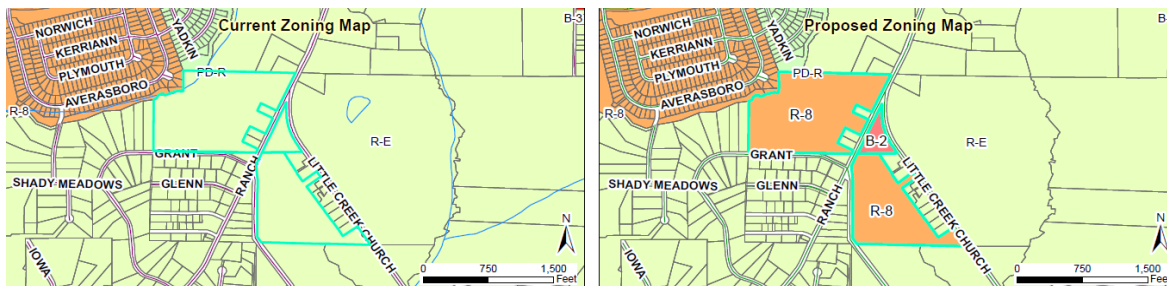
Application Number: 2017-160-RZ Project Name: Massey Rezoning

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

Public Noticing:

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

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



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

Tract 1: 26.9 acres

Tract 2: 17.5 acres

Tract 3: 2.5 acres

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

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

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

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

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

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

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

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

STAFF ANALYSIS AND COMMENTARY:

Overview

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

Existing vs. Proposed Zoning

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

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

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

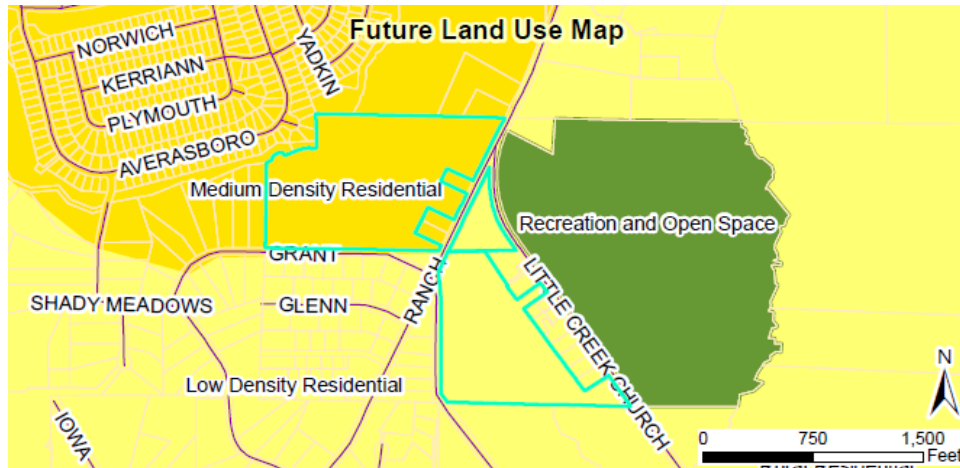
- Single Family Home
- Zero Lot Line Home
- Golf Course
- NOTE: Apartments and Townhomes are permitted in the R-8 zoning district via a Special Use Permit.

The following uses are typical (but not exhaustive) of the zoning district proposed for Tract 3: Neighborhood Business (B-2). Tract 3 is currently completely surrounded by Residential-Estate (R-E) zoned properties. The B-2 zoning district is intended to provide “opportunities for small-scale commercial uses, offering primarily convenience shopping and services for adjacent residential areas. Proximity to residences requires that commercial operations are low intensity, unobtrusive, and conducted at a scale and density compatible with the surrounding neighborhood.” per §155.200(B)(2)(d).

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

Consistency with the Comprehensive Plan 2040

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



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

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

Future Land Use Designation	COMPATIBLE ZONING DISTRICTS												
	R-E	R-10	R-8	R-6	O-R	O-I	B-1	B-2	B-3	I-1	I-2	PF	PDD
ARR	X											X	
LDR	X	X										X	
MDR		X	X	X								X	
HDR			X	X								X	
DR			X	X	X	X	X					X	X
NC						X	X	X				X	X
CC								X	X			X	X
DC							X					X	X
EC									X	X	X	X	X
ROS												X	

Consistency with Overlay Districts

There are no applicable overlay districts.

Compatibility with surrounding land uses and potential for adverse effects

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

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

Adequacy of Public Facilities

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

CONSIDERATIONS:

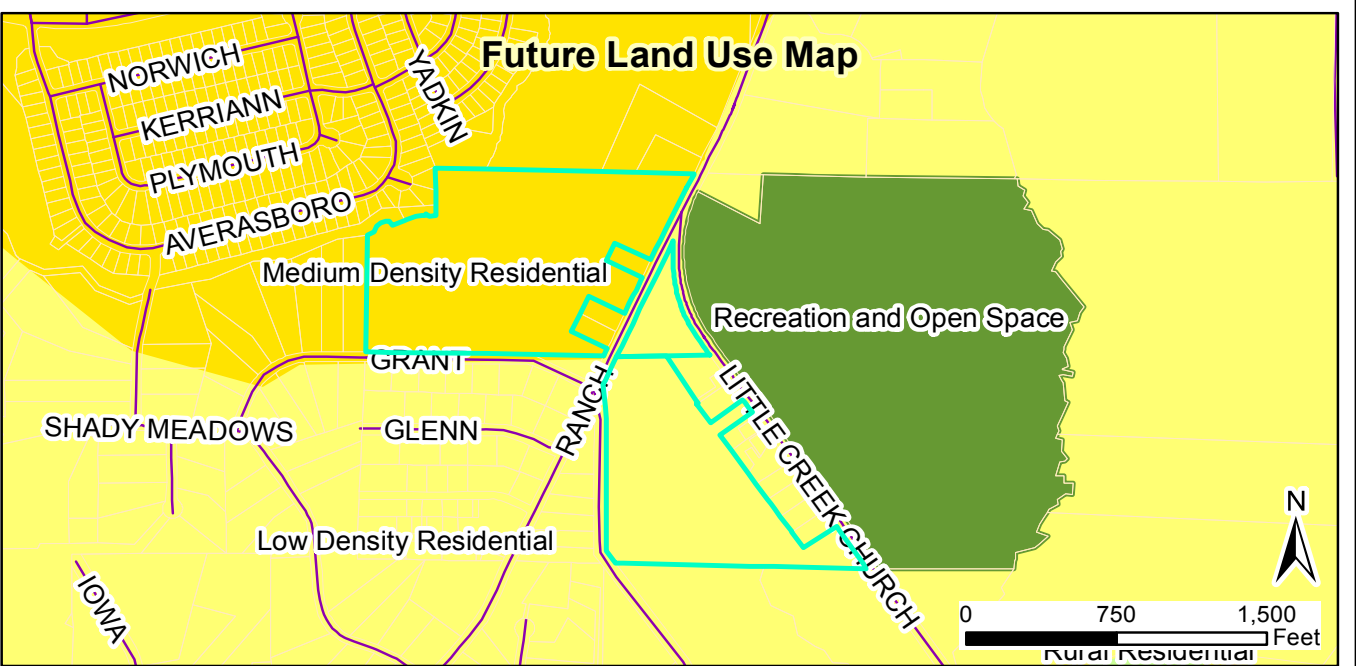
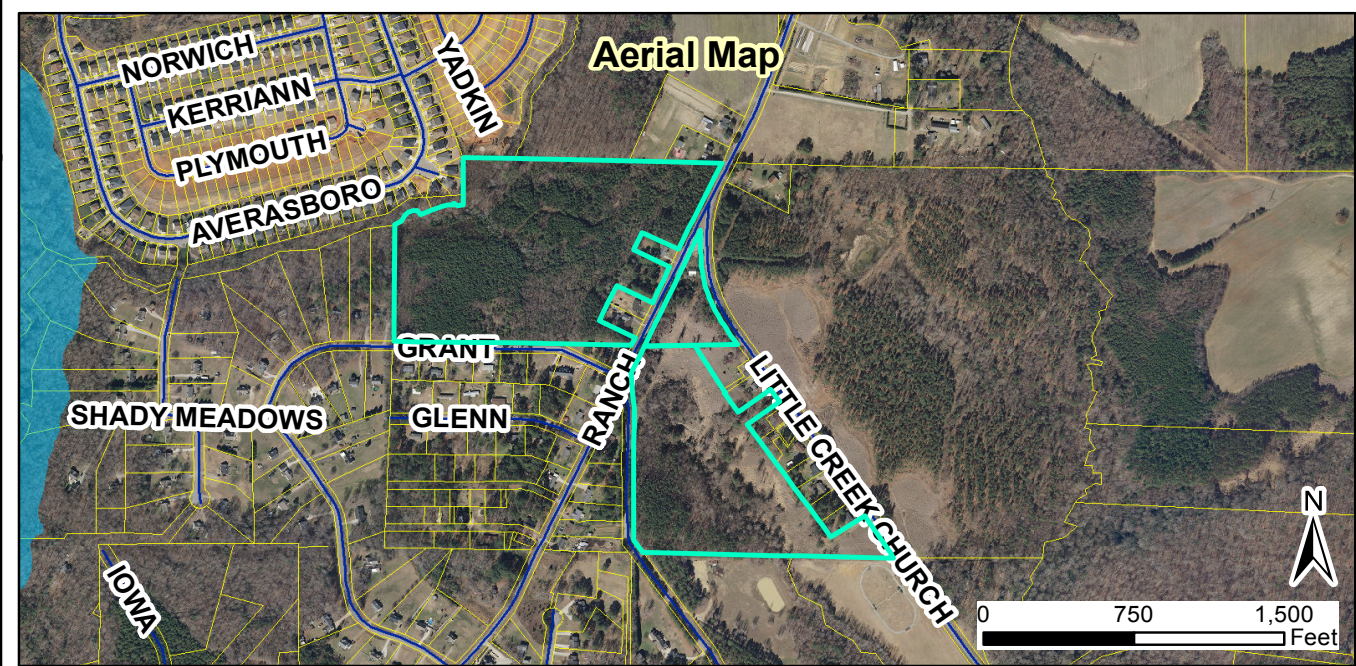
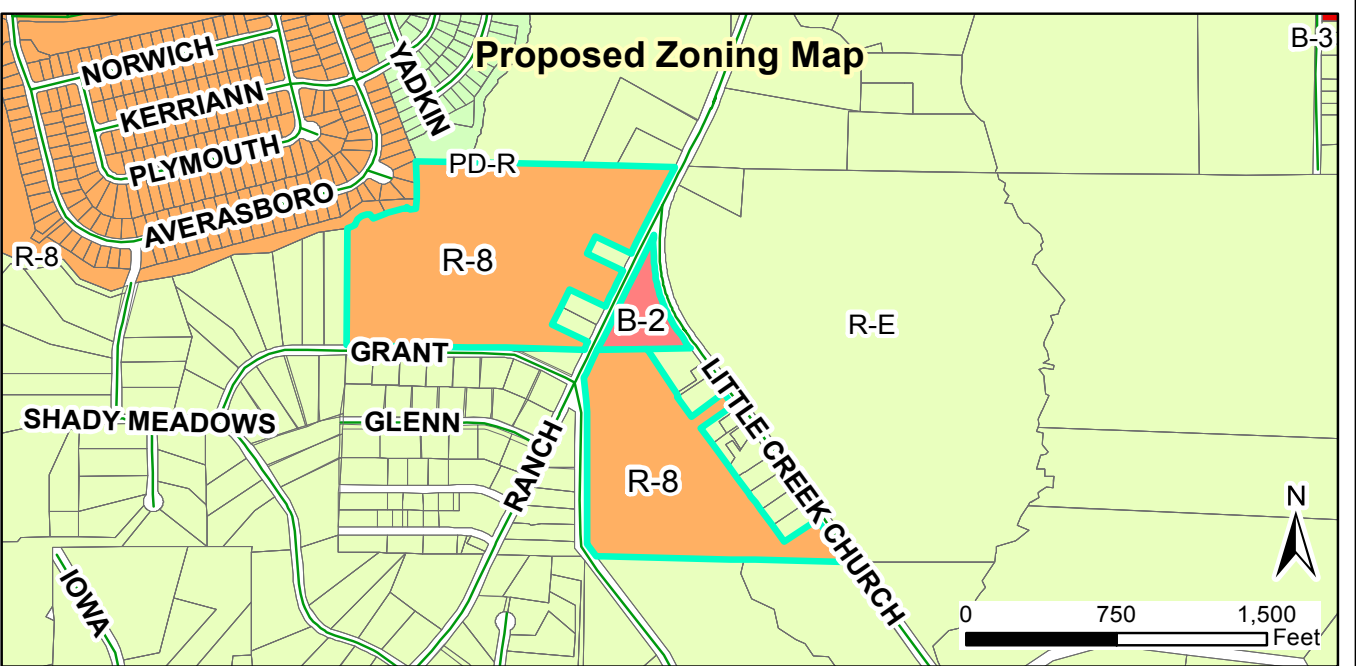
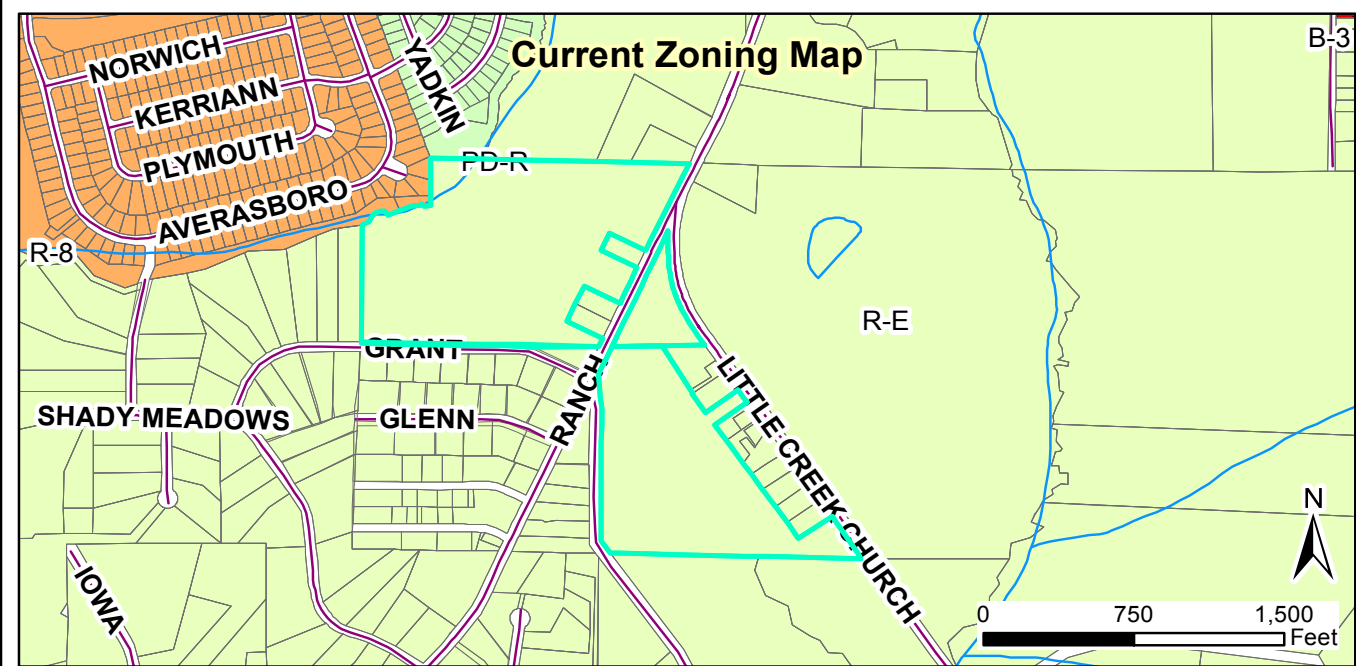
- Rezoning is legislative decisions and are made by the Town Council. The Planning Board shall make a recommendation to the Town Council.
- When adopting or rejecting the rezoning, the Town Council shall approve a statement describing whether its action is consistent with adopted plans and/or policies of the Town and explaining why the Council considers the action taken to be reasonable and in the public interest. If the rezoning is approved and is in conflict with an adopted plan, the plan shall be amended to be consistent with the rezoning.
- In general, a parcel should not be split-zoned unless, per §155.704(A)(3), it is “possible to subdivide the and develop that portion of the property outside the proposed rezoning boundary in accordance with the existing zoning and other requirements [of the Unified Development Code]”. A subdivision and development is possible in this proposed split-rezoning, especially since Tract 1 and 2 are currently split by and have sufficient frontage on Ranch Road.

STAFF RECOMMENDATION:

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

ATTACHMENTS:

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



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

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

Staff Report Map



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

Legend

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

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

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

Allen R. Tew

allen@atewlawfirm.com

Also Licensed in South Carolina
Certified Superior Court Mediator

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

October 24, 2017

Via Email in PDF Format Only
ddeyoung@townofclaytonnc.org

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

Re: Massey Rezoning Application

Dear Dave, Jay and Paralee:

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

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

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

Mr. David DeYoung
December 7, 2017
Page 2

wnm hte

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

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

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

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

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

I look forward to your response.

Cordially,

Allen R. Tew

ART/isc

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

Allen Tew

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

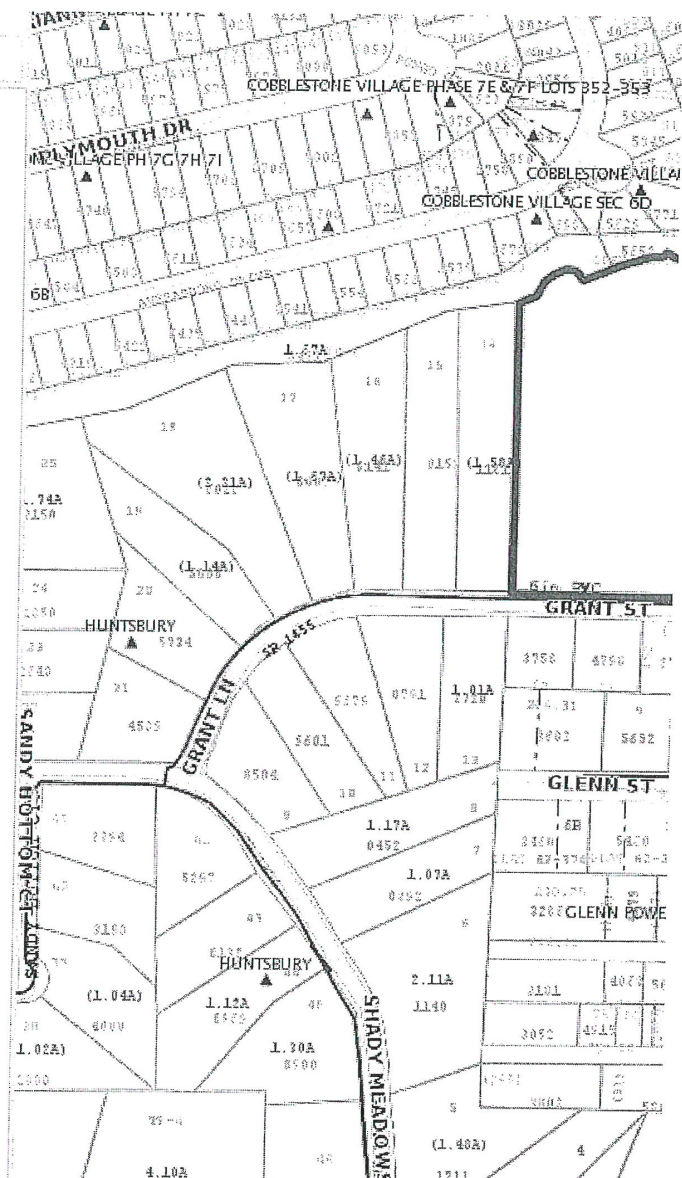
Allen,

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

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

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

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



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

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

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

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

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

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

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

Sincerely,

Dave

David L. DeYoung, AICP

Planning and Development Director

Town of Clayton

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

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

ddeyoung@townofclaytonnc.org



Please consider the environment before printing this email.

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

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

To: David DeYoung <DDeYoung@townofclaytonnc.org>

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

Subject: Massey Rezoning

Dear David, Jay, and Para,

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

Cordially,

Allen



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

Allen R. Tew

allen@atewlawfirm.com

Also Licensed in South Carolina
Certified Superior Court Mediator

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

December 21, 2017

Dear Clayton Area Property Owner:

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

The meeting will be held on January 10, 2018, at 6:30 P.M., at the Masonic Lodge located at 621 Boling Street, Clayton, North Carolina 27520.

The type of Application being sought is a rezoning application for the purpose of selling the property to an interested developer.

The project/proposal is to rezone Tract I (45.62 acres) for residential use and Tract II (3.80 acres) for neighborhood commercial uses.

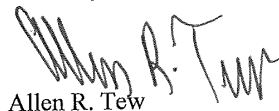
At a minimum, the following will be available for your inspection at the Neighborhood Meeting:

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

A map is enclosed with this letter showing the location of the property that is subject to this application for land use change and/or development proposal.

If you have any questions prior to or after this meeting, you may contact me at (919) 553-6142. You may also contact the Planning Department at (919) 553-5002.

Sincerely,



Allen R. Tew
Counsel for Applicant

ART/isc
Enclosure: Map

ADJACENT PROPERTY OWNERS LIST

Project Name: MASSEY REZONING R-8 DEVRA MASSEY, TRUSTEE

The following are all the persons, firms, or corporations owning property within 100 feet and immediately adjacent to the property (including across street rights of way) subject to this request. Where the subject property immediately adjoins a public or private right-of-way, landscape or riparian buffer, commonly-owned private area, public property, or homeowners' association property, then letters of notification shall be sent to adjoining property owners as if they directly abut the subject property. Please use a separate sheet if necessary.

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

[illegible]



*** DISCLAIMER ***

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

Result 1

id: 05H04031D
Tag: 05H04031D
Tax Unique Id: 4715761
Owner Name 1: DEVRA S MASSEY TRUST
Owner Name 2: MASSEY, DEVRA S TRUSTEE
Mail Address 1: 513 WEST BROAD STREET #302
Mail Address 2:
Mail Address 3: FALLS CHURCH, VA 22046-0000
Book: 02745
Page: 0733

Result 2

id: 05E99007Q
Tag: 05E99007Q
Tax Unique Id: 4677151
Owner Name 1: TART, KAREN
Owner Name 2: CARWELL, JEFF
Mail Address 1: 2006 CROOKED CREEK RD
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-6447
Book: 01366
Page: 0910

Result 3

id: 05E99020X
Tag: 05E99020X
Tax Unique Id: 4646149
Owner Name 1: FORREST HILL CEMETERY
Owner Name 2:
Mail Address 1:
Mail Address 2:
Mail Address 3:
Book:
Page:

Result 4

id: 05H04031
Tag: 05H04031
Tax Unique Id: 4885227
Owner Name 1: BROWN, BEVERLY RENE
Owner Name 2: DIXON, ANGELA ODOM
Mail Address 1: 5675 LITTLE CREEK CHURCH RD
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-0000
Book: 00721
Page: 0351

Result 5

id: 05H04046H
Tag: 05H04046H
Tax Unique Id: 4705317
Owner Name 1: TOWN OF CLAYTON
Owner Name 2:
Mail Address 1:
Mail Address 2: PO BOX 879
Mail Address 3: CLAYTON, NC 27528-0879
Book: 04490
Page: 0198

Result 6

id: 05H04031N
Tag: 05H04031N
Tax Unique Id: 4648739
Owner Name 1: TOMLINSON, HORACE CRAIG
Owner Name 2:
Mail Address 1: 141 REDBUD DR
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-4800
Book: 01180
Page: 0833



*** DISCLAIMER ***

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

Result 7

id: 05H04031J
Tag: 05H04031J
Tax Unique Id: 4648734
Owner Name 1: SMITH, IRECKA DANIELLE
RENEE
Owner Name 2:
Mail Address 1: 5595 LITTLE CREEK CHURCH
ROAD
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-0000
Book: 02852
Page: 0108

Result 9

id: 05H04030X
Tag: 05H04030X
Tax Unique Id: 4715752
Owner Name 1: LIGHTS, JUDITH S
Owner Name 2:
Mail Address 1: 205 GRANT ST
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-8489
Book:
Page:

Result 11

id: 05H04031U
Tag: 05H04031U
Tax Unique Id: 4715757
Owner Name 1: DUNN, BILLY R JR
Owner Name 2: HARDY, YOLANDA D
Mail Address 1: 229 GRANT STREET
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-0000
Book: 03200
Page: 0312

Result 8

id: 05H03022
Tag: 05H03022
Tax Unique Id: 4691055
Owner Name 1: COX, JIMMY R
Owner Name 2: COX, JUDY G
Mail Address 1: 8851 US 70 BUS HWY W
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-9296
Book: 04227
Page: 0306

Result 10

id: 05H05001K
Tag: 05H05001K
Tax Unique Id: 4715773
Owner Name 1: WILDER, SHARITA EVETTE
Owner Name 2: WILDER, WAYNE
Mail Address 1: 221 GRANT ST
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-8489
Book: 02093
Page: 0011

Result 12

id: 05H04033B
Tag: 05H04033B
Tax Unique Id: 4693880
Owner Name 1: YEAGLEY, PATTI J
Owner Name 2:
Mail Address 1: 427 GRANT LN
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-6490
Book: 04126
Page: 0459



*** DISCLAIMER ***

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

Result 19

id: 05H04046C
Tag: 05H04046C
Tax Unique Id: 4637355
Owner Name 1: CONTRERAS, GREGORIO
Owner Name 2:
Mail Address 1: 22 BEVINGTON CT
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-2996
Book: 04291
Page: 0602

Result 20

id: 05H04199U
Tag: 05H04199U
Tax Unique Id: 4683488
Owner Name 1: WATSON, JOYCE
Owner Name 2:
Mail Address 1: 50 RANCH RD
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-0000
Book: 02744
Page: 0011

Result 21

id: 05H04037K
Tag: 05H04037K
Tax Unique Id: 4488969
Owner Name 1: LOCKLEAR, JESSIE JAMES
JUNIOR II
Owner Name 2: LOCKLEAR, STEPHANIE
Mail Address 1: 295 AVERASBORO DR
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520
Book: 04741
Page: 0726

Result 22

id: 05H04046A
Tag: 05H04046A
Tax Unique Id: 4740073
Owner Name 1: FREO NORTH CAROLINA LLC
Owner Name 2:
Mail Address 1:
Mail Address 2: PO BOX 4090
Mail Address 3: SCOTTSDALE, AZ 85261-4090
Book: 04856
Page: 0212

Result 23

id: 05H04046E
Tag: 05H04046E
Tax Unique Id: 4742914
Owner Name 1: AMH NC PROPERTIES, LP
Owner Name 2:
Mail Address 1: 30601 AGOURA RD STE 200
Mail Address 2:
Mail Address 3: AGOURA HILLS, CA 91301-2148
Book: 04865
Page: 0034

Result 24

id: 05H04035G
Tag: 05H04035G
Tax Unique Id: 4636817
Owner Name 1: CORMIER, VIVIA M
Owner Name 2:
Mail Address 1: 124 HUCKABERRY ST
Mail Address 2:
Mail Address 3: ELIZABETHTOWN, KY
42701-7302
Book: 04262
Page: 0348



*** DISCLAIMER ***

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

Result 25

id: 05H04037L
Tag: 05H04037L
Tax Unique Id: 4634643
Owner Name 1: KIMBROUGH, KEVIN
Owner Name 2: KIMBROUGH, LATASHA
Mail Address 1: 283 AVERASBORO DR
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-2690
Book: 04400
Page: 0835

Result 26

id: 05H04046B
Tag: 05H04046B
Tax Unique Id: 4689301
Owner Name 1: HADI, ASHLEY
Owner Name 2: HADI, MHAMED
Mail Address 1: 26 BEVINGTON CT
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-2996
Book: 04196
Page: 0989

Result 27

id: 05H04031K
Tag: 05H04031K
Tax Unique Id: 4632568
Owner Name 1: SMITH, IRECKA D
Owner Name 2:
Mail Address 1: 5595 LITTLE CREEK CHURCH RD
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-6126
Book: 04587
Page: 0606

Result 28

id: 05H04031G
Tag: 05H04031G
Tax Unique Id: 4697859
Owner Name 1: WILLIAMS, BETTY SMITH
Owner Name 2: SMITH, JAMES WILLIE
Mail Address 1: 435 GLENBROOK DR
Mail Address 2:
Mail Address 3: RALEIGH, NC 27610-0000
Book: 01275
Page: 0633

Result 29

id: 05H04031E
Tag: 05H04031E
Tax Unique Id: 4694499
Owner Name 1: SMITH, ARTHUR LIFE ESTATE
Owner Name 2: VINSON, SONORA SMITH
REMAINDER
Mail Address 1: 3204 HUNTLEIGH DR
Mail Address 2:
Mail Address 3: RALEIGH, NC 27604-3310
Book: 04339
Page: 0315

Result 30

id: 05H04030
Tag: 05H04030
Tax Unique Id: 4687684
Owner Name 1: LASSITER, WAYNE E
Owner Name 2: LASSITER, KATHERINE H
Mail Address 1: 1302 BROOK HILL DR
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-5567
Book: 04176
Page: 0153



*** DISCLAIMER ***

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

Result 31

id: 05H04031A
Tag: 05H04031A
Tax Unique Id: 4648705
Owner Name 1: DOBBIN, WILLIE SILAS JR
Owner Name 2: DOBBIN, JOYCE ANN
Mail Address 1:
Mail Address 2: P O BOX 861
Mail Address 3: CLAYTON, NC 27520-0861
Book: 00798
Page: 0751

Result 32

id: 05H04199R
Tag: 05H04199R
Tax Unique Id: 4697046
Owner Name 1: WATSON, LARRY MILTON
Owner Name 2: WATSON, GENET F.
Mail Address 1: 114 RANCH RD
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-6480
Book: 04942
Page: 0173

Result 33

id: 05H04031M
Tag: 05H04031M
Tax Unique Id: 4691394
Owner Name 1: SMITH, JAMES W LIFE ESTATE
Owner Name 2: SMITH, MARGARET MARIE W
LIFE ESTATE
Mail Address 1: 5645 LITTLE CREEK CHURCH
RD
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-0000
Book: 04004
Page: 0556

Result 34

id: 05H04199Z
Tag: 05H04199Z
Tax Unique Id: 4648841
Owner Name 1: BANKS, RILLA HEIRS
Owner Name 2:
Mail Address 1: 5675 LITTLE CREEK CH RD
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-6127
Book: 00674
Page: 0157

Result 35

id: 05H04031X
Tag: 05H04031X
Tax Unique Id: 4640912
Owner Name 1: SMITH, JAMES W LIFE ESTATE
Owner Name 2: SMITH, MARGARET MARIE W
LIFE ESTATE
Mail Address 1: 5645 LITTLE CREEK CHURCH
RD
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-0000
Book: 04004
Page: 0554

Result 36

id: 05H04031P
Tag: 05H04031P
Tax Unique Id: 4715762
Owner Name 1: LIGHTS, JUDITH S
Owner Name 2:
Mail Address 1: 205 GRANT ST
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-8489
Book:
Page:



*** DISCLAIMER ***

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

Result 37

id: 05H04200B
Tag: 05H04200B
Tax Unique Id: 4715772
Owner Name 1: DICKERSON, HELEN E
Owner Name 2:
Mail Address 1: 217 GRANT ST
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-8489
Book:
Page:

Result 38

id: 05H04030G
Tag: 05H04030G
Tax Unique Id: 4696908
Owner Name 1: COOLEY, GEORGE EDWARD
Owner Name 2:
Mail Address 1: 209 RANCH RD
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-0000
Book: 00846
Page: 0889

Result 39

id: 05H04030W
Tag: 05H04030W
Tax Unique Id: 4715751
Owner Name 1: PHARR, EDDIE LEE
Owner Name 2: PHARR, LINDA LOUISE
Mail Address 1: 174 RANCH RD
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-6470
Book: 00745
Page: 0554

Result 40

id: 05H04031Y
Tag: 05H04031Y
Tax Unique Id: 4638510
Owner Name 1: MASSEY, ANDREA LYNN
Owner Name 2: MASSEY, MICHAEL JOHN
Mail Address 1: 840 SUMMITT VIEW LANE
Mail Address 2:
Mail Address 3: CHARLOTTESVILLE, VA
22903-0000
Book: 03375
Page: 0400

Result 41

id: 05H04031Z
Tag: 05H04031Z
Tax Unique Id: 4684464
Owner Name 1: WALTHOM GROUP
Owner Name 2:
Mail Address 1: 442 1/2 EAST MAIN STREET
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-0000
Book: 03845
Page: 0374

Result 42

id: 05G03034I
Tag: 05G03034I
Tax Unique Id: 4715299
Owner Name 1: COBBLESTONE HOME
OWNERS ASSN OF CLAYTON
INC
Owner Name 2:
Mail Address 1:
Mail Address 2: PO BOX 97243
Mail Address 3: RALEIGH, NC 27624-7243
Book: 04701
Page: 0754



*** DISCLAIMER ***

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

Result 43

id: 05H03020M
Tag: 05H03020M
Tax Unique Id: 4760227
Owner Name 1: CREEKSIDE COMMONS
COMMUNITY ASSOCIATION,
INC.
Owner Name 2:
Mail Address 1: 205 W MILLBROOK RD STE 210
Mail Address 2:
Mail Address 3: RALEIGH, NC 27609-4492
Book: 04862
Page: 0130

Result 45

id: 05H04033Y
Tag: 05H04033Y
Tax Unique Id: 4648746
Owner Name 1: JOHNSON, THOMAS DOUGLAS
Owner Name 2:
Mail Address 1: 5452 LITTLE CREEK CHURCH
ROAD
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-0000
Book: 00823
Page: 0160

Result 47

id: 05H04032A
Tag: 05H04032A
Tax Unique Id: 4648742
Owner Name 1: TABRON, JUDY W
Owner Name 2:
Mail Address 1: 251 RANCH ROAD
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-6469
Book: 01407
Page: 0954

Result 44

id: 05H04046D
Tag: 05H04046D
Tax Unique Id: 4703961
Owner Name 1: AMH 2014 3 BORROWER LLC
Owner Name 2:
Mail Address 1: 30601 AGOURA RD STE 200
Mail Address 2:
Mail Address 3: AGOURA HILLS, CA 91301-2148
Book: 04530
Page: 0936

Result 46

id: 05H04034O
Tag: 05H04034O
Tax Unique Id: 4648736
Owner Name 1: HORNE, W RILEY
Owner Name 2: HORNE, DEBORAH P
Mail Address 1: 225 BACK ST
Mail Address 2:
Mail Address 3: NEWPORT, NC 28570-5222
Book: 01326
Page: 0677

Result 48

id: 05H04030S
Tag: 05H04030S
Tax Unique Id: 4648731
Owner Name 1: TABRON, JUDY W
Owner Name 2:
Mail Address 1: 251 RANCH ROAD
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-6469
Book: 01520
Page: 0673



*** DISCLAIMER ***

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

Result 49

id: 05H04030U
Tag: 05H04030U
Tax Unique Id: 4755490
Owner Name 1: PACUCH, BRYAN
Owner Name 2:
Mail Address 1: 299 RANCH RD
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-6469
Book: 04927
Page: 0011

Result 50

id: 05H04199W
Tag: 05H04199W
Tax Unique Id: 4648840
Owner Name 1: FORTE, EARLIE
Owner Name 2: FORTE, MINNIE
Mail Address 1: 281 RANCH ROAD
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-0000
Book: 00865
Page: 0507

Result 51

id: 05H04031I
Tag: 05H04031I
Tax Unique Id: 4725520
Owner Name 1: SMITH, SALLIE M.
Owner Name 2:
Mail Address 1: 5595 LITTLE CREEK CHURCH
RD
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-6126
Book: 04814
Page: 0330

Result 52

id: 05H03022D
Tag: 05H03022D
Tax Unique Id: 4701227
Owner Name 1: PARKER, MARK EDWARD
Owner Name 2: PARKER, LISA W
Mail Address 1: 5861 LITTLE CREEK CHURCH
RD
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-6128
Book: 01511
Page: 0348

Result 53

id: 05H03022A
Tag: 05H03022A
Tax Unique Id: 4691044
Owner Name 1: PARKER, JAMES E
Owner Name 2: PARKER, DORIS
Mail Address 1: 5887 LITTLE CREEK CHURCH
RD
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-0000
Book: 00841
Page: 0721

Result 54

id: 05H04030T
Tag: 05H04030T
Tax Unique Id: 4700095
Owner Name 1: VANDERGRIFT, TIM
Owner Name 2: VANDERGRIFT, MARTHA R
Mail Address 1: 5858 LITTLE CREEK CHURCH
RD
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520
Book: 04168
Page: 0231



*** DISCLAIMER ***

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

Result 55

id: 05H04037J
Tag: 05H04037J
Tax Unique Id: 4684297
Owner Name 1: BASS, MATTHEW H
Owner Name 2:
Mail Address 1: 13014 MONTPELIER CT
Mail Address 2:
Mail Address 3: WOODBRIDGE, VA 22192-3356
Book: 03452
Page: 0429

Result 56

id: 05H04038V
Tag: 05H04038V
Tax Unique Id: 4684320
Owner Name 1: SIRMAN, ANDREW W
Owner Name 2: SIRMAN, JESSICA
Mail Address 1: 267 AVERASBORO DR
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-0000
Book: 03930
Page: 0739

Result 57

id: 05E99011I
Tag: 05E99011I
Tax Unique Id: 4646060
Owner Name 1: SCHMID, MALCOLM G
Owner Name 2: SCHMID, PAMELA W
Mail Address 1: 2007 CROOKED CREEK
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-6447
Book: 01730
Page: 0297

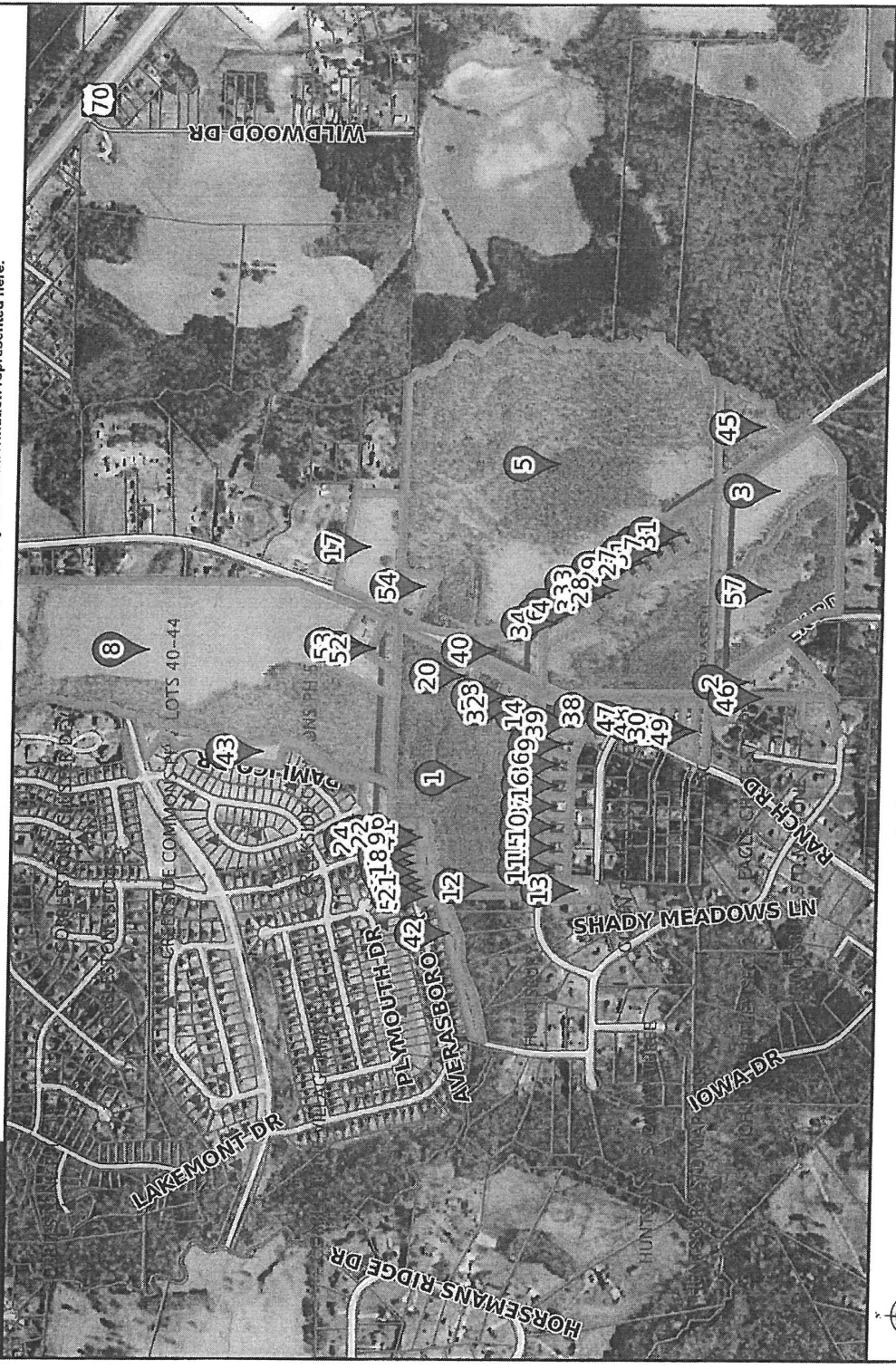
Result 58

id: 05H04199T
Tag: 05H04199T
Tax Unique Id: 4701474
Owner Name 1: WATSON, LARRY
Owner Name 2: WATSON, GENET WILLIAMS
Mail Address 1: 114 RANCH RD
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-0000
Book: 03250
Page: 0462



*** DISCLAIMER ***

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



Scale: 1:10575 - 1 in. = 881.21 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
August 18, 2017

ADJACENT PROPERTY OWNERS LIST

Project Name: MASSEY REZONING NC – ANDREA AND MICHAEL MASSEY

The following are all the persons, firms, or corporations owning property within 100 feet and immediately adjacent to the property (including across street rights of way) subject to this request. Where the subject property immediately adjoins a public or private right-of-way, landscape or riparian buffer, commonly-owned private area, public property, or homeowners' association property, then letters of notification shall be sent to adjoining property owners as if they directly abut the subject property. Please use a separate sheet if necessary.

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

[illegible]



*** DISCLAIMER ***

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

Result 1

Id: 05H04031Y
Tag: 05H04031Y
Tax Unique Id: 4638510
Owner Name 1: MASSEY, ANDREA LYNN
Owner Name 2: MASSEY, MICHAEL JOHN
Mail Address 1: 840 SUMMITT VIEW LANE
Mail Address 2:
Mail Address 3: CHARLOTTESVILLE, VA
22903-0000
Book: 03375
Page: 0400

Result 2

Id: 05H04030N
Tag: 05H04030N
Tax Unique Id: 4715742
Owner Name 1: COTTEN, MICHAEL M
Owner Name 2: COTTEN, LISA
Mail Address 1: 148 RANCH RD
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-6470
Book: 03879
Page: 0886

Result 3

Id: 05H04031D
Tag: 05H04031D
Tax Unique Id: 4715761
Owner Name 1: DEVRA S MASSEY TRUST
Owner Name 2: MASSEY, DEVRA S TRUSTEE
Mail Address 1: 513 WEST BROAD STREET #302
Mail Address 2:
Mail Address 3: FALLS CHURCH, VA 22046-0000
Book: 02745
Page: 0733

Result 4

Id: 05H04046H
Tag: 05H04046H
Tax Unique Id: 4705317
Owner Name 1: TOWN OF CLAYTON
Owner Name 2:
Mail Address 1:
Mail Address 2: PO BOX 879
Mail Address 3: CLAYTON, NC 27528-0879
Book: 04490
Page: 0198

Result 5

Id: 05H04199T
Tag: 05H04199T
Tax Unique Id: 4701474
Owner Name 1: WATSON, LARRY
Owner Name 2: WATSON, GENET WILLIAMS
Mail Address 1: 114 RANCH RD
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-0000
Book: 03250
Page: 0462

Result 6

Id: 05H04031N
Tag: 05H04031N
Tax Unique Id: 4648739
Owner Name 1: TOMLINSON, HORACE CRAIG
Owner Name 2:
Mail Address 1: 141 REDBUD DR
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-4800
Book: 01180
Page: 0833



*** DISCLAIMER ***

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

Result 7

id: 05H04199Z
Tag: 05H04199Z
Tax Unique Id: 4648841
Owner Name 1: BANKS, RILLA HEIRS
Owner Name 2:
Mail Address 1: 5675 LITTLE CREEK CH RD
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-6127
Book: 00674
Page: 0157

Result 8

id: 05H04199U
Tag: 05H04199U
Tax Unique Id: 4683488
Owner Name 1: WATSON, JOYCE
Owner Name 2:
Mail Address 1: 50 RANCH RD
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-0000
Book: 02744
Page: 0011

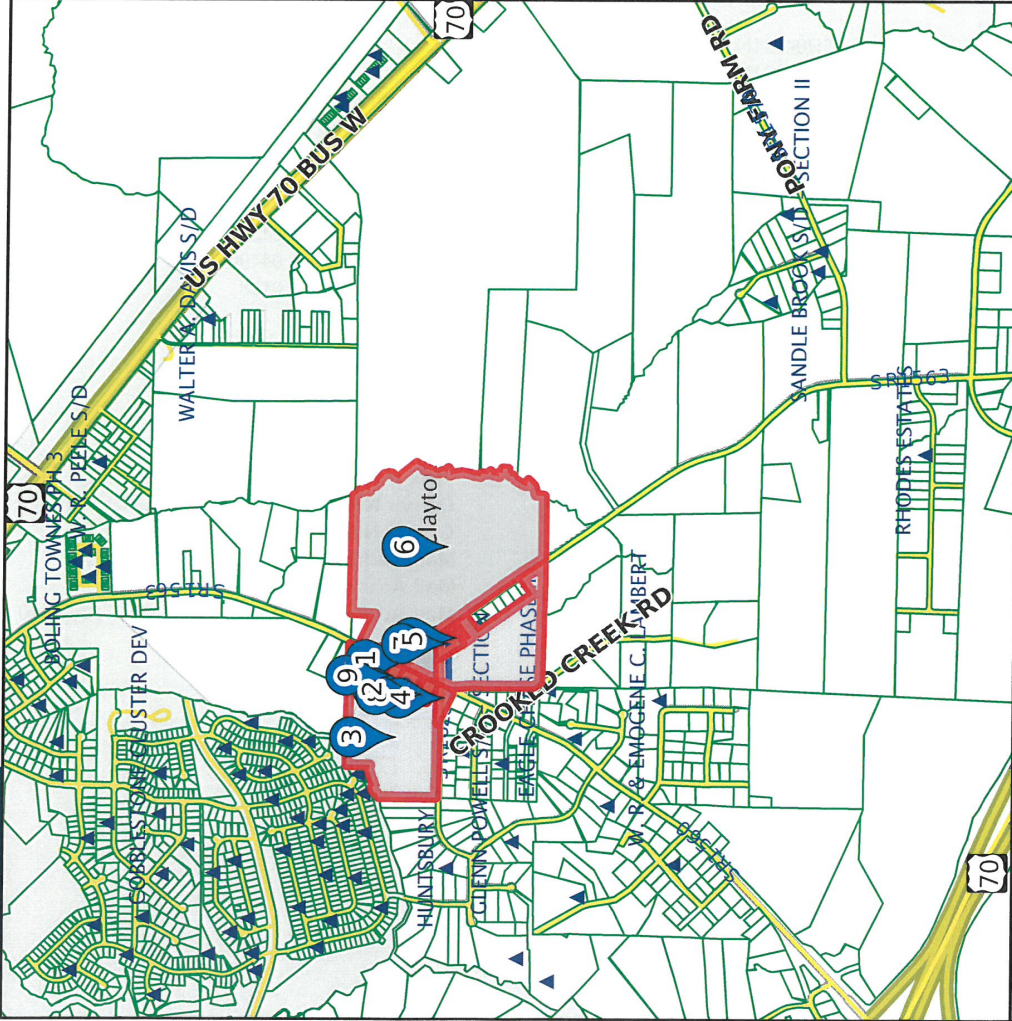
Result 9

id: 05H04199R
Tag: 05H04199R
Tax Unique Id: 4697046
Owner Name 1: WATSON, LARRY MILTON
Owner Name 2: WATSON, GENET F.
Mail Address 1: 114 RANCH RD
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-6480
Book: 04942
Page: 0173



*** DISCLAIMER ***

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



Result 1

id: 05H04031Y
Tag: 05H04031Y
Tax Unique Id: 4638510
Owner Name 1: MASSEY, ANDREA LYNN
Owner Name 2: MASSEY, MICHAEL JOHN
Mail Address 1: 840 SUMMITT VIEW LANE
Mail Address 2:
Mail Address 3: CHARLOTTESVILLE, VA
22903-0000
Book: 03375
Page: 0400

Result 2

id: 05H04199T
Tag: 05H04199T
Tax Unique Id: 4701474
Owner Name 1: WATSON, LARRY
Owner Name 2: WATSON, GENET WILLIAMS
Mail Address 1: 114 RANCH RD
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-0000
Book: 03250
Page: 0462

Scale: 1:20197 - 1 in. = 1683.08 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
September 6, 2017

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

Allen R. Tew

allen@atewlawfirm.com

Also Licensed in South Carolina
Certified Superior Court Mediator

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

November 1, 2017

Dear Clayton Area Property Owner:

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

The meeting will be held on November 13, 2017 at 7:00 P.M., at the Masonic Lodge located at 621 Boling Street, Clayton, North Carolina 27520.

The type of Application being sought is a rezoning application for the purpose of selling the property to an interested developer.

The project/proposal is to rezone Tract I (26.76 acres, excluding right of way) for residential use and Tract II (18.00 acres) for neighborhood commercial uses.

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

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

A map is enclosed with this letter showing the location of the property that is subject to this application for land use change and/or development proposal.

If you have any questions prior to or after this meeting, you may contact me at (919) 553-6142. You may also contact the Planning Department at (919) 553-5002.

Sincerely,

Allen R. Tew
Counsel for Applicant

ART/isc
Enclosure: Map

ADJACENT PROPERTY OWNERS IN ATTENDANCE AT JANUARY 10, 2018 MEETING		
PARCEL NUMBER	NAME	ADDRESS
	Ludy Tabron	251 Ranch Rd Clay
	George E. Cool	Lex 209 Ranch Rd
	Angela A. Develyn	35675 Little Creek Church Clayton NC 275
	Janyal Brooks	Clayton NC 27514 Ranch
	MARILYN WALL	6226 LITTLE CREEK CH R
	KAY LANCASTER	6199 LITTLE CREEK
	WILLIE DOBBINS	5547 LITTLE CREEK
	Nathan Howell	424 GRANT LANE
	Horace Tomlinson	141 Redbud Dr Clayton NC
	James & Teresa Smith Jr.	5645 Little Creek Ch Clayton 2
	Teff & Karen Canwell	2006 Crooked Creek Rd 275
	Jerry Schmid	2007 Crooked Creek Rd 275
	Mark & LISA PARKER	5861 LITTLE CREEK CHURCH R
	Michael Maurice Cotten	148 Ranch Road Chiyu

NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Application: MASSEY REZONING PAGE 1

Date of Mailing: December 21, 2017

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

Printed Name: ALLEN R. TEW

Signature: 

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

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

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

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

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

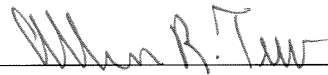
A power point presentation using the future land use plan map, was shown. They were told what the current zoning permitted uses are. The code sections for permitted uses for the new proposed zonings were shown on slides. The remaining portion of the presentation involved the Transportation Improvements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

CONTINUED ON PAGE 2

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

NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Application: MASSEY REZONING PAGE 2
Date of Mailing: December 21, 2017
I hereby attest that letters were mailed to the addresses listed on the Adjacent Property Owners List (attached) ten days prior to the Neighborhood Meeting:
Printed Name: ALLEN R. TEW Signature: 

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

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

THE FOLLOWING ISSUES WERE RAISED AND DISCUSSED:

1. WILL THIS BRING MY PROPERTY INTO THE CITY?

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

2. WILL THE REZONING INCREASE MY TAX VALUATION?

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

CONTINUED ON PAGE 3

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

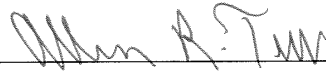
NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Application: MASSEY REZONING PAGE 3

Date of Mailing: December 21, 2017

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

Printed Name: ALLEN R. TEW Signature: 

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

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

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

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

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

4. WHAT WILL BE BUILT?

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

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

CONTINUED ON PAGE 4

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

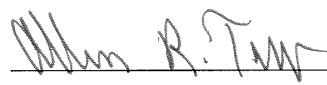
NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Application: MASSEY REZONING PAGE 4

Date of Mailing: December 21, 2017

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

Printed Name: ALLEN R. TEW Signature: 

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

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

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

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

OBSERVATIONS:

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

CONTINUED ON PAGE 5

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

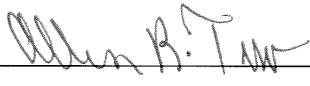
NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Application: MASSEY REZONING PAGE 5

Date of Mailing: December 21, 2017

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

Printed Name: ALLEN R. TEW Signature: 

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

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

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

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

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

4. NONE

5. CHANGES PROPOSED: NONE

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

Rezoning
[Additional
requirements
listed in Town
Ordinance
155.702]:

PUBLIC NOTICE

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

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

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

Jay McLeod, Senior Planner
919-553-5002

The Clayton News Star

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

Affidavit of publication required.

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

**Massey Rezoning
2017-160-RZ**

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

Recommendation to the Town Council to

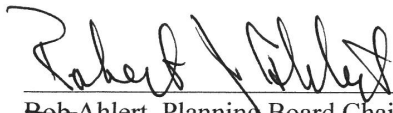
☒ approve the request;

☐ deny the request;

☐ other

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

Signed:



Bob Ahlert, Planning Board Chair
ROBERT J.



Town Council Agenda Cover Sheet

Meeting Date

February 19 2018

Agenda Location

New Business

Item Title

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

Presenter *(Name & Title)*

Jay McLeod, Senior Planner

Summary/Description

Request to develop four townhomes (two buildings) on a half-acre lot in the Residential-8 (R-8) zoning district, located at 619 S. Barbour Street.

Requested Action

Set Public Hearing

Additional Documents To Be Included in Agenda Packet

Application
Staff Report Map
Neighborhood Meeting Materials
Planning Board recommendation
Associated site plan (2017-175-SPM)
Newspaper ad



TOWN OF CLAYTON

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

SPECIAL USE APPLICATION

Pursuant to Article 7, Section 155.711 of the Unified Development Code, an owner of land within the jurisdiction of the Town (or a duly authorized agent) may petition the Town Council to allow a Special Use. Special Uses are uses that may be appropriate in a particular district, but have the potential to create incompatibilities with adjacent uses.

Application Fee: \$400.00.

Advertisement Fee: \$100.00.

All fees are due when the application is submitted.

Please note that Section 155.702(B) of the Unified Development Code requires a Neighborhood Meeting for all Special Use Permit applications.

APPLICATION TYPE

☒ New Special Use Permit

☐ Major Modification to an approved SUP

Permit Modified: _____

SITE INFORMATION

Name of Project: Barbour Street Townhomes Acreage of Property: 0.54 acre
Parcel ID Number: 165920-90-6715 Tax ID: 4736771
Deed Book: 05023 Deed Page(s): 0058
Address/Location: 619 South Barbour Street Clayton, North Carolina 27520

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

Is project within a Planned Development? ☒ No ☐ Yes

Planned Development District (if applicable): _____

Is project within an Overlay District: ☒ No ☐ Yes

Overlay District (if applicable): _____

OFFICE USE ONLY

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

PROPERTY OWNER INFORMATIONName: Vast Real Estate and Development, Inc.Mailing Address: Post Office Box 189 Clayton, North Carolina 27528Phone Number: (919) 201 - 2626 Fax: (919) 359 - 0386Email Address: jrcox14@live.com**APPLICANT INFORMATION**Applicant: Dalton Engineering and Associates, P.A.Mailing Address: Post Office Box 426 Clayton, North Carolina 27528Phone Number: (919) 550 - 4740 Fax: (919) 550 - 4741Contact Person: Jerry DaltonEmail Address: jdalton@daltonengineering.com**REQUIRED INFORMATION (to be submitted with the application)***The following items must accompany a Conditional Use Permit (CUP) application.*

To be completed by the applicant:			To be completed by staff:		
	Yes	N/A	Yes	No	N/A
1. A pre-application conference was held with Town of Clayton staff. Date: <u>10/23/17</u>	☒	☐			
2. Review Fee (\$400) and Application Fee (\$100)	☒	☐			
3. Completed application (9 copies)	☒	☐			
4. Owner's Consent Form (9 copies)	☒	☐			
5. Adjacent property owners list (9 copies)	☒	☐			
6. Wastewater allocation request OR verification of wastewater allocation (9 copies)	☒	☐			
7. Signed and sealed traffic impact analysis (2 copies)	☐	☒			
8. If applicant is concurrently applying for site plan approval, a copy of the proposed site plan.	☒	☐			
9. Neighborhood meeting notice letter (9 copies) <i>See sample letter and meeting requirements included in this packet</i>	May be provided at time of submittal if meeting date is known – otherwise must be submitted by email or mail on date the letter is mailed out.				
10. Set of stamped, addressed envelopes using the adjacent property owners list	May be provided at time of submittal OR no later than 25 days prior to the Town Council meeting.				
11. Neighborhood meeting summary form (9 copies) <i>Form is included in this packet</i>	Must be submitted after neighborhood meeting is held and at least 10 days prior to Planning Board meeting.				

Note: More information may be requested by the Planning Department depending on the project

REQUIRED FINDINGS OF FACT

Section 155.711(I) of the Unified Land Development Code requires applications for a Special Use to address the following findings. The burden of proof is on the applicant and failure to adequately address the findings may result in denial of the application. Please attach additional pages if necessary.

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

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

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

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

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

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

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

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

EXPLANATION OF PROJECT

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

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

APPLICANT AFFIDAVIT

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

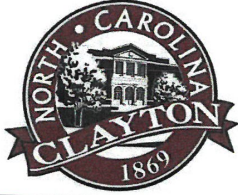
Jerry Dalton

Print Name


Signature of Applicant

11/1/17

Date



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

OWNER'S CONSENT FORM

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

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

AGENT/APPLICANT INFORMATION:

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

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

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

Minor Subdivision Application
Special Use Application

Wastewater Allocation Request

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

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

OWNER AUTHORIZATION:

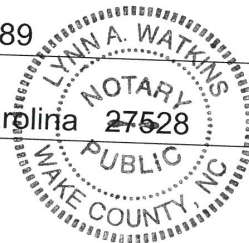
Vast Real Estate and Development, Inc.
(Name - type, print clearly)

[Signature]
(Owner's Signature)

Post Office Box 189
(Address)

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

STATE OF North Carolina
COUNTY OF Wake



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

SEAL

Lynn A. Watkins
Notary Public

My Commission
Expires:

12-7-2021
Page 5 of 12

November 2014



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

*Planning Board
January 22, 2018*

STAFF REPORT

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

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

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

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

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



Page 1 of 6

SITE DATA:

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

DEVELOPMENT DATA:

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

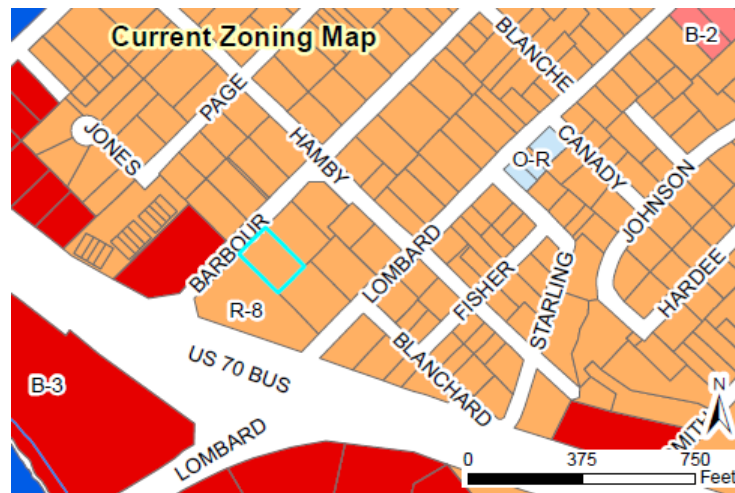
ADJACENT ZONING AND LAND USES:

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

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

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

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



STAFF ANALYSIS AND COMMENTARY:

Overview

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

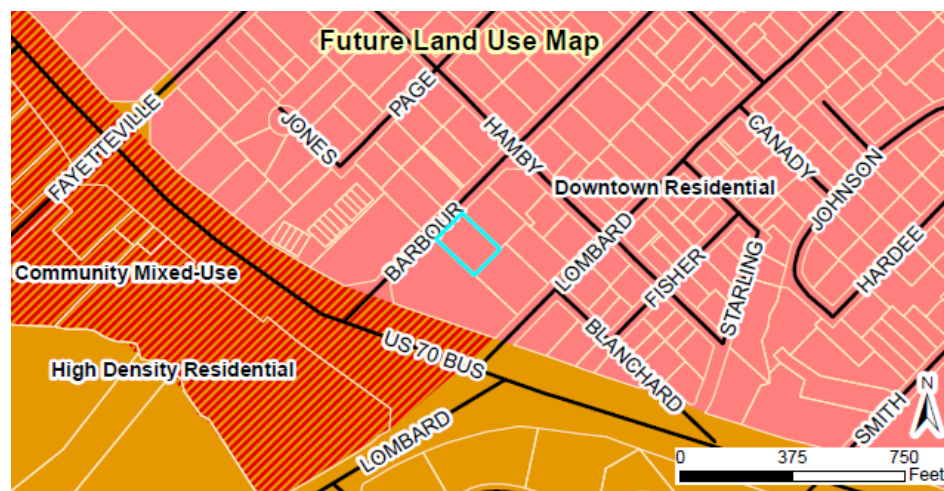
Associated Site Plan

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

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

Consistency with the Comprehensive Plan

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



Consistency with the Unified Development Code

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

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

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

Landscaping and Buffering

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

Recreation and Open Space

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

Environmental

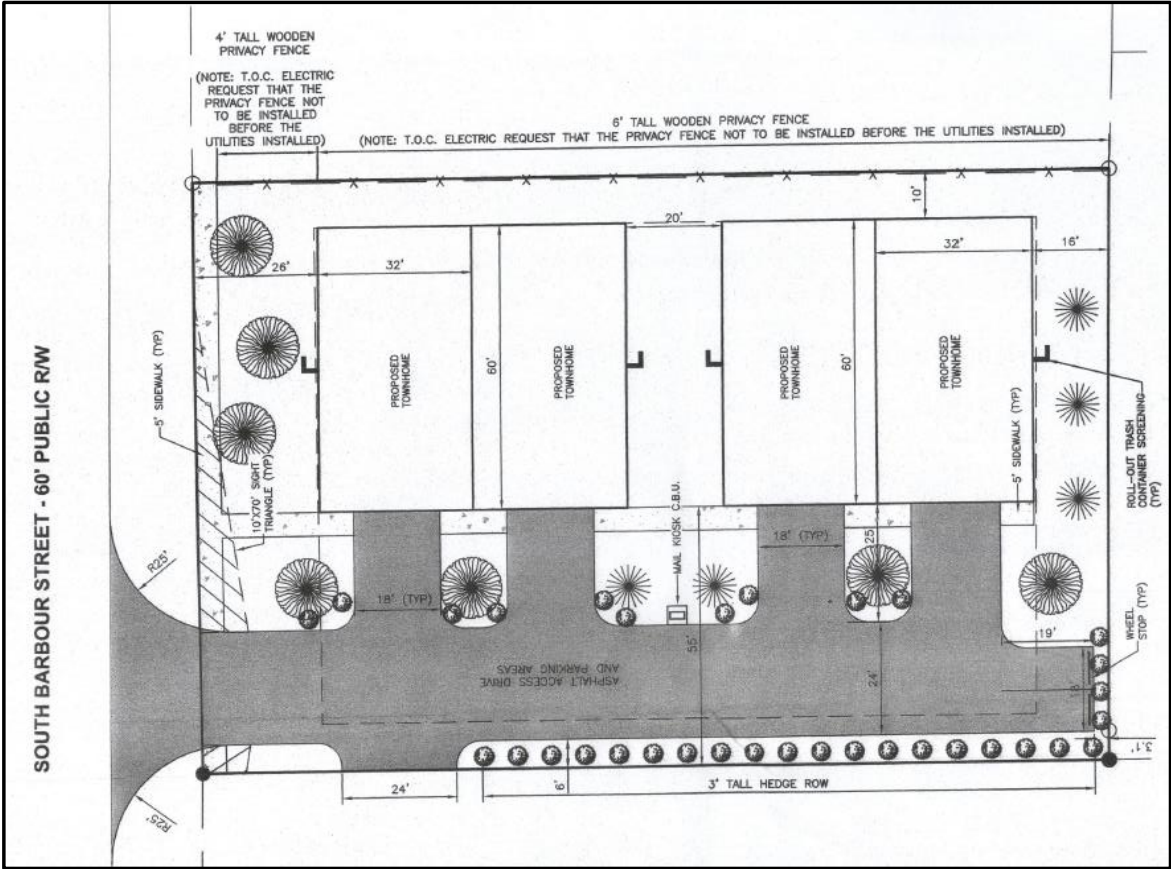
None identified.

Signs

None identified.

Access/Streets

The driveway will connect to S. Barbour Street on the side closest to US 70 Bus., approximately 250' from where the off-ramp straightens out. The cross-access provided to the adjacent property should be sufficient to avoid additional driveways (south of the current site) in the future. A cross-access easement should be recorded to ensure that this cross-access will provide a logical development pattern in the future.



Multi-Modal Access

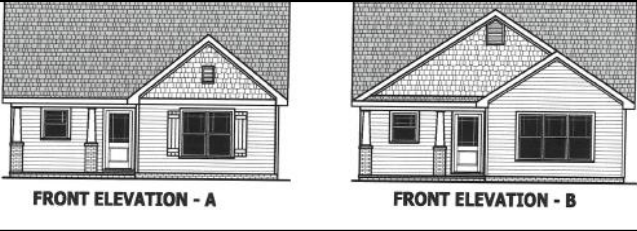
Sidewalk is provided along the Barbour Street frontage, with connections to each front door.

Architecture

The proposed elevations are similar to homes constructed in the Moss Creek duplex residential subdivision.

Waivers/Deviations/Variances from Code Requirements

None.



FINDINGS

When considering a Special Use Permit application, The Town Council shall consider specific Findings of Fact. A Special Use which fails to meet any of these Findings shall be deemed adverse to the public interest and shall not be approved. The applicant has addressed the Findings expressly established by Chapter 155.711 (I) of the UDC. The applicant's Findings of Fact are incorporated into the record as an attachment to the Staff Report.

Pr §155.711(I):

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

1. That the application will not materially endanger the public health or safety if located where proposed, and developed according to the plans as submitted and approved.
2. That the application meets all required specifications and conforms to the standards and practices of sound land use planning and the Town Code of Ordinances or other applicable regulations.
3. That the application will not substantially injure the value of adjoining or abutting property, and will not be detrimental to the use or development of adjacent properties or other neighborhood uses.
4. That the application will not adversely affect the adopted plans and policies of the town, or violate the character of existing standards for development of the adjacent properties."

CONSIDERATIONS

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

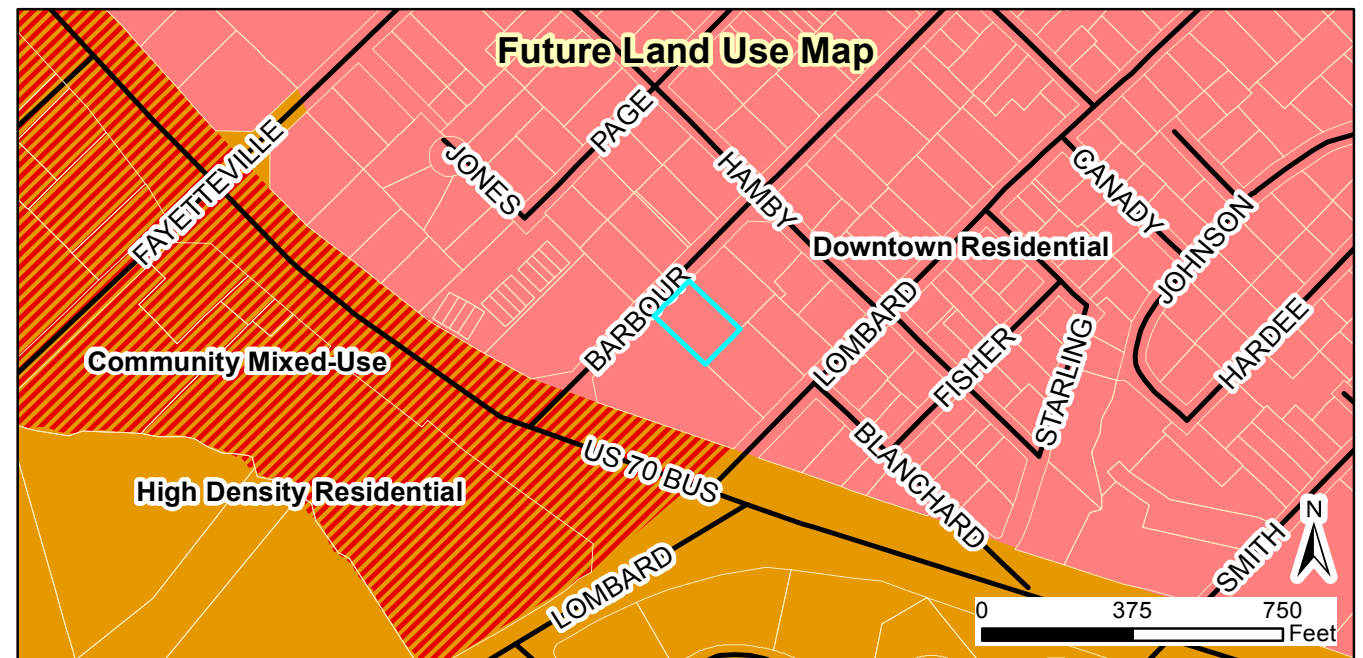
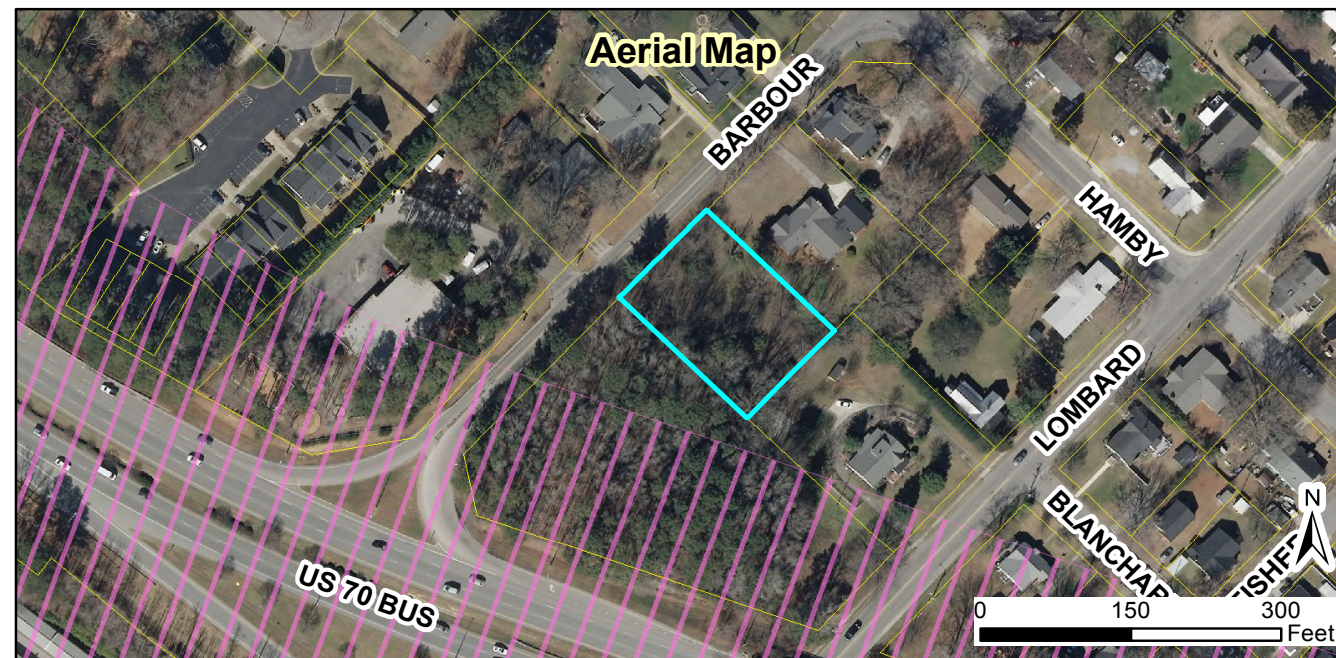
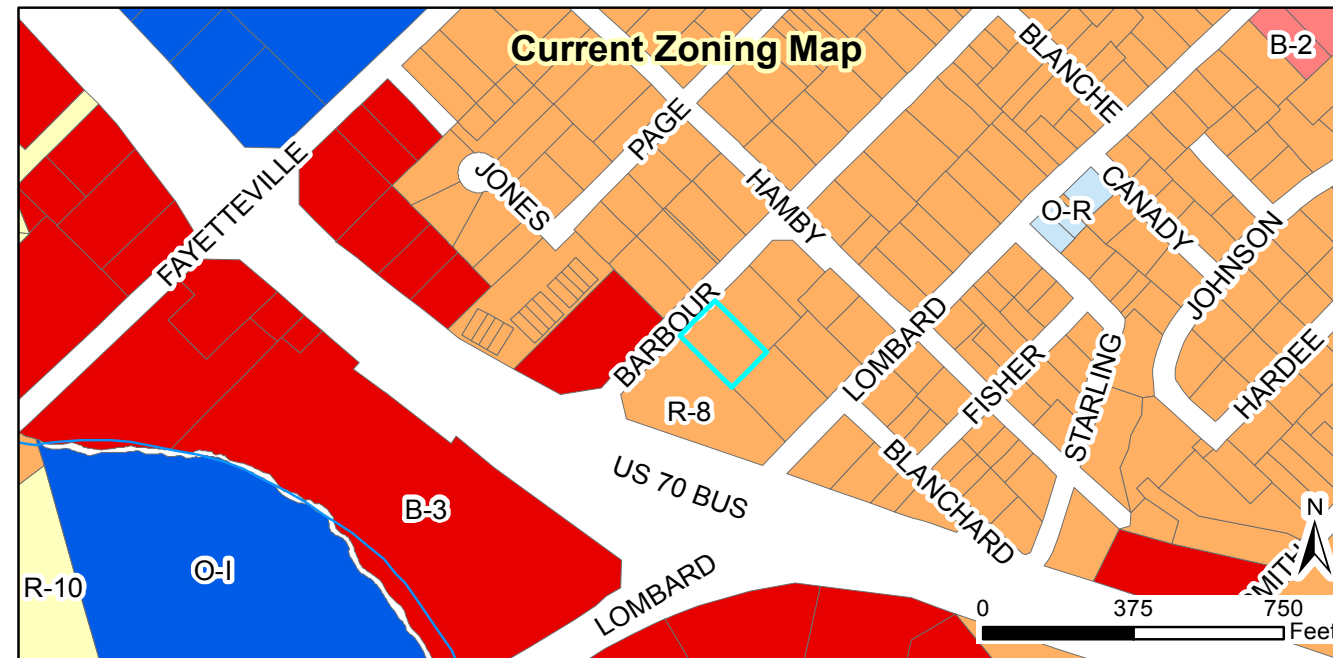
CONDITIONS OF APPROVAL

If approved, staff recommends the following conditions of approval:

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

ATTACHMENTS

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



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

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

Staff Report Map



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

Legend

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

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

INDEX TO DRAWINGS

ENGINEER

SURVEYOR

OWNER

[illegible]

NOTES:

1. ALL SURVEY INFORMATION/DATA THE CONSTRUCTION DRAWINGS FROM PROFESSIONAL LAND SURVEYOR ENGINEERING AND ASSOCIATES, INC.
2. AERIAL PHOTO FROM NC ONEMA
3. IT IS THE RESPONSIBILITY OF THE DRAWINGS TO THE VARIOUS UTILITIES, PROGRESS, CENTURYLINK, SPECTRUM

NOTES:

DALTON ENGINEERING AND ASSOCIATES, INC., ALL DIGITAL INFORMATION (DWG) CONSTRUCTION DRAWINGS. THAT IN THE OWNER, SURVEYOR, CONTRACT WITH THIS PROJECT, FOR THE PURPOSE PROJECT. THAT INFORMATION SHALL PERSON AND/OR FIRM, WITHOUT THE ENGINEERING AND ASSOCIATES, P.A.

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



SOUTH BARBOUR STREET - 60' PUBLIC R/W

NOTE: SIZE OF EXISTING WATER SERVICE
TO BE FIELD VERIFIED. FOLLOWING VERIFICATION,
A DETERMINATION WILL BE MADE IF SERVICE
WILL BE ABANDONED OR UTILIZED FOR PROJECT.

EX. SANITARY
SEWER MANHOLE

EXISTING SANITARY SEWER MAIN

EX.
W/M

N/F
PEGGY ATKINSON
DB 750 PG 852
PIN 165920-90-5558
ZONING R-8

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

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

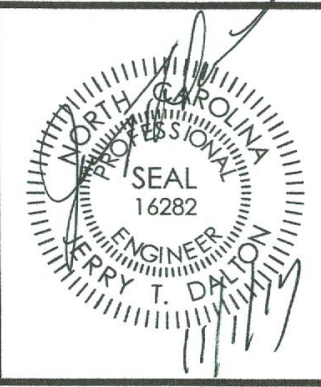
N/F
JAMES GILBERT
DB 4830 PG 368
PIN 165920-90-8742
ZONING R-8

SCALE: 1" = 20'

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

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

REVIEW ONLY
NOT FOR CONSTRUCTION



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

SITE DATA TABLE:

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

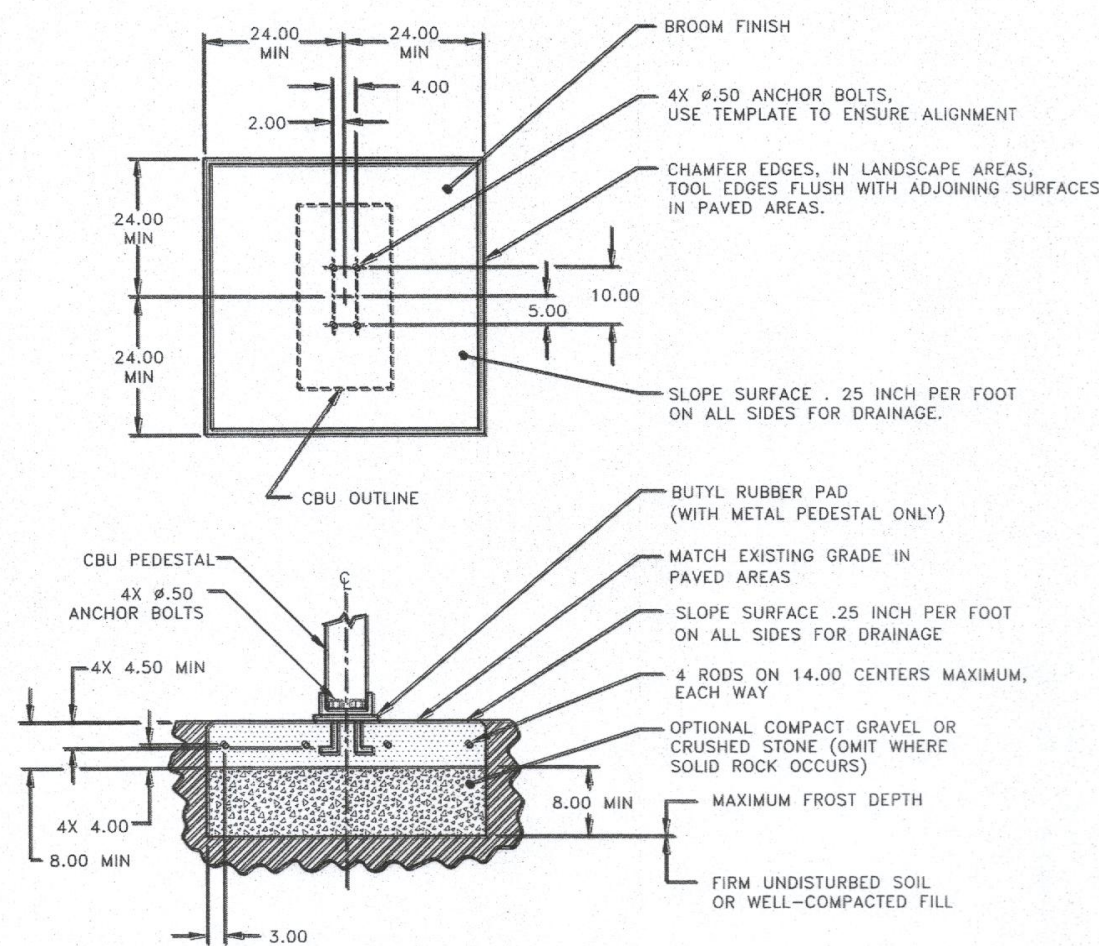
PROPERTY INFORMATION
 TOWNSHIP: TOWN OF CLAYTON
 NC PIN: 165920-90-6715
 ETL: TOWN OF CLAYTON
 ZONING: R-8
 SITE ACREAGE: 0.54 AC. (23,604 S.F.)
 PROPOSED IMPERVIOUS: 0.34 AC
 SITE DENSITY: 7.84 LOTS PER ACRE
 MAX BUILDING HEIGHT: 25'
 EXISTING USE: WOODED
 THOROUGHFARE OVERLAY DISTRICT: NO
 NO FLOOD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

LANDSCAPING REQUIREMENTS
 INTERIOR LANDSCAPING
 TWENTY PERCENT OF THE TOTAL AREA SHALL BE LANDSCAPED
 0.54 AC X 20% = .11 AC (4,721 SF.)
 1 CANOPY TREE, 1 UNDERSTORY TREE AND 2 SHRUBS SHALL BE PLANTED FOR EACH 1,000 SF. OF LANDSCAPE ARE REQUIRED.
 4,721 / 1,000 = 5 CANOPY TREES
 4,721 / 1,000 = 5 UNDERSTORY TREES
 4,721 / 1,000 X 2 = 10 SHRUBS
 STREET YARD LANDSCAPING
 STREET YARD TREES SHALL BE REQUIRED ALONG ALL RIGHTS OF WAY AT THE RATE OF ONE CANOPY TREE PER LOT OR ONE CANOPY TREE FOR EVERY 40 LINEAR FEET (SPACED A MAXIMUM OF 50 FEET APART).
 80LF / 40 = 2 CANOPY TREES

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

LOT 1
 IMPERVIOUS AREA - 2,491.67 SF (0.06 AC)
 PERVIOUS AREA - 1,308.29 SF (0.03 AC)
 LOT 2
 IMPERVIOUS AREA - 2,470.99 SF (0.06 AC)
 PERVIOUS AREA - 1,104.91 SF (0.03 AC)
 LOT 3
 IMPERVIOUS AREA - 2,473.24 SF (0.06 AC)
 PERVIOUS AREA - 1,202.41 SF (0.03 AC)
 LOT 4
 IMPERVIOUS AREA - 2,445.29 SF (0.06 AC)
 PERVIOUS AREA - 1,354.29 SF (0.03 AC)
 COMMON AREA
 IMPERVIOUS AREA - 4,799.28 SF (0.09 AC)
 PERVIOUS AREA - 3,893.94 SF (0.09 AC)

USPS APPROVED SPECIFICATIONS - CONCRETE PAD (SINGLE UNIT) (All measurements are in inches)



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

Content provided by US Postal Service Regional Office - Fayetteville / Greensboro

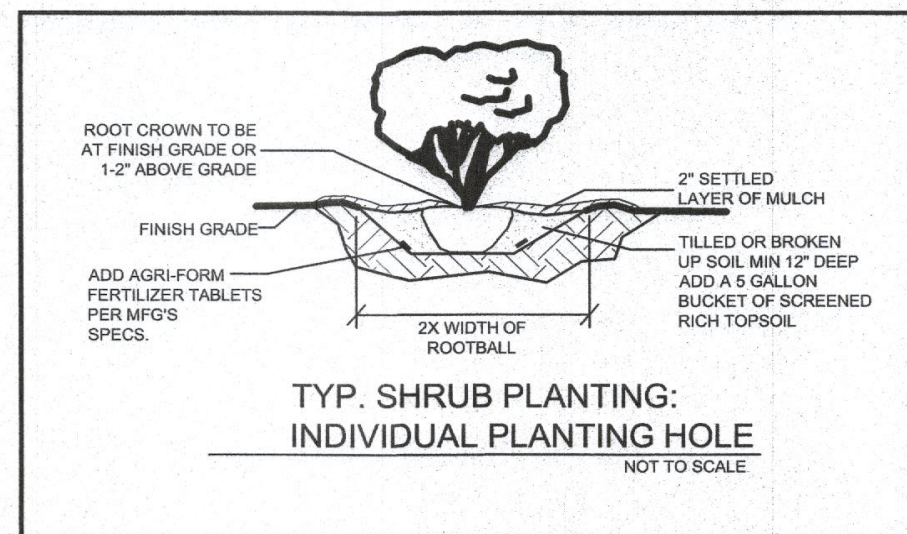
CALL BEFORE YOU DIG!

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

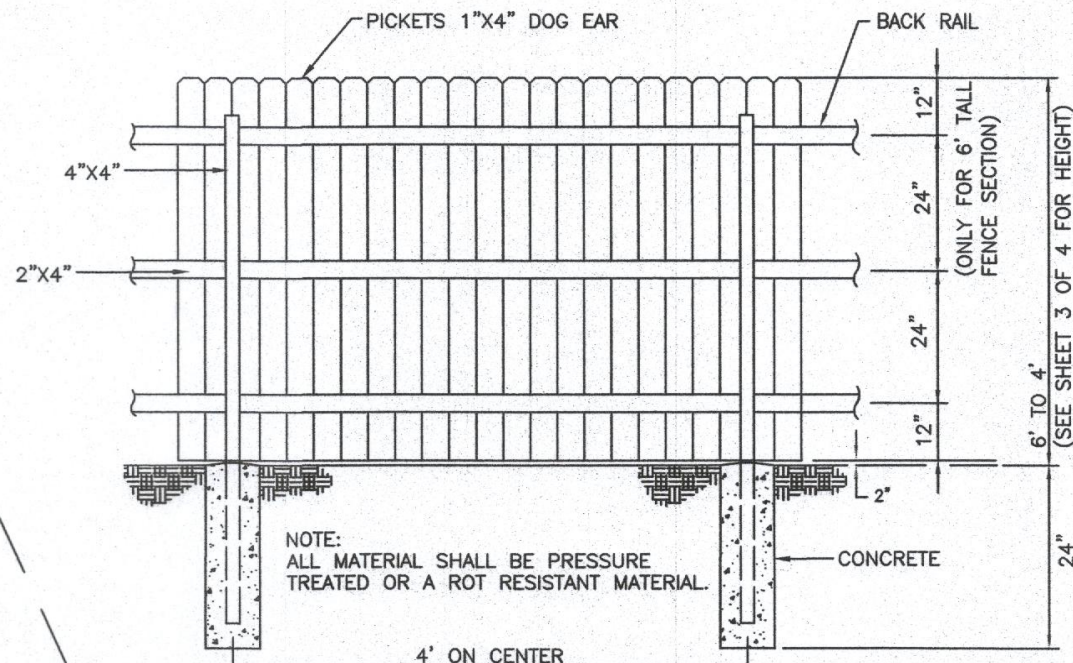
North Carolina One-Call Center, Inc.
 www.ncoc.org
 1-800-632-4949

PLANTING SCHEDULE

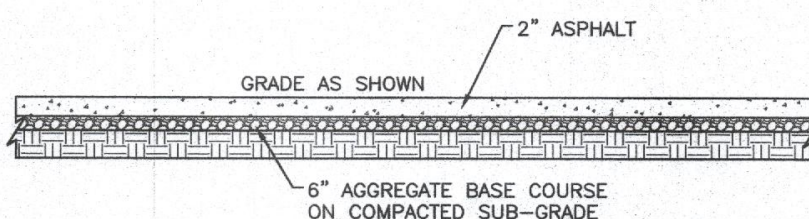
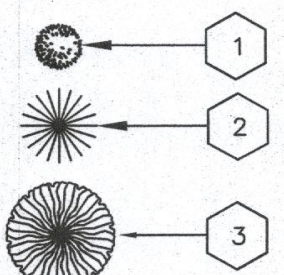
KEY	QUANTITY	SCIENTIFIC NAME	COMMON NAME	SIZE	HEIGHT
1	33	Loropetalum chinense	Loropetalum	3 Gal.	18"-24"
2	5	Prunus x yedoensis	Yoshino Cherry	2" B&B	8'-10'
3	7	Quercus phellos	Willow Oak	2" B&B	10'-12'



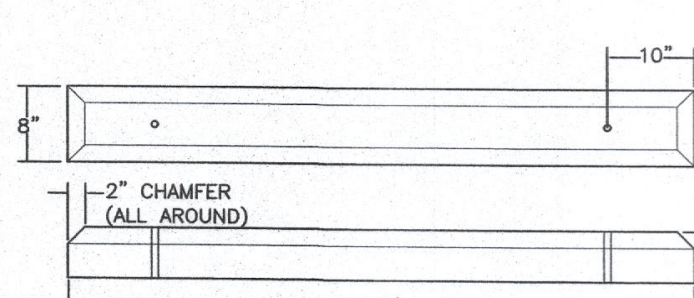
**TYP. SHRUB PLANTING:
INDIVIDUAL PLANTING HOLE**
 NOT TO SCALE



**TYPICAL WOODEN
PRIVACY FENCE SECTION**
 NOT TO SCALE

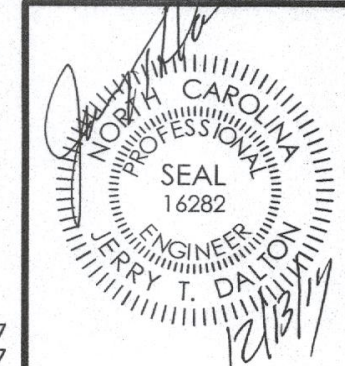


**TYPICAL SECTION
PARKING & ACCESS DRIVE**
 NOT TO SCALE



STANDARD WHEEL STOP
 NOT TO SCALE

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



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

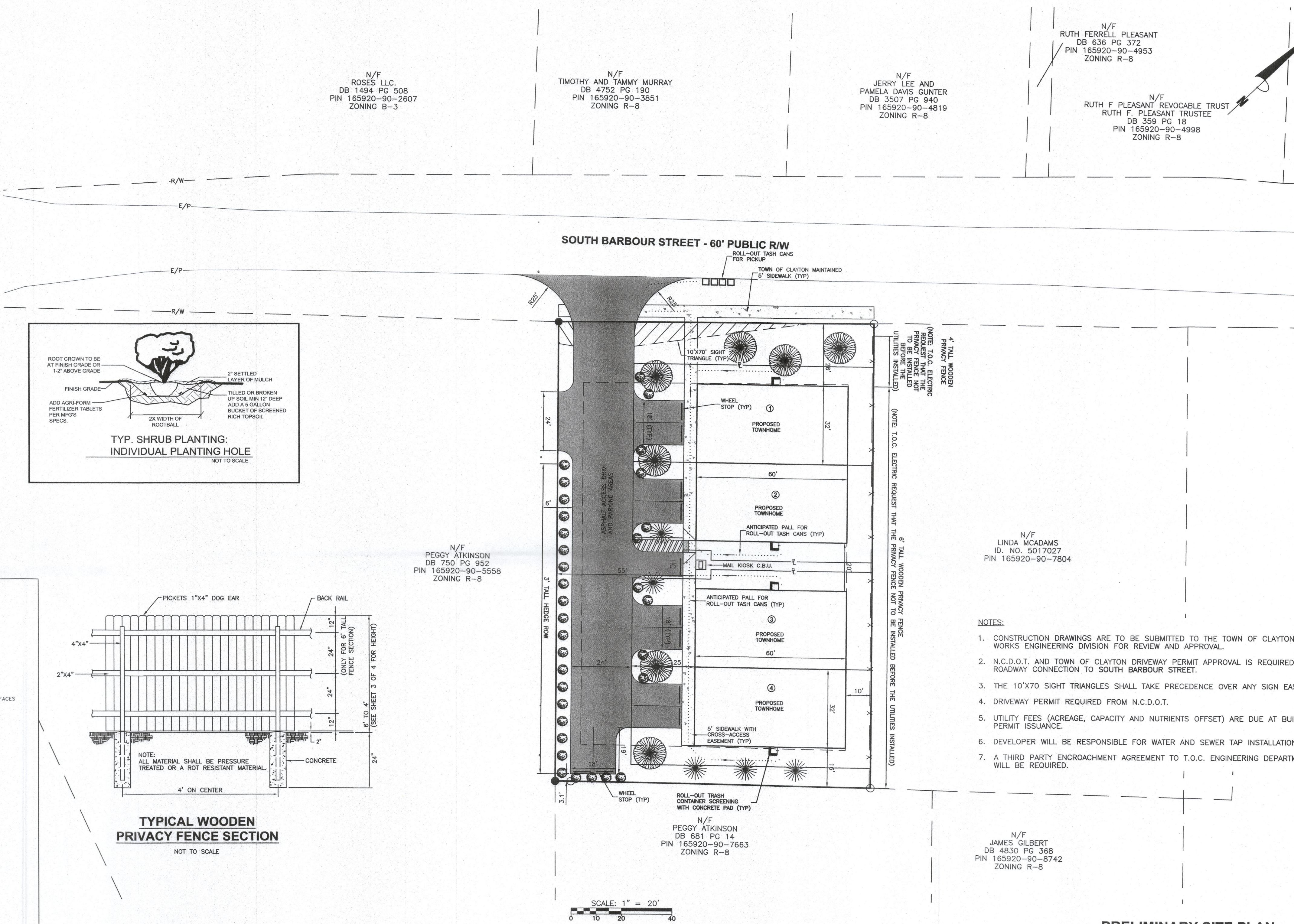
446 East Main Street
 P.O. Box 426
 Clayton, NC 27520

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

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

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

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



N/F
 ROSES LLC
 DB 1494 PG 508
 PIN 165920-90-2607
 ZONING B-3

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

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

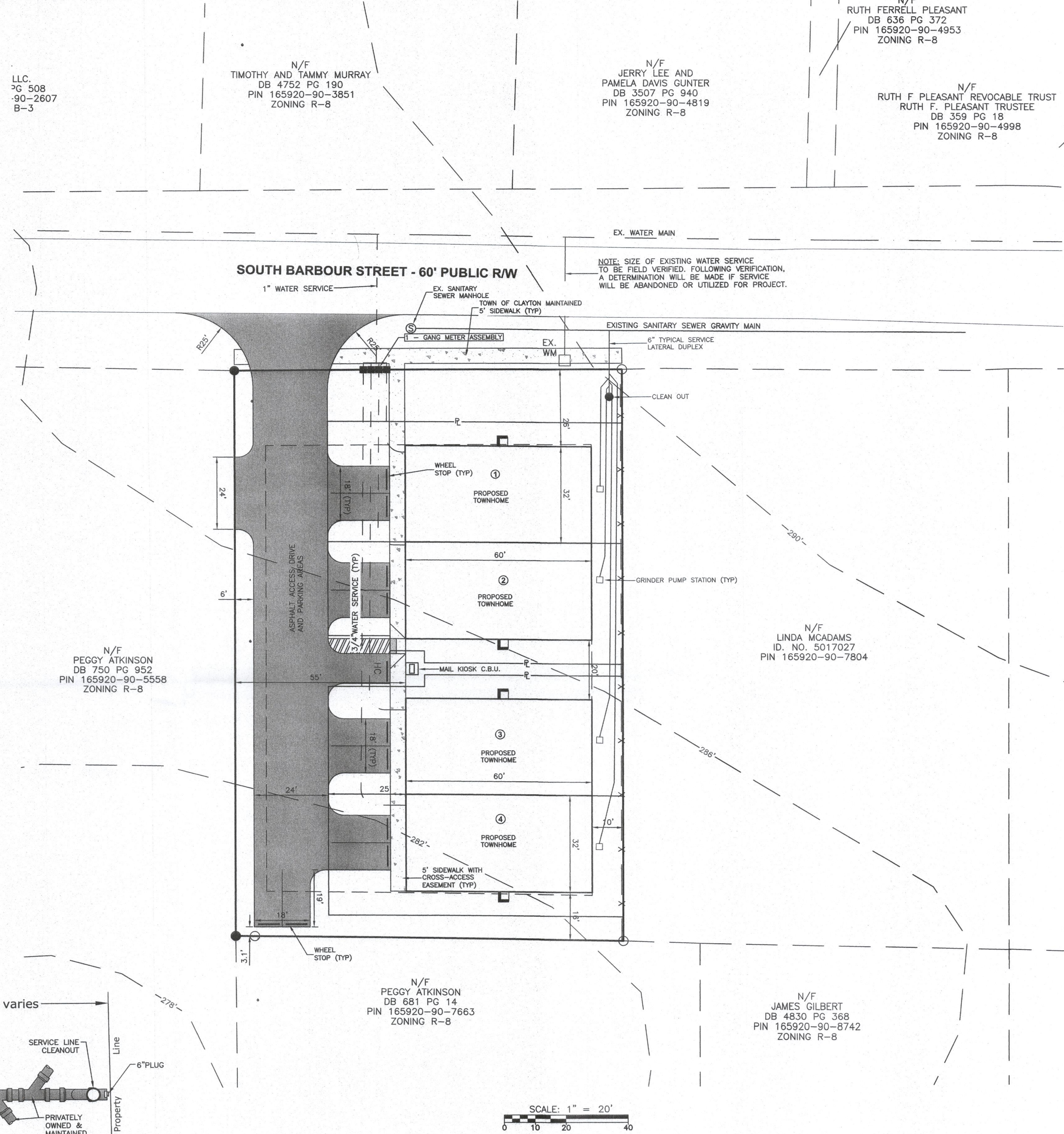
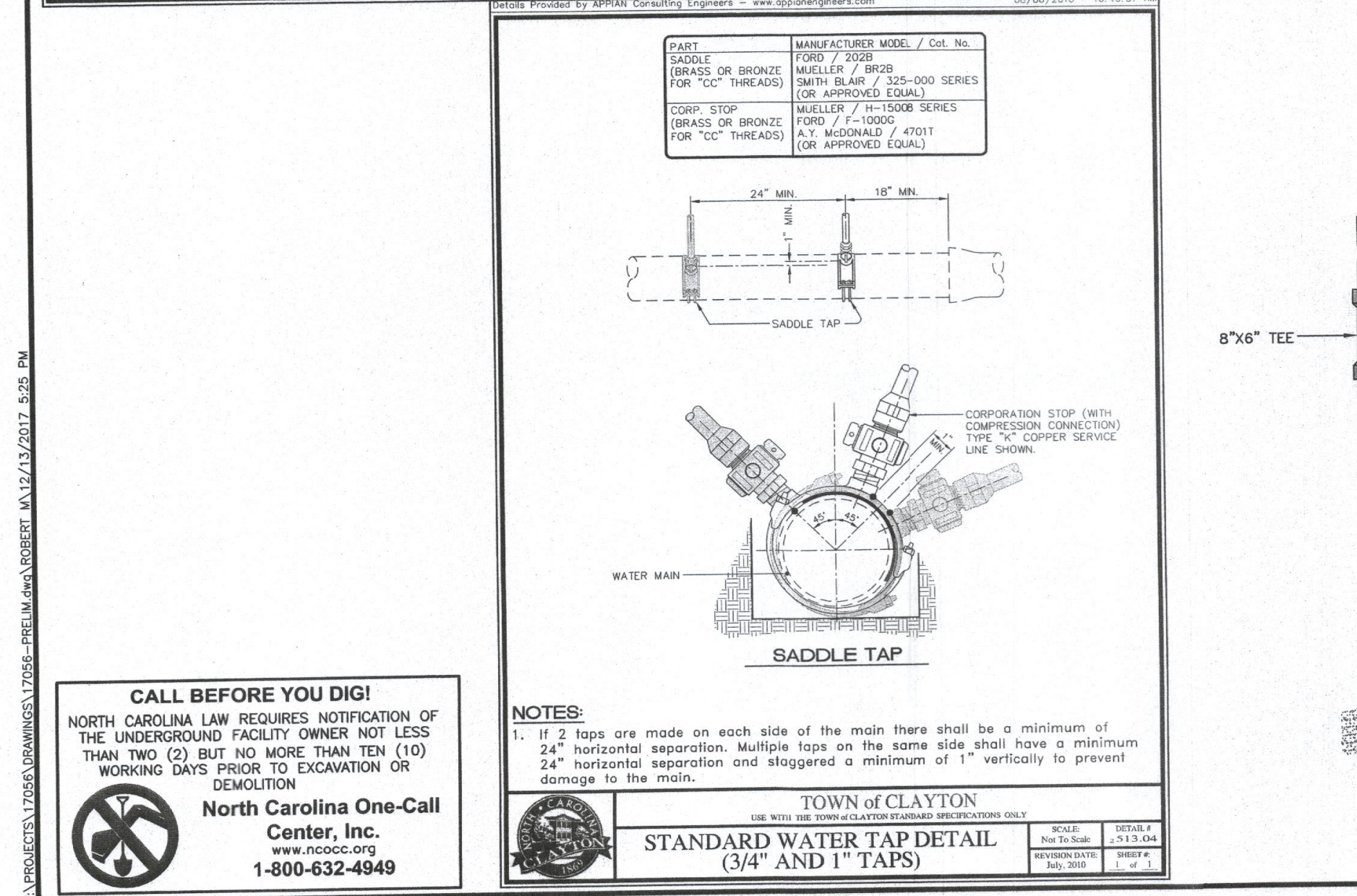
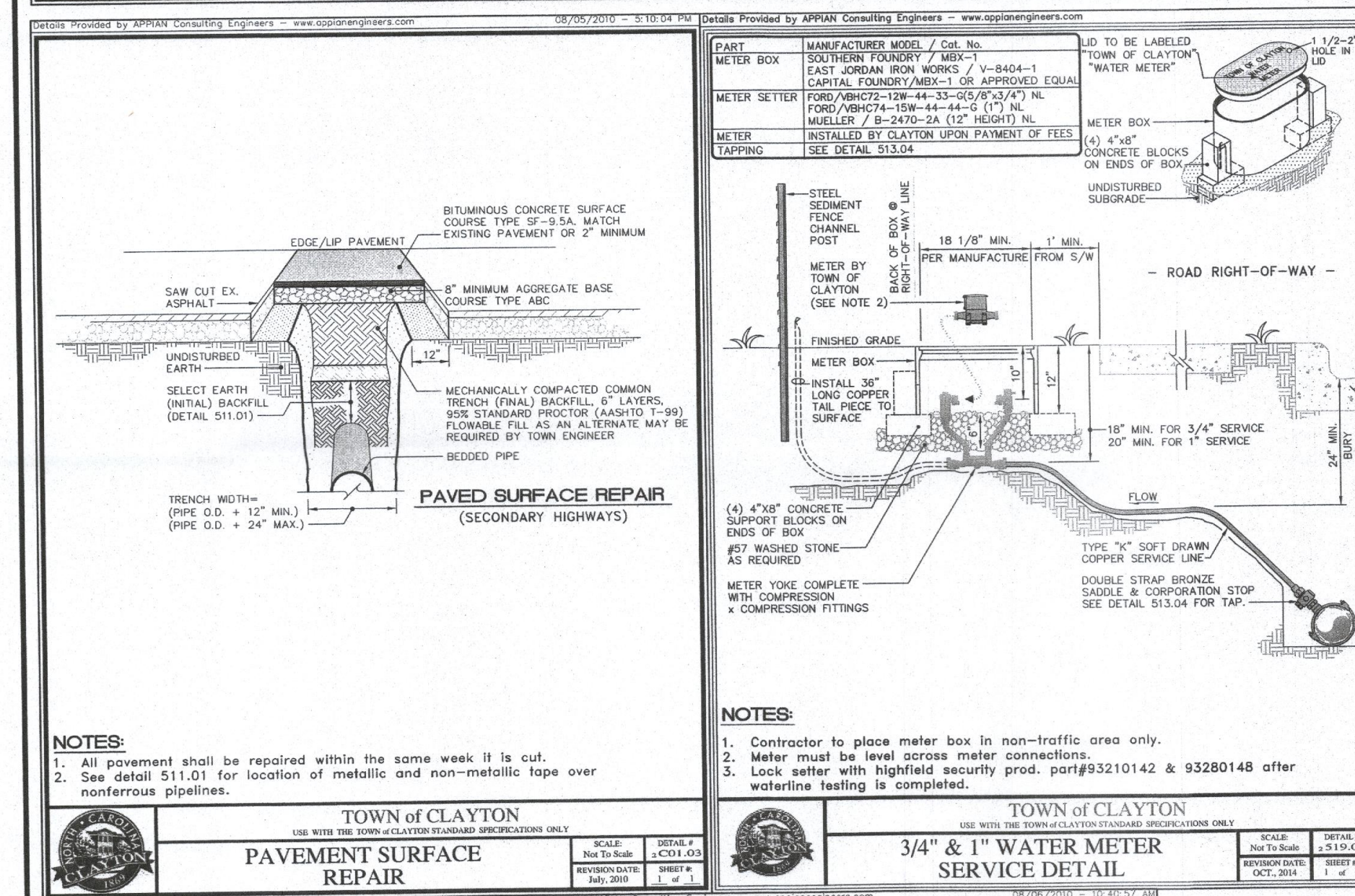
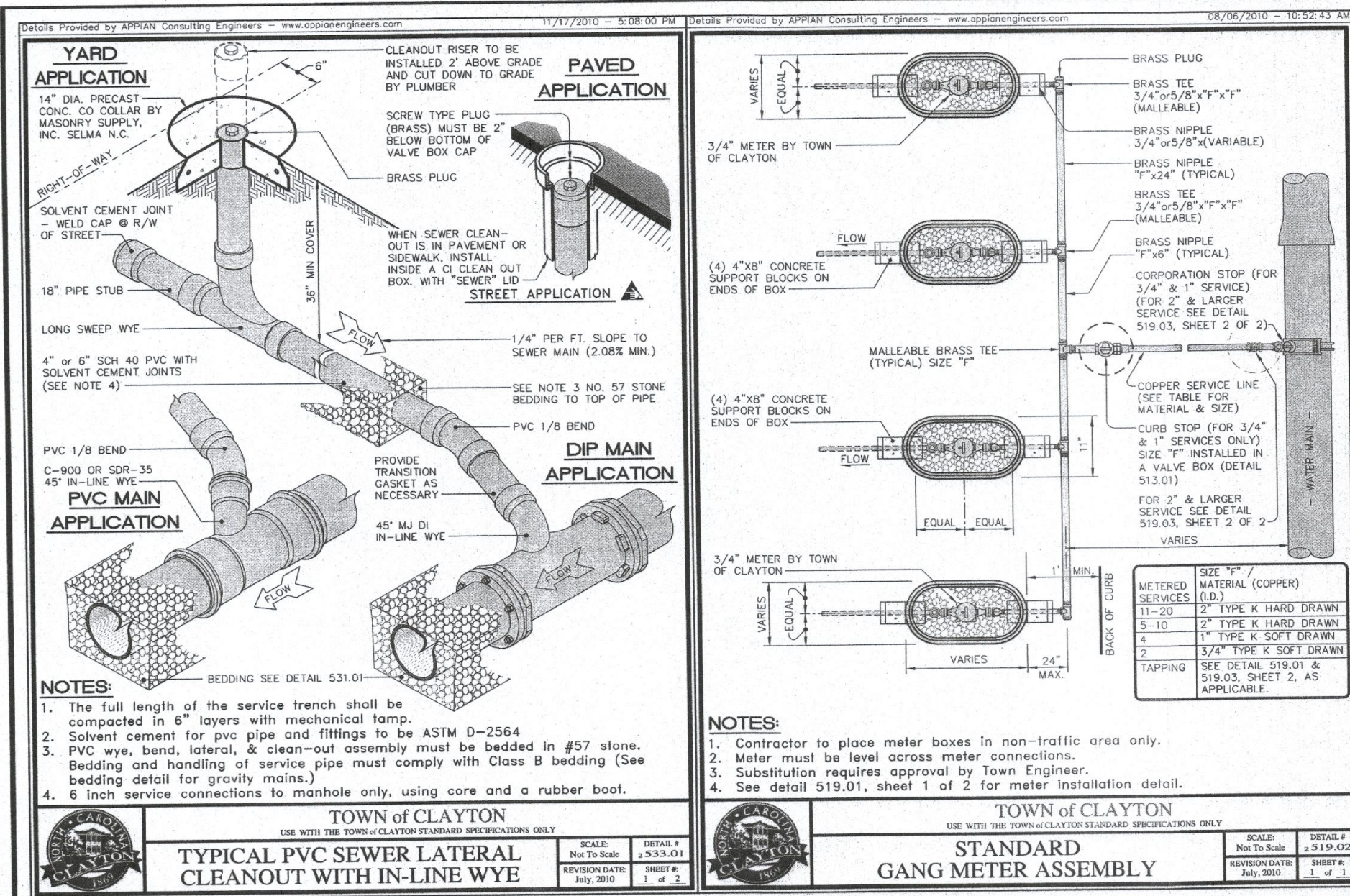
N/F
 RUTH FERRELL PLEASANT
 DB 636 PG 372
 PIN 165920-90-4953
 ZONING R-8

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

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

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

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



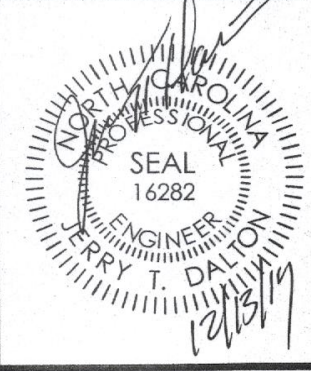
PRELIMINARY UTILITY PLAN FOR BARBOUR STREET TOWNHOMES
TOWN OF CLAYTON - JOHNSTON COUNTY, N.C.

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

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

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

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



Moss Creek Village

1106B-109



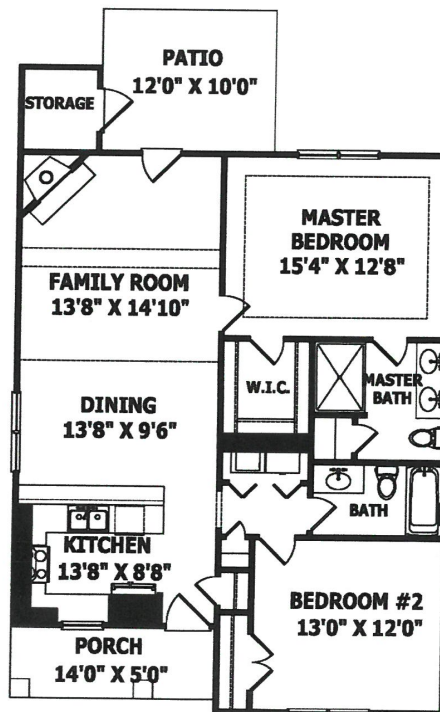
FRONT ELEVATION - A



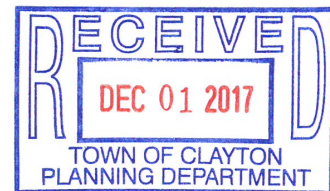
FRONT ELEVATION - B

SQUARE FOOTAGE

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



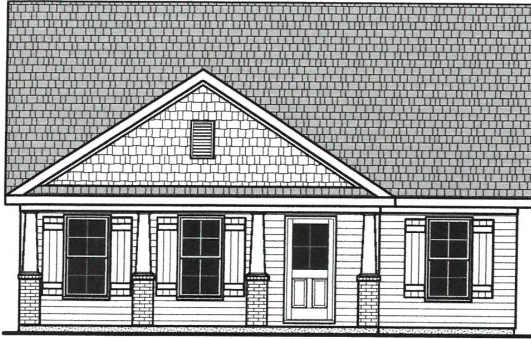
FIRST FLOOR PLAN



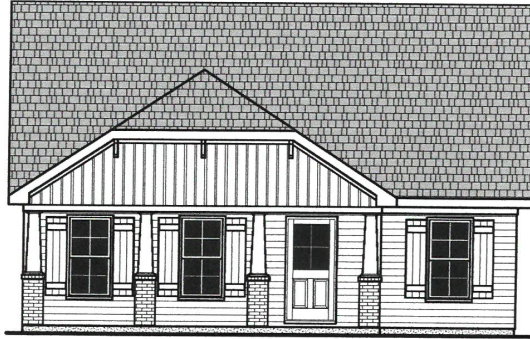
This is a rendering only and subject to change when being built as drawn for actual lots.
Porch, patio & room dimensions are not guaranteed.

Moss Creek Village

1387-110



FRONT ELEVATION - A



FRONT ELEVATION - B

SQUARE FOOTAGE

HEATED

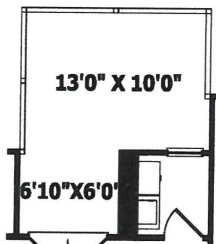
FIRST FLOOR 1387 SQ.FT.
TOTAL 1387 SQ.FT.

OPTIONAL

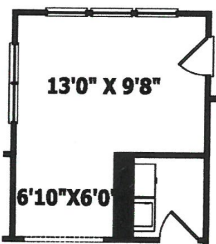
COVERED PORCH 171 SQ.FT.
SUN ROOM 176 SQ.FT.
TOTAL 347 SQ.FT.

UNHEATED

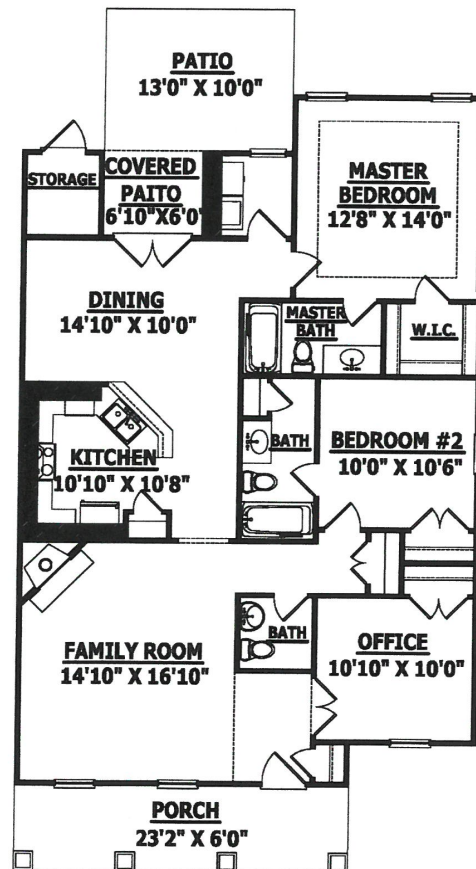
FRONT PORCH 139 SQ.FT.
REAR PORCH 41 SQ.FT.
PATIO 130 SQ.FT.
STORAGE 34 SQ.FT.
TOTAL 344 SQ.FT.



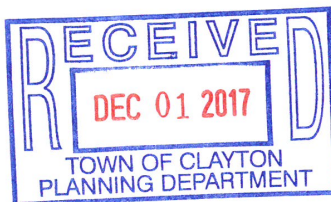
**OPTIONAL COVERED
OR SCREENED PORCH**



OPTIONAL SUN ROOM



FIRST FLOOR PLAN



Dalton Engineering

and Associates, P.A.



November 15, 2017

Timothy & Tammy Murray
616 South Barbour St
Clayton, NC 27520
165920-90-3851

Dear Mr. & Mrs. Murray:

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

Meeting Date: Tuesday, November 28, 2017 Meeting Time: 6:30 PM

Meeting Location: Dalton Engineering and Associates, P.A.
446 East Main Street
Clayton, NC 27520

Type of Application: Minor Subdivision Application and Special Use Application

Project/proposal property address: The project is located at 619 South Barbour Street, Clayton, NC 27520.

Description of project/proposal: The Developer of the subject project has submitted a Minor Subdivision Application and Special Use Application to the Town due to an interest in developing the parcel into 4 residential townhome lots.

Upcoming public meetings for this application (Planning Board and/or Town Council):
Planning Board and Town Council

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

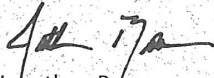
1. A copy of the project application.
2. A map at a scale that is appropriate to the project and shows neighboring properties and roads.
3. A map, drawing, or other depiction of the proposed land use change or development proposal.

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

A map is enclosed with this letter showing the location of the property that is subject to this application for land use change and/or development proposal.

If you have any questions prior to or after this meeting, you may contact our office at 919-550-4740. You may also contact the Town of Clayton Planning Department at 919-553-5002.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jon Barnes', with a stylized flourish at the end.

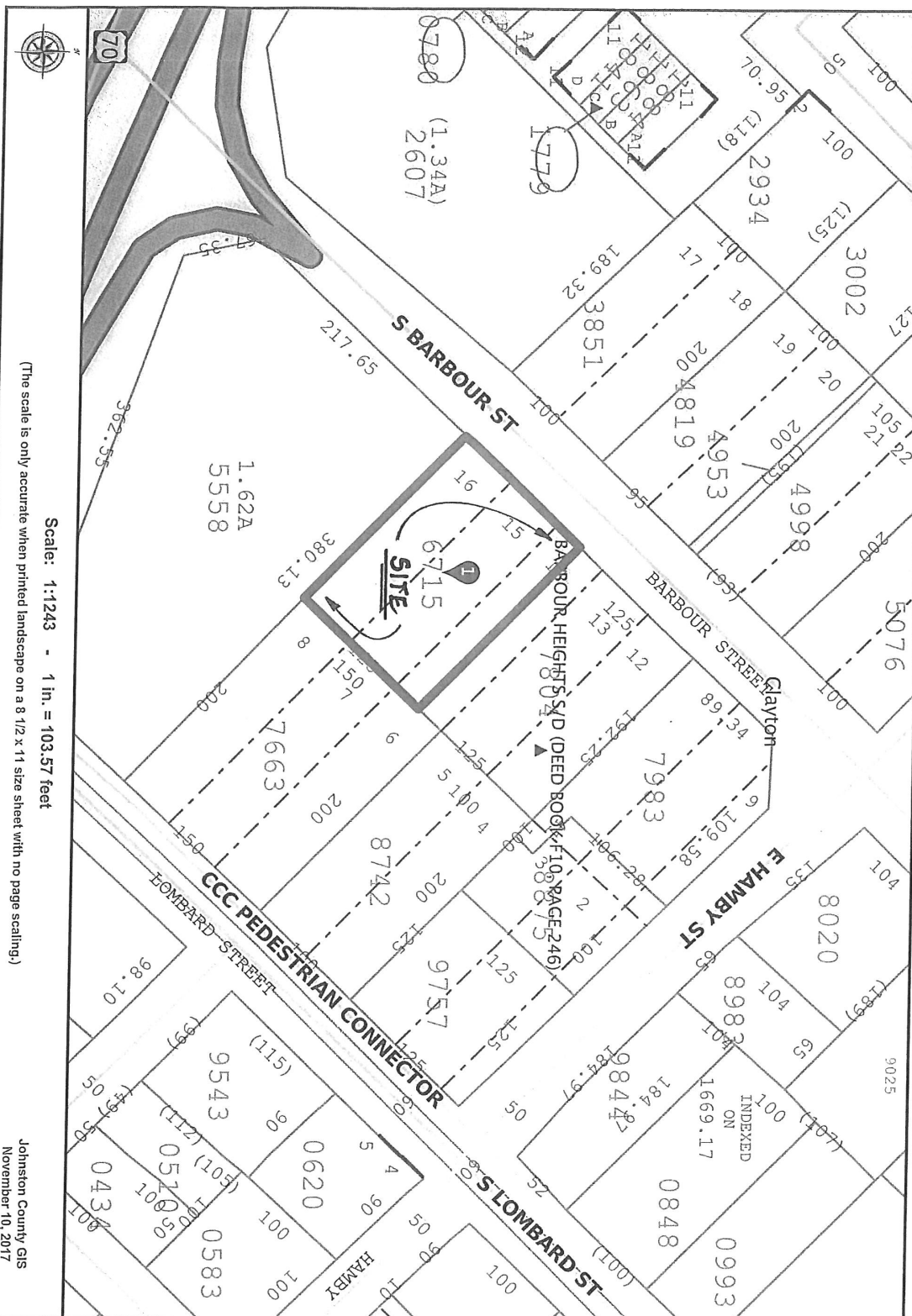
Jonathan Barnes
Dalton Engineering and Associates, P.A.

Cc: Town of Clayton Planning Dept.

Barbour Street Townhomes



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



Scale: 1:1243 - 1 in. = 103.57 feet
(The scale is only accurate when printed landscape on a 8 1/2 x 11 size sheet with no page scaling.)

Johnston County GIS
November 10, 2017

ADJACENT PROPERTY OWNERS LIST

Project Name: Barbour Street Townhomes

The following are all the persons, firms, or corporations owning property within 100 feet and immediately adjacent to the property (including across street rights of way) subject to this request. Where the subject property immediately adjoins a public or private right-of-way, landscape or riparian buffer, commonly-owned private area, public property, or homeowners' association property, then letters of notification shall be sent to adjoining property owners as if they directly abut the subject property. Please use a separate sheet if necessary

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

PARCEL NUMBER	NAME	ADDRESS
165920-90-7663	Peggy Jones Atkinson	303 Williams St Greenville,NC 27858
165920-90-3851	Timothy & Tammy Murray	618 S Barbour St Clayton,NC 27520
165920-90-7804	Linda Mitchiner McAdams	611 Barbour St Clayton,NC 27520
165920-90-5558	Peggy Jones Atkinson and Others	303 Williams St Greenville, NC 27858
165920-90-4953	Ruth Ferrell Pleasant	612 Barbour St Clayton, NC 27520
165920-90-8742	James M Gilbert	PO Box 236 Clayton,NC 27528
165920-90-2607	Roses,LLC	PO Box 1379 Clayton,NC 27528
165920-90-4998	Ruth F Pleasant Revocable Trust	612 S Barbour St Clayton,NC 27520
165920-90-4819	Jerry L & Pamela D Gunter	616 S Barbour St Clayton,NC 27520

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Applicant: Dalton Engineering & Associates, P.A.

Location/Date: Dalton Engineering & Associates, P.A. 446 East Main Street Clayton, NC 27520 11/28/17

	NAME	ADDRESS
1	Tammy Murray	618 Barbours St
2	Rochelle Pleasant	612 Barbours St
3	Jerry Gunter	616 Barbours St
4	Linda M. McAdams	611 Barbours St.
5	Misty Tull	6165 Lombard st.
6	JONATHAN BARUES	446 EAST MAIN ST. CLAYTON, NC 27520
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		

NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Application: Barbour Street Townhomes : Special Use Application

Date of Mailing: November 16, 2017

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

Printed Name: Jonathan Barnes

Signature: 

Date of Meeting: November 28, 2017 Time of Meeting: 6:30 p.m.

Location of Meeting: Dalton Engineering and Associates, P.A. 446 East Main Street Clayton, NC 27520

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

There were a total of six Participants that attended the Neighborhood Meeting held for subject project, including one Representative of the Applicant. A general overview of the project was provided to the Participants, as well as the meeting dates and location of the upcoming public hearings. Issues that were raised during the Neighborhood Meeting included the utilization of the parcel for townhomes, the number of townhomes that are being proposed to be constructed on the parcel, the available sight distance at the project's driveway and the amount of traffic the project would generate. Questions were asked about the aesthetics and the height of the proposed townhomes; elevation views of the townhomes were not available at the time of the Neighborhood Meeting. At the conclusion of the Meeting, each of the five Property Owners left with a blank Summary Form in order to write down their comments and concerns. One Property Owner called to let our office know they would be voicing their comments during the public hearing at the Planning Board Meeting. As of the end of the business day on 12/4/17, two other Property Owners had delivered their comments to our office, which are included in the attached Neighborhood Meeting information packet. Jonathan Barnes - Dalton Engineering and Associates, P.A. (Applicant)

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

NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Date of Mailing: November 16, 2017

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

Printed Name: Jonathan Barnes

Signature: Beth Pleasant

Date of Meeting: Tuesday November 28, 2017 Time of Meeting: 6:30

Location of Meeting: Dalton Engineering & Associates, P.A. 446 East Main St Clayton, NC 27520

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

- Concerns —
- ① Traffic - off highway/getting out of driveway
 - ② The building of more townhomes in the future.
 - ③ Safety crossing street to visit neighbors
 - ④ More cars by my house each day - (Hard to get out of driveway now!)

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

01/06/2016

Page 6 of 17

NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Date of Mailing: November 16, 2017

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

Printed Name: Jonathan Barnes

Signature: 

Date of Meeting: Tuesday November 28, 2017 Time of Meeting: 6:30

Location of Meeting: Dalton Engineering & Associates, P.A. 446 East Main St Clayton, NC 27520

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

We are deeply concerned about the impact this development will have on our neighborhood. The only entrance/exit will be directly across from our driveway as well as the driveway at the adjacent daycare center. It is already very challenging for us to exit our driveway with the large amount of traffic on Barber St. Adding a driveway for multiple units directly across this narrow, busy street will create a safety issue.

We also are distressed about the dramatic change in the neighborhood that will be caused by putting so many units on this small residential lot. We are a neighborhood of lovely single family homes and feel strongly that the addition of multiple units in a small space will negatively impact our quality of life in our home as well as property values.

Tim & Tammy Murray 618 Barber St

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

01/06/2016

401-338-6782

508-577-5684

Page 6 of 17

Special Use [quasi-judicial hearing] [Additional requirements listed in Town Ordinance 155.702]:	PUBLIC NOTICE In accordance with NC GS 160A-364, the Clayton Town Council will hold an evidentiary hearing on Monday, March 5, 2018, at 6:00 PM at Town Hall, 111 East Second Street, to consider special use application 2017-176-SUP, Barbour Street Townhomes. This application requires a Special Use Permit to allow townhomes at 619 S. Barbour Street; parcel number 165920-90-6715. During an evidentiary hearing, the Clayton Town Council must make findings of fact based upon sworn testimony and other credible evidence. Citizens may give testimony in an evidentiary hearing after they have taken an oath. This is an open meeting and the public is invited to attend. Jay McLeod, Senior Planner 919-553-5002 The Clayton News Star Please advertise on the following dates: February 23, 2018 March 2, 2018 Affidavit of publication required.
--	---

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

**Barbour Street Townhomes
2017-176-SUP**

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

Recommendation to the Town Council to

☐ approve the request;

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

☒ deny the request;

☐ other

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

Signed:



ROBERT L. AHLERT PLANNING BOARD CHAIR



Town Council Agenda Cover Sheet

Meeting Date

February 19 2018

Agenda Location

Items Scheduled for the Regular Meeting

Item Title

2018-10-RZ 110 E Second Street Rezoning

Presenter *(Name & Title)*

Planning Department

Summary/Description

Request to rezone the subject property from Office-Institutional (O-I) to Central Business (B-1).

Requested Action

Set Public Hearing

Additional Documents To Be Included in Agenda Packet

Staff Report
Application
Staff Report Maps
Neighborhood Meeting Materials
Consistency Statement
Newspaper Ad- Public Notice
Adjacent Property Letter- Public Notice



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

REZONING APPLICATION

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

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

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

SITE INFORMATION

Name of Project: My Girlfriends Properties LLC **Acreage of Property:** .15
County Tag Number: 0501 5077 **NC PIN:** 166913-02-3765
Address/Location: 110 E Second Street
Existing Zoning District: O-I
Proposed Zoning District: B-1

APPLICANT INFORMATION

Applicant: Paul Black - My Girlfriends Properties, LLC
Mailing Address: 126 Reedy Creek Road Four Oaks NC 27524
Phone Number: (919) 524-5858 **Fax:** N/A
Contact Person: Paul Black
Email Address: Blackstone@nc.rr.com

FOR OFFICE USE ONLY		
Date Received: <u>JAN 31 2018</u>	Amount Paid: <u>\$600</u>	File Number: <u>2018-10-RZ</u>
version 10/6/2016		Page 1 of 11

TO: PLANNING DEPARTMENT

PROPERTY OWNER INFORMATION

Name: My Girlfriends Properties, LLC
Mailing Address: 126 Reedy Creek Rd Four Oaks NC 27524
Phone Number: 919 524 5858 **Fax:** _____
Email Address: Blackstone@nc.rr.com

EXPLANATION OF PROJECT

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

We will be utilizing the building for our salon. We will not require changes to the building structurally, only cosmetically inside. Our staff will be 4 providers. We have no plans to expand.

REQUIRED INFORMATION (to be submitted with the application)

The following items must accompany a Rezoning application.

To be completed by the applicant:			For staff use only:		
Submit 9 copies of all materials unless otherwise noted or directed by staff	Yes	N/A	Yes	No	N/A
1. A pre-application conference was held with Town of Clayton staff. Date: <u>1-22-2018</u>	☒	☐			
2. Review Fee (\$500 for standard rezoning OR \$1,000 + \$5.00/acre for Planned Developments) and Advertisement Fee (\$100)	☒				
3. Completed application	☒				
4. Owner's Consent Form <i>Required if applicant is not property owner.</i>	☐	☐			
5. A signed and sealed boundary survey (not more than a year old unless otherwise approved by the Planning Department).	☐				
6. If property to be rezoned is a portion of a parcel: - Property legal description typed (10 pt. font or greater, and also submitted electronically in MS Word format.) - Plat showing property to be rezoned, matching legal description.	☐	☐			
7. Adjacent property owners list	☒	☐			
8. Neighborhood meeting notice letter (1 copy) <i>See sample letter and meeting requirements included in this packet</i>	☒				
9. Neighborhood meeting summary form (1 copy) <i>Included in this packet</i> <u>- latex</u>	Must be submitted after neighborhood meeting is held and at least 10 days prior to Planning Board meeting.				
10. Stamped, addressed, empty envelopes with no return address, using the adjacent property owner list (1 set) <i>This for a public notice of the public hearing mailed by the Town - thus, neighbors will receive both a neighborhood meeting letter from the applicant, and a notice of the hearing from the Town.</i>	☒				

 APPROVAL CRITERIA

All applications for a Rezoning must address the following findings:

1. Consistency with the adopted plans of the Town.

this application will be consistent with the plans of the Town of Clanton.

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

Currently this O&I. Most of the downtown locations are zoned B-1, and we are proposing this location to be zoned B-1 also.

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

Yes, this change will benefit downtown because it will match the majority of current businesses zoning in downtown.

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

Yes, we are currently in the downtown surrounded by a wonderful community.

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

Yes, it has been determined that legal purposes for which zoning exists are not violated.

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

Correct, it has been determined that there will be no adverse effects upon adjoining property owners.

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

Correct. No one owner or group of property owners will benefit materially from the change to the detriment of the general public.

APPLICANT AFFIDAVIT

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

Paul A. Block

Print Name

[Signature]
Signature of Applicant

1-31-18

Date



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

*Town Council Work Session
February 19, 2018*

STAFF REPORT

Application Number: 2018-10-RZ
Project Name: 110 E Second Street Rezoning

NC PIN / Tag #: 166913-02-3765 / 05015077
Town Limits/ETJ: Town Limits
Overlay: Downtown Overlay
Applicant: Paul Black (My Girlfriend's Properties LLC)
Owner: My Girlfriend's Properties LLC
Location: 110 E Second Street

Public Noticing:

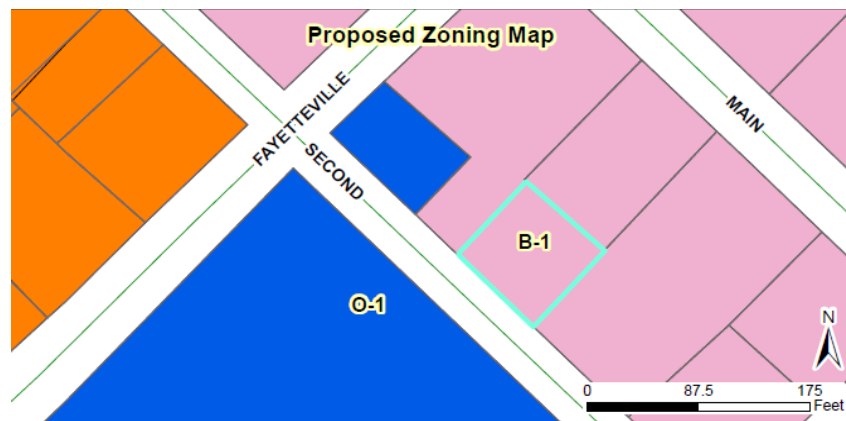
- Neighborhood meeting held on February 12, 2018
- Signs Posted prior to February 16, 2018
- Letters mailed prior to February 23, 2018
- Newspaper ad published February 23, 2018 and March 2, 2018

REQUEST: Request to rezone the subject property from Office-Institutional (O-I) to Central Business (B-1).



SITE DATA:**Acreage:** .15 acres**Existing Uses:** Office Building (vacant)**ADJACENT ZONING AND LAND USES:**

Direction	Zoning	Existing Use
North	Central Business (B-1)	Single-family residential
South	Office-Institutional (O-I)	The Clayton Center/Town Hall
East	Central Business (B-1)	Wagner House
West	Central Business (B-1)	Single-family residential

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

The applicant is requesting to rezone .15 acres from Office-Institutional (O-I) to Central Business (B-1). There is an existing building located on this property, which has historically been used as office space but is currently vacant. The property does not have any existing on-site parking, and is located within the downtown overlay district. A rezoning of the property to B-1 would create consistency with the surrounding zoning districts, and allow more relaxed parking standards for future tenants.

Compatibility with Surrounding Land Uses

The proposed rezoning is compatible with surrounding land uses, which includes single-family residential, office, and commercial.

Consistency with the 2040 Comprehensive Plan

The proposed rezoning is compatible with the 2040 Comprehensive Plan and Future Land Use Map, which designates this land as "Downtown Core".



CONSIDERATIONS:

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

APPROVAL CRITERIA:

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

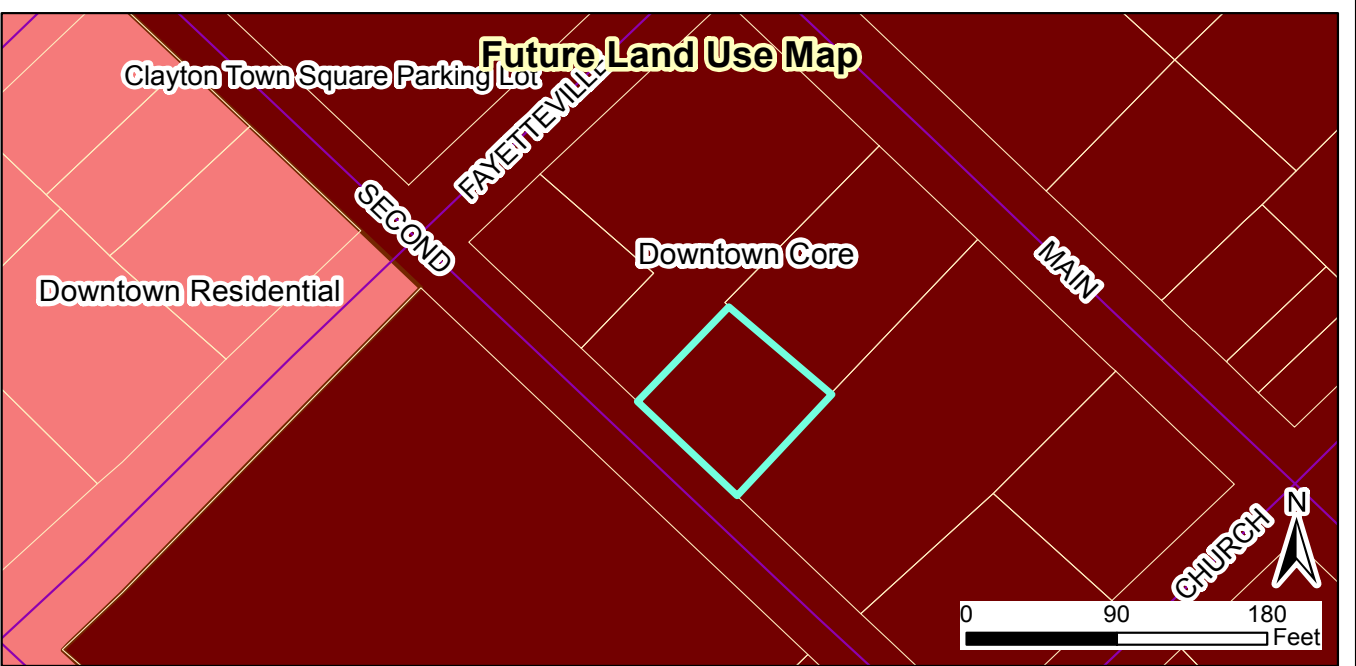
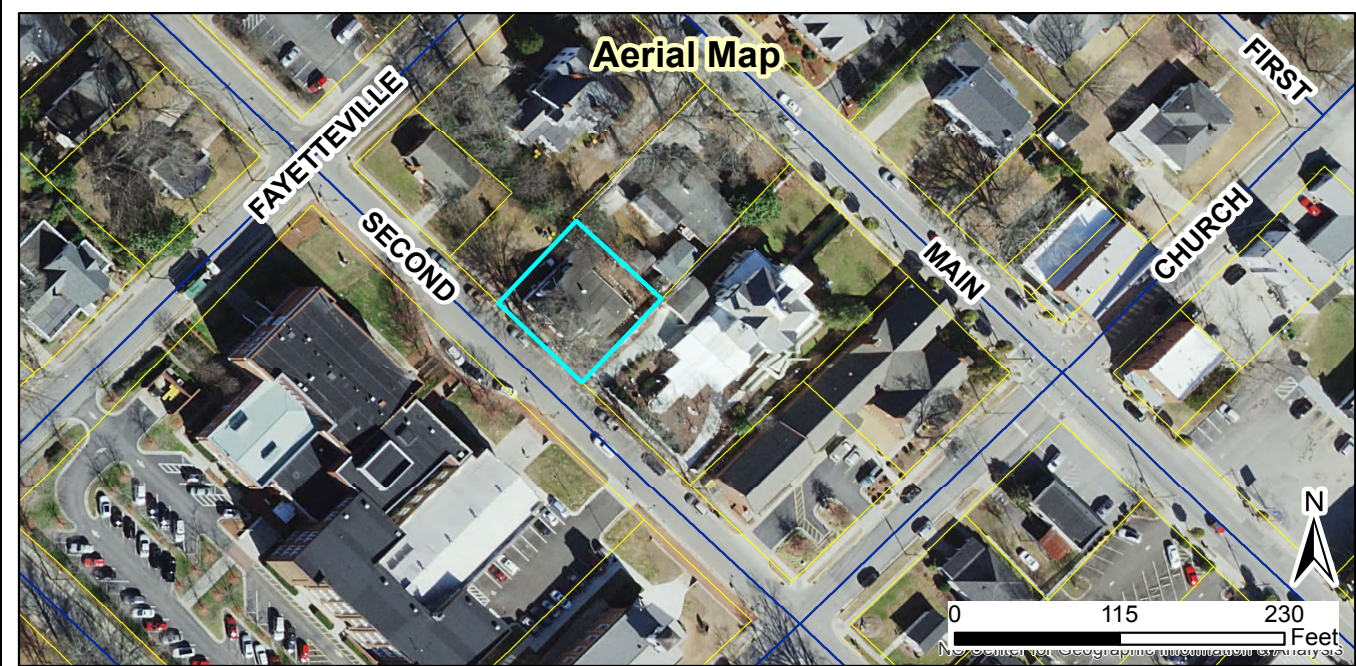
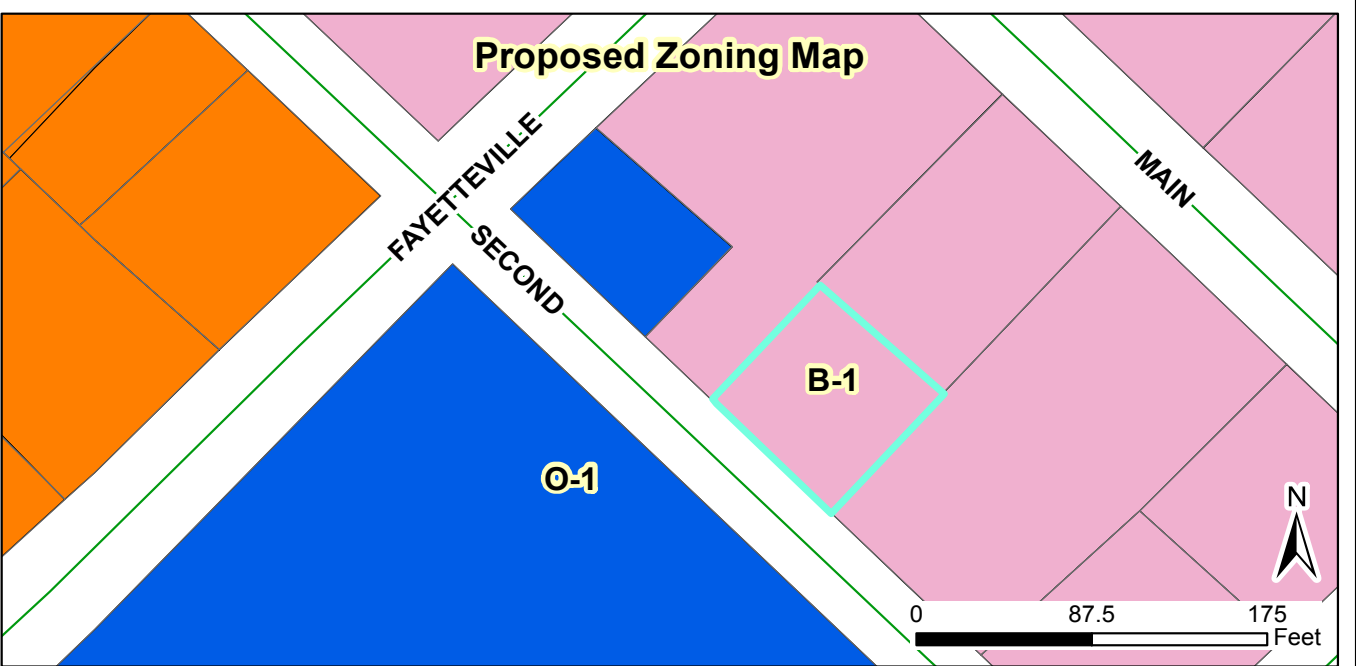
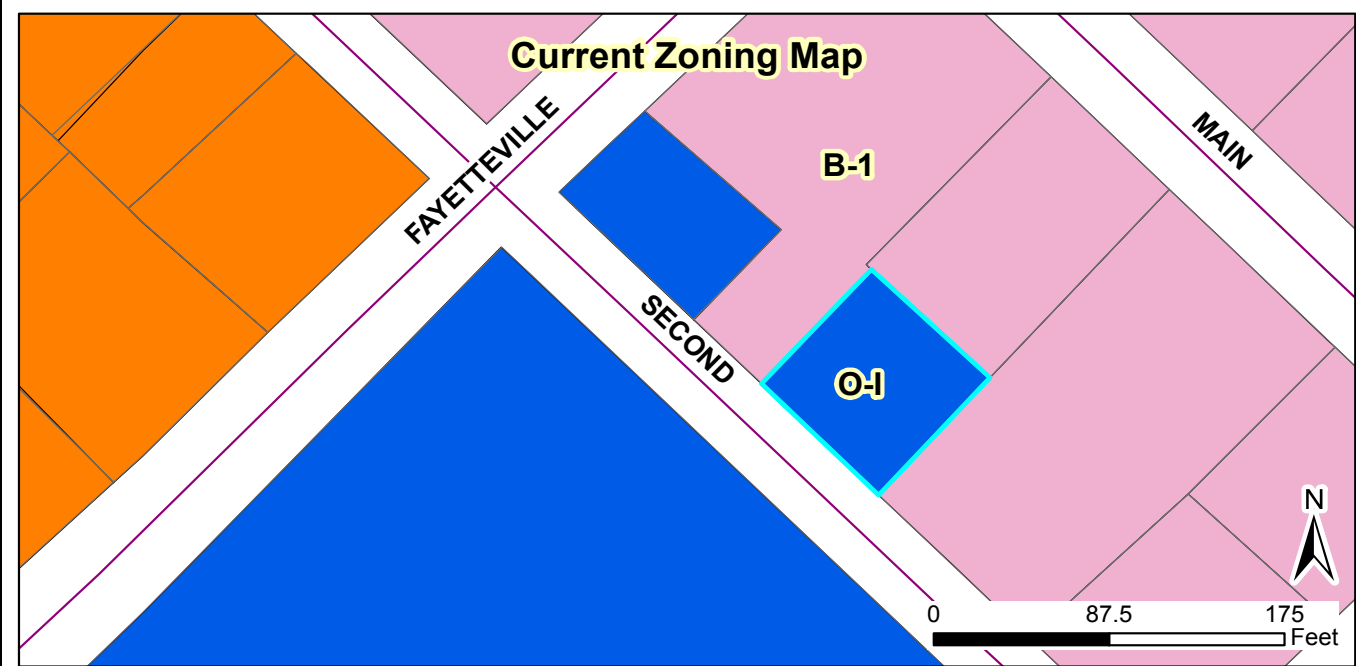
STAFF RECOMMENDATION:

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

ATTACHMENTS:

- 1) Staff Report Maps
- 2) Application
- 3) Public Notice- Newspaper Ad
- 4) Public Notice- Adjacent Property Letter

- 5) Neighborhood Meeting Materials
- 6) Consistency & Reasonableness Statement



2018-10-RZ
110 E Second Street Rezoning
 Applicant: My Girlfriend's Properties LLC
 Property Owners: My Girlfriend's Properties LLC
 Parcel ID: 166913-02-3765
 Tag #: 05015077

Staff Report Map



02/05/2018

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

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

Document Path: O:\ADMINISTRATION\TEMPLATES-APPLICATIONS\Templates\Staff Report Maps\Staff Report Map 4box - TEMPLATE v20170512.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

February 20, 2018

NOTICE

SUBJECT: **Project #:** 2018-10-RZ 110 E Second Street Rezoning
 PIN #: 166913-02-3765
 TAG #: 05015077
 Applicant: My Girlfriend's Properties, LLC

Dear Clayton Area Property Owner:

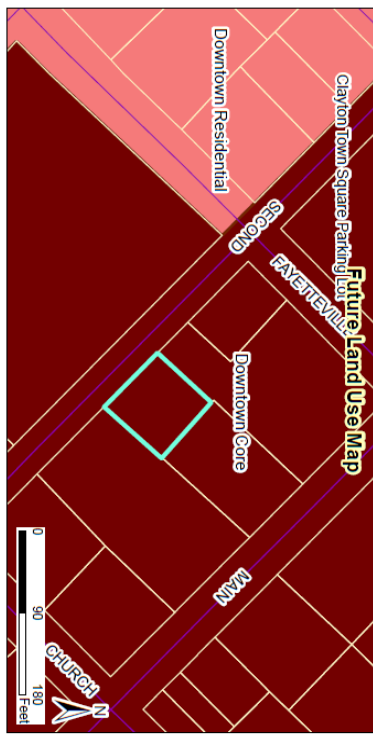
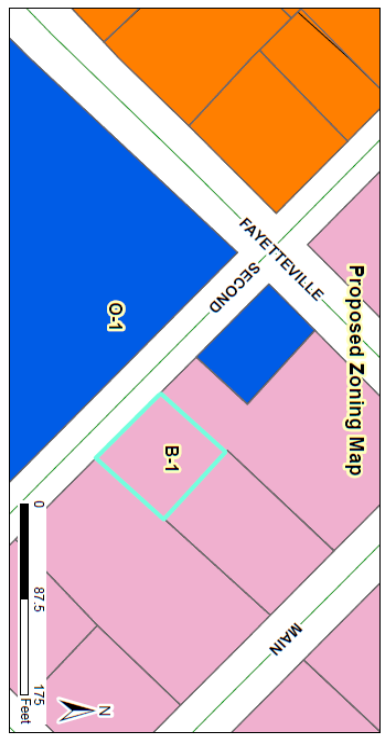
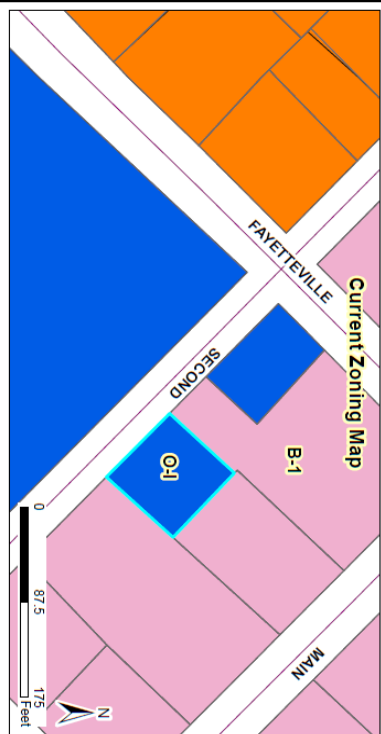
Notice is hereby given that the Clayton Town Council will hold a public hearing on Monday, March 5, 2018 at 6:00 PM at Town Hall, 111 E Second Street, to consider 2018-10-RZ, requesting to rezone a portion of the above referenced subject property from Office-Institutional (O-I) to Central Business (B-1). The property is located at 110 E Second Street. Please see the map on the back of this letter.

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

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

Sincerely,

Haley Hogg, CZO
Planner



2018-10-RZ
110 E Second Street Rezoning
 Applicant: My Girlfriend's Properties LLC
 Property Owners: My Girlfriend's Properties LLC
 Parcel ID: 166913-02-3765
 Tag #: 05015077

Staff Report Map

Document Path: O:\ADMINISTRATION\ITEMS\LETTERS\APPLICATIONS\110 E Second Street Report Map.docx - TEMPLATE (03/10/15) .mxd

02/05/2018

Responsible for the study and report

Responsible for the study and report

Legend

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

My Girlfriends Properties, LLC

110 E Second Street Clayton, NC | 919-524-5858 | Blackstone@nc.rr.com

Town of Clayton
PO Box 879
Clayton, NC 27528-0000

Dear Sir or Madam:

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

Meeting date: Monday, February 12, 2018 Meeting time: 6:30pm

Meeting location: 110 E Second Street Clayton, NC 27520

Type of Application: Rezoning

Project/proposal property address: 110 E Second Street Clayton, NC 27520

Description of Project: We are moving our salon, My Girlfriends Place, which is currently at The Wagner House, to 110 E Second Street. The staff consists of 2 hairstylists, 1 nail technician, and 1 Esthetician. We are proposing no structural changes to the outside or inside of the property.

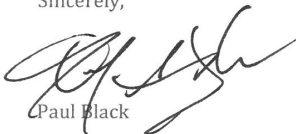
At a minimum, the following will be available for your inspection at the Neighborhood Meeting:

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

A map is enclosed with this letter showing the location of the property that is subject to this application for land use change and/or development proposal.

If you have any questions prior to this meeting, you may contact us at 919-524-5858. You may also contact the Planning Department at 919-553-5002.

Sincerely,



Paul Black

cc: Town of Clayton Planning Dept

TOWN OF CLAYTON
ZONING AMENDMENT
CONSISTENCY AND REASONABLENESS STATEMENT
[2018-10-RZ 110 E SECOND STREET REZONING]

The Town Council of the Town of Clayton hereby states:

Section 1: The above referenced zoning amendment IS APPROVED.

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

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

- Objective LU1.2 Encourage the redevelopment or adaptive re-use of under-utilized commercial development

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

The requested rezoning is consistent with the above referenced objective within the Comprehensive Plan 2040. The Future Land Use Map designates this property as being located within the "Downtown Core", which accommodates a variety of uses including commercial and offices. Rezoning this property to Central Business (B-1) will create consistency with the future land use map designation, and the surrounding zoning districts, which are primarily B-1. This rezoning may also encourage the re-use of the subject property through the attraction of tenants due to the lenient setback and parking requirements permitted within B-1.

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

that the rezoning will create consistency with the surrounding land uses and zoning districts, as well as the future land use map,

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

PUBLIC NOTICE

In accordance with NC GS 160A-384, the Clayton Town Council will hold a public hearing on Monday, March 5, 2018, at 6:00 PM at Town Hall, 111 East Second Street, to consider rezoning request 2018-10-RZ for parcel number 166913-02-3765, located within the town limits. The requested change is from Office-Institutional (O-I) to Central Business (B-1).

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

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

Haley Hogg, Planner
919-553-5002

The Clayton News Star

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

Affidavit of publication required.



Town Council Agenda Cover Sheet

Meeting Date

February 19 2018

Agenda Location

New Business

Item Title

Property Lease to Clayton Area Ministries

Presenter

David DeYoung, Economic and Community Development Director & Dale Mathews, Clayton Area Ministries

Summary/Description

Clayton Area Ministries (CAM) is proposing that the Town lease the old SPCA Building on Durham Street to allow for the relocation of CAM from their current facility on Main Street. CAM has outgrown their current location and believes the old SPCA facility is ideal to allow them to continue their operations and grow. The SPCA facility is in need of a great deal of renovation, as it has been vacant for over 5 years. CAM will be renovating the new location through community donations and at no cost to the Town.

Requested Action

Information Only

Additional Documents To Be Included in Agenda Packet

Town of Clayton
Amendment to the FY 17-18 Budget

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

Fund: General Fund

<u>Line Item</u>	<u>Previous Appropriation</u>	<u>Adjustment</u>	<u>Revised Appropriation</u>
Revenue			
100-40-00-48 99	Fund Balance Appropriated \$68,136	+70,000	\$138,136
Expenditures			
100-42-95-58 50	Capital Outlay \$0	+70,000	\$70,000

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

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

Jody L. McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk