



The Town of Clayton
Town Council Work Session Meeting Agenda
Monday, April 17, 2017 @ 6:30 PM
Council Chambers

1. CALL TO ORDER

Pledge of Allegiance and Invocation

2. ADJUSTMENT OF THE AGENDA

3. CONSENT AGENDA

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

- a. Resolution Awarding Badge and Service Firearm to Police Chief Bridges
[Resolution - Police Bridges Badge & Service Weapon](#)

- b. Draft Minutes
- April 3, 2017 Regular Session
[April 3, 2017 DRAFT Minutes](#)

POTENTIAL ACTION: Approval of Consent Agenda as Presented

4. ADMINISTRATIVE ITEMS

- a. Warranty Acceptance - FINAL Water & Sewer Utilities
- Cleveland Draft House of Clayton
[Cover - Warranty Acceptance Cleveland Draft House of Clayton](#)
[Warranty Acceptance - Cleveland Draft House](#)

POTENTIAL ACTION: Place on May 1, 2017 Consent Agenda

- b. All Star Waste Services Contract

POTENTIAL ACTION: Place on May 1, 2017 Consent Agenda

5. INTRODUCTIONS AND SPECIAL PRESENTATIONS

- a. Introduction New Employees
Presenter: Ann Game, Customer Service Director
- Allan Henkel, Meter Technician
 - Keva Wright, Customer Service Representative
- b. Introduction of the new Miss Clayton and Miss Clayton Outstanding Teen
- Alexis Massengill - Miss Clayton
 - Ahnna Chey - Miss Clayton Outstanding Teen
- c. Presentation - Proposed Shared Trail Network - Walnut Hill Property &

Riverwalk Property

Presenters: Sandy Sweitzer, Executive Director & Leigh Ann Hammerbacher, Associate Director - Triangle Land Conservancy

[Draft Letter of Support - Triangle Land Conservancy](#)
[Triangle Land Conservancy](#)

POTENTIAL ACTION: Consideration of Support

- d. Southeast Area Study
Presenter: Alex Rickard, CAMPO

[Cover - Southeast Area Study](#)
[Southeast Area Study Implementation Strategies](#)
[Planning Board Recommendation - Southeast Area Study](#)

POTENTIAL ACTION: Place on May 1, 2017 Consent Agenda

6. ITEMS SCHEDULED FOR THE REGULAR MEETING

- a. SUP - 2017-08-SUP - Abbington Forest Apartments

Presenter: Planning Department

[Cover - 2017-08-SUP](#)
[Application Update - Abbington Forest Apartments 2017-08-SUP](#)
[UPDATED Staff Report Abbington Forest - 2017-08-SUP](#)
[Staff Map - Abbington Forest - 2017-08-SUP](#)
[Planning Board Recommendation - Abbington Forest Apt 2017-08-SUP](#)
[Neighborhood Meeting Minutes - Abbington Forrest - 2017-08-SUP](#)
[2017-08-SUP Abbington Forest Post Master Approval](#)
[Planning Board Recommendation - Abbington Forest Apt 2017-08-SUP](#)
[NCDOT Concurrence- Abbington Forest](#)
[Wastewater 2017-07-SP](#)
[Newspaper Ad -2017-08-SUP](#)

POTENTIAL ACTION: Set Public Hearing for May 1, 2017

- b. Rezoning - #2017-20-RZ - Gateway Lot 6

Presenter: Planning Department

[Cover - 2017-20-RZ](#)
[Application - Gateway Lot 6 - 2017-20-RZ](#)
[Staff Report - Gateway Lot 6 - 2017-20-RZ](#)
[Staff Report Map - Gateway Lot 6 - 2017-20-RZ](#)
[Neighborhood Minutes - Gateway Lot 6 - 2017-20-RZ](#)
[Planning Board Recommendation - Gateway Drive Lot 6 2017-20-RZ](#)
[Newspaper Ad - 2017-20-RZ](#)

POTENTIAL ACTION: Set Public Hearing for May 1, 2017

- c. Storm Water Management Agreement Review

Presenter: Tim Simpson, Public Works Director

[Cover - Storm Water Management Agreement](#)
[Clayton DRAFT MOA 04-03-17](#)

POTENTIAL ACTION: Place on May 1, 2017 Consent Agenda

- d. Live Burn - 534 W. Main Street - May 6, 2017 - Street Closure Request
Presenter: Lee Barbee, Fire Chief
[Cover - Live Burn Street Closure](#)
[Street Closure Request 534 W Main St-Live Burn Event](#)
[NCDOT Approval Street Closure Live Burn Event](#)
[NCHHCU Approval Live Burn Event](#)

POTENTIAL ACTION: Place on May 1, 2017 Consent Agenda

7. ITEMS CONTINGENT FOR THE REGULAR MEETING

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. STAFF REPORTS

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

11. OTHER BUSINESS

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

12. ADJOURNMENT

**RESOLUTION AWARDING BADGE AND SERVICE WEAPON TO
RETIRING POLICE CHIEF**

WHEREAS, NCGS § 20-187.2 provides that retiring members of municipal law enforcement agencies may receive, at the time of their retirement, the badge worn or carried by them during their service with the municipality; and

WHEREAS, NCGS § 20-187.2 further provides that the governing body of the municipal law enforcement agency may, in its discretion, award to a retiring member the service weapon of such retiring member; and

WHEREAS, Police Chief Wayne Bridges served as a member of the Clayton Police Department for a period of nearly 19 years and will retire from the Clayton Police Department on April 28, 2017.

NOW, THEREFORE, BE IT RESOLVED by the Clayton Town Council that the badge and service weapon worn and/or carried by Police Chief Wayne Bridges be awarded to him on the occasion of his retirement.

Duly adopted this the 17th day of April, 2017.

Jody McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk



**The Town of Clayton
Regular Town Council Meeting Minutes
Monday, April 3, 2017 @ 6:30 PM
Council Chambers**

COUNCIL PRESENT:

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

STAFF PRESENT:

Adam Lindsay - Town Manager
Nancy Medlin - D/Town Manager
Kimberly Moffett - Town Clerk
Katherine Ross - Town Attorney
David DeYoung - Planning Director
Jay McLeod, Senior Planner
Lee Barbee, - Fire Chief
Stacy Beard - Public Information Officer
John Hamlin - A/Public Information Officer

COUNCIL ABSENT:

Council Member Thompson

1 CALL TO ORDER

Pledge of Allegiance and Invocation

- a) Mayor McLeod called the meeting to order at 6:32 p.m. He led everyone in the Pledge of Allegiance and offered the 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) Warranty Acceptances
 - Final Acceptance - Johnston Medical - 50 Bed Addition
 - Final Acceptance - RWAC Phase 6A-1, 6B, 6C & 6E
- b) Proclamation - Fresh Air Fund
- c) Proclamation - Stand for the Silent
- d) Draft Minutes - March 20, 2017
- e) Street Closures Upcoming 2017 Events
 - Clayton Road Race - May 13, 2017
 - Mondo Roots - June 3, 2017
 - 2017 Concert Series - May 19, June 15, July 20, August 17 & September 18, 2017
- f) Resolution #2017-07 - Surplus Fire Engine

ACTION: Approval of Consent Agenda as Presented

Motion: Council Member Holder

Second: Council Member Lawter

Vote: Unanimous

4 INTRODUCTIONS AND SPECIAL PRESENTATIONS

- a) Presentation of Surplus Fire Engine to Fairmont Fire Department
Presenter(s): Stacy Beard, Public Information Officer & Lee Barbee, Fire Chief

Chief Barbee was present and provided information regarding the donation of the 1994 E One Fire Engine to the Fairmont Fire Department. Chief Barbee stated this engine has served the Town of Clayton very well. He shared details about how hard the Town of Fairmont was effected during Hurricane Matthew. The town was already struggling financially when Hurricane Matthew hit and during this, their fire truck broke down and the cost to repair the truck was prohibitive. Chief Barbee stated this was a wonderful opportunity for the Town of Clayton to be able to assist the Town of Fairmont. He stated that Clayton had been helped in the past and he was honored to be able to pass it forward. The town manager of Fairmont was present and offered her sincere thanks and appreciation for this donation. She further stated how beautiful the truck was and how it was very well taken care of. She again thanked everyone for the donation of the fire truck. Members of the Clayton Fire Department will deliver the truck to Fairmont on Tuesday, April 4, 2017.

The Mayor stated he was extremely happy to be able to provide this donation and thanked the Fairmont Fire Department for all they do for their community.

- b) Harbor of Johnston County - Services Update
Presenter: Kay Johnson, Executive Director

Ms. Johnson was present and provided an update of Harbor Johnston County. Ms. Johnson has been with Harbor as the Executive Director since June 2016. She stated that the new facility that recently opened last year and residents had moved into was hit by Hurricane Matthew on October 8, 2016 and a total of 14 residents needed to be evacuated. Ms. Johnson provided statistical information and provided detailed information regarding all the services that are offered by Harbor. She stated over 175 women and children received assistance in the shelter last year. The new shelter will be able to accommodate 28 residents. It is anticipated that the facility will re-open shortly. Figures indicate that over 250 people will be served during 2017-2018. She stated Harbor would be collaborating with Interact to ensure there will be a child advocate available and all the needs of children are met. She thanked council for their support of Harbor.

Mayor Pro Tem Grannis offered his thanks and appreciation for all the hard work and service provided by Harbor.

5 PUBLIC HEARINGS

- a) **Annexation #2017-28-ANX - Town Property - 2115 Amelia Church Road**
Presenter: Planning Department

Mr. DeYoung provided information regarding this annexation. This is a town owned 19.84-acre property, which is located at the corner of 42 West and Amelia Church Road.

Mayor McLeod opened the public hearing at 6:48 p.m. With no one coming forward, the hearing was closed and turned over to council for deliberation.

ACTION: Adoption of Ordinance #2017-04-04

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

- b) **Rezoning #2017-15-RZ - 2115 Amelia Church Road**
Presenter: Planning Department

Mr. DeYoung provided information regarding rezoning of property located at 2115 Amelia Church Road. Request is to rezone this 19.84 acre property from R-E to O-I. Required neighborhood meeting was held. Applicant has addressed all approval criteria. Rezoning is consistent with Comprehensive Plan 2040. S

Mayor McLeod opened the Public Hearing at 6:50 p.m. With no one coming forward, the public hearing was closed and turned over to council for deliberation.

ACTION: Adoption of Ordinance #2017-04-05

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

- c) **Text Amendment - Chapter 200 (Use Table & Zoning Districts)**
Presenter: Planning Department

Mr. McLeod provided information regarding request to amend language in the Unified Development Code (UDC) and to revise and update the Use Regulations Table and associated definitions. Mr. McLeod stated that all suggested changes are consistent with the Town Code as well as all stated and federal uses. Amendments are consistent with the Town Code. Both the Planning Board and Planning Staff recommended approval.

Mayor McLeod opened the public hearing at 6:59 p.m. With no one coming forward, the public hearing was closed and turned over to council for deliberation.

ACTION: Adoption of Ordinance #2017-04-06

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

6 OLD BUSINESS

7 NEW BUSINESS

- a) Awarding Police Chief Bridges his Badge and Service Firearm Upon Retirement
Presenter: Adam Lindsay, Town Manager

Mr. Lindsay provided information regarding this request. Chief Bridges has been with the Clayton Police Department for almost 19 years. Request is to award Chief Bridges his badge and service firearm upon his retirement from the Clayton Police Department at the end of April 2017.

ACTION: Placed on April 17, 2017 Consent Agenda

8 STAFF REPORTS

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

- Downtown Overlay District Update

Presenter: David DeYoung, Planning Director

Mr. DeYoung provided background information regarding the purpose of the Downtown Overlay District and the process. He stated that a public meeting was recently held, with approximately 30 people in attendance. It was an informative event. The next step in the process is for the plan to go back to the DDA and the Planning Board for their approvals. Following these approvals, the plan will be presented to Town Council for final approval. Mr. DeYoung confirmed that notification was provided to all those who are within the overlay district.

- Johnston County Fire Department Association Meeting

Presenter: Lee Barbee, Fire Chief

Chief Barbee stated the Clayton Fire Department will be hosting the meeting this year. This meeting will be held on Thursday - May 11, 2017. Invitations will be forwarded shortly

- Trail Sculpture People's Choice Award Winner

Presenter: Stacy Beard, Public Information Officer

Ms. Beard stated that the Public Arts Advisory Board would be presenting the winner of the People Choice Trail Sculpture contest at the Clayton Visual Arts reception, to be held on Thursday, April 6, 2017 at the Clayton Center. The

event will begin at 6:00 p.m. and Mayor McLeod will present the winner. Mayor McLeod requested that both he and Council Member Satterfield be part of the selection committee.

9 OTHER BUSINESS

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

10 ADJOURNMENT

- a) Motion to Adjourn

With there being nothing further, the meeting was adjourned at 7:08 p.m.

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

Jody L. McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk



Town Council Agenda Cover Sheet

Meeting Date

April 17, 2017

Agenda Location

Administrative Items

Item Title

Warranty Acceptance - Cleveland Draft House of Clayton

Presenter (Name & Title)

Chris Rowland, Construction Project Administrator

Summary/Description

Final acceptance request for public water and sewer utilities along with all related utility easements. A final inspection was performed with all identified faults corrected. Upon acceptance, the Town will assume all operational and maintenance duties.

Requested Action

Place on Consent Agenda

Additional Documents To Be Included in Agenda Packet

Memorandum from Engineering and Inspections Department.

TOWN OF CLAYTON

OPERATIONS CENTER

"SERVICE"

ELECTRIC SERVICE
(919) 553-1530

VEHICLE MAINTENANCE
(919) 553-1530



"ENVIRONMENT"

PUBLIC WORKS
(919) 553-1530

WATER RECLAMATION
(919) 553-1535

MEMORANDUM

To: Kimberly Moffett, Town Clerk

From: Chris Rowland, Construction Project Administrator *CR*

Copy: Steven Sanderson, Sanderson Engineering
Paralee Smith, Development Services Coordinator

Date: April 7, 2017

Subject: Cleveland Draft House of Clayton

Please place a final acceptance request for the subject public water and sewer utilities along with all related utility easements on the next available agenda. A final inspection was performed with all identified faults corrected. Upon acceptance, the Town will assume all operational and maintenance duties.

April 17, 2017

Sandy Sweitzer, Executive Director
Triangle Land Conservancy
514 S. Duke Street
Durham, NC 27701

Dear Ms. Sweitzer:

Re: Support of Walnut Hill Nature Preserve Recreational Trails Program Grant Application

The Clayton Town Council would like to express our support for the planning and expansion of trails at Triangle Land Conservancy's future Walnut Hill Nature Preserve and on The Town of Clayton's Riverwalk tract.

The Council is supportive of a joint collaborative planning effort between Triangle Land Conservancy and the Town. By planning and developing an integrated network of trails, we can help connect over 10 miles of trail to more than 26 miles on the Neuse River Greenway, Mountains-to-sea Trail, and the Town of Clayton Greenway System.

We are excited about the opportunity for the development of these trails which are located just 3.5 miles from downtown Clayton. The proposed trail system will be a regional destination that provides benefits to our citizens and those of the greater area. We support TLC's efforts to develop this trail system and believe it will be an asset for the entire state.

Sincerely,

Jody McLeod
Mayor



Clayton Town Council April 17th, 2017



TRIANGLE LAND CONSERVANCY

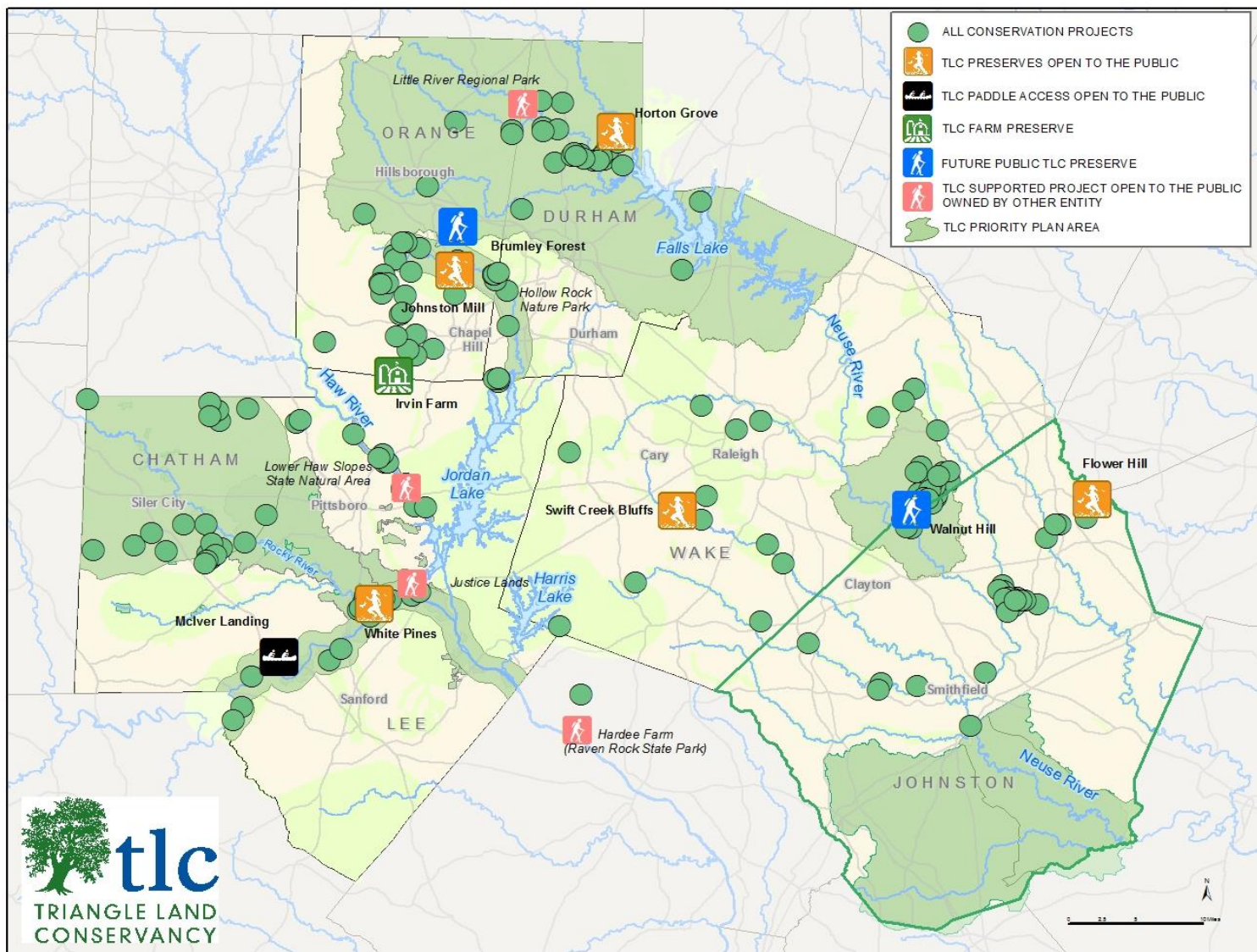
Mission



TLC strives to create a healthier and more vibrant Triangle region by safeguarding clean water, protecting natural habitat, supporting local farms and food, and connecting people with nature through land protection and stewardship, catalyzing community action, and collaboration.



Flower Hill Nature Preserve, Johnston County



Conserving Land



Buffalo Creek



Neuse River



Middle Creek

Easements

Assist/transfer

Own

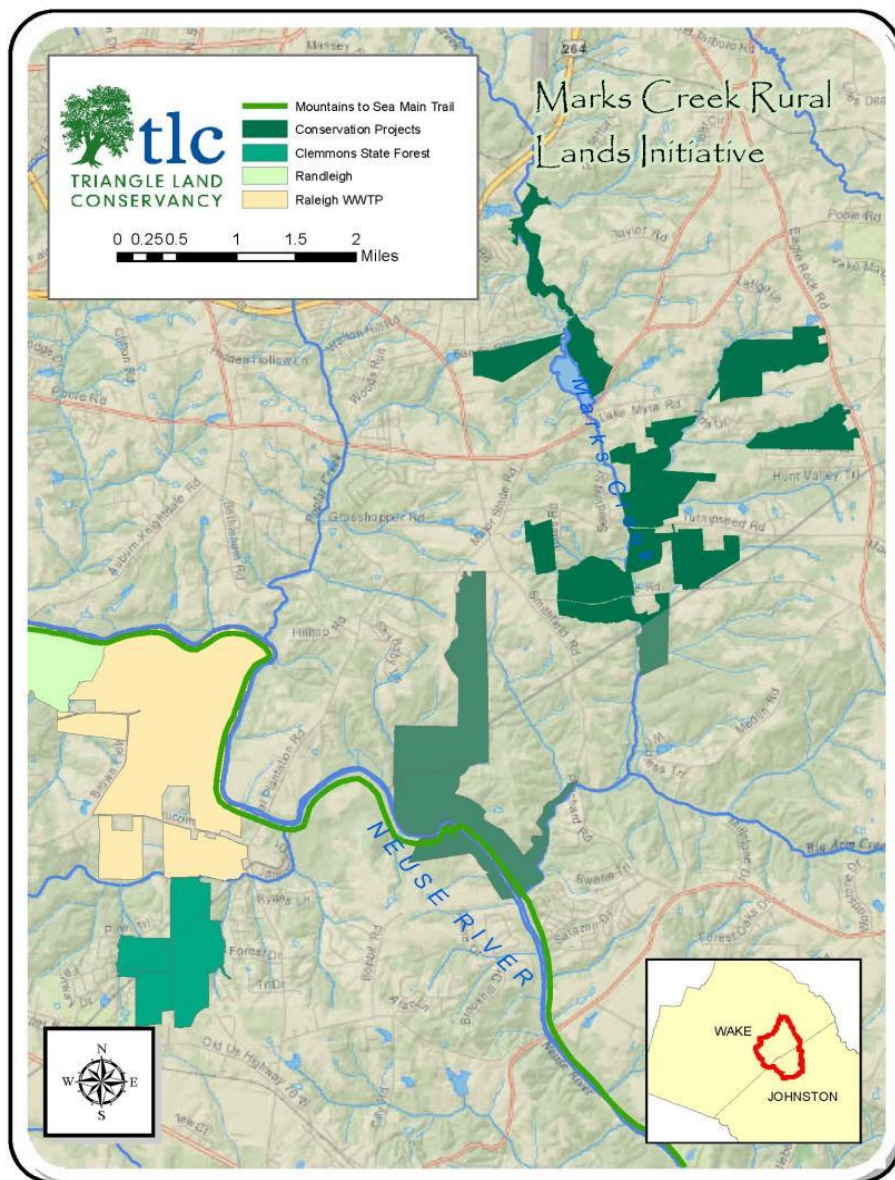
18,000 + Acres Protected!

Flower Hill Nature Preserve



~15 miles from
Town of Clayton
Nature Preserve
Open to Public





A Conservation Assessment for the Neuse River and Mark's Creek

Wake and Johnston Counties, North Carolina

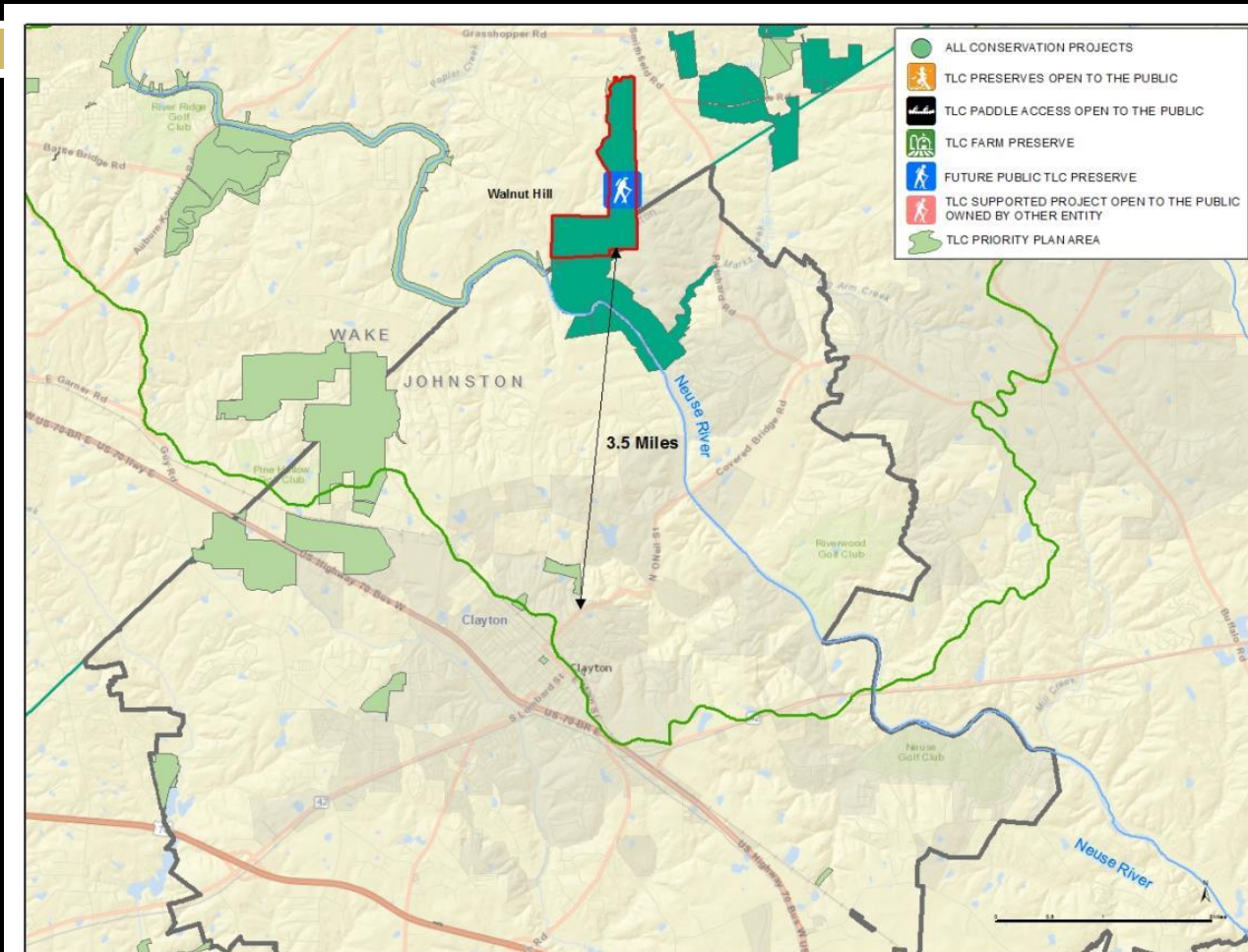


By Lorelei Costa
Triangle Land Conservancy
December 2001

Prepared by Triangle Land
Conservancy for Conservation
Trust for North Carolina and
North Carolina Clean Water



Walnut Hill Nature Preserve



A quick tour



Walnut Hill



- Walnut Hill
- 406 Acres
- 130 Fields
- Bargain Sale



Walnut Hill Preserve Development



Funding Strategy and Resources



Resource Assessment

- Agricultural Assessment
- Natural Communities
- Forest Stewardship
- Recreational Options
- Potential Partners



Management Plan Development

- Partner Input
- Stakeholder Input
- Site Visits
- SAC Input



Preserve Infrastructure

- Trails
- Access Areas
- Partner areas



Phased Preserve Opening

Calendar Year

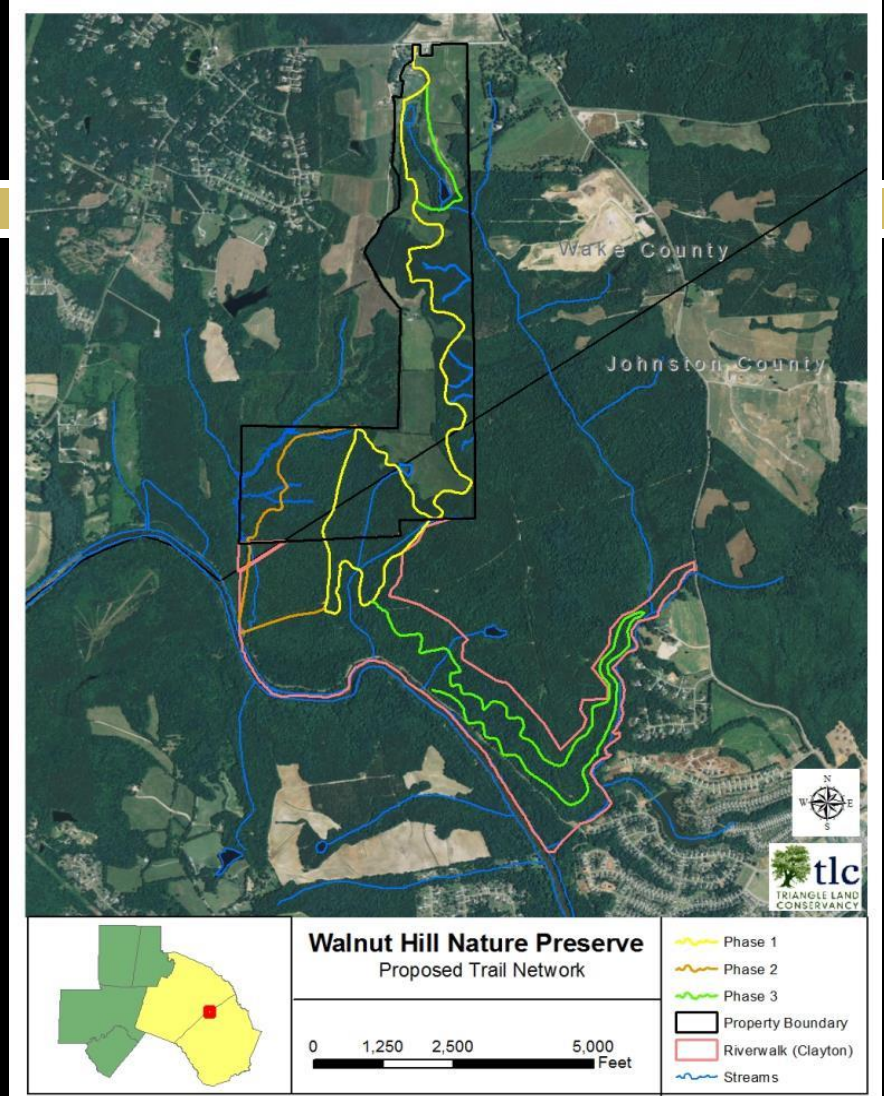
2017

2017/18

2018-2020

Trail – Draft Plan

Phase 1	Miles	
RTP grant	4.8	\$82,368.00
4 footbridges		\$15,000.00
Phase 1 Total		\$97,368.00
Phase 2		
Johnston Co / Clayton Connectors to MST	2	\$34,320.00
Signage		\$5,000.00
Phase 2 Total		\$39,320.00
Phase3		
Remaining Johnston Co trails	3.5	\$60,060.00
Remaining Wake Co trails	1	\$17,160.00
Parking lot		\$30,000.00
Signage		\$15,000.00
Entrance		\$100,000.00
Phase 3 Total		\$222,220.00
Grand Total	11.3	\$358,908.00



Questions?



Sandy Sweitzer, Executive Director

514 South Duke Street, Durham, NC 27701

919-908-0051

ssweitzer@triangleland.org

[Leigh Ann Hammerbacher, Associate Director of Conservation and Stewardship](#)

919-908-0060_lhammerbacher@triangleland.org



Town Council Agenda Cover Sheet

Meeting Date

April 17, 2017

Agenda Location

Items Scheduled for the Regular Meeting

Item Title

Southeast Area Study (SEAS)

Presenter (Name & Title)

Alex Rickard, Deputy Director, Capital Area Metropolitan Planning Organization (CAMPO)

Summary/Description

Request endorsement of the findings and projects identified in the Southeast Area Study (SEAS). These critical projects will be the foundation from which CAMPO prioritizes their funding for future transportation improvement projects in the region.

Requested Action

Place endorsement on consent agenda.

Additional Documents Included in Agenda Packet

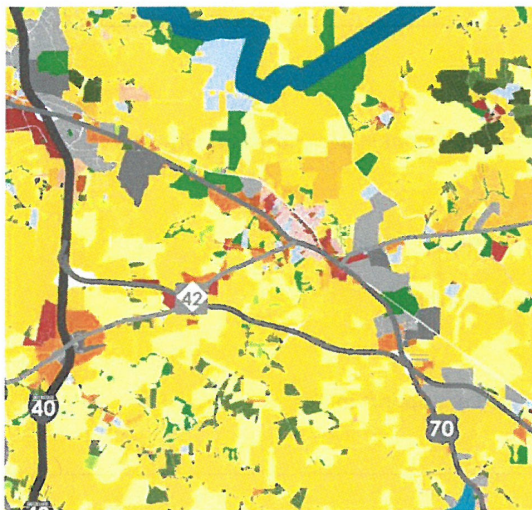
- Southeast Area Study Presentation
- Southeast Area Study Implementation Strategies

Implementation Strategies

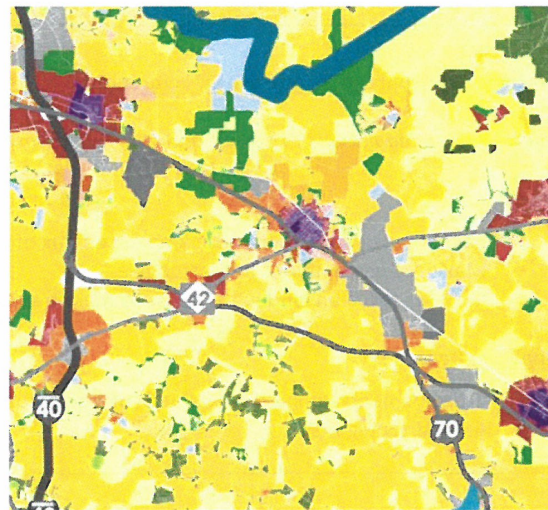
Clayton: March 21, 2017

The Southeast Area Study has focused on existing and possible future land use patterns, and the impacts of those patterns on transportation systems. Following consideration of current plans and policies, and the goals that have been developed for this area, a Preferred Growth Scenario was constructed to illustrate future land use patterns that would help achieve the area's goals. A key feature of the Preferred Scenario is encouraging additional growth that will be occurring to locate in existing town centers and emerging activity areas. Following is a summary of current Land Use Plans that are in place in and around Garner, compared to the draft Preferred Scenario for this same area.

Clayton Area



Current Land Use Plans



SEAS Preferred Scenario

The SEAS identifies and highlights 18 Implementation Strategies for this area that can help area communities work together to achieve the commonly held preferences for land use outcomes. Following discussions of the Preferred Scenario and the 18 Implementation Strategies, four priority strategies have been identified for each of the 13 jurisdictions in the Study Area as being particularly timely and relevant for that individual jurisdiction.

The three Implementation Strategies that are particularly recommended for consideration by Clayton are:

- Encourage Higher Densities in Key Locations
- Encourage Mixed-Use Development
- Coordinate Capital Investment Plans for Key Infrastructure

Descriptions of these strategies appear on the back of this page.

Strategy 1: Encourage Higher Densities in Key Locations

Pursue options to encourage higher densities of residential and non-residential development in key targeted locations.

Benefits:

- Achieve more walkable activity centers.
- Leverage public infrastructure.
- Increase viability of public transit.
- Help reduce development pressures in outlying areas where conservation is an objective.
- Encourage development of residences close to and in balance with jobs.
- Increase focus on land with access to main transportation corridors.

What Can Be Done:

- Identify target areas where permitting higher densities would align with Town goals.
 - Adjust provisions in Unified Development Code to create higher density zoning districts.
 - Adjust zoning map to implement new options.
-

Strategy 2: Encourage Mixed-Use Development

Adjust Clayton regulations to permit and encourage mixed use development in designated activity centers.

Benefits:

- Encourage development with a balanced mix of commercial and residential uses.
- Maximize use of public infrastructure.
- Increase focus on land with access to main transportation corridors.

What Can Be Done:

- Create/amend zoning districts and rules to focus on mixed use opportunities.
 - Amend zoning map.
-

Strategy 3: Coordinate Capital Investments Plans for Key Infrastructure

Coordinate public investment in infrastructure to align with and support future economic growth and land use development plans and maximize joint funding opportunities

Benefits:

- Align commitments for capital investments with long range plans and policies.
- Leverage use of public expenditures to help implement community objectives.
- Coordinate local investments with regional infrastructure investments.
- Minimize conflicts at the edges of planning jurisdictions.

What Can Be Done:

- Update Capital Improvement Plan to align with most recently adopted plans and policies.
- Establish system for annual review and calibration of Capital Improvement Plan.
- Continue and improve mechanisms for joint planning of utilities and infrastructure.

**TOWN OF CLAYTON
PLANNING BOARD WRITTEN DECISION
SOUTHEAST AREA STUDY**

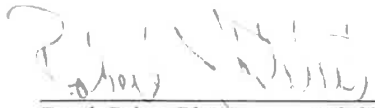
On March 27, 2017, the Planning Board heard the above-referenced request and made the following vote:

☒ recommend endorsement to Town Council;

☐ do not recommend endorsement.

Decision(s) made this 27th day of March 2017 while in regular session.

Signed:



Frank Price, Planning Board Chair
Bob Ahlert Vice



Town Council Agenda Cover Sheet

Meeting Date

April 17, 2017

Agenda Location

Items Scheduled for the Regular Meeting

Item Title

2017-08-SUP Abbington Forest Apartments Special Use Permit

Presenter (Name & Title)

Planning Department

Summary/Description

Request to obtain a special use permit in order to develop apartments on property zoned Office-Institutional (O-I)

Requested Action

Set Public Hearing

Additional Documents To Be Included in Agenda Packet

Updated Staff Report
Application
Staff Report Maps
Associated Site Plan
Neighborhood Meeting Materials
Traffic Impact Analysis (Findings and Conclusions)



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

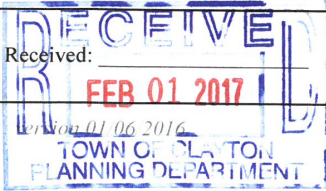
Permit Modified: _____

SITE INFORMATION

Name of Project: ABBINGTON FOREST Acreage of Property: 4.939
Parcel ID Number: 165910-26-9035 Tax ID: 4317181 County Tag: 05G01200D
Deed Book: 2017 Deed Page(s): 790
Address/Location: 12282 U.S. 70 Business, Clayton, NC 27520 (approximate)

Existing Use: VACANT Proposed Use: APARTMENTS
Is project within a Planned Development? ☒ No ☐ Yes
Planned Development District (if applicable): _____
Is project within an Overlay District: ☒ No ☐ Yes
Overlay District (if applicable): _____

OFFICE USE ONLY

Date Received:	Amount Paid:	Permit Number:
	<u>\$400.00</u> <u>\$100.00</u> Ad Fee	<u>2017-08-SUP</u>

Page 1 of 9

PROPERTY OWNER INFORMATION

Name: OMKRISHNA LLC Agent: Frank DeRonja

Mailing Address: 8501 Stonegate Drive, Raleigh, NC 27615 (owner)

Phone Number: 919-847-1870 (owner); 919-669-7993 Fax: 919-324-1852 (owner)

Email Address: chandrikapatel553@yahoo.com (owner); FRANK@DERONJA.COM (agent)

APPLICANT INFORMATION

Applicant: Rea Ventures Group LLC

Mailing Address: 2964 Peachtree RD NW Atlanta GA 30305 SUITE 200

Phone Number: 404 250 4093 Fax: 404 250 4091

Contact Person: Matt Monroe or Sean Brady

Email Address: mattmonroe@reaventures.com; seanbrady@reaventures.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>01.10.2017</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.
See attached.

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.

See attached.

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.
See attached.

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.
See attached.

Special Use Permit Application Narrative

Address: 12282 U.S. Highway 70 Business, Clayton, NC 27520

Parcel: 05G01200D

- 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 development location and design will not endanger public health or safety. Rather, it is located in a site well suited for apartment development and will be designed to maximize public health and safety.

The proposed location represents an ideal site for multi-family development. Being located directly on a major divided highway, Highway 70 Business, rather than a smaller side street, the site exits onto a highway of sufficient capacity to handle the additional traffic volume and would not congest side roads. The highway is divided with no median break near the site, forcing a safer traffic pattern of right-in / right-out travel that avoids conflicting directions of travel and the resulting accidents. The site entrance will also construct a median to further separate traffic flows and acceleration/deceleration lanes will be created to allow safe entry and exit from the site. This location on a high capacity, divided highway provides maximum safety benefits to future residents and surrounding land users.

The application design a small multi-family development (72 units or less) with sole access to and from Highway 70 Business, a major east-west divided highway leading to Raleigh that is more than sufficient in capacity to handle the anticipated traffic. The projected increase in traffic, at 46 trips during peak hour, is less than half the 100 vehicles during peak hour threshold, per the attached engineer letter, and therefore a traffic study is not needed due to the relatively minimal additional traffic generated (**Attachment 1-1**). Access would be exclusively right-in, right-out with no median break accessible to the site entrance keeping travel route conflicts to a minimum. However, future access connection points are provided to accommodate future development to the east and west of the site.

According to Community Guide to Development Impact Analysis, published by Mary Edwards at the Wisconsin Land Use Research Program in March 2000, apartments generate half the traffic per unit of single family housing (**Attachment 1-2**). Apartments also generate less traffic than most office or institutional uses currently permitted in the O-I zoning, such as the adjacent child care centers and medical offices.

The following table uses the traffic factors outlined in the Mary Edward report to show the different traffic impacts associated with the proposed development versus other potential uses such as single family residential or commercial uses in B-2H zoning.

Table 1 - Traffic Impact Analysis Comparison

Land Use	Rate	Unit	Traffic Estimate	
Apartments - 72 units	0.41	per dwelling unit	29.5	AM Peak Hour
Single Family - 72 units	0.75	per dwelling unit	54.0	AM Peak Hour
			Traffic Estimate	
Day Care Center (permitted in O-I) – 10,000 SF	13.5	per 1,000 GFA	135.0	AM Peak Hour
Medical/Dental Office (permitted in O-I) - 10,000 SF	3.6	per 1,000 GLA	36.0	AM Peak Hour

			Traffic Estimate	
Apartments - 72 units	6.63	per dwelling unit	477.3	Average Daily Traffic
Single Family - 72 units	9.55	per dwelling unit	687.6	Average Daily Traffic
			Traffic Estimate	
Day Care Center (permitted in O-I) – 10,000 SF	79.26	per 1,000 GFA	792.7	Average Daily Traffic
Medical/Dental Office (permitted in O-I) - 10,000 SF	36.13	per 1,000 GLA	361.3	Average Daily Traffic

Source: "Community Guide to Development Impact Analysis" by Mary M. Edwards. March 2000. Wisconsin Land Use Research Program.

As is shown in Table 1 above, 72 apartments would generate about half the traffic of 72 single family homes for both AM peak hour and average daily traffic volumes. The proposed development would also generate less traffic than other permitted O-I commercial uses like the adjacent day care centers or office/medical facilities.

The development would not generate any odors, fumes, or noises that would discourage any type of future development. Storm water will be controlled on site through an appropriately sized detention pond to control water release. The playground and detention areas would be fenced for the safety of children and adult residents.

Speed humps and striped pedestrian crossing areas will ensure slow and safe vehicular and pedestrian movement within the development. The community center, which includes the management office, will be next to the site entrance to monitor the entrance to the site. Management will include one full time manager and a maintenance technician. In addition to the on site property manager, regional property managers provide routine oversight and visit sites once a month. The buildings would also be fully sprinkled to maximize fire protection.

Location of a multi-family development is most appropriate directly on a high capacity corridor, such as is proposed, where the existing transportation and utility infrastructure can handle the development rather than on a smaller side road where the additional trip volume or utilities may not be able to handle the additional loads.

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.

Our site plan and engineering plans are developed in accordance with all requirements pursuant to Article 7, Section 155.706 of the Unified Development Code. Our site plan incorporates:

1. 72 units in 1 building with two 2-hr firewalls;
2. 149 parking spaces;
3. Building setbacks of 30ft/30ft/20ft/20ft are achieved (as required);
4. Minimum lot area is above minimum required 6,000 square;
5. 51% impervious coverage (maximum 75% allowed) and 14.96% building coverage
6. 25' drive isles and 25' turning radii;
7. 19' parking spaces (FOC to Drive Isle) and Parking bumpers to prevent parked vehicles from impeding on pedestrian walkways;
8. 5' sidewalks;
9. Landscape islands every 10 spaces;
10. Screened AC compressor and dumpster locations;
11. 2 dumpsters and 1 recycling area.

The code requirements in comparison to the design provided is summarized below in Table 2.

Table 2 – Design vs. Code Requirements

O-I Zoning	Lot Standards		Minimum Setbacks			Building Standards				
	Min. Lot Area (sq.ft.)	Min. Lot Width (ft.)	Public Water & Sewer	Street /Front (Max.)	Side Interior (abutting residential)	Side Street	Rear (abutting residential)	Max Building Height (ft.)	Max Building Coverage	Max Impervious Coverage
Code Required	6,000	60	Required	30	10 (30)	20	20 (30)	60	50%	75%
Design Achieved	215,142	240.63	Elphick Properties LLC	30	30	20	20	55	14.96%	51%

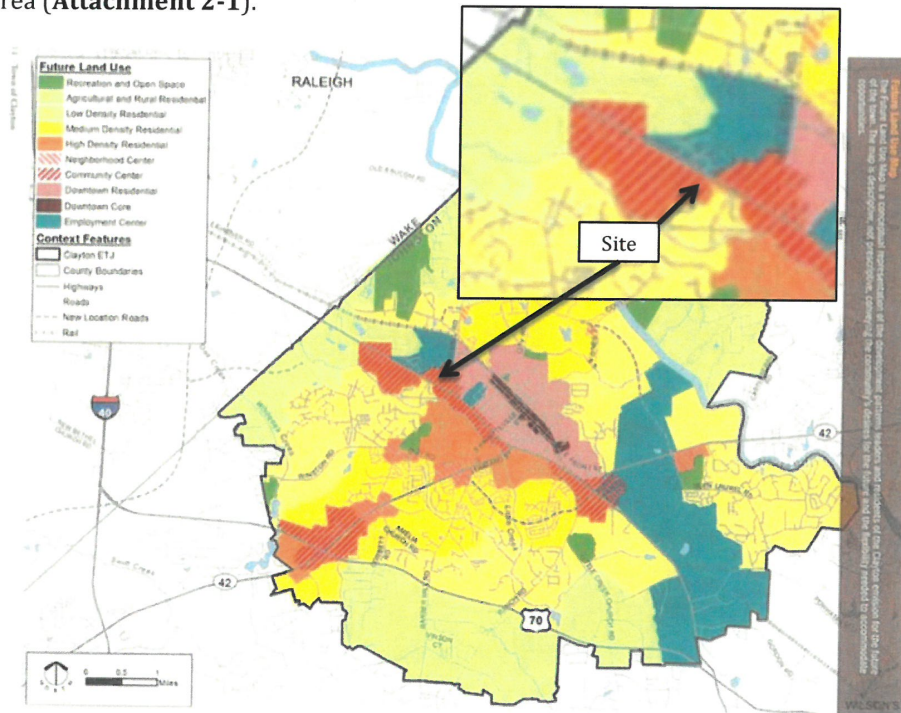
There is a wetland area that was identified at the back of the site through field reconnaissance. It does not appear on any National Wetlands Inventory mapping. However, this portion of the site (approximately 36,000 square feet) would remain undisturbed and development would not impact this area.

We have also developed these plans in consultation with the Clayton Planning department regarding best practices for our design. We have refined 4 iterations and the current site plan presented today is the one the planning staff indicated they preferred above all others. This plan minimized any "hammer head" (dead end)

parking except where necessary to allow for future cross-parcel connectivity to the west and created an internal driveway loop to maximize circulation within the development. Elimination of dead ends will improve traffic circulation for residents as well as any emergency vehicles.

Additionally, should a future road connection be possible with the Wake Med Group (onto Medical Park Place) this connection could be made through the elimination of 2 to 3 parking spaces along the NW border of the site. Currently we are showing slightly more than a 2:1 parking ratio so the loss of 3 spaces would still allow us to reach a sufficient parking standard.

The development site is zoned O-I, a use which already allows apartments as a special use with approval of the requested special use permit. The proposed development location supports the goals set forth in the future land use plan for this area (**Attachment 2-1**).



Per the land use plan, the site is located at the confluence among several character areas - Employment Center (EC); Community Center (CC); and High Density Residential (HDR). The development site serves as the transition zone between the developed Employment Center to the west and the undeveloped High Density Residential land to the east. Apartments are a special use allowed within the existing Office-Institutional (O-I) zoning, although apartments always require approval of special use permit in Clatsop.

According to the land use plan, HDR areas provides for housing in close proximity to major transportation corridors, adjacent to commercial uses, and already served by public water and sewer as is the development site. Community Center allows for multi-family housing as a mix of uses, which certainly exist in the surrounding area. Employment Center focuses on office, medical, industrial, and warehouse development.

Precedent exists for approval of apartments in this same Community Center and High Density Residential Area as evidenced by the adjacent Stallings Mill apartments now under construction. The HDR areas located adjacent to commercial uses are considered transitional areas within the land use plan. This transitional use allows "opportunities for slighter higher-density development than other residential categories" (page 16). The site is also immediately adjacent to an area designated in the future land use plan for High Density Residential and, as previously noted in the response to Question 1 above, it is an ideal location for multi-family development with direct access onto a high capacity divided highway and in close proximity to a number of services and amenities.

Based on the location in a transition area adjacent to a HDR high density residential zone and the existing zoning of O-I, which allows multi-family with issuance of a special use permit, the development site is in accordance with the future land use plan.

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 apartment development would represent an estimated \$11.4 million development, use high-quality exterior finishes (brick and cementitious siding), and have full-time, on-site professional property management and maintenance staff. Several examples of applicant's previous developments similar to the proposed apartment complex are attached (**Attachment 4-2**). The applicant proposes a well designed, well appointed, and well managed professional community that would be an asset to surrounding properties. The development would be similar to the adjacent Stallings Mill apartments now under construction.

While the applicant contemplates a IRS Section 42 workforce housing development, in the event applicant is unable to secure funding a future buyer may elect to build a market rate development of similar configuration as the two developments would be visually indistinguishable. Regardless, substantial evidence exists that a Section 42 apartment development has no negative effect on adjacent property values and, in fact, can improve adjacent values.

A commercial broker in Goldsboro, North Carolina was commissioned by the applicant on a prior rezoning effort in Kenly, North Carolina to evaluate the observed effects of similar workforce housing on adjacent property values (**Attachment 3-1**). His conclusion was that workforce housing had a positive effect on property values in the Goldsboro area.

A commercial appraiser in Gwinnett County, Georgia was separately commissioned by the applicant for a similar evaluation of workforce housing and concluded officially that there was no evidence of a negative effect on property values. Privately, the appraiser felt there was sufficient evidence to believe workforce housing actually had a positive effect of property values (**Attachment 3-2**).

Finally, the applicant has evaluated property values before and after completion of their developments in several locations and in different states using the free online services at www.zillow.com. None of the developments showed signs of a decrease in property values and, while values increased post-completion, this increase did not support a negative effect on property values from its workforce housing developments (**Attachment 3-3**).

The proposed development would not create a use or development pattern that would be detrimental to the use or development of adjacent properties. In fact, the development concept would allow for future cross-parcel access connection points. The development would encourage additional commercial development along the Highway 70 corridor by providing new customers. The development would not generate any odors, fumes, or noises that would discourage any type of future development. Location of a multi-family development is most appropriate directly on a high capacity corridor, such as is proposed and as is an encouraged use for HDR high density residential development, where the existing transportation and utility infrastructure can handle the development rather than on a smaller side road where the additional trip volume or utilities may not be able to handle the additional loads.

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

The development will not negatively impact adopted plans or policies of the Town. The site is zoned Office-Institutional (O-I), a use where apartments are already an allowed use with issuance of a special use permit. The design is in accordance with all other land ordinance requirements. The future land use plan also locates the site in a transition area between High Density Residential/Community Center and Employment Center, where higher residential densities are allowed. The parcels adjacent to the southeast boundary (parcels 05G01200E, 05G01199E, 05G01199H, 05G01050Z) are identified as High Density Residential and Community Center under the future land use plan. Our proposed multifamily development would be compatible with future development plans for this parcel, meeting the goals set forth in the land use plan.

Our development proposal will support Goal H1 from the Goals and Recommendations portion of the comprehensive plan by providing a “range of housing types” in an “area with closest proximity to services, amenities, and infrastructure.” Our development will remain compatible with current apartment developments and future planned HDR/Community Center housing.

The town has recently approved another high-density multifamily development in close proximity to our proposed development site (parcel 05G02205C). Stallings Mill apartments, currently under construction, is identified in the same future land use category as the land adjacent to our parcel (HDR in a Community Center). The design of our development site and our facades will reach all best practice standards and will be comparable and complimentary to Stallings Mill apartments.

The exterior of the proposed development will be 100% masonry – consisting of a mixture of brick and cementitious siding (hardi plank or equivalent). Units will be well appointed with Energy Star appliances, ceiling fans, washer/dryer connections, patios/balconies, and exterior storage within each unit. A dedicated clubhouse will contain a fitness center, business center, laundry facility, postal facility, and community room area with exterior picnic areas and sitting areas located elsewhere on the premises. Architectural renderings of the proposed site plan and exterior elevations are provided in **Attachment 4-1**.

The property would be professionally managed by Boyd Management with full-time on-site management and maintenance staff. The developer, Rea Ventures Group, would also be the long-term owner of the planned development. Examples of comparable, prior multi-family communities developed and still owned by Rea Ventures are included in **Attachment 4-2**.

Explanation of Project

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

The proposed Abbington Forest is a new construction garden-style apartment development located at the intersection of Medical Park Place and Highway 70.

The development will be situated in an appealing setting surrounded by a strong mix of retail, multi-family, and residential land uses and directly on the major west-east highway (U.S. Highway 70) connecting Clayton to Raleigh. Several large retail centers are located within a mile of the site along U.S. Highway 70. In addition, our tenants will have access to the many services provided within the adjacent Medical Park Place development which includes health care, dentist, and child care services.

The development will contain 72 multi-family units and a community building. Units will consist of garden style apartments in one three-story building with one non-residential community building.

Building exterior facades will be comprised of brick and fiber cement siding. Buildings are aligned with significant setbacks from Highway 70 and vegetative buffers along the east and west site boundary. Ample green space locations around the site perimeter also provides safe recreation areas for the residents, in addition to an undisturbed area containing field-identified wetlands at the rear of the site (less than 1 acre). For noise and safety, the residential building will be set back from Highway 70 by approximately 120 feet. This provides an ample buffer of greenspace and vegetation to shield from the highway.

As a land use allowed under O-I by special use permit, and in a location described as a transition area between High Density Residential/Community Center and Employment Center where higher density residential is encouraged as a transitional use in the future land use plan, the development is an appropriate use in the proposed location. Further, the proposed design complied with the Town's design requirements and would be compatible with and complimentary to recent developments currently under construction in close proximity to our site.

Special Use Permit Application Narrative

Address: 12282 U.S. Highway 70 Business, Clayton, NC 27520

Parcel: 05G01200D

Attachment 1-1: Engineer's Letter on Traffic Impact



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

April 17, 2017

STAFF REPORT

Application Number: 2017-08-SUP

Project Name: Abbington Forest Apartments Special Use Permit

NC PIN / Tag #: 165910-26-9035/05G01200D
Overlay: Thorough Fare Overlay
Applicant: ReaVentures
Owner: Omkrishna LLC
Location: Off of U.S HWY 70 BUS, adjacent to Medical Park Place

Public Noticing:

- Neighborhood meeting February 15, 2017
- Sign posted March 17, 2017
- Adjacent property letters mailed prior to April 20, 2017
- Newspaper ad published April 19, 2017 and April 26, 2017

REQUEST: The applicant is requesting a special use permit to allow the use of multi-family apartments to be located on the subject property, which is zoned O-I

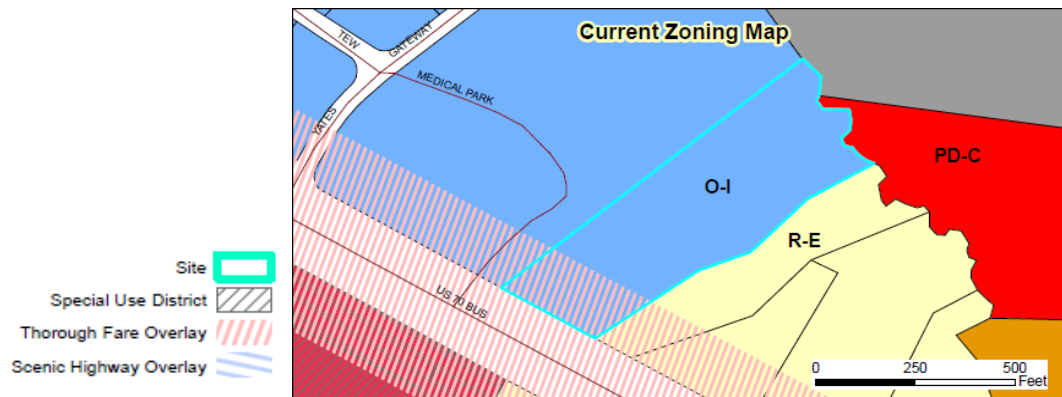
SITE DATA:

Acreage: 4.94 acres
Existing Use: Vacant



ADJACENT ZONING AND LAND USES:

Direction	Zoning	Existing Use
North	Mixed Zoning (O-I, PD-C & I-2)	Vacant and Warehousing
South	Highway Business Special Use District (B-3 SUD) & Residential Estate (R-E)	Single-Family Residence
East	Residential Estate (R-E)	Single-Family Residence
West	Office Institutional (O-I)	Medical Office & Vacant

**DEVELOPMENT DATA:**

Proposed Uses:	Apartments (72 units)
Buildings:	3 apartment buildings, 1 clubhouse
Number of stories:	3 stories, maximum building height of 55'
Impervious Surface:	49.2%
Required Parking:	141 spaces
Proposed Parking:	143 spaces
Access/Streets:	One driveway off US HWY 70 W, with two stub-outs to provide future connection(s) to adjacent properties

STAFF ANALYSIS:**Overview**

The applicant is requesting a Special Use Permit to develop apartments on the subject property, which is zoned Office-Institutional (O-I). Per UDC requirements, any development of apartments within the O-I zoning district, must obtain a Special Use Permit in order to be permitted. The subject property is currently vacant, and is located off of US HWY 70 BUS W.

Per UDC requirements, concurrent with a request for a special use permit, an applicant shall submit a site plan for review and approval. A Major Site Plan application (2017-07-SP) was submitted to run concurrently with this project, but was postponed at Planning Board on March 27, 2017. At the time of the Planning Board meeting, the associated site plan did not meet all requirements of the UDC and the applicant still needed to address concerns of staff. The Planning Board decided to postpone the Major Site Plan application to be heard at the April 24, 2017 meeting in order to give the applicant time to make necessary revisions. Any approval of the associated Major Site Plan shall be contingent upon approval of this application.

Consistency with Adopted Plans:

- **Comprehensive Plan 2040**

The future land use map designates this property as “Employment Center”. While the proposed use is not what was envisioned within the future land use map, it is worth noting that the subject property does have land directly east that is designated as “Community Center”, which is envisioned to include multi-family development. Due to the close proximity of the property to land designated “Community Center”, staff considers this development generally consistent with the Comprehensive Plan 2040.

- **Unified Development Code**

The proposed use is generally consistent with the Unified Development Code. However, Planning Board has not yet approved the associated site plan (2017-07-SP).

Associated Site Plan

The applicant is proposing to develop 72 apartment units on roughly 5 acres of land. The main driveway is proposed to be located off US HWY BUS 70 W. This access will be a right-in, right-out only. In order to accommodate future cross-access to adjacent properties, the applicant is also proposing two stub-outs within the development. The site plan includes three apartment buildings, as well as a clubhouse and amenities for residents.

When the associated site plan was first heard at Planning Board on March 27, it did not meet all requirements within the UDC. Staff also had concerns regarding several items including landscaping, proper dumpster configurations, mail kiosk location, and traffic study concurrence from NCDOT. The Planning Board postponed the major site plan until the April 24th meeting in order to provide the applicant time to make necessary revisions. Staff is currently working with the applicant to get these revisions finalized.

Mail Kiosks

The applicant obtained approval for the location of the mail kiosks from the Postmaster in an email dated March 24, 2017. This email has been included as an attachment to the staff report.

Dumpsters

The applicant is working with staff to find a centralized location for the development’s dumpster and recycling units. Staff and the applicant have agreed to bi-weekly trash pick-up in order to ensure that there will not be an overflow of trash at the dumpster facility on-site.

Traffic Impact Analysis

VHB Engineering prepared the Traffic Impact Analysis dated March 17, 2017. The study concludes that the proposed development has a minimal impact on the nearby intersections, and that a 100-foot deceleration lane is necessary at the project entrance. Staff received concurrence from NCDOT on the recommendations in a letter dated March 27, 2017. This letter has been included as an attachment to the staff report.

Wastewater

The wastewater allocation requested is 20,285 gallons per day. This request includes the apartment units, as well as the clubhouse. The Public Works Director has reviewed this allocation request, and the request shall go to Town Council for final review.

FINDINGS

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

CONSIDERATIONS:

- The Town Council approves Special Use Permits.
 - Planning Board recommended denial of the Special Use Permit (2017-08-SUP) during the March 27, 2017 Planning Board meeting.
 - Planning Board postponed the associated Site Plan during their March 27 meeting. It is now scheduled to be heard at the April 24 Planning Board meeting.
 - The site shall be governed by the associated Site Plan (2017-07-SP).
-

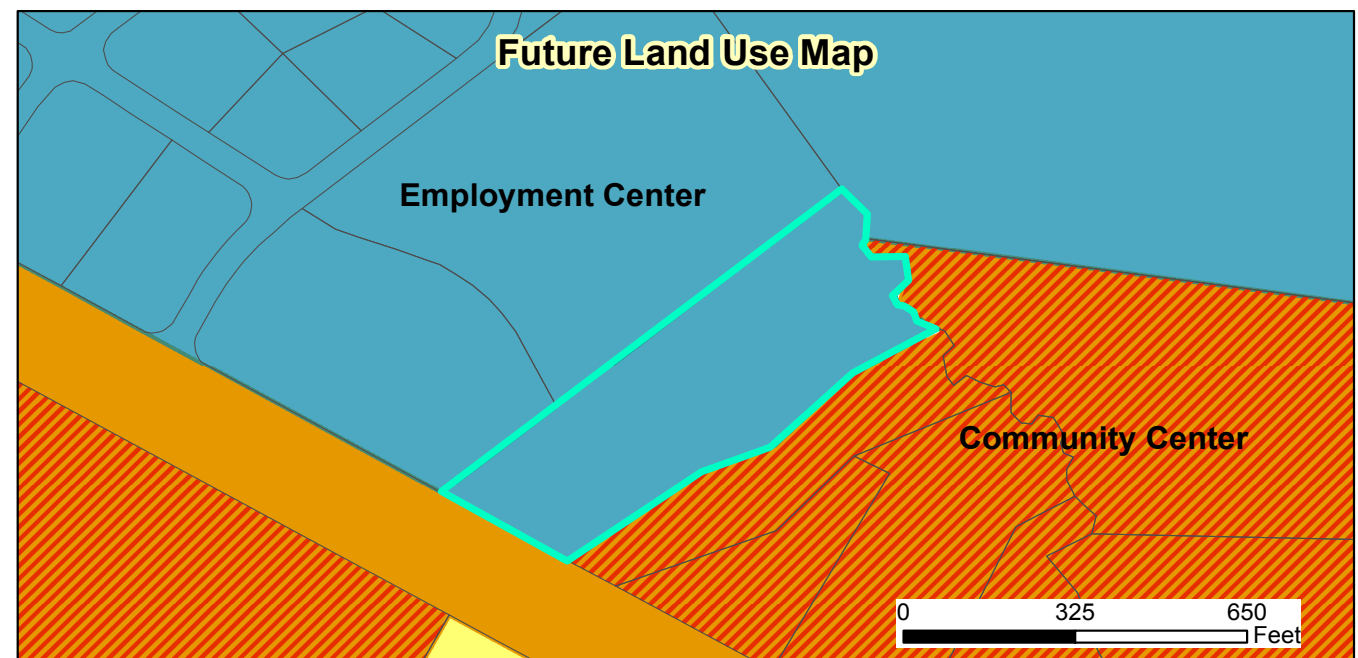
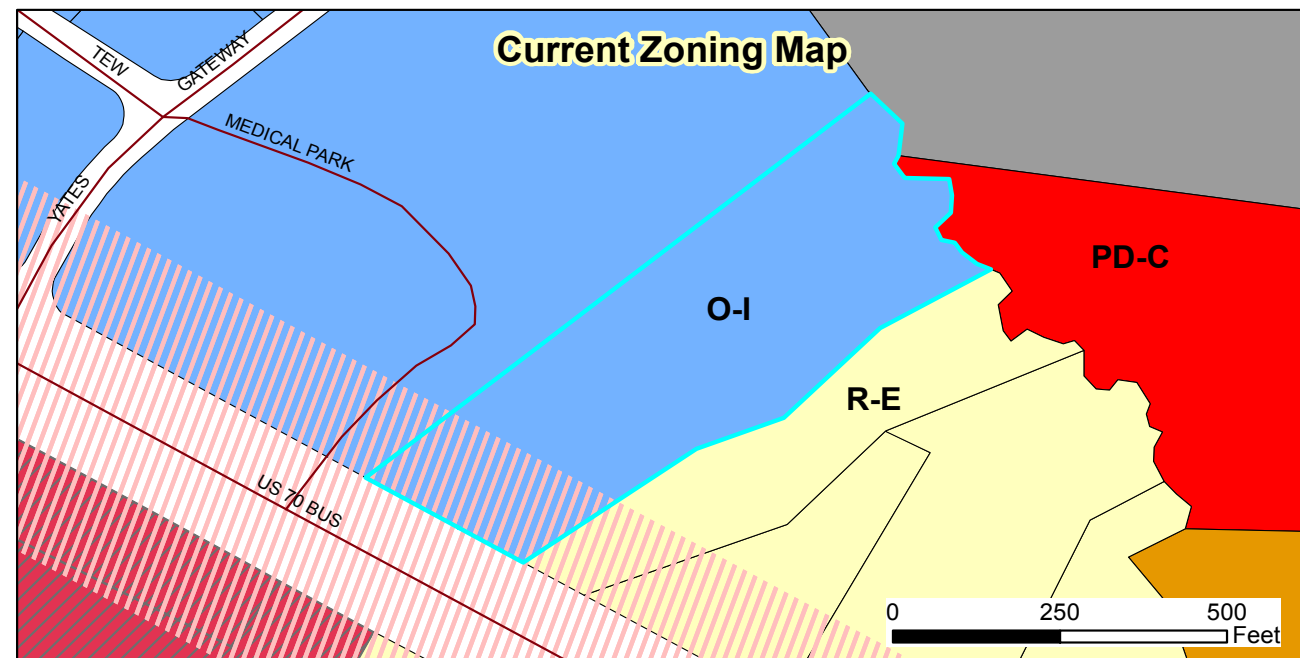
RECOMMENDATION:

On March 27, 2017, Planning Board recommended denial of the Special Use Permit 2017-08-SUP. Should Town Council approve the Special Use Permit, staff recommends the following Conditions of Approval be applied to this application:

1. An annexation petition for the property shall be submitted to the Town of Clayton.
 2. All off-site roadway improvements recommended by the Traffic Study, NCDOT Congestion Management, NCDOT Division 4, and the Town shall be installed prior to the issuance of the certificate of occupancy that creates the demand for the improvement.
 3. No utilities shall interfere with required landscape islands. The location of landscape islands shall be adjusted to ensure that no interference exists.
 4. All dumpster enclosures shall be screened by landscaping utilizing evergreen shrubs that shall be maintained at a minimum height of at least 36" within two years of planting, pursuant to 155.402(G)(2)(c).
 5. All parking rows shall terminate in a curbed landscaped island. All terminal islands shall include a minimum of one tree with a minimum caliper of 2.5", pursuant to 155.402(D)(2)(b)(2).
 6. All service areas shall be fully enclosed by opaque walls, gates, and/or fences at least eight feet high and shall be constructed of the same materials as the primary building.
 7. Bi-weekly pick-up shall be required for all dumpsters in order to ensure there will be no issues with trash overflow at the dumpster locations.
-

ATTACHMENTS:

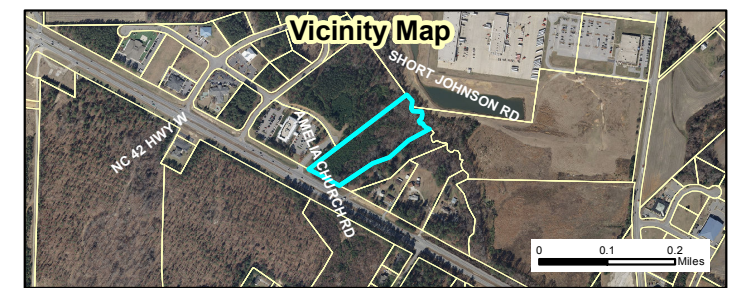
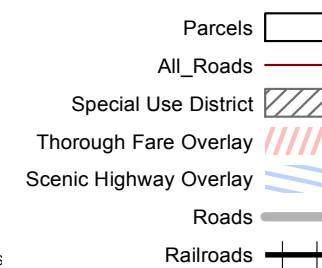
- 1) Application
- 2) Staff Report Map
- 3) Site Plan
- 4) Neighborhood Meeting Materials
- 5) Traffic Impact Analysis (Findings & Conclusions)
- 6) Wastewater Allocation Request
- 7) Postmaster Approval Email to Applicant
- 8) NCDOT Concurrence Letter



2017-08-SUP Abbington Forest Special Use Permit
Request: To obtain special use approval to develop 72 multi-family apartment units
2017-07-SP Abbington Forest Major Site Plan
Request: To develop a 72 unit multi-family development
 Applicant: ReaVentures
 Property Owners: Omkrishna LLC
 Parcel ID: 165910-26-9035
 Tag #: 05G01200D



Document Path: O:\PLANNING\SPECIAL USE\2017\2017-08-SUP Abbington Forest\Maps\Staff Report Map- 2017-08-S



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

**ABBINGTON FOREST APARTMENTS
2017-08-SUP**

On March 27, 2017, 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;

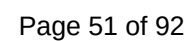
☐ other action:

Recommendation(s) made this 27th day of March 2017 while in regular session.

Signed:



Frank Price, Planning Board Chair
Bob Ahlert Vice



ADJACENT PROPERTY OWNERS LIST

Project Name: Abbingdon Forest

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
05G01199E	HERMAN AND CAROLYN J	201 GREEN LN, CLAYTON NC, 27520
05G02002W	WAKE MED PROPERTY SE	3000 NEW BERN AVE, RALEIGH NC, 2761
05G02002U	CROWN RALEIGH III LLC	3808 N SULLIVAN RD, BN15, STE 202, SP
05G02006G	ELPHICK PROPERTIES	1000 CCC DRIVE, CLAYTON, NC 27520
05G02006D	WAKE MED PROPERTY SE	3000 NEW BERN AVE, RALEIGH NC, 2761
05G01200E	GARY PEEDIN	12282 US 70 BUSINESS HWY W, CLAYTO
05G02002D	HEAVNER PROPERTIES 19	PO BOX 2346, SMITHFIELD, NC 27577-234
05E99012J	ROSS, ELEANOR MAYO ; C	5210 ISLAND DRIVE, STONE MOUNTAIN,

NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Application: Abbingdon Forest - Special Use Permit and Major Site Plan
Date of Mailing: February 2, 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: Matthew Monroe Signature: [Signature]

Date of Meeting: Feb 15, 2017 Time of Meeting: 7 PM
Location of Meeting: Clayton Center - B&T room

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

No attendees at the meeting.
Rea Ventures had a location map, site plan, zoning schedule,
copy of special use application, copy of major site
plan application, elevations, and photos from other
properties on hand for discussion. Pictures verifying
these documents at meeting have been submitted
to planning staff.

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

Friday, March 24, 2017 at 3:58:59 PM Eastern Daylight Time

Subject: RE: Mail Kiosk location
Date: Friday, March 24, 2017 at 3:56:14 PM Eastern Daylight Time
From: Shires, Rebecca - Clayton, NC
To: Sean Brady
Attachments: image001.png, image002.png, image003.png

Sean,

The location is fine for the mail Kiosk but I will need more information on the number of parcel lockers that will be installed. Please keep me updated on the progress of the development and I will get it entered into our data base.

Rebecca Shires

Postmaster
Clayton NC 27520-9998
919-553-1867

From: Sean Brady [mailto:seanbrady@reaventures.com]
Sent: Friday, March 24, 2017 1:44 PM
To: Shires, Rebecca - Clayton, NC
Cc: Matt Monroe; David Thompson
Subject: Re: Mail Kiosk location
Importance: High

Ms. Shires,

Thanks for taking a look and getting back to us today on the mail kiosk location for our planned apartment development (Abbingtion Forest) at approximately 12282 US Highway 70 Business, Clayton, NC 27520. Our site is 5 acres between Medical Park Place (to the west) and Stallings Mill Apartments (to the east) on the north side of Highway 70. Our full site plan and kiosk detail is attached. Our response from the architect on the mail kiosk design is also pasted below and a detail of the product is attached. The City wanted us to confirm in writing with you that our mail kiosk location (freestanding in the middle of the development at Building 200) is acceptable to you. Email back is fine. If you need any other information, feel free to give me a call on my cell phone (678-591-7002).



Sean M. Brady
Rea Ventures Group, LLC

We have moved

Please note our new Suite #

2964 Peachtree Road NW, Suite 200
Atlanta, GA 30305
E-mail: seanbrady@reaventures.com
Direct: (404) 250-4093, ext. 704
Cell: (678) 591-7002
Fax: (404) 250-4091
www.reaventures.com

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

**ABBINGTON FOREST APARTMENTS
2017-08-SUP**

On March 27, 2017, 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 action:

Recommendation(s) made this 27th day of March 2017 while in regular session.

Signed:



Frank Price, Planning Board Chair
Bob Ahlert Vice



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

JAMES H. TROGDON, III
SECRETARY

DELIVERY VIA EMAIL

March 27, 2017

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

COUNTY: Johnston

SUBJECT: **TIA Review of Proposed Abbingdon Forest Development on US 70 Business**

Dear Mr. DeYoung,

Highway Division Four has reviewed Traffic Impact Analysis (TIA) for the subject development and concurs with the TIA analysis as submitted. That stated, we understand the developer has not been able to secure access to Medical Park Place adjacent to their development as it is a private street. I would like to emphasize that if access were able to be obtained by the developer to Medical Park Place, this would be the preferred alternative to the driveway on US 70 Business as currently presented.

This review should not be mistaken for approval of the driveway permit, design/construction plans for driveway access and roadway improvements, or final plat. A driveway permit must be obtained prior to construction. All design aspects of any submitted plans shall comply with current NCDOT Standard Specifications for Roads and Structures and Policy on Street and Driveway Access to North Carolina Highways.

Feel free to contact me if you have any additional questions.

Sincerely,

DocuSigned by:

6C10249A6B37469...

Jiles P. Harrell, PE
District Engineer

cc: Tim Little, PE - Division Engineer
Andy Brown, PE - Division Traffic Engineer
Lyle Overcash, PE – VHB Engineering
Driveway Permit File

Mailing Address:
NC DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS | DIV. 4 DIST. 3
2671 US 70 WEST
GOLDSBORO, NC 27530

Telephone: (919) 739-5300
Fax: (919) 731-2017
Customer Service: 1-877-368-4968
Website: www.ncdot.gov

Location:
2671 US 70 WEST
GOLDSBORO, NC 26730



TOWN OF CLAYTON

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

Wastewater Allocation Request

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

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

SITE INFORMATION

Name of Project: ABBINGTON FOREST Acreage of Property: 4.939
County Tag Number: 05G01200D NC PIN: 165910-26-9035
Address/Location: SE CORNER OF MEDICAL PARK PLACE AND HWY 70

Zoning District: O-I
Town Limits / ETJ: ☐ Town Limits ☒ ETJ (Extra-Territorial Jurisdiction)

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

Applicant: VALOR ENGINEERING
Mailing Address: 215 Boone Heights Dr., Ste. 107 Boone, NC 28607
Phone Number: 828.262.9807 Fax: _____
Contact Person: JASON GASTON, P.E.
Email Address: jason@valorengineering.com

PROPERTY OWNER INFORMATION

Name: OWNER: OMKRISHNA LLC (AGENT: FRANK DERONJA)
Mailing Address: OWNER: 8501 STONEGATE DR RALEIGH, NC 27615-2323 /// AGENT: 14 E. PEACE STREET RALEIGH NC 27604
Phone Number: OWNER: (919)847-1870 /// AGENT: 919-669-7993 Fax: OWNER: (919)324-1852
Email Address: OWNER: chandrikapatel553@yahoo.com /// AGENT: FRANK@DERONJA.COM

FOR OFFICE USE ONLY

Date Received: FEB 01 2017 File Number: _____ Associated Project Number: _____

June 2015

Page 1 of 6

PROJECT INFORMATIONUse: ☒ New ☐ Expanded ☐ ChangeUse Type: ☒ Residential ☐ Non-ResidentialProposed Use(s): APARTMENTS Existing Use(s): VACANT LAND-UNDEVELOPED

Invoice shall be mailed to the following:

Developer Name: REA VENTURES GROUP, LLCMailing Address: 2964 PEACHTREE RD NW, SUITE 200, ATLANTA GA 30305Phone Number: 404 250 4093 x709 Fax Number: 404 250 4091Email Address: MATTMONROE@REAVENTURES.COM**ALLOCATION REQUEST**

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

Residential:Gross Acreage: See attached Calculations

Single Family	# of Units	GPD per Unit	Total Requested GPD
1-2 Bedroom Units			
3 Bedroom Units			
>3 Bedroom Units			
Total			

Multi-Family	# of Units	GPD per Unit	Total Requested GPD
1-2 Bedroom Units			
3 Bedroom Units			
>3 Bedroom Units			
Total			

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

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

Gross Acreage: See attached Calculations

Use	Measurement Unit	# of Units	GPD per Unit	Total Requested GPD
Total				

TOTAL REQUESTED GALLONS PER DAY: See attached Calculations

NOTE TO APPLICANT:

Invoicing:

Invoices are generated on the following schedule:

Non-Residential:

Generated with the application for a Zoning Compliance Permit.

Residential:

Multi-Family / Apartments:

Generated with the application for a Zoning Compliance Permit.

Subdivision / Subdivided Lots:

Generated at Final Plat submittal.

Fee Development:

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

Approval:

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

APPLICANT AFFIDAVIT

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

Jason Gaston

Print Name



Signature of Applicant

1/30/17

Date

Engineer Seal:



June 2015

Page 3 of 6

TOWN OF CLAYTON OFFICE USE ONLY:

Approved by: ☐ Town Manager

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

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

gallons per day for project # _____.

Date of Approval: _____

Signed:

Town Manager

If approved by Town Council:

Attach a copy of the resolution and any associated documentation.

Clayton Multifamily Wastewater Flow Calculations

Multifamily Unit Type	# of Units	GPD per Unit	Unit Type	Total Requested GPD
1-2 BR Unit	48	240	MF	11,520
3 BR Unit	24	360	MF	8,640
Average Daily Flow (gallons per day)				20,160

From 15A NCAC 02T .0114:

In determining the volume of sewage from dwelling units , the flow rate shall be 120 gallons per day per bedroom. The minimum volume of sewage from each dwelling unit shall be 240 gallons per day and each additional bedroom above two bedrooms shall increase the volume by 120 gallons per day. Each bedroom or any other room or addition that can reasonably be expected to function as a bedroom shall be considered a bedroom for design purposes. When the occupancy of a dwelling unit exceeds two persons per bedroom, the volume of sewage shall be determined by the maximum occupancy at a rate of 60 gallons per person per day.

Non-Residential Use for Clubhouse

Use	Measurement Unit	# of Units	GPD per Unit	Total Requested GPD
General Business and Office Facilities (Clubhouse)	Employee per shift	5	25	125
Non-Residential Average Daily Flow (gallons per day)				125
TOTAL REQUESTED GALLONS PER DAY:				20,285

PUBLIC NOTICE

In accordance with NC GS 160A-364, the Clayton Town Council will hold an evidentiary hearing on Monday, May 1, 2017 at 6:30 PM at Town Hall, 111 East Second Street, to consider application 2017-08-SUP Abbington Forest Apartments, Special Use Permit. The application will first be introduced to Council at their April 17th work session, where they will set a date certain for a hearing. This application requires a Special Use Permit to develop apartments on the subject property; parcel number 165910-26-9035; approx. address 12282 US Hwy 70 Bus.

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.

These Council meetings are open to the public and anyone is invited to attend.

Haley Hogg, Planner
919-553-5002

The Clayton News Star

Please advertise on the following dates:

Wednesday, April 12, 2017

Wednesday, April 19, 2017

Wednesday, April 26, 2017

Affidavit of publication required.



Town Council Agenda Cover Sheet

Meeting Date

April 17, 2017

Agenda Location

Items Scheduled for the Regular Meeting

Item Title

2017-20-RZ Gateway Drive Lot 6 Rezoning

Presenter (Name & Title)

Planning Department

Summary/Description

Request to rezone the subject property from Highway Business Special Use District (B-3 SUD) to Office-Institutional (O-I).

Requested Action

Set Public Hearing

Additional Documents To Be Included in Agenda Packet

Staff Report
Staff Report Maps
Application
Neighborhood Meeting Materials



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

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: Lot 6 Gateway Dr. Acreage of Property: 1.18 Ac
County Tag Number: 056-02035 NC PIN: 165905-16-8998
Address/Location: Lot 6 Gateway Drive Clayton NC 27520
Existing Zoning District: B3 Special Use
Proposed Zoning District: 01I

APPLICANT INFORMATION

Applicant: Windswept Properties of NC, LLC / Eric M Janis
Mailing Address: 2829 Hubertans Ridge Dr Clayton NC 27520
Phone Number: 919 795 6956 Fax: _____
Contact Person: Eric Janis
Email Address: erjanis1@yahoo.com

FOR OFFICE USE ONLY		
Date Received: <u>JAN 24 2017</u>	Amount Paid: <u>\$500.00</u> <u>\$100.00 - Ad Fee</u>	File Number: <u>2017-20-RZ</u>
TOWN OF CLAYTON version 1/6/2016 DEPARTMENT		

PROPERTY OWNER INFORMATION

Name: Windsong Properties of NC, LLC
 Mailing Address: _____
 Phone Number: _____ Fax: _____
 Email Address: _____

EXPLANATION OF PROJECT

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

Rezoning from OSU zoning to OLI zoning.
OLI zoning more suitable for office/medical buildings/health-care
associated businesses in accordance with current development.

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>12/14/2016</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 <u>portion</u> of a parcel: - Property legal description typed (10 pt. font or greater, and also submitted electronically in MS Word format.) - Plat showing property to be rezoned, matching legal description.	☐	☒			
7. Adjacent property owners list	☒	☐			
8. Neighborhood meeting notice letter (1 copy) <i>See sample letter and meeting requirements included in this packet</i>	☒				
9. Neighborhood meeting summary form (1 copy) <i>Included in this packet</i>			Must be submitted after neighborhood meeting is held and at least 10 days prior to Planning Board meeting.		
10. Stamped, addressed, empty envelopes with no return address, using the adjacent property owner list (1 set) <i>This for a public notice of the public hearing mailed by the Town – thus, neighbors will receive both a neighborhood meeting letter from the applicant, and a notice of the hearing from the Town.</i>	☒				

APPROVAL CRITERIA

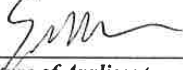
All applications for a Rezoning must address the following findings:

1. Consistency with the adopted plans of the Town.
O/I more suitable for offices/ medical buildings/ healthcare associated businesses, similar to current development
2. Suitability of the subject property for uses permitted by the current vs. the proposed district.
Greater flexibility with O/I zoning for recruitment of health-care associated businesses.
3. Whether the proposed change tends to improve the balance of uses, or meets specific demand in the Town.
Increases opportunities for health care businesses to meet growing health care needs of Duro & Chilton
4. The capacity of adequate public facilities and services including schools, roads, recreation facilities, wastewater treatment, potable water supply and stormwater drainage facilities is available for the proposed use.
Adequate infrastructure plans in place.
5. It has been determined that the legal purposes for which zoning exists are not violated.
Rezoning in accord with multiple other properties adjacent to this property.
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.
Already planned for healthcare associated businesses
other properties in development zoned O/I.
7. It has been determined that no one property owner or small group of property owners will benefit materially from the change to the detriment of the general public.
No - other properties in development are zoned O/I.

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.

ENC MOJAN
Print Name


Signature of Applicant

12/15/2016
Date

NEIGHBORHOOD MEETING INFORMATION

Purpose:

The purpose of the Neighborhood Meeting is to inform the surrounding property owners of the nature of the proposed land use and/or development features, answer questions, respond to concerns, and solicit comments.

Meeting Date:

The meeting must be held at least ten (10) calendar days prior to the Planning Board meeting.

Meeting Time & Location:

The meeting must be held no earlier than 6:00 pm Monday through Friday, and must be held in a location generally accessible to residents within close proximity of the request. The meeting space must be able to comfortably accommodate everyone that receives an invitation.

Meeting Notice Mailing requirements:

1. The applicant must contact all adjacent property owners via first class mailing (see sample letter).
2. The mailing must include all the persons, firms, or corporations owning property within 100 feet and immediately adjacent to the subject property. Where the subject property immediately adjoins a public or private right-of-way, landscape or riparian buffer, commonly-owned private area, public property, or homeowners' association property, then letters of notification shall be sent to adjoining property owners as if they directly abut the subject property.
3. The notice must be mailed at least ten (10) calendar days but not more than twenty-five (25) days prior to the date of the Neighborhood Meeting.

Information provided at the Neighborhood Meeting:

At a minimum, the following materials must be present for inspection at a Neighborhood Meeting:

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

Information provided to Planning Department:

Alert the Planning Department once the date, location, and time of the Neighborhood Meeting are determined. Planning staff may attend the Neighborhood Meeting to answer process/code questions.

Deliver the following items to the Planning Department at least ten (10) calendar days prior to the Planning Board meeting in electronic or hard copy format:

- ☐ Adjacent Property Owner's List (aka "mailing list")
- ☐ Copy of the letter mailed
- ☐ Attendance Roster (aka "sign-in sheet")
- ☐ Neighborhood Meeting Summary Form with minutes (see below)

ADJACENT PROPERTY OWNERS LIST

Project Name: Gateway Drive lot 6

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]

SAMPLE NEIGHBORHOOD MEETING LETTER

(PLACE ON AGENT'S OR OWNER'S LETTERHEAD)

<Date>

Dear Clayton Area Property Owner:

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

Meeting Date: _____

Meeting Time: _____

Meeting Location: _____

Type of Application: _____

Project/proposal property address: _____

Description of project/proposal: _____

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

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

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

If you have any questions prior to or after this meeting, you may contact us at *<Insert phone number of applicant>*. You may also contact the Planning Department at 919-553-5002.

Sincerely,

<Applicant>

Cc: Town of Clayton Planning Dept.



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
March 27, 2017*

STAFF REPORT

Application Number: 2017-20-RZ
Project Name: Gateway Drive Lot 6 Rezoning

NC PIN / Tag #: 165909-16-8998 / 05G02003B
Overlay: None
Applicant: Windswept Properties of NC LLC
Owner: Windswept Properties of NC LLC
Location: The property is located off Gateway Drive

Public Noticing:

- Neighborhood meeting February 6, 2017
- Sign posted March 17, 2017
- Letters mailed prior to April 20, 2017
- Newspaper ad published April 19, 2017 and April 26, 2017

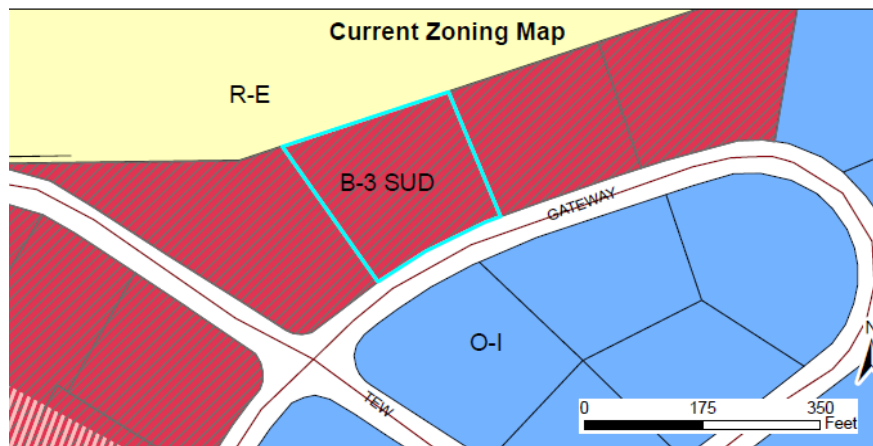
REQUEST: Rezoning from Highway-Business Special Use District (B-3 SUD) to Office-Institutional (O-I)



SITE DATA:**Acreage:** 1.18 acres**Existing Use:** Vacant

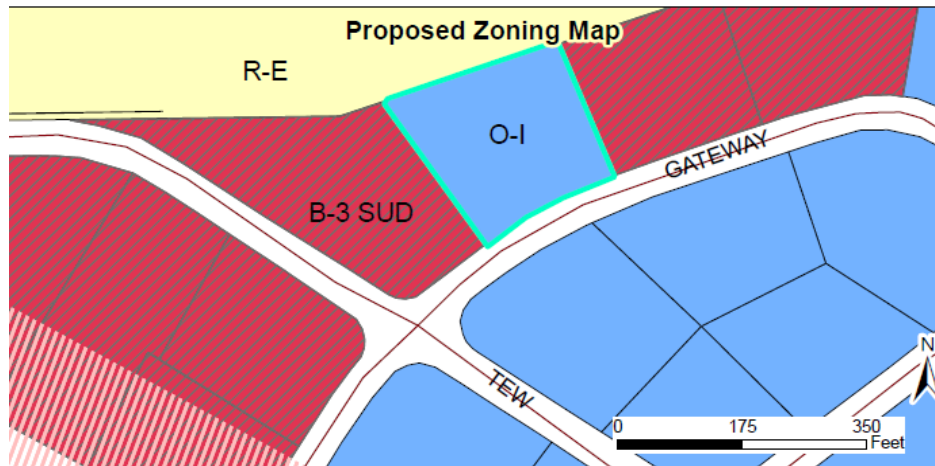
ADJACENT ZONING AND LAND USES:

Direction	Zoning	Existing Use
North	Residential-Estate (R-E)	Single-Family Residential
South	Office-Institutional (O-I)	Medical Offices & Vacant
East	Highway-Business Special Use District (B-3 SUD)	Vacant
West	Highway-Business Special Use District (B-3 SUD)	Medical Office



STAFF ANALYSIS AND COMMENTARY:**Overview**

The applicant is requesting to rezone the subject property from Highway-Business Special Use District (B-3 SUD) to Office-Institutional (O-I). The property is currently vacant, and the applicant is requesting this rezoning in order to prepare the property for future sale and development. Staff is comfortable with this rezoning request as the requested zoning district is more appropriate given that the property is located within an existing office park. It is worth noting that a large number of the surrounding properties are zoned Office-Institutional, and nearby developed properties primarily consist of medical offices.

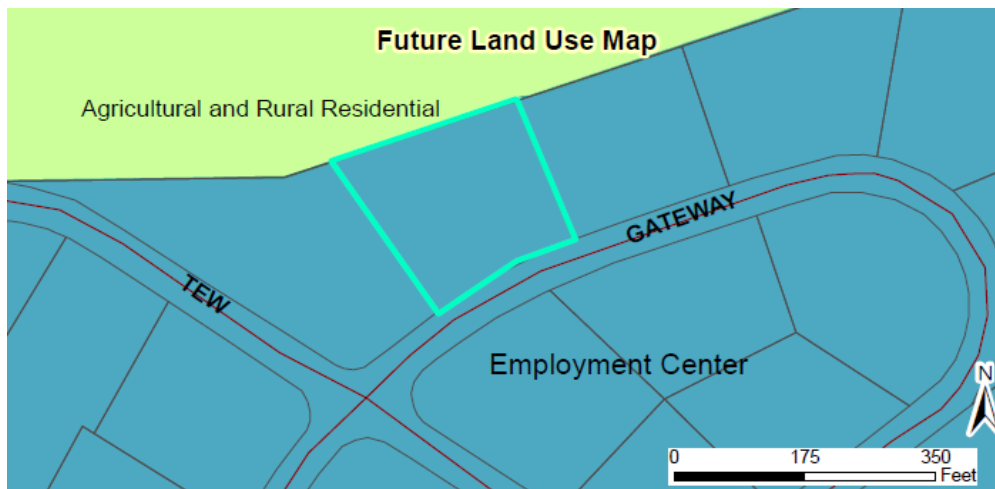


Compatibility with Surrounding Land Uses

The rezoning request is compatible with surrounding land uses. The subject property is located within an existing office park, with the majority of the properties either undeveloped or consisting of office uses.

Consistency with the Comprehensive Plan 2040

The proposed rezoning is consistent with the Comprehensive Plan 2040 which designates this property as "Employment Center".



CONSIDERATIONS:

- Rezoning requests are decided by the Town Council. The Planning Board shall make a recommendation to the Town Council.

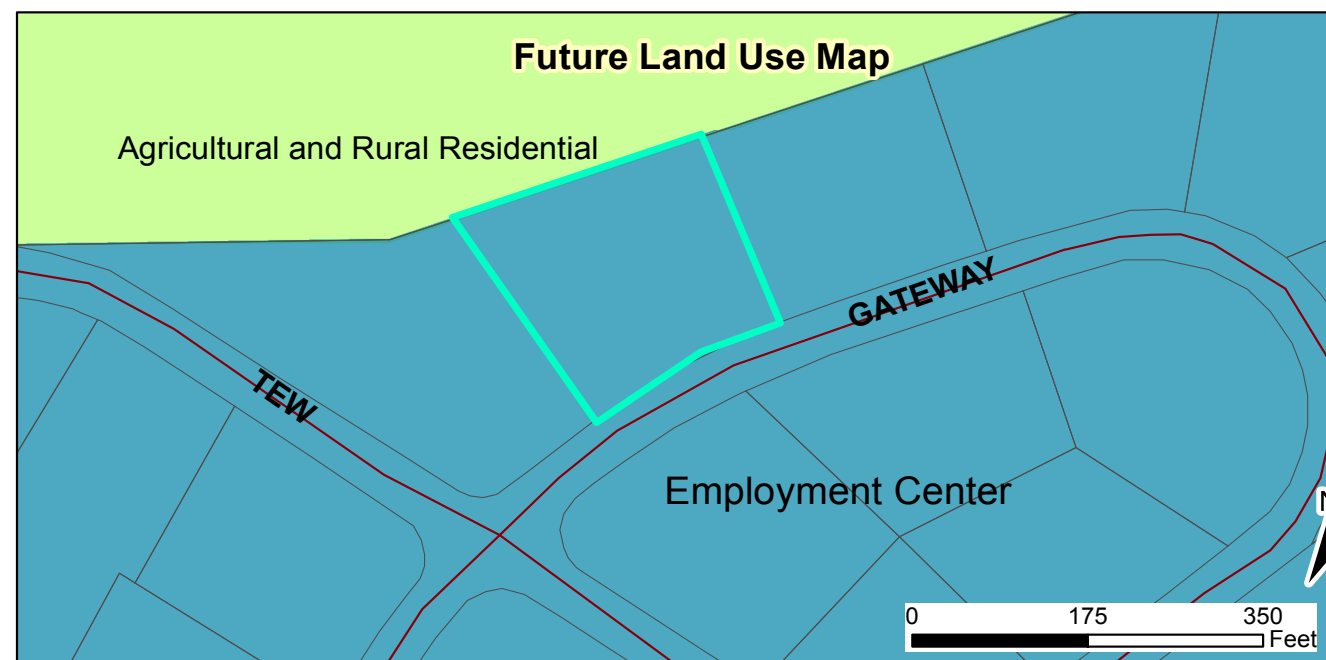
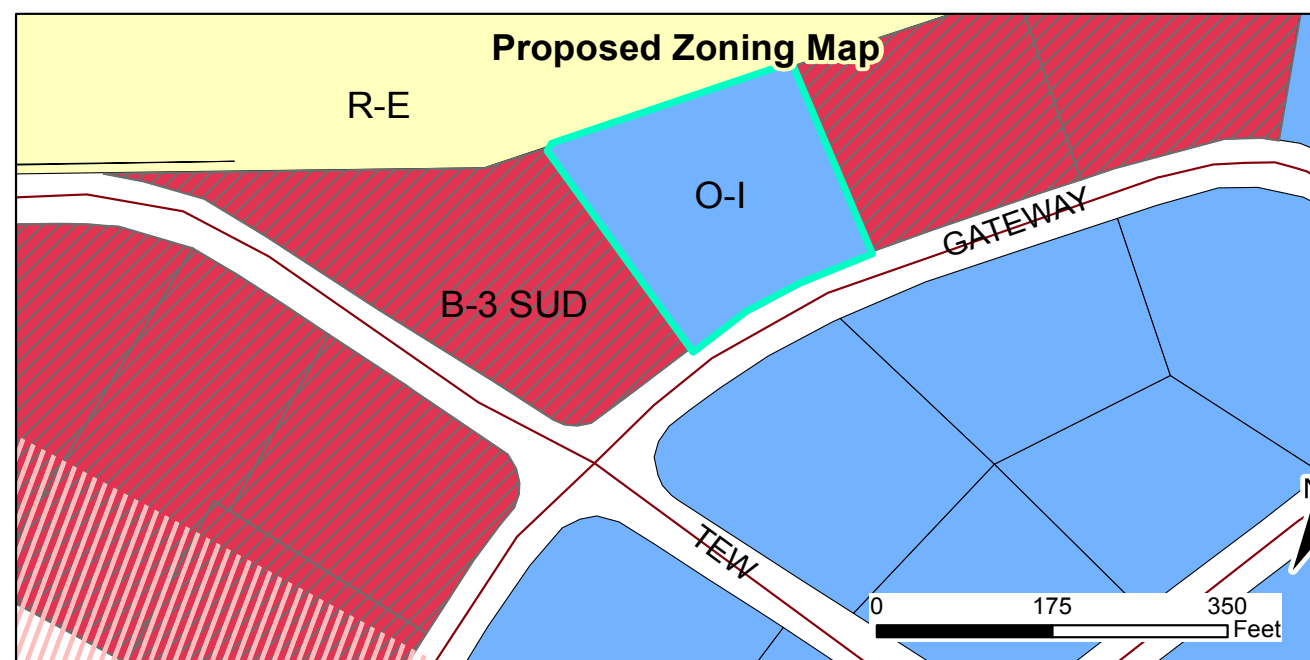
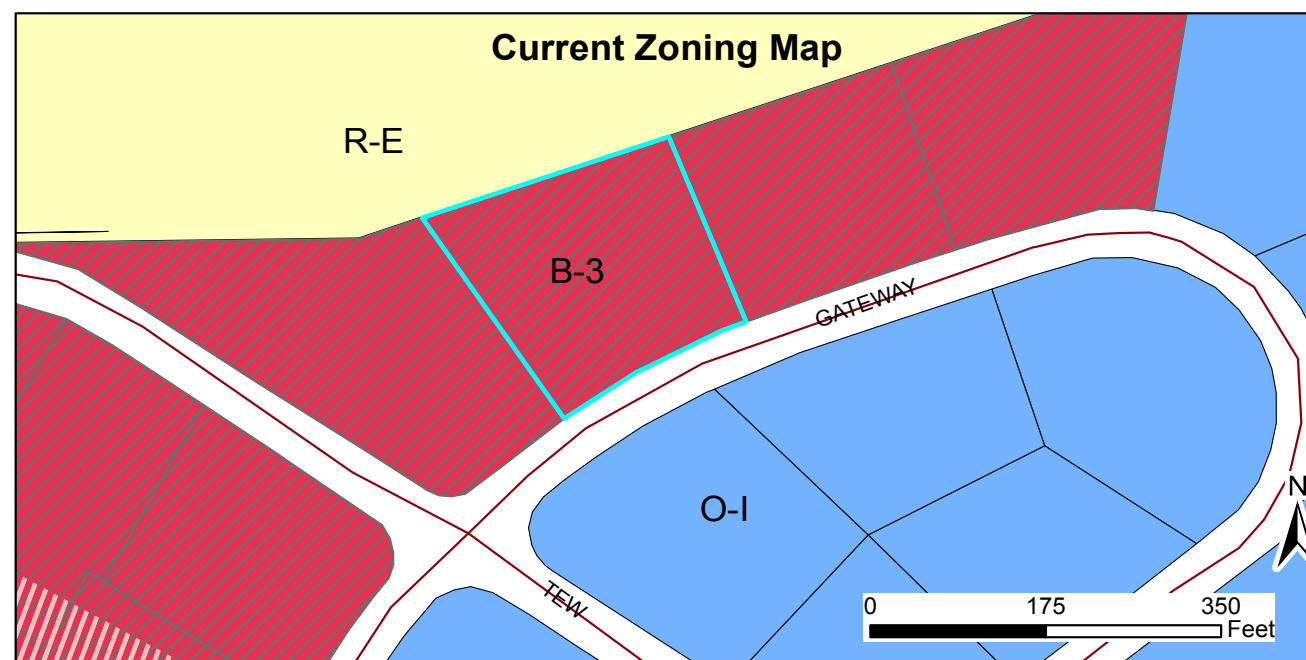
- When adopting or rejecting the rezoning, the Town Council shall approve a statement describing whether its action is consistent with adopted plans and/or policies of the Town and explaining why the Council considers the action taken to be reasonable and in the public interest.
 - The applicant has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

STAFF RECOMMENDATION:

Staff is recommending approval of the rezoning of the subject parcel from B-3 SUD to O-I.

ATTACHMENTS:

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



2017-20-RZ Gateway Drive Lot 6 Rezoning
Request: To rezone the subject parcel from B-3 SUD to O-I
 Applicant: Windswept Properties of NC LCC
 Property Owners: Windswept Properties of NC LLC
 Parcel ID: 165909-16-8998
 Tag #: 05G02003B



Document Path: O:\PLANNING\REZONING\Rezoning\2017\2017-20-RZ Gateway Drive, Lot 6\Maps\Staff Report Maps 2017-20-RZ.mxd

- Parcels
- All_Roads
- Special Use District
- Thorough Fare Overlay
- Scenic Highway Overlay
- Roads
- Railroads



Windswept Properties of NC, LLC

2829 Horsemans Ridge Drive • Clayton, NC 27520 • Phone: 919-795-6996
E-Mail: cjanis1@yahoo.com

01.24.17

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. This is an application to rezone lot 6 in Gateway Drive from a B3 special use district to O/I zoning. Though there are no immediate plans for development on this lot, this will allow the property to be developed for its intended use as a facility for a health-care associated business. 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: 2.6.17

Meeting Time: 6:30pm

Meeting Location: Starbucks in Clayton on Hwy 70

Type of Application: Rezoning from B3 Special Use district to O/I zoning

Project/Proposal Property Address: Lot 6, Gateway Drive, Clayton, NC

Description of Project/Proposal: Rezoning only. No immediate plans for development of the lot.

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 neighborhood properties and roads.
3. A map, drawing, or other depiction of the proposed land use change or development proposal.

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

If you have any questions prior to or after this meeting, you may contact us at 919.795.6996. You may also contact the Planning Department at 919.553.5002.

Sincerely,



Eric M. Janis

Cc: Town of Clayton Planning Dept.

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Project: Rezoning of Lot 6, Gateway Drive, Dayton, OH
 Application: Rezoning from B3.54 District to C12 Zoning
 Location/Date: Feb 6, 2017 6:30 PM

	NAME	ADDRESS
1	<u>No attendees</u>	
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		

March 16, 2017

Town of Clayton Planning Department
111 E. Second Street, Clayton, NC 27520

Dear Paralee and the Planning Board;

I look forward to attending the planning board meeting on 3/27 to discuss the rezoning of Lot 6, Gateway Drive, in Clayton from B3 Special use district to O/I zoning.

In accordance with the guidelines, I sent a notice to potentially affected neighbors on 1/24/17 (see enclosed). I received a phone call from a representative of McNutt Family Holdings, LLC on or about 1/27/17 and discussed the planned zoning change with her.

I was present at the planned meeting location (Starbuck's in Clayton) at the planned meeting time and waited for 45 minutes for other to attend; none did attend.

Attached are the documents required.

I hope that that we may proceed with the rezoning as soon as able.

Warmly,



Eric M. Janis, MD

NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Application: Lot 6 Gateway Drive rezoning

Date of Mailing: 2/24/2017

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: Eric Morris Signature: [Signature]

Date of Meeting: 2/16/2017 Time of Meeting: 6:30 pm

Location of Meeting: Starbucks, 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.

Spoke by telephone with representative of Merritt Family Holdings, LLC and discussed that this was a zoning change to better reflect the needs of the community to rezone the site. I explained that I currently have no plans to develop the property, but asked to change the zoning to allow some greater flexibility in how the property could be developed. All questions were answered to the representative's satisfaction.

No persons or representatives attended the meeting at Starbucks in Clayton.

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

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

**GATEWAY DRIVE, LOT 6
2017-20-RZ**

On March 27, 2017, the Planning Board heard the above-referenced request and made the following vote:

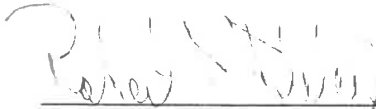
Recommendation to the Town Council to

☒ approve the request;

☐ deny the request.

Recommendation(s) made this 27th day of March 2017 while in regular session.

Signed:



Frank Price, Planning Board Chair
Bob Ahlert Vice

PUBLIC NOTICE

In accordance with NC GS 160A-384, the Clayton Town Council will hold a public hearing on Monday, May 1, 2017, at 6:30 PM at Town Hall, 111 East Second Street, to consider rezoning request 2017-20-RZ Gateway Drive Lot 6 Rezoning. Parcel number 165909-16-8998. The applicant is requesting to rezone the property from Highway-Business Special Use District (B-3 SUD) to Office-Institutional (O-I).

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:
Wednesday, April 19, 2017
Wednesday, April 26, 2017

Affidavit of publication required.



Town Council Agenda Cover Sheet

Meeting Date

April 17, 2017

Agenda Location

Items Scheduled for the Regular Meeting

Item Title

Storm Water Management Agreement

Presenter (Name & Title)

Tim Simpson, Public Works Director

Summary/Description

An agreement between the Town of Clayton and Johnston County is presented for your review with regard to Storm Water Management.

Requested Action

Place on Consent Agenda

Additional Documents To Be Included in Agenda Packet

Storm Water Management Agreement

NORTH CAROLINA
JOHNSTON COUNTY

AGREEMENT CONCERNING STORMWATER MANAGEMENT

This agreement, dated this ____ day of _____, 2017, by and between the Town of Clayton, a North Carolina Municipal Corporation (hereinafter referred to as "Town"); and the County of Johnston (hereinafter referred to as "County"); (hereinafter collectively referred to as "Parties"),

WITNESSETH:

THAT WHEREAS, the Town is a regulated public entity under the National Pollution Discharge Elimination System (NPDES) having been so designated by the Environmental Management Commission (EMC) of the North Carolina Department of Environmental Quality (NCDEQ); and

WHEREAS, as a regulated public entity under the NPDES stormwater program, the Town is required to develop a stormwater management program and apply for a stormwater permit; and

WHEREAS, the deadline for submitting said permit is on or about November 30, 2017; and

WHEREAS, the Town wishes to delegate to the County the authority to administer and enforce the Town's stormwater management in accordance with the provisions contained in the Town's Phase II NPDES Permit within the Town's corporate limits as well as its extra-territorial jurisdiction (ETJ) so that the Town may satisfy the aforementioned stormwater management program and permit requirements through the County; and

WHEREAS, the County wishes to accept the delegation of the authority from the Town to administer and enforce the Town's stormwater management in accordance with the provisions contained in the Town's Phase II NPDES Permit within the Town's corporate limits as well as its ETJ and further wishes to aid the Town in satisfying the aforementioned stormwater management program and permit requirements by and through such delegation; and

WHEREAS, both Parties wish to ensure that new development within the corporate limits and ETJ of the Town be subject to a sound stormwater management plan consistent with the EMC and NCDEQ guidelines; and

WHEREAS, the County has the means and ability to administer completely the Town's stormwater management program and permitting consistent with EMC and NCDEQ;

NOW THEREFORE, in consideration of the premises and the mutual promises and covenants herein contained, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties, intending to be legally bound, agree as follows:

1. The Town hereby delegates to the County the Authority to administer and enforce the Town's stormwater management in accordance with the provisions contained in the Town's Phase II NPDES Permit, as submitted by the Division of Water Resources of the NCDEQ, within the Town's corporate limits and its ETJ.

2. The Town and County agree that stormwater management plan review fees shall be submitted by developers directly to the County, and shall be based on the County's review fee rate at the time of submittal. The County shall have the authority to invoice the Town for services in excess of the initial stormwater fees to cover any associated costs to the County.
3. The term of this agreement shall be perpetual continuing until such time as it is terminated or the Town implements its own Stormwater Ordinance.
4. This agreement may be terminated with 30 days written notice of such intent by either party. Notice shall be served on the Town Manager of the Town and County Manager of the County.
5. Each Party hereby submits themselves to the jurisdiction of the courts of the State of North Carolina in any future proceeding or action brought by either of them to enforce the provisions of this agreement.
6. A modification or waiver of any of the provisions of this agreement shall be effective only if made in writing and executed with the same formality of this agreement.
7. Every provision of this agreement shall be binding upon each of the Parties and their respective successors and assigns.
8. This agreement contains the entire understating and agreement of the Parties, and there are no representations, warranties, covenants or undertakings other than those expressly contained herein.
9. The County shall ensure compliance with all deadlines imposed on the Town by EMC and/or NCDEQ.

IN WITNESS WHEREOF, we have hereunto set our hands and seals, the day and year above first written.

For Johnston County:

_____(SEAL)
Rick J. Hester, County Manager

Attest:

_____(SEAL)
Paula G. Woodard, Clerk to Board of Commissioners

For the Town of Clayton:

_____(SEAL)
Adam Lindsay, Town Manager

Attest:

_____(SEAL)
Kimberly Moffett, Town Clerk



Town Council Agenda Cover Sheet

Meeting Date

April 17, 2017

Agenda Location

Staff Reports

Item Title

Street Closure - Live Burn Training - May 6, 2017

Presenter (Name & Title)

Lee Barbee, Fire Chief

Summary/Description

A live burn training event is scheduled to take place on Saturday, May 6, 2017. Location will be 435 W. Main Street and street closure will be W. Main Street between S. Moore and S. Robertson from 7:00 a.m. until 1:00 p.m. Approvals have been received from NCDOT and NC Health Hazards Control.

Requested Action

None - Informational Only

Additional Documents To Be Included in Agenda Packet

Memo
NCDOT Approval
NC Health Hazards Control Approval

Town of Clayton Fire Department

Street Closure Request for Live Fire Training



Prepared by Deputy Chief Jason Dean

Date of Request: Feb 9, 2017

Date of Event: May 6, 2017 Time for street closure request: 0700hrs until 1300hrs*

Location(s): W. Main Street (SR 1004) between S. Moore St and S. Robertson St*

*When conditions allow, the plan is to open one lane of travel on W. Main Street and will provide proper personnel / flag-men to control the passage of the work area.

Purpose: We are conducting a live burn drill at 534 W. Main Street as part of our on-going fire training program. We conduct this training to maintain skills necessary for combating fires in structures as well as other fire ground operational practices. In order to maintain safety of our personnel and to meet specific guidelines set forth by NC Office of State Fire Marshal and National Fire Protection Association, we will need a traffic free area for apparatus, water supply lines, and a staging area.

Specific Request: To maintain this traffic free area, we are requesting to close the following streets.

1 – W. Main Street, between S. Moore Street and S. Robertson Street

Note: We will also have barricades in place at Mulberry Street / Main Street to prevent vehicular traffic entering Main Street

For the residents that will be in the blocked off area, will be able to travel “away” from the training site. At the immediate area of the site, other means of blocking (cones, apparatus, etc) will be used.

Alternate Routes:

1 – S. Robertson / S. Moore Streets to W. Second Street (see below map)

Preparation: Area residents will be given information prior to the event advising them of the closures, alternate routes, and potential hazards (smoke drift, hose lines, etc). We will also inform the community about the event via the Town of Clayton Public Information Officer

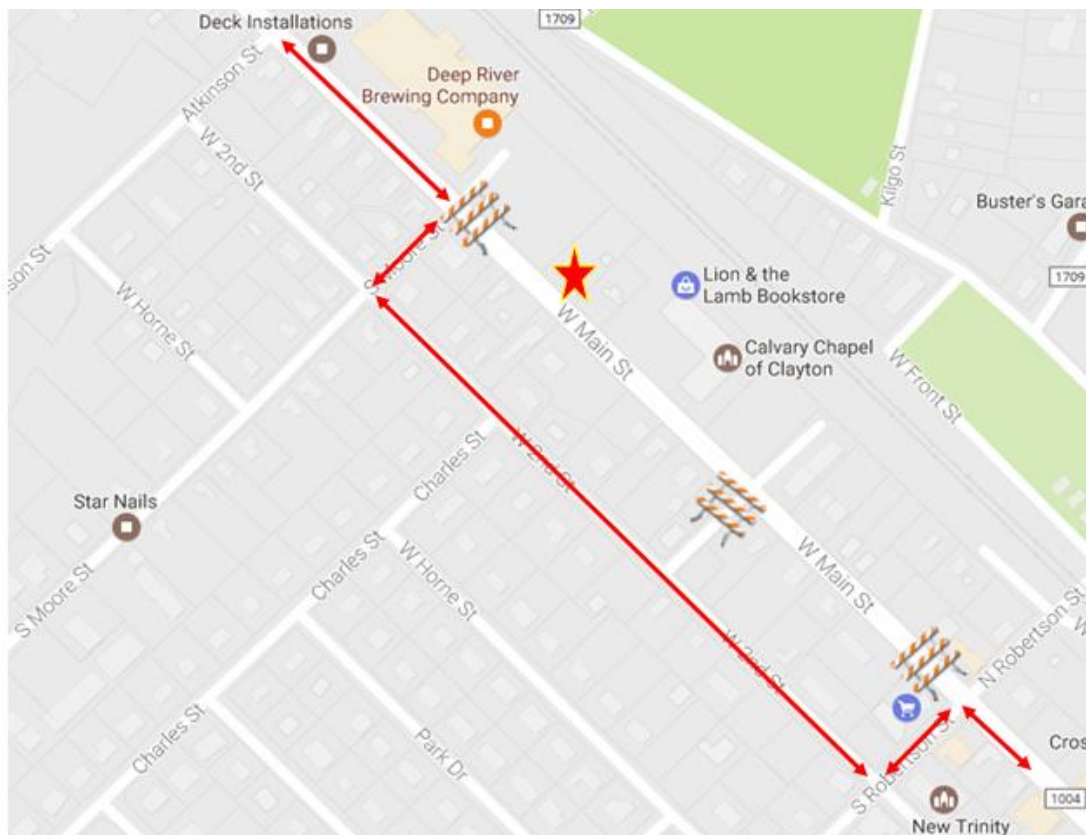
The Fire Department will provide cones and signage (smoke ahead and apparatus ahead) in the area to inform other citizens. Barricades and detour posts will be obtained from Public Works/Street Department and placed at the aforementioned areas. We also have the option of using local message boards to inform areas streets are closed

Clayton Police, Public Works, and Johnston County EMS have also been informed of the activities.

Any questions pertaining to this training event can be forwarded to Clayton Fire Deputy Chief Jason Dean, 919-359-9367 or jdean@townofclaytonnc.org

A full Incident Command, Incident Action Plan will be completed and available for all personnel involved (directly or indirectly).

Red Arrows: Denoting alternate / detour route





STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

JAMES H. TROGDON, III
SECRETARY

February 28, 2017

Mr. Jason Dean
Town of Clayton Fire Department
P.O. Box 879
Clayton, NC 27528

Dear Mr. Dean:

This is to acknowledge and thank you for your recent letter regarding the Clayton Fire Department's intent to close SR 1004 (W. Main Street) between S. Moore Street and S. Robertson Street in Johnston County from 7:00AM until 1:00PM on Saturday, May 6, 2017 for a live burn drill at 534 W. Main Street.

We are pleased to advise your request has been approved as submitted based on the Clayton Fire Department's intent to take proper safety precautions and provide traffic control during this event.

If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Todd Lewis".

Todd Lewis, PE
Asst. Division Traffic Engineer

CTL/

Cc: Mr. J.P. Harrell, PE
File

Mailing Address:
NC DEPARTMENT OF TRANSPORTATION
DIVISION 4 TRAFFIC SERVICES
PO BOX 3165
WILSON, NC 27895-3165

Telephone: (252) 237-6164
Fax: (252) 234-6174
Customer Service: 1-877-368-4968
Website: www.ncdot.gov

Location:
509 WARD BLVD.
WILSON, NC 27893



North Carolina Department of Health and Human Services
Division of Public Health

Roy Cooper
Governor

Mandy Cohen, MD, MPH
Secretary

Daniel Stanley
Director

March 9, 2017

Jason Dean
Deputy Chief
Clayton Fire Department
325 W Horne St
Clayton NC 27520

SUBJECT: Demolition Notification
NESHAP No. 52650
Old House
534 W. Main St

Dear Jason Dean:

The above-referenced Demolition Notification was received and accepted by the Health Hazards Control Unit (HHCU) on March 08, 2017. The Notification indicates the demolition, by Clayton Fire Dept, will begin on May 06, 2017, and end on May 06, 2017.

Any revisions to the above Notification shall be submitted, in writing, to the HHCU within the time limits prescribed by the rules governing the HHCU program. Failure to submit timely revisions may result in the initiation of an enforcement action.

If you have any questions, please do not hesitate to call our office at (919) 707-5955.

Sincerely,

Ed Norman
Program Manager
Health Hazards Control Unit

Attachment
cc: Permit File





North Carolina
Department of Health and Human Services
Division of Public Health
Health Hazards Control Unit

Demolition Notification

Permit #: N/A	Facility: Old House		
NESHAP #: 52650	Location:		
Date Issued: 03-09-2017	Contact: Sherald Lee	County: Johnston	
	Address: 534 W. Main St Clayton, NC 27520-		
	Size: 800	# of Floors: 1	Age: 60
Removal Start:	Demolition Start: 05-06-2017	Days: SA	
End:	End: 05-06-2017	Hours: 8:00 AM - 5:00 PM	
Owner:	Removal Contractor:	Demolition Contractor:	
Sherald Lee		Clayton Fire Dept	
2098 Shotwell Rd		P.O. Box 879	
Clayton, NC 27520		Clayton, NC 27528	
Contact: Sherald Lee	Contact:	Contact: Jason Dean	
Phone: (919) 868-5713	Phone:	Phone: (919) 359-9367	
Operator:	Contact:	Phone:	
Transporter:	Transporter:	Landfill:	
Contact:	Contact:	Contact:	
Phone:	Phone:	Phone:	
Inspector:	Supervising Air Monitor:	Designer:	
HOMER D BARBOUR - #10965			
Samples Collected			
Work Practices: Live Burn Training			
RACM:			
Signatory: Jason Dean			
Clayton Fire Department	325 W Horne St Clayton, NC 27520		

Any revisions to this Permit/Notification must be submitted to the Health Hazards Control Unit (HHCUC). Waste Shipment Records (WSR) shall also be submitted to the HHCUC. These forms must be submitted, in writing, on a form provided or approved by the HHCUC within the time limits prescribed by the rules governing the HHCUC Program. Failure to submit these forms may result in the initiation of enforcement actions.


Ed Norman
Program Manager, HHCUC
NCDHHS - Division of Public Health
1912 Mail Service Center Raleigh, NC 27699-1912
Phone: (919) 707-5950 Fax: (919) 870-4808

REMOVAL PERMITS MUST BE POSTED FOR THE DURATION OF THE PROJECT