



**The Town Of Clayton
Clayton Board of Adjustment Agenda
Wednesday, December 21, 2016 @ 6:00 PM
Town Council Chambers**

1. CALL TO ORDER

2. ADJUSTMENT OF THE AGENDA

3. APPROVAL OF MINUTES

- a. November 16, 2016 Board of Adjustment Minutes
[Board of Adjustment Minutes](#)

4. REPORTS AND COMMENTS

5. OLD BUSINESS

6. NEW BUSINESS

- a. 2016-230-VAR Rhodes Farm Subdivision
NC Pin: 166700-57-4793

The applicant is requesting a variance from the requirement to pave roadways within a previously approved preliminary subdivision.

[Staff Report - 2016-230-VAR](#)

[Memorandum on Variance Application 2016-230-VAR](#)

[Staff Map 2016-230-VAR](#)

[Application 2016-230-VAR](#)

[Previously Approved Site Plan 2016-230-VAR](#)

7. INFORMAL DISCUSSION AND PUBLIC COMMENT

8. ADJOURN



**The Town Of Clayton
Clayton Board of Adjustment Minutes
Wednesday, November 16, 2016 @ 6:00 PM
Town Council Chambers**

BOARD MEMBERS PRESENT:

Donna White (Chair), Matt Evans (Vice Chair), Johnny House, Bill Wenzel, Mark Helmer, Tom Medlin, Bobby Bunn and Butch Lawter (Ex-Officio)

STAFF PRESENT:

Jay McLeod, Town Planner; Haley Hogg, Town Planner, Merrick Parrott, Town Attorney and Laura Gray, Clerk to Board.

1 CALL TO ORDER

- a) Donna White called roll.

2 ADJUSTMENT OF THE AGENDA

- a) Bobby Bunn was sworn in as a new member.

3 APPROVAL OF MINUTES

- a) June 15, 2016 meeting minutes.

ACTION: Motion to approve minutes.

Motion: Matt Evans
Second: Johnny House
Vote: Unanimous

4 REPORTS AND COMMENTS

- a) None.

5 OLD BUSINESS

- a) None.

6 NEW BUSINESS

- a) 2016-210-VAR The Warrick Tract
NC Pin : 175000-30-9566 & 175000-30-6174

The applicant is requesting a variance from the minimum lot size requirements for single-family residential lots that are zoned Residential-Estate (R-E).

Jay McLeod, Town Planner, presented The Warrick Tract to the Board of Adjustment.

The applicant is requesting a variance from the minimum lot size requirements for single-family residential lots that are zoned Residential-Estate (R-E). Specifically, the applicant is requesting a variance to allow a minimum lot size of 25,000 square feet instead of the required 30,000 square feet. The applicant is also requesting to allow a maximum density of 1.03 dwelling units per acre.

The request is running concurrent with a Major Subdivision application to develop the subject parcels into 24 single family residential lots. This associated project will be presented to the Planning Board on November 28th.

The Unified Development Code requires that all single-family residential lots zoned Residential-Estate and hooked to one of either public water or sewer have a minimum lot size of 30,000 square feet, and a maximum density of 1 dwelling unit per acre. The applicant is requesting a variance to allow the subject parcels to be developed into lots that have a minimum lot size of 25,000 square feet and a maximum density of 1.03 dwelling units per acre. The applicant's request is based on the soil characteristics, which would allow the denser layout with no loss in the provision of suitable septic field area for percolation on each lot. Said differently, the applicant proposes that the variance allows the subdivision to better conform to the physical restrictions of the site, while still maintaining a large lot subdivision that is consistent with the surrounding developments.

If platted at 26 lots, the applicant's requested variance would still result in an average lot size of 42,437 sq. ft., even though the minimum lot size would be 25,000 sq. ft. Even if the land proposed to remain with the existing home is removed from the equation, the remaining 25 lots would still have an average lot size of 39,158 sq. ft.

The subject parcels are located within the Town of Clayton's ETJ, and are bordered by two existing residential subdivisions. The neighboring subdivisions are on well water with septic fields, and are both zoned Residential-Estate with single-family residential lots that are not less than 30,000 square feet in size. The County Environmental Health Department has regulations regarding minimum separation requirements between wells and septic drain fields. The subdivision would still have to adhere to these requirements.

Bill Wenzel asked if the subdivision would meet all other setbacks.

Mr. McLeod stated they meet all other requirements, the variance would not change any setback requirements.

Johnny House expressed concern about the septic area with large homes.

The applicant, James Lipscomb of 328 E. Main Street, came forth to give additional information.

Mr. Lipscomb stated the subdivision will be annexed into the Town's limits.

Mr. Lipscomb stated the soils can support the septic for the size of the homes and the proposed 26 lots.

Mr. Lipscomb stated a neighborhood meeting was held and no one was in opposition of the additional two lots.

Merrick Parrot gave a briefing of the instructions of the hearing. When considering a Variance application, The Board of Adjustment shall consider specific Findings of Fact. A Variance which fails to meet any of these Findings shall be deemed adverse to the public interest and shall not be approved.

Donna announced they will go into closed session.

Donna opened the session and asked for a motion.

ACTION: Conditions of Approval:

1. Any subdivision shall still adhere to the minimum separation requirements for well and septic fields, as determined and administered by the appropriate body; in this case, the Johnston County Environmental Health Department.
2. Average lot size shall be at least 30,000 sq. ft. This calculation shall not include existing homes on land to be subdivided off of the rest of the tract.
3. Minimum lot size shall be 25,000 sq. ft.
4. The maximum number of lots for the land in question shall be 26.

Finding of Facts:

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
2. The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
4. The requested variance is consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

Matt Evans read the Finding of Facts and recommended approval of 2016-210-VAR.

Motion: Matt Evans
Second: Mark Helmer
Vote: Unanimous

- b) 2017 Board of Adjustment meeting calendar

ACTION: Motion to approve 2017 calendar.

Motion: Matt Evans
Second: Johnny House
Vote: Unanimous

7 INFORMAL DISCUSSION AND PUBLIC COMMENT

- a) None.

8 ADJOURN

- a) Motion to adjourn.

Motion: Matt Evans
Second: Donna White
Vote: Unanimous

Donna White
Chair

ATTEST:

Laura Gray
Clerk to the Board



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

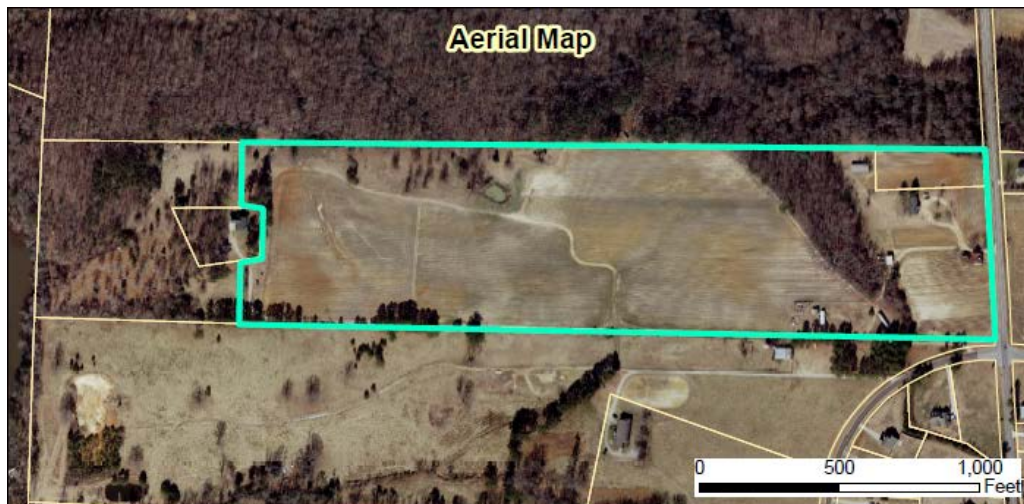
Board of Adjustment
December 21, 2016

STAFF REPORT

Application Number: 2016-230-VAR
Project Name: Rhodes Farm Subdivision Variance

NC PIN/Tag: 166700-57-4793 / 05h04037
Location: 4805 Little Creek Church Rd
Town Limits/ETJ: ETJ
Agent/Applicant: Gray Wolf Development LLC
Owner: Gray Wolf Development LLC

SITE DATA:
Acreage: 51.32 acres
Present Zoning: Residential-Estate (R-E)
Existing Use: Vacant / Agriculture
Proposed/Approved Use: Single-family residential subdivision



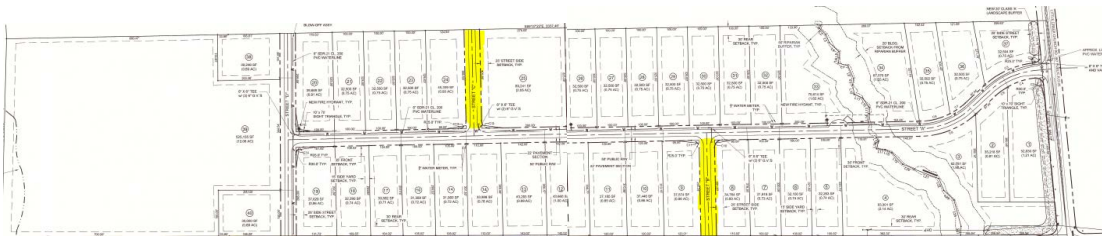
REQUEST:

The applicant is requesting a variance from the requirement to pave two stub-out roadways within an approved preliminary subdivision plat. Stub-out roads provide connection to adjacent, undeveloped properties to assure road connectivity when they develop in the future. Specifically, the applicant is requesting a variance to allow streets “C” and “D”, as labeled within the approved associated preliminary plat, to not be constructed. The proposed variance is as follows:

Request	UDC Section	Requirement	Variance Request
1	§155.602(B)(1)	The applicant shall be responsible for the cost and installation of the applicable standard residential, residential collector, collector, or commercial street width and pavement design requirements. Paving shall be installed for roadways through and adjoining the development in accordance with town standards and specifications (or NCDOT standards if applicable). The applicant shall provide additional pavement surfaces for turning lanes in accordance with the town’s Engineering Design manual.	To allow two streets (labeled “C” and “D”) on the approved preliminary plat to not be constructed.

STAFF ANALYSIS AND COMMENTARY:

The applicant is requesting a variance from the requirement for streets to be installed within the associated approved preliminary plat. The associated subdivision (15-56-01-SD) was approved in 2015 by Town Council. This subdivision was approved for 40± single-family residential lots, with four streets that end in stub-outs connecting to adjacent, undeveloped properties. These stub-outs, or cross street connections are required at a spacing requirement of one every 1,500 feet max (per §155.603(B)(2)). The applicant is requesting that two of these streets (Streets “C” and “D”) not be constructed.



The Unified Development Code requires stub-out connections be made to adjacent, undeveloped properties so that neighborhoods can develop with an efficient, connected roadway network. Developers are required to install the infrastructure (in this case, roads) on their property that serve their development, and provide the connection to adjacent (future) development. To ensure connectivity, stub-outs are paved to the property line so that when adjacent properties are developed, connection is a simple matter of continuing the road. If developers do not pave stub-outs to the property line, then the paving of that stub-out road may be incumbent upon the future developer of the adjacent, undeveloped property. Leaving the roads unpaved requires the future developer of the adjacent property to bear the burden of paving roads on a separate piece of property which is not part of their own development and over which they do not have ownership.

The Rhodes Farm property is in the Town's Extra-Territorial Jurisdiction (ETJ). As part of its subdivision approval, annexation into the Town was not required. The Unified Development Code requires that all subdivisions be constructed with and on public streets. This leaves NCDOT as the only entity that the streets can be dedicated to, in order to make them publicly owned and maintained.

The stub-outs in question do not meet the criteria required for NCDOT to take them over for maintenance. NCDOT requires a certain number of occupied homes with driveways (four) on each section of street that they accept for maintenance. No driveways are located off of these streets and, as a result, NCDOT will not take over the streets or maintain them. The Town of Clayton will not be accepting any roads in this subdivision either, since annexation has not been requested. This means the stub-outs would have to be privately maintained by the homeowners, until such time as they would be eligible for acceptance by NCDOT. At that time, the homeowners would have to ensure that the roads meet NCDOT's standards for acceptance. NCDOT has stated that when adjacent properties develop, if connection is made to these stub-outs, then the stub-outs would be accepted by NCDOT.

In communication with the applicant prior to the submission of this variance application, several potential solutions were discussed, including staff's position that the appropriate path to modify the stub-out roads is an application for major subdivision modification, with ultimate decision resting with the original approving body, which is Town Council. Ultimately, the applicant decided to pursue this variance instead.

In the opinion of Planning Staff, the applicant has not demonstrated a hardship that is specific to this property – all developments in Clayton are required to provide connectivity to adjacent, undeveloped parcels. No evidence of physical or technical hardship specific to this property has been provided that meets the criteria required by the Findings of Fact. Approximately half of the land area under the jurisdiction of Clayton falls within the ETJ. If any of these parcels were to develop without annexation, they would be required to meet connectivity requirements identical to those required of the Rhodes subdivision.

The currently approved subdivision meets the criteria of the Unified Development Code, and was approved by Town Council with four streets that stub-out to adjacent properties, based on a design provided by the applicant. During the approval process, the applicant was required to add the mid-block stub-outs to meet the block length / cross access requirements listed in §155.603(B)(2) of the Unified Development Code. To modify the original subdivision approval to allow two of the streets to not be constructed is considered by staff to be a major modification to the previously approved subdivision plan and not a variance, since it involves reducing the number of external connections to adjacent properties and will not meet code requirements. Per 155.706(N)(2) of the Unified Development Code, proposed major modifications to an approved preliminary plat or final plat shall be submitted and processed as new applications.

CONSIDERATIONS:

The applicant has addressed the required Findings of Fact, which are included as an attachment to this Staff Report. As noted within the Unified Development Code (155.716(F)(2)), no variance shall be approved by the Board of Adjustment unless all of the following findings are made:

- a. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
- b. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from

conditions that are common to the neighborhood or general public, may not be the basis for granting a variance.

- c. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-create hardship.
- d. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that the public safety is secured and substantial justice is achieved.

FINDINGS:

When considering a Variance application, The Board of Adjustment shall consider specific Findings of Fact. A Variance which fails to meet any of these Findings shall be deemed adverse to the public interest and shall not be approved. The applicant has addressed the findings expressly established by Chapter 155.716 of the UDC. The applicant's Findings of Fact are incorporated into the record as an attachment to the Staff Report.

STAFF RECOMMENDATION:

Staff does not believe that this variance application meets any of the required findings of fact. Most notably that the hardship did not result from actions taken by the applicant or the property owner. The applicant sought and received approval by and from Town Council for the subdivision layout with the four stub outs. Removal of these stub-outs should be processed as a major modification to the approved subdivision plan, not as a variance request. **Based on the above, staff recommends dismissal of the requested variance application.**

ATTACHMENTS:

- 1. Application
- 2. Staff Report Maps
- 3. Findings of Fact
- 4. Associated Preliminary Plat (15-56-01-SD, most recently modified by 2016-178-AA)
- 5. Memorandum – Parker Poe



Memorandum

To: Town of Clayton Board of Adjustment (the "Board")
From: Parker Poe Adams & Bernstein LLP
Date: December 16, 2016
Re: 2016-230-VAR; Rhodes Farm Subdivision Variance

On Wednesday, December 21, 2016, you will have before you application 2016-230-VAR, a variance application by Gray Wolf Development LLC ("Gray Wolf") requesting that two stub-out streets not be required to be constructed in the Rhodes Farm Subdivision (the "Subdivision"). This variance application is not appropriately before you.

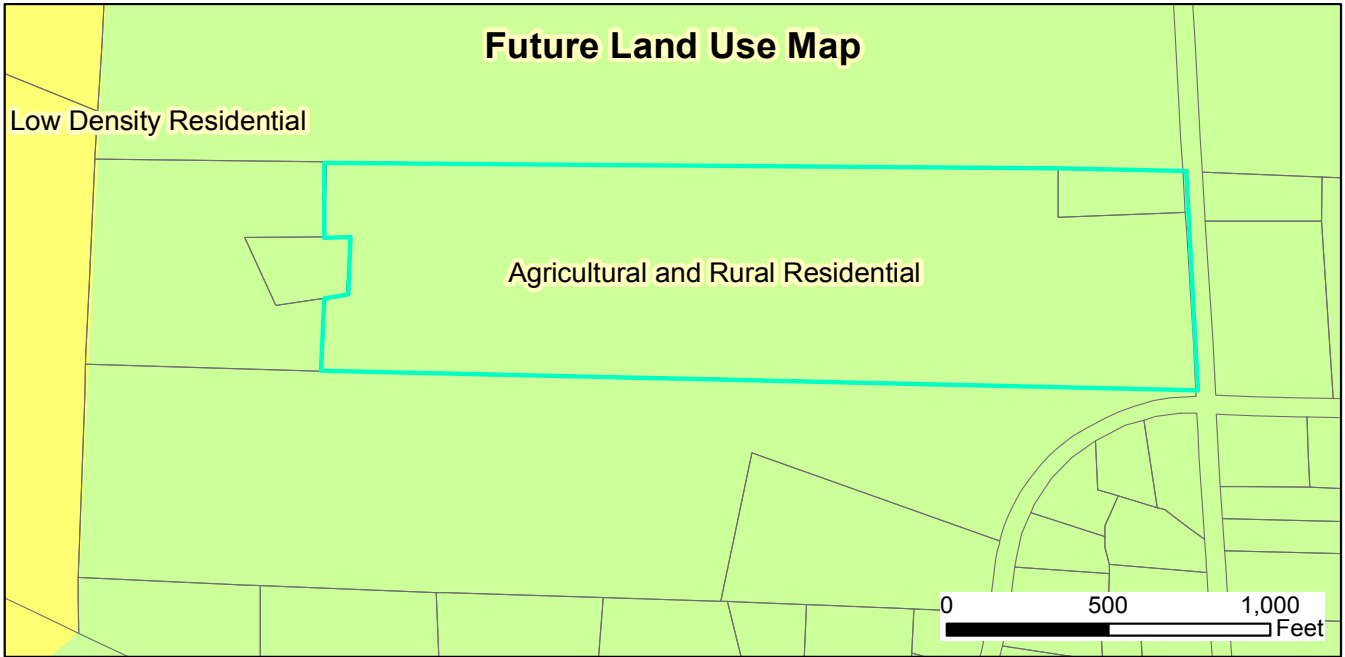
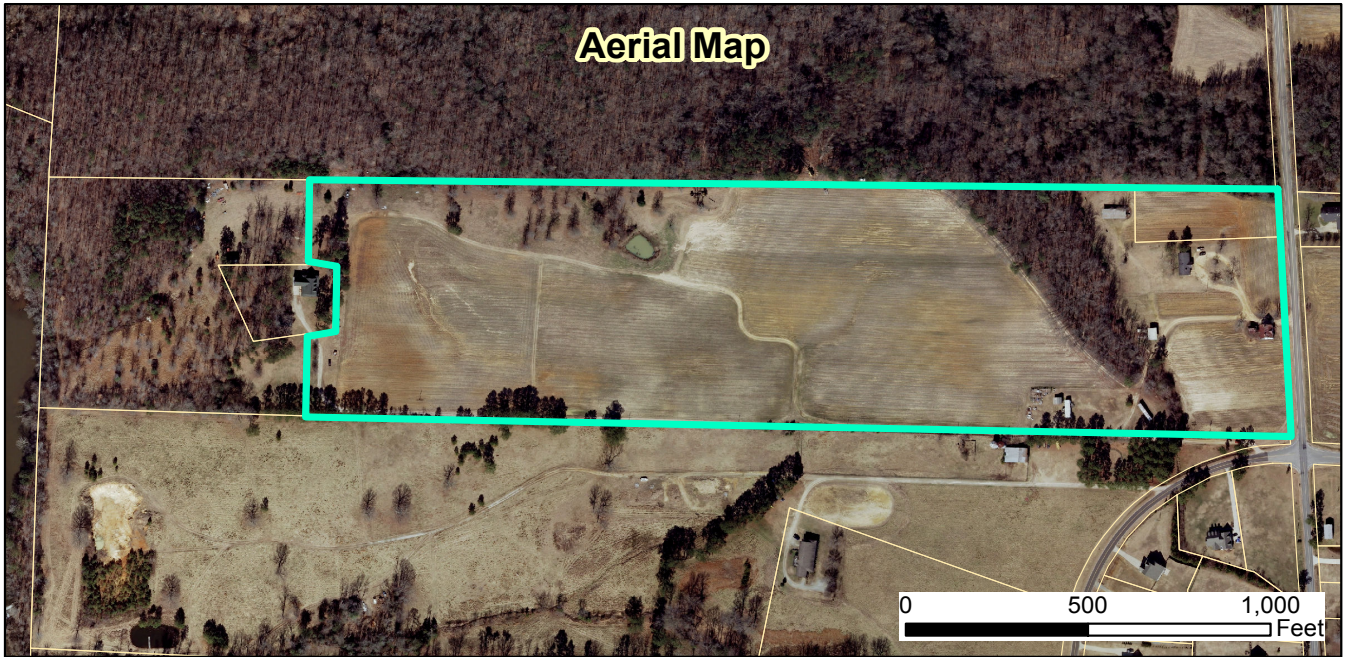
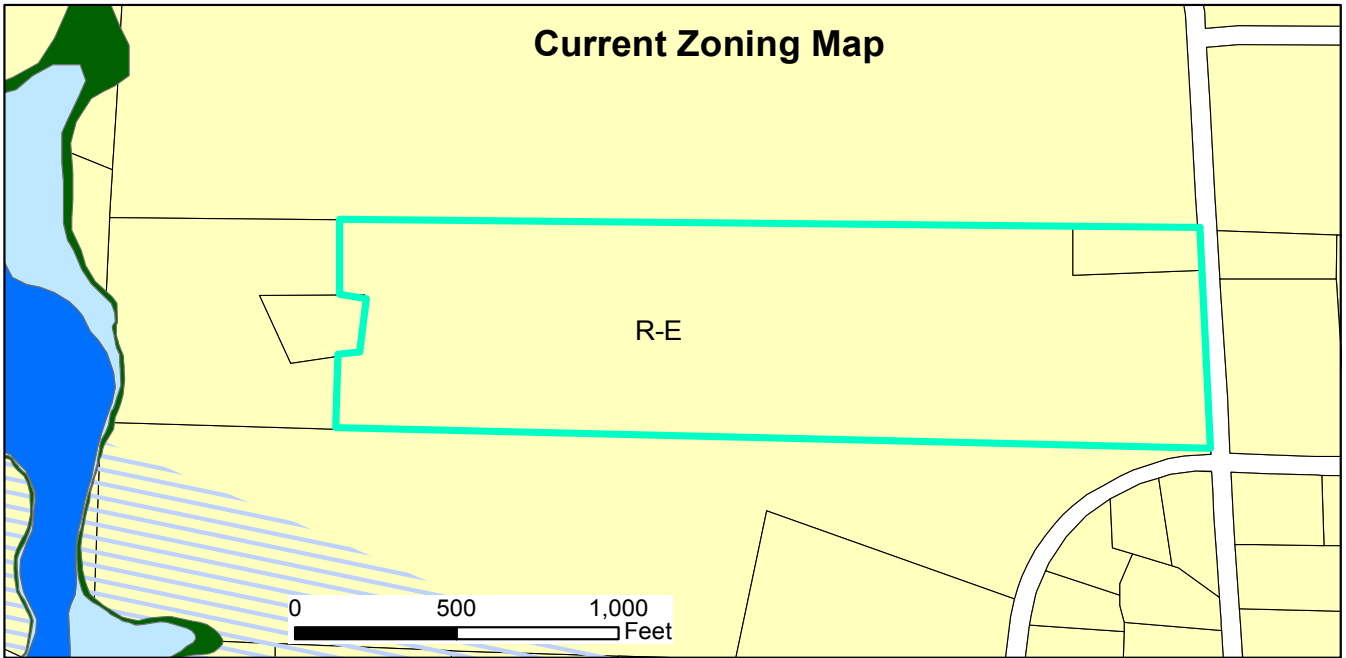
Gray Wolf applied for the Subdivision in 2015. On January 4, 2016, Town Council approved the Subdivision. The Subdivision plat approved by Town Council included the two stub-out streets at issue in this variance application.

This development was processed and approved through the subdivision procedures set forth in Town of Clayton Unified Development Code ("UDC") § 155.706. In UDC § 155.706, there are specific procedures for modifications of approved subdivisions. Major modifications to an approved preliminary plat or final plat are required to be submitted and processed as new applications, which would then be considered by Town Council. UDC § 155.706(N)(2).

Therefore, a modification such as being requested must be addressed as described in the Ordinance. As Staff has indicated, the request by Gray Wolf is a major modification and is required to go back before Town Council pursuant to UDC § 155.706(N)(2).

Consistent with the recommendation in the Staff Report, we recommend that the Board dismiss this variance application as the Board does not have jurisdiction over this matter.

Parker Poe Adams & Bernstein LLP



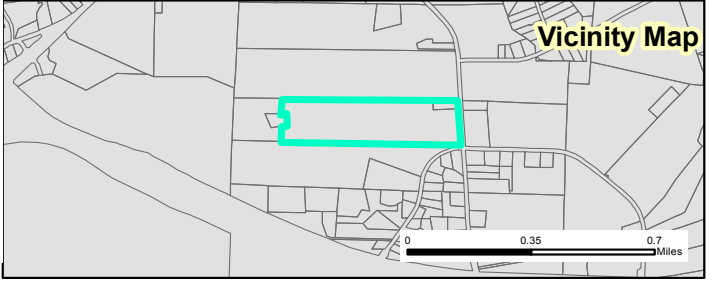
2016-230-VARRhodes Farm Subdivision Variance
Request: A variance from the requirement of the Unified Development Code (155.602(B)(1)).

Applicant: Gray Wolf Development
 Property Owner: Charles D. Rhodes Trustee
 Parcel ID Number: 166700-57-4793
 Tag #: 05H04037



Document Path: O:\PLANNING\VARIANCE\2016\2016-230-VAR Rhodes Farm Subdivision\Maps\StaffReportMap_Rhodes Farm 2016-230-VAR.mxd

- Site
- Special Use District
- Thorough Fare Overlay
- Scenic Highway Overlay
- ETJ_Parcels_Aug_2016
- ETJ_Parcels_Aug_2016





TOWN OF CLAYTON

Planning Department

111 E. Second Street, Clayton, NC 27520

P.O. Box 879, Clayton, NC 27528

Phone: 919-553-5002

Fax: 919-553-1720

VARIANCE APPLICATION

Pursuant to Article 7, Section 155.716 of the Unified Development Code, an owner of land within the jurisdiction of the Town (or a duly authorized agent) may petition the Board of Adjustment to allow a Variance. Variances must not be contrary to the public interest and must meet four findings of fact as outlined in Section 155.716 and addressed by the applicant in this application.

Application Fee: \$250.00 (please note if a variance is sought "after the fact" the fee is \$500.00)

Advertisement Fee: \$100.00

All fees are due when the application is submitted.

SITE INFORMATION

Name of Project: RHODES ESTATES S/D Acreage of Property: 53.24 ACRES

County Tag #: 05H04037 NC PIN: 166700-57-4793

Address/Location: 4805 LITTLE CREEK CHURCH ROAD

Existing Use: FARM Proposed Use: SUBDIVISION

Zoning District: R-E

Is project within a Planned Development? ☒ No
☐ Yes (list): _____

Is project within an Overlay District? ☒ No
☐ Yes (list): _____

Variance(s) Requested: *List each requested variance. Attach additional pages if necessary.*

Code Section: 155.602 STREETS SECTION 131

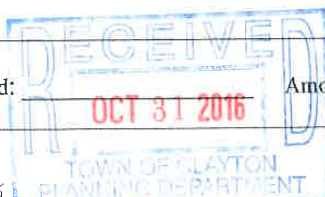
Code Requirement: ALL STREETS BE PAVED

Variance Sought (describe specific request): THE TWO STREETS LABELED "C" & "D" ON THE PRELIMINARY PLAT NOT BE CONSTRUCTED AT THIS TIME.

FOR OFFICE USE ONLY

Date Received: 01/06/2016 Amount Paid: \$350.00 Permit Number: 2016-230-VAR

01/06/2016



Page 1 of 5

PROPERTY OWNER INFORMATION

Name: GRAY WOLF DEVELOPMENT LLC
Mailing Address: 104 AIRPORT INDUSTRIAL DRIVE CLAYTON, N.C. 27520
Phone Number: 919-934-7788 Fax: _____
Email Address: WCORBETT@GRAYWOLFHOMES.COM

APPLICANT INFORMATION

Applicant: GRAY WOLF DEVELOPMENT LLC
Mailing Address: 104 AIRPORT INDUSTRIAL DRIVE CLAYTON, N.C. 27520
Phone Number: 919-934-7788 Fax: _____
Contact Person: WADE CORBETT
Email Address: WCORBETT@GRAYWOLFHOMES.COM

REQUIRED INFORMATION (to be submitted with the application)

Please fill out the following checklist. The following items must accompany a Variance application.

Applicant: Fill out the checklist below.	To be completed by staff:				
	Yes	N/A	Yes	No	N/A
Submit 9 copies of all materials unless otherwise noted or directed by staff					
1. A pre-application conference was held with Town of Clayton staff. Date: <u>10/7/16</u>	☒				
2. Site Plan Review Fee (\$250) and Advertisement Fee (\$100)	☒				
3. Completed application	☒				
4. Owner's Consent Form <i>Required if the applicant is not the property owner.</i>	☐	☒			
5. Survey of the property (not more than a year old unless approved by the Planning Department)	☒	☐			
6. Site Plan, architectural elevations, or drawing as applicable showing requested variance. <i>This document should reference requirements – for example, if the request is for a setback variance, show the required setback and the requested setback.</i>	☒	☐			
7. Adjacent property owners list <i>See sheet included as part of this packet with instructions. For questions on how to determine property owners, please speak with Planning staff.</i>	☒				
8. Stamped, addressed, empty envelopes with no return address for each Adjacent Property Owner (One set) <i>To be used for Town's public noticing of the Board of Adjustment hearing.</i>	☒				

Staff may request additional documentation to support the request.

BURDEN OF PROOF / EXPLANATION OF REQUEST

Use this section to describe the request. An applicant seeking a variance has the burden of presenting evidence sufficient to allow the Board of Adjustment to reach conclusions for the Required Findings of Fact. Attach additional sheets/pertinent information as necessary.

WE REQUEST THAT STREETS "C" AND "D" AS SHOWN ON THE APPROVED PRELIMINARY PLAT NOT BE CONSTRUCTED AT THIS TIME. NC DOT WILL NOT ASSUME MAINTAINENCE OF THESE STREETS BECAUSE THERE ARE NOT ANY LOTS WITH FRONTAGE ON THESE STREETS AND THEY ARE LOCATED IN THE TOWN OF CLAYTON ETS AND THE TOWN WILL NOT MAINTAIN THESE STREETS.

REQUIRED FINDINGS OF FACT

Section 155.716(F)(2) of the Unified Land Development Code requires applications requesting a Variance 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. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

NEITHER NCDOT OR THE TOWN OF CLAYTON WILL MAINTAIN THESE STREETS IF CONSTRUCTED.

2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from person circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance..

THIS PROPERTY IS LOCATED IN THE TOWN'S ETS AND THE TOWN WILL NOT MAINTAIN THE STREETS. NC DOT WILL ALSO NOT MAINTAIN THESE STREETS DUE TO NO LOT FRONTING ON THEM.

3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

THIS IS A REQUIREMENT OF THE TOWN'S CODE AND IS UNDERSTANDABLE IF THE PROJECT WERE IN THE CITY LIMITS AND THE STREET WERE TO BE MAINTAINED BY THE TOWN.

4. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

THE RIGHT OF WAY WOULD BE DEDICATED SO THE STREET COULD BE CONSTRUCTED WHEN THE ADJOINING PROPERTY IS DEVELOPED CREATING THE CONNECTIVITY REQUIRED BY THE CODE AND GOOD PLANNING

APPLICANT AFFIDAVIT

I/We, the undersigned, do hereby make application and petition to the Board of Adjustment of the Town of Clayton to approve the subject Variance request. 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.

Wade Corbett
Print Name

[Signature]
Signature of Applicant

10/3/16
Date

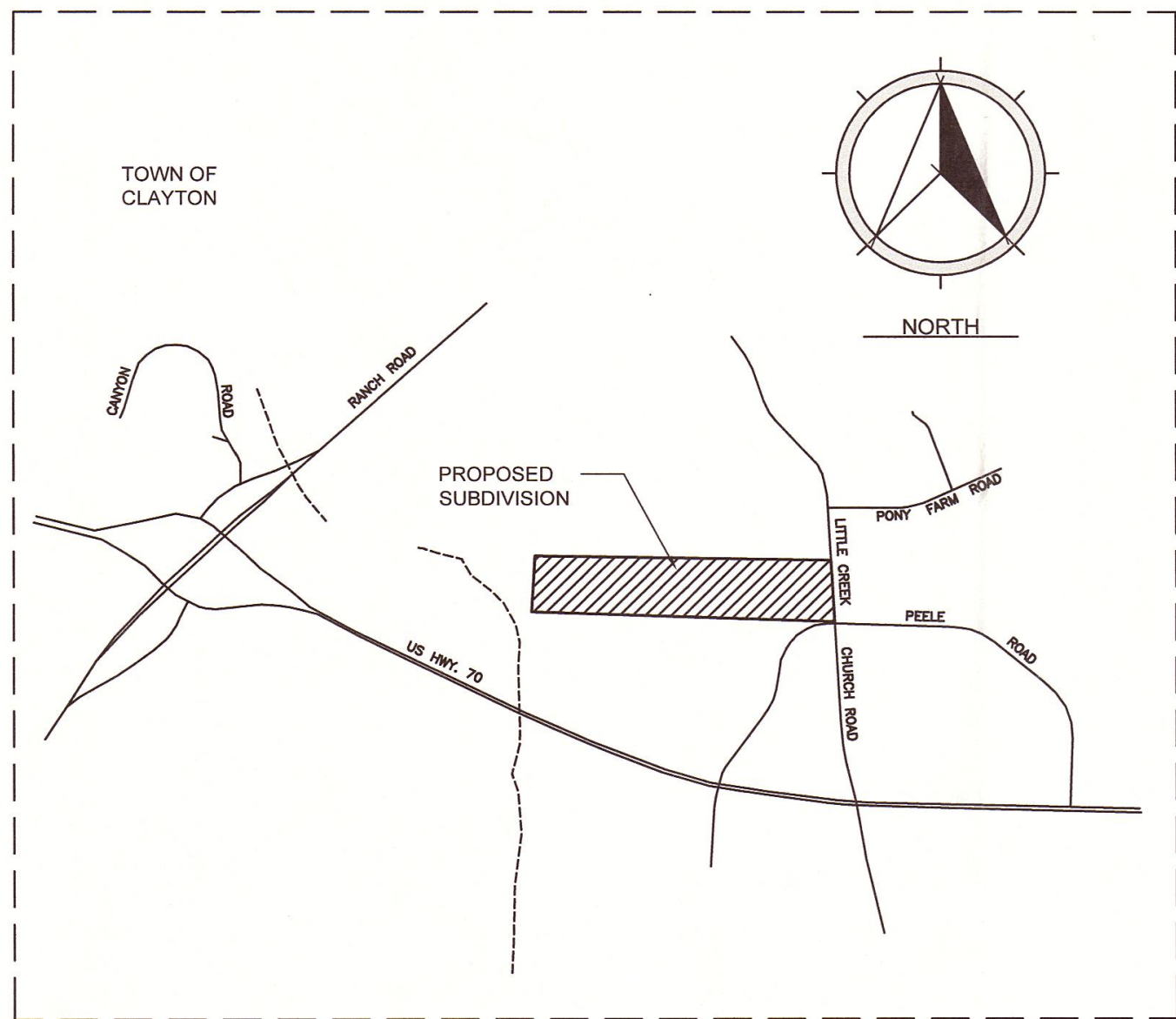
ADJACENT PROPERTY OWNERS LIST

Project Name: RHODES ESTATE SUBDIVISION

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

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

PARCEL NUMBER	NAME	ADDRESS
05H04036C	DORIS M. MATTHEWS	5850 NORTSHORE DR. HIXSON, TN 37343-4621
05H04038W	DORIS M MATTHEWS	5850 NORTSHORE DR. HIXSON, TN 37343-4621
05I05006Z	HARVEY LEE MOSS	4804 LITTLE CREEK CHURCH RD. CLAYTON, N.C. 27520
05I05052C	HARVEY LEE MOSS	4804 LITTLE CREEK CHURCH RD. CLAYTON, N.C. 27520
05I05052D	DORIS G. PEELE	324 PEELE RD. CLAYTON, N.C. 27520
05H04022G	WILLIE E. LYNN	316 OAK ST. SMITHFIELD, N.C. 27577
05H04022	JAMES L. PEELE	3913 ROBIN LN. CLAYTON, N.C. 27520
05H04022F	DARREN DONNELLY	865 PEELE RD. CLAYTON, N.C. 27520
05H04020 B	CAROLINA PACKERS INC.	P.O. DRAWER 1109 SMITHFIELD, N.C. 27577



VICINITY MAP

DRAWING LIST

COVER	1
EXISTING CONDITIONS	2
SUBDIVISION PLAN	3
PRELIMINARY ENGINEERING PLAN	4
MAIL KIOSK DETAIL	5

ISS. NO.	DESCRIPTION	DATE

PRELIMINARY PLAT

RHODES ESTATES SUBDIVISION
PRELIMINARY PLAT

15130

OWNER:

GRAY WOLF DEVELOPMENT, LLC
104 AIRPORT INDUSTRIAL DR
CLAYTON NC 27520

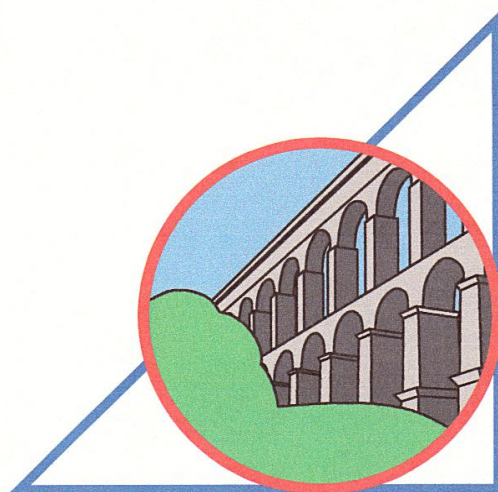
SITE ADDRESS:

4805 LITTLE CREEK CH RD
CLAYTON NC 27520

CLIENT:

GRAY WOLF DEVELOPMENT, LLC
104 AIRPORT INDUSTRIAL DR
CLAYTON NC 27520

SEPTEMBER 2016



TRIANGLE
CIVILWORKS
PROFESSIONAL ASSOCIATION
NCBELS NO. C-2603
211 TYLER DRIVE
SMITHFIELD, NC 27577
919-209-9955

**TOWN OF CLAYTON
SUBDIVISION APPROVAL 15-56-01-SD
GRANTED**

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

Applicant: Gray Wolf Development
Owner: Charles D. Rhodes Trustee
Property Location: Located off of Little Creek Church Road on the corner of Peele Road and Little Creek Church Road
Tax Parcel Numbers: 166700-37-5678 / 166700-57-0686 & 166700-67-4991
Proposed Use of Property: Conventional subdivision with 41 single family detached homes.
Meeting Date: January 4, 2016

Having heard all the evidence and argument presented at the hearing, the Town Council finds that the application is complete, that the application complies with all of the applicable requirements of the Clayton Unified Development Ordinance, hereinafter referred to as UDO, for the subdivision proposed, and that, therefore, the application to subdivide the above-described property for the purpose indicated is hereby approved, subject to all applicable provisions of the UDO and the following conditions:

- Following Board approvals, three copies of the final Preliminary Subdivision Plan meeting the requirements of the Conditions of Approval shall be submitted to the Planning Department for final approval. The conditions of approval shall be recorded on the plans before final approval is granted.
- All development fees shall be paid prior to final plat recordation.

Page 1 of 3

- All streets shall be built to NCDOT standards and successfully dedicated to NCDOT in accordance with NCDOT regulations.
- Recreation fees shall be paid as fee-in-lieu, prior to plat recordation.
- The final plat and subsequent development of the site shall be consistent with the specifications of the approved Preliminary Subdivision Plan. Modifications shall require additional approvals pursuant to Section 155.706 of the Unified Development Code.
- All signs shall require review/approval pursuant to UDC Section 155.713.
- A homeowners' association document (if applicable) shall be reviewed by staff and recorded prior to final plat. Such document shall assure responsibility for maintenance of all common facilities and provide adequate means for funding to do so.
- The landscaping buffer along Little Creek Church Road shall be installed prior to the issuance of any Certificate of Occupancy.
- Prior to issuance of driveway permit to Little Creek Church Road the line of sight shall be reviewed and approved by NCDOT.

WAIVERS:

- All requested waivers for sidewalks on all roads shall be paid as fee-in-lieu prior to plat recordation.
- Waiver from constructing curb-and-gutter road; all roads will be dedicated to NCDOT and will connect to NCDOT roads.

[Remainder of Page Intentionally Left Blank]

Page 2 of 3

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

TOWN OF CLAYTON

BY: *Jody L. McLeod*
Jody L. McLeod, Mayor

ATTEST:

Kimberly A. Moffett (SEAL)
Kimberly A. Moffett
Town Clerk

**NORTH CAROLINA
JOHNSTON COUNTY**

I, *Anna C. Anastasi*, a Notary Public, do hereby certify that Kimberly A. Moffett personally appeared before me this day and acknowledged that she is Town Clerk of the Town of Clayton and that by authority duly given and as the act of the Town, the foregoing instrument was signed in its name by Jody L. McLeod, Mayor of the Town of Clayton.

Witness my hand and notarial seal this the *4th* day of *January*, 2016.

Anna C. Anastasi
Notary Public: *Anna C. Anastasi*
(Printed Name)

NC County of Commission: *Johnston*

Commission expires: *03-08-2020*

Page 3 of 3

FIVE COPIES

Town of Clayton
Planning Department
Date: *09/12/2016*
By: *[Signature]*
Plan Approval

2016-178-AA
(15-56-01-SD)

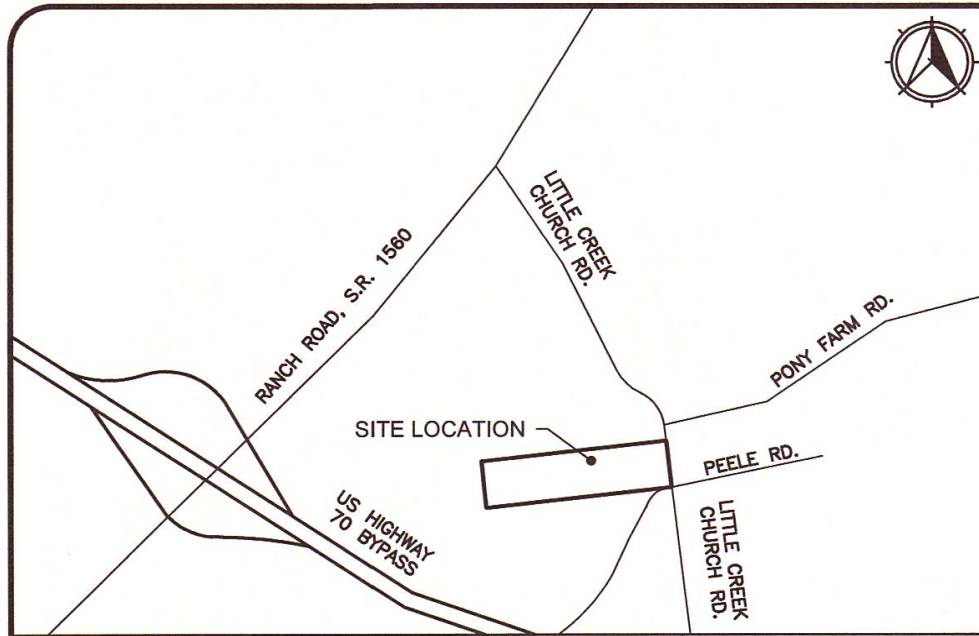
RECEIVED
SEP 12 2016
TOWN OF CLAYTON
PLANNING DEPARTMENT

811

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FOR CONSTRUCTION

09/09/16

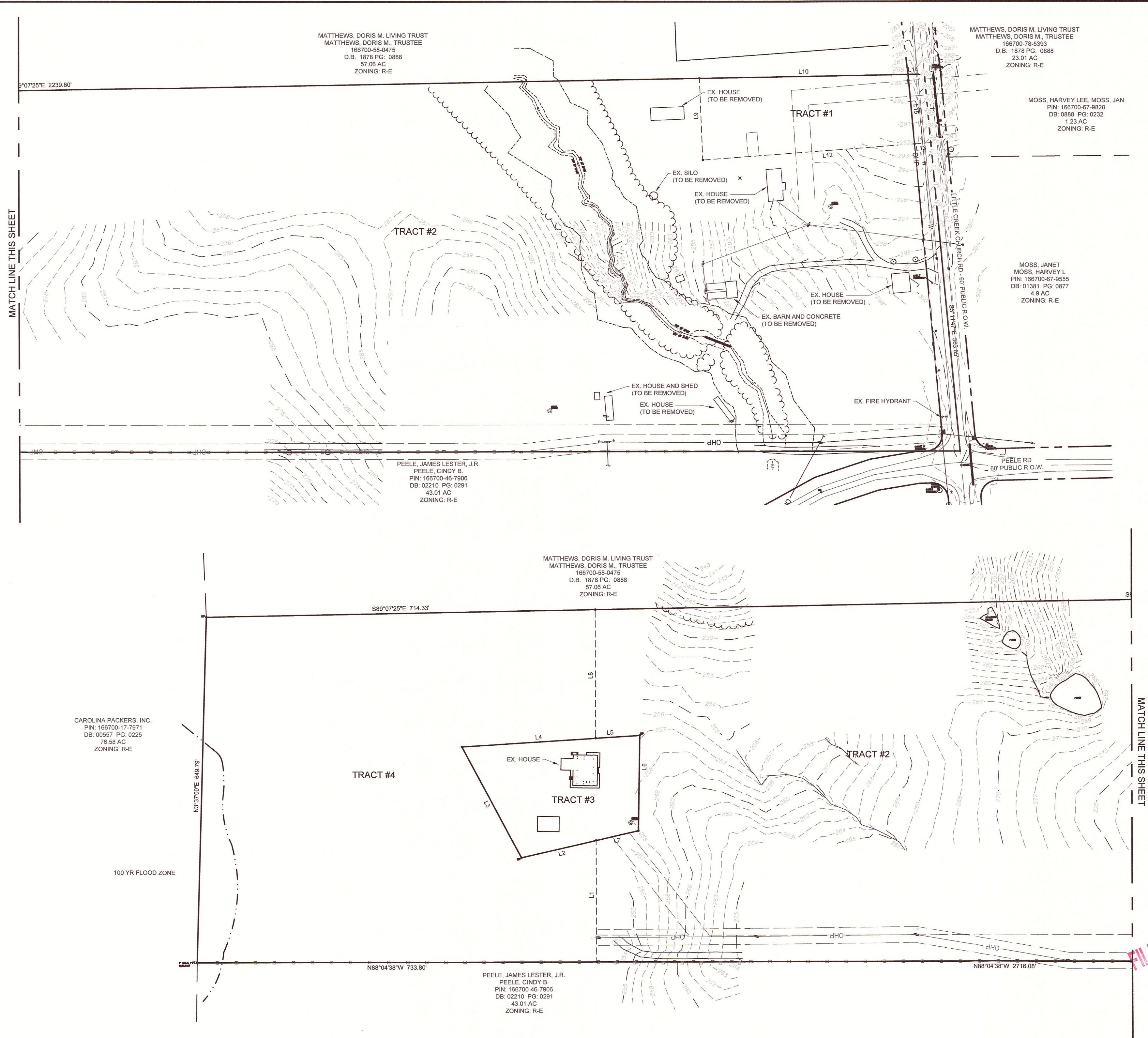
SAVED 8/15/16 12:55 PM



VICINITY MAP
NOT TO SCALE

DEVELOPMENT TRACT SUMMARY

TRACT 1	
OWNER:	JANICE RHODES SOHN
	1616 FIRE DEPARTMENT ROAD
	CLAYTON, NC 27527
PIN:	166700-67-4991
AREA:	1.27 ACRES
TRACT 2	
OWNER:	EDWARD W. RHODES ESTATE
	c/o CHARLIE RHODES
	836 PEELE ROAD
	CLAYTON, NC 27520
PIN:	166700-67-688
AREA:	39.97 ACRES
TRACT 3	
OWNER:	CHARLIE D. RHODES AND
	BONNIE J. RHODES LIFE ESTATE
	836 PEELE ROAD
	CLAYTON, NC 27520
PIN:	166700-37-9658
AREA:	1.25 ACRES
TRACT 4	
OWNER:	CHARLIE D. AND BONNIE J. RHODES
	836 PEELE ROAD
	CLAYTON, NC 27520
PIN:	166700-37-9678
AREA:	10.0 ACRES



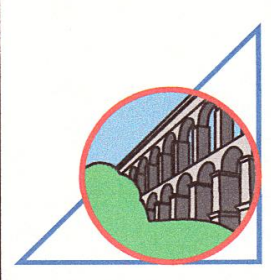
NOTES

1. NO NCSS MONUMENTS FOUND WITHIN 2000 FEET OF PROPERTY.
2. TRACTS 1, 2, AND 4 ARE TO BE RECOMBINED TO CREATE DEVELOPMENT TRACT.



I:\TRIVIAL\WORKS\PROJECTS\GRAY WOLF DEVELOPMENT\RHODES FARM SUBDIVISION\DOCUMENTS\DWGS\PRELIM\2 EXISTING CONDITIONS.DWG

DESIGNED:	DCS	PROJECT DATE:	SEPTEMBER 2016
DRAWN:	RAJ	PROJECT NO.	15130
CHECKED:	DCS	DWG FILE NAME:	2 Existing Conditions.dwg
PROJ. ENG:		REV. NO.	
		DESCRIPTIONS	
		REVISIONS	



TRIANGLE
CIVILWORKS
PROFESSIONAL ASSOCIATION
NCBELS NO. C-3603
211 TYLER DRIVE
SMITHFIELD, NC 27577
919-209-9905

RHODES ESTATES SUBDIVISION PRELIMINARY PLAT

SITE ADDRESS
4805 LITTLE CREEK CH RD
CLAYTON NC 27520

EXISTING CONDITIONS



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FOR CONSTRUCTION

09/09/16

SHEET NO.

2

OF: 5

SAVED: 9/9/16 9:34 AM

\\TRICIVIL\WORKS\PROJECTS\GRAY WOLF DEVELOPMENT\RHODES ESTATES PRELIM\3 SUBDIVISION PLAN.DWG

SUBDIVISION DATA

- GROSS TRACT AREA: 2,319,289 SF (53.24 AC)
 - DEVELOPABLE TRACT AREA: 2,297,646 SF (52.75 AC)
 - TAG# 05H04037 05H04037C
 - DEVELOPER: GRAY WOLF DEVELOPMENT, LLC, 104 AIRPORT INDUSTRIAL DR. CLAYTON, NC 27520
 - TOWNSHIP: CLAYTON
 - TOWN LIMITS: NONE
 - ETJ: CLAYTON
 - ZONING DISTRICT: R-E
 - OVERLAY DISTRICT: N/A
 - WATERSHED PROTECTION OVERLAY: N/A
 - AREA IN RESOURCE CONSERVATION AREAS: 0.0 AC
 - ANNEXATION NUMBER: N/A
 - FEMA DESIGNATED FLOODPLAIN: FIRM # 3720106700J
 - AREA IN FEMA DESIGNATED FLOODPLAIN: 0.217 ACRES
 - ELECTRIC PROVIDER: DUKE PROGRESS ENERGY
 - WATER PROVIDER: JOHNSTON COUNTY
 - SEWER COLLECTION: VIA INDIVIDUAL SEPTIC SYSTEM
 - EXISTING USE: AGRICULTURAL/RESIDENTIAL
 - PROPOSED USE: SINGLE FAMILY RESIDENTIAL
 - LOT SUMMARY:
 - TOTAL LOTS PROVIDED: 40
 - DENSITY PROVIDED: 0.75 UNITS / AC (1.5 UNITS / AC MAX.)
 - AVG LOT SIZE: 1.21 AC
 - SMALLEST LOT SIZE: 30,000 SF (0.69 AC) (# 40)
 - LARGEST LOT: 525,155 SF (12.06 AC) (# 39)
 - MINIMUM LOT SIZE: 30,000 SF
 - MINIMUM LOT WIDTH: 100 FT
 - MAXIMUM BUILDING HEIGHT: 35 FT
 - MINIMUM DWELLING UNIT SIZE: 1,400 SF
 - MAXIMUM BUILDING COVERAGE: 35%
- SETBACKS
 - FRONT: 35'
 - STREET SIDE: 25'
 - SIDE/INTERIOR: 15'
 - REAR: 30'
 - IMPERVIOUS AREA SUMMARY
 - EXISTING IMPERVIOUS AREA: 20,980 SF (0.48 AC)
 - MAXIMUM IMPERVIOUS AREA ALLOWED (50%): 1,148,823 SF (26.37 AC)
 - IMPERVIOUS AREA ALLOWED W/ NO ADD'L STORMWATER MGMT CONTROL (15%): 344,647 SF (7.91 AC)
 - PROPOSED TOTAL IMPERVIOUS AREA:
 - AREA IN ROADS AND MAIL KIOSK: 87,748 SF (2.01 AC)
 - TOTAL AREA IN LOTS: 256,899 SF (5.90 AC)
 - MAXIMUM IMPERVIOUS AREA PER LOT: 6,422 SF

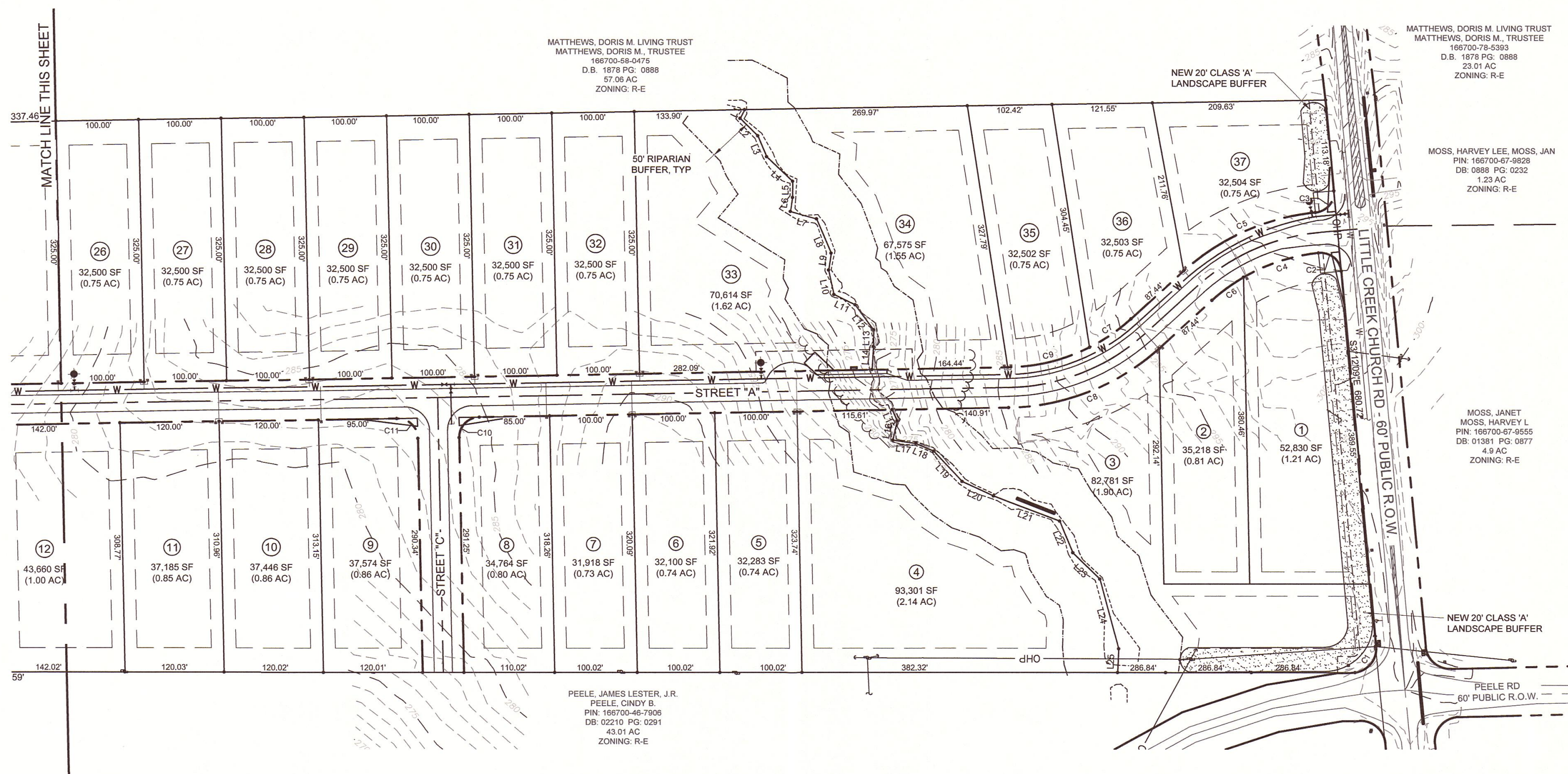
NOTES

- NO NCGS MONUMENTS FOUND WITHIN 2000 FEET OF PROPERTY.
- TRACTS 1, 2, AND 4 ARE TO BE RECOMBINED TO CREATE DEVELOPMENT TRACT.
- STREET TREES WILL BE REQUIRED AT A RATE OF ONE PER LOT.
- ALL STREETS WITHIN THE SUBDIVISION MUST MEET NCDOT STANDARDS AND SPECIFICATIONS AND BE ACCEPTED FOR DEDICATION BY NCDOT.
- LOT 26 WILL BE COMBINED WITH THE EXISTING CHARLIE D RHODES PARCEL.
- MAIL KIOSK TO BE A SEPARATE PARCEL DEEDED TO THE HOMEOWNERS ASSOC.

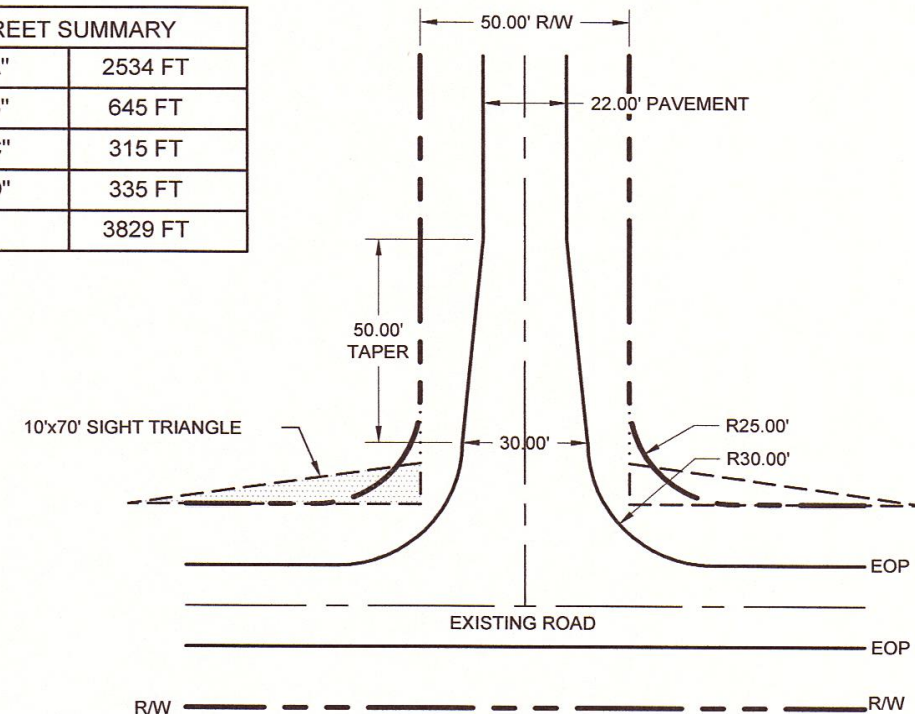
PARCEL CURVE DATA			
SEGMENT	LENGTH	RADIUS	DELTA
C1	46.09	30.00	88.02
C2	39.74	25.00	91.08
C3	38.96	25.00	89.28
C4	96.38	225.00	24.54
C5	176.20	275.00	37.13
C6	48.02	225.00	12.23
C7	61.68	225.00	15.71
C8	201.20	275.00	41.92
C9	102.94	225.00	28.21
C10	39.27	25.00	90.00
C11	39.27	25.00	90.00
C12	39.27	25.00	90.00
C13	39.27	25.00	90.00
C14	38.81	25.00	88.95
C15	39.73	25.00	91.05

PARCEL LINE DATA		
SEGMENT	LENGTH	DIRECTION
L1	12.10	N28° 24' 53"E
L2	30.27	N42° 47' 24"W
L3	27.93	N20° 28' 31"W
L4	43.08	N43° 55' 54"W
L5	20.15	N2° 16' 29"E
L6	17.54	N10° 37' 41"E
L7	33.08	N71° 50' 16"W
L8	45.84	N20° 54' 16"W
L9	21.24	N10° 25' 55"E
L10	31.09	N9° 59' 10"W
L11	28.78	N81° 41' 13"W
L12	38.23	N34° 01' 00"W
L13	20.69	N3° 11' 41"E

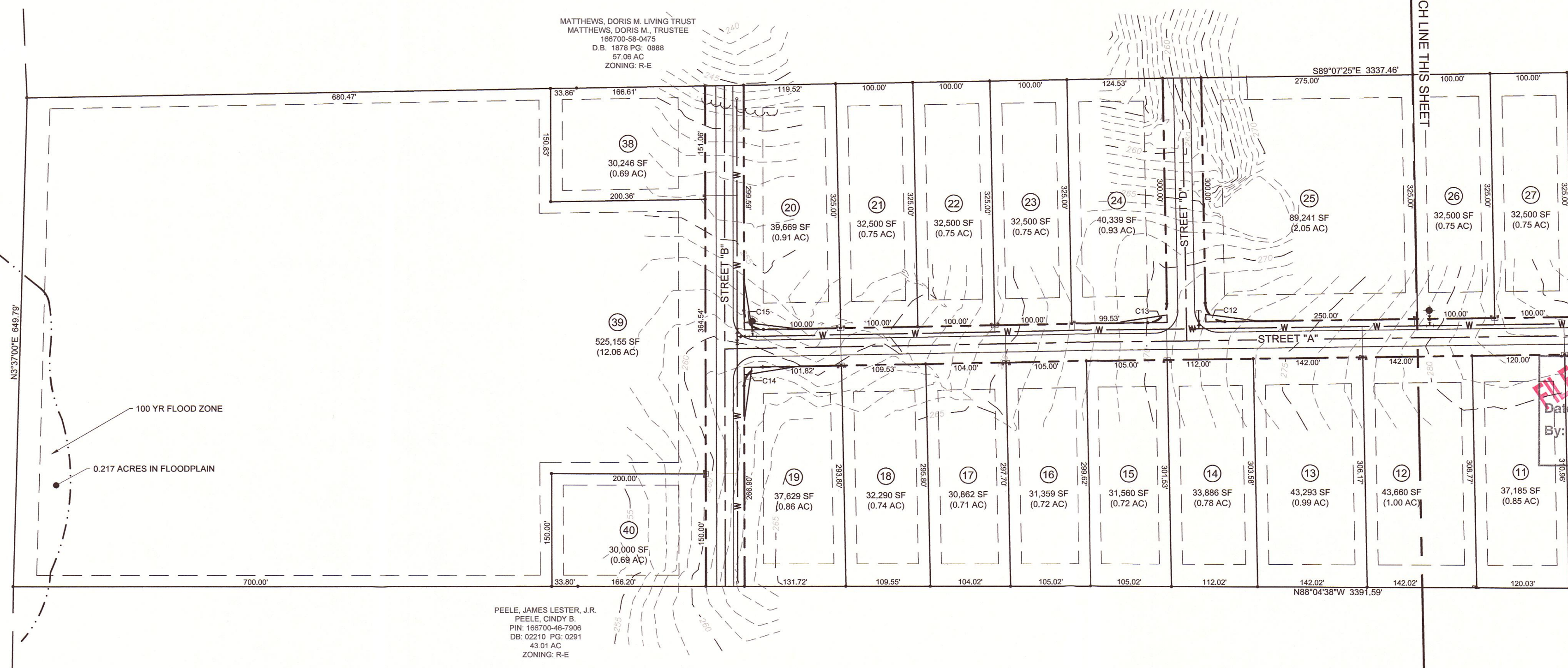
PARCEL LINE DATA		
SEGMENT	LENGTH	DIRECTION
L14	28.73	N5° 19' 07"E
L15	15.14	S21° 33' 35"E
L16	24.40	S14° 41' 30"W
L17	28.29	S70° 54' 03"E
L18	23.81	S63° 41' 29"E
L19	50.96	S40° 32' 29"E
L20	41.74	S63° 04' 34"E
L21	85.92	S66° 54' 03"E
L22	42.56	S20° 05' 43"E
L23	46.17	S43° 12' 46"E
L24	89.37	S12° 42' 24"E
L25	29.53	S4° 24' 53"W



STREET SUMMARY	
STREET "A"	2534 FT
STREET "B"	845 FT
STREET "C"	315 FT
STREET "D"	335 FT
STREET "E"	3829 FT



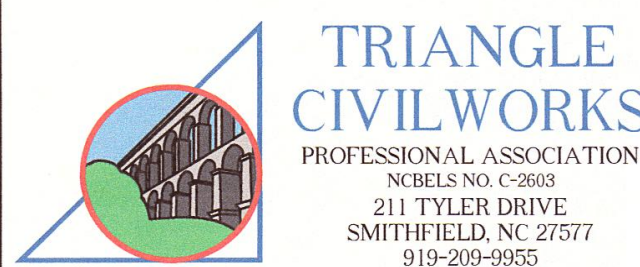
NEW RESIDENTIAL ROAD CONNECTION TO STATE MAINTAINED ROAD
NOT TO SCALE



FILE COPY
Town of Clayton
Planning Department
Date: 09/12/2016
By: [Signature]
Plan Approval
2016-178-AA
(15-56-01-SD)



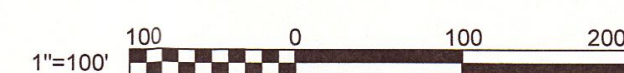
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CHECKED: DCS	DWG FILE NAME: 3 Subdivision Plan.dwg	
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REV. NO.	DESCRIPTIONS	
	REVISIONS	



RHODES ESTATES SUBDIVISION PRELIMINARY PLAT

SITE ADDRESS
4805 LITTLE CREEK CH RD
CLAYTON NC 27520

SUBDIVISION PLAN



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09/09/16

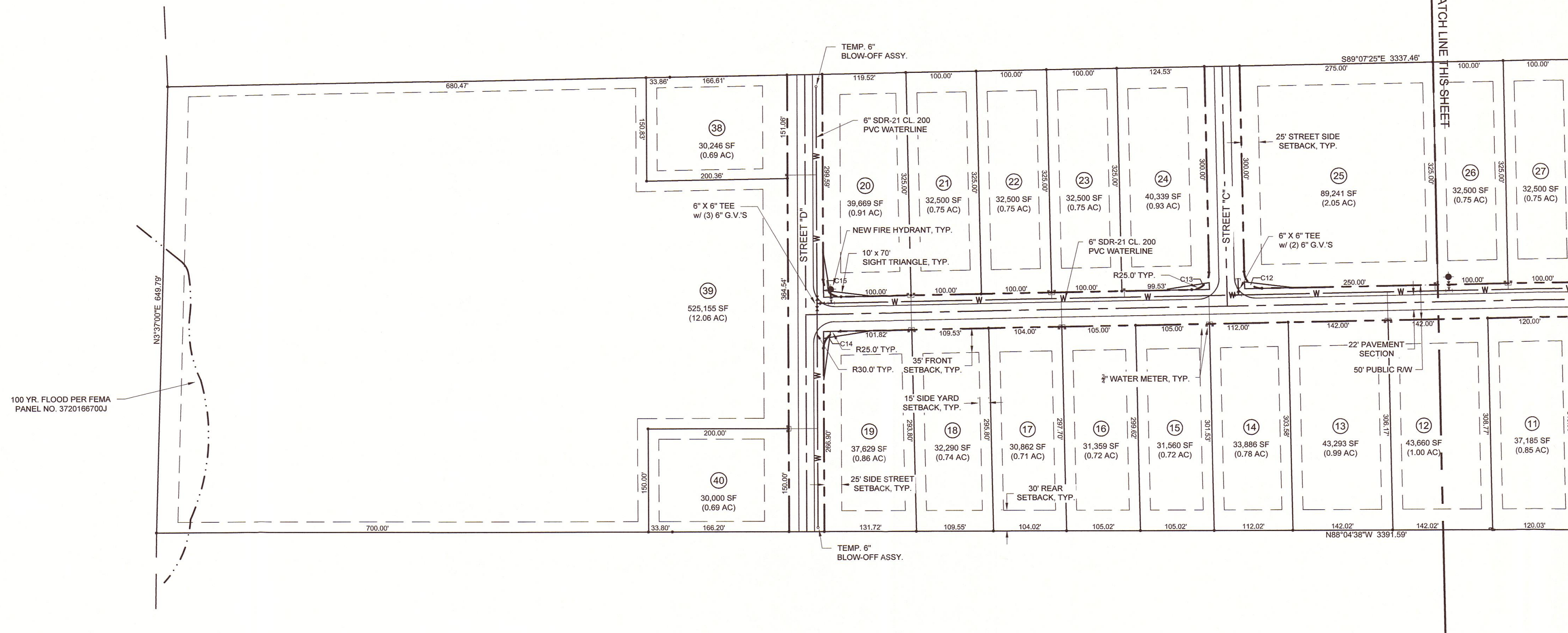
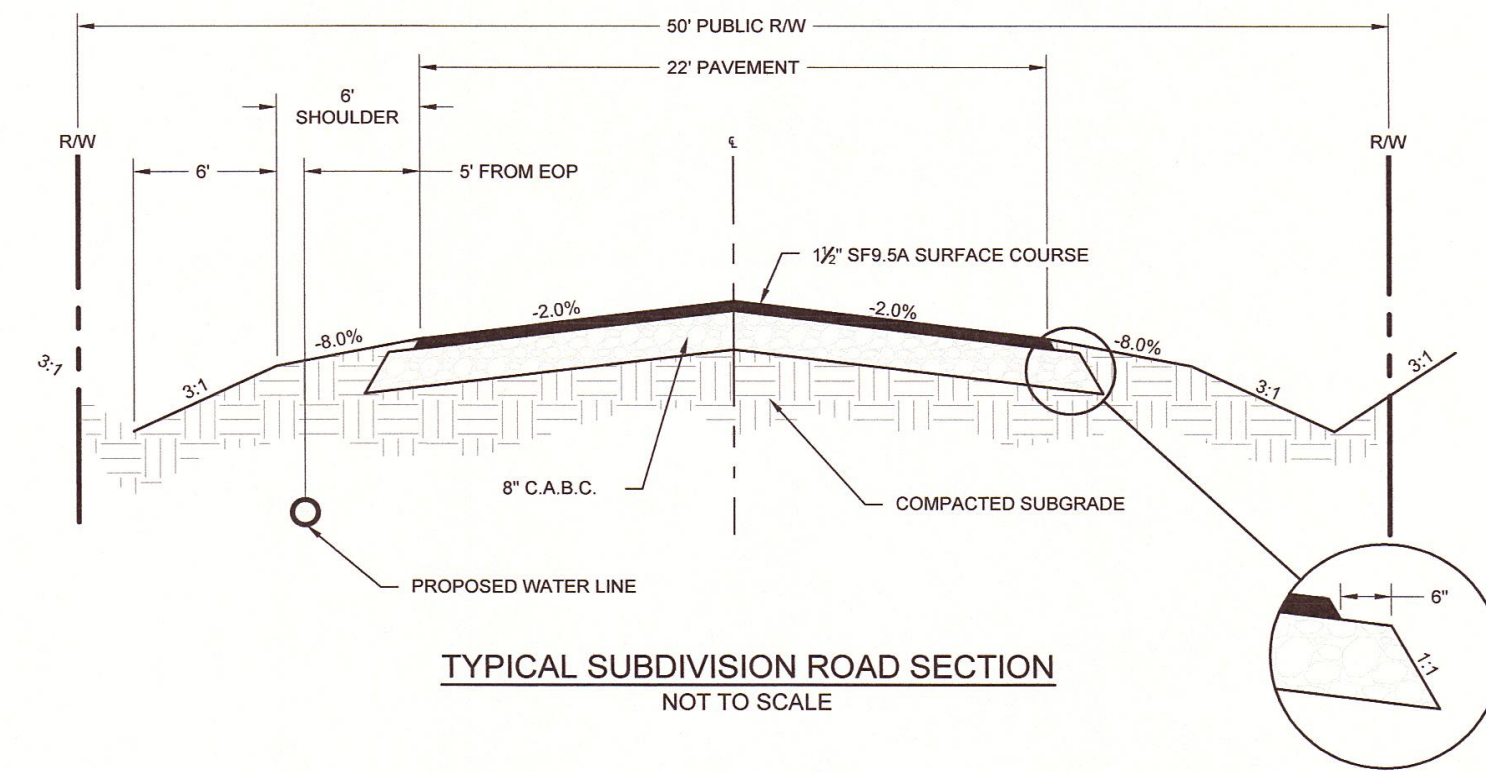
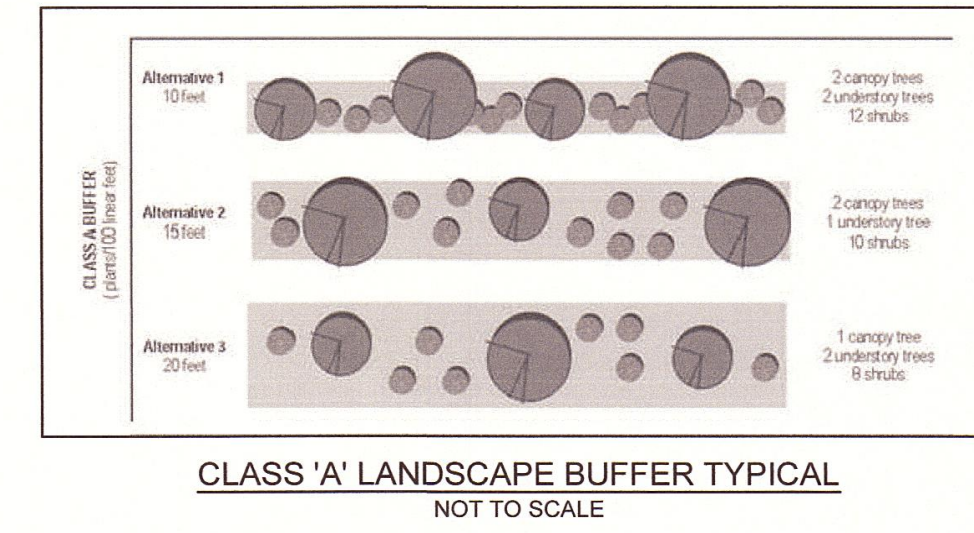
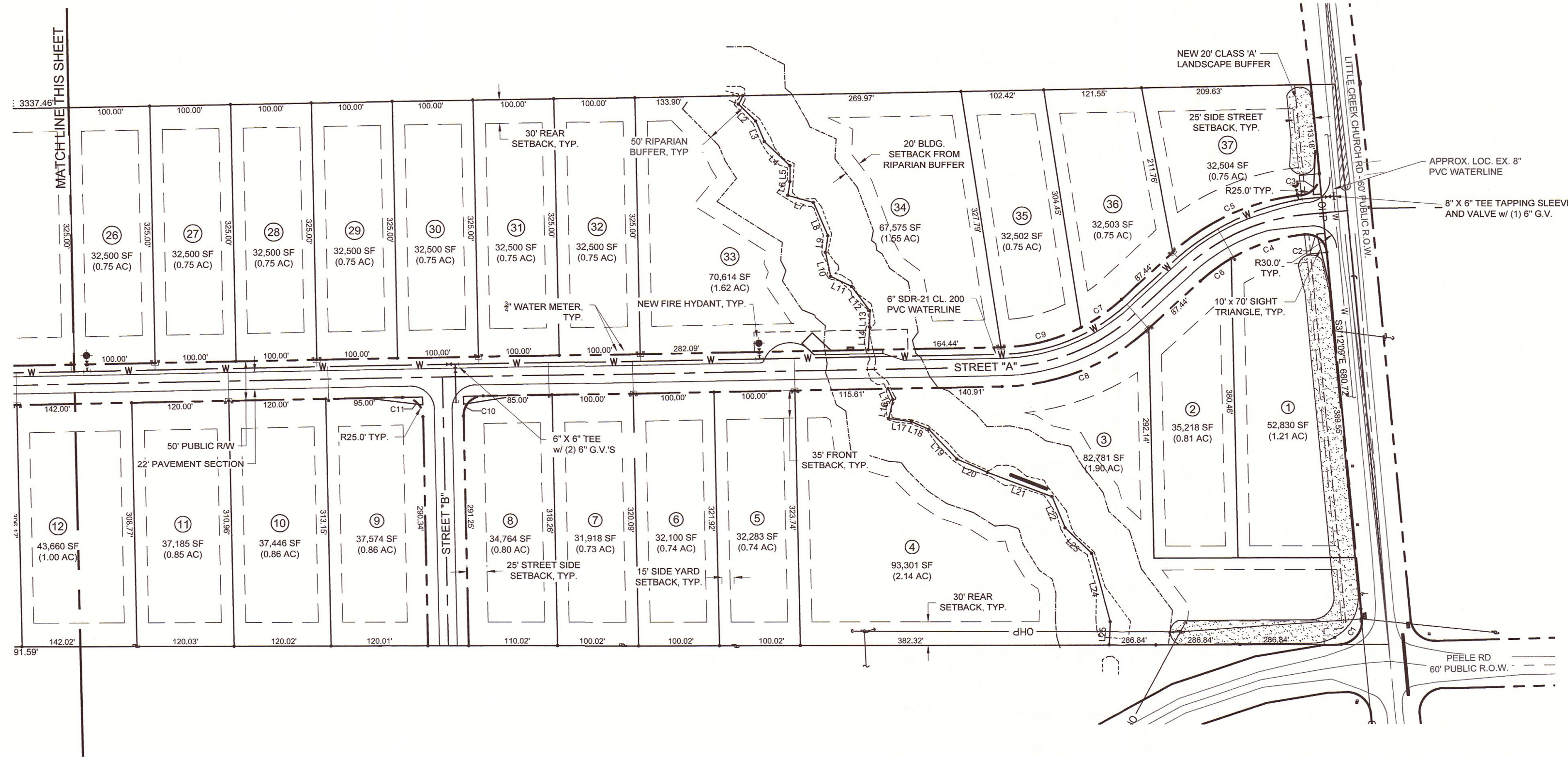
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OF: 5

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FILE COPY

Town of Clayton
Planning Department
Date: 09/12/2016
By: [Signature]
Plan Approval

2016-178-AA
(15-56-01-SD)

811

DESIGNED:	PROJECT DATE: SEPTEMBER 2016	
DRAWN:	PROJECT NO. 15130	
CHECKED:	DWG FILE NAME: 4 Engineering Plan.dwg	
PROJ. ENG.:		
REV. NO.	DESCRIPTIONS	
	REVISIONS	

TRIANGLE CIVILWORKS
PROFESSIONAL ASSOCIATION
NCELS NO. C-2803
211 TYLER DRIVE
SMITHFIELD, NC 27577
919-209-9955

**RHODES ESTATES SUBDIVISION
PRELIMINARY PLAT**

SITE ADDRESS
4805 LITTLE CREEK CH RD
CLAYTON NC 27520

PRELIMINARY ENGINEERING PLAN

1"=100'

0 100 200

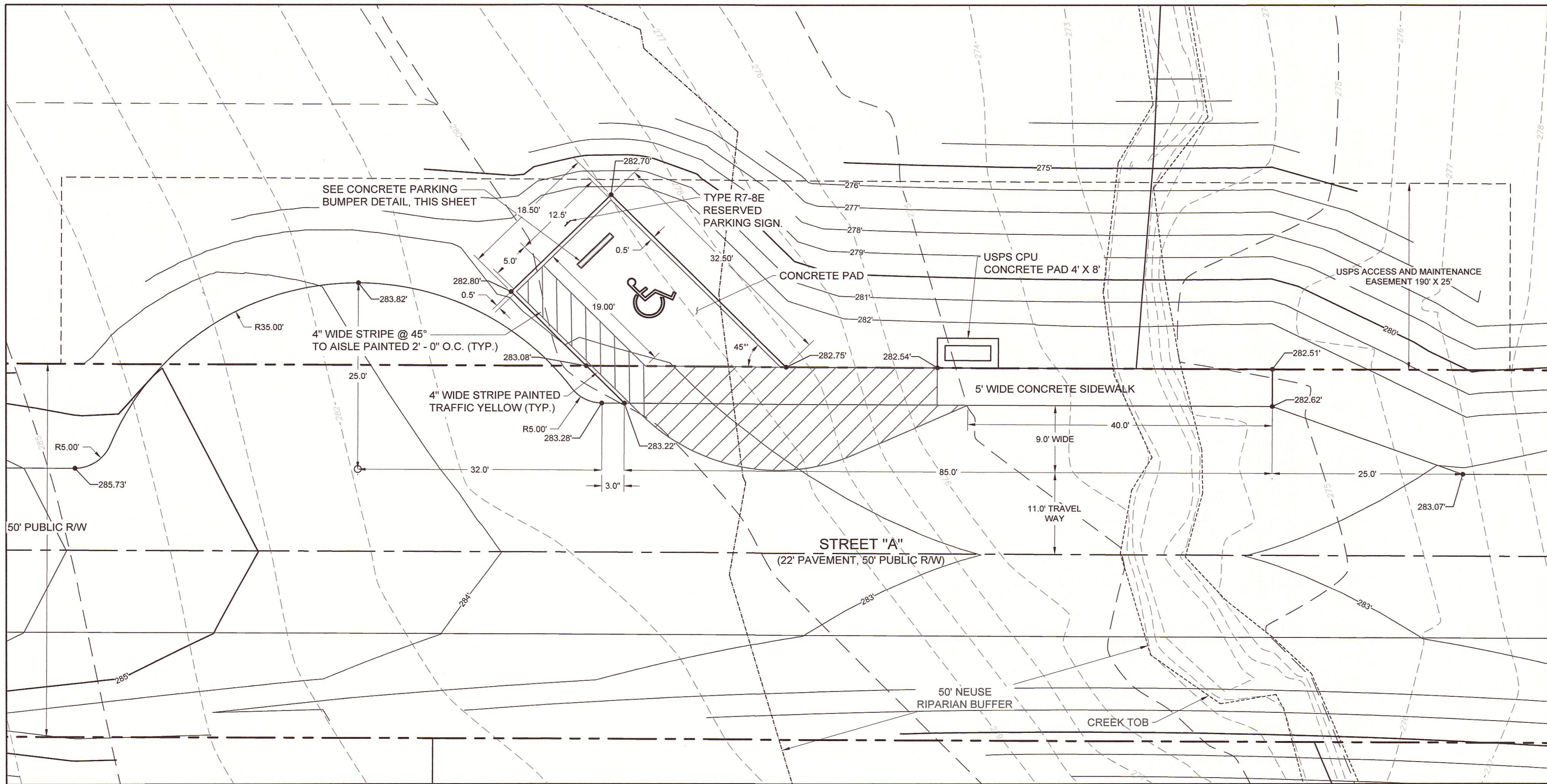
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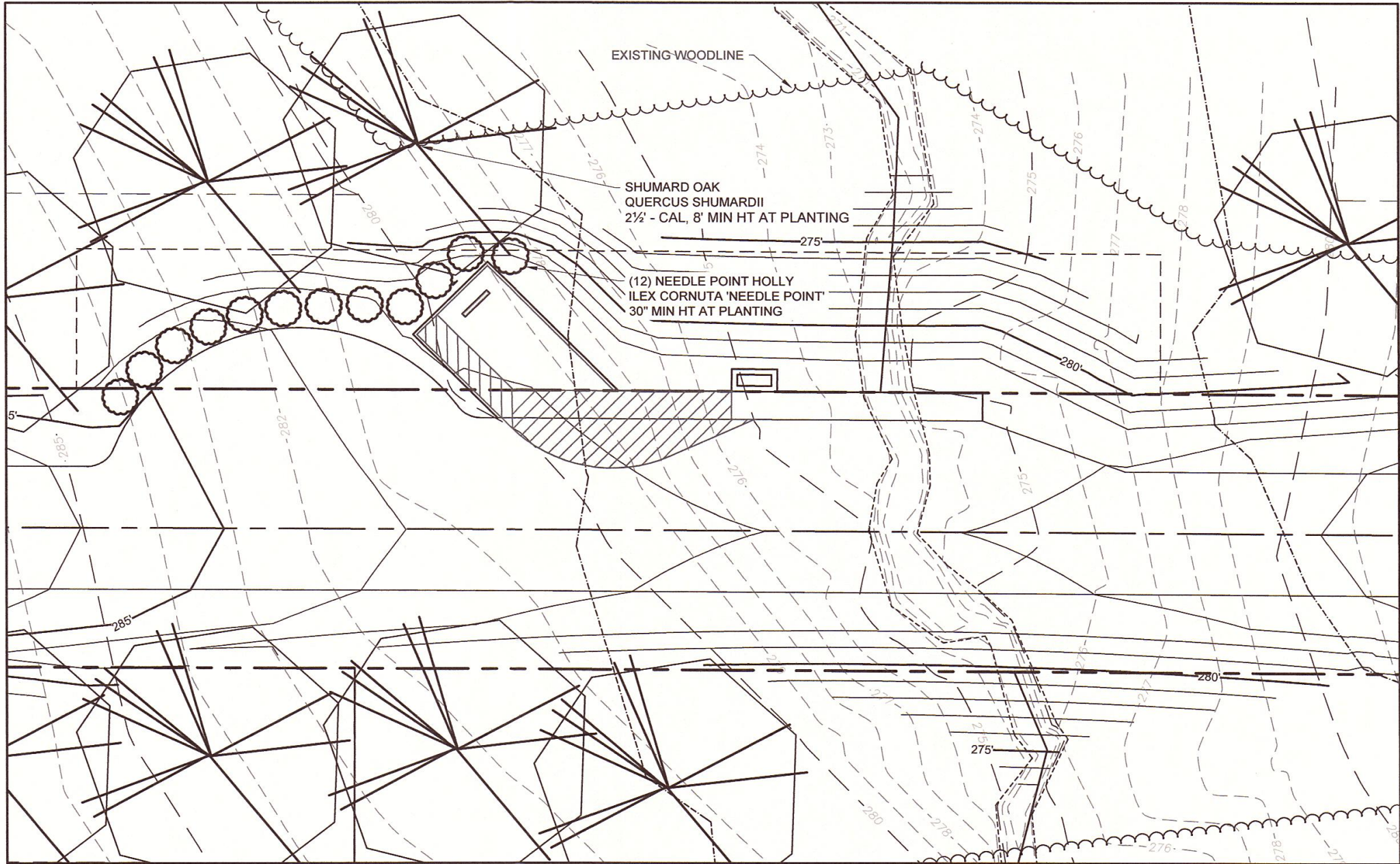
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OF: 5

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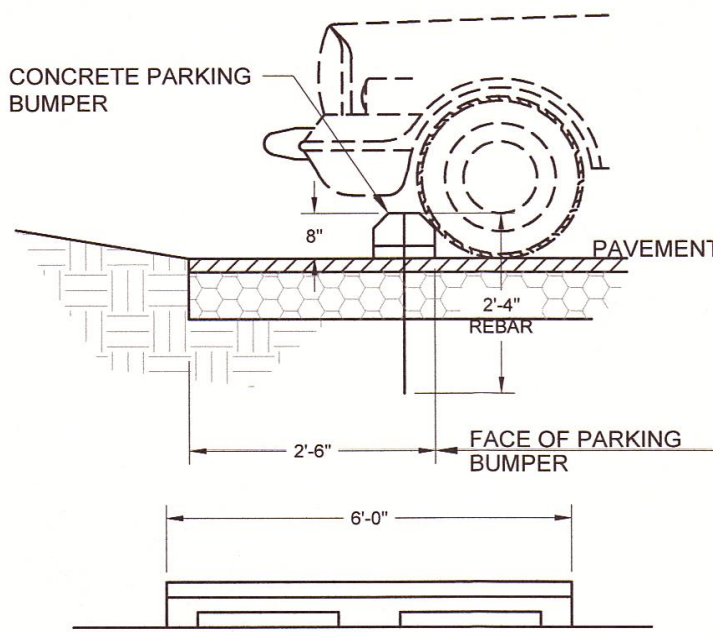
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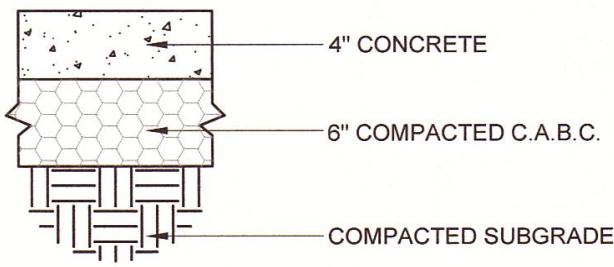
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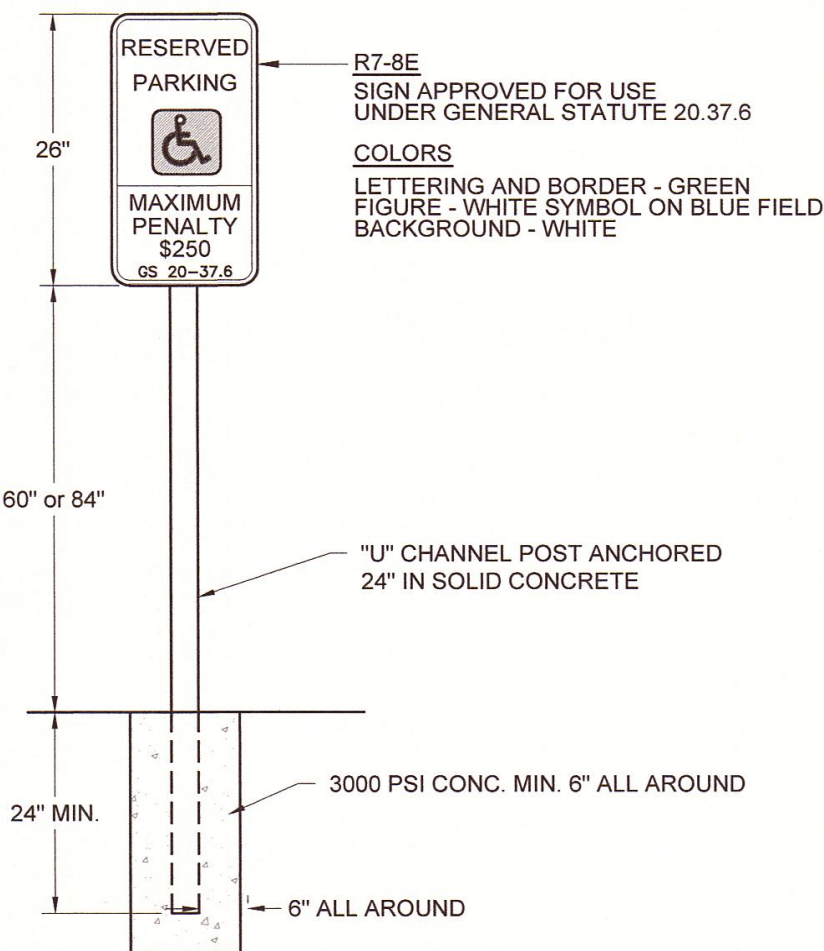
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CONCRETE PARKING BUMPER
NOT TO SCALE



HANDICAP CONCRETE PAD
SECTION
NOT TO SCALE

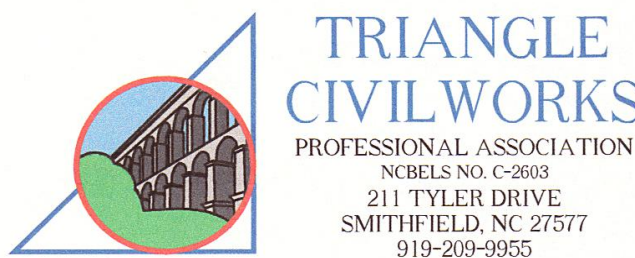


HANDICAP PARKING SIGN
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Town of Clayton
Planning Department
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By: [Signature]
Plan Approval
2.016-178-AA



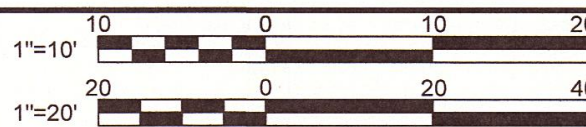
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		DESCRIPTIONS	
		REVISIONS	



RHODES ESTATES SUBDIVISION
PRELIMINARY PLAT

SITE ADDRESS
4805 LITTLE CREEK CH RD
CLAYTON NC 27520

MAIL KIOSK DETAIL



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