

Jody L. McLeod
MAYOR

Bruce Thompson
TOWN ATTORNEY

Steve Biggs
TOWN MANAGER



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

Michael Grannis
MAYOR PRO TEM

TOWN COUNCIL MEETING

JANUARY 5, 2015

AGENDA

MAYOR AND TOWN COUNCIL

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

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

TOWN STAFF

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

AGENDA
THE REGULAR MEETING OF THE CLAYTON TOWN COUNCIL

MONDAY, JANUARY 5, 2015
6:30 PM

THE CLAYTON CENTER
COUNCIL CHAMBERS

1. CALL TO ORDER

Pledge of Allegiance & Invocation – Mayor Jody L. McLeod

2. ADJUSTMENT OF THE AGENDA

3. 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 from the December 15, 2014 meeting
- b. Resolution 2015-001 instructing Town Clerk to investigate sufficiency of Annexation Petition 2014-12-01, FSC, IV, LLC Property, Non-Contiguous: 46.17 +/- acres
- c. Town to initiate annexation process for the following town owned properties:
 - River Park Property
 - Little Creek Church Property
- d. Warranty and Dedication Acceptances:
 - Stone Ridge Subdivision, Phase 2 - Asphalt Pavement – one year warranty
 - Glen Laurel East, Phase 2B – FINAL acceptance for public water, sewer, associated storm drainage utilities and all related utility easements
 - RWAC Ravens Ridge, Phase 8A - Asphalt Pavement – five year warranty
- e. Resolution 2015-002 adopting Local Water Supply Plan (LWSP)

Suggested Action: Adopt Consent Agenda as presented

4. INTRODUCTIONS AND SPECIAL PRESENTATIONS

5. PUBLIC HEARINGS

- a. Public Hearing – PDD 2014-111 - ParkView Planned Development Rezoning to PDD-R
- b. Public Hearing - PSD 2014-112 - ParkView Planned Development Master Plan/Preliminary Subdivision Plat

- c. **Public Hearing – PSD 2014-113 – Plat approval – Lions Gate Phases 1A and 1B, located at south side of Amelia Church Road and east of Middleton Street**

6. OLD BUSINESS

- a. **Establishment of new classification for position of Parks Police Officer**

Suggested Action: Approve position of Parks Police Officer

- b. **Review and action on proposed contract to purchase real property located at 220 E. Main Street**

Suggested Action: Vote on enclosed contract to purchase

- c. **Discussion and instruction regarding consideration of in-town urban archery season for 2016**

Suggested Action: Instruction regarding desire to move item forward and process for adoption

7. NEW BUSINESS

- a. **Discussion of appointment to Johnston County Economic Development Advisory Board**

Suggested Action: Approve appointment of Mayor McLeod

8. STAFF REPORTS

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

9. OTHER BUSINESS

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

10. ADJOURNMENT

TOWN OF CLAYTON
TOWN COUNCIL
AGENDA COVER SHEET

Agenda Item: 3a

Meeting Date: January 5, 2015

TITLE: DRAFT MINUTES FROM THE DECEMBER 15, 2014 MEETING

DESCRIPTION: DRAFT MINUTES

RELATED GOAL: Legislative

ITEM SUMMARY:

Date:

Action:

Info. Provided:

1-5-2015

Adoption

Draft of Minutes

**Minutes
Clayton Town Council Meeting
Clayton Town Hall
Monday – December 15, 2014 – 6:30 PM**

The second regular meeting of the Clayton Town Council for the month of December was held on Monday, December 15, 2014 in the Council Chambers.

Present: Mayor Jody McLeod, Mayor Pro Tem Grannis, Council Member Art Holder, Council Member Bob Satterfield and Council Member Butch Lawter

Also Present: Steve Biggs; Town Manager, Nancy Medlin; Deputy Town Manager, Katherine Ross; Town Attorney, Tim Simpkins; Public Works Director, Dale Medlin; Electrical Department, Tommy Roy; Information Technology Specialist, Emily Beddingfield; Planner, Chief R.W. Bridges; Police Chief, Stacy Beard; Public Information Officer, Larry Bailey; Parks and Recreation Director and Kimberly Moffett; Town Clerk.

1. CALL TO ORDER

The meeting was called to order at 6:36 p.m. by Mayor McLeod.

Mayor McLeod led everyone in the Pledge of Allegiance as well as offering the Invocation.

2. ADJUSTMENT OF THE AGENDA

It was requested that Item 5c (Presentation by the MAPS Group) be tabled.

3. ACTION AGENDA

a. Draft minutes from December 1, 2014

Action: Approve Action Agenda as presented

Motion: Council Member Holder

Second: Council Member Thompson

Vote: Unanimous

4. INTRODUCTIONS AND SPECIAL PRESENTATIONS

a. Introduction of new Town of Clayton employee(s)

Emily Beddingfield, Planner, introduced two employees in the Planning Department; Rebecca Powers who is the Administrative Support Specialist and Planner Jay McLeod.

Ms. Beddingfield stated how happy everyone was to have both as part of the Planning Department. They are both great assets to the town.

Rebecca stated she has been with the Planning Department for almost three months. She has lived in Clayton for the past five years. She is very happy to be part of the team.

Jay stated he is excited to be part of the Planning Department. He states he and his family moved from Florida to Clayton right before Thanksgiving. He is very happy to be here and stated he continually hears from folks what a great place Clayton is. For clarification purposes, Jay's email is jwmcleod@townofclaytonnc.org.

Town Council welcomed both Rebecca and Jay to the Town.

b. Presentation of establishment of new classification for position of Parks Police Officer

Chief Bridges offered background information on this position. He stated Captain Herring proposed the idea of a Parks Police Officer and having this officer patrolling greenways and parks on a full time basis. Chief Bridges stated while we do not currently have any problems, we want to be proactive.

Captain Herring addressed the Council and stated this officer would be dedicated to our parks and greenways. This officer would have all the same duties of all other police officers. Schedule would be rotating. During the spring and summer seasons, when parks are busiest, the shift would probably be more of an afternoon/evening shift.

Discussion held how these duties are currently handled. Currently there is not an officer devoted to parks and greenways and patrol of these areas is driven by calls. Having an officer devoted to these areas would allow an officer to get to know everyone in the area and a knowledge base to those who are regulars in the parks.

Discussion continued and majority of Council members felt this was a great idea and stated we move forward, this may be an area for growth.

Council Member Holder had some concerns and suggested rather than having a devoted Park Police Officer an additional position be added to patrol division and any park or greenway issues could be handled in that manner. Chief Bridges stated it would be preferential to have a dedicated

Parks Police Officer, who would also be available for other general calls should patrol get backed up.

Mr. Biggs stated this position would not be to the exclusion of other officer involvement in parks but rather to intensify the level of daily police presence within parks and greenway areas.

Discussion turned to sustainability and future funding. Funding for this position for the current fiscal year would utilize funds already budgeted for an over-hire position. Council Member Satterfield stated it was very important that the department continue budgeting for an over-hire position thus allowing the hiring of an exceptional officer candidate.

Action: Item will be placed on January 5, 2015 Agenda for Approval

5. ITEMS SCHEDULED FOR THE REGULAR MEETING AGENDA

- a. Adopt Resolution instructing Town Clerk to investigate sufficiency of Annexation Petition 2014-12-01, FSC, IV, LLC Property, Non-Contiguous; 46.17 +/- acres

Action: Place on January 5, 2015 Consent Agenda

- b. Town to initiate annexation process for the following town owned properties:
- o River Park Property (*previously known as Dupont Property*)
 - o Little Creek Church

Mr. Biggs offered brief background regarding recently acquired properties listed above.

Action: Place on January 5, 2015 Consent Agenda

- c. Presentation by the MAPS Group of the Town of Clayton Compensation and Classification Study

This item was removed from the agenda due to illness of presenter.

- d. Public Hearing – PDD 2014-111 Parkview Planning Development – Rezoning to PDD-R

Ms. Beddingfield stated Items 5d & 5e would be discussed together.

The first is rezoning – PDD 2014-111. This project is an 82.94 acre located west of City Road, north of Stallings Road, Civitan and Municipal Park. The project is known as ParkView Planned Development.

The applicant is requesting approval to rezone the subject property from Residential Estate (R-E) and Residential 10 (R-10) to Planned Development Residential (PDR).

The second item is for Preliminary Subdivision Plat – PSD 2014-112, for the same property contingent of approval of rezoning. Master Plan for the Planned Development is being requested.

Currently the property is in both the town limits and the ETJ, so an annexation will be required to bring the entire property into the Town of Clayton city limits.

Master Plan is requesting a maximum number of residential units of 330 with mixed housing units and open space to include greenway and park amenities and a community garden.

There have been some revisions to the plan since the agenda packet was prepared. These modifications include extending the proposed roadway network to the property line allowing for future connection to property to the west.

An additional modification made by the applicant was the result of comments from the Planning Board with regard to parking in the community garden and distance of certain homes from the garden. The applicant has indicated there will be a parking area included.

There was discussion regarding entrances. There will be a total of three entrances, with the primary entrance being located at City Road, secondary off Liberty and third would be to the northwest, which would tie into a future road network.

The third change relates to the southeastern portion of the property. There was a proposal to connect through to the cross street right of way. The cross street, however, is an undeveloped “paper street”. The town is going to look to the option of abandoning right of way at this location.

The maximum density would be 4 units per acre, with mixed housing. The exact layout is not established with the Master Plan to allow for flexibility based on market condition.

A class “C” buffer is required around the entire perimeter. Where able, vegetation will be utilized to meet requirements. 53% of the property will be recreational/ open space and includes resource conservation areas.

Close to 10 acres are proposed to be dedicated to the Town along the northern property border where Sam's Branch Greenway extension will run.

There was discussion regarding access points. Mayor Pro Tem Grannis confirmed the amount of access points would be acceptable. Ms. Beddingfield stated based on conversations with the Planning Director, it is an acceptable request. Mayor Pro Tem Grannis questioned whether there would any issues regarding the connectivity of Liberty. Ms. Beddingfield stated it was her understanding that potentially extending access to Stalling Street was being considered.

Several waivers were requested. One of the waivers related to the cross section. The applicant is requesting sidewalks to one side of the street rather than both sides. Staff recommend value to value basis. In lieu of sidewalk on both sides of the street a 10 foot paved greenway would be provided on one side.

A traffic impact analysis was presented to both the Town and the NC Department of Transportation. It had been reviewed by NC Congestion Management.

Based on review, NC DOT is requesting a dedicated left turn lane into development on City Road. Staff completely supports this.

Ms. Beddingfield stated all modifications to the master plan would be reflected in traffic improvements. NC DOT has not yet seen the revisions. It was stated that most likely NC DOT's input will not be received by January 5, 2015. NC DOT reviews can take four weeks to a couple of months.

Council Members would like to have as much information early on as possible with regard to congestion management.

Staff has determined the project is consistent with Strategic Growth Plan as well as the proposed land use map.

The preliminary subdivision master plan will be consistent with the Unified Development Code if the rezoning is approved and if the waiver requests are approved.

The applicant has addressed the Findings of Fact for the Master Plan/Preliminary Subdivision.

Recommendation went before Planning Board on November 19, 2014 and approval was recommended.

Staff recommends approval of rezoning, approval of preliminary subdivision plat subject to conditions proposed in staff report, and approval of four requested waivers as follows:

- Waiver from the Town-approved cross-sections. A revised street Cross-Section has been requested, as shown in the Master Plan.
- 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. Fee-in-lieu would be required for the difference, in this case for 3,883 linear feet of sidewalk (assuming waiver of requirement for 8,493 linear feet of sidewalk and provision of 5,110 linear feet of multi-use path).
- Waiver from §155.400(E)(2)(d) which requires that “Residential subdivisions of 250 or more lots shall provide three separate access points. Where three or more access points are required, the Town Council may waive the requirement for immediate construction of more than two access points, provided that subdivision phasing and design illustrates the additional required connections.” The request is to allow the required third entrance to be constructed to the property line in the northwest corner of the development with the understanding that connectivity will occur when the adjacent property is developed.
- 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-sac with a length greater than 700 feet to serve lots less than 20,000 square feet in size. In this case, the cul-de-sac is approximately 1,000 feet in length.

Action: Public Hearing to be held on January 5, 2015

- e. Public Hearing – PSD 2014-112 Parkview Planned Development – Master Plan/Preliminary Subdivision Plat

Action: Public Hearing to be held on January 5, 2015

6. ITEMS CONTINGENT FOR THE REGULAR MEETING

- a. Warranty and Dedication Acceptances:
 - Stone Ridge Subdivision, Phase 2 – Asphalt Pavement - one year warranty
 - Glen Laurel East, Phase 2B – FINAL acceptance for public water, sewer, associated storm drainage utilities and all related utility easements

- **RWAC Ravens Ridge, Phase 8A – Asphalt Pavement – five year warranty**

Action: Place on January 5, 2015 Consent Agenda

b. Resolution Adopting Local Water Supply Plan (LWSP)

North Carolina Department of Environment and Natural Resources have reviewed all updated information as submitted. The Local Water Supply Plan for the Clayton Water System meets the criteria established in NCGS 143-355(l). In order to be in compliance with all requirements of NCGS 143-355(l) resolution must be adopted.

Action: Place on January 5, 2015 Consent Agenda

7. ITEMS FOR DISCUSSION

a. Presentation and Appointments of Volunteer Boards:

- **Board of Adjustment**
- **Downtown Development Association Board**
- **Fire Advisory Board**
- **Library Board**
- **Planning Board**
- **Public Art Advisory Board**
- **Recreation Advisory Board**

Action: Motion to suspend rules to take action/voting purposes

Motion: Council Member Satterfield

Second: Council Member Lawter

Vote: Unanimous

Action: Motion to approve all appointments as presented

Motion: Council Member Satterfield

Second: Council Member Thompson

Vote: Unanimous

8. OLD BUSINESS

9. STAFF REPORTS

a. Town Manager

Mr. Biggs addressed the issue of the library's need for additional space to expand services. Previous discussion/feedback was strongly in support of a facility in downtown.

The location being discussed is the former ABC Plumbing Building located at 220 E. Main Street, which is less than a block from the library. Currently the building is owned by First Citizens Bank. It has been vacant for quite some time. Mr. Biggs presented a proposal to purchase the building. It is felt that the restoration/rehabilitation of this building is important to the downtown area. A structural analysis of the building was conducted and the condition of the building was worse than expected. The analysis indicated the purchase and rehabilitation of the building would be approximately \$500,000 - \$600,000. Mr. Biggs proposed the sale of leases for communications equipment located on our elevated water storage tanks at a price of \$250,000. He stated \$150,000 of that money would be used to purchase the building and \$100,000 be used to attract a private entity to renovate the building. In turn the private entity would be able to receive preservation tax credit available from the federal government to rehabilitate the historic building. The building would then be leased back to the Town for expanded library services.

There was discussion regarding the risk of such an undertaking. There was also discussion regarding possibility of adding a second floor to the current library location. The Mayor, Mayor Pro Tem and Town Manager stressed the risk of allowing this building to become blight to downtown, the need to expand the library and importance of investing in economic development projects.

Discussion regarding this issue will continue at a future meeting.

b. Town Attorney

Attorney Ross updated the Council on the recent successful outcome regarding court proceedings and the demolition of the former Red & White grocery store located on the corner of O'Neil and Front Streets. The owner of the building has 30 days to appeal the decision.

c. Town Clerk

- Calendar of Events

d. Other Staff

10. OTHER BUSINESS

a. Informal Discussion & Public Comment

b. Council Comments

Mayor Pro Tem Grannis spoke about an article in the Sunday edition of the Clayton New Star. The article addressed road improvement projects that were targeted by the NC Department of Transportation in the Clayton area. Mayor Pro Tem Grannis was concerned about the absence of improvements to areas on O'Neil Street, Covered Bridge Road and City

Road. All these areas will potentially see a large amount of development. He felt it important for the Department of Transportation to examine these areas as he fears significant traffic issues may arise if proposed development takes place.

Mayor McLeod noted the new addition to the agenda of “suggested action”. This change was proposed by the Town Clerk in order to better assist Council members. Any and all additional suggestions are welcome.

11. ADJOURNMENT

Action: Adjourn at 8:14 p.m.

Motion: Mayor Pro Tem Grannis

Second: Council Member Lawter

Vote: Unanimous

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

Agenda Item: 3b

Meeting Date: January 5, 2015

TITLE: ANNEXATION 2014-12-01 - FSC, IV LLC PROPERTY, NON CONTINGUOUS, 46.17 +/- ACRES

DESCRIPTION: Consideration of Resolution instructing Town Clerk to investigate the sufficiency of submitted petition of annexation.

RELATED GOAL: Legislative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
12-15-14	Place on 1/5/15 Consent	Petition & Resolution
1-5-15	Adoption of Resolution	Petition & Resolution



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.

Petition for Voluntary Annexation Application – Property Information

COMPLETE IF A LIMITED LIABILITY COMPANY:

Submittal Date: 12-1-14

Petition No.: 2014-12-01

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 100% contiguous, 0 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>46.17 Acres</u>
Existing housing units:	<u>0</u>
Population of acreage to be annexed:	<u>0</u>
Existing Zoning District*:	<u>R-8</u>
Proposed Town Zoning District*:	<u>Town of Clayton</u>
Reason for petitioner to annex:	<u>Receive Town Services</u>
	<input checked="" type="checkbox"/> Other (please specify): <u>Required per zoning & master 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, 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 17th day of Nov, 2014.

Name of Limited Liability Company: FSC IV, LLC
By: [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 17th day of November, 2014.



[Signature]
Notary Public

My Commission Expires: 03/14/15

SEAL

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 of 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.



Area to be Annexed
46.17 Acres

Legend

-  Clayton Town Limits
-  Clayton ETJ
-  Parcels
-  Area to be Annexed

Annexation Map

Applicant(s): FSC IV LLC
 Property Owner(s): FSC IV LLC
 Parcel Number(s) Portion of 16I03027
 File Number(s): Annex 2014-12-01



1 inch = 650 feet



STATE OF NORTH CAROLINA COUNTY _____

Filed for Registration at _____ M. _____ in the _____ Register of Deeds Office

Recorded in Book _____ Page _____ BY _____

REGISTER OF DEEDS

STATE OF NORTH CAROLINA COUNTY _____

Review Officer of _____ County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

REVIEW OFFICER _____ DATE: _____

STATE OF NORTH CAROLINA COUNTY Johnston

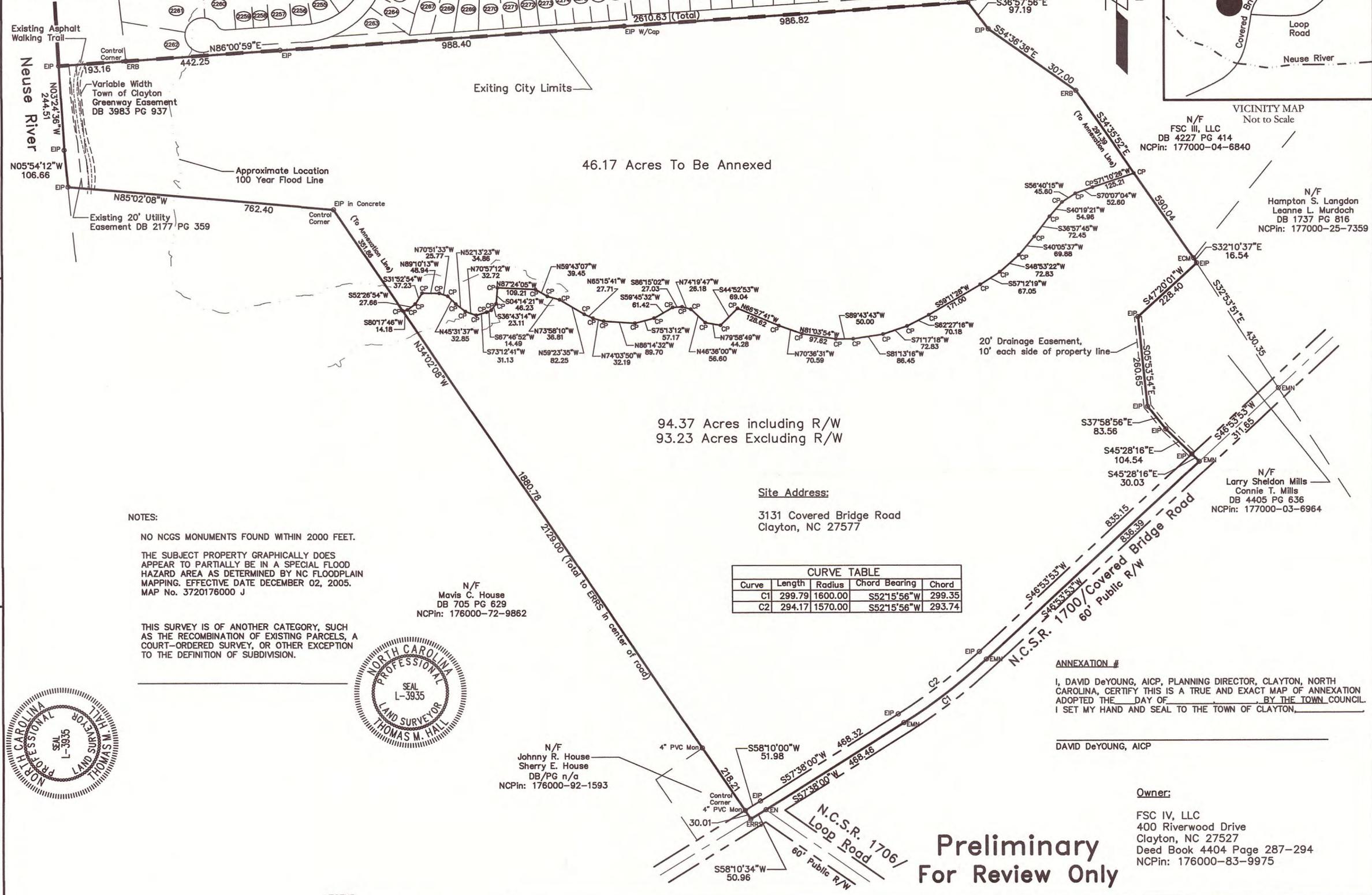
Thomas M. Hall certify that this plat was drawn under my supervision from an actual survey made under my supervision or deed description recorded in Book _____ page _____ that the boundaries not surveyed are clearly indicated as drawn from information found in book _____ page _____ that the ratio of precision as calculated is 1:15,000; that this plat was prepared in accordance with G.S. 47-30 as amended.

Witness my original signature, registration number and seal this 13th day of NOV. A.D., 2014.

L-3935 Reg. #
Land Surveyor

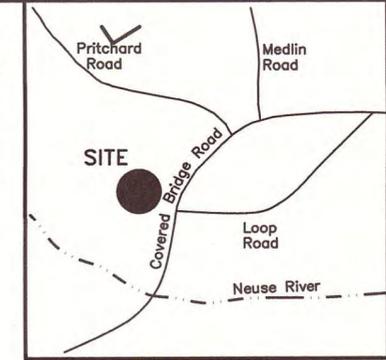
SURVEYOR'S STATEMENT TO WHOM IT MAY CONCERN:

THIS PLAT IS A CORRECT REPRESENTATION OF LAND SURVEYED; HOWEVER A NORTH CAROLINA LICENSED ATTORNEY SHOULD BE CONSULTED CONCERNING CORRECT OWNERSHIP, WIDTH AND LOCATION OF EASEMENTS, ANY CEMETERIES OR FAMILY BURIAL GROUNDS NOT SHOWN ON RECORDED MAPS OR DEEDS MADE AVAILABLE TO THIS SURVEYOR BY THE RECENT OWNERS AT THE TIME OF THIS SURVEY AND OTHER TITLE QUESTIONS REVEALED BY TITLE EXAMINATION. NO RESPONSIBILITY OF ANY NATURE IS ASSUMED BY THIS SURVEYOR FOR ANY CONDITIONS WHICH MAY PRESENTLY EXIST BUT ARE UNKNOWN, SUCH AS: CEMETERIES, FAMILY BURIAL GROUNDS, TOXIC OR HAZARDOUS WASTE MATERIAL, WETLANDS, AND OR FLOOD AREA, ETC.



REFERENCE:
 -PB 57 PG 101
 -PB 57 PG 123
 -PB 67 PG 79
 -PB 69 PG 334,335
 -DB 3710 PG 551
 -DB 1173 PG 6
 -DB 705 PG 629

Plat North
 Book 67 Page 79



N/F
 FSC III, LLC
 DB 4227 PG 414
 NCPin: 177000-04-6840

N/F
 Hampton S. Langdon
 Leanne L. Murdoch
 DB 1737 PG 816
 NCPin: 177000-25-7359

N/F
 Larry Sheldon Mills
 Connie T. Mills
 DB 4405 PG 636
 NCPin: 177000-03-6964

46.17 Acres To Be Annexed

94.37 Acres including R/W
 93.23 Acres Excluding R/W

Site Address:
 3131 Covered Bridge Road
 Clayton, NC 27577

Curve	Length	Radius	Chord Bearing	Chord
C1	299.79	1600.00	S52°15'56"W	299.35
C2	294.17	1570.00	S52°15'56"W	293.74

NOTES:

NO NCGS MONUMENTS FOUND WITHIN 2000 FEET.

THE SUBJECT PROPERTY GRAPHICALLY DOES APPEAR TO PARTIALLY BE IN A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY NC FLOODPLAIN MAPPING, EFFECTIVE DATE DECEMBER 02, 2005. MAP No. 3720176000 J

N/F
 Mavis C. House
 DB 705 PG 629
 NCPin: 176000-72-9862

THIS SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION.



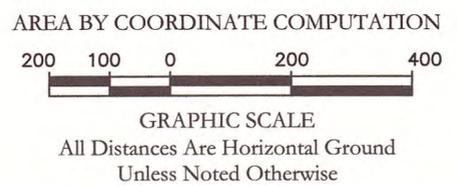
N/F
 Johnny R. House
 Sherry E. House
 DB/PG n/a
 NCPin: 176000-92-1593

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, _____

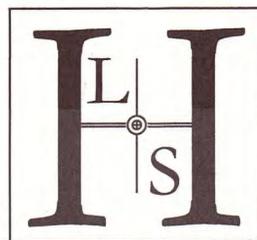
DAVID DeYOUNG, AICP

Owner:
 FSC IV, LLC
 400 Riverwood Drive
 Clayton, NC 27527
 Deed Book 4404 Page 287-294
 NCPin: 176000-83-9975

**Preliminary
 For Review Only**



LEGEND:
 EIP = EXISTING IRON PIPE
 IPS = IRON PIPE SET
 CC = CONTROL CORNER
 ECS = EXISTING COTTON SPINDLE
 EIS = EXISTING IRON STAKE
 EPK = EXISTING PK NAIL
 ERB = EXISTING REBAR
 EMN = EXISTING MAG NAIL
 MNS = MAG NAIL SET
 EN = EXISTING NAIL
 ERRS = EXISTING RAILROAD SPIKE
 ECM = EXISTING CONCRETE MONUMENT
 CP = CALCULATED POINT



Hall Land Surveying, Inc.

1899 Steven's Chapel Road
 Smithfield, NC 27577
 (919) 868-8132

C-3441

Annexation Map For The Town Of Clayton

FSC IV, LLC Property

TOWNSHIP	Wilders	COUNTY	Johnston	STATE	NC
SURVEYED BY	DRC	DRAWN BY	TMH		
DATE	11/13/14	SCALE	1"=200'	DRAWING NO.	HLS14-0073

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

Beginning at an iron pipe set on the bank of the Neuse River, said iron pipe being the place and point of beginning;

Thence leaving the Neuse River N86-00-59E 2610.63 feet to an existing iron pipe;

Thence S36-57-56E 97.19 feet to an iron pipe set;

Thence S54-36-38E 307.00 feet to an existing re-bar;

Thence S34-35-52E 291.39 feet to a point;

Thence S71-10-26W 125.21 feet to a point;

Thence S70-07-04W 52.60 feet to a point;

Thence S56-40-15W 45.60 feet to a point;

Thence S40-19-21W 54.96 feet to a point;

Thence S36-57-45W 72.45 feet to a point;

Thence S40-05-37W 69.88 feet to a point;

Thence S48-53-22W 72.83 feet to a point;

Thence S57-12-19W 67.05 feet to a point;

Thence S59-11-28W 171.00 feet to a point;

Thence S62-27-16W 70.18 feet to a point;

Thence S71-17-18W 72.83 feet to a point;

Thence S81-13-16W 86.45 feet to a point;

Thence S89-43-43W 50.00 feet to a point;

Thence N81-03-54W 97.62 feet to a point;

Thence N70-36-31W 70.59 feet to a point;

Thence N66-57-41W 128.62 feet to a point;

Thence S44-52-53W 69.04 feet to a point;

Thence N79-58-49W 44.28 feet to a point;

Thence N46-36-00W 56.60 feet to a point;

Thence N74-19-47W 26.18 feet to a point;

Thence S86-15-02W 27.03 feet to a point;

Thence S59-45-32W 61.42 feet to a point;

Thence S75-13-12W 57.17 feet to a point;

Thence N86-14-32W 89.70 feet to a point;

Thence N74-03-50W 32.19 feet to a point;

Thence N65-15-41W 27.71 feet to a point;

Thence N59-23-35W 82.25 feet to a point;

Thence N73-58-10W 36.81 feet to a point;

Thence N59-43-07W 39.45 feet to a point;

Thence N87-24-05W 109.21 feet to a point;

Thence S04-14-21W 46.23 feet to a point;

Thence S36-43-14W 23.11 feet to a point;

Thence S67-46-52W 14.49 feet to a point;

Thence S73-12-41W 31.13 feet to a point;

Thence N70-57-12W 32.72 feet to a point;

Thence N52-13-23W 34.86 feet to a point;

Thence N45-31-37W 32.85 feet to a point;
Thence N70-51-33W 25.77 feet to a point;
Thence N89-10-13W 48.94 feet to a point;
Thence S31-52-54W 37.23 feet to a point;
Thence S52-26-54W 27.66 feet to a point;
Thence S80-17-46W 14.18 feet to a point;
Thence N34-02-08W 351.86 feet to an existing iron pipe in concrete;
Thence N85-02-08W 762.40 feet to an iron pipe set on the bank of the Neuse River;
Thence with the bank of the Neuse River N05-54-12W 106.66 feet to an iron pipe set;
Thence N03-24-36W 244.51 feet to the place and point of beginning and containing
46.17 acres more or less.

**ANNEXATION PETITION 2014-12-01
FSC IV, LLC Property
Portion of Parcel 16I03027
Owner: FSC IV, LLC
Non-Contiguous; 46.17 +/- acres**

**TOWN OF CLAYTON
RESOLUTION DIRECTING THE CLERK TO INVESTIGATE
A PETITION RECEIVED UNDER G.S. 160A-58.1**

WHEREAS, a petition requesting annexation of an area described in said petition was received on December 1, 2014, by the Town of Clayton; and

WHEREAS, G.S. 160A-58.2 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and

WHEREAS, the Town Council of the Town of Clayton deems it advisable to proceed in response to this request for annexation:

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

The Town Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the Town Council the results of her investigation.

Duly adopted this 5th day of January 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 Item: 3c

Meeting Date: January 5, 2015

TITLE: INITIATE ANNEXATION PROCESS

DESCRIPTION: Town to initiate annexation process for two recently town acquired properties; River Park Property and Little Creek Church Property

RELATED GOAL:

ITEM SUMMARY:

Date:

Action:

Info. Provided:

1-5-2015

Authorize Process

N/A

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

Agenda Item: 3d

Meeting Date: January 5, 2015

TITLE: WARRANTY AND DEDICATION ACCEPTANCES

**DESCRIPTION: Stone Ridge Subdivision, Phase 2
Glen Laurel East, Phase 2 B
RWAC Ravens Ridge, Phase 8A**

RELATED GOAL:

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
12-15-14	Place on 1/5/15 Consent	Inspector Memos
1-5-15	Adoption of Acceptances	Inspector Memos

TOWN OF CLAYTON OPERATIONS CENTER

"SERVICE"

ELECTRIC SERVICE
(919) 553-1530

VEHICLE MAINTENANCE
(919) 553-1530



"ENVIRONMENT"

PUBLIC WORKS
(919) 553-1530

WATER RECLAMATION
(919) 553-1535

MEMORANDUM

To: Kimberly Moffett, Town Clerk

From: Chris Rowland, Construction Inspector 

Date: November 25, 2014

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

Subject: Stone Ridge Subdivision, Phase 2

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

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, Utility Inspector 

Copy: Danny Blackburn, Blackburn Consulting
David DeYoung, Planning Director

Date: November 21, 2014

Subject: Glen Laurel East, Phase 2B

Please place a final acceptance request for the subject public water, sewer, associated storm drainage utilities, and all related utility easements on the next available agenda. A final inspection was performed with all punch list items completed. Following acceptance, the Town shall assume all operation and maintenance duties.

TOWN OF CLAYTON OPERATIONS CENTER

"SERVICE"

ELECTRIC SERVICE
(919) 553-1530

VEHICLE MAINTENANCE
(919) 553-1530



"ENVIRONMENT"

PUBLIC WORKS
(919) 553-1530

WATER RECLAMATION
(919) 553-1535

MEMORANDUM

To: Kimberly Moffett, Town Clerk

From: Chris Rowland, Construction Inspector 

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

Date: December 5, 2014

Subject: RWAC Ravens Ridge, Phase 8A

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

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

Agenda Item: 3e

Meeting Date: January 5, 2015

TITLE: RESOLUTION ADOPTING LOCAL WATER SUPPLY PLAN

DESCRIPTION: NC Department of Environment and Natural Resources has reviewed information as submitted by the Town of Clayton with regard to the 2012 Local Water Supply Plan and has advised that the Clayton Water System meets criteria as established in NCGS 143-355(I). Per requirements of NCGS 143-355(I) the LWSP must be adopted via Resolution.

RELATED GOAL: Legislative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
12-15-14	Place on 1/5/15 Consent	Memo & Resolution
1-5-15	Adoption of Resolution	Memo & Resolution

The Division of Water Resources (DWR) provides the data contained within this Local Water Supply Plan (LWSP) as a courtesy and service to our customers. DWR staff does not field verify data. Neither DWR, nor any other party involved in the preparation of this LWSP attests that the data is completely free of errors and omissions. Furthermore, data users are cautioned that LWSPs labeled **PROVISIONAL** have yet to be reviewed by DWR staff. Subsequent review may result in significant revision. Questions regarding the accuracy or limitations of usage of this data should be directed to the water system and/or DWR.

1. System Information

Contact Information

Water System Name: Clayton PWSID: 03-51-020
Mailing Address: P.O. Box 879
Clayton, NC 27528 Ownership: Municipality

Contact Person: Byron W. Poelman Title: Utility Service Superintendent
Phone: 919-553-1530 Fax: 919-553-1541

Secondary Contact: Timothy S. Simpson Phone: 919-553-1530
Mailing Address: P.O. Box 879 Fax: 919-553-1541
Clayton, NC 27528

PROVISIONAL

Distribution System

Line Type	Size Range (Inches)	Estimated % of lines
Asbestos Cement	6-16	11.29 %
Cast Iron	6-8	17.44 %
Ductile Iron	6-16	23.67 %
Galvanized Iron	3/4-2	0.86 %
Polyvinyl Chloride	6-12	46.74 %

What are the estimated total miles of distribution system lines? 110 Miles
How many feet of distribution lines were replaced during 2012? 3,090 Feet
How many feet of new water mains were added during 2012? 16,114 Feet
How many meters were replaced in 2012? 224
How old are the oldest meters in this system? 19 Year(s)
How many meters for outdoor water use, such as irrigation, are not billed for sewer services? 917
What is this system's finished water storage capacity? 0.800 Million Gallons
Has water pressure been inadequate in any part of the system since last update? No

16014 LF of 20" DI water line has been added to our water system within our service area by our water provider. We will operate and maintain the line and serve customers from this line but they will retain ownership.

Programs

Does this system have a program to work or flush hydrants? Yes, Annually
Does this system have a valve exercise program? No
Does this system have a cross-connection program? Yes
Does this system have a program to replace meters? Yes
Does this system have a plumbing retrofit program? No
Does this system have an active water conservation public education program? No
Does this system have a leak detection program? No

Water Conservation

What type of rate structure is used? Increasing Block
How much reclaimed water does this system use? 0.028 MGD For how many connections? 1
Does this system have an interconnection with another system capable of providing water in an emergency? No

The Town of Clayton has several interconnections with Johnston County Utilities for regular purchase. Johnston County has their own water plant and several interconnections with other systems for regular and emergency purchase.

Increasing block rate structure is used during mandatory water restrictions and for all irrigation accounts.

2. Water Use Information

Service Area

Sub-Basin(s)	% of Service Population	County(s)	% of Service Population
Neuse River (10-1)	100 %	Johnston	100 %

What was the year-round population served in 2012? 15,058

System Map: keep [ClaytonMap2.pdf](#)

Has this system acquired another system since last report? Yes

The Town of Clayton water system was divided into two systems, (PWSID 03-51-020 and 40-51-019) due to a difference in the disinfection process by the water provider in different areas of the system.

Water Use by Type

Type of Use	Metered Connections	Metered Average Use (MGD)	Non-Metered Connections	Non-Metered Estimated Use (MGD)
Residential	6,023	1.108	0	0.000
Commercial	575	0.032	0	0.000
Industrial	10	1.050	0	0.000
Institutional	100	0.049	0	0.000

How much water was used for system processes (backwash, line cleaning, flushing, etc.)? 0.012 MGD

3. Water Supply Sources

Monthly Withdrawals & Purchases

	Average Daily Use (MGD)	Max Day Use (MGD)		Average Daily Use (MGD)	Max Day Use (MGD)		Average Daily Use (MGD)	Max Day Use (MGD)
Jan	1.927		May	2.415		Sep	2.717	
Feb	1.962		Jun	2.450		Oct	2.164	
Mar	2.033		Jul	2.880		Nov	2.044	
Apr	2.233		Aug	2.690		Dec	1.937	

As a Purchase system we do not have daily usage records for a maximum daily usage calculation.

Clayton's 2012 Monthly Withdrawals & Purchases



Water Purchases From Other Systems

Seller	PWSID	Average Daily Purchased (MGD)	Days Used	MGD	Contract Expiration	Recurring	Required to comply with water use restrictions?	Pipe Size(s) (Inches)	Use Type
Johnston County Utilities	03-51-070	2.324	365	2.402		Yes	Yes	16	Regular

4. Wastewater Information

Monthly Discharges

	Average Daily Discharge (MGD)		Average Daily Discharge (MGD)		Average Daily Discharge (MGD)
Jan	1.503	May	1.660	Sep	1.594
Feb	1.619	Jun	1.489	Oct	1.493
Mar	1.758	Jul	1.533	Nov	1.394
Apr	1.641	Aug	1.629	Dec	1.561



How many sewer connections does this system have? 6,442

How many water service connections with septic systems does this system have? 266

Are there plans to build or expand wastewater treatment facilities in the next 10 years? Yes

The Town of Clayton is in the process of developing a Wastewater Conveyance and Treatment Plan for the entire system. A Wastewater Treatment Plant is one of the options being considered.

Wastewater Permits

Permit Number	Permitted Capacity (MGD)	Design Capacity (MGD)	Average Annual Daily Discharge (MGD)	Maximum Day Discharge (MGD)	Receiving Stream	Receiving Basin
NC0025453	2.500	2.500	1.573	2.782	Neuse River	Neuse River (10-1)

Wastewater Interconnections

Water System	PWSID	Type	Average Daily Amount		Contract Maximum (MGD)
			MGD	Days Used	
Johnston County Utilities	03-51-070	Discharging	0.223	365	0.900
Johnston County Utilities	03-51-070	Receiving	0.041	1	0.600

5. Planning

Projections

	2012	2020	2030	2040	2050	2060
Year-Round Population	15,058	17,784	19,989	22,488	25,299	28,461
Seasonal Population	0	0	0	0	0	0
Residential	1.108	1.206	1.339	1.485	1.648	1.829
Commercial	0.032	0.035	0.038	0.041	0.045	0.049
Industrial	1.050	1.191	1.390	1.622	1.893	2.209
Institutional	0.049	0.055	0.062	0.070	0.078	0.085
System Process	0.012	0.012	0.012	0.012	0.012	0.012
Unaccounted-for	0.067	0.073	0.085	0.098	0.113	0.127

Future Supply Sources

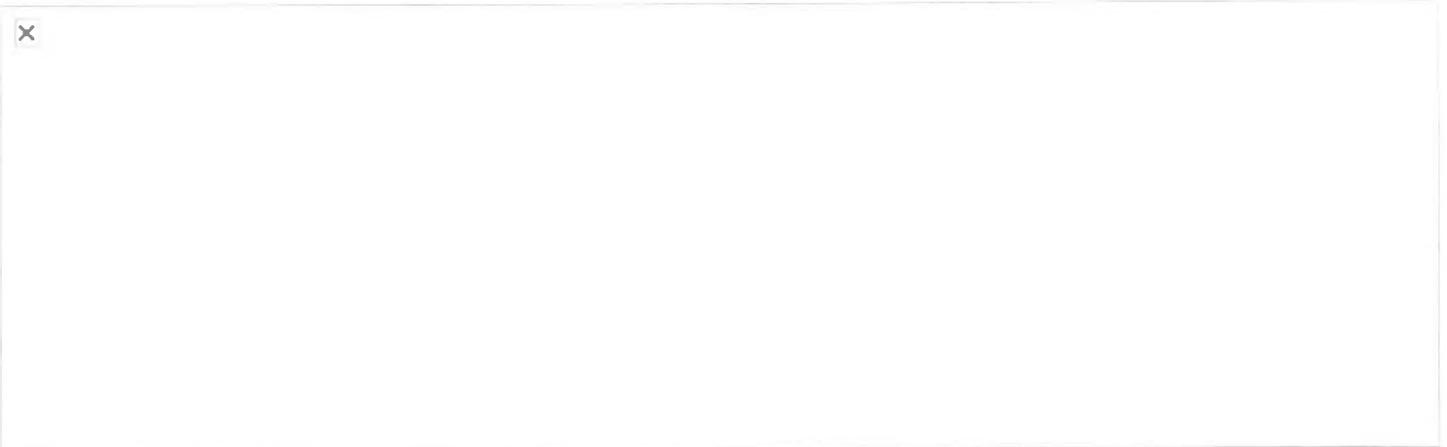
Source Name	PWSID	Source Type	Additional Supply	Year Online	Year Offline	Type
Johnston County Utilities	03-51-070	Purchase	2.000	2014		Regular
Johnston County Utilities	03-51-070	Purchase	2.000	2040		Regular

Demand v/s Percent of Supply

	2012	2020	2030	2040	2050	2060
Surface Water Supply	0.000	0.000	0.000	0.000	0.000	0.000
Ground Water Supply	0.000	0.000	0.000	0.000	0.000	0.000
Purchases	2.402	2.402	2.402	2.402	2.402	2.402
Future Supplies		2.000	2.000	4.000	4.000	4.000
Total Available Supply (MGD)	2.402	4.402	4.402	6.402	6.402	6.402

Local Water Supply Planning - North Carolina Division of Water Resources

Service Area Demand	2.318	2.576	2.936	3.344	3.811	4.339
Sales	0.000	0.000	0.000	0.000	0.000	0.000
Future Sales		0.000	0.000	0.000	0.000	0.000
Total Demand (MGD)	2.318	2.576	2.936	3.344	3.811	4.339
Demand as Percent of Supply	97%	59%	67%	52%	60%	68%



The purpose of the above chart is to show a general indication of how the long-term per capita water demand changes over time. The per capita water demand may actually be different than indicated due to seasonal populations and the accuracy of data submitted. Water systems that have calculated long-term per capita water demand based on a methodology that produces different results may submit their information in the notes field.

Your long-term water demand is 74 gallons per capita per day. What demand management practices do you plan to implement to reduce the per capita water demand (i.e. conduct regular water audits, implement a plumbing retrofit program, employ practices such as rainwater harvesting or reclaimed water)? If these practices are covered elsewhere in your plan, indicate where the practices are discussed here.

Are there other demand management practices you will implement to reduce your future supply needs? Adoption of a Water System Response Plan and continue to follow the Water Conservation guidelines of our water purveyor.

What supplies other than the ones listed in future supplies are being considered to meet your future supply needs? None, increase of supply is available as necessary.

How does the water system intend to implement the demand management and supply planning components above? Enforcement of policies and ordinances.

Additional Information

Has this system participated in regional water supply or water use planning? No

What major water supply reports or studies were used for planning? Town of Clayton Database, US Census Bureau, Population Division, State Population Projections, 2010

Please describe any other needs or issues regarding your water supply sources, any water system deficiencies or needed improvements (storage, treatment, etc.) or your ability to meet present and future water needs. Include both quantity and quality considerations, as well as financial, technical, managerial, permitting, and compliance issues: Additional elevated storage tank to increase storage capacity under construction to go on-line June 2013

The Division of Water Resources (DWR) provides the data contained within this Local Water Supply Plan (LWSP) as a courtesy and service to our customers. DWR staff does not field verify data. Neither DWR, nor any other party involved in the preparation of this LWSP attests that the data is completely free of errors and omissions. Furthermore, data users are cautioned that LWSPs labeled **PROVISIONAL** have yet to be reviewed by DWR staff. Subsequent review may result in significant revision. Questions regarding the accuracy or limitations of usage of this data should be directed to the water system and/or DWR.



North Carolina Department of Environment and Natural Resources

Pat McCrory
Governor

John E. Skvarla, III
Secretary

July 28, 2014



Mr. Byron W. Poelman, Utility Service Superintendent
Town of Clayton
P. O. Box 879
Clayton, NC 27528

Subject: LWSP Meets Minimum Criteria
Clayton Water System
PWSID Number: 03-51-020
Johnston County

Dear Mr. Poelman,

This letter is to notify you that our staff has reviewed the information contained in the 2012 Local Water Supply Plan (LWSP) update submitted by your office. Since all the required information is complete, the LWSP for the Clayton Water System hereby meets the minimum criteria established in North Carolina General Statute 143-355 (l).

Your water system's 2012 LWSP is now viewable online from the *Local Water Supply Plans* link at <http://www.ncwater.org/>. The plan has been made available after our best efforts to screen any errors. As a final check, please review and report any mistakes or omissions to Dennis Ramsey, the review engineer. Unless notified otherwise, the Division of Water Resources considers your 2012 LWSP complete.

The 2012 LWSP must next be adopted by your water system's governing board; a model resolution is enclosed for guidance. A copy of the signed resolution must be submitted to Linwood Peele, Supervisor, Water Supply Planning Branch, at the address printed at the bottom of this letter. The LWSP cannot be considered compliant with the requirements of NCGS 143-355(l) until an adopted resolution is received.

Thank you very much for your efforts to provide your customers with a safe and reliable supply of drinking water. We look forward to continuing to work with you in these efforts. Please contact Dennis Ramsey at dennis.ramsey@ncdenr.gov or 919/707-9037 or me at linwood.peele@ncdenr.gov or 919/707-9024 if we can be of further assistance.

Sincerely,

Linwood E. Peele, Supervisor
Water Resources, NCDENR

Enclosure

1611 Mail Service Center, Raleigh, North Carolina 27699-1611
Phone: 919-707-9000 \ Internet: www.ncwater.org

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RESOLUTION FOR APPROVING LOCAL WATER SUPPLY PLAN

WHEREAS, North Carolina General Statute 143-355 (1) requires that each unit of local government that provides public water services or plans to provide such services shall, either individually or together with other such units of local government, prepare and submit a Local Water Supply Plan; and

WHEREAS, as required by the statute and in the interests of sound local planning, a Local Water Supply Plan for the Town of Clayton has been developed and submitted to the NC Division of Water Resources for approval; and

WHEREAS, the NC Division of Water Resources finds that the Local Water Supply Plan is in accordance with the provisions of North Carolina General Statute 143-355 (1) and that it will provide appropriate guidance for the future management of water supplies for the Town of Clayton, as well as useful information to the Department of Environment and Natural Resources for the development of a state water supply plan as required by statute;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Clayton that the 2012 Local Water Supply Plan is hereby approved and shall be submitted to the Department of Environment and Natural Resources, Division of Water Resources; and

BE IT FURTHER RESOLVED that the Town Council intends that this plan shall be revised to reflect changes in relevant data and projections at least once every five years or as otherwise requested by the Department, in accordance with the statute and sound planning practice.

This the 15th day of December_2014.

Jody L. McLeod
Mayor

ATTEST:

Kimberly Moffett, CMC
Town Clerk

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

Agenda Item: 5a

Meeting Date: January 5, 2015

TITLE: PUBLIC HEARING - PDD 2014-111

DESCRIPTION: ParkView Planned Development Rezoning to PDD-R

RELATED GOAL:

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
12-15-14	Receive Report & Set Public Hearing For 1/5/15	Staff Report Application Packet Map(s)
1-5-15	Public Hearing	Staff Report Application Packet Map(s)



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

Town Council

STAFF REPORT

Application Number: PDD 2014-111 (Rezoning to a Planned Development)
Project Name: ParkView Planned Development

NC PINs: 165912-96-6490, 165912-97-6270, 166905-07-1503, 166905-07-0894, 166905-07-2906, 165908-98-8050, 165908-97-4746, 165912-87-5175

TAG #s: 03030069, 05H02017A, 05H02017M, 05H02017K, 05H02017P, 05H02017O, 05H02017C, 05030071

Town Limits/ETJ: ETJ and Town Limits
Overlay: None
Applicant: DC Adams Engineering, Inc.
Owners: Hocutt Baptist Church, Donald C. Adams

Neighborhood Meeting: Held October 20, 2014
Public Noticing: Property posted October 17, 2014
Planning Board: Meeting held November 19, 2014 (recommendation attached)

PROJECT LOCATION: The 82.94 acre project is located west of City Road and east of Liberty Lane, and north of Municipal Park.

REQUEST: The applicant is requesting approval to rezone the subject property from Residential Estate (R-E) and Residential 10 (R-10) to Planned Development – Residential (PD-R).

SITE DATA:

Acreage: 82.94 acres (8 parcels)
Present Zoning: Residential Estate (R-E) and Residential 10 (R-10)
Proposed Zoning: Planned Development – Residential (PD-R)
Existing Use: Vacant
Existing Impervious: None – site is undeveloped
Overlay: None

DEVELOPMENT DATA:

Proposed Uses: Planned Development Residential Subdivision. A Master Plan acting as the preliminary plat has been concurrently submitted, as required. See PSD 2014-112 for development details.

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

Access/Streets: The site fronts on both City Road and Liberty Lane.

Water/Sewer Provider: Town of Clayton

Electric Provider: Town of Clayton

ADJACENT ZONING AND LAND USES:

North: Zoning: Residential Estate (R-E)
Existing Use: Undeveloped/Forested, Single Family Residential

South: Zoning: Residential-10 (R-10), Residential-6 (R-6)
Existing Use: Community Park, Single Family Residential

East: Zoning: Residential-10 (R-10)
Existing Use: City Road, Single Family Residential

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

STAFF ANALYSIS AND COMMENTARY:

Overview

The applicant is requesting approval to rezone 82.94 acres to Planned Development – Residential (PD-R). A Master Plan (acting as a preliminary plat) has been submitted concurrently (PSD 2014-112). All development standards are set as a part of this Master Plan approval process.

Definition of PD-R (§155.200(A)(3)(a)): “The PD-R district provides opportunities for master-planned residential communities containing a mix of housing types, including associated amenities with appropriate perimeter buffering and open space. This district is primarily intended for large-scale residential projects that require either additional flexibility not available in a residential district or greater scrutiny by the town due to their scale.”

Both the rezoning and the Master Plan must be approved and recorded for the district to be deemed established (see §155.705(M)(1)). In the event that the Master Plan is approved, but expires, this rezoning would remain valid. However, no development can occur without a valid approved Master Plan.

The site has significantly sloping topography and existing water features that in staff's opinion make it a good candidate for the flexibility inherent in a Planned Development Master Plan. As this site is adjacent to downtown, staff also feels that the expected density associated with this Planned Development is appropriate and supports the Town's goals of supporting an increased residential presence in the core of Town.

Compatibility with Surrounding Land Uses

The site is adjacent to other residential uses and so impacts to these areas would not be expected to be significant. A Traffic Impact Analysis is being completed to support the Master Plan submittal, which will address potential traffic issues and mitigate impacts to neighboring properties and through traffic.

All Planned Developments are required to maintain a Class C Buffer around the perimeter (unless specifically waived as part of the Master Plan), providing further compatibility and mitigating impacts on adjacent properties.

Consistency with the Strategic Growth Plan

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

- Proposed Land Use Map
- Objective 1.2 Increase Residential Presence Downtown
- Objective 2.1 Balanced Development/ Investment: Old and New
- 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.*)

The Proposed Land Use Map shows the site as "Residential – Medium."

CONSIDERATIONS:

- The applicant is requesting a rezoning from R-E and R-10 to PD-R.
 - A Master Plan has been concurrently submitted for review (PSD 2014-112).
 - Rezoning are decided by the Town Council. The Planning Board shall make a recommendation to the Town Council.
 - When adopting or rejecting the rezoning, the Town Council shall approve a statement describing whether its action is consistent with an adopted plans and policies of the town and explaining why the board considers the action taken to be reasonable and in the public interest.
-

STAFF RECOMMENDATION:

Staff is recommending approval of the rezoning of the subject property to PD-R.

PLANNING BOARD RECOMMENDATION: Approval

ATTACHMENTS: 1) Planning Board Recommendation, **2)** Aerial Map, **3)** Existing and Proposed Zoning Map, **4)** Proposed Land Use Map, **5)** Application, **6)** Neighborhood Meeting Materials, **7)** Town Council Statement of Consistency and Reasonableness

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

PDD 2014-111 ParkView Planned Development Rezoning to PD-R

On November 19, 2014 the Planning Board heard the above-referenced request and made the following vote:

Recommendation to approve deny Rezoning / Planned Development Case #PDD 2014-111 to rezone the subject property from R-E and R-10 to PD-R (Planned Development – Residential) and to recommend approval of the Statement of Consistency and Reasonableness included in the Agenda packet

Recommendation(s) made this 19th Day of November while in regular session.

Signed:



David Teem, Planning Board Vice-Chair

TOWN OF CLAYTON
ZONING AMENDMENT

CONSISTENCY AND REASONABLENESS STATEMENT

PDD 2014-111 ParkView Planned Development Rezoning to PD-R

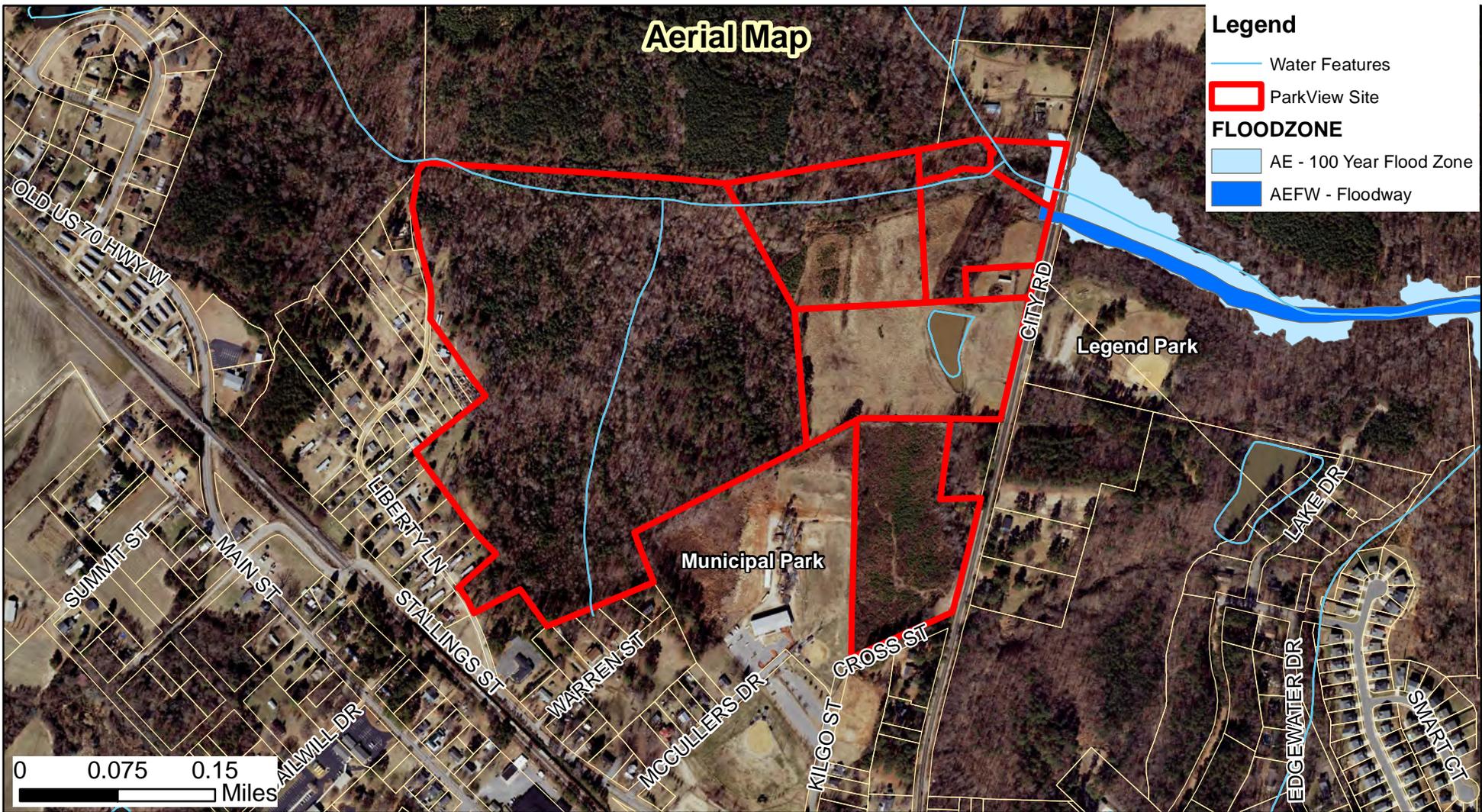
The Planning Board of the Town of Clayton hereby states:

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

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

- Proposed Land Use Map
- Objective 1.2 Increase Residential Presence Downtown
- Objective 2.1 Balanced Development/ Investment: Old and New
- Objective 2.5 More Housing Opportunities: Beyond Starter Homes

Section 2: Based upon information presented at the public hearings and by the applicant, and based upon the recommendations and detailed information developed by staff and the Planning Board contained in the staff report, and considering the criteria applicable sections of the Unified Development Code of the Town of Clayton, specifically **the scale of the development, the close proximity of the project to the downtown core, compatibility with surrounding land uses and existing infrastructure, and the need for flexible standards based on unique site topography and natural features;** the above referenced zoning amendment is reasonable and in the public interest.



ParkView Planned Development Rezoning to PD-R

Applicant: DC Adams Engineering, Inc c/o Donnie Adams

Property Owners: Hocutt Baptist Church, Donald C. Adams

Parcel ID Numbers: 165912-96-6490, 165912-97-6270, 166905-07-1503, 166905-07-0894, 166905-07-2906, 165908-98-8050, 165908-97-4746, 165912-87-5175

Tag #s: 03030069, 05H02017A, 05H02017M, 05H02017K, 05H02017P, 05H02017O, 05H02017C, 05030071

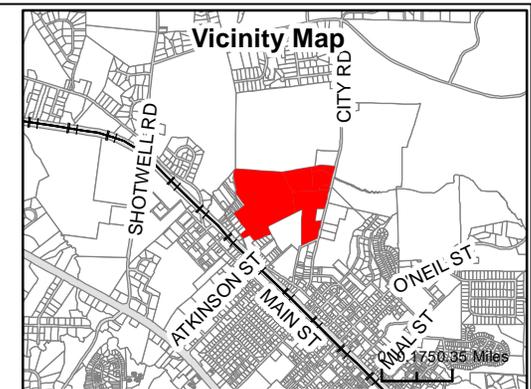
File Number: PDD 2014-111

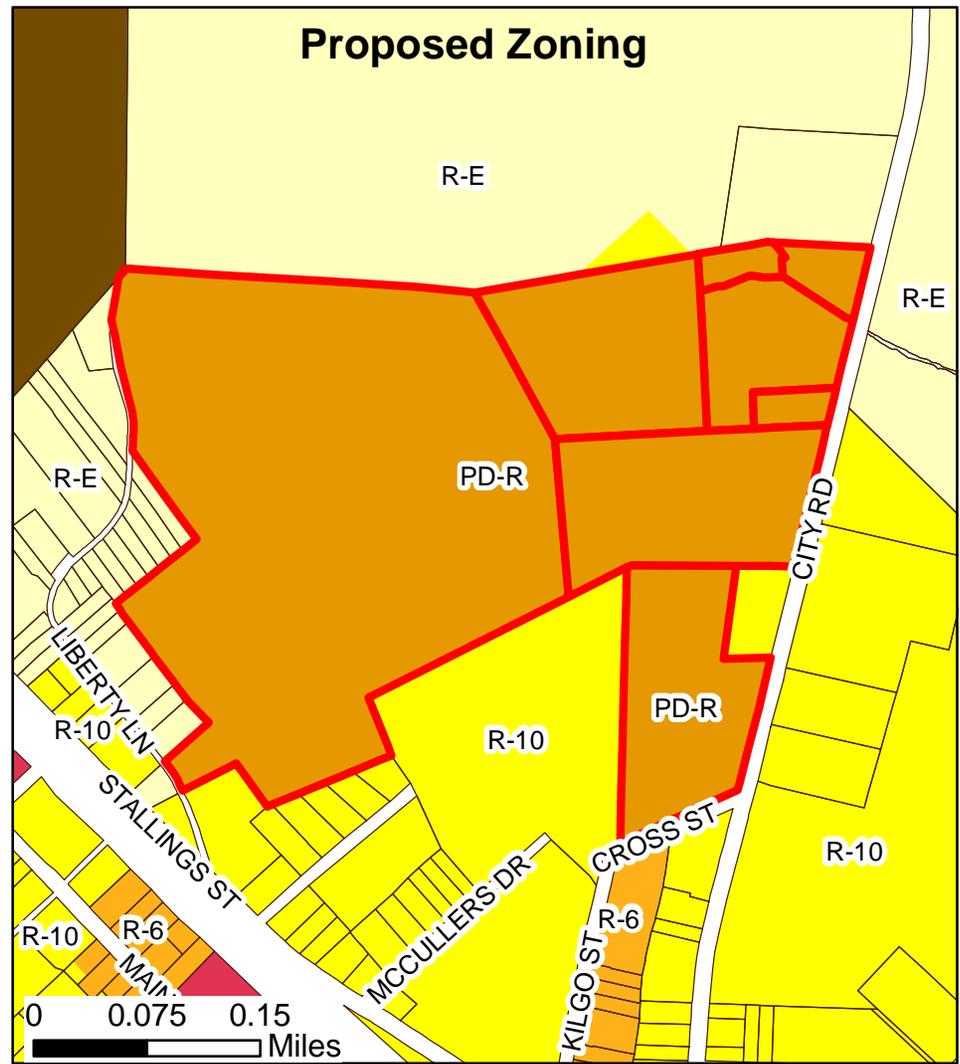
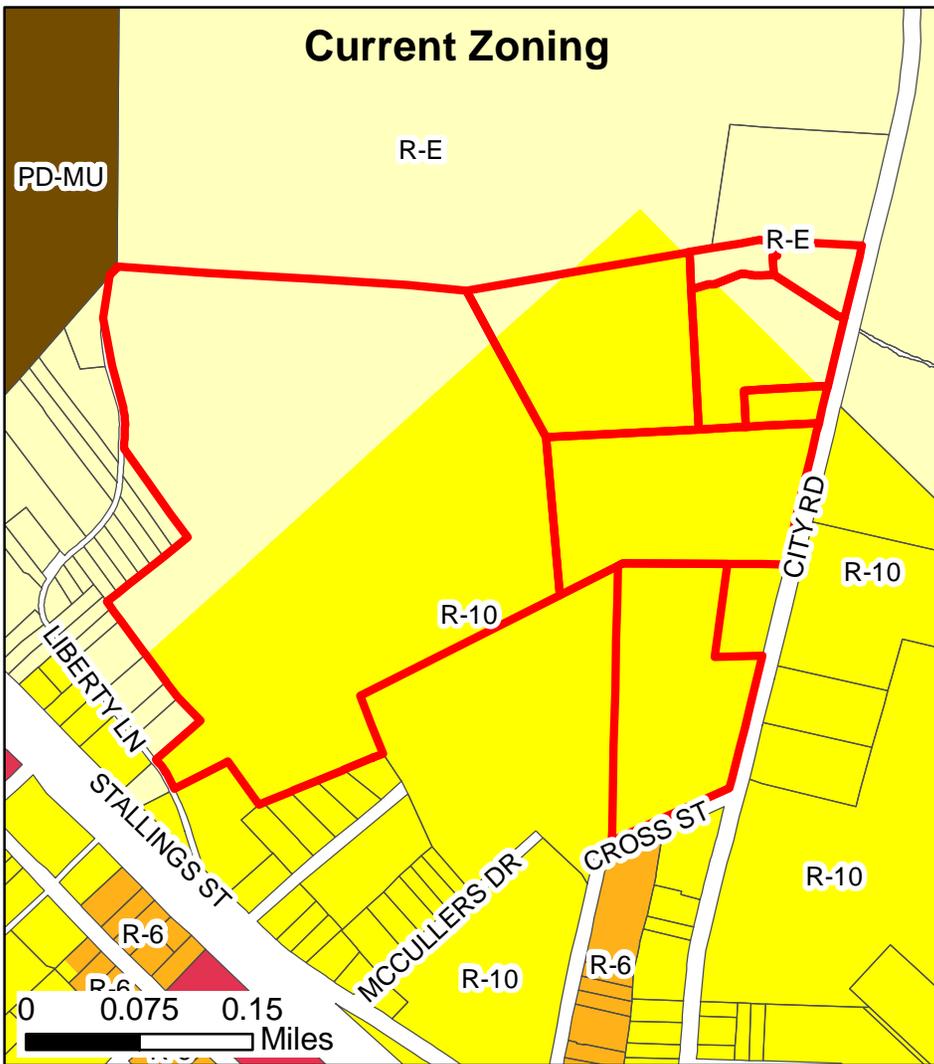
Produced by: TOC Planning

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



10/20/14





ParkView Planned Development Rezoning to PD-R

Applicant: DC Adams Engineering, Inc c/o Donnie Adams
 Property Owners: Hocutt Baptist Church, Donald C. Adams
 Parcel ID Numbers: 165912-96-6490, 165912-97-6270, 166905-07-1503, 166905-07-0894,
 166905-07-2906, 165908-98-8050, 165908-97-4746, 165912-87-5175
 Tag #: 03030069, 05H02017A, 05H02017M, 05H02017K, 05H02017P, 05H02017O,
 05H02017C, 05030071
 File Number: PDD 2014-111

Produced by: TOC Planning

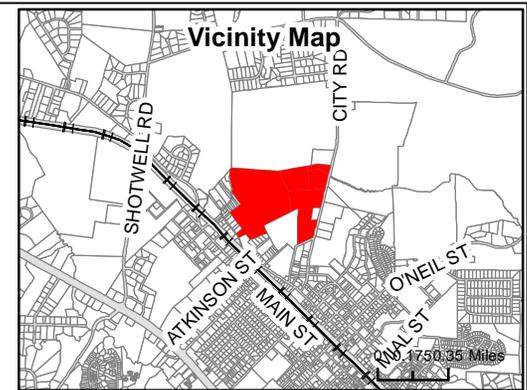
Disclaimer: Town of Clayton assumes no legal responsibility for the information represented here.



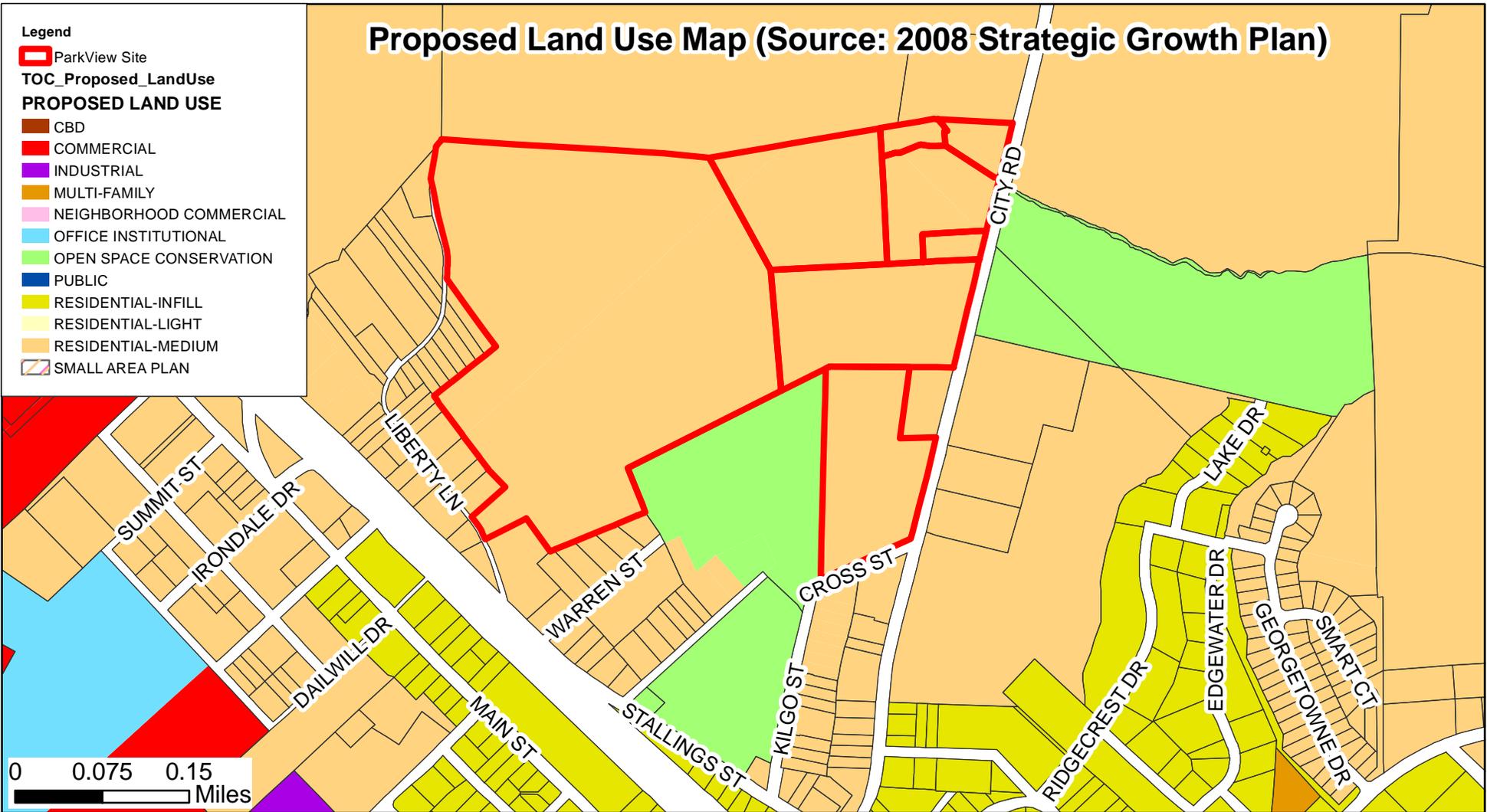
10/20/14

Legend

- | | |
|---------------|-------|
| ParkView Site | B-1 |
| Zoning | B-2 |
| R-E | B-3 |
| R-10 | PD-C |
| R-8 | I-1 |
| R-6 | I-2 |
| PD-R | O-1 |
| O-R | PD-MU |



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



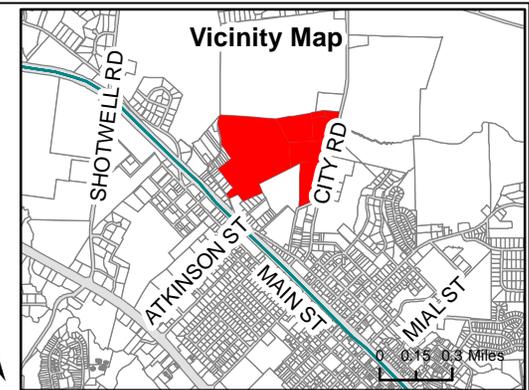
Proposed Land Use Map (Source: 2008 Strategic Growth Plan) ParkView Planned Development Rezoning to PD-R

Applicant: DC Adams Engineering, Inc c/o Donnie Adams
 Property Owners: Hocutt Baptist Church, Donald C. Adams
 Parcel ID Numbers: 165912-96-6490, 165912-97-6270, 166905-07-1503, 166905-07-0894,
 166905-07-2906, 165908-98-8050, 165908-97-4746, 165912-87-5175
 Tag #s: 03030069, 05H02017A, 05H02017M, 05H02017K, 05H02017P, 05H02017O,
 05H02017C, 05030071
 File Number: PDD 2014-111

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



10/21/14





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

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.

= \$1414.70

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: PARKVIEW Acreage of Property: 82.94

Parcel ID Number: SEE ATTACHED LIST Tax ID: SEE ATTACHED LIST

Deed Book: SEE ATTACHED LIST Deed Page(s): SEE ATTACHED LIST

Address: SEE ATTACHED LIST

Location: THE PROPERTY IS LOCATED ON CITY RD
ACROSS THE STREET FROM LEGEND PARK

Existing Use: UNDEVELOPED Proposed Use: PLANNED DEVELOPMENT - TRS 11

Existing Zoning District: R-10

Requested Zoning District: PDD-RD

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: <u>2014-111</u>	Date Received: <u>9/3/14</u>	Amount Paid: <u>\$1414.70</u>
------------------------------	------------------------------	-------------------------------

OWNER INFORMATION:

Name: SEE ATTACHED LIST
Mailing Address: _____
Phone Number: _____ Fax: _____
Email Address: _____

APPLICANT INFORMATION:

Applicant: DC ADAMS ENGINEERING, INC
Mailing Address: 335 ATHLETIC CLUB BLVD
Phone Number: 919-763-7278 Fax: N/A
Contact Person: DANNIE ADAMS
Email Address: dannie@dcadamspe.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. AN UPDATED BOUNDARY SURVEY IS BEING CONDUCTED.
- 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. UNDER DEVELOP.
- 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.

THIS REZONING REQUEST IS FOR A PROPOSED PDD-RD. THERE WILL BE THREE DIFFERENT RESIDENTIAL USES WITHIN THE PDD: SINGLE FAMILY DETACHED, SINGLE FAMILY ATTACHED (TRI-PLEX) AND SINGLE FAMILY TOWNHOMES (3 UNIT ATTACHED).

APPROVAL CRITERIA

All applications for a Rezoning must address the following findings:

1. Consistency with the adopted plans of the Town.

THE PROPOSED PLAN WILL BE CONSISTENT WITH ADOPTED PLANS OF THE TOWN AND WILL PROVIDE A MIXTURE OF RESIDENTIAL UNITS.

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

THE PROPERTY IS CURRENTLY LOCATED IN THE TOWN LIMITS AND IS VACANT/UNDEVELOPED. THIS REZONING THIS PROPERTY WILL ALLOW FOR ORDERLY DEVELOPMENT AS WELL AS GREENWAY CONNECTIVITY FOR THE TOWN.

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

THE PROPOSED ZONING CHANGE WILL NOT CHANGE THE USE, BUT WILL ALLOW FLEXIBILITY IN DEVELOPMENT TO FACILITATE BETTER OVERALL USE OF THE PROPERTY.

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 REZONING WILL NOT INCREASE THE CURRENT ZONING DENSITY OF 4 UNITS/ACRE. AS SUCH THE TOWN HAS ANTICIPATED THE PROPOSED DENSITY AND SHOULD HAVE ALL FACILITIES IN PLACE.

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

THE LEGAL PURPOSES FOR ZONING HAVE NOT BEEN VIOLATED.

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

THE REZONING SHOULD HAVE A POSITIVE EFFECT INSTEAD OF A NEGATIVE.

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.

THIS CHANGE WILL BENEFIT 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.

Donald C. Adams, Jr
Print Name

[Signature]
Signature of Applicant

9/2/2014
Date



*** DISCLAIMER ***

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



Result 1

id: 05030069
 Tag: 05030069
 Tax Unique Id: 3813376
 NCPin: 165912-96-6490
 Mapsheet No: 165912
 Owner Name 1: HOCUTT BAPTIST CHURCH
 Owner Name 2:
 Mail Address 1: 314 W HORNE ST
 Mail Address 2:
 Mail Address 3: CLAYTON, NC 27520-0000
 Site Address 1:
 Site Address 2:
 Book: 03462
 Page: 0352
 Market Value: 77040
 Assessed Acreage: 8.42
 Calc. Acreage: 8.424
 Sales Price: 0
 Sale Date: 2007-12-05



Scale: 1:17872 - 1 in. = 1489.29 feet

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

Johnston County GIS
September 2, 2014



*** DISCLAIMER ***

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Result 2

id: 05H02017A
Tag: 05H02017A
Tax Unique Id: 3857188
NCPin: 165912-97-6270
Mapsheet No: 165912
Owner Name 1: HOCUTT BAPTIST CHURCH
Owner Name 2:
Mail Address 1: 314 W HORNE ST
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-0000
Site Address 1:
Site Address 2:
Book: 02787
Page: 0365
Market Value: 85310
Assessed Acreage: 9.64
Calc. Acreage: 9.624
Sales Price: 0
Sale Date: 2004-10-28

Result 3

id: 05H02017M
Tag: 05H02017M
Tax Unique Id: 3817334
NCPin: 166905-07-1503
Mapsheet No: 166905
Owner Name 1: HOCUTT BAPTIST CHURCH
Owner Name 2:
Mail Address 1: 314 W HORNE ST
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-0000
Site Address 1:
Site Address 2:
Book: 02787
Page: 0365
Market Value: 28560
Assessed Acreage: 0.8
Calc. Acreage: 0.802
Sales Price: 0
Sale Date: 2004-10-28

Result 4

id: 05H02017K
Tag: 05H02017K
Tax Unique Id: 3870071
NCPin: 166905-07-0894
Mapsheet No: 166905
Owner Name 1: HOCUTT BAPTIST CHURCH
Owner Name 2:
Mail Address 1: 314 W HORNE ST
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-0000
Site Address 1:
Site Address 2:
Book: 02787
Page: 0365
Market Value: 60320
Assessed Acreage: 4.57
Calc. Acreage: 4.59
Sales Price: 0
Sale Date: 2004-10-28

Result 5

id: 05H02017P
Tag: 05H02017P
Tax Unique Id: 3817335
NCPin: 166905-07-2906
Mapsheet No: 166905
Owner Name 1: HOCUTT BAPTIST CHURCH
Owner Name 2:
Mail Address 1: 314 W HORNE ST
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-0000
Site Address 1:
Site Address 2:
Book: 02787
Page: 0365
Market Value: 36290
Assessed Acreage: 1.26
Calc. Acreage: 1.28
Sales Price: 0
Sale Date: 2004-10-28



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Result 6

id: 05H020170
Tag: 05H020170
Tax Unique Id: 3870072
NCPin: 165908-98-8050
Mapsheet No: 165908
Owner Name 1: HOCUTT BAPTIST CHURCH
Owner Name 2:
Mail Address 1: 314 W HORNE ST
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-0000
Site Address 1:
Site Address 2:
Book: 02787
Page: 0365
Market Value: 21330
Assessed Acreage: 0.79
Calc. Acreage: 0.793
Sales Price: 0
Sale Date: 2004-10-28

Result 7

id: 05H02017C
Tag: 05H02017C
Tax Unique Id: 3870070
NCPin: 165908-97-4746
Mapsheet No: 165908
Owner Name 1: HOCUTT BAPTIST CHURCH
Owner Name 2:
Mail Address 1: 314 W HORNE ST
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-0000
Site Address 1:
Site Address 2:
Book: 02787
Page: 0365
Market Value: 61690
Assessed Acreage: 8.79
Calc. Acreage: 8.79
Sales Price: 0
Sale Date: 2004-10-28

Result 8

id: 05030071
Tag: 05030071
Tax Unique Id: 3796483
NCPin: 165912-87-5175
Mapsheet No: 165912
Owner Name 1: ADAMS, DONALD C
Owner Name 2:
Mail Address 1: 1340 OLD DRUG STORE RD
Mail Address 2:
Mail Address 3: GARNER, NC 27529-7610
Site Address 1:
Site Address 2:
Book: 04309
Page: 0823
Market Value: 266590
Assessed Acreage: 48.67
Calc. Acreage: 48.72
Sales Price: 0
Sale Date: 2013-06-17

NEIGHBORHOOD MEETING MATERIALS
PDD 2014-111 AND PSD 2014-112

NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Date of Mailing: 10/8/2014

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

Printed Name: Donald C. Adams, Jr Signature: 

Date of Meeting: 10/20/2014 Time of Meeting: 6:00 PM

Location of Meeting: Legend Park

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.*

~~See Attached~~

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

Neighborhood Meeting Minutes for:

PDD 2014-111 Parkview Planned Development (rezoning)

PSD 2014-112 Parkview Master Plan (preliminary subdivision plat)

- The meeting was opened at 6:05PM by Reid Smith (developer) who gave an overall summary of Parkview.
- An adjacent owner asked where the sewer outfall line was to be located. Donnie Adams addressed the question and pointed out the location on the plan.
- A member of New Generation Fellowship Church asked how the project would affect their property. Donnie Adams pointed out the location of the church in relation to the project and explained that there would be at least a 20' buffer between the proposed lots and the church property.
- An adjacent owner raised a question about density. Donnie Adams stated that the overall density requested was 330 units which is less than the current zoning would allow (approx. 360 units)
- A question was raised about the number of phases and start date. Reid Smith stated that the project would be constructed in approximately 6 to 8 phases based upon market demand. He indicated that construction on the first phase would begin in early Spring 2015 (pending Town approval)
- An adjacent owner asked what the project would do to property values. Reid Smith stated that in his opinion the property values in the surrounding areas would increase.
- There were several representatives from the Civitan Club that attended the meeting to understand the proposed project and voice some concerns. In general, the Civitan Club representatives had no problems with the proposed development. However, they voiced concerns about potential future residents complaining about the normal operation of club activities at night and on weekend nights. Getting complaints about lights and noise were their biggest concerns.
- Reid Smith acknowledged the concerns and indicated that the developer would work with the Civitan as a good neighbor to better understand and address their concerns.
- After a final call for questions or comments and hearing none, the meeting was closed at 6:40PM.

PARKVIEW

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Applicant: DC Adams ENGINEERING

Location/Date: LEGEND PARK / 10/20/2014

	NAME	ADDRESS
1	Buddy Melvin	340 CIVITAN McCuller ST
2	Troy M. Smith	" CIVITAN "
3	Judy Smith	" CIVITAN "
4	Christy Adams Jaram	
5	GEORGE ROSS	340 CIVITAN McCuller ST
6	RECHARD BAUMGARTNER	" CIVITAN "
7	Scott Carroll	" CIVITAN "
8	Janet Daniel	671 City Rd
9	Larry Daniel	" "
10	Gary Bunn	CIVITAN 1025 Ridge Drive - clayton NC
11	Johnny Williams	65 CIVITAN WILSON JONES RD.
12	Joe Mims	920 City Rd -
13	Jim Klingenberg	340 Civitan
14	Wm Royal	" "
15	ROY LYON	" "
16	Judy Smith	Civitan
17	MAUR COATS	CIVITAN PRESIDENT
18	MIKE BEASLEY	Liberty LANE
19	BARBARA BEASLEY	Liberty LANE
20	DONNIE ADAMS	DC Adams Engineering
	REID SMITH	CITY ROAD, LLC

DC Adams Engineering, Inc.

335 Athletic Club Blvd
Clayton, NC 27527

Office: 919-763-7278
donnie@dcadamspe.com
Firm # C-3894

October 8, 2014

Dear Clayton Area Property Owner:

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

Meeting Date: October 20, 2014

Location: Legend Park (550 City Rd, Clayton, NC)

Time: 6:00 PM

Type of Application: Rezoning and Major Subdivision Plan

General Description: The applicant is requesting rezoning to Planned Development – Residential. The subdivision plan is for a residential subdivision.

If you have any questions prior to or after this meeting, you may contact us at 919-763-7278.

Sincerely,

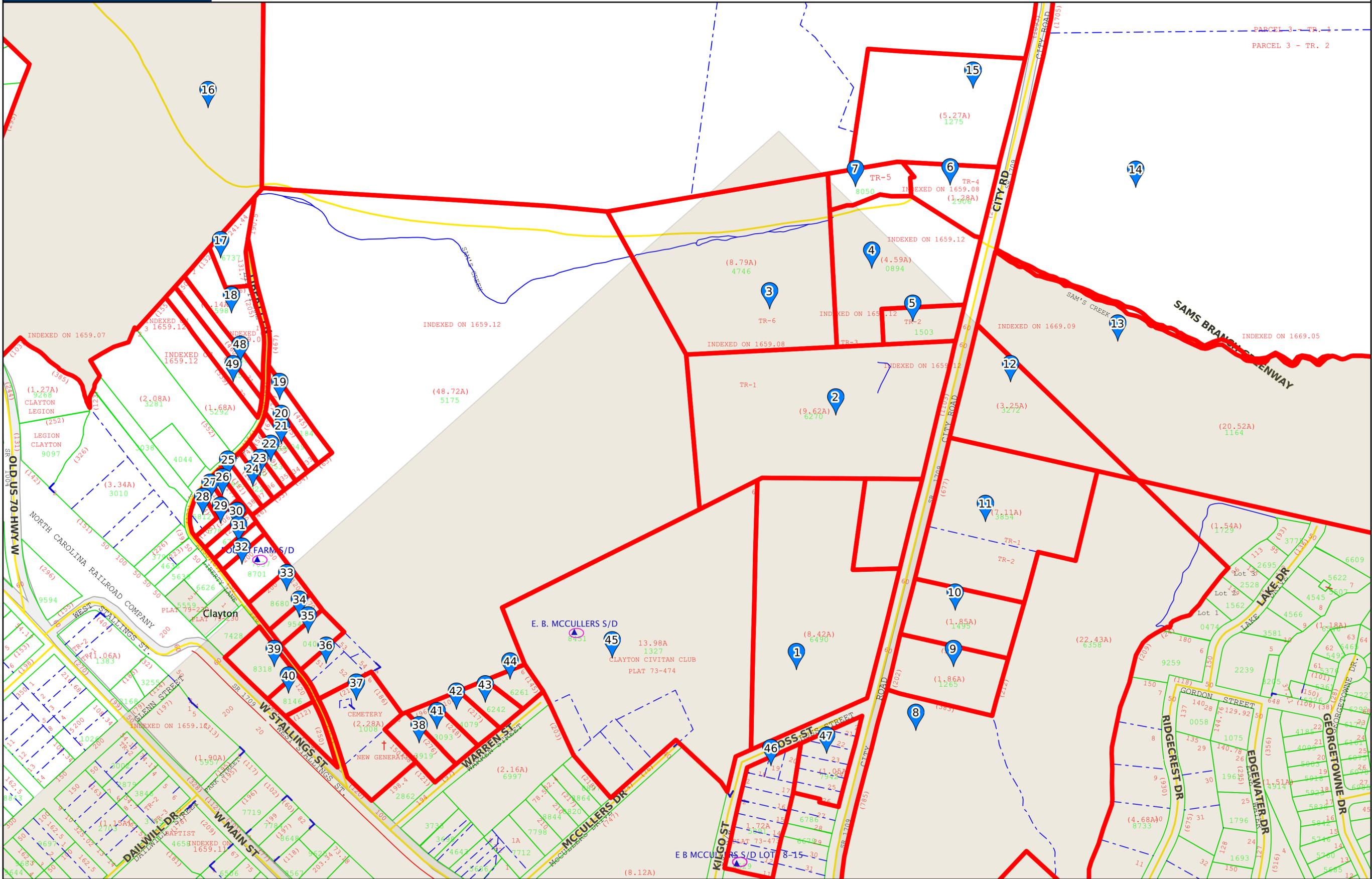
Donnie Adams, PE

cc: Clayton Planning Dept.



*** DISCLAIMER ***

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Scale: 1:2762 - 1 in. = 230.15 feet

(The scale is only accurate when printed landscape on a 11 x 17 size sheet with no page scaling.)



Johnston County GIS
August 29, 2014

TOWN OF CLAYTON
ZONING AMENDMENT
CONSISTENCY AND REASONABLENESS STATEMENT

Town Council

PDD 2014-111 ParkView Planned Development Rezoning to PD-R

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:

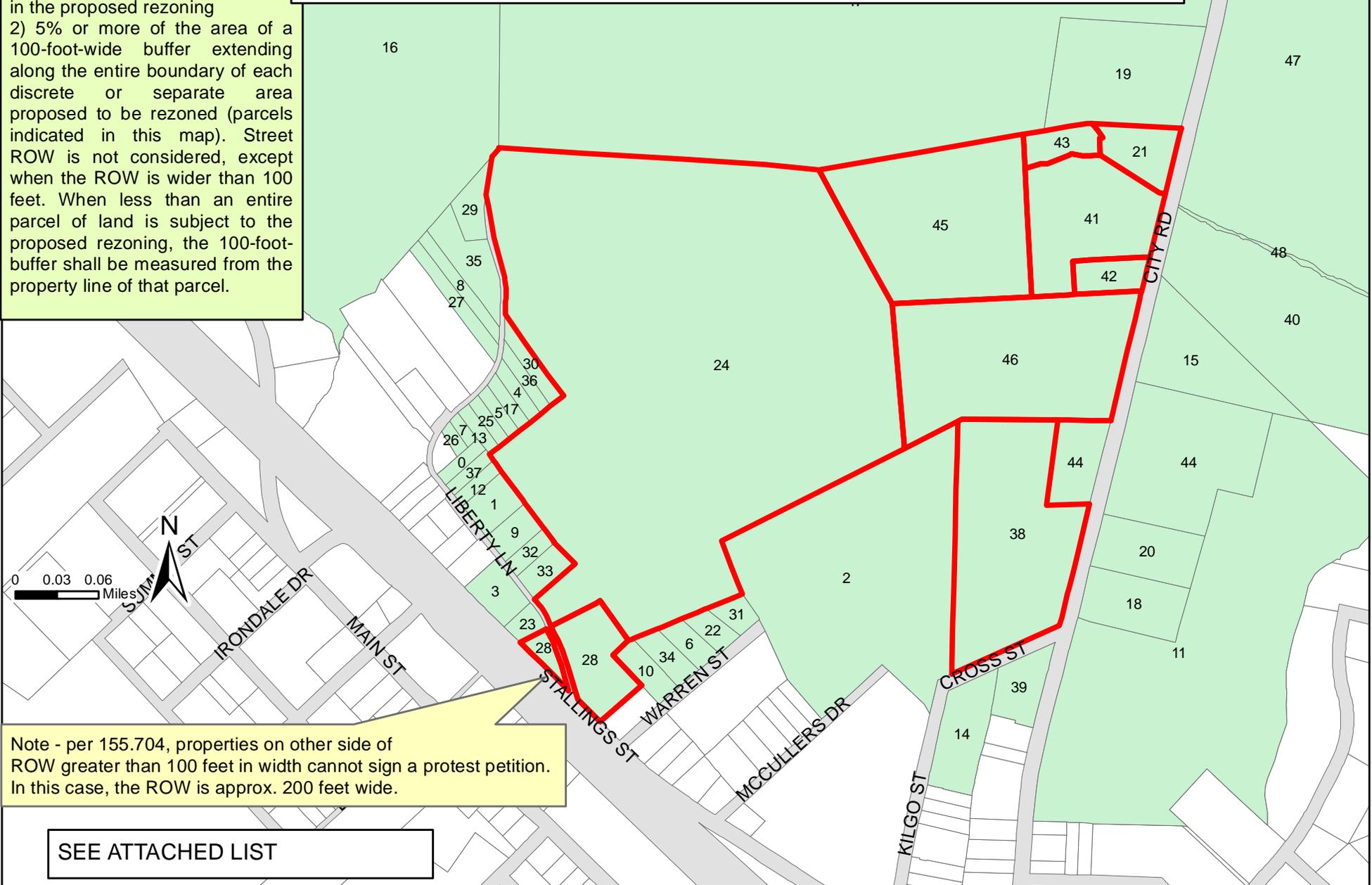
- Proposed Land Use Map
- Objective 1.2 Increase Residential Presence Downtown
- Objective 2.1 Balanced Development/ Investment: Old and New
- Objective 2.5 More Housing Opportunities: Beyond Starter Homes

Section 2: Based upon information presented at the public hearings and by the applicant, and based upon the recommendations and detailed information developed by staff and the Planning Board contained in the staff report, and considering the criteria applicable sections of the Unified Development Code of the Town of Clayton, specifically **the scale of the development, the close proximity of the project to the downtown core, compatibility with surrounding land uses and existing infrastructure, and the need for flexible standards based on unique site topography and natural features;** the above referenced zoning amendment is reasonable and in the public interest.

Properties within 100 feet of PDD 2014-111 Parkview Planned Development - for use in Protest Petition Determination

Properties within 100 feet as defined by Section 155.704(K) of the Unified Development Code.

Petition must be signed by either:
1) 20% or more of area included in the proposed rezoning
2) 5% or more of the area of a 100-foot-wide buffer extending along the entire boundary of each discrete or separate area proposed to be rezoned (parcels indicated in this map). Street ROW is not considered, except when the ROW is wider than 100 feet. When less than an entire parcel of land is subject to the proposed rezoning, the 100-foot-buffer shall be measured from the property line of that parcel.



Note - per 155.704, properties on other side of ROW greater than 100 feet in width cannot sign a protest petition. In this case, the ROW is approx. 200 feet wide.

SEE ATTACHED LIST

PROPERTIES WITHIN 100 FEET OF PDD 2014-111 PARVIEW REZONING TO PDD-R										
FID	TAG	PIN	NAME1	NAME2	ADDRESS1	ADDRESS2	CITY	STATE	ZIPCODE	
0	5029050	165912-76-5789	WITHROW PROPERTIES LLC		301 PIERCE STREET		PRINCETON	NC	27569-0000	
1	5029052	165912-76-8701	BEASLEY, JERRY WAYNE	BEASLEY, EUNICE	139 LIBERTY LN		CLAYTON	NC	27520-1612	
2	5029002	165912-96-1327	CLAYTON CIVITAN HOLDINGS INC		PO BOX 385		CLAYTON	NC	27528-0385	
3	5029024	165912-76-8318	LEE, PERCY Y	LEE, JOYCE C	2149 SHOTWELL RD		CLAYTON	NC	27520-0000	
4	5029043	165912-77-7089	BEASLEY, BARBARA D	BEASLEY, MICHAEL JAMES	PO BOX 1194		CLAYTON	NC	27520-1194	
5	5029045	165912-77-7030	BEASLEY, MINNIE INEZ BAR LFEST	BEASLEY, JERRY WAYNE	139 LIBERTY LN		CLAYTON	NC	27520-1612	
6	05029199	165912-86-4079	MURRAY, JANIE M	MURRAY, JOSEPH F	106 WARREN STREET		CLAYTON	NC	27520-0000	
7	5029048	165912-76-6911	BEASLEY, JERRY WAYNE	BEASLEY, EUNICE	139 LIBERTY LN		CLAYTON	NC	27520-1612	
8	5029062	165912-77-6368	BEASLEY, MICHAEL JAMES		164 LIBERTY LANE		CLAYTON	NC	27520-0000	
9	5029053	165912-76-8680	SPENCE, LILLY T MOORE		119 LIBERTY LN		CLAYTON	NC	27520-1612	
10	05029199	165912-85-3919	BARBOUR, CREGG JAMES	BARBOUR, CYNTHIA L	104 WARREN STREET		CLAYTON	NC	27520-0000	
11	5029021	166909-06-6358	GORDON, HARVEY B	GORDON, MILDRED S	328 BARNES ST		CLAYTON	NC	27520-0000	
12	5029060	165912-76-7749	PARNELL, WILLIAM T & GLEN		129 LIBERTY LANE	P O BOX 104	CLAYTON	NC	27520-0000	
13	05E99004	165912-76-6953	BEASLEY, JERRY WAYNE		139 LIBERTY LN		CLAYTON	NC	27520-1612	
14	5030055	165912-95-5891	CLAYTON CIVITAN HOLDINGS INC		PO BOX 385		CLAYTON	NC	27528-0385	
15	05E99027	166909-07-3272	TOWN OF CLAYTON		PO BOX 777		CLAYTON	NC	27528-0777	
16	05G01012	165907-69-6977	EVERLAND-LEE LLC		100 BUTTERNUT LANE		CLAYTON	NC	27520-0000	
17	5029046	165912-77-7053	BEASLEY, MINNIE INEZ BAR LFEST	BEASLEY, JERRY WAYNE	139 LIBERTY LN		CLAYTON	NC	27520-1612	
18	05H02198	166909-06-1265	THOMPSON, DELILA R B LIV TRUST		8013 OLD STAGE ROAD		RALEIGH	NC	27603-0000	
19	05H02017	166905-08-1275	DANIEL, JANET E		671 CITY RD		CLAYTON	NC	27520-5905	
20	05H02199	166909-06-1495	JOHNSON, RALPH MCDONALD		352 CITY RD		CLAYTON	NC	27520-0000	
21	05H02017	166905-07-2906	HOCUTT BAPTIST CHURCH		314 W HORNE ST		CLAYTON	NC	27520-0000	
22	05029199	165912-86-6242	BARBOUR, MARK A		110 WARREN STREET		CLAYTON	NC	27520-0000	
23	5029023	165912-76-8146	LEE, TERRI R		121 TR DRIVE		CLAYTON	NC	27520-0000	
24	5030071	165912-87-5175	ADAMS, DONALD C		1340 OLD DRUG STORE RD		GARNER	NC	27529-7610	
25	5029044	165912-76-7922	BEASLEY, JERRY WAYNE	BEASLEY, EUNICE	139 LIBERTY LN		CLAYTON	NC	27520-1612	
26	5029063	165912-76-5879	KAD INC		1025 RIDGE DRIVE		CLAYTON	NC	27520-0000	
27	5029066	165912-77-6345	BEASLEY, MICHAEL JAMES		164 LIBERTY LANE		CLAYTON	NC	27520-0000	
28	5029020	165912-86-1008	NEW GENERATION FELLOWSHIP INC		PO BOX 40		KNIGHTDALE	NC	27545-0000	
29	05029040	165908-77-6737	JUAREZ, JOSE LISANDRO		PO BOX 733		CLAYTON	NC	27520-0733	
30	5029061	165912-77-8184	BEASLEY, MICHAEL JAMES		164 LIBERTY LANE		CLAYTON	NC	27520-0000	
31	05029199	165912-86-6261	BARBOUR, MARK A	BARBOUR, BRONNA B	110 WARREN ST		CLAYTON	NC	27520-1648	
32	5029054	165912-76-9542	SPENCE, LILLY T MOORE		119 LIBERTY LN		CLAYTON	NC	27520-1612	
33	5029055	165912-86-0406	BLACKLEY, JOYCE L	BLACKLEY, ERNEST L	2133 SHOTWELL RD		CLAYTON	NC	27520-8222	
34	05029199	165912-86-3093	BARBOUR, CREGG	BARBOUR, CYNTHIA	104 WARREN ST		CLAYTON	NC	27520-1648	
35	5029040	165908-77-5598	BEASLEY, MICHAEL JAMES		164 LIBERTY LANE		CLAYTON	NC	27520-0000	
36	5029042	165912-77-8049	BEASLEY, MICHAEL JAMES		164 LIBERTY LANE		CLAYTON	NC	27520-0000	
37	5029051	165912-76-6736	TOLEDO, TERESA JOHNSON		131 LIBERTY LN		CLAYTON	NC	27520-0000	
38	5030069	165912-96-6490	HOCUTT BAPTIST CHURCH		314 W HORNE ST		CLAYTON	NC	27520-0000	
39	5030070	165912-95-7942	RAYMOND, JEAN	RAYMOND, MAGALIE M	225 CITY RD		CLAYTON	NC	27520-0000	
40	05E99021	166909-17-1164	TOWN OF CLAYTON		PO BOX 777		CLAYTON	NC	27528-0777	
41	05H02017	166905-07-0894	HOCUTT BAPTIST CHURCH		314 W HORNE ST		CLAYTON	NC	27520-0000	
42	05H02017	166905-07-1503	HOCUTT BAPTIST CHURCH		314 W HORNE ST		CLAYTON	NC	27520-0000	
43	05H02017	165908-98-8050	HOCUTT BAPTIST CHURCH		314 W HORNE ST		CLAYTON	NC	27520-0000	
44	05H02020	166909-06-3854	GOODSON, J O HEIRS		C/O WALTERS, SARAH F	1080 FINDLAY AVE	BRONX	NY	10456-0000	
45	05H02017	165908-97-4746	HOCUTT BAPTIST CHURCH		314 W HORNE ST		CLAYTON	NC	27520-0000	
46	05H02017	165912-97-6270	HOCUTT BAPTIST CHURCH		314 W HORNE ST		CLAYTON	NC	27520-0000	
47	05H02017	165908-99-1191	MIMS, ALLEN LESTER JR		920 CITY ROAD		CLAYTON	NC	27520-0000	
48	water026									

*DATA BASED ON COUNTY PARCEL DATA AS RETRIEVED FROM TOC SDE SERVER ON 12/8/14

COUNCIL MOTION SHEET
ZONING ORDINANCE AMENDMENT
(Rezoning)

Council motion to [approve/deny] [Rezoning] [PDD 2014-111 ParkView Planning Development] and approve the Statement of Consistency and Reasonableness included in the Agenda packet (with the following modifications:

{ Ordinance # Here }

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

PDD 2014-111 “Parkview Planned Development Rezoning to PD-R”

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 – Residential (PD-R) zone the property described below, said property formerly being zoned Residential-10 (R-10) and Residential-Estate (R-E); and

WHEREAS said property is owned by Hocutt Baptist Church and Donald C. Adams; 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 January 5, 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 – Residential (PD-R) zone the following described property:

General Description:

Eight properties located west of City Road, East of Liberty Lane, and North of the Civitan Park.

Specific Description:

All of the following parcels: NC PINs: 165912-96-6490, 165912-97-6270, 166905-07-1503, 166905-07-0894, 166905-07-2906, 165908-98-8050, 165908-97-4746, 165912-87-5175

SECTION 2. That the official Town of Clayton Zoning Map is hereby amended to include in the Planned Development – Residential (PD-R) 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 5th day of January, 2015.

Jody L. McLeod, Mayor

ATTEST:

Kimberly A. Moffett, CMC
Town Clerk

PDD 2014-111

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

Agenda Item: 5b

Meeting Date: January 5, 2015

TITLE: PUBLIC HEARING - PDD 2014-112

DESCRIPTION: ParkView Planned Development Master Plan/Preliminary Subdivision Plat

RELATED GOAL:

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
12-15-14	Receive Report & Set Public Hearing For 1/5/15	Staff Report Application Packet Map(s)
1-5-15	Public Hearing	Staff Report Application Packet Map(s)

STAFF REPORT

Application Number: PSD 2014-112 (Preliminary Plat / Master Plan for Planned Development)
Project Name: ParkView Planned Development

Associated Application: PDD 2014-111 (Rezoning to PD-R)
NC PINs: 165912-96-6490, 165912-97-6270, 166905-07-1503, 166905-07-0894, 166905-07-2906, 165908-98-8050, 165908-97-4746, 165912-87-5175, 165912-96-1327
TAG #s: 03030069, 05H02017A, 05H02017M, 05H02017K, 05H02017P, 05H02017O, 05H02017C, 05030071
Town Limits/ETJ: ETJ and Town Limits
Overlay: None
Applicant: DC Adams Engineering, Inc.
Owners: Hocutt Baptist Church, Donald C. Adams, Clayton Civitan Holdings Inc

Neighborhood Meeting: Held October 20, 2014
Public Noticing: Property posted October 17, 2014
Planning Board: Meeting held November 19, 2014 (recommendation attached)

PROJECT LOCATION: The 82.94 acre project is located west of City Road and east of Liberty Lane, and north of Municipal Park.

REQUEST: The applicant is requesting Master Plan approval, with the Master Plan acting as the Preliminary Subdivision Plat approval for the for the ParkView Planned Development to allow a maximum of 330 residential units.

SITE DATA:

Acreage: 82.94 acres (8 parcels)
Present Zoning: Residential Estate (R-E) and Residential 10 (R-10)
Proposed Zoning: Planned Development – Residential (PD-R)
Existing Use: Vacant
Existing Impervious: None – site is undeveloped
Overlay: None

DEVELOPMENT DATA:

Proposed Uses:	Residential units – mix of housing types (single family, triplex, duplex, and townhome)
Buildings:	Maximum 330 residential units
Density:	Maximum 4 units/acre
Number of Stories:	Maximum height of 35 feet
Impervious Surface:	Maximum 45% for gross project area. Maximum 75% impervious coverage per residential lot.
Required Parking:	2 spaces per unit
Fire Protection:	The Town of Clayton Fire Department will provide fire protection.
Access/Streets:	Access off of City Road and Liberty Lane. All streets will be public right-of-way.
Water/Sewer Provider:	Town of Clayton
Electric Provider:	Town of Clayton

ADJACENT ZONING AND LAND USES:

North:	Zoning:	Residential Estate (R-E)
	Existing Use:	Undeveloped/Forested, Single Family Residential
South:	Zoning:	Residential-10 (R-10), Residential-6 (R-6)
	Existing Use:	Community Park, Single Family Residential
East:	Zoning:	Residential-10 (R-10)
	Existing Use:	City Road, Single Family 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 the Master Plan for the ParkView Planned Development. This 82.94 acre project is under concurrent request to be rezoned to Planned Development Residential (PD-R) under case # PDD 2014-111. Both the rezoning and the master plan must be approved for the PD-R 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 details each phase (exact placement of lot lines, for example) would be reviewed

and approved by staff as a final plat. Individual site components are required to be consistent with the design presented in the regulating and master plan.

- *Note: The exceptions to the above include the townhome sections and recreation areas. The townhome phases 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 townhome sections will either be processed as a Major Site Plan with approval by the Planning Board or return to Town Council for subdivision approval. Development of the recreation areas will be processed as Minor Site Plans (staff-level review).*

Other modifications to this approved Master Plan deemed "Major" will also return to the Town Council for review and approval.

The applicant is requesting a maximum of 330 residential units, to be comprised of a mix of single family, townhome, duplex, and triplex units. The units are clustered in higher densities, due primarily to the unique topography and natural features (streams) of the site, which limit development patterns. The project includes both active and passive recreation and open space, and identifies resource conservation areas as permanently preserved (as is required). A 10 foot multi-use path, neighborhood garden, and community "pocket parks" are included as project amenities. Staff has requested that the applicant include more detail regarding amenities within the recreation and open space areas.

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-R (§155.200(A)(3)(a)): "The PD-R district provides opportunities for master-planned residential communities containing a mix of housing types, including associated amenities with appropriate perimeter buffering and open space. This district is primarily intended for large-scale residential projects that require either additional flexibility not available in a residential district or greater scrutiny by the town due to their scale." Per §155.203(L)(2), "The Planned Development -Residential District is an option provided to encourage a mix of housing options within a comprehensively planned development, allowing a density bonus in return for the provision of a higher quality development."

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 with this report as Attachment 1.

Consistency with the Strategic Growth Plan

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

- Proposed Land Use Map
- Objective 1.2 Increased Residential Presence Downtown
- Objective 2.1 Balanced Development/ Investment: Old and New
- 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.*)

The Proposed Land Use Map shows the site as “Residential – Medium.”

Consistency with the Unified Development Code

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

Compatibility with Surrounding Land Uses

At a proposed density of four units per acre, the proposed development is consistent with the density of surrounding residential property. The development patterns themselves are different from those of downtown (clustered development), but the preservation of existing vegetation and overall density of just 4 units per acre preserves compatibility.

Landscaping and Buffering

A Class C perimeter buffer is provided along the boundary 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 will be required to meet the standards for height and caliper as

established in the UDC. Street tree species is required to receive approval from the Planning Director as they will be located in the public right-of-way.

Recreation and Open Space

Residential Planned Developments are required to meet or exceed the standards established for open space subdivisions (§155.203(L)(1)(f)). Required and provided recreation and open space is listed below:

Overall Recreation and Open Space

Required: Either 12.5% of net site area OR 1,245 sf per unit, whichever is greater.
In this case, the calculation utilizing 1,245 sf per unit at 330 units is the greater, requiring 9.43 acres of recreation and open space. Recreation and Open Space may NOT include resource conservation areas (RCAs) (see §155.203(I)(2)(b) and §155.203(L)(1)(e)). The exception is paved greenway if located in a RCA.

Provided: 27.04 acres outside of the RCA (17.02 acres of additional land is RCA and will remain undisturbed).

Improved Recreation Areas

Required: At least 25% of the required recreation and open space shall be improved.
25% of 9.43 acres is 2.35 acres.

Provided: Gazebo Space: 0.37 acres
Neighborhood Garden: 2.14 acres
Greenway Trail: 2.35 acres
Total improved recreation space provided: 4.86 acres

The Master Plan is exceeding the requirements of the recreation and open space. The acreage of passive and active recreation spaces, as well as the type of recreation facilities, will be considered required minimums and cannot be reduced without approval by the Town Council.

Dedicated Land

The applicant is proposing to dedicate the following to the Town:

Greenway Trail:	1.16 acres – <i>Note: Staff is requiring the dedication of greenway along City Road and Sam’s Branch Greenway.</i>
Resource Conservation Area:	3.29 acres (adjacent to Sam’s Branch Creek)
Other:	5.88 acres (north of Sam’s Branch to the property line)
<hr/> Total:	<hr/> 10.33 acres

Per §155.203(I)(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.

In this case, the just 7.04 acres of the required 9.43 acres is proposed for dedication to the town, leaving 2.4 acres requiring fee-in-lieu at the established rates. Though a total of 10.33 acres are proposed for dedication, RCAs do not count toward dedication or fee in lieu, so a total of 7.04 acres of dedicated land (if accepted by the Town Council) can be used. As stated above, staff is asking for the additional dedication of land along City Road. At the current calculation, fee-in-lieu will be required for 84 of the units.

Greenways and Sidewalks

The property is bounded on the north by Sam's Branch creek. The Town is currently in design for the extension of the existing Sam's Branch Greenway west all the way to the entrance to Legend Park. As such, the greenway shown on the Master Plan would connect to this greenway and all the way to the Neuse River and the Mountain to Sea Trail.

The greenway also has potential important connections to downtown, providing access for the subdivision residents to the downtown area as well as nearby parks, and also providing access for downtown residents or visitors to access the Sam's Branch Greenway (and Mountain to Sea Trail) without having to drive to a parking area/trailhead.

Staff supports the applicant's proposal to waive the requirement for concrete sidewalks on both sides of public streets so long as 5' concrete sidewalk is installed on one side of all public streets and a minimum 10 foot wide asphalt multi-use path / greenway is provided at the same value of the omitted sidewalk. This value will be justified through an engineer's estimate which will be reviewed and approved by the Public Works Department. Staff supports this alternative 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 recreation requirements, a reduced roadway cross-section width.

In this case, 8,493 linear feet of sidewalk is provided and so it is assumed the actual sidewalk required by the UDC would be approximately twice that, or an additional 8,493 linear feet. Approximately 5,110 linear feet of 10 foot paved greenway is shown on the plan. The engineers estimate will identify the cost per linear foot for each type (sidewalk/multi-use path) to develop the required fee-in-lieu if there is a difference in value.

A 20 foot easement is shown from the primary entrance on City Road to the south end of the property to allow for future greenway development. The developer will be required to construct sidewalks or Greenway along City Road.

Environmental

As required in the UDC, resource conservation areas (including riparian buffers and 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 will meet all state preservation requirements. All other riparian buffers that meet the definition of the UDC in Article 5 shall include a 50 foot undisturbed buffer, measured from the top of bank.

According to the Master Plan, there are 14.36 acres of RCAs on the site, all of which shall remain undisturbed unless proper permits and approvals 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.

Access/Streets

Primary development access is off of City Road, and shall align with the Legend Park entrance drive.

Traffic Impact Analysis

A Traffic Impact Analysis (TIA) has been completed by the applicant, and was updated on December 23, 2014 to reflect modifications to the Master Plan's access points to the development. The TIA was based on an assumption of 280 single family homes and 50 townhomes. The revised TIA only accounts for two access points (see *Access Points* discussion, below), though ultimately three access points are proposed with a third connection occurring at the time the property to the Northwest is developed.

Both the original and revised TIAs do not recommend any developer-required off-site roadway improvements, though the updated TIA does note the Town and NCDOT requirement to include an exclusive northbound left-turn lane on City Road into the primary subdivision entrance. It also includes a recommendation that NCDOT restripe a dedicated left turn lane off of Covered Bridge onto Shotwell heading south, and recommends that a full signal warrant study be performed and that a traffic signal be installed if warrants are met (not by the developer).

The TIA also conducted a phasing analysis to determine at what point the northbound turn lane on City Road would be warranted, and determined that it was acceptable to delay the construction of the turn lane until the buildout of 100 homes.

The original TIA was reviewed by and commented on by NCDOT's Congestion Management Division in a report dated November 18, 2014. NCDOT noted several internal site recommended laneage improvements, as well as one additional off-site improvement to include a 75' dedicated left turn lane for vehicles traveling north on City Road. Staff will work with NCDOT to ensure that modifications to the Master Plan layout and proposed access points will be safely accommodated for.

Staff does believe that improvements (dedicated turn and deceleration lanes) may be necessary at the main entrance on City Road. All Traffic improvements recommended by NCDOT 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

Primary Access Point:

The primary and first access point to the subdivision is located off of City Road, aligned with the Legend Park entrance drive. Per the TIA, City Road is a two-lane roadway with a posted speed limit of 35 mph south of Legend Park and 55 mph north of Legend Park. City Road has an average daily traffic (ADT) volume of approximately 1,100 vehicles per day (vpd).

Second Access Point:

Per §155.400(E)(2)(d) of the UDC, 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. The secondary entrance is proposed off of Liberty Lane. Liberty Lane will be required to be improved to Town standards up to the entrance point, with improvements made by the developer.

Third Access Point:

Also in this Section of the UDC, "Residential subdivisions of 250 or more lots shall provide three separate access points. Where three or more access points are required, the Town Council may waive the requirement for immediate construction of more than two access points, provided that subdivision phasing and design illustrates the additional required connections."

- The applicant has requested that the Council consider a waiver to allow the required third entrance to be constructed to the property line in the northwest corner of the development with the understanding that connectivity will occur when the adjacent property is developed.

Alternative Cross-Section

An alternative cross-section is proposed as part of this development. The cross-section includes sidewalk on just one side of the street. Please see the discussion of this in “Recreation and Open Space” element of this report.

The cross-section also proposed a six foot wide 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.

Multi-Modal Access

The location of the proposed greenways allow for development of access points to Downtown Clayton as well as 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 totals of housing units by type are included in the Master Plan, the exact mix and location of housing types is not intended to be finalized by this Master Plan. Rather, so long as a mix of housing types is included and the maximum number of 330 units is not exceeded (mix to be chosen from the pre-established housing types in the Master Plan), the number of each type of home 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

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.

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. A revised street Cross-Section has 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. Fee-in-lieu would be required for the difference, in this case for 3,883 linear feet of sidewalk (assuming waiver of requirement for 8,493 linear feet of sidewalk and provision of 5,110 linear feet of multi-use path).
3. Waiver from §155.400(E)(2)(d) which requires that “Residential subdivisions of 250 or more lots shall provide three separate access points. Where three or more access points are required, the Town Council may waive the requirement for immediate construction of more than two access points, provided that subdivision phasing and design illustrates the additional required connections.” The request is to allow the required third entrance to be constructed to the property line in the northwest corner of the development with the understanding that connectivity will occur when the adjacent property is developed.
4. 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-sac with a length greater than 700 feet to serve lots less than 20,000 square feet in size. In this case, the cul-de-sac is approximately 1,000 feet in length.

CONSIDERATIONS

- The applicant is requesting approval of a Master Plan for the ParkView 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 2014-111 (Rezoning to PD-R).
- The final decision is made by the Town Council with recommendation from the Planning Board.

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 four requested waivers
- 2) Approval of the Master Plan with the conditions listed below

CONDITIONS:

1. Following Board approvals, three copies of the Master Plan / Preliminary Subdivision Plan meeting the requirements of the Conditions of Approval shall be submitted to Planning Department for final approval.
2. The development of the site is limited to the site design and uses approved by the Town Council. Modifications to the approved Master Plan / Preliminary Subdivision Plan 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, except that Townhome phases that are not to be further subdivided shall be reviewed as a Major Site Plan.
4. Neighborhood parks and amenities shall be reviewed as Minor Site Plans prior to construction.
5. Annexation of all land not currently within Town Limits shall be required prior to Final Plat approval for the first phase of the development.
6. Development fees shall be paid for each phase prior to Final Plat approval. For phases requiring only Major Site Plan review, fees shall be paid prior to issuance of building permits. Recreation fees collected for the development shall be directed toward improvements at Legend Park.
7. Land shown as “dedicated to the Town of Clayton” shall be dedicated to the Town prior to Final Plat approval for the first phase of the development.
8. A combination of dedication and fee-in-lieu is being 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).
9. Traffic improvements as recommended by NCDOT shall be installed prior to the issuance of a certificate of occupancy for the phase that generates the need for the improvement. Additional right-of-way necessary for City Road shall be dedicated as a part of the first phase of the development.
10. The access drive to the development shall align with the Legend Park driveway.
11. All roof mounted and ground mechanic equipment not associated with single family detached residential development must be completely screened from view.
12. Five foot wide sidewalks are required along one side of each road within the development. Ten foot wide paved multi-use paths shall be installed as shown on the Master Plan to justify the waiver of the sidewalk requirement on both sides of each road. 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.
14. Sam's Branch Greenway shall be bonded and constructed prior to the platting of phase II of the Development.
15. Internal greenway shall be constructed prior to the first Certificate of Occupancy for the adjacent phase.
16. The neighborhood garden plot shall be completed prior to the platting of phase 5 of the development.
17. The acreage of passive 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 an adjacent phase.
18. A Class C Buffer and the 10 foot paved greenway shall be constructed along City Road prior to the issuance of the first Certificate of Occupancy. Class C buffers around the remainder of the site shall be installed concurrently with construction of the associated phase of the development.
19. A mix of at least three housing types shall be required and shall be selected from the list of housing type options presented in the regulating plan. The specific percentage of each housing type shall be flexible, but shall be chosen from the housing and lot types established in the regulating plan, and are subject to approved setbacks and dimensional standards established for each housing/lot type in the regulating plan. In no case shall the maximum density exceed 4 units per acre (330 units). Detached single family lot types may be considered as separate housing types with approval by the Planning Director so long as the lot sizes vary and permit a variety of housing styles/sizes.
20. 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 sidewalk /pedestrian access and must be approved by the USPS.
21. All external project access points must connect to an existing/future public right-of-way built to Town of Clayton standards. If the external connection is to right-of-way not built to Town standards, the right-of-way will need to be brought into compliance by the developer.
22. 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.
23. 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 to the property line in the northwest corner of the development.
24. 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.
25. All signs shall require review and approval pursuant to §155.713.

26. Final design of individual elements identified within the Regulating Plan (such as lighting, recreation, or housing 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 §155.705 shall require major review and approval.
27. The review and approval of project water, sewer, storm drainage and street construction drawings is a separate process. Two sets of these drawings must be submitted for approval to Public Works Department when they become available.
28. 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 §155.500(C).
29. 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 before construction activities begin.
30. 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.

Planning Board Recommendation (*signed recommendation attached*):

- 1) Recommendation to approve the preliminary subdivision plat / Master Plan with conditions recommended by staff, with minor modifications to conditions #12, 21, and 22 to clarify the intent of the condition.**
- 2) Recommendation to approve the waiver from the street cross-section to allow the proposed street cross-sections and to allow fee-in-lieu for sidewalk on one side of the roadway (as shown in the cross-section) in the form of a 10 foot paved greenway (based on an Engineer’s estimate of cost per linear foot)**

Attachments: **1)** Planning Board Recommendation, **2)** Subdivision Findings of Fact, **3)** Letter from Town Fire Marshall regarding cul-de-sac length dated 12/18/14, **4)** Zoning & Aerial Map, **5)** Application, **6)** Neighborhood Meeting Materials, **7)** Master Plan / Preliminary Subdivision Plan, **8)** Traffic Impact Analysis completed by Kimley Horn (Pages 1-17, dated 12-23-14).

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

PSD 2014-112

On November 19, 2014 the Planning Board heard the above-referenced request and made the following vote:

Recommendation to approve deny **PSD 2014-112, Park View Planned Development Preliminary Plat / Master Plan** subject to the conditions recommended by staff in the staff report, with minor modifications to conditions #12, 21, and 22 to clarify the intent of the condition.

Recommendation to approve deny the waiver from the street cross-section to allow the proposed street cross-sections and to allow fee-in-lieu for sidewalk on one side of the roadway (as shown in the cross-section) in the form of a 10 foot paved greenway (based on an Engineer's estimate of cost per linear foot) in addition to the standard fee-in-lieu.

Recommendation(s) made this 19th day of November while in regular session.

Signed:


David Teem, Planning Board Vice - Chair

APPLICANT STATEMENT – MAJOR SUBDIVISIONS ONLY

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

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

THIS SUBDIVISION MEETS ALL APPLICABLE REGULATIONS AND CONFORMS TO THE UDC.

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

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

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

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

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

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



TOWN OF CLAYTON FIRE DEPARTMENT

P.O. BOX 879 CLAYTON, NC 27520



ANTHONY ATKINSON
FIRE MARSHAL

PHONE: (919) 553-1577

FAX: (919) 553-1544

325 West Horne Street, P.O. Box 879 Clayton NC 27520

December 18, 2014

To: Planning Director Dave DeYoung

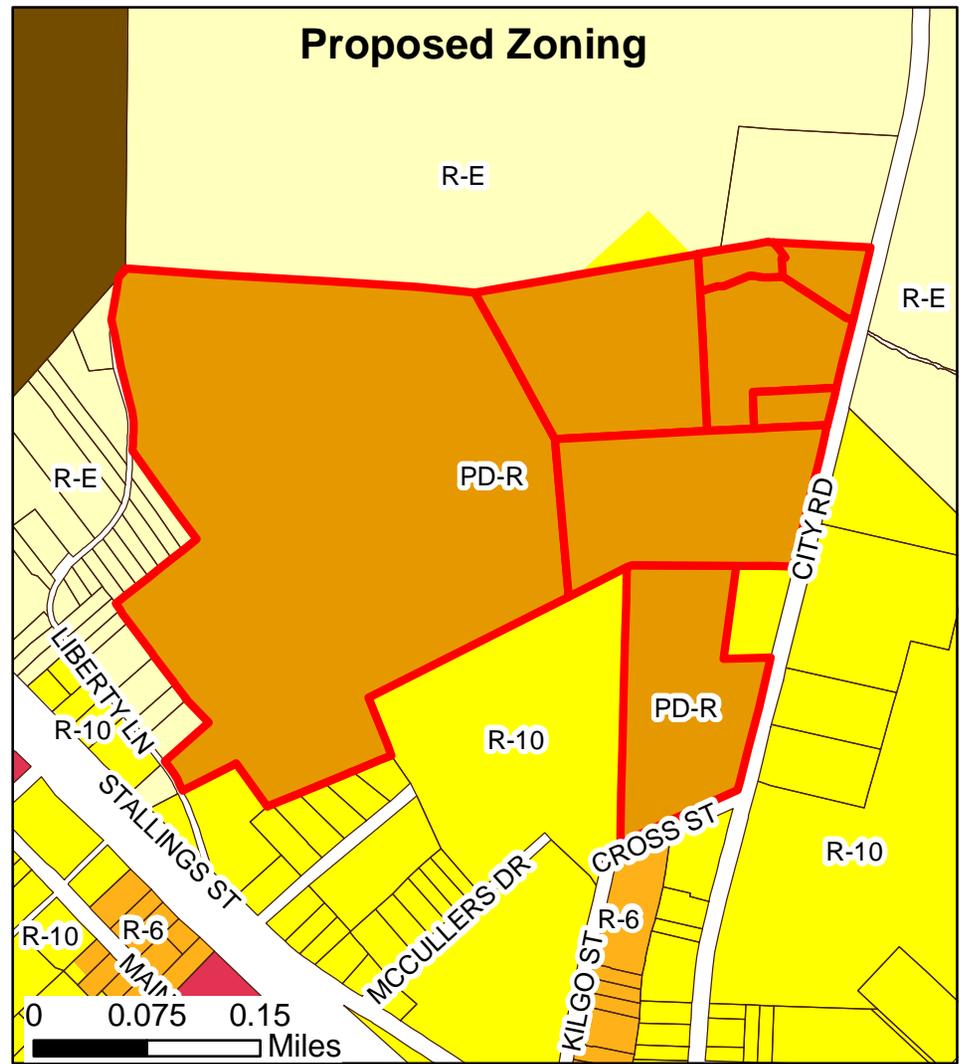
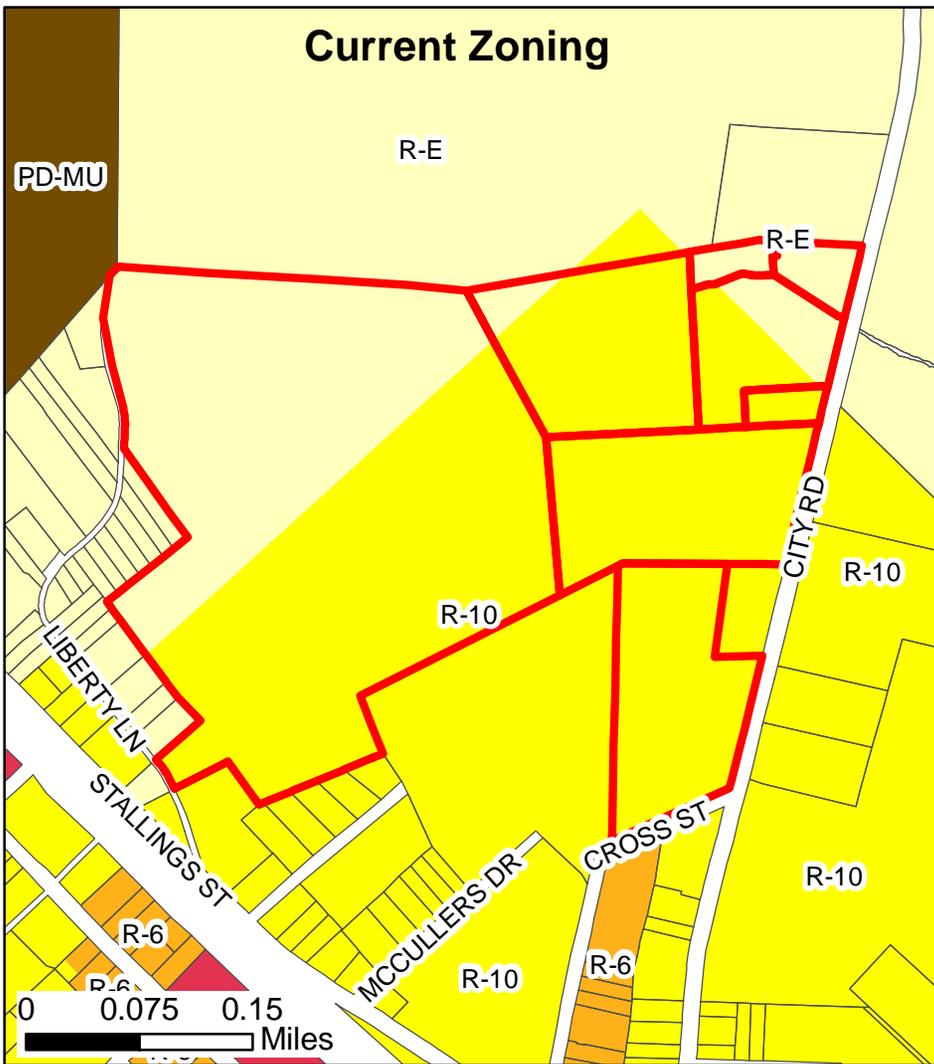
Re: Parkview Subdivision PSD 2014-2699

In reference to the increased length of the cul-de-sac (greater than 700 linear feet) located inside Parkview subdivision, the Clayton Fire Department will accept the increased site plan with the following recommendation:

Three fire hydrants will be located along this street, including one at the beginning or entrance to the street, one near the mid-point of the length of the street, and one at the end or the cul-de-sac of the street.

In addition to the above, the Clayton Fire Department can support the waiver of the immediate construction (required for more than 250 lots) of the third entrance (northwest corner of the property) with the understanding that a future connection will be made when the adjacent property to the west is developed.

**Sincerely,
Anthony Atkinson, Fire Marshal
Town of Clayton Fire Department**



ParkView Planned Development Rezoning to PD-R

Applicant: DC Adams Engineering, Inc c/o Donnie Adams
 Property Owners: Hocutt Baptist Church, Donald C. Adams
 Parcel ID Numbers: 165912-96-6490, 165912-97-6270, 166905-07-1503, 166905-07-0894,
 166905-07-2906, 165908-98-8050, 165908-97-4746, 165912-87-5175
 Tag #s: 03030069, 05H02017A, 05H02017M, 05H02017K, 05H02017P, 05H02017O,
 05H02017C, 05030071
 File Number: PDD 2014-111

Produced by: TOC Planning

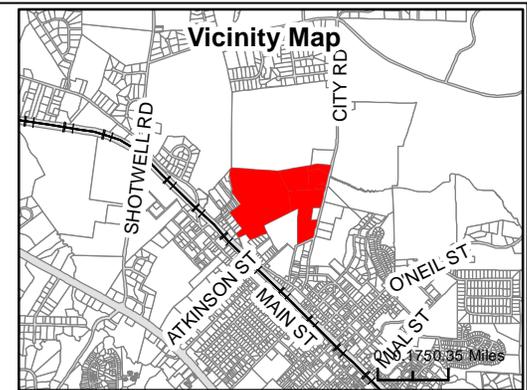
Disclaimer: Town of Clayton assumes no legal responsibility for the information represented here.

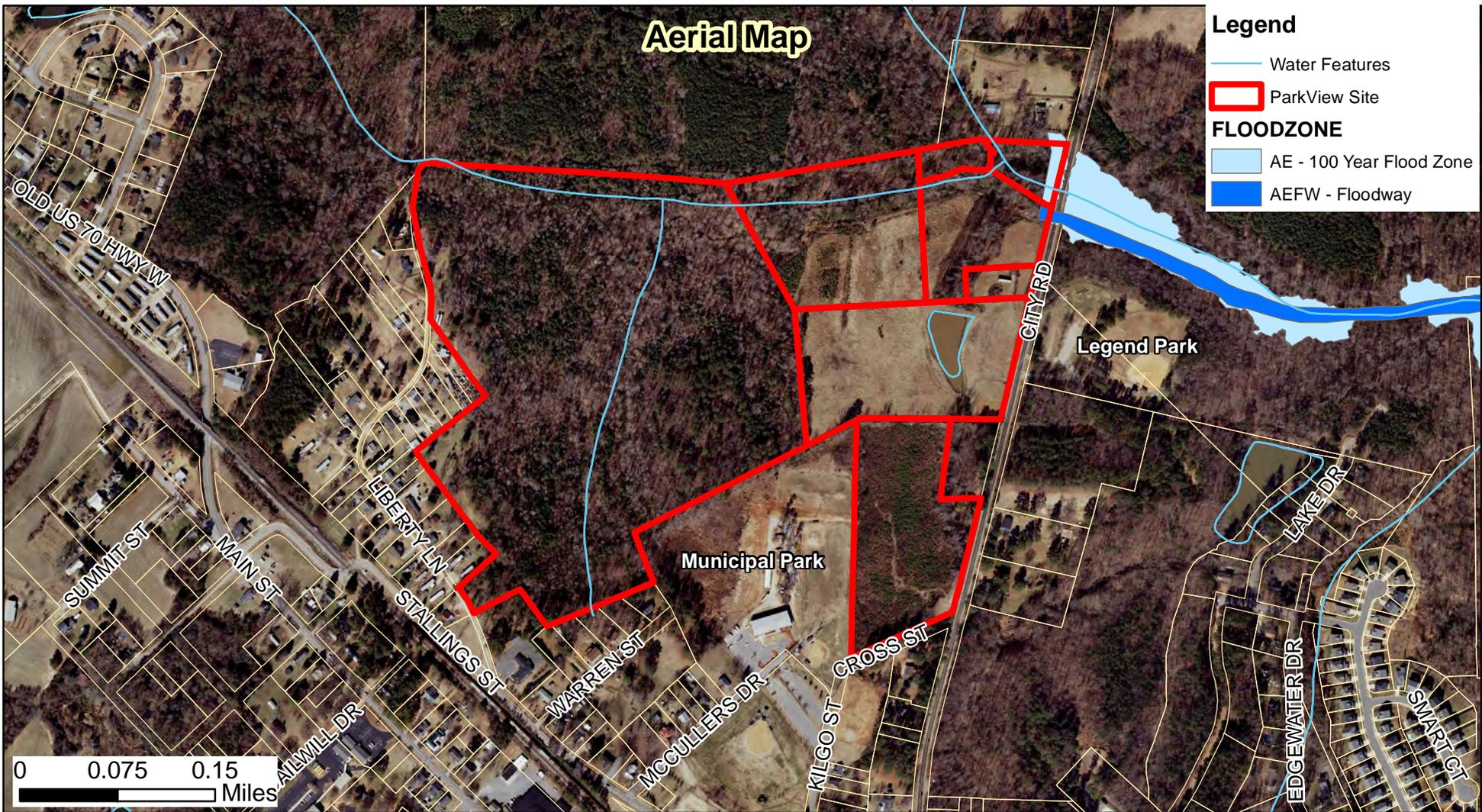


10/20/14

Legend

- | | |
|---------------|-------|
| ParkView Site | B-1 |
| Zoning | B-2 |
| R-E | B-3 |
| R-10 | PD-C |
| R-8 | I-1 |
| R-6 | I-2 |
| PD-R | O-1 |
| O-R | PD-MU |





ParkView Planned Development Rezoning to PD-R

Applicant: DC Adams Engineering, Inc c/o Donnie Adams

Property Owners: Hocutt Baptist Church, Donald C. Adams

Parcel ID Numbers: 165912-96-6490, 165912-97-6270, 166905-07-1503, 166905-07-0894, 166905-07-2906, 165908-98-8050, 165908-97-4746, 165912-87-5175

Tag #s: 03030069, 05H02017A, 05H02017M, 05H02017K, 05H02017P, 05H02017O, 05H02017C, 05030071

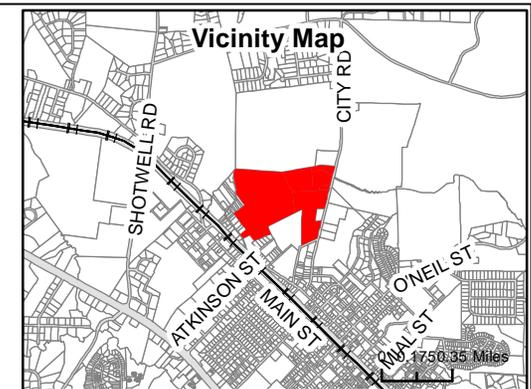
File Number: PDD 2014-111

Produced by: TOC Planning

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



10/20/14





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

SUBDIVISION APPLICATION

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

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

- *Minor Subdivision: \$200.00 + \$5.00/lot.*
- *Major Subdivision: \$400.00 + \$5.00/lot.*
- *Open Space Subdivision = \$700.00 + \$5.00/acre. = \$1114.70*
- *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: PARKVIEW Acreage of Property: 82.94
 Preliminary Plat Approval Date (if applicable): N/A
 Parcel ID Number: SEE ATTACHED LIST Tax ID: SEE ATTACHED LIST
 Location: ON CITY RD ACROSS FROM LEGEND PARK
 Section(s): MASTER SUBDIVISION PLAN Phase(s): _____
 Number of Lots (Existing): 0 (Proposed): 330 Min. Lot Size: 3750 SF
 Zoning District: PDD-RD Planned Development? (Y/N): Y Electric Provider: Duke Energy
 Specific Use: RESIDENTIAL DEVELOPMENT
 Recreation/Open Space Requirement:
 Fee in lieu
 Land Dedication (acreage) _____

FOR OFFICE USE ONLY

File Number: 2014-112
 Date Received: 9/3/14
 Amount Paid: \$2050.00

OWNER INFORMATION:

Name: SEE ATTACHED LIST
Mailing Address: _____
Phone Number: _____ Fax: _____
Email Address: _____

APPLICANT INFORMATION:

Applicant: DC ADAMS ENGINEERING, INC
Mailing Address: 335 ATHLETIC CLUB BLVD, CLAYTON, NC 27527
Phone Number: 919-763-7278 Fax: N/A
Contact Person: DONNIE ADAMS
Email Address: donnie@dcadamspe.com

REQUIRED PLANS AND SUPPLEMENTAL INFORMATION

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

- Required plans (please see the plan requirements checklist below).
- Road Name Approval Application (if applicable).
- 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.

Donnie Adams Jr
Print Name

[Signature]
Signature of Applicant

9/2/2014
Date

APPLICANT STATEMENT – MAJOR SUBDIVISIONS ONLY

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- (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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*** DISCLAIMER ***

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



Result 1

id: 05030069
 Tag: 05030069
 Tax Unique Id: 3813376
 NCPin: 165912-96-6490
 Mapsheet No: 165912
 Owner Name 1: HOCUTT BAPTIST CHURCH
 Owner Name 2:
 Mail Address 1: 314 W HORNE ST
 Mail Address 2:
 Mail Address 3: CLAYTON, NC 27520-0000
 Site Address 1:
 Site Address 2:
 Book: 03462
 Page: 0352
 Market Value: 77040
 Assessed Acreage: 8.42
 Calc. Acreage: 8.424
 Sales Price: 0
 Sale Date: 2007-12-05



Scale: 1:17872 - 1 in. = 1489.29 feet

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

Johnston County GIS
September 2, 2014



*** DISCLAIMER ***

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Result 2

id: 05H02017A
 Tag: 05H02017A
 Tax Unique Id: 3857188
 NCPin: 165912-97-6270
 Mapsheet No: 165912
 Owner Name 1: HOCUTT BAPTIST CHURCH
 Owner Name 2:
 Mail Address 1: 314 W HORNE ST
 Mail Address 2:
 Mail Address 3: CLAYTON, NC 27520-0000
 Site Address 1:
 Site Address 2:
 Book: 02787
 Page: 0365
 Market Value: 85310
 Assessed Acreage: 9.64
 Calc. Acreage: 9.624
 Sales Price: 0
 Sale Date: 2004-10-28

Result 3

id: 05H02017M
 Tag: 05H02017M
 Tax Unique Id: 3817334
 NCPin: 166905-07-1503
 Mapsheet No: 166905
 Owner Name 1: HOCUTT BAPTIST CHURCH
 Owner Name 2:
 Mail Address 1: 314 W HORNE ST
 Mail Address 2:
 Mail Address 3: CLAYTON, NC 27520-0000
 Site Address 1:
 Site Address 2:
 Book: 02787
 Page: 0365
 Market Value: 28560
 Assessed Acreage: 0.8
 Calc. Acreage: 0.802
 Sales Price: 0
 Sale Date: 2004-10-28

Result 4

id: 05H02017K
 Tag: 05H02017K
 Tax Unique Id: 3870071
 NCPin: 166905-07-0894
 Mapsheet No: 166905
 Owner Name 1: HOCUTT BAPTIST CHURCH
 Owner Name 2:
 Mail Address 1: 314 W HORNE ST
 Mail Address 2:
 Mail Address 3: CLAYTON, NC 27520-0000
 Site Address 1:
 Site Address 2:
 Book: 02787
 Page: 0365
 Market Value: 60320
 Assessed Acreage: 4.57
 Calc. Acreage: 4.59
 Sales Price: 0
 Sale Date: 2004-10-28

Result 5

id: 05H02017P
 Tag: 05H02017P
 Tax Unique Id: 3817335
 NCPin: 166905-07-2906
 Mapsheet No: 166905
 Owner Name 1: HOCUTT BAPTIST CHURCH
 Owner Name 2:
 Mail Address 1: 314 W HORNE ST
 Mail Address 2:
 Mail Address 3: CLAYTON, NC 27520-0000
 Site Address 1:
 Site Address 2:
 Book: 02787
 Page: 0365
 Market Value: 36290
 Assessed Acreage: 1.26
 Calc. Acreage: 1.28
 Sales Price: 0
 Sale Date: 2004-10-28



*** DISCLAIMER ***

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Result 6

id: 05H020170
Tag: 05H020170
Tax Unique Id: 3870072
NCPin: 165908-98-8050
Mapsheets No: 165908
Owner Name 1: HOCUTT BAPTIST CHURCH
Owner Name 2:
Mail Address 1: 314 W HORNE ST
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-0000
Site Address 1:
Site Address 2:
Book: 02787
Page: 0365
Market Value: 21330
Assessed Acreage: 0.79
Calc. Acreage: 0.793
Sales Price: 0
Sale Date: 2004-10-28

Result 7

id: 05H02017C
Tag: 05H02017C
Tax Unique Id: 3870070
NCPin: 165908-97-4746
Mapsheets No: 165908
Owner Name 1: HOCUTT BAPTIST CHURCH
Owner Name 2:
Mail Address 1: 314 W HORNE ST
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-0000
Site Address 1:
Site Address 2:
Book: 02787
Page: 0365
Market Value: 61690
Assessed Acreage: 8.79
Calc. Acreage: 8.79
Sales Price: 0
Sale Date: 2004-10-28

Result 8

id: 05030071
Tag: 05030071
Tax Unique Id: 3796483
NCPin: 165912-87-5175
Mapsheets No: 165912
Owner Name 1: ADAMS, DONALD C
Owner Name 2:
Mail Address 1: 1340 OLD DRUG STORE RD
Mail Address 2:
Mail Address 3: GARNER, NC 27529-7610
Site Address 1:
Site Address 2:
Book: 04309
Page: 0823
Market Value: 266590
Assessed Acreage: 48.67
Calc. Acreage: 48.72
Sales Price: 0
Sale Date: 2013-06-17

NEIGHBORHOOD MEETING MATERIALS
PDD 2014-111 AND PSD 2014-112

NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Date of Mailing: 10/8/2014

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

Printed Name: Donald C. Adams, Jr Signature: 

Date of Meeting: 10/20/2014 Time of Meeting: 6:00 PM

Location of Meeting: Legend Park

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.*

~~See Attached~~

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

Neighborhood Meeting Minutes for:

PDD 2014-111 Parkview Planned Development (rezoning)

PSD 2014-112 Parkview Master Plan (preliminary subdivision plat)

- The meeting was opened at 6:05PM by Reid Smith (developer) who gave an overall summary of Parkview.
- An adjacent owner asked where the sewer outfall line was to be located. Donnie Adams addressed the question and pointed out the location on the plan.
- A member of New Generation Fellowship Church asked how the project would affect their property. Donnie Adams pointed out the location of the church in relation to the project and explained that there would be at least a 20' buffer between the proposed lots and the church property.
- An adjacent owner raised a question about density. Donnie Adams stated that the overall density requested was 330 units which is less than the current zoning would allow (approx. 360 units)
- A question was raised about the number of phases and start date. Reid Smith stated that the project would be constructed in approximately 6 to 8 phases based upon market demand. He indicated that construction on the first phase would begin in early Spring 2015 (pending Town approval)
- An adjacent owner asked what the project would do to property values. Reid Smith stated that in his opinion the property values in the surrounding areas would increase.
- There were several representatives from the Civitan Club that attended the meeting to understand the proposed project and voice some concerns. In general, the Civitan Club representatives had no problems with the proposed development. However, they voiced concerns about potential future residents complaining about the normal operation of club activities at night and on weekend nights. Getting complaints about lights and noise were their biggest concerns.
- Reid Smith acknowledged the concerns and indicated that the developer would work with the Civitan as a good neighbor to better understand and address their concerns.
- After a final call for questions or comments and hearing none, the meeting was closed at 6:40PM.

PARKVIEW

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Applicant: DC Adams Engineering

Location/Date: LEGEND PARK / 10/20/2014

	NAME	ADDRESS
1	Buddy Melvin	340 CIVITAN McCuller St
2	Troy M. Smith	" CIVITAN "
3	Judy Smith	" CIVITAN "
4	Christy Adams Jaram	
5	GEORGE ROSS	340 CIVITAN McCuller St
6	RECHARD BAUMGARTNER	" CIVITAN "
7	Scott Carroll	" CIVITAN "
8	Janet Daniel	671 City Rd
9	Larry Daniel	" "
10	Gary Bunn	CIVITAN 1025 Ridge Drive - Clayton NC
11	Johnny Williams	65 CIVITAN WILSON JONES RD.
12	Joe Mims	920 City Rd -
13	Jim Klingenberg	340 Civitan
14	Wm Royal	" "
15	ROY LYON	" "
16	Judy Smith	Civitan
17	MAUR COATS	CIVITAN PRESIDENT
18	MIKE BEASLEY	Liberty LANE
19	BARBARA BEASLEY	Liberty LANE
20	DONNIE ADAMS	DC Adams Engineering
	REID SMITH	CITY ROAD, LLC

DC Adams Engineering, Inc.

335 Athletic Club Blvd
Clayton, NC 27527

Office: 919-763-7278
donnie@dcadamspe.com
Firm # C-3894

October 8, 2014

Dear Clayton Area Property Owner:

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

Meeting Date: October 20, 2014

Location: Legend Park (550 City Rd, Clayton, NC)

Time: 6:00 PM

Type of Application: Rezoning and Major Subdivision Plan

General Description: The applicant is requesting rezoning to Planned Development – Residential. The subdivision plan is for a residential subdivision.

If you have any questions prior to or after this meeting, you may contact us at 919-763-7278.

Sincerely,

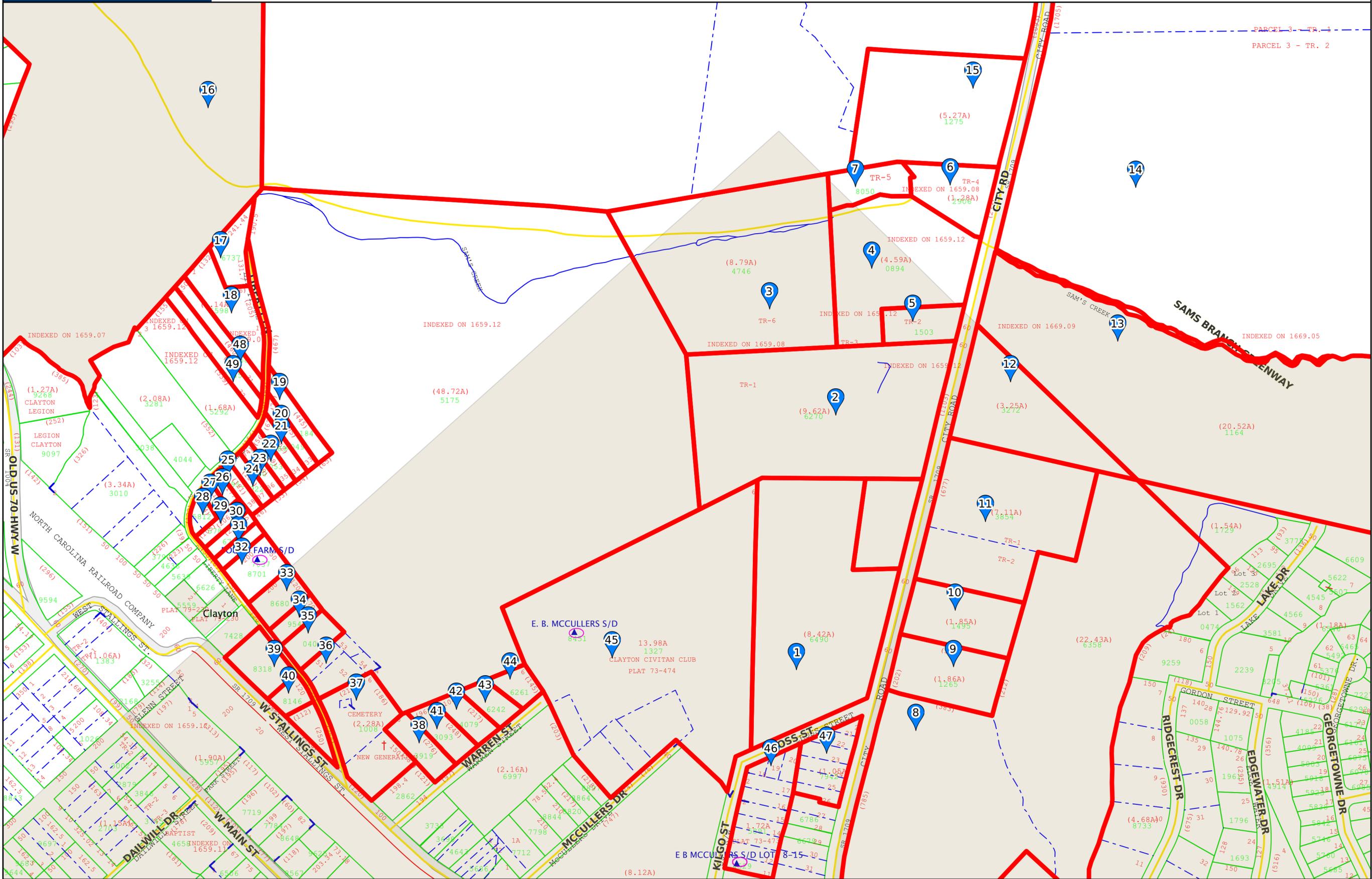
Donnie Adams, PE

cc: Clayton Planning Dept.



*** DISCLAIMER ***

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

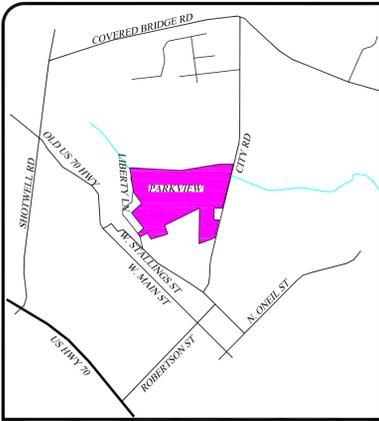


Scale: 1:2762 - 1 in. = 230.15 feet

(The scale is only accurate when printed landscape on a 11 x 17 size sheet with no page scaling.)



Johnston County GIS
August 29, 2014



VICINITY MAP
(NO SCALE)



MASTER PLAN
 FOR
PARKVIEW
 IN
TOWN OF CLAYTON, NC

SHEET INDEX

DEVELOPER/APPLICANT:

CITY ROAD, LLC
 324 EAST MAIN STREET
 Clayton, NC 27527
 CONTACT/AGENT: DONNIE C. ADAMS
 919 763-7278

<u>SHEET TITLE</u>	<u>SHEET No.</u>
MASTER PLAN.....	1
REGULATING SHEET 1.....	2
REGULATING SHEET 2.....	3
SITE PHASES.....	4
PRELIMINARY ENGINEERING DESIGN.....	5
EXISTING CONDITIONS.....	6



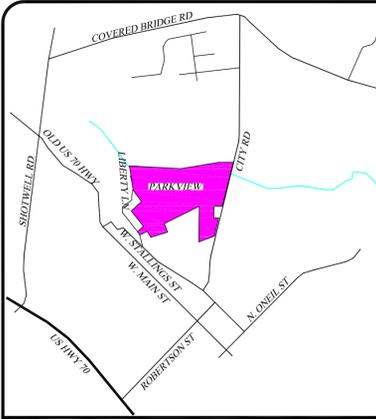
PARKVIEW

CITY ROAD LLC, CLAYTON, NC 27527

REVISED PER TOWN COMMENTS
DECEMBER 18, 2014

NOT RELEASED FOR
CONSTRUCTION





VICINITY MAP
(NO SCALE)



SITE DATA:

SITE ADDRESS: CITY ROAD
TOWN LIMIT OR ETJ: WITHIN TOWN OF CLAYTON, TOWN LIMIT
ACREAGE: 82.94 ACRES (3,612,866 SF)
NC PIN NUMBER: 165912-87-5175, 165912-96-6490, 165912-97-6270, 166905-07-1503, 166905-07-0894, 166905-07-2906, 16608-98-8050, & 165908-97-4756

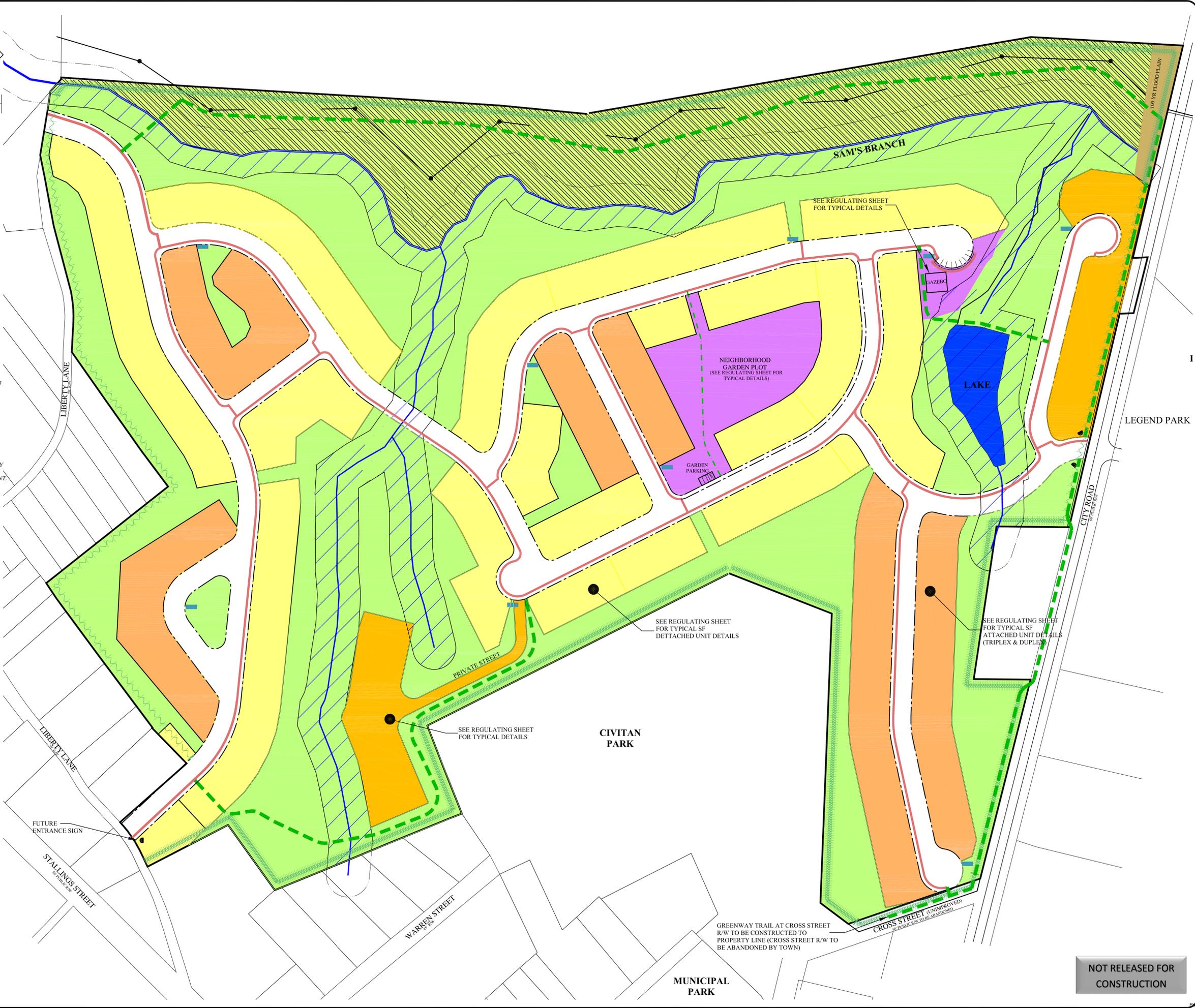
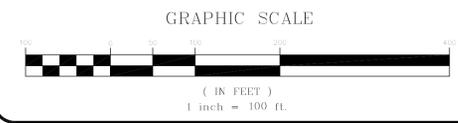
OWNERS & ADDRESSES:
 DONALD C. ADAMS
 1340 OLD DRUG STORE RD
 GARNER, NC 27529

HOCUTT BAPTIST CHURCH
 314 W. HORNE ST
 CLAYTON, NC 27520

CURRENT ZONING: R-10
PROPOSED ZONING: PD-R
EXISTING USE: VACANT
PROPOSED DENSITY: 330 UNITS/4 UNITS PER ACRE
 THIS DENSITY IS BASED ON A MIX OF 45 TOWNHOMES, 195 DETACHED UNITS AND 90 ATTACHED UNITS.

MAXIMUM IMPERVIOUS AREA: 1625,790 SF/ 45%
WATERSHED PROTECTION OVERLAY: NO
100 YR FLOOD PLAIN: YES A PORTION
ELECTRIC PROVIDER: DUKE ENERGY PROGRESS
WATER PROVIDER: TOWN OF CLAYTON
SEWER PROVIDER: TOWN OF CLAYTON
PROPOSED USE: SINGLE FAMILY ATTACHED DWELLINGS, SINGLE FAMILY DETACHED DWELLINGS AND/ OR TOWNHOMES. THE SPECIFIC LOCATION, MIX, AND NUMBER OF EACH TYPE MAY CHANGE AS THE MARKET DEMANDS PROVIDING THE OVERALL PROPOSED DENSITY IS NOT EXCEEDED. ANY CHANGES TO LOCATION, MIX, AND NUMBER MUST BE APPROVED BY TOWN OF CLAYTON PLANNING DEPARTMENT.

LEGEND:	
	SINGLE FAMILY DETACHED (195 LOTS)
	SINGLE FAMILY ATTACHED (90 LOTS)
	TOWNHOMES (45 UNITS)
	OPEN SPACE
	AMENITY
	LAND TO BE DEDICATED TO TOWN OF CLAYTON
	ENTRANCE SIGNAGE
	100 YEAR FLOODPLAIN
	RCA (RESOURCE CONSERVATION AREA)
	GREENWAY TRAIL (5,962 LF)
	GRAVEL/MULCH FOOTPATH
	SIDEWALK (8,493 LF)
	BUFFERED STREAM
	CLASS C BUFFER (TO REMAIN IN NATURAL STATE)
	CLASS C BUFFER (TO BE CREATED)
	MAIL CLUSTER BOX UNIT



REVISIONS:
 1. 10-16-2014 REVISED PER TDC COMMENTS
 2. 11-10-2014 REVISED PER TDC COMMENTS
 3. 12-11-2014 REVISED PER TDC COMMENTS
 4. 12-11-2014 REVISED PER TDC COMMENTS
 5. 12-11-2014 REVISED PER TDC COMMENTS

335 ATHLETIC CLUB BLVD
 CLAYTON, NC 27527
 dominic@dcadadams.com
 919.763.2178
 FIRM # C-3894

DC ADAMS
ENGINEERING, INC

PARKVIEW

CITY ROAD LLC, CLAYTON, NC 27527

MASTER PLAN

FILE: PARKVIEW
 DESIGN: DCA
 DRAWN: DCA
 CHECKED: DCA
 HORIZONTAL SCALE: 1"=100'
 VERTICAL SCALE: N/A

DATE: 8/22/2014
 JOB NO.:
 SHEET: 1 OF 6

Page 5 of 174

NOT RELEASED FOR CONSTRUCTION

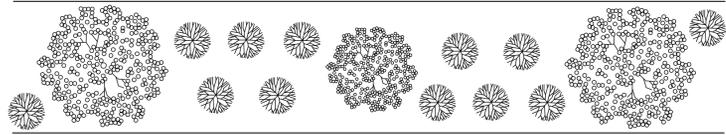
OPEN SPACE INFORMATION

OVERALL OPEN SPACE
 REQUIRED = 12.5% OF TRACT (82.94 ACS) = 10.37 ACS
 PROVIDED = 44.06 ACS (27.04 ACS OUTSIDE RCA)
IMPROVED/ACTIVE OPEN SPACE
 REQUIRED = 25% OF REQ'D OPEN SPACE = 2.59 ACS
 PROVIDED = 4.92 ACS
IMPROVED/ACTIVE BREAKDOWN
 GAZEBO SPACE = 0.43 ACS
 NEIGHBORHOOD GARDEN = 2.14 ACS
 GREENWAT TRAIL = 2.35 ACS
LAND DEDICATED TO TOWN
 GREENWAY TRAIL = 1.16 ACS
 RCA = 3.29 ACS
 OTHER = 5.88 ACS

RESOURCE CONSERVATION AREA (RCA)
 PARKVIEW RCA = 11.07 ACRES
 TOWN OF CLAYTON RCA = 3.29 ACRES
RESOURCE CONSERVATION AREAS
 1. RESOURCE CONSERVATION AREAS AS DEFINED BY SECTION 155.500 OF THE UNIFIED DEVELOPMENT ORDINANCE (UDO) SHALL BE IDENTIFIED ON PLATS AS BEING PERMANENTLY SET ASIDE. THESE AREAS SHALL INCLUDE JURISDICTIONAL WETLANDS, 100 YEAR FLOOD PLAINS AND STREAM BUFFERS (AS DEFINED IN SECTION 155.502(A)(1) OF THE UDO).
 2. RESOURCE CONSERVATION AREAS SHALL BE PROTECTED IN PERPETUITY BY A BINDING LEGAL INSTRUMENT THAT IS RECORDED WITH THE DEED. THE INSTRUMENT FOR PERMANENT PROTECTION SHALL INCLUDE CLEAR RESTRICTIONS ON THE USE OF THE OF RESOURCE CONSERVATION AREA AS DESCRIBED IN SECTION 155.500(F) OF THE UDO.

CLASS C BUFFER DETAIL

(PLANTS /100 LF)
 ALTERNATE 3
 20'



6' WALL, FENCE, HEDGE, BERM, OR COMBINATION
 2 CANOPY TREES
 1 UNDERSTORY TREE
 12 SHRUBS

NOTE EXISTING TREES SHALL BE PRESERVED TO THE GREATEST EXTENT POSSIBLE (REQUIRED BY UDC.)

NEIGHBORHOOD GARDEN PLOT

NOTE NEIGHBORHOOD PARKS AND AMENITIES, INCLUDING GARDEN PLOTS, SHALL BE REVIEWED AS MINOR SITE PLANS.



ARBOR ENTRANCE

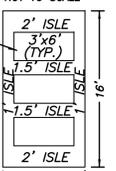
NEIGHBORHOOD GARDEN ENTRANCE ARBOR AND ADJACENT FENCING (WOOD OR VINYL).



TYPICAL NEIGHBORHOOD GARDEN SHED

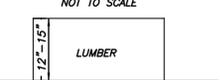
APPROXIMATELY 8'x10'
 (PAINTED WOOD OR VINYL)

TYPICAL GARDEN PLOT BED LAYOUT



- EACH GARDEN PLOT WILL BE APPROX. 8'x16'
 - EACH GARDEN PLOT CAN HOLD UP TO THREE RAISED BEDS (3'x6')
 - GARDEN AREA TO HAVE IRRIGATION
 - LAYOUT MAY VARY DEPENDING ON TOPOGRAPHY AND DEMAND.
 - SPECIFIC PLOT ASSIGNMENTS AND RULES TO BE GOVERNED BY HOA.

TYPICAL RAISED BED DETAIL



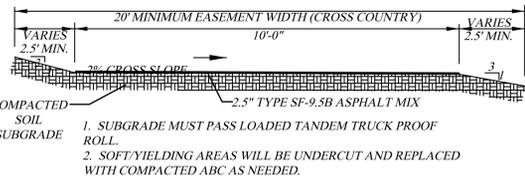
TYPICAL STREET LIGHT DETAIL



16" BLACK FIBERGLASS POLE WITH ACORN STYLE LIGHT COVER

TYPICAL GREENWAY PAVEMENT SECTION

NOT TO SCALE

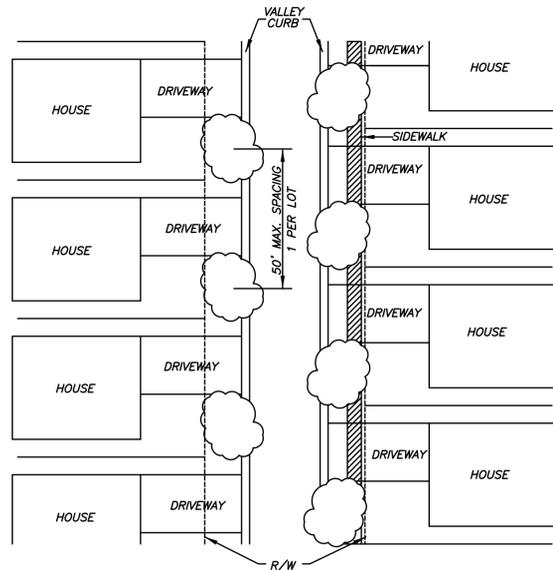


1. SUBGRADE MUST PASS LOADED TANDEM TRUCK PROOF ROLL.
 2. SOFT/YIELDING AREAS WILL BE UNDERCUT AND REPLACED WITH COMPACTED ABC AS NEEDED.

TYPICAL STREET

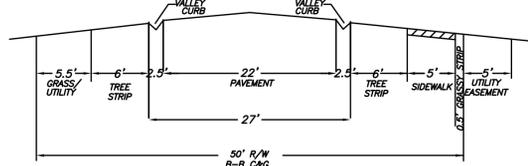
PLAN VIEW
 NOT TO SCALE

NOTE ALL STREETS ARE PUBLIC UNLESS NOTED OTHERWISE.



TYPICAL STREET

CROSS SECTION
 NOT TO SCALE



NOTE STREET TREE SPECIES SHALL BE CANOPY TREES, MINIMUM 8 FEET IN HEIGHT AND 2.5 INCH CALIPER, AND APPROVED BY TOWN OF CLAYTON.



GAZEBO

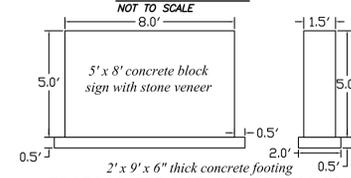
1. APPROXIMATELY 16'x16' PAINTED WOOD OR VINYL CONSTRUCTION.
 2. CONCRETE FLOOR WITH WALKWAY.
 3. PERIMETER LANDSCAPE MAY BE ADDED AS NEEDED.
 NOTE NEIGHBORHOOD PARKS AND AMENITIES, INCLUDING GARDEN PLOTS, SHALL BE REVIEWED AS MINOR SITE PLANS.

TYPICAL MAIL CLUSTER BOX UNIT



NOTE FINAL LOCATION AND CONFIGURATION OF CLUSTER MAILBOX UNITS SHALL BE DETERMINED IN THE FINAL PLAT SITE PLAN REVIEW AS APPLICABLE FOR EACH PHASE. CBU'S SHALL BE APPROVED BY THE USPS.

ENTRANCE SIGNS



TO BE LOCATED ON EACH SIDE OF MAIN ENTRANCE FROM CITY ROAD AND THE RIGHT SIDE FUTURE ENTRANCE FROM LIBERTY LANE.



NOTE SEE MASTER PLAN FOR APPROXIMATE LOCATIONS

OFFSITE AMENITIES COVERED BY HOA DUES

RIVERWOOD ATHLETIC CLUB

OUTDOOR POOLS
 INDOOR POOL
 WORKOUT FACILITY
 WALKING TRAILS

LIONSGATE ATHLETIC CLUB

OUTDOOR POOL
 WORKOUT FACILITY

TRALEE ATHLETIC CLUB

OUTDOOR POOL
 WORKOUT FACILITY

RIVERWOOD GOLF CLUB

27 HOLE GOLF COURSE & DRIVING RANGE

EAGLE RIDGE GOLF CLUB

18 HOLE GOLF COURSE & DRIVING RANGE

OLD LIBERTY GOLF CLUB

18 HOLE GOLF COURSE & DRIVING RANGE

HEDDINGHAM GOLF CLUB

18 HOLE GOLF COURSE & DRIVING RANGE



NEIGHBORHOOD GARDEN PLOT LAYOUT

NOT TO SCALE



355 ATHLETIC CLUB BLVD
 CLAYTON, NC 27527
 dominic@dgadams.com
 919.763.2178
 FIRM # C-3894

DG ADAMS
 ENGINEERING, INC



PARKVIEW
 CITY ROAD LLC, CLAYTON, NC 27527

REGULATING SHEET 1

FILE: PARKVIEW
 DESIGN: DCA
 DRAWN: DCA
 CHECKED: DCA
 HORIZONTAL SCALE: N/A
 VERTICAL SCALE: N/A

DATE: 9/29/2014
 JOB NO.:

SHEET 2 OF 6

NOT RELEASED FOR CONSTRUCTION

HOUSING TYPES

NOTES

1. SETBACKS AS SHOWN ON EACH TYPICAL DETAIL.
2. MAXIMUM BUILDING HEIGHT = 35'
3. MAXIMUM IMPERVIOUS ARE PER LOT = 75%
4. MAXIMUM LOT COVERAGE = 50%
5. MINIMUM LOT SIZE = 2750 SF
6. HOUSING TYPES SHALL BE SELECTED FROM THE TYPICALS SHOWN HERE. ALL TYPES ARE NOT REQUIRED BUT A MIXTURE OF TYPES IS REQUIRED. AN EXAMPLE OF MIXTURE WOULD BE SINGLE FAMILY DETACHED AND TOWNHOMES.

SINGLE FAMILY DETACHED

NOT TO SCALE

NOTE PHASES TO BE SUBDIVIDED SHALL REQUIRE FINAL PLAT REVIEW AND APPROVAL BY THE TOWN OF CLAYTON.

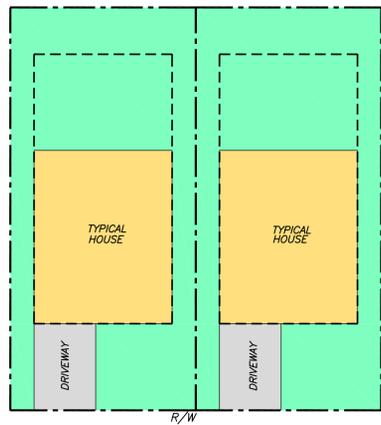


TYPICAL ELEVATION

MINIMUM BUILDING SETBACKS

- FRONT = 18'
- SIDE = 5'
- REAR = 10'
- STREET SIDE = 12'
- BUILDING SEPARATION = 10'

NOTE:
MINIMUM LOT WIDTH = 32'
MINIMUM LOT DEPTH = 80'



SINGLE FAMILY ATTACHED

NOT TO SCALE

NOTE PHASES TO BE SUBDIVIDED SHALL REQUIRE FINAL PLAT REVIEW AND APPROVAL BY THE TOWN OF CLAYTON.

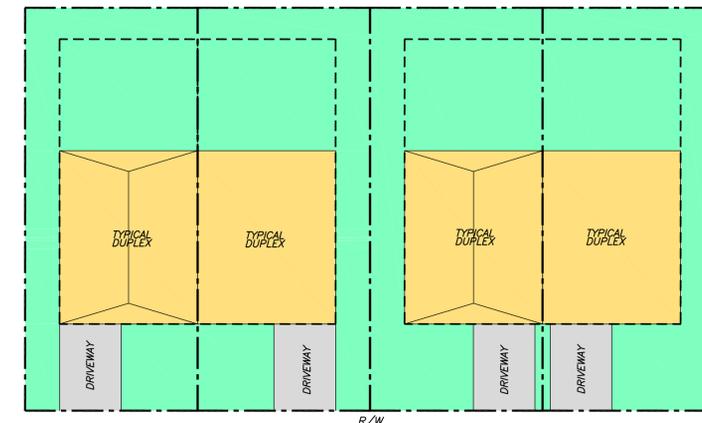


TYPICAL ELEVATION

MINIMUM BUILDING SETBACKS

- FRONT = 18'
- SIDE = 5'
- REAR = 10'
- STREET SIDE = 12'
- INTERIOR SIDE = ZERO LOT LINE
- BUILDING SEPARATION = 10'

NOTE:
MINIMUM LOT WIDTH = 32'
MINIMUM LOT DEPTH = 80'



SINGLE FAMILY ATTACHED

NOT TO SCALE

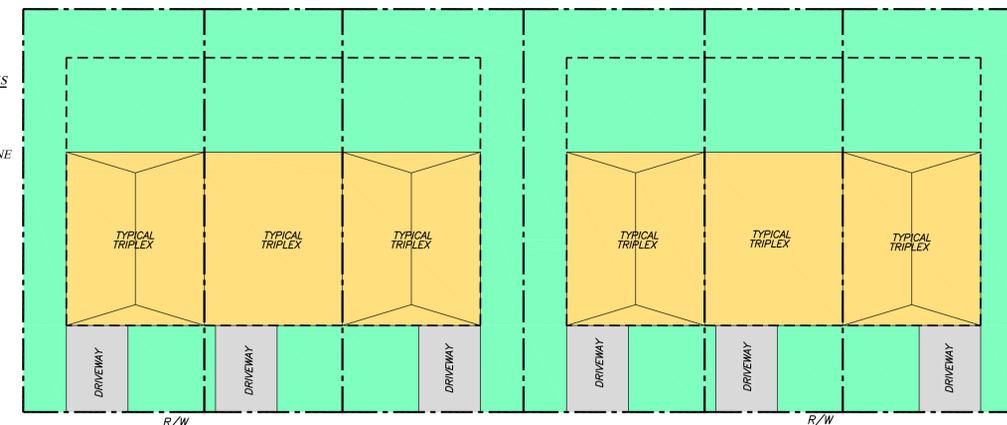
NOTE PHASES TO BE SUBDIVIDED SHALL REQUIRE FINAL PLAT REVIEW AND APPROVAL BY THE TOWN OF CLAYTON.



TYPICAL ELEVATION

- MINIMUM BUILDING SETBACKS**
- FRONT = 18'
 - SIDE = 5'
 - REAR = 10'
 - STREET SIDE = 12'
 - INTERIOR SIDE = ZERO LOT LINE
 - BUILDING SEPARATION = 10'

NOTE:
MINIMUM LOT WIDTH = 32'
MINIMUM LOT DEPTH = 80'



TOWNHOMES

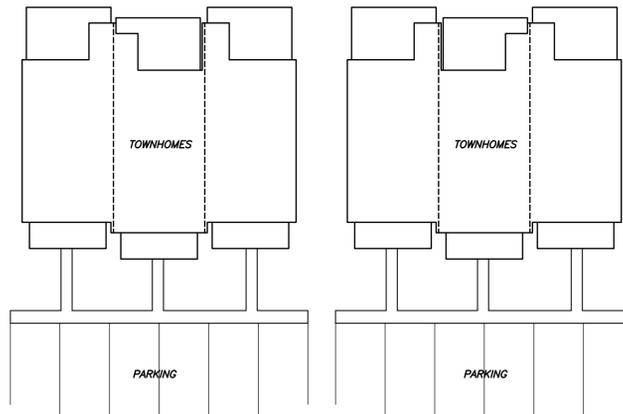
NOT TO SCALE

NOTE

1. TOWNHOME PHASES SHALL REQUIRE MAJOR SITE PLAN REVIEW AND APPROVAL AND SHALL BE SUBJECT TO ALL APPLICABLE DESIGN STANDARDS FOR TOWNHOME DEVELOPMENT SET FORTH IN THE UNIFIED DEVELOPMENT CODE.
2. UNITS TO BE FEE SIMPLE OWNERSHIP.
3. BUILDINGS TO HAVE A MINIMUM OF 10' SEPARATION.



TYPICAL ELEVATION



REVISED PER TDC COMMENTS
REVISED PER TDC COMMENTS
REVISED PER TDC COMMENTS
REVISED PER TDC COMMENTS

DC ADAMS
ENGINEERING, INC

PARKVIEW
CITY ROAD LLC, CLAYTON, NC 27527

REGULATING SHEET 2

FILE
PARKVIEW
DESIGN
DCA
DRAWN
DCA
CHECKED
DCA
HORIZONTAL SCALE
N/A
VERTICAL SCALE
N/A

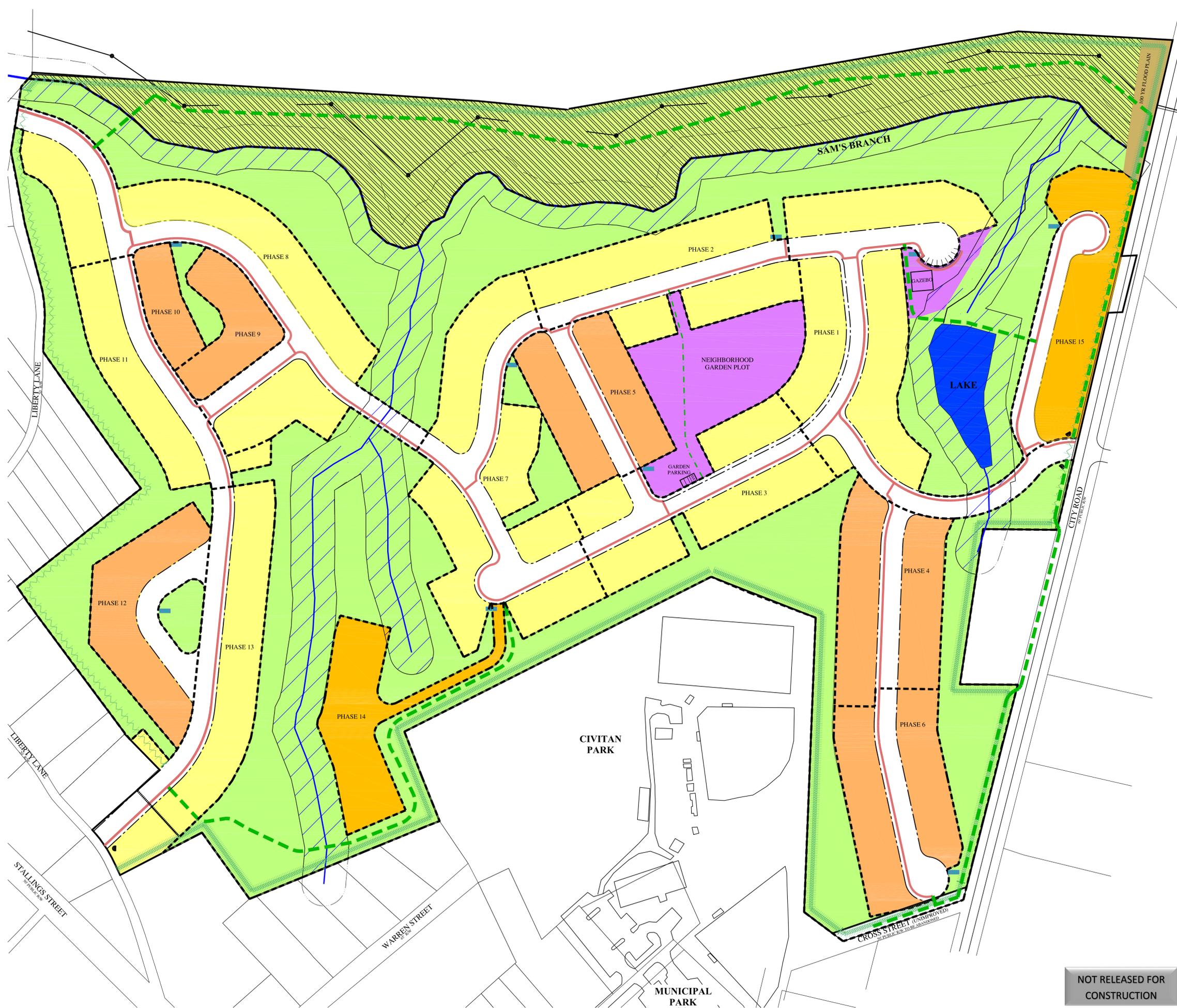
DATE
9/29/2014
JOB NO.

SHEET
3
OF
6

NOT RELEASED FOR CONSTRUCTION



VICINITY MAP
(NO SCALE)

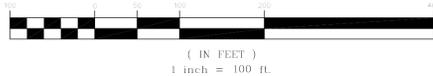


LEGEND:

	SINGLE FAMILY DETACHED (195 LOTS)
	SINGLE FAMILY ATTACHED (90 LOTS)
	TOWNHOMES (45 UNITS)
	OPEN SPACE
	AMENITY
	LAND TO BE DEDICATED TO TOWN OF CLAYTON
	ENTRANCE SIGNAGE
	100 YEAR FLOODPLAIN
	RCA (RESOURCE CONSERVATION AREA)
	GREENWAY TRAIL (5,962 LF)
	GRAVEL/MULCH FOOTPATH
	SIDEWALK (8,493 LF)
	BUFFERED STREAM
	CLASS C BUFFER (TO REMAIN IN NATURAL STATE)
	CLASS C BUFFER (TO BE CREATED)
	MAIL CLUSTER BOX UNIT

NOTE
THIS PHASING PLAN IS THE DEVELOPER'S ESTIMATE BASED ON CURRENT MARKET CONDITIONS. AS THE DEVELOPMENT PROCEEDS, CHANGES TO THE PHASING PLAN WILL BE ADDRESSED/APPROVED BY TOWN OF CLAYTON PLANNING STAFF.

GRAPHIC SCALE



REVISIONS:
1. 10-24-2014 REVISED PER TOC COMMENTS
2. 11-18-2014 REVISED PER TOC COMMENTS
3. 12-18-2014 REVISED PER TOC COMMENTS

335 ATHLETIC CLUB BLVD
CLAYTON, NC 27527
dom@dgadams.com
919.763.7278
FIRM # C-3894

DG ADAMS
ENGINEERING, INC

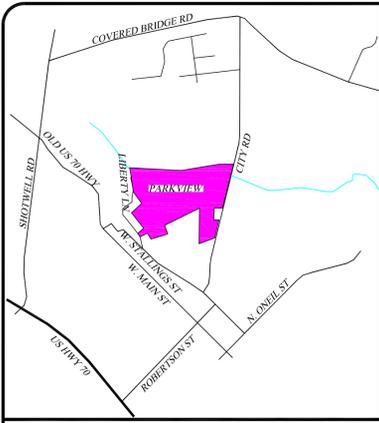
DCA

PARKVIEW
CITY ROAD LLC, CLAYTON, NC 27527

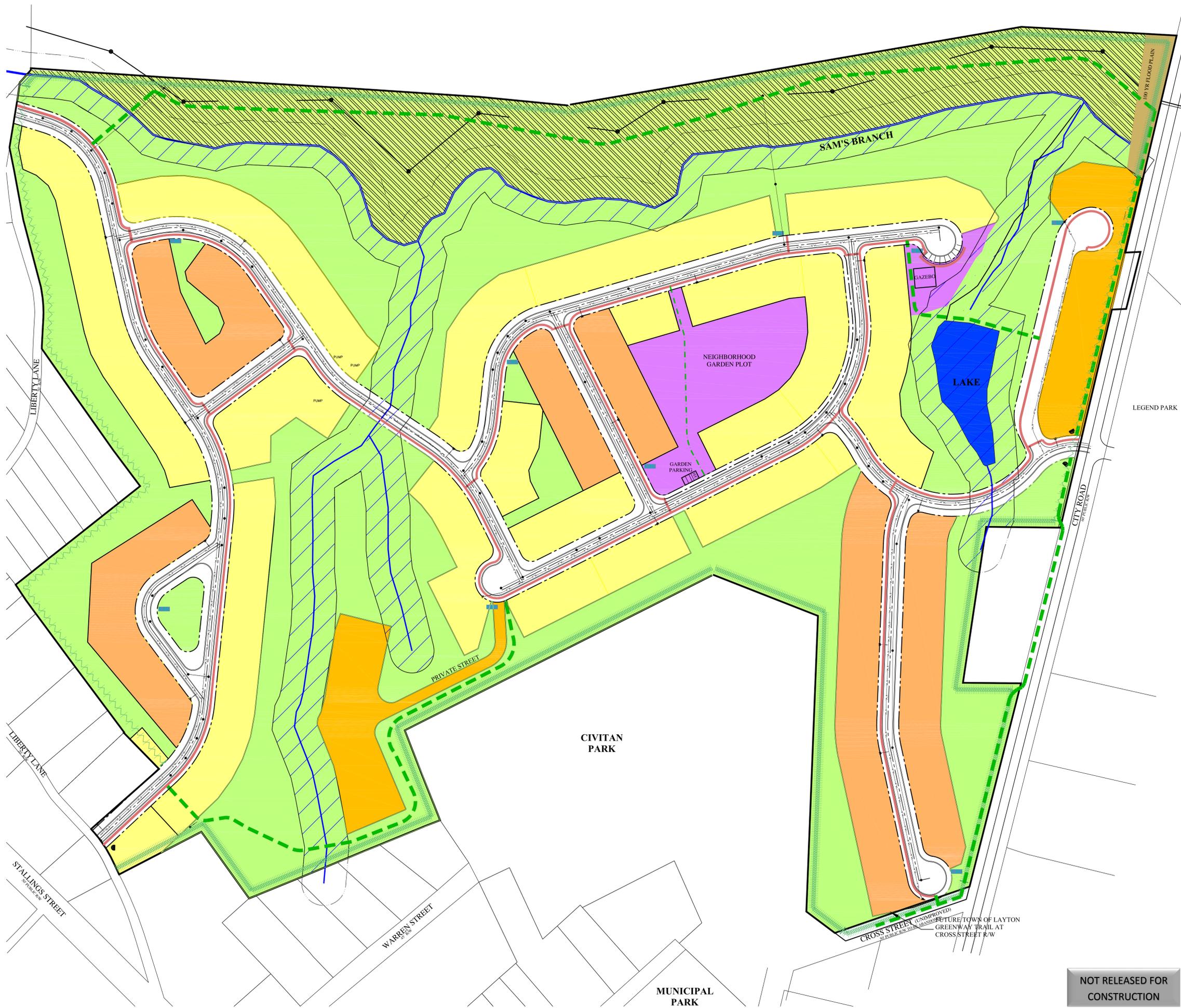
SITE PHASES

FILE	PARKVIEW
DESIGN	DCA
DRAWN	DCA
CHECKED	DCA
HORIZONTAL SCALE	1"=100'
VERTICAL SCALE	N/A
DATE	8/22/2014
JOB NO.	
SHEET	4
	OF
	6

NOT RELEASED FOR CONSTRUCTION



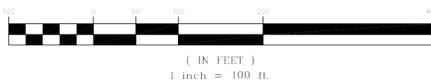
VICINITY MAP
(NO SCALE)



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

LEGEND	
EXISTING	PROPOSED

GRAPHIC SCALE



REVISIONS:
1. 10-24-2014 REVISED PER TDC COMMENTS
2. 10-24-2014 REVISED PER TDC COMMENTS
3. 12-18-2014 REVISED PER TDC COMMENTS

335 ATHLETIC CLUB BLVD
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PARKVIEW
CITY ROAD LLC, CLAYTON, NC 27527

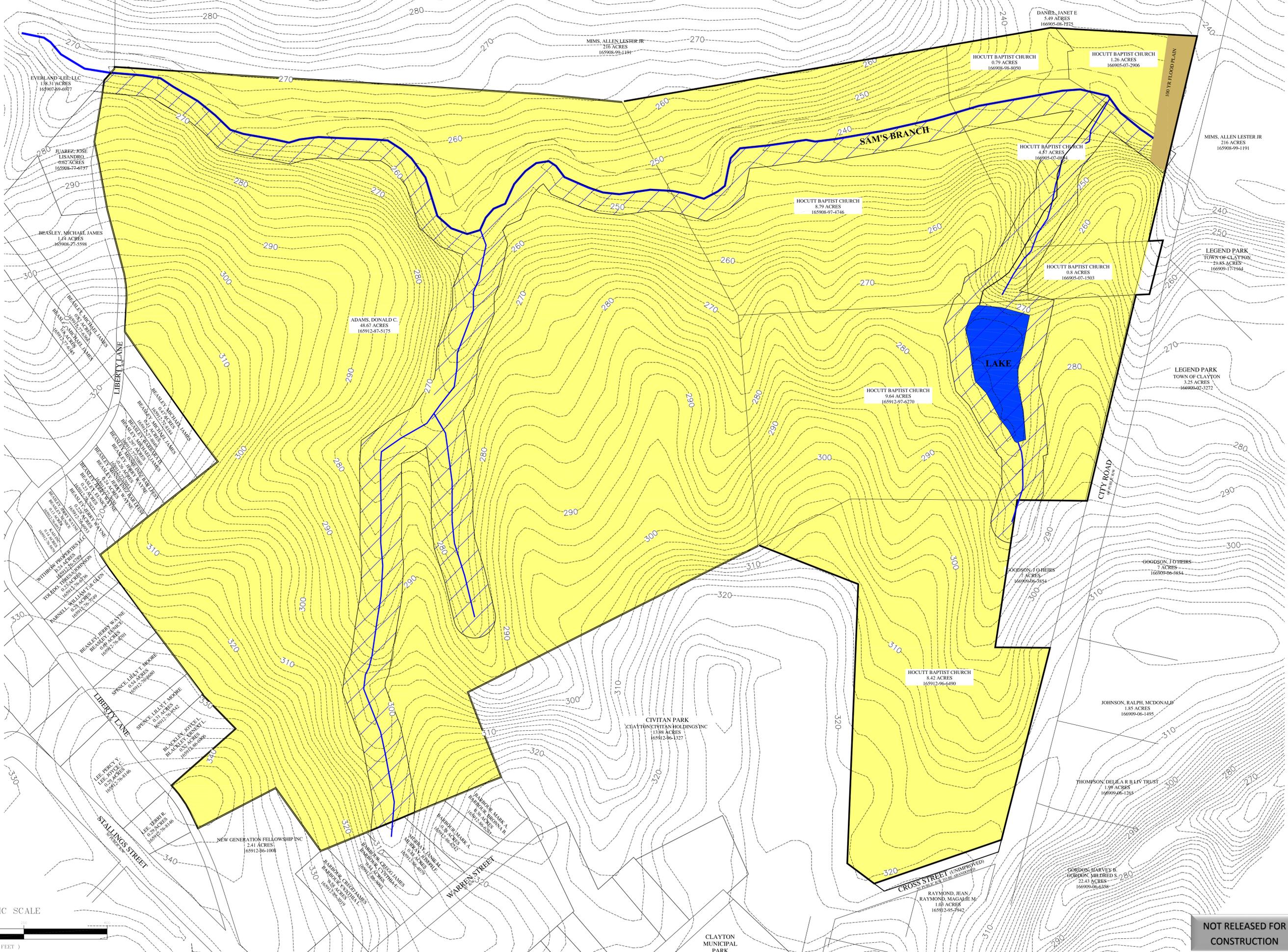
PRELIMINARY ENGINEERING
DESIGN

FILE: PARKVIEW
DESIGN: DCA
DRAWN: DCA
CHECKED: DCA
HORIZONTAL SCALE: 1"=100'
VERTICAL SCALE: N/A

DATE: 8/22/2014
JOB NO.:

SHEET 5 OF 6

NOT RELEASED FOR
CONSTRUCTION



NOT RELEASED FOR CONSTRUCTION

REVISIONS:
 1. 08-14-2014 REVISED PER TDC COMMENTS
 2. 10-24-2014 REVISED PER TDC COMMENTS
 3. 12-18-2014 REVISED PER TDC COMMENTS

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ENGINEERING, INC

SHYDU

PARKVIEW
 CITY ROAD LLC, CLAYTON, NC 27527

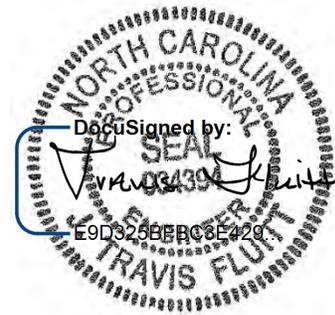
EXISTING CONDITIONS

FILE	PARKVIEW
DESIGN	DCA
DRAWN	DCA
CHECKED	DCA
HORIZONTAL SCALE	1"=100'
VERTICAL SCALE	N/A
DATE	8/22/2014
JOB NO.	
SHEET	6
OF	6

Page 1 of 174

December 23, 2014

Mr. Donnie Adams
DC Adams Engineering, Inc.
335 Athletic Club Blvd.
Clayton, NC 27527



RE: *Parkview, Clayton, NC – Traffic Impact Analysis*

12/23/2014

Dear Mr. Adams:

Kimley-Horn and Associates, Inc. has performed a Traffic Impact Analysis for the proposed Parkview residential development located on the west side of City Road, north of Stallings Street in Clayton, NC. The proposed development will consist of approximately 280 single-family homes and 50 townhomes and will be accessed by one full-movement driveway on City Road and one full-movement driveway on Stallings Street. The development is expected to be completed (built-out) by the year 2019. The site location is shown on Figure 1, and Figure 2 shows the proposed site plan.

This report presents trip generation, distribution, traffic analyses, and recommendations for transportation improvements required to meet anticipated traffic demands in conjunction with the development. The traffic conditions studied include the existing (2014) traffic condition, the projected (2019) background traffic condition, and the projected (2019) build-out traffic condition. A phased build-out analysis was also performed for the intersection of City Road & Legend Park Driveway/Site Drive to determine the appropriate phasing of the required northbound left-turn lane on City Road. Analyses were performed for the weekday AM and PM peak hours.

Existing Conditions

The study area consists of the intersections of City Road at Stallings Street, City Road at Legend Park, City Road at Covered Bridge Road, Shotwell Road at Covered Bridge Road, and Stallings Street at Liberty Lane.

City Road is a two-lane roadway with a posted speed limit of 35 mph south of Legend Park and 55 mph north of Legend Park. City Road has an average daily traffic (ADT) volume of approximately 1,100 vehicles per day (vpd).

Stallings Street is a two-lane roadway with a posted speed limit of 25 mph and an ADT volume of less than 1,000 vpd in the vicinity of the site.

Covered Bridge Road is a two-lane roadway with a posted speed limit of 45 mph and an ADT volume of approximately 5,500 vpd.

Shotwell Road is a two-lane roadway with a posted speed limit of 45 mph and an ADT volume of approximately 9,000 vpd.

Liberty Lane is a one-lane road with a speed limit of 15 mph and an ADT volume of less than 500 vpd.

The existing roadway laneage is shown on Figure 3.

Background Traffic

AM and PM peak hour traffic counts were performed at the study intersections on October 8 and 9, 2014. The existing AM and PM peak hour turning movement volumes are shown on Figures 4 and 5, respectively. Traffic count data is attached. Based on historic daily traffic volumes in the area, the existing turning movement volumes were grown at an annual rate of 3% to the 2019 build-out year. Total background traffic, which includes existing traffic and background growth traffic, is shown on Figures 4 and 5 and is detailed on the attached intersection worksheets.

Trip Generation

The traffic generation potential of the development was determined using the traffic generation rates published in the *ITE Trip Generation Handbook* (Institute of Transportation Engineers, Ninth Edition, 2012) and is summarized in Table 1.

Table 1 ITE Trip Generation							
Land Use	Size	Daily		AM		PM	
		In	Out	In	Out	In	Out
Single Family Detached Housing	280 d.u.	1,354	1,354	52	154	167	98
Townhouse	50 d.u.	176	176	5	25	23	11
Net New External Trips		1,530	1,530	57	179	190	109

Table 1 shows that the site has the potential to generate approximately 1,530 new daily trips in and 1,530 new daily trips out with 57 new trips entering and 179 new trips exiting in the weekday AM peak hour and 190 new trips entering and 109 new trips exiting in the weekday PM peak hour.

Distribution and Assignment

The proposed development site trips were assigned to the study intersection as follows:

- 50% to the east on Stallings Street
- 35% from the west on Stallings Street
- 10% to/from the north on Shotwell Road
- 5% to/from the east on Covered Bridge Road

Site traffic was assigned to the network based on the distribution shown above and added to the background traffic to obtain total traffic volumes. The attached Figure 6 shows the site traffic

distribution and percent assignment for the development. Figures 7 and 8 show the AM and PM peak hour site and total traffic volumes at the study intersections at the full build-out of the development, respectively.

Levels of Service

Capacity analyses were performed using Synchro Version 9 software. Synchro intersection LOS reports are attached. The levels-of-service at the study intersections are summarized on Table 2.

The site driveway connection to Stallings Street is proposed to extend across Liberty Lane. To present a conservative analysis it was assumed that the connection of Liberty Lane to Stallings Street would be cul-de-sacced and that all traffic using Liberty Lane would use the Site Drive in the build-out condition.

Table 2 Level-of-Service Summary		
Condition	AM Peak-Hour LOS (Delay)	PM Peak-Hour LOS (Delay)
City Road at Stallings Street (Unsignalized)		
Existing (2014) Traffic	SB – A (9.2)	SB – A (9.9)
Background (2019) Traffic	SB – A (9.4)	SB – B (10.2)
Build-out (2019) Traffic	SB – B (10.6)	SB – B (12.7)
City Road at Legend Park Driveway/Site Drive (Unsignalized)		
Existing (2014) Traffic	WB – A (8.9)	WB – A (9.4)
Background (2019) Traffic	WB – A (9.0)	WB – A (9.5)
Build-out (2019) Traffic	EB – A (9.8) WB – B (10.0)	EB – B (10.2) WB – B (11.6)
City Road at Covered Bridge Road (Unsignalized)		
Existing (2014) Traffic	NB – B (11.6) SB – B (11.7)	NB – B (14.8) SB – B (13.2)
Background (2019) Traffic	NB – B (12.5) SB – B (12.6)	NB – C (17.2) SB – B (14.5)
Build-out (2019) Traffic	NB – B (13.6) SB – B (12.7)	NB – C (19.2) SB – C (15.0)
Shotwell Road at Covered Bridge Road (Unsignalized)		
Existing (2014) Traffic	WB – D (26.7)	WB – E (43.1)
Background (2019) Traffic w/ Improvement	WB – E (39.6)	WB – F (96.2)
Build-out (2019) Traffic w/ Improvement	WB – E (41.7)	WB – F (122.1)

Table 2 Level-of-Service Summary		
Condition	AM Peak-Hour LOS (Delay)	PM Peak-Hour LOS (Delay)
Stallings Street at Liberty Lane (Unsignalized)		
Existing (2014) Traffic	SB – A (8.6)	SB – A (8.7)
Background (2019) Traffic	SB – A (8.6)	SB – A (8.8)
Build-out (2019) Traffic	N/A	N/A
Stallings Street at Site Drive (Unsignalized)		
Build-out (2019) Traffic	SB – A (9.3)	SB – A (9.6)

Based on the capacity analysis presented herein, no roadway improvements are recommended to accommodate projected Parkview site traffic. However, the following roadway improvement is being required by the Town of Clayton and NCDOT:

City Road & Legend Park Driveway/Site Drive:

- Construct an exclusive northbound left-turn lane with a minimum of 50 feet of storage and appropriate tapers on City Road

A southbound right-turn lane on City Road at Legend Park Driveway/Site Drive has also been requested by the Town of Clayton. The peak hour volume for this movement is projected to be less than 30 vehicles at full build-out. The peak hour volume for the southbound approach is expected to be 99 vehicles. Per the “Right Turn Lane Warrants” figure from the *NCDOT Roadway Design Manual* (Figure 4, Part 1), the approach volume would have to be 400 vehicles per hour for even a right-turn taper to be warranted. Therefore, neither a southbound right-turn lane nor turn taper are recommended at this intersection.

Analysis indicates that all of the intersections in the study area, with the exception of the intersection of Covered Bridge Road at Shotwell Road, are expected to operate with short delays for the minor street approaches in both the AM and PM peak hours at project build-out with the required roadway improvement in place.

The intersection of Covered Bridge Road at Shotwell Road is expected to operate with moderate delays for the Covered Bridge Road approach in the AM peak hour and with long delays for the Covered Bridge Road approach in the PM peak hour for both the background traffic condition. It is typical for stop-controlled side streets and driveways intersecting major streets to experience long delays during peak hours while the majority of the traffic moving through the intersection on the major street experiences little or no delay. There is additional pavement to accommodate a westbound left-

turn lane with approximately 100 feet of storage and appropriate tapers on Covered Bridge Road; however, it is currently striped-out. It is recommended that NCDOT consider restriping this pavement to provide the westbound left-turn lane on Covered Bridge Road to accommodate projected background traffic. While a full signal warrant analysis was not performed, this intersection currently meets Manual on Uniform Traffic Control Devices (MUTCD) 4-hour and peak-hour vehicular volume warrants. It is recommended that a full signal warrant study be performed and that a traffic signal be installed if warrants are met. At project build-out, the intersection is expected to continue to operate with moderate delays for the minor street approach in the AM peak hour and long delays for the minor street approach in the PM peak hour. Site traffic from the proposed Parkview development is only expected to account for approximately 2% of traffic volumes at the intersection in both the AM and PM peak hours. Therefore, no additional roadway improvements are recommended at this intersection to accommodate projected site traffic.

Phasing Analysis

Given the low ADT volume on City Road (approximately 1,100 vpd), and since the intersection is expected to operate at an acceptable LOS without the improvement, an analysis was performed to determine the impact of phasing the required northbound left-turn lane at the intersection of City Road and Legend Park Driveway/Site Drive based on the development of 100 single-family homes. The traffic generation potential of Phase 1 is summarized in Table 3.

Table 3 ITE Trip Generation							
Land Use	Size	Daily		AM		PM	
		In	Out	In	Out	In	Out
Single Family Detached Housing	100 d.u.	525	525	20	60	66	39

Table 1 shows that the site has the potential to generate approximately 525 new daily trips in and 525 new daily trips out in Phase 1, with 20 new trips entering and 60 new trips exiting in the weekday AM peak hour and 66 new trips entering and 39 new trips exiting in the weekday PM peak hour. Figures 9 and 10 show the Phase 1 AM and PM peak hour site and total traffic volumes at the study intersections, respectively. The Phase 1 levels-of-service at the intersection of City Road and Legend Park Driveway/Site Drive intersections are summarized on Table 4.

Table 4 Level-of-Service Summary		
Condition	AM Peak-Hour LOS (Delay)	PM Peak-Hour LOS (Delay)
City Road at Legend Park Driveway/Site Drive (Unsignalized)		
Build-out (2019) Traffic – Phase 1	EB – A (9.3) WB – A (9.6)	EB – A (9.6) WB – B (10.4)

Per the analysis, this intersection is expected to operate with short delays in both the AM and PM peak hours in Phase 1 (100 single-family homes) without the improvement in place.

Recommendations

Based on the capacity analysis presented herein, no roadway improvements are recommended to accommodate projected Parkview site traffic. However, the following roadway improvement is being required by the Town of Clayton and NCDOT:

City Road & Legend Park Driveway/Site Drive:

- Construct an exclusive northbound left-turn lane with a minimum of 50 feet of storage and appropriate tapers on City Road

Based on the phasing analysis presented herein, it is recommended that this improvement be phased to coincide with the construction of the 100th single-family home on the site.

It is also recommended that NCDOT consider restriping the westbound Covered Bridge Road at Shotwell Road to provide a left-turn lane with 100 feet of storage to accommodate projected background traffic. It is recommended that a full signal warrant study be performed at this intersection and that a traffic signal be installed if MUTCD warrants are met.

Sight distance at the driveway on City Road appears to be adequate given the posted speed limits but should be confirmed when the site plan is prepared.

The recommended roadway laneage is shown on Figure 11.

Should you have any questions or comments, please do not hesitate to contact me at (919) 653-2948 or travis.fluitt@kimley-horn.com.

Sincerely,
Kimley-Horn and Associates, Inc.



Travis Fluitt, P.E.
Project Manager

Attachments: Figures 1-11, Traffic Counts, Intersection Worksheets, Synchro LOS Reports



PARKVIEW
CLAYTON, NC
TRAFFIC CAPACITY ANALYSIS

SITE LOCATION

FIGURE
1



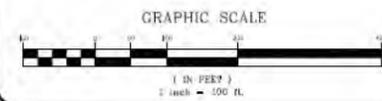
VICINITY MAP
(NO SCALE)

SITE DATA:

SITE ADDRESS: CITY ROAD
TOWN LIMIT OR ETC: WITHIN TOWN OF CLAYTON, TOWN LIMIT
ACREAGE: 42.34 ACRES (3,612,868 SF)
NC PIN NUMBER: 165912-87-5175, 165912-26-6490, 165912-97-4270, 166905-47-1531, 166905-05-0806, 166905-05-2906, 166905-26-8956, & 166905-97-4756
OWNERS & ADDRESSES: DONALD C. ADAMS, 1340 OLD DRUG STORE RD, GARNER, NC 27529
HOCUTT BAPTIST CHURCH, 314 W. HORNE ST, CLAYTON, NC 27520
CURRENT ZONING: R-18
PROPOSED ZONING: PD-R
EXISTING USE: VACANT
PROPOSED DENSITY: 130 UNITS/4 UNITS PER ACRE
MAXIMUM IMPERVIOUS AREA: 1,625,799 SF (37%)
WATERSHED PROTECTION OVERLAY: NO
100 YR FLOOD PLAIN: YES A PORTION
ELECTRIC PROVIDER: DUKER ENERGY PROGRESS
WATER PROVIDER: TOWN OF CLAYTON
SEWER PROVIDER: TOWN OF CLAYTON
PROPOSED USE: SINGLE FAMILY ATTACHED DWELLINGS, SINGLE FAMILY DETACHED DWELLINGS AND/OR TOWNHOMES. THE SPECIFIC LOCATION, MIX, AND NUMBER OF EACH TYPE MAY CHANGE AS THE MARKET DEMANDS PROVIDING THE OVERALL PROPOSED DENSITY IS NOT EXCEEDED. ANY CHANGES TO LOCATION, MIX, AND NUMBER MUST BE APPROVED BY TOWN OF CLAYTON PLANNING DEPARTMENT.

LEGEND:

[Yellow Box]	SINGLE FAMILY DETACHED (195 LOTS)
[Orange Box]	SINGLE FAMILY ATTACHED (90 LOTS)
[Light Green Box]	TOWNHOMES (45 UNITS)
[Light Blue Box]	OPEN SPACE
[Purple Box]	AMENITY
[Hatched Box]	LAND TO BE DEDICATED TO TOWN OF CLAYTON
[Black Circle]	ENTRANCE SIGNAGE
[Brown Box]	100 YEAR FLOODPLAIN
[Blue Box]	RCA (RESOURCE CONSERVATION AREA)
[Green Dashed Line]	GREENWAY TRAIL (5,982 LF)
[Green Dotted Line]	GRAVEL/MULCH FOOTPATH
[Red Line]	SIDEWALK (8,493 LF)
[Blue Line]	BUFFERED STREAM
[Green Hatched Box]	CLASS C BUFFER (TO REMAIN IN NATURAL STATE)
[Green Dotted Box]	CLASS C BUFFER (TO BE CREATED)
[Blue Box]	MAIL CLUSTER BOX UNIT



335 ATLANTIC CLUB BLVD
 CLAYTON, NC 27027
 910.654.7278
 dominic@dcadams.com
 FIRM # C-3894

DC ADAMS ENGINEERING, INC

INVOY

MASTER PLAN
 CITY ROAD I.L.C. CLAYTON, NC 27027

FILE NUMBER: []
 DESIGN: []
 DRAWN: []
 CHECKED: []
 SCALE: 1"=100'
 DATE: 8/22/2014
 SHEET: 1 of 6



PARKVIEW
 CLAYTON, NC
 TRAFFIC CAPACITY ANALYSIS

PROPOSED SITE PLAN

FIGURE 2

THIS DOCUMENT, TOGETHER WITH THE CONCEPTS AND DESIGNS PRESENTED HEREIN, AS AN INSTRUMENT OF SERVICE, IS INTENDED ONLY FOR THE SPECIFIC PURPOSE AND CLIENT FOR WHICH IT WAS PREPARED. REUSE OF AND IMPROPER RELIANCE ON THIS DOCUMENT WITHOUT WRITTEN AUTHORIZATION AND ADAPTATION BY KIMLEY-HORN AND ASSOCIATES, INC. SHALL BE WITHOUT LIABILITY TO KIMLEY-HORN AND ASSOCIATES, INC.

NOT TO SCALE

SPEED LIMIT 45

SPEED LIMIT 25

SPEED LIMIT 45

SPEED LIMIT 55

SPEED LIMIT 15

SPEED LIMIT 35

SPEED LIMIT 25

SHOTWELL RD.

SMITH DR.

COVERED BRIDGE RD.

LEGEND PARK DWY.

CITY RD.

LIBERTY LN.

STALLINGS ST.

LEGEND

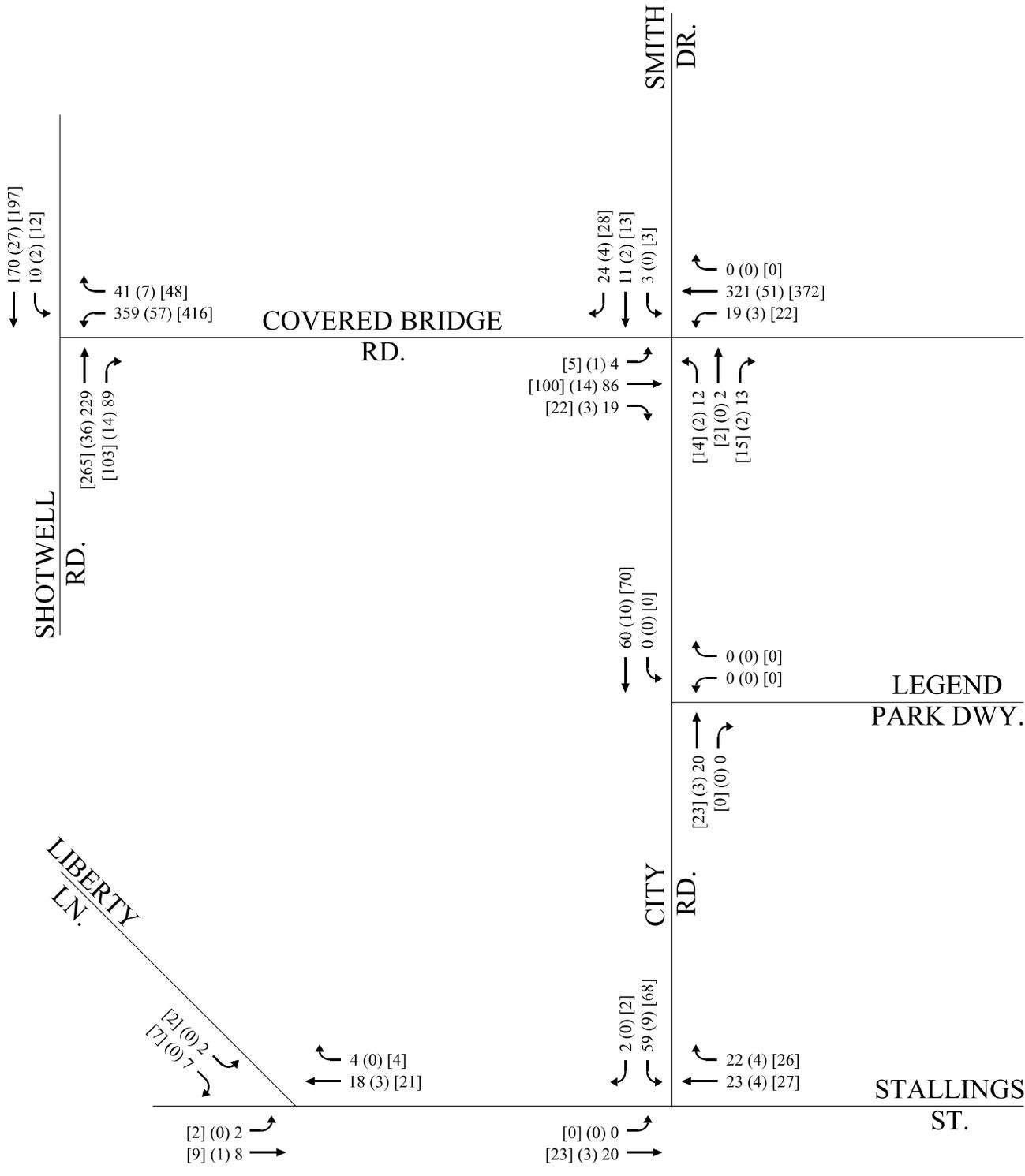
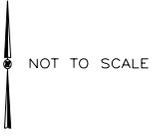
- ← EXISTING LANE
- EXISTING STOP SIGN
- XX' STORAGE LENGTH
-  POSTED SPEED LIMIT



PARKVIEW
CLAYTON, NC
TRAFFIC CAPACITY ANALYSIS

EXISTING ROADWAY LANEAGE

FIGURE
3



LEGEND
PARK DWY.

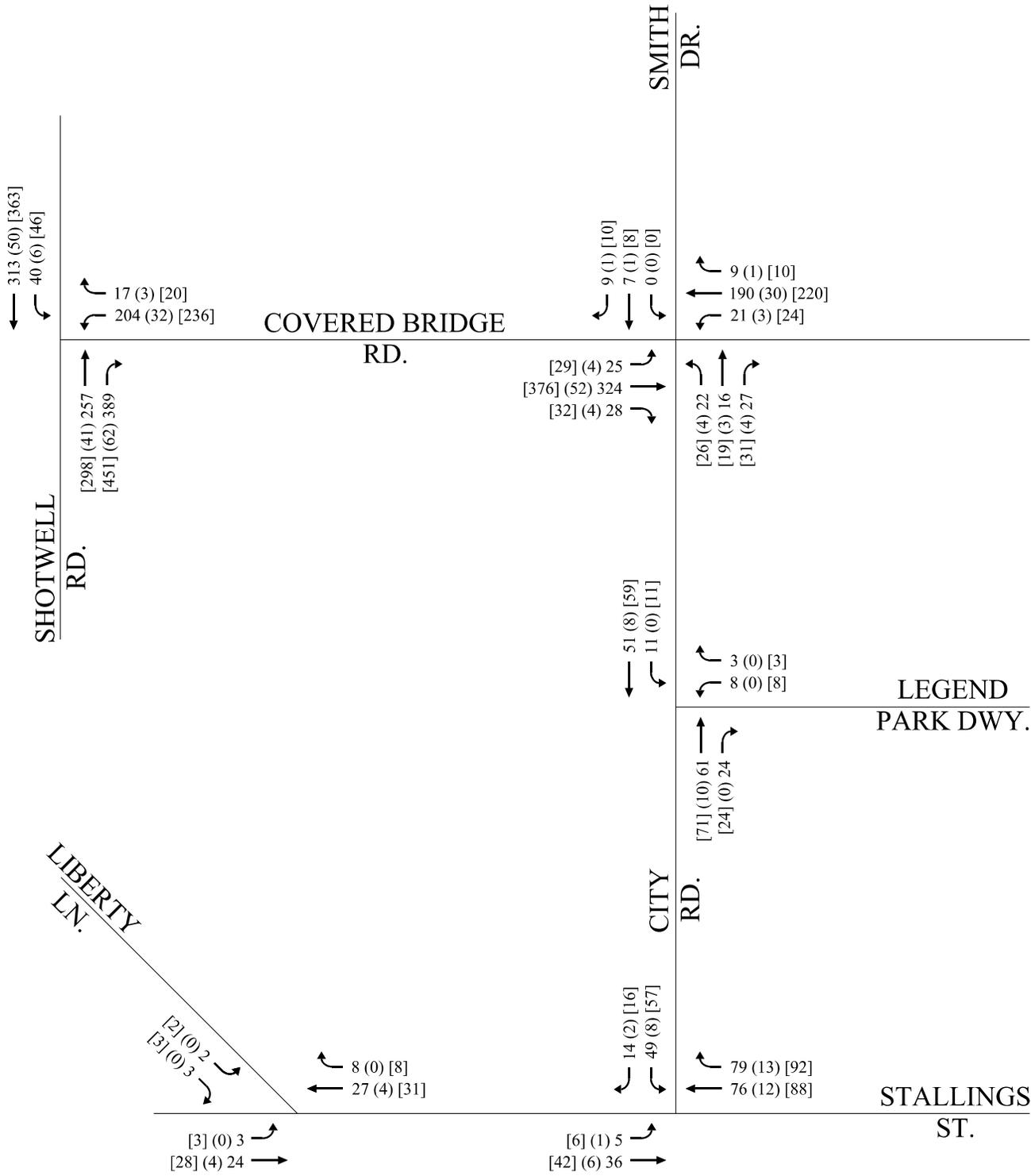
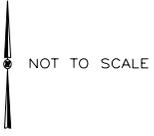
LEGEND
 XX EXISTING TRAFFIC
 (XX) BACKGROUND GROWTH
 [XX] TOTAL BACKGROUND TRAFFIC



PARKVIEW
CLAYTON, NC
TRAFFIC CAPACITY ANALYSIS

EXISTING AND PROJECTED
(2019) BACKGROUND AM PEAK
HOUR TRAFFIC VOLUMES

FIGURE
4



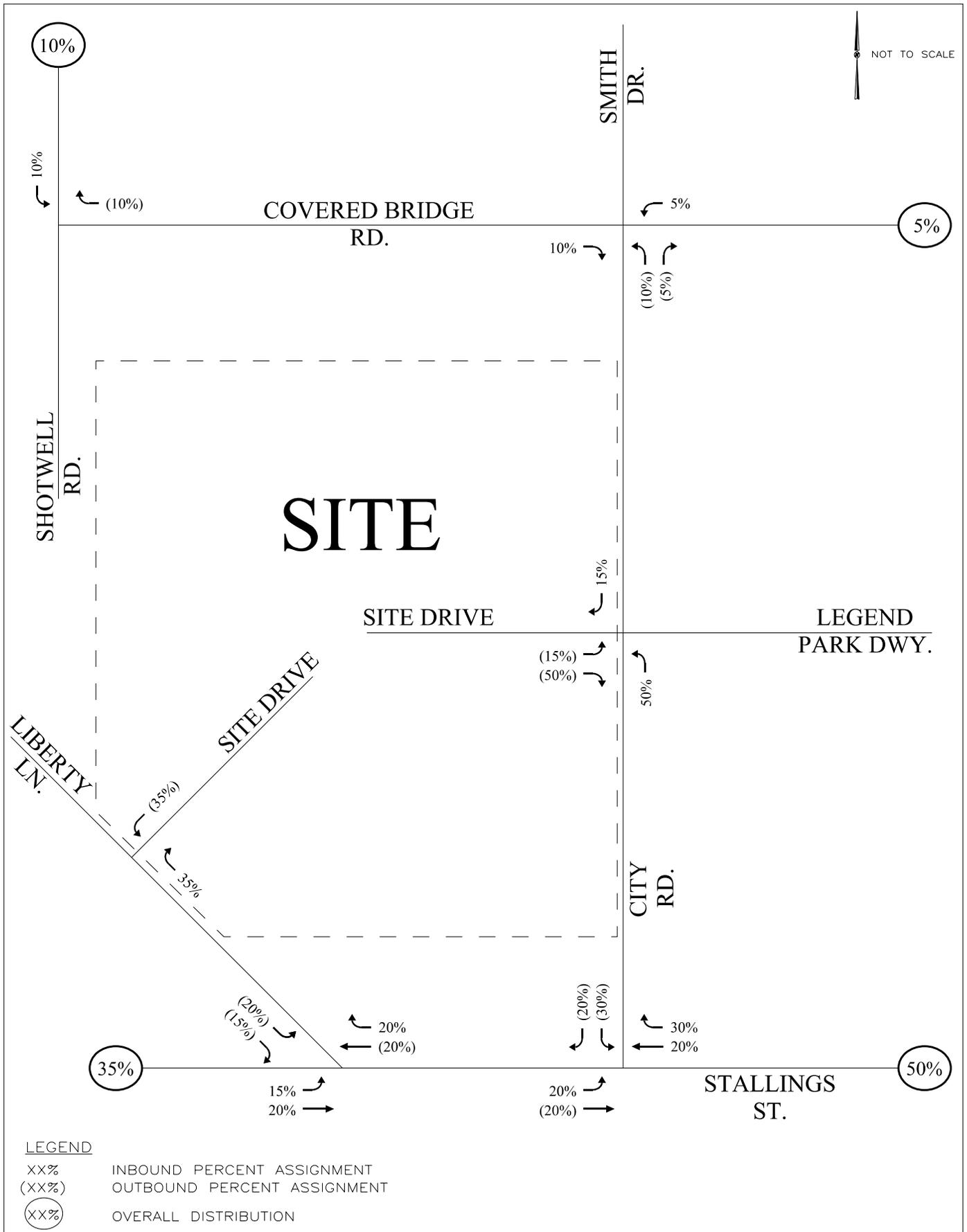
LEGEND
 XX EXISTING TRAFFIC
 (XX) BACKGROUND GROWTH
 [XX] TOTAL BACKGROUND TRAFFIC



PARKVIEW
 CLAYTON, NC
 TRAFFIC CAPACITY ANALYSIS

EXISTING AND PROJECTED
 (2019) BACKGROUND PM PEAK
 HOUR TRAFFIC VOLUMES

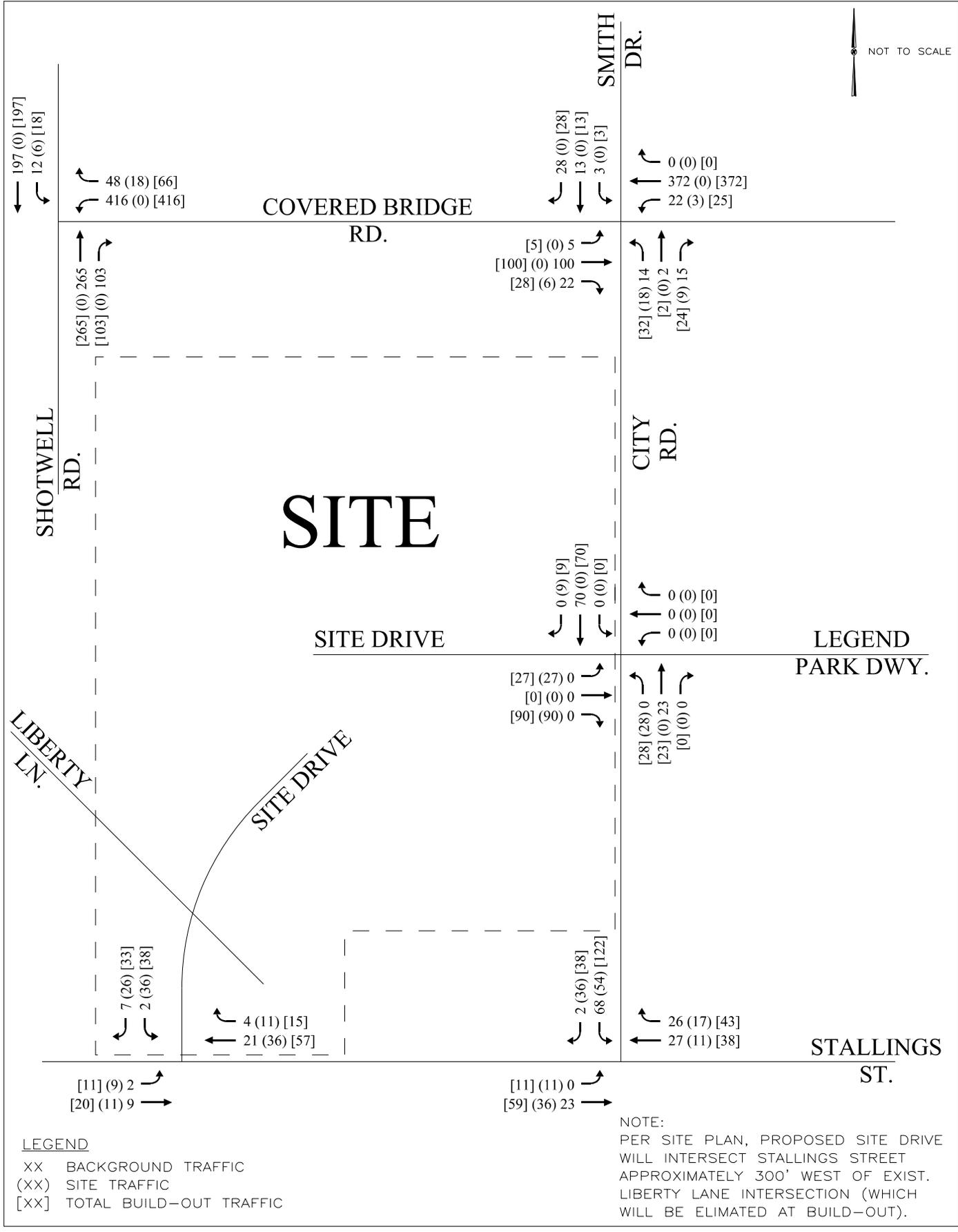
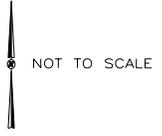
FIGURE
 5



PARKVIEW
 CLAYTON, NC
 TRAFFIC CAPACITY ANALYSIS

SITE TRAFFIC DISTRIBUTION
 AND PERCENT ASSIGNMENT

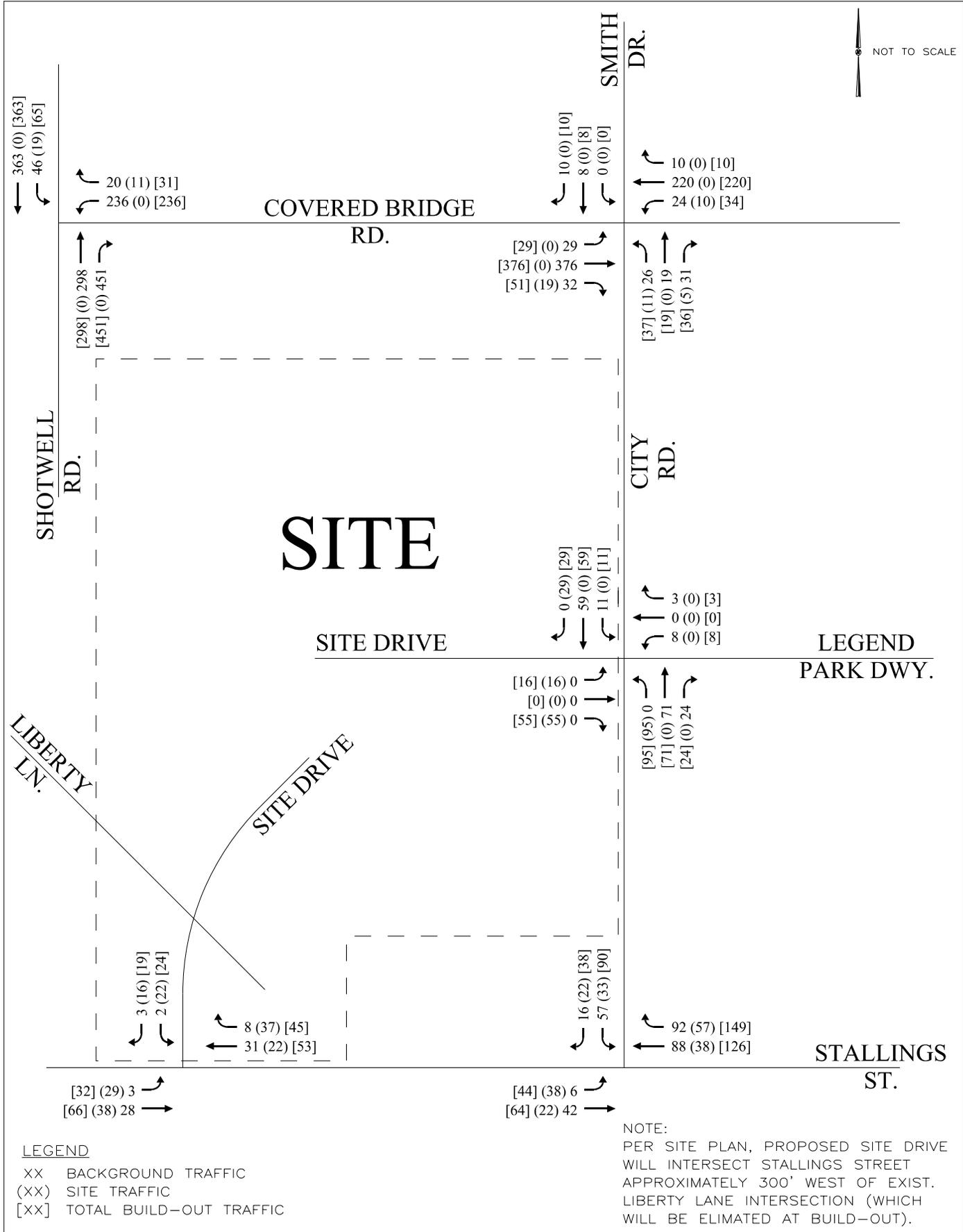
FIGURE
 6



PARKVIEW
 CLAYTON, NC
 TRAFFIC CAPACITY ANALYSIS

PROJECTED (2019) BUILD-OUT
 AM PEAK HOUR
 TRAFFIC VOLUMES

FIGURE
 7



LEGEND
 XX BACKGROUND TRAFFIC
 (XX) SITE TRAFFIC
 [XX] TOTAL BUILD-OUT TRAFFIC

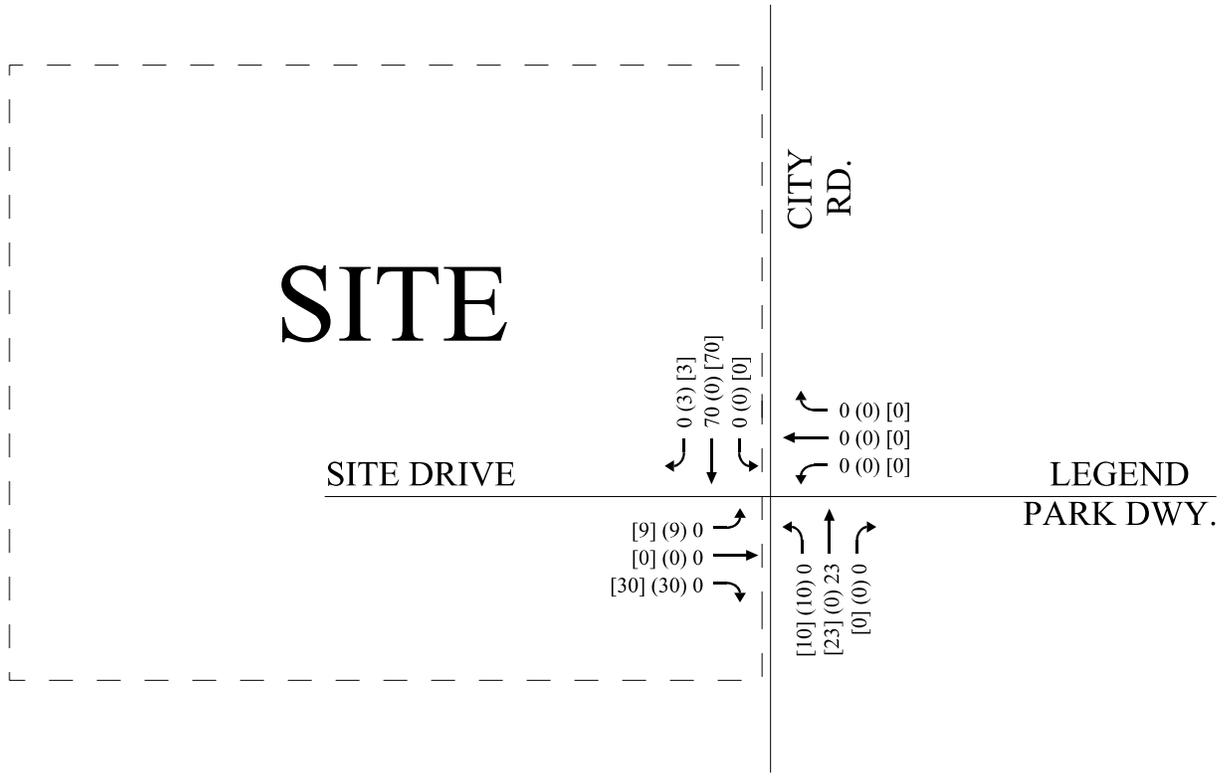
NOTE:
 PER SITE PLAN, PROPOSED SITE DRIVE WILL INTERSECT STALLINGS STREET APPROXIMATELY 300' WEST OF EXIST. LIBERTY LANE INTERSECTION (WHICH WILL BE ELIMATED AT BUILD-OUT).



PARKVIEW
 CLAYTON, NC
 TRAFFIC CAPACITY ANALYSIS

PROJECTED (2019) BUILD-OUT
 PM PEAK HOUR
 TRAFFIC VOLUMES

FIGURE
 8



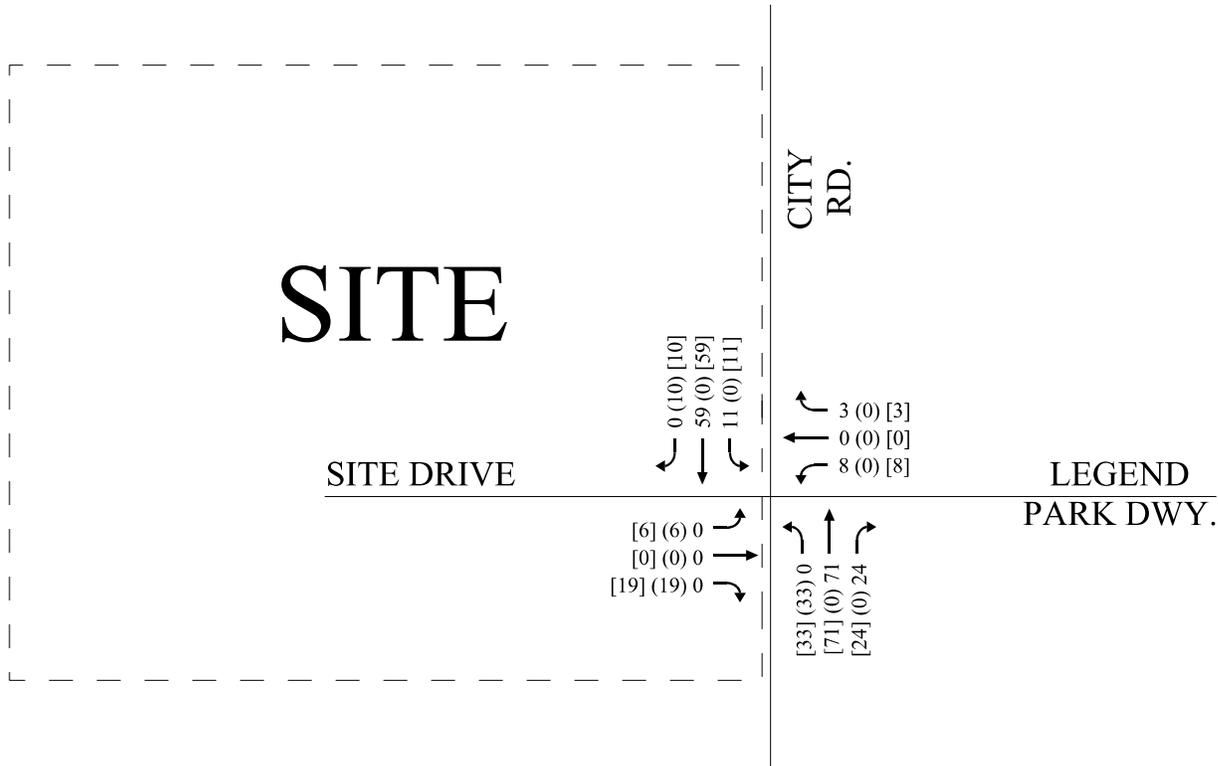
LEGEND
 XX BACKGROUND TRAFFIC
 (XX) SITE TRAFFIC
 [XX] TOTAL BUILD-OUT TRAFFIC



PARKVIEW
 CLAYTON, NC
 TRAFFIC CAPACITY ANALYSIS

PROJECTED (2019) PHASE 1
 BUILD-OUT AM PEAK HOUR
 TRAFFIC VOLUMES

FIGURE
 9



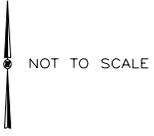
LEGEND
 XX BACKGROUND TRAFFIC
 (XX) SITE TRAFFIC
 [XX] TOTAL BUILD-OUT TRAFFIC



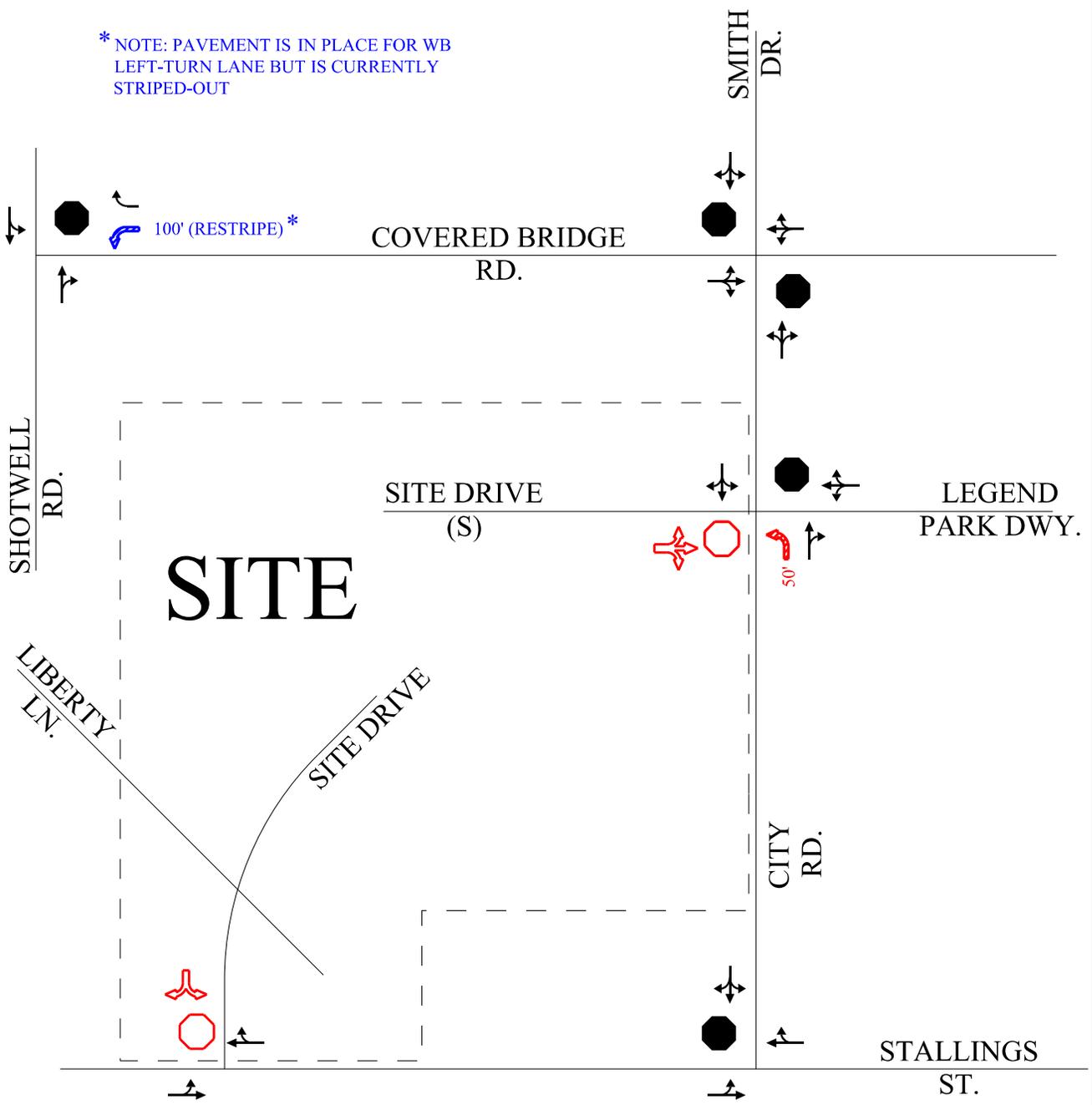
PARKVIEW
 CLAYTON, NC
 TRAFFIC CAPACITY ANALYSIS

PROJECTED (2019) PHASE 1
 BUILD-OUT PM PEAK HOUR
 TRAFFIC VOLUMES

FIGURE
 10



* NOTE: PAVEMENT IS IN PLACE FOR WB LEFT-TURN LANE BUT IS CURRENTLY STRIPED-OUT



LEGEND

- EXISTING LANE
- EXISTING STOP SIGN
- RECOMMENDED LANE FOR BACKGROUND TRAFFIC (BY OTHERS)
- RECOMMENDED LANE
- RECOMMENDED LANE (PHASED)
- RECOMMENDED STOP SIGN
- STORAGE LENGTH



PARKVIEW
CLAYTON, NC
TRAFFIC CAPACITY ANALYSIS

RECOMMENDED
ROADWAY LANEAGE

FIGURE
11

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 **2014-112**, (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 5th day of January, 2015.

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

Agenda Item: 5c Meeting Date: January 5, 2015

TITLE: PUBLIC HEARING - PSD 2014-113

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

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Requested Action:</u>	<u>Info. Provided:</u>
11-17-14	Presentation And Public Notice	Staff Report, Board Recommendation, & Maps
12-1-14	Public Hearing Continued to 1/5/15	
1-5-15	Public Hearing	Staff Report, Board Recommendation, Maps & Motion Form



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

Town Council

STAFF REPORT

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

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

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

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

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

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

SITE DATA:

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

DEVELOPMENT DATA:

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

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

Required Parking: 2 spaces per unit

Proposed Parking: 2 spaces per unit

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

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

Water/Sewer Provider: Town of Clayton

Electric Provider: Duke/Progress Energy

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

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

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

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

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

STAFF ANALYSIS AND COMMENTARY:

Overview

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

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

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

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

Consistency with the Strategic Growth Plan

The request is consistent with the Strategic Growth Plan.

Consistency with Master Plan

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

Consistency with the Unified Development Code

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

Compatibility with Surrounding Land Uses

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

Landscaping and Buffering

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

Recreation and Open Space

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

Environmental

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

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

Signs

No signage is requested as part of this request.

Access/Streets

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

Multi-Modal Access

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

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

Architecture/Design

No architectural standards apply to this development.

Waivers/Deviations/Variations from Code Requirements

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

CONSIDERATIONS:

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

FINDINGS:

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

CONDITIONS:

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

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

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

Planning Board Recommendation: Approval (See attachment)

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

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

PSD 2014-113 LionsGate Phase 1A & 1B

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

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

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

Signed:



Frank Price, Planning Board Chair

APPLICANT STATEMENT – MAJOR SUBDIVISIONS ONLY

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

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

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

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

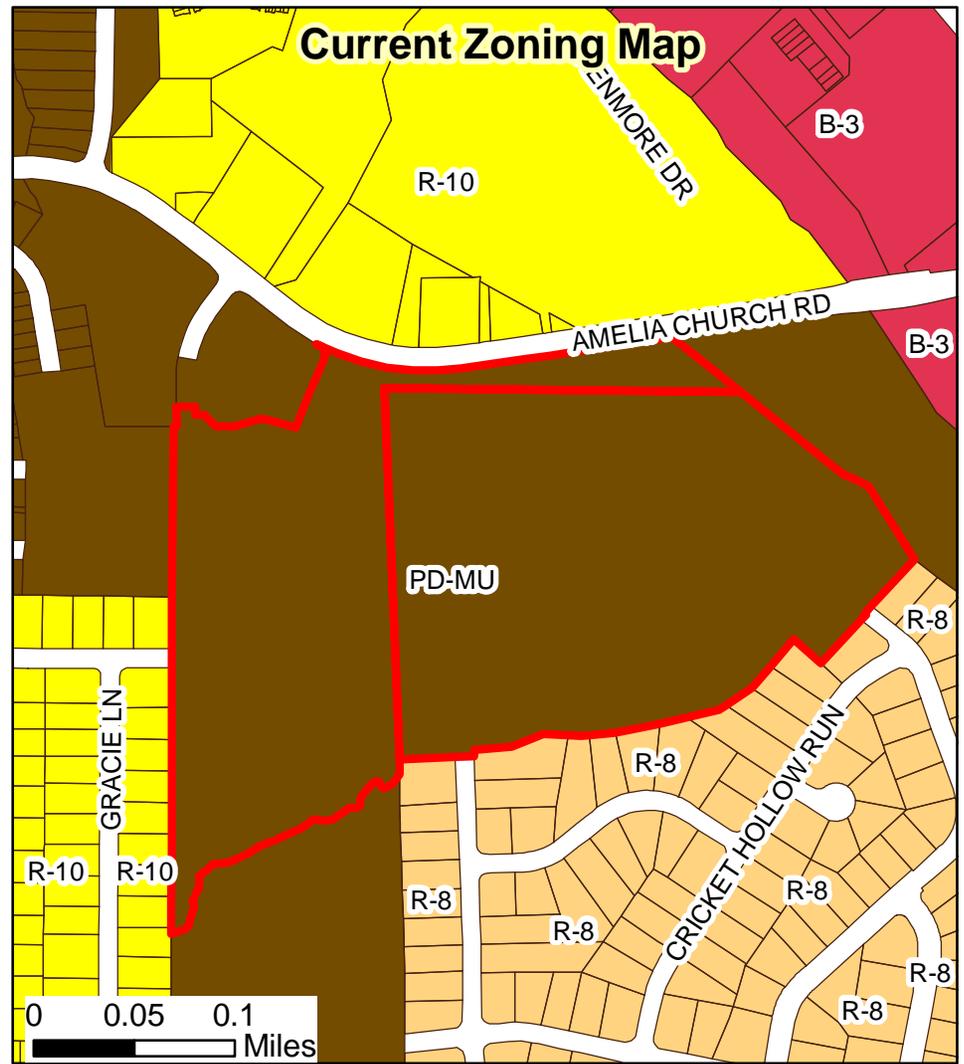
THE SUBDIVISION DESIGN IS SUCH THAT IT WILL BE BENEFICIAL TO ORDERLY DEVELOPMENT ON ADJACENT TRACTS. THIS DEVELOPMENT WILL ADD TO THE TOWN'S GREENWAY TRAIL SYSTEM AND IMPROVE WALKABILITY WITHIN THE CITY LIMITS.

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

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

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

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



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

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

Produced by: TOC Planning

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



10/20/14

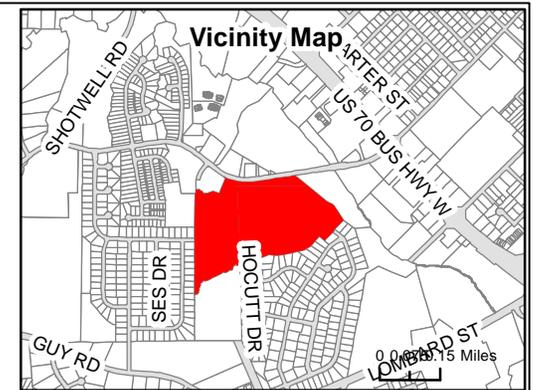
Legend

LionsGate Subject Parcels

FLOODZONE

AE - 100 Year Flood Zone

AEFW - Floodway





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

SUBDIVISION APPLICATION

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

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

- *Minor Subdivision: \$200.00 + \$5.00/lot.*
- *Major Subdivision: \$400.00 + \$5.00/lot.*
- *Open Space Subdivision = \$700.00 + \$5.00/acre.*
- *Final Plat: \$250.00 + \$5.00/lot.*
- *Exempt Map/Recombination: \$100.00.*

All fees are due when the application is submitted. Please note that Section 155.702(B) of the Unified Development Code requires a Neighborhood Meeting for all Major Subdivision applications.

SUBDIVISION TYPE:

Application Type:

- Minor Subdivision
 Major Subdivision
 Final Plat
 Exempt Map
 Recombination

SITE INFORMATION:

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

FOR OFFICE USE ONLY

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

OWNER INFORMATION:

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

APPLICANT INFORMATION:

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

REQUIRED PLANS AND SUPPLEMENTAL INFORMATION

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

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

APPLICANT AFFIDAVIT

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

DANNIE ADAMS
Print Name

[Signature]
Signature of Applicant

9/2/2014
Date

APPLICANT STATEMENT – MAJOR SUBDIVISIONS ONLY

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

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

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

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

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

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

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

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

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

PRELIMINARY PLAN REQUIREMENTS

The following information is required for all preliminary subdivision plans:

Provided

- | Yes | No | N/A | |
|-------------------------------------|-------------------------------------|-------------------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Plans are ²⁴ 18 inches by ³⁶ 24 inches with a scale no smaller than 1 inch = 100 feet. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Name of subdivision (including phase numbers if applicable) and plan type (Subdivision, Final Plat, Exempt Plat, or Recombination). |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Name of township, county, and state in which the property is located. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Vicinity sketch. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Provide project data in tabular form: |
| | | <input checked="" type="checkbox"/> | Area of tract in square feet and acres |
| | | <input checked="" type="checkbox"/> | Owner's name and address |
| | | <input checked="" type="checkbox"/> | Within Town limits or ETJ |
| | | <input checked="" type="checkbox"/> | Zoning of property (and any special conditions if applicable) |
| | | <input checked="" type="checkbox"/> | Number of lots per acre (density) |
| | | <input checked="" type="checkbox"/> | N/A Acreage in Resource Conservation Areas (UDC § 155.500) |
| | | <input checked="" type="checkbox"/> | Indicate if the site is within a Watershed Protection Overlay |
| | | <input checked="" type="checkbox"/> | N/A Annexation number (if applicable) |
| | | <input checked="" type="checkbox"/> | FEMA designated flood plain and floodway (including FIRM panel reference number and effective date) or certification that no flood plain exists within the subdivision. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Surveyor or professional engineer's name, seal, and registration number. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Date of survey and plat preparation. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | An accurately positioned north arrow indicating true north, magnetic north, North Carolina grid ("NAD 83" or "NAD 27"), or is referenced to old deed or plat bearings. If the north index is magnetic or referenced to an old deed or plat bearings, the date and the source (if known) the index was originally determined is clearly indicated. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | The exact course and distance of every boundary line of the tract to be subdivided, fully dimensioned (metes and bounds) along with the location of intersecting boundary lines of adjoining lands in accordance with the North Carolina General Statutes § 47-30 - Plats and subdivisions; mapping requirements. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | All lot boundaries changed or eliminated by requested combination are indicated by dashed lines. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Accurate location and description of all monuments, markers and control points. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Blocks numbered consecutively throughout entire subdivision with lots numbered consecutively in each block. Lot numbers shall be placed in a circle or labeled "Lot ___". |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | The names of adjacent landowners, or lot, block, parcel, subdivision designations or other legal reference where applicable. |

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

FINAL PLAN REQUIREMENTS

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

Provided

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



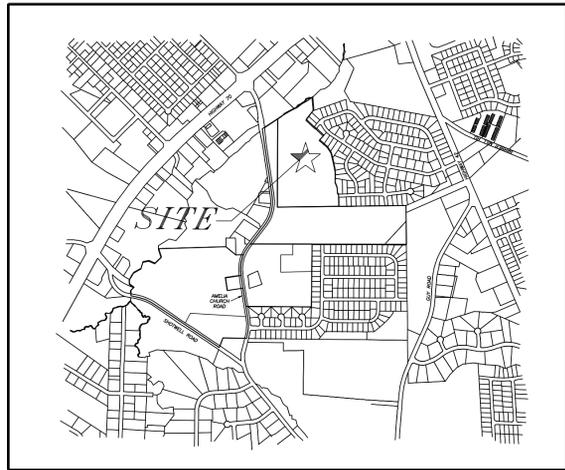
PRELIMINARY SUBDIVISION DESIGN

LIONSGATE PHASES 1A & 1B

IN

TOWN OF CLAYTON, NC

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



SITE VICINITY MAP
NOT TO SCALE

SHEET INDEX

DEVELOPER/APPLICANT:

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

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

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



DC ADAMS
ENGINEERING, INC

LIONSGATE PHASES 1A & 1B

FRED SMITH COMAPANY, CLAYTON, NC 27527

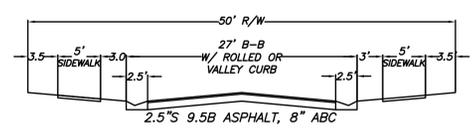




THE TOWN OF CLAYTON AND/OR JOHNSTON COUNTY RESERVE THE RIGHT TO MODIFY THE EROSION AND SEDIMENTATION CONTROL PLAN IF THE EXISTING PLAN OR ITS IMPLEMENTATION PROVE TO BE INADEQUATE.

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

TYPICAL RESIDENTIAL STREET 50' RIGHT OF WAY W/ SIDEWALK



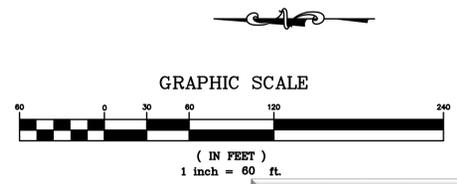
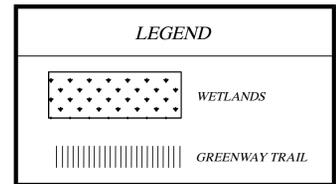
STREET YARD TREES

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

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

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

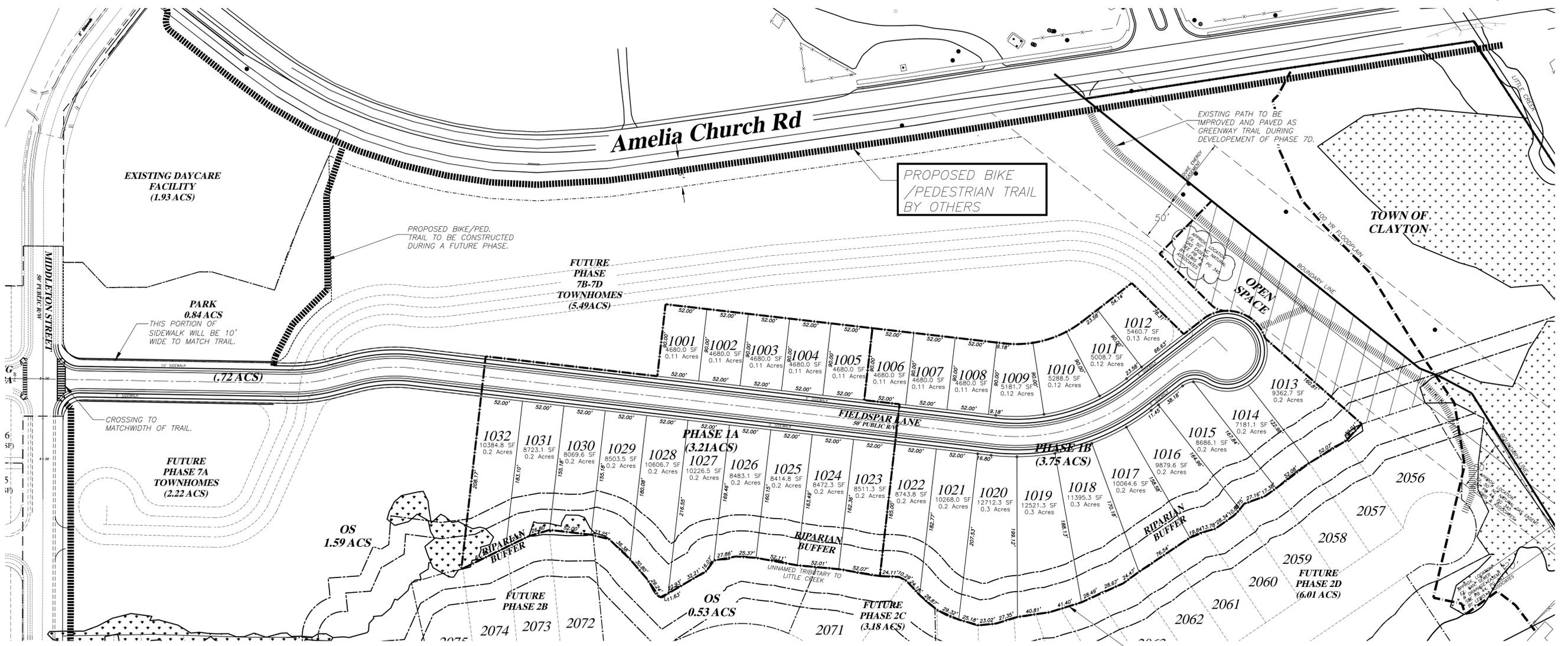
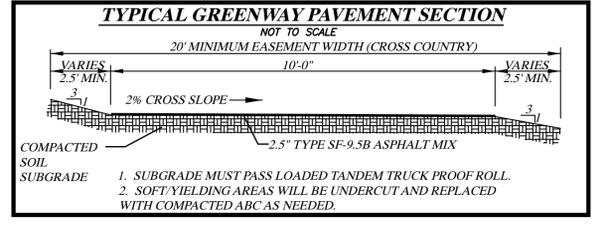
Zoning: PD-MU
Existing Use: UNDEVELOPED
Proposed Use: RESIDENTIAL SUBDIVISION
Electricity Provider: DUKE ENERGY PROGRESS
Other Known Utility/Telecom Providers (not limited to): CENTURY LINK TIMEWARNER



NOT RELEASED FOR CONSTRUCTION



10-8-2014



LOT STANDARDS TABLE

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

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

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

SITE PLAN

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

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

EXISTING	PROPOSED

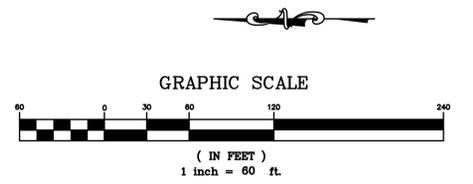
WATER SYSTEM PROJECT SUMMARY:
 1. THERE ARE 30 SINGLE FAMILY LOTS SERVED BY THIS WATER SYSTEM EXTENSION.
 2. THE LENGTHS AND SIZES OF WATER MAIN EXTENSIONS ARE AS FOLLOWS:
 296 LF +/- OF 8" PVC MAIN
 1192 LF +/- OF 6" PVC MAIN:

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

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

WATER AND SEWER SERVICES MUST BE:
 1. INSTALLED 3' APART
 2. INSTALLED ON R/W AT CENTER OF LOT

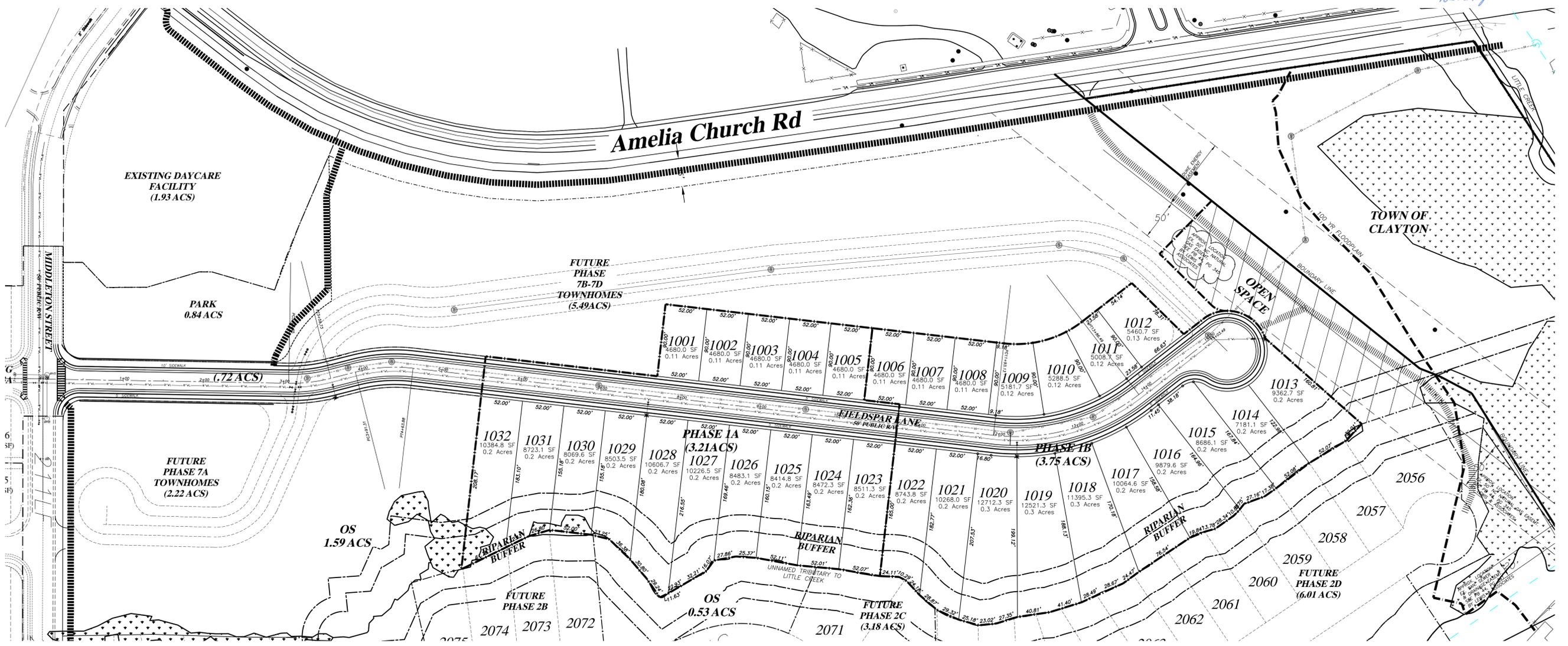
CALL 48 HOURS BEFORE YOU DIG
1-800-632-4949
 NORTH CAROLINA ONE-CALL CENTER



NOT RELEASED FOR CONSTRUCTION



10-8-2014

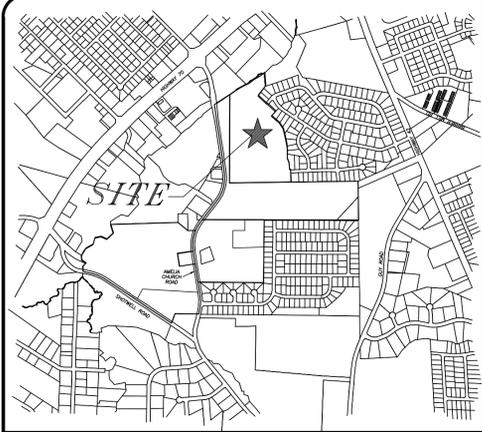


REVISIONS: 1. 10-8-2014 REVISED PER TIC COMMENTS
DC ADAMS ENGINEERING, INC
 335 ATHLETIC CLUB BLVD, CLAYTON, NC 27527
 donnie@dcadamspe.com (919) 763-7278 FIRM # C-3894

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

PRELIM. UTILITY PLAN

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



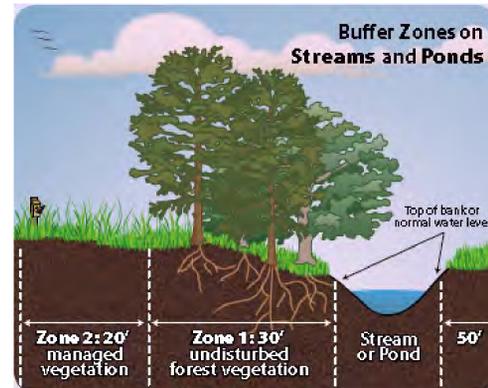
THE TOWN OF CLAYTON AND/OR JOHNSTON COUNTY RESERVE THE RIGHT TO MODIFY THE EROSION AND SEDIMENTATION CONTROL PLAN IF THE EXISTING PLAN OR ITS IMPLEMENTATION PROVE TO BE INADEQUATE.

SITE INFORMATION

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

STREET YARD TREES

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



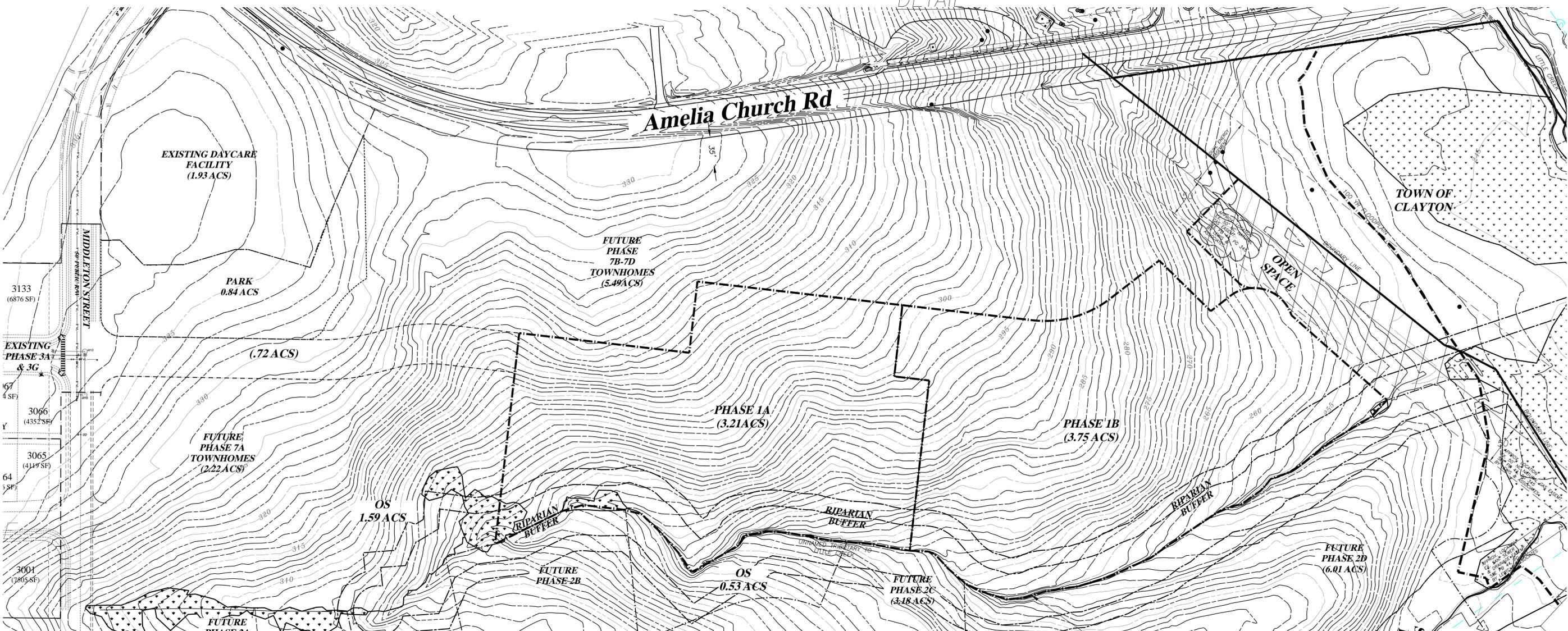
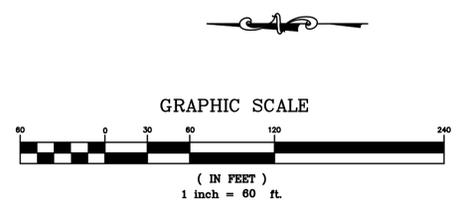
RIPARIAN BUFFER DETAIL

NOT RELEASED FOR CONSTRUCTION



10-8-2014

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



PHASE LINE

REVISIONS: 1: 10-15-2014 REVISED PER TOC COMMENTS
DC ADAMS ENGINEERING, INC
 335 ATHLETIC CLUB BLVD, CLAYTON, NC 27527
 donnie@dcadamspe.com (919) 763-7278 FIRM # C-3894
 LionsGate
 Phases 1A & 1B
 FRED SMITH COMPANY, CLAYTON, NC 27527
 EXISTING CONDITIONS
 FILE: LIONSGATE 1A&1B
 DESIGN: DCA
 DRAWN: ADS
 CHECKED: DCA
 HORIZONTAL SCALE: 1" = 60'
 VERTICAL SCALE: N/A
 DATE: 8/25/2014
 JOB NO.:
 SHEET: 3 OF 3

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 2014-113**, (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 5th day of January, 2015.

Jody L. McLeod
Mayor

Attest:

Kimberly A. Moffett, CMC
Town Clerk

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

Agenda Item: 6a

Meeting Date: January 5, 2015

TITLE: PRESENTATION OF ESTABLISHMENT OF NEW CLASSIFICATION FOR POSITION OF PARKS POLICE OFFICER

DESCRIPTION: Police Chief RW Bridges and Captain Herring previously presented details regarding establishment of position of a Parks Police Officer. A full job description is provided within the agenda.

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
12-15-14	Presentation	Job Description
1-5-15	Discussion/Approval of position	Job Description

PARK POLICE OFFICER

General Statement of Duties

Performs general duty law enforcement work to protect life and property in the Town and specialized law enforcement work requiring additional training and journey level experience.

Distinguishing Features of the Class

An employee in this class performs a full range of general law enforcement duties. Employees may be assigned to patrol, community policing, or other areas. Work includes increasing visible patrols, preventing crime, protecting resources from illegal activity and ensuring proper use of the Towns Parks and Greenways. Employees will provide general patrol activities, crime prevention, traffic unit assistance and participate in community policing programs and events as needed within the division. The Park Police Officer classification is distinguished from the Police Officer level by tasks requiring additional training, experience, and self-initiation such as additional duties requiring training in addition to journey level police work such as specialized crime prevention and community policing responsibilities. Work also involves frequent public contact which requires tact, firmness and decisiveness. Work is performed in accordance with departmental policy and state and federal law, supplemented with specific directions from superior officers. Employees are subject to hazards associated with law enforcement work including working in both inside and outside environments, in extreme hot and cold weather, and exposure to various hazards such as dangerous persons, loud noises, and hazardous spills with fumes, oils, gases, or flammable liquids. Work is performed under general supervision and is evaluated through observation, discussion and review of reports for adherence to laws, department procedures, community feedback and acceptance, and proper judgment.

Duties and Responsibilities

Essential Duties and Tasks

Patrols Town Parks and Greenways in a police car, on foot, bicycle or other conveyance; responds to calls for assistance, complaints, suspicious activity, domestic disputes, loud and disruptive behavior; completes calls by determining true nature of the situation and taking whatever legal or persuasive action is warranted; investigates traffic accidents; issues traffic citations; directs traffic and participates in other emergency operation activities.

Performs general job duties and responsibilities of a uniform Police Officer position to increase patrol visibility, prevent crime, ensure proper use of the area and protect the resources from illegal activity within the Town limits with special attention to the towns Parks and Greenways.

Prepares reports as necessary, investigates crimes, issues citations and initiates arrests when appropriate, in response to violations of Federal, State and local laws and town ordinances related to matters involving the Town's Parks and Greenways.

Works closely with members from the Town's Park and Recreation department about activities and events planned within the Parks and Greenways.

Ensures the safety and protection of users of the town's parks and recreational facilities, visitors to our Greenways and other recreational resources.

Provides information and assistance to patrons and visitors pertaining to park usage and restrictions, safety requirements, general directions and points of interest.

Identifies and reports any safety hazards or hazardous conditions including flood control requirements, as well as any needed routine maintenance or repairs within assigned parks and greenway areas.

Patrols parks and recreational areas, including the Greenways by a variety of transportation methods, including but not limited to patrol vehicle, truck, PUV, bicycle, foot or any other transportation device as approved by the department.

Ability to work outdoors for extended periods of time under varying climatic conditions and on all types of terrain.

Ability to work swing shifts and rotating schedules, with the flexibility to change schedule as events are planned within Parks and Greenways to provide a police presence as needed.

Performs investigations of accidents or possible crimes through observation, questioning witnesses, and gathering physical evidence; performs investigative tasks, arrests and processes criminal suspects; presents findings in court.

Operates a two-way radio to receive instructions and information from, or to report information to, communications/dispatch; maintains vehicle, weapons and other equipment in good working order.

Prepares records and reports of activities.

Advises the public on laws and local ordinances; serves papers as needed.

Additional Job Duties

Conducts crime prevention activities including making public presentations to community and civic groups, researching topics and strategies, organizing community watch programs, school presentations, and evaluating crime statistics to assist in prevention strategies.

Conducts activities with members of the Traffic Unit to include Traffic Checkpoints, DWI checking stations, aggressive traffic violations patrols and other traffic enforcement related activities.

Performs other related duties as required.

Recruitment and Selection Guidelines

Knowledge, Skills, and Abilities

Considerable knowledge of state and federal laws, local ordinances and policies of the police department, especially relating to search and seizure, traffic control, pursuit, and arrest.

Considerable knowledge of law enforcement principles, practices, methods and equipment.

Skill in the use of firearms and other police equipment and in the application of self-defense tactics.

Ability to self-initiate a wide variety of programs related to community policing, crime prevention, joint problem-solving with the community, and related programs.

Ability to plan and facilitate community meetings.

Ability to plan school lessons and make effective school or public presentations.

Ability to act with sound judgment in routine and emergency situations.

Ability to communicate effectively in oral and written forms.

Ability to present effective court testimony.

Ability to prepare clear and concise activity reports.

Ability to build and maintain cooperative and effective public relations with the citizens.

Ability to establish and maintain effective working relationships with coworkers, supervisors, school students, and other public officials.

Police Bicycle Operator Certification or similar training.

Physical Requirements

Must be able to physically perform the basic life operational functions of standing, walking, hearing, kneeling, reaching, feeling, grasping, pushing, pulling, bending, climbing, crawling, and performing repetitive motions.

Must be able to perform medium work exerting up to 50 pounds of force occasionally; 20 pounds frequently; and 20 pounds constantly.

Must possess the visual acuity to operate a police vehicle and distinguish details and differences when observing people, places, or things.

Must be able to pass the Police Officer Physical Abilities Test (POPAT) annually, as prescribed by Clayton Police Department policy.

Desirable Education and Experience

Graduation from high school supplemented by basic courses in police science; or an equivalent combination of education and experience.

Special Requirement

Possession of a valid North Carolina driver's license.

Completion of the minimum requirements established by the North Carolina Justice Training and Standards Council for certified law enforcement officers.

Possession of the appropriate certificates as required by the Town or the Police Department

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

Agenda Item: 6b

Meeting Date: January 5, 2015

TITLE: REAL PROPERTY LOCATED AT 220 E. MAIN STREET

DESCRIPTION: Review and action on proposed contract to purchase real property located at 220 E. Main Street. This item was previously discussed at the December 15, 2014 Town Council meeting.

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
12-15-14	Discussion	Memo
1-5-15	Discussion/Approval of contract	Memo & Proposed Contract

Jody L. McLeod
MAYOR

Bruce Thompson
TOWN ATTORNEY

Steve Biggs
TOWN MANAGER



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

Michael Grannis
MAYOR PRO TEM

December 15, 2014

Memorandum

To: Mayor Jody L. McLeod
Michael Grannis, Mayor Pro Tem
Bob Satterfield, Councilman
R.S. "Butch" Lawter, Councilman
Art Holder, Councilman
Jason Thompson, Councilman

From: Steve Biggs, Town Manager

Handwritten initials 'SB' in black ink.

Subject: Proposal for Downtown Project

Background

The Town Council has directed that the Library achieve recognition from the State Library System as an independent library. In furtherance of this project the Town staff began to evaluate alternatives for expanded space as essential to meet the need for growth in the library collection and innovative services more consistent with trends in modern library operations.

One alternative that was identified and evaluated would be to expand into a downtown building. Among those buildings identified was the former "ABC Plumbing Building" located on Main Street and owned by First Citizens Bank.

Staff visited the building on several occasions. The building is currently vacant and in major disrepair. Based on the series of visits the staff became concerned that the deteriorated condition of the building could become a blight on the downtown and adversely impact downtown building values. The input of the Mayor was requested and based on that input we took the step of performing a degree of due diligence by having an inspection performed by an independent structural engineer. The inspection report is attached herewith.

Considerations

The ABC Plumbing Building represents an opportunity to address several goals and concerns. Firstly, the building is in foreclosure and does not appear to be marketable in its current condition. The building has meaningful historic significance and it is located in a prominent, but transitional area of Downtown. If it continues to deteriorate a historic asset will be lost and it will no doubt become a nuisance and devalue adjacent buildings.

Secondly, the Town is in need of expanded area to facilitate growth in library services. Although this goal first drew the Town staff to the building, I believe it is secondary to the above goal.

Thirdly, the property on which the building stands runs all the way through to the railroad right-of-way. It includes a warehouse building that is entirely dilapidated. The back area between the Main Street buildings and the railroad right-of-way is prime for development of public parking that is badly needed to support continued growth and stability of the Downtown business sector. Recent growth in new businesses has put parking at a premium. The Town has previously developed a design that fits to this area, but needs to own or control the properties before making investment in new parking facilities.

The project cost estimate is \$500,000 to \$600,000 plus acquisition.

Conclusions

The Town has made the decision that it will not seek financing on real property or rolling stock in favor of improving debt ratios in anticipation of a future bond referendum. The Council has also recently authorized substantial expenditure from reserves for real property acquisitions for parks properties. It would not be prudent to reach further into reserves at this time.

The Staff has identified a means to finance the acquisition and a portion of the rehabilitation cost of this building. By present value sale of a communications lease on an elevated water storage tank we can raise approximately \$250,000 in capital.

We would ask the Council to consider use of these funds to acquire the ABC Plumbing Building at a cost of \$150,000. The balance of funds raised would be used as grant funds in conjunction with an RFP process to identify a suitable private sector partner for rehabilitation of the building. Upon rehabilitation the building could be rented back from the investor for use as a library for an interim period during which the investor could capture historic preservation tax credits.

The purpose of this memorandum is to formally introduce the project to the Council for your consideration.



120 St. Mary's Street
Raleigh, NC 27605
919.833.0495
LysaghtAssociates.com

6/20/2014

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**PRELIMINARY STRUCTURAL REPORT AND ESTIMATE ON 220 E. MAIN ST.
220 E. Main St.
Clayton, NC**

Prepared for: Steve Biggs
Town Manager
Town of Clayton, NC

Prepared by: Mark Blankinship
Reviewed by: Charles Lysaght
Lysaght & Associates, P.A.
120 St. Mary's St.
Raleigh, NC 27605

The purpose of this report is to provide a preliminary structural analysis of the building at 220 E. Main St. and a budget estimate on the cost to make any necessary structural upgrades and prepare the building to be renovated to a shell condition ready for upfit by a future tenant. The Town of Clayton requested this information as part of their due diligence in considering a purchase of the building.

Building Description

The building was constructed about 1915 and is located at 220 E. Main St. in Clayton, NC. The original building included the adjacent space at 218 E. Main St.. A wall was constructed in the middle of the original building at some time such that 218 and 220 are approximately the same size. This report refers only to 220 E. Main. There is a separate warehouse building in the rear of the property which is not included in this report.

The exterior walls of the building are brick masonry and the building consists of (2) floors. The wall that is shared with 218 E. Main is a wood frame wall. The existing floor joists on the first and second floors are solid sawn lumber and the roof framing is solid sawn wood trusses. The joists and trusses run side to side and bear in the masonry exterior wall and the wood shared wall. There is a masonry foundation wall that runs through the center of the building that supports the first floor joists. Steel beams have been installed at mid-span of the second floor joists in the rear section of the building. The beams do not extend all the way to the front. The roof trusses span the full width of the building.

The width of the building is approximately 30' and the depth is approximately 83'. The total area of the building is approximately 4,980 sf (2,490/floor). Additional detail on the building is provided in this report and on sheets S101, S102, and S103.

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Structural Reinforcements	3 - 5
Budget Estimate Clarifications and Assumptions	6
Budget Estimate	7 - 9
Calculations	10,11
Disclaimers and Qualifications	12
Site Pictures	13,14

DocuSigned by:
Charles Lysaght
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6/24/2014



LA - 10235: 220 E. Main St, Clayton, NC

6/20/2014

MRB

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EXECUTIVE SUMMARY

The building can be made suitable for future commercial use by performing structural upgrades to the building. The first floor should be removed and replaced with a concrete slab on grade due to the condition of the existing floor joists and floor. The second floor can be reinforced to support office and assembly live load by adding steel beams at mid-span. The existing roof trusses need to be reinforced at the connections to adequately support the roof loads. These structural reinforcements are explained in the structural recommendations section of this report.

We have completed a budget estimate that includes the above structural reinforcements to the building as well as the cost to renovate the building to a shell condition such that the building will be ready for an unfit by a future tenant. The items included in the budget estimate are listed in the Budget Estimate section of this report.

This report is intended to assist the Town of Clayton in their due diligence analysis of the building.

LA - 10235: 220 E. Main St, Clayton, NC

6/20/2014

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Structural Reinforcements

Below is the structural data on the building and the recommendations for structural reinforcement. The information is presented by floor:

Foundation and First Floor

Existing data:

1. The foundation walls are masonry and include a masonry wall at midspan that support the floor joists.
2. The floor joists are 2" x 10" spaced at 16" o.c spanning 14'.
3. The original floor is 1 x 6 wood. In locations, another 3/4" x 3 +/- floor has been added.
4. There is an existing 4" x 6" heavy timber beam supported by heavy timber columns in the rear of the building at mid-span. This is a dropped beam in the ceiling supporting the 2nd floor.
5. Steel columns and beams have been added in the center of the building at mid-span along the same line as the heavy timber beams in the rear. The steel does not extend to the front of the building.
6. There are numerous non-load bearing wood stud walls and dropped ceilings that have been installed after the original construction.
7. A new stairwell to the second floor has been installed on the right center of the building. The original stairwell is in the right rear corner.
8. There is an old lift/elevator in the rear of the building.
9. The ceiling height to the original tin ceiling attached to the bottom of the second floor joists is 13'+-.

Condition:

1. The crawl space is very shallow and not accessible.
2. The floor joists have deteriorated and have insect damage.
3. The floor is sloping badly, particularly in the rear.
4. The exterior walls appear to be in good condition with limited access for inspection.
5. The added non-structural walls and offices are in fair condition, but specific to previous use.

Recommendations:

1. Remove the existing floor system, salvage old wood flooring where possible.
2. Pour a new slab on grade floor system on washed stone.
3. Demolish the existing non-structural walls and flooring.
4. Remove drywall/plaster from the existing masonry walls.
5. Remove the existing MEP systems safely. An analysis will need to be made by an MEP engineer to determine available MEP capacity and load/utility needs.
6. Examine the exterior walls (beam pockets, etc.) and the interior load bearing beams and columns for adequacy after demolition of the non load bearing walls.
7. Optional - Add steel columns and beams in the front of the building at mid-span along the line of the existing beams to support the second floor joists if the owner chooses this option to upgrade the second floor to allow for 100 psf loading, See item 5 in second floor recommendations below for explanation.
8. Have an elevator company inspect/test the existing lift. This may be kept as a novelty as it would not meet code to operate as an elevator.

Second Floor

Existing data:

1. The existing floor joists are 2 1/4" x 14" at 12" o.c. spanning 28'. Dropped beams have been added in the center of the building and there is an existing timber beam in the rear that provides mid span support.
2. The joists bear in masonry beam pockets on the exterior wall and on top of the 2 x 6 shared wall.
3. The original floor material is 1 x 6 wood. Plywood flooring has been installed over and/or replaced the

original flooring in most locations. There is some tile floor in the rear of the building.

4. The ceiling height to the bottom of the roof trusses is 10'+-.
5. There are numerous non-structural walls, dropped ceilings, and a bathroom that have been added after original construction.
6. The original ceiling is 1 x 4 tongue and groove wood attached directly to the bottom of the roof trusses.

Condition:

1. There is no apparent excessive sagging or sloping of the second floor.
2. The floor joists appear to be in good shape pending inspection after demolition.
3. The wood ceiling is in fair to poor condition based on limited inspection.
4. The non-structural walls and ceilings are in fair condition, but are specific to the previous tenant.

Recommendations

1. Inspect the joist bearing conditions, particularly the masonry beam pockets, after demolition. If the pockets are not adequate, a steel support angle may need to be installed to support the joists.
2. Demolish and remove the non-structural walls, ceilings, and bathroom.
3. Remove the drywall and plaster from the exterior walls to expose the brick.
4. Expose and repair the existing wood floor. Refinish the floors when patched if possible.
5. The intermediate steel and wood beams supporting the second floor joists at midspan can be removed to open up the first floor and the second floor joists will be acceptable for office loading (50 psf). If the owner chooses to upgrade the loading capability to assembly (100 psf), there are 2 options:
 - 5a. Install steel columns and beams at mid-span continuing the existing steel beam line to the front.
This option is included in the base budget estimate in this report.
 - 5b. Sister new LVL's to the existing second floor joists. The number of LVL's to add (ie - every other or every third joist) depends on additional structural analysis.
6. The Town of Clayton has indicated that it may want to remove a portion of the second floor at the front of the building for a 2 story space. If this is the case, extra steel will need to be added to provide lateral stability to the front and side walls in the area where the second floor would be removed. The cost of this option is included in Alternate A-2 in the budget estimate section of this report.

Roof

Existing data:

1. The existing roof trusses are constructed of solid sawn lumber (see S103 for details) that are spaced at 2' on center and span the full width of the space (30' +-).
2. The roof trusses bear on the exterior masonry wall and on top of the 2 x 6 shared wall.
3. There is no attic insulation. There may be insulation in the roof system.
4. The attic space is open to the adjacent attic at 218 E. Main St.
5. The roof slopes from front to back and the slope is achieved by different roof truss profiles (heights). There are masonry parapets on the front and sides and the drainage is to the rear. There is one area of ponding toward the rear of the roof and one conduit opening that needs to be patched. There does not appear to be extensive roof leakage, except for some water infiltration in the rear of the building.
6. The roof decking is 1 x 8 wood material.

Condition:

1. The roof trusses appear to be in good condition, but will need structural reinforcement.
2. The bearing of the trusses at the masonry walls will need to be investigated further after demolition.
3. The roof decking appears to be in good condition based on limited inspection.
4. The roof appears to be in fairly good condition.
5. Note - The exterior masonry appears to be in fairly good condition given the age of the building. Further inspection should be made after vegetation has been removed from the rear of the building.

Recommendations:

1. Have a roof consultant verify the roof conditions. Recommend Jeff Spady.
2. We will need to do an analysis on the roof trusses, but it is likely that the connections will need to be

reinforced with bolts and additional horizontal bracing will need to be added.

3. Assess the condition of the second floor wood ceiling. If it is going to be removed, remove it prior to roof truss reinforcements.

4. Inspect the roof truss bearing locations and conditions after demolition and reinforce if necessary.

LA - 10235: 220 E. Main St, Clayton, NC

6/20/2014

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Budget Estimate Clarifications and Assumptions

There is a description in each line item cost of the budget estimate, which is included in this report. However, please note the following list of clarifications and assumptions for additional clarity:

1. The Structural Reinforcement recommendations listed in this report are included in the budget Estimate.
2. A line item allowance is included for permits and fees.
3. Demolition of all non-structural walls and ceilings is included.
4. There is an allowance for electrical distribution to the building
5. There is an allowance for water and sewer distribution to the building. We do not know if the water and sewer currently serving the building is adequate.
6. There is an allowance for exterior masonry tuckpointing.
7. We have included an estimated cost for installing a CMU firewall for a firewall separation at the shared wall. It may be feasible to install a sheetrock firewall instead. This will need to be investigated further by an architect and the building officials.
8. The cost of a fire sprinkler system is not included in the base budget estimate, but is included as alternate.
9. Demolition to expose the exterior brick walls is included.
10. The cost of 2 bathrooms for the first floor are included, but none on the second floor. The requirements for bathrooms would need to be investigated by an architect.
11. The second floor remains in place in the budget estimate as useable space. There is an alternate to remove the front 1/2 of the second floor and add building bracing reinforcement as a result.
12. It is assumed that all of the existing MEP systems will be safely removed.
13. There is an allowance for shell HVAC
14. There is an allowance for Shell electrical which only includes installation of electrical panels and minimal lighting.
15. There is an allowance for upgrading the storefront which assumes that the original opening remains the same.
16. There is an allowance for investigating the existing elevator/lift, but leaving it in place and assuming that it is non-functional for public use.
17. There is a roof repair allowance that assumes the roof will not be replaced, but repaired.
18. The estimate includes removing the existing stairwell in the right center of the building and restoring the stairwell in the right rear of the building.
19. The budget estimate includes construction costs only and only those items specifically listed in the budget estimate. Architect/Engineer and other professional fees are not included in the estimate.
20. The estimate includes an allowance for restoring the tin ceiling in the first floor. This includes painting only, not stripping to original metal.



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Updated: 6/20/2014

220 E. Main St., Clayton, NC

BUDGET ESTIMATE SUMMARY - See Budget Estimate Clarifications

PROJECT : 220 E. MAIN ST. RENOVATION
 LOCATION : CLAYTON, NC
 ENGINEER : LYSAGHT & ASSOCIATES
 OWNER : TOWN OF CLAYTON
 BUILDING TYPE : BRICK MASONRY AND WOOD STRUCTURE

TOTAL AREA: 4,980 SF

CURRENT TOTAL: \$597,987

CODE	DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL
100	Permit Fees Allowance -	1	LS	5,000.00	5,000
110	General Contractor General Conditions - Supervision, etc.	1	LS	62,500.00	62,500
200	Hazardous Material Removal and testing - None - By owner, if any	1	LS	0.00	0
210	Plumbing demo/cap as needed (2 men at 4 days @ \$45/hr)	1	LS	2,880.00	2,880
215	Electrical demo, safe the building, and temporary power	1	LS	7,500.00	7,500
220	HVAC Investigation, unhook, and demo (3 men at 3 days @ \$45)	1	LS	3,240.00	3,240
230	Demolish all non-structural walls, ceilings, materials down to structure	1	LS	35,000.00	35,000
235	Temporary bracing for exterior walls prior to first floor demo	1	LS	4,750.00	4,750
240	Remove first floor system including mid span foundation wall - salvage floor	1	LS	10,800.00	10,800
245	Demo second floor wood ceiling	1	LS	2,850.00	2,850
250	Temporary Shoring at stairwell to be closed and at rehab of original stairwell.	1	LS	4,150.00	4,150
260	Landscape allowance	1	LS	2,500.00	2,500
300	Install washed stone in the first floor crawl space prior to slab pour	216	TNS	45.00	9,720
305	Install 4" concrete slab on grade for first floor - includes sawcuts. poly, etc.	35	CYDS	565.00	19,775
310	Thickened slabs/piers for columns	6	EA	785.00	4,710
315	Miscellaneous concrete sidewalk repairs/rear pad	450	SF	5.50	2,475
400	Exterior Masonry tuckpointing allowance	1	LS	7,500.00	7,500
405	Interior tuckpointing allowance	1	LS	5,000.00	5,000
410	Allowance to re-work beam pockets and truss bearing at masonry	1	LS	8,500.00	8,500
415	Install an 8" or 4" cmu firewall at the shared wall	2,075	SF	8.50	17,638
500	Remove Stairwell beam and columns	1	LS	1,850.00	1,850

505	Install new tube columns on first floor	2	EA	1,750.00	3,500
510	Install new steel beams at first floor at mid span	1	LS	6,250.00	6,250
515	Allowance for steel angles under 2nd floor joists	1	LS	12,500.00	12,500
520	Allowance to re-work existing connections at beams/columns	1	LS	4,500.00	4,500
600	Carpenters to salvage existing flooring and ceiling material (2 @ 2 wks @ \$40)	1	LS	6,400.00	6,400
605	Replace 2nd floor joists at stair to be closed	1	LS	3,250.00	3,250
610	Rework original stair in the rear	1	LS	4,150.00	4,150
615	Allowance for replacement of 2nd floor joists	1	LS	4,125.00	4,125
620	Replacement/patching of 2nd floor wood	1	LS	6,980.00	6,980
625	Framing for fire-ratings at 2nd floor ceiling and attic separation	1	LS	12,500.00	12,500
630	Allowance to re-work and/or enhance storefront	1	LS	20,000.00	20,000
635	Add 2 x 6 horizontal bracing to trusses -	64	EA	12.50	800
640	Add bolts to existing truss connections	650	EA	8.50	5,525
645	Miscellaneous lumber for truss reinforcement	1	LS	1,250.00	1,250
650	Labor to add truss reinforcement (2 mn at 12 days @ \$40/hr)	1	LS	15,360.00	15,360
655	Trim Allowance - base, entrance	1	LS	5,000.00	5,000
700	Roof Repair only - not replacement (assumes full roof over both spaces)	5,000	SF	3.50	17,500
710	New Attic insulation	2,500	SF	1.50	3,750
720	Insulation at shared wall	2,075	SF	1.25	2,594
730	Insulation at exterior brick walls - NIC	0	LS	0.00	0
740	Fire Caulking allowance	1	LS	3,750.00	3,750
745	Caulking allowance	1	LS	2,000.00	2,000
800	Doors and Frames - Assume 8 new (baths, stairs first floor wall b/w rear front	8	EA	425.00	3,400
810	Finish hardware allowance	8	EA	225.00	1,800
820	Glass and Storefront - See storefront allowance	1	LS	7,500.00	7,500
900	Drywall at 2nd floor ceiling - 2 layers	5,000	SF	2.10	10,500
905	Drywall at bathrooms, stairwells, first floor wall	950	SF	2.10	1,995
910	Allowance for attic firewalls	1	LS	2,500.00	2,500
920	First floor ceiling - None	0	LS	0.00	0
930	Furring for 2nd floor ceiling	2,500	SF	2.50	6,250
940	Paint allowance	1	LS	10,000.00	10,000
942	Refinish tin ceiling	1	ALL	7,500.00	7,500
945	Sealer for exposed brick walls	5,200	SF	1.25	6,500
950	Concrete colored sealer for first floor slab	2,500	SF	3.25	8,125
960	Assume new wood floors for second floor - should cover patch/refinish ex.	2,500	SF	7.50	18,750
1000	Toilet partitions	2	BATHS	2,150.00	4,300
1010	Toilet Accessories	2	BATHS	875.00	1,750
1020	Fire Extinguishers	6	EA	175.00	1,050
1300	Inspect elevator allowance	1	LS	3,250.00	3,250



AGREEMENT FOR PURCHASE AND SALE OF REAL PROPERTY

THIS AGREEMENT, including any and all addenda attached hereto ("Agreement"), is by and between
Town of Clayton

a(n) (individual or State of formation and type of entity)
("Buyer"), and
First Citizens Bank & Trust Company

a(n) (individual or State of formation and type of entity)
("Seller").

FOR AND IN CONSIDERATION OF THE MUTUAL PROMISES SET FORTH HEREIN AND OTHER GOOD AND VALUABLE CONSIDERATION, THE RECEIPT AND SUFFICIENCY OF WHICH ARE HEREBY ACKNOWLEDGED, THE PARTIES HERETO AGREE AS FOLLOWS:

Section 1. Terms and Definitions: The terms listed below shall have the respective meaning given them as set forth adjacent to each term.

(a) "Property": (Address) 220 East Main Street Clayton, NC 27520

Plat Reference: Lot(s) , Block or Section , as shown on Plat Book or Slide at Page(s) , County, consisting of acres.

[X] If this box is checked, "Property" shall mean that property described on Exhibit A attached hereto and incorporated herewith by reference,

(For information purposes: (i) the tax parcel number of the Property is: 05015004 ; and, (ii) some or all of the Property, consisting of approximately acres, is described in Deed Book 4369 , Page No. 560 , Johnston County.)

together with all buildings and improvements thereon and all fixtures and appurtenances thereto and all personal property, if any, itemized on Exhibit A.

\$ 150,000.00 (b) "Purchase Price" shall mean the sum of One Hundred Fifty Thousand Dollars, payable on the following terms:

\$ N/A (i) "Earnest Money" shall mean Dollars or terms as follows:

Upon this Agreement becoming a contract in accordance with Section 14, the Earnest Money shall be promptly deposited in escrow with (name of person/entity with whom deposited), to be applied as part payment of the Purchase Price of the Property at Closing, or disbursed as agreed upon under the provisions of Section 10 herein.



This form jointly approved by: North Carolina Bar Association North Carolina Association of REALTORS®, Inc.

STANDARD FORM 580-T Revised 7/2013 © 7/2014

Buyer Initials Seller Initials

ANY EARNEST MONEY DEPOSITED BY BUYER IN A TRUST ACCOUNT MAY BE PLACED IN AN INTEREST BEARING TRUST ACCOUNT, AND: (check only ONE box)

ANY INTEREST EARNED THEREON SHALL BE APPLIED AS PART PAYMENT OF THE PURCHASE PRICE OF THE PROPERTY AT CLOSING, OR DISBURSED AS AGREED UPON UNDER THE PROVISIONS OF SECTION 10 HEREIN. (Buyer's Taxpayer Identification Number is: _____)

ANY INTEREST EARNED THEREON SHALL BELONG TO THE ACCOUNT HOLDER IN CONSIDERATION OF THE EXPENSES INCURRED BY MAINTAINING SUCH ACCOUNT AND RECORDS ASSOCIATED THEREWITH.

\$ N/A (ii) Proceeds of a new loan in the amount of _____ Dollars for a term of _____ years, with an amortization period not to exceed _____ years, at an interest rate not to exceed _____ % per annum with mortgage loan discount points not to exceed _____ % of the loan amount, or such other terms as may be set forth on Exhibit B. Buyer shall pay all costs associated with any such loan.

\$ N/A (iii) Delivery of a promissory note secured by a deed of trust, said promissory note in the amount of _____ Dollars being payable over a term of _____ years, with an amortization period of _____ years, payable in monthly installments of principal, together with accrued interest on the outstanding principal balance at the rate of _____ percent (_____ %) per annum in the amount of \$ _____, with the first principal payment beginning on the first day of the month next succeeding the date of Closing, or such other terms as may be set forth on Exhibit B. At any time, the promissory note may be prepaid in whole or in part without penalty and without further interest on the amounts prepaid from the date of such prepayment. (NOTE: In the event of Buyer's subsequent default upon a promissory note and deed of trust given hereunder, Seller's remedies may be limited to foreclosure of the Property. If the deed of trust given hereunder is subordinated to senior financing, the material terms of such financing must be set forth on Exhibit B. If such senior financing is subsequently foreclosed, the Seller may have no remedy to recover under the note.)

\$ N/A (iv) Assumption of that unpaid obligation of Seller secured by a deed of trust on the Property, such obligation having an outstanding principal balance of \$ _____ and evidenced by a note bearing interest at the rate of _____ percent (_____ %) per annum, and a current payment amount of \$ _____. The obligations of Buyer under this Agreement are conditioned upon Buyer being able to assume the existing loan described above. If such assumption requires the lender's approval, Buyer agrees to use its best efforts to secure such approval and to advise Seller immediately upon receipt of the lender's decision. Approval must be granted on or before _____. On or before this date, Buyer has the right to terminate this Agreement for failure to be able to assume the loan described above by delivering to Seller written notice of termination by the above date, *time being of the essence*. If Buyer delivers such notice, this Agreement shall be null and void and Earnest Money shall be refunded to Buyer. If Buyer fails to deliver such notice, then Buyer will be deemed to have waived the loan condition. Unless provided otherwise in Section 3 hereof, Buyer shall pay all fees and costs associated with any such assumption, including any assumption fee charged by the lender. At or before Closing, Seller shall assign to Buyer all interest of Seller in any current reserves or escrows held by the lender, any property management company and/or Seller, including but not limited to any tenant improvement reserves, leasing commission reserves, security deposits and operating or capital reserves for which Seller shall be credited said amounts at Closing.

\$ 150,000.00 (v) Cash, balance of Purchase Price, at Closing in the amount of One Hundred Fifty Thousand Dollars.

Buyer Initials _____ Seller Initials _____

(c) "Closing" shall mean the date and time of recording of the deed. Closing shall occur on or before January 20, 2015 or _____

(d) "Contract Date" means the date this Agreement has been fully executed by both Buyer and Seller.

(e) "Examination Period" shall mean the period beginning on the first day after the Contract Date and extending through through 11:59pm (based upon time at the locale of the Property) on 10 day due diligence from effective date of contract.

TIME IS OF THE ESSENCE AS TO THE EXAMINATION PERIOD.

(f) "Broker(s)" shall mean:
_____ N/A _____ ("Listing Agency"),
_____ N/A _____ ("Listing Agent" - License # _____)
Acting as: Seller's Agent; Dual Agent
and _____ N/A _____ ("Selling Agency"),
_____ N/A _____ ("Selling Agent" - License # _____)
Acting as: Buyer's Agent; Seller's (Sub) Agent; Dual Agent

(g) "Seller's Notice Address" shall be as follows:
PO Box 27131-RWN15
Raleigh, NC 27611
except as same may be changed pursuant to Section 12.

(h) "Buyer's Notice Address" shall be as follows:
P.O. Box 879
Clayton, NC 27528
except as same may be changed pursuant to Section 12.

(i) If this block is marked, additional terms of this Agreement are set forth on Exhibit B attached hereto and incorporated herein by reference. (Note: Under North Carolina law, real estate agents are not permitted to draft conditions or contingencies to this Agreement.)

Section 2. Sale of Property and Payment of Purchase Price: Seller agrees to sell and Buyer agrees to buy the Property for the Purchase Price.

Section 3. Proration of Expenses and Payment of Costs: Seller and Buyer agree that all property taxes (on a calendar year basis), leases, rents, mortgage payments and utilities or any other assumed liabilities as detailed on attached Exhibit B, if any, shall be prorated as of the date of Closing. Seller shall pay for preparation of a deed and all other documents necessary to perform Seller's obligations under this Agreement, excise tax (revenue stamps), any deferred or rollback taxes, and other conveyance fees or taxes required by law, and the following:
N/A

Buyer Initials _____ Seller Initials _____

Buyer shall pay recording costs, costs of any title search, title insurance, survey, the cost of any inspections or investigations undertaken by Buyer under this Agreement and the following:

N/A

Each party shall pay its own attorney's fees.

Section 4. Deliveries: Seller agrees to use best efforts to deliver to Buyer as soon as reasonably possible after the Contract Date copies of all information relating to the Property in possession of or available to Seller, including but not limited to: title insurance policies (and copies of any documents referenced therein), surveys, soil test reports, environmental surveys or reports, site plans, civil drawings, building plans, maintenance records and copies of all presently effective warranties or service contracts related to the Property. Seller authorizes (1) any attorney presently or previously representing Seller to release and disclose any title insurance policy in such attorney's file to Buyer and both Buyer's and Seller's agents and attorneys; and (2) the Property's title insurer or its agent to release and disclose all materials in the Property's title insurer's (or title insurer's agent's) file to Buyer and both Buyer's and Seller's agents and attorneys. If Buyer does not consummate the Closing for any reason other than Seller default, then Buyer shall return to Seller all materials delivered by Seller to Buyer pursuant to this Section 4 (or Section 7, if applicable), if any, and shall, upon Seller's request, provide to Seller copies of (subject to the ownership and copyright interests of the preparer thereof) any and all studies, reports, surveys and other information relating directly to the Property prepared by or at the request of Buyer, its employees and agents, and shall deliver to Seller, upon the release of the Earnest Money, copies of all of the foregoing without any warranty or representation by Buyer as to the contents, accuracy or correctness thereof.

~~Section 5. Evidence of Title: Seller agrees to convey fee simple marketable and insurable title to the Property without exception for mechanics' liens, free and clear of all liens, encumbrances and defects of title other than: (a) zoning ordinances affecting the Property, (b) Leases (if applicable) and (c) matters of record existing at the Contract Date that are not objected to by Buyer prior to the end of the Examination Period ("Permitted Exceptions"); provided that Seller shall be required to satisfy, at or prior to Closing, any encumbrances that may be satisfied by the payment of a fixed sum of money, such as deeds of trust, mortgages or statutory liens. Seller shall not enter into or record any instrument that affects the Property (or any personal property listed on Exhibit A) after the Contract Date without the prior written consent of Buyer, which consent shall not be unreasonably withheld, conditioned or delayed. SEE CONTROLLING ADDENDUM FOR THIS "AS IS" SALE.~~

Section 6. Conditions: This Agreement and the rights and obligations of the parties under this Agreement are hereby made expressly conditioned upon fulfillment (or waiver by Buyer, whether explicit or implied) of the following conditions:

(a) **New Loan:** The Buyer must be able to obtain the loan, if any, referenced in Section 1(b)(ii). Buyer must be able to obtain a firm commitment for this loan on or before N/A, effective through the date of Closing. Buyer agrees to use its best efforts to secure such commitment and to advise Seller immediately upon receipt of lender's decision. On or before the above date, Buyer has the right to terminate this Agreement for failure to obtain the loan referenced in Section 1(b)(ii) by delivering to Seller written notice of termination by the above date, *time being of the essence*. If Buyer delivers such notice, this Agreement shall be null and void and Earnest Money shall be refunded to Buyer. If Buyer fails to deliver such notice, then Buyer will be deemed to have waived the loan condition. Notwithstanding the foregoing, after the above date, Seller may request in writing from Buyer a copy of the commitment letter. If Buyer fails to provide Seller a copy of the commitment letter within five (5) days of receipt of Seller's request, then Seller may terminate this Agreement by written notice to Buyer at any time thereafter, provided Seller has not then received a copy of the commitment letter, and Buyer shall receive a return of Earnest Money.

(b) **Qualification for Financing:** If Buyer is to assume any indebtedness in connection with payment of the Purchase Price, Buyer agrees to use its best efforts to qualify for the assumption. Should Buyer fail to qualify, Buyer shall notify Seller in writing immediately upon lender's decision, whereupon this Agreement shall terminate, and Buyer shall receive a return of Earnest Money.

(c) **Title Examination:** After the Contract Date, Buyer shall, at Buyer's expense, cause a title examination to be made of the Property before the end of the Examination Period. In the event that such title examination shall show that Seller's title is not fee simple marketable and insurable, subject only to Permitted Exceptions, then Buyer shall promptly notify Seller in writing of all such title defects and exceptions, in no case later than the end of the Examination Period, and Seller shall have thirty (30) days to cure said noticed defects. If Seller does not cure the defects or objections within thirty (30) days of notice thereof, then Buyer may terminate this Agreement and receive a return of Earnest Money (notwithstanding that the Examination Period may have expired). If Buyer is to purchase title insurance, the insuring company must be licensed to do business in the state in which the Property is located. Title to the Property must be insurable at regular rates, subject only to standard exceptions and Permitted Exceptions.

(d) **Same Condition:** If the Property is not in substantially the same condition at Closing as of the date of the offer, reasonable wear and tear excepted, then the Buyer may (i) terminate this Agreement and receive a return of the Earnest Money or (ii) proceed to Closing whereupon Buyer shall be entitled to receive, in addition to the Property, any of the Seller's insurance proceeds payable on account of the damage or destruction applicable to the Property.

Buyer Initials _____ Seller Initials _____

(e) **Inspections:** Buyer, its agents or representatives, at Buyer's expense and at reasonable times during normal business hours, shall have the right to enter upon the Property for the purpose of inspecting, examining, performing soil boring and other testing, conducting timber cruises, and surveying the Property. Buyer shall conduct all such on-site inspections, examinations, soil boring and other testing, timber cruises and surveying of the Property in a good and workmanlike manner, shall repair any damage to the Property caused by Buyer's entry and on-site inspections and shall conduct same in a manner that does not unreasonably interfere with Seller's or any tenant's use and enjoyment of the Property. In that respect, Buyer shall make reasonable efforts to undertake on-site inspections outside of the hours any tenant's business is open to the public and shall give prior notice to any tenants of any entry onto any tenant's portion of the Property for the purpose of conducting inspections. Upon Seller's request, Buyer shall provide to Seller evidence of general liability insurance. Buyer shall also have a right to review and inspect all contracts or other agreements affecting or related directly to the Property and shall be entitled to review such books and records of Seller that relate directly to the operation and maintenance of the Property, provided, however, that Buyer shall not disclose any information regarding this Property (or any tenant therein) unless required by law and the same shall be regarded as confidential, to any person, except to its attorneys, accountants, lenders and other professional advisors, in which case Buyer shall obtain their agreement to maintain such confidentiality. Buyer assumes all responsibility for the acts of itself, its agents or representatives in exercising its rights under this Section 6(e) and agrees to indemnify and hold Seller harmless from any damages resulting therefrom. This indemnification obligation of Buyer shall survive the Closing or earlier termination of this Agreement. Buyer shall, at Buyer's expense, promptly repair any damage to the Property caused by Buyer's entry and on-site inspections. Except as provided in Section 6(c) above, Buyer shall have from the Contract Date through the end of the Examination Period to perform the above inspections, examinations and testing. **IF BUYER CHOOSES NOT TO PURCHASE THE PROPERTY, FOR ANY REASON OR NO REASON, AND PROVIDES WRITTEN NOTICE TO SELLER THEREOF PRIOR TO THE EXPIRATION OF THE EXAMINATION PERIOD, THEN THIS AGREEMENT SHALL TERMINATE, AND BUYER SHALL RECEIVE A RETURN OF THE EARNEST MONEY.**

Section 7. Leases (Check one of the following, as applicable):

If this box is checked, Seller affirmatively represents and warrants that there are no Leases (as hereinafter defined) affecting the Property.

If this box is checked, Seller discloses that there are one or more leases affecting the Property (oral or written, recorded or not - "Leases") and the following provisions are hereby made a part of this Agreement.

(a) A list of all Leases shall be set forth on Exhibit B;

(b) Seller shall deliver copies of any Leases to Buyer pursuant to Section 4 as if the Leases were listed therein;

(c) Seller represents and warrants that as of the Contract Date there are no current defaults (or any existing situation which, with the passage of time, or the giving of notice, or both, or at the election of either landlord or tenant could constitute a default) either by Seller, as landlord, or by any tenant under any Lease ("Lease Default"). In the event there is any Lease Default as of the Contract Date, Seller agrees to provide Buyer with a detailed description of the situation in accordance with Section 4. Seller agrees not to commit a Lease Default as Landlord after the Contract Date, and agrees further to notify Buyer immediately in the event a Lease Default arises or is claimed, asserted or threatened to be asserted by either Seller or a tenant under the Lease.

(d) In addition to the conditions provided in Section 6 of this Agreement, this Agreement and the rights and obligations of the parties under this Agreement are hereby made expressly conditioned upon the assignment of Seller's interest in any Lease to Buyer in form and content acceptable to Buyer (with tenant's written consent and acknowledgement, if required under the Lease), and Seller agrees to use its best efforts to effect such assignment. Any assignment required under this Section 7 shall be required to be delivered at or before Closing by Seller in addition to those deliveries required under Section 11 of this Agreement.

(e) Seller agrees to deliver an assignment of any Lease at or before Closing, with any security deposits held by Seller under any Leases to be transferred or credited to Buyer at or before Closing. Seller also agrees to execute and deliver (and work diligently to obtain any tenant signatures necessary for same) any estoppel certificates and subordination, nondisturbance and attornment agreements in such form as Buyer may reasonably request.

~~Section 8. Environmental: Seller represents and warrants that it has no actual knowledge of the presence or disposal, except as in accordance with applicable law, within the buildings or on the Property of hazardous or toxic waste or substances, which are defined as those substances, materials, and wastes, including, but not limited to, those substances, materials and wastes listed in the United States Department of Transportation Hazardous Materials Table (49 CFR Part 172.101) or by the Environmental Protection Agency as hazardous substances (40 CFR Part 302.4) and amendments thereto, or such substances, materials and wastes, which are or become regulated under any applicable local, state or federal law, including, without limitation, any material, waste or substance which is (i) petroleum, (ii) asbestos, (iii) polychlorinated biphenyls, (iv) designated as a Hazardous Substance pursuant to Section 311 of the~~

Buyer Initials _____ Seller Initials _____

~~Clean Water Act of 1977 (33 U.S.C. §1321) or listed pursuant to Section 307 of the Clean Water Act of 1977 (33 U.S.C. §1317), (v) defined as a hazardous waste pursuant to Section 1004 of the Resource Conservation and Recovery Act of 1976 (42 U.S.C. §6903) or (vi) defined as a hazardous substance pursuant to Section 101 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. §9601). Seller has no actual knowledge of any contamination of the Property from such substances as may have been disposed of or stored on neighboring tracts. SEE CONTROLLING ADDENDUM FOR THIS "AS IS" SALE.~~

Section 9. Risk of Loss/Damage/Repair: Until Closing, the risk of loss or damage to the Property, except as otherwise provided herein, shall be borne by Seller. Except as to maintaining the Property in its same condition, Seller shall have no responsibility for the repair of the Property, including any improvements, unless the parties hereto agree in writing.

Section 10. Earnest Money Disbursement: In the event that any of the conditions hereto are not satisfied, or in the event of a breach of this Agreement by Seller, then the Earnest Money shall be returned to Buyer, but such return shall not affect any other remedies available to Buyer for such breach. In the event this offer is accepted and Buyer breaches this Agreement, then the Earnest Money shall be forfeited, but such forfeiture shall not affect any other remedies available to Seller for such breach. NOTE: In the event of a dispute between Seller and Buyer over the return or forfeiture of Earnest Money held in escrow by a licensed real estate broker, the broker is required by state law to retain said Earnest Money in its trust or escrow account until it has obtained a written release from the parties consenting to its disposition or until disbursement is ordered by a court of competent jurisdiction, or alternatively, the party holding the Earnest Money may deposit the disputed monies with the appropriate clerk of court in accordance with the provisions of N.C.G.S. §93A-12.

Section 11. Closing: At or before Closing, Seller shall deliver to Buyer a ~~general~~ ^{Special} warranty deed unless otherwise specified on Exhibit B and other documents customarily executed or delivered by a seller in similar transactions, including without limitation, a bill of sale for any personalty listed on Exhibit A, an owner's affidavit, lien waiver forms (and such other lien related documentation as shall permit the Property to be conveyed free and clear of any claim for mechanics' liens) and a non-foreign status affidavit (pursuant to the Foreign Investment in Real Property Tax Act), and Buyer shall pay to Seller the Purchase Price. At Closing, the Earnest Money shall be applied as part of the Purchase Price. The Closing shall be conducted by Buyer's attorney or handled in such other manner as the parties hereto may mutually agree in writing. Possession shall be delivered at Closing, unless otherwise agreed herein. The Purchase Price and other funds to be disbursed pursuant to this Agreement shall not be disbursed until Closing has taken place.

Section 12. Notices: Unless otherwise provided herein, all notices and other communications which may be or are required to be given or made by any party to the other in connection herewith shall be in writing and shall be deemed to have been properly given and received on the date delivered in person or deposited in the United States mail, registered or certified, return receipt requested, to the addresses set out in Section 1(g) as to Seller and in Section 1(h) as to Buyer, or at such other addresses as specified by written notice delivered in accordance herewith.

Section 13. Entire Agreement: This Agreement constitutes the sole and entire agreement among the parties hereto and no modification of this Agreement shall be binding unless in writing and signed by all parties hereto. The invalidity of one or more provisions of this Agreement shall not affect the validity of any other provisions hereof and this Agreement shall be construed and enforced as if such invalid provisions were not included.

Section 14. Enforceability: This Agreement shall become a contract when signed by both Buyer and Seller and such signing is communicated to both parties; it being expressly agreed that the notice described in Section 12 is not required for effective communication for the purposes of this Section 14. The parties acknowledge and agree that: (i) the initials lines at the bottom of each page of this Agreement are merely evidence of their having reviewed the terms of each page, and (ii) the complete execution of such initials lines shall not be a condition of the effectiveness of this Agreement. This Agreement shall be binding upon and inure to the benefit of the parties, their heirs, successors and assigns and their personal representatives.

Section 15. Adverse Information and Compliance with Laws:

~~(a) Seller Knowledge: Seller has no actual knowledge of (i) condemnation(s) affecting or contemplated with respect to the Property; (ii) actions, suits or proceedings pending or threatened against the Property; (iii) changes contemplated in any applicable laws, ordinances or restrictions affecting the Property; or (iv) governmental special assessments, either pending or confirmed, for sidewalk, paving, water, sewer, or other improvements on or adjoining the Property, and no pending or confirmed owners' association special assessments, except as follows (insert "None" or the identification of any matters relating to (i) through (iv) above, if any):~~
N/A - SEE CONTROLLING ADDENDUM FOR THIS "AS IS" SALE.

Buyer Initials _____ Seller Initials _____

Note: For purposes of this Agreement, a "confirmed" special assessment is defined as an assessment that has been approved by a governmental agency or an owners' association for the purpose(s) stated, whether or not it is fully payable at time of closing. A "pending" special assessment is defined as an assessment that is under formal consideration by a governing body. Seller shall pay all owners' association assessments and all governmental assessments confirmed as of the date of Closing, if any, and Buyer shall take title subject to all pending assessments disclosed by Seller herein, if any.

Seller represents that the regular owners' association dues, if any, are \$ N/A per _____ .

(b) **Compliance:** To Seller's actual knowledge, (i) Seller has complied with all applicable laws, ordinances, regulations, statutes, rules and restrictions pertaining to or affecting the Property; (ii) performance of the Agreement will not result in the breach of, constitute any default under or result in the imposition of any lien or encumbrance upon the Property under any agreement or other instrument to which Seller is a party or by which Seller or the Property is bound; and (iii) there are no legal actions, suits or other legal or administrative proceedings pending or threatened against the Property, and Seller is not aware of any facts which might result in any such action, suit or other proceeding.

Section 16. Survival of Representations and Warranties: ~~All representations, warranties, covenants and agreements made by the parties hereto shall survive the Closing and delivery of the deed. Seller shall, at or within six (6) months after the Closing, and without further consideration, execute, acknowledge and deliver to Buyer such other documents and instruments, and take such other action as Buyer may reasonably request or as may be necessary to more effectively transfer to Buyer the Property described herein in accordance with this Agreement.~~ SEE CONTROLLING ADDENDUM FOR THIS "AS IS" SALE.

Section 17. Applicable Law: This Agreement shall be construed under the laws of the state in which the Property is located. This form has only been approved for use in North Carolina.

Section 18. Assignment: This Agreement is freely assignable unless otherwise expressly provided on Exhibit B.

Section 19. Tax-Deferred Exchange: In the event Buyer or Seller desires to effect a tax-deferred exchange in connection with the conveyance of the Property, Buyer and Seller agree to cooperate in effecting such exchange; provided, however, that the exchanging party shall be responsible for all additional costs associated with such exchange, and provided further, that a non-exchanging party shall not assume any additional liability with respect to such tax-deferred exchange. Seller and Buyer shall execute such additional documents, at no cost to the non-exchanging party, as shall be required to give effect to this provision.

Section 20. Memorandum of Contract: Upon request by either party, the parties hereto shall execute a memorandum of contract in recordable form setting forth such provisions hereof (other than the Purchase Price and other sums due) as either party may wish to incorporate. Such memorandum of contract shall contain a statement that it automatically terminates and the Property is released from any effect thereby as of a specific date to be stated in the memorandum (which specific date shall be no later than the date of Closing). The cost of recording such memorandum of contract shall be borne by the party requesting execution of same.

Section 21. Authority: Each signatory to this Agreement represents and warrants that he or she has full authority to sign this Agreement and such instruments as may be necessary to effectuate any transaction contemplated by this Agreement on behalf of the party for whom he or she signs and that his or her signature binds such party.

Section 22. Brokers: Except as expressly provided herein, Buyer and Seller agree to indemnify and hold each other harmless from any and all claims of brokers, consultants or real estate agents by, through or under the indemnifying party for fees or commissions arising out of the sale of the Property to Buyer. Buyer and Seller represent and warrant to each other that: (i) except as to the Brokers designated under Section 1(f) of this Agreement, they have not employed nor engaged any brokers, consultants or real estate agents to be involved in this transaction and (ii) that the compensation of the Brokers is established by and shall be governed by separate agreements entered into as amongst the Brokers, the Buyer and/or the Seller.

Section 23. Attorneys Fees: If legal proceedings are instituted to enforce any provision of this Agreement, the prevailing party in the proceeding shall be entitled to recover from the non-prevailing party reasonable attorneys fees and court costs incurred in connection with the proceeding.

EIFS/SYNTHETIC STUCCO: If the adjacent box is checked, Seller discloses that the Property has been clad previously (either in whole or in part) with an "exterior insulating and finishing system" commonly known as "EIFS" or "synthetic stucco". Seller makes no representations or warranties regarding such system and Buyer is advised to make its own independent determinations with respect to conditions related to or occasioned by the existence of such materials at the Property.

THE NORTH CAROLINA ASSOCIATION OF REALTORS®, INC. AND THE NORTH CAROLINA BAR ASSOCIATION MAKE NO REPRESENTATION AS TO THE LEGAL VALIDITY OR ADEQUACY OF ANY PROVISION OF THIS FORM IN ANY SPECIFIC TRANSACTION. IF YOU DO NOT UNDERSTAND THIS FORM OR FEEL THAT IT DOES NOT PROVIDE FOR YOUR LEGAL NEEDS, YOU SHOULD CONSULT A NORTH CAROLINA REAL ESTATE ATTORNEY BEFORE YOU SIGN IT.

BUYER:

SELLER:

Individual

Individual

Date: _____

Date: _____

Date: _____

Date: _____

Business Entity

Business Entity

Town of Clayton
(Name of Entity)

First Citizens Bank & Trust Co
(Name of Entity)

By: _____

By: _____

Name: Steven Biggs

Name: Tim Bylow

Title: Town Manager

Title: VP of First Citizens Bank

Date: _____

Date: _____

The undersigned hereby acknowledges receipt of the Earnest Money set forth herein and agrees to hold said Earnest Money in accordance with the terms hereof.

(Name of Firm)

Date: _____

By: _____

EXHIBIT "A"

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

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

BEGINNING at a point in the eastern right-of-way line of Main Street, said point is located North 39 deg. 41 min. 52 sec. West 7.4 feet from the northwestern corner of a brick building (formerly John T. Talton's office); thence with the eastern right-of-way line of Main Street and with the western edge of a brick building North 38 deg. 55 min. 40 sec. West 30.00 feet to a point in a partition wall; said point is located South 38 deg. 58 min. 27 sec. East 244.82 feet from the southeastern intersectional corner of the sidewalks on Main Street and Church Street; thence with said partition wall North 51 deg. 05 min. 09 sec. East 208.98 feet to an iron stake in the western right-of-way of N.C. Railroad; said iron stake is located South 39 deg. 03 min. 02 sec. East 30.00 feet from an iron stake marking the northwestern corner of that certain property described in Deed Book 335, page 585; thence with the western right-of-way line of N.C. Railroad South 39 deg. 03 min. 02 sec. East 30.00 feet to an iron stake; thence along a 7.4 feet strip of land formerly used as a private alley South 51 deg. 05 min. 09 sec. West 209.05 feet to the point of **BEGINNING** and containing 0.144 acres, more or less, and being that certain property conveyed to the Trustees of the Way of Life Baptist Church by deed recorded in Deed Book 900, Page 558 at the Johnston County Registry.

EXHIBIT B

First Citizens Bank & Trust Company AS IS ADDENDUM

This is an Addendum to that Purchase and Sale of Real Property Agreement ("Purchase Agreement") dated _____, by and between Town of Clayton as "Buyer" and First Citizens Bank & Trust Company, a North Carolina banking corporation, as "Seller," for the purchase and sale of the real property (the "Property") with the following street address: 220 East Main Street, Clayton, NC 27520.

It is acknowledged and agreed by Buyer and Seller as follows:

1. Seller acquired the Property (i) through foreclosure, (ii) through deed-in-lieu of foreclosure. Because of the circumstances under which Seller acquired the Property, Seller has little or no knowledge regarding the condition of the Property.

2. In consideration for Seller's agreement to complete the transaction with Buyer, Seller and Buyer agree as follows:

a. The deed from Seller to Buyer shall be a Limited or Special Warranty Deed.

b. Prior to the Closing, Buyer will have had the opportunity to investigate all physical and economic aspects of the Property and to make all inspections and investigations of the Property that Buyer deems necessary or desirable to protect Buyer's interests in acquiring the Property. Neither Seller nor anyone acting for or on behalf of Seller has made any representation, warranty, promise or statement, of any kind or nature, either express or implied, to Buyer or to anyone acting for or on behalf of Buyer concerning the Property or the condition, use, or development thereof, including but not limited to the completeness or accuracy of any information regarding the leases and any amendments to leases, square footage, zoning, roof, foundation, building materials, siding, roofing, ceiling, insulation, drainage, leakage, pest, rot, mold problems, sewage, septic, plumbing, electrical, heating, furnace, hazardous substances, above, upon or below the subject property, lead paint, asbestos, and/or the quality or condition of the health hazards, encroachments, including fences, rockeries, buildings or otherwise. For purposes of this Addendum, hazardous substances includes any and all oil, or petrochemical materials, hazardous wastes, toxic substances or related materials, including, without limitation, any substance now or hereafter defined as or included in the definition of "hazardous substances," "hazardous wastes," "hazardous materials," or "toxic substances" under any applicable federal, state or local law or regulations. In entering into this Addendum, Buyer has not relied on any representation, warranty, promise, or statement, express or implied, of Seller or anyone acting for or on behalf of Seller. All matters concerning the Property have been or shall be independently verified by Buyer prior to the Closing, and Buyer shall purchase the Property, or elect not to do so, based on Buyer's own prior investigation and examination of the Property (or Buyer's election not to do so). **AS A MATERIAL INDUCEMENT TO THE EXECUTION AND DELIVERY OF THIS ADDENDUM BY SELLER, BUYER IS PURCHASING THE PROPERTY IN AN "AS IS" AND "WHERE IS" PHYSICAL**

CONDITION AND IN AN “AS IS” STATE OF REPAIR, WITH ALL FAULTS, including, without limitation, latent defects and other matters not detected in Buyer’s inspections, without recourse to Seller. Except as provided herein and in the documents delivered by Seller at Closing, Buyer waives, and Seller disclaims, all warranties of any type or kind whatsoever with respect to the Property, whether express or implied, including, by way of description but not limitation, those of quality, merchantability, or fitness for a particular purpose or use, including, without limitation, Buyer’s intended uses or purposes. Upon the closing of the purchase and sale contemplated hereby, Buyer shall be deemed to have accepted the Property and each and every portion thereof unconditionally and with a full and complete waiver of any and all (none being implied hereby) rights Buyer may have, acquire, or assert to rescind, set aside, or avoid the transactions contemplated hereby or to seek a reduction, adjustment, offset, or recovery of the Purchase Price.

Consistent with the foregoing, Buyer, for itself and its agents, affiliates, successors and assigns, hereby releases and forever discharges Seller and its agents, affiliates, employees, successors, and assigns (collectively, the “Releasees”) from any and all rights, claims, and demands at law or in equity, whether known or unknown at the time of this Agreement, which Buyer has or may have in the future, arising out of the physical, environmental, economic, or legal condition of the Property, including, without limitation, all claims in tort or contract and any claim for indemnification or contribution arising under the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. Section 9601, et.seq.) or any similar federal, state, or local statute, rule, or ordinance relating to liability of property owners for environmental matters. Without limiting the foregoing, Buyer, upon Closing, shall be deemed to have waived, relinquished, and released Seller from and against any and all matters arising out of latent or patent defects or physical conditions, violations of applicable laws, and any and all other acts, omissions, events, circumstances, or matters affecting the Property. For the foregoing purposes, and in consideration of Seller’s completion of this transaction, Buyer hereby specifically acknowledges that this release will extend to claims unknown at the time of executing this release which, had they been known by Buyer, would have materially affected Buyer’s decision to enter into this Addendum. Buyer hereby specifically acknowledges that Buyer has carefully reviewed this Addendum and discussed (or had ample opportunity to discuss) its import with legal counsel and that the provisions of this Addendum are a material part of the Purchase Agreement.

3. Buyer may not rely on Seller or Seller’s agents or Buyer’s agents as to the condition of the Property and no person acting on behalf of Seller is authorized to make any such representation, agreement, statement, warranty, guaranty or promise regarding the property or any aspect of the Property.

4. Regardless of terms to the contrary in the Purchase Agreement or any other documents between Buyer and Seller relating in any way to this transaction, in the event of Seller’s default hereunder without legal right, Buyer’s sole and exclusive recourse is limited to return of the earnest money, less applicable charges or costs of Buyer.

5. The Property subject to this sale consists of the real property identified above and does not include any personal property. In the event the Property contains appliances, such as a stove/range, dishwasher, refrigerator, washer or dryer, said items will be included in the transfer for no consideration. Seller makes no warranties or representations as to the existence of such items.

6. Buyer and Seller agree that the terms of this Addendum supersede any and all conflicting terms in the Purchase Agreement or any other documents between Buyer and Seller relating in any way to this transaction.

BUYER(S):
Town of Clayton

Date: _____

Steven Biggs, Town Manager

Date: _____

SELLER:

First Citizens Bank & Trust Company

Date: _____

By: _____
Timothy J. Bylow
Title: Vice President

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

Agenda Item: 6c

Meeting Date: January 5, 2015

TITLE: IN-TOWN URBAN ARCHERY

DESCRIPTION: Discussion regarding consideration of In-Town Urban Archery for the 2016 Season. Staff is seeking Council instruction regarding desire to move this item forward as well as process for adoption.

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
1-5-15	Discussion & Instruction	Urban Archery Information Draft

Urban Archery

~~Hunters may fire a manual bow and arrow (but not an automatic bow and arrow or crossbow) for the sole purpose of hunting deer within Town limits only as permitted by this Section. It shall be unlawful for any person to shoot any wild game or any squirrel, whether wild or tame, with a gun or firearm or to willfully poison any wild game or squirrel.~~

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~~However, deer hunting by bow and arrow or crossbow ("collectively archery"), as defined by the state wildlife resources commission, is permitted on private property during the Eastern North Carolina deer archery season as established by the state wildlife resources commission.~~ This Section creates an exception from the Town ordinance prohibiting the discharge of firearms within Town limits in Article III, Section 20-66, and violations of this Section shall subject the offender to penalties set forth in Article III, Section 20-66. Additionally, persons who violate this section shall immediately have their Town Hunting Permit revoked and will be ineligible to receive one for a period of three (3) years from the date of revocation.

(a) General

1. Oversight. Unless otherwise set forth in this Section, hunters must follow all federal, state and local laws, rules and ordinances regulating hunting.

2. Hunting License. Hunters must have in their possession a valid North Carolina hunting license (issued by the North Carolina Wildlife Resources Commission) ~~showing completion of a hunting safety course,~~ and a Town Hunting Permit.

3. Town Hunting Permit Requirements.

Presentation of a valid photo I.D.

A copy of the prospective hunter's valid and current North Carolina hunting license.

Property information if the hunter intends to hunt on private property.

Owner permission if the prospective hunter doesn't own the private property.

Payment of a fee set by the Town fee schedule.

4. Securing the Harvest. Hunters will make every reasonable effort to track wounded deer for the purpose of completing the harvest and recovering the carcass. In the event that a wounded deer cannot be recovered or leaves the permitted hunting tract, the hunter immediately will notify **Town police to provide sufficient information to allow officers to track and recover the** deer.

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Commented [SB1]: Wildlife resources commission or if not timely available, Town Police.

~~5. Donations. Hunters are encouraged to donate meat to local harvest programs or organizations that feed needy citizens.~~

(b) Seasons

1. Fall Deer Season. ~~Bow and arrow~~ Archery hunting may take place during the standard fall deer hunting season as prescribed by the North Carolina Wildlife Resources Commission ~~on designated Town property and~~ on private property, subject to the provisions of this ordinance.

2. Urban Archery Season. Bow and arrow hunting may take place during Urban Archery Season, only when the Town has indicated its participation in Urban Archery Season for that particular year.

(c) Hunting Lands

1. Private property

Landowners may hunt on their own property, subject to this ordinance.

Persons may hunt on another's property only when possessing written permission from the property owner dated within the ~~current calendar year~~ prior eight months.

~~2. Public property. Persons may hunt on property designated by the Town for such purposes.~~

(d) Access. If accessing a hunting area ~~designated in items (b) or (c) above~~ requires passing through other private land, a hunter must receive written permission dated within the current calendar year~~eight (8) months~~ prior from that landowner to pass through the land into a designated hunting area.

(e) Safety. Permitted hunters must adhere to all of the following guidelines.

Elevation. Arrows must be fired from at least three yards (10 feet) above ground level and toward the interior of the hunting parcel.

Tract Size. Hunting is allowed only on a tract or parcel of land (or an aggregation of contiguous tracts or parcels) that is at least five (5) acres in size.

3. Buffer

Arrows may not be fired from, nor be propelled to within, 50 yards (150 feet) of any dwelling or road right-of-way except that the 50 yard (150 feet) provision shall not apply to the hunter's own dwelling unit.

Arrows may not be fired from, nor be propelled to within, 100 yards (300 feet) of any daycare, elementary or secondary school, church or Town park.

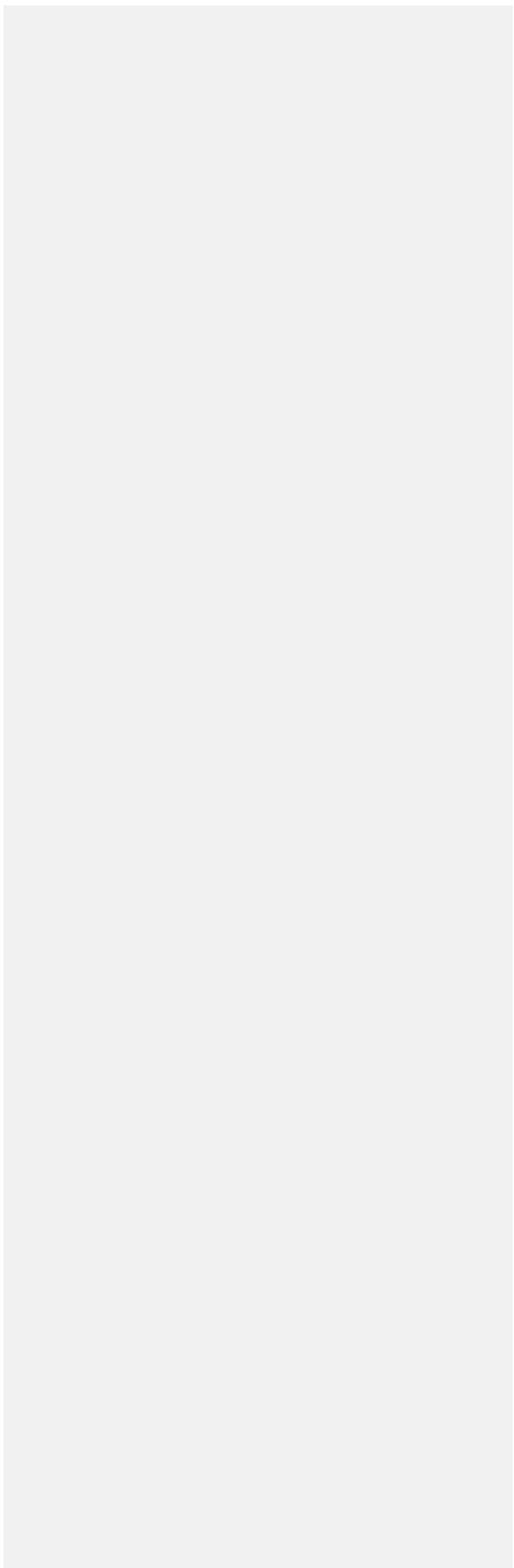
4. Hours. In accordance with established North Carolina Wildlife Commission Guidelines. Hunting may take place from sunrise until sundown.

(f) Assumption of Risk

1. Notice is hereby given that the Town makes no warranties and assumes no liability for the actions of persons hunting with a Town Hunting Permit or persons allowing hunters to make use of their property for hunting or access. Nothing herein shall prevent the voluntary or contractual shifting of any risk of loss by and between the property owners and permitted hunters.

2. A person exercising privileges granted pursuant to this Section voluntarily assumes full responsibility for any risk of loss, property damage or personal injury, including death, caused or incurred by the hunter and shall indemnify and hold the Town harmless from any such claims.

3. A person exercising privileges granted pursuant to this Section to use property owned or controlled in whole or part by the Town is deemed to have released, waived, discharged and covenanted not to sue the Town for any loss, damage, or injury, including death, that may be sustained while participating in such activities, however caused on sustained.



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

Agenda Item: 7a

Meeting Date: January 5, 2015

TITLE: JOHNSTON COUNTY ECONOMIC DEVELOPMENT ADVISORY BOARD

DESCRIPTION: Discussion regarding approval of appointment of Mayor McLeod to the Johnston County Economic Development Advisory Board.

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
1-5-15	Discussion/Approval of appointment	Letter from Johnston County

Office of
County Commissioners
(919) 989-5100
FAX (919) 989-5179
Paula G. Woodard, Clerk

Johnston County
POST OFFICE BOX 1049
SMITHFIELD, N.C. 27577

Tony Braswell, Chairman
DeVan Barbour, Vice Chairman
Cookie Pope
Allen L. Mims, Jr.
Jeffrey P. Carver
Ted G. Godwin
Chad M. Stewart

December 18, 2014

Ms. Kimberly A. Moffett, CMC
Town Clerk
Town of Clayton
P.O. Box 879
Clayton, N.C. 27528

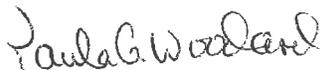
Dear Ms. Moffett:

As you may know, Johnston County has an Economic Development Advisory Board that consists of 14 members (one position for each of the eleven municipalities and three at-large positions) that are appointed by the Johnston County Board of Commissioners. Presently, the position representing the Clayton area is up for consideration. This position is currently held by Mayor Jody McLeod who has reapplied for another term. No additional applications were received for this position.

The Johnston County Board of Commissioners feel that it is important the municipalities have input with regards to the selection of a representative on the Economic Development Advisory Board, for their respective areas. To that end, the Johnston County Board of Commissioners would appreciate the Town Council, at their next scheduled meeting, discussing the open position and making a recommendation on the applicant enclosed or any other individual they feel would be a good candidate for the open position.

Thank you for your assistance in this matter and please do not hesitate to contact me if you have any questions.

Sincerely,



Paula G. Woodard
Clerk to the Board

Attachment

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

Agenda Item: 8c

Meeting Date: January 5, 2015

TITLE: STAFF - TOWN CLERK

DESCRIPTION: Calendar of Events

ITEM SUMMARY:

Date:

Requested Action:

Info. Provided:

1-5-15

None

Calendar of Events

January 2015

- Council Meeting – Monday, January 5, 2015 @ 6:30 PM
- Youth Art Month Recognition and Reception co-hosted by The Woman’s Club of Clayton and the Clayton Visual Arts – Thursday, January 15, 2015 @ 6:00 PM at the Clayton Center, 111 E 2nd Street
- Martin Luther King Jr.’s Birthday Holiday – Monday, January 19, 2015
- Council Meeting – **TUESDAY**, January 20, 2015 @ 6:30 PM
- The Clayton Center Palladian Series: Jeanne Robertson – Friday, January 23, 2015 @ 8 PM
- Clayton Chamber Annual Meeting – Tuesday, January 27, 2015, @ 6:00 PM at the Clayton Center, 111 E 2nd Street

February 2015

- Council Meeting – Monday, February 2, 2015 @ 6:30 PM
- The Clayton Center Palladian Series: The Malpass Brothers – Saturday, February 7, 2015 @ 8:00 PM
- Council Meeting – Monday, February 16, 2015 @ 6:30 PM

March 2015

- Council Meeting – Monday, March 2, 2015 @ 6:30 PM
- Spring Forward: 2015 Daylight Saving Time begins – Sunday, March 8, 2015, at 2:00 AM
- Council Meeting – Monday, March 16, 2015 @ 6:30 PM
- NC Main Street Conference – Wednesday, March 18, 2015 – Friday, March 20, 2015 – Morganton, NC
- The Clayton Center Palladian Series: Yesterday and Today “Interactive Beatles Experience” – Friday, March 20, 2015 @ 8:00 PM

April 2015

- Good Friday Holiday – Friday, April 3, 2015
- Council Meeting – Monday, April 6, 2015 @ 6:30 PM
- The Clayton Center Palladian Series: The Fabulous Equinox – Jeremy Davis & Orchestra– Saturday, April 11, 2015 @ 8:00 PM
- Council Meeting – Monday, April 20, 2015 @ 6:30 PM

May 2015

- Council Meeting – Monday, May 4, 2015 @ 6:30 PM
- Council Meeting – Monday, May 18, 2015 @ 6:30 PM
- Memorial Day Holiday – Monday, May 25, 2015

June 2015

- Council Meeting – Monday, June 1, 2015 @ 6:30 PM
- Council Meeting – Monday, June 15, 2015 @ 6:30 PM

July 2015

- Independence Day Holiday – Friday, July 3, 2015
- Council Meeting – Monday, July 20, 2015 @ 6:00 PM

August 2015

- Council Meeting – Monday, August 3, 2015 @ 6:30 PM
- Council Meeting – Monday – August 17, 2015 @ 6:30 PM

September 2015

- Labor Day Holiday – Monday – September 7, 2015
- Council Meeting – **TUESDAY** – September 8, 2015 @ 6:30 PM
- Council Meeting – Monday – September 21, 2015 @ 6:30 PM

October 2015

- Council Meeting - Monday – October 5, 2015 @ 6:30 PM
- NCLM Annual Conference – October 11-13, 2015; Winston Salem, NC
- Council Meeting – Monday- October 19, 2015 @ 6:30 PM

November 2015

- Fall Back: 2015 Daylight Saving Time ends – Sunday, November 1, 2015, at 2:00 AM
- Council Meeting – Monday – November 2, 2015 @ 6:30 PM
- Veteran's Day Holiday – Wednesday, November 11, 2015
- Council Meeting – Monday – November 16, 2015 @ 6:30 PM
- Thanksgiving Day Holiday – Thursday, November 26, 2015 & Friday, November 27, 2015

December 2015

- Council Meeting – Monday – December 7, 2015 @ 6:30 PM
- Council Meeting – Monday – December 21, 2015 @ 6:30 PM
- Christmas Holiday – Wednesday, December 23, 2015; Thursday, December 24, 2015; & Friday, December 25, 2015