

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

FEBRUARY 2, 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, FEBRUARY 2, 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. Warranty and Dedication Acceptances:

- Arbors at East Village
- Summerlyn Subdivision, The Meadows
- Creekside Commons

b. Approval of Special Events:

- Flag of Truce – April 11, 2015
- Heart Chase – May 16, 2015
- A Soldier’s Walk Home – May 18, 2015

c. Ordinance 2015-02-02 – Amend Code of Ordinances 92.03(C) – Interments

d. Ordinance 2015-02-03 – Amend Code of Ordinances - Chapter 91 - Urban Archery Season 2016

e. Ordinance 2015-02-04 – Amend Code of Ordinances - Chapter 115 - Licensing of Peddlers

Suggested Action: Motion for Approval of Consent Agenda as presented

4. INTRODUCTIONS AND SPECIAL PRESENTATIONS

a. Peanut Butter and Jelly Drive

Suggested Action: None

b. Pay and Classification Study

Suggested Action: - Receive Report

5. PUBLIC HEARINGS

- a. Public Hearing – PDD 2014-111 - Park View Planned Development Rezoning to PD-R (Planned Development – Residential)

Suggested Action: Motion for Approval to include Statement of Reasonableness & Consistency

- b. Public Hearing- PSD-2014-112 - Park View Planned Development Master Plan/Preliminary Subdivision Plat

Suggested Action: Motion for Approval

- c. Public Hearing – Text Amendment to modify §155.705(O) of the Unified Development Code

Suggested Action: Motion for Approval to include Statement of Reasonableness & Consistency

- d. Public Hearing - Annexation Petition 2014-12-01, FSC IV, LLC Property, Non-Contiguous; +/- 46.17 acres

Suggested Action: Motion for Approval

- e. Public Hearing - Annexation 2015-01-01, Town of Clayton Property, Little Creek Church Road; 67.14 acres

Suggested Action: Motion for Approval

- f. Public Hearing - Annexation 2015-01-02, Town of Clayton Property, River Park Property; 39.55 acres

Suggested Action: Motion for Approval

6. OLD BUSINESS

- a. Special Intensity Allocation 2014-153 – Caterpillar South Site

Suggested Action: Approval of Special Intensity Allocation

- b. Special Event – AlzNC –Johnston County Walk – May 30, 2015

Suggested Action: Approval of Event

- c. Status of renovation project at 220 E. Main Street Building Project

Suggested Action: Discussion

7. NEW BUSINESS

- a. Resolution supporting restoration of Historic Rehabilitation Tax Credit

Suggested Action: Approval of Resolution

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
 - Discussion of possible special joint meeting between Planning Board and Town Council regarding Steeplechase project

10. ADJOURNMENT

TOWN OF CLAYTON
TOWN COUNCIL
AGENDA COVER SHEET

Agenda Item: 3a

Meeting Date: February 2, 2015

TITLE: Warranty and Dedication Acceptances

DESCRIPTION: Attached are memos for warranty and dedications acceptances for Arbors at East Village, Summerlyn Subdivision, the Meadows and Creekside Commons.

RELATED GOAL:

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
1-20-15	Presentation	Memos
2-2-15	Approval	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 *CR*

Copy: Marty Bizzell, Bass, Nixon, & Kennedy
Dave DeYoung, Planning Director

Date: December 10, 2014

Re: Arbors at East Village

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

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"ENVIRONMENT"

PUBLIC WORKS
(919) 553-1530

WATER RECLAMATION
(919) 553-1535

MEMORANDUM

To: Kimberly Moffett, Town Clerk

From: Chris Rowland, Construction Inspector *CR*

Copy: Kirk Rightmyer, NC. Development Engineers
Dave DeYoung, Planning Director

Date: December 10, 2014

Re: Summerlyn Subdivision, The Meadows

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

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"ENVIRONMENT"

PUBLIC WORKS
(919) 553-1530

WATER RECLAMATION
(919) 553-1535

MEMORANDUM

To: Kimberly Moffett, Town Clerk

From: Chris Rowland, Construction Inspector 

Copy: Mike Stewart, Stewart-Proctor
Dave DeYoung, Planning Director

Date: December 10, 2014

Re: Creekside Commons Subdivision

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

TOWN OF CLAYTON
TOWN COUNCIL
AGENDA COVER SHEET

Agenda Item: 3b

Meeting Date: February 2, 2015

TITLE: Special Events

DESCRIPTION: Attached please find Special Event Information Forms for the following;
Flag of Truce, Heart Chase and A Soldiers Walk Home

RELATED GOAL:

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
1-20-15	Presentation	Special Event Forms
2-2-15	Approval	Special Event Forms



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

SPECIAL EVENT ACTION ITEM REPORT

Planning Staff Contact: Bruce Naegelen: 919-280-1278

EVENT INFORMATION:

Event Name: Flag of Truce **File Number:** 2014-32
Event Description: An event to commemorate the Flag of Truce between Swain, Graham, Sherman in Clayton on April 12, 1865. A showcase including musicians, storytellers, crafts dancers and small reenactments of the life during the civil war.
Event Date(s): April 11th, 2015 **Event Time(s):** 9:00 am to 4:00 pm
Event Location: Town Square
Event Coordinator: Pam Baumgartner **Contact Number:** 919-291-3672
Contact Email: pam <poddclayton@hotmail.com>
Attendees (Per Day): 300

TOWN SERVICES REQUESTED:

Department / Division	Requested Services	Date/Time	Primary Contact	Contact Phone #
Public Works	2 Roll-out trash carts at Town Square	Deliver: 4/10/15 & Pick-up: 4/13/15	Steve Blasko	359-1287
Public Works	Cones to block Town Square Parking Lot	Deliver: 4/10/15 & Pick-up: 4/13/15		
Town Council	Close Town Square Parking Lot from 9:00 am to 4:00 pm on 4/11/15			

STAFF USE:

SEC Approval	<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied	Date: 12/18/14	<input type="checkbox"/> No Council Action needed
Council Action	Presentation Date: 1/20/15 Consent Agenda Date:		<input type="checkbox"/> Approved <input type="checkbox"/> Denied Date:
Pending Actions	<input type="checkbox"/> DOT Road Closure Approval <input type="checkbox"/> ABC Permit Submittal <input type="checkbox"/> Other		<input type="checkbox"/> Issue Permit Date:

(SEC – Special Event Committee)



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

SPECIAL EVENT ACTION ITEM REPORT

Planning Staff Contact: Bruce Naegelen: 919-280-1278

EVENT INFORMATION:

Event Name: Heart Chase **File Number:** 2014-28
Event Description: American Heart Association fundraising event. 4th annual. Fitness challenge on town square and a heart walk.

Event Date(s): May 16th, 2015 **Event Time(s):** 8:00 am to 2:00 pm
Event Location: Town Square
Event Coordinator: Kelly Millington **Contact Number:** 618-530-4264
Contact Email: Kelly.millington@heart.org
Attendees (Per Day): 500 Set-up at 6:00 am Clean-up by 3:00 pm

TOWN SERVICES REQUESTED:

Department / Division	Requested Services	Date/Time	Primary Contact	Contact Phone #
Electric Dept.	Use of electrical receptacles at Town Square	5/16/15	Dale Medlin	359-1292
Public Works	Roll-out carts 3 Trash 3 Recycle	Deliver – 5/15/15; Pick-up – 5/18/15	Steve Blasko	359-1287
Police Department	Off-duty officers for security at Registration Tent & Race Route safety	Town Square from 8 am to 12:00 pm	Capt. Herring	553-4611
Town Council	Closure of Town Square Parking lot & Fayetteville Street between Main & Second	5/16/15 from	6:00 am – 3:00 pm	

STAFF USE:

SEC Approval	<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied	Date: 12/18/14	<input type="checkbox"/> No Council Action needed
Council Action	Presentation Date: 1/20/15 Consent Agenda Date:		<input type="checkbox"/> Approved <input type="checkbox"/> Denied Date:
Pending Actions	<input type="checkbox"/> DOT Road Closure Approval <input type="checkbox"/> ABC Permit Submittal <input type="checkbox"/> Other		<input type="checkbox"/> Issue Permit Date:

(SEC – Special Event Committee)



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

SPECIAL EVENT ACTION ITEM REPORT

Planning Staff Contact: Bruce Naegelen: 919-280-1278

EVENT INFORMATION:

Event Name: A Soldiers Walk Home **File Number:** 2014-33
Event Description: Phillip Brown will walk from New Bern to Duke homestead in Durham to commemorate the end of the Civil War for all Veterans. In Clayton Mr. Brown will walk/march along Main Street from Compton House on Compton Street to the Town Square for a reception and he will camp out on the Town Square the evening of the may 18th.

Event Date(s): May 18th, 2015 **Event Time(s):** 6:45pm – 9:00pm
Event Location: Town Square
Event Coordinator: Pam Baumgartner **Contact Number:** 919-291-3672
Contact Email: pam <poddclyton@hotmail.com>
Attendees (Per Day): 150+

TOWN SERVICES REQUESTED:

Department / Division	Requested Services	Date/Time	Primary Contact	Contact Phone #
Public Works	3 Roll-out trash carts at Town Square	Deliver: 5/18/15 and Pick-up: 5/19/15	Steve Blasko	359-1287
Police Department	Provide controlled escort of Sam Brown in front of and behind the walkers.	5/18/15 between 6:45 pm and 7:15 pm (times approx.)	Lt Ken Lunger	796-6814
Town Council	Authorize use of Main Street from Compton Street to Town Square for public walk with Sam Brown and controlled escort by Clayton Police Department in front of and behind the walkers.	5/18/15 from 6:45 pm to 7:15 pm		

STAFF USE:

SEC Approval	<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied	Date: 12/18/14	<input type="checkbox"/> No Council Action needed
Council Action	Presentation Date: 1/20/15 Consent Agenda Date:	<input type="checkbox"/> Approved <input type="checkbox"/> Denied Date:	
Pending Actions	<input type="checkbox"/> DOT Road Closure Approval <input type="checkbox"/> ABC Permit Submittal <input type="checkbox"/> Other	<input type="checkbox"/> Issue Permit Date:	

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

Agenda Item: 3c

Meeting Date: February 2, 2015

TITLE: Ordinance 2015-02-02

DESCRIPTION: This ordinance will amend the Code of Ordinances 92.03(C) with regard to days of interments.

RELATED GOAL:

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
1-20-15	Presentation	Draft Ordinance
2-2-15	Approval	Draft Ordinance

Town of Clayton
Amendment to the Code of Ordinances
Updating Orders for Grave Openings

BE IT HEREBY ORDAINED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON, NORTH CAROLINA THAT THE FOLLOWING AMENDMENT SHALL BE MADE TO THE CODE OF ORDINANCES:

Amend Chapter 92 to read as follows:

§92.03

(C) No grave opening shall occur on any Good Friday, Thanksgiving, Christmas or New Year's Day.

('71 Code, § 5-18) (Ord. passed 4-5-71; Am. Ord. passed 10-3-95; Am. Ord. 99-07-01 passed 7-19-99; Am. Ord. passed 1-16-01; Am. Ord. 2012-09-03, passed 9-4-12) Penalty, see §10.99.

Duly adopted this 2nd day of February 2015 while in regular session.

Jody McLeod
Mayor

Attest:

Kimberly A. Moffett, CMC
Town Clerk

TOWN OF CLAYTON
TOWN COUNCIL
AGENDA COVER SHEET

Agenda Item: 3d

Meeting Date: February 2, 2015

TITLE: Ordinance 2015-02-03

DESCRIPTION: This ordinance will amend Chapter 91 of the Code of Ordinances with regard to Urban Archery.

RELATED GOAL:

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
1-20-15	Presentation	Draft Ordinance
2-2-15	Approval	Draft Ordinance

Town of Clayton
Amendment to the Code of Ordinances
Establishing an Urban Archery Season
For the Legal Harvesting of Deer

BE IT HEREBY ORDAINED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON, NORTH CAROLINA THAT THE FOLLOWING SHALL BE AMENDED TO THE CODE OF ORDINANCES:

Amend Chapter 91 with the following:

A. It shall be unlawful within the Town Limits 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; 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 Urban Archery Season as established by the State Wildlife Resources Commission.

1. This Section creates an exception from the Town ordinance (Section 130.03) prohibiting the discharge of firearms within Town limits.

2. Violations of this Section shall subject the offender to penalties set forth in Section 91.99. 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.

B. 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) and a Town Hunting Permit.*

3. Town Hunting Permit Requirements.

- a. Presentation of a valid photo I.D.
- b. A copy of the prospective hunter's valid and current North Carolina hunting license.
- c. Property information if the hunter intends to hunt on private property.
- d. Owner permission if the prospective hunter doesn't own the private property.
- e. Payment of a fee set by the Town fee schedule.

C. 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 the North Carolina Wildlife Resources Commission and seek the assistance of a Wildlife Officer. If an Officer of the Wildlife Resources Commission is not timely available assistance may be sought through the Clayton Police Department.**

D. Season. Urban Archery Season. Bow and arrow hunting may take place during Urban Archery Season as defined by the North Carolina Wildlife Resources Commission, only when the Town has indicated its participation in Urban Archery Season for that particular year.

E. Hunting Lands

1. *Private property.*

a. Landowners may hunt on their own property, subject to the limitations and criteria of this ordinance.

b. Persons may hunt on another's property only when possessing written permission from the property owner dated within the current calendar year.

c. Access. If accessing a hunting area requires passing through other private land, a hunter must receive written permission dated within the current calendar year from that landowner to pass through the land into a designated hunting area.

F. Safety. Permitted hunters must adhere to all of the following guidelines.

1. *Elevation. Arrows must be fired from at least three yards (9 feet) above ground level and toward the interior of the hunting parcel.*

2. *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.*

4. 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.

5. Hours. In accordance with established North Carolina Wildlife Commission Guidelines.

G. 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.

Be it duly adopted this 2nd day of February, 2015 while in regular session.

Jody McLeod

Mayor

Attest:

Kimberly Moffett

Town Clerk

TOWN OF CLAYTON
TOWN COUNCIL
AGENDA COVER SHEET

Agenda Item: 3e

Meeting Date: February 2, 2015

TITLE: Ordinance 2015-02-04

DESCRIPTION: This ordinance will amend Chapter 115 of the Code of Ordinances with regard to Peddler Licensing

RELATED GOAL:

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
1-20-15	Presentation	Draft Ordinance
2-2-15	Approval	Draft Ordinance

Town of Clayton
Amendment to the Code of Ordinances
Establishing a Process for Licensing of Peddlers
Operating Within the Town of Clayton

BE IT HEREBY ORDAINED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON, NORTH CAROLINA THAT THE FOLLOWING SHALL BE AMENDED TO THE CODE OF ORDINANCES:

AMEND THE FOLLOWING AS TITLE XI, CHAPTER 115:

CHAPTER 115: PEDDLERS, TRANSIENT VENDORS, AND SOLICITORS

115.01	Definitions
115.02	Permit required
115.03	Permit application
115.04	Fees
115.05	Application review and permit issuance
115.06	Standards for issuance or denial of permit
115.07	Permit expiration and renewal
115.08	Badge and permit exhibition
115.09	Transfer prohibited
115.10	Permit revocation
115.11	Appeals
115.12	Prohibited acts
115.13	Exceptions to provisions
115.14	Violations
115.15	Severability
115.16	Criminal histories
115.99	Penalty

115.01 Definitions

For the purposes of this chapter, the following terms are defined as follows:

Peddling Transporting goods from place to place and selling or offering for sale such goods, or without traveling from place to place, selling or offering for sale any goods from any vehicle or

device; provided that separating the acts of sale and delivery for the purpose of evading the provisions of this article shall be deemed peddling.

Person Natural persons, corporations and all business or other entities of any kind.

Soliciting Traveling from place to place taking or offering to take orders for the sale of goods for future delivery or for personal services to be performed in the future, whether or not samples are displayed or money is collected in advance; and using or occupying any building or premises for the sole purpose of taking or offering to take orders for the sale of goods for future delivery or for personal services to be performed in the future, whether or not samples are displayed or money is collected in advance.

Transient vending Engaging in a temporary business of selling and delivering goods, and for this purpose, using or occupying any building or premises; provided that merely associating a transient business with a permanently established business does not exclude it from this definition.

115.02 Permit required

No person shall engage in peddling, soliciting or transient vending in the Town of Clayton without first obtaining a permit issued by the Town of Clayton Police Department unless an exemption applies under Chapter 115.13.

115.03 Permit application

Any person wanting to engage in peddling, soliciting or transient vending in the Town of Clayton shall submit to the Town of Clayton Police Department (the "department") a permit application on a form to be furnished by the department, which shall provide the following information and documentation:

- A. The name, the permanent address or the temporary address in the vicinity of Clayton, of the applicant;
- B. Proof of date of birth, address and identification of the applicant, to be provided through a driver's license or other legally recognized form of photo identification and proof of social security number;
- C. A brief description of the business or activity to be conducted including a description of the goods, wares, merchandise, food, periodicals, items or services to be sold or offered for sale;
- D. The proposed dates, hours and location for the proposed peddling, soliciting or transient vending;
- E. A description of any vehicle to be used in connection with the proposed peddling, soliciting or transient vending, including the year, make, model, body style, color and license number;
- F. The age, height, weight and other identifying information of the person proposing to engage in peddling, soliciting or transient vending;
- G. Written permission to use the proposed location signed by the property owner if the application is for transient vending on property not owned by the applicant;
- H. If employed in connection with the proposed peddling, soliciting or transient vending, the name, address and telephone number of the employer, or if acting as an agent, the name, address and telephone number of the principal on whose behalf the applicant is acting, with credentials in written form establishing the relationship and the authority of the employee or agent to act for the employer or principal, as the case may be;
- I. A list of any and all crimes of which the applicant has been convicted or has pleaded no contest to in the ten years preceding submittal of the application, describing the nature of the offense or violation, the penalty or punishment imposed, the date and place of the

- crime, the official file number of the criminal case, excluding minor traffic offenses not punishable by incarceration; the applicant shall provide a certified copy of his criminal record for the county of his permanent residence and for each county in which he has a conviction or plea of no contest in the ten years preceding the application, excluding minor traffic offenses not punishable by incarceration; the applicant shall list all registrations of the applicant as a registered sex offender with the State of North Carolina, any other state or a federal agency;
- J. Proof of possession of any license or permit which, under federal, state or local laws or regulations, the applicant is required to have in order to conduct the proposed business, or which, under any such law or regulation, would exempt the applicant for the licensing requirements of this article;
 - K. Two photographs of the applicant which shall have been taken within 60 days immediately prior to the date of filing of the application and show the head and shoulders of the applicant in a clear and distinguishing manner;
 - L. A description of all other licenses or permits, such as a privilege license, obtained by the applicant in connection with the proposed peddling, soliciting or transient vending;
 - M. The department shall make copies of all IDs or other credentials relied upon by the applicant;
 - N. If the applicant is an employer or principal, a separate application shall be submitted for each employee or person who will be peddling, soliciting or transient vending and a separate permit will be processed for each; and
 - O. The signature of and sworn verification of the application's contents by, each applicant and person who will be peddling, soliciting or transient vending.

115.04 Fees

- A. For each application, the applicant shall pay a \$50.00 nonrefundable fee to cover the cost of the town's processing the application and investigating the facts stated therein.
- B. The cost for a renewal application shall be \$25.00.
- C. All fees shall be payable to the Town of Clayton and shall be paid at the Customer Service Desk of the Clayton Town Hall at the time of submittal of the application.
- D. If an application is approved and a permit is issued, the \$50.00 nonrefundable fee will cover the cost of the issuance of the permit and badge.
- E. The permittee shall pay a fee of \$25.00 to cover the cost of a lost or stolen permit or badge.
- F. The fees included herein are subject to annual review by the Clayton Town Council.

115.05 Application review and permit issuance

- A. Upon receipt of an application, the police chief or designee (hereinafter "police chief") shall review the application and conduct an investigation to determine whether the standards of Chapter 115.06 are met.
- B. If the police chief finds the application meets the standards of Chapter 115.06, the police chief shall endorse his approval on the application and shall deliver the permit and badge to the applicant. The police chief shall make his determination within five days of submission of the application.
- C. The permit shall show the name, and address of the permittee, the class of permit issued, the kind of goods and services to be sold or delivered, the date of issuance, and the length of time that the permit shall be in effect. The permit shall also show the permit number and identifying description of any vehicle to be used in carrying on the business for which the permit is issued. The badge shall show the name, photograph, and the permit number of the permittee.

115.06 Standards for issuance or denial of permit

- A. If the application meets all of the following standards, it shall be approved and a permit shall be issued, if not the application shall be denied:
1. The application is complete and does not contain false information;
 2. The persons proposing to engage in the peddling, soliciting or transient vending may lawfully do so;
 3. The location and time of the proposed peddling, soliciting or transient vending would not endanger the safety and welfare of the peddlers, solicitors or transient vendors or their customers;
 4. The applicant for a peddler, solicitor, or transient vendor permit shall not have been convicted of a felony, misdemeanor or ordinance violation involving a sex offense, a controlled substance trafficking or sales offense or any violent acts against persons or property, such conviction being entered within the ten years preceding the date of application; nor shall they have been released from incarceration for such offense within one year preceding the date of application.
 5. The applicant for a peddler, solicitor, or transient vendor permit shall not be a person against whom a judgment based upon, or a criminal conviction for, fraud, forging, theft, uttering, deceit or misrepresentation or other actions or crimes of like nature involving moral turpitude has been entered within the ten years preceding the date of application; nor shall they have been released from incarceration for such offense within one year preceding the date of application.
 6. The applicant for a peddler, solicitor, or transient vendor permit shall not have been convicted of a felony violation involving murder, rape, manslaughter, or robbery.
 7. The applicant for a peddler, solicitor, or transient vendor permit shall not be a person registered as a sex offender with the State of North Carolina, any other state or a federal agency;
 8. There is proof as to the authority of the applicant to serve as an agent to the principal;
 9. The applicant for a peddler, solicitor, or transient vendor permit shall not have been denied a permit under this article within the immediate past year, unless the applicant can and does show to the satisfaction of the police chief that the reasons for such earlier denial no longer exist.
- B. In the case of denial, the police chief's denial and the reasons for denial shall be noted on the application, and the applicant shall be notified that his application is denied and that no permit will be issued. Notice shall be mailed to the applicant at the address shown on the application form, or at the applicant's last known address.

115.07 Permit expiration and renewal

Unless renewed, all permits issued under this chapter shall expire 30 days from the date of issuance, unless an earlier expiration date is noted on the permit. A permit may be renewed for an unlimited number of 30 day periods provided an application for renewal is made on a form provided by the department prior to the expiration of a current valid permit. The police chief shall review a renewal application for continuing compliance with the provisions of this chapter, and if the applicant is in compliance, the renewal permit shall be issued. Applications for renewal received after expiration of the relevant permit shall be treated as new applications.

115.08 Badge and permit exhibition

A badge shall be issued to every person authorized by a permit to engage in peddling, soliciting or transient vending. The badge shall show the name, photograph, and the permit number of the permittee. All persons engaging in peddling, soliciting or transient vending shall display the badge on the front of his or her person in a manner that is easily observable. Additionally, every person engaging in peddling, soliciting or transient vending shall keep on their person the permit and badge obtained under the provisions of this chapter and shall exhibit the permit and badge when requested to do so by any prospective customer, police officer, or Town of Clayton employee.

115.09 Transfer prohibited

It shall be unlawful for any person other than the permittee to use or wear any badge or permit issued under the provisions of this article.

115.10 Permit revocation

- A. Any permit issued under this article may be revoked or suspended by the police chief for any of the following reasons:
 - 1. Fraud, misrepresentation or false statement contained in the permit application;
 - 2. Fraud, misrepresentation or false statement made by the permittee in the course of peddling, soliciting or transient vending;
 - 3. Peddling, soliciting or transient vending contrary to the provisions contained in the permit;
 - 4. Conviction for any crime that would have prevented issuance of the permit in the first place;
 - 5. Conducting peddling, soliciting or transient vending in such a manner as to create a public nuisance, constitute a breach of the peace or endanger the health, safety or general welfare of the public; or
 - 6. The existence of any circumstance that would have been grounds for denial of the application in the first place.

- B. A permit that has been revoked and any badges associated therewith shall be immediately surrendered to the department.

115.11 Appeals

An applicant may appeal the denial or revocation of a permit by submitting a written notice of appeal to the Clayton Town Manager, specifying with particularity the grounds upon which the appeal is based. An appeal shall be submitted no later than ten days from the date of the denial or revocation of the permit in question. The town manager or designee shall fix a reasonable time for the hearing of the appeal, shall give due notice to all parties, and shall render a decision within a reasonable time. The town manager's decision shall be the town's final decision.

115.12 Prohibited acts.

- A. No person shall engage in peddling or soliciting at residences between the hours of 8:00 p.m. and 9:00 a.m.
- B. No person while peddling or soliciting shall enter upon any premises in the town where the owner or occupant or person legally in charge of the premises has posted a sign bearing the words "No Peddlers," "No Solicitors," "No Trespassing," or words of similar import or indicated similar instructions orally.
- C. No person shall engage in transient vending on property owned by another without the written permission of the property owner, which written permission shall be displayed upon demand of a police officer.

- D. It shall be unlawful for any person holding a permit to be aggressive, threatening or intimidating to any person.
- E. It shall be unlawful for any person holding a permit to fail to display the badge issued on the front of his or her person in a manner that is easily observable while engaged in peddling, soliciting, or transient vending in the Town of Clayton.
- F. It shall be unlawful for any person holding a permit to fail to present the permit, the badge issued and the photo identification submitted as part of the application process upon demand of a police officer, while engaged in peddling, soliciting or transient vending in the Town of Clayton.

115.13 Exceptions to provisions

The provisions of this article shall not apply:

- A. To the sale or solicitation of farm or dairy products by the producer;
- B. To organizations or representatives of organizations organized and operated exclusively for educational, benevolent, religious, fraternal, charitable or civic purposes and not operating for profit, and where such solicitation or sales are made without remuneration to the solicitor; or
- C. To actions undertaken at the prior request or invitation of the resident or occupant of the premises visited.

115.14 Violations

- A. It shall be unlawful for any person to violate any provision of this chapter or to violate any term or condition of a permit issued pursuant to this chapter.
- B. In addition to any criminal enforcement, the town or any individual may pursue any available civil remedies deemed appropriate and necessary.

115.15 Severability

The provisions of this chapter are declared to be severable. If any section, sentence, clause or phrase shall for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decisions shall not affect the validity of the remaining sections, sentences, clauses or phrases of this article, and they shall remain in effect, it being the legislative intent that this article shall remain in effect notwithstanding the validity of any part.

115.16 Criminal histories

The Clayton Police Department is authorized to obtain criminal histories from the North Carolina State Bureau of Investigation and the Division of Criminal Information Network ("SBI/DCI") for the purpose of determining whether to grant or deny an application submitted pursuant to Chapter 115 of the Town of Clayton Ordinances. The Clayton Police Department will utilize the information obtained from the DCI network to, and only to, process background checks to determine whether to grant or deny a permit. Prior to denial or termination of a permit based upon criminal history records information received, the Clayton Police Department shall verify the existence of a record by either obtaining a certified public record or by submitting a fingerprint card of the applicant to the CIIS (Criminal Information and Identification Section/SBI) for verification that the criminal history record belongs to the applicant. The cost of submitting the fingerprint card to the CIIS shall be paid by the applicant.

115.99 Penalty

- A. Violators shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than \$50.00, or imprisoned not more than 30 days. Each instance that a person engages in peddling, transient vending, or soliciting in violation of this chapter constitutes a separate offense.
- B. The town may seek an injunction against any person engaging in peddling, transient vending or soliciting in violation of this chapter.

Duly adopted this 2nd day of February, 2015 while in regular session.

Jody McLeod
Mayor

ATTEST:

Kimberly Moffett, CMC
Town Clerk

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

Agenda Item: 4a

Meeting Date: February 2, 2015

TITLE: SPECIAL PRESENTATIONS

DESCRIPTION: Mr. Denny Headington, a member of Horne Memorial Baptist Church, will present information regarding an upcoming Peanut Butter and Jelly Drive. All proceeds from this event will go to Clayton Area Ministries. The event is scheduled for April 17-18, 2015 and will be held at Lowes Foods on Highway 70, Clayton.

RELATED GOAL:

ITEM SUMMARY:

Date:

Action:

Info. Provided:

2-2-15

Presentation Only

Letter from Horne Memorial



Horne Memorial United Methodist Church

121 EAST SECOND STREET

P.O. BOX 475

CLAYTON, N.C. 27528

PHONE: 919-553-6464

EMAIL: INFO@HORNEUMC.NET

January 2015

To whom it may concern:

The United Methodist Men of Horne Memorial United Methodist Church is sponsoring a Peanut Butter & Jelly Drive to benefit Clayton Area Ministries food pantry. The Drive will be held on April 17 & 18, 2015 at Lowes Foods on Highway 70 in Clayton.

We are inviting you to take part in reaching our large goal so that we can impact as many community families as possible. Any donation that you make is greatly appreciated.

Should you need it, Horne Memorial UMC's Federal EIN is 56-1131058.

Thank you, again, for any donation you are willing to make. With your help, our drive will be a huge success. Please contact Denny Headington with any questions at dheadingto@gmail.com or 843-907-2727.

Sincerely,

Rev. Ross Carter
Lead Pastor

TOWN OF CLAYTON
TOWN COUNCIL
AGENDA COVER SHEET

Agenda Item: 4b

Meeting Date: February 2, 2015

TITLE: SPECIAL PRESENTATIONS

DESCRIPTION: Ms. Becky Veazey, President of the MAPS Group will present the results of the recently conducted pay and classification study.

RELATED GOAL:

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
2-2-15	Presentation	None

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

Agenda Item: 5a

Meeting Date: February 2, 2015

TITLE: Public Hearing

DESCRIPTION: PDD 2014-111 Park View Planned Development - Rezoning to PD-R Planned Development - Residential

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 <i>Continue</i>	Staff Report Application Packet Map(s)
2-2-15	Public Hearing	Staff Report Application Packet Maps Ordinance



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

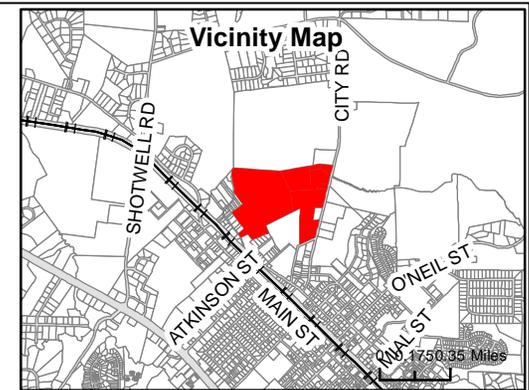
File Number: PDD 2014-111

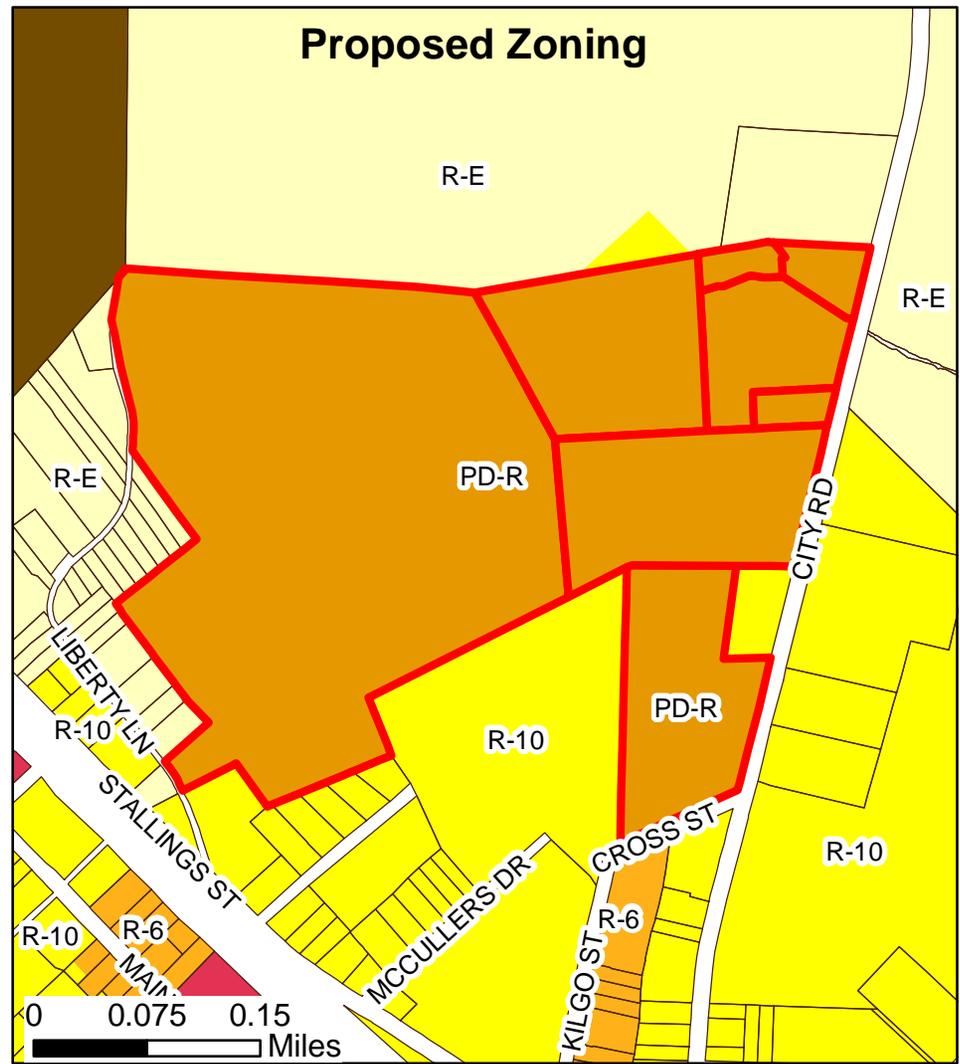
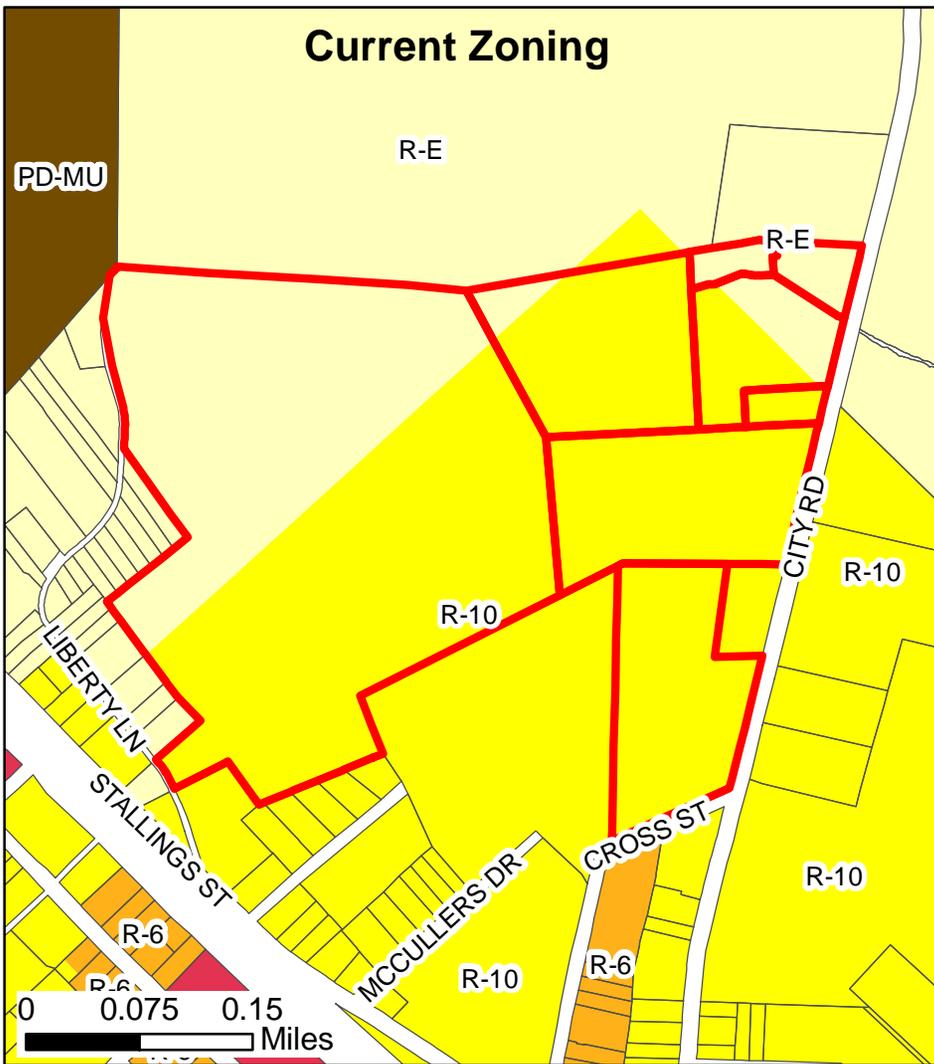
Produced by: TOC Planning

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,
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 Tag #: 03030069, 05H02017A, 05H02017M, 05H02017K, 05H02017P, 05H02017O,
 05H02017C, 05030071
 File Number: PDD 2014-111

Produced by: TOC Planning

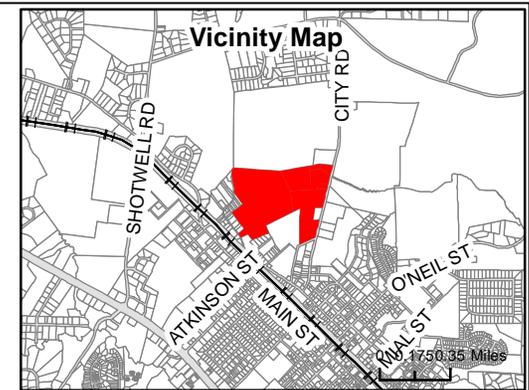
Disclaimer: Town of Clayton assumes no legal responsibility for the information represented here.



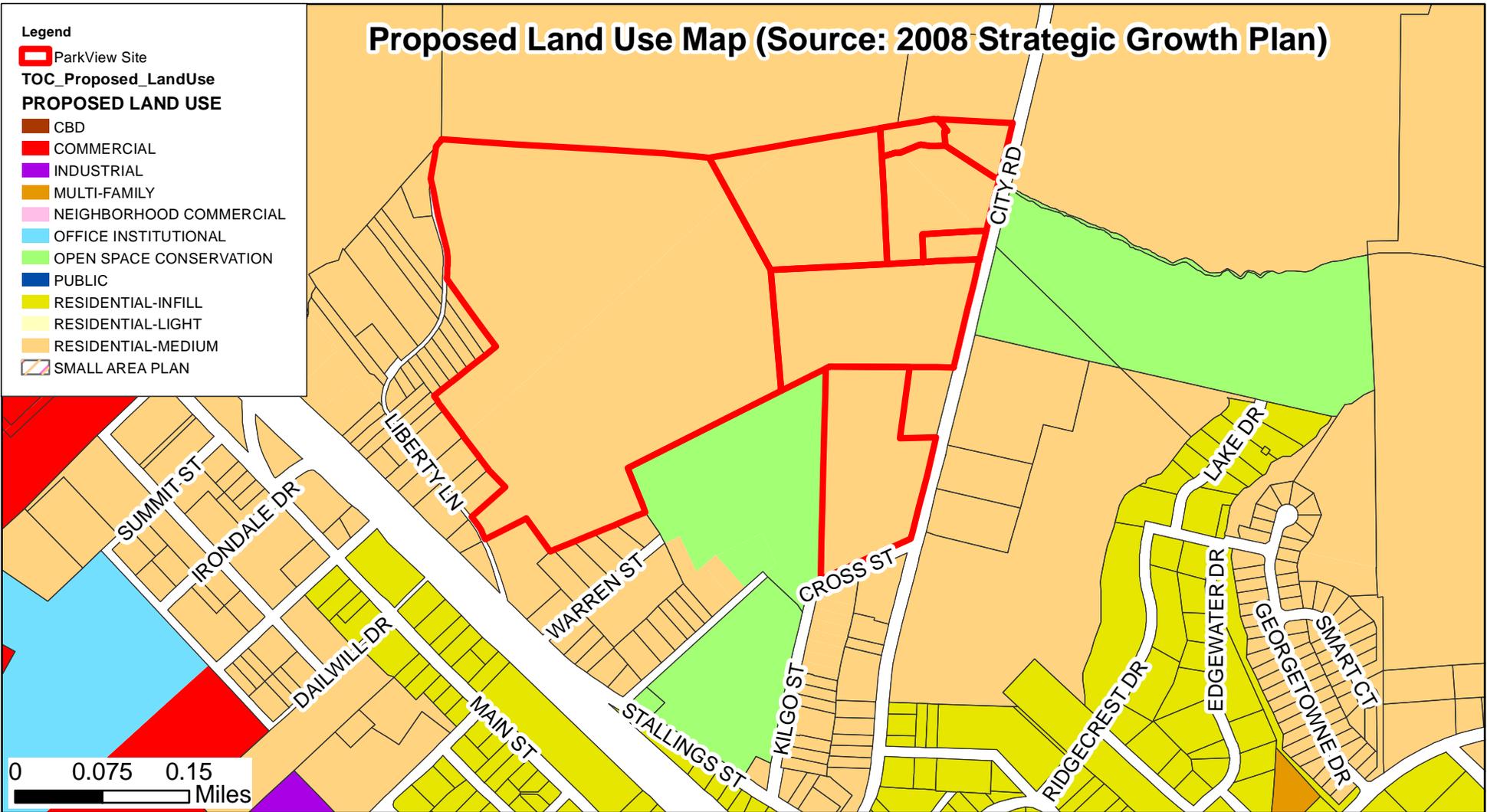
10/20/14

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)



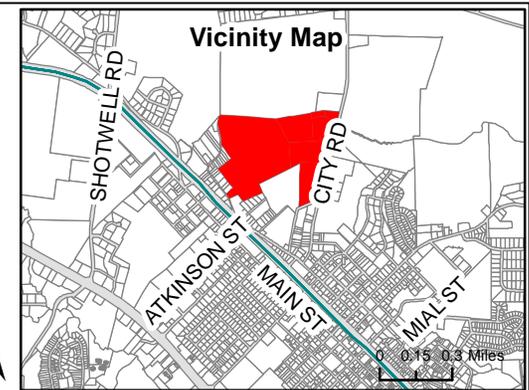
Proposed Land Use Map (Source: 2008 Strategic Growth Plan) ParkView Planned Development Rezoning to PD-R

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,
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 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.

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

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 (TRIPLEX) 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/UNDERDEVELOPED. ~~THE~~ 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 ***

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

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 ***

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

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 Stamm	
5	GEORGE ROSS	340 CIVITAN McCuller St
6	RICHARD BAUMGARTNER	" CIVITAN "
7	Scott Carroll	" CIVITAN "
8	Jamie Daniel	671 City Rd
9	Larry Daniel	" "
10	Gary Bonn	CIVITAN 1025 Ridge Drive - Clayton NC
11	Johnny Williams	65 CIVITAN WILSON JONES RD.
12	Joe Mon	920 City Rd -
13	Jim Klingenberg	340 Civitan
14	Wm Royal	" "
15	ROY LYON	" "
16	Judy Smith	Civitan
17	MARK COATS	CIVITAN PRESIDENT
18	Mike Beasley	Liberty Lane
19	Barbara Beasley	Liberty Lane
20	DENNIS 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,

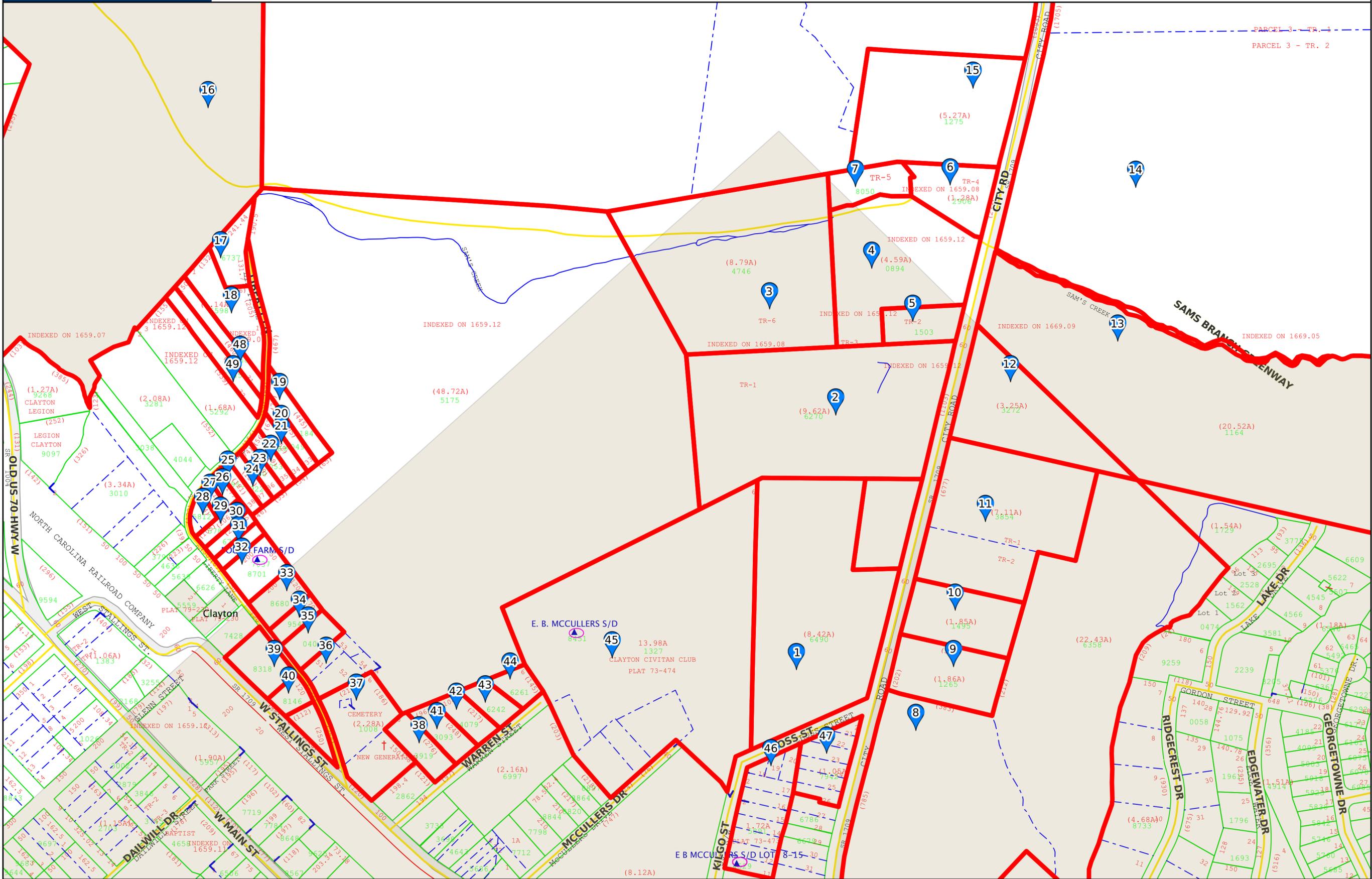
Donnie Adams, PE

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

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:

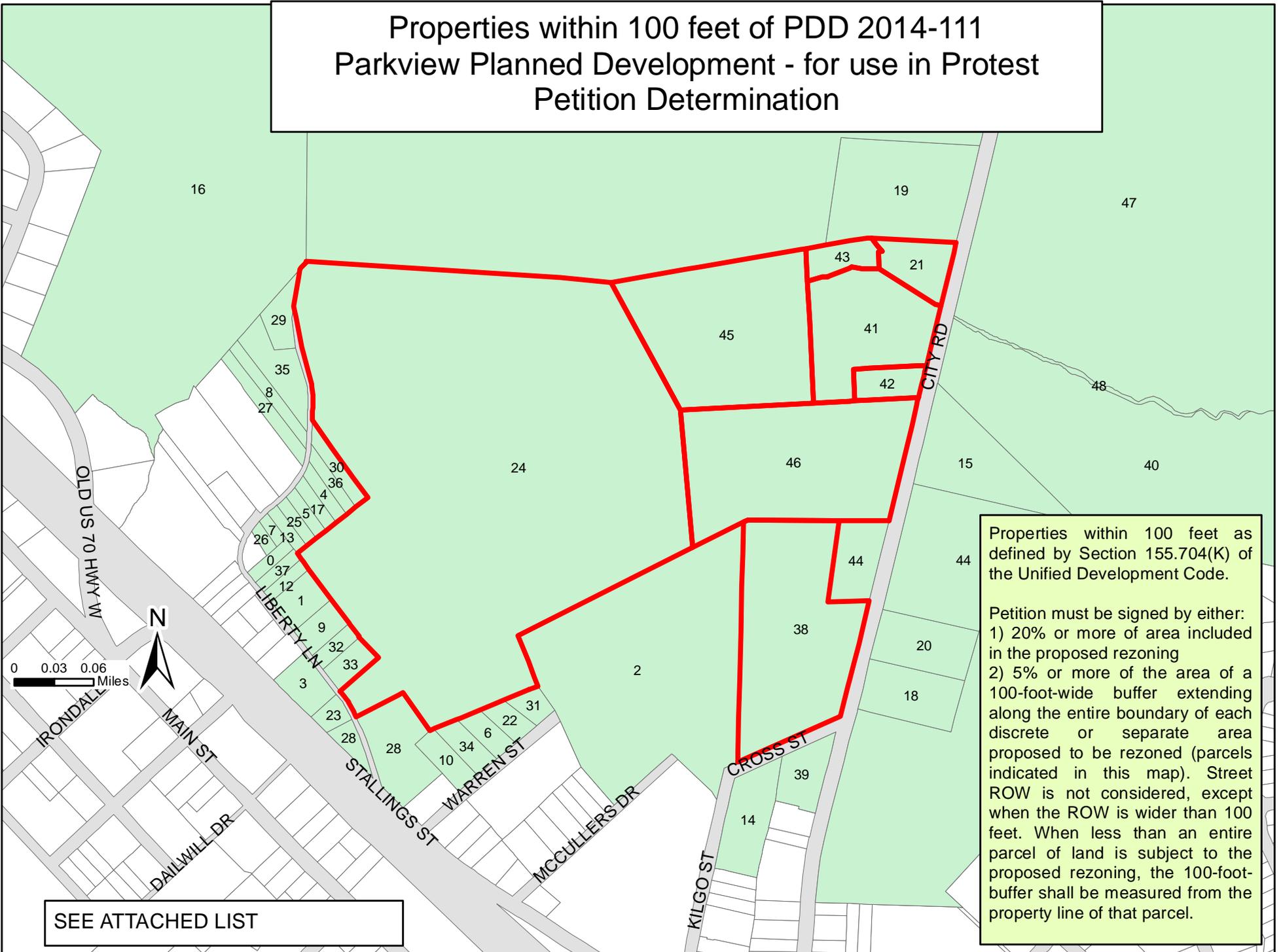
Section 1: The above referenced zoning amendment IS CONSISTENT with:

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



SEE ATTACHED LIST

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.

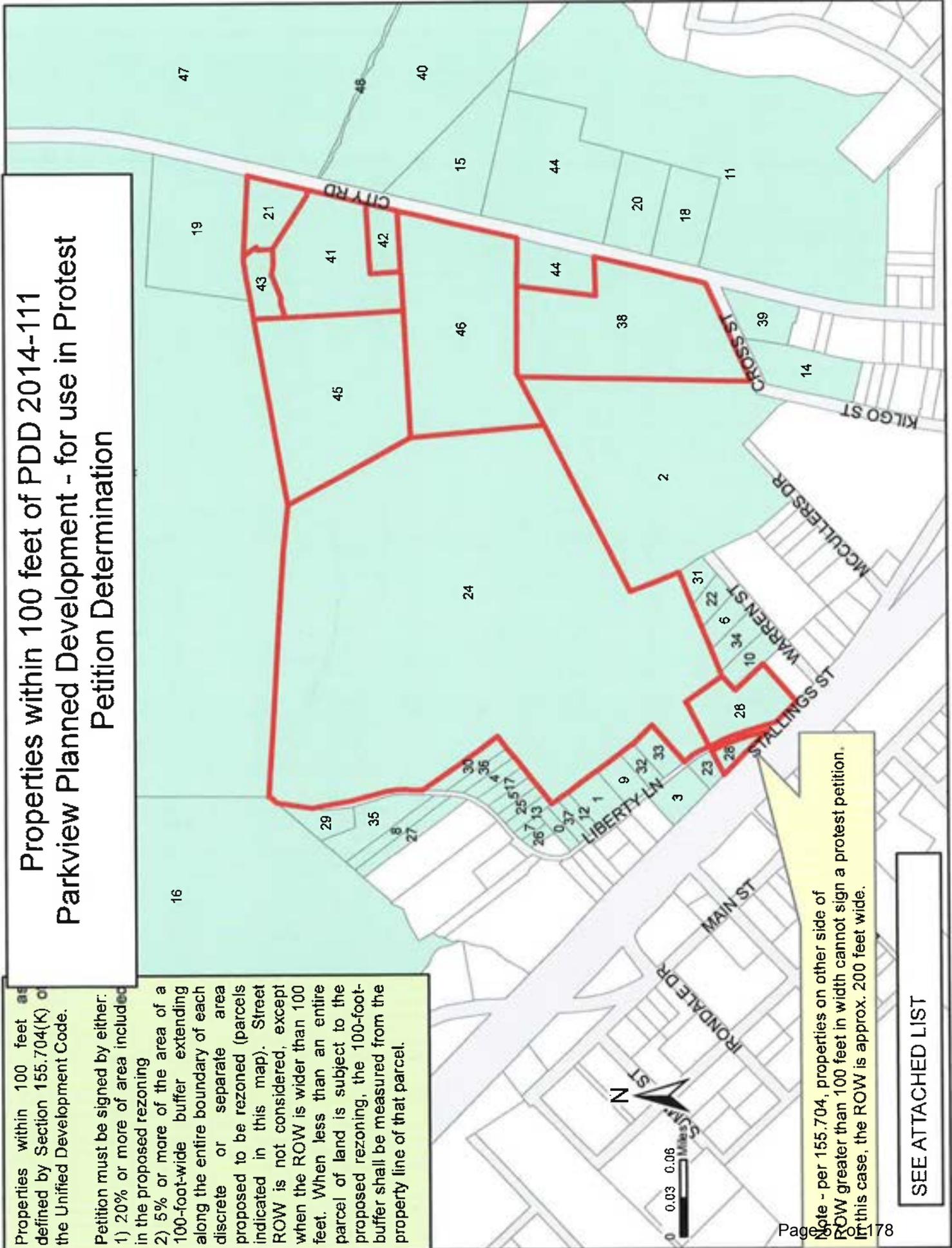
PROPERTIES WITHIN 100 FEET OF PDD 2014-111 PARVIEW REZONING TO PDD-R										
FID	TAG	PIN	NAME1	NAME2	ADDRESS1	ADDRESS2	CITY	STATE	ZIPCODE	
0	5029050	165912-76-5789	WITHROW PROPERTIES LLC		301 PIERCE STREET		PRINCETON	NC	27569-0000	
1	5029052	165912-76-8701	BEASLEY, JERRY WAYNE	BEASLEY, EUNICE	139 LIBERTY 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

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

UPDATED

COUNCIL MOTION SHEET
ZONING ORDINANCE AMENDMENT
(Rezoning)

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

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

WHEREAS a petition has been filed with the Town Council of the Town of Clayton requesting an amendment to the Zoning Ordinance and Zoning Map of the Town of Clayton to include in the 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, Donald C. Adams and New Generation Fellowship, Inc.: and

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

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

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

WHEREAS the said public hearing was actually conducted at 6:30 p.m. on February 2, 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:

Nine properties located west of City Road, East of Liberty Lane, and North of the Civitan Park including NC PIN's 165912-96-6490, 165912-97-6270, 166905-07-1503, 166905-07-0894, 166905-07-2906, 165908-98-8050, 165908-97-4746, 165912-87-5175, 165912-86-1008

Specific Description:

Beginning at a point on the western r-o-w of City Road (N.C.S.R. 1709), said point being a common property corner with the now-or-formerly Janet E. Daniel Property, deed book 1603 page 9, and the now-or-formerly Hocutt Baptist Church property, deed book 2787 page 365, and being the place and point of beginning; Thence with the western r-o-w of City Road S13-21-31W 504.45 feet to a point; Thence leaving the western r-o-w of City Road N87-08-08E 34.42 feet to a point in City Road; Thence with City Road S14-09-54W 133.02 feet to a point; Thence S87-14-25W 32.46 feet to a point on the western r-o-w of City Road; Thence with the western r-o-w of City Road S13-21-31W 506.71 feet to a point; Thence leaving the western r-o-w of City Road N89-24-02W 168.48 feet to a point; Thence S08-31-06W 356.57 feet to a point; Thence S89-32-51E 131.87 feet to a point on the western r-o-w of City Road; Thence with the western r-o-w of City Road S14-15-37W 474.25 feet to a point; Thence leaving the western r-o-w of City Road S71-04-52W 323.33 feet to a point; Thence N53-19-48W 80.85 feet to a point; Thence N02-15-33E 669.16 feet to a point; Thence N68-41-56W 255.82 feet to a point; Thence S63-19-07W 783.55 feet to a point; Thence S21-33-46E 218.35 feet to a point; Thence S67-49-21W 351.02 feet to a point; Thence N45-29-10W 204.39 feet to a point; Thence S62-44-02W 80.45 feet to a point; Thence S46-52-03W 148.16 feet to a point; Thence S38-15-58W 179.38 feet to a point; Thence N45-18-25W 118.91 feet to a point; Thence N62-30-40E 132.37 feet to a point; Thence N27-40-47W 74.60 feet to a point; Thence N38-14-13W 47.70 feet to a point; Thence N48-40-12E 205.75 feet to a point; Thence N43-45-44W 114.58 feet to a point; Thence N36-26-55W 414.91 feet to a point; Thence N51-43-48E 360.15 feet to a point; Thence N35-43-38W 382.33 feet to a point; Thence N00-52-07E 115.45 feet to a point; Thence N13-59-35W 180.93 feet to a point; Thence N10-52-21W 167.00 feet to a point;

Thence N09-03-36E 149.24 feet to a point;
Thence N37-56-41E 40.66 feet to a point;
Thence S86-09-02E 1227.39 feet to a point;
Thence N80-15-52E 791.15 feet to a point;
Thence N80-14-57E 75.41 feet to a point;
Thence N80-14-57E 173.33 feet to a point;
Thence S86-48-56E 353.52 feet to the place and point of beginning and containing
83.08 acres more or less.

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 2nd day of February, 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: February 2, 2015

TITLE: Public Hearing

DESCRIPTION: PSD 2014-112 Park View 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
1-5-15	Public Hearing <i>Continued</i>	Staff Report Application Packet
2-2-15	Public Hearing	Staff Report Application Packet Motion Sheet



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 2014-112 (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

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 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:

Acreeage: 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 30 foot 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. 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 (the exception is paved greenway if located in a RCA).

Provided: 27.04 acres outside of the RCA

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)
Total:	10.33 acres

Per §155.203(l)(2)(a), “all residential development shall be required to either dedicate a portion of the land, or make a payment-in-lieu of dedication at a rate set forth in the town’s Comprehensive List of Fees and Charges per lot or dwelling unit.” A mix of dedication and fee-in-lieu may be utilized.

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 is being completed by the applicant, and shall be reviewed by NCDOT and the Town upon availability. The traffic study does not indicate the need for off-site roadway improvements. Staff however believes 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

Per 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 just north of the primary entrance to the subdivision. 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. The third access is shown at Liberty Lane.

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

1. Revised street Cross-Section.
2. 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. 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. Allow a cul-de-sac with a length greater than 700 feet to serve lots less than 20,000 square feet in size.

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 Attachment 1 of 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) Zoning & Aerial Map, 4) Application, 5) Neighborhood Meeting Materials, 6) Master Plan / Preliminary Subdivision Plan

**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

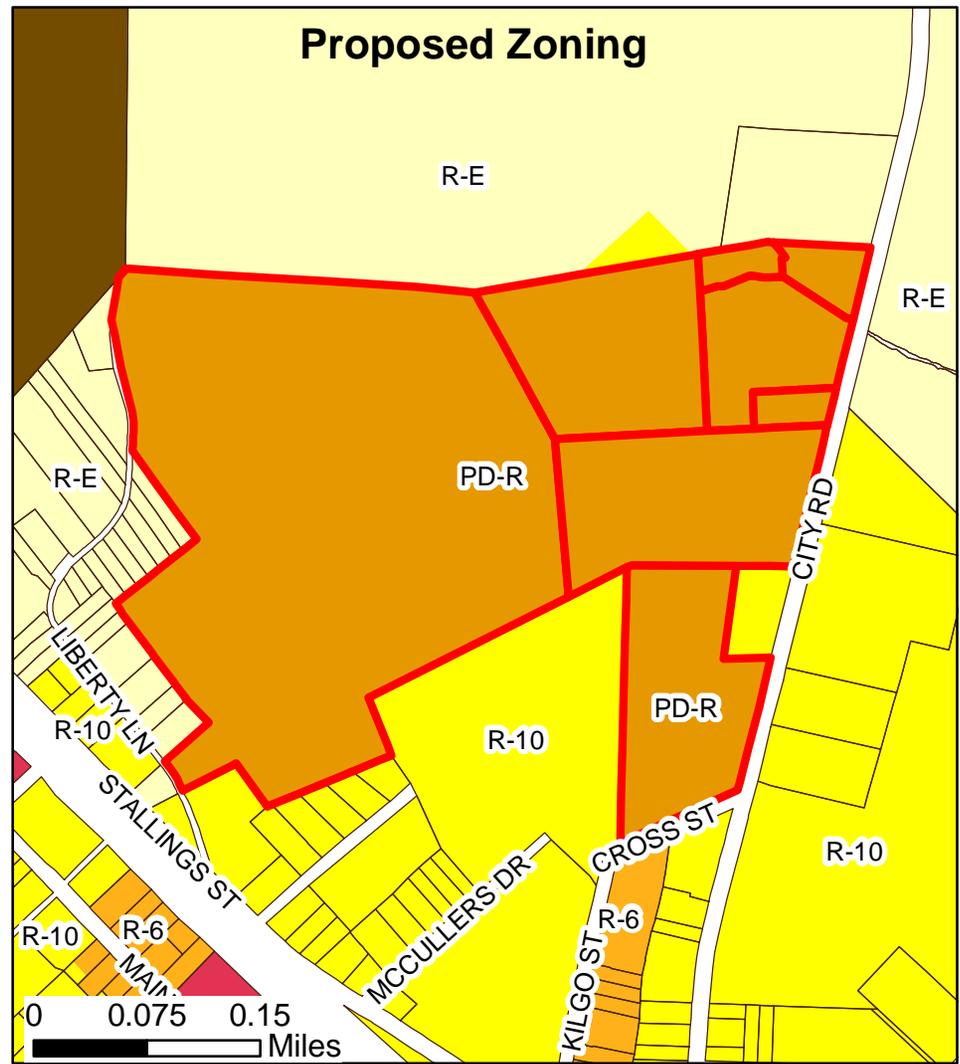
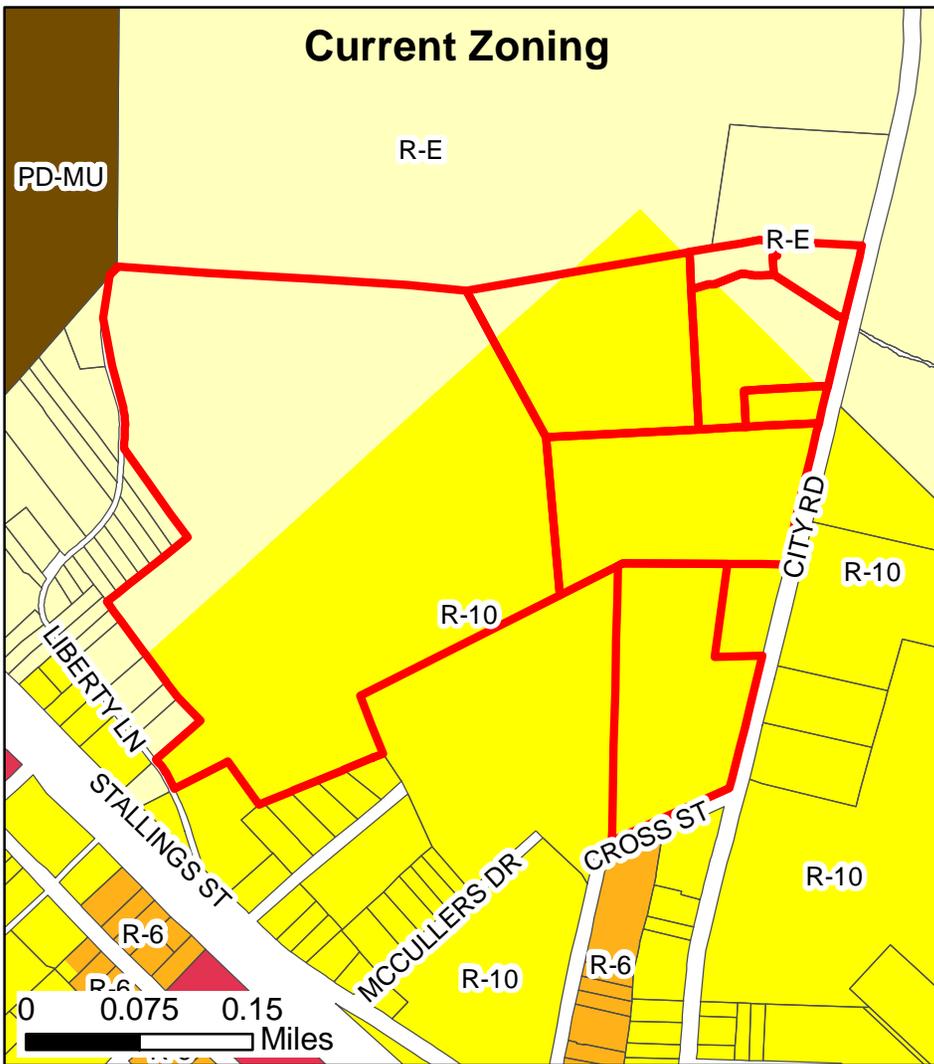
Re: Parkview Subdivision PSD 2014-2699

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

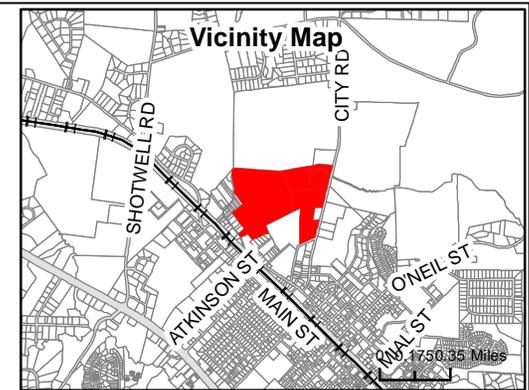
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10/20/14

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

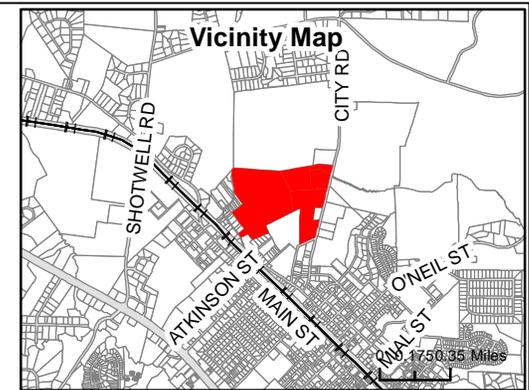
File Number: PDD 2014-111

Produced by: TOC Planning

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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 scaled 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

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.

*** 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 ***

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

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
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 Stamm	
5	GEORGE ROSS	340 CIVITAN McCuller St
6	RICHARD BAUMGARTNER	" CIVITAN "
7	Scott Carroll	" CIVITAN "
8	Janet Daniel	671 City Rd
9	Larry Daniel	" "
10	Gary Bonn	CIVITAN 1025 Ridge Drive - Clayton NC
11	Johnny Williams	65 CIVITAN WILSON JAMES RD.
12	Joe Mon	920 City Rd -
13	Jim Klingenberg	340 Civitan
14	Wm Royal	" "
15	ROY LYON	" "
16	Judy Smith	Civitan
17	MARK 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,

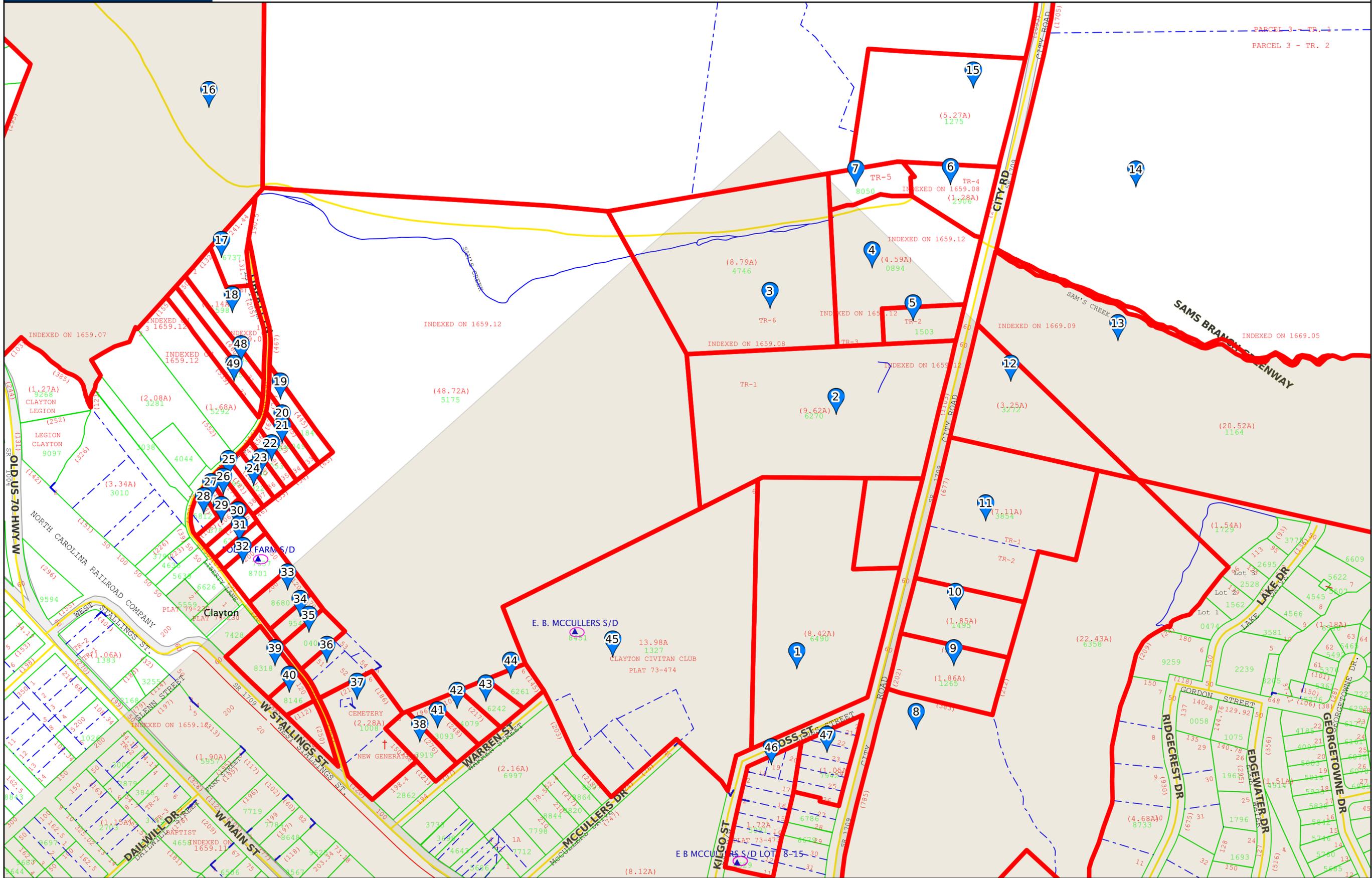
Donnie Adams, PE

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

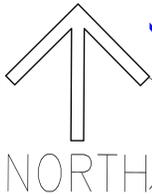
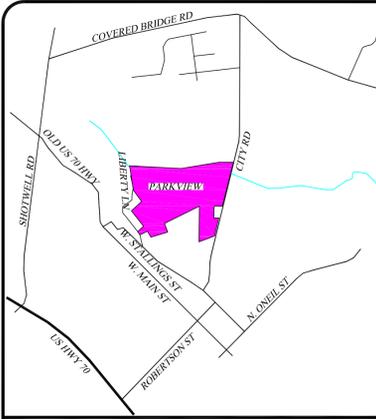
CITY ROAD LLC, CLAYTON, NC 27527

REVISED PER TOWN COMMENTS
JANUARY 27, 2015

NOT RELEASED FOR
CONSTRUCTION

REVISED
 2:44 pm, Jan 28, 2015





VICINITY MAP
(NO SCALE)

SITE DATA:

SITE ADDRESS: CITY ROAD
TOWN LIMIT OR ETJ: WITHIN TOWN OF CLAYTON, TOWN LIMIT
ACREAGE: 83.10 ACRES (3,619,836SF)
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

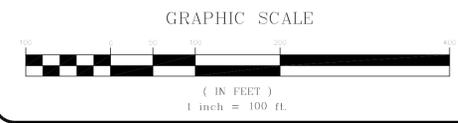
NEW GENERATION FELLOWSHIP, INC.
 PO BOX 40
 KNIGHTDALE, NC 27545

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: 1,628,926 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:	
[Yellow Box]	SINGLE FAMILY DETACHED
[Orange Box]	SINGLE FAMILY ATTACHED
[Light Orange Box]	TOWNHOMES
[Light Green 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 Hatched Box]	RCA (RESOURCE CONSERVATION AREA)
[Dashed Green Line]	GREENWAY TRAIL (6,425 LF)
[Dashed Green Line]	GRAVEL/MULCH FOOTPATH
[Red Line]	SIDEWALK (9,338 LF)
[Blue Line]	BUFFERED STREAM
[Wavy Green Line]	CLASS C BUFFER (TO REMAIN IN NATURAL STATE)
[Wavy Green Line]	CLASS C BUFFER (TO BE CREATED)
[Blue Box]	MAIL CLUSTER BOX UNIT



NOT RELEASED FOR CONSTRUCTION



REVISED
2:43 pm, Jan 28, 2015

REVISIONS:
 1. 10-02-2014 REVISED PER TDC COMMENTS
 2. 10-24-2014 REVISED PER TDC COMMENTS
 3. 11-10-2014 REVISED PER TDC COMMENTS
 4. 12-02-2014 REVISED PER TDC COMMENTS
 5. 1-27-2015 REVISED PER TDC COMMENTS

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

DC ADAMS
ENGINEERING, INC

SHYDU

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

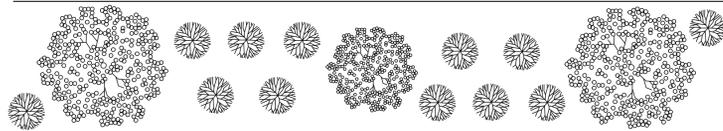
OPEN SPACE INFORMATION

OVERALL OPEN SPACE
 REQUIRED = 12.5% OF TRACT (83.10 ACS) = 10.39 ACS
 PROVIDED = 43.84 ACS (29.48 ACS OUTSIDE RCA)
IMPROVED/ACTIVE OPEN SPACE
 REQUIRED = 25% OF REQ'D OPEN SPACE = 2.60 ACS
 PROVIDED = 5.52 ACS
IMPROVED/ACTIVE BREAKDOWN
 GAZEBO SPACE = 0.43 ACS
 NEIGHBORHOOD GARDEN = 2.14 ACS
 GREENWAT TRAIL = 2.95 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).

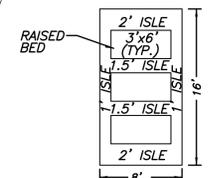


TYPICAL NEIGHBORHOOD GARDEN SHED

APPROXIMATELY 8'x10'
 (PAINTED WOOD OR VINYL)

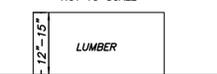


TYPICAL GARDEN PLOT BED LAYOUT
 NOT TO SCALE



- 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
 NOT TO SCALE



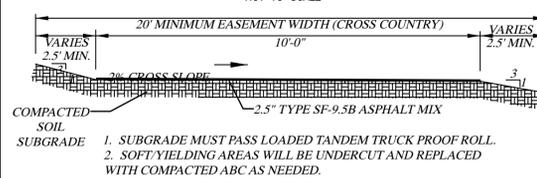
NEIGHBORHOOD GARDEN PLOT LAYOUT
 NOT TO SCALE

TYPICAL STREET LIGHT DETAIL



16" BLACK FIBERGLASS POLE WITH ACORN STYLE LIGHT COVER

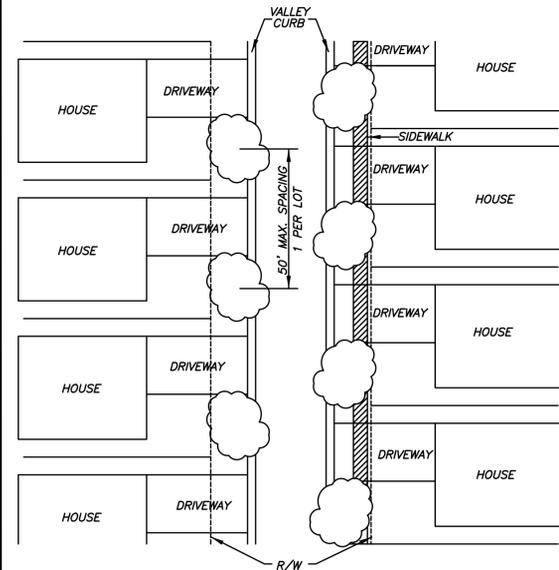
TYPICAL GREENWAY PAVEMENT SECTION
 NOT TO SCALE



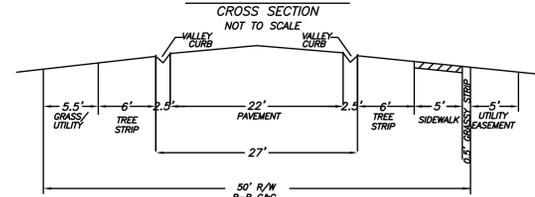
1. SUBGRADE MUST PASS LOADED TANDEM TRUCK PROOF ROLL.
 2. SOFT/YIELDING AREAS WILL BE UNDERCUT AND REPLACED WITH COMPACTED ABC AS NEEDED.

TYPICAL STREET

PLAN VIEW
 NOT TO SCALE
 NOTE ALL STREETS ARE PUBLIC UNLESS NOTED OTHERWISE.



TYPICAL STREET



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

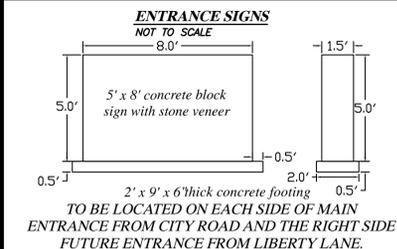
1. APPROXIMATELY 16'x16' PAINTED WOOD OR VINYL CONSTRUCTION.
 2. CONCRETE FLOOR WITH WALKWAY.
 3. PERIMETER LANDSCAPE MAY BE ADDED AS NEEDED.

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.



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



NOT RELEASED FOR CONSTRUCTION



1-2-2015

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

DC 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

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.

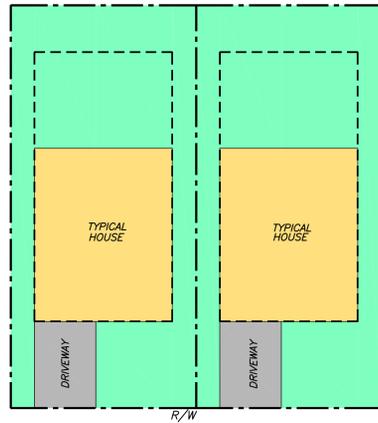


TYPICAL ELEVATION

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.

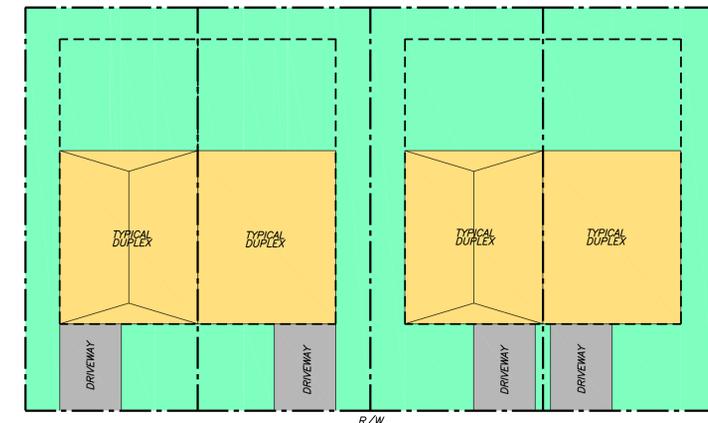


TYPICAL ELEVATION

MINIMUM BUILDING SETBACKS

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

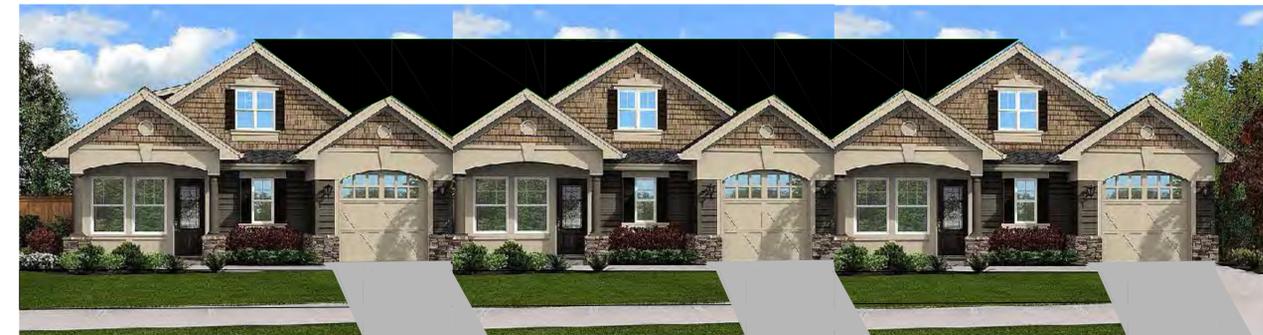
NOTE:
MINIMUM LOT WIDTH = 32'
MINIMUM LOT DEPTH = 80'



SINGLE FAMILY ATTACHED

NOT TO SCALE

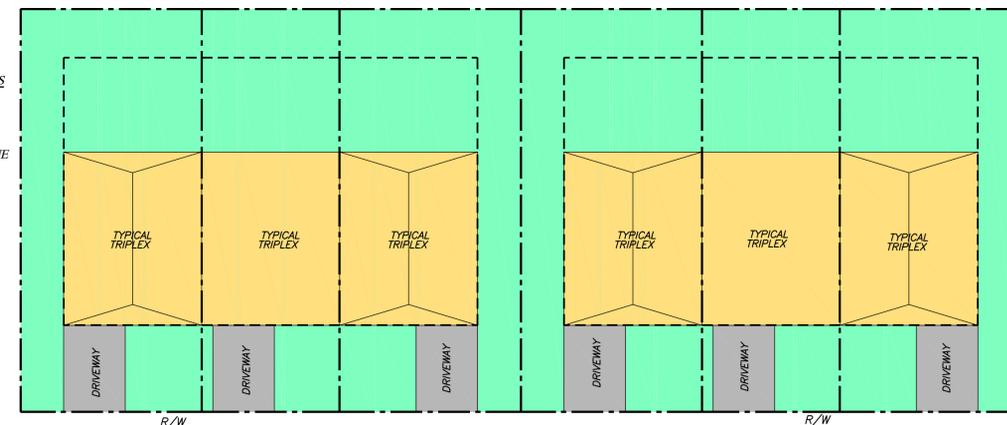
NOTE PHASES TO BE SUBDIVIDED SHALL REQUIRE FINAL PLAT REVIEW AND APPROVAL BY THE TOWN OF CLAYTON.



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

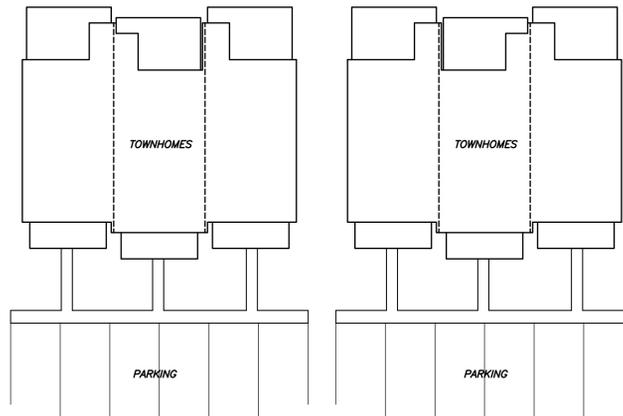
NOT TO SCALE

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



NOT RELEASED FOR CONSTRUCTION



1-2-2015

REVISED PER TOC COMMENTS
REVISED PER TOC COMMENTS
REVISED PER TOC COMMENTS
REVISED PER TOC COMMENTS
REVISED PER TOC COMMENTS

DC ADAMS
ENGINEERING, INC

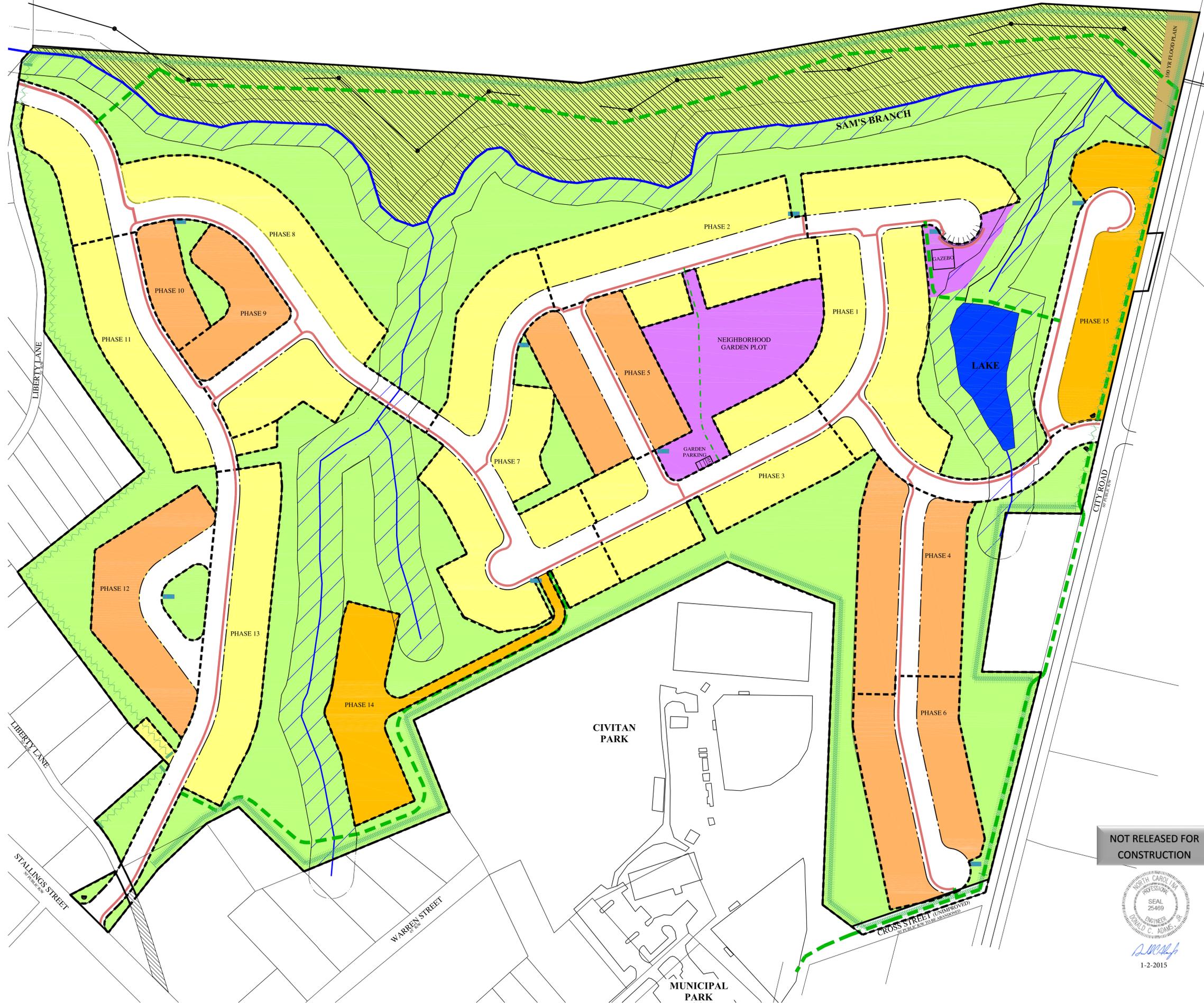
PARKVIEW
CITY ROAD LLC, CLAYTON, NC 27527

REGULATING SHEET 2

FILE
DESIGN
DRAWN
CHECKED
HORIZONTAL SCALE
VERTICAL SCALE
DATE
JOB NO.
SHEET
OF



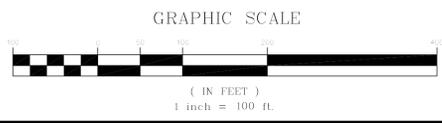
VICINITY MAP
(NO SCALE)



LEGEND:

	SINGLE FAMILY DETACHED
	SINGLE FAMILY ATTACHED
	TOWNHOMES
	OPEN SPACE
	AMENITY
	LAND TO BE DEDICATED TO TOWN OF CLAYTON
	ENTRANCE SIGNAGE
	100 YEAR FLOODPLAIN
	RCA (RESOURCE CONSERVATION AREA)
	GREENWAY TRAIL (6,425 LF)
	GRAVEL/MULCH FOOTPATH
	SIDEWALK (9,338 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.



NOT RELEASED FOR CONSTRUCTION



DATE: 8/22/2014
JOB NO.:
SHEET: 4 OF 6
1-2-2015

REVISIONS:
1. 10-24-2014 REVISED PER TOC COMMENTS
2. 10-24-2014 REVISED PER TOC COMMENTS
3. 11-20-2014 REVISED PER TOC COMMENTS
4. 1-2-2015 REVISED PER TOC COMMENTS

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

DG ADAMS
ENGINEERING, INC

DCA

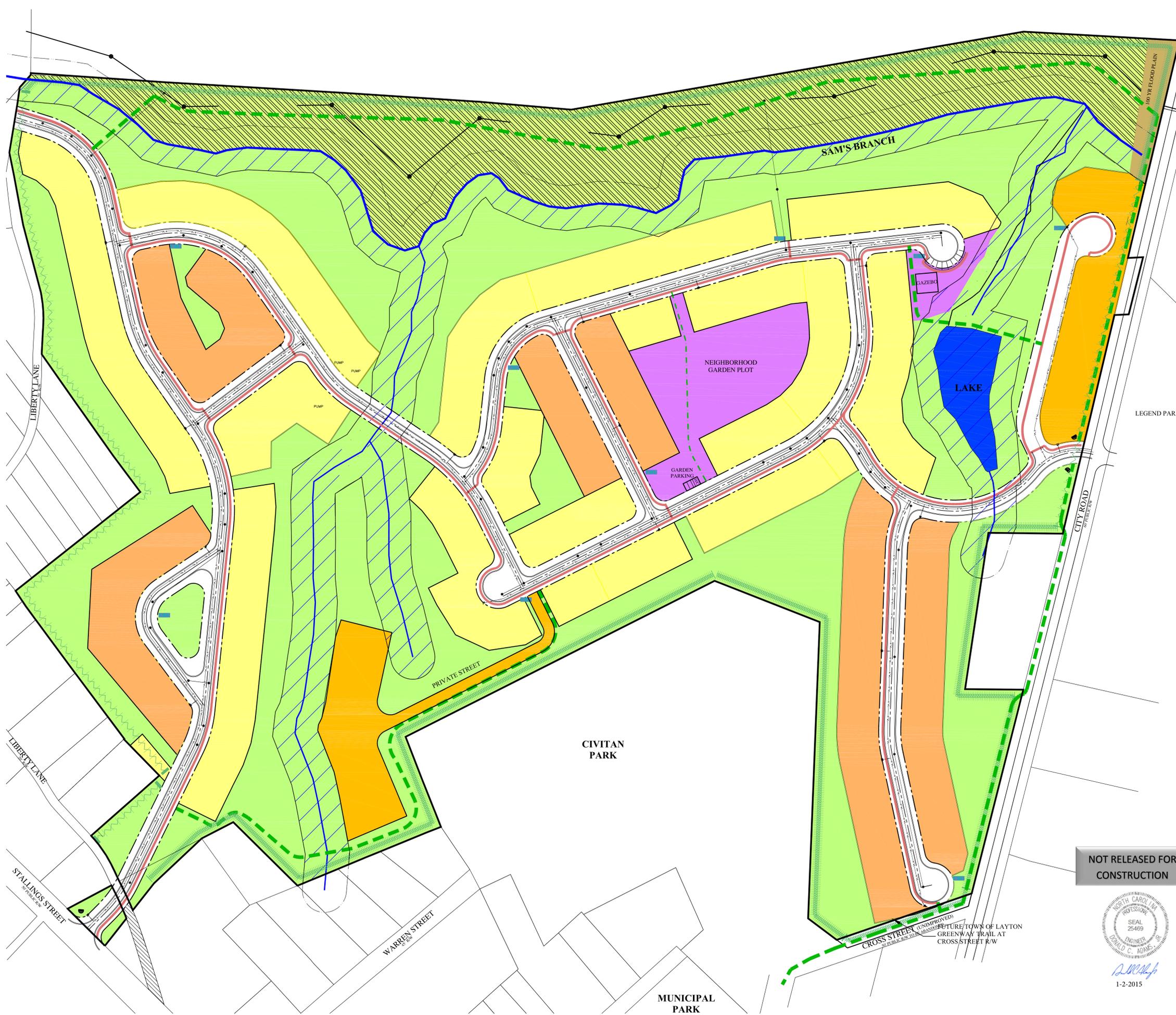
PARKVIEW
CITY ROAD LLC, CLAYTON, NC 27527

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



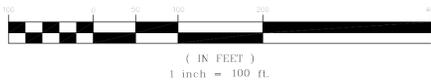
VICINITY MAP
(NO SCALE)



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

LEGEND	
EXISTING	PROPOSED

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
4. 12-18-2014 REVISED PER TDC COMMENTS

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ENGINEERING, INC

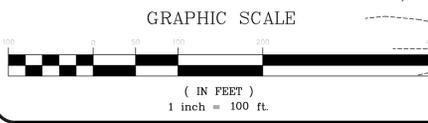
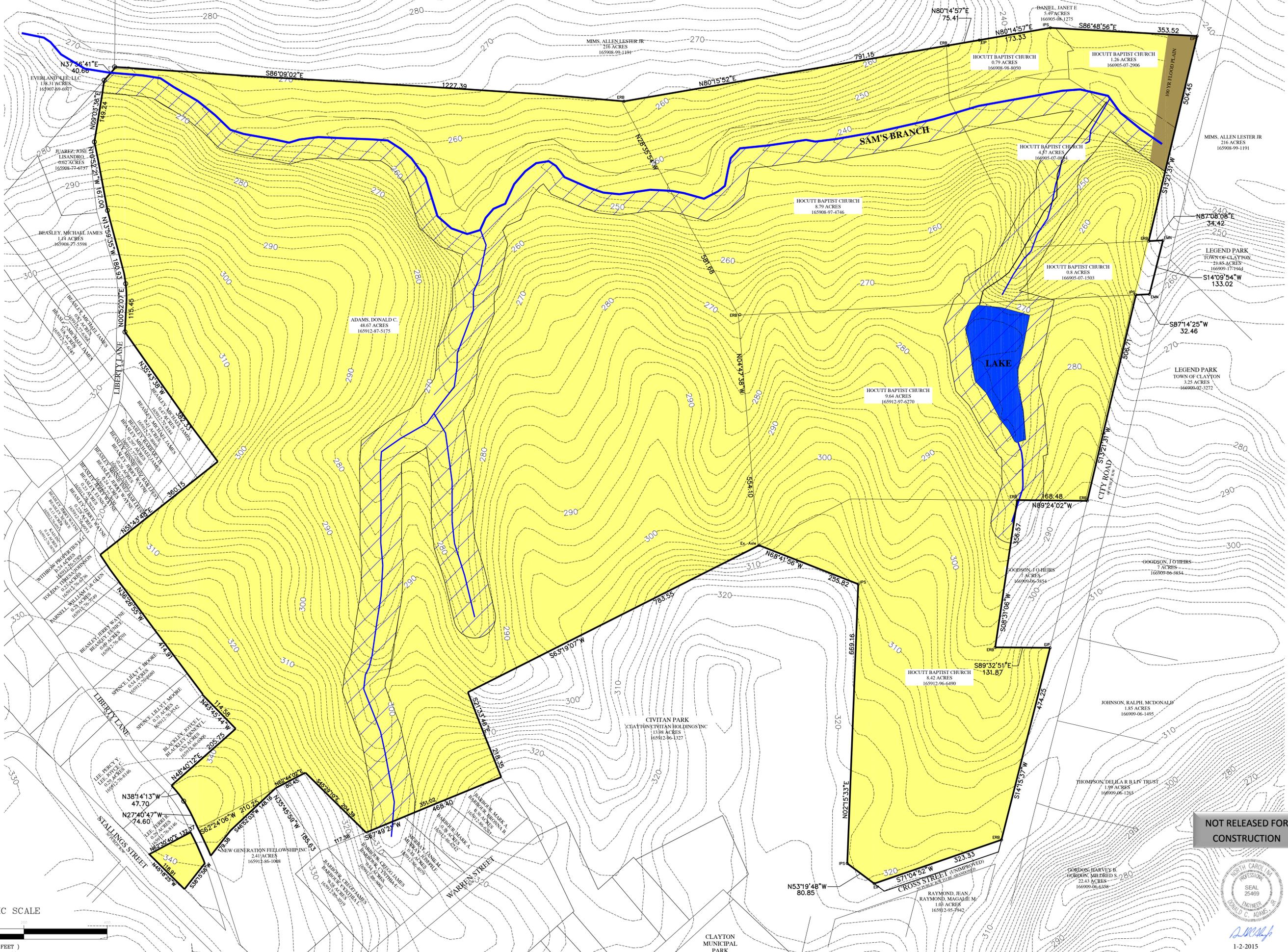
PARKVIEW
CITY ROAD LLC, CLAYTON, NC 27527

PRELIMINARY ENGINEERING
DESIGN

NOT RELEASED FOR
CONSTRUCTION



DATE 8/22/2014
JOB NO.
SHEET 5 OF 6



NOT RELEASED FOR CONSTRUCTION



REVISIONS:
 1. 10-24-2014 REVISED PER TOC COMMENTS
 2. 10-24-2014 REVISED PER TOC COMMENTS
 3. 11-12-2015 REVISED PER TOC COMMENTS
 4. 1-2-2015 REVISED PER TOC COMMENTS

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

DC ADAMS
ENGINEERING, INC

SHVBY

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

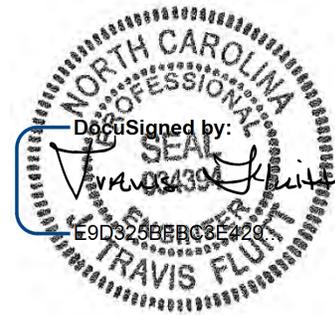
DATE: 8/22/2014
 JOB NO.:
 SHEET: 6 OF 6

1-2-2015

Page 97 of 178

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



NOT TO SCALE



PARKVIEW
CLAYTON, NC
TRAFFIC CAPACITY ANALYSIS

SITE LOCATION

FIGURE
1



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 35

SPEED LIMIT 25

SHOTWELL RD.

SMITH DR.

COVERED BRIDGE RD.

LEGEND PARK DWY.

CITY RD.

LIBERTY LN.

SPEED LIMIT 15

STALLINGS ST.

LEGEND

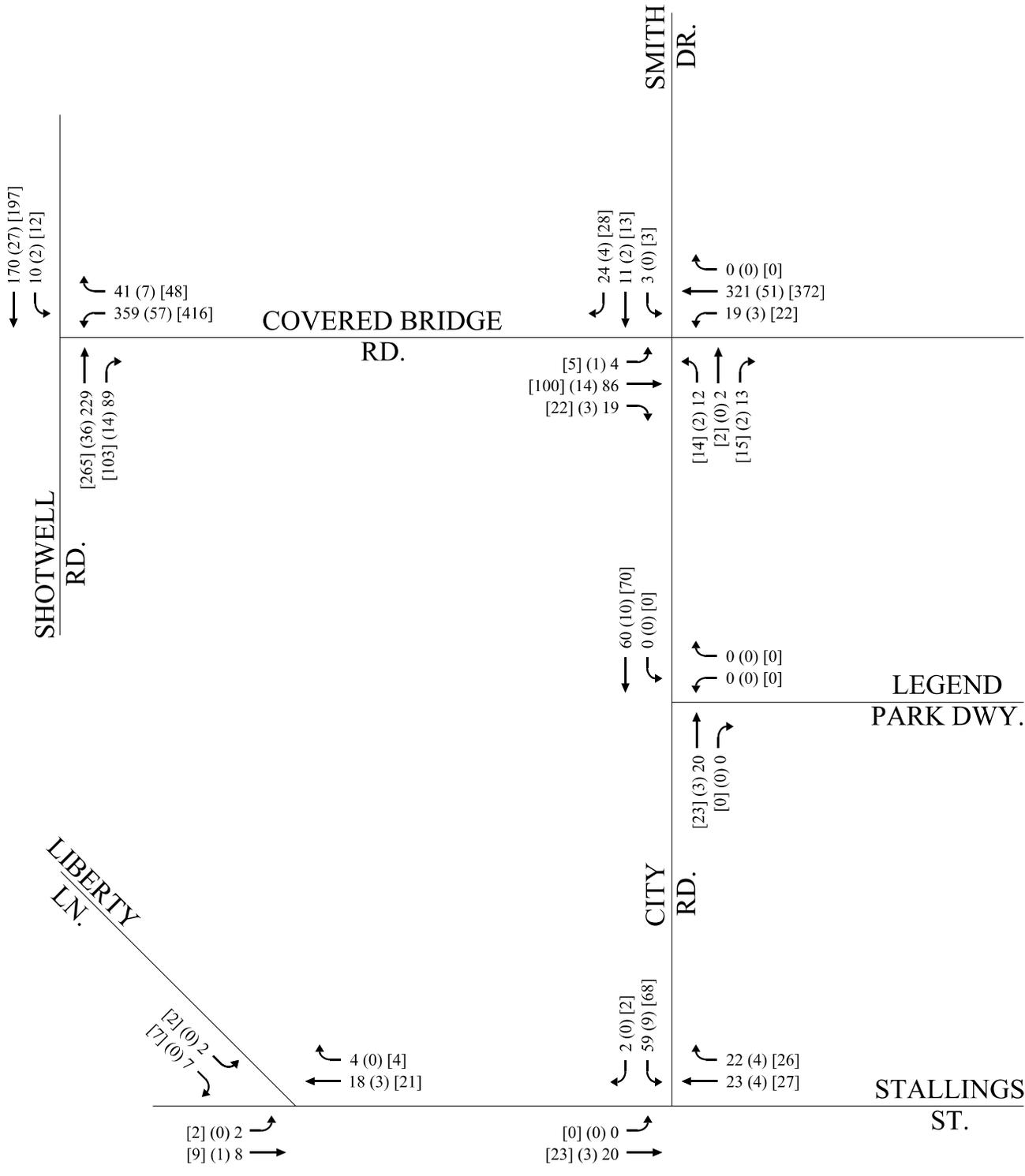
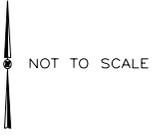
- ← EXISTING LANE
- EXISTING STOP SIGN
- XX' STORAGE LENGTH
-  POSTED SPEED LIMIT



PARKVIEW
CLAYTON, NC
TRAFFIC CAPACITY ANALYSIS

EXISTING ROADWAY LANEAGE

FIGURE
3



LEGEND
PARK DWY.

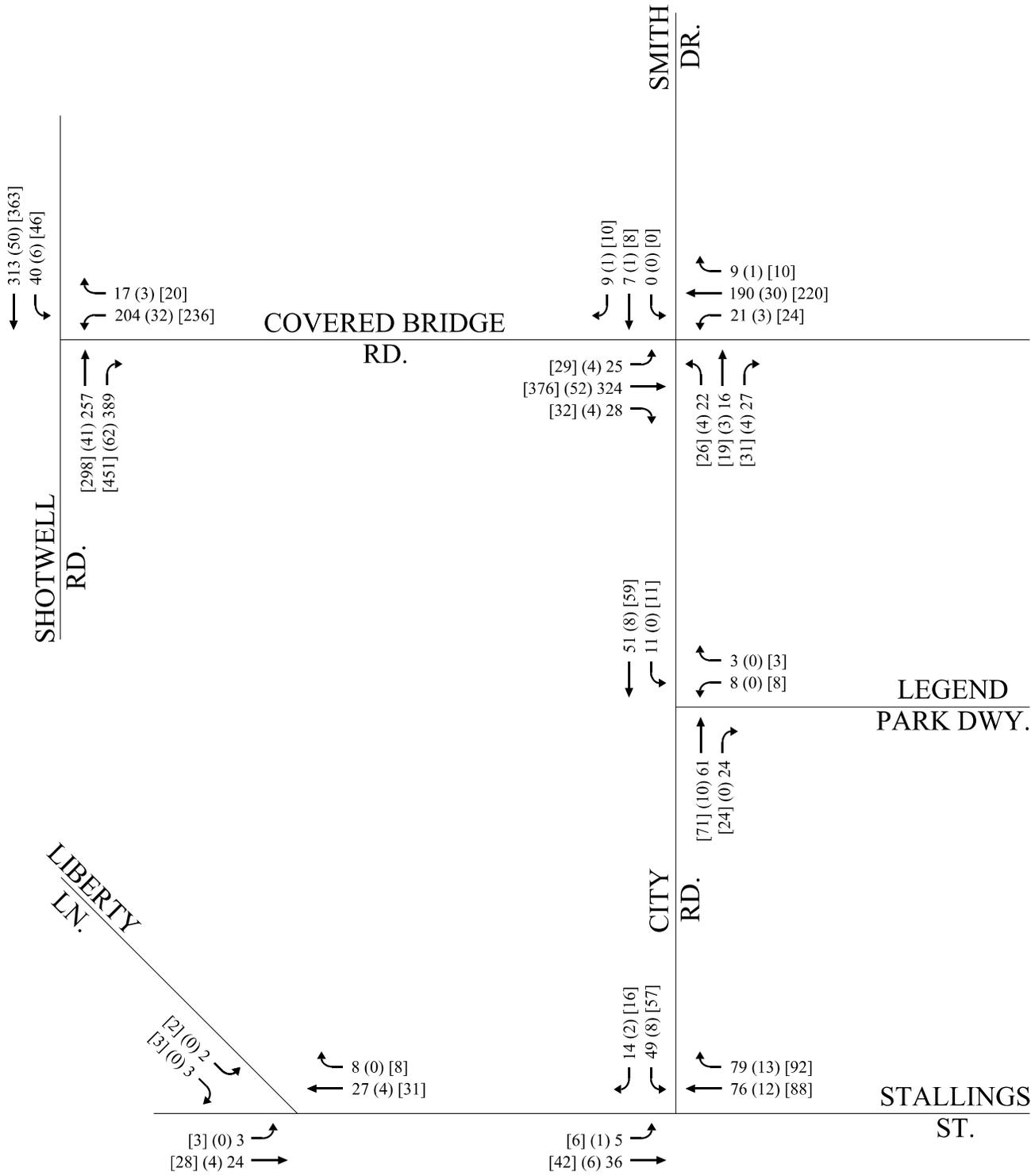
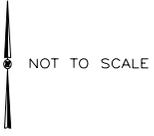
LEGEND
 XX EXISTING TRAFFIC
 (XX) BACKGROUND GROWTH
 [XX] TOTAL BACKGROUND TRAFFIC



PARKVIEW
CLAYTON, NC
TRAFFIC CAPACITY ANALYSIS

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

FIGURE
4



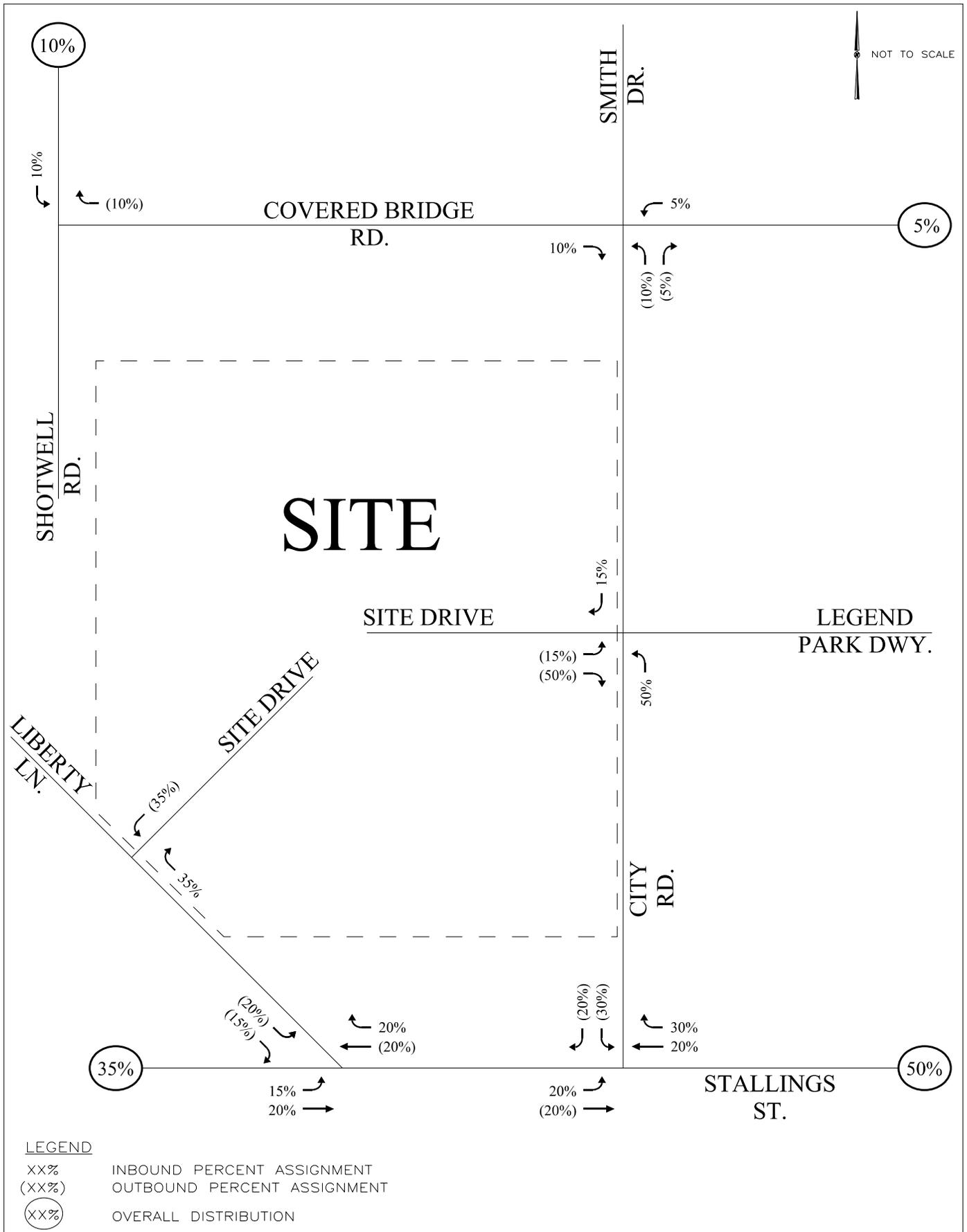
LEGEND
 XX EXISTING TRAFFIC
 (XX) BACKGROUND GROWTH
 [XX] TOTAL BACKGROUND TRAFFIC



PARKVIEW
 CLAYTON, NC
 TRAFFIC CAPACITY ANALYSIS

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

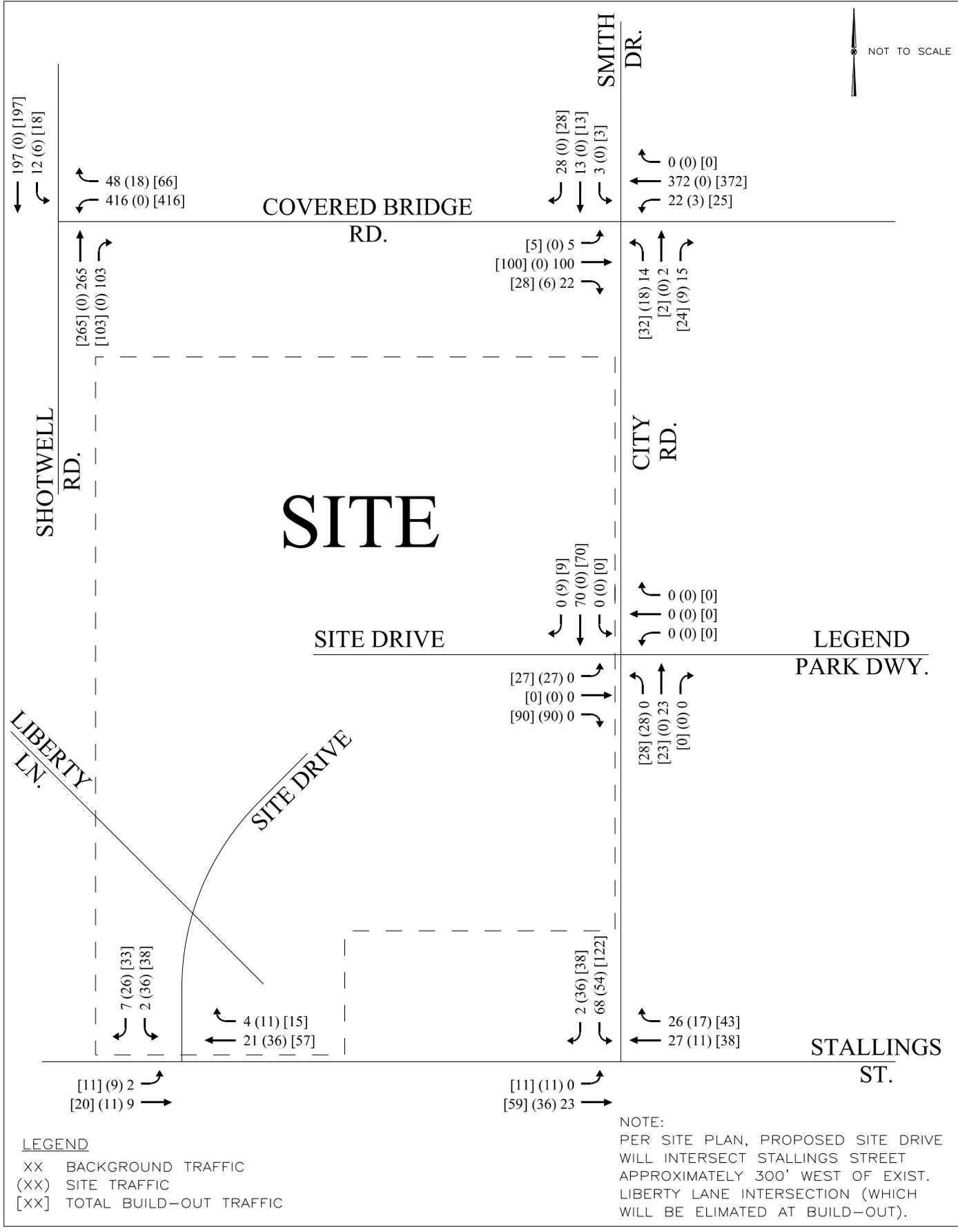
FIGURE
 5



PARKVIEW
 CLAYTON, NC
 TRAFFIC CAPACITY ANALYSIS

SITE TRAFFIC DISTRIBUTION
 AND PERCENT ASSIGNMENT

FIGURE
 6



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

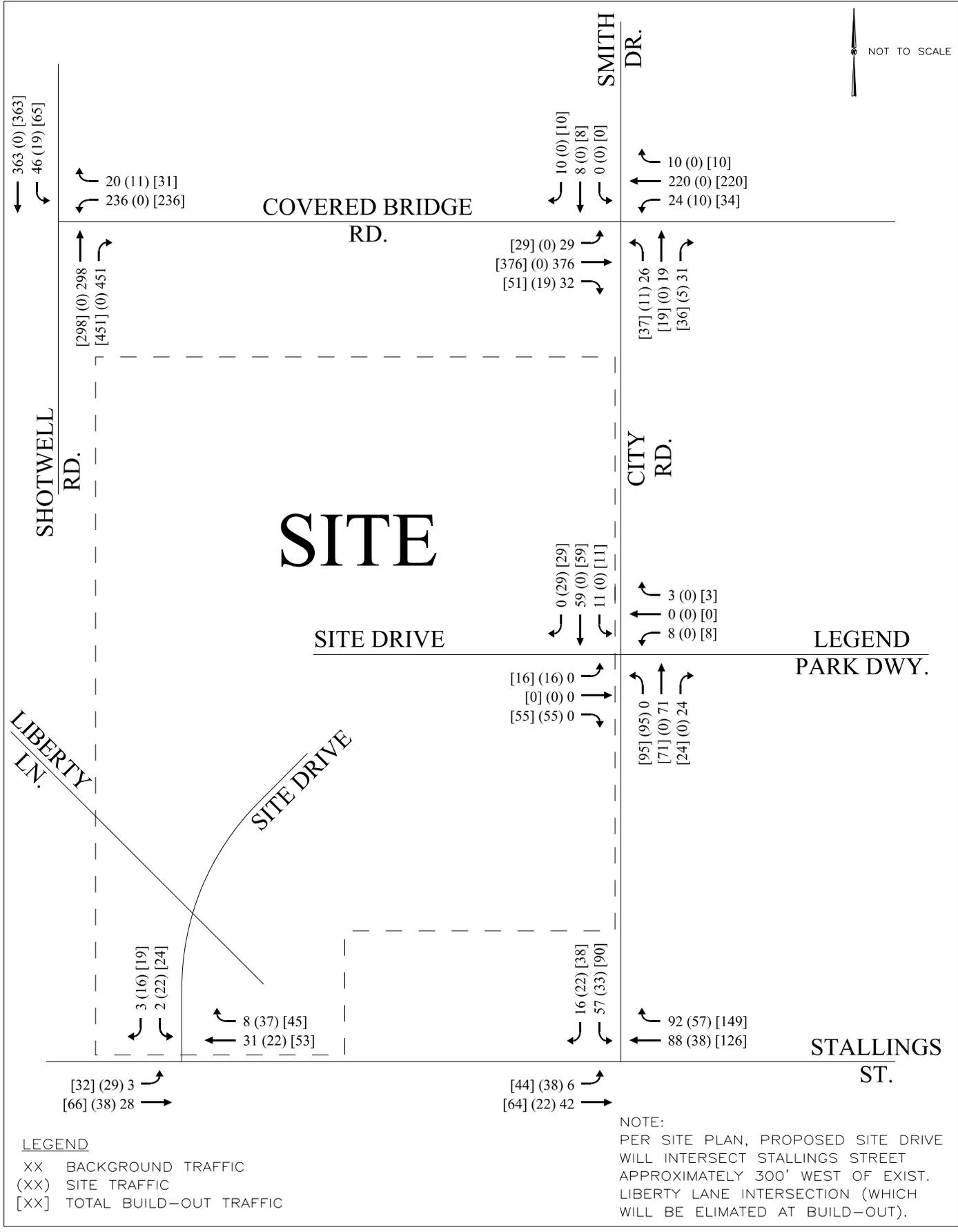
NOTE:
 PER SITE PLAN, PROPOSED SITE DRIVE WILL INTERSECT STALLINGS STREET APPROXIMATELY 300' WEST OF EXIST. LIBERTY LANE INTERSECTION (WHICH WILL BE ELIMATED AT BUILD-OUT).



PARKVIEW
 CLAYTON, NC
 TRAFFIC CAPACITY ANALYSIS

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

FIGURE
 7



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

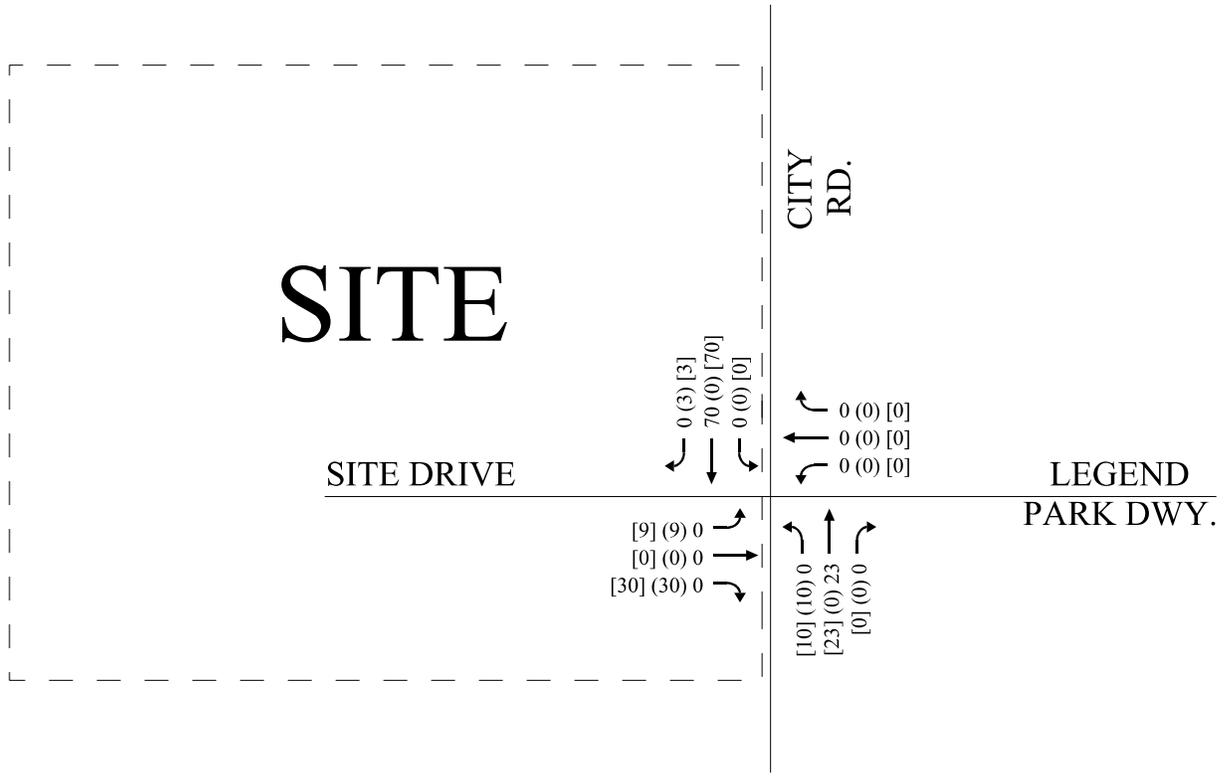
NOTE:
 PER SITE PLAN, PROPOSED SITE DRIVE WILL INTERSECT STALLINGS STREET APPROXIMATELY 300' WEST OF EXIST. LIBERTY LANE INTERSECTION (WHICH WILL BE ELIMATED AT BUILD-OUT).



PARKVIEW
 CLAYTON, NC
 TRAFFIC CAPACITY ANALYSIS

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

FIGURE
 8



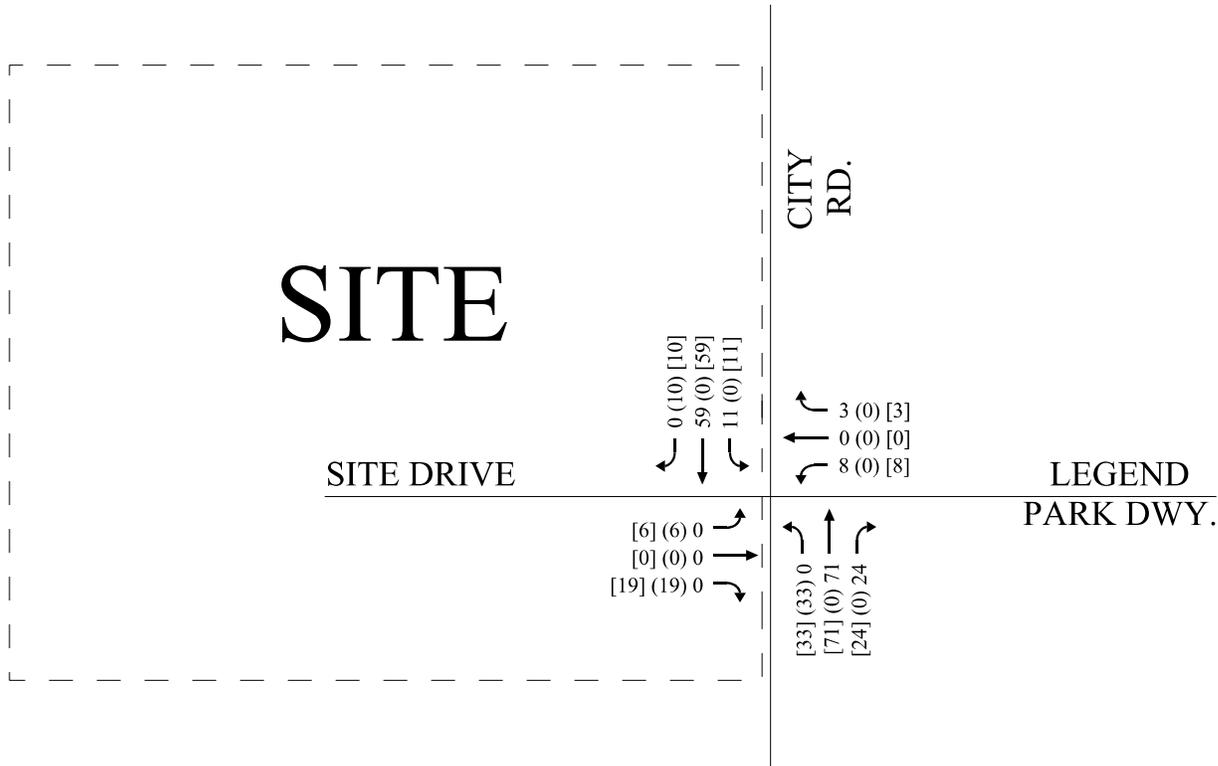
LEGEND
 XX BACKGROUND TRAFFIC
 (XX) SITE TRAFFIC
 [XX] TOTAL BUILD-OUT TRAFFIC



PARKVIEW
 CLAYTON, NC
 TRAFFIC CAPACITY ANALYSIS

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

FIGURE
 9



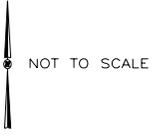
LEGEND
 XX BACKGROUND TRAFFIC
 (XX) SITE TRAFFIC
 [XX] TOTAL BUILD-OUT TRAFFIC



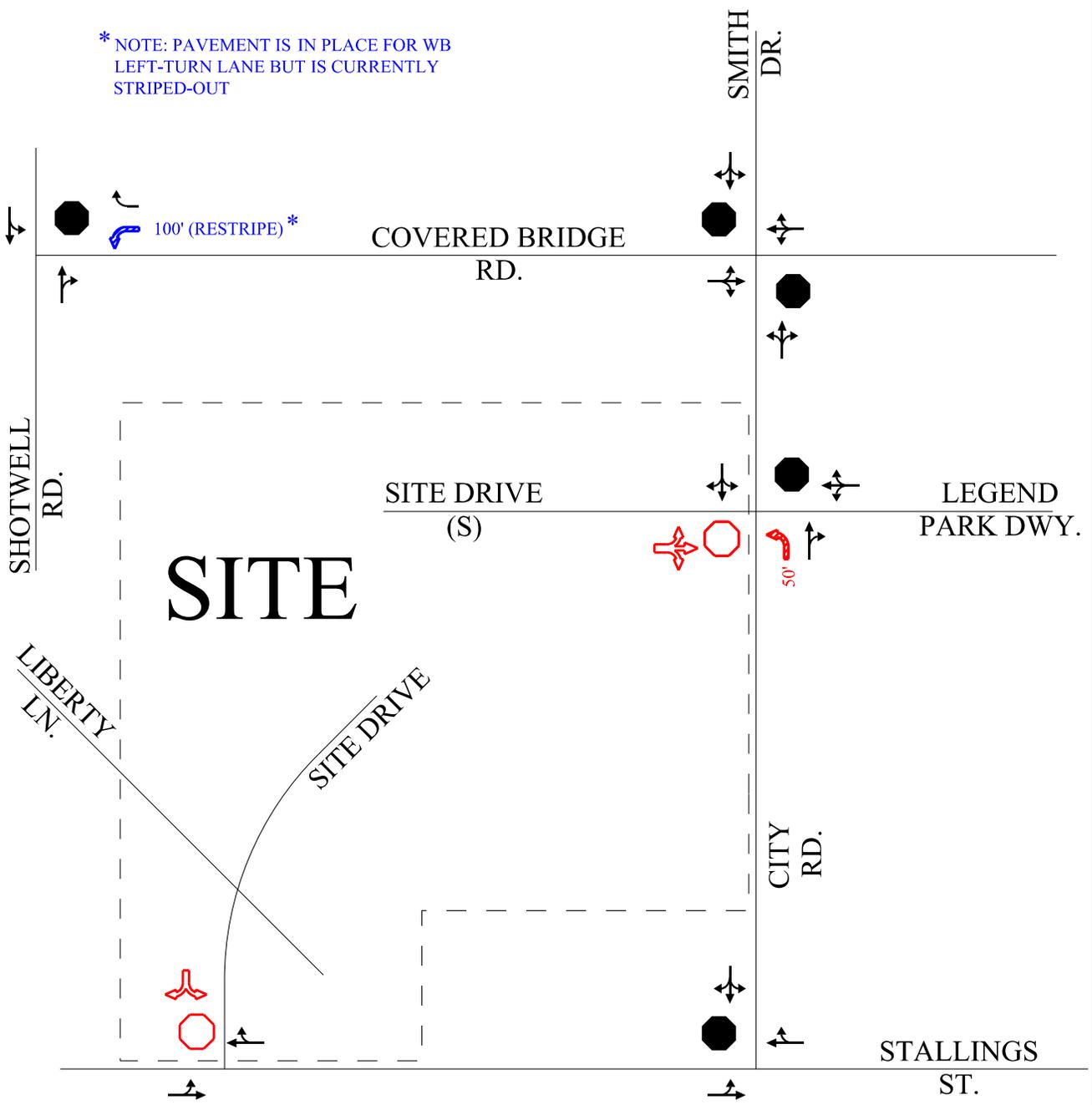
PARKVIEW
 CLAYTON, NC
 TRAFFIC CAPACITY ANALYSIS

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
- XX' STORAGE LENGTH



PARKVIEW
CLAYTON, NC
TRAFFIC CAPACITY ANALYSIS

RECOMMENDED
ROADWAY LANEAGE

FIGURE
11



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION



TRANSPORTATION MOBILITY AND SAFETY DIVISION
 TRAFFIC MANAGEMENT UNIT
 CONGESTION MANAGEMENT SECTION

November 18, 2014

Traffic Impact Analysis Review Report
Parkview Development

TIA Project: SC-2014-067
Division: 4
County: Johnston
Description: Parkview Development on SR 1709 (City Rd) in Clayton



BenJetta L. Johnson, P. E.
 Congestion Management Regional Engineer
Solomon Mengesha
 Congestion Management Project Design Engineer

Parkview Development

SC-2014-067	Johnston County	11/18/2014
-------------	-----------------	------------

Per your request, the Congestion Management Section (CMS) of the Transportation Mobility and Safety Division has completed a review of the subject site. The comments and recommendations contained in this review are based on data presented in the sealed Traffic Impact Analysis (TIA) and are subject to the approval of the local District Engineer's Office and appropriate local authorities.

Date Initially Received by CMS	10/17/2014	Date of Site Plan Prepared by DC ADAMS Engineering, Inc	07/22/2014
Date of Complete Information for Project Received by CMS	10/22/2014	Date of Sealed TIA Prepared by Kimley-Horn & Associates, Inc	10/17/2014
Date of Preliminary Review Letter Accepting TIA for Review	10/24/2014		

Proposed Development

According to the TIA, the proposed Parkview Development is to be located on SR 1709 (City Rd) in Johnston County. The TIA states the development is to be constructed by 2019 and is to consist of the following:

Land Use	Land Use Code	Size
Single Family Detached Housing	210	280 Dwelling Units
Townhouse	230	50 Dwelling Units

Trip Generation - Unadjusted Volumes During a Typical Weekday

Based on appropriate methodology outlined in the *ITE Trip Generation Manual, 8th Ed.*

	IN	OUT	TOTAL
AM Peak Hour	57	179	236
PM Peak Hour	190	109	299
Daily Trips			2,060

Requested Access Points

Driveway	Public Roadway	Access Type
1	City Rd	All-Movement
2	City Rd	All-Movement
3	Liberty Ln	All-Movement

TIP Projects in Study Area

None In Area

Strategic Highway Corridors

None In Area

General Reference

For reference to various documents applicable to this review please reference the following link:
<http://www.ncdot.org/doh/preconstruct/traffic/tepp/Topics/C-37/C-37.html>

Once the driveway permit has been approved and issued, a copy of the final driveway permit requirements should be forwarded to this office. If we can provide further assistance, please contact the Congestion Management Section at (919) 773-2800.

Recommendations

LEGEND

- ① Improvement by Developer. Congestion Management concurs with recommendation.
- ② Improvement by Developer. Additional or modified recommendation.

City Rd and Site Driveway #2 Intersection

- **NB City Rd**
 - Restripe existing Thru-Lane to Left/Thru ①
- **SB City Rd**
 - Restripe existing Thru-Lane to Thru/Right Lane ①
- **EB Site Driveway**
 - Two-lane cross-section: one ingress, one egress ①
 - Egress: Left/Thru/Right Lane ①
 - 100' Internal Protected Stem ②

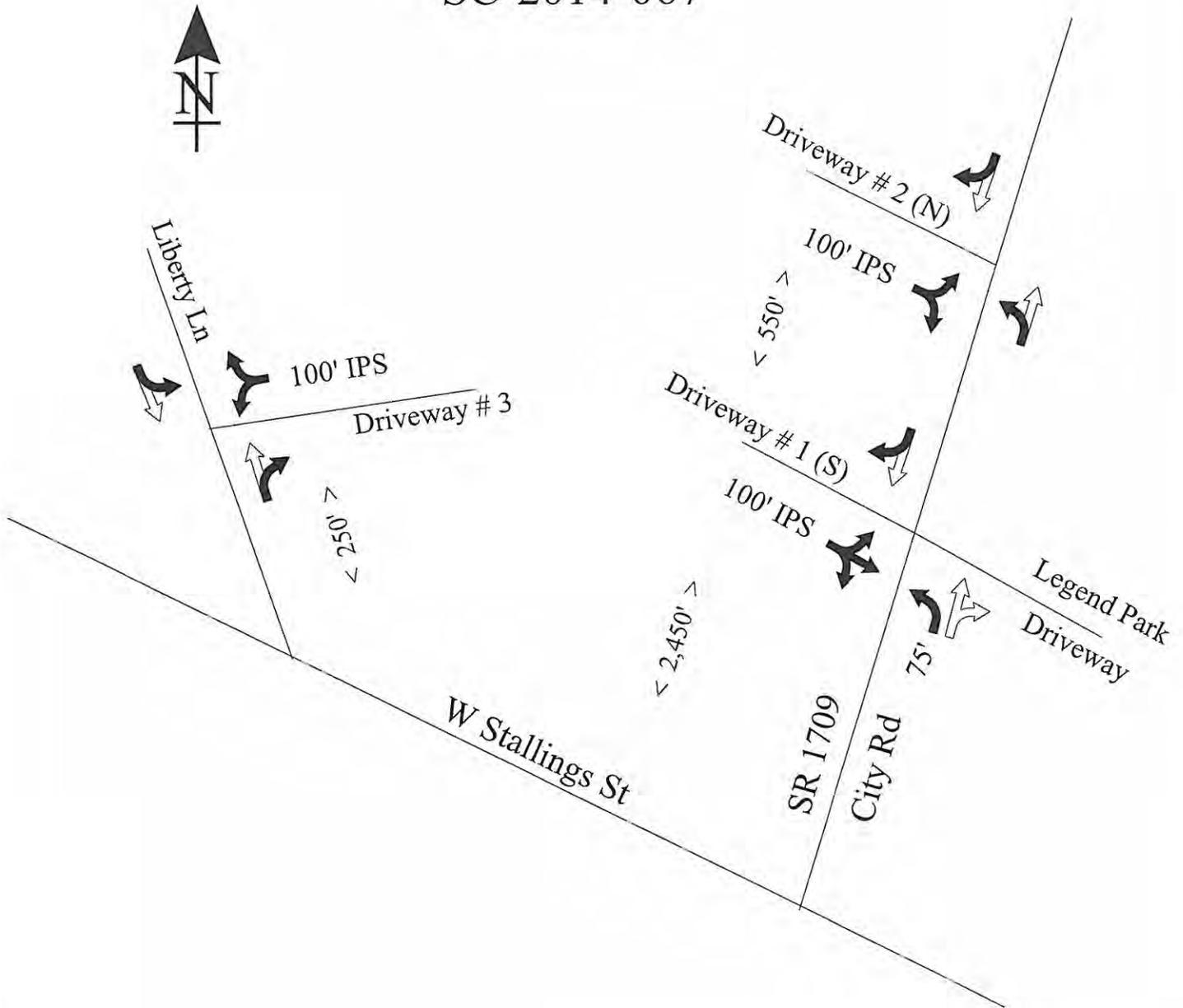
SR 1709 (City Rd) and Site Driveway #1 / Legend Park Driveway Intersection

- **NB City Rd**
 - 75' Left-Turn Lane ②
- **SB City Rd**
 - Restripe existing Thru-Lane to Thru/Right Lane ①
- **EB Site Driveway**
 - Two-lane cross-section: one ingress, one egress ①
 - Egress: Left/Thru/Right Lane ①
 - 100' Internal Protected Stem ②

Liberty Ln and Site Driveway Intersection

- **EB Liberty Ln**
 - Restripe existing Thru-Lane to Left/Thru ①
- **WB Liberty Ln**
 - Restripe existing Thru-Lane to Thru/Right Lane ①
- **SB Site Driveway**
 - Two-lane cross-section: one ingress, one egress ①
 - Egress: Left/Right Lane ①
 - 100' Internal Protected Stem ②

Parkview Development SC-2014-067



LEGEND

-  Existing Laneage
-  Recommended Laneage
- XXX Storage
- <XXX> Distance Between Intersections
- IPS Internal Protected Stem

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 2014-112 Park View Planned Development, (subject to the conditions recommended by the Planning Board and Planning Staff and with full incorporation of all statements and agreements entered into the record by the testimony of the applicant and applicant's representatives):

- (1) That the subdivision meets all required specifications of the Town Unified Development Ordinance;
- (2) That the subdivision will not be detrimental to the use or orderly development of other properties in the surrounding area and will not violate the character of existing standards for development of properties in the surrounding area;
- (3) That the subdivision design will provide for the distribution of traffic in a manner that will avoid or mitigate congestion within the immediate area, will provide for the unified and orderly use of or extension of public infrastructure, and will not materially endanger the environment, public health, safety, or the general welfare; and
- (4) That the subdivision will not adversely affect the general plans for the orderly growth and development of the town and is consistent with the planning policies adopted by the Town Council.

Duly adopted by the Clayton Town Council this 2nd day of February, 2015.

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

Agenda Item: 5c

Meeting Date: February 2, 2015

TITLE: Public Hearing

DESCRIPTION: Text Amendment Modifying 155.705(O) of the Unified Development Code

RELATED GOAL:

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
1-20-15	Receive Report & Set Public Hearing For 1/5/15	Staff Report
2-2-15	Public Hearing	Staff Report Motion Sheet Ordinance

UDC Text Modification

§155.705(O) “Planned Development Review: Approved Master Plan Modifications”

Attachments:

- 1) “Redline” copy showing proposed modifications
- 2) “Clean” copy with proposed modifications
- 3) Statement of Consistency and Reasonableness

Planning Board Recommendation made at the 12/17/14 Planning Board meeting:
Approve the Modifications as presented by staff (unanimous)

ATTACHMENT 1:
Proposed Text Modification to Unified Development Ordinance
Section 155.705(O) - "Planned Development Review: Approved Master Plan
Modifications"

Description: Modification to update and clarify allowable major and minor modifications to approved Planned Development Master Plans.

"Strike-through" Version

*155.705(O) "Planned Development Review: Approved Master Plan Modifications"
Strikethrough Version*

Text Amendment to 155.705(O):

(O) Approved master plan modifications.

(1) Amendments to an approved master plan, if minor in scope, may be approved administratively by the Planning Director. Minor changes shall include up to 10% modifications to the ~~original approved~~ mixture of uses (so long as the ~~minimum and maximums~~ stated are ~~not exceeded~~ maintained), ~~minor~~ adjustments to phasing (~~as long as the quantity of phases remains~~), and the realignment of internal roadways. Minor changes to the typical project details, which include but are not limited to signage, lighting, parking, amenities and landscaping requirements may also be approved administratively by the Planning Director.

(2) Major modifications shall require resubmittal to the Town Council. These shall include the addition of land, modifications to the ~~originally~~ approved mixture of uses in excess of 10%, ~~a change in the number of phases within the development~~, and the addition, ~~or~~ deletion, or relocation of main vehicular entrances ~~serving the development or their relocation~~. Major modifications shall also include any proposed revisions that are deemed by the Planning Director to be inconsistent with the adopted plans and policies of the Town.

ATTACHMENT 2:
Proposed Text Modification to Unified Development Ordinance
Section 155.705(O) - "Planned Development Review: Approved Master
Plan Modifications"

Description: Modification to update and clarify allowable major and minor modifications to approved Planned Development Master Plans.

"Clean" Version

*155.705(O) "Planned Development Review: Approved Master Plan Modifications"
Clean Version*

Text Amendment to 155.705(O):

(O) Approved master plan modifications.

(1) Amendments to an approved master plan, if minor in scope, may be approved administratively by the Planning Director. Minor changes shall include up to 10% modifications to the approved mixture of uses (so long as the maximums stated are not exceeded), adjustments to phasing, and the realignment of internal roadways. Minor changes to the typical project details, which include but are not limited to signage, lighting, parking, amenities and landscaping requirements may also be approved administratively by the Planning Director.

(2) Major modifications shall require resubmittal to the Town Council. These shall include the addition of land, modifications to the approved mixture of uses in excess of 10%, and the addition, deletion, or relocation of main vehicular entrances. Major modifications shall also include any proposed revisions that are deemed by the Planning Director to be inconsistent with the adopted plans and policies of the Town.

TOWN OF CLAYTON
ZONING AMENDMENT – MODIFICATION TO UNIFIED
DEVELOPMENT CODE §155.705(O)
CONSISTENCY AND REASONABLENESS STATEMENT

The Town Council of the Town of Clayton hereby states:

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

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

- Objective 2.1: Balanced Development: Old and New

Section 2: Based upon information presented at the public hearings and by the applicant, and based upon the recommendations and detailed information developed by staff and the Planning Board contained in the staff report, and considering the criteria applicable sections of the Unified Development Code of the Town of Clayton, specifically that the modifications will clarify what is classified as major and minor amendments to approved master plans, the above referenced zoning amendment is reasonable and in the public interest.

COUNCIL MOTION SHEET
ZONING ORDINANCE AMENDMENT
(Rezoning or Text Amendment)

After considering the recommendations of the Planning Board and Planning Director, I move to [**approve OR deny**] **Text Amendment modifying 155.705(O)**

[IF APPROVING]

and to approve the Statement of Consistency and Reasonableness included in the Agenda packet [with the following modifications: STATE MODIFICATIONS, IF ANY].

TOWN OF CLAYTON
ORDINANCE AMENDMENT TO CHAPTER 155, ARTICLE 705, §155.705(O):
“Planned Development Review: Approved Master Plan Modifications”

BEING HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON, NORTH CAROLINA to amend Chapter 155, Article 705, §155.705(O) to read as follows:

- (O) Approved Master Plan Modifications.
 - (1) Amendments to an approved master plan, if minor in scope, may be approved administratively by the Planning Director. Minor changes shall include up to 10% modifications to the approved mixture of uses (so long as the maximums stated are not exceeded), adjustments to phasing, and the realignment of internal roadways. Minor changes to the typical project details, which include but are not limited to signage, lighting, parking, amenities and landscaping requirements may also be approved administratively by the Planning Director.
 - (2) Major modifications shall require resubmittal to the Town Council. These shall include the addition of land, modifications to the approved mixture of uses in excess of 10%, and the addition, deletion, or relocation of main vehicular entrances. Major modifications shall also include any proposed revisions that are deemed by the Planning Director to be inconsistent with the adopted plans and policies of the Town.

Duly adopted by the Clayton Town Council this 2nd day of February, 2015, while in regular session.

Jody L. McLeod
Mayor

ATTEST:

APPROVED AS TO FORM:

Kimberly A. Moffett, CMC
Town Clerk

Katherine E. Ross
Town Attorney

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

Agenda Item: 5d

Meeting Date: February 2, 2015

TITLE: Public Hearing

DESCRIPTION: Annexation Petition 2014-12-01 - FSC IV, Property, Non-Contiguous +/- 46.17 acres

RELATED GOAL:

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
1-20-15	Receive Report & Set Public Hearing For 1/5/15	Staff Report
2-2-15	Public Hearing	Staff Report Maps Ordinance



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

X **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.

- 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.
- 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.
- 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 TE, 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 TE, 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.

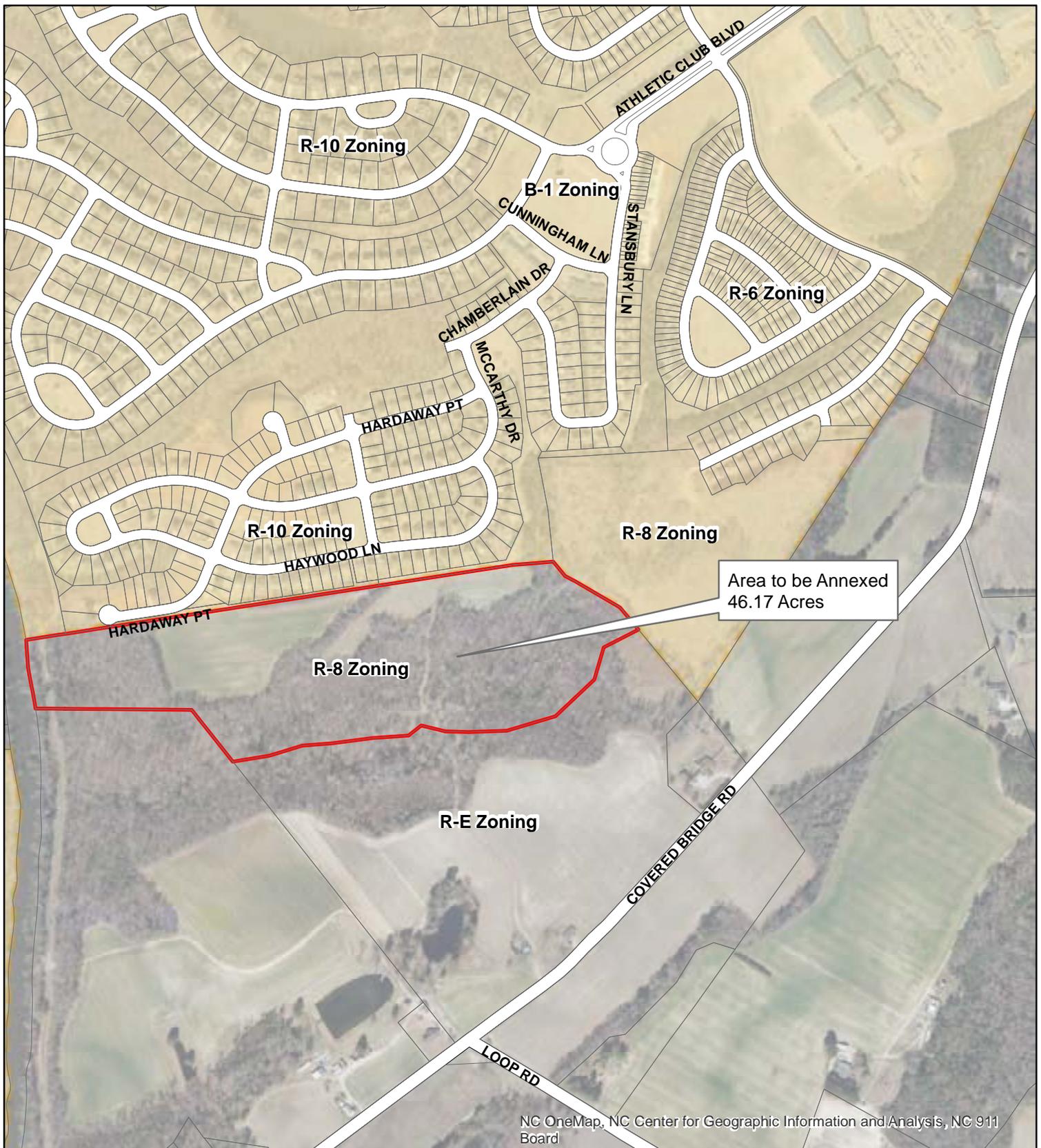


[Signature]
 Notary Public
 My Commission Expires: 03/14/15

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

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

Legend

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

Annexation Map

Applicant(s): 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





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 _____ County, _____

Register of Deeds Office

Recorded in Book _____ Page _____

REGISTER OF DEEDS

BY _____

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.

DATE: _____

REVIEW OFFICER _____

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.

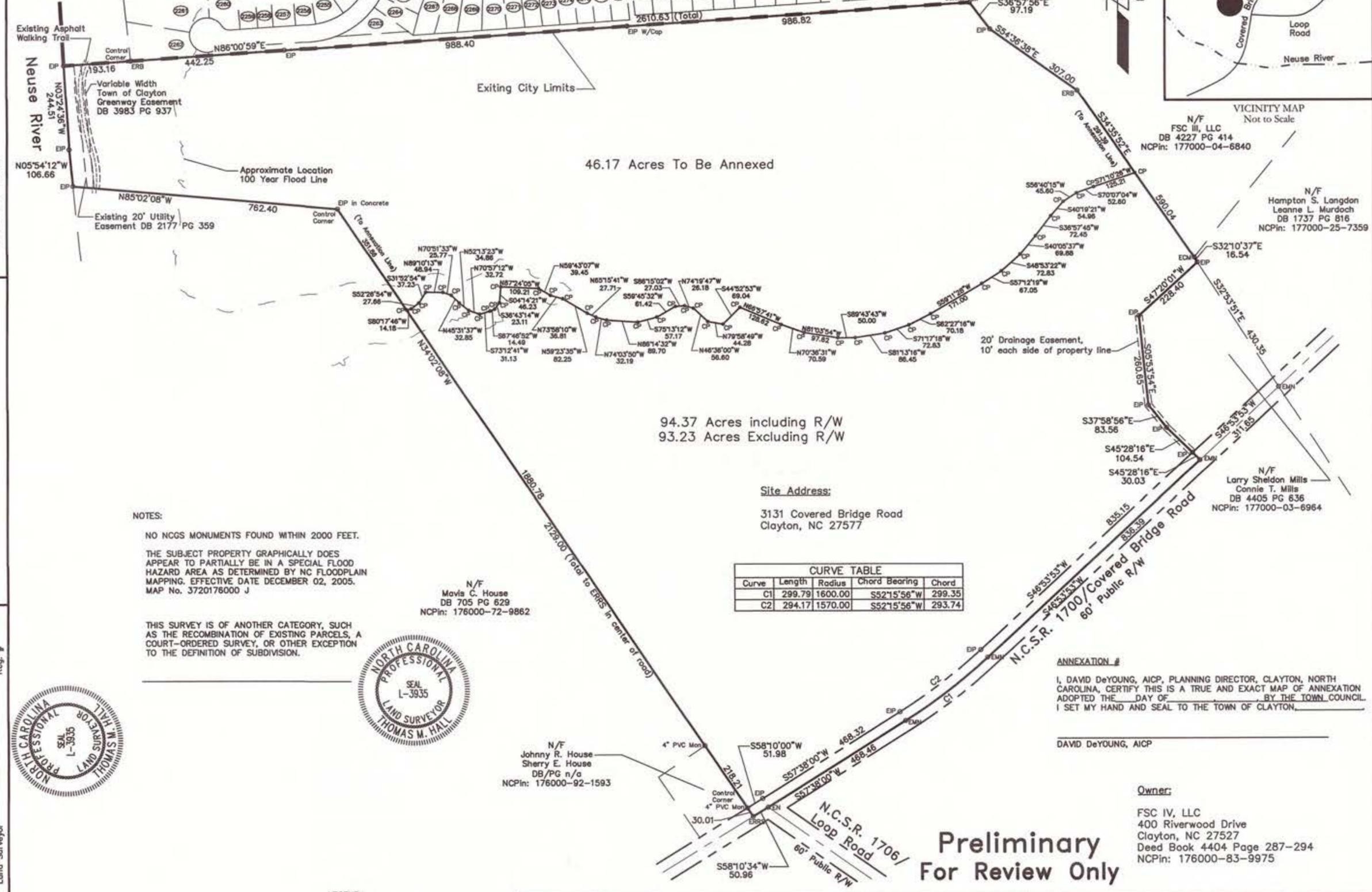
Witness my original signature, registration number and seal this _____ day of _____ A.D., 2014.

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.



Existing Asphalt Walking Trail

Variable Width Town of Clayton Greenway Easement DB 3983 PG 937

Existing 20' Utility Easement DB 2177 PG 359

Approximate Location 100 Year Flood Line

Exiting City Limits

46.17 Acres To Be Annexed

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

20' Drainage Easement, 10' each side of property line

Site Address:
3131 Covered Bridge Road
Clayton, NC 27577

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

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

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

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

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

NOTES:

NO NCGS MONUMENTS FOUND WITHIN 2000 FEET.

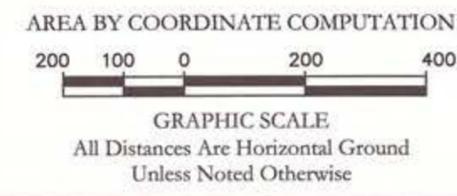
THE SUBJECT PROPERTY GRAPHICALLY DOES APPEAR TO PARTIALLY BE IN A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY NC FLOODPLAIN MAPPING, EFFECTIVE DATE DECEMBER 02, 2005. MAP No. 3720176000 J

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.



CURVE TABLE

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



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

**Preliminary
For Review Only**

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.

Ordinance Number: 2015-02-06

**ANNEXATION PETITION 2014-12-01
FSC IV, LLC Property
Portion of Parcel 16103027
Owner: FSC IV, LLC
Non-Contiguous, 46.17 +/- acres**

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF
THE TOWN OF CLAYTON, NORTH CAROLINA**

WHEREAS, the Town of Clayton has been petitioned under G.S. 160A-31 to annex the area described below; and

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

WHEREAS, the Town Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at Town Hall at 6:30 PM on Monday, February 2, 2015, after due notice by publication on January 21, 2015; and

WHEREAS, the Town of Clayton finds that the petition meets the requirements of G.S. 160A-31;

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

Section 1. By virtue of the authority granted by G.S. 160A-31, the following described territory is hereby annexed and made part of the Town of Clayton as of February 2, 2015:

Legal description of the 46.17 acres is herewith incorporated as Attachment A.

Section 2. Upon and after February 2, 2015, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Clayton and shall be entitled to the same privileges and benefits as other parts of the Town of Clayton. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the Town of Clayton shall cause to be recorded in the office of the Register of Deeds of Johnston County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory [Attachment B], described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the County Board of Elections, as required by G.S. 163-288.1.

Duly adopted by the Clayton Town Council this 2nd day of February, 2015, while in regular session.

ATTEST:

Jody L. McLeod
Mayor

Kimberly A. Moffett, CMC
Town Clerk

Katherine E. Ross,
Town Attorney

**NORTH CAROLINA
JOHNSTON COUNTY**

This ____ day of _____, 2015, personally appeared before me Kimberly A. Moffett, Clerk of the Town of Clayton, who, being duly sworn by me, says that she knows the common seal of the Town of Clayton and is acquainted with Jody L. McLeod, who is the Mayor and presiding member of said municipal corporation; and that she saw the said Mayor sign the foregoing instrument, and that she, the said Kimberly A. Moffett, signed her name in attestation of and affixed said common seal of said municipal corporation to said instrument in the presence of said Mayor.

Witness my hand and notarial seal, this the day and year first above written.

(SEAL)

Notary Public - Signature

Notary Public – Printed Name

Commission Expires: _____

County of Commission: _____

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

Agenda Item: 5e

Meeting Date: February 2, 2015

TITLE: Public Hearing

**DESCRIPTION: Annexation 2015-01-01, Town of Clayton owned property,
Little Creek Church Road, 67.14 acres**

RELATED GOAL:

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
1-20-15	Receive Report & Set Public Hearing For 1/5/15	Staff Report
2-2-15	Public Hearing	Maps Ordinance



Legend

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

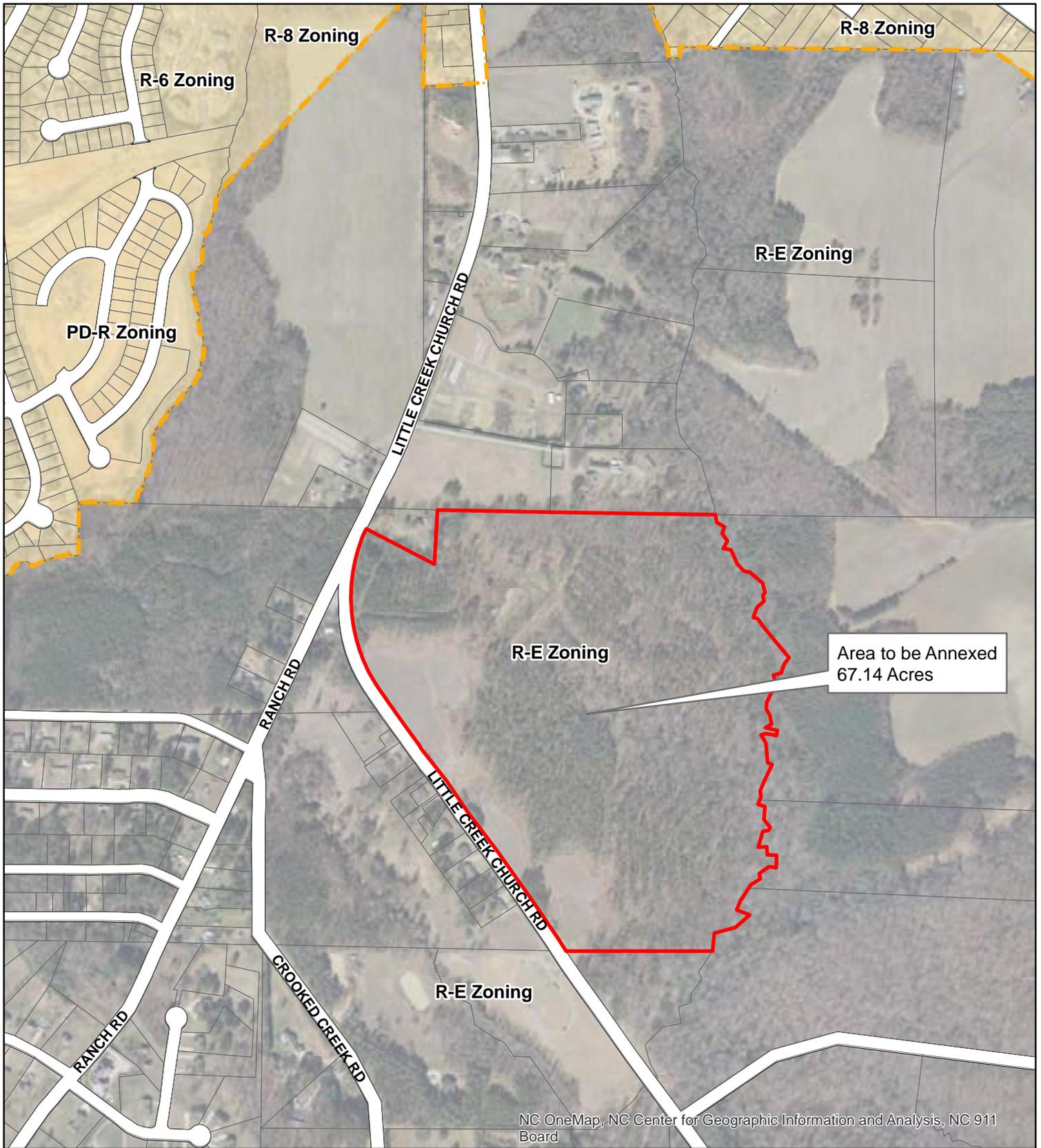
Annexation Map

Applicant(s): Town of Clayton
 Property Owner(s): Town of Clayton
 Parcel Number(s) 05H04046H
 File Number(s): Annex 2015-2 (2015-01-01)



1 inch = 600 feet





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

Legend

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

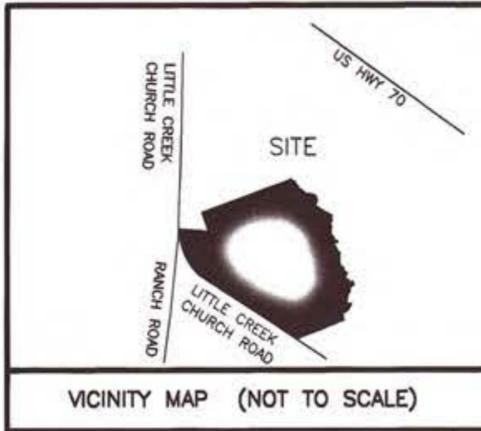
Annexation Map

Applicant(s): Town of Clayton
 Property Owner(s): Town of Clayton
 Parcel Number(s) 05H04046H
 File Number(s): Annex 2015-2 (2015-01-01)



1 inch = 600 feet

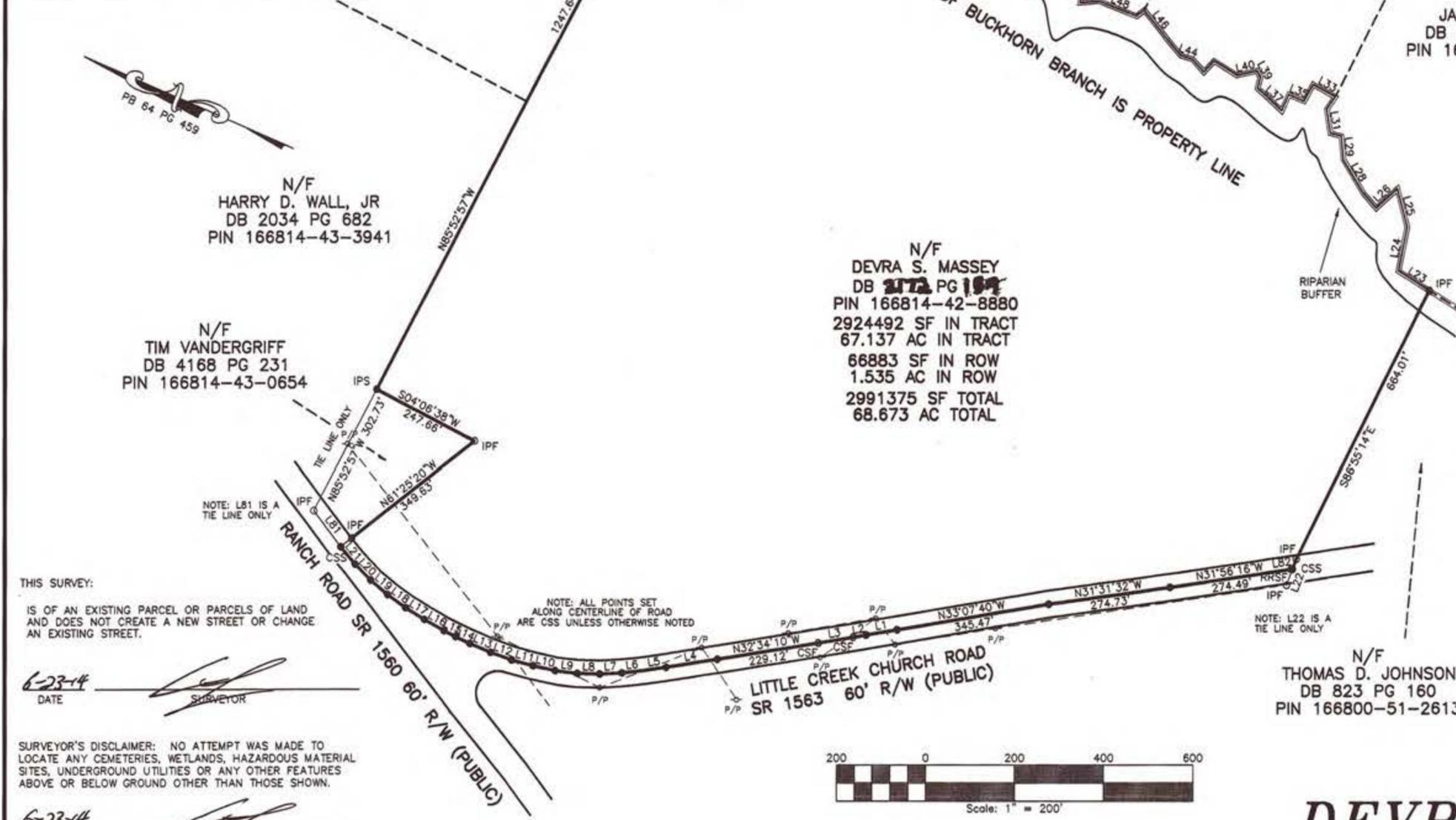




- NOTES:
- 1) ALL DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES
 - 2) AREAS COMPUTED BY COORDINATE METHOD.
 - 3) PROPERTY SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.
 - 4) NO. 5 REBAR IRON STAKES WITH CAPS SET AT ALL LOT CORNERS UNLESS OTHERWISE NOTED
 - 5) ZONING: AR
 - 6) NO HORIZONTAL CONTROL FOUND WITHIN 2000' OF SURVEY
 - 7) PARENT TRACT DEED DB 2745 PG 733
 - 8) NC PIN NO. 166814-42-8880
 - 9) PARCEL NO. 05H04031D

REFERENCES:

DB 2745 PG 733	PB 64 PG 459
DB 4168 PG 231	PB 55 PG 279
DB 2034 PG 682	PB 60 PG 404
DB 878 PG 480	
DB 3686 PG 686	
DB 2032 PG 597	
DB 4227 PG 306	
DB 2050 PG 204	
DB 823 PG 160	



NUMBER	DIRECTION	DISTANCE
L1	N32°48'38"W	69.98'
L2	N33°04'25"W	29.96'
L3	N33°04'27"W	79.12'
L4	N32°34'22"W	116.31'
L5	N31°53'41"W	50.56'
L6	N29°37'16"W	49.37'
L7	N26°40'11"W	49.96'
L8	N22°05'52"W	49.95'
L9	N16°47'24"W	49.95'
L10	N11°59'24"W	49.98'
L11	N07°57'00"W	49.98'
L12	N04°38'28"W	49.99'
L13	N00°38'41"W	49.96'
L14	N02°12'13"E	35.83'
L15	N02°36'29"E	29.23'
L16	N05°40'54"E	49.99'
L17	N08°47'11"E	50.01'
L18	N12°05'36"E	49.97'
L19	N17°14'21"E	49.99'
L20	N21°50'02"E	50.03'
L21	N26°36'11"E	50.10'
L22	S86°54'17"W	38.36'
L23	N08°43'50"E	82.34'
L24	N77°48'19"E	99.21'
L25	N51°46'35"E	87.24'
L26	N66°06'40"W	63.68'
L27	N25°22'42"E	45.67'
L28	N36°01'58"E	87.21'
L29	N61°29'49"E	51.13'
L30	N09°25'37"W	25.16'
L31	N57°57'08"E	53.88'
L32	S78°07'52"E	33.61'
L33	N05°56'44"E	57.15'
L34	N84°36'16"W	42.48'
L35	N00°54'08"W	37.35'
L36	N89°52'03"W	39.35'
L37	N19°28'07"E	74.28'
L38	N82°42'55"E	25.24'
L39	N37°36'14"E	16.29'
L40	N35°58'03"W	46.73'
L41	N08°19'44"E	59.55'

NUMBER	DIRECTION	DISTANCE
L42	N70°11'35"W	33.81'
L43	N24°34'55"E	37.91'
L44	N05°53'37"W	27.71'
L45	N28°10'30"E	48.02'
L46	N28°07'47"E	82.09'
L47	N62°15'43"W	21.73'
L48	N01°49'26"W	90.52'
L49	N28°16'26"W	42.80'
L50	N77°06'59"E	22.25'
L51	S76°49'58"E	49.15'
L52	N14°56'07"E	23.25'
L53	N73°48'35"W	56.24'
L54	N63°36'36"E	32.05'
L55	N07°44'39"W	40.81'
L56	N26°34'53"W	33.20'
L57	N07°36'43"E	31.88'
L58	N28°42'29"E	94.93'
L59	N13°58'06"W	38.47'
L60	N77°01'21"E	37.44'
L61	N20°04'19"E	42.56'
L62	N41°03'39"E	37.50'
L63	N36°48'21"W	186.83'
L64	N30°22'20"W	41.61'
L65	N73°51'59"W	22.00'
L66	N25°12'11"E	51.04'
L67	N51°41'49"E	40.97'
L68	N09°57'18"W	25.41'
L69	N34°19'35"E	17.48'
L70	N10°36'54"W	43.85'
L71	N46°27'58"W	77.60'
L72	N78°49'51"W	25.69'
L73	N40°23'26"W	44.57'
L74	N21°28'06"W	70.85'
L75	N75°55'29"W	36.03'
L76	N32°09'14"E	39.16'
L77	N33°21'13"W	40.37'
L78	N21°21'46"E	33.38'
L79	N56°43'27"W	41.02'
L80	N05°55'08"W	32.68'
L81	S29°26'49"W	100.09'
L82	S31°56'16"E	2.73'
L83	N87°39'02"W	19.56'

THIS SURVEY: IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.

6-23-14 DATE
 SURVEYOR

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

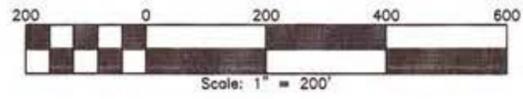
6-23-14 DATE
 SURVEYOR

STATE OF NORTH CAROLINA, JOHNSTON COUNTY
 I, CURK T. LANE, DO HEREBY CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 2745, PAGE 733, ETC.); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK 2745, PAGE 733, THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000+; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 28TH DAY OF JUNE, A.D., 2014

PROPERTY SHOWN HEREON IS XXXX IS NOT LOCATED IN A FEMA DESIGNATED FLOOD ZONE. FEMA FLOOD HAZARD PANEL NO. 3720166800 J EFFECTIVE DATE: DECEMBER 2, 2005

STATE OF NORTH CAROLINA, JOHNSTON COUNTY
 THIS INSTRUMENT WAS PRESENTED FOR REGISTRATION AND RECORDING THIS 25 DAY OF June 20 14 AT 11:17:16 AM

CRAIG OLIVE BY REGISTER OF DEEDS
 RECORDED IN PB 80 PG 89



OWNER: DEVRA S. MASSEY
 513 WEST BROAD STREET # 302
 FALLS CHURCH, VA.

LEGEND

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

SURVEYED BY:	ADAM
DRAWN BY:	MIKE
CHECKED BY:	CURK
DRAWING NAME:	BOUNDARY.DWG
SURVEY DATE:	06-10-14
JOB NO.	2232.001

DEVRA S. MASSEY
 CLAYTON TOWNSHIP, JOHNSTON COUNTY
 NORTH CAROLINA
 JUNE, 10 2014

TRUE LINE SURVEYING, P.C.

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



The property referenced herein does not include the primary residence of Grantor shown below.

EXCISE TAX: \$2,417.00	Parcel Identifier No.: 05H04046H
------------------------	----------------------------------

Prepared by and mail after recording to: Parker Poe (JAB), 150 Fayetteville Street, Suite 1400, Raleigh, NC 27601

Brief Description for Index: 67.137 acres, PB 80, PG 89

NORTH CAROLINA SPECIAL WARRANTY DEED

THIS DEED made this 22nd day of August 2014, by and between

GRANTOR	GRANTEE
THE CONSERVATION FUND, a Maryland Non-Profit corporation Attn: Carolyn McCoy 1655 N. Ft. Myer Dr., Suite 1300 Arlington, VA 22209	THE TOWN OF CLAYTON, NORTH CAROLINA, a North Carolina municipality Attn: Steve Biggs, Town Manager P.O. Box 879 Clayton, NC 27528

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that Grantor, for a valuable consideration paid by Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto Grantee in fee simple all those certain lots or parcels of land situated in the Clayton Township, Johnston County, North Carolina, and more particularly described as follows:

BEING all of that 67.137-acre tract of land as shown on that plat recorded in Plat Book 80, Page 89, Johnston County Registry, and being the same property described in that Deed recorded in Book 4466, Page 324, Johnston County Registry.

TO HAVE AND TO HOLD the aforesaid lots or parcels of land and all privileges and appurtenances thereto belonging to Grantee in fee simple forever.

And Grantor covenants with Grantee that Grantor has done nothing to impair such title as Grantor received, and Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor, except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions:

1. Taxes and assessments for the year 2014 and subsequent years, not yet due and payable.
2. Easements, setback lines and any other matters shown on plat recorded in Plat Book 64, Pages 459 and 460; Plat Book 62, Pages 30 and 31; Plat Book 60, Pages 404 and 405; Plat Book 60, Pages 415 and 416, and Plat Book 80, Page 89, Johnston County Registry.
3. Easement for Rural Line Permit granted to Carolina Telephone and Telegraph Company recorded in Book 531, Page 21 and Book 546, Page 100, Johnston County Registry.
4. Easement(s) in favor of Carolina Power & Light Company as recorded in Book 458, Page 141; Book 805, Page 336; Book 850, Page 243; Book 1969, Page 266; and Book 1969, Page 267, Johnston County Registry; also possible easements in Book 502, Page 25 and Book 686, Page 6, Johnston County Registry.
5. Right of Way Agreement granted to State Highway Commission recorded in Book 581, Page 477, Johnston County Registry.

[SIGNATURE AND NOTARY ACKNOWLEDGMENT ON FOLLOWING PAGE]

IN WITNESS WHEREOF, Grantor has hereunto set its hand and seal the day and year first above written.

GRANTOR:

THE CONSERVATION FUND,
a Maryland Non-Profit corporation

By: [Signature] (SEAL)

Print Name: Richard L. Edmann

Title: Exec VP

Commonwealth
STATE OF Virginia

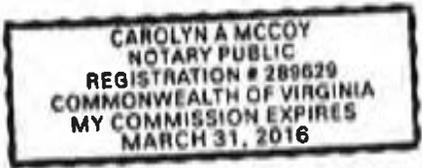
COUNTY OF Arlington

I certify that Richard L. Edmann personally appeared before me this day and acknowledged that (s)he is the Executive Vice President of THE CONSERVATION FUND, a Maryland Non-Profit corporation, and that (s)he, in such capacity, being authorized to do so, voluntarily signed the foregoing on behalf of the corporation for the purposes stated therein.

Date: 8/21/14

By: [Signature]
Print Name: Carolyn McCoy
Notary Public

[SEAL OR STAMP]



My Commission Expires: 3/31/16

Ordinance Number: 2015-02-07

ANNEXATION PETITION 2015-2 (2015-01-01)
Little Creek Church Rd Property
Parcel 05H04046H
Owners: Town of Clayton
Non-Contiguous; 67.14 acres

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF
THE TOWN OF CLAYTON, NORTH CAROLINA**

WHEREAS, the Town of Clayton has adopted a resolution under G.S. 160A-31 stating its intent to annex the area described below; and

WHEREAS, a public hearing on the question of this annexation was held at the Clayton Town Hall, 111 East Second Street, at 6:30 p.m. on Monday, February 2, 2015, after due notice; and

WHEREAS, the Town of Clayton finds that the proposed annexation meets the requirements of G.S. 160A-31;

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

Section 1. By virtue of the authority granted by G.S. 160A-31, the following described territory is hereby annexed and made part of the Town of Clayton as of February 2, 2015:

Legal description of the 67.14 acres is herewith incorporated as Attachment A.

Section 2. Upon and after February 2, 2015, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Clayton and shall be entitled to the same privileges and benefits as other parts of the Town of Clayton. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the Town of Clayton shall cause to be recorded in the office of the Register of Deeds of Johnston County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory [**Attachment B**], described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the County Board of Elections, as required by G.S. 163-288.1.

Duly adopted by the Clayton Town Council this 2nd day of February, 2015, while in regular session.

ATTEST:

Jody L. McLeod
Mayor

Kimberly A. Moffett, CMC
Town Clerk

Katherine E. Ross,
Town Attorney

**NORTH CAROLINA
JOHNSTON COUNTY**

This ____ day of _____, 2015, personally appeared before me Kimberly A. Moffett, Clerk of the Town of Clayton, who, being duly sworn by me, says that she knows the common seal of the Town of Clayton and is acquainted with Jody L. McLeod, who is the Mayor and presiding member of said municipal corporation; and that she saw the said Mayor sign the foregoing instrument, and that she, the said Kimberly A. Moffett, signed her name in attestation of and affixed said common seal of said municipal corporation to said instrument in the presence of said Mayor.

Witness my hand and notarial seal, this the day and year first above written.

Notary Public - Signature

(SEAL)

Notary Public – Printed Name

Commission Expires: _____

County of Commission: _____

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

Agenda Item: 5f

Meeting Date: February 2, 2015

TITLE: Public Hearing

**DESCRIPTION: Annexation 2015-01-02, Town of Clayton owned property,
River Park Property, 39.55 acres**

RELATED GOAL:

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
1-20-15	Receive Report & Set Public Hearing For 1/5/15	Staff Report
2-2-15	Public Hearing	Maps Ordinance



Legend

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

Annexation Map

Applicant(s): Town of Clayton
 Property Owner(s): Town of Clayton
 Parcel Number(s) 16I03029A
 File Number(s): Annex 2015-4 (2015-01-02)



1 inch = 600 feet



Prepared by and return to:

Parker Poe Adams & Bernstein LLP (JAB)
150 Fayetteville Street, Suite 1400
Raleigh, NC 27601

NORTH CAROLINA
QUITCLAIM DEED

NC PIN: 176000-91-4881
Excise Tax: \$0.00

THIS DEED is made this 3rd day of October, 2014, by and between:

GRANTOR	GRANTEE
<p>E. I. DU PONT DE NEMOURS AND COMPANY, a Delaware corporation</p> <p>1007 Market Street Wilmington, DE 19898</p>	<p>TOWN OF CLAYTON, a North Carolina municipality</p> <p>Attn: Steve Biggs, Town Manager P.O. Box 879 Clayton, NC 27528</p>

The designation Grantor and Grantee as used herein shall include each party, respectively, and their heirs, successors and assigns and shall include singular, plural, masculine, feminine or neuter as required by context. The property referenced herein *does not* include the primary residence of the grantor shown above.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents has remised and released and forever quitclaims to Grantee all of Grantor's right, title and interest, if any, in that certain lot or parcel of land situated in Wilders Township, Johnston County, North Carolina and more particularly described in Exhibit A attached hereto and incorporated herein by this reference.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple forever.

Grantor makes no warranty, express or implied, as to title to the aforesaid lot or parcel of land.

[SIGNATURE AND NOTARY ACKNOWLEDGMENT ON FOLLOWING PAGE]

IN WITNESS WHEREOF, Grantor has signed this Quitclaim Deed under seal as of the day and year first above written.

GRANTOR:

E. I. DU PONT DE NEMOURS AND COMPANY,
a Delaware corporation

By: Christopher J. Heck (SEAL)
Christopher J. Heck

Print Name: Manager - Corporate Real Estate
and Strategic Planning

Title: _____

STATE OF Delaware

COUNTY OF New Castle

I certify that Christopher J. Heck personally appeared before me this day and acknowledged that (s)he is the Mgr. Corp. Real Estate of E. I. DU PONT DE NEMOURS AND COMPANY, a Delaware corporation, and that (s)he, in such capacity, being authorized to do so, voluntarily signed the foregoing on behalf of the corporation for the purposes stated therein.

Date: 10/30/2014

By: Lois A. Smith

Print Name: _____
Notary Public

LOIS A. SMITH
NOTARY PUBLIC
STATE OF DELAWARE
My commission expires July 18, 2015

[SEAL OR STAMP]



My Commission Expires: _____

EXHIBIT A

BEING all that property lying and being in Wilders Township, Johnston County, North Carolina, being more particularly described as follows:

Commencing at a point, said point being a Parker-Kalon nail found at the centerline intersection of Covered Bridge Road (SR 1700) and Loop Road (SR 1706) in Wilders Township, Johnston County, North Carolina. Thence along the centerline of SR 1706 S58°46'39"E 1401.43 feet to a Parker-Kalon nail found. Thence S30°02'21"W 30.01 feet to an iron pipe found in the southern right of way of Loop Road and **POINT OF BEGINNING**. Said point also being the eastern property corner of the E.I. DuPont De Nemours property as recorded in Deed Book 791 Page 411, Johnston County Registry and the northwestern corner of the Percy G. Boyette property as recorded in Deed Book 1187 Page 270. Thence leaving the southern right-of-way of Loop Road in a southerly direction a bearing and distance of S30°02'21" 1034.44 feet to a concrete monument found. Said point also being the northeastern corner of the Town of Clayton property as recorded in Deed Book 3945 Page 474. Thence N58°07'39"W 1018.79 feet to a concrete monument found. Thence S21°30'51"W 153.91 feet to a concrete monument found. Thence N63°57'53"W 343.34 feet to a concrete monument found. Thence N35°25'45"W 512.69 feet to a concrete monument found in the eastern right of way of Covered Bridge Road. Thence along the eastern right of way of Covered Bridge Road N53°01'07"E 404.76 feet to an iron pipe found. Thence continuing along said right of way N53°08'07"E 525.18 feet to an iron pipe set. Thence along the right of way triangle N87°10'44"E 248.58 feet to an iron pipe set in the southern right of way of Loop Road. Thence along the southern right of way of SR 1706 S58°46'39"E 1231.78 feet to the **POINT OF BEGINNING** and containing 39.546 acres (1722628 square feet) according to a map by True Line Surveying entitled "Boundary Survey for DuPont Corporate Real Estate" dated March 19, 2012 and having a job number of 1440.001.

Ordinance Number: 2015-02-08

ANNEXATION PETITION 2015-4 (2015-01-02)
River Park Property
Parcel 16I03029A
Owners: Town of Clayton
Non-Contiguous; 39.55 acres

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF
THE TOWN OF CLAYTON, NORTH CAROLINA**

WHEREAS, the Town of Clayton has adopted a resolution under G.S. 160A-31 stating its intent to annex the area described below; and

WHEREAS, a public hearing on the question of this annexation was held at the Clayton Town Hall, 111 East Second Street, at 6:30 p.m. on Monday, February 2, 2015, after due notice; and

WHEREAS, the Town of Clayton finds that the proposed annexation meets the requirements of G.S. 160A-31;

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

Section 1. By virtue of the authority granted by G.S. 160A-31, the following described territory is hereby annexed and made part of the Town of Clayton as of February 2, 2015:

Legal description of the 39.55 acres is herewith incorporated as Attachment A.

Section 2. Upon and after February 2, 2015, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Clayton and shall be entitled to the same privileges and benefits as other parts of the Town of Clayton. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the Town of Clayton shall cause to be recorded in the office of the Register of Deeds of Johnston County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory [Attachment B], described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the County Board of Elections, as required by G.S. 163-288.1.

Duly adopted by the Clayton Town Council this 2nd day of February, 2015, while in regular session.

ATTEST:

Jody L. McLeod
Mayor

Kimberly A. Moffett, CMC
Town Clerk

Katherine E. Ross,
Town Attorney

**NORTH CAROLINA
JOHNSTON COUNTY**

This ____ day of _____, 2015, personally appeared before me Kimberly A. Moffett, Clerk of the Town of Clayton, who, being duly sworn by me, says that she knows the common seal of the Town of Clayton and is acquainted with Jody L. McLeod, who is the Mayor and presiding member of said municipal corporation; and that she saw the said Mayor sign the foregoing instrument, and that she, the said Kimberly A. Moffett, signed her name in attestation of and affixed said common seal of said municipal corporation to said instrument in the presence of said Mayor.

Witness my hand and notarial seal, this the day and year first above written.

Notary Public - Signature

(SEAL)

Notary Public – Printed Name

Commission Expires: _____

County of Commission: _____

TOWN OF CLAYTON
TOWN COUNCIL
AGENDA COVER SHEET

Agenda Item: 6a

Meeting Date: February 2, 2015

TITLE: Old Business

DESCRIPTION: Mr. David DeYoung will present information regarding Special Intensity Allocation 2014-153 for the Caterpillar South Site.

RELATED GOAL:

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
1-20-15	Presentation	Application Staff Report Map
2-2-15	Approval	Application Staff Report Map



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: SIA 2014-153 (Special Intensity Allocation)
Project Name: Caterpillar Southern Site – Special Intensity Allocation Request

NC PIN / Tag #: 167800-08-7314 / 05I04002A
Town Limits/ETJ: Extraterritorial Jurisdiction (ETJ)
Overlay: Watershed Protection Overlay
 Thoroughfare Overlay District
Applicant: O’Brien / Atkins Associates, P.A.
Owner: Caterpillar Inc.

PROJECT LOCATION: The site is located on the south side of NC 42 East, approximately 500 feet west of the intersection of NC 42 East and Glen Laurel Road.

REQUEST: The applicant is requesting approval of a Special Intensity Allocation for the subject property, pursuant to Section 155.501(E)(4), to allow up to 70% impervious surface within the Watershed Protection Overlay.

SITE DATA:

Acreeage: 139.46 acres
 Present Zoning: I-2 (Industrial-2)
 Existing Use: Industrial (Caterpillar)

DEVELOPMENT DATA:

Existing Impervious: 37.46 acres of impervious surface (26.9 %)
 - Maximum % permitted within the Watershed Protection Overlay: 24% (33.5 ac)
 Proposed Impervious: Up to 70% maximum (97.6 acres)

ADJACENT ZONING AND LAND USES:

North: Zoning: Industrial-2 (I-2)

	Existing Use:	Caterpillar Research & Development Site
South:	Zoning:	Industrial-2 (I-2)
	Existing Use:	Vacant
East:	Zoning:	Industrial-2 (I-2)
	Existing Use:	Industrial, related to Caterpillar site
West:	Zoning:	Industrial-2 (I-2)
	Existing Use:	Vacant, Town Fire Station and Water Tower

STAFF ANALYSIS AND COMMENTARY:

Overview

The applicant is requesting Council approval of a Special Intensity Allocation to allow up to 70% impervious surface on the subject parcel, which is located within the Watershed Protection Overlay. In this case, 70% would equal a total of 97.6 acres, an increase from the currently permitted 24%, or 33.5 acres. The purpose of the request is to allow continued expansion of the Caterpillar site (south of NC 42 E).

Per §155.501(E)(2), non-residential development within the Watershed Protection Overlay is limited to 24% unless a Special Intensity Allocation (SIA) is granted by the Town Council in accordance with §155.501(E)(4), allowing up to 70% impervious within 10% of the total regulated watershed area.

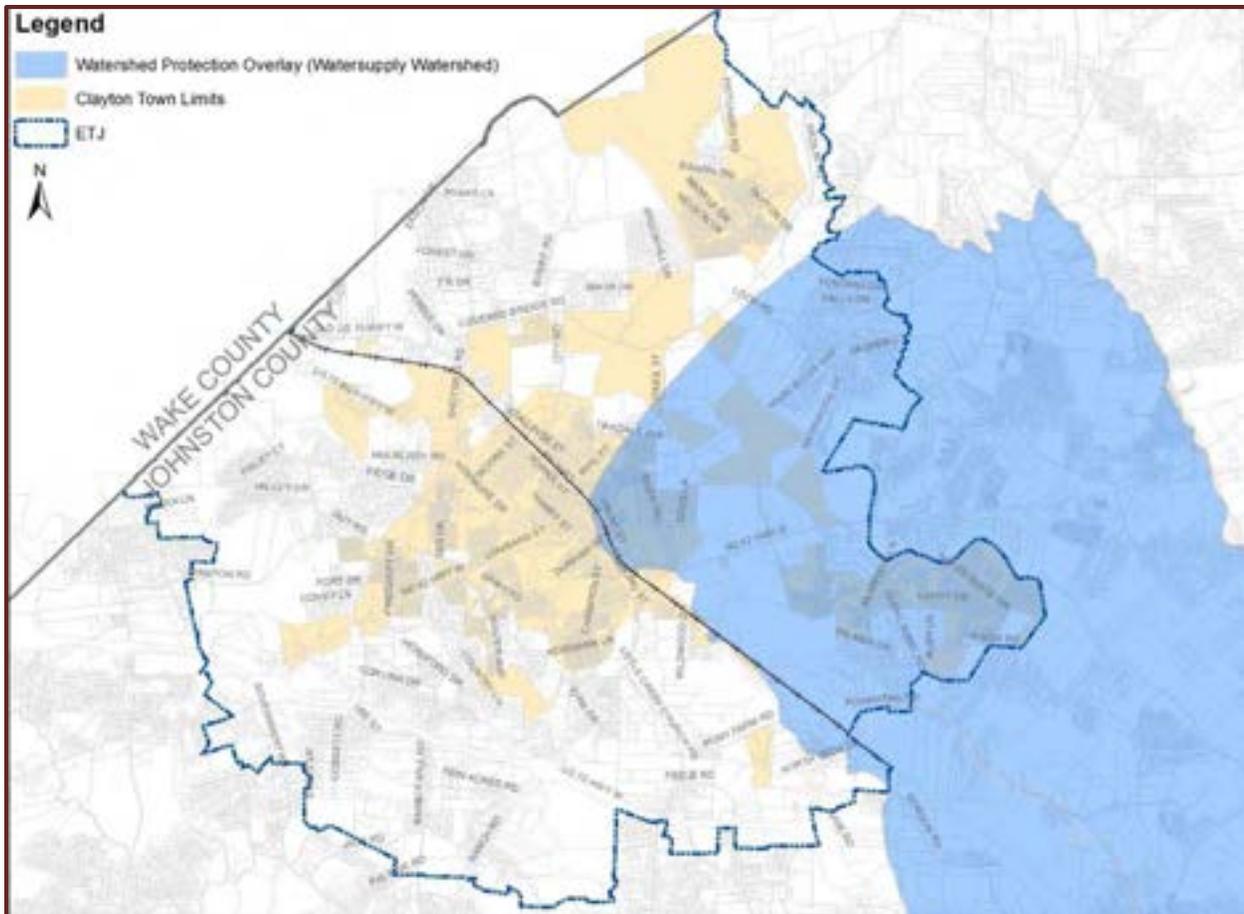
Background

The State Legislature has in General Statute §§ 143-214.5, 160A-371, and 1601-38a delegated the responsibility and authority to local governmental units to establish water supply watershed protection programs, to regulate land use and development within water supply watersheds, and to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

Watersupply Watershed Boundaries are established by the state. §155.501 of the Unified Development Code regulates development within the Watersupply Watershed (known as the Watershed Protection Overlay in the Town of Clayton). As noted, non-residential and multi-family development is limited to 24% impervious, and single family development is limited to 2 units per acre, or 35% impervious (no SIA is available for single family development per the UDC).

The State allows Towns to designate special intensity allowances (SIAs) to a maximum of 10% of the total area within the Watersupply Watershed within their jurisdiction. This special allowance can be extended to non-residential development and to multi-family development (such as apartments). This allows the Town to protect the water supply while selecting specific properties to allow the higher coverage.

In Clayton's jurisdiction (including the ETJ), approximately 50% of the SIA allowance has been delegated (specific calculations are currently underway by the Planning Department). Examples of developments that have been granted a SIA include Grifols and Novo Nordisk. See the map, below, and a larger map is attached to this report of the SIA area.



If approved, the site and acreage would be calculated into the total allowed SIA areas for Clayton. As noted, currently an estimated 50% of the SIA area has been designated for the increase in impervious area.

CONSIDERATIONS

- 10% of the total Watershed Protection Overlay may be designated as a Special Intensity Allocation (SIA).
 - Approximately 50% is allocated.
 - The current request will allow the southern Caterpillar site to be developed up to 70% impervious, or 97.6 acres of impervious surface. The site is currently limited to 24%. The request would not extend to the Caterpillar site to the north.
 - The Town Council shall decide by vote whether to grant the SIA.
-

ATTACHMENTS: 1) Map of Watershed Protection Overlay, 2) Application Materials from Applicant



Caterpillar Southern Site - Special Intensity Allocation

Applicant: O'Brien / Atkins Associates, P.A.
 Property Owner: Caterpillar Inc.
 Parcel ID Number: 167800-08-7314
 Tag #: 05I04002A
 File Number: SIA 2014-153

Produced by: TOC Planning

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

01/14/2015



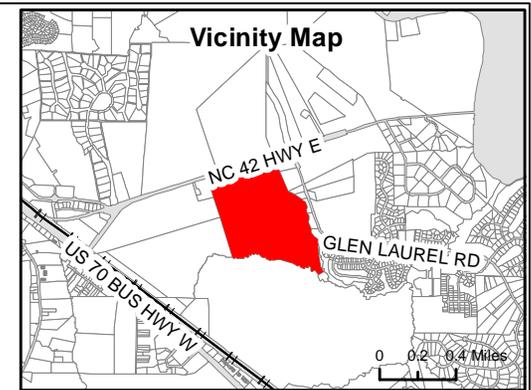
Document Path: O:\PLANNING\SPECIAL INTENSITY ALLOCATION\2014\SIA 2014-153 Caterpillar Southern Site\Maps\Staff Report Map SIA 2014-153.mxd

Legend

- Town Limits
- Caterpillar_Southern_Site

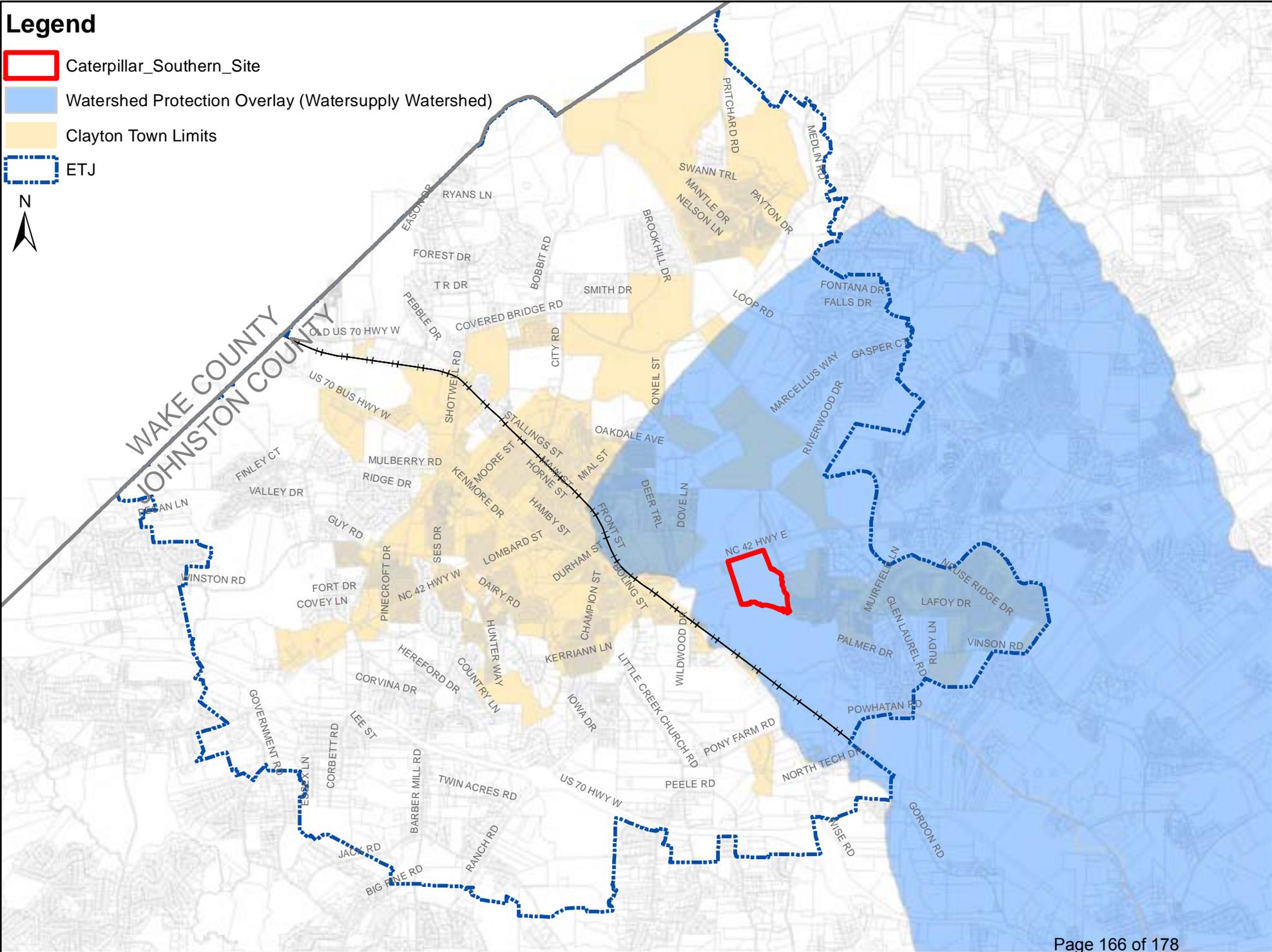
FLOODZONE

- A - 100 Year Flood Zone
- AE - 100 Year Flood Zone
- AEFW - Floodway



Legend

-  Caterpillar_Southern_Site
-  Watershed Protection Overlay (Watersupply Watershed)
-  Clayton Town Limits
-  ETJ



Jay W. Smith, RLA, ASLA, LEED AP
Principal
Director, Landscape Architecture/Planning

O'BrienAtkins

Mr. David DeYoung, AICP

Town of Clayton Planning Director

Re: Caterpillar Clayton – Special Intensity Request

Dear David:

Our Client, Caterpillar of Clayton, NC, respectfully requests a Special Intensity Allocation (SIA) from the Town of Clayton according to Town UDC Section 155.501(E)(4). Under this provision, Caterpillar would be able to increase the site impervious area up to, but not exceeding, 70% of the total area and within 10% of the total regulated water protection area, as approved by the Town Planning Director. Upon approval of the requested SIA and in accordance with UDC Section 155.501(E)(4), Caterpillar would provide the following:

- Minimize the impervious area to the extent possible and feasible
- Give consideration to dimension of proposed and required riparian buffers
- Direct stormwater away from surface waters when possible
- Follow best management practices in design of stormwater measures to minimize negative water quality impacts.

As a precursor to this growth, Caterpillar will continue to strive to remain stewards of the environment and will work closely with the Town to provide those measures required to meet the conditions of this request.

Caterpillar Inc. has been a long supporter of Johnston County and the Town of Clayton and is hopeful the Town will grant this request so the maximum potential of the Caterpillar site can be realized. Thank you for your consideration.

Respectfully submitted,



Jay W. Smith, RLA, ASLA, LEED AP

Principal

Director of Landscape Architecture and Planning



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

OWNER'S CONSENT FORM

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

Project Name: Caterpillar Address or PIN #: 167800-08-7314

AGENT/APPLICANT INFORMATION:

O'Brien / Atkins Associates, P.A.
 (Name - type, print clearly)

P.O. Box 12037
 (Address)
Research Triangle Park, NC 27709
 (City, State, Zip)

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

"Special Intensity Allocation"

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

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

OWNER AUTHORIZATION:

Victor A. Balwis
 (Name - type, print clearly)

954 HWY NC42 EAST
 (Address)

Victor A. Balwis
 (Owner's Signature)

Clayton NC 27527
 (City, State, Zip)

STATE OF North Carolina
 COUNTY OF Johnston

Sworn and subscribed before me William C. Broome, a Notary Public for the above State and County, this the 19 day of December, 2014.

SEAL



William C. Broome
 Notary Public

My Commission Expires: Dec. 27, 2016

BUILT UPON AREA (BUA):

EXISTING ACREAGE: 6,074,734 SQ FT (139.46 ACRES)
 EXISTING IMPERVIOUS AREA (PRESENT): 1,631,810 SQ FT (37.46 ACRES)
 EXISTING BUA: 37.46 AC / 139.46 AC = 26.86% BUA

PROPOSED BUILT UPON AREA (EQUIP. DEMO SHELTER):

EXISTING ACREAGE: 6,074,734 SQ FT (139.46 ACRES)
 EXISTING IMPERVIOUS AREA (PRESENT): 1,631,810 SQ FT (37.46 ACRES)
 PROPOSED IMPERVIOUS AREA (EQUIP. DEMO SHELTER): 35,000 SQ FT (0.80 ACRES)
 TOTAL IMPERVIOUS AREA: 1,666,810 SQ FT (38.26 ACRES)
 PROPOSED BUA: 38.26 AC / 139.46 AC = 27.43% BUA

REQUEST FOR SPECIAL INTENSITY ALLOCATION:

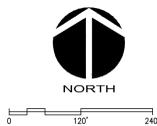
MAXIMUM OF 70% BUA: 70% * 139.46 AC = 97.62 ACRES
 PROPOSED BUA: 38.26 AC (27.43%)
 REMAINING ALLOWABLE BUILT UPON AREA: 97.62 AC - 38.26 AC = 59.36 ACRES

EXISTING IMPERVIOUS AREA:

AREA #1	25.73 ACRES (1,120,696 SQ FT)
AREA #2	1.75 ACRES (76,258 SQ FT)
AREA #3	3.25 ACRES (141,768 SQ FT)
AREA #4	0.28 ACRES (12,103 SQ FT)
AREA #5	0.24 ACRES (10,373 SQ FT)
AREA #6	0.07 ACRES (2,871 SQ FT)
AREA #7	0.10 ACRES (4,379 SQ FT)
AREA #8	0.04 ACRES (1,887 SQ FT)
AREA #9	2.19 ACRES (95,303 SQ FT)
AREA #10	0.68 ACRES (29,729 SQ FT)
AREA #11	0.74 ACRES (32,414 SQ FT)
AREA #12	0.83 ACRES (36,018 SQ FT)
AREA #13	1.04 ACRES (45,157 SQ FT)
AREA #14	0.52 ACRES (22,854 SQ FT)
TOTAL EXISTING IMPERVIOUS AREA:	37.46 ACRES (1,631,810 SQ FT)

ADDITIONAL IMPERVIOUS (EQUIP. DEMO SHELTER):

AREA #15	0.80 ACRES (35,000 SQ FT)
EXISTING IMPERVIOUS AREA	37.46 ACRES (1,631,810 SQ FT)
TOTAL IMPERVIOUS AREA	38.26 ACRES (1,666,810 SQ FT)



LEGEND

---	EXISTING PROPERTY LINE
---	EX. IMPERVIOUS
---	ADDITIONAL IMPERVIOUS (EQUIP. DEMO SHELTER)

REVISED	DESCRIPTIONS	DATE

REVISED	DESCRIPTIONS	DATE

MCKIM & CREED
 1730 Varsity Drive, Suite 500
 Raleigh, North Carolina 27606
 Phone: (919)233-8091, Fax: (919)233-8031
 F1822
 www.mckimcreed.com

CAT

CATERPILLAR OVERALL SITE
BUILT UPON AREA

DATE: DECEMBER 19, 2014	SCALE: HORIZONTAL: 1" = 120'	MFC FILE NUMBER: BUA
MCE PROJ. # 01517-0239	VERTICAL: NA	DRAWING NUMBER: BUA-1
DRAWN: DJB	1 OF 1	
DESIGNED: DJB		
CHECKED: GML		
PROJ. MGR: GML		
STATUS: Preliminary Design		

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

Agenda Item: 6b

Meeting Date: February 2, 2015

TITLE: Old Business

DESCRIPTION: Mr. Bruce Naegelen will provide an updated report on the AIzNC – Johnston County Walk. This event has been re-scheduled to May 30, 2015.

RELATED GOAL:

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
1-20-15	Presentation	Event Information Sheet
2-2-15	Approval	Event Information Sheet



Town of Clayton
 Planning Department
 111 E. Second Street, Clayton, NC 27520
 P.O. Box 879, Clayton, NC 27528
 Phone: 919-553-5002
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SPECIAL EVENT ACTION ITEM REPORT

Planning Staff Contact: Bruce Naegelen: 919-280-1278

EVENT INFORMATION: This event has been rescheduled from 5/9/15 to 5/30/15

Event Name: ALzNC – Johnston County Walk **File Number:** 2014-30
Event Description: A walk to benefit Alzheimer’s North Carolina and families affected by Alzheimer’s Disease and dementia that live in NC
Event Date(s): May 30th, 2014 **Event Time(s):** 9:00 am to 11:00 am
Event Location: Starts at Town Square @ downtown streets
Event Coordinator: Richard Hiatt **Contact Number:** 919-832-3732
Contact Email: Development@alznc.org
Attendees (Per Day): 200 Set up is from 7:00 am and Clean up ends at noon

TOWN SERVICES REQUESTED:

Department / Division	Requested Services	Date/Time	Primary Contact	Contact Phone #
Public Works	4 Trash Roll-carts 4 Recycled carts at Town Square	Deliver: 5/29/15 and Pick-up: 6/1/15	Steve Blasko	359-1287
Public Works	Cones to close Town Square parking lot	Deliver: 5/29/15 and Pick-up: 6/1/15	Steve Blasko	359-1287
Police Dept	Provide street crossing assistance at Lombard & Second Streets	5/30/15 between 9:00 am – 11:00 am	Lt Ken Lungler	796-6814
Town Council	Close Town Square Parking lot	5/30/15 from 7:00 am to 12:00 pm		

STAFF USE:

SEC Approval	<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied	Date: 12/18/14	<input type="checkbox"/> No Council Action needed
Council Action	Presentation Date: 1/20/15 Consent Agenda Date:		<input type="checkbox"/> Approved <input type="checkbox"/> Denied Date:
Pending Actions	<input type="checkbox"/> DOT Road Closure Approval <input type="checkbox"/> ABC Permit Submittal <input type="checkbox"/> Other		<input type="checkbox"/> Issue Permit Date:

(SEC – Special Event Committee)

TOWN OF CLAYTON
TOWN COUNCIL
AGENDA COVER SHEET

Agenda Item: 6c

Meeting Date: February 2, 2015

TITLE: Old Business

DESCRIPTION: Council will discuss status of renovation project of 220 East Main Street Building.

RELATED GOAL:

ITEM SUMMARY:

Date:

Action:

Info. Provided:

2-2-15

None/Discussion

TOWN OF CLAYTON
TOWN COUNCIL
AGENDA COVER SHEET

Agenda Item: 7a

Meeting Date: February 2, 2015

TITLE: New Business

DESCRIPTION: Mr. Naegelen will present a Resolution in support of restoration of Historic Rehabilitation Tax Credit

RELATED GOAL:

ITEM SUMMARY:

Date:

Action:

Info. Provided:

2-2-15

Approval

Resolution of Support

**RESOLUTION TO
REINSTATE THE NC HISTORIC PRESERVATION TAX CREDIT**

WHEREAS, the Town of Clayton along with other local and regional partners are working towards the revitalization of our downtown area and our historic neighborhoods to establish it as a vital economic sector of Clayton for the community's benefit; and

WHEREAS, a healthy, vibrant downtown makes all other economic development initiatives in the community easier to achieve; and

WHEREAS, the NC Historic Preservation Tax Credit was used by cities and towns of all sizes in North Carolina to generate jobs and economic activities in their communities; and

WHEREAS, according to the April 2013 economic and fiscal impact analysis of the North Carolina Preservation Tax Credit program prepared by the N.C. Department of Commerce, the credit contributes an annual average of \$124.5 million to the state gross domestic product and approximately 2,190 jobs; and

WHEREAS, according to the N.C. League of Municipalities, the North Carolina State Historic Preservation Office estimated that since the 1998 expansion of the historic rehab credits, 2,321 projects utilizing the historic rehab credits have invested nearly \$1.5 billion in the state; and

WHEREAS, many private investors, have made significant advancements towards our downtown's improvement through strategic planning and reinvestment; and

WHEREAS, these buildings offer opportunities for small business development, job creation and desirable living spaces in an existing built environment with previously invested infrastructure; and

WHEREAS, the rehabilitation of historic structures is challenging in terms of acquiring needed bank financing, meeting building code regulations and overcoming general risks of unknown conditions and securing private investment in blighted or transitional neighborhoods; and

WHEREAS, the Town of Clayton believes that more of this type of reinvestment can occur with the availability of the NC Historic Preservation Tax Credit and believes the Historic Preservation Tax Credit program is a worthy leveraging tool to stimulate a specific, challenged area of our economy that will support the entire community; and

WHEREAS, the NC Historic Preservation Tax Credit encouraged private investments in local communities and encouraged the reuse of existing buildings, which saved taxpayer money through reducing the need to expand public services and infrastructure.

BE IT RESOLVED, by the Mayor and Town Council of the Town of Clayton, on behalf of themselves, the other Town officials and employees and the citizens of the Town of Clayton, do hereby support North Carolina's Historic Preservation Tax Credit Programs and their continued availability as a tool to spur economic recovery in traditionally blighted or underutilized areas of our communities; and

BE IT FURTHER RESOLVED that a copy of this Resolution will be delivered to the Governor, President Pro Tem of the Senate and the Speaker of the N.C. House, and members of both Houses of the General Assembly to encourage support of our position to restore the NC Historic Preservation Tax Credit programs for continued availability to those interested in reinvesting in our historic structures.

Adopted this the 2nd day of February, 2015.

Jody L. McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC
Town Clerk

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

Agenda Item: 8c

Meeting Date: February 2, 2015

TITLE: STAFF - TOWN CLERK

DESCRIPTION: Calendar of Events

ITEM SUMMARY:

Date:

Requested Action:

Info. Provided:

02-02-+15

None

Calendar of Events

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
- TOWN HALL DAY – Wednesday, March 18, 2015 – Raleigh All Day
- TOWN HALL DAY Dinner – Wednesday, March 18, 2015 @ 6:00 PM – Clayton Center
- 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