



The Town Of Clayton
Work Session Agenda
Monday, July 20, 2015 @ 6:30 PM
The Clayton Center - Council Chambers

1. CALL TO ORDER

Pledge of Allegiance and Invocation

2. ADJUSTMENT OF THE AGENDA

3. CONSENT AGENDA

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

- a. Draft Minutes - June 15, 2015 Work Session Meeting
[Cover - Draft Minutes June 15 2015.pdf](#)
[Draft Minutes - June 15 2015.pdf](#)

- b. Warranty and Dedication Acceptances:
 - Stone Ridge Subdivision, Phase 2
 - RWAC, Ravens Ridge 8A[Cover - Warranty & Dedication - Stone Ridge & Ravens Ridge.pdf](#)
[Memos - Warranty and Dedication - Stone Ridge & Ravens Ridge.pdf](#)

- c. Certification of Sufficiency of Petition for Voluntary Annexation - 14-111-01-ANX - Parkview
[Cover - 14-111-01-ANX Certificate of Sufficiency.pdf](#)
[Certificate of Sufficiency - 14-111-01-ANX Parkview.pdf](#)

- d. Christmas Village & Tree Lighting
[Cover - Christmas Village & Tree Lighting.pdf](#)
[Report - Christmas Village & Tree Lighting Action Item.pdf](#)

POTENTIAL ACTION:

Approval of Consent Agenda as Presented

4. ADMINISTRATIVE ITEMS

a. Warranty and Dedication Acceptance:

- Creekside Commons Subdivision - Asphalt Final Acceptance
[Cover - Warranty & Dedication - Creekside Commons.pdf](#)
[Memo - Creekside Commons Warranty and Dedication.pdf](#)

POTENTIAL ACTION: Place on August 3, 2015 Consent Agenda

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

- [Cover - Clayton Raleigh Interlocal Agreement.pdf](#)
[Clayton Raleigh Interlocal Agreement.pdf](#)

POTENTIAL ACTION: Approval/Disapproval

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

- [Cover - Amend Code - Repeal Privilege License.pdf](#)
[Ordinance to Amend Code - Privilege License.docx](#)

POTENTIAL ACTION: Approval/Disapproval

5. INTRODUCTIONS AND SPECIAL PRESENTATIONS

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

- [Cover - RP3 Gold Recognition.pdf](#)
[Presentation - RP3 Gold Recognition.pdf](#)

POTENTIAL ACTION: Presentation Only

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

- [Cover - NCSFA Scholarship.pdf](#)

POTENTIAL ACTION: Presentation Only

6. ITEMS SCHEDULED FOR THE REGULAR MEETING

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

[Cover - 14-111-01-ANX.pdf](#)

[Support Documents - 14-111-01-ANX.pdf](#)

[Map - 14-111-01-ANX..pdf](#)

[Resolution - 14-111-01-ANX Setting Public Hearing.docx](#)

POTENTIAL ACTION: Set Public Hearing for August 3, 2014

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

[Cover - 15-08-01-RZ.pdf](#)

[Staff Report 15-18-01-RZ.pdf](#)

POTENTIAL ACTION: Set Public Hearing for August 3, 2015

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

[Cover - 15-09-01-RZ.pdf](#)

[Staff Report - 15-19-01-RZ.pdf](#)

POTENTIAL ACTION: Set Public Hearing for August 3, 2015

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

[Cover - PSD 2014-97.pdf](#)

[Staff Report - PSD 2014-97.pdf](#)

POTENTIAL ACTION: Set Public Hearing for August 3, 2015

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

[Cover - Amend Fees & Charges.pdf](#)

[Ordinance - Amending Fees and Charges Irrigation.pdf](#)

POTENTIAL ACTION: Approval/Disapproval

- f. 2015 Fire Contract with Johnston County Emergency Services

[Cover - 2015 JC Emergency Svcs Contract.pdf](#)

[2015 Fire Contract with JC ES.pdf](#)

POTENTIAL ACTION: Approval/Disapproval

- g. Reimbursement Resolution - Raleigh/Clayton Sewer Project

[Cover - Raleigh Clayton Reimbursement.pdf](#)
[Resolution - Reimbursement Raleigh Clayton Sewer Project.docx](#)

POTENTIAL ACTION: Approval/Disapproval

- h. Recommendation for Appointment of Vacancy on Library Advisory Board
[Cover - Vacancy Library Board.pdf](#)
[Application - Library Board.pdf](#)

POTENTIAL ACTION: Approval/Disapproval

- i. Special Event 2015-14 - Squealin' on the Square - October 9 - 10, 2015
[Cover - Squealin on the Square.pdf](#)
[Special Event Report - 2015-14 - Squealin on the Square.docx](#)

POTENTIAL ACTION: Place on August 3, 2015 Consent Agenda

7. PUBLIC HEARINGS

- a. Public Hearing - RZ-2014-99 - Magnolia Pointe - Request rezoning from PD-MU and R-10 to R-8
[Cover - RZ-2014-99.pdf](#)
[Public Notice RZ 2014 99.pdf](#)
[Staff Report RZ 2014 99.pdf](#)
[Statement of Consistency & Reasonableness RZ 2014-99.pdf](#)
[Ordinance RZ 2014 99.docx](#)
[Motion Form RZ 2014 99 .docx](#)

POTENTIAL ACTION: Approval/Disapproval

- b. Public Hearing - Voluntary Annexation - 14-100-01-ANX - East Village Office
[Cover - 14-100-01-ANX.pdf](#)
[Public Notice14-100-01-ANX .docx](#)
[Supporting Documents 14-100-01-ANX .pdf](#)
[Ordinance 14-100-01 ANX.docx](#)

POTENTIAL ACTION: Approval/Disapproval

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

[Cover - 15-08-06-ANX.pdf](#)
[Public Notice 15-08-06-ANX.docx](#)
[Supporting Documents 15-08-06-ANX.pdf](#)
[Map 15-08-06-ANX.pdf](#)
[Ordinance 15-08-06-ANX.docx](#)
[Secy of State FSC IV Reinstatement.pdf](#)

POTENTIAL ACTION: Approval/Disapproval

- d. Public Hearing - PDD 2014-127 - Steeplechase Planned Development - Rezoning to PD-MU
[Cover - PDD-2014-127.pdf](#)
[Staff Report PDD 2014 127.pdf](#)
[Supporting Documents PDD 2014 127.pdf](#)
[Statement of Consistency & Reasonableness PDD 2014 127.pdf](#)
[Ordinance PDD 2014 127.pdf](#)
[Motion Form PDD 2014-127 .docx](#)

POTENTIAL ACTION: Approval/Disapproval

- e. Public Hearing - PSD 2014-128 - Steeplechase Planned Development - Preliminary Plat/Master Plan
[Cover - PSD-2014-128.pdf](#)
[Staff Report PSD 2014 128.pdf](#)
[Supporting Documents PSD 2014 128.pdf](#)
[Motion PSD 2014-128.pdf](#)

POTENTIAL ACTION: Approval/Disapproval

8. ITEMS CONTINGENT FOR THE REGULAR MEETING

9. ITEMS FOR DISCUSSION

- a. Sam's Branch Sewer Agreement - Creech
[Cover - Sewer Agreement Creech.pdf](#)
[Creech - Sams Branch Sewer Outfall Infrastructure Agreement .doc](#)
- b. Sam's Branch Sewer Agreement - Parkview
[Cover - Sewer Agreement Parkview.pdf](#)
[Parkview - Sams Branch Sewer Outfall Infrastructure Agreement .doc](#)

- c. CCC Pedestrian Connector Process Update
[Cover - CCC Pedestrian Connector.pdf](#)
[CCC Pedestrian Connector Advertisement For Bids.pdf](#)

10. OLD BUSINESS

11. STAFF REPORTS

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

12. OTHER BUSINESS

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

13. ADJOURNMENT

**Town of Clayton
Town Council
Agenda Cover Sheet**

AGENDA LOCATION:

Consent Agenda

MEETING DATE:

July 20, 2015

ITEM TITLE:

Draft Minutes

ITEM DESCRIPTION:

Draft minutes from the June 15, 2015 Town Council meeting are presented.

POTENTIAL ACTION:

Approval/Disapproval of Item

DEPARTMENT:

Administration

PRESENTER:

Kimberly Moffett

ITEM HISTORY:

N/A

Date:

Action Taken:

Information Provided:

Date:

Action Taken:

Information Provided:

**Minutes
Town Council Meeting
June 15, 2015**

Present: Mayor McLeod, Mayor Pro Tem Grannis, Council Member Satterfield, Council Member Holder, Council Member Thompson and Council Member Lawter

Staff: Steve Biggs, Town Manager; Nancy Medlin, Deputy Town Manager; Stacy Beard, Public Information Officer; Dave DeYoung, Planning Director; Kimberly Moffett, Town Clerk; Tommy Roy, Information Technology Specialist; Catherine Whitley, Human Resource Director; Jamie Schwedler, Town Attorney, Dale Medlin; Electrical Systems Director; Tim Simpson, Public Works Director; Robert McKie, Finance Director; Lee Barbee, Fire Chief; and Stephanie Ross, Downtown Development Coordinator.

1. CALL TO ORDER

Mayor McLeod called the meeting to order at 6:33 p.m. Boy Scout Troop #124, who are affiliated with Horne Memorial United Methodist Church, were present and led the Pledge of Allegiance. Mayor McLeod offered the Invocation.

2. ADJUSTMENT OF THE AGENDA

Mr. Biggs requested two adjustments to the agenda as follows:

- a. Action be taken regarding Adoption of Resolution - Item #9c
- b. Addition of Item #6d. This item is an Ordinance allocating salary reserve to operational division. Adoption is requested.

ACTION: Motion to suspend the rules of the work session in order to take action on items this evening.

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

3. CONSENT AGENDA

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

- a. Draft Minutes – June 1, 2015 Regular Meeting
- b. Draft Minutes – May 4, 2015 Closed Session
- c. Resolution in Support of Land and Water Conservation Fund
- d. Certificate of Sufficiency of Petition for Petition for Annexation – 15-08-06-ANX – Riverwood Athletic Club – Ravens Ridge

ACTION: Approval of Consent Agenda as Presented

Motion: Council Member Holder

June 15, 2015
DRAFT MINUTES

Second: Council Member Thompson
Vote: Unanimous

4. ADMINISTRATIVE ITEMS

a. Warranty and Dedication Acceptances:

- Stone Ridge Subdivision, Phase 2
- RWAC, Ravens Ridge 8A

ACTION: Place on July 20, 2015 Consent Agenda

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

ACTION: Re-Set Public Hearing for July 20, 2015

c. Direct Clerk to Investigate Sufficiency of Petition for Voluntary Annexation –14-111-01-ANX – Parkview

ACTION: Place on July 20, 2015 Consent Agenda

d. Resolutions Authorizing Johnston County and Wake County Tax Administrators to Levy and Collect Property Taxes for the Town of Clayton

ACTION: Approval of Resolutions

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

5. INTRODUCTIONS AND SPECIAL PRESENTATIONS

a. Christmas Village & Tree Lighting

Mr. DeYoung provided an overview of the 2015 Christmas Village and Tree Lighting. This will be the 25th anniversary of this event. The event is scheduled to be held on Thursday, December 3, 2015 from 5:00 p.m. to 8:00 p.m. This event is sponsored by the Downtown Development Association. Attendance is estimated to be 5,000. Parking lot closures of Town Square and Horne Square are requested on the day of the event from 6:00 a.m. – 9:00 p.m. Road closures requested include Main Street from Smith to Lombard from 5:00 p.m. – 8:00 p.m. and Main Street from Lombard to O’Neil from 5:00 p.m. – 8:30 p.m. Closure is requested for the following side streets from 5:00 p.m. – 8:00 p.m. on the day of the event:

- S. Lombard from Main to Second Street
- N. Lombard Street
- Barbour Street from Main to Second Street
- S. Church Street from Main to Second Street
- N. Church Street from First to Main Street

June 15, 2015
DRAFT MINUTES

- N. Fayetteville Street from First to Main Street
- S. Fayetteville Street from Main to Second Street * - until 8:30 p.m.

ACTION: Place on July 20, 2015 Consent Agenda

b. July 4th Celebration

Mr. DeYoung provided information regarding the July 4th Celebration which will take place at Municipal Park. Attendance is expected to be approximately 8,000. There is a slight re-routing of traffic flow this year. There are no necessary road closures.

ACTION: No Action Needed; Presentation Only

6. ITEMS SCHEDULED FOR THE REGULAR MEETING

a. Ordinances Authorizing Budget Amendment(s) for Year End Closeout

Mr. McKie, Finance Director, provided information regarding three ordinances for year-end closeouts pertaining to General Fund, Water Sewer Fund and Capital Projects.

ACTION: Approval of Ordinance

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

b. Budget Amendment Salary Reserve to Operational Divisions

Mr. Biggs provided information regarding adjustments which are made each year regarding salary reserve, adjustments and allocations. It should be noted that we came in under budget this year.

ACTION: Approval of Ordinance

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

7. ITEMS CONTINGENT FOR THE REGULAR MEETING

None at this time

8. ITEMS FOR DISCUSSION

None at this time

9. OLD BUSINESS

a. Ordinance Adopting Town of Clayton 2015-2016 FY Budget

Mr. Biggs stated two requested changes were made to the proposed 2015-2016 Budget. Changes made included increase supplement for employee/dependent health insurance and the removal parking lot paving at the dog park.

ACTION: Approval of Ordinance Adopting the 2015-2016 FY Budget

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

b. Petition for Voluntary Annexation – 15-08-06-ANX – Riverwood Athletic Club – Ravens Ridge

ACTION: Set Public Hearing for July 20, 2015

c. Adoption of Classification and Pay Study

ACTION: Approval of Resolution

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

d. Resolution Approving Plans and Specifications for Development and Construction of the Clayton to Raleigh Sanitary Sewer Transmission Project

Mr. Biggs provided brief background and stated this Resolution is required by the USDA.

ACTION: Approval of Resolution

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

10. STAFF REPORTS

a. Town Manager

Mr. Biggs provided an update regarding resurfacing of streets in Riverwood Athletic Club. We are under contract with a geo-technical firm to investigate the paving.

b. Town Attorney

c. Town Clerk

d. Other Staff

11. OTHER BUSINESS

a. Informal Discussion & Public Comment

Mr. Patrick Holzer of 112 Gehring Lane, addressed the Council. He stated he felt there were items related to paving in Riverwood that needed immediate attention. He stated that he and his neighbors paid for their lots with the understanding that portions of those monies would be used for street improvements. And to date, these repairs have not been completed and further stated he understands those funds are no longer available. He has concerns regarding property values being affected by the state of disrepair of the streets. He thanked the council for their time and listening to his concerns.

Council Members thanked him for his time.

Mr. Stevens of 312 Charleston Drive addressed the council and stated he does not want any more studies done, he just wants the paving done. He spoke about the financial hardship. He shared that his house was recently appraised at a value of \$39,000 less than when it was purchased 10 years ago. He spoke about the poor road conditions.

Mr. Biggs provided information regarding additional work that needs to be completed on the road prior to the paving. Mr. Biggs stated the developer is ready, willing and able to get in there in pave. However, the Town is in disagreement with developer about additional work that needs to be completed prior to the paving taking place. It is the concern of the town that should paving taking place prior to repairs being made there will be pavement failures in the near future.

Mr. Stevens thanked the Town and agreed completely these repairs do need to be completed prior to the paving. However, he stated that has been going on for eleven years. He further stated that realtors are telling homeowners in Riverwood that the number one reason the value of their homes have declined is due to the condition of the streets. He is concerned that monies that should have been spent on streets in Riverwood is being spent in developing new areas.

Mr. Holzer requested that residents be provided in writing a deadline for when work will be completed. Mr. Biggs stated Deer Valley will be completed in 2015.

Mr. Holzer stated he appreciated that Deer Valley would be done, however, he is concerned about the other areas in Riverwood that are in worse condition and wants to be sure they would be addressed.

Mr. Todd Ward addressed the council. He stated he lives in Riverwood and stated he is a former employee of Fred Smith. He stated he has seen the schedule. He states that he is going to put his faith in the Town Manager and

Town Council that the schedule will be adhered to. He also stated he has concerns about the depreciation of the value of his home.

Mr. Ward stated he wanted to point out that an application for a voluntary annexation at Raven's Ridge, which was signed on May 26, 2015 by FSC IV LLC. He further stated that this LLC was administratively dissolved on February 5, 2015 by the NC Secretary of State. Mr. Ward provided a copy of this dissolution to council members.

Mayor McLeod addressed the issue of road paving issues and appraisals showing diminished value of homes. He further stated he would like to be able to have hard copy documentation/ professional appraisals indicating that fact. He stated having this type of evidence is extremely important and helpful. He further stated that he has personally driven on all the streets in Riverwood and does not disagree that the streets are in disrepair. He also stated that on the flipside that if the home value is going down based on the street disrepair it would be important for the appraisal to indicate when the repairs are complete that the home value would again increase.

Mr. Ward stated he is not implying the full diminished value of his home is due entirely to streets, however, there are intangibles that make up the desirability of a home. He did state that when you are looking at spending \$400,000 for a home there are many items that go into that purchase to include town services, schools, streets and curb appeal. Mr. Ward stated it is an expectation that streets be in proper condition. He states he has full confidence in the leadership of the town that work will be done.

Mayor McLeod reiterated what Mr. Biggs previously stated regarding repairs being completed prior to paving of the roads. He is not in favor of a band-aid fix and wants the roads repaired correctly.

Mr. Ward reminded that the developer did own a paving company. Mr. Ward thanked council for their leadership and dedication.

Mayor McLeod stated it was very fair to say that this call to action is definitely being heard loud and clear by the town officials.

Council Member Lawter asked Mr. Biggs if there was a date for the technical report from the contractor. Mr. Biggs stated the importance of this project was understood by the contractor and believes we should have a report rather quickly.

Council Member Holder asked if we have made any changes to process going forward. Mr. Biggs stated yes we have amended our development specification to require full depth of asphalt impact at the front end.

Council Member Lawter stated he understands the frustrations and further stated the council is working diligently to get it corrected.

Mr. Holzer stated he finds it difficult to believe there are no streets by the townhomes in Riverwood being addressed. He asked the whole neighborhood be addressed, not just Deer Valley. He asked that letters be sent to residents providing information about deadlines.

Jonathan Barnes who was present this event with Boy Scout Troop 124 thanked the council for taking the time earlier this evening to speak with the scouts.

b. Council Comments

Mayor McLeod asked Mr. John McFadden to step up to the podium. Mr. McFadden headed up Mill Stock 2015 and the Mayor stated it was the most successful Mill Stock event ever held. He thanked him and everyone involved in it and stated it was greatly appreciated.

12. ADJOURNMENT

With there being nothing further, the meeting was adjourned at 7:23 p.m.

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

**Town of Clayton
Town Council
Agenda Cover Sheet**

AGENDA LOCATION:

Consent Agenda

MEETING DATE:

July 20, 2015

ITEM TITLE:

Warranty and Dedication Acceptances

ITEM DESCRIPTION:

Stone Ridge Subdivision, Phase 2 & RWAC, Ravens Ridge 8A

POTENTIAL ACTION:

Approval/Disapproval of Item

DEPARTMENT:

Community Development/Planning

PRESENTER:

Chris Rowland

ITEM HISTORY:

Date:

06/15/2015

Action Taken:

Placed on Consent

Information Provided:

Memo(s)

Date:

Action Taken:

Information Provided:

TOWN OF CLAYTON OPERATIONS CENTER

"SERVICE"

ELECTRIC SERVICE
(919) 553-1530

VEHICLE MAINTENANCE
(919) 553-1530



"ENVIRONMENT"

PUBLIC WORKS
(919) 553-1530

WATER RECLAMATION
(919) 553-1535

MEMORANDUM

To: Kimberly Moffett, Town Clerk

From: Chris Rowland, Construction Project Administrator 

Date: May 26, 2015

Cc: Dave DeYoung, Planning Director
Danny Blackburn, Blackburn Engineering

Subject: Stone Ridge Subdivision, Phase 2

Please place a warranty acceptance request for the subject public water, sewer, associated storm drainage utilities, and all pertinent 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 by the developer prior to final acceptance.

TOWN OF CLAYTON OPERATIONS CENTER

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(919) 553-1530

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(919) 553-1530



"ENVIRONMENT"

PUBLIC WORKS
(919) 553-1530

WATER RECLAMATION
(919) 553-1535

MEMORANDUM

To: Kimberly Moffett, Town Clerk

From: Chris Rowland, Construction Project Administrator 

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

Date: May 26, 2015

Subject: RWAC, Ravens Ridge 8A

Please place a warranty acceptance request for the subject public water, sewer, associated storm drainage utilities, and all pertinent 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 the warranty, a final inspection will be done and all deficient items corrected by the developer prior to final acceptance.

**Town of Clayton
Town Council
Agenda Cover Sheet**

AGENDA LOCATION:

Consent Agenda

MEETING DATE:

July 20, 2015

ITEM TITLE:

Certificate of Sufficiency

ITEM DESCRIPTION:

Voluntary Annexation - 14-111-01-ANX, Parkview

POTENTIAL ACTION:

Approval/Disapproval of Item

DEPARTMENT:

Administration

PRESENTER:

Kimberly Moffett

ITEM HISTORY:

Date:

06/15/2015

Action Taken:

Placed on Consent

Information Provided:

Application
Annexation Map
Resolution

Date:

Action Taken:

Information Provided:

**ANNEXATION PETITION 14-111-01-ANX
Parkview (Donald C. Adams & City Road LLC)
Portion of Parcel 05030069 & 05030071
Owners: City Road LLC & Donald C Adams
Contiguous; 3.55 acres & 25.33 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 20th day of July, 2015.

**Kimberly A. Moffett
Town Clerk**

**Town of Clayton
Town Council
Agenda Cover Sheet**

AGENDA LOCATION:

Consent Agenda

MEETING DATE:

July 20, 2015

ITEM TITLE:

Christmas Village & Tree Lighting

ITEM DESCRIPTION:

The 2015 Christmas Village & Tree Lighting will be held on Thursday, December 3, 2015.

POTENTIAL ACTION:

Approval/Disapproval of Item

DEPARTMENT:

Community Development/Planning

PRESENTER:

Stephanie Ross

ITEM HISTORY:

Date:

06/15/2015

Action Taken:

Placed on Consent

Information Provided:

Special Events Report

Date:

Action Taken:

Information Provided:



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

SPECIAL EVENT ACTION ITEM REPORT

Planning Staff Contact: Stephanie Ross: 919-280-1278

EVENT INFORMATION:

Event Name: Christmas Village & Tree Lighting **File Number:** 2015-12
Event Description: Christmas tree lighting, live nativity, doggie costume contest, music ect.

Event Date(s): 12-3-2015 **Event Time(s):** 5:00 – 8:00 PM
Event Location: Main Street/Horne Square/Town Square
Event Coordinator: Stephanie Ross / Diane Bean **Contact Number:** 919-280-1278
Contact Email: info@downtownclayton.org
Attendees (Per Day): 5000+

TOWN SERVICES REQUESTED:

Department / Division	Requested Services	Date/Time	Primary Contact	Contact Phone #
Public Works	8 Roll-out Trash / 8 Recycle Carts	Deliver: 4 each at Horne Sq & Town Square on 12/3/15. Pick-up: 12/4/15	Steve Blasko	359-1287
Public Works	Street closure barricades & cones as usual plan	Deliver: 12/3/15 & Pick-up: 12/4/15	Steve Blasko	359-1287
Police Dept.	Close streets per IAP	12/3/15: Close streets at 5:00 pm; Open as described below	Lt. Kenneth Lunger	550-0826
Public Works	Confirm Christmas Tree Light switch with DDC & Volunteer	Arrange time day of event	Steve Blasko	359-1287
Town Council	Authorize Road & Parking Lot Closures Thursday, 12/3/2015: <ul style="list-style-type: none"> • Close Town Square & Horne Square Parking Lots <ul style="list-style-type: none"> • 6:00 am to 9:00 pm • Close Main Street from Smith to Lombard <ul style="list-style-type: none"> • 5:00 pm to 8:00 pm 	June 15, 2015 6:30 pm		

	<ul style="list-style-type: none"> • Close Main Street from Lombard to O'Neil <ul style="list-style-type: none"> • 5:00 pm to 8:30 pm <p>Authorize closure of the following side streets from **5:00 pm to 8:00 pm</p> <ul style="list-style-type: none"> • S. Lombard Street from Main to Second Street • N. Lombard Street • Barbour Street from Main to Second Street • S. Church Street from Main to Second Street • N. Church Street from First to Main Street • N. Fayetteville Street from First to Main Street • **S. Fayetteville Street from Main to Second – 5:00 pm to 8:30 pm 			
NCDOT	Authorize Closure of Main Street from 5:00 pm – 8:30 pm	Approval request to be sent 7/7/15	Kimberly Moffett	553-5002 x5004

STAFF USE:

SEC Approval	<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied	Date: 5/28/15	<input type="checkbox"/> No Council Action needed
Council Action	Presentation Date: 6/15/15 Consent Agenda Date: 7/6/15	<input type="checkbox"/> Approved <input type="checkbox"/> Denied	Date:
Pending Actions	<input checked="" type="checkbox"/> DOT Road Closure Approval <input type="checkbox"/> ABC Permit Submittal <input type="checkbox"/> Other	<input type="checkbox"/> Issue Permit	Date:

(SEC – Special Event Committee)

**Town of Clayton
Town Council
Agenda Cover Sheet**

AGENDA LOCATION:

Administrative Items

MEETING DATE:

July 20, 2015

ITEM TITLE:

Warranty and Dedication Acceptance

ITEM DESCRIPTION:

Creekside Commons - Asphalt FINAL Acceptance

POTENTIAL ACTION:

Place on Consent Agenda

DEPARTMENT:

Community Development/Planning

PRESENTER:

Chris Rowland

ITEM HISTORY:

N/A

Date:

Action Taken:

Information Provided:

Date:

Action Taken:

Information Provided:

TOWN OF CLAYTON OPERATIONS CENTER

"SERVICE"

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"ENVIRONMENT"

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WATER RECLAMATION
(919) 553-1535

MEMORANDUM

To: Kimberly Moffett, Town Clerk

From: Chris Rowland, Construction Inspector 

Copy: Mike Stewart, Stewart-Proctor Engineering
David DeYoung, Planning Director

Date: June 16, 2015

Re: Creekside Commons Subdivision

Please place a final acceptance request for the referenced asphalt pavement on the next available agenda. A final inspection was performed with no deficient items found. Upon Council acceptance, the Town will assume permanent maintenance duties.

**Town of Clayton
Town Council
Agenda Cover Sheet**

AGENDA LOCATION:

Administrative Items

MEETING DATE:

July 20, 2015

ITEM TITLE:

Clayton-Raleigh Interlocal Agreement

ITEM DESCRIPTION:

Clayton-Raleigh Interlocal Agreement & Johnston County-Raleigh Interlocal Agreement 1st Amend

POTENTIAL ACTION:

Approval/Disapproval of Item

DEPARTMENT:

Operations/Public Works

PRESENTER:

Tim Simpson

ITEM HISTORY:

N/A

Date:

Action Taken:

Information Provided:

Date:

Action Taken:

Information Provided:

STATE OF NORTH CAROLINA
COUNTY OF WAKE

**FIRST AMENDMENT
TO THE CLAYTON/RALEIGH INTERLOCAL AGREEMENT
and
THE JOHNSTON COUNTY/RALEIGH INTERLOCAL AGREEMENT**

This **AMENDMENT** to the Clayton/Raleigh Interlocal Agreement and the Johnston County/Raleigh Interlocal Agreement is entered into this June 1, 2015 by and between the City of Raleigh, hereinafter referred to as "Raleigh", the Town of Clayton, hereinafter referred to as "Clayton", and the County of Johnston, hereinafter referred to as "Johnston County".

WITNESSETH:

WHEREAS, Raleigh and Clayton entered into an interlocal agreement for treatment of 500,000 gallons per day (GPD) wastewater from Clayton's service area at Raleigh's Neuse River wastewater treatment Plant on February 27, 2007; and

WHEREAS, Raleigh and Johnston County entered into an interlocal agreement for treatment of 500,000 gallons per day (GPD) wastewater from Johnston County's service area at Raleigh's Neuse River wastewater treatment Plant on February 27, 2007; and

WHEREAS, Johnston County has assigned their wastewater treatment allocation from Raleigh thereof to Clayton through an agreement between Clayton and Johnston County dated October 3, 2005 which assignment was authorized in the Interlocal Agreements without prior approval by Raleigh; and

WHEREAS, due to the economic recession, Clayton has delayed the construction of the connection to the Raleigh system, and to date, Clayton has not begun construction of the connection; and

WHEREAS, each of the Interlocal Agreements state that the Agreement automatically renews for an additional 10 year term if Raleigh has completed design and construction of an expansion of the Neuse River Wastewater Treatment Plant (NRWWTP) hydraulic capacity from 60 MGD to 75 MGD (Expansion); and

WHEREAS, Raleigh has completed regulatory permitting of the Expansion; and

WHEREAS, due to the economic recession, Raleigh has chosen to implement the construction of the Expansion in five (5) phases with the final phase planned for completion in FY 2017, instead of a single phase with an originally planned completion date in FY 2012, and

WHEREAS, Clayton has paid Raleigh \$3.6 million for the treatment capacity allocation, and the estimated construction cost for the connection is approximately \$4 million; and

WHEREAS, Clayton and Johnston County have each-requested a ten (10) year extension to the original term of their respective Interlocal Agreement, and Raleigh desires to extend the term of the Interlocal Agreements; and

WHEREAS, the Interlocal Agreement specified a specific area of Clayton's service area to be served by the connection to Raleigh, and Clayton has requested to amend the Interlocal Agreement to allow the service area as shown on Exhibit 5 of the Interlocal Agreement to be served by the Raleigh connection; and

WHEREAS, Raleigh has changed its connection fee requirements such that Raleigh no longer collects Nutrient Reduction Fees or Acreage fees, and instead collects Capital Facilities fees in its service area.

PART A

NOW, THEREFORE, CLAYTON and RALEIGH mutually agree to amend the AGREEMENT as follows:

1. Section 1. is amended by the addition of "E. CAPITAL FACILITIES FEE means a one-time charge assessed to new water and wastewater customers, or developers and builders, to recover a proportional share of capital costs incurred to provide service availability and capacity for new utility customers."
2. Section 2. Is amended by adding the following:

"Clayton and Johnson County entered into an agreement, by which the County assigned to Clayton its purchased capacity for sewer treatment and assigned to Clayton other functions and duties otherwise applicable to the County under this Agreement between Clayton and Raleigh within the service area which was the subject of the assignment. Clayton agrees that its duties and responsibilities under this Agreement were altered by the Assignment and that any language contrary to the duties and responsibilities of Clayton as otherwise set forth in this Agreement are controlled by and established as set forth in the Assignment which is attached as Exhibit A to this Amendment."
3. Section 4. (d) is amended to by replacing the words "Johnston County" with "Johnston County and Clayton".
4. Section 10 is deleted in its entirety.
5. Section 12: Replace the words "sewer acreage and capacity impact fees" with "Capital Facilities Fees"

6. Section 15: In the first sentence, change “Exhibit 4” to “Exhibit 5”, and delete the last sentence in its entirety.
7. Section 16: This section is hereby deleted and replaced with the follow:

“The term of this AGREEMENT shall be for a period of 20 years from the date of execution, February 27, 2007 to February 27, 2027, and shall terminate at the end of the term unless otherwise extended by mutual agreement between Clayton and Raleigh. Should the term of this AGREEMENT be extended beyond the amended 20 year term, and if Raleigh has completed the design, regulatory permitting, and construction of the NRWTP from 75 MGD to 80 MGD or greater, Raleigh shall agree to negotiate with Clayton for the sale of additional sewer capacity, if the sale of additional capacity is in the mutual interest of Raleigh and Clayton. At least one year prior to the termination of the term of this AGREEMENT, Raleigh and Clayton will in good faith negotiate concerning any conditions for the continuation of this AGREEMENT on a basis that serves the interest of each entity. Clayton will notify the Raleigh Director of Public Utilities at least 48 hours prior to the initial discharge to Raleigh and with the other provisions of this AGREEMENT stipulated prior to discharge.”

All other sections of the AGREEMENT REMAIN UNCHANGED, EXCEPT AS INDICATED ABOVE.

PART B

NOW, THEREFORE, JOHNSTON COUNTY and RALEIGH mutually agree to amend the AGREEMENT as follows:

1. Section 1. is amended by the addition of “E. CAPITAL FACILITIES FEE means a one-time charge assessed to new water and wastewater customers, or developers and builders, to recover a proportional share of capital costs incurred to provide service availability and capacity for new utility customers.”
2. Section 2. Is amended by adding the following:

“Clayton and Johnson County entered into an agreement, by which the County assigned to Clayton its purchased capacity for sewer treatment and assigned to Clayton other functions and duties otherwise applicable to the County under this Agreement between Clayton and Raleigh. Johnston County agrees that its duties and responsibilities under this Agreement were altered by the Assignment and that any language contrary to the duties and responsibilities of Johnston County as otherwise set forth in this Agreement are controlled by and established as set forth in the Assignment which is attached as Exhibit A to this Amendment.”

3. Section 4. (d) is amended to by replacing the words “Johnston County” with “Johnston County and Clayton”.
4. Section 10 is deleted in its entirety.
5. Section 12: Replace the words “sewer acreage and capacity impact fees” with “Capital Facilities Fees”
6. Section 14: In the first sentence, change “Exhibit 4” to “Exhibit 5”.
7. Section 15: This section is hereby deleted and replaced with the follow:

“The term of this AGREEMENT shall be for a period of 20 years from the date of execution, February 27, 2007 to February 27, 2027, and shall terminate at the end of the term unless otherwise extended by mutual agreement between Johnston County and Raleigh. Should the term of this AGREEMENT be extended beyond the amended 20 year term, and if Raleigh has completed the design, regulatory permitting, and construction of the NRWTP from 75 MGD to 80 MGD or greater, Raleigh shall agree to negotiate with Johnston County for the sale of additional sewer capacity, if the sale of additional capacity is in the mutual interest of Raleigh and Johnston County. At least one year prior to the termination of the term of this AGREEMENT, Raleigh and Johnston County will in good faith negotiate concerning any conditions for the continuation of this AGREEMENT on a basis that serves the interest of each entity. Johnston County will notify the Raleigh Director of Public Utilities at least 48 hours prior to the initial discharge to Raleigh and with the other provisions of this AGREEMENT stipulated prior to discharge.”

All other sections of the AGREEMENT REMAIN UNCHANGED, EXCEPT AS INDICATED ABOVE.

In testimony whereof, Raleigh, Clayton, and Johnston County have caused this amendment to the Agreement as dated, to be executed by their respective City Manager, Mayor, and County Manager, their corporate seals to be affixed and attested by their respective Clerks, all by authority of the respective Councils, the day and year first above written.

ATTEST:

CITY OF RALEIGH

CITY CLERK

CITY MANAGER

(attach municipal seal)

APPROVED AS TO FORM:

CITY ATTORNEY

ATTEST:

TOWN OF CLAYTON

TOWN CLERK

MAYOR

(attach municipal seal)

APPROVED AS TO FORM:

TOWN ATTORNEY

ATTEST:

JOHNSTON COUNTY

Paula B. Woodard
COUNTY CLERK

[Signature]
COUNTY MANAGER

(attach county seal)

APPROVED AS TO FORM:

[Signature]
COUNTY ATTORNEY



**Town of Clayton
Town Council
Agenda Cover Sheet**

AGENDA LOCATION:

Administrative Items

MEETING DATE:

July 20, 2015

ITEM TITLE:

Code of Ordinance - Amendment

ITEM DESCRIPTION:

Amendment to Code of Ordinance - Repealing Privilege License Tax

POTENTIAL ACTION:

Approval/Disapproval of Item

DEPARTMENT:

Administration

PRESENTER:

Kimberly Moffett

ITEM HISTORY:

N/A

Date:

Action Taken:

Information Provided:

Date:

Action Taken:

Information Provided:

Town of Clayton
Amendment to the Code of Ordinances
Privilege License Taxes Repealed

Whereas, on May 28, 2014 North Carolina Governor Pat McCrory signed HB 1050 into law, thereby eliminating the Town's authority under General Statute § 160-211(a) to levy privilege license taxes effective, July 1, 2015; and

Therefore be it ordained by the Town Council for the Town of Clayton, North Carolina that the following amendment be made to the Code of Ordinances:

Repeal Sections 112.01 – 112.16 of Chapter 12: Licenses

Duly adopted this 20th day of July 2015 while in regular session.

Jody McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC
Town Clerk

**Town of Clayton
Town Council
Agenda Cover Sheet**

AGENDA LOCATION:

Introductions and Special Presentations

MEETING DATE:

July 20, 2015

ITEM TITLE:

RP3 Gold Recognition Plaque to Town of Clayton Electric Department

ITEM DESCRIPTION:

Mr. Dale Medlin will be present and provide additional information regarding this award.

POTENTIAL ACTION:

None - Informational Only

DEPARTMENT:

Operations/Public Works

PRESENTER:

Dale Medlin, Electric Systems Director

ITEM HISTORY:

N/A

Date:

Action Taken:

Information Provided:

Date:

Action Taken:

Information Provided:

TOWN OF CLAYTON ELECTRIC DEPARTMENT

RECIPIENT OF 2015 RP3 RECOGNITION



Reliable Public
Power Provider

SEVENTY FIVE YEARS

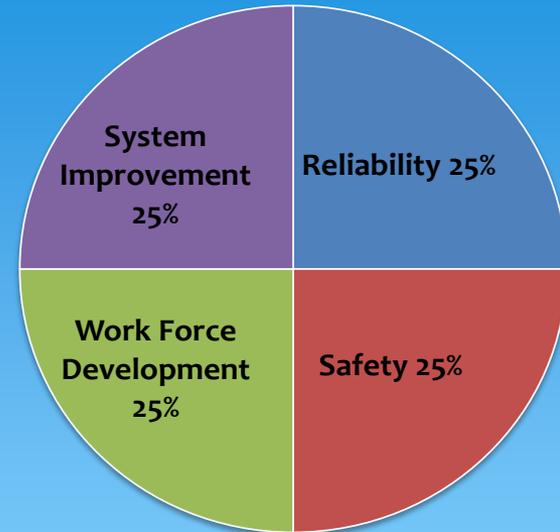


What is RP3?

Reliable Public Power Provider (RP3)

In order to receive the RP3 designation, utilities are judged by a panel of 18 of their industry peers from across the country.

The utility is judged on system reliability, safety, work force development, and system improvement.



SEVENTY FIVE YEARS



The Town of Clayton is among only 90 utilities to receive this recognition in 2015.

Of over 2,000 Public Power Providers nationwide, only 191 are currently recognized as RP3 compliant.



SEVENTY FIVE YEARS



What does it mean?

It means, we are always looking for ways to improve the electric system, to ensure the Town of Clayton customers have reliable power.

It means, we are constantly trying to find ways, when outages do occur, to get your power restored as quickly and safely as possible.

It means, we send all of our linemen to training for the most up-to-date procedures and techniques available.

It means, we have monthly safety meetings for training and daily pre-job safety meetings to make sure everyone stays safe.



SEVENTY FIVE YEARS



But mostly, it means when we say
You can count on us

You can!



SEVENTY FIVE YEARS



APAA American
Public Power
Association

**Town of Clayton
Town Council
Agenda Cover Sheet**

AGENDA LOCATION:

Introductions and Special Presentations

MEETING DATE:

July 20, 2015

ITEM TITLE:

Scholarship from the North Carolina State Fireman's Association

ITEM DESCRIPTION:

Fire Chief Barbee will present scholarship from NCSFA to high school student Arden Julie Vessie

POTENTIAL ACTION:

None - Informational Only

DEPARTMENT:

Fire Department

PRESENTER:

Lee Barbee, Fire Chief

ITEM HISTORY:

N/A

Date:

Action Taken:

Information Provided:

Date:

Action Taken:

Information Provided:

**Town of Clayton
Town Council
Agenda Cover Sheet**

AGENDA LOCATION:

Items Scheduled for the Regular Meeting

MEETING DATE:

July 20, 2015

ITEM TITLE:

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

ITEM DESCRIPTION:

Applicant is requesting voluntary contiguous annexation of 25.33 acres and 3.55 acres.

POTENTIAL ACTION:

Approval/Disapproval of Item

DEPARTMENT:

Community Development/Planning

PRESENTER:

David DeYoung, Planning Director

ITEM HISTORY:

Date:

06/15/2015

Action Taken:

Clerk to investigate sufficiency of Petition for Voluntary Annexation

Information Provided:

Date:

Action Taken:

Information Provided:



Town of Clayton
Planning Department

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

14-111-01-ANN

Parkview - Adams + City Road LLC Annexation

PETITION FOR VOLUNTARY ANNEXATION

VOLUNTARY ANNEXATION: Upon receipt of a valid petition signed by all of the owners of real property in the area described therein, the Town may annex an area either contiguous or not contiguous to its primary corporate limits when the area meets the standards set out under North Carolina General Statutes 160A-31 and 160A-58.1.

Applications are due by 5pm on the first working day of each month.

Request Information

Contiguous Annexation

Non-Contiguous Annexation

The following items must accompany an annexation petition:

To be completed by the applicant:	Included?	
	Yes	No
1. Petition for Annexation with original signatures	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. A boundary plat of the area to be annexed meeting requirements of the Plat Checklist (included in this application packet).	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Legal Description (metes and bounds)	<input checked="" type="checkbox"/>	<input type="checkbox"/>

PROCESS:

Review by Staff: The Planning, Engineering and Public Works Departments review the annexation submission. Comments will be sent to the applicant.

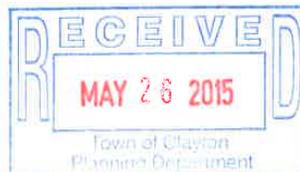
Annexation Plat Submission: After the map and legal description are deemed sufficient by the Town, the applicant is required to submit two (2) Mylar annexation plats to the Planning Department.

Town Council Meeting: The Town Council will pass a resolution directing the Town Clerk to investigate the annexation petition. The Town Clerk will present to the Town Council a Certificate of Sufficiency indicating that the annexation petition is complete. A resolution setting the date of the public hearing is then approved.

Legal Advertisement: A legal advertisement will be published no more than 25 days and no less than 10 days prior to the date of the public hearing.

Public Hearing/Town Council Meeting: The Town Council will either adopt or deny an ordinance to extend the corporate limits of the Town of Clayton.

Recordation: If the annexation is approved by the Town Council, the Annexation Plats shall be recorded at the appropriate county Register of Deeds.



Petition for Voluntary Annexation Application - August 2014

Parkview (Adams + City Road LLC)

Page 1 of 3

Petition for Voluntary Annexation Application – Property Information
COMPLETE IF PROPERTY IS OWNED BY INDIVIDUAL (S)

Submittal Date: 5-26-2015

Petition No.: 14-111-01-ANX

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

1. I/We the undersigned owner(s)* of real property respectfully request that the area described in Paragraph 2 below be annexed to the Town of Clayton, North Carolina.

*If the owner of real property is a corporation or religious entity, attach a copy of the articles of incorporation describing who is/are authorized to sign with the petition.

- 2. The area to be annexed is contiguous, non-contiguous to the Town of Clayton, North Carolina and the boundaries of such territory are as provided in the boundary plat attached hereto.
- 3. If contiguous, this annexation will include all intervening rights-of-way for streets, railroads, and other areas as stated in G.S. 160A-31(f), unless otherwise stated in the annexation amendment.
- 4. Attached is a statement of the schedule for full development of the property to be annexed, which includes the type, number, and estimated value of planned improvements, if applicable.

Total acreage to be annexed: 25.33 PD-A
40.90 ACRES

Existing housing units: 0

Population of acreage to be annexed: 0

Existing Zoning District*: PD-R

Proposed Town Zoning District*: PD-R

Reason for petitioner to annex: Receive Town Services
 Other (please specify): PURSUANT TO MARINA PEAK APPLICANT

5. I/We acknowledge that any zoning vested rights acquired pursuant to G.S. 160A-385.1 or G.S. 153A-344.1 must be declared and identified on this petition. I/We further acknowledge that failure to declare such rights on this petition shall result in a termination of vested rights previously acquired for the property. (If zoning vested rights are claimed, indicate below and attach proof.)

Donald C. Adams
 Please Print

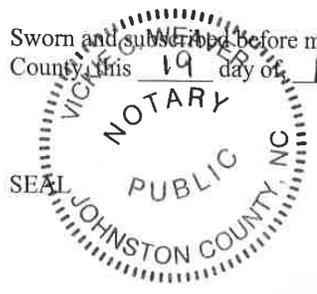
Donald C. Adams
 Signature

 Please Print

 Signature

STATE OF NORTH CAROLINA
COUNTY OF JOHNSTON

Sworn and subscribed before me, Vickie C Weaver, a Notary Public for the above State and County, this 19 day of MAY, 20 15.



Vickie C Weaver
 Notary Public

My Commission Expires: 6/6/2016

Voluntary Annexation Plat Checklist

#	Required Plat Items
1.	Fully dimensioned by metes and bounds, and the location of intersecting boundary lines of the existing town limits, labeled and distinctly marked. Include full right-of-way if the area on both sides is or will be in the corporate limits.
2.	Any utility easements with metes and bounds.
3.	Accurate locations and descriptions of all monuments, markers and control points.
4.	Ultimate right-of-way widths on all streets.
5.	Entitle "ANNEXATION MAP FOR THE TOWN OF CLAYTON" OR "SATELLITE ANNEXATION MAP FOR THE TOWN OF CLAYTON," as appropriate.
6.	Name of property owner(s).
7.	Name, seal, and registration of Professionally Licensed Surveyor (PLS).
8.	Date of the survey and map preparation; a north arrow indicating whether the index is true magnetic North Carolina grid (NAD 83 or NAD 27) or deed; graphic scale; and declination.
9.	Names of the township, county, and state.
10.	A detailed vicinity map.
11.	Include address of property if assigned.
12.	Show all contiguous or non-contiguous town limits.
13.	<p>The following certification must be placed on the map near a border to allow the map to be sealed:</p> <p>Annexation # _____</p> <p>I, David DeYoung, AICP, Planning Director, Clayton, North Carolina certify this is a true and exact map of annexation adopted the _____ day of _____, _____, by the Town Council. I set my hand and seal to the Town of Clayton, _____.</p> <p>Day/Month/Year</p> <p style="text-align: center;">_____</p> <p style="text-align: center;">David DeYoung AICP</p>
14.	Leave 2 inch by 2 inch space for the county Register of Deeds stamp on the plat. All final plats must be stamped and signed before they can be accepted by the Town.



Lying and being in Clayton Township, Johnston County, North Carolina and being more particularly described as follows:

Beginning at a common property corner between the now-or-formerly City Road, LLC property, deed book 4557 page 814, the now or formerly Allen Lester Mims, Jr. property, deed book 1141 page 108, and the now-or-formerly Donald C. Adams property, plat book 81 page 126, said point being the place and point of beginning;

Thence with the City Road, LLC/Adams property line $S28^{\circ}35'54''E$ 188.18 feet to a point;

Thence $S43^{\circ}05'30''W$ 1640.69 feet to a point;

Thence $N36^{\circ}58'23''W$ 371.90 feet to a point;

Thence $N48^{\circ}38'26''E$ 358.45 feet to a point;

Thence $N36^{\circ}35'41''W$ 350.25 feet to a point;

Thence $N04^{\circ}39'32''E$ 139.39 feet to a point;

Thence $N13^{\circ}31'37''W$ 230.32 feet to a point;

Thence $N10^{\circ}28'46''W$ 128.70 feet to a point;

Thence $N04^{\circ}33'25''E$ 187.32 feet to a point;

Thence $S84^{\circ}07'58''E$ 1251.86 feet to the place and point of beginning and containing 25.33 acres more or less.



**Petition for Voluntary Annexation Application – Property Information
COMPLETE IF A LIMITED LIABILITY COMPANY:**

Submittal Date: _____

Petition No.: _____

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

1. I/We the undersigned owner(s)* of real property respectfully request that the area described in Paragraph 2 below be annexed to the Town of Clayton, North Carolina.

*If the owner of real property is a corporation or religious entity, attach a copy of the articles of incorporation describing who is/are authorized to sign with the petition.

2. The area to be annexed is contiguous, ___ non-contiguous to the Town of Clayton, North Carolina and the boundaries of such territory are as provided in the boundary plat attached hereto.

3. If contiguous, this annexation will include all intervening rights-of-way for streets, railroads, and other areas as stated in G.S. 160A-31(f), unless otherwise stated in the annexation amendment.

4. Attached is a statement of the schedule for full development of the property to be annexed, which includes the type, number, and estimated value of planned improvements, if applicable.

Total acreage to be annexed: 3.55 DCA
34.25 ACRES
 Existing housing units: 0
 Population of acreage to be annexed: 0
 Existing Zoning District*: PD-R
 Proposed Town Zoning District*: PD-R
 Reason for petitioner to annex: Receive Town Services
 Other (please specify): Pursuant to Master Plan Approval

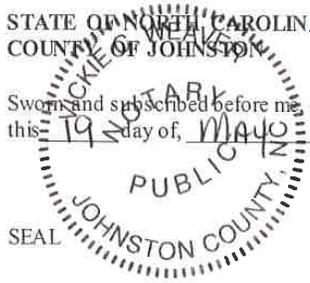
5. I/We acknowledge that any zoning vested rights acquired pursuant to G.S. 160A-385.1 or G.S. 153A-344.1 must be declared and identified on this petition. I/We further acknowledge that failure to declare such rights on this petition shall result in a termination of vested rights previously acquired for the property. (If zoning vested rights are claimed, indicate below and attach proof.)

In witness whereof, City Road LLC a limited liability company, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this 19 day of MAY, 2015.

Name of Limited Liability Company: City Road LLC
 By: [Signature]
 Signature of Member/Manager

STATE OF NORTH CAROLINA
 COUNTY OF JOHNSTON

Sworn and subscribed before me, Vickie C. Weaver, a Notary Public for the above State and County, this 19 day of MAY, 2015.



Vickie C. Weaver
 Notary Public

My Commission Expires: 6/6/2016



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

PETITION FOR VOLUNTARY ANNEXATION

VOLUNTARY ANNEXATION: Upon receipt of a valid petition signed by all of the owners of real property in the area described therein, the Town may annex an area either contiguous or not contiguous to its primary corporate limits when the area meets the standards set out under North Carolina General Statutes 160A-31 and 160A-58.1.

Applications are due by 5pm on the first working day of each month.

Request Information

Contiguous Annexation

Non-Contiguous Annexation

The following items must accompany an annexation petition:

To be completed by the applicant:	Included?	
	Yes	No
1. Petition for Annexation with original signatures	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. A boundary plat of the area to be annexed meeting requirements of the Plat Checklist (included in this application packet).	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Legal Description (metes and bounds)	<input checked="" type="checkbox"/>	<input type="checkbox"/>

PROCESS:

Review by Staff: The Planning, Engineering and Public Works Departments review the annexation submission. Comments will be sent to the applicant.

Annexation Plat Submission: After the map and legal description are deemed sufficient by the Town, the applicant is required to submit two (2) Mylar annexation plats to the Planning Department.

Town Council Meeting: The Town Council will pass a resolution directing the Town Clerk to investigate the annexation petition. The Town Clerk will present to the Town Council a Certificate of Sufficiency indicating that the annexation petition is complete. A resolution setting the date of the public hearing is then approved.

Legal Advertisement: A legal advertisement will be published no more than 25 days and no less than 10 days prior to the date of the public hearing.

Public Hearing/Town Council Meeting: The Town Council will either adopt or deny an ordinance to extend the corporate limits of the Town of Clayton.

Recordation: If the annexation is approved by the Town Council, the Annexation Plats shall be recorded at the appropriate county Register of Deeds.



Voluntary Annexation Plat Checklist

#	Required Plat Items
1.	Fully dimensioned by metes and bounds, and the location of intersecting boundary lines of the existing town limits, labeled and distinctly marked. Include full right-of-way if the area on both sides is or will be in the corporate limits.
2.	Any utility easements with metes and bounds.
3.	Accurate locations and descriptions of all monuments, markers and control points.
4.	Ultimate right-of-way widths on all streets.
5.	Entitle "ANNEXATION MAP FOR THE TOWN OF CLAYTON" OR "SATELLITE ANNEXATION MAP FOR THE TOWN OF CLAYTON," as appropriate.
6.	Name of property owner(s).
7.	Name, seal, and registration of Professionally Licensed Surveyor (PLS).
8.	Date of the survey and map preparation; a north arrow indicating whether the index is true magnetic North Carolina grid (NAD 83 or NAD 27) or deed; graphic scale; and declination.
9.	Names of the township, county, and state.
10.	A detailed vicinity map.
11.	Include address of property if assigned.
12.	Show all contiguous or non-contiguous town limits.
13.	The following certification must be placed on the map near a border to allow the map to be sealed: Annexation # _____ I, David DeYoung, AICP, Planning Director, Clayton, North Carolina certify this is a true and exact map of annexation adopted the _____ day of _____, _____, by the Town Council. I set my hand and seal to the Town of Clayton, _____. Day/Month/Year _____ David DeYoung AICP
14.	Leave 2 inch by 2 inch space for the county Register of Deeds stamp on the plat. All final plats must be stamped and signed before they can be accepted by the Town.

Section 101: Introduction to the course

The course is designed to provide a comprehensive overview of the subject matter, covering both theoretical concepts and practical applications. It is structured to facilitate a deep understanding of the field, with a focus on critical thinking and problem-solving skills.

The course is divided into several modules, each focusing on a specific aspect of the subject. The first module introduces the fundamental principles and concepts, while subsequent modules delve into more advanced topics and their practical implications.

Throughout the course, students are encouraged to engage in active learning through discussions, group projects, and individual assignments. This approach aims to foster a collaborative learning environment where students can share their insights and learn from each other.

The course also includes a series of case studies and real-world examples that illustrate the application of the concepts learned. These examples are designed to help students understand the relevance of the course material in various contexts and industries.

By the end of the course, students should have a solid foundation in the subject matter and be equipped with the skills necessary to tackle complex problems and contribute to the field. The course is a valuable resource for anyone interested in this area of study.

The course is taught by a team of experienced faculty members who bring a wealth of knowledge and expertise to the classroom. They are committed to providing a high-quality educational experience and supporting students throughout their learning journey.

Students are encouraged to reach out to their instructors and peers for support and guidance. The course is designed to be a supportive and challenging environment where students can thrive and achieve their academic goals.

The course is a key component of the program and is essential for students who wish to pursue a career in this field. It provides the necessary theoretical and practical knowledge to succeed in a competitive and rapidly evolving industry.

Students who complete the course will have a strong understanding of the subject matter and be well-prepared for further studies or professional work. The course is a valuable investment in their education and future success.

The course is designed to be a dynamic and interactive learning experience. Students are encouraged to bring their own perspectives and experiences to the classroom, contributing to a rich and diverse learning environment.

The course is a testament to the commitment of the institution to providing a high-quality education. It is a course that is designed to challenge students and help them reach their full potential.

The course is a valuable resource for students who are passionate about their field of study. It provides the necessary tools and knowledge to succeed in a competitive and rapidly evolving industry.

The course is designed to be a supportive and challenging environment where students can thrive and achieve their academic goals. It is a course that is designed to help students reach their full potential.

The course is a key component of the program and is essential for students who wish to pursue a career in this field. It provides the necessary theoretical and practical knowledge to succeed in a competitive and rapidly evolving industry.

The course is designed to be a dynamic and interactive learning experience. Students are encouraged to bring their own perspectives and experiences to the classroom, contributing to a rich and diverse learning environment.

The course is a testament to the commitment of the institution to providing a high-quality education. It is a course that is designed to challenge students and help them reach their full potential.

Lying and being in Clayton Township, Johnston County, North Carolina and being more particularly described as follows:

Beginning at a point on the western r-o-w of City Road (N.C.S.R. 1709), said point being a common property corner with the now-or-formerly Janet E. Daniel Property, deed book 1603 page 9, and the now-or-formerly City Road, LLC property, deed book 4557 page 814, and being the place and point of beginning;

Thence with the western r-o-w of City Road $S13^{\circ}21'31''W$ 427.62 feet to a point;

Thence with leaving the western r-o-w of City Road $N50^{\circ}30'49''W$ 623.75 feet to a point;

Thence $N80^{\circ}14'57''E$ 57.23 feet to a point;

Thence $N80^{\circ}14'57''E$ 173.33 feet to a point;

Thence $S86^{\circ}48'56''E$ 353.52 feet to the place and point of beginning and containing 2.95 acres more or less.

Lying and being in Clayton Township, Johnston County, North Carolina and being more particularly described as follows:

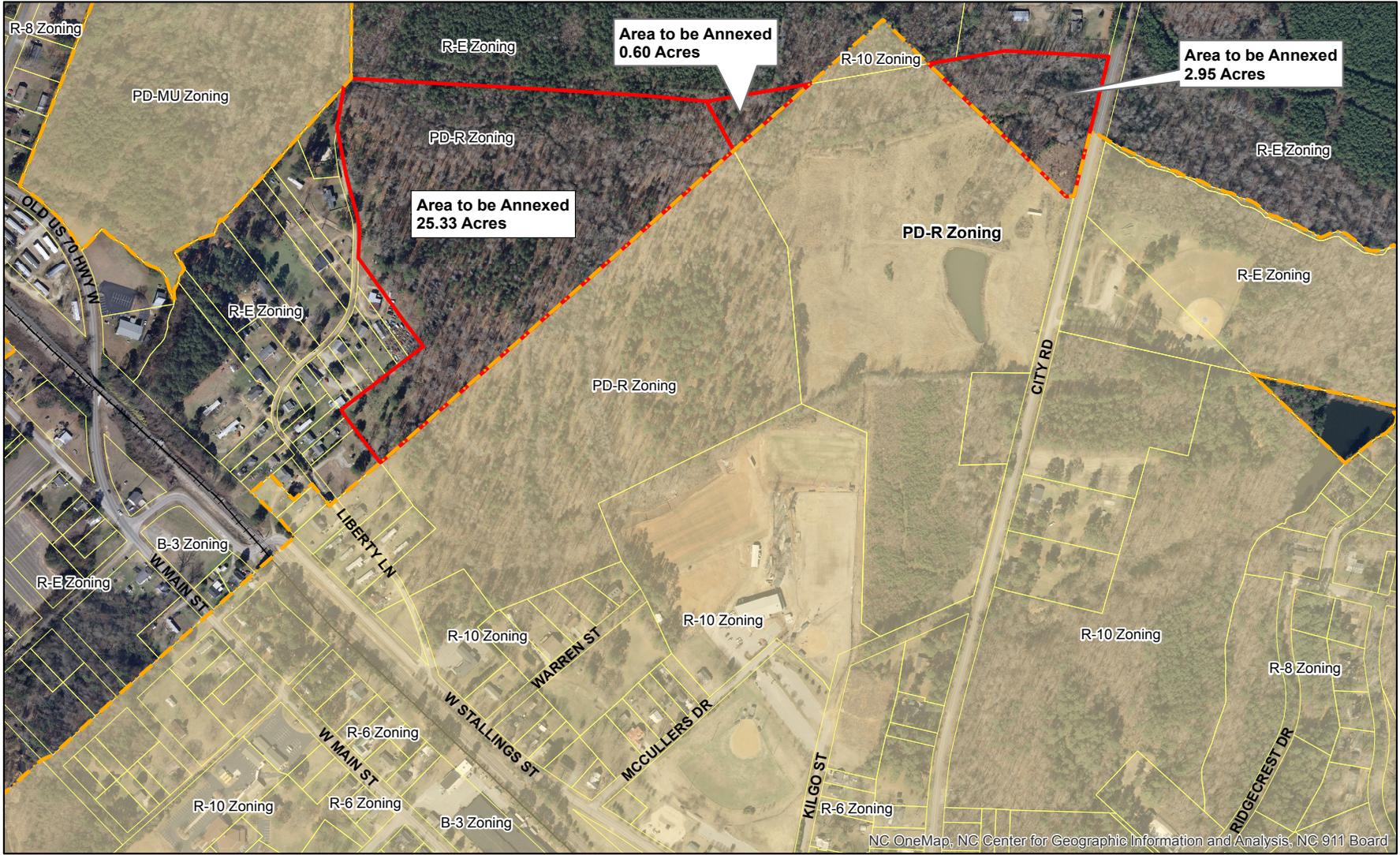
Beginning at a common property corner between the now-or-formerly City Road, LLC property, deed book 4557 page 814, the now or formerly Allen Lester Mims, Jr. property, deed book 1141 page 108, and the now-or-formerly Donald C. Adams property, plat book 81 page 126, said point being the place and point of beginning;

Thence with the City Road, LLC/Mims property line $N80^{\circ}15'52''E$ 295.68 feet to a point;

Thence $S43^{\circ}05'30''W$ 294.72 feet to a point in the City Road, LLC/Adams property line;

Thence with the common City Road, LLC/Adams property line $N28^{\circ}35'54''W$ 188.18 feet to the place and point of beginning and containing 0.60 acres more or less.





NC OneMap, NC Center for Geographic Information and Analysis, NC 911 Board

Legend

-  Clayton Town Limits
-  Parcels
-  Area to be Annexed

Produced by: TOC Planning
April 20, 2015

Annexation Map

Applicant(s): Donald C Adams & City Road, LLC
 Property Owner(s): Donald C Adams & City Road, LLC
 Parcel Number(s) Portion of 05030069 & 05030071
 File Number(s): 14-111-01-ANX



1 inch = 450 feet



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

**ANNEXATION PETITION 14-111-01-ANX
Parkview (Donald C Adams & City Road LLC)
Portion of Parcel 05030069 & 05030071
Owners: City Road LLC & Donald C Adams
Contiguous; 3.55 acres & 25.33 acres**

**TOWN OF CLAYTON
RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION
OF ANNEXATION PURSUANT TO G. S.160A-31**

WHEREAS, a petition requesting annexation of the 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 contiguous area described herein will be held at Town Hall at 6:30 PM on Monday, August 3, 2015.

Section 2. Lying and being in Clayton Township, Johnston County, North Carolina and being more particularly described as follows:

Beginning at a point on the western r-o-w of City Road (N.C.S.R. 1709), said point being a common property corner with the now-or-formerly Janet E. Daniel Property, deed book 1603 page 9, and the now-or-formerly City Road, LLC property, deed book 4557 page 814, and being the place and point of beginning; Thence with the western r-o-w of City Road S 13°21'31"W 427 .62 feet to a point; Thence with leaving the western r-o-w of City Road N50°30'49"W 623.75 feet to a point; Thence N80°14'57"E 57.23 feet to a point; Thence N80°14'57"E 173.33 feet to a point; Thence S86°48'56"E 353.52 feet to the place and point of beginning and containing 2.95 acres more or less.

Lying and being in Clayton Township, Johnston County, North Carolina and being more particularly described as follows:

Beginning at a common property corner between the now-or-formerly City Road, LLC property, deed book 4557 page 814, the now or formerly Allen Lester

Mims, Jr. property, deed book 1141 page 108, and the now-or-formerly Donald C. Adams property, plat book 81 page 126, said point being the place and point of beginning; Thence with the City Road, LLC/Mims property line N80°15'52"E 295.68 feet to a point; Thence S43°05'30"W 294.72 feet to a point in the City Road, LLC/Adams property line; Thence with the common City Road, LLC/Adams property line N28°35'54"W 188.18 feet to the place and point of beginning and containing 0.60 acres more or less.

Lying and being in Clayton Township, Johnston County, North Carolina and being more particularly described as follows:

Beginning at a common property corner between the now-or-formerly City Road, LLC property, deed book 4557 page 814, the now or formerly Allen Lester Mims, Jr. property, deed book 1141 page 108, and the now-or-formerly Donald C. Adams property, plat book 81 page 126, said point being the place and point of beginning; Thence with the City Road, LLC/Adams property line S28°35'54"E 188.18 feet to a point; Thence S43°05'30"W 1640.69 feet to a point; Thence N36°58'23"W 371.90 feet to a point; Thence N48°38'26"E 358.45 feet to a point; Thence N36°35'41"W 350.25 feet to a point; Thence N04°39'32"E 139.39 feet to a point; Thence N13°31'37"W 230.32 feet to a point; Thence N10°28'46"W 128.70 feet to a point; Thence N04°33'25"E 187.32 feet to a point; Thence S84°07'58"E 1251.86 feet to the place and point of beginning and containing 25.33 acres more or less.

Section 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 20th day of July 2015 while in regular session.

Jody L. McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC
Town Clerk

**Town of Clayton
Town Council
Agenda Cover Sheet**

AGENDA LOCATION:

Items Scheduled for the Regular Meeting

MEETING DATE:

July 20, 2015

ITEM TITLE:

15-18-01 RZ, Young Family Tract Rezoning

ITEM DESCRIPTION:

Property is located on Gordon Road and request for rezoning from R-E to L-I.

POTENTIAL ACTION:

Approval/Disapproval of Item

DEPARTMENT:

Community Development/Planning

PRESENTER:

David DeYoung, Planning Director

ITEM HISTORY:

Date:

Action Taken:

Information Provided:

Date:

Action Taken:

Information Provided:



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

Planning Board
June 22, 2015

STAFF REPORT

Application Number: 15-18-01-RZ Project Name: Young Family Tract Rezoning

NC PIN / Tag #: 167700-47-9545 / 05I05021A
Town Limits/ETJ: ETJ
Overlay: Small Area Plan (Future Land Use) / Scenic Highway Interchange (Scenic Highway Overlay) / Johnston County Research & Training Zone (Johnston County Economic Training Zone)
Applicant: Norwood Thompson
Owner: Young Family Irrevocable Trust c/o Jenny Kelling (Trustee)
Location: The property is located on Gordon Rd, near US Hwy 70 Business (see map).

Public Noticing:

- Neighborhood meeting May 12, 2015
- Sign posted June 09, 2015
- Letters mailed prior to July 22, 2015
- Newspaper ad posted prior to July 22, 2015

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



Page 1 of 5

SITE DATA:

Acreage: 69.58 acres

Existing Use: Agriculture

ADJACENT ZONING AND LAND USES:

Direction	Zoning	Existing Use
North	Light Industrial (I-1)	Industrial, warehousing, businesses
South	Residential-Estate (R-E), County Agricultural Residential (AR)	Rural residential, agricultural
East	Residential-Estate (R-E)	Agricultural
West	Light Industrial (I-1), Residential-Estate (R-E), Highway Business (B-3)	Industrial, businesses, vacant

STAFF ANALYSIS AND COMMENTARY:

Overview

The applicant is requesting to rezone 69± acres from Residential-Estate to Light Industrial. This piece of land is currently agricultural and primarily fronts along Gordon Rd, although some frontage also occurs along Wise Rd, US Hwy 70 Business, and North Tech Drive, just north of the intersection of Hwy 70 Business and Hwy 70 Bypass. The land is on the outside border of the Town’s Extraterritorial Planning Jurisdiction (ETJ).

Compatibility with Surrounding Land Uses

The site is located on the outside boundary of the industrial and technology-oriented uses that currently occupy the industrially-zoned land to the north. It is on the developing fringe of Clayton’s ETJ.

A small residential subdivision (Edinburgh) lies southeast of the property on the southern side of Gordon Rd. This subdivision’s sole access in and out is by Gordon Rd. The neighborhood does have a stub-out street heading east, but the adjacent property is not yet developed, and even when it is the second connection will still be to Gordon Rd.

Other uses surrounding the subject property are primarily agricultural or industrial/business.

Access/Streets:

Access to the bulk of the property is primarily from Gordon Rd and it is also possible to make a second connection from the north off of North Tech Dr. There is no way for a direct connection from the property to US Hwy 70 Business, nor is it likely that it would be permitted by NCDOT. The proximity to the US Hwy 70 Business and Hwy 70 Bypass interchange is supportive of an industrial-type use that might involve utilization of freight shipping corridors.

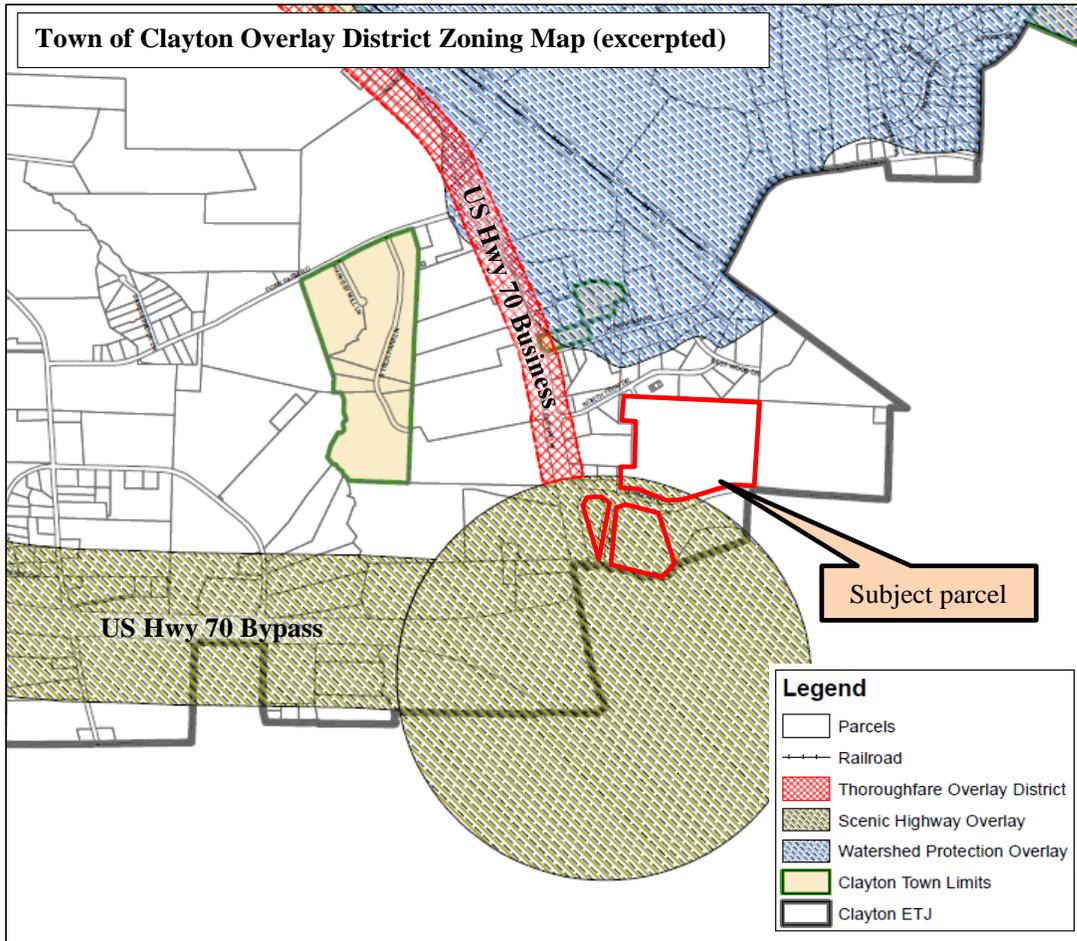
The two smaller sub-tracts of the Young Family property have access to US Hwy 70 Business, Gordon Rd, and Wise Rd.

Consistency with the Strategic Growth Plan

The 2008 Strategic Growth Plan designates this area as a “Small Area Plan” adjacent to Industrial Future Land Use on the north, and the highway interchange on the southwest. This rezoning is consistent with the intent of the Future Land Use for these and surrounding lands, as controlled by the Scenic Highway Overlay discussed below.

Consistency with Overlays

The Young Family Tract overlaps partially with the Scenic Highway Overlay (SHO). This regulates the uses within a certain distance of intersections and interchanges through the Scenic Highway Overlay interchange development criteria (§155.204(C)(8)). Only one type of industrial use is allowed within the SHO area – Research and Development (§155.306(H)) – and it is allowed at interchanges as a Conditional Use. Research and Development includes research and development of new products, offices and other facilities to support these activities, prototype production facilities, pilot plants, and scientifically-oriented production facilities. Mixed use developments are encouraged within the SHO, and specific design guidelines are taken into account during the site planning process.



This rezoning is likely in anticipation of subsequent inclusion of the subject property into the Johnston County Research and Training Zone (aka Economic Training Zone). The Johnston County Research and Training Zone (RTZ) is a specialized taxing district which houses the biotech, chemical, and pharmaceutical manufacturing companies along the US Hwy 70 Business corridor such as Grifols, Novo Nordisk, etc. If this should occur, Board of County Commissioners and Town Council permission is required prior to any inclusion into the RTZ. Properties included in the RTZ are not allowed to be annexed by the Town and have their property taxes fixed at a rate set when they are accepted into the RTZ.



CONSIDERATIONS:

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

Staff Report
15-18-01-RZ Young Family Tract

- The Town may wish for a subdivision of this oddly shaped parcel prior to a rezoning. Currently, this particular parcel is divided into three different sub-tracts, separated by Gordon Rd and Wise Rd. It would seem more appropriate to rezone the main body of the Young Family Tract parcel to I-1, but for the other two sub-tracts to assume some other type of zoning which might be more suitable to their particular locations.

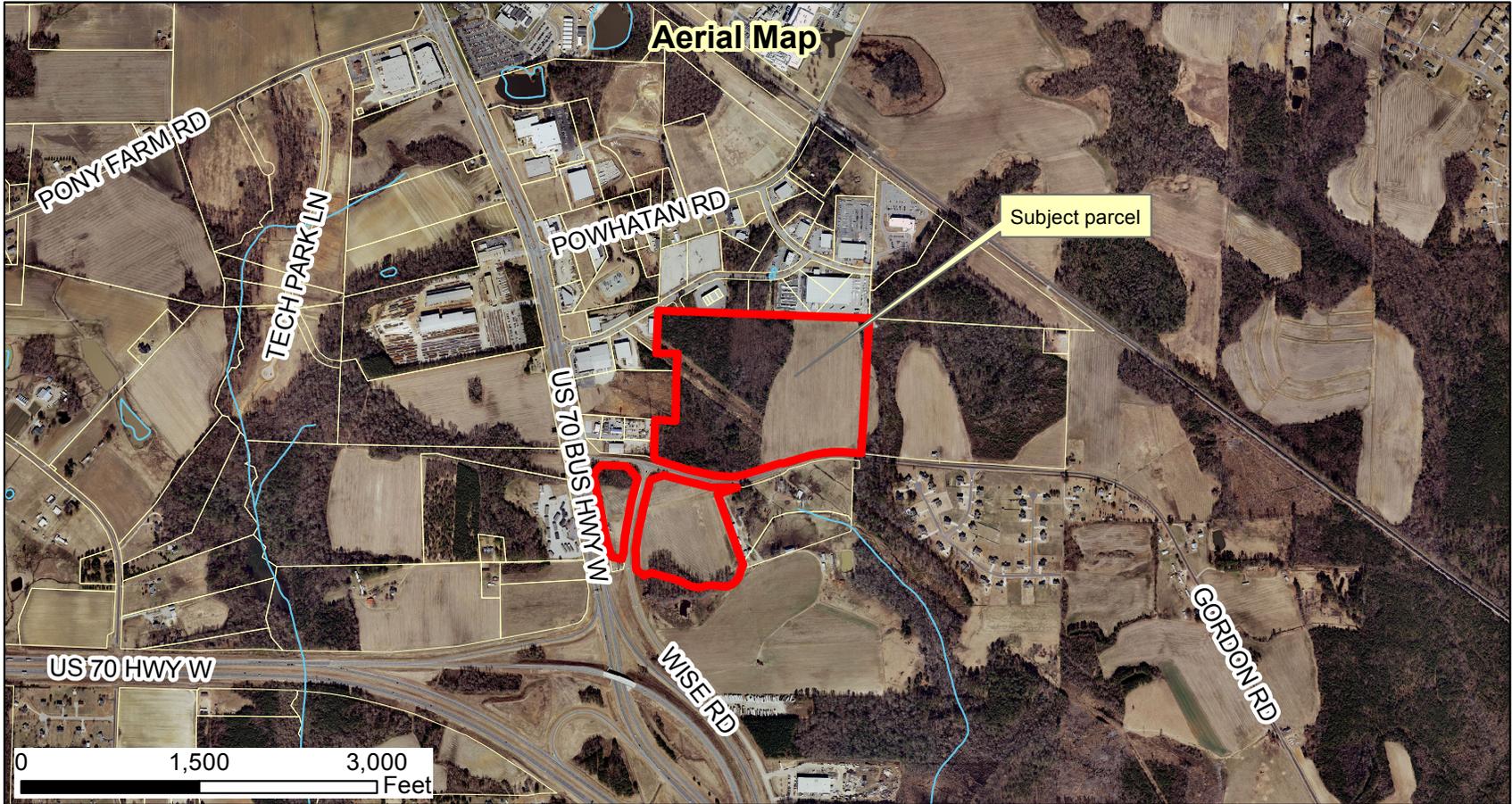
STAFF RECOMMENDATION:

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

PLANNING BOARD RECOMMENDATION:

ATTACHMENTS:

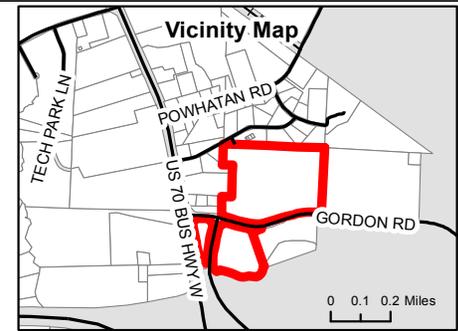
- 1) Aerial Map
- 2) Existing and Proposed Zoning Map
- 3) Proposed Land Use Map
- 4) Application
- 5) Neighborhood Meeting Materials

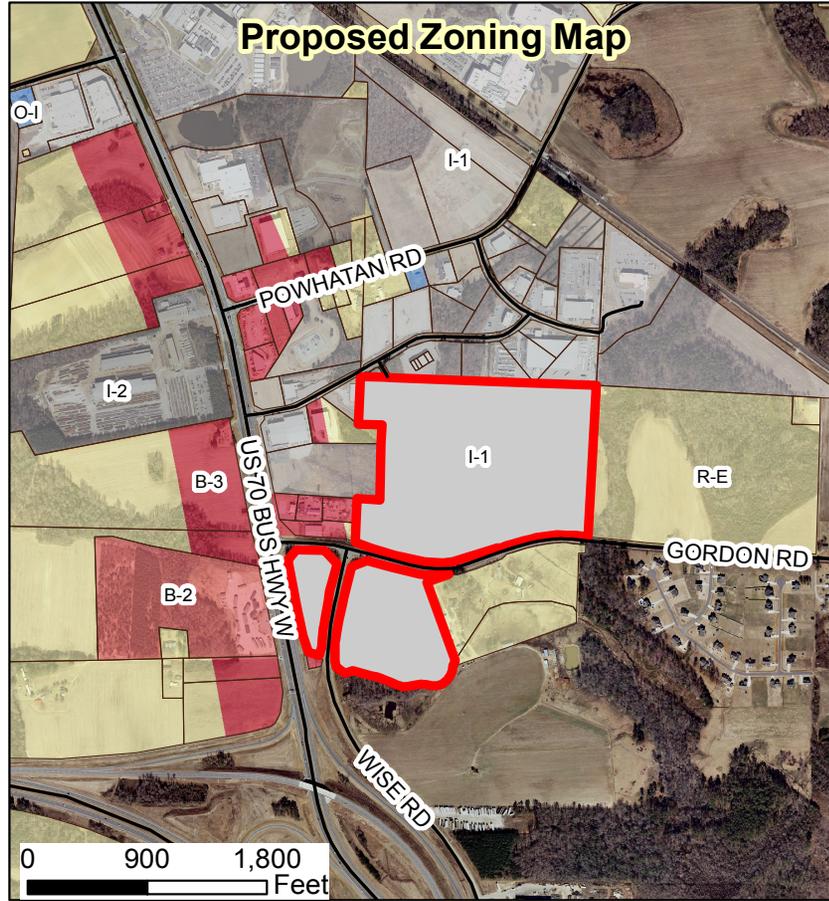
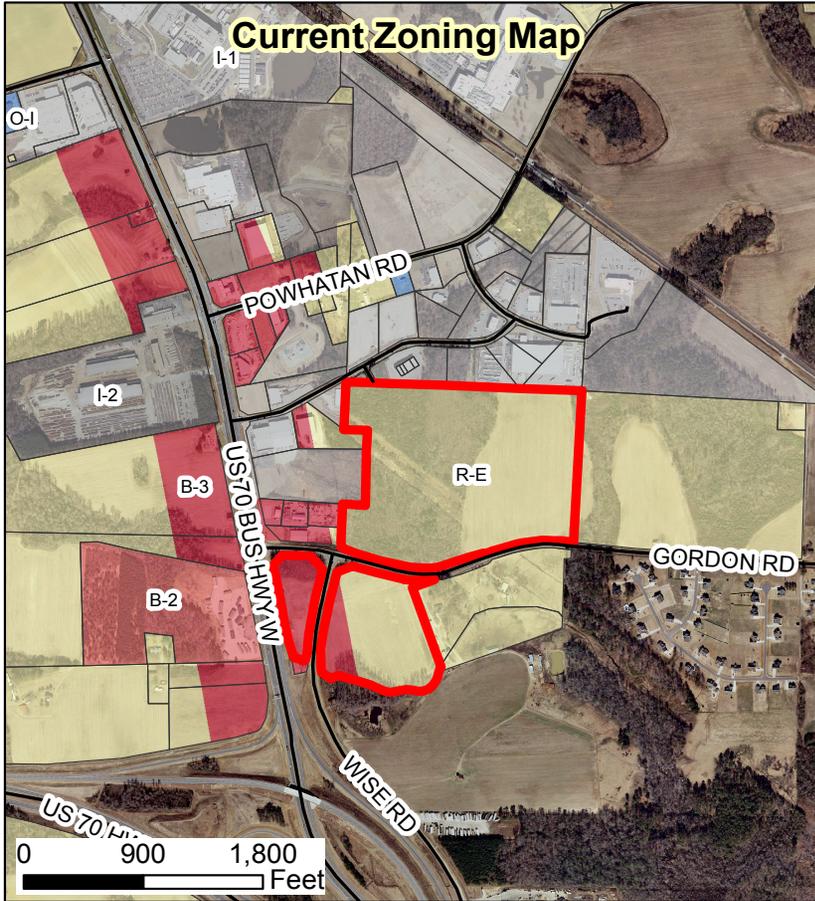


**15-18-01-RZ Young Family Tract Rezoning
Rezoning from R-E to I-1**

Applicant: Norwood Thompson
 Property Owner: Young Family Irrevocable Trust
 Parcel ID Number: 167700-47-9545
 Tag #: 05105021A

Produced by: TOC Planning
 Disclaimer: Town of Clayton assumes no legal
 responsibility for the information represented here.
 03/14/2015





**15-18-01-RZ Young Family Tract Rezoning
Rezoning from R-E to I-1**

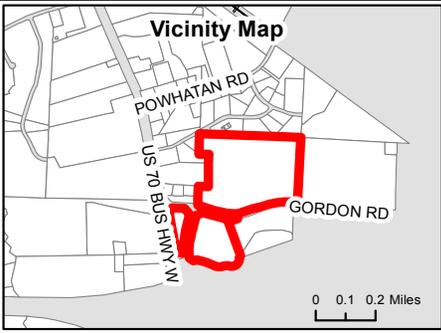
Applicant: Norwood Thompson
 Property Owner: Young Family Irrevocable Trust
 Parcel ID Number: 167700-47-9545
 Tag #: 05105021A

Produced by: TOC Planning
 Disclaimer: Town of Clayton assumes no legal responsibility for the information represented here.
 06/15/2015



Legend

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



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



Legend

- Subject Parcel
- PROPOSED LAND USE**
- CBD
- COMMERCIAL
- INDUSTRIAL
- MULTI-FAMILY
- NEIGHBORHOOD COMMERCIAL
- OFFICE INSTITUTIONAL
- OPEN SPACE CONSERVATION
- PUBLIC
- RESIDENTIAL-INFILL
- RESIDENTIAL-LIGHT
- RESIDENTIAL-MEDIUM
- SMALL AREA PLAN

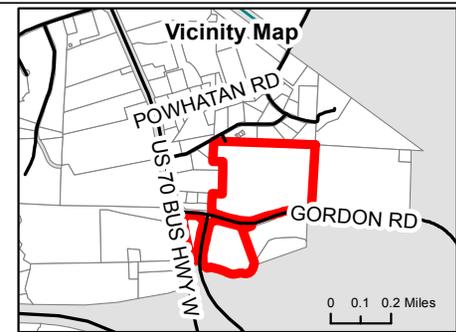
15-18-01-RZ Young Family Tract Rezoning Rezoning from R-E to I-1

Applicant: Norwood Thompson
 Property Owner: Young Family Irrevocable Trust
 Parcel ID Number: 167700-47-9545
 Tag #: 05105021A

Produced by: TOC Planning

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

06/15/2015



PROPERTY OWNER INFORMATION

Name: Young Family Irrevoc Trust, Jenny Kelling Trustee
 Mailing Address: 3739 National Dr. Ste 227
 Phone Number: _____ Fax: _____
 Email Address: Raleigh NC, 27612

EXPLANATION OF PROJECT

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

For the purpose of marketing light industrial sites to prospective purchasers, it is the desire of the applicant and owners to ask for rezoning so that they may work with the Johnston County EDC to have this tract certified by the County of Johnston, as a "Johnston County Ready Sites". It is the applicants belief that the rezoning from R-E to Light Industrial will increase marketability of the land through Johnston County EDC and the NC Department of Commerce.

REQUIRED INFORMATION (to be submitted with the application)

The following items must accompany a Rezoning application.

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

APPROVAL CRITERIA

All applications for a Rezoning must address the following findings:

- 1. Consistency with the adopted plans of the Town.

~~With contiguous property zoned I-1 or B3 and with Gordon Road serving as a buffer, it is the applicants belief that the rezoning request would not adversely or negatively effect neighboring landowners.~~

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

~~Currently the property is zoned R-E and has limited residential value with the light industrial property and facilities that is contiguous. It is the applicants belief that rezoning would enhance and increase the marketability. The requested rezoning has the potential to add tremendous value to the Town of Clayton coffers.~~

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

~~It is the applicants belief that the rezoning will improve the Town of Clayton and Johnston County's ability to market the site for an appropriate light manufacturing facility. Opportunities will improve to market the site to companies that will provide jobs to area citizens as well as potentially increase the coffers of the Town of Clayton without adversely effecting Town of Clayton services.~~

- 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.

~~It is the applicants belief that the proposed rezoning would not negatively effect or impact the public facilities. With increased opportunity to market the site, it is the strong belief that the Town of Clayton would benefit financially from the sale of utilities.~~

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

~~With contiguous land and facilities already zoned Light Industrial and with Gordon Rd. serving as a natural buffer to residential neighborhood outside the ETJ of the Town of Clayton, it is the belief of the applicant that this rezoning would not violate any rules, codes or ordinances set by the Town of Clayton.~~

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

~~With contiguous land and facilities already zoned Light Industrial and with Gordon Rd. serving as a natural buffer to residential neighborhood outside the ETJ of the Town of Clayton, it is the belief of the applicant that adjoining property owners will not be adversely effected.~~

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

~~It is the desire of the applicant to work with the Johnston County EDC and the NC Department of Commerce and promote the site as a "Johnston County Ready Site." One of the criteria is that land must be zoned Light Industrial. This rezoning will enhance the value of the property and, also, will make it more marketable for suitable light manufacturing companies. Any potential development of the land will not be detrimental to the general public.~~

APPLICANT AFFIDAVIT

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

Nawal O Thompson
Print Name

[Signature]
Signature of Applicant

4/28/15
Date

January 2015

Page 4 of 10

ADJACENT PROPERTY OWNERS LIST

Project Name: Young Family Tract

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

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

PARCEL NUMBER	NAME	ADDRESS
05I05020S	Winstead Building	PO Drawer 1960, Smithfield NC 27577
05I05020O	Raymond House	2020 Casey Rd, Clayton NC 27520
05I05020L, 05I05019H 05I05020R	Walthom Group	442 1/2 East Main Street, Clayton NC 27520
05I05020V 05I05020H	Theodore James Cihols	2017 Fox Den, Clayton NC 27527
05I05020N	Carolina CPL Holinging	1125 W. NC Hwy 54 Ste 504 Durham NC 27707
05I05019K, 05I05023S 05I05023T, 05I05023U	North Tech 120 LLC	120 North Tech Dr. Ste 102, Clayton NC 27520
05I05019L, 05I05019M 05I05019O	Neuse River Leasing Inc	2160 Satellite Blvd, Ste 450, Duluth, GA 30097
05I05023R	MCD Investments	PO Box 877 Clayton, NC 275280-0877
05I05023K	Jose Saucedo / Claudia Santillan	103 Granton Ct. Clayton NC, 27520
05I05008J	Novo Nordisk	3612 Powhatan Rd, Clayton NC 27527
05I05022A	Ida Wiggins	1282 Maple Ave, Peekskill NY, 10566-4853
05I05021, 05I05021B	Betty L Mitchell	2367 Gordon Rd, Clayton NC 27520
05E99011	Norwood Godwin Jones Jr.	804 Chestnut Dr. Smithfield NC, 27577
05I05036	Hellen Tuttle	PO Box 622 Clayton NC 27520
05I05035A	CMH Homes INC	PO Box 9790 Maryville, TN 37802-9790
05I05034A, 05I05034	Worth M Pounds Jr	1899 Strickland Rd. Clayton NC 27520-4817
05I05034B	Donald C Hull	PO Box 2, Micro NC 27555



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: Young Family Tract **Address or PIN #:** 167700-47-9545

AGENT/APPLICANT INFORMATION:

Norwood Thompson 442 1/2 East Main Street
 (Name - type, print clearly) (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 below*):

Norwood Thompson

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.

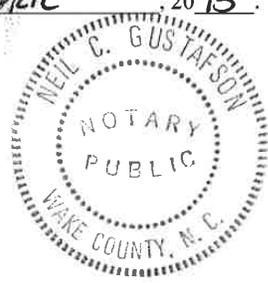
OWNER AUTHORIZATION:

~~Jenny Y Kelling~~ Carl G. Young 3739 National Dr. Ste 227
 (Name - type, print clearly) (Address)
Carl G. Young Raleigh NC 27612
 (Owner's Signature) (City, State, Zip)

STATE OF North Carolina
COUNTY OF WAKE

Sworn and subscribed before me NEIL C. GUSTAFSON a Notary Public for the above State and County, this the 23rd day of APRIL, 2015.

SEAL



Neil C. Gustafson
 Notary Public
 My Commission Expires: 1-12-2020



442 ½ East Main Street #3
Clayton NC 27520

May 1, 2015

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: ____ May 12, 2015 _____

Location: ____ 442 ½ East Main Street #3, Clayton NC 27520 _____
(Horne Building / Behind First Federal Bank)

Time: ____ 6:00PM _____

Type of Application: ____ Rezoning Request _____

General Description:

The property under consideration is located on the North-West side of Gordon Road. Currently the property is zoned R-E and the owners/applicant have found limited residential value with the light industrial property and facilities that is contiguous. It is the applicant's belief that the rezoning will improve our ability to market the site for an appropriate light manufacturing facility. It is the desire of the applicant to work with the NC Department of Commerce and promote the site as a "NC Certified Site." One of the criteria is that land must be zoned Light Industrial. Any potential development will be required to comply to the building and site development requirements set by the Town of Clayton.

If you have any questions prior to or after this meeting, you may contact us at **919-553-5400**.

Sincerely,

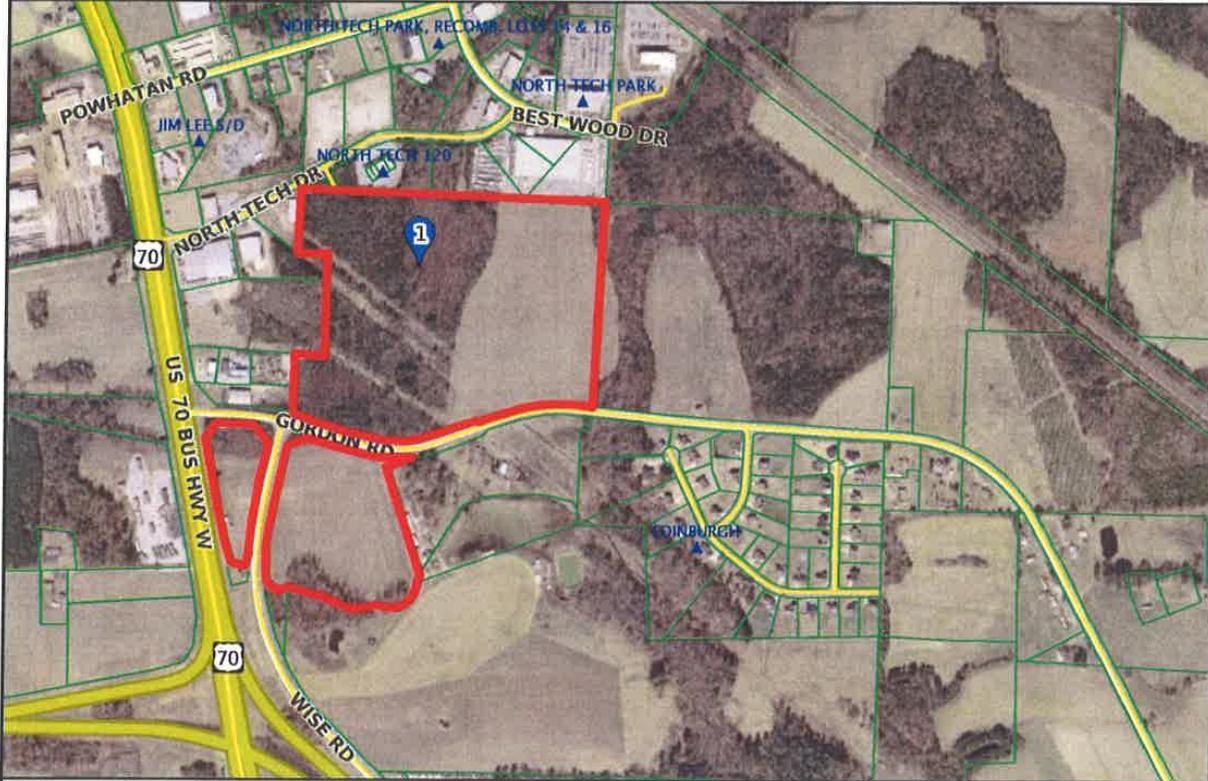
Norwood Thompson

cc: Clayton Planning Dept.



*** DISCLAIMER ***

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



Scale: 1:8445 - 1 in. = 703.76 feet
(The scale is only accurate when printed landscape on a 8 1/2 x 11 size sheet with no page scaling.)

Johnston County GIS
April 29, 2015

Meeting Recap

Wiggins/Young

May 12, 2015

1. Several people from Edinburgh complained they did not get letter. Discussed that is was mailed to only adjacent neighbors.
2. Discussed plan for I-1 zoning.
 - That subject property backed up to
 - Phillips complex
 - Excide Battery
 - Machine Shop/US Lumber
 - Rail Road
3. Several people thought and suggested it should become
 - Residential
 - School
 - Park
4. Concerns were
 - Traffic of trucks
 - Access Points
 - Use
5. Made group aware that any use would require traffic study and possible road improvements. The use is to be determined but a possible use is Pharmaceutical. Also addressed that the owners were willing to deed restrict against recycling, junk yards and landfills.

Additionally there is an access point in North Tech Park and Hwy 70 next to Rob's Hydraulics.

Norwood Thompson offered to meet with a spokesman for them and discuss any suggestions they might have.

May 12, 2015

Marion & Ben Clifton 160 Bilston Dr. 919-243-0812
David Millard 27 Granton Ct. 919-359-1154
Joseph & Ruth Lorene 132 Eddlestone 919-550-1897
Charles & Kristen Adkins 148 Eddlestone CT 252-560-6153
Nicole & Mark Guerrero 81 Eddlestone Ct 919-879-8035
Derek & Season Wyatt 127 Bilston Dr. 919-320-5706
PAULA NAARON 415 J. FOWATT ST SMITHFIELD NC 919-934-6909
David and Linda Moten 138 Bilston Dr. 919-741-0749
LIFFORD AND GINNY PINTO 67 SLATFORD DR. ⁹¹⁹⁻³⁴⁹⁻³³⁶⁷
Christie Rafferty 118 Bilston Drive 919-339-7300
Toni Burdenand 98 Bilston Dr 919-585-2255
Bonny Burdenand 56 Granton Ct. 919-359-2838
Rick Loy 139 EDDLESTONE CT 910-638-1839
Benny Langdon 19 Slatford Dr 919-750-7358
MARK TURNER 61 EDDLESTONE CT 919-780-9256
Thomas Maier 64 Bilston DR 910-603-9851
Bruce Allen Signature Management 919-333-3567
Wendy Gatenwood 59 Bilston Dr. 919-395-8897
Lisa Wiley 24 Slatford Dr. 919-530-7500
Laurie Pounds 1899 Strickland Rd Clayton NC 919-209-8836
Alysa Gill 4412 EAST MAN 919-550-5664

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

15-18-01-RZ Young Family Tract Rezoning

On June 22, 2015 the Planning Board heard the above-referenced request and made the following vote:

Recommendation to approve deny **Young Family Tract Rezoning [15-08-01-RZ]**

18
typo.
JM

Recommendation(s) made this 22 day of June 2015 while in regular session.

Signed:



Frank Price, Planning Board Chair

TOWN OF CLAYTON
ZONING AMENDMENT
CONSISTENCY AND REASONABLENESS STATEMENT

15-18-01-RZ, Young Family Tract rezoning

The Town Council of the Town of Clayton hereby states:

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

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

- 2.1 Balance development/investment: old & new.
- 4.3 More people working and living in Clayton.
- 4.5 Partner with local economic development organizations.

The Town of Clayton's Comprehensive Bicycle Plan: not applicable.

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, the above referenced zoning amendment is reasonable and in the public interest.

Insert additional specifics if necessary:

**Town of Clayton
Town Council
Agenda Cover Sheet**

AGENDA LOCATION:

Items Scheduled for the Regular Meeting

MEETING DATE:

July 20, 2015

ITEM TITLE:

15-19-01 RZ, Wiggins Tract Rezoning

ITEM DESCRIPTION:

Property is located on Gordon Road and request for rezoning from R-E to L-I.

POTENTIAL ACTION:

Approval/Disapproval of Item

DEPARTMENT:

Community Development/Planning

PRESENTER:

David DeYoung, Planning Director

ITEM HISTORY:

Date:

Action Taken:

Information Provided:

Date:

Action Taken:

Information Provided:



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

Planning Board
June 22, 2015

STAFF REPORT

Application Number: 15-19-01-RZ Project Name: Wiggins Tract Rezoning

NC PIN / Tag #: 167700-67-6564 / 05I05022A
Town Limits/ETJ: ETJ
Overlay: Small Area Plan (Future Land Use) / Johnston County Research & Training Zone (Johnston County Economic Training Zone)
Applicant: Norwood Thompson
Owner: Ida S. Wiggins
Location: The property is located on Gordon Rd, near US Hwy 70 Business (see map).

Public Noticing:

- Neighborhood meeting May 12, 2015
- Sign posted June 09, 2015
- Letters mailed prior to July 22, 2015
- Newspaper ad posted prior to July 22, 2015

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



SITE DATA:

Acreeage: 45.73 acres
Existing Use: Agriculture

ADJACENT ZONING AND LAND USES:

Direction	Zoning	Existing Use
North	Light Industrial (I-1)	Agricultural
South	County Agricultural Residential (AR)	Residential subdivision (Edinburgh)
East	County Agricultural Residential (AR)	Agricultural
West	Residential-Estate (R-E)	Agricultural

STAFF ANALYSIS AND COMMENTARY:

Overview

The applicant is requesting to rezone 45± acres from Residential-Estate to Light Industrial. This piece of land is currently agricultural and primarily fronts along Gordon Rd, just north of the intersection of Hwy 70 Business and Hwy 70 Bypass. The land is on the outside border of the Town’s Extraterritorial Planning Jurisdiction (ETJ).

Compatibility with Surrounding Land Uses

The site is located on the outside boundary of the industrial and technology-oriented uses that currently occupy the industrially-zoned land to the north. It is on the developing fringe of Clayton’s ETJ.

A small residential subdivision (Edinburgh) is located on the other side of Gordon Rd. This subdivision is served by a connection to Gordon Rd, which is their only ingress/egress to their neighborhood. The neighborhood does have a stub-out street heading east, but the adjacent property is not yet developed, and even when it is the second connection will still be to Gordon Rd.

Other uses surrounding the subject property are primarily agricultural or rural residential.

Access/Streets:

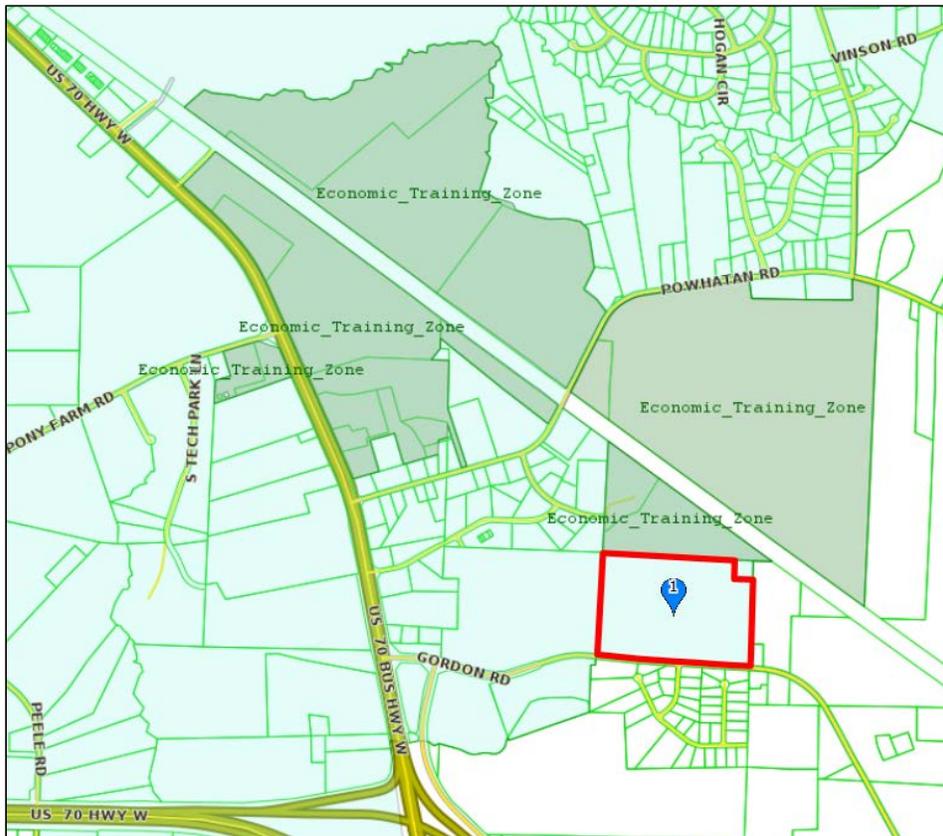
Primary access to the property is from Gordon Rd. As parcels to the north are developed, it may be possible to make a second connection to North Tech Dr. The proximity to the US Hwy 70 Business and Hwy 70 Bypass interchange is supportive of an industrial-type use that might involve utilization of freight shipping corridors.

Consistency with the Strategic Growth Plan

The 2008 Strategic Growth Plan designates this area as a “Small Area Plan” adjacent to Industrial Future Land Use on the north, and the highway interchange on the southwest. This rezoning is consistent with the intent of the Future Land Use for these and surrounding lands, as controlled by the Scenic Highway Overlay discussed below.

Consistency with Overlays

This rezoning is likely in anticipation of subsequent inclusion of the subject property into the Johnston County Research and Training Zone (aka Economic Training Zone). The Johnston County Research and Training Zone (RTZ) is a specialized taxing district which houses the biotech, chemical, and pharmaceutical manufacturing companies along the US Hwy 70 Business corridor such as Grifols, Novo Nordisk, etc. If this should occur, Board of County Commissioner and Town Council permission is required prior to any inclusion into the RTZ. Properties included in the RTZ are not allowed to be annexed by the Town and have their property taxes fixed at a rate set when they are accepted into the RTZ.



CONSIDERATIONS:

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

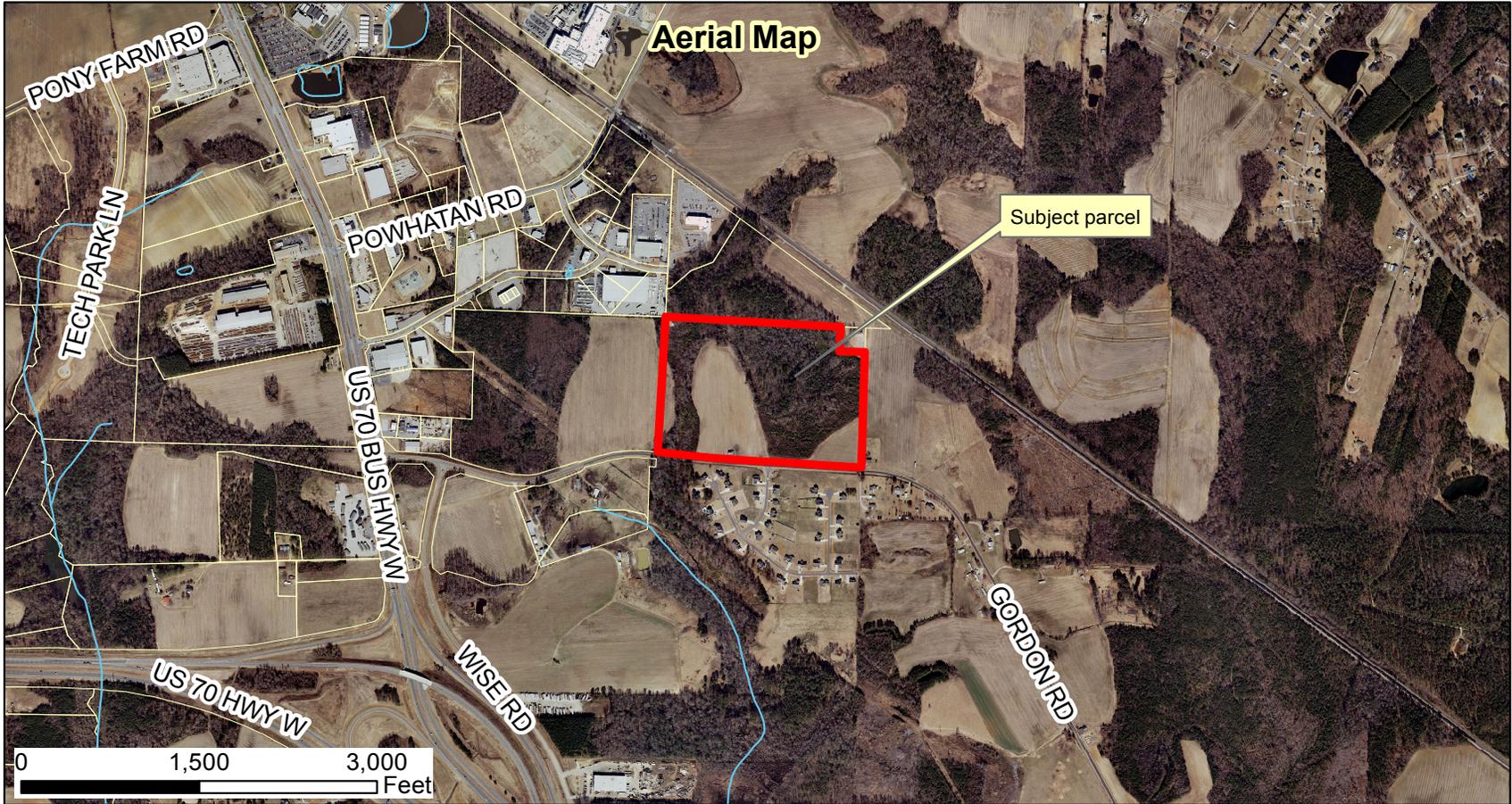
STAFF RECOMMENDATION:

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

PLANNING BOARD RECOMMENDATION:

ATTACHMENTS:

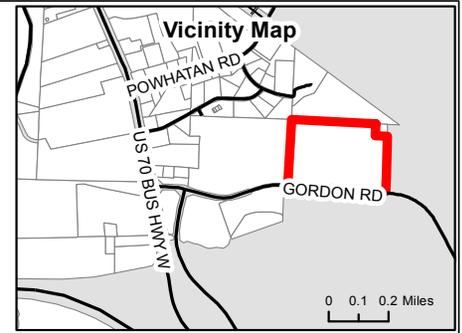
- 1) Aerial Map
- 2) Existing and Proposed Zoning Map
- 3) Proposed Land Use Map
- 4) Application
- 5) Neighborhood Meeting Materials
- 6) Letter Opposing Rezoning

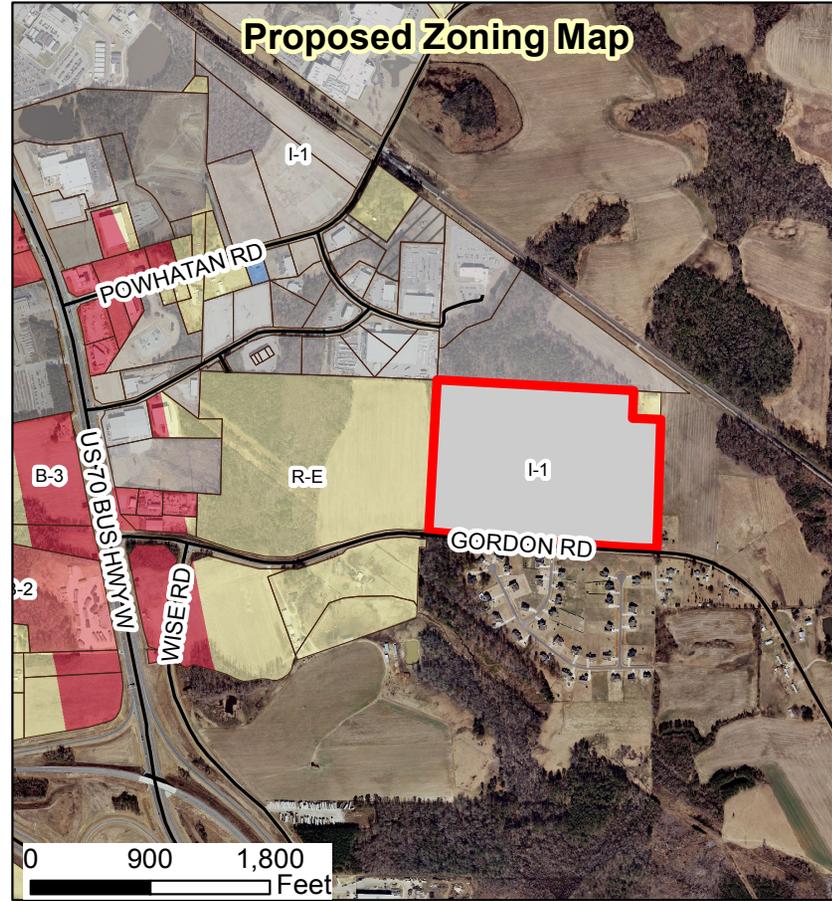
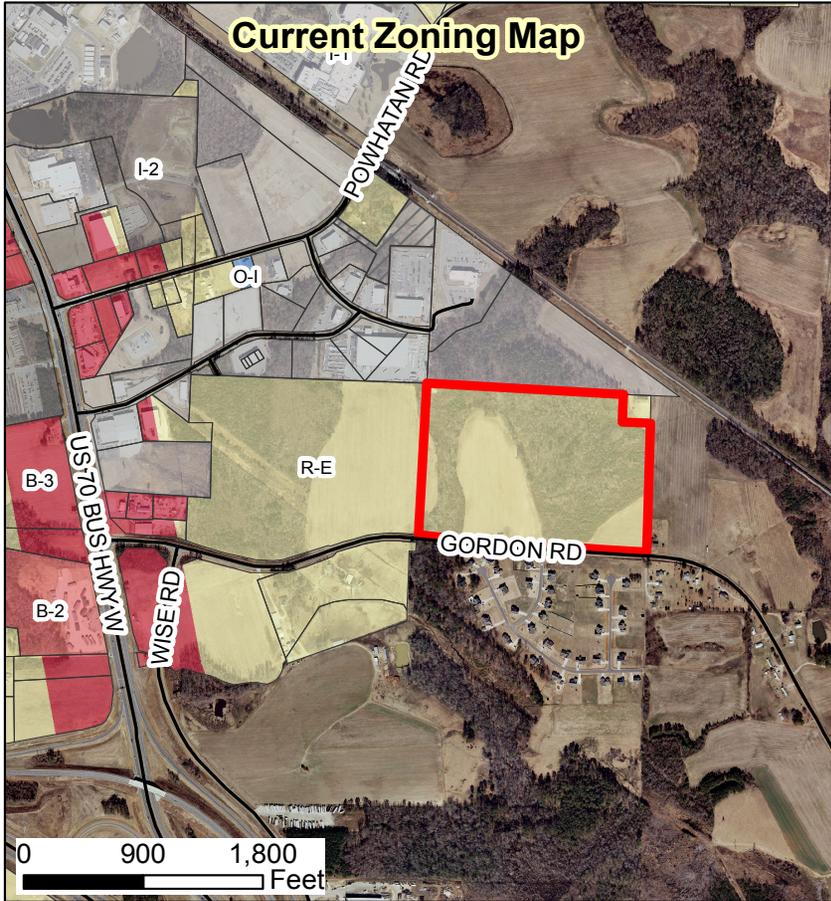


**15-19-01-RZ Wiggins Family Tract Rezoning
Rezoning from R-E to I-1**

Applicant: Norwood Thompson
 Property Owner: Ida S. Wiggins
 Parcel ID Number: 167700-67-6564
 Tag #: 05105022A

Produced by: TOC Planning
 Disclaimer: Town of Clayton assumes no legal
 responsibility for the information represented here.
 03/14/2015





15-19-01-RZ Wiggins Family Tract Rezoning Rezoning from R-E to I-1

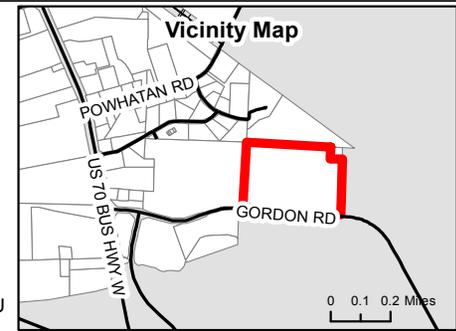
Applicant: Norwood Thompson
 Property Owner: Ida S. Wiggins
 Parcel ID Number: 167700-67-6564
 Tag #: 05105022A

Produced by: TOC Planning
 Disclaimer: Town of Clayton assumes no legal
 responsibility for the information represented here.
 06/15/2015

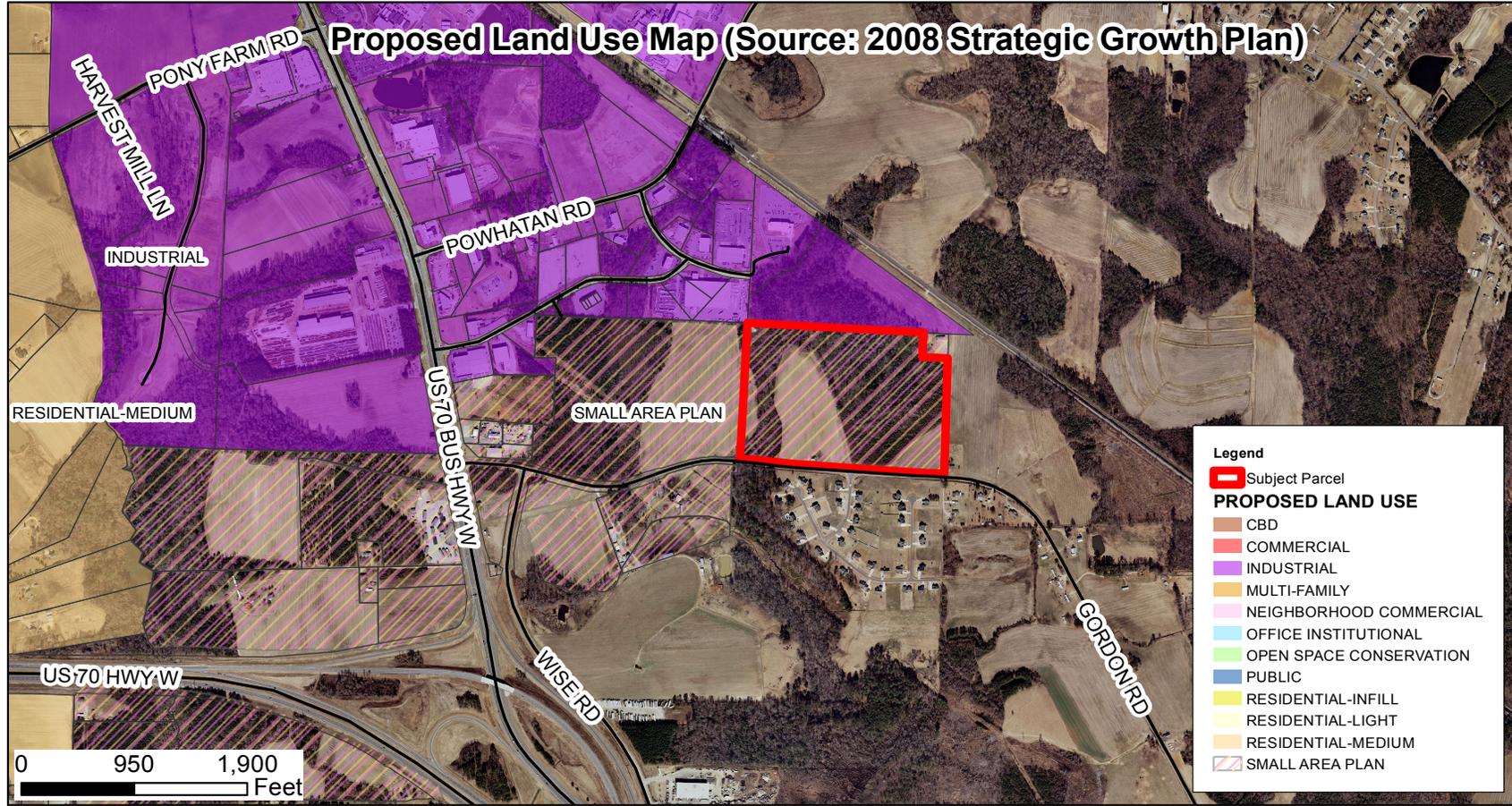


Legend

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

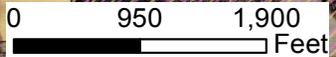


Proposed Land Use Map (Source: 2008 Strategic Growth Plan)



Legend

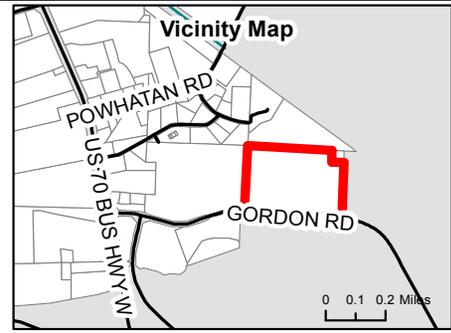
- Subject Parcel
- PROPOSED LAND USE**
- CBD
- COMMERCIAL
- INDUSTRIAL
- MULTI-FAMILY
- NEIGHBORHOOD COMMERCIAL
- OFFICE INSTITUTIONAL
- OPEN SPACE CONSERVATION
- PUBLIC
- RESIDENTIAL-INFILL
- RESIDENTIAL-LIGHT
- RESIDENTIAL-MEDIUM
- SMALL AREA PLAN



15-19-01-RZ Wiggins Family Tract Rezoning Rezoning from R-E to I-1

Applicant: Norwood Thompson
 Property Owner: Ida S. Wiggins
 Parcel ID Number: 167700-67-6564
 Tag #: 05105022A

Produced by: TOC Planning
 Disclaimer: Town of Clayton assumes no legal responsibility for the information represented here.
 06/15/2015





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

REZONING APPLICATION

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

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

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

SITE INFORMATION

Name of Project: Wiggins Tract Acreage of Property: ~~69.50~~ 45.73
 County Tag Number: 05105022A NC PIN: 167700-67-6564
 Address/Location: 2000 Gordon Road - Clayton NC

Existing Zoning District: R-E

Proposed Zoning District: I-1

Is project within an Overlay District? No
 Yes (list): ETJ of the Town of Clayton

APPLICANT INFORMATION

Applicant: Norwood Thompson
 Mailing Address: 442 1/2 East Main Street #3, Clayton NC
 Phone Number: 919-553-5400 Fax: _____
 Contact Person: Norwood Thompson
 Email Address: nthompson@walthomgroup.com

RECEIVED		
FOR OFFICE USE ONLY		
Date Received: MAY 01 2015	Amount Paid: _____	File Number: <u>15-19-01-12</u>
Town of Clayton Planning Department		

January 2015

Page 1 of 10

PROPERTY OWNER INFORMATION

Name: Ida S. Wiggins
Mailing Address: 1282 Maple Ave
Phone Number: _____ **Fax:** _____
Email Address: Peekskill, NY 10566-4853

EXPLANATION OF PROJECT

Please provide detailed information concerning all requests. Attach additional sheets if necessary.
 For the purpose of increased marketing light industrial sites to prospective purchasers, it is the desire of the applicant and owners to ask for rezoning so that they may work with the Johnston County EDC to have this tract certified by the County of Johnston, as "Johnston County Ready Site." It is the applicants belief that the rezoning from R-E to Light Industrial will increase marketability of the land through the Johnston County EDC and the NC Department of Commerce.

REQUIRED INFORMATION (to be submitted with the application)

The following items must accompany a Rezoning application.

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

APPROVAL CRITERIA

All applications for a Rezoning must address the following findings:

- 1. Consistency with the adopted plans of the Town.

~~With contiguous property zoned I-1 or B3 and with Gordon Road serving as a buffer, it is our belief that the rezoning request would not adversely or negatively effect neighboring landowners.~~

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

~~Currently the property is zoned R-E and has limited residential value with the light industrial property and facilities that is contiguous. It is the applicants belief that rezoning would enhance and increase the marketability. The requested rezoning has the potential to add tremendous value to the Town of Clayton coffers.~~

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

~~It is the applicants belief that the rezoning will improve the Town of Clayton and Johnston County's ability to market the site for an appropriate light manufacturing facility. Opportunities will improve to market the site to companies that will provide jobs to area citizens as well as potentially increase the coffers of the Town of Clayton without adversely effecting Town of Clayton services.~~

- 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.

~~It is the applicants belief that the proposed rezoning would not negatively effect or impact the public facilities. With increased opportunity to market the site, it is the strong belief that the Town of Clayton would benefit financially from the sale of utilities.~~

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

~~With contiguous land and facilities already zoned Light Industrial and with Gordon Rd. serving as a natural buffer to residential neighborhood outside the ETJ of the Town of Clayton, it is the belief of the applicant that this rezoning would not violate any rules, codes or ordinances set by the Town of Clayton.~~

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

~~With contiguous land and facilities already zoned Light Industrial and with Gordon Rd. serving as a natural buffer to residential neighborhood outside the ETJ of the Town of Clayton, it is the belief of the applicant that adjoining property owners will not be adversely effected.~~

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

~~It is the desire of the applicant to work with the Johnston County EDC and the NC Department of Commerce and promote the site as a "Johnston County Ready Site." One of the criteria is that land must be zoned Light Industrial. This rezoning will enhance the value of the property and, also, will make it more marketable for suitable light manufacturing companies. Any potential development of the land will not be detrimental to the general public.~~

APPLICANT AFFIDAVIT

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

Norman O. Thompson
Print Name

[Signature]
Signature of Applicant

4/28/15
Date

January 2015

Page 4 of 10

ADJACENT PROPERTY OWNERS LIST

Project Name: Wiggins Tract

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

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

PARCEL NUMBER	NAME	ADDRESS
05I05008J	Novo Nordisk	3612 Powhatan Clayton NC 27527
05I05021A	Young Family	3739 National Dr. Ste 227, Raleigh NC 27612-4063
05I05021	Betty Mitchell	2367 Gordon Rd. Clayton, NC 27520
05I05023K	Claudia Santillan / Jose Saucedo	103 Granton Court, Clayton NC 27520
05I05023L	David Koehler	102 Granton Ct, Clayton NC 27520
05I05023Q	David Wiley	24 Slateford Dr. Clayton NC 27520
05I05022	Benny H. Langdon	19 Slateford Dr. Clayton NC 27520
05I05022R	Scot Schwichow	147 Eddlestone Dr. Clayton NC 27520
05I05022S	Charles Adkins	148 Eddlestone Ct. Clayton NC 27520
05E99010L	Joesph B. Jones	PO Box 871, Clayton NC 27520
05E99003L	Betty C Woodall	2175 Grabtown Rd. Smithfield NC 27577
05I05023	Betty Mitchell	2367 Gordon Rd. Clayton NC 27520
05I05022C	New Bethel Church	1814 Gordon Rd. Clayton NC 27520
05I05019O	Neuse River Leasing	2160 Satellite Bld Ste 450 Duluth, GA 30097



**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: Wiggins Tract **Address or PIN #:** 167700-67-6584

AGENT/APPLICANT INFORMATION:

Norwood Thompson
(Name - type, print clearly)

442 1/2 East Main Street
(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 below*):

Norwood Thompson

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:

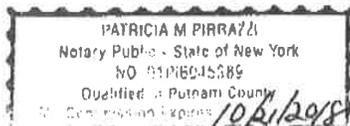
Ida Wiggins
(Name - type, print clearly)
Ida Wiggins
(Owner's Signature)

1282 Maple Ave
(Address)
Peekskill, NY 10566-4853
(City, State, Zip)

STATE OF New York
COUNTY OF Westchester

Sworn and subscribed before me Patricia M. PirraZZi Notary Public for the above State and County, this the 22nd day of April, 2015.

SEAL



Patricia M. PirraZZi
Notary Public
My Commission
Expires: 10/21/2018

January 2015

Page 10 of 10



442 1/2 East Main Street #3
Clayton NC 27520

May 1, 2015

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: _____ May 12, 2015 _____

Location: _____ 442 1/2 East Main Street #3, Clayton NC 27520 _____
(Horne Building / Behind First Federal Bank)

Time: _____ 6:00PM _____

Type of Application: _____ Rezoning Request _____

General Description:

The property under consideration is located on the North-West side of Gordon Road. Currently the property is zoned R-E and the owners/applicant have found limited residential value with the light industrial property and facilities that is contiguous. It is the applicant's belief that the rezoning will improve our ability to market the site for an appropriate light manufacturing facility. It is the desire of the applicant to work with the NC Department of Commerce and promote the site as a "NC Certified Site." One of the criteria is that land must be zoned Light Industrial. Any potential development will be required to comply to the building and site development requirements set by the Town of Clayton.

If you have any questions prior to or after this meeting, you may contact us at **919-553-5400**.

Sincerely,

Norwood Thompson

cc: Clayton Planning Dept.



*** DISCLAIMER ***

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



Scale: 1:8445 - 1 in. = 703.76 feet

(The scale is only accurate when printed landscape on a 8 1/2 x 11 size sheet with no page scaling.)

Johnston County GIS
April 29, 2015

Meeting Recap

Wiggins/Young

May 12, 2015

1. Several people from Edinburgh complained they did not get letter. Discussed that is was mailed to only adjacent neighbors.
2. Discussed plan for I-1 zoning.
 - That subject property backed up to
 - Phillips complex
 - Excide Battery
 - Machine Shop/US Lumber
 - Rail Road
3. Several people thought and suggested it should become
 - Residential
 - School
 - Park
4. Concerns were
 - Traffic of trucks
 - Access Points
 - Use
5. Made group aware that any use would require traffic study and possible road improvements. The use is to be determined but a possible use is Pharmaceutical. Also addressed that the owners were willing to deed restrict against recycling, junk yards and landfills.

Additionally there is an access point in North Tech Park and Hwy 70 next to Rob's Hydraulics.

Norwood Thompson offered to meet with a spokesman for them and discuss any suggestions they might have.

May 12, 2015

Marion & Ben Clifton 160 Bilston Dr. 919-243-0812
David Millard 27 Granton Ct. 919-359-1154
Joseph & Ruth Lorene 132 Eddlestone 919-550-1897
Charles & Kristen Adkins 148 Eddlestone CT 252-560-6153
Nicole & Mark Guerrero 81 Eddlestone Ct 919-879-8035
Derek & Season Wyatt 127 Bilston Dr. 919-320-5706
PAULA NAARON 415 J. FOWATT ST SMITHFIELD NC 919-934-6909
David and Linda Moten 138 Bilston Dr. 919-741-0749
LIFFORD AND GINNY PINTO 67 SLATFORD DR. 919-349-3367
Christie Rafferty 118 Bilston Drive 919-339-7300
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Thomas Maier 64 Bilston DR 910-603-9851
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Lisa Wiley 24 Slatford Dr. 919-530-7500
Laurie Pounds 1899 Strickland Rd Clayton NC 919-209-8836
Alysa Gill 4412 EAST MAN 919-550-5664

TO: FRANK PRICE ON PLANNING BOARD

**FROM: SHARON CLIFTON, 160 BILSTON DR, CLAYTON NC
27520**

DEAR SIR:

I live in the EDINBURGH subdivision off Gordon road. I am opposed to the rezoning of land across from our housing development . I do not want tractor trailers coming and going in front of our 41 house development. MR. THOMPSON developed this property and only gave us one entrance to get out of this development and we have no problems with traffic now but if we get employees and tractor trailer trucks coming and going it will be a PROBLEM. WE have a lot of young children running around this neighborhood. I am also concerned about the drop in PROPERTY VALUES after we get no telling what kind of business across from us. There are a lot of people that are unhappy with what Mr. THOMPSON did in this development and do not think he will do what needs to be done when he puts in a business across from us. IF land is rezoned for business then I would like to see roads come in from other side of property where it is already zoned business. No truck entrance off Gordon road just employee entrance if needed. I ask would you want a factory across from your house? There is land available around highway 70 but they do not to pay higher cost. Thank you for your time.

C Mr. Ben Clifton
160 Bilston Dr.
Clayton, NC 27520-7514

RALEIGH NC 275
Research Triangle Region
10 JUN 2015 PM 4 L



Mr. Frank Price
Planning Board
406 Fayetteville St.
Clayton, NC 285~~20~~²⁰-2437

27520243706



Mr. Ben Clifton
160 Bilston Dr.
Clayton, NC 27520-7514

RALEIGH NC 275
Research Triangle Region
10 JUN 2015 PM 1 L



Mr. Marty Byzell
Planning Board
406 Fayetteville Rd.
Clayton, NC 27520-2437

27520243706



C Mr. Ben Clifton
160 Bilston Dr.
Clayton, NC 27520-7514

RALEIGH NC 275
Research Triangle Region
10 JUN 2015 PM 1 L



Mr. gum Lee
Planning Board
406 Fayetteville St.
Clayton, NC 27520-2437

27520243706



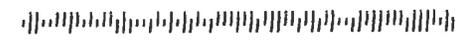
C Mr. Ben Clifton
160 Bilston Dr.
Clayton, NC 27520-7514

RALEIGH NC 275
Research Triangle Region
10 JUN 2015 PM 1 L



Mr. James Lipscomb
Planning Board
406 Fayetteville St.
Clayton, NC 27520-2437

27520243706



ton
Dr.
27520-7514

RALEIGH NC 275
Research Triangle Region
10 JUN 2015 PM 4 L



Dana Pounds, Planning Board
406 Fayetteville St.
Clayton, NC 28520-2437

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

15-19-01-RZ Wiggins Family Tract Rezoning

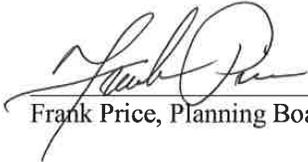
On June 22, 2015 the Planning Board heard the above-referenced request and made the following vote:

Recommendation to approve deny **Wiggins Family Tract Rezoning [15-09-01-RZ]**

19
typo.
JM

Recommendation(s) made this 22 day of June 2015 while in regular session.

Signed:



Frank Price, Planning Board Chair

TOWN OF CLAYTON
ZONING AMENDMENT
CONSISTENCY AND REASONABLENESS STATEMENT

15-19-01-RZ, Wiggins Tract rezoning

The Town Council of the Town of Clayton hereby states:

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

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

- 2.1 Balance development/investment: old & new.
- 4.3 More people working and living in Clayton.
- 4.5 Partner with local economic development organizations.

The Town of Clayton's Comprehensive Bicycle Plan: not applicable.

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, the above referenced zoning amendment is reasonable and in the public interest.

Insert additional specifics if necessary:

**Town of Clayton
Town Council
Agenda Cover Sheet**

AGENDA LOCATION:

Items Scheduled for the Regular Meeting

MEETING DATE:

July 20, 2015

ITEM TITLE:

Preliminary Plat - PDS 2014-97 - Magnolia Pointe

ITEM DESCRIPTION:

Applicant is requesting preliminary subdivision plat approval for the major subdivision of the subject property, which is 13.89 acres, vacant and located on and west of Shotwell Rd., between US 70 Bus. Highway and Amelia Church Road.

POTENTIAL ACTION:

Set Public Hearing

DEPARTMENT:

Community Development/Planning

PRESENTER:

David DeYoung, Planning Director

ITEM HISTORY:

Date:

Action Taken:

Information Provided:

Date:

Action Taken:

Information Provided:



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

*Planning Board
April 20, 2015*

STAFF REPORT

Application Number: PSD 2014-97
Project Name: Magnolia Pointe Major Subdivision – Preliminary Plat

NC PIN / Tag #: 165914-33-6257 / 05B02031V
Town Limits/ETJ: Town Limits
Overlay: NA
Applicant: ASCO Builders Inc., c/o Matt Stephens (mattstephens@bellsouth.net)
Owner: ASCO Builders Inc.

Neighborhood Meeting: meeting pending
Public Noticing:

- sign posted April 17, 2015
- letters mailed TBD, 2015
- newspaper ad TBD, 2015

PROJECT LOCATION: The property is located on and west off of Shotwell Road, between US 70 Bus Hwy W and Amelia Church Rd. It is a vacant lot directly across from Lion's Spring development.

REQUEST: The applicant is requesting preliminary subdivision plat approval for the major subdivision of the subject property to allow between 35 and 40 single family detached residential units.

SITE DATA:

Acreage: 13.89 acres
Existing Zoning: Planned Development Mixed Use (PD-MU) and Residential-10 (R-10)
Proposed Zoning: Residential-8 (R-8) (a concurrent rezoning application exists (RZ 2014-99) to rezone to R-8)
Existing Use: Vacant
Existing Impervious: None - property is vacant.

DEVELOPMENT DATA:

Proposed Uses: single family detached residential units in an R-8 Open Space Subdivision

Page 1 of 5

Buildings:	37 residential units
Number of Stories:	Maximum height of 35 feet
Impervious Surface:	Maximum 55% impervious for overall development
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:	Two access points onto Shotwell Road.
Water/Sewer Provider:	Town of Clayton
Electric Provider:	Town of Clayton

ADJACENT ZONING AND LAND USES:

North:	Zoning:	Residential-Estate (R-E)
	Existing Use:	Single Family Residential
South:	Zoning:	Planned Development Mixed Use (PD-MU) and Office-Institutional (O-I)
	Existing Use:	Lion’s Gate single-family subdivision and a medical office.
East:	Zoning:	Residential-Estate (R-E)
	Existing Use:	Lion’s Gate single-family subdivision and Lion’s Spring retirement residential
West:	Zoning:	Residential-Estate (R-E)
	Existing Use:	Single Family Residential

STAFF ANALYSIS AND COMMENTARY:

Overview

The applicant is requesting preliminary subdivision plat approval for a new single family residential subdivision. This would be an Open-Space R-8 subdivision and is running concurrently with a rezoning (RZ2014-97).

Consistency with the Strategic Growth Plan

The request is consistent with the Strategic Growth Plan.

Consistency with the Unified Development Code

The proposed development is consistent with and meets the applicable requirements of the Unified Development Code (UDC).

Compatibility with Surrounding Land Uses

This use is compatible with surrounding residential uses.

Landscaping and Buffering

A perimeter landscape buffer (Class C) is required along the entire boundary of the property. An existing sewer easement is along the northern border. A riparian buffer, which includes 100-year floodplain resource conservation area, exists on the western and northern borders of the project and will be used to achieve the landscaping buffer along those sides.

The proposed buffer along Shotwell Rd, in lieu of a traditional Class C buffer, is Leyland Cypress trees, spaced 10' on center. Leyland Cypress trees are fast growing and can eventually become 70' tall and 15' wide. At 10' on center, they should provide an almost immediate evergreen visual screen.

Recreation and Open Space

The development will meet the requirements of an Open-Space Subdivision, through a 0.44 acre active recreation site and a 3.78 passive open space site.

Environmental

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

Signs

Signage will be located at the entrances to the project, and will occur as a separate sign application. They will not be allowed to encroach upon the safe sight triangles at the intersections.

Access/Streets

Access will be from Shotwell Road, and will require driveway permits from NCDOT. The "bump-out" turn in the road within the development, on the west side, has been approved by the Town Engineer.

Multi-Modal Access

Sidewalks are provided along both sides of all streets. A sidewalk will be provided along Shotwell Road along the entirety of the parcel.

Garbage / Recycling

Roll-out garbage cans will be utilized.

Architecture/Design

The request is for a single family detached home subdivision. As it has been designed as an Open Space Subdivision, minimum lot sizes are 6,000 square feet (per standards for R-8 zoning).

Waivers/Deviations/Variations from Code Requirements

The applicant may request an alternate landscape buffer along Shotwell Rd.

CONSIDERATIONS:

- The applicant is requesting Preliminary Subdivision Plat approval of a R-8 Open Space Residential Subdivision.
- This approval is subject to concurrent approval of RZ2014-99 Magnolia Pointe rezoning to R-8.

- Preliminary Subdivision Plats (major subdivisions) are decided by the Town Council. The Planning Board shall make a recommendation to the Town Council.
 - The applicant appears to be proposing an alternative landscape buffer along Shotwell Rd, in the form of Leyland Cypress, planted 10' on center.
-

FINDINGS:

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

CONDITIONS:

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

1. Following Board approvals, three copies of the final Preliminary Subdivision Plat meeting the requirements of the Conditions of Approval shall be submitted to Planning Department for final approval.
2. The final plat and subsequent development of the site shall be consistent with the specifications of the approved Preliminary Subdivision Plat. Modifications may require additional approvals pursuant to Section 155.706 of the Unified Development Code.
3. All development fees shall be paid prior to final plat recordation, except that Capacity fees shall be paid prior to issuance of building permits.
4. A sidewalk shall be constructed along Shotwell Rd along the entirety of the parcel, site, or development, including areas that will remain undeveloped or are reserved for future development.
5. No buildings shall be constructed within 20' of any riparian buffer, per UDC §155.502(D).
6. A Class C buffer (or other Planning Dept. approved buffer) will be installed on the perimeter of the development, per Open-Space Subdivision development regulations. A waiver must be obtained for any alternate landscape buffer areas.
7. Five foot wide sidewalks shall be installed on both sides of all internal roads, including around the entirety of all cul-de-sacs, and shall be constructed or bonded prior to plat recordation for the associated phase.
8. A homeowners' association document shall be reviewed by staff and recorded prior to final plats. Such document shall assure responsibility for maintenance of all common facilities and provide adequate means for funding to do so.
9. Resource conservation areas as defined by Section 155.500 of the Unified Development Code (UDC) shall be identified on the final plats as being permanently set aside, and shall be protected in

perpetuity by a binding legal instrument recorded with the deed which includes clear restriction on the use of the resource conservation area, as described in Section 155.500(F) of the UDC.

10. The perimeter landscaping buffer along Shotwell Rd must be installed prior to the issuance of a Certificate of Occupancy for the first dwelling.
11. All scheduled improvements to Shotwell Rd must be constructed or bonded prior to the issuance of a Certificate of Occupancy for the first dwelling.
12. An updated wastewater allocation request must be approved by the Town Manager.

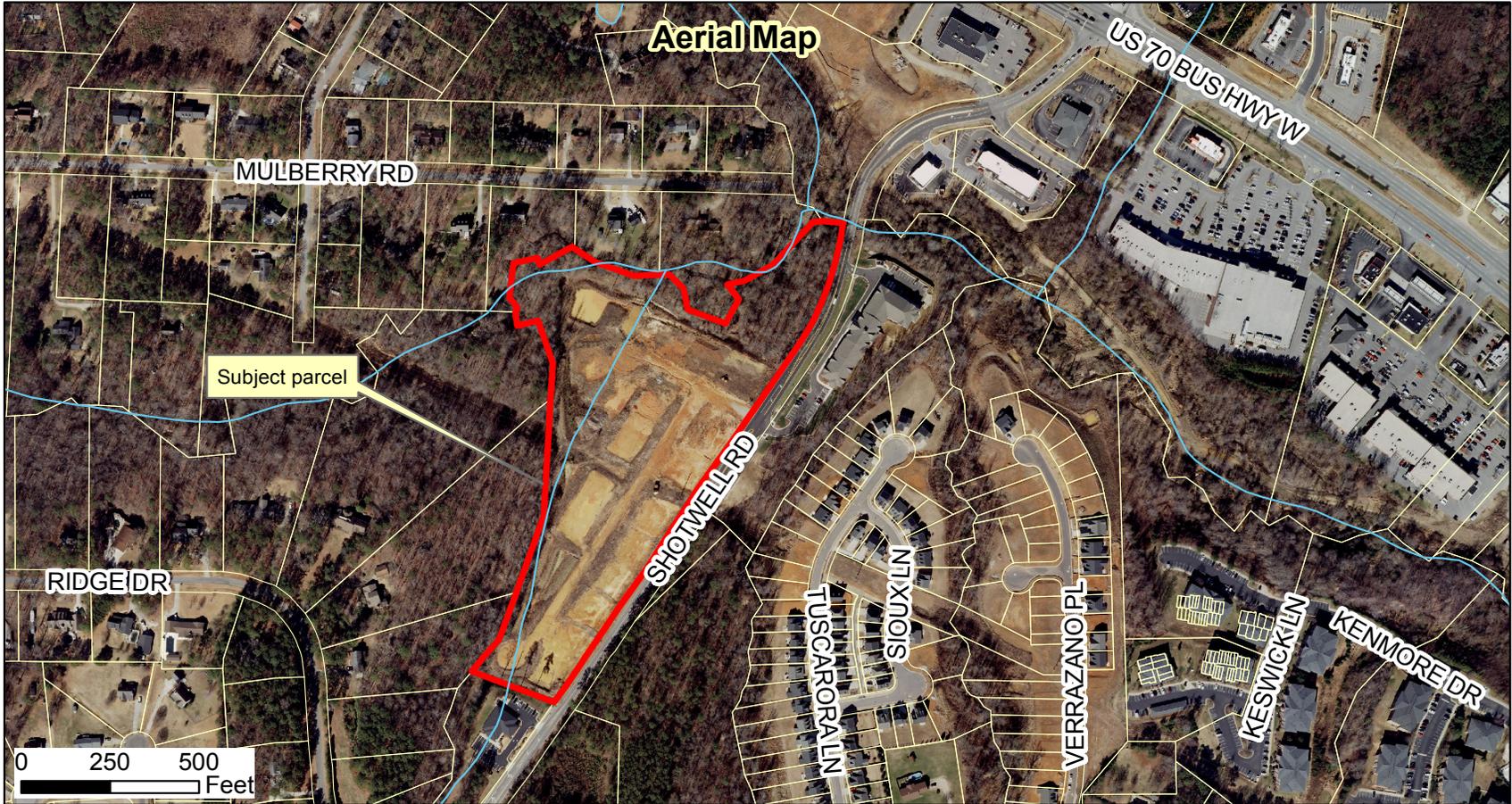
STAFF RECOMMENDATION:

Staff recommends approval of the preliminary subdivision with the conditions listed above.

Planning Board Recommendation:

ATTACHMENTS:

- 1) Aerial Map
- 2) Existing and Proposed Zoning Map
- 3) Subdivision Findings of Fact
- 4) Preliminary Subdivision Plat
- 5) Application
- 6) Neighborhood Meeting Materials (if available)
- 7) Planning Board Motion Form



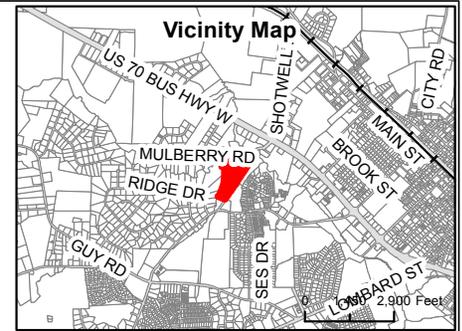
**PSD2014-97 and RZ2014-99 Magnolia Pointe Subdivision
Subdivision and Rezoning from R-10 and PD-MU to R-8**

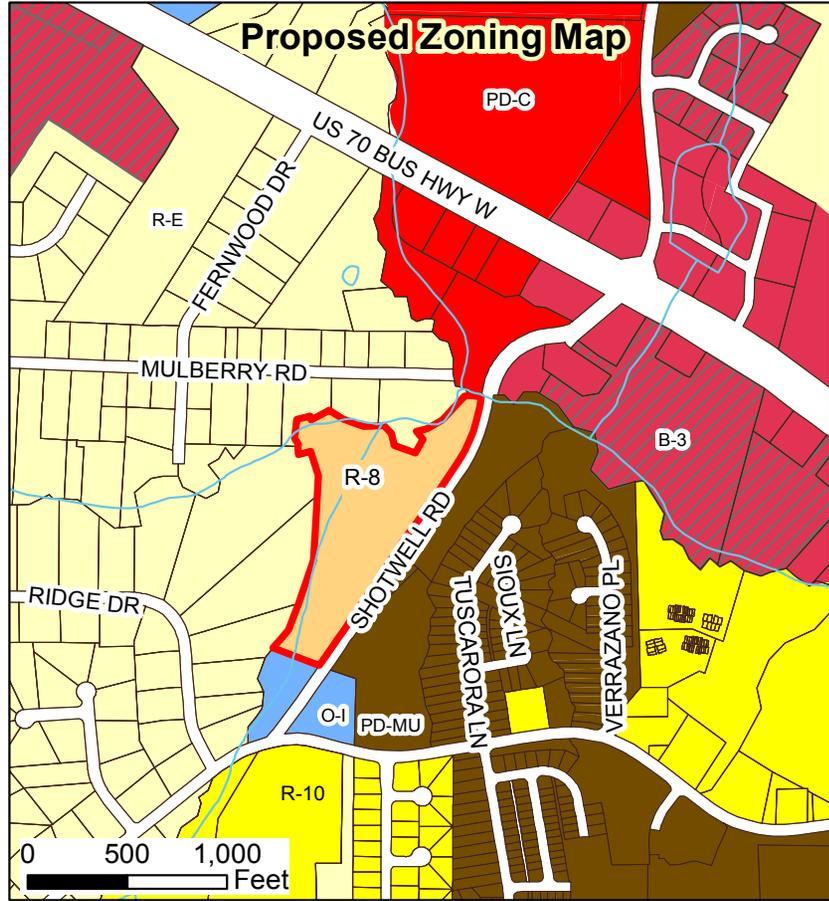
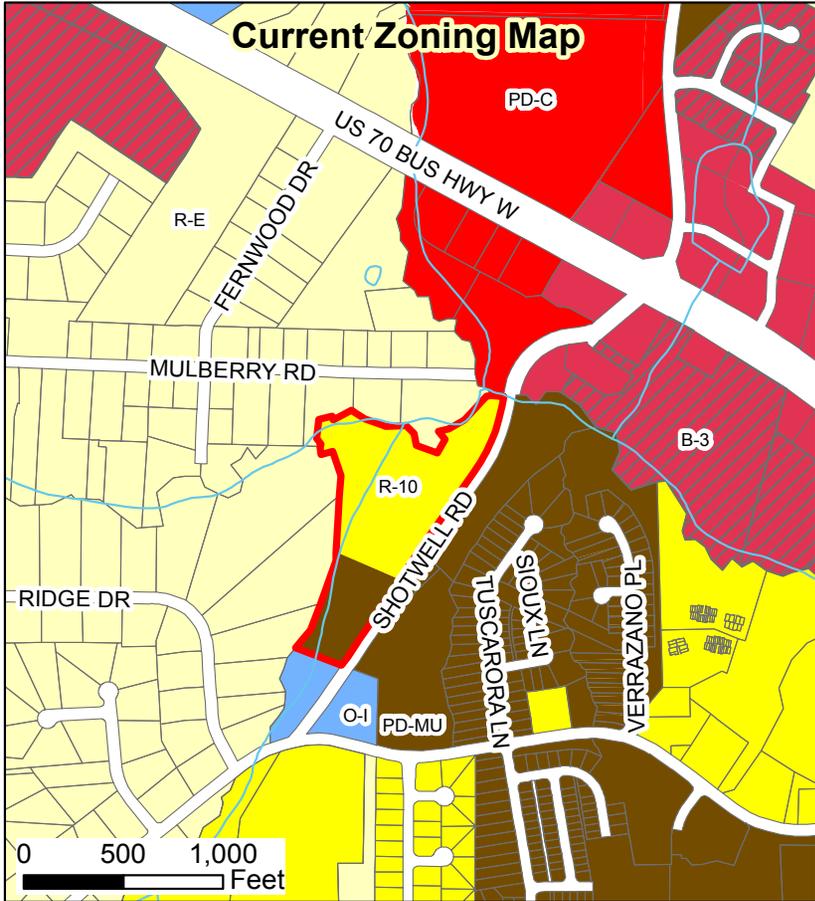
Applicant: ASCO Builders Inc
 Property Owner: ASCO Builders Inc
 Parcel ID Number: 165914-33-6257
 Tag #: 05B02031V

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



03/14/2015 Document Path: O:\PLANNING\REZONING\Rezoning\2014\RZ 2014-99 Magnolia Pointe Rezoning\maps\Staff Rpt Map RZ2014-99 - Aerial.mxd





PSD2014-97 and RZ2014-99 Magnolia Pointe Subdivision Subdivision and Rezoning from R-10 and PD-MU to R-8

Applicant: ASCO Builders Inc
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 Parcel ID Number: 165914-33-6257
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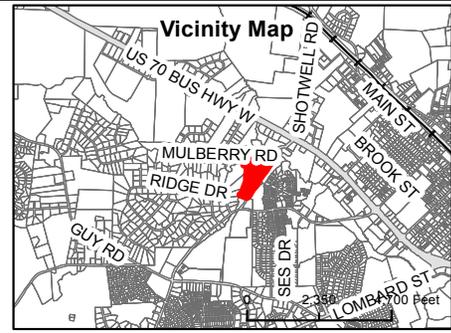
Produced by: TOC Planning
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3/14/2015 Document Path: O:\PLANNING\REZONING\Rezoning\2014\RZ 2014-99 Magnolia Pointe Rezoning\maps\Staff Rpt Map RZ2014-99 - Existing and Proposed Zoning.mxd

Legend

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



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 SUBDIVISION WILL MEET THE STANDARDS SET FORTH IN THE PROPOSED R-B ZONING APPLICATION

- (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.

THIS SMALL SUBDIVISION WILL FILL IN AN AREA DESIGNATED FOR A RESIDENTIAL DEVELOPMENT SUCH AS THIS

- (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.

SUBDIVISION WILL HAVE TWO ENTRANCES AND SHOW IMPROVEMENTS ALONG SHOTWELL 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.

THIS PLAN CONFORMS WITH THE TOWN'S DEVELOPMENT PLANS ALONG THIS ROADWAY.



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

REVISED

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:

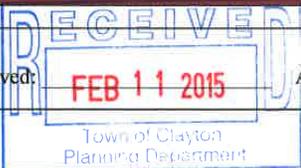
- Minor Subdivision
 Major Subdivision
 Final Plat
 Exempt Map
 Recombination

SITE INFORMATION:

Name of Project: MAGNOLIA BINTÉ Acreage of Property: 13.89
 Preliminary Plat Approval Date (if applicable): _____
 Parcel ID Number: 165914-33-6257 Tax ID: _____
 Location: SHOTWELL ROAD
 Section(s): _____ Phase(s): _____
 Number of Lots (Existing): _____ (Proposed): 38 Min. Lot Size: 6250 SF
 Zoning District: R-B Planned Development? (Y/N): N Electric Provider: CLAYTON
 Specific Use: RESIDENTIAL
 Recreation/Open Space Requirement:
 Fee in lieu
 Land Dedication (acreage) _____

FOR OFFICE USE ONLY

File Number: 2014-97 Date Received: FEB 11 2015 Amount Paid: 600 = (8/5/14)



OWNER INFORMATION:

Name: ASCO BUILDERS INC
Mailing Address: 319 CHAPANOKE RD. SUITE 102 RALEIGH NC 27603
Phone Number: 919 779-8649 Fax: 919 779-7952
Email Address: MATT STEPHENS@BELLSOUTH.NET

APPLICANT INFORMATION:

Applicant: SAME
Mailing Address: _____
Phone Number: _____ Fax: _____
Contact Person: MATT STEPHENS
Email Address: _____

REQUIRED PLANS AND SUPPLEMENTAL INFORMATION

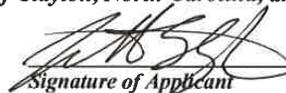
The following items must accompany a Subdivision Plan application. This information is required, except where otherwise noted:

- 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.

Matthew Stephens
Print Name


Signature of Applicant

2-11-15
Date

APPLICANT STATEMENT – MAJOR SUBDIVISIONS ONLY

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THIS SMALL SUBDIVISION WILL FILL IN AN AREA DESIGNED FOR 1 RESIDENTIAL DEVELOPMENT SUCH AS THIS

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THIS PLAN CONFORMS WITH THE TOWN'S DEVELOPMENT PLANS ALONG THIS ROADWAY.



**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: MAGNOLIA POINTE **Address or PIN #:** 165914-33-6257

AGENT/APPLICANT INFORMATION:

MATT STEPHENS 319 CHAPANOKE RD. SUITE 102
(Name - type, print clearly) (Address)
RALEIGH, NC. 27603
(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*):

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.

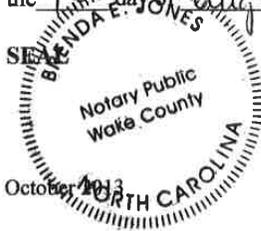
I hereby certify that I have authority to execute this consent form as/on behalf of the property owner. I understand that any false, inaccurate or incomplete information provided by me or my agent will result in the denial, revocation or administrative withdrawal of this application, request, approval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

OWNER AUTHORIZATION:

Matthew Stephens 319 Chapanoke Rd, Ste 102
(Name - type, print clearly) (Address)
[Signature] Raleigh, NC 27603
(Owner's Signature) (City, State, Zip)

STATE OF North Carolina
COUNTY OF Wake

Sworn and subscribed before me Brenda E. Jones, a Notary Public for the above State and County, this the 1st day of August, 2014.



Brenda E. Jones
Notary Public
My Commission Expires: June 17, 2015

PRELIMINARY PLANS MAGNOLIA POINTE SUBDIVISION

(FORMERLY KNOWN AS EDENTON SUBDIVISION)

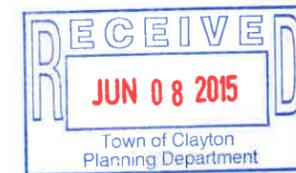
OWNER/DEVELOPER: ASCO BUILDERS INC.

319 CHAPANOKE ROAD SUITE 106
RALEIGH, NC 27603



VICINITY MAP
SCALE: 1"=500'

INDEX TO PLANS	
SHEET 1	COVER SHEET
SHEET 2	PRELIMINARY SITE PLAN
SHEET 3	PRELIMINARY UTILITY PLAN
SHEET 4	PRELIMINARY GRADING AND DRAINAGE PLAN
SHEET 5	PRELIMINARY LANDSCAPE PLAN
SHEET 6	PRELIMINARY ROAD WIDENING PLAN



SHEET 1

STEWART – PROCTOR
ENGINEERING and SURVEYING

319 CHAPANOKE ROAD SUITE 100
RALEIGH, NC 27603
TEL. 919 779-1855 FAX 919 779-1661

SURVEY INFORMATION FROM
MAP BY MICHAEL D. BARR
PROFESSIONAL LAND SURVEYOR
PO BOX 30217
RALEIGH, NC 27622-0217
(919) 783-6918

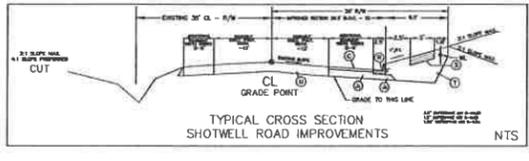
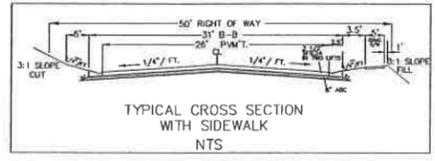
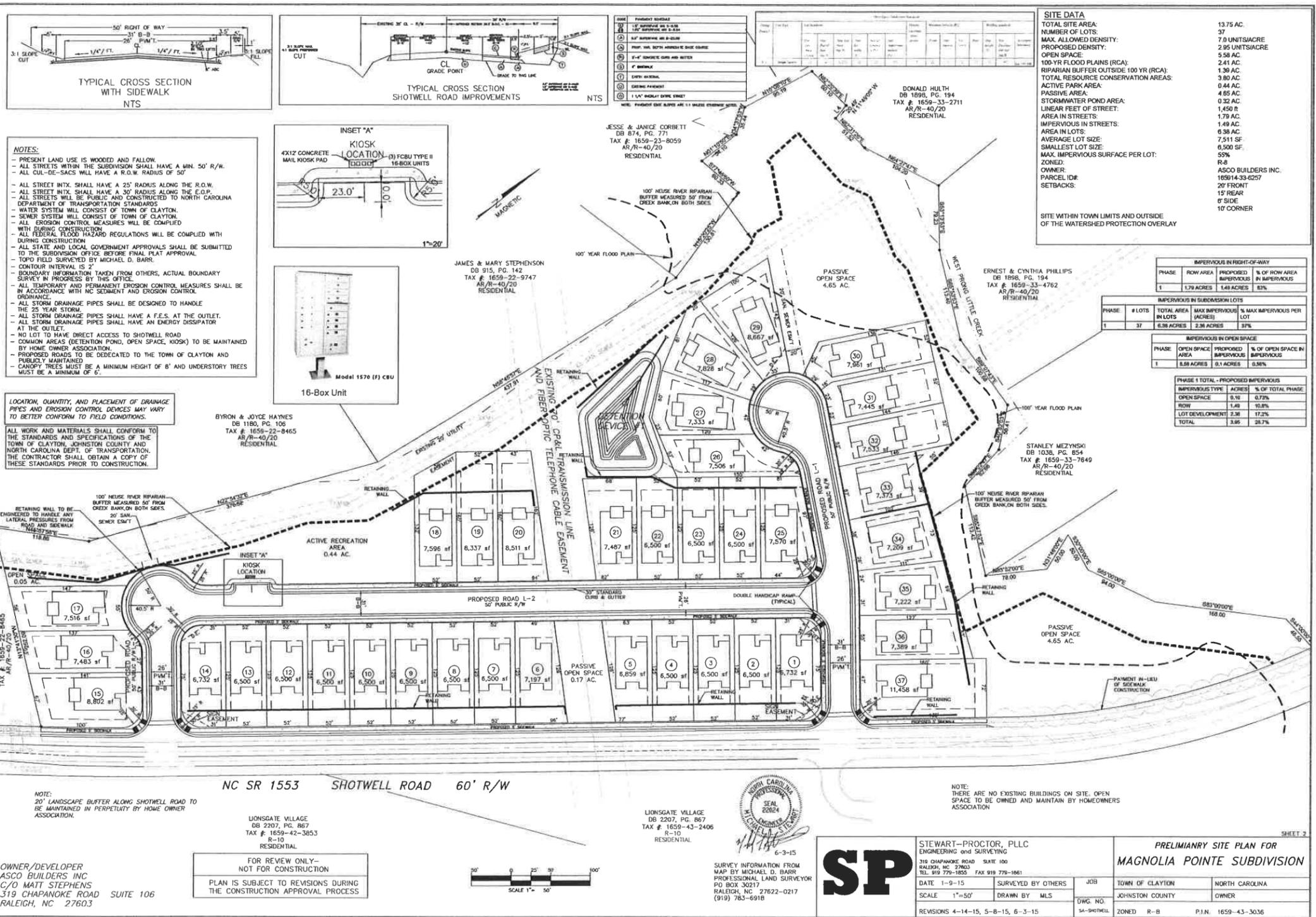
FOR REVIEW ONLY—
NOT FOR CONSTRUCTION
PLAN IS SUBJECT TO REVISIONS DURING
THE CONSTRUCTION APPROVAL PROCESS

REVISED PER TOC 6/3/15

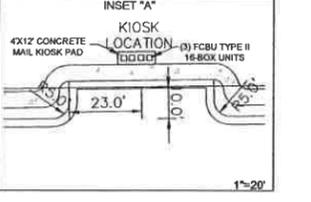


GENERAL PROJECT NOTES

- A PRE-CONSTRUCTION MEETING SHALL BE HELD WITH THE TOWN OF CLAYTON PRIOR TO START OF CONSTRUCTION.
- ALL WORK AND MATERIALS SHALL CONFORM TO THE STANDARDS AND SPECIFICATIONS OF THE TOWN OF CLAYTON.
- CONTRACTOR SHALL OBTAIN A COPY OF THE CURRENT STANDARDS AND SPECIFICATIONS OF THE TOWN OF CLAYTON TO REFER TO DURING CONSTRUCTION OF THE PROJECT. SEE CONST. DRAWINGS AND DETAIL SHEETS.
- CONTRACTOR SHALL VERIFY LOCATION OF ALL EXISTING ABOVE AND BELOW GROUND UTILITIES IN THE AREA PRIOR TO CONSTRUCTION AND COORDINATE THE RELOCATION OF THESE UTILITIES WITH THE APPROPRIATE AUTHORITIES.
- ALL TEMPORARY AND PERMANENT EROSION CONTROL MEASURES SHALL BE IN ACCORDANCE WITH NORTH CAROLINA SEDIMENT AND EROSION CONTROL ORDINANCE.
- ALL STREET CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE TOWN OF CLAYTON AND THE NORTH CAROLINA DEPT. OF TRANSPORTATION.



- NOTES:**
- PRESENT LAND USE IS WOODED AND FALLOW.
 - ALL STREETS WITHIN THE SUBDIVISION SHALL HAVE A MIN. 50' R/W.
 - ALL CUL-DE-SACS WILL HAVE A R.O.W. RADIUS OF 50'
 - ALL STREET INTX. SHALL HAVE A 25' RADIUS ALONG THE R.O.W.
 - ALL STREET INTX. SHALL HAVE A 30' RADIUS ALONG THE E.O.P.
 - ALL STREETS WILL BE PUBLIC AND CONSTRUCTED TO NORTH CAROLINA DEPARTMENT OF TRANSPORTATION STANDARDS
 - WATER SYSTEM WILL CONSIST OF TOWN OF CLAYTON.
 - SEWER SYSTEM WILL CONSIST OF TOWN OF CLAYTON.
 - ALL EROSION CONTROL MEASURES WILL BE COMPLIED WITH DURING CONSTRUCTION.
 - ALL FEDERAL FLOOD HAZARD REGULATIONS WILL BE COMPLIED WITH DURING CONSTRUCTION.
 - ALL STATE AND LOCAL GOVERNMENT APPROVALS SHALL BE SUBMITTED TO THE SUBDIVISION OFFICE BEFORE FINAL PLAT APPROVAL.
 - TOPO FIELD SURVEYED BY MICHAEL D. BARR.
 - CONTOUR INTERVAL IS 2'
 - BOUNDARY INFORMATION TAKEN FROM OTHERS, ACTUAL BOUNDARY SURVEY IN PROGRESS BY THIS OFFICE.
 - ALL TEMPORARY AND PERMANENT EROSION CONTROL MEASURES SHALL BE IN ACCORDANCE WITH NC SEDIMENT AND EROSION CONTROL ORDINANCE.
 - ALL STORM DRAINAGE PIPES SHALL BE DESIGNED TO HANDLE THE 25 YEAR STORM.
 - ALL STORM DRAINAGE PIPES SHALL HAVE A F.E.S. AT THE OUTLET.
 - ALL STORM DRAINAGE PIPES SHALL HAVE AN ENERGY DISSIPATOR AT THE OUTLET.
 - NO LOT TO HAVE DIRECT ACCESS TO SHOTWELL ROAD
 - COMMON AREAS (RETENTION POND, OPEN SPACE, KIOSK) TO BE MAINTAINED BY HOME OWNER ASSOCIATION.
 - PROPOSED ROADS TO BE DEDICATED TO THE TOWN OF CLAYTON AND PUBLICLY MAINTAINED
 - CANOPY TREES MUST BE A MINIMUM HEIGHT OF 8' AND UNDERSTORY TREES MUST BE A MINIMUM OF 6'.



LOCATION, QUANTITY, AND PLACEMENT OF DRAINAGE PIPES AND EROSION CONTROL DEVICES MAY VARY TO BETTER CONFORM TO FIELD CONDITIONS.

ALL WORK AND MATERIALS SHALL CONFORM TO THE STANDARDS AND SPECIFICATIONS OF THE TOWN OF CLAYTON, JOHNSTON COUNTY AND NORTH CAROLINA DEPT. OF TRANSPORTATION. THE CONTRACTOR SHALL OBTAIN A COPY OF THESE STANDARDS PRIOR TO CONSTRUCTION.

BYRON & JOYCE HAYNES
DB 1180, PG. 106
TAX # 1659-22-8465
AR/R-40/20
RESIDENTIAL

JESSE & JANICE CORBETT
DB 874, PG. 771
TAX # 1659-23-8059
AR/R-40/20
RESIDENTIAL

JAMES & MARY STEPHENSON
DB 915, PG. 142
TAX # 1659-22-9747
AR/R-40/20
RESIDENTIAL

DONALD HULTH
DB 1698, PG. 194
TAX # 1659-33-2711
AR/R-40/20
RESIDENTIAL

ERNEST & CYNTHIA PHILLIPS
DB 1898, PG. 194
TAX # 1659-33-4782
AR/R-40/20
RESIDENTIAL

STANLEY MEZYNSKI
DB 1038, PG. 854
TAX # 1659-33-7849
AR/R-40/20
RESIDENTIAL

SITE DATA

TOTAL SITE AREA: 13.75 AC
 NUMBER OF LOTS: 37
 MAX. ALLOWED DENSITY: 7.0 UNITS/ACRE
 PROPOSED DENSITY: 2.95 UNITS/ACRE
 OPEN SPACE: 5.58 AC
 100-YR FLOOD PLAINS (RCA): 2.41 AC
 RIPARIAN BUFFER OUTSIDE 100 YR (RCA): 1.38 AC
 TOTAL RESOURCE CONSERVATION AREAS: 3.80 AC
 ACTIVE PARK AREA: 0.44 AC
 PASSIVE AREA: 4.65 AC
 STORMWATER POND AREA: 0.32 AC
 LINEAR FEET OF STREET: 1,450 FT
 AREA IN STREETS: 1.79 AC
 IMPERVIOUS IN STREETS: 1.49 AC
 AREA IN LOTS: 6.38 AC
 AVERAGE LOT SIZE: 7,511 SF
 SMALLEST LOT SIZE: 6,500 SF
 MAX. IMPERVIOUS SURFACE PER LOT: 55%
 ZONED: R-8
 OWNER: ASCO BUILDERS INC.
 PARCEL ID#: 16914-33-0257
 SETBACKS: 20' FRONT
 15' REAR
 8' SIDE
 10' CORNER

SITE WITHIN TOWN LIMITS AND OUTSIDE OF THE WATERSHED PROTECTION OVERLAY

IMPERVIOUS IN RIGHT-OF-WAY

PHASE	ROW AREA	PROPOSED IMPERVIOUS	% OF ROW AREA IMPERVIOUS
1	1.79 ACRES	1.49 ACRES	83%

IMPERVIOUS IN SUBMISSION LOTS

PHASE	# LOTS	TOTAL AREA (ACRES)	MAX IMPERVIOUS (ACRES)	% MAX IMPERVIOUS PER LOT
1	37	6.38 ACRES	2.98 ACRES	47%

IMPERVIOUS IN OPEN SPACE

PHASE	OPEN SPACE AREA	PROPOSED IMPERVIOUS	% OF OPEN SPACE IMPERVIOUS
1	5.58 ACRES	0.1 ACRES	1.8%

PHASE 1 TOTAL - PROPOSED IMPERVIOUS

IMPERVIOUS TYPE	ACRES	% OF TOTAL PHASE
OPEN SPACE	0.10	0.7%
ROW	1.49	10.8%
LOT DEVELOPMENT	2.38	17.2%
TOTAL	3.95	28.7%

NOTE:
20' LANDSCAPE BUFFER ALONG SHOTWELL ROAD TO BE MAINTAINED IN PERPETUITY BY HOME OWNER ASSOCIATION.

LIONSGATE VILLAGE
DB 2207, PG. 867
TAX # 1659-42-3853
R-10
RESIDENTIAL

FOR REVIEW ONLY - NOT FOR CONSTRUCTION
PLAN IS SUBJECT TO REVISIONS DURING THE CONSTRUCTION APPROVAL PROCESS



SURVEY INFORMATION FROM MAP BY MICHAEL D. BARR
PROFESSIONAL LAND SURVEYOR
PO BOX 30917
RALEIGH, NC 27622-0217
(919) 783-6918

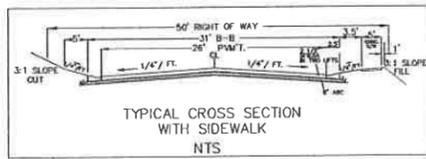


STEWART-PROCTOR, PLLC
ENGINEERING AND SURVEYING
319 CHAPANAKE ROAD SUITE 100
RALEIGH, NC 27603
TEL. 919 779-1855 FAX 919 779-1861

DATE 1-9-15 SURVEYED BY OTHERS JOB
SCALE 1"=50' DRAWN BY MLS DWG. NO.
SA-9070611 ZONED R-8 P.I.N. 1659-43-3036

PRELIMINARY SITE PLAN FOR
MAGNOLIA POINTE SUBDIVISION

TOWN OF CLAYTON	NORTH CAROLINA
JOHNSTON COUNTY	OWNER
ZONED R-8	P.I.N. 1659-43-3036



- NOTES:**
- PRESENT LAND USE IS WOODED AND FALLOW.
 - ALL STREETS WITHIN THE SUBDIVISION SHALL HAVE A MIN. 50' R/W.
 - ALL CUL-DE-SACS WILL HAVE A R.O.W. RADIUS OF 50'.
 - ALL STREET INTX. SHALL HAVE A 25' RADIUS ALONG THE R.O.W.
 - ALL STREET INTX. SHALL HAVE A 30' RADIUS ALONG THE E.O.P.
 - ALL STREETS WILL BE PUBLIC AND CONSTRUCTED TO NORTH CAROLINA DEPARTMENT OF TRANSPORTATION STANDARDS.
 - WATER SYSTEM WILL CONSIST OF TOWN OF CLAYTON.
 - SEWER SYSTEM WILL CONSIST OF TOWN OF CLAYTON.
 - ALL EROSION CONTROL MEASURES WILL BE COMPLIED WITH DURING CONSTRUCTION.
 - ALL FEDERAL FLOOD HAZARD REGULATIONS WILL BE COMPLIED WITH DURING CONSTRUCTION.
 - ALL STATE AND LOCAL GOVERNMENT APPROVALS SHALL BE SUBMITTED TO THE SUBDIVISION OFFICE BEFORE FINAL PLAT APPROVAL.
 - TOPO FIELD SURVEYED BY MICHAEL D. BARR.
 - CONTOUR INTERVAL IS 2'
 - BOUNDARY INFORMATION TAKEN FROM OTHERS. ACTUAL BOUNDARY SURVEY IN PROGRESS BY THIS OFFICE.
 - ALL TEMPORARY AND PERMANENT EROSION CONTROL MEASURES SHALL BE IN ACCORDANCE WITH NC SEDIMENT AND EROSION CONTROL ORDINANCE.
 - ALL STORM DRAINAGE PIPES SHALL BE DESIGNED TO HANDLE THE 25 YEAR STORM.
 - ALL STORM DRAINAGE PIPES SHALL HAVE A F.E.S. AT THE OUTLET.
 - ALL STORM DRAINAGE PIPES SHALL HAVE AN ENERGY DISSIPATOR AT THE OUTLET.
 - NO LOT TO HAVE DIRECT ACCESS TO SHOTWELL ROAD.
 - COMMON AREAS (RETENTION POND, OPEN SPACE, KIOSK) TO BE MAINTAINED BY HOME OWNER ASSOCIATION.
 - PROPOSED ROADS TO BE DEDICATED TO THE TOWN OF CLAYTON AND PUBLICLY MAINTAINED.
 - CANOPY TREES MUST BE A MINIMUM HEIGHT OF 8' AND UNDERSTORY TREES MUST BE A MINIMUM OF 6'.

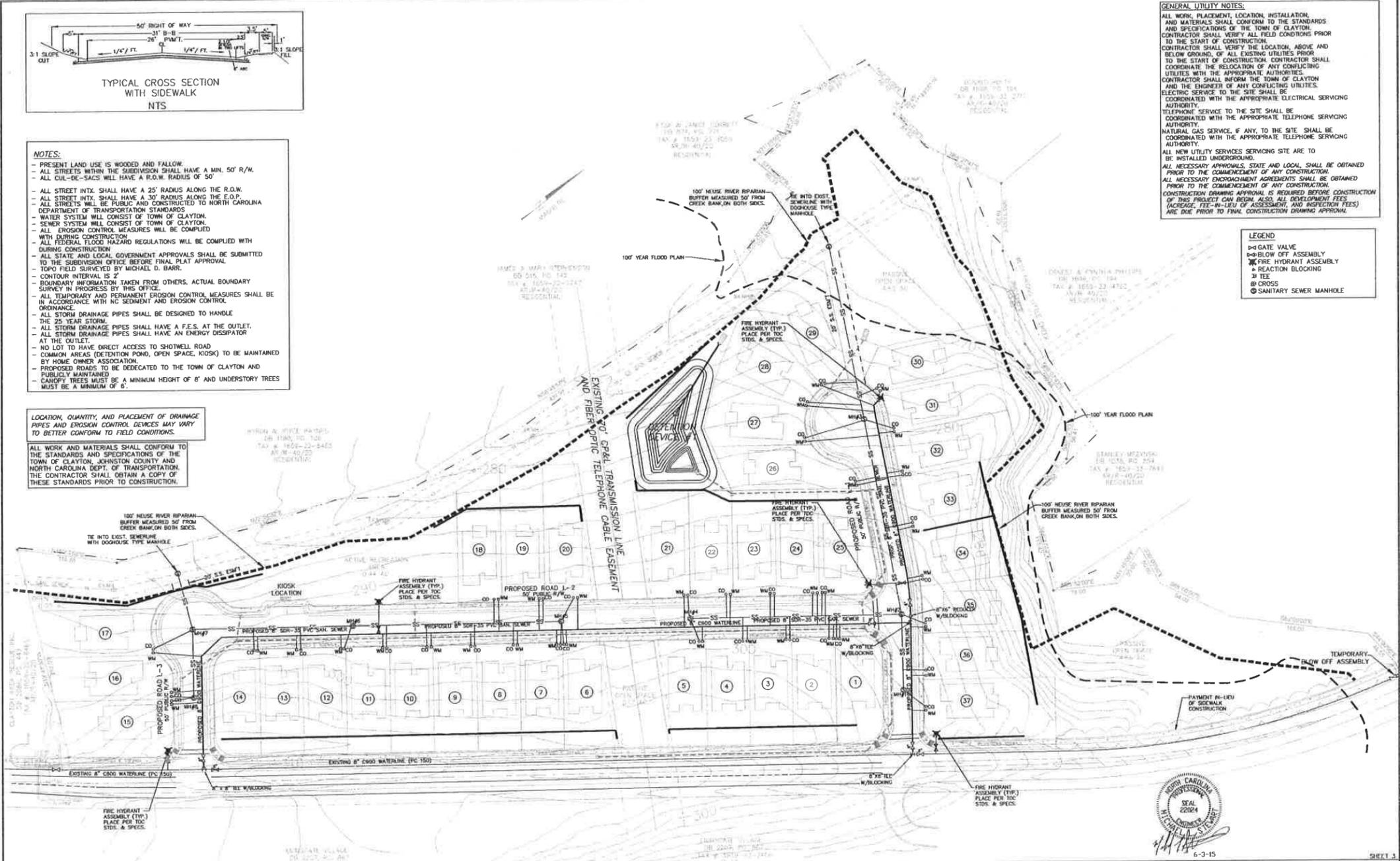
LOCATION, QUANTITY, AND PLACEMENT OF DRAINAGE PIPES AND EROSION CONTROL DEVICES MAY VARY TO BETTER CONFORM TO FIELD CONDITIONS.

ALL WORK AND MATERIALS SHALL CONFORM TO THE STANDARDS AND SPECIFICATIONS OF THE TOWN OF CLAYTON, JOHNSTON COUNTY AND NORTH CAROLINA DEPT. OF TRANSPORTATION. THE CONTRACTOR SHALL OBTAIN A COPY OF THESE STANDARDS PRIOR TO CONSTRUCTION.

GENERAL UTILITY NOTES:

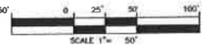
ALL WORK, PLACEMENT, LOCATION, INSTALLATION, AND MATERIALS SHALL CONFORM TO THE STANDARDS AND SPECIFICATIONS OF THE TOWN OF CLAYTON. CONTRACTOR SHALL VERIFY ALL FIELD CONDITIONS PRIOR TO THE START OF CONSTRUCTION. CONTRACTOR SHALL VERIFY THE LOCATION, ABOVE AND BELOW GROUND, OF ALL EXISTING UTILITIES PRIOR TO THE START OF CONSTRUCTION. CONTRACTOR SHALL COORDINATE THE RELOCATION OF ANY CONFLICTING UTILITIES WITH THE APPROPRIATE AUTHORITIES. CONTRACTOR SHALL INFORM THE TOWN OF CLAYTON AND THE ENGINEER OF ANY CONFLICTING UTILITIES. ELECTRIC SERVICE TO THE SITE SHALL BE COORDINATED WITH THE APPROPRIATE ELECTRICAL SERVING AUTHORITY. TELEPHONE SERVICE TO THE SITE SHALL BE COORDINATED WITH THE APPROPRIATE TELEPHONE SERVING AUTHORITY. NATURAL GAS SERVICE, IF ANY, TO THE SITE SHALL BE COORDINATED WITH THE APPROPRIATE TELEPHONE SERVING AUTHORITY. ALL NEW UTILITY SERVICES SERVING SITE ARE TO BE INSTALLED UNDERGROUND. ALL NECESSARY APPROVALS, STATE AND LOCAL, SHALL BE OBTAINED PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION. NECESSARY ENCROACHMENT AGREEMENTS SHALL BE OBTAINED PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION. CONSTRUCTION DRAWING APPROVAL IS REQUIRED BEFORE CONSTRUCTION OF THIS PROJECT CAN BEGIN. ALSO ALL DEVELOPMENT FEES (PACKAGE, FEE-IN-LIEU OF ASSESSMENT, AND INSPECTION FEES) ARE DUE PRIOR TO FINAL CONSTRUCTION DRAWING APPROVAL.

- LEGEND**
- GATE VALVE
 - BLOW OFF ASSEMBLY
 - ⊕ FIRE HYDRANT ASSEMBLY
 - ⊕ REACTION BLOCKING
 - ⊕ TEE
 - ⊕ CROSS
 - ⊕ SANITARY SEWER MANHOLE



OWNER/DEVELOPER
 ASCO BUILDERS INC
 C/O MATT STEPHENS
 319 CHAPANOKE ROAD SUITE 106
 RALEIGH, NC 27603

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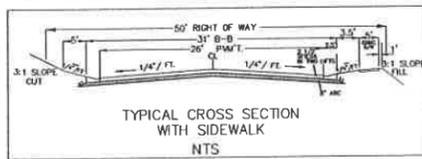
STEWART-PROCTOR, PLLC
 ENGINEERING AND SURVEYING
 319 CHAPANOKE ROAD SUITE 100
 RALEIGH, NC 27603
 TEL. 919 779-1853 FAX 919 779-1661



6-3-15 SHEET 1

PRELIMINARY UTILITY PLAN FOR
MAGNOLIA POINTE SUBDIVISION

DATE 1-9-15	SURVEYED BY OTHERS	JOB	TOWN OF CLAYTON	NORTH CAROLINA
SCALE 1"=50'	DRAWN BY MLS	DWG. NO.	JOHNSTON COUNTY	OWNER
REVISIONS 4-14-15, 6-3-15		SA-2470101	ZONED R-10	P.L.N. 1659-43-3036



NOTES:

- PRESENT LAND USE IS WOODED AND FALLOW.
- ALL STREETS WITHIN THE SUBDIVISION SHALL HAVE A MIN. 50' R/W.
- ALL CUL-DE-SACS WILL HAVE A R.O.W. RADIUS OF 50'
- ALL STREET INTX. SHALL HAVE A 25' RADIUS ALONG THE R.O.W.
- ALL STREET INTX. SHALL HAVE A 30' RADIUS ALONG THE E.O.P.
- ALL STREETS WILL BE PUBLIC AND CONSTRUCTED TO NORTH CAROLINA DEPARTMENT OF TRANSPORTATION STANDARDS.
- WATER SYSTEM WILL CONSIST OF TOWN OF CLAYTON.
- SEWER SYSTEM WILL CONSIST OF TOWN OF CLAYTON.
- ALL EROSION CONTROL MEASURES WILL BE COMPLETED WITH DURING CONSTRUCTION.
- ALL FEDERAL FLOOD HAZARD REGULATIONS WILL BE COMPLIED WITH DURING CONSTRUCTION.
- ALL STATE AND LOCAL GOVERNMENT APPROVALS SHALL BE SUBMITTED TO THE SUPERVISION OFFICE BEFORE FINAL PLAT APPROVAL.
- TOPO FIELD SURVEYED BY MICHAEL D. BARR.
- CONTOUR INTERVAL IS 2'
- BOUNDARY INFORMATION TAKEN FROM OTHERS, ACTUAL BOUNDARY SURVEY IN PROGRESS BY THIS OFFICE.
- ALL TEMPORARY AND PERMANENT EROSION CONTROL MEASURES SHALL BE IN ACCORDANCE WITH NC SEDIMENT AND EROSION CONTROL ORDINANCE.
- ALL STORM DRAINAGE PIPES SHALL BE DESIGNED TO HANDLE THE 25 YEAR STORM.
- ALL STORM DRAINAGE PIPES SHALL HAVE A F.E.S. AT THE OUTLET.
- ALL STORM DRAINAGE PIPES SHALL HAVE AN ENERGY DISSIPATOR AT THE OUTLET.
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- PROPOSED ROADS TO BE DEDICATED TO THE TOWN OF CLAYTON AND PUBLICLY MAINTAINED.
- CANOPY TREES MUST BE A MINIMUM HEIGHT OF 8' AND UNDERSTORY TREES MUST BE A MINIMUM OF 6'.

LOCATION, QUANTITY, AND PLACEMENT OF DRAINAGE PIPES AND EROSION CONTROL DEVICES MAY VARY TO BETTER CONFORM TO FIELD CONDITIONS.

ALL WORK AND MATERIALS SHALL CONFORM TO THE STANDARDS AND SPECIFICATIONS OF THE TOWN OF CLAYTON, JOHNSTON COUNTY AND NORTH CAROLINA DEPT. OF TRANSPORTATION. THE CONTRACTOR SHALL OBTAIN A COPY OF THESE STANDARDS PRIOR TO CONSTRUCTION.

- LEGEND**
- LIMITS OF DISTURBANCE
 - STORM SEWER PIPE
 - DIVERSION DITCH
 - SILT FENCE
 - GRAVEL CONSTRUCTION ENTRANCE
 - GRAVEL DONUT
 - CURB INLET
 - RIP RAP ENERGY DISSIPATOR
 - GRADE BREAK

GENERAL EROSION CONTROL NOTES

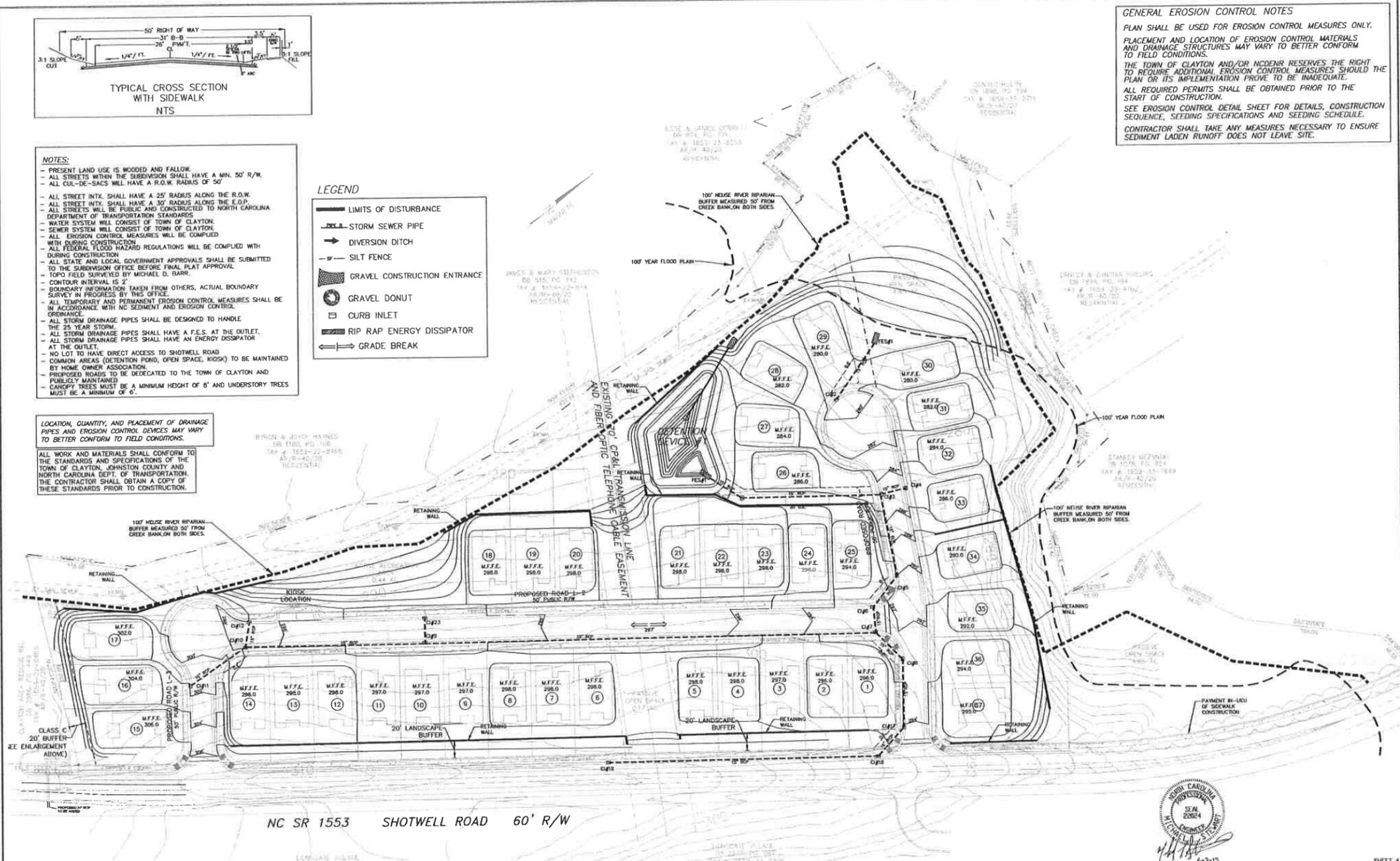
PLAN SHALL BE USED FOR EROSION CONTROL MEASURES ONLY. PLACEMENT AND LOCATION OF EROSION CONTROL MATERIALS AND DRAINAGE STRUCTURES MAY VARY TO BETTER CONFORM TO FIELD CONDITIONS.

THE TOWN OF CLAYTON AND/OR NC DENR RESERVES THE RIGHT TO REQUIRE ADDITIONAL EROSION CONTROL MEASURES SHOULD THE PLAN OR ITS IMPLEMENTATION PROVE TO BE INADEQUATE.

ALL REQUIRED PERMITS SHALL BE OBTAINED PRIOR TO THE START OF CONSTRUCTION.

SEE EROSION CONTROL DETAIL SHEET FOR DETAILS, CONSTRUCTION SEQUENCE, SEEDING SPECIFICATIONS AND SEEDING SCHEDULE.

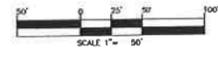
CONTRACTOR SHALL TAKE ANY MEASURES NECESSARY TO ENSURE SEDIMENT LADEN RUNOFF DOES NOT LEAVE SITE.



OWNER/DEVELOPER
ASCO BUILDERS INC
C/O MATT STEPHENS
319 CHAPANOKE ROAD SUITE 106
RALEIGH, NC 27603

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STEWART-PROCTOR, PLLC
ENGINEERING AND SURVEYING
319 CHAPANOKE ROAD SUITE 100
RALEIGH, NC 27603
TEL. 919 779-1855 FAX 919 779-1661

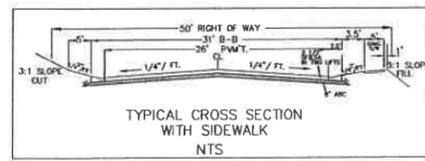
DATE 1-9-15 SURVEYED BY OTHERS
SCALE 1"=50' DRAWN BY M.L.S. JOB

REVISIONS 4-14-15, 5-8-15, 6-3-15 D.W.C. NO. 44-390900 ZONED R-10 P.I.N. 1659-43-3036



PRELIMINARY GRADING AND DRAINAGE PLAN
MAGNOLIA POINTE SUBDIVISION

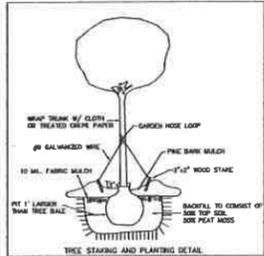
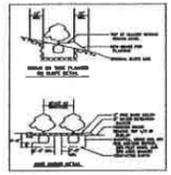
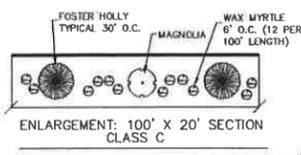
TOWN OF CLAYTON	NORTH CAROLINA
JOHNSTON COUNTY	OWNER



SUGGESTED PLANTING LIST

TREE	QUANTITY
YOSHINO CHERRY (PRUNUS x YEDODORI) 2.5" DIA., 8' HT.	12
RED MAPLE (ACEQ RUBRA) 2.5" DIA., 8' HT.	53
CAROLINA CHERRY LAUREL 2" DIA., 8' HT.	43
WAX MYRTLE 2" DIA., 8' HT.	54

GENERAL NOTES:
 ALL PLANTS AND PLANTING PROCEDURES TO MEET OR EXCEED A.A.A. STANDARDS AS SET FORTH IN AMERICAN STANDARDS FOR NURSERY STOCK 1988 OR LATEST EDITION.
 ALL TREES AND SHRUBS SHALL BE FULL WELL BRANCHED PLANTS WHICH ARE TYPICAL OF THE SPECIES.
 DEAD OR DECAYING PLANT MATERIAL SHALL BE REPLACED WITHIN 30 DAYS WITH TYPICAL PLANT MATERIAL.
 CANOPY TREES MUST BE A MINIMUM HEIGHT OF 8' AND UNDERSTORY TREES MUST BE A MINIMUM OF 6'.

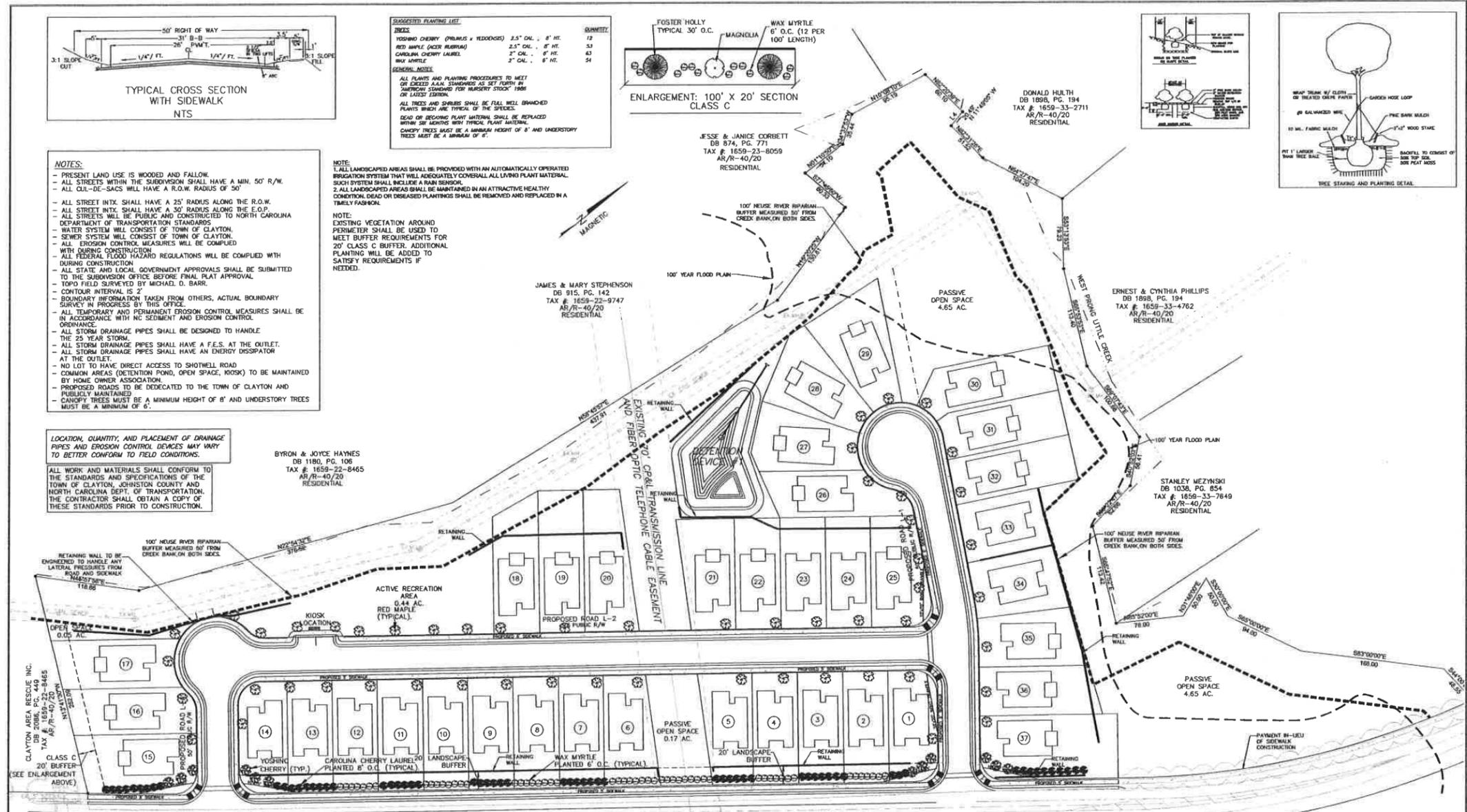


- NOTES:**
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 - ALL CUL-DE-SACS WILL HAVE A R.O.W. RADIUS OF 50'.
 - ALL STREET INTX. SHALL HAVE A 25' RADIUS ALONG THE R.O.W.
 - ALL STREET INTX. SHALL HAVE A 30' RADIUS ALONG THE E.O.P.
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 - SEWER SYSTEM WILL CONSIST OF TOWN OF CLAYTON.
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 - ALL FEDERAL FLOOD HAZARD REGULATIONS WILL BE COMPLIED WITH DURING CONSTRUCTION.
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 - TOPO FIELD SURVEYED BY MICHAEL D. BARR.
 - CONTOUR INTERVAL IS 2'.
 - BOUNDARY INFORMATION TAKEN FROM OTHERS, ACTUAL BOUNDARY SURVEY IN PROGRESS BY THIS OFFICE.
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 - PROPOSED ROADS TO BE DEDICATED TO THE TOWN OF CLAYTON AND PUBLICLY MAINTAINED.
 - CANOPY TREES MUST BE A MINIMUM HEIGHT OF 8' AND UNDERSTORY TREES MUST BE A MINIMUM OF 6'.

- NOTE:**
1. ALL LANDSCAPED AREAS SHALL BE PROVIDED WITH AN AUTOMATICALLY OPERATED IRRIGATION SYSTEM THAT WILL ADEQUATELY COVER ALL LANDSCAPED AREAS. SUCH SYSTEM SHALL INCLUDE A RAIN SENSOR.
 2. ALL LANDSCAPED AREAS SHALL BE MAINTAINED IN AN ATTRACTIVE HEALTHY CONDITION. DEAD OR DISEASED PLANTINGS SHALL BE REMOVED AND REPLACED IN A TIMELY FASHION.
- NOTE:**
- EXISTING VEGETATION AROUND PERIMETER SHALL BE USED TO MEET BUFFER REQUIREMENTS FOR 20' CLASS C BUFFER. ADDITIONAL PLANTING WILL BE ADDED TO SATISFY REQUIREMENTS IF NEEDED.

LOCATION, QUANTITY, AND PLACEMENT OF DRAINAGE PIPES AND EROSION CONTROL DEVICES MAY VARY TO BETTER CONFORM TO FIELD CONDITIONS.

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CLAYTON AREA RESCUE INC.
 DB 2086, PG. 449
 TAX # 1659-42-8465
 AR/R-40/20
 RESIDENTIAL

CLAYTON AREA RESCUE INC.
 CLASS C
 20' BUFFER
 (SEE ENLARGEMENT ABOVE)

BYRON & JOYCE HAYNES
 DB 1180, PG. 106
 TAX # 1659-22-8465
 AR/R-40/20
 RESIDENTIAL

ACTIVE RECREATION AREA
 0.44 AC.
 RED MAPLE (TYPICAL).

PROPOSED ROAD L-2
 20' PUBLIC R/W

JAMES & MARY STEPHENSON
 DB 915, PG. 142
 TAX # 1659-22-9747
 AR/R-40/20
 RESIDENTIAL

JESSE & JANICE CORBETT
 DB 874, PG. 771
 TAX # 1659-23-8059
 AR/R-40/20
 RESIDENTIAL

DONALD HULT
 DB 1858, PG. 194
 TAX # 1659-33-2711
 AR/R-40/20
 RESIDENTIAL

ERNEST & CYNTHIA PHILLIPS
 DB 1058, PG. 194
 TAX # 1659-33-4762
 AR/R-40/20
 RESIDENTIAL

STANLEY MEZYNSKI
 DB 1038, PG. 854
 TAX # 1659-33-7649
 AR/R-40/20
 RESIDENTIAL

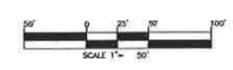
LIONSGATE VILLAGE
 DB 2207, PG. 867
 TAX # 1659-42-3653
 R-10
 RESIDENTIAL

LIONSGATE VILLAGE
 DB 2207, PG. 867
 TAX # 1659-43-2406
 R-10
 RESIDENTIAL

NOTE:
 20' LANDSCAPE BUFFER ALONG SHOTWELL ROAD TO BE MAINTAINED IN PERPETUITY BY HOME OWNER ASSOCIATION.

OWNER/DEVELOPER
 ASCO BUILDERS INC
 C/O MATT STEPHENS
 319 CHAPANOK ROAD SUITE 106
 RALEIGH, NC 27603

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SURVEY INFORMATION FROM MAP BY MICHAEL D. BARR PROFESSIONAL LAND SURVEYOR PD BOX 30217 RALEIGH, NC 27622-0217 (919) 783-6918



STEWART-PROCTOR, PLLC
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 319 CHAPANOK ROAD SUITE 100
 RALEIGH, NC 27603
 TEL. 919 778-1855 FAX 919 778-1861

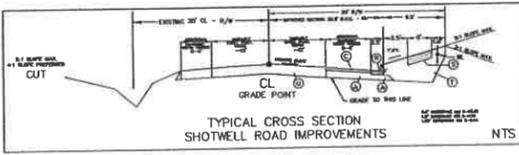
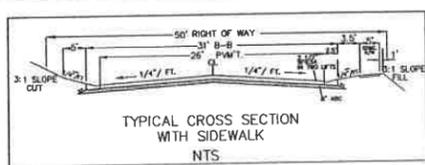
DATE 1-9-15	SURVEYED BY OTHERS	JOB
SCALE 1"=50'	DRAWN BY MLS	TOWN OF CLAYTON
REVISIONS 4-14-15, 6-3-15	DWG. NO. SA-907WELL	NORTH CAROLINA

THE LANDSCAPE ARCHITECTURE COLLABORATIVE
 3609 Willow Bluff Drive
 RALEIGH, NC 27604
 TEL. 919/210-9516

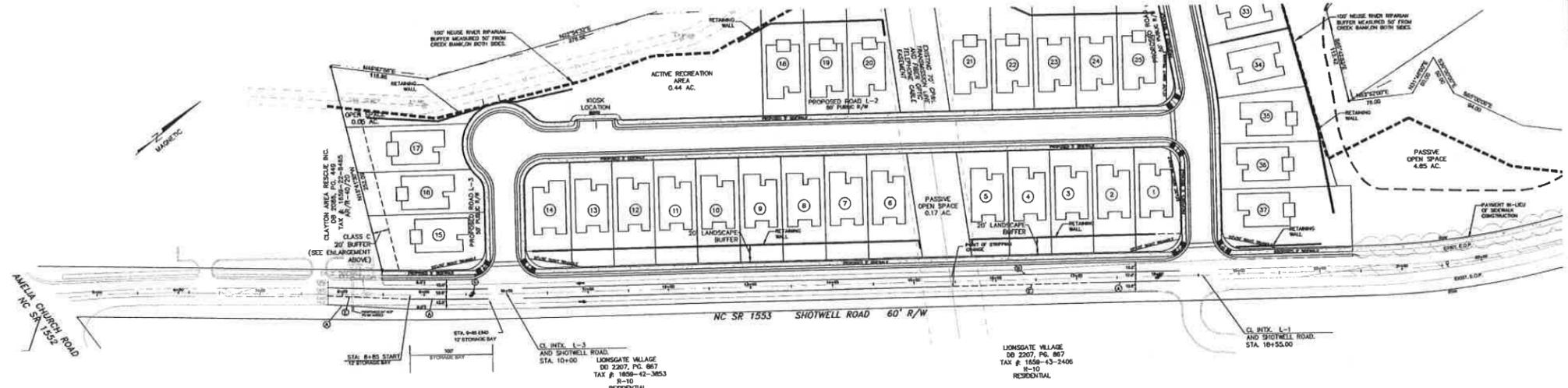
JOE LYLE, RLA

PRELIMINARY LANDSCAPE PLAN FOR
MAGNOLIA POINTE SUBDIVISION

JOHNSTON COUNTY OWNER
 ZONED R-10 P.I.N. 1659-43-3036



SYMBOL	DESCRIPTION
1	1" CONCRETIC CURB & GUTTER
2	2" CONCRETIC CURB & GUTTER
3	1" CONCRETIC CURB & GUTTER
4	1" CONCRETIC CURB & GUTTER
5	1" CONCRETIC CURB & GUTTER
6	1" CONCRETIC CURB & GUTTER
7	1" CONCRETIC CURB & GUTTER
8	1" CONCRETIC CURB & GUTTER
9	1" CONCRETIC CURB & GUTTER
10	1" CONCRETIC CURB & GUTTER
11	1" CONCRETIC CURB & GUTTER
12	1" CONCRETIC CURB & GUTTER
13	1" CONCRETIC CURB & GUTTER
14	1" CONCRETIC CURB & GUTTER
15	1" CONCRETIC CURB & GUTTER
16	1" CONCRETIC CURB & GUTTER
17	1" CONCRETIC CURB & GUTTER
18	1" CONCRETIC CURB & GUTTER
19	1" CONCRETIC CURB & GUTTER
20	1" CONCRETIC CURB & GUTTER
21	1" CONCRETIC CURB & GUTTER
22	1" CONCRETIC CURB & GUTTER
23	1" CONCRETIC CURB & GUTTER
24	1" CONCRETIC CURB & GUTTER
25	1" CONCRETIC CURB & GUTTER
26	1" CONCRETIC CURB & GUTTER
27	1" CONCRETIC CURB & GUTTER
28	1" CONCRETIC CURB & GUTTER
29	1" CONCRETIC CURB & GUTTER
30	1" CONCRETIC CURB & GUTTER
31	1" CONCRETIC CURB & GUTTER
32	1" CONCRETIC CURB & GUTTER
33	1" CONCRETIC CURB & GUTTER
34	1" CONCRETIC CURB & GUTTER
35	1" CONCRETIC CURB & GUTTER
36	1" CONCRETIC CURB & GUTTER
37	1" CONCRETIC CURB & GUTTER
38	1" CONCRETIC CURB & GUTTER
39	1" CONCRETIC CURB & GUTTER
40	1" CONCRETIC CURB & GUTTER
41	1" CONCRETIC CURB & GUTTER
42	1" CONCRETIC CURB & GUTTER
43	1" CONCRETIC CURB & GUTTER
44	1" CONCRETIC CURB & GUTTER
45	1" CONCRETIC CURB & GUTTER
46	1" CONCRETIC CURB & GUTTER
47	1" CONCRETIC CURB & GUTTER
48	1" CONCRETIC CURB & GUTTER
49	1" CONCRETIC CURB & GUTTER
50	1" CONCRETIC CURB & GUTTER
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98	1" CONCRETIC CURB & GUTTER
99	1" CONCRETIC CURB & GUTTER
100	1" CONCRETIC CURB & GUTTER



OWNER/DEVELOPER
 ASCO BUILDERS INC
 C/O MATT STEPHENS
 315 CHAMPAGNE ROAD SUITE 106
 RALEIGH, NC 27603

LIONSGATE VILLAGE
 00 2207, PG. 867
 TAX # 1658-13-2406
 R-10
 RESIDENTIAL

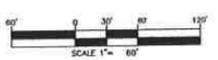
SURVEY INFORMATION FROM
 MAP BY MICHAEL D. BARR
 PROFESSIONAL LAND SURVEYOR
 PO BOX 30271
 RALEIGH, NC 27622-0217
 (919) 783-8918

- PAVEMENT MARKING SCHEDULE**
- A 4" SOLID WHITE (THERMO PLASTIC)
 - B 4" DOUBLE SOLID YELLOW (THERMO PLASTIC)
 - C 4" SOLID YELLOW LINE (THERMO PLASTIC)
 - D 4" x 10" SKIPPED WHITE LINE (THERMO PLASTIC)
 - E 4" x 2" MINI SKIPPED WHITE WHITE LINE (THERMO PLASTIC)
 - F 4" SOLID YELLOW LINE W/ 10" SKIPPED YELLOW LINE INSIDE
 - G TURN ARROWS - WHITE (THERMO PLASTIC)

1. CONTRACTOR SHALL FURNISH AND INSTALL ALL PAVEMENT MARKINGS ON FINAL WEARING SURFACE AS SHOWN.
2. CONTRACTOR SHALL REMOVE ALL EXISTING CONFLICTING PAVEMENT MARKINGS.
3. CONTRACTOR SHALL REPLACE ALL EXISTING MARKINGS DISTURBED DURING CONSTRUCTION.
4. CONTRACTOR SHALL CONTACT N.C. DOT TO INSPECT THE PAVEMENT "PRE-MARKINGS" PRIOR TO FINAL PAVEMENT MARKINGS PLACEMENT.
5. ALL MARKING SHALL COMPLY WITH THE MUTCD STANDARDS AND SPECIFICATIONS.

GENERAL NOTES:
 PLANS REFLECT A CONCEPTUAL VIEW OF PROPOSED ROADWAY IMPROVEMENTS
 CONTRACTOR SHALL VERIFY ALL EXISTING CONDITIONS PRIOR TO CONSTRUCTION
 CONTRACTOR SHALL VERIFY ALL EXISTING UTILITIES PRIOR TO GRADING FOR ROADWAY IMPROVEMENTS
 CONTRACTOR SHALL VERIFY EXISTING TYPICAL SECTION PRIOR TO CONSTRUCTION
 ALL WORK SHALL BE DONE IN ACCORDANCE TO NC DOT STANDARDS AND SPECIFICATIONS
 ALL MARKING, SIGNAGE, AND STRIPPING SHALL BE DONE IN ACCORDANCE TO MUTCD
 PLAN SHOWN IS NOT BASED ON FIELD SURVEYED INFORMATION

FOR REVIEW ONLY -
 NOT FOR CONSTRUCTION
 PLAN IS SUBJECT TO REVISIONS DURING
 THE CONSTRUCTION APPROVAL PROCESS



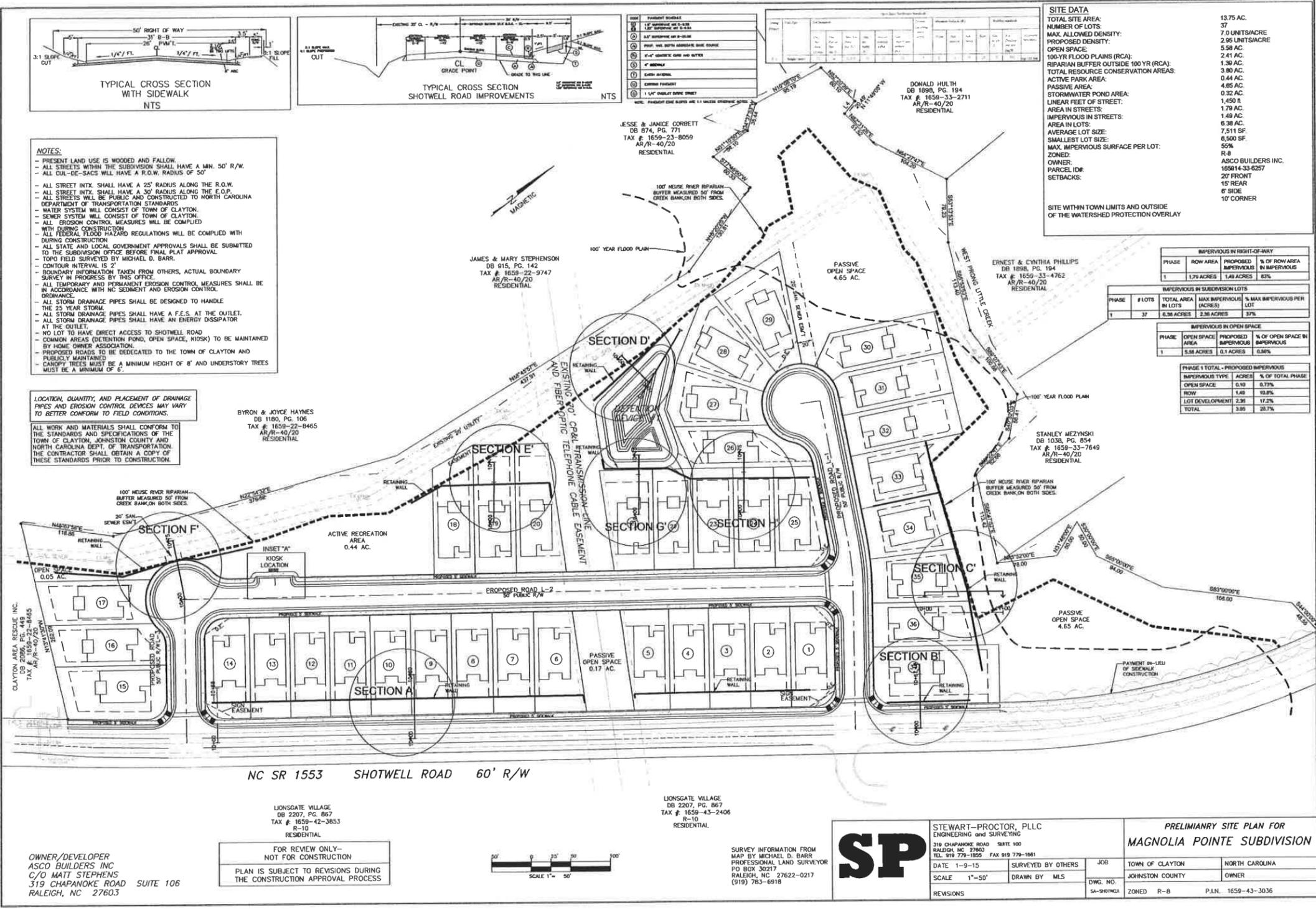
STEWART-PROCTOR, PLLC ENGINEERING and SURVEYING 310 CHAMPAGNE ROAD SUITE 100 RALEIGH, NC 27603 TEL 919 778-1850 FAX 919 778-1861		PRELIMINARY ROAD WIDENING PLAN FOR MAGNOLIA POINTE SUBDIVISION	
DATE 1-9-15	SURVEYED BY OTHERS	JOB	TOWN OF CLAYTON NORTH CAROLINA
SCALE 1"=60'	DRAWN BY MLS	DWG. NO.	JOHNSTON COUNTY OWNER
REVISIONS 4-14-15, 6-3-15		SA-SHOTWELL	ZONED R-10 P.J.N. 1659-43-3036



LOCATION, QUANTITY, AND PLACEMENT OF DRAINAGE
 PIPES AND EROSION CONTROL DEVICES MAY VARY
 TO BETTER CONFORM TO FIELD CONDITIONS.

ALL WORK AND MATERIALS SHALL CONFORM TO
 THE STANDARDS AND SPECIFICATIONS OF THE
 TOWN OF CLAYTON, JOHNSTON COUNTY AND
 NORTH CAROLINA DEPT. OF TRANSPORTATION.
 THE CONTRACTOR SHALL OBTAIN A COPY OF
 THESE STANDARDS PRIOR TO CONSTRUCTION.

SHEET 6



SITE DATA

TOTAL SITE AREA:	13.75 AC.
NUMBER OF LOTS:	37
MAX. ALLOWED DENSITY:	7.0 UNITS/ACRE
PROPOSED DENSITY:	2.95 UNITS/ACRE
OPEN SPACE:	5.58 AC.
100-YR FLOOD PLAINS (RCA):	2.41 AC.
RIPARIAN BUFFER OUTSIDE 100 YR (RCA):	1.58 AC.
TOTAL RESOURCE CONSERVATION AREAS:	3.80 AC.
ACTIVE PARK AREA:	0.44 AC.
PASSIVE AREA:	4.85 AC.
STORMWATER POND AREA:	0.52 AC.
LINEAR FEET OF STREET:	1,450 FT.
AREA IN STREETS:	1.79 AC.
IMPERVIOUS IN STREETS:	1.49 AC.
AREA IN LOTS:	6.38 AC.
AVERAGE LOT SIZE:	7,511 SF.
SMALLEST LOT SIZE:	6,500 SF.
MAX. IMPERVIOUS SURFACE PER LOT:	55%
ZONED:	R-8
OWNER:	ASCO BUILDERS INC.
PARCEL ID#:	165914-33-6257
SETBACKS:	20' FRONT 15' REAR 6' SIDE 10' CORNER

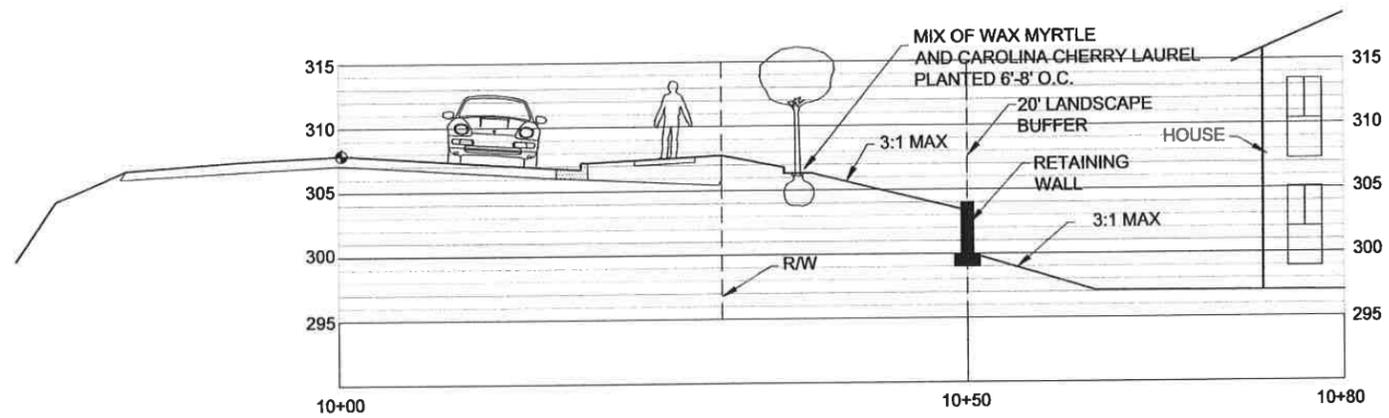
SITE WITHIN TOWN LIMITS AND OUTSIDE OF THE WATERSHED PROTECTION OVERLAY

IMPERVIOUS IN RIGHT-OF-WAY			
PHASE	ROW AREA	PROPOSED IMPERVIOUS	% OF ROW AREA IN IMPERVIOUS
1	1.79 ACRES	1.49 ACRES	83%

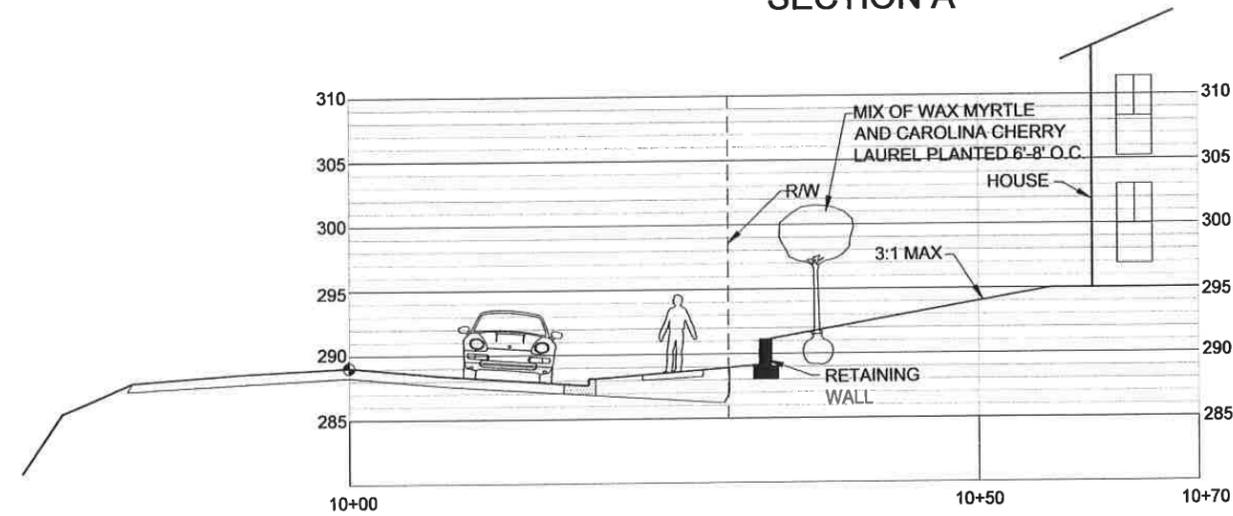
IMPERVIOUS IN SUBDIVISION LOTS				
PHASE	# LOTS	TOTAL AREA IN LOTS (ACRES)	% MAX IMPERVIOUS PER LOT	
1	37	6.38 ACRES	2.36 ACRES	37%

IMPERVIOUS IN OPEN SPACE			
PHASE	OPEN SPACE AREA	PROPOSED IMPERVIOUS	% OF OPEN SPACE IN IMPERVIOUS
1	5.58 ACRES	0.1 ACRES	1.8%

PHASE 1 TOTAL - PROPOSED IMPERVIOUS			
IMPERVIOUS TYPE	ACRES	% OF TOTAL PHASE	
OPEN SPACE	0.10	0.73%	
ROW	1.49	10.8%	
LOT DEVELOPMENT	2.36	17.2%	
TOTAL	3.95	28.7%	



SECTION A'

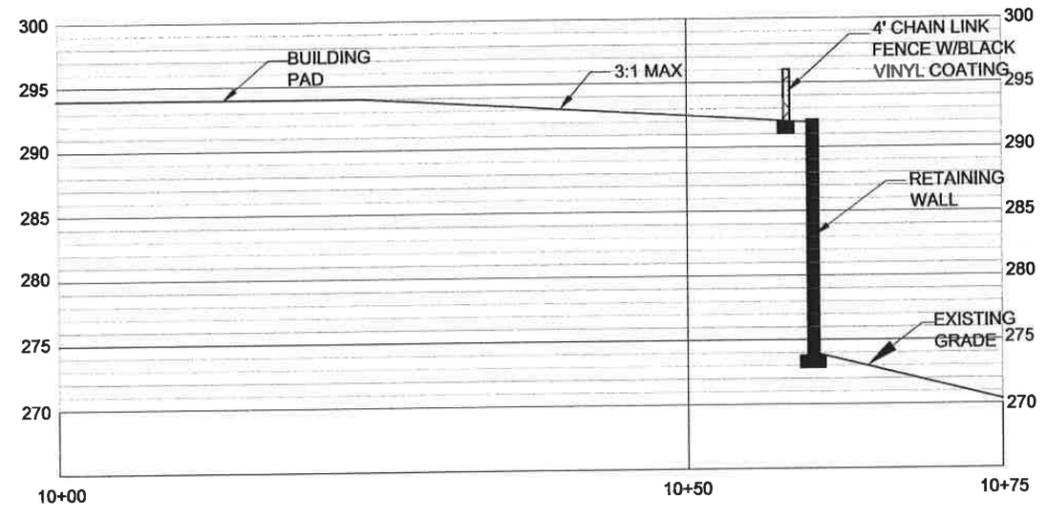


SECTION B'

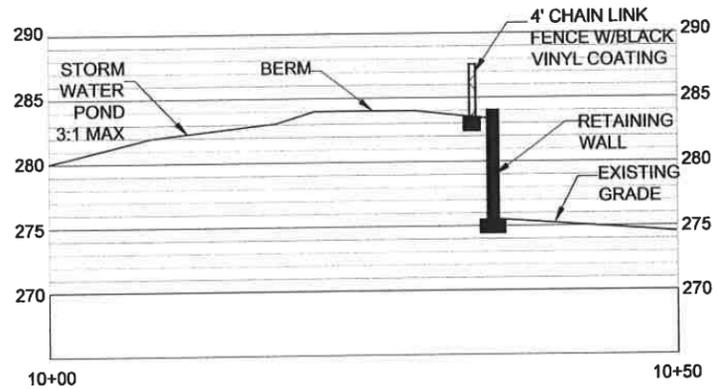
NOTE:
CANOPY TREES MUST BE A MINIMUM
HEIGHT OF 8' AND UNDERSTORY
TREES MUST BE A MINIMUM OF 6'.

SCALE: 1" = 5' (HORIZONTAL)
1" = 5' (VERTICAL)

SP	STEWART-PROCTOR, PLLC ENGINEERING and SURVEYING 319 CHAPARRAL ROAD SUITE 100 RALEIGH, NC 27603 TEL. 919 779-1855 FAX 919 779-1861		CROSS SECTION VIEW A AND B MAGNOLIA POINTE SUBDIVISION	
	DATE 4-27-15	SURVEYED BY OTHERS	JOB	TOWN OF CLAYTON
SCALE	DRAWN BY MLS	DWG. NO.	JOHNSTON COUNTY	NORTH CAROLINA
REVISIONS		SA-SH01001	ZONED R-10	OWNER
				P.L.N. 1659-43-3036



SECTION C'

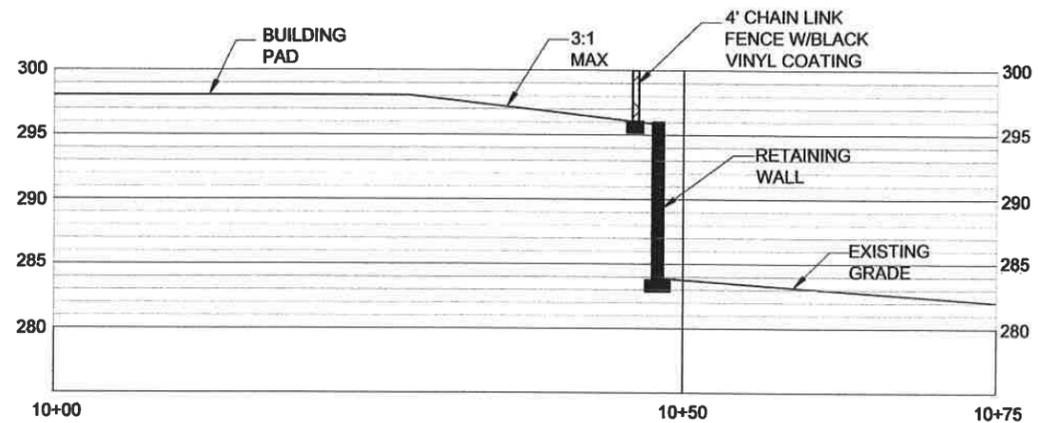


SECTION D'

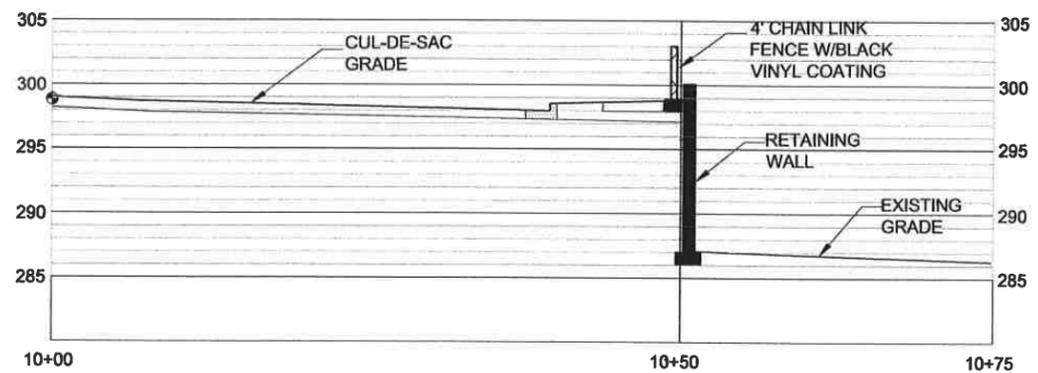
SCALE: 1" = 5' (HORIZONTAL)
1" = 5' (VERTICAL)



STEWART-PROCTOR, PLLC ENGINEERING and SURVEYING 318 CHAPMAN ROAD SUITE 100 RALEIGH, NC 27603 TEL. 919 779-1855 FAX 919 779-1861		CROSS SECTION VIEW C AND D MAGNOLIA POINTE SUBDIVISION	
DATE 4-27-15	SURVEYED BY OTHERS	JOB	TOWN OF CLAYTON NORTH CAROLINA
SCALE	DRAWN BY MLS	DWG. NO.	JOHNSTON COUNTY OWNER
REVISIONS	SA-SHOMEL	ZONED R-10	P.I.N. 1659-43-3036



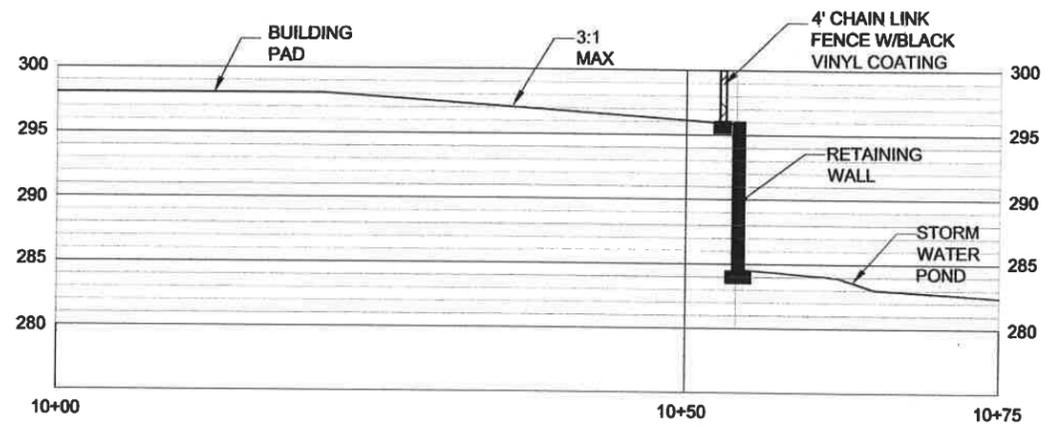
SECTION E'



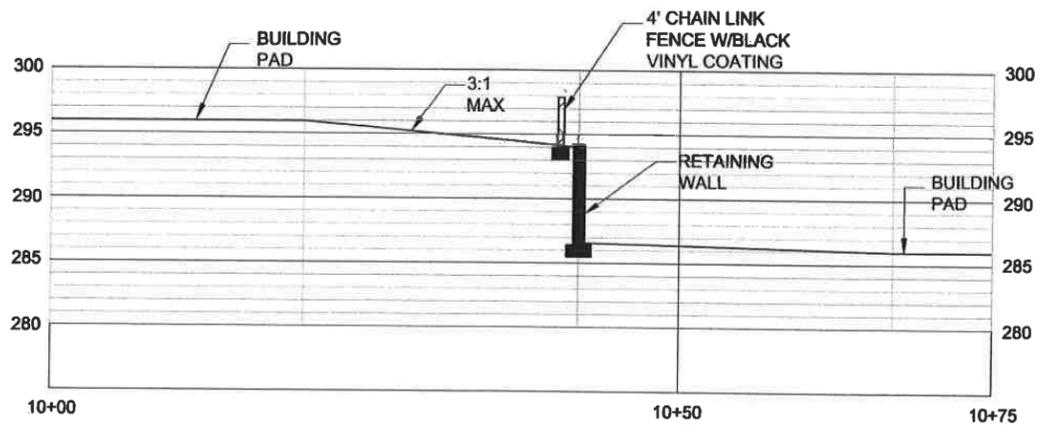
SECTION F'

SCALE: 1" = 5' (HORIZONTAL)
1" = 5' (VERTICAL)

SP	STEWART-PROCTOR, PLLC ENGINEERING and SURVEYING 516 CHAMPAGNE ROAD SUITE 100 RALEIGH, NC 27603 TEL: 919 779-1855 FAX 919 779-1861		CROSS SECTION VIEW E AND F MAGNOLIA POINTE SUBDIVISION	
	DATE 4-27-15	SURVEYED BY OTHERS	JOB	TOWN OF CLAYTON
	SCALE	DRAWN BY MLS	DWG. NO.	JOHNSTON COUNTY
	REVISIONS		SA-SHREVELL	OWNER
			ZONED R-10	P.L.N. 1850-43-3036



SECTION G'



SECTION H'

SCALE: 1" = 5' (HORIZONTAL)
1" = 5' (VERTICAL)

SP	STEWART-PROCTOR, PLLC ENGINEERING and SURVEYING 316 CHAPMAN ROAD SUITE 100 RALEIGH, NC 27603 TEL: 919 778-1800 FAX: 919 778-1861		CROSS SECTION VIEW G AND H MAGNOLIA POINTE SUBDIVISION	
	DATE: 4-27-15	SURVEYED BY OTHERS	JOB	TOWN OF CLAYTON
SCALE	DRAWN BY: MLS	DWG. NO.	JOHNSTON COUNTY	NORTH CAROLINA
REVISIONS		SA-801902L	ZONED: R-10	OWNER
				P.L.N. 1659-43-3036



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

MEMORANDUM

Date: May 21, 2015

To: Planning Board

From: Planning Staff

**SUBJECT: ADDENDUM TO STAFF REPORT FOR MAGNOLIA POINTE SUBDIVISION
PSD2014-97**

At the April 27, 2015 Planning Board meeting, the above referenced application was tabled until further information could be submitted by the applicant to address concerns raised by the Planning Board. Board concerns ranged from landscaping and buffering to public safety. The attached email(s) detail which information was subsequently requested from the applicant.

The applicant did hold another Neighborhood Meeting on May 8, to inform neighbors of the revised rezoning and subdivision application, and subsequently submitted minutes to the Planning Department. These materials are attached.

To date, the applicant has not submitted the remaining information that was requested, which included Board concerns about the following:

- Landscaping buffer and screening along Shotwell Road
- Steep grading of lots and common areas
- Landscape plantings underneath the powerline easement
- Cross-sections detailing the above

Attachments:

1. Email requesting additional information
2. Neighborhood meeting minutes from May 8th meeting

Jay McLeod

From: Jay McLeod
Sent: Friday, May 08, 2015 10:59 AM
To: 'mattstephens@bellsouth.net'
Cc: Michael Stewart (stewartpe@aol.com); David DeYoung
Subject: retaining wall for Magnolia Pointe subdivision plans PSD2014-97

Hi,

As part of the plan revisions before the next Planning Board meeting on May 26, 2015 for the proposed Magnolia Pointe subdivision (PSD2014-97), please include a retaining wall on the site plans for the slope that is proposed adjacent to Shotwell Rd. The Planning Board expressed the opinion at the last meeting that this slope was too steep to be safely executed, particularly with the landscaping buffer as part of the equation. The Planning Department agrees that the most effective solution to this design problem may involve a retaining wall, and that any slopes on the site must be 3:1 or less.

Please also want to consider using a maximum slope of 3:1 for all slopes on the site, particularly since Planning Board members also raised concern about other slopes being too steep, most notably the slopes in the backyard of homes adjacent to the stormwater BMPs. Adding a cross-section showing this area would also help to alleviate Planning Board member concerns.

Along with the previously requested information for this application, please send a cross-section showing Shotwell Rd, the landscaping buffer (including a drawing of the trees proposed), a retaining wall, and the yard of the proposed homes adjacent to Shotwell Rd. I suggest that on this cross-section you use the same scale for both the vertical and horizontal axes.

If you do not consider the above-proposed design solutions feasible or you have alternative solutions to propose, please respond in writing by May 12, so that those responses can be included in the information presented to Planning Board at their next meeting.

Please deliver these cross-sections and plan revisions prior to May 12, along with the previously requested information. To summarize, the previously requested information is:

- Stamped, addressed letters
- Landscaping buffer and screening on Shotwell Rd.
- Steep grading concerns
- Neighborhood meeting minutes
- The above-mentioned cross-sections

If you have any questions, please contact me.

Thanks,

Jay McLeod, AICP

Planner

Town of Clayton

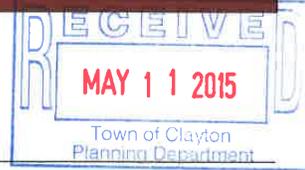
111 East Second Street | PO Box 879 | Clayton, NC 27528

P (919)359-9335 | F (919)553-1720

jwmcLeod@townofclaytonnc.org

NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:



Date of Mailing: 4/28/15

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

Printed Name: MICHAEL STEWART Signature: [Handwritten Signature]

Date of Meeting: 5/8/15 Time of Meeting: 6:30 PM

Location of Meeting: ON SITE

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.

MR. JESSE CORBETT WAS THE ONLY NEIGHBOR PRESENT. WE HAD TALKED EARLIER IN THE WEEK AND HE STOPPED BY TO PICK UP A FULL SIZED COPY OF THE PLANS. HE STATED HE HAD NO ISSUES AND WOULD SIGN A LETTER STATING SUCH IF NECESSARY. ADDITIONAL DISCUSSIONS PERTAINED TO THE PROPOSED HOUSING PLANS.

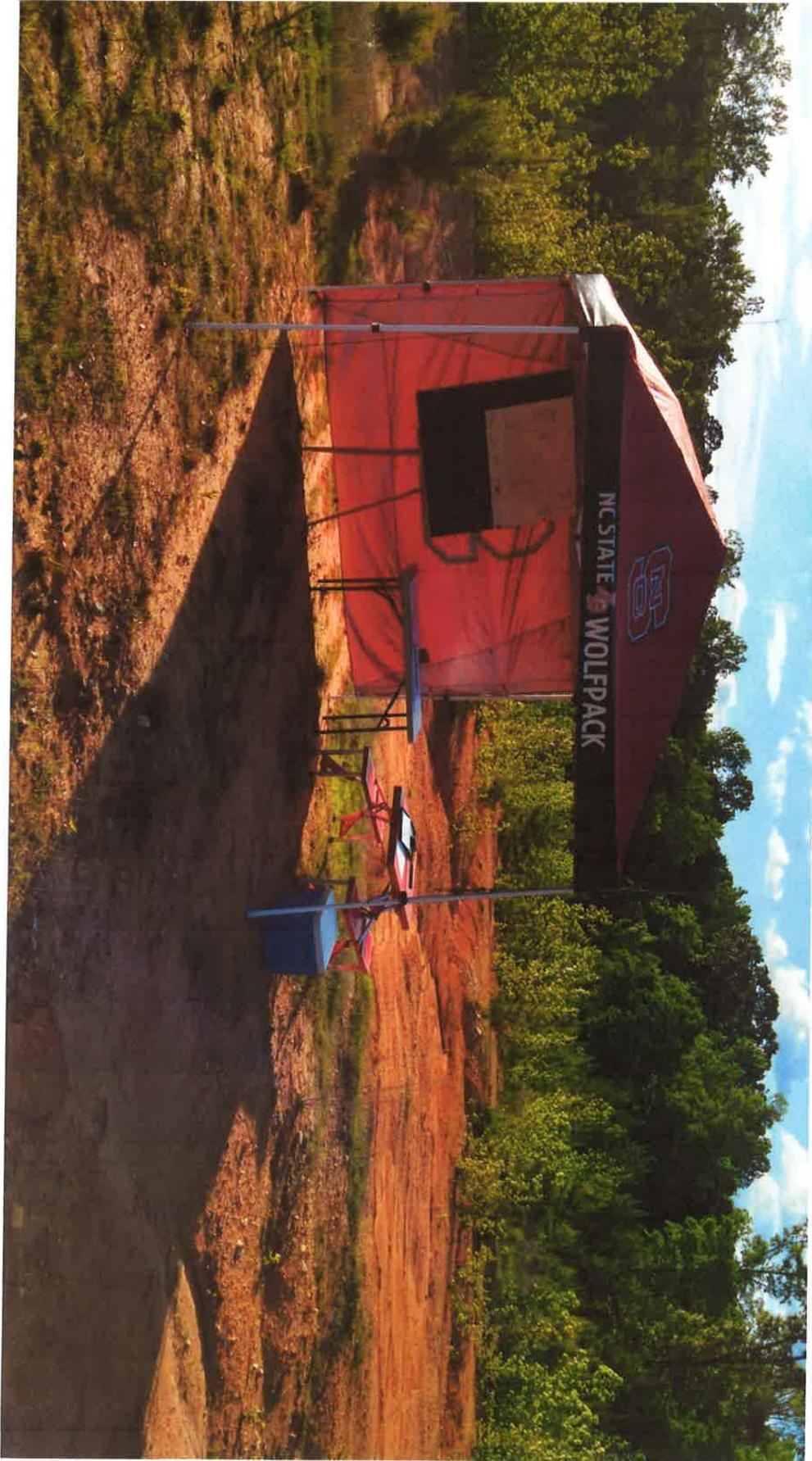
Please write clearly (or submit a typed summary), and use additional sheets if necessary.

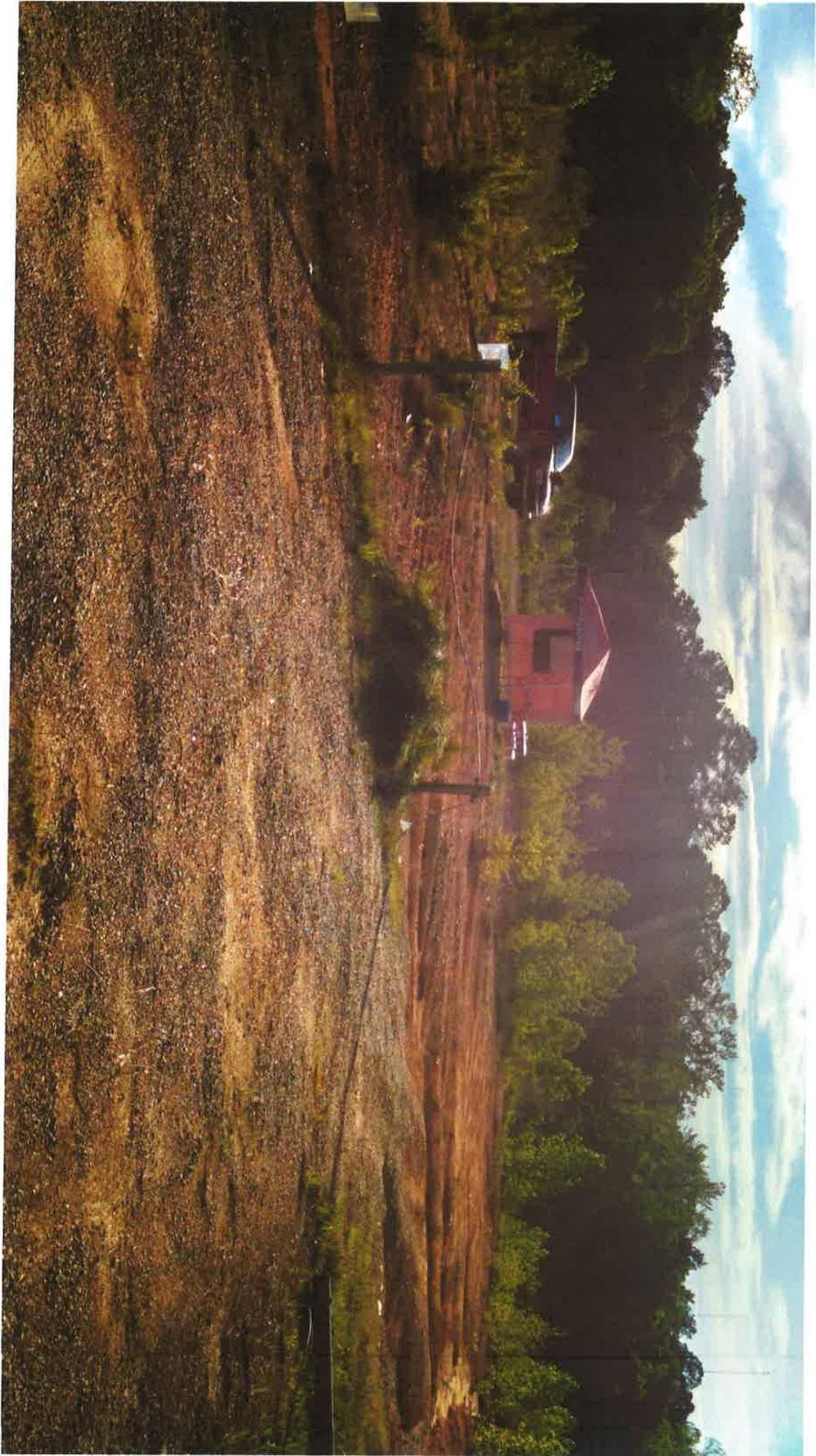
NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Applicant: ASCO BUILDERS SUNNY - 78°

Location/Date: ON SITE 5/8/15 6:30

	NAME	ADDRESS
1	MIKE STEWART	4716 CAROLTON DR. RAL.
2	JESSE CORBETT	1020 Ridge DR
3		
4		
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ASCO BUILDERS INC
319 CHAPANOKE RD STE 102
RALEIGH, NC 27603-0000

FOSTER PARTNERS LLC
1800 S BRENTWOOD BLVD, STE 770
ST LOUIS, MO 63144-0000

HUTH, DONALD W
HUTH, GERRY H
921 MULBERRY RD
CLAYTON, NC 27520-2129

WALLACE, RUTH
WELCH, CARL
1008 RIDGE DR
CLAYTON, NC 27520-0667

HOWARD, E FRANK JR
262 COOPER BRANCH RD
CLAYTON, NC 27520-0000

ARCHIE, ADISON L
HOJNACKI, KATELYNN E
1012 RIDGE DRIVE
CLAYTON, NC 27520-0000

PHILLIPS, ERNEST LUTRELL &
PHILLIPS, CYNTHIA HOCUTT
917 MULBERRY ROAD
CLAYTON, NC 27520-0000

PLEASANT, JAMES ANDREW
925 MULBERRY RD
CLAYTON, NC 27520-2129

STEPHENSON, JAMES W
STEPHENSON, MARY
1016 RIDGE DR
CLAYTON, NC 27520-9667

MEEHAN MEDICAL LLC
45 SHOTWELL ROAD
CLAYTON, NC 27520-0000

LIONS SPRING HOUSING ASSOC LLC
7706 SIX FORKS RD SUITE 202
RALEIGH, NC 27616-0000

LIONSGATE VILLAGE LLC
A NC LIMITED LIABILITY COMPANY
400 RIVERWOOD DRIVE
CLAYTON, NC 27520-0000

HEDAYATZADEH, MELISSA ANN
MEZYNSKI, MELISSA ANN
124 BURKWOOD LN
RALEIGH, NC 27609-0000

LIONSGATE VILLAGE LLC
A NC LIMITED LIABILITY COMPANY
400 RIVERWOOD DRIVE
CLAYTON, NC 27520-0000

CORBETT, JESSE V JR
CORBETT, JANICE
1020 RIDGE DR
CLAYTON, NC 27520-0000

BALDIES RESTAURANT GROUP LLC
6101 NC HIGHWAY 42 W
GARNER, NC 27529-8443

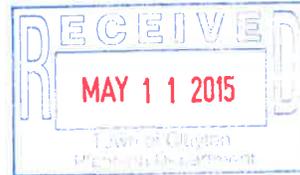
NOTE: Turn off 'Fit to Page' in print dialog before
printing.

Label Type: AV6160
16 label(s) printed

ASCO Builders, Inc.

319 Chapanoke Road
Suite 102
Raleigh, NC 27603

Phone: 919-779-8649
Fax: 919-779-7952



April 28, 2015

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: *Friday, May 8, 2015*

Location: *On site, Shotwell Road*

Time: *6:30 P.M.*

Type of Application: *Residential Rezoning R-8 and Subdivision Plan*

General Description: *37 Lot Subdivision*

If you have any questions prior to or after this meeting, you may contact us at (919) 779-8649.

Sincerely,

A handwritten signature in black ink, appearing to read "Matt Stephens".

Matt Stephens,
ASCO Builders, Inc.

cc: Clayton Planning Dept.



NEIGHBORHOOD MEETING INFORMATION

NOTE: *Neighborhood meetings are not required for developments that are part of an approved Planned Development Master Plan.*

Purpose:

The purpose of the neighborhood meeting shall be to inform the neighborhood of the nature of the proposed land use and development features, answer questions, respond to concerns, and solicit comments.

Meeting Date:

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

Meeting Time & Location:

The meeting must be held no earlier than 6:00 pm Monday through Friday, and must be held in a location generally accessible to residents within close proximity of the request.

Meeting Notice Mailing requirements:

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

Information provided to Planning Department:

Alert the Planning Department when the date, location, and time are determined. Planning staff may attend the neighborhood meeting to answer process/code questions.

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

- Neighborhood Meeting Summary Form
- Copy of the letter mailed
- Mailing list
- Attendance roster
- Stamped, addressed, empty envelopes with no return address, using the same addresses as used for the neighborhood meeting notification. *This for a public notice of the public hearing mailed by the Town – thus, neighbors will receive both a neighborhood meeting letter from the applicant, and a notice of the hearing from the Town.*

From: stewartpe <stewartpe@aol.com>
To: jwmcleod <jwmcleod@townofclaytonnc.org>; mattstephens <mattstephens@bellsouth.net>
Cc: rpowers <rpowers@townofclaytonnc.org>; DDeYoung <DDeYoung@townofclaytonnc.org>
Subject: Re: Magnolia Pointe - public noticing - need letters
Date: Fri, May 8, 2015 11:11 am

Jay,

We are holding a new neighborhood meeting tonight May 8 at 6:30 on site.
Letters were mailed out 4/28 and we will bring meeting summary/attendance information on Monday.

This was done for several reasons: The amount of concern from the planning board, I was not personally at the first meeting, the weather for that meeting(outdoors) was wet and 35 degrees, we had not changed our zoning request at the time, subdivision outlines for neighborhood meeting require a mon.-fri. after 6pm slot and the first meeting was a Sunday afternoon.

I just felt it was better to hold a new meeting with updated information.
You are welcome to attend should you choose.

I will bring 2 sets of addressed envelopes on Monday as well.

Michael L. Stewart, P.E.
STEWART-PROCTOR, PLLC
Engineering and Surveying
office 919 779-1855
cell 919 417-6671

-----Original Message-----

From: Jay McLeod <jwmcleod@townofclaytonnc.org>
To: 'mattstephens@bellsouth.net' <mattstephens@bellsouth.net>
Cc: Michael Stewart (stewartpe@aol.com) <stewartpe@aol.com>; Rebecca Powers <rpowers@townofclaytonnc.org>; David DeYoung <DDeYoung@townofclaytonnc.org>
Sent: Fri, May 8, 2015 10:21 am
Subject: Magnolia Pointe - public noticing - need letters

Hi,

In order to complete the public noticing requirements for the proposed Magnolia Pointe rezoning and subdivision – RZ2014--- and PSD2014-97, we need you to deliver to us two sets of stamped, addressed envelopes.

The letters need to be addressed to the property owners of the parcels within 100' of the proposed subdivision. Please be sure to use the property owner's address, and not the parcel's site address.

Please do not include a return address on the envelopes – the Town will use our own return address.

Please deliver these stamped, addressed envelopes to the Planning Department, c/o Jay McLeod on or before May 14, 2015. Failure to do so may result in these applications being postponed.

Thanks,
Jay McLeod, AICP

Planner

Town of Clayton

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

P (919)359-9335 | F (919)553-1720

jwmcleod@townofclaytonnc.org



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

Planning Board
April 20, 2015

STAFF REPORT

Application Number: PSD 2014-97
Project Name: Magnolia Pointe Major Subdivision – Preliminary Plat

NC PIN / Tag #: 165914-33-6257 / 05B02031V
Town Limits/ETJ: Town Limits
Overlay: NA
Applicant: ASCO Builders Inc., c/o Matt Shephens (mattshephens@bellsouth.net)
Owner: ASCO Builders Inc.

Neighborhood Meeting: meeting pending
Public Noticing:

- sign posted April 17, 2015
- letters mailed TBD, 2015
- newspaper ad TBD, 2015

PROJECT LOCATION: The property is located on and west off of Shotwell Road, between US 70 Bus Hwy W and Amelia Church Rd. It is a vacant lot directly across from Lion's Spring development.

REQUEST: The applicant is requesting preliminary subdivision plat approval for the major subdivision of the subject property to allow between 35 and 40 single family detached residential units.

SITE DATA:

Acreage: 13.89 acres
Existing Zoning: Planned Development Mixed Use (PD-MU) and Residential-10 (R-10)
Proposed Zoning: Residential-8 (R-8) (a concurrent rezoning application exists (RZ 2014-99) to rezone to R-8)
Existing Use: Vacant
Existing Impervious: None - property is vacant.

DEVELOPMENT DATA:

Proposed Uses: single family detached residential units in an R-8 Open Space Subdivision

Page 1 of 5

Buildings:	37 residential units
Number of Stories:	Maximum height of 35 feet
Impervious Surface:	Maximum 55% impervious for overall development
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:	Two access points onto Shotwell Road.
Water/Sewer Provider:	Town of Clayton
Electric Provider:	Town of Clayton

ADJACENT ZONING AND LAND USES:

North:	Zoning:	Residential-Estate (R-E)
	Existing Use:	Single Family Residential
South:	Zoning:	Planned Development Mixed Use (PD-MU) and Office-Institutional (O-I)
	Existing Use:	Lion’s Gate single-family subdivision and a medical office.
East:	Zoning:	Residential-Estate (R-E)
	Existing Use:	Lion’s Gate single-family subdivision and Lion’s Spring retirement residential
West:	Zoning:	Residential-Estate (R-E)
	Existing Use:	Single Family Residential

STAFF ANALYSIS AND COMMENTARY:

Overview

The applicant is requesting preliminary subdivision plat approval for a new single family residential subdivision. This would be an Open-Space R-8 subdivision and is running concurrently with a rezoning (RZ2014-97).

Consistency with the Strategic Growth Plan

The request is consistent with the Strategic Growth Plan.

Consistency with the Unified Development Code

The proposed development is consistent with and meets the applicable requirements of the Unified Development Code (UDC).

Compatibility with Surrounding Land Uses

This use is compatible with surrounding residential uses.

Landscaping and Buffering

A perimeter landscape buffer (Class C) is required along the entire boundary of the property. An existing sewer easement is along the northern border. A riparian buffer, which includes 100-year floodplain resource conservation area, exists on the western and northern borders of the project and will be used to achieve the landscaping buffer along those sides.

The proposed buffer along Shotwell Rd, in lieu of a traditional Class C buffer, is Leyland Cypress trees, spaced 10' on center. Leyland Cypress trees are fast growing and can eventually become 70' tall and 15' wide. At 10' on center, they should provide an almost immediate evergreen visual screen.

Recreation and Open Space

The development will meet the requirements of an Open-Space Subdivision, through a 0.44 acre active recreation site and a 3.78 passive open space site.

Environmental

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

Signs

Signage will be located at the entrances to the project, and will occur as a separate sign application. They will not be allowed to encroach upon the safe sight triangles at the intersections.

Access/Streets

Access will be from Shotwell Road, and will require driveway permits from NCDOT. The "bump-out" turn in the road within the development, on the west side, has been approved by the Town Engineer.

Multi-Modal Access

Sidewalks are provided along both sides of all streets. A sidewalk will be provided along Shotwell Road along the entirety of the parcel.

Garbage / Recycling

Roll-out garbage cans will be utilized.

Architecture/Design

The request is for a single family detached home subdivision. As it has been designed as an Open Space Subdivision, minimum lot sizes are 6,000 square feet (per standards for R-8 zoning).

Waivers/Deviations/Variations from Code Requirements

The applicant may request an alternate landscape buffer along Shotwell Rd.

CONSIDERATIONS:

- The applicant is requesting Preliminary Subdivision Plat approval of a R-8 Open Space Residential Subdivision.
- This approval is subject to concurrent approval of RZ2014-99 Magnolia Pointe rezoning to R-8.

- Preliminary Subdivision Plats (major subdivisions) are decided by the Town Council. The Planning Board shall make a recommendation to the Town Council.
- The applicant appears to be proposing an alternative landscape buffer along Shotwell Rd, in the form of Leyland Cypress, planted 10' on center.

FINDINGS:

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

CONDITIONS:

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

1. Following Board approvals, three copies of the final Preliminary Subdivision Plat meeting the requirements of the Conditions of Approval shall be submitted to Planning Department for final approval.
2. The final plat and subsequent development of the site shall be consistent with the specifications of the approved Preliminary Subdivision Plat. Modifications may require additional approvals pursuant to Section 155.706 of the Unified Development Code.
3. All development fees shall be paid prior to final plat recordation, except that Capacity fees shall be paid prior to issuance of building permits.
4. A sidewalk shall be constructed along Shotwell Rd along the entirety of the parcel, site, or development, including areas that will remain undeveloped or are reserved for future development.
5. No buildings shall be constructed within 20' of any riparian buffer, per UDC §155.502(D).
6. A Class C buffer (or other Planning Dept. approved buffer) will be installed on the perimeter of the development, per Open-Space Subdivision development regulations. A waiver must be obtained for any alternate landscape buffer areas.
7. Five foot wide sidewalks shall be installed on both sides of all internal roads, including around the entirety of all cul-de-sacs, and shall be constructed or bonded prior to plat recordation for the associated phase.
8. A homeowners' association document shall be reviewed by staff and recorded prior to final plats. Such document shall assure responsibility for maintenance of all common facilities and provide adequate means for funding to do so.
9. Resource conservation areas as defined by Section 155.500 of the Unified Development Code (UDC) shall be identified on the final plats as being permanently set aside, and shall be protected in

perpetuity by a binding legal instrument recorded with the deed which includes clear restriction on the use of the resource conservation area, as described in Section 155.500(F) of the UDC.

10. The perimeter landscaping buffer along Shotwell Rd must be installed prior to the issuance of a Certificate of Occupancy for the first dwelling.
11. All scheduled improvements to Shotwell Rd must be constructed or bonded prior to the issuance of a Certificate of Occupancy for the first dwelling.
12. An updated wastewater allocation request must be approved by the Town Manager.

STAFF RECOMMENDATION:

Staff recommends approval of the preliminary subdivision with the conditions listed above.

Planning Board Recommendation:

ATTACHMENTS:

- 1) Aerial Map
- 2) Existing and Proposed Zoning Map
- 3) Subdivision Findings of Fact
- 4) Preliminary Subdivision Plat
- 5) Application
- 6) Neighborhood Meeting Materials (if available)
- 7) Planning Board Motion Form

June 2, 2015

Planning Staff
Town of Clayton – Planning Department

RE: PSD 2014-97 MAGNOLIA POINT (PRELIMINARY SUBDIVISION PLAT)
Comments from second Planning Board meeting (held on 05/26/2015)

Please see the responses to comments in red.

Planning Department – Jay McLeod, Town Planner (919) 359-9335

General Comments from staff:

1. Please update drawings with the date that the drawing was made and/or revised. *Please see revised plans with seal and date.*
2. When showing trees or plantings, please note that canopy trees must be a minimum height of 8' and understory trees must be a minimum of 6'. This is especially relevant in site data notes, and in cross-sections that show buffer plantings. For instance, Section A shows a buffer planting that is 4' tall. Please revise this. *Please see site data notes for added note as well as on cross section plan view that shows buffer planting along Shotwell Rd.*
3. Since an alternative landscaping buffer using non-canopy trees is being proposed along Shotwell Road, please state the width of the landscape buffer on the landscaping plan, and designate it as a buffer. This area will be required to be maintained in perpetuity as a landscape buffer. *Please see the revised landscape plan showing a 20' landscape buffer along majority of Shotwell Rd. Also, added note to be maintained by HOA.*
 - a. It may also be beneficial to the applicant to show an eye-level elevation of the landscaping buffer from the sidewalk of Shotwell Road, with the homes behind the buffer. This is highly recommended when proposing an alternative landscape buffer. *Please see cross section view showing elevation of trees and homes.*
4. In the most recently submitted site plan (received 05/26/2015 at about 3:45pm), it appears that the lots and building envelopes include areas above and below the retaining wall that runs along Shotwell Road. It seems to staff that the area on the Shotwell Road side of the retaining wall is not actually buildable area, and so cannot be counted toward the building envelope. Please either revise the drawing (with attention to lot area minimums) or justify the current design. *Please see revised plan showing building envelopes stopped at retaining wall.*
5. Since the retaining wall along Shotwell Road appears to be 3.5' tall with 3:1 slopes above and below, please consider some sort of safety fencing along the top of the wall. This could be shown in cross-sections. *Areas between sidewalk and retaining wall to be considered none pedestrian traffic areas. Also, propose landscape trees to act as deterrent from entering.*

6. Please show the height difference at regular intervals along all retaining walls throughout the site, including those walls not along Shotwell Road. Please also include maximum heights for each stretch of wall. *Please see plan view and cross section views for areas of the highest elevation difference along all retaining walls.*
7. Please extend the sidewalk along the entirety of the cul-de-sac, as requested during the first TRC comments, or explain why this did not occur. *Showing see sidewalk around entirety of cul-de-sac.*
8. Please consider how the retaining wall at the bump-out in the road (in front of Lot 17) will be able to support the weight of the road and sidewalk, while also not disturbing the adjacent Resource Conservation Area and landscape buffer during construction. *Please see note on Site plan for retaining wall to be engineered and be able to handle any lateral pressures from road and sidewalk.*
9. The mail kiosk location will require a pull off that can accommodate two cars in a parallel parking arrangement, with tapered curbing up to the spaces, and striping designating that as a pull-off area. *Please see added parking for kiosk location.*

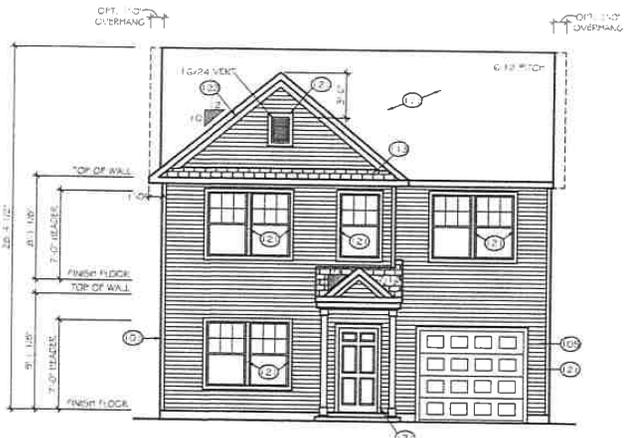
General Comments from Planning Board:

10. The Planning Board asked that the applicant use an identical scale for horizontal and vertical slopes in their cross-sections. In all cross-sections, please include landscape plantings, retaining walls, and/or fences, roads, sidewalks, and buildings, as appropriate, all to scale. Including human figures or cars for scale, but will assist in conveying relative scale to Planning Board members. *Please see plan view and cross section view with identical scale for horizontal and vertical.*
11. The applicant stated during the meeting that all slopes have been adjusted to be less steep than 3:1, and that all lots have 20' of flat yard in the rear of the building before sloping again. Please demonstrate this on the plan with appropriate cross-sections at appropriate locations. These include but are not limited to:
 - a. Maximum height change areas along Shotwell Road. It may be beneficial to show several cross-sections. *Please see cross sections with the biggest differences in elevation.*
 - b. Maximum height change areas in rear of lots, with particular attention to lots where the backyard slopes directly into stormwater BMPs. It may be beneficial to show several cross-sections. *Please see added cross section at BMP.*
 - c. Also be aware that the grading plan at the corner of Lot 37 shows slopes of 1.5:1 (3' rise in 5' horizontal). *Please see adjusted grades on lot.*

13. Please show the sidewalk extended along the entirety of the parcel, including the area labeled as "reserved by owner". This was requested during the first Planning Board meeting, and during the second Planning Board meeting, the applicant indicated that this was acceptable. Please see added sidewalk with note of payment in-lieu of construction of sidewalk.
14. The Planning Board accepted the applicant's update/replacement of the May 8th neighborhood meeting minutes for the previous meeting minutes. So noted.
15. Planning Board found the elevation drawings that you presented at the meeting were sufficient to determine the architectural character of the proposed development. So noted.

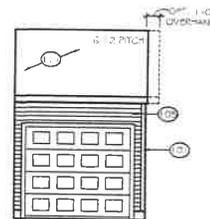
If you have any questions or need additional information please do not hesitate to contact me @ (919)779-1855. Your cooperation in this matter is appreciated.
Sincerely,

John Teel

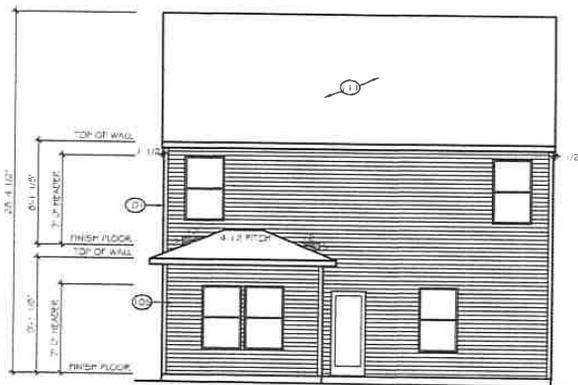


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ELEVATION E-A1



2-CAR GARAGE OPT.
SCALE: 1/8" = 1'-0"



REAR ELEVATION
SCALE: 1/8" = 1'-0"

ELEVATION E-A2, E-A4 - E-A6, E-B2, E-B4 - E-B6, E-C2, E-C4 - E-C6, E-D2, E-D4 - E-D6

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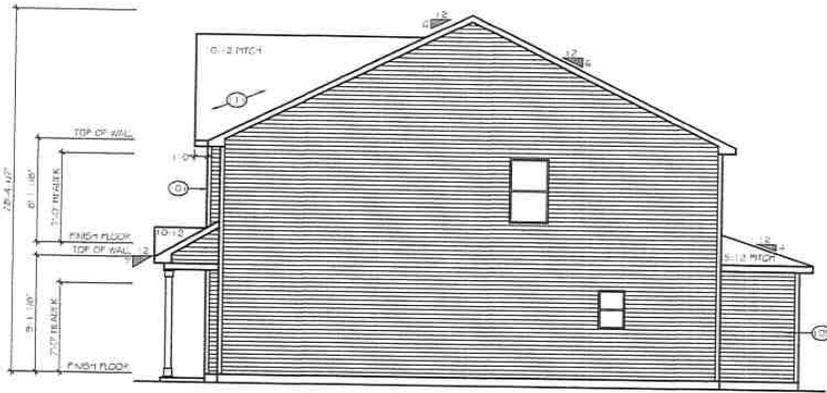
FRONT & REAR ELEVATIONS
ELEVATION E-A1

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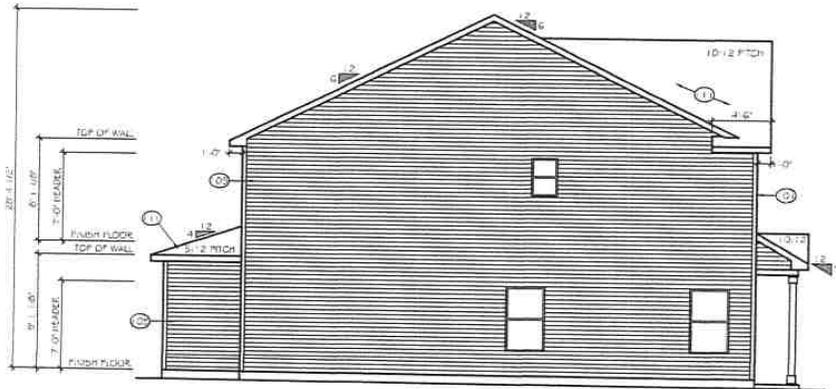
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A4.0



RIGHT ELEVATION
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LEFT ELEVATION
 SCALE: 1/8" = 1'-0" ELEVATION E-A1, E-A3, E-B1, E-B3, E-C1, E-C3, E-D1, E-D3

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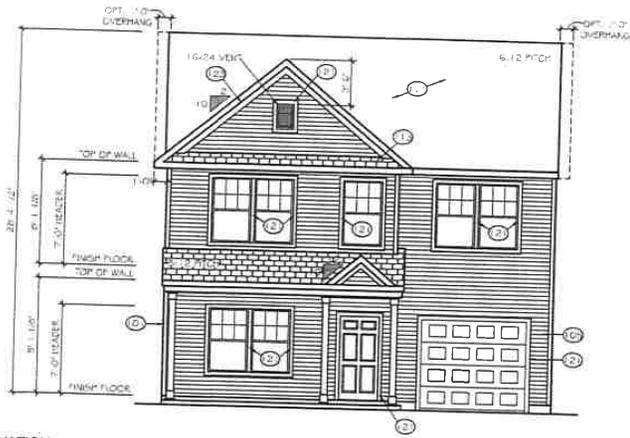
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LEFT & RIGHT ELEVATION
 OPEN - PARTIAL PORCH (A-D)
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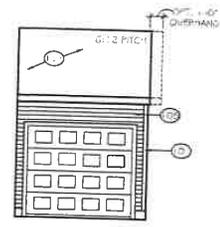
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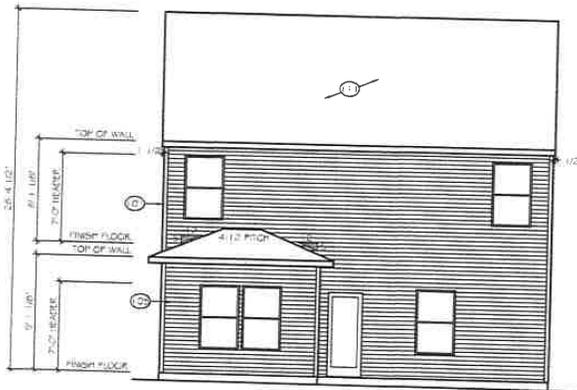


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ELEVATION E-A2



2-CAR GARAGE OPT.
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REAR ELEVATION
SCALE: 1/8" = 1'-0"

ELEVATION E-A2, E-A4 - E-A6, E-B2, E-B4 - E-B6, E-C2, E-C4 - E-C6, E-D2, E-D4 - E-D6

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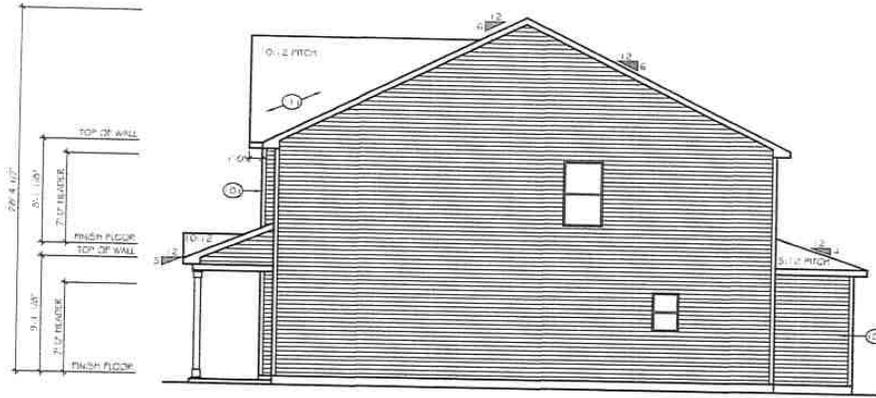
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ELEVATION E-A2

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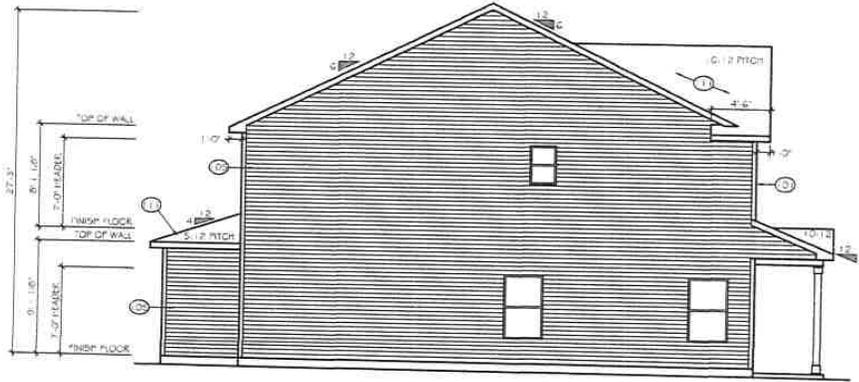
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ELEVATION E-A2, E-A4 - E-A6, E-B2, E-B4 - E-B6, E-C2, E-C4 - E-C6, E-D2, E-D4 - E-D6



LEFT ELEVATION
SCALE 1/8" = 1'-0"

ELEVATION E-A2, E-A4 - E-A6, E-B2, E-B4 - E-B6, E-C2, E-C4 - E-C6, E-D2, E-D4 - E-D6

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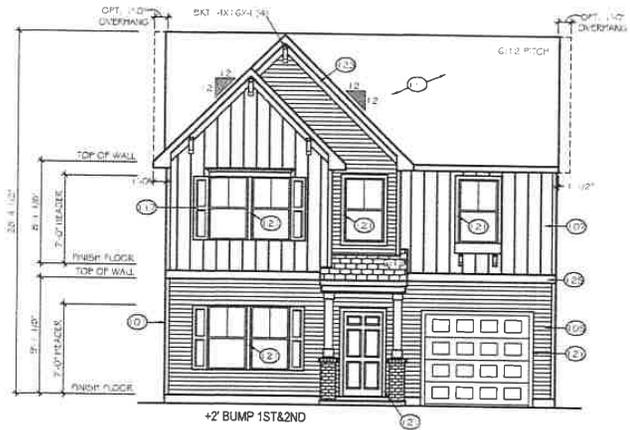
LEFT & RIGHT ELEVATIONS
OPEN - FULL PORCH (A-D)

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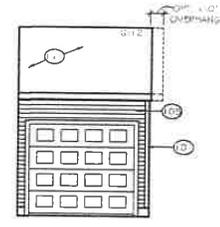
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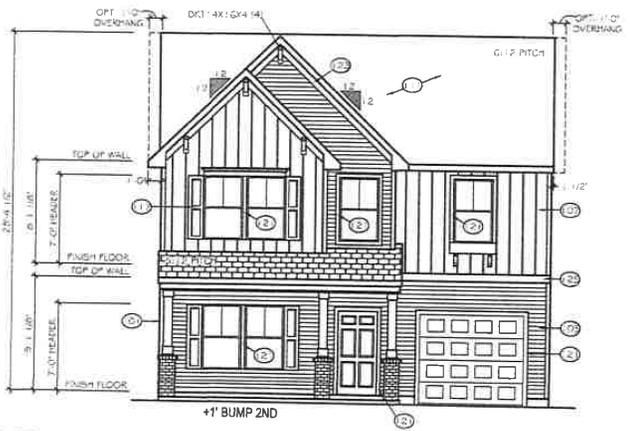


FRONT ELEVATION
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ELEVATION E-E1

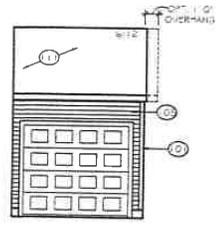


2-CAR GARAGE OPT.
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FRONT ELEVATION
SCALE: 1/8" = 1'-0"

ELEVATION E-E2



2-CAR GARAGE OPT.
SCALE: 1/8" = 1'-0"

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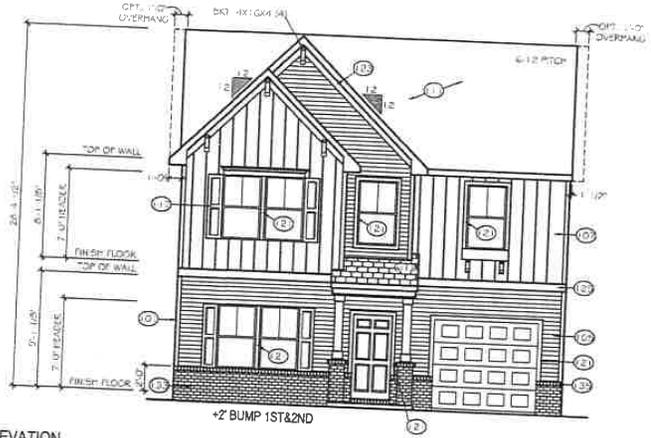
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FRONT ELEVATIONS
ELEVATIONS E-E1, E-E2
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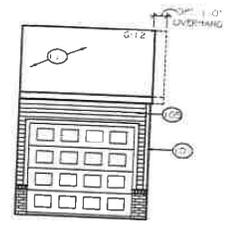
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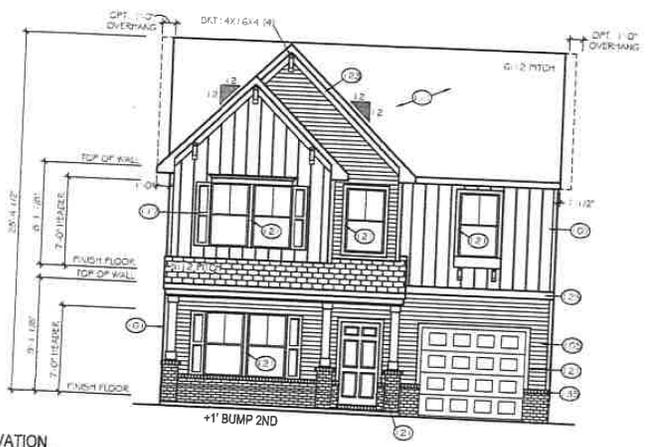


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ELEVATION E-E3

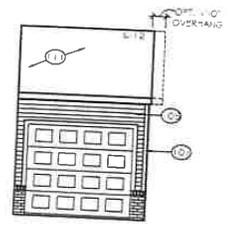


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FRONT ELEVATION
SCALE: 1/8" = 1'-0"

ELEVATION E-E4



2-CAR GARAGE OPT.
SCALE: 1/8" = 1'-0"

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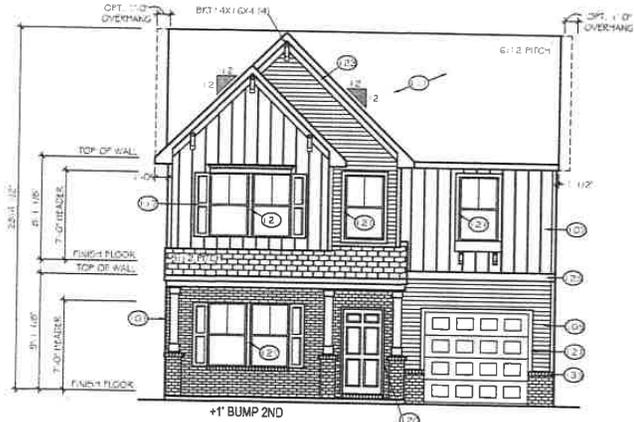
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FRONT ELEVATION
ELEVATIONS E-E3, E-E4
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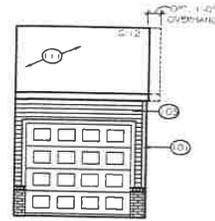
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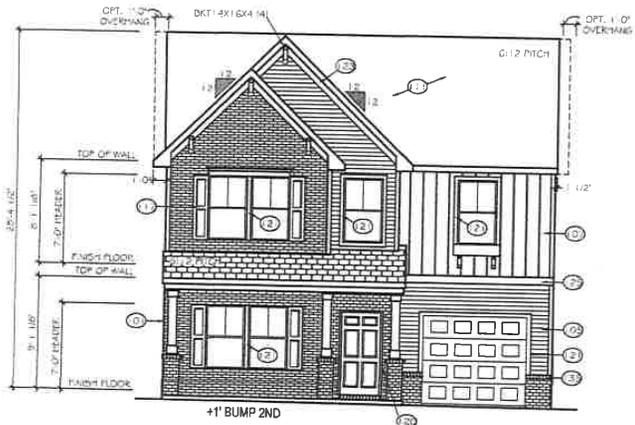
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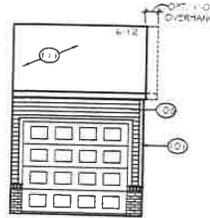
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ELEVATION E-E5



2-CAR GARAGE OPT.
SCALE: 1/8" = 1'-0"



FRONT ELEVATION
SCALE: 1/8" = 1'-0"
ELEVATION E-E6



2-CAR GARAGE OPT.
SCALE: 1/8" = 1'-0"

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FRONT ELEVATION
ELEVATIONS E-E5, E-E6

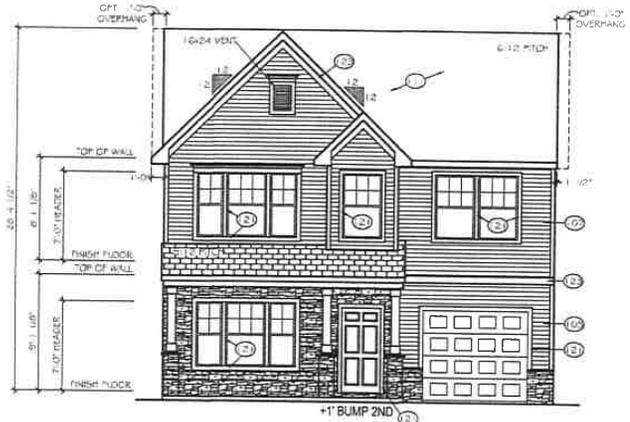
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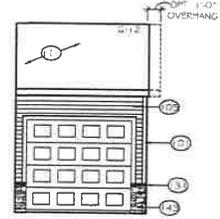
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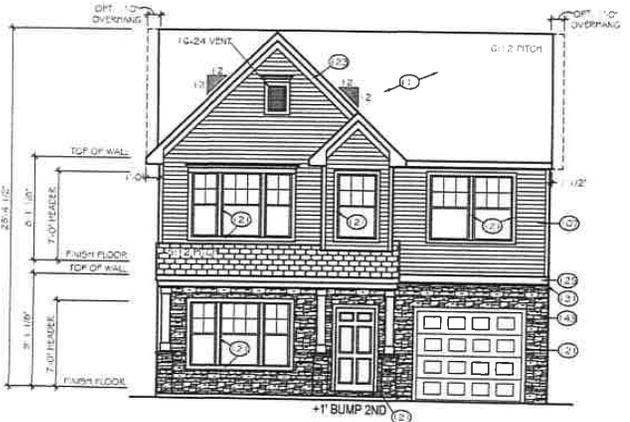
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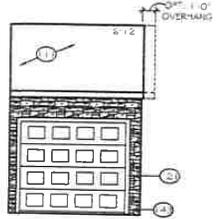
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2-CAR GARAGE OPT.
SCALE: 1/8" = 1'-0"



FRONT ELEVATION
SCALE: 1/8" = 1'-0" ELEVATION E-H6



2-CAR GARAGE OPT.
SCALE: 1/8" = 1'-0"

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FRONT ELEVATIONS
ELEVATIONS E-H5, E-H6
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**TOWN OF CLAYTON
PLANNING BOARD WRITTEN RECOMMENDATION
PRELIMINARY SUBDIVISION PLAT**

PSD 2014-97 Magnolia Pointe Subdivision

On June 22, 2015 the Planning Board heard the above-referenced request and made the following vote:

Recommendation to the Town Council to

- approve the request with the conditions presented by staff;
- approve the request with the following modified or added conditions:

- deny the request.

Recommendation(s) made this 22 day of June 2015 while in regular session.

Signed:



Frank Price, Planning Board Chair

**CONDITIONS OF APPROVAL FROM STAFF PRESENTATION AT JUNE 22, 2015
PLANNING BOARD MEETING:**

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

1. Following Board approvals, three copies of the final Preliminary Subdivision Plat meeting the requirements of the Conditions of Approval shall be submitted to Planning Department for final approval.
2. The final plat and subsequent development of the site shall be consistent with the specifications of the approved Preliminary Subdivision Plat. Modifications may require additional approvals pursuant to Section 155.706 of the Unified Development Code.
3. All development fees shall be paid prior to final plat recordation, except that Capacity fees shall be paid prior to issuance of building permits.
4. A sidewalk shall be constructed along Shotwell Rd. along the entirety of the parcel, site, or development, including areas that will remain undeveloped or are reserved for future development.
5. No buildings shall be constructed within 20' of any riparian buffer, per UDC §155.502(D). A Class C buffer (or other Planning Dept. approved buffer) will be installed on the perimeter of the development, per Open-Space Subdivision development regulations.
6. Five foot wide sidewalks shall be installed on both sides of all internal roads, including around the entirety of all cul-de-sacs, and shall be constructed or bonded prior to plat recordation for the associated phase.
7. A homeowners' association document shall be reviewed by staff and recorded prior to final plats. Such document shall assure responsibility for maintenance of all common areas/facilities (including perimeter buffer) and provide adequate means for funding to do so.
8. Resource conservation areas as defined by Section 155.500 of the Unified Development Code (UDC) shall be identified on the final plats as being permanently set aside, and shall be protected in perpetuity by a binding legal instrument recorded with the deed which includes clear restriction on the use of the resource conservation area, as described in Section 155.500(F) of the UDC.
9. The perimeter landscaping buffer along Shotwell Road must be installed prior to the issuance of a Certificate of Occupancy for the first dwelling.
10. All scheduled improvements to Shotwell Road must be constructed or bonded prior to the issuance of a Certificate of Occupancy for the first dwelling.
11. An updated wastewater allocation request must be approved by the Town Manager prior to plat issuance.

<end conditions>

TOWN OF CLAYTON
ZONING AMENDMENT
CONSISTENCY AND REASONABLENESS STATEMENT

RZ 2014-99, Magnolia Pointe rezoning

The Town Council of the Town of Clayton hereby states:

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

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

- Objective 2.1 – balance development/investment: old & new.
- Objective 2.5 – more housing opportunities: beyond starter homes.

The Town of Clayton's Comprehensive Bicycle Plan: not applicable.

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, the above referenced zoning amendment is reasonable and in the public interest.

Insert additional specifics if necessary:

**Town of Clayton
Town Council
Agenda Cover Sheet**

AGENDA LOCATION:

Items Scheduled for the Regular Meeting

MEETING DATE:

July 20, 2015

ITEM TITLE:

Amend Comprehensive List of Fees & Charges

ITEM DESCRIPTION:

Ms. Game will present information regarding the addition of Irrigation Tap Fees

POTENTIAL ACTION:

Approval/Disapproval of Item

DEPARTMENT:

Customer Service

PRESENTER:

Ann Game, Customer Service Director

ITEM HISTORY:

N/A

Date:

Action Taken:

Information Provided:

Date:

Action Taken:

Information Provided:

Town of Clayton
Amendment to the Comprehensive
List of Fees and Charges
Regarding Irrigation Tap Fees

Be it hereby approved by the Town Council for the Town of Clayton, North Carolina that the following shall be amended to its Comprehensive List of Fees and Charges;

Residential Irrigation Meter TOTAL COST: \$440

Breakdown of Costs:

Permit Fee	\$ 50
Meter Fee	\$165
Tap Fee	\$225

Duly adopted this 20th day of July, 2015 while in regular session.

Jody McLeod
Mayor

Attest:

Kimberly A. Moffett, CMC
Town Clerk

**Town of Clayton
Town Council
Agenda Cover Sheet**

AGENDA LOCATION:

Items Scheduled for the Regular Meeting

MEETING DATE:

July 20, 2015

ITEM TITLE:

Johnston County Emergency Services Contract

ITEM DESCRIPTION:

Chief Barbee will offer information regarding the 2015 JC Emergency Services Contract

POTENTIAL ACTION:

Approval/Disapproval of Item

DEPARTMENT:

Fire Department

PRESENTER:

Lee Barbee, Fire Chief

ITEM HISTORY:

N/A

Date:

Action Taken:

Information Provided:

Date:

Action Taken:

Information Provided:

JOHNSTON COUNTY EMERGENCY SERVICES

Post Office Box 530, 120 South Third Street
Smithfield, NC 27577
(919) 989-5050
(919) 989-5052 (Fax)



June 15, 2015

CERTIFIED MAIL

Clayton Fire Department – Town of Clayton
325 W. Horne Street
Clayton, NC 27520

Dear Chief Barbee:

We have made necessary revisions to our current fire services contract to most appropriately reflect the current conditions and needs. Our current contract expires on June 30, 2015. The proposed changes were discussed at the Chiefs meeting held on June 11, 2015. **The current contract will expire on June 30, 2015, coinciding with the execution of this new contract.**

Enclosed, you will find two copies of your 2015 fire contract for your department's approval signatures. Please examine this document and notify me immediately if there are any questions or discrepancies. The following actions are required of your agency

1. Sign Page 7 of the contract document as designated for approval (two signatures)
2. Examine the appendices to be sure that they are correct and accurate for the voluntary services that your department provides.
3. **Return the signed documents to our office by July 31, 2015.**

Once approved with all signatures, one of the original signed documents will be returned to you. Again, if you have any questions, please do not hesitate to call me.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin Hubbard".

Kevin Hubbard
Fire Marshal

Enclosures

**NORTH CAROLINA
JOHNSTON COUNTY**

INTERLOCAL AGREEMENT FOR PROVISION OF FIRE PROTECTION SERVICES

This Agreement (sometimes referred to as "Contract"), made and entered into this the first day of July, 2015, by and between County of Johnston, a political subdivision of the State of North Carolina, hereinafter referred to as the "County," and the Town of Clayton, a body politic and corporate of the State of North Carolina, hereinafter referred to as the "Town";

WHEREAS, the Town and the County are authorized pursuant to N.C. General Statute § 160A-460, *et seq.*, to enter into an interlocal agreement; and

WHEREAS, the Town and the County wish to enter into such an agreement by which the County will assess and collect a special fire tax and the Town will provide certain fire protection services as described herein.

Now therefore, in consideration of the mutual promises contained herein and other good and valuable consideration, the parties hereto contract and agree as follows:

- 1) The County agrees that it will cause to be assessed or levied a special fire tax within statutory limits after consultation with the Town; and will collect said fire tax on an ad valorem basis on property within the Claytex Fire Protection Service District (hereinafter the "District").
- 2) The Town, after consultation with the Fire District Tax Commission for the District, shall submit in writing to the Johnston County Manager a proposed budget and the requested rate of fire tax to be levied by the established deadline each year. This request shall be forwarded to the Johnston County Board of Commissioners for consideration by the Johnston County Board of Commissioners. The Johnston County Board of Commissioners will determine and approve, in its discretion, the amount to be assessed or levied, taking into consideration the needs of the citizens of the District and the budget projections submitted by the Town and the recommendations of the Fire District Tax Commission.
- 3) "Fire Department" as used herein refers to the Town, acting by and through its Fire Department.
- 4) Funds collected by the County as a result of said special fire tax shall be distributed in accordance with the rate of fire tax levied per hundred dollars valuation of all real property and personal property in the District and the provisions established by the Johnston County Finance Office.
- 5) Fire Protection Service District (N.C. General Statute 153A-301) funds levied and collected by the County and paid to the Fire Department by the County shall be used exclusively for fire department operations to provide fire protection and emergency services in the District, whether within or outside the Town's corporate boundaries, and other areas of response as dispatched and to meet the standards established by this Agreement.

- 6) The Fire Department will furnish fire protection and related emergency services pursuant to the standards set forth by the North Carolina Department of Insurance, County, and all other pertinent federal, state, and local laws and regulations within the Fire District (sometimes referred to herein as "primary service area") and shall provide the necessary equipment, personnel, and those things necessary for furnishing such protection in the District. The District is defined in the map of the Fire Protection Service District on record with the Clerk to the Johnston County Board of Commissioners and in the GIS/Land Records Management of Johnston County. The services shall be in accordance with minimum standards set forth in this Agreement and all future amendments adopted in accordance with paragraph 18 of this Agreement. The Fire Department shall furnish said fire protection without charge to all persons and property located in the District in an efficient and workmanlike manner. This provision shall not prohibit the Fire Department from recouping costs and expenses from incidents or from entering into contracts with the Federal, State, or local governments or utility companies for the provision of emergency protection services for a fee, or from applying for and/or receiving any donations, grants, or contributions of any kind, whether governmental or private.
- 7) Fire Department agrees that County has the right to inspect all books and accounts of Fire Department at any time. Said inspection shall be conducted by the Johnston County Board of Commissioners through the Johnston County Fire Marshal, the Johnston County Finance Officer, or other designees of the Johnston County Board of Commissioners. The Fire Department shall furnish all applicable materials and financial statements for the purpose of the annual audit conducted by the Town in conformity with General Accepted Accounting Principles or other comprehensive basis of accounting. The Town shall follow the applicable statutory procedures for letting of public contracts for fire apparatus, equipment, and construction as may be amended by the North Carolina Legislature from time to time. Fire Department shall maintain an accurate inventory of any property with a purchase price of \$5,000.00 or greater purchased in whole or in part with County Fire District funds for the purpose of providing and furnishing fire protection services to the Fire District pursuant to this Agreement.
- 8) If any condition of this Agreement is not being fulfilled by Fire Department to the satisfaction of County, in County's sole discretion, the Johnston County Finance Officer has the right to withhold any and all funds to be paid to Fire Department under this Agreement at any time and until such time as the Fire Department complies with the terms of this Agreement. If Fire Department refuses or fails to provide fire protection services, facilities, or functions as contemplated under this Agreement and to the sole satisfaction of County, the Johnston County Fire Marshal shall investigate the cause of said refusal or failure. During the investigation by the Johnston County Fire Marshal, County may withhold any and all funds due and payable to Fire Department. If the investigation by the Johnston County Fire Marshal determines that Fire Department has refused or failed to perform the duties and obligations of it as required herein, and certifies the results of the investigation to the County Manager, the County Manager may instruct the Finance Officer to withhold any and all funds to be aid to Fire Department under this Agreement until a resolution regarding the refusal or failure to perform is reached by the parties. If a resolution is unable to be reached by the parties, County, in its sole discretion, may withhold nay and all funds to be paid to Fire Department under this Agreement, terminate this Agreement for cause, or take any other such action as County deems

necessary to protect the citizens of the District. Fire Department's failure to file reports required of it to any Federal, State, or local authority shall be grounds for County to terminate this Agreement with Fire Department for cause. If this Agreement is terminated by County for cause, Fire Department shall be liable to County for any and all funds appropriated and paid to Fire Department during the fiscal year in which the termination occurs. Additionally, Fire Department shall not be relieved of its obligations to County under paragraph (7) of this Agreement. Nothing herein shall affect Fire Department's ultimate rights to payments, or County's responsibility for payments, as outlined herein for services actually rendered by Fire Department prior to the effective date of any termination. Nothing herein shall prevent County and Fire Department, in the event of a termination of this Agreement for any reason, from entering into an agreement to provide services beyond the effective date of any such termination.

- 9) The Fire Department shall obtain and keep in force during the term of this contract the following minimum insurance coverage:
 - a. Worker's Compensation: Coverage for all paid and volunteer workers meeting the statutory requirements of the State of North Carolina;
 - b. Comprehensive General Liability, Malpractice, and Errors and Omissions: Coverage with minimum limits of \$1,000,000.00 per occurrence, \$1,000,000.00 aggregate combined single minimum for bodily injury liability and property damage liability;
 - c. Business Auto Policy: Coverage with minimum limits of \$1,000,000.00 per occurrence combined single limit for bodily injury liability and property damage liability. This shall include owned vehicles, hired, and non-owned vehicles and employee non-ownership.
 - d. Management or Directors and Officers Liability: Coverage with minimum limits of \$1,000,000.00 per claim and \$2,000,000.00 aggregate.
 - e. Umbrella Liability: Coverage with a minimum limit of \$1,000,000.00 with underlying coverage of auto liability, general liability, employer's liability, and \$1,000,000.00 aggregate.
 - f. Indemnity Agreement: Fire Department shall and hereby agrees to indemnify and save harmless County, from any and all liability and expenses, including attorney's fees, court costs, and other costs incurred by County caused by the negligent acts or omissions of Fire Department, its volunteers, agents and employees.
 - g. Nothing contained herein shall be construed as a waiver of immunity by the County.
- 10) The Fire Department shall provide services within the District (N.C. General Statute 153A-233) and maintain a minimum of a 9S/E rating or better with the North Carolina Department of Insurance, Office of State Fire Marshal. The Fire Department, shall continuously comply with all applicable laws, ordinances, and State regulations. Fire Department shall submit to the Johnston County Fire Marshal a written plan outlining how it will maintain or upgrade its current insurance rating when requested by the Johnston County Fire Marshal.
- 11) The Fire Department shall create and maintain an incident report for all emergency responses for a minimum of five (5) years. The County shall provide and maintain an incident reporting database for the Fire Department's use. The Fire Department

shall submit incident reports electronically to their respective County in a timely manner, either through direct entry into the County database or by electronic transmission of incident reports to the County.

- 12) The Fire Department shall provide annually to the Johnston County Fire Marshal's Office a current and complete roster of members of the Fire Department to include contact numbers for the Chief and Assistant Chief(s).
- 13) The Fire Department agrees to provide automatic and mutual aid services to other emergency services providers in Johnston County. The Fire Department understands that other agencies will maintain their own liability policies and be responsible for their own expenses. The Fire Department further agrees that it will be responsible for its own expenses while responding to a request for mutual aid to another agency within the county. The current automatic aid agreement is included in Appendix A of this contract.

In areas where the fire district has been extended to six miles, the Fire Department agrees to maintain agreements with adjoining districts to respond with a minimum of one apparatus capable of transporting a minimum of 1,000 gallons of water to all alarms involving reported structure fires. This apparatus will be dispatched simultaneously with the department within whose district the incident occurs.

- 14) The following minimal performance standards are agreed upon by the County, Town, and the Fire Department and are part of this contract:
 - a. The Fire Department shall comply with the procedures for radio communications and established protocols for the dispatch of emergencies as defined by the Johnston County Communications Center Protocols.
 - b. The Fire Department officer in charge at all fire scenes shall attempt to determine the origin and cause of every fire. When the officer in charge cannot determine the origin and cause of the fire, or if the cause is suspected to be of an incendiary nature, the officer in charge should request assistance from the Johnston County Fire Marshal's Office.
 - c. The Fire Department shall keep all records on site for minimum period of five (5) years. All State and County required reports and rosters shall be submitted by the requested deadlines.
 - d. If pressurized fire hydrants are located within the fire district, the Fire Department shall adhere to the guidelines established by the Johnston County Public Utilities Department for the flowing of hydrants. The Fire Department shall immediately report any malfunctions or damage to hydrants to the entity owning the water system.
 - e. The Fire Department shall follow the Johnston County Emergency Operations Plan when responding to an emergency or disaster.
 - f. During a declared State of Emergency affecting the County, the Fire Department shall assist, within the limits of its personnel and equipment and capabilities and with deference to its primary service area, to the extent

possible with the following services: 1) Debris removal from roadways; 2) Traffic Control; 3) Alert and notification; 4) Search and rescue; 5) Evacuation; and 6) other life saving and property protection measures as necessary. Request for additional assistance outside the primary service area shall be directed to the Fire Chief or designee. All operations shall be in accordance with the Johnston County Emergency Operations Plan.

- g. The Fire Department should have a public fire/life safety education program or similar activities for, at a minimum, educating persons regarding life safety from fire.
- h. When determining the need and location of additional facilities (fire stations, etc.), the Fire Department shall participate in a planning process involving the County Fire Marshal which evaluates, at a minimum, the needs of the department, the effects on property owners, the effects on insurance grading, and the impacts on adjoining fire districts.
- i. Each Fire Department may elect to voluntarily participate in certain services. Each department that provides these services shall be contracted or franchised for the operation of such service, pursuant to the rules set forth by the Johnston County Board of Commissioners. If the Fire Department has chosen to participate in any of these programs, the agreements can be found as Appendices of this contract:

SERVICE	APPENDIX #
Medical Services	B
Rescue Services	C
Other Services	D

- 15) This agreement shall become effective the first day of July, 2015, and remain in effect for a period not to exceed two years, subject to the continued legal existence of the District and the Fire Department, and further subject to the termination provisions of paragraph 8 and 17 hereof.
- 16) This agreement may not be transferred or assigned by the Town, nor may the services contracted for herein be sub-contracted to other parties unless approved by the Johnston County Board of Commissioners.
- 17) This contract may be terminated by either party upon advance notification to the other party by certified mail at least sixty (60) days prior to termination.
- 18) Either party may propose an amendment to this agreement by submitting the amendment in writing at least sixty (60) days in advance of the amendment's proposed effective date. Amendments to this agreement must be approved by both the County and the Town prior to becoming effective.
- 19) If any part of this Contract is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that part shall be deemed a separate, distinct and independent provision, and the holding shall not affect the validity of the remaining portions of this Contract.

- 20) This contract is not intended to serve for the benefit of any third party. The rights and obligations contained herein belong exclusively to the entities that are parties hereto and no third party shall rely upon anything contained herein as a benefit to that third party.
- 21) The terms and provisions herein contained constitute the entire agreement by and between the County and the Town and shall supersede all previous communications, representations, or agreements, either oral or written between the parties hereto with respect to the subject matter hereof.
- 22) **RELATIONSHIP OF THE PARTIES.** The relationship of the parties established by this Agreement is solely that of independent contractors, and nothing contained in this contract shall be construed to (i) give any party the power to direct or control the day-to-day activities of the other; (ii) constitute such parties as partners, joint ventures, co-owners or otherwise as participants in a joint or common undertaking; (iii) make either party an agent of the other for any purpose whatsoever; or (iv) give either party the authority to act for, bind, or otherwise create or assume any obligation on behalf of the other. Nothing herein shall be deemed to eliminate any fiduciary duty on the part of the Fire Department to the County that may arise under the law or under the terms of this Agreement.
- 23) **NOTICES:** All notices or other communications which shall be made pursuant hereto shall be in writing and shall be deemed to be given and received (a) when hand delivered to the address stated below, (b) three (3) days after being mailed to the address stated below, postage prepaid by certified or registered mail of the United States, return receipt requested to the address set forth below:

TO FIRE DEPARTMENT: Town of Clayton Fire Department
Post Office Box 879
Clayton, NC 27520
Attn: Fire Chief

TO COUNTY: Johnston County Emergency Services
Post Office Box 530 (mail)
120 S. Third Street (physical)
Smithfield, North Carolina 27577
Attn: Johnston County Fire Marshal

With copy to: County of Johnston
Post Office Box 1049 (mail)
Courthouse 206-B
207 E. Johnston Street (physical)
Smithfield, North Carolina 27577
Attn: County Attorney

- 24) Either party to this Contract may change its designated person or designated address at any time and from time to time by giving notice of such change to the other party in the manner set forth above.

IN TESTIMONY WHEREOF, the County has caused this instrument to be executed by the Chairman of the Board of County Commissioners and attested by the Clerk to the Board of County Commissioners, and Town of Clayton has caused this instrument to be signed in its name by its Mayor, attested by its Clerk, all by the authorization of their respective Boards duly given.

Johnston County Board of County Commissioners

By: _____
Chairman: Tony Braswell

Attest:

Clerk

Town of Clayton

By: _____
Mayor

Attest:

Clerk

**NORTH CAROLINA
JOHNSTON COUNTY**

INTER-LOCAL AGREEMENT FOR FIRE PROTECTION

APPENDIX A

AID AGREEMENT FOR FIRE PROTECTION

AID AGREEMENT FOR FIRE PROTECTION

NORTH CAROLINA

JOHNSTON COUNTY

This Aid Agreement for Fire Protection ("Agreement") is made and entered into this the 1st day of November, 2014 by and between the Town of Benson, Town of Clayton, Town of Selma, Town of Smithfield, and Town of Zebulon, all municipal corporations and the 50-210 Community Fire Department, Inc., Antioch Fire Department, Incorporated, Archer Lodge Volunteer Fire Department, Inc., Bentonville Volunteer Fire Department, Inc., Bethany Rural Fire Department of Johnston County, Inc., Blackman's Crossroads Volunteer Fire Department, Inc., Brogden Rural Fire Department, Inc., Cleveland Fire Department, Incorporated, Corinth-Holder Volunteer Fire Department, Inc., Elevation Fire Department, Incorporated, Four Oaks Volunteer Fire Department, Inc., Garner Volunteer Fire/Rescue Incorporated, Kenly Volunteer Fire Department, Inc., Meadow Volunteer Fire Department, Inc., Micro Volunteer Fire Department, Inc., Nahunta Volunteer Fire Department, Inc., Newton Grove Fire & Rescue, Inc., Oakland Volunteer Fire Department, Inc., Pine Level Volunteer Fire Department, Inc., Princeton Volunteer Fire Department, Incorporated, Strickland Crossroads Fire Department, Incorporated, Thanksgiving Fire Department, Incorporated, West Johnston Fire Department, Incorporated, Wilson's Mills Fire and Rescue Department, all corporations existing under the laws of the State of North Carolina.

WITNESSETH:

THAT, WHEREAS, the General Assembly of North Carolina did enact into law an act to authorize mutual aid assistance between fire departments whereby full authority may be exercised for fire departments to send firefighters and apparatus beyond the territorial limits which they normally serve, said act having be codified as Section 58-83-1 of the General Statutes of North Carolina;

WHEREAS, the purpose of this agreement is to provide each of the parties hereto, through their mutual cooperation, a pre-determined plan by which each of them might render aid to the other in case of conflagration, holocaust, civil disorder, natural disaster, or other emergency, any of which demand fire services to a degree beyond the existing capabilities of either party;

AID AGREEMENT FOR FIRE PROTECTION

WHEREAS, it is deemed to be in the public interest for parties hereto to enter into an agreement for aid assistance in fire protection and in order to increase fire defenses and to assure proper fire control, as well as providing reserves needed to assure the community of adequate fire protection;

WHEREAS, by action of the governing bodies creating and supporting aforesaid fire departments, this agreement for mutual and reciprocal aid assistance was duly authorized;

NOW, THEREFORE, in consideration of the mutual covenants contained herein and between and among the parties hereto, it is hereby agreed as follows:

- 1) Should it become necessary to activate the terms of this agreement as herein set forth, due to conflagration, holocaust, civil disorder, natural disaster, or other emergency, the Chief of either Fire Department shall have the implicit authority, upon notification of one of the parties to the other that such an emergency does, in fact, exist and that aid is needed, to order available apparatus, equipment and manpower into action to assist the requesting party as may be required.
- 2) It shall be the responsibility of the chief of the fire department of the responding party to ensure that all personnel responding to the request for assistance are responsible persons and that the conduct and actions of said personnel shall be the responsibility of the party sending assistance.
- 3) Each party to this agreement shall assume all liability and responsibility for damage to its own apparatus and/or equipment. The party responding shall also assume all liability and responsibility for any damage caused by its own apparatus while responding to or returning from a specific location.
- 4) The party responding under the terms of this agreement shall assume no responsibility or liability for property damaged or destroyed at the actual scene of any disorder, holocaust, conflagration, natural disaster, or other emergency due to firefighter and rescue operations, fire control tactics and strategy or other operations as may be required or ordered; said liability and responsibility shall rest solely with the party requesting such aid and within whose boundaries the property shall exist, or the incident occur.
- 5) The party who requests aid shall in no way be deemed liable or responsible for the personal property of the members of the fire department of the responding party which may be lost, stolen or damaged while performing their duties under the response terms herein.

AID AGREEMENT FOR FIRE PROTECTION

- 6) Each party to this agreement shall assume all costs of salaries, wages, bonuses or other compensation for its own personnel that responds for duty under the terms of this agreement and shall assume all costs involving the use of apparatus, equipment, tools used specifically in response to the request for aid and shall make no charge for such use to the party requesting assistance; however, any special extinguishing agents used by the responding party from its own supply shall be paid for by the party requesting the aid upon receipt of an itemized statement of costs for such extinguishing agents.
- 7) Upon receipt of a request for assistance by the officer of the fire department from the requesting party, and upon a determination by the officer of the fire department of the responding party that the request be honored without impairing the capacity to provide fire protection within its own jurisdiction, the officer of the responding fire department may take such steps as necessary to furnish apparatus, manpower and assistance to the requesting party as he/she deems appropriate. Such response shall remain solely the decision of the officer of the fire department of the responding party. Neither party to this agreement shall be bound to dispatch apparatus, equipment or personnel to the assistance of the other but every effort should be made to furnish such assistance if, in the judgment of the officer of the fire department of either party, such dispatch would not impose upon his/her own respective community a serious impairment to the fire defenses and fire protection.
- 8) The fire chief, officer-in-charge, or incident commander of the fire department in whose community or fire district where the emergency exists shall in all instances be in command of the emergency as to the aspects of strategy, fire control tactics and overall direction of the operations.
- 9) Either party may, at any time, terminate this agreement, through its respective fire chief, upon the serving of a thirty-day written notice to the fire chief of the other party.
- 10) When fire department personnel are sent to respond to a request for aid pursuant to this agreement, the jurisdiction, authority, rights, privileges and immunities, including coverage under worker's compensation laws, which they have in their normal service area shall be also enjoyed by them outside their normal service area when said personnel are acting within the scope of their authority or in the course of their employment and pursuant to the terms of this agreement until

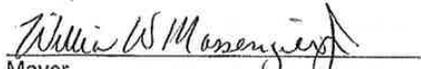
AID AGREEMENT FOR FIRE PROTECTION

completion of the entire incident, it being the intent of this agreement to preserve all authority, rights, privileges and immunities to the full extent allowed by N.C. Gen. Stat. § 58-83-1.

- 11) When any party contained in this agreement is providing automatic aid to another party, it is agreed to respond with a minimum of one piece of fire apparatus capable of carrying a minimum of 1,000 gallons of water.

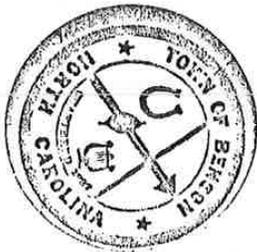
IN WITNESS WHEREOF, the municipal corporation have caused this instrument to be signed in its corporate name by its Mayors, attested by its Town Clerks and its corporate seal affixed, and, the corporations, have likewise caused this instrument to be signed in its corporate name by its President, attested by its secretary and its corporate seal affixed, all on the day and year first above written, and this agreement is executed in duplicate.

Town of Benson


Mayor

ATTEST:


Clerk



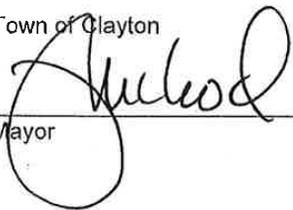
AID AGREEMENT FOR FIRE PROTECTION

completion of the entire incident, it being the intent of this agreement to preserve all authority, rights, privileges and immunities to the full extent allowed by N.C. Gen. Stat. § 58-83-1.

- 11) When any party contained in this agreement is providing automatic aid to another party, it is agreed to respond with a minimum of one piece of fire apparatus capable of carrying a minimum of 1,000 gallons of water.

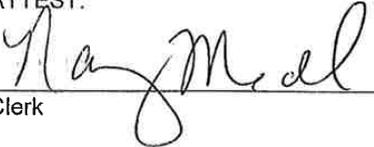
IN WITNESS WHEREOF, the municipal corporation have caused this instrument to be signed in its corporate name by its Mayors, attested by its Town Clerks and its corporate seal affixed, and, the corporations, have likewise caused this instrument to be signed in its corporate name by its President, attested by its secretary and its corporate seal affixed, all on the day and year first above written, and this agreement is executed in duplicate.

Town of Clayton



Mayor

ATTEST:



Clerk

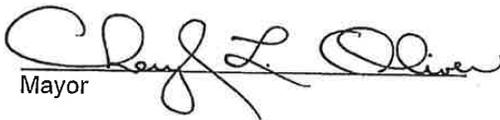
AID AGREEMENT FOR FIRE PROTECTION

completion of the entire incident, it being the intent of this agreement to preserve all authority, rights, privileges and immunities to the full extent allowed by N.C. Gen. Stat. § 58-83-1.

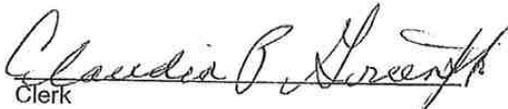
- 11) When any party contained in this agreement is providing automatic aid to another party, it is agreed to respond with a minimum of one piece of fire apparatus capable of carrying a minimum of 1,000 gallons of water.

IN WITNESS WHEREOF, the municipal corporation have caused this instrument to be signed in its corporate name by its Mayors, attested by its Town Clerks and its corporate seal affixed, and, the corporations, have likewise caused this instrument to be signed in its corporate name by its President, attested by its secretary and its corporate seal affixed, all on the day and year first above written, and this agreement is executed in duplicate.

Town of Selma


Mayor

ATTEST:


Clerk

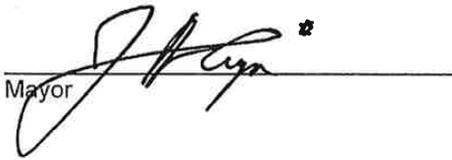
AID AGREEMENT FOR FIRE PROTECTION

completion of the entire incident, it being the intent of this agreement to preserve all authority, rights, privileges and immunities to the full extent allowed by N.C. Gen. Stat. § 58-83-1.

- 11) When any party contained in this agreement is providing automatic aid to another party, it is agreed to respond with a minimum of one piece of fire apparatus capable of carrying a minimum of 1,000 gallons of water.

IN WITNESS WHEREOF, the municipal corporation have caused this instrument to be signed in its corporate name by its Mayors, attested by its Town Clerks and its corporate seal affixed, and, the corporations, have likewise caused this instrument to be signed in its corporate name by its President, attested by its secretary and its corporate seal affixed, all on the day and year first above written, and this agreement is executed in duplicate.

Town of Smithfield


Mayor

ATTEST:


Clerk



AID AGREEMENT FOR FIRE PROTECTION

completion of the entire incident, it being the intent of this agreement to preserve all authority, rights, privileges and immunities to the full extent allowed by N.C. Gen. Stat. § 58-83-1.

- 11) When any party contained in this agreement is providing automatic aid to another party, it is agreed to respond with a minimum of one piece of fire apparatus capable of carrying a minimum of 1,000 gallons of water.

IN WITNESS WHEREOF, the municipal corporation has caused this instrument to be signed in its corporate name by its Fire Chief, attested by its Town Clerk and its corporate seal affixed, and, the corporations, have likewise caused this instrument to be signed in its corporate name by its President, attested by its secretary and its corporate seal affixed, all on the day and year first above written, and this agreement is executed in duplicate.

Town of Zebulon


Fire Chief

ATTEST:


Town Clerk



AID AGREEMENT FOR FIRE PROTECTION

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- 11) When any party contained in this agreement is providing automatic aid to another party, it is agreed to respond with a minimum of one piece of fire apparatus capable of carrying a minimum of 1,000 gallons of water.

IN WITNESS WHEREOF, the municipal corporation have caused this instrument to be signed in its corporate name by its Mayors, attested by its Town Clerks and its corporate seal affixed, and, the corporations, have likewise caused this instrument to be signed in its corporate name by its President, attested by its secretary and its corporate seal affixed, all on the day and year first above written, and this agreement is executed in duplicate.

50-210 Community Fire Department, Inc.


President

ATTEST:


Secretary

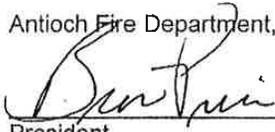
AID AGREEMENT FOR FIRE PROTECTION

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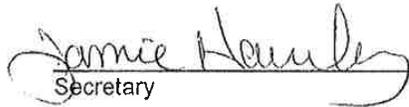
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Antioch Fire Department, Inc.



President

ATTEST:



Secretary

AID AGREEMENT FOR FIRE PROTECTION

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IN WITNESS WHEREOF, the municipal corporation have caused this instrument to be signed in its corporate name by its Mayors, attested by its Town Clerks and its corporate seal affixed, and, the corporations, have likewise caused this instrument to be signed in its corporate name by its President, attested by its secretary and its corporate seal affixed, all on the day and year first above written, and this agreement is executed in duplicate.

Archer Lodge Volunteer Fire Department, Inc.



President

ATTEST:



Secretary

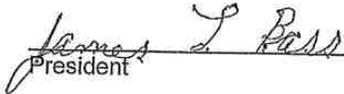
AID AGREEMENT FOR FIRE PROTECTION

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IN WITNESS WHEREOF, the municipal corporation have caused this instrument to be signed in its corporate name by its Mayors, attested by its Town Clerks and its corporate seal affixed, and, the corporations, have likewise caused this instrument to be signed in its corporate name by its President, attested by its secretary and its corporate seal affixed, all on the day and year first above written, and this agreement is executed in duplicate.

Bentonville Volunteer Fire Department, Inc.



President

ATTEST:



Secretary

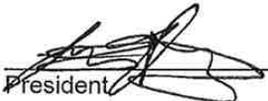
AID AGREEMENT FOR FIRE PROTECTION

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Bethany Rural Fire Department of Johnston County, Inc.



President

ATTEST:



Secretary

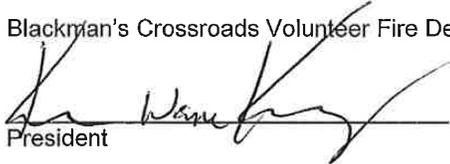
AID AGREEMENT FOR FIRE PROTECTION

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IN WITNESS WHEREOF, the municipal corporation have caused this instrument to be signed in its corporate name by its Mayors, attested by its Town Clerks and its corporate seal affixed, and, the corporations, have likewise caused this instrument to be signed in its corporate name by its President, attested by its secretary and its corporate seal affixed, all on the day and year first above written, and this agreement is executed in duplicate.

Blackman's Crossroads Volunteer Fire Department



President

ATTEST:



Secretary

AID AGREEMENT FOR FIRE PROTECTION

completion of the entire incident, it being the intent of this agreement to preserve all authority, rights, privileges and immunities to the full extent allowed by N.C. Gen. Stat. § 58-83-1.

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Brogden Rural Fire Department, Inc.

Clarence F. Norris, Jr.
President

ATTEST:

x Randy B. Whitley
Secretary

AID AGREEMENT FOR FIRE PROTECTION

completion of the entire incident, it being the intent of this agreement to preserve all authority, rights, privileges and immunities to the full extent allowed by N.C. Gen. Stat. § 58-83-1.

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Cleveland Fire Department, Incorporated



President

ATTEST:



Secretary

AID AGREEMENT FOR FIRE PROTECTION

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Corinth-Holder Volunteer Fire Department, Inc.



President

ATTEST:



Secretary

AID AGREEMENT FOR FIRE PROTECTION

completion of the entire incident, it being the intent of this agreement to preserve all authority, rights, privileges and immunities to the full extent allowed by N.C. Gen. Stat. § 58-83-1.

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Elevation Fire Department, Incorporated


President

ATTEST:


Secretary

AID AGREEMENT FOR FIRE PROTECTION

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Four Oaks Volunteer Fire Department, Inc.



President

ATTEST:



Secretary

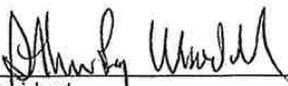
AID AGREEMENT FOR FIRE PROTECTION

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Garner Volunteer Fire/Rescue Incorporated



President STEPHEN RAY WOODALL

ATTEST:



Secretary

AID AGREEMENT FOR FIRE PROTECTION

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Kenly Volunteer Fire Department, Inc.

Bobby J. Pope
President



ATTEST:

[Signature]
Secretary

AID AGREEMENT FOR FIRE PROTECTION

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Meadow Volunteer Fire Department, Inc.



President

ATTEST:



Secretary

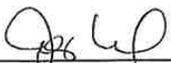
AID AGREEMENT FOR FIRE PROTECTION

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Micro Volunteer Fire Department, Inc.



President

ATTEST:


Secretary

AID AGREEMENT FOR FIRE PROTECTION

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Nahunta Volunteer Fire Department, Inc.

Anthony Peele
President

ATTEST:

D. M. [Signature]
Secretary

AID AGREEMENT FOR FIRE PROTECTION

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Newton Grove Fire & Rescue, Inc.



President

ATTEST:



Secretary

AID AGREEMENT FOR FIRE PROTECTION

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Oakland Volunteer Fire Department, Inc.



President

ATTEST



Secretary

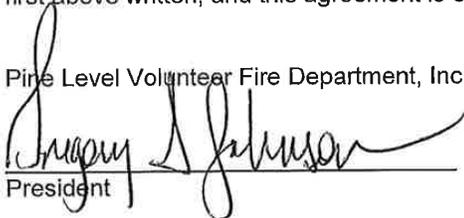
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Pine Level Volunteer Fire Department, Inc.



President

ATTEST:



Secretary

AID AGREEMENT FOR FIRE PROTECTION

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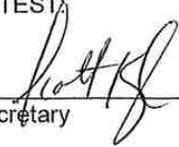
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Princeton Volunteer Fire Department, Incorporated



President

ATTEST:


Secretary

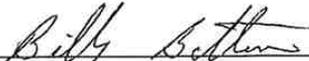
AID AGREEMENT FOR FIRE PROTECTION

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Strickland Crossroads Fire Department, Incorporated



President

ATTEST:



Secretary

AID AGREEMENT FOR FIRE PROTECTION

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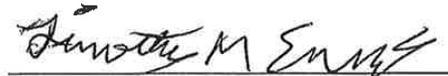
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Thanksgiving Fire Department, Incorporated


President

ATTEST:


Secretary

AID AGREEMENT FOR FIRE PROTECTION

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West Johnston Fire Department


President

ATTEST:


Secretary

AID AGREEMENT FOR FIRE PROTECTION

completion of the entire incident, it being the intent of this agreement to preserve all authority, rights, privileges and immunities to the full extent allowed by N.C. Gen. Stat. § 58-83-1.

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Wilson's Mills Fire and Rescue Department



President

ATTEST:



Secretary

**NORTH CAROLINA
JOHNSTON COUNTY**

INTER-LOCAL AGREEMENT FOR FIRE PROTECTION

APPENDIX B

MEDICAL SERVICES

NORTH CAROLINA
JOHNSTON COUNTY

FIRE DEPARTMENT MEDICAL RESPONDER AGREEMENT

WHEREAS, Johnston County and all emergency medical providers desire to promote better medical care for its constituency; and,

WHEREAS, that in cases of severe life-threatening illness and/or trauma, the intervention of trained personnel at the earliest possible time can greatly enhance the chances of recovery by the victim; and,

WHEREAS, Fire Departments agreeing to participate in the Medical Responder Program have been approved by the Johnston County Emergency Services Department for that purpose;

THEREFORE, let it be resolved that Town of Clayton agrees to become a participating party in the Johnston County Medical Responder Program and that the following provisions and conditions will be in force and that the parties to this understanding agree to abide by the following:

- A. The Fire Department will organize and maintain a medical responder unit that will comply with the applicable terms of the Johnston County EMS System Medical Responder Guidelines.
- B. The Fire Department will operate at the EMR or EMT-B certification level, as approved by the Johnston County EMS System per the Johnston County EMS System Medical Responder Guidelines.

This Agreement will be in effect from October 1, 2014 until such time as either party terminates the agreement upon sixty (60) days written notice to withdraw.

Executed this the 2nd day of September, 2014.



DIRECTOR

JOHNSTON CO. EMERGENCY SERVICES



MAYOR

TOWN OF CLAYTON

**NORTH CAROLINA
JOHNSTON COUNTY**

INTER-LOCAL AGREEMENT FOR FIRE PROTECTION

**APPENDIX C
RESCUE SERVICES**

Appendix C

NORTH CAROLINA
JOHNSTON COUNTY

RESCUE SERVICES AGREEMENT

WHEREAS, Johnston County and the Johnston County Fire Departments desire to provide and promote the highest level of emergency services possible for Johnston County; and,

WHEREAS, the Fire Department is currently under contract with Johnston County to provide fire protection and emergency services and is a participant in the Johnston County Mutual Aid Agreement; and,

WHEREAS, the Fire Department voluntarily agrees to accept additional emergency duties for its designated geographic area; and,

NOW THEREFORE, let it be resolved that the Town of Clayton agrees to become a participating party in the program(s) indicated below:

- EXTRICATION SERVICES PROVIDER
- LIGHT RESCUE PROVIDER (as outlined by N.C. Assoc. of Rescue and EMS)
- MEDIUM RESCUE PROVIDER (as outlined by N.C. Assoc. of Rescue and EMS)
- HEAVY RESCUE PROVIDER (as outlined by N.C. Assoc. of Rescue and EMS)
- AGRICULTURAL RESCUE (as outlined by N.C. Assoc. of Rescue and EMS)
- AIR RESCUE (as outlined by N.C. Assoc. of Rescue and EMS)
- CONFINED SPACE RESCUE (as outlined by N.C. Assoc. of Rescue and EMS)
- HEAVY VEHICLE/MACHINERY EXTRICATION (as outlined by N.C. Assoc. of Rescue and EMS)
- HIGH ANGLE RESCUE (as outlined by N.C. Assoc. of Rescue and EMS)
- TRENCH RESCUE (as outlined by N.C. Assoc. of Rescue and EMS)
- WATER RESCUE-DIVE (as outlined by N.C. Assoc. of Rescue and EMS)
- WATER RESCUE-OPEN (STILL WATER) (as outlined by N.C. Assoc. of Rescue and EMS)

AND THEREFORE, let it be resolved that the following provisions and conditions will be in force and that the parties to this understanding agree to abide by the following:

- A. The Fire Department will maintain the necessary equipment to provide the service(s) indicated above.
- B. The Fire Department will ensure that members involved are properly trained to provide the services(s) indicated above.
- C. The Fire Department will be available for response twenty-four hours daily to the extent possible, realizing that the number of responders may be limited.

This Agreement will be in effect from July 1, 2009 until such time as either party terminates the agreement upon one hundred eighty (180) days written notice to withdraw.

Appendix C

Duly executed this the 4th day of May, 2009 while in regular session.

ATTEST:

Sherry L. Scoggins
Sherry L. Scoggins, MMC
Town Clerk

Jody L. McLeod
Jody L. McLeod
Mayor

Seal

Duly executed this the 1 day of June, 2009 while in regular session.

ATTEST:

Paula C. Woodard

Kim Robertson
Director
Johnston Co Emergency Services

Seal



NORTH CAROLINA
JOHNSTON COUNTY

INTER-LOCAL AGREEMENT FOR FIRE PROTECTION

APPENDIX D
OTHER SERVICES

THIS APPENDIX DOES NOT APPLY TO THIS DEPARTMENT

**Town of Clayton
Town Council
Agenda Cover Sheet**

AGENDA LOCATION:

Items Scheduled for the Regular Meeting

MEETING DATE:

July 20, 2015

ITEM TITLE:

Raleigh/Clayton Sewer Project Reimbursement Resolution

ITEM DESCRIPTION:

Information will be provided regarding Reimbursement Resolution.

POTENTIAL ACTION:

Approval/Disapproval of Item

DEPARTMENT:

Finance

PRESENTER:

Robert McKie, Finance Director

ITEM HISTORY:

N/A

Date:

Action Taken:

Information Provided:

Date:

Action Taken:

Information Provided:

Resolution #

TOWN COUNCIL
OF THE
TOWN OF CLAYTON, NORTH CAROLINA

Excerpt of Minutes
of Meeting of
July 20, 2015

Present: Mayor _____ presiding, and

Councilmembers: _____

Absent: _____

Councilmember _____ introduced the following resolution, the title of which was read:

RESOLUTION PROVIDING FOR APPLICATION TO THE LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF WATER AND SEWER SYSTEM REVENUE BONDS; REQUESTING LOCAL GOVERNMENT COMMISSION APPROVAL OF SUCH WATER AND SEWER SYSTEM REVENUE BONDS; AND CERTAIN RELATED MATTERS AND FINDINGS

WHEREAS, the Town of Clayton, North Carolina (the "Town") acting by and through its Town Council (the "Council"), is authorized by The State and Local Government Revenue Act of North Carolina, N.C.G.S. § 159-80 to issue revenue bonds and notes; and

WHEREAS the Council has determined that it is necessary to improve and extend its existing sewer lines between the Town and the City of Raleigh (the "Project"); and

WHEREAS, the Council is considering the issuance of not to exceed \$5,100,000 in the aggregate principal amount of the Town's Water and Sewer System Revenue Bonds (the "Bonds") to finance the Project, and, in connection therewith, to issue its Water and Sewer System Revenue Bond Anticipation Notes (the "Notes") to be repaid with the proceeds of the Bonds; and

WHEREAS, the Town may make certain capital expenditures relating to construction, repair, installation and equipping of the Project prior to the issuance of the Notes, and to reimburse the Town for such expenditures out of the proceeds of the Notes;

WHEREAS, the Council wishes the Town Manager to file with the Local Government Commission of North Carolina (the "LGC") an application for its approval of the Bonds and the Notes, on a form provided by the LGC and make certain findings therefor; and

WHEREAS, the Council wishes to retain Hunton & Williams LLP, Raleigh, North Carolina, as bond counsel for the issuance and sale of the Notes and the Bonds;

WHEREAS, it is anticipated that the Bonds will be purchased by the United States of America, acting through Rural Utilities Service, an agency of the United States Department of Agriculture (hereinafter "USDA");

NOW, THEREFORE, the Town Council for the Town of Clayton, in a regularly scheduled meeting on July 20, 2015, does hereby resolve:

1. That the Bonds are to be issued by the Town for the purpose of providing funds to finance the costs of the Project and to pay the costs of issuing the Bonds as set out in the Town's application to the LGC;

2. That Hunton & Williams LLP shall hereby be retained to serve as bond counsel;

3. That the Town Manager and the Town Finance Director are hereby authorized, directed and designated to file an application with the North Carolina Local Government Commission for its approval of the issuance of the Bonds;

4. That the Town Manager and the Town Finance Director are hereby authorized and directed to take all actions in furtherance of the issuance of the Bonds;

5. In connection with the application to the LGC, the Town Council hereby makes the following findings:

(a) The Town Council hereby finds that the Bonds and the Notes are both necessary and expedient to finance the cost of the Project.

(b) The Town Council hereby finds that the Project is feasible.

(c) The Town Council hereby finds that the amount of debt to be incurred in connection with the Project and the fees to be paid in connection therewith are sufficient but not excessive for the purpose of acquiring, constructing and installing the Project by paying debt service on the Notes and the Bonds.

(d) The Town Council does not anticipate that a rate increase will be required in order to pay debt service on the Notes and the Bonds.

(e) The Town has not defaulted on any debt obligation.

(f) The Town follows the debt management guidelines of the North Carolina Local Government Commission.

6. The Town hereby declares that it reasonably expects to make certain capital expenditures for the construction, repair, installation and equipping of the Project and to reimburse such expenditures out of the proceeds of the Notes, up to a maximum amount of \$5,100,000. This resolution is intended to be a declaration of official intent under Internal Revenue Service Treasury Regulations § 1.150-2(e).

7. All other acts of the Town Council and the officers of the Town which are in conformity with the purposes and intent of this resolution and in furtherance of the issuance of the Notes and the Bonds and the financing of the Project, whether such actions were taken before or after the adoption of this resolution, are hereby ratified, approved and confirmed.

8. This resolution shall take effect immediately.

Councilmember _____ moved the passage of the foregoing resolution and Councilmember _____ seconded the motion and the resolution was passed by the following vote:

Ayes: Councilmember _____

Nays: Councilmember _____

Not voting: Councilmember _____

* * * * *

I, Kimberly Moffett, Clerk for the Town of Clayton, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and complete copy of so much of the proceedings of the Town Council for the Town at a regular meeting duly called and held on July 20, 2015, and that the proceedings of such meeting are recorded in the Minutes of the Town Council. Pursuant to G.S. § 143-318.12, a current copy of a schedule of regular meetings of the Town Council of the Town is on file in my office.

WITNESS my hand and the official seal of the Town this 20th day of July, 2015.

Kimberly A. Moffett, Town Clerk
Town of Clayton

(SEAL)

**Town of Clayton
Town Council
Agenda Cover Sheet**

AGENDA LOCATION:

Items Scheduled for the Regular Meeting

MEETING DATE:

July 20, 2015

ITEM TITLE:

Vacancy on Library Advisory Board

ITEM DESCRIPTION:

Ms. Starnes will provide information regarding recommendation for appointment to fill vacancy.

POTENTIAL ACTION:

Approval/Disapproval of Item

DEPARTMENT:

Library

PRESENTER:

Christie Starnes, Library Director

ITEM HISTORY:

N/A

Date:

Action Taken:

Information Provided:

Date:

Action Taken:

Information Provided:



ADVISORY BOARD CANDIDATE APPLICATION

The Town of Clayton welcomes and appreciates your interest in serving the Town. This application is designed to gather information to evaluate your qualifications. Candidates may be interviewed prior to appointment.

If requesting consideration for more than one, please submit a separate application for each board.

CHOOSE ONE:

Planning & Zoning Board

Board of Adjustment

Downtown Development Assoc.

Clayton Library Board

Recreation Advisory Committee

Fire Dept. Advisory Board

Public Arts Advisory Board

PLEASE NOTE: In accordance with North Carolina law, this application is a public record and will be disclosed upon request and without notice. If there is any information you do not want released to the public, please do not include it.

Please type or use dark ink.

Name: Lisa H. Brogdon

Mailing Address: 135 Middlecrest Way Clayton NC 27527

Physical HOME Address: Same

Phone Number (HOME): 919 553 3415 (WORK) 919 630 9040

FAX Number: _____ Mobile Number: 919 630 9040

Email Address: lhbrogdon@gmail.com

*Female *Male

*Race White

Employer: Carolina Children's Therapy (Self-employed)

Occupation: Speech-Language Pathologist

*This information is voluntary and is requested for the sole purpose of assuring that a cross section of the community is appointed; NC GS 143-157.1.

Residency within the Town limits or ETJ (extra territorial jurisdiction) is required for membership on most Council advisory boards.

Length of residence in Clayton: 17 years

Do you live in the Clayton? Corporate Limits: Yes No ETJ: Yes No

How did you find out about this board or committee? Facebook Website TV Newspaper Email Twitter Mail Other current board member

Outline your qualifications and why you wish to serve the board/committee you indicated.

I am a passionate, lifelong reader, and much of my career involves encouraging children to love reading. I have excellent communication skills, and I work well with others from widely varied backgrounds and experiences. I would like to participate in making our library program an even stronger presence in our community.
State why you would be an asset to this board or committee. *I am a long-time local business owner who derives great fulfillment from engagement in community volunteer activities. I choose my commitments carefully and dedicate much time,*

Do you anticipate a conflict of interest if asked to serve as a member on the requested board or committee? No Yes If Yes, explain: *thought, and effort into being a productive and engaged volunteer.*

PLEASE LIST CURRENT AND PREVIOUS SERVICE TO THE COMMUNITY, CIVIC CLUBS, ETC., ACTIVITY AND ANY SPECIAL TALENTS.

Boards/Committees/Civic	From	To
<u>KS Bank Board of Directors</u>	<u>2011</u>	<u>Present</u>
<u>Partnership for Children of Johnston Co Board</u>	<u>2007</u>	<u>Present (Board Chair 2013 - Present)</u>
_____	_____	_____
_____	_____	_____

[Signature] Signature 5/28/2015 Date

- Please do not submit resumes or attachments.
- This application is a **public record**.
- Information in the application will be considered in making appointments.
- Candidates may be interviewed prior to appointment.
- If not initially appointed to serve, this application will remain active until August 1 of the following year.

Applications are to be turned in to the Town Clerk in person (111 East Second Street), by mail (Town of Clayton, PO BOX 879, Clayton, NC 27528) or by email (kmoftett@townofclaytonnc.org)

**Town of Clayton
Town Council
Agenda Cover Sheet**

AGENDA LOCATION:

Items Scheduled for the Regular Meeting

MEETING DATE:

July 20, 2015

ITEM TITLE:

Special Event - Squealin' on the Square

ITEM DESCRIPTION:

Ms. Ross will provide information regarding Squealin' on the Square to be held October 9-10, 2015.

POTENTIAL ACTION:

Approval/Disapproval of Item

DEPARTMENT:

Community Development/Planning

PRESENTER:

Stephanie Ross, Downtown Dev.

ITEM HISTORY:

N/A

Date:

Action Taken:

Information Provided:

Date:

Action Taken:

Information Provided:



Town
 Planning
 111 E. Second Street, Clay
 P.O. Box 879, Clay
 Phone:
 Fax:

SPECIAL EVENT ACTION ITEM REPORT

Planning Staff Contact: Bruce Naegelen: 919-280-1278

EVENT INFORMATION:

Event Name: Squealin' on the Square **File Number:** 2015-14
Event Description: Fifth Annual BBQ cooking contest. In conjunction with The Shindig
Event Date(s): 10/9-10/2015 **Event Time(s):** 8 pm 10-9-2015 to 7 pm on 10-10-2015
Event Location: Town Square
Event Coordinator: Polly Mudd **Contact Number:** 919-553-6352
Contact Email: polly@claytonchamber.com
Attendees (Per Day): 1500

TOWN SERVICES REQUESTED:

Department / Division	Requested Services	Date/Time	Primary Contact	Contact Phone #
Public Works	20 Trash Roll-Out Carts 10 Recycled Roll-Out Carts – Town Square	Deliver: 10/9/15 Pickup: 10/10/15	Steve Blasko	359-1287
Public Works	Barricades/Cones on Fayetteville @ Main & Second & Town Square Parking Lot	Deliver: 10/9/15 Pickup: 10/10/15	Steve Blasko	359-1287
DDC	Road Closure - Fayetteville St. from Main St. to Second St. & Parking Lot	8:00 pm 10/9/15 to 7:00 pm 10/10/15	Stephanie Ross	359-9349
Electric	Use Power Source at Town Square	8:00 PM 10/9/15 to 7:00 PM 10/10/15	Dale Medlin	359-1292

STAFF USE:

SEC Approval	<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied	Date: 07/01/2015	<input type="checkbox"/> No Council Action needed
Council	Presentation	Date: 07/20/2015	<input type="checkbox"/> Approved <input type="checkbox"/> Denied

Action	Consent Agenda	Date:	Date:
Pending Actions	<input type="checkbox"/> DOT Road Closure Approval		<input type="checkbox"/> Issue Permit Date:
	<input type="checkbox"/> ABC Permit Submittal		
	<input type="checkbox"/> Other		

(SEC – Special Event Committee)

**Town of Clayton
Town Council
Agenda Cover Sheet**

AGENDA LOCATION:

Public Hearings

MEETING DATE:

July 20, 2015

ITEM TITLE:

Public Hearing - RZ 2014-99 - Magnolia Pointe - PD-MU and R-10 to R-8

ITEM DESCRIPTION:

Request to rezone 13.89 acre parcel which is located across Shotwell from Lion's Spring.

POTENTIAL ACTION:

Approval/Disapproval of Item

DEPARTMENT:

Community Development/Planning

PRESENTER:

David DeYoung, Planning Director

ITEM HISTORY:

Date:

05/18/2015

Action Taken:

Set Public Hearing for June 1, 2015

Information Provided:

Staff Report
Maps
Application

Date:

06/01/2015

Action Taken:

Public Hearing Tabled until July 20, 2015

Information Provided:

Staff Report
Maps
Application
Ordinance & Motion Form

ADVERTISING & NOTICES

PUBLIC NOTICE

In accordance with **NC GS 160A-384**, the Clayton Town Council will hold a public hearing on July 20, 2015, at 6:30 PM at Town Hall, 111 East Second Street, to consider rezoning request RZ2014-99 (Magnolia Pointe rezoning) for parcel number(s) 165914-33-6257 (tag# 05b02031v), all within the town limits. The requested change is from Planned Development Mixed Use (PD-MU) and Residential-10 (R-10) to Residential-8 (R-8).

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 160A-385 must submit said petition on forms provided by the Town Clerk not later than 5:00 PM on Wednesday, July 15, 2015.

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

Jay McLeod, Planner
919-553-5002

The Clayton News Star

Please advertise on the following dates:
July 8, 2015
July 15, 2015

Affidavit of publication required.



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

*Town Council
May 18, 2015*

STAFF REPORT

Application Number: RZ 2014-99
Project Name: **Magnolia Pointe Rezoning**

NC PIN / Tag #: 165914-33-6257 / 05B02031V
Town Limits/ETJ: Town Limits
Overlay: NA
Applicant: ASCO Builders Inc., c/o Matt Shephens (mattshephens@bellsouth.net)
Owner: ASCO Builders Inc.

Neighborhood Meeting: Held on 08/26/2014.

Public Noticing:

- sign posted April 17, 2015
- letters mailed TBD, 2015
- Published notice placed as required per Section 155.702(D)(2)(a) of the UDC

PROJECT LOCATION: The property is located on Shotwell Road, in between US 70 Bus Hwy W and Amelia Church Rd. This vacant parcel is across Shotwell Rd from Lion's Spring.

REQUEST: The applicant is requesting approval to rezone 13.89 acres at the location described above from Planned Development Mixed Use (PD-MU) and Residential-10 (R-10) to Residential-8 (R-8).

SITE DATA:

Acreage: 13.89 acres
Present Zoning: Planned Development Mixed Use (PD-MU) and Residential-10 (R-10)
Proposed Zoning: Residential-8 (R-8)
Existing Use: Vacant

ADJACENT ZONING AND LAND USES:

Page 1 of 3

North:	Zoning:	Residential-Estate (R-E)
	Existing Use:	Single Family Residential
South:	Zoning:	Planned Development Mixed Use (PD-MU) and Office-Institutional (O-I)
	Existing Use:	Lion’s Gate planned development and a doctor’s office.
East:	Zoning:	Residential-Estate (R-E)
	Existing Use:	Lion’s Gate planned development (approved for townhome development) and Lion’s Spring retirement residential
West:	Zoning:	Residential-Estate (R-E)
	Existing Use:	Single Family Residential

STAFF ANALYSIS AND COMMENTARY:

Overview

The applicant is requesting approval for rezoning of the subject property to Residential-8. The applicant has indicated that if approved, the site would be developed as an open-space subdivision.

R-8 permits development of single family lots with a minimum of 8,000 square feet in a conventional subdivision. If developed as an open space subdivision, single family lots are permitted at a minimum of 6,000 sf, or 4,800 sf if alley-loaded. Duplexes, townhomes, and multi-family development are permitted only with a Special Use Permit.

Compatibility with Surrounding Land Uses

The site is bounded on three sides by some form of residential use. The site is currently vacant and has been graded. This rezoning request is running concurrently with a subdivision plan for the same property (PSD2014-97). The rezoning and proposed development is compatible with surrounding uses.

Access/Streets:

The property fronts on and is currently accessed from Shotwell Road.

Consistency with the Strategic Growth Plan

This rezoning is consistent with the Strategic Growth Plan, Goal 2.5: “More Housing Opportunities: Beyond Starter Homes.”

CONSIDERATIONS:

- The applicant is requesting a rezoning from PD-MU and R-10 to R-8, in anticipation of a R-8 Open Space Residential Subdivision.
- Rezoning is decided by the Town Council. The Planning Board shall make a recommendation to the Town Council.

- When adopting or rejecting the rezoning, the Town Council shall approve a statement describing whether its action is consistent with 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.
- Application has since been revised to a standard zoning category instead of a PD zoning category, with minor alterations to the original site layout.

STAFF RECOMMENDATION:

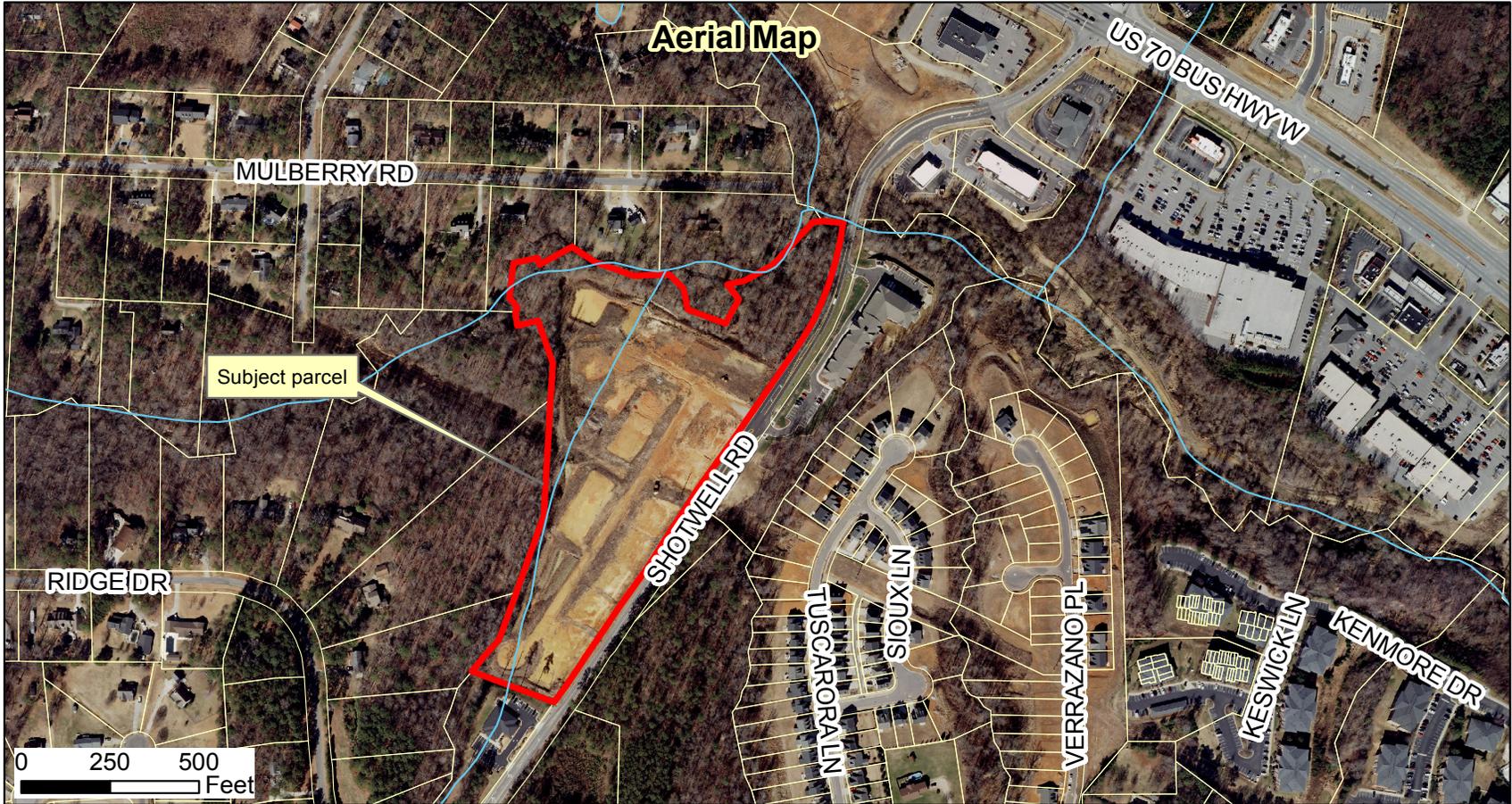
Staff is recommending approval of the rezoning.

PLANNING BOARD RECOMMENDATION:

Planning Board recommended approval of the rezoning.

ATTACHMENTS:

- 1) Aerial Map
- 2) Existing and Proposed Zoning Map
- 3) Proposed Land Use Map
- 4) Table 2.1 – allowed uses
- 5) Application
- 6) Neighborhood Meeting Materials (if available)
- 7) Planning Board Motion Form



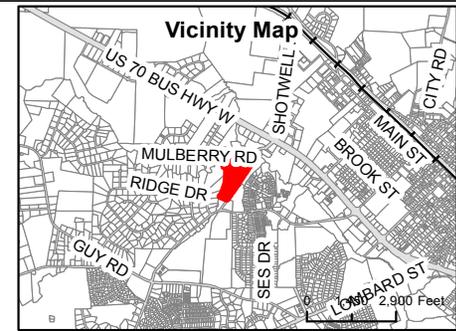
**PSD2014-97 and RZ2014-99 Magnolia Pointe Subdivision
Subdivision and Rezoning from R-10 and PD-MU to R-8**

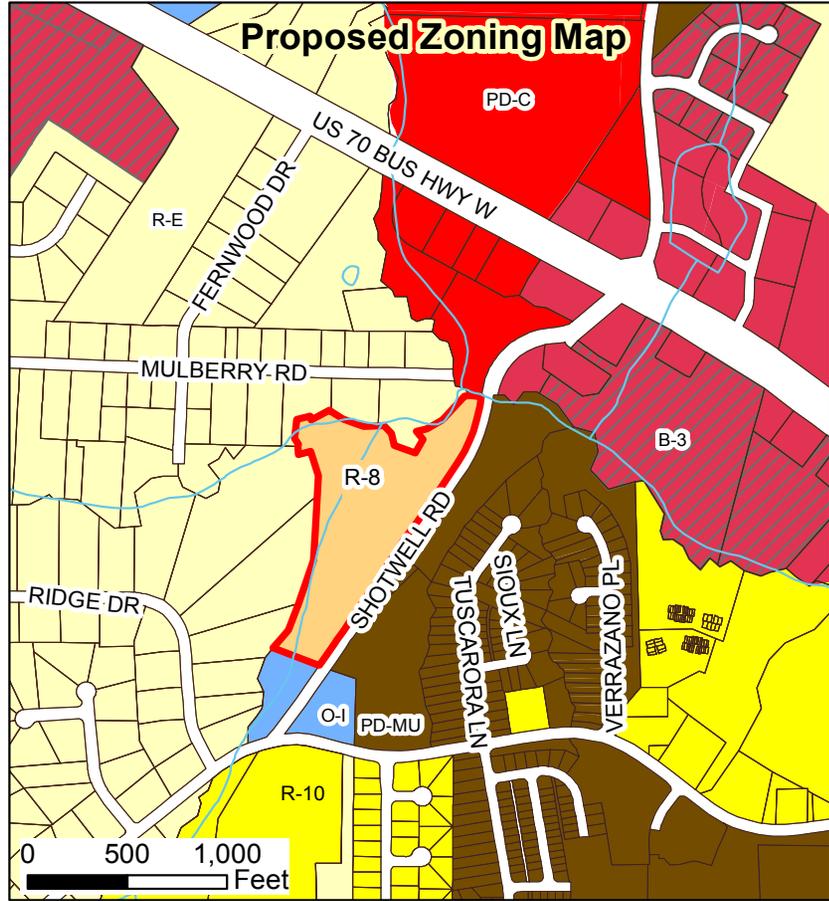
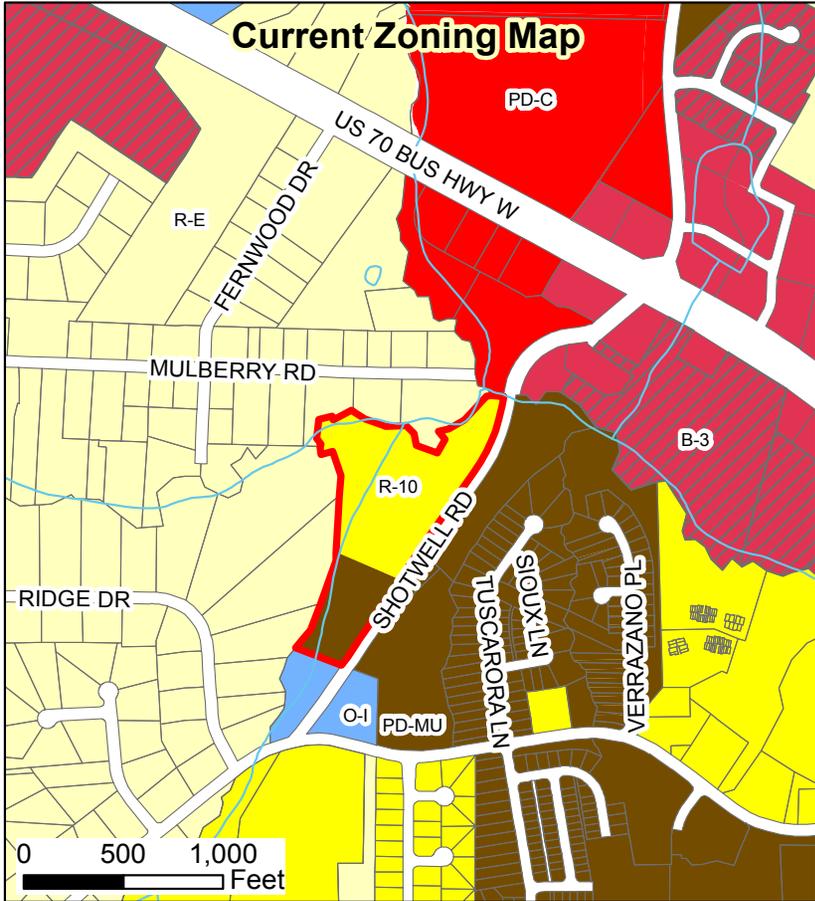
Applicant: ASCO Builders Inc
 Property Owner: ASCO Builders Inc
 Parcel ID Number: 165914-33-6257
 Tag #: 05B02031V

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



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**PSD2014-97 and RZ2014-99 Magnolia Pointe Subdivision
Subdivision and Rezoning from R-10 and PD-MU to R-8**

Applicant: ASCO Builders Inc
 Property Owner: ASCO Builders Inc
 Parcel ID Number: 165914-33-6257
 Tag #: 05B02031V

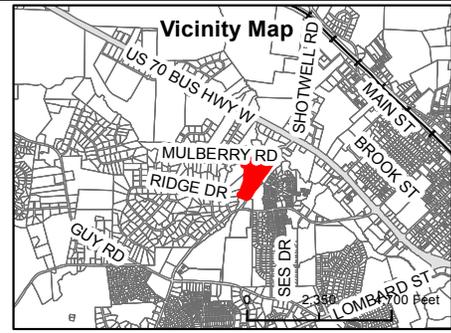
Produced by: TOC Planning
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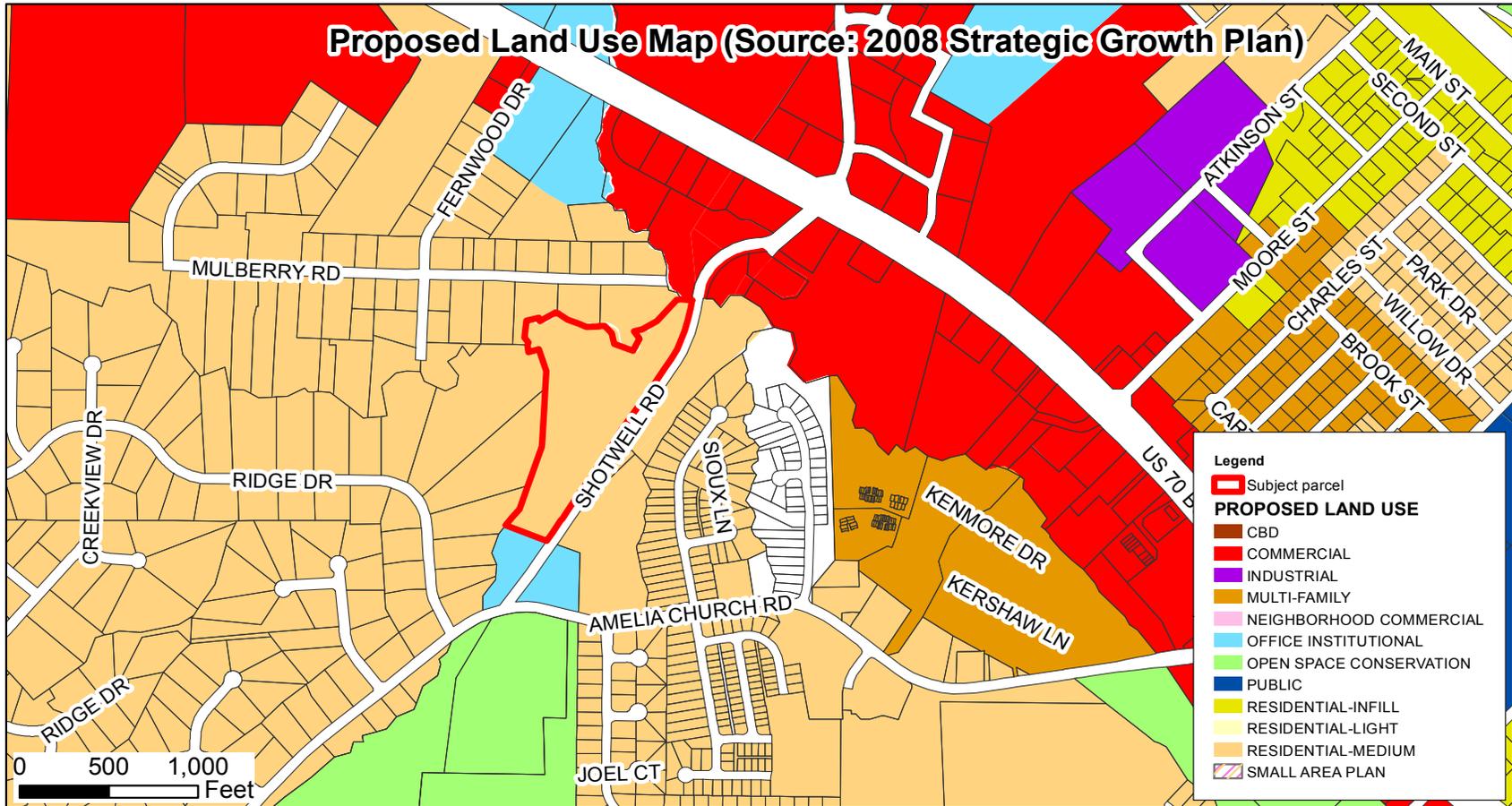
3/14/2015 Document Path: O:\PLANNING\REZONING\Rezoning\2014\RZ 2014-99 Magnolia Pointe Rezoning\maps\Staff Rpt Map RZ2014-99 - Existing and Proposed Zoning.mxd

Legend

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



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



- Legend**
- Subject parcel
 - PROPOSED LAND USE**
 - CBD
 - COMMERCIAL
 - INDUSTRIAL
 - MULTI-FAMILY
 - NEIGHBORHOOD COMMERCIAL
 - OFFICE INSTITUTIONAL
 - OPEN SPACE CONSERVATION
 - PUBLIC
 - RESIDENTIAL-INFILL
 - RESIDENTIAL-LIGHT
 - RESIDENTIAL-MEDIUM
 - SMALL AREA PLAN

Proposed Land Use Map (Source: 2008 Strategic Growth Plan) PSD2014-97 and RZ2014-99 Magnolia Pointe Subdivision Subdivision and Rezoning from R-10 and PD-MU to R-8

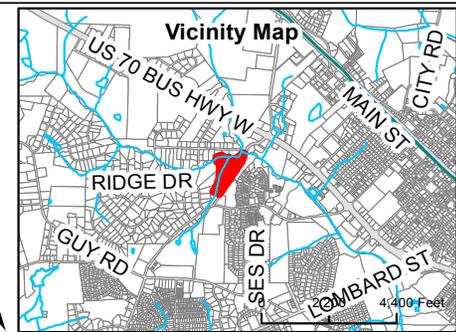
Applicant: ASCO Builders Inc
 Property Owner: ASCO Builders Inc
 Parcel ID Number: 165914-33-6257
 Tag #: 05B02031V

Produced by: TOC Planning

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



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Abridged Use Table, created: March 16, 2015
 Town of Clayton, NC

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)
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)

Abridged Use Table, created: March 16, 2015
Town of Clayton, NC

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		
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	§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	S										C	P	§155.307(B)
Telecommunication Facility	S	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	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)													

(Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2007-05-02, passed 5-7-07; Am. Ord. 2009-06-06, passed 6-1-09; Am. Ord. 2009-08-03, passed 8-3-09; Am. Ord 2014-12-02, passed 12-1-14)



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

AMENDED APPLICATION

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.

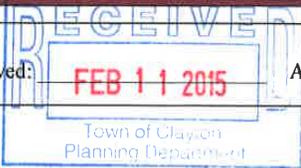
Please note that Section 155.702(B) of the Unified Development Code requires a Neighborhood Meeting for all Rezoning Petitions.

SITE INFORMATION:

Name of Project: MAGNOLIA POINTE Acreage of Property: 13.89
 Parcel ID Number: 2165914-33-6257 Tax ID: 05B02031V
 Deed Book: 0255B Deed Page(s): 0010
 Address: SHOTWELL ROAD
 Location: SHOTWELL ROAD
 Existing Use: VACANT Proposed Use: RESIDENTIAL
 Existing Zoning District: PD-MU AND R-10
 Requested Zoning District: R-8
 Is project within a Planned Development: Yes No
 Planned Development District (if applicable): _____
 Is project within an Overlay District: Yes No
 Overlay District (if applicable): _____

FOR OFFICE USE ONLY

File Number: 2014-99 Date Received: FEB 11 2015 Amount Paid: _____



July 2013

APPROVAL CRITERIA

All applications for a Rezoning must address the following findings:

1. Consistency with the adopted plans of the Town.

THIS PLAN IS CONSISTENT WITH THE SURROUNDING AREA.
SHOTWELL ROAD CONSIST OF O-I, PD-MU AND B-3 ZONINGS.

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

THE USES PERMITTED ARE VERY SIMILAR. THE PROPOSED
DISTRICT WOULD ALLOW MORE AGREEABLE LOT STANDARDS FOR
THIS UNIQUELY SHAPED PARCEL.

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

THIS CHANGE WOULD ALLOW RESIDENTIAL USES CLOSE BOTH
TO THE TOWN PARK AND SHOPPING ALONG SHOTWELL RD.

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.

THIS IS A REPLACEMENT PLAN FOR A DIFFERENT
STYLE HOUSING PLAN THAT WAS PREVIOUSLY APPROVED.
THE IMPACT ON TOWN FACILITIES WOULD HAVE VERY
MINOR CHANGE.

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

NO VIOLATIONS EXIST

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

THE PROPOSED CHANGE SHOULD HAVE NO CHANGES TO ADJOINING PROPERTY.

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

YES.

APPLICANT AFFIDAVIT

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

Matthew Stephens
Print Name


Signature of Applicant

8/1/14
Date

Lying and being situated in Johnston County, North Carolina and being more particularly described as follows:

Being that certain parcel of land (Tract 4) in Clayton Township, Johnston County, North Carolina and lying North of Shotwell Road (S.R. 1553), east of property owned by William W. Smith, South Landmark Sub, and being more particularly described as follows:

Beginning at an existing pk nail in the centerline of Shotwell Road (S.R. 1553), said public right of way being 60 feet at western side of property; thence from said existing pk nail along the line of William W. Smith North 65°41'30" West 282.81 feet to an existing iron stake; thence North 45°56'41" East 118.86 feet to a point; thence North 22°53'42" East 376.52 feet to an existing iron stake; thence North 06°44'06" East 307.97 feet to an existing iron stake; thence North 06°44'06" East 130.00 to a point; thence North 15°21'42" West 130.75 feet to a point in center of little creek; thence along the center of little creek the following bearings and distances;

South 77°44'33" West 60.33 feet

North 01°09'33" East 54.10 feet

North 34°39'10" West 35.44 feet

North 10°06'53" East 95.19 feet

North 82°19'22" East 60.10 feet

South 11°50'22" East 20.49 feet

North 82°30'09" East 51.52 feet

North 64°26'30" East 104.20 feet

South 53°15'10" East 79.23 feet

South 65°55'10" East 113.40 feet

South 89°09'00" East 100.68 feet

South 40°53'20" East 56.41 feet

South 08°24'04" East 62.66 feet

South 65°49'09" East 113.42 feet

North 31°51'10" East 78.80 feet

North 33°15'50" West 54.00 feet

North 82°07'52" East 47.52 feet

North 63°53'01" East 95.70 feet

North 45°39'41" East 165.30 feet

thence along the center of little creek South 84°53'56" East 82.65 feet to an existing pk nail in the center of Shotwell Road (S.R. 1553), said road having a 60 feet public right of way; thence along the center of Shotwell Road (S.R. 1553) the following bearings and distances;

South 16°20'55" West 37.87 feet

South 16°16'36" West 99.62 feet

South 20°46'58" West 100.38 feet

South 29°56'22" West 99.87 feet

South 36°07'14" West 99.90 feet

South 37°16'27" West 151.85 feet

South 37°23'54" West 339.76 feet

South 37°05'57" West 531.30 feet

South 38°03'06" West 99.91 feet

South 38°46'54" West 60.49 feet to the point and place of beginning and containing 14.94 acres.

2558
0010

BOOK 2558 PAGE 010

Johnston County
NORTH CAROLINA
Real Estate
Excise Tax
08-30-2003
\$360.00

Johnston County, North Carolina
CRAIG OLIVE Register of Deeds
The following certificate(s) of
BRENDA E JONES

FILED
JOHNSTON COUNTY
CRAIG OLIVE
REGISTER OF DEEDS

FILED Sep 30, 2003
AT 11:00:00 am
BOOK 02558
START PAGE 0010
END PAGE 0011
INSTRUMENT # 48501

notary/notaries public
is/are certified to be correct.
[Signature]
Deputy - Assistant - Register of Deeds

Excise Tax \$ 360

Tax Lot No. _____ Parcel Identifier No. 05G02031V
Verified by _____ County on the _____ day of _____, 19____
by _____

Mail after recording to Richard O. Gamble, P. O. Box 1777, Raleigh, NC 27602
This instrument was prepared by Richard O. Gamble, Atty.

Brief Description for the index

Lot 4, containing 14.94 acres, Bullard
Property

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 29th day of September, 2003, by and between

GRANTOR
THE STEPHENS CENTER, INC.

GRANTEE
ASCO BUILDERS, INC.
319 Chapanoke Road, Suite 106
Raleigh, NC 27603

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g., corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of , Clayton Township, Johnston County, North Carolina and more particularly described as follows:

BEING all of Lot 4, containing 14.94 acres, more or less, according to a survey entitled "Survey & Map for Donald E. Bullard" by Southwind Surveying & Mapping, Inc., dated May 5, 1993 and recorded in Plat Book 42, Page 437, Johnston County Registry.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 1542, Page 307.

A map showing the above described property is recorded in Plat Book 42, Page 437

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions:

Subject to easements, restrictions and rights of way of record, if any.

Subject to 2003 ad valorem property taxes and subsequent years.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

THE STEPHENS CENTER, INC.

By: Algie I. Stephens
Algie I. Stephens, President

USE BLACK INK ONLY

(SEAL)

(SEAL)

(SEAL)

(SEAL)



NORTH CAROLINA, _____ County.
I, the undersigned, a Notary Public of the County and State aforesaid, certify that Grantor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this day of . .

My commission expires:
1/10/05

Brenda E. Jones Notary Public

SEAL-STAMP



NORTH CAROLINA, _____ County.
I, the undersigned, a Notary Public of the County and State aforesaid, certify that Algie I. Stephens personally came before me this day and acknowledged that he is President of THE STEPHENS CENTER, INC., a North Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by him as President. Witness my hand and official stamp or seal, this 30th day of September, 2003.

My commission expires:
1/10/05

Brenda E. Jones Notary Public



*** DISCLAIMER ***

Johnston County assumes no legal responsibility for the information.

Query Parcel 1

Tag: 05G02031V

NCPin: 165914-33-6257

Mapsheet No: 165914

Owner Name1: ASCO BUILDERS INC

Owner Name2:

Mail Address1: 319 CHAPANOKE RD STE 102

Mail Address2:

Mail Address3: RALEIGH NC 27603-0000

Site Address1: Not Available

Site Address2: Not Available

Book: 02558

Page: 0010

Market Value: 194760

Assessed Acreage: 13.89

Calc Acreage: 13.89

Sale Price: 180000

Sale Date: 2003-09-30



1 inch = 389 feet

(The scale is only accurate when printed landscape on a 8.5x11 in size sheet with page scaling set to none.)

Date August 1, 2014



ParcelID	Name1	Name2	Address1	Address2	City	State	Zip
05G02031Z	LIONSGATE VILLAGE LLC	A NC LIMITED LIABILITY COMPANY	400 RIVERWOOD DRIVE		CLAYTON, NC	27520--000	
05G02192P	CORBETT, JESSE V JR	CORBETT, JANICE	1020 RIDGE DR		CLAYTON, NC	27520--000	
05G02031V	ASCO BUILDERS INC		319 CHARANOKE RD	STE 102	RALEIGH, NC	27603--000	
05G02005N	BALDIES RESTAURANT GROUP LLC		6101 NC HIGHWAY 42 W		GARRER, NC	27529--844	
05G02195F	PHILLIPS, ERNEST LUTRELL &	PHILLIPS, CYNTHIA HOCUTT	917 MULBERRY ROAD		CLAYTON, NC	27520--000	
05G02195E	ARCHIE, ADISON I	HOFNACKI, KATELYNN E	1012 RIDGE DRIVE		CLAYTON, NC	27520--212	
05G02200H	PLEASANT, JAMES ANDREW		925 MULBERRY RD		CLAYTON, NC	27520--966	
05G02200F	MALLACE, RUTH WELCH, CARL		1008 RIDGE DR		CLAYTON, NC	27520--212	
05G02194F	HEDAYATZADEH, MELISSA ANN		MEZINSKI, MELISSA ANN	124 BURKWOOD LN	RALEIGH, NC	27609--000	
05G02005M	FOSTER PARTNERS LLC		1600 S BRENTWOOD BLVD,	STE 770	CLAYTON, NC	27520--000	
05G02009P	MEHRAN MEDICAL LLC		45 SHOTWELL ROAD		CLAYTON, NC	27520--000	
05G02009I	HOWARD, E FRANK JR		252 COOPER BRANCH RD		CLAYTON, NC	27520--000	
05G02010B	LIONSGATE VILLAGE LLC	A NC LIMITED LIABILITY COMPANY	400 RIVERWOOD DRIVE		CLAYTON, NC	27520--000	
05G02065P	LIONS SPRING HOUSING ASSOC LLC		7706 SIX FORKS RD	SUITE 202	RALEIGH, NC	27615--000	
05G02196M	HUTH, DONALD W HUTH, GERRY H		921 MULBERRY RD		CLAYTON, NC	27520--212	
05G02192Q	STEPHENSON, JAMES W	STEPHENSON, MARY	1016 RIDGE DR		CLAYTON, NC	27520--966	

LIONSGATE VILLAGE LLC
400 RIVERWOOD DRIVE
CLAYTON,NC 27520-000

CORBETT, JESSE V JR
1020 RIDGE DR
CLAYTON,NC 27520-000

ASCO BUILDERS INC
319 CHAPANOKE RD STE 102
RALEIGH,NC 27603-000

BALDIES RESTAURANT GROUP LLC
6101 NC HIGHWAY 42 W
GARNER,NC 27529-844

PHILLIPS, ERNEST LUTRELL &
917 MULBERRY ROAD
CLAYTON,NC 27520-000

ARCHIE, ADISON L
1012 RIDGE DRIVE
CLAYTON,NC 27520-000

PLEASANT, JAMES ANDREW
925 MULBERRY RD
CLAYTON,NC 27520-212

WALLACE, RUTH
1008 RIDGE DR
CLAYTON,NC 27520-966

HEDAYATZADEH, MELISSA ANN
124 BURKWOOD LN
RALEIGH,NC 27609-000

FOSTER PARTNERS LLC
1600 S BRENTWOOD BLVD, STE 770
ST LOUIS,MO 63144-000

MEEHAN MEDICAL LLC
45 SHOTWELL ROAD
CLAYTON,NC 27520-000

HOWARD, E FRANK JR
252 COOPER BRANCH RD
CLAYTON,NC 27520-000

LIONSGATE VILLAGE LLC
400 RIVERWOOD DRIVE
CLAYTON,NC 27520-000

LIONS SPRING HOUSING ASSOC LLC
7706 SIX FORKS RD SUITE 202
RALEIGH,NC 27615-000

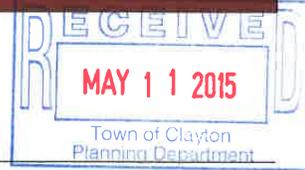
HUTH, DONALD W
921 MULBERRY RD
CLAYTON,NC 27520-212

STEPHENSON, JAMES W
1016 RIDGE DR
CLAYTON,NC 27520-966

**Turn off 'Fit To Page' in
print dialog before printing.
Label Type: Av5160
17 labels printed

NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:



Date of Mailing: 4/28/15

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

Printed Name: MICHAEL STEWART Signature: [Handwritten Signature]

Date of Meeting: 5/8/15 Time of Meeting: 6:30 PM

Location of Meeting: ON SITE

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.

MR. JESSE CORBETT WAS THE ONLY NEIGHBOR PRESENT. WE HAD TALKED EARLIER IN THE WEEK AND HE STOPPED BY TO PICK UP A FULL SIZED COPY OF THE PLANS. HE STATED HE HAD NO ISSUES AND WOULD SIGN A LETTER STATING SUCH IF NECESSARY. ADDITIONAL DISCUSSIONS PERTAINED TO THE PROPOSED HOUSING PLANS.

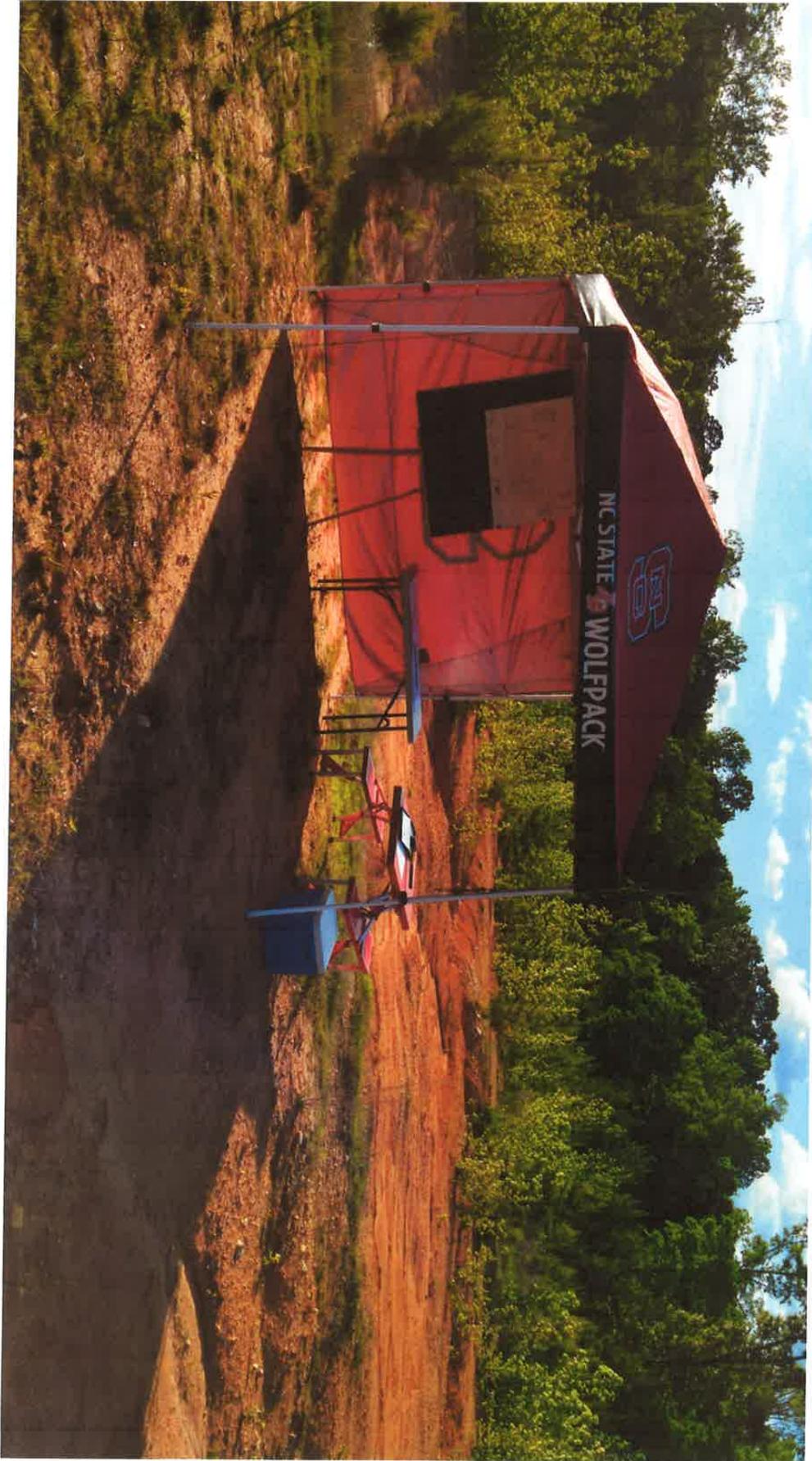
Please write clearly (or submit a typed summary), and use additional sheets if necessary.

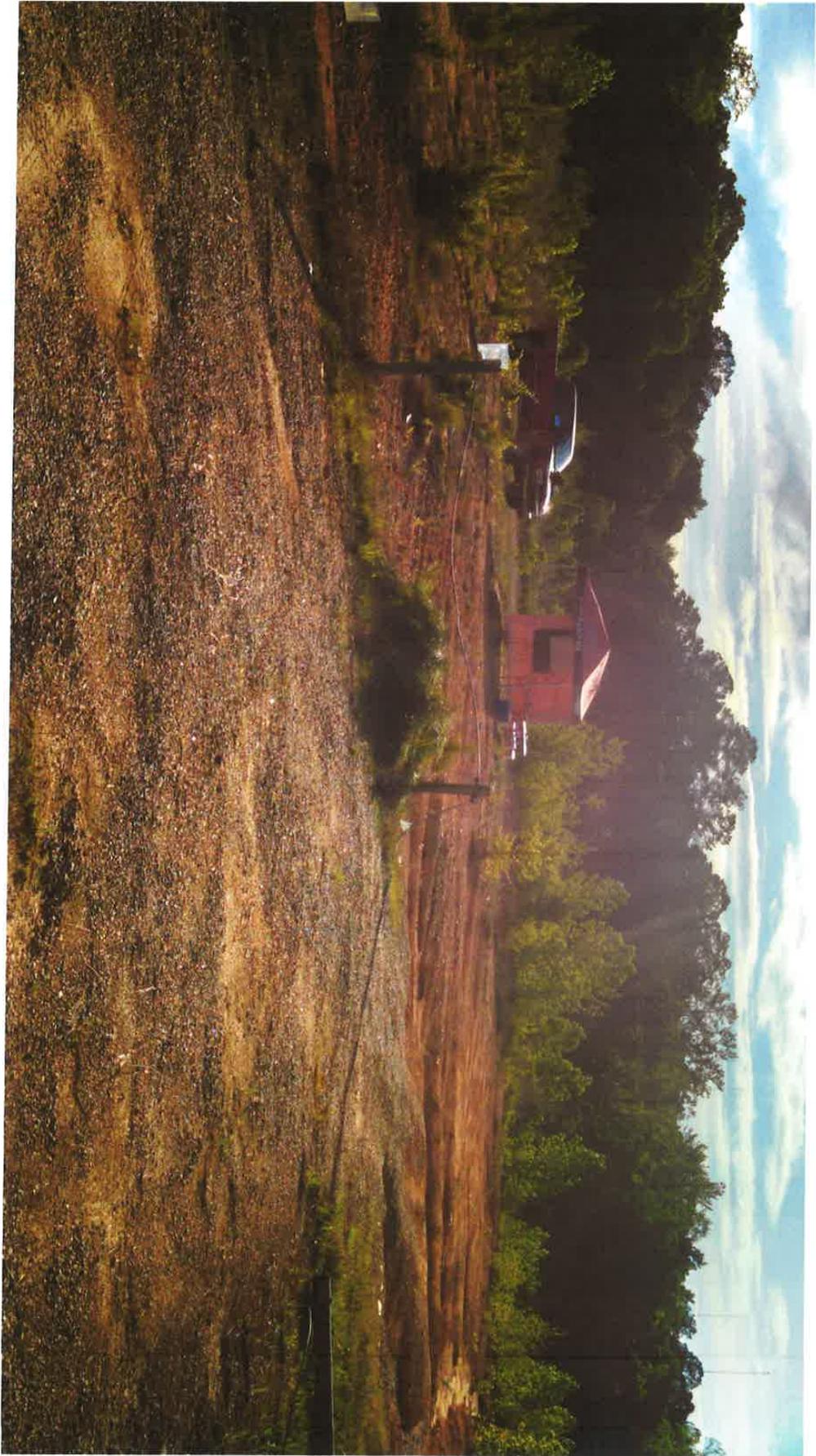
NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Applicant: ASCO BUILDERS SUNNY - 78°

Location/Date: ON SITE 5/8/15 6:30

	NAME	ADDRESS
1	MIKE STEWART	4716 CAROLTON DR. RAL.
2	JESSE CORBETT	1020 Ridge DR
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		





ASCO BUILDERS INC
319 CHAPANOKE RD STE 102
RALEIGH, NC 27603-0000

FOSTER PARTNERS LLC
1800 S BRENTWOOD BLVD, STE 770
ST LOUIS, MO 63144-0000

HUTH, DONALD W
HUTH, GERRY H
921 MULBERRY RD
CLAYTON, NC 27520-2129

WALLACE, RUTH
WELCH, CARL
1008 RIDGE DR
CLAYTON, NC 27520-9667

HOWARD, E FRANK JR
262 COOPER BRANCH RD
CLAYTON, NC 27520-0000

ARCHIE, ADISON L
HOJNACKI, KATELYNN E
1012 RIDGE DRIVE
CLAYTON, NC 27520-0000

PHILLIPS, ERNEST LUTRELL &
PHILLIPS, CYNTHIA HOCUTT
917 MULBERRY ROAD
CLAYTON, NC 27520-0000

PLEASANT, JAMES ANDREW
925 MULBERRY RD
CLAYTON, NC 27520-2129

STEPHENSON, JAMES W
STEPHENSON, MARY
1016 RIDGE DR
CLAYTON, NC 27520-9667

MEEHAN MEDICAL LLC
45 SHOTWELL ROAD
CLAYTON, NC 27520-0000

LIONS SPRING HOUSING ASSOC LLC
7706 SIX FORKS RD SUITE 202
RALEIGH, NC 27616-0000

LIONSGATE VILLAGE LLC
A NC LIMITED LIABILITY COMPANY
400 RIVERWOOD DRIVE
CLAYTON, NC 27520-0000

HEDAYATZADEH, MELISSA ANN
MEZYNSKI, MELISSA ANN
124 BURKWOOD LN
RALEIGH, NC 27609-0000

LIONSGATE VILLAGE LLC
A NC LIMITED LIABILITY COMPANY
400 RIVERWOOD DRIVE
CLAYTON, NC 27520-0000

CORBETT, JESSE V JR
CORBETT, JANICE
1020 RIDGE DR
CLAYTON, NC 27520-0000

BALDIES RESTAURANT GROUP LLC
6101 NC HIGHWAY 42 W
GARNER, NC 27529-8443

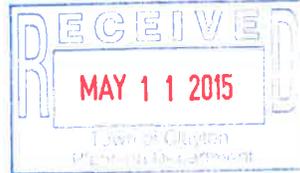
NOTE: Turn off 'Fit to Page' in print dialog before
printing.

Label Type: AV6160
16 label(s) printed

ASCO Builders, Inc.

319 Chapanoke Road
Suite 102
Raleigh, NC 27603

Phone: 919-779-8649
Fax: 919-779-7952



April 28, 2015

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: *Friday, May 8, 2015*

Location: *On site, Shotwell Road*

Time: *6:30 P.M.*

Type of Application: *Residential Rezoning R-8 and Subdivision Plan*

General Description: *37 Lot Subdivision*

If you have any questions prior to or after this meeting, you may contact us at (919) 779-8649.

Sincerely,

A handwritten signature in black ink, appearing to read "Matt Stephens".

Matt Stephens,
ASCO Builders, Inc.

cc: Clayton Planning Dept.



NEIGHBORHOOD MEETING INFORMATION

NOTE: *Neighborhood meetings are not required for developments that are part of an approved Planned Development Master Plan.*

Purpose:

The purpose of the neighborhood meeting shall be to inform the neighborhood of the nature of the proposed land use and development features, answer questions, respond to concerns, and solicit comments.

Meeting Date:

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

Meeting Time & Location:

The meeting must be held no earlier than 6:00 pm Monday through Friday, and must be held in a location generally accessible to residents within close proximity of the request.

Meeting Notice Mailing requirements:

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

Information provided to Planning Department:

Alert the Planning Department when the date, location, and time are determined. Planning staff may attend the neighborhood meeting to answer process/code questions.

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

- Neighborhood Meeting Summary Form
- Copy of the letter mailed
- Mailing list
- Attendance roster
- Stamped, addressed, empty envelopes with no return address, using the same addresses as used for the neighborhood meeting notification. *This for a public notice of the public hearing mailed by the Town – thus, neighbors will receive both a neighborhood meeting letter from the applicant, and a notice of the hearing from the Town.*

From: stewartpe <stewartpe@aol.com>
To: jwmcleod <jwmcleod@townofclaytonnc.org>; mattstephens <mattstephens@bellsouth.net>
Cc: rpowers <rpowers@townofclaytonnc.org>; DDeYoung <DDeYoung@townofclaytonnc.org>
Subject: Re: Magnolia Pointe - public noticing - need letters
Date: Fri, May 8, 2015 11:11 am

Jay,

We are holding a new neighborhood meeting tonight May 8 at 6:30 on site.
Letters were mailed out 4/28 and we will bring meeting summary/attendance information on Monday.

This was done for several reasons: The amount of concern from the planning board, I was not personally at the first meeting, the weather for that meeting(outdoors) was wet and 35 degrees, we had not changed our zoning request at the time, subdivision outlines for neighborhood meeting require a mon.-fri. after 6pm slot and the first meeting was a Sunday afternoon.

I just felt it was better to hold a new meeting with updated information.
You are welcome to attend should you choose.

I will bring 2 sets of addressed envelopes on Monday as well.

Michael L. Stewart, P.E.
STEWART-PROCTOR, PLLC
Engineering and Surveying
office 919 779-1855
cell 919 417-6671

-----Original Message-----

From: Jay McLeod <jwmcleod@townofclaytonnc.org>
To: 'mattstephens@bellsouth.net' <mattstephens@bellsouth.net>
Cc: Michael Stewart (stewartpe@aol.com) <stewartpe@aol.com>; Rebecca Powers <rpowers@townofclaytonnc.org>; David DeYoung <DDeYoung@townofclaytonnc.org>
Sent: Fri, May 8, 2015 10:21 am
Subject: Magnolia Pointe - public noticing - need letters

Hi,

In order to complete the public noticing requirements for the proposed Magnolia Pointe rezoning and subdivision – RZ2014--- and PSD2014-97, we need you to deliver to us two sets of stamped, addressed envelopes.

The letters need to be addressed to the property owners of the parcels within 100' of the proposed subdivision. Please be sure to use the property owner's address, and not the parcel's site address.

Please do not include a return address on the envelopes – the Town will use our own return address.

Please deliver these stamped, addressed envelopes to the Planning Department, c/o Jay McLeod on or before May 14, 2015. Failure to do so may result in these applications being postponed.

Thanks,
Jay McLeod, AICP

Planner

Town of Clayton

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

P (919)359-9335 | F (919)553-1720

jwmcleod@townofclaytonnc.org

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

RZ 2014-99 Magnolia Pointe Rezoning

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

Recommendation to approve deny Magnolia Pointe Rezoning RZ 2014-99

Recommendation(s) made this 27th day of April, 2015 while in regular session.

Signed:



Frank Price, Planning Board Chair

TOWN OF CLAYTON
ZONING AMENDMENT
CONSISTENCY AND REASONABLENESS STATEMENT

RZ 2014-99 Magnolia Pointe Rezoning

The Town Council of the Town of Clayton hereby states:

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

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

- Objective 2.1 balanced development/investment: old & new
- Objective 2.5 more housing opportunities: beyond starter homes

The Town of Clayton’s Comprehensive Bicycle Plan: not applicable.

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, the above referenced zoning amendment is reasonable and in the public interest.

Insert additional specifics if necessary:

**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 Residential-8 (R-8) zone the property described below, said property formerly being zoned Planned Development Mixed Use (PD-MU) and Residential -10 (R-10); and

WHEREAS said property is owned by ASCO Builders Inc.; 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 June 1, 2015, 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 Residential-8 (R-8) zone the following described property:

General Description:

Approximately 13.89 acres of property located on Shotwell Road, in between US 70 Business Highway W and Amelia Church Road. This vacant parcel is across Shotwell Road from Lion's Spring.

Specific Description:

All of NC Parcel Identification Number: 165914-33-6257

SECTION 2. That the official Town of Clayton Zoning Map is hereby amended to include in the Residential-8 (R-8) 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 by the Clayton Town Council this 20th day of July, 2015, while in regular session.

Jody L. McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC
Town Clerk

COUNCIL MOTION SHEET
ZONING ORDINANCE AMENDMENT
(Rezoning)

After considering the recommendations of the Planning Board and Planning Director, I move to **[approve OR deny] Rezoning – 2014-99 – Magnolia Pointe – PD MU & R-10 to R-8.**

[IF APPROVING]

and to approve the Statement of Consistency and Reasonableness included in the Agenda packet [with the following modifications: STATE MODIFICATIONS, IF ANY].

**Town of Clayton
Town Council
Agenda Cover Sheet**

AGENDA LOCATION:

Public Hearings

MEETING DATE:

July 20, 2015

ITEM TITLE:

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

ITEM DESCRIPTION:

Public Hearing - Applicant is requesting voluntary annexation of contiguous 0.09 acres

POTENTIAL ACTION:

Approval/Disapproval of Item

DEPARTMENT:

Community Development/Planning

PRESENTER:

David DeYoung, Planning Director

ITEM HISTORY:

Date:

05/18/2015

Action Taken:

Placed on 6-1-15 Consent

Information Provided:

Application
Map
Resolution

Date:

6/01/2015

Action Taken:

Set Public Hearing for 6/15/2015

Information Provided:

Application/Map/Certificate of Sufficiency

6-15-2015 - Public Hearing Re-Set for 7/20/2015

PUBLIC NOTICE

The Clayton Town Council has called a public hearing at 6:30 PM on Monday, July 20, 2015, at Town Hall, 111 East Second Street, on the question of annexing the following described contiguous area, requested by annexation petition 14-100-01-ANX filed pursuant to G.S. 160A-31:

The area proposed for annexation is described as the following: Lying and being in Clayton Township, Johnston County, North Carolina and being more particularly described as follows:

Beginning at an existing iron rebar located on the northern right-of-way line of NC Highway 42 E and also being the southwestern property corner of lands now or formerly owned by Greenway Walden Homeowners Association as shown on Plat Book 17, Page 105, Johnston County Registry; thence along and with said northern right-of-way S 71°55'26" W a distance of 38.27 feet to an existing iron pipe; thence as said highway transitions into the northern right-of-way line of Front Street N 81°16'28" W a distance of 53.00 feet to a point; thence leaving said right-of-way N 43°28'55" E a distance of 106.40 feet to a point on said western property line; thence along and with said western property line S 11°58'01" E a distance of 75.00 feet to the point of beginning, containing 0.0859 acres.

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

Kimberly A. Moffett, CMC
Town Clerk
Town of Clayton
919-553-5002 ext. 5004

Clayton News-Star

Please advertise on the following date:

July 8, 2015

Affidavit of publication required.



14-100-01-4NY

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

PETITION FOR VOLUNTARY ANNEXATION

VOLUNTARY ANNEXATION: Upon receipt of a valid petition signed by all of the owners of real property in the area described therein, the Town may annex an area either contiguous or not contiguous to its primary corporate limits when the area meets the standards set out under North Carolina General Statutes 160A-31 and 160A-58.1.

Applications are due by 5pm on the first working day of each month.

Request Information

- Contiguous Annexation**

 Non-Contiguous Annexation

The following items must accompany an annexation petition:

To be completed by the applicant:	Included?	
	Yes	No
1. Petition for Annexation with original signatures	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. A boundary plat of the area to be annexed meeting requirements of the Plat Checklist (included in this application packet).	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Legal Description (metes and bounds)	<input checked="" type="checkbox"/>	<input type="checkbox"/>

PROCESS:

Review by Staff: The Planning, Engineering and Public Works Departments review the annexation submission. Comments will be sent to the applicant.

Annexation Plat Submission: After the map and legal description are deemed sufficient by the Town, the applicant is required to submit two (2) Mylar annexation plats to the Planning Department.

Town Council Meeting: The Town Council will pass a resolution directing the Town Clerk to investigate the annexation petition. The Town Clerk will present to the Town Council a Certificate of Sufficiency indicating that the annexation petition is complete. A resolution setting the date of the public hearing is then approved.

Legal Advertisement: A legal advertisement will be published no more than 25 days and no less than 10 days prior to the date of the public hearing.

Public Hearing/Town Council Meeting: The Town Council will either adopt or deny an ordinance to extend the corporate limits of the Town of Clayton.

Recordation: If the annexation is approved by the Town Council, the Annexation Plats shall be recorded at the appropriate county Register of Deeds.

**Petition for Voluntary Annexation Application – Property Information
COMPLETE IF A LIMITED LIABILITY COMPANY:**

Submittal Date: 4-13-2015

Petition No.: 14-100-01

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

1. I/We the undersigned owner(s)* of real property respectfully request that the area described in Paragraph 2 below be annexed to the Town of Clayton, North Carolina.

*If the owner of real property is a corporation or religious entity, attach a copy of the articles of incorporation describing who is/are authorized to sign with the petition.

2. The area to be annexed is X contiguous, ___ non-contiguous to the Town of Clayton, North Carolina and the boundaries of such territory are as provided in the boundary plat attached hereto.
3. If contiguous, this annexation will include all intervening rights-of-way for streets, railroads, and other areas as stated in G.S. 160A-31(f), unless otherwise stated in the annexation amendment.
4. Attached is a statement of the schedule for full development of the property to be annexed, which includes the type, number, and estimated value of planned improvements, if applicable.

Total acreage to be annexed:	<u>0.0859 acres or 3,744 sf</u>
Existing housing units:	<u>0</u>
Population of acreage to be annexed:	<u>0</u>
Existing Zoning District*:	<u>O&I</u>
Proposed Town Zoning District*:	<u>O&I</u>
Reason for petitioner to annex	<u>X</u> Receive Town Services
	<u>X</u> Other (please specify): <u>condition of site plan approval</u>

5. I/We acknowledge that any zoning vested rights acquired pursuant to G.S. 160A-385.1 or G.S. 153A-344.1 must be declared and identified on this petition. I/We further acknowledge that failure to declare such rights on this petition shall result in a termination of vested rights previously acquired for the property. (If zoning vested rights are claimed, indicate below and attach proof.)

In witness whereof, East Village Investments, LLC a limited liability company, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this 7th day of April 2015, 20 .

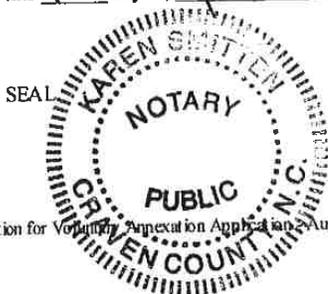
Name of Limited Liability Company: East Village Investments
By: [Signature]
Signature of Member/Manager

STATE OF NORTH CAROLINA
COUNTY OF JOHNSTON Craun

Sworn and subscribed before me, Karen Smitten, a Notary Public for the above State and County, this 7th day of April, 2015.

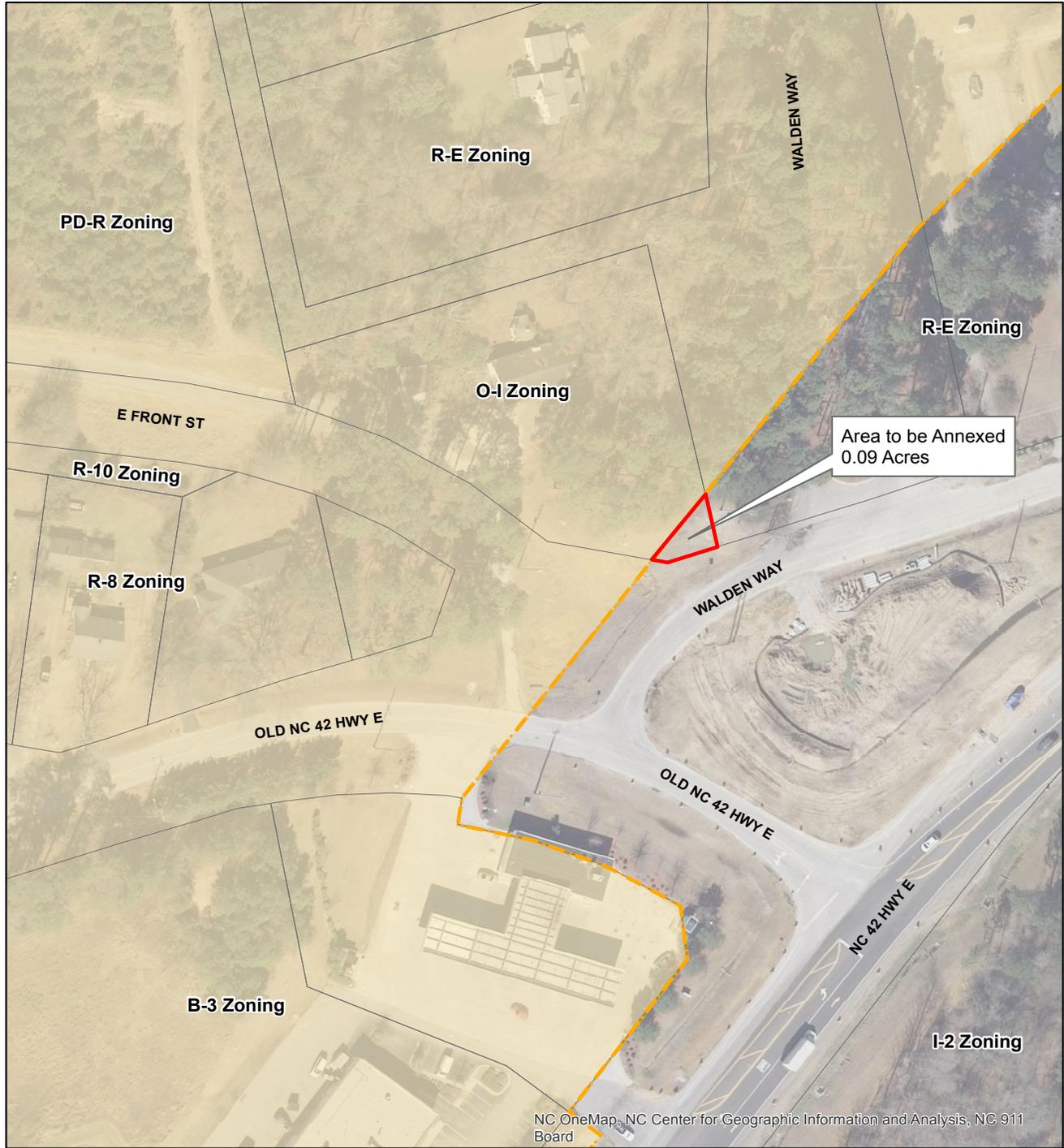
[Signature]
Notary Public

My Commission Expires: 9-26-19



Voluntary Annexation Plat Checklist

#	Required Plat Items
1.	Fully dimensioned by metes and bounds, and the location of intersecting boundary lines of the existing town limits, labeled and distinctly marked. Include full right-of-way if the area on both sides is or will be in the corporate limits.
2.	Any utility easements with metes and bounds.
3.	Accurate locations and descriptions of all monuments, markers and control points.
4.	Ultimate right-of-way widths on all streets.
5.	Entitle "ANNEXATION MAP FOR THE TOWN OF CLAYTON" OR "SATELLITE ANNEXATION MAP FOR THE TOWN OF CLAYTON," as appropriate.
6.	Name of property owner(s).
7.	Name, seal, and registration of Professionally Licensed Surveyor (PLS).
8.	Date of the survey and map preparation; a north arrow indicating whether the index is true magnetic North Carolina grid (NAD 83 or NAD 27) or deed; graphic scale; and declination.
9.	Names of the township, county, and state.
10.	A detailed vicinity map.
11.	Include address of property if assigned.
12.	Show all contiguous or non-contiguous town limits.
13.	<p>The following certification must be placed on the map near a border to allow the map to be sealed:</p> <p>Annexation # _____</p> <p>I, David DeYoung, AICP, Planning Director, Clayton, North Carolina certify this is a true and exact map of annexation adopted the _____ day of _____, _____, by the Town Council. I set my hand and seal to the Town of Clayton, _____.</p> <p>Day/Month/Year</p> <p style="text-align: center;">_____</p> <p style="text-align: center;">David DeYoung AICP</p>
14.	Leave 2 inch by 2 inch space for the county Register of Deeds stamp on the plat. All final plats must be stamped and signed before they can be accepted by the Town.



NC OneMap, NC Center for Geographic Information and Analysis, NC 911 Board

Legend

- Clayton Town Limits
- Clayton ETJ
- Parcels
- Area to be Annexed

Annexation Map

Applicant(s): East Village Investments LLC
 Property Owner(s): East Village Investments LLC
 Parcel Number(s) Portion of 05H03008L
 File Number(s): 14-100-01-Anx



1 inch = 100 feet

Produced by: TOC Planning
 April 20, 2015

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





VICINITY MAP - 1" = 1000'

STATE OF NORTH CAROLINA WAKE COUNTY

I, G. SCOTT WILSON, PROFESSIONAL LAND SURVEYOR NO. L-2601, CERTIFY THAT THIS PLAN WAS DRAWN UNDER MY SUPERVISION FROM THE FIELD AND THAT THE BOUNDARIES SHOWN THEREON ARE TRUE TO THE RECORDS OF THE PUBLIC RECORDS OF THIS COUNTY AND STATE.

DATE: 04-13-2015

THIS PLAN WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 13th DAY OF APRIL, 2015.

PROFESSIONAL LAND SURVEYOR - LICENSE # 2601

I, G. SCOTT WILSON, PROFESSIONAL LAND SURVEYOR NO. L-2601, CERTIFY TO ONE OR MORE OF THE FOLLOWING AS INDICATED:

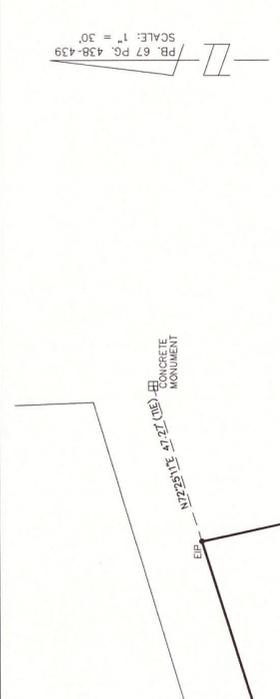
D. THAT THIS PLAN IS A SURVEY PARCEL SURVEY OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION;

G. SCOTT WILSON P.L.S. NO. 2601

- NOTE:
- AREAS BY COORDINATE GEOMETRY UNLESS SHOWN OTHERWISE.
 - ALL STREETS ARE PUBLIC RIGHTS-OF-WAY UNLESS SHOWN OTHERWISE.
 - OTHER INSTRUMENTS OF RECORD MAY AFFECT THIS PROPERTY.
 - NO FEMA FLOOD HAZARD AREAS PER FORM NUMBER 3720166800J DATED DECEMBER 2, 2005.

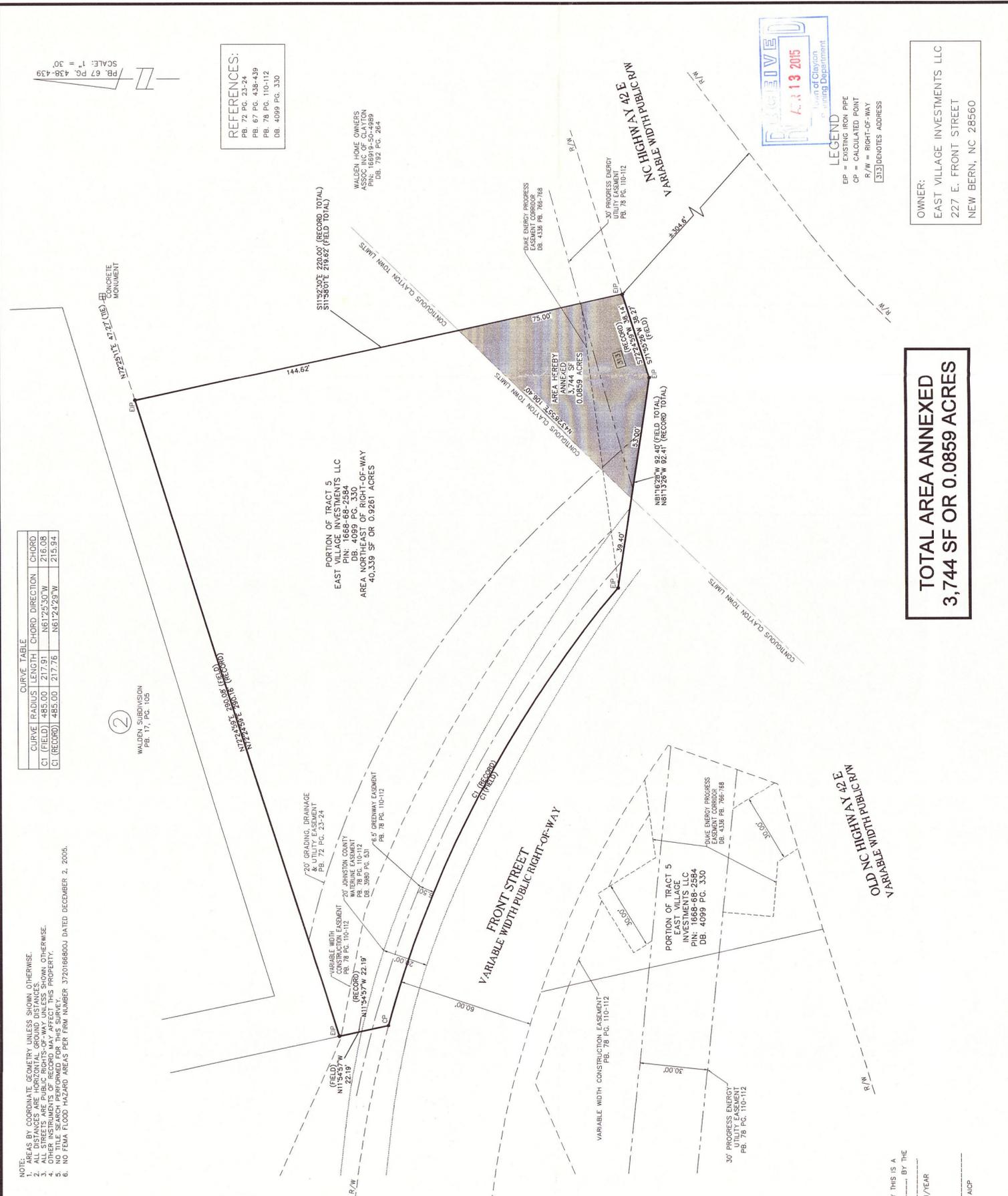
CURVE TABLE

CURVE	RADIUS	LENGTH	CHORD	DIRECTION	CHORD
C1 (FIELD)	485.00	217.91	N61°25'30"W	218.08	
C1 (RECORD)	485.00	217.76	N61°24'25"W	215.94	



REFERENCES:

PB. 72 PG. 23-24
 PB. 67 PG. 438-439
 PB. 78 PG. 110-112
 DB. 4099 PG. 330



TOTAL AREA ANNEXED
3,744 SF OR 0.0859 ACRES

OWNER:
 EAST VILLAGE INVESTMENTS LLC
 227 E. FRONT STREET
 NEW BERN, NC 28560



LEGEND

EP = EXISTING IRON PIPE
 CP = CALCULATED POINT
 R/W = RIGHT-OF-WAY
 [313] DENOTES ADDRESS

ANNEXATION # _____		DATE _____	
I, DAVID DEYOUNG, ACP, PLANNING DIRECTOR, CLAYTON, NORTH CAROLINA, CERTIFY THIS IS A TRUE AND EXACT MAP OF ANNEXATION ADOPTED BY THE TOWN COUNCIL. I SET MY HAND AND SEAL TO THE TOWN OF CLAYTON, _____ DAY/MONTH/YEAR.		DAVID DEYOUNG ACP	
RECORDED IN BOOK OF MAPS _____ PAGE _____		SCALE: 1" = 30'	
ANNEXATION MAP FOR THE TOWN OF CLAYTON FOR EAST VILLAGE OFFICE		CLAYTON TOWNSHIP WAKE COUNTY NORTH CAROLINA	
SURVIVED BY JC		DATE 04-07-15	
DRAWN BY DHG		CERTIFICATION NUMBERS: NCBELS (C-0110); NCBLA (C-0287)	
CHECKED BY SW		TELEPHONE: (919)851-4422 OR (800)354-1879	
DATE 04-07-15		FAX: (919)851-8988	
SHEET 1 OF 1		BASS, NIXON & KENNEDY, INC. CONSULTING ENGINEERS	
1		6310 CHAPEL HILL ROAD, SUITE 250 RALEIGH, NORTH CAROLINA 27607	
1		TELEPHONE: (919)851-4422 OR (800)354-1879	
1		FAX: (919)851-8988	
1		CERTIFICATION NUMBERS: NCBELS (C-0110); NCBLA (C-0287)	

ANNEXATION PETITION 14-100-01-ANX
East Village Investments LLC
Portion of Parcel 05H03008L
Owner: East Village Investments LLC
Contiguous: 0.09 acres

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF
THE TOWN OF CLAYTON, NORTH CAROLINA**

WHEREAS, the Town of Clayton has been petitioned under G.S. 160A-31 to annex the area described below; and

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

WHEREAS, the Town Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at Town Hall at 6:30 PM on July 20, 2015, after due notice by publication on July 8, 2015; and

WHEREAS, the Town of Clayton finds that the petition meets the requirements of G.S. 160A-31;

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

Section 1. By virtue of the authority granted by G.S. 160A-31, the following

described territory is hereby annexed and made part of the Town of Clayton as of July 20, 2015:

Beginning at an existing iron rebar located on the northern right-of-way line of NC Highway 42 E and also being the southwestern property corner of lands now or formerly owned by Greenway Walden Homeowners Association as shown on Plat Book 17, Page 105, Johnston County Registry; thence along and with said northern right-of-way S 71°55'26" W a distance of 38.27 feet to an existing iron pipe; thence as said highway transitions into the northern right-of-way line of Front Street N 81°16'28" W a distance of 53.00 feet to a point; thence leaving said right-of-way N 43°28'55" E a distance of 106.40 feet to a point on said western property line; thence along and with said western property line S 11°58'01" E a distance of 75.00 feet to the point of beginning, containing 0.0859 acres.

Section 2. Upon and after July 20, 2015, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Clayton and shall be entitled to the same privileges and benefits as other parts of the Town of Clayton. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the Town of Clayton shall cause to be recorded in the office of the Register of Deeds of Johnston County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the County Board of Elections, as required by G.S. 163-288.1.

Duly adopted this 20th day of July, 2015, while in regular session.

ATTEST:

Jody L. McLeod,
Mayor

Kimberly A. Moffett, CMC
Town Clerk

Katherine Ross,
Town Attorney

**NORTH CAROLINA
JOHNSTON COUNTY**

This ____ day of _____, 2015, personally appeared before me Kimberly A. Moffett, Clerk of the Town of Clayton, who, being duly sworn by me, says that she knows the common seal of the Town of Clayton and is acquainted with Jody L. McLeod, who is the Mayor and presiding member of said municipal corporation; and that she saw the said Mayor sign the foregoing instrument and saw the said common seal of said municipal corporation affixed to said instrument by said Mayor, and that she, the said Kimberly A. Moffett, signed her name in attestation of said instrument in the presence of said Mayor.

Witness my hand and notarial seal, this the day and year first above written.

Notary Public - Signature

(SEAL)

Notary Public – Printed Name

Commission Expires: _____

County of Commission: _____

**Town of Clayton
Town Council
Agenda Cover Sheet**

AGENDA LOCATION:

Public Hearings

MEETING DATE:

July 20, 2015

ITEM TITLE:

Public Hearing - Voluntary Annexation - 15-08-06-ANX - RWAC - Ravens Ridge 8C-2

ITEM DESCRIPTION:

Public Hearing - Applicant is requesting voluntary annexation of non-contiguous 8.20 acres

POTENTIAL ACTION:

Approval/Disapproval of Item

DEPARTMENT:

Community Development/Planning

PRESENTER:

David DeYoung, Planning Director

ITEM HISTORY:

Date:

06/01/2015

Action Taken:

Placed on 6-15-15 Consent

Information Provided:

Application
Map
Resolution

Date:

6/15/2015

Action Taken:

Set Public Hearing for 7/20/2015

Information Provided:

Application
Map
Resolution

PUBLIC NOTICE

The Clayton Town Council has called a public hearing at 6:30 PM on Monday, July 20, 2015, at Town Hall, 111 East Second Street, on the question of annexing the following described non-contiguous area, requested by annexation petition 15-08-06-ANX filed pursuant to G.S. 160A-58.2

The area proposed for annexation is described as the following: Legal Description for FSC IV, LLC Property: Lying and being in Wilders Township, Johnston County, North Carolina and being more particularly described as follows:

Beginning at an existing iron pipe on the bank of the Neuse River, said iron pipe being a common property corner between Ravens Ridge Phase 8A, plat book 80 pages 394 and 395, and the now-or-formerly Mavis C. House property, deed book 705 page 629, and being the place and point of beginning;
Thence leaving the Neuse River with the southern Ravens Ridge 8A property line S 85 degrees 02 minutes 08 seconds E 356.46 feet to a point; Thence leaving the Ravens Ridge 8A property line S 85 degrees 02 minutes 08 seconds E 405.94 feet to a point; Thence S 34 degrees 02 minutes 08 seconds E 323.95 feet to a point; Thence S 81 degrees 47 minutes 05 seconds W 40.83 feet to a point; Thence S 52 degrees 14 minutes 32 seconds W 80.12 feet to a point; Thence N 06 degrees 00 minutes 41 seconds W 40.88 feet to a point; Thence S 88 degrees 59 minutes 55 seconds W 46.72 feet to a point; Thence S 24 degrees 05 minutes 06 seconds W 51.06 feet to a point; Thence S 62 degrees 50 minutes 25 seconds W 43.51 feet to a point; Thence N 34 degrees 14 minutes 24 seconds W 49.91 feet to a point; Thence N 72 degrees 04 minutes 07 seconds W 33.13 feet to a point; Thence S 04 degrees 35 minutes 09 seconds E 93.32 feet to a point; Thence S 74 degrees 27 minutes 59 seconds W 64.57 feet to a point; Thence S 02 degrees 05 minutes 39 seconds E 39.07 feet to a point; Thence N 86 degrees 51 minutes 53 seconds W 157.36 feet to a point; Thence N 60 degrees 44 minutes 52 seconds W 114.98 feet to a point; Thence S 84 degrees 20 minutes 40 seconds W 91.31 feet to a point; Thence N 35 degrees 27 minutes 43 seconds W 36.47 feet to a point; Thence N 76 degrees 01 minutes 49 seconds W 42.54 feet to a point; Thence S 78 degrees 44 minutes 39 seconds W 58.58 feet to a point; Thence S 37 degrees 08 minutes 33 seconds W 53.70 feet to a point; Thence S 55 degrees 57 minutes 54 seconds W 45.62 feet to a point; Thence S 71 degrees 06 minutes 09 seconds W 39.42 feet to a point; Thence S 67 degrees 08 minutes 24 seconds W 55.35 feet to a point on the Neuse River; Thence with the Neuse River N 03 degrees 54 minutes 53 seconds E 188.56 feet to a point; Thence N 03 degrees 13 minutes 38 seconds E 95.87 feet to a point; Thence N 02 degrees 08 minutes 13 seconds W 112.48 feet to a point; Thence N 00 degrees 24 minutes 57 seconds W 135.91 feet to the place and point of beginning and containing 8.20 acres more or less.

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

**Kimberly A. Moffett, CMC
Town Clerk
Town of Clayton
919-553-5002 ext. 5004**

Clayton News-Star

Please advertise on the following date:

July 8, 2015

Affidavit of publication required.



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

PETITION FOR VOLUNTARY ANNEXATION

VOLUNTARY ANNEXATION: Upon receipt of a valid petition signed by all of the owners of real property in the area described therein, the Town may annex an area either contiguous or not contiguous to its primary corporate limits when the area meets the standards set out under North Carolina General Statutes 160A-31 and 160A-58.1.

Applications are due by 5pm on the first working day of each month.

Request Information

Non Contiguous Annexation

Non-Contiguous Annexation

The following items must accompany an annexation petition:

To be completed by the applicant:	Included?	
	Yes	No
1. Petition for Annexation with original signatures	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. A boundary plat of the area to be annexed meeting requirements of the Plat Checklist (included in this application packet).	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Legal Description (metes and bounds)	<input checked="" type="checkbox"/>	<input type="checkbox"/>

PROCESS:

Review by Staff: The Planning, Engineering and Public Works Departments review the annexation submission. Comments will be sent to the applicant.

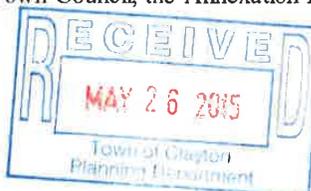
Annexation Plat Submission: After the map and legal description are deemed sufficient by the Town, the applicant is required to submit two (2) Mylar annexation plats to the Planning Department.

Town Council Meeting: The Town Council will pass a resolution directing the Town Clerk to investigate the annexation petition. The Town Clerk will present to the Town Council a Certificate of Sufficiency indicating that the annexation petition is complete. A resolution setting the date of the public hearing is then approved.

Legal Advertisement: A legal advertisement will be published no more than 25 days and no less than 10 days prior to the date of the public hearing.

Public Hearing/Town Council Meeting: The Town Council will either adopt or deny an ordinance to extend the corporate limits of the Town of Clayton.

Recordation: If the annexation is approved by the Town Council, the Annexation Plats shall be recorded at the appropriate county Register of Deeds.



House Tract Raven's Ridge Rd

Petition for Voluntary Annexation Application – Property Information
COMPLETE IF A LIMITED LIABILITY COMPANY:

Submittal Date: 5-26-15

Petition No.: 15-08-06-ANY

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

1. I/We the undersigned owner(s)* of real property respectfully request that the area described in Paragraph 2 below be annexed to the Town of Clayton, North Carolina.

*If the owner of real property is a corporation or religious entity, attach a copy of the articles of incorporation describing who is/are authorized to sign with the petition.

- 2. The area to be annexed is contiguous, non-contiguous to the Town of Clayton, North Carolina and the boundaries of such territory are as provided in the boundary plat attached hereto.
- 3. If contiguous, this annexation will include all intervening rights-of-way for streets, railroads, and other areas as stated in G.S. 160A-31(f), unless otherwise stated in the annexation amendment.
- 4. Attached is a statement of the schedule for full development of the property to be annexed, which includes the type, number, and estimated value of planned improvements, if applicable.

Total acreage to be annexed: 8.2 Acres
 Existing housing units: 0
 Population of acreage to be annexed: 0
 Existing Zoning District*: R-B
 Proposed Town Zoning District*: R-8
 Reason for petitioner to annex:
 Receive Town Services
 Other (please specify): PURSUANT TO PLAN APPROVAL

5. I/We acknowledge that any zoning vested rights acquired pursuant to G.S. 160A-385.1 or G.S. 153A-344.1 must be declared and identified on this petition. I/We further acknowledge that failure to declare such rights on this petition shall result in a termination of vested rights previously acquired for the property. (If zoning vested rights are claimed, indicate below and attach proof.)

In witness whereof, FSC IV, LLC a limited liability company, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this 20th day of MAY, 2015.

Name of Limited Liability Company:

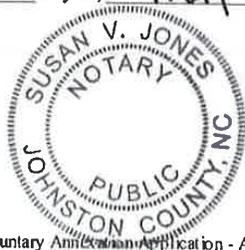
By:

FSC IV, LLC
[Signature]
Signature of Member/Manager

STATE OF NORTH CAROLINA
COUNTY OF JOHNSTON

Sworn and subscribed before me, Susan V. Jones, a Notary Public for the above State and County, this 20th day of May, 2015.

SEAL



[Signature]
Notary Public

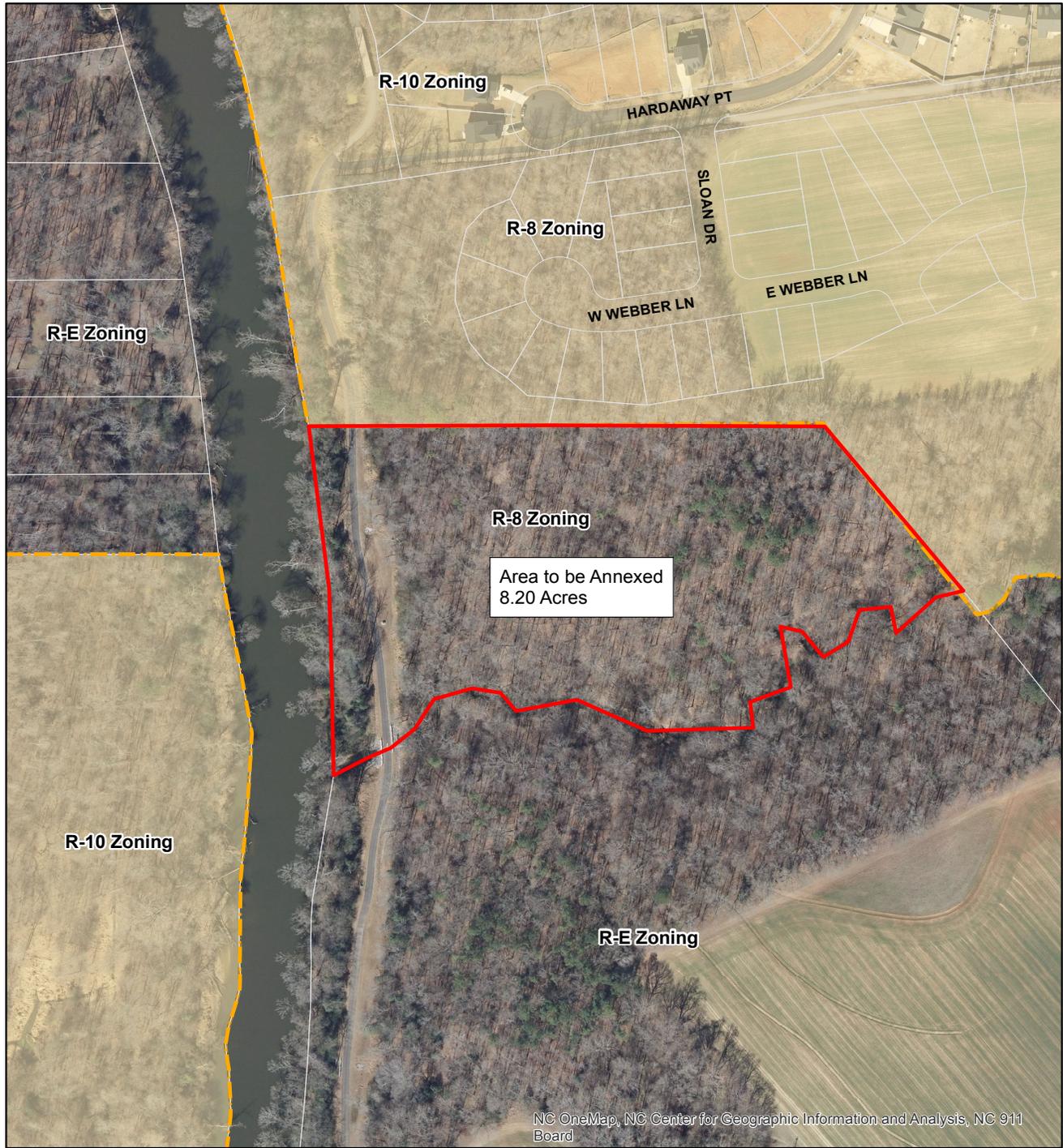
My Commission Expires: 03/14/20

Voluntary Annexation Plat Checklist

#	Required Plat Items
1.	Fully dimensioned by metes and bounds, and the location of intersecting boundary lines of the existing town limits, labeled and distinctly marked. Include full right-of-way if the area on both sides is or will be in the corporate limits.
2.	Any utility easements with metes and bounds.
3.	Accurate locations and descriptions of all monuments, markers and control points.
4.	Ultimate right-of-way widths on all streets.
5.	Entitle "ANNEXATION MAP FOR THE TOWN OF CLAYTON" OR "SATELLITE ANNEXATION MAP FOR THE TOWN OF CLAYTON," as appropriate.
6.	Name of property owner(s).
7.	Name, seal, and registration of Professionally Licensed Surveyor (PLS).
8.	Date of the survey and map preparation; a north arrow indicating whether the index is true magnetic North Carolina grid (NAD 83 or NAD 27) or deed; graphic scale; and declination.
9.	Names of the township, county, and state.
10.	A detailed vicinity map.
11.	Include address of property if assigned.
12.	Show all contiguous or non-contiguous town limits.
13.	<p>The following certification must be placed on the map near a border to allow the map to be sealed:</p> <p>Annexation # _____</p> <p>I, David DeYoung, AICP, Planning Director, Clayton, North Carolina certify this is a true and exact map of annexation adopted the _____ day of _____, _____, by the Town Council. I set my hand and seal to the Town of Clayton, _____.</p> <p>Day/Month/Year</p> <p style="text-align: center;">_____</p> <p style="text-align: center;">David DeYoung AICP</p>
14.	Leave 2 inch by 2 inch space for the county Register of Deeds stamp on the plat. All final plats must be stamped and signed before they can be accepted by the Town.

Lying and being in Wilders Township, Johnston County, North Carolina and being more particularly described as follows:

Beginning at an existing iron pipe on the bank of the Neuse River, said iron pipe being a common property corner between Ravens Ridge Phase 8A, plat book 80 pages 394 and 395, and the now-or-formerly Mavis C. House property, deed book 705 page 629, and being the place and point of beginning;
Thence leaving the Neuse River with the southern Ravens Ridge 8A property line S85-02-08E 356.46 feet to a point;
Thence leaving the Ravens Ridge 8A property line S85-02-08E 405.94 feet to a point;
Thence S34-02-08E 323.95 feet to a point;
Thence S81-47-05W 40.83 feet to a point;
Thence S52-14-32W 80.12 feet to a point;
Thence N06-00-41W 40.88 feet to a point;
Thence S88-59-55W 46.72 feet to a point;
Thence S24-05-06W 51.06 feet to a point;
Thence S62-50-25W 43.51 feet to a point;
Thence N34-14-24W 49.91 feet to a point;
Thence N72-04-07W 33.13 feet to a point;
Thence S04-35-09E 93.32 feet to a point;
Thence S74-27-59W 64.57 feet to a point;
Thence S02-05-39E 39.07 feet to a point;
Thence N86-51-53W 157.36 feet to a point;
Thence N60-44-52W 114.98 feet to a point;
Thence S84-20-40W 91.31 feet to a point;
Thence N35-27-43W 36.47 feet to a point;
Thence N76-01-49W 42.54 feet to a point;
Thence S78-44-39W 58.58 feet to a point;
Thence S37-08-33W 53.70 feet to a point;
Thence S55-57-54W 45.62 feet to a point;
Thence S71-06-09W 39.42 feet to a point;
Thence S67-08-24W 55.35 feet to a point on the Neuse River;
Thence with the Neuse River N03-54-53E 188.56 feet to a point;
Thence N03-13-38E 95.87 feet to a point;
Thence N02-08-13W 112.48 feet to a point;
Thence N00-24-57W 135.91 feet to the place and point of beginning and containing 8.20 acres more or less.



Legend

- Clayton Town Limits
- Area to be Annexed
- Parcels

Annexation Map

Applicant(s): FSC IV LLC
 Property Owner(s): FSC IV LLC
 Parcel Number(s) 16I03028G
 File Number(s): 15-08-06 ANX RWAC Raven's Ridge
 8C-2 House Tract



1 inch = 200 feet

Produced by: TOC Planning
 May 27, 2015

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



**ANNEXATION PETITION 15-08-06-ANX
RWAC Raven's Ridge 8C-2
Parcel 16I03028G
Owner: FSC IV, LLC
Non-Contiguous; 8.20 acres**

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF
THE TOWN OF CLAYTON, NORTH CAROLINA**

WHEREAS, the Town of Clayton has been petitioned under G.S. 160A-31 to annex the area described below; and

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

WHEREAS, the Town Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at Town Hall at 6:30 PM on July 20, 2015, after due notice by publication on July 8, 2015; and

WHEREAS, the Town of Clayton finds that the petition meets the requirements of G.S. 160A-31;

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

Section 1. By virtue of the authority granted by G.S. 160A-31, the following

described territory is hereby annexed and made part of the Town of Clayton as of July 20, 2015:

Beginning at an existing iron pipe on the bank of the Neuse River, said iron pipe being a common property corner between Ravens Ridge Phase 8A, plat book 80 pages 394 and 395, and the now-or-formerly Mavis C. House property, deed book 705 page 629, and being the place and point of beginning;
Thence leaving the Neuse River with the southern Ravens Ridge 8A property line S 85 degrees 02 minutes 08 seconds E 356.46 feet to a point; Thence leaving the Ravens Ridge 8A property line S 85 degrees 02 minutes 08 seconds E 405.94 feet to a point; Thence S 34 degrees 02 minutes 08 seconds E 323.95 feet to a point; Thence S 81 degrees 47 minutes 05 seconds W 40.83 feet to a point; Thence S 52 degrees 14 minutes 32 seconds W 80.12 feet to a point; Thence N 06 degrees 00 minutes 41 seconds W 40.88 feet to a point; Thence S 88 degrees 59 minutes 55 seconds W 46.72 feet to a point; Thence S 24 degrees 05 minutes 06 seconds W 51.06 feet to a point; Thence S 62 degrees 50 minutes 25 seconds W 43.51 feet to a point; Thence N 34 degrees 14 minutes 24 seconds W 49.91 feet to a point; Thence N 72 degrees 04 minutes 07 seconds W 33.13 feet to a point; Thence S 04 degrees 35 minutes 09 seconds E 93.32 feet to a point; Thence S 74 degrees 27 minutes 59 seconds W 64.57 feet to a point; Thence S 02 degrees 05 minutes 39 seconds E 39.07 feet to a point; Thence N 86 degrees 51 minutes 53 seconds W 157.36 feet to a point; Thence N 60 degrees 44 minutes 52 seconds W 114.98 feet to a point; Thence S 84 degrees 20 minutes 40 seconds W 91.31 feet to a point; Thence N 35 degrees 27 minutes 43 seconds W 36.47 feet to a point; Thence N 76 degrees 01 minutes 49 seconds W 42.54 feet to a point; Thence S 78 degrees 44 minutes 39 seconds W 58.58 feet to a point; Thence S 37 degrees 08 minutes 33 seconds W 53.70 feet to a point; Thence S 55 degrees 57 minutes 54 seconds W 45.62 feet to a point; Thence S 71 degrees 06 minutes 09 seconds W 39.42 feet to a point; Thence S 67 degrees 08 minutes 24 seconds W 55.35 feet to a point on the Neuse River; Thence with the Neuse River N 03 degrees 54 minutes 53 seconds E 188.56 feet to a point; Thence N 03 degrees 13 minutes 38 seconds E 95.87 feet to a point; Thence N 02 degrees 08 minutes 13 seconds W 112.48 feet to a point; Thence N 00 degrees 24 minutes 57 seconds W 135.91 feet to the place and point of beginning and containing 8.20 acres more or less.

Section 2. Upon and after July 20, 2015, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Clayton and shall be entitled to the same privileges and benefits as other parts of the Town of Clayton. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the Town of Clayton shall cause to be recorded in the office of the Register of Deeds of Johnston County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the County Board of Elections, as required by G.S. 163-288.1.

Duly adopted this 20th day of July, 2015, while in regular session.

ATTEST:

Jody L. McLeod,
Mayor

Kimberly A. Moffett, CMC
Town Clerk

Katherine Ross,
Town Attorney

**NORTH CAROLINA
JOHNSTON COUNTY**

This ____ day of _____, 2015, personally appeared before me Kimberly A. Moffett, Clerk of the Town of Clayton, who, being duly sworn by me, says that she knows the common seal of the Town of Clayton and is acquainted with Jody L. McLeod, who is the Mayor and presiding member of said municipal corporation; and that she saw the said Mayor sign the foregoing instrument and saw the said common seal of said municipal corporation affixed to said instrument by said Mayor, and that she, the said Kimberly A. Moffett, signed her name in attestation of said instrument in the presence of said Mayor.

Witness my hand and notarial seal, this the day and year first above written.

Notary Public - Signature

(SEAL)

Notary Public – Printed Name

Commission Expires: _____

County of Commission: _____



NORTH CAROLINA Department of the Secretary of State

To all whom these presents shall come, Greetings:

I, Elaine F. Marshall, Secretary of State of the State of North Carolina, do hereby certify the following and hereto attached to be a true copy of

ADMINISTRATIVE REINSTATEMENT

OF

FSC IV, LLC

the original of which was filed in this office on the 19th day of June, 2015.



Scan to verify online.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at the City of Raleigh, this 19th day of June, 2015.

Elaine F. Marshall

Secretary of State

Certification# C201516700041-1 Reference# C201516700041-1 Page: 1 of 2
Verify this certificate online at www.secretary.state.nc.us/verification

State of North Carolina
Department of the Secretary of State

APPLICATION FOR REINSTATEMENT FOLLOWING ADMINISTRATIVE DISSOLUTION OF
LIMITED LIABILITY COMPANY

Pursuant to §57D-6-06(c) of the North Carolina General Statutes, the undersigned limited liability company hereby submits this Application for Reinstatement Following Administrative Dissolution:

1. The name of the applicant limited liability company is: FSC IV, LLC
2. The effective date of the administrative dissolution of the applicant limited liability company was: 2/5/2015
3. The ground or grounds for administrative dissolution of the applicant limited liability company as stated in its Certificate of Dissolution was or were: Failure to file an annual report
4. Complete either (a) or (b) as appropriate:

(a) The grounds stated above for the administrative dissolution of the applicant Limited Liability Company did not exist.
(Insert brief explanation.) _____

(b) The grounds stated above for the administrative dissolution of the applicant Limited Liability Company have been eliminated. (Insert brief explanation.) 2014 and 2015 annual reports enclosed

5. Enclosed is a fee of \$100.00 as required by §57D-1-22(18) of the North Carolina General Statutes.

This the 24 day of February, 2015.

FSC IV, LLC

Name of Limited Liability Company

Signature

Fred Smith, Manager

Type or Print Name and Title

Notes:

1. Filing fee for this Application for Reinstatement is \$100.00, payable by check made to the order of the Secretary of State.
2. This Application must be filed with the Secretary of State.

CORPORATIONS DIVISION
(Revised January 2014)

P.O. BOX 29525

RALEIGH, NC 27626-0525
(Form L-08)



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CORPORATIONS DIVISION
(Revised January 2014)

P.O. BOX 29525

RALEIGH, NC 27626-0525
(Form L-08)

**Town of Clayton
Town Council
Agenda Cover Sheet**

AGENDA LOCATION:

Public Hearings

MEETING DATE:

July 20, 2015

ITEM TITLE:

Public Hearing - PDD 2014-127 - Steeplechase Planned Development

ITEM DESCRIPTION:

Public Hearing - Applicant is requesting rezoning to PD-MU

POTENTIAL ACTION:

Approval/Disapproval of Item

DEPARTMENT:

Community Development/Planning

PRESENTER:

David DeYoung, Planning Director

ITEM HISTORY:

Date:

02/05/2015

Action Taken:

Set Public Hearing for March 2, 2015

Information Provided:

Staff Report & Supporting Documents

03/02/2015 - Public Hearing Tabled until 3/16/15

03/16/2015 - Public Hearing Tabled until 4/6/15

Date:

04/06/2015

Action Taken:

Public Hearing Tabled until April 20, 2015

Information Provided:

04/20/2015 - Public Hearing Tabled until May 4, 2015

05/04/2015 - Public Hearing Tabled until July 20, 2015





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

*Town Council
February 16, 2015*

STAFF REPORT

Application Number: PDD 2014-127 (Rezoning to Planned Development)
Project Name: Steeplechase Planned Development

Associated Application: PSD 2014-128 (Master Plan)
NC PINs: 166900-38-4997
TAG #s: 05H02009
Town Limits/ETJ: Town Limits
Overlay: None
Applicant: Galaxy NC, LLC, c/o Wakefield Development
Owners: Raymond Elmore Earp Jr. Irrevocable Trust

Neighborhood Meeting: Held October 27, 2014
Public Noticing: Property posted November 7, 2014

PROJECT LOCATION: The approximately 631 acre project is generally located east of City Road, west of North O'Neil Street, and between Sam's Branch and the Neuse River.

REQUEST: The applicant is requesting approval to rezone the subject property to Planned Development – Mixed Use.

SITE DATA:

Acreage: 631.04 acres
Present Zoning: Residential Estate (R-E), Residential 10 (R-10), Residential 8 (R-8), Neighborhood Business (B-2)
Proposed Zoning: Planned Development – Mixed Use (PD-MU)
Existing Use: Vacant/Agriculture/Forested
Overlay: Partially within the Watershed Protection Overlay (a small portion of the site in the southeast corner)

Page 1 of 3

ADJACENT ZONING AND LAND USES:

North:	Zoning:	Residential Estate (R-E)
	Existing Use:	Single Family Residential
South:	Zoning:	Residential Estate (R-E), Residential 8 (R-8 SUD)
	Existing Use:	Vacant / Single Family Residential /Agriculture
East:	Zoning:	Residential Estate (R-E)
	Existing Use:	Single Family Residential / Agriculture
West:	Zoning:	Residential Estate (R-E)
	Existing Use:	Single Family Residential

STAFF ANALYSIS AND COMMENTARY:

Overview

The applicant is requesting the subject property be rezoned to Planned Development – Mixed Use (PD-MU). Concurrent with the request to rezone property to a Planned Development District, a Master Plan has been submitted. That application is under concurrent review under case #PSD 2014-128. Both the rezoning and the master plan must be approved for the PD-MU District to be approved. Details of the Master Plan are provided in a separate staff report.

Planned Development Review Criteria

The regulations below are the components of the UDC that pertain to the review of Planned Developments:

Definition:

Definition of PD-MU (§155.200(A)(3)(d)): “The PD-MU district is intended to provide coordinated mixed-use developments which include light industrial, commercial, office, educational, civic, institutional, residential and service uses within a planned development with appropriate perimeter buffering and open space. The variety of land uses available in this district allows flexibility to respond to market demands and the needs of tenants which provides for a variety of physically and functionally integrated land uses.”

Consistency with the Strategic Growth Plan

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

- Proposed Land Use Map
- Objective 2.1 Balanced Development/ Investment: Old and New
- Objective 2.3 Expand Wastewater Capacity: Treatment and Transmission
- Objective 2.5 More Housing Opportunities: Beyond Starter Homes (*Continue to encourage diverse housing stock. Promote planned development, which allows more flexibility in housing types.*)
- Objective 5.1 More Developed Parks and Parkland

The Proposed Land Use Map shows the site as “Residential – Light and Neighborhood Commercial.”

Compatibility with Surrounding Land Uses

Although the overall proposed density is 4 dwelling units per acre, the master plan has been designed to provide lower densities adjacent to existing subdivisions. These lower densities are compatible to the densities in the adjacent subdivisions and provide a transition from the higher density/intensities. The commercial parcel is currently limited in the master plan regulating documents to neighborhood commercial (B-2 uses) and a maximum of 75,000 square feet of floor area.

Landscaping and Buffering

Planned Developments require a Class C perimeter buffer is provided along the boundary of the property.

Recreation and Open Space

Planned Developments are required to meet or exceed the standards established for open space subdivisions.

CONSIDERATIONS

- The applicant is requesting approval of a rezoning of the subject parcel to Planned Development – Mixed Use.
- This approval is subject to approval of PSD 2014-128 (Master Plan).
- The final decision is made by the Town Council with recommendation from the Planning Board.
- The Planning Board did not make a recommendation at their January 26, 2015 meeting, and will open the item again at their February 23, 2015 meeting.

STAFF RECOMMENDATION

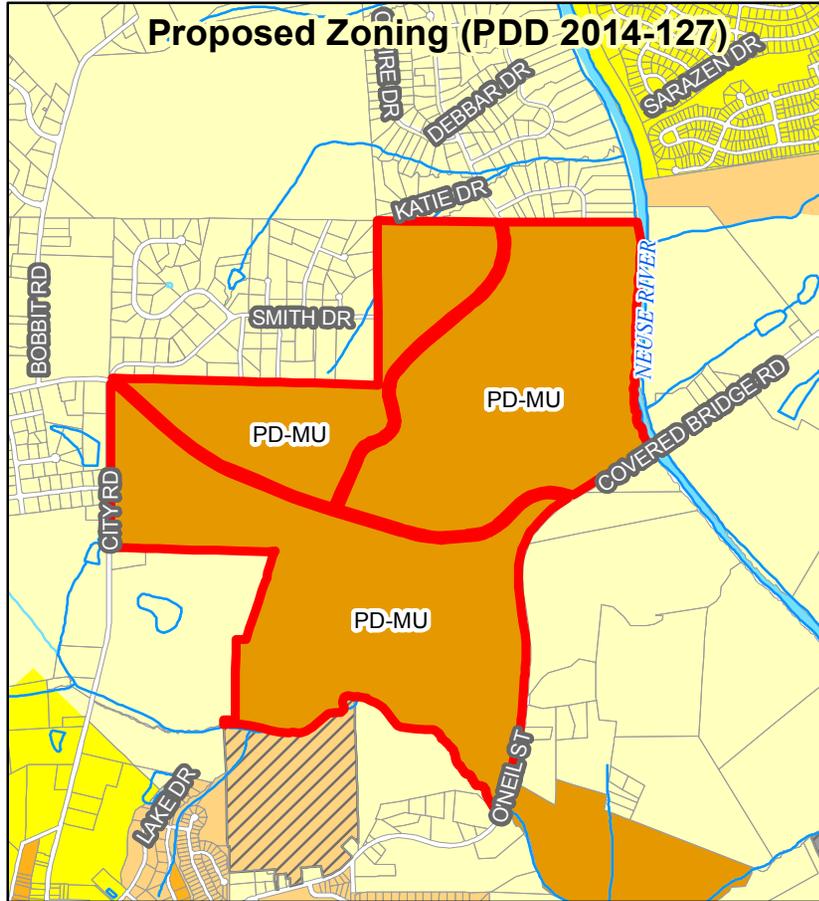
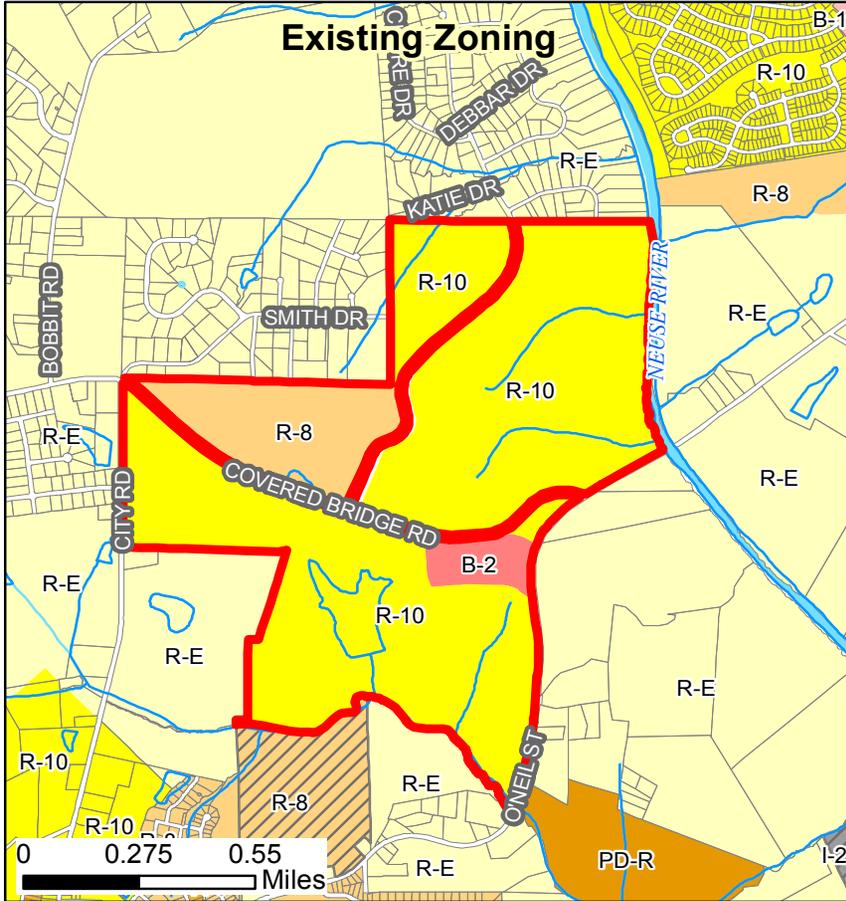
Staff is recommending:

- 1) Approval of the rezoning.

Planning Board Recommendation: No recommendation at this time. The item was postponed for decision at a future meeting.

Attachments:

1. Existing and Proposed Zoning Map
2. Aerial Map
3. Application
4. Neighborhood Meeting Materials



**SteepleChase Planned Development
Rezoning to Planned Development - Mixed Use
and Master Plan / Preliminary Subdivision Plat**

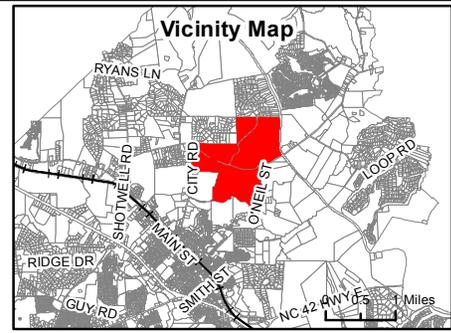
Applicant: Galaxy NC, LLC c/o Wakefield Development
 Property Owner: RAYMOND ELMORE EARP IRREV TRUST
 Size: 631 acres
 Parcel ID Number: 166900-38-4997
 Tag #: 05H02009
 File Number: PDD 2014-127 and PSD 2014-128

Produced by: TOC Planning
 Disclaimer: Town of Clayton assumes no legal responsibility for the information represented here. 11/12/14



Legend

SteepleChase_Site	ZONING	B-2
Water Features	R-E	B-3
	R-10	PD-C
	R-8	I-1
	R-6	I-2
	PD-R	O-1
	O-R	PD-MU
	B-1	Special Use District





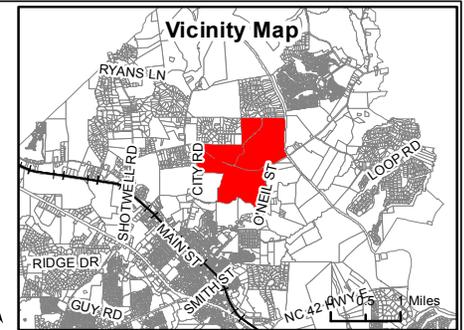
**SteepleChase Planned Development
Rezoning to Planned Development - Mixed Use
and Master Plan / Preliminary Subdivision Plat approval**

Applicant: Galaxy NC, LLC c/o Wakefield Development
 Property Owner: RAYMOND ELMORE EARP IRREV TRUST
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 11/12/14



- Legend**
- SteepleChase_Site
 - Water Features





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: Steeplechase Subdivision Acreage of Property: 631.06 AC (Assessed AC)
 Parcel ID Number: 05H02009 Tax ID: 0869846
 Deed Book: 03897 Deed Page(s): 0735
 Address: 1162 Covered Bridge Road, Clayton, NC 27520
 Location: South of Smith Ridge Estates and Ole Mill Stream Subdivisions, and North of Sams Branch Greenway between Covered Bridge Road and City Road
 Existing Use: Vacant Proposed Use: Residential/Commercial
 Existing Zoning District: R-10, R-8, and Neighborhood Business (B-2)
 Requested Zoning District: PD MU
 Is project within a Planned Development: Yes No
 Planned Development District (if applicable): _____
 Is project within an Overlay District: Yes No
 Overlay District (if applicable): Watershed Protection Overlay District

FOR OFFICE USE ONLY

File Number: 2014-127 Date Received: 10/6/14 Amount Paid: \$4,155⁰⁰

OWNER INFORMATION:

Name: Nancy Crews Earp & Mary Earp Worley
Mailing Address: 7230 NC 42 East, Selma, NC 27576
Phone Number: 919-965-5793 & 919-915-1515 **Fax:**
Email Address: nancyearp@bellsouth.net & winkworley@gmail.com

APPLICANT INFORMATION:

Applicant: Galaxy NC, LLC c/o Wakefield Development
Mailing Address: 3100 Smoketree Court, Suite 210, Raleigh 27604
Phone Number: (919) 556-4310 **Fax:** (919) 556-0690
Contact Person: Kem Ard
Email Address: kem@wakedev.com

REQUIRED PLANS AND SUPPLEMENTAL INFORMATION

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

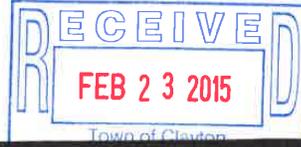
- A signed and sealed boundary survey (**not more than a year old unless otherwise approved by the Planning Department**) with the azimuth or courses and distances of every property line shown. Distances shall be in feet or meters and decimals thereof. The number of decimal places shall be appropriate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

JUSTIFICATION STATEMENT

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

The request is to rezone 631.06 acres at 1162 Covered Bridge Road from R-8, R-10 and neighborhood business (B-2) to PD MU. The development will include a mix of single family, townhomes, apartments, condominiums and commercial uses with a proposed density of 3.96 dwelling units to the acre which is a maximum of 2,500 dwelling units.

UPDATED FINDINGS OF FACT



APPROVAL CRITERIA

All applications for a Rezoning must address the following findings:

1. Consistency with the adopted plans of the Town.

The Town of Claytons Strategic Growth plan adopted in 2008 designates a majority of the property as residential medium and small portion as neighborhood commercial. The residential medium designation allows up to 8 dwelling units to the acre. The proposed use is for 3.96 dwelling units to the acre which is compliant with the Strategic Growth Plan.

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

The permitted uses and the proposed uses are generally the same. The subject property is primarily gently rolling land with the R. E. Earp pond located on the southern tract. The USDA soils study identifies this land as suitable for residential development.

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

The proposed designation allows for a mixture of residential uses with some neighborhood commercial at the intersection of O'Neil and Covered bridge Roads. These uses proposed for this property are designated in Town of Clayton's Strategic Growth Plan and complies with the balance of uses identified in the plan.

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

The volume of wastewater to be generated is calculated to be 554,555 gallons per day at build-out for 2,200 units in 35 phases. Town engineering has indicated that downstream gravity outfall, pumping and treatment facilities are adequate for this volume. Public water supply needed to serve those units is expected to be 610,010 gallons and is available to the site. The site will meet all local, state and federal stormwater management criteria for both quantity and quality control on the property. Local road corridors have been analyzed and a Traffic Impact Analysis has been prepared and is now being updated per comments from NCDOT and Town officials. Final road improvement recommendations are pending. The proposed land plan will set aside both passive and active open space areas to serve the project. In addition a public greenway will pass through the site. A 28-acre school site is being reserved for a public school. The County Public School system has not indicated any concerns for student capacity issues due to the proposed project.

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

The existing zoning is not in error and is compliant with the Town of Clayton Strategic Growth Plan. The rezoning to PD MU will still allow the current uses but will allow for the orderly and unified development of the site.

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

The proposed development has access to public water and sewer adjacent to the site. The stormwater will be treated on site and will address volume and quality issues prior to discharge. A Traffic Impact Analysis is in the process of being completed and should indicate that with the proposed road improvements adjacent to the site that there will be no adverse traffic impacts as well.

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

No one adjacent property owner will benefit at the detriment of the general public. The proposed uses are already permitted in the current zoning, the rezoning will allow for and orderly and unified development of the site. The orderly and unified development of the site should benefit the adjacent property owners overall.

APPLICANT AFFIDAVIT

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

Kem Ard
Print Name

[Signature]
Signature of Applicant

10-2-14
Date

ADJACENT PROPERTY OWNERS LIST

Project Name: Steeplechase Subdivision

The following are all the persons, firms, or corporations owning property within 100 feet and immediately adjacent to the property (including across street rights of way) subject to this request. 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
05H02009	EARP, RAYMOND ELMORE JR, MOORE, MARY	7230 NC 42 EAST, SELMA, NC 27576-0000
16I03028	HOUSE, MAVIS C	2873 COVERED BRIDGE RD, CLAYTON, NC 27527-0000
05H01010A	TYNDALL, CHARLES B JR TYNDALL, JUNE MARIE	101 MICHAEL WAY, CLAYTON, NC 27520-0000
05E99022W	CAPPS, BILLY WADE	1119 N ONEIL STREET EXT, CLAYTON, NC 27520-6240
05H01010Z	MURRAY, RICHARD H & MURRAY, JOELY A	115 KATIE DRIVE, CLAYTON, NC 27520-0000
05H02013B	MASSEY, JOHN WESLEY	8041 ST ANDREWS DR, LAURINBURG, NC 28352-2155
05H01010I	OBRIEN, ANGELLA J OBRIEN, DAVID MICHAEL	8307 CAZAVINI CT, RALEIGH, NC 27613-4467
05E99190D	FISCHER, DANIELLE FISCHER, PAUL	2008 WILLIAM LANE CLAYTON, NC 27520-0000
05E99190G	LLOYD, CAROLYN C	2212 SMITH DRIVE, CLAYTON, NC 27520-0000
05E99026W	POPE FAMILY TRUST POPE, JIM TRUSTEE	2020 SMITH DR, CLAYTON, NC 27520-9029
05E99190R	SCHULTZE, HENRY NEAL SCHULTZE, JUDY	2005 DONNA COURT, CLAYTON, NC 27520-0000
05E99199H	ROBINSON, PAUL W ROBINSON, VIRGINIE E	2304 SMITH DRIVE, CLAYTON, NC 27520-0000
05E99026T	NOWAKOWSKI, GREGORY A NOWAKOWSKI, WENDY D	2012 MISSY LANE, CLAYTON, NC 27520-9033
05E99026Y	HILL, MICHAEL WAYNE	2013 MISSY LANE, CLAYTON, NC 27520-0000
05E99025U	POPE, BILLY R POPE, BOBBIE	2008 SMITH DR, CLAYTON, NC 27520-9029
05H02011A	JONES, DEANNA LYNNE	1500 N O'NEIL ST EXT, CLAYTON, NC 27520-0000
05H02013A	MASSEY, JOHN WESLEY	8041 ST ANDREWS DR, LAURINBURG, NC 28352-0000
05H02010A	SMITH, JAMES D JEAN K SMITH TRUST	1814 N ONEIL STREET EXT, CLAYTON, NC 27520-6236
05H02025	PEEDIN, EDNA S	2721 US 70 EAST, SELMA, NC 27576-8174
05H02015A	JOHNSTON LAND GROUP LLC CEBCO CONSTRUCTION INC	PO BOX 591, MAMERS, NC 27552-0000

ADJACENT PROPERTY OWNERS LIST

Project Name: Steeplechase Subdivision

The following are all the persons, firms, or corporations owning property within 100 feet and immediately adjacent to the property (including across street rights of way) subject to this request. 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
05H01010V	HASKINS, WESLEY L HASKINS, ERIN L	1009 BROOKHILL DRIVE, CLAYTON, NC 27520-0000
05H01010Y	HUTCHINS, JOSHUA P HUTCHINS, PATRICIA	111 KATIE DR, CLAYTON, NC 27520-0000
05E99025J	COON, STEVEN M COON, ERIN M	2009 DONNA COURT, CLAYTON, NC 27520-0000
05E99025V	CREASY, JEFFREY L CREASY, SHARON	2001 SMITH DR, CLAYTON, NC 27520-0000
05E99190P	COATS, JEFFREY LAWRENCE	2008 DONNA CT, CLAYTON, NC 27520-0000
05E99023K	TURNAGE, PHYLLIS YOW	2009 WILLIAM LANE, CLAYTON, NC 27520-0000
05H01010C	POPE, ALAN K POPE, DAWN N	114 MICHAEL WAY, CLAYTON, NC 27520-0000
05H02002	LEE BROTHERS RENTAL	400 W MAIN STREET, CLAYTON, NC 27520-0000
05H01010W	MOORE, AMY J CARAWAN, CLIFFORD C	101 KATIE DR, CLAYTON, NC 27520-0000
05H01010B	WETMORE, MARK L WETMORE, TAMELA LYNN	104 MICHAEL WAY, CLAYTON, NC 27520-0000
05H01010X	WHITMAN, BRIAN HAROLD WHITMAN, GINA MUNDEN	105 KATIE DR, CLAYTON, NC 27520-5509
05H01010	FARMER, MARY ANN	100 MICHAEL WAY, CLAYTON, NC 27520-5507
05H01010D	FILLHART, ALAN THEODORE FILLHART, JEAN M	118 MICHAEL WAY , CLAYTON, NC 27520-5507
05H01010H	ALFORD, KENNETH W ALFORD, ANNETTE R	150 MICHAEL WAY , CLAYTON, NC 27520-5507
05H02017	BLACKLEY, DOUGLAS E BLACKLEY, LINDA F	1057 CITY RD, CLAYTON, NC 27520-5907
05G02070J	CARLI, RICHARD J CARLI, LOIS M	22 CEDARDALE LANE, CLAYTON, NC 27520-0000
05G02007A	PILKINGTON, DAVID D JR	1331 CITY ROAD, CLAYTON, NC 27520-5908
05G02007E	PILKINGTON, DAVID DANIEL JR	1331 CITY RD, CLAYTON, NC 27520-5908
05G02007G	PILKINGTON, DAVID D JR	1331 CITY ROAD, CLAYTON, NC 27520-5908
05G02007Z	MUNDAY, KIMBERLY A	27 CEDARDALE CT, CLAYTON, NC 27520-5541

ADJACENT PROPERTY OWNERS LIST

Project Name: Steeplechase Subdivision

The following are all the persons, firms, or corporations owning property within 100 feet and immediately adjacent to the property (including across street rights of way) subject to this request. 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
05H02017B	MIMS, ALLEN LESTER JR	920 CITY ROAD, CLAYTON, NC 27520-0000
05E99021R	TOWN OF CLAYTON	PO BOX 777, CLAYTON, NC 27528-0777
16I03028C	SORRELL, DAVID M SORRELL, SABRINA	2641 COVERED BRIDGE RD, CLAYTON, NC 27527-0000
05E99190I	WHITLEY, WILLARD H WHITLEY, BETTY J	2000 KEVIN CT, CLAYTON, NC 27520-0000
05H02017H	MIMS, ALLEN L JR MIMS, EMILY LEE	920 CITY RD, CLAYTON, NC 27520-0000
05H02009A	EARP, RAYMOND E JR MOORE, RICHARD EARP	7020 EAST NC 42 HWY, SELMA, NC 27576-0000
05H02011	JONES, TRACY L JONES, DEANNA L	1504 N ONEIL ST EXT, CLAYTON, NC 27520
05H02011B	JONES, TRACY L	1538 NORTH ONEIL STREET EXT, CLAYTON, NC 27520-0000
05H02015D	TOWN OF CLAYTON	P O BOX 879, CLAYTON, NC 27528-0000
05H02199Y	MCINTYRE, MARTHA ANN	1233 MT CARMEL CHURCH RD, TROY, NC 27371-0220
05E99025Y	POURRON, CHARLES WAYNE	3654A COVERED BRIDGE RD, CLAYTON, NC 27527
16I03029	TOWN OF CLAYTON	P O BOX 879, CLAYTON, NC 27528-0000



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: STEEL PURCHASE Address or PIN #: 066900-38-4997

AGENT/APPLICANT INFORMATION:

Kem Arn (Name - type, print clearly) 3100 SMOKETREE CT (Address)
RALEIGH NC 27604 (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):

ROWING - PLAN DEVELOPMENT
Master Plan

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.

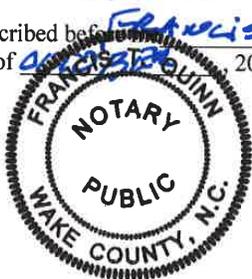
OWNER AUTHORIZATION:

Mary Earp Worley (Name - type, print clearly) 7020 NC 42 East (Address)
Mary Earp Worley (Owner's Signature) Selma, NC 27576 (City, State, Zip)

STATE OF NORTH CAROLINA
 COUNTY OF WAKE

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

SEAL



Francis T. Quinn
 Notary Public

My Commission Expires: MAY 5, 2016



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

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: STEELCHASE Address or PIN #: 066900-30-4997

AGENT/APPLICANT INFORMATION:

Kem Ard (Name - type, print clearly) 3100 Smoke Trace Ct (Address)
Raleigh NC 27604 (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 - PLAN DEVELOPMENT
+ Master Plan

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.

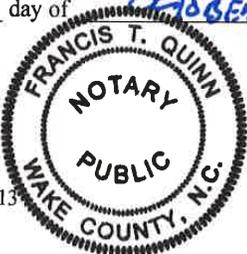
OWNER AUTHORIZATION:

Nancy C Earp (Name - type, print clearly) 7230 NC 42 E (Address)
Nancy C Earp (Owner's Signature) Selma, NC 27576 (City, State, Zip)

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

SEAL



Francis T. Quinn
Notary Public

My Commission Expires: MAY 5, 2016

October 2013

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Applicant: STEEPLECHASE

Location/Date: CLAYTON CENTER 10/27/14

	NAME	ADDRESS
1	Martha McLuttre	1233 Mt Carmel Ch. Rd, Troy, NC 27571
2	Katherine Libos	1577 Business Town Rd, Robbins, NC 27325
3	Daniel Smith	509 Starling St, Clayton, NC 27520
4	Joy Hill	2013 Missig Lane, Clayton, NC 27520
5	Marlene Markley	116 Debban Dr. Clayton 27520
6	Brian Markley	604 Charleston Dr. Clayton 27520
7	DAVID SAMMONS	147 MICHAEL WAY CLAYTON 27520
8	RICHARD CARLI	22 CEDARDALE CT CLAYTON 27520
9	LOIS CARLI	" " " " "
10	JERRY BARNES	104 CEDARDALE CT 27520
11	Doug Blackley	1057 c. ty Rd Clayton NC. 27520
12	Kimberly Jones	113 Claire Dr. Clayton NC 27520
13	Jim Mann	142 Claire Dr. Clayton, NC 27520
14	Cliff Morgan	146 Claire Dr. Clayton, NC 27520
15	Kathy Luehl	672 Christoph Dr Clayton NC 27520
16	Karen Spicer	1163 Brookhill Dr Clayton 27520
17	THOMAS MALPASS	2001 Down Ct, CLAYTON NC 27520
18	Robbie Pope	2008 Smith Dr. Clayton, NC 27520
19	James O. Smith	1514 O'Neil Street Clayton
20	Georg & Betty Ross	1305 Brookhill Drive 27520

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Applicant: STEEPLECHASE

Location/Date: CLAYTON CENTER 10/27/14

	NAME	ADDRESS
1	Scott W. Inglis	152 Claire Dr. Clayton NC 27520
2	Jack & Pat Bachelor	120 Christopher S. Clayton
3	Johnny R. House	2975 covered BRIDGE RD, CLAYTON
4	Wendy & Nicholas Nowakowski	2012 Missy Ln Clayton NC 27520
5	Mavis House	2873 Covered Bridge Rd. Clayton 27527
6	Chrysdell	101 Michael Way
7	Jane Trudell	101 Michael Way Clayton
8	Bul Robinson	2304 Smith Dr Clayton
9	C.L. DUKE MCNICHO	
10	Adam Netko	508 Christopher Dr., Clayton
11	Mark Altman	115 Debar Drive Clayton ^{Old Mill} _{Stream}
12	William Whittier	2000 Kevin Ct Clayton, N.C.
13	Susan & Billy Kapps	1119 W Oneil St
14	Jerry Dawson	357 Christopher Dr Clayton
15	Danielle Fischer	2008 William Ln, Clayton
16	Linda Bowman	2000 Donna Ct, Clayton
17	Mark A. Peedin	154 Peedin Ext Selma 27576
18	Amy Moore Kliff Carawan	101 Katie Drive
19	Allen Mims	920 City Rd. Clayton
20	Tom & Marthann Witzig	104 Christopher Dr. Clayton 27520

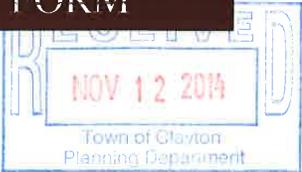
NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Applicant: STEEPLECHASE

Location/Date: CLAYTON CENTER 10/27/14

	NAME	ADDRESS
1	Wesley + Erin Haskins	1009 Brookhill Drive Clayton, NC 27520
2	John Clarke	1415 Brook Hill Drive
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NEIGHBORHOOD MEETING SUMMARY FORM



FILL OUT THE FOLLOWING:

Date of Mailing: the mailing was completed on Friday October 17, 2014.

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

Printed Name: Kenneth D. Thompson Signature: 

Date of Meeting: October 27, 2014 Time of Meeting: 7 PM

Location of Meeting: The Clayton Center

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

Meeting began a little after 7 PM. Ken Thompson presented the project to the audience and allowed questions to be asked during the presentation. The major concern issue was traffic related. the neighbors to the north of the project in Smith Ridge and Old Mill Stream we opposed to the extension of the existing road stubs in their neighborhoods. Mr. Thompson explained that inter connectivity was good planning practice and required by the town and EMS. The issue regarding traffic was discussed at length and Mr. Ard, the developer, explained that a traffic impact analysis (TIA) was being completed and that he was obligated to make the improvements recommended by the the TIA and NCDOT. It was stated these road improvements could be but not limited to road widening, deceleration lanes, turn lanes, traffic lights, etc. and the timing would be dependent upon the development thresholds noted in the TIA. the neighbors were happy to hear that covered bridge would be realigned at the east and west limits of the property. Everyone was also happy to hear that the pond would be preserved. the forma presentation ended around 8:15 and Mr. Thompson and Mr. Ard remained until 9 PM answering individual questions.

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



510 Glenwood Avenue, Suite 201 | Raleigh, NC 27603 | tel 919-835-1500 | fax 919-835-1510

Friday October 17, 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: Monday October 27th

Location: The Poole Room at the Clayton Center @ 111 E 2nd Street, Clayton NC 27520

Time: 7:00 PM

Type of Application: Planned Development Rezoning and Preliminary Subdivision Master Plan

General Description: Steeplechase is Planned Development of 631 acres located at 1162 Covered Bridge Road near the intersection of Covered Bridge Road and Brookhill Drive. The request, if approved, will allow up to 2500 residential units which will be a mix of single family homes, townhomes, apartments and condominiums. A commercial element is being proposed at the intersection of Covered Bridge Road and O'Neil Street.

If you have any questions prior to or after this meeting, you may contact us at 919-835-1500 x 242

Sincerely,

Kenneth D. Thompson, RLA, LEED AP, NCLID
Senior Associate / Landscape Architect

cc: Clayton Planning Dept.



TOWN OF CLAYTON
ZONING AMENDMENT
CONSISTENCY AND REASONABLENESS STATEMENT

PDD2014-127
Steeplechase rezoning to PD-MU

The Town Council of the Town of Clayton hereby states:

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

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

- The Proposed Land Use Map (Figure 6.4)
- Objective 1.2 – increase residential presence in downtown.
- Objective 2.1 – balance development/investment: old & new.
- Objective 2.5 – more housing opportunities: beyond starter homes.
- Objective 5.1 – expand greenway program.

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:

- **Staff recommends that the Planning Board approve the rezoning.**
- **The Planning Board recommends an approval of the rezoning at their February 23, 2015 meeting.**
- **The Planning Board recommended approval of the Steeplechase Planned Development Master Plan (PSD2014-128, which functions as the Preliminary Subdivision Plan at their February 23, 2015 meeting.**

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**

PDD 2014-127 “Steeplechase Planned Development” Rezoning to PD-MU

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 Planned Development – PD-MU zone the property described below, said property formerly being zoned Residential (R-8), Residential-10 (R-10) and Neighborhood Business (B-2); and

WHEREAS said property is owned by Nancy Crews Earp and Mary Earp Worley; 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 April 6, 2015, 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 Planned Development – PD MU zone the following described property:

General Description:

South of Smith Ridge Estates and Ole Mill Stream Subdivision, North of Sam's Branch Greenway, between Covered Bridge Road and O'Neil Street on the east, and City Road on the west, with Covered Bridge Road, and Brookhill Drive running partly through the parcel.

Specific Description:

Parcel No. 05H02009 Tax ID #0869846

SECTION 2. That the official Town of Clayton Zoning Map is hereby amended to include in the Planned Development – PD-MU 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 20th day of July, 2015.

Jody L. McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC
Town Clerk

PDD 2014-127

COUNCIL MOTION SHEET
ZONING / ORDINANCE AMENDMENT
(Rezoning)

After considering the recommendations of the Planning Board and Planning Director, I move to **[approve OR deny] Rezoning – 2014-127 – Steeplechase – PD MU.**

[IF APPROVING]

and to approve the Statement of Consistency and Reasonableness included in the Agenda packet [with the following modifications: STATE MODIFICATIONS, IF ANY].

**Town of Clayton
Town Council
Agenda Cover Sheet**

AGENDA LOCATION:

Public Hearings

MEETING DATE:

July 20, 2015

ITEM TITLE:

Public Hearing - PSD 2014-128- Steeplechase Planned Development

ITEM DESCRIPTION:

Public Hearing - Preliminary Plat/Master Plan

POTENTIAL ACTION:

Approval/Disapproval of Item

DEPARTMENT:

Community Development/Planning

PRESENTER:

David DeYoung, Planning Director

ITEM HISTORY:

Date:

02/05/2015

Action Taken:

Set Public Hearing for March 2, 2015

Information Provided:

Staff Report & Supporting Documents

03/02/2015 - Public Hearing Tabled until 3/16/15

03/16/2015 - Public Hearing Tabled until 4/6/15



Date:

04/06/2015

Action Taken:

Public Hearing Tabled until April 20, 2015

Information Provided:

04/20/2015 - Public Hearing Tabled until May 4, 2015

05/04/2015 - Public Hearing Tabled until July 20, 2015



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

*Town Council
February 16, 2015*

STAFF REPORT

Application Number: PSD 2014-128 (Preliminary Plat / Master Plan for Planned Development)
Project Name: Steeplechase Planned Development

Associated Application: PDD 2014-127 (Rezoning to PD-MU)
NC PINs: 166900-38-4997
TAG #s: 05H02009
Town Limits/ETJ: Town Limits
Overlay: None
Applicant: Galaxy NC, LLC, c/o Wakefield Development
Owners: Raymond Elmore Earp Jr. Irrevocable Trust

Neighborhood Meeting: Held October 27, 2014
Public Noticing: Property posted November 7, 2014

PROJECT LOCATION: The approximately 631 acre project is generally located east of City Road, west of North O'Neil Street, and between Sam's Branch and the Neuse River.

REQUEST: The applicant is requesting Master Plan approval, with the Master Plan acting as the Preliminary Subdivision Plat approval, for the for the Steeplechase Planned Development to allow a maximum of 2,200 residential units and 75,000 square feet of commercial uses.

SITE DATA:

Acreage: 631.04 acres
Present Zoning: Residential Estate (R-E), Residential 10 (R-10), Residential 8 (R-8), Neighborhood Business (B-2)
Proposed Zoning: Planned Development – Mixed Use (PD-MU)
Existing Use: Vacant/Agriculture/Forested
Existing Impervious: None – site is undeveloped
Overlay: Partially within the Watershed Protection Overlay (a small portion of the site in the southeast corner)

Page 1 of 14

DEVELOPMENT DATA:

All information below is as proposed by the applicant. Planned developments are unique in that they do not carry pre-established development standards. All bulk, area, and dimensional standards are set by the approval process and are binding once approved by Town Council. (See §155.202(L)). PLEASE NOTE THAT ALL MODIFIED DEVELOPMENT STANDARDS ARE SPECIFICALLY LISTED IN THE MASTER PLAN DOCUMENT. STANDARDS WHICH ARE NOT SPECIFICALLY CALLED OUT MUST MEET THE MINIMUM REQUIREMENTS OF THE UNIFIED DEVELOPMENT CODE.

Proposed Uses:	Residential/Non-residential – mix of housing types (single family, townhomes, condominiums and apartments), recreational amenities, and commercial uses.
Proposed Buildings:	Multiple buildings and phases include mixed residential, commercial and recreational (club house) buildings.
Proposed Residential Density:	Maximum 4 units per acre for residential portion of property (calculation does not include commercial site)
Proposed Commercial Intensity:	9.91 acres / 80% per lot building coverage / 75,000 SF max.
Proposed Maximum Building Height:	<p>Detached Homes – Single Family: 35 feet max.</p> <p>Attached Homes – Townhome & Single Family: 45 feet max.</p> <p>Multi-Family – Condos & Apartments: 55 feet max.</p> <p>Amenity and Club: 45 feet max.</p> <p>Commercial Area: 80 feet max.</p> <p><i>Staff note: For reference, the maximum height in all existing general residential zoning districts is 35 feet. Maximum height in existing general commercial zoning districts is 60 feet (in B-3 and O-1). Maximum height for apartments/condos/townhomes is set by the Planned Development process.</i></p> <p><i>Staff supports the request for 80 feet in height for the Commercial area because it would allow for mixed use development with office and residential uses in upper stories.</i></p>
Proposed Impervious Surface:	<p>Overall Development: 70%</p> <p><i>The Master Plan is divided into a series of phases. Some phases may exceed maximum impervious with the understanding that the overall project may not exceed the maximum impervious surface percentage. As each phase is approved for development, it will be reviewed for consistency with the maximums set in the Master Plan, ensuring the overall development does not exceed the 70% maximum.</i></p>
Required Parking:	Parking will be required as established by the Unified Development Ordinance and will be reviewed as each phase is approved for development.
Access:	Primary access is identified along Covered Bridge Road (3 aligned entrances/intersections) and North O’Neil Street (two entrances).

	Additional internal connections exist along Brook Hill Drive as well as interconnectivity to existing stub streets in Smith Ridge estates and Old Mill Stream subdivisions. Additional access points may occur on City Road if the School District utilizes the portion of the site set aside for school use. Several major roadway improvements will be necessary as a part of this development. Details of roadway and intersection improvements will be determined as part of the review of the Traffic Impact Analysis. The Traffic Impact Analysis review by NCDOT is included as an attachment to this staff report.
Water/Sewer Provider:	Town of Clayton
Electric Provider:	Town of Clayton
Proposed minimum Recreation and Open Space:	Overall: 64.98 Acres Active Recreation: 16.245 acres <i>See discussion on Recreation and Open Space, below. Recreation and Open Space and Active Recreation acreages are minimums and cannot be reduced except by Town Council approval via a major modification to the Master Plan.</i>
Proposed Dimensional Standards:	Minimum Dimensional Standards (setbacks, building coverage, and height) are set based on use in the Master Plan. The Master Plan includes a provision that all setbacks may be modified by up to 20% with approval by the Planning Director.

ADJACENT ZONING AND LAND USES:

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

South: Zoning: Residential Estate (R-E), Residential 8 (R-8 SUD)
Existing Use: Vacant / Single Family Residential /Agriculture

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

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

STAFF ANALYSIS AND COMMENTARY:

Overview

The applicant is requesting preliminary subdivision plat approval for the Master Plan for the Steeplechase Planned Development. This 631 acre project is under concurrent request to be rezoned to Planned Development

Mixed Use (PD-MU) under case # PDD 2014-127. Both the rezoning and the master plan must be approved for the PD-MU District to be approved.

The Master Plan is also acting as the Preliminary Subdivision Plat, as is permitted by the UDC. All dimensional standards are set within the Master Plan, along with basic street and development patterns, and regulating sheets are included to guide the form of development components. This means that as each phase of the development moves towards construction, the specific details within each phase (exact placement of lot lines, for example) will be reviewed and approved by staff as a final plat. Individual site components are required to be consistent with the design and standards presented in the regulating and master plan.

- *Note: The exceptions to the above include the commercial parcel, condo/apartment/townhome sections and recreation areas. The condo/apartment/townhome sections will either be kept under single ownership as rentals or subdivided into lots which encompass the unit only leaving the remainder of the land in common ownership. Consequently the condo/apartment/townhome sections may be processed as a Major Site Plan with approval by the Planning Board. Development of the recreation areas will be processed as Minor Site Plans (staff-level review). The commercial parcel will go back to Planning Board for major site plan review/approval.*

Other modifications to this approved Master Plan deemed "Major" will return to the Town Council for review and approval.

The applicant is requesting a maximum of 2200 residential units, to be comprised of a mix of single family and multi-family units. The units are clustered in a range of densities. The commercial parcel is limited to 75,000 square feet of commercial uses. The project includes both active and passive recreation and open space, and identifies resource conservation areas as permanently preserved (as is required).

The Master Plan also identifies a potential school site. The applicant is in discussions with Johnston County Public Schools, and the site will be reserved for 18 months from the date of approval to acquire the site in accordance with §155.605(A) of the UDC.

Planned Development Review Criteria

The regulations below are the components of the UDC that pertain to the review of Planned Developments:

Definition:

Definition of PD-MU (§155.200(A)(3)(d)): "The PD-MU district is intended to provide coordinated mixed-use developments which include light industrial, commercial, office, educational, civic, institutional, residential and service uses within a planned development with appropriate perimeter buffering and open space. The variety of land uses available in this district allows flexibility to respond to market demands and the needs of tenants which provides for a variety of physically and functionally integrated land uses."

Per §155.203(L), Planned Developments are subject to the following requirements:

- The development proposed in the master plan is compatible with the character of surrounding land uses and maintains and enhances the value of surrounding properties.
- Each planned development shall provide a comprehensive set of design guidelines that demonstrate the project will be appropriate within the context of the surrounding properties and the larger community. All bulk, area and dimensional standards shall be established by the Town Council at the time of approval.

- No resource conservation area (see § 155.500) shall be counted towards lot area. This shall not preclude the platting of lots in such areas, provided that adequate lot area outside the resource conservation area is provided.
- No resource conservation area shall be counted towards the recreation and open space requirements.
- The planned development master plan shall meet or exceed the recreation and open space requirements of an open space residential subdivision.
- A phasing plan is required.

Master Plan Approval Criteria (§155.705(K)):

1. Compliance with all applicable requirements of the UDC;
2. Consistency with the Clayton General Design Guidelines;
3. Conformance of the proposal with the stated purpose of the requested planned development district;
4. Compatibility of the proposed development with the adjacent community;
5. The quality of design intended for each component of the project and the ability of the overall development plan to ensure a unified, cohesive environment at full build-out;
6. Compatible relationships between each component of the overall project;
7. Self-sufficiency of each phase of the overall project;
8. Documentation that the proposed infrastructure improvements accommodate the additional impacts caused by the development, or documentation to assure that the development, as proposed, will not overtax the existing public infrastructure systems;
9. The fiscal impact of the proposal and the proposed financing of required improvements;
10. The success of the proposal in providing adequate pedestrian and bicycle links within the development and with the adjacent community; and
11. The effectiveness with which the proposal protects and preserves the ecologically sensitive areas within the development.

Preliminary Plat Findings of Fact

Since the Master Plan is also acting as a Preliminary Subdivision Plat, the applicant is required to address the Findings of Fact outlined in §155.706 of the UDC. These have been included as an attachment to this report.

Consistency with the Strategic Growth Plan

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

- Proposed Land Use Map
- Objective 2.1 Balanced Development/ Investment: Old and New
- Objective 2.3 Expand Wastewater Capacity: Treatment and Transmission
- Objective 2.5 More Housing Opportunities: Beyond Starter Homes (*Continue to encourage diverse housing stock. Promote planned development, which allows more flexibility in housing types.*)
- Objective 5.1 More Developed Parks and Parkland

The Proposed Land Use Map shows the site as “Residential – Light and Neighborhood Commercial.”

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 landscaping, building placement, access, driveway placement, etc. are required to be set as a part of the planned development, meet all other applicable Town standards, and be consistent with the provisions of the approved Master Plan.

Compatibility with Surrounding Land Uses

The overall proposed density is 4 dwelling units per acre. Under the current zoning, which includes R-10, R-8, and B-2 zoning districts, the subject property could currently be developed using Conventional Subdivision standards with approximately 2,520 single family lots and 426,888 square feet of commercial uses. These numbers go up substantially if Open Space subdivision standards are utilized. The conventional development standard allocations were determined as follows:

Ex. Zoning	Acreage	Max. Density/Acre	Max. Intensity/Building Coverage	Dwelling Units	Square Footage
R-10	536.6	4	N/A	2,146	N/A
R-8	74.86	5	N/A	374	N/A
B-2	19.6	N/A	50%	N/A	426,888
TOTALS	631.06			2,520	426,888

Because the property is being processed as a Planned Development, units may be clustered to achieve higher densities in some areas while keeping lower densities in other areas to achieve a balance in residential types and lot sizes. Portions of the site will develop with higher residential density than others (i.e. the townhome and apartment options). Those higher densities are located closer to major intersections, while the portions of the site designed for single family detached (lower densities) are designed in the areas adjacent to existing subdivisions, providing a transition from the higher density/intensities.

The proposed density on the subject property is very similar to the zoning of adjacent property to the south (Residential-10, which allows minimum 10,000 square foot lots, or 4 units per acre; and R-8 which allows 8,000 square foot lots, or approximately 5 units per acre). Properties to the east are primarily undeveloped, agriculture, or very large lot single family residential (residential unit located on very large properties). Ole Mill Stream and Smith Ridge Estates directly to the north are established neighborhoods developed at densities of approximately 1 unit per acre.

While those adjacent neighborhoods do have lower densities, Riverwood, to the north, was developed at a similar density to the proposed rezoning.

The commercial parcel proposed at the intersection of Covered Bridge Road and O’Neil Street has reduced in size from approximately 19.6 acres to 13.51 acres. The development plan is limiting the development of the commercial site to a maximum of 75,000 square feet of floor area.

Given the property’s adjacency to Clayton’s “core,” staff is supportive of the development of the entire property as a Planned Development and the proposed density of 4 units per acre so long as adequate measures are taken to ensure traffic safety and desirable neighborhood design that makes this development a benefit to the Town and a desirable place to live.

Landscaping and Buffering

A 20 foot Class C perimeter buffer is provided along the boundary of the property, including along Covered Bridge Road where it bisects the north and south portions of the property. Where able, existing trees and vegetation will be preserved to meet the standards of the Class C buffer. Where a Class C buffer is planted, it will be a minimum of 20 feet in width. All landscaping is required to meet the standards for height and caliper as established in the UDC. Street tree species are required to receive approval from the Planning Director as they will be located in the public right-of-way.

Street trees must be canopy trees and spaced a maximum of 40 feet apart. Street trees will be placed in a widened planting strip located between the sidewalk and street.

Recreation and Open Space

Planned Developments are required to meet or exceed the standards established for open space subdivisions. Required and provided recreation and open space is listed below:

Overall Recreation and Open Space

Planned Developments are required to meet the minimum standards for Recreation and Open Space as set for Open Space Subdivisions in the UDC. Overall Recreation and Open Space requirements include preserved land, passive open space, and active recreation areas. Recreation and Open Space may NOT include resource conservation areas (RCAs) such as riparian buffers, wetlands, ponds, and areas of 25% slope that exceed 5,000 sf in area (the exception to this rule is that the area of a paved greenway may be counted to recreation and open space if located in a RCA).

Required: Either 12.5% of net site area **OR** 1,245 sf per unit, whichever is greater.

2,200 units x 1,245sf = 2,739,000 sf or 63 acres

Net Site Area is 631.06 acres – 111.19 acres in resource conservation areas = 519.87 acres
519.87 ac * .125 = 65 acres

As shown above, as currently proposed, the 12.5% calculation results in the greater number, requiring 65 acres of recreation and open space.

Proposed: 65.08 acres outside of the RCA's.

Improved Recreation Areas

A certain amount of the required Recreation and Open Space must be developed as active recreation amenities for the development.

Required: At least 25% of the required recreation and open space shall be improved.
25% of 65.08 acres is 16.27 acres.

Provided: 29.22 acres

The acreage of proposed recreation and open space will be established as the minimum for the development and will be binding on the development of the property. The established minimums for both overall Recreation and Open Space as well as Active Recreation and Open Space cannot be reduced except by Town Council.

Dedication of Recreation and Open Space to the Town

Per §155.203(l)(2)(a), "all residential development shall be required to either dedicate a portion of the land, or make a payment-in-lieu of dedication at a rate set forth in the town's Comprehensive List of Fees and Charges per lot or dwelling unit." A mix of dedication and fee-in-lieu may be utilized.

At this time, the Town and the developer are discussing the possible donation of Phase 7 (11.13 acres) for use as a public trailhead and park.

Greenways and Sidewalks

The Master Plan proposes a series of interconnected greenways and sidewalks to provide multi-modal access throughout the development.

- Sam's Branch Greenway: The existing Sam's Branch Greenway currently ends just to the east of the southeastern corner of the property, which planned extensions running along the southern boundary of the property along Sam's Branch creek and further west.

The Town is currently in the design phase for the extension of the existing Sam's Branch Greenway west to the entrance to Legend Park (known as "Sam's Branch Phase II"), an extension which traverses the south boundary proposed development. Sam's Branch Phase II greenway also provides potential important connections to downtown Clayton via future connections from Legend Park to the downtown street networks. This phase of the greenway also provides access to Legend Park, which includes a softball field and mountain bike trails.

Future extensions of the greenway just west of Legend Park will provide multi-modal access along City Road to the Municipal and Civitan Parks, as well as to the amenities of Downtown Clayton.

The Sam's Branch Greenway already connects to the Mountains to Sea Trail (aka "Neuse River Greenway"), an almost 30 mile uninterrupted greenway which connects into Raleigh's greenway network, with future extensions planned. This section of the greenway in Clayton is also part of the designated East Coast Greenway network along the eastern coast of the United States.

- Proposed Greenway/Sidewalk exchange
Typically, sidewalks are required on both sides of all streets of new development (including along existing roadways). Staff supports the applicant's proposal to waive the requirement for sidewalks on both sides of the road (reducing it to sidewalks on one side of the road) for identified portions of the development's roadway network so long as a minimum 10 foot wide paved multi-use path / greenway is provided elsewhere in the development at an equal exchange based on construction costs. Staff supports this because while some accessibility is lost with the reduction in sidewalks, this accessibility is made up by the presence of a multi-use path which provides access to other portions of the development, and acts as a part of the Sam's Branch Greenway Trail. Benefits to the applicant include the ability to use the calculated square footage of the paved pathway toward their improved/active recreation requirements and a reduced roadway cross-section width.

Environmental

As required in the UDC, resource conservation areas (including riparian buffers, ponds/waterways, 100-year flood zones, and steep slopes) shall be preserved by a binding legal instrument recorded with the deed as each phase is platted (see Article 5 of the UDC). Additionally, the development will be required to meet any state requirements for protection not addressed by the UDC. Riparian buffers that meet the definition of the UDC Article 5 shall include a 50 foot undisturbed buffer, measured from the top of bank.

According to the Master Plan, there are 111.19 acres of RCAs on the site, all of which shall remain undisturbed unless proper permits and approvals for disturbance are received from the State or Town, as applicable.

Signs

A Master Sign Plan is required for all signage associated with the development. A typical entrance sign design is shown in the Master Plan. Entrance signs shall be required to meet or exceed the approved sign style set in the Master Plan.

Access/Streets

The primary development access point is located off of Covered Bridge Road, will provide access to the future clubhouse area on the southern portion of the site, and shall align with the existing Brook Hill Drive. All external access shall be approved by either NCDOT or the Town as applicable.

The applicant has provided a detailed Vehicular and Pedestrian Circulation Plan which is part of the Master Plan. The actual alignment of the internal road network as shown on the Plan is for visual reference only and is not binding; road alignment may vary as individual phases are approved so long as basic design components such as shorter block lengths and interconnectivity are maintained. However, external connection points and identified improvements to existing roads and intersections are binding and cannot be modified without major modification approval by the Town Council.

Traffic Impact Analysis

A Traffic Impact Analysis (TIA) has been completed by the applicant and reviewed by NCDOT and the Town. The comments provided by NCDOT have been provided as an attachment to this staff report. The applicant will have the opportunity to revise the TIA and address the traffic comments. Ultimately, the traffic improvements deemed necessary by NCDOT and the Town shall be installed prior to the issuance of a certificate of occupancy for the phase that generates the need for the improvement.

Required Access Points

Per the UDC, no more than 75 certificates of occupancy may be issued within the subdivision until a required secondary access has been constructed or bonded for construction. No more than 250 certificates of occupancy may be issued within the subdivision until the required third access has been constructed or bonded for construction. Access points to existing "stub-out" streets in existing subdivisions (Ole Mill Stream, Smith Ridge Estates) will be required to be constructed as part of the associated phase of development.

Alternative Cross-Section

An alternative cross-sections are proposed as part of this development. As discussed in the Recreation and Open Space component of this report, the cross-sections reflect the proposal to allow sidewalk on just one side of the street in identified roadways within the development.

Several cross-sections propose a planting strip between the sidewalk and the road edge, thus placing the street trees in the public right-of-way. Staff supports the planting strip because of improved aesthetics and enhanced pedestrian safety when the sidewalk is further from the road and buffered by trees.

Cross-sections on NCDOT roadways (City Road, Covered Bridge Road, and North O'Neil Street) will be ultimately approved by NCDOT. Staff will require a minimum 10 foot paved greenway along these roadways as shown on the Master Plan.

Multi-Modal Access

The location of the proposed greenways allow for the extension of Sam's Branch Greenway to Downtown to Legend Park and Municipal Park.

Please see the “Alternative Cross-Section” discussion in the “Access/Streets” section of this report, as well as the “Greenways and Sidewalks” discussion within the “Recreation and Open Space” section of this report for more information on multi-modal access.

Architecture/Design

Mix of Housing Types

While a range of housing types are included in the Master Plan, the exact mix and location of housing types is not intended to be finalized by this Master Plan. To ensure some mix of housing, a minimum of 10% of low, medium, and high density housing development is set by the Master Plan. Beyond this minimum, so long as a mix of housing types is included and the maximum number of units is not exceeded (mix to be chosen from the pre-established housing types in the Master Plan), the number of each type of housing may vary depending on market conditions, etc.

Design

Types of houses to be included in the development are noted on the regulating plan. A graphic architectural elevation of the building type is also included. The elevations are not intended as a set standard, but the final housing product will be required to be consistent with or exceed the style, quality, and materials shown in the graphics. It is required that architectural elevations of the housing types vary from home to home to ensure visual interest.

Setbacks and other Dimensional Standards

Dimensional standards (setbacks, building/house coverage, impervious limits) are set by the Master Plan and approved by the Town Council.

A Note on Townhomes

The UDC sets certain standards for townhome design if a garage is present. If the townhomes have garages, they will be required to meet Town of Clayton standards as addressed in Section 155.301(J) which sets standards such as garage width in relation to the home width. Driveway placement on each lot will also be required to meet the requirements of the UDC. Any requirements that pertain to townhome design will be addressed either through the final plat or site plan review process, as applicable.

Commercial

The commercial component will include architectural and contextual standards as indicated in the Master Plan and Regulating Plan. The development will have an Architectural Review Committee who will review the commercial architecture. Town Staff and Planning Board will also review the architecture and site layout as a part of a Major Site Plan approval.

Waivers/Deviations/Variations from Code Requirements

Per §155.706 of the UDC, the Town Council is authorized to waive certain requirements of §§ 155.600 through 155.607 if it is clear that adequate provisions for the type and intensity of the proposed use has been or will be provided, and there are special circumstances, such as unique characteristics of the lot and area, or strict interpretation of the requirements render the subdivision of the property not feasible or desirable. The UDC states that waivers should meet the following criteria:

1. The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located;

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

The following waivers have been requested by the applicant:

1. Waiver from the Town-approved cross-sections. Revised street Cross-Sections have been requested, as shown in the Master Plan.
2. Waiver from §155.602(H), which requires sidewalks on both sides of all streets. Allow construction of 10 foot paved multi-use path / greenway on a linear foot-for-foot basis, in place of a fee-in-lieu.
3. Waiver from §155.602(G) which states that “No residential street cul-de-sac serving lots less than 20,000 square feet in size shall exceed 700 feet in length.” The request is to allow a cul-de-sacs with a length greater than 700 feet to serve lots less than 20,000 square feet in size with approval from the Town of Clayton Fire Marshal.

CONSIDERATIONS

- The applicant is requesting approval of a Master Plan for the Steeplechase Planned Development. The Master Plan also acts as the preliminary subdivision plat and so the approval process is quasi-judicial.
- This approval is subject to approval of PDD 2014-127 (Rezoning to PD-MU).
- The final decision is made by the Town Council with recommendation from the Planning Board.
- The Planning Board did not make a recommendation at their January 26, 2015 meeting, and will open the item again at their February 23, 2015 meeting.
- The applicant is requesting a wastewater allocation of 554,555 gallons per day phased in over time. The Wastewater Allocation must be approved 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 as an attachment to the Staff Report.

STAFF RECOMMENDATION

Staff is recommending:

- 1) Approval of the requested waivers.
- 2) Approval of the Wastewater Allocation request.
- 3) Approval of the Master Plan with the conditions listed below.

CONDITIONS:

1. Following Board approvals, three copies of the Master Plan / Preliminary Subdivision Plat meeting the requirements of the Conditions of Approval shall be submitted to Planning Department for final approval.
2. The development of the property is limited to the parameters established on the Master Plan and the Master Plan Document (regulating plan) as approved by the Town Council. Modifications to the approved Master Plan / Preliminary Subdivision Plan or Master Plan Document shall require review and approval in accordance with Section 155.705 of the Unified Development Code.
3. The Master Plan / Preliminary Subdivision Plan is considered a preliminary plat. Individual phases are subject to final plat review with the exception that Condo/Apartment/Townhome areas that will not be further subdivided, and Commercial phases, shall be reviewed as a Major Site Plan.
4. The developer shall reserve the portion of the site shown as a "potential school site" for 18 months from the date of the approval. If developed as a school, the development of the school site will be reviewed as a Major Site Plan.
5. Neighborhood parks and recreational amenities, including the clubhouse site, shall be reviewed as Minor Site Plans prior to construction.
6. The clubhouse and trail system around the pond shall be permitted and under construction prior to the issuance of a Certificate of Occupancy for the 251st residential unit.
7. A combination of dedication and fee-in-lieu may be utilized to meet recreation and open space requirements. To meet requirements, additional recreation area must be dedicated or a recreation fee-in-lieu shall be required at the established rate to supplement the dedicated land (land considered Resource Conservation Areas does not count toward meeting recreation and open space requirements).
8. Annexation of any land not currently within Town Limits shall be required prior to Final Plat approval for the first phase of the development.
9. Development fees shall be paid prior to Final Plat approval for each phase. For phases requiring Site Plan review, fees shall be paid prior to issuance of building permits.
10. All traffic improvements required by NCDOT and the Town shall be installed prior to the issuance of a certificate of occupancy for the phase (as shown on the overall phasing plan with the Master Plan Document/ Regulating Plan) that generates the need for the improvement. The necessary right-of-way for Covered Bridge Road (internal to the project), North O'Neil Street, and City Road shall be dedicated as a part of the first phase (as indicated in the Traffic Study Prepared by Davenport) of the development. The necessary right-of-way for Brookhill Drive and Covered Bridge Road (north of its intersection with North O'Neil Street) shall be dedicated as a part of the second phase (as indicated in the Traffic Study Prepared by Davenport) of the development.
11. All roof mounted and ground mechanical equipment not associated with single family detached residential development must be completely screened from view.
12. Five foot wide sidewalks or ten foot wide multi-use paths shall be installed along at least one side of all roadways within the development as identified in the Master Plan. Where sidewalks are on only one side of the road, the developer shall provide a minimum ten-foot wide paved greenway/multi-use trails

within the development on an equivalent basis based on cost. An Engineer's estimate which documents the cost allocations (in linear footage) between the deleted five foot concrete sidewalk and the proposed 10 foot asphalt multi-use path is required. Any cost shortage between the required five foot sidewalk and 10 foot multi-use path shall be paid as a fee-in-lieu.

13. All sidewalks and greenways shall be bonded or constructed prior to plat recordation for the associated phase, with the exception that the sidewalk in front of residential units may be installed prior to the issuance of a Certificate of Occupancy of the unit.
14. Internal greenways shall be constructed or bonded prior to the first Certificate of Occupancy for the associated phase.
15. All greenways shall meet Town of Clayton standards with a minimum paved width of 10 feet.
16. The acreage of recreation and open space, and active recreation areas identified in the Master Plan shall be considered minimum requirements and may not be reduced without approval by the Town Council. The recreation areas shall be constructed concurrent with the construction of the associated phase and shall be installed or bonded prior to issuance of a certificate of occupancy for that phase.
17. Where a greenway is placed in the same location as a required buffer, that buffer width shall be expanded by a minimum of 15 feet to accommodate the trail and required plantings.
18. A 10' greenway shall be constructed along one side of Covered Bridge Road and North O'Neil Street for the entire project frontage concurrent with necessary roadway improvements. A greenway shall also be constructed along the project frontage adjacent to City Road concurrent with or prior to the construction of a phase which abuts City Road, and shall be installed or bonded prior to issuance of a Certificate of Occupancy for that phase.
19. All required vegetated buffers and plantings, including street trees, shall be installed concurrently with construction of the associated phase of the development and shall be completely installed or bonded prior to issuance of a certificate of occupancy for that phase.
20. A mix of housing types shall be required at the minimum percentages set by the Master Plan and shall be selected from the list of housing type options presented in the Master Plan Document (regulating plan). In no case shall the overall project density exceed 4 units per acre.
21. A mix of housing elevations (variations in architectural features), styles, and colors along each block is required to ensure visual interest and variety. Housing elevations shall be submitted along with each final plat review and shall be reviewed to ensure consistency with the architectural standards presented in the Master Plan and requirement this condition of approval.
22. Final location and configuration of Cluster Mailbox Units (CBUs) shall be determined in the final plat/site plan review (as applicable) for each phase. CBU's are required to have vehicular access/parking, as well as sidewalk /pedestrian access and must be approved by the Planning Department and the United States Postal Service.
23. No more than 75 certificates of occupancy may be issued within the subdivision until the required secondary access has been constructed or bonded for construction.

24. No more than 250 certificates of occupancy may be issued within the subdivision until the required third access has been constructed or bonded for construction.
25. Street tree species shall be approved by the Town Engineer and Town Planning Director as part of individual phase final plat / major site plan review.
26. A Master Sign Plan shall be required prior to installation or approval of any signage. All signs shall require review and approval pursuant to §155.713.
27. Final design of individual elements identified within the Regulating Plan (such as typical lighting, recreation, or architectural elevations) may be modified during individual phase review without need to modify the Regulating Plan, but shall be approved by staff and shall respect (or exceed) the intent and vision of the original approval/design shown in the Regulating Plan, including but not limited to quality, style, and materials. Modifications that are determined by the Planning Director not to meet or exceed the original intent or do not classify as “minor” modifications per the Unified Development Code shall require major review and approval.
28. The review and approval of project water, sewer, storm drainage and street construction drawings must be submitted to and approved by the Public Works Department.
29. Resource Conservation Areas as defined in Article 5 of the Unified Development Code shall remain undisturbed pursuant to standards of Article 5, and shall be shown on all plats as being permanently set aside pursuant to the UDC requirements.
30. Prior to site grading and construction activities, tree protection fencing shall be installed around all resource conservation areas. Once the tree protection fence is installed, it must be inspected by the Planning Department prior to construction activity.
31. A homeowners’ association (HOA) document shall be reviewed by staff and recorded prior to final plat of the first residential phase. The HOA document shall assure responsibility for maintenance of all common facilities and provide adequate means for funding to do so.

Planning Board Recommendation: No recommendation at this time. The item was postponed for decision at a future meeting.

Attachments:

1. Subdivision Findings of Fact
2. Zoning, Aerial, and Future Land Use Map
3. Application
4. Neighborhood Meeting Materials
5. Master Plan / Preliminary Subdivision Plan
6. Traffic Impact Analysis (TIA) executive summary (provided by applicant)
7. NCDOT TIA Analysis Recommendations
8. NCDOT TIA Analysis Recommendations followup letter
9. Wastewater Allocation request

FINDINGS OF FACT

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

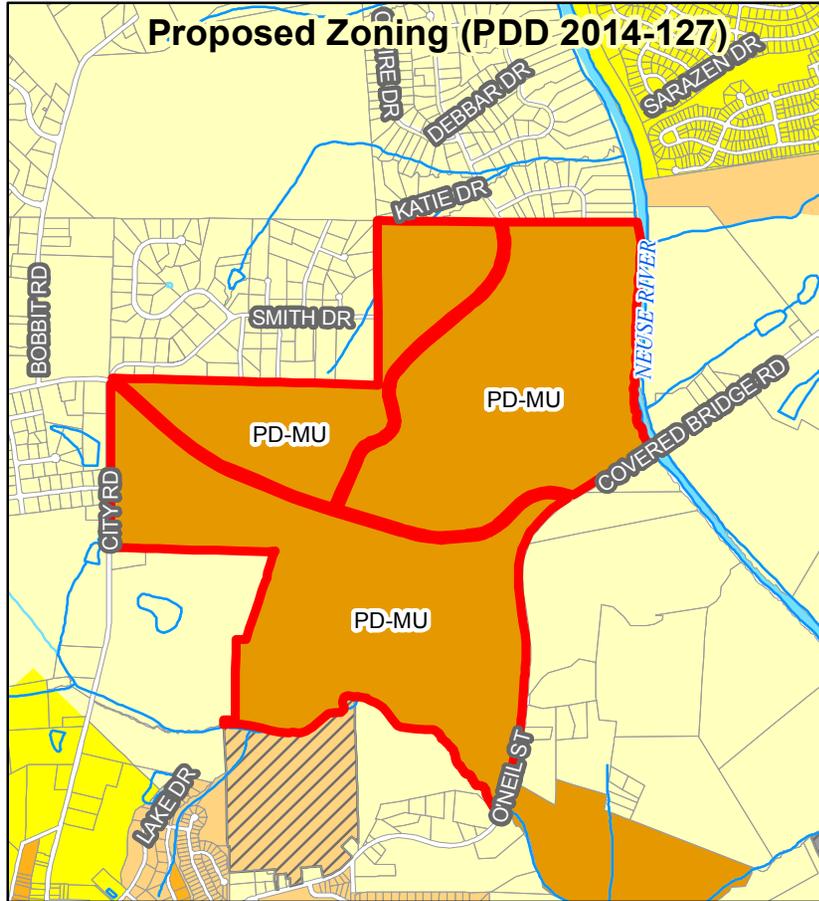
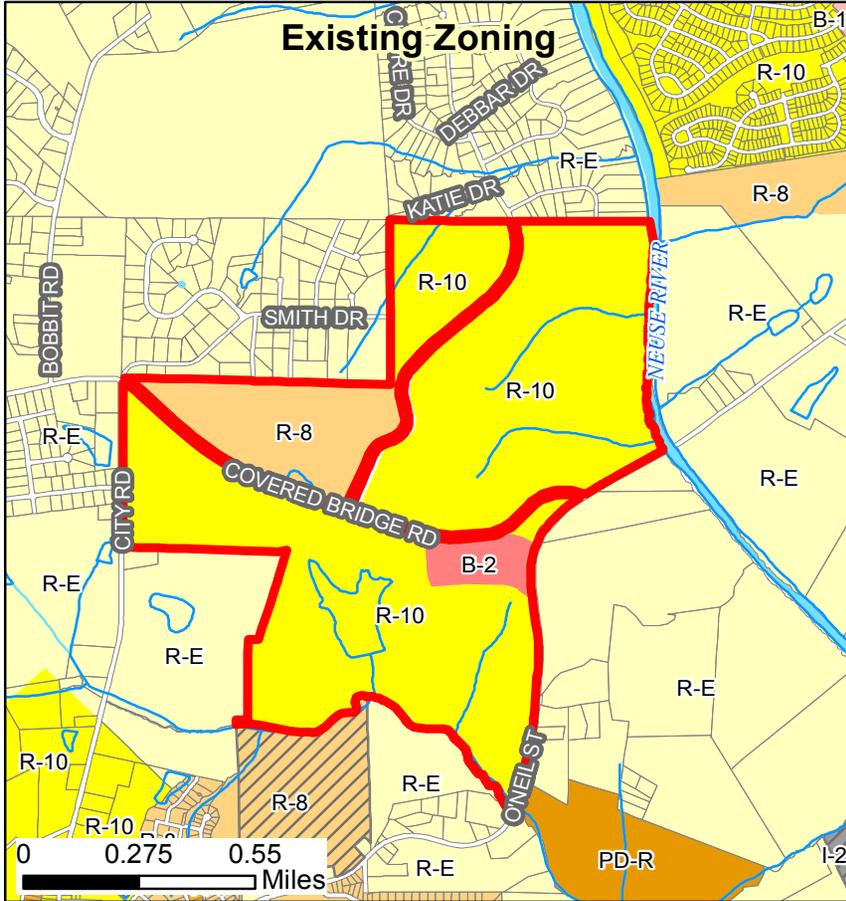
- (1) That the subdivision meets all required specifications of the town Subdivision Regulations and conforms to the town Unified Development Code.
The plan submitted for review is compliant with the Strategic Growth Plan and meets all required specifications of the Town of Clayton Subdivision ordinance and conforms to the Unified Development Code. The required completed checklist applications were provided at the time of the submittal and the plan was reviewed by the Town of Clayton's Technical Review Committee. The TRC then provided the developer comments to ensure compliance of the plan with all standards. The developer's consultant then revised the plans and resubmitted them for review by the TRC again for another compliance review. To the best of our knowledge the developer's consultant believes the plans are complete.
- (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 overall proposed density of the development is 3.96 acres and the land use plan in the Strategic Growth Plan calls for a maximum of 8 units per acres. In order to guarantee the orderly and unified development of the site the developer opted to seek approval of a Master Planned Subdivision. This subdivision intends to promote the development of the surrounding properties in the same orderly fashion by connecting proposed points of access to existing adjacent street stubs and by providing street stubs to undeveloped tracts for future connections. The same is true for both public water and sewer as well.
- (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.
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- (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.
In order to guarantee the orderly and unified development of the site the developer opted to seek approval of a Master Planned Subdivision. The overall proposed density of the development is 3.96 acres and the land use plan in the Strategic Growth Plan calls for a maximum of 8 units per acres. The plan is compliant with all relevant portions of the Strategic Growth Plan and meets all required specifications of the Town of Clayton Subdivision ordinance and conforms to the Unified Development Code.

Project Name: Steeplechase Subdivision

Kem Ard
Print Name

[Signature]
Signature of Applicant

10-2-14
Date



**SteepleChase Planned Development
Rezoning to Planned Development - Mixed Use
and Master Plan / Preliminary Subdivision Plat**

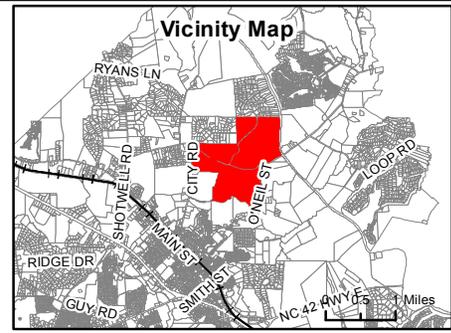
Applicant: Galaxy NC, LLC c/o Wakefield Development
 Property Owner: RAYMOND ELMORE EARP IRREV TRUST
 Size: 631 acres
 Parcel ID Number: 166900-38-4997
 Tag #: 05H02009
 File Number: PDD 2014-127 and PSD 2014-128

Produced by: TOC Planning
 Disclaimer: Town of Clayton assumes no legal responsibility for the information represented here. 11/12/14



Legend

SteepleChase_Site	ZONING	B-2
Water Features	R-E	B-3
	R-10	PD-C
	R-8	I-1
	R-6	I-2
	PD-R	O-1
	O-R	PD-MU
	B-1	Special Use District





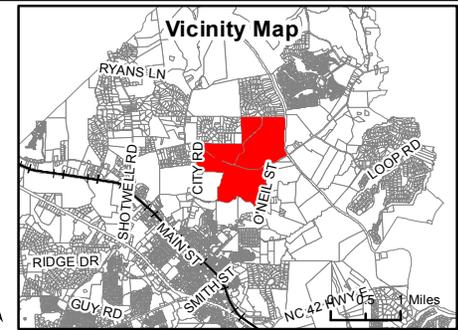
**SteepleChase Planned Development
Rezoning to Planned Development - Mixed Use
and Master Plan / Preliminary Subdivision Plat approval**

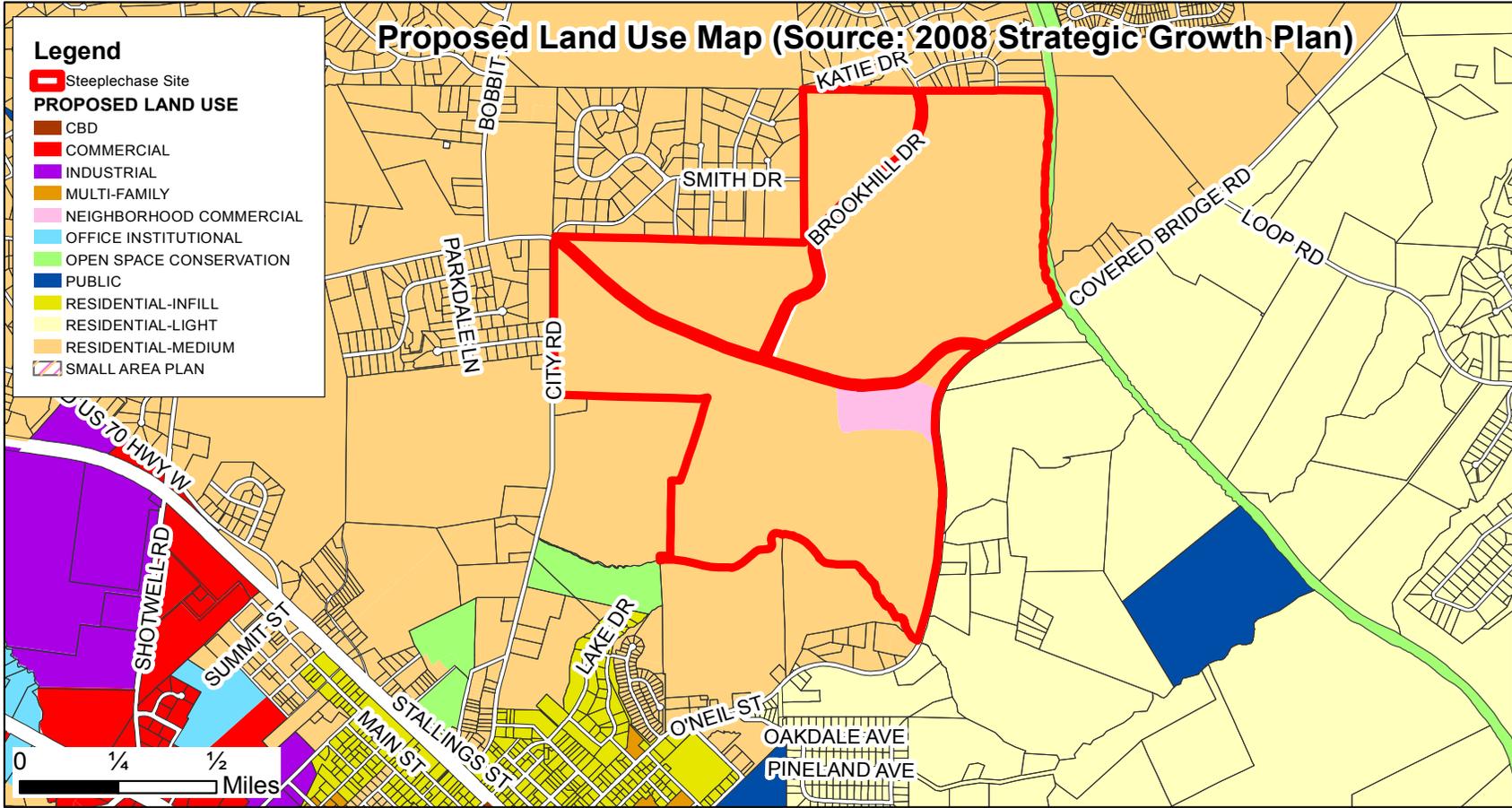
Applicant: Galaxy NC, LLC c/o Wakefield Development
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 11/12/14



- Legend**
- SteepleChase_Site
 - Water Features





Proposed Land Use Map (Source: 2008 Strategic Growth Plan) Steeplechase Planned Development Rezoning to PD-MU

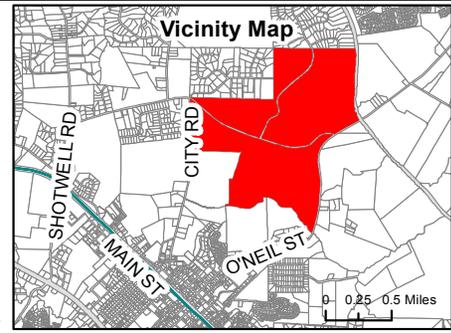
Applicant: Wake Development
 Property Owners: Earps
 Parcel ID Numbers:
 File Number: PDD 2014-127

Produced by: TOC Planning
 01/26/2015



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

Document Path: O:\PLANNING\SUBDIVISIONS\MAJOR SUBDIVISIONS\2014\PSD 2014-128 SteepleChase Planned Development - master plan, preliminary plat\Maps\Staff Presentation Map - PSD2014-128 - FLUM.mxd





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

SUBDIVISION: MAJOR SUBDIVISION (Preliminary Subdivision Plat)

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

Application fees: Major Preliminary Subdivision Plat: \$400.00 + \$5.00 per lot
 Subdivision Master Plan: \$700.00 + \$5.00 per acre
 Modifications to approved plans:
Major Modification: \$400.00 + \$5.00 per lot modified
Minor Modification: \$200.00 + \$5.00 per lot modified



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

SITE INFORMATION

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

Name of Project: Steeplechase Subdivision Acreage of Property: 631.06 AC (Assessed)

Tag #: 05H02009 NC PIN: 066900-38-4997

Location: 1162 Covered Bridge Road, Clayton, NC 27520

Number of Lots (existing): 1 (Proposed) 2500 Min Lot Size: Single family 4500 SF

Zoning District: R-8, R-10 with WPOD and Neighborhood business Electric Provider: Town of Clayton

Wastewater: Septic Sewer (check one) Water: Well Public/Private Water (check one)

Recreation/Open Space Requirement: Fee in lieu Land Dedication – Acreage: _____

FOR OFFICE USE ONLY

Date Received: 10/6/14 Amount Paid: _____ File Number: 2014-128

Fee not submitted w/ app.
CEB

August 2014 Page 1 of 17

PROPERTY OWNER INFORMATION

Name: Nancy Crews Earp & Mary Earp Worley
 Mailing Address: 7230 NC 42 East, Selma, NC 27576
 Phone Number: 919-965-5793 & 919-915-1515 Fax: _____
 Email Address: nancyearp@bellsouth.net & winkworley@gmail.com

APPLICANT INFORMATION

Applicant: Galaxy NC, LLC c/o Wakefield Development
 Mailing Address: 3100 Smoketree Court, Suite 210, Raleigh NC 27604
 Phone Number: (919) 556-4310 Fax: (919) 556-0690
 Contact Person: Kem Ard
 Email Address: kem@wakedev.com

REQUIRED INFORMATION (to be submitted with the application)

The following items must accompany the application:

10/6/14 EB

To be completed by the applicant:	To be completed by staff:				
	Yes	N/A	Yes	No	N/A
Submit 9 copies of all materials unless otherwise directed by staff					
1. A pre-application meeting was held with Town Staff. Date: <u>9/30/14</u>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		
2. Completed Application	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		
3. Review Fee	<input type="checkbox"/>			<input checked="" type="checkbox"/>	
4. Findings of Fact, signed <i>Not required for minor modifications. Form is included in this packet.</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
5. Owner's Consent Form <i>Required if applicant is not the property owner. Included in this packet</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
6. Preliminary Plat Subdivision Requirements Checklist form, completed and signed <i>Checklist is included in this packet</i>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		
7. Plat sheet(s) meeting requirements of the Requirements Checklist	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
8. If subdivision waivers are requested, applicant must attach a separate typed document requesting the waivers. The document must specifically list the waivers requested, including Code references, and must address the 4 considerations outlined in §155.706(l)(7).	<input type="checkbox"/>	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
9. Adjacent Property Owners List	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
10. Road Name Application <i>Included in this packet</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
11. Wastewater allocation request OR verification of wastewater allocation <i>Letter format, to the attention of the Town Manager.</i>	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	

At Final Plats

FINDINGS OF FACT

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

- (1) That the subdivision meets all required specifications of the town Subdivision Regulations and conforms to the town Unified Development Code.
The plan submitted for review is compliant with the Strategic Growth Plan and meets all required specifications of the Town of Clayton Subdivision ordinance and conforms to the Unified Development Code. The required completed checklist applications were provided at the time of the submittal and the plan was reviewed by the Town of Clayton's Technical Review Committee. The TRC then provided the developer comments to ensure compliance of the plan with all standards. The developer's consultant then revised the plans and resubmitted them for review by the TRC again for another compliance review. To the best of our knowledge the developer's consultant believes the plans are complete.
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Project Name: Steeplechase Subdivision

Kem Ard
Print Name

[Signature]
Signature of Applicant

10-2-14
Date

ADJACENT PROPERTY OWNERS LIST

Project Name: Steeplechase Subdivision

The following are all the persons, firms, or corporations owning property within 100 feet and immediately adjacent to the property (including across street rights of way) subject to this request. 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
05H02009	EARP, RAYMOND ELMORE JR, MOORE, MARY	7230 NC 42 EAST, SELMA, NC 27576-0000
16I03028	HOUSE, MAVIS C	2873 COVERED BRIDGE RD, CLAYTON, NC 27527-0000
05H01010A	TYNDALL, CHARLES B JR TYNDALL, JUNE MARIE	101 MICHAEL WAY, CLAYTON, NC 27520-0000
05E99022W	CAPPS, BILLY WADE	1119 N ONEIL STREET EXT, CLAYTON, NC 27520-6240
05H01010Z	MURRAY, RICHARD H & MURRAY, JOELY A	115 KATIE DRIVE , CLAYTON, NC 27520-0000
05H02013B	MASSEY, JOHN WESLEY	8041 ST ANDREWS DR, LAURINBURG, NC 28352-2155
05H01010I	OBRIEN, ANGELLA J OBRIEN, DAVID MICHAEL	8307 CAZAVINI CT, RALEIGH, NC 27613-4467
05E99190D	FISCHER, DANIELLE FISCHER, PAUL	2008 WILLIAM LANE CLAYTON, NC 27520-0000
05E99190G	LLOYD, CAROLYN C	2212 SMITH DRIVE, CLAYTON, NC 27520-0000
05E99026W	POPE FAMILY TRUST POPE, JIM TRUSTEE	2020 SMITH DR, CLAYTON, NC 27520-9029
05E99190R	SCHULTZE, HENRY NEAL SCHULTZE, JUDY	2005 DONNA COURT , CLAYTON, NC 27520-0000
05E99199H	ROBINSON, PAUL W ROBINSON, VIRGINIE E	2304 SMITH DRIVE, CLAYTON, NC 27520-0000
05E99026T	NOWAKOWSKI, GREGORY A NOWAKOWSKI, WENDY D	2012 MISSY LANE, CLAYTON, NC 27520-9033
05E99026Y	HILL, MICHAEL WAYNE	2013 MISSY LANE, CLAYTON, NC 27520-0000
05E99025U	POPE, BILLY R POPE, BOBBIE	2008 SMITH DR, CLAYTON, NC 27520-9029
05H02011A	JONES, DEANNA LYNNE	1500 N O'NEIL ST EXT, CLAYTON, NC 27520-0000
05H02013A	MASSEY, JOHN WESLEY	8041 ST ANDREWS DR, LAURINBURG, NC 28352-0000
05H02010A	SMITH, JAMES D JEAN K SMITH TRUST	1814 N ONEIL STREET EXT, CLAYTON, NC 27520-6236
05H02025	PEEDIN, EDNA S	2721 US 70 EAST, SELMA, NC 27576-8174
05H02015A	JOHNSTON LAND GROUP LLC CEBCO CONSTRUCTION INC	PO BOX 591, MAMERS, NC 27552-0000

July 2013

ADJACENT PROPERTY OWNERS LIST

Project Name: Steeplechase Subdivision

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PARCEL NUMBER	NAME	ADDRESS
05H01010V	HASKINS, WESLEY L HASKINS, ERIN L	1009 BROOKHILL DRIVE, CLAYTON, NC 27520-0000
05H01010Y	HUTCHINS, JOSHUA P HUTCHINS, PATRICIA	111 KATIE DR, CLAYTON, NC 27520-0000
05E99025J	COON, STEVEN M COON, ERIN M	2009 DONNA COURT, CLAYTON, NC 27520-0000
05E99025V	CREASY, JEFFREY L CREASY, SHARON	2001 SMITH DR, CLAYTON, NC 27520-0000
05E99190P	COATS, JEFFREY LAWRENCE	2008 DONNA CT, CLAYTON, NC 27520-0000
05E99023K	TURNAGE, PHYLLIS YOW	2009 WILLIAM LANE, CLAYTON, NC 27520-0000
05H01010C	POPE, ALAN K POPE, DAWN N	114 MICHAEL WAY, CLAYTON, NC 27520-0000
05H02002	LEE BROTHERS RENTAL	400 W MAIN STREET, CLAYTON, NC 27520-0000
05H01010W	MOORE, AMY J CARAWAN, CLIFFORD C	101 KATIE DR, CLAYTON, NC 27520-0000
05H01010B	WETMORE, MARK L WETMORE, TAMELA LYNN	104 MICHAEL WAY, CLAYTON, NC 27520-0000
05H01010X	WHITMAN, BRIAN HAROLD WHITMAN, GINA MUNDEN	105 KATIE DR, CLAYTON, NC 27520-5509
05H01010	FARMER, MARY ANN	100 MICHAEL WAY, CLAYTON, NC 27520-5507
05H01010D	FILLHART, ALAN THEODORE FILLHART, JEAN M	118 MICHAEL WAY , CLAYTON, NC 27520-5507
05H01010H	ALFORD, KENNETH W ALFORD, ANNETTE R	150 MICHAEL WAY , CLAYTON, NC 27520-5507
05H02017	BLACKLEY, DOUGLAS E BLACKLEY, LINDA F	1057 CITY RD, CLAYTON, NC 27520-5907
05G02070J	CARLI, RICHARD J CARLI, LOIS M	22 CEDARDALE LANE, CLAYTON, NC 27520-0000
05G02007A	PILKINGTON, DAVID D JR	1331 CITY ROAD, CLAYTON, NC 27520-5908
05G02007E	PILKINGTON, DAVID DANIEL JR	1331 CITY RD, CLAYTON, NC 27520-5908
05G02007G	PILKINGTON, DAVID D JR	1331 CITY ROAD, CLAYTON, NC 27520-5908
05G02007Z	MUNDAY, KIMBERLY A	27 CEDARDALE CT, CLAYTON, NC 27520-5541

July 2013

ADJACENT PROPERTY OWNERS LIST

Project Name: Steeplechase Subdivision

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PARCEL NUMBER	NAME	ADDRESS
05H02017B	MIMS, ALLEN LESTER JR	920 CITY ROAD, CLAYTON, NC 27520-0000
05E99021R	TOWN OF CLAYTON	PO BOX 777, CLAYTON, NC 27528-0777
16I03028C	SORRELL, DAVID M SORRELL, SABRINA	2641 COVERED BRIDGE RD, CLAYTON, NC 27527-0000
05E99190I	WHITLEY, WILLARD H WHITLEY, BETTY J	2000 KEVIN CT, CLAYTON, NC 27520-0000
05H02017H	MIMS, ALLEN L JR MIMS, EMILY LEE	920 CITY RD, CLAYTON, NC 27520-0000
05H02009A	EARP, RAYMOND E JR MOORE, RICHARD EARP	7020 EAST NC 42 HWY, SELMA, NC 27576-0000
05H02011	JONES, TRACY L JONES, DEANNA L	1504 N ONEIL ST EXT, CLAYTON, NC 27520
05H02011B	JONES, TRACY L	1538 NORTH ONEIL STREET EXT, CLAYTON, NC 27520-0000
05H02015D	TOWN OF CLAYTON	P O BOX 879, CLAYTON, NC 27528-0000
05H02199Y	MCINTYRE, MARTHA ANN	1233 MT CARMEL CHURCH RD, TROY, NC 27371-0220
05E99025Y	POURRON, CHARLES WAYNE	3654A COVERED BRIDGE RD, CLAYTON, NC 27527
16I03029	TOWN OF CLAYTON	P O BOX 879, CLAYTON, NC 27528-0000

MAJOR SUBDIVISION – PRELIMINARY PLAT REQUIREMENTS CHECKLIST

*The applicant is responsible for completing this checklist. Please sign and submit with the completed application.
Note: Master Subdivision Plans will require fewer details than preliminary subdivision plats. Please speak with Planning staff to confirm plan requirements.*

To be completed by the applicant:			Staff:
	Yes	N/A	
GENERAL (ALL SHEETS):			
1. Plans are a maximum of 24" x 36", folded to an 8.5" x 11" format, with a scale no smaller than 1 inch = 100 ⁴⁰⁰ feet (scale of 1" = 20' to 60' preferred).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
2. Separate sheets for each : Subdivision Plan, Preliminary Engineering Plan, Existing Conditions. Information in this checklist should be placed on the appropriate sheet. (Additional sheets may be required depending on scope of the project).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
3. Multiple sheets are consecutively numbered (e.g. Sheet 1 of 4).	✓		
4. Engineer/Surveyor Logo Box (name, address, phone number, fax, and e-mail, if applicable)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
5. Name of subdivision (including phase numbers if applicable) and plan type (Subdivision, Final Plat, Exempt Plat, or Recombination).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
6. Revision Date	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
PRELIMINARY PLAN SHEET:			
7. Name of township, county, and state in which the property is located.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. Vicinity sketch/map.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Surveyor or professional engineer's name and seal.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Date of survey and plat preparation.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Provide the following project data in <u>Tabular</u> form:			
- Area of tract in square feet and acres	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- Parcel Identification # (and/or Tag #)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- Owner's name and address	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- Within Town limits or ETJ	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- Zoning of property	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- Overlay District (if applicable)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- Total Number of Lots	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
- Number of lots per acre (density)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- Acreage in Resource Conservation Areas (UDC §155.500)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
- Indicate if the site is within a Watershed Protection Overlay	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- Annexation # (if applicable)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
- FEMA designated flood plain and floodway (include FIRM panel reference number and effective date) or certification that no flood plain exists within the subdivision.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	

To be completed by the applicant:			Staff:
	Yes	N/A	
<ul style="list-style-type: none"> - Electric Provider - Water Provider (or indicate if well) - Sewer Provider (or indicate if septic) - Impervious (existing and proposed, square feet and %) 	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
12. An accurately positioned north arrow indicating true north, magnetic north, North Carolina grid ("NAD 83" or "NAD 27"), or is referenced to old deed or plat bearings. If the north index is magnetic or referenced to an old deed or plat bearings, the date and the source (if known) the index was originally determined is clearly indicated.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. The exact course and distance of every boundary line of the tract to be subdivided, fully dimensioned (metes and bounds) along with the location of intersecting boundary lines of adjoining lands in accordance with the North Carolina General Statutes § 47-30 – Plats and subdivisions; mapping requirements.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14. Accurate location and description of all monuments, markers and control points.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
15. Show the 100 year flood plain, riparian buffer, wetlands, and any Resource Conservation Areas on all sheets.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. Blocks numbered consecutively throughout entire subdivision with lots numbered consecutively in each block. Lot numbers shall be placed in a circle or labeled "Lot __".	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
17. Phase lines. Phases are clearly labeled.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
18. The name and location of all adjoining subdivisions and adjoining lot property lines drawn with dotted lines at the same scale. Include the names of adjacent landowners.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
19. Location and width of all existing and proposed rights-of-way, Resource Conservation Areas, easements and areas dedicated to public use with the purpose of each stated.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
20. Location of safe sight triangles at project ingress/egress points, or as required.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
21. Minimum building setbacks /envelope are noted.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
22. All dimensional standards are shown in table format. Dimensional standards shall include: min. lot size, min. lot width, max building coverage, max impervious surface (entire subdivision), max impervious surface (per lot, in %), density, max height, and min dwelling unit size.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
23. Location of all existing and proposed easements, labeled as "public" or "private."	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
24. Proposed streets are labeled, named and dimensioned. Street names must be approved by Town of Clayton. Correct street cross section detail provided. Label street type based on definitions in §155.602(D). If streets are private:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none"> - All private streets shall be maintained by a designated responsible party. The party shall be noted on the plat. - Streets are labeled "Private Streets – No Town Maintenance." 	<input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	

To be completed by the applicant:			Staff:
	Yes	N/A	
25. Lengths of all cul-de-sacs.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
26. Identify proposed traffic control signs and striping.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
27. Location, purpose and dimensions of non-residential areas (such as parks, playgrounds, open space, churches, school sites, etc.) - All open space, parks, and similar common areas shall be maintained by a designated responsible party. The party shall be noted on the plat.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
28. Width and type of any buffers and easements.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
29. Indicate the boundaries of any utility or greenway easements dedicated to the Town of Clayton and label "To Be Dedicated to the Town of Clayton."	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
30. Resource Conservation Areas must be shown and dimensioned on the plat. The following note must also be provided:			
31. "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."	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
32. Proposed stormwater retention/detention features and dimensions. If fenced, include fence location.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
33. Existing and proposed sidewalk system, access ramps, and crosswalks.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
34. Identify alternative modes of transportation including school stops, pedestrian connections, bicycle paths and associated racks.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
35. Show how streets are projected to property lines to provide for cross-connectivity and development on adjacent parcels. Show cross-access easements.	<input type="checkbox"/>	<input type="checkbox"/>	
36. Provide a plant list summary table which includes: - A planting key identifying the various planting elements - The quantity of each type of plant material proposed - The size, height, caliper and spacing of plant material proposed - The Botanical and common names of plant material proposed	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
37. If common landscaped areas area provided, provide an irrigation note to read as follows: "All landscaped areas shall be provided with an automatically operated irrigation system that will adequately cover all living plant material, such system shall include a rain sensor." (If irrigation will not be utilized, drought-tolerant species must be used).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
38. Location, species, and caliper of any existing trees that will remain on site.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
39. Location of clustered mailboxes.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
40. Location and orientation of freestanding signs (signage is permitted separately).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
EXISTING CONDITIONS SHEET:			
41. On the existing conditions sheet, provide topography with two-foot contour intervals, showing the location of any natural features such as water courses, wooded areas, steep slopes (above 25%), or other geological features.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

To be completed by the applicant:			Staff:
	Yes	N/A	
42. Location of all existing buildings and structures, water/sewer/gas infrastructure, underground structures, easements, or other existing features.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
43. Existing structures, existing streets and roadway improvements, and existing utilities within 100 feet of the site.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
PRELIMINARY ENGINEERING PLAN SHEET:			
44. Show subdivision layout, streets, and all pertinent information from subdivision plat sheet.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
45. Identify curb radii for all internal and external vehicular use areas.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
46. Location of all existing and proposed utilities (water, sewer, electric, natural gas, etc.).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
47. Location of all existing and proposed drainage structures.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
48. Location of all existing and proposed fire hydrants.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
49. Location of all existing and proposed easements, labeled as "public" or "private."	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
50. Show street cross-sections.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
51. Indicate method of slope stabilization measures for all slopes steeper than 2.5:1.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
52. Identify the proposed storm water management system with location of inlets, piping and positive outfall along with typical section and top surface area of storm water retention/detention pond, including soil types, slope, bottom and top elevations, and finish floor elevations.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
OTHER			
53. If subdivision includes townhomes, include architectural elevations sheet, noting construction materials, finishes and colors, height, and number of stories.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
54. Any other information considered by either the applicant or the Town to be pertinent to the review. PD - MP DOCUMENT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

Signed by Applicant:  Date: 10-06-'14
for Ken Thompson, PLA



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: STEEL PURCHASE Address or PIN #: 066900-38-4997

AGENT/APPLICANT INFORMATION:

Kem Arn (Name - type, print clearly) 3100 SMOKETREE CT (Address)
RALEIGH NC 27604 (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):

ROWING - PLAN DEVELOPMENT
Master Plan

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.

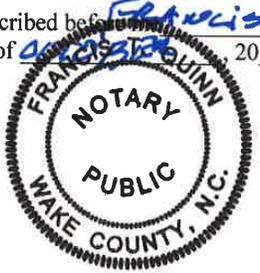
OWNER AUTHORIZATION:

Mary Earp Worley (Name - type, print clearly) 7020 NC 42 East (Address)
Mary Earp Worley (Owner's Signature) Selma, NC 27576 (City, State, Zip)

STATE OF NORTH CAROLINA
 COUNTY OF WAKE

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

SEAL



Francis T. Quinn
 Notary Public

My Commission Expires: MAY 5, 2016



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

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: STEELCHASE Address or PIN #: 066900-30-4997

AGENT/APPLICANT INFORMATION:

Kem Ard (Name - type, print clearly) 3100 Smoke Trace Ct (Address)
Raleigh NC 27604 (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 - PLAN DEVELOPMENT
+ Master Plan

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.

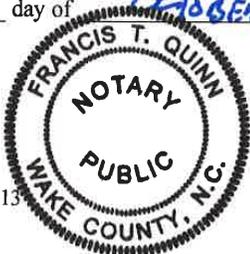
OWNER AUTHORIZATION:

Nancy C Earp (Name - type, print clearly) 7230 NC 42 E (Address)
Nancy C Earp (Owner's Signature) Selma, NC 27576 (City, State, Zip)

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

SEAL



Francis T. Quinn
Notary Public

My Commission Expires: MAY 5, 2016

October 2013

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Applicant: STEEPLECHASE

Location/Date: CLAYTON CENTER 10/27/14

	NAME	ADDRESS
1	Martha McLuttre	1233 Mt Carmel Ch. Rd, Troy, NC 27571
2	Katherine Libos	1577 Business Town Rd, Robbins, NC 27325
3	Daniel Smith	509 Starling St, Clayton, NC 27520
4	Joy Hill	2013 Missig Lane, Clayton, NC 27520
5	Marlene Markley	116 Debban Dr. Clayton 27520
6	Brian Markley	604 Charleston Dr. Clayton 27520
7	DAVID SAMMONS	147 MICHAEL WAY CLAYTON 27520
8	RICHARD CARLI	22 CEDARDALE CT CLAYTON 27520
9	LOIS CARLI	" " " " "
10	JERRY BARNES	104 CEDARDALE CT 27520
11	Doug Blackley	1057 c. ty Rd Clayton NC. 27520
12	Kimberly Jones	113 Claire Dr. Clayton NC 27520
13	Jim Mann	142 Claire Dr. Clayton, NC 27520
14	Cliff Morgan	146 Claire Dr. Clayton, NC 27520
15	Kathy Luehl	672 Christoph Dr Clayton NC 27520
16	Karen Spicer	1163 Brookhill Dr Clayton 27520
17	THOMAS MALPASS	2001 Down Ct, CLAYTON NC 27520
18	Robbie Pope	2008 Smith Dr. Clayton, NC 27520
19	James O. Smith	1514 O'Neil Street Clayton
20	Georg & Betty Ross	1305 Brookhill Dr 27520

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Applicant: STEEPLECHASE

Location/Date: CLAYTON CENTER 10/27/14

	NAME	ADDRESS
1	Scott W. Inglis	152 Claire Dr. Clayton NC 27520
2	Jack & Pat Bachelor	120 Christopher S. Clayton
3	Johnny R. House	2975 covered BRIDGE RD, CLAYTON
4	Wendy & Nicholas Nowakowski	2012 Missy Ln Clayton NC 27520
5	Mavis House	2873 Covered Bridge Rd. Clayton 27527
6	Chrysdell	101 Michael Way
7	Jane Trudell	101 Michael Way Clayton
8	Bul Robinson	2304 Smith Dr Clayton
9	C.L. DUKE MCNICHOL	
10	Adam Netko	508 Christopher Dr., Clayton
11	Mark Altman	115 Debar Drive Clayton Old Mill Stream
12	William Whittier	2000 Kevin Ct Clayton, N.C.
13	Susan & Billy Kapps	1119 W Oneil St
14	Jerry Dawson	357 Christopher Dr Clayton
15	Danielle Fischer	2008 William Ln, Clayton
16	Linda Bowman	2000 Donna Ct, Clayton
17	Mark A. Peedin	154 Peedin Ext Selma 27576
18	Amy Moore Kliff Carawan	101 Katie Drive
19	Allen Mims	920 City Rd. Clayton
20	Tom & Marthann Witzig	104 Christopher Dr. Clayton 27520

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Applicant: STEEPLECHASE

Location/Date: CLAYTON CENTER 10/27/14

	NAME	ADDRESS
1	Wesley + Erin Haskins	1009 Brookhill Drive Clayton, NC 27520
2	John Clarke	1415 Brook Hill Drive
3		
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NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:



Date of Mailing: the mailing was completed on Friday October 17, 2014.

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

Printed Name: Kenneth D. Thompson

Signature: *KD*

Date of Meeting: October ²⁷ ~~17~~, 2014

Time of Meeting: 7 PM

Location of Meeting: The Clayton Center

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

Meeting began a little after 7 PM. Ken Thompson presented the project to the audience and allowed questions to be asked during the presentation. The major concern issue was traffic related. the neighbors to the north of the project in Smith Ridge and Old Mill Stream we opposed to the extension of the existing road stubs in their neighborhoods. Mr. Thompson explained that inter connectivity was good planning practice and required by the town and EMS. The issue regarding traffic was discussed at length and Mr. Ard, the developer, explained that a traffic impact analysis (TIA) was being completed and that he was obligated to make the improvements recommended by the the TIA and NCDOT. It was stated these road improvements could be but not limited to road widening, deceleration lanes, turn lanes, traffic lights, etc. and the timing would be dependent upon the development thresholds noted in the TIA. the neighbors were happy to hear that covered bridge would be realigned at the east and west limits of the property. Everyone was also happy to hear that the pond would be preserved. the forma presentation ended around 8:15 and Mr. Thompson and Mr. Ard remained until 9 PM answering individual questions.

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



510 Glenwood Avenue, Suite 201 | Raleigh, NC 27603 | tel 919-835-1500 | fax 919-835-1510

Friday October 17, 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: Monday October 27th

Location: The Poole Room at the Clayton Center @ 111 E 2nd Street, Clayton NC 27520

Time: 7:00 PM

Type of Application: Planned Development Rezoning and Preliminary Subdivision Master Plan

General Description: Steeplechase is Planned Development of 631 acres located at 1162 Covered Bridge Road near the intersection of Covered Bridge Road and Brookhill Drive. The request, if approved, will allow up to 2500 residential units which will be a mix of single family homes, townhomes, apartments and condominiums. A commercial element is being proposed at the intersection of Covered Bridge Road and O'Neil Street.

If you have any questions prior to or after this meeting, you may contact us at 919-835-1500 x 242

Sincerely,

Kenneth D. Thompson, RLA, LEED AP, NCLID
Senior Associate / Landscape Architect

cc: Clayton Planning Dept.



STEEPLECHASE
Planned Development / Master Plan Document



Prepared for Town of Clayton
February 23, 2015



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Neighborhood Form - Land Use Summary

The plan for Steeplechase promotes a neighborhood form established by a relaxed grid defined largely by the existing R. E. Earp Pond and the existing road network. This pattern establishes a hierarchy of neighborhood streets and sidewalks which support a pedestrian friendly environment adapted to the land form. The heart of this street network is the proposed amenity area on the north shore of the R. E. Earp pond and the pond itself which serves as the focal point of activity. More than two thirds of the development will be within a 10 minute walk of this amenity. Other interconnected collector streets, local streets and alleys complete the relaxed grid of walkable blocks which connect the residences, parks and open spaces.

The development will provide a mixture of residential types such as detached single family, attached housing and multi-family as well as a neighborhood retail area. Prominent sites are planned for resident uses, parks, and open spaces. The design guidelines are written in a manner that will promote strong pedestrian corridors that are reinforcing a "sense of place": Front porches, street trees sidewalks, street furniture in public spaces, and pedestrian crossings combine to form a "pedestrian zone" that promotes internal pedestrian activity.

LAND USE ALLOCATIONS

Steeplechase is planned to include a mix of residential, neighborhood retail, community uses, parks and open space on 631.06 acres. The land use density for this project is not to exceed 2,200 residential units or 3.48 DU/AC based on gross acreage. The table below illustrates the allocation of each land use.

USE	ACRES	% LAND AREA	SINGLE FAMILY RESIDENTIAL MINIMUM %	LOT WIDTH	MINIMUM SF	% MINIMUM OF UNITS
RCA's (Riparian Buffers, Flood Plain, Pond)	+/- 111.19	+/- 17.62%		40' and 50'	4500	10%
Recreation Open Space	+/- 65.08	+/- 10.31%				
Residential uses	+/- 444.88	+/- 70.50%				
Neighborhood retail	+/- 9.91	+/- 1.57%				
Total	631.06	100%				



Public Realm - Vehicular and Pedestrian Plan

The public realm is the zone defined by the streetscape and the buildings or open spaces that define the edges. This zone will be an important element of the development and is the primary space for pedestrians interacting with neighbors. Architecture, landscape material, walks and sidewalks all combine to create a unique experience differentiating one street from another. Differentiation in this manner is synonymous with place making.

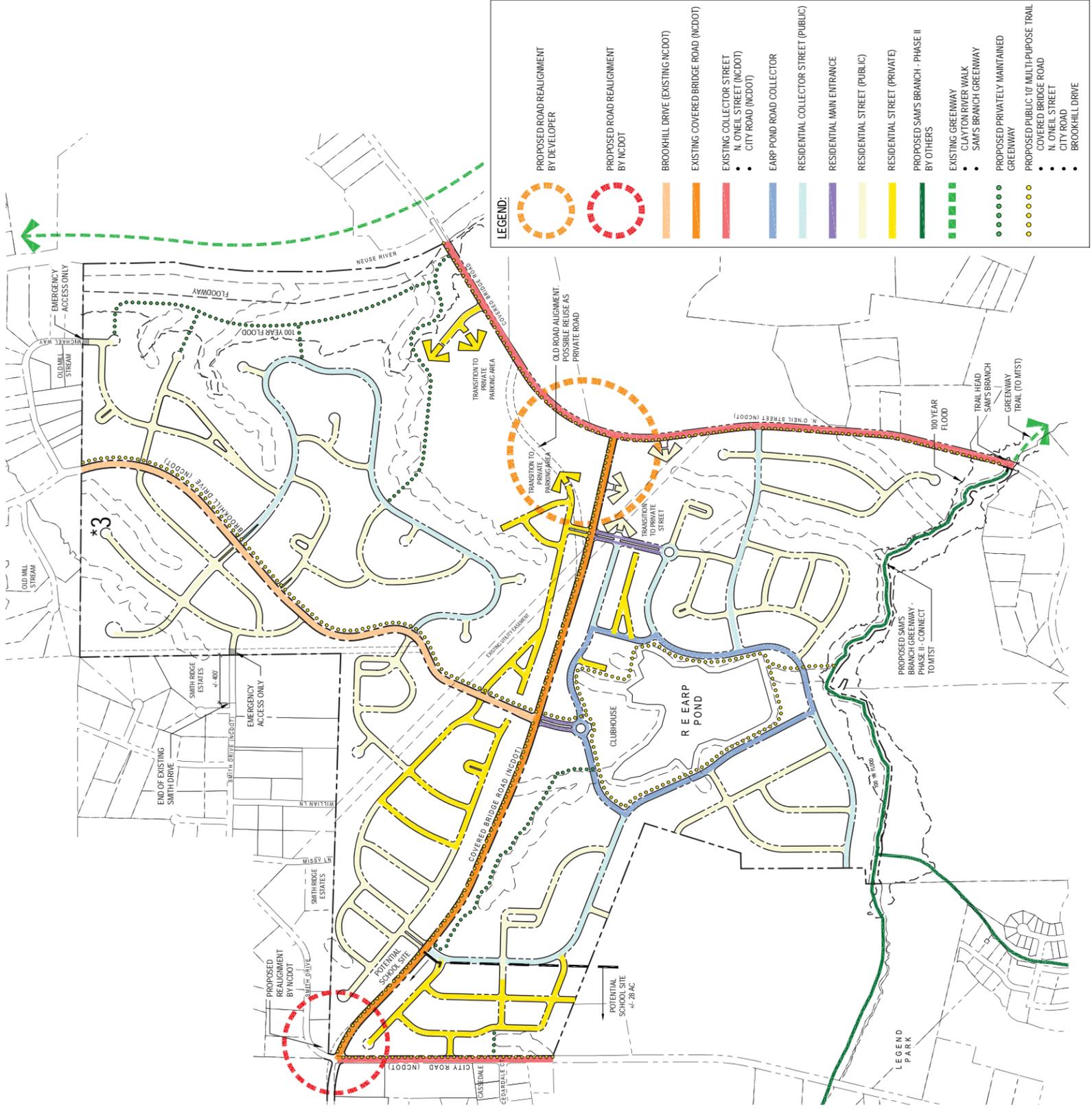
STREETS

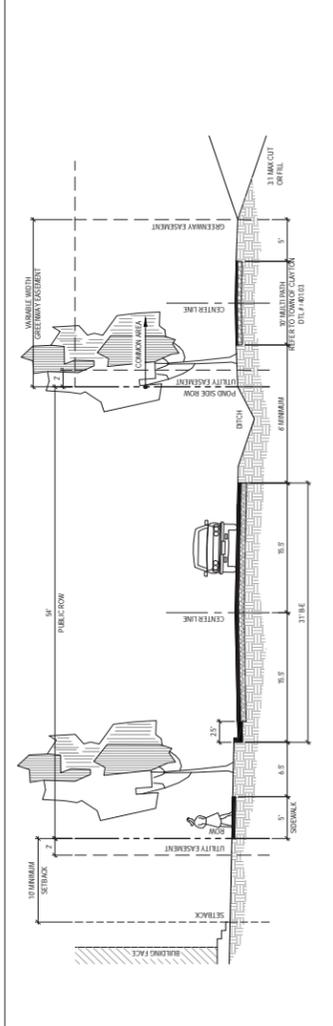
The streets proposed for Steeplechase are designed to provide the necessary emergency and service vehicle access while creating a safe pedestrian friendly neighborhood environment. The pattern of interconnected streets provides a hierarchy of interconnected streets providing options enabling traffic to disperse throughout the community. Traffic calming is achieved through block design, street section widths and streetscape design. All Town of Clayton standards and the proposed alternate street sections are designed to provide for street tree plantings and public utilities in a manner that avoids conflict. Alternate street section waiver requests are provided on the plans accompanying this submittal (see page 3). In all street sections, standard curb and gutter can be interchanged with Town of Clayton standard valley curb and gutter or rolled curb and gutter.

SIDEWALKS AND STREET YARDS

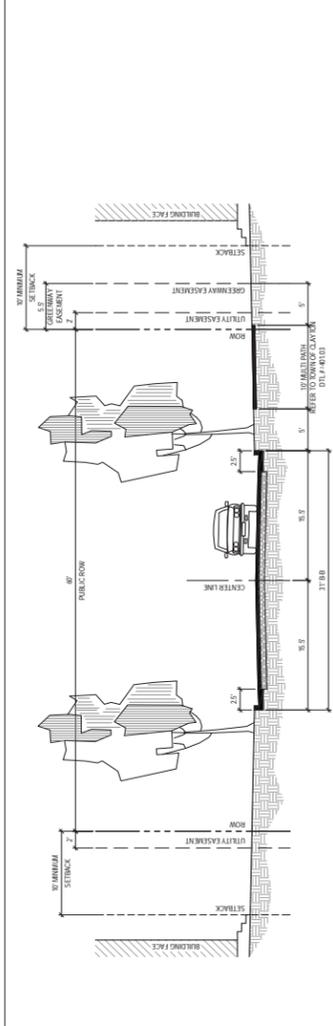
Steeplechase will provide public sidewalk on at least one side of the street throughout the development to promote a pedestrian friendly environment. The "Pedestrian Zone" is comprised of tree planter strips, sidewalks and pedestrian courts. It extends from the back of curb to the outer edge of the sidewalk or open space. Steeplechase is proposing planter strips throughout the development on residential streets. Building setbacks and the street yard between building facades and the back of curb vary among building types as noted in this document.

The internal street system as depicted is conceptual only to show general design and connectivity, and that actual alignment may change during final plat design. The exception is modification of connection points to external roadway networks and major entrances to the development, which constitute a major modification and must be approved by the Town Council.

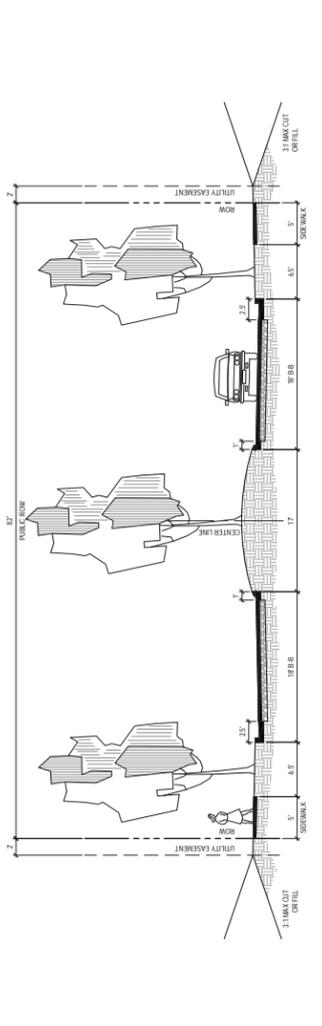




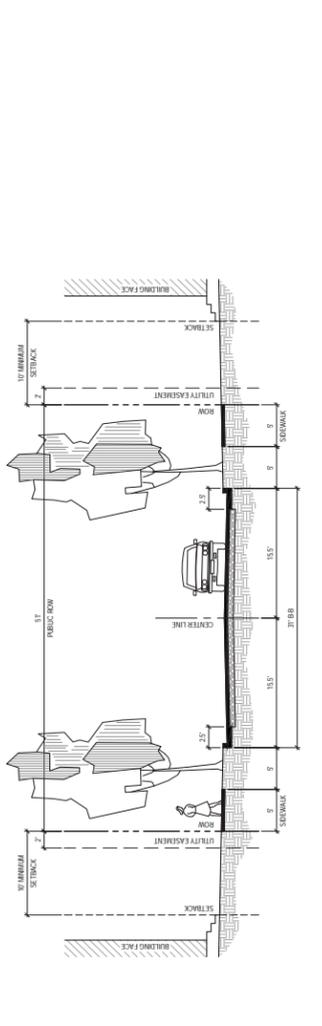
EARP POND ROAD COLLECTOR
SCALE: NTS 2



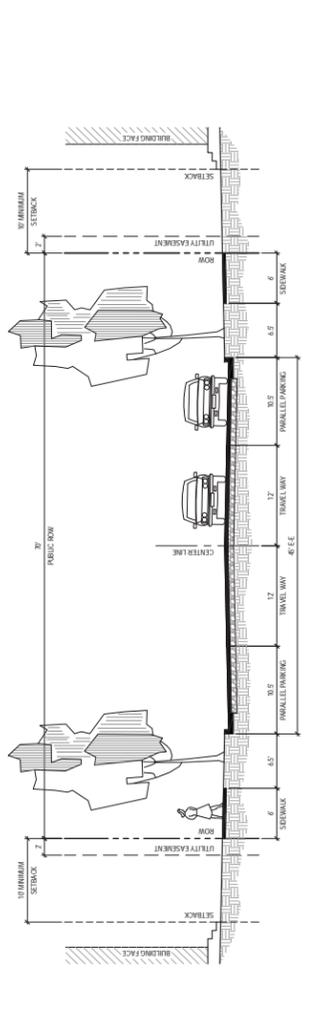
BROOKHILL DRIVE (NCDOT)
SCALE: NTS 1



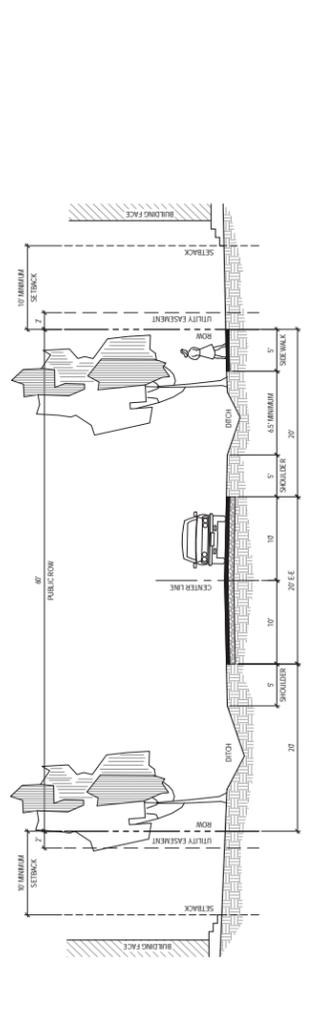
RESIDENTIAL MAIN ENTRANCE ALTERNATE "C"
SCALE: NTS 4



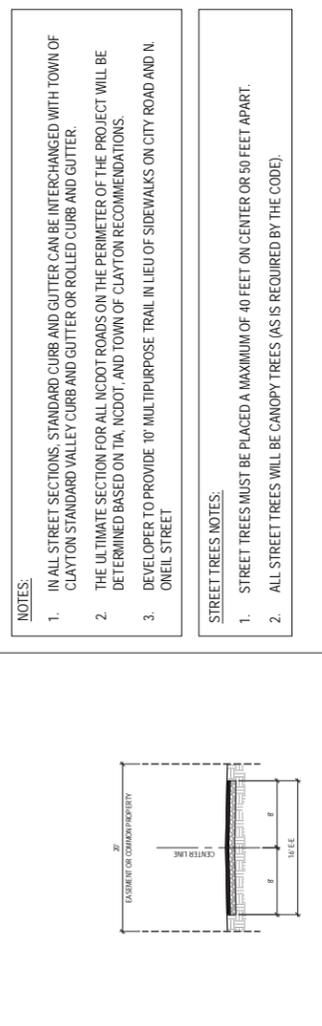
RESIDENTIAL COLLECTOR STREET
SCALE: NTS 3



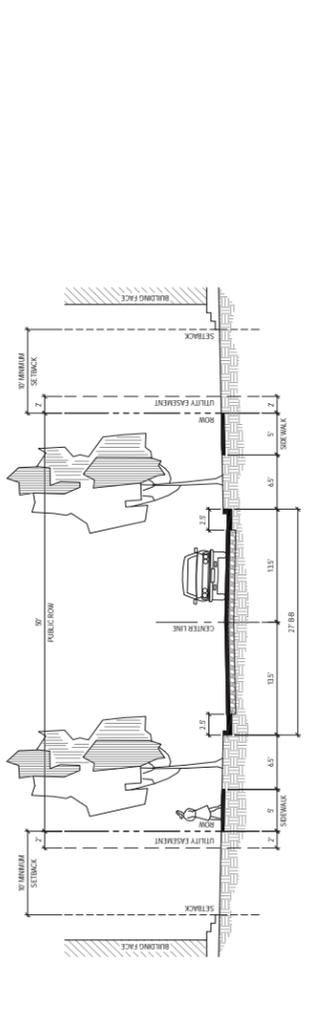
RESIDENTIAL STREET OPTION "II"
SCALE: NTS 6



RESIDENTIAL STREET OPTION "I" - LOW DENSITY OPTION
SCALE: NTS 5



RESIDENTIAL STREET OPTION "III"
SCALE: NTS 7



ALLEY
SCALE: NTS 8

NOTES:

1. IN ALL STREET SECTIONS, STANDARD CURB AND GUTTER CAN BE INTERCHANGED WITH TOWN OF CLAYTON STANDARD VALLEY CURB AND GUTTER OR ROLLED CURB AND GUTTER.
2. THE ULTIMATE SECTION FOR ALL NCDOT ROADS ON THE PERIMETER OF THE PROJECT WILL BE DETERMINED BASED ON TIA, NCDOT, AND TOWN OF CLAYTON RECOMMENDATIONS.
3. DEVELOPER TO PROVIDE 10' MULTIPURPOSE TRAIL IN LIEU OF SIDEWALKS ON CITY ROAD AND IN ONEIL STREET

STREET TREES NOTES:

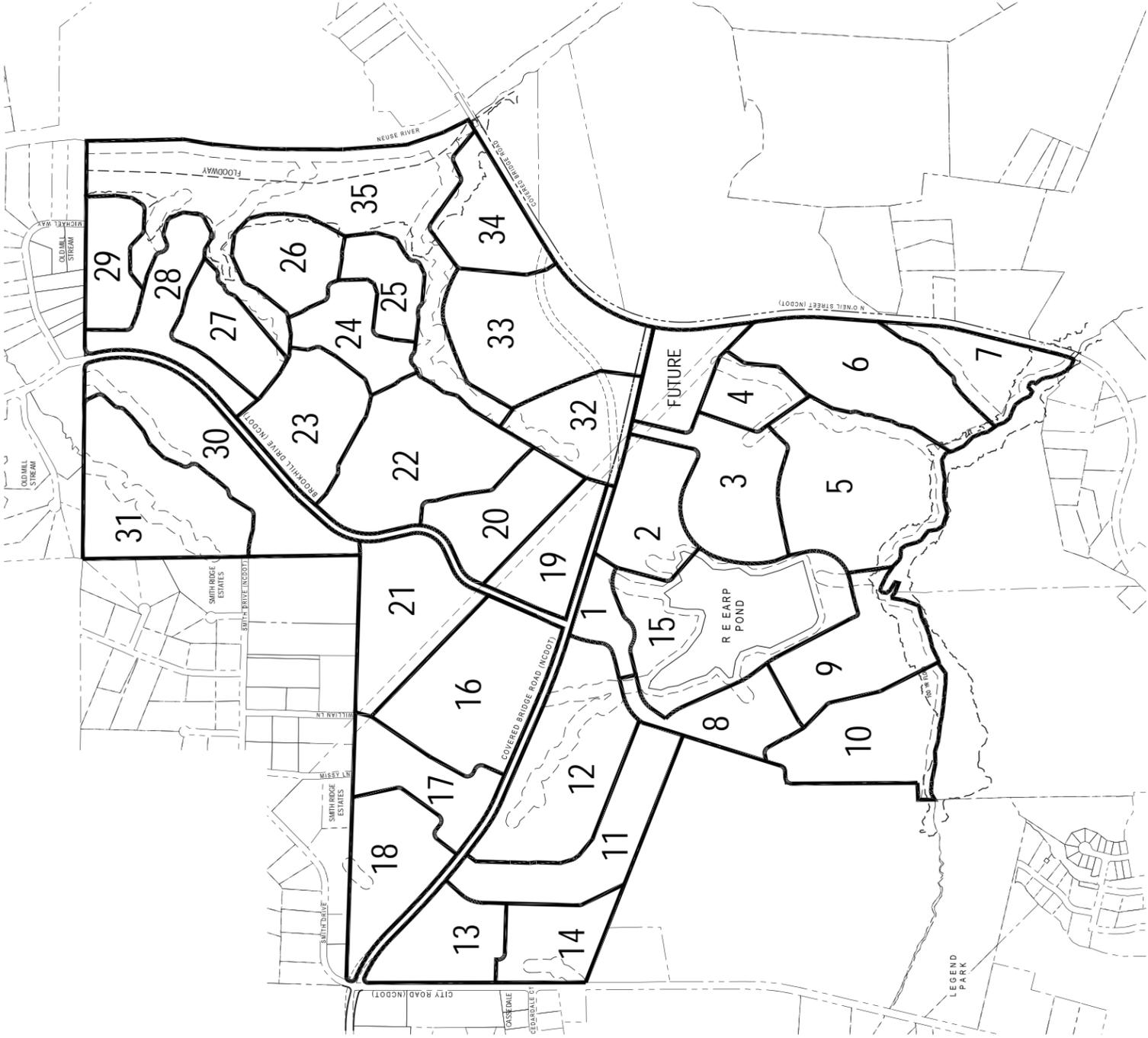
1. STREET TREES MUST BE PLACED A MAXIMUM OF 40 FEET ON CENTER OR 50 FEET APART.
2. ALL STREET TREES WILL BE CANOPY TREES (AS IS REQUIRED BY THE CODE).

NOTES	SCALE: NTS 9
ALLEY	SCALE: NTS 8
RESIDENTIAL STREET OPTION "III"	SCALE: NTS 7

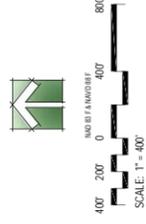
NOTES:

THE CLUBHOUSE PERMIT SHALL BE REQUIRED PRIOR TO THE 251ST BUILDING PERMIT.

PHASE	ACRES IN AC
1	+/- 5.49
2	+/- 14.14
3	+/- 18.55
4	+/- 7.22
5	+/- 30.99
6	+/- 24.39
7	+/- 11.13
8	+/- 11.07
9	+/- 17.67
10	+/- 19.37
11	+/- 18.62
12	+/- 28.15
13	+/- 13.10
14	+/- 11.06
15	+/- 34.64
16	+/- 26.68
17	+/- 12.45
18	+/- 16.36
19	+/- 10.78
20	+/- 13.79
21	+/- 19.64
22	+/- 26.53
23	+/- 16.57
24	+/- 10.32
25	+/- 7.94
26	+/- 11.46
27	+/- 10.26
28	+/- 12.84
29	+/- 9.50
30	+/- 23.60
31	+/- 25.11
32	+/- 13.42
33	+/- 27.16
34	+/- 13.00
35	+/- 54.25
FUTURE	+/- 9.89
TOTAL	+/- 637.13



PHASING PLAN



Recreation and Open Space

The plan for Steeplechase creates a network of community parks, pocket parks, greenways, pedestrian mews, trails and sidewalks. The existing R. E. Earp pond is planned to remain and serve as a focal point for the main amenity campus. A multi-purpose trail is planned around the pond that will connect to the future Sam's Branch Greenway extension. The Sam's Branch Greenway currently terminates at O'Neil Street and connects to the Mountains To Sea Trail along the Neuse River.

Throughout the development a combination of pedestrian mews, small parks and open spaces will be provided so that all residences are within 1/8 of a mile of a useable open space. Access to walks and trails will provide residents alternative modes of travel within the development. Approximately two-thirds of the development will be within a 10 minute walk of the amenity features at R. E. Earp Pond. Other open space areas include Resource Conservation Areas such as riparian buffers adjacent to drainage ways and streams and considerable lowland on the east bank of the Neuse River and to the south along Sam's Branch.

OPEN SPACE REQUIREMENTS

Steeplechase is planned to include a mix of residential, community uses, parks and open space on 631 acres. The recreation open space is calculated using the net land area after subtracting the Resource Conservation Areas (RCAs). RCAs are areas in flood plains, ponds, riparian buffers, wetlands, etc. The net land area after subtracting the +/- 111.19 acres of RCAs is 519.87 acres. Based on the net acreage of 519.87 acres a total of 64.98 acres of recreation open space is required.

REQUIRED RECREATION & OPEN SPACE

519.87 AC x 12.5% = 64.98 AC

REQUIRED ACTIVE RECREATION SPACE

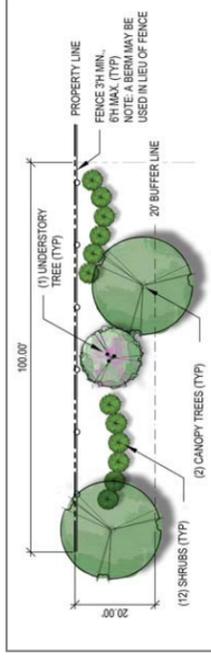
64.98 ac x 25% = 16.245 AC

REQUIRED CONSERVATION AREAS	ACRES	% LAND AREA (GROSS)
Flood Plain	+/- 53.78	+/- 10.34%
Riparian Buffers	+/- 41.03	+/- 7.89%
Pond	+/- 16.38	+/- 3.15%
Total Required Conservation Areas	+/- 111.19	+/- 21.39%
OPEN SPACE PROVIDED		
Active Recreation Space	+/- 29.22	+/- 4.63%
Passive Open Space	+/- 29.83	+/- 4.73%
Phase 7	+/- 6.03	+/- 0.96%
Total Open Space Provided	+/- 65.08	+/- 10.31%

LINEAR FOOTAGE - GREENWAYS / MULTI-PURPOSE TRAILS

Public +/- 12,700 LF (127,000 SF / 2.91 AC)

Private +/- 13,400 LF (134,000 SF / 3.07 AC)



PERIMETER LANDSCAPE BUFFER: CLASS C (typical)



ACTIVE RECREATION SPACE BREAKDOWN

Clubhouse	7.02 AC
Greenway	3.07 AC
Parks	19.13 AC

Recreation and Open Space

The overall Parks and Open Space plan consists of elements that contribute to neighborhood character and a sense of community. These elements may include pocket parks, sidewalks, greenways, seating, streetscape plantings and entry features, and scenic overlooks.

ROUND-ABOUTS

Roundabouts are used as a traffic calming measure but also provide an opportunity to create a focal point with enhanced landscape plantings.

GREENWAY TRAIL AND SCENIC OVERLOOK

There are opportunities within the community to develop greenway connections to the Mountains to Sea Trail along the Neuse River. These trail connections can be co-located with other amenities such as scenic overlooks to provide a network of nature trails and observation areas which feature the natural surroundings.

All Active Recreation site / parks must receive separate site plan approval.

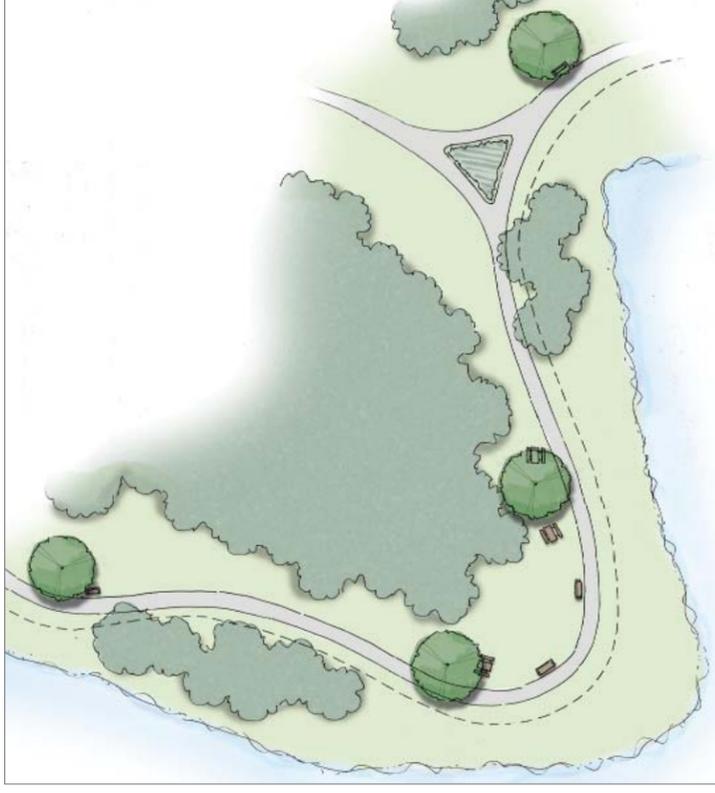
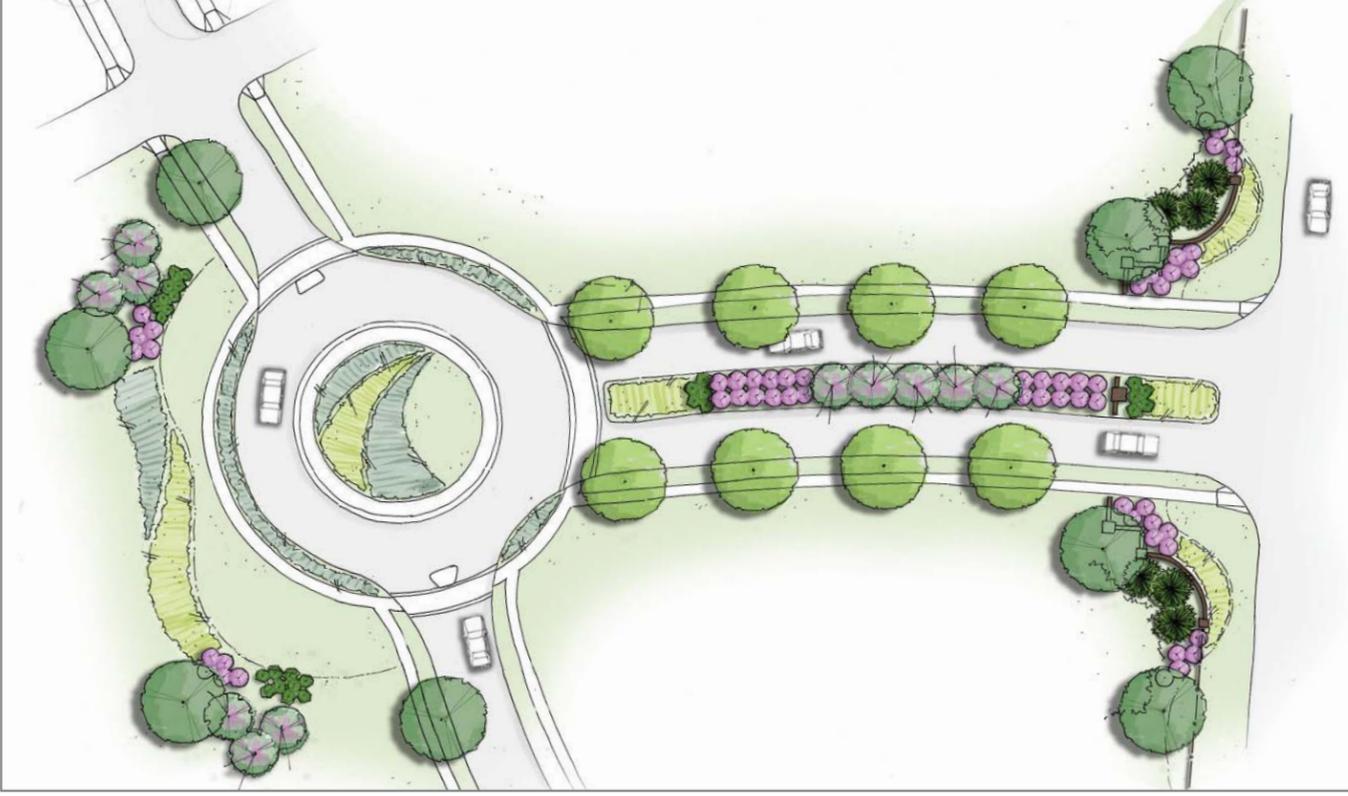
The Developer is in talks with the Town about the dedication of Phase 7 in its entirety (approx. 11 acres). No agreement has been made at this time. The Developer agrees to dedicate a 30' wide easement along the southern boundary for the extension of the Sam's Branch / Mountain to Sea Trail (approx. 2.85 acres). If P



ENTRY FEATURE / ROUNDABOUT (TYPICAL)

DESIGN ELEMENTS

1. Entry Features / Signage
2. Landscaped Medians
3. Entry Landscapes
 - (+/- 16) Trees
 - (+/- 75) Shrubs



GREENWAY TRAIL AND SCENIC OVERLOOK (TYPICAL)

DESIGN ELEMENTS

1. Trail
2. Seating

POCKET PARKS

These 'mini-parks' should be located throughout the community and range in size to serve as focal points and activity nodes. These parks can contain active or passive recreational opportunities and serve an important element in creating and developing a sense of community among residents.

"TOT LOT" (TYPICAL)

DESIGN ELEMENTS

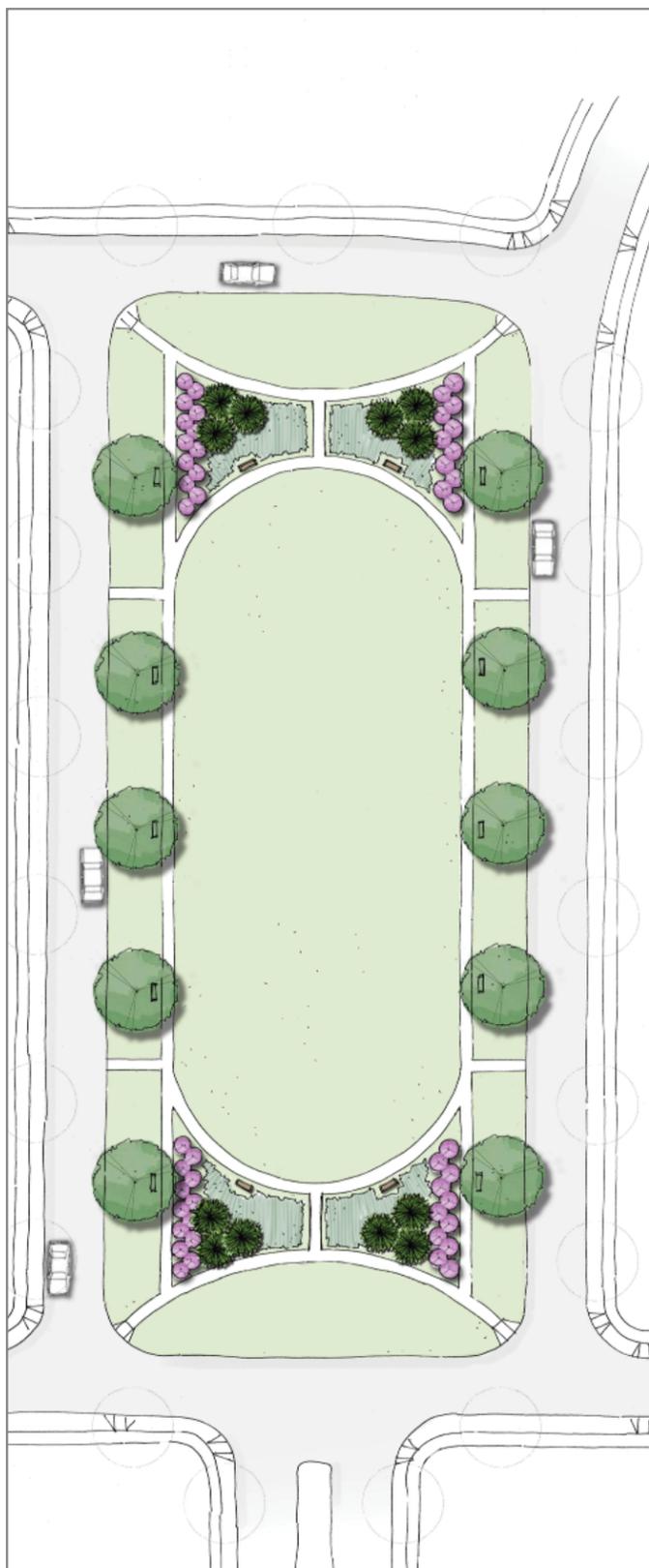
- 1. Seating
- 2. Play Structure
- 3. Landscaping



POCKET PARK (TYPICAL)

DESIGN ELEMENTS

- 1. Seating
- 2. Sidewalk
- 3. Landscaping



Detached Homes - Single Family

Detached Single Family homes shall be the primary lot type within the development. The lot size can vary between large and small lots but shall be a minimum to 4,500 square feet. Single family homes should be clustered together throughout the community.

LOT STANDARDS

1. Lot standards shall be as follows:
 - a. The minimum lot size shall be 4,500 square feet and no maximum is established.
 - b. The minimum lot width shall be 40' and no maximum is established.
 - c. The minimum lot depth shall be 100' and no maximum is established.
 - d. The maximum lot coverage shall be 70%
 - e. The maximum lot impervious area shall be 75%

2. Setbacks shall be as follows:

Front Setback - Minimum	10'
Side Interior Setback	4'
Side Street Setback - Minimum	10'
Rear Setback - Minimum	10'
Zero Lot Line Side Setback	0'
Height - Maximum	35'
Accessory	5'

PERMITTED USES AND DIMENSIONAL STANDARDS

1. Residences shall consist of detached single family homes and zero lot line homes. Garages may be detached or attached and maybe alley loaded. They may also have accessory apartments and/or living spaces above.
2. Accessory buildings are permitted and must follow the setbacks established in the lot standards listed above.
3. Roof pitches shall range between 3:12 and 10:12 and should be consistent with each style of building.
4. Fences may be located on the property line (0' setback).



Lot Type: Single Family - Street Access



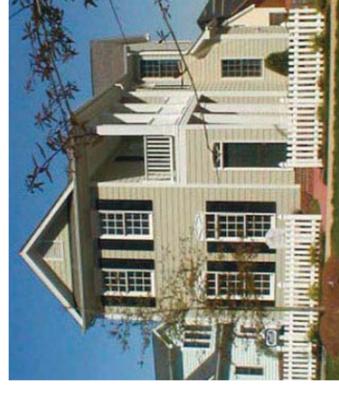
Lot Type: Single Family - Alley Access

3. Variations from lot setbacks up to 20% may be permitted with the approval of the planning director.
4. Where the lot has an alley or is a corner lot, garages and parking may be accessed from the alley or side street where possible.

5. The buildable zone is the area defined and bounded by the setbacks on all property lines.
6. A pedestrian zone is established from the back of curb to the right of way line. The pedestrian zone may include sidewalks and planting strips.
7. Street trees shall be located in the planter strip between the back of curb and the sidewalk. Trees shall be located no farther than 60' on center.

ARCHITECTURAL AND CONTEXTUAL STANDARDS

1. Architectural styles shall be consistent with the standards set forth by the Architectural Review Committee.
2. Front porches should be no less than 5' in depth and may be at grade.
3. All single family detached homes will require review by the Architectural Review Committee (see page 12).



Attached Homes - Townhomes & Single Family

Attached homes in the community will consist of single family and townhome residences. These lots will have a minimum size of 1,000 square feet and be clustered throughout the community. These residences may have street- or alley-loaded garages.

LOT STANDARDS

1. Minimum and maximum lot dimensions shall be as follows:
 - a. The minimum lot size shall be 1,000 square feet and no maximum is established.
 - b. The minimum lot width shall be 16' and no maximum is established.
 - c. The minimum lot depth shall not be established.
 - d. The maximum lot coverage shall be 70%
 - e. The maximum lot impervious area shall be 75%

2. Setbacks shall be as follows:

Front Setback - Minimum	5'
Side Interior Lot Setback	0'
Side Street Setback - Minimum	5'
Rear Setback - Minimum	10'
Zero Lot Line Side Setback	0'
Height - Maximum	45'
Accessory	5'

2. Party walls shall be fire rated in accordance with international building code.
3. Accessory buildings are permitted and must follow the setbacks established in the lot standards listed above.

ARCHITECTURAL AND CONTEXTUAL STANDARDS

1. Architectural styles shall be consistent with the standards set forth by the Architectural Review Committee..
2. All single family attached homes will require review by the Architectural Review Committee (see page 12).

3. Variations from lot setbacks up to 20% may be permitted with the approval of the planning director.



Lot Type: Townhome / SF - Alley Access



Lot Type: Townhome / SF - Street Access



Lot Type: Townhome / SF - Surface Parking



Multi-Family - Condo / Apartments

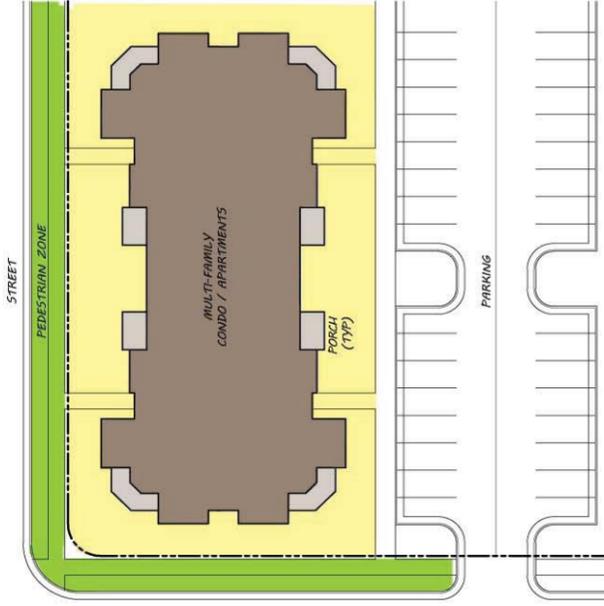
Multi-family residences in the community can be condominium and/or apartment buildings. This type of residential product should be located closer to the proposed commercial retail uses.

LOT STANDARDS

1. Minimum and maximum lot dimensions shall be as follows:
 - a. There is no minimum lot size established.
 - b. There is no minimum lot width established.
 - c. There is no minimum lot depth established.
 - d. The maximum lot coverage shall be 80%
 - e. The maximum lot impervious area shall be 80%

2. Setbacks shall be as follows:

Front Setback - Minimum	0'
Side Interior Lot Setback	5' (20' min. between buildings)
Side Street Setback - Minimum	0'
Rear Setback - Minimum	5'
Height - Maximum	55'



Lot Type: Multi-Family - Surface Parking

3. Variations from lot setbacks up to 20% may be permitted with the approval of the planning director.
4. Minimum building to building separation is 20'

5. Multi-Family residential shall front on public or private streets and common areas. Parking shall be accessed from internal private drives.

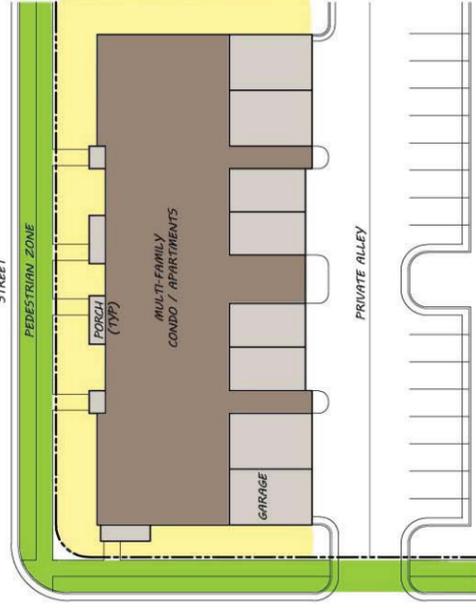
6. The buildable zone is the area defined and bounded by the setbacks on all property lines.

7. A pedestrian zone is established from the back of curb to the right of way line. The pedestrian zone may include sidewalks and planting strips

8. Street trees shall be located in the planter strip between the back of curb and the sidewalk. Trees shall be located no farther than 60' on center.

PERMITTED USES AND DIMENSIONAL STANDARDS

1. Buildings can consist of multi-unit condominiums, apartments, flats, stacked flats, stacked townhomes, or multi-family.
2. Party walls shall be fire rated in accordance with international building code.
3. Primary entrances for accessible units should be "at grade" or otherwise compliant with accessibility guidelines as outlined in the international building code.



Lot Type: Multi-Family - Alley Access

Amenity and Club

The community shall have a community center / club to serve all residents. The club can feature amenities such as a community pool, playground, tennis courts, exercise gym. Additionally, other featured amenities such as pocket parks, greenway connections, tot lots should be located throughout the community. The Clubhouse permit shall be required prior to the 251st building permit.

LOT STANDARDS

1. Minimum and maximum lot dimensions shall be as follows:

- a. There is no minimum lot size established.
- b. There is no minimum lot width established.
- c. There is no minimum lot depth established.

2. Setbacks shall be as follows:

Front Setback - Minimum	15'
Side Interior Lot Setback	5' (10' min. between buildings)
Side Street Setback - Minimum	10'
Rear Setback - Minimum	5'
Height - Maximum	45'

3. Variations from lot setbacks up to 20% may be permitted with the approval of the planning director.

4. Building entrances should be developed as pedestrian plazas for gatherings.

5. The buildable zone is the area defined and bounded by the setbacks on all property lines.

6. A pedestrian zone is established from the back of curb to the right of way line but may also include an area along the edge of a public space. The pedestrian zone will include minimum 5' sidewalks and planting strips along building fronts.

7. Street trees shall be located in the planter strip between the back of curb and the sidewalk. Trees shall be located no farther than 60' on center.

8. Parking and service areas should be located towards the sides or rear of buildings. Where site conditions or other limiting circumstances result in a building fronting a upon a parking area, a pedestrian zone shall be provided from the back of curb to the outer edge of the sidewalk in a similar manner to that provided along a street.

9. Multi-purpose trails, outdoor seating and other spaces, i.e. docks, viewing areas, etc. maybe provided along the waterfront.

PERMITTED USES AND DIMENSIONAL STANDARDS

1. Community buildings should have a prominent location and be adjacent to public spaces whenever possible, surface parking should be provided off to the sides or rear of the building.

2. Maximum height limit shall be Three (3) stories. Cupolas, bell towers and ancillary rooftop facilities are permitted to be taller.

3. Accessory buildings are permitted and must follow the setbacks established in the lot standards listed above.

4. Roof pitches shall be designed in congruence with the desired character and style of the building. Roof pitches will typically range between 3:12 and 10:12 or may be flat with a parapet.

5. Primary entrances for accessible buildings should be "at grade" or otherwise compliant with accessibility guidelines as required by the Americans with Disabilities Act.

ARCHITECTURAL AND CONTEXTUAL STANDARDS

1. Architectural styles shall be deemed appropriate based on review by the Architectural Review Committee.

2. All single community buildings will require review by the Architectural Review Committee (see page 12).



Commercial Area

The Commercial area shall have a base zoning district of B-2. This area shall be developed as a neighborhood retail shopping center to serve the needs of Steeplechase and the surrounding communities. Office and residential uses on upper stories will be allowable in this district. This area will range between +/-5 acres up to +/-8 acres.

LOT STANDARDS

1. Minimum and maximum lot dimensions shall be as follows:
 - a. The minimum lot size shall be 6,000 square feet
 - b. The minimum lot width shall be 50'
 - c. The minimum lot depth shall not be established.
 - d. The maximum lot coverage shall be 75%
 - e. The maximum lot impervious area shall be 75%
2. Setbacks shall be as follows:

Front Setback - Minimum	20'
Side Interior Lot Setback	10'
Side Street Setback - Minimum	10'
Rear Setback - Minimum	20'
Zero Lot Line Side Setback	0'
Height - Maximum	80'

PERMITTED USES AND DIMENSIONAL STANDARDS

1. The B-2 district provides opportunities for small-scale commercial uses offering primarily convenience shopping and services for adjacent residential areas. Proximity to residences requires that commercial operations are low intensity, unobtrusive and conducted at a scale and density compatible with the surrounding neighborhood. There is a relatively low demand on public services, transportation and utilities.
2. A maximum height of 80' has been designated for this district to allow offices and residential units in upper stories.

ARCHITECTURAL AND CONTEXTUAL STANDARDS

1. Architectural styles shall be consistent with the standards set forth by the Architectural Review Committee.
2. The commercial area will require review by the Architectural Review Committee (see page 12).



Architectural Review Committee

The developer (and any subsequent Homeowner's and/or Property Owner's Associations) shall ensure a wide variety of residential products are developed throughout the community. Prior to the first site plan submittal, developer shall establish an Architectural Review Committee (ARC) that reviews and approves all proposed architecture and site architecture and site furnishings for quality, compatibility and consistency. This entity shall subsequently review and approve all development requests prior to the submittal to the Town of Clayton for any building permit. The ARC shall also establish, enforce, modify and grant conformance with the documents and provisions indicated below. It shall also enforce any applicable standards within the community's adopted restrictive covenants.

BASIC PALETTE FOR RESIDENTIAL USES

- **Primary Buildings:** Brick, modular brick; Vinyl siding; Hardi-plank; batten board siding, pre-cast materials, Wood; Simulated wood; Stone, and Simulated stone.
- **Roof Elements:** Asphalt Shingles; Metal Roofs, Simulated tile (design and color may vary). Flat or membrane roofs shall be prohibited (except for mixed-use buildings).
- **Columns:** Wood, Brick, Pre-cast; Fiberglass; Simulated stone; Steel; and aluminum.
- **Colors:** A variety of colors may be used so long as they are complimentary. While accents and trim colors may vary. A maximum of two primary colors may be used on the façade. Garages and accessory structures shall match the primary residence.
- **Building Accents:** Simulated Stone, Tile, Pre-case; Wood, EIFS; Brick patterns and anent brick; quins; and architectural masonry.
- **Garages and Parking:** A maximum four cars can be garaged on any single family lot. A minimum of two parking spaces shall be provided for each unit (via a garage, in a driveway, on a private street or in an off-street space)
- **Porches and Stoops:** Porches may be located at the front, side, or rear of the house. Front porches or stoops shall be a minimum of five (5') feet in depth and provide adequate setback from the lot lines and public streets.
- **Mechanical Equipment:** Ground level mechanical equipment shall be located at the side or rear of the lot and screened from view with plantings or a wall of the same or compatible materials to the buildings' exterior.
- **Fencing in Perimeter Yard:** The ARC shall review and approve all fencing styles, materials, and height within the Perimeter Buffer (Type C) along existing public streets. The intent is to create continuity in product, style and appearance.
- **Elevations:** Architectural elevations will have variety to ensure adjacent units have different facades. The intent is to ensure the homes are not "cookie-cutter" and provide architectural diversity.

Phasing

OVERALL PHASING

Schedules for the ultimate phasing of plans, permits and construction for the project will be dependent on market forces and requirements for infrastructure improvements. Initial phases for the development will require extensions of public streets, water and sanitary sewer systems. Areas along existing Covered Bridge Road and O'Neal Street will likely be the first to be developed. However, smaller phases may be created and approved by the staff. The referenced phase number on the Phasing Plan does not necessarily represent the exact sequence of development. Although the Clubhouse is shown in phase 15, the permit application for clubhouse construction will be submitted prior to the application for the 251st residential building permit. Unless specifically stated herein and with approval of Town Staff, the developer retains the right to reconfigure the phases based on market forces and infrastructure needs.

AMENDMENTS TO THE APPROVED MASTER PLAN

As long as the developer owns real property within the Master Plan development, only the developer or personnel authorized in writing by the developer shall have the right to amend the plan.

POTENTIAL SCHOOL SITE

The master plan identifies a potential school site located on City Road frontage of the development. The developer will entertain requests from the school district for up to two (2) years from the date of plan adoption by Town Council. If the site is donated to the school district the developer would expect a credit applied to any impact fees equal to the value of the land plus any lost revenue.

DEVELOPMENT NAME CHANGE

The developer reserves the right to change the name of the development prior to recording the first plat associated with this development.

Appendix

COVER	SHEET 0
EXISTING CONDITIONS	SHEETS 1-3
MASTER PLAN	SHEETS 4, 4A, 4B, 4C
PHASING PLAN	SHEET 5
OPEN SPACE PLAN	SHEET 6
VEHICULAR AND PEDESTRIAN PLAN	SHEET 7
STREET WAIVER REQUESTS	SHEET 8



PSD 2014-128 & PDD 2014-127

Preliminary Plat Review (Major Subdivision)

- 1st Submittal: October 01, 2014
- 2nd Submittal: October 24, 2014
- 3rd Submittal: November 10, 2014
- 4th Submittal: January 7, 2015
- 5th Submittal: January 14, 2015
- 6th Submittal: January 20, 2015
- 7th Submittal: February 13, 2015
- 8th Submittal: February 23, 2015

Steeplechase Subdivision

1162 Covered Bridge Road
Clayton, Johnston County, North Carolina 27520



PSD 2014-128 & PDD 2014-127

Galaxy NC, LLC
c/o Wakefield Development Company
1162 Covered Bridge Road
Clayton, North Carolina 27520

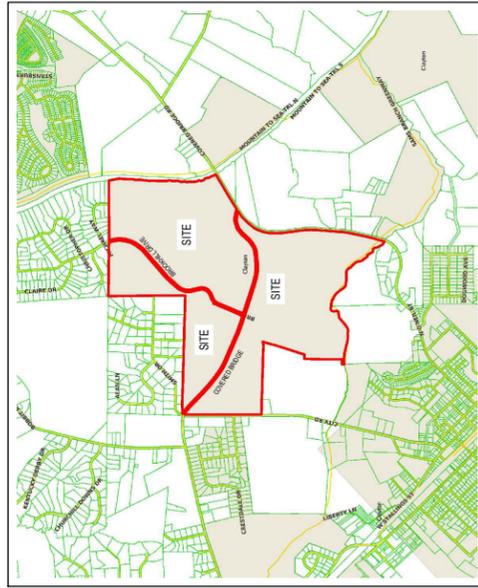


Preliminary Plat
Review
(Major Subdivision)
Not for Construction

ISSUE	DATE
PROJECT: WDC-14880	10/01/2014
ISSUE: Preliminary Plat Review	10/01/2014
REVISIONS:	
1st Review Comments	10/24/2014
2nd Review Comments	11/10/2014
3rd Review Comments	01/07/2015
4th Review Comments	01/14/2015
5th Review Comments	01/20/2015
6th Review Comments	02/13/2015
7th Review Comments	02/23/2015
DRAWN BY: SB	
CHECKED BY: KT	
CONTENT:	COVER
	0

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Vicinity Map



PIN NUMBER(S): 16800-38-487
 DEED: BOOK 03897, PAGE 0735
 SITE AREA: 27,463.974 SF (631.06 AC) ASSESSED ACRES: 27,463.102 SF (631.04 AC) (CALC. ACRES)
 ZONING: R-2, P-10, NEIGHBORHOOD BUSINESS (B-2)
 HORIZONTAL AND VERTICAL DATUM: NAD 83 F & NAVD 83 F

Project Team

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 kent@wakefieldv.com

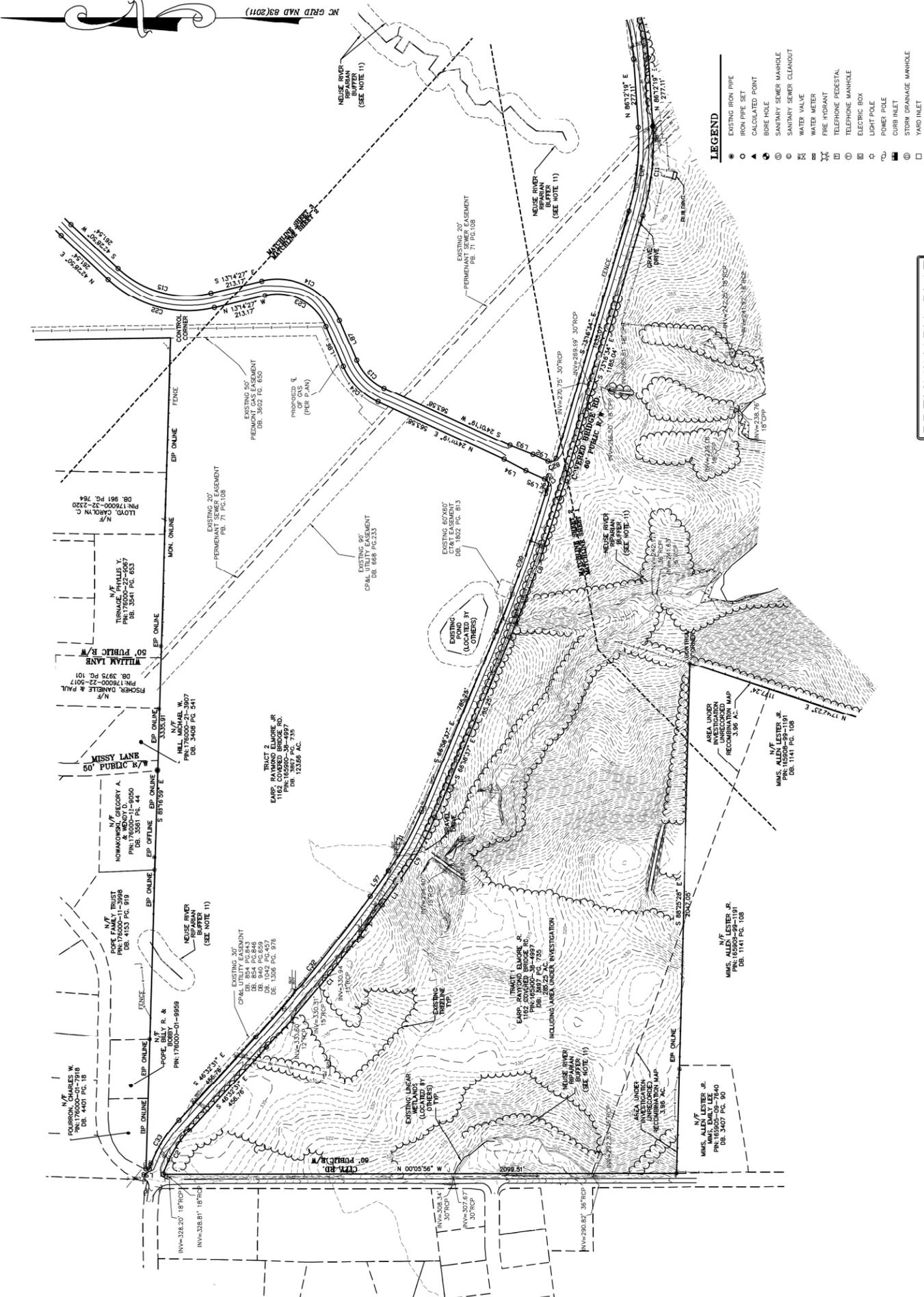
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Sheet Index

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PHASING PLAN	5
RECREATION & OPEN SPACE PLAN	6
VEHICULAR & PEDESTRIAN CIRCULATION PLAN	7
STREET WAIVER REQUESTS	8

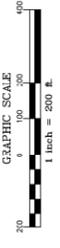


GENERAL NOTES
 1. SEE LINE AND CURVE TABLES THIS SHEET
 2. SEE SHEET 1 FOR GENERAL NOTES

CURVE	STATION	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	5855.00	743.38	S 207°15'36" E	742.88
C2	6600.00	130.84	N 17°45'31" E	130.86
C3	6736.00	563.09	S 75°45'12" W	537.95
C4	5736.30	563.09	S 75°45'12" W	537.95
C5	6165.00	181.43	N 81°36'27" W	181.43
C6	6165.00	181.43	N 81°36'27" W	181.43
C7	6170.00	567.74	N 81°36'27" W	567.89
C8	6250.00	886.89	S 60°23'59" E	886.35
C9	7666.00	441.84	N 85°56'27" E	436.61
C10	8280.00	86.95	N 44°48'32" W	86.95
C11	8280.00	86.95	N 44°48'32" W	86.95
C12	8280.00	86.95	N 44°48'32" W	86.95
C13	8280.00	86.95	N 44°48'32" W	86.95
C14	8280.00	86.95	N 44°48'32" W	86.95
C15	8280.00	86.95	N 44°48'32" W	86.95
C16	8280.00	86.95	N 44°48'32" W	86.95
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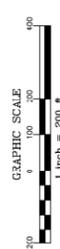
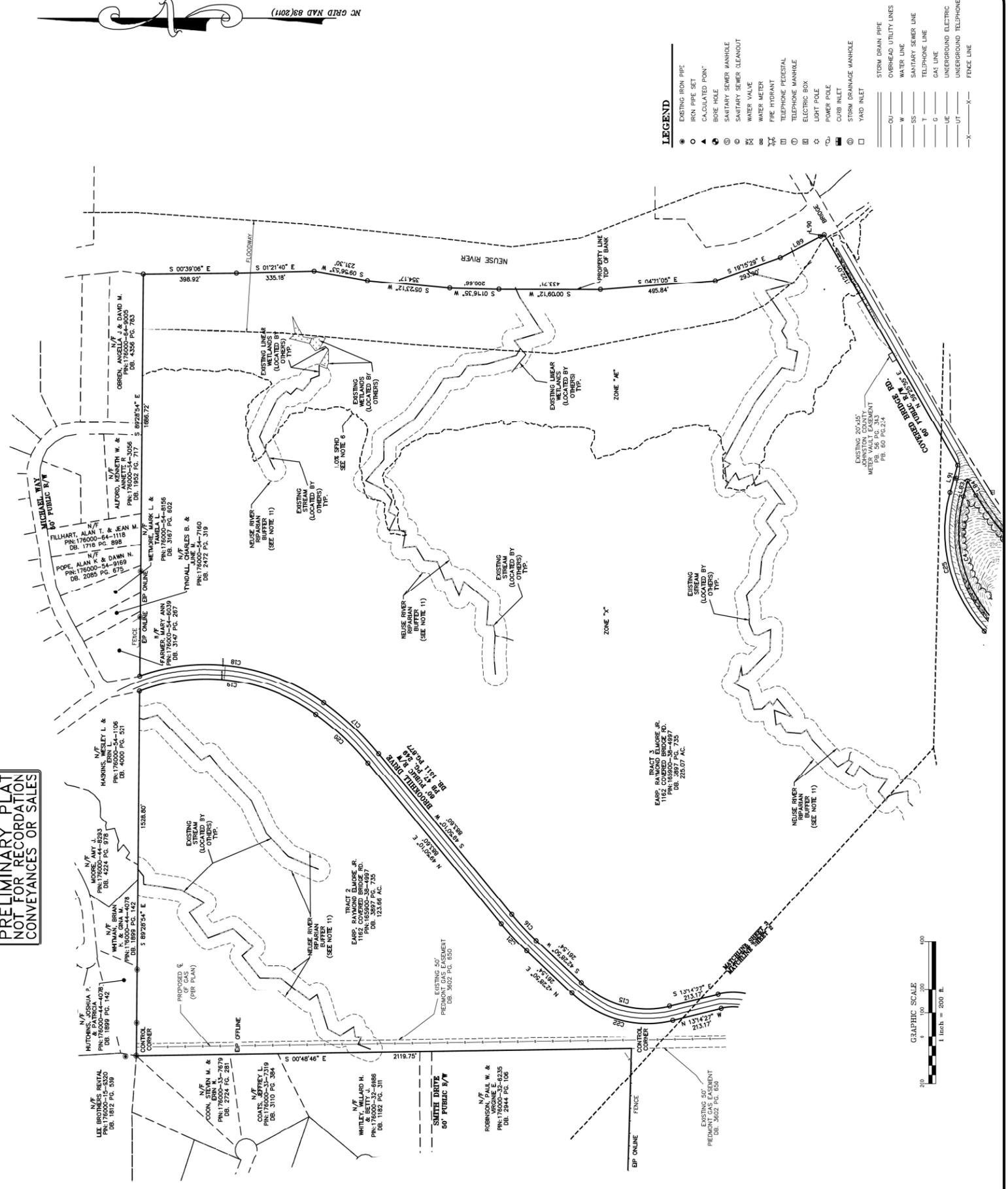
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L94	5927.48	S 89.27	54.82
L95	5927.48	S 89.27	54.82
L96	5927.48	S 89.27	54.82
L97	5927.48	S 89.27	54.82
L98	5927.48	S 89.27	54.82
L99	5927.48	S 89.27	54.82
L100	5927.48	S 89.27	54.82

**PRELIMINARY PLAT
 NOT FOR RECORDATION
 CONVEYANCES OR SALES**



GENERAL NOTES
 1. SEE SHEET 2 FOR LINE AND CURVE TABLES.
 2. SEE SHEET 1 FOR GENERAL NOTES.

**PRELIMINARY PLAT
 NOT FOR RECORDATION
 CONVEYANCES OR SALES**



LEGEND

○	EXISTING IRON PIPE
○	IRON PIPE SET
▲	CALCULATED POINT
○	BORE HOLE
○	SANITARY SEWER MANHOLE
○	SANITARY SEWER CLEANOUT
○	WATER VALVE
○	WATER METER
○	FIRE HYDRANT
○	TELEPHONE FODERIAL
○	TELEPHONE MANHOLE
○	ELECTRIC BOX
○	LIGHT POLE
○	POWER POLE
○	CURB INLET
○	STORM DRAINAGE MANHOLE
○	YARD INLET
—	STORM DRAIN PIPE
—	OVERHEAD UTILITY LINES
—	WATER LINE
—	SANITARY SEWER LINE
—	TELEPHONE LINE
—	GAS LINE
—	UNDERGROUND ELECTRIC
—	UNDERGROUND TELEPHONE
—	FENCE LINE

NC GRID NAD 83(2011)

Galaxy NC, LLC
 c/o Wakefield Development Company
Steepchase Subdivision
 1162 Covered Bridge Road
 Clayton, Johnston County, North Carolina 27520



Preliminary Plat
 Review
 (Major Subdivision)
 Not for Construction

PROJECT	DATE
WOC-1430	10/07/2014
Public Plan (M/S)	10/10/2014

ISSUE	DATE
1st Review Comments	10/24/2014
2nd Review Comments	11/10/2014
3rd Review Comments	01/07/2015
4th Review Comments	01/14/2015
5th Review Comments	01/20/2015
6th Review Comments	02/13/2015
7th Review Comments	02/23/2015

DRAWN BY: KT, SB
 CHECKED BY: KT
 CONTENT: MASTER PLAN

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SITE DATA:
 SITE ADDRESS: 1162 COVERED BRIDGE ROAD, CLAYTON, JOHNSTON COUNTY, NC 27520
 TOWN LIMIT OR ETJ: WITHIN TOWN OF CLAYTON, TOWN LIMIT
 ACREAGE: 27.488,974 SF/631.06 AC (ASSESSED); 27.488,102 SF/631.04 AC (CALC. AREA)
 NC PIN NUMBER: 066800-38-4897
 PARCEL ID/TAG: 05H02009
 TAX UNIQUE ID: 3868846
 OWNERS: NANCY CREWS EARP & MARY EARP WORLEY
 OWNERS' ADDRESS: 7230 NC 42 EAST, SELMA, NC 27576
 DEED BOOK: BOOK 03897, PAGE 0735
 ZONING(S): R-8, R-10, NB (B-Z)
 OVERLAY DISTRICT: WATERSHED PROTECTION OVERLAY DISTRICT
 WATERSHED PROTECTION OVERLAY: YES (SOUTHEAST PORTION OF THE SITE ONLY)
 RESOURCE CONSERVATION AREA: 0 AC
 ANNEXATION NUMBER: N/A
 FEMA: FRM PANEL - 3720176000J; EFFECTIVE DATE - 12/02/2005
 FLOOD PLAIN EXISTS WITHIN THIS SITE
 EXISTING USE: VACANT
 PROPOSED MAXIMUM D.U.: 0 DU / AC
 PROPOSED COMMERCIAL MAXIMUM SF: 2,200
 PROPOSED DENSITY: 3.49 DU / AC
 PROPOSED USE: RESIDENTIAL AND COMMERCIAL
 ELECTRIC PROVIDER: TOWN OF CLAYTON
 WATER PROVIDER: TOWN OF CLAYTON
 SEWER PROVIDER: TOWN OF CLAYTON
 EXISTING IMPERVIOUS AREA: 0 SF / 0 AC / 0 %
 PROPOSED IMPERVIOUS AREA: 192,422 SF / 441.74 AC / 70 %
 OVERALL MAXIMUM IMPERVIOUS AREA: 70 %

USE	ACRES	% LAND AREA
RCA's (Riparian Buffers, Flood Plain, Pond)	+/- 111.19	+/- 17.62%
Recreation Open Space	+/- 65.08	+/- 10.31%
Residential uses	+/- 444.88	+/- 70.50%
Neighborhood retail	+/- 9.91	+/- 1.57%
Total	631.06	100%

LEGEND:

- ACTIVE RECREATIONAL OPEN SPACE
- PASSIVE OPEN SPACE
- RIPARIAN BUFFERS AND FLOODPLAIN
- 20' TYPE "C" PERIMETER BUFFER
- RESIDENTIAL USE
 - SMALL LOT SINGLE FAMILY (DETACHED)
 - MEDIUM LOT SINGLE FAMILY (DETACHED)
 - LARGE LOT SINGLE FAMILY (DETACHED)
 - ATTACHED SINGLE FAMILY
- RESIDENTIAL USE
 - TOWNHOMES
- RESIDENTIAL USE
 - CONDOMINIUMS
 - APARTMENTS / TOWNHOME OPTION
- COMMERCIAL

NOTES:

- THE INTERNAL STREET SYSTEMS AS DEPICTED IS CONCEPTUAL ONLY TO SHOW GENERAL DESIGN AND CONNECTIVITY, AND THAT ACTUAL ALIGNMENT MAY CHANGE DURING FINAL PLAT DESIGN. THE EXCEPTION IS MODIFICATION OF CONNECTION POINTS TO EXTERNAL ROADWAY NETWORKS AND MAJOR ENTRANCES TO THE DEVELOPMENT, WHICH CONSTITUTE A MAJOR MODIFICATION AND MUST BE APPROVED BY THE TOWN COUNCIL.

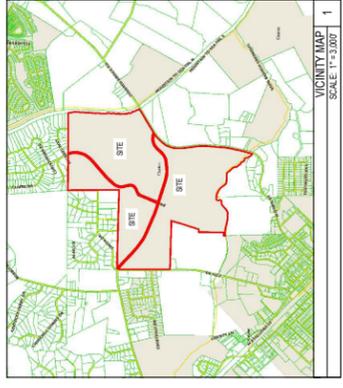
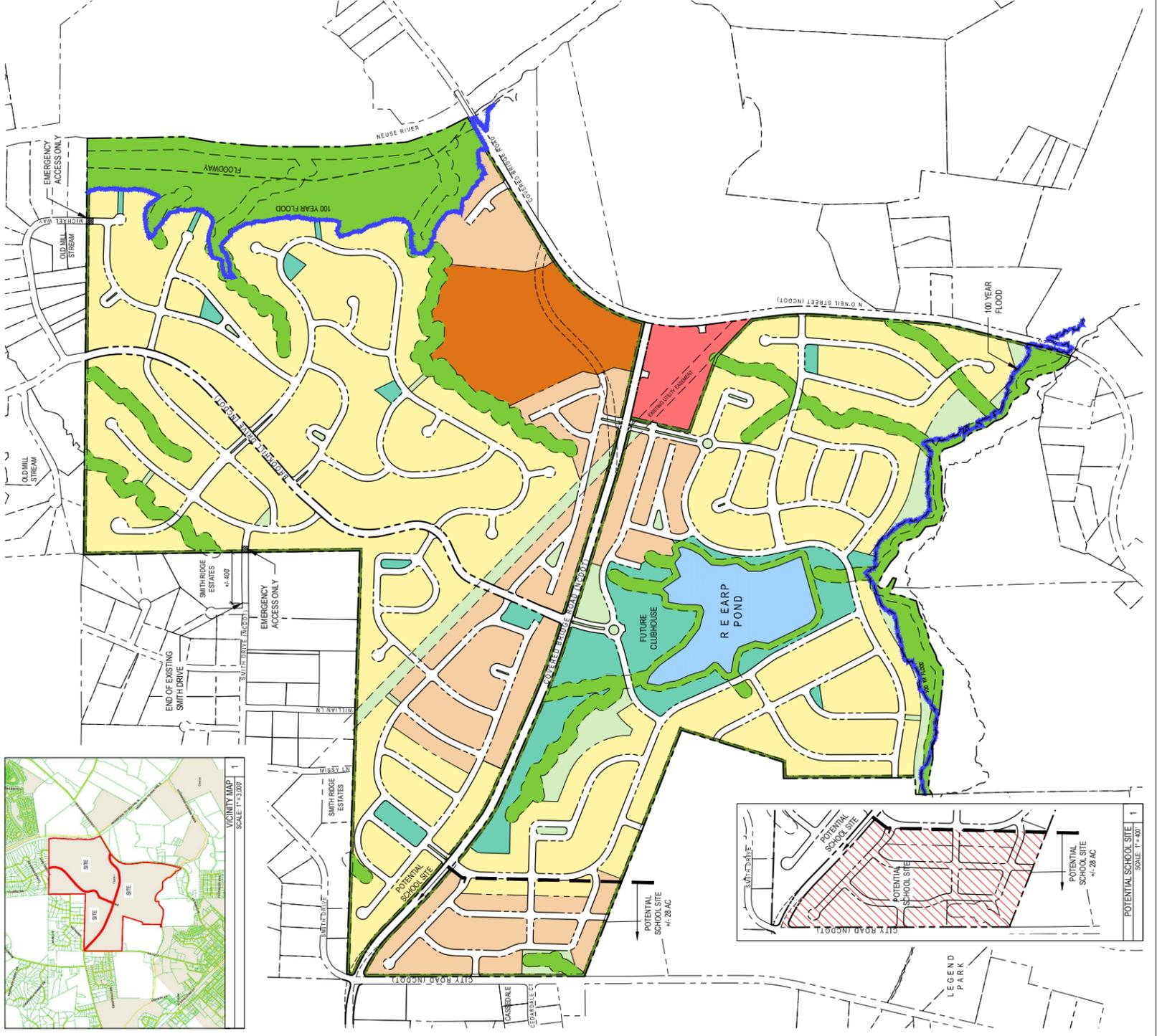
STREET TREES NOTES:

- STREET TREES MUST BE PLACED A MAXIMUM OF 60 FEET & MINIMUM OF 40 FEET APART.
- ALL STREET TREES WILL BE CANOPY TREES (AS IS REQUIRED BY THE CODE).

811
 Know what's below.
 Call before you dig.

MASTER PLAN

400' 200' 0' 400' 800'
 INCHES & FEET
 SCALE: 1" = 400'



Z:\22\2015 2120 PW P\14081\14080-Covered Bridge\Asst\Asst\Working\14080-9521.dwg



Preliminary Plat
 Review
 (Major Subdivision)
 Not for Construction

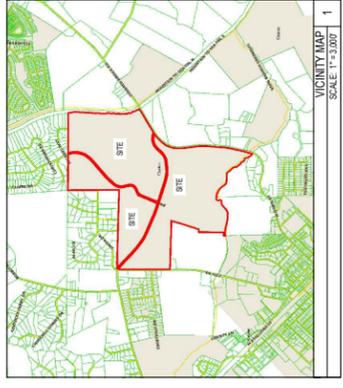
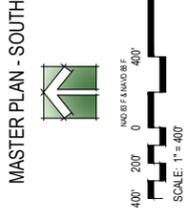
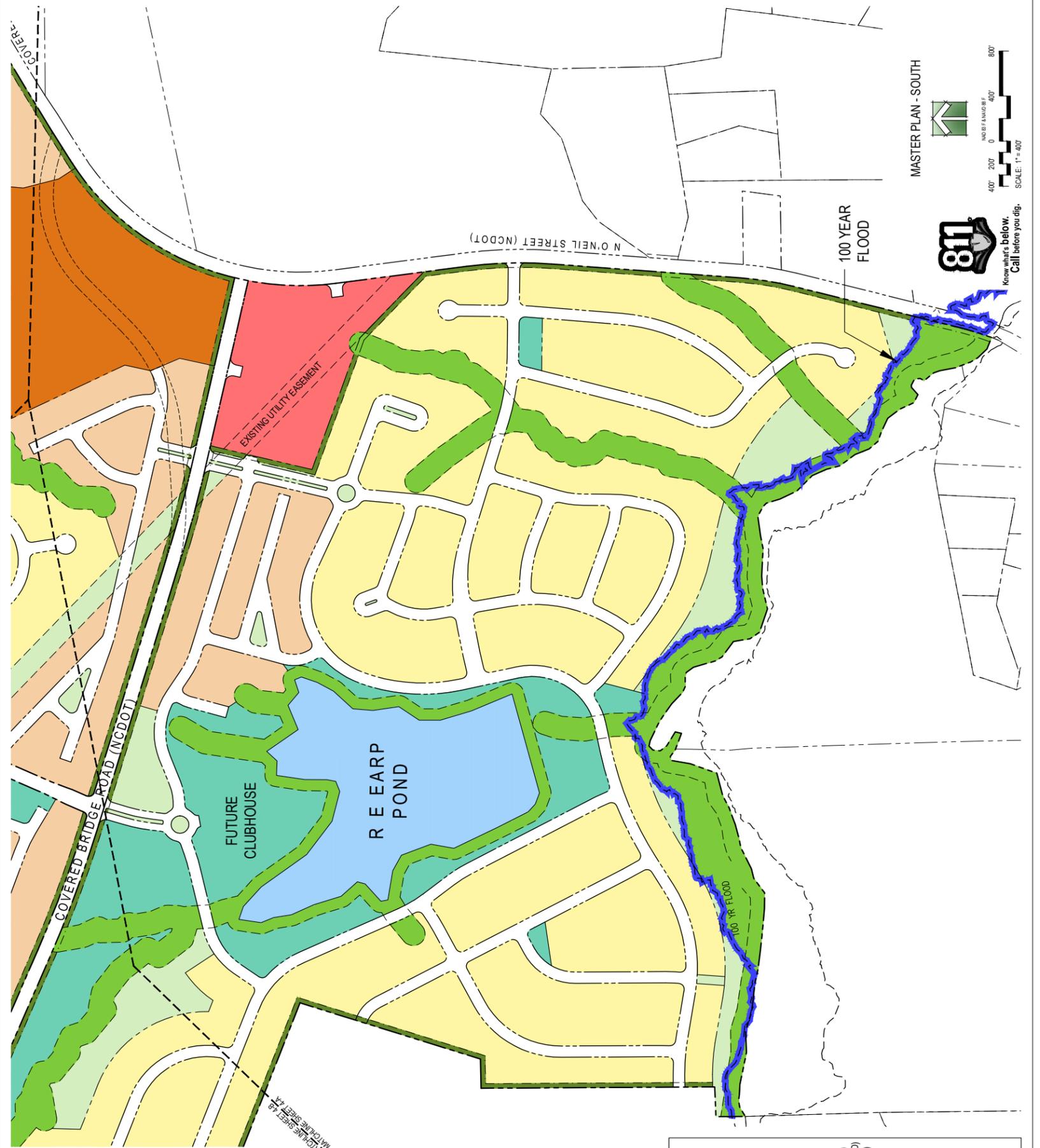
PROJECT	DATE
WOC 14080	10/07/2014
Public Plan (M/S)	10/07/2014

REVISIONS	DATE
1st Review Comments	10/24/2014
2nd Review Comments	11/10/2014
3rd Review Comments	01/07/2015
4th Review Comments	01/14/2015
5th Review Comments	01/20/2015
6th Review Comments	02/13/2015
7th Review Comments	02/23/2015

DRAWN BY	KT SB
CHECKED BY	KT
CONTENT	MASTER PLAN - SOUTH

4A

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LEGEND:

	ACTIVE RECREATIONAL OPEN SPACE
	PASSIVE OPEN SPACE
	RIPARIAN BUFFERS AND FLOODPLAIN
	20' TYPE "C" PERIMETER BUFFER
	RESIDENTIAL USE
	• SMALL LOT SINGLE FAMILY (DETACHED)
	• MEDIUM LOT SINGLE FAMILY (DETACHED)
	• LARGE LOT SINGLE FAMILY (DETACHED)
	• ATTACHED SINGLE FAMILY
	RESIDENTIAL USE
	• TOWNHOMES
	RESIDENTIAL USE
	• CONDOMINIUMS
	• APARTMENTS / TOWNHOME OPTION
	COMMERCIAL

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Preliminary Plat
 Review
 (Major Subdivision)
 Not for Construction

REVISIONS:	DATE
1st Review Comments	10/24/2014
2nd Review Comments	11/10/2014
3rd Review Comments	01/07/2015
4th Review Comments	01/14/2015
5th Review Comments	01/20/2015
6th Review Comments	02/13/2015
7th Review Comments	02/23/2015

PROJECT:	DATE
WOC 14080	10/07/2014
Public Plan (M) Sub	10/07/2014

ISSUE:	DATE
1st Review Comments	10/24/2014
2nd Review Comments	11/10/2014
3rd Review Comments	01/07/2015
4th Review Comments	01/14/2015
5th Review Comments	01/20/2015
6th Review Comments	02/13/2015
7th Review Comments	02/23/2015

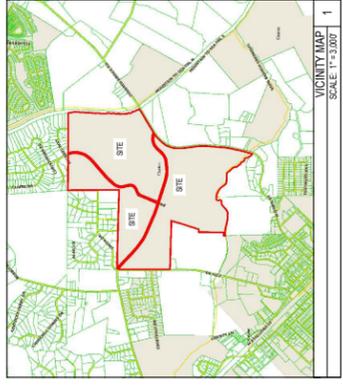
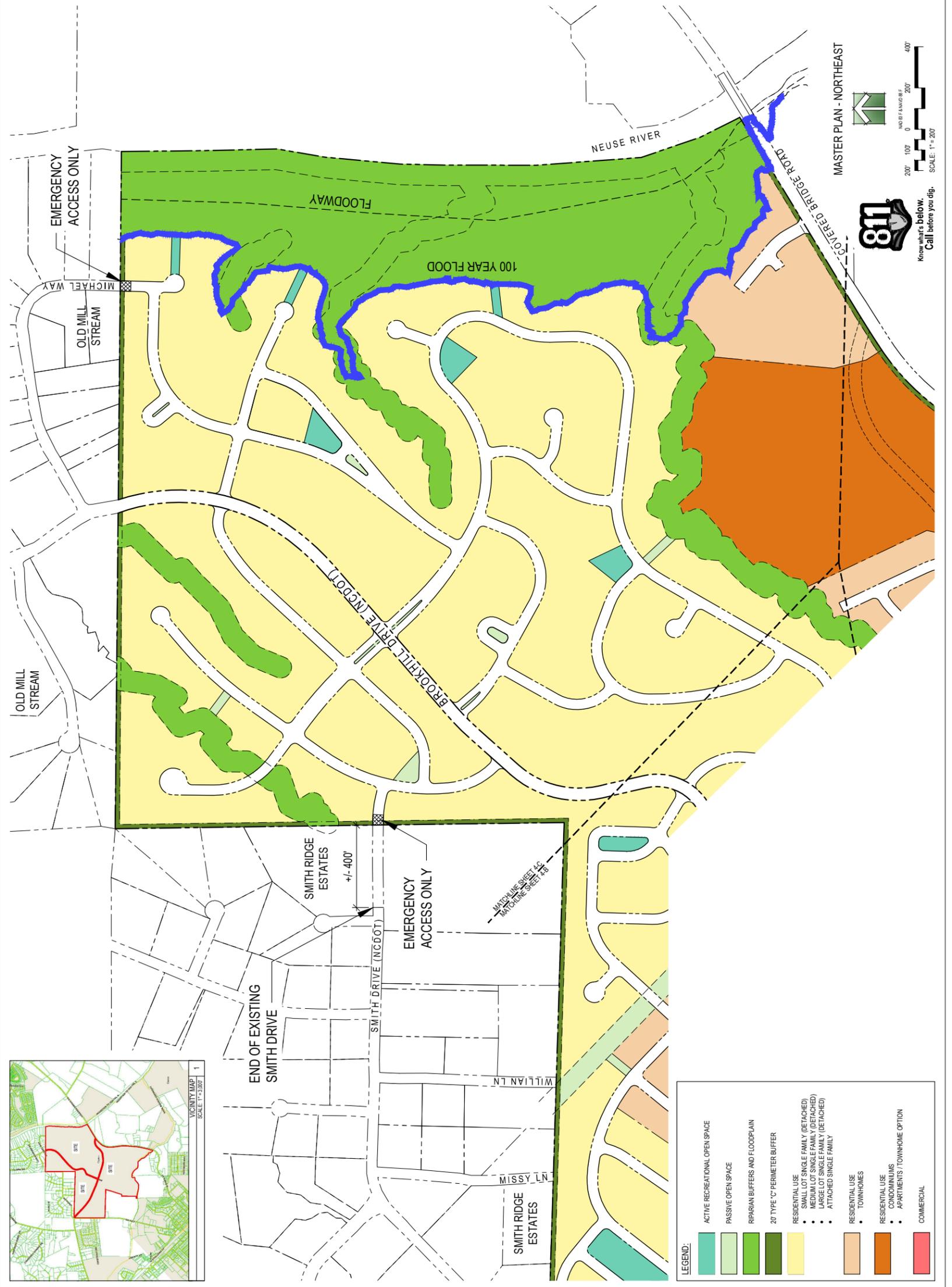
DRAWN BY:	DATE
KT SB	10/07/2014

CHECKED BY:	DATE
KT	10/07/2014

CONTENT:
MASTER PLAN - NORTHEAST

4C

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LEGEND:

	ACTIVE RECREATIONAL OPEN SPACE
	PASSIVE OPEN SPACE
	RIPIARIAN BUFFERS AND FLOODPLAIN
	20' TYPE 'C' PERIMETER BUFFER
	RESIDENTIAL USE
	• SMALL LOT SINGLE FAMILY (DETACHED)
	• MEDIUM LOT SINGLE FAMILY (DETACHED)
	• LARGE LOT SINGLE FAMILY (DETACHED)
	• ATTACHED SINGLE FAMILY
	RESIDENTIAL USE
	• TOWNHOMES
	RESIDENTIAL USE
	• CONDOMINIUMS
	• APARTMENTS / TOWNHOME OPTION
	COMMERCIAL



Preliminary Plat
 Review
 (Major Subdivision)
 Not for Construction

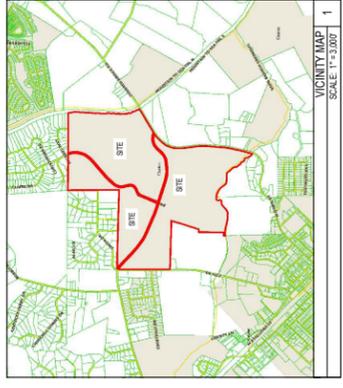
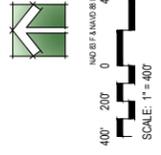
PROJECT:	WOC14080	DATE:	10/07/2014
ISSUE:	Public Plat (M Sub)	DATE:	10/07/2014
REVISIONS:			
1st Review Comments:		DATE:	10/24/2014
2nd Review Comments:		DATE:	11/10/2014
3rd Review Comments:		DATE:	01/07/2015
4th Review Comments:		DATE:	01/14/2015
5th Review Comments:		DATE:	01/20/2015
6th Review Comments:		DATE:	02/13/2015
7th Review Comments:		DATE:	02/23/2015
DRAWN BY:	KT SB		
CHECKED BY:	KT		
CONTENT:	PHASING PLAN		

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NOTES:
 THE CLUBHOUSE PERMIT SHALL BE
 REQUIRED PRIOR TO THE 251ST
 BUILDING PERMIT.

PHASE	ACRES IN AC
1	+/- 5.49
2	+/- 14.14
3	+/- 18.55
4	+/- 7.22
5	+/- 30.99
6	+/- 24.39
7	+/- 11.13
8	+/- 11.07
9	+/- 17.67
10	+/- 19.37
11	+/- 18.62
12	+/- 28.15
13	+/- 13.10
14	+/- 11.06
15	+/- 34.64
16	+/- 26.68
17	+/- 12.45
18	+/- 16.36
19	+/- 10.78
20	+/- 13.79
21	+/- 19.64
22	+/- 26.53
23	+/- 16.57
24	+/- 10.32
25	+/- 7.94
26	+/- 11.46
27	+/- 10.26
28	+/- 12.84
29	+/- 9.50
30	+/- 23.60
31	+/- 25.11
32	+/- 13.42
33	+/- 27.16
34	+/- 13.00
35	+/- 54.26
FUTURE	+/- 9.89
TOTAL	+/- 637.13

PHASING PLAN



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TRANSPORTATION IMPACT ANALYSIS

Prepared for Galaxy NC, LLC/ CO/ Wakefield Development Co.

Project Number: 14-425
11/6/2014

Steeplechase Mixed-Use Development Clayton, NC



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Transportation Impact Analysis

Steeplechase Mixed-Use Development Clayton, NC

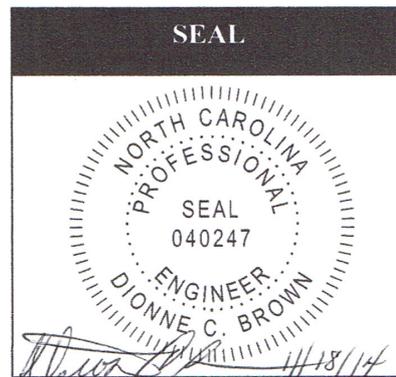
Prepared for Galaxy NC, LLC/ CO/
Wakefield Development Co.
November 6, 2014

Analysis by: Dionne C. Brown, P.E.

Drafting/Graphics by: Dionne C. Brown, P.E.

Reviewed by: Mary Morgan, P.E.

Sealed by: Dionne C. Brown, P.E.



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**Steeplechase Mixed-Use Development – Transportation Impact Analysis
Clayton, NC
Prepared for Galaxy NC, LLC/ CO/ Wakefield Development Co.
November 6, 2014**

Executive Summary

The proposed Steeplechase Mixed-Use Development is located along Covered Bridge Road bordered by City Road and O'Neil Street in Clayton, North Carolina. The site is proposed to have access points on Covered Bridge Road, O'Neil Street and Brookhill Drive. The site plan is shown in Figure 1. This study analyzes two phases for the property's development. Phase 1 is located south of Covered Bridge Road and Phase 2 is located north of Covered Bridge Road and includes the proposed retail uses at the southwest corner of Covered Bridge Road and O'Neil Street.

Phase 1 development assumed 498 single family dwelling units and 320 townhome dwelling units. This phase of development is envisioned to be completed in 2017. This phase will utilize three (3) access points on Covered Bridge Road and one (1) access point on O'Neil Street.

Full Build development (including Phase 1) was assumed to have a total of 1,118 single family dwelling units, 643 townhome dwelling units, 344 apartment dwelling units and 25,000 square feet of retail. This phase of development is envisioned to be completed in 2019.

It should be noted that the land uses, phasing, and build out date estimates were established for analytical purposes and do not necessarily represent a prediction of the development schedule.

DAVENPORT was retained to determine the potential traffic impacts of this development and to identify transportation improvements that may be required to accommodate the impacts of both background traffic and new development traffic. The following intersections were included in the study:

1. Covered Bridge Road at City Road/ Smith Drive
2. Covered Bridge Road at Site Access 1
3. Covered Bridge Road at Brookhill Drive/ Site Access 2
4. Covered Bridge Road at Site Access 3
5. Covered Bridge Road at O'Neil Street
6. O'Neil Street at Site Access 4
7. Covered Bridge Road at Site Access 5
8. Covered Bridge Road at Site Access 6
9. Brookhill Drive at Site Access 7
10. Brookhill Drive at Site Access 8
11. Brookhill Drive at Site Access 9
12. Brookhill Drive at Site Access 10
13. Brookhill Drive at Site Access 11
14. Covered Bridge Road at Shotwell Road



According to the site plan there are an additional five (5) access points along state maintained roads, one (1) on Covered Bridge Road and four (4) on Brookhill Drive. These roads are designed into a network of residential streets that have other outlets to the main corridor. Since the majority of this development is residential and is the primary generator of traffic, it was assumed that the percentage of traffic would be low at these access points. Therefore, the study intersections were narrowed down to the major access points on the state maintained roads.

The study intersections were analyzed during AM (7-9) and PM (4-6) peaks for the following conditions:

- 2014 Existing Conditions
- 2017 Future No Build Conditions
- 2017 Phase 1 Build-Out Conditions
- 2017 Phase 1 Build-Out with Improvements (as necessary)
- 2019 Future No Build Conditions
- 2019 Full Build-Out Conditions
- 2019 Full Build-Out with Improvements (as necessary)

NCDOT was contacted to obtain background information and to ascertain the elements to be covered in this Transportation Impact Analysis (TIA). Information regarding the property was provided by Wakefield Development Co.



Phase 1 - Discussion of Results

The following section discusses 2017 Phase 1 level of service for each intersection.

Covered Bridge Road at City Road/ Smith Drive

In 2017 future no build conditions, this unsignalized intersection is expected to operate at LOS B in the AM and PM peaks. With the addition of Phase 1 site traffic, LOS C is expected in the AM and PM peak. No improvements are recommended.

Covered Bridge Road at Site Access 1

In Phase 1 Build conditions, this intersection is expected to operate at LOS C in the AM and PM peaks. No improvements are recommended.

Covered Bridge Road at Brookhill Drive/ Site Access 2

In 2017 future no build conditions, this unsignalized intersection is expected to operate at LOS B in the AM and PM peaks. With the addition of Phase 1 site traffic, LOS C is expected in the AM peak and LOS D in the PM peak. No improvements are recommended.

Covered Bridge Road at Site Access 3

This intersection is expected to operate at LOS C in the AM and PM peaks during Phase 1 future build conditions. Based on projected volumes, an eastbound right turn lane and westbound left turn lane will be warranted on Covered Bridge Road. In order to facilitate turning movements in and out of this site access, the following improvements are recommended:

- Provide eastbound right turn lane with 100 feet of storage and appropriate taper
- Provide westbound left turn lane with 100 feet of storage and appropriate taper
- Provide northbound right turn lane with 100 feet of storage and appropriate taper

With these improvements, this intersection is expected to operate at LOS B in the AM peak and LOS C in the PM peak.

Covered Bridge Road at O'Neil Street

In 2017 future no build conditions, this unsignalized intersection is expected to operate at LOS C in the AM peak and LOS F in the PM peak. This LOS F condition is due to a lack of sufficient gaps for left-turning vehicles from the stop-controlled approach, which is the result of conflicting traffic volumes on O'Neil Street. With the addition of Phase 1 site traffic, LOS D is expected in the AM peak and LOS F in the PM peak.



This intersection is anticipated to operate at a deficient level of service regardless of the proposed development. In order to improve the operation of this intersection, the following improvements are recommended:

- Provide northbound left turn lane with 100 feet of storage and appropriate taper
- Provide southbound right turn lane with 100 feet of storage and appropriate taper
- Provide eastbound right turn lane with 100 feet of storage and appropriate taper
- Realignment as depicted in the site plan

With these improvements, this intersection is expected to operate at LOS C in the AM peak and LOS F in the PM peak, reducing the AM delay by 9.7 seconds and the PM delay by 125.6 seconds. The LOS F condition is anticipated to be limited to the peak hour and the SimTraffic model results indicate that there are no queuing issues.

O'Neil Street at Site Access 4

In Phase 1 Build conditions, this unsignalized intersection is expected to operate at LOS B in the AM and PM peaks. No improvements are recommended.

Covered Bridge Road at Shotwell Road

In 2017 future no build conditions, this unsignalized intersection is expected to operate at LOS E in the AM peak and LOS F in the PM peak. With the addition of Phase 1 site traffic, LOS F is expected in the AM and PM peaks.

As further discussed in the report, the existing traffic volumes at this intersection indicate that a signal is currently warranted. Therefore, in order to improve the operation and safety of this intersection, the following improvements are recommended:

- Signalize the intersection
- Provide northbound right turn lane with 200 feet of storage and appropriate taper
- Provide southbound left turn lane with 200 feet of storage and appropriate taper
- Restripe westbound lane to provide right turn lane with 100 feet of storage

With these improvements, this intersection is expected to operate at LOS C in the AM peak and LOS B in the PM peak.

Improvements are illustrated in Figure 9 for Phase 1.



Phase 1 Level of Service Summary

Table A presents the summary of the level of service analysis for all study intersections.

Table A - Level of Service Summary – Phase 1 Build Conditions				
AM Peak	2014 Existing	2017 Future No Build	2017 Phase 1 Build	2017 Phase 1 Build + Improvements
Covered Bridge Road at City Road/ Smith Drive	B (12.4) SB Approach	B (12.8) SB Approach	C (18.8) SB Approach	
Covered Bridge Road at Site Access1			C (17.4) NB Approach	
Covered Bridge Road at Brookhill Drive/ Site Access 2	B (11.1) SB Approach	B (11.3) SB Approach	C (21.8) NB Approach	
Covered Bridge Road at Site Access 3			C (15.7) NB Approach	B (13.9) NB Approach
Covered Bridge Road at O'Neil Street	C (16.8) EB Approach	C (18.0) EB Approach	D (27.1) EB Approach	C (17.4) EB Approach
O'Neil Street at Site Access 4			B (12.6) EB Approach	
Covered Bridge Road at Shotwell Road	D (31.0) WB Approach	E (40.5) WB Approach	F (266.0) WB Approach	C (23.5) Signalized
PM Peak	2014 Existing	2017 Future No Build	2017 Phase 1 Build	2017 Phase 1 Build + Improvements
Covered Bridge Road at City Road/ Smith Drive	B (12.6) NB Approach	B (13.1) NB Approach	C (18.4) SB Approach	
Covered Bridge Road at Site Access1			C (21.3) NB Approach	
Covered Bridge Road at Brookhill Drive/ Site Access 2	B (12.0) SB Approach	B (12.3) SB Approach	D (31.6) NB Approach	
Covered Bridge Road at Site Access 3			C (20.2) NB Approach	C (16.9) NB Approach
Covered Bridge Road at O'Neil Street	F (68.9) EB Approach	F (104.1) EB Approach	F (254.7) EB Approach	F (129.1) EB Approach
O'Neil Street at Site Access 4			B (14.5) EB Approach	
Covered Bridge Road at Shotwell Road	E (38.0) WB Approach	F (50.9) WB Approach	F (426.5) WB Approach	B (16.4) Signalized
LOS (delay in seconds)				
Note for unsignalized conditions, LOS and delay indicates only minor street approach with longest delay				



Full Build Discussion of Results

The following section discusses 2019 Full Build level of service for each intersection.

Covered Bridge Road at City Road/ Smith Drive

In 2019 future no build conditions, this unsignalized intersection is expected to operate at LOS B in the AM and PM peaks. With the addition of Full Build site traffic, LOS F is expected in the AM and PM peak. This LOS F condition is typical for minor streets at unsignalized intersections. The delays are expected to be minimal and limited to the peak periods. Therefore, no improvements are recommended.

Covered Bridge Road at Site Access 1

In Full Build conditions, this intersection is expected to operate at LOS E in the AM peak and LOS F in the PM. The LOS E/F condition is typical for minor streets at unsignalized intersections. The delays are expected to be minimal and limited to the peak periods. In addition, site traffic will have the opportunity to utilize other site access points, including signals, which will serve as a relief valve should the delay be excessive. Therefore, no improvements are recommended.

Covered Bridge Road at Brookhill Drive/ Site Access 2

In 2019 future no build conditions, this unsignalized intersection is expected to operate at LOS B in the AM and PM peaks. With the addition of Full Build site traffic, LOS F is expected in the AM and PM peaks. In order to improve the operation of this intersection, it is recommended to:

- Signalize the intersection
- Provide an eastbound left turn lane of 400 feet of storage with appropriate taper
- Provide a westbound left turn lane of 150 feet of storage with appropriate taper
- Provide a northbound left turn lane of full storage and a through-right turn lane of 100 feet of storage with appropriate taper
- Provide a southbound full storage for left turn and through-right turn lanes

With these improvements, it is expected to operate at LOS D in the AM and PM peaks.

Covered Bridge Road at Site Access 3

With the recommended improvement in place from Phase 1, this intersection is expected to operate at LOS C in the AM peak and LOS D in the PM peak. No additional improvements are recommended.



Covered Bridge Road at O'Neil Street

In 2019 future no build conditions, this unsignalized intersection is expected to operate at LOS C in the AM peak and LOS F in the PM peak. With the addition of Full Build site traffic, LOS E is expected in the AM peak and LOS F in the PM peak with the improvements in place from Phase 1. It is recommended to signalize this intersection in order to accommodate future traffic volumes.

With this improvement, this intersection is expected to operate at LOS B in the AM and PM peaks.

O'Neil Street at Site Access 4

In Full Build conditions, this unsignalized intersection is expected to operate at LOS B in the AM peak and LOS C in the PM peak. No improvements are recommended.

Covered Bridge Road at Site Access 5

In Full Build conditions, this unsignalized intersection is expected to operate at LOS B in the AM peak and LOS C in the PM peak. No improvements are recommended.

Covered Bridge Road at Site Access 6

In Full Build conditions, this unsignalized intersection is expected to operate at LOS D in the AM peak and LOS E in the PM peak. A LOS E is typical for minor streets at unsignalized intersections, but delays are expected to be minimal. Therefore, no improvements are recommended.

Brookhill Drive at Site Access 7

In Full Build conditions, this unsignalized intersection is expected to operate at LOS C in the AM and PM peaks. No improvements are recommended.

Brookhill Drive at Site Access 8

In Full Build conditions, this unsignalized intersection is expected to operate at LOS B in the AM peak and LOS A in the PM peak. No improvements are recommended.

Brookhill Drive at Site Access 9

In Full Build conditions, this unsignalized intersection is expected to operate at LOS B in the AM and PM peaks. No improvements are recommended.



Brookhill Drive at Site Access 10

In Full Build conditions, this unsignalized intersection is expected to operate at LOS B in the AM and PM peaks. No improvements are recommended.

Brookhill Drive at Site Access 11

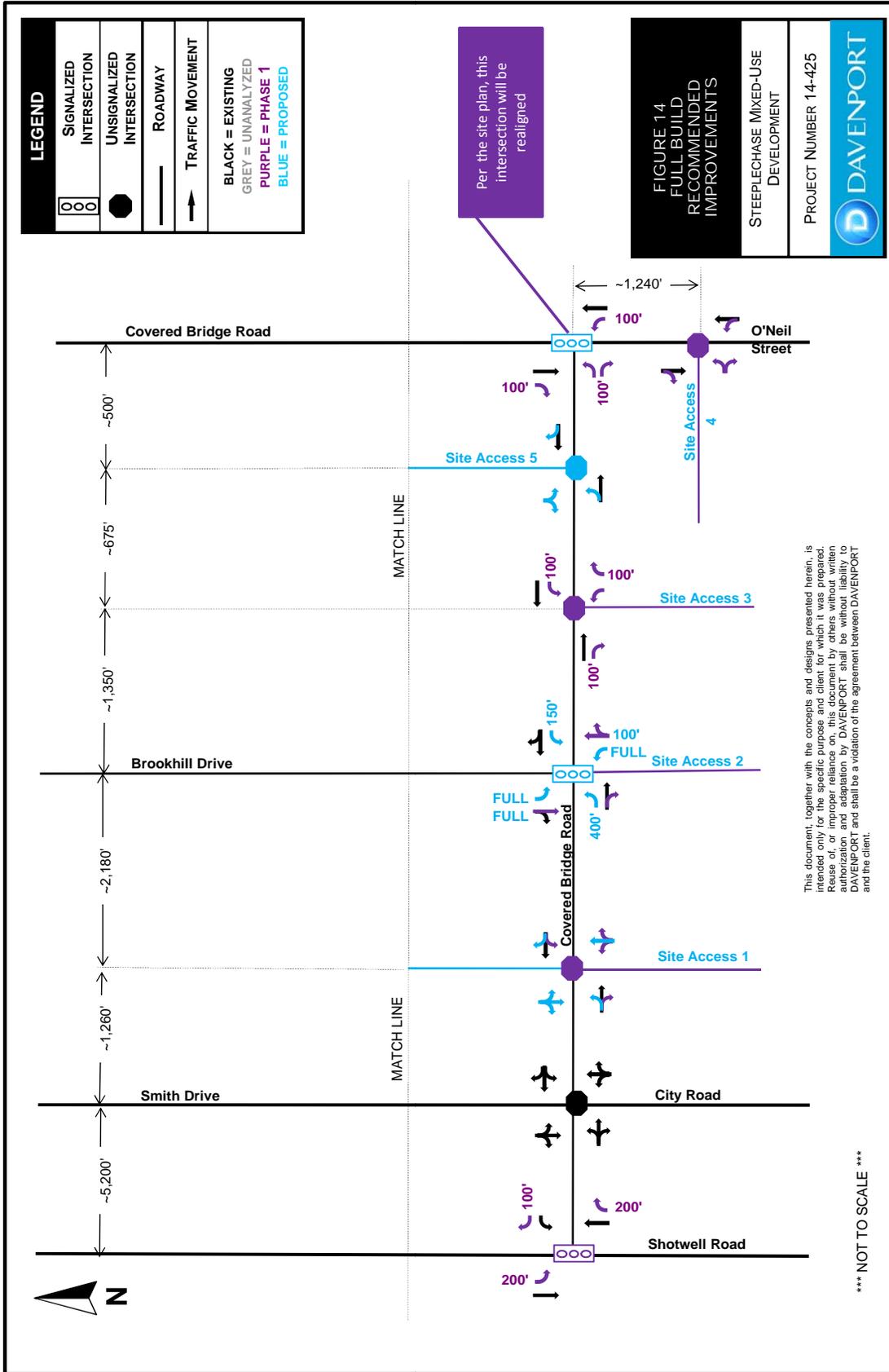
In Full Build conditions, this unsignalized intersection is expected to operate at LOS B in the AM and PM peaks. No improvements are recommended.

Covered Bridge Road at Shotwell Road

In 2019 future no build conditions, this unsignalized intersection is expected to operate at LOS F in the AM and PM peaks. With the recommended improvements in place from Phase 1, this intersection is expected to operate at LOS D in the AM peak and LOS C in the PM peak.

Improvements are illustrated in Figure 14 for Full Build.



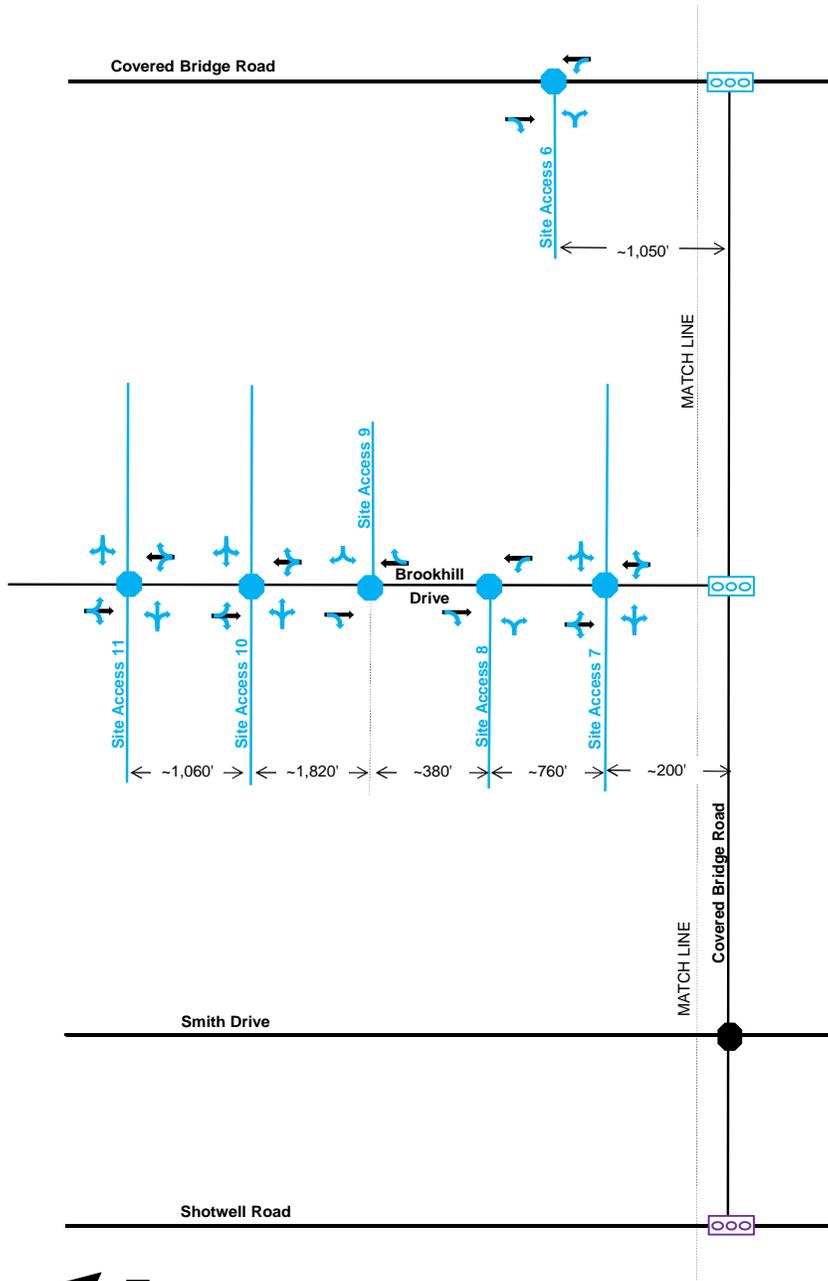


LEGEND	
	SIGNALIZED INTERSECTION
	UNSIGNALIZED INTERSECTION
	ROADWAY
	TRAFFIC MOVEMENT
	BLACK = EXISTING
	GREY = UNANALYZED
	PURPLE = PHASE 1
	BLUE = PROPOSED

FIGURE 14
FULL BUILD
RECOMMENDED
IMPROVEMENTS

STEEPLECHASE MIXED-USE
DEVELOPMENT

PROJECT NUMBER 14-425



This document, together with the concepts and designs presented herein, is intended only for the specific purpose and client for which it was prepared. Reuse of, or improper reliance on, this document by others without written authorization and adaptation by DAVENPORT shall be without liability to DAVENPORT and shall be a violation of the agreement between DAVENPORT and the client.

*** NOT TO SCALE ***





Full Build Level of Service Summary

Table B presents the summary of the level of service analysis for all study intersections.

Table B - Level of Service Summary – Full Build Conditions				
AM Peak	2014 Existing	2019 Future No Build	2019 Full Build	2019 Full Build + Improvements
Covered Bridge Road at City Road/ Smith Drive	B (12.4) SB Approach	B (13.1) SB Approach	F (50.8) SB Approach	
Covered Bridge Road at Site Access 1			E (42.5) NB Approach	
Covered Bridge Road at Brookhill Drive/ Site Access 2	B (11.1) SB Approach	B (11.5) SB Approach	F (Err) NB Approach	D (44.5) Signalized
Covered Bridge Road at Site Access 3			C (17.5) NB Approach	
Covered Bridge Road at O'Neil Street	C (16.8) EB Approach	C (19.0) EB Approach	E (37.9) EB Approach	B (12.9) Signalized
O'Neil Street at Site Access 4			B (13.1) EB Approach	
Covered Bridge Road at Site Access 5			B (14.7) SB Approach	
Covered Bridge Road at Site Access 6			D (31.1) EB Approach	
Brookhill Drive at Site Access 7			C (15.7) WB Approach	
Brookhill Drive at Site Access 8			B (10.5) EB Approach	
Brookhill Drive at Site Access 9			B (11.2) WB Approach	
Brookhill Drive at Site Access 10			B (11.6) WB Approach	
Brookhill Drive at Site Access 11			B (10.3) WB Approach	
Covered Bridge Road at Shotwell Road	D (31.0) WB Approach	F (50.5) WB Approach	D (44.5) Signalized	

LOS (delay in seconds)
Note for unsignalized conditions, LOS and delay indicates only minor street approach with longest delay

Table B - Level of Service Summary – Full Build Conditions cont.

PM Peak	2014 Existing	2019 Future No Build	2019 Full Build	2019 Full Build + Improvements
Covered Bridge Road at City Road/ Smith Drive	B (12.6) NB Approach	B (13.4) NB Approach	F (61.5) SB Approach	
Covered Bridge Road at Site Access 1			F (66.7) NB Approach	
Covered Bridge Road at Brookhill Drive/ Site Access 2	B (12.0) SB Approach	B (12.6) SB Approach	F (Err) NB Approach	D (41.1) Signalized
Covered Bridge Road at Site Access 3			D (33.8) NB Approach	
Covered Bridge Road at O'Neil Street	F (68.9) EB Approach	F (139.1) EB Approach	F (406.3) EB Approach	B (18.5) Signalized
O'Neil Street at Site Access 4			C (15.1) EB Approach	
Covered Bridge Road at Site Access 5			C (17.8) SB Approach	
Covered Bridge Road at Site Access 6			E (48.5) EB Approach	
Brookhill Drive at Site Access 7			C (17.4) WB Approach	
Brookhill Drive at Site Access 8			A (9.3) EB Approach	
Brookhill Drive at Site Access 9			B (11.7) WB Approach	
Brookhill Drive at Site Access 10			B (12.5) WB Approach	
Brookhill Drive at Site Access 11			B (10.9) WB Approach	
Covered Bridge Road at Shotwell Road	E (38.0) WB Approach	F (64.7) WB Approach	C (21.7) Signalized	

LOS (delay in seconds)

Note for unsignalized conditions, LOS and delay indicates only minor street approach with longest delay



Summary and Conclusion

DAVENPORT was retained to determine the potential traffic impacts of this development and to identify transportation improvements that may be required to accommodate the impacts of both background traffic and new development traffic.

The proposed Steeplechase Mixed-Use Development is located along Covered Bridge Road bordered by City Road and O'Neil Street in Clayton, North Carolina. The land uses, phasing, and build out date estimates were established for analytical purposes and do not necessarily represent a prediction of the development schedule.

This study analyzes two phases for the property's development:

Phase 1 development assumed 498 single family dwelling units and 320 townhome dwelling units. This phase of development is envisioned to be completed in 2017. This phase will utilize three (3) access points on Covered Bridge Road and one (1) access point on O'Neil Street.

Full Build development (including Phase 1) was assumed to have a total of 1,118 single family dwelling units, 643 townhome dwelling units, 344 apartment dwelling units and 25,000 square feet of retail. This phase of development is envisioned to be completed in 2019.

Table C on the following page summarizes the recommended improvements for each Phase. Improvements are illustrated in Figure 9 and Figure 14 for Phase 1 and Full Build, respectively.

In conclusion, this study has reviewed the impacts of both background traffic and this development traffic, and has determined that with the recommended improvements in place, there will be adequate capacity to accommodate future traffic. The final design of these improvements will need to be coordinated during the site plan approval process.

Please note that all accesses to the site are required to be constructed to NCDOT standards where applicable.

Table C - Recommended Improvement Summary

Intersection	Phase 1	Full Build
Covered Bridge Road at Brookhill Drive/ Site Access 2	No improvements	<ul style="list-style-type: none"> • Signalize intersection • Provide eastbound left turn lane of 400 feet of storage with appropriate taper • Provide westbound left turn lane of 150 feet of storage with appropriate taper • Provide a northbound left turn lane of full storage and a through-right turn lane of 100 feet of storage with appropriate taper • Provide a southbound full storage for left turn and through-right turn lanes
Covered Bridge Road at Site Access 3	<ul style="list-style-type: none"> • Provide eastbound right turn lane of 100 feet of storage with appropriate taper • Provide westbound left turn lane of 100 feet of storage with appropriate taper • Provide separate northbound right turn lane of 100 feet of storage with appropriate taper 	No additional improvements
Covered Bridge Road at O'Neil Street	<ul style="list-style-type: none"> • Provide northbound left turn lane of 100 feet of storage with appropriate taper • Provide southbound right turn lane of 100 feet of storage with appropriate taper • Provide eastbound right turn lane of 100 feet of storage with appropriate taper • Realignment as depicted in site plan 	<ul style="list-style-type: none"> • Signalize intersection
Covered Bridge Road at Shotwell Road	<ul style="list-style-type: none"> • Signalize intersection • Provide northbound left turn lane of 200 feet of storage with appropriate taper • Provide southbound right turn lane of 200 feet of storage with appropriate taper • Restripe westbound lane to provide right lane with 100 feet of storage and appropriate taper 	No additional improvements

***All other intersections require no improvements**



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION



TRANSPORTATION MOBILITY AND SAFETY DIVISION
 TRAFFIC MANAGEMENT UNIT
 CONGESTION MANAGEMENT SECTION

January 20, 2015

Traffic Impact Analysis Review Report
Steeplechase Development

TIA Project: SC-2014-064
Division: 4
County: Johnston
Description: Steeplechase Development on SR 1700 (Covered Bridge Rd) at SR 1708 (O'Neal St) in Clayton



BenJetta L. Johnson, P. E.
 Congestion Management Regional Engineer

Solomon Mengesha
 Congestion Management Project Design Engineer

MAILING ADDRESS:
 1561 Mail Service Center
 Raleigh, North Carolina 27699-1561

Telephone: 919-773-2800
 Fax: 919-771-2745

LOCATION:
 750 North Greenfield Parkway
 Garner, North Carolina 27529

Website: WWW.NCDOT.ORG/DOH/Preconstruct/Traffic/Congestion/CM/

Steeplechase Development

SC-2014-064	Johnston County	01/20/2015
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Per your request, the Congestion Management Section (CMS) of the Transportation Mobility and Safety Division has completed a review of the subject site. The comments and recommendations contained in this review are based on data presented in the sealed Traffic Impact Analysis (TIA) and are subject to the approval of the local District Engineer's Office and appropriate local authorities.

Date Initially Received by CMS	11/19/2014	Date of Site Plan Prepared by Galaxy NC, LLC	10/01/2014
Date of Complete Information for Project Received by CMS	12/02/2014		
Date of Preliminary Review Letter Accepting TIA for Review	12/04/2014	Date of Sealed TIA Prepared by Davenport Engineering	11/18/2014

Proposed Development

According to the TIA, the proposed Steeplechase Mixed-Use Development is to be located on SR 1700 (Covered Bridge Rd) in Johnston County. The TIA states the development is to be constructed in two phases.

Phase 1 is to be constructed by 2017 and is to consist of the following:

Land Use	Land Use Code	Size
Single Family Detached Housing	210	498 Dwelling Unit
Townhomes/Condos	230	320 Dwelling Unit

Phase 2 is to be constructed by 2019 and is to consist of the following: (Total Build-out)

Land Use	Land Use Code	Size
Apartments	220	344 Dwelling Unit
Single Family Detached Housing	210	1,118 Dwelling Unit
Townhomes/Condos	230	643 Dwelling Unit
Shopping Center	820	25,000 Square Feet

Trip Generation – Phase 1 Unadjusted Volumes During a Typical Weekday

Based on appropriate methodology outlined in the *ITE Trip Generation Manual, 9th Ed.*

	IN	OUT	TOTAL
AM Peak Hour	112	377	489
PM Peak Hour	386	216	602
Daily Trips			6,369

Trip Generation – Phase 2 Unadjusted Volumes During a Typical Weekday

Based on appropriate methodology outlined in the *ITE Trip Generation Manual, 9th Ed.*

	IN	OUT	TOTAL
AM Peak Hour	313	947	1,260
PM Peak Hour	1,016	628	1,644
Daily Trips			17,892

Requested Access Points		
Driveway	Public Roadway	Access Type
1	SR 1700 (Covered Bridge Rd)	All-Movement
2	SR 1700 (Covered Bridge Rd)	All-Movement
3	SR 1700 (Covered Bridge Rd)	All-Movement
4	O'Neil Street	All-Movement
5	SR 1700 (Covered Bridge Rd)	All-Movement
6	SR 1700 Covered Bridge Rd)	All-Movement
7	Brookhill Drive	All-Movement (Denied)
8	Brookhill Drive	All-Movement
9	Brookhill Drive	All-Movement
10	Brookhill Drive	All-Movement
12	Brookhill Drive	All-Movement

TIP Projects in Study Area
 None In Area

Strategic Highway Corridors
 None In Area

TIA Comments
 The following items vary from our recommended practices:

- Cycle lengths used for one or more intersections were below the minimums recommended without further clarification or justification. Determination of the number of signal phases should follow NCDOT Signals and Geometrics procedures.
- For future analyses, the PEF should include a small amount of traffic where movement volumes are listed as zero. Otherwise Synchro will consider that movement a non-permissible movement.

General Reference
 For reference to various documents applicable to this review please reference the following link: <http://www.ncdot.org/doh/preconstruct/traffic/tepp/Topics/C-37/C-37.html>

Once the driveway permit has been approved and issued, a copy of the final driveway permit requirements should be forwarded to this office. If we can provide further assistance, please contact the Congestion Management Section at (919) 773-2800.

Recommendations

LEGEND

① Improvement by Developer. Congestion Management concurs with recommendation.
 ② Improvement by Developer. Additional or modified recommendations.

Phase 1 Scenario

SR 1700 (Covered Bridge Rd) and O'Neil Street Intersection

Poor LOS/excessive queuing is anticipated to persist after recommended developer mitigation on the EB approaches.

- **EB SR 1700 (Covered Bridge Rd)**
 - 100' Right-Turn Lane ①
- **NB O'Neil Street**
 - 100' Left-Turn Lane ①
- **SB SR 1700 (Covered Bridge Rd)**
 - 100' Right-Turn Lane ①

SR 1700 (Covered Bridge Rd) and Site Driveway #3 Intersection

- **EB SR 1700 (Covered Bridge Rd)**
 - 100' Right-Turn Lane ①
- **WB SR 1700 (Covered Bridge Rd)**
 - 100' Left-Turn Lane ①
- **NB Site Driveway #3**
 - Three-Lane Cross-Section: One Ingress, Two Egresses ①
 - Egress: Left-Turn Lane, Right-Turn Lane ①
 - 100' Internal Protected Stem ②

SR 1700 (Covered Bridge Rd) and Brookhill Drive/Site Driveway #2 Intersection

- **EB SR 1700 (Covered Bridge Rd)**
 - Restripe Existing Left/Thru Lane to Shared Left/Thru/Right Lane ①
- **WB SR 1700 (Covered Bridge Rd)**
 - Restripe Existing Thru/Right Lane to Shared Left/Thru/Right Lane ①
- **NB Site Driveway #2**
 - Three-Lane Cross-Section: One Ingress, Two Egresses ②
 - Egress: Left-Turn Lane, Thru/Right-Turn Lane ②
 - 100' Internal Protected Stem ②
- **SB SR 1700 (Covered Bridge Rd)**
 - Restripe Existing Right-Turn Lane to Thru/Right Lane ①

SR 1700 (Covered Bridge Rd) and Site Driveway #1 Intersection

- **EB SR 1700 (Covered Bridge Rd)**
 - Restripe Existing Thru Lane to Thru/Right Lane ①
- **WB SR 1700 (Covered Bridge Rd)**
 - Restripe Existing Thru Lane to Left/Thru Lane ①
- **NB Site Driveway #1**
 - Two-Lane Cross-Section: One Ingress, One Egress ①
 - Egress: Left/Right-Turn Lane ①
 - 100' Internal Protected Stem ②

SR 1700 (Covered Bridge Rd) and SR 1553 (Shotwell Rd) Intersection

New Signal

- **WB SR 1700 (Covered Bridge Rd)**
 - 200' Right-Turn Lane ②

- **NB SR 1553 (Shotwell Rd)**
 - 200' Right-Turn Lane ①
- **SB SR 1553 (Shotwell Rd)**
 - 200' Left-Turn Lane ①

O'Neil Street and Site Driveway #4 Intersection

- **NB O'Neil Street**
 - Restripe Existing Thru Lane to Left/Thru Lane ①
- **SB O'Neil Street**
 - 50' Right-Turn Lane ②
- **EB Site Driveway #4**
 - Two-Lane Cross-Section: One Ingress, One Egress ①
 - Egress: Left/Right-Turn Lane ①
 - 100' Internal Protected Stem ②

Phase 2 (Full Build-Out) Scenario

SR 1700 (Covered Bridge Rd) and O'Neil Street Intersection

New Signal

- **EB SR 1700 (Covered Bridge Rd)**
 - Dual Left-Turn Lanes (One 250', One Existing Continuous) ②
 - 100' Right-Turn Lane ①
- **NB O'Neil Street**
 - 100' Left-Turn Lane ①
 - Construct an additional Thru-Lane with a minimum of 800 feet of full storage ②
- **SB SR 1700 (Covered Bridge Rd)**
 - 100' Right-Turn Lane ①

SR 1700 (Covered Bridge Rd) and Site Driveway #5 Intersection

- **EB SR 1700 (Covered Bridge Rd)**
 - Restripe Existing Thru Lane to Left/Thru Lane ①
- **WB SR 1700 (Covered Bridge Rd)**
 - Restripe Existing Thru Lane to Thru/Right Lane ①
- **NB Site Driveway #5**
 - Two-Lane Cross-Section: One Ingress, One Egress ①
 - Egress: Left/Right-Turn Lane ①
 - 100' Internal Protected Stem ②

SR 1700 (Covered Bridge Rd) and Site Driveway #3 Intersection

- **EB SR 1700 (Covered Bridge Rd)**
 - 100' Right-Turn Lane ①
- **WB SR 1700 (Covered Bridge Rd)**
 - 100' Left-Turn Lane ①
- **NB Site Driveway #3**
 - Three-Lane Cross-Section: One Ingress, Two Egresses ①
 - Egress: Left-Turn Lane, Right-Turn Lane ①
 - 100' Internal Protected Stem ②

SR 1700 (Covered Bridge Rd) and Brookhill Drive/Site Driveway #2 Intersection

New Signal

- **EB SR 1700 (Covered Bridge Rd)**
 - Dual 250' (Each) Left-Turn Lane ②
 - Restripe Existing Left/Thru Lane to Shared Left/Thru/Right Lane ①
- **WB SR 1700 (Covered Bridge Rd)**
 - 150' Left-Turn Lane ①
- **NB Site Driveway #2**
 - Three-Lane Cross-Section: One Ingress, Two Egresses ①
 - Egress: Left-Turn Lane, Thru/Right-Turn Lane ①
 - 100' Internal Protected Stem ②
- **SB SR 1700 (Covered Bridge Rd)**
 - 100' Left-Turn Lane ②
 - Construct an additional Thru-Lane with a minimum of 800 feet of full storage ②
 - Restripe Existing Right-Turn Lane to Thru/Right Lane ①

SR 1700 (Covered Bridge Rd) and Site Driveway #1 Intersection

Poor LOS/excessive queuing is anticipated to persist after recommended developer mitigation on the NB approaches.

- **EB SR 1700 (Covered Bridge Rd)**
 - Restripe Existing Thru Lane to Left/Thru/Right Lane ①
- **WB SR 1700 (Covered Bridge Rd)**
 - Restripe Existing Thru Lane to Left/Thru/Right Lane ①
- **NB Site Driveway #1A**
 - Two-Lane Cross-Section: One Ingress, One Egress ①
 - Egress: Left/Thru/Right-Turn Lane ①
 - 100' Internal Protected Stem ②
- **SB Site Driveway #1B**
 - Two-Lane Cross-Section: One Ingress, One Egress ①
 - Egress: Left/Thru/Right-Turn Lane ①
 - 100' Internal Protected Stem ②

SR 1700 (Covered Bridge Rd) and SR 1709 (City Rd)/Smith Dr Intersection

- **WB SR 1700 (Covered Bridge Rd)**
 - 50' Left-Turn Lane ②

SR 1700 (Covered Bridge Rd) and SR 1553 (Shotwell Rd) Intersection

- **WB SR 1700 (Covered Bridge Rd)**
 - 200' Right-Turn Lane ②
 - Dual Left-Turn Lanes (One 250', One Existing Continuous) ②
- **NB SR 1553 (Shotwell Rd)**
 - 200' Right-Turn Lane ①
 - Construct an additional Thru-Lane with a minimum of 800 feet of full storage ②
- **SB SR 1553 (Shotwell Rd)**
 - 200' Left-Turn Lane ①

O'Neil Street and Site Driveway #4 Intersection

- **NB O'Neil Street**
 - 50' Right-Turn Lane ②
- **SB O'Neil Street**
 - Restripe Existing Thru Lane to Thru/Right Lane ①
- **EB Site Driveway #4**
 - Two-Lane Cross-Section: One Ingress, One Egress ①
 - Egress: Left/Right-Turn Lane ①
 - 100' Internal Protected Stem ②

SR 1700 (Covered Bridge Rd) and Site Driveway #6 Intersection

Poor LOS/excessive queuing is anticipated to persist after recommended developer mitigation on the EB approaches.

- **NB SR 1700 (Covered Bridge Rd)**
 - Restripe Existing Thru Lane to Left/Thru Lane ①
- **SB SR 1700 (Covered Bridge Rd)**
 - Restripe Existing Thru Lane to Thru/Right Lane ①
- **EB Site Driveway #6**
 - Two-Lane Cross-Section: One Ingress, One Egress ①
 - Egress: Left/Right-Turn Lane ①
 - 100' Internal Protected Stem ②

Brookhill Drive and Site Driveway #7 Intersection

Deny Driveway/Access

- Due to the close proximity to Brookhill Drive and SR 1700 (Covered Bridge Rd) signalized intersection, we recommend denying this Site Driveway ②

Brookhill Drive and Site Driveway #8 Intersection

- **NB Brookhill Drive**
 - 50' Left-Turn Lane ②
- **SB Brookhill Drive**
 - Restripe Existing Thru Lane to Thru/Right Lane ①
- **NB Site Driveway #8**
 - Two-Lane Cross-Section: One Ingress, One Egress ①
 - Egress: Left/Right-Turn Lane ①
 - 100' Internal Protected Stem ②

Brookhill Drive and Site Driveway #9 Intersection

- **NB Brookhill Drive**
 - 50' Right-Turn Lane ②
- **SB Brookhill Drive**
 - Restripe Existing Thru Lane to Left/Thru Lane ①
- **WB Site Driveway #9**
 - Two-Lane Cross-Section: One Ingress, One Egress ①
 - Egress: Left/Right-Turn Lane ①
 - 100' Internal Protected Stem ②

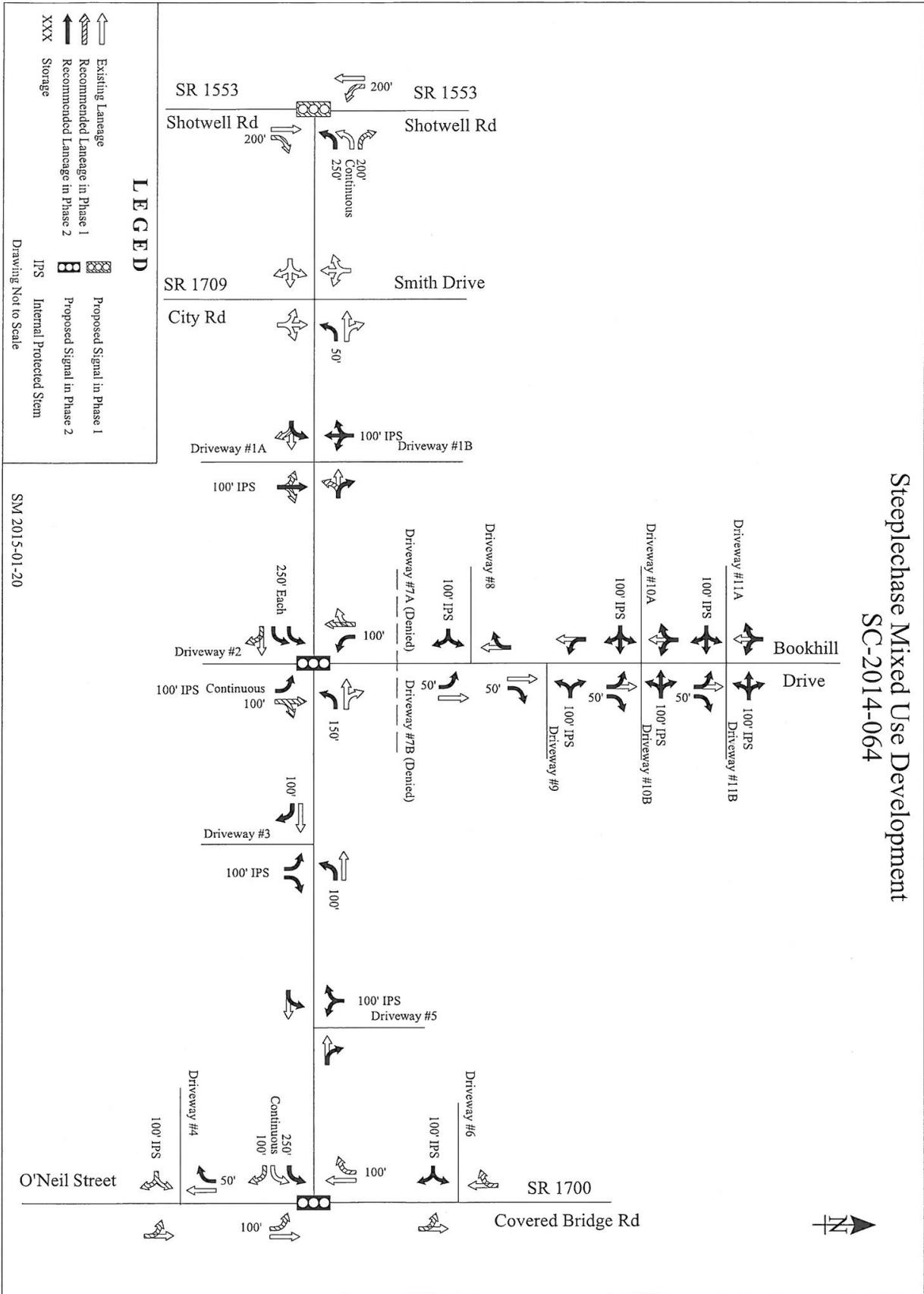
Brookhill Drive and Site Driveway #10 Intersection

- **NB Brookhill Drive**
 - 50' Right-Turn Lane ②
- **SB Brookhill Drive**
 - Restripe Existing Thru Lane to Left/Thru/Right Lane ①
- **EB Site Driveway #10A**
 - Two-Lane Cross-Section: One Ingress, One Egress ①
 - Egress: Left/Thru/Right Lane ①
 - 100' Internal Protected Stem ②
- **WB Site Driveway #10B**
 - Two-Lane Cross-Section: One Ingress, One Egress ①
 - Egress: Left/Thru/Right Lane ①
 - 100' Internal Protected Stem ②

Brookhill Drive and Site Driveway #11 Intersection

- **NB Brookhill Drive**
 - 50' Right-Turn Lane ②
- **SB Brookhill Drive**
 - Restripe Existing Thru Lane to Left/Thru/Right Lane ①
- **EB Site Driveway #11A**
 - Two-Lane Cross-Section: One Ingress, One Egress ①
 - Egress: Left/Thru/Right Lane ①
 - 100' Internal Protected Stem ②
- **EB Site Driveway #11B**
 - Two-Lane Cross-Section: One Ingress, One Egress ①
 - Egress: Left/Thru/Right Lane ①
 - 100' Internal Protected Stem ②

Steeplechase Mixed Use Development SC-2014-064



LEGEND

- Existing Laneage
 - Recommended Laneage in Phase 1
 - Recommended Laneage in Phase 2
 - Storage
 - Proposed Signal in Phase 1
 - Proposed Signal in Phase 2
 - Internal Protected Stem
- Drawing Not to Scale

SM 2015-01-20



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

PAT MCCRORY
GOVERNOR

ANTHONY J. TATA
SECRETARY

January 29, 2015

DELIVERY VIA EMAIL

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

COUNTY: Johnston

SUBJECT: **Preliminary TIA Review of Steeplechase Mixed Use Development Proposed on SR 1700 Covered Bridge Road, SR 1708 O'Neil Street, SR 1709 City Road and SR 2620 Brookhill Drive**

Dear Mr. DeYoung:

This office has reviewed the Traffic Impact Analysis (TIA) for the subject mixed use development and offers the following comments. Please be advised that these comments are in addition to any requirements that included in the Traffic Impact Analysis Review Report performed by the Congestion Management Section of the Transportation Mobility and Safety Division of NCDOT. This review should not be mistaken for a final review and acceptance of the TIA, nor approval of the driveway permit, design/construction plans, or final plat.

- The Department agrees with the Town that the TIA needs to be updated to reflect the following:
 - Correct number of dwelling units and/or commercial square footage
 - Roundabout design as requested by the Town at Brookhill Drive/Site Driveway #2
 - Desired cross section as required by Town needs to be considered as it affects all recommend improvements and could impact ingress/egress at all intersections and driveways
 - Desired access at designated commercial site
 - Desired access at designated school site
 - Provide overall site plan with that shows the limits of Phase 1 and Phase 2
 - Show access on City Road as required by the Town if a school is not built
 - Analyze the following intersections as a roundabout:
 - Covered Bridge and City Road / Smith Drive
 - Covered Bridge Road and O'Neil Street
 - Provide 2 different scenarios. The first will provide analysis showing operations if NCDOT allows full access at Driveways #1 & #3/5. Secondly, provide analysis showing operations with a left-over movement with right in right out (no left egress at Driveways #1 & #3/ 5)
- The rural parkway cross section required by the Town for Covered Bridge Road (SR 1700) shall be designed to current North Carolina Department of Transportation Roadway Standards. The typical section shall require a minimum 110 feet dedicated right-of-way, 23 foot monolithic

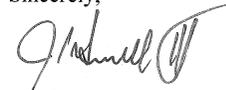
District Engineer's Office
2671 US 70 West, Goldsboro, NC 27530
Telephone: (919) 739-5300

landscaped island, two 12 foot travel lanes (one each direction), two foot paved shoulders, two 19 foot earth shoulders and appropriate ditches and or slopes. The wide shoulders are to accommodate any future widening that may occur. The Department will defer to the Town for any additional right-of-way required for the purpose of multi-use paths, sidewalks, or landscape buffers as multi-use paths are desired to be placed outside the ROW as possible. Left and right turn lanes will be required on Covered Bridge Road (SR 1700) for turning movements allowed after final review of the TIA

- The Department agrees with the Town that all additional access shown on Covered Bridge Road shall be eliminated other than Site Access #1, #2, and #3 (5). Any outparcels along Covered Bridge road shall be served internally

Please be advised that additional comments for each intersection as well as off site improvements are forthcoming upon receipt and review of the revised TIA as required by the Town and the comments above. Feel free to contact me if you have any additional questions or concerns.

Sincerely,



Jiles P. Harrell, PE
District Engineer

JPH

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



November 10, 2014

Mr. Steve Biggs
Town Manager
Town of Clayton
111 East Second Street
Clayton, North Carolina 27528

**Re: Brookhill Master Plan
MP/PSD-2014-128
Request for Sewer Allocation
WDL-14010**

On behalf of Wakefield Development Company & Galaxy NCLLC, McAdams Company has computed the preliminary sanitary sewer average daily flows for the proposed subdivision referenced above and have enclosed our calculations in the attachment to this letter. In our calculations, we provided a breakdown of potential flows anticipated to be generated on an annual basis with the total project flow listed on the last page. In addition, our calculations used the approved flow rate per unit for the Town of Clayton, as allowed by NCDENR, instead of a per bedroom calculation. Wakefield Development Company & Galaxy NCLLC is requesting sanitary sewer allocation on the basis of the provided information from the Town for the proposed Master Plan.

Consideration of this request is greatly appreciated. Upon your review, if you should have any questions or require additional information, please do not hesitate to contact me at (919) 361-5000.

Sincerely,

THE JOHN R. McADAMS COMPANY, INC.

A handwritten signature in blue ink that reads 'JG Moore'.

Jonathan G. Moore, PE
Director, Residential
JM/rf

Attachment

**The John R. McAdams
Company, Inc.**

Raleigh / Durham, NC
2905 Meridian Parkway
Durham, North Carolina 27713
(919) 361-5000

Charlotte, NC
11301 Carmel Commons Blvd,
Suite 111
Charlotte North Carolina 28226
(704) 527-0800

McAdamsCo.com



Designing Tomorrow's Infrastructure & Communities

Brookhill Sanitary Sewer Preliminary Evaluation

McAdams
10-Nov-14

Estimate of average daily flow of wastewater for Brookhill South (Phases 1-14):

<u>Residential Unit Type</u>	<u>Res. Units/SF</u>	<u>Bedrooms</u>	<u>WW Flow Rate per Unit</u>	<u>Average WW Flow</u>			<u>Record Lots</u>
				<u>gpd</u>	<u>gpm</u>	<u>cfs</u>	<u>date</u>
Phase 1							July-15
Amenity / Clubhouse	8,500	sf	0.13 gal/day-sf	1,105	1	0.002	
Phase 2							July-15
Townhome	72	2.5	250 gal/day-unit	18,000	13	0.028	
Phase 3							July-15
Single Family (65-70)	32	4	250 gal/day-unit	8,000	6	0.012	
Single Family (50-55/60-65)	75	3.5	250 gal/day-unit	18,750	13	0.029	
Phase 4							July-15
Single Family (65-70)	20	4	250 gal/day-unit	5,000	3	0.008	
Subtotal	199			50,855			
Phase 5							July-16
Single Family (65-70)	48	4	250 gal/day-unit	12,000	8	0.019	
Single Family (50-55/60-65)	68	3.5	250 gal/day-unit	17,000	12	0.026	
Phase 6							July-16
Single Family (65-70)	45	4	250 gal/day-unit	11,250	8	0.017	
Phase 7							July-16
Single Family (65-70)	15	4	250 gal/day-unit	3,750	3	0.006	
Phase 8							July-16
Single Family (65-70)	26	4	250 gal/day-unit	6,500	5	0.010	
Single Family (50-55/60-65)	8	3.5	250 gal/day-unit	2,000	1	0.003	
Phase 9							July-16
Single Family (65-70)	24	4	250 gal/day-unit	6,000	4	0.009	
Single Family (50-55/60-65)	32	3.5	250 gal/day-unit	8,000	6	0.012	
Phase 10							July-16
Single Family (65-70)	42	4	250 gal/day-unit	10,500	7	0.016	
Single Family (50-55/60-65)	15	3.5	250 gal/day-unit	3,750	3	0.006	
Subtotal	323			80,750			
Phase 11							July-17
Single Family (50-55/60-65)	65	3.5	250 gal/day-unit	16,250	11	0.025	
Phase 12							July-17
Single Family (50-55/60-65)	45	3.5	250 gal/day-unit	11,250	8	0.017	
Phase 13							July-17
Townhome	145	2.5	250 gal/day-unit	36,250	25	0.056	
Phase 14							July-17
Townhome	108	2.5	250 gal/day-unit	27,000	19	0.042	
Subtotal	363			90,750			
Commercial							
Commercial / Retail	25,000	sf	0.13 gal/day-sf	3,250	2	0.005	July-18
Total Units Phases 1-14	885		Total WW Flow Phases 1-14	225,605	157	0.349	

Estimate of average daily flow of wastewater for Brookhill North (Phases 15-33):

McAdams
10-Nov-14

Residential Unit Type	Res. Units/SF	Bedrooms	WW Flow Rate per Unit	Average WW Flow			Recorded Lots
				gpd	gpm	cfs	
Phase 15							July-18
Single Family (50-55/60-65)	95	3.5	250 gal/day-unit	23,750	16	0.037	
Phase 16							July-18
Townhome	95	2.5	250 gal/day-unit	23,750	16	0.037	
Phase 17							July-18
Townhome	95	2.5	250 gal/day-unit	23,750	16	0.037	
Phase 18							July-18
Townhome	80	2.5	250 gal/day-unit	20,000	14	0.031	
Subtotal	365			91,250			
Phase 19							July-19
Single Family (65-70/70-75)	40	4	250 gal/day-unit	10,000	7	0.015	
Phase 20							July-19
Single Family (50-55/60-65)	90	3.5	250 gal/day-unit	22,500	16	0.035	
Phase 21							July-19
Single Family (65-70/70-75)	80	4	250 gal/day-unit	20,000	14	0.031	
Phase 22							July-19
Single Family (65-70/70-75)	10	4	250 gal/day-unit	2,500	2	0.004	
Single Family (50-55/60-65)	35	3.5	250 gal/day-unit	8,750	6	0.014	
Phase 23							July-19
Single Family (50-55/60-65)	35	3.5	250 gal/day-unit	8,750	6	0.014	
Phase 24							July-19
Single Family (50-55/60-65)	30	3.5	250 gal/day-unit	7,500	5	0.012	
Subtotal	320			80,000			
Phase 25							July-20
Single Family (50-55/60-65)	35	3.5	250 gal/day-unit	8,750	6	0.014	
Phase 26							July-20
Single Family (65-70/70-75)	25	4	250 gal/day-unit	6,250	4	0.010	
Phase 27							July-20
Single Family (65-70/70-75)	40	4	250 gal/day-unit	10,000	7	0.015	
Phase 28							July-20
Single Family (65-70/70-75)	25	4	250 gal/day-unit	6,250	4	0.010	
Phase 29							July-20
Single Family (65-70/70-75)	50	4	250 gal/day-unit	12,500	9	0.019	
Phase 30							July-20
Single Family (65-70/70-75)	60	4	250 gal/day-unit	15,000	10	0.023	
Phase 31							July-20
Townhome	75	2.5	250 gal/day-unit	18,750	13	0.029	
Subtotal	310			77,500			
Phase 32							July-21
Apartment	380	2	240 gal/day-unit	91,200	63	0.141	
Subtotal	380			91,200			
Phase 33							July-22
Townhome	90	2.5	250 gal/day-unit	22,500	16	0.035	
Total Units Phases 15-33	1,465		Total WW Flow Phases 15-33	362,450	252	0.561	
Total Units	2,350		Total Flow	588,055			

TOWN OF CLAYTON
MOTION GRANTING SUBDIVISION APPROVALS
SHORT FORM

Motion:

Based on the substantial and competent evidence and testimony presented to the Town Council on this matter, the Council finds and concludes that Subdivision Application **PSD 2014-128, Steeplechase Planned Development**, (subject to the conditions recommended by the Planning Board and Planning Staff and with full incorporation of all statements and agreements entered into the record by the testimony of the applicant and applicant's representatives):

- (1) That the subdivision meets all required specifications of the Town Unified Development Ordinance;
- (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;
- (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; and
- (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.

Duly adopted by the Clayton Town Council this 20th day of July, 2015.

**Town of Clayton
Town Council
Agenda Cover Sheet**

AGENDA LOCATION:

Items for Discussion

MEETING DATE:

July 20, 2015

ITEM TITLE:

Sam's Branch Sewer Agreement - Creech

ITEM DESCRIPTION:

Mr. Biggs will provide additional information regarding the proposed sewer agreement.

POTENTIAL ACTION:

Discussion

DEPARTMENT:

Administration

PRESENTER:

Steve Biggs, Town Manager

ITEM HISTORY:

Date:

Action Taken:

Information Provided:

Date:

Action Taken:

Information Provided:

INFRASTRUCTURE DEVELOPMENT AGREEMENT

THIS INFRASTRUCTURE DEVELOPMENT AGREEMENT (the “Agreement”) is made this day of _____ 2015 (the “Effective Date”), by and between EVERLAND-LEE, LLC, a North Carolina Limited Liability Corporation (“Developer”), and the **TOWN OF CLAYTON**, a municipal corporation existing under the laws of the State of North Carolina (the “Town”).

WITNESSETH:

WHEREAS, Developer currently owns, is under contract or option to purchase, or plans to acquire one or more tracts of land comprising 136.95 acres, more or less, within the jurisdiction of the Town, all as more particularly described on the attached **Exhibit A** (collectively, the “Property”);

WHEREAS, Developer desires to develop the Property for residential and/or commercial purposes; however, the Property currently is not served with municipal sewer lines and facilities;

WHEREAS, the Town is planning to make certain sewer improvements and extensions to the Sam’s Branch Sewer Line in the Town of Clayton, which improvements and extensions would provide the Property the ability to connect to municipal sewer services and permit the development of the Property for Developer’s intended use(s);

WHEREAS, the Town is authorized under Chapter 51 of the Town’s Code of Ordinances to enter into a reimbursement agreement with Developer to allow Developer to contribute to the cost to complete the sewer line extension and to receive reimbursement from the Town for such contribution as other properties connect to the sewer line;

WHEREAS, in accordance with Chapter 51 of the Town’s Code of Ordinances, the Town will use a portion of fees collected for connections to the sewer line to reimburse Developer for the amount of its contribution that is used to construct the sewer line to standards that exceed the requirements to provide sewer service to the Property;

WHEREAS, the extension of the sewer line will offer numerous benefits to the Town, including providing for the expeditious extension of sewer service to areas currently not served, permitting the systematic extension of municipal improvements, expanding the Town’s tax-base, providing public and private amenities to the Town’s citizens and improving the general quality of life in the Town;

WHEREAS, after conducting a public hearing and approving, by duly enacted ordinance, the parties now desire to enter into, and the Town Council has ratified, this Agreement to provide for reimbursing Developer for its contributions to the funding of the sewer line extension;

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained in this Agreement, the benefits that will accrue to both parties from the construction of the sewer line and other good and valuable consideration, the receipt and sufficiency of which are acknowledged, the parties agree as follows:

ARTICLE 1

GENERAL

Section 1.1 Definitions. Whenever used in this Agreement, the following terms shall have the definitions indicated as set forth in this Section.

(a) “Developer” shall mean Everland-Lee, LLC, a North Carolina Limited Liability Corporation, and its officers, employees, successors, assigns and successors in title.

(b) “Laws” shall mean all laws, ordinances, resolutions, regulations, comprehensive plans, land development regulations, policies and rules adopted by the Town, the State of North Carolina, the United States of America and any other governmental authority or body with jurisdiction over the Property or the construction of the Sewer Line.

(c) “Property” shall mean one or more tracts of land comprising 136.95 acres, more or less, within the jurisdiction of the Town, currently owned by Developer, subject to a contract or option to purchase for the benefit of Developer, or to be acquired by Developer, which land is more particularly described on the attached **Exhibit A**.

(d) “Property Segment” shall mean the Segment of the Sewer Line located on the Property.

(e) “Sewer Line” shall mean the gravity sewer line and appurtenant facilities contemplated by this Agreement, together with all valves, fittings, service connections, service lines, shutoffs, meter boxes, sewage pumping stations, force-mains, gravity sewer mains, manholes and laterals. The Sewer Line is comprised of one or more Segments, all of which are described on the attached **Exhibit B**.

(f) “Segment” shall mean a segment of the Sewer Line.

(g) “Town” shall mean the Town of Clayton, a municipal corporation existing under the laws of the State of North Carolina, and its officers, employees, successors, assigns and successors in title.

Section 1.2 Term. The term of this Agreement shall commence on the Effective Date and shall expire Forty-nine (49) years after the Property is physically connected to the Sewer Line (the “Term”).

ARTICLE 2

INFRASTRUCTURE AND CAPACITY ALLOCATIONS

Section 2.1 Planning, Design and Approvals for Sewer Line. The Town shall be solely responsible for preparing and obtaining all plans, designs and construction drawings for the Sewer Line and for obtaining all required permits and approvals from all governmental agencies with jurisdiction over the Sewer Line.

Section 2.2 Construction of Sewer Line. The Town shall be solely responsible for bidding, award of bid and construction management of the Sewer Line. The cost of the Property Segment (the “Project Cost”) shall be the amount of the lowest, responsible, responsive bid received by the Town for the Segment (the “Bid”). The estimated Project Cost is itemized in the attached **Exhibit C**.

Section 2.3 Developer’s Contribution to Project Cost. In accordance with Chapter 51 of the Town’s Code of Ordinances, subject to the reimbursement provisions of Article 3, Developer agrees to contribute to the Town \$585,728.73 of the Project Cost. The contribution will be made in the following payments: Twenty Percent (20%) of total amount shall be paid by August

4, 2015, Forty Percent (40%) of total amount shall be paid by September 4, 2015, and the remaining Forty Percent (40%) shall be paid by November 4, 2015

Section 2.4 Contingent Upon Other Segments. Only the Property Segment is located on the Property. Other Segment(s) are located on property not owned by Developer or that do not connect to the Property or other property owned by Developer. Each Segment is subject to a separate Infrastructure Reimbursement Agreement with the developer of such Segment, which contains the same material terms as this Agreement (each a "Segment Agreement"). Notwithstanding anything to the contrary in this Agreement, the continued effectiveness of this Agreement and the obligations of the Town and Developer under this Agreement shall be contingent upon the continued effectiveness of the Segment Agreement(s) for the Segment(s) upstream from the Property Segment. In accordance with the foregoing, if one or both of the other Segment Agreements for the Segments upstream from the Property Segment expires or terminates, for any reason, prior to the "Acceptance Date" under the applicable Segment Agreement or this Agreement, this Agreement shall terminate automatically and shall be deemed null and void.

Section 2.5 Rights of Way. Developer shall convey and dedicate to the Town, at no cost to the Town, temporary construction easements and permanent easements over any property in which Developer owns an interest for the purpose of constructing, operating and maintaining the Sewer Line.

ARTICLE 3

REIMBURSEMENT AND ACCOUNTING OF COSTS

Section 3.1 Developer Reimbursement.

(a) Upon completion of the Sewer Line, Developer shall be eligible for reimbursement by the Town for the portion of the Project Cost incurred by the Town for installing a Property Segment larger than needed to serve the Property (the "Reimbursement Amount"). The Reimbursement Amount is estimated in the attached **Exhibit D**. Only the Project Cost shall be used in the calculations for the Reimbursement Amount, and no interest on the Contribution shall be eligible for reimbursement. Notwithstanding the foregoing, Developer shall not be eligible for reimbursement for sewer acreage fees Developer is required to pay to connect the Property to the Sewer Line; provided, Developer's sewer acreage fees shall be based on the Town's standard sewer acreage fee schedule and shall not include the sewer line surcharge otherwise charged in the Sam's Branch Sewer Basin. Developer acknowledges the Town's sewer acreage fee schedule is subject to change at any time by the Town.

(b) The Reimbursement Amount shall be paid to Developer by the Town only from sewer acreage fees collected by the Town from development on property (other than the Property) that connects to the Property Segment directly or through lines tributary to direct connections to the Property Segment. Such sewer acreage fees shall be paid by the Town to Developer within thirty (30) days after the end of each quarter from the sewer acreage fees collected by the Town during such quarter. Developer shall not be entitled to any sewer line surcharges (applicable in the Sam's Branch Sewer Basin) paid by third parties for other properties connecting to the Property Segment. In no event shall Developer be entitled to reimbursement from the payment of sewer acreage fees collected by the Town for connecting development to sewer lines not directly connected to the Property Segment or through lines tributary to direct connections to the Property Segment. Developer's right to reimbursement under this Agreement shall be based solely on the connection of new development to the Property Segment in accordance with this **Error! Reference source not found.**, and Developer shall have no right to reimbursement or compensation from the Town as a result of increases or decreases in flow through the Property

Segment for any reason, regardless of source. In no event shall the Reimbursement Amount exceed the Contribution.

ARTICLE 4

SEWER CAPACITY ALLOCATION

Section 4.1 Sewer Capacity Allocation.

(a) As of the Acceptance Date, the Town shall be deemed to reserve an average daily flow sewer capacity allocation for all of the Property in the amount of 243,860 gallons per day for residential or commercial purposes (the "Allocation"). Developer may apportion the Allocation among subdivided parcels of the Property, subject to the Town's paramount right to approve, restrict, limit or otherwise regulate the development of such parcels as provided in Section 4.1(d) and elsewhere in this Agreement. If the Property requires any additional sewer capacity allocation beyond the Allocation, the Town shall assign additional sewer allocation, if available, for the then-current phase of development of the Property at the later of the Town Council approval of a site plan for all or a portion of the Property or the payment of all applicable development fees prior to commencement of construction for the then-current phase of development, including capacity fees, acreage fees and nutrient offset fees.

(b) Subject to the timely performance by Developer of its obligations under this Agreement and/or other events beyond the Town's reasonable control and the sewer capacity reservation made in Section 4.1(a), the Town shall make every reasonable effort to provide sewer service to the Property on a schedule appropriate to fulfill the requirements of the Project Schedule attached in **Exhibit E**. In the event that the Developer's scheduled work is completed in advance of completion and availability of the Sewer Line then the Developer and the Town will cooperate to provide alternative service for necessary time period. If a "Pump and Haul" solution becomes necessary the Town shall pay for installation of a temporary holding tank at a mutually acceptable location. The Town will contribute collected sewer service receipts from the Parkview project towards the cost of the Pump and Haul operation and Developer shall pay the additional cost, if any, for the Pump and Haul operation. Town shall manage the Pump and Haul operation and make monthly invoices to Developer for their cost share of the operation, as applicable.

(c) The amount of sewer treatment capacity assigned for the Property shall be the average sewer treatment capacity requirement for the Property as determined by the Town. Upon Developer's build-out of the Property, the sewer treatment capacity assigned to the Property shall be deemed exhausted, regardless of actual flow that originates from the Property.

(d) Notwithstanding anything to the contrary in this Agreement and the Town's allocation of sewer treatment capacity to the Property under this Agreement, nothing in this Agreement shall be construed as an approval of any development or use of all or a portion of the Property, and any development of all or a portion of the Property shall at all times remain subject to all requirements set forth in the Town's Unified Development Ordinance and all other adopted ordinances, policies, or schedules of the Town of Clayton.

ARTICLE 5

MISCELLANEOUS

Section 5.1 Notices. To be effective, any notice or other communication required, permitted, or contemplated by this Agreement must be in writing and must be sent by email (return-receipt requested), certified mail (return-receipt requested), overnight delivery service (with proof of delivery), or commercial courier (with proof of delivery) to the following addresses. A party may change its address(es) by giving five (5) days prior notice to the other party of such change. Notice shall be deemed delivered or received upon the earliest to occur of (a) receipt of the transmission if sent by email; (b) three (3) days after the postmark if sent by certified mail; (c) the next day that is not a Saturday, Sunday, or legal holiday if sent by overnight delivery service, or (d) upon receipt if delivered by commercial courier.

If to Town:

R. Steven Biggs
Town Manager
231 East Second Street
Clayton NC 27520
stevebiggs@townofclaytonnc.org

With a Required Copy to:

Jeff Bandini
Parker Poe
301 Fayetteville St., Suite 1400
Raleigh, NC 27601
jeffbandini@parkerpoe.com

If to Developer:

With a Required Copy to:

Section 5.2 Force Majeure. Notwithstanding anything to the contrary in this Agreement, neither party shall be liable to the other for any failure to perform under this Agreement as a result of a force majeure, including acts of governmental authorities, embargoes, fire, flood, hurricanes, tornadoes, explosions, acts of God or a public enemy, strikes, labor disputes, vandalism, civil riots, or acts of terrorism; provided, such party (i) shall notify the other party promptly if the performance of any duty or obligation required under this Agreement will be delayed or prevented by a force majeure; and (ii) shall diligently and in good faith act to the extent within its power to remedy the circumstances affecting its performance.

Section 5.3 Development Standards. Nothing in this Agreement shall abridge, terminate or modify any adopted ordinances, policies and schedules of the Town of Clayton, all of which are ratified, adopted and incorporated herein by reference as if fully set forth in this Agreement. If a state or federal law is changed after the Effective Date of this Agreement and the change prevents or precludes compliance with one or more provisions of this Agreement, the Town may modify the affected provision(s) of this Agreement upon making a finding, after public notice and conducting a public hearing, that the change in state or federal law has a fundamental effect on this Agreement; provided, the Town shall use its best efforts to comply with the sewer treatment allocations and reimbursement obligations set forth in this Agreement, so long as such compliance does not violate such applicable state or federal law.

Section 5.4 Entire Agreement. Except with respect to prior approvals and Laws applicable to the Sewer Line, this Agreement constitutes the entire agreement between the parties with respect to the matters covered herein and supersedes any prior negotiations, understandings, or agreements in their entirety with respect to the matters contemplated hereby.

Section 5.5 No Waiver of Governmental Authority or Discretion. Nothing in this Agreement shall be construed to bind, estop, direct, limit, or impair the future regulatory, legislative, or governmental discretion of the Clayton Town Council in a manner not permitted by law. The Town shall incur no liability to Developer for any losses or damages it may incur as a result of or in connection with the Town's exercise or performance of its regulatory, legislative, or governmental powers or functions, or any

judicial determination regarding such exercise or performance, provided the Town shall be contractually bound by the terms of this Agreement, including the sewer allocation in Section 4.1.

Section 5.6 Authority. The Town and Developer each warrants and represents to the other that it has full right and authority to enter into this Agreement, that this Agreement has been presented to and approved by each party's governing board after proper notice and hearing and that the person signing on behalf of each party is authorized to do so.

Section 5.7 No Partnership. Nothing contained in this Agreement shall be construed to make the Town a partner with Developer or render either party liable for the debts or obligations of the other.

Section 5.8 Choice of Law and Forum. This Agreement shall be deemed made in Johnston County, North Carolina. This Agreement shall be governed by and construed in accordance with the laws of North Carolina. Except for any cause of action for which a federal court has exclusive jurisdiction, the exclusive forum and venue for all actions arising out of this Agreement shall be the North Carolina General Court of Justice in Johnston County. Such actions shall neither be commenced in nor removed to federal court. This Section shall not apply to subsequent actions to enforce a judgment entered in actions heard pursuant to this Section.

Section 5.9 No Third-Party Rights Created. This Agreement is intended for the benefit of the Town and Developer and their successors and assigns and not for any other person, and no such persons shall enjoy any right, benefit, or entitlement under this Agreement.

Section 5.10 Amendment. Except as otherwise provided in this Agreement, this Agreement may not be amended or terminated except by written instrument signed by both parties.

Section 5.11 Preambles. The preamble and recitals to this Agreement are part of the agreement between the parties and shall be binding upon the parties in accordance with their terms.

Section 5.12 Enforceability. The enforceability and validity of this Agreement, in whole or in part, shall not be affected by the unenforceability or invalidity of any particular provision of this Agreement.

Section 5.13 Principles of Interpretation and Definitions. In this Agreement, unless the context requires otherwise: (1) the singular includes the plural, and the plural includes the singular; the pronouns "it" and "its" include the masculine and feminine; references to statutes or regulations include all statutory and regulatory provisions consolidating, amending, or replacing the statute or regulation; references to contracts and agreements shall be deemed to include all amendments thereto; and the words "include," "includes," and "including" are to be interpreted as if they were followed by either the phrase "without limitation" or "but not limited to;" (2) references to a "Section" or "section" shall mean a section of this Agreement; (3) "Agreement," whether or not capitalized, refers to this instrument; (4) titles of sections, paragraphs and articles are for convenience only and shall not be construed to affect the meaning of this Agreement; (5) "Duties" includes obligations; (6) the word "person" includes natural persons, firms, companies, associations, partnerships, trusts, corporations, governmental agencies and units and other legal entities; (7) the word "shall" is mandatory; (8) the word "day" means calendar day; (9) attorneys for all parties have participated in the drafting of this document, and no future interpretation shall favor or disfavor one party over another on account of authorship; and (10) all exhibits, attachments, or documents attached to this Agreement or referred to in this Agreement are incorporated by reference into this Agreement as if fully set forth herein.

Section 5.14 Successors and Assigns. All of the provisions of this Agreement shall be binding upon and shall inure to the benefit of the parties and their respective permitted successors and

assigns. Developer may not assign its rights or obligations under this Agreement without the express written approval of the Town, which approval may be withheld in the Town's sole discretion.

IN WITNESS WHEREOF, the Town and Developer have caused this Agreement to be duly executed and sealed pursuant to proper authority as of the day and year first above written.

DEVELOPER:

_____, a _____

By: _____

Print Name: _____

Title: _____

TOWN OF CLAYTON, NORTH CAROLINA

By: _____
Jody L. McLeod, Mayor

ATTEST:

By: _____
_____, Town Clerk

[AFFIX MUNICIPAL SEAL]

This instrument has been pre-audited in the manner
Required by the Local Government Fiscal Control Act.

Finance Officer

Approved as to Form.

Town Attorney

EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

EXHIBIT B

DESCRIPTION OF SEWER LINE

Property Segment:

Segment 2:

Segment 3:

EXHIBIT C
ESTIMATED CONTRIBUTION

EXHIBIT D

ESTIMATED REIMBURSEMENT

Property Segment:

Segment 2:

Segment 3:

EXHIBIT E
PROJECT SCHEDULE

**Town of Clayton
Town Council
Agenda Cover Sheet**

AGENDA LOCATION:

Items for Discussion

MEETING DATE:

July 20, 2015

ITEM TITLE:

Sam's Branch Sewer Agreement - Parkview

ITEM DESCRIPTION:

Mr. Biggs will provide additional information regarding the proposed sewer agreement.

POTENTIAL ACTION:

Discussion

DEPARTMENT:

Administration

PRESENTER:

Steve Biggs, Town Manager

ITEM HISTORY:

Date:

Action Taken:

Information Provided:

Date:

Action Taken:

Information Provided:

INFRASTRUCTURE DEVELOPMENT AGREEMENT

THIS INFRASTRUCTURE DEVELOPMENT AGREEMENT (the “Agreement”) is made this 3rd day of August 2015 (the “Effective Date”), by and between City Road, LLC, a North Carolina Limited Liability Corporation; and Donald C. Adams (collectively “Developer”), and the **TOWN OF CLAYTON**, a municipal corporation existing under the laws of the State of North Carolina (the “Town”).

WITNESSETH:

WHEREAS, Developer currently owns, is under contract or option to purchase, or plans to acquire one or more tracts of land comprising 83.1 acres, more or less, within the jurisdiction of the Town, all as more particularly described on the attached **Exhibit A** (collectively, the “Property”);

WHEREAS, Developer desires to develop the Property for residential and/or commercial purposes; however, the Property currently is not served with municipal sewer lines and facilities;

WHEREAS, the Town is planning to make certain sewer improvements and extensions to the Sam’s Branch Sewer Line in the Town of Clayton, which improvements and extensions would provide the Property the ability to connect to municipal sewer services and permit the development of the Property for Developer’s intended use(s);

WHEREAS, the Town is authorized under Chapter 51 of the Town’s Code of Ordinances to enter into a reimbursement agreement with Developer to allow Developer to contribute to the cost to complete the sewer line extension and to receive reimbursement from the Town for such contribution as other properties connect to the sewer line;

WHEREAS, in accordance with Chapter 51 of the Town’s Code of Ordinances, the Town will use a portion of fees collected for connections to the sewer line to reimburse Developer for the amount of its contribution that is used to construct the sewer line to standards that exceed the requirements to provide sewer service to the Property;

WHEREAS, the extension of the sewer line will offer numerous benefits to the Town, including providing for the expeditious extension of sewer service to areas currently not served, permitting the systematic extension of municipal improvements, expanding the Town’s tax-base, providing public and private amenities to the Town’s citizens and improving the general quality of life in the Town;

WHEREAS, after conducting a public hearing and approving, by duly enacted ordinance, the parties now desire to enter into, and the Town Council has ratified, this Agreement to provide for reimbursing Developer for its contributions to the funding of the sewer line extension;

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained in this Agreement, the benefits that will accrue to both parties from the construction of the sewer line and other good and valuable consideration, the receipt and sufficiency of which are acknowledged, the parties agree as follows:

ARTICLE 1

GENERAL

Section 1.1 Definitions. Whenever used in this Agreement, the following terms shall have the definitions indicated as set forth in this Section.

(a) “Developer” shall mean City Road LLC, Donald C. Adams, and its officers, employees, successors, assigns and successors in title.

(b) “Laws” shall mean all laws, ordinances, resolutions, regulations, comprehensive plans, land development regulations, policies and rules adopted by the Town, the State of North Carolina, the United States of America and any other governmental authority or body with jurisdiction over the Property or the construction of the Sewer Line.

(c) “Property” shall mean one or more tracts of land comprising 83.1 acres, more or less, within the jurisdiction of the Town, currently owned by Developer, subject to a contract or option to purchase for the benefit of Developer, or to be acquired by Developer, which land is more particularly described on the attached **Exhibit A**.

(d) “Property Segment” shall mean the Segment of the Sewer Line located on the Property.

(e) “Sewer Line” shall mean the gravity sewer line and appurtenant facilities contemplated by this Agreement, together with all valves, fittings, service connections, service lines, shutoffs, meter boxes, sewage pumping stations, force-mains, gravity sewer mains, manholes and laterals. The Sewer Line is comprised of one or more Segments, all of which are described on the attached **Exhibit B**.

(f) “Segment” shall mean a segment of the Sewer Line.

(g) “Town” shall mean the Town of Clayton, a municipal corporation existing under the laws of the State of North Carolina, and its officers, employees, successors, assigns and successors in title.

Section 1.2 Term. The term of this Agreement shall commence on the Effective Date and shall expire forty-nine (49) years after the Property is physically connected to the Sewer Line (the “Term”).

ARTICLE 2

INFRASTRUCTURE AND CAPACITY ALLOCATIONS

Section 2.1 Planning, Design and Approvals for Sewer Line. The Town shall be solely responsible for preparing and obtaining all plans, designs and construction drawings for the Sewer Line and for obtaining all required permits and approvals from all governmental agencies with jurisdiction over the Sewer Line.

Section 2.2 Construction of Sewer Line. The Town shall be solely responsible for bidding, award of bid and construction management of the Sewer Line. The cost of the Property Segment (the “Project Cost”) shall be the amount of the lowest, responsible, responsive bid received by the Town for the Segment (the “Bid”). The estimated Project Cost is itemized in the attached **Exhibit C**.

Section 2.3 Developer’s Contribution to Project Cost. In accordance with Chapter 51 of the Town’s Code of Ordinances, subject to the reimbursement provisions of Article 3, Developer agrees to contribute to the Town \$355,414.80 of the Project Cost. The contribution will be made in the following payments: Twenty Percent (20%) of total amount shall be paid by August 4, 2015, Forty Percent (40%) of

total amount shall be paid by September 4, 2015, and the remaining Forty Percent (40%) shall be paid by November 4, 2015.

Section 2.4 Contingent Upon Other Segments. Only the Property Segment is located on the Property. Other Segment(s) are located on property not owned by Developer or that do not connect to the Property or other property owned by Developer. Each Segment is subject to a separate Infrastructure Reimbursement Agreement with the developer of such Segment, which contains the same material terms as this Agreement (each a "Segment Agreement"). Notwithstanding anything to the contrary in this Agreement, the continued effectiveness of this Agreement and the obligations of the Town and Developer under this Agreement shall be contingent upon the continued effectiveness of the Segment Agreement(s) for the Segment(s) upstream from the Property Segment. In accordance with the foregoing, if one or both of the other Segment Agreements for the Segments upstream from the Property Segment expires or terminates, for any reason, prior to the "Acceptance Date" under the applicable Segment Agreement or this Agreement, this Agreement shall terminate automatically and shall be deemed null and void.

Section 2.5 Rights of Way. Developer shall convey and dedicate to the Town, at no cost to the Town, temporary construction easements and permanent easements over any property in which Developer owns an interest for the purpose of constructing, operating and maintaining the Sewer Line.

ARTICLE 3

REIMBURSEMENT AND ACCOUNTING OF COSTS

Section 3.1 Developer Reimbursement.

(a) Upon completion of the Sewer Line, Developer shall be eligible for reimbursement by the Town for the portion of the Project Cost incurred by the Town for installing a Property Segment larger than needed to serve the Property (the "Reimbursement Amount"). The Reimbursement Amount is estimated in the attached **Exhibit D**. Only the Project Cost shall be used in the calculations for the Reimbursement Amount, and no interest on the Contribution shall be eligible for reimbursement. Notwithstanding the foregoing, Developer shall not be eligible for reimbursement for sewer acreage fees Developer is required to pay to connect the Property to the Sewer Line; provided, Developer's sewer acreage fees shall be based on the Town's standard sewer acreage fee schedule and shall not include the sewer line surcharge otherwise charged in the Sam's Branch Sewer Basin. Developer acknowledges the Town's sewer acreage fee schedule is subject to change at any time by the Town.

(b) The Reimbursement Amount shall be paid to Developer by the Town only from sewer acreage fees collected by the Town from development on property (other than the Property) that connects to the Property Segment directly or through lines tributary to direct connections to the Property Segment. Such sewer acreage fees shall be paid by the Town to Developer within thirty (30) days after the end of each quarter from the sewer acreage fees collected by the Town during such quarter. Developer shall not be entitled to any sewer line surcharges (applicable in the Sam's Branch Sewer Basin) paid by third parties for other properties connecting to the Property Segment. In no event shall Developer be entitled to reimbursement from the payment of sewer acreage fees collected by the Town for connecting development to sewer lines not directly connected to the Property Segment or through lines tributary to direct connections to the Property Segment. Developer's right to reimbursement under this Agreement shall be based solely on the connection of new development to the Property Segment in accordance with this **Error! Reference source not found.**, and Developer shall have no right to reimbursement or compensation from the Town as a result of increases or decreases in flow through the Property

Segment for any reason, regardless of source. In no event shall the Reimbursement Amount exceed the Contribution.

ARTICLE 4

SEWER CAPACITY ALLOCATION

Section 4.1 Sewer Capacity Allocation.

(a) As of the Acceptance Date, the Town shall be deemed to reserve an average daily flow sewer capacity allocation for all of the Property in the amount of [REDACTED] gallons per day for residential or commercial purposes (the "Allocation"). Developer may apportion the Allocation among subdivided parcels of the Property, subject to the Town's paramount right to approve, restrict, limit or otherwise regulate the development of such parcels as provided in Section 4.1(e) and elsewhere in this Agreement. If the Property requires any additional sewer capacity allocation beyond the Allocation, the Town shall assign additional sewer allocation, if available, for the then-current phase of development of the Property at the later of the Town Council approval of a site plan for all or a portion of the Property or the payment of all applicable development fees prior to commencement of construction for the then-current phase of development, including capacity fees, acreage fees and nutrient offset fees.

(b) Subject to the timely performance by Developer of its obligations under this Agreement and/or other events beyond the Town's reasonable control and the sewer capacity reservation made in Section 4.1(a), the Town shall make every reasonable effort to provide sewer service to the Property on a schedule appropriate to fulfill the requirements of the Project Schedule attached in **Exhibit E**. In the event that the Developer's scheduled work is completed in advance of completion and availability of the Sewer Line then the Developer and the Town will cooperate to provide alternative service for necessary time period. If a "Pump and Haul" solution becomes necessary the Town shall pay for installation of a temporary holding tank at a mutually acceptable location. The Town will contribute collected sewer service receipts from the Parkview project towards the cost of the Pump and Haul operation and Developer shall pay the additional cost, if any, for the Pump and Haul operation. Town shall manage the Pump and Haul operation and make monthly invoices to Developer for their cost share of the operation, as applicable.

(c) Except with respect to the Allocation that has already been assigned to Developer, after completion of the Sewer Line, the Town shall assign its available sewer allocation on a first-come (payment of fees), first-served basis; provided, the Town Council may otherwise reserve some portion of its available capacity for its own use or for a public purpose. The Town Public Works Department shall maintain a public list of the assigned flows and the Town's available allocation of sewer treatment capacity. Notwithstanding the foregoing, the Town agrees not to grant any sewer treatment capacity to other properties that will connect to the Property Segment until after completion of the Sewer Line.

(d) The amount of sewer treatment capacity assigned for the Property shall be the average sewer treatment capacity requirement for the Property as determined by the Town. Upon Developer's build-out of the Property, the sewer treatment capacity assigned to the Property shall be deemed exhausted, regardless of actual flow that originates from the Property.

(e) Notwithstanding anything to the contrary in this Agreement and the Town's allocation of sewer treatment capacity to the Property under this Agreement, nothing in this Agreement shall be construed as an approval of any development or use of all or a portion of the Property, and any development of all or a portion of the Property shall at all times remain subject

to all requirements set forth in the Town's Unified Development Ordinance and all other adopted ordinances, policies, or schedules of the Town of Clayton.

ARTICLE 5

MISCELLANEOUS

Section 5.1 Notices. To be effective, any notice or other communication required, permitted, or contemplated by this Agreement must be in writing and must be sent by email (return-receipt requested), certified mail (return-receipt requested), overnight delivery service (with proof of delivery), or commercial courier (with proof of delivery) to the following addresses. A party may change its address(es) by giving five (5) days prior notice to the other party of such change. Notice shall be deemed delivered or received upon the earliest to occur of (a) receipt of the transmission if sent by email; (b) three (3) days after the postmark if sent by certified mail; (c) the next day that is not a Saturday, Sunday, or legal holiday if sent by overnight delivery service, or (d) upon receipt if delivered by commercial courier.

If to Town:

R. Steven Biggs
Town Manager
231 East Second Street
Clayton NC 27520
stevebiggs@townofclaytonnc.org

With a Required Copy to:

Jeff Bandini
Parker Poe
301 Fayetteville St., Suite 1400
Raleigh, NC 27601
jeffbandini@parkerpoe.com

If to Developer:

With a Required Copy to:

Section 5.2 Force Majeure. Notwithstanding anything to the contrary in this Agreement, neither party shall be liable to the other for any failure to perform under this Agreement as a result of a force majeure, including acts of governmental authorities, embargoes, fire, flood, hurricanes, tornadoes, explosions, acts of God or a public enemy, strikes, labor disputes, vandalism, civil riots, or acts of terrorism; provided, such party (i) shall notify the other party promptly if the performance of any duty or obligation required under this Agreement will be delayed or prevented by a force majeure; and (ii) shall diligently and in good faith act to the extent within its power to remedy the circumstances affecting its performance.

Section 5.3 Development Standards. Nothing in this Agreement shall abridge, terminate or modify any adopted ordinances, policies and schedules of the Town of Clayton, all of which are ratified, adopted and incorporated herein by reference as if fully set forth in this Agreement. If a state or federal law is changed after the Effective Date of this Agreement and the change prevents or precludes compliance with one or more provisions of this Agreement, the Town may modify the affected provision(s) of this Agreement upon making a finding, after public notice and conducting a public hearing, that the change in state or federal law has a fundamental effect on this Agreement; provided, the Town shall use its best efforts to comply with the sewer treatment allocations and reimbursement obligations set forth in this Agreement, so long as such compliance does not violate such applicable state or federal law.

Section 5.4 Entire Agreement. Except with respect to prior approvals and Laws applicable to the Sewer Line, this Agreement constitutes the entire agreement between the parties with

respect to the matters covered herein and supersedes any prior negotiations, understandings, or agreements in their entirety with respect to the matters contemplated hereby.

Section 5.5 No Waiver of Governmental Authority or Discretion. Nothing in this Agreement shall be construed to bind, estop, direct, limit, or impair the future regulatory, legislative, or governmental discretion of the Clayton Town Council in a manner not permitted by law. The Town shall incur no liability to Developer for any losses or damages it may incur as a result of or in connection with the Town's exercise or performance of its regulatory, legislative, or governmental powers or functions, or any judicial determination regarding such exercise or performance, provided the Town shall be contractually bound by the terms of this Agreement, including the sewer allocation in Section 4.1.

Section 5.6 Authority. The Town and Developer each warrants and represents to the other that it has full right and authority to enter into this Agreement, that this Agreement has been presented to and approved by each party's governing board after proper notice and hearing and that the person signing on behalf of each party is authorized to do so.

Section 5.7 No Partnership. Nothing contained in this Agreement shall be construed to make the Town a partner with Developer or render either party liable for the debts or obligations of the other.

Section 5.8 Choice of Law and Forum. This Agreement shall be deemed made in Johnston County, North Carolina. This Agreement shall be governed by and construed in accordance with the laws of North Carolina. Except for any cause of action for which a federal court has exclusive jurisdiction, the exclusive forum and venue for all actions arising out of this Agreement shall be the North Carolina General Court of Justice in Johnston County. Such actions shall neither be commenced in nor removed to federal court. This Section shall not apply to subsequent actions to enforce a judgment entered in actions heard pursuant to this Section.

Section 5.9 No Third-Party Rights Created. This Agreement is intended for the benefit of the Town and Developer and their successors and assigns and not for any other person, and no such persons shall enjoy any right, benefit, or entitlement under this Agreement.

Section 5.10 Amendment. Except as otherwise provided in this Agreement, this Agreement may not be amended or terminated except by written instrument signed by both parties.

Section 5.11 Preambles. The preamble and recitals to this Agreement are part of the agreement between the parties and shall be binding upon the parties in accordance with their terms.

Section 5.12 Enforceability. The enforceability and validity of this Agreement, in whole or in part, shall not be affected by the unenforceability or invalidity of any particular provision of this Agreement.

Section 5.13 Principles of Interpretation and Definitions. In this Agreement, unless the context requires otherwise: (1) the singular includes the plural, and the plural includes the singular; the pronouns "it" and "its" include the masculine and feminine; references to statutes or regulations include all statutory and regulatory provisions consolidating, amending, or replacing the statute or regulation; references to contracts and agreements shall be deemed to include all amendments thereto; and the words "include," "includes," and "including" are to be interpreted as if they were followed by either the phrase "without limitation" or "but not limited to;" (2) references to a "Section" or "section" shall mean a section of this Agreement; (3) "Agreement," whether or not capitalized, refers to this instrument; (4) titles of sections, paragraphs and articles are for convenience only and shall not be construed to affect the meaning of this Agreement; (5) "Duties" includes obligations; (6) the word "person" includes natural persons, firms, companies, associations, partnerships, trusts, corporations, governmental agencies and units and other legal

entities; (7) the word “shall” is mandatory; (8) the word “day” means calendar day; (9) attorneys for all parties have participated in the drafting of this document, and no future interpretation shall favor or disfavor one party over another on account of authorship; and (10) all exhibits, attachments, or documents attached to this Agreement or referred to in this Agreement are incorporated by reference into this Agreement as if fully set forth herein.

Section 5.14 Successors and Assigns. All of the provisions of this Agreement shall be binding upon and shall inure to the benefit of the parties and their respective permitted successors and assigns. Developer may not assign its rights or obligations under this Agreement without the express written approval of the Town, which approval may be withheld in the Town’s sole discretion.

IN WITNESS WHEREOF, the Town and Developer have caused this Agreement to be duly executed and sealed pursuant to proper authority as of the day and year first above written.

DEVELOPER:

_____, a _____

By: _____

Print Name: _____

Title: _____

TOWN OF CLAYTON, NORTH CAROLINA

By: _____
Jody L. McLeod, Mayor

ATTEST:

By: _____
_____, Town Clerk

[AFFIX MUNICIPAL SEAL]

This instrument has been pre-audited in the manner
Required by the Local Government Fiscal Control Act.

Finance Officer

Approved as to Form.

Town Attorney

EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

EXHIBIT B

DESCRIPTION OF SEWER LINE

Property Segment:

Segment 2:

Segment 3:

EXHIBIT C
ESTIMATED CONTRIBUTION

EXHIBIT D

ESTIMATED REIMBURSEMENT

Property Segment:

Segment 2:

Segment 3:

EXHIBIT E
PROJECT SCHEDULE

**Town of Clayton
Town Council
Agenda Cover Sheet**

AGENDA LOCATION:

Items for Discussion

MEETING DATE:

July 20, 2015

ITEM TITLE:

CCC Pedestrian Connector Process Update

ITEM DESCRIPTION:

Update on CCC Pedestrian Connector and bid process will be provided.

POTENTIAL ACTION:

None - Informational Only

DEPARTMENT:

Community Development/Planning

PRESENTER:

David DeYoung, Planning Director

ITEM HISTORY:

Date:

Action Taken:

Information Provided:

Date:

Action Taken:

Information Provided:

ADVERTISEMENT FOR BIDS

PROJECT NAME: EL-5100OB – CLAYTON PEDESTRIAN CONNECTOR

Pursuant to NC General Statutes 143-129, sealed bids will be received by the Town of Clayton for the furnishing of all materials, labor, equipment and construction of the EL-5100OB – CLAYTON PEDESTRIAN CONNECTOR, consisting of one contract having the following principal items:

Approximately 1.2 miles of greenway and sidewalk along Amelia Church Road, Little Creek, South Lombard Street and North Church Street. Project will include grading, drainage, paving, traffic control, pavement markings, signing, erosion control, structures and other related items as shown on the plans in accordance with these specifications and plans.

All work shall be performed in accordance with the North Carolina Department of Transportation Standard Specifications for Roads and Structures dated January 2012 with all amendments and supplements.

Sealed bids should be submitted to the attention of Mr. Tim Simpson, P.E., Public Works & Utilities Director, Town of Clayton Operations Center, 653 Hwy 42 West, Clayton, NC, 27520 and marked "**Quotation for EL-5100OB Clayton Pedestrian Connector to be opened at 2:00 pm on Thursday, August 20, 2015**".

Bids will be received at the Town of Clayton Operations Center, 653 Hwy 42 West, Clayton, NC, 27520 until 2:00 pm on **August 20, 2015** at which time the BIDS will be publicly opened and read aloud.

Complete BIDDING DOCUMENTS may be purchased at the Town of Clayton Operations Center, 653 Hwy 42 West, Clayton, NC, 27520 for a non-refundable fee of \$50.00 payable by check to the "Town of Clayton".

Bidder Prequalification - Bidders are required to be prequalified with NCDOT for their specific discipline. Please refer to Section 102-2 of the NCDOT 2012 Standard Specifications. Contractors wishing to become prequalified may obtain information through the NCDOT website at <http://www.ncdot.gov/business/>.

A pre-bid meeting for explanation of the project requirements will be conducted at the Town of Clayton Operation Center, 653 Hwy 42 West, Clayton, NC, 27520.

The Town of Clayton reserves the right to waive any informality, to reject any and all BIDS, and to award a contract which, in its judgment, is in the best interest of the Town of Clayton.

The BIDDER to whom a contract may be awarded shall fully comply with the requirements of all North Carolina General Statutes governing the practice of general contracting and the procedures for letting of public contracts.

A Bid Security in the amount of five percent (5%) of the proposed overall bid amount must accompany each proposal in order to be considered. The Bid security may be in the form of cash, a certified check or bank draft payable to the Town of Clayton, a Bid Bond executed by the Bidder or an acceptable Surety Agency consented to conduct business in North Carolina. No Bid may be withdrawn for a period of sixty (60) days from the date of bid opening except as may be allowed under North Carolina General Statutes.