

Jody L. McLeod
MAYOR

Bruce Thompson
TOWN ATTORNEY

Steve Biggs
TOWN MANAGER



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

Michael Grannis
MAYOR PRO TEM

TOWN COUNCIL MEETING

NOVEMBER 17, 2014

AGENDA

MAYOR AND TOWN COUNCIL

**MAYOR JODY L. MCLEOD
MAYOR PRO TEM MICHAEL GRANNIS
COUNCILMAN BOB SATTERFIELD**

**COUNCILMAN ART HOLDER
COUNCILMAN R.S. "BUTCH" LAWTER, JR.
COUNCILMAN JASON THOMPSON**

TOWN STAFF

**STEVE BIGGS, TOWN MANAGER
KIMBERLY A. MOFFETT, TOWN CLERK
BRUCE THOMPSON II, TOWN ATTORNEY**

AGENDA
THE WORK SESSION MEETING OF THE CLAYTON TOWN COUNCIL

MONDAY – NOVEMBER 17, 2014
6:30 PM

THE CLAYTON CENTER
COUNCIL CHAMBERS

1. CALL TO ORDER

Pledge of Allegiance & Invocation – Mayor Jody L. McLeod

2. ADJUSTMENT OF THE AGENDA

3. ACTION AGENDA

- a. Draft minutes from November 3, 2014
- b. Certificate of sufficiency and resolution setting date of public hearing for annexation petition 2014-10-01
- c. Public notice for the following public hearings slated for the Monday, December 1, 2014, Clayton Town Council meeting:
 - Annexation petition and initial zoning request 2014-10-01 for 13 non-contiguous parcels located on Glen Laurel Road near Vinson Road
 - Major Modification request PSD 2014-106 Oxford Hills – split of Lot #29
 - Rezoning request RZ 2014-100 East Village Office Building Site from Residential 10 (R-10) to Office-Institutional (O-I)
 - Preliminary subdivision plat approval PSD 2014-113 LionsGate Phases 1A & 1B
 - Text amendment to Unified Development Code §155.202(B)(2), Table 201 “Use Regulations”

4. INTRODUCTIONS AND SPECIAL PRESENTATIONS

- a. Introduction of new Town of Clayton employee (s)
- b. Presentation of Youth Art Month
- c. Introduction of the first Miss Clayton Scholarship Beauty Pageant, a preliminary to Miss North Carolina
- d. Parks and Recreation Program Update

5. ITEMS SCHEDULED FOR THE REGULAR MEETING AGENDA

- a. Presentation of PSD 2014-106 for a major modification to existing platted subdivision to increase the density at Oxford Hills

- b. Presentation of rezoning request RZ 2014-100 from R-10 to O-I at East Village Office Building located at Front Street Extension and Old NC 42 Highway East
- c. Presentation of PSD 2014-113 for plate approval for Lions Gate Phases 1A and 1B located on the south side of Amelia Church Road and east of Middleton Street
- d. Presentation of text amendment of the Unified Development Code §155.202(B)(2) Table 2-1
- e. Presentation of request for Special Intensity Allocation at 1.18 acres site located at northeast corner of intersection of Front Street Extension and Old NC 42 Highway East

6. ITEMS CONTINGENT FOR THE REGULAR MEETING

- a. Warranty and dedication acceptances:
 - Five year warranty acceptance for asphalt at RW AC, Phase 6D-2 (Alpine Valley)
 - One year warranty acceptance for public water, sewer, associated storm drainage utilities, and all related public utility easements at Apartments at Amelia Station (Interior Water & Sewer)
 - Five year warranty acceptance final lift of asphalt pavement at RWAC, Phases 2B, 2B-2, 2C, 2D, 2E, 2F and 2G.
 - One year warranty acceptance for public water, sewer, associated storm drainage utilities and all related easements at RWAC, Phase 6D-2 (Alpine Valley)
 - One year warranty acceptance for public water, sewer, associated storm drainage utilities and all related easements at Lions Gate Subdivision, Phase 3A & 3G
 - One year warranty acceptance for public water, sewer, associated storm drainage utilities and all related easements for RWAC, Ravens Ridge, Phase 2F-2
- b. Review of proposed map delineating neighborhoods for planning purposes.

7. ITEMS FOR DISCUSSION

8. OLD BUSINESS

- a. Solid Waste Ordinance

9. STAFF REPORTS

- a. Town Manager

- b. Town Attorney
- c. Town Clerk
 - Calendar of Events
- d. Other Staff

10. OTHER BUSINESS

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

11. ADJOURNMENT

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

Agenda Item: 3a

Meeting Date: November 17, 2014

TITLE: DRAFT MINUTES FROM NOVEMBER 3, 2014

DESCRIPTION: Minutes.

RELATED GOAL: Administrative

ITEM SUMMARY:

Date:

Action:

Info. Provided:

11-17-14

Approval/Adoption

Draft Minutes

Minutes
Clayton Town Council Meeting
Clayton Town Hall
Monday – November 3, 2014 – 6:30 PM

The first regular meeting of the Clayton Town Council for the month of November was held on Monday, November 3, 2014 in the Council Chambers.

Present: Mayor Jody L. McLeod, Mayor Pro Tem Michael Grannis, Council Member Art Holder, Council Member R.S. “Butch” Lawter Jr., Council Member Bob Satterfield and Council Member Jason Thompson.

Also Present: Steve Biggs, Town Manager; Katherine Ross, Town Attorney; Nancy Medlin, Deputy Town Manager; David DeYoung, Planning Director, Larry Bailey, Recreation Director; Stacy Beard, Public Information Officer; John McCullen, Town Engineer; Kimberly Moffett, Town Clerk and Tommy Roy, Information Services Technician.

1. CALL TO ORDER

Mayor McLeod called the meeting to order at 6:35 PM. Mayor McLeod led the Pledge of Allegiance as well as offering the Invocation.

2. ADJUSTMENT OF THE AGENDA

None

3. CONSENT AGENDA

- a. Adoption of 2015 Town of Clayton Holiday Schedule.
- b. Adoption of 2015 Town Council Meeting Schedule.
- c. Adoption of Resolution directing the clerk to review sufficiency of Petition for Annexation (2014-10-01) of property on Powhatan and Glen Laurel Roads.
- d. Adoption of Resolution Supporting Geographic Information Systems (GIS) Awareness Day.
- e. Warranty and dedication acceptances for Cobblestone Phase 11.
- f. Warranty and dedication acceptances for LionsGate Phases 3A & 3G.
- g. Draft Minutes from October 20, 2014 Town Council Meeting.

Action: Motion to approve the Consent Agenda as presented.

Motion: Council Member Thompson

Second: Council Member Lawter

Vote: Unanimous

4. INTRODUCTIONS AND SPECIAL PRESENTATIONS

- a. **Mr. Bill Futterer, who is a member of the finance committee for the non-profit Universal Playground Project attended the meeting. He provided background information as well as an update regarding the project.**

He stated a focus group for this project was formed in 2013 and since that time, dozens and dozens of playgrounds have been visited. In February of 2014 a recommendation was made to Town Council to move forward with the public-private partnership. This was approved with the Clayton Community Recreational Foundation. The concept plan was funded and CLH Designs of Cary, NC was selected to complete the plan.

A finance committee was formed and they have been meeting for the past eight (8) months putting together a plan to make this playground a reality.

The first public viewing of the concept plan will occur on November 18th. Mr. Futterer stated they refer to the design as an “American Innovation”. He stated in all of the looking, they have seen nothing that resembles what Clayton will have. They are so very proud of the project.

He stated the playground will serve the 16,000 children of Johnston County in grades K-6, who are the primary playground age group. Additionally, the playground will serve the 4,000 - 5,000 children with special needs. Most amazingly this playground will also serve all parents and/or caregivers who have mobility issues. There will be NO ONE who cannot access this playground easily and safely.

He further stated that the playground is so dynamic in concept; it is believed it will become a destination point for folks from many surrounding areas. It is thought this project will have a major impact on people and businesses making relocation and expansion decisions.

Mr. Futterer thanked members of the focus group and finance committee. He also offered his thanks and appreciation to the Town Council.

5. PUBLIC HEARINGS

- a. **Public Hearing – Rezoning (RZ 2014-116) of 0.13 acres located at 443 E. Second Street from Neighborhood Business (B-2) to Central Business (B-1).**

Mr. DeYoung provided an overview of the details regarding Rezoning Request 2014-116. The property is located at 443 E. Second Street and the applicant is requesting a rezoning of 0.13 acres from B-2 (Neighborhood Business) to B-1 (Central Business). The applicant/owner is Battle M. Robertson.

The property is located at the intersection of Hardee and Second Street. The existing use is vacant and is currently used occasionally for additional parking. The reason for the request in rezoning is that the current setback requirements would be too restrictive for potential development of the parcel. If rezoning to B-1 occurs it would allow for greater flexibility in design.

Staff feels that although this request is inconsistent with the Proposed Land Use Map, which identifies the property as Residential-Medium, the application of this residential Proposed Land Category is not appropriate for properties on this block fronting E. Second Street, as all properties are commercial in use and staff would argue should continue as Clayton’s downtown continues to develop. It is for this reason, that despite the inconsistency with the Proposed Land Use Map, staff supports the rezoning.

This rezoning is consistent with The Downtown Master Plan, which encourages commercial development closer to the street and infill development.

The applicant did hold a Neighborhood Meeting on September 4th and no opposition was present.

Staff is recommending approval of rezoning from B-2 to B-1.

There were no questions/comments from Council Members

Mayor McLeod opened the Public Hearing at 6:47 PM and requested that anyone wishing to speak to step forward and state their name for the record.

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

Action: Approve RZ 2014-116 as presented

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

Action: Approval of Consistency and Reasonableness
Statement RZ 2014-116

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

6. OLD BUSINESS

7. NEW BUSINESS

8. STAFF REPORTS

a. Town Manager

- **Mr. Biggs pointed out the slight format change (font) to the agenda. Council Members stated they preferred a different (larger) be used.**
- **Mr. Biggs stated that as of Friday, we officially closed on the purchase of the DuPont property. Mr. Biggs provided a background on the property. This property is a 39 acre tract and thanks to work through the state, DuPont will now remediate and clean up the site at their cost. This property adjoins the 89 acre tract of Massey property previously obtained by the Town. The purchase of the DuPont property will enhance our land-banking holdings for future development. Mr. Grannis asked if there was any estimate on when the remediation would start and finish. Mr. Biggs stated per agreement with DuPont the remediation must be completed within 6 months. However, based on their intentions, they plan to have it completed before the end of the calendar year.**
- **Mr. Biggs updated Council regarding citizen request to address concerns regarding littering and student parking on residential streets by the high school. The Police Department had assisted on this issue and advised students that if the problems continued, parking could be restricted. The citizen reports that since that time the problem had subsided, however, she now reports that loose leaf collection has been**

hindered by student parking. Mr. Biggs stated he would like to send out notifications to residents of Blanche Street to gather their input regarding possible parking limits along Blanche Street, with the target area being between Paige and Fayetteville Streets.

- b. Town Attorney
Nothing to report
- c. Town Clerk
Nothing to report
- d. Other Staff

9. OTHER BUSINESS

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

Council Member Holder provided a condensed financial report containing the quarterly financial information recently provided by Mr. Biggs. He stated he would be happy to continue to create this summarized version. All Council Members agreed this was very helpful and were all very appreciative.

Mayor Pro Tem Grannis stated he recently had the opportunity to attend the focus group that the Library put together in conjunction with making the switch to becoming a member of the State Library Organization. He wanted to give credit to Christy Starnes for all her efforts in spearheading this project as well as having delegated to various individuals. He stated he was duly impressed with the questions that were asked of the focus groups. The feedback received from the focus groups was extremely informative. He stated it was a real pleasure to participate and further stated they are definitely headed in the right direction.

Mayor McLeod offered a very special thank you to the entire staff of the Parks and Recreation Department for the amazing job they did at the 2014 Halloween celebration. He stated he felt it was the biggest and best parade and celebration ever. All the work was greatly appreciated.

10. ADJOURNMENT

With there being nothing further the meeting was adjourned at 7:00 PM.

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

Duly adopted by the Clayton Town Council this 17th day of November 2014, while in regular session.

**Michael Grannis
Mayor Pro Tem**

ATTEST:

**Kimberly A. Moffett, CMC
Town Clerk**

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

Agenda Item: 3b

Meeting Date: 11/17/14

**TITLE: CERTIFICATE OF SUFFICIENCY AND RESOLUTION SETTING DATE
FOR PUBLIC HEARING – ANNEXATION 2014-10-01**

**DESCRIPTION: Certificate of Sufficiency & Resolution Setting date for Public
Hearing.**

RELATED GOAL: Legislative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
October 20, 2014	Staff Presentation	Petition & Maps
November 3, 2014	Approval	Resolution
November 17, 2014	Approval	Certificate of Sufficiency, Resolution & Maps

ANNEXATION PETITION 2014-10-01

Glen Laurel Road and Vinson Road

Multiple Parcels (total of 13)

Owners: CGC Properties LLC & Powhattan Rd Limited Partnership

Non-Contiguous; 61.30 +/- acres

CERTIFICATE OF SUFFICIENCY

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

I, Kimberly A. Moffett, Town Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S. 160A-58.1.

In witness whereof, I have hereunto set my hand and affixed the seal of the Town of Clayton, this 17th day of November, 2014.

Kimberly A. Moffett, CMC
Town Clerk

**ANNEXATION PETITION 2014-10-01
 Glen Laurel Road and Vinson Road
 Multiple Parcels (total of 13)
 Owners: CGC Properties LLC & Powhatan Rd Limited Partnership
 Non-Contiguous; 61.30 +/- acres**

**TOWN OF CLAYTON
 RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION
 OF ANNEXATION PURSUANT TO G. S.160A-58.2**

WHEREAS, a petition requesting annexation of the non-contiguous area described herein has been received; and

WHEREAS, the Town Council has by resolution directed the Town Clerk to investigate the sufficiency of the petition; and

WHEREAS, certification by the Town Clerk as to the sufficiency of the petition has been made;

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Clayton, North Carolina that:

Section 1. A public hearing on the question of annexation of the non-contiguous area described herein will be held at Town Hall at 6:30 PM on Monday, December 1, 2014.

Section 2. The area proposed for annexation is described as the following 13 parcels at Glen Laurel Road and Vinson Road:

Tag #	Owner Name	Acreage (Assessed)	Deed Book	Page Number
Portion of 05I04012	CGC Properties LLC	0.33	3119	725
05I04012A	CGC Properties LLC	1.35	3119	725
05I04012B	CGC Properties LLC	1.27	3119	725
05I04012C	CGC Properties LLC	1.42	3119	725
05E99007H	Charles B Gordon & Powhatan Rd Limited Partnership	28.57	3544	488
05I04199R	Charles B Gordon & Powhatan Rd Limited Partnership	18.87	3544	488
05I04012I	CGC Properties LLC	0.92	3119	725
05I04012H	CGC Properties LLC	0.79	3119	725

05I04012G	CGC Properties LLC	0.91	3119	725
05I04012F	CGC Properties LLC	1.26	3119	725
05I04012E	CGC Properties LLC	1.4	3119	725
05E99007S	Powhatan Rd Limited Partnership	4.09	4270	489
Portion of 05I04012D	CGC Properties LLC	1.42	3119	725

Section 3. Notice of the public hearing shall be published once in the Clayton News-Star, a newspaper having general circulation in the Town of Clayton, at least ten days prior to the date of the public hearing.

Duly adopted this 17th day of November 2014 while in regular session.

Michael Grannis
Mayor Pro Tem

ATTEST:

Kimberly A. Moffett, CMC
Town Clerk

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

Agenda Item: 3c

Meeting Date: 11/17/14

TITLE: PUBLIC NOTICE FOR THE FOLLOWING HEARINGS SLATED FOR THE MONDAY, DECEMBER 1, 2014, CLAYTON TOWN COUNCIL MEETING:

- Annexation 2014-10-01, Gordon Tracts
- PSD 2014-106, Oxford Hills
- RZ 2014-100, East Village Office
- PSD 2014-113, Lions Gate Phases 1A & 1G
- Text Amendment, Unified Development Code §155.202(B)(2), Table 2-1 “Use Regulations”

DESCRIPTION: Public Notice

RELATED GOAL: Legislative

ITEM SUMMARY:

Date:

Action:

Info. Provided:

November 17, 2014

Approval

Public Notice

PUBLIC NOTICE

The Clayton Town Council has called a public hearing at 6:30 PM on Monday, December 1, 2014, at Town Hall, 111 East Second Street

- Public Hearing on the question of annexing and the application of Town of Clayton zoning to the following described non-contiguous territory, requested by annexation petition 2014-10-01 filed pursuant to G.S. 160A-58, Part 4. Annexation of Non-contiguous Areas.

The properties being annexed include:

Tag #	Owner Name	Acreage (Assessed)	Deed Book	Page Number
Portion of 05I04012	CGC Properties LLC	0.33	3119	725
05I04012A	CGC Properties LLC	1.35	3119	725
05I04012B	CGC Properties LLC	1.27	3119	725
05I04012C	CGC Properties LLC	1.42	3119	725
05E99007H	Charles B Gordon & Powhatan Rd Limited Partnership	28.57	3544	488
05I04199R	Charles B Gordon & Powhatan Rd Limited Partnership	18.87	3544	488
05I04012I	CGC Properties LLC	0.92	3119	725
05I04012H	CGC Properties LLC	0.79	3119	725
05I04012G	CGC Properties LLC	0.91	3119	725
05I04012F	CGC Properties LLC	1.26	3119	725
05I04012E	CGC Properties LLC	1.4	3119	725
05E99007S	Powhatan Rd Limited Partnership	4.09	4270	489
Portion of 05I04012D	CGC Properties LLC	1.42	3119	725

Following adoption of the annexation ordinance, and in accordance with Subsection (f) of G.S. 160A-360, the Town of Clayton is applying its municipal zoning designation, R-E Residential Estate to the subject property.

- Public Hearing to consider the following rezoning request:
 - RZ 2014-100 for East Village Office Building Site located at intersection of Front Street Extension and Old NC 42 Highway East

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.

Persons wishing to submit a petition of protest intended to invoke the rules established by N.C. General Statute 160-A385 must submit said petition on forms provided by the Town Clerk not later than 5:00 PM on Tuesday, November 24, 2014.

- Public Hearing to consider the following major subdivision modification request:
 - PSD 2014-105, Oxford Hills, 220 South Essex Lane (Lot 29) parcel number 164700-77-7374.
- Public Hearing to consider the following preliminary subdivision plat approval request:
 - PSD 2014-113, Lions Gate Phases 1A & 1B.
- Public Hearing to consider text amendment:
 - Unified Development Code §155.202(B)(2), Table 2-1 “Use Regulations”

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

Kimberly A. Moffett, CMC – Town Clerk

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

Agenda Item: 4a

Meeting Date: November 17, 2014

TITLE: INTRODUCTION OF NEW TOWN OF CLAYTON EMPLOYEE(S)

DESCRIPTION: Introduction

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
11-17-14	Introduction(s)	None

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

Agenda Item: 4b

Meeting Date: November 17, 2014

TITLE: YOUTH ART MONTH – JANUARY 2015

DESCRIPTION: Presentation by Ms. Brenda Hill

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
11-17-14	Presentation/Discussion	Proclamation

TOWN OF CLAYTON
PROCLAMATION
YOUTH ART MONTH

WHEREAS, the arts, in its many forms, constitute an important part of the community and contribute to the development of our youth; and,

WHEREAS, participation in and enjoyment of the arts can take many forms, including the visual arts, fine arts and performing arts; and,

WHEREAS, the Woman's Club of Clayton has sought to promote the involvement of our youth in various art projects to the betterment of their minds and the community as a whole.

NOW, THEREFORE, LET IT BE PROCLAIMED by the Honorable Mayor and Town Council of the Town of Clayton that the month of January each year, be recognized as:

YOUTH ART MONTH

Let it also be proclaimed that all businesses, industries and citizens in the Clayton community are urged to support and encourage the school aged children of Clayton to participate in the arts.

Duly proclaimed by the Clayton Town Council this the 1st day of December 2014, while in regular session.

Jody L. McLeod
Mayor

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

Agenda Item: 4c

Meeting Date: November 17, 2014

TITLE: MISS CLAYTON SCHOLARSHIP BEAUTY PAGEANT

DESCRIPTION: Presentation by Mr. Keith Branch. Mr. Branch will provide information regarding the first Miss Clayton Scholarship Beauty Pageant, which will serve as a preliminary competition to the Miss North Carolina Pageant.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
11-17-14	Presentation	N/A

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

Agenda Item: 4d

Meeting Date: November 17, 2014

TITLE: PARKS & RECREATION DEPARTMENT UPDATE

DESCRIPTION: Mr. Larry Bailey will provide a Power Point presentation that will update programs within the Parks & Recreation Department.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
11-17-14	Presentation	N/A

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

Agenda Item: 5a Meeting Date: November 17, 2014

TITLE: PRESENTATION OF PSD-106

DESCRIPTION: The subdivision, Oxford Hills, is requesting modification to property at 220 South Essex Lane, which is lot #29 of the subdivision. Applicant is requesting approval to an existing platted subdivision to increase the density, specifically by dividing one 1.4 acre lot into two lots.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Requested Action:</u>	<u>Info. Provided:</u>
11-17-14	Presentation And Public Notice	Staff Report, Board Recommendation, & Maps



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

Council

STAFF REPORT

Application Number: PSD 2014-106 (major subdivision)
Project Name: Oxford Hills – Lot Split of Lot 29

NC PIN / Tax ID: 164700-77-7374 / 05G03068V
Town Limits/ETJ: ETJ
Overlay: Environmentally Sensitive Area (County Overlay)

Applicant: True Line Surveying
Owner: PRAD, LLC

Neighborhood Meeting: Held October 8, 2014
Public Noticing: Property posted October 17, 2014
Planning Board Meeting: October 27, 2014

PROJECT LOCATION: The subdivision, Oxford Hills, is located off of Corbett Road and south of the US 70 Bypass, within the Town Extraterritorial Jurisdiction. The specific property that is the subject of this requested modification is located at 220 South Essex Lane (Lot 29 of the Oxford Hills Subdivision).

REQUEST: The applicant is requesting approval for a major modification to an existing platted subdivision to increase the density. Specifically, the applicant is requesting to increase the density by dividing one 1.4 acre lot into two lots.

SITE DATA:

Acreeage: 1.40 acres (60,984 square feet)
Zoning District: Residential-Estate (R-E)
Existing Use: Residential (1 dwelling unit)
Impervious Surface: Max 50% permitted per lot

DEVELOPMENT DATA:

Type of Use: Single Family Residential

Buildings: Currently one existing single family residential building; the applicant intends to subdivide the lots into two lots, to permit a second home to be built on the newly created lot.

ADJACENT ZONING AND LAND USES:

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

South: Zoning: Residential Estate (R-E)
Existing Use: Single Family Residential

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

West: Zoning: Residential Estate (R-E)
Existing Use: Single Family Residential

STAFF ANALYSIS AND COMMENTARY:

Overview

The applicant is requesting a major modification to an existing platted subdivision (Oxford Hills Subdivision) to increase the number of lots within the subdivision from 51 to 52 lots. The density increase would be achieved by splitting an existing lot into two lots, with the intent of construction of a new single family home on the newly formed lot. The new lot would be subject to all standards applicable to the existing subdivision. The two resulting lots would be 30,223 square feet (0.694 acre) and 30,146 square feet (0.692 acre). The lot is located at 220 S Essex Lane, Lot 29 of Oxford Hills subdivision in the Clayton ETJ, and is zoned Residential-Estate (R-E). Please see the attached preliminary plat showing the proposed lot split.

Data:

- The Oxford Hills subdivision contains a total of 51 lots (39 lots in Phase 1 and 12 lots in Phase 2).
- The average lot area of the existing 51 lots is 1.4 acres.
- The smallest existing lot in Oxford Hills is 0.86 acres (37,462 SF) and the largest is 2.89 acres (125,888 SF).
- The requested lot size resulting from the lot split would be 0.69 acres for each resulting lot (29 and 29A).
- The request would make the two new lots the two smallest lots in the subdivision, by approximately 7,300 SF each (0.17 acre). See the map below which shows the acreage of surrounding parcels.
- Existing Density: 1 unit per 1.548 acres (51 lots)
- Proposed Density: 1 unit per 1.518 acres (52 lots)
- The resulting density does not violate density standards of a minimum of one unit per acre required by the Unified Development Code for Residential-Estate zoning.

Map showing acreage of surrounding parcels, and proposed lot split (above).

According to the plats on record with Johnston County, Phase 1 of the Oxford Hills subdivision was approved in 1988 with Phase 2 following in 1990. At the time the subdivision was platted, it was located within the County's jurisdiction. When Clayton's ETJ was expanded, the land use jurisdiction for properties in the Oxford Hills subdivision became the Town's responsibility.

In addition to Town approval, in order for a residential use to locate on the proposed second lot (lot 29A), a septic system must be approved by the County. The applicant has submitted a preliminary soils analysis map (attached) showing that there should be adequate space to locate a septic system based on the existing soils; however, this is a preliminary indicator and does not represent the County's approval of the septic system at this location. The feasibility of a septic system on the site should not affect the decision to approve or deny the request.

The request to split the lot was originally heard as a variance request, BOA 2013-97, by the Board of Adjustment on January 15, 2014. The BOA denied the request after determining it did not meet two of the four required findings of fact. A variance was required at that time because pursuant to §155.203(G) of the Unified Development Code (UDC), lots with public water but no public sewer were required to be a minimum of 40,000

square feet. However, the Unified Development Code has since been modified by the Town Council to allow flexibility in lot size for developments with public water but not public sewer (with septic systems), allowing lot sizes to be as small as 30,000 square feet so long as the minimum density does not exceed one unit per acre. In this case the density of the subdivision would not exceed one unit per acre.

Consistency with the Strategic Growth Plan

The request is consistent with the Proposed Land Use Map of the Strategic Growth Plan, which indicates this area is "low density residential." The existing subdivision meets this definition and the proposed density increase would not change this.

Consistency with the Unified Development Code

If the modification is approved by the Town Council, the lot subdivision would be consistent with the applicable requirements of the Unified Development Code (UDC). Individual lot development specifications including building placement, driveway placement, etc. will be required to meet all Town standards and be consistent with the provisions of the approved Oxford Hills Subdivision.

Compatibility with Surrounding Land Uses

The proposed lot sizes resulting from the lot split are inconsistent with those of the surrounding neighborhood. Oxford Hills Subdivision lot sizes currently range from 0.86 to 2.89 acres, and the two proposed lots are 0.69 acres each. As noted above, approval of the request would make the two new lots the two smallest lots in the subdivision, by almost two-tenths of an acre (approximately 7,300 SF each, or 0.17 acre).

As an established subdivision which is predominately built-out, the existing owners within the subdivision are entitled to some security that the existing land development pattern is not going to change significantly. Staff is concerned that approval of this subdivision may create the desire for other property to go through the same process, which will ultimately increase the density of the subdivision and create additional negative impacts for existing homeowners.

Landscaping and Buffering

No additional landscaping or buffering would be required if this request is approved.

Recreation and Open Space

No additional recreation and open space requirements would be triggered by this request, though Recreation Fees would be required for the new lot.

Environmental

No 100 year flood zones or floodways are found on the property according to FEMA maps available through Johnston County GIS. If the site has wetlands or other sensitive areas, proper permits must be approved from applicable agencies for any disturbance.

Septic System Placement

Any placement of a septic system to serve the new home would be required to be located on the same property as the associated home, and would require approval from the Johnston County Health Department. Approval of the lot split does not imply approval from the Johnston County Health Department or that a septic system can be placed on the property.

Signs

No signage is requested as part of this request.

Access/Streets

Access to the new lot would be provided off of South Essex Lane.

Architecture/Design

The request is not subject to any design standards.

Waivers/Deviations/Variances from Code Requirements

None.

CONSIDERATIONS:

- The applicant is requesting Preliminary Subdivision Plat approval to modify the existing platted Oxford Hills Subdivision.
- The Planning Board shall make a recommendation to the Town Council. Decision to approve or deny the request shall be by the Town Council.
- **Staff recommendation:** Staff is recommending denial on the basis that the subdivision will modify a well established development pattern and create negative impacts on existing homeowners within the subdivision.

FINDINGS:

The applicant has addressed the Major Subdivision Approval Criteria outlined in UDC Section 155.706. The applicant’s Findings of Fact are incorporated into the record as Attachment 1 of the Staff Report.

CONDITIONS:

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

1. The final plat and subsequent development of the site shall be consistent with the specifications of the approved Preliminary Subdivision Plan. Modifications may require additional approvals pursuant to Section 155.706 of the Unified Development Code.
2. Final Plat approval shall be required for the lot subdivision.
3. Dimensional standards applicable to the new lot shall be consistent with those of the existing approved Oxford Hills Subdivision and shall be listed on the final plat.
4. All development fees shall be paid prior to final plat recordation, except that Capacity fees shall be paid prior to issuance of building permits.

Planning Board Recommendation: DENIAL (see attachment 1)

Attachments: **1)** Planning Board Recommendation, **2)** Findings of Fact, **3)** Zoning & Aerial Map, **4)** Application, **5)** Neighborhood Meeting Materials, **6)** Preliminary Subdivision Plan, **7)** Preliminary Plat showing lot split

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

PSD 2014-106 Modification to Oxford Hills Subdivision Plat

On October 27, 2014 the Planning Board heard the above-referenced request and made the following vote:

Recommendation to approve deny request #PSD 2014-106, modification to Oxford Hills Subdivision.

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

Signed:



Frank Price, Planning Board Chair

APPLICANT STATEMENT - MAJOR SUBDIVISIONS ONLY

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

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

THE NEW LOT CREATED, NOW THAT THERE IS COUNTY WATER AT THE LOT AND THE OWNER IS ABLE TO CONNECT TO COUNTY WATER, MEETS THE TOWN LOT SIZE LIMITS AND IS A VIABLE, RECORDABLE LOT IN THE TOWN.

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

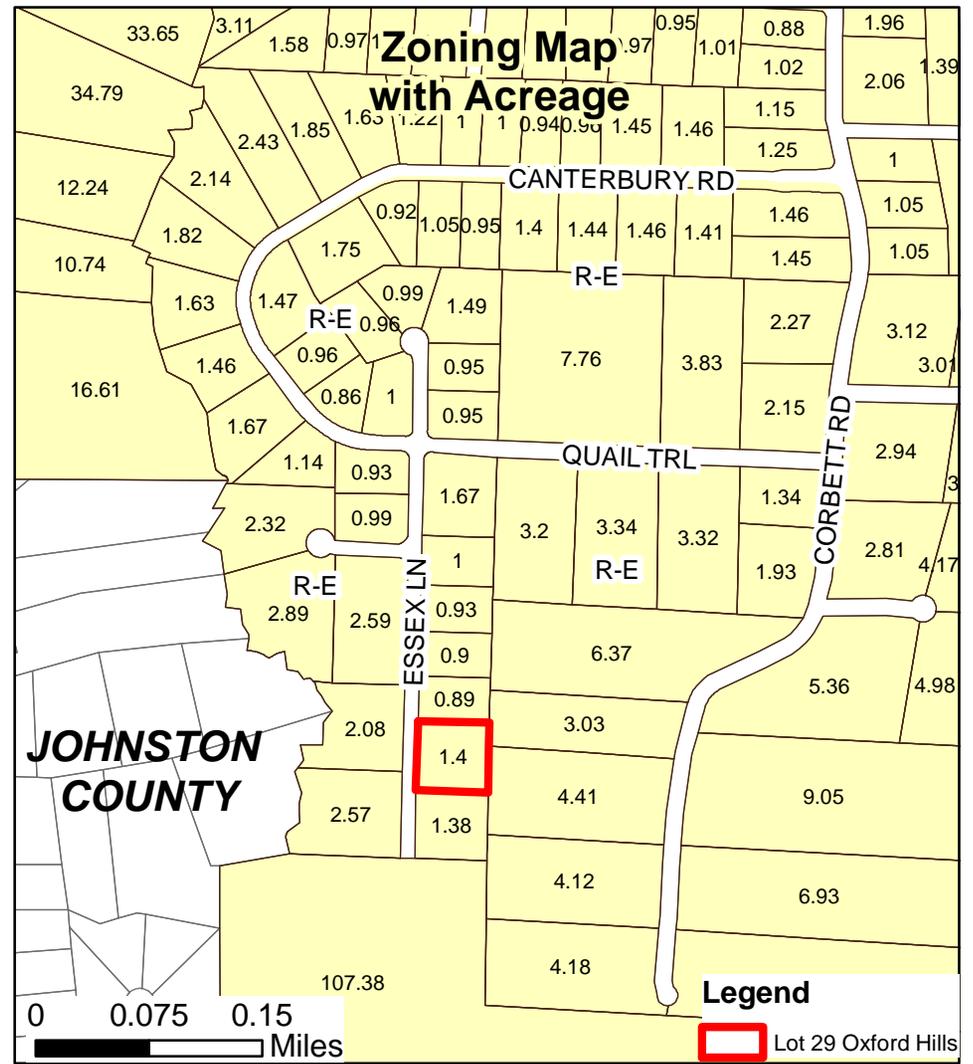
WHILE THE PROPOSED LOT, IN SIZE, IS SMALLER IN SIZE THAN EXISTING SURROUNDING LOTS, THE ROAD FRONTAGE IS COMPERABLE TO THE SURROUNDING DEVELOPMENT. OUR LOT MAY NOT BE DEEP, AND CONTAIN UNUSABLE LAND LIKE OTHERS, OUR ROAD FRONTAGE IS SIMILAR - THEREBY OUR LOT IS NOT OUT OF CHARACTER.

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

BY ONLY DIVIDING AN EXISTING LOT WE ARE NOT AFFECTING TRAFFIC IN ANY WAY. THE NEW PROPOSED LOT IS AT THE END OF A DEAD END ROAD.

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

THE NEW PROPOSED LOT IS LOCATED IN AN EXISTING SUBDIVISION AND THE LOT CHARACTERISTICS COMPLY WITH THE TOWN'S GUIDELINES.



Oxford Hills Major Subdivision Modification Request 220 S Essex Lane / Lot 29

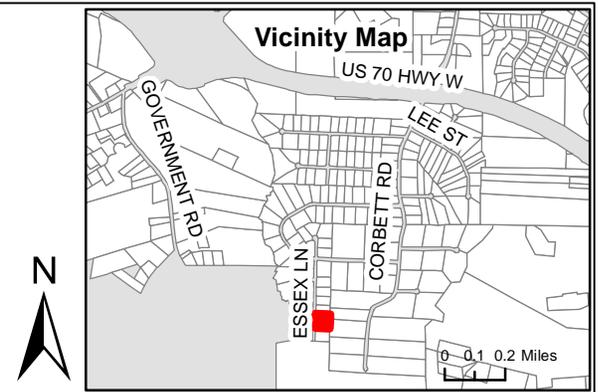
Applicant: True Line Surveying
 Property Owner: PRAD, LLC
 Parcel ID Number: 164700-77-7374
 File Number: PSD 2014-106

Produced by: TOC Planning

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



10/20/14





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

SUBDIVISION APPLICATION

Pursuant to Article 7, Section 155.706 of the Unified Development Code, an owner of land within the jurisdiction of the Town (or a duly authorized agent) may petition the Town of Clayton to approve a Subdivision (major, minor, final plat, or exempt) application. Applicants seeking subdivision approval shall schedule a pre-application conference with the Planning Director in accordance with Section 155.702(A).

Subdivision applications must be accompanied by nine (9) sets of the application, nine (9) sets of required plans, an Owner's Consent Form (attached) and the application fee. The application fees are as follows:

- *Minor Subdivision: \$200.00 + \$5.00/lot.*
- *Major Subdivision: \$400.00 + \$5.00/lot.*
- *Open Space Subdivision = \$700.00 + \$5.00/acre.*
- *Final Plat: \$250.00 + \$5.00/lot.*
- *Exempt Map/Recombination: \$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 Major Subdivision applications.

SUBDIVISION TYPE:

Application Type:

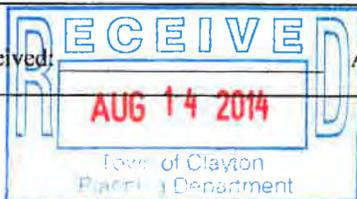
- Minor Subdivision
 Major Subdivision
 Final Plat
 Exempt Map
 Recombination

SITE INFORMATION:

Name of Project: Lots 29 + 29 A Oxford Hills Acreage of Property: 1.386
 Preliminary Plat Approval Date (if applicable): _____
 Parcel ID Number: 164700-77-7374 Tax ID: 05603068V
 Location: 220 S. Essex Ln.
 Section(s): _____ Phase(s): _____
 Number of Lots (Existing): 1 (Proposed): 2 Min. Lot Size: 30146
 Zoning District: R-E Planned Development? (Y/N): _____ Electric Provider: _____
 Specific Use: Residential
 Recreation/Open Space Requirement: Fee in lieu Land Dedication (acreage) _____

FOR OFFICE USE ONLY

File Number: 2014-106 Date Received: _____ Amount Paid: \$210⁰⁰ (1st check)



July 2013

\$200⁰⁰ Page 1 of 11
(2nd check rec'd)
8/25/14

OWNER INFORMATION:

Name: PRAD LLC
Mailing Address: P.O. BOX 133 Clayton NC 27528
Phone Number: _____ Fax: _____
Email Address: _____

APPLICANT INFORMATION:

Applicant: True Line Surveying
Mailing Address: 205 W. Main St. Clayton
Phone Number: 919-359-0427 Fax: 919-359-0428
Contact Person: Mike Grundstatt : Molly Herring
Email Address: mike@truelinesurveying.com Molly@truelinesurveying.com

REQUIRED PLANS AND SUPPLEMENTAL INFORMATION

The following items must accompany a Subdivision Plan application. This information is required, except where otherwise noted:

- Required plans (please see the plan requirements checklist below).
- Road Name Approval Application (if applicable).
- A signed and sealed traffic impact analysis (if required).
- Verification of wastewater allocation (granted or requested).
- Verification of approval for the potable water and waste water system improvements from North Carolina Department of Environment and Natural Resources (NCDENR).
- Verification of approval for individual well and septic systems from Johnston County Department of Environmental Health Services (if applicable).
- Driveway permits (Town of Clayton or NCDOT encroachment with associated documentation).
- A copy of proposed deed restrictions and/or covenants (if applicable).

APPLICANT AFFIDAVIT

I/We, the undersigned, do hereby make application and petition to the Town of Clayton to approve the subject Subdivision Plan. 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.

Molly Herring
Print Name

Molly Herring
Signature of Applicant

6/26/14
Date

APPLICANT STATEMENT - MAJOR SUBDIVISIONS ONLY

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

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

OWNER'S CONSENT FORM

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

Project Name: LOTS 29 + 29A Address or PIN #: 05G03068V
OXFORD HILLS

AGENT/APPLICANT INFORMATION:

True Line Surveying (Name - type, print clearly)
205 W. Main St. (Address)
Clayton NC 27520 (City, State, Zip)

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

Subdivision

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

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

OWNER AUTHORIZATION:

Ron Walker PRAD LLC (Name - type, print clearly) 2807 Brittany Dr (Address)
Ron Walker (Owner's Signature) Clayton NC 27520 (City, State, Zip)

STATE OF North Carolina
 COUNTY OF Johnston

Sworn and subscribed before me Molly L. Hermy, a Notary Public for the above State and County, this

the 2nd day of June, 2014.

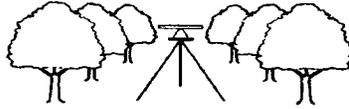
Molly L. Hermy
 Notary Public

My Commission Expires: 11/5/14



NEIGHBORHOOD MEETING MATERIALS
PSD 2014-106

TRUE LINE SURVEYING, P.C.



September 24, 2014

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 subdivision application to subdivide Lot 29 Oxford Hills (220 S. Essex Ln., Clayton) into 2 lots. 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: October 8, 2014

Location: True Line Surveying, 205 W. Main Street Clayton

Time: 6:00 PM

Type of Application: Subdivision

General Description: Subdividing Lot 29 Oxford Hills (220 S. Essex Ln., Clayton) into 2 lots

If you have any question prior to or after this meeting, you may contact True Line Surveying at (919) 359-0427.

Sincerely,



Curk T. Lane
True Line Surveying

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Applicant: True Line

Location/Date: True Line Surveying 10/8/14

	NAME	ADDRESS
1	Harriet + Anthony Baker	1204 Corbett Rd, Clayton, NC 27520
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		

NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Date of Mailing: 9/24/14

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

Printed Name: Molly Herring Signature: Molly Herring

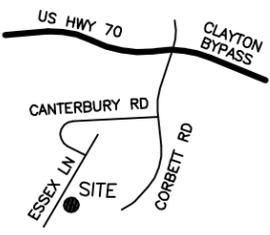
Date of Meeting: 10/8/14 Time of Meeting: 6:00 pm

Location of Meeting: 205 W. Main - True Line Surveying

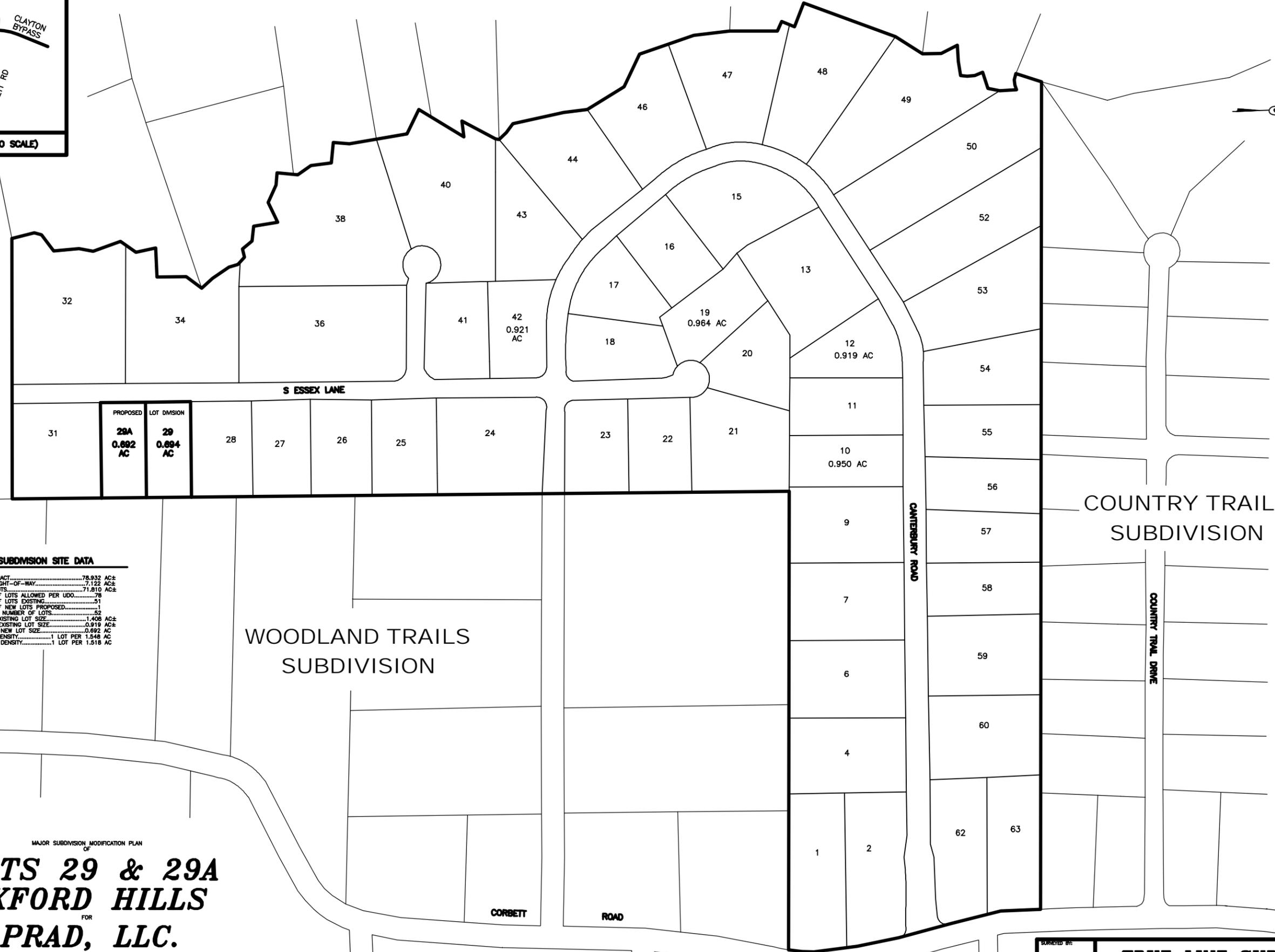
Meeting Summary/Minutes: provide a summary of the discussion held at the meeting, including issues raised and any changes made by the applicant as a result of the meeting.

2 residents from Oxford Hills attended the neighborhood meeting. Harriet and Anthony Baker came to the meeting to meet their neighbors. The Bakers had no concerns.

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



VICINITY MAP (NOT TO SCALE)



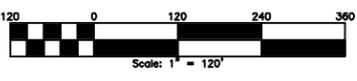
SUBDIVISION SITE DATA

AREA IN TRACT.....	78.932 AC±
AREA IN RIGHT-OF-WAY.....	7.122 AC±
AREA IN LOTS.....	71.810 AC±
NUMBER OF LOTS ALLOWED PER UDO.....	76
NUMBER OF LOTS EXISTING.....	51
NUMBER OF NEW LOTS PROPOSED.....	1
NEW TOTAL NUMBER OF LOTS.....	52
AVERAGE EXISTING LOT SIZE.....	1.408 AC±
SMALLEST EXISTING LOT SIZE.....	0.919 AC±
PROPOSED NEW LOT SIZE.....	0.892 AC
CURRENT DENSITY.....	1 LOT PER 1.548 AC
PROPOSED DENSITY.....	1 LOT PER 1.518 AC

WOODLAND TRAILS
SUBDIVISION

COUNTRY TRAILS
SUBDIVISION

MAJOR SUBDIVISION MODIFICATION PLAN
OF
LOTS 29 & 29A
OXFORD HILLS
FOR
PRAD, LLC.
CLAYTON TOWNSHIP, JOHNSTON COUNTY
NORTH CAROLINA
JULY 25, 2014

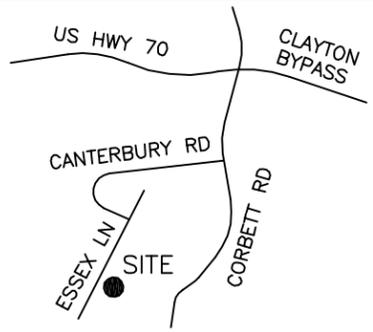


SURVEYED BY:	
DRAWN BY:	MIKE
CHECKED BY:	
DRAWING NAME:	SUBMODIFICATION
SURVEY DATE:	
JOB NO.:	2051.006

TRUE LINE SURVEYING, P.C.



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



VICINITY MAP (NOT TO SCALE)

I HEREBY CERTIFY THAT THE TOWN COUNCIL OF CLAYTON, NORTH CAROLINA, APPROVED THIS PLAT FOR RECORDING IN THE OFFICE OF THE JOHNSTON COUNTY REGISTER OF DEEDS, AND ACCEPTS THE DEDICATION OF STREETS, EASEMENTS, RIGHTS-OF-WAY, AND THE PUBLIC LANDS SHOWN HEREON, BUT ASSUMES NO RESPONSIBILITY TO OPEN OR MAINTAIN THE SAME UNTIL, IN THE OPINION OF THE CLAYTON TOWN COUNCIL, IT IS IN THE PUBLIC INTEREST TO DO SO.

I, HEREBY CERTIFY THAT THIS RECORD PLAT HAS BEEN FOUND TO COMPLY WITH THE UNIFIED DEVELOPMENT CODE OF CLAYTON, NORTH CAROLINA, AND THAT THIS PLAT HAS BEEN APPROVED FOR RECORDING IN THE REGISTER OF DEEDS OF JOHNSTON COUNTY.

DATE _____ TOWN MANAGER _____

DATE _____ PLANNING DIRECTOR _____
 MAXIMUM IMPERVIOUS SURFACE AREA COVERAGE SHALL NOT EXCEED 50% OF LOT AREA
 MAXIMUM BUILDING COVERAGE SHALL NOT EXCEED 35% OF LOT AREA

FOR DESIGN AND INSTALLATION OF UTILITIES AND OTHER REQUIRED IMPROVEMENTS

I HEREBY CERTIFY THAT ALL STREETS, UTILITIES AND OTHER REQUIRED IMPROVEMENTS HAVE BEEN INSTALLED IN AN ACCEPTABLE MANNER AND ACCORDING TO TOWN SPECIFICATIONS AND STANDARDS IN THE _____, OR THAT A SECURITY BOND IN THE AMOUNT OF \$ _____ OR CASH IN THE AMOUNT OF \$ _____ HAS BEEN POSTED WITH THE TOWN OF CLAYTON TO ASSURE THE COMPLETION OF ALL REQUIRED IMPROVEMENTS IN THE CASE OF DEFAULT.

DATE _____ TOWN MANAGER _____

- NOTES:
- 1) ALL DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES
 - 2) AREAS COMPUTED BY COORDINATE METHOD.
 - 3) PROPERTY SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.
 - 4) NO. 5 REBAR IRON STAKES WITH CAPS SET AT ALL LOT CORNERS UNLESS OTHERWISE NOTED
 - 5) NO HORIZONTAL CONTROL FOUND WITHIN 2000' OF SURVEY
 - 6) ZONING: R-E
 - 7) PARENT TRACT DEED DB 4375 PG 708
 - 8) NC PIN NO. 164700-77-7374
 - 9) PARCEL NO. 05G03068V
 - 10) ALL INTERIOR LOTS SHALL HAVE A 10' EASEMENT, 5' ON EITHER SIDE OF PROPERTY LINE

CERTIFICATE OF OWNERSHIP AND DEDICATION
 I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND I HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH MY FREE CONSENT, ESTABLISH MINIMUM BUILDING SETBACK LINES AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER SITES AND EASEMENTS TO PUBLIC AND PRIVATE USE AS NOTED. FURTHERMORE, I DEDICATE ALL ELECTRICAL SYSTEMS AND ALL SEWER AND WATER LINES TO THE TOWN OF CLAYTON.

DATE _____ OWNER _____

PROPERTY SHOWN HEREON _____ IS _____ IS NOT LOCATED IN A FEMA DESIGNATED FLOOD ZONE. FEMA FLOOD HAZARD PANEL NO. 3720164700 J EFFECTIVE DATE: DECEMBER 2, 2005

- THIS SURVEY:
- 1) CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.
 - 2) IS LOCATED IN A PORTION OF A COUNTY OR MUNICIPALITY THAT IS UNREGULATED AS TO AN ORDINANCE THAT REGULATES PARCELS OF LAND.
 - 3) IS ONE OF THE FOLLOWING:
 - a) IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.
 - b) IS OF AN EXISTING BUILDING OR OTHER STRUCTURE, OR NATURAL FEATURE, SUCH AS A WATERCOURSE
 - c) IS A CONTROL SURVEY
 - 4) IS OF ANOTHER CATEGORY SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION
 - 5) FROM THE INFORMATION AVAILABLE, THE SURVEYOR IS UNABLE TO MAKE A DETERMINATION OF THE PROVISIONS (1) THROUGH (4).

DATE _____ SURVEYOR _____

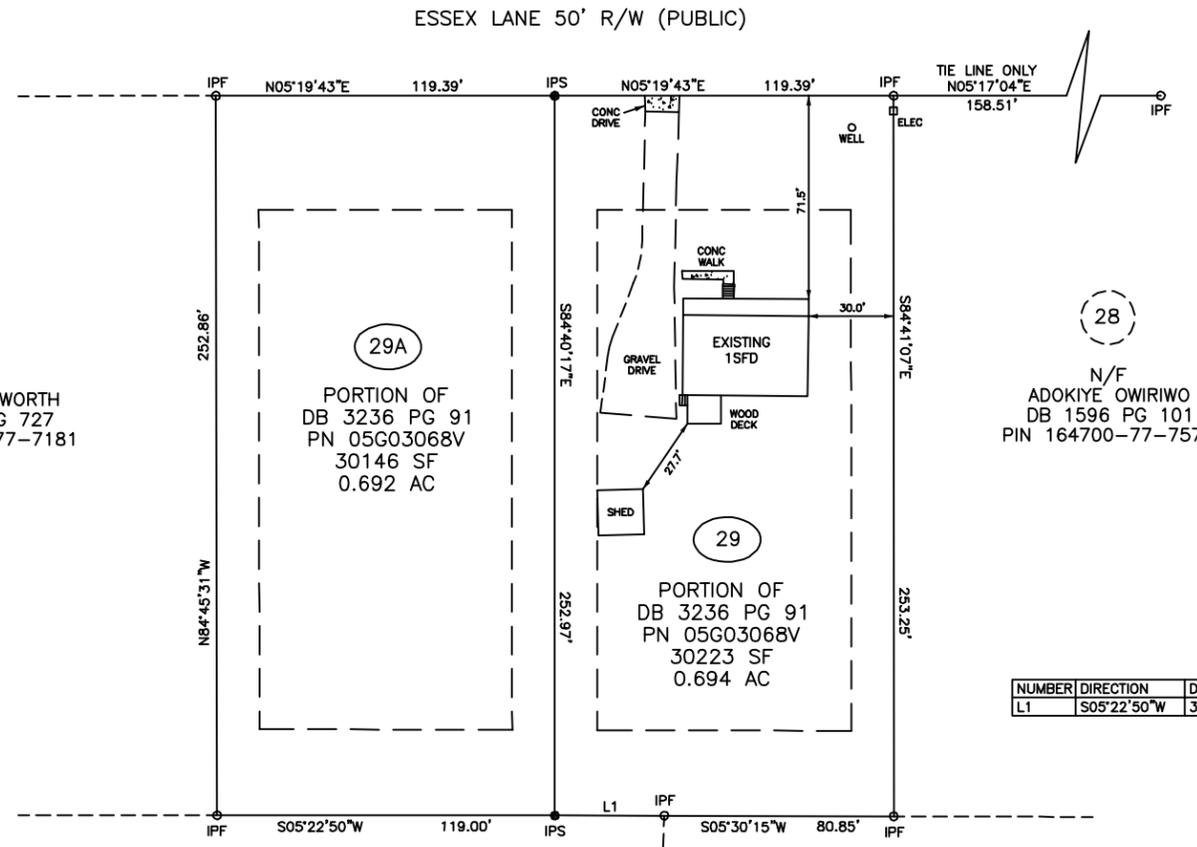
SURVEYOR'S DISCLAIMER: NO ATTEMPT WAS MADE TO LOCATE ANY CEMETERIES, WETLANDS, HAZARDOUS MATERIAL SITES, UNDERGROUND UTILITIES OR ANY OTHER FEATURES ABOVE OR BELOW GROUND OTHER THAN THOSE SHOWN.

DATE _____ SURVEYOR _____

STATE OF NORTH CAROLINA, _____ COUNTY
 I, _____ DO HEREBY CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK _____, PAGE _____, ETC.); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK _____, PAGE _____. THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000+; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS _____ DAY OF _____, A.D., 2014

 SURVEYOR
 L - 3990
 LICENSE NUMBER

(31)
 N/F
 JEREMY KENWORTH
 DB 2128 PG 727
 PIN 164700-77-7181

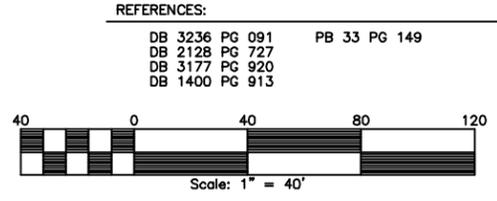


N/F
 HARRIET BAKER
 DB 3177 PG 920
 PIN 164700-87-2200

N/F
 LARRY SCOTT
 DB 1400 PG 913
 PIN 164700-87-2435

LOTS 29 & 29A
 OXFORD HILLS

FOR
PRAD, LLC.
 CLAYTON TOWNSHIP, JOHNSTON COUNTY
 NORTH CAROLINA
 JUNE 25, 2014



CERTIFICATE OF PRELIMINARY APPROVAL OF WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS INSTALLED OR PROPOSED FOR INSTALLATION IN _____ SUBDIVISION MEET PUBLIC HEALTH REQUIREMENTS AS DESCRIBED IN APPENDIX II JOHNSTON COUNTY SUBDIVISION REGULATIONS. FINAL APPROVAL FOR INDIVIDUAL LOTS WITHIN THIS SUBDIVISION WILL BE BASED ON DETAILED LOT EVALUATION UPON APPLICATION AND SUBMISSION OF PLANS FOR PROPOSED USE. THIS PRELIMINARY CERTIFICATION IS ADVISORY ONLY AND CONFERS NO GUARANTEE.

DATE _____ COUNTY HEALTH OFFICER OR AUTHORIZED REP. _____

NOTE: EACH LOT SHOWN HEREON MAY REQUIRE THE USE OF SEWAGE PUMPS, LOW PRESSURE PIPE SYSTEMS, FILL SYSTEMS, INNOVATIVE SYSTEMS OR ANY OTHER ALTERNATIVE SYSTEM TYPE AND SITE MODIFICATIONS SPECIFIED IN THE NORTH CAROLINA LAWS AND RULES FOR SEWAGE TREATMENT AND DISPOSAL SYSTEMS, 15A NCAC 18A SECTION. 1900, THE ACTUAL SYSTEM TYPE, DESIGN AND SITE MODIFICATIONS WILL BE DETERMINED AT THE TIME OF PERMITTING.

MINIMUM BUILDING SETBACKS

FRONT.....	40 FEET
SIDE.....	15 FEET
REAR.....	30 FEET

OWNER: PRAD, LLC.
 P.O. BOX 133
 CLAYTON, N.C. 27528

REVIEW OFFICER'S CERTIFICATE
 I, _____ REVIEW OFFICER OF _____ COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

DATE _____ REVIEW OFFICER _____

STATE OF NORTH CAROLINA, JOHNSTON COUNTY
 THIS INSTRUMENT WAS PRESENTED FOR REGISTRATION AND RECORDING THIS _____ DAY OF _____ 20____ AT _____.

 CRAIG OLIVE BY _____
 REGISTER OF DEEDS DEPUTY REG. OF DEEDS
 RECORDED IN PB _____ PG _____

- LEGEND
- IPF IRON PIPE FOUND
 - IPS IRON PIPE SET
 - CMF CONCRETE MONUMENT FOUND
 - PKNF PARKER-KALON NAIL FOUND
 - PNKS PARKER-KALON NAIL SET
 - RRS RAILROAD SPIKE
 - CSF COTTON SPIKE FOUND
 - CSS COTTON SPIKE SET
 - CC CONTROL CORNER
 - CP COMPUTED POINT
 - P/P POWER POLE
 - OPW OVERHEAD POWER LINE
 - R/W RIGHT OF WAY
 - S.F. SQUARE FEET
 - AC ACRE
 - DB DEED BOOK
 - PB PLAT BOOK
 - BOM BOOK OF MAPS
 - PG PAGE
 - LF LINEAR FEET
 - 15S LOT HAS OFFSITE SEWER
 - 15SL OFFSITE SEWER LOT
 - 15R RECOMBINATION LOT
 - 100 STREET ADDRESS
 - LINES NOT SURVEYED

SURVEYED BY:	DANNY
DRAWN BY:	MIKE
CHECKED BY:	CURK
DRAWING NAME:	SUBD.DWG
SURVEY DATE:	10-25-13
JOB NO.	2051.006

TRUE LINE SURVEYING, P.C.



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 CLAYTON, N.C. 27520
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**TOWN OF CLAYTON
TOWN COUNCIL
AGENDA COVER SHEET**

Agenda Item: 5b

Meeting Date: November 17, 2014

TITLE: Presentation of Rezoning Request RZ 2014 -100 from R-10 (Residential 10) to O-I (Office & Institutional).

DESCRIPTION: The property is located at intersection of Front Street Extension and Old NC 42 Highway East.

RELATED GOAL: Administrative

ITEM SUMMARY:

Date:

Requested Action:

Info. Provided:

11-17-14

Presentation
And Public Notice

Staff Report,
Board
Recommendation,
& Maps



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

Town Council

STAFF REPORT

Application Number: RZ 2014-100 (Rezoning)
Project Name: East Village Office Building Site –Rezoning

NC PIN / Tag #: 166807-68-2584 / 05H03008L
Town Limits/ETJ: Both Town Limits and ETJ
Overlay: Watershed Protection Overlay
Applicant: Bass Nixon, and Kennedy Inc., c/o Marty Bizzell, PE
Owners: East Village Investments LLC

Neighborhood Meeting: Held October 15, 2014
Public Noticing: Property posted October 17, 2014

PROJECT LOCATION: The 1.18 acre site is located at the northeast corner of the intersection of the Front Street Extension and Old NC 42 Hwy E.

REQUEST: The applicant is requesting approval to rezone 1.18 acres from Residential 10 (R-10) to Office-Institutional (O-I).

SITE DATA:

Acreage: 1.18 acres
Present Zoning: R-10
Proposed Zoning: Office & Institutional (O-I)
Existing Use: Vacant; residential home sits on the property
Overlay: Watershed Protection Overlay

ADJACENT ZONING AND LAND USES:

North: Zoning: Residential-Estate (R-E)
Existing Use: Single Family Residential (Walden Woods)

South: Zoning: Highway Business (B-3)

Existing Use: Gas Station, Old NC 42 Hwy E

East: Zoning: Residential-Estate (R-E)
Existing Use: Single Family Residential (Walden Woods)

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

STAFF ANALYSIS AND COMMENTARY:

Overview

The applicant is requesting approval for rezoning of the subject property from Residential-10 (R-10) to Office Institutional (O-I). The request includes one parcel totaling 1.18 acres.

While the site is bordered by residential on three sides, it sits on a newly extended road, East Front Street, which has recently been extended to pass from NC 42 Hwy E into Downtown. Further, it sits opposite from a gas station/convenience store at the same intersection, and further along East Front Street properties have been zoned commercial to allow for future commercial development. Thus, it could be expected that this property would be rezoned to a commercial use given the increased traffic volume and surrounding uses.

The applicant has submitted a separate site plan request to allow an office building at the site with “General Office” uses, if this rezoning is approved. However, any uses permitted in the O-I zoning district would be permitted if the site is rezoned to O-I. Please see the attached list of uses permitted in the O-I zoning district.

Compatibility with Surrounding Land Uses

The property is currently a single family residential lot with a home that has sat vacant since the property was purchased. With the recent completion of the East Front Street extension, which runs in front of this property, the amount of traffic passing by this home has increased dramatically. The property is kitty-corner to a gas station / convenience store and so there is a precedence of commercial uses in the immediate vicinity. A traffic signal was recently installed where the East Front Street extension intersects with NC 42 Hwy E, creating safer passage to the property.

With the enhanced accessibility and visibility of the site, it is now better suited for commercial uses. While surrounded on three sides by residential uses, a Class C buffer is required to shield these uses from view of a commercial site and associated traffic. As noted, this intersection is quite heavily travelled, with traffic expected to increase as more development occurs along the new Front Street Extension and so conversion to a commercial site is not expected to bring new traffic to an otherwise residential area.

Access/Streets:

The property fronts on and is accessed from East Front Street.

Consistency with the Strategic Growth Plan

The request is consistent with the following objectives of the Strategic Growth Plan:

- Objective 2.1 - Balanced Development/Investment, Old & New: *Encourage development in satellite areas and along corridors as well as infill and reuse of existing commercial buildings.*

The request is not consistent with the Proposed Land Use Map. However, staff feels that with the orientation of the site and its location at a well-traveled intersection, this site is different than other existing single family residential sites in the immediate vicinity and the use of the site as commercial is appropriate for this site.

CONSIDERATIONS:

- The applicant is requesting a rezoning from R-10 to O-I.
 - Rezonings are decided by the Town Council. The Planning Board shall make a recommendation to the Town Council.
 - When adopting or rejecting the rezoning, the Town Council shall approve a statement describing whether its action is consistent with an adopted plans and policies of the town and explaining why the board considers the action taken to be reasonable and in the public interest.
-

STAFF RECOMMENDATION:

Staff is recommending approval of the rezoning.

PLANNING BOARD RECOMMENDATION: Approval (see attached written recommendation form).

ATTACHMENTS: **1)** Planning Board Written Recommendation, **2)** Aerial Map, **3)** Existing and Proposed Zoning Map, **4)** Proposed Land Use Map, **5)** List of uses allowed in the O-I zoning district, **6)** Application, **7)** Neighborhood Meeting Materials, **8)** Statement of Consistency and Reasonableness

TOWN OF CLAYTON
PLANNING BOARD WRITTEN RECOMMENDATION
ZONING ORDINANCE AMENDMENT
(Rezoning)

RZ 2014-100 – East Village Office Rezoning of 1.14 acres from R-10 to O-I

On October 27, 2014 the Planning Board heard the above-referenced request and made the following vote:

Recommendation to approve deny Rezoning Case #RZ 2014-100 and to recommend approval of the Statement of Consistency and Reasonableness included in the Agenda packet.

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

Signed:



Frank Price, Planning Board Chair



**East Village Office RZ 2014-100 (Rezoning)
Rezoning from R-10 to O-I**

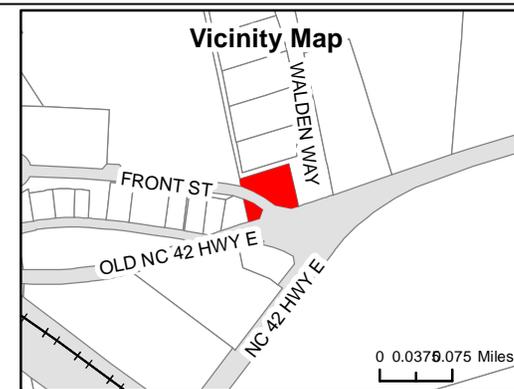
Applicant: Bass, Nixon, & Kennedy, Inc. (Marty Bizzell, PE)
 Property Owner: East Village Investments, LLC
 Parcel ID Number: 166807-68-2584
 Tag #: 05H03008L
 File Number: RZ 2014-100

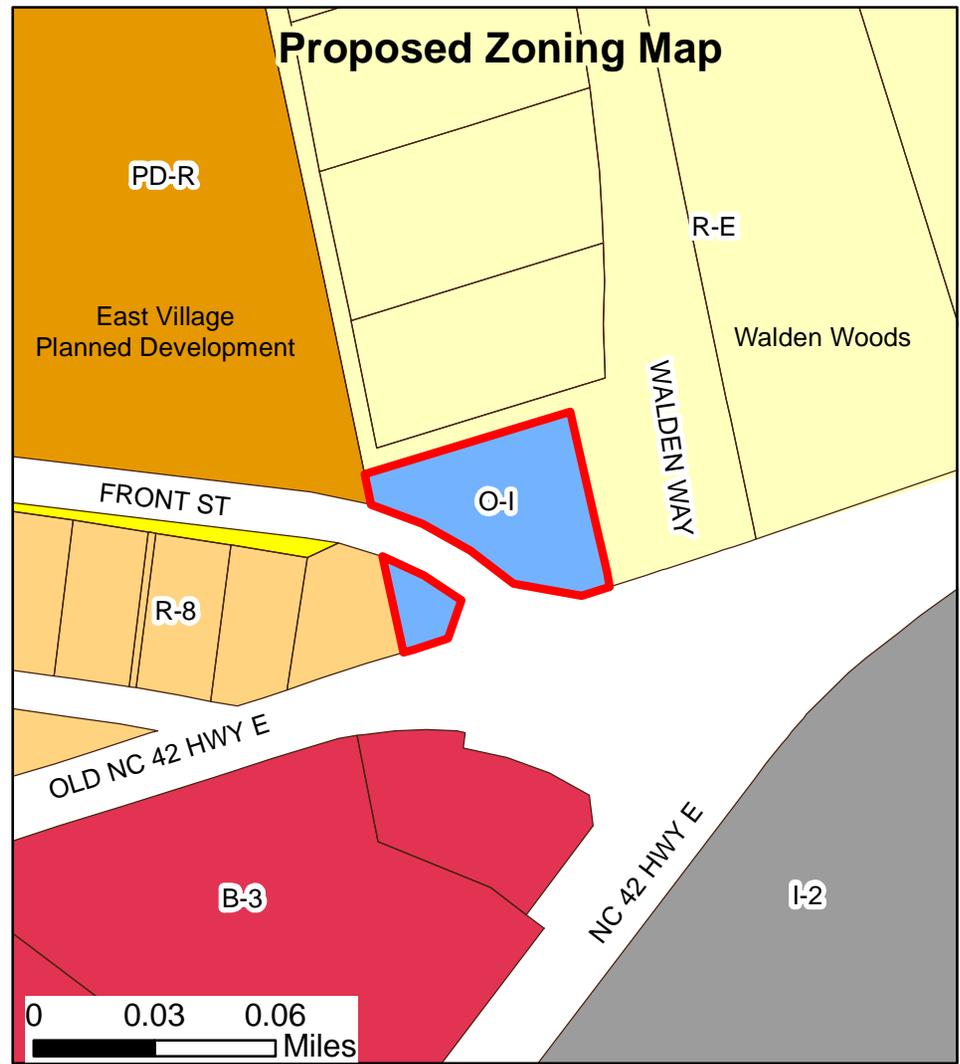
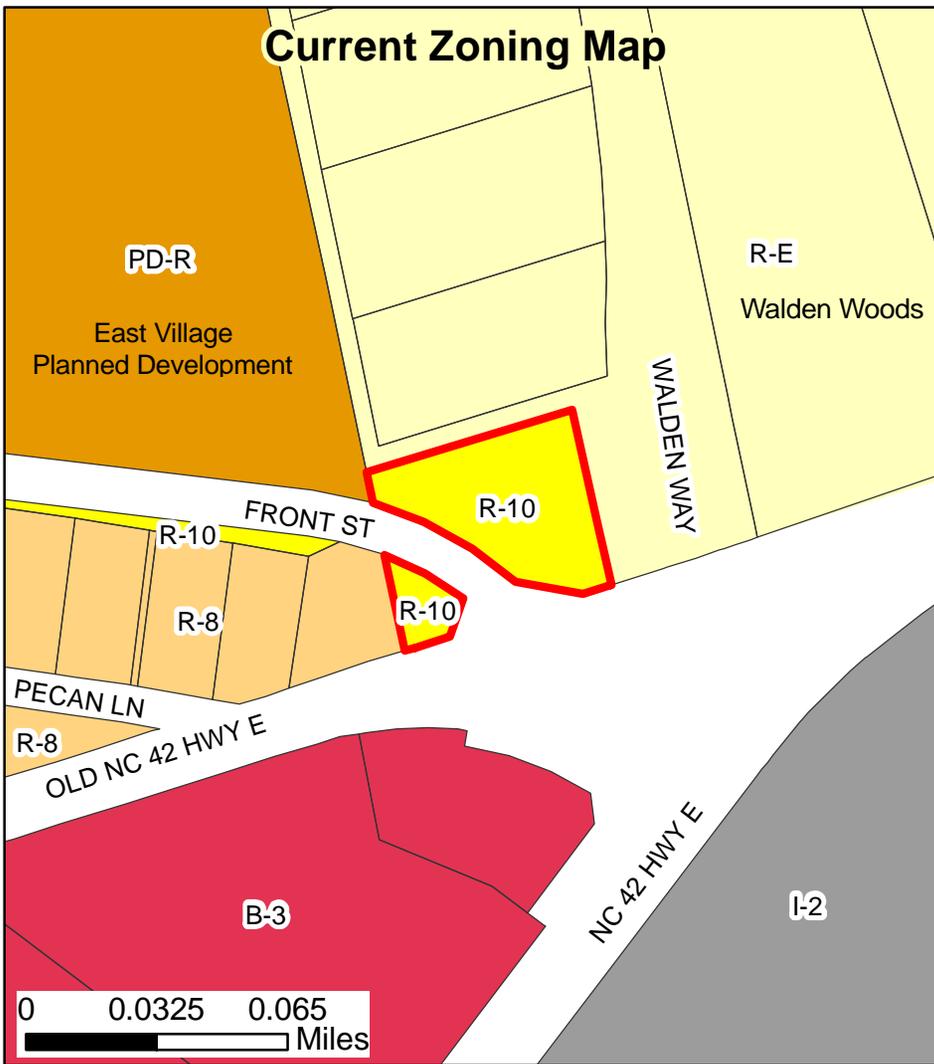
Produced by: TOC Planning

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



10/20/14





East Village Office RZ 2014-100 (Rezoning) Rezoning from R-10 to O-I

Applicant: Bass, Nixon, & Kennedy, Inc. (Marty Bizzell, PE)
 Property Owner: East Village Investments, LLC
 Parcel ID Number: 166807-68-2584
 Tag #: 05H03008L
 File Number: RZ 2014-100

Produced by: TOC Planning

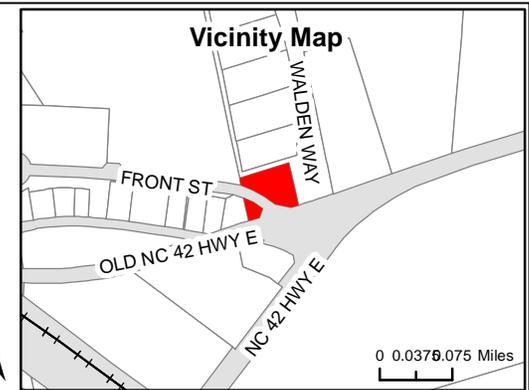
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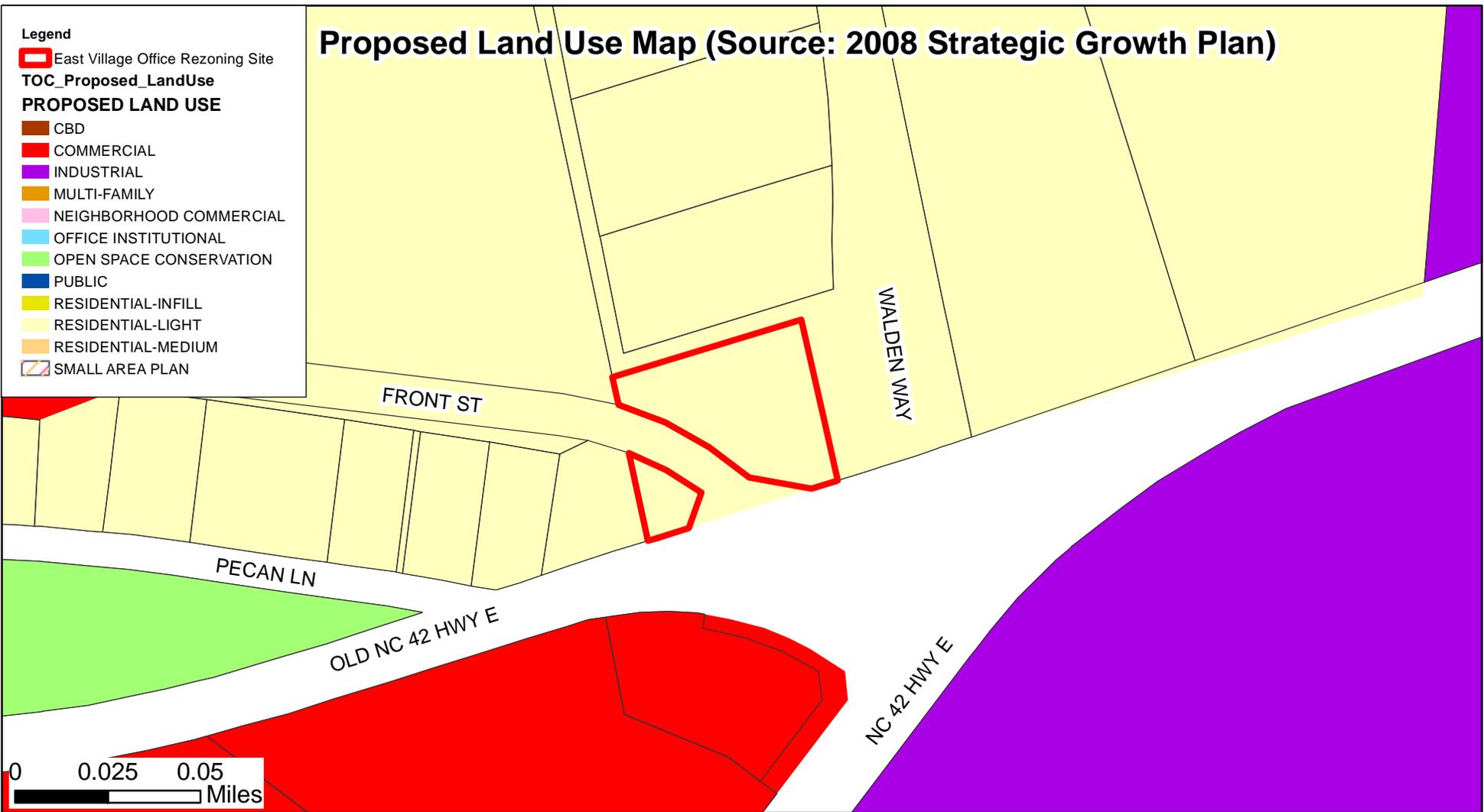


10/20/14

Legend

R-E	B-2
R-10	B-3
R-8	PD-C
R-6	I-1
PD-R	I-2
O-R	O-I
B-1	PD-MU





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

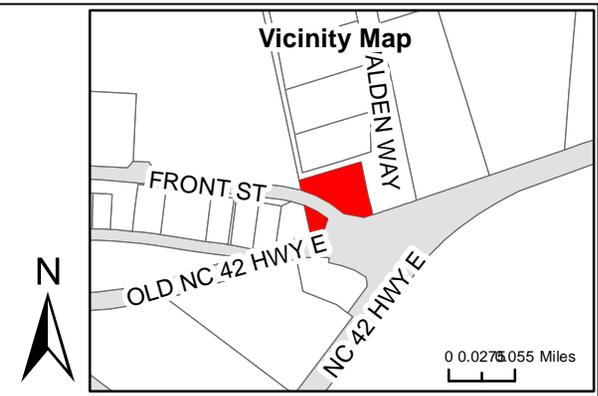
Rezoning of 22.35 acres - R-E to I-1

Applicant: Dalton Engineering & Associates PA
 Property Owner: Kan D. Holding, LLC
 Parcel ID Number: 167804-62-3275
 Tag #: 05I05004
 File Number: RZ 2014-94

Produced by: TOC Planning

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

10/20/14



§ 155.202 LAND USE REGULATIONS

(B) Use Regulations table.

Table 2-1 Use Regulations

Use Type	O-I	Specific Use Section
Residential Uses		
Adult Care Home (2-6 Adults)		§155.301(A)
Adult Care Home (7-12 Adults)	C	§155.301(A)
Adult Care Home (13+ Adults)	C	§155.301(A)
Alley Loaded House		§155.301(B)
Apartments	S	§155.301(C)
Boarding House	P	§155.301(D)
Child Care Home		§155.301(E)
Manufactured Home		§155.301(F)
Manufactured Home Park		§155.301(G)
Nursing Home (Congregate Living Facility)	P	§155.301(H)
Two family House		§155.301(I)
Townhouse	S	§155.301(J)
Security/Caretaker Quarters		§155.301(K)
Single Family House		§155.301(L)
Upper-story Residence	P	§155.301(M)
Zero Lot Line House		§155.301(N)
Public and Civic Uses		
Assembly, Not For Profit	P	§155.302(A)
Cemetery		§155.302(B)
Church or Place of Worship	C	§155.302(C)
College or University	P	§155.302(D)
Day Care (Supervision for 3-8)		§155.302(E)
Day Care (Supervision for 9+)	P	§155.302(E)
Government Service	P	§155.302(F)
Hospital or Medical Center	P	§155.302(G)
School (Elementary or Secondary)	S	§155.302(H)
School (Technical, Trade or Business)	P	§155.302(I)
Recreational Uses		
Entertainment, Indoor		§155.303(A)
Entertainment, Outdoor		§155.303(B)
Fitness Center		§155.303(C)
Golf Course		§155.303(D)
Gun Range		§155.303(E)
Park, Active	S	§155.303(F)
Park, Passive	P	§155.303(G)
Stable, Private		§155.303(H)
Agricultural Uses		
Agriculture, Livestock		§155.304(A)
Agriculture, Sales and Service		§155.304(B)
Nursery	P	§155.304(C)
Commercial Uses		
Adult Oriented Business		§155.305(A)
Bed and Breakfast	P	§155.305(B)
Car Wash/Auto Detailing	C	§155.305(C)
Contractor Office	C	§155.305(D)
Contractor Storage Yard		§155.305(E)
Convenience Store with Gas Sales		§155.305(F)
Creative Studio	P	§155.305(G)
Financial Institution	P	§155.305(H)
Funeral Home	P	§155.305(I)

Use Type	O-I	Specific Use Section
Hotel/Motel	S	§155.305(J)
Kennel		§155.305(K)
Laundry Services		§155.305(L)
Lounge, Cocktail		§155.305(M)
Microbrewery		§155.305(N)
Newspaper Publisher		§155.305(O)
Office, General	P	§155.305(P)
Office, Medical	P	§155.305(Q)
Outdoor Seating/Sidewalk Cafe	C	§155.305(R)
Pawn Shop		§155.305(S)
Radio or Television Studio		§155.305(T)
Restaurant, Drive-Through	C	§155.305(U)
Restaurant, General	C	§155.305(V)
Retail Sales, General		§155.305(W)
Retail Sales, Neighborhood		§155.305(X)
Self-storage Facility		§155.305(Y)
Service, General		§155.305(Z)
Service, Neighborhood		§155.305(AA)
Tattoo Parlor		§155.305(BB)
Towing Service and Storage		§155.305(CC)
Vehicle Repair or Service		§155.305(DD)
Vehicle Sales and Rental		§155.305(EE)
Veterinary Clinic		§155.305(FF)
Video Sweepstakes Operations		§155.305(GG)
Industrial Uses		
Building Supplies, Wholesale		§155.306(A)
Crematorium		§155.306(B)
Gas and Fuel, Wholesale		§155.306(C)
Laboratory, Research	P	§155.306(D)
Manufacturing, Limited		§155.306(E)
Manufacturing, General		§155.306(F)
Manufacturing, Heavy		§155.306(G)
Research and Development	P	§155.306(H)
Warehouse, Freight Movement		§155.306(I)
Utilities		
Recycling Center		§155.307(A)
Renewable Energy Facility		§155.307(B)
Telecommunication Facility	S	§155.307(C)
Utility, Minor	P	§155.307(D)
Utility, Major		§155.307(E)
Waste Service		§155.307(F)
Key:		
P – Permitted		
C – Conditional Use permitted in the zoning district only if approved by the Board of Adjustment (BOA) (§ 155.710)		
S – Special Use permitted in the zoning district only if approved by the Town Council (TC) (§ 155.711)		



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

REZONING APPLICATION

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

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

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

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

SITE INFORMATION:

Name of Project: East Village Office Acreage of Property: 1.18

Parcel ID Number: 1668.07-68-2584 Tax ID: 05H03008L

Deed Book: 04099 Deed Page(s): 0330

Address: 313 NC 42 Hwy., Clayton, NC 27527

Location: Intersection of E. Front Street & Old NC 42 Hwy. E.

Existing Use: Single Family Proposed Use: Office

Existing Zoning District: R-10

Requested Zoning District O & I

Is project within a Planned Development: Yes No

Planned Development District (if applicable): N/A

Is project within an Overlay District: Yes No

Overlay District (if applicable): Watershed Protection

FOR OFFICE USE ONLY

File Number: 2014-100 Date Received: 8/4/14 Amount Paid: 500⁰⁰

OWNER INFORMATION:

Name: East Village Investments, LLC

Mailing Address: 227 E. Front Street, New Bern, NC 28560-2145

Phone Number: 252-638-4215 Fax: 252-638-7456

Email Address: hubie@uhfdevelopmentgroup.com

APPLICANT INFORMATION:

Applicant: Bass, Nixon & Kennedy, Inc.

Mailing Address: 6310 Chapel Hill Rd., Suite 250, Raleigh, NC 27607

Phone Number: 919-851-4422 Fax: 919-851-8968

Contact Person: Marty D. Bizzell, PE

Email Address: Marty.Bizzell@bnkinc.com

REQUIRED PLANS AND SUPPLEMENTAL INFORMATION

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

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

JUSTIFICATION STATEMENT

Please provide detailed information concerning all requests. Attach additional sheets if necessary.
Request is to rezone the Parcel located at 313 NC Hwy 42, PIN: 1668.07-68-2584, from existing R-10 to O & I. The proposed use will be consistent with permitted uses in O & I zoning.

APPROVAL CRITERIA

All applications for a Rezoning must address the following findings:

1. Consistency with the adopted plans of the Town.

Although the Town's Strategic Growth Plan designates the property as residential on the proposed Land Use Plan, with the construction of Front Street Extension, the property is well suited for office use.

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

The property currently contains an existing single family house which is vacant and has been for some time. With the recent completion of E. Front Street Extension, the property is well suited for an office use. Sewer is now available with the recent construction on the East Village Pump Station.

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

The property is located at the new gateway to the downtown business district. An office use is appropriate in this location and will help to meet special demands for quality office space in the Town, especially in the downtown business area.

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 public facilities exist to support the proposed office use. E. Front Street Extension has recently been completed to provide access to downtown and to Hwy. 42. A 20" water main has recently been installed within the Front Street Extension right-of-way. A sewer pump station has recently been completed in East Village which has adequate capacity for sewer requirements. Adequate storm drainage facilities have been constructed with E. Front Street Extension and East Village.

ADJACENT PROPERTY OWNERS LIST

Project Name: East Village Office

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
1668.07-68-2584	East Village Investments LLC	227 E. Front St, New Bern, NC 28560-2145
1668.07-59-2827	East Village Investments LLC	227 E. Front St, New Bern, NC 28560-2145
1668.06-48-6538	East Village Investments LL	227 E. Front St., New Bern, NC 28560-2145
1668.07-68-1400	Bell, Betty Brown	287 Old NC Hwy 42 E., Clayton, NC 27527-0000
1668.07-58-9209	Murphy, Louis	124 Pecan Lane, Clayton, NC 27527-0000
1669.19-50-4989	Walden Home Owners Assoc Inc.	2044 Deer Trail, Clayton, NC 27527-0000
1668.07-68-7913	Partlo, Barry W.	435 NC 42 East, Clayton, NC 27527-0000
1668.07-68-2606	Schmidt, Arthur R.	2009 Walden Way, Clayton, NC 27527-9555
1668.07-68-2173	Williams Family Heirs, LLC	3602 Hwy 264 E, Greenville, NC 27858-0000
1668.07-57-9947	Albermarle Properties LLC	10320 Durant Rd, Ste 113, Raleigh, NC 27614-0000
1668.07-58-8300	Peele, Martha P	122 Pecan Lane, Clayton, NC 27527-0000
1668.07-68-1885	Yates, Thomas W Jr	2013 Walden Way, Clayton, NC 27527-9555
	& Yates Aida L	



**Town of Clayton
Planning Department**
111 E. Second Street, Clayton, NC 27520
P.O. Box 879, Clayton, NC 27528
Phone: 919-553-5002
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OWNER'S CONSENT FORM

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

Project Name: East Village Office **Address or PIN #:** 1668.07-68-2584

AGENT/APPLICANT INFORMATION:

Marty D. Bizzell 6310 Chapel Hill Rd., Ste. 250
(Name - type, print clearly) (Address)
Raleigh, NC 27607
(City, State, Zip)

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

Rezoning Construction Plan Approval
Major Site Plan Approval

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

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

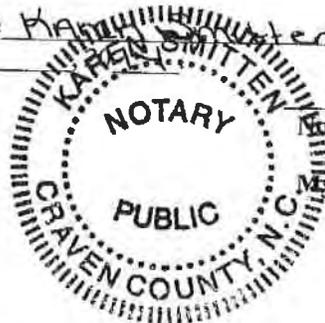
OWNER AUTHORIZATION:

Hubert G. Tolson, III 227 E. Front St.
(Name - type, print clearly) (Address)
[Signature] New Bern, NC 28560-2145
(Owner's Signature) (City, State, Zip)

STATE OF North Carolina
COUNTY OF Craven

Sworn and subscribed before me Karen Mitten, a Notary Public for the above State and County, this the 4th day of August

SEAL



Karen Mitten
Notary Public
My Commission Expires: 9-6-14

NEIGHBORHOOD MEETING MATERIALS
RZ 2014-100 AND SP 2014-101



BASS, NIXON & KENNEDY, INC., CONSULTING ENGINEERS
6310 CHAPEL HILL ROAD, SUITE 250, RALEIGH, NC 27607
919/851-4422 FAX 919/851-8968 www.bnkinc.com

October 3, 2014

Dear Clayton Area Property Owner:

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

Meeting Date: October 15, 2014

Location: The Arbors at East Village Apartments Clubhouse – 56 Bent Branch Loop,
Clayton, NC 27527

Time: 7:00pm

Type of Application: Site plan for East Village Office Building

General Description: Office building proposed at 313 NC 42 Hwy,
Clayton, NC 27527

If you have any questions prior to or after this meeting, you may contact us at 919-851-4422.

Sincerely,

A handwritten signature in black ink that reads "Marty D. Bizzell".

Marty D. Bizzell, PE, CPESC

cc: Clayton Planning Dept.

ADJACENT PROPERTY OWNERS LIST

Project Name: East Village Office

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

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1668.07-68-1885	Yates, Thomas W Jr	2013 Walden Way, Clayton, NC 27527-9555
	& Yates Aida L	

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Applicant: East Village Office

Location/Date: October 15, 2014 - 7:00 PM

	NAME	ADDRESS
1	ART SCHMIDT	2009 WALDEN WAY CLAYTON ²⁷⁵²⁷
2	Laura Tuel	2017 DEER TRAIL
3		
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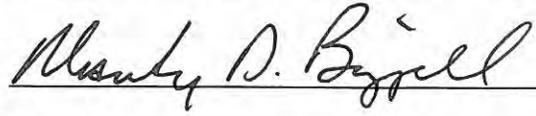
NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Date of Mailing: October 3, 2014

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

Printed Name: Marty D. Bizzell, PE

Signature: 

Date of Meeting: October 15, 2014 Time of Meeting: 7:00 p.m.

Location of Meeting: The Arbors at East Village Clubhouse

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

A neighborhood meeting was held at the Arbors Clubhouse on Wednesday, October 15th at 7:00pm.

Two property owners from the Walden Woods Subdivision attended.

Mr. Schimdt discussed the possibility of a 6'-8' berm to block site from his house. It was pointed out that the site currently proposes a 6' fence with landscaping along Mr. Schimdt's property line.

Mrs. Turl asked if a traffic light would be installed at the intersection of Old 42 & E. Front Street.

No traffic light is proposed at this time.

Neighbors asked about tenants for the building; currently tenants are undetermined.

Neighbor pointed out an error on adjoining property owner information on the site plan. Information has been corrected.

Neighbors asked about hours of operation; owner replied generally, 8:00am - 5:00pm.

Neighbors asked about stormwater runoff and Engineer stated runoff would be directed away from Mr. Schimdt's property.

Neighbor also requested changing all trees to Evergreen trees.

Email addresses were exchanged and Engineer is to email out site plan with corrected adjoining property information and proposed grading plan.

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

TOWN OF CLAYTON

ZONING AMENDMENT

CONSISTENCY AND REASONABLENESS STATEMENT

[RZ 2014-100, Rezoning of 1.14 acres from R-10 to O-I]

The Town Council of the Town of Clayton hereby states:

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

The Town of Clayton's Strategic Growth Plan, specifically:

- Objective 2.1: Balanced Development, Old and New

Section 2: Based upon information presented at the public hearings and by the applicant, and based upon the recommendations and detailed information developed by staff and the Planning Board contained in the staff report, and considering the criteria applicable sections of the Unified Development Code of the Town of Clayton, specifically **the compatibility of a commercial use at this site which due to recent roadway development of East Front Street has increased traffic and visibility**, the above referenced zoning amendment is reasonable and in the public interest.

**AN ORDINANCE AMENDING THE ZONING ORDINANCE
AND ZONING MAP
OF THE TOWN OF CLAYTON, NORTH CAROLINA**

WHEREAS a petition has been filed with the Town Council of the Town of Clayton requesting an amendment to the Zoning Ordinance and Zoning Map of the Town of Clayton to include in the O-I (Office and Institutional) zone the property described below, said property formerly being zoned R-10 (Residential-10); and

WHEREAS said property is owned by East Village Investments LLC; and

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

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

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

WHEREAS the said public hearing was actually conducted at 6:30 p.m. on December 1, 2014, wherein a reasonable opportunity was given to all those in attendance to speak either in favor or against the said change or to make relevant comments;

THEREFORE, after duly considering the matter, THE TOWN COUNCIL OF THE TOWN OF CLAYTON DOES HEREBY ORDAIN:

SECTION 1. That the Unified Development Code of the Town of Clayton is hereby amended to include in the O-I (Office & Institutional) zone the following described property:

General Description:

Approximately 1.14 acres at the intersection of East Front Street and Old NC 42 Hwy E.

Specific Description:

All of NC Parcel Identification Number: 166807-68-2584

SECTION 2. That the official Town of Clayton Zoning Map is hereby amended to include in the O-I (Office & Institutional) zone the above-described property and will be so marked.

SECTION 3. That if any section, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4. That this ordinance shall become effective immediately upon its adoption.

DULY ADOPTED this 1st day of December, 2014.

Jody L. McLeod, Mayor

ATTEST:

Kimberly A. Moffett, CMC
Town Clerk

RZ2014-100

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

Agenda Item: 5c

Meeting Date: November 17, 2014

TITLE: PRESENTATION OF PSD 2014-113

DESCRIPTION: Applicant is requesting preliminary subdivision plat approval for the major subdivision of Phase 1A and 1B in the LionsGate Planned Development to allow 32-single family residential units.

RELATED GOAL: Administrative

ITEM SUMMARY:

Date:

Requested Action:

Info. Provided:

11-17-14

Presentation
And Public Notice

Staff Report,
Board
Recommendation,
& Maps



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

Town Council

STAFF REPORT

Application Number: PSD 2014-113 (major subdivision)
Project Name: LionsGate Phases 1A & 1B

NC PIN / TAG: A portion of 165919-51-7554 / 05G02198M
A portion of 165919-61-2030 / 05E01199C

Town Limits/ETJ: Town Limits
Overlay: None
Master Plan: LionsGate SUP 2013-71
Applicant: DC Adams Engineering, Inc.
Owners: LionsGate Village, LLC

Neighborhood Meeting: Not required for projects that are developed pursuant to an approved Master Plan
Public Noticing: Property Posted October 17, 2014
Planning Board Meeting: October 27, 2014

PROJECT LOCATION: The project is located within the LionsGate Planned Development, on the south side of Amelia Church Road and east of Middleton Street.

REQUEST: The applicant is requesting preliminary subdivision plat approval for the major subdivision of Phases 1A and 1B in the LionsGate Planned Development to allow 32 single family residential units, within Town Limits.

SITE DATA:

Acreage: 6.89 acres (project area)
Zoning: PD-MU (Planned Development – Mixed Use)
Existing Use: Vacant
Existing Impervious: None - property is undeveloped.

DEVELOPMENT DATA:

Proposed Uses: Single Family residential units
Buildings: 32 single family residential units
Number of Stories: Maximum height of 40 feet

Impervious Surface: Maximum: Lesser of 86% or 4,000 SF per lot (maximum 60% impervious for overall planned development is permitted)

Required Parking: 2 spaces per unit

Proposed Parking: 2 spaces per unit

Fire Protection: The Town of Clayton Fire Department will provide fire protection.

Access/Streets: Access will be provided off of an extension of the existing Middleton Street.

Water/Sewer Provider: Town of Clayton

Electric Provider: Duke/Progress Energy

**ADJACENT ZONING AND LAND USES:
(Of project area)**

North: Zoning: Planned Development – Mixed Use (PD-MU)
Existing Use: Undeveloped future phases of LionGate Planned Development

South: Zoning: Planned Development – Mixed Use (PD-MU)
Existing Use: Undeveloped future phases of LionGate Planned Development

East: Zoning: Planned Development – Mixed Use (PD-MU)
Existing Use: LionsGate Planned Development Open Space; Little Creek

West: Zoning: Planned Development – Mixed Use (PD-MU)
Existing Use: Undeveloped future phases of LionGate Planned Development

STAFF ANALYSIS AND COMMENTARY:

Overview

The applicant is requesting preliminary subdivision plat approval for Phases 1A and 1B as depicted on the approved LionsGate Master Plan (SUP 2013-71). The request is consistent with the approved Master Plan.

The applicant is requesting approval for a total of 32 single family residential lots on 6.96 acres, including 15 lots on 3.21 acres in phase 1A and 17 lots on 3.75 acres in phase 1B. Dimensional standards are consistent with those set as part of the Master Plan approval process:

LOT STANDARDS TABLE												
PHASE	UNIT TYPE	AREA (ACS)	# OF UNITS	MIN. LOT WIDTH (FT)	MIN. LOT DEPTH (FT)	MAX. IMPERVIOUS AREA PER LOT (SF)	SETBACKS				MIN. BLDG. SEPARATION (FT)	MAX. BLDG. HEIGHT (FT)
							FRONT (FT)	SIDE (FT)	REAR (FT)	STREET SIDE (FT)		
1A	SINGLE FAMILY	3.21	15	45	65	THE LESSER OF 86% OR 4000	12	5	5	8	10	40
1B	SINGLE FAMILY	3.75	17	45	65	THE LESSER OF 86% OR 4000	12	5	5	8	10	40
TOTALS		6.96	32									

Lots range from 0.1 acre (4,680 sf) to 0.3 acre (12,712 sf). The larger lots include a riparian buffer adjacent to an unnamed tributary of Little Creek.

Consistency with the Strategic Growth Plan

The request is consistent with the Strategic Growth Plan.

Consistency with Master Plan

The request will be consistent with the approved Master Plan (SUP 2013-71).

Consistency with the Unified Development Code

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

Compatibility with Surrounding Land Uses

The proposed development is consistent with the density and patterns of the LionsGate Planned Development.

Landscaping and Buffering

Street trees shall be provided at a rate of one canopy tree per lot or one canopy tree per 40 linear feet (spaced a maximum of 50 feet apart). All trees shall be a minimum height of 8 feet at planting and 2.5 inch caliper. Location of trees shall be no less than 5 feet and no more than 15 feet from the back of the sidewalk.

Recreation and Open Space

Recreation and open space requirements have been met by the overall LionsGate Planned Development. Any required fees shall be paid at final plat.

Environmental

Resource conservation areas (stream buffers, 100-year flood zones) shall be identified on final plats.

While the UDC typically requires a 50 foot undisturbed buffer along all “blue line” streams, LionsGate originally received approval to meet the state minimum riparian buffer requirements, which include a 30 foot undisturbed buffer, and a 20 foot zone beyond that which allows for site grading (though no building).

Signs

No signage is requested as part of this request.

Access/Streets

Access will be provided via an extension of the existing Middleton Street. The length of the proposed Feldspar Lane is greater than that allowed by the UDC and so a looped road connecting to the future phases to the north of the site is required. Feldspar Lane will be a public right-of-way and will be dedicated to the Town.

Multi-Modal Access

Sidewalks are provided along both sides of the street and will extend fully around the cul-de-sac (and eventually along both sides of the connecting roadway to the north of the site). The 10 foot multi-use pathway is shown extending along the beginning section of Feldspar Lane off of Middleton Street; in this area a sidewalk will be located on the south side of the street, with the 10 foot path on the north side until it spurs off to the north, connecting into the future greenway shown along Amelia Church Rd. A second spur is shown to the east of the

site off of Amelia Church Road; this will be developed as part of Phase 7D and will connect into the future Phase 2D roadway

Architecture/Design

No architectural standards apply to this development.

Waivers/Deviations/Variations from Code Requirements

None. The cul-de-sac exceeds allowed length but this will be resolved with future roadway construction for phases to the north.

CONSIDERATIONS:

- The applicant is requesting Preliminary Subdivision Plat approval for Phases 1A and 1B.
 - The request is consistent with the approved LionsGate Master Plan, SUP 2013-71.
 - The Planning Board shall make a recommendation to the Town Council.
 - Final approval decision of the preliminary plat shall be made by the Town Council.
-

FINDINGS:

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

CONDITIONS:

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

1. The development is subject to all conditions of the approved LionsGate Planned Development Master Plan.
2. Following Board approvals, three copies of the Preliminary Subdivision Plan meeting the requirements of the Conditions of Approval shall be submitted to Planning Department for final approval.
3. The development of the site is limited to the site design and uses approved by the Town Council. Modifications to the approved Preliminary Plat shall require review and approval in accordance with Section 155.706 of the Unified Development Code.
4. Development fees shall be paid prior to Final Plat approval for each phase.
5. The connection of the cul-de-sac to the roadway associated with future phase 7A-7D is required.
6. Five foot wide sidewalks shall be installed on both sides of the road and shall be constructed or bonded prior to plat recordation for the associated phase.
7. The multi-use path / greenway shown connecting from the future path along Amelia Church Road to future Phase 2D shall be constructed or bonded prior to the platting of Phase 7D.

8. All development fees shall be paid prior to final plat recordation, except that Capacity fees shall be paid prior to issuance of building permits.
9. The review and approval of project water, sewer, storm drainage and street construction drawings is a separate process. Two sets of these drawings must be submitted for approval to Public Works Department when they become available.
10. Riparian Buffers within phase 1A and 1B shall be subject to minimum state requirements.

Planning Board Recommendation: Approval (See attachment)

Attachments: 1) Planning Board Recommendation, 2) Findings of Fact, 3) Zoning & Aerial Map, 4) Application, 5) Preliminary Subdivision Plan

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

PSD 2014-113 LionsGate Phase 1A & 1B

On October 27, 2014 the Planning Board heard the above-referenced request and made the following vote:

Recommendation to approve deny PSD 2014-113 with the conditions recommended by staff.

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

Signed:



Frank Price, Planning Board Chair

APPLICANT STATEMENT – MAJOR SUBDIVISIONS ONLY

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

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

THIS SUBDIVISION MEETS ALL APPLICABLE REGULATIONS AND CONFORMS TO THE UDC. FURTHERMORE, THIS SUBDIVISION IS CONSISTENT WITH ALL REQUIREMENTS SET ASIDE BY THE APPROVED MASTER PLAN

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

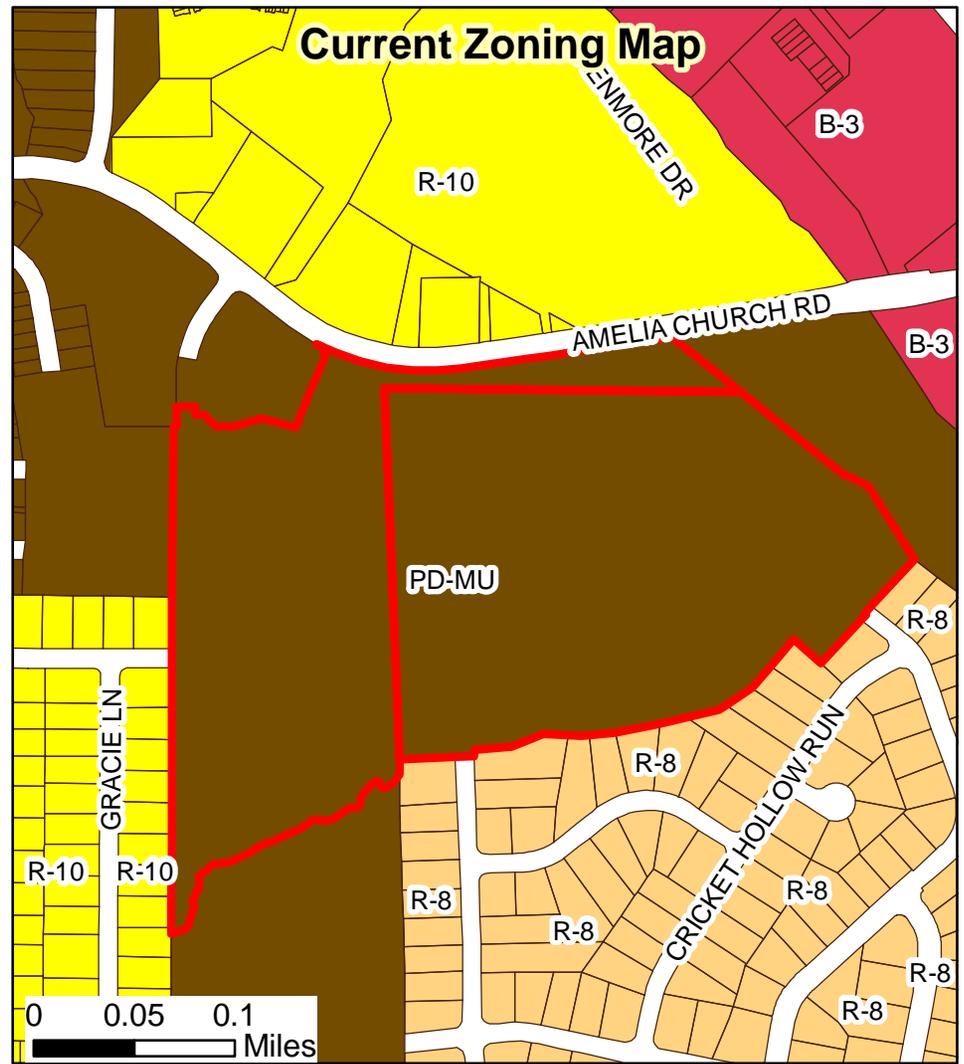
THE SUBDIVISION DESIGN IS SUCH THAT IT WILL BE BENEFICIAL TO ORDERLY DEVELOPMENT ON ADJACENT TRACTS. THIS DEVELOPMENT WILL ADD TO THE TOWN'S GREENWAY TRAIL SYSTEM AND IMPROVE WALKABILITY WITHIN THE CITY LIMITS.

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

THE SUBDIVISION IS DESIGNED TO PROVIDE PROPER TRAFFIC FLOW WITHIN THE NEIGHBORHOOD AND PROVIDES APPROPRIATE CONNECTIONS TO THE EXISTING STREET SYSTEM FOR SAFE INGRESS & EGRESS.

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

THIS SUBDIVISION IS CONSISTENT WITH THE ORDERLY GROWTH AND DEVELOPMENT PATTERN IN THE TOWN.



**LionsGate Phase 1A & 1B - Preliminary Subdivision
Part of LionsGate Planned Development**

Applicant: DC Adams Engineering, c/o Donnie Adams
 Property Owner: LionsGate Village, LLC
 NC PIN(s): A portion of 165919-51-7554 and 165919-61-2030
 Tag #: A portion of 05G02198M and 05E01199C
 File Number: PSD 2014-113

Produced by: TOC Planning

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



10/20/14

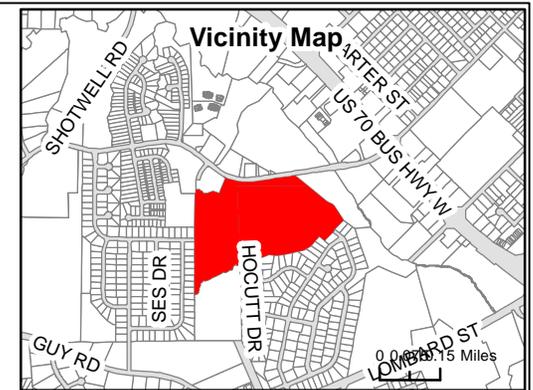
Legend

LionsGate Subject Parcels

FLOODZONE

AE - 100 Year Flood Zone

AEFW - Floodway





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

SUBDIVISION APPLICATION

Pursuant to Article 7, Section 155.706 of the Unified Development Code, an owner of land within the jurisdiction of the Town (or a duly authorized agent) may petition the Town of Clayton to approve a Subdivision (major, minor, final plat, or exempt) application. Applicants seeking subdivision approval shall schedule a pre-application conference with the Planning Director in accordance with Section 155.702(A).

Subdivision applications must be accompanied by nine (9) sets of the application, nine (9) sets of required plans, an Owner's Consent Form (attached) and the application fee. The application fees are as follows:

- *Minor Subdivision: \$200.00 + \$5.00/lot.*
- *Major Subdivision: \$400.00 + \$5.00/lot.*
- *Open Space Subdivision = \$700.00 + \$5.00/acre.*
- *Final Plat: \$250.00 + \$5.00/lot.*
- *Exempt Map/Recombination: \$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 Major Subdivision applications.

SUBDIVISION TYPE:

Application Type:

- Minor Subdivision
 Major Subdivision
 Final Plat
 Exempt Map
 Recombination

SITE INFORMATION:

Name of Project: LIONSGATE PHASES 1A & 1B Acreage of Property: 6.89 ACRES
 Preliminary Plat Approval Date (if applicable): N/A
 Parcel ID Number: 05G02198M & 05E0119C Tax ID: 3816029 & 3813716
 Location: OFF MIDDLETON ST - OFF AMELIA CHURCH RD - FIELDSPAR LN
 Section(s): LIONSGATE Phase(s): 1A & 1B
 Number of Lots (Existing): _____ (Proposed): 32 Min. Lot Size: _____
 Zoning District: PD-MU Planned Development? (Y/N): Y Electric Provider: DUKE ENERGY
 Specific Use: SINGLE FAMILY RESIDENTIAL
 Recreation/Open Space Requirement: Fee in lieu Land Dedication (acreage) _____

FOR OFFICE USE ONLY

File Number: 2014-113 Date Received: 9/3/14 Amount Paid: 560⁰⁰

OWNER INFORMATION:

Name: LIONS GATE VILLAGE, LLC
Mailing Address: 400 RIVERWOOD DR, CLAYTON NC 27527
Phone Number: 919-550-8086 Fax: N/A
Email Address: brian.strickland@fredsmithcompany.com

APPLICANT INFORMATION:

Applicant: DC ADAMS ENGINEERING
Mailing Address: 335 ATHLETIC CLUB BLVD, CLAYTON NC 27527
Phone Number: 919-763-7278 Fax: _____
Contact Person: DANNIE ADAMS
Email Address: dannie@dcadamspe.com

REQUIRED PLANS AND SUPPLEMENTAL INFORMATION

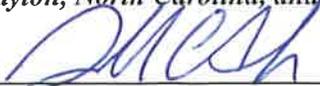
The following items must accompany a Subdivision Plan application. This information is required, except where otherwise noted:

- Required plans (please see the plan requirements checklist below).
- Road Name Approval Application (if applicable).
- N/A A signed and sealed traffic impact analysis (if required).
- Verification of wastewater allocation (granted or requested).
- N/A Verification of approval for the potable water and waste water system improvements from North Carolina Department of Environment and Natural Resources (NCDENR).
- N/A Verification of approval for individual well and septic systems from Johnston County Department of Environmental Health Services (if applicable).
- N/A Driveway permits (Town of Clayton or NCDOT encroachment with associated documentation).
- A copy of proposed deed restrictions and/or covenants (if applicable).

APPLICANT AFFIDAVIT

I/We, the undersigned, do hereby make application and petition to the Town of Clayton to approve the subject Subdivision Plan. 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.

DANNIE ADAMS
Print Name


Signature of Applicant

9/2/2014
Date

APPLICANT STATEMENT – MAJOR SUBDIVISIONS ONLY

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

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

THIS SUBDIVISION MEETS ALL APPLICABLE REGULATIONS AND CONFORMS TO THE UDC. FURTHERMORE, THIS SUBDIVISION IS CONSISTENT WITH ALL REQUIREMENTS SET ASIDE BY THE APPROVED MASTER PLAN

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

THE SUBDIVISION DESIGN IS SUCH THAT IT WILL BE BENEFICIAL TO ORDERLY DEVELOPMENT ON ADJACENT TRACTS. THIS DEVELOPMENT WILL ADD TO THE TOWN'S GREENWAY TRAIL SYSTEM AND IMPROVE WALKABILITY WITHIN THE CITY LIMITS.

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

THE SUBDIVISION IS DESIGNED TO PROVIDE PROPER TRAFFIC FLOW WITHIN THE NEIGHBORHOOD AND PROVIDES APPROPRIATE CONNECTIONS TO THE EXISTING STREET SYSTEM FOR SAFE INGRESS & EGRESS.

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

THIS SUBDIVISION IS CONSISTENT WITH THE ORDERLY GROWTH AND DEVELOPMENT PATTERN IN THE TOWN.

PRELIMINARY PLAN REQUIREMENTS

The following information is required for all preliminary subdivision plans:

Provided

- | Yes | No | N/A | |
|-------------------------------------|-------------------------------------|-------------------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Plans are ²⁴ 18 inches by ³⁰ 24 inches with a scale no smaller than 1 inch = 100 feet. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Name of subdivision (including phase numbers if applicable) and plan type (Subdivision, Final Plat, Exempt Plat, or Recombination). |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Name of township, county, and state in which the property is located. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Vicinity sketch. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Provide project data in tabular form: |
| | | <input checked="" type="checkbox"/> | Area of tract in square feet and acres |
| | | <input checked="" type="checkbox"/> | Owner's name and address |
| | | <input checked="" type="checkbox"/> | Within Town limits or ETJ |
| | | <input checked="" type="checkbox"/> | Zoning of property (and any special conditions if applicable) |
| | | <input checked="" type="checkbox"/> | Number of lots per acre (density) |
| | | <input checked="" type="checkbox"/> | N/A Acreage in Resource Conservation Areas (UDC § 155.500) |
| | | <input checked="" type="checkbox"/> | Indicate if the site is within a Watershed Protection Overlay |
| | | <input checked="" type="checkbox"/> | N/A Annexation number (if applicable) |
| | | <input checked="" type="checkbox"/> | FEMA designated flood plain and floodway (including FIRM panel reference number and effective date) or certification that no flood plain exists within the subdivision. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Surveyor or professional engineer's name, seal, and registration number. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Date of survey and plat preparation. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | An accurately positioned north arrow indicating true north, magnetic north, North Carolina grid ("NAD 83" or "NAD 27"), or is referenced to old deed or plat bearings. If the north index is magnetic or referenced to an old deed or plat bearings, the date and the source (if known) the index was originally determined is clearly indicated. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | The exact course and distance of every boundary line of the tract to be subdivided, fully dimensioned (metes and bounds) along with the location of intersecting boundary lines of adjoining lands in accordance with the North Carolina General Statutes § 47-30 - Plats and subdivisions; mapping requirements. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | All lot boundaries changed or eliminated by requested combination are indicated by dashed lines. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Accurate location and description of all monuments, markers and control points. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Blocks numbered consecutively throughout entire subdivision with lots numbered consecutively in each block. Lot numbers shall be placed in a circle or labeled "Lot ___". |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | The names of adjacent landowners, or lot, block, parcel, subdivision designations or other legal reference where applicable. |

- | | | | |
|-------------------------------------|--------------------------|--------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Location and width of all existing and proposed rights-of-way, Resource Conservation Areas, easements and areas dedicated to public use with the purpose of each stated where crossing or forming any boundary line of the property shown. Sight triangles noted where required. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Location of all existing buildings and structures. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Minimum building setbacks are noted. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Location of all existing and proposed utilities (water, sewer, electric, natural gas, etc.). |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Location of all existing and proposed fire hydrants. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Location of all existing and proposed drainage structures. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Proposed streets are labeled, named and dimensioned. Street names must be approved by Johnston County. Correct street cross section detail provided. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Location, purpose and dimensions of areas to be used for purposes other than residential and public. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Any other information considered by either the applicant or the town to be pertinent to the review. |

FINAL PLAN REQUIREMENTS

In addition to the information listed above, the following information is required for all final subdivision plans:

Provided

- | Yes | No | N/A | |
|--------------------------|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | All lot boundaries changed or eliminated by requested combination are indicated by dashed lines. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Approved street names are labeled. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Width and type of buffer is noted (if applicable). |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Verification of minimum Finished Floor Elevation (FFE). The minimum FFE must be at least two feet above the Base Flood Elevation (BFE) on properties affected by FEMA 100 year flood plain. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Indicate the boundaries of any greenway dedicated to the Town of Clayton and label "Public Greenway Dedicated to the Town of Clayton." |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Resource Conservation Areas must be shown and dimensioned on the plat. The following note must also be provided:
<i>"The Resource Conservation Area shown hereon is being provided per the requirements of Article 5 of the Town of Clayton's Unified Development Code. This Resource Conservation Area must be preserved in perpetuity."</i> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | If streets are to remain private: <ul style="list-style-type: none"> <input type="checkbox"/> The Home Owners Association (HOA) documents must be approved by the Town Attorney <input type="checkbox"/> Streets are labeled "Private Streets – No Town Maintenance" |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Any other information considered by either the applicant or the town to be pertinent to the review. |



10-8-2014

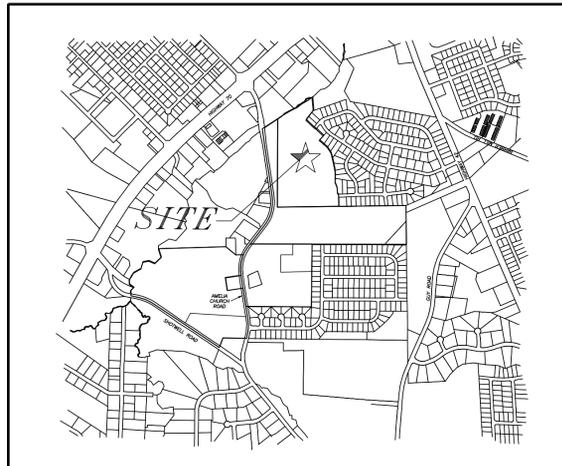
PRELIMINARY SUBDIVISION DESIGN

LIONSGATE PHASES 1A & 1B

IN

TOWN OF CLAYTON, NC

REVISED PER TOWN COMMENTS
SEPTEMBER 26, 2014
OCTOBER 8, 2014



SITE VICINITY MAP
NOT TO SCALE

SHEET INDEX

DEVELOPER/APPLICANT:

FRED SMITH COMPANY, LLC
400 Riverwood Drive
Clayton, NC 27527

CONTACT/AGENT: DONNIE C. ADAMS
919 763-7278

<u>SHEET TITLE</u>	<u>SHEET No.</u>
SITE PLAN.....	1
UTILITIES.....	2
EXISTING CONDITIONS.....	3

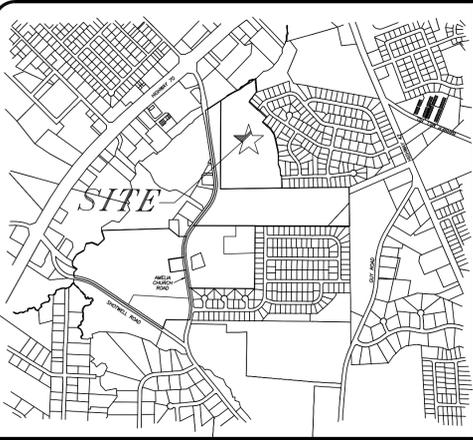


DC ADAMS
ENGINEERING, INC

LIONSGATE PHASES 1A & 1B

FRED SMITH COMAPANY, CLAYTON, NC 27527

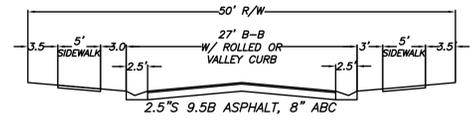




THE TOWN OF CLAYTON AND/OR JOHNSTON COUNTY RESERVE THE RIGHT TO MODIFY THE EROSION AND SEDIMENTATION CONTROL PLAN IF THE EXISTING PLAN OR ITS IMPLEMENTATION PROVE TO BE INADEQUATE.

STREET SUMMARY:
1. THE TOTAL LINEAR OF STREETS:
= 1,503 LF

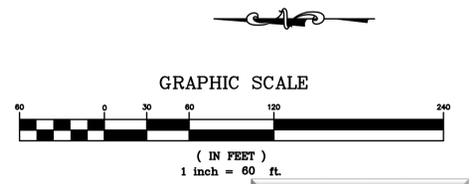
TYPICAL RESIDENTIAL STREET 50' RIGHT OF WAY W/ SIDEWALK



STREET YARD TREES

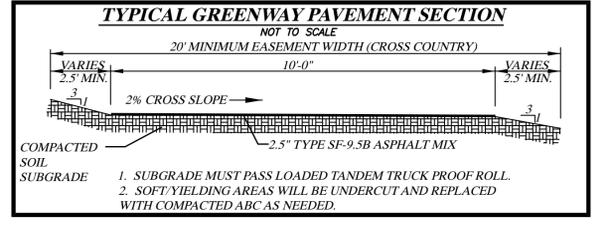
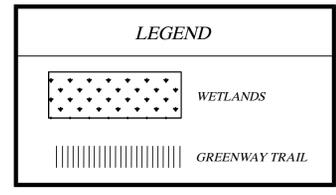
- STREET YARD TREES SHALL BE REQUIRED ALONG ALL RIGHTS OF WAY AT THE RATE OF ONE CANOPY TREE PER LOT OR ONE CANOPY TREE FOR EVERY 40 LINEAR FEET (SPACE A MAXIMUM OF 50 FEET APART).
- ALL STREET YARD TREES SHALL BE CANOPY TREES A MINIMUM OF TWO AND ONE-HALF CALIPER INCHES AND 8' IN HEIGHT AT TIME OF PLANTING AND SHALL BE PLANTED NO LESS THAN FIVE FEET OR MORE THAN 15 FEET FROM THE BACK OF THE SIDEWALK.
- SPECIES SELECTION SHALL COMPLY WITH TOWN OF CLAYTON APPROVED LIST.

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



SUBDIVISION INFORMATION FOR TOWN OF CLAYTON
Proposed Project Name: RIVERWOOD ATHLETIC CLUB - LIONSGATE 1A&1B
Current Property Owner(s) of Record: FSC IV, LLC
Proposed Developer/Applicant: FRED SMITH COMPANY
400 RIVERWOOD DRIVE
CLAYTON, NC 27527

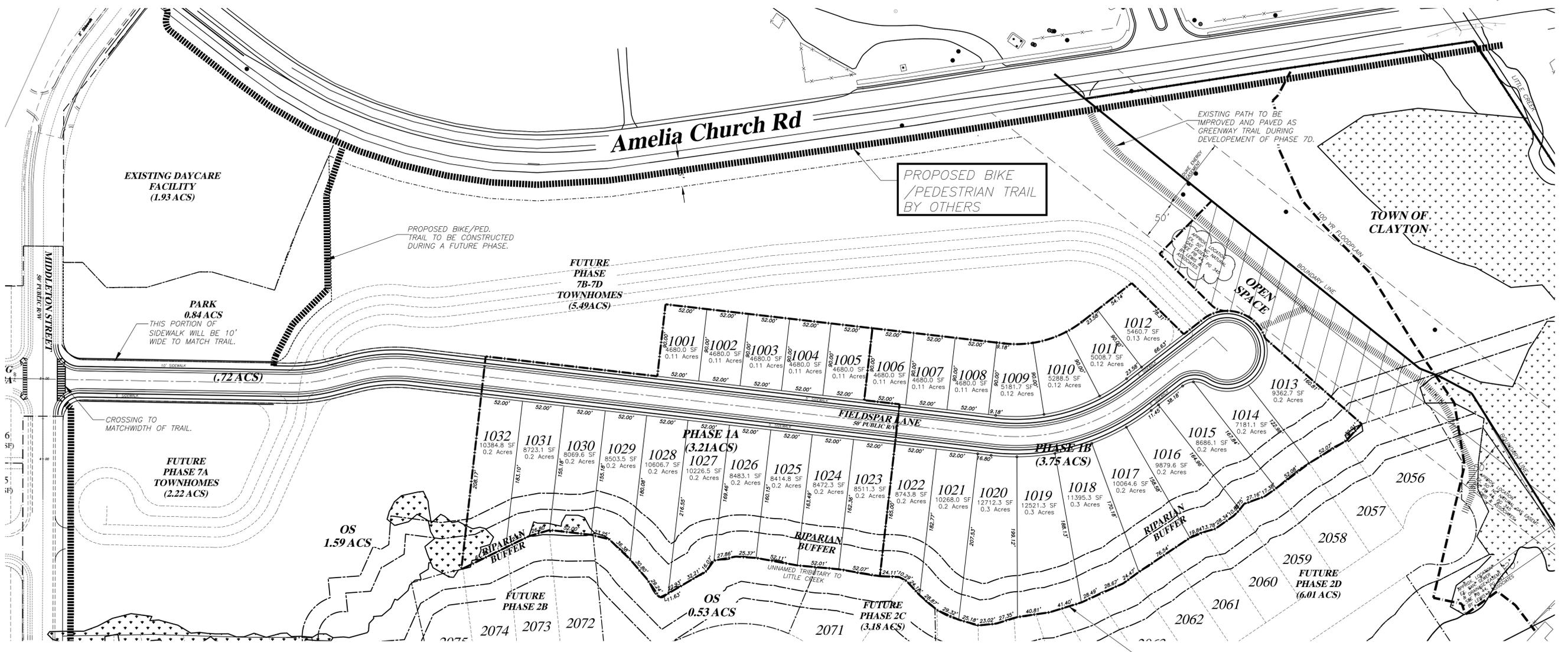
Zoning: PD-MU
Existing Use: UNDEVELOPED
Proposed Use: RESIDENTIAL SUBDIVISION
Electricity Provider: DUKE ENERGY PROGRESS
Other Known Utility/Telecom Providers (not limited to): CENTURY LINK; TIMEWARNER



NOT RELEASED FOR CONSTRUCTION



10-8-2014



LOT STANDARDS TABLE

PHASE	UNIT TYPE	AREA (ACS)	# OF UNITS	MIN. LOT WIDTH (FT)	MIN. LOT DEPTH (FT)	MAX. IMPERVIOUS AREA PER LOT (SF)	SETBACKS				MIN. BLDG. SEPARATION (FT)	MAX. BLDG. HEIGHT (FT)
							FRONT (FT)	SIDE (FT)	REAR (FT)	STREET SIDE (FT)		
1A	SINGLE FAMILY	3.21	15	45	65	THE LESSER OF 86% OR 4000	12	5	5	8	10	40
1B	SINGLE FAMILY	3.75	17	45	65	THE LESSER OF 86% OR 4000	12	5	5	8	10	40
TOTALS		6.96	32									

REVISIONS: 1. 10-10-2014 REVISED PER DCA COMMENTS
 DC ADAMS ENGINEERING, INC
 335 ATHLETIC CLUB BLVD, CLAYTON, NC 27527
 donnie@dcadamspe.com (919) 763-7278
 FIRM # C-3894
 LionsGate Phases 1A & 1B
 FRED SMITH COMPANY, CLAYTON, NC 27527
 SITE PLAN
 FILE: LIONSGATE 1A&1B
 DESIGN: DCA
 DRAWN: ADS
 CHECKED: DCA
 HORIZONTAL SCALE: 1"=60'
 VERTICAL SCALE: N/A
 DATE: 8/25/2014
 JOB NO.:
 SHEET: 1 OF 3

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

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

WATER SYSTEM PROJECT SUMMARY:

1. THERE ARE 30 SINGLE FAMILY LOTS SERVED BY THIS WATER SYSTEM EXTENSION.
2. THE LENGTHS AND SIZES OF WATER MAIN EXTENSIONS ARE AS FOLLOWS:
296 LF +/- OF 8" PVC MAIN
1192 LF +/- OF 6" PVC MAIN:

SEWER SYSTEM PROJECT SUMMARY:

1. THERE ARE 32 SINGLE FAMILY LOTS SERVED BY THIS GRAVITY SEWER SYSTEM EXTENSION.
2. THE LENGTHS AND SIZES OF SEWER MAIN EXTENSIONS ARE AS FOLLOWS:
1,819.75 LF +/- OF 8" PVC MAIN

STREET SUMMARY:

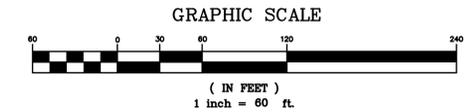
1. THE TOTAL LINEAR OF STREETS:
= 1,503 LF

WATER AND SEWER SERVICES MUST BE:

1. INSTALLED 3' APART
2. INSTALLED ON R/W AT CENTER OF LOT



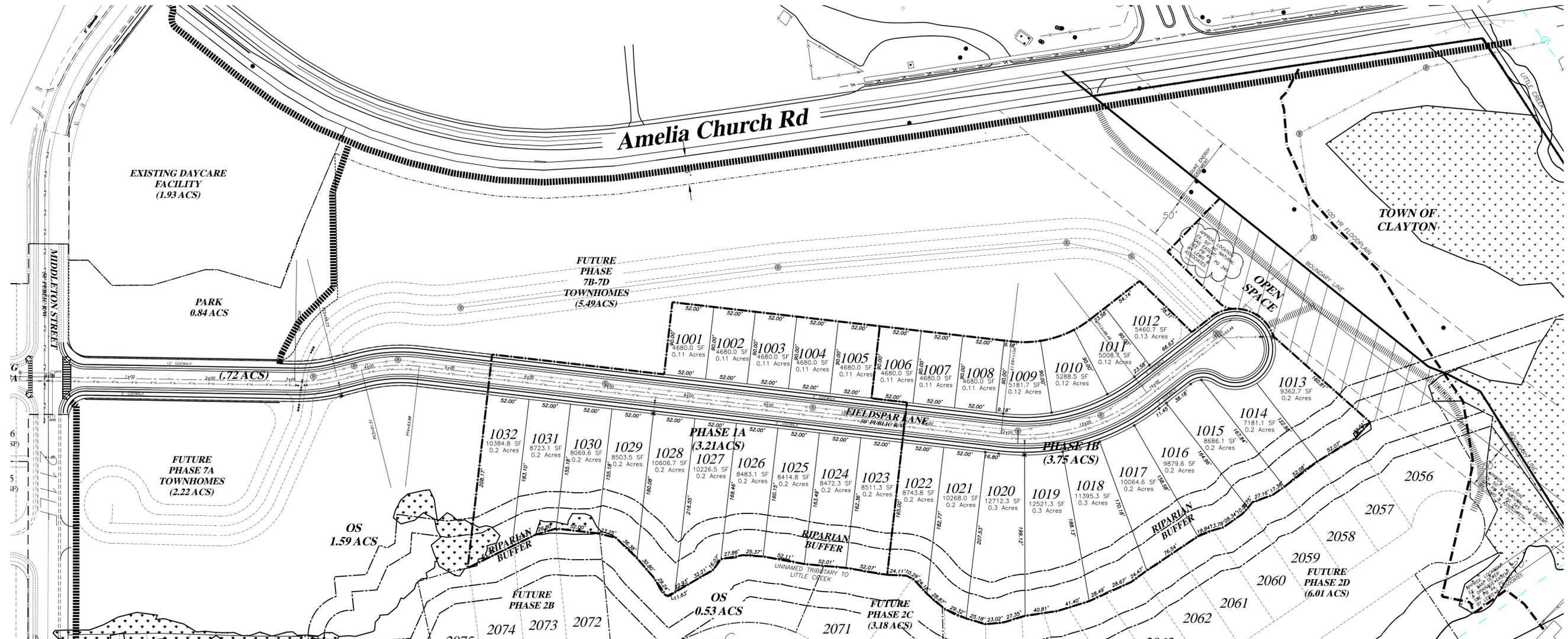
CALL 48 HOURS BEFORE YOU DIG
1-800-632-4949
NORTH CAROLINA ONE-CALL CENTER



NOT RELEASED FOR CONSTRUCTION



10-8-2014

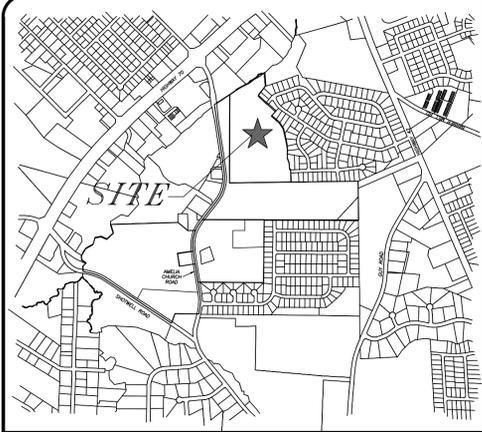


DC ADAMS ENGINEERING, INC.
 335 ATHLETIC CLUB BLVD, CLAYTON, NC 27527
 donnie@dcadamspe.com (919) 763-7278
 FIRM # C-3894

LionsGate
 Phases 1A & 1B
 FRED SMITH COMPANY, CLAYTON, NC 27527

PRELIM. UTILITY
 PLAN

FILE	LIONSGATE 1A&1B
DESIGN	DCA
DRAWN	ADS
CHECKED	DCA
HORIZONTAL SCALE	1" = 60'
VERTICAL SCALE	N/A
DATE	8/25/2014
JOB NO.	
SHEET	2
OF	3



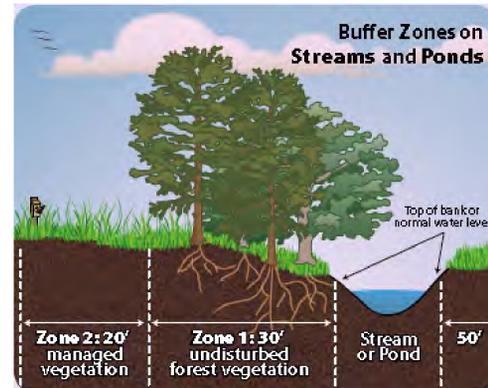
THE TOWN OF CLAYTON AND/OR JOHNSTON COUNTY RESERVE THE RIGHT TO MODIFY THE EROSION AND SEDIMENTATION CONTROL PLAN IF THE EXISTING PLAN OR ITS IMPLEMENTATION PROVE TO BE INADEQUATE.

SITE INFORMATION

1. OWNER: LIONSGATE VILLAGE, LLC
400 RIVERWOOD DR,
CLAYTON, NC 27520
2. PARCEL #: 165918-41-8761 & 165919-51-2519
3. TAX #: 05G0219817 & 05E0119C
4. TOTAL SITE ACREAGE = 6.96 ACS
5. CURRENT ZONING: PD-MU
6. PROPOSED LOTS = 32
7. ALL OPEN SPACE TO BE MAINTAINED BY LIONSGATE HOA.
8. THE DEVELOPER WILL BE RESPONSIBLE FOR THE REPLACEMENT OF ANY DAMAGED TREES WITHIN ANY LAND USE BUFFER.
9. MAXIMUM IMPERVIOUS AREA = 188,832 SF (INCLUDING STREETS, SIDEWALK, ALLEYS AND 4000SF PER LOT).

STREET YARD TREES

1. STREET YARD TREES SHALL BE REQUIRED ALONG ALL RIGHTS OF WAY AT THE RATE OF ONE CANOPY TREE PER LOT OR ONE CANOPY TREE FOR EVERY 40 LINEAR FEET (SPACE A MAXIMUM OF 50 FEET APART).
2. ALL STREET YARD TREES SHALL BE A MINIMUM OF TWO AND ONE-HALF CALIPER INCHES AT TIME OF PLANTING AND SHALL BE PLANTED NO LESS THAN FIVE FEET OR MORE THAN 15 FEET FROM THE BACK OF THE SIDEWALK.
3. SPECIES SELECTION SHALL COMPLY WITH TOWN OF CLAYTON APPROVED LIST.



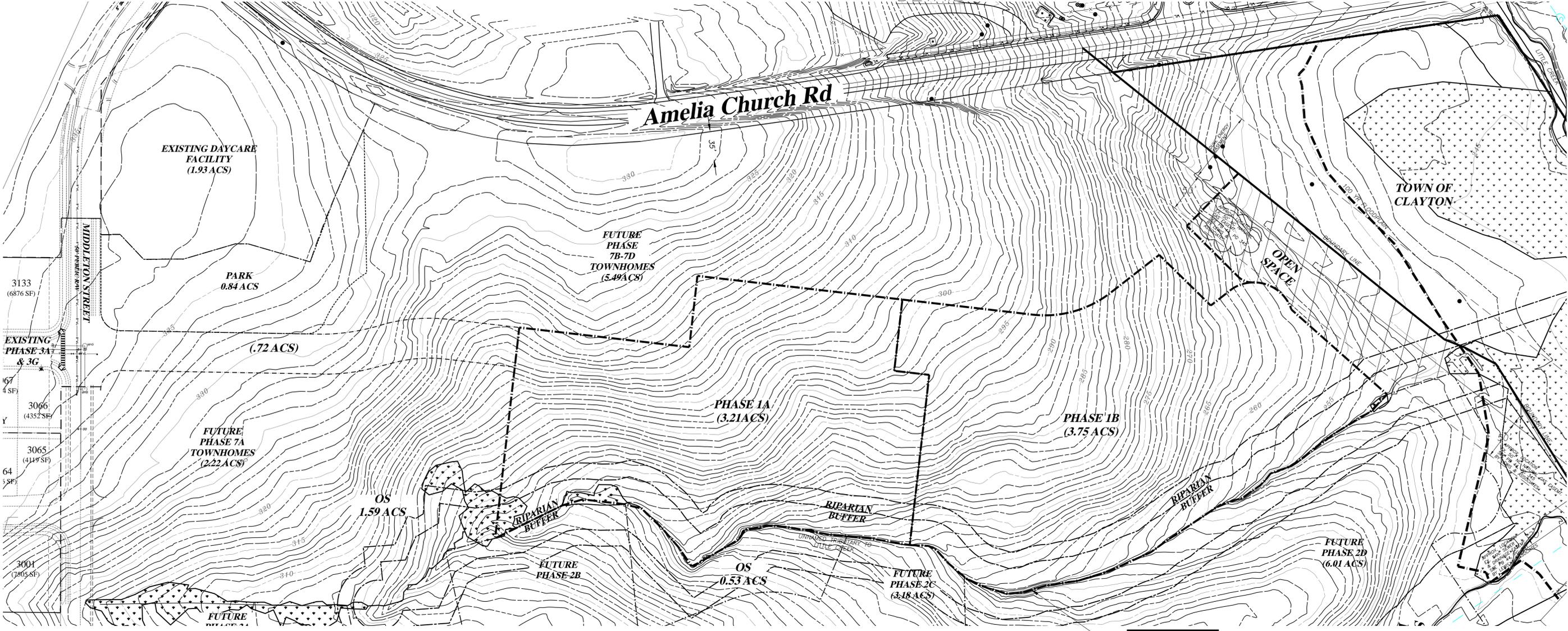
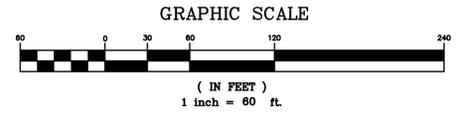
RIPARIAN BUFFER DETAIL

NOT RELEASED FOR CONSTRUCTION



10-8-2014

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



PHASE LINE

DC ADAMS ENGINEERING, INC
 335 ATHLETIC CLUB BLVD, CLAYTON, NC 27527
 donnie@dcadamspe.com (919) 763-7278 FIRM # C-3894

LionsGate
 Phases 1A & 1B
 FRED SMITH COMPANY, CLAYTON, NC 27527

EXISTING CONDITIONS	FILE	LIONS GATE 1A&1B
	DESIGN	DCA
	DRAWN	ADS
	CHECKED	DCA
	HORIZONTAL SCALE	1" = 60'
	VERTICAL SCALE	N/A
	DATE	8/25/2014
	JOB NO.	
	SHEET	3
	OF	3

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

Agenda Item: 5d

Meeting Date: November 17, 2014

TITLE: PRESENTATION OF ZONING ORDINANCE AMENDMENT

**DESCRIPTION: Text Amendment to Unified Development Code §155.202(B)(2),
Table 2-1, Use Regulations Table**

RELATED GOAL: Administrative

ITEM SUMMARY:

Date:

Requested Action:

Info. Provided:

11-17-14

Presentation
And Public Notice

Board
Recommendation &
Table

UDC Text Modification

§155.202(B)(2) Use Regulations Table

Attachments:

- 1) “Redline” copy showing proposed modifications
- 2) “Clean” copy with proposed modifications
- 3) Statement of Consistency and Reasonableness
- 4) Planning Board Recommendation from 10/27/14 meeting (Recommendation to approve the text modification)

Attachment 1: "Redline" version showing proposed modifications

§155.202(B)(2)

(2) *Uses.* Table 2-1 lists the principal uses regulated by this chapter for general use districts. For special use districts see § 155.200(B), for overlay districts see § 155.204, for planned development districts see § 155.203(L), and for accessory structures and uses see § 155.308.

Table 2-1 Use Regulations

Use Type	Zoning Districts											Specific Use Section
	Residential				Nonresidential							
	R-E	R-10	R-8	R-6	O-R	O-I	B-1	B-2	B-3	I-1	I-2	
Residential Uses												
Adult Care Home (2-6 Adults)	P	P	P	P								§155.301(A)
Adult Care Home (7-12 Adults)	S	S	S	S		C	S	S	S			§155.301(A)
Adult Care Home (13+ Adults)						C	S	S	S			§155.301(A)
Alley Loaded House		P	P	P								§155.301(B)
Apartments		P/S	P/S	S	S	S	S	S	S			§155.301(C)
Boarding House				C		P		P				§155.301(D)
Child Care Home	C	C	C	C	C							§155.301(E)
Manufactured Home	P											§155.301(F)
Manufactured Home Park	S											§155.301(G)
Nursing Home (Congregate Living Facility)	C			C		P		S	P			§155.301(H)
Two family House		P/S	P/S	S	S							§155.301(I)
Townhouse		P/S	P/S	S	S	S	S	S	S			§155.301(J)
Security/Caretaker Quarters	C								C			§155.301(K)
Single Family House	P	P	P	P								§155.301(L)
Upper-story Residence	S	P/S	P/S	P/S	S	P	P	P	P			§155.301(M)
Zero Lot Line House		P	P	P								§155.301(N)
Public and Civic Uses												
Assembly, Not For Profit	S					P			P			§155.302(A)
Cemetery	P								P			§155.302(B)
Church or Place of Worship	C	C	C	C		C		C	C			§155.302(C)
College or University						P						§155.302(D)
Day Care (Supervision for 3-8)	C	C	C	C	C							§155.302(E)
Day Care (Supervision for 9+)	C	C	C	C	C	P	P	C	P			§155.302(E)
Government Service	S	S	S	S	P	P	P	P	P	P	P	§155.302(F)
Hospital or Medical Center						P			P			§155.302(G)
School (Elementary or Secondary)	S	S	S	S		S						§155.302(H)
School (Technical, Trade or Business)	S	S	S	S		P	P		P	P	P	§155.302(I)
Recreational Uses												
Entertainment, Indoor						C	C	C	P	P		§155.303(A)
Entertainment, Outdoor									C	P		§155.303(B)
Fitness Center						C	C	C	P	P		§155.303(C)
Golf Course	P	P	P	P								§155.303(D)
Gun Range							S	S	S	S	S	§155.303(E)
Park, Active	S	S	S	S	S	S	S	S	S	S	S	§155.303(F)
Park, Passive	C	C	C	C	P	P	C	C	C	C	C	§155.303(G)
Stable, Private	P											§155.303(H)
Agricultural Uses												
Agriculture, Livestock	C										C	§155.304(A)
Agriculture, Sales and Service	P										C	§155.304(B)
Nursery	P					P	P	C	P			§155.304(C)
Commercial Uses												
Adult Oriented Business									S		S	§155.305(A)
Bed and Breakfast	P					P	P	P	P			§155.305(B)
Car Wash/Auto Detailing						C	C	P	P			§155.305(C)

Use Type	Zoning Districts											Specific Use Section
	Residential				Nonresidential							
	R-E	R-10	R-8	R-6	O-R	O-I	B-1	B-2	B-3	I-1	I-2	
Contractor Office						C	C		P	P	P	\$155.305(D)
Contractor Storage Yard									C	C	P	\$155.305(E)
Convenience Store with Gas Sales							C	C	P	P	P	\$155.305(F)
Creative Studio					P	P	P	P	P			\$155.305(G)
Financial Institution					P	P	P	P	P			\$155.305(H)
Funeral Home				C	P	P	P	P	P			\$155.305(I)
Hotel/Motel						S	S	S	P			\$155.305(J)
Kennel	C							C				\$155.305(K)
Laundry Services							C		C	P	P	\$155.305(L)
Lounge, Cocktail							S		S	S	S	\$155.305(M)
Microbrewery							P		P	P	P	\$155.305(N)
Newspaper Publisher									P	P	P	\$155.305(O)
Office, General					P	P	P	P	P	P		\$155.305(P)
Office, Medical					P	P	P	P	P	P		\$155.305(Q)
Outdoor Seating/Sidewalk Cafe						C	P	C	C			\$155.305(R)
Pawn Shop									C	P		\$155.305(S)
Radio or Television Studio									P	P	P	\$155.305(T)
Restaurant, Drive-Through						C	C	C	C	C		\$155.305(U)
Restaurant, General						C	P	P	P	C		\$155.305(V)
Retail Sales, General							P		P			\$155.305(W)
Retail Sales, Neighborhood							P	P	P			\$155.305(X)
Self-storage Facility								C	C	P	P	\$155.305(Y)
Service, General							P		P			\$155.305(Z)
Service, Neighborhood							P	P	P			\$155.305(AA)
Tattoo Parlor									S			\$155.305(BB)
Towing Service and Storage									C	C	C	\$155.305(CC)
Vehicle Repair or Service									S	P	P	\$155.305(DD)
Vehicle Sales and Rental									P	P	P	\$155.305(EE)
Veterinary Clinic						C	C	C	P			\$155.305(FF)
Video Sweepstakes Operations							C	C	C	S		\$155.305(GG)
Industrial Uses												
Building Supplies, Wholesale									C	P	P	\$155.306(A)
Crematorium										P	P	\$155.306(B)
Gas and Fuel, Wholesale										P	P	\$155.306(C)
Laboratory, Research						P			P	P	P	\$155.306(D)
Manufacturing, Limited										P	P	\$155.306(E)
Manufacturing, General										C	P	\$155.306(F)
Manufacturing, Heavy											P	\$155.306(G)
Research and Development						P			P	P	P	\$155.306(H)
Warehouse, Freight Movement									C	P	P	\$155.306(I)
Utilities												
Recycling Center										P	P	\$155.307(A)
Renewable Energy Facility										C	P	\$155.307(B)
Telecommunication Facility	S	S	S	S	S	S	S	S	S	S	S	\$155.307(C)
Utility, Minor	P	P	P	P	P	P	P	P	P	P	P	\$155.307(D)
Utility, Major										P	P	\$155.307(E)
Waste Service										C	P	\$155.307(F)
Key:												
P – Permitted												
C – Conditional Use permitted in the zoning district only if approved by the Planning Board Board of Adjustment (BOAPB) (§ 155.710)												
S – Special Use permitted in the zoning district only if approved by the Town Council (TC) (§ 155.711)												

Attachment 2: "Clean" version showing proposed modifications

§155.202(B)(2)

(2) *Uses.* Table 2-1 lists the principal uses regulated by this chapter for general use districts. For special use districts see § 155.200(B), for overlay districts see § 155.204, for planned development districts see § 155.203(L), and for accessory structures and uses see § 155.308.

Table 2-1 Use Regulations

Use Type	Zoning Districts											Specific Use Section
	Residential				Nonresidential							
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Residential Uses												
Adult Care Home (2-6 Adults)	P	P	P	P								§155.301(A)
Adult Care Home (7-12 Adults)	S	S	S	S		C	S	S	S			§155.301(A)
Adult Care Home (13+ Adults)						C	S	S	S			§155.301(A)
Alley Loaded House		P	P	P								§155.301(B)
Apartments		S	S	S	S	S	S	S	S			§155.301(C)
Boarding House				C		P		P				§155.301(D)
Child Care Home	C	C	C	C	C							§155.301(E)
Manufactured Home	P											§155.301(F)
Manufactured Home Park	S											§155.301(G)
Nursing Home (Congregate Living Facility)	C			C		P		S	P			§155.301(H)
Two family House		S	S	S	S							§155.301(I)
Townhouse		S	S	S	S	S	S	S	S			§155.301(J)
Security/Caretaker Quarters	C								C			§155.301(K)
Single Family House	P	P	P	P								§155.301(L)
Upper-story Residence	S	S	S	S	S	P	P	P	P			§155.301(M)
Zero Lot Line House		P	P	P								§155.301(N)
Public and Civic Uses												
Assembly, Not For Profit	S					P			P			§155.302(A)
Cemetery	P								P			§155.302(B)
Church or Place of Worship	C	C	C	C		C		C	C			§155.302(C)
College or University						P						§155.302(D)
Day Care (Supervision for 3-8)	C	C	C	C	C							§155.302(E)
Day Care (Supervision for 9+)	C	C	C	C	C	P	P	C	P			§155.302(E)
Government Service	S	S	S	S	P	P	P	P	P	P	P	§155.302(F)
Hospital or Medical Center						P			P			§155.302(G)
School (Elementary or Secondary)	S	S	S	S		S						§155.302(H)
School (Technical, Trade or Business)	S	S	S	S		P	P		P	P	P	§155.302(I)
Recreational Uses												
Entertainment, Indoor						C	C	C	P	P		§155.303(A)
Entertainment, Outdoor									C	P		§155.303(B)
Fitness Center						C	C	C	P	P		§155.303(C)
Golf Course	P	P	P	P								§155.303(D)
Gun Range							S	S	S	S	S	§155.303(E)
Park, Active	S	S	S	S	S	S	S	S	S	S	S	§155.303(F)
Park, Passive	C	C	C	C	P	P	C	C	C	C	C	§155.303(G)
Stable, Private	P											§155.303(H)
Agricultural Uses												
Agriculture, Livestock	C										C	§155.304(A)
Agriculture, Sales and Service	P										C	§155.304(B)
Nursery	P					P	P	C	P			§155.304(C)
Commercial Uses												
Adult Oriented Business									S		S	§155.305(A)
Bed and Breakfast	P					P	P	P	P			§155.305(B)
Car Wash/Auto Detailing						C	C	P	P			§155.305(C)

Use Type	Zoning Districts											Specific Use Section
	Residential				Nonresidential							
	R-E	R-10	R-8	R-6	O-R	O-I	B-1	B-2	B-3	I-1	I-2	
Contractor Office						C	C		P	P	P	§155.305(D)
Contractor Storage Yard									C	C	P	§155.305(E)
Convenience Store with Gas Sales							C	C	P	P	P	§155.305(F)
Creative Studio					P	P	P	P	P			§155.305(G)
Financial Institution					P	P	P	P	P			§155.305(H)
Funeral Home				C	P	P	P	P	P			§155.305(I)
Hotel/Motel						S	S	S	P			§155.305(J)
Kennel	C							C				§155.305(K)
Laundry Services							C		C	P	P	§155.305(L)
Lounge, Cocktail							S		S	S	S	§155.305(M)
Microbrewery							P		P	P	P	§155.305(N)
Newspaper Publisher									P	P	P	§155.305(O)
Office, General					P	P	P	P	P	P		§155.305(P)
Office, Medical					P	P	P	P	P	P		§155.305(Q)
Outdoor Seating/Sidewalk Cafe						C	P	C	C			§155.305(R)
Pawn Shop									C	P		§155.305(S)
Radio or Television Studio									P	P	P	§155.305(T)
Restaurant, Drive-Through								C	C	C		§155.305(U)
Restaurant, General						C	P	P	P	C		§155.305(V)
Retail Sales, General							P		P			§155.305(W)
Retail Sales, Neighborhood							P	P	P			§155.305(X)
Self-storage Facility									C	P	P	§155.305(Y)
Service, General							P		P			§155.305(Z)
Service, Neighborhood							P	P	P			§155.305(AA)
Tattoo Parlor									S			§155.305(BB)
Towing Service and Storage									C	C	C	§155.305(CC)
Vehicle Repair or Service									S	P	P	§155.305(DD)
Vehicle Sales and Rental									P	P	P	§155.305(EE)
Veterinary Clinic						C	C	C	P			§155.305(FF)
Video Sweepstakes Operations										S		§155.305(GG)
Industrial Uses												
Building Supplies, Wholesale									C	P	P	§155.306(A)
Crematorium										P	P	§155.306(B)
Gas and Fuel, Wholesale										P	P	§155.306(C)
Laboratory, Research						P			P	P	P	§155.306(D)
Manufacturing, Limited										P	P	§155.306(E)
Manufacturing, General										C	P	§155.306(F)
Manufacturing, Heavy											P	§155.306(G)
Research and Development						P			P	P	P	§155.306(H)
Warehouse, Freight Movement									C	P	P	§155.306(I)
Utilities												
Recycling Center										P	P	§155.307(A)
Renewable Energy Facility										C	P	§155.307(B)
Telecommunication Facility	S	S	S	S	S	S	S	S	S	S	S	§155.307(C)
Utility, Minor	P	P	P	P	P	P	P	P	P	P	P	§155.307(D)
Utility, Major										P	P	§155.307(E)
Waste Service										C	P	§155.307(F)
Key:												
P – Permitted												
C – Conditional Use permitted in the zoning district only if approved by the Board of Adjustment (BOA) (§ 155.710)												
S – Special Use permitted in the zoning district only if approved by the Town Council (TC) (§ 155.711)												

TOWN OF CLAYTON
PLANNING BOARD WRITTEN RECOMMENDATION
ZONING ORDINANCE AMENDMENT
(Text Amendment)

Text Amendment to UDC §155.203(B) Table 2-1, Use Regulations Table
202(B)(2)

On October 27, 2014 the Planning Board heard the above-referenced request and made the following vote:

202(B)(2)

Recommendation to approve deny the text amendment to §155.203(B), Table 2-1, as presented by staff, and to recommend approval of the Statement of Consistency and Reasonableness included in the Agenda packet.

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

Signed:



Frank Price, Planning Board Chair

TOWN OF CLAYTON
ZONING AMENDMENT
CONSISTENCY AND REASONABLENESS STATEMENT
TEXT AMENDMENT

Unified Development Code §155.202(B)(2), Table 2-1 “Use Regulations”

The Town Council of the Town of Clayton hereby states:

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

The Town of Clayton’s Strategic Growth Plan, specifically:

- Objective 2.1: Balanced Development: Old and New
- Objective 3.6: Encourage Redevelopment of Deteriorated Areas

Section 2: Based upon information presented at the public hearings and by the applicant, and based upon the recommendations and detailed information developed by staff and the Planning Board contained in the staff report, and considering the criteria applicable sections of the Unified Development Code of the Town of Clayton, specifically **the need to periodically update the Use Regulations table and the text of the Unified Development Code to reflect changing conditions within the Town and accommodate appropriate locations for various types of uses**, the above referenced zoning amendment is reasonable and in the public interest.

TOWN OF CLAYTON
ORDINANCE AMENDMENT TO CHAPTER 155, SECTION 202(B)(2), Table
2-1 “USE REGULATIONS”:

BEING HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON, NORTH CAROLINA to amend Chapter 155, Section 202(B)(2), Table 2-1 to read as follows:

§155.202(B)(2)

(2) *Uses.* Table 2-1 lists the principal uses regulated by this chapter for general use districts. For special use districts see § 155.200(B), for overlay districts see § 155.204, for planned development districts see § 155.203(L), and for accessory structures and uses see § 155.308.

Table 2-1 Use Regulations

Use Type	Zoning Districts											Specific Use Section
	Residential				Nonresidential							
	R-E	R-10	R-8	R-6	O-R	O-I	B-1	B-2	B-3	I-1	I-2	
Residential Uses												
Adult Care Home (2-6 Adults)	P	P	P	P								§155.301(A)
Adult Care Home (7-12 Adults)	S	S	S	S		C	S	S	S			§155.301(A)
Adult Care Home (13+ Adults)						C	S	S	S			§155.301(A)
Alley Loaded House		P	P	P								§155.301(B)
Apartments		S	S	S	S	S	S	S	S			§155.301(C)
Boarding House				C		P		P				§155.301(D)
Child Care Home	C	C	C	C	C							§155.301(E)
Manufactured Home	P											§155.301(F)
Manufactured Home Park	S											§155.301(G)
Nursing Home (Congregate Living Facility)	C			C		P		S	P			§155.301(H)
Two family House		S	S	S	S							§155.301(I)
Townhouse		S	S	S	S	S	S	S	S			§155.301(J)
Security/Caretaker Quarters	C								C			§155.301(K)
Single Family House	P	P	P	P								§155.301(L)
Upper-story Residence	S	S	S	S	S	P	P	P	P			§155.301(M)
Zero Lot Line House		P	P	P								§155.301(N)
Public and Civic Uses												
Assembly, Not For Profit	S					P			P			§155.302(A)
Cemetery	P								P			§155.302(B)
Church or Place of Worship	C	C	C	C		C		C	C			§155.302(C)
College or University						P						§155.302(D)
Day Care (Supervision for 3-8)	C	C	C	C	C							§155.302(E)
Day Care (Supervision for 9+)	C	C	C	C	C	P	P	C	P			§155.302(E)
Government Service	S	S	S	S	P	P	P	P	P	P	P	§155.302(F)
Hospital or Medical Center						P			P			§155.302(G)
School (Elementary or Secondary)	S	S	S	S		S						§155.302(H)
School (Technical, Trade or Business)	S	S	S	S		P	P		P	P	P	§155.302(I)
Recreational Uses												
Entertainment, Indoor						C	C	C	P	P		§155.303(A)
Entertainment, Outdoor									C	P		§155.303(B)
Fitness Center						C	C	C	P	P		§155.303(C)
Golf Course	P	P	P	P								§155.303(D)

Use Type	Zoning Districts											Specific Use Section
	Residential				Nonresidential							
	R-E	R-10	R-8	R-6	O-R	O-I	B-1	B-2	B-3	I-1	I-2	
Gun Range							S	S	S	S	S	\$155.303(E)
Park, Active	S	S	S	S	S	S	S	S	S	S	S	\$155.303(F)
Park, Passive	C	C	C	C	P	P	C	C	C	C	C	\$155.303(G)
Stable, Private	P											\$155.303(H)
Agricultural Uses												
Agriculture, Livestock	C										C	\$155.304(A)
Agriculture, Sales and Service	P										C	\$155.304(B)
Nursery	P					P	P	C	P			\$155.304(C)
Commercial Uses												
Adult Oriented Business									S		S	\$155.305(A)
Bed and Breakfast	P					P	P	P	P			\$155.305(B)
Car Wash/Auto Detailing						C	C	P	P			\$155.305(C)
Contractor Office						C	C		P	P	P	\$155.305(D)
Contractor Storage Yard									C	C	P	\$155.305(E)
Convenience Store with Gas Sales							C	C	P	P	P	\$155.305(F)
Creative Studio					P	P	P	P	P			\$155.305(G)
Financial Institution					P	P	P	P	P			\$155.305(H)
Funeral Home				C	P	P	P	P	P			\$155.305(I)
Hotel/Motel						S	S	S	P			\$155.305(J)
Kennel	C							C				\$155.305(K)
Laundry Services							C		C	P	P	\$155.305(L)
Lounge, Cocktail							S		S	S	S	\$155.305(M)
Microbrewery							P		P	P	P	\$155.305(N)
Newspaper Publisher									P	P	P	\$155.305(O)
Office, General					P	P	P	P	P	P		\$155.305(P)
Office, Medical					P	P	P	P	P	P		\$155.305(Q)
Outdoor Seating/Sidewalk Cafe						C	P	C	C			\$155.305(R)
Pawn Shop									C	P		\$155.305(S)
Radio or Television Studio									P	P	P	\$155.305(T)
Restaurant, Drive-Through								C	C	C		\$155.305(U)
Restaurant, General						C	P	P	P	C		\$155.305(V)
Retail Sales, General							P		P			\$155.305(W)
Retail Sales, Neighborhood							P	P	P			\$155.305(X)
Self-storage Facility									C	P	P	\$155.305(Y)
Service, General							P		P			\$155.305(Z)
Service, Neighborhood							P	P	P			\$155.305(AA)
Tattoo Parlor									S			\$155.305(BB)
Towing Service and Storage									C	C	C	\$155.305(CC)
Vehicle Repair or Service									S	P	P	\$155.305(DD)
Vehicle Sales and Rental									P	P	P	\$155.305(EE)
Veterinary Clinic						C	C	C	P			\$155.305(FF)
Video Sweepstakes Operations										S		\$155.305(GG)
Industrial Uses												
Building Supplies, Wholesale									C	P	P	\$155.306(A)
Crematorium										P	P	\$155.306(B)
Gas and Fuel, Wholesale										P	P	\$155.306(C)
Laboratory, Research							P			P	P	\$155.306(D)
Manufacturing, Limited										P	P	\$155.306(E)
Manufacturing, General										C	P	\$155.306(F)
Manufacturing, Heavy											P	\$155.306(G)
Research and Development							P			P	P	\$155.306(H)
Warehouse, Freight Movement									C	P	P	\$155.306(I)
Utilities												
Recycling Center										P	P	\$155.307(A)
Renewable Energy Facility										C	P	\$155.307(B)
Telecommunication Facility	S	S	S	S	S	S	S	S	S	S	S	\$155.307(C)
Utility, Minor	P	P	P	P	P	P	P	P	P	P	P	\$155.307(D)
Utility, Major										P	P	\$155.307(E)
Waste Service										C	P	\$155.307(F)

Key:

Use Type	Zoning Districts											Specific Use Section
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P – Permitted												
C – Conditional Use permitted in the zoning district only if approved by the Board of Adjustment (BOA) (§ 155.710)												
S – Special Use permitted in the zoning district only if approved by the Town Council (TC) (§ 155.711)												

Duly adopted by the Clayton Town Council this 1st day of December, 2014, while in regular session.

Jody L. McLeod,
Mayor

ATTEST:

APPROVED AS TO FORM:

Kimberly A. Moffett, CMC
Town Clerk

Katherine E. Ross
Town Attorney

DRAFT



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

Town Council

STAFF REPORT

Application Number: Related to Major Site Plan request #SP 2014-101
Project Name: East Village Office Building Special Intensity Allocation Request
NC PIN / Tag #: 166807-68-2584 / 05H03008L
Town Limits/ETJ: Both Town Limits and ETJ (annexation required)
Overlay: Watershed Protection Overlay
Applicant: Bass Nixon, and Kennedy Inc., c/o Marty Bizzell, PE
Owners: East Village Investments LLC

PROJECT LOCATION: The 1.18 acre site is located at the northeast corner of the intersection of the Front Street Extension and Old NC 42 Hwy E.

REQUEST: The applicant is requesting a Special Intensity Allocation to allow greater than 24% impervious in the Watershed Protection Overlay, for a property associated with major site plan # SP 2014-101.

SITE DATA:

Acreage: 1.18 acres
Present Zoning: R-10
Proposed Zoning: O&I (See RZ 2014-100)
Existing Use: Vacant; residential home sits on the property
Overlay: Watershed Protection Overlay

DEVELOPMENT DATA:

Proposed Uses: General Office
Buildings: One building, 7,000 square feet
Number of Stories: One story (max height of 24.5 feet at roof peak)
Building Coverage: 17% of site
Impervious Surface: 20,387 square feet (51%) **The Watershed Protection Overlay allows a maximum of 24% impervious. The majority of the site is located within this overlay. Any amount above 24% requires a Special Intensity Allocation by Town Council. Alternatively, the

property owner may install and maintain storm water quality mitigation structures (see §155.501(E)).

STAFF ANALYSIS AND COMMENTARY:

This request is related to Case # SP 2014-101, a major site plan approval request to allow a 7,000 square foot office building with “General Office” uses as defined in the Unified Development Code (UDC), and associated parking. This site plan was approved by the Planning Board on October 27, 2014, subject to the approval of a Special Intensity Allocation by the Town Council.

Non-residential properties within the Watershed Protection Overlay are limited to 24% impervious. In this case, 51% impervious was requested (calculation utilizes entire property). In order to accommodate this request, a Special Intensity Allocation is required (or the developer may utilize special stormwater mitigation devices as noted in UDC §155.501). Special Intensity Allocations are only granted via approval by the Town Council.

Per §155.501(E)(4):

“new development and expansions to existing developments may be approved on a project-by-project basis with impervious surfaces not exceeding 70% of the new project area within 10% of the total regulated watershed protection area, when approved by the Council as a special intensity allocation (SIA).”

Staff believes the intensity allocation allowing up to 70% impervious (51% is requested in this case) is appropriate at this location because it is at a new gateway into Downtown with the recent completion of the East Front Street extension, and because it would allow development patterns consistent with adjacent development.

The site is adjacent to but is not part of the East Village Planned Development.

The site is 1.18 acres, and is split by the East Front Street right-of-way, which has left a small portion of the site on the southwest side of this roadway. Development is proposed on the larger of the two segments.

This site is under concurrent review for a rezoning request from Residential-10 (R-10) to Office-Institutional (O-I) to allow office uses at this site (RZ 2014-100).

As noted, the site plan was approved by the Planning Board on October 27, 2014, subject to the following conditions:

1. The development of the site is limited to the site design and uses approved by the Planning Board. Modifications to the approved site plan shall require review and approval in accordance with Section 155.707 of the Unified Development Code.
2. Following Board approvals, three copies of the Final Site Plan, Landscape Plan and Architectural Elevations meeting the requirements of the Conditions of Approval shall be submitted to Planning Department for final approval.
3. All roof mounted and ground mechanic equipment must be completely screened from view.

4. Site Plan approval is subject to approval of rezoning request RZ 2014-100.
5. An annexation application shall be submitted to the Town of Clayton for the portion of the site outside of Town limits prior to the issuance of a building permit.
- 6. *Site Plan approval is subject to approval of a Special Intensity Allocation by the Town Council to allow greater than 24% impervious on a commercial site within the Watershed Protection Overlay.***
7. A Zoning Compliance Permit shall be required prior to issuance of any building permits.
8. Utility fees shall be paid to the Town prior to issuance of any building permits.
9. Utility construction plans shall be approved by the Public Works Department prior to issuance of building permits.
10. All signage shall require a sign permit from the Planning Department and shall meet standards of the Unified Development Code.
11. A site/landscape inspection by the Planning Department shall be required prior to issuance of a certificate of occupancy. All site improvements shall be installed prior to the site inspection.

CONSIDERATIONS

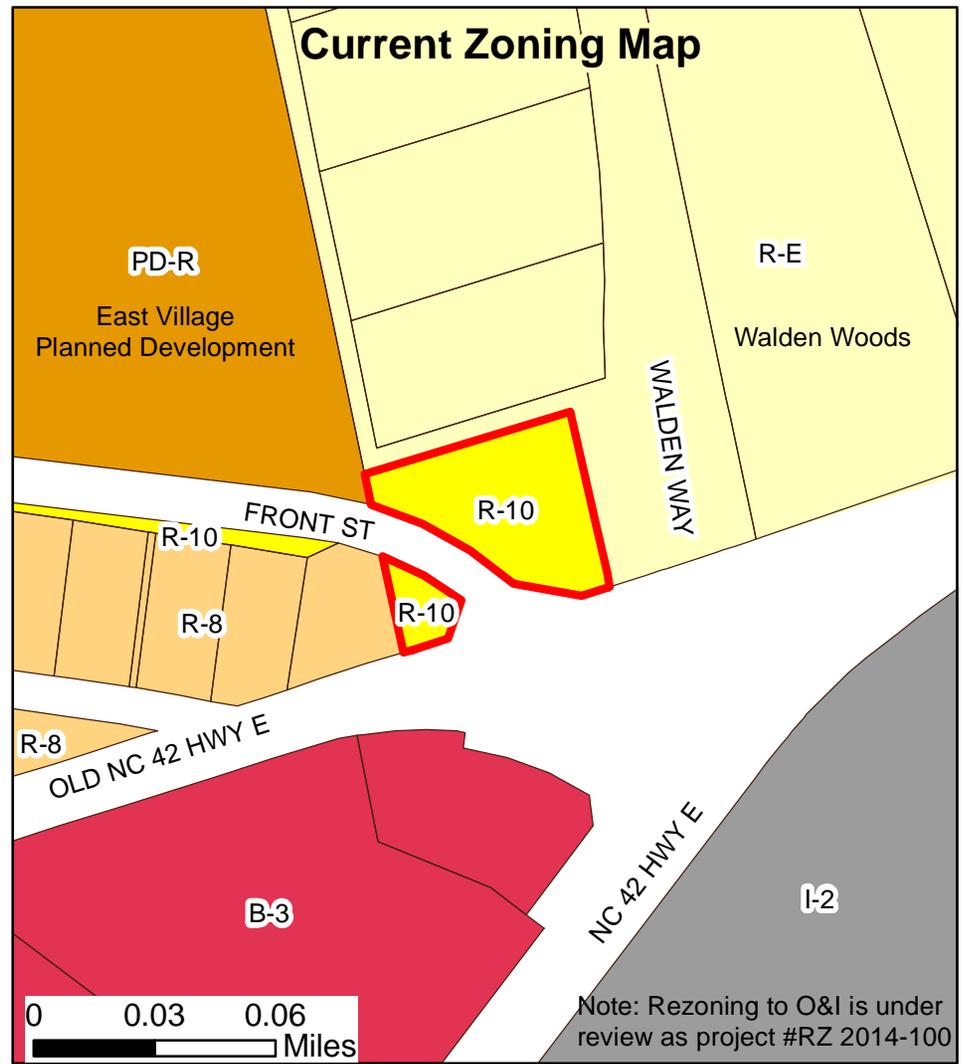
- The Site Plan was approved by the Planning Board, subject to approval of a Special Intensity Allocation by Town Council to allow greater than 24% impervious on a commercial site within the Watershed Protection Overlay.
- The Town Council grants Special Intensity Allocations

RECOMMENDATION:

Staff is recommending: Approval of a Special Intensity Allocation for the subject property

Planning Board Recommendation: APPROVAL

ATTACHMENTS: 1) Aerial and Zoning Map, **2)** Site Plan as approved by Planning Board (SP 2014-101), **3)** Planning Board Written Recommendation



East Village Office SP 2014-101 (Major Site Plan)

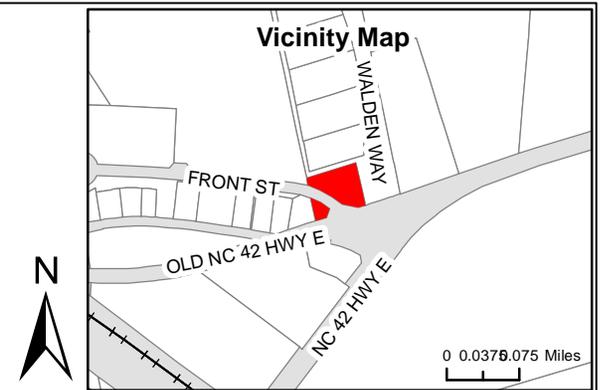
Applicant: Bass, Nixon, & Kennedy, Inc. (Marty Bizzell, PE)
 Property Owner: East Village Investments, LLC
 Parcel ID Number: 166807-68-2584
 Tag #: 05H03008L
 File Number: SP 2014-101

Produced by: TOC Planning

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



10/20/14



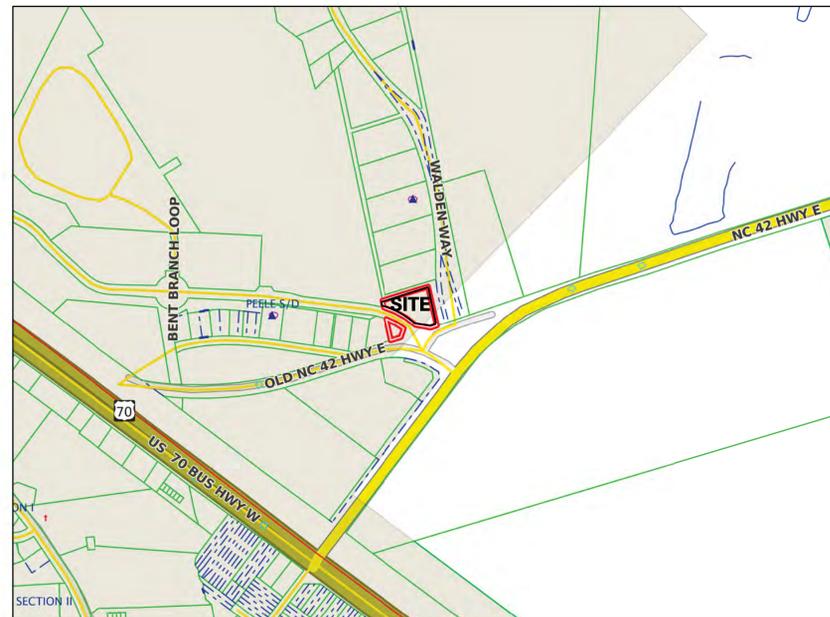
EAST VILLAGE OFFICE

PRELIMINARY SITE PLAN SUBMITTAL TOWN OF CLAYTON, WAKE COUNTY, NORTH CAROLINA

SHEET INDEX

SYMBOLS AND ABBREVIATIONS

ABC	AGGREGATE BASE COURSE		EXISTING CURB INLET
ALUM	ALUMINUM		EXISTING DROP INLET / YARD INLET
ASSY	ASSEMBLY		EXISTING FLARED END SECTION
B-B	BACK TO BACK		EXISTING FIRE HYDRANT
BOA	BLOW-OFF ASSEMBLY		EXISTING BLOW-OFF ASSEMBLY
C&G	CURB AND GUTTER		EXISTING GATE VALVE
CFS	CUBIC FEET PER SECOND		EXISTING REDUCER
CI	CURB INLET		EXISTING WATER METER
C/L	CENTER LINE		EXISTING MANHOLE / JUNCTION BOX
CO	CLEAN OUT		EXISTING CLEAN OUT
COM	COMMUNICATION		EXISTING POWER POLE
CONC	CONCRETE		EXISTING GUY WIRE
CT	COURT		EXISTING TELEPHONE PEDESTAL
CU	COPPER		EXISTING LIGHT POLE / AREA LIGHT
DCV	DOUBLE CHECK VALVE		EXISTING SIGN
DDCV	DOUBLE DETECTOR CHECK VALVE		NEW CURB INLET
DEFL	DEFLECTION		NEW GRATE INLET/YARD INLET
DI	DROP INLET		NEW FLARED END SECTION
DIP	DUCTILE IRON PIPE		NEW FIRE HYDRANT
DRAIN	DRAINAGE		NEW BLOW-OFF ASSEMBLY
DR	DRIVE		NEW GATE VALVE
EASE	EASEMENT		NEW REDUCER
ELEC	ELECTRIC		NEW WATER METER
EOP	EDGE OF PAVEMENT		NEW TEE
EXIST	EXISTING		NEW PLUG
FES	FLARED END SECTION		NEW MANHOLE
FH	FIRE HYDRANT		NEW CLEAN OUT
FM	FORCE MAIN		NEW SIGN
FT	FEET		IRON PIPE
FT/SEC	FEET PER SEC		BENCHMARK
GALV	GALVANIZED		BLOCK AND GRAVEL INLET PROTECTION
GV	GATE VALVE		SILT FENCE INLET PROTECTION
HCR	HANDICAP RAMP		EXCAVATED INLET PROTECTION
INV	INVERT		SEDIMENT BASIN
L	LENGTH		RISER BASIN
LF	LINEAR FEET		ROCK DAM
LP	LIGHT POLE		
LT	LEFT		
MH	MANHOLE		
MIN	MINIMUM		
OHE	OVERHEAD ELECTRIC		
PAVE	PAVEMENT		
PERM	PERMANENT		
PP	POWER POLE		
PVC	POLYVINYL CHLORIDE		
R	RADIUS		
R/W	RIGHT-OF-WAY		
RED	REDUCER		
RPZ	REDUCED PRESSURE ZONE		
RT	RIGHT		
S	SLOPE		
SS	SANITARY SEWER		
STA	STATION		
T	TANGENT		
TDD	TEMPORARY DIVERSION DITCH		
TELE	TELEPHONE		
TSB	TEMPORARY SEDIMENT BASIN		
TSD	TEMPORARY SLOPE DRAIN		
UG	UNDERGROUND		
W	WIDTH		
W/L	WATER LINE		
WM	WATER METER		
YI	YARD INLET		



VICINITY MAP

1" = 500'

OWNER/DEVELOPER:
EAST VILLAGE INVESTMENT, LLC
227 E. FRONT STREET
NEW BERN, NC 28560-2145
TELEPHONE: (252) 638-4215
FAX: (252) 638-7456

EMAIL: HUBIE@UHFDEVELOPMENTGROUP.COM

ENGINEERS:
BASS, NIXON AND KENNEDY, INC.
6310 CHAPEL HILL ROAD, SUITE 250
RALEIGH, NORTH CAROLINA 27607
TELEPHONE: (919) 851-4422
FAX: (919) 851-8968

CONTACT: MARTY D. BIZZELL, PE, CPESC
EMAIL: MARTY.BIZZELL@BNKINC.COM

PREPARED BY:



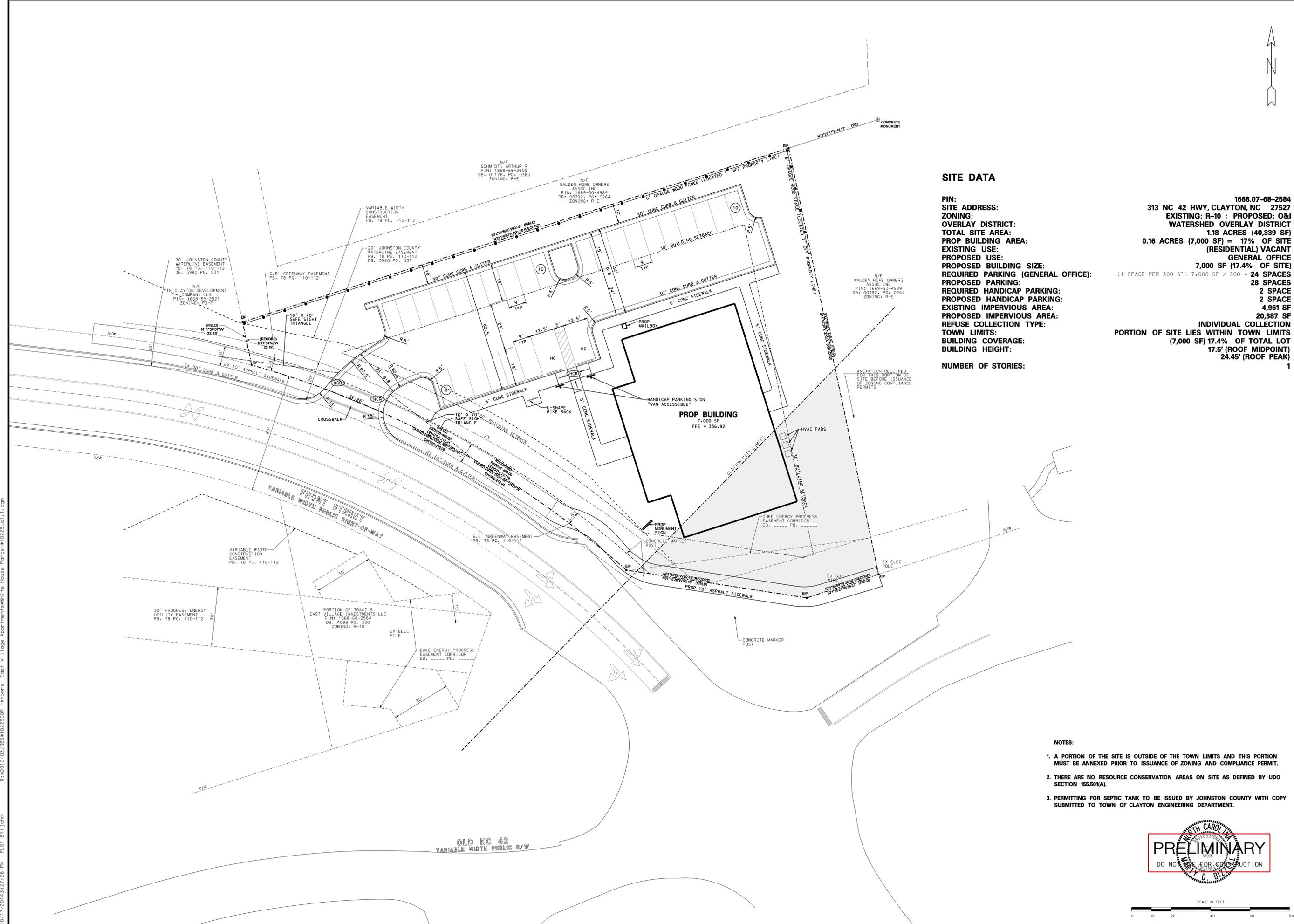
BASS, NIXON & KENNEDY, INC.
CONSULTING ENGINEERS
6310 CHAPEL HILL ROAD, SUITE 250
RALEIGH, NORTH CAROLINA 27607
TELEPHONE: (919) 851-4422 or (800) 354-1879
FAX: (919) 851-8968
www.BNKinc.com
CERTIFICATION NUMBERS: NCBELS (C-0110)
NCBOLA (C-0267)

SHEET No.	SHEET TITLE
	COVER SHEET
C1.0	EXISTING CONDITIONS PLAN
C1.1	SITE PLAN
C2.1	UTILITY PLAN
C3.1	GRADING AND DRAINAGE PLAN
L1.1	LANDSCAPE PLAN
C4.1	DETAILS
LC1.0	SITE LIGHTING PLAN
E3	ELEVATIONS

CONSTRUCTION NOTES

- ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH APPLICABLE MUNICIPALITY STANDARDS, SPECIFICATIONS, AND DETAILS. WORK IN THIS PROJECT SHALL ALSO CONFORM TO THESE PLANS, THE LATEST EDITIONS OF THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (NCDOT) ROAD AND BRIDGE SPECIFICATIONS, THE ROAD AND BRIDGE STANDARDS, THE NORTH CAROLINA EROSION AND SEDIMENT CONTROL HANDBOOK, THE NORTH CAROLINA EROSION AND SEDIMENT CONTROL REGULATIONS, THE FINAL GEOTECHNICAL REPORT, AND GENERAL DESIGN STANDARDS. IN THE EVENT OF CONFLICT BETWEEN ANY OF THESE STANDARDS, SPECIFICATIONS, OR PLANS, THE MOST STRINGENT SHALL GOVERN.
- THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR TRENCH SAFETY DURING ALL PHASES OF CONSTRUCTION.
- THE LOCATION AND SIZE OF EXISTING UTILITIES AS SHOWN IS APPROXIMATE ONLY. THE CONTRACTOR IS RESPONSIBLE FOR HORIZONTALLY AND VERTICALLY LOCATING AND PROTECTING ALL PUBLIC OR PRIVATE UTILITIES WHICH LIE IN OR ADJACENT TO THE CONSTRUCTION SITE. AT LEAST 48 HOURS PRIOR TO ANY DEMOLITION, GRADING, OR CONSTRUCTION ACTIVITY, THE CONTRACTOR SHALL NOTIFY THE NORTH CAROLINA ONE-CALL UTILITIES LOCATION SERVICE (ULOCO) AT 1-800-432-4648 FOR PROPER IDENTIFICATION OF EXISTING UTILITIES WITHIN THE SITE.
- THE CONTRACTOR SHALL SALVAGE AND PROTECT ALL EXISTING POWER POLES, SIGNS, MANHOLES, TELEPHONE RISERS, WATER VALVES, ETC. DURING ALL CONSTRUCTION PHASES. THE CONTRACTOR SHALL REPAIR, AT HIS OWN EXPENSE, ANY EXISTING UTILITIES DAMAGED DURING CONSTRUCTION.
- TRAFFIC CONTROL ON PUBLIC STREETS SHALL BE IN CONFORMANCE WITH THE TRAFFIC CONTROL PLAN, THE MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES, AND AS FURTHER DIRECTED BY CITY AND STATE INSPECTORS.
- ANY DISCREPANCIES FOUND BETWEEN THE DRAWINGS AND SPECIFICATIONS AND SITE CONDITIONS OR ANY INCONSISTENCIES OR AMBIGUITIES IN DRAWINGS OR SPECIFICATIONS SHALL BE IMMEDIATELY REPORTED TO THE ENGINEER, IN WRITING, WHO SHALL PROMPTLY ADDRESS SUCH INCONSISTENCIES OR AMBIGUITIES. WORK DONE BY THE CONTRACTOR AFTER HIS DISCOVERY OF SUCH DISCREPANCIES, INCONSISTENCIES, OR AMBIGUITIES SHALL BE DONE AT THE CONTRACTOR'S RISK.
- A PRE-CONSTRUCTION CONFERENCE SHALL BE HELD PRIOR TO THE START OF CONSTRUCTION. THE CONTRACTOR SHALL ARRANGE THE MEETING WITH THE CITY ENGINEERING DIVISION.
- CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL REQUIRED PERMITS AND APPROVALS PRIOR TO COMMENCING CONSTRUCTION.
- ALL AREAS SHALL BE GRADED FOR POSITIVE DRAINAGE AND AS SHOWN ON THESE PLANS. THE CONTRACTOR SHALL MAINTAIN ADEQUATE SITE DRAINAGE DURING ALL PHASES OF CONSTRUCTION. THE CONTRACTOR SHALL USE SILT FENCES (OR OTHER METHODS APPROVED BY THE ENGINEER AND APPLICABLE MUNICIPALITY) AS REQUIRED TO PREVENT SILT AND CONSTRUCTION DEBRIS FROM FLOWING ONTO ADJACENT PROPERTIES. CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE FEDERAL, STATE, OR LOCAL EROSION, CONSERVATION, AND SILTATION ORDINANCES. CONTRACTOR SHALL REMOVE ALL TEMPORARY EROSION CONTROL DEVICES UPON COMPLETION OF PERMANENT DRAINAGE FACILITIES AND THE ESTABLISHMENT OF A STAND OF GRASS OR OTHER GROWTH TO PREVENT EROSION.
- THE CONTRACTOR SHALL CLEAR AND GRUB THE SITE AND PLACE, COMPACT, AND MOISTURE CONDITION ALL FILL PER THE PROJECT GEOTECHNICAL ENGINEER'S SPECIFICATIONS. THE FILL MATERIAL TO BE USED SHALL BE APPROVED BY THE GEOTECHNICAL ENGINEER PRIOR TO PLACEMENT.
- MATERIALS USED TO CONSTRUCT EMBANKMENTS FOR ANY PURPOSE, BACKFILL AROUND DRAINAGE STRUCTURES, OR IN UTILITY TRENCHES FOR ANY OTHER DEPRESSION REQUIRING FILL OR BACKFILL SHALL BE COMPACTED TO 95% OF MAXIMUM DENSITY AS DETERMINED BY THE STANDARD PROCTOR TEST AS SET OUT IN ASTM STANDARD D998. STONE BACKFILL SHALL BE COMPACTED TO 95% MAXIMUM DENSITY AS DETERMINED BY THE MODIFIED PROCTOR TEST AS SET OUT IN ASTM STANDARD D1557. THE CONTRACTOR SHALL, PRIOR TO ANY OPERATIONS INVOLVING FILLING OR BACKFILLING, SUBMIT THE RESULTS OF THE PROCTOR TEST TOGETHER WITH A CERTIFICATION THAT THE SOIL TESTED IS REPRESENTATIVE OF THE MATERIALS TO BE USED ON THE PROJECT. TESTS SHALL BE CONDUCTED BY A CERTIFIED MATERIALS TESTING LABORATORY AND THE CERTIFICATIONS MADE BY A LICENSED PROFESSIONAL ENGINEER REPRESENTING THE LABORATORY.
- PROPOSED CONTOURS AND GUTTER GRADIENTS ARE APPROXIMATE. PROPOSED SPOT ELEVATIONS AND ROADWAY PROFILES/SUPERELEVATIONS ARE TO BE USED IN CASE OF DISCREPANCY.
- THE CONTRACTOR SHALL REVIEW, VERIFY AND COORDINATE ALL DIMENSIONS SHOWN ON PLANS, INCLUDING THE HORIZONTAL AND VERTICAL LOCATION OF CURB INLETS AND GRATE INLETS AND ALL UTILITIES CROSSING THE STORM SEWER PRIOR TO STARTING PROJECT.
- ALL CURB JOINTS SHALL EXTEND THROUGH THE CURB. MINIMUM LENGTH OF OFFSET JOINTS AT RADIUS POINTS IS 1.5 FEET. ALL JOINTS SHALL BE SEALED WITH JOINT SEALANT.
- ALL HANDICAP RAMPING, STRIPING, AND PAVEMENT MARKINGS SHALL CONFORM TO ADA REQUIREMENTS AND THE NORTH CAROLINA STATE BUILDING CODE, VOL. 1-C ACCESSIBILITY CODE.
- OWNER SHALL PROVIDE FENCING AND OTHER SAFETY MEASURES NECESSARY IN AND AROUND ANY PROPOSED STORMWATER MANAGEMENT MEASURES (PONDS, WETLANDS, ETC.) OBTAINING PERMITS SHALL BE THE RESPONSIBILITY OF THE OWNER.
- RETAINING WALLS EXCEEDING 30 INCHES IN HEIGHT SHALL INCLUDE FALL PROTECTION IN THE FORM OF A HANDRAIL OR FENCING ON THE HIGH SIDE OF THE RETAINING WALL.
- PROPER COMPACTION OF ALL FILL SOILS PLACED ON SITE SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR. COMPACTION SHALL BE ADEQUATE TO SUPPORT THE PROPOSED USE OF AREAS IN WHICH FILL SOILS ARE PLACED. THE CONTRACTOR SHALL HIRE A GEOTECHNICAL ENGINEER TO TEST AND VERIFY THAT COMPACTION IS ADEQUATE FOR THE PROPOSED USE OF IN THE AREA OF FILL PLACEMENT.
- ALL ASPECTS OF THIS PROJECT SHALL BE IN FULL COMPLIANCE WITH CURRENT ADA STANDARDS. IF THE CONTRACTOR NOTES ANY ASPECTS OF THE PROJECT WHICH ARE NOT IN COMPLIANCE, THE ENGINEER SHALL BE NOTIFIED PRIOR TO ANY FURTHER WORK BEING PERFORMED. ANY WORK PERFORMED AFTER THE CONTRACTOR NOTES SUCH A NON COMPLIANCE IS SUBJECT TO REMOVAL AND REPAIR AT THE CONTRACTOR'S EXPENSE.
- THE CONTRACTOR OR OWNER SHALL EMPLOY A GEOTECHNICAL ENGINEER TO TEST ALL EMBANKMENTS AND FILL PLACEMENT FOR PROPER COMPACTION. PROPER COMPACTION SHALL BE PER THE GEOTECHNICAL ENGINEER'S RECOMMENDATIONS OR THESE PLANS, WHICHEVER IS MORE STRINGENT. EMBANKMENTS FOR PONDS SHALL BE PLACED IN 6 INCH LOOSE LAYERS AND SHALL BE COMPACTED TO A DENSITY OF NO LESS THAN 95% OF THE STANDARD PROCTOR MAXIMUM DENSITY AT A MOISTURE CONTENT OF + OR - TWO PERCENTAGE POINTS OF THE OPTIMUM MOISTURE CONTENT IN ACCORDANCE WITH ASTM D998. THE CONTRACTOR SHALL TAKE PHOTOGRAPHS OF THE OUTLET STRUCTURE AT ALL AT ALL PHASES OF INSTALLATION AND SHALL RETAIN WITH GEOTECHNICAL TESTING DATA. THE CONTRACTOR SHALL ALSO RETAIN ALL SHIPPING RECORDS AND SPECIFICATIONS FOR THE OUTLET STRUCTURE MATERIALS AND STRUCTURES. ALL OF THE ABOVE DATA MAY BE REQUIRED AS PART OF THE MUNICIPALITY AS-BUILT PROCESS AND SHALL BE MADE AVAILABLE TO THE ENGINEER UPON REQUEST. THE CONTRACTOR AND OWNER SHALL HAVE DOCUMENTATION OF THESE TESTS AVAILABLE UPON REQUEST.
- RETAINING WALLS SHOWN HEREIN SHALL BE DESIGNED BY A QUALIFIED PROFESSIONAL ENGINEER WITH EXPERIENCE DESIGNING RETAINING WALLS. AT LEAST 14 DAYS PRIOR TO BEGINNING CONSTRUCTION OF RETAINING WALLS, THE CONTRACTOR SHALL CONTACT THE OWNER'S GEOTECHNICAL ENGINEER TO SCHEDULE AND COORDINATE ALL APPROPRIATE INSPECTIONS, TESTING, AND VERIFICATION NECESSARY DURING RETAINING WALL CONSTRUCTION. THE GEOTECHNICAL ENGINEER SHALL PROVIDE CONTINUOUS INSPECTION, TESTING AND VERIFICATION FOR THE DURATION OF RETAINING WALL CONSTRUCTION. PROPER SCHEDULING, EXECUTION, AND RECORD KEEPING FOR ALL REQUIRED INSPECTIONS, TESTING, AND VERIFICATION SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR. SUCH RECORDS SHALL BE RETAINED AND SHALL BE PROVIDED TO THE OWNER AND BASS, NIXON & KENNEDY, INC. ALL MONITORING, TESTING, AND VERIFICATION SHALL CONFORM TO THE MOST RECENT VERSION OF THE NC BUILDING CODE CHAPTER 18, SECTION 1806 OR THE WALL DESIGN ENGINEER'S SPECIFICATIONS, WHICHEVER IS MORE STRINGENT.

10/17/2014 3:27:26 PM PLOT BY: jarn R:\2010-03\085\102250R -Arbors -East Village Apartments\White House Porcch\10225-cl-1.dgn



SITE DATA

PIN: 1668.07-68-2584
SITE ADDRESS: 313 NC 42 HWY, CLAYTON, NC 27527
ZONING: EXISTING: R-10 ; PROPOSED: O&I
OVERLAY DISTRICT: WATERSHED OVERLAY DISTRICT
TOTAL SITE AREA: 1.18 ACRES (40,339 SF)
PROP BUILDING AREA: 0.16 ACRES (7,000 SF) = 17% OF SITE
EXISTING USE: (RESIDENTIAL) VACANT
PROPOSED USE: GENERAL OFFICE
PROPOSED BUILDING SIZE: 7,000 SF (17.4% OF SITE)
REQUIRED PARKING (GENERAL OFFICE): (1 SPACE PER 300 SF) 7,000 SF / 300 = 24 SPACES
PROPOSED PARKING: 28 SPACES
REQUIRED HANDICAP PARKING: 2 SPACE
PROPOSED HANDICAP PARKING: 2 SPACE
EXISTING IMPERVIOUS AREA: 4,961 SF
PROPOSED IMPERVIOUS AREA: 20,387 SF
REFUSE COLLECTION TYPE: INDIVIDUAL COLLECTION
TOWN LIMITS: PORTION OF SITE LIES WITHIN TOWN LIMITS
BUILDING COVERAGE: (7,000 SF) 17.4% OF TOTAL LOT
BUILDING HEIGHT: 24.45' (ROOF PEAK)
NUMBER OF STORIES: 1

- NOTES:**
1. A PORTION OF THE SITE IS OUTSIDE OF THE TOWN LIMITS AND THIS PORTION MUST BE ANNEXED PRIOR TO ISSUANCE OF ZONING AND COMPLIANCE PERMIT.
 2. THERE ARE NO RESOURCE CONSERVATION AREAS ON SITE AS DEFINED BY UDO SECTION 155.50(A).
 3. PERMITTING FOR SEPTIC TANK TO BE ISSUED BY JOHNSTON COUNTY WITH COPY SUBMITTED TO TOWN OF CLAYTON ENGINEERING DEPARTMENT.



BASS, NIXON & KENNEDY, INC.

CONSULTING ENGINEERS

6310 CHAPEL HILL ROAD, SUITE 250, RALEIGH, NC 27607
TELEPHONE: (919) 851-4422 OR (603) 354-1879 FAX: (919) 851-9968
CERTIFICATION NUMBERS: NCBELS (C-0110); NCBOLA (C-0267)

JOB NO. 05-1049

DATE 8-1-14

DRAWN BY J. TYUS

JOB NO.

DATE

DRAWN BY

JOB NO.

DATE

FIBER CEMENT SIDING/TRIM

ARCHITECTURAL SHINGLES

METAL ROOF

STACKED STONE WAINSCOT

FRONT ELEVATION

ARCHITECTURAL SHINGLES

METAL ROOF

FIBER CEMENT SIDING/TRIM

STACKED STONE WAINSCOT

RIGHT ELEVATION

PRELIMINARY FOR REVIEW ONLY NOT FOR CONSTRUCTION

CLAYTON OFFICE BUILDING Clayton, NC

GENERAL CONTRACTOR
0310 2521 2522 2523 2524
P.O. Box 281 • 1400 Industrial Blvd
Greenville, South Carolina 29615
www.cbc.com



DUNN & DALTON ARCHITECTS

Issue Date: 7-23-14
Revisions:

E3

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TOWN OF CLAYTON, NC

PLANNING BOARD DECISION FORM

Application Name & Number:

SP 2014-101, East Village Office Building (Major Site Plan)

On October 27, 2014 the Planning Board heard the above-referenced request and made the following votes:

1) Site Plan:

Approval of the request with the conditions as presented by staff at the meeting.

Approval of the request with the following amendments to the conditions presented by staff at the meeting:

Denial of the request.

2) Alternative Parking Plan Request

Approval of the request.

Denial of the request.

3) Special Intensity Allocation

Recommendation of approval of the request.

Recommendation of denial of the request.

Motions made this 27th day of October, 2014 while in regular session.

Signed:



Frank Price, Planning Board Chair

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

Agenda Item: 6a Meeting Date: November 17, 2014

TITLE: WARRANTY AND DEDICATION ACCEPTANCES

DESCRIPTION: Riverwood Athletic Phase 6D-2 (Alpine Valley), Amelia Station, Riverwood Athletic Phases 2B, 2B-2, 2C, 2D, 2E, 2F and 2G, Lions Gate Phase 3A & 3G, Riverwood Athletic Club, Ravens Ridge, Phase 2F-2 & Riverwood Athletic Club - Phases 6D-2 (Alpine Valley)

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Requested Action:</u>	<u>Info. Provided:</u>
11-17-14	Review	Memos from Inspector

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 Inspector *CR*

Copy: David DeYoung, Planning Director
Donnie Adams, DC Adams Engineering

Date: October 27, 2014

Re: Riverwood AC, Phase 6D-2 (Alpine Valley)

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

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WATER RECLAMATION
(919) 553-1535

MEMORANDUM

To: Kimberly Moffett, Town Clerk

From: Chris Rowland, Construction Inspector *CR*

Copy: Adam Pike, Stewart Engineering
David DeYoung, Planning Director

Date: October 23, 2014

Subject: Apartments at Amelia Station (Interior Water & Sewer)

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

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"ENVIRONMENT"

PUBLIC WORKS
(919) 553-1530

WATER RECLAMATION
(919) 553-1535

MEMORANDUM

To: Kimberly Moffett, Town Clerk

From: Chris Rowland, Construction Inspector *CR*

Copy: Donnie Adams, DC Adams Engineering
Dave DeYoung, Planning Director

Date: October 23, 2014

Subject: RWAC, Phases 2B, 2B-2, 2C, 2D, 2E, 2F, & 2G

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

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(919) 553-1530

WATER RECLAMATION
(919) 553-1535

MEMORANDUM

To: Kimberly Moffett, Town Clerk

From: Chris Rowland, Construction Inspector *CR*

Copy: Donnie Adams, DC Adams Engineering
David DeYoung, Planning Director

Date: November 4, 2014

Subject: RWAC, Phases 6D-2 (Alpine Valley)

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

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(919) 553-1530

WATER RECLAMATION
(919) 553-1535

MEMORANDUM

To: Kimberly Moffett, Town Clerk

From: Chris Rowland, Construction Inspector 

Copy: Donnie Adams, DC Adams Engineering
David DeYoung, Planning Director

Date: November 5, 2014

Subject: Lions Gate Subdivision, Phase 3A & 3G

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

TOWN OF CLAYTON OPERATIONS CENTER

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PUBLIC WORKS
(919) 553-1530

WATER RECLAMATION
(919) 553-1535

MEMORANDUM

To: Kimberly Moffett, Town Clerk

From: Chris Rowland, Construction Inspector 

Copy: Donnie Adams, DC Adams Engineering
David DeYoung, Planning Director

Date: November 5, 2014

Subject: RWAC, Ravens Ridge, Phase 2F-2

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

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

Agenda Item: 6b

Meeting Date: November 17, 2014

TITLE: PRESENTATION OF PROPOSED MAP

DESCRIPTION: Proposed map delineating neighborhoods for planning purposes.

RELATED GOAL: Administrative

ITEM SUMMARY:

Date:

Requested Action:

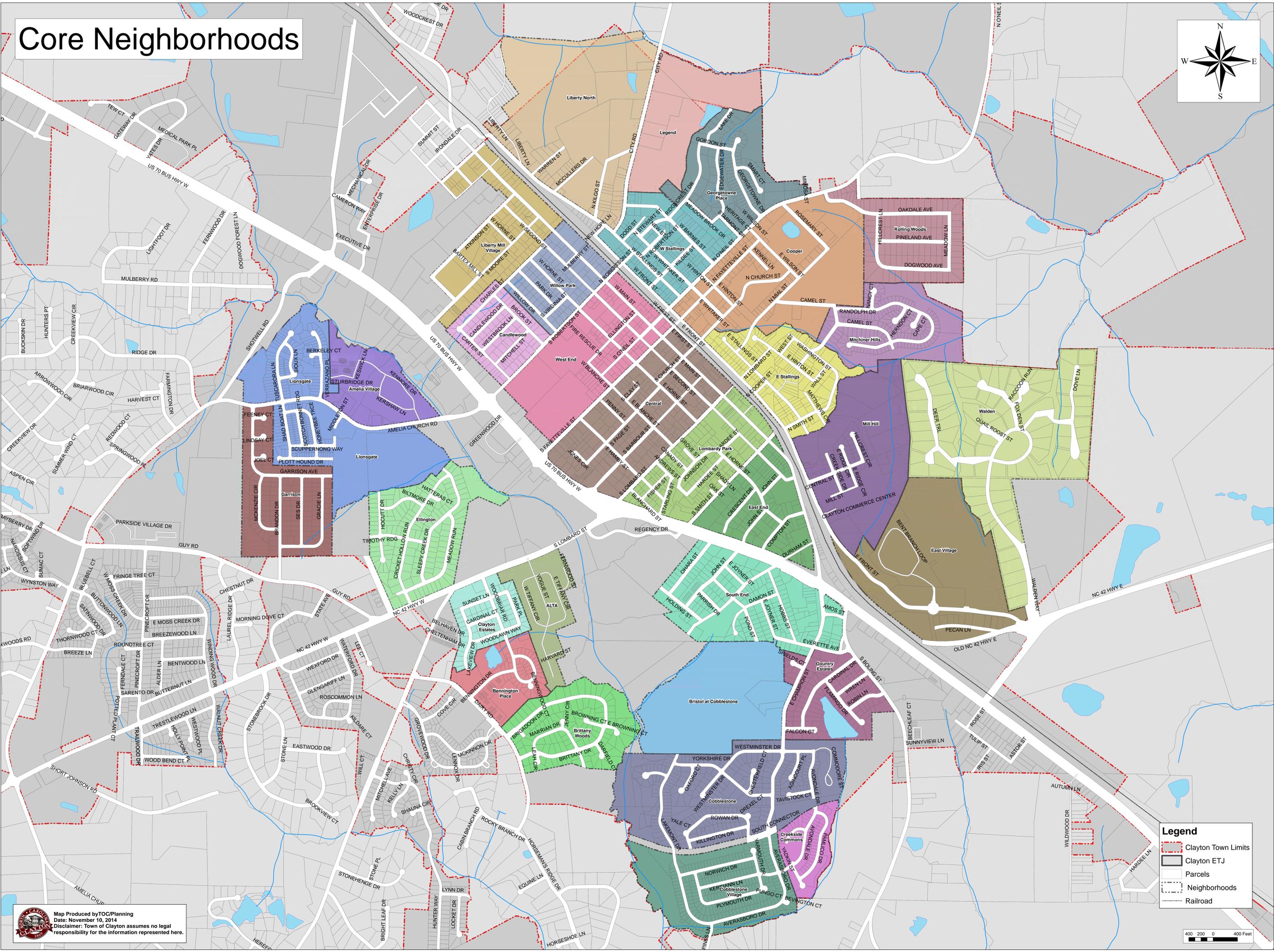
Info. Provided:

11-17-14

Presentation

Map

Core Neighborhoods



Legend

- Clayton Town Limits
- Clayton ETJ
- Parcels
- Neighborhoods
- Railroad



Map Produced by TOC/Planning
 Date: November 10, 2014
 Disclaimer: Town of Clayton assumes no legal responsibility for the information represented here.

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

Agenda Item: 8a

Meeting Date: November 17, 2014

TITLE: Amendment to the Solid Waste Ordinance

DESCRIPTION: The solid waste ordinance is proposed for amendment

ITEM SUMMARY:

Date:

Action:

Info. Provided:

11-17-14

Review

Proposed amendment

CHAPTER 96: SOLID WASTE MANAGEMENT

§96.00 DEFINITIONS

(A) Building Materials

Materials used in the construction of buildings or other structures.

(B) Cart

A movable plastic container issued by the Town which is to be used for the collection and disposal of solid waste.

(C) Debris

A collection of loose material made up of fragments or remnants of something naturally scattered, destroyed, or broken.

(D) Dumpster

A large volume solid waste container that has a hooking mechanism which allows it to be raised and dumped into a sanitation truck.

(E) Force Majeure

An extraordinary circumstance such as a calamitous natural event, that prevents regular delivery of services or requires special measures in the interest of public health and welfare.

(F) Garbage

Waste materials, excluding Yard Waste, that are generated by daily living including food scraps, non-recyclable packaging and other materials not otherwise suitable for recycling.

(G) Landlord

Any person, agent, firm, corporation, or partnership that has charge, care or control of any premises or property.

(H) Recyclable Material

Waste materials including but not limited to metals, glass, plastic and paper which are disposed of but intended for reuse.

(I) Solid Waste

Any garbage, debris or other discarded materials.

(J) Yard Waste

Solid waste solely consisting of vegetative matter resulting from landscaping maintenance.

§96.01 GARBAGE AND RECYCLING COLLECTION ROUTES AND SCHEDULES

- (A) Where the Town provides collection of garbage and recycling, residential property owners or their tenants must use Town collection services.
- (B) Single family residential customers will receive once per week curbside collection of garbage, and yard waste (i.e., limbs, grass clippings, plant trimmings), and collection of recyclable materials every other week.
- (C) Multi-family residential customers will receive once per week collection of garbage and the collection of recyclable materials every other week. It is the responsibility of the landlord to collect yard waste (i.e., limbs, grass clippings, plant trimmings).
 - (1) Multi-family developments will receive an equivalent level of solid waste collection service per unit for volume collected as compared to a single-family unit.
 - (2) Multi-family developments or complexes which cannot readily or practically be served with standard solid waste and recycling carts may be subject to a solid waste disposal surcharge, based on the actual cost to the Town to serve the subject property with dumpsters.
 - (3) All new multi-family developments with more than eight units must have dumpster facilities. The Town and the landlord may enter into an agreement for solid waste disposal facilities and services, or the landlord may enter into an agreement with a private solid waste contractor providing equivalent service.
- (D) Non-residential customers are required to contract with a private solid waste contractor for garbage collection.
- (E) To ensure an equitable and timely delivery of solid waste services residential areas shall be divided into collection routes. Each route shall receive garbage and yard waste collection service once per week and recyclable collection every other week. The day of service may change as routes increase or decrease in size, but not without written notice. Affected customers shall be notified in advance of changes to their service collection schedule.
- (F) Normal service may be delayed due to extreme weather conditions, holidays, equipment breakdowns, or due to other unusual circumstances. In the case of holidays, general notice shall be provided in advance of any schedule change.

(Ord. passed 8-17-87; Am. Ord. passed 10-7-91; Am. Ord. passed 8-16-93; Am. Ord. 4-15-96) Penalty, see § 10.99

§ 96.02 GARBAGE & RECYCLING CARTS USE, CARE AND STORAGE

- (A) The Town shall provide suitable carts for garbage and recyclables to each single family residential customer. The sole purpose of these carts is for garbage and recycling collection. Yard waste, hazardous materials, tires and all other materials not classified as municipal solid waste are prohibited from disposal in the Town provided carts.
- (B) Carts provided by the Town shall be kept on the private premises of the customer, property owner, resident, or occupant.
- (C) Every cart provided through this Section shall be maintained in a sanitary condition and shall be cleaned (i.e., washing or otherwise) by the customer, property owner, resident, or occupant. Each residential customer shall be responsible for the care and custody of their assigned carts. It shall be the customer's financial responsibility to replace any cart damaged or destroyed by improper use or neglect. The Town shall replace carts which are damaged or destroyed as a result of age, defect, or other incident beyond the customer's control.
- (D) It is the responsibility of each customer to place carts curbside for collection such that they do not interfere with vehicular traffic on the street or pedestrian traffic on the sidewalk . Any customer found in violation of this requirement may be subject to assessments or fines by the Town.
- (E) Carts should be placed curbside with the front side facing the street and the back (handle) side facing the residence. Multiple carts placed curbside should be spaced such that the collection truck can reach each cart without contacting the adjoining cart.
- (F) A pull-out service may be performed by collection personnel for those customers who are physically unable to move the cart out to the street, either due to age, illness, or other physical disabilities. Customers requiring pull-out service must contact the Town Customer Service Department to request this special service. Each request shall be taken into consideration by the Town to determine the actual need of the customer making the request. This service shall be granted at the Town's discretion.
- (G) Carts shall not be placed curbside before 5:00 p.m. on the day before the scheduled collection day. The cart must then be removed from the curbside no later than 8:00 a.m. on the weekday following the scheduled collection day. Any customer found to be in violation of this requirement may be subject to assessments or fines by the Town.
- (H) Garbage, recyclables and other household debris shall be limited to that amount which can be placed within the carts provided by the Town, with the lid closed at all times. The Town from time to time, may provide customers seasonal exceptions to this limit. Seasonal exceptions will be listed on the Town's website.
- (I) Residential customers may request additional garbage carts and/or recycling carts for an additional fee.

(Ord. passed 8-17-87; Am. Ord. passed 10-7-91; Am. Ord. passed 8-16-93; Am. Ord. passed 4-15-96)
Penalty, see § 10.99

§ 96.03 YARD WASTE COLLECTION REQUIREMENTS.

- (A) As a part of the Town's monthly solid waste fee, the Town shall collect yard waste placed curbside in accordance with this ordinance each week.
- (1) Limbs up to four inches in diameter are limited to six feet in length. Limbs greater than four inches in diameter but less than 10 inches in diameter shall be collected only if cut into lengths of two feet or less. Limbs greater than 10 inches in diameter will not be collected. Limbs shall be stacked neatly behind the curb with all sawed ends facing the street.
 - (a) Piles of limbs and other yard waste placed curb-side for collection shall be no greater than six feet in depth from the curb to the back of the pile, no greater than three feet high, and no greater than six feet wide.
 - (b) Piles of limbs meeting the specified dimensions will be collected under the base collection fee.
 1. Limbs exceeding the specified dimensions (size) in § 96.03(A)(1) above will not be collected and shall be considered in violation of this Ordinance.
 2. A volume of limbs greater than the size specified in § 96.03(A)(1)(a) above shall be subject to a special collection fee.
 3. In the event of force majeure, the Town Council may act to suspend special collection fees associated with limb collection for a specified time period.
 - (2) Except as specified in § 96.03(C) below, yard waste (other than limbs but including leaves, grass clippings, pine straw, shrubbery, shrubbery clippings, other small natural waste materials) shall be containerized in clear plastic bags, boxes, or other plastic/metal containers (no greater than 50 gallons each) and shall be placed curbside for collection once per week. Standard yard waste collection service shall be included as part of the monthly solid waste fee.
 - (a) Special collection fees shall be assessed for collection of all yard waste exceeding the dimensional standards established by this Ordinance. In the event of force majeure, the Town Council may act to suspend special collection charges for a specified time period.
 - (3) Each year the Town shall publish a schedule for the collection of loose leaves on the Town's website. During loose leaf collection residents are relieved of the responsibility for containerizing leaves and may place leaves in the area generally located between the edge of the street and the sidewalk or ditch (not in the gutter or drainage ditch).
 - (a) Leaves shall be free of sticks, limbs, rocks, soil, and other debris. If leaves are mixed with other debris, they will not be collected. Mixed piles of debris and leaves must be separated before collection.

- (b) Customers who containerize leaves can expect their leaves to be collected on the scheduled yard waste collection day each week.
 - (c) Loose leaf collection shall not follow a set daily schedule except that each residence shall receive one time per week, loose leaf collection during the defined season. The defined season shall be provided on the Town's website.
- (4) It is the responsibility of each customer to place yard waste so that it does not interfere with vehicular traffic on the street or pedestrian traffic on the sidewalk. Any customer found in violation of this requirement may be subject to assessments or fines by the Town.
 - (5) The Town, shall not collect any building construction materials left by a contractor. It shall be the sole responsibility of said contractor to properly dispose of these waste materials.
 - (6) The Town will not collect trees, stumps, limbs, and general debris related to land-clearing operations. It is the sole responsibility of the contractor and/or owner to properly dispose of said materials.
 - (7) The Town will not collect tree cuttings related to the work completed by a tree care professional (i.e., tree surgeon, tree trimmer, and the like) hired by a residential customer, unless the cuttings comply with all requirements set forth in § 96.03(A)(1).

(Ord. passed 8-17-87; Am. Ord. passed 10-7-91; Am. Ord. passed 8-16-93; Am. Ord. passed 4-15-96) Penalty, see § 10.99

§ 96.04 SPECIAL PICK-UPS.

Customers placing waste materials in a volume greater than the dimensions specified for a regular collection or outside the scope of a regular collection including but not limited to appliances (white goods), furniture, building materials or household debris shall be subject to a "special pick-up" process and related charge. Customers may request a special pick-up with the Town, prior to collection, to authorize the collection and the assessment of a special collection fee (as indicated in the Town's fee schedule which is provided on the Town's website). The request must include a description of all materials and quantities to be collected. This special collection fee is applied to the customer's monthly utility bill after pick up of the materials. If the requestor is not a utility customer of the Town, but has residential property in Town, the requestor must also include a mailing address so that the collection fee may be invoiced to the requestor for payment. Any customer found to be in violation of these requirements may be subject to assessments or fines by the Town.

(Ord. passed 4-15-96) Penalty, see § 10.99

§ 96.06 TIRE DISPOSAL.

- (A) The Town shall collect tires, upon request, from residential customers only. There shall be an additional charge for this collection service. Customers wishing to request collection of tires shall contact the Town to schedule the collection (including address/ location and quantity of tires) and to authorize the assessment of a collection fee (as indicated in the Town's fee schedule which is provided on the Town's website) for this additional service. This fee shall then be applied to the customer's monthly utility bill after pick of the materials.
- (B) All tires must be clean and free of dirt and other foreign matter prior to collection.
- (C) A maximum of four tires may be collected per customer per week.
- (D) Placement of tires in carts provided by the Town is prohibited. Carts found to have tires inside will not be emptied until the tires are removed by the customer and disposed of properly in accordance with this Chapter.

(Ord. passed 2-5-90; Am. Ord. passed 10-7-91; Am. Ord. passed 8-16-93; Am. Ord. passed 4-15-96)

§ 96.07 NONCONFORMING MATERIALS.

- (A) Any materials that do not conform to the requirements set forth in § 96.03 shall not be allowed to remain along the streets of the Town. Nonconforming materials are considered a nuisance violation, and fines will be assessed to the property owner in accordance with the provisions set forth in Chapter 97 of the Code of Ordinances.
- (B) The Town shall have the authority to abate the nuisance by removing the nonconforming materials. The property owner will be billed for the costs of removal incurred by the Town.
- (C) Prior to collection of nonconforming materials, the Town shall provide notice and post it on the premises of the customer, notifying the customer that they are in violation of the Town's ordinance and that the Town will collect the materials pursuant to this Section and assess fines unless said nonconforming materials are removed prior to the expiration date documented on the notice.
- (D) All administrative fees and charges assessed by the Town for the collection of nonconforming materials shall be applied to the customer's monthly utility bill after collection of said materials and shall be in addition to any other charges that would normally be due under any other Sections of this Chapter.

(Ord. passed 7-18-94; Am. Ord. passed 4-15-96)

§ 96.08 STOREFRONTS AND SIDEWALKS.

It shall be the sole responsibility of each property owner, resident, occupant, and business to keep store fronts, streets, and sidewalks clear of debris. Any debris removed from sidewalks and store front areas

shall not be placed into the streets, gutters, or drainage ditches. The placement of garbage, yard waste, or other debris in the streets, gutters, drainage ditches, and sidewalks of the Town is prohibited. Anyone found to be in violation of this Section may be subject to enforcement penalties by the Town.

(Ord. passed 8-17-87; Am. Ord. passed 10-7-91; Am. Ord. passed 8-16-93; Am. Ord. passed 4-15-96)

Calendar of Events

- **Town Council Meeting** – Monday, November 17, 2014 @ 6:30 PM
- **Board of Adjustment Meeting** – Wednesday, November 19, 2014 @ 6:00 PM
- **Planning Board Meeting** – Monday, November 24, 2014 @ 6:30 PM
- **Thanksgiving Day Holiday** – Thursday, November 27, 2014 & Friday, November 28, 2014
- **Town Council Meeting** – Monday, December 1, 2014 @ 6:30 PM
- **Christmas Village & Tree Lighting** – Thursday, December 4, 2014 from 5:00 PM to 9:00 PM on Main Street
- **Santa Baby Old Town Clayton Winter Festival** – Saturday, December 6, 2014 @ 9:00 AM to 3:00 PM – race through downtown, events at Town Square
- **Christmas Parade** – Saturday, December 13, 2014 @ 3:00 to 5:00 PM on Main Street
- **Town Council Meeting** – Monday, December 15, 2014 @ 6:30 PM
- **Board of Adjustment Meeting** – Wednesday, December 17, 2014 @ 6:00 PM
- **Community Christmas Eve Service** – Wednesday, December 24, 2014 @ 5:30 PM in Town Square
- **Christmas Holiday** – Wednesday, December 24, 2014; Thursday, December 25, 2014 & Friday, December 26, 2014