

Jody L. McLeod  
**MAYOR**

Bruce Thompson  
**TOWN ATTORNEY**

Steve Biggs  
**TOWN MANAGER**



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

Michael Grannis  
**MAYOR PRO TEM**

---

---

## **TOWN COUNCIL MEETING**

**NOVEMBER 18, 2013**

### **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**  
**SHERRY L. SCOGGINS, TOWN CLERK**  
**BRUCE THOMPSON II, TOWN ATTORNEY**

**AGENDA**  
**THE WORK SESSION MEETING OF THE CLAYTON TOWN COUNCIL**

**MONDAY, NOVEMBER 18, 2013**  
**6:30 PM**

**THE CLAYTON CENTER**  
**COUNCIL CHAMBERS**

1. **CALL TO ORDER**  
Pledge of Allegiance & Invocation – Mayor Jody L. McLeod
2. **ADJUSTMENT OF THE AGENDA**
3. **ACTION AGENDA**
  - a. Draft minutes from the November 4, 2013, regular meeting.
  - b. Public notice for the following items slated for Clayton Town Council consideration at its December 2, 2013, Council meeting:
    - Public hearing for planned development district request PDD 2013-68 for The Promenade located on US 70 Business HWY near Shotwell Road.
    - Public hearing for text amendments to the Town Code of Ordinances Chapter 155 for the following sections: 310, 700, 701, 702, 716, 717, and 720.
4. **INTRODUCTIONS AND SPECIAL PRESENTATIONS**
  - a. Introduction of new Town of Clayton employee(s).
  - b. Special recognition of long-term serving volunteers.
  - c. Presentation of Youth Art Month Proclamation.
  - d. Presentation of temporary street closure request by First Baptist Church.
5. **ITEMS SCHEDULED FOR THE REGULAR MEETING AGENDA**
  - a. Presentation of planned development district request PDD 2013-68 for project known as The Promenade located on north side of US 70 Business HWY and Shotwell Road.
  - b. Presentation of text amendments to the Town Code of Ordinances Chapter 155 for the following sections: 310, 700, 701, 702, 716, 717, and 720.
  - c. Presentation proposed donation tracts of Cobblestone Subdivision.
  - d. Presentation of budget ordinance amendment to reflect the appropriation of fund balance to purchase equipment for the police investigations with the proceeds from unauthorized substance tax distribution (USTD) from the State that were received in prior years.
  - e. Presentation of applications from citizens requesting consideration to serve on Town of Clayton advisory boards or committees.

- f. Presentation of resolution to Ed Johnson for his service to North Carolina Capital Area Metropolitan Planning Organization (CAMPO).
  - g. Presentation of proclamation – Shop Local / Small Business Saturday.
  - h. Presentation of warranty acceptance for public water, sewer, and storm drainage utilities for Riverwood Athletic Club Phases 6A-1, 6B, 6C, and 6E.
6. ITEMS CONTINGENT FOR THE REGULAR MEETING
7. ITEMS FOR DISCUSSION
- a. Discussion of utility development agreement with Grifols Biopharmaceuticals.
8. OLD BUSINESS
- a. Evidentiary hearing for special use permit application SUP 2013-71 for LionsGate; continued from November 4, 2013, Council meeting.
  - b. Evidentiary hearing for subdivision application SUB (PSD) 2013-56 for LionsGate, Phase 3A and 3G; continued from November 4, 2013, Council meeting.
  - c. Evidentiary hearing for subdivision application SUB (PSD) 2013-57 for LionsGate, Phase 6A and 6B; continued from November 4, 2013, Council meeting.
9. STAFF REPORTS
- a. Town Manager
  - b. Town Attorney
  - c. Town Clerk
    - Calendar of Events
  - d. Other Staff
10. OTHER BUSINESS
- a. Informal Discussion & Public Comment.
  - b. Council Comments.
11. ADJOURNMENT

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

Agenda Item: 3a

Meeting Date: 11/18/13

**TITLE: DRAFT MINUTES FROM THE NOVEMBER 4, 2013, CLAYTON TOWN COUNCIL REGULAR MEETING.**

**DESCRIPTION: Minutes.**

**RELATED GOAL: Administrative**

**ITEM SUMMARY:**

**Date:**

**Action:**

**Info. Provided:**

**11-18-13**

**Approval.**

**DRAFT 11/4/2013 minutes.**

**MINUTES  
CLAYTON TOWN COUNCIL  
NOVEMBER 04, 2013**

The first regular meeting of the Clayton Town Council for the month of November was held on Monday, November 4, 2013, at 6:30 PM at Town Hall, 111 East Second Street.

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

**ALSO PRESENT:** Steve Biggs, Town Manager; Katherine Ross, Town Attorney; Sherry Scoggins, Town Clerk; Nancy Medlin, Deputy Town Manager; David DeYoung, Planning Director; Tim Simpson, Public Works & Utilities Director; Dale Medlin, Electric System Director; Larry Bailey, Parks & Recreation Director; Bruce Naegelen, Downtown Development Coordinator; Stacy Beard, Public Information Officer; Tommy Roy, Information Services Technician.

**ITEM 1. CALL TO ORDER**

Mayor McLeod called the meeting to order at 6:33 PM. Mayor McLeod gave the invocation.

**ITEM 2. ADJUSTMENT OF THE AGENDA**

As there was no adjustment of the agenda, it was the consensus of the Council to proceed with the agenda as presented.

**ITEM 3. ACTION AGENDA**

Councilman Holder motioned to approve the action agenda as presented; Councilman Thompson seconded the motion. The motion carried unanimously at 6:34 PM with the following action agenda items being approved:

- Item 3a. Draft minutes from the October 21, 2013, work session meeting.
- Item 3b. Cooper Elementary PTA Run for the Rockets community event: Saturday, March 8, 2014, from 9 AM to 12 noon.
- Item 3c. Revisions to the Financial Policy Guidelines.
- Item 3d. NCDOT Locally Administered Project Agreement for the Sam's Branch / North O'Neil Crossing.
- Item 3e. NCDOT Locally Administered Project Agreement for the Sam's Branch Phase II.
- Item 3f. Resolution from Johnston County Schools for the pending bond referendum.

- Item 3g. Resolution authorizing development of a grant application for infrastructure funding through the NC Department of Commerce.
- Item 3h. Amendments to the Municipal Records Retention & Disposition Schedule.
- Item 3i. Resolution – 2014 Holiday Schedule.
- Item 3j. Resolution – 2014 Council Schedule.

#### **ITEM 4. INTRODUCTIONS AND SPECIAL PRESENTATIONS**

- Item 4a. Presentation by Johnston County Visitors Bureau on a proposed Johnston County Recreation Master Plan.

Ms. Donna Taylor-Bailey, Executive Director of the Johnston County Visitors Bureau, stated she is requesting support for a county wide master plan for recreation in the form of a resolution. She stated the realization is an opportunity to bring tournaments to Johnston County to increase tourism and expand the need for facilities for the residents. She stated several resolutions of support have been received. She stated the next step is a request for proposal that will include representatives from the municipalities and organizations within Johnston County. She stated she does not anticipate requesting funding for this project.

Councilman Lawter motioned to approve the resolution as presented; Councilman Satterfield seconded the motion. Motion carried unanimously at 6:38 PM.

#### **ITEM 5. PUBLIC HEARINGS**

- Item 5a. Public comment for the proposed fee amendment to the water and sewer capacity fees.

This item has been noticed for public comment in accordance with NC GS 160A-4.1. Included in the agenda packet is the excerpt of the Comprehensive List of Fees & Charges for Water/Sewer for Council consideration.

Town Manager Steve Biggs stated the Town purchases its daily water capacity from Johnston County. He stated the Town has a capacity allocation with Johnston County based on average daily use. He stated there is a development fee in the form of a capacity fee that is charged to new development. He stated those funds go into a reserve funding for the Town so when the capacity allocation is exhausted, there is capital to purchase additional capacity.

Mayor McLeod opened the floor for public comment at 6:39 PM. As no one came forward the public comment was closed.

Councilman Lawter questioned if this applies to the capacity fees a developer pays on the front end.

Town Manager Biggs stated affirmative.

Councilman Lawter wanted it clarified that the residents would not see an increase in the water bill due to this action.

Councilman Holder motioned to approve the ordinance as presented;  
Councilman Thompson seconded motion. Motion carried unanimously at 6:40 PM.

Item 5b. Evidentiary hearing for special use permit application SUP 2013-71 for LionsGate.

Mayor McLeod announced special use permit SUP 2013-71 for LionsGate Subdivision located on Amelia Church Road near Shotwell Road has been noticed for an evidentiary hearing at 6:40 PM. He called upon Town Attorney Katherine Ross to explain the rules of procedure.

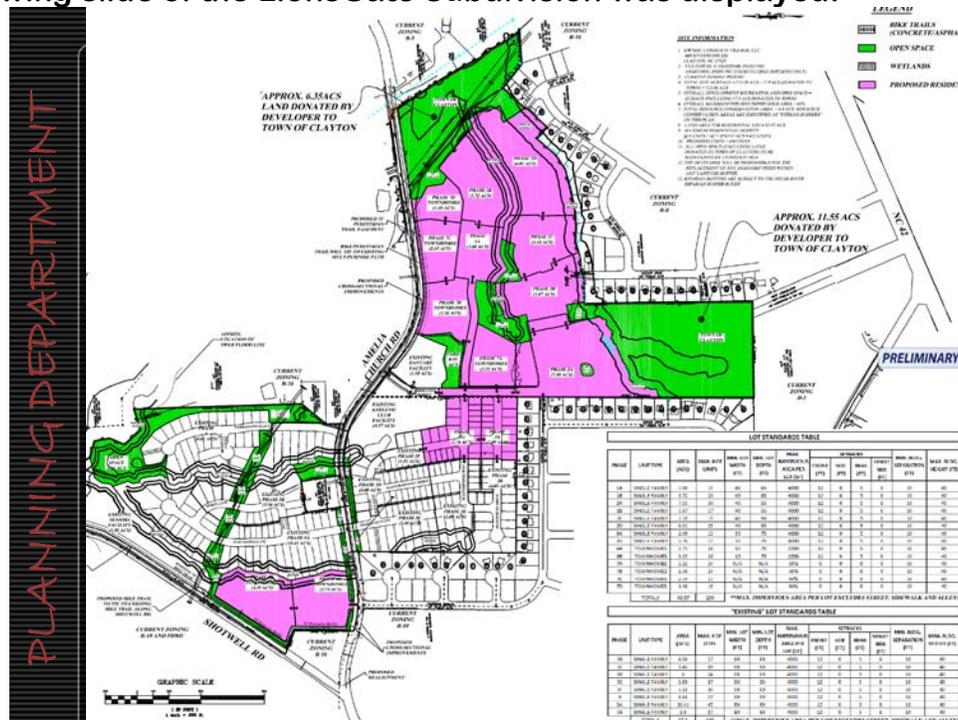
Town Attorney Katherine Ross introduced the evidentiary hearing procedures used for special use application SUP 2013-71. She explained that special use applications are different in certain respects from the capacity in which the Town Council normally functions. Ms. Ross stated the Town Council normally functions in a legislative capacity; special use permit application hearings are “quasi-judicial,” which means that the Council would act essentially as a court of law. She stated there is a burden that the applicant of the special use application must meet the four findings of fact as found in the UDO of the Town Code of Ordinances. She added anyone opposed to the application would have to put on evidence of a similar kind, showing the findings of fact have not been met. Ms. Ross explained that all evidence and testimony provided to the Council in such a hearing must comply with the North Carolina Rules of Evidence, which means that all such evidence and testimony must be relevant, based on personal knowledge, given under oath, and otherwise be competent and admissible. Ms. Ross also explained that her role during the hearing is to monitor all evidence and testimony to ensure that it complies with the Rules of Evidence, the Town’s procedures, and all other applicable requirements.

Mayor McLeod called all those wishing to give evidence, whether for or against the special use permit application, to come forward and be sworn in. Town Clerk Sherry Scoggins administered the oath to: David DeYoung, Steve Biggs, Fred Smith, and Donald C Adams Jr.

Planning Director David DeYoung provided the following overview of the PowerPoint presentation; herewith attached and incorporated into the record:

- Special Use Permit 2013-71
- Applicant requests a master plan for the undeveloped portions of the LionsGate Planned Development
- Existing master plan was approved as MUPD 03-01 (on November 17, 2003)
- Located on Amelia Church Road to Shotwell Road
- Proposed use of a maximum of 158 single family homes and 136 townhomes
- Modifications include:
  - Access point off of Amelia Church Road removed
  - Adjustment to the phase lines
  - Change in the use for the properties labeled as 7A, 7B, 7C and 7E from mixed use to townhomes
    - Original master plan included a mixed use / commercial component north of the day care center

The following slide of the LionsGate Subdivision was displayed:



- Existing phases built or being built in white, phases that will come back to Town Council for individual subdivision are in pink, and recreation and open space is in green
- Maximum density for LionsGate is 8 units to the acre
- Impervious maximum of 60 percent

- Driveway access on Amelia Church Road, Middleton Street, Shad Boat Lane, and a drive way off of Amelia Church road that will be a connection for phases 6A and 6B
- Two cross access connections
  - Garrison Avenue in Phase 2A
  - Hocutt Drive in Ellington Subdivision in Phase 2B
- Multi-modal access for greenway bike trails
  - Portion of the Clayton Community Center Pedestrian Connector
  - Begins at the Clayton Community Center, along Amelia Church Road, cross over Little Creek and follow Little Creek to Lombard Street and connect to sidewalk on Lombard Street
  - Portion will go through LionsGate along Amelia Church Road
- Maximum height of 35 feet
- Setbacks were established at the master plan approval (MUPD 03-01)
- Recreation and open space requirements are satisfied by the existing open space from the master plan approval (MUPD 03-01)
- Environmentally, the resource conservation areas, buffers, storm, flood plain and riparian buffers are required to be preserved through a binding legal description recorded for the deed of each phase as it is platted
- Comments from concerned homeowners were received about the riparian buffers
  - Riparian buffers are shown on the plat
  - From center of the riparian buffer there is a 50 foot area on each center
  - 100 foot wide riparian buffer
  - For the record, that will remain undisturbed
- Since concerns were raised by homeowners, staff is requesting additional protective measures such as silt fencing to clearly delineate to existing homeowners that area
- Staff requested to modify two conditions:
  - Condition 5 – previously requested the roadway connection to Hocutt Drive in 2B constructed prior to certificate of occupancy
  - At the Council work session, it was noted there is no connection to Garrison Subdivision and that needed to occur in Phase 2A
  - Request Condition 5 be amended to: Roadway connections to Garrison Avenue (Phase 2A) and Hocutt Drive (Phase 2B) shall be constructed prior to issuance of a Certificate of Occupancy for dwelling units in the associated phase.
  - Requested Condition 10 be amended to: A Class “C” Buffer, exclusive of the existing Riparian Buffer is required adjacent to the Ellington Subdivision (Phases 2A, 2B, and 2C).
- Proposed development is generally consistent as shown with the Strategic Development Growth Plan
- Proposed development is generally consistent with the Town’s Unified Development Code

- Applicant addressed the findings of fact criteria and included as Exhibit A of the staff report
- Applicant held a neighborhood meeting on September 9, 2013
- Staff is recommending approval with the 10 conditions of approval as modified

Mayor Pro Tem Grannis requested staff go back to the buffer information, the Class C discussion. He questioned that would be in addition.

Planning Director DeYoung stated the buffer will be outside of the riparian buffer that is there. He stated even though the 50 foot riparian buffer is required that a Class C buffer that is generally required for the perimeter of all planned developments will be exclusive of that buffer. He stated there have been times when the buffer requirement has been waived and the riparian buffer actually serves as that buffer. He stated in this instance, to satisfy concerns of adjacent property owners in Ellington Subdivision, the request through condition is the buffer take place outside the riparian buffer.

Mayor Pro Tem Grannis stated for the record for staff to explain what Class C buffer is.

Planning Director DeYoung stated a Class C buffer is the Town's most intensive buffer. He stated Class C has three width options:

- 10 foot wide
- 15 foot wide
- 20 foot wide

He stated developers can do more than that. He stated in looking at this master plan, adjacent to Shotwell Road is a 30 foot Class C buffer. He stated the smaller the width, the more materials that are required are two canopy trees per linear feet with 12 shrubs:

- 10 foot wide requires three understory trees
- 15 foot wide requires two understory trees
- 20 foot wide requires one understory tree

He stated lesser material is required in a wider buffer.

Mayor Pro Tem Grannis stated if he understands this is in addition to the riparian which means there could be a maximum of 160 feet.

Planning Director DeYoung stated there would be a 100 foot riparian buffer and 70 feet of buffer on the LionsGate Subdivision side and 50 feet of buffer on the Ellington Subdivision side.

Mayor McLeod called upon the applicant at 6:52 PM.

Mr. Fred Smith stated this is a surprise to him this evening for that requirement. He requested to withdraw the application to meet with staff to discuss this requirement.

Town Attorney Katherine Ross stated it can be continued to meet the applicant's request. She stated the next regular Council meeting would be the first December meeting.

Councilman Satterfield stated two weeks.

Town Clerk Sherry Scoggins questioned if the preference is the November 18 or December 2 Council meeting.

Town Manager Steve Biggs stated the December meeting is the Council's organizational meeting.

Mayor McLeod stated the preference is the November 18 Council meeting.

Planning Director DeYoung stated there are two subdivisions that follow this special use master plan request. He stated those would also need to be continued.

Town Attorney Katherine Ross stated a notification that at the applicant's request the evidentiary hearings are continued to the November 18 Council meeting is sufficient.

Mayor Pro Tem Grannis stated he is hearing the evidentiary hearing for subdivision application SUB (PSD) 2013-56 is continued to the November 18 Council meeting.

Planning Director DeYoung stated as well as SUB (PSD) 2013-57 for LionsGate Phases 6A and 6B.

Item 5c. Evidentiary hearing for subdivision application SUB (PSD) 2013-56 for LionsGate, Phase 3A and 3G.

At the request of the applicant, this item is continued to the November 18, 2013, Council meeting.

Item 5d. Evidentiary hearing for subdivision application SUB (PSD) 2013-57 for LionsGate, Phase 6A and 6B.

At the request of the applicant, this item is continued to the November 18, 2013, Council meeting.

## **ITEM 6. OLD BUSINESS**

Item 6a. Status of 110 West Front Street, former Red & White Store.

Town Manager Steve Biggs stated Mr. Messick was given milestones. He stated a meeting was held today and a follow-up meeting will be held Wednesday. He stated there are two elements to this project – renovation and adequate tenancy. He stated staff is seeing responsiveness. He requested the Council consideration to continue with this process.

Councilman Satterfield questioned how much longer.

Town Manager Biggs stated an answer within 30 days is reasonable.

Mayor Pro Tem Grannis stated he is glad to hear that there are some residents in the immediate area that expressed to him frustration with the process.

Councilman Holder stated the Town has been very accommodating.

Item 6b. Status of the acquisition of easements for the Clayton-Raleigh sewer transmission project.

Town Attorney Katherine Ross stated the process is continuing.

## **ITEM 7. NEW BUSINESS**

No new business was presented to Council for consideration.

## **ITEM 8. STAFF REPORTS**

Item 8a. Town Manager

Town Manager Steve Biggs stated no additional report.

Item 8b. Town Attorney

Town Attorney Katherine Ross stated no additional report.

Item 8c. Town Clerk

Town Clerk Sherry Scoggins stated tomorrow is Election Day. She stated the polls will open at 6:30 AM and close at 7:30 PM.

Item 8d. Other Staff

No other staff came before Council.

**ITEM 9. OTHER BUSINESS**

Item 9a. Informal Discussion and Public Comment.

No informal discussion and public comment were presented to Council.

Item 9b. Council Comments.

Mayor Pro Tem Grannis requested a resolution honoring Ed Johnson, Director of CAMPO, by the Clayton Town Council.

Councilman Lawter stated the East Clayton Community Park dedication went very well yesterday. He stated Mr. Chris Archer of the Tampa Bay Rays carried himself well. He complimented Mayor Pro Tem Grannis for his successful catch of the pitch by Mr. Chris Archer to him.

**ITEM 10. ADJOURNMENT**

Mayor Pro Tem Grannis motioned to adjourn; Councilman Holder seconded the motion. Motion carried unanimously at 7:02 PM.

Duly adopted by the Clayton Town Council this [REDACTED] day of November 2013, while in regular session.

ATTEST:

\_\_\_\_\_  
Jody L. McLeod  
Mayor

\_\_\_\_\_  
Sherry L. Scoggins, MMC  
Town Clerk

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

Agenda Item: 3b

Meeting Date: 11/18/13

**TITLE: PUBLIC NOTICE FOR THE FOLLOWING ITEMS SLATED FOR CLAYTON TOWN COUNCIL CONSIDERATION AT ITS DECEMBER 2, 2013, COUNCIL MEETING:**

- Public hearing for planned development district request PDD 2013-68 for The Promenade located on US 70 Business HWY near Shotwell Road.
- Public hearing for text amendments to the Town Code of Ordinances Chapter 155 for the following sections: 310, 700, 701, 702, 716, 717, and 720.

**DESCRIPTION:** Public notice.

**RELATED GOAL:** Legislative

**ITEM SUMMARY:**

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
11-18-13	Approval.	Notice.



## **PUBLIC NOTICE**

Notice is hereby given that the Clayton Town Council of the Town of Clayton will hold the following hearings on Monday, December 02, 2013, at 6:30 PM in the Council Chambers of the Town Hall, 111 East Second Street:

- In accordance with NC GS 160A-364, a public hearing to consider text amendments to the Unified Development Code. Copies of the proposed amendments are available in the Planning office and the Town Clerk's office for review by the public. The proposed amendments include: Section 155.310 Telecommunication Facilities, Section 155.700 Review Bodies, Section 155.701 Summary of Review Authority, Section 155.702 Common Review Procedures, Section 155.716 Variance, Section 155.717 Administrative Appeals, and Section 155.720 Enforcement.
- In accordance with NC GS 160A-384, a public hearing to consider planned development district request PDD 2013-68 for parcel number 165910-45-3301, within the town limits. The requested change is from Planned Development - Commercial to Planned Development – Residential. The Clayton Town Council reserves the right to approve the request as presented or any portion of the request without necessity of withdrawal or modification of the application or additional public hearing on the matter. Likewise, the Town Council may designate approval to the district requested or another district or districts without modification of the request or additional public hearing. Persons wishing to submit a petition of protest intended to invoke the rules established by N.C. General Statute 160A-385 must submit said petition on forms provided by the Town Clerk not later than 5:00 PM on Wednesday, November 27, 2013.

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

---

*Sherry L. Scoggins, MMC -- Town Clerk*

All meetings of the Clayton Town Council are public meetings and citizens are invited to attend. Public hearings and evidentiary hearings may be scheduled during a public meeting; however each hearing functions differently:

- Public hearing, also known as legislative hearing, occurs when an agenda item has been advertised and noticed according to the law thus allowing persons to come before the Council to state their view. After receiving public comment, the item is turned over to the Council for discussion and action.
- Evidentiary hearing, also known as quasi-judicial hearing, occurs when an agenda item has been advertised and noticed according to the law; however, the Council acts like a court of law. During an evidentiary hearing, the Council receives only sworn testimony and other credible evidence. In addition, the Council must make findings of fact based upon the evidence presented. Citizens may give testimony in an evidentiary hearing after they have taken an oath.

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

Agenda Item: 4a

Meeting Date: 11/18/13

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

DESCRIPTION: Introduction(s).

RELATED GOAL: Administrative

**ITEM SUMMARY:**

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
11-18-13	Introduction(s).	N/A.

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

Agenda Item: 4b

Meeting Date: 11/18/13

**TITLE: SPECIAL RECOGNITION OF LONG-TERM SERVING VOLUNTEERS.**

**DESCRIPTION:** The Town of Clayton is most fortunate to have volunteers who have served on various Town boards and committees with 10 or more years of service.

**RELATED GOAL:** Administrative

**ITEM SUMMARY:**

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
11-18-13	Recognition.	

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

Agenda Item: 4c

Meeting Date: 11/18/13

**TITLE: PRESENTATION OF YOUTH ART MONTH PROCLAMATION.**

**DESCRIPTION:** A representative of the Woman’s Club of Clayton will present a request to proclaim January 2014 as Youth Art Month and provide an overview of the activities available for the youth of Clayton.

**RELATED GOAL:** Expand Leisure Opportunities

**ITEM SUMMARY:**

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
11-18-13	Presentation.	Proclamation.

# TOWN OF CLAYTON PROCLAMATION YOUTH ART MONTH

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

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

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

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

## YOUTH ART MONTH

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

Duly proclaimed this the 18th day of November 2013, while in regular session.

---

Jody L. McLeod  
Mayor

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

Agenda Item: 4d

Meeting Date: 11/18/13

**TITLE: PRESENTATION OF TEMPORARY STREET CLOSURE REQUEST BY FIRST BAPTIST CHURCH.**

**DESCRIPTION:** Clayton First Baptist Church desires to host a live nativity scene on the grassy lot across from First Baptist Church bordered by Fayetteville Street, North O'Neil Street, and West Hinton Street on December 19, 2013, and December 20, 2013.

The following are requested:

- Temporary closure of Fayetteville Street between West Whitaker Street and West Hinton Street from 6 PM to 8 PM; and
- One-way traffic on West Hinton Street between North O'Neil Street and Fayetteville Streets from 6 PM to 8 PM

**RELATED GOAL:** Expand Leisure Opportunities & Think Downtown

**ITEM SUMMARY:**

Date:

Action:

Info. Provided:

11-18-13

Presentation.

Staff Report & Map.



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

## SPECIAL EVENTS COMMITTEE REPORT

**Application Number:** 2013-1840  
**Event Name:** Live Nativity Scene – First Baptist Church  
**Event Date(s):** December 19-20, 2013  
**Time:** 6:00 pm – 8:00 pm  
**Location:** 411 N Fayetteville St

**Downtown/Town Limits/ETJ:** Town Limits

**Applicant:** Clayton First Baptist Church  
411 N Fayetteville St. Clayton, NC 27520

**Contact:** Rev. Phyllis Crane, [pcrane@fbcclaytonnc.org](mailto:pcrane@fbcclaytonnc.org)  
(919) 553-4161(church)

**Committee Meeting:** October 31, 2013

**Attendance:** Steve Biggs, Town Manager; Dave DeYoung, Planning Director; Tony Atkinson, Fire Marshall; Dale Medlin, Electric Department Director; Kenneth Lunger/Andy Jernigan, PD; Steve Blasko, Public Works; Stacy Beard, Public Information Officer; Christie Starnes, Librarian; Dede Bumgarner, Zoning Compliance Officer; Martha Vandergriff, The Clayton Center; Bruce Naegelen, Downtown Development Coordinator

**Guests:** Hanna Pellas, Clayton Chamber of Commerce

---

**EVENT LOCATION:** Grassy Lot across from First Baptist Church bordered by Fayetteville, O'Neil and W Hinton streets

---

**EVENT DESCRIPTION:**

- Live Nativity scene
- Church members
- Live animals
- Stable and manger

Estimated Attendees per day: 75 people per hour

---

**SERVICES REQUESTED:**

- Closure of N Fayetteville Street between W Whitaker and W Hinton from 6 pm to 8 pm
  - One-way traffic on W Hinton between N O'Neil and Fayetteville streets from 6 pm to 8 pm
-

## COMMITTEE DISCUSSION:

1. Vendors - no
2. Tents – no
3. Security & Fire Protection – n/a
4. Crowd Control – n/a
5. Health & Sanitation – n/a
6. Medical – first aid kit
7. Traffic Control – event is designed for people to drive by the Nativity
8. Temporary Lighting/Electrical Service – n/a
9. Communications – organizers contact info are on this report
10. Clean-up & Waste Disposal – n/a
11. Noise Control – n/a
12. Owners Consent – organizer owns property
13. Insurance – n/a
14. Temporary Signage – n/a
15. Permits – any additional permits will be filed with Planning Department

---

## COMMITTEE CONDITIONS:

- 

---

## COMMITTEE ACTIONS

- Committee recommends: APPROVAL
- Staff will schedule Town Council Presentation: November 18, 2013
- Special Event Permit will be issued upon: Council approval
- **PUBLIC WORKS will:**
  - Provide road closure barricades at Fayetteville & Hinton and Fayetteville & Whitaker
  - Provide One-way signs for Hinton Street from O'Neil St to Fayetteville St.
- **POLICE DEPARTMENT will:**
  - Place barricades and One-Way signs and remove from position at open and close

---

## TOWN COUNCIL CONSIDERATIONS

- Council is requested to consider the following request during the November 18 Council meeting:
  - Closure of N Fayetteville Street between W Whitaker and W Hinton on December 19 & 20, 2013 from 6 pm to 8 pm
  - One-way traffic on W Hinton between N O'Neil and Fayetteville streets on December 19 & 20, 2013 from 6 pm to 8 pm
- This is the first year the organizer has gone through the Special Event Permit process.
- In future years, the application will be submitted in time for the regular approval processes.
- **COUNCIL ACTION:**

---

## DOCUMENTATION RECEIVED:

- Special Event Application
- Site plan –

## POST EVENT REVIEW:(January 30, 2014)

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



Scale 1 inch = 87 feet

(The scale is only accurate when printed landscape on a 8.5x 11in size sheet with no page scaling.)

Date October 31, 2013

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

Agenda Item: 5a

Meeting Date: 11/18/13

**TITLE: PRESENTATION OF PLANNED DEVELOPMENT DISTRICT REQUEST PDD 2013-68 FOR PROJECT KNOWN AS THE PROMENADE LOCATED ON NORTH SIDE OF US 70 BUSINESS HWY AND SHOTWELL ROAD.**

**DESCRIPTION:** The applicant, Caviness and Cates, is requesting to rezone from Planned Development District – Commercial to Planned Development District – Residential and subsequent approval of a master plan. The site is 22.46 acres located at the northwest intersection of US HWY 70 Business West and Shotwell Road.

The Town Council previously approved the rezoning to planned development district PDD-C on August 4, 2008 (PDD 08-04).

This item is slated for public hearing at the Monday, December 2, 2013, Council meeting.

**RELATED GOAL:** Manage Growth Producing Quality Developments

**ITEM SUMMARY:**

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
11-18-13	Presentation.	Staff report, aerial map, Application, neighborhood Meeting, wastewater Allocation request, & master Plan.



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 2013-68 (Rezoning to Planned Development District)  
**Project Name:** The Promenade Rezoning

**NC PIN:** 165910-45-3301  
**Town Limits/ETJ:** Town Limits  
**Overlay:** Thoroughfare Overlay  
**Applicant:** Caviness & Cates  
**Owners:** Walthom Group VII, LLC

**Neighborhood Meeting:** Held October 16, 2013  
**Public Noticing:** Property posted October 18, 2013  
**Planning Board Meeting:** October 28, 2013

---

**PROJECT LOCATION:** The property is generally located at the northwest intersection of US Highway 70 Business West and Shotwell Road.

---

**REQUEST:** The applicant is requesting approval to rezone all of parcel number 165910-45-3301 from Planned Development – Commercial to Planned Development – Residential, and subsequent approval of a Master Plan.

---

### SITE DATA:

**Acreage:** 22.46 acres  
**Present Zoning:** Planned Development - Commercial (PD-C)  
**Proposed Zoning:** Planned Development - Residential (PD-R)  
**Existing Use:** Vacant

---

### ADJACENT ZONING AND LAND USES:

**North:** Zoning: Planned Development – Commercial (PD-C)  
Existing Use: Vacant

<b>South:</b>	Zoning:           Planned Development – Commercial (PD-C) Existing Use:     Pine Grove Planned Development – Pep Boys, CVS
<b>East:</b>	Zoning:           Planned Development – Commercial (PD-C), Highway Business (B-3) Existing Use:     Vacant, BP Gas Station/Convenience Store, Bojangles Restaurant
<b>West:</b>	Zoning:           Residential Estate (R-E) Existing Use:     Stream/Riparian Buffer, Residential

---

**STAFF ANALYSIS AND COMMENTARY:**

The applicant is requesting approval of two requests: 1) approval for the rezoning of the subject property from Planned Development - Commercial (PD-C) to Planned Development – Residential (PD-R), and 2) approval of an associated master plan.

This site was previously rezoned to PD-C on August 4, 2008 (PDD 08-04). As part of that approval, two other parcels, including the 24 acre parcel to the north and the 2.8 acre parcel to the east, were also rezoned to PD-C. The rezoning approval was followed by approval of a master plan for commercial development that encompassed all three properties. That master plan was never built out and the properties are all currently vacant.

The applicant is requesting approval to rezone the subject property to PD-R, and has submitted a master plan for approval. The master plan would permit a gated apartment community with a maximum of 13 units per acre (maximum 288 units). A master plan provides the framework for the development of the site, and in this case has outlined the general location of site entrances, internal layout, and various details including architectural schematics and entrance features. The master plan also sets the maximum density and dimensional requirements.

The requested density of 13 units per acre is similar to the approved density of other apartment complexes in Clayton. For example, the recently approved Apartments at Amelia Station were approved for 14 dwelling units per acre.

The Town Council is the approval authority for both the rezoning and the master plan. If the rezoning is not approved, a decision on the master plan is not necessary. If the rezoning and master plan are approved by the Town Council, no development may take place until a site plan is submitted and approved by the Planning Board. This site plan will be required to meet all specifications as approved in the master plan, as well as requirements of the Unified Development Code (unless waived via the master plan).



*View of the southeastern corner of the site where it abuts the commercial gas sales (BP).*

➤ **Consistency with the Strategic Growth Plan**

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

Objective 2.1: Balanced Development: Old & New

Objective 2.5: More Housing Opportunities

The Strategic Growth Plan Proposed Land Use Map designates this property as “commercial.” While the proposed use is in conflict with the Proposed Land Use Map, staff feels that the inclusion of multi-family development at this intersection would provide a mix of uses and a walkable environment for the residents, meeting the intent for a high-density development node at that intersection.

➤ **Consistency with the Unified Development Code (UDC)**

The proposed rezoning is consistent with and meets the applicable requirements of the UDC.

➤ **Compatibility with Surrounding Land Uses**

High density residential development would be consistent with high density commercial uses adjacent to the site and across Highway 70. This higher density grants opportunities for residents to walk or have nearby access to adjacent commercial development. The proposed master plan provides for connections to adjacent development to provide this access. The development will be encompassed by a Class “C” buffer and a security fence to provide a visual buffer from adjacent commercial development.

➤ **Fire Protection**

The Town of Clayton Fire Department will provide fire protection.

➤ **Access/Streets:**

Access is provided off via two primary entrances: 1) Shotwell Road and 2) US 70 Business Highway West. A Traffic Impact Analysis (TIA) has been completed by the applicant and has been reviewed by the NCDOT Congestion Management Section. The Town’s traffic consultant will conduct an independent review of these reports to verify the findings. The NCDOT report largely concurred with the recommendations in the TIA. An excerpt from the Congestion Management Report follows, as well as the associated map:

**SR 1553 (Shotwell Rd) and Old US 70 Intersection**

No improvements are recommended for site traffic.

**SR 1553 (Shotwell Rd) and Cameron Way/Site Driveway #1 Intersection**

- **NB SR 1553 (Shotwell Rd)**
  - Stripe a Left-Turn arrow on the existing two-way left-turn lane ①
- **SB SR 1553 (Shotwell Rd)**
  - Restripe Existing Thru Lane to Thru/Right Lane ①
- **EB Site Driveway #1**
  - Three-lane cross-section: one ingress, two egress ①
  - Egress: Left-Turn Lane, Thru/Right Lane ①
  - 100' Internal Protected Stem ②
- **WB Side Road**
  - Restripe Existing Right-Turn Lane to Thru/Right Lane ①

**US 70 Business and SR 1553 (Shotwell Rd) Intersection**

Poor LOS/queuing is anticipated to persist at this location; however, no improvements are recommended for site traffic.

**US 70 Business and Site Driveway #2 Intersection**

This intersection should be restricted to right-in/right-out access only.

- **WB US 70 Business**
  - 100' Right-Turn Lane ①
- **SB Site Driveway #2**
  - Two-lane cross-section: one ingress, one egress ①
  - Egress: Right-Turn Lane ①
  - 100' Internal Protected Stem ②

➤ **Waivers/Deviations/Variances from Code Requirements**

None. Density and dimensional code requirements are set by the Master Plan approval process.

---

**CONSIDERATIONS:**

- The applicant is requesting a rezoning from PD-C to PD-R.
  - 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.
  - The applicant is requesting approval of the Master Plan (separate action).
  - The applicant is requesting approval of the wastewater allocation request.
- 

**STAFF RECOMMENDATION:**

Staff is recommending

- 1) approval of the rezoning, and
  - 2) approval of the master plan with the conditions listed below:
- 

**CONDITIONS:**

The following conditions are recommended by staff as a component of the master plan approval:

- 1) The development of the site is limited to the site design and uses as indicated on the master plan approved by the Town Council. Modifications may require additional review and approvals.
  - 2) Development of the site is subject to site plan review and approval.
  - 3) Common architectural elements, entry features, and pedestrian connectivity shall be included in the site design for the overall development.
  - 4) Sidewalks must be constructed by the developer along Shotwell Road and throughout the development to ensure pedestrian connectivity. Where viable, pedestrian connections to adjacent development shall be provided.
  - 5) A wastewater allocation request must be approved by the Town Council.
  - 6) Driveway Permits must be approved by NCDOT prior to the issuance of a zoning compliance permit.
  - 7) The perimeter landscaping must be installed prior to the issuance of a Certificate of Occupancy.
  - 8) All development fees shall be paid to the Town prior to issuance of a Certificate of Occupancy.
- 

**PLANNING BOARD RECOMMENDATION:** Attached

**ATTACHMENTS:** 1) Planning Board Recommendation, 2) Zoning/Aerial Map, 3) Application, 4) Neighborhood Meeting Materials, 5) Wastewater Allocation Request, 6) Master Plan

TOWN OF CLAYTON, NC

PLANNING BOARD RECOMMENDATION FORM

Project Name and File #: PDD 2013-68 Promenade Rezoning and Master Plan

On October 28, 2013 the Planning Board heard the above-referenced request and makes the following recommendation(s) to the Town Council:

1) Rezoning approval request

Approval of the request - Unanimous

Denial of the request

2) Master Plan approval request

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

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

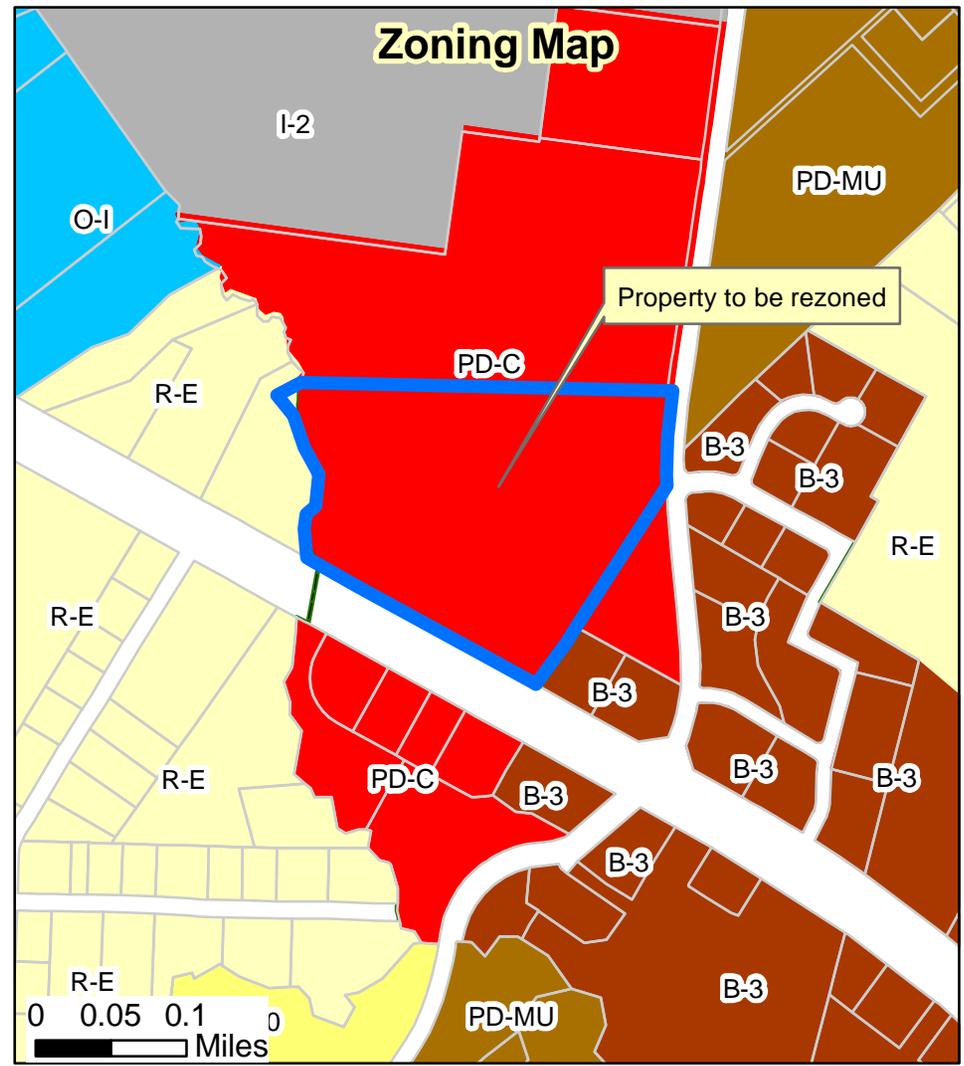
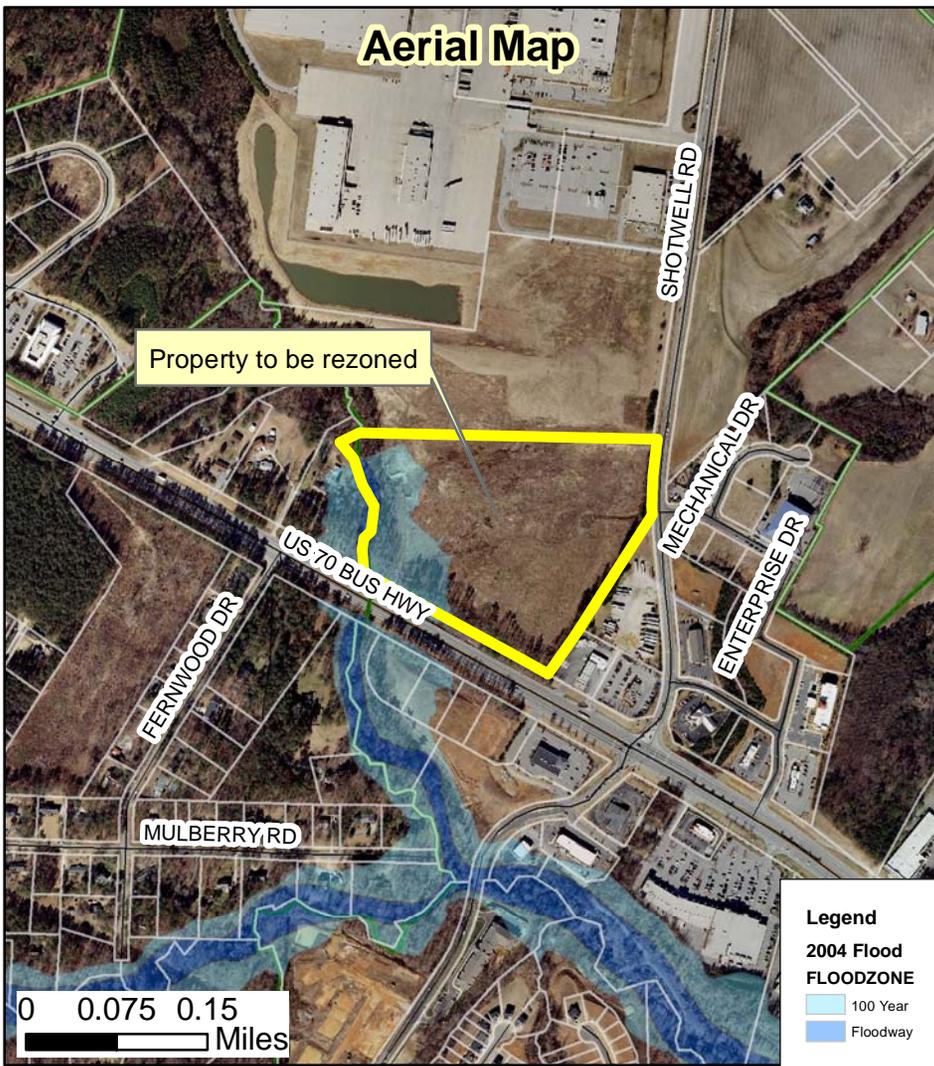
*Planning has concern for traffic at Shortwell & US70B.*

Denial of the request

Signed:



Frank Price, Planning Board Chair



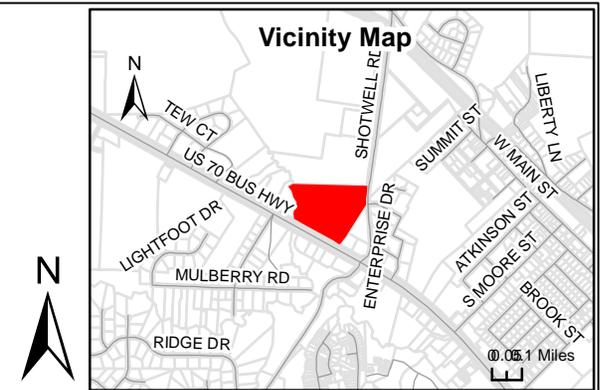
## "The Promenade" Rezoning PD-C to PD-R

Applicant: Don Mizelle; Caviness & Cates  
 Property Owner: Walthom Group VII, LLC  
 Parcel ID Number: 165910-45-3301  
 File Number: PDD 2013-68

Produced by: TOC Planning

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

9/26/13





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: The Promenade      Acreage of Property: 22.46  
 Parcel ID Number: 165910-45-3301      Tax ID: 05G02205C  
 Deed Book: 3231      Deed Page(s): 695-700  
 Address: n/a US 70 Business  
 Location: North side of US 70 Business near intersection with Shotwell Road

---

Existing Use: Vacant      Proposed Use: 288 Apartment Units  
 Existing Zoning District: PD-C  
 Requested Zoning District PD-R (Apartments)  
 Is project within a Planned Development:       Yes       No  
 Planned Development District (if applicable): PD-C  
 Is project within an Overlay District:       Yes       No  
 Overlay District (if applicable): Thoroughfare

### FOR OFFICE USE ONLY

File Number: 2013-68      Date Received: 9/3/13      Amount Paid: \_\_\_\_\_

## OWNER INFORMATION:

Name: Walthom Group VII, LLC

Mailing Address: 442 ½ East Main Street Clayton, NC 27540

Phone Number: 919-553-5400

Fax: 919-550-3814

Email Address: clopez@walthomgroup.com

## APPLICANT INFORMATION:

Applicant: Caviness & Cates

Mailing Address: 639 Executive Place Suite 400 Fayetteville, NC 28305

Phone Number: 910-481-0501

Fax: 910-481-0587

Contact Person: Don Mizelle (919) 868-3592

Email Address: don@longleafds.com

## REQUIRED PLANS AND SUPPLEMENTAL INFORMATION

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

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

## JUSTIFICATION STATEMENT

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

The current and projected demand for multi-family units in the area coupled with this site's location, site characteristics, and the availability of public infrastructure make a PD-R (multi-family) re-zoning request a viable option that will allow for the development of this site. At the time of the last rezoning of this site to PD-C in 2008, the site was proposed to accommodate a commercial shopping center with an anchor tenant, in-line shops, and numerous outparcels and parking areas. Due to various factors, that plan was never realized. It appears the highest and best use of this site may not be for commercial purposes but rather for multi-family apartments.

Apartments are often located adjoining or within close proximity to existing or planned commercial areas and employment centers that provide convenient access for apartment residents. In Clayton, apartments are allowed as special uses in many commercial zoning districts further demonstrating the compatibility of the uses. This site is well suited for multi-family use due to its location near such existing uses. Access to US 70 Business and Shotwell Road make for convenient access to and from the site. Compared to the shopping center proposed under the existing PD-C zoning district, the rezoning of this site to allow 288 multi-family units will likely lessen projected impacts to the existing transportation system as well.

## APPROVAL CRITERIA

*All applications for a Rezoning must address the following findings:*

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

The conceptual plan attached to this rezoning petition will comply with the Town's land usage ordinance, land use and transportation plans, and other development standards as applicable to the project.

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

The subject property is capable of supporting both the uses allowed by the current zoning district as well as the proposed multi-family district. The attached concept plan illustrates how the site can support up to 288 multi-family dwelling units while providing the required buffers, parking, stormwater treatment areas, and other requirements of the Town of Clayton. Commercial and multi-family projects often exist in close proximity to one another; a fact that makes this site suitable for either use.

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

The predominate developed land uses along US 70 Business in this area are commercial uses. The change in use to multi-family would allow for a better balance of complimentary land uses in the immediate area. The multi-family use of the site would provide its residents with access to the numerous commercial services, employment opportunities, and services located within close proximity to this site. In addition the change in use to multi-family would help address a need for market rate multi-family housing in the area and support existing commercial development.

**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 Town of Clayton has confirmed that water and sewer capacity exist to serve this site if developed as an apartment site with 288 units. Stormwater treatment will be handled on-site via new devices designed to serve the project. The internal roadway and driveway system will be designed to provide safe and efficient ingress and egress to US 70 Business and Shotwell Road. Most schools county-wide are currently experiencing capacity issues; however, apartment developments typically contribute fewer new students to the school system than single-family developments on a per unit basis. The expected 2.5 year build-out of this development should provide time for the school system to find ways to accommodate this and other on-going residential growth.

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

The rezoning of this site from PD-C to PD-R would not violate any legal purposes for which zoning exists as the zoning district proposed is an allowed district within the Town of Clayton. The site plan and its associated conditions noted on the plan are proposed in general accordance with Town development and zoning standards for the proposed use.

**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 majority of the adjoining property owners to the north and east of the site are developed commercial properties or undeveloped properties zoned for non-residential uses. Multi-family uses such as the one proposed, are typically compatible with most non-residential uses such as those that currently adjoin the site. The residential parcels that adjoin the site to the west should benefit from a "down zoning" of the site from commercial to multi-family in that the intensity of the use will be less than previously planned under the existing commercial district. Furthermore, this site when developed, will provide buffers per the Town's code to provide a visual separation of uses between dissimilar uses where needed.

**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.**

The change in use from commercial to multi-family will not be detrimental to the general public. The use, if allowed will be subject to the Town's development requirements for access, buffers, stormwater, etc. Additionally the change in use from commercial to multi-family could reduce the traffic impact associated with the development of this site as traffic generated from 22 acres of commercial generally would be more impactful upon the immediate road network than the 288 units of multi-family proposed with this rezoning petition.

**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.*

Watson Burgess  
Print Name

Watson Burgess  
Signature of Applicant

8/28/13  
Date



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

**OWNER'S CONSENT FORM**

Name of Project: The Promenade      Submittal Date: 9/3/2013

**OWNERS AUTHORIZATION**

I hereby give CONSENT to CAVINESS + CATES (type, stamp or print clearly full name of agent) to act on my behalf, to submit or have submitted this application and all required material and documents, and to attend and represent me at all meetings and public hearings pertaining to the application(s) indicated above. 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 I have full knowledge the property I have an ownership interest in the subject of this application. 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 acknowledge that additional information may be required to process this application. I further consent to the Town of Clayton to publish, copy or reproduce any copyrighted document submitted as a part of this application for any third party. I further agree to all terms and conditions, which may be imposed as part of the approval of this application.

[Signature]      Jim Lee      8-25-13  
 Signature of Owner      Print Name      Date

**CERTIFICATION OF APPLICANT AND/OR PROPERTY OWNER**

I hereby certify 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.

[Signature]      Watson Caviness      8/25/13  
 Signature of Owner/Applicant      Print Name      Date

**FOR OFFICE USE ONLY**

File Number: \_\_\_\_\_ Date Received: \_\_\_\_\_ Parcel ID Number: \_\_\_\_\_

Beginning at an existing iron pipe on the northern right of way of US Hwy 70 (200' Public R/W), said pipe being the southwestern corner of the United Energy, Inc. property as described in Deed Book 1589, Page 800, Johnston County Registry, thence with said right of way North 60°57'01" West 914.07 feet to an existing iron pipe on the centerline of Little Creek, thence leaving said right of way and with said centerline North 04°58'34" West 102.21 feet to a new iron stake, thence North 09°07'57" East 51.71 feet to a new iron stake, thence North 49°59'57" East 41.77 feet to an existing iron stake, thence North 06°12'33" East 112.95 feet to a new iron stake, thence North 28°21'52" West 106.56 feet to a new iron stake, thence North 18°27'55" West 117.00 feet to a new iron stake, thence North 29°33'06" West 85.55 feet to a new iron stake, thence leaving said centerline North 67°10'34" East 94.24 feet to an existing iron stake, thence South 88°44'40" East 1,280.83 feet to an existing iron stake on the eastern right of way of Shotwell Road (NC SR 1553) (60' R/W), thence with said right of way South 07°51'32" West 111.89 feet to an existing iron stake, thence South 03°26'47" West 43.13 feet to a point, thence South 03°38'21" West 54.17 feet to a point, thence South 02°12'32" West 51.66 feet to a point, thence South 00°37'08" West 53.41 feet to a point, thence South 01°39'23" East 18.45 feet to a new iron stake, thence leaving said right of way South 32°47'57" West 499.75 feet to an existing iron pipe, thence South 36°05'40" West 184.40 feet to the point and place of Beginning, containing 22.46 acres more or less.

Excise Tax: \$2,680.00

Recording Time, Book and Page

Tax Lot No. 05G02198E & 05G02201F

Parcel Identifier No.

Verified by \_\_\_\_\_ County on the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_

By \_\_\_\_\_

Mail after recording to Kristoff Law Offices, P.A.

This instrument was prepared by GARLAND L. ASKEW

Brief description for the Index 9.38 acres and 22.46 acres, U.S. Hwy 70 West

**NORTH CAROLINA GENERAL WARRANTY DEED**

THIS DEED made this 26 day of October, 2006, by and between

GRANTOR

GRANTEE

ROWANN YEARGAN and SHERMAN A. YEARGAN, JR.  
Trustees of The WALTER RAND YEARGAN  
IRREVOCABLE TRUST; SHERMAN A. YEARGAN, JR.  
and JEANNIE G. CAMPBELL Trustees under Agreement  
dated September 26, 1979; and SHERMAN A.  
YEARGAN, JR. and wife, ANDREA N. YEARGAN.

WALTHOM GROUP VII, LLC, a North Carolina  
limited liability company  
442 1/2 East Main Street  
Clayton, North Carolina 27520

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

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

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

See Exhibit "A" attached hereto and incorporated herein by reference for the description

The property hereinabove described was acquired by Grantor by instrument recorded in Book 1092, Page 552; Book 725, Pages 281 & 331; Book 812, Page 57; Book 830, Pages 643; and Book 863, Page 402.

A map showing the above described property is recorded in Plat Book \_\_\_\_\_, page \_\_\_\_\_.

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

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

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

- Covenants, restrictions and easements of record.
- Ad valorem taxes for the current year.

The restrictive covenant set forth on Exhibit B attached hereto which is specifically incorporated herein by reference.

IN WITNESS WHEREOF, the Grantors have hereunto set their hands and seals the day and year first above written.

WALTER RAND YEARGAN IRREVOCABLE TRUST

By: Rowann Yeargan Trustee (SEAL)  
ROWANN YEARGAN, Trustee

By: Sherman A. Yeargan, Jr. Trustee (SEAL)  
SHERMAN A. YEARGAN, JR., Trustee

NORTH CAROLINA WAKE COUNTY

I, a Notary Public in and for <sup>Franklin</sup> ~~said~~ County, <sup>NC</sup> ~~and State~~, certify that ROWANN. YEARGAN, as trustee of the Walter Rand Yeargan Irrevocable Trust, personally appeared before me this day, being personally known to me, acknowledged to me that she voluntarily signed the foregoing instrument on behalf of the Trust for the purpose stated therein as trustee of the Trust, under authority duly given, on this the 30<sup>th</sup> day of October, 2006.

[OFFICIAL STAMP OR SEAL]



Deborah R. Nowell  
Official Signature, Notary Public

My Commission Expires: 6-1-10

Deborah R. Nowell  
Notary's Printed or Typed Name

NORTH CAROLINA WAKE COUNTY

I, a Notary Public in and for <sup>Franklin</sup> ~~said~~ County, <sup>NC</sup> ~~and State~~, certify that SHERMAN A. YEARGAN, JR., as trustee of the Walter Rand Yeargan Irrevocable Trust, personally appeared before me this day, being personally known to me, acknowledged to me that he voluntarily signed the foregoing instrument on behalf of the Trust for the purpose stated therein as trustee of the Trust, under authority duly given, on this the 30<sup>th</sup> day of October, 2006.

[OFFICIAL STAMP OR SEAL]



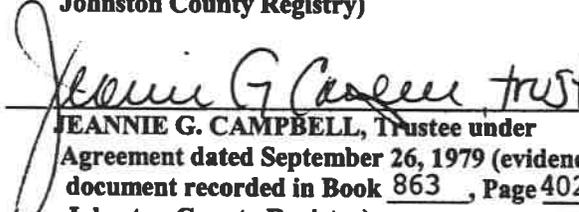
Deborah R. Nowell  
Official Signature, Notary Public

My Commission Expires: 6-1-10

Deborah R. Nowell  
Notary's Printed or Typed Name

IN WITNESS WHEREOF, the Grantors have hereunto set their hands and seals the day and year first above written.

 (SEAL)  
SHERMAN A. YEARGAN, JR., Trustee under Agreement dated September 26, 1979 (evidenced by document recorded in Book 863, Page 402, Johnston County Registry)

 (SEAL)  
JEANNIE G. CAMPBELL, Trustee under Agreement dated September 26, 1979 (evidenced by document recorded in Book 863, Page 402, Johnston County Registry)

NORTH CAROLINA WAKE COUNTY

I, a Notary Public in and of <sup>Franklin</sup> ~~said~~ County and <sup>NC</sup> ~~State~~, certify that SHERMAN A. YEARGAN, JR., trustee under Trust Agreement dated September 26, 1979 (evidenced by instrument recorded in Book 863, Page 402, Johnston County Registry), personally appeared before me this day, being personally known to me, acknowledged to me that he voluntarily signed the foregoing instrument on behalf of the Trust for the purpose stated therein as trustee of the Trust, under authority duly given, on this 30<sup>th</sup> day of October, 2006.

[OFFICIAL STAMP OR SEAL]



  
Official Signature, Notary Public

Deborah R. Nowell  
Notary's Printed or Typed Name

My Commission Expires: 6-1-10

OHIO Geauga COUNTY

I, a Notary Public in and of said County and State, certify that JEANNIE G. CAMPBELL, trustee under Trust Agreement dated September 26, 1979 (evidenced by instrument recorded in Book 863, Page 402, Johnston County Registry), personally appeared before me this day, being personally known to me, acknowledged to me that she voluntarily signed the foregoing instrument on behalf of the Trust for the purpose stated therein as trustee of the Trust, authority duly given, on this 26 day of October, 2006.

[OFFICIAL STAMP OR SEAL]



  
Official Signature, Notary Public

Lisa A. Walters  
Notary's Printed or Typed Name

**LISA A. WALTERS**  
NOTARY PUBLIC, STATE OF OHIO  
My Commission Expires: Recorded in Cuyahoga County  
My Comm. Expires January 7 2008

IN WITNESS WHEREOF, the Grantors have hereunto set their hands and seals the day and year first above written.

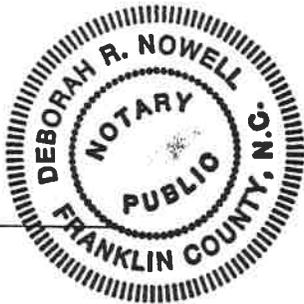
[Signature] (SEAL)  
SHERMAN A. YEARGAN, JR.

[Signature] (SEAL) *Fact*  
ANDREA N. YEARGAN  
By: SHERMAN A. YEARGAN, JR., Attorney in Fact

NORTH CAROLINA WAKE COUNTY

I, a Notary Public in and of <sup>Franklin NC</sup> ~~said~~ County, ~~and State~~, certify that SHERMAN A. YEARGAN, JR. personally appeared before me this day, being personally known to me, acknowledged to me that he voluntarily signed the foregoing instrument for the purpose stated therein on this 30<sup>th</sup> day of October, 2006.

[OFFICIAL STAMP OR SEAL]



Deborah R. Nowell  
Official Signature, Notary Public

My Commission Expires: 6-1-10

Deborah R. Nowell  
Notary's Printed or Typed Name

NORTH CAROLINA WAKE COUNTY

I, a Notary Public in and of <sup>Franklin NC</sup> ~~said~~ County, ~~and State~~, certify that SHERMAN A. YEARGAN, JR., attorney-in-fact for ANDREA N. YEARGAN, personally appeared before me this day, being personally known to me, acknowledged to me that he voluntarily signed the foregoing instrument for the purpose stated therein as attorney-in fact for ANDREA N. YEARGAN, in her behalf, under authority duly given granting him power of attorney in an instrument duly executed, acknowledged and recorded in the office of the Register of Deeds of Johnston County, North Carolina, in Book 3231, Page 687, on this 30<sup>th</sup> day of October, 2006.

[OFFICIAL STAMP OR SEAL]



Deborah R. Nowell  
Official Signature, Notary Public

My Commission Expires: 6-1-10

Deborah R. Nowell  
Notary's Printed or Typed Name

**EXHIBIT "A"**

**DESCRIPTION**

BEING all of Tract "A" containing 9.38 acres and Tract "B" containing 22.46 acres, according to a plat entitled "Survey for Plaza Development Co., Clayton Township, Johnston County, NC", dated 10/11/2006, prepared by Alsey J. Gilbert, PLS, and recorded in Map Book 69, Page 144, Johnston County Registry

**EXHIBIT "B"**

**Yeargan/Walthom Group VII  
Restrictive Covenant**

By the acceptance and recording of this deed, the Grantee agrees and covenants, for itself and its successors and assigns, that for a period of two (2) years from the date of the recording of this deed that the property described herein shall not be developed or utilized in any manner whatsoever for any retail use of over one hundred thousand (100,000) square feet. This restrictive covenant, however, shall not apply to the development or use of the property for a "Lowe's" type store or a retail grocery store. Any violation or attempted violation of this restrictive covenant shall be enforceable by Grantor or their successors and assigns by injunctive relief or any other remedy available to Grantor or their successors and assigns at law or in equity. All reasonable attorney fees and other costs incurred by Grantor or their successors and assigns to enforce this restrictive covenant shall be paid by Grantee and its successors and assigns.

# NEIGHBORHOOD MEETING MATERIALS

## CERTIFICATION OF MAILING NOTICE

TO THE CITY COUNCIL  
TOWN OF CLAYTON

In accordance with the requirements of Section 105.702(D)(2)(c) of the Unified Development Code of the Town of Clayton, I hereby certify that the undersigned has this date mailed a notice of the proposed request to the owners of all parcels of land within 100 feet and immediately abutting that (those) parcel(s) of land<sup>1</sup>, as shown on the County Tax Listings, by depositing a copy of the same in the United States Mail, first class postage paid, in an envelope addressed to the property owners whose names and address are as follows:

(see attached addresses and copy of letter)

This the 1<sup>ST</sup> day of October, 2013

Name (print): Don Mizeik

Signed: Don Mizeik

PROJECT #/Name: Promenade Rezoning

### Notes:

1. Where the subject property immediately adjoins a public or private right-of-way, landscape, or riparian buffer, commonly-owned private area, public property, or homeowners' association property, then letters of notification shall be sent to adjoining property owners as if they directly abut the subject property.

Properties within 100 feet of parcel #165910-45-3301 (or immediately across ROW)						
#	PIN	NAME1	ADD	CITY	ST	ZIP
1	165910-35-5553	BARBER, ROBERT W & ELIZABETH	12182 W 70 BUS HWY	CLAYTON	NC	27520-2149
2	165914-34-3471	BEDDINGFIELD, C H JR	P O BOX 97	CLAYTON	NC	27528-0097
3	165914-34-2724	CASH, JAMES W	P O BOX 417	CLAYTON	NC	27520-0000
4	165911-55-1332	CORPORATE DEVELOPERS LLC	155 BENNETT PLACE	CLAYTON	NC	27527-0000
5	165910-46-1070	ELPHICK PROPERTIES LLC	1000 CCC DRIVE	CLAYTON	NC	27520-0000
6	165914-44-1546	HEALTH PROPERTIES INVESTMENTS INC	6207 COTTAGE HILL RD	MOBILE	AL	36609
7	165910-35-3771	HOUSE, J MICHAEL	12180 US 70 BUSINESS HWY W	CLAYTON	NC	27520
8	165911-56-7592	LEE BROTHERS RENTAL	400 W MAIN STREET	CLAYTON	NC	27520-0000
9	165914-44-5385	M CLAYTON REALTY ASSOCIATES LLC	636 OLD YORK ROAD 2ND FLOOR	JENKINTOWN	PA	19046-0000
10	165914-44-3407	SHOTWELL 70 PARTNERS LLC; CONWAY CENTRE LLC	1600 S BRENTWOOD BLVD STE 770	SAINT LOUIS	MO	63144-1329
11	165914-44-0613	SHOTWELL 70 PARTNERS LLC; CONWAY CENTRE LLC	1600 S BRENTWOOD BLVD STE 770	SAINT LOUIS	MO	63144-1329
12	165914-34-8762	SHOTWELL 70 PARTNERS LLC; CONWAY CENTRE LLC	1600 S BRENTWOOD BLVD STE 770	SAINT LOUIS	MO	63144-1329
13	165914-34-8440	SHOTWELL 70 PARTNERS LLC; CONWAY CENTRE LLC	1600 S BRENTWOOD BLVD STE 770	SAINT LOUIS	MO	63144-1329
14	165911-55-2509	TREE HOUSE PROPERTIES	PO BOX 4206	GREENSBORO	NC	27404-0000
15	165910-45-8042	TRI ARC FOOD SYSTEMS INC 23	4905 WATERS EDGE DR	RALEIGH	NC	27606-2405
16	165914-44-6778	UNITED ENERGY, INC ATTN: ROSE BEASLEY	PO BOX 469	CLINTON	NC	28329-0469
17	165910-45-3301	WALTHOM GROUP VII LLC	442 1/2 E MAIN STREET	CLAYTON	NC	27520-0000



September 30, 2013

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:** Wednesday October 16, 2013

**Location:** The Clayton Center, Four Oaks Conference Room

**Time:** 6pm – 7pm

**Type of Application:** Rezoning from PD-C to PD-R

**General Description:** Caviness & Cates proposes to rezone approximately 22.46 acres of land accessed from Shotwell Road and US 70 Business from Commercial (Planned Development Commercial) to Residential (Planned Development Residential). Initial plans provide for the development of a market rate apartment community with up to 288 units including a pool, clubhouse, parking, buffering, and landscaping. The rezoning of the site to PD – Residential is necessary to allow for the development of the site for apartment uses.

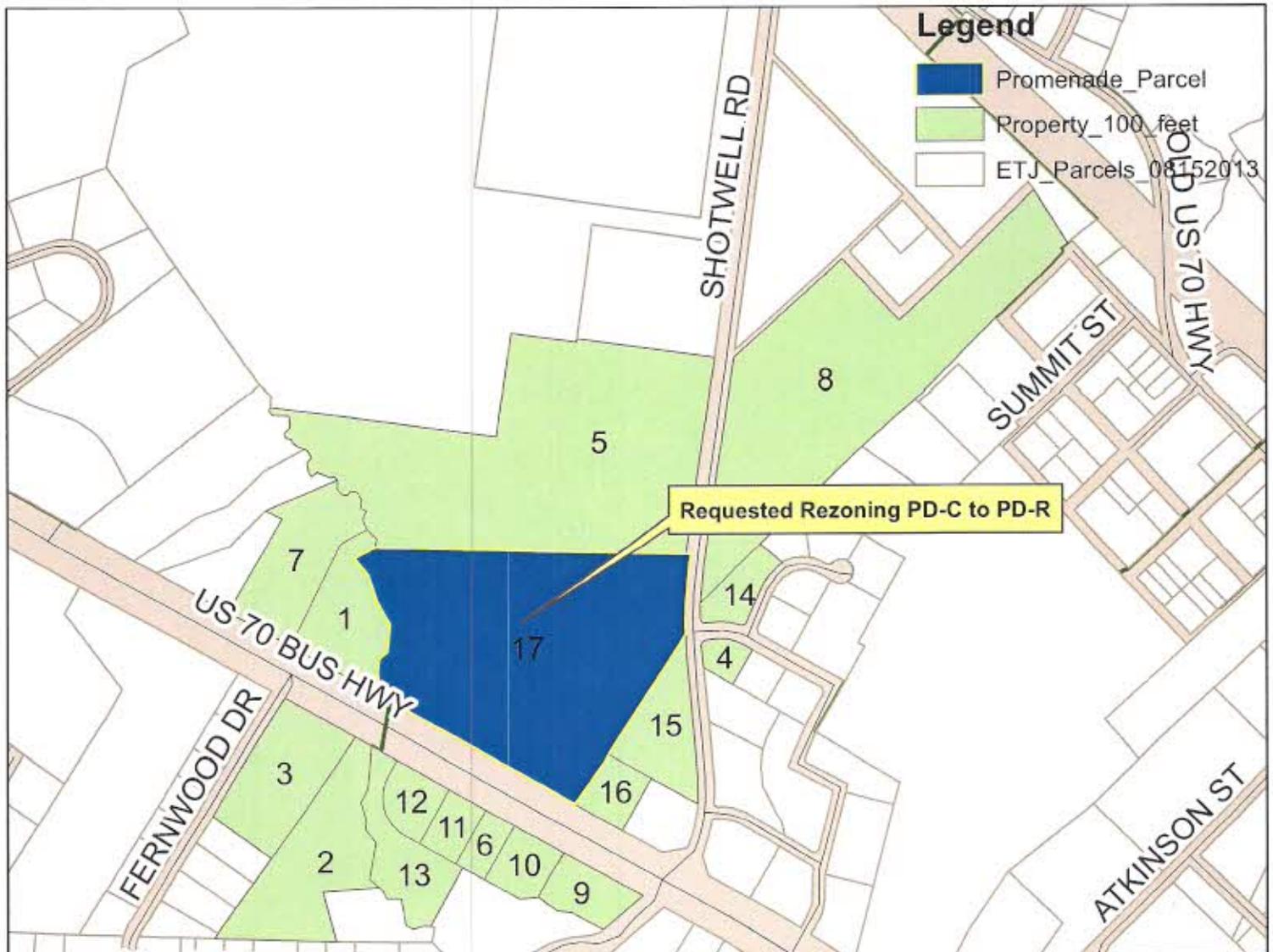
If you have any questions prior to or after this meeting, you may contact us at 919-868-3592. We look forward to sharing our plans with you at the meeting.

Sincerely,

A handwritten signature in black ink, appearing to read "Don Mizelle".

Don Mizelle  
Longleaf Development Services

cc: Clayton Planning Department



Properties within 100 feet of parcel #165910-45-3301 (or immediately across ROW)

Number	PIN	NAME1	CITY	STATE	ZIPCODE
1	165910-35-5553	BARBER, ROBERT W & ELIZABETH	12182 W 70 BUS HWY	CLAYTON	NC 27520-2149
2	165914-34-3471	BEDDINGFIELD, C H JR	P O BOX 97	CLAYTON	NC 27528-0097
3	165914-34-2724	CASH, JAMES W	P O BOX 417	CLAYTON	NC 27520-0000
4	165911-55-1332	CORPORATE DEVELOPERS LLC	155 BENNETT PLACE	CLAYTON	NC 27527-0000
5	165910-46-1070	ELPHICK PROPERTIES LLC	1000 CCC DRIVE	CLAYTON	NC 27520-0000
6	165914-44-1546	HEALTH PROPERTIES INVESTMENTS INC	6207 COTTAGE HILL RD	MOBILE	AL 36609
7	165910-35-3771	HOUSE, J MICHAEL	12180 US 70 BUSINESS HWY W	CLAYTON	NC 27520
8	165911-56-7592	LEE BROTHERS RENTAL	400 W MAIN STREET	CLAYTON	NC 27520-0000
9	165914-44-5385	M CLAYTON REALTY ASSOCIATES LLC	636 OLD YORK ROAD 2ND FLOOR	JENKINTOWN	PA 19046-0000
10	165914-44-3407	SHOTWELL 70 PARTNERS LLC; CONWAY CENTRE LLC	1600 S BRENTWOOD BLVD STE 770	SAINT LOUIS	MO 63144-1329
11	165914-44-0613	SHOTWELL 70 PARTNERS LLC; CONWAY CENTRE LLC	1600 S BRENTWOOD BLVD STE 770	SAINT LOUIS	MO 63144-1329
12	165914-34-8762	SHOTWELL 70 PARTNERS LLC; CONWAY CENTRE LLC	1600 S BRENTWOOD BLVD STE 770	SAINT LOUIS	MO 63144-1329
13	165914-34-8440	SHOTWELL 70 PARTNERS LLC; CONWAY CENTRE LLC	1600 S BRENTWOOD BLVD STE 770	SAINT LOUIS	MO 63144-1329
14	165911-55-2509	TREE HOUSE PROPERTIES	PO BOX 4206	GREENSBORO	NC 27404-0000
15	165910-45-8042	TRI ARC FOOD SYSTEMS INC 23	4905 WATERS EDGE DR	RALEIGH	NC 27606-2405
16	165914-44-6778	UNITED ENERGY, INC ATTN: ROSE BEASLEY	PO BOX 469	CLINTON	NC 28329-0469
17	165910-45-3301	WALTHOM GROUP VII LLC	442 1/2 E MAIN STREET	CLAYTON	NC 27520-0000

## PDD 2013-68 Promenade Rezoning PD-C to PD-R

Applicant: Don Mizelle; Caviness & Cates  
 Property Owner: Walthom Group VII, LLC  
 Parcel ID Number: 165910-45-3301  
 File Number: PDD 2013-68

Produced by: TOC Planning  
 Disclaimer: Town of Clayton assumes no legal  
 responsibility for the information represented here.  
 9/26/13





October 17, 2013

Emily S. Beddingfield, AICP  
Town of Clayton  
PO Box 879  
Clayton, NC 27528

Dear Ms. Beddingfield,

Last evening we held our required neighborhood meeting for the Promenade rezoning from 6pm to 7pm at the Clayton Center. Attached is a roster of those in attendance at the meeting. We presented rezoning information, regulatory plan details, and building design information to those in attendance. The major points of discussion were as follows:

- Barber Family – they wanted to make sure that adequate stormwater detention was being provided on our site so as not to add to an existing stormwater issue they currently face on their site. They seemed satisfied that a stormwater pond was being planned for our project; and
- Sparky Cullen (Elphick Properties) – is concerned that the development of our site for apartments will negatively impact his company’s ability to market their property for commercial as shown on the 2008 PD-C rezoning associated with these two properties. No resolution of this issue is anticipated.

Please let me know if you need any additional information concerning last evening’s meeting.

Sincerely,

A handwritten signature in black ink that reads "Don Mizelle".

Don Mizelle, AICP

Cc: Maggie Lockwood – Caviness & Cates  
Loftee Smith – Withers & Ravenel

# NEIGHBORHOOD MEETING ATTENDANCE ROSTER

**Applicant:** Caviness & Cates : The Promenade

**Location/Date:** Clayton Center 10/16/2013

	NAME	ADDRESS
1	Bob Barber	12182 US70W, Business, Clayton, NC
2	Bet Barber	" " " "
3	JAMES CASH	1 DOGWOOD FOREST LN.
4	SPARKY CULLEN	PARCEL #5 - ELPHICK PROPERTIES
5	JIM LEE	709 FERNWOOD DR.
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		

NC  
27520



**SITE DATA TABLE**

OWNER: WALTHAM GROUP WI, LLC  
 442 1/2 E. MAIN STREET  
 CLAYTON, NC 27520

PIN: 165910-45-3301

ACREAGE: ±22.46

CURRENT ZONING: PDC

PROPOSED ZONING: PDR

PROPOSED MAXIMUM DENSITY: 13 DU/ACRE

MAXIMUM IMPERVIOUS COVERAGE: 70%

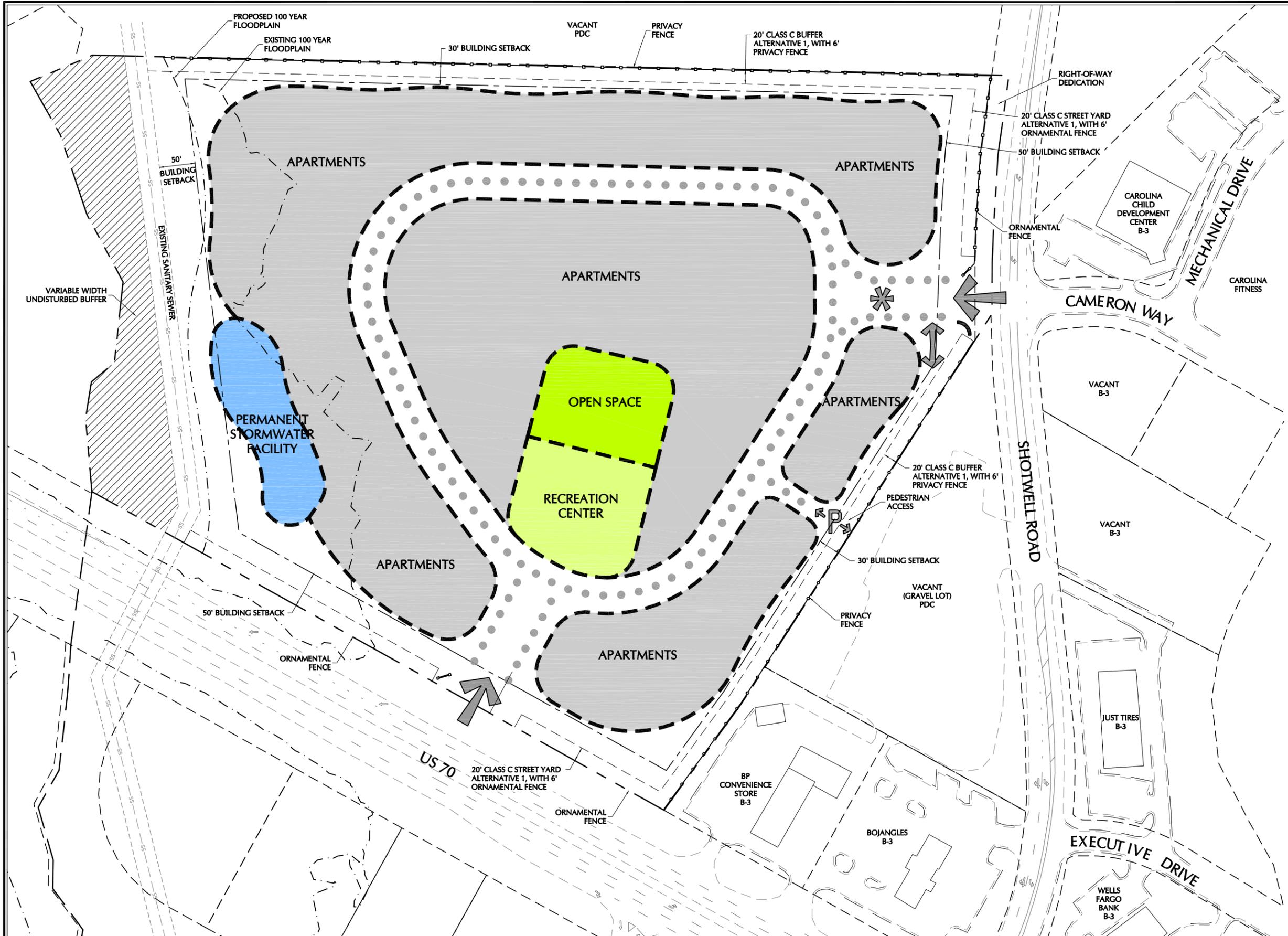
BUILDING INFORMATION:  
 MAXIMUM HEIGHT: 48'  
 MINIMUM DWELLING UNIT SIZE: 800 SF

**LEGEND**

- ACCESS
- FOCAL POINT
- VEHICULAR CIRCULATION
- PEDESTRIAN ACCESS
- CROSS ACCESS (RIGHT-IN/RIGHT-OUT)
- ENTRY FEATURE
- FEMA 100 YEAR FLOODPLAIN
- ORNAMENTAL FENCE
- SECURITY FENCE

**NOTES**

- EACH ENTRANCE INTO THE SITE FROM US70 AND SHOTWELL ROAD SHALL HAVE LANDSCAPED MEDIANS.
- ENTRY FEATURES AT US 70 AND SHOTWELL ROAD SHALL INCLUDE SIGNAGE AND/OR LANDSCAPING ON EITHER SIDE OF THE ENTRANCES INCORPORATED WITH SIDEWALKS TO THE PUBLIC RIGHT OF WAY.
- THE FOCAL POINT AT THE ENTRANCE ON SHOTWELL ROAD SHALL BE A GATE HOUSE, GAZEBO OR SIMILAR FEATURE LOCATED WITHIN THE ENTRANCE MEDIAN OR CENTERED ON THE ENTRANCE INTERIOR TO THE SITE.
- ALL BUILDINGS SHALL HAVE ACCESSIBLE SIDEWALK ROUTES TO US70 AND SHOTWELL ROAD AS WELL AS TO THE CLUBHOUSE/ RECREATION CENTER AND OTHER BUILDINGS ON SITE.
- BIKE RACKS SHALL BE LOCATED BETWEEN BUILDINGS AND ADJACENT TO THE CLUBHOUSE.
- THE FEMA MAPPED FLOODPLAIN TO THE WEST SHALL BE REVISED TO ALLOW FOR THE PROPOSED STORMWATER TREATMENT FACILITY, BUILDINGS AND PARKING.
- STREETYARD BUFFERS SHALL BE 20' CLASS C ALTERNATIVE 1 WITH 6' ORNAMENTAL FENCE AND 50' BUILDING SETBACKS.
- NORTH AND EAST PERIMETER BUFFERS SHALL BE 20' CLASS C ALTERNATIVE 1 WITH A 6' PRIVACY FENCE AND 30' BUILDING SETBACKS.
- WEST PERIMETER BUFFER SHALL BE UNDISTURBED FROM THE WESTERN PROPERTY LINE UP TO THE WESTERN EDGE OF THE EXISTING SANITARY SEWER EASEMENT. THE WESTERN BUILDING SETBACK SHALL BE PARALLEL TO THE EXISTING SANITARY EASEMENT AND 50' EAST OF THE EASEMENT.
- THE MAXIMUM BUILDING HEIGHT IS MEASURED FROM THE FIRST FLOOR ELEVATION TO THE ROOF PEAK



K:\1\13-0200\130305-Hwy\_70 - Shotwell Road Area\CD\Reviewing\Working\130305.dwg - Thursday, November 07, 2013 3:45:01 PM - W:\MDC, THOMAS

No.	Revision	Date	By
1	FIRST REVISIONS	10/08/13	TFW
2	SECOND REVISION	11/07/13	TFW

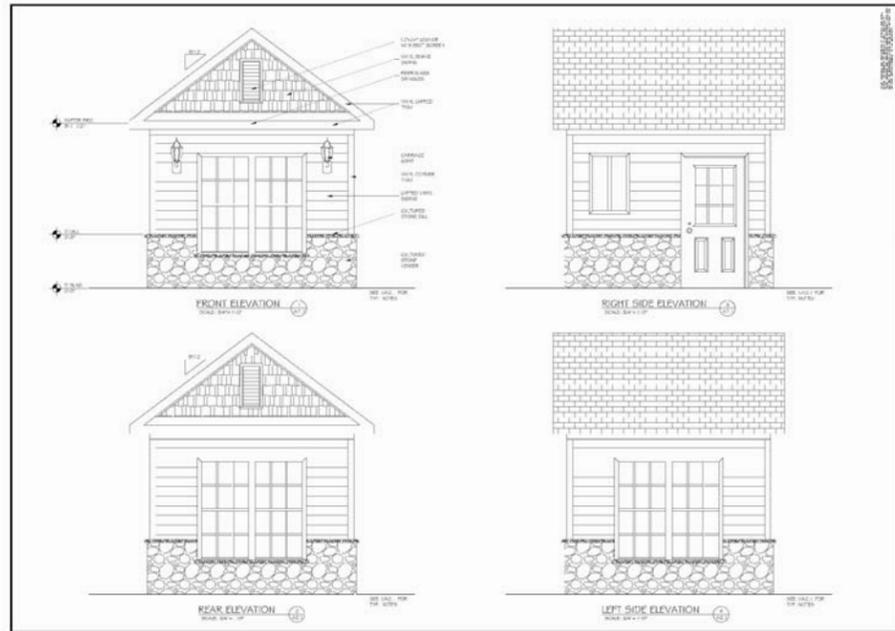
Designer	TFW	Scale	AS SHOWN
Drawn By	TFW	Date	09/27/13
Checked By	LGS	Job No.	02130305

**THE PROMENADE**  
 Town of Clayton      Johnston County      North Carolina

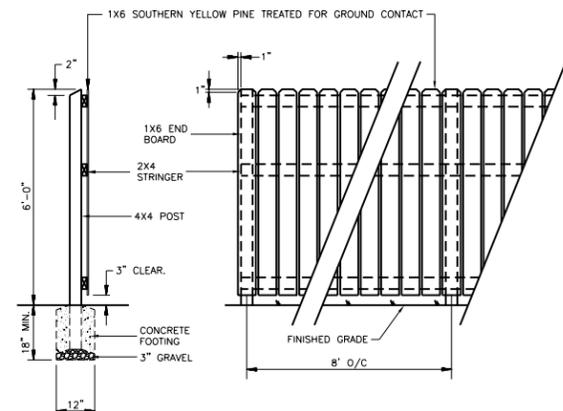
**MASTER PLAN**

**WITHERS & RAVENEL**  
 ENGINEERS | PLANNERS | SURVEYORS  
 115 MacKean Drive, Cary, North Carolina 27511    tel: 919-469-3340    www.wITHERSRAVENEL.com    License Page 49 of 306

Sheet No. **1 OF 4**

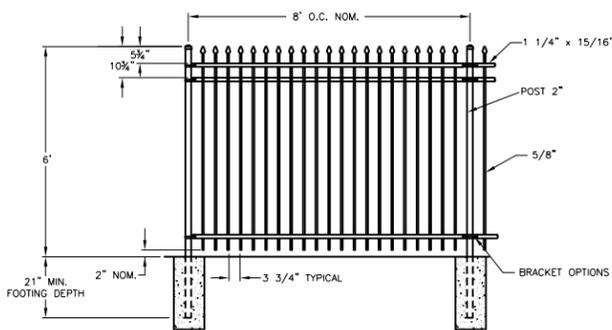


**GATE HOUSE**  
SCALE : NONE

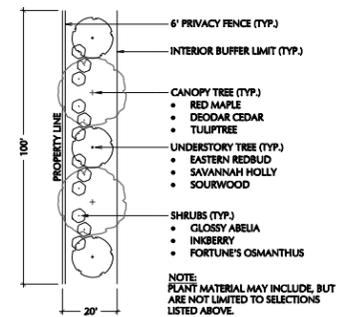


**SECTION** **ELEVATION**

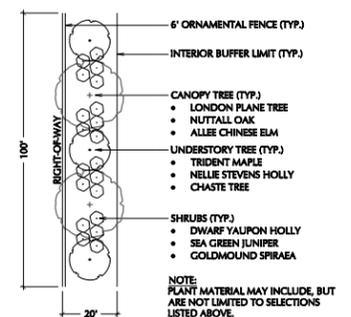
**6' HIGH WOOD PRIVACY FENCE**  
SCALE : NONE



**6' HIGH ORNAMENTAL FENCE**  
SCALE : NONE



**CLASS C - ALTERNATIVE 1 PERIMETER BUFFER**  
NOT TO SCALE



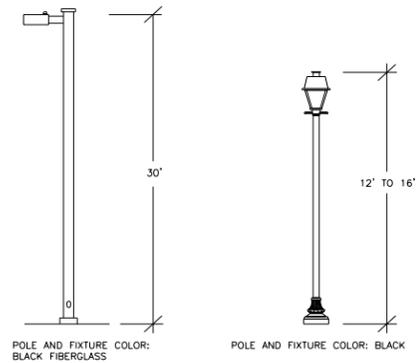
**CLASS B - ALTERNATIVE 1 STREETYARD BUFFER**  
NOT TO SCALE



**BRADLEY & BALL ARCHITECTS**

**THE PROMENADE**  
CLAYTON, N.C.  
FRONT ELEVATION

**Caviness & Cates**  
Property Management, LLC  
Best in the Business



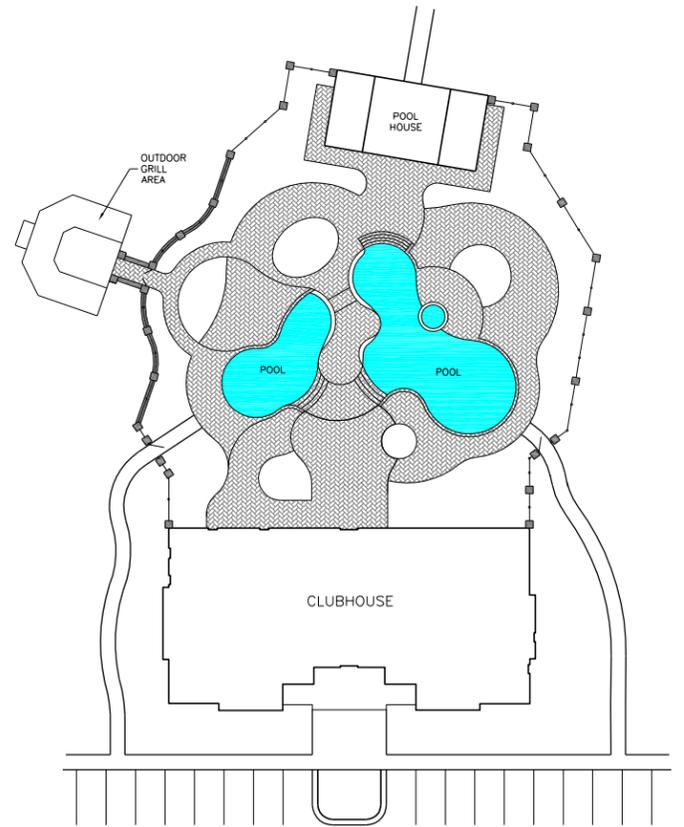
**SITE LIGHT FIXTURE DETAILS**  
SCALE : NONE



**SECONDARY ENTRANCE SIGNAGE**  
SCALE : NONE



**PRIMARY ENTRANCE SIGNAGE**  
SCALE : NONE



**CLUBHOUSE AREA DETAIL**  
SCALE : NONE

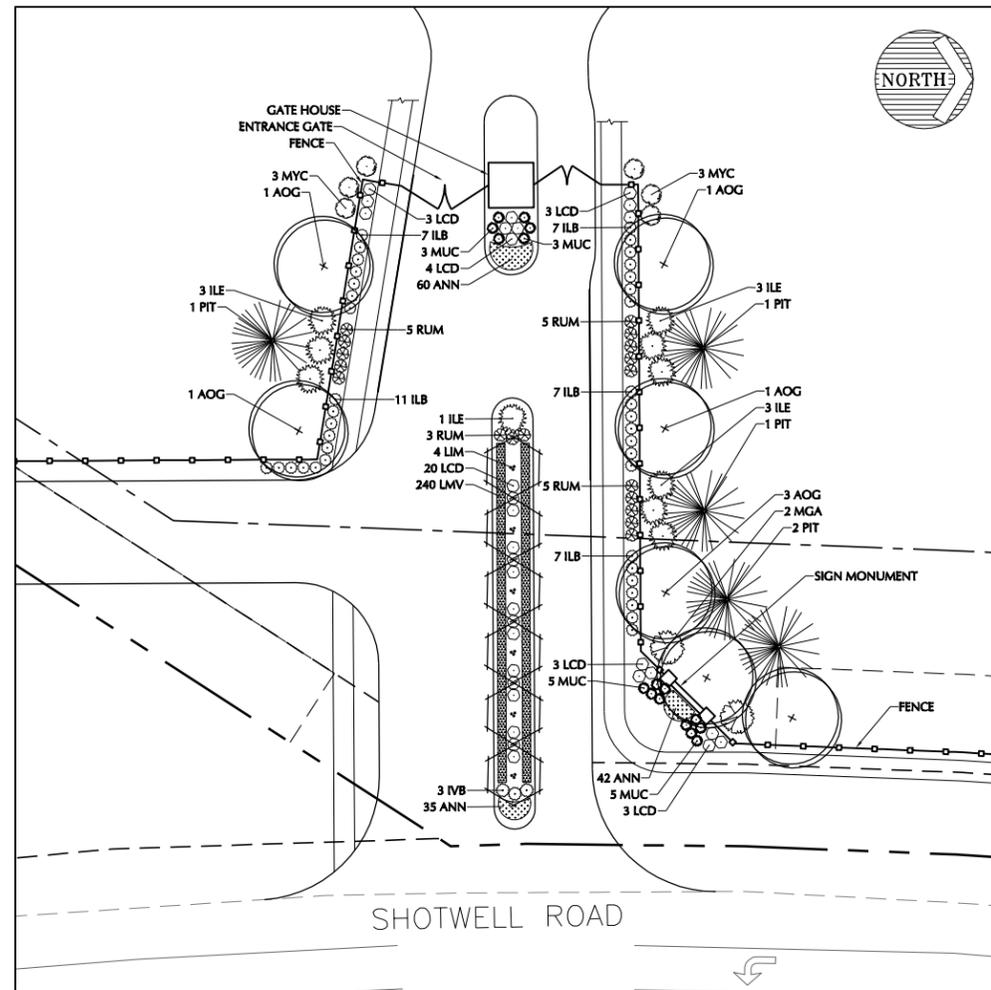
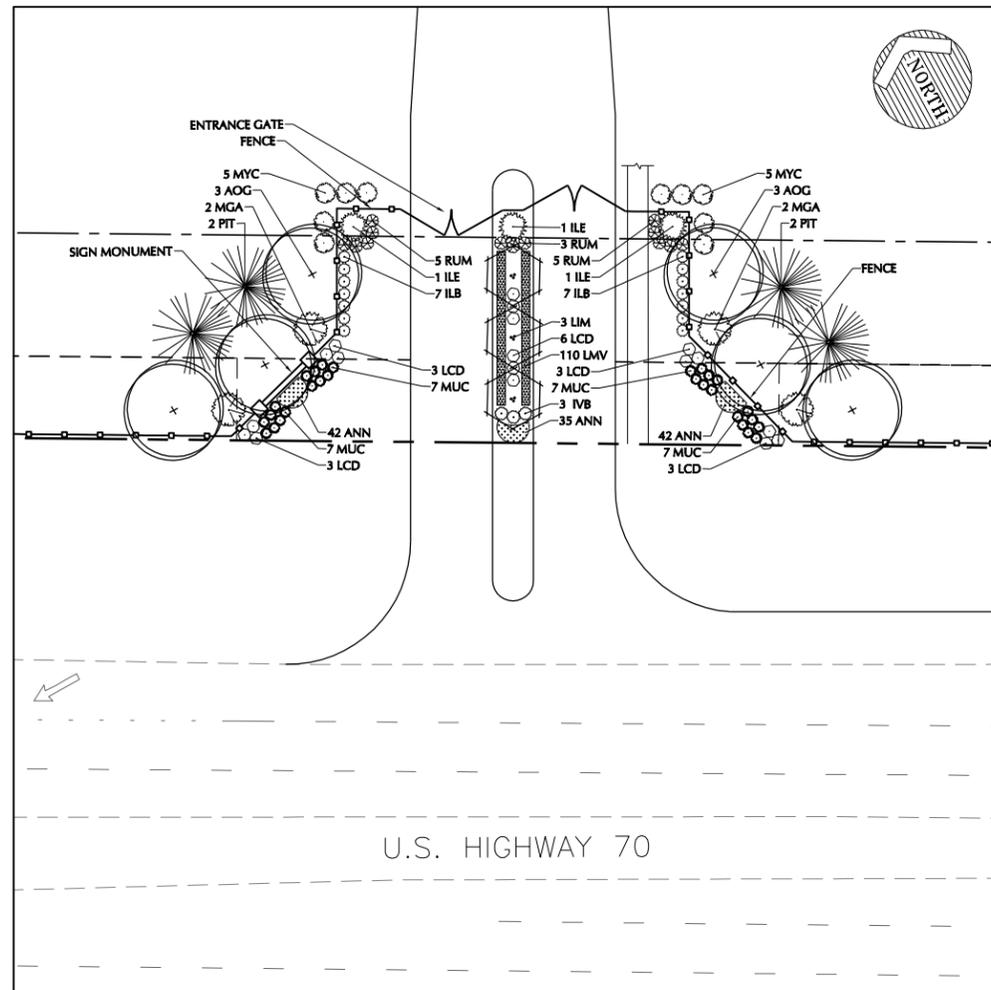
K:\1\13-0200\130305-Meyr\_70 - Showell Road Ash\CAD\Revisions\Revisions\_Landscaping.dwg - Thursday, November 07, 2013 3:15:48 PM - W:\MWD, THOMAS

No.	Revision	Date	By
1	FIRST REVISIONS	10/08/13	TFW

Designer: TFW Scale: As Shown  
 Drawn By: TFW Date: 09/27/13  
 Checked By: LGS Job No.: 02130305

**THE PROMENADE**  
Town of Clayton Johnston County North Carolina

**MASTER PLAN DETAILS**

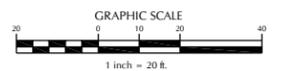


PROMENADE (HWY 70) ENTRANCE PLANT SCHEDULE								11.08.13
PLANT TYPE	QTY	KEY	BOTANICAL NAME	COMMON NAME	ROOT	CALIPER	HEIGHT	NOTES
TREES	6	AOG	<i>Acer rubrum</i> 'October Glory'	October Glory Red Maple	B&B	3"	12'-14'	MATCHED
	3	ILE	<i>Ilex</i> x 'Emily Bruner'	Emily Bruner Holly	B&B	3"	8'-10'	MATCHED
	3	LIM	<i>Lagerstroemia indica</i> 'Muskogee'	Muskogee Crape Myrtle	B&B	8"	8'-10'	MULTI-STEM, MATCHED
	4	MGA	<i>Magnolia grandiflora</i> 'TMGH'	Alta Southern Magnolia	B&B	2"	8'-10'	MATCHED
	4	PIT	<i>Pinus taeda</i>	Loblolly Pine	B&B	2"	8'-10'	MATCHED
SHRUBS	14	ILB	<i>Ilex cornuta</i> 'Burfordii Nana'	Dwarf Burford Holly	CONT.	3 Gal.	18"-24"	36" O.C.
	3	IVB	<i>Ilex vomitoria</i> 'Bordeaux'	Bordeaux Dwarf Yaupon Holly	CONT.	3 Gal.	18"-24"	36" O.C.
	18	LCD	<i>Loropetalum chinense</i> 'Daruma'	Daruma Chinese Witchhazel	CONT.	3 Gal.	12"-18"	36" O.C.
	10	MYC	<i>Myrica cerifera</i>	Wax Myrtle	CONT.	3 Gal.	24"-36"	60" O.C.
	13	RUM	<i>Raphiolepis umbellata</i> 'Minor'	Minor India Hawthorn	CONT.	3 Gal.	18"-24"	36" O.C.
GROUND COVER	119	ANN	Seasonal Color Annuals	Annuals (replaced each year)	CONT.	flat	varies	12" O.C.
	110	LMU	<i>Liriope muscari</i>	Liriope	CONT.	1 Gal.	8"-12"	15" O.C.
	28	MUC	<i>Muhlenbergia capillaris</i>	Pink Muhly Grass	CONT.	3 Gal.	18"-24"	36" O.C.

PROMENADE (SHOTWELL) ENTRANCE PLANT SCHEDULE								11.07.13
PLANT TYPE	QTY	KEY	BOTANICAL NAME	COMMON NAME	ROOT	CALIPER	HEIGHT	NOTES
TREES	7	AOG	<i>Acer rubrum</i> 'October Glory'	October Glory Red Maple	B&B	3"	12'-14'	MATCHED
	10	ILE	<i>Ilex</i> x 'Emily Bruner'	Emily Bruner Holly	B&B	3"	8'-10'	MATCHED
	6	LIM	<i>Lagerstroemia indica</i> 'Muskogee'	Muskogee Crape Myrtle	B&B	8"	8'-10'	MULTI-STEM, MATCHED
	2	MGA	<i>Magnolia grandiflora</i> 'TMGH'	Alta Southern Magnolia	B&B	2"	8'-10'	MATCHED
	5	PIT	<i>Pinus taeda</i>	Loblolly Pine	B&B	2"	8'-10'	MATCHED
SHRUBS	39	ILB	<i>Ilex cornuta</i> 'Burfordii Nana'	Dwarf Burford Holly	CONT.	3 Gal.	18"-24"	36" O.C.
	3	IVB	<i>Ilex vomitoria</i> 'Bordeaux'	Bordeaux Dwarf Yaupon Holly	CONT.	3 Gal.	18"-24"	36" O.C.
	31	LCD	<i>Loropetalum chinense</i> 'Daruma'	Daruma Chinese Witchhazel	CONT.	3 Gal.	12"-18"	36" O.C.
	6	MYC	<i>Myrica cerifera</i>	Wax Myrtle	CONT.	3 Gal.	24"-36"	60" O.C.
	15	RUM	<i>Raphiolepis umbellata</i> 'Minor'	Minor India Hawthorn	CONT.	3 Gal.	18"-24"	36" O.C.
GROUND COVER	137	ANN	Seasonal Color Annuals	Annuals (replaced each year)	CONT.	flat	varies	12" O.C.
	240	LMU	<i>Liriope muscari</i>	Liriope	CONT.	1 Gal.	8"-12"	15" O.C.
	16	MUC	<i>Muhlenbergia capillaris</i>	Pink Muhly Grass	CONT.	3 Gal.	18"-24"	36" O.C.

U.S. HIGHWAY 70 ENTRANCE PLANTING CONCEPT  
SCALE: 1" = 20'

SHOTWELL ROAD ENTRANCE PLANTING CONCEPT  
SCALE: 1" = 20'



No.	Revision	Date	By
1	FIRST REVISIONS	10/08/13	TFW

Designer	TFW	Scale	1" = 20'
Drawn By	TFW	Date	09/27/13
Checked By	LGS	Job No.	02130305

THE PROMENADE  
Town of Clayton Johnston County North Carolina

ENTRANCE AREA CONCEPTUAL PLANTING PLAN

**WITHERS & RAVENEL**  
ENGINEERS | PLANNERS | SURVEYORS  
115 MacKoran Drive Cary, North Carolina 27511 Tel: 919-469-3340 www.witherandravel.com License Page 51

Sheet No.  
**3 OF 4**  
of 306

K:\13\13-0200\130305-Hwy\_70 - Shotwell Road\_Art\CD\Network\Working\_Land.dwg - Friday, November 08, 2013 8:40:26 AM - PLOTTER: ecbt



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

**Agenda Item: 5b**

**Meeting Date: 11/18/13**

**TITLE: PRESENTATION OF TEXT AMENDMENTS TO THE TOWN CODE OF ORDINANCES CHAPTER 155 FOR THE FOLLOWING SECTIONS: 310, 700, 701, 702, 716, 717, AND 720.**

**DESCRIPTION: Attached.**

This item is slated for public hearing at the Monday, December 2, 2013, Council meeting.

**RELATED GOAL: Manage Growth Producing Quality Developments**

**ITEM SUMMARY:**

**Date:**

**Action:**

**Info. Provided:**

**11-18-13**

**Presentation.**

**Text amendments (7).**

## **§ 155.310 TELECOMMUNICATION FACILITIES**

### **(A) PURPOSE AND LEGISLATIVE INTENT**

The purpose of this Section is to establish general guidelines for the locating, collocating, modifying or upgrading of telecommunications towers, antenna, ground equipment and related accessory structures. It is the intent of this Section to:

- (1) Promote the health, safety, and general welfare of the public by regulating the locating of telecommunication facilities.
- (2) Minimize the impacts of telecommunication facilities on surrounding land uses by establishing standards for location, structural integrity, and compatibility.
- (3) Encourage the location and collocation of telecommunication equipment on existing structures thereby minimizing new visual, aesthetic, and public safety impacts, effects upon the natural environment and wildlife, and to reduce the need for additional towers.
- (4) Accommodate the growing need and demand for new and upgraded telecommunication services.
- (5) Encourage coordination between suppliers and providers of personal telecommunication services.
- (6) Establish predictable and balanced codes governing the construction and location of telecommunications facilities within the confines of permissible local regulations.
- (7) Establish review procedures to ensure that applications for telecommunications facilities are reviewed and acted upon within a reasonable period of time as required by applicable state and federal regulations.
- (8) Respond to the policies embodied in the Telecommunications Act of 1996 so that no discrimination between providers of functionally equivalent personal wireless services occurs, or to prohibit or have the effect of prohibiting personal wireless services.
- (9) Respond to the policies in Section 6409 of the Tax Relief and Job Creation Act of 2012 (47 USC §1445(a)).
- (10) Protect the character of the Town while meeting the needs of its citizens to enjoy the benefits of telecommunication services.
- (11) Encourage the use of public lands, buildings, and structures as locations for telecommunications infrastructure demonstrating concealed technologies and revenue generating methodologies.

(B) **AUTHORITY**

The provisions of this Section are permitted under authority granted by the General Assembly of the State of North Carolina with particular reference to Article 6 of Chapter 153A of the North Carolina General Statutes.

(C) **SPECIFIC TELECOMMUNICATION DEFINITIONS**

(1) **Alternative Structure**

A structure that is not primarily constructed for the purpose of holding antennas but on which one or more antennas may be mounted, including, but not limited to buildings, water tanks, pole signs, billboards, church steeples, and electric power transmission towers.

(2) **Amateur Radio Tower**

Any tower used for amateur radio transmissions consistent with the "Complete FCC U.S. Amateur Part 97 Rules and Regulations" for amateur radio towers.

(3) **Ancillary Structure**

Any form of development associated with a communications facility, including, but not limited to foundations, concrete slabs on grade, guy anchors, generators, and transmission cable supports, but excluding equipment cabinets.

(4) **Anti-Climbing Device**

A piece or pieces of equipment designed to prevent people from climbing the structure.

(5) **Antenna**

Any apparatus designed for the transmitting and/or receiving of communication signals, including, but not limited to telephonic, radio and television communications.

(6) **Antenna Array**

A single or group of antenna elements and associated mounting hardware, transmission lines, or other appurtenances which share a common attachment device such as a mounting frame or mounting support structure for the sole purpose of transmitting or receiving communication signals.

(7) **Antenna Element**

Any antenna or antenna array.

(8) **Antenna Modification**

See collocation.

(9) **Antenna Upgrade**

See collocation.

(10) **ASR**

The Antenna Structure Registration Number as required by the FAA and FCC.

- (11) **Base Station**  
The electronic equipment utilized at the base of a tower for the transmission and reception of communication signals.
- (12) **Breakpoint Technology**  
The engineering design of a tower wherein a specified point on the tower is designed to have stresses concentrated so that the point is at least five percent (5%) more susceptible to failure than any other point. In the event of a structural failure, the failure will occur at the breakpoint rather than at the base plate, anchor bolts, or any other point on the tower.
- (13) **Broadcast Facilities**  
Towers, antennas, and/or antenna arrays for AM/FM/TV/HDTV broadcasting transmission facilities that are licensed by the Federal Communications Commission.
- (14) **Collocation**  
The practice of installing and operating multiple wireless carriers, service providers, and/or radio common carrier licensees on the same tower or attached communication facility using different and separate antenna, feed lines, and radio frequency generating equipment.
- (15) **Combined Antenna**  
An antenna or an antenna array designed and utilized to provide services for more than one wireless provider, or a single wireless provider utilizing more than one frequency band or spectrum, for the same or similar type of services.
- (16) **Concealed**  
A tower, ancillary structure, or equipment compound that is not readily identifiable as such, and is designed to be aesthetically compatible with the natural environment or existing and proposed building(s) and uses on a site. There are two types of concealed facilities:
- (a) Antenna Attachments. These include painted antenna and feed lines to match the color of a building or structure, faux windows, dormers or other architectural features that blend with an existing or proposed building or structure.
  - (b) Freestanding. Freestanding concealed tower's usually have a secondary, obvious function which may include church steeple, windmill, bell tower, clock tower, light standard, flagpole with or without a flag, or tree.
- (17) **Development Area**  
The area occupied by a communications facility including areas inside or under an antenna-support structure's framework, equipment cabinets, ancillary structures, and/or access ways.
- (18) **Discontinued**  
Any tower without any mounted transmitting and/or receiving antennas in continued use for a period of 180 consecutive days.

(19) **Distributed Antenna System (DAS)**

A network of smaller, spatially separated antenna nodes located within the public right-of-way and installed on either existing or new utility poles and connected to a communications network. A DAS network splits the transmitted signal among several smaller antennas to provide coverage and reliability over the same area as a single traditional tower/ antenna.

(20) **Equipment Compound**

The fenced-in area surrounding the base station equipment including the areas inside or under a tower's framework and ancillary structures such as equipment necessary to operate the antenna on the structure that is above the base flood elevation including cabinets, shelters, pedestals, and other similar structures.

(21) **Equipment Cabinet**

Any structure above the base flood elevation including cabinets, shelters, pedestals, and other similar structures and used exclusively to contain radio or other equipment necessary for the transmission or reception of communication signals.

(22) **FAA**

The Federal Aviation Administration.

(23) **FCC**

The Federal Communications Commission.

(24) **Feed Lines**

Cables used as the interconnecting media between the transmission/receiving base station and the antenna.

(25) **Flush-Mounted**

Any antenna or antenna array attached directly to the face of the support structure or building such that no portion of the antenna extends above the height of the support structure or building. Where a maximum flush-mounting distance is given, that distance shall be measured from the outside edge of the support structure or building to the inside edge of the antenna.

(26) **Geographic Search Ring**

An area designated by a wireless provider or operator for a new base station, produced in accordance with generally accepted principles of wireless engineering.

(27) **Handoff Candidate**

A wireless communication facility that receives call transference from another wireless facility.

(28) **Least Visually Obtrusive Profile**

The design of a communication facility and its equipment to present a visual profile that is the minimum profile necessary for the facility to properly function.

- (29) **Non-concealed**  
A tower, ancillary structure, or equipment compound that is readily identifiable as such and can be either freestanding or attached.
- (30) **Personal Wireless Service**  
Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services as defined in the Telecommunications Act of 1996.
- (31) **Public Safety Communications Equipment**  
All communications equipment utilized by a public entity for the purpose of ensuring the safety its citizens and operating within the frequency range of 700 MHz and 1,000 MHz and any future spectrum allocations at the direction of the FCC.
- (32) **Radio Frequency Emissions**  
Any electromagnetic radiation or other communications signal emitted from an antenna or antenna-related equipment on the ground, tower, building, or other vertical projection.
- (33) **Radio Frequency Propagation Analysis**  
Computer modeling to show the level of signal saturation in a given geographical area.
- (34) **Satellite Earth Station**  
A single or group of parabolic or dish antennas mounted to a support device that may be a pole or truss assembly attached to a foundation in the ground, or in some other configuration, including the associated separate equipment cabinets necessary for the transmission or reception of communications signals with satellites.
- (35) **Structure**  
Anything constructed or erected, the use of which required permanent location on the ground, or attachment to something having a permanent location on the ground, including advertising signs.
- (36) **Tower**  
Any staffed or unstaffed location for the transmission and/or reception of radio frequency signals or other wireless communications, and usually consisting of an antenna or group of antennas, transmission cables, equipment cabinets, and may include a tower. The following developments shall be deemed a communications facility: new, mitigated, or existing towers, public towers, replacement towers, collocation on existing towers, attached wireless communications facilities, concealed wireless communication facilities, and non-concealed wireless communication facilities. Towers do not include any device used to attach antennas to an existing building, unless the device extends above the highest point of the building by more than twenty feet. Types of support structures include the following:
1. **Guyed.** A style of tower consisting of a single truss assembly composed of sections with bracing incorporated. The sections are attached to each other, and the assembly is attached to a foundation and supported by a series of wires that are connected to anchors placed in the ground or on a building.

2. Lattice. A tapered style of tower that consists of vertical and horizontal supports with multiple legs and cross bracing, and metal crossed strips or bars to support antennas.
3. Monopole. A style of freestanding tower consisting of a single shaft usually composed of two or more hollow sections that are in turn attached to a foundation. This type of tower is designed to support itself without the use of guy wires or other stabilization devices. These facilities are mounted to a foundation that rests on or in the ground or on a building's roof. All feed lines shall be installed within the shaft of the structure.

(37) **Tower Base**

The foundation, usually concrete, on which the tower and other support equipment are situated. For measurement calculations, the tower base is that point on the foundation reached by dropping a perpendicular from the geometric center of the tower.

(38) **Tower Height**

The vertical distance measured from finished grade to the highest point of the tower, including any antenna, lighting or other equipment affixed thereto.

(39) **Tower Site**

The land area that contains, or will contain, a proposed tower, support structures and other related buildings and improvements.

(D) **EXEMPTIONS**

The following items are exempt from the provisions of this Section:

- (1) Any amateur radio tower less than 50 feet in height or communications towers existing or permitted prior to the adoption of this Section.
- (2) Satellite earth stations that are one meter (39.37 inches) or less in diameter in all residential zoning districts and two meters or less in all other zoning districts.
- (3) A government-owned communications facility, upon the declaration of a state of emergency by federal, state, or local government, and a written determination of public necessity by the Town designee; except that such facility must comply with all federal and state requirements. No communications facility shall be exempt from this Section beyond the duration of the state of emergency.
- (4) A government-owned communications facility erected for the purposes of installing antenna(s) and ancillary equipment necessary to provide communications for public health and safety.
- (5) A temporary, commercial communications facility, for the purposes of providing coverage of a special event such as news coverage or sporting event, subject to approval by the Town, except that such facility must comply with all federal and state requirements. Said communications facility may be exempt from this Section for up to one week following the special event.

(E) **APPLICABILITY**

Unless specifically exempted above, this Section applies to development activity involving the installation, construction, or modification of all antenna and tower facilities. This includes but is not limited to:

- (1) Non-commercial, amateur radio station antennas.
- (2) Existing towers.
- (3) Proposed towers.
- (4) Public towers.
- (5) Mitigation of towers.
- (6) Collocation on existing towers.
- (7) Attached wireless communications facilities.
- (8) Concealed wireless communications facilities.
- (9) Non-concealed towers.
- (10) Broadcast facilities.

(F) **ABANDONMENT (DISCONTINUED USE)**

- (1) Towers, antennas, and the equipment compound shall be removed at the owner's expense should the facility/tower not have active antennas in use for a period of 180 days.
- (2) An owner wishing to extend the time for removal or reactivation shall submit an application stating the reason for such extension. The Town may extend the time for removal or reactivation up to 60 additional days upon a showing of good cause. If the tower or antenna is not removed within this time, the Town may give notice that it will contract for removal within 30 days following written notice to the owner. Thereafter, the Town may cause removal of the tower with costs being borne by the owner.
- (3) Upon removal of the tower, antenna, and equipment compound, the development area shall be returned to its natural state and topography and vegetated consistent with the natural surroundings or consistent with the current uses of the surrounding or adjacent land at the time of removal, excluding the foundation, which does not have to be removed.

(G) **CONFLICT WITH OTHER LAWS OR REGULATIONS**

When the requirements of this Section conflict with the requirements of other lawfully adopted rules, regulations, or ordinances of the Town, State or Federal Government, or deeds restrictions imposed by the developer or subdivider, the more stringent requirements shall govern.

(H) **INTERFERENCE WITH PUBLIC SAFETY COMMUNICATIONS**

In order to facilitate the regulation, placement, and construction of antenna, and to ensure that all parties are complying to the fullest extent possible with the rules, regulations, and/or guidelines of the FCC, each owner of an antenna, antenna array or applicant for a collocation shall agree in a written statement to the following:

- (1) Compliance with “Good Engineering Practices” as defined by the FCC in its rules and regulations.
- (2) Compliance with FCC regulations regarding susceptibility to radio frequency interference, frequency coordination requirements, general technical standards for power, antenna, bandwidth limitations, frequency stability, transmitter measurements, operating requirements, and any and all other federal statutory and regulatory requirements relating to radio frequency interference (RFI).
- (3) In the case of an application for co-located telecommunications facilities, the applicant, together with the owner of the subject site, shall use their best efforts to provide a composite analysis of all users of the site to determine that the applicant’s proposed facilities will not cause radio frequency interference with the Town’s public safety communications equipment and will implement appropriate technical measures, as described in antenna element replacements, to attempt to prevent such interference.
- (4) Whenever the Town has encountered radio frequency interference with its public safety communications equipment, and it believes that such interference has been or is being caused by one or more antenna arrays, the following steps shall be taken:
  - (a) The Town shall provide notification to all wireless service providers operating in the Town of possible interference with the public safety communications equipment, and upon such notifications, the owners shall use their best efforts to cooperate and coordinate with the Town and among themselves to investigate and mitigate the interference, if any, utilizing the procedures set forth in the joint wireless industry-public safety “Best Practices Guide,” released by the FCC in February 2001, including the “Good Engineering Practices,” as may be amended or revised by the FCC from time to time.
  - (b) If any equipment owner fails to cooperate with the Town in complying with the owner’s obligations under this section or if the FCC makes a determination of radio frequency interference with the Town public safety communications equipment, the owner who failed to cooperate and/or the owner of the equipment which caused the interference shall be responsible, upon FCC determination of radio frequency

interference, for reimbursing the Town for all costs associated with ascertaining and resolving the interference, including but not limited to any engineering studies obtained by the Town to determine the source of the interference. For the purposes of this subsection, failure to cooperate shall include failure to initiate any response or action as described in the “Best Practices Guide” within 24 hours of Town’s notification.

(I) **BUILDING CODE REQUIREMENTS**

Towers shall be constructed and maintained in conformance with all applicable building code requirements.

(J) **ZONING PROCESS LEVELS**

Table 3-1 below indicates the zoning process for the different types of tower projects.

**Table 3-1 Process**

PROCESS LEVEL	APPROVAL AUTHORITY	PROCESS TYPE <sup>1</sup>	USE
I	Planning Department	P	Amateur radio no greater than fifty (50) feet in height
II	Planning Department	TRC	DAS network equipment, concealed towers, collocation, attached antennas, base station equipment
III	Town Council	TC	New towers other than those defined as concealed
IV	Town Council	TC	Broadcast facilities
Notes: 1. P - Permitted by right TRC - Subject to Technical Review Committee approval (staff level) TC - Subject to Special Use Permit approval by Town Council			

(1) Process Level I

The Zoning Compliance Permit issued by the Planning Department to an individual, corporation, partnership, or other entity to engage in the creation of amateur radio tower

(2) Process Level II

The Zoning Compliance Permit issued by the Planning Department (after Technical Review Committee approval) to an individual, corporation, partnership, or other entity to engage in

the installation of DAS network equipment or concealed towers and collocation, attached antennas, base station equipment or antenna element replacements.

(3) Process Level III

The Special Use Permit issued by the Planning Department (after public hearing and approval by Town Council to an individual, corporation, partnership, or other entity to engage in the creation of new towers, excluding amateur radio towers.

(4) Process Level IV

The Special Use Permit issued by the Planning Department (after public hearing and approval by Town Council to an individual, corporation, partnership, or other entity to engage in the creation of new towers, specifically broadcast facilities.

(K) **LOCATING ALTERNATIVES ORDER**

(1) **Locating of New Antenna Array & New Towers**

Locating of a new antenna array and new tower shall be in accordance with the preferred location hierarchy provided in Table 3-2 below.

**Table 3-2 Preferred Location Hierarchy**

Ranking	Type	Location Preference
1	Concealed attached antenna	1. On publicly-owned property 2. On private property
2	Collocated/combined/DAS antenna on existing tower	1. On publicly-owned property 2. On private property
3	Replacement of existing tower	1. On publicly-owned property 2. On private property
4	Non-concealed attached antenna	1. On publicly-owned property 2. On private property
5	Concealed freestanding tower	1. On publicly-owned property 2. On private property
6	Non-concealed freestanding tower	1. On publicly-owned property 2. On private property

(2) **Locating of Attached, Collocated, DAS, and Combined Antenna**

For attached, co-located, or combined antenna, the order of ranking preference, highest to lowest, shall follow the same ranking as provided in Table 3-2 above. Where a lower ranked alternative is proposed, the applicant must file relevant information as required including, but not limited to, an affidavit by a radio frequency engineer demonstrating that despite diligent efforts to adhere to the established hierarchy within the geographic search area, higher ranked options are not technically feasible, practical or justified given the location of the proposed communications facility.

(3) **Replacement of Existing Tower**

For replacement of an existing tower, the order of ranking preference from highest to lowest shall follow the same ranking as provided in Table 3-2 above. Where a lower ranked alternative is proposed, the applicant must file relevant information as required including, but not limited to, an affidavit by a radio frequency engineer demonstrating that despite diligent efforts to adhere to the established hierarchy within the geographic search area, higher ranked options are not technically feasible, practical or justified given the location of the proposed communications facility.

(4) **Freestanding Towers**

Where a freestanding tower is permitted, the order of ranking preference from highest to lowest shall follow the same ranking as provided in Table 3-2 above. Where a lower ranked alternative is proposed, the applicant must file relevant information as required and demonstrate higher ranked options are not technically feasible, practical, or justified given the location of the proposed communications facility, and the existing land uses of the subject and surrounding properties within 300 feet of the subject property.

(L) **APPLICATION REQUIREMENTS**

All tower applications shall contain the following:

- (1) Completion of the Town of Clayton's Site Plan and Tower Application.
- (2) Proof that a property and/or tower owner's agent has appropriate authorization to act upon the owner's behalf, if applicable.
- (3) Application Fee.
- (4) Site Plan.
- (5) Written statement indicating that the criteria set forth in Section 155.310 (H) are met.
- (6) For new towers: A determination of need demonstrating that no existing tower can accommodate the applicant's proposed use; or that use of such existing facilities would prohibit personal wireless services in the geographic search area to be served by the proposed tower.
- (7) Valid FCC license / approval, as applicable.

(M) **GENERAL DEVELOPMENT STANDARDS**

(1) **Visibility**

- (a) New towers shall be configured and located in a manner that shall minimize adverse effects including visual impacts on the landscape and adjacent properties.

- (b) New freestanding towers shall be designed to match adjacent structures and landscapes with specific design considerations such as architectural designs, height, scale, color, and texture.
- (c) A balloon test shall be required subsequent to the receipt of the photo simulations in order to demonstrate the proposed height of the new tower. The applicant shall arrange to raise a colored balloon no less than three feet in diameter at the maximum height of the proposed tower, and within fifty horizontal feet of the center of the proposed tower.
- (d) The applicant shall meet the following for the required balloon test:
  - 1. Applicant must inform the Planning Department and abutting property owners in writing of the date and times, including alternative date and times, of the test at least 14 days in advance.
  - 2. The date, time, and location, including alternative date, time and location, of the balloon test shall be advertised in a locally distributed paper by the applicant at least seven but no more than 14 days in advance of the test date.
  - 3. The balloon shall be flown for at least four consecutive hours during daylight hours on the date chosen. The applicant shall record the weather during the balloon test.
  - 4. Re-advertisement will not be required if inclement weather occurs.
- (e) New antenna mounts shall be flush-mounted, unless it is demonstrated through RF propagation analysis that flush-mounted antennas will not meet the network objectives of the desired coverage area.
- (f) In residential zoning districts, new towers shall only be considered on lots whose principal use is not residential.

(2) **Construction**

- (a) Grading shall be minimized and limited only to the area necessary for the new tower and equipment.
- (b) Towers shall be constructed to accommodate antenna arrays as follows:
  - 1. All freestanding towers up to 120 feet in height shall be engineered and constructed to accommodate no less than four antenna arrays.
  - 2. All towers between 121 feet and 150 feet shall be engineered and constructed to accommodate no less than five antenna arrays.

3. All towers between 151 feet and taller shall be engineered and constructed to accommodate no less than six antenna arrays.
- (c) Freestanding non-concealed tower shall be limited to monopole type towers, unless the applicant demonstrates that such design is not feasible to accommodate the intended uses.

**(3) Setbacks**

Freestanding towers and equipment compounds shall be subject to the setbacks described below:

- (a) If the tower has been constructed using breakpoint design technology (see 'Definitions'), the minimum setback distance shall be equal to 110 percent (110%) of the distance from the top of the structure to the breakpoint level of the structure, or the minimum side and rear yard requirements, whichever is greater. Certification by a registered professional engineer licensed by the State of North Carolina of the breakpoint design and the design's fall radius must be provided together with the other information required herein from an applicant. (For example, on a 100-foot tall monopole with a breakpoint at 80 feet, the minimum setback distance would be 22 feet (110 percent of 20 feet, the distance from the top of the monopole to the breakpoint) plus the minimum side or rear yard setback requirements for that zoning district.)
- (b) If the tower is not constructed using breakpoint design technology, the minimum setback distance shall be equal to the height of the proposed tower.

**(4) Height**

- (a) Height calculations shall include above ground foundations, but exclude lightning rods or lights required by the FAA that do not provide any support for antennas. It is intended that all new non-broadcasting towers be 150 feet or less in height. However, should a tower be required in excess of 151 feet, under no circumstance shall any tower exceed 300 feet. All new towers in excess of 151 feet shall be subject to the following additional requirements:
  1. Undisputable evidence that the antenna service area will be so substantially compromised that there would be a requirement of additional antenna array within a distance of two miles.
  2. The tower shall be designed to allow for a future reduction of elevation to no more than 150 feet, or the replacement of the tower with a monopole type structure at such time as the wireless network had developed to the point that such heights can be justified.

- (b) New concealed towers shall be limited to 150 feet or less in height. Height calculations shall include above ground foundations, but exclude lightning rods or lights required by the FAA that do not provide any support for antennas.

(5) **Equipment Compound**

- (a) Equipment compounds shall be completely screened from view and shall not be used for the storage of any excess equipment or hazardous materials. No outdoor storage yards shall be allowed in a tower equipment compound. The compound shall not be used as habitable space.
  - 1. Equipment cabinets shall be screened in accordance with Section 155.402(G)(4). Cabinets may be provided within the principal building, behind a screen on a rooftop, or on the ground within the fenced-in and screened equipment compound.

(6) **Parking**

Parking shall be required in accordance Section 155.401(C) of the UDC.

(7) **Fencing**

All equipment compounds shall be screened from view and enclosed with an opaque fence, masonry wall, landscaping, or combination thereof. Alternative equivalent screening may be approved through the site plan approval process described in Section 155.402 of the UDC.

(8) **Buffer**

The equipment compound shall be landscaped with a minimum 10 foot wide perimeter buffer containing the following planting standards:

- (a) All plants and trees shall be indigenous to eastern North Carolina.
- (b) Existing trees and shrubs on the site should be preserved and may be used in lieu of required landscaping with approval from the Planning Department.
- (c) One row of evergreen trees with a minimum two inch caliper, 25 foot on center.
- (d) Evergreen shrubs capable of creating a continuous hedge and obtaining a height of at least five feet shall be planted, minimum three gallon or 24 inches tall at the time of planting, five foot on center.
- (e) Alternative landscaping plans which provide for the same average canopy and understory trees but propose alternative locating on the entire subject property may be considered and approved by the Planning Department, provided the proposed alternative maximizes screening as provided above, and is otherwise consistent with the requirements of Section 155.402 of the UDC.

(9) **Signage**

Commercial messages shall not be displayed on any tower. Required noncommercial signage shall be limited to the following:

- (a) The only signage that is permitted upon a tower, equipment cabinets, or fence shall be informational, and for the purpose of identifying the tower (such as ASR registration number), as well as the party responsible for the operation and maintenance of the facility, and any additional security and/or safety signs as applicable.
- (b) If 220 volts or more is necessary for the operation of the facility and is present in a ground grid or in the tower, signs located every 20 feet and attached to the fence or wall shall display in large, bold, high contrast letters, minimum height of each letter four inches, the following: "HIGH VOLTAGE - DANGER."
- (c) Name plate signage shall be provided, in an easily visible location, including the address and telephone number of the contact to reach in the event of an emergency or equipment malfunction, including property manager signs as applicable.

(10) **Lighting**

Lighting on towers shall not exceed the Federal Aviation Administration (FAA) minimum standards. All other lighting shall be subject to the following.

- (a) Any lighting required by the FAA must be of the minimum intensity and number of flashes per minute (i.e., the longest duration between flashes) allowable by the FAA. Dual lighting standards are required and strobe light standards are prohibited unless required by the FAA.
- (b) Lights shall be oriented so as not to project directly onto surrounding property or rights-of-way, consistent with FAA requirements.

(N) **ADDITIONAL REQUIREMENTS FOR LEVEL II and LEVEL III FACILITIES**

(1) **Requirements for all Level II Facilities:**

- (a) Compliance with American National Standards Institute (ANSI) standards for electromagnetic radiation: In order to protect the public from excessive exposure to electromagnetic radiation, the facility applicant shall certify through a written statement that the facility meets or exceeds current ANSI standards as adopted by the FCC.
- (b) Certification furnished by a registered professional engineer licensed in the State of North Carolina that the structure has sufficient structural integrity to support the

proposed antenna and feed lines in addition to all other equipment located or mounted on the structure.

- (c) One original and two copies of a survey of the property completed by a registered professional engineer, licensed in the State of North Carolina showing all existing uses, structures, and improvements.
- (d) Any applicant for facilities under this section shall certify that such proposed facility shall comply with all applicable federal regulations regarding interference protection, including but not limited to federal regulations regarding adjacent channel receiver (blanket) overload and intermodulation distortion.

**(2) Collocation & Combination (Level II)**

The Town requires collocation and combining of antennas on existing communications towers as a first priority where collocation is possible. Collocations are subject to the following additional requirements:

- (a) A collocated or combined antenna or antenna array shall not increase the height of an existing tower by more than 10 percent or 20 feet, whichever is greater.
- (b) New antenna mounts shall be flush-mounted onto existing structures, unless it is demonstrated through radio frequency (RF) propagation analysis that flush-mounted antennas will not meet the network objectives of the desired coverage area.
- (c) The equipment cabinet shall be subject to the setback requirements of the underlying zoning district.
- (d) When a collocated or combined antenna is to be located on a nonconforming building or structure, then the existing permitted nonconforming setback shall prevail.
- (e) Collocation and eligible facilities requests of wireless support structures described in Section 160A-400.53 North Carolina General Statutes, shall meet all the following requirements:
  - 1. The additional antenna array, transmission lines, and related ancillary equipment including the base station do not exceed the number of same items previously approved for such tower when originally approved, and the collocated facility is in complete conformance with the original conditions imposed on the tower upon which it is being attached.
  - 2. The proposed collocation shall not increase the overall height of the tower or support structure to which the proposed infrastructure is to be attached by the greater of (i) more than ten percent (10%) or (ii) the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet.

3. The collocation shall not increase the ground space area approved in the communications tower site plan for equipment enclosures and ancillary facilities by more than 2,500 square feet.
  4. The collocation shall not, except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable, add an appurtenance to the body of a communications tower that protrudes horizontally from the edge of the tower the greater of (i) more than 20 feet or (ii) more than the width of the tower at the level of the appurtenance increase.
  5. The existing tower on which the collocation will attach shall comply with applicable regulations, restrictions, and/or conditions, if any, applied to the initial wireless facilities placed on the tower.
  6. The proposed additional collocation and tower shall comply with all federal, state, and local safety requirements.
  7. The proposed collocation and ancillary equipment shall not exceed the applicable weight limits for the tower.
- (f) Applications for collocation entitled to processing pursuant to Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012 (47 USC §1445(a)) shall be approved provided they meet the following requirements:
1. A collocation on an existing antenna-supporting structure shall not increase the overall height of the antenna-supporting structure, antenna and/or antenna array more than 10% or 20 feet, whichever is greater, and shall not cause the width (girth) of the structure to be increased more than 20 feet or the existing girth of the structure, whichever is greater.
  2. Any collocation on an existing antenna-supporting structure shall meet current building code requirements (including windloading).
  3. A collocation shall not add more than four additional equipment cabinets or one additional equipment shelter.
  4. A collocation shall not require excavation outside of existing leased or owned parcel or existing easements.
  5. Proposed collocations that do not meet these standards shall be processed as a Level III application.

- (g) Collocation approvals entitled to processing pursuant to Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012 (47 USC §1445(a)) are subject to the following:
1. A collocation application shall be deemed complete unless the Town notifies the applicant within 45 days of submission (or within some other mutually agreed upon timeframe) that the submission is incomplete. Notices of application incompleteness shall identify the deficiencies in the application which, if cured, would make the application complete. Approval or denial of a complete application shall be in writing and shall be postmarked to the applicant by the 45<sup>th</sup> day after the submission is deemed complete.
  2. Upon resubmitting of the revised application the Town shall follow the process identified in this section, above, until all deficiencies identified are deemed cured.
  3. If the Town does not respond in writing to the applicant within the specified timeframe detailed above, then the application shall be deemed approved.
  4. Applications subject to this review process shall not be subject to design or placement requirement, or public hearing review. All applications shall be initially submitted to the Planning Department for review and processing.
- (h) New concealed and non-concealed towers shall be reviewed and have a decision rendered within 150 days of receipt of the application.

(3) **Attachment: Concealed & Non-Concealed (Level II)**

Antennas may be mounted onto a structure which is not primarily constructed for the purpose of holding attachment antennas but on which one or more antennas may be mounted. Attached antenna shall be subject to the following:

- (a) The top of the attached antenna shall not be more than 20 feet above the existing or proposed building or structure
- (b) Non-concealed attachments shall only be allowed on electrical transmission towers and existing light stanchions subject to approval by the Technical Review Committee and utility company.
- (c) When an attached antenna is to be located on a nonconforming building or structure, the existing permitted nonconforming setback shall prevail.
- (d) Except for non-concealed attached antennas, feed lines and antennas shall be designed to architecturally match the façade, roof, wall, and/or structure on which they are affixed so that they blend with the existing structural design, color, and texture.

(4) **Antenna Element Replacement (Level II)**

For any replacement of an existing antenna element on an antenna, the applicant must, prior to making such modifications, submit the following:

- (a) A written statement setting forth the reasons for the modification.
- (b) A description of the proposed modifications to the antenna, including modifications to antenna element design, type and number, as well as changes in the number and/or size of any feed lines, from the base of the equipment cabinet to such antenna elements.
- (c) A signed statement from a qualified person, together with their qualifications, shall be included representing the tower's owner or owner's agent that the radio frequency emissions comply with FCC standards for such emissions. The statement shall also certify that both individually and cumulatively, and with any other facilities located on or immediately adjacent to the proposed facility, the replacement antenna complies with FCC standards.
- (d) A stamped or sealed structural analysis of the existing structure prepared by a registered professional engineer licensed by the State of North Carolina indicating that the existing tower as well as all existing and proposed appurtenances meets North Carolina Uniform Statewide Building Code (USBC) requirements, including wind loading, for the antenna support structure.

(5) **DAS Equipment (Level II)**

(a) **System Design Review**

A DAS applicant, prior to its initial application for a DAS facility, shall furnish an overall system design application to the Planning Department for review and approval by the Technical Review Committee. The system design application shall include the following information:

- 1. A statement of the identity and number of wireless services providers that will utilize the DAS systems;
- 2. A statement that the DAS system will be capable of accommodating at least eight (8) wireless service providers on the proposed system
- 3. A graphic depiction of the conceptual plan for the proposed total area of service coverage by the DAS system;
- 4. A statement of the number of handoff facilities for the DAS system;
- 5. A proposed build-out timeline and graphic depiction of the build-out phases through completion.

**(b) Equipment Design Review**

A DAS applicant, prior to its initial application for a DAS facility, shall furnish an equipment design application to the Planning Department for review and approval by the Technical Review Committee. The equipment design application shall include the following information for each proposed design:

1. Elevation of the antenna and/or antenna support structure to include the following proposed dimensions: height, width and breadth. Height shall include the base, the antenna support structure, and lightning rod.
2. Elevation views of any security barrier or equipment compound, indicating architectural design, exterior appearance and materials, including color.
3. Mounting location on antenna support structure or building, including height AGL).
4. Identification of all mounting frames, arms, brackets or other devices or equipment used to hold antennas and other equipment in place.
5. Equipment brochures or drawings for the proposed facility, shall be provided for antennas, support structures/mounts, equipment shelters, feed lines and security barrier, if any.
6. Photo-simulated post-construction renderings of a sampling of completed proposed DAS facilities, equipment compound and/or equipment cabinets, ancillary structures, and landscaping, if any, from locations determined at the pre-application conference. The views shall incorporate before and after scenarios, a scaled color image of the proposed type of facility, an aerial map with the location of the selected views, and a description of the technical approach used to create the photo simulations. The simulations shall include a minimum of four vantage points (north, south, east, and west).
7. Individual sample site plan (no larger than 24 inches by 36 inches with an 8½ inch by 11 inch reduced copy) prepared and certified by a North Carolina-licensed professional engineer shall include all information listed on the DAS application checklist, and including existing or proposed public rights-of-ways, private roads and/or access easements through, on, or adjacent to the subject property.
8. Applicants should submit the information required by subsections (a) through (g) above for multiple designs that would be consistent with the prevailing design aesthetic in various Town, to be determined at the pre-application conference.

(c) **Individual Component Application and Approval**

Following approval of the DAS system design and DAS equipment design by the Technical Review Committee, a DAS applicant shall submit applications for individual DAS installations to the Planning Department for administrative approval provided the individual application provides documentation certifying it is consistent with the system design and equipment design standards previously approved in subsections (a) and (b) above.

(6) **Replacement of Existing Towers**

For a replacement of an existing tower with a new structure, the applicant must submit the following items outlined in subsection (7) below for new towers, including items (c) through (h), (k) through (p) and (r).

- (a) The height of a tower approved for replacement shall not exceed one hundred and fifteen percent (115%) of the height of the tallest tower that is being mitigated.
- (b) Level III: The height of a tower may exceed one hundred and fifteen percent (115%) of the height of the tallest tower that is being mitigated approved for mitigation with undisputable evidence that the new tower will eliminate the need for an additional antenna array within a distance of two (2) miles. Under no circumstance shall any mitigated tower exceed a height of 300 feet.
  - 1. Height & Setbacks: A new tower approved for replacement of an existing tower shall not exceed one hundred and fifteen percent (115%) of the height of the existing tower and shall not be required to meet new setback standards so long as the new tower and its equipment compound are no closer to any property lines or dwelling units as the tower and equipment compound being replaced. The intent is to encourage the replacement process, not penalize the tower owner for the change out of the old facility.
  - 2. Buffers: At the time of replacement, the tower equipment compound shall be brought into compliance with any applicable buffer requirements.
  - 3. Visibility: Replacement towers shall be configured and located in a manner that minimizes adverse effects on the landscape and adjacent properties, with specific design considerations as to height, scale, color, texture, and architectural design of the buildings on the same and adjacent zoned lots.

(7) **New Towers (Level III)**

All new towers shall submit the following addition information as a part of a complete application:

- (a) A report and supporting technical data shall be submitted, demonstrating the following:
1. All antenna attachments and collocations, including all potentially useable cross country utility distribution towers and other elevated structures within the proposed service area and alternative antenna configurations have been examined, and found unacceptable.
  2. Reasoning as to why existing facilities such as cross country utility distribution and other elevated structures are not acceptable alternatives to a new freestanding tower.
  3. Reasoning as to why the adequacy of alternative existing facilities or the mitigation of existing facilities are not acceptable in meeting the applicant's need or the needs of service providers, indicating that no existing communications facility could accommodate the applicant's proposed facility shall consist of any of the following:
    - A. No existing towers located within the geographic area meet the applicant's engineering requirements, and why.
    - B. Existing towers are not of sufficient height to meet the applicant's engineering requirements, and cannot be mitigated to increase in height.
    - C. Existing towers do not have sufficient structural integrity to support the applicant's proposed wireless communications facilities and related equipment, and the existing facility cannot be sufficiently improved.
    - D. Other limiting factors that render existing wireless communications facilities unsuitable.
- (b) Technical data included in the report shall include certification by a registered professional engineer licensed in the State of North Carolina or other qualified professional, which qualifications shall be included, regarding service gaps or service expansions that are addressed by the proposed tower, and accompanying maps and calculations demonstrating the need for the proposed tower.
- (c) Signed statement from a qualified person, together with their qualifications, shall be included that warrants radio frequency emissions from the antenna array(s) comply with FCC standards. The statement shall also certify that both individually and cumulatively, and with any other facilities located on or immediately adjacent to the proposed facility, the replacement antenna complies with FCC standards.
- (d) A stamped or sealed structural analysis of the proposed tower prepared by a registered professional engineer licensed by the State of North Carolina indicating the proposed and future loading capacity of the tower is compliant with EIA/TIA-222-G (as amended) for Johnston County, North Carolina.

- (e) An affidavit by a radio frequency engineer demonstrating compliance with 'Locating Alternatives Order' located in Section 155.310(K) above. If a lower ranking alternative is proposed the affidavit must address why higher ranked options are not technically feasible, practical, and/or justified given the location of the proposed communications facility.
- (f) Statement as to the potential visual and aesthetic impacts of the proposed tower and equipment on all adjacent residential zoning districts.
- (g) Written statement by a registered professional engineer licensed by the State of North Carolina specifying the design structural failure modes of the proposed facility.
- (h) Statement certifying that no unusual sound emissions such as alarms, bells, buzzers, or the like are permitted. Emergency Generators are permitted. Sound levels shall not exceed seventy decibels (70 db) at the related property line.
- (i) A map showing the designated search ring.
- (j) A radio frequency propagation plot indicating the coverage of existing antenna sites, coverage prediction, and design radius, together with a certification from the applicant's radio frequency (RF) engineer that the proposed facility's coverage or capacity potential cannot be achieved by any higher ranked alternative such as a concealed facility, attached facility, replacement facility, collocation, or new tower.
  - 1. These documents are needed to verify the proposed parameters of a facility and to determine if the proposed location is the best suitable land use in the designated geographic area of the proposed facility in accordance with applicable state and federal standards for communications facility siting.
- (k) One original and two copies of a survey of the property completed by a registered professional engineer, licensed in the State of North Carolina showing all existing uses, structures, and improvements.
- (l) Six sets (24"×36") of signed and sealed site plans shall include the following:
  - 1. Name of project and date.
  - 2. Deed Book, and Page and Map Book and Page Reference.
  - 3. Scale, north arrow, and vicinity map.
  - 4. Subject property information including zoning, watershed classification, and percent coverage of lot to be impervious surface (if located in a designated watershed area).

5. Adjacent property information, including land owners, land uses, height of principal building, size of lots, zoning, and land use designation.
  6. Tower elevations.
  7. Landscape buffering plans.
  8. Maximum height of the proposed tower and proposed and future mounting elevations of future antenna, including individual measurement of the base, the tower, and lightning rod.
  9. Location, classification, and size of all major public or private streets and rights-of-way.
  10. Identify adjacent features within 500 feet of property boundary including driveways, public parking areas, pedestrian ways, trails, and any other pertinent features.
  11. Two reduced copies (8½"×11"), of the foregoing preliminary grading plans may be included on site plans or separately submitted in equal quantities.
- (m) Title report or American Land Title Association (A.L.T.A.) survey showing all easements on the subject property, together with a full legal description of the property.
- (n) List of adjacent property owners and keyed to the map. The list must be from the most current ownership information supplied by the Town Tax Department, together with two sets of mailing labels for such property owners. Applicant will also provide a notarized Certification Letter stating the ownership list referenced herein is accurate to the best of the applicant's ability.
- (o) Simulated photographic evidence of the proposed tower and antenna appearance from any and all residential areas within 1,500 feet and vantage points approved by the Planning Department including the facility types the applicant has considered and the impact on adjacent properties. The simulations shall include depictions of:
1. Overall height
  2. Configuration
  3. Physical location
  4. Mass and scale
  5. Materials and color
  6. Illumination

7. Architectural design

- (p) All other documentation, evidence, or materials necessary to demonstrate compliance with the applicable approval criteria set forth in this Section.
- (q) A pre-application conference will be required for any new tower. The applicant shall demonstrate that the following notice was mailed (via certified mail) to all other wireless service providers licensed to provide service within the Town as indicated on the list of wireless service providers provided by the Town:

“Pursuant to the requirements set forth in Section 155.310 of the Town of Clayton Unified Development Code, [TOWER PROVIDER] is hereby providing you with notice of our intent to meet with the Town Staff in a pre-application conference to discuss the location of a free-standing wireless communications facility that would be located at \_\_\_\_\_ (physical address, latitude and longitude (NAD-83)). In general, we plan to construct a tower of \_\_\_\_\_ feet in height for the purpose of providing \_\_\_\_\_ (type of wireless service) \_\_\_\_\_. Please inform the Town staff if you have any desire for placing additional wireless facilities or equipment within two miles of our proposed tower. Please provide us with this information within 20 business days after the date of this letter. Your cooperation is sincerely appreciated.

Sincerely, (pre-application applicant, wireless provider)”

- (r) Prior to issuance of a building permit, proof of FAA compliance with Subpart C of the Federal Aviation Regulations, Part 77, and “Objects Affecting Navigable Airspace,” if applicable.

(O) **ADDITIONAL REQUIREMENTS FOR LEVEL IV (BROADCAST) FACILITIES**

(1) **Broadcast Facilities**

All new broadcast facilities shall submit the following addition information as a part of a complete application:

- (a) Technical data included in the report shall include the purpose of the proposed facility as described in the FCC Construction Permit Application.
- (b) Signed statement from a qualified person, together with their qualifications, shall be included that warrants radio frequency emissions from the antenna array(s) comply with FCC standards regarding interference to other radio services. The statement shall also certify that both individually and cumulatively, and with any other facilities located on or immediately adjacent to the proposed facility, the replacement antenna complies with FCC standards regarding human exposure to RF energy.
- (c) A stamped or sealed structural analysis of the proposed tower prepared by a registered professional engineer licensed by the State of North Carolina indicating the

proposed and future loading capacity of the tower is compliant with EIA/TIA-222-G (as amended) for Johnston County, North Carolina.

- (d) Statement certifying that no unusual sound emissions such as alarms, bells, buzzers, or the like are permitted. Emergency Generators are permitted. Sound levels shall not exceed seventy decibels (70 db).
- (e) One original and two copies of a survey of the property completed by a registered professional engineer, licensed in the State of North Carolina showing all existing uses, structures, and improvements.
- (f) Six sets (24"×36") of signed and sealed site plans shall include the following:
  - 1. Name of project and date
  - 2. Deed Book, and Page and Map Book and Page Reference
  - 3. Scale, north arrow, and vicinity map
  - 4. Subject property information including zoning, watershed classification, percent coverage of lot to be impervious surface (if located in a designated watershed area)
  - 5. Adjacent property information including land owners, land uses, height of principal building, size of lots, and existing zoning and land use
  - 6. Landscape buffering plans
  - 7. Maximum height of the proposed tower and/or antenna, including individual measurements of the base, tower, and lightning rod
  - 8. Location, classification, and size of all major public or private streets and rights-of-way
  - 9. Identify adjacent features within 500 feet of property boundary including driveways, public parking areas, pedestrian ways, trails, and any other pertinent features
  - 10. Two reduced copies (8½"×11"), of the foregoing preliminary grading plans may be included on site plans or separately submitted in equal quantities.
  - 11. Structure elevations
- (g) Title report or American Land Title Association (A.L.T.A.) survey showing all easements on the subject property, together with a full legal description of the property.

- (h) List of property owners within 1,000 feet in residential zoning districts and 500 feet in all other zoning districts and keyed to the map. The list must be from the most current ownership information supplied by the Town Tax Department, together with two sets of mailing labels for such property owners. Applicant will also provide a notarized Certification Letter stating the ownership list referenced herein is accurate to the best of the applicant's ability.
- (i) A pre-application conference will be required for any new broadcast facility.
- (j) Prior to issuance of a building permit, proof of FAA compliance with Subpart C of the Federal Aviation Regulations, Part 77, and "Objects Affecting Navigable Airspace," if applicable.

(2) **Supplemental Requirements for Broadcast Facilities**

All new broadcast facilities shall meet the following supplemental requirements:

(a) **Determination of Need**

No new broadcast facilities shall be permitted unless the applicant demonstrates that no existing broadcast tower can accommodate the applicant's proposed use.

(b) **Height**

Height for broadcast facilities shall be evaluated on a case by case basis. The determination of height contained in the applicant's FCC Form 351/352 Construction Permit or application for Construction Permit and an FAA Determination of No Hazard (FAA Form 7460/2) shall be considered prima facie evidence of the tower height required for such broadcast facilities.

(c) **Setbacks**

New broadcast facilities and anchors shall be subject to the setbacks described below:

1. Minimum of 500 feet from any single-family dwelling unit on same lot.
2. Minimum of one foot for every one feet of tower height from all adjacent lots of record.

(d) **Equipment Cabinets**

Except for AM broadcast facilities, cabinets shall not be visible from pedestrian and right-of-way views.

(e) **Fencing**

All broadcast facility towers, AM antenna(s) towers, and guy anchors shall each be surrounded with an anti-climbing fence compliant with applicable FCC regulations.

(f) **Buffer**

Except for AM broadcast facilities, it is the intent that all pedestrian views from public rights-of-way and adjacent residential land uses be screened from proposed broadcast facilities using existing vegetation or be landscaped with a minimum 10 foot wide perimeter buffer containing the following planting standards:

1. All plants and trees shall be indigenous to this part of North Carolina.
2. Existing trees and shrubs on the site should be preserved and may be used in lieu of required landscaping where approved by the Planning Department.
3. One Row of evergreen trees with a minimum two inches caliper, 25 foot on center.
4. Evergreen shrubs capable of creating a continuous hedge and obtaining a height of at least five feet shall be planted, minimum three gallon or 24 inches tall at the time of planting, five foot on center.
5. Alternative landscaping plans which provide for the same average canopy and understory trees but propose alternative locating on the entire subject property may be considered and approved by the Planning Department, provided the proposed alternative maximizes screening as provided above, and is otherwise consistent with the requirements of this section.

(P) **ADMINISTRATION, ENFORCEMENT, AND PENALTIES**

(1) **Administration**

This Section shall be administered and enforced by the Planning Director or designee. The Town may, through contract, secure the professional services of telecommunications consultants to assist Town staff in the implementation of this Section. Such professional services include, but are not limited to, review and evaluation of permit applications, determination of compliance with existing and proposed Federal regulations, minimization of the aesthetic impact, review of the technical data and expert testimony as needed.

(2) **Enforcement and Penalties**

If the Planning Director or designee shall find that any of the provisions of this Section are being violated, it shall notify in writing the person responsible for the violation, specifying the nature of the violation and what corrective measures must be taken. The Planning Director or designee shall order discontinuance of illegal use of land, buildings, or

structures; removal of illegal buildings or structures or of additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by law to insure compliance with or to prevent violation of the provisions of this Section.

(3) **Penalties**

Any person failing to take corrective action within a reasonable time after receiving written notice from the Planning Department and any person operating a Communications Tower without a valid permit shall be guilty of a misdemeanor and subject to the enforcement provisions listed in Section 155.720 of the Unified Development Code.

(4) **Fees**

The Town Council shall set a fee, payable to the Town to cover the necessary processing cost of all Communications Tower Permits. The set fee shall be posted in the Town's Comprehensive List of Fees and Charges.

(5) **Supplemental Review**

The Town reserves the right to require a supplemental review for any Process Level (I, II, III, or IV) subject to the following:

- (a) Where due to the complexity of the methodology or analysis required to review an application for a Process Level (I, II, III or IV), the Town may require the applicant to pay for a technical review by a third party expert, the costs of which shall be borne by the applicant and be in addition to other applicable fees. Schedules of current fees are listed in the Town Fee Schedule.
- (b) Based on the results of the expert review, the approving authority may require changes to the applicant's application or submittals.
- (c) The supplemental review may address any or all of the following:
  - 1. The accuracy and completeness of the application and any accompanying documentation.
  - 2. The applicability of analysis techniques and methodologies.
  - 3. The validity of conclusions reached.
  - 4. Whether the proposed communication facility complies with the applicable approval criteria set forth in these codes.
  - 5. Other items deemed by the Town to be relevant to determining whether a proposed communications facility complies with the provisions of these codes.

# ARTICLE 7: ADMINISTRATION

## § 155.700 REVIEW BODIES

### (A) TOWN COUNCIL

#### (1) Establishment and Composition

The Town Council is established and composed pursuant to Chapter 30 of the Town's Code of Ordinances.

#### (2) Powers and Duties

In execution of the provisions of this Chapter, the Town Council shall be responsible for final action regarding the following:

- (a) Text Amendments ( § 155.703);
- (b) Rezoning ( § 155.704);
- (c) Planned Development Review ( § 155.705);
- (d) Preliminary Plat Review ( § 155.706);
- (e) Special Use Review ( § 155.711); and
- (f) Zoning Vested Rights ( § 155.718).

### (B) PLANNING BOARD

#### (1) Establishment and Composition

The Planning Board is established and composed pursuant to Chapter 32 of the Town's Code of Ordinances.

#### (2) Powers and Duties

In execution of the provisions of this Chapter, the Planning Board shall have the following power and duties.

##### (a) General Authority

- 1. The Planning Board may exercise additional powers as may be described elsewhere in this chapter and as permitted by North Carolina General Statutes.
- 2. The Planning Board shall perform related duties as directed by the Town Council.

##### (b) Review Authority

The Planning Board shall make recommendations regarding the following:

1. Text Amendments ( § 155.703);
2. Rezoning ( § 155.704);
3. Planned Development Review ( § 155.705);
4. Preliminary Plat Review ( § 155.706); and
5. Special Use Review ( § 155.711).

(c) **Final Authority**

The Planning Board shall be responsible for final action regarding the following:

1. Major Site Plan Review ( § 155.707); [and](#)
- ~~2. Sign permits for signs eight feet in height or taller ( § 155.713); and~~
- ~~3.~~ [2.](#) Alternative means of compliance in the Thoroughfare Overlay District.

(C) **BOARD OF ADJUSTMENT**

(1) **Establishment**

The Board of Adjustment is established pursuant to G.S. § 160A-388 and Chapter 32 of the Town's Code of Ordinances.

(2) **Composition**

(a) **Number and Term**

1. The Board of Adjustment shall consist of seven members with four members residing in the corporate limits and three members residing within the Town's Extraterritorial Jurisdiction (ETJ); and each member is to be appointed for three years.
2. In appointing the original members or in the filling of vacancies caused by the expiration of the terms of existing members, the Town Council may appoint certain members for less than three years to the end that thereafter the terms of all members shall not expire at the same time.

(b) **Membership**

1. Membership on the Board of Adjustment shall include representatives from the ETJ.

2. Any member of the Board of Adjustment representing the ETJ shall be appointed by the Town Council, subject to approval by the Johnston County Board of County Commissioners.

(c) **Alternate Members**

1. The Town Council may, in its discretion, appoint and provide compensation for two alternate members to serve on the Board of Adjustment in the absence of any regular member. One alternate member shall be from the Town and one alternate member shall be from the ETJ.
2. Alternate members shall be appointed for the same term, at the same time, and in the same manner as regular members.
3. Each alternate member, while attending any regular or special meeting and serving in the absence of any regular member, shall have and may exercise all the powers and duties of a regular member.

(d) **Attendance**

All members are expected to attend scheduled meetings for the prompt and efficient transaction of business. The secretary to the Board shall maintain the attendance record, including attendance at regular meetings, work sessions and special called meetings. If at any time a member either fails to attend two-thirds of the scheduled meetings during a calendar year or misses three scheduled meetings in succession, the secretary to the Board shall notify the Chairman of the Board. The Chairman of the Board will send a letter of recommendation on this member's attendance to the Town Clerk. The Town Clerk shall include the letter as an item on the next available Town Council meeting agenda requesting Council as a whole make a decision on this member's continued service to the Board.

(3) **Proceedings**

(a) **Meetings**

All meetings of the Board of Adjustment shall be held at a regular place and shall be open to the public.

(b) **Minutes**

The Board of Adjustment shall keep minutes of proceedings in a book maintained for that purpose only, showing the vote of each member upon each question, or if absent or failing to vote, an indication of such fact; and final disposition of appeals shall be by recorded resolution, indicating the reasons of the Board, all of which shall be a public record.

(c) **Quorum**

A quorum shall consist of four members. If there are not seven regular members in attendance, one or both of the alternate members may hear and vote on any matter coming before the Board of Adjustment regardless of the geographical area in which the alternate member resides; however, the total voting membership shall not exceed seven members in any case.

(4) **Powers and Duties**

In execution of the provisions of this Chapter, the Board of Adjustment shall have the following powers and duties.

(a) **General Authority**

The Board of Adjustment may exercise additional powers as may be described elsewhere in this Chapter and as permitted by North Carolina General Statutes.

(b) **Final Authority**

The Board of Adjustment shall be responsible for final action regarding the following:

1. Conditional Use Review ( § 155.710);
2. Variances ( § 155.716); and
3. Administrative Appeals ( § 155.717); ~~and~~
4. ~~Interpretation of Zoning District boundaries.~~

(D) **PLANNING DIRECTOR**

(1) **Designation**

The Planning Director shall administer certain provisions of this Chapter as may be required below.

(2) **Delegation of Authority**

The Planning Director may designate any staff member to represent the Planning Director in any function assigned by this Chapter but shall remain responsible for any final action.

(3) **Powers and Duties**

In execution of the provisions of this Chapter, the Planning Director shall have the following powers and duties.

(a) **General Authority**

1. The Planning Director may exercise additional powers as may be described elsewhere in this Chapter and as permitted by North Carolina General Statutes.

2. The Planning Director shall perform related duties as directed by the Town Council.

(b) **Review Authority**

The Planning Director shall make recommendations regarding the following:

1. Text Amendments ( § 155.703);
2. Rezoning ( § 155.704);
3. Planned Development Review ( § 155.705);
4. Preliminary Plat Review ( § 155.706);
5. Major Site Plan Review ( § 155.707);
6. Conditional Use Review ( § 155.710);

7. Special Use Review ( § 155.711);

~~7-8.~~ Alternative Sign Plans ( § 155.713);

~~Sign permits for signs eight feet in height or taller ( § 155.713);~~

~~8-9.~~ Variances ( § 155.716); and

~~9-10.~~ Zoning Vested Rights ( § 155.718).

(c) **Final Authority**

The Planning Director shall be responsible for final action regarding the following:

1. Minor Plat Review ( § 155.706);
2. Final Plat Review ( § 155.706);

3. Administrative Amendment( § 155.707);

~~3-4.~~ Minor Site Plan Review ( § 155.707);

~~4-5.~~ Traffic Impact Analyses ( § 155.708);

~~5-6.~~ Zoning Permits ( § 155.709);

~~6-7.~~ Temporary Use Permits ( § 155.712);

~~7-8.~~ Sign Permits for signs under eight feet in height ( § 155.713);

8-9. ~~Master~~Common Signage Plans ( ~~§ 155.714~~§ 155.713); and

9-10. Written Interpretations ( § 155.715).

(E) **TECHNICAL REVIEW COMMITTEE**

(1) **Establishment and Composition**

The Technical Review Committee is established and composed pursuant to Chapter 32 of the Town’s Code of Ordinances.

(2) **Powers and Duties**

In execution of the provisions of the Chapter, the Technical Review Committee shall have the following powers and duties.

(a) Review authority. The Technical Review Committee shall review and provide comments regarding the following:

1. Planned Development Review ( § 155.705);
2. Minor Plat Review ( § 155.706);
3. Preliminary Plat Review ( § 155.706);
4. Final Plat Review ( § 155.706);
5. Minor Site Plan Review ( § 155.707); and
6. Major Site Plan Review ( § 155.707).

**§ 155.701 SUMMARY OF REVIEW AUTHORITY.**

Table 7-1 below summarizes review and approval authority under this chapter.

**Table 7-1 Review and Approval Authority**

	Technical Review Committee <b>TRC</b>	Planning Director <b>PD</b>	Board of Adjustment <b>BOA</b>	Planning Board <b>PB</b>	Town Council <b>TC</b>	
Text Amendment		Review		Review	<DECISION>	§ 155.703
Rezoning		Review		Review	<DECISION>	§ 155.704
Planned Development	Review	Review		Review	<DECISION>	§ 155.705
Minor <a href="#">Subdivision Plat Review</a>	Review	<b>DECISION</b>				§ 155.706
Preliminary Plat <a href="#">Review</a>	Review	Review		Review	<DECISION>	§ 155.706
Final Plat <a href="#">Review</a>	Review	<b>DECISION</b>				§ 155.706
<a href="#">Administrative Amendment</a>		<a href="#">DECISION</a>				§ 155.707
Minor Site Plan <a href="#">Review</a>	Review	<b>DECISION</b>				§ 155.707
Major Site Plan <a href="#">Review</a>	Review	Review		<b>DECISION</b>		§ 155.707
Traffic Impact Analysis						§ 155.708
Zoning Permit		<b>DECISION</b>				§ 155.709
Conditional Use <a href="#">Review</a>		Review	<DECISION>			§ 155.710
Special Use <a href="#">Review</a>		Review		Review	<DECISION>	§ 155.711
Temporary Use Permit		<b>DECISION</b>				§ 155.712
Sign Permit <a href="#">(under 8-feet)</a>		<b>DECISION</b>				§ 155.713
<del>Sign Permit <a href="#">(8-feet-or-taller)</a></del>		<del>Review</del>		<del><b>DECISION</b></del>		<del>§ 155.713</del>
<del>Common <a href="#">Master Signage Plan</a></del>		<b>DECISION</b>				<del>§ 155.714</del> § <a href="#">155.713</a>
<a href="#">Alternative Sign Plan</a>		<a href="#">Review</a>			<DECISION>	§ <a href="#">155.713</a>
Written Interpretation		<b>DECISION</b>				§ 155.715
Variance		Review	<DECISION>			§ 155.716
Administrative Appeal			<DECISION>			§ 155.717
Zoning Vested Right		Review			<DECISION>	§ 155.718
<b>&lt;Public Hearing Required&gt;</b>						

## § 155.702 COMMON REVIEW PROCEDURES.

### (A) PRE-APPLICATION CONFERENCE

- (1) Before submitting an application for development approval, each applicant shall schedule a pre-application conference with the Planning Department to discuss the procedures, standards and regulations required for development approval in accordance with this chapter.
- (2) Unless waived by the Planning Director, A pre-application conference with the Planning Department shall be required for all development approvals listed in Table 7-1, with the exception of Written Interpretations (155.715).

### (B) NEIGHBORHOOD MEETING

- (1) After the pre-application conference and prior to the first public meeting, the applicant shall hold a mandatory neighborhood meeting for the following:
  - (a) Rezoning ( § 155.704);
  - (b) Planned development review ( § 155.705);
  - (c) Major subdivision / Preliminary Plat review, ( § 155.706);
  - (d) Major site plan review ( § 155.707);
  - (e) Special use review ( § 155.711); and
  - (f) Conditional use review ( § 155.710).
- (2) Only the initial application for Planned Development review shall require a neighborhood meeting. Subsequent applications for Subdivision or Site plan review do not require further neighborhood meetings.
- (3) The purpose of the neighborhood meeting shall be to inform the neighborhood of the nature of the proposed land use and development features, explain the site plan if any, and solicit comments.

(4) The applicant shall provide notification by mail to property owners as identified in (D)(2)(c) of this Section. ~~provide to the Planning Department all notice materials including stamped addressed envelopes in accordance with (D)(2)(c) of this section.~~ The notice shall be mailed at least ten days but not more than 25 days prior to the date of the neighborhood meeting. Neighborhood meetings shall be held no earlier than 6:00 pm Monday through Friday to allow adequate time for attendees to get to the meeting. ~~;~~

~~(4)~~(5) The applicant shall provide to the Planning Department a copy of all notice materials including the letter and addresses, and provide written certification of the mailing. Certification shall note the date of the mailing and be signed by the applicant

~~(5)~~(6) The applicant shall prepare and submit to the Planning Director a meeting summary that outlines attendance, major points discussed, and any agreements reached between the parties involved.

~~(6)~~(7) The Planning Director may develop administrative rules pertaining to any additional requirements for the conduct of the meeting.

(C) **APPLICATION REQUIREMENTS**

(1) **Forms**

Applications required under this Chapter shall be submitted on forms and in such numbers as required by the Planning Director.

(2) **Fees**

(a) All applications and associated fees shall be filed with the Planning Department.

(b) Filing fees shall be established from time to time to defray the actual cost of processing the application, as listed in the Town's Comprehensive List of Fees and Charges.

(c) An applicant who has paid the appropriate fee pursuant to the submission of an application, but who chooses to withdraw such application prior to its distribution for review shall be entitled to a refund of the total amount paid, less 10% for administrative costs, upon written request to the appropriate department. Once review has begun, no refund shall be available, except that unused notice surcharges shall be refunded less 10% for administrative purposes.

(3) **Application Deadline**

Applications shall be submitted to the Planning Department in accordance with the published calendar schedule. Schedules indicating submittal dates shall be developed each year and made available to the public.

(4) **Applications Sufficient For Processing**

(a) All applications shall be sufficient for processing before the Planning Department is required to review the application.

(b) An application shall be sufficient for processing when it contains all of the information necessary to decide whether or not the development as proposed will comply with all of the requirements of this Chapter.

(c) The presumption shall be that all of the information required in the application materials is necessary to satisfy the requirements of this section. However, it is recognized that each application is unique, and therefore more or less information may be required according to the needs of the particular case. The applicant may

rely on the recommendations of the appropriate department as to whether more or less information should be submitted.

- (d) Once the application has been determined sufficient for processing, copies of the application shall be referred by the Planning Department to the appropriate reviewing entities.

**(5) Final Determinations On Sufficient Applications**

- (a) Following review by appropriate entities, Planning Department staff shall review any updated application materials and confer with the applicant to ensure an understanding of the applicable requirements of this Chapter; that the applicant has submitted all of the information they intend to submit; and that the application represents precisely and completely what the applicant proposes to do.
- (b) Once the applicant indicates that the application is as complete as the applicant intends to make it, Planning Department staff will make a determination on the application, or as required by this Chapter, the application shall be placed on the agenda of the appropriate review board in accordance with standard procedures.

**(6) Concurrent Applications**

- (a) If approved by the Planning Director, applications for development approvals may be filed and reviewed concurrently. Any application that also requires a variance shall not be eligible for final approval until the variance has been granted.
- (b) Applications submitted concurrently are subject to approval of all other related applications; denial or disapproval of any concurrently submitted application shall stop consideration of any related applications until the denied or disapproved application is resolved.

**(D) NOTICE AND PUBLIC HEARINGS**

**(1) Summary Of Notice Required**

Notice shall be required for applications for approval as shown in Table 7-2 below.

**Table 7-2 – Public Notice Requirements**

	Published	Mailed	Posted	
Text Amendment	•			§ 155.703
Rezoning	•	•	•	§ 155.704
Planned Development	•	•	•	§ 155.705
Preliminary Plat Review	•	•	•	§ 155.706
Major Site Plan			•	§ 155.707

<b>Conditional Use Review</b>	•	•	•	§ 155.710
<b>Special Use Review</b>	•	•	•	§ 155.711
<b>Variance</b>	•	•	•	§ 155.716
<b><u>Administrative Appeal</u></b>		<u>•</u>	<u>•</u>	<u>§ 155.717</u>

**(2) Public Notice Requirements**

**(a) Published Notice**

Where published notice is required, a distinctive advertisement shall be placed by the Town in a local newspaper of general circulation once a week for two successive calendar weeks, the first notice being published not less than ten days nor more than 25 days before the date fixed for the public hearing.

**(b) Posted Notice (Sign)**

Where posted notice is required, a sign shall be posted not less than ten days prior to the public hearing at which the application shall be reviewed. The sign shall be posted on the property or at a point visible from the nearest public street. The sign shall indicate that a public hearing will be held and a phone number to contact the Town.

**(c) Mailed Notice**

1. Where mailed notice is required, the applicant shall supply stamped addressed envelopes [to the Planning Department](#). The notification shall be made by first-class mail by Planning Department Staff (at the last addresses listed for such owners in the county tax records) to all property owners within 100 feet and immediately abutting the subject property. Where the subject property immediately adjoins a public or private right-of-way, landscape or riparian buffer, commonly-owned private area, public property, or homeowners' association property, then letters of notification shall be sent to adjoining property owners as if they directly abut the subject property. The Planning Department shall certify to the Town Council that fact, and such certificate shall be deemed conclusive in the absence of fraud.
2. The notice shall be mailed at least ten but not more than 25 days prior to the date of the public hearing.
3. Mailed notice under this section shall not be required if a rezoning (including a planned development rezoning) directly affects more than 50 properties owned by a total of at least 50 different property owners, and the Town elects to use the following expanded notice requirements:

- A. Published notice of the hearing shall be provided as set forth in (D)(2)(a) of this section. The advertisement shall not be less than one-half of a newspaper page in size.
- B. Mailed notice of the hearing shall be provided (as set forth in (D)(2)(c)1. and 2. of this section) to all property owners who reside outside of the newspaper's circulation area.

(d) **Content of Notice**

~~The notice listed above shall contain the following specific information.~~

~~Published or mailed notice.~~ A published or mailed notice shall provide at least the following:

- A. Parcel identification number;
- B. The address of the subject property (if available);
- C. The general location of the land that is the subject of the application, which may include, a location map;
- D. A description of the action requested;
- E. Where a rezoning is proposed, the current and proposed districts;
- F. The time, date and location of the public hearing;
- G. A phone number to contact the Town; and
- H. A statement that interested parties may appear at the public hearing.

(3) **Constructive Notice**

Minor defects in notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements.

(E) **REQUIRED HEARINGS**

A public hearing shall be required for development review as shown in Table 7-3 below.

**Table 7-3 Required Hearings**

	Board of Adjustment <b>BOA</b>	Town Council <b>TC</b>	
Text Amendment		•	§ 155.703
Rezoning		•	§ 155.704
Planned Development		•	§ 155.705
Preliminary Plat		•	§ 155.706
Conditional Use Review	•		§ 155.710
Special Use Review		•	§ 155.711
<a href="#">Alternative Sign Plan</a>		<a href="#">•</a>	<a href="#">§ 155.713</a>
Variance	•		§ 155.716
<a href="#">Administrative Appeal</a>	<a href="#">•</a>		<a href="#">§ 155.717</a>

**(F) DECISIONS**

Unless specifically provided elsewhere, all decisions on land use changes, including rezonings, shall require an affirmative vote. Tie votes shall be considered denials of any requested change.

**(G) NOTICE OF DECISION**

Within 14 days after a decision is made, a copy of the decision shall be ~~sent~~ [delivered](#) to the applicant [by personal delivery, electronic mail or first-class mail](#). ~~The decision shall also be~~ [and](#) filed with the Planning Department, ~~where it shall be~~ [and](#) available for public inspection during regular office hours.

**(H) WITHDRAWAL OF APPLICATION**

- (1) An applicant may withdraw an application at any time, by filing a statement of withdrawal with the Planning Director.
- (2) The statement of withdrawal shall be signed by all persons who signed the application, or in the event of death or incompetence, by the estate's lawful personal representative.
- (3) If a valid zoning protest petition shall have been filed, the application may be withdrawn only if the statement of withdrawal is filed no later than five days prior to the date of the Town Council hearing date upon which the matter is to be returned for action by the Town Council. Thereafter, the application may be withdrawn only by leave of the Town Council, by majority vote.

- (4) The Planning Director may withdraw applications due to failure of the applicant to submit required information within 90 days of the initial request.
- (5) An applicant may postpone a scheduled public hearing once per application for up to 90 days after the date the first public hearing was scheduled to occur, after which the Planning Director may withdraw the application.

# ARTICLE 7: ADMINISTRATION

## § 155.700 REVIEW BODIES

### (A) TOWN COUNCIL

#### (1) Establishment and Composition

The Town Council is established and composed pursuant to Chapter 30 of the Town's Code of Ordinances.

#### (2) Powers and Duties

In execution of the provisions of this Chapter, the Town Council shall be responsible for final action regarding the following:

- (a) Text Amendments ( § 155.703);
- (b) Rezoning ( § 155.704);
- (c) Planned Development Review ( § 155.705);
- (d) Preliminary Plat Review ( § 155.706);
- (e) Special Use Review ( § 155.711); and
- (f) Zoning Vested Rights ( § 155.718).

### (B) PLANNING BOARD

#### (1) Establishment and Composition

The Planning Board is established and composed pursuant to Chapter 32 of the Town's Code of Ordinances.

#### (2) Powers and Duties

In execution of the provisions of this Chapter, the Planning Board shall have the following power and duties.

##### (a) General Authority

- 1. The Planning Board may exercise additional powers as may be described elsewhere in this chapter and as permitted by North Carolina General Statutes.
- 2. The Planning Board shall perform related duties as directed by the Town Council.

**(b) Review Authority**

The Planning Board shall make recommendations regarding the following:

1. Text Amendments ( § 155.703);
2. Rezoning ( § 155.704);
3. Planned Development Review ( § 155.705);
4. Preliminary Plat Review ( § 155.706); and
5. Special Use Review ( § 155.711).

**(c) Final Authority**

The Planning Board shall be responsible for final action regarding the following:

1. Major Site Plan Review ( § 155.707); and
2. Alternative means of compliance in the Thoroughfare Overlay District.

**(C) BOARD OF ADJUSTMENT**

**(1) Establishment**

The Board of Adjustment is established pursuant to G.S. § 160A-388 and Chapter 32 of the Town's Code of Ordinances.

**(2) Composition**

**(a) Number and Term**

1. The Board of Adjustment shall consist of seven members with four members residing in the corporate limits and three members residing within the Town's Extraterritorial Jurisdiction (ETJ); and each member is to be appointed for three years.
2. In appointing the original members or in the filling of vacancies caused by the expiration of the terms of existing members, the Town Council may appoint certain members for less than three years to the end that thereafter the terms of all members shall not expire at the same time.

**(b) Membership**

1. Membership on the Board of Adjustment shall include representatives from the ETJ.

2. Any member of the Board of Adjustment representing the ETJ shall be appointed by the Town Council, subject to approval by the Johnston County Board of County Commissioners.

(c) **Alternate Members**

1. The Town Council may, in its discretion, appoint and provide compensation for two alternate members to serve on the Board of Adjustment in the absence of any regular member. One alternate member shall be from the Town and one alternate member shall be from the ETJ.
2. Alternate members shall be appointed for the same term, at the same time, and in the same manner as regular members.
3. Each alternate member, while attending any regular or special meeting and serving in the absence of any regular member, shall have and may exercise all the powers and duties of a regular member.

(d) **Attendance**

All members are expected to attend scheduled meetings for the prompt and efficient transaction of business. The secretary to the Board shall maintain the attendance record, including attendance at regular meetings, work sessions and special called meetings. If at any time a member either fails to attend two-thirds of the scheduled meetings during a calendar year or misses three scheduled meetings in succession, the secretary to the Board shall notify the Chairman of the Board. The Chairman of the Board will send a letter of recommendation on this member's attendance to the Town Clerk. The Town Clerk shall include the letter as an item on the next available Town Council meeting agenda requesting Council as a whole make a decision on this member's continued service to the Board.

(3) **Proceedings**

(a) **Meetings**

All meetings of the Board of Adjustment shall be held at a regular place and shall be open to the public.

(b) **Minutes**

The Board of Adjustment shall keep minutes of proceedings in a book maintained for that purpose only, showing the vote of each member upon each question, or if absent or failing to vote, an indication of such fact; and final disposition of appeals shall be by recorded resolution, indicating the reasons of the Board, all of which shall be a public record.

(c) **Quorum**

A quorum shall consist of four members. If there are not seven regular members in attendance, one or both of the alternate members may hear and vote on any matter coming before the Board of Adjustment regardless of the geographical area in which the alternate member resides; however, the total voting membership shall not exceed seven members in any case.

(4) **Powers and Duties**

In execution of the provisions of this Chapter, the Board of Adjustment shall have the following powers and duties.

(a) **General Authority**

The Board of Adjustment may exercise additional powers as may be described elsewhere in this Chapter and as permitted by North Carolina General Statutes.

(b) **Final Authority**

The Board of Adjustment shall be responsible for final action regarding the following:

1. Conditional Use Review ( § 155.710);
2. Variances ( § 155.716); and
3. Administrative Appeals ( § 155.717).

(D) **PLANNING DIRECTOR**

(1) **Designation**

The Planning Director shall administer certain provisions of this Chapter as may be required below.

(2) **Delegation of Authority**

The Planning Director may designate any staff member to represent the Planning Director in any function assigned by this Chapter but shall remain responsible for any final action.

(3) **Powers and Duties**

In execution of the provisions of this Chapter, the Planning Director shall have the following powers and duties.

(a) **General Authority**

1. The Planning Director may exercise additional powers as may be described elsewhere in this Chapter and as permitted by North Carolina General Statutes.
2. The Planning Director shall perform related duties as directed by the Town Council.

(b) **Review Authority**

The Planning Director shall make recommendations regarding the following:

1. Text Amendments ( § 155.703);
2. Rezoning ( § 155.704);
3. Planned Development Review ( § 155.705);
4. Preliminary Plat Review ( § 155.706);
5. Major Site Plan Review ( § 155.707);
6. Conditional Use Review ( § 155.710);
7. Special Use Review ( § 155.711);
8. Alternative Sign Plans ( § 155.713);
9. Variances ( § 155.716); and
10. Zoning Vested Rights ( § 155.718).

(c) **Final Authority**

The Planning Director shall be responsible for final action regarding the following:

1. Minor Plat Review ( § 155.706);
2. Final Plat Review ( § 155.706);
3. Administrative Amendment( § 155.707);
4. Minor Site Plan Review ( § 155.707);
5. Traffic Impact Analyses ( § 155.708);
6. Zoning Permits ( § 155.709);
7. Temporary Use Permits ( § 155.712);

8. Sign Permits for signs under eight feet in height ( § 155.713);
9. Master Sign Plans ( § 155.713); and
10. Written Interpretations ( § 155.715).

(E) **TECHNICAL REVIEW COMMITTEE**

(1) **Establishment and Composition**

The Technical Review Committee is established and composed pursuant to Chapter 32 of the Town’s Code of Ordinances.

(2) **Powers and Duties**

In execution of the provisions of the Chapter, the Technical Review Committee shall have the following powers and duties.

- (a) Review authority. The Technical Review Committee shall review and provide comments regarding the following:
  1. Planned Development Review ( § 155.705);
  2. Minor Plat Review ( § 155.706);
  3. Preliminary Plat Review ( § 155.706);
  4. Final Plat Review ( § 155.706);
  5. Minor Site Plan Review ( § 155.707); and
  6. Major Site Plan Review ( § 155.707).

**§ 155.701 SUMMARY OF REVIEW AUTHORITY.**

Table 7-1 below summarizes review and approval authority under this chapter.

**Table 7-1 Review and Approval Authority**

	Technical Review Committee <b>TRC</b>	Planning Director <b>PD</b>	Board of Adjustment <b>BOA</b>	Planning Board <b>PB</b>	Town Council <b>TC</b>	
Text Amendment		Review		Review	<DECISION>	§ 155.703
Rezoning		Review		Review	<DECISION>	§ 155.704
Planned Development	Review	Review		Review	<DECISION>	§ 155.705
Minor Subdivision Plat	Review	<b>DECISION</b>				§ 155.706
Preliminary Plat	Review	Review		Review	<DECISION>	§ 155.706
Final Plat	Review	<b>DECISION</b>				§ 155.706
Administrative Amendment		<b>DECISION</b>				§ 155.707
Minor Site Plan	Review	<b>DECISION</b>				§ 155.707
Major Site Plan	Review	Review		<b>DECISION</b>		§ 155.707
Traffic Impact Analysis						§ 155.708
Zoning Permit		<b>DECISION</b>				§ 155.709
Conditional Use		Review	<DECISION>			§ 155.710
Special Use		Review		Review	<DECISION>	§ 155.711
Temporary Use Permit		<b>DECISION</b>				§ 155.712
Sign Permit		<b>DECISION</b>				§ 155.713
Master Sign Plan		<b>DECISION</b>				§ 155.713
Alternative Sign Plan		Review			<DECISION>	§ 155.713
Written Interpretation		<b>DECISION</b>				§ 155.715
Variance		Review	<DECISION>			§ 155.716
Administrative Appeal			<DECISION>			§ 155.717
Zoning Vested Right		Review			<DECISION>	§ 155.718
<b>&lt;Public Hearing Required&gt;</b>						

**§ 155.702 COMMON REVIEW PROCEDURES.**

(A) **PRE-APPLICATION CONFERENCE**

- (1) Before submitting an application for development approval, each applicant shall schedule a pre-application conference with the Planning Department to discuss the procedures, standards and regulations required for development approval in accordance with this chapter.
- (2) Unless waived by the Planning Director, A pre-application conference with the Planning Department shall be required for all development approvals listed in Table 7-1, with the exception of Written Interpretations (155.715).

(B) **NEIGHBORHOOD MEETING**

- (1) After the pre-application conference and prior to the first public meeting, the applicant shall hold a mandatory neighborhood meeting for the following:
  - (a) Rezoning ( § 155.704);
  - (b) Planned development review ( § 155.705);
  - (c) Major subdivision / Preliminary Plat review, ( § 155.706);
  - (d) Major site plan review ( § 155.707);
  - (e) Special use review ( § 155.711); and
  - (f) Conditional use review ( § 155.710).
- (2) Only the initial application for Planned Development review shall require a neighborhood meeting. Subsequent applications for Subdivision or Site plan review do not require further neighborhood meetings.
- (3) The purpose of the neighborhood meeting shall be to inform the neighborhood of the nature of the proposed land use and development features, explain the site plan if any, and solicit comments.
- (4) The applicant shall provide notification by mail to property owners as identified in (D)(2)(c) of this Section. The notice shall be mailed at least ten days but not more than 25 days prior to the date of the neighborhood meeting. Neighborhood meetings shall be held no earlier than 6:00 pm Monday through Friday to allow adequate time for attendees to get to the meeting..
- (5) The applicant shall provide to the Planning Department a copy of all notice materials including the letter and addresses, and provide written certification of the mailing. Certification shall note the date of the mailing and be signed by the applicant

- (6) The applicant shall prepare and submit to the Planning Director a meeting summary that outlines attendance, major points discussed, and any agreements reached between the parties involved.
- (7) The Planning Director may develop administrative rules pertaining to any additional requirements for the conduct of the meeting.

(C) **APPLICATION REQUIREMENTS**

(1) **Forms**

Applications required under this Chapter shall be submitted on forms and in such numbers as required by the Planning Director.

(2) **Fees**

- (a) All applications and associated fees shall be filed with the Planning Department.
- (b) Filing fees shall be established from time to time to defray the actual cost of processing the application, as listed in the Town's Comprehensive List of Fees and Charges.
- (c) An applicant who has paid the appropriate fee pursuant to the submission of an application, but who chooses to withdraw such application prior to its distribution for review shall be entitled to a refund of the total amount paid, less 10% for administrative costs, upon written request to the appropriate department. Once review has begun, no refund shall be available, except that unused notice surcharges shall be refunded less 10% for administrative purposes.

(3) **Application Deadline**

Applications shall be submitted to the Planning Department in accordance with the published calendar schedule. Schedules indicating submittal dates shall be developed each year and made available to the public.

(4) **Applications Sufficient For Processing**

- (a) All applications shall be sufficient for processing before the Planning Department is required to review the application.
- (b) An application shall be sufficient for processing when it contains all of the information necessary to decide whether or not the development as proposed will comply with all of the requirements of this Chapter.
- (c) The presumption shall be that all of the information required in the application materials is necessary to satisfy the requirements of this section. However, it is recognized that each application is unique, and therefore more or less information may be required according to the needs of the particular case. The applicant may

rely on the recommendations of the appropriate department as to whether more or less information should be submitted.

- (d) Once the application has been determined sufficient for processing, copies of the application shall be referred by the Planning Department to the appropriate reviewing entities.

**(5) Final Determinations On Sufficient Applications**

- (a) Following review by appropriate entities, Planning Department staff shall review any updated application materials and confer with the applicant to ensure an understanding of the applicable requirements of this Chapter; that the applicant has submitted all of the information they intend to submit; and that the application represents precisely and completely what the applicant proposes to do.
- (b) Once the applicant indicates that the application is as complete as the applicant intends to make it, Planning Department staff will make a determination on the application, or as required by this Chapter, the application shall be placed on the agenda of the appropriate review board in accordance with standard procedures.

**(6) Concurrent Applications**

- (a) If approved by the Planning Director, applications for development approvals may be filed and reviewed concurrently. Any application that also requires a variance shall not be eligible for final approval until the variance has been granted.
- (b) Applications submitted concurrently are subject to approval of all other related applications; denial or disapproval of any concurrently submitted application shall stop consideration of any related applications until the denied or disapproved application is resolved.

**(D) NOTICE AND PUBLIC HEARINGS**

**(1) Summary Of Notice Required**

Notice shall be required for applications for approval as shown in Table 7-2 below.

**Table 7-2 – Public Notice Requirements**

	Published	Mailed	Posted	
Text Amendment	•			§ 155.703
Rezoning	•	•	•	§ 155.704
Planned Development	•	•	•	§ 155.705
Preliminary Plat Review	•	•	•	§ 155.706
Major Site Plan			•	§ 155.707

<b>Conditional Use Review</b>	•	•	•	§ 155.710
<b>Special Use Review</b>	•	•	•	§ 155.711
<b>Variance</b>	•	•	•	§ 155.716
<b>Administrative Appeal</b>		•	•	§ 155.717

**(2) Public Notice Requirements**

**(a) Published Notice**

Where published notice is required, a distinctive advertisement shall be placed by the Town in a local newspaper of general circulation once a week for two successive calendar weeks, the first notice being published not less than ten days nor more than 25 days before the date fixed for the public hearing.

**(b) Posted Notice (Sign)**

Where posted notice is required, a sign shall be posted not less than ten days prior to the public hearing at which the application shall be reviewed. The sign shall be posted on the property or at a point visible from the nearest public street. The sign shall indicate that a public hearing will be held and a phone number to contact the Town.

**(c) Mailed Notice**

1. Where mailed notice is required, the applicant shall supply stamped addressed envelopes to the Planning Department. The notification shall be made by first-class mail by Planning Department Staff (at the last addresses listed for such owners in the county tax records) to all property owners within 100 feet and immediately abutting the subject property. Where the subject property immediately adjoins a public or private right-of-way, landscape or riparian buffer, commonly-owned private area, public property, or homeowners' association property, then letters of notification shall be sent to adjoining property owners as if they directly abut the subject property. The Planning Department shall certify to the Town Council that fact, and such certificate shall be deemed conclusive in the absence of fraud.
2. The notice shall be mailed at least ten but not more than 25 days prior to the date of the public hearing.
3. Mailed notice under this section shall not be required if a rezoning (including a planned development rezoning) directly affects more than 50 properties owned by a total of at least 50 different property owners, and the Town elects to use the following expanded notice requirements:

- A. Published notice of the hearing shall be provided as set forth in (D)(2)(a) of this section. The advertisement shall not be less than one-half of a newspaper page in size.
- B. Mailed notice of the hearing shall be provided (as set forth in (D)(2)(c)1. and 2. of this section) to all property owners who reside outside of the newspaper's circulation area.

(d) **Content of Notice**

A published or mailed notice shall provide at least the following:

- A. Parcel identification number;
- B. The address of the subject property (if available);
- C. The general location of the land that is the subject of the application, which may include, a location map;
- D. A description of the action requested;
- E. Where a rezoning is proposed, the current and proposed districts;
- F. The time, date and location of the public hearing;
- G. A phone number to contact the Town; and
- H. A statement that interested parties may appear at the public hearing.

(3) **Constructive Notice**

Minor defects in notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements.

(E) **REQUIRED HEARINGS**

A public hearing shall be required for development review as shown in Table 7-3 below.

**Table 7-3 Required Hearings**

	Board of Adjustment <b>BOA</b>	Town Council <b>TC</b>	
<b>Text Amendment</b>		•	§ 155.703
<b>Rezoning</b>		•	§ 155.704
<b>Planned Development</b>		•	§ 155.705
<b>Preliminary Plat</b>		•	§ 155.706
<b>Conditional Use Review</b>	•		§ 155.710
<b>Special Use Review</b>		•	§ 155.711
<b>Alternative Sign Plan</b>		•	§ 155.713
<b>Variance</b>	•		§ 155.716
<b>Administrative Appeal</b>	•		§ 155.717

**(F) DECISIONS**

Unless specifically provided elsewhere, all decisions on land use changes, including rezonings, shall require an affirmative vote. Tie votes shall be considered denials of any requested change.

**(G) NOTICE OF DECISION**

Within 14 days after a decision is made, a copy of the decision shall be delivered to the applicant by personal delivery, electronic mail or first-class mail. The decision shall also be filed with the Planning Department and available for public inspection during regular office hours.

**(H) WITHDRAWAL OF APPLICATION**

- (1) An applicant may withdraw an application at any time, by filing a statement of withdrawal with the Planning Director.
- (2) The statement of withdrawal shall be signed by all persons who signed the application, or in the event of death or incompetence, by the estate's lawful personal representative.
- (3) If a valid zoning protest petition shall have been filed, the application may be withdrawn only if the statement of withdrawal is filed no later than five days prior to the date of the Town Council hearing date upon which the matter is to be returned for action by the Town Council. Thereafter, the application may be withdrawn only by leave of the Town Council, by majority vote.
- (4) The Planning Director may withdraw applications due to failure of the applicant to submit required information within 90 days of the initial request.

- (5) An applicant may postpone a scheduled public hearing once per application for up to 90 days after the date the first public hearing was scheduled to occur, after which the Planning Director may withdraw the application.

## § 155.716 VARIANCE

### (A) APPLICABILITY

- (1) The Board of Adjustment may vary certain requirements of this Chapter that will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this Chapter, will, in an individual case, result in practical difficulty or unnecessary hardship. The Board of Adjustment shall ensure that the spirit of this Chapter shall be observed, public safety and welfare secured, and substantial justice done.
- (2) The existence of a nonconforming use of neighboring land, building, or structure in the same district, or of permitted or nonconforming uses in other districts, shall not constitute a reason for the requested variance.

### (B) APPLICATION REQUIREMENTS

An application for a variance shall be submitted in accordance with § 155.702(C).

### (C) NOTICE AND PUBLIC HEARINGS

The Town shall hold all required public hearings and give notice in accordance with § 155.702(D).

### (D) BURDEN OF PROOF

The applicant seeking the variance shall have the burden of presenting evidence sufficient to allow the Board of Adjustment to reach the conclusions set forth below as well as the burden of persuasion on those issues.

### (E) ACTION BY PLANNING DIRECTOR

The Planning Director shall provide the Board of Adjustment with a copy of the application and all relevant materials pertaining to the request.

### (F) ACTION BY BOARD OF ADJUSTMENT

#### (1) **Procedure**

- (a) The Board of Adjustment may approve the request, deny the request, or continue the request. [A concurring vote of four-fifths of the Board is necessary to grant a variance.](#)
- (b) Each decision shall be accompanied by a finding of fact that specifies the reason for the decision.
- (c) In approving the variance, the Board of Adjustment may prescribe reasonable and appropriate conditions which will ensure that the use will be compatible with adjacent properties and will not alter the character of the neighborhood.

- (d) Conditions may be imposed by the Board of Adjustment regarding the location, character, and other features of the proposed building or use as may be deemed by the Board of Adjustment to protect property values and general welfare of the neighborhood. Nonconformance with such conditions and safeguards, when part of the terms under which the variance is granted, shall be deemed a violation of this chapter.

(2) **Findings of Fact**

No variance shall be approved by the Board of Adjustment unless all of the following findings are made:

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

~~(a) — There are exceptional conditions pertaining to the particular piece of property in question because of its shape, size, or topography, that are not applicable to other lands or structures in the same district, or there is a peculiar characteristic of an establishment which makes the parking and/or loading requirements of this chapter unrealistic.~~

~~(b) — Granting the variance requested will not confer upon the applicant any special privileges that are denied to other residents of the district in which the property is located.~~

~~(c) — A literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located.~~

~~(d) — The requested variance will be in harmony with the purpose and intent of this chapter and will not be injurious to the neighborhood or to the general welfare.~~

~~(e) — The special circumstances are not the result of the actions of the applicant.~~

~~(f) — The variance requested is the minimum variance that will make possible the legal use of the land, building, or structure.~~

~~(g) The variance is not a request to permit a use which is not a permitted or conditional use in the district involved.~~

~~(h) The variance is not granted simply because by the granting the variance, the property could be utilized more profitably or that the developer/owner would save money.~~

~~(G) Watershed protection.~~

~~(1) An appeal to reverse or modify the order, decision, determination, or interpretation of the Planning Director shall comply with § 155.717.~~

~~(2) A petition for variance to the standards of § 155.501, shall comply with the following:~~

~~(a) Minor variances. Minor variances shall include petitions for the reduction of any standard of the § 155.501, by a factor of less than 10%, except residential density or impervious surface area.~~

~~(b) Major variances.~~

~~1. Petitions for the reduction of any standard of the § 155.501, by a factor of 10% or more; and~~

~~2. Petitions to increase residential density or impervious surface area.~~

~~(c) Approval procedures.~~

~~1. Prior to the Board of Adjustment meeting, the Planning Director shall notify in writing the Towns of Smithfield, Selma and Wilsons Mill, and Johnston County of the variance being requested. Written responses from any of these local governments using the Neuse River as a water supply shall become a permanent part of the records.~~

~~2. Minor variances shall be approved by the Board of Adjustment in accordance with (B) through (F) of this section.~~

~~3. Major variances shall comply with (B) through (F) of this section except that:~~

~~A. A decision by the Board of Adjustment to approve a major variance shall be advisory only. The Planning Director shall, within 30 days, forward a record of the Board of Adjustment hearing, findings, and conclusions to the appropriate state agency for final decision.~~

~~B. The Board of Adjustment may advise approval of a major variance petition upon satisfying the findings of (F)(2) of this section, or upon the finding that significant community economic or social benefit would be derived from the granting of the variance.~~

(Ord. 2005-11-02, passed 11-21-05)

## **§ 155.716 VARIANCE**

### **(A) APPLICABILITY**

- (1) The Board of Adjustment may vary certain requirements of this Chapter that will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this Chapter, will, in an individual case, result in practical difficulty or unnecessary hardship. The Board of Adjustment shall ensure that the spirit of this Chapter shall be observed, public safety and welfare secured, and substantial justice done.
- (2) The existence of a nonconforming use of neighboring land, building, or structure in the same district, or of permitted or nonconforming uses in other districts, shall not constitute a reason for the requested variance.

### **(B) APPLICATION REQUIREMENTS**

An application for a variance shall be submitted in accordance with § 155.702(C).

### **(C) NOTICE AND PUBLIC HEARINGS**

The Town shall hold all required public hearings and give notice in accordance with § 155.702(D).

### **(D) BURDEN OF PROOF**

The applicant seeking the variance shall have the burden of presenting evidence sufficient to allow the Board of Adjustment to reach the conclusions set forth below as well as the burden of persuasion on those issues.

### **(E) ACTION BY PLANNING DIRECTOR**

The Planning Director shall provide the Board of Adjustment with a copy of the application and all relevant materials pertaining to the request.

### **(F) ACTION BY BOARD OF ADJUSTMENT**

#### **(1) Procedure**

- (a) The Board of Adjustment may approve the request, deny the request, or continue the request. A concurring vote of four-fifths of the Board is necessary to grant a variance.
- (b) Each decision shall be accompanied by a finding of fact that specifies the reason for the decision.
- (c) In approving the variance, the Board of Adjustment may prescribe reasonable and appropriate conditions which will ensure that the use will be compatible with adjacent properties and will not alter the character of the neighborhood.

- (d) Conditions may be imposed by the Board of Adjustment regarding the location, character, and other features of the proposed building or use as may be deemed by the Board of Adjustment to protect property values and general welfare of the neighborhood. Nonconformance with such conditions and safeguards, when part of the terms under which the variance is granted, shall be deemed a violation of this chapter.

(2) **Findings of Fact**

No variance shall be approved by the Board of Adjustment unless all of the following findings are made:

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

---

## 155.717 ADMINISTRATIVE APPEALS

(A) **APPLICABILITY**

An appeal by any person aggrieved by a final order, interpretation or decision of the Planning Director or other administrator of this chapter in regard to the provisions of this chapter may be taken to the Board of Adjustment.

(B) **APPLICATION REQUIREMENTS**

- (1) An appeal of an administrative decision shall be taken by filing a written notice of appeal specifying the grounds for the appeal with the Planning Director and the Board of Adjustment.
- (2) An application for appeal of an administrative decision shall be submitted in accordance with § 155.702(C).
- (3) A notice of appeal of an administrative decision shall be considered filed when a complete application is delivered to the Planning Director. The date and time of filing shall be entered on the notice.

(C) **APPEAL DEADLINE** ~~for submission of application~~

An appeal of an administrative decision ~~shall~~ may be filed by the Town or by a person with standing under G.S. 160A-393(d). The appeal request must be received by ~~with the Board of Adjustment~~ Town Clerk within 30 days of receipt of ~~the decision notice as provided in G.S. 160A-388(b1)(3).~~

(D) **NOTICE AND PUBLIC HEARINGS**

The Town shall hold all required public hearings and give notice in accordance with § 155.702(D).

(E) **ACTION BY PLANNING DIRECTOR**

The Planning Director or designee shall transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.

(F) **ACTION BY BOARD OF ADJUSTMENT**

- (1) The Board of Adjustment may reverse or affirm (wholly or partly) or may modify the order, requirement, decision, or determination appealed from and shall make any order, requirement, decision or determination that in its opinion ought to be made in the case before it. To this end, the Board of Adjustment shall have all the powers of the officer from whom the appeal is taken.

- (2) A motion to reverse, affirm, or modify the order, requirement, decision, or determination appealed from shall include, insofar as practicable, a statement of the specific reasons or findings of fact that support the motion.
- (3) If a motion to reverse or modify is not made, ~~or~~ or a motion fails to receive ~~the four-fifths~~ a majority vote from ~~of board~~ members eligible to vote, then the appeal shall be denied.
- (4) Any motion to overturn a decision shall state the reasons or findings of fact that support the motion.

(G) **EFFECT OF APPEAL**

- (1) An appeal shall stay all proceedings in furtherance of the action appealed, unless the administrative official from who the appeal is taken certifies to the Board of Adjustment that, because of facts stated in the certificate, a stay would, in their opinion, cause imminent peril to life or property or that because the violation is transitory in nature a stay would seriously interfere with the effective enforcement of this chapter. In that case, proceedings shall not be stayed except by order of the Board of Adjustment or a court, issued on application of the party seeking the stay, for due cause shown, after notice to the administrative official.
- (2) An appeal shall not stop action lawfully approved (including construction activities authorized by a building permit); only actions presumed in violation of this chapter are stayed.

(Ord. 2005-11-02, passed 11-21-05)

## **155.717 ADMINISTRATIVE APPEALS**

(A) **APPLICABILITY**

An appeal by any person aggrieved by a final order, interpretation or decision of the Planning Director or other administrator of this chapter in regard to the provisions of this chapter may be taken to the Board of Adjustment.

(B) **APPLICATION REQUIREMENTS**

- (1) An appeal of an administrative decision shall be taken by filing a written notice of appeal specifying the grounds for the appeal with the Planning Director and the Board of Adjustment.
- (2) An application for appeal of an administrative decision shall be submitted in accordance with § 155.702(C).
- (3) A notice of appeal of an administrative decision shall be considered filed when a complete application is delivered to the Planning Director. The date and time of filing shall be entered on the notice.

(C) **APPEAL DEADLINE**

An appeal of an administrative decision may be filed by the Town or by a person with standing under G.S. 160A-393(d). The appeal request must be received by the Town Clerk within 30 days of receipt of notice as provided in G.S. 160A-388(b1)(3).

(D) **NOTICE AND PUBLIC HEARINGS**

The Town shall hold all required public hearings and give notice in accordance with § 155.702(D).

(E) **ACTION BY PLANNING DIRECTOR**

The Planning Director or designee shall transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.

(F) **ACTION BY BOARD OF ADJUSTMENT**

- (1) The Board of Adjustment may reverse or affirm (wholly or partly) or may modify the order, requirement, decision, or determination appealed from and shall make any order, requirement, decision or determination that in its opinion ought to be made in the case before it. To this end, the Board of Adjustment shall have all the powers of the officer from whom the appeal is taken.
- (2) A motion to reverse, affirm, or modify the order, requirement, decision, or determination appealed from shall include, insofar as practicable, a statement of the specific reasons or findings of fact that support the motion.

- (3) If a motion to reverse or modify is not made, or a motion fails to receive a majority vote from board members eligible to vote, then the appeal shall be denied.
- (4) Any motion to overturn a decision shall state the reasons or findings of fact that support the motion.

(G) **EFFECT OF APPEAL**

- (1) An appeal shall stay all proceedings in furtherance of the action appealed, unless the administrative official from who the appeal is taken certifies to the Board of Adjustment that, because of facts stated in the certificate, a stay would, in their opinion, cause imminent peril to life or property or that because the violation is transitory in nature a stay would seriously interfere with the effective enforcement of this chapter. In that case, proceedings shall not be stayed except by order of the Board of Adjustment or a court, issued on application of the party seeking the stay, for due cause shown, after notice to the administrative official.
- (2) An appeal shall not stop action lawfully approved (including construction activities authorized by a building permit); only actions presumed in violation of this chapter are stayed.

(Ord. 2005-11-02, passed 11-21-05)

## § 155.720 ENFORCEMENT.

### (A) ENFORCEMENT OF PROVISIONS.

The Planning Director, ~~or his or her designees and Code Enforcement Officer shall be~~ are charged with the enforcement of the provisions of this ~~C~~chapter. If the Planning Director or ~~a Code Enforcement Officer~~ designee finds that any of the provisions of this ~~C~~chapter are being violated, he or she shall notify in writing the persons responsible for such violations, indicating the nature of violation and ordering the actions necessary to correct it. They shall also take any other action authorized by this ~~C~~Chapter to ensure compliance with or to prevent the violation of its provisions.

### (B) PENALTY APPLICABILITY

⌚

- (1) In accordance with G.S. § 160A-175 and § 10.98 of the Town's Code of Ordinances, any person violating any provisions of this ~~C~~chapter ~~must remedy the violation is guilty of a civil penalty and may~~ shall be guilty of a misdemeanor required to pay a penalty for each violation until the provisions of this Chapter are met., and upon conviction shall be punished for each offense by a fine by imprisonment. Each day that a violation of, or failure to comply with a provision of this Chapter, is considered a separate and distinct infraction. Each day a violation continues shall be deemed a separate offense.
- (2) In case ~~any~~ building or structure is erected, constructed, reconstructed, repaired, converted, or maintained, or ~~a ny~~ building, structure, or land is used in violation of this ~~C~~chapter, the Planning Director, ~~Code Enforcement Officer~~, or ~~any other appropriate Town authority~~ his or her designees, in addition to other remedies, may institute injunction, mandamus, or other appropriate action in proceeding to prevent the violation.
- (3) ~~The following penalties as set forth in the General Statutes shall also prevail:~~ In accordance with G.S. § 160A-375, "Penalties for Transferring Lots in Unapproved Subdivisions"; ~~....., any person who, being the owner or agent of the owner of any land located within the jurisdiction of that city~~ the Town, ~~thereafter~~ subdivides his land in violation of the subdivision requirements set forth in the Town's Unified Development Code ordinance, or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under ~~such ordinance in accordance with the UDC~~ and recorded in the office of the appropriate register of deeds, shall be guilty of a Class 1 misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty. The ~~city~~ Town may bring an action for injunction of any illegal subdivision, transfer, conveyance, or sale of land, and the court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with the ~~subdivision ordinance~~ UDC."

(Ord. 2005-11-02, passed 11-21-05)

## **§ 155.720 ENFORCEMENT**

### **(A) ENFORCEMENT OF PROVISIONS**

The Planning Director, or his or her designees are charged with the enforcement of the provisions of this Chapter. If the Planning Director or a designee finds that any of the provisions of this Chapter are being violated, he or she shall notify in writing the persons responsible for such violations, indicating the nature of violation and ordering the actions necessary to correct it. They shall also take any other action authorized by this Chapter to ensure compliance with or to prevent the violation of its provisions.

### **(B) APPLICABILITY**

- (1) In accordance with G.S. § 160A-175 and § 10.98 of the Town's Code of Ordinances, any person violating any provision of this Chapter must remedy the violation is guilty of a civil penalty and may be required to pay a penalty for each violation until the provisions of this Chapter are met. Each day that a violation of, or failure to comply with a provision of this Chapter, is considered a separate and distinct infraction.
- (2) In case a building or structure is erected, constructed, reconstructed, repaired, converted, or maintained, or a building, structure, or land is used in violation of this Chapter, the Planning Director, , or his or her designees, in addition to other remedies, may institute injunction, mandamus, or other appropriate action in proceeding to prevent the violation.
- (3) In accordance with G.S. § 160A-375, "Penalties for Transferring Lots in Unapproved Subdivisions", any person who, being the owner or agent of the owner of any land located within the jurisdiction of the Town, subdivides his land in violation of the subdivision requirements set forth in the Town's Unified Development Code, or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under in accordance with the UDC and recorded in the office of the appropriate register of deeds, shall be guilty of a Class 1 misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty. The Town may bring an action for injunction of any illegal subdivision, transfer, conveyance, or sale of land, and the court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with the UDC.

(Ord. 2005-11-02, passed 11-21-05)

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

**Agenda Item: 5c**

**Meeting Date: 11/18/13**

**TITLE: PRESENTATION OF PROPOSED DONATION TRACTS OF  
COBBLESTONE SUBDIVISION.**

**DESCRIPTION: The owners, BMV LLC and HLMRVT LLC, propose the  
donation of the following tracts from the Cobblestone  
Subdivision with a total acreage of 41.9 +/- acres.**

**RELATED GOAL: Expand Leisure Opportunities & Manage Growth Producing  
Quality Developments**

**ITEM SUMMARY:**

**Date:**

**Action:**

**Info. Provided:**

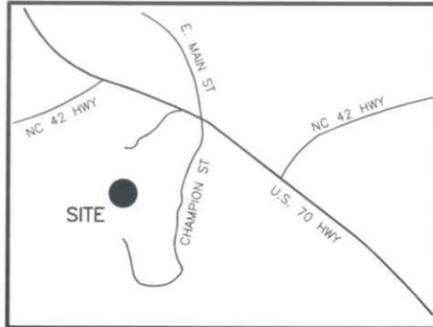
**11-18-13**

**Presentation.**

**Spreadsheet & Maps.**

**Schedule of Proposed Donation Tracts  
Cobblestone Subdivision - Clayton, NC  
November 2013**

<u>reference</u>	<u>sq footage</u>	<u>acreage</u>	<u>owner</u>
<b>Sheet 1</b> Summary Sheet			
<b>Sheet 2</b> Tract 1A	233,731	5.3657	HLMRVT
<b>Sheet 3</b> Tract 2A	614,372	14.1040	BMV
<b>Sheet 4</b> Tract 3A	49,260	1.1309	HLMRVT
Tract 3B	42,599	0.9779	HLMRVT
Tract 3C	6,534	0.1500	HLMRVT
<b>Sheet 5</b> Tract 4A	19,679	0.4518	HLMRVT
Tract 4C	6,608	0.1517	HLMRVT
Tract 5	191,333	4.3924	HLMRVT
<b>Sheet 6</b> Tract 6	84,826	1.9473	HLMRVT
Tract 7	577,524	13.2581	HLMRVT
	1,826,466	41.9299	



VICINITY MAP (NOT TO SCALE)

CERTIFICATE OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON, WHICH IS LOCATED IN THE SUBDIVISION JURISDICTION OF JOHNSTON COUNTY AND THAT I HEREBY ADOPT THIS SUBDIVISION PLAN WITH MY FREE CONSENT, ESTABLISHED MINIMUM SETBACK LINES, AND DEDICATE ALL STREETS, ALLEYS, PARKS AND OTHER SITES AND EASEMENTS TO PUBLIC OR PRIVATE USE AS NOTED.

DATE \_\_\_\_\_ OWNER \_\_\_\_\_

DATE \_\_\_\_\_ OWNER \_\_\_\_\_

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

THIS SURVEY:

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

DATE \_\_\_\_\_ SURVEYOR \_\_\_\_\_

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

DATE \_\_\_\_\_ SURVEYOR \_\_\_\_\_

STATE OF NORTH CAROLINA, 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 \_\_\_\_\_, PAGE \_\_\_\_\_, ETC.); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK \_\_\_\_\_, PAGE \_\_\_\_\_, THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000+; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D., 2013

\_\_\_\_\_  
SURVEYOR  
L - 3990  
LICENSE NUMBER

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

DATE \_\_\_\_\_ SUBDIVISION ADMINISTRATOR \_\_\_\_\_

ALL OBLIGATIONS AND REQUIREMENTS FOR THE UTILITIES TO SERVE \_\_\_\_\_ SUBDIVISION, SECTION \_\_\_\_\_, AS SET FORTH BY THE JOHNSTON COUNTY PUBLIC UTILITIES DEPARTMENT, HAVE BEEN MET AND ARE SATISFACTORY FOR THE PURPOSES OF RECORDING THE SUBDIVISION MAP.

DATE \_\_\_\_\_ JOHNSTON COUNTY PUBLIC UTILITIES OFFICIAL \_\_\_\_\_

NOTE: NO STRUCTURES TO BE BUILT INSIDE ANY UTILITY EASEMENT

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

DATE \_\_\_\_\_ COUNTY HEALTH OFFICER OR AUTHORIZED REP. \_\_\_\_\_

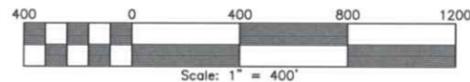
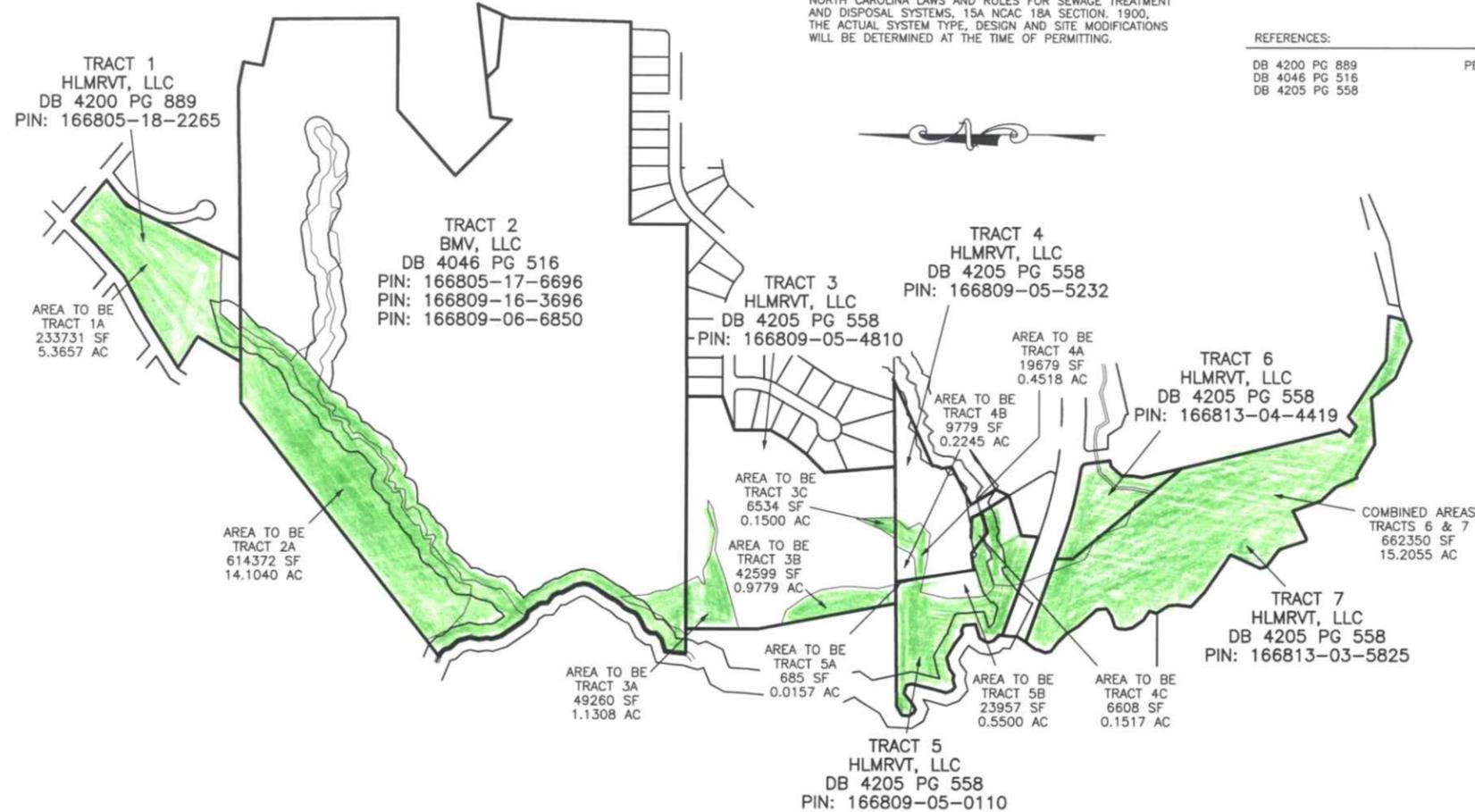
NOTE: EACH LOT SHOWN HEREON MAY REQUIRE THE USE OF SEWAGE PUMPS, LOW PRESSURE PIPE SYSTEMS, FILL SYSTEMS, INNOVATIVE SYSTEMS OR ANY OTHER ALTERNATIVE SYSTEM TYPE AND SITE MODIFICATIONS SPECIFIED IN THE NORTH CAROLINA LAWS AND RULES FOR SEWAGE TREATMENT AND DISPOSAL SYSTEMS, 15A NCAC 18A SECTION: 1900,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

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 SET AT ALL LOT CORNERS UNLESS OTHERWISE NOTED

REFERENCES:

- DB 4200 PG 889
- DB 4046 PG 516
- DB 4205 PG 558
- PB 78 PG 29



OWNER: BMV, LLC  
1210 TRINITY ROAD  
SUITE 102  
RALEIGH, NC 27607

OWNER: HLMRVT, LLC  
1210 TRINITY ROAD  
SUITE 102  
RALEIGH, NC 27607

SUBDIVISION PLAT FOR

**BMV, LLC**

AND

**HLMRVT, LLC**

CLAYTON TOWNSHIP, JOHNSTON COUNTY  
NORTH CAROLINA  
JULY 30, 2013  
SHEET 1 OF 6

REVIEW OFFICER'S CERTIFICATE

I, \_\_\_\_\_ REVIEW OFFICER OF JOHNSTON COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

DATE \_\_\_\_\_ REVIEW OFFICER \_\_\_\_\_

STATE OF NORTH CAROLINA, JOHNSTON COUNTY

THIS INSTRUMENT WAS PRESENTED FOR REGISTRATION AND RECORDING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ AT \_\_\_\_\_.

\_\_\_\_\_  
CRAIG OLIVE BY \_\_\_\_\_  
REGISTER OF DEEDS ASST. REG. OF DEEDS

RECORDED IN PB \_\_\_\_\_ PG \_\_\_\_\_

LEGEND

- IFF IRON PIPE FOUND
- IPS IRON PIPE SET
- C/MF CONCRETE MONUMENT FOUND
- P/NK/PK PARKER-KALON NAIL FOUND
- P/NKS PARKER-KALON NAIL SET
- R/S RAILROAD SPIKE
- C/SF COTTON SPIKE FOUND
- C/SS COTTON SPIKE SET
- CC CONTROL CORNER
- CP COMPUTED POINT
- P/P POWER POLE
- O/PV OVERHEAD POWER LINE
- R/W RIGHT OF WAY
- S.F. SQUARE FEET
- AC ACRE
- DB DEED BOOK
- PB PLAT BOOK
- B/M BOOK OF MAPS
- PG PAGE
- LF LINEAR FEET
- 15S LOT HAS OFFSITE SEWER
- 15SL OFFSITE SEWER LOT
- 15R RECOMBINATION LOT
- 100 STREET ADDRESS
- LINES NOT SURVEYED

SURVEYED BY:

DRAWN BY: MDB

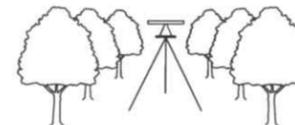
CHECKED BY: CURK

DRAWING NAME: BOUNDARY.DWG

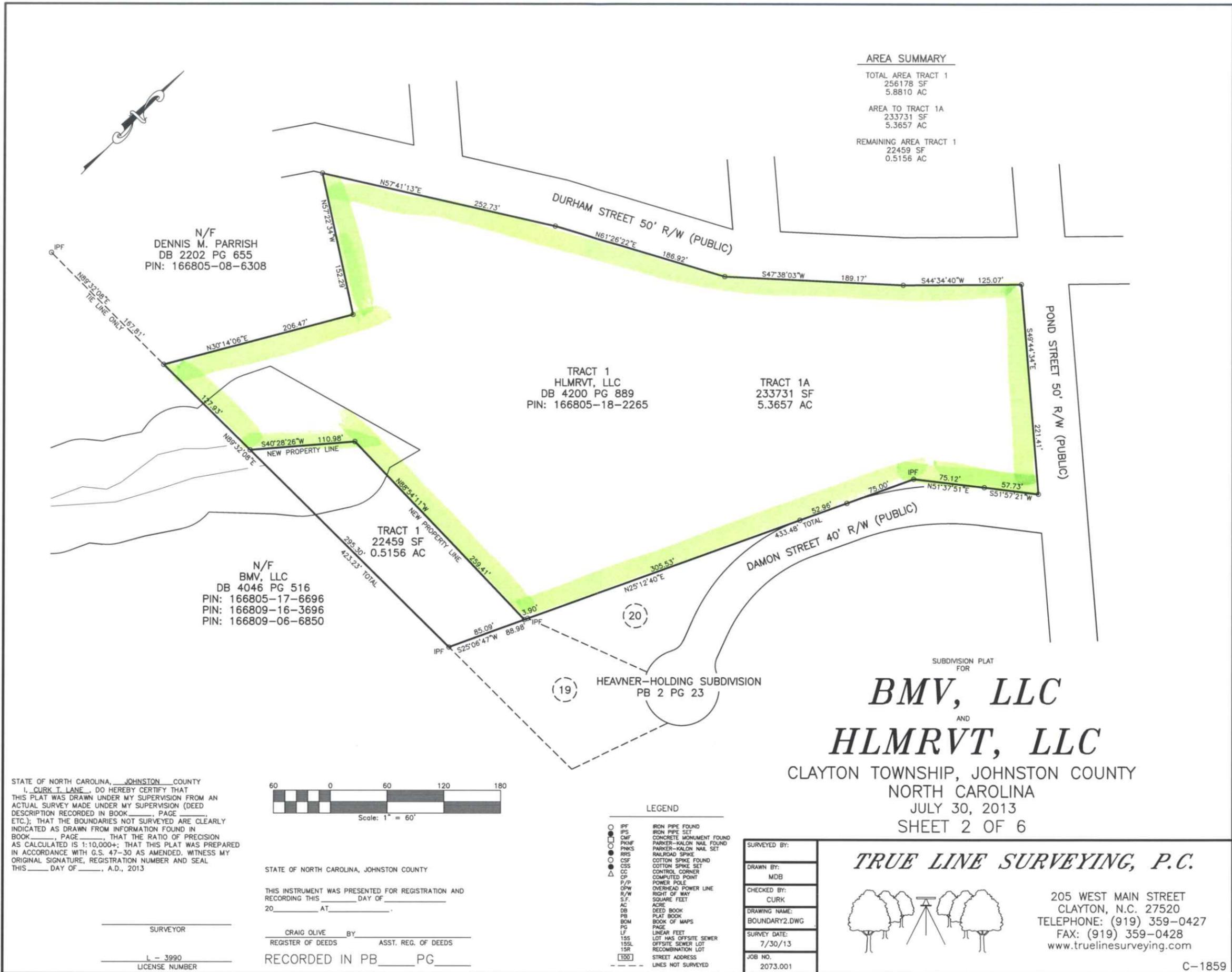
SURVEY DATE: 7/30/13

JOB NO. 2073.001

**TRUE LINE SURVEYING, P.C.**



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



**AREA SUMMARY**

TOTAL AREA TRACT 1  
256178 SF  
5.8810 AC

AREA TO TRACT 1A  
233731 SF  
5.3657 AC

REMAINING AREA TRACT 1  
22459 SF  
0.5156 AC

N/F  
DENNIS M. PARRISH  
DB 2202 PG 655  
PIN: 166805-08-6308

TRACT 1  
HLMRVT, LLC  
DB 4200 PG 889  
PIN: 166805-18-2265

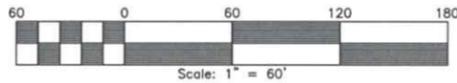
TRACT 1A  
233731 SF  
5.3657 AC

TRACT 1  
22459 SF  
0.5156 AC

N/F  
BMV, LLC  
DB 4046 PG 516  
PIN: 166805-17-6696  
PIN: 166809-16-3696  
PIN: 166809-06-6850

SUBMISSION PLAT FOR  
**BMV, LLC**  
AND  
**HLMRVT, LLC**  
CLAYTON TOWNSHIP, JOHNSTON COUNTY  
NORTH CAROLINA  
JULY 30, 2013  
SHEET 2 OF 6

STATE OF NORTH CAROLINA, JOHNSTON COUNTY  
I, CURK I. 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 \_\_\_\_\_, PAGE \_\_\_\_\_  
ETC.); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY  
INDICATED AS DRAWN FROM INFORMATION FOUND IN  
BOOK \_\_\_\_\_, PAGE \_\_\_\_\_, THAT THE RATIO OF PRECISION  
AS CALCULATED IS 1:10,000+; THAT THIS PLAT WAS PREPARED  
IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY  
ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D., 2013



STATE OF NORTH CAROLINA, JOHNSTON COUNTY

THIS INSTRUMENT WAS PRESENTED FOR REGISTRATION AND  
RECORDING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_  
20\_\_\_\_ AT \_\_\_\_\_.

\_\_\_\_\_  
SURVEYOR

CRAIG OLIVE BY \_\_\_\_\_  
REGISTER OF DEEDS ASST. REG. OF DEEDS

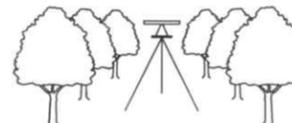
RECORDED IN PB \_\_\_\_\_ PG \_\_\_\_\_

**LEGEND**

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

SURVEYED BY:	
DRAWN BY:	MDB
CHECKED BY:	CURK
DRAWING NAME:	BOUNDARY2.DWG
SURVEY DATE:	7/30/13
JOB NO.	2073.001

**TRUE LINE SURVEYING, P.C.**



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

C-1859

RUN OF WETLANDS AND RIPARIAN BUFFER FROM (C) TO (D)

DIRECTION	DISTANCE
N26°20'04"W	0.87'
N23°40'16"W	82.76'
N04°20'59"W	44.68'
N22°55'08"W	37.07'
N05°05'38"W	67.49'
N44°24'55"E	13.62'
N37°32'05"E	33.76'
N26°42'47"E	34.09'
N33°21'18"E	30.66'
N34°21'31"E	35.04'
N26°29'10"E	45.96'
N08°58'18"E	43.41'
N12°31'07"W	53.16'
N28°21'59"W	58.39'
N00°26'17"W	13.84'
N27°05'43"W	50.98'
N51°29'03"W	23.04'
N18°08'03"W	40.64'
N41°58'40"W	24.12'
N34°48'40"W	17.10'
N56°01'06"E	14.65'
N40°47'31"E	25.13'
N64°49'22"E	30.12'
N47°17'29"E	21.91'
N36°53'12"E	18.06'
N08°26'59"E	30.95'
N17°14'29"E	18.61'
N16°17'18"E	1.66'
N15°20'08"E	25.41'
N33°55'48"E	26.43'
N15°44'24"E	31.22'
N02°26'59"W	13.43'
N54°54'18"E	14.05'
N46°49'47"E	45.77'
N34°32'13"E	21.29'
N22°14'39"E	20.64'
N50°24'48"E	13.88'
N53°55'44"E	34.06'
S72°37'29"E	12.13'
N77°08'46"E	50.35'
N46°55'01"E	16.25'
N32°33'10"E	24.81'
N59°29'26"E	12.49'
N46°30'48"E	22.46'
N59°45'43"E	27.70'
N43°40'42"E	9.31'
N36°28'40"E	12.53'
N29°16'38"E	16.09'
N22°39'21"E	11.53'
N16°02'03"E	4.54'
S85°40'48"E	11.67'
N87°36'56"E	45.59'
N53°08'49"E	56.60'
N18°40'43"E	17.09'
N60°09'57"E	6.19'
S61°29'43"E	4.25'
N86°19'33"E	53.26'
N54°08'49"E	23.67'
N50°24'48"E	38.22'
N43°45'11"E	11.30'
N85°50'32"E	3.63'
N59°14'41"E	44.77'
N32°38'52"E	24.68'
N30°04'23"E	4.49'
N27°29'54"E	30.92'
N44°12'25"E	32.76'
N30°53'12"E	23.04'
N17°34'00"E	12.39'
N71°56'16"E	6.66'
N68°07'13"E	16.41'
N46°52'55"E	36.22'
N25°38'37"E	25.41'
N23°06'57"E	4.41'
N89°34'19"E	3.99'
N56°14'35"E	54.94'
N22°54'52"E	32.25'
N18°59'30"E	6.84'
N46°21'22"E	10.90'
N50°30'12"E	155.65'
N48°28'35"E	9.48'
N43°02'16"E	34.08'
N51°11'18"E	18.24'
N37°46'28"E	23.20'
N24°21'39"E	23.02'
N50°47'03"E	13.87'
N40°21'21"E	18.10'
N29°55'39"E	27.94'
N33°47'25"E	39.33'
N13°54'21"E	34.01'
N46°36'05"E	68.46'
N50°23'26"E	24.80'
N41°34'17"E	15.33'
N32°45'09"E	3.74'

RUN OF LITTLE CREEK FROM (A) TO (B)

DIRECTION	DISTANCE
N15°56'41"E	5.99'
N03°47'27"E	39.46'
N07°28'47"E	40.92'
N72°32'55"E	29.39'
N72°27'34"E	23.10'
N47°50'35"E	30.75'
N04°49'53"E	28.53'
N36°53'55"E	24.64'
N63°35'35"E	39.37'
N59°41'39"E	22.24'
N46°47'10"E	17.71'
N21°44'05"E	24.58'
N28°34'06"E	26.85'
N44°24'55"E	19.04'
N37°32'05"E	24.62'
N26°42'47"E	31.92'
N33°21'18"E	34.60'
N34°21'31"E	31.50'
N26°29'10"E	32.81'
N08°58'18"E	23.13'
N12°31'07"W	33.75'
N28°21'59"W	64.85'
N00°26'17"W	14.53'
N27°05'43"W	24.25'
N51°29'03"W	39.45'
N01°39'56"W	22.26'
N18°08'03"W	14.91'
N41°58'40"W	15.36'
N34°48'40"W	23.95'
N30°36'18"W	13.57'
N73°08'51"W	27.01'
N44°29'34"W	21.71'
N34°03'25"W	106.43'
N17°14'07"W	41.44'
N08°06'16"E	19.08'
N07°59'09"W	34.24'
N12°12'53"E	38.12'
N15°54'41"W	52.58'
N42°03'50"W	45.17'
N14°44'49"W	24.19'
N44°03'02"W	21.62'
N66°54'07"W	14.49'

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 \_\_\_\_\_, PAGE \_\_\_\_\_, ETC.); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK \_\_\_\_\_, PAGE \_\_\_\_\_, THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000+; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D., 2013

SURVEYOR  
 L - 3990  
 LICENSE NUMBER

N/F TOWN OF CLAYTON  
 DB 1005 PG 361  
 PIN: 165808-97-5738

N/F TOWN OF CLAYTON  
 DB 1353 PG 151  
 PIN: 165812-96-6995

N/F TOWN OF CLAYTON  
 DB 1496 PG 275  
 PIN: 165812-95-8821

N/F DENNIS M. PARRISH  
 DB 2202 PG 655  
 PIN: 166805-08-6305

N/F HLMRVT, LLC  
 DB 4200 PG 889  
 PIN: 166809-18-2265

N/F TOWN OF CLAYTON  
 DB 995 PG 328  
 PIN: 165808-98-5176

HEAVNER-HOLDING SUBDIVISION  
 PB 2 PG 23

TRACT 2A  
 614372 SF  
 14.1040 AC

RUN OF RIPARIAN BUFFER IS NEW PROPERTY LINE

TRACT 2  
 BMV, LLC  
 DB 4046 PG 516  
 PIN: 166805-17-6696  
 PIN: 166809-16-3696  
 PIN: 166809-06-6850

AREA SUMMARY  
 TOTAL AREA TRACT 2  
 3855569 SF  
 88.5117 AC

AREA TO TRACT 2A  
 614372 SF  
 14.1040 AC

REMAINING AREA TRACT 2  
 3241197 SF  
 74.4077 AC

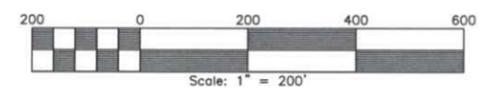
BRITTAIN WOODS SUBDIVISION  
 PB 60 PG 167

N/F HLMRVT, LLC  
 DB 4205 PG 558  
 PIN: 166809-05-4810

COBBLESTONE SUBDIVISION  
 PHASE TWO  
 P.B. 47 P.G. 90

SUBDIVISION PLAT FOR

**BMV, LLC**  
 AND  
**HLMRVT, LLC**  
 CLAYTON TOWNSHIP, JOHNSTON COUNTY  
 NORTH CAROLINA  
 JULY 30, 2013  
 SHEET 3 OF 6

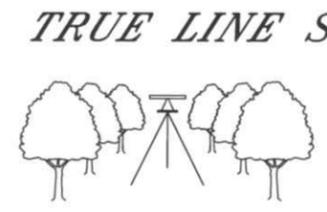


STATE OF NORTH CAROLINA, JOHNSTON COUNTY  
 THIS INSTRUMENT WAS PRESENTED FOR REGISTRATION AND RECORDING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_ AT \_\_\_\_\_.  
 CRAIG OLIVE BY \_\_\_\_\_  
 REGISTER OF DEEDS ASST. REG. OF DEEDS  
 RECORDED IN PB \_\_\_\_\_ PG \_\_\_\_\_

NUMBER	DIRECTION	DISTANCE
L1	S89°30'56"W	198.10'
L2	S88°01'16"W	144.88'
L3	S89°38'27"W	186.01'
L4	N79°00'49"W	105.09'
L5	S10°06'08"W	81.32'
L6	N76°50'55"W	127.37'
L7	N77°34'56"W	69.69'
L8	N00°42'25"W	109.51'
L9	S00°24'38"E	189.26'
L10	S00°34'01"E	216.63'
L11	S44°53'06"E	327.07'
L12	S07°17'30"W	86.49'
L13	N83°20'46"E	161.79'
L14	S43°20'51"E	64.83'
L15	S84°36'37"E	218.08'
L16	S23°49'46"W	34.27'
L17	N89°59'44"W	30.01'
L18	N89°51'06"W	114.78'
L19	S89°59'50"W	74.97'
L20	S89°57'28"W	75.04'
L21	N89°53'44"W	74.96'

NUMBER	DIRECTION	DISTANCE
L22	S89°51'38"W	74.99'
L23	S89°59'12"W	253.82'
L24	N89°57'42"E	124.34'
L25	S89°11'42"W	12.89'
L26	N00°02'40"E	237.32'
L27	N89°59'13"E	210.06'
L28	N89°57'27"W	45.78'
L29	S89°57'25"W	134.49'
L30	S89°57'32"W	79.99'
L31	S89°59'17"W	80.01'
L32	N89°55'29"E	79.96'
L33	S89°57'50"W	80.04'

SURVEYED BY:	
DRAWN BY:	MDB
CHECKED BY:	CURK
BOUNDARY NAME:	
BOUNDARY3.DWG	
SURVEY DATE:	7/30/13
JOB NO.	2073.001



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



N/F  
 BMV, LLC  
 DB 4046 PG 516  
 PIN: 166805-17-6696  
 PIN: 166809-16-3696  
 PIN: 166809-06-6850

**AREA SUMMARY**

TOTAL AREA TRACT 3  
 643172 SF  
 14.7652 AC

AREA TO TRACT 3A  
 49260 SF  
 1.1308 AC

AREA TO TRACT 3B  
 42599 SF  
 0.9779 AC

AREA TO TRACT 3C  
 6534 SF  
 0.1500 AC

REMAINING AREA TRACT 2  
 544779 SF  
 12.5065 AC

TRACT 3  
 HLMRVT, LLC  
 DB 4205 PG 558  
 PIN: 166809-05-4810

TRACT 3C  
 6534 SF  
 0.1500 AC

TRACT 3A  
 49260 SF  
 1.1308 AC

TRACT 3B  
 42599 SF  
 0.9779 AC

N/F  
 TOWN OF CLAYTON  
 DB 1496 PG 275  
 PIN: 165812-95-8821

N/F  
 HLMRVT, LLC  
 DB 4205 PG 558  
 PIN: 166809-05-5232

N/F  
 HLMRVT, LLC  
 DB 4205 PG 558  
 PIN: 166809-05-0110

NUMBER	DIRECTION	DISTANCE
L1	S00°01'49"E	70.73'
L2	S00°01'49"E	79.96'
L3	N29°58'11"E	80.00'
L4	N36°07'26"E	100.58'
L5	S44°55'21"W	104.50'
L6	N38°28'53"E	6.19'
L7	N23°08'55"E	111.67'
L8	N31°35'33"E	57.63'
L9	S39°09'05"W	13.05'
L10	S72°53'52"W	7.15'
L11	S12°59'58"E	76.54'
L12	N04°35'28"E	101.45'
L13	N00°04'34"W	40.44'
L14	N08°26'52"W	92.42'
L15	N24°17'36"W	73.94'
L16	N34°47'38"W	98.03'
L17	N71°53'59"W	61.15'
L18	N69°16'20"E	114.68'
L19	S83°05'35"E	83.16'
L20	N77°22'04"E	93.02'
L21	S58°26'14"W	38.72'
L22	N89°55'24"E	41.27'
L23	S69°44'46"W	87.94'
L24	N79°24'15"W	109.20'
L25	N62°41'16"W	66.62'
L26	S79°27'12"W	57.36'
L27	N00°04'34"W	10.11'
L28	S58°26'16"W	38.72'
L29	N26°20'04"W	55.42'

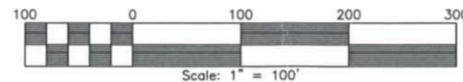
SUBMISION PLAT  
 FOR

**BMV, LLC**  
 AND  
**HLMRVT, LLC**

CLAYTON TOWNSHIP, JOHNSTON COUNTY  
 NORTH CAROLINA  
 JULY 30, 2013  
 SHEET 4 OF 6

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 \_\_\_\_\_, PAGE \_\_\_\_\_,  
 ETC.); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY  
 INDICATED AS DRAWN FROM INFORMATION FOUND IN  
 BOOK \_\_\_\_\_, PAGE \_\_\_\_\_ THAT THE RATIO OF PRECISION  
 AS CALCULATED IS 1:10,000+; THAT THIS PLAT WAS PREPARED  
 IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY  
 ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL  
 THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D., 2013

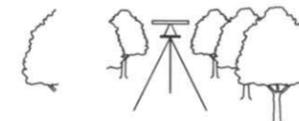
STATE OF NORTH CAROLINA, JOHNSTON COUNTY  
 THIS INSTRUMENT WAS PRESENTED FOR REGISTRATION AND  
 RECORDING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_  
 20 \_\_\_\_\_ AT \_\_\_\_\_  
 CRAIG OLIVE BY \_\_\_\_\_  
 REGISTER OF DEEDS ASST. REG. OF DEEDS  
 RECORDED IN PB \_\_\_\_\_ PG \_\_\_\_\_



\_\_\_\_\_  
 SURVEYOR  
 L - 3990  
 LICENSE NUMBER

SURVEYED BY:  
 DRAWN BY:  
 MDB  
 CHECKED BY:  
 CURK  
 DRAWING NAME:  
 BOUNDARY4.DWG  
 SURVEY DATE:  
 7/30/13  
 JOB NO.  
 2073.001

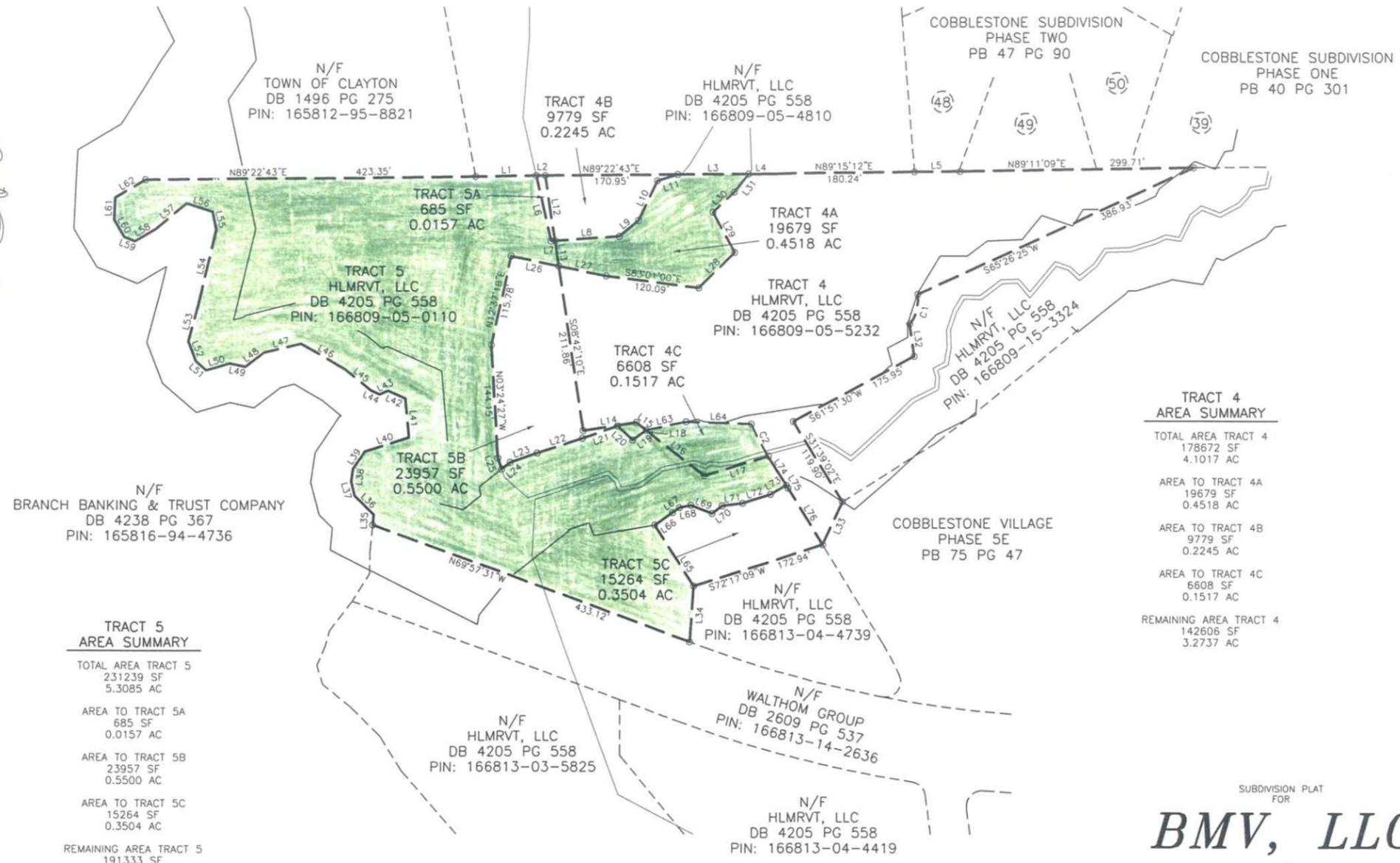
**TRUE LINE SURVEYING, P.C.**



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

NUMBER	RADIUS	ARC LENGTH	CHORD DIRECTION	CHORD LENGTH
C1	50.00	40.00	S15°06'41"W	38.94
C2	311.08	45.91	S27°11'18"E	45.87

NUMBER	DIRECTION	DISTANCE
L1	N89°22'43"E	77.45'
L2	N89°22'43"E	11.47'
L3	N89°22'43"E	90.85'
L4	N89°22'43"E	32.35'
L5	N89°15'12"E	56.63'
L6	S12°59'58"E	85.19'
L7	N86°01'35"E	4.99'
L8	N86°01'35"E	82.86'
L9	N50°41'19"E	31.97'
L10	N26°01'15"E	56.29'
L11	N72°53'52"E	27.38'
L12	S08°42'10"E	83.75'
L13	S08°42'10"E	32.46'
L14	N81°17'50"E	69.09'
L15	S52°27'24"E	15.83'
L16	S52°27'24"E	94.56'
L17	N72°54'57"E	85.73'
L18	S78°06'20"W	0.24'
L19	S54°11'40"W	21.13'
L20	N47°32'49"W	26.04'
L21	S70°51'37"W	47.83'
L22	S72°08'27"W	61.26'
L23	S71°01'16"W	36.43'
L24	S51°38'12"W	13.73'
L25	N19°34'22"W	14.89'
L26	S78°15'24"E	61.94'
L27	S78°15'24"E	62.62'
L28	N45°26'33"E	64.36'
L29	N28°34'39"W	58.16'
L30	N46°40'06"E	37.63'
L31	N38°28'53"E	29.40'
L32	S07°49'52"E	41.60'
L33	S24°40'56"W	60.07'
L34	S04°13'05"W	70.92'
L35	N05°38'35"E	13.42'
L36	N45°56'46"W	33.97'
L37	N14°52'38"W	18.28'
L38	N08°57'08"E	16.95'
L39	N33°47'44"E	26.53'
L40	N72°46'19"E	59.09'
L41	N04°49'57"W	49.77'
L42	N65°57'50"W	24.79'
L43	S65°09'51"W	11.80'
L44	N63°46'35"W	12.90'
L45	N51°15'42"W	41.90'
L46	N60°06'39"W	65.25'
L47	S75°52'10"W	48.95'
L48	S52°34'53"W	29.82'
L49	N77°42'13"W	20.67'
L50	S74°01'34"W	31.47'
L51	N49°37'45"W	17.48'
L52	N21°09'13"W	27.03'
L53	N15°21'03"E	48.66'
L54	N13°27'56"E	98.23'
L55	N12°08'21"W	23.15'
L56	N72°32'34"W	35.19'
L57	S50°24'04"W	50.94'
L58	S59°35'56"W	30.86'
L59	N68°13'01"W	14.74'
L60	N31°14'16"W	24.89'
L61	N02°32'10"E	28.30'
L62	N58°57'39"E	45.00'
L63	N78°06'20"E	52.84'
L64	S88°04'13"E	83.39'



**TRACT 4  
AREA SUMMARY**

TOTAL AREA TRACT 4  
178672 SF  
4.1017 AC

AREA TO TRACT 4A  
19679 SF  
0.4518 AC

AREA TO TRACT 4B  
9779 SF  
0.2245 AC

AREA TO TRACT 4C  
6608 SF  
0.1517 AC

REMAINING AREA TRACT 4  
142606 SF  
3.2737 AC

**TRACT 5  
AREA SUMMARY**

TOTAL AREA TRACT 5  
231239 SF  
5.3085 AC

AREA TO TRACT 5A  
685 SF  
0.0157 AC

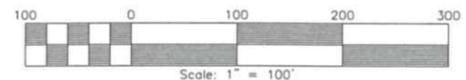
AREA TO TRACT 5B  
23957 SF  
0.5500 AC

AREA TO TRACT 5C  
15264 SF  
0.3504 AC

REMAINING AREA TRACT 5  
191333 SF  
4.3924 AC

SUBDIVISION PLAT  
FOR  
**BMV, LLC**  
AND  
**HLMRVT, LLC**  
CLAYTON TOWNSHIP, JOHNSTON COUNTY  
NORTH CAROLINA  
JULY 30, 2013  
SHEET 5 OF 6

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 \_\_\_\_\_ PAGE \_\_\_\_\_  
ETC.); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY  
INDICATED AS DRAWN FROM INFORMATION FOUND IN  
BOOK \_\_\_\_\_ PAGE \_\_\_\_\_, THAT THE RATIO OF PRECISION  
AS CALCULATED IS 1:10,000+; THAT THIS PLAT WAS PREPARED  
IN ACCORDANCE WITH G.S. 47-30 AS AMENDED, WITNESS MY  
ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D., 2013



STATE OF NORTH CAROLINA, JOHNSTON COUNTY  
THIS INSTRUMENT WAS PRESENTED FOR REGISTRATION AND  
RECORDING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_  
20\_\_\_\_ AT \_\_\_\_\_  
CRAIG OLIVE BY \_\_\_\_\_  
REGISTER OF DEEDS ASST. REG. OF DEEDS  
RECORDED IN PB \_\_\_\_\_ PG \_\_\_\_\_

NUMBER	DIRECTION	DISTANCE
L65	N32°59'21"W	92.23'
L66	N55°07'14"E	27.87'
L67	N54°11'40"E	10.85'
L68	N78°06'20"E	14.97'
L69	S69°04'13"E	29.18'
L70	N53°08'52"E	16.20'
L71	N82°39'06"E	26.30'
L72	N72°16'50"E	37.19'
L73	N60°13'40"E	23.27'
L74	S32°41'24"E	27.92'
L75	S32°41'24"E	4.32'
L76	N31°39'07"W	84.58'

SURVEYED BY:  
DRAWN BY: MDB  
CHECKED BY: CURK  
DRAWING NAME: BOUNDARY5.DWG  
SURVEY DATE: 7/30/13  
JOB NO. 2073.001

**TRUE LINE SURVEYING, P.C.**

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

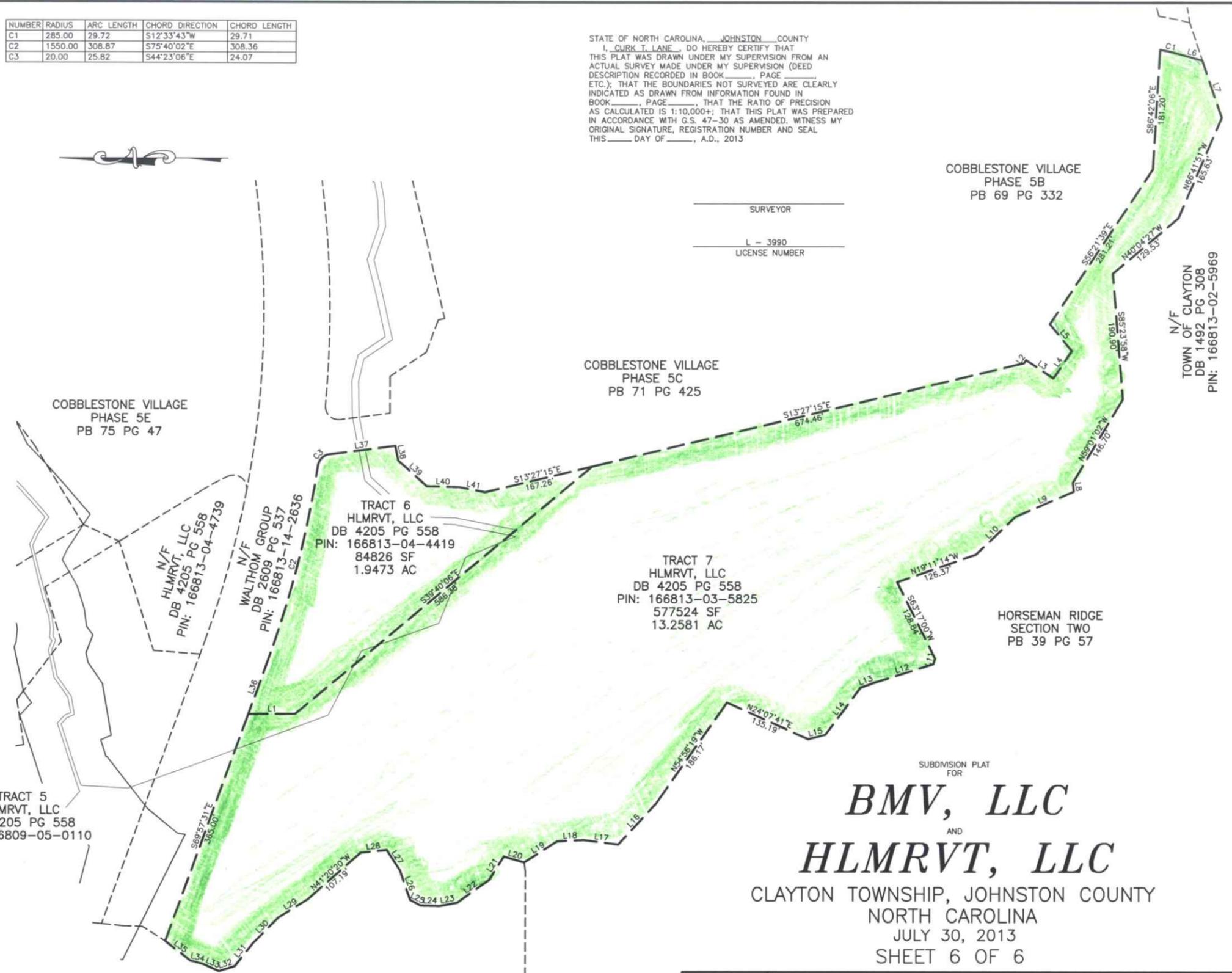
SURVEYOR  
L - 3990  
LICENSE NUMBER

NUMBER	DIRECTION	DISTANCE
L1	S00°11'19"E	70.63'
L2	S56°21'39"E	5.65'
L3	S33°38'21"W	50.00'
L4	S56°21'39"E	50.00'
L5	N50°19'15"E	52.20'
L6	S15°32'58"W	36.53'
L7	S71°06'08"W	91.54'
L8	S83°26'13"W	13.46'
L9	N23°24'54"W	96.16'
L10	N43°28'56"W	83.27'
L11	N72°08'37"W	9.06'
L12	N17°16'36"W	93.83'
L13	N19°53'52"W	22.36'
L14	N53°10'58"W	88.94'
L15	N14°19'28"W	26.73'
L16	N47°14'09"W	84.42'
L17	N07°05'06"E	53.22'
L18	N02°46'11"W	40.36'
L19	N32°32'19"W	59.29'
L20	N15°45'43"E	32.12'
L21	N57°46'08"W	41.91'
L22	N35°25'16"W	58.95'
L23	N10°44'21"W	27.73'
L24	N02°01'24"E	28.96'
L25	N26°30'05"E	17.58'
L26	N70°18'55"E	47.78'
L27	N56°42'45"E	36.36'
L28	N05°41'10"W	40.05'
L29	N31°45'33"W	51.94'
L30	N45°25'19"W	54.06'
L31	N51°30'38"W	44.73'
L32	N17°27'57"W	25.25'
L33	N23°45'35"E	26.66'
L34	N14°53'30"E	20.02'
L35	N37°26'19"E	47.95'
L36	S69°57'31"E	81.71'
L37	S07°23'39"E	101.44'
L38	S78°53'28"W	22.45'
L39	S41°29'03"W	58.59'
L40	S01°35'50"W	49.31'
L41	S10°47'47"W	40.40'

NUMBER	RADIUS	ARC LENGTH	CHORD DIRECTION	CHORD LENGTH
C1	285.00	29.72	S12°33'43"W	29.71
C2	1550.00	308.87	S75°40'02"E	308.36
C3	20.00	25.82	S44°23'06"E	24.07

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 \_\_\_\_\_, PAGE \_\_\_\_\_,  
 ETC.); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY  
 INDICATED AS DRAWN FROM INFORMATION FOUND IN  
 BOOK \_\_\_\_\_, PAGE \_\_\_\_\_ THAT THE RATIO OF PRECISION  
 AS CALCULATED IS 1:10,000+; THAT THIS PLAT WAS PREPARED  
 IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY  
 ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL  
 THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D., 2013

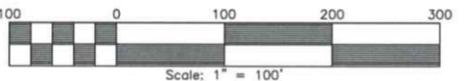
\_\_\_\_\_  
 SURVEYOR  
 L - 3990  
 LICENSE NUMBER



SUBDIVISION PLAT  
 FOR  
**BMV, LLC**  
 AND  
**HLMRVT, LLC**  
 CLAYTON TOWNSHIP, JOHNSTON COUNTY  
 NORTH CAROLINA  
 JULY 30, 2013  
 SHEET 6 OF 6

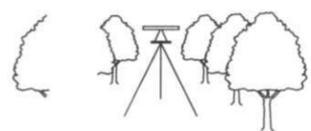
STATE OF NORTH CAROLINA, JOHNSTON COUNTY  
 THIS INSTRUMENT WAS PRESENTED FOR REGISTRATION AND  
 RECORDING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_  
 20\_\_\_\_ AT \_\_\_\_\_  
 CRAIG OLIVE BY \_\_\_\_\_  
 REGISTER OF DEEDS ASST. REG. OF DEEDS  
 RECORDED IN PB \_\_\_\_\_ PG \_\_\_\_\_

N/F  
 BRANCH BANKING & TRUST COMPANY  
 DB 4238 PG 367  
 PIN: 165816-94-4736



SURVEYED BY:
DRAWN BY: MDB
CHECKED BY: CURK
DRAWING NAME: BOUNDARY6.DWG
SURVEY DATE: 07/30/13
JOB NO. 2073.001

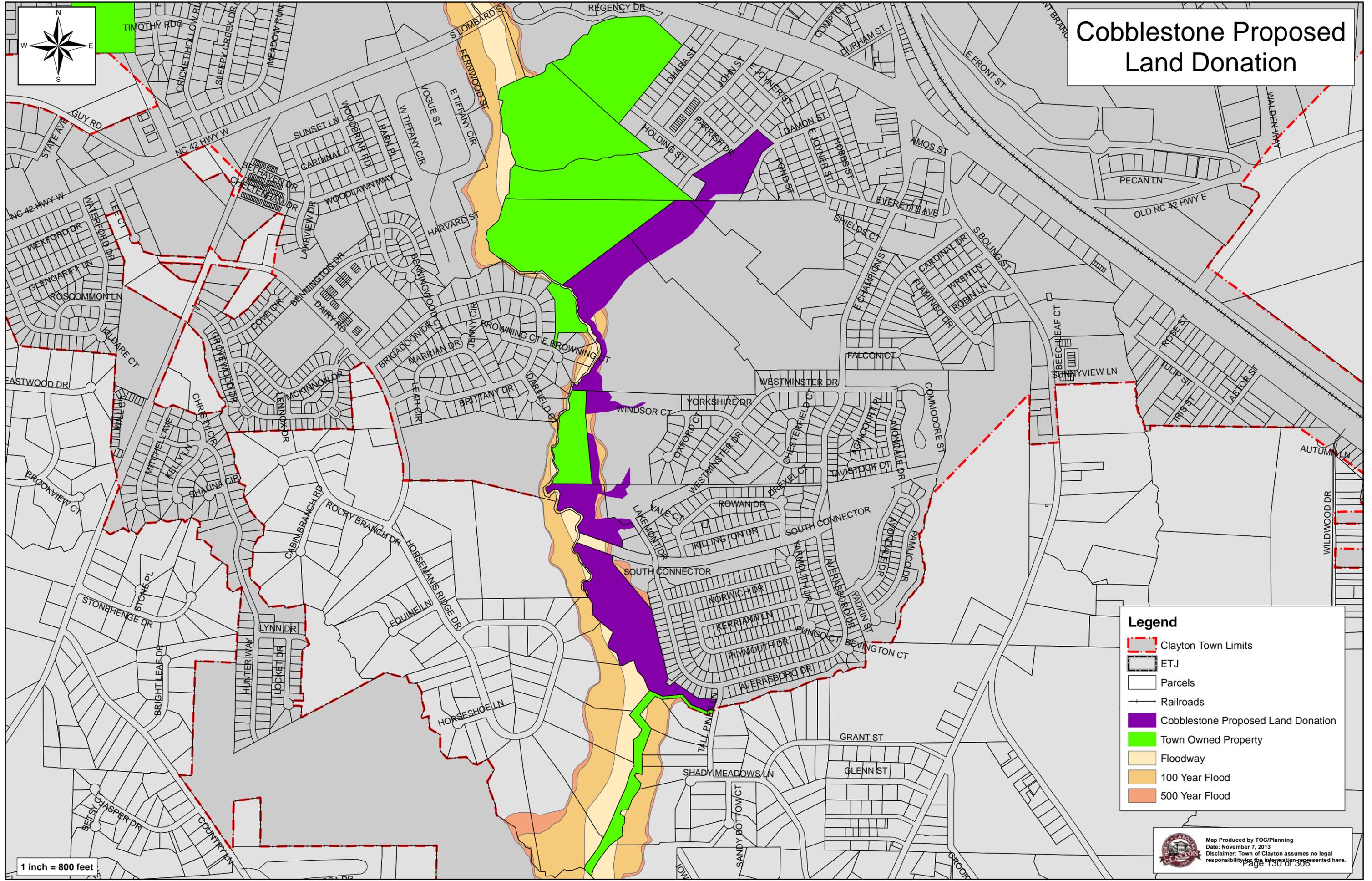
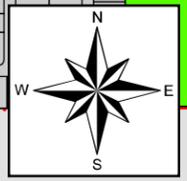
**TRUE LINE SURVEYING, P.C.**



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

C-1859

# Cobblestone Proposed Land Donation



**Legend**

- Clayton Town Limits
- ETJ
- Parcels
- Railroads
- Cobblestone Proposed Land Donation
- Town Owned Property
- Floodway
- 100 Year Flood
- 500 Year Flood

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

Agenda Item: 5d

Meeting Date: 11/18/13

**TITLE: PRESENTATION OF BUDGET ORDINANCE AMENDMENT TO REFLECT THE APPROPRIATION OF FUND BALANCE TO PURCHASE EQUIPMENT FOR TE POLICE INVESTIGATIONS WITH THE PROCEEDS FROM UNAUTHORIZED SUBSTANCE TAX DISTRIBUTION (USTD) FROM THE STATED THAT WERE RECEIVED IN PRIOR (FISCAL) YEARS.**

**DESCRIPTION: Attached.**

**RELATED GOAL: Financially Responsible Town Government Providing Quality Service**

**ITEM SUMMARY:**

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
11-18-13	Presentation.	Budget ordinance.

**Town of Clayton**  
**Ordinance Amendment to the FY 13-14 Budget**

BE IT HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON that the following amendments shall be made to the FY 13-14 Budget:

**Fund: General Fund**

Line Item	Previous Appropriation	Adjustment	Revised Appropriation
Expenditures			
100-50-00-55 06	Drug Seizure Funds – State \$0	+2,519	\$2,519
Revenue			
100-40-00-48 99	Fund Balance Appropriated \$1,261,234	+2,519	\$1,263,753

-Explanation: Amendment necessary to reflect the appropriation of Fund Balance to purchase equipment for police investigations with the proceeds from unauthorized substance tax distributions (USTD) from the State, which were received in prior years. The General Statutes (G.S. 105-113.113) mandates the Department of Revenue to distribute 75% of the USTD funds to the local law enforcement agency that conducted the investigation of a dealer that led to the assessment. The State establishes a special nonreverting account for the USTD funds. The USTD funds are intended to directly enhance the law enforcement activities of the Clayton Police Department.

Duly adopted this \_\_\_\_ day of \_\_\_\_\_, 2013 while in regular session.

\_\_\_\_\_  
 Jody L. McLeod  
 Mayor

Attest:

\_\_\_\_\_  
 Sherry L. Scoggins, MMC  
 Town Clerk

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

Agenda Item: 5e

Meeting Date: 11/18/13

**TITLE: PRESENTATION OF APPLICATIONS FROM CITIZENS REQUESTING CONSIDERATION TO SERVE ON TOWN OF CLAYTON ADVISORY BOARD AND COMMITTEES.**

**DESCRIPTION:** The Town of Clayton has seven advisory boards and committees:

- Board of Adjustment – in-town and ETJ
- Downtown Development Association
- Fire Advisory Board – Clayton Fire Dept & Claytex Resident
- Library Board – in-town and ETJ
- Planning Board – in-town and ETJ
- Public Art Advisory Board
- Recreation Advisory Committee

Each of these boards provides a valuable service to the Town Council through review of programs and requests with recommendations to the Town Council for its consideration.

**RELATED GOAL:** Administrative

**ITEM SUMMARY:**

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
11-18-13	Presentation.	Memo & Applications.



**TO: Town Council**

**FROM: Amber Bond, Assistant to the Town Clerk**

**DATE: November 18, 2013**

**SUBJECT: Applications for Citizen Advisory Boards**

**Attached are the applications received from citizens requesting consideration to serve on a Town citizen advisory board. The applications have been sorted by board and an overview coversheet of each board precedes the applications.**

**Applications received by the August 30, 2013, closing were forwarded to the staff liaison and Council ex-officio. For candidates requesting reappointment, the by-laws were checked for eligibility and the staff liaison checked the attendance record. For candidates requesting initial appointment, the staff liaison and Council ex-officio had the option of conducting interviews.**

## BOARD OF ADJUSTMENT

The Board of Adjustment consists of seven regular members with four members residing in-town and three members residing in the ETJ. The BOA also has two alternate members, one member residing in-town and one member residing in the ETJ.

Presently the Board of Adjustment has two In-Town positions with terms expiring 12/31/2013 and one ETJ position with a term expiring 12/31/2013:

- Johnny R. House– ETJ
- Mark E. Helmer – In-Town
- Stephen (Tom) Medlin – In-Town

Candidate	Initial / Incumbent	In-Town / ETJ	Staff Liaison / Ex-officio Comment
Johnny R. House	Incumbent	ETJ*	Recommended
Mark E. Helmer	Incumbent	In-Town	Recommended
Stephen (Tom) Medlin	Incumbent	In-Town	Recommended
Debra A. Griffiths	Initial appointment	In-Town	Keep on File

If the above slate of candidates is acceptable, the BOA could have full membership.

\* *ETJ recommendation(s) for the Board of Adjustment and/or the Planning and Zoning Board are sent to the Johnston County Board of Commissioners for appointment (NC GS 160A-362).*



RECEIVED  
8/22/13 AB

# ADVISORY BOARD CANDIDATE APPLICATION

The Town of Clayton welcomes and appreciates your interest in serving the Town. This application is designed to gather information to evaluate your qualifications. Candidates may be interviewed prior to appointment.

If requesting consideration for more than one, please submit a separate application for each board.

CHOOSE ONE:

- Planning & Zoning Board
- Board of Adjustment
- Downtown Development Assoc.
- Clayton Library Board
- Recreation Advisory Committee
- Fire Dept. Advisory Board
- Public Arts Advisory Board

**PLEASE NOTE:** In accordance with North Carolina law, this application is a public record and will be disclosed upon request and without notice. If there is any information you do not want released to the public, please do not include it.

**Please type or use dark ink.**

Name: JOHNNY R. HOUSE

Mailing Address: 2975 COVERED BRIDGE RD.

Physical HOME Address: 2975 COVERED BRIDGE RD.

Phone Number (HOME): 919-553-3295 (WORK) 919-269-2548

FAX Number: \_\_\_\_\_ Mobile Number: 919-805-0715

Email Address: \_\_\_\_\_

\*Female  \*Male  \*Race WHITE

Employer: DUKE ENERGY

Occupation: PROJECT MANAGER

\*This information is voluntary and is requested for the sole purpose of assuring that a cross section of the community is appointed; NC GS 143-157.1.

Residency within the Town limits or ETJ (extra territorial jurisdiction) is required for membership on most Council advisory boards.

Length of residence in Clayton: 54 YEARS

Do you live in the Clayton? Corporate Limits: Yes  No  ETJ: Yes  No

How did you find out about this board or committee? Facebook  Website  TV

Newspaper  Email  Twitter  Mail  Other ON BOARD OF ADJUSTMENTS

Outline your qualifications and why you wish to serve the board/committee you indicated.

- EMPLOYED WITH DUKE ENERGY FOR 34 YEARS IN COMMERCIAL & RESIDENTIAL DEVELOPMENTS.

- LIVE IN & AROUND CLAYTON ALL MY LIFE

State why you would be an asset to this board or committee. KNOWLEDGE OF COMMERCIAL & RESIDENTIAL DEVELOPMENT

Do you anticipate a conflict of interest if asked to serve as a member on the requested board or committee? No  Yes  If Yes, explain:

**PLEASE LIST CURRENT AND PREVIOUS SERVICE TO THE COMMUNITY, CIVIC CLUBS, ETC., ACTIVITY AND ANY SPECIAL TALENTS.**

Boards/Committees/Civic	From	To
<u>CLAYTON CHAMBER BOARD member</u>	<u>1990</u>	<u>1996</u>
<u>MEMBER ARETHA LODGE Community CR.</u>	<u>1992</u>	<u>Present</u>
<u>ARETHA LODGE BOYS &amp; GIRLS CHAIRMAN</u>	<u>10-2012</u>	<u>Present</u>

[Signature]  
Signature

8-20-13  
Date

- Please do not submit resumes or attachments.
- This application is a **public record**.
- Information in the application will be considered in making appointments.
- Candidates may be interviewed prior to appointment.
- If not initially appointed to serve, this application will remain active until August 1 of the following year.

Applications are to be turned in to the Town Clerk in person (111 East Second Street), by mail (Town of Clayton, PO BOX 879, Clayton, NC 27528) or by email (sscoggins@townofclaytonnc.org)



received  
8/30/13 AB

# ADVISORY BOARD CANDIDATE APPLICATION

The Town of Clayton welcomes and appreciates your interest in serving the Town. This application is designed to gather information to evaluate your qualifications. Candidates may be interviewed prior to appointment.

If requesting consideration for more than one, please submit a separate application for each board.

CHOOSE ONE:

- Planning & Zoning Board
- Downtown Development Assoc.
- Recreation Advisory Committee
- Board of Adjustment
- Clayton Library Board
- Fire Dept. Advisory Board
- Public Arts Advisory Board

**PLEASE NOTE:** In accordance with North Carolina law, this application is a public record and will be disclosed upon request and without notice. If there is any information you do not want released to the public, please do not include it.

**Please type or use dark ink.**

Name: Mark E. Helmer

Mailing Address: 209 Timothy Ridge

Physical HOME Address: 209 Timothy Ridge

Phone Number (HOME): 919-553-3475 (WORK) 919-934-2116

FAX Number: 919-934-1134 Mobile Number: 919-553-3475

Email Address: Mark\_Helmer@hotmail.com

\*Female  \*Male  \*Race white

Employer: Town of Smithfield

Occupation: Urban Planner

\*This information is voluntary and is requested for the sole purpose of assuring that a cross section of the community is appointed; NC GS 143-157.1.

Residency within the Town limits or ETJ (extra territorial jurisdiction) is required for membership on most Council advisory boards.

Length of residence in Clayton: 11 Years

Do you live in the Clayton? Corporate Limits: Yes  No  ETJ: Yes  No

How did you find out about this board or committee? Facebook  Website  TV

Newspaper  Email  Twitter  Mail  Other \_\_\_\_\_

Outline your qualifications and why you wish to serve the board/committee you indicated. As an AICP certified planner and zoning official. I have a strong understanding and years of experience working with various Boards of Adjustments. I am knowledgeable of development regulations and would like the opportunity to continue to use my knowledge for the betterment of my community.

State why you would be an asset to this board or committee. My commitment to my hometown and technical expertise in zoning code will bring and additional level of professionalism to a board that is often called upon to make difficult decisions.

Do you anticipate a conflict of interest if asked to serve as a member on the requested board or committee? No  Yes  If Yes, explain:

PLEASE LIST CURRENT AND PREVIOUS SERVICE TO THE COMMUNITY, CIVIC CLUBS, ETC., ACTIVITY AND ANY SPECIAL TALENTS.

Boards/Committees/Civic	From	To
Clayton Board of Adjustment	2011	2013
_____	_____	_____
_____	_____	_____
_____	_____	_____

Mark E. Helmer, AICP

Digitally signed by Mark E. Helmer, AICP  
DN: cn=Mark E. Helmer, AICP, o=Town of Smithfield, NC, ou=Planning Department, email=Mark.Helmer@townofclaytonnc.com, c=US  
Date: 2013.08.30 14:28:28 -0400

8/30/2013

Signature

Date

- Please do not submit resumes or attachments.
- This application is a **public record**.
- Information in the application will be considered in making appointments.
- Candidates may be interviewed prior to appointment.
- If not initially appointed to serve, this application will remain active until August 1 of the following year.

Applications are to be turned in to the Town Clerk in person (111 East Second Street), by mail (Town of Clayton, PO BOX 879, Clayton, NC 27528) or by email (sscoggins@townofclaytonnc.org)



RECEIVED  
8/19/13 AB

# ADVISORY BOARD CANDIDATE APPLICATION

The Town of Clayton welcomes and appreciates your interest in serving the Town. This application is designed to gather information to evaluate your qualifications. Candidates may be interviewed prior to appointment.

If requesting consideration for more than one, please submit a separate application for each board.

CHOOSE ONE:

- Planning & Zoning Board
- Board of Adjustment
- Downtown Development Assoc.
- Clayton Library Board
- Recreation Advisory Committee
- Fire Dept. Advisory Board
- Public Arts Advisory Board

**PLEASE NOTE:** In accordance with North Carolina law, this application is a public record and will be disclosed upon request and without notice. If there is any information you do not want released to the public, please do not include it.

**Please type or use dark ink.**

Name: TOM MEDLIN

Mailing Address: 213 MUIRFIELD LANE, CLAYTON N.C. 27527

Physical HOME Address: Same

Phone Number (HOME): 919-553-5537 (WORK) 919-934-6141

FAX Number: 919-934-3130 Mobile Number: \_\_\_\_\_

Email Address: TOMMEDLIN@ALLSTATE.COM

\*Female  \*Male  \*Race \_\_\_\_\_

Employer: MEDLIN INS. AGY.

Occupation: OWNER/INSURANCE AGENT

\*This information is voluntary and is requested for the sole purpose of assuring that a cross section of the community is appointed; NC GS 143-157.1.

Residency within the Town limits or ETJ (extra territorial jurisdiction) is required for membership on most Council advisory boards.

Length of residence in Clayton: 25 YEARS

Do you live in the Clayton? Corporate Limits: Yes  No  ETJ: Yes  No

How did you find out about this board or committee? Facebook  Website  TV

Newspaper  Email  Twitter  Mail  Other CURRENTLY ON BOARD

Outline your qualifications and why you wish to serve the board/committee you indicated.

I have been a business owner resident and I care deeply that our city expands properly

State why you would be an asset to this board or committee. experience on current board

Do you anticipate a conflict of interest if asked to serve as a member on the requested board or committee? No  Yes  If Yes, explain:

**PLEASE LIST CURRENT AND PREVIOUS SERVICE TO THE COMMUNITY, CIVIC CLUBS, ETC., ACTIVITY AND ANY SPECIAL TALENTS.**

Boards/Committees/Civic	From	To
<u>BOA</u>	<u>2006</u>	<u>present</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

Tom Medler  
Signature

8/13/2013  
Date

- Please do not submit resumes or attachments.
- This application is a **public record**.
- Information in the application will be considered in making appointments.
- Candidates may be interviewed prior to appointment.
- If not initially appointed to serve, this application will remain active until August 1 of the following year.

Applications are to be turned in to the Town Clerk in person (111 East Second Street), by mail (Town of Clayton, PO BOX 879, Clayton, NC 27528) or by email (sscoggins@townofclaytonnc.org)



**ADVISORY BOARD CANDIDATE APPLICATION**

The Town of Clayton welcomes and appreciates your interest in serving the Town. This application is designed to gather information to evaluate your qualifications. Candidates may be interviewed prior to appointment.

If requesting consideration for more than one, please submit a separate application for each board.

CHOOSE ONE:

- Planning & Zoning Board
- Downtown Development Assoc.
- Recreation Advisory Committee
- Board of Adjustment
- Clayton Library Board
- Fire Dept. Advisory Board
- Public Arts Advisory Board

**PLEASE NOTE:** In accordance with North Carolina law, this application is a public record and will be disclosed upon request and without notice. If there is any information you do not want released to the public, please do not include it.

Please type or use dark ink.

Name: Debra A. Griffiths

Mailing Address: 42 Tuscarora Lane, Clayton, NC 27520

Physical HOME Address: 42 Tuscarora Lane, Clayton, NC 27520

Phone Number (HOME): n/a (WORK) 919-850-9199

FAX Number: 919-850-9699 Mobile Number: 919-215-9052

Email Address: dgriffiths@sandlindavidian.com

\*Female  \*Male  \*Race Caucasian

Employer: Sandlin & Davidian, PA

Occupation: Attorney

\*This information is voluntary and is requested for the sole purpose of assuring that a cross section of the community is appointed; NC GS 143-157.1.

Residency within the Town limits or ETJ (extra territorial jurisdiction) is required for membership on most Council advisory boards.

Length of residence in Clayton: 5 months

Do you live in the Clayton? Corporate Limits: Yes  No  ETJ: Yes  No

How did you find out about this board or committee? Facebook  Website  TV

Newspaper  Email  Twitter  Mail  Other \_\_\_\_\_

Outline your qualifications and why you wish to serve the board/committee you indicated. As an attorney, I have experience in reading rules, laws, cases, statutes and regulations and applying those to a specific set of facts. My practice is limited to domestic work so I also have experience dealing with individuals with two very different perspectives on a matter and working to reach a resolution of the issue.

State why you would be an asset to this board or committee. For the reasons stated above as well as my dedication to all matters that I undertake. I have the ability to work in a group and try to understand all perspectives and work toward a resolution.

Do you anticipate a conflict of interest if asked to serve as a member on the requested board or committee? No  Yes  If Yes, explain:

**PLEASE LIST CURRENT AND PREVIOUS SERVICE TO THE COMMUNITY, CIVIC CLUBS, ETC., ACTIVITY AND ANY SPECIAL TALENTS.**

Boards/Committees/Civic	From	To
Wake County Bar-Membership Committee	2010	present
N.C. Bar. Assoc.-Various committees	2010	present
Triangle Family Services-Program Comm.	2012	present
_____	_____	_____

[Handwritten Signature]  
Signature

9/6/13  
Date

- Please do not submit resumes or attachments.
- This application is a public record.
- Information in the application will be considered in making appointments.
- Candidates may be interviewed prior to appointment.
- If not initially appointed to serve, this application will remain active until August 1 of the following year.

Applications are to be turned in to the Town Clerk in person (111 East Second Street), by mail (Town of Clayton, PO BOX 879, Clayton, NC 27528) or by email (sscoggins@townofclaytonnc.org)

## DOWNTOWN DEVELOPMENT ASSOCIATION

The Downtown Development Association (DDA) consists of 11 regular members. Members may be residents of the Town, businesspersons with interests in Downtown Clayton, property owners within the Downtown District of Clayton, or other persons with knowledge or abilities deemed beneficial to the purpose of the Association.

The Downtown Development Association (DDA) has three positions with terms expiring 12/31/2013 and a vacant position with a term expiring 12/31/2013:

- Betsy Grannis (*Ineligible due to term restrictions*)
- Donna Steele
- Deborah Romano (*Wishes not to renew*)
- Vacant (*12/31/2013*)

Candidate	Initial / Incumbent	In-Town / Out-of-Town	Staff Liaison / Ex-officio Comment
Donna Steele	Incumbent	In-Town	Recommended
James Lipscomb	Initial appointment	ETJ*	Recommended
Jessica Lloyd	Initial appointment	In-Town	Recommended
Paul Black	Initial appointment	Out-of-Town	Recommended
Teresa Mathis	Initial appointment	In-Town	Keep on File
Shannon Mann	Initial appointment	ETJ*	Keep on File

If the above slate of candidates is acceptable, the DDA could have a full membership.

RECEIVED  
8/27/13



KEEP ON FILE UNTIL 8/30/2014

# ADVISORY BOARD CANDIDATE APPLICATION

The Town of Clayton welcomes and appreciates your interest in serving the Town. This application is designed to gather information to evaluate your qualifications. Candidates may be interviewed prior to appointment.

If requesting consideration for more than one, please submit a separate application for each board.

CHOOSE ONE:

- Planning & Zoning Board
- Downtown Development Assoc.
- Recreation Advisory Committee
- Board of Adjustment
- Clayton Library Board
- Fire Dept. Advisory Board
- Public Arts Advisory Board

**PLEASE NOTE:** In accordance with North Carolina law, this application is a public record and will be disclosed upon request and without notice. If there is any information you do not want released to the public, please do not include it.

**Please type or use dark ink.**

Name: Donna H. Steele  
 Mailing Address: 204 Parkridge Dr., Clayton, NC  
 Physical HOME Address: 204 Parkridge Dr., Clayton, NC 27527 27527  
 Phone Number (HOME): 919-550-6634 (WORK) 919-359-5806  
 FAX Number: N/A Mobile Number: 919-333-6361  
 Email Address: donna.steele@grifols.com

\*Female  \*Male  \*Race \_\_\_\_\_

Employer: Grifols

Occupation: Performance Development Manager

\*This information is voluntary and is requested for the sole purpose of assuring that a cross section of the community is appointed; NC GS 143-157.1.

Residency within the Town limits or ETJ (extra territorial jurisdiction) is required for membership on most Council advisory boards.

Length of residence in Clayton: 10 yrs.

Do you live in the Clayton? Corporate Limits: Yes  No  ETJ: Yes  No

How did you find out about this board or committee? Facebook  Website  TV

Newspaper  Email  Twitter  Mail  Other Friend

Outline your qualifications and why you wish to serve the board/committee you indicated.

Experience on Board, Experience  
serving on Board of Adjustment, serv  
on Johnston Community College Founda-  
tion Board - Finance Chair, Community

State why you would be an asset to this board or committee. Interest

in corporate partners, interest  
in improving downtown

Do you anticipate a conflict of interest if asked to serve as a member on the requested board or committee? No  Yes  If Yes, explain:

**PLEASE LIST CURRENT AND PREVIOUS SERVICE TO THE COMMUNITY, CIVIC CLUBS, ETC., ACTIVITY AND ANY SPECIAL TALENTS.**

Boards/Committees/Civic	From	To
JCC Foundation Board	2006	Present Finance Chair
Board of Adjustment	2005?	2010? Com. affair Chair
Downtown Dev Board	2011	Present Org. Com
Biotechnology Advisory Boards	2003	Present

Donna H Stule  
 Signature

8/25/13  
 Date

- Please do not submit resumes or attachments.
- This application is a **public record**.
- Information in the application will be considered in making appointments.
- Candidates may be interviewed prior to appointment.
- If not initially appointed to serve, this application will remain active until August 1 of the following year.

Applications are to be turned in to the Town Clerk in person (111 East Second Street), by mail (Town of Clayton, PO BOX 879, Clayton, NC 27528) or by email ([sscoggins@townofclaytonnc.org](mailto:sscoggins@townofclaytonnc.org))

RECEIVED  
8/27/13 AB



# ADVISORY BOARD CANDIDATE APPLICATION

The Town of Clayton welcomes and appreciates your interest in serving the Town. This application is designed to gather information to evaluate your qualifications. Candidates may be interviewed prior to appointment.

If requesting consideration for more than one, please submit a separate application for each board.

CHOOSE ONE:

- Planning & Zoning Board
- Downtown Development Assoc.
- Recreation Advisory Committee
- Board of Adjustment
- Clayton Library Board
- Fire Dept. Advisory Board
- Public Arts Advisory Board

**PLEASE NOTE:** In accordance with North Carolina law, this application is a public record and will be disclosed upon request and without notice. If there is any information you do not want released to the public, please do not include it.

---

**Please type or use dark ink.**

Name: James Howard Lipscomb

Mailing Address: 3407 Barber Mill Road Clayton NC 27520

Physical HOME Address: Same as Above

Phone Number (HOME): N/A (WORK) 919-550-7355

FAX Number: 919-553-0330 Mobile Number: 919-422-4704

Email Address: James@myHTR.com

\*Female  \*Male  \*Race Caucasion

Employer: HomeTowne Realty

Occupation: Realtor / Developer

\*This information is voluntary and is requested for the sole purpose of assuring that a cross section of the community is appointed; NC GS 143-157.1.



RECEIVED  
8/27/13 AB



## ADVISORY BOARD CANDIDATE APPLICATION

The Town of Clayton welcomes and appreciates your interest in serving the Town. This application is designed to gather information to evaluate your qualifications. Candidates may be interviewed prior to appointment.

If requesting consideration for more than one, please submit a separate application for each board.

CHOOSE ONE:

- |   |  |
|---|--|
| <input type="checkbox"/> Planning & Zoning Board                | <input type="checkbox"/> Board of Adjustment       |
| <input checked="" type="checkbox"/> Downtown Development Assoc. | <input type="checkbox"/> Clayton Library Board     |
| <input type="checkbox"/> Recreation Advisory Committee          | <input type="checkbox"/> Fire Dept. Advisory Board |
| <input type="checkbox"/> Public Arts Advisory Board             |  |

**PLEASE NOTE:** In accordance with North Carolina law, this application is a public record and will be disclosed upon request and without notice. If there is any information you do not want released to the public, please do not include it.

**Please type or use dark ink.**

Name: Jessica Lloyd

Mailing Address: 336 Barbour Street Clayton, NC 27520

Physical HOME Address: 336 Barbour Street Clayton, NC 27520

Phone Number (HOME): 919-749-5253 (WORK) 919-905-2509

FAX Number: \_\_\_\_\_ Mobile Number: 919-749-5253

Email Address: jlalloyd@gmail.com

\*Female  \*Male

\*Race White

Employer: Nortel Networks, Inc.

Occupation: Senior Accountant & Financial Analyst

\*This information is voluntary and is requested for the sole purpose of assuring that a cross section of the community is appointed; NC GS 143-157.1.





KEEP ON FILE UNTIL 8/30/2014

RECEIVED 8/27/13/13

# ADVISORY BOARD CANDIDATE APPLICATION

The Town of Clayton welcomes and appreciates your interest in serving the Town. This application is designed to gather information to evaluate your qualifications. Candidates may be interviewed prior to appointment.

If requesting consideration for more than one, please submit a separate application for each board.

CHOOSE ONE:

- Planning & Zoning Board
- Downtown Development Assoc.
- Recreation Advisory Committee
- Board of Adjustment
- Clayton Library Board
- Fire Dept. Advisory Board
- Public Arts Advisory Board

**PLEASE NOTE:** In accordance with North Carolina law, this application is a public record and will be disclosed upon request and without notice. If there is any information you do not want released to the public, please do not include it.

**Please type or use dark ink.**

Name: Paul A. Black

Mailing Address: 126 Reedy Creek Road Four Oaks 27524

Physical HOME Address: same as mailing address

Phone Number (HOME): 919 524 5858 (WORK) 919 525 1221

FAX Number: N/A Mobile Number: 919 524-5858

Email Address: Blackstone@nc.rr.com

\*Female  \*Male  \*Race Caucasian

Employer: My Girlfriends Place Day Spa

Occupation: Hair stylist / owner

\*This information is voluntary and is requested for the sole purpose of assuring that a cross section of the community is appointed; NC GS 143-157.1.

Residency within the Town limits or ETJ (extra territorial jurisdiction) is required for membership on most Council advisory boards.

Length of residence in Clayton: \_\_\_\_\_

Do you live in the Clayton? Corporate Limits: Yes  No  ETJ: Yes  No

How did you find out about this board or committee? Facebook  Website  TV

Newspaper  Email  Twitter  Mail  Other Rich Rareigh

Outline your qualifications and why you wish to serve the board/committee you indicated.

I'm deeply committed to seeing downtown Clayton thrive both for businesses and for families/social events. I enjoy working with people to see positive results come to fruition as Clayton continues to grow and evolve.

State why you would be an asset to this board or committee. I'm a business owner that wants to bring my passion and desire to work with others to keep downtown Clayton thriving.

Do you anticipate a conflict of interest if asked to serve as a member on the requested board or committee? No  Yes  If Yes, explain:

\_\_\_\_\_  
\_\_\_\_\_

**PLEASE LIST CURRENT AND PREVIOUS SERVICE TO THE COMMUNITY, CIVIC CLUBS, ETC., ACTIVITY AND ANY SPECIAL TALENTS.**

Boards/Committees/Civic	From	To
<u>Chamber of Commerce</u>	<u>2012</u>	<u>Current</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

[Signature]  
Signature

8/27/13  
Date

- Please do not submit resumes or attachments.
- This application is a **public record**.
- Information in the application will be considered in making appointments.
- Candidates may be interviewed prior to appointment.
- If not initially appointed to serve, this application will remain active until August 1 of the following year.

Applications are to be turned in to the Town Clerk in person (111 East Second Street), by mail (Town of Clayton, PO BOX 879, Clayton, NC 27528) or by email (sscoggins@townofclaytonnc.org)



# ADVISORY BOARD CANDIDATE APPLICATION

The Town of Clayton welcomes and appreciates your interest in serving the Town. This application is designed to gather information to evaluate your qualifications. Candidates may be interviewed prior to appointment.

If requesting consideration for more than one, please submit a separate application for each board.

CHOOSE ONE:

- Planning & Zoning Board
- Downtown Development Assoc.
- Recreation Advisory Committee
- Board of Adjustment
- Clayton Library Board
- Fire Dept. Advisory Board
- Public Arts Advisory Board

**PLEASE NOTE:** In accordance with North Carolina law, this application is a public record and will be disclosed upon request and without notice. If there is any information you do not want released to the public, please do not include it.

**Please type or use dark ink.**

Name: Teresa E. Mathis

Mailing Address: 213 Grantwood Drive, Clayton, NC 27527

Physical HOME Address: Same

Phone Number (HOME): 571-214-2111 (WORK) \_\_\_\_\_

FAX Number: \_\_\_\_\_ Mobile Number: 571-214-2111

Email Address: teresamugrad@gmail.com

\*Female  \*Male  \*Race White, non-hispanic

Employer: Formerly U.S. Dept. of Veterans Affairs in DC

Occupation: Executive officer and Director of Strategic Planning for Geriatric and Long Term Care Programs for Veterans.

\*This information is voluntary and is requested for the sole purpose of assuring that a cross section of the community is appointed; NC GS 143-157.1.

Residency within the Town limits or ETJ (extra territorial jurisdiction) is required for membership on most Council advisory boards.

Length of residence in Clayton: 1.5 yrs.

Do you live in the Clayton? Corporate Limits: Yes  No  ETJ: Yes  No

How did you find out about this board or committee? Facebook  Website  TV

Newspaper  Email  Twitter  Mail  Other \_\_\_\_\_

Outline your qualifications and why you wish to serve the board/committee you indicated.

I am an MBA by training and have over 30 yrs. experience in the federal government, primarily in management within the health care environment - both locally and nationally.

State why you would be an asset to this board or committee. I have indeph experience in strategic planning, financial management and policy development and execution.

Do you anticipate a conflict of interest if asked to serve as a member on the requested board or committee? No  Yes  If Yes, explain:

**PLEASE LIST CURRENT AND PREVIOUS SERVICE TO THE COMMUNITY, CIVIC CLUBS, ETC., ACTIVITY AND ANY SPECIAL TALENTS.**

Boards/Committees/Civic	From	To
<u>Clayton Women's Club</u>	<u>10/12</u>	<u>Present</u>
<u>Clayton Women in Networking</u>	<u>8/13</u>	<u>Present</u>
<u>Johnston Health Angel Fund</u>	<u>8/13</u>	<u>Present</u>
<u>The Clayton Center</u>	<u>6/12</u>	<u>Present</u>
<u><i>Lenny S. Malina</i></u>		<u>8/30/13</u>
Signature		Date

- Please do not submit resumes or attachments.
- This application is a **public record**.
- Information in the application will be considered in making appointments.
- Candidates may be interviewed prior to appointment.
- If not initially appointed to serve, this application will remain active until August 1 of the following year.

Applications are to be turned in to the Town Clerk in person (111 East Second Street), by mail (Town of Clayton, PO BOX 879, Clayton, NC 27528) or by email (sscoggins@townofclaytonnc.org)



KEEP ON FILE UNTIL 8/30/2014

RECEIVED 8/27/13 AB

ADVISORY BOARD CANDIDATE APPLICATION

The Town of Clayton welcomes and appreciates your interest in serving the Town. This application is designed to gather information to evaluate your qualifications. Candidates may be interviewed prior to appointment.

If requesting consideration for more than one, please submit a separate application for each board.

CHOOSE ONE:

- Planning & Zoning Board
Downtown Development Assoc.
Recreation Advisory Committee
Public Arts Advisory Board
Board of Adjustment
Clayton Library Board
Fire Dept. Advisory Board

PLEASE NOTE: In accordance with North Carolina law, this application is a public record and will be disclosed upon request and without notice. If there is any information you do not want released to the public, please do not include it.

Please type or use dark ink.

Name: Shannon Mann

Mailing Address: 142 Claire Drive

Physical HOME Address: 142 Claire Drive

Phone Number (HOME): 91923591472 (WORK) 9197222230

FAX Number: Mobile Number: 9192607902

Email Address: shannon.mann.1@us.af.mil

\*Female [checked] \*Male [ ] \*Race wht

Employer: US Air Force Reserve, 916th Air Refueling Wing

Occupation: Military Public Affairs Officer

\*This information is voluntary and is requested for the sole purpose of assuring that a cross section of the community is appointed; NC GS 143-157.1.

Residency within the Town limits or ETJ (extra territorial jurisdiction) is required for membership on most Council advisory boards.

Length of residence in Clayton: 9 years

Do you live in the Clayton? Corporate Limits: Yes  No  ETJ: Yes  No

How did you find out about this board or committee? Facebook  Website  TV

Newspaper  Email  Twitter  Mail  Other Mr. Jim Lee

Outline your qualifications and why you wish to serve the board/committee you indicated.

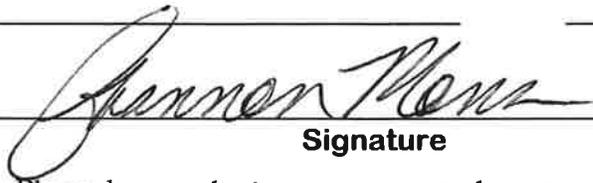
I believe the combination of professional experience coupled with my love of our community makes me a great candidate. I believe Clayton has a strong downtown that can be highlighted and profiled to make it that much stronger and attract new businesses and residents. I want Clayton to continue to grow and be showcased as one of NC's premier communities. Serving on the DDA helps achieve this goal while at the same time giving back my community.

State why you would be an asset to this board or committee. I have strong leadership and public relations skills, along with a large professional network. I think Clayton is a great place to work and live and I have a passion for spreading the word!

Do you anticipate a conflict of interest if asked to serve as a member on the requested board or committee? No  Yes  If Yes, explain:

PLEASE LIST CURRENT AND PREVIOUS SERVICE TO THE COMMUNITY, CIVIC CLUBS, ETC., ACTIVITY AND ANY SPECIAL TALENTS.

Boards/Committees/Civic	From	To
Journalism/Marketing major	1993	present
college professor	2004	present

  
Signature

26 Aug 2013  
Date

- Please do not submit resumes or attachments.
- This application is a **public record**.
- Information in the application will be considered in making appointments.
- Candidates may be interviewed prior to appointment.
- If not initially appointed to serve, this application will remain active until August 1 of the following year.

Applications are to be turned in to the Town Clerk in person (111 East Second Street), by mail (Town of Clayton, PO BOX 879, Clayton, NC 27528) or by email (sscoggins@townofclaytonnc.org)

## FIRE ADVISORY BOARD

The Fire Department Advisory Board consists of seven members. The membership consists of two town residents serving four year staggered terms; two Claytex Tax District residents serving four year staggered terms; and three members of the Fire Department (active) serving three-year staggered terms.

The Fire Advisory Board has one Fire Department position with a term expiring 12/31/2013 and one partial Claytex Fire District position with a term expiring 12/31/2014:

- Larry Such – Fire Department
- Joseph Hester – Claytex Fire District Resident (*Member would like to resign his seat with a term expiring 12/31/2014, but will complete his term through the end of the year.*)

Candidate	Initial / Incumbent	In-Town / ETJ	Staff Liaison / Ex-officio Comment
Larry Such	Incumbent	ETJ*	Recommended
Jim D. McLaurin, Jr.	Initial appointment	ETJ* – Claytex Fire District Resident	Recommended to complete partial position for term thru 12/31/2014

If the above candidates are acceptable, the Fire Advisory Board could have full membership.



## ADVISORY BOARD CANDIDATE APPLICATION

The Town of Clayton welcomes and appreciates your interest in serving the Town. This application is designed to gather information to evaluate your qualifications. Candidates may be interviewed prior to appointment.

If requesting consideration for more than one, please submit a separate application for each board.

CHOOSE ONE:

- Planning & Zoning Board
- Board of Adjustment
- Downtown Development Assoc.
- Clayton Library Board
- Recreation Advisory Committee
- Fire Dept. Advisory Board
- Public Arts Advisory Board

**PLEASE NOTE:** In accordance with North Carolina law, this application is a public record and will be disclosed upon request and without notice. If there is any information you do not want released to the public, please do not include it.

**Please type or use dark ink.**

Name: Lamy J. Such

Mailing Address: 2736 Horseman's Ridge Drive

Physical HOME Address: Same

Phone Number (HOME): 919/553-1111 (WORK) 919/553-1520

FAX Number: N/A Mobile Number: 919/320 5991

Email Address: lsuch@townofclaytonnc.org

\*Female  \*Male  \*Race C

Employer: Clayton Fire Dept (part-time)

Occupation: Firefighter

\*This information is voluntary and is requested for the sole purpose of assuring that a cross section of the community is appointed; NC GS 143-157.1.

Residency within the Town limits or ETJ (extra territorial jurisdiction) is required for membership on most Council advisory boards.

Length of residence in Clayton: May 1987 - to present

Do you live in the Clayton? Corporate Limits: Yes  No  ETJ: Yes  No

How did you find out about this board or committee? Facebook  Website  TV

Newspaper  Email  Twitter  Mail  Other currently serving on Board

Outline your qualifications and why you wish to serve the board/committee you indicated.

Member of Clayton FD since Feb. 1992  
Member of CFD Advisory Board since 1998

State why you would be an asset to this board or committee.

Already serving on Board as chairman & want to see CFD maintain its cultural history but continue to improve.

Do you anticipate a conflict of interest if asked to serve as a member on the requested board or committee? No  Yes  If Yes, explain:

**PLEASE LIST CURRENT AND PREVIOUS SERVICE TO THE COMMUNITY, CIVIC CLUBS, ETC., ACTIVITY AND ANY SPECIAL TALENTS.**

Boards/Committees/Civic	From	To
<u>Parks &amp; Rec Board</u>	<u>- do not remember</u>	<u>time frame</u>
<u>CFD Advisory Board</u>	<u>1998</u>	<u>present</u>
<u>Clayton Firefighters Assoc</u>	<u>2008</u>	<u>present</u>

LJSuh

Signature

8/5/2013

Date

- Please do not submit resumes or attachments.
- This application is a **public record**.
- Information in the application will be considered in making appointments.
- Candidates may be interviewed prior to appointment.
- If not initially appointed to serve, this application will remain active until August 1 of the following year.

Applications are to be turned in to the Town Clerk in person (111 East Second Street), by mail (Town of Clayton, PO BOX 879, Clayton, NC 27528) or by email (sscoggins@townofclaytonnc.org)



## ADVISORY BOARD CANDIDATE APPLICATION

The Town of Clayton welcomes and appreciates your interest in serving the Town. This application is designed to gather information to evaluate your qualifications. Candidates may be interviewed prior to appointment.

If requesting consideration for more than one, please submit a separate application for each board.

CHOOSE ONE:

- |  |   |
|--|---|
| <input type="checkbox"/> Planning & Zoning Board       | <input type="checkbox"/> Board of Adjustment                  |
| <input type="checkbox"/> Downtown Development Assoc.   | <input type="checkbox"/> Clayton Library Board                |
| <input type="checkbox"/> Recreation Advisory Committee | <input checked="" type="checkbox"/> Fire Dept. Advisory Board |
| <input type="checkbox"/> Public Arts Advisory Board    |   |

**PLEASE NOTE:** In accordance with North Carolina law, this application is a public record and will be disclosed upon request and without notice. If there is any information you do not want released to the public, please do not include it.

---

**Please type or use dark ink.**

Name: Jimmy D. McLaurin, Jr

Mailing Address: 68 Debban Dr.

Physical HOME Address: 68 Debban Dr

Phone Number (HOME): \_\_\_\_\_ (WORK) 919-553-7143

FAX Number: 919-553-3586 Mobile Number: 919-369-6106

Email Address: jdmclaurinjr@gmail.com

\*Female  \*Male

\*Race white

Employer: McLaurin Funeral Home

Occupation: Funeral Director

\*This information is voluntary and is requested for the sole purpose of assuring that a cross section of the community is appointed; NC GS 143-157.1.

Residency within the Town limits or ETJ (extra territorial jurisdiction) is required for membership on most Council advisory boards.

Length of residence in Clayton: 47 years

Do you live in the Clayton? Corporate Limits: Yes  No  ETJ: Yes  No

How did you find out about this board or committee? Facebook  Website  TV  Newspaper  Email  Twitter  Mail  Other Clayton Fire Department

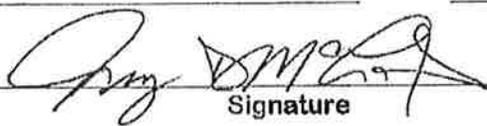
Outline your qualifications and why you wish to serve the board/committee you indicated. During my twenty year career as a fireman I have served on many different committees and held such offices as captain, district and battalion chief. Having been provided the necessary training to understand and complete these roles would allow me the opportunity to continue work within the fire department and serve the citizens of Clayton.

State why you would be an asset to this board or committee. Extensive experience in business and budget management with an understanding of financial and business matters and the impact they can have on the Town of Clayton, the citizens of Clayton and the Clayton Fire Department.

Do you anticipate a conflict of interest if asked to serve as a member on the requested board or committee? No  Yes  If Yes, explain:

**PLEASE LIST CURRENT AND PREVIOUS SERVICE TO THE COMMUNITY, CIVIC CLUBS, ETC., ACTIVITY AND ANY SPECIAL TALENTS.**

Boards/Committees/Civic	From	To
<u>Clayton Fire Department</u>	<u>1992</u>	<u>2012</u>
<u>Granite Lodge #191</u>	<u>1991</u>	<u>present</u>
<u>Clayton Rotary</u>	<u>1992</u>	<u>1998</u>
<u>Clayton Jaycees</u>	<u>1989</u>	<u>1991</u>

  
Signature

9-16-2013  
Date

- Please do not submit resumes or attachments.
- This application is a **public record**.
- Information in the application will be considered in making appointments.
- Candidates may be interviewed prior to appointment.
- If not initially appointed to serve, this application will remain active until August 1 of the following year.

Applications are to be turned in to the Town Clerk in person (111 East Second Street), by mail (Town of Clayton, PO BOX 879, Clayton, NC 27528) or by email ([sscoggins@townofclaytonnc.org](mailto:sscoggins@townofclaytonnc.org))

## LIBRARY BOARD

The Library Board consists of 10 members; five members shall be chosen from within the Town and the others as broadly representative of the service area as possible.

The Library Board has three In-Town positions with terms expiring 12/31/2013:

- Emily Bagley – In-Town
- Dorothy Johnson – In-Town
- Joyce Barbour – In-Town (*Wishes not to renew*)

Candidate	Initial / Incumbent	In-Town / Out-of-Town	Staff Liaison / Ex-officio Comment
Dorothy Johnson	Incumbent	In-Town	Recommended
Emily Bagley	Incumbent	In-Town	Recommended
Daphne Key, Ph.D.	Initial appointment	In-Town	Recommended
Elizabeth McLaurin	Initial appointment	In-Town	Keep on File
Cynthia Shaw	Initial appointment	In-Town	Keep on File

If the above slate of candidates is acceptable, the Library Board could have full membership.

IN TOWN  
3 seats IN TOWN



RECEIVED  
10/13/16

recommend renewal - 2016  
of

# ADVISORY BOARD CANDIDATE APPLICATION

The Town of Clayton welcomes and appreciates your interest in serving the Town. This application is designed to gather information to evaluate your qualifications. Candidates may be interviewed prior to appointment.

If requesting consideration for more than one, please submit a separate application for each board.

CHOOSE ONE:

- Planning & Zoning Board
- Board of Adjustment
- Downtown Development Assoc.
- Clayton Library Board
- Recreation Advisory Committee
- Fire Dept. Advisory Board
- Public Arts Advisory Board

**PLEASE NOTE:** In accordance with North Carolina law, this application is a public record and will be disclosed upon request and without notice. If there is any information you do not want released to the public, please do not include it.

**Please type or use dark ink.**

Name: Mrs. Dorothy G. Johnson

Mailing Address: 201 Oakdale Ave, Clayton, NC 27520

Physical HOME Address: 201 Oakdale Ave, Clayton, NC 27520

Phone Number (HOME): 919-553-5527 (WORK) same

FAX Number: 919-553-0618 Mobile Number: 0

Email Address: \_\_\_\_\_

\*Female  \*Male

\*Race African American

Employer: Retired, NC Cooperative Extension Service

Occupation: Johnston Co. Board of Education - Vice Chair

\*This information is voluntary and is requested for the sole purpose of assuring that a cross section of the community is appointed; NC GS 143-157.1.

Residency within the Town limits or ETJ (extra territorial jurisdiction) is required for membership on most Council advisory boards.

Length of residence in Clayton: 38 yrs.

Do you live in the Clayton? Corporate Limits: Yes  No  ETJ: Yes  No

How did you find out about this board or committee? Facebook  Website  TV

Newspaper  Email  Twitter  Mail  Other Friends, Mrs. Betty Coate

Outline your qualifications and why you wish to serve the board/committee you indicated.

I believe in giving back to the community. I am a retired educator with a degree in Home Economics Ed. and additional studies on Community Development. My Clayton library experiences date back many years. I am Vice Chair-Board of Ed. for past 14 yrs.

State why you would be an asset to this board or committee. I am very interested in every aspect of the library operations & My family utilizes the facilities and I always encourage others to do so. I encourage others to utilize the facilities.

Do you anticipate a conflict of interest if asked to serve as a member on the requested board or committee? No  Yes  If Yes, explain:

**PLEASE LIST CURRENT AND PREVIOUS SERVICE TO THE COMMUNITY, CIVIC CLUBS, ETC., ACTIVITY AND ANY SPECIAL TALENTS.**

Boards/Committees/Civic	From	To
<u>Johnston Co Board of Ed.</u>	<u>1998</u>	<u>Present</u>
<u>Johnston Co. Education Foundation</u>	<u>1995 (1995)</u>	<u>Present</u>
<u>Johnston Co Arts Council</u>	<u>2009</u>	<u>Present</u>
<u>Clayton Library Board</u>	<u>1988</u>	<u>Present</u>
<u>University Women</u>	<u>1972</u>	<u>Present</u>
<u>Dorothy G. Johnson</u>		<u>8-31-13</u>
<b>Signature</b>		<b>Date</b>

- Please do not submit resumes or attachments.
- This application is a **public record**.
- Information in the application will be considered in making appointments.
- Candidates may be interviewed prior to appointment.
- If not initially appointed to serve, this application will remain active until August 1 of the following year.

Applications are to be turned in to the Town Clerk in person (111 East Second Street), by mail (Town of Clayton, PO BOX 879, Clayton, NC 27528) or by email (sscoggins@townofclaytonnc.org)



RECEIVED  
8/27/13 MB

recommend renewal - 2016

# ADVISORY BOARD CANDIDATE APPLICATION

The Town of Clayton welcomes and appreciates your interest in serving the Town. This application is designed to gather information to evaluate your qualifications. Candidates may be interviewed prior to appointment.

If requesting consideration for more than one, please submit a separate application for each board.

CHOOSE ONE:

- Planning & Zoning Board
- Board of Adjustment
- Downtown Development Assoc.
- Clayton Library Board
- Recreation Advisory Committee
- Fire Dept. Advisory Board
- Public Arts Advisory Board

**PLEASE NOTE:** In accordance with North Carolina law, this application is a public record and will be disclosed upon request and without notice. If there is any information you do not want released to the public, please do not include it.

**Please type or use dark ink.**

Name: Emily B. Bagley

Mailing Address: 253 Johnson Dr.

Physical HOME Address: same as above

Phone Number (HOME): 919 553 6437 (WORK) \_\_\_\_\_

FAX Number: \_\_\_\_\_ Mobile Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

\*Female  \*Male

\*Race Caucasian

Employer: \_\_\_\_\_

Occupation: Retired Teacher

\*This information is voluntary and is requested for the sole purpose of assuring that a cross section of the community is appointed; NC GS 143-157.1.

Residency within the Town limits or ETJ (extra territorial jurisdiction) is required for membership on most Council advisory boards.

Length of residence in Clayton: 74 years

Do you live in the Clayton? Corporate Limits: Yes  No  ETJ: Yes  No

How did you find out about this board or committee? Facebook  Website  TV

Newspaper  Email  Twitter  Mail  Other \_\_\_\_\_

Outline your qualifications and why you wish to serve the board/committee you indicated.

My interest in the library has never diminished and I have served for many years.

State why you would be an asset to this board or committee.

I take my responsibility as a trustee very seriously and I am committed to serving my community.

Do you anticipate a conflict of interest if asked to serve as a member on the requested board or committee? No  Yes  If Yes, explain:

\_\_\_\_\_  
\_\_\_\_\_

**PLEASE LIST CURRENT AND PREVIOUS SERVICE TO THE COMMUNITY, CIVIC CLUBS, ETC., ACTIVITY AND ANY SPECIAL TALENTS.**

Boards/Committees/Civic	From	To
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

\_\_\_\_\_  
\_\_\_\_\_

**Signature**

**Date**

- Please do not submit resumes or attachments.
- This application is a **public record**.
- Information in the application will be considered in making appointments.
- Candidates may be interviewed prior to appointment.
- If not initially appointed to serve, this application will remain active until August 1 of the following year.

Applications are to be turned in to the Town Clerk in person (111 East Second Street), by mail (Town of Clayton, PO BOX 879, Clayton, NC 27528) or by email (sscoggins@townofclaytonnc.org)



RECEIVED  
8/19/13 AB

recommending g

# ADVISORY BOARD CANDIDATE APPLICATION

The Town of Clayton welcomes and appreciates your interest in serving the Town. This application is designed to gather information to evaluate your qualifications. Candidates may be interviewed prior to appointment.

If requesting consideration for more than one, please submit a separate application for each board.

CHOOSE ONE:

- Planning & Zoning Board
- Board of Adjustment
- Downtown Development Assoc.
- Clayton Library Board
- Recreation Advisory Committee
- Fire Dept. Advisory Board
- Public Arts Advisory Board

**PLEASE NOTE:** In accordance with North Carolina law, this application is a public record and will be disclosed upon request and without notice. If there is any information you do not want released to the public, please do not include it.

**Please type or use dark ink.**

Name: Daphne Key, Ph.D.

Mailing Address: 216 Muirfield Lane, Clayton, NC 27527

Physical HOME Address: 216 Muirfield Lane, Clayton, NC 27527

Phone Number (HOME): 919-553-6965 (WORK) NA

FAX Number: NA Mobile Number: NA

Email Address: mokijo@aol.com

\*Female  \*Male

\*Race Caucasian

Employer: Retired

Occupation: English Teacher

\*This information is voluntary and is requested for the sole purpose of assuring that a cross section of the community is appointed; NC GS 143-157.1.

Residency within the Town limits or ETJ (extra territorial jurisdiction) is required for membership on most Council advisory boards.

Length of residence in Clayton: 8 years

Do you live in the Clayton? Corporate Limits: Yes  No  ETJ: Yes  No

How did you find out about this board or committee? Facebook  Website  TV

Newspaper  Email  Twitter  Mail  Other \_\_\_\_\_

Outline your qualifications and why you wish to serve the board/committee you indicated.

I taught English for 20 years, all levels.

I love to read and to encourage others to read. I visit the library regularly and would like to see it grow.

I tutor at Cooper Elementary School and would love to see even more community literacy outreach programs and more technology. A strong library is central to the cultural and educational life of Clayton.

State why you would be an asset to this board or committee. \_\_\_\_\_

My background in literacy and English education would allow me

to contribute to this board and serve my community in an area about which I am passionate.

Do you anticipate a conflict of interest if asked to serve as a member on the requested board or committee? No  Yes  If Yes, explain:

\_\_\_\_\_  
\_\_\_\_\_

**PLEASE LIST CURRENT AND PREVIOUS SERVICE TO THE COMMUNITY, CIVIC CLUBS, ETC., ACTIVITY AND ANY SPECIAL TALENTS.**

Boards/Committees/Civic	From	To
Literacy Tutor at Cooper Elem. School	<u>Aug., 2011</u>	<u>Present</u>
Facilitator/Tutor: Learning Lab, Horne UMC	<u>June, 2009</u>	<u>Aug., 2010</u>
Member, Top Shelf Book Club, Clayton	<u>2007</u>	<u>Present</u>
_____	_____	_____

  
Signature

August 16, 2013  
Date

- Please do not submit resumes or attachments.
- This application is a **public record**.
- Information in the application will be considered in making appointments.
- Candidates may be interviewed prior to appointment.
- If not initially appointed to serve, this application will remain active until August 1 of the following year.

Applications are to be turned in to the Town Clerk in person (111 East Second Street), by mail (Town of Clayton, PO BOX 879, Clayton, NC 27528) or by email (sscoggins@townofclaytonnc.org)



KEEP ON FILE UNTIL 8/30/14

RECEIVED  
8/26/13 AM

# ADVISORY BOARD CANDIDATE APPLICATION

The Town of Clayton welcomes and appreciates your interest in serving the Town. This application is designed to gather information to evaluate your qualifications. Candidates may be interviewed prior to appointment.

If requesting consideration for more than one, please submit a separate application for each board.

CHOOSE ONE:

- Planning & Zoning Board
- Board of Adjustment
- Downtown Development Assoc.
- Clayton Library Board
- Recreation Advisory Committee
- Fire Dept. Advisory Board
- Public Arts Advisory Board

**PLEASE NOTE:** In accordance with North Carolina law, this application is a public record and will be disclosed upon request and without notice. If there is any information you do not want released to the public, please do not include it.

**Please type or use dark ink.**

Name: Elizabeth Cooper McLaurin

Mailing Address: 516 S. Lombard Street

Physical HOME Address: 516 S. Lombard Street

Phone Number (HOME): 919-553-6166 (WORK) \_\_\_\_\_

FAX Number: 919-553-9166 Mobile Number: 919-763-4106

Email Address: \_\_\_\_\_

\*Female  \*Male  \*Race white

Employer: \_\_\_\_\_

Occupation: retired teacher

\*This information is voluntary and is requested for the sole purpose of assuring that a cross section of the community is appointed; NC GS 143-157.1.

Residency within the Town limits or ETJ (extra territorial jurisdiction) is required for membership on most Council advisory boards.

Length of residence in Clayton: born here - last 8 years here

Do you live in the Clayton? Corporate Limits: Yes  No  ETJ: Yes  No

How did you find out about this board or committee? Facebook  Website  TV

Newspaper  Email  Twitter  Mail  Other \_\_\_\_\_

Outline your qualifications and why you wish to serve the board/committee you indicated.

Masters degree from Winthrop University  
Taught school over 31 years  
Have used Clayton library since 5 years old

State why you would be an asset to this board or committee. Avid reader - Knowledge of literature

Do you anticipate a conflict of interest if asked to serve as a member on the requested board or committee? No  Yes  If Yes, explain:

**PLEASE LIST CURRENT AND PREVIOUS SERVICE TO THE COMMUNITY, CIVIC CLUBS, ETC., ACTIVITY AND ANY SPECIAL TALENTS.**

Boards/Committees/Civic	From	To
<u>Halcyon Club</u>	_____	_____
<u>Woman's Club of Clayton</u>	_____	_____
_____	_____	_____
_____	_____	_____

Elizabeth C. McLaurin \_\_\_\_\_ 8-26-13  
**Signature** **Date**

- Please do not submit resumes or attachments.
- This application is a **public record**.
- Information in the application will be considered in making appointments.
- Candidates may be interviewed prior to appointment.
- If not initially appointed to serve, this application will remain active until August 1 of the following year.

Applications are to be turned in to the Town Clerk in person (111 East Second Street), by mail (Town of Clayton, PO BOX 879, Clayton, NC 27528) or by email (sscoggins@townofclaytonnc.org)



KEEP ON FILE UNTIL 8/30/2014

RECEIVED  
8/28/13 AB

# ADVISORY BOARD CANDIDATE APPLICATION

The Town of Clayton welcomes and appreciates your interest in serving the Town. This application is designed to gather information to evaluate your qualifications. Candidates may be interviewed prior to appointment.

If requesting consideration for more than one, please submit a separate application for each board.

CHOOSE ONE:

- Planning & Zoning Board
- Board of Adjustment
- Downtown Development Assoc.
- Clayton Library Board
- Recreation Advisory Committee
- Fire Dept. Advisory Board
- Public Arts Advisory Board

**PLEASE NOTE:** In accordance with North Carolina law, this application is a public record and will be disclosed upon request and without notice. If there is any information you do not want released to the public, please do not include it.

**Please type or use dark ink.**

Name: Cynthia Shaw

Mailing Address: 117 Smart Ct, Clayton NC

Physical HOME Address: 117 Smart Ct, Clayton NC

Phone Number (HOME): 919-879-8467 (WORK) \_\_\_\_\_

FAX Number: \_\_\_\_\_ Mobile Number: 910-546-5095

Email Address: cynthiashaw76@yahoo.com

\*Female  \*Male

\*Race black & white

Employer: Cynthia's Woodworks

Occupation: self-employed

\*This information is voluntary and is requested for the sole purpose of assuring that a cross section of the community is appointed; NC GS 143-157.1.

Residency within the Town limits or ETJ (extra territorial jurisdiction) is required for membership on most Council advisory boards.

Length of residence in Clayton: 2 yr 3 mo

Do you live in the Clayton? Corporate Limits: Yes  No  ETJ: Yes  No

How did you find out about this board or committee? Facebook  Website  TV

Newspaper  Email  Twitter  Mail  Other \_\_\_\_\_

Outline your qualifications and why you wish to serve the board/committee you indicated.  
Bachelor's in Early Childhood Development

Mentor with the program icouldbe.org for past 2 years

Public Notary (exp. June 2018)

State why you would be an asset to this board or committee. I have a love for books and enjoy helping others explore their passion for reading. I am looking for a better way to serve my community utilizing my passions.

Do you anticipate a conflict of interest if asked to serve as a member on the requested board or committee? No  Yes  If Yes, explain:

**PLEASE LIST CURRENT AND PREVIOUS SERVICE TO THE COMMUNITY, CIVIC CLUBS, ETC., ACTIVITY AND ANY SPECIAL TALENTS.**

Boards/Committees/Civic	From	To
<u>American Legion Post 71</u>	<u>03/2013</u>	<u>present</u>
<u>Marine Corp League</u>	<u>06/2013</u>	<u>present</u>
_____	_____	_____
_____	_____	_____

C. Shaw  
Signature

8-27-13  
Date

- Please do not submit resumes or attachments.
- This application is a **public record**.
- Information in the application will be considered in making appointments.
- Candidates may be interviewed prior to appointment.
- If not initially appointed to serve, this application will remain active until August 1 of the following year.

Applications are to be turned in to the Town Clerk in person (111 East Second Street), by mail (Town of Clayton, PO BOX 879, Clayton, NC 27528) or by email (sscoggins@townofclaytonnc.org)

## PLANNING BOARD

The Planning Board consists of nine regular members with five members residing in-town and four members residing in the ETJ. The Planning Board also has two alternate members, one member residing in-town and one member residing in the ETJ.

The Planning and Zoning Board has two in-town positions with terms expiring 12/31/2013 and two ETJ positions with terms expiring 12/31/2013.

- Joseph Whitley – ETJ
- Ronald Johnson – In-Town
- Derrick Thompson – In-Town (*Wishes not to renew*)
- Jim Lee- ETJ

Candidate	Initial / Incumbent	In-Town / ETJ	Staff Liaison / Ex-officio Comment
Ronald Johnson	Incumbent	In-Town	Recommended
Jim Lee	Incumbent	ETJ*	Recommended
Jean M. Sandaire	Initial appointment	In-Town	Recommended
James H. Lipscomb	Initial appointment	ETJ*	Recommended
Debra Griffiths	Initial appointment	In-Town	Keep on File
Joseph Whitley	Incumbent	ETJ*	Keep on File
Teresa Mathis	Initial appointment	In-Town	Keep on File
Woodrow Mitchell	Initial appointment	In-Town	Keep on File
Chris Rosenbaum	Initial appointment	In-Town	Keep on File

If the above slate of candidates is acceptable, the Planning and Zoning Board could have full membership.

- \* ***ETJ recommendation(s) for the Board of Adjustment and/or the Planning and Zoning Board are sent to the Johnston County Board of Commissioners for appointment (NC GS 160A-362).***



# ADVISORY BOARD CANDIDATE APPLICATION

The Town of Clayton welcomes and appreciates your interest in serving the Town. This application is designed to gather information to evaluate your qualifications. Candidates may be interviewed prior to appointment.

If requesting consideration for more than one, please submit a separate application for each board.

CHOOSE ONE:

- Planning & Zoning Board
- Board of Adjustment
- Downtown Development Assoc.
- Clayton Library Board
- Recreation Advisory Committee
- Fire Dept. Advisory Board
- Public Arts Advisory Board

**PLEASE NOTE:** In accordance with North Carolina law, this application is a public record and will be disclosed upon request and without notice. If there is any information you do not want released to the public, please do not include it.

-----

Please type or use dark ink.

Name: RONALD L. JOHNSON

Mailing Address: 201 OAKDALE AVE, CLAYTON, NC 27520

Physical HOME Address: 201 OAKDALE AVE, CLAYTON, NC 27520

Phone Number (HOME): (919) 553-5527 (WORK) (919) 359-1777

FAX Number: (919) 553-8826 Mobile Number: (919) 801-8932

Email Address: RACRON1@AOL.com

\*Female  \*Male

\*Race AFRICAN-AMERICAN

Employer: SELF EMPLOYED

Occupation: ACCOUNTANT/TAX PROFESSIONAL

\*This information is voluntary and is requested for the sole purpose of assuring that a cross section of the community is appointed; NC GS 143-157.1.

Residency within the Town limits or ETJ (extra territorial jurisdiction) is required for membership on most Council advisory boards.

Length of residence in Clayton: 44 YRS

Do you live in the Clayton? Corporate Limits: Yes  No  ETJ: Yes  No

How did you find out about this board or committee? Facebook  Website  TV

Newspaper  Email  Twitter  Mail  Other HAS SERVED OVER 20 YRS

Outline your qualifications and why you wish to serve the board/committee you indicated.

ASA CONCERNED CITIZEN

State why you would be an asset to this board or committee. 20 YRS EXPERIENCE

Do you anticipate a conflict of interest if asked to serve as a member on the requested board or committee? No  Yes  If Yes, explain:

**PLEASE LIST CURRENT AND PREVIOUS SERVICE TO THE COMMUNITY, CIVIC CLUBS, ETC., ACTIVITY AND ANY SPECIAL TALENTS.**

Boards/Committees/Civic	From	To
<u>UTILITY REVIEW BOARD</u>	<u>1990</u>	<u>1994</u>

[Signature]  
Signature  
7/19/13  
Date

- Please do not submit resumes or attachments.
- This application is a **public record**.
- Information in the application will be considered in making appointment.
- Candidates may be interviewed prior to appointment.
- If not initially appointed to serve, this application will remain active until August 1 of the following year.

Applications are to be turned in to the Town Clerk in person (111 East Second Street), by mail (Town of Clayton, PO BOX 879, Clayton, NC 27528) or by email ([sacoggina@townofclaytonnc.org](mailto:sacoggina@townofclaytonnc.org))



# ADVISORY BOARD CANDIDATE APPLICATION

The Town of Clayton welcomes and appreciates your interest in serving the Town. This application is designed to gather information to evaluate your qualifications. Candidates may be interviewed prior to appointment.

If requesting consideration for more than one, please submit a separate application for each board.

CHOOSE ONE:

- Planning & Zoning Board
- Board of Adjustment
- Downtown Development Assoc.
- Clayton Library Board
- Recreation Advisory Committee
- Fire Dept. Advisory Board
- Public Arts Advisory Board

**PLEASE NOTE:** In accordance with North Carolina law, this application is a public record and will be disclosed upon request and without notice. If there is any information you do not want released to the public, please do not include it.

**Please type or use dark ink.**

Name: Jim LEE

Mailing Address: 709 FERNWOOD DR - CLAYTON 27520

Physical HOME Address: SAME

Phone Number (HOME): 919 553-3992 (WORK) 553-5400

FAX Number: 550-3814 Mobile Number: 524-1019

Email Address: JLEE@PORTOFINO.COM

\*Female  \*Male  \*Race WHITE

Employer: SELF - WALTHAM GROUP

Occupation: REAL ESTATE DEVELOPMENT

\*This information is voluntary and is requested for the sole purpose of assuring that a cross section of the community is appointed; NC GS 143-157.1.

Residency within the Town limits or ETJ (extra territorial jurisdiction) is required for membership on most Council advisory boards.

Length of residence in Clayton: 29 YEARS

Do you live in the Clayton? Corporate Limits: Yes  No  ETJ: Yes  No

How did you find out about this board or committee? Facebook  Website  TV

Newspaper  Email  Twitter  Mail  Other CURRENT MEMBER

Outline your qualifications and why you wish to serve the board/committee you indicated.

DESIRE TO IMPROVE COMMUNITY, I TRY TO VOTE FOR WHAT IS BEST FOR COMMUNITY - NOT FOR ME, I TRY TO CONSIDER RESULTS BEFORE MAKING A DECISION

State why you would be an asset to this board or committee. MY EXPERIENCE PLANNING AND WORKING ON "CUSTOMER SIDE" OF PLANNING DEPT.

Do you anticipate a conflict of interest if asked to serve as a member on the requested board or committee? No  Yes  If Yes, explain:

SOME OF MY PROJECTS COME BEFORE THE BOARD AND I IMMEDIATELY RECUSE MYSELF

PLEASE LIST CURRENT AND PREVIOUS SERVICE TO THE COMMUNITY, CIVIC CLUBS, ETC., ACTIVITY AND ANY SPECIAL TALENTS.

Boards/Committees/Civic	From	To
<u>PLANNING BOARD</u>	<u>8 YEARS I THINK</u>	
<u>ROTARY CLUB</u>	<u>ABOUT 20 YEARS</u>	
<u>MT MORIAH BAPTIST</u>	<u>ABOUT 30 YEARS</u>	
<u>COUNTY &amp; STATE POLITICS</u>	<u>ABOUT 35 YEARS</u>	

  
Signature

8-10-13  
Date

- Please do not submit resumes or attachments.
- This application is a **public record**.
- Information in the application will be considered in making appointments.
- Candidates may be interviewed prior to appointment.
- If not initially appointed to serve, this application will remain active until August 1 of the following year.

Applications are to be turned in to the Town Clerk in person (111 East Second Street), by mail (Town of Clayton, PO BOX 879, Clayton, NC 27528) or by email (sscoggins@townofclaytonnc.org)



RECEIVED  
9/21/13 AB

## ADVISORY BOARD CANDIDATE APPLICATION

The Town of Clayton welcomes and appreciates your interest in serving the Town. This application is designed to gather information to evaluate your qualifications. Candidates may be interviewed prior to appointment.

If requesting consideration for more than one, please submit a separate application for each board.

CHOOSE ONE:

- Planning & Zoning Board
- Board of Adjustment
- Downtown Development Assoc.
- Clayton Library Board
- Recreation Advisory Committee
- Fire Dept. Advisory Board
- Public Arts Advisory Board

**PLEASE NOTE:** In accordance with North Carolina law, this application is a public record and will be disclosed upon request and without notice. If there is any information you do not want released to the public, please do not include it.

---

**Please type or use dark ink.**

Name: Jean M. Sandaire

Mailing Address: 511 Willow Drive Clayton, NC 27520

Physical HOME Address: Same

Phone Number (HOME): (919) 400-8664 (WORK) (919) 716-3862

FAX Number: \_\_\_\_\_ Mobile Number: (919) 291-0162

Email Address: sandaire@yahoo.com

\*Female  \*Male

\*Race African American

Employer: NC Department of Public Safety

Occupation: Budget Analyst

\*This information is voluntary and is requested for the sole purpose of assuring that a cross section of the community is appointed; NC GS 143-157.1.





RECEIVED  
9/29/13 AB

## ADVISORY BOARD CANDIDATE APPLICATION

The Town of Clayton welcomes and appreciates your interest in serving the Town. This application is designed to gather information to evaluate your qualifications. Candidates may be interviewed prior to appointment.

If requesting consideration for more than one, please submit a separate application for each board.

CHOOSE ONE:

- Planning & Zoning Board
- Board of Adjustment
- Downtown Development Assoc.
- Clayton Library Board
- Recreation Advisory Committee
- Fire Dept. Advisory Board
- Public Arts Advisory Board

**PLEASE NOTE:** In accordance with North Carolina law, this application is a public record and will be disclosed upon request and without notice. If there is any information you do not want released to the public, please do not include it.

**Please type or use dark ink.**

Name: James Howard Lipscomb

Mailing Address: 3407 Barber Mill Road Clayton NC 27520

Physical HOME Address: Same as Above

Phone Number (HOME): N/A (WORK) 919-550-7355

FAX Number: 919-553-0330 Mobile Number: 919-422-4704

Email Address: James@myHTR.com

\*Female  \*Male  \*Race Caucasian

Employer: HomeTowne Realty

Occupation: Realtor / Developer

\*This information is voluntary and is requested for the sole purpose of assuring that a cross section of the community is appointed; NC GS 143-157.1.

Residency within the Town limits or ETJ (extra territorial jurisdiction) is required for membership on most Council advisory boards.

Length of residence in Clayton: Life long

Do you live in the Clayton? Corporate Limits: Yes  No  ETJ: Yes  No

How did you find out about this board or committee? Facebook  Website  TV

Newspaper  Email  Twitter  Mail  Other \_\_\_\_\_

Outline your qualifications and why you wish to serve the board/committee you indicated.  
 Life long commitment to the community through service on boards and town council as well as Chamber of Commerce and Clayton Harvest Festival since 1991, youth sports coaching, and financial sport of numerous local club, agencies etc....

State why you would be an asset to this board or committee. Extensive experience  
 in all aspects of Town Government, stake holder in the community, Extensive knowledge  
 of the towns citizens and property owners, Passionate about making Clayton better!!!!

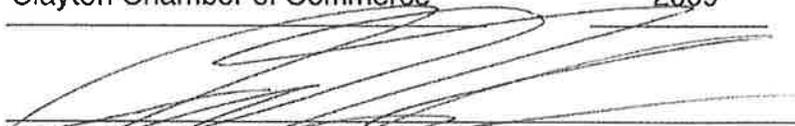
Do you anticipate a conflict of interest if asked to serve as a member on the requested board or committee? No  Yes  If Yes, explain:

BEING IN THE REAL ESTATE INDUSTRY IT IS POSSIBLE I  
COULD HAVE A CONFLICT IF A PROJECT I AM REPRESENTING  
IS SEEKING APPROVAL BY THIS BOARD I WOULD ASK TO BE ALLOWED  
**PLEASE LIST CURRENT AND PREVIOUS SERVICE TO THE COMMUNITY, CIVIC CLUBS, ETC., ACTIVITY TO**

**AND ANY SPECIAL TALENTS.**

Boards/Committees/Civic	From	To
Clayton Planning Board	1992	1994
Clayton Town Council	1994	2004
Clayton DDA	1990's	1990's
Clayton Chamber of Commerce	2009	Present

*ABSTAIN FROM SPEECH*

  
 \_\_\_\_\_  
 Signature

8-27-13  
 \_\_\_\_\_  
 Date

- Please do not submit resumes or attachments.
- This application is a **public record**.
- Information in the application will be considered in making appointments.
- Candidates may be interviewed prior to appointment.
- If not initially appointed to serve, this application will remain active until August 1 of the following year.

Applications are to be turned in to the Town Clerk in person (111 East Second Street), by mail (Town of Clayton, PO BOX 879, Clayton, NC 27528) or by email (sscoggins@townofclaytonnc.org)



**ADVISORY BOARD CANDIDATE APPLICATION**

The Town of Clayton welcomes and appreciates your interest in serving the Town. This application is designed to gather information to evaluate your qualifications. Candidates may be interviewed prior to appointment.

If requesting consideration for more than one, please submit a separate application for each board.

CHOOSE ONE:

- Planning & Zoning Board
- Board of Adjustment
- Downtown Development Assoc.
- Clayton Library Board
- Recreation Advisory Committee
- Fire Dept. Advisory Board
- Public Arts Advisory Board

**PLEASE NOTE:** In accordance with North Carolina law, this application is a public record and will be disclosed upon request and without notice. If there is any information you do not want released to the public, please do not include it.

Please type or use dark ink.

Name: Debra A. Griffiths

Mailing Address: 42 Tuscarora Lane, Clayton, NC 27520

Physical HOME Address: 42 Tuscarora Lane, Clayton, NC 27520

Phone Number (HOME): n/a (WORK) 919-850-9199

FAX Number: 919-850-9699 Mobile Number: 919-215-9052

Email Address: dgriffiths@sandlindavidian.com

\*Female  \*Male

\*Race Caucasian

Employer: Sandlin & Davidian, PA

Occupation: Attorney

\*This information is voluntary and is requested for the sole purpose of assuring that a cross section of the community is appointed; NC GS 143-157.1.

Residency within the Town limits or ETJ (extra territorial jurisdiction) is required for membership on most Council advisory boards.

Length of residence in Clayton: 5 months

Do you live in the Clayton? Corporate Limits: Yes  No  ETJ: Yes  No

How did you find out about this board or committee? Facebook  Website  TV

Newspaper  Email  Twitter  Mail  Other \_\_\_\_\_

Outline your qualifications and why you wish to serve the board/committee you indicated. As an attorney, I have experience in reading rules, laws, cases, statutes and regulations and applying those to a specific set of facts. My practice is limited to domestic work so I also have experience dealing with individuals with two very different perspectives on a matter and working to reach a resolution of the issue.

State why you would be an asset to this board or committee. For the reasons stated above as well as my dedication to all matters that I undertake. I have the ability to work in a group and try to understand all perspectives and work toward a resolution.

Do you anticipate a conflict of interest if asked to serve as a member on the requested board or committee? No  Yes  If Yes, explain:

\_\_\_\_\_  
\_\_\_\_\_

**PLEASE LIST CURRENT AND PREVIOUS SERVICE TO THE COMMUNITY, CIVIC CLUBS, ETC., ACTIVITY AND ANY SPECIAL TALENTS.**

Boards/Committees/Civic	From	To
Wake County Bar-Membership Committee	2010	present
N.C. Bar. Assoc.-Various committees	2010	present
Triangle Family Services-Program Comm.	2012	present
_____	_____	_____

[Handwritten Signature]  
Signature

9/6/13  
Date

- Please do not submit resumes or attachments.
- This application is a **public record**.
- Information in the application will be considered in making appointments.
- Candidates may be interviewed prior to appointment.
- If not initially appointed to serve, this application will remain active until August 1 of the following year.

Applications are to be turned in to the Town Clerk in person (111 East Second Street), by mail (Town of Clayton, PO BOX 879, Clayton, NC 27528) or by email (sscoggins@townofclaytonnc.org)

RECEIVED  
8/30/13 AB



Keep on File until 8/30/2014

## ADVISORY BOARD CANDIDATE APPLICATION

The Town of Clayton welcomes and appreciates your interest in serving the Town. This application is designed to gather information to evaluate your qualifications. Candidates may be interviewed prior to appointment.

If requesting consideration for more than one, please submit a separate application for each board.

CHOOSE ONE:

- Planning & Zoning Board
- Board of Adjustment
- Downtown Development Assoc.
- Clayton Library Board
- Recreation Advisory Committee
- Fire Dept. Advisory Board
- Public Arts Advisory Board

**PLEASE NOTE:** In accordance with North Carolina law, this application is a public record and will be disclosed upon request and without notice. If there is any information you do not want released to the public, please do not include it.

**Please type or use dark ink.**

Name: Joseph McClinton Whitley Sr.

Mailing Address: 1740 RANCH RD, CLAYTON, NC 27520

Physical HOME Address: SAME ABOVE

Phone Number (HOME): 919-553-6931 (WORK) Retired

FAX Number: \_\_\_\_\_ Mobile Number: 919-630-5015

Email Address: E. Whitley - (A) Centurylink.net

\*Female  \*Male  \*Race AFRICAN AMERICAN

Employer: \_\_\_\_\_

Occupation: Retired TRUCK DRIVER - U.P.S.

\*This information is voluntary and is requested for the sole purpose of assuring that a cross section of the community is appointed; NC GS 143-157.1.

Residency within the Town limits or ETJ (extra territorial jurisdiction) is required for membership on most Council advisory boards.

Length of residence in Clayton: All of my life

Do you live in the Clayton? Corporate Limits: Yes  No  ETJ: Yes  No

How did you find out about this board or committee? Facebook  Website  TV

Newspaper  Email  Twitter  Mail  Other \_\_\_\_\_

Outline your qualifications and why you wish to serve the board/committee you indicated.

I helped the town to locate a suitable place for Forest Hill Cemetery. I served on the committee when the Smith Street crossing was a issue.

State why you would be an asset to this board or committee.

I pay my taxes and would like to know how the town and others uses that money to help all people.

Do you anticipate a conflict of interest if asked to serve as a member on the requested board or committee? No  Yes  If Yes, explain:

**PLEASE LIST CURRENT AND PREVIOUS SERVICE TO THE COMMUNITY, CIVIC CLUBS, ETC., ACTIVITY AND ANY SPECIAL TALENTS.**

Boards/Committees/Civic	From	To
<u>Planning Board</u>	<u>2006</u>	<u>2013</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

Joseph McClinton Whately Sr  
Signature

8-30-13  
Date

- Please do not submit resumes or attachments.
- This application is a **public record**.
- Information in the application will be considered in making appointments.
- Candidates may be interviewed prior to appointment.
- If not initially appointed to serve, this application will remain active until August 1 of the following year.

Applications are to be turned in to the Town Clerk in person (111 East Second Street), by mail (Town of Clayton, PO BOX 879, Clayton, NC 27528) or by email (sscoggins@townofclaytonnc.org)



KEEP ON FILE UNTIL 8/30/2014

# ADVISORY BOARD CANDIDATE APPLICATION

The Town of Clayton welcomes and appreciates your interest in serving the Town. This application is designed to gather information to evaluate your qualifications. Candidates may be interviewed prior to appointment.

If requesting consideration for more than one, please submit a separate application for each board.

CHOOSE ONE:

- Planning & Zoning Board
- Board of Adjustment
- Downtown Development Assoc.
- Clayton Library Board
- Recreation Advisory Committee
- Fire Dept. Advisory Board
- Public Arts Advisory Board

**PLEASE NOTE:** In accordance with North Carolina law, this application is a public record and will be disclosed upon request and without notice. If there is any information you do not want released to the public, please do not include it.

**Please type or use dark ink.**

Name: Teresa E. Mathis

Mailing Address: 213 Grantwood Drive, Clayton, NC 27527

Physical HOME Address: ~~571-214-2111~~ Same

Phone Number (HOME): 571-214-2111 (WORK) \_\_\_\_\_

FAX Number: \_\_\_\_\_ Mobile Number: 571-214-2111

Email Address: teresamugrad@gmail.com

\*Female  \*Male

\*Race White, non-hispanic

Employer: Formerly U.S. Dept of Veterans Affairs in DC

Occupation: Executive Officer and Director of Strategic Planning for all geriatric and long term care programs for Veterans

\*This information is voluntary and is requested for the sole purpose of assuring that a cross section of the community is appointed; NC GS 143-157.1.

Residency within the Town limits or ETJ (extra territorial jurisdiction) is required for membership on most Council advisory boards.

Length of residence in Clayton: 1.5 yrs.

Do you live in the Clayton? Corporate Limits: Yes  No  ETJ: Yes  No

How did you find out about this board or committee? Facebook  Website  TV

Newspaper  Email  Twitter  Mail  Other \_\_\_\_\_

Outline your qualifications and why you wish to serve the board/committee you indicated.

I am an MBA by training and have over 30 yrs experience in the federal government, primarily in management within the healthcare environment - both locally and nationally.

State why you would be an asset to this board of committee. I have in depth experience in strategic planning, financial management, and policy development and execution.

Do you anticipate a conflict of interest if asked to serve as a member on the requested board or committee? No  Yes  If Yes, explain:

**PLEASE LIST CURRENT AND PREVIOUS SERVICE TO THE COMMUNITY, CIVIC CLUBS, ETC., ACTIVITY AND ANY SPECIAL TALENTS.**

Boards/Committees/Civic	From	To
<u>Clayton Women's Club</u>	<u>10/12</u>	<u>Present</u>
<u>Clayton Women In Networking</u>	<u>8/13</u>	<u>Present</u>
<u>Johnston Health Angel Fund</u>	<u>8/13</u>	<u>Present</u>
<u>The Clayton Center</u>	<u>6/12</u>	<u>Present</u>

Suzanne E. Mathis  
Signature

8/30/13  
Date

- Please do not submit resumes or attachments.
- This application is a **public record**.
- Information in the application will be considered in making appointments.
- Candidates may be interviewed prior to appointment.
- If not initially appointed to serve, this application will remain active until August 1 of the following year.

Applications are to be turned in to the Town Clerk in person (111 East Second Street), by mail (Town of Clayton, PO BOX 879, Clayton, NC 27528) or by email (sscoggins@townofclaytonnc.org)



KEEP ON FILE UNTIL 8/30/14

# ADVISORY BOARD CANDIDATE APPLICATION

The Town of Clayton welcomes and appreciates your interest in serving the Town. This application is designed to gather information to evaluate your qualifications. Candidates may be interviewed prior to appointment.

If requesting consideration for more than one, please submit a separate application for each board.

CHOOSE ONE:

- Planning & Zoning Board
- Board of Adjustment
- Downtown Development Assoc.
- Clayton Library Board
- Recreation Advisory Committee
- Fire Dept. Advisory Board
- Public Arts Advisory Board

**PLEASE NOTE:** In accordance with North Carolina law, this application is a public record and will be disclosed upon request and without notice. If there is any information you do not want released to the public, please do not include it.

**Please type or use dark ink.**

Name: WOODROW MITCHELL

Mailing Address: 70 FERNDALE CT., CLAYTON

Physical HOME Address: \_\_\_\_\_

Phone Number (HOME): 919-585-2191 (WORK) \_\_\_\_\_

FAX Number: \_\_\_\_\_ Mobile Number: 919-422-8720

Email Address: woodrowmitchell@aol.com

\*Female  \*Male

\*Race W

Employer: RETIRED

Occupation: DO SHARE MINISTRY WORDS

\*This information is voluntary and is requested for the sole purpose of assuring that a cross section of the community is appointed; NC GS 143-157.1.

RECEIVED INTOWN  
8/12/13

Residency within the Town limits or ETJ (extra territorial jurisdiction) is required for membership on most Council advisory boards.

Length of residence in Clayton: 1 YR (AUG 17 2012)

Do you live in the Clayton? Corporate Limits: Yes  No  ETJ: Yes  No

How did you find out about this board or committee? Facebook  Website  TV

Newspaper  Email  Twitter  Mail  Other  \_\_\_\_\_

Outline your qualifications and why you wish to serve the board/committee you indicated.

SERVED PLANNING COMMISSION, GARNER, NC 7 YEARS TO ABOUT 2006 (?). 2012, GARNER HAD REQUESTED ME TO SERVE AGAIN, VERY INTERESTED IN THINGS TO BE DONE RIGHT AND/OR BEST WAY POSSIBLE.

State why you would be an asset to this board or committee. BORN IN VAHUNTA, NC, RAISED IN SELMA, NC 1948-1966, LOVED, STILL DO LOVE JOHNSTON COUNTY

Do you anticipate a conflict of interest if asked to serve as a member on the requested board or committee? No  Yes  If Yes, explain:

**PLEASE LIST CURRENT AND PREVIOUS SERVICE TO THE COMMUNITY, CIVIC CLUBS, ETC., ACTIVITY AND ANY SPECIAL TALENTS.**

Boards/Committees/Civic	From	To
<u>VISITED BOARD/PLANNING</u>	<u>ONE NIGHT</u>	<u>_____</u>
<u>NC TOWING ASSOC.</u>	<u>1998</u>	<u>CURRENT</u>
<u>_____</u>	<u>_____</u>	<u>_____</u>
<u>_____</u>	<u>_____</u>	<u>_____</u>

Woodward Mitchell  
Signature Date 8-12-13

- Please do not submit resumes or attachments.
- This application is a **public record**.
- Information in the application will be considered in making appointments.
- Candidates may be interviewed prior to appointment.
- If not initially appointed to serve, this application will remain active until August 1 of the following year.

Applications are to be turned in to the Town Clerk in person (111 East Second Street), by mail (Town of Clayton, PO BOX 879, Clayton, NC 27528) or by email (sscoggins@townofclaytonnc.org)



# ADVISORY BOARD CANDIDATE APPLICATION

The Town of Clayton welcomes and appreciates your interest in serving the Town. This application is designed to gather information to evaluate your qualifications. Candidates may be interviewed prior to appointment.

If requesting consideration for more than one, please submit a separate application for each board.

CHOOSE ONE:

- Planning & Zoning Board
- Board of Adjustment
- Downtown Development Assoc.
- Clayton Library Board
- Recreation Advisory Committee
- Fire Dept. Advisory Board
- Public Arts Advisory Board

**PLEASE NOTE:** In accordance with North Carolina law, this application is a public record and will be disclosed upon request and without notice. If there is any information you do not want released to the public, please do not include it.

**Please type or use dark ink.**

Name: Chris Rosenbaum

Mailing Address: 188 Sioux Lane, Clayton, NC 27520

Physical HOME Address: 188 Sioux Lane, Clayton, NC 27520

Phone Number (HOME): 919-710-9322 (WORK) 317-292-3978

FAX Number: 1-860-660-9535 Mobile Number: 919-710-9322

Email Address: cr7172@gmail.com

\*Female  \*Male

\*Race Caucasian

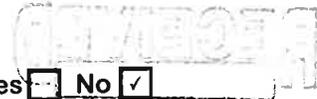
Employer: United Technologies Corporation

Occupation: National Accounts Manager

\*This information is voluntary and is requested for the sole purpose of assuring that a cross section of the community is appointed; NC GS 143-157.1.

Residency within the Town limits or ETJ (extra territorial jurisdiction) is required for membership on most Council advisory boards.

Length of residence in Clayton: 10 years combined



Do you live in the Clayton? Corporate Limits: Yes  No  ETJ: Yes  No

How did you find out about this board or committee? Facebook  Website  TV

Newspaper  Email  Twitter  Mail  Other Mr. Steve Biggs

Outline your qualifications and why you wish to serve the board/committee you indicated.

I have 20+ years in HVAC and Construction industry, including residential and commercial development.

I am seeking to serve the town simply because it has become our families home, and we have enjoyed the growth. I want to see it to continue to prosper in positive and sustainable ways, and public service is a vehicle for me to take responsibility and to help Clayton continue its success and growth that we have enjoyed for many years, and for years to come.

State why you would be an asset to this board or committee. I am very passionate and proud to live in Clayton, I feel that my experience could lend some valuable insight and to helping Clayton grow in

a responsible and sustained manner to make Clayton an even better place to live and work.

Do you anticipate a conflict of interest if asked to serve as a member on the requested board or committee? No  Yes  If Yes, explain:

\_\_\_\_\_  
\_\_\_\_\_

PLEASE LIST CURRENT AND PREVIOUS SERVICE TO THE COMMUNITY, CIVIC CLUBS, ETC., ACTIVITY AND ANY SPECIAL TALENTS.

Boards/Committees/Civic	From	To
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

\_\_\_\_\_  
Signature Date

- Please do not submit resumes or attachments.
- This application is a **public record**.
- Information in the application will be considered in making appointments.
- Candidates may be interviewed prior to appointment.
- If not initially appointed to serve, this application will remain active until August 1 of the following year.

Applications are to be turned in to the Town Clerk in person (111 East Second Street), by mail (Town of Clayton, PO BOX 879, Clayton, NC 27528) or by email (sscoggins@townofclaytonnc.org)

## PUBLIC ART ADVISORY BOARD

The Public Art Advisory Board consists of nine members. The membership consists of individuals who have special knowledge, interest or experience in the arts, key business leaders, design professionals, educators, civic and community activists.

The Public Art Advisory Board has two positions with terms expiring 12/31/2013 and a partial position with a term expiring 12/31/2014.

- Jessica Hammett (*wishes not to renew*)
- Suzette Rodriguez
- Vacant (*12/31/2014*)

Candidate	Initial / Incumbent	In-Town / ETJ	Staff Liaison / Ex-officio Comment
Suzette Rodriguez	Incumbent	Out-of-Town	Recommended
Elizabeth McLaurin	Initial appointment	In-Town	Recommended to complete term expiring 12/31/2015
Kathleen Nobles	Initial appointment	In-Town	Recommended
Jane Roberts	Initial appointment	In-Town	Recommended

If the above slate of candidates is acceptable, the Public Art Advisory Board will have two vacancies with terms expiring 12/31/2015 and one vacancy with a term expiring 12/31/2014.

At its September 3, 2013, Council meeting, Council approved the following revisions to the PAAB by-laws:

- Amending the membership from five to nine
- Election of officers will occur in November
- Adding the Deputy Town Manager as an ex-officio



RECEIVED  
8/27/13

# ADVISORY BOARD CANDIDATE APPLICATION

The Town of Clayton welcomes and appreciates your interest in serving the Town. This application is designed to gather information to evaluate your qualifications. Candidates may be interviewed prior to appointment.

If requesting consideration for more than one, please submit a separate application for each board.

CHOOSE ONE:

- Planning & Zoning Board
- Board of Adjustment
- Downtown Development Assoc.
- Clayton Library Board
- Recreation Advisory Committee
- Fire Dept. Advisory Board
- Public Arts Advisory Board

**PLEASE NOTE:** In accordance with North Carolina law, this application is a public record and will be disclosed upon request and without notice. If there is any information you do not want released to the public, please do not include it.

**Please type or use dark ink.**

Name: Suzette Rodriguez

Mailing Address: 16051 NC 210, Angier, NC 27501

Physical HOME Address: same as above

Phone Number (HOME): 919-639-0489 (WORK) 919-938-7103

FAX Number: \_\_\_\_\_ Mobile Number: \_\_\_\_\_

Email Address: srodriguez@johnstonhealth.org

\*Female  \*Male  \*Race W

Employer: Johnston Health

Occupation: community relations specialist

\*This information is voluntary and is requested for the sole purpose of assuring that a cross section of the community is appointed; NC GS 143-157.1.

Residency within the Town limits or ETJ (extra territorial jurisdiction) is required for membership on most Council advisory boards.

Length of residence in Clayton: \_\_\_\_\_

Do you live in the Clayton? Corporate Limits: Yes  No  ETJ: Yes  No

How did you find out about this board or committee? Facebook  Website  TV

Newspaper  Email  Twitter  Mail  Other town employee

Outline your qualifications and why you wish to serve the board/committee you indicated.

Experience as PAAB chairman for the past 3 years. I've enjoyed being part of the town's program and helping to shape it. I have a strong writing and marketing background that will be useful in future projects. Also experience commissioning, buying & managing art projects at Johnston Health - 10 plus years

State why you would be an asset to this board or committee. Experience w/ PAAB projects.

I appreciate public art and its value to residents. I have experience in marketing; I collect art and know many local artists. I am passionate about Public Art!

Do you anticipate a conflict of interest if asked to serve as a member on the requested board or committee? No  Yes  If Yes, explain:

**PLEASE LIST CURRENT AND PREVIOUS SERVICE TO THE COMMUNITY, CIVIC CLUBS, ETC., ACTIVITY AND ANY SPECIAL TALENTS.**

Boards/Committees/Civic	From	To
<u>Clayton Area Toastmasters</u>	<u>2008</u>	<u>2013</u>
<u>Poll judge in my precinct</u>	<u>2009</u>	<u>2013</u>
<u>Active in the work of The Johnston Health Foundation</u>	<u>ongoing</u>	<u></u>

Suzette Rodriguez  
Signature

8/25/13  
Date

- Please do not submit resumes or attachments.
- This application is a **public record**.
- Information in the application will be considered in making appointments.
- Candidates may be interviewed prior to appointment.
- If not initially appointed to serve, this application will remain active until August 1 of the following year.

Applications are to be turned in to the Town Clerk in person (111 East Second Street), by mail (Town of Clayton, PO BOX 879, Clayton, NC 27528) or by email (sscoggins@townofclaytonnc.org)



RECEIVED  
8/27/13 AB

# ADVISORY BOARD CANDIDATE APPLICATION

The Town of Clayton welcomes and appreciates your interest in serving the Town. This application is designed to gather information to evaluate your qualifications. Candidates may be interviewed prior to appointment.

If requesting consideration for more than one, please submit a separate application for each board.

CHOOSE ONE:

- Planning & Zoning Board
- Board of Adjustment
- Downtown Development Assoc.
- Clayton Library Board
- Recreation Advisory Committee
- Fire Dept. Advisory Board
- Public Arts Advisory Board

**PLEASE NOTE:** In accordance with North Carolina law, this application is a public record and will be disclosed upon request and without notice. If there is any information you do not want released to the public, please do not include it.

**Please type or use dark ink.**

Name: Elizabeth Cooper Mchaurin

Mailing Address: 516 S. Lombard Street

Physical HOME Address: 516 S. Lombard Street

Phone Number (HOME): 919-553-6166 (WORK) \_\_\_\_\_

FAX Number: 919-553-9166 Mobile Number: 919-763-4106

Email Address: \_\_\_\_\_

\*Female  \*Male  \*Race White

Employer: \_\_\_\_\_

Occupation: former teacher

\*This information is voluntary and is requested for the sole purpose of assuring that a cross section of the community is appointed; NC GS 143-157.1.

Residency within the Town limits or ETJ (extra territorial jurisdiction) is required for membership on most Council advisory boards.

Length of residence in Clayton: born here - last 8 years

Do you live in the Clayton? Corporate Limits: Yes  No  ETJ: Yes  No

How did you find out about this board or committee? Facebook  Website  TV

Newspaper  Email  Twitter  Mail  Other \_\_\_\_\_

Outline your qualifications and why you wish to serve the board/committee you indicated.

Have experience in art - paint in acrylic & watercolor, quilt, make jewelry - knit - Have been to museums in NYC, Boston, DC, Atlanta, Charleston, San Francisco, Miami, Palm Beach, Raleigh, Charlotte & Italy

State why you would be an asset to this board or committee. I have a good perspective for all arts - Being a native, I want to help!

Do you anticipate a conflict of interest if asked to serve as a member on the requested board or committee? No  Yes  If Yes, explain:

**PLEASE LIST CURRENT AND PREVIOUS SERVICE TO THE COMMUNITY, CIVIC CLUBS, ETC., ACTIVITY AND ANY SPECIAL TALENTS.**

Boards/Committees/Civic	From	To
<u>Halcyon Club</u>	_____	_____
<u>Women's Club</u>	_____	_____
<u>Circle President at Home</u>	_____	_____
<u>Teenage pianist at FBaptist</u>	_____	_____

Elizabeth Cooper McLaurin \_\_\_\_\_ 8-27-13  
Signature Date

- Please do not submit resumes or attachments.
- This application is a **public record**.
- Information in the application will be considered in making appointments.
- Candidates may be interviewed prior to appointment.
- If not initially appointed to serve, this application will remain active until August 1 of the following year.

Applications are to be turned in to the Town Clerk in person (111 East Second Street), by mail (Town of Clayton, PO BOX 879, Clayton, NC 27528) or by email (sscoggins@townofclaytonnc.org)



RECEIVED  
8/30/13 AB

# ADVISORY BOARD CANDIDATE APPLICATION

The Town of Clayton welcomes and appreciates your interest in serving the Town. This application is designed to gather information to evaluate your qualifications. Candidates may be interviewed prior to appointment.

If requesting consideration for more than one, please submit a separate application for each board.

CHOOSE ONE:

- Planning & Zoning Board
- Board of Adjustment
- Downtown Development Assoc.
- Clayton Library Board
- Recreation Advisory Committee
- Fire Dept. Advisory Board
- Public Arts Advisory Board

**PLEASE NOTE:** In accordance with North Carolina law, this application is a public record and will be disclosed upon request and without notice. If there is any information you do not want released to the public, please do not include it.

---

**Please type or use dark ink.**

Name: Kathleen Nobles

Mailing Address: 77 Shad Boat Lane, Clayton, NC 27520

Physical HOME Address: \_\_\_\_\_

Phone Number (HOME): \_\_\_\_\_ (WORK) 919-553-0123

FAX Number: \_\_\_\_\_ Mobile Number: 910-616-5486

Email Address: knobles4@nc.rr.com

\*Female  \*Male  \*Race White

Employer: FlipSide Restaurant & Pub

Occupation: Artist/Restaurant Owner

\*This information is voluntary and is requested for the sole purpose of assuring that a cross section of the community is appointed; NC GS 143-157.1.

Residency within the Town limits or ETJ (extra territorial jurisdiction) is required for membership on most Council advisory boards.

Length of residence in Clayton: 5 Yrs.

Do you live in the Clayton? Corporate Limits: Yes  No  ETJ: Yes  No

How did you find out about this board or committee? Facebook  Website  TV

Newspaper  Email  Twitter  Mail  Other \_\_\_\_\_

Outline your qualifications and why you wish to serve the board/committee you indicated.

I have been an artist and involved in the arts for 43 years. I have been in charge of numerous exhibits in Raleigh, such as NC State Fair Art Exhibit, Cameron Village Art Fair.

In Clayton, I am the VP of Clayton Visual Arts and assisted with many art exhibits at the Clayton Town Center. In Smithfield I was a board member and organized the art part of the JCAC Art and Food Festival. I have also exhibited as an artist from Clayton to Carmen, CA.

I am the owner and CFO of the FlipSide Restaurant.

State why you would be an asset to this board or committee. As an artist and a business owner in the Clayton Community, I understand both their needs.

Do you anticipate a conflict of interest if asked to serve as a member on the requested board or committee? No  Yes  If Yes, explain:

**PLEASE LIST CURRENT AND PREVIOUS SERVICE TO THE COMMUNITY, CIVIC CLUBS, ETC., ACTIVITY AND ANY SPECIAL TALENTS.**

Boards/Committees/Civic	From	To
Clayton Visual Arts	2012	present
JCAC	2010	present
Women In Networking (WIN)	2013	present
Clayton Women's Club	2010	2012

Kathleen Nobles

Digitally signed by Kathleen Nobles  
DN: cn=Kathleen Nobles, o, ou, email=knobles4@nc.rr.com, c=US  
Date: 2013.08.27 17:12:22 -0400

8/27/2013

Signature

Date

- Please do not submit resumes or attachments.
- This application is a **public record**.
- Information in the application will be considered in making appointments.
- Candidates may be interviewed prior to appointment.
- If not initially appointed to serve, this application will remain active until August 1 of the following year.

Applications are to be turned in to the Town Clerk in person (111 East Second Street), by mail (Town of Clayton, PO BOX 879, Clayton, NC 27528) or by email (sscoggins@townofclaytonnc.org)



RECEIVED  
8/27/13 AD

# ADVISORY BOARD CANDIDATE APPLICATION

The Town of Clayton welcomes and appreciates your interest in serving the Town. This application is designed to gather information to evaluate your qualifications. Candidates may be interviewed prior to appointment.

If requesting consideration for more than one, please submit a separate application for each board.

CHOOSE ONE:

- Planning & Zoning Board
- Board of Adjustment
- Downtown Development Assoc.
- Clayton Library Board
- Recreation Advisory Committee
- Fire Dept. Advisory Board
- Public Arts Advisory Board

**PLEASE NOTE:** In accordance with North Carolina law, this application is a public record and will be disclosed upon request and without notice. If there is any information you do not want released to the public, please do not include it.

**Please type or use dark ink.**

Name: Jane Roberts

Mailing Address: 339 Page Street Clayton, NC 27520

Physical HOME Address: same

Phone Number (HOME): 919 553 4702 (WORK) 919 553 4064

FAX Number: \_\_\_\_\_ Mobile Number: 919 630 8982

Email Address: jane.roberts@johnston.k12.nc.us

\*Female  \*Male  \*Race WHITE

Employer: Johnston Co. Schools

Occupation: Art Teacher

\*This information is voluntary and is requested for the sole purpose of assuring that a cross section of the community is appointed; NC GS 143-157.1.



Residency within the Town limits or ETJ (extra territorial jurisdiction) is required for membership on most Council advisory boards.

Length of residence in Clayton: 30 years

Do you live in the Clayton? Corporate Limits: Yes  No  ETJ: Yes  No

How did you find out about this board or committee? Facebook  Website  TV

Newspaper  Email  Twitter  Mail  Other I was contacted

Outline your qualifications and why you wish to serve the board/committee you indicated.

I have 30 years experience of working with many age levels in different communities creating art. I love my community.

State why you would be an asset to this board or committee. I have

much knowledge about working hand in hand with communities and with art.

Do you anticipate a conflict of interest if asked to serve as a member on the requested board or committee? No  Yes  If Yes, explain:

**PLEASE LIST CURRENT AND PREVIOUS SERVICE TO THE COMMUNITY, CIVIC CLUBS, ETC., ACTIVITY AND ANY SPECIAL TALENTS.**

Boards/Committees/Civic	From	To
<u>I give everything to my profession, but I do involve my students with public art and exhibits.</u>	_____	_____
	_____	_____
	_____	_____

Jane Robert  
Signature

Aug. 26, 2013  
Date

- Please do not submit resumes or attachments.
- This application is a **public record**.
- Information in the application will be considered in making appointments.
- Candidates may be interviewed prior to appointment.
- If not initially appointed to serve, this application will remain active until August 1 of the following year.

Applications are to be turned in to the Town Clerk in person (111 East Second Street), by mail (Town of Clayton, PO BOX 879, Clayton, NC 27528) or by email (sscoggins@townofclaytonnc.org)

## RECREATION ADVISORY COMMITTEE

The Recreation Advisory Committee consists of 15 members. The membership should be as broadly representative of the community as possible.

The Recreation Advisory Board has four positions with terms expiring 12/31/2013, one vacant position with a term expiring 12/31/2013, one vacant position with a term expiring 12/31/2015 and one partial position with a term expiring 12/31/2014:

- Jeffrey Eisen (*wishes not to renew*)
- Theodore Willer, Jr.
- George Gullatt, Jr. (*wishes not to renew*)
- Angela Stroud
- Vacant (12/31/2013)
- Vacant (12/31/2014)
- Vacant (12/31/2015)

Candidate	Initial / Incumbent	In-Town / Out-of-Town	Staff Liaison / Ex-officio Comment
Theodore Willer, Jr.	Incumbent	Out-of-Town	Recommended
Angela Stroud	Incumbent	In-Town	Recommended
Debra Griffiths	Initial appointment	In-Town	Recommended
Lisa Cotton	Initial appointment	Out-of-Town	Recommended
Chareen Monk	Initial appointment	Out-of-Town	Recommended to complete vacant position for term thru 12/31/2015
Rebecca Bradford	Initial appointment	Out-of-Town	Recommended to complete partial position for term thru 12/31/2014
Toby Williamson	Initial appointment	In-Town	Recommended

If the above slate of candidates is acceptable, the Recreation Advisory Committee could have a full membership.



KEEP ON FILE UNTIL 8/30/2014

# ADVISORY BOARD CANDIDATE APPLICATION

The Town of Clayton welcomes and appreciates your interest in serving the Town. This application is designed to gather information to evaluate your qualifications. Candidates may be interviewed prior to appointment.

If requesting consideration for more than one, please submit a separate application for each board.

CHOOSE ONE:

- Planning & Zoning Board
- Board of Adjustment
- Downtown Development Assoc.
- Clayton Library Board
- Recreation Advisory Committee
- Fire Dept. Advisory Board
- Public Arts Advisory Board

**PLEASE NOTE:** In accordance with North Carolina law, this application is a public record and will be disclosed upon request and without notice. If there is any information you do not want released to the public, please do not include it.

**Please type or use dark ink.**

Name: Theodore J. Willer Jr.

Mailing Address: 29 Lafayette Dr. Clayton NC 27527

Physical HOME Address: Same

Phone Number (HOME): 267-973-7943 (WORK) NA

FAX Number: \_\_\_\_\_ Mobile Number: \_\_\_\_\_

Email Address: tlwiller@embargmail.com

\*Female  \*Male  \*Race White

Employer: Retired.

Occupation: \_\_\_\_\_

\*This information is voluntary and is requested for the sole purpose of assuring that a cross section of the community is appointed; NC GS 143-157.1.

Residency within the Town limits or ETJ (extra territorial jurisdiction) is required for membership on most Council advisory boards.

Length of residence in Clayton: 6+ Yrs

Do you live in the Clayton? Corporate Limits: Yes  No  ETJ: Yes  No

How did you find out about this board or committee? Facebook  Website  TV

Newspaper  Email  Twitter  Mail  Other \_\_\_\_\_

Outline your qualifications and why you wish to serve the board/committee you indicated.

Served 4 yrs on this council

State why you would be an asset to this board or committee.

My diverse experience as teacher (5yrs) military (active/reserves) and Manufacturing Supervisor

Do you anticipate a conflict of interest if asked to serve as a member on the requested board or committee? No  Yes  If Yes, explain:

**PLEASE LIST CURRENT AND PREVIOUS SERVICE TO THE COMMUNITY, CIVIC CLUBS, ETC., ACTIVITY AND ANY SPECIAL TALENTS.**

Boards/Committees/Civic	From	To
<u>Parks + Rec Advisory</u>	<u>1/2010</u>	<u>Present</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

[Signature]  
Signature

8/28/2013  
Date

- Please do not submit resumes or attachments.
- This application is a **public record**.
- Information in the application will be considered in making appointments.
- Candidates may be interviewed prior to appointment.
- If not initially appointed to serve, this application will remain active until August 1 of the following year.

Applications are to be turned in to the Town Clerk in person (111 East Second Street), by mail (Town of Clayton, PO BOX 879, Clayton, NC 27528) or by email (sscoggins@townofclaytonnc.org)



# ADVISORY BOARD CANDIDATE APPLICATION

The Town of Clayton welcomes and appreciates your interest in serving the Town. This application is designed to gather information to evaluate your qualifications. Candidates may be interviewed prior to appointment.

If requesting consideration for more than one, please submit a separate application for each board.

CHOOSE ONE:

- Planning & Zoning Board
- Board of Adjustment
- Downtown Development Assoc.
- Clayton Library Board
- Recreation Advisory Committee
- Fire Dept. Advisory Board
- Public Arts Advisory Board

**PLEASE NOTE:** In accordance with North Carolina law, this application is a public record and will be disclosed upon request and without notice. If there is any information you do not want released to the public, please do not include it.

**Please type or use dark ink.**

Name: Angela Stroud

Mailing Address: 411 E. Hinton St.

Physical HOME Address: 411 E. Hinton St.

Phone Number (HOME): 919-553-5848 (WORK) 919-550-5311

FAX Number: \_\_\_\_\_ Mobile Number: 919-333-1788

Email Address: A.Stroud@johnston.k12.nc.us

\*Female  \*Male  \*Race Black

Employer: Johnston County School

Occupation: Custodian / Bus Driver

\*This information is voluntary and is requested for the sole purpose of assuring that a cross section of the community is appointed; NC GS 143-157.1.

Residency within the Town limits or ETJ (extra territorial jurisdiction) is required for membership on most Council advisory boards.

Length of residence in Clayton: 59 years

Do you live in the Clayton? Corporate Limits: Yes  No  ETJ: Yes  No

How did you find out about this board or committee? Facebook  Website  TV

Newspaper  Email  Twitter  Mail  Other former Member

Outline your qualifications and why you wish to serve the board/committee you indicated.

I'm a good listener, willing to help out where I'm needed.

State why you would be an asset to this board or committee. to give back

to the community, to give ideas & suggestions on what things we look forward to doing to better out town-

Do you anticipate a conflict of interest if asked to serve as a member on the requested board or committee? No  Yes  If Yes, explain:

**PLEASE LIST CURRENT AND PREVIOUS SERVICE TO THE COMMUNITY, CIVIC CLUBS, ETC., ACTIVITY AND ANY SPECIAL TALENTS.**

Boards/Committees/Civic	From	To
<u>Park &amp; Recreation</u>	<u>2010</u>	<u>2013</u>
	<u>2008</u>	<u>2010</u>
<u><i>[Signature]</i></u>		<u>9/4/13</u>
<b>Signature</b>		<b>Date</b>

- Please do not submit resumes or attachments.
- This application is a **public record**.
- Information in the application will be considered in making appointments.
- Candidates may be interviewed prior to appointment.
- If not initially appointed to serve, this application will remain active until August 1 of the following year.

Applications are to be turned in to the Town Clerk in person (111 East Second Street), by mail (Town of Clayton, PO BOX 879, Clayton, NC 27528) or by email (sscoggins@townofclaytonnc.org)

RECEIVED  
9/17/13 AB

Applicant In Town Limits;

Keep on File until 8/30/2014



\* Interviewed on Sept. 17<sup>th</sup> 2013

**ADVISORY BOARD CANDIDATE APPLICATION**

The Town of Clayton welcomes and appreciates your interest in serving the Town. This application is designed to gather information to evaluate your qualifications. Candidates may be interviewed prior to appointment.

If requesting consideration for more than one, please submit a separate application for each board.

CHOOSE ONE:

- Planning & Zoning Board
- Board of Adjustment
- Downtown Development Assoc.
- Clayton Library Board
- Recreation Advisory Committee
- Fire Dept. Advisory Board
- Public Arts Advisory Board

PLEASE NOTE: In accordance with North Carolina law, this application is a public record and will be disclosed upon request and without notice. If there is any information you do not want released to the public, please do not include it.

Please type or use dark ink.

Name: Debra A. Griffiths

Mailing Address: 42 Tuscarora Lane, Clayton, NC 27520

Physical HOME Address: 42 Tuscarora Lane, Clayton, NC 27520

Phone Number (HOME): n/a (WORK) 919-850-9199

FAX Number: 919-850-9699 Mobile Number: 919-215-9052

Email Address: dgriffiths@sandlindavidian.com

\*Female  \*Male

\*Race Caucasian

Employer: Sandlin & Davidian, PA

Occupation: Attorney

\*This information is voluntary and is requested for the sole purpose of assuring that a cross section of the community is appointed; NC GS 143-157.1.

Residency within the Town limits or ETJ (extra territorial jurisdiction) is required for membership on most Council advisory boards.

Length of residence in Clayton: 5 months

Do you live in the Clayton? Corporate Limits: Yes  No  ETJ: Yes  No

How did you find out about this board or committee? Facebook  Website  TV

Newspaper  Email  Twitter  Mail  Other \_\_\_\_\_

Outline your qualifications and why you wish to serve the board/committee you indicated. As an attorney, I have experience in reading rules, laws, cases, statutes and regulations and applying those to a specific set of facts. My practice is limited to domestic work so I also have experience dealing with individuals with two very different perspectives on a matter and working to reach a resolution of the issue.

State why you would be an asset to this board or committee. For the reasons stated above as well as my dedication to all matters that I undertake. I have the ability to work in a group and try to understand all perspectives and work toward a resolution.

Do you anticipate a conflict of interest if asked to serve as a member on the requested board or committee? No  Yes  If Yes, explain:

**PLEASE LIST CURRENT AND PREVIOUS SERVICE TO THE COMMUNITY, CIVIC CLUBS, ETC., ACTIVITY AND ANY SPECIAL TALENTS.**

Boards/Committees/Civic	From	To
Wake County Bar-Membership Committe	<u>2010</u>	<u>present</u>
N.C. Bar. Assoc.-Various committees	<u>2010</u>	<u>present</u>
Triangle Family Services-Program Comm.	<u>2012</u>	<u>present</u>
_____	_____	_____

[Handwritten Signature] \_\_\_\_\_ [Handwritten Date] \_\_\_\_\_  
Signature Date

- Please do not submit resumes or attachments.
- This application is a **public record**.
- Information in the application will be considered in making appointments.
- Candidates may be interviewed prior to appointment.
- If not initially appointed to serve, this application will remain active until August 1 of the following year.

Applications are to be turned in to the Town Clerk in person (111 East Second Street), by mail (Town of Clayton, PO BOX 879, Clayton, NC 27528) or by email (sscoggins@townofclaytonnc.org)



# ADVISORY BOARD CANDIDATE APPLICATION

The Town of Clayton welcomes and appreciates your interest in serving the Town. This application is designed to gather information to evaluate your qualifications. Candidates may be interviewed prior to appointment.

If requesting consideration for more than one, please submit a separate application for each board.

CHOOSE ONE:

- Planning & Zoning Board
- Board of Adjustment
- Downtown Development Assoc.
- Clayton Library Board
- Recreation Advisory Committee
- Fire Dept. Advisory Board
- Public Arts Advisory Board

**PLEASE NOTE:** In accordance with North Carolina law, this application is a public record and will be disclosed upon request and without notice. If there is any information you do not want released to the public, please do not include it.

**Please type or use dark ink.**

Name: Lisa Cotten

Mailing Address: 148 Ranch Rd Clayton NC 27520

Physical HOME Address: \_\_\_\_\_

Phone Number (HOME): 919-359-1789 (WORK) \_\_\_\_\_

FAX Number: \_\_\_\_\_ Mobile Number: 919-585-8390

Email Address: Cottenlisa@aol.com

\*Female  \*Male

\*Race Black

Employer: JMH

Occupation: Department Secretary

\*This information is voluntary and is requested for the sole purpose of assuring that a cross section of the community is appointed; NC GS 143-157.1.

Residency within the Town limits or ETJ (extra territorial jurisdiction) is required for membership on most Council advisory boards.

Length of residence in Clayton: 35 yr.

Do you live in the Clayton? Corporate Limits: Yes  No  ETJ: Yes  No

How did you find out about this board or committee? Facebook  Website  TV

Newspaper  Email  Twitter  Mail  Other

Outline your qualifications and why you wish to serve the board/committee you indicated.

I think I will be good for this committee so I can help the town I live in. I am a people person and I feel like this will be a good way to meet new people and help out at the same time

State why you would be an asset to this board or committee. I will be an asset cause I love to help everybody.

Do you anticipate a conflict of interest if asked to serve as a member on the requested board or committee? No  Yes  If Yes, explain:

PLEASE LIST CURRENT AND PREVIOUS SERVICE TO THE COMMUNITY, CIVIC CLUBS, ETC., ACTIVITY AND ANY SPECIAL TALENTS. I am not on any committees

Boards/Committees/Civic

From But I am Involve To with my church

Lisa Catter  
Signature

9-19-13  
Date

- Please do not submit resumes or attachments.
- This application is a **public record**.
- Information in the application will be considered in making appointments.
- Candidates may be interviewed prior to appointment.
- If not initially appointed to serve, this application will remain active until August 1 of the following year.

Applications are to be turned in to the Town Clerk in person (111 East Second Street), by mail (Town of Clayton, PO BOX 879, Clayton, NC 27528) or by email (sscoggins@townofclaytonnc.org)







# ADVISORY BOARD CANDIDATE APPLICATION

The Town of Clayton welcomes and appreciates your interest in serving the Town. This application is designed to gather information to evaluate your qualifications. Candidates may be interviewed prior to appointment.

If requesting consideration for more than one, please submit a separate application for each board.

CHOOSE ONE:

- Planning & Zoning Board
- Board of Adjustment
- Downtown Development Assoc.
- Clayton Library Board
- Recreation Advisory Committee
- Fire Dept. Advisory Board
- Public Arts Advisory Board

**PLEASE NOTE:** In accordance with North Carolina law, this application is a public record and will be disclosed upon request and without notice. If there is any information you do not want released to the public, please do not include it.

**Please type or use dark ink.**

Name: Rebecca Bradford

Mailing Address: 1024 Amelia Church Road, Clayton NC 27520

Physical HOME Address: same

Phone Number (HOME): 919 320 8609 (WORK) 919 557-2511

FAX Number: \_\_\_\_\_ Mobile Number: 919 320 8609

Email Address: treyaandbecca@yahoo.com

\*Female  \*Male  \*Race Caucasian

Employer: Wake County Public Schools

Occupation: Teacher

\*This information is voluntary and is requested for the sole purpose of assuring that a cross section of the community is appointed; NC GS 143-157.1.

Residency within the Town limits or ETJ (extra territorial jurisdiction) is required for membership on most Council advisory boards.

Length of residence in Clayton: 8 years

Do you live in the Clayton? Corporate Limits: Yes  No  ETJ: Yes  No

How did you find out about this board or committee? Facebook  Website  TV

Newspaper  Email  Twitter  Mail  Other \_\_\_\_\_

Outline your qualifications and why you wish to serve the board/committee you indicated.

We are regular users of the Clayton Parks, the bike trail and have taken a few classes at the recreational center. I have an active and vested interest in building and maintaining the parks and recreational areas in Clayton.

State why you would be an asset to this board or committee.

I have served as a team leader and participant as a teacher and with the PTSA and the Fuquay-Varina Community for the high school.

Do you anticipate a conflict of interest if asked to serve as a member on the requested board or committee? No  Yes  If Yes, explain:

**PLEASE LIST CURRENT AND PREVIOUS SERVICE TO THE COMMUNITY, CIVIC CLUBS, ETC., ACTIVITY AND ANY SPECIAL TALENTS.**

Boards/Committees/Civic	From	To
<u>FVHS Campus Beautification</u>	<u>2002</u>	<u>2013</u>
<u>FVHS Teacher Leader</u>	<u>2006</u>	<u>2013</u>
<u>Coach - FVHS Ultimate Frisbee</u>	<u>2001</u>	<u>2013</u>

Rebecca J. Braxton  
Signature

10/4/2013  
Date

- Please do not submit resumes or attachments.
- This application is a **public record**.
- Information in the application will be considered in making appointments.
- Candidates may be interviewed prior to appointment.
- If not initially appointed to serve, this application will remain active until August 1 of the following year.

Applications are to be turned in to the Town Clerk in person (111 East Second Street), by mail (Town of Clayton, PO BOX 879, Clayton, NC 27528) or by email (sscoggins@townofclaytonnc.org)



# ADVISORY BOARD CANDIDATE APPLICATION

The Town of Clayton welcomes and appreciates your interest in serving the Town. This application is designed to gather information to evaluate your qualifications. Candidates may be interviewed prior to appointment.

If requesting consideration for more than one, please submit a separate application for each board.

CHOOSE ONE:

- Planning & Zoning Board
- Board of Adjustment
- Downtown Development Assoc.
- Clayton Library Board
- Recreation Advisory Committee
- Fire Dept. Advisory Board
- Public Arts Advisory Board

**PLEASE NOTE:** In accordance with North Carolina law, this application is a public record and will be disclosed upon request and without notice. If there is any information you do not want released to the public, please do not include it.

**Please type or use dark ink.**

Name: Toby G. Williamson

Mailing Address: 604 Garrison Ave., Clayton, NC 27520

Physical HOME Address: same

Phone Number (HOME): 919-553-7278 (WORK) 919-550-5600

FAX Number: 1-866-610-9591 Mobile Number: 910-284-2310

Email Address: tobywilliamson@nc.rr.com

\*Female  \*Male

\*Race white

Employer: Wal-Mart

Occupation: General Manager

\*This information is voluntary and is requested for the sole purpose of assuring that a cross section of the community is appointed; NC GS 143-157.1.

Residency within the Town limits or ETJ (extra territorial jurisdiction) is required for membership on most Council advisory boards.

Length of residence in Clayton: 10 years, 5 months

Do you live in the Clayton? Corporate Limits: Yes  No  ETJ: Yes  No

How did you find out about this board or committee? Facebook  Website  TV

Newspaper  Email  Twitter  Mail  Other \_\_\_\_\_

Outline your qualifications and why you wish to serve the board/committee you indicated.

I am a strong believer in community involvement. I have managed the Wal-Mart store on Highway 70 in Clayton now for over 10 years and have enjoyed living in the Town of Clayton with my family.

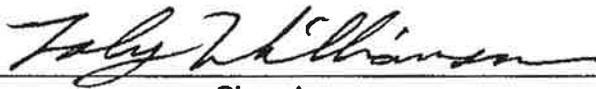
I look forward to being able to share my perspective and contribute to the future growth and development of our community through this committee.

State why you would be an asset to this board or committee. I care about the future of the Town of Clayton. My family and I have a lot invested in seeing the Town flourish and grow while still maintaining the hometown hospitality that we have grown to love.

Do you anticipate a conflict of interest if asked to serve as a member on the requested board or committee? No  Yes  If Yes, explain:

**PLEASE LIST CURRENT AND PREVIOUS SERVICE TO THE COMMUNITY, CIVIC CLUBS, ETC., ACTIVITY AND ANY SPECIAL TALENTS.**

Boards/Committees/Civic	From	To
<u>West Clayton Elementary PTA</u>	<u>2007</u>	<u>2013</u>
<u>West Clayton Elementary Advisory Council</u>	<u>2012</u>	<u>2013</u>
<u>Clayton Middle School PTA</u>	<u>2013</u>	<u>present</u>
<u>Clayton Chamber of Commerce</u>	<u>2003</u>	<u>present</u>



Signature

September 30, 2013

Date

- Please do not submit resumes or attachments.
- This application is a **public record**.
- Information in the application will be considered in making appointments.
- Candidates may be interviewed prior to appointment.
- If not initially appointed to serve, this application will remain active until August 1 of the following year.

Applications are to be turned in to the Town Clerk in person (111 East Second Street), by mail (Town of Clayton, PO BOX 879, Clayton, NC 27528) or by email ([sscoggins@townofclaytonnc.org](mailto:sscoggins@townofclaytonnc.org))

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

**Agenda Item: 5f**

**Meeting Date: 11/18/13**

**TITLE: PRESENTATION OF RESOLUTION TO ED JOHNSON FOR HIS SERVICE TO NORTH CAROLINA CAPITAL AREA METROPOLITAN PLANNING ORGANIZATION (CAMPO).**

**DESCRIPTION: At its November 4, 2013, Council meeting, Council requested a resolution to recognize Mr. Ed Johnson, Executive Director of CAMPO who announced he is retiring from public service effective January 1, 2014.**

**RELATED GOAL: Administrative**

**ITEM SUMMARY:**

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
11-18-13	Presentation.	Resolution.

**TOWN OF CLAYTON  
RESOLUTION OF APPRECIATION - EDISON H. JOHNSON JR.**

**WHEREAS**, certain individuals are inspired to serve their community by pursuing a career in public service; and

**WHEREAS**, Edison H. Johnson Jr. has worked in public service for nearly forty years, with the last ten of those years serving as Executive Director of the North Carolina Capital Area Metropolitan Planning Organization (CAMPO); and

**WHEREAS**, the Clayton Town Council unanimously approved the Town of Clayton joining CAMPO in August 2005; and

**WHEREAS**, through his leadership, Edison H. Johnson led CAMPO through many projects, some of which directly benefit and improve the quality of life for citizens in the Clayton area:

- ☺ Front Street Extension Project which will make the heart of Downtown Clayton even more accessible to the ever-growing eastern part of Town;
- ☺ Design and Construction Funds for the connector from the Clayton Community Center to downtown allowing families to safely walk between the recreation center, West Clayton Elementary, Clayton High School and downtown using sidewalks and greenway.
- ☺ Feasibility Study and Design Funds for the (Sam's Branch) North O'Neil Grade Separation Study which recognized the increasing importance of offering outdoor walking opportunities to residents and visitors and will extend an already heavily-used greenway even further into Town;
- ☺ East Area Neighborhood Sidewalk Project which added new sections of sidewalk to the east area of downtown;
- ☺ Design Funds for the Sam's Branch Phase II which will continue the popular greenway from North O'Neil Street to Legend Park located at 550 City Road; and

**WHEREAS**, Edison H. Johnson Jr. has announced his retirement effective January 1, 2014; and

**WHEREAS**, the Clayton Town Council recognizes the many contributions provided to the Town of Clayton and its citizens during Edison H. Johnson Jr.'s tenure as Executive Director of CAMPO.

**NOW, THEREFORE**, the honorable Mayor and Town Council of the Town of Clayton, North Carolina, do hereby recognize and express deep appreciation to Edison H. Johnson Jr. for his years of service. Furthermore, the Mayor and Town Council of the Town of Clayton, North Carolina, do hereby extend best wishes for your continued success in your life pursuits.

**DULY RESOLVED** this \_\_\_\_\_ day of \_\_\_\_\_ 2013, while in regular session.

ATTEST:

\_\_\_\_\_  
Jody L. McLeod,  
Mayor

\_\_\_\_\_  
Sherry L. Scoggins, MMC  
Town Clerk

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

Agenda Item: 5g

Meeting Date: 11/18/13

**TITLE: PRESENTATION OF PROCLAMATION – SHOP LOCAL / SMALL BUSINESS SATURDAY.**

**DESCRIPTION:** Small Business Saturday began in 2010 and is observed the Saturday after Thanksgiving. Small Business Saturday encourages holiday shoppers to patronize brick and mortar businesses that are small and local.

As Small Business Saturday will occur before the next Council meeting, Council consideration is requested for this item.

**RELATED GOAL:** Administrative

**ITEM SUMMARY:**

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
11-18-13	Consideration.	Proclamation.

**TOWN OF CLAYTON**  
**Proclamation**  
**SHOP LOCAL CLAYTON DAY - SATURDAY, NOVEMBER 30, 2013**

**WHEREAS**, the Town of Clayton believes local and small businesses are the backbone of our economy and the glue that holds communities together; and

**WHEREAS**, there are currently 28 million small businesses in the United States providing more than half the private sector jobs in the country, according to the U.S. Small Business Administration; and

**WHEREAS**, these local businesses contribute positively to the community and Town of Clayton by paying taxes to help fund our municipal services; and

**WHEREAS**, local businesses conveniently sell a wide range of great products and services; and

**WHEREAS**, these local businesses, whether they cater to neighborhoods, specialty service or other consumer needs, clearly serve a vital role in the community and Town of Clayton's success;

**WHEREAS**, supporting and shopping in these local businesses helps create jobs, reduces environmental impact, and preserves our neighborhoods; and

**WHEREAS**, local, state and federal groups around the country have recognized the Saturday after Thanksgiving as Small Business Saturday where last year consumers spent more than \$5.5 billion in local and small businesses.

**NOW, THEREFORE, LET IT BE PROCLAIMED** by the Honorable Mayor and Town Council of the Town of Clayton, North Carolina that Saturday, November 30, 2013, be recognized as:

**“SHOP LOCAL CLAYTON DAY”**

In an effort to promote the local and small businesses, recognize the considerable contributions they make to our community and to encourage all citizens in Clayton to **SHOP LOCAL!**

Duly proclaimed by the Clayton Town Council this the 18<sup>th</sup> day of November 2013, while in regular session.

---

Jody L. McLeod  
Mayor

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

Agenda Item: 5h

Meeting Date: 11/18/13

**TITLE: PRESENTATION OF WARRANTY ACCEPTANCE FOR PUBLIC WATER, SEWER, AND STORM DRAINAGE UTILITIES FOR RIVERWOOD ATHLETIC CLUB PHASES 6A-1, 6B, 6C, AND 6E.**

**DESCRIPTION: Attached.**

**RELATED GOAL: Grow the Local Economy & Think Clayton**

**ITEM SUMMARY:**

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
11-18-13	Presentation	Memorandum.

# 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: Sherry Scoggins, Town Clerk

From: Chris Rowland, Construction Inspector *CR*

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

Date: October 15, 2013

Subject: RWAC, Phases 6A-1, 6B, 6C, & 6E

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

**received**  
10-17-2013 *DR*

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

Agenda Item: 7a

Meeting Date: 11/18/13

**TITLE: DISCUSSION OF UTILITY DEVELOPMENT AGREEMENT WITH GRIFOLS BIOPHARMACEUTICALS.**

**DESCRIPTION:** The Town of Clayton and Grifols Biopharmaceuticals are discussing utility development agreements and the following outlines are presented for discussion:

- Terms and elements of a development agreement that are not set forth in the wastewater and water term sheets;
- Terms and elements of a pending development agreement regarding industrial wastewater treatment / supply services and costs for service; and
- Terms and elements of a pending development agreement regarding industrial wastewater treatment / supply services and costs for service.

**RELATED GOAL:** Grow the Local Economy

**ITEM SUMMARY:**

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
11-18-13	Presentation	Outlines (3).

Town of Clayton/Grifols  
Outline of Terms for Development Agreement  
General Provisions

- A. The purpose of this outline is to define the additional terms and elements of a development agreement that are not set forth in the wastewater and water term sheets.
- B. Goals
  - a. To set forth the existing relationship of cooperation and collaboration between the Town and Grifols by establishing a framework for development of the Grifols campus.
  - b. To carefully integrate the Town’s capital facilities planning, financing and construction schedules and development of the Grifols campus.
- C. Considerations
  - a. Coordination between the Town’s development of its utility system and Grifols’ need for water and wastewater services maximizes efficiencies and favorable outcomes for both parties.
  - b. Coordination between the Town’s land use and building regulatory system and Grifols’ existing uses and future planning for its campus encourages healthy and orderly growth and efficient allocation of resources by both parties.
- D. Utilities Supply/Service
  - a. Development of the Town’s utility service/supply and development of the Town’s sewer service/supply along with Grifols’ obligations in connection with these utilities are set forth in separate water and wastewater agreements which are incorporated as part of this agreement.
- E. Land Use/Zoning
  - a. The agreement applies to Grifols’ entire campus and all land later acquired by Grifols adjacent to its campus which Grifols integrates into its campus.
  - b. The Town will consider amending its zoning ordinance to specifically include a definition of biomanufacturing in the zoning ordinance as a permitted use in the Industrial -1 Zoning District. The definition suggested by Grifols is:

“Bio-manufacturing” generally includes, among other things, the manufacture of products or product intermediates derived from a biological origin such as blood, blood products, cells, and tissues and/or use biochemical steps to produce

molecules and materials, including without limitation uses, structures, buildings accessory to, appurtenant to, incidental to or reasonably related to biomanufacturing, such as, infrastructure, warehousing and distribution activities as well as utilities and other similar structures or improvements. Bio-manufacturing is constantly evolving and changing in terms of practices, protocols, methods, processes, and final products due to a variety of factors, including evolving scientific inquiries and discoveries and this definition is intended to be sufficiently flexible to include these evolutions and changes.

- c. If necessary, the Town will consider amending its zoning ordinance to permit the type of trucks used by Grifols and other biomanufacturing companies. (Grifols will routinely use 53 foot long enclosed semi-trailers, both refrigerated and non-refrigerated, and associated tractor trucks<sup>[SB1]</sup>).

F. Coordination/Cooperation/Mutual Aid

The Parties will provide expedited reviews of their respective plans for development of the campus and public infrastructure and aid each other's efforts with third parties who have a regulatory role in such matters.

G. Fire Protection

The Town and Grifols will coordinate their planning and development to assure that the Grifols' campus has adequate municipal services for fire protection.

H. Term

The Term of this agreement is 20 years and Grifols development rights are vested during the term of this agreement as provided by NCGS § 160A-400.26.

I. Findings and Other Terms

- a. This agreement will set forth the necessary findings. (See NCGS § 160A-400.20)
- b. This agreement will contain all of the matters required by statute. (See NCGS § 160A-400.25(a))
- c. This agreement will provide for periodic review conducted by the Town Manager. (See NCGS § 160A-400.27)
- d. Those other terms agreed to by the Parties. (See NCGS § 160A-400.25(d))

Town of Clayton/Grifols  
Outline of Terms for Development Agreement  
Reference Wastewater Treatment/Supply Services

- A. The purpose of this outline is to define the terms and elements of a pending development agreement between the Town of Clayton and Grifols regarding industrial wastewater treatment/supply services and costs for service.
  
- B. Service Goal
  - a. Allow Grifols to achieve flow increases related to increased production and related biomanufacturing processes in the amounts previously reported.
  - b. Allow Grifols to reduce the extent of on-site industrial pre-treatment processes.
  - c. Allow the Town of Clayton to provide effective long term treatment solutions as necessary to meet the above goals in support of Grifols.
  - d. Facilitate cost recovery by the Town of Clayton in providing the above services.
  
- C. Considerations
  - a. Changes in pre-treatment and public service infrastructure will be subject to scrutiny by State DENR and EPA regulatory authority.
    - i. Town of Clayton agrees to work with Johnston County to achieve all applicable State and Federal regulatory approvals.
    - ii. Grifols recognizes and acknowledges the necessity to comply with State and Federal regulatory authority particularly compliance with EPA stipulated categorical limits.
  - b. Additional easement adjacent to the existing wastewater pump station is needed. An additional 30' x 50' on the west side of the easement will be necessary to accommodate modifications to the station. Attached is a drawing depicting the additional easement.
  - c. The term of the agreement is subject to further discussion – Grifols prefers a 30 year term with capacity purchased beyond initial purchase calculated by an agreed formula<sup>[SB1]</sup>.
  - d. Capital Fee Structure
    - i. Current Status
      - 1. Wastewater: Grifols owns through purchase a total of 650,000 gpd of wastewater treatment capacity. This amount exceeds current flow amounts.
      - 2. Nitrogen Offset: Grifols has not purchased any nitrogen (nutrient) treatment capacity to date.
    - ii. Future Capacity
      - 1. Grifols flows will be accounted for on a "total site" basis for utility capacities rather than on a building project basis.
      - 2. Grifols may purchase additional wastewater treatment capacity up to a combined total of 850,000 gpd.

3. Grifols may purchase in increments necessary to meet future service needs at the time the additional capacity is needed or any time in advance. Charges will be based on the fee schedule at the time the capacity is purchased based upon the formula set forth in the agreement. The current cost of wastewater capacity is \$6 per gallon. Wastewater capacity will be accounted for on an average daily flow basis over a 30 day period.
4. Nitrogen Offset: Charges for nitrogen will be held in abeyance unless the Town of Clayton becomes subject to those costs from third party service providers, most particularly Johnston County. If the Town of Clayton becomes subject to charges for nitrogen, then those charges will be applied only to future sewer capacity purchased subsequent to implementation of the fee by the third party provider (Johnston County).
5. All capacity purchased by Grifols may be assigned by Grifols to other Town of Clayton users<sup>[SB2]</sup> upon the Town of Clayton's permission which will not be unreasonably withheld.

D. Treatment/Service Cost Structure

- a. Basic wastewater treatment service will continue to be charged at the existing treatment cost structure, which is \$5.77 per 1000 gallons for monthly consumption over 100,000 gallons for all wastewater.
- b. Assuming Grifols chooses to discontinue use of the aeration pond and DAF pretreatment facilities and deliver high strength, partially treated industrial wastewater, then the flow will be subject to the additional surcharges noted below:
  - i. Capital surcharge: \$12,500 per month for 48 months. This cost will reduce to \$5,000 per month thereafter for the purpose of generating a maintenance and replacement reserve fund. The Capital surcharge is currently amortized over a four year period. The term is subject to flexibility if preferred by Grifols<sup>[SB3]</sup>.
  - ii. \$1.95 per 1,000 gallons high strength surcharge.
- c. Additional surcharges for treatment are as follows: (Subject to review and approval by NC DENR.)
  - i. Chemical Oxygen Demand (COD) surcharge for concentrations greater than 1,300 mg/l = \$0.20 / lb.
  - ii. Biochemical Oxygen Demand (BOD) surcharge for concentrations greater than 600 mg/l = \$0.05 / lb.
  - iii. Total Phosphorous (P) surcharge for concentrations greater than 10 mg/l = \$2.00 / lb (with a maximum limit of 12 mg/l).
  - iv. Total Nitrogen (N) surcharge for concentrations greater than 75 mg/l = \$0.30 / lb.
  - v. Total Suspended Solids (TSS) surcharge for concentrations greater than 1,000 mg/l= \$0.25/ lb.
  - vi. Surcharge parameters ii through v, above, are maximum daily values. Charges shall be subject to annual review based on achieving full cost recovery.
- d. Grifols fees for treatment/service will not be higher than the best rate set for any customers of the same user category of the Town of Clayton's system and set as needed for full cost recovery of system operations and in compliance with sound financial management policies.
- e. Other typical contract provisions to be reviewed and agreed to by the Town of Clayton and Grifols.

- E. Industrial User Limits and Contractual Provisions: Subject to review and approval by NC DENR.
- a. Parameters listed in Section "D" above represent thresholds above which user surcharges will be applicable.
  - b. Parameters listed herein as Section "E" shall be contractual provisions and included in an Industrial User Permit (IUP) as limits:
    - i. Chemical Oxygen Demand (COD) IUP limit = 1,500 mg/l.
    - ii. Biological Oxygen Demand (BOD) IUP limit = 800 mg/l.
    - iii. Total Suspended Solids (TSS) IUP limit = 1,200 mg/l.
    - iv. Total Nitrogen (TN) IUP limit = 80 mg/l.
    - v. Total Phosphorous (TP) IUP limit = 12 mg/l.
    - vi. Flow= 0.9 mgd
  - c. All parameters and limits in contractual provisions and included in IUP shall be based on weekly averages, but daily spikes above the parameters/limits must not exceed 7 per month for each parameter/limit and the parties will work collaboratively to avoid such spikes.
  - d. Qualitative sampling and testing of Grifols' effluent for IUP permit compliance, process control, and billing will be accomplished by the Town or its designee. The cost of this sampling and testing will be covered under the normal fee structure. This sampling would apply to all but the EPA categorical constituents and is expected to be approximately four times per week; however, more frequent or less frequent sampling may be conducted at the discretion of the Town. Samples may be shared (split) with Grifols, upon request.
  - e. Sampling for compliance under EPA Categorical Limits. Sampling for compliance with EPA categorical limits shall be performed quarterly.
- F. Protection of Johnston County WWTP operations
- a. Within 6 months of notice from the Town, Grifols will bring on line a third MBBR unit (with the same volume and media loading as the existing MBBR units). The Town will only send such notice when either of the following has occurred: (i) concentrations of COD or TSS averaging per

month at or above 80% of the parameters/limits or (ii) monthly flows for two consequent months exceeding 650,000 gpd calculated by averaging daily flow during the month.

G. Cooperation and Collaboration

- a. In all aspects of Wastewater Treatment Services, the parties shall be guided primarily by principles of cooperation and collaboration as each party performs its respective role in connection with this wastewater agreement and the Town shall possess all regulatory powers sufficient to protect the Town's or County's system or the public health, safety or welfare.

WCSR 31395352v1

Town of Clayton/Grifols  
Outline of Terms for Development Agreement  
Reference Potable Water Treatment/Supply Services

- A. The purpose of this outline is to define the terms and elements of a pending development agreement between the Town of Clayton and Grifols regarding potable water treatment/supply services and costs for service.
  
- B. Service Goal
  - a. Allow Grifols to achieve flow increases related to increased production and related biomanufacturing processes in the amounts previously reported.
  - b. Allow the Town of Clayton to provide effective long term treatment and supply solutions as necessary to meet the above goals in support of Grifols.
  - c. Facilitate cost recovery by the Town of Clayton in providing the above services.
  
- C. Considerations
  - a. Changes in public service infrastructure will be subject to scrutiny by State DENR and EPA regulatory authority.
    - i. Town of Clayton agrees to achieve all applicable State and Federal regulatory approvals.
    - ii. Grifols recognizes and acknowledges the necessity to comply with State and Federal regulatory authority.
  - b. The term of the agreement is subject to further discussion – Grifols prefers a 30 year term[SB1].
  - c. Capital Fee Structure
    - i. Current Status: Grifols owns through purchase a total of 710,100 gpd of water capacity.
      - 1. Grifols may purchase up to a combined total of 1.0 M gpd at the price of \$3 per gallon through December 31, 2013. After that date additional capacity may be purchased at the current rate fixed by the Town Council as part of the Comprehensive List of Fees and Charges for all customers[SB2].
      - 2. Grifols may purchase in increments necessary to meet future service needs at the time the additional capacity is needed or any time in advance. Charges will be based on the fee schedule at the time the capacity is purchased based upon the formula set forth in the agreement. The current cost of water capacity is \$3 per gallon. Water capacity will be accounted for on average daily flow basis over a 30 day period.
    - ii. All capacity purchased by Grifols will be accounted for on a “total site” basis and may be assigned by Grifols to other Town of Clayton users [SB3] upon the Town of Clayton’s permission, which will not be unreasonably withheld.

- D. Service Cost Structure
  - a. Basic water treatment service will continue to be charged at the existing cost structure, which is \$4.40 per 1000 gallons for monthly consumption over 100,000 gallons for all water.
  - b. Grifols' fees for service will not be higher than the best rate set for customers of the same user category of the Town of Clayton's system and set as needed for full cost recovery of system operations and in compliance with sound financial management policies.
- E. Supplied Water
  - a. The water supplied to Grifols will be uninterrupted and of a consistent and potable quality to the absolute extent possible.
  - b. Grifols will not be charged wastewater surcharges caused by exceedances in the water supplied.
- F. Private Wells are permitted on Grifols' property for industrial uses with the necessary protections against cross contamination.
- G. Other typical contract provisions to be reviewed and agreed to by the Town of Clayton and Grifols.

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

**Agenda Items:** 8a, 8b & 8c

**Meeting Date:** 11/18/13

**TITLE:** REQUESTS FROM THE FRED SMITH COMPANY FOR THE LIONSGATE SUBDIVISION.

**DESCRIPTION:** At the November 4, 2013, Council meeting, the evidentiary hearing was opened and the following persons took an oath: David DeYoung, Steve Biggs, Donnie Adams, and Fred Smith. These individuals are still under oath for SUP 2013-71. After the staff presentation, the applicant requested the continuance of the evidentiary hearing for SUP 2013-71 to the November 18, 2013, Council meeting.

The decision of the special use permit will determine if the subdivision requests will be heard by Council.

The DRAFT November 4, 2013, Council meeting minutes include the information from the evidentiary hearing for SUP 2013-71 and are attached as Item 3a in this agenda packet.

As the November 18, 2013, Council meeting is a work session, Council is requested to make a motion to suspend its rules in order to take action on this/these items.

**RELATED GOAL:** Manage Growth Producing Quality Developments.

**ITEM SUMMARY:**

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
11-18-13	N/A - Overview	

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

Agenda Item: 8a

Meeting Date: 11/18/13

**TITLE: EVIDENTIARY HEARING FOR SPECIAL USE PERMIT SUP 2013-71 LOCATED ON AMELIA CHURCH ROAD AND SUBMITTED BY DC ADAMS ENGINEERING INC; CONTINUED FROM THE NOVEMBER 4, 2013, COUNCIL MEETING.**

**DESCRIPTION:** The applicant is requesting approval to withdraw the undeveloped portions of the LionsGate Planned Development from mixed-use planned development case MUPD 03-01 and include those same properties as part of a new special use permit, which would act as the master plan for those undeveloped properties.  
At the regularly scheduled Planning Board meeting held on September 23, 2013, the Planning Board voted unanimously to recommend approval of the Special Use Permit, modifying condition 4 to specify “stormwater lines.”  
This item is slated for an evidentiary hearing at the Council’s November 4, 2013, Council meeting.

**RELATED GOAL:** Manage Growth Producing Quality Developments.

**ITEM SUMMARY:**

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
10-21-13	Presentation.	Staff report, Application, Owner’s Consent Form, Neighborhood meeting Support material, & Master plan.
11-04-13	Evidentiary Hearing.	SUP Hearing Procedure, Staff report, Application, Owner’s Consent Form, Neighborhood meeting Support material, Master Plan, & Evaluation Form.
11-18-13	Continued Ev. Hearing.	Same info as provided at the 11-04-2013 meeting.

***\*If SUP 2013-71 is approved, will continue with Item 5c (SUB 2013-56) and Item 5d (SUB 2013-57).***

**Town of Clayton  
Special Use Permit Application  
Hearing Procedure**

1. **HEARING.** The Mayor shall call the hearing and announce the case.
2. **RULES OF PROCEDURE.** The procedure by which testimony may be given shall be announced by the Town Attorney. The Town Attorney shall be responsible for keeping all testimony within acceptable legal guidelines.
3. **OATHS.** Oaths shall be administered to all speakers. A statement of oath shall be signed by all persons taking the oath.
4. **STAFF REPORT.** The Staff shall give its report.
5. **APPLICANT TESTIMONY.** The applicant shall be called to present his case. The applicant has the burden to provide testimony and evidence in support of the request. If the applicant or his representative is not present to be sworn, the Mayor may call for a vote of the members present to continue the hearing until the next regular meeting or, in the absence of testimony supporting the application the Council may choose to deny the application. The applicant shall be notified of such action. The Mayor shall be responsible for keeping the testimony relevant and factual. No questions shall be asked by the Town Council at this time.
6. **OPPOSITION TESTIMONY.** Those speaking in opposition to the application shall be called upon to present their case. The Mayor shall be responsible for keeping the testimony relevant and factual. No questions shall be asked by the Town Council at this time.
7. **APPLICANT REBUTTAL.** The applicant and/or those in support of the application shall be provided an opportunity to rebut testimony provided by the opposition. The Council may also ask questions of the applicant at this time.
8. **OPPOSITION REBUTTAL.** Those in opposition to the application shall be provided an opportunity to rebut testimony provided by the applicant. The Council may also ask questions of the opposition at this time.
9. **COUNCIL INQUIRY.** The Council may ask any additional questions of the applicant, opposition, or staff at this time. The Mayor shall be responsible for keeping questions and responses relevant and factual.

10. **DELIBERATION.** The Mayor shall call the Council into deliberation. Once called into deliberation no person may address the Council and no questions may be asked by Council to the public.
11. **UTILITY ALLOCATION (WHEN APPLICABLE).** In the event of pending action on a utility allocation request related to the case and there being no additional testimony, the Council shall take action on a utility allocation in accordance with related policies and procedures.
12. **ACTION-FINDINGS FOR DECISION.** Once discussion of the evidence has been completed and action taken on the utility allocation (when applicable); each finding shall be discussed in turn and a motion, second and vote shall be made for each finding by selecting one of the three alternatives. A majority vote shall prevail. All four findings shall be addressed.
13. **ACTION-APPLICATION.** Once all four findings have been decided and based on the results of the evaluation and vote on those findings, the Council shall make a motion and vote to approve or deny the application.



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:** SUP 2013-71 (Special Use Permit)  
**Project Name:** LionsGate Master Plan Revision

**NC PIN:** 165918-32-6389, 165918-41-8223, 165919-51-7554, 165919-61-2030  
**Town Limits/ETJ:** Town Limits  
**Overlay:** None  
**Applicant:** DC Adams Engineering, Inc.  
**Owners:** LIONSGATE VILLAGE LLC, SUNBELT GOLF GROUP LLC

**Neighborhood Meeting:** Held September 9, 2013  
**Public Noticing:** Property posted September 13, 2013  
**Planning Board Meeting:** Held September 23, 2013

---

**PROJECT LOCATION:** The project is located on Amelia Church Road and is part of the LionsGate Planned Development.

---

**REQUEST:** The applicant is requesting approval to withdraw the undeveloped portions of the LionsGate Planned Development from Mixed Use Planned Development Case #03-1 and include those same properties as part of a new Special Use Permit, which would act as the Master Plan for those undeveloped properties.

---

### SITE DATA:

**Acreage:** 52.58 acres (total LionsGate site included 118.78 acres)  
**Present Zoning:** PD-MU  
**Proposed Zoning:** PD-MU  
**Existing Use:** Vacant  
**Existing Impervious:** None - property is vacant.

### DEVELOPMENT DATA:

**Proposed Uses:** Single family townhome residential development.  
**Buildings:** Residential buildings will include a maximum of 294 units (including a maximum of 158 single family homes and 136 townhomes).

Number of Stories: Maximum height of 35 feet.

Impervious Surface: 60% percent maximum requested

Required Parking: 2 spaces per unit.

Proposed Parking: 2 spaces per unit.

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

Access/Streets: Access to phases south of Amelia Church Road will be provided by an existing driveway off of Amelia Church Road which will connect into internal circulation providing access to each phase. Access to the phases north of Amelia Church Road will be provided of a new access point off of Amelia Church Road, directly across from Garrison Avenue.

Water/Sewer Provider: Town of Clayton

Electric Provider: Town of Clayton and Duke/Progress Energy (location dependent)

**ADJACENT ZONING AND LAND USES:**

**North:** Zoning: Planned Development – Mixed Use (PD-MU), Residential-10 (R-10)  
Existing Use: Single Family Residential

**South:** Zoning: Residential-10 (R-10), Residential-8 (R-8)  
Existing Use: Single Family Residential

**East:** Zoning: Planned Development – Mixed Use (PD-MU)  
Existing Use: Vacant Land donated to the Town of Clayton for parkland/greenway

**West:** Zoning: Residential-10 (R-10)  
Existing Use: Vacant, Single Family Residential

**STAFF ANALYSIS AND COMMENTARY:**

The applicant is requesting approval to withdrawal the undeveloped portions of the LionsGate Planned Development from Mixed Use Planned Development Case #03-1 (approved November 17, 2003, filed in book 2628, pages 155 to 158) and include those same properties as part of a new Special Use Permit, which would act as the Master Plan for those undeveloped properties. The Master Plan for LionsGate was approved via a Special Use permit as part of Permit # 03-01 in 2003 and is approximately 50% built out. The request would leave the developed portions of the site unchanged and still subject to the provisions of the 2003 Master Plan/Special Use Permit.

The reason for the withdrawal is to request a new Master Plan (to be approved as a new Special Use Permit) for the undeveloped properties in order to accommodate modifications from the originally approved Master Plan. The undeveloped portions of the site would be a part of the new Special Use Permit/Master Plan. Modifications include:

- The removal of a previously planned access point off of Amelia Church Road (which was originally planned to be located east of the existing driveway)
- Adjustment of phase lines
- Adjustment of lot lines to change lot sizes in certain phases. The overall number of lots is not changed from the original approval.
- A change in use for the property shown as phases 7B, 7C, and 7E east of the existing daycare facility. This property was originally planned to be mixed use units with commercial on the first floor and residential units above. The applicant has requested these uses be changed to residential-only and is proposing townhome units.

If the new Special Use Permit/Master Plan is approved, each phase will require major preliminary subdivision plat approval from the Town Council.

Planned Development zoning permits site minimum and maximum standards to be set by a Master Plan. These specifications are proposed as presented on the Master Plan. Please note that this Master Plan only guides development of the undeveloped portions of the site; all existing development information is for reference purposes only.

➤ **Consistency with the Strategic Growth Plan**

The request is consistent with the Strategic Growth Plan.

➤ **Consistency with the Unified Development Code**

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

➤ **Compatibility with Surrounding Land Uses**

The proposed development is consistent with the density and patterns of the developed portions of LionsGate and surrounding residential development.

➤ **Landscaping and Buffering**

A 20-30 foot Class “C” buffer, as required by the UDC, is proposed for those portions of the request that represent the perimeter of the overall LionsGate development.

➤ **Recreation and Open Space**

Recreation and open space totals and configuration provided as part of the original Special Use Permit/Master Plan for LionsGate has not been impacted by this request.

➤ **Environmental**

Several creeks run through the property. Where considered a “stream buffer” as defined in Section 155.502 of the UDC, a 50-foot riparian buffer is provided on either side of the creek and is considered “resource conservation area.” This total 100-foot buffer area shall remain undisturbed in perpetuity. Jurisdictional wetlands and 100-year floodplains must also remain undisturbed as provided in the Unified Development Code. All resource conservation areas will also be shown on preliminary plats to demonstrate protection of environmental resources. Riparian buffers which do not meet the definition of a “stream buffer” in the UDC will meet preservation requirements set by the State.

➤ **Signs**

No signage is requested as part of this request.

➤ **Access**

Access is provided via a connection to the existing driveway access off of Amelia Church Road and will connect in the construction of Phase 2B to Hocutt Drive in the Ellington Subdivision. Access to Phases 6A and 6B will be via a new driveway off of Amelia Church Road directly across from Garrison Avenue.

➤ **Multi-Modal Access**

A 10-foot multi-use paved path currently exists along a portion of Amelia Church Road with plans for future expansion further along Amelia Church Road to connect to Shotwell Road and to the future greenway to the east. Paths are proposed throughout the development. Sidewalk development within the development will be consistent with the UDC requirements.

➤ **Architecture**

N/A. Any architecture requirements shall be handled at site plan review.

➤ **Waivers/Deviations/Variances from Code Requirements**

None.

---

**CONSIDERATIONS:**

- The applicant is requesting Master Plan approval (via a Special Use Permit) for the undeveloped portions of the LionsGate Planned Development (originally approved as Mixed Use Planned Development 03-01).
  - Special Use Permit decisions are quasi-judicial.
- 

**FINDINGS:**

The applicant has addressed the Master Plan Approval Criteria outlined in UDC Section 155.705(K) and the Findings of Fact detailed in UDC Section 155.711(I) required for a Special Use Permit. The applicant's Findings of Fact are incorporated into the record as Exhibit A of the Staff Report.

---

**CONDITIONS:**

If approved, staff recommends the following conditions be applied to the approval of the Special Use Permit/Master Plan:

1. All development fees must be paid prior to issuance of a building permit.
2. Development of the site shall be consistent with the specifications of the Master Plan approved as part of this Special Use Permit. Modifications to the Master Plan may require additional approvals as required by the Town Code.
3. Each phase shall receive preliminary plat and/or site plan approval, as applicable, before proceeding to final plat approval or site development.

4. Prior to issuance of any final plats associated with the development, Verrazano Place, Sioux Lane, and Tuscarora Lane are to be inspected by developer's engineer and Town Staff to determine which stormwater lines need to be cleaned.
- ~~5. Roadway connections to Hocutt Drive shall be constructed prior to issuance of a Certificate of Occupancy for dwelling units in Phase 2B.~~

***Condition 5 is modified following Council Workshop to read:***

5. A roadway connection to Hocutt Drive shall be constructed prior to issuance of a Certificate of Occupancy for dwelling units in Phase 2B, and a roadway connection to Garrison Avenue shall be constructed prior to issuance of a Certificate of Occupancy for dwelling units in Phase 2A.
6. Marked crosswalks shall be placed where the bike trail crosses a roadway, including at mid-block or at an intersection.
7. Marked crosswalks shall be placed at intersections where sidewalks are located.
8. Resource conservation areas as defined by Section 155.500 of the Unified Development Code shall be identified on preliminary and final plats as being permanently set aside, and shall be protected in perpetuity by a binding legal instrument recorded with the deed which includes clear restriction on the use of the resource conservation area, as described in Section 155.500(F).
9. Flexible approaches such as adjustments to lot layout, placement of buildings and paved surfaces and location of utilities should be pursued in order to save existing stands of trees or trees with a diameter at breast height of 12 inches or more.

***New Conditions following Council Workshop:***

10. Middleton Street shall be constructed to provide secondary access at Scuppernong Way to Phase 3G prior to the issuance of a Certificate of Occupancy for Phase 3A or 3G.
11. The final lift of asphalt will be placed on the streets within each phase in accordance with the Town of Clayton Manual of Specifications, Standards and Design, dated July 2010.

---

**Planning Board Recommendation:** At their regularly scheduled meeting on September 23, 2013, the Planning Board voted unanimously to recommend approval of the Special Use Permit, modifying Condition #4 to specify "stormwater lines."

**Attachments: 1)** Exhibit "A", **2)** Zoning & Aerial Map, **3)** Application, **4)** Neighborhood Meeting Materials, **5)** Master Plan

# Exhibit A

## REQUIRED FINDINGS OF FACT

*Section 155.711(I) of the Unified Land Development Code requires applications for a Special Use Permit to address the following findings. The burden of proof is on the applicant and failure to adequately address the findings may result in denial of the application. Please attach additional pages if necessary.*

1. That the application will not materially endanger the public health or safety if located where proposed and ultimately developed according to the plans as submitted.

The proposed revisions to this existing development will not materially endanger the public health or safety.

---

---

---

---

2. That the application meets all required specifications and conforms to the standards and practices of sound land use planning and the Town Code of Ordinances and other applicable regulations.

The developer has worked with the Planning Dept to ensure proper planning with these revisions.

This project conforms to the standards and specifications set aside by the Town Code.

---

---

---

---

3. That the application will not substantially injure the value of adjoining or abutting property, and will not be detrimental to the use or development of adjacent properties or other neighborhood uses.

The continued development of this project will not substantially injure the value of adjoining or abutting property or be detrimental to the use or development of said property.

---

---

---

---

4. That the application will not adversely affect the adopted plans and policies of the Town, or violate the character of existing standards for development of the adjacent properties.

The developer has worked with the Planning Dept to insure that the continued development of this project will be consistent with adopted plans and policies of the Town.

---

---

---

---

## APPLICANT AFFIDAVIT

*I/We, the undersigned, do hereby make application and petition to the Town Council of the Town of Clayton to approve the subject Special Use Permit. 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.*

Downie Adams

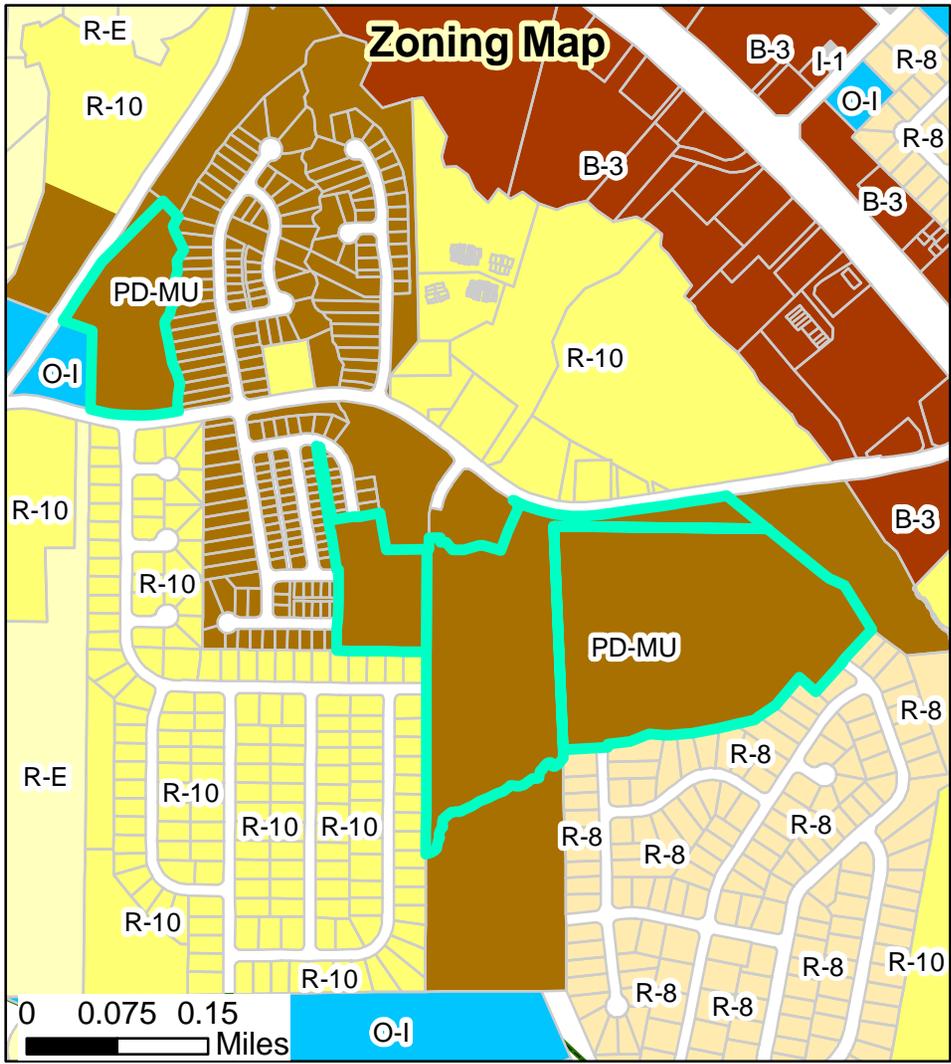
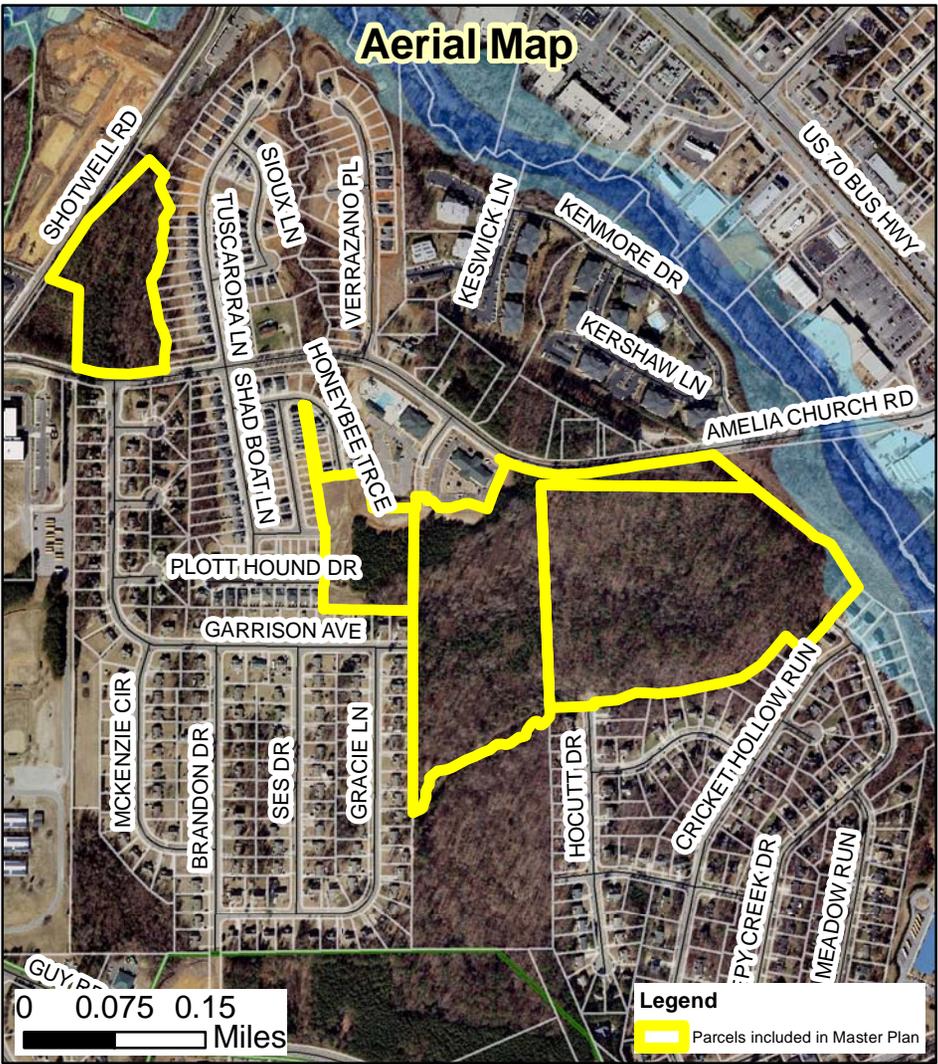
Print Name



Signature of Applicant

9/5/2013

Date

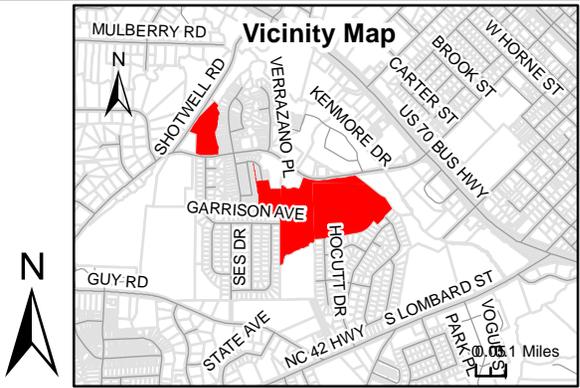


## LionsGate Master Plan/Special Use Permit

Applicant: Donnie Adams  
 Property Owner: LionsGate Village LLC, Sunbelt Golf Group, LLC  
 Parcel ID Number: 165918-32-6389, 165918-41-8223, 165919-51-7554, 165919-61-2030  
 File Number: SUP 2013-71

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

9/17/13





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 USE PERMIT APPLICATION

*Pursuant to Article 7, Section 155.711 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 allow a Special Use. Special Uses are uses that may be appropriate in a particular district, but has the potential to create incompatibilities with adjacent uses.*

*Special Use Permit 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 \$400.00. 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 Special Use Permit applications.*

### SITE INFORMATION:

Name of Project: LionsGate                      Acreage of Property: \_\_\_\_\_

Parcel ID Number: \_\_\_\_\_                      Tax ID: \_\_\_\_\_

Deed Book: \_\_\_\_\_                      Deed Page(s): \_\_\_\_\_

Address: Amelia Church Rd

Location: On both sides of Amelia Church Rd between Shotwell Rd and US 70

Existing Use: \_\_\_\_\_                      Proposed Use: \_\_\_\_\_

Existing Zoning District: \_\_\_\_\_

Requested Zoning District \_\_\_\_\_

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: _____	Date Received: _____	Amount Paid: _____
--------------------	----------------------	--------------------



**REQUIRED FINDINGS OF FACT**

*Section 155.711(I) of the Unified Land Development Code requires applications for a Special Use Permit to address the following findings. The burden of proof is on the applicant and failure to adequately address the findings may result in denial of the application. Please attach additional pages if necessary.*

1. That the application will not materially endanger the public health or safety if located where proposed and ultimately developed according to the plans as submitted.

The proposed revisions to this existing development will not materially endanger the public health or safety.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. That the application meets all required specifications and conforms to the standards and practices of sound land use planning and the Town Code of Ordinances and other applicable regulations.

The developer has worked with the Planning Dept to ensure proper planning with these revisions. This project conforms to the standards and specifications set aside by the Town Code.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. That the application will not substantially injure the value of adjoining or abutting property, and will not be detrimental to the use or development of adjacent properties or other neighborhood uses.

The continued development of this project will not substantially injure the value of adjoining or abutting property or be detrimental to the use or development of said property.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. That the application will not adversely affect the adopted plans and policies of the Town, or violate the character of existing standards for development of the adjacent properties.

The developer has worked with the Planning Dept to insure that the continued development of this project will be consistent with adopted plans and policies of the Town.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**APPLICANT AFFIDAVIT**

*I/We, the undersigned, do hereby make application and petition to the Town Council of the Town of Clayton to approve the subject Special Use Permit. 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.*

Downie Adams  
Print Name

[Signature]  
Signature of Applicant

9/5/2013  
Date



**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) and if applicable, to an agent if the property owner(s) do not intend to attend all meetings and public hearings and submit in person all material pertaining to the application. A separate form is required from each owner. Consent is valid for one year from date of notary, unless otherwise specified. Attach copy of last recorded deed for subject property.*

Project Name: LIONSGATE MASTER PLAN Submittal Date: 8/1/2013

I hereby give CONSENT to DANNIE ADAMS (DC ADAMS ENGINEERING, INC) (type, stamp or print clearly full name of agent) to act on my behalf, to submit or have submitted this application and all required material and documents, and to attend and represent me at all meetings and public hearings pertaining to the application(s) indicated above. 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 ownership interest in the subject of this application. 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 INFORMATION: (Corporations must submit verification that signatory has authorization to sign)**

LIONSGATE VILLAGE, LLC  
(Name - type, print clearly)  
400 RIVERWOOD DR  
(Address)

[Signature]  
(Signature)  
CLAYTON, NC 27520  
(City, State, Zip)

**AGENT INFORMATION:**

DANNIE ADAMS (DC ADAMS ENGINEERING, INC)  
(Name - type, print clearly)  
404 SWANN TRAIL  
(Address)

[Signature]  
(Signature)  
CLAYTON, NC 27527  
(City, State, Zip)

STATE OF NC  
COUNTY OF JOHNSTON

Sworn and subscribed before me Mary L Hunt, a Notary Public for the above State and County, this the 1st day of August, 2013.

SEAL



Mary L Hunt  
Notary Public

My Commission Expires: 3/21/15



August 30, 2013

Re: LionsGate  
Clayton, NC

Dear Adjacent 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 according to Johnston County tax records. Per town of Clayton regulations, a neighborhood meeting will be held to provide information about the nature of the proposal. A representative of the applicant will be present to explain their application, answer questions, and solicit comments.

Meeting Date: Monday September 9<sup>th</sup>, 2013  
Location: LionsGate Athletic Club  
Time: 7:00  
Type of Application: Master Plan Revision/Major Subdivision  
General Description: Overall Master Plan revisions as well as subdivision plans for Phases 3A, 3G, 6A & 6B.

If you have any questions prior to or after this meeting, please contact us at (919) 550-8086, ext 249.

Sincerely,

Brian Strickland

cc: Clayton Planning Dept.

[www.FredSmithCompany.com](http://www.FredSmithCompany.com)

400 Riverwood Drive Clayton, NC 27527 • Phone: (919) 550-8086 • Fax: (919) 550-8186

Building The Way

Parcels within 100 feet of the parcels associated with SUP 2013-71, PSD 2013-56, and PSD 2013-57							
	NAME1	NAME2	ADDRESS1	ADDRESS2	CITY	STATE	ZIPCODE
1	AMELIA VILLAGE LLC		701 EXPOSITION PL STE 101	SUITE 115	RALEIGH	NC	27615-3356
2	ASCO BUILDERS INC		319 CHAPANOKE RD STE 102		RALEIGH	NC	27603-0000
3	AUSTIN, JACOB R	AUSTIN, AMBER S	156 TRANTHAM TRAIL		CLAYTON	NC	27520-0000
4	BLACK & GOLD INVESTMENTS LLC	A NC LIMITED LIABILITY CO	400 RIVERWOOD DR		CLAYTON	NC	27520-0000
5	BROWN, HAROLD C	BROWN, CAROLYN B	125 HOCUTT DR		CLAYTON	NC	27520-0000
6	BURROUGHS, TERRY L	BURROUGHS, HELEN S	85 SCUPPERNONG WAY		CLAYTON	NC	27520-7374
7	BUTLER, ROBERT S	WATSON, ANDREA L	15 SCOTCH BONNET RIDGE		CLAYTON	NC	27520-0000
8	CALTRIDER, EVAN	IRELAND, LAWRENCE PATRICK	207 TUSCARORA LN		CLAYTON	NC	27520-7381
9	CHEN, XU	CHEN, QIU YING WANG	27 TUSCARORA LANE		CLAYTON	NC	27520-0000
10	CHESTNUT, KERRY II AND	CHESTNUT, JANET	109 GRACIE LANE		CLAYTON	NC	27520-7948
11	COLE, CATHY		59 TUSCARORA LANE		CLAYTON	NC	27520-0000
12	COUNTY OF JOHNSTON		PO BOX 1049		SMITHFIELD	NC	27577-0000
13	CRAWFORD, RUTH D		701 GARRISON AVENUE		CLAYTON	NC	27520-0000
14	CREECH, TIMOTHY D	CREECH, JOY A	9 CRICKET HOLLOW RUN		CLAYTON	NC	27520-5923
15	DASHKAVICH, CHARLOTTE EDWARDS		11 E AUGUSTA PL	APT 221	GREENVILLE	SC	29605-1760
16	DEAN, RUSSELL S &	DEAN, MARJORIE A	801 GARRISON		CLAYTON	NC	27520-0000
17	DELGADO, EDWARD	TATUM, LISA	108 BILTMORE DRIVE		CLAYTON	NC	27520-0000
18	DENNINGSON, MATTHEW SCOTT		149 HONEYBEE TRACE		CLAYTON	NC	27520-0000
19	DRAUGHON, CINDY L		119 GRACIE LANE		CLAYTON	NC	27520-0000
20	DUBLIN, AVIS J		P O BOX 41513		RALEIGH	NC	27629-1513
21	FARNSWORTH, WILLIAM		11934 SNIDER RD		CINCINNATI	OH	45249-0000
22	FEDERAL NATIONAL MORTGAGE	ASSOCIATION		PO BOX 650043	DALLAS	TX	75265-0043
23	FICARROTTA, VINCENZO	FICARROTTA, STELLA	99 PLOTT HOUND DRIVE		CLAYTON	NC	27520-0000
24	FRITZ, NICHOLAS	FRITZ, ALISSA	171 SOUTHWICK AVE		CLAYTON	NC	27527-5231
25	FSC III LLC		400 RIVERWOOD DR		CLAYTON	NC	27527-0000
26	GAMBINO, CHRISTOPHER C	CYGAN, ASHLEY C	171 TUSCARORA LN		CLAYTON	NC	27520-7369
27	GOLDEN PROPERTIES AND	DEVELOPMENT INC	5160 W NC 42 HWY		GARNER	NC	27529-0000
28	GOLDLEAF PROPERTIES LLC		PO BOX 369		CLAYTON	NC	27520-0000
29	GONSALVES, GILBERT B	GONSALVES, KELLY M	107 TUSCARORA LANE		CLAYTON	NC	27520-0000
30	GRESHAM, JAMES L II		116 HONEYBEE TRACE		CLAYTON	NC	27520-0000
31	GRIFFITHS, JUSTIN	CYGAN, AMANDA	179 TUSCARORA LANE		CLAYTON	NC	27520
32	GROOMS, CLAUDETTE		61 SLEEPY CREEK DR		CLAYTON	NC	27520-7239
33	HAYES, CHRISTINA MICHELLE	HAYES, ASHLEY	116 BILMORE DRIVE		CLAYTON	NC	27520-0000
34	HAYES, JONATHAN R	HAYES, JENNIFER DIXON	115 SCOTCH BONNET RDG		CLAYTON	NC	27520-7366
35	HAYES, SHERWOOD LYNN	HAYES, CHRISTINA C	107 GRACIE LANE		CLAYTON	NC	27520-0000
36	HESTER, R FLETCHER JR	HESTER, KIMBERLY P	252 AMELIA CH RD		CLAYTON	NC	27520-0000
37	HESTER, ROYAL FLETCHER JR		252 AMELIA CH RD		CLAYTON	NC	27520-0000
38	HILL, JAMES H	HILL, JACQUELINE W	703 GARRISON AVENUE		CLAYTON	NC	27520-0000
39	HOWARD, E FRANK JR		252 COOPER BRANCH RD		CLAYTON	NC	27520-0000
40	JOHNSON, SARAH T		13 HONEYBEE TRACE		CLAYTON	NC	27520-0000
41	LEONA SUZANNE ANDERSON TRUST	ANDERSON, LEONA SUZANNE TRUSTE	115 GRACIE LN		CLAYTON	NC	27520-7948
42	LEVERIDGE, LAURA MEGAN		25 SCOTCH BONNET RIDGE		CLAYTON	NC	27520-0000
43	LEVINSON, GINGER T		PO BOX 851		CLAYTON	NC	27520-0000
44	LGV, LLC		C/O FRED SMITH CO	400 RIVERWOOD DR	CLAYTON	NC	27527-5500
45	LIONS SPRING HOUSING ASSOC LLC		7706 SIX FORKS RD SUITE 202		RALEIGH	NC	27615-0000
46	LIONSGATE DAYECARE LLC		400 RIVERWOOD DRIVE		CLAYTON	NC	27527-0000
47	LIONSGATE VILLAGE LLC	A NC LIMITED LIABILITY COMPANY	400 RIVERWOOD DRIVE		CLAYTON	NC	27520-0000
48	MAYNARD, DAVID W	MAYNARD, NANCY P	1102 RIVER RD		EWING	NJ	08628-2104
49	MEEHAN MEDICAL LLC		45 SHOTWELL ROAD		CLAYTON	NC	27520-0000
50	MENTEER, ROBERT E II		113 GRACIE LANE		CLAYTON	NC	27520-0000

51	MERENDINO, CARRIE E		93 SCUPPERNONG WAY		CLAYTON	NC	27520-7374
52	MILES, KELVIN M	MILES, MARCELLETTA O	104 FLAT ROCK CT		GARNER	NC	27529-8472
53	N C NATURAL GAS CORP		C/O JOHN E RAPER JR	PO BOX 2129	FAYETTEVILLE	NC	27302-0000
54	NARRON, JENNIFER LYNN		103 GRACIE LANE		CLAYTON	NC	27520-0000
55	PERREGO, JOEL	PERREGO, TIFFANY	120 HOCUTT DRIVE		CLAYTON	NC	27520-0000
56	PHAM, HONG		124 BROOKWYND CT		GARNER	NC	27529-4445
57	POST, DANE STEVEN		111 GRACIE LN		CLAYTON	NC	27520-7948
58	ROBEY, ROANNE STROUD		803 GARRISON AVENUE		CLAYTON	NC	27520-0000
59	ROMAN, EDGARDO	ROMAN, CARMEN	121 HOCUTT LANE		CLAYTON	NC	00000-0000
60	SAHLY, APRIL J		95 TUSCARORA LANE		CLAYTON	NC	27527-0000
61	SALOME, CHRISTINE J &	SALOME, MICHAEL ANTHONY	364 DAFFODIL LN		CLAYTON	NC	27520-4532
62	SAUNDERS, JOHN PATRICK	SAUNDERS, KIMBERLY RENEE	150 HONEYBEE TRACE		CLAYTON	NC	27520-0000
63	SCHABERG, YVONNE		117 TUSCARORA LANE		CLAYTON	NC	27520-0000
64	SCHILLER, SCOTT A	SCHILLER, CANDI	127 TUSCARORA LANE		CLAYTON	NC	27520-0000
65	SCOTT, LESLIE M		120 BILTMORE DRIVE		CLAYTON	NC	27520
66	SEELIG, CHARLES THOMAS	SEELIG, TAMARA DAWN	13 CRICKET HOLLOW RUN		CLAYTON	NC	27520-0000
67	SHIELDS CONSTRUCTION LLC		305 BOSWELL LN		CLAYTON	NC	27527-0000
68	SHIELDS, CHRISTY W		132 HONEYBEE TRCE		CLAYTON	NC	27520-7370
69	SMEDLEY, KIMBERLY SUE		17 TUSCARORA LANE		CLAYTON	NC	27520-0000
70	SMITH, FREDERICK G		1007 MULBERRY RD		CLAYTON	NC	27520-2131
71	SNIADDECKI, ANTHONY		268 SHOREHAM LN		TOLEDO	OH	43612-4502
72	SNOW, WILLIAM WYLEY III &	SNOW, ARLENE MARIE &	112 BILTMORE DRIVE		CLAYTON	NC	27520-5926
73	SPERATI, KAREN FREELAND		2159 WOLF LN		KINSTON	NC	28501-9702
74	SPRASON, ANTONY E		71 TUSCARORA LN		CLAYTON	NC	27520-7335
75	STANTON, JOHN L	STANTON, CHRISTINE M	17 CRICKET HOLLOW RUN		CLAYTON	NC	27520-0000
76	SUNBELT GOLF GROUP LLC		400 RIVERWOOD DR		CLAYTON	NC	27527-0000
77	TETTERTON, ROBERT J		117 GRACIE LN		CLAYTON	NC	27520-7948
78	TIMBALIA, MUKESH	PATEL, SIMA	101 SCUPPERNONG WAY		CLAYTON	NC	27520-7377
79	TORRES, KRISTEN A		123 SCOTCH BONNET RDG		CLAYTON	NC	27520-7366
80	WELLS FARGO BANK NA		8480 STAGECOACH CIR		FREDERICK	MD	21701-4747
81	WHITAKER, BRIAN PATRICK	DELEON, VANESSA	137 TUSCARORA LANE		CLAYTON	NC	27520-0000
82	WHITE, ROY E		84 PLOTT HOUND DR		CLAYTON	NC	27520-7387
83	WILKINS, EMILY L	BOYKIN, CAROLYN E	137 HONEYBEE TRACE		CLAYTON	NC	27520-7371
84	WOJCIK, TROY A	WOJCIK, LEIGH S	33 SCOTCH BONNET RIDGE		CLAYTON	NC	27520-0000

## **Neighborhood Meeting Minutes for:**

### **PDD-MU 2013-55 LionsGate Master Plan Revision, PSD 2013-56 LionsGate Phase 3A & 3G, PSD 2013-57 LionsGate Phase 6A & 6B**

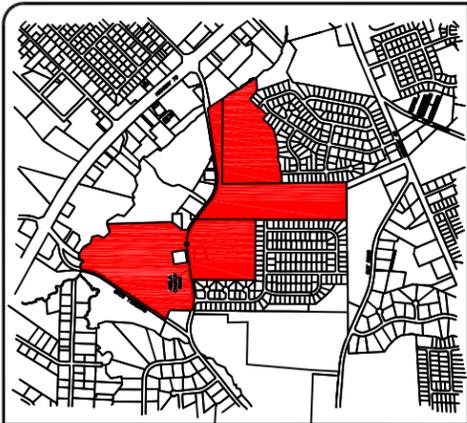
- The meeting was opened at 7:00PM by Fred Smith (developer) who gave an overall summary of LionsGate and the proposed changes to the master plan as well as the two subdivisions. He stated that he had worked through the revisions with input from the Town.
- The majority of comments from adjacent property owners was basically a rehashing of the original master plan and not associated with the proposed revisions or subdivisions – questions related to riparian buffers, tax values, biking/walking trails, land clearing...
- Although not associated with the revisions, all comments were heard and responded to appropriately by the developer.
- Emily Beddingfield (Town of Clayton) addressed all the comments by confirming that the revisions to the master plan did not increase the overall density nor was there any additional property added to the project.
- Some property owners adjacent to Phases 3A & 3G voiced concerns about home building adjacent to their property.
- Developer confirmed that there had been no changes (from the originally approved master plan) to proposed lots in Phase 3A & 3G.
- Some property owners adjacent to Phases 6A & 6B voiced concerns about home building adjacent to their property. They also had questions about the riparian buffer between their property and Phases 6A & 6B.
- Developer pointed out that the lots in Phases 6A & 6B were part of the original master plan but would be narrower than originally planned.
- Donnie Adams (Applicant) addressed concerns about the riparian buffer.
- Emily Beddingfield (Town of Clayton) followed with a clarification of the Town's RCA (Resource Conservation Area) as it pertains to riparian buffers.
- A property owner asked when Phases 3A & 3G would be constructed.
- Developer said plans are to begin in spring of 2014 but no guarantees.
- After a final call for questions or comments and hearing none, the meeting was closed at 7:28PM.

# NEIGHBORHOOD MEETING ATTENDANCE ROSTER

**Applicant:** DC ADAMS ENGINEERING, Inc

**Location/Date:** LIONS GATE ATHLETIC CLUB / 9/9/2013

PARCEL NUMBER	NAME	ADDRESS
	ROY WHITE	84 PLOTT HOUND PR.
	Melissa Papadopoulos	-
	SUZANNE ANDERSON	115 GRACIE LN
	Terry Burroughs	85 Scuppernon Way
	Russ DEAN	801 GARRISON
	Ann DEAN	801 GARRISON
	Wonne Schaberg	117 Tuscarora Lane
	CHRIS GAMBINO	171 TUSCARORA LANE
	Justin Griffiths	179 Tuscarora Lane
	Emily Beddingfield	Town of Clayton
	Reid Smith	1117 Pritchard Rd
	Fred Smith	460 Renewables Dr
	Jeanne Robey	803 Garrison Ave
	Evan Caltrider	207 Tuscarora Ln
	AMELY SPANSON	71 TUSCARORA LN



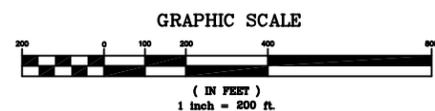
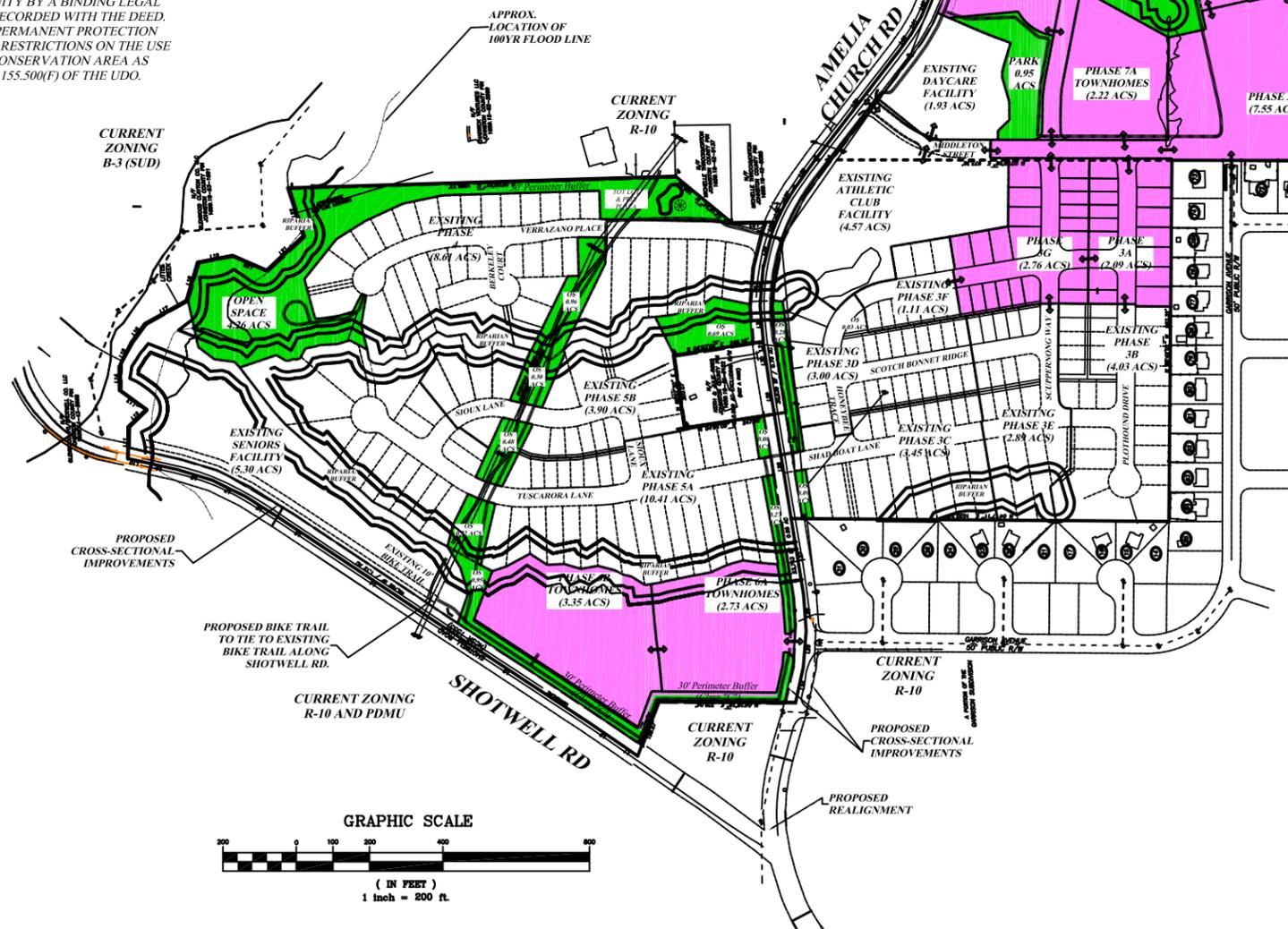
VICINITY MAP

APPROX. 6.35 ACS  
LAND DONATED BY  
DEVELOPER TO  
TOWN OF CLAYTON

APPROX. 11.55 ACS  
DONATED BY  
DEVELOPER TO  
TOWN OF CLAYTON

**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.



**SITE INFORMATION**

1. OWNER: LIONSGATE VILLAGE, LLC  
400 RIVERWOOD DR.  
CLAYTON, NC 27520
2. TAX PARCEL #: 05G02010B, 05G02198P,  
05G02198M, 05E01199C (UNDEVELOPED PORTIONS ONLY)
3. CURRENT ZONING: PDD-MU
4. TOTAL SITE ACREAGE = 131.36 ACS - 17.9 ACS (DONATED TO TOWN) = 113.46 ACS
5. OVERALL DEVELOPMENT RECREATION AND OPEN SPACE = 32.28 ACS (INCLUDING 17.9 ACS DONATED TO TOWN)
6. OVERALL MAXIMUM PERCENT IMPERVIOUS AREA = 60%
7. TOTAL RESOURCE CONSERVATION AREA = 6.8 ACS. RESOURCE CONSERVATION AREAS ARE IDENTIFIED AS "STREAM BUFFERS" ON THIS PLAN.
8. LAND AREA FOR RESIDENTIAL USE = 83.97 ACS
9. MAXIMUM RESIDENTIAL DENSITY @ 8 UNITS/AC = 8\*83.97 ACS = 672 UNITS
10. PROPOSED UNITS = 490 UNITS
11. ALL OPEN SPACE (EXCLUDING LAND DONATED TO TOWN OF CLAYTON) TO BE MAINTAINED BY LIONSGATE HOA.
12. THE DEVELOPER WILL BE RESPONSIBLE FOR THE REPLACEMENT OF ANY DAMAGED TREES WITHIN ANY LAND USE BUFFER.
13. RIPARIAN BUFFERS ARE SUBJECT TO THE NEUSE RIVER RIPARIAN BUFFER RULES.

**LEGEND**

- BIKE TRAILS (CONCRETE/ASPHALT)
- OPEN SPACE
- WETLANDS
- PROPOSED RESIDENTIAL

**PRELIMINARY RESULTS**

**LOT STANDARDS TABLE**

PHASE	UNIT TYPE	AREA (ACS)	MAX. # OF UNITS	MIN. LOT WIDTH (FT)	MIN. LOT DEPTH (FT)	MAX. IMPERVIOUS AREA PER LOT (SF)	SETBACKS				MIN. BLDG. SEPARATION (FT)	MAX. BLDG. HEIGHT (FT)
							FRONT (FT)	SIDE (FT)	REAR (FT)	STREET SIDE (FT)		
1A	SINGLE FAMILY	3.08	15	45	65	4000	12	0	5	8	10	40
1B	SINGLE FAMILY	3.72	20	45	65	4000	12	0	5	8	10	40
2A	SINGLE FAMILY	7.55	30	40	55	4000	12	0	5	8	10	40
2B	SINGLE FAMILY	3.87	17	40	55	4000	12	0	5	8	10	40
2C	SINGLE FAMILY	3.18	15	40	55	4000	12	0	5	8	10	40
2D	SINGLE FAMILY	6.01	25	40	55	4000	12	0	5	8	10	40
3A	SINGLE FAMILY	2.09	15	35	75	4000	12	0	5	8	10	40
3G	SINGLE FAMILY	2.76	21	35	75	4000	12	0	5	8	10	40
6A	TOWNHOMES	2.73	26	15	75	2350	12	0	5	8	10	40
6B	TOWNHOMES	3.35	26	15	75	2350	12	0	5	8	10	40
7A	TOWNHOMES	2.22	24	N/A	N/A	60%	0	0	0	0	10	40
7B	TOWNHOMES	2.38	24	N/A	N/A	60%	0	0	0	0	10	40
7C	TOWNHOMES	2.15	21	N/A	N/A	60%	0	0	0	0	10	40
7D	TOWNHOMES	1.48	15	N/A	N/A	60%	0	0	0	0	10	40
TOTALS		46.57	294			**MAX. IMPERVIOUS AREA PER LOT EXCLUDES STREET, SIDEWALK AND ALLEYS						

**"EXISTING" LOT STANDARDS TABLE**

PHASE	UNIT TYPE	AREA (ACS)	MAX. # OF LOTS	MIN. LOT WIDTH (FT)	MIN. LOT DEPTH (FT)	MAX. IMPERVIOUS AREA PER LOT (SF)	SETBACKS				MIN. BLDG. SEPARATION (FT)	MAX. BLDG. HEIGHT (FT)
							FRONT (FT)	SIDE (FT)	REAR (FT)	STREET SIDE (FT)		
3B	SINGLE FAMILY	4.03	27	EX	EX	4000	12	0	5	8	10	40
3C	SINGLE FAMILY	3.45	19	EX	EX	4000	12	0	5	8	10	40
3D	SINGLE FAMILY	3	24	EX	EX	4000	12	0	5	8	10	40
3E	SINGLE FAMILY	2.89	17	EX	EX	4000	12	0	5	8	10	40
3F	SINGLE FAMILY	1.11	10	EX	EX	4000	12	0	5	8	10	40
4	SINGLE FAMILY	8.61	37	EX	EX	4000	12	0	5	8	10	40
5A	SINGLE FAMILY	10.41	45	EX	EX	4000	12	0	5	8	10	40
5B	SINGLE FAMILY	3.9	17	EX	EX	4000	12	0	5	8	10	40
TOTALS		37.4	196			**MAX. IMPERVIOUS AREA PER LOT EXCLUDES STREET, SIDEWALK AND ALLEYS						

THE EXISTING PHASES OF LIONSGATE ARE NOT INCLUDED IN THIS REVISION AND REMAIN SUBJECT TO THE REQUIREMENTS OF MIXED USE PLANNED DEVELOPMENT PERMIT #03-1 (APPROVED NOVEMBER 17, 2003) Page 251 of 306

DC ADAMS ENGINEERING, INC  
 404 SWANN TRAIL, CLAYTON, NC 27527  
 (919) 763-7278  
 donnie@dcadamspe.com FIRM # C-3894

LionsGate  
 FRED SMITH COMPANY, CLAYTON, NC 27527  
 MASTER PLAN

FILE: DA-MASTER-PLAN-03  
 DESIGN: DCA  
 DRAWN: DCA  
 CHECKED: DCA  
 HORIZONTAL SCALE: 1"=50'  
 VERTICAL SCALE: N/A  
 DATE: 7/31/2013  
 JOB NO.:  
 SHEET 1 of 1

**Town of Clayton  
Special Use Permit Application  
Evaluation Form**

**Application Number: SUP 2013-71**

**The Town Council shall decide the matter of Special Use Permit Application Number SUP 2013-71 by motion and vote on each of the following four findings of fact. Any motion to find against the application must be supported by statement of specific reasons or conclusions reached in support of the motion.**

**Finding One of Four:**

**Circle One**

- A. Based on the evidence presented it is the finding of the Council that the application, if approved, will not materially endanger the public health or safety if located where proposed and developed according to the plans as submitted and approved. (Applicant meets the criteria for approval).**
  
- B. Based on the evidence presented it is the finding of the Council that the application, if approved, will not materially endanger the public health or safety if located where proposed and developed according to the plans as submitted and approved with the following additional stated conditions: (Applicant meets the criteria for approval upon acceptance of the noted conditions.)**

---

---

---

---

- C. Based on the evidence presented it is the finding of the Council that the application, if approved, will materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved for the following stated reasons: (Applicant fails to meet the criteria for approval.)**

---

---

---

---

**Finding Two of Four:**

**Circle One**

- A. Based on the evidence presented it is the finding of the Council that the application, if approved, meets all required specifications and conforms to the standards and practices of sound land use planning and the Town of Clayton Code of Ordinances, Zoning Code, Subdivision Regulations or other applicable regulations. (Applicant meets the criteria necessary for approval.)**
  
- B. Based on the evidence presented it is the finding of the Council that the application, if approved, meets all required specifications and conforms to the standards and practices of sound land use planning and the Town of Clayton Code of Ordinances, Zoning Code, Subdivision Regulations or other applicable regulations with the following additional stated conditions: (Applicant meets the criteria necessary for approval upon acceptance of the noted conditions.)**

---

---

---

---

- C. Based on the evidence presented it is the finding of the Council that the application, fails to meet all required specifications or fails to conform to the standards and practices of sound land use planning and the Town of Clayton Code of Ordinances, Zoning Code, Subdivision Regulations or other applicable regulations in the following ways or for the following reasons: (Applicant fails to meet the criteria necessary for approval.)**

---

---

---

---

**Finding Three of Four:**

**Circle One**

- A. Based on the evidence presented it is the finding of the Council that the application, if approved, will not substantially injure the value of adjoining or abutting property and will not be detrimental to the use or development of adjacent properties or other neighborhood uses. (Applicant meets the criteria necessary for approval.)
  
- B. Based on the evidence presented it is the finding of the Council that the application, if approved, will not substantially injure the value of adjoining or abutting property and will not be detrimental to the use or development of adjacent properties or other neighborhood uses upon compliance with the following stated conditions: (Applicant meets the criteria necessary for approval upon acceptance of the noted conditions.)

---

---

---

---

- C. Based on the evidence presented it is the finding of the Council that the application, if approved, will substantially injure the value of adjoining or abutting property and/or will be detrimental to the use or development of adjacent properties or other neighborhood uses in the following ways or for the following reasons. (Applicant fails to meet the criteria for approval.)

---

---

---

---

**Finding Four of Four:**

**Circle One**

- A. Based on the evidence presented it is the finding of the Council that the application, if approved, would not adversely affect the general plans for the development of the Town of Clayton nor violate the character or existing standards for development of the adjacent properties. (Applicant meets the criteria necessary for approval.)
  
- B. Based on the evidence presented it is the finding of the Council that the application, if approved, would not adversely affect the general plans for the development of the Town of Clayton nor violate the character or existing standards for development of the adjacent properties upon compliance with the following stated conditions: (Applicant meets the criteria necessary for approval upon acceptance of the noted conditions.)

---

---

---

---

- C. Based on the evidence presented it is the finding of the Council that the application, if approved, would adversely affect the general plans for the development of the Town of Clayton or violates the character or standards for the development of the adjacent properties in the following ways or for the following stated reasons: (Applicant fails to meet the criteria necessary for approval.)

---

---

---

---

Once all findings have been decided one of the two following motions must be made:

**Motion to Approve:** Based upon satisfactory compliance with the above four stated findings and fully contingent upon acceptance and compliance with all conditions as previously noted herein I move to approve Special Use Permit Application # \_\_\_\_\_.

**Motion to Deny:** Based upon failure to meet each of the above four stated findings and for reasons stated therein, I move to deny Special Use Permit Application # \_\_\_\_\_.

Record of Decision:

Based on a motion and majority vote of the Clayton Town Council Special Use Permit Application Number **SUP 2013-71** is hereby:

\_\_\_\_\_ approved upon acceptance and conformity with all stated conditions; or,

\_\_\_\_\_ denied for the noted reasons.

Decision made this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ while in regular session.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Town Clerk

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

Agenda Item: 8b

Meeting Date: 11/18/13

**TITLE: EVIDENTIARY HEARING FOR SUBDIVISION PERMIT SUB (PSD) 2013-56 FOR PHASES 3A AND 3G LOCATED WITHIN LIONSGATE SUBDIVISION AND SUBMITTED BY DC ADAMS ENGINEERING INC; CONTINUED FROM NOVEMBER 4, 2013, COUNCIL MEETING.**

**DESCRIPTION: The applicant is requesting preliminary subdivision plat approval for the major subdivision of Phases 3A and 3G in the LionsGate Planned Development, located within the Town of Clayton.**

At the regularly scheduled Planning Board meeting held on September 23, 2013, the Planning Board voted unanimously to recommend approval of the major subdivision.

This item is slated for an evidentiary hearing at the Council's November 4, 2013, Council meeting.

**RELATED GOAL: Manage Growth Producing Quality Developments.**

**ITEM SUMMARY:**

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
10-21-13	Presentation.	Staff report, Application, Owner's Consent Form, Neighborhood meeting Support material, & Subdivision plan.
11-04-13	Evidentiary Hearing.	SUB Hearing Procedures, Staff report, Application, Owner's Consent Form, Neighborhood meeting Support material, Subdivision plan & Motion Form.
11-18-13	Continued Ev. Hearing.	Same info as provided at the 11-04-2013 meeting.

# **Town of Clayton Subdivision Review Application Hearing Procedure**

1. **HEARING.** The Mayor shall call the hearing and announce the case.
2. **RULES OF PROCEDURE.** The procedure by which testimony may be given shall be announced by the Town Attorney. The Town Attorney shall be responsible for keeping all testimony within acceptable legal guidelines.
3. **OATHS.** Oaths shall be administered to all speakers. A statement of oath shall be signed by all persons taking the oath.
4. **STAFF REPORT.** The Staff shall give its report.
5. **APPLICANT TESTIMONY.** The applicant shall be called to present their case. If the applicant or a representative is not present to give testimony, the Mayor shall call for a vote of the members present to continue the hearing for thirty days. The applicant shall be notified of such action. The Mayor shall be responsible for keeping the testimony relevant and factual. No questions shall be asked by the Town Council at this time.
6. **OPPOSITION TESTIMONY.** Those speaking in opposition to the application shall be called upon to present their case. The Mayor shall be responsible for keeping the testimony relevant and factual. No questions shall be asked by the Town Council at this time.
7. **APPLICANT REBUTTAL.** The applicant and/or those in support of the application shall be provided an opportunity to rebut testimony provided by the opposition. The Council may also ask questions of the applicant at this time.
8. **OPPOSITION REBUTTAL.** Those in opposition to the application shall be provided an opportunity to rebut testimony provided by the applicant. The Council may also ask questions of the opposition at this time.
9. **COUNCIL INQUIRY.** The Council shall ask any additional questions of the applicant, opposition, or staff at this time. The Mayor shall be responsible for keeping questions and responses relevant and factual.

10. **DELIBERATION.** The Mayor shall call the Council into deliberation. Once called into deliberation no person may address the Council and no questions may be asked by Council to the public.
11. **UTILITY ALLOCATION (WHEN APPLICABLE).** In the event of pending action on a utility allocation request related to the case and there being no additional testimony, the Council shall take action on a utility allocation in accordance with related policies and procedures.
12. **ACTION-FINDINGS FOR DECISION.** Once discussion of the evidence has been completed and action taken on the utility allocation (when applicable); each finding shall be discussed in turn and a motion, second and vote shall be made for each finding by selecting one of the three alternatives. A majority vote shall prevail. All four findings shall be addressed.
13. **ACTION-APPLICATION.** Once all four findings have been decided and based on the results of the evaluation and vote on those findings, the Council shall make a motion and vote to approve or deny the application.



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 2013-56 (major subdivision)  
**Project Name:** LionsGate Phases 3A & 3G

**NC PIN:** 165918-41-8223  
**Town Limits/ETJ:** Town Limits  
**Overlay:** None  
**Master Plan:** LionsGate SUP 2013-71  
**Applicant:** DC Adams Engineering, Inc.  
**Owners:** SUNBELT GOLF GROUP LLC

**Neighborhood Meeting:** Held September 9, 2013  
**Public Noticing:** Property posted September 13, 2013

---

**PROJECT LOCATION:** The project is located within the LionsGate Planned Development, south of the existing Athletic Club Facility.

---

**REQUEST:** The applicant is requesting preliminary subdivision plat approval for the major subdivision of Phases 3A and 3G in the LionsGate Planned Development, within Town Limits.

---

### SITE DATA:

**Acreage:** 4.84 acres  
**Present Zoning:** PD-MU  
**Proposed Zoning:** PD-MU  
**Existing Use:** Vacant  
**Existing Impervious:** None - property is vacant.

### DEVELOPMENT DATA:

**Proposed Uses:** Single family residential  
**Buildings:** 36 residential units  
**Number of Stories:** Maximum height of 35 feet.

Impervious Surface:	Maximum 3,250 SF per lot (60% maximum for the overall LionsGate development)
Required Parking:	2 spaces per unit
Proposed Parking:	2 spaces per unit
Fire Protection:	The Town of Clayton Fire Department will provide fire protection.
Access/Streets:	Access will be provided via connection to the existing Honeybee Trace, Scuppernong Way, and Plott Hound Drive.
Water/Sewer Provider:	Town of Clayton
Electric Provider:	Duke/Progress Energy

**ADJACENT ZONING AND LAND USES:**

<b>North:</b>	Zoning:	Planned Development – Mixed Use (PD-MU)
	Existing Use:	LionGate Planned Development
<b>South:</b>	Zoning:	Residential-10 (R-10)
	Existing Use:	Single Family Residential
<b>East:</b>	Zoning:	Planned Development – Mixed Use (PD-MU)
	Existing Use:	LionsGate Planned Development
<b>West:</b>	Zoning:	Planned Development – Mixed Use (PD-MU)
	Existing Use:	LionsGate Planned Development

**STAFF ANALYSIS AND COMMENTARY:**

The applicant is requesting preliminary subdivision plat approval for Phases 3A and 3G as depicted on the LionsGate Master Plan (SUP 2013-71), which is under concurrent review. Approval of this preliminary subdivision plat is subject to approval of SUP 2013-71.

The applicant is requesting approval for a total of 36 lots (15 in Phase 3A and 21 in Phase 3G).

- **Consistency with the Strategic Growth Plan**  
The request is consistent with the Strategic Growth Plan.
- **Consistency with Master Plan**  
If the Master Plan (SUP 2013-71) is approved as proposed, the request will be consistent with the Master Plan.
- **Consistency with the Unified Development Code**  
The proposed development is consistent with and meets the applicable requirements of the Unified Development Code (UDC).

➤ **Compatibility with Surrounding Land Uses**

The proposed development is consistent with the density and patterns of the developed portions of LionsGate and surrounding residential development.

➤ **Landscaping and Buffering**

N/A – no buffering is required for this request as the development is internal to the LionsGate development. No buffer is proposed to the south as the development patterns are consistent with the existing development.

➤ **Recreation and Open Space**

Recreation and open space requirements have been met by the overall LionsGate Planned Development.

➤ **Environmental**

There are no environmental concerns associated with this request. There are no resource conservation areas located on this particular piece of property. Stormwater is accommodated through design of the overall LionsGate development.

➤ **Signs**

No signage is requested as part of this request.

➤ **Access/Streets**

Access will be provided via connection to the existing Honeybee Trace, Scuppernong Way, and Plott Hound Drive. Streets provided will be extensions of these streets. One entrance to the subdivision is provided off of Amelia Church Road, with a ~~future~~ second entrance off of the Middleton Street extension located east of Phases 3A & 3G that will be completed prior to issuance of a Certificate of Occupancy for Phase 3A or 3G (per new condition #10 of SUP 2013-71).

➤ **Multi-Modal Access**

Sidewalks are provided along both sides of the street.

➤ **Architecture**

N/A – the Town does not regulate architecture of single family residential homes.

➤ **Waivers/Deviations/Variances from Code Requirements**

None.

---

**CONSIDERATIONS:**

- The applicant is requesting Preliminary Subdivision Plat approval for Phases 3A and 3G.
- This approval is subject to approval of SUP 2013-71.

---

**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 Exhibit A of the Staff Report.

---

**CONDITIONS:**

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

1. The final plat and subsequent development of the site shall be consistent with the specifications of the approved Preliminary Subdivision Plan. Modifications may require additional approvals and shall be consistent with the specifications of the Unified Development Code.
2. Development shall be consistent with the specifications of SUP 2013-71.
3. All development fees shall be paid prior to issuance of building permits.
4. Marked crosswalks shall be placed at intersections where sidewalks are located.

---

**Planning Board Recommendation:** At their regularly scheduled meeting on September 23, 2013, the Planning Board voted unanimously to recommend approval of the major subdivision.

**Attachments:** **1)** Exhibit "A", **2)** Zoning & Aerial Map, **3)** Application, **4)** Neighborhood Meeting Materials, **5)** Preliminary Subdivision Plan.

**APPLICANT STATEMENT – MAJOR SUBDIVISIONS ONLY**

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

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

The proposed subdivision meets all Subdivision Regulation set by the Town and is consistent with requirements of the UDO.

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

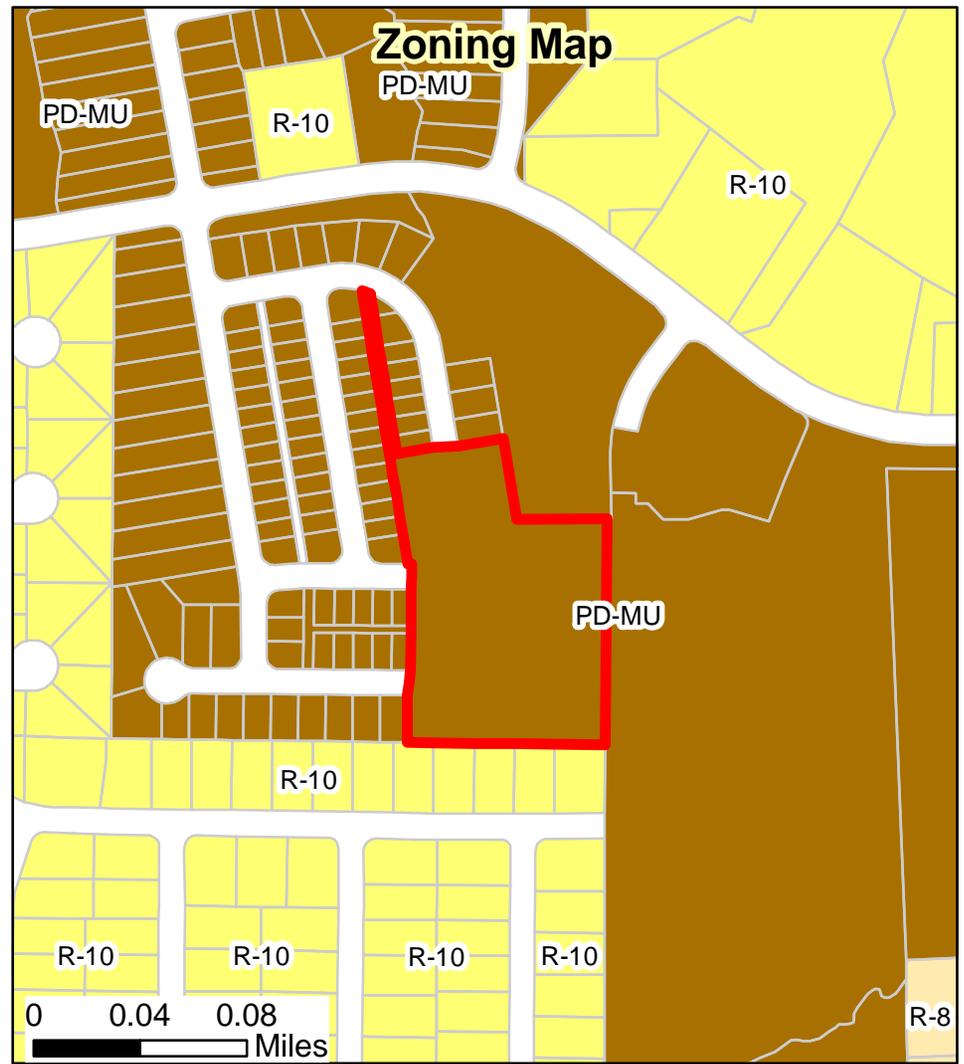
This project will be a benefit to the entire community.

- (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 design to provide safe ingress and egress and is consistent with previously approved access points onto the existing street network. This project will not pose a threat to The environment, public safety or general welfare.

- (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 planning policies of the Town and will provide Orderly growth and development

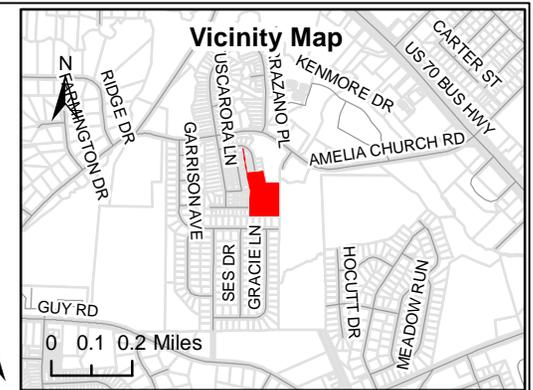


## Major Subdivision Approval Phase 3A & 3G, LionsGate

Applicant: Donnie Adams  
 Property Owner: Sunbelt Golf Group, LLC  
 Parcel ID Number: 165918-41-8223  
 File Number: PSD 2013-56

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

9/17/13





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

## SUBDIVISION APPLICATION

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

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

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

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

### SUBDIVISION TYPE:

Application Type:

- Minor Subdivision     
  Major Subdivision     
  Final Plat     
  Exempt Map  
 Recombination

### SITE INFORMATION:

Name of Project: Lionsgate Phase 3A & 3G      Acreage of Property: 4.84acres

Preliminary Plat Approval Date (if applicable): \_\_\_\_\_

Parcel ID Number: 1165918-51-8223      Tax ID: 05G02198P

Location: Amelia Church Rd

Section(s): \_\_\_\_\_      Phase(s): Phases 3A & 3G

Number of Lots (Existing): \_\_\_\_\_ (Proposed): 36      Min. Lot Size: N/A

Duke  
Energy  
Progress

Zoning District: PDD      Planned Development? (Y/N): Y      Electric Provider: \_\_\_\_\_

Specific Use: Single Family Residential (duplex lots)

Recreation/Open Space Requirement:  Fee in lieu       Land Dedication (acreage) Master plan

### FOR OFFICE USE ONLY

File Number: \_\_\_\_\_      Date Received: \_\_\_\_\_      Amount Paid: \_\_\_\_\_



**OWNER INFORMATION:**

Name: Lionsgate Village, LLC

Mailing Address: 400 Riverwood Dr, Clayton, NC 27520

Phone Number: 919-550-8086

Fax: \_\_\_\_\_

Email Address: [Brian.Strickland@fredsmithcompany.com](mailto:Brian.Strickland@fredsmithcompany.com)

**APPLICANT INFORMATION:**

Applicant: DC Adams Engineering, Inc

Mailing Address: 404 Swann Trail, Clayton, NC 27527

Phone Number: 919-763-7278

Fax: \_\_\_\_\_

Contact Person: Donnie Adams

Email Address: [donnie@dcadamspe.com](mailto:donnie@dcadamspe.com)

**REQUIRED PLANS AND SUPPLEMENTAL INFORMATION**

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

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

**APPLICANT AFFIDAVIT**

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

Donnie Adams  
Print Name

  
Signature of Applicant

8/1/2013  
Date

**APPLICANT STATEMENT – MAJOR SUBDIVISIONS ONLY**

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

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

The proposed subdivision meets all Subdivision Regulation set by the Town and is consistent with requirements of the UDO.

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

This project will be a benefit to the entire community.

- (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 design to provide safe ingress and egress and is consistent with previously approved access points onto the existing street network. This project will not pose a threat to The environment, public safety or general welfare.

- (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 planning policies of the Town and will provide Orderly growth and development



**Town of Clayton  
Planning Department**

141 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) and if applicable, to an agent if the property owner(s) do not intend to attend all meetings and public hearings and submit in person all material pertaining to the application. A separate form is required from each owner. Consent is valid for one year from date of notary, unless otherwise specified. Attach copy of last recorded deed for subject property.*

Project Name: LOUSGATE - PHASE 3A & 3B Submittal Date: 8/1/2013

I hereby give CONSENT to DENNIS ADAMS (DCAADAMS ENGINEERING, INC) (type, stamp or print clearly full name of agent) to act on my behalf, to submit or have submitted this application and all required material and documents, and to attend and represent me at all meetings and public hearings pertaining to the application(s) indicated above. 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 ownership interest in the subject of this application. 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 INFORMATION: (Corporations must submit verification that signatory has authorization to sign)**

LOUSGATE VILLAGE, LLC  
(Name - type, print clearly)  
400 RIVERWOOD DR  
(Address)

[Signature]  
(Signature)  
CLAYTON, NC 27520  
(City, State, Zip)

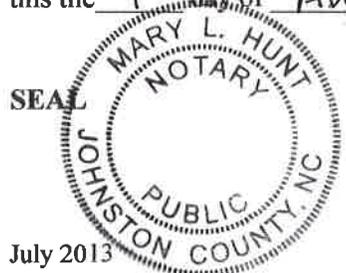
**AGENT INFORMATION:**

DENNIS ADAMS (DCAADAMS ENGINEERING, INC)  
(Name - type, print clearly)  
404 SWANN TRAIL  
(Address)

[Signature]  
(Signature)  
CLAYTON, NC 27527  
(City, State, Zip)

STATE OF NC  
COUNTY OF JOHNSTON

Sworn and subscribed before me Mary L Hunt, a Notary Public for the above State and County, this the 1st day of August, 2013.



Mary L Hunt  
Notary Public  
My Commission Expires: 3/21/15



August 30, 2013

Re: LionsGate  
Clayton, NC

Dear Adjacent 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 according to Johnston County tax records. Per town of Clayton regulations, a neighborhood meeting will be held to provide information about the nature of the proposal. A representative of the applicant will be present to explain their application, answer questions, and solicit comments.

Meeting Date: Monday September 9<sup>th</sup>, 2013  
Location: LionsGate Athletic Club  
Time: 7:00  
Type of Application: Master Plan Revision/Major Subdivision  
General Description: Overall Master Plan revisions as well as subdivision plans for Phases 3A, 3G, 6A & 6B.

If you have any questions prior to or after this meeting, please contact us at (919) 550-8086, ext 249.

Sincerely,

Brian Strickland

cc: Clayton Planning Dept.

[www.FredSmithCompany.com](http://www.FredSmithCompany.com)

400 Riverwood Drive Clayton, NC 27527 • Phone: (919) 550-8086 • Fax: (919) 550-8186

Building The Way

Parcels within 100 feet of the parcels associated with SUP 2013-71, PSD 2013-56, and PSD 2013-57							
	NAME1	NAME2	ADDRESS1	ADDRESS2	CITY	STATE	ZIPCODE
1	AMELIA VILLAGE LLC		701 EXPOSITION PL STE 101	SUITE 115	RALEIGH	NC	27615-3356
2	ASCO BUILDERS INC		319 CHAPANOKE RD STE 102		RALEIGH	NC	27603-0000
3	AUSTIN, JACOB R	AUSTIN, AMBER S	156 TRANTHAM TRAIL		CLAYTON	NC	27520-0000
4	BLACK & GOLD INVESTMENTS LLC	A NC LIMITED LIABILITY CO	400 RIVERWOOD DR		CLAYTON	NC	27520-0000
5	BROWN, HAROLD C	BROWN, CAROLYN B	125 HOCUTT DR		CLAYTON	NC	27520-0000
6	BURROUGHS, TERRY L	BURROUGHS, HELEN S	85 SCUPPERNONG WAY		CLAYTON	NC	27520-7374
7	BUTLER, ROBERT S	WATSON, ANDREA L	15 SCOTCH BONNET RIDGE		CLAYTON	NC	27520-0000
8	CALTRIDER, EVAN	IRELAND, LAWRENCE PATRICK	207 TUSCARORA LN		CLAYTON	NC	27520-7381
9	CHEN, XU	CHEN, QIU YING WANG	27 TUSCARORA LANE		CLAYTON	NC	27520-0000
10	CHESTNUT, KERRY II AND	CHESTNUT, JANET	109 GRACIE LANE		CLAYTON	NC	27520-7948
11	COLE, CATHY		59 TUSCARORA LANE		CLAYTON	NC	27520-0000
12	COUNTY OF JOHNSTON		PO BOX 1049		SMITHFIELD	NC	27577-0000
13	CRAWFORD, RUTH D		701 GARRISON AVENUE		CLAYTON	NC	27520-0000
14	CREECH, TIMOTHY D	CREECH, JOY A	9 CRICKET HOLLOW RUN		CLAYTON	NC	27520-5923
15	DASHKAVICH, CHARLOTTE EDWARDS		11 E AUGUSTA PL	APT 221	GREENVILLE	SC	29605-1760
16	DEAN, RUSSELL S &	DEAN, MARJORIE A	801 GARRISON		CLAYTON	NC	27520-0000
17	DELGADO, EDWARD	TATUM, LISA	108 BILTMORE DRIVE		CLAYTON	NC	27520-0000
18	DENNINGSON, MATTHEW SCOTT		149 HONEYBEE TRACE		CLAYTON	NC	27520-0000
19	DRAUGHON, CINDY L		119 GRACIE LANE		CLAYTON	NC	27520-0000
20	DUBLIN, AVIS J		P O BOX 41513		RALEIGH	NC	27629-1513
21	FARNSWORTH, WILLIAM		11934 SNIDER RD		CINCINNATI	OH	45249-0000
22	FEDERAL NATIONAL MORTGAGE	ASSOCIATION		PO BOX 650043	DALLAS	TX	75265-0043
23	FICARROTTA, VINCENZO	FICARROTTA, STELLA	99 PLOTT HOUND DRIVE		CLAYTON	NC	27520-0000
24	FRITZ, NICHOLAS	FRITZ, ALISSA	171 SOUTHWICK AVE		CLAYTON	NC	27527-5231
25	FSC III LLC		400 RIVERWOOD DR		CLAYTON	NC	27527-0000
26	GAMBINO, CHRISTOPHER C	CYGAN, ASHLEY C	171 TUSCARORA LN		CLAYTON	NC	27520-7369
27	GOLDEN PROPERTIES AND	DEVELOPMENT INC	5160 W NC 42 HWY		GARNER	NC	27529-0000
28	GOLDLEAF PROPERTIES LLC		PO BOX 369		CLAYTON	NC	27520-0000
29	GONSALVES, GILBERT B	GONSALVES, KELLY M	107 TUSCARORA LANE		CLAYTON	NC	27520-0000
30	GRESHAM, JAMES L II		116 HONEYBEE TRACE		CLAYTON	NC	27520-0000
31	GRIFFITHS, JUSTIN	CYGAN, AMANDA	179 TUSCARORA LANE		CLAYTON	NC	27520
32	GROOMS, CLAUDETTE		61 SLEEPY CREEK DR		CLAYTON	NC	27520-7239
33	HAYES, CHRISTINA MICHELLE	HAYES, ASHLEY	116 BILMORE DRIVE		CLAYTON	NC	27520-0000
34	HAYES, JONATHAN R	HAYES, JENNIFER DIXON	115 SCOTCH BONNET RDG		CLAYTON	NC	27520-7366
35	HAYES, SHERWOOD LYNN	HAYES, CHRISTINA C	107 GRACIE LANE		CLAYTON	NC	27520-0000
36	HESTER, R FLETCHER JR	HESTER, KIMBERLY P	252 AMELIA CH RD		CLAYTON	NC	27520-0000
37	HESTER, ROYAL FLETCHER JR		252 AMELIA CH RD		CLAYTON	NC	27520-0000
38	HILL, JAMES H	HILL, JACQUELINE W	703 GARRISON AVENUE		CLAYTON	NC	27520-0000
39	HOWARD, E FRANK JR		252 COOPER BRANCH RD		CLAYTON	NC	27520-0000
40	JOHNSON, SARAH T		13 HONEYBEE TRACE		CLAYTON	NC	27520-0000
41	LEONA SUZANNE ANDERSON TRUST	ANDERSON, LEONA SUZANNE TRUSTE	115 GRACIE LN		CLAYTON	NC	27520-7948
42	LEVERIDGE, LAURA MEGAN		25 SCOTCH BONNET RIDGE		CLAYTON	NC	27520-0000
43	LEVINSON, GINGER T		PO BOX 851		CLAYTON	NC	27520-0000
44	LGV, LLC		C/O FRED SMITH CO	400 RIVERWOOD DR	CLAYTON	NC	27527-5500
45	LIONS SPRING HOUSING ASSOC LLC		7706 SIX FORKS RD SUITE 202		RALEIGH	NC	27615-0000
46	LIONSGATE DAYECARE LLC		400 RIVERWOOD DRIVE		CLAYTON	NC	27527-0000
47	LIONSGATE VILLAGE LLC	A NC LIMITED LIABILITY COMPANY	400 RIVERWOOD DRIVE		CLAYTON	NC	27520-0000
48	MAYNARD, DAVID W	MAYNARD, NANCY P	1102 RIVER RD		EWING	NJ	08628-2104
49	MEEHAN MEDICAL LLC		45 SHOTWELL ROAD		CLAYTON	NC	27520-0000
50	MENTEER, ROBERT E II		113 GRACIE LANE		CLAYTON	NC	27520-0000

51	MERENDINO, CARRIE E		93 SCUPPERNONG WAY		CLAYTON	NC	27520-7374
52	MILES, KELVIN M	MILES, MARCELLETTA O	104 FLAT ROCK CT		GARNER	NC	27529-8472
53	N C NATURAL GAS CORP		C/O JOHN E RAPER JR	PO BOX 2129	FAYETTEVILLE	NC	27302-0000
54	NARRON, JENNIFER LYNN		103 GRACIE LANE		CLAYTON	NC	27520-0000
55	PERREGO, JOEL	PERREGO, TIFFANY	120 HOCUTT DRIVE		CLAYTON	NC	27520-0000
56	PHAM, HONG		124 BROOKWYND CT		GARNER	NC	27529-4445
57	POST, DANE STEVEN		111 GRACIE LN		CLAYTON	NC	27520-7948
58	ROBEY, ROANNE STROUD		803 GARRISON AVENUE		CLAYTON	NC	27520-0000
59	ROMAN, EDGARDO	ROMAN, CARMEN	121 HOCUTT LANE		CLAYTON	NC	00000-0000
60	SAHLY, APRIL J		95 TUSCARORA LANE		CLAYTON	NC	27527-0000
61	SALOME, CHRISTINE J &	SALOME, MICHAEL ANTHONY	364 DAFFODIL LN		CLAYTON	NC	27520-4532
62	SAUNDERS, JOHN PATRICK	SAUNDERS, KIMBERLY RENEE	150 HONEYBEE TRACE		CLAYTON	NC	27520-0000
63	SCHABERG, YVONNE		117 TUSCARORA LANE		CLAYTON	NC	27520-0000
64	SCHILLER, SCOTT A	SCHILLER, CANDI	127 TUSCARORA LANE		CLAYTON	NC	27520-0000
65	SCOTT, LESLIE M		120 BILTMORE DRIVE		CLAYTON	NC	27520
66	SEELIG, CHARLES THOMAS	SEELIG, TAMARA DAWN	13 CRICKET HOLLOW RUN		CLAYTON	NC	27520-0000
67	SHIELDS CONSTRUCTION LLC		305 BOSWELL LN		CLAYTON	NC	27527-0000
68	SHIELDS, CHRISTY W		132 HONEYBEE TRCE		CLAYTON	NC	27520-7370
69	SMEDLEY, KIMBERLY SUE		17 TUSCARORA LANE		CLAYTON	NC	27520-0000
70	SMITH, FREDERICK G		1007 MULBERRY RD		CLAYTON	NC	27520-2131
71	SNIADOCKI, ANTHONY		268 SHOREHAM LN		TOLEDO	OH	43612-4502
72	SNOW, WILLIAM WYLEY III &	SNOW, ARLENE MARIE &	112 BILTMORE DRIVE		CLAYTON	NC	27520-5926
73	SPERATI, KAREN FREELAND		2159 WOLF LN		KINSTON	NC	28501-9702
74	SPRASON, ANTONY E		71 TUSCARORA LN		CLAYTON	NC	27520-7335
75	STANTON, JOHN L	STANTON, CHRISTINE M	17 CRICKET HOLLOW RUN		CLAYTON	NC	27520-0000
76	SUNBELT GOLF GROUP LLC		400 RIVERWOOD DR		CLAYTON	NC	27527-0000
77	TETTERTON, ROBERT J		117 GRACIE LN		CLAYTON	NC	27520-7948
78	TIMBALIA, MUKESH	PATEL, SIMA	101 SCUPPERNONG WAY		CLAYTON	NC	27520-7377
79	TORRES, KRISTEN A		123 SCOTCH BONNET RDG		CLAYTON	NC	27520-7366
80	WELLS FARGO BANK NA		8480 STAGECOACH CIR		FREDERICK	MD	21701-4747
81	WHITAKER, BRIAN PATRICK	DELEON, VANESSA	137 TUSCARORA LANE		CLAYTON	NC	27520-0000
82	WHITE, ROY E		84 PLOTT HOUND DR		CLAYTON	NC	27520-7387
83	WILKINS, EMILY L	BOYKIN, CAROLYN E	137 HONEYBEE TRACE		CLAYTON	NC	27520-7371
84	WOJCIK, TROY A	WOJCIK, LEIGH S	33 SCOTCH BONNET RIDGE		CLAYTON	NC	27520-0000

## **Neighborhood Meeting Minutes for:**

### **PDD-MU 2013-55 LionsGate Master Plan Revision, PSD 2013-56 LionsGate Phase 3A & 3G, PSD 2013-57 LionsGate Phase 6A & 6B**

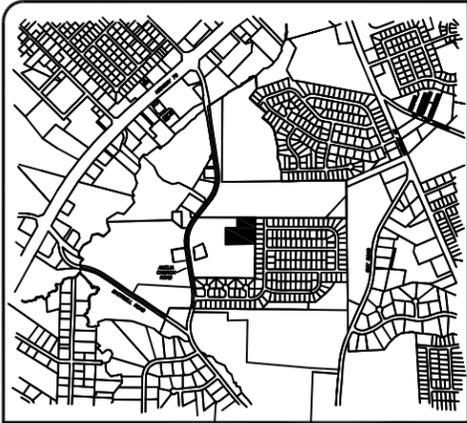
- The meeting was opened at 7:00PM by Fred Smith (developer) who gave an overall summary of LionsGate and the proposed changes to the master plan as well as the two subdivisions. He stated that he had worked through the revisions with input from the Town.
- The majority of comments from adjacent property owners was basically a rehashing of the original master plan and not associated with the proposed revisions or subdivisions – questions related to riparian buffers, tax values, biking/walking trails, land clearing...
- Although not associated with the revisions, all comments were heard and responded to appropriately by the developer.
- Emily Beddingfield (Town of Clayton) addressed all the comments by confirming that the revisions to the master plan did not increase the overall density nor was there any additional property added to the project.
- Some property owners adjacent to Phases 3A & 3G voiced concerns about home building adjacent to their property.
- Developer confirmed that there had been no changes (from the originally approved master plan) to proposed lots in Phase 3A & 3G.
- Some property owners adjacent to Phases 6A & 6B voiced concerns about home building adjacent to their property. They also had questions about the riparian buffer between their property and Phases 6A & 6B.
- Developer pointed out that the lots in Phases 6A & 6B were part of the original master plan but would be narrower than originally planned.
- Donnie Adams (Applicant) addressed concerns about the riparian buffer.
- Emily Beddingfield (Town of Clayton) followed with a clarification of the Town's RCA (Resource Conservation Area) as it pertains to riparian buffers.
- A property owner asked when Phases 3A & 3G would be constructed.
- Developer said plans are to begin in spring of 2014 but no guarantees.
- After a final call for questions or comments and hearing none, the meeting was closed at 7:28PM.

# NEIGHBORHOOD MEETING ATTENDANCE ROSTER

**Applicant:** DC ADAMS ENGINEERING, Inc

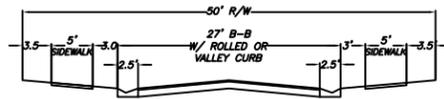
**Location/Date:** LIONS GATE ATHLETIC CLUB / 9/9/2013

PARCEL NUMBER	NAME	ADDRESS
	ROY WHITE	84 PLOTT HOUND PR.
	Melissa Papadopoulos	-
	SUZANNE ANDERSON	115 GRACIE LN
	Terry Burroughs	85 Scuppernon Way
	Russ DEAN	801 GARRISON
	Ann DEAN	801 GARRISON
	Wonne Schaberg	117 Tuscarora Lane
	CHRIS GAMBINO	171 TUSCARORA LANE
	Justin Griffiths	179 Tuscarora Lane
	Emily Beddingfield	Town of Clayton
	Reid Smith	1117 Pritchard Rd
	Fred Smith	460 Renewables Dr
	Jeanne Robey	803 Garrison Ave
	Evan Caltrider	207 Tuscarora Ln
	AMELYS SPANSON	71 TUSCARORA LN



VICINITY MAP

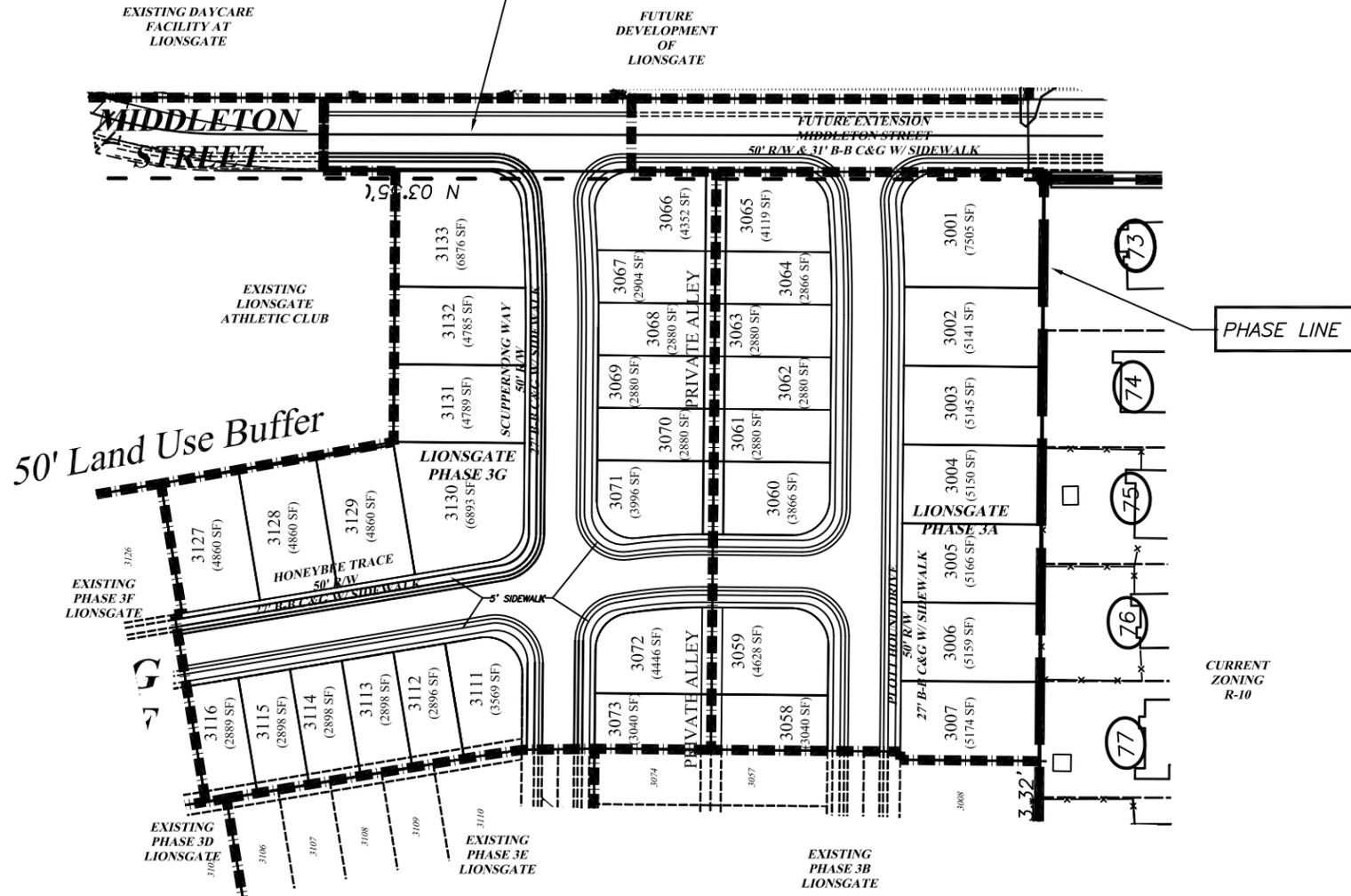
**TYPICAL RESIDENTIAL STREET  
50' RIGHT OF WAY W/  
SIDEWALK**



**STREET YARD TREES**

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

THIS PORTION OF MIDDLETON STREET WILL BE CONSTRUCTED AT THE SAME TIME AS THESE PHASES ARE DEVELOPED.



**PRELIMINARY RESULTS**

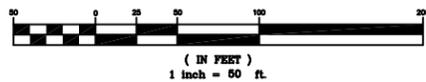
CURRENT ZONING R-10

**SITE INFORMATION**

1. OWNER: SUNBELT GOLF GROUP, LLC  
400 RIVERWOOD DR,  
CLAYTON, NC 27520
2. PARCEL #: 165918-41-8223
3. TAX #: 05G02198P
4. TOTAL SITE ACREAGE = 4.84 ACS
5. CURRENT ZONING: PDD-MU
6. PROPOSED LOTS = 36
7. ALL OPEN SPACE TO BE MAINTAINED BY LIONSGATE HOA.
8. THE DEVELOPER WILL BE RESPONSIBLE FOR THE REPLACEMENT OF ANY DAMAGED TREES WITHIN ANY LAND USE BUFFER.
9. MAXIMUM IMPERVIOUS AREA = 189,996 SF (INCLUDING STREETS, SIDEWALK, ALLEYS AND 4000SF PER LOT).

**NOTE:**  
A COMPLETE SET OF CONSTRUCTION DRAWINGS FOR WATER, SEWER, EROSION CONTROL, GRADING AND STREET EXTENSION TO BE SUBMITTED TO AND APPROVED BY TOWN'S PLANNING ENGINEERING DEPARTMENT PRIOR TO CONSTRUCTION.

GRAPHIC SCALE



LOT STANDARDS TABLE

PHASE	UNIT TYPE	AREA (ACS)	# OF UNITS	MIN. LOT WIDTH (FT)	MIN. LOT DEPTH (FT)	MAX. IMPERVIOUS AREA PER LOT	SETBACKS				MIN. BLDG. SEPARATI	MAX. BLDG. HEIGHT
							FRONT (FT)	SIDE (FT)	REAR (FT)	STREET SIDE (FT)		
3A	SINGLE FAMILY	2.09	15	35	75	4000	12	0	5	8	10	40
3G	SINGLE FAMILY	2.76	21	35	75	4000	12	0	5	8	10	40
TOTALS		4.85	36	**MAX. IMPERVIOUS AREA PER LOT EXCLUDES STREET, SIDEWALK AND ALLEYS								

FILE: DA-MASTER-PLAN-REV  
DESIGN: DCA  
DRAWN: DCA  
CHECKED: DCA  
HORIZONTAL SCALE: 1"=50'  
VERTICAL SCALE: N/A  
DATE: 7/31/2013  
JOB NO.  
SHEET 1 of 1

**DC ADAMS ENGINEERING, INC**  
404 SWANN TRAIL, CLAYTON, NC 27527  
dommie@dcadamspec.com (919) 763-7278 FIRM # C-3894

LionsGate  
PHASES 3A & 3G  
FRED SMITH COMPANY, CLAYTON, NC 27527

SUBDIVISION PLAN

**TOWN OF CLAYTON  
SUBDIVISION APPLICATION  
EVALUATION FORM**

Application Number: SUB 2013-56

The Town Council shall decide the matter of Subdivision Application Number SUB 2013-56 by motion and vote on each of the following four findings of fact. Any motion to find against the application must be supported by statement of specific reasons or conclusions reached in support of the motion.

**Finding One of Four:**

Circle One

- A. Based on the evidence and testimony presented it is the finding of the Council that the subdivision, if approved, will meet all required specifications and will conform to the Town Unified Development Ordinance. (Applicant meets the criteria for approval).
  
- B. Based on the evidence and testimony presented it is the finding of the Council that the subdivision, if approved, will meet all required specifications and will conform to the Town Unified Development Ordinance: (Applicant meets the criteria for approval upon acceptance of the noted conditions.)

---

---

---

---

- C. Based on the evidence and testimony presented it is the finding of the Council that the subdivision, if approved, will not meet all required specifications and/or will not conform to the Town Unified Development Ordinance for the following stated reasons: (Applicant fails to meet the criteria for approval.)

---

---

---

---

**Finding Two of Four:**

**Circle One**

- A. Based on the evidence and testimony presented it is the finding of the Council that the subdivision, if approved, 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. (Applicant meets the criteria necessary for approval.)
  
- B. Based on the evidence and testimony presented it is the finding of the Council that the subdivision, if approved, 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 upon compliance with the following stated conditions: (Applicant meets the criteria necessary for approval upon acceptance of the noted conditions.)

---

---

---

---

- C. Based on the evidence and testimony presented it is the finding of the Council that the subdivision, will be detrimental to the use or orderly development of other properties in the surrounding area and/or will violate the character of existing standards for development of properties in the surrounding area for the following stated reasons: (Applicant fails to meet the criteria necessary for approval.)

---

---

---

---

**Finding Three of Four:**

**Circle One**

- A. Based on the evidence and testimony presented it is the finding of the Council that the subdivision design, if approved, 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. (Applicant meets the criteria necessary for approval.)
  
- B. Based on the evidence and testimony presented it is the finding of the Council that the subdivision design, if approved, 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 upon compliance with the following stated conditions: (Applicant meets the criteria necessary for approval upon acceptance of the noted conditions.)

---

---

---

---

- C. Based on the evidence and testimony presented it is the finding of the Council that the subdivision design, if approved, will not provide for the distribution of traffic in a manner that will avoid or mitigate congestion within the immediate area, will not provide for the unified and orderly use of or extension of public infrastructure, and/or will materially endanger the environment, public health, safety, or the general welfare for the following reasons. (Applicant fails to meet the criteria for approval.)

---

---

---

---

**Finding Four of Four:**

**Circle One**

- A. Based on the evidence and testimony presented it is the finding of the Council that the subdivision, if approved, 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. (Applicant meets the criteria necessary for approval.)
  
- B. Based on the evidence and testimony presented it is the finding of the Council that the subdivision, if approved, 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 upon compliance with the following stated conditions:  
(Applicant meets the criteria necessary for approval upon acceptance of the noted conditions.)

---

---

---

---

- C. Based on the evidence and testimony presented it is the finding of the Council that the subdivision, if approved, will adversely affect the general plans for the orderly growth and development of the town and/or is not consistent with the planning policies adopted by the Town Council for the following stated reasons: (Applicant fails to meet the criteria necessary for approval.)

---

---

---

---

Once all findings have been decided one of the two following motions must be made:

**Motion to Approve:** Based upon satisfactory compliance with the above four stated findings and fully contingent upon acceptance and compliance with all conditions as previously noted herein and with full incorporation of all statements and agreements entered into the record by the testimony of the applicant and applicant's representative I move to approve Subdivision Application # \_\_\_\_\_.

**Motion to Deny:** Based upon failure to meet all of the above four stated findings and for reasons stated therein, I move to deny Subdivision Application # \_\_\_\_\_.

**Record of Decision:**

Based on a motion and majority vote of the Clayton Town Council Subdivision Application Number SUB 2013-56 is hereby:

\_\_\_\_\_ approved upon acceptance and conformity with all stated conditions; or,

\_\_\_\_\_ denied for the noted reasons.

Decision made this \_\_\_\_\_ day of \_\_\_\_\_ 2013, while in regular session.

\_\_\_\_\_  
Jody L. McLeod,  
Mayor

ATTEST:

\_\_\_\_\_  
Sherry L. Scoggins, MMC  
Town Clerk

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

Agenda Item: 8c

Meeting Date: 11/18/13

**TITLE: EVIDENTIARY HEARING FOR SUBDIVISION PERMIT SUB (PSD)  
2013-57 FOR PHASES 6A AND 6B LOCATED WITHIN LIONSGATE  
SUBDIVISION AND SUBMITTED BY DC ADAMS ENGINEERING INC.**

**DESCRIPTION: The applicant is requesting preliminary subdivision plat approval for the major subdivision of Phases 6A and 6B in the LionsGate Planned Development to allow 52 townhome units located within the Town of Clayton.**

At the regularly scheduled Planning Board meeting held on September 23, 2013, the Planning Board voted unanimously to recommend approval of the major subdivision.

This item is slated for an evidentiary hearing at the Council's November 4, 2013, Council meeting.

**RELATED GOAL: Manage Growth Producing Quality Developments.**

**ITEM SUMMARY:**

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
10-21-13	Presentation.	Staff report, Application, Owner's Consent Form, Neighborhood meeting Support material, & Subdivision plan.
11-04-13	Evidentiary Hearing.	SUB Hearing Procedures, Staff report, Application, Owner's Consent Form, Neighborhood meeting Support material, Subdivision plan & Motion Form.
11-18-13	Continued Ev. Hearing.	Same info as provided at the 11-04-2013 meeting.

# **Town of Clayton Subdivision Review Application Hearing Procedure**

1. **HEARING.** The Mayor shall call the hearing and announce the case.
2. **RULES OF PROCEDURE.** The procedure by which testimony may be given shall be announced by the Town Attorney. The Town Attorney shall be responsible for keeping all testimony within acceptable legal guidelines.
3. **OATHS.** Oaths shall be administered to all speakers. A statement of oath shall be signed by all persons taking the oath.
4. **STAFF REPORT.** The Staff shall give its report.
5. **APPLICANT TESTIMONY.** The applicant shall be called to present their case. If the applicant or a representative is not present to give testimony, the Mayor shall call for a vote of the members present to continue the hearing for thirty days. The applicant shall be notified of such action. The Mayor shall be responsible for keeping the testimony relevant and factual. No questions shall be asked by the Town Council at this time.
6. **OPPOSITION TESTIMONY.** Those speaking in opposition to the application shall be called upon to present their case. The Mayor shall be responsible for keeping the testimony relevant and factual. No questions shall be asked by the Town Council at this time.
7. **APPLICANT REBUTTAL.** The applicant and/or those in support of the application shall be provided an opportunity to rebut testimony provided by the opposition. The Council may also ask questions of the applicant at this time.
8. **OPPOSITION REBUTTAL.** Those in opposition to the application shall be provided an opportunity to rebut testimony provided by the applicant. The Council may also ask questions of the opposition at this time.
9. **COUNCIL INQUIRY.** The Council shall ask any additional questions of the applicant, opposition, or staff at this time. The Mayor shall be responsible for keeping questions and responses relevant and factual.

10. **DELIBERATION.** The Mayor shall call the Council into deliberation. Once called into deliberation no person may address the Council and no questions may be asked by Council to the public.
11. **UTILITY ALLOCATION (WHEN APPLICABLE).** In the event of pending action on a utility allocation request related to the case and there being no additional testimony, the Council shall take action on a utility allocation in accordance with related policies and procedures.
12. **ACTION-FINDINGS FOR DECISION.** Once discussion of the evidence has been completed and action taken on the utility allocation (when applicable); each finding shall be discussed in turn and a motion, second and vote shall be made for each finding by selecting one of the three alternatives. A majority vote shall prevail. All four findings shall be addressed.
13. **ACTION-APPLICATION.** Once all four findings have been decided and based on the results of the evaluation and vote on those findings, the Council shall make a motion and vote to approve or deny the application.



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 2013-57 (major subdivision)  
**Project Name:** LionsGate Phases 6A & 6B

**NC PIN:** 165918-32-6389  
**Town Limits/ETJ:** Town Limits  
**Overlay:** None  
**Master Plan:** LionsGate SUP 2013-71  
**Applicant:** DC Adams Engineering, Inc.  
**Owners:** LionsGate Village, LLC

**Neighborhood Meeting:** Held September 9, 2013  
**Public Noticing:** Property posted September 13, 2013

---

**PROJECT LOCATION:** The project is located within the LionsGate Planned Development, near the intersection of Amelia Church and Shotwell Road.

---

**REQUEST:** The applicant is requesting preliminary subdivision plat approval for the major subdivision of Phases 6A and 6B in the LionsGate Planned Development to allow 52 townhome units, within Town Limits.

---

### SITE DATA:

**Acreage:** 6.82 acres  
**Zoning:** PD-MU (Planned Development – Mixed Use)  
**Existing Use:** Vacant  
**Existing Impervious:** None - property is vacant.

### DEVELOPMENT DATA:

**Proposed Uses:** Townhome residential units  
**Buildings:** 52 residential units (26 buildings) – each unit will be on its own lot  
**Number of Stories:** Maximum height of 35 feet  
**Impervious Surface:** Maximum 1,850 SF per lot (maximum 60% impervious for overall development)

Required Parking:	2 spaces per unit
Proposed Parking:	2 spaces per unit
Fire Protection:	The Town of Clayton Fire Department will provide fire protection.
Access/Streets:	One access point will be provided via a new driveway off of Amelia Church Road, directly across from and aligned with Garrison Avenue.
Water/Sewer Provider:	Town of Clayton
Electric Provider:	Duke/Progress Energy

---

**ADJACENT ZONING AND LAND USES:**

<b>North:</b>	Zoning:	Planned Development – Mixed Use (PD-MU), Residential-10 (R-10)
	Existing Use:	LionGate Planned Development, Vacant
<b>South:</b>	Zoning:	Residential-8 (R-8)
	Existing Use:	Single Family Residential
<b>East:</b>	Zoning:	Planned Development – Mixed Use (PD-MU)
	Existing Use:	LionsGate Planned Development (Phase 5A Single Family Residential)
<b>West:</b>	Zoning:	Planned Development – Mixed Use (PD-MU), R-10 (Residential-10)
	Existing Use:	Vacant

---

**STAFF ANALYSIS AND COMMENTARY:**

The applicant is requesting preliminary subdivision plat approval for Phases 6A and 6B as depicted on the LionsGate Master Plan (SUP 2013-71), which is under concurrent review. Approval of this preliminary subdivision plat is subject to approval of SUP 2013-71.

The applicant is requesting approval for a total of 52 lots (26 in each phase). Each townhome unit will be on an individual lot for a total of 52 units for both phases. The proposed layout includes two units per building for a total of 26 buildings for both phases. Driveways will be in the front of the buildings.

- **Consistency with the Strategic Growth Plan**  
The request is consistent with the Strategic Growth Plan.
- **Consistency with Master Plan**  
If the Master Plan (SUP 2013-71) is approved as proposed, the request will be consistent with the Master Plan.
- **Consistency with the Unified Development Code**  
The proposed development is consistent with and meets the applicable requirements of the Unified Development Code (UDC). Individual lot development specifications including building placement, driveway

placement, etc. will be required to meet all Town standards and be consistent with the provisions of the approved Master Plan.

➤ **Compatibility with Surrounding Land Uses**

The proposed development is consistent with the density and patterns of the LionsGate Planned Development. The existing riparian buffer provides a 100 foot natural buffer from existing homes to the east, which makes the higher densities of these phases have less visual impact on the adjacent properties.

➤ **Landscaping and Buffering**

A 30 foot Class C perimeter buffer is provided along the boundary of the property. A bike trail is proposed through this buffer; the applicant has indicated they intend to meet the requirements of a Class C buffer and provide the bike trail within this area. A riparian buffer exists on the eastern border of the phases and shall meet all state preservation requirements.

➤ **Recreation and Open Space**

Recreation and open space requirements have been met by the overall LionsGate Planned Development.

➤ **Environmental**

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

➤ **Signs**

No signage is requested as part of this request.

➤ **Access/Streets**

Access will be provided via a new driveway and cul-de-sac off of Amelia Church Road. The proposed name is Yellow Jacket Ridge. The length is 700 feet, which is in compliance with the requirements of the UDC. The driveway will require NCDOT permits and shall be aligned with the existing Garrison Avenue to the south.

➤ **Multi-Modal Access**

Sidewalks are provided along both sides of the street and will extend fully around the cul-de-sac. A 30 foot access point will provide access from the cul-de-sac sidewalk to the bike trail that runs along Shotwell Road. The proposed bike/multi-purpose 10 foot paved pathway will be required to connect to the northern edge of the property along Shotwell Road to allow for a connection to the existing multi-use paved pathway existing to the north in front of the LionSpring senior living facility.

➤ **Architecture/Design**

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.

➤ **Waivers/Deviations/Variations from Code Requirements**

None.

**CONSIDERATIONS:**

- The applicant is requesting Preliminary Subdivision Plat approval for Phases 6A and 6B.
  - This approval is subject to approval of SUP 2013-71.
- 

**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 Exhibit A of the Staff Report.

---

**CONDITIONS:**

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

1. The final plat and subsequent development of the site shall be consistent with the specifications of the approved Preliminary Subdivision Plan. Modifications may require additional approvals and shall be consistent with the specifications of the Unified Development Code.
  2. Development shall be consistent with the specifications of SUP 2013-71.
  3. All development fees shall be paid prior to issuance of building permits.
  4. The bike trail shall be constructed prior to the issuance of a certificate of occupancy.
  5. The proposed bike trail shall be built to the edge of the north property line along Shotwell Road to allow for a connection to the existing paved pathway along Shotwell Road, located just north of the property.
  6. Resource conservation areas as defined by Section 155.500 of the Unified Development Code (UDC) shall be identified on the final plats as being permanently set aside, and shall be protected in perpetuity by a binding legal instrument recorded with the deed which includes clear restriction on the use of the resource conservation area, as described in Section 155.500(F) of the UDC.
- 

**Planning Board Recommendation:** At their regularly scheduled meeting on September 23, 2013, the Planning Board voted unanimously to recommend approval of the major subdivision.

**Attachments:** **1)** Exhibit “A”, **2)** Zoning & Aerial Map, **3)** Application, **4)** Neighborhood Meeting Materials, **5)** Preliminary Subdivision Plan

**APPLICANT STATEMENT – MAJOR SUBDIVISIONS ONLY**

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

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

The proposed subdivision meets all Subdivision Regulation set by the Town and is consistent with requirements of the UDO.

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

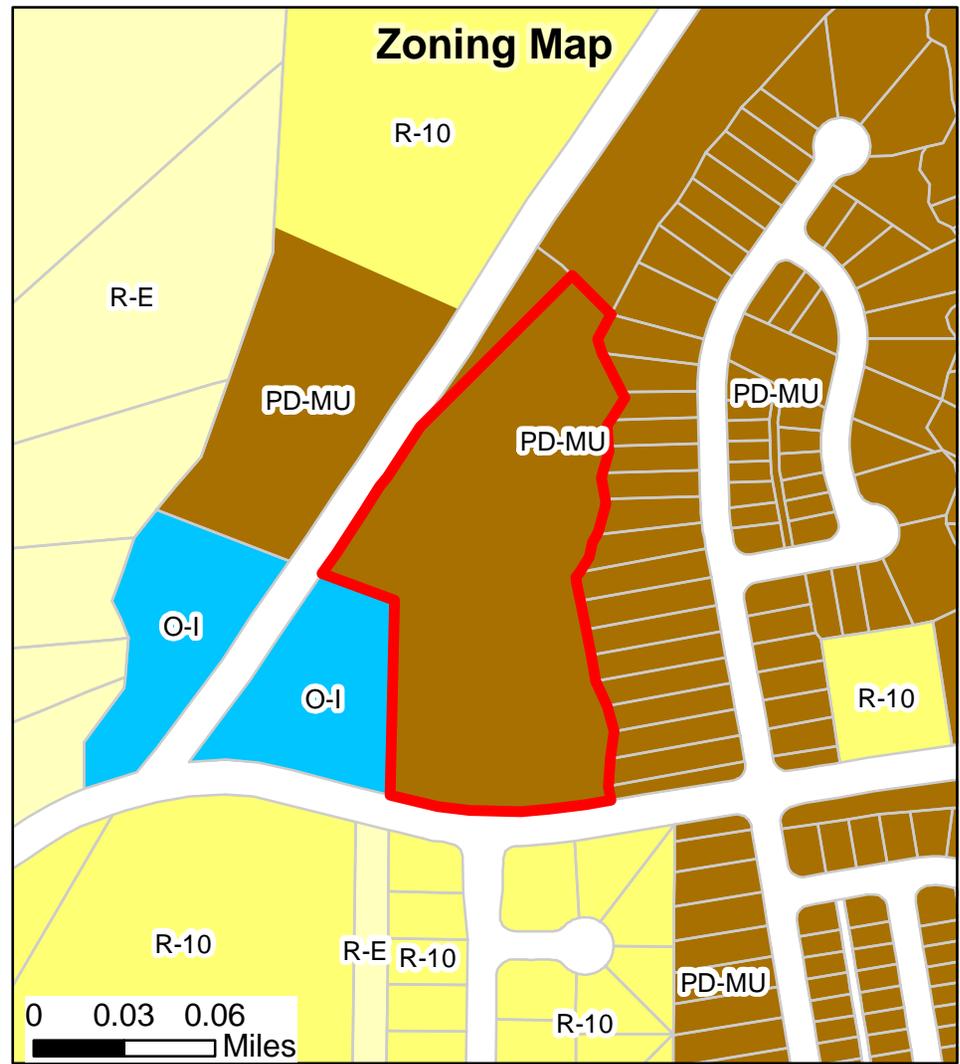
This project will be a benefit to the entire community.

- (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 design to provide safe ingress and egress and is consistent with previously approved access points onto the existing street network. This project will not pose a threat to The environment, public safety or general welfare.

- (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 planning policies of the Town and will provide Orderly growth and development

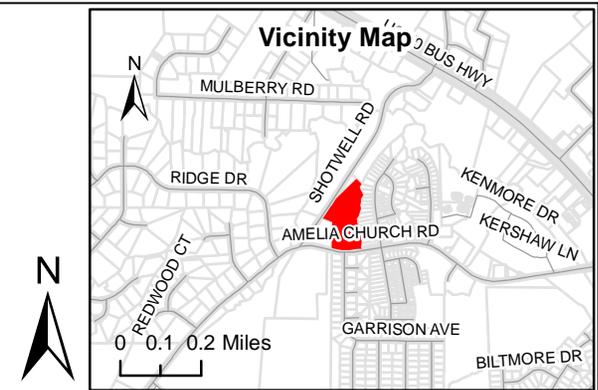


## Major Subdivision Approval Phase 6A & 6B, LionsGate Planned Development

Applicant: Donnie Adams  
 Property Owner: LionsGate Village, LLC  
 Parcel ID Number: 165918-32-6389  
 File Number: PSD 2013-57

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

9/17/13





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

## SUBDIVISION APPLICATION

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

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

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

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

### SUBDIVISION TYPE:

**Application Type:**

- Minor Subdivision     
  Major Subdivision     
  Final Plat     
  Exempt Map  
 Recombination

### SITE INFORMATION:

Name of Project: Lionsgate Phase 6A & 6B      Acreage of Property: 6.82acres

Preliminary Plat Approval Date (if applicable): \_\_\_\_\_

Parcel ID Number: 1165918-32-6389      Tax ID: 05G02010B

Location: Amelia Church Rd

Section(s): \_\_\_\_\_      Phase(s): Phases 6A & 6B

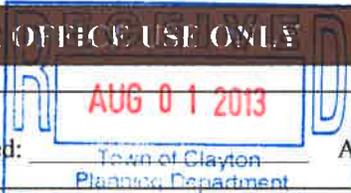
Number of Lots (Existing): \_\_\_\_\_ (Proposed): 52      Min. Lot Size: N/A

Zoning District: PDD      Planned Development? (Y/N): Y      Electric Provider: Duke Energy Progress

Specific Use: Single Family Residential (duplex lots)

Recreation/Open Space Requirement:     
 Fee in lieu     
 Land Dedication (acreage)     
Master plan

### FOR OFFICE USE ONLY



File Number: \_\_\_\_\_      Date Received: \_\_\_\_\_      Amount Paid: \_\_\_\_\_

Page 290 of 306

## OWNER INFORMATION:

Name: Lionsgate Village, LLC

Mailing Address: 400 Riverwood Dr, Clayton, NC 27520

Phone Number: 919-550-8086

Fax: \_\_\_\_\_

Email Address: [Brian.Strickland@fredsmithcompany.com](mailto:Brian.Strickland@fredsmithcompany.com)

## APPLICANT INFORMATION:

Applicant: DC Adams Engineering, Inc

Mailing Address: 404 Swann Trail, Clayton, NC 27527

Phone Number: 919-763-7278

Fax: \_\_\_\_\_

Contact Person: Donnie Adams

Email Address: [donnie@dcadamspe.com](mailto:donnie@dcadamspe.com)

## REQUIRED PLANS AND SUPPLEMENTAL INFORMATION

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

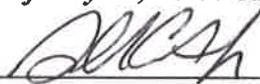
- Required plans (*please see the plan requirements checklist below*).
- Road Name Approval Application (*if applicable*).
- A signed and sealed traffic impact analysis (*if required*).
- Verification of wastewater allocation (*granted or requested*).
- Verification of approval for the potable water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

## APPLICANT AFFIDAVIT

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

Donnie Adams

Print Name



Signature of Applicant

8/1/2013

Date

**APPLICANT STATEMENT – MAJOR SUBDIVISIONS ONLY**

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

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

The proposed subdivision meets all Subdivision Regulation set by the Town and is consistent with requirements of the UDO.

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

This project will be a benefit to the entire community.

- (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 design to provide safe ingress and egress and is consistent with previously approved access points onto the existing street network. This project will not pose a threat to The environment, public safety or general welfare.

- (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 planning policies of the Town and will provide Orderly growth and development



**Town of Clayton  
Planning Department**

11 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) and if applicable, to an agent if the property owner(s) do not intend to attend all meetings and public hearings and submit in person all material pertaining to the application. A separate form is required from each owner. Consent is valid for one year from date of notary, unless otherwise specified. Attach copy of last recorded deed for subject property.

Project Name: LIONGATE - PHASE 6A+6B Submittal Date: 8/1/2013

I hereby give CONSENT to DANNIE ADAMS (DC ADAMS ENGINEERING, INC) (type, stamp or print clearly full name of agent) to act on my behalf, to submit or have submitted this application and all required material and documents, and to attend and represent me at all meetings and public hearings pertaining to the application(s) indicated above. 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 ownership interest in the subject of this application. 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 INFORMATION: (Corporations must submit verification that signatory has authorization to sign)**

LIONGATE VILLAGE, LLC  
(Name - type, print clearly)

400 RIVARWOOD DR  
(Address)

[Signature]  
(Signature)

CLAYTON, NC 27520  
(City, State, Zip)

**AGENT INFORMATION:**

DANNIE ADAMS (DC ADAMS ENGINEERING, INC)  
(Name - type, print clearly)

404 SWANA TRAIL  
(Address)

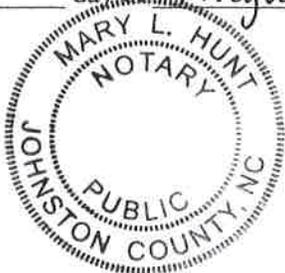
[Signature]  
(Signature)

CLAYTON, NC 27527  
(City, State, Zip)

STATE OF NC  
COUNTY OF Johnston

Sworn and subscribed before me Mary L Hunt, a Notary Public for the above State and County, this the 1st day of August, 2013.

SEAL



Mary L Hunt  
Notary Public

My Commission Expires: 3/21/15



August 30, 2013

Re: LionsGate  
Clayton, NC

Dear Adjacent 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 according to Johnston County tax records. Per town of Clayton regulations, a neighborhood meeting will be held to provide information about the nature of the proposal. A representative of the applicant will be present to explain their application, answer questions, and solicit comments.

Meeting Date: Monday September 9<sup>th</sup>, 2013  
Location: LionsGate Athletic Club  
Time: 7:00  
Type of Application: Master Plan Revision/Major Subdivision  
General Description: Overall Master Plan revisions as well as subdivision plans for Phases 3A, 3G, 6A & 6B.

If you have any questions prior to or after this meeting, please contact us at (919) 550-8086, ext 249.

Sincerely,

Brian Strickland

cc: Clayton Planning Dept.

[www.FredSmithCompany.com](http://www.FredSmithCompany.com)

400 Riverwood Drive Clayton, NC 27527 • Phone: (919) 550-8086 • Fax: (919) 550-8186

Building The Way

Parcels within 100 feet of the parcels associated with SUP 2013-71, PSD 2013-56, and PSD 2013-57							
	NAME1	NAME2	ADDRESS1	ADDRESS2	CITY	STATE	ZIPCODE
1	AMELIA VILLAGE LLC		701 EXPOSITION PL STE 101	SUITE 115	RALEIGH	NC	27615-3356
2	ASCO BUILDERS INC		319 CHAPANOKE RD STE 102		RALEIGH	NC	27603-0000
3	AUSTIN, JACOB R	AUSTIN, AMBER S	156 TRANTHAM TRAIL		CLAYTON	NC	27520-0000
4	BLACK & GOLD INVESTMENTS LLC	A NC LIMITED LIABILITY CO	400 RIVERWOOD DR		CLAYTON	NC	27520-0000
5	BROWN, HAROLD C	BROWN, CAROLYN B	125 HOCUTT DR		CLAYTON	NC	27520-0000
6	BURROUGHS, TERRY L	BURROUGHS, HELEN S	85 SCUPPERNONG WAY		CLAYTON	NC	27520-7374
7	BUTLER, ROBERT S	WATSON, ANDREA L	15 SCOTCH BONNET RIDGE		CLAYTON	NC	27520-0000
8	CALTRIDER, EVAN	IRELAND, LAWRENCE PATRICK	207 TUSCARORA LN		CLAYTON	NC	27520-7381
9	CHEN, XU	CHEN, QIU YING WANG	27 TUSCARORA LANE		CLAYTON	NC	27520-0000
10	CHESTNUT, KERRY II AND	CHESTNUT, JANET	109 GRACIE LANE		CLAYTON	NC	27520-7948
11	COLE, CATHY		59 TUSCARORA LANE		CLAYTON	NC	27520-0000
12	COUNTY OF JOHNSTON		PO BOX 1049		SMITHFIELD	NC	27577-0000
13	CRAWFORD, RUTH D		701 GARRISON AVENUE		CLAYTON	NC	27520-0000
14	CREECH, TIMOTHY D	CREECH, JOY A	9 CRICKET HOLLOW RUN		CLAYTON	NC	27520-5923
15	DASHKAVICH, CHARLOTTE EDWARDS		11 E AUGUSTA PL	APT 221	GREENVILLE	SC	29605-1760
16	DEAN, RUSSELL S &	DEAN, MARJORIE A	801 GARRISON		CLAYTON	NC	27520-0000
17	DELGADO, EDWARD	TATUM, LISA	108 BILTMORE DRIVE		CLAYTON	NC	27520-0000
18	DENNINGSON, MATTHEW SCOTT		149 HONEYBEE TRACE		CLAYTON	NC	27520-0000
19	DRAUGHON, CINDY L		119 GRACIE LANE		CLAYTON	NC	27520-0000
20	DUBLIN, AVIS J		P O BOX 41513		RALEIGH	NC	27629-1513
21	FARNSWORTH, WILLIAM		11934 SNIDER RD		CINCINNATI	OH	45249-0000
22	FEDERAL NATIONAL MORTGAGE	ASSOCIATION		PO BOX 650043	DALLAS	TX	75265-0043
23	FICARROTTA, VINCENZO	FICARROTTA, STELLA	99 PLOTT HOUND DRIVE		CLAYTON	NC	27520-0000
24	FRITZ, NICHOLAS	FRITZ, ALISSA	171 SOUTHWICK AVE		CLAYTON	NC	27527-5231
25	FSC III LLC		400 RIVERWOOD DR		CLAYTON	NC	27527-0000
26	GAMBINO, CHRISTOPHER C	CYGAN, ASHLEY C	171 TUSCARORA LN		CLAYTON	NC	27520-7369
27	GOLDEN PROPERTIES AND	DEVELOPMENT INC	5160 W NC 42 HWY		GARNER	NC	27529-0000
28	GOLDLEAF PROPERTIES LLC		PO BOX 369		CLAYTON	NC	27520-0000
29	GONSALVES, GILBERT B	GONSALVES, KELLY M	107 TUSCARORA LANE		CLAYTON	NC	27520-0000
30	GRESHAM, JAMES L II		116 HONEYBEE TRACE		CLAYTON	NC	27520-0000
31	GRIFFITHS, JUSTIN	CYGAN, AMANDA	179 TUSCARORA LANE		CLAYTON	NC	27520
32	GROOMS, CLAUDETTE		61 SLEEPY CREEK DR		CLAYTON	NC	27520-7239
33	HAYES, CHRISTINA MICHELLE	HAYES, ASHLEY	116 BILMORE DRIVE		CLAYTON	NC	27520-0000
34	HAYES, JONATHAN R	HAYES, JENNIFER DIXON	115 SCOTCH BONNET RDG		CLAYTON	NC	27520-7366
35	HAYES, SHERWOOD LYNN	HAYES, CHRISTINA C	107 GRACIE LANE		CLAYTON	NC	27520-0000
36	HESTER, R FLETCHER JR	HESTER, KIMBERLY P	252 AMELIA CH RD		CLAYTON	NC	27520-0000
37	HESTER, ROYAL FLETCHER JR		252 AMELIA CH RD		CLAYTON	NC	27520-0000
38	HILL, JAMES H	HILL, JACQUELINE W	703 GARRISON AVENUE		CLAYTON	NC	27520-0000
39	HOWARD, E FRANK JR		252 COOPER BRANCH RD		CLAYTON	NC	27520-0000
40	JOHNSON, SARAH T		13 HONEYBEE TRACE		CLAYTON	NC	27520-0000
41	LEONA SUZANNE ANDERSON TRUST	ANDERSON, LEONA SUZANNE TRUSTE	115 GRACIE LN		CLAYTON	NC	27520-7948
42	LEVERIDGE, LAURA MEGAN		25 SCOTCH BONNET RIDGE		CLAYTON	NC	27520-0000
43	LEVINSON, GINGER T		PO BOX 851		CLAYTON	NC	27520-0000
44	LGV, LLC		C/O FRED SMITH CO	400 RIVERWOOD DR	CLAYTON	NC	27527-5500
45	LIONS SPRING HOUSING ASSOC LLC		7706 SIX FORKS RD SUITE 202		RALEIGH	NC	27615-0000
46	LIONSGATE DAYECARE LLC		400 RIVERWOOD DRIVE		CLAYTON	NC	27527-0000
47	LIONSGATE VILLAGE LLC	A NC LIMITED LIABILITY COMPANY	400 RIVERWOOD DRIVE		CLAYTON	NC	27520-0000
48	MAYNARD, DAVID W	MAYNARD, NANCY P	1102 RIVER RD		EWING	NJ	08628-2104
49	MEEHAN MEDICAL LLC		45 SHOTWELL ROAD		CLAYTON	NC	27520-0000
50	MENTEER, ROBERT E II		113 GRACIE LANE		CLAYTON	NC	27520-0000

51	MERENDINO, CARRIE E		93 SCUPPERNONG WAY		CLAYTON	NC	27520-7374
52	MILES, KELVIN M	MILES, MARCELLETTA O	104 FLAT ROCK CT		GARNER	NC	27529-8472
53	N C NATURAL GAS CORP		C/O JOHN E RAPER JR	PO BOX 2129	FAYETTEVILLE	NC	27302-0000
54	NARRON, JENNIFER LYNN		103 GRACIE LANE		CLAYTON	NC	27520-0000
55	PERREGO, JOEL	PERREGO, TIFFANY	120 HOCUTT DRIVE		CLAYTON	NC	27520-0000
56	PHAM, HONG		124 BROOKWYND CT		GARNER	NC	27529-4445
57	POST, DANE STEVEN		111 GRACIE LN		CLAYTON	NC	27520-7948
58	ROBEY, ROANNE STROUD		803 GARRISON AVENUE		CLAYTON	NC	27520-0000
59	ROMAN, EDGARDO	ROMAN, CARMEN	121 HOCUTT LANE		CLAYTON	NC	00000-0000
60	SAHLY, APRIL J		95 TUSCARORA LANE		CLAYTON	NC	27527-0000
61	SALOME, CHRISTINE J &	SALOME, MICHAEL ANTHONY	364 DAFFODIL LN		CLAYTON	NC	27520-4532
62	SAUNDERS, JOHN PATRICK	SAUNDERS, KIMBERLY RENEE	150 HONEYBEE TRACE		CLAYTON	NC	27520-0000
63	SCHABERG, YVONNE		117 TUSCARORA LANE		CLAYTON	NC	27520-0000
64	SCHILLER, SCOTT A	SCHILLER, CANDI	127 TUSCARORA LANE		CLAYTON	NC	27520-0000
65	SCOTT, LESLIE M		120 BILTMORE DRIVE		CLAYTON	NC	27520
66	SEELIG, CHARLES THOMAS	SEELIG, TAMARA DAWN	13 CRICKET HOLLOW RUN		CLAYTON	NC	27520-0000
67	SHIELDS CONSTRUCTION LLC		305 BOSWELL LN		CLAYTON	NC	27527-0000
68	SHIELDS, CHRISTY W		132 HONEYBEE TRCE		CLAYTON	NC	27520-7370
69	SMEDLEY, KIMBERLY SUE		17 TUSCARORA LANE		CLAYTON	NC	27520-0000
70	SMITH, FREDERICK G		1007 MULBERRY RD		CLAYTON	NC	27520-2131
71	SNIADDECKI, ANTHONY		268 SHOREHAM LN		TOLEDO	OH	43612-4502
72	SNOW, WILLIAM WYLEY III &	SNOW, ARLENE MARIE &	112 BILTMORE DRIVE		CLAYTON	NC	27520-5926
73	SPERATI, KAREN FREELAND		2159 WOLF LN		KINSTON	NC	28501-9702
74	SPRASON, ANTONY E		71 TUSCARORA LN		CLAYTON	NC	27520-7335
75	STANTON, JOHN L	STANTON, CHRISTINE M	17 CRICKET HOLLOW RUN		CLAYTON	NC	27520-0000
76	SUNBELT GOLF GROUP LLC		400 RIVERWOOD DR		CLAYTON	NC	27527-0000
77	TETTERTON, ROBERT J		117 GRACIE LN		CLAYTON	NC	27520-7948
78	TIMBALIA, MUKESH	PATEL, SIMA	101 SCUPPERNONG WAY		CLAYTON	NC	27520-7377
79	TORRES, KRISTEN A		123 SCOTCH BONNET RDG		CLAYTON	NC	27520-7366
80	WELLS FARGO BANK NA		8480 STAGECOACH CIR		FREDERICK	MD	21701-4747
81	WHITAKER, BRIAN PATRICK	DELEON, VANESSA	137 TUSCARORA LANE		CLAYTON	NC	27520-0000
82	WHITE, ROY E		84 PLOTT HOUND DR		CLAYTON	NC	27520-7387
83	WILKINS, EMILY L	BOYKIN, CAROLYN E	137 HONEYBEE TRACE		CLAYTON	NC	27520-7371
84	WOJCIK, TROY A	WOJCIK, LEIGH S	33 SCOTCH BONNET RIDGE		CLAYTON	NC	27520-0000

## **Neighborhood Meeting Minutes for:**

### **PDD-MU 2013-55 LionsGate Master Plan Revision, PSD 2013-56 LionsGate Phase 3A & 3G, PSD 2013-57 LionsGate Phase 6A & 6B**

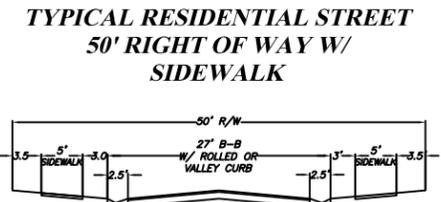
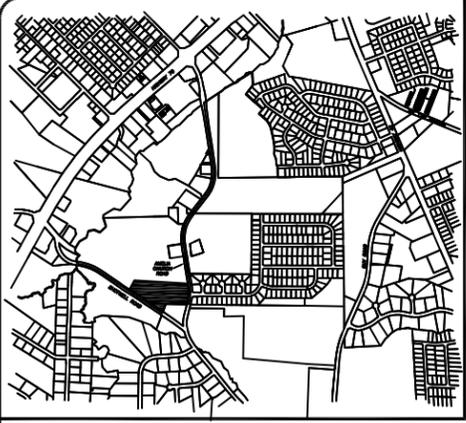
- The meeting was opened at 7:00PM by Fred Smith (developer) who gave an overall summary of LionsGate and the proposed changes to the master plan as well as the two subdivisions. He stated that he had worked through the revisions with input from the Town.
- The majority of comments from adjacent property owners was basically a rehashing of the original master plan and not associated with the proposed revisions or subdivisions – questions related to riparian buffers, tax values, biking/walking trails, land clearing...
- Although not associated with the revisions, all comments were heard and responded to appropriately by the developer.
- Emily Beddingfield (Town of Clayton) addressed all the comments by confirming that the revisions to the master plan did not increase the overall density nor was there any additional property added to the project.
- Some property owners adjacent to Phases 3A & 3G voiced concerns about home building adjacent to their property.
- Developer confirmed that there had been no changes (from the originally approved master plan) to proposed lots in Phase 3A & 3G.
- Some property owners adjacent to Phases 6A & 6B voiced concerns about home building adjacent to their property. They also had questions about the riparian buffer between their property and Phases 6A & 6B.
- Developer pointed out that the lots in Phases 6A & 6B were part of the original master plan but would be narrower than originally planned.
- Donnie Adams (Applicant) addressed concerns about the riparian buffer.
- Emily Beddingfield (Town of Clayton) followed with a clarification of the Town's RCA (Resource Conservation Area) as it pertains to riparian buffers.
- A property owner asked when Phases 3A & 3G would be constructed.
- Developer said plans are to begin in spring of 2014 but no guarantees.
- After a final call for questions or comments and hearing none, the meeting was closed at 7:28PM.

# NEIGHBORHOOD MEETING ATTENDANCE ROSTER

**Applicant:** DC ADAMS ENGINEERING, Inc

**Location/Date:** LIONS GATE ATHLETIC CLUB / 9/9/2013

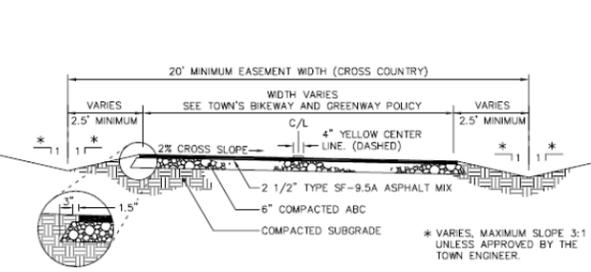
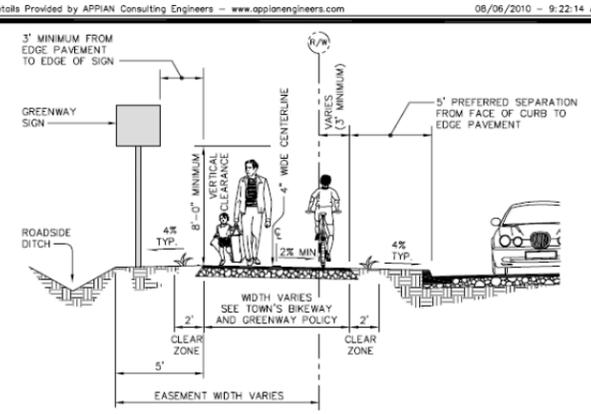
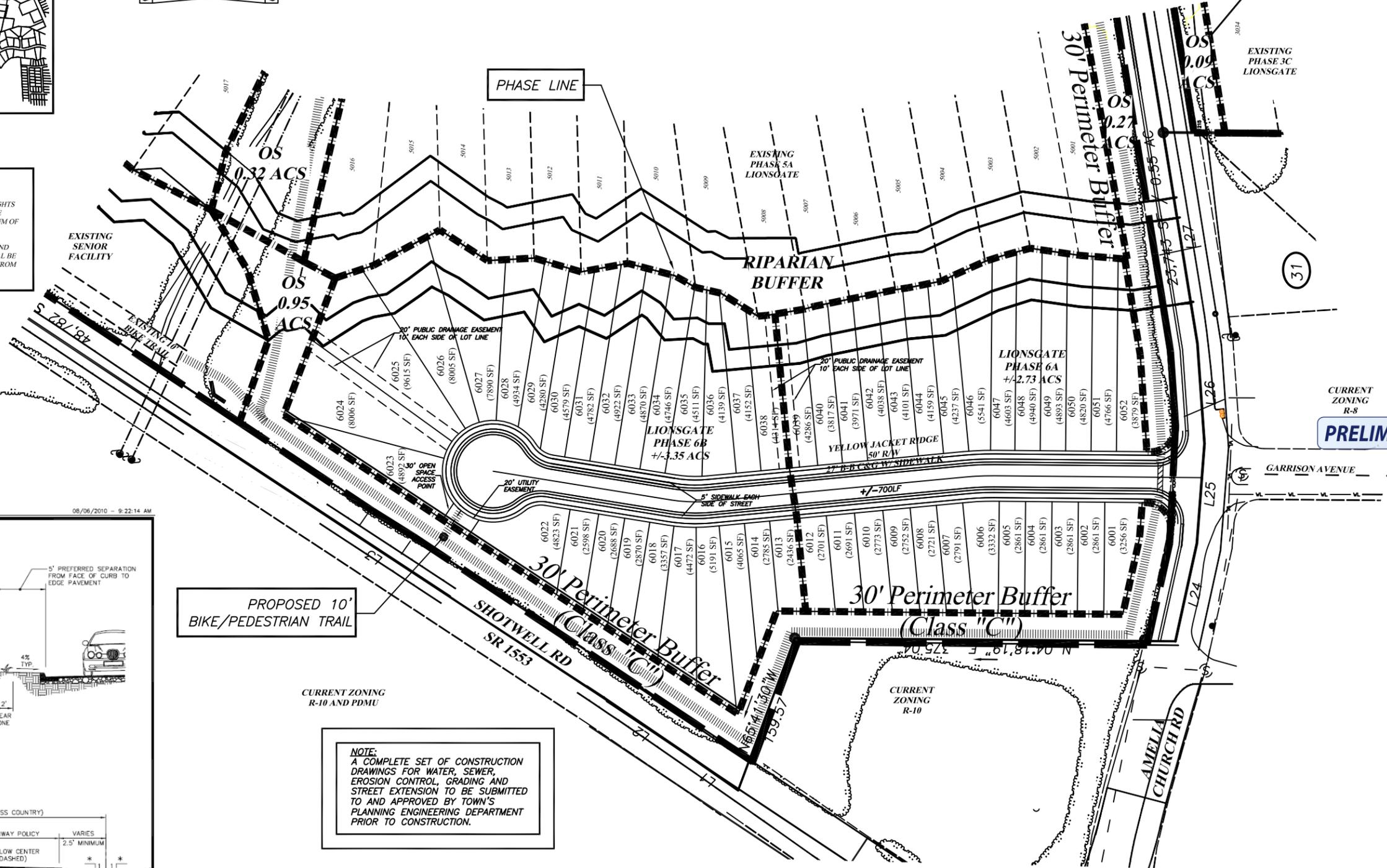
PARCEL NUMBER	NAME	ADDRESS
	ROY WHITE	84 PLOTT HOUND PR.
	Melissa Papadopoulos	-
	SUZANNE ANDERSON	115 GRACIE LN
	Terry Burroughs	85 Scuppernon Way
	Russ DEAN	801 GARRISON
	Ann DEAN	801 GARRISON
	Wonne Schaberg	117 Tuscarora Lane
	CHRIS GAMBINO	171 TUSCARORA LANE
	Justin Griffiths	179 Tuscarora Lane
	Emily Beddingfield	Town of Clayton
	Reid Smith	1117 Pritchard Rd
	Fred Smith	460 Renewables Dr
	Jeanne Robey	803 Garrison Ave
	Evan Caltrider	207 Tuscarora Ln
	AMELY SPASON	71 TUSCARORA LN



**STREET YARD TREES**

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

- SITE INFORMATION**
- OWNER: LIONSGATE VILLAGE, LLC  
400 RIVERWOOD DR.  
CLAYTON, NC 27520
  - PARCEL #: 165918-32-6389
  - TAX #: 05G02010B
  - TOTAL SITE ACREAGE = 6.82 ACS
  - THE RIPARIAN BUFFER IN THESE PHASES DOES NOT MEET THE DEFINITION OF A RESOURCE CONSERVATION AREA AS DESCRIBED IN SECTION 155.550 OF THE UDC.
  - THE RIPARIAN BUFFER IS SUBJECT TO THE NEUSE RIVER RIPARIAN BUFFER RULES.
  - CURRENT ZONING: PDD-MU
  - PROPOSED LOTS = 52
  - ALL OPEN SPACE TO BE MAINTAINED BY LIONSGATE HOA.
  - THE DEVELOPER WILL BE RESPONSIBLE FOR THE REPLACEMENT OF ANY DAMAGED TREES WITHIN ANY LAND USE BUFFER.
  - TOTAL PROPOSED IMPERVIOUS AREA = 168,195 SF (57%).



**NOTES:**

- See detail 401.01 for road way construction / dimensions.
- Subgrade must be compacted enough to hold up the paving operation.

TOWN of CLAYTON  
TYPICAL BIKEWAY / GREENWAY PAVEMENT SECTION

PROPOSED 10' BIKE/PEDESTRIAN TRAIL

CURRENT ZONING R-10 AND PDMU

**NOTE:**  
A COMPLETE SET OF CONSTRUCTION DRAWINGS FOR WATER, SEWER, EROSION CONTROL, GRADING AND STREET EXTENSION TO BE SUBMITTED TO AND APPROVED BY TOWN'S PLANNING ENGINEERING DEPARTMENT PRIOR TO CONSTRUCTION.

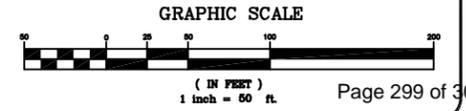
**LOT STANDARDS TABLE**

PHASE	UNIT TYPE	AREA (ACS)	# OF UNITS	MIN. LOT WIDTH (FT)	MIN. LOT DEPTH (FT)	MAX. IMPERVIOUS AREA PER LOT	SETBACKS				MIN. BLDG. SEPARATI	MAX. BLDG. HEIGHT
							FRONT (FT)	SIDE (FT)	REAR (FT)	STREET SIDE (FT)		
6A	TOWNHOMES	2.73	26	15	75	2350	12	0	5	8	10	40
6B	TOWNHOMES	3.35	26	15	75	2350	12	0	5	8	10	40
<b>TOTALS</b>		<b>6.08</b>	<b>52</b>									

\*\*MAX. IMPERVIOUS AREA PER LOT EXCLUDES STREET, SIDEWALK AND ALLEYS

**LEGEND**

BIKE TRAILS (CONCRETE/ASPHALT)



**PRELIMINARY RESULTS**

**TOWN OF CLAYTON  
SUBDIVISION APPLICATION  
EVALUATION FORM**

Application Number: SUB 2013-57

The Town Council shall decide the matter of Subdivision Application Number SUB 2013-57 by motion and vote on each of the following four findings of fact. Any motion to find against the application must be supported by statement of specific reasons or conclusions reached in support of the motion.

**Finding One of Four:**

Circle One

- A. Based on the evidence and testimony presented it is the finding of the Council that the subdivision, if approved, will meet all required specifications and will conform to the Town Unified Development Ordinance. (Applicant meets the criteria for approval).
  
- B. Based on the evidence and testimony presented it is the finding of the Council that the subdivision, if approved, will meet all required specifications and will conform to the Town Unified Development Ordinance: (Applicant meets the criteria for approval upon acceptance of the noted conditions.)

---

---

---

---

- C. Based on the evidence and testimony presented it is the finding of the Council that the subdivision, if approved, will not meet all required specifications and/or will not conform to the Town Unified Development Ordinance for the following stated reasons: (Applicant fails to meet the criteria for approval.)

---

---

---

---

**Finding Two of Four:**

**Circle One**

- A. Based on the evidence and testimony presented it is the finding of the Council that the subdivision, if approved, 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. (Applicant meets the criteria necessary for approval.)
  
- B. Based on the evidence and testimony presented it is the finding of the Council that the subdivision, if approved, 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 upon compliance with the following stated conditions: (Applicant meets the criteria necessary for approval upon acceptance of the noted conditions.)

---

---

---

---

- C. Based on the evidence and testimony presented it is the finding of the Council that the subdivision, will be detrimental to the use or orderly development of other properties in the surrounding area and/or will violate the character of existing standards for development of properties in the surrounding area for the following stated reasons: (Applicant fails to meet the criteria necessary for approval.)

---

---

---

---

**Finding Three of Four:**

**Circle One**

- A. Based on the evidence and testimony presented it is the finding of the Council that the subdivision design, if approved, 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. (Applicant meets the criteria necessary for approval.)
  
- B. Based on the evidence and testimony presented it is the finding of the Council that the subdivision design, if approved, 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 upon compliance with the following stated conditions: (Applicant meets the criteria necessary for approval upon acceptance of the noted conditions.)

---

---

---

---

- C. Based on the evidence and testimony presented it is the finding of the Council that the subdivision design, if approved, will not provide for the distribution of traffic in a manner that will avoid or mitigate congestion within the immediate area, will not provide for the unified and orderly use of or extension of public infrastructure, and/or will materially endanger the environment, public health, safety, or the general welfare for the following reasons. (Applicant fails to meet the criteria for approval.)

---

---

---

---

**Finding Four of Four:**

**Circle One**

- A. Based on the evidence and testimony presented it is the finding of the Council that the subdivision, if approved, 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. (Applicant meets the criteria necessary for approval.)
  
- B. Based on the evidence and testimony presented it is the finding of the Council that the subdivision, if approved, 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 upon compliance with the following stated conditions: (Applicant meets the criteria necessary for approval upon acceptance of the noted conditions.)

---

---

---

---

- C. Based on the evidence and testimony presented it is the finding of the Council that the subdivision, if approved, will adversely affect the general plans for the orderly growth and development of the town and/or is not consistent with the planning policies adopted by the Town Council for the following stated reasons: (Applicant fails to meet the criteria necessary for approval.)

---

---

---

---

Once all findings have been decided one of the two following motions must be made:

**Motion to Approve:** Based upon satisfactory compliance with the above four stated findings and fully contingent upon acceptance and compliance with all conditions as previously noted herein and with full incorporation of all statements and agreements entered into the record by the testimony of the applicant and applicant's representative I move to approve Subdivision Application # \_\_\_\_\_.

**Motion to Deny:** Based upon failure to meet all of the above four stated findings and for reasons stated therein, I move to deny Subdivision Application # \_\_\_\_\_.

**Record of Decision:**

Based on a motion and majority vote of the Clayton Town Council Subdivision Application Number SUB 2013-57 is hereby:

\_\_\_\_\_ approved upon acceptance and conformity with all stated conditions; or,

\_\_\_\_\_ denied for the noted reasons.

Decision made this \_\_\_\_\_ day of \_\_\_\_\_ 2013, while in regular session.

\_\_\_\_\_  
Jody L. McLeod,  
Mayor

**ATTEST:**

\_\_\_\_\_  
Sherry L. Scoggins, MMC  
Town Clerk

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

Agenda Item: 9c

Meeting Date: 11/18/13

TITLE: TOWN CLERK

DESCRIPTION: Calendar of Events

- Council Mtg – Monday, November 18, 2013 @ 6:30 PM
- Board of Adjustment Mtg – Wednesday, November 20, 2013 @ 6 PM
- Fire Advisory Board Mtg – Thursday, November 21, 2013 @ 7:30 PM at Fire Station 1, 325 West Horne Street
- The Clayton Center presents: Barbara Bailey Hutchison – Saturday, November 23, 2013 @ 8 PM
- Planning Board Mtg – Monday, November 25, 2013 @ 6:00 PM
- Thanksgiving Holiday – Thursday, November 28, 2013 & Friday, November 29, 2013
- Council Mtg (Organizational Mtg) – Monday, December 2, 2013 @ 6:30 PM
- Christmas Village & Tree Lighting Event – Thursday, December 5, 2013 from 6 PM to 8:30 PM
- The Clayton Center Palladian Series: It's a Wonderful Life (Live from WVL Radio Theatre) – Saturday, December 7, 2013 @ 8 PM
- Downtown Development Association Mtg – Monday, December 9, 2013 @ 6:30 PM at Clayton Town Hall, Room GS 223
- Parks & Recreation Santa's Workshop – hosted at the Clayton Community Center on Saturday, December 14, 2013 from 10 AM to 12 noon [two canned goods per child]
- Clayton Christmas Parade (<http://business.claytonchamber.com/Events/details/the-clayton-christmas-parade-12-14-2013-336>) – Saturday, December 14, 2013 @ 3 PM
- The Clayton Center Palladian Series: The Tar River Swing Band (Holiday Favorites) – Saturday, December 14, 2013 @ 8 PM
- Council Mtg – Monday, December 16, 2013 @ 6:30 PM
- Board of Adjustment Mtg – Wednesday, December 18, 2013 @ 6 PM
- Planning Board Mtg – Monday, December 23, 2013 @ 6:00 PM
- Christmas Holiday – Tuesday, December 24, 2013; Wednesday, December 25, 2013; & Thursday, December 26, 2013
- The Clayton Center Palladian Series: Junior Brown – Saturday, January 25, 2014 @ 8 PM
- The Clayton Center Palladian Series: The Hot Club of San Francisco (Meet Me in Paris) – Friday, February 14, 2014 @ 8 PM
- Cooper Elementary PTA Run for the Rockets community event – Saturday, March 8, 2014 from 9 AM to 12 noon

- Spring Forward: 2014 Daylight Saving Time begins – Sunday, March 9, 2014, at 2 AM
- The Clayton Center Palladian Series: The Celtic Tenors – Saturday, March 15, 2014 @ 8 PM
- The Clayton Center presents: Schoolhouse Rock Live! – Saturday, April 5, 2013 @ 3 PM
- The Clayton Center Palladian Series: James Gregory (The Funniest Man in America!) – Friday, April 11, 2014 @ 8 PM
- NCLM Town Hall Day – June 4, 2014
- NCLM Annual Conference – October 12-14, 2014; Greensboro, NC
- Fall Back: 2014 Daylight Saving Time ends – Sunday, November 2, 2014, at 2 AM

Date:  
11-18-13

Action:  
N/A

Info. Provided:  
Calendar of Events