



The Town Of Clayton  
Regular Council Meeting Agenda  
Monday, December 7, 2015 @ 6:30 PM  
Council Chambers

**1. CALL TO ORDER**

- a. Honor Guard provided by Town of Clayton Fire Department
- b. Pledge of Allegiance & Invocation offered by Mayor Jody 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. Cobblestone Phase 11-A Warranty & Easement Acceptance  
[Cover - Cobblestone Phase 11A Acceptance - Pdf](#)  
[Cobblestone Phase 11A Acceptance](#)
- b. Volunteer Board Appointment Recommendations  
[Cover - Volunteer Boards Appointment Recommendation - Pdf](#)  
[2016 Volunteer Advisory Board Appointment Recommendations](#)
- c. Customer Service Policy Amendment  
[Cover - Customer Service Policy Change - Pdf](#)  
[CustomerServicePolicyManual Update December 2015](#)
- d. Library Board By-Law Amendment  
[Cover - Library Board By-Law Amendment - Pdf](#)  
[Ordinance - Library board By-Law](#)

**POTENTIAL ACTION:** Approval of Consent Agenda as Presented

#### **4. ORGANIZATIONAL MEETING**

- a. Administration of oath of office to newly elected Clayton Town Mayor by Judge Mary Wells, District Court to:
  - Jody McLeod as MayorAdministration of oaths of office to newly elected Clayton Town Council Members by Ms. Michelle Ball, Clerk of Superior Court to:
  - R.S. "Butch" Lawter, Jr. as Council Member
  - Jason Thompson as Council Member
- b. Comments from newly sworn elected officials:
  - Mayor Jody McLeod
  - Council Member R.S. "Butch" Lawter, Jr.
  - Council Member Jason Thompson

#### **5. RECESS FOR RECEPTION**

- a. Everyone is invited to the reception being held in the lobby.

#### **6. MAYOR PRO TEM SELECTION AND COUNCIL LIAISON APPOINTMENTS**

- a. Nomination and selection of Mayor Pro Tem.
- b. Distribution of Town Council liaison and committee assignments: Mayor McLeod  
[Council Liaisons 2015](#)

#### **7. INTRODUCTIONS AND SPECIAL PRESENTATIONS**

- a. Winner of Downtown Development Association 2015 Storefront Holiday Decorations

#### **8. PUBLIC HEARINGS**

- a. Nick's Flippin Kids - 15-50-01-SUP - 9257 US 70 Business  
[Cover - Nick's Flippin Kids - Special Use Permit - Pdf](#)

[Application - Nick's Flippin Kids](#)  
[Staff Report - Nick's Flippin Kids](#)  
[Maps - Nick's Flippin Kids](#)  
[Site Plan - Nick's Flippin Kids](#)  
[Neighborhood Meeting - Nick's Flippin Kids](#)  
[Planning Board Recommendation - Nick's Flippin Kids](#)  
[Motion Form - Nick's Flippin Kids](#)  
[Approval - Nick's Flippin Kids](#)

**POTENTIAL ACTION:** Approval/Disapproval Special Use Permit

- b. NC 42 East - 15-48-01-PDD - Mixed Use Rezoning  
[Cover - NC 42 East - Mixed Use Rezoning - Pdf](#)  
[Application - NC 42 East](#)  
[Staff Report - NC 42 East - Mixed Use Rezoning](#)  
[Maps - NC 42 East](#)  
[Neighborhood Meeting - NC 42 East](#)  
[Consistency And Reasonableness Statement - NC 42 East](#)  
[Resolution Wastewater Allocation - NC 42 East](#)  
[Wastewater Allocation Request - NC 42 East](#)  
[Motion Form NC 42 East](#)  
[Ordinance - NC 42 East](#)

**POTENTIAL ACTION:** Approval/Disapproval Rezoning

**POTENTIAL ACTION:** Approval/Disapproval Wastewater Allocation

- c. NC 42 East - 15-48-01-PDD - Master Plan  
[Cover - NC East 42 - Master Plan - Pdf](#)  
[Staff Report - NC East 42](#)  
[Master Plan Updated - NC East 42 \(4th Submittal\)](#)  
[NC 42 East Mixed Use Letter from applicant](#)  
[Traffic Impact Analysis Excerpt- NC 42 East Mixed Use](#)  
[Motion Form - NC 42 East](#)  
[Approval - NC 42 East](#)

**POTENTIAL ACTION:** Approval/Disapproval Master Plan

- d. Gordon Tract - Rezoning - RZ 2014-21  
[Cover - Gordon Tract Rezoning RZ 2014-21 - Pdf](#)  
[Updated Preliminary Plat Information - Gordon Tract](#)

[Preliminary Plat - Gordon Tract](#)  
[Revised Map - Gordon Tract](#)  
[Revised Parcel List - Gordon Tract](#)  
[Consistency and Reasonableness Statement - Gordon Tract](#)  
[Motion Form - RZ 2014-21](#)  
[Ordinance Gordon Tract Rezone](#)

**POTENTIAL ACTION:**                      Approval/Disapproval

- e.      Gordon Tract Subdivision - PSD 2014-95  
[Cover - Gordon Tract Sub - PSD 2014-95 - Pdf](#)  
[Updated Preliminary Plat Information - Gordon Tract](#)  
[Preliminary Plat - Gordon Tract](#)  
[Revised Map - Gordon Tract](#)  
[Revised Parcel List - Gordon Tract](#)  
[Motion Form Gordon Tract - PSD 2014-95](#)  
[Approval - Gordon Tract](#)

**POTENTIAL ACTION:**                      Approval/Disapproval

**9.      OLD BUSINESS**

**10.     NEW BUSINESS**

**11.     STAFF REPORTS**

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

**12.     OTHER BUSINESS**

- a.      Informal Discussion & Public Comment

**b. Council Comments**

**13. ADJOURNMENT**

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

**AGENDA LOCATION:**

Consent

**Meeting Date:**

December 7, 2015

**ITEM TITLE:**

Cobblestone Phase 11-A Warranty & Easement Acceptance

**DESCRIPTION:**

A final acceptance request for the subject public water, sewer, associated storm drainage utilities, and all pertinent easements. Upon acceptance, the Town will assume all operation and maintenance duties.

**POTENTIAL ACTION:**

**DEPARTMENT:**

Engineers/Inspection

**PRESENTER:**

Chris Rowland, Construction Project  
Administrator

**ITEM HISTORY:**

**Date:**

November 16,  
2015

**Action Taken:**

Placed on Consent Agenda

**Information Provided:**

Memo

**Date:**

**Action Taken:**

**Information Provided:**

# TOWN OF CLAYTON OPERATIONS CENTER

"SERVICE"

ELECTRIC SERVICE  
(919) 553-1530  
VEHICLE MAINTENANCE  
(919) 553-1530



"ENVIRONMENT"

PUBLIC WORKS  
(919) 553-1530  
WATER RECLAMATION  
(919) 553-1535

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## MEMORANDUM

To: Kimberly Moffett, Town Clerk

From: Chris Rowland, Construction Project Administrator *a*

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

Date: November 3, 2015

Subject: Cobblestone, Phase 11-A

Please place a final acceptance request for the subject public water, sewer, associated storm drainage utilities, and all pertinent easements on the next available agenda. All punch list items have been satisfactorily completed. Upon acceptance, the Town will assume all operation and maintenance duties.

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

**AGENDA LOCATION:**

Consent

**Meeting Date:**

December 7, 2015

**ITEM TITLE:**

Volunteer Board Appointment Recommendations

**DESCRIPTION:**

Appointments to Volunteer Advisory Boards.

**POTENTIAL ACTION:**

**DEPARTMENT:**

Administration

**PRESENTER:**

Kimberly Moffett, Town Clerk

**ITEM HISTORY:**

**Date:**

November 16,  
2015

**Action Taken:**

Placed on Consent Agenda

**Information Provided:**

Suggested Appointments

**Date:**

**Action Taken:**

**Information Provided:**

<b>BOARD/COMMITTEE</b>	<b>POSITION NUMBER</b>	<b>RECOMMENDED APPOINTEE NAME</b>	<b>APPOINTMENT TYPE</b>	<b>RESIDENCY</b>	<b>TERM EXPIRATION</b>
Board of Adjustment	BOA7	Rev. Matt Evans	Re-Appointment	Town	12/31/2018
Board of Adjustment	BOA8	William Wenzell	Re-Appointment	ETJ – Alternate*	12/31/2018
Downtown Development Association	DDA6	Laurie Partlo	Re-Appointment	Town	12/31/2018
Fire Advisory Board	FD7	JoAnn Hardee	Re-Appointment		12/31/2018
Library Board	LA4	Belle Allen	Re-Appointment	Town	12/31/2018
Library Board	LA6	Elizabeth McLaurin	Re-Appointment	Town	12/31/2018
Library Board	LA10	Linda Hester	Re-Appointment	ETJ	12/31/2018
Planning Board	PB5	George “Bucky” Coats	Re-Appointment	Town	12/31/2018
Planning Board	PB6	Sarah Brooks	Re-Appointment	Town	12/31/2018
Planning Board	PB7	Robert Ahlert	Re-Appointment	Town	12/31/2018
Planning Board	PB10	James Lipscomb	Re-Appointment	ETJ*	12/31/2018
Public Art Advisory Board	PA2	Mike Stojic	New – Filling Unexpired Term		12/31/2017
Public Art Advisory Board	PA4	Sarah Perricone	Re-Appointment		12/31/2018
Public Art Advisory Board	PA7	Elizabeth McLaurin	Re-Appointment		12/31/2018
Recreation Advisory Committee	REC8	Justin Roy	New	Town	12/31/2018
Recreation Advisory Committee	REC9	Dean Penn	Re-Appointment	ETJ	12/31/2018
Recreation Advisory Committee	REC10	Karen Phinazee	Re-Appointment	ETJ	12/31/2018
Recreation Advisory Committee	REC11	Skip Browder	Re-Appointment	ETJ	12/31/2018

\*ETJ recommendations for the Board of Adjustment and the Planning 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
- 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: MATTHEW R EVANS

Mailing Address: 312 PARKRIDGE DR. CLAYTON, NC 27527

Physical HOME Address: \_\_\_\_\_

Phone Number (HOME): 919-359-0504 (WORK) \_\_\_\_\_

FAX Number: \_\_\_\_\_ Mobile Number: 919-632-3576

Email Address: LOVECHIDST@AOL.COM

\*Female  \*Male  \*Race CAUCASIAN

Employer: UNITED METHODIST CHURCH

Occupation: CLERGY

\*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

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 BOTH LAUNCH

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

I ENJOY SERVING AND HAVE ENJOYED BEING A PART OF THE BOA.

State why you would be an asset to this board or committee.

I KNOW THE COMMUNITY WELL AND THE HIGH EXPECTATIONS THAT MANY HAVE FOR THE CLAYTON.

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>?</u>	<u>PRESENT</u>
<u>GREATER HEZUN UMC PASTOR</u>	<u>2006</u>	<u>PRESENT</u>
<u>CHRIST COMMUNITY UMC PASTOR</u>	<u>2014</u>	<u>PRESENT</u>
<u>RIVINGTON MEMORIAL PARK ANTIQUARIAN CENTER</u>	<u>2009</u>	<u>2014</u>
<u>Ker Matthew F. Evans</u>		<u>9-28-15</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.
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- 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 (kmoffett@townofclaytonnc.org)



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

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**Please type or use dark ink.**

Name: Laurie Partlo

Mailing Address: 435 NC Highway 42 East, Clayton, NC 27527

Physical HOME Address: same

Phone Number (HOME): \_\_\_\_\_ (WORK) \_\_\_\_\_

FAX Number: \_\_\_\_\_ Mobile Number: 919-801-2826

Email Address: LLPartlo435@gmail.com

\*Female  \*Male  \*Race white

Employer: \_\_\_\_\_

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: 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 have served for 3 years

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

I am a computer programmer. I have skills in leadership, event management, volunteer management and customer service.

State why you would be an asset to this board or committee. I have

experience on this board and others. I have a lot of contacts in Clayton and JoCo to help with projects.

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. Community Foundation Board</u>	<u>9/2014</u>	<u>Present</u>
<u>The Woman's Club of Clayton</u>	<u>9/2002</u>	<u>Present</u>
<u>Johnston Co Arts Council Board</u>	<u>1997</u>	<u>2005</u>
<u>Clayton Visual Artists</u>	<u>2010?</u>	<u>Present</u>

Lauren Parke 10/2/15  
Signature Date

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**Please type or use dark ink.**

Name: Belle B. Allen

Mailing Address: 553 N. Fayetteville St, Clayton

Physical HOME Address: Same AS Above

Phone Number (HOME): (919) 553-7533 (WORK) N/A

FAX Number: N/A Mobile Number: (919) 801-8520

Email Address: belleseason.com

\*Female  \*Male  \*Race Cca

Employer: N/A

Occupation: Retired

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Length of residence in Clayton: 82 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/All - Have been involved with Library for many years

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

Am passionate about our Library and have worked through the years to help make it the best educational and cultural opportunity for our citizens. It is a hub of our community and is a key to a magical world - entertaining, informative and challenging.

State why you would be an asset to this board or committee. My interest, and past experience on this Board will be an asset. I am committed to making it the best - friendly, inviting, service.

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:

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Boards/Committees/Civic	From	To
<u>Hovett Elementary Lib. Board</u>	<u>1950's</u>	<u>Present</u>
<u>Johansen Community College Foundation</u>	<u>1998</u>	<u>2010</u>
<u>Jackson County Heritage Center</u>	<u>1996</u>	<u>2007</u>
<u>Clayton Women's Club Educator</u>	<u>1995</u>	<u>present</u>
<u>Clayton Improvement Council - many other in past</u> <u>Scholarship, etc - Beebe B. Allen</u>		<u>10-26-15</u>
<b>Signature</b>		<b>Date</b>

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**Please type or use dark ink.**

Name: ELIZABETH COOPER MCLAWIN

Mailing Address: 516 SOUTH LOMBARD STREET

Physical HOME Address: "

Phone Number (HOME): 919-533-6164 (WORK) \_\_\_\_\_

FAX Number: \_\_\_\_\_ Mobile Number: 919-763-4106

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

\*Female  \*Male

\*Race WHITE

Employer: \_\_\_\_\_

Occupation: RETIRED TEACHER

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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 this time - was born 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  am on it now

Newspaper  Email  Twitter  Mail  Other \_\_\_\_\_

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

I am a retired teacher and avid reader. I have a great desire to see our library grow

I am an artist and student of fine art. I want a voice in public art in town.

State why you would be an asset to this board or committee. I am "old Clayton" and feel I have a valuable opinion.

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:

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Boards/Committees/Civic	From	To
<u>The Woman's Club of Clayton</u>	<u>2006</u>	<u>now</u>
<u>Public Art Advisory Board</u>	<u>2013 (?)</u>	<u>now</u>
<u>Library Advisory Board</u>	<u>2012 (?)</u>	<u>now</u>

Elizabeth Cooper McLaurein 8-28-15  
Signature Date

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**Please type or use dark ink.**

Name: Linda Shehda Hester

Mailing Address: 2009 Buckskin Dr

Physical HOME Address: 2009 Buckskin Dr Clayton NC 27520

Phone Number (HOME): 919-553-4856 (WORK)

FAX Number: - Mobile Number: 919-825-9516

Email Address: LHESTER9@NC-rr.com

\*Female  \*Male  \*Race caucasian

Employer: retired

Occupation: teacher Johnston Co. Schools

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Length of residence in Clayton: Life-Long resident (69 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 presently on the board

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

I am a retired 6th grade teacher with 31 years of service. I have served on the library board since 2009. I have missed very few meetings.

I have helped with book sales, author book signing and any other events sponsored by the library.  
State why you would be an asset to this board or committee. I have served

as recorder for the Library Board for 3 years -

I have a strong interest in Clayton's history and our library interests.

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:

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Boards/Committees/Civic	From	To
<u>Clayton Town Library Board</u>	<u>6/1/2009</u>	<u>present 12/31/2015</u>
<u>Friends of the Library</u>	<u>1997</u>	<u>presently active</u>
<u>Deacon Board</u>		
<u>First Baptist Church member since 1956</u>		

Gundo Shehdon Hester  
Signature

10/29/2015  
Date

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**Please type or use dark ink.**

Name: George H. (Bucky) Coats III  
 Mailing Address: 3 Vista Court, Clayton NC 27527  
 Physical HOME Address: 3 Vista Court, Clayton NC 27527  
 Phone Number (HOME): 919-550-5719 (WORK) N/A  
 FAX Number: 919-550-5719 Mobile Number: 919-480-3605  
 Email Address: GCOATS3@AOL.COM

\*Female  \*Male  \*Race Caucasian  
 Employer: Retired - General Motors - GMAC  
 Occupation: Director - Sales - (Retired)

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

Length of residence in Clayton: 17+ Years

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

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

Newspaper  Email  Twitter  Mail  Other Commissioners

Outline your qualifications and why you wish to serve the board/committee you indicated.  
I HAVE SERVED ON PLANNING & ZONING BOARD SINCE - 2003.

State why you would be an asset to this board or committee. 12+  
YEARS SERVICE ON TOC PLANNING & ZONING 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:

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Boards/Committees/Civic	From	To
<u>TOC Board of Adjustment</u>	<u>2002</u>	<u>2003</u>
<u>TOC Planning &amp; Zoning Board</u>	<u>2003</u>	<u>Present</u>
_____	_____	_____
_____	_____	_____

[Signature] \_\_\_\_\_ 9/28/2015  
Signature Date

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## 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: Sarah R. Brooks

Mailing Address: 105 Muirfield LN Clayton, NC 27527

Physical HOME Address: same

Phone Number (HOME): 919-550-0874 (WORK) ~~919~~ N/A

FAX Number: \_\_\_\_\_ Mobile Number: 919-601-7959

Email Address: sbrooksgolfer@gmail.com

\*Female  \*Male

\*Race White

Employer: Retired State Employee

Occupation: Health Information 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: 21 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 have been a member since 2008? and think I can add value as a long-term member and currently only female.

State why you would be an asset to this board or committee.

Government background and Masters in Public Administration

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 Bd</u>	<u>2008 ?</u>	<u>Present</u>
<u>Clayton Women's Club</u>	<u>2/2015</u>	<u>Present</u>
_____	_____	_____
_____	_____	_____

Sarah R Brooks  
Signature

9-28-15  
Date

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CHOOSE ONE:

- |   |  |
|---|--|
| <input checked="" 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 type="checkbox"/> Fire Dept. Advisory Board |
| <input type="checkbox"/> Public Arts Advisory Board         |  |

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---

**Please type or use dark ink.**

Name: ROBERT J. AHLERT

Mailing Address: 100 CHERRY LAUREL DR. CLAYTON NC 27527

Physical HOME Address: SAME

Phone Number (HOME): 919-550-0845 (WORK) -

FAX Number: - Mobile Number: 919-631-2898

Email Address: rahkert@nc.rr.com

\*Female  \*Male  \*Race \_\_\_\_\_

Employer: RETIRED - GE

Occupation: RETIRED ENGINEER/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: 20+ 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.

SERVED 12 YEARS ON THE TOWN COUNCIL AND 5 YEARS  
ON THE PLANNING BOARD. I WANT TO HELP THE TOWN  
GROW IN THE RIGHT WAYS.

State why you would be an asset to this board or committee. \_\_\_\_\_

INVOLVED IN CLAYTON LOCAL GOVERNMENT SINCE 1997.  
I KNOW HOW IT WORKS

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 TOWN COUNCIL</u>	<u>12/97</u>	<u>12/09</u>
<u>NCEMBA COMMISSIONER</u>	<u>12/97</u>	<u>PRESENT</u>
<u>ROTARY INTERNATIONAL</u>	<u>1997</u>	<u>2005</u>
<u>CLAYPO MEMBER</u>	<u>2005</u>	<u>2009</u>

Robert A. Wilcox

Signature

9/28/15

Date

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rec'd. 10/5/15



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

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**Please type or use dark ink.**

Name: JAMES LIPSCOMB

Mailing Address: 3407 BARBER MILL ROAD

Physical HOME Address: CLAYTON NC 27520

Phone Number (HOME): 919-422-4704 (WORK) SAME

FAX Number: \_\_\_\_\_ Mobile Number: SAME

Email Address: JAMES@myATR.com

\*Female  \*Male  \*Race WHITE

Employer: HOMETOWNE REALTY

Occupation: RENTOR

\*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: 46 YEAR

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 AROUND TOWN

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

I WANT TO HELP SHAPE THE FUTURE OF CLAYTON AND PROMOTE CLAYTON

State why you would be an asset to this board or committee. KNOWLEDGE OF AREA AND LOCAL DEVELOPMENT 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:

I MAY HAVE TO ABSTAIN FROM TIME TO TIME DUE TO INVOLVEMENT WITH DEVELOPMENT

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

Boards/Committees/Civic	From	To	CURRENT CHAIRMAN
CLAYTON DPA			
CLAYTON TOWN COUNCIL	1994	2014	
PLANNING BOARD	1992 to 1994		AND PRESENT MEMBER
CLAYTON CHAMBER	2011	2014	
HARVEST FESTIVAL			

[Signature]  
Signature

10-5-15  
Date

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**Please type or use dark ink.**

Name: Mike Stojic

Mailing Address: 108 Wilders Woods Grove Ln Clayton, NC. 27527

Physical HOME Address: same

Phone Number (HOME): \_\_\_\_\_ (WORK) \_\_\_\_\_

FAX Number: \_\_\_\_\_ Mobile Number: 904-607-1486

Email Address: stojic160@gmail.com

\*Female  \*Male

\*Race White

Employer: Self

Occupation: \_\_\_\_\_

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

Length of residence in Clayton: 1yr

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 Dave Brown

Outline your qualifications and why you wish to serve the board/committee you indicated. I'm not an artist. But, I believe the only way for society to progress is through art.

Exposure to arts is exposure to narratives with moral, emotional, and spiritual meanings.

It should challenge our way of thinking causing personal and societal growth. Banksy said it best, "Art should comfort the disturb and disturb the comfortable".

State why you would be an asset to this board or committee. I want to help Clayton grow by creating a new identity rich in art and music and freedom of expression.

This board has the ability to create the momentum to bring about that sort of change.

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 Mid-Day Rotary	2015	present
_____	_____	_____
_____	_____	_____
_____	_____	_____

10/29/15

Signature

Date

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**Please type or use dark ink.**

Name: SARA J. PERRICONE

Mailing Address: 117 FREEZOR CT CLAYTON, NC 27257

Physical HOME Address: SAME AS ABOVE

Phone Number (HOME): \_\_\_\_\_ (WORK) \_\_\_\_\_

FAX Number: \_\_\_\_\_ Mobile Number: 919-607-0866

Email Address: Sara4491@OUTLOOK.COM

\*Female  \*Male  \*Race \_\_\_\_\_

Employer: SELF EMPLOYED

Occupation: \_\_\_\_\_

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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 JASON HARDY

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

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State why you would be an asset to this board or committee. \_\_\_\_\_

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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:

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

Boards/Committees/Civic	From	To
CLAYTON WOMEN IN NETWORKING WOMEN'S CLUB OF CLAYTON	2012	CURRENTLY STILL ON THE BOARD
_____	_____	_____
_____	_____	_____

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

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**Please type or use dark ink.**

Name: ELIZABETH COOPER MCLAWIN

Mailing Address: 516 SOUTH LOMBARD STREET

Physical HOME Address: "

Phone Number (HOME): 919-533-6164 (WORK) \_\_\_\_\_

FAX Number: \_\_\_\_\_ Mobile Number: 919-763-4106

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

\*Female  \*Male

\*Race WHITE

Employer: \_\_\_\_\_

Occupation: RETIRED TEACHER

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Length of residence in Clayton: 10 years this time - was born 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  am on it now

Newspaper  Email  Twitter  Mail  Other \_\_\_\_\_

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

I am a retired teacher and avid reader. I have a great desire to see our library grow

I am an artist and student of fine art. I want a voice in public art in town.

State why you would be an asset to this board or committee. I am "old Clayton" and feel I have a valuable opinion.

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>The Woman's Club of Clayton</u>	<u>2006</u>	<u>now</u>
<u>Public Art Advisory Board</u>	<u>2013 (?)</u>	<u>now</u>
<u>Library Advisory Board</u>	<u>2012 (?)</u>	<u>now</u>

Elizabeth Cooper McLaurein 8-28-15  
Signature Date

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**Board of Adjustment**

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**Fire Dept. Advisory Board**

**Public Arts Advisory Board**

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---

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**Please type or use dark ink.**

**Name:** \_\_\_\_\_

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

**Physical HOME Address:** \_\_\_\_\_

**Phone Number (HOME):** \_\_\_\_\_ **(WORK)** \_\_\_\_\_

**FAX Number:** \_\_\_\_\_ **Mobile Number:** \_\_\_\_\_

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

**\*Female**  **\*Male**

**\*Race** \_\_\_\_\_

**Employer:** \_\_\_\_\_

**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: \_\_\_\_\_

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.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

State why you would be an asset to this board or committee. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

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**

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**Please type or use dark ink.**

Name: Karen Betty Phinazee

Mailing Address: 1600 Glen Laurel Rd, Clayton, NC 27527

Physical HOME Address: same as above

Phone Number (HOME): 919 553-8640 (WORK) 919 334-1591

FAX Number: \_\_\_\_\_ Mobile Number: 919 618-0896

Email Address: Kbrattb1@yahoo.com

\*Female  \*Male  \*Race African American

Employer: Wake Technical Comm College

Occupation: SR Dean of Strategic Innovations / Student Conduct 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: 18 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 currently serving on the committee

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

One of my passions is being active. With that being said I like being a part of a community, providing service. Parks and recreation is an area that I think fits well with my abilities and skill set.

State why you would be an asset to this board or committee. Serving and believing in the mission of the department ~~is~~ are important to being an active member

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 Comm.</u>	<u>roughly 2003</u>	<u>present</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

Fared Beatty Phuzagee  
Signature

10/22/15  
Date

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**Please type or use dark ink.**

Name: SKIP BROWDER

Mailing Address: PO BOX 816 CLAYTON

Physical HOME Address: 915 CITY ROAD

Phone Number (HOME): NA (WORK) NA

FAX Number: NA Mobile Number: (919) 274-6548

Email Address: skipbrowder@gmail.com

\*Female  \*Male  \*Race \_\_\_\_\_

Employer: \_\_\_\_\_

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.

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Length of residence in Clayton: 21 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.

SEE BELOW

State why you would be an asset to this board or committee. MEMBER FOR

THREE YEARS

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>NCPNGT BD</u>	<u>MARCH 2001</u>	<u>PRESENT</u>
<u>UCABC BD</u>	<u>2010</u>	<u>PRESENT</u>
<u>[Signature]</u>		<u>09/28/15</u>
	Signature	Date

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

**AGENDA LOCATION:**

Consent

**Meeting Date:**

December 7, 2015

**ITEM TITLE:**

Customer Service Policy Amendment

**DESCRIPTION:**

Ann Game previously presented information regarding a proposed change in policy regarding the application of deposits on non-residential active accounts.

**POTENTIAL ACTION:**

Place on Consent Agenda

**DEPARTMENT:**

Customer Service Department

**PRESENTER:**

Ann Game, Customer Service Director

**ITEM HISTORY:**

**Date:**

November 16,  
2015

**Action Taken:**

Placed on Consent Agenda

**Information Provided:**

Policy Change Language

**Date:**

**Action Taken:**

**Information Provided:**

# TOWN OF CLAYTON

## Customer Service Policy Manual



**Duly Adopted by Town Council and effective May 7, 2012**  
**Amended – September 13, 2013; December 7, 2015**

### **Establishing Service**

The Town's Customer Service Department is located in The Clayton Center, 111 E. Second Street. The Town Hall is open from 8:00 a.m. to 5:00 p.m. Monday through Friday. The Customer Service Department has extended hours on Wednesdays until 6:00 p.m. Routine and regular service is performed during these hours except for holidays.

Any request for utility service, or a request to add another service connection by a customer will be handled as a request for all services applicable to the location.

1. **Application for Service:** To begin the process, a customer must complete a Utility Service Application which may be obtained by one of the following methods:
  - a. Visit our website and download a form
  - b. Email [customerservice@townofclaytonnc.org](mailto:customerservice@townofclaytonnc.org) to request a form
  - c. Call Customer Service at (919) 553-5002 and request a form be faxed, mailed or emailed
  - d. Visit the Customer Service Department at 111 E. Second Street
2. **Additional Information and Deposits:** In addition to the fully completed Utility Service Application the customer must provide:
  - a. Account deposit
  - b. Photo ID
  - c. Social Security Number or Federal Tax ID Number. In the absence of either, the account will be assessed a higher deposit.
  - d. Lease agreement, if applicable.
  - e. Provide hot water heater fuel source, heating fuel source and cooling fuel source, if applicable
  - f. Presence of in-ground irrigation system, if applicable
  - g. Presence of swimming pool, if applicable

Upon completion of the Utility Service Application, review of additional information and payment of deposit, the account shall be scheduled for connection. Customers may request connection dates in the future. Requests for immediate connection will be honored on the same day if made prior to 10 a.m. otherwise service will be activated the next business day.

### **Prior Debt**

The Town will not furnish service to an applicant who is indebted to the Town for service previously furnished unless and until the debt is satisfied in full.

### **Customer Deposits**

1. Residential: All utility accounts must include a guarantee of payment, which can be demonstrated by either:
  - a. Paying an account deposit as defined in the fee schedule
  - OR-
  - b. Providing a letter of credit from a current utility provider demonstrating good payment history with no late payments within the preceding, no returned checks, no returned drafts, and no disconnects for nonpayment within the preceding 12-months.
  
2. Non-residential: All non-residential utility accounts must include a guarantee of payment which must be demonstrated paying an account deposit.

**Customers with unpaid delinquent balances with other units of government shall be required to bring all delinquent accounts current before services can be established with the Town of Clayton, and they may be subject to a higher deposit.**

#### **Applying Deposits on Active Accounts:**

For residential customers who allow the Town of draft their utility payment each month, the deposit will be applied to the utility account after six (6) successful bank drafts. If any unsuccessful bank drafts occur within the first six (6) months of service, the deposit will not be applied; it will then be subject to review at the account's one (1) year anniversary.

Non-residential utility deposits will be held for a period of 18 months. After 18 months, as long as the account is in good standing (no late fees, no returned checks/drafts, and nor disconnects for non payment) an amount equal to 1 times will be applied to the utility account as a credit.

**Future Deposits:** Any customer whose service is involuntarily terminated for non-payment, meter tampering, or other reasons may be required to pay a deposit, or an additional deposit, as specified in the above information, prior to reconnection of service. This includes all customer accounts. The future deposit may be at a greater amount based upon account history. Any customer required to post a deposit under the provisions of this paragraph shall forfeit any right for refund of the deposit in advance of closing-out the account.

**Refunding Deposits:** A deposit will be credited to the customer's account upon disconnection of service. After the deposit is applied, all outstanding balances on the final bill will be the responsibility of the customer and must be paid within ninety (90) days or the balance will be turned over for collection. The deposit will not be refunded if the customer has another account with a past due balance. The remaining credit on the account will be transferred to the account with a past due balance.

**Billing:** Each account shall be billed on a monthly schedule. From the date of the bill, the customer has 20 days to pay the account without penalty. On the 21<sup>st</sup> day, a 5% penalty will be applied. If payment is not received prior to the 30<sup>th</sup> day, a non-payment penalty (see fee schedule) will be applied and the account becomes eligible for disconnection.

**Billing Adjustments:** The Town makes every effort to accurately bill all utility accounts. From time to time however, errors may occur. These errors may result in over billing or under-billing a customer's account. Immediately upon discovery of such error, the Town shall begin the process of either billing the customer for undercharges or crediting the customer's account for overcharges. In no circumstance shall the Town back bill a customer or credit a customer's account for greater than a 24 month period.

**Customer Requested Adjustments:** The Town recognizes that customers may experience failure of equipment and appliances that can result in higher than normal consumption. On a case by case basis, the Town shall investigate the nature of the failure and determine if the account is eligible for an adjustment. In most cases however, accounts are not eligible for an adjustment. A notable exception would be in the case of a burst water pipe which may be eligible for a credit on the calculated cost of sewer service. If the Town determines that an account is eligible for an adjustment, proof of repair in the form of a paid invoice to a contractor or a receipt for repair supplies must be provided before the adjustment can be completed.

**Payments:** All accounts must be paid in full by the due date on a monthly basis or they may become eligible for disconnection. Customers may make payments by:

1. Mailing a check or money order to Post Office Box 63024, Charlotte, NC 27263-3024
2. Using a debit or credit card via the Town of Clayton's website at [www.townofclaytonnc.org](http://www.townofclaytonnc.org)
3. Participation in automatic bank draft. An application for bank draft can be found at [www.townofclaytonnc.org](http://www.townofclaytonnc.org)
4. Visiting the Customer Service Department at 111 E. Main Street during normal business hours. We accept cash, checks and money orders. Credit and debit card payments can be processed on site by the customer at a Town provided terminal.
5. For customer convenience, payments by check or money-order may be placed in our drive-thru drop box located in the parking lot at the Horne Street entrance of the Clayton Center. Payments are retrieved twice daily during regular business hours.

### **Time Extensions**

Customers may request an extension for their delinquent utility bill balance before their disconnect date. The maximum length of time allowed is 10 days past the disconnect date. The extension must be requested by the account holder and must be documented on the customer's account. If payment is not received as documented, utility services will be disconnected without further notice and the balance must be paid in full to restore services.

An extension is a privilege and may be granted based on customer need and circumstances. Approval of an extension request is not guaranteed. No more than two (2) extensions shall be granted within a 12-month period.

### **Returned Checks or Drafts**

The Town will accept only cash, certified check or money order from any customer having two (2) returned checks or drafts within a twelve-month period. Upon receipt of the first returned check or draft, the customer will be informed either by phone call or door hanger that they have 48 hours from notification to pay the returned item with either money order or cash. After the first occurrence of a returned check or draft the customer will not receive a phone call or door hanger prior to disconnection of service. Upon receipt of a second returned check or draft, the customer will be advised that all bills must be paid in cash or by money order for one year. After the one year period ends, if another returned check or draft is received, all future payments must be made in cash or with money order.

If a returned check or draft is not paid within the 48 hour period, utility service will be disconnected without further notice. Customers disconnected subsequent to a returned check or draft which has not been satisfied within 48 hours shall be notified that they have 10-days to clear the unpaid balance with the Town or the matter is turned over to the Johnston County District Attorney's office for collection.

***In the event a new customer posts a utility account deposit by personal or corporate check and the check is returned to the Town for insufficient funds, the account will be immediately disconnected without benefit of prior notification. A notation of this provision shall be included on the customer service agreement signed by the customer at the time of account activation. (Adopted July 20, 1998)***

As allowed by the State of North Carolina, a charge is added to the customer's bill for each returned check. (See fee schedule for returned check fee amount)

### **Assistance for Paying Bills**

There are several organizations that will assist customers who are having difficulty paying their bills. We encourage each customer to seek assistance prior to their disconnection of services for non-payment.

- |                                     |              |
|-------------------------------------|--------------|
| 1. Jo. Co. Dept of Social Services  | 919-989-5300 |
| 2. Clayton Area Ministries          | 919-553-5654 |
| 3. Johnston-Lee<br>Community Action | 919-209-0530 |
| 4. Salvation Army                   | 919-934-9102 |
| 5. St. Ann's Catholic Church        | 919-934-2084 |

### **Budget Bill Program**

The Town offers our customers a payment option which allows them to pay a flat amount per month for utility service. This amount is the average of the prior twelve (12) months of utility consumption. Due dates for payments remain the same as the normal and all penalty and disconnect policies will remain in effect. No penalties will accrue, regardless of the account balance, if the payment is received by the due date. In the event of nonpayment disconnection, the customer will be required to bring their account to a zero balance and will no longer be eligible for the program. During the customer's twelfth month of participation, their monthly payment will be recalculated. At that time, the credit or balance will be rolled into the new payment year and the customer will be notified by letter of the new monthly payment amount. If the customer chooses to be removed from Budget Bill, the past due balance is owed immediately.

Any customer, who has had any delinquencies or bad checks, in the previous twelve months, will not be eligible to participate in the Budget Bill Program.

### **Bank Draft Plan**

The Town offers customers the option of having their checking accounts drafted on a set date of the month. This relieves the customer of having a lost or late payment and saves a trip to Town Hall or the cost of an envelope or stamp. Draft dates are as follows:

Cycle 1	8 <sup>th</sup>	15 <sup>th</sup>	22 <sup>nd</sup>
Cycle 2	15 <sup>th</sup>	22 <sup>nd</sup>	29 <sup>th</sup>
Cycle 3	15 <sup>th</sup>	22 <sup>nd</sup>	29 <sup>th</sup>
Cycle 4	8 <sup>th</sup>	22 <sup>nd</sup>	29 <sup>th</sup>

Please contact the Customer Service Department to determine your billing cycle. The participating customer is required to provide Customer Service with a Bank Draft Authorization Form and a voided check for the purpose of establishing the draft. Only customers with good credit are eligible for this program. The Town defines good credit

as no delinquencies, no returned checks or drafts in the most recent 12 month period for residential customers and non-residential customers.

Any draft returned by the bank because of insufficient funds or a closed account will be treated as a returned check, and the customer will be removed from the bank draft program.

To make any changes to the Bank Draft Plan requires a customer to complete a new Bank Draft Authorization Form and provide a voided check.

### **Medical Alert Program**

The purpose of this program is to identify customers with chronic or critical health concerns by means of a medical seal affixed to the electric meter on the home. In the event of unplanned interruptions of electric service, such as are common following storms, homes designated with a medical seal are given higher priority for restoration of service. Due to circumstances beyond the control of the Town and its employees (storm damage, loss of generation, etc), electric power cannot be guaranteed 100 percent of the time. Each customer listed with the Medical Alert Program should have a back-up plan for movement of the life support patient if the Town is unable to restore power in a length of time that is acceptable.

In the event of non-payment, homes designated with a medical seal are given personal notification in the form of a phone call, face to face meeting or certified letter of the pending disconnection of electric service. Customers with a medical seal will be disconnected for nonpayment following diligent and proper notice.

Participation in the Medical Alert Program is restricted to customers with documented chronic or critical health concerns. The Town must receive an annual certification of medical necessity form completed by a physician or hospital.

### **Load Management**

Residential Load Management is a means of reducing the amount of electricity being consumed in the home, especially during periods of peak demand. Load management is used to reduce electric demands and provides savings to customers.

Participating customers can have a load management switch installed on their electric water heater, electric heat strips on the heat pump, and/or air conditioner compressor to receive participation credits on their monthly electric bill. During periods of heavy demand for electricity, the switch will activate to interrupt the noted appliances. The more switches the Town has in place the greater the impact of the load management program and the more savings available.

The credits available are as follows:

DEVICE	CREDIT AMOUNT	DURATION
Electric Water Heater	\$5.00	January - December (12 months)
Heat Pump	\$12.00	December - March (4 months)
A/C Compressor 25% -OR-	\$6.00	June - September (4 months)
A/C Compressor 50%	\$10.00	June - September (4 months)

**Customers can receive as much as \$148 per year in savings.**

**Disconnecting Service**

1. Voluntary Disconnection: A customer may request voluntary disconnection of service. This can be done by:
  - a. Visiting the Town’s website at and downloading a Utility Disconnect Request form.
  - b. Emailing [customerservice@townofclaytonnc.org](mailto:customerservice@townofclaytonnc.org) to request a Utility Disconnect Request form
  - c. Call Customer Service at 919-553-5002 and request a form be faxed, mailed or emailed
  - d. Visit Customer Service Department at 111 E. Second Street

The Utility Disconnect Request form must be completed in its entirety and submitted to Customer Service. Upon completion and review for additional information, the account shall be scheduled for disconnection. Customers may request disconnection dates in the future. Immediate disconnection request will be honored same day if made prior to 9 a.m. otherwise service will be provided the next business day.

2. Involuntary Disconnection of Service: The Town may discontinue utility service for any of the of the following reasons:
  - a. Failure of the customer to pay bills for utility service.
  - b. Failure of the customer to pay deposits for utility service.
  - c. Failure of the customer to pay a returned check or draft.
  - d. Upon discovery of meter tampering including bypassing the meter or altering its function.
  - e. Failure of the customer to permit Town employee’s access to their meters and/or load management switches at all reasonable hours. Locked gates, loose dogs, parking cars over meters, etc. are violations of Town policy.
  - f. Use of power for unlawful reasons
  - g. Discovery of a condition which is determined to be hazardous or unsafe.
  - h. Provision of false information on a Utility Service Application.

3. **Transferring Service:** If transferring service from one location to another that the Town services, all past due bills must be paid in full. The remaining amount owed and any fees will be transferred to the new account. A new deposit may also be assessed.

After an account has been closed either by customer request or policy of the Town, all funds, including deposits, refunds, load management, and overcharge credits will be first applied to amounts owed the Town on the closed account. Remaining funds will then be applied to any amounts owed on any other accounts the customer may have with the Town. When those accounts have been fully satisfied, a check for any remaining funds will be issued to the customer.

4. **Disconnection During Extreme Weather:** The Town will not exercise its right to disconnect service for non-payment of any bill when the safety and well being of a customer may be at stake. For that reason, disconnection for non-payment may not be conducted on an extremely cold winter day or extremely hot summer day, taking into consideration temperature, precipitation and other weather conditions. If a customer's bill remains unpaid on the next business day, the disconnect for non-payment may then occur. This delay in disconnection for non-payment will not preclude the Town from disconnection at a future date and does not change the customer's liability for payment of all bills and fees.

### **Reconnection**

When it becomes necessary for the Town to discontinue services for any of the reasons listed in Involuntary Disconnection of Service, service will be restored after payment of:

1. All past due bills due to the Town including additional fees and charges required by this policy
2. Any deposit as required
3. Any material and labor cost incurred by the Town according to the current fee schedule.

After hours reconnection is **not** available to our customers.

### **Meter Reading**

Utility meters are read by the Town according to an established schedule. Reading dates vary slightly from month to month due to weekends, holidays, weather conditions, and other factors. Monthly billing periods are assumed to be 30 days, but may range from 27 to 33 days. The Town's well-trained meter readers use modern meter reading equipment and techniques. If meter reading corrections are necessary, the Town will make the adjustments and a new bill may be issued upon request. A credit due to a customer from a meter reading error will be posted to the customer's account.

**Meter & Load Management Switch Tampering**

Tampering with a meter or bypassing a meter is the same as stealing. The large majority of good paying customers who would be financially burdened with paying for the stolen services requires the aggressive enforcement of this policy. The Town will call for prosecution of cases of meter tampering, electric water theft and fraud to the fullest extent of the law. Load management devices are considered by this policy to be the same as meters. Any damage to these devices will be paid by the customer. Should any Town personnel find an electric meter with the seal cut or removed, whether during utility disconnection or normal meter reading cycles, a charge of up to \$500 will be added to the customer's account, which will be subject to any utility payment policies of the Town. Should a customer discover and report their seal cut, no charge will be levied.

Any person with three or more incidences of a cut seal, whether voluntarily reported or through Town discovery, will face permanent discontinuance of service with the Town.

Duly adopted by the Clayton Town Council this 7<sup>th</sup> day of December, 2015, while in regular session.

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

ATTEST:

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

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

**AGENDA LOCATION:**

Consent

**Meeting Date:**

December 7, 2015

**ITEM TITLE:**

Library Board By-Law Amendment

**DESCRIPTION:**

The Library Board recently met and request to amend their bylaws to limit the number of annual meetings to a total of six. They currently meet monthly and propose to meet only six times annually moving forward.

**POTENTIAL ACTION:**

**DEPARTMENT:**

Administration

**PRESENTER:**

Nancy Medlin, Deputy Town Manager

**ITEM HISTORY:**

**Date:**

November 16,  
2015

**Action Taken:**

Placed on Consent Agenda for December 7, 2015

**Information Provided:**

By-Law Change Language

**Date:**

**Action Taken:**

**Information Provided:**

**TOWN OF CLAYTON**  
**Amendment to the Code of Ordinances: Chapter 32**  
**Departments, Boards, and Commissions: Library Board**

BEING HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON, NORTH CAROLINA that the following text shall be amended to the Code of Ordinances:

Amend Section 32.060 MEETINGS with the following:

(E) (1) *As a public body, the Library Board shall hold at least six annual meetings, and all of its meetings shall be open to the public (G.S. 143-310).*

Duly adopted by the Clayton Town Council this 7th day of December 2015 while in regular session.

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

ATTEST:

APPROVED AS TO FORM:

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

\_\_\_\_\_  
Katherine E. Ross  
Town Attorney



**TOWN OF CLAYTON  
COUNCIL LIAISON AND COMMITTEE ASSIGNMENTS  
2015**

<b><u>COMMITTEE</u></b>	<b><u>COUNCIL LIAISON</u></b>
<b>Board of Adjustment</b>	N/A
<b>Downtown Development Association (DDA)</b>	Michael Grannis
<b>Fire Advisory Board</b>	Bob Satterfield
<b>Library Board</b>	Art Holder
<b>Planning Board</b>	Bob Satterfield
<b>Public Art Advisory Board</b>	Jody L. McLeod
<b>Recreation Advisory Committee</b>	R.S. "Butch" Lawter, Jr.
<b>Triangle J COG – Delegate</b>	R.S. "Butch" Lawter, Jr.
<b>Triangle J COG – Alternate</b>	Jason Thompson
<b>NC League of Municipalities - Delegate</b>	Jody L. McLeod
<b>CAMPO<sup>^</sup> - Primary</b>	Michael Grannis
<b>CAMPO<sup>^</sup> - Alternate 1</b>	Jason Thompson
<b>CAMPO<sup>^</sup> - Alternate 2</b>	Jody McLeod
<b>ElectriCities* - Delegate</b>	Robert J. Ahlert
<b>ElectriCities* – Alternate</b>	Jody L. McLeod

<sup>^</sup>Delegate to CAMPO must be an elected official.

\*The Town Council can appoint a commissioner and up to two alternate commissioners to serve. The appointments can be made by motion at a Town Council meeting. Persons appointed to serve must take an oath; one copy of the oath is to be forwarded to ElectriCities and one copy is to be forwarded to the Town Clerk. The oath carries with the commissioner until a new commissioner is appointed.

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

**AGENDA LOCATION:**

Public Hearings

**Meeting Date:**

December 7, 2015

**ITEM TITLE:**

Nick's Flippin Kids - 15-50-01-SUP - 9257 US 70 Business

**DESCRIPTION:**

Applicant is requesting a Special Use Permit to open Nick's Flippin Kids which is a gymnastic facility in an existing and vacant building located in a Special Use District.

**POTENTIAL ACTION:**

Approval/Disapproval

**DEPARTMENT:**

Planning + Zoning

**PRESENTER:**

David DeYoung, Planning Director

**ITEM HISTORY:**

**Date:**

November 16,  
2015

**Action Taken:**

Set Public Hearing for December 7, 2015

**Information Provided:**

Application / Staff Report / Maps / Site Plan / Neighborhood Meeting Info / Planning Board Recommendation

**Date:**

**Action Taken:**

**Information Provided:**



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

## SPECIAL USE 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 have the potential to create incompatibilities with adjacent uses.*

**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.

### APPLICATION TYPE

- New Special Use Permit       Major Modification to an approved SUP  
 Permit Modified: \_\_\_\_\_

### SITE INFORMATION

Name of Project: NICK'S FLIPPIN KIDS      Acreage of Property: 8.3  
 Parcel ID Number: 05104017      Tax ID: 4229047  
 Deed Book: 4124      Deed Page(s): 490  
 Address/Location: 9257 US 70 BUSINESS HWY W.

Existing Use: VACANT FURNITURE STORE      Proposed Use: INDOOR RECREATION

Is project within a Planned Development?       No       Yes

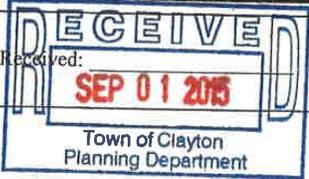
Planned Development District (if applicable): \_\_\_\_\_

Is project within an Overlay District: 7       No       Yes

Overlay District (if applicable): \_\_\_\_\_

### OFFICE USE ONLY

Date Received: SEP 01 2015      Amount Paid: \$500.00      Permit Number: 15-50-01-SUP



**PROPERTY OWNER INFORMATION**

Name: MOORING CAPITAL FUND, LLC  
 Mailing Address: 8609 WESTWOOD CENTER DR STE 450 VIENNA VA  
 Phone Number: \_\_\_\_\_ Fax: 22182  
 Email Address: \_\_\_\_\_

**APPLICANT INFORMATION**

Applicant: NICKS FLIPPIN KIDS  
 Mailing Address: 101 BEST WOODS DR  
 Phone Number: 919-607-2618 - (NICK) Fax: \_\_\_\_\_  
 Contact Person: CHRIS OR NICK BRANCHEU - <JIM LEE 919-524-1019>  
 Email Address: NICK@NICKSFLIPPINKIDS.COM

**REQUIRED INFORMATION (to be submitted with the application)**

The following items must accompany a Conditional Use Permit (CUP) application.

To be completed by the applicant:			To be completed by staff:		
	Yes	N/A	Yes	No	N/A
1. A pre-application conference was held with Town of Clayton staff. Date: _____	<input type="checkbox"/>	<input type="checkbox"/>			
2. Review Fee (\$400)	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
3. Completed application (9 copies)	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
4. Owner's Consent Form (9 copies)	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
5. Adjacent property owners list (9 copies) <u>2 SETS</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
6. Wastewater allocation request OR verification of wastewater allocation (9 copies)	<input type="checkbox"/>	<input type="checkbox"/>			
7. Signed and sealed traffic impact analysis (2 copies)	<input type="checkbox"/>	<input type="checkbox"/>			
8. If applicant is concurrently applying for site plan approval, a copy of the proposed site plan.	<input type="checkbox"/>	<input type="checkbox"/>			
9. Neighborhood meeting notice letter (9 copies) <i>See sample letter and meeting requirements included in this packet</i>	May be provided at time of submittal if meeting date is known – otherwise must be submitted by email or mail on date the letter is mailed out.				
10. Set of stamped, addressed envelopes using the adjacent property owners list	May be provided at time of submittal OR no later than 25 days prior to the Town Council meeting.				
11. Neighborhood meeting summary form (9 copies) <i>Form is included in this packet</i>	Must be submitted after neighborhood meeting is held and at least 10 days prior to Planning Board meeting.				

Note: More information may be requested by the Planning Department depending on the project

**REQUIRED FINDINGS OF FACT**

*Section 155.711(I) of the Unified Land Development Code requires applications for a Special Use 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 developed according to the plans as submitted and approved.

NICK'S IS A GYMNASIIC AND SPORT DANCING BUSINESS  
FOR CHILDREN AND TEENS. THE PARKING LOT AND  
INTERIOR STRUCTURE LEND WELL FOR SAFETY. THE  
OUTSIDE AREA IS OPEN & WELL LIT FOR MAXIMUM  
OBSERVANCE OF CHILDREN. THE INTERIOR HAS HIGH  
CEILINGS TO PREVENT TRAMPOLINE INJURIES TO KIDS  
AND OPEN SPAN STRUCTURE REMOVES OBSTACLES THAT  
DON'T MOVE WHEN STRUCK BY A HIGH SPEED CHILD.

- 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.

THERE ARE NO KNOWN CONFLICTS

- 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.

THERE ARE NO KNOWN CONFLICTS WITH THE TOWN.

THERE IS NO RECOGNIZED REASON THE CHILDREN OR  
PARENTS WOULD DAMAGE NEIGHBORHOOD SAFETY  
OR PROPERTY VALUES.

- 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.

THERE ARE NO KNOWN CONFLICTS WITH TOWN

ORDINANCES, PLANS OR POLICIES

**EXPLANATION OF PROJECT**

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

THE NEW OCCUPANT WILL MAKE VERY FEW CHANGES TO THE INTERIOR EXCEPT REMOVAL OF DISPLAY WALLS AND SOME LIGHTS. OTHER THAN THE SIGN, THERE ARE NO PLANS TO MODIFY THE EXTERIOR.

**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.*

Jim Lee  
Print Name

  
Signature of Applicant

9-1-15  
Date

SEE ATTACHED DETAILED LIST

## ADJACENT PROPERTY OWNERS LIST

Project Name: NICK'S FLIPPING KIDS

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

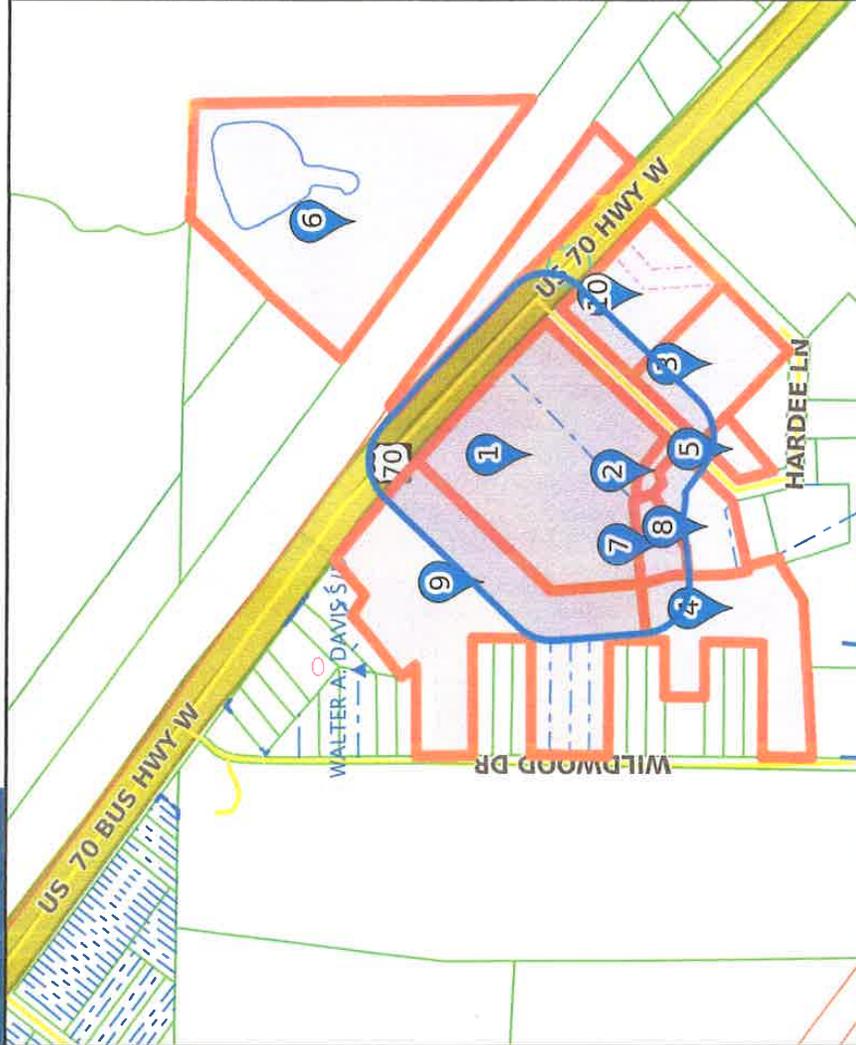
It is the responsibility of the applicant to correctly identify the current owner, based upon records in the Johnston County GIS Office, for all property owners of land within the required public notice radius.

PARCEL NUMBER	NAME	ADDRESS
1. 05104017	MOORING CAPITAL	
2. 05A01029M	HARDEE, B	
3. 05A01029K	HARDEE, B	
4. 05A01029E	HARDEE, B	
5. 05A01027	GUPTON	
6. 05A01029I	HARDEE, R+T	
7. 05A01029F	HARDEE & ODDO	
8. 05A01029A	HARDEE, A	
9. 05A01013	LITTLE CREEK VI	
10. 05A01029H	HARDEE, B+N	



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

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



**Result 1**

id: 05I04017  
 Tag: 05I04017  
 Tax Unique Id: 4229047  
 Owner Name 1: MOORING CAPITAL FUND LLC  
 Owner Name 2:  
 Mail Address 1: 8609 WESTWOOD CENTER DR  
 Mail Address 2: STE 450  
 Mail Address 3: VIENNA, VA 22182  
 Book: 04124  
 Page: 0490

**Result 2**

id: 05A01029M  
 Tag: 05A01029M  
 Tax Unique Id: 4258069  
 Owner Name 1: HARDEE, RANDALL  
 Owner Name 2: ODDO, PHILLIP  
 Mail Address 1: 2021 HARDEE LN  
 Mail Address 2:  
 Mail Address 3: CLAYTON, NC 27520-9822  
 Book: 04518  
 Page: 0954

*BUREAU LIMIT LINE IS 150 FEET TO ASSURE NO ERRORS OCCURRED USING 100 FEET*

Scale: 1:5874 - 1 in. = 489.52 feet

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





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**Result 3**

**id:** 05A01029K  
**Tag:** 05A01029K  
**Tax Unique Id:** 4242225  
**Owner Name 1:** HARDEE, BOBBY HINTON  
**Owner Name 2:**  
**Mail Address 1:** 2019 HARDEE LANE  
**Mail Address 2:**  
**Mail Address 3:** CLAYTON, NC 27520-9822  
**Book:** 01307  
**Page:** 0563

**Result 4**

**id:** 05A01029E  
**Tag:** 05A01029E  
**Tax Unique Id:** 4223960  
**Owner Name 1:** HARDEE, BOBBY HINTON  
**Owner Name 2:**  
**Mail Address 1:** 2019 HARDEE LANE  
**Mail Address 2:**  
**Mail Address 3:** CLAYTON, NC 27520-9822  
**Book:** 01307  
**Page:** 0563

**Result 5**

**id:** 05A01027  
**Tag:** 05A01027  
**Tax Unique Id:** 4166743  
**Owner Name 1:** GUPTON, FRANCES BARNES  
**Owner Name 2:**  
**Mail Address 1:** 2011 HARDEE LANE  
**Mail Address 2:** P O BOX 445 27528  
**Mail Address 3:** CLAYTON, NC 27520-0000  
**Book:** 01193  
**Page:** 0454

**Result 6**

**id:** 05A01029I  
**Tag:** 05A01029I  
**Tax Unique Id:** 4232456  
**Owner Name 1:** HARDEE, RANDAL  
**Owner Name 2:** HARDEE, TERRY H  
**Mail Address 1:** PO BOS 634  
**Mail Address 2:**  
**Mail Address 3:** CLAYTON, NC 27528  
**Book:** 04362  
**Page:** 0970

**Result 7**

**id:** 05A01029F  
**Tag:** 05A01029F  
**Tax Unique Id:** 4258068  
**Owner Name 1:** HARDEE, RANDALL  
**Owner Name 2:** ODDO, PHILLIP  
**Mail Address 1:** 2021 HARDEE LN  
**Mail Address 2:**  
**Mail Address 3:** CLAYTON, NC 27520-9822  
**Book:** 04518  
**Page:** 0954

**Result 8**

**id:** 05A01029A  
**Tag:** 05A01029A  
**Tax Unique Id:** 4166745  
**Owner Name 1:** HARDEE, ANN H  
**Owner Name 2:**  
**Mail Address 1:** 2000 HARDEE LN  
**Mail Address 2:**  
**Mail Address 3:** CLAYTON, NC 27520-0000  
**Book:** 02745  
**Page:** 0609



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

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**Result 9**

**id:** 05A01013  
**Tag:** 05A01013  
**Tax Unique Id:** 4218287  
**Owner Name 1:** LITTLE CREEK ELEVEN LLC  
**Owner Name 2:**  
**Mail Address 1:** 1255 CREEKSHIRE WAY  
**Mail Address 2:**  
**Mail Address 3:** WINSTON SALEM, NC  
27103-0000  
**Book:** 03986  
**Page:** 0356

**Result 10**

**id:** 05A01029H  
**Tag:** 05A01029H  
**Tax Unique Id:** 4242213  
**Owner Name 1:** HARDEE, BOBBY H  
**Owner Name 2:** HARDEE, NANCY O  
**Mail Address 1:** 2019 HARDEE LANE  
**Mail Address 2:**  
**Mail Address 3:** CLAYTON, NC 27520-9822  
**Book:** 02043  
**Page:** 0701



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

October 26, 2015

## STAFF REPORT

**Application Number: 15-50-01-SUP**  
**Project Name: Nick's Flippin Kids Special Use Permit**

**NC PIN / Tag #:** 166800-84-0769 / 05I04017  
**Town Limits/ETJ:** Town Limits  
**Overlay:** None  
**Applicant:** Nick's Flippin Kids  
**Owner:** Mooring Capital Fund, LLC  
**Location:** 9257 US 70 BUS HWY

**Public Noticing:**

- Neighborhood meeting October 15, 2015
- Sign posted October 8, 2015
- Newspaper ad prior to November 25, 2015

**REQUEST:** The applicant is requesting a special use permit to open "Nick's Flippin Kids", a gymnastics facility, in an existing & vacant building located in a Special Use District.

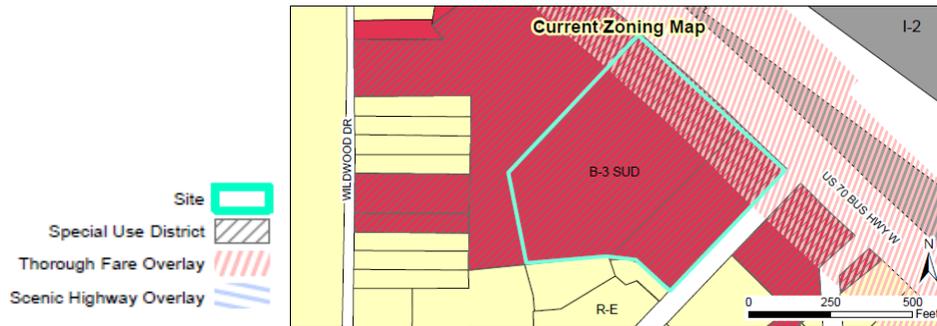
**SITE DATA:**

**Acres:** 8.33  
**Existing Use:** Vacant



**ADJACENT ZONING AND LAND USES:**

Direction	Zoning	Existing Use
North	Highway-Business (B-3)	Vacant
South	Residential-Estate (R-E)	Single-Family Residences
East	Highway-Business (B-3)	Commercial
West	Highway-Business (B-3)	Single-Family Residences



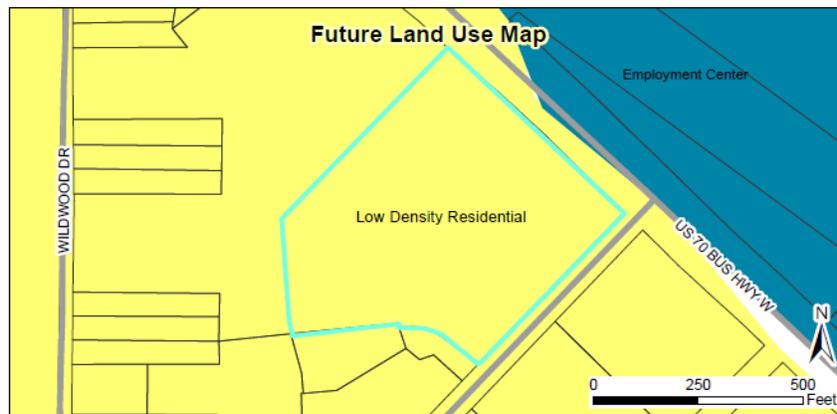
**DEVELOPMENT DATA:**

- Proposed Uses: Indoor Entertainment (gymnastics facility)
- Buildings: 1 building, existing
- Fire Protection: Town of Clayton
- Access/Streets: Access will be provided via 2 full-access existing driveways located off of Hardee Lane. There are also two stub-outs located on the Northern portion of the lot. These stub-outs connect to the undeveloped adjacent property.
- Water/Sewer Provider: Town of Clayton
- Electric Provider: Town of Clayton

**STAFF ANALYSIS:**

**Overview**

The applicant is requesting a special use permit to open up a gymnastics facility called “Nick’s Flippin Kids” in a vacant existing building. The facility is proposing to occupy only the showroom portion of the building, which is 20,000 square feet. The remaining portions of the building will remain vacant at this time. Currently, the property is zoned B-3 SUD (Highway Business Special Use District). This use is permitted outright in B-3 zoning districts, but the Special Use Overlay requires any tenant to go through the special use process in order to operate at this location.



**Consistency with Adopted Plans:**

- **Strategic Growth Plan**

The 2040 Comprehensive Plan designates this parcel of land, as well as surrounding parcels, as “Low Density Residential”. However, the existing site is currently zoned B-3 SUD and will ultimately be used for commercial purposes because of this. While the proposed use is not consistent with the future land use map, it is consistent with Objective LU1.2 of the plan which encourages the redevelopment or adaptive reuse of under-utilized commercial development. The subject parcel has been vacant for some time, and permitting Nick’s Flippin Kids to utilize the front downstairs portion of the facility may attract other businesses to utilize the remaining portion of the 110,000 square foot building.

- **Unified Development Code**

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

**Background & History**

In 2007, Council approved this site for a Special Use Permit (SUP 07-03) and a Major Site Plan request. The building was originally approved used for the site of Ashley Furniture Store and distribution center. It was converted in 2011 into Chloe’s Furniture, which closed in 2013 leaving the 110,000 square foot building vacant.

**Associated Site Plan**

Since the applicant is requesting to locate in an existing building, and no changes are proposed to be made to the property, the applicant has submitted the existing site plan which was approved in 2007 for the Ashley Furniture Store. Staff has reviewed the existing plan and has determined that no changes are needed to the site to meet code requirements.

**Landscaping and Buffering**

The site has existing landscaping that is in compliance with UDC requirements. Street yard trees and shrubs are provided along Highway 70, a Class “A” buffer is provided along Hardee Lane, and a Class “C” landscape buffer is provided along the southern property line, which is where the property abuts parcels zoned R-E (Residential-Estate). The applicant will be required to maintain the existing landscaping as well as replace any missing plant material as shown on the original site plan approval.

**Recreation and Open Space**

N/A

**Environmental**

N/A

**Signs**

The applicant has not submitted any proposed signage for the subject property. All signs will be reviewed separately through the Planning Department and will be required to adhere to UDC requirements.

**Architecture**

No exterior changes are being made to the existing building. The existing architecture of the building is acceptable to staff.

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

None.

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**FINDINGS**

When considering a Special Use Permit application, the Town Council shall consider specific Findings of Fact. A Special Use which fails to meet any of these Findings shall be deemed adverse to the public interest and shall not be approved. The applicant has adequately addressed the Findings of Fact expressly established by Chapter 155.711(l) of the UDC, and these Findings are accepted as part of the completed application.

---

**CONSIDERATIONS:**

- The Town Council approves Special Use Permits. The Planning Board shall make a recommendation to the Town Council.
- 

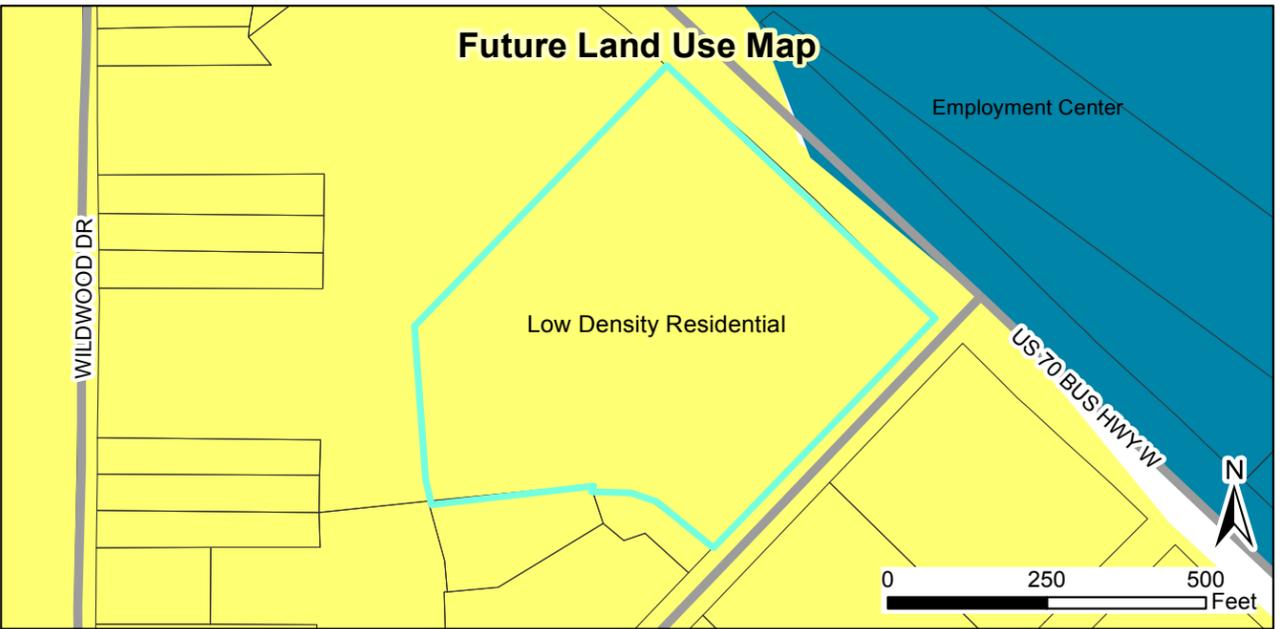
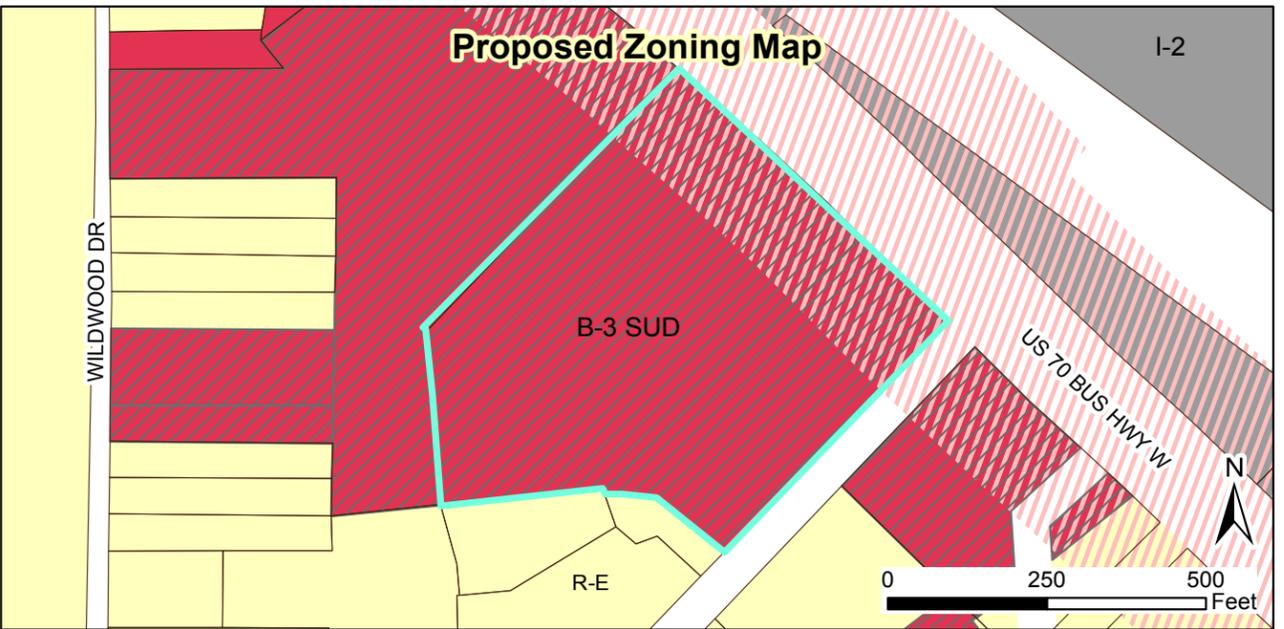
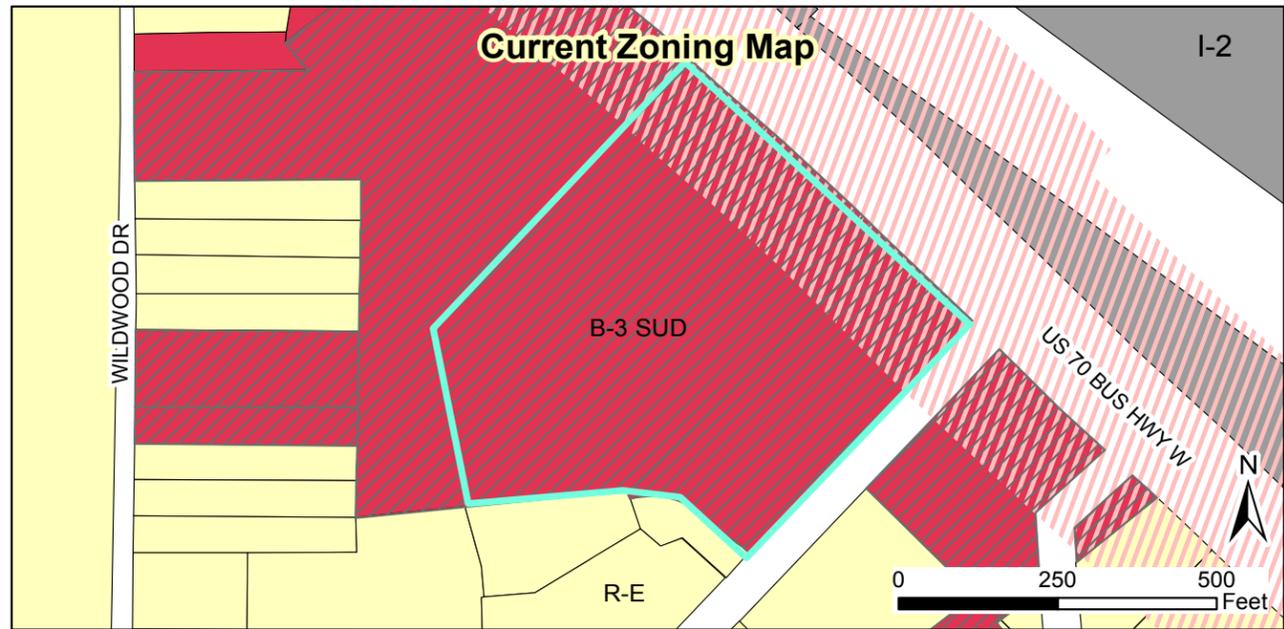
**RECOMMENDATION:**

Staff is recommending approval of the above referenced Special Use Permit.

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**ATTACHMENTS:**

- 1) Application
- 2) Staff Report Map
- 3) Existing Site Plan
- 4) Neighborhood Meeting Materials



**15-50-01-SUP Nick's Flippin Kids**  
**Request: Special Use request to operate a gymnastics facility on the site**

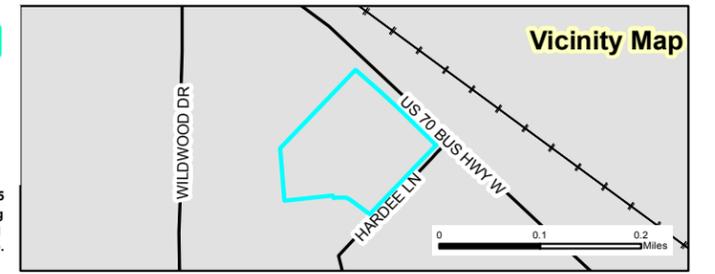
Applicant: Nick's Flippin Kids  
 Property Owner: Mooring Capital Fund, LLC  
 Parcel ID Number: 166800-84-0769  
 Tag #: 05104017

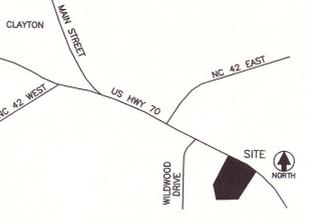


Document Path: O:\PLANNING\SPECIAL USE\2015\15-50-01-SUP Nick's Flippin Kids Special Use\Maps\StaffReportMap.mxd



- Site
  - Special Use District
  - Thorough Fare Overlay
  - Scenic Highway Overlay
- 10/15/2015  
 Produced by: TOC Planning  
 Disclaimer: Town of Clayton assumes no legal responsibility for the information represented here.

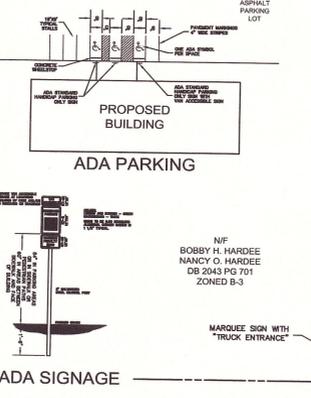
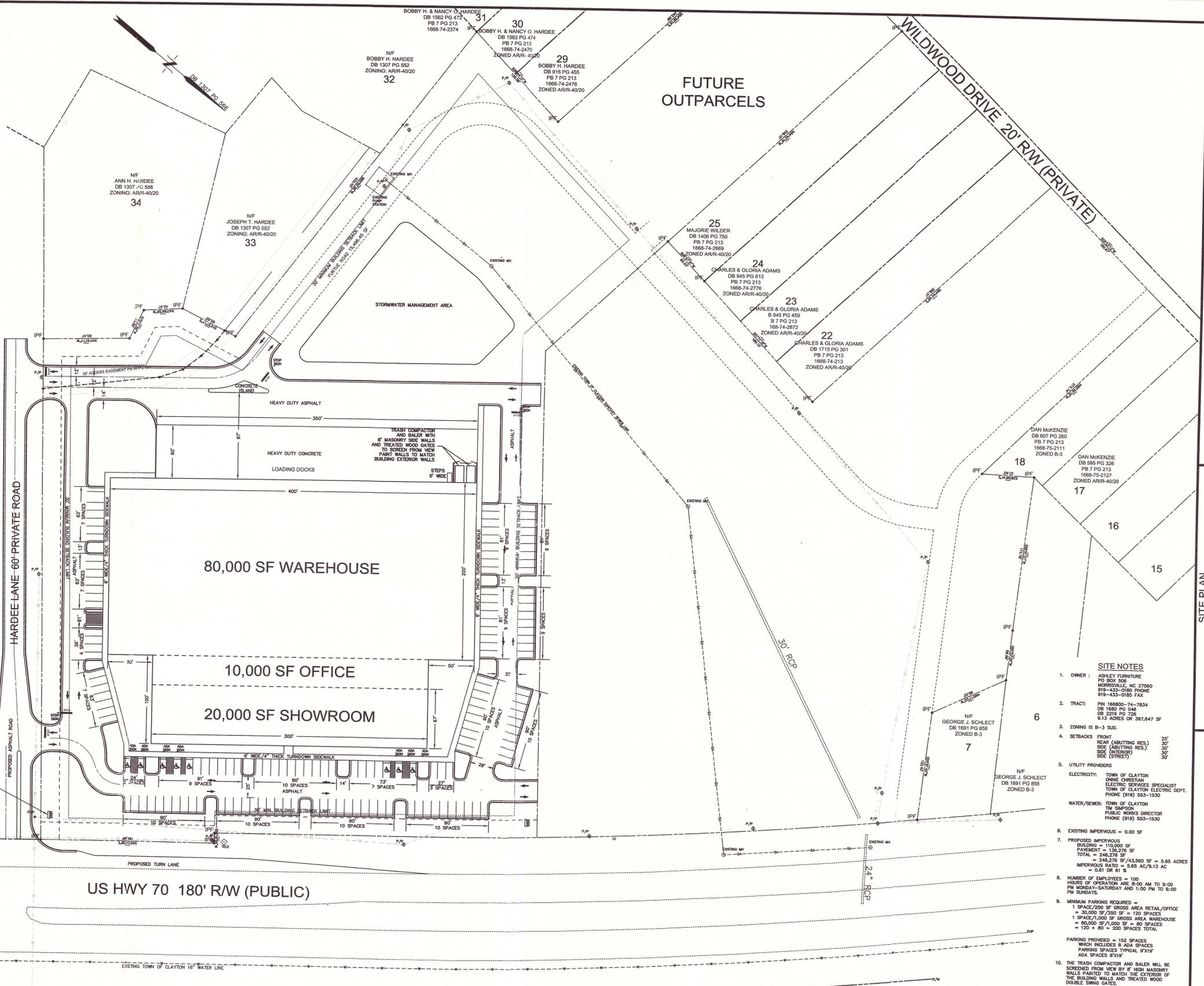




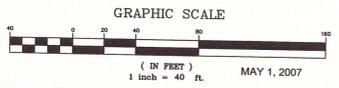
VICINITY MAP  
(NOT TO SCALE)

**LEGEND**

EXISTING CONTOUR	---
PROPOSED CONTOUR	- - - -
EXISTING WATER LINE	—W—
EXISTING GATE VALVE	GV
EXISTING FIRE HYDRANT	FH
PROPOSED WATER LINE	- - - - W - - - -
PROPOSED GATE VALVE	GV
PROPOSED FIRE HYDRANT	FH
EXISTING SANITARY SEWER	—SS—
EXISTING INTERCEPTOR SEWER	IS
PROPOSED SEWER LINE	- - - - S - - - -
PROPOSED SEWER SERVICE LINE	- - - - SS - - - -
EXISTING DRAINAGE PIPE	—DP—
PROPOSED DRAINAGE PIPE	- - - - DP - - - -
EXISTING OVERHEAD ELECTRIC	—OE—
EXISTING AREA LIGHT	AL
PROPOSED OVERHEAD ELECTRIC	- - - - OE - - - -
EXISTING UNDERGROUND ELECTRIC	—UE—
PROPOSED UNDERGROUND ELECTRIC	- - - - UE - - - -
EXISTING GAS LINE	—GL—
PROPOSED FENCE	- - - - F - - - -
TEMPORARY SILT FENCE	—STF—
LIMITS OF DISTURBANCE	---
BLOCK AND GRAVEL FILTER	BGF
ROCK CHECK DAM	RCD
SEDIMENT TRAP	ST



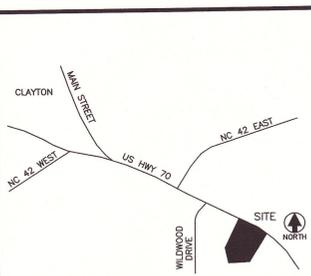
- SITE NOTES**
- OWNER : ASHLEY FURNITURE  
PO BOX 209  
MORRISVILLE, NC 27560  
919-433-0180 PHONE  
919-433-0185 FAX
  - TRACT: P/N 166800-74-7834  
DB 1662 PG 046  
DB 2319 PG 726  
8.13 ACRES OR 397,847 SF
  - ZONING IS B-3 SUD.
  - SETBACKS FRONT  
REAR (ABUTTING RES.) 25'  
SIDE (ABUTTING RES.) 30'  
SIDE (INTERIOR) 30'  
SIDE (STREET) 30'
  - UTILITY PROVIDERS  
ELECTRICITY: TOWN OF CLAYTON  
DINNE CHRISTIAN  
ELECTRIC SERVICES SPECIALIST  
TOWN OF CLAYTON ELECTRIC DEPT.  
PHONE (919) 553-1530  
WATER/SEWER: TOWN OF CLAYTON  
TIM SIMPSON  
PUBLIC WORKS DIRECTOR  
PHONE (919) 553-1530
  - EXISTING IMPERVIOUS = 0.00 SF
  - PROPOSED IMPERVIOUS  
BUILDING = 110,000 SF  
PAVEMENT = 136,276 SF  
TOTAL = 246,276 SF  
IMPERVIOUS RATIO = 4.65 AC/91.13 AC  
= 0.61 OR 61 %
  - NUMBER OF EMPLOYEES = 100  
HOURS OF OPERATION ARE 8:00 AM TO 8:00 PM MONDAY-SATURDAY AND 1:00 PM TO 6:00 PM SUNDAYS
  - MINIMUM PARKING REQUIRED =  
1 SPACE/250 SF GROSS AREA RETAIL/OFFICE  
= 30,000 SF/250 SF = 120 SPACES  
1 SPACE/1,000 SF GROSS AREA WAREHOUSE  
= 80,000 SF/1,000 SF = 80 SPACES  
= 120 + 80 = 200 SPACES TOTAL  
PARKING PROVIDED = 152 SPACES  
WHICH INCLUDES 8 ADA SPACES  
PARKING SPACES TYPICAL 8'X19'  
ADA SPACES 8'X19'
  - THE TRASH COMPACTOR AND BALER WILL BE SCREENED FROM VIEW BY 8' HIGH MASONRY WALLS PAINTED TO MATCH THE EXTERIOR OF THE BUILDING WALLS AND TREATED WOOD DOUBLE SWING GATES.



SUP 07-03

REVISION NO. 2  
PRO RECORD REVIEW COMMENTS  
MAY 11, 2007  
REVISION NO. 1  
MAY 11, 2007  
PRO RECORD REVIEW COMMENTS  
MAY 11, 2007

SITE PLAN



**LEGEND**

EXISTING CONTOUR	---
PROPOSED CONTOUR	- - - -
EXISTING WATER LINE	—W—
EXISTING GATE VALVE	W
EXISTING FIRE HYDRANT	W
PROPOSED WATER LINE	- - - -
PROPOSED GATE VALVE	- - - -
PROPOSED FIRE HYDRANT	- - - -
EXISTING SANITARY SEWER	---S---
EXISTING INTERCEPTOR SEWER	---S---
PROPOSED SEWER LINE	- - - -
PROPOSED SEWER SERVICE LINE	- - - -
EXISTING DRAINAGE PIPE	---D---
PROPOSED DRAINAGE PIPE	- - - -
PROPOSED CATCH BASIN	CB
EXISTING OVERHEAD ELECTRIC	---E---
EXISTING AREA LIGHT	AL
PROPOSED OVERHEAD ELECTRIC	- - - -
EXISTING UNDERGROUND ELECTRIC	---UE---
PROPOSED UNDERGROUND ELECTRIC	- - - -
EXISTING GAS LINE	---G---
PROPOSED FENCE	- - - -
TEMPORARY SITE FENCE	- - - -
LIMITS OF DISTURBANCE	---
BLOCK AND GRAVEL FILTER	BGF
ROCK CHECK DAM	RCD
SEDIMENT TRAP	ST

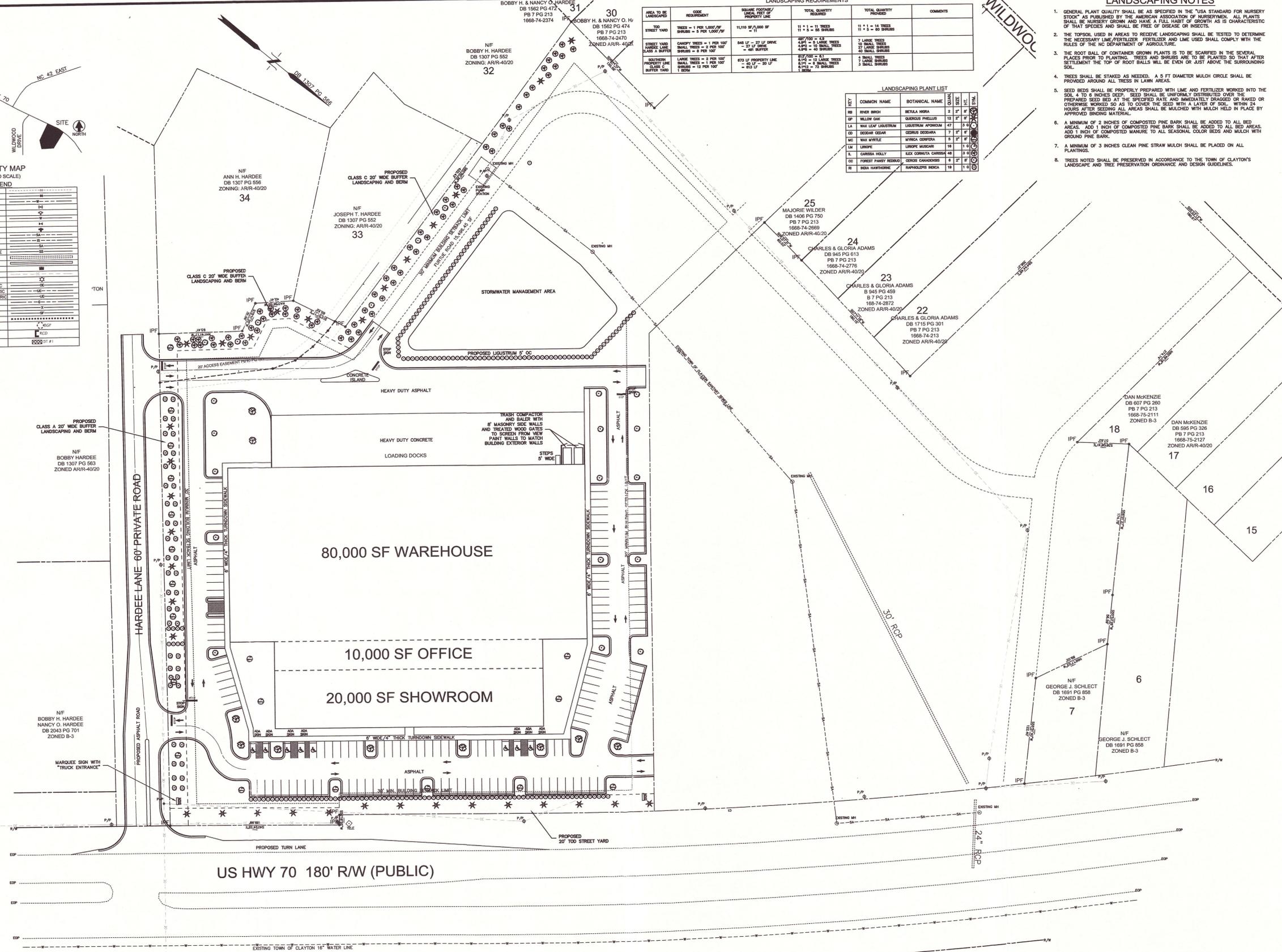
**LANDSCAPING REQUIREMENTS**

AREA TO BE LANDSCAPED	CODE REQUIREMENT	SQUARE FOOTAGE / TOTAL FEET OF PROPERTY LINE	TOTAL QUANTITY REQUIRED	TOTAL QUANTITY PROVIDED	COMMENTS
TOD STREET YARD	TREES = 1 PER 1,000 SF SHRUBS = 5 PER 1,000 SF	11,110 SF / 1,000 SF	11 * 1 = 11 TREES 11 * 5 = 55 SHRUBS	11 * 1 = 11 TREES 11 * 5 = 55 SHRUBS	
STREET YARD CLASS A BUFFER	CANOPY TREES = 1 PER 100 SF SMALL TREES = 2 PER 100 SF SHRUBS = 8 PER 100 SF	840 SF - 27 LF DRIVE - 27 LF DRIVE = 40' BUFFER	8 * 1 = 8 TREES 16 * 2 = 32 TREES 64 * 8 = 512 SHRUBS	7 LARGE TREES 30 SMALL TREES 40 SMALL SHRUBS	
SOUTHERN PROPERTY LINE CLASS C BUFFER YARD	LARGE TREES = 2 PER 100 SF SMALL TREES = 1 PER 100 SF SHRUBS = 12 PER 100 SF	673 LF PROPERTY LINE = 67.3 LF - 20 LF	13 * 2 = 26 TREES 67 * 1 = 67 TREES 807 * 12 = 9,684 SHRUBS	13 LARGE TREES 67 SMALL TREES 9,684 SHRUBS	

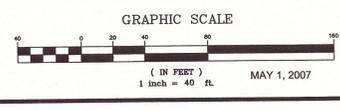
**LANDSCAPING PLANT LIST**

COMMON NAME	BOTANICAL NAME	QUANTITY	SIZE
RYEBIRD BRUSH	BETULA NIDA	11	1" x 1"
WILLOW OAK	QUERCUS PELLIERI	55	2" x 2"
WAX LEAF LIGUSTRUM	LIGUSTRUM SPICIFLORUM	47	3" x 3"
DEODAR CEDAR	CEDRUS DEODARA	7	2" x 2"
WAX MYRTLE	MYRTICA GYNERA	5	2" x 2"
LINDEN	LIRIODENDRON	13	1" x 1"
CASSIA HOLLY	ELAEAGNUS CAROLINA	40	3" x 3"
FOREST PANSY BUSH	CECIS CANADENSIS	8	2" x 2"
INDIA HAWTHORNE	BAPHOEGE INDICA	18	1" x 1"

- LANDSCAPING NOTES**
- GENERAL PLANT QUALITY SHALL BE AS SPECIFIED IN THE "USA STANDARD FOR NURSERY STOCK" AS PUBLISHED BY THE AMERICAN ASSOCIATION OF NURSERYMEN. ALL PLANTS SHALL BE NURSERY GROWN AND HAVE A FULL HABIT OF GROWTH AS IS CHARACTERISTIC OF THAT SPECIES AND SHALL BE FREE OF DISEASE OR INSECTS.
  - THE TOPSOIL USED IN AREAS TO RECEIVE LANDSCAPING SHALL BE TESTED TO DETERMINE THE NECESSARY LIME/FERTILIZER. FERTILIZER AND LIME USED SHALL COMPLY WITH THE RULES OF THE NC DEPARTMENT OF AGRICULTURE.
  - THE ROOT BALL OF CONTAINER GROWN PLANTS IS TO BE SCRUBBED IN THE SEVERAL PLACES PRIOR TO PLANTING. TREES AND SHRUBS ARE TO BE PLANTED SO THAT AFTER SETTLEMENT THE TOP OF ROOT BALLS WILL BE EVEN OR JUST ABOVE THE SURROUNDING SOIL.
  - TREES SHALL BE STAKED AS NEEDED. A 3" FT DIAMETER MULCH CIRCLE SHALL BE PROVIDED AROUND ALL TREES IN LAWN AREAS.
  - SEED BEDS SHALL BE PROPERLY PREPARED WITH LIME AND FERTILIZER WORKED INTO THE SOIL 4 TO 6 INCHES DEEP. SEED SHALL BE UNIFORMLY DISTRIBUTED OVER THE PREPARED SEED BED AT THE SPECIFIED RATE AND IMMEDIATELY BRANDED OR RAKED OR OTHERWISE WORKED SO AS TO COVER THE SEED WITH A LAYER OF SOIL. WITHIN 24 HOURS AFTER SEEDING ALL AREAS SHALL BE MULCHED WITH MULCH HELD IN PLACE BY APPROVED BINDING MATERIAL.
  - A MINIMUM OF 2 INCHES OF COMPOSTED PINE BARK SHALL BE ADDED TO ALL BED AREAS. ADD 1 INCH OF COMPOSTED MANURE TO ALL SEASONAL COLOR BEDS AND MULCH WITH GROUND PINE BARK.
  - A MINIMUM OF 3 INCHES CLEAN PINE STRAW MULCH SHALL BE PLACED ON ALL PLANTINGS.
  - TREES NOTED SHALL BE PRESERVED IN ACCORDANCE TO THE TOWN OF CLAYTON'S LANDSCAPE AND TREE PRESERVATION ORDINANCE AND DESIGN GUIDELINES.



SUP 07-03

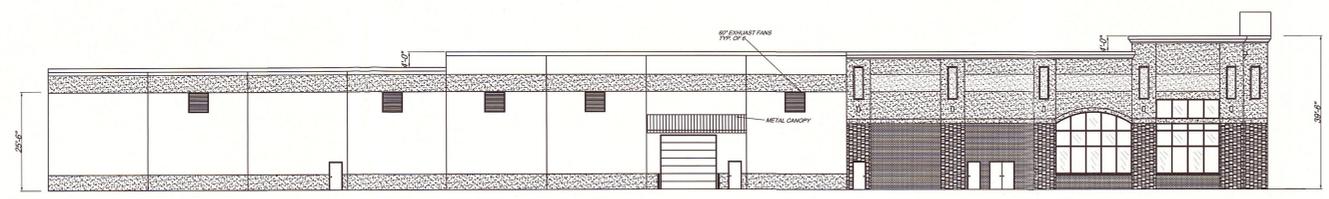


REVISION NO. 3  
TRC SECOND REVIEW COMMENTS  
MAY 15, 2007  
REVISION NO. 1  
TRC FIRST REVIEW COMMENTS  
MAY 11, 2007

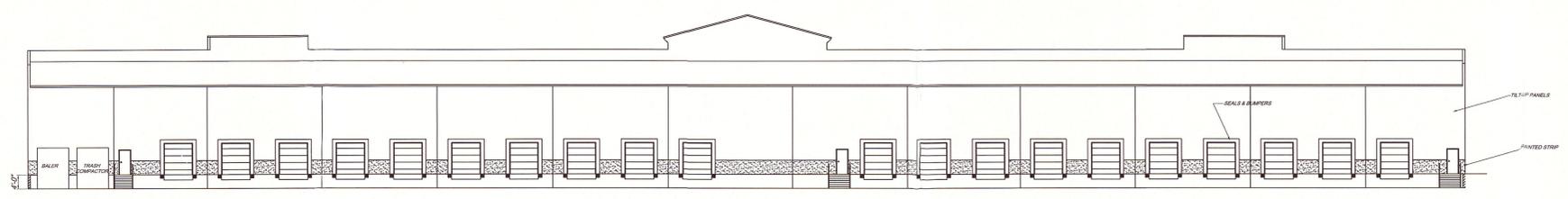
REV.	DATE	DESCRIPTION	BY



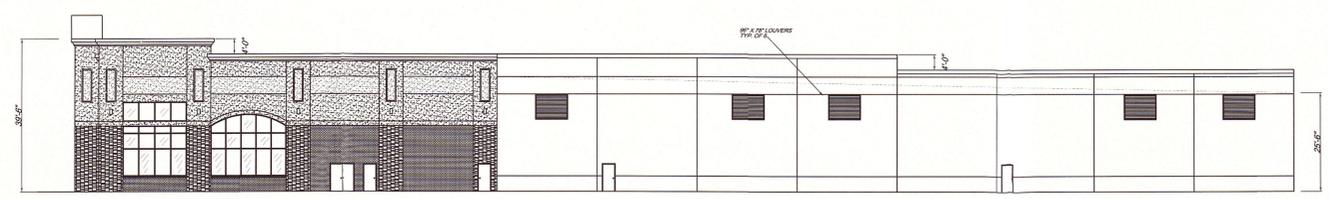
1 FRONT ELEVATION  
A3 SCALE: 1/16"=1'-0"



2 LEFT ELEVATION  
A3 SCALE: 1/16"=1'-0"



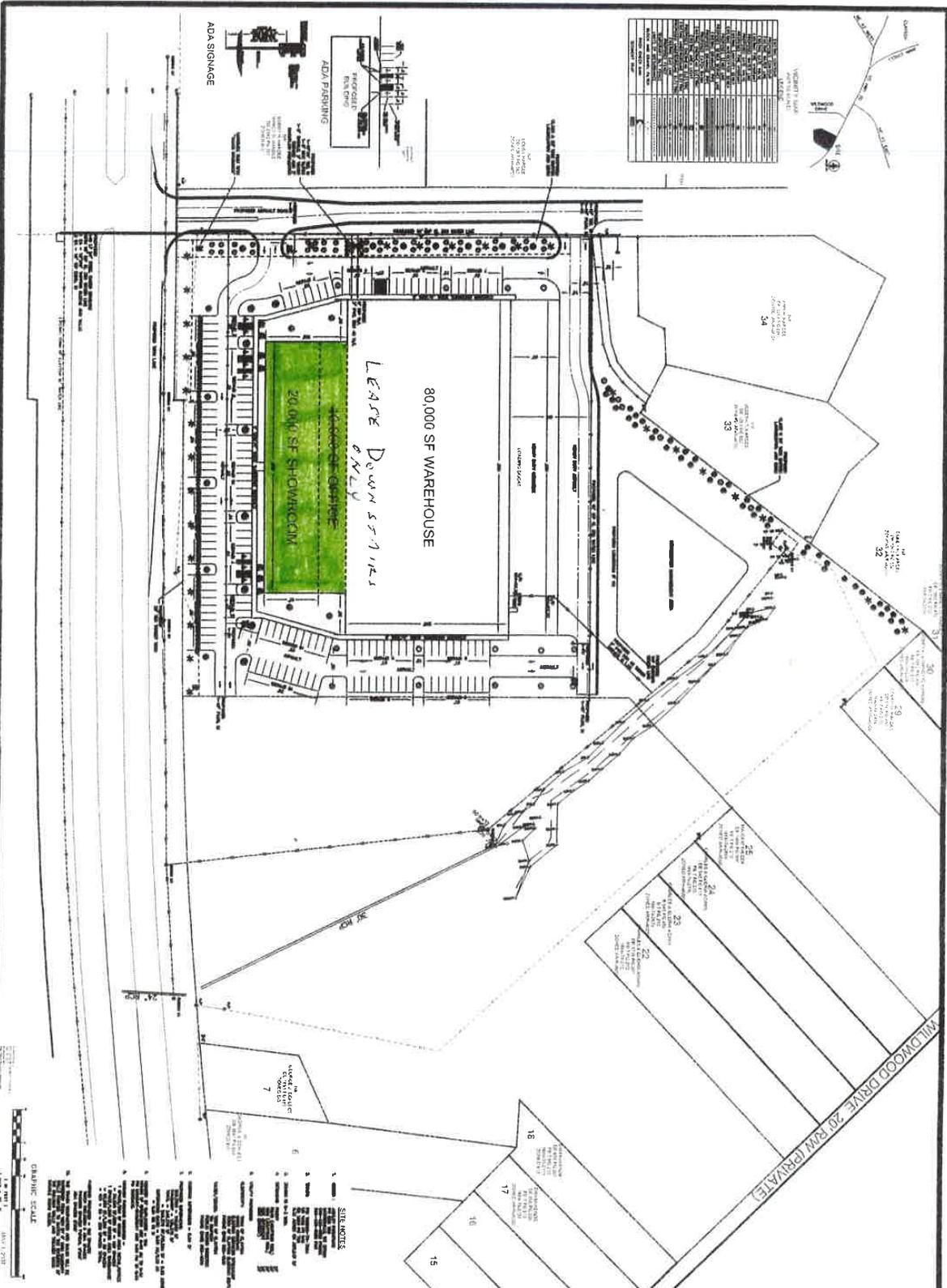
3 REAR ELEVATION  
A3 SCALE: 1/16"=1'-0"



4 RIGHT ELEVATION  
A3 SCALE: 1/16"=1'-0"

PRELIM. DRW.'S

SUP 07-03



SITE PLAN  
ASHLEY FURNITRUUE  
SHOWROOM/WAREHOUSE  
US HIGHWAY 70 EAST  
TOWN OF CLAYTON

PRELIMINARY  
NOT FOR CONSTRUCTION

**GURLEY ENGINEERING, INC.**  
1000 W. 10th Street, Suite 100, Clayton, NC 27925 | Phone: (252) 547-9925 | Fax: (252) 547-9926

DATE: 08/11/2017  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 PROJECT NO: [Number]





**Nick's Flippin Kids  
101 Bestwoods Dr.  
Clayton, NC 27520**

October 1, 2015

Dear Clayton Area Property Owner,

This letter is to notify you of an application filed with the Town of Clayton for a development proposal involving property adjacent to you according to Johnston County tax records. Per Town of Clayton regulations, a Neighborhood Meeting regarding this project will be held to provide information to area residents about the proposal. A representative of the applicant will be present to explain the application, answer questions, and obtain comments.

The meeting will be held Thursday, October 15, 2015, at the office of Jim Lee in downtown Clayton at 442½ E. Main St. which is directly behind First Federal Bank. It will begin at 6PM in offices downstairs and conclude at 7PM unless needed to proceed longer.

The proposal is for a Conditional Use Permit at 9257 US 70 Business West to consider the showroom area of the Chloe Furniture building for use as a gymnasium for children and young children. There are no planned changes for the exterior and minimal demolition to the showroom area.

At the Neighborhood Meeting, there will be a copy of the application, scale drawings or photos that show your relationship, and a representative of the applicant, Nick's Flippin Kids, will be available to answer questions. Nick and Chris Brancheau have been in business nearby on Powhattan Road for over six years.

A map is attached that shows the property location that is under consideration.

If you have questions prior to or after this meeting, you may contact Jim Lee at 919-524-1019 or contact the Planning Department at 919-553-5002.

Sincerely,

Jim Lee

SEE ATTACHED DETAILED LIST

## ADJACENT PROPERTY OWNERS LIST

Project Name: NICK'S FLIPPIN' KIDS

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

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

PARCEL NUMBER	NAME	ADDRESS
1. 05104017	MOORING CAPITAL	
2. 05A01029M	HARDEE, R	
3. 05A01029K	HARDEE, B	
4. 05A01029E	HARDEE, B	
5. 05A01027	GUPTON	
6. 05A01029I	HARDEE, R+T	
7. 05A01029F	HARDEE & ODDO	
8. 05A01029A	HARDEE, A	
9. 05A01013	LITTLE CREEK W	
10. 05A01029H	HARDEE, B+N	



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

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

**Result 9**

**id:** 05A01013  
**Tag:** 05A01013  
**Tax Unique Id:** 4218287  
**Owner Name 1:** LITTLE CREEK ELEVEN LLC  
**Owner Name 2:**  
**Mail Address 1:** 1255 CREEKSHIRE WAY  
**Mail Address 2:**  
**Mail Address 3:** WINSTON SALEM, NC  
27103-0000  
**Book:** 03986  
**Page:** 0356

**Result 10**

**id:** 05A01029H  
**Tag:** 05A01029H  
**Tax Unique Id:** 4242213  
**Owner Name 1:** HARDEE, BOBBY H  
**Owner Name 2:** HARDEE, NANCY O  
**Mail Address 1:** 2019 HARDEE LANE  
**Mail Address 2:**  
**Mail Address 3:** CLAYTON, NC 27520-9822  
**Book:** 02043  
**Page:** 0701



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

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

**Result 3**

**id:** 05A01029K  
**Tag:** 05A01029K  
**Tax Unique Id:** 4242225  
**Owner Name 1:** HARDEE, BOBBY HINTON  
**Owner Name 2:**  
**Mail Address 1:** 2019 HARDEE LANE  
**Mail Address 2:**  
**Mail Address 3:** CLAYTON, NC 27520-9822  
**Book:** 01307  
**Page:** 0563

**Result 4**

**id:** 05A01029E  
**Tag:** 05A01029E  
**Tax Unique Id:** 4223960  
**Owner Name 1:** HARDEE, BOBBY HINTON  
**Owner Name 2:**  
**Mail Address 1:** 2019 HARDEE LANE  
**Mail Address 2:**  
**Mail Address 3:** CLAYTON, NC 27520-9822  
**Book:** 01307  
**Page:** 0563

**Result 5**

**id:** 05A01027  
**Tag:** 05A01027  
**Tax Unique Id:** 4166743  
**Owner Name 1:** GUPTON, FRANCES BARNES  
**Owner Name 2:**  
**Mail Address 1:** 2011 HARDEE LANE  
**Mail Address 2:** P O BOX 445 27528  
**Mail Address 3:** CLAYTON, NC 27520-0000  
**Book:** 01193  
**Page:** 0454

**Result 6**

**id:** 05A01029I  
**Tag:** 05A01029I  
**Tax Unique Id:** 4232456  
**Owner Name 1:** HARDEE, RANDAL  
**Owner Name 2:** HARDEE, TERRY H  
**Mail Address 1:** PO BOS 634  
**Mail Address 2:**  
**Mail Address 3:** CLAYTON, NC 27528  
**Book:** 04362  
**Page:** 0970

**Result 7**

**id:** 05A01029F  
**Tag:** 05A01029F  
**Tax Unique Id:** 4258068  
**Owner Name 1:** HARDEE, RANDALL  
**Owner Name 2:** ODDO, PHILLIP  
**Mail Address 1:** 2021 HARDEE LN  
**Mail Address 2:**  
**Mail Address 3:** CLAYTON, NC 27520-9822  
**Book:** 04518  
**Page:** 0954

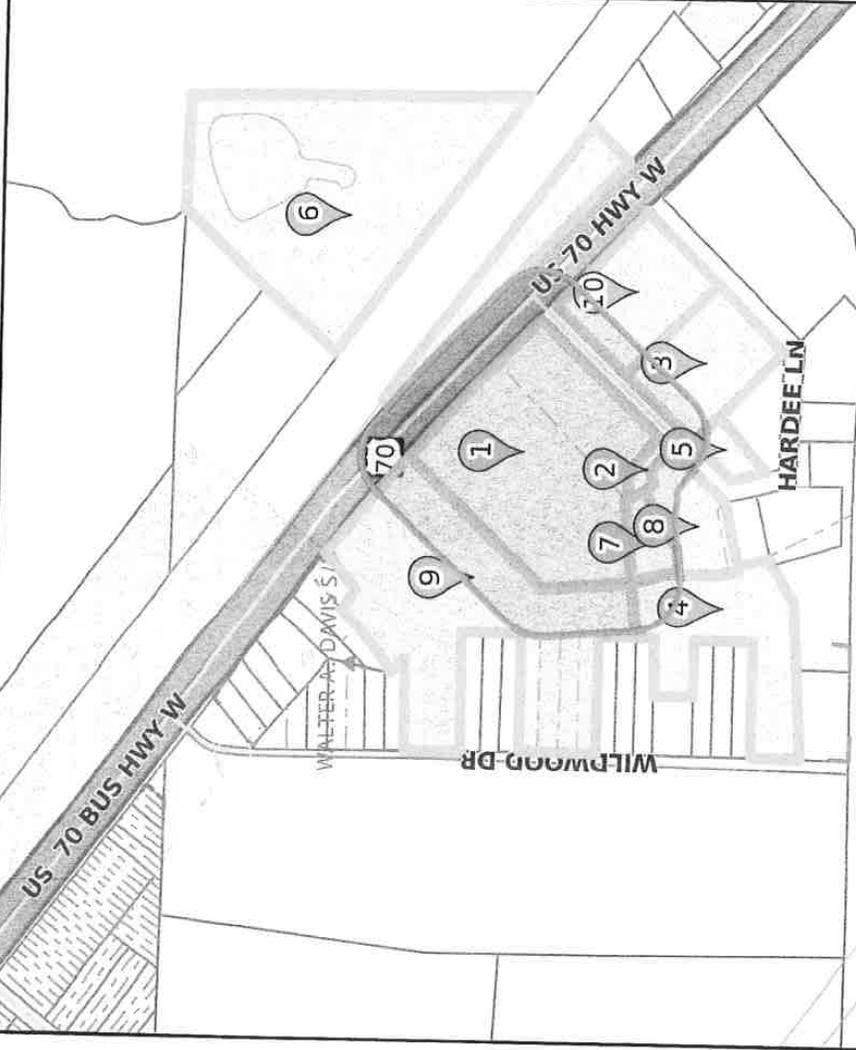
**Result 8**

**id:** 05A01029A  
**Tag:** 05A01029A  
**Tax Unique Id:** 4166745  
**Owner Name 1:** HARDEE, ANN H  
**Owner Name 2:**  
**Mail Address 1:** 2000 HARDEE LN  
**Mail Address 2:**  
**Mail Address 3:** CLAYTON, NC 27520-0000  
**Book:** 02745  
**Page:** 0609



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

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



**Result 1**

id: 05104017  
Tag: 05104017  
Tax Unique Id: 4229047  
Owner Name 1: MOORING CAPITAL FUND LLC  
Owner Name 2:  
Mail Address 1: 8609 WESTWOOD CENTER DR  
Mail Address 2: STE 450  
Mail Address 3: VIENNA, VA 22182  
Book: 04124  
Page: 0490

**Result 2**

id: 05A01029M  
Tag: 05A01029M  
Tax Unique Id: 4258069  
Owner Name 1: HARDEE, RANDALL  
Owner Name 2: ODDO, PHILLIP  
Mail Address 1: 2021 HARDEE LN  
Mail Address 2:  
Mail Address 3: CLAYTON, NC 27520-9822  
Book: 04518  
Page: 0954



Scale: 1:5874 - 1 in. = 489.52 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

**Project:** NICK'S FLIPPIN' KIDS

**Application:** \_\_\_\_\_

**Location/Date:** 442 1/2 E. MAIN ST, CLAYTON      10-15-15

	NAME	ADDRESS
1	NO VISITORS	
2		
3		
4		
5		
6		
7		
8		
9		
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11		
12		
13		
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20		

# NEIGHBORHOOD MEETING SUMMARY FORM

## FILL OUT THE FOLLOWING:

Application: \_\_\_\_\_

Date of Mailing: 10-3-15

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

Printed Name: JIM LEE

Signature: 

Date of Meeting: 10-15-15 Time of Meeting: 6:00 PM

Location of Meeting: 442 1/2 E. MAIN St. CLAYTON

**Meeting Summary/Minutes:** provide a summary of the discussion held at the meeting, including issues raised and any resolution discussed, and any changes made to the application as a result of the meeting.

there have been no phone call and there were  
no visitors to the meeting

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Please write clearly (or submit a typed summary). Use additional sheets if necessary.*

**TOWN OF CLAYTON  
PLANNING BOARD WRITTEN RECOMMENDATION  
SPECIAL USE PERMIT**

**15-50-01-SUP Nick's Flippin Kids Special Use Permit**

On October 26, 2015 the Planning Board heard the above-referenced request and made the following vote:

Recommendation to the Town Council to:

approve the request with the conditions presented by staff

approve the request with the following modified or added conditions:

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deny the request.

Recommendation(s) made this 26 day of October 2015 while in regular session.

Signed:

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

**Town of Clayton  
Town Council  
SUP Motion Sheet**

After considering the competent, material, and substantial evidence presented, including the application and materials of record, I move to (PICK ONE):

- Approve
- Deny
- Approve with Conditions

SUP Application \_\_\_\_\_.

This motion is based on the following findings:

1. The application **will not** materially endanger the public health or safety if located where proposed, and developed according to the plans as submitted and approved.

**OR**

The application **will** materially endanger the public health or safety if located where proposed, and developed according to the plans as submitted and approved. (State evidence supporting finding.)

\*\*\*\*\*

2. The application **meets all** required specifications and conforms to the standards and practices of sound land use planning and the Town Code of Ordinances, or other applicable regulations.

**OR**

The application **does not meet all** required specifications and **does not** conform to the standards and practices of sound land use planning and the Town Code of Ordinances, or other applicable regulations. (State evidence supporting finding.)

\*\*\*\*\*

3. 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.

**OR**

The application **will** substantially injure the value of adjoining or abutting property, and **will** be detrimental to the use or development of adjacent properties or other neighborhood uses. (State evidence supporting finding).

\*\*\*\*\*

4. The application **will not** adversely affect the adopted plans and polices of the Town, or violate the character of existing standards for development of the adjacent properties.

**OR**

The application **will** adversely affect the adopted plans and polices of the Town, or violate the character of existing standards for development of the adjacent properties. (State evidence supporting finding.)

\*\*\*\*\*

**[If approved with conditions]** The applicant meets the above findings subject to the following conditions:

**TOWN OF CLAYTON  
SPECIAL USE PERMIT  
#15-50-01-SUP  
GRANTED**

On the date listed below, the Town Council for the Town of Clayton met and held an evidentiary hearing to consider the following application:

Applicant: NICKS FLIPPIN' KIDS  
Property Owner: MOORING CAPITAL FUND, LLC  
Property Location: 9257 US 70 BUSINESS HIGHWAY WEST  
Brief Property Description: VACANT FURNITURE STORE  
Tax Parcel Number: 166800-84-0769 / 05I04017  
Proposed Use of Property: GYMASTICS FACILITY IN EXISTING VACANT BUILDING LOCATED IN SPECIAL USE DISTRICT  
Hearing Date: DECEMBER 7, 2015

Having heard all the evidence and argument presented at the hearing, the Town Council makes the following findings:

- (1) That the application will not materially endanger the public health or safety if located where proposed, and developed according to the plans as submitted and approved.
- (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, or other applicable regulations.
- (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.
- (4) That the application will not adversely affect the adopted plans and polices of the Town, or violate the character of existing standards for development of the adjacent properties.

The Town Council also finds the Special Use Permit is subject to the following conditions:

- (1) [No conditions]

TOWN OF CLAYTON

BY: \_\_\_\_\_  
Jody L. McLeod  
Mayor

DATE: \_\_\_\_\_  
[Note: within 14 days of decision per Code Section  
155.702(G)]

ATTEST:

\_\_\_\_\_(SEAL)  
Kimberly A. Moffett, CMC, NCCMC  
Town Clerk

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

**AGENDA LOCATION:**

Public Hearings

**Meeting Date:**

December 7, 2015

**ITEM TITLE:**

NC 42 East - 15-48-01-PDD - Mixed Use Rezoning

**DESCRIPTION:**

Request to rezone 45.75 acres from Industrial Heavy (I-2) and Residential Estate (R-E) to Planned Development Mixed Use (PD-MU).

**POTENTIAL ACTION:**

Approval/Disapproval

**DEPARTMENT:**

Planning + Zoning

**PRESENTER:**

David DeYoung, Planning Director

**ITEM HISTORY:**

**Date:**

November 16,  
2015

**Action Taken:**

Set Public Hearing for December 7, 2015

**Information Provided:**

Application / Staff Report / Maps / Neighborhood Meeting Info

**Date:**

**Action Taken:**

**Information Provided:**



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

## REZONING APPLICATION

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

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

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

### SITE INFORMATION

**Name of Project:** Hunt Property **NC 42 Mixed Use** **Acreage of Property:** 45.75  
**County Tag Number:** 05104003 **NC PIN:** 167800-29-8988  
**Address/Location:** 1430 NC Hwy 42, Clayton, Clayton, NC 27527  
S.E. Corner of NC 42 and Glen Laurel Road  
**Existing Zoning District:** I-2 and R-E  
**Proposed Zoning District:** PDD-Mixed Use  
**Is project within an Overlay District?**  No Thoroughfare Overlay II (NC 42)  
 Yes (list): Watershed Protection

### APPLICANT INFORMATION

**Applicant:** Commercial Properties, Inc.  
**Mailing Address:** 1004 Wake Forest Road, Raleigh, NC 27604  
**Phone Number:** 919-872-5702 **Fax:** N/A  
**Contact Person:** Brantley Tillman, CCIM  
**Email Address:** Brantley@commprop.net

RECEIVED FOR OFFICE USE ONLY		
Date Received: <b>SEP 01 2015</b>	Amount Paid: _____	File Number: _____
Town of Clayton Planning Department		

version 07/30/2015

Page 1 of 10

## PROPERTY OWNER INFORMATION

**Name:** James B. Hunt, Jr.,

**Mailing Address:** 1441 NC 42E. Clayton, NC 27527

**Phone Number:** N/A **Fax:** N/A

**Email Address:** N/A

## EXPLANATION OF PROJECT

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

The proposed rezoning from I-2 to PDD-MU will facilitate development of the property in a unified manner, combining residential apartments, shopping center with outparcels, and a self storage facility. These uses are supportive of each other. The initial application establishes intended uses and general location of each. Specific site plans for review and approval shall be submitted at a later time.

## REQUIRED INFORMATION (to be submitted with the application)

*The following items must accompany a Rezoning application.*

To be completed by the applicant:			To be completed by staff:		
	Yes	N/A	Yes	No	N/A
<i>Submit 9 copies of all materials unless otherwise noted or directed by staff</i>					
1. A pre-application conference was held with Town of Clayton staff. Date: <u>7-6-2015</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
2. Review Fee (\$500 for standard rezoning OR \$1,000 + \$5.00/acre for Planned Developments)	<input checked="" type="checkbox"/>				
3. Completed application	<input checked="" type="checkbox"/>				
4. Owner's Consent Form <i>Required if applicant is not property owner.</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
5. A signed and sealed boundary survey (not more than a year old unless otherwise approved by the Planning Department).	<input checked="" type="checkbox"/>				
6. <i>If property to be rezoned is a portion of a parcel:</i>					
- Property legal description typed (10 pt. font or greater). The legal description must also be submitted electronically in Microsoft Word format.	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
- Plat showing property to be rezoned, matching legal description.	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
7. Adjacent property owners list	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
8. Neighborhood meeting notice letter (1 copy) <i>See sample letter and meeting requirements included in this packet</i>	<input checked="" type="checkbox"/>				
9. Neighborhood meeting summary form (1 copy) <i>Included in this packet</i>	Must be submitted after neighborhood meeting is held and at least 10 days prior to Planning Board meeting.				
10. Stamped, addressed, empty envelopes with no return address, using the adjacent property owner list (1 set) <i>This for a public notice of the public hearing mailed by the Town – thus, neighbors will receive both a neighborhood meeting letter from the applicant, and a notice of the hearing from the Town.</i>	<input checked="" type="checkbox"/>				

**APPROVAL CRITERIA**

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

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

The proposed rezoning is consistent with the current Strategic Growth Plan and proposed Comprehensive Plan Update, both of which indicate this property for commercial use. Inclusion of the residential component is supportive of the commercial uses and serves as a transition to existing residences in the area. Roadway and utility improvements will be in accordance with Town and/or State plans.

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

The current zoning (I-2) permits a number of uses such as heavy manufacturing, automotive repair, warehousing/freight with associated large truck traffic, which may not be complimentary to the surrounding properties. The proposed PDD-MU will limit the uses to multi-family housing, shopping center/general retail/office, and self-storage in the locations indicated in the application. This mix of uses will be compatible and serve the surrounding neighborhoods and industry.

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

The proposed uses will be utile and convenient for providing basic services for the surrounding properties as well as the growing residential areas on Glen Laurel Road which have no nearby shopping facilities.

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- 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 proposed developer has assembled a group of notable professionals to assist in the physical development of the site - including traffic, grading and utilities, landscaping and architecture. This group will coordinate with the Town of Clayton professional staff and others, if necessary, to minimize or alleviate any potentially difficult issues before and after construction.

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### Adjacent Property Owners

Property #	NC P.I.N.	Name	Address
1	167800-29-8988	Subject Parcel	
2	167900-20-0817	Kevin Mark & Elizabeth Brame Hunt Amigh	1423 NC Hwy 42 East, Clayton, NC 27527
3	167900-11-1015	NC Department of Transportation	PO Box 3165, Wilson, NC 27895-8165
4	167900-11-5340	Kevin Mark & Elizabeth Brame Hunt Amigh	1423 NC Hwy 42 East, Clayton, NC 27527
5	167800-18-5884	NC Keen Land LLC Corporate Trust Center	871 Cranes Gap Rd, Carlisle, PA 17013-9633
6	167900-40-2006	James R & Linda L Dempster	2024 Fox Ridge Rd, Clayton, NC 27527
7	167800-28-8063	Town of Clayton	PO Box 879, Clayton, NC 27528
8	167900-40-0306	Kevin Thomas Hamilton	2008 Fox Ridge Road, Clayton, NC 27527
9	167800-49-3664	Patsy B Stine & Nancy J Brantley	202 Deerfield Drive, Clayton, NC 27527
10	167800-49-0761	Venable Babcock Burwell, Jr.	417 Black Forest Dr, Clayton, NC 27527
11	167800-39-9754	June E & Genevieve Tocci	421 Black Forest Dr, Clayton, NC 27527-5373
12	167900-32-0758	Falcon Hamlet LLC	PO Box 979, Cary, NC 27513-0979
13	167900-40-0290	Nilous Banks, Jr	286 Camden Place St, Princeton, NC 27569-9416
14	167800-49-1621	Walter Kevin & Tammy Jo White	413 Black Forest Drive, Clayton, NC 27520
15	167900-30-9508	Earl Stevenson & Marjorie Wilson	2000 Fox Ridge Road, Clayton, NC 27527
16	167800-39-8745	Susan Craig	425 Black Forest Drive, Clayton, NC 27520
17	167900-11-2193	James B Jr & Robert Brame Hunt	1441 NC 42 East, Clayton, NC 27527
18	167800-29-4176	Shirley Smith Bullock	5101 Raynor Rd, Garner, NC 27529-9446
19	167800-19-2673	NC Keen Land LLC Corporate Trust Center	871 Cranes Gap Rd, Carlisle, PA 17013-9633
20	167800-39-7744	David R and Sarah J Wagoner	429 Black Forest Drive, Clayton, NC 27527
21	167900-20-3564	Robert B and Margaret H Hunt	1441 NC 42 East, Clayton, NC 27527
22	167800-19-4135	NC Keen Land LLC Corporate Trust Center	871 Cranes Gap Rd, Carlisle, PA 17013-9633



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

Planning Board  
October 26, 2015

## STAFF REPORT

### Application Number: 15-48-01-PDD Project Name: NC 42 East Mixed Use Rezoning/Master Plan

**NC PIN / Tag #:** 167800-29-8988 / 05I04003  
**Town Limits/ETJ:** ETJ  
**Overlay:** Thorough Fare Overlay  
**Applicant:** Brantley Tillman, Commercial Properties Inc.  
**Owner:** James B. Hunt Jr.  
**Location:** 1430 NC Hwy 42, located at the Southeast corner of NC 42 and Glen Laurel Road

#### Public Noticing:

- Neighborhood meeting October 12, 2015
- Sign posted October 8, 2015
- Adjacent Property Letters mailed, prior to November 25, 2015
- Newspaper Ad published, prior to November 25, 2015

**REQUEST:** Rezoning 45.75 acres from Industrial-Heavy (I-2) and Residential-Estate (R-E) to Planned Development Mixed Use (PD-MU).

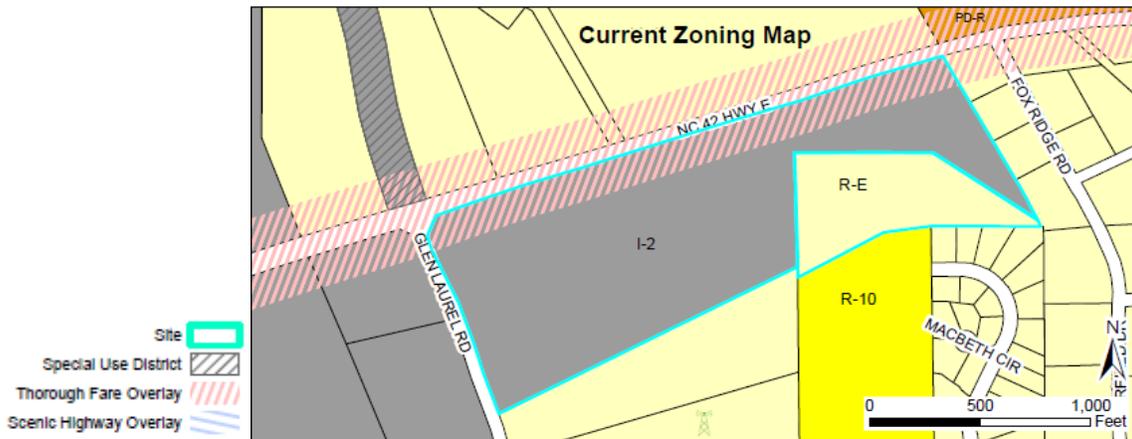
#### SITE DATA:

**Acreage:** 45.75 acres  
**Existing Use:** Vacant



**ADJACENT ZONING AND LAND USES:**

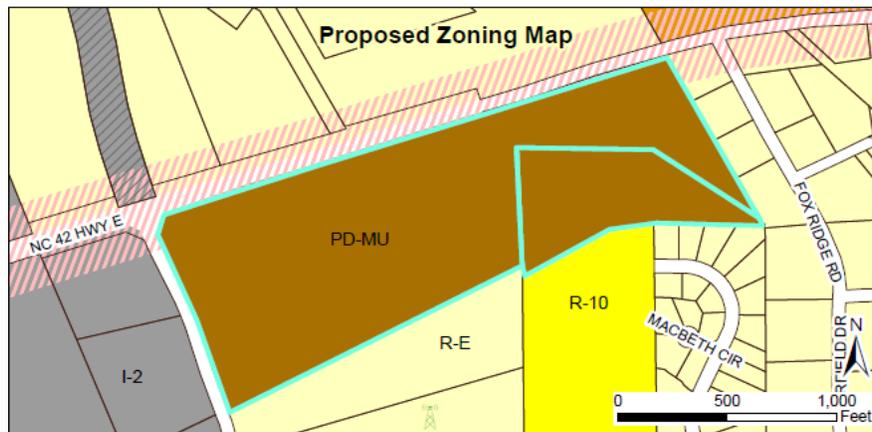
Direction	Zoning	Existing Use
North	Residential Estate (R-E)	Vacant
South	Residential Estate (R-E)	Vacant and Single-Family Residential
East	Residential Estate (R-E)	Single-Family Residential
West	Industrial-Heavy (I-2)	Industrial



**STAFF ANALYSIS AND COMMENTARY:**

**Overview**

The applicant is requesting to rezone 45.75 acres of land from Industrial-Heavy (I-2) and Residential-Estate (R-E) to Planned Development Mixed Use (PD-MU). The parcel is currently vacant and is located at the corner of NC 42 East and Glen Laurel Road. In addition to this request, the applicant has also submitted a Master Plan for the site. Per UDC requirements, applicants shall submit a master plan concurrent with a request for planned development rezoning to govern the development and maintenance of the land within the planned development. The plan proposes a 240 unit apartment site on the eastern portion of the parcel, with a commercial/retail site on the western portion of the parcel, and a self-storage site located at the southwest corner of the parcel. The site will have three access points off of NC Hwy 42 East. Two of these will be right-in/right-out only, and the third will be a signaled full access. Additionally, there will be two access points off of Glen Laurel Road. The one closest to the intersection of NC Hwy 42 East and Glen Laurel Road will be a right-in/right-out only, and the second access will be a full access. Individual site plans will come in for each development that will be located on this site.



### Development Summary

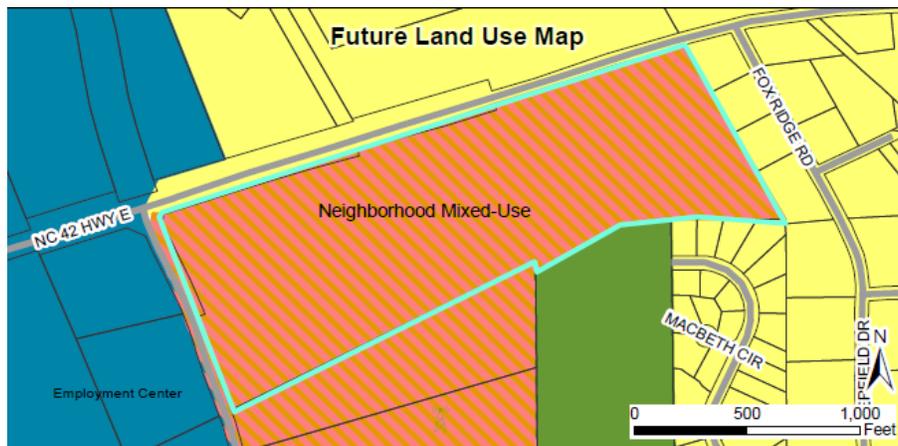
The intended development plan is to develop an apartment site, commercial/retail site, and a self-storage site on the subject property. The apartment site is proposed to be located on the eastern portion of the property which consists of 20 acres of land. The applicant is proposing 240 units, with a density of 12 dwelling units per acre. To the west of the apartment site, there will be a commercial/retail site. This will be located on 21.26 acres and will be a roughly 180,000 square foot development. Additionally, there will be a self-storage facility located in the southwest portion of the property along Glen Laurel Road. This site will be 4.49 acres, with the development of about 67,600 square feet. All of these proposed developments will be required to go through Major Site Plan approval.

### Compatibility with Surrounding Land Uses

The parcel located North of the subject site is currently vacant, and the property located to the west is used as the Caterpillar operating site. To the South and East, surrounding land uses are primarily single family residences, East Clayton Community Park and a vacant parcel. While the proposed mixed use development is not directly compatible with some of the surrounding land uses, the master plan shows that a 40 foot landscape buffer will be provided along the north, east and south property lines and a 15 foot buffer is proposed adjacent to Glen Laurel Road (west side).

### Consistency with the Comprehensive Plan 2040

Clayton's Comprehensive Plan 2040 designates this parcel as High Density Residential/Neighborhood Center. The parcel is proposed to be Planned Development Mixed Use, with a master plan that combines a high-density apartment complex and a large commercial/retail site on the same parcel of land making it compatible with what this plan envisioned. The commercial/retail site would serve not only the apartment complex that is located on the same parcel, but also the surrounding neighborhoods. The proposed rezoning/master plan is also compatible with Objective LU1.3 of the Comprehensive Plan, which encourages a mix of residential and non-residential uses within Neighborhood and Community Centers identified on the Future Land Use Map, such as this parcel.



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**CONSIDERATIONS:**

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

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**FINDINGS:**

The applicant has addressed the Rezoning Approval Criteria outlined in §155.705. The applicant's Findings of Fact are incorporated into the record as an attachment to the Staff Report.

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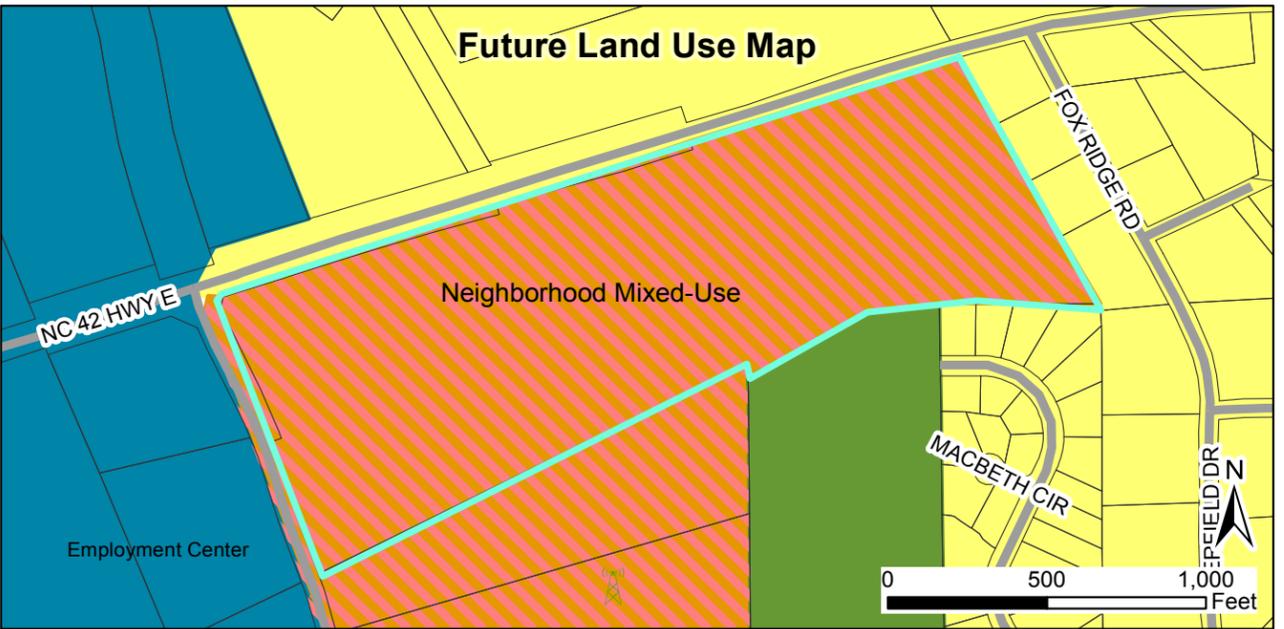
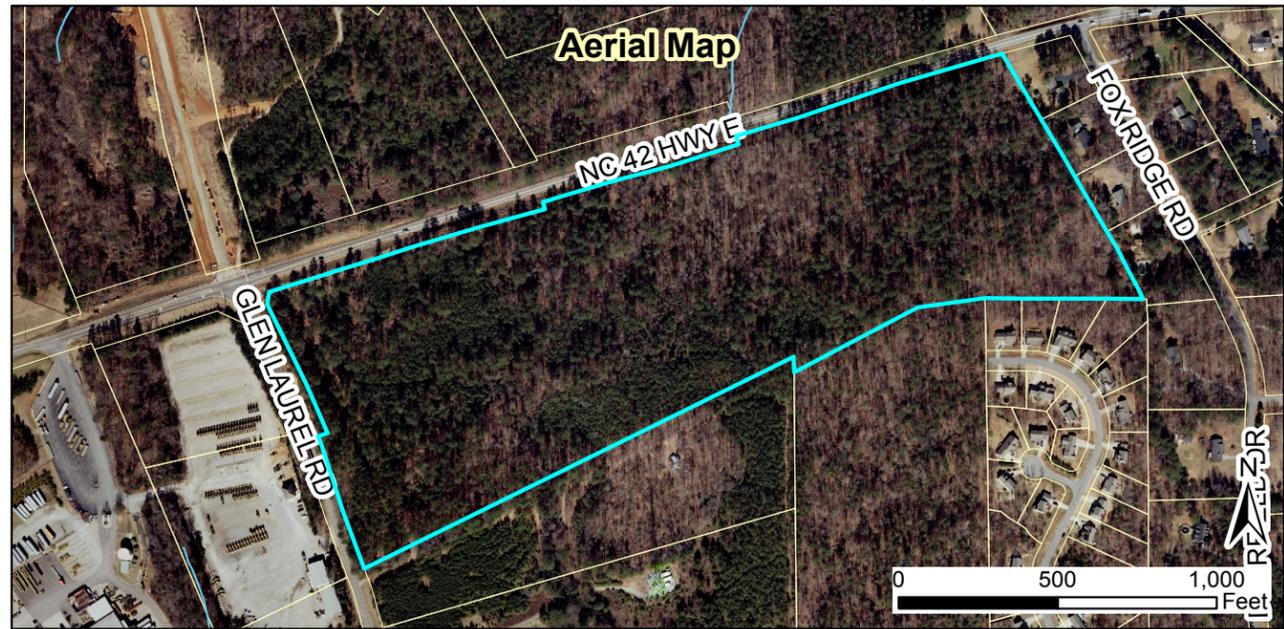
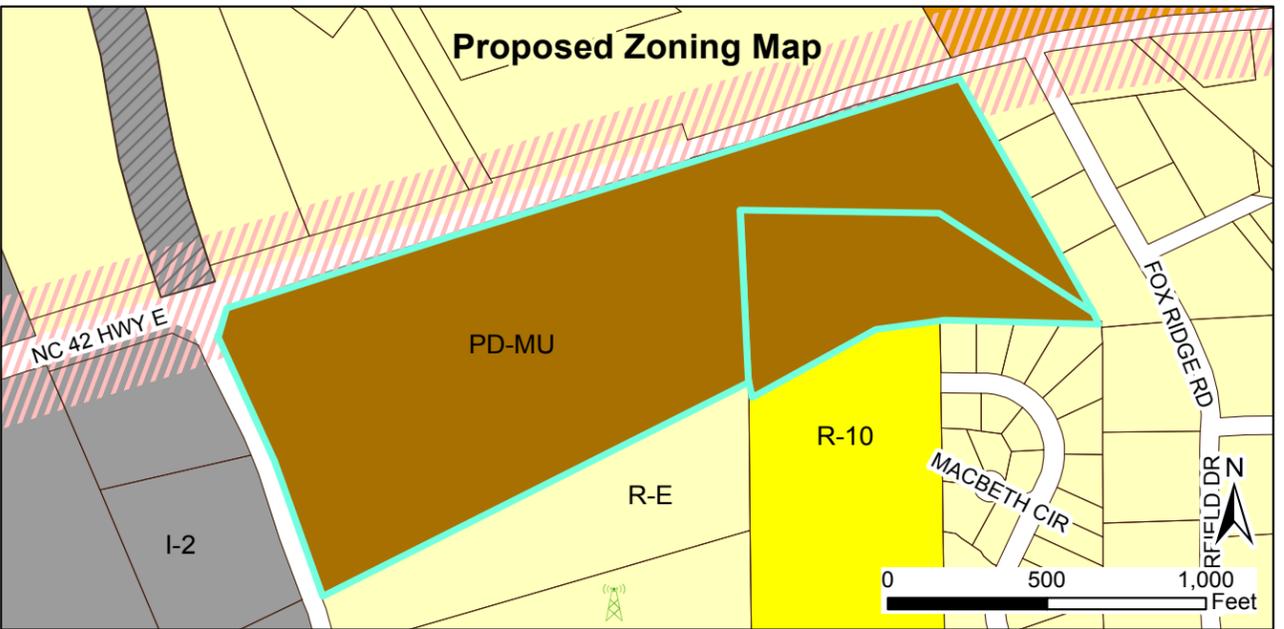
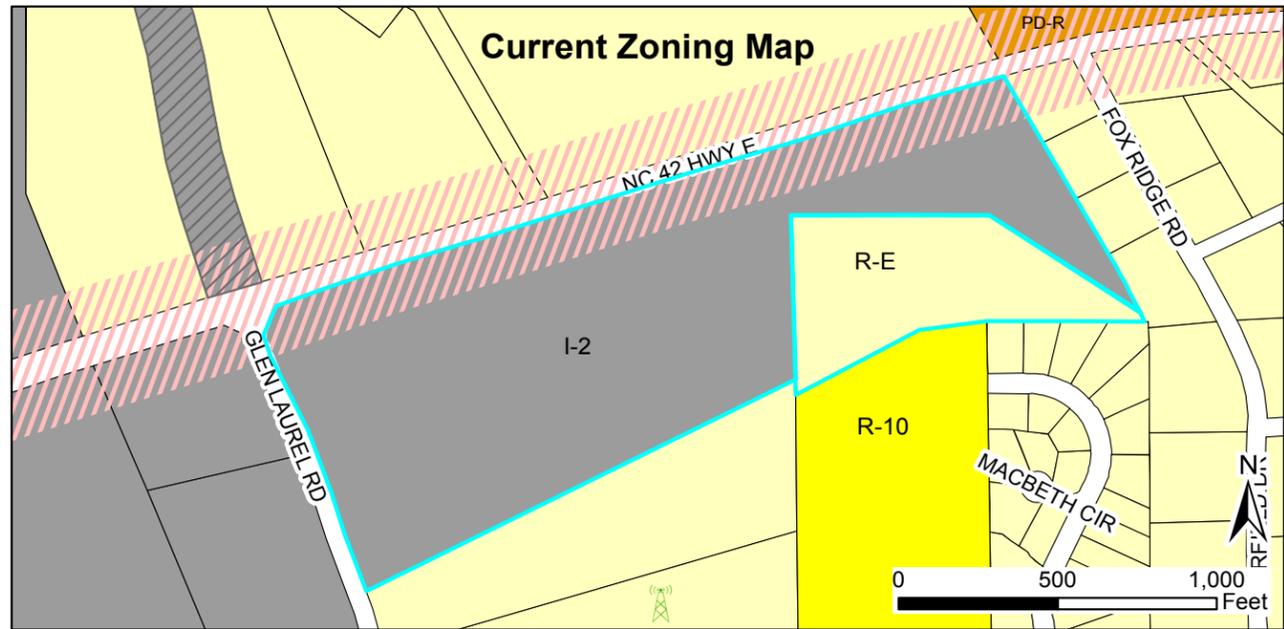
**STAFF RECOMMENDATION:**

Staff is recommending approval of the Rezoning request of the subject parcel.

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**ATTACHMENTS:**

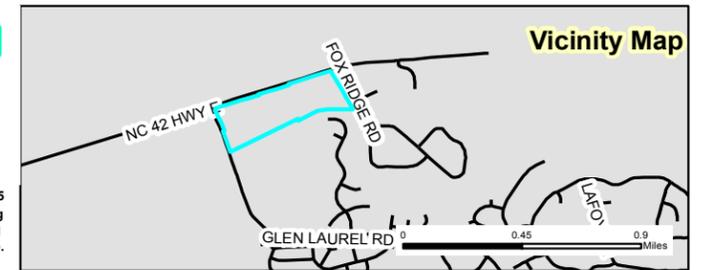
- 1) Application
- 2) Staff Report Maps
- 3) Master Site Plan
- 4) Neighborhood Meeting Materials



**15-48-01-PDD - NC 42 East Mixed Use**  
**Request: Rezoning from I-2 and R-E to PD-MU & Master Site Plan Approval**  
 Applicant: Commercial Properties, Inc.  
 Property Owner: James B. Hunt Jr.  
 Parcel ID Number: 167800-29-8988  
 Tag #: 05104003



- Site
  - Special Use District
  - Thorough Fare Overlay
  - Scenic Highway Overlay
- 10/15/2015  
 Produced by: TOC Planning  
 Disclaimer: Town of Clayton assumes no legal responsibility for the information represented here.



Document Path: \\townofclaytonnc.org\voa\desktop\hhogg\Desktop\StaffReportMap.mxd



BASS, NIXON & KENNEDY, INC., CONSULTING ENGINEERS  
6310 CHAPEL HILL ROAD, SUITE 250, RALEIGH, NC 27607  
919/851-4422 FAX 919/851-8968 [www.bnkinc.com](http://www.bnkinc.com)

Date: October 1, 2015

Dear Clayton Area Property Owner:

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

Meeting Date: Monday, October 12, 2015

Location: Clayton Center (Meeting will be in the Poole Room)  
111 E. 2<sup>nd</sup> Street  
Clayton, NC 27520

Time: 6:30 p.m.

Type of Application: Rezoning

General Description: Approximately 45.75 acres at the southeast intersection of NC Highway 42 and Glen Laurel Road is being rezoned from Industrial-2 to Planned Development District – Mixed Use. A copy of the Master Plan for the development has been included with this letter.

If you have any questions prior to or after this meeting, you may contact Garry Walston, RLA at (919) 851-4422.

Sincerely,

A handwritten signature in cursive script that reads "Garry P. Walston".

Garry P. Walston, RLA, ASLA, LEED

cc: Clayton Planning Dept.



BASS, NIXON & KENNEDY, INC., CONSULTING ENGINEERS  
6310 CHAPEL HILL ROAD, SUITE 250, RALEIGH, NC 27607  
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Date: October 1, 2015

#### Neighborhood Meeting Notes

1. The project was introduced by Garry Walston with BNK and the purpose of the meeting was explained.
2. There was only one adjacent property owner in attendance at the meeting.
3. The purpose of the rezoning was explained and the different components of the development were introduced.
4. BNK presented the rezoning plan as well as the development plans for the self-storage facility and the apartments.
5. Jim Dempster (neighbor) expressed concern with regards to stormwater leaving the site adjacent to his property. BNK explained that stormwater would be controlled to pre-development levels and indicated that there are rules in place to protect downstream property owners from increased run-off. The developer and BNK agreed to meet on-site with Jim Dempster to discuss his concerns and address any run-off issues during the Site Plan Phase of the development.
6. Brantley Tillman briefly discussed plans for the future shopping/retail portion of the development and presented preliminary building elevations for the self-storage facility.

# NEIGHBORHOOD MEETING ATTENDANCE ROSTER

**Project:** NC 42 MIXED USE DEVELOPMENT

**Application:** REZONING / SITE PLAN

**Location/Date:** CLAYTON CENTER / POOLE ROOM @ 6:30

	NAME	ADDRESS
1	JIM DEMPSTER	2024 FOX STAGE RD
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
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17		
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19		
20		



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

**15-48-01-PDD**  
**NC 42 East Mixed Use Rezoning (Planned Development District)**

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 Comprehensive Plan, specifically:

- Goal LU1:
- Goal LU2
- Goal ED2
- Goal H1
- Goal H2

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 **(insert specifics to case)**

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

**TOWN OF CLAYTON  
RESOLUTION GRANTING WASTEWATER TREATMENT CAPACITY  
FOR NC 42 EAST**

**WHEREAS**, the Town of Clayton operates a wastewater treatment plant known and permitted as the "Little Creek Water Reclamation Facility"; and,

**WHEREAS**, said facility is permitted to treat a maximum average of 2.5 million gallons daily; and,

**WHEREAS**, the Town of Clayton holds several interlocal agreements which secure additional wastewater treatment capacity from other available sources; and,

**WHEREAS**, the North Carolina Department of Environment and Natural Resources (NCDENR) regulates, reviews, and permits flow tributary to newly extended or installed wastewater treatment collection facilities tributary to the Town of Clayton system; and,

**WHEREAS**, flow from sanitary sewer customers tributary to existing lines owned and operated as part of the Town of Clayton is bound to abide by the permitted average daily flow at the Little Creek Water Reclamation Facility in conjunction with other available sources and consistent with interlocal agreements regarding wastewater treatment.

**NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON** that the following is found:

1. The Town of Clayton has, according to the most recent accounting, sufficient excess and unallocated treatment capacity to approve additional allocation.
2. Such available capacity may be made available to users in accordance with regulatory and legal parameters established to ensure satisfactory treatment plant operation.
3. An allocation for wastewater treatment capacity is granted in the amount of 79,440 to NC 42 East as outlined in allocation request from Bass Nixon & Kennedy; **herewith attached**.
4. Said allocation is approved subject to and conditioned upon review and approval of all required regulatory processes.

5. Said allocation is non transferable, non assignable, and made for the projects as described and for the noted location unless explicitly approved by the Town of Clayton.
6. Said allocation may be revoked or reclaimed in accordance with the policies of the Town of Clayton as adopted or amended now or in the future. No property right is conferred with the granting of an allocation except as otherwise explicitly allowed by policy, ordinance, or action of the Town of Clayton.
7. Said allocation is subject to payment of applicable fees in accordance with adopted ordinances, policies, and fee schedules of the Town of Clayton.

Duly resolved by the Clayton Town Council this 7th day of December 2015 while in regular session.

---

Jody L. McLeod  
Mayor

---

Kimberly A. Moffett, CMC  
Town Clerk



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

## Wastewater Allocation Request

The Town of Clayton, in an effort to manage and maintain the sewer and water capacity for the Town, requires that this application be completed and submitted to the Town for consideration of a utility allocation.

**\*Application MUST be completed and sealed by a registered engineer unless otherwise approved by staff.\***

### SITE INFORMATION

Name of Project: NC 42 MIXED USE Acreage of Property: 45.75 AC.  
 County Tag Number: 05104003 NC PIN: 167800-29-8988  
 Address/Location: 1430 NC HIGHWAY 42  
CLAYTON, NC  
 Zoning District: PDD-MIXED USE (PROPOSED)  
 Town Limits / ETJ:  Town Limits  ETJ (Extra-Territorial Jurisdiction)

### APPLICANT INFORMATION – Applicant must be a registered engineer unless otherwise approved by Town Engineer

Applicant: BASS, NIXON & KENNEDY, INC  
 Mailing Address: 6310 CHAPEL HILL RD. RALEIGH, NC 27607  
 Phone Number: 919-851-4422 Fax: 919-851-8968  
 Contact Person: ROBBIE BELL  
 Email Address: ROBBIE.BELLE@BNKINC.COM

### PROPERTY OWNER INFORMATION

Name: JAMES B HUNT, JR  
 Mailing Address: 1441 NC 42 EAST CLAYTON NC  
 Phone Number: N/A Fax: N/A  
 Email Address: N/A

### FOR OFFICE USE ONLY

Date Received: SEP 30 2015 File Number: \_\_\_\_\_ Associated Project Number: \_\_\_\_\_

June 2015 Town of Clayton  
 Planning Department

**PROJECT INFORMATION**

Use:  New  Expanded  Change Use Type:  Residential  Non-Residential

Proposed Use(s): APARTMENTS, SELF STORAGE  
COMMERCIAL/RETAIL Existing Use(s): VACANT

Invoice shall be mailed to the following:

Developer Name: COMMERCIAL PROPERTIES, INC  
 Mailing Address: 1004 WAKE FOREST ROAD, RALEIGH, NC 27604  
 Phone Number: 919-872-5702 Fax Number: N/A  
 Email Address: BRANTLEY@COMMPROP.NET

**ALLOCATION REQUEST**

- Use additional sheets if necessary.
- Provide any documentation supporting/justifying the request as an attachment.
- If a phasing / take-down schedule is proposed, include as an attachment.

**Residential:**

Gross Acreage: 45.75 20.00

Single Family	# of Units	GPD per Unit	Total Requested GPD
1-2 Bedroom Units	192	240	
3 Bedroom Units	48	240	
>3 Bedroom Units			
<b>Total</b>		-----	

Multi-Family	# of Units	GPD per Unit	Total Requested GPD
1-2 Bedroom Units	192	240	46,080
3 Bedroom Units	48	240	11,520
>3 Bedroom Units			
<b>Total</b>		-----	57,600

**Non-Residential: (Design Flow Guideline provided as Appendix A)\***

\*If design flow deviates from the flow rates presented in Appendix A, provide supporting documentation/justification as an attachment in the form of 12 months of water bills demonstrating gallons per day utilized.

Gross Acreage: 25.75

Use	Measurement Unit	# of Units	GPD per Unit	Total Requested GPD
COMMERCIAL/RETAIL	180,000 SF		0.12 GPD/SF	21,600
SELF STORAGE	1	1	240	240
<b>Total</b>			-----	21,840

TOTAL REQUESTED GALLONS PER DAY: 79,440

**NOTE TO APPLICANT:**

**Invoicing:**

Invoices are generated on the following schedule:

**Non-Residential:**

Generated with the application for a Zoning Compliance Permit.

**Residential:**

**Multi-Family / Apartments:**

Generated with the application for a Zoning Compliance Permit.

**Subdivision / Subdivided Lots:**

Generated at Final Plat submittal.

**Fee Development:**

Development Fees are calculated and invoiced based on the Town of Clayton adopted [Comprehensive List of Fees and Charges](#). Invoiced fees include acreage fees, capacity fees, nutrient offset fees, recreation fees, fees-in-lieu, and electric department lot deposit. Please speak with Town staff with questions.

**Approval:**

Requests over 10,000 GPD are approved by the Town Council, by resolution. All other requests are approved by the Town Manager.

**APPLICANT AFFIDAVIT**

*I/We, the undersigned, do hereby make application and petition to the Town of Clayton to approve the subject Wastewater Allocation. 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.*

KIRBY R. BELL, JR.  
Print Name

  
Signature of Applicant

9/29/15  
Date

**Engineer Seal:**



**TOWN OF CLAYTON OFFICE USE ONLY:**

Approved by:  Town Manager  
 Town Council (*requests of 10,000 GPD or more require Council approval by resolution*)

The **Town Manager / Town Council (circle one)** has authorized the allocation of \_\_\_\_\_

gallons per day for project # \_\_\_\_\_.

Date of Approval: \_\_\_\_\_

Signed:

\_\_\_\_\_  
Town Engineer

*If approved by Town Council:*  
Attach a copy of the resolution and any associated documentation.

## APPENDIX A: DESIGN FLOW RATES

The following table from the North Carolina Administrative Code 02T.0114 shall be used to determine the minimum allowable design daily flow of wastewater facilities. Alternatively, the Town in its sole and absolute discretion may calculate the customer's initial average daily wastewater flow based on data from the customer's operations (or from similarly situated customers) with a comparable sanitary sewer system, where such data are available and reasonably current.

Establishment Type	Daily Flow Rate
<b>Barber and Beauty Shops</b>	
Barber Shops	50 gal/chair
Beauty Shops	125 gal/booth or bowl
<b>Businesses, Offices and Factories</b>	
General business and office facilities	25 gal/employee/shift
Factories, excluding industrial waste	25 gal/employee/shift
Factories or businesses with showers or food preparation	35 gal/employee/shift
Warehouse	100 gal/loading bay
Warehouse – self storage (not including caretaker residence)	1 gal/unit
<b>Churches</b>	
Churches without kitchens, day care or camps	3 gal/seat
Churches with kitchen	5 gal/seat
Churches providing day care or camps	25 gal/person (child & employee)
<b>Fire, Rescue and Emergency Response</b>	
Fire or rescue stations without on-site staff	25 gal/person
Fire or rescue stations with on-site staff	50 gal/person/shift
<b>Food and Drink Facilities</b>	
Banquet, dining hall	30 gal/seat
Bars, cocktail lounges	20 gal/seat
Caterers	50 gal/100 sq. ft. floor space
Restaurant, full Service	40 gal/seat
Restaurant, single service articles	20 gal/seat
Restaurant, drive-in	50 gal/car space
Restaurant, carry out only	50 gal/100 sq. ft. floor space
Institutions, dining halls	5 gal/meal
Deli	40 gal/100 sq. ft. floor space
Bakery	10 gal/100 sq. ft. floor space
Meat department, butcher shop or fish market	75 gal/100 sq. ft. floor space
Specialty food stand or kiosk	50 gal/100 sq. ft. floor space
<b>Hotels and Motels</b>	
Hotels, motels and bed & breakfast facilities, without in-room cooking facilities	120 gal/room
Hotels and motels, with in-room cooking facilities	175 gal/room
Resort hotels	200 gal/room
Cottages, cabins	200 gal/unit
Self-service laundry facilities	500 gal/machine
<b>Medical, Dental and Veterinary Facilities</b>	
Medical or dental offices	250 gal/practitioner/shift
Veterinary offices (not including boarding)	250 gal/practitioner/shift
Veterinary hospitals, kennels, animal boarding facilities	20 gal/pen, cage, kennel or stall
Hospitals, medical	300 gal/bed
Hospitals, mental	150 gal/bed
Convalescent, nursing, rest homes without laundry facilities	60 gal/bed
Convalescent, nursing, rest homes with laundry facilities	120 gal/bed
Residential care facilities	60 gal/person

<b>Establishment Type</b>	<b>Daily Flow Rate</b>
<b>Parks, Recreation, Camp Grounds, R-V Parks and other Outdoor Activity Facilities</b>	
Campgrounds with comfort station, without water or sewer hookups	75 gal/campsite
Campgrounds with water and sewer hookups	100 gal/campsite
Campground dump station facility	50 gal/space
Construction, hunting or work camps with flush toilets	60 gal/person
Construction, hunting or work camps with chemical or portable toilets	40 gal/person
Parks with restroom facilities	250 gal/plumbing fixture
Summer camps without food preparation or laundry facilities	30 gal/person
Summer camps with food preparation and laundry facilities	60 gal/person
Swimming pools, bathhouses and spas	10 gal/person
Public access restrooms	325 gal/plumbing fixture
<b>Schools, Pre-school and Day Care</b>	
Day care and preschool facilities	25 gal/person (child & employee)
Schools with cafeteria, gym and showers	15 gal/student
Schools with cafeteria	12 gal/student
Schools without cafeteria, gym or showers	10 gal/student
Boarding schools	60 gal/person (student & employee)
<b>Service Stations and Car Wash Facilities</b>	
Service stations, gas stations	250 gal/plumbing fixture
Car wash facilities	1200 gal/bay
<b>Sports Centers</b>	
Bowling center	50 gal/lane
Fitness, exercise, karate or dance center	50 gal/100 sq. ft.
Tennis, racquet ball	50 gal/court
Gymnasium	50 gal/100 sq. ft.
Golf course with only minimal food service	250 gal/plumbing fixture
Country clubs	60 gal/member or patron
Mini golf, putt-putt	250 gal/plumbing fixture
Go-kart, motocross	250 gal/plumbing fixture
Batting cages, driving ranges	250 gal/plumbing fixture
Marinas without bathhouse	10 gal/slip
Marinas with bathhouse	30 gal/slip
Video game arcades, pool halls	250 gal/plumbing fixture
Stadiums, auditoriums, theaters, community centers	5 gal/seat
<b>Stores, Shopping Centers, Malls and Flea Markets</b>	
Auto, boat, recreational vehicle dealerships/showrooms with restrooms	125 gal/plumbing fixture
Convenience stores, with food preparation	60 gal/100 sq. ft.
Convenience stores, without food preparation	250 gal/plumbing fixture
Flea markets	30 gal/stall
Shopping centers and malls with food service	130 gal/1000 sq. ft.
Stores and shopping centers without food service	100 gal/1000 sq. ft.
<b>Transportation Terminals</b>	
Air, bus, train, ferry, port and dock	5 gal/passenger

Source: North Carolina Administrative Code 02T.0114, January 1, 2007

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

After considering the recommendations of the Planning Board and Planning Director, I move to **[approve OR deny] Case Number 15-48-01-PDD**

[IF APPROVING]

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

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

WHEREAS a petition has been filed with the Town Council of the Town of Clayton requesting an amendment to the Zoning Ordinance and Zoning Map of the Town of Clayton to include in the Planned Development Mixed Use (PD-MU) zone the property described below, said property formerly being zoned Residential-8 (R-8); and

WHEREAS said property is owned by James B. Hunt Jr.; 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 December 7, 2015, wherein a reasonable opportunity was given to all those in attendance to speak either in favor or against the said change or to make relevant comments;

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

SECTION 1. That the Unified Development Code of the Town of Clayton is hereby amended to include in the Planned Development Mixed Use zone the following described property:

General Description:

Located at NC Highway 42, located at the Southeast corner of NC 42 and Glen Laurel Road

Specific Description:

NC Parcel Identification Numbers: 167800-29-8988 / 05I04003

SECTION 2. That the official Town of Clayton Zoning Map is hereby amended to include in the Planned Development Mixed Use (PD-MU) zone the above-described property and will be so marked.

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

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

DULY ADOPTED by the Clayton Town Council this 7th day of December, 2015, while in regular session.

---

Jody L. McLeod  
Mayor

ATTEST:

---

Kimberly A. Moffett, CMC  
Town Clerk

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

**AGENDA LOCATION:**

Public Hearings

**Meeting Date:**

December 7, 2015

**ITEM TITLE:**

NC 42 East - 15-48-01-PDD - Master Plan

**DESCRIPTION:**

Request for approval of Master Plan to develop 45.75 acres of land into a mixed use development.

**POTENTIAL ACTION:**

Approval/Disapproval

**DEPARTMENT:**

Planning + Zoning

**PRESENTER:**

David DeYoung, Planning Director

**ITEM HISTORY:**

**Date:**

November 16,  
2015

**Action Taken:**

Set Public Hearing for December 7, 2015

**Information Provided:**

Staff Report / Master Plan / Wastewater Allocation Request

**Date:**

**Action Taken:**

**Information Provided:**



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

Town Council  
November 16, 2015

## STAFF REPORT

**Application Number: 15-48-01-PDD**  
**Project Name: NC 42 East Mixed Use Master Plan**

**NC PIN / Tag #:** 167800-29-8988 / 05I04003  
**Town Limits/ETJ:** ETJ  
**Overlay:** Thorough Fare Overlay  
**Applicant:** Brantley Tillman, Commercial Properties Inc.  
**Owner:** James B. Hunt Jr.  
**Location:** 1430 NC Hwy 42, located at the Southeast corner of NC 42 and Glen Laurel Road

**Public Noticing:**

- Neighborhood meeting October 12, 2015
- Sign posted October 8, 2015
- Adjacent Property Letters mailed, prior to November 25, 2015
- Newspaper Ad published, prior to November 25, 2015

**REQUEST:** Master Plan approval to develop 45.75 acres of land into a mixed use development.

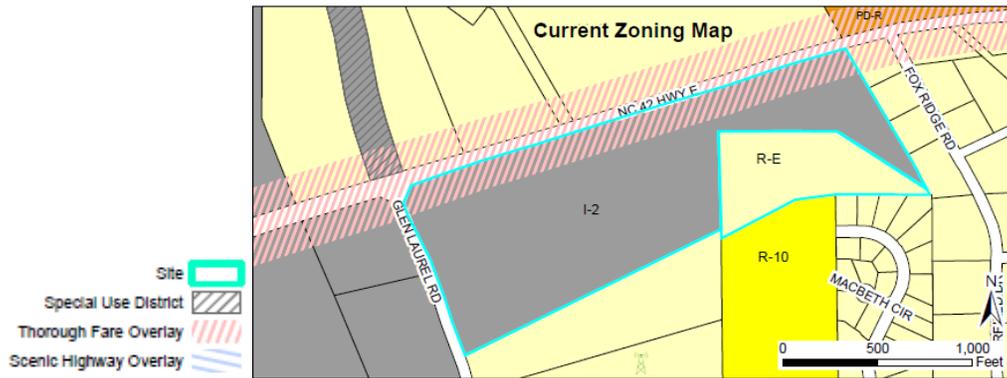
**SITE DATA:**

**Acreage:** 45.75 acres  
**Existing Use:** Vacant



**ADJACENT ZONING AND LAND USES:**

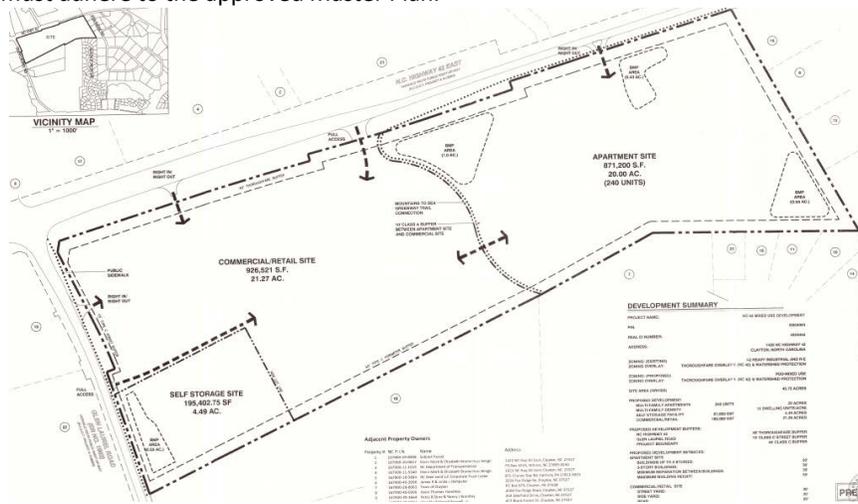
Direction	Zoning	Existing Use
North	Residential Estate (R-E)	Vacant
South	Residential Estate (R-E)	Vacant and Single-Family Residential
East	Residential Estate (R-E)	Single-Family Residential
West	Industrial-Heavy (I-2)	Industrial



**STAFF ANALYSIS AND COMMENTARY:**

**Overview**

The applicant is requesting Master Plan approval for the subject property, running concurrent with the rezoning request from I-2 and R-E to PD-MU. Since this is a Planned Development, the Master Plan is used to govern the development and maintenance of the land within the development. All development activity that occurs on this parcel of land must adhere to the approved Master Plan.



### Development Summary

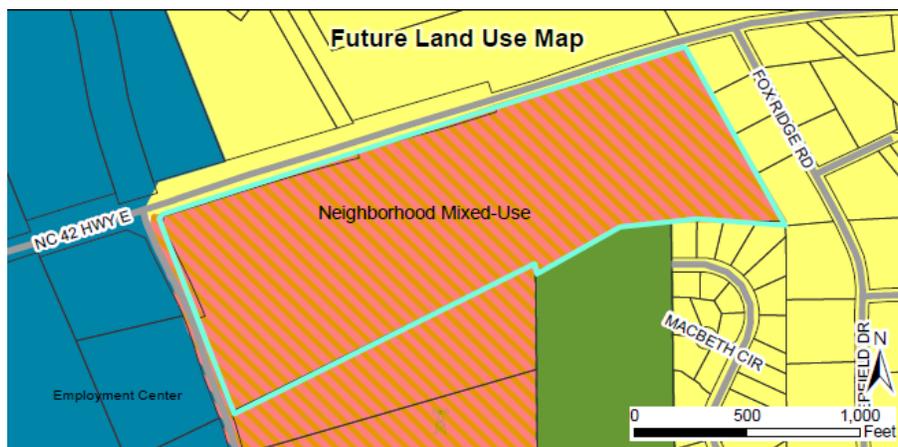
The intended development plan is to develop an apartment site, commercial/retail site, and a self-storage site on the subject property. The apartment site is proposed to be located on the eastern portion of the property which consists of 20 acres of land. The applicant is proposing 240 units, with a density of 12 dwelling units per acre. To the west of the apartment site, there will be a commercial/retail site. This will be located on 21.26 acres and will be a roughly 180,000 square foot development. Additionally, there will be a self-storage facility located in the southwest portion of the property along Glen Laurel Road. This site will be 4.49 acres, with the development of about 67,600 square feet. All of these proposed developments will be required to go through Major Site Plan approval.

### Compatibility with Surrounding Land Uses

To the north of the subject property is a vacant parcel of land, and the property located to the west is used as the Caterpillar operating site. The properties located South and East consist of mostly single-family residences, with some other land vacant or used as part of East Clayton Community Park. Some of these surrounding uses are not directly compatible with the proposed plan. However, the Master Plan proposes a 40 foot landscape buffer to be provided along the north, east, and south property lines, and a 15 foot buffer is proposed adjacent to Glen Laurel Road (west side).

### Consistency with the Comprehensive Plan 2040

Clayton's Comprehensive Plan 2040 designates this parcel as High Density Residential/Neighborhood Center. The master plan combines a high-density apartment complex and a large commercial/retail site on the same parcel of land making it compatible with what this plan envisioned. The commercial/retail site would serve not only the apartment complex that is located on the same parcel, but also the surrounding neighborhoods. The proposed master plan is also compatible with Objective LU1.3 of the Comprehensive Plan, which encourages a mix of residential and non-residential uses within Neighborhood and Community Centers identified on the Future Land Use Map.



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### CONSIDERATIONS:

- Master Plan approval is contingent upon Rezoning approval of the subject property
- Master Plan approval is decided by the Town Council. The Planning Board shall make a recommendation to the Town Council.

---

**FINDINGS:**

The applicant has addressed the Planned Development Approval Criteria outlined in UDC outlined in §155.705.

---

**CONDITIONS:**

If approved, staff recommends the following conditions be applied to the approval of the Master Plan:

1. Following Board approvals, three copies of the Master Plan meeting the requirements of the Conditions of Approval shall be submitted to Planning Department for final approval.
2. The development of the site is limited to the uses approved by the Town Council. Modifications to the approved Master Plan shall require review and approval in accordance with Section 155.705 of the Unified Development Code.
3. The Master Plan establishes the bulk, area, and dimensional standards for the overall development. The specific development approvals for the commercial site, apartment site and self-storage site shall be reviewed as a Major Site Plan.
4. Outparcels with frontage on NC 42 Hwy E. shall have no more than one bay of parking between the highway and buildings.
5. All right-of-way necessary for the widening of NC 42 Hwy E. and Glen Laurel Road shall be dedicated prior to the issuance of a building permit.
6. The Master Plan shall note that the final design of NC 42 Hwy E. improvements to be approved by NCDOT and the Town of Clayton.
7. All off-site roadway improvements recommended by the Traffic Study, NCDOT Congestion Management, NCDOT Division 4 and the Town will be installed prior to the issuance of a certificate of occupancy for the portion of the development that generates the roadway improvement.
8. A 10 foot greenway shall be constructed by the developer along NC 42 Hwy E. for the entire project frontage to ensure pedestrian connectivity in the area.
9. A 10 foot greenway shall be extended from the main entrance on NC 42 Hwy E. through the project to common property line between the development and East Clayton Community Park.
10. A minimum 5 foot sidewalk shall be constructed by the developer for the entire project frontage along Glen Laurel Road.

Staff Report  
15-48-01-PDD NC 42 East Mixed Use Master Plan

11. The perimeter landscaping along NC 42 Hwy E. must be installed prior to the issuance of a Certificate of Occupancy for Phase I.
12. The perimeter landscaping along Glen Laurel Road must be installed prior to the issuance of a Certificate of Occupancy for the Self-Storage Facility.
13. The development shall include a minimum one shared pedestrian amenity / focal point for the project. Details for focal points shall be submitted as a part of a Major Site Plan application.
14. To ensure interconnectivity with future development, there must be two cross access points to the south. One shall be between the self-storage and commercial sites and the other between the commercial and apartment sites.
15. All roof mounted and ground mechanic equipment must be completely screened from view.

---

**STAFF RECOMMENDATION:**

Staff is recommending approval with conditions of the subject Master Plan.

---

**ATTACHMENTS:**

- 1) Master Site Plan
- 2) Traffic Impact Analysis

ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH CURRENT TOWN OF CLAYTON STANDARDS AND SPECIFICATIONS

# NC HWY 42 MIXED USE PDD-MIXED USE REZONING

TOWN OF CLAYTON, JOHNSTON COUNTY, NORTH CAROLINA

## TOWN OF CLAYTON PROJECT NO. 15-48-01-PDD

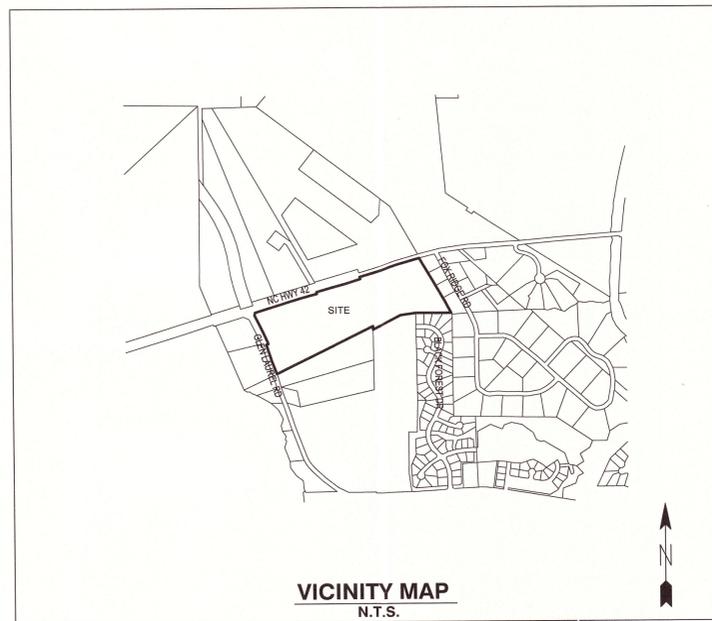
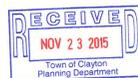
### SHEET INDEX

COVER  
MP1.1 PDD LAND USE PLAN

### SYMBOLS AND ABBREVIATIONS

ABC	AGGREGATE BASE COURSE	⊠	EXISTING CURB INLET
ALUM	ALUMINUM	⊠	EXISTING GRATE INLET/YARD INLET
AST2	ALUMINIZED STEEL - TYPE 2	⊠	EXISTING FLARED END SECTION
B-B	BACK TO BACK	⊠	EXISTING FIRE HYDRANT
BOA	BLOW-OFF ASSEMBLY	⊠	EXISTING BLOW-OFF ASSEMBLY
C&G	CURB AND CUTTER	⊠	EXISTING GATE VALVE
CFS	CUBIC FEET PER SECOND	⊠	EXISTING REDUCER
CI	CURB INLET	⊠	EXISTING WATER METER
CL	CENTER LINE	⊠	EXISTING SAN SEWER MANHOLE
CMP	CORRUGATED METAL PIPE	⊠	EXISTING CLEAN OUT
CO	CLEAN OUT	⊠	EXISTING POWER POLE
COM	COMMUNICATION	⊠	EXISTING TELEPHONE PEDESTAL
CONC	CONCRETE	⊠	EXISTING AREA LIGHT
DDV	DOUBLE CHECK VALVE	⊠	EXISTING SIGN
DDCV	DOUBLE DETECTOR CHECK VALVE	⊠	NEW CURB INLET
DI	DROP INLET	⊠	NEW GRATE INLET/YARD INLET
DIP	DUCTILE IRON PIPE	⊠	NEW FLARED END SECTION
EASE	EASEMENT	⊠	NEW FIRE HYDRANT
ELEC	ELECTRIC	⊠	NEW BLOW-OFF ASSEMBLY
EX	EXISTING	⊠	NEW GATE VALVE
FES	FLARED END SECTION	⊠	NEW REDUCER
FH	FIRE HYDRANT	⊠	NEW WATER METER
FM	FORCE MAIN	⊠	NEW TEE
FT	FEET	⊠	NEW PLUG
FT/SEC	FEET PER SEC	⊠	NEW MANHOLE
GALV	GALVANIZED	⊠	NEW CLEAN OUT
GV	GATE VALVE	⊠	NEW SIGN
HDPE	HIGH DENSITY POLYETHYLENE	⊠	IRON PIPE
L	LENGTH	⊠	BENCHMARK
LF	LINEAR FEET	⊠	
MH	MANHOLE	⊠	
PAVE	PAVEMENT	⊠	
PE	FINISHED PAD ELEVATION	⊠	
PP	POWER POLE	⊠	
PVC	POLYVINYL CHLORIDE	⊠	
R	RADIUS	⊠	
R/W	RIGHT-OF-WAY	⊠	
RED	REDUCER	⊠	
RCP	REINFORCED CONCRETE PIPE	⊠	
RPZ	REDUCED PRESSURE ZONE	⊠	
SS	SANITARY SEWER	⊠	
STA	STATION	⊠	
TDD	TEMPORARY DIVERSION DITCH	⊠	
TELE	TELEPHONE	⊠	
TSB	TEMPORARY SEDIMENT BASIN	⊠	
UG	UNDERGROUND	⊠	
WCR	WHEELCHAIR RAMP	⊠	
W/L	WATER LINE	⊠	
WM	WATER METER	⊠	
YI	YARD INLET	⊠	

NOTE: ALL CONSTRUCTION ACTIVITY MUST BE IN ACCORDANCE WITH THE ACCEPTED POLICIES OF THE TOWN OF CLAYTON AND NCDOT



#### OWNER:

JAMES B. HUNT, JR.  
1441 NC 42 EAST  
CLAYTON, NC 27527

CONTACT: N/A  
PHONE: N/A  
EMAIL: N/A

#### DEVELOPER:

COMMERCIAL PROPERTIES, LLC  
1004 WAKE FOREST RD.  
RALEIGH, NC 27604

CONTACT: BRANTLEY TILLMAN, CCIM  
PHONE: (919) 872-5702  
EMAIL: brantley@commprop.net

#### ENGINEER:



BASS, NIXON & KENNEDY, INC.  
CONSULTING ENGINEERS  
6310 CHAPEL HILL ROAD, SUITE 250  
RALEIGH, NORTH CAROLINA 27607  
TELEPHONE: (919) 851-4422 or (800) 354-1879  
FAX: (919) 851-8968

CERTIFICATION NUMBERS: NCBELS (C-0110)  
NCBOLA (C-0267)

CONTACT: GARRY WALSTON, RLA  
EMAIL: Garry.Walston@BNKinc.com



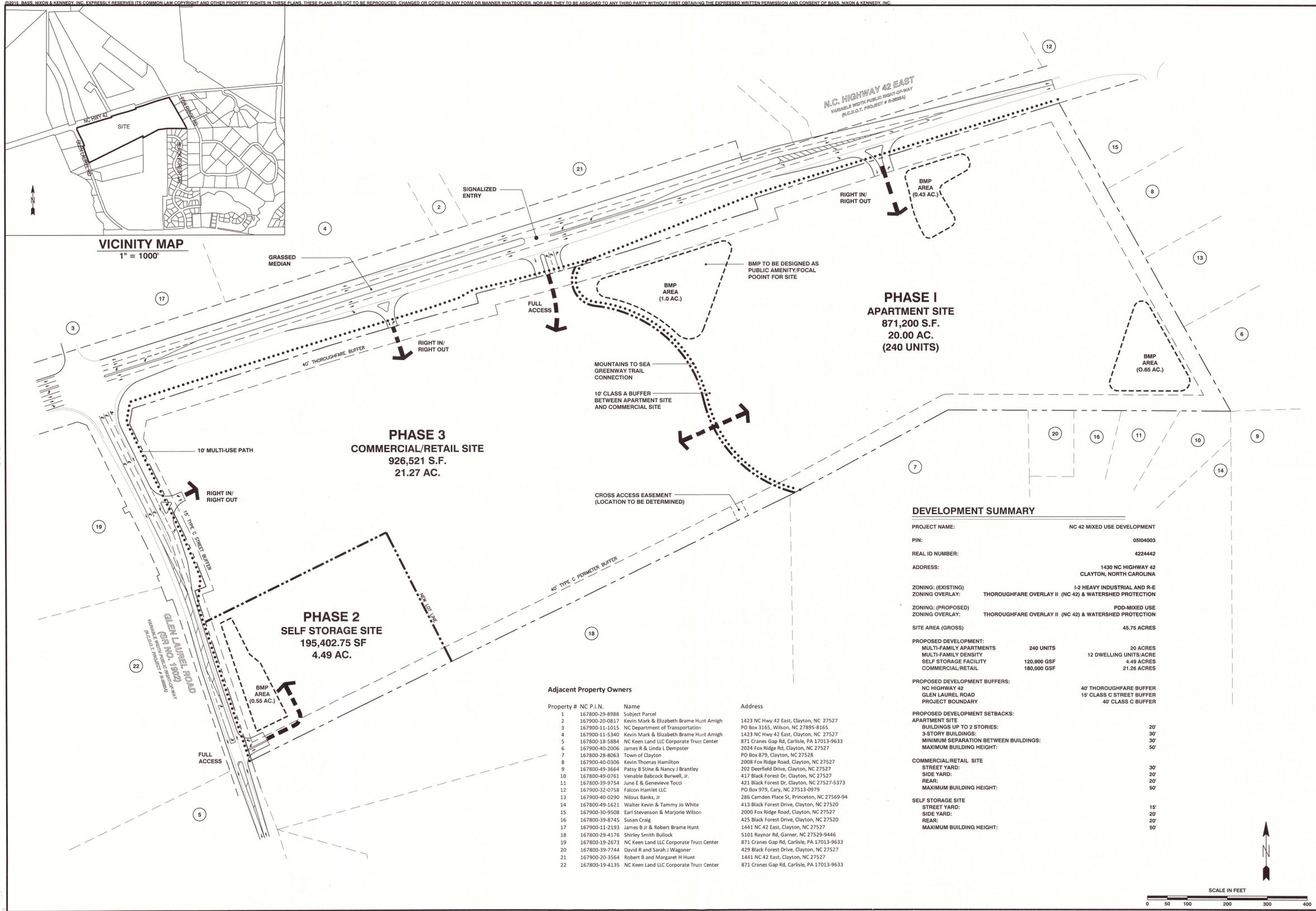
#### Conditions of Approval: 15-48-01-PDD NC 42 East Mixed Use Master Plan

- Following Board approvals, three copies of the Master Plan meeting the requirements of the Conditions of Approval shall be submitted to Planning Department for final approval.
- The development of the site is limited to the uses approved by the Town Council. Modifications to the approved Master Plan shall require review and approval in accordance with Section 155.705 of the Unified Development Code.
- The Master Plan establishes the bulk, area, and dimensional standards for the overall development. The specific development approvals for the commercial site, apartment site and self-storage site shall be reviewed as a Major Site Plan.
- Outparcels with frontage on NC 42 Hwy E. shall have no more than one bay of parking between the highway and buildings.
- All right-of-way necessary for the widening of NC 42 Hwy E. and Glen Laurel Road shall be dedicated prior to the issuance of a certificate of occupancy.
- The Master Plan shall note that the final design of NC 42 Hwy E. improvements to be approved by NCDOT and the Town of Clayton.
- All off-site roadway improvements recommended by the Traffic Study, NCDOT Congestion Management, NCDOT Division 4 and the Town will be installed or bonded prior to the issuance of a certificate of occupancy for the portion of the development that generates the roadway improvement.
- A 10 foot greenway shall be constructed by the developer along NC 42 Hwy E. for the entire project frontage to ensure pedestrian connectivity in the area.
- A 10 foot greenway shall be extended from the main entrance on NC 42 Hwy E. through the project to common property line between the development and East Clayton Community Park.
- A minimum 10' multi-use path shall be constructed by the developer for the entire project frontage along Glen Laurel Road.
- The perimeter landscaping along NC 42 Hwy E and Glen Laurel Road. must be installed prior to the issuance of a Certificate of Occupancy for each phase.
- The development shall include a minimum one shared pedestrian amenity / focal point for the project. Details for focal points shall be submitted as a part of a Major Site Plan application.
- To ensure interconnectivity with future development, there must be one cross access point to the south.
- All roof mounted and ground mounted mechanic equipment must be completely screened from view with landscaping or other material.

TOWN OF CLAYTON PROJECT NO. 15-48-01-PDD  
BASS, NIXON & KENNEDY, INC.

REZONING SUBMITTAL  
03-15060 NC HWY 42 MIXED USE

©2015, BASS, NIXON & KENNEDY, INC. EXPRESSLY RESERVES ITS COMMON LAW COPYRIGHT AND OTHER PROPERTY RIGHTS IN THESE PLANS. THESE PLANS ARE NOT TO BE REPRODUCED, CHANGED OR COPIED IN ANY FORM OR MANNER WHATSOEVER, NOR ARE THEY TO BE ASSIGNED TO ANY THIRD PARTY WITHOUT FIRST OBTAINING THE EXPRESSED WRITTEN PERMISSION AND CONSENT OF BASS, NIXON & KENNEDY, INC.



**DEVELOPMENT SUMMARY**

PROJECT NAME:	NC 42 MIXED USE DEVELOPMENT	
PIN:	05104003	
REAL ID NUMBER:	4224442	
ADDRESS:	1430 NC HIGHWAY 42 CLAYTON, NORTH CAROLINA	
ZONING: (EXISTING)	I-2 HEAVY INDUSTRIAL AND R-E	
ZONING OVERLAY:	THOROUGHFARE OVERLAY II (NC 42) & WATERSHED PROTECTION	
ZONING: (PROPOSED)	PDD-MIXED USE	
ZONING OVERLAY:	THOROUGHFARE OVERLAY II (NC 42) & WATERSHED PROTECTION	
SITE AREA (GROSS)	45.75 ACRES	
PROPOSED DEVELOPMENT:		
MULTI-FAMILY APARTMENTS	240 UNITS	20 ACRES
MULTI-FAMILY DENSITY		12 DWELLING UNITS/ACRE
SELF STORAGE FACILITY	120,900 GSF	4.49 ACRES
COMMERCIAL/RETAIL	180,000 GSF	21.26 ACRES
PROPOSED DEVELOPMENT BUFFERS:		
NC HIGHWAY 42		40' THOROUGHFARE BUFFER
GLEN LAUREL ROAD		15' CLASS C STREET BUFFER
PROJECT BOUNDARY		40' CLASS C BUFFER
PROPOSED DEVELOPMENT SETBACKS:		
APARTMENT SITE		
BUILDINGS UP TO 2 STORIES:		20'
3-STORY BUILDINGS:		30'
MINIMUM SEPARATION BETWEEN BUILDINGS:		30'
MAXIMUM BUILDING HEIGHT:		50'
COMMERCIAL/RETAIL SITE		
STREET YARD:		30'
SIDE YARD:		20'
REAR:		20'
MAXIMUM BUILDING HEIGHT:		50'
SELF STORAGE SITE		
STREET YARD:		15'
SIDE YARD:		20'
REAR:		20'
MAXIMUM BUILDING HEIGHT:		50'



**BASS, NIXON & KENNEDY, INC.**  
CONSULTING ENGINEERS  
8310 CHAPEL HILL ROAD, SUITE 250, RALEIGH, NC 27607  
TELEPHONE: (919)851-4422 OR (800)354-1979 FAX: (919)851-8888  
CERTIFICATION NUMBERS: NCBELS (C-0110); NCBOLA (C-0287)

NO.	DATE	DESCRIPTION	BY
2	11-28-15	PE TOC COMMENTS	GW
1	08-28-15	PE TOC COMMENTS	GW

JOB NO.	DATE	DRAWN BY	CHK BY
05-15060	08-01-15	GPW	KRB

**NC HWY 42 MIXED USE**  
1430 NC HIGHWAY 42  
TOWN OF CLAYTON, JOHNSTON COUNTY, NORTH CAROLINA

MP1.1

TOWN OF CLAYTON PROJECT NO. 15-48-01-PDD

R:\2015\15060 - Clayton NC 42 Mixed Use\Tiltman\CIVIL\Preliminary\15060-Base-PDD.dwg, PDD PLAN, 11/23/2015 11:33:29 AM, gary



BASS, NIXON & KENNEDY, INC., CONSULTING ENGINEERS  
6310 CHAPEL HILL ROAD, SUITE 250, RALEIGH, NC 27607  
919/851-4422 FAX 919/851-8968 [www.bnkinc.com](http://www.bnkinc.com)

November 25, 2015

Town of Clayton  
Mayor and Council  
111 E. Second Street  
Clayton, NC 27520

REF: The Pines at Glen Laurel (Hunt Property)  
Offsite Drainage Through Dempster Property

Dear Honorable Mayor McLeod and Council:

On the afternoon of October 26, 2015, Brantley Tillman, Kate Brown, Skip Browder and I met with James and Linda Dempster to review the rear southeast corner of the Hunt property, where a portion of the Hunt property drains through the Dempster property by way of a (former) natural draw to a storm pipe under Fox Ridge Road. Upon walking the rear of the Dempster property we observed the following: a dam was built on the Hunt/Dempster property line to create a small frog pond located on the Hunt property; and a shed was built over the property line which included special landscaping. It was a productive meeting as we discussed these encroachments, including explanation of how this area is at a low point where a portion of our site naturally drains, therefore a storm water basin needs to be constructed to capture and treat runoff from the new development. We explained that every effort would be taken to work around the pond, dam, and landscaping that is located on the Hunt property, but we would need to obtain a detailed survey of this area to determine the best route to install our stormwater basin discharge pipe. Since the dam is impeding the natural flow direction of surface runoff, a solution needs to be devised to run or bypass our basin discharge pipe through the frog pond dam. The Dempsters were amicable to our willingness to preserve the softscape and hardscape that was installed by the Dempsters on the Hunt property. We plan to meet and exceed where possible all local stormwater requirements for attenuation and treatment of storm water from the proposed development.

If Council has further questions please do not hesitate to contact this office, or I can be available to meet with any Council Member(s) for an inspection of the existing conditions.

Very truly yours,  
Bass, Nixon & Kennedy, Inc.

A handwritten signature in blue ink, appearing to read 'Kirby R. Bell, Jr.', is written over the typed name.

Kirby R. Bell, Jr., PE, CPESC  
President

KRBjr/rt



RAMEY KEMP & ASSOCIATES, INC.  
 5808 Faringdon Place, Suite 100  
 Raleigh, NC 27609  
 Phone - 919-872-5115 Fax - 919-878-5416  
 www.rameykemp.com

November 13, 2015

Haley Hogg  
 Town of Clayton  
 111 East 2<sup>nd</sup> Street  
 Clayton, NC 27520  
 919.553.5002 (office)  
 E: [hhogg@townofclaytonnc.org](mailto:hhogg@townofclaytonnc.org)

Subject: Trip Generation Adjustment for Mini-Storage  
 NC 42 Mixed-Use Development – Clayton, NC

Dear Ms. Hogg:

This letter provides an updated trip generation for the proposed NC 42 Mixed-Use Development (aka Hunt Property) to account for an increase in size of the mini-storage use. A TIA report was completed and submitted to the Town and NCDOT that considers the mini-storage to include a total of 117,000 square feet (s.f.). It is our understanding the mini-storage will include a total of 120,900 s.f. of space and other uses will remain the same as in the TIA report. An updated trip generation table is below for the development that incorporates the updated mini-storage size.

**Table 1: Updated Site Trip Generation**

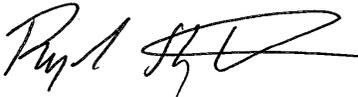
Land Use	ITE Code	Units	24 Hour Volumes	AM Peak Hour Trips		PM Peak Hour Trips	
				Enter	Exit	Enter	Exit
Apartments	220	240 units	1,600	24	97	97	52
Shopping Center	820	180,000 s.f.	10,000	138	85	426	462
Mini Warehouse	151	120,900 s.f.	302	10	7	16	15
<b>Total Site Trips</b>			<b>11,902</b>	<b>172</b>	<b>189</b>	<b>539</b>	<b>529</b>
<i>Internal Capture Reduction (10% of apt &amp; retail)</i>			<i>1,160</i>	<i>0</i>	<i>0</i>	<i>52</i>	<i>51</i>
<b>Total External Trips</b>			<b>10,742</b>	<b>172</b>	<b>189</b>	<b>487</b>	<b>478</b>
<i>Pass-By Trip Reduction (34% PM for 820)</i>			<i>--</i>	<i>0</i>	<i>0</i>	<i>136</i>	<i>136</i>
<b>Total Primary (New) Site Trips</b>			<b>10,742</b>	<b>172</b>	<b>189</b>	<b>351</b>	<b>342</b>

Charlotte, NC - Raleigh, NC - Richmond, VA - Winston-Salem, NC

As shown in Table 1, the increase in size of the mini-storage is expected to add 9 daily trips, 1 AM peak hour trip and 1 PM peak hour trip to the trip generation shown in the TIA report. The additional peak hour trip would not be noticeable at study intersections and would not impact the analysis results or recommendations in the TIA report. Based on this updated information, it would not be necessary to update the TIA report.

If you have any questions regarding this information, please let me know.

Sincerely,  
**Ramey Kemp & Associates, Inc.**



Rynal Stephenson, P.E.  
Regional Manager



## **9. CONCLUSIONS**

This report summarizes the findings of the Traffic Impact Analysis prepared for the proposed Hunt Property development. Hunt Property is proposed to consist of a combination of residential and commercial land uses. The proposed development is located southeast of the intersection of Glen Laurel Road and NC 42 in Clayton, North Carolina. Access to the site is proposed via access points along NC 42 and along Glen Laurel Road. The purpose of this study is to assess the potential impacts to the adjacent roadway network due to traffic generated by the proposed development.

### NC 42 and US 70 Business

Capacity analysis indicates the intersection will operate with acceptable levels of service in the AM peak hour in the background and combined scenarios. During the PM peak hour, the intersection will operate at LOS F with long delays for future conditions. The southbound left turn volume is heavy and surpassing the capacity provided by the signal timing and intersection geometry. Providing more green time to the southbound protected left turn movement may improve the average delay for the signal as a whole, but will do so at the expense of increased delay for the northbound through movement on US 70 Business.

### NC 42 and Glen Laurel Road

Capacity analysis at the intersection of NC 42 and Glen Laurel Road indicates that the intersection will operate at an acceptable LOS under future year analysis scenarios. It is anticipated that the development will add a second left turn lane on Glen Laurel Road with approximately 400 feet of storage in order to provide more capacity for the northbound left turn, particularly during the AM peak hour.

### NC 42 and East Front Street

Capacity analysis indicates the intersection of NC 42 and East Front Street operates at an acceptable LOS in all analysis scenarios.

### NC 42 and Site Access 1 (RIRO)

Capacity analysis at the intersection of NC 42 and Site Access 1 will operate with acceptable LOS with minimal delays. A median will be provided on NC 42 with the TIP widening project.

NC 42 and Site Access 2

Capacity analysis at the intersection of NC 42 and Site Access 2 will operate at an acceptable LOS. The northbound approach of Site Access 2 is analyzed with dual left turns exiting the site to minimize the amount of time the eastbound and westbound traffic will be stopped and maximize the efficiency of the signal. The signal should be coordinated with the existing signal at the intersection of Glen Laurel Road and NC 42. Although a signal warrant analysis was not completed at the intersection, traffic volumes are expected to warrant the signal installation. A signal at this intersection will minimize the site trips that would otherwise utilize Glen Laurel Road to turn left onto NC 42, which is already a very heavy movement.

NC 42 and Site Access 3 (RIRO)

Capacity analysis indicates the minor approach of Site Access 3 will operate at an acceptable LOS with minimal delays. A median will be provided on NC 42 with the TIP widening project.

Glen Laurel Road and Site Access 4 (RIRO)

Capacity analysis at the intersection of Glen Laurel Road and Site Access 4 will operate with acceptable LOS with minimal delays. Queues on Glen Laurel Road at NC 42 are not expected to create consistent issues for exiting trips from Site Access 4.

Glen Laurel Road and Site Access 5

Capacity analysis at the intersection of Glen Laurel Road and Site Access 5 will operate with acceptable LOS. Queues on Glen Laurel Road at NC 42 are not expected to block Site Access 5.

## 10. RECOMMENDATIONS

Based on the findings of this study, the following roadway improvements are recommended to accommodate future traffic volumes. Refer to Figure 18 for an illustration of the recommended improvements.

### **TIP R-3825 Improvements**

#### NC 42 US 70 Business

- Provide a southbound right turn lane with 150 feet of storage, and an eastbound left turn lane with 175 feet of storage.

#### NC 42 through Study Area

- Provide two through lanes on the eastbound and westbound approaches of NC 42 with a median.

### **Developer Improvements**

#### NC 42 and Glen Laurel Road

- Construct a left turn lane on the northbound approach with approximately 400 feet of storage and appropriate taper length. The widening for the additional left turn lane may transition to a southbound left turn lane on Glen Laurel at Site Access 5.

#### NC 42 and Site Access 1

- Construct the proposed northbound Site Access 1 as a right-in / right-out with one lane inbound and one lane outbound with stop control.
- Construct an eastbound right turn lane on NC 42 with a minimum of 50 feet of storage and appropriate taper length.

#### NC 42 and Site Access 2

- Construct the proposed northbound Site Access 2 with one lane inbound and three lanes outbound (two left turn lanes, one right turn lane) as a signalized intersection.
- Construct an eastbound right turn lane on NC 42 with full storage to Site Access 3.

- Construct a westbound left turn lane with 250 feet of storage and appropriate taper length.
- Install a traffic signal at the intersection when warranted or prior to opening of the retail development. Coordinate the signal with the existing signal at the intersection of Glen Laurel Road and NC 42.

NC 42 and Site Access 3

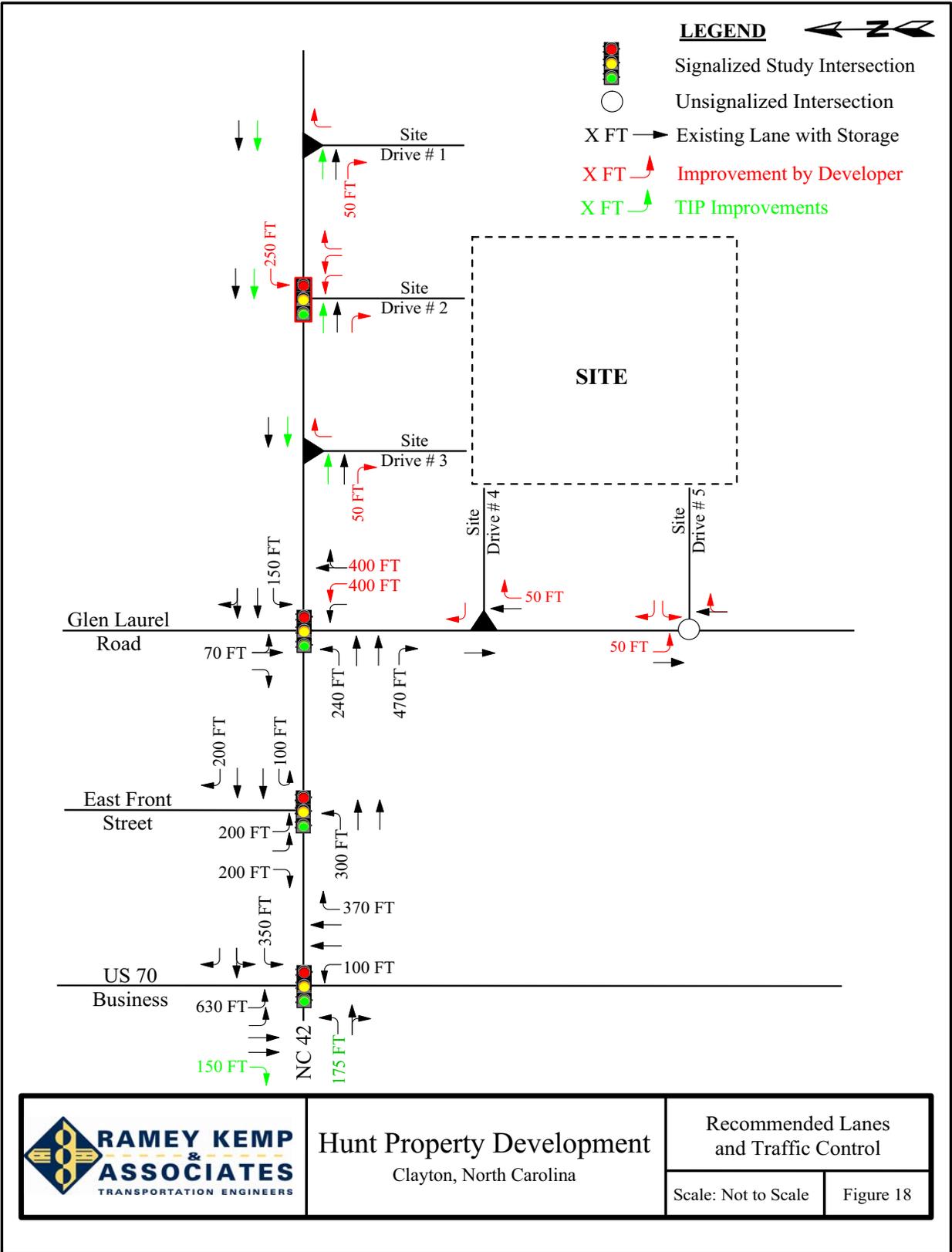
- Construct the proposed northbound Site Access 3 as a right-in / right-out with one lane inbound and one lane outbound with stop control.
- Construct an eastbound right turn lane on NC 42 with a minimum of 50 feet of storage and appropriate taper length.

Glen Laurel Road and Site Access 4

- Construct the proposed westbound Site Access 4 as a right-in / right-out with one lane inbound and one lane outbound with stop control.
- Construct a northbound right turn lane on Glen Laurel Road with a minimum of 50 feet of storage and appropriate taper length.

Glen Laurel Road and Site Access 5

- Construct Site Access 5 with one lane inbound and two lanes outbound (one left turn lane, one right turn lane) with stop control.
- Construct a southbound left turn lane on Glen Laurel Road with a minimum of 50 feet of storage and appropriate taper length.



**Hunt Property Development**  
Clayton, North Carolina

Recommended Lanes and Traffic Control	
Scale: Not to Scale	Figure 18

TOWN OF CLAYTON  
MOTION GRANTING SUBDIVISION APPROVALS  
SHORT FORM

Motion:

Based on the substantial and competent evidence and testimony presented to the Town Council on this matter, the Council finds and concludes that Subdivision Application **15-48-01-PDD**, (subject to the conditions recommended by the Planning Board and Planning Staff and with full incorporation of all statements and agreements entered into the record by the testimony of the applicant and applicant's representatives):

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

Duly adopted by the Clayton Town Council this 7th day of December, 2015.

**TOWN OF CLAYTON  
ORDINANCE FOR 15-48-01-PDD  
APPROVAL**

On the date listed below, the Town Council for the Town of Clayton met and held a hearing to consider the following rezoning application:

**Applicant:** Brantley Tillman, Commercial Properties Inc.

**Owners:** James B. Hunt Jr.

**Property Location:** 1430 NC Hwy 42, located at southeast corner of NC 42 and Glen Laurel Road

**Tax Parcel Number:** Parcel # 167800-29-8988 / 05104003

**Proposed Use  
Of Property:** Planned Development Mixed Use

**Meeting Date:** December 7, 2015

Having heard all the evidence and argument presented at the hearing, the Town Council finds that the application is complete, is in accordance with the Strategic Growth Plan, is in compliance with all of the applicable requirements of the Clayton Unified Development Ordinance for the planned development district proposed, and that, therefore, the application to rezone the above-described property for the purpose indicated is hereby approved, subject to all applicable provisions of the Clayton Unified Development Ordinance.

On the date listed below, the Town Council for the Town of Clayton met and held a hearing to consider the following master plan:

**Applicant:** Brantley Tillman, Commercial Properties Inc.

**Owners:** James B. Hunt Jr.

**Property Location:** 1430 NC Hwy 42, located at southeast corner of NC 42 and Glen Laurel Road

**Tax Parcel Number:** Parcel # 167800-29-8988 / 05I04003

**Proposed Use Of Property:** Planned Development Mixed Use

**Meeting Date:** December 7, 2015

The Clayton Town Council approved the attached master plan for development in the Planned Development District established by the granting of rezoning application 15-48-01-PDD, with the following conditions:

**CONDITIONS OF APPROVAL:**

- 1.** Following Board approvals, three copies of the Master Plan meeting the requirements of the Conditions of Approval shall be submitted to Planning Department for final approval.
- 2.** The development of the site is limited to the uses approved by the Town Council. Modifications to the approved Master Plan shall require review and approval in accordance with Section 155.705 of the Unified Development Code.
- 3.** The Master Plan establishes the bulk, area, and dimensional standards for the overall development. The specific development approvals for the commercial site, apartment site and self-storage site shall be reviewed as a Major Site Plan.
- 4.** Outparcels with frontage on NC 42 Hwy E. shall have no more than one bay of parking between the highway and buildings.
- 5.** All right-of-way necessary for the widening of NC 42 Hwy E. and Glen Laurel Road shall be dedicated prior to the issuance of a building permit.

- 6.** The Master Plan shall note that the final design of NC 42 Hwy E. improvements to be approved by NCDOT and the Town of Clayton.
- 7.** All off-site roadway improvements recommended by the Traffic Study, NCDOT Congestion Management, NCDOT Division 4 and the Town will be installed prior to the issuance of a certificate of occupancy for the portion of the development that generates the roadway improvement.
- 8.** A 10 foot greenway shall be constructed by the developer along NC 42 Hwy E. for the entire project frontage to ensure pedestrian connectivity in the area.
- 9.** A 10 foot greenway shall be extended from the main entrance on NC 42 Hwy E. through the project to common property line between the development and East Clayton Community Park.
- 10.** A minimum 5 foot sidewalk shall be constructed by the developer for the entire project frontage along Glen Laurel Road.
- 11.** The perimeter landscaping along NC 42 Hwy E. must be installed prior to the issuance of a Certificate of Occupancy for Phase I.
- 12.** The perimeter landscaping along Glen Laurel Road must be installed prior to the issuance of a Certificate of Occupancy for the Self-Storage Facility.
- 13.** The development shall include a minimum one shared pedestrian amenity / focal point for the project. Details for focal points shall be submitted as a part of a Major Site Plan application.
- 14.** To ensure interconnectivity with future development, there must be two cross access points to the south. One shall be between the self-storage and commercial sites and the other between the commercial and apartment sites.
- 15.** All roof mounted and ground mechanic equipment must be completely screened from view

[Remainder of page intentionally left blank.]

IN WITNESS WHEREOF, the Town has caused this approval to be issued in its name.

TOWN OF CLAYTON

BY: \_\_\_\_\_  
Jody L. McLeod  
Mayor

ATTEST

\_\_\_\_\_ (SEAL)  
Kimberly A. Moffett, CMC  
Town Clerk

\*\*\*\*\*

NORTH CAROLINA  
JOHNSTON COUNTY

I, \_\_\_\_\_, a Notary Public, do hereby certify that Kimberly A. Moffett personally appeared before me this day and acknowledged that she is Town Clerk of the Town of Clayton and that by authority duly given and as the act of the Town, the foregoing instrument was signed in its name by Jody L. McLeod, Mayor of the Town of Clayton.

Witness my hand and notarial seal this the \_\_\_\_ day of \_\_\_\_\_ 2015.

(SEAL)

\_\_\_\_\_  
Notary Public \_\_\_\_\_  
(Printed Name)

NC County of Commission: \_\_\_\_\_

Commission expires: \_\_\_\_\_

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

**AGENDA LOCATION:**

Public Hearings

**Meeting Date:**

December 7, 2015

**ITEM TITLE:**

Gordon Tract - Rezoning - RZ 2014-21

**DESCRIPTION:**

Request for rezoning located east of Glen Laurel Rd., from Residential Estate - R-E (Town) to Residential-8 - R-8

**POTENTIAL ACTION:**

Approval/Disapproval

**DEPARTMENT:**

Planning + Zoning

**PRESENTER:**

David DeYoung, Planning Director

**ITEM HISTORY:**

**Date:**

August 17, 2015

**Action Taken:**

Presentation & Public Hearing Set for September 8, 2015

**Information Provided:**

Staff Report

**Date:**

November 16,  
2015

**Action Taken:**

Tabled - September 21, 2015  
September 21, 2015 - Tabled - October 5, 2015  
October 5, 2015 - Tabled - October 19, 2015  
October 19, 2015 - Tabled - November 2, 2015  
November 2, 2015 - Tabled - November 16, 2015  
November 16, 2015 - Tabled - December 7, 2015

**Information Provided:**

Staff Update

Dalton Engineering

and Associates, P.A.



December 3, 2015

To: Town of Clayton  
Planning Department  
111 East Second Street  
Clayton, North Carolina 27520

SUB: **Preliminary Plat**  
Gordon Farm Subdivision  
Clayton Township  
Johnston County, North Carolina

Owners: CGC Properties, Inc.  
Post Office Box 10766  
Wilmington, North Carolina 28404

Powhatan Road Limited Partnership  
Post Office Box 327  
Clayton, North Carolina 27528

Subject project involves the development of approximately 61.29 acres of land that is located in the Clayton Township of Johnston County. The portion of the project located within the Town of Clayton E.T.J. is presently zoned R-E, and contains 12.32 acres.

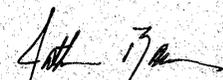
The portion of the Gordon Farm Subdivision shown on the attached Preliminary Plat is planned for 35 single-family lots with an average lot size of approximately 14,080 sqft. each. Please note :

1. nine (9) of the lots shown on the Preliminary Plat encroach into the Johnston County M.T.D.
2. The area contained within the 35 single-family lots and adjacent subdivision street right-of-way is 14.09 acres.

The lots will front on standard Town of Clayton streets, with curb and gutter, storm drainage, and sidewalks. Each lot will be served with public water and sanitary sewer from the Town of Clayton.

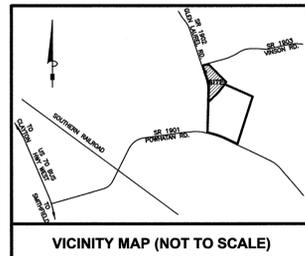
If you have any questions or additional comments, please call.

Thank you.



Jonathan Barnes

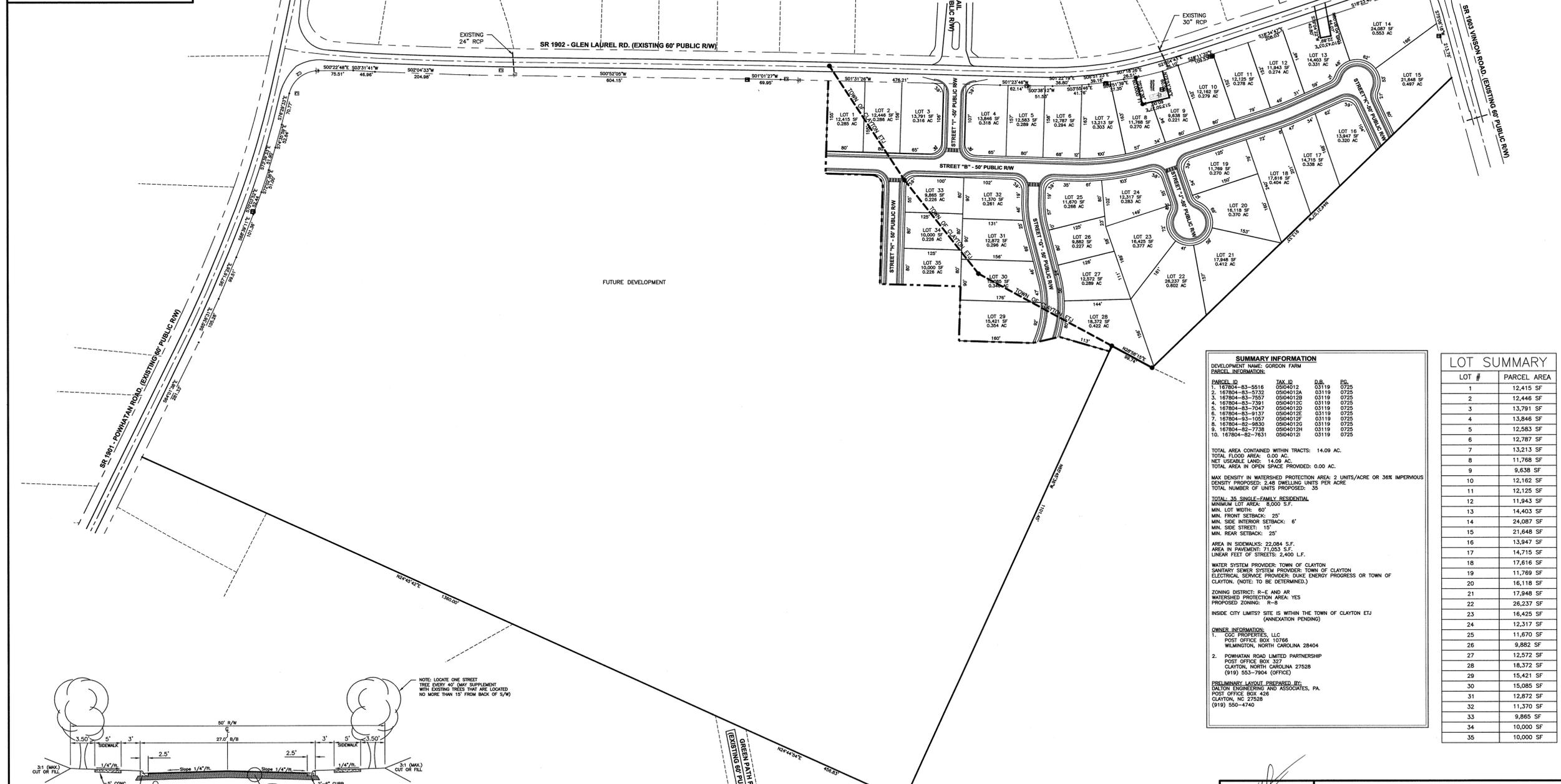
446 East Main Street ▲ P.O. Box 426 ▲ Clayton, NC 27528 ▲ (919) 550-4740/Fax (919) 550-4741



**IMPERVIOUS SURFACE AREA SUMMARY**

- TOTAL AREA CONTAINED WITHIN TRACT = 14.09 AC. OR 614,048 S.F.
- MAXIMUM ALLOWABLE IMPERVIOUS SURFACE AREA = 614,048 S.F. x 36% = 221,057.28 S.F.
- AREA CONTAINED WITHIN BUILDING LOTS = 493,056 S.F.
- ALLOWABLE IMPERVIOUS SURFACE AREA WITHIN LOTS = 493,056 S.F. x 25.94% = 127,920 S.F.
- IMPERVIOUS SURFACE CONTAINED WITHIN ASPHALT AND C & G = 71,053 S.F.
- IMPERVIOUS SURFACE CONTAINED WITHIN CONCRETE SIDEWALK = 22,084 S.F.
- TOTAL PROPOSED IMPERVIOUS SURFACE AREAS = 127,920 S.F. + 71,053 S.F. + 22,084 S.F. = 221,057 S.F.

8. 221,057.28 S.F.  $\leq$  257,028 S.F. (OKAY) MAXIMUM PROJECT IMPERVIOUS = 36.00%  
 (MAXIMUM IMPERVIOUS PER LOT = 127,920 S.F. / 35 LOTS = 3,654 S.F./LOT)



**SUMMARY INFORMATION**

DEVELOPMENT NAME: GORDON FARM  
 PARCEL INFORMATION:

PARCEL ID	TAX ID	D.B.	P.G.
1. 167804-83-5516	0504012	03119	0725
2. 167804-83-5732	0504012A	03119	0725
3. 167804-83-7557	0504012B	03119	0725
4. 167804-83-7591	0504012C	03119	0725
5. 167804-83-7047	0504012D	03119	0725
6. 167804-83-1137	0504012E	03119	0725
7. 167804-83-1057	0504012F	03119	0725
8. 167804-82-8630	0504012G	03119	0725
9. 167804-82-7738	0504012H	03119	0725
10. 167804-82-7631	0504012I	03119	0725

TOTAL AREA CONTAINED WITHIN TRACTS: 14.09 AC.  
 TOTAL FLOOD AREA: 0.00 AC.  
 NET USABLE LAND: 14.09 AC.  
 TOTAL AREA IN OPEN SPACE PROVIDED: 0.00 AC.

MAX DENSITY IN WATERSHED PROTECTION AREA: 2 UNITS/ACRE OR 36% IMPERVIOUS  
 DENSITY PROPOSED: 2.48 DWELLING UNITS PER ACRE  
 TOTAL NUMBER OF UNITS PROPOSED: 35

TOTAL: 35 SINGLE-FAMILY RESIDENTIAL  
 MINIMUM LOT AREA: 8,000 S.F.  
 MIN. LOT WIDTH: 60'  
 MIN. FRONT SETBACK: 25'  
 MIN. SIDE INTERIOR SETBACK: 6'  
 MIN. SIDE STREET: 15'  
 MIN. REAR SETBACK: 25'

AREA IN SIDEWALKS: 22,084 S.F.  
 AREA IN PAVEMENT: 71,053 S.F.  
 LINEAR FEET OF STREETS: 2,400 L.F.

WATER SYSTEM PROVIDER: TOWN OF CLAYTON  
 SANITARY SEWER SYSTEM PROVIDER: TOWN OF CLAYTON  
 ELECTRICAL SERVICE PROVIDER: DUKE ENERGY PROGRESS OR TOWN OF CLAYTON. (NOTE TO BE DETERMINED.)

ZONING DISTRICT: R-E AND AR  
 WATERSHED PROTECTION AREA: YES  
 PROPOSED ZONING: R-E

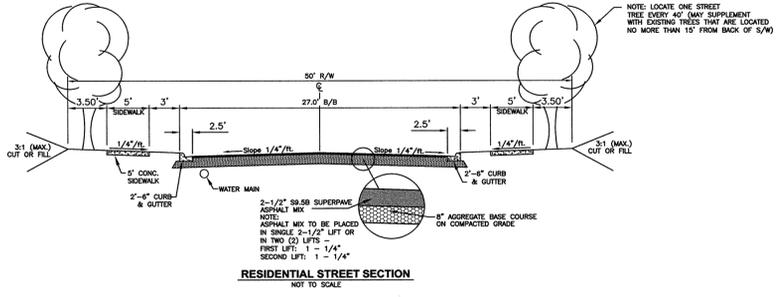
INSIDE CITY LIMITS? SITE IS WITHIN THE TOWN OF CLAYTON ETJ (ANNEXATION PENDING)

OWNER INFORMATION:  
 1. CGC PROPERTIES, LLC  
 POST OFFICE BOX 10766  
 WILMINGTON, NORTH CAROLINA 28404  
 2. POWHATAN ROAD LIMITED PARTNERSHIP  
 POST OFFICE BOX 327  
 CLAYTON, NORTH CAROLINA 27528  
 (919) 553-7904 (OFFICE)

PRELIMINARY LAYOUT PREPARED BY:  
 DALTON ENGINEERING AND ASSOCIATES, P.A.  
 POST OFFICE BOX 426  
 CLAYTON, NC 27528  
 (919) 550-4740

**LOT SUMMARY**

LOT #	PARCEL AREA
1	12,415 SF
2	12,446 SF
3	13,791 SF
4	13,846 SF
5	12,583 SF
6	12,787 SF
7	13,213 SF
8	11,768 SF
9	9,638 SF
10	12,162 SF
11	12,125 SF
12	11,943 SF
13	14,403 SF
14	24,087 SF
15	21,648 SF
16	13,947 SF
17	14,715 SF
18	17,616 SF
19	11,769 SF
20	16,118 SF
21	17,948 SF
22	26,237 SF
23	16,425 SF
24	12,317 SF
25	11,670 SF
26	9,882 SF
27	12,572 SF
28	18,372 SF
29	15,421 SF
30	15,085 SF
31	12,872 SF
32	11,370 SF
33	9,865 SF
34	10,000 SF
35	10,000 SF



**PRELIMINARY PLAT**  
 FOR THE  
**GORDON FARM SUBDIVISION**  
 CLAYTON TOWNSHIP - JOHNSTON COUNTY, NC

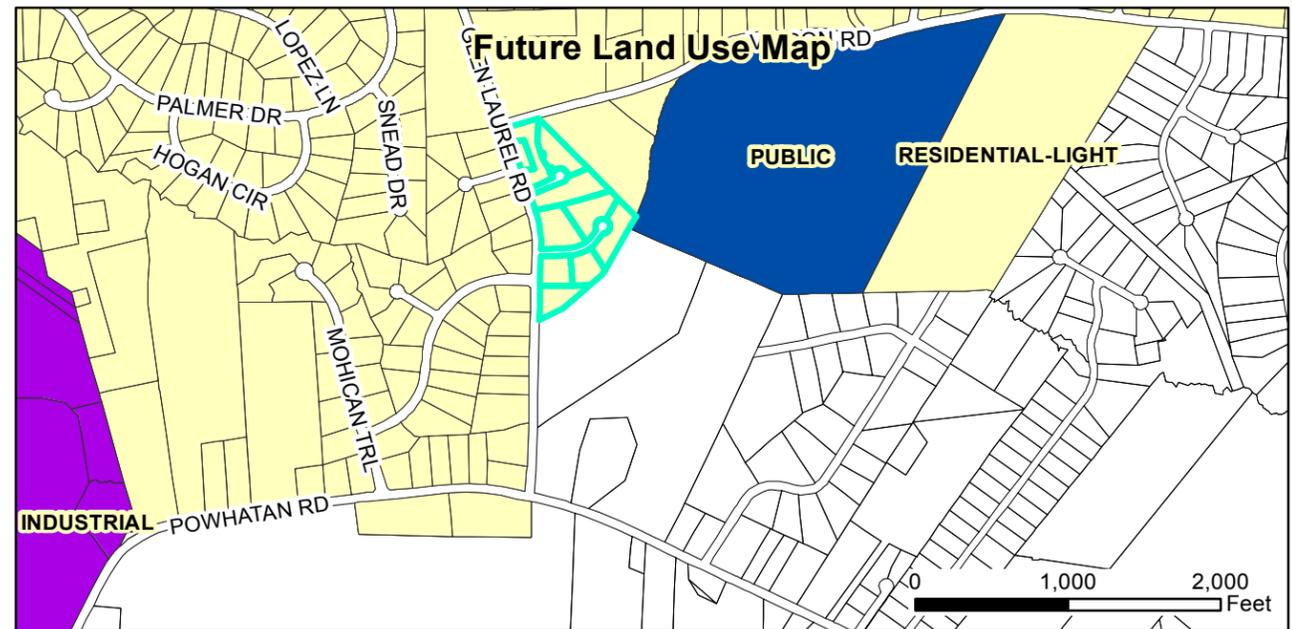
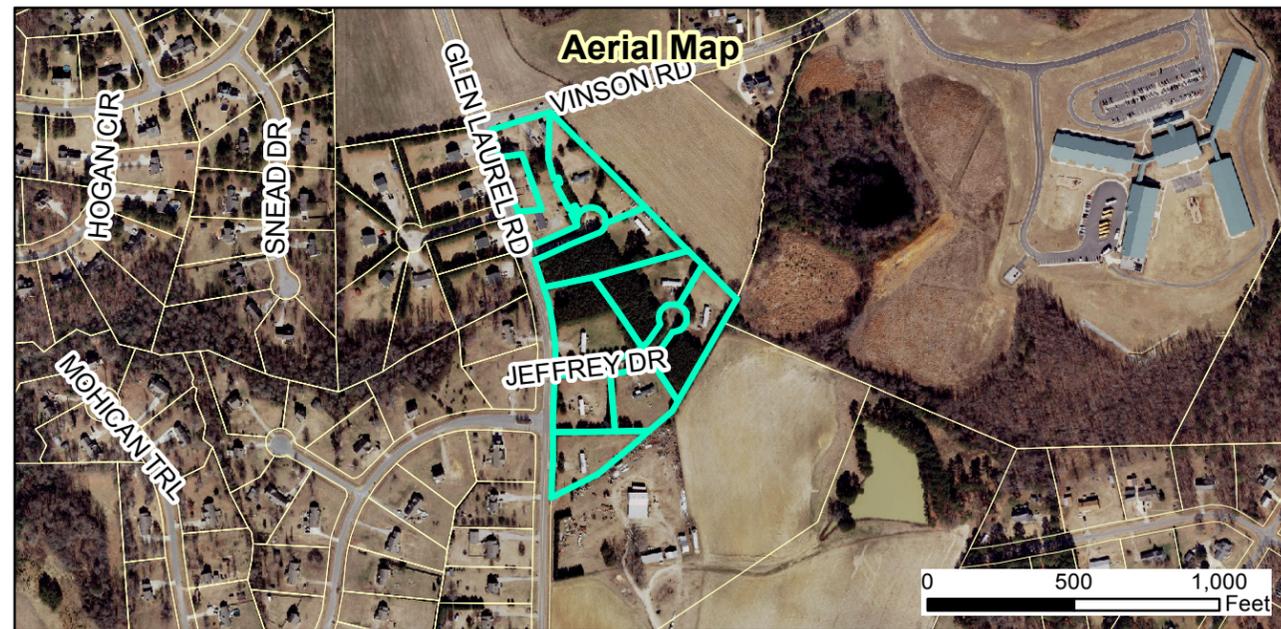
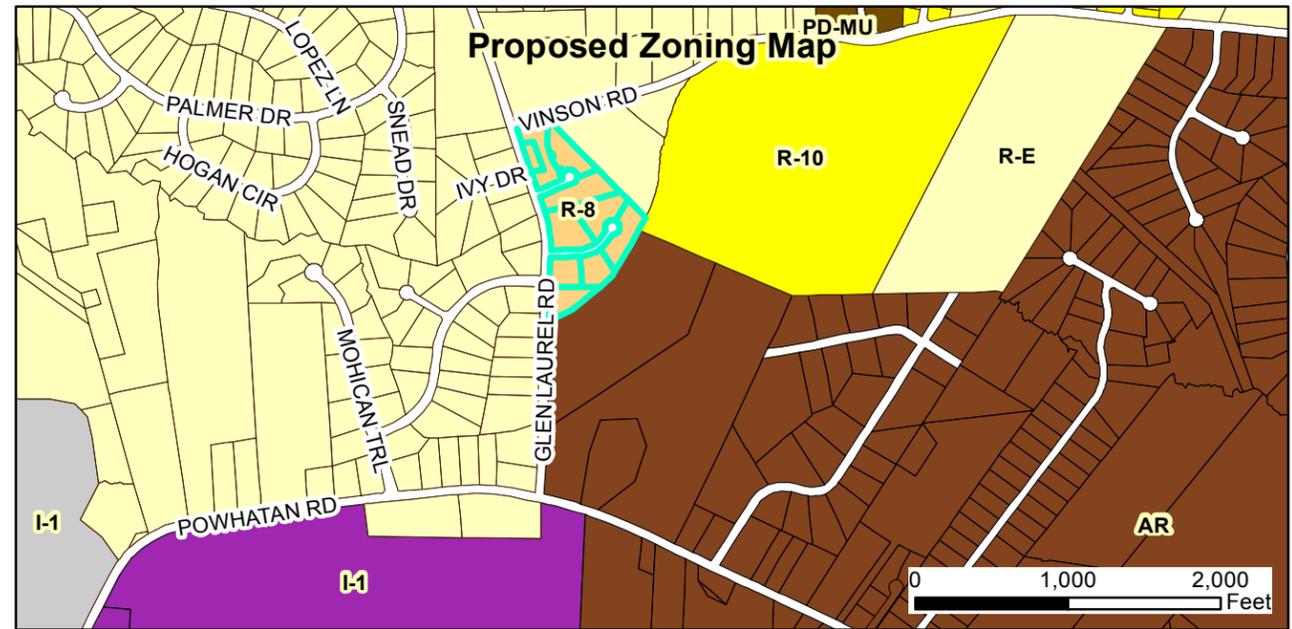
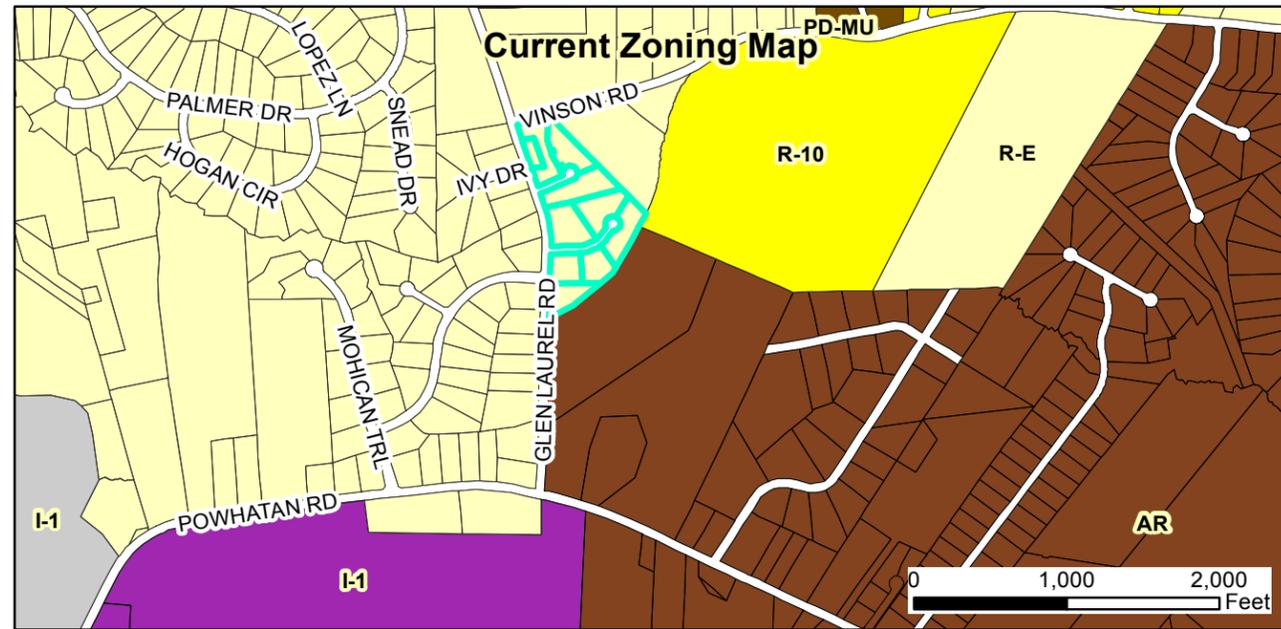


**Dalton Engineering and Associates, P. A.**

446 East Main Street  
 P.O. Box 426  
 Clayton, NC 27528

(919) 550-4740  
 Fax (919) 550-4741

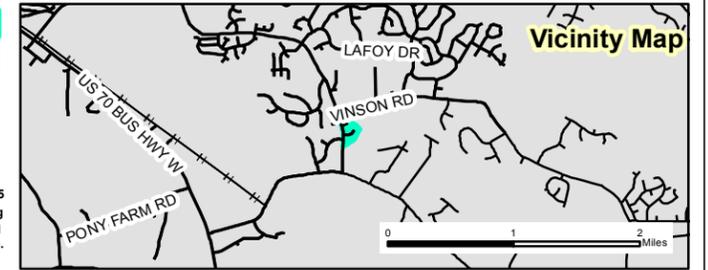
Job: 13014 Date: 12/1/15 Revision:  
 File: PRELIMINARY Drawn: WJB Sheet: 1 OF 1



**RZ2014-21 Gordon Tract Rezoning - map revised 12/03/2015**  
**Request: Rezoning from R-E (Town) and AR (County) to R-8 (Town)**  
**PSD2014-95 Gordon Tract Subdivision - map revised 12/03/2015**  
**Request: 177 single family detached residential units**  
 Applicant: Dalton Engineering and Associates, PA  
 Property Owner: CGC Properties LLC  
 Tag #: 05i04012, 05i04012a, 05i04012b, 05i04012c, 05i04012d, 05i04012e,  
 05i04012f, 05i04012g, 05i04012h, 05i04012i.



- Site
  - Special Use District
  - Thoroughfare Overlay
  - Scenic Highway Overlay
- 12/03/2015  
 Produced by: TOC Planning  
 Disclaimer: Town of Clayton assumes no legal responsibility for the information represented here.



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Gordon Tract Rezoning (RZ2014-21) and Subdivision (PSD2014-95)  
Rezoning and Major Subdivision Approval  
12/3/2015

Parcel Tag	NC PIN	Acreage
05i04012	167804-83-5516	0.372
05i04012a	167804-83-5732	1.301
05i04012b	167804-83-7557	1.293
05i04012c	167804-83-7391	1.596
05i04012d	167804-83-7047	1.519
05i04012e	167804-83-9137	1.38
05i04012f	167804-93-1057	1.317
05i04012g	167804-82-9830	0.927
05i04012h	167804-82-7738	0.932
05i04012i	167804-82-7631	0.976
		<b>±11.613</b>





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

Planning Board  
July 27, 2015

## STAFF REPORT

### Application Number: RZ2014-21 Project Name: Gordon Tract Rezoning

**Tag #:** 05i04012, 05i04012a, 05i04012b, 05i04012c, 05i04012d, 05i04012e, 05i04012f, 05i04012g, 05i04012h, 05i04012i, 05i04012r, 05e99007h, 05e99007s

**Town Limits/ETJ:** Currently ETJ, with three of the parcels located within Johnston County. To be annexed into the Town.

**Overlay:** Watershed Protection Overlay

**Applicant:** Dalton Engineering and Associates PA

**Owner:** CGC Properties LLC, and Powhatan Road Limited Partnership

**Location:** The property is located east of Glen Laurel Road, and stretches from Vinson Road to Powhatan Road. Powhatan Elementary School borders the parcel on the northeast.

**Public Noticing:**

- Neighborhood meeting July 2, 2015
- Sign posted July 20, 2015
- Letters mailed prior to August 27, 2015
- Newspaper ad posted prior to August 25, 2015

**REQUEST:** Rezoning from Residential-Estate (R-E) (Town) and Agricultural Residential (AR) (County) to Residential-8 (R-8).



**SITE DATA:**

**Acreage:** 61.29± acres

**Existing Use:** Agriculture and some residential that will be removed.

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**ADJACENT ZONING AND LAND USES:**

Direction	Zoning	Existing Use
North	Residential-10 and Residential-Estate (R-E)	Rural residential
South	County Agricultural Residential (AR) and some County Light Industrial (I-1)	Agriculture and rural residential
East	County Agricultural Residential (AR) and Residential-10 (Town)	Agriculture, large-lot rural residential subdivision, and Powhatan Elementary School to the north-northeast
West	Residential-Estate (R-E)	Rural residential subdivision

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**STAFF ANALYSIS AND COMMENTARY:**

**Overview**

The applicant is requesting to rezone 61.29 ± acre property located at the northeast corner of Powhatan Road and Glen Laurel Road from Residential-Estate to Residential-8. Historically, the property was used for residential (mobile home park) and agricultural uses with some accessory outdoor storage. Since a portion of the property is located outside of the Town’s Extraterritorial Planning Jurisdiction (ETJ), the property owner has entered into an annexation agreement with the Town. With the annexation agreement in place, Johnston County has authorized the Town to process the development application for the entire property.

**Compatibility with Surrounding Land Uses**

The uses surrounding the subject property are primarily agricultural or rural residential which is compatible with the R-8 zoning district. The site is in the Watershed Protection Overlay, which limits the density to 2 dwelling units per acre. The two adjacent developments, Powhatan Glen and Stallings Station are developed closer to one dwelling unit per acre.

**Access/Streets:**

The subject property will ultimately be developed as a single-family subdivision with internal public streets. The property also adequate frontage to facilitate connections to Gordon Rd and Glen Laurel Road, providing ingress/egress to the development. Additional connections to stub out streets will be required during subdivision approval.

**Consistency with the Strategic Growth Plan**

The 2008 Strategic Growth Plan designates this area as a “Residential-Light”. This rezoning is consistent with the intent of the Future Land Use for these and surrounding lands.

**Consistency with Overlays**

The entire property is located in the Watershed Protection Overlay District and subject to the development limitations of that classification. The primary restriction limits residential development to two dwelling units per acre or a maximum impervious surface area of 36 percent.

**CONSIDERATIONS:**

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

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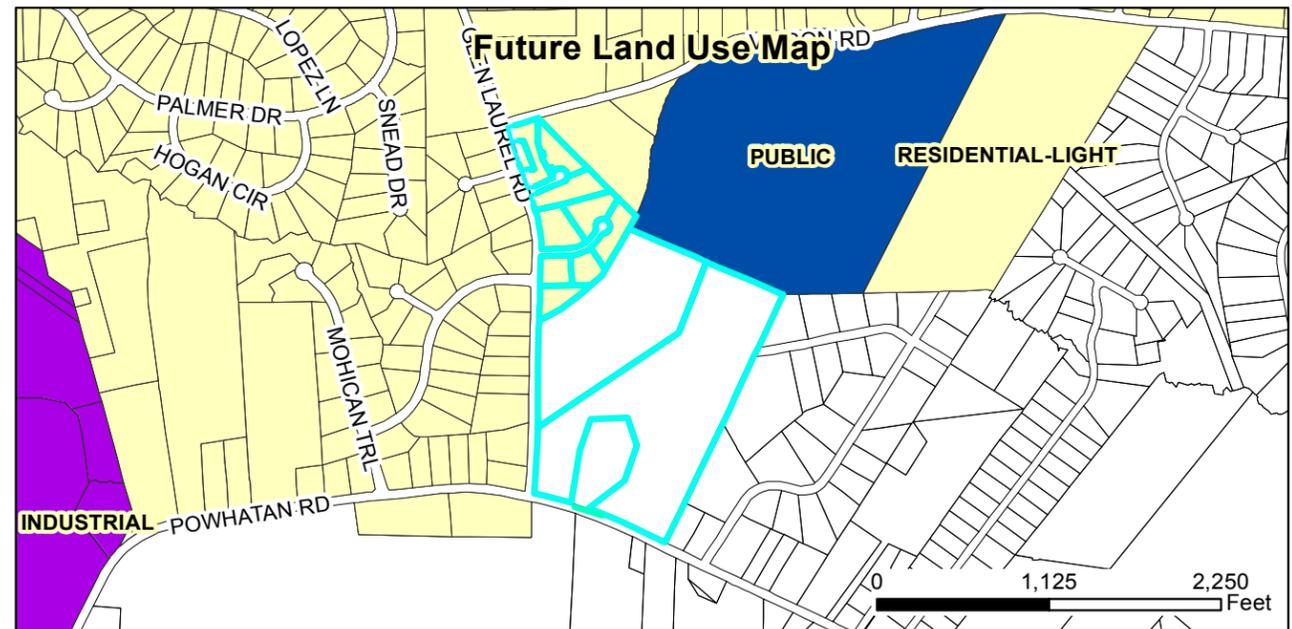
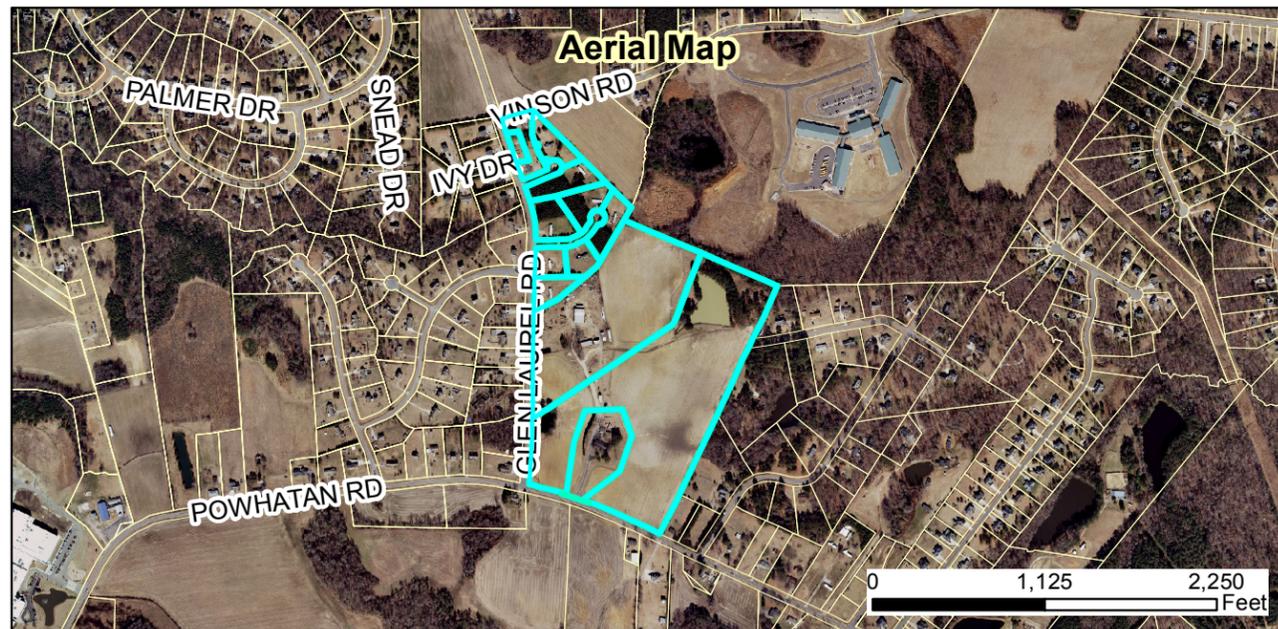
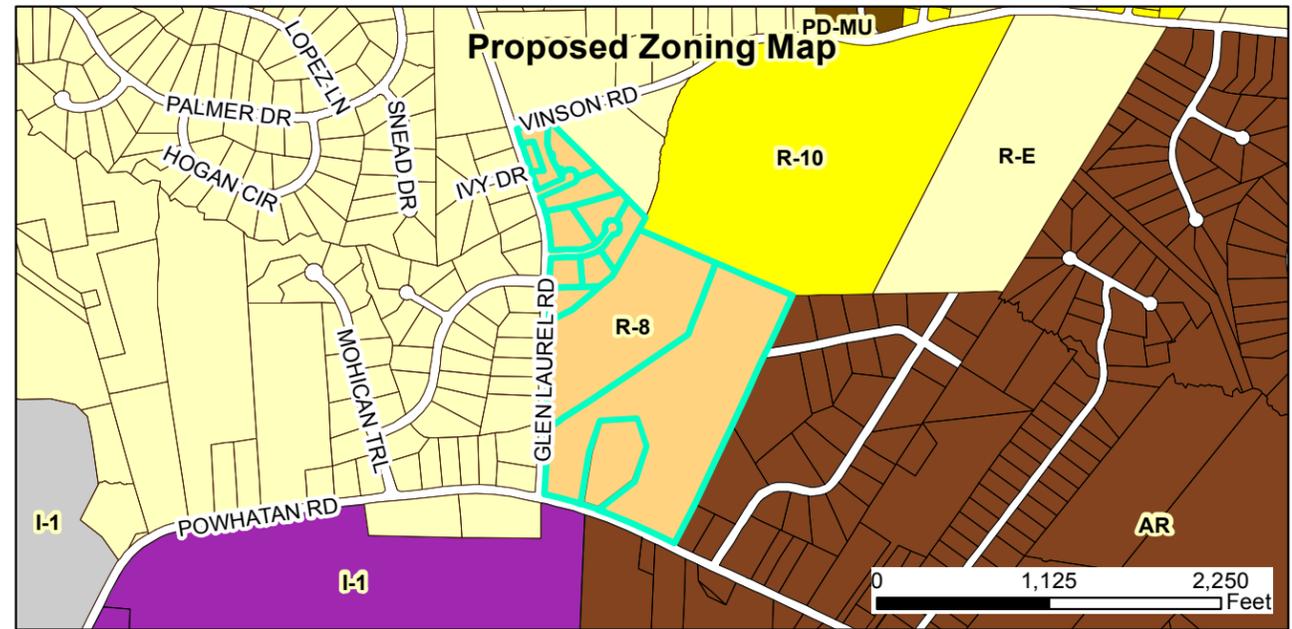
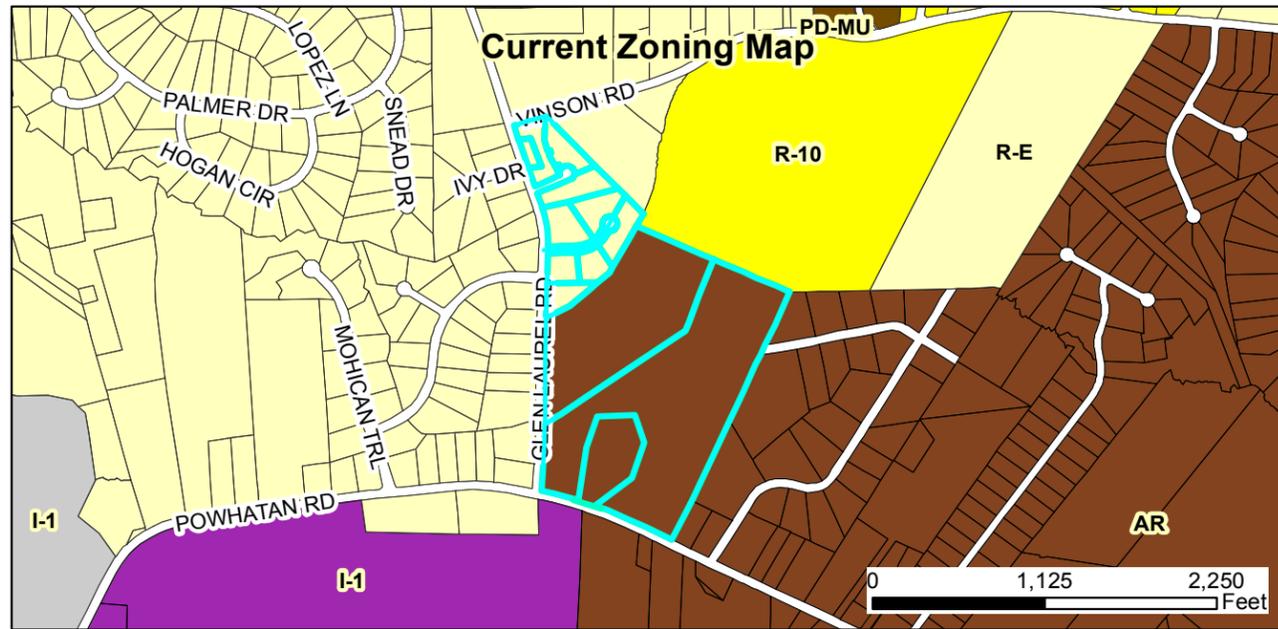
**STAFF RECOMMENDATION:**

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

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**ATTACHMENTS:**

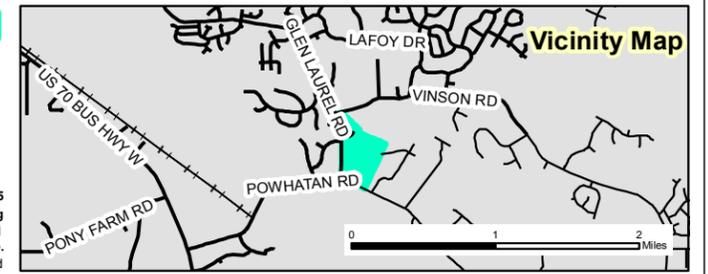
- 1) Staff Report Maps
- 2) Application
- 3) Neighborhood Meeting Materials



**RZ2014-21 Gordon Tract Rezoning**  
**Request: Rezoning from R-E (Town) and AR (County) to R-8 (Town)**  
**PSD2014-95 Gordon Tract Subdivision**  
**Request: 177 single family detached residential units**  
 Applicant: Dalton Engineering and Associates, PA  
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 05i04012f, 05i04012g, 05i04012h, 05i04012i, 05i04012r, 05e99007h, 05e99007s



- Site
  - Special Use District
  - Thorough Fare Overlay
  - Scenic Highway Overlay
- Produced by: TOC Planning  
 07/17/2015  
 Disclaimer: Town of Clayton assumes no legal responsibility for the information represented here.



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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: Gordon Tract      Acreage of Property: 31.74 acres ( approx. )  
 Parcel ID Number: See list, attached.      Tax ID: See list, attached.  
 Deed Book: See list, attached.      Deed Page(s): See list, attached.  
 Address: Glen Laurel Road  
 Location: On the East side of Glen Laurel Road, between the Vinson Road / Glen Laurel Road intersection and the Powhatan Road / Glen Laurel Road intersection.  
 Existing Use: Residential and Agriculture      Proposed Use: Residential Subdivision  
 Existing Zoning District: R-E ( Town of Clayton ) and AR ( Johnston County )  
 Requested Zoning District R-10 Open Space Subdivision  
 Is project within a Planned Development:       Yes       No  
 Planned Development District (if applicable): n/a  
 Is project within an Overlay District:       Yes       No  
 Overlay District (if applicable): n/a

### FOR OFFICE USE ONLY

File Number: 2014-21      Date Received: 3/5/14      Amount Paid: 500<sup>00</sup>

**OWNER INFORMATION:**

**Name:** See list, attached.  
**Mailing Address:** \_\_\_\_\_  
**Phone Number:** \_\_\_\_\_ **Fax:** \_\_\_\_\_  
**Email Address:** \_\_\_\_\_

**APPLICANT INFORMATION:**

**Applicant:** Dalton Engineering & Associates, P.A.  
**Mailing Address:** Post Office Box 426 Clayton, NC 27528  
**Phone Number:** (919) 550-4740 **Fax:** (919) 550-4741  
**Contact Person:** Jonathan Barnes  
**Email Address:** jbarnes@daltonengineering.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 Owners of subject properties are requesting the rezoning of approximately 31.74 acres, adjacent to Glen Laurel Road. Approximately 12.68 acres is located within the Town of Clayton E.T.J., and approximately 18.96 acres is located within Johnston County zoning jurisdiction. A 'Petition Requesting Annexation' for the 31.74 acres has been submitted to the Town, and the acreage is pending annexation.

**APPROVAL CRITERIA**

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

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

The subject property is proposed to be zoned R-10 Open Space Subdivision and the project would comply with all zoning requirements of the Town of Clayton Unified Development Code.

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

The subject property is proposed to be zoned R-10 Open Space Subdivision and the project would comply with all zoning requirements of the Town of Clayton Unified Development Code.

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

The subject property is proposed to be zoned R-10 Open Space Subdivision and the project would comply with all zoning requirements of the Town of Clayton Unified Development Code.

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- 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 capacity of public facilities in the area is adequate to support the proposed use of the anticipated development.

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

The subject property is proposed to be zoned R-10 Open Space Subdivision and the project would comply with all zoning requirements of the Town of Clayton Unified Development Code.

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 subject property is proposed to be zoned R-10 Open Space Subdivision and the project would comply with all zoning requirements of the Town of Clayton Unified Development Code.  
No adverse effects upon adjoining properties are expected.

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.

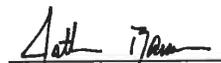
The development of this property would be beneficial to the Town of Clayton as well as surrounding businesses.

#### 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.*

DALTON ENGINEERING  
AND ASSOCIATES, P.A.

CONTACT : JONATHAN BARNES  
Print Name

  
Signature of Applicant

3/4/14  
Date

L E G A L   D E S C R I P T I O N

Beginning at a point where the Southern Right-of-way line of Vinson road (SR 1903) Intersects the Eastern Right-of-way line of Glen Laurel Road (SR1902);

THENCE South 18 degrees 23 minutes 45 seconds East for a distance of 226.48 feet along the Eastern Right-of-way line of Glen Laurel road to a point marking the Northeastern corner of a cemetery;

THENCE North 80 degrees 06 minutes 04 seconds East for a distance of 44.07 feet Along the Northern line of the cemetery to an existing iron pipe;

THENCE South 10 degrees 43 minutes 03 seconds East for a distance of 22.89 feet along the Eastern line of the cemetery to an existing iron pipe;

THENCE South 79 degrees 04 minutes 22 seconds West for a distance of 40.80 feet along the Southern line of the cemetery to a point in the Eastern Right-of-way line of Glen Laurel Road;

THENCE South 18 degrees 34 minutes 47 seconds East for a distance of 208.03 feet along the Eastern Right-of-way line of Glen Laurel Road to a Point;

THENCE South 18 degrees 11 minutes 32 seconds East for a distance of 109.53 feet along the Eastern Right-of-way line of Glen Laurel Road;

THENCE South 16 degrees 16 minutes 51 seconds East for a distance of 46.08 feet along the Eastern Right-of-way line of Glen Laurel road;

THENCE South 14 degrees 26 minutes 01 seconds East for a distance of 39.51 feet along the Eastern Right-of-way line of Glen Laurel Road;

THENCE South 12 degrees 31 minutes 54 seconds East for a distance of 36.61 feet along the Eastern right-of-way line of Glen Laurel Road;

THENCE South 09 degrees 51 minutes 39 seconds East for a distance of 37.35 feet along the Eastern Right-of-way line of Glen Laurel Road;

THENCE South 06 degrees 51 minutes 23 seconds East for a distance of 39.16 feet along the Eastern Right-of-way line of Glen Laurel Road;

THENCE South 03 degrees 55 minutes 46 seconds East for a distance of 41.76 feet along the Eastern Right-of-way line of Glen Laurel Road;

THENCE South 00 degrees 12 minutes 01 seconds East for a distance of 88.32 feet along the Eastern Right-of-way line of Glen Laurel road;

THENCE South 01 degrees 23 minutes 46 seconds West for a distance of 62.14 feet along the Eastern Right-of-way line of Glen Laurel Road;

THENCE South 86 degrees 44 minutes 30 seconds East for a distance of 1406.09 feet to an Existing iron pipe Marking the end of the Southern Right-of-way of Green Path (SR 2014);

THENCE North 24 degrees 44 minutes 54 seconds East for a distance of 456.83 feet to an existing iron pipe, a corner with Kimberly S. Bowles and Johnston County;

THENCE North 65 degrees 45 minutes 36 seconds West for a distance of 1101.45 feet along the line of Johnston County to an existing iron pipe;

THENCE North 28 degrees 58 minutes 15 seconds East for a distance of 99.74 feet along the line of Johnston County to an existing iron pipe, a corner with Johnston County and Eugene D. Woodall;

THENCE North 44 degrees 31 minutes 07 seconds West for a distance of 913.32 feet along the line of Woodall to a point in the Southern Right-of-way of Vinson Road;

THENCE South 75 degrees 06 minutes 18 seconds West for a distance of 213.76 feet along the Southern Right-of-way line of Vinson Road to the Place and Point of Beginning, and containing 31.76 acres more or less.

## ADJACENT PROPERTY OWNERS LIST

Project Name: GORDON TRACT

*The following are all the persons, firms, or corporations owning property within 100 feet and immediately adjacent to the property (including across street rights of way) subject to this request. It is the responsibility of the applicant to correctly identify the current owner, based upon records in the Johnston County GIS Office, for all property owners of land within the required public notice radius.*

PARCEL NUMBER	NAME	ADDRESS
167804-84-7129	TGS Properties, L.L.C.	514 Daniels St., Suite 414 Raleigh, NC 27605
167804-93-0658	Eugene and Betty Sue Woodall	484 Packing Plant Road Smithfield, NC 27577
168803-03-5526	County of Johnston	P.O. Box 1049 Smithfield, NC 27577
168803-02-2456	Samuel and Kimberly Bowles	513 Green Path Clayton, NC 27527
168803-01-1958	Rickie Avate	508 Green Path Clayton, NC 27527
167804-82-4105	Ralph and Patsy Hester	109 Glen Laurel Rd. Clayton, NC 27527
167804-82-4229	Trevor and Kathryn Beyma	135 Glen Laurel Rd. Clayton, NC 27527
167804-82-4443	Gary and Jennifer Fuller	148 Ridgemont Dr. Columbia, SC 29212-8690
167804-82-4650	Robert and Sharon Parrish	189 Glen Laurel Rd. Clayton, NC 27527
167804-82-4877	Rita and Nathan Byars	245 Glen Laurel Rd. Clayton, NC 27527
167804-83-4043	Kenneth and Donna Watson	315 Glen Laurel Rd. Clayton, NC 27527
167804-83-3290	Donovan Spence	331 Hereford Dr. Clayton, NC 27520
167804-83-3343	Donovan Spence	331 Hereford Dr. Clayton, NC 27520
167804-83-2439	Sharon Whitley	317 Hereford Dr. Clayton, NC 27520
167804-83-2635	Sharon Whitley	317 Hereford Dr. Clayton, NC 27520
167800-85-1849	TGS Properties, L.L.C.	514 Daniels St., Suite 414 Raleigh, NC 27605



**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:** Gordon Tract **Submittal Date:** 3/4/14

I hereby give CONSENT to DALTON ENGINEERING AND ASSOCIATES, P.A. (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)*

Charles B. Gordon, Jr.  
(Name - type, print clearly)

*Charles B. Gordon, Jr.*  
(Signature)  
Clayton, North Carolina 27528

Post Office Box 327  
(Address)

(City, State, Zip)

**AGENT INFORMATION:**

Dalton Engineering and Associates, P.A.  
(Name - type, print clearly)

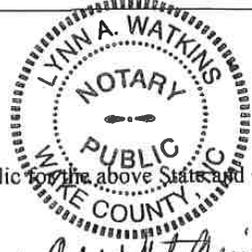
*John Jam*  
(Signature)  
Clayton, North Carolina 27528

Post Office Box 426  
(Address)

(City, State, Zip)

STATE OF North Carolina  
COUNTY OF Johnston

Sworn and subscribed before me March 4, 2014, a Notary Public for the above State and County, this the 4 day of March, 2014.



*Lynn A. Watkins*  
(Signature)  
Lynn A. Watkins  
Notary Public

SEAL

My Commission Expires: 12-7-2016

Parcel Information :

<u>Parcel I.D.</u>	<u>Tax I.D.</u>	<u>D.B.</u>	<u>PG.</u>	
1. 167804-83-5516	05I04012	03119	0725	
2. 167804-83-5732	05I04012A	03119	0725	
3. 167804-83-7557	05I04012B	03119	0725	
4. 167804-83-7391	05I04012C	03119	0725	
5. 167804-83-7047	05I04012D	03119	0725	
6. 167804-83-9137	05I04012E	03119	0725	
7. 167804-93-1057	05I04012F	03119	0725	
8. 167804-82-9830	05I04012G	03119	0725	
9. 167804-82-7738	05I04012H	03119	0725	
10. 167804-82-7631	05I04012I	03119	0725	
11. 167804-92-1555	05I04199R	03544	0488	( Note : portion of tract. )
12. 167804-91-5923	05E99007H	03544	0488	( Note : portion of tract. )

Owner Information :

1. CGC Properties, L.L.C.  
113 State Avenue  
Suite 101  
Clayton, North Carolina 27520
  
2. Powhatan Road Limited Partnership  
Post Office Box 327  
Clayton, North Carolina 27528  
( 919 ) 553 – 7904 ( office )  
( 919 ) 553 – 3706 ( fax )

## LETTER OF TRANSMITTAL

**TO:** Town of Clayton      **ATTENTION:** EMILY BEDDINGFIELD  
**DATE:** 3/5/14      **REFERENCE:** GORDON TRACT

We are sending You:

- |                                  |                                  |
|----------------------------------|----------------------------------|
| <u>          </u> PLANS          | <u>  ✓  </u> CHECK               |
| <u>          </u> SPECIFICATIONS | <u>          </u> COPY OF LETTER |
| <u>          </u> REVISED PLANS  | <u>  ✓  </u> APPLICATIONS        |
| <u>          </u> PERMITS        | <u>          </u> OTHER          |

Copies	Date	Dwg. #	Description
9			REZONING APPLICATION
9			OWNER'S CONSENT FORM
1			APPLICATION FEE - CHECK # 3209 : \$ 250.00
			CHECK # 1513 : \$ 250.00

These are transmitted as checked below:

- |                                    |   |
|------------------------------------|---|
| <u>  ✓  </u> For Approval          | <u>          </u> Revisions As Requested  |
| <u>          </u> As Requested     | <u>          </u> Return Corrected Copies |
| <u>          </u> Review & Comment | <u>          </u> Make Corrections Needed |
| <u>          </u> For Your Use     | <u>          </u> Other                   |

**COMMENTS**

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**THANK YOU**  
*Jonathan Barnes*  
JONATHAN BARNES



## ADJACENT PROPERTY OWNERS LIST

Project Name: GORDON TRACT

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

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

PARCEL NUMBER	NAME	ADDRESS
167804-84-7129	TGS Properties, L.L.C.	514 Daniels St., Suite 414 Raleigh, NC 27605
167804-93-0658	Eugene and Betty Sue Woodall	484 Packing Plant Road Smithfield, NC 27577
168803-03-5526	County of Johnston	P.O. Box 1049 Smithfield, NC 27577
168803-02-2456	Samuel and Kimberly Bowles	513 Green Path Clayton, NC 27527
168803-01-1958	Rickie Avate	508 Green Path Clayton, NC 27527
167804-82-4105	Ralph and Patsy Hester	109 Glen Laurel Rd. Clayton, NC 27527
167804-82-4229	Trevor and Kathryn Beyma	135 Glen Laurel Rd. Clayton, NC 27527
167804-82-4443	Gary and Jennifer Fuller	148 Ridgemont Dr. Columbia, SC 29212-8690
167804-82-4650	Robert and Sharon Parrish	189 Glen Laurel Rd. Clayton, NC 27527
167804-82-4877	Rita and Nathan Byars	245 Glen Laurel Rd. Clayton, NC 27527
167804-83-4043	Kenneth and Donna Watson	315 Glen Laurel Rd. Clayton, NC 27527
167804-83-3290	Donovan Spence	331 Hereford Dr. Clayton, NC 27520
167804-83-3343	Donovan Spence	331 Hereford Dr. Clayton, NC 27520
167804-83-2439	Sharon Whitley	317 Hereford Dr. Clayton, NC 27520
167804-83-2635	Sharon Whitley	317 Hereford Dr. Clayton, NC 27520
167800-85-1849	TGS Properties, L.L.C.	514 Daniels St., Suite 414 Raleigh, NC 27605

# Dalton Engineering

and Associates, P.A.



March 10, 2014

167804-84-7129  
167800-85-1849  
TGS Properties, LLC.  
514 Daniels Street  
Suite 414  
Raleigh, NC 27605

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 regulation, 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, March 26, 2014

Location: Dalton Engineering  
446 East Main Street  
Clayton, NC 27520

Time: 6:00 pm.

Type of Application: Rezoning

General Description: Rezoning land for residential subdivision.

If you have any questions prior to or after this meeting, you may contact the Clayton Planning Department at (919) 553-5002.

Thank you very much.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan Barnes". The signature is written in a cursive style with a prominent initial "J".

Jonathan Barnes  
Dalton Engineering and Associates, P.A.  
(919) 550-4740

cc. Clayton Planning Dept

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

After considering the recommendations of the Planning Board and Planning Director, I move to **[approve OR deny] RZ-2014-21**

[IF APPROVING]

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

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

WHEREAS a petition has been filed with the Town Council of the Town of Clayton requesting an amendment to the Zoning Ordinance and Zoning Map of the Town of Clayton to include in the Residential-8 (R-8) zone the property described below, said property formerly being zoned Residential-Estate (R-E); and

WHEREAS said property is owned by CGC Properties, Inc.; and

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

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

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

WHEREAS the said public hearing was actually conducted at 6:30 p.m. on December 7, 2015, wherein a reasonable opportunity was given to all those in attendance to speak either in favor or against the said change or to make relevant comments;

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

SECTION 1. That the Unified Development Code of the Town of Clayton is hereby amended to include in the Residential-8 (R-8) zone the following described property:

General Description:

Located at Glen Laurel and Vinson Roads.

Specific Description:

NC Parcel Identification Numbers: 05i04012; 05i04012a; 05i04012b; 05i04012c;05i04012d;  
05i04012e; 05i04012f; 05i04012g; 05i04012h; 05i04012i

SECTION 2. That the official Town of Clayton Zoning Map is hereby amended to include in the Residential-8 (R-8) zone the above-described property and will be so marked.

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

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

DULY ADOPTED by the Clayton Town Council this 7th day of December, 2015, while in regular session.

---

Jody L. McLeod  
Mayor

ATTEST:

---

Kimberly A. Moffett, CMC  
Town Clerk

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

**AGENDA LOCATION:**

Public Hearings

**Meeting Date:**

December 7, 2015

**ITEM TITLE:**

Gordon Tract Subdivision - PSD 2014-95

**DESCRIPTION:**

Request for approval of major preliminary subdivision for a property located to the east of Glen Laurel Rd., between Vinson and Powhatan Roads.

**POTENTIAL ACTION:**

Approval/Disapproval

**DEPARTMENT:**

Planning + Zoning

**PRESENTER:**

David DeYoung, Planning Director

**ITEM HISTORY:**

**Date:**

August 17, 2015

**Action Taken:**

Presentation & Set Public Hearing for September 8, 2015

**Information Provided:**

Staff Report + Planning Board Recommendation

**Date:**

November 16,  
2015

**Action Taken:**

Tabled - September 21, 2015  
September 21, 2015 - Tabled - October 5, 2015  
October 5, 2015 - Tabled - October 19, 2015  
October 19, 2015 - Tabled - November 2, 2015  
November 2, 2015 - Tabled - November 16, 2015  
November 16, 2015 - Tabled - December 7, 2015

**Information Provided:**

Staff Update

Dalton Engineering  
and Associates, P.A.



December 3, 2015

To: Town of Clayton  
Planning Department  
111 East Second Street  
Clayton, North Carolina 27520

SUB: **Preliminary Plat**  
Gordon Farm Subdivision  
Clayton Township  
Johnston County, North Carolina

Owners: CGC Properties, Inc.  
Post Office Box 10766  
Wilmington, North Carolina 28404  
  
Powhatan Road Limited Partnership  
Post Office Box 327  
Clayton, North Carolina 27528

Subject project involves the development of approximately 61.29 acres of land that is located in the Clayton Township of Johnston County. The portion of the project located within the Town of Clayton E.T.J. is presently zoned R-E, and contains 12.32 acres.

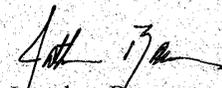
The portion of the Gordon Farm Subdivision shown on the attached Preliminary Plat is planned for 35 single-family lots with an average lot size of approximately 14,080 sqft. each. Please note :

1. nine (9) of the lots shown on the Preliminary Plat encroach into the Johnston County M.T.D.
2. The area contained within the 35 single-family lots and adjacent subdivision street right-of-way is 14.09 acres.

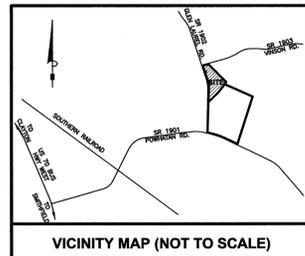
The lots will front on standard Town of Clayton streets, with curb and gutter, storm drainage, and sidewalks. Each lot will be served with public water and sanitary sewer from the Town of Clayton.

If you have any questions or additional comments, please call.

Thank you.

  
Jonathan Barnes

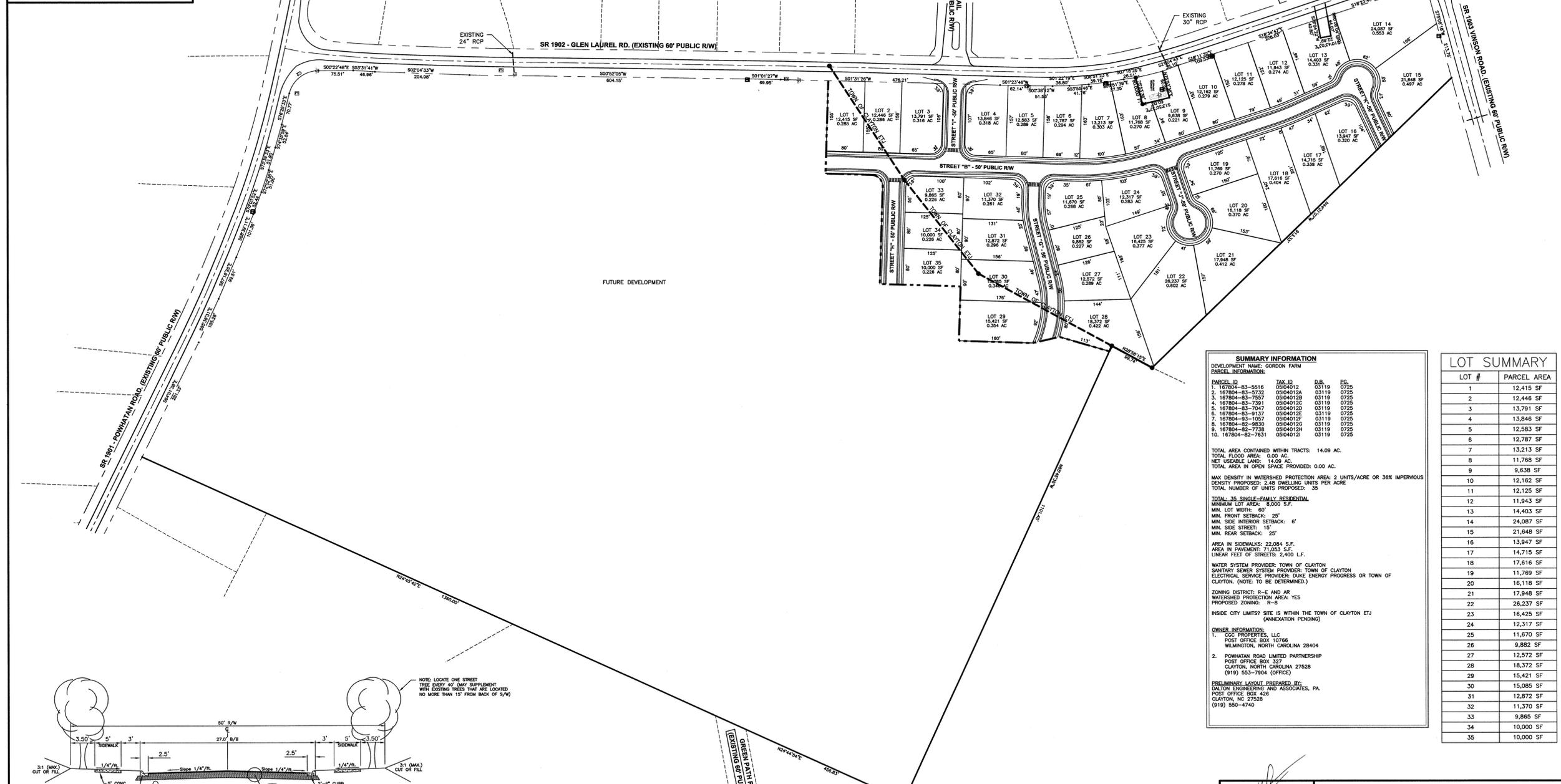
446 East Main Street ▲ P.O. Box 426 ▲ Clayton, NC 27528 ▲ (919) 550-4740/Fax (919) 550-4741



**IMPERVIOUS SURFACE AREA SUMMARY**

- TOTAL AREA CONTAINED WITHIN TRACT = 14.09 AC. OR 614,048 S.F.
- MAXIMUM ALLOWABLE IMPERVIOUS SURFACE AREA = 614,048 S.F. x 36% = 221,057.28 S.F.
- AREA CONTAINED WITHIN BUILDING LOTS = 493,056 S.F.
- ALLOWABLE IMPERVIOUS SURFACE AREA WITHIN LOTS = 493,056 S.F. x 25.94% = 127,920 S.F.
- IMPERVIOUS SURFACE CONTAINED WITHIN ASPHALT AND C & G = 71,053 S.F.
- IMPERVIOUS SURFACE CONTAINED WITHIN CONCRETE SIDEWALK = 22,084 S.F.
- TOTAL PROPOSED IMPERVIOUS SURFACE AREAS = 127,920 S.F. + 71,053 S.F. + 22,084 S.F. = 221,057 S.F.

8. 221,057.28 S.F.  $\leq$  257,028 S.F. (OKAY) MAXIMUM PROJECT IMPERVIOUS = 36.00%  
 (MAXIMUM IMPERVIOUS PER LOT = 127,920 S.F. / 35 LOTS = 3,654 S.F./LOT)



**SUMMARY INFORMATION**

DEVELOPMENT NAME: GORDON FARM  
 PARCEL INFORMATION:

PARCEL ID	TAX ID	D.B.	P.G.
1. 167804-83-5516	0504012	03119	0725
2. 167804-83-5732	0504012A	03119	0725
3. 167804-83-7557	0504012B	03119	0725
4. 167804-83-7591	0504012C	03119	0725
5. 167804-83-7047	0504012D	03119	0725
6. 167804-83-1137	0504012E	03119	0725
7. 167804-83-1057	0504012F	03119	0725
8. 167804-82-8630	0504012G	03119	0725
9. 167804-82-7738	0504012H	03119	0725
10. 167804-82-7631	0504012I	03119	0725

TOTAL AREA CONTAINED WITHIN TRACTS: 14.09 AC.  
 TOTAL FLOOD AREA: 0.00 AC.  
 NET USABLE LAND: 14.09 AC.  
 TOTAL AREA IN OPEN SPACE PROVIDED: 0.00 AC.

MAX DENSITY IN WATERSHED PROTECTION AREA: 2 UNITS/ACRE OR 36% IMPERVIOUS  
 DENSITY PROPOSED: 2.48 DWELLING UNITS PER ACRE  
 TOTAL NUMBER OF UNITS PROPOSED: 35

TOTAL: 35 SINGLE-FAMILY RESIDENTIAL  
 MINIMUM LOT AREA: 8,000 S.F.  
 MIN. LOT WIDTH: 60'  
 MIN. FRONT SETBACK: 25'  
 MIN. SIDE INTERIOR SETBACK: 6'  
 MIN. SIDE STREET: 15'  
 MIN. REAR SETBACK: 25'

AREA IN SIDEWALKS: 22,084 S.F.  
 AREA IN PAVEMENT: 71,053 S.F.  
 LINEAR FEET OF STREETS: 2,400 L.F.

WATER SYSTEM PROVIDER: TOWN OF CLAYTON  
 SANITARY SEWER SYSTEM PROVIDER: TOWN OF CLAYTON  
 ELECTRICAL SERVICE PROVIDER: DUKE ENERGY PROGRESS OR TOWN OF CLAYTON. (NOTE TO BE DETERMINED.)

ZONING DISTRICT: R-E AND AR  
 WATERSHED PROTECTION AREA: YES  
 PROPOSED ZONING: R-E

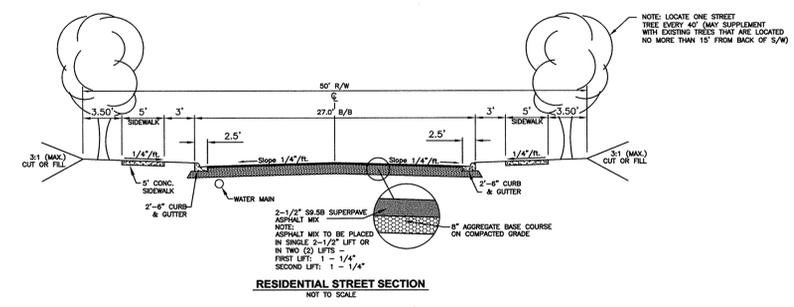
INSIDE CITY LIMITS? SITE IS WITHIN THE TOWN OF CLAYTON ETJ (ANNEXATION PENDING)

OWNER INFORMATION:  
 1. CGC PROPERTIES, LLC  
 POST OFFICE BOX 10766  
 WILMINGTON, NORTH CAROLINA 28404  
 2. POWHATAN ROAD LIMITED PARTNERSHIP  
 POST OFFICE BOX 327  
 CLAYTON, NORTH CAROLINA 27528  
 (919) 553-7904 (OFFICE)

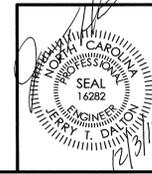
PRELIMINARY LAYOUT PREPARED BY:  
 DALTON ENGINEERING AND ASSOCIATES, P.A.  
 POST OFFICE BOX 426  
 CLAYTON, NC 27528  
 (919) 550-4740

**LOT SUMMARY**

LOT #	PARCEL AREA
1	12,415 SF
2	12,446 SF
3	13,791 SF
4	13,846 SF
5	12,583 SF
6	12,787 SF
7	13,213 SF
8	11,768 SF
9	9,638 SF
10	12,162 SF
11	12,125 SF
12	11,943 SF
13	14,403 SF
14	24,087 SF
15	21,648 SF
16	13,947 SF
17	14,715 SF
18	17,616 SF
19	11,769 SF
20	16,118 SF
21	17,948 SF
22	26,237 SF
23	16,425 SF
24	12,317 SF
25	11,670 SF
26	9,882 SF
27	12,572 SF
28	18,372 SF
29	15,421 SF
30	15,085 SF
31	12,872 SF
32	11,370 SF
33	9,865 SF
34	10,000 SF
35	10,000 SF

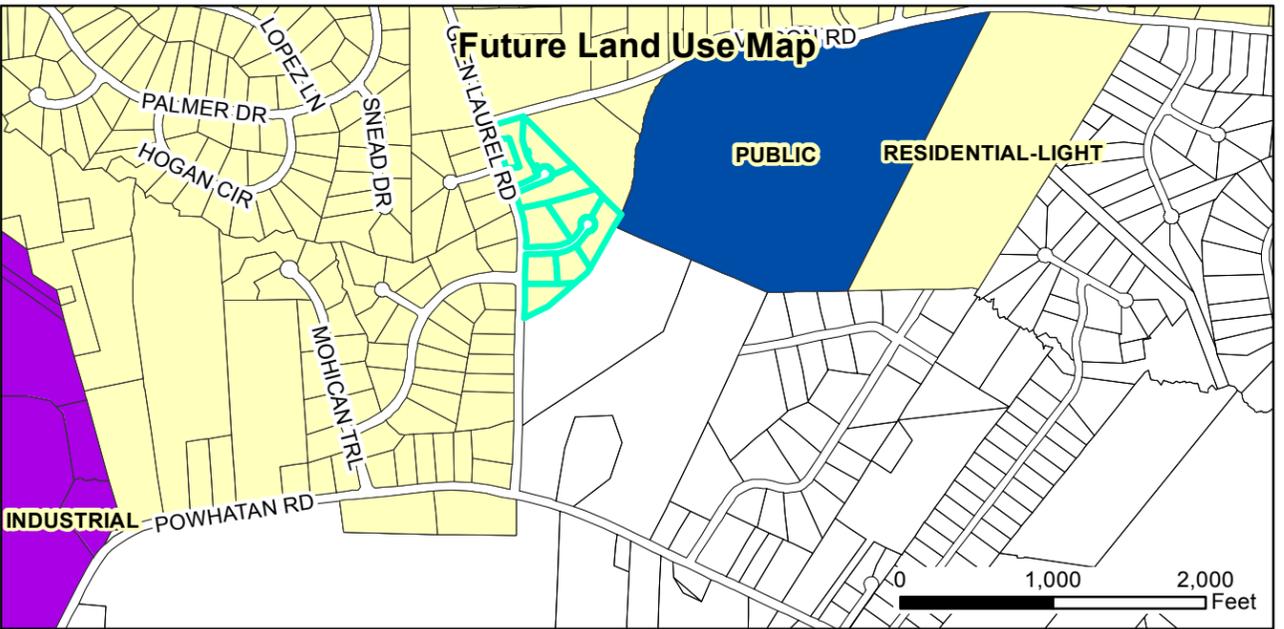
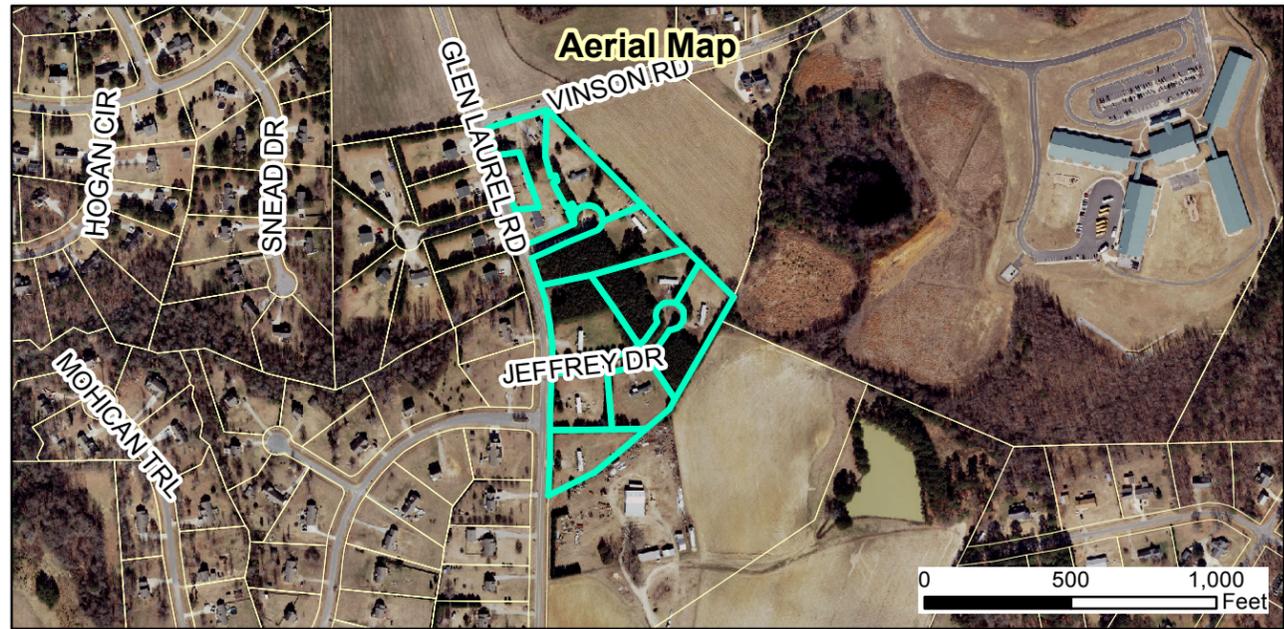
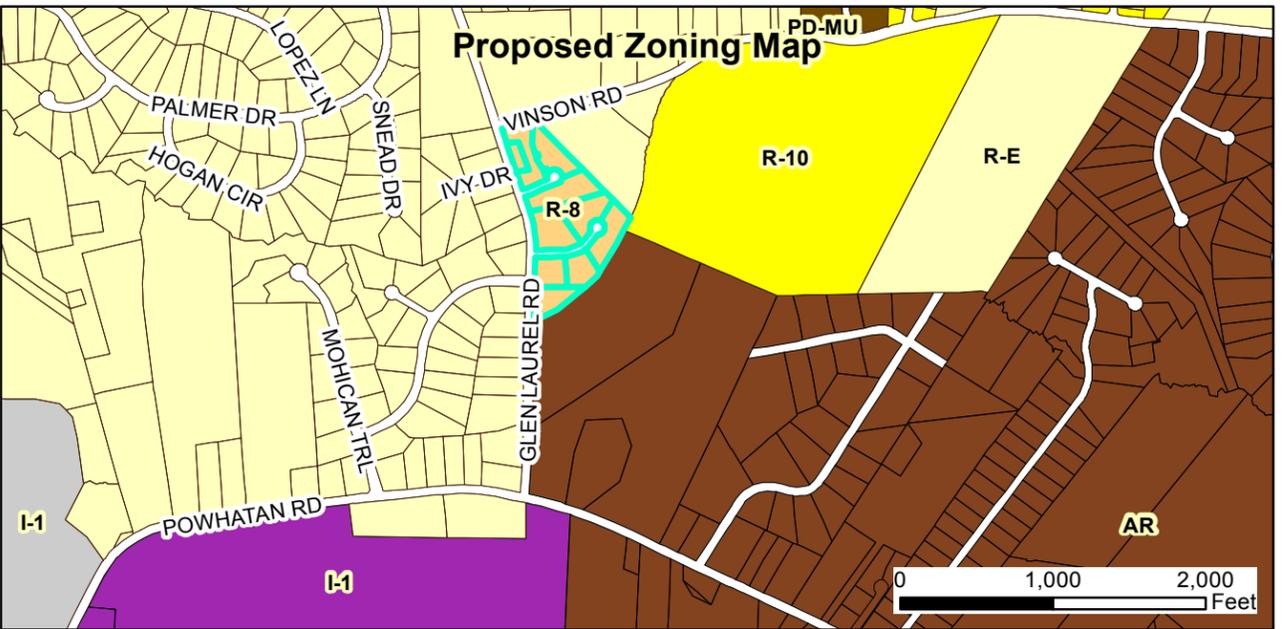
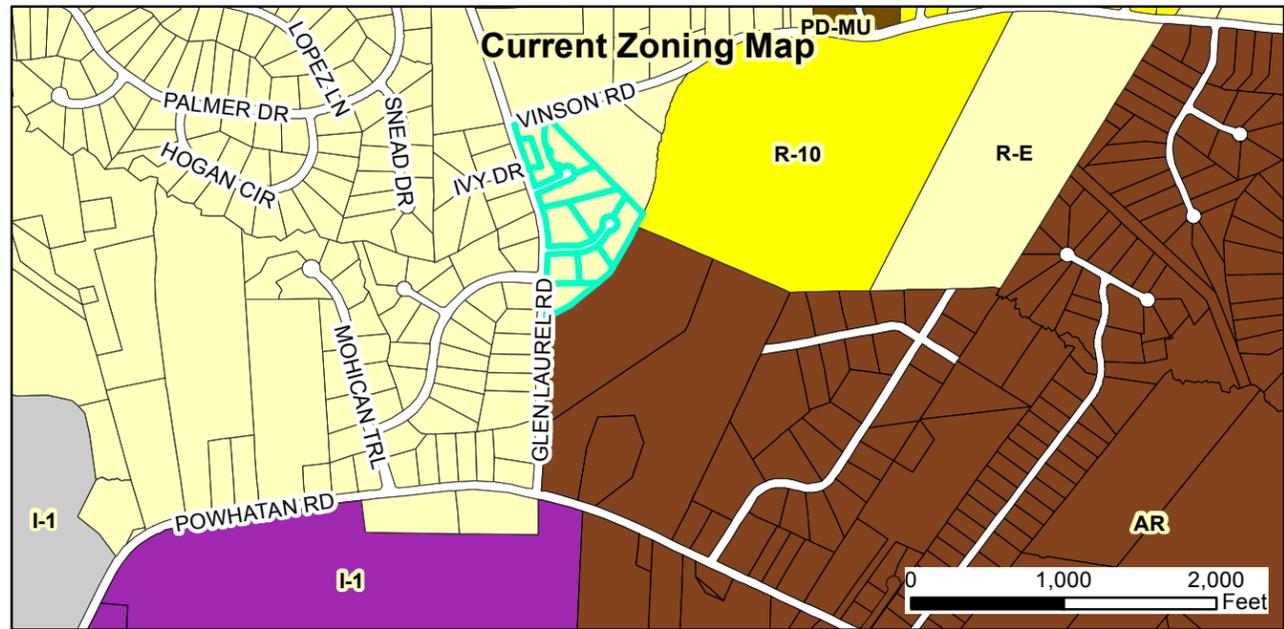


**PRELIMINARY PLAT**  
 FOR THE  
**GORDON FARM SUBDIVISION**  
 CLAYTON TOWNSHIP - JOHNSTON COUNTY, NC



**Dalton Engineering and Associates, P. A.**  
 446 East Main Street  
 P.O. Box 426  
 Clayton, NC 27528  
 (919) 550-4740  
 Fax (919) 550-4741

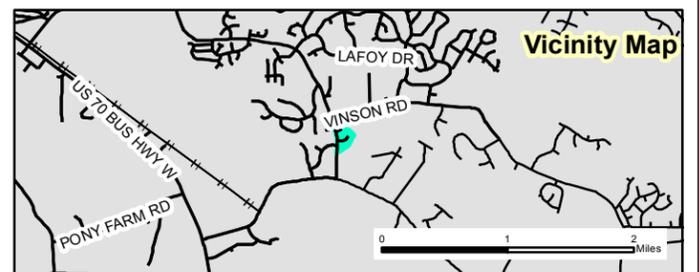
Job: 13014 Date: 12/1/15 Revision:  
 File: PRELIMINARY Drawn: WJB Sheet: 1 OF 1



**RZ2014-21 Gordon Tract Rezoning - map revised 12/03/2015**  
**Request: Rezoning from R-E (Town) and AR (County) to R-8 (Town)**  
**PSD2014-95 Gordon Tract Subdivision - map revised 12/03/2015**  
**Request: 177 single family detached residential units**  
 Applicant: Dalton Engineering and Associates, PA  
 Property Owner: CGC Properties LLC  
 Tag #: 05i04012, 05i04012a, 05i04012b, 05i04012c, 05i04012d, 05i04012e,  
 05i04012f, 05i04012g, 05i04012h, 05i04012i.



12/03/2015  
 Produced by: TOC Planning  
 Disclaimer: Town of Clayton assumes no legal responsibility for the information represented here.



Document Path: O:\PLANNING\SUBDIVISIONS\MAJOR SUBDIVISIONS\2014\PSD 2014-95 Gordon Tract\Maps\Maps Gordon Tract RZ2014-21 PSD2014-95 - revised20151203.mxd

Gordon Tract Rezoning (RZ2014-21) and Subdivision (PSD2014-95)  
Rezoning and Major Subdivision Approval  
12/3/2015

Parcel Tag	NC PIN	Acreage
05i04012	167804-83-5516	0.372
05i04012a	167804-83-5732	1.301
05i04012b	167804-83-7557	1.293
05i04012c	167804-83-7391	1.596
05i04012d	167804-83-7047	1.519
05i04012e	167804-83-9137	1.38
05i04012f	167804-93-1057	1.317
05i04012g	167804-82-9830	0.927
05i04012h	167804-82-7738	0.932
05i04012i	167804-82-7631	0.976
		<b>±11.613</b>



TOWN OF CLAYTON  
MOTION GRANTING SUBDIVISION APPROVALS  
SHORT FORM

Motion:

Based on the substantial and competent evidence and testimony presented to the Town Council on this matter, the Council finds and concludes that Subdivision Application 2014-95, (subject to the conditions recommended by the Planning Board and Planning Staff and with full incorporation of all statements and agreements entered into the record by the testimony of the applicant and applicant's representatives):

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

Duly adopted by the Clayton Town Council this 7th day of December, 2015.

**TOWN OF CLAYTON  
APPROVAL PSD 2014-95  
Gordon Tract Subdivision  
GRANTED**

On the date listed below, the Town Council for the Town of Clayton met and held an evidentiary hearing to consider the following application:

**Applicant:** Dalton Engineering and Associates PA

**Property Location:** East of Glen Laurel Road

**Tax Parcel Number:** 05i04012; 05i04012a; 05i04012b; 05i04012c;  
05i04012d; 05i04012e; 05i04012f; 05i04012g;  
05i04012h; 05i04012i;

**Proposed Use  
of Property:** Residential

**Meeting Date:** December 7, 2015

Having heard all the evidence and argument presented at the hearing, the Town Council finds that the application is complete, that the application complies with all of the applicable requirements of the Clayton Zoning Ordinance for the subdivision proposed, and that, therefore, the application to subdivide the above-described property for the purpose indicated is

hereby approved, subject to all applicable provisions of the Zoning Ordinance and the following conditions:

(1) The applicant shall complete the subdivision strictly in accordance with the plans submitted to and approved by this Board, a copy of which is filed in the Planning Department office.

(2) If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this approval shall be void and of no effect.

The Town Council imposed the following additional conditions of the Subdivision Approval:

1. Following Council approvals, three copies of the approved Master Plan/Preliminary Subdivision Plan meeting the requirements of the Conditions of Approval shall be submitted to Planning Department.
2. 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 pursuant to Section 155.706 of the Unified Development Code.
3. All utility acreage and nutrient offset fees, and recreation and open space fees are due prior to plat recordation. Capacity fees shall be due prior to the issuance of each building permit.
4. Approved street names and addresses shall be applied to the plat prior to recording.
5. The street connections to Glen Laurel Road (SR 1902) and Powhatan Road (SR 1901) shall be approved by NCDOT prior to recording final plats.
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.
7. Homeowners Association (HOA) documents/covenants which provide for provide for the perpetual maintenance and management of all common

**IN WITNESS WHEREOF, the Town has caused this approval to be issued in its name.**

**TOWN OF CLAYTON**

**BY: \_\_\_\_\_  
Jody L. McLeod, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Kimberly A. Moffett, CMC  
Town Clerk** (SEAL)