

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**

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## **TOWN COUNCIL MEETING**

**NOVEMBER 3, 2014**

### **AGENDA**

#### **MAYOR AND TOWN COUNCIL**

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

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

#### **TOWN STAFF**

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

AGENDA  
THE REGULAR MEETING OF THE CLAYTON TOWN COUNCIL

MONDAY, NOVEMBER 3, 2014  
6:30 PM

THE CLAYTON CENTER  
COUNCIL CHAMBERS

1. CALL TO ORDER

Pledge of Allegiance & Invocation – Mayor Jody L. McLeod

2. ADJUSTMENT OF THE AGENDA

3. CONSENT AGENDA

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

- a. Resolution No. 2014-11-01 Adopting the 2015 Town of Clayton Holiday Schedule.
- b. Resolution No. 2014-11-02 Adopting the 2015 Town Council Meeting Schedule.
- c. Adoption of Resolution No. 2014-11-03 directing the clerk to review sufficiency of Petition for Annexation (2014-10-01) of property on Powhatan and Glen Laurel Roads.
- d. Adoption of Resolution No. 2014-11-04 Supporting Geographic Information Systems (GIS) Awareness Day.
- e. Warranty and dedication acceptances for Cobblestone Phase 11.
- f. Warranty and dedication acceptances for LionsGate Phases 3A & 3G.
- g. Draft Minutes from October 20, 2014 Town Council Meeting.

4. INTRODUCTIONS AND SPECIAL PRESENTATIONS

- a. Update from Yvonne Futterer regarding Universal Playground Project at East Clayton Community Park.

5. PUBLIC HEARINGS

- a. Public Hearing – Rezoning (RZ2014-116) of 0.13 acres located at 443 E. Second Street from Neighborhood Business (B-2) to Central Business (B-1).

6. OLD BUSINESS

7. NEW BUSINESS

8. STAFF REPORTS

- a. Town Manager
- b. Town Attorney

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

9. OTHER BUSINESS

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

10. ADJOURNMENT

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

Agenda Item: 3a

Meeting Date: November 3, 2014

TITLE: 2015 Town of Clayton Holiday Schedule

DESCRIPTION: Resolution

RELATED GOAL: Administrative

*ITEM SUMMARY:*

<b><u>Date:</u></b>	<b><u>Requested Action:</u></b>	<b><u>Info. Provided:</u></b>
October 20, 2014	Review	Schedule
November 3, 2014	Approval	Resolution

**TOWN OF CLAYTON  
RESOLUTION - 2015 HOLIDAY SCHEDULE**

**WHEREAS**, it is the policy of the Town to follow the holiday schedule provided by the State of North Carolina for its employees; and

**WHEREAS**, the below 2015 Holiday Schedule was retrieved from the State of North Carolina website <http://www.osp.state.nc.us/holsched.htm>;

<b>2015 Holiday Schedule</b>		
<b>Holiday</b>	<b>Observance Date</b>	<b>Day of Week</b>
New Year's Day	January 1, 2015	Thursday
Martin Luther King Jr.'s Birthday	January 19, 2015	Monday
Good Friday	April 3, 2015	Friday
Memorial Day	May 25, 2015	Monday
Independence Day	July 3, 2015	Friday
Labor Day	September 7, 2015	Monday
Veteran's Day	November 11, 2015	Wednesday
Thanksgiving	November 26 & 27, 2015	Thursday & Friday
Christmas	December 23, 24 & 25, 2015	Wednesday, Thursday, & Friday

**NOW, THEREFORE, BE IT RESOLVED** that the Town Council of Clayton hereby adopts the 2015 Holiday Schedule as presented.

Duly adopted this 3<sup>rd</sup> day of November 2014, while in regular session.

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

ATTEST:

\_\_\_\_\_  
Kimberly A. Moffett, CMC  
Town Clerk

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

Agenda Item: 3b

Meeting Date: November 3, 2014

TITLE: 2015 Town Council Meeting Schedule

DESCRIPTION: Resolution

RELATED GOAL: Administrative

*ITEM SUMMARY:*

<b><u>Date:</u></b>	<b><u>Requested Action:</u></b>	<b><u>Info. Provided:</u></b>
October 20, 2014	Review	Schedule
November 3, 2014	Approval	Resolution

# **Town of Clayton Town Council – 2015 Meetings**

**January 5, 2015**

**January 20, 2015 *Tuesday***

**February 2, 2015**

**February 16, 2015**

**March 2, 2015**

**March 16, 2015**

**April 6, 2015**

**April 20, 2015**

**May 4, 2015**

**May 18, 2015**

*- NCLM Town Hall Day: Hosted in Raleigh – Date TBA –*

**June 1, 2015**

**June 15, 2015**

**July 20, 2015**

**August 3, 2015**

**August 17, 2015**

**September 8, 2015 *Tuesday***

**September 21, 2015**

**October 5, 2015**

*-NCLM Annual Conference: Hosted in Winston-Salem, October 11-13, 2015-*

**October 19, 2015**

**November 2, 2015**

**TOWN OF CLAYTON  
RESOLUTION – 2015 COUNCIL SCHEDULE**

**WHEREAS**, the Clayton Town Council exists to conduct the business of the citizens; and

**WHEREAS**, the Clayton Town Council meetings are held the first and third Monday of the month at 6:30 PM in the Council Chambers of the Town Hall, unless otherwise noted; and

**WHEREAS**, each meeting of the Clayton Town Council is open to the public, except as provided by NC G.S. 143-318.11; and

**WHEREAS**, the Clayton Town Council may amend the yearly meeting schedule in accordance with NC G.S. 143-318.12:

<b>TOWN OF CLAYTON 2015 CALENDAR TOWN COUNCIL MEETINGS</b>
<b>January 5, 2015 &amp; January 20, 2015 (Tuesday)</b>
<b>February 2, 2015 &amp; February 16, 2015</b>
<b>March 2, 2015 &amp; March 16, 2015</b>
<b>April 6, 2015 &amp; April 20, 2015</b>
<b>May 4, 2015 &amp; May 18, 2015</b>
<b>June 1, 2015 &amp; June 15, 2015</b>
<b>July 20, 2015</b>
<b>August 3, 2015 &amp; August 17, 2015</b>
<b>September 8, 2015 (Tuesday) &amp; September 21, 2015</b>
<b>October 5, 2014 &amp; October 19, 2015</b> --NCLM Annual Conference – October 11-13, 2015: Winston Salem, NC --
<b>November 2, 2015 &amp; November 16, 2015</b>
<b>December 7, 2015 &amp; December 21, 2015</b>

**NOW THEREFORE, BE IT RESOLVED** that the Town Council of Clayton hereby adopts the 2015 Clayton Town Council Schedule as presented.

Duly adopted this 3<sup>rd</sup> day of November 2014 while in regular session.

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

ATTEST:

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Kimberly A. Moffett, CMC  
Town Clerk

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

Agenda Item: 3c

Meeting Date: November 3, 2014

TITLE: Direct Clerk to Review Sufficiency of Petition for Annexation 2014-10-01

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

RELATED GOAL: Administrative

*ITEM SUMMARY:*

<b><u>Date:</u></b>	<b><u>Requested Action:</u></b>	<b><u>Info. Provided:</u></b>
October 20, 2014	Staff Presentation	Petition
November 3, 2014	Approval	Resolution

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

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

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

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

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

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

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

Duly adopted this 3<sup>rd</sup> day of November 2014, while in regular session.

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Jody L. McLeod,  
Mayor

ATTEST:

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Kimberly Moffett, CMC  
Town Clerk

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

Agenda Item: 3d

Meeting Date: November 3, 2014

TITLE: Resolution Supporting Geographic Information Systems (GIS) Awareness Day –  
November 19, 2014

DESCRIPTION: Resolution

RELATED GOAL: Administrative

*ITEM SUMMARY:*

<b><u>Date:</u></b>	<b><u>Requested Action:</u></b>	<b><u>Info. Provided:</u></b>
October 20, 2014	Discussion	Resolution
November 3, 2014	Approval	Resolution

# TOWN OF CLAYTON

## National Geographic Information Systems Day November 19, 2014

WHEREAS, the Town of Clayton is a unique town with a diverse ethnic population and industry that play leading roles in international business; and

WHEREAS, it is essential that our citizens have a sound appreciation of basic geographical facts and principles so that they can better appreciate our heritage, the founding of our country and our interconnected, interdependent world; and

WHEREAS, there is no greater waste than the under-use of children's ability to learn and explore; and

WHEREAS, subjects like geography can be taught in ways that promote curiosity and help young people stretch their minds and engage their imaginations as they view maps and globes and all the many frontiers and horizons they chart; and

WHEREAS, geospatial technology and geographic information systems, or GIS, are used daily by Town of Clayton staff; and

WHEREAS, the Town of Clayton is committed with the help of geographic technology company Esri to expand GIS programs to the staff and citizens so they can navigate, interact with and improve our Town and their lives; and

WHEREAS; Geographic Awareness Week, organized by National Geographic, is November 16-22 and the first formal GIS Day took place in 1999;

NOW, THEREFORE, the Honorable Mayor Jody McLeod and Town Council do hereby proclaim Wednesday, November 19, 2014, be recognized as

### GIS DAY

in the Town of Clayton, North Carolina and urge all citizens to participate in GIS Day activities found on [www.gisday.com](http://www.gisday.com) or simply pick up a map and explore!

Duly proclaimed by the Honorable Mayor Jody McLeod and Town of Clayton Council this 3rd day of November 2014, while in session.

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Jody L. McLeod  
Mayor

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

Agenda Item: 3e

Meeting Date: November 3, 2014

TITLE: Warranty and Dedication Acceptances

DESCRIPTION: Cobblestone Phase 11

RELATED GOAL: Administrative

*ITEM SUMMARY:*

<b><u>Date:</u></b>	<b><u>Requested Action:</u></b>	<b><u>Info. Provided:</u></b>
October 20, 2014	Review	Memos from Inspector
November 3, 2014	Approval	Memos from Inspector

# TOWN OF CLAYTON OPERATIONS CENTER

"SERVICE"

ELECTRIC SERVICE  
(919) 553-1530

VEHICLE MAINTENANCE  
(919) 553-1530



"ENVIRONMENT"

PUBLIC WORKS  
(919) 553-1530

WATER RECLAMATION  
(919) 553-1535

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## MEMORANDUM

To: Nancy Medlin, Interim Town Clerk & Deputy Town Manager

From: Chris Rowland, Utility Inspector *CR*

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

Date: September 30, 2014

Subject: Cobblestone, Phase 11

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

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

Agenda Item: 3f

Meeting Date: November 3, 2014

TITLE: Warranty and Dedication Acceptances

DESCRIPTION: LionsGate Phases 3A & 3G

RELATED GOAL: Administrative

*ITEM SUMMARY:*

<b><u>Date:</u></b>	<b><u>Requested Action:</u></b>	<b><u>Info. Provided:</u></b>
October 20, 2014	Review	Memos from Inspector
November 3, 2014	Approval	Memos from Inspector

# TOWN OF CLAYTON OPERATIONS CENTER

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"ENVIRONMENT"

PUBLIC WORKS  
(919) 553-1530

WATER RECLAMATION  
(919) 553-1535

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## MEMORANDUM

To: Nancy Medlin, Interim Town Clerk & Deputy Town Manager

From: Chris Rowland, Utility Inspector 

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

Date: September 29, 2014

Re: LionsGate Subdivision, Phase 3A & 3G

The referenced asphalt pavement has been installed. Please schedule Council action for the acceptance of this work, subject to a one-year warranty period. Upon expiration of the warranty period, pavement and base course condition will be evaluated and any identified faults corrected prior to final acceptance.

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

Agenda Item: 3g

Meeting Date: November 3, 2014

TITLE: Draft Minutes from the October 20, 2014 Town Council Meeting

DESCRIPTION: Draft Minutes

RELATED GOAL: Administrative

*ITEM SUMMARY:*

**Date:**

November 3, 2014

**Requested Action:**

Approval/Adoption

**Info. Provided:**

Draft Minutes

Minutes  
Clayton Town Council Meeting  
Clayton Town Hall  
Monday – October 20, 2014 – 6:30 PM

The second regular meeting of the Clayton Town Council for the month of October was held on Monday, October 20 2014 in the Council Chambers.

*Present:* Mayor Jody L. McLeod, Mayor Pro Tem Michael Grannis, Council Member Bob Satterfield, and Council Member Art Holder.

*Absent:* Council Member R.S. “Butch” Lawter Jr., and Council Member Jason Thompson.

*Also Present:* Steve Biggs, Town Manager; Stacie Schwedler, Town Attorney; Nancy Medlin, Deputy Town Manager; David DeYoung, Planning Director; Tim Simpson, Public Works & Utilities Director; Robert McKie, Finance Director; Stacy Beard, Public Information Officer; Ann Game, Customer Service Supervisor; Bruce Naegelen, Downtown Development Coordinator; Kimberly Moffett, Town Clerk and Tommy Roy, Information Services Technician.

1. CALL TO ORDER

Mayor McLeod called the meeting to order at 6:43 PM. Mayor McLeod led the Pledge of Allegiance as well as offering the Invocation.

2. ADJUSTMENT OF THE AGENDA

Mr. Biggs requested that an item be added to the agenda as Item #8A. This item relates to the 2014 Clayton Christmas Parade Special Event Form and requested road closures.

Action: Motion to suspend the rules in order to take necessary action(s).

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

3. ACTION AGENDA

- a. Draft minutes from the October 6, 2014 meeting
- b. Draft minutes from the September 15, 2014 Closed Session.

Action: Approve Action Agenda as presented.

Motion: Council Member Holder

Second: Council Member Satterfield

Vote: Unanimous

#### 4. INTRODUCTION AND SPECIAL PRESENTATIONS

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

No introductions took place.

- b. Presentation by Mr. Tim Tunis, CFO of ElectriCities, recognizing Clayton Public Power with an Excellence in Financial Stability Award.

Ms. Ann Game introduced Mr. Tunis, who the Chief Financial Officer for ElectriCities. Mr. Tunis thanked Ms. Ann Game, Ms. Stacy Beard and Ms. Stephanie Lanzolla for all their dedication and assistance during the application process. Mr. Tunis stated the Town of Clayton was to be commended for the outstanding job in the areas of financial stability, billing process, customer service, customer education programs and customer assistance programs. He stated all these areas help improve the level of efficiency for both the Town of Clayton as well as the citizens. Mr. Tunis stated based on the application and submitted practices it was very clear that focus is on customer service.

Mr. Tunis again thanked Ms. Game and her staff for the outstanding efforts and dedication to their customers. He stated the following was quoted directly from Ms. Game; "With all these many measures in place, we hope our customers feel valued and know that we are here to help them no matter the situation". Mr. Tunis further stated this quote speaks volumes and he would be hard pressed to better describe the essence of Public Power.

Mr. Tunis presented the Excellence in Financial Stability Award to Ms. Game and Mayor McLeod.

#### 5. PUBLIC HEARINGS

- a. Evidentiary Hearing on SUP 2014-85, to review an application submitted by RNC Entertainment for an Internet Sweepstakes Operation.

Mr. David DeYoung, Planning Director, stated that the applicant was not present this evening.

Mayor Pro Tem Grannis asked Counsel if it was appropriate to move forward with this particular application considering the absence of the applicant and if it were, he would like to continue with the Public Hearing.

Counsel stated that she believed it was appropriate to move forward as the applicant had been noticed. Also, Council could consider the evidence in the application as well as considering any evidence presented this evening.

Mayor McLeod opened the Public Hearing at 6:52 PM.

Mayor McLeod stated anyone wishing to offer testimony should step forward and be sworn in by the Town Clerk.

David DeYoung, Planning Director, James Crayton, Johnston County District Attorney Investigator and Johnston County Assistant District Attorney Keith Gordon were sworn in.

Mr. DeYoung stated this is Special Use Permit 2014-85 submitted by RNC Entertainment for an Internet Sweepstakes Café located at 12809 US Highway 70 Business Highway West, which is the former Blockbuster in the Walmart Shopping Center. Typically this type of use is a Conditional Use; however, it is located in a Special Use District which pushes it to the Special Use Permit. This was associated with Site Plan 02-27, which was originally approved for Radio Shack and Blockbuster. The Walmart Plaza, in its entirety, was approved under Special Use Permit.

The zoning of the site is B-3-S, which is Highway Business Special Use. The site is 1.82 acres in size. Business space is 5,664 square feet. Applicant is not proposing any site improvements. There is adequate parking available to support the use.

In terms of code requirements, our current code does allow internet cafes/sweepstakes facilities and has specific requirements. These requirements are as follows:

- Persons under the age of 18 are prohibited from entering the premises.
- Hours of operation are limited to Sunday through Thursday, 9:00 AM to 1:00 AM and Friday and Saturday 9:00 AM to 2:00 AM.

The applicant has requested 80 machines. It was noted the Johnston County District Attorney's Office has deemed existing sweepstakes/gaming facilities illegal with requirements to shut down no later than November 1, 2014. Mr. DeYoung stated two members of the Johnston County District Attorney's office were present to answer any questions regarding that process.

Mr. DeYoung provided a Power Point presentation showing the applicant's layout of the machines. Video displays would be placed along the perimeter walls and a special VIP room in the middle right hand side of the plan.

The proposed development is generally consistent with our Strategic Growth Plan and consistent with UDO if approved as a Special Use Permit. The surrounding land use is all commercial usage. The applicant did hold a required meeting on July 18, 2014.

It is staff recommendation that if Council reaches a positive conclusion on the Required Findings of Fact that the Special Use Permit be subject to the recommended conditions.

Mayor McLeod asked Council if there were any questions or comments.

Council Member Satterfield asked about a letter from Susan Doyle's, Johnston County District Attorney's Office. A copy of this letter was provided to all Council Members.

Mayor Pro Tem Grannis had a couple of questions for staff. With regard to Attachment "A", Findings of Fact as to SUP 2014-85, there were answers to questions pertaining to the Findings of Fact and was signed by the applicant. Mayor Pro Tem Grannis stated he realized this may be a tough question to answer, but in the experience and professional opinion of staff, would staff consider the person who signed the document to be an expert witness qualified to answer all of these questions referring to Findings of Fact.

Mr. DeYoung stated the person who signed the document is the operator of these facilities, whether or not he can address the specifics as an expert as to whether the machines used are legal or not, is probably best answered by the person who runs and certifies the machines.

Mayor Pro Tem Grannis asked if that would be conclusive for all four questions that appear on the Findings of Fact documentation.

Mr. DeYoung stated he thought it was up to the Council's interpretation as to whether or not the Findings of Facts were adequately addressed and some of those Findings of Facts are a bit more general and certainly could be answered by a business owner.

Council Member Satterfield stated he personally believed that the letter from the District Attorney's Office stated this business will be illegal and he was ready to make a motion to deny the Special Use Permit.

Mayor Pro Tem Grannis asked Counsel for clarity regarding a paragraph in the letter from the District Attorney's Office. It is the second paragraph that states "Johnston County Law Enforcement Officials have obtained evidence that your business is currently operating in violation of North Carolina General Statute §14-306.4 and is therefore subject to enforcement action under this statute."

Mayor Pro Tem Grannis stated it was his understanding that this business is not currently in operation. He asked Counsel for opinion regarding the motion on the floor being adverse to the statement in this letter.

Counsel stated she interpreted the letter to mean that Johnston County has made a determination about existing businesses and that it will move forward with enforcement actions in the future. This does not apply to this applicant because the business is not currently in operation. Of course, Johnston County can choose to send a similar letter should the business become operational and determined that it did violate or tended to violate the laws. This was not technically before the Council this evening because it is not currently in operation. Counsel stated she would direct Council back to the four Findings of Facts to make a determination if the applicant had met their burden.

Mayor Pro Tem Grannis indicated he would like to modify the motion and Council Member Satterfield asked that he do so.

With respect to Special Use Permit 2014-85;

Finding One:

There is reason to believe that this operation could 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:

*Most notably we have had no expert testimony to substantiate the applicants' statements.*

Finding Two:

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, Unified Development Ordinance or other applicable regulations in the following ways or for the following reasons:

*Again, most notably we have not had any expert testimony to substantiate such and based on that fact it is believed this particular specification is not meeting the requirement.*

Finding Three:

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:

*Again, the statements that the applicant has made are to the best I can tell not being made by expert testimony and for these three reasons I move that we decline this application.*

Action: Decline Special Use Permit Applicant 2014-85

Motion: Mayor Pro Tem Grannis

Second: Council Member Satterfield

Vote: Unanimous

6. ITEMS SCHEDULED FOR THE REGULAR MEETING AGENDA

a. Presentation of Resolution for 2015 Town Holiday Schedule

Mr. Biggs presented the proposed 2015 Holiday Schedule. This item will be placed on November 3, 2014 Consent Agenda.

b. Presentation of Resolution for the 2015 Town Council Meeting Schedule.

Mr. Biggs presented the schedule for the 2015 Town Council meeting schedule.

Action: Remove the July 6, 2015 meeting from the schedule and hold only one meeting for the month of July.

Motion: Council Member Satterfield

Second: Mayor Pro Tem Grannis

Vote: 2 – 1 (Yes: Satterfield & Grannis No: Holder)

Mr. Biggs stated the schedule will be revised to reflect the change and will be placed on the November 3, 2014 Consent Agenda.

c. Schedule Public Hearing for RZ2014-116 located at 443 E. Second Street

Mr. DeYoung stated the applicant is requesting the rezoning of a .13 acre parcel from B-2 (Neighborhood Business) to B-1 (Central Business). The site is currently vacant. The primary reason for rezoning request has to do with required building setbacks. The B-2 setbacks would not permit the building to be brought up closer to the street, which would be consistent with existing buildings to the west, nor would it permit the building to be constructed to connect to the existing building the west. Thus, the current zoning district is prohibiting the site from being developed in a way that is consistent with immediately adjacent properties. The B-1 district does permit a greater building height.

Staff supports consistency in building construction and placement and there is in support of this request.

The rezoning would allow the site to be developed in a way that is more consistent with the construction of lots immediately adjacent to the west, bringing the building closer to the sidewalk and allowing the possibility of a connection to the building to the west. Staff believes the B-1 zoning would allow a development that is more appropriate for this site.

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

- 1.4 More Investment Dollars Downtown by Private Sector
- 2.1: Balanced Development – Old & New
- 3.6 Encourage Redevelopment of Deteriorated Areas (encouragement of in-fill development)

The requested rezoning is not consistent with the Strategic Growth Plan, which identifies the property as Residential-Medium. However, staff feels the application of

this residential Proposed Land Use Category is not appropriate for properties on this block fronting E. Second Street, as all properties are commercial in use and staff would argue should continue to be as Clayton's downtown continues to develop. For this reason, despite the inconsistency with the Proposed Land Use Map, staff supports the rezoning.

With regard to consistency with the Downtown Master Plan which encourages construction of commercial buildings be placed closer the street, because the B-1 zoning district supports a reduced front building setback, staff feels the rezoning would place the lot in closer compliance with the goals of the Downtown Master Plan.

Staff recommends approval of the rezoning.

Planning Board recommended approval of the rezoning with a count of 9-0.

Mayor Pro Tem Grannis asked if any residents attended the required neighborhood meeting. Based on the attendance sheet for said meeting, residents did attend the meeting held on September 4, 2014.

A Public Hearing, will be held at November 3, 2014 Town Council meeting.

- d. Adoption of Resolution instructing the Town Clerk to review the sufficiency of Petition for Annexation of property on Powhatan and Glen Laurel Roads.  
Annexation Petition Number: 2014-10-1

Adoption of Resolution will be placed on November 3, 2014 Consent Agenda.

## 7. ITEMS CONTINGENT FOR THE REGULAR MEETING

- a. Review and approval of budget amendments

Two budget amendments were proposed. The first, a General Fund amendment, would allocate funds that would otherwise be restricted for special purposes dues to the source. Use of these funds would not have an impact on available fund balance. The second is an amendment to the Electric Fund that would allocate carryover funding in the Electric Fund for completion of the AMR project due to spanning multiple fiscal years.

Council Member Satterfield asked for clarification regarding the addition of \$950 in the travel budget. It was explained this would be for Cultural Arts staff and showcase opportunities.

Action: Approve both budget amendments as proposed.

Motion: Council Member Holder

Second: Council Member Satterfield

Vote: Unanimous

b. Adoption of Resolution Supporting Geographic Information Systems (GIS) Awareness Day

This item will be placed on the November 3, 2014 Consent Agenda.

c. Warranty and Dedication Acceptances

1. Cobblestone Phase 11
2. LionsGate Phases 3A&3G

These items will be placed on the November 3, 2014 Consent Agenda.

## 8. ITEMS FOR DISCUSSION

a. Street Closure Request for the 2014 Clayton Christmas Parade.

Bruce Naegelen, Downtown Development Coordinator, presented a request for street closures with regard to the 2014 Clayton Christmas Parade, which is scheduled for Saturday, December 13, 2014 from 3:00 until 5:00 PM.

The parade goes up Main Street from Smith Street to Robertson Street and is anticipated that approximately 10,000 people will be in attendance. This event is organized by the Clayton Chamber of Commerce.

Mr. Naegelen presented a Power Point indicating the layout of the parade route. It requested to close Main Street from US 70 Business to Robertson Street on Saturday, December 13, 2014 from 12:00 PM until 6:00 PM. and also close South Robertson Street from just above the driveways of both Walgreens and Rite Aid to Main Street from 3:00 PM until 6:00 PM. The closure of South Robertson from 3:00 – 6:00 PM would allow for traffic to exit the area.

Mayor Pro Tem Grannis asked if there were any changes with regard to closure times from previous years and street closure times.

Mr. Naegelen stated the closure times were historically the same.

Action: Approval of street closures as presented.

Motion: Council Member Holder

Second: Mayor Pro Tem Grannis

Vote: Unanimous

## 9. OLD BUSINESS

None

## 10. STAFF REPORTS

### a. Town Manager

1. Mr. Biggs reported receiving request from citizen with regard to “No Left Turn” signage being installed on Athletic Club Drive. This request was made to help lessen the dangers and congestion during both the morning and afternoon drop-off and pick-ups at the two Riverwood schools. Mr. Biggs indicated this is a complex issue and suggested the best solution might be to contract with a traffic engineer for study and recommendations to help resolve the problem. The future planned installation of a traffic light at the intersection of Pritchard and Athletic Club Drive was also discussed and agreed that the traffic engineer would also take that information into account. Town Council indicated their support.
2. Mr. Biggs provided an update regarding a previous citizen request/concern with regarding to parking/congestion/littering issues by the high school. The Police Department was asked to give attention to that situation, which they have done. The citizen has advised an improvement to these issues.
3. Mr. Biggs provided an overview of Quarterly Reports, to include Expenditures, Revenues and Sales/Use Tax Revenue Reports. Mr. Biggs reports to date everything looks very favorable. He further reports the Town is doing quite well with regard to revenues thanks to conservation budgeting in expectation of revenue changes related to state legislation as well as to change of status with regard to sweepstakes parlors. The Town feels very positive that 46% of budgeted community development permits and fees have already been collected. Mr. Biggs stated that cross the board we are on target and he feels quite positive

about revenues. With regard to expenditures, Mr. Biggs reported that we were at par or below the pace of spending in comparison to last year. Noted was the fact that sales tax collection is about \$57,000 ahead of last year at this time. He further stated the sales tax trend is very favorable especially since there is no longer a “state sales tax holiday” this year. Historically, this “holiday” was held in September and caused a dip in sales tax revenue.

b. Town Attorney

None

c. Town Clerk

None.

d. Other Staff

Mayor McLeod welcomed Town Clerk, Kimberly Moffett, to her first Town Council meeting.

## 11. OTHER BUSINESS

a. Public Comment

1. Mr. James Purcell who is a resident of Yale Court, which is in the Cobblestone Subdivision, who serves on the HOA board. He stated the reason for his attending the meeting this evening was to determine how the HOA at Cobblestone could better work with Town of Clayton to help resolve issues within the neighborhood. Mr. Purcell expressed his frustration with reference to unanswered emails to Town Staff with regard issues within the neighborhood. Mr. Yale was assured that Town Staff would be directed to gather additional information. Should there be any action needed by Town Council it would be brought to them. Mr. Purcell was thanked for bringing his concerns to the Town Council.
2. Ms. Diana Tingle, a resident on Sarazen Drive, which is in the Riverwood Subdivision addressed the Council to share her concerns regarding the traffic dangers by the schools in Riverwood. She asked for clarification with regard to the process moving forward with a “No Left Turn” sign. She also voiced concerns about the lack of crossing guards. She stated this is currently being done by parents and volunteers. Mr. Biggs advised the usual time frame for an engineering study and report of findings should be approximately 4 – 6 weeks. Mayor McLeod thanked Ms. Tingle for her input and further stated there is a lot of value in bringing in a traffic engineer, even if it takes more than 4-6 weeks, because there is additional growth planned for that area. This is not just how we take care of it now but rather to study and see what the impacts would be to create the best results. Mayor Pro Tem Grannis stated this issue has been brought up to

him by various citizens over the past year and further stated that he know the Police Department has been out on many occasions citing individuals for various violations. He also believes the Police Department was responsible for providing vests to the volunteers. He also added the HOA was contacted, as well as the Board of Education and both schools were contacted. Council Member Holder stated there were severe traffic concerns at West Clayton Elementary School and a newly constructed entrance to the school helped to resolve the issue. He believes the traffic engineer will be able to come back with good recommendations for this issue.

b. Council Comment

None

12. ADJOURNMENT

With there being nothing further, the meeting was adjourned at 7:47 PM

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

Duly adopted by the Clayton Town Council this 3rd day of November 2014, while in regular session.

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Jody L, McLeod  
Mayor

ATTEST:

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Kimberly A. Moffett, CMC  
Town Clerk

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

Agenda Item: 4a

Meeting Date: 11/03/2014

TITLE: Universal Playground Project at East Clayton Community Park Update

DESCRIPTION: Update

RELATED GOAL:

*ITEM SUMMARY:*

Date:

Requested Action:

Info. Provided:

11/3/2014

N/A

None

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

Agenda Item: 5a

Meeting Date: November 3, 2014

TITLE: Public Hearing

DESCRIPTION: Rezoning application for property at 443 East Second Street

RELATED GOAL:

*ITEM SUMMARY:*

**Date:**

**Requested Action:**

**Info. Provided:**

October 20, 2014

Staff Presentation

Application Packet

November 3, 2014

Approval

Application Packet **and**  
Ordinance



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

*Town Council*

## STAFF REPORT

**Application Number:** RZ 2014-116 (Rezoning)  
**Project Name:** Rezoning of 0.13 acres at 443 E Second Street to B-1

**NC PIN / Tag #:** 166917-11-5431 / 05011047  
**Town Limits/ETJ:** Town Limits  
**Overlay:** Downtown Overlay District  
**Applicant:** Battle Moore Robertson  
**Owner:** Battle Moore Robertson

**Neighborhood Meeting:** Held September 4, 2014  
**Public Noticing:** Property posted September 12<sup>th</sup>  
Adjacent Property Notice Letters will be mailed prior to the Council Hearing in accordance with §155.702(D)

**Planning Board Meeting:** September 22, 2014

---

**PROJECT LOCATION:** The property is located at the southwest corner of the intersection of E Second Street and Hardee Street.

---

**REQUEST:** The applicant is requesting approval to rezone 0.13 acres at 443 E Second Street from Neighborhood Business (B-2) to Central Business (B-1).

---

### SITE DATA:

**Acreage:** 0.13 acre  
**Present Zoning:** Neighborhood Business (B-2)  
**Proposed Zoning:** Central Business (B-1)  
**Existing Use:** Vacant

---

### ADJACENT ZONING AND LAND USES:

**North:** Zoning: Central Business (B-1)  
Existing Use: Commercial (Lipscomb's Daycare, Lewis Tire & Auto)

**South:** Zoning: Neighborhood Business (B-2)  
Existing Use: Commercial (Compare Foods grocery store / shopping center)

**East:** Zoning: Office & Institutional (O-I)  
Existing Use: Morning Glory Inn Bed & Breakfast

**West:** Zoning: Neighborhood Business (B-2)  
Existing Use: Commercial (Laundromat)

---

**STAFF ANALYSIS AND COMMENTARY:**

**Overview**

The applicant is requesting approval for rezoning of the subject property from Neighborhood Business (B-2) to Central Business (B-1). The site is currently vacant and includes one parcel totaling 0.13 acres. The site is approximately 54 feet wide and 106 feet deep.

The primary reason for this rezoning has to do with required building setbacks. The building setback and dimensional requirements for each are shown below. Dimensions are for setbacks adjacent to non-residential zoning districts/uses:

Zoning District	Setbacks (min)				Building Standards (max)		
	Street/Front	Side Interior	Side Street	Rear	Bldg Height	Building Coverage	Impervious Surface
B-1	0*	0	0	0	50	100%	100%
B-2	20	10	10	20	35	50%	75%

\*Maximum street/front setback is 10 feet in the B-1 zoning district

The B-2 building setbacks would not permit the building to be brought up closer to the street (which would be consistent with existing buildings to the west), nor would it permit the building to be constructed to connect to the existing building to the west. Thus, the current zoning district is prohibiting the site from being developed in a way that is consistent with immediately adjacent properties. The B-1 district does permit a greater building height.

Staff supports consistency in building construction and placement, and as such is in support of this request.

Further, on an infill lot this small it could be difficult to fit both a commercial building and parking lot on the site. The B-1 zoning parking requirements are quite flexible and account for the fact that there is ample street parking, providing greater flexibility in site design and construction.

**Compatibility with Surrounding Land Uses**

The permitted uses in both the B-2 and B-1 zoning districts are provided as an attachment. Generally, uses permitted in the B-1 and B-2 district are quite similar and staff does not feel the differences in permitted uses would reduce compatibility with surrounding properties.

Though the other commercial properties on the south side of E Second Street on this block are zoned B-2, properties immediately across the street are zoned B-1. Further, at least two buildings (Clayton Glass and the

laundromat) are non-conforming structures due to the required building setbacks in the B-2 zoning district (these buildings were likely built prior to the assignment of the B-2 zoning district).

As noted above, the rezoning would allow the site to be developed in a way that is more consistent with the construction of lots immediately adjacent to the west, bringing the building closer to the sidewalk and allowing the possibility of a connection to the building to the west. Staff feels the B-1 zoning would allow a development that is more appropriate for this site.

**Consistency with the Strategic Growth Plan**

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

- 1.4 More Investment Dollars Downtown by Private Sector
- 2.1: Balanced Development: Old & New
- 3.6 Encourage Redevelopment of Deteriorated Areas (encouragement of in-fill development)

The requested rezoning is *not* consistent with the Strategic Growth Plan “Proposed Land Use Map,” which identifies the property as Residential-Medium (see attached map). However, staff feels the application of this residential Proposed Land Use Category is not appropriate for properties on this block fronting E Second Street, as all properties are commercial in use and staff would argue should continue to be as Clayton’s downtown continues to develop. It is for this reason that despite the inconsistency with the Proposed Land Use Map, staff would support the rezoning.

**Consistency with the Downtown Master Plan**

The Downtown Master Plan encourages construction of commercial buildings to be placed closer to the street. Because the B-1 zoning district supports a reduced front building setback, staff feels the rezoning would place the lot in closer compliance with the goals of the Downtown Master Plan.

---

**CONSIDERATIONS:**

- The applicant is requesting a rezoning from B-2 to B-1.
- Rezoning is decided by the Town Council. The Planning Board shall make a written recommendation to the Town Council.
- When adopting or rejecting the rezoning, the Town Council shall approve a statement describing whether its action is consistent with an adopted plans and policies of the town and explaining why the board considers the action taken to be reasonable and in the public interest.

---

**STAFF RECOMMENDATION:**

Staff is recommending approval of the rezoning.

---

**PLANNING BOARD RECOMMENDATION:** Approval (see attached)

**ATTACHMENTS:** 1) Planning Board recommendation, 2) Zoning Map, 3) Aerial Map, 4) Proposed Land Use Map, 5) List of uses allowed in the B-1 and B-2 zoning district, 6) Application, 7) Neighborhood Meeting Materials

TOWN OF CLAYTON, NC

PLANNING BOARD WRITTEN RECOMMENDATION  
TO THE TOWN COUNCIL  
Zoning Amendment to the Official Zoning Map

Application Name & Number:  
RZ 2014-116, 443 E Second Street Rezoning

On September 22, 2014 the Planning Board heard the above-referenced request and made the following vote:

Choose one:

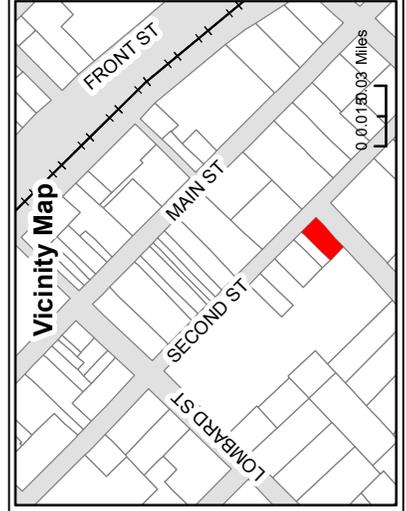
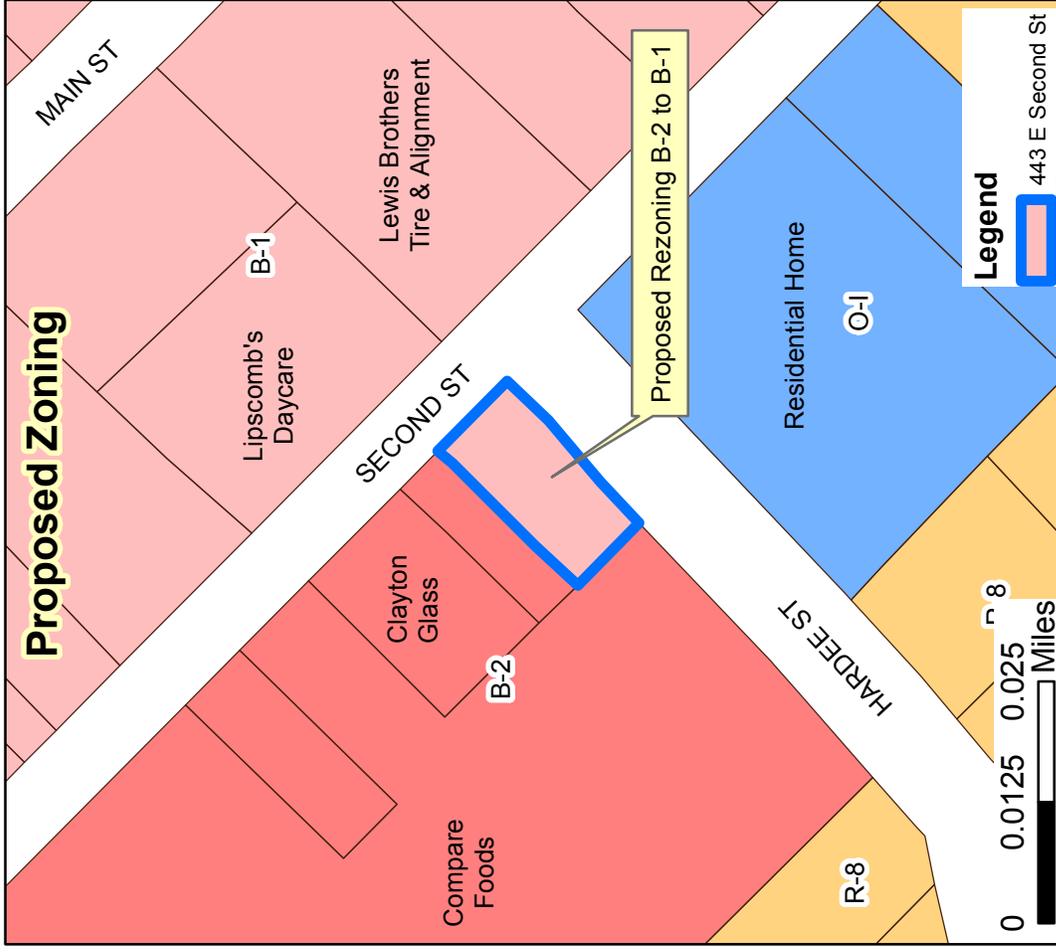
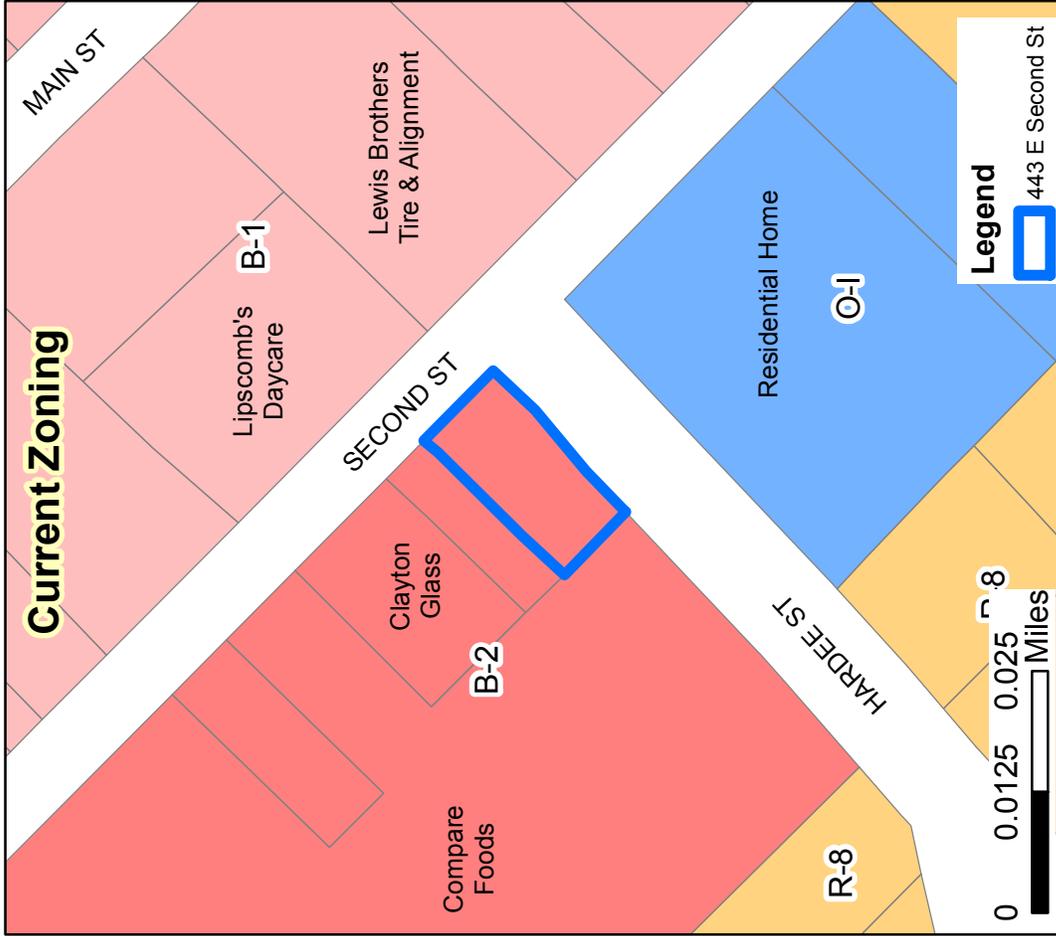
Recommendation of approval of the rezoning. Vote Count: 9 IN FAVOR 0 OPPOSED

Recommendation of denial of the rezoning. Vote Count: \_\_\_\_\_

Recommendation made this 22<sup>nd</sup> day of September, 2014 while in regular session.

Signed:

  
\_\_\_\_\_  
Frank Price, Planning Board Chair

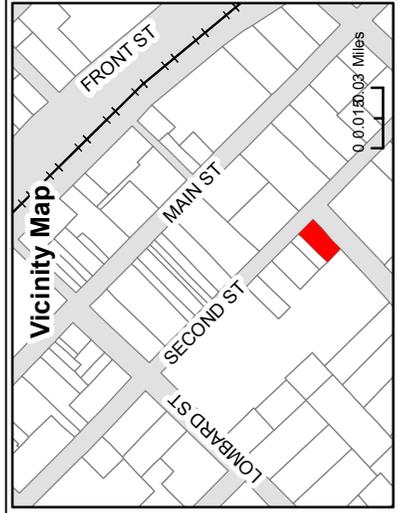


**443 E Second St - Rezoning from B-2 to B-1**

Applicant: Battle M. Robertson  
 Property Owner: Battle M. Robertson  
 Parcel ID Number: 166917-11-5431  
 Tag #: 05011047  
 Address: 443 E Second St  
 File Number: RZ 2014-116

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

# Aerial Map

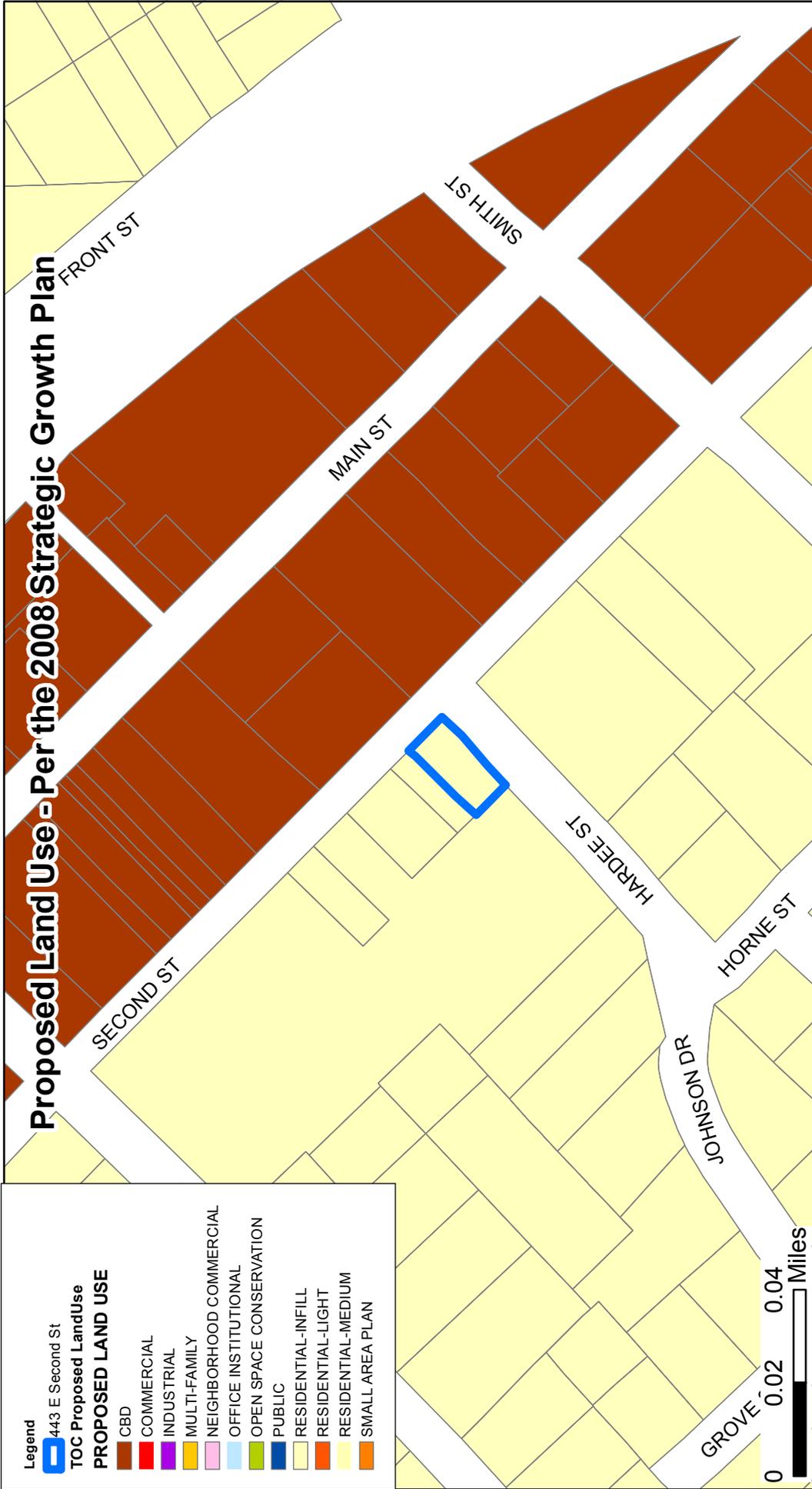


## 443 E Second St - Rezoning from B-2 to B-1

Applicant: Battle M. Robertson  
Property Owner: Battle M. Robertson  
Parcel ID Number: 166917-11-5431  
Tag #: 05011047  
Address: 443 E Second St  
File Number: RZ 2014-116

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

# Proposed Land Use - Per the 2008 Strategic Growth Plan



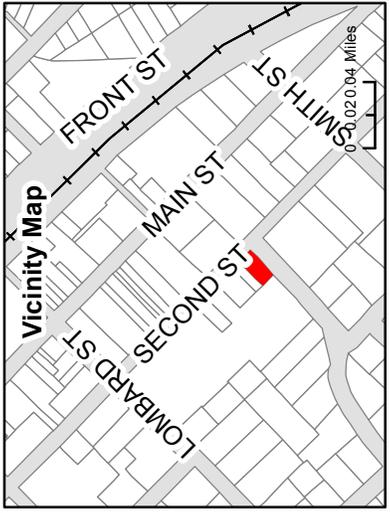
**Legend**

443 E Second St

TOC Proposed LandUse

**PROPOSED LAND USE**

- CBD
- COMMERCIAL
- INDUSTRIAL
- MULTI-FAMILY
- NEIGHBORHOOD COMMERCIAL
- OFFICE INSTITUTIONAL
- OPEN SPACE CONSERVATION
- PUBLIC
- RESIDENTIAL-INFILL
- RESIDENTIAL-LIGHT
- RESIDENTIAL-MEDIUM
- SMALL AREA PLAN



## Proposed Land Use Map (Source: 2008 Strategic Growth Plan) Rezoning at 443 E Second Street - B-2 to B-1

Applicant: Battle M. Robertson  
 Property Owner: Battle M. Robertson  
 Parcel ID Number: 166917-11-5431  
 Tag #: 05011047  
 Address: 443 E Second St  
 File Number: RZ 2014-116

Produced by: TOC Planning  
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§155.202(B)(2), Table 2-1 Use Regulations Table.  
 Uses permitted in the B-1 and B-2 zoning district, as of 9-16-14.

USE TYPE	ZONING	
	B-1	B-2
<b>RESIDENTIAL USES</b>		
Adult Care Home (2-6 Adults)		
Adult Care Home (7-12 Adults)	S	S
Adult Care Home (13+ Adults)	S	S
Alley Loaded House		
Apartments	S	S
Boarding House		P
Child Care Home		
Manufactured Home		
Manufactured Home Park		
Nursing Home (Congregate Living Facility)		S
Two family House		
Townhouse	S	S
Security/Caretaker Quarters		
Single Family House		
Upper-story Residence	P	P
Zero Lot Line House		
<b>PUBLIC AND CIVIC USES</b>		
Assembly, Not For Profit		
Cemetery		
Church or Place of Worship		C
College or University		
Day Care (Supervision for 3-8 )		
Day Care (Supervision for 9+)	P	C
Government Service	P	P
Hospital or Medical Center		
School (Elementary or Secondary)		
School (Technical, Trade or Business)	P	
<b>RECREATIONAL USES</b>		
Entertainment, Indoor	C	C
Entertainment, Outdoor		
Fitness Center	C	C
Golf Course		
Gun Range	S	S
Park, Active	S	S
Park, Passive	C	C
Stable, Private		
<b>AGRICULTURAL USES</b>		
Agriculture, Livestock		
Agriculture, Sales and Service		

<b>COMMERCIAL USES</b>		
Adult Oriented Business		
Bed and Breakfast	P	P
Car Wash/Auto Detailing	C	P
Contractor Office	C	
Contractor Storage Yard		
Convenience Store with Gas Sales	C	C
Creative Studio	P	P
Financial Institution	P	P
Funeral Home	P	P
Hotel/Motel	S	
Kennel		C
Laundry Services	C	
Lounge, Cocktail	S	
Microbrewery	P	
Newspaper Publisher		
Office, General	P	P
Office, Medical	P	P
Outdoor Seating/Sidewalk Cafe	P	C
Pawn Shop		
Radio or Television Studio		
Restaurant, Drive-Through	C	C
Restaurant, General	P	P
Retail Sales, General	P	
Retail Sales, Neighborhood	P	P
Self-storage Facility		C
Service, General	P	
Service, Neighborhood	P	P
Tattoo Parlor		
Towing Service and Storage		
Vehicle Repair or Service		
Vehicle Sales and Rental		
Veterinary Clinic	C	C
Video Sweepstakes Operations	C	C
<b>INDUSTRIAL USES</b>		
Building Supplies, Wholesale		
Crematorium		
Gas and Fuel, Wholesale		
Laboratory, Research		
Manufacturing, Limited		
Manufacturing, General		
Manufacturing, Heavy		
Research and Development		
Warehouse, Freight Movement		

<b>UTILITIES</b>		
Recycling Center		
Renewable Energy Facility		
Telecommunication Facility	S	S
Utility, Minor	P	P
Utility, Major		
Waste Service		

Key:
A blank cell in the use table indicates that a use is not permitted in the respective district.
P – Permitted
C – Conditional Use permitted in the zoning district only if approved by the Planning Board (PB) ( § 155.710)
S – Special Use permitted in the zoning district only if approved by the Town Council (TC) ) ( § 155.711)



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

## REZONING APPLICATION

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

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

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

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

### SITE INFORMATION:

Name of Project: \_\_\_\_\_ Acreage of Property: \_\_\_\_\_  
 Parcel ID Number: 05011047 Tax ID: 3839313  
 Deed Book: \_\_\_\_\_ Deed Page(s): \_\_\_\_\_  
 Address: ~~NOT YET ASSIGNED~~ 443 E. Second St.  
 Location: NORTH SIDE OF HARDEE ST AT JUNCTION OF  
E SECOND ST ADJACENT TO DRY CLEANERS  
 Existing Use: Vacant Proposed Use: Commercial  
 Existing Zoning District: B-2  
 Requested Zoning District: B-1  
 Is project within a Planned Development:  Yes  No  
 Planned Development District (if applicable): \_\_\_\_\_  
 Is project within an Overlay District:  Yes  No  
 Overlay District (if applicable): \_\_\_\_\_

### FOR OFFICE USE ONLY

File Number: <u>2014-116</u>	Date Received: <u>SEP 08 2014</u>	Amount Paid: <u>\$500<sup>00</sup></u>
Town of Clayton Planning Department		

X

**OWNER INFORMATION:**

Name: BATTLE MOORE ROBERTSON

Mailing Address: 2801 GLENWOOD GARDEN LN. SITE 107

Phone Number: \_\_\_\_\_ Fax: N/A

Email Address: N/A

X

**APPLICANT INFORMATION:**

Applicant: SAME AS ABOVE

Mailing Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Fax: \_\_\_\_\_

Contact Person: \_\_\_\_\_

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

**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:*

- N/A 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.
- N/A 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.
- N/A 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.*

CHANGE ZONING FROM B-2 TO B-1 WHERE THE VACANT LOT MAY BE USED AS COMMERCIAL IN THE FUTURE.

## APPROVAL CRITERIA

All applications for a Rezoning must address the following findings:

1. Consistency with the adopted plans of the Town.

The owner DART as HIS Agent has any awareness of any present or future adopted plans for this property or any adjacent property.

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

THE SUBJECT LOT IS ZONED B-2 WHICH HAS A MIN. OF 6000 S.F. SIZE. THIS LOT HAS 5400 S.F. AND WITH THE SET BACKS OF B-2, IT IS NOT SUITABLE FOR ANY KIND OF COMMERCIAL USE.

B-1 ZONING HAS NOT <sup>MIN</sup> SET BACKS OR SIZE REQUIREMENTS.

THE OWNER ALSO OWNS THE ADJOINING BLD. (THE DRY CLEANING WHICH IS ALSO ZONED B-1)

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

ANY COMMERCIAL BUILDING CONSTRUCTED IN THE FUTURE WOULD BE A SMALL OFFICE BLD OR SMALL RETAIL BUSINESS.

THIS WOULD BE A GOOD FIT FOR THE AREA AND THE TOWN.

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.

ANY COMMERCIAL USE WOULD NOT PLACE A STRESS ON SCHOOLS, ROADS OR RECREATIONAL FACILITIES.

ALL PUBLIC SERVICES SUCH AS WATER, ELE. SERVICES SEWER AND DRAINWATER FACILITIES ARE IN THE FRONT OF PROPERTY AS WELL AS ALONG HARDEE ST.

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

THIS IS NOT "SPOT ZONING" THE ADJACENT PROPERTY IS ZONED B-1 AS WELL AS 4 OTHER WITHIN 150 FEET +/-

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.

LETTERS TO LAND OWNERS WILL BE MAILED ON OR ABOUT AUGUST 25TH FOR A MEETING TO GET THEIR OPINIONS & INPUT.

MRS. EMILY BEDDINGFIELD (PLANNER) POINTED OUT TO THOSE WHO SHOULD RECEIVE A NOTICE TO ATTEND THE MEETING.

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.

NONE IS KNOWN. THE CHANGE WILL FIT IN NICELY WITH THE GENERAL AREA

**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.*

\* BATTLE M ROBERTSON  
Print Name

\* Battle M Robertson  
Signature of Applicant

\* 8-14-17  
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) if an agent will act on their behalf. A separate form is required from each owner. Consent is valid for one year from date of notary, unless otherwise specified. All fields must be completed.

Project Name: VACANT LOT 2<sup>ND</sup> ST Address or PIN #: 65011047

AGENT/APPLICANT INFORMATION:

CHARLES L WILLIAMS  
(Name - type, print clearly)

39 WHETSTONE CT  
(Address)  
FOUR OAKS NC 27524  
(City, State, Zip)

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

CHANGE ZONING FROM B-2 TO B-1

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

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

OWNER AUTHORIZATION:

BATTLE M ROBERTSON  
(Name - type, print clearly)

2801 CLEWOOD GARDENS LANE UNIT 107  
(Address)

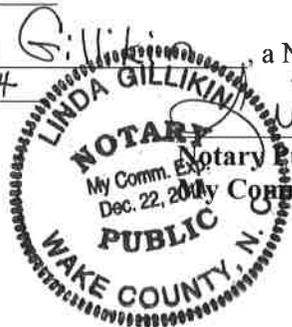
Battle M Robertson  
(Owner's Signature)

RALEIGH NC 27608  
(City, State, Zip)

STATE OF North Carolina  
COUNTY OF Wake

Sworn and subscribed before me Linda Gillikin, a Notary Public for the above State and County, this the 27<sup>th</sup> day of August, 2014

SEAL



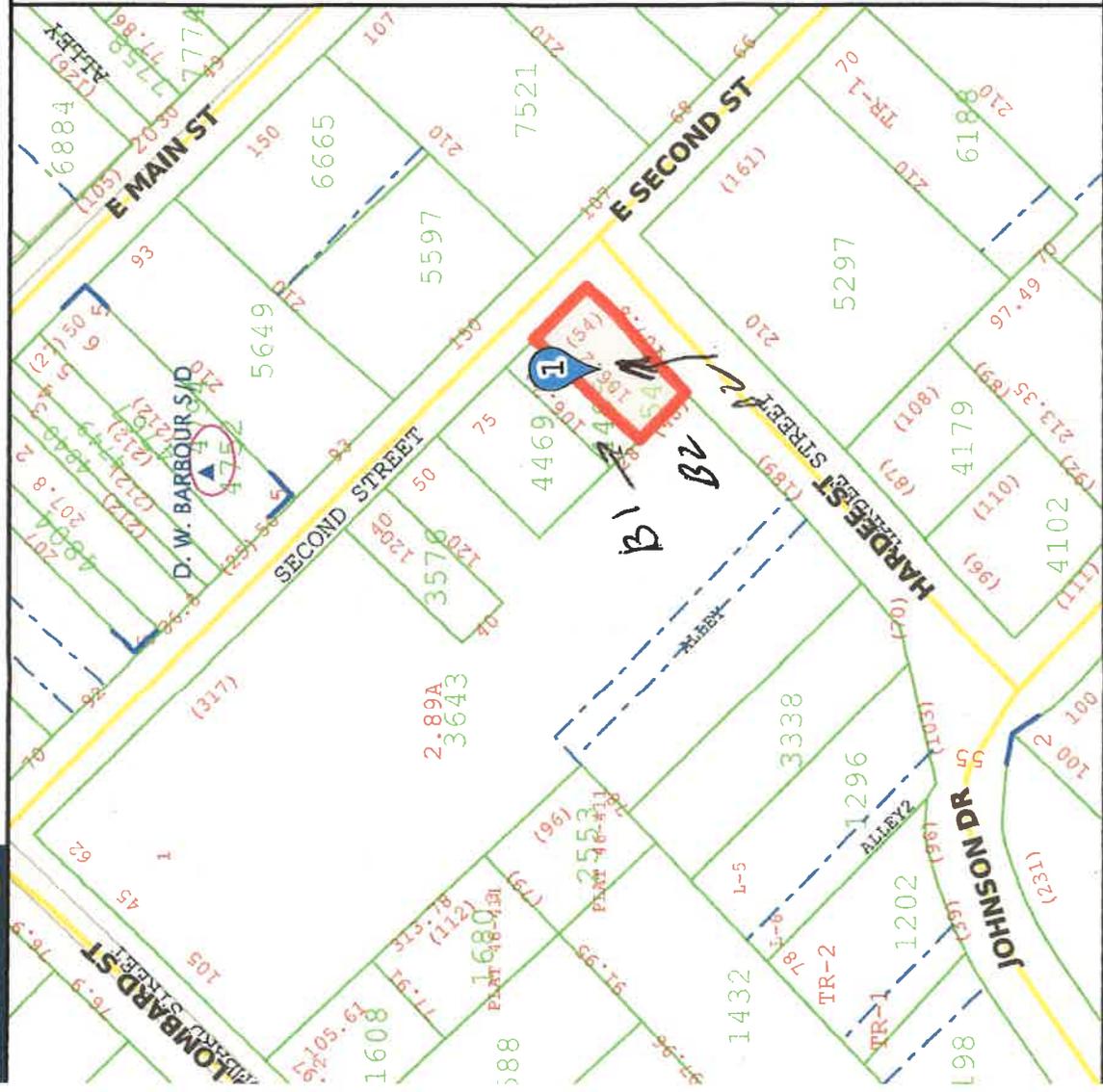
Linda Gillikin  
Notary Public  
Commission Expires: 12-22-2014





\*\*\* DISCLAIMER \*\*\*

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



Result 1

id: 05011047  
 Tag: 05011047  
 Tax Unique Id: 3839313  
 NCPin: 166917-11-5431  
 Mapsheet No: 166917  
 Owner Name 1: ROBERTSON, BATTLE MOORE  
 Owner Name 2:  
 Mail Address 1: 2801 GLENWOOD GARDEN LN  
 Mail Address 2: STE 107  
 Mail Address 3: RALEIGH, NC 27608-1237  
 Site Address 1:  
 Site Address 2:

Book:  
 Page:  
 Market Value: 37840  
 Assessed Acreage: 1  
 Calc. Acreage: 0.125  
 Sales Price: 0  
 Sale Date:

Scale: 1:1510 - 1 in. = 125.85 feet

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



# NEIGHBORHOOD MEETING ATTENDANCE ROSTER

**Applicant:** BATTLE "BATT" MOORE ROBERTSON

**Location/Date:** Jones CAFE MAIN ST CLAYTON

	NAME	ADDRESS
1	AVA C SPENCE	4579 C BARBER MILL RD CLAYTON NC 27520
2	MRS. CRUMPLER -	AVA'S FINANCE ADVISOR
3	JOYCE L. CANADY	315 CRESCENT DR CLAYTON NC 27520
4	PAM BUMGARDEN -	JOYCE'S DAUGHTER
5	MICHELLE SEALEY	1001 CORPORATE PARKWAY RALEIGH, NC 27610
6	STEPHEN W SLOGGINS'	FINANCE OFFICER
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MEETING AS OF SEPTEMBER 4<sup>TH</sup>, 2014 AT JONES CAFÉ , MAIN STREET  
CLAYTON, N.C

RE: REZONING OF THE BATTLE "BATT' ROBERTSON LOT FROM B-2 TO  
TO B-1 AT THE CORNER OF EAST SECOND STREET AND HARDEE STREET.

AT 7 P.M. I MET WITH 3 PROPERTY OWNERS WHICH RECEIVED THEIR  
LETTERS CONCERNING THE RE-ZONING OF THE SUBJECT LOT.

I INTRODUCED MYSELF AND EXPLAINED IN GERNERAL AND DETAIL WHY  
THE MEETING WAS CALLED AND THE REASON THEREOF.

MRS. AVA SPENCE, OWNER OF THE ADJACENT SHOPPING CENTER OPEN  
THE DISSCUSION ABOUT THE PARKING IF A BUILDING WAS  
CONSTRUCTED ON THE LOT. SHE EXPRESSED CONCERNS SHE DID NOT  
WANT PEOPLE PARKING ON HER PROPERTY. IT WAS EXPLAINED TO HER  
THERE WERE NO PLANS AT THE PRESENT OR NEAR FUTURE TO DO  
ANYTHING WITH THE LOT AND WHEN SOMETHING WAS DONE, THE  
PLANNING/ZONING DEPARTMENT WOULD REQUIRE SO MANY PAKING  
SPACES, MOST LIKELY FROM SECOND STREET, BEFORE A BUILDING  
PERMIT WAS GRANTED. SHE WAS SATISFIED AND HAD NO FURTHER  
QUESTIONS.

MRS. JOYCE CANADY SAID IT WOULD BE A GREAT THING FOR THE  
TOWN OF CLAYTON AND WOULD HELP THE DOWNTOWN GROW.

AN AGENT FOR STEPHEN SCOGGINS SAID SHE HAD NO QUESTIONS AND WOULD RECOMMEND TO MR. SCOGGINS TO SUPPORT THE R-ZONNING.

ONE OWNER, JOHN ROBERTSON CALLED TO GET INFORMATION CONCERNING HIS LETTER AND SAID HE WOULD NOT ATTEND BUT WOULD SUPPORT THE RE-ZONING.

THE MEETING WAS ADJOINED AT 8 P.M. WITH MY APPRECIATION FOR THEIR ATTENDANCE.

CHARLES L. WILLIAMS, AGENT FOR

  
BATT M. ROBERTSON



PO Box 646, Clayton, NC 27528  
Ph. 625-9206 or 585-2419

Charles L. Williams, Consultant  
Estates, Large or Small ■ Debt Problems  
Real Estate ■ Personal Property

**LEWIS BROTHERS TIRE & ALIGNMENT**

**451 E. MAIN STREET**

**CLAYTON, N.C. 27520**

**PARCEL NO.05011023**

**AUGUST 22, 2014**

**DEAR CLAYTON AREA PROPERTY OWNER**

**THE PURPOSE OF THIS LETTER IS TO NOTIFY YOU OF AN APPLICATION FILED WITH THE TOWN OF CLAYTON FOR A LAND USE PROPSAL ADJACENT TO, OR IN CLOSE PROXIMITY TO, PROPERTY SHOWN IN YOUR OWNERSHIP BY THE JOHNSTON COUNTY TAX RECORDS. PER TOWN OF CLAYTON REGULATIONS, A NEIGHBORHOOD MEETING WILL BE HELD TO POVIDE 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 CMMENTS.**

**THE MEETING PLACE: JONES CAFÉ**

**TYPE OF APPLICATION: REZONING**

**GENERAL DESCRIPTION: FROM B2 TO B1 OF A VACANT LOT AT THE  
CORNER OF E. SECOND ST AND HARDEE STREET.**

**IF YOU HAVE ANY QUESTIONS PROPR TO OR AFTER THIS MEETING, YOU  
MAY CALL US AT 919-625-9206 OR AFTER 7 PM AT 919-300-1119.**

**SINCERELY,**

**CHARLES L. WILLIAMS, AGENT**

**APPLICANT IS BATTLE "BATT" M. ROBERTSON**

**CC: CLAYTON PLANNING DEPT.**

**TOWN OF CLAYTON**  
**ZONING AMENDMENT**  
**CONSISTENCY AND REASONABLENESS STATEMENT**

[RZ 2014-116]

The Town Council of the Town of Clayton hereby states:

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

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

- Objective 1.4: More Investment Dollars Downtown by Private Sector
- Objective 2.1: Balance Development – Old and New
- Objective 3.6: Encourage Redevelopment of Deteriorated Areas (encouragement of in-fill development)

Section 2: Based upon information presented at the public hearings and by the applicant, and based upon the recommendations and detailed information developed by staff and the Planning Board contained in the staff report, and considering the criteria applicable sections of the Unified Development Code of the Town of Clayton, specifically **consistency with the 2010 Downtown Master Plan, compatibility of uses permitted in the B-1 zoning district with existing surrounding uses, the fact that the setbacks in the B-1 zoning district would make the site easier to develop by allowing a larger building, and the fact that the rezoning would allow the lot to be built in a manner that is more consistent with setbacks of immediately adjacent existing buildings**, the above referenced zoning amendment is reasonable and in the public interest.

**COUNCIL MOTION SHEET**  
**ZONING ORDINANCE AMENDMENT**  
(Rezoning)

**Council motion** to [approve/deny] Rezoning RZ 2014-116 and approve the Statement of Consistency and Reasonableness included in the Agenda packet (with the following modifications:

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

WHEREAS a petition has been filed with the Town Council of the Town of Clayton requesting an amendment to the Zoning Ordinance and Zoning Map of the Town of Clayton to include in the B-1 (Central Business) zone the property described below, said property formerly being zoned B-2 (Neighborhood Business); and

WHEREAS said property is owned by Battle Moore Robertson; and

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

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

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

WHEREAS the said public hearing was actually conducted at 6:30 p.m. on November 3, 2014, wherein a reasonable opportunity was given to all those in attendance to speak either in favor or against the said change or to make relevant comments;

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

SECTION 1. That the Unified Development Code of the Town of Clayton is hereby amended to include in the B-1 (Central Business) zone the following described property:

General Description:

Approximately 0.13 acres at the 443 E Second Street, at the southwest corner of Hardee and E Second Street, in the Town Limits.

Specific Description:

NC PIN 166917-11-5431, Tag # 05011047

SECTION 2. That the official Town of Clayton Zoning Map is hereby amended to include in the B-1 (Central Business) zone the above-described property and will be so marked.

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

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

DULY ADOPTED this 3rd day of November, 2014.

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Jody L. McLeod  
Mayor

ATTEST:

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Kimberly A. Moffett, CMC  
Town Clerk

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

Agenda Item: 8c

Meeting Date: November 3, 2014

TITLE: Town Clerk

DESCRIPTION: Calendar of Events

*ITEM SUMMARY:*

**Date:**

November 3, 2014

**Requested Action:**

N/A

**Info. Provided:**

Calendar of Events

## Calendar of Events

- **Town Council Meeting** – Monday, November 3, 2014 @6:30 PM
- **Veterans Day Holiday** – Tuesday, November 11, 2014
- **Town Council Meeting** – Monday, November 17, 2014 @ 6:30 PM
- **Board of Adjustment Meeting** – Wednesday, November 19, 2014 @ 6:00 PM
- **Planning Board Meeting** – Monday, November 24, 2014 @ 6:30 PM
- **Thanksgiving Day Holiday** – Thursday, November 27, 2014 & Friday, November 28, 2014
- **Town Council Meeting** – Monday, December 1, 2014 @ 6:30 PM
- **Christmas Village & Tree Lighting** – Thursday, December 4, 2014 from 5:00 PM to 9:00 PM on Main Street
- **Santa Baby Old Town Clayton Winter Festival** – Saturday, December 6, 2014 @ 9:00 AM to 3:00 PM – race through downtown, events at Town Square
- **Christmas Parade** – Saturday, December 13, 2014 @ 3:00 to 5:00 PM on Main Street
- **Town Council Meeting** – Monday, December 15, 2014 @ 6:30 PM
- **Board of Adjustment Meeting** – Wednesday , December 17, 2014 @ 6:00 PM
- **Community Christmas Eve Service** – Wednesday, December 24, 2014 @ 5:30 PM in Town Square
- **Christmas Holiday** – Wednesday, December 24, 2014; Thursday, December 25, 2014 & Friday, December 26, 2014