



The Town Of Clayton  
Work Session Meeting Agenda  
Monday, November 16, 2015 @ 6:30 PM  
Council Chambers

**1. CALL TO ORDER**

Pledge of Allegiance and Invocation

- a. Boy Scout Troop #57  
[Cover - Boy Scout Troop #57](#)
- b. Mayor McLeod will offer the Invocation.

**2. ADJUSTMENT OF THE AGENDA**

**3. CONSENT AGENDA**

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

- a. Draft Minutes - October 19, 2015  
[Cover - Draft Minutes](#)

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

**4. INTRODUCTIONS AND SPECIAL PRESENTATIONS**

- a. New Employee Introductions  
[Cover -New Employees](#)
- b. Sam's Branch Outdoor Public Art Project  
[Cover - Sam's Branch Outdoor Art Project](#)

**5. ADMINISTRATIVE ITEMS**

- a. Cobblestone Phase 11-A Warranty & Easement Acceptance  
[Cover - Cobblestone Phase 11A Acceptance](#)  
[Cobblestone Phase 11A Acceptance](#)

**POTENTIAL ACTION:** Place on December 7, 2015 Consent Agenda

## 6. ITEMS SCHEDULED FOR THE REGULAR MEETING

- a. Customer Service Policy Amendment - Application of Deposits on Residential Active Accouts  
[Cover - Customer Service Policy Change](#)  
[CustomerServicePolicyManual Update December 2015](#)

**POTENTIAL ACTION:** Place on December 7, 2015 Consent Agenda

- b. Volunteer Board Appointment Recommendations  
[Cover - Volunteer Board Appointment Recommendation](#)  
[2016 Volunteer Advisory Board Appointment Recommendations](#)

**POTENTIAL ACTION:** Place on December 7, 2015 Consent Agenda

- c. Library Board By-Law Amendment  
[Cover - Library Board By-Law Amendment](#)  
[Library Board Proposed By-Law Amendment](#)  
[Ordinance - Library board By-Law](#)

**POTENTIAL ACTION:** Place on December 7, 2015 Consent Agenda

- d. East Village Walk- Rezoning 12-05-04-PDD  
[Cover - East Village Walk - Rezoning - 12-05-04-PDD](#)  
[Application - East Village Walk - Rezoning 12-05-04-PDD](#)  
[Staff Report - East Village Walk - Rezoning 12-05-04-PDD](#)  
[Map - East Village Walk - Rezoning 12-05-04-PDD](#)  
[Neighborhood Meeting East Village Walk - Rezoning 12-05-04-PDD](#)

**POTENTIAL ACTION:** Set Public Hearing for January 4, 2016

- e. East Village - Major Subdivision/ Master Plan  
[Cover - East Village Major Subdivision/Master Plan](#)

[Application - East Village Major Subdivision](#)  
[Staff Report - East Village Major Subdivision](#)  
[Map - East Village Major Subdivision](#)  
[Neighborhood Meeting - East Village Major Subdivision](#)  
[Previous Approval - East Village Major Subdivision](#)  
[Master Plan - East Village Major Subdivision](#)

**POTENTIAL ACTION:** Set Public Hearing for January 4, 2016

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

**POTENTIAL ACTION:** Set Public Hearing for December 7, 2015

- g. NC 42 East - 15-48-01-PDD - Mixed Use Rezoning  
[Cover - NC East 42 - Mixed Use Rezoning](#)  
[Application - NC East 42](#)  
[Staff Report - NC East 42 - Mixed Use Rezoning](#)  
[Maps - NC East 42](#)  
[Neighborhood Meeting - NC East 42](#)

**POTENTIAL ACTION:** Set Public Hearing for December 7, 2015

- h. NC 42 East - 15-48-01-PDD - Master Plan  
[Cover - NC East 42 - Master Plan](#)  
[Staff Report - NC East 42](#)  
[Master Plan - NC East 42](#)  
[Wastewater Allocation Request - NC East 42](#)

**POTENTIAL ACTION:** Set Public Hearing for December 7, 2015

- i. Golden LEAF Foundation - "Project Bright Sky" Grant  
[Cover - Golden LEAF "Project Bright Sky"](#)  
[Agreement - "Project Bright Sky"](#)

**POTENTIAL ACTION:** Approval of Agreement

## 7. PUBLIC HEARINGS

- a. Gordon Tract - Rezoning - RZ 2014-21  
[Cover - Gordon Tract Rezoning RZ 2014-21](#)

**POTENTIAL ACTION:** Status Report To Be Provided

**POTENTIAL ACTION:** Public Hearing Tabled to December 7, 2015

- b. Gordon Tract Subdivision - PSD 2014-95  
[Cover - Gordon Tract Sub - PSD 2014-95](#)

**POTENTIAL ACTION:** Status Report To Be Provided

**POTENTIAL ACTION:** Public Hearing Tabled to December 7, 2015

## 8. ITEMS CONTINGENT FOR THE REGULAR MEETING

## 9. ITEMS FOR DISCUSSION

## 10. OLD 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:**

November 16, 2015

**ITEM TITLE:**

Boy Scout Troop #57

**DESCRIPTION:**

Boy Scout Troop #57 is affiliated with Holy Cross Lutheran and will serve as Color Guard and lead The Pledge of Allegiance.

**POTENTIAL ACTION:**

**DEPARTMENT:**

Clerks

**PRESENTER:**

Kimberly Moffett, Town Clerk

**ITEM HISTORY:**

**Date:**

**Action Taken:**

**Information Provided:**

**Date:**

**Action Taken:**

**Information Provided:**

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

**AGENDA LOCATION:**

Consent

**Meeting Date:**

November 16, 2015

**ITEM TITLE:**

Draft Minutes - October 19, 2015

**DESCRIPTION:**

Draft minutes from the October 5, 2015 Closed Session and October 19, 2015 Regular Town Council Meetings are presented for your approval. Minutes will be distributed under separate cover.

**POTENTIAL ACTION:**

Approval/Disapproval

**DEPARTMENT:**

Administration

**PRESENTER:**

Kimberly Moffett, Town Clerk

**ITEM HISTORY:**

**Date:**

**Action Taken:**

**Information Provided:**

**Date:**

**Action Taken:**

**Information Provided:**

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

**AGENDA LOCATION:**

Introductions & Special Presentations

**Meeting Date:**

November 16, 2015

**ITEM TITLE:**

New Employee Introductions

**DESCRIPTION:**

New employees of the Town of Clayton will be introduced.

**POTENTIAL ACTION:**

**DEPARTMENT:**

**PRESENTER:**

**ITEM HISTORY:**

**Date:**

**Action Taken:**

**Information Provided:**

**Date:**

**Action Taken:**

**Information Provided:**

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

**AGENDA LOCATION:**

Introductions & Special Presentations

**Meeting Date:**

November 16, 2015

**ITEM TITLE:**

Sam's Branch Outdoor Public Art Project

**DESCRIPTION:**

Jane Roberts, Coordinator for Sam's Branch Outdoor Public Art Project, will be present along with several art students to offer an update on the process and also to share information on the display.

**POTENTIAL ACTION:**

**DEPARTMENT:**

**PRESENTER:**

Jane Roberts, Project Coordinator for  
Sam's Branch Outdoor Public Art

**ITEM HISTORY:**

**Date:**

**Action Taken:**

**Information Provided:**

**Date:**

**Action Taken:**

**Information Provided:**

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

**AGENDA LOCATION:**

Administrative Items

**Meeting Date:**

November 16, 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 on the next available agenda. All punch list items have been satisfactorily completed. Upon acceptance, the Town will assume all operation and maintenance duties.

**POTENTIAL ACTION:**

Place on Consent Agenda

**DEPARTMENT:**

Engineers/Inspection

**PRESENTER:**

Chris Rowland, Construction Project  
Administrator

**ITEM HISTORY:**

**Date:**

**Action Taken:**

**Information Provided:**

**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:**

Items Scheduled for Regular Meetings

**Meeting Date:**

November 16, 2015

**ITEM TITLE:**

Customer Service Policy Amendment

**DESCRIPTION:**

Ann Game will present a change in policy regarding the application of deposits on residential active accounts.

**POTENTIAL ACTION:**

Place on Consent Agenda

**DEPARTMENT:**

Customer Service Department

**PRESENTER:**

Ann Game, Customer Service Director

**ITEM HISTORY:**

**Date:**

**Action Taken:**

**Information Provided:**

**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:**

Items Scheduled for Regular Meetings

**Meeting Date:**

November 16, 2015

**ITEM TITLE:**

Volunteer Board Appointment Recommendations

**DESCRIPTION:**

Consideration for appointment or recommendation for Advisory Volunteer Boards.

**POTENTIAL ACTION:**

Place on Consent Agenda

**DEPARTMENT:**

Administration

**PRESENTER:**

Kimberly Moffett, Town Clerk

**ITEM HISTORY:**

**Date:**

**Action Taken:**

**Information Provided:**

**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 ANZIO CENTER</u>	<u>2009</u>	<u>2014</u>
<u>Ker Matthew Fournier</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**.
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- Candidates may be interviewed prior to appointment.
- If not initially appointed to serve, this application will remain active until August 1 of the following year.

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



# ADVISORY BOARD CANDIDATE APPLICATION

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

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

CHOOSE ONE:

- Planning & Zoning Board
- Downtown Development Assoc.
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- Public Arts Advisory Board
- 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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CHOOSE ONE:

- Planning & Zoning Board
- Board of Adjustment
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- Fire Dept. Advisory Board
- Public Arts Advisory Board

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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

\*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: 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:

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

Boards/Committees/Civic	From	To
<u>Hovatt 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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# ADVISORY BOARD CANDIDATE APPLICATION

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- Fire Dept. Advisory Board
- Public Arts Advisory Board

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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

\*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 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 McLaure 8-28-15  
Signature Date

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## ADVISORY BOARD CANDIDATE APPLICATION

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- Fire Dept. Advisory Board
- Public Arts Advisory Board

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**Please type or use dark ink.**

Name: Linda Shekdan 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

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

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

Length of residence in Clayton: Life-Long 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:

\_\_\_\_\_

**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 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>	_____	_____

Gunda Shehdon Hester  
Signature

10/29/2015  
Date

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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 (kmoftett@townofclaytonnc.org)



# ADVISORY BOARD CANDIDATE APPLICATION

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

CHOOSE ONE:

- Planning & Zoning Board
- Board of Adjustment
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- Recreation Advisory Committee
- Fire Dept. Advisory Board
- Public Arts Advisory Board

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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)

\*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: 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:

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

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

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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

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**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: sbrooks golfer@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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If requesting consideration for more than one, please submit a separate application for each board.

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



# ADVISORY BOARD CANDIDATE APPLICATION

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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

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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. CURRENT CHAIRMAN

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

[Signature]  
Signature

10-5-15  
Date

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

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



## ADVISORY BOARD CANDIDATE APPLICATION

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

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

CHOOSE ONE:

- |  |  |
|--|--|
| <input type="checkbox"/> Planning & Zoning Board               | <input type="checkbox"/> Board of Adjustment       |
| <input type="checkbox"/> Downtown Development Assoc.           | <input type="checkbox"/> Clayton Library Board     |
| <input type="checkbox"/> Recreation Advisory Committee         | <input type="checkbox"/> Fire Dept. Advisory Board |
| <input checked="" type="checkbox"/> Public Arts Advisory Board |  |

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

**Please type or use dark ink.**

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

\*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: 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
_____	_____	_____
_____	_____	_____
_____	_____	_____

 \_\_\_\_\_  
**Signature**

 \_\_\_\_\_  
**Date**

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CHOOSE ONE:

- Planning & Zoning Board
- Board of Adjustment
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- 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: 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: \_\_\_\_\_

\*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 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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- Board of Adjustment
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- Fire Dept. Advisory Board
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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

\*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 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 McLaure  
Signature Date 8-28-15

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**Planning & Zoning Board**

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

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

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

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

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

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

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

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

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

**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 \_\_\_\_\_

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: SE 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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- Recreation Advisory Committee
- Fire Dept. Advisory Board
- Public Arts Advisory Board

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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.

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 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>JC PARK BD</u>	<u>MARCH 2001</u>	<u>PRESENT</u>
<u>LIC ABC 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:**

Items Scheduled for Regular Meetings

**Meeting Date:**

November 16, 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:**

Place on Consent Agenda

**DEPARTMENT:**

Administration

**PRESENTER:**

Nancy Medlin, Deputy Town Manager

**ITEM HISTORY:**

**Date:**

**Action Taken:**

**Information Provided:**

**Date:**

**Action Taken:**

**Information Provided:**

## LIBRARY BOARD

### § 32.060 ESTABLISHMENT.

(A) **Establishment.** There is hereby established a Library Board of Trustees to be known as the Library Board.

(B) **Purpose.** The Library Board shall serve as an advisory body for the Library Department and the Town. The Board shall serve as a liaison between the Library Department, Town Manager, Town Council, and citizens of the community. The Board shall consult with and advise the Library Director, Town Manager, Deputy Town Manager and Town Council in matters affecting library policies, programs, , finances, and related issues.

#### (C) Charges

- (1) Recommend to the Library Director programs, policies, capital projects, library facility changes, and regulations for the operation of the library;
- (2) Advise the Town Manager and Deputy Town Manager concerning the appointment of a Library Director;
- (3) The Library Director will receive recommendations from the Board in the preparation of the annual budget of the library. The Library Director will provide an overview of the adopted budget to the Board; and
- (4) Advise the Town administration on library matter in general.

#### (D) Members.

- (1) **Appointment.** The Library Board shall consist of ten members appointed by the Town Council. Seven members shall be chosen from within the corporate limits of the Town and three from within the extra-territorial jurisdiction (ETJ). Prerequisite from appointment is each member have a library card.
- (2) **Ex officio member.** The Town Council shall appoint a council member to serve as an ex officio member and will serve concurrently with his/her term of office. The ex officio member will not have a vote on items coming before the Library Board.
- (3) **Length of appointment.** A term for three year appointment begins January 1 and expires December 31. Appointments that are vacated shall be filled by the Town Council for the completion of the unexpired term.
- (4) **Attendance of members.** An appointed member who, with no excuse, is absent for more than three consecutive regular meetings or a total of four such meetings during the year may lose his status as a member of the Board until reappointed or replaced by the Town Council. Absences to be excused should be report to the Chair. Absences due to sickness, deaths or other emergencies of like nature shall be regarded as approved absences and shall not affect the member's status on the Board except in the event of a long illness or other prolonged absence or a total of four absences, when a member may be replaced. Following three consecutive unexcused absences or a total of four unexcused absences during the year of one of its members, the Chair shall request the Town Council to declare the seat vacant and bring the Library Board back to full membership.

#### (E) Meetings.

- (1) As a public body, the Library Board shall hold at least ~~monthly~~ six annual meetings, and all of its meetings shall be open to the public (G.S. § 143-310).
    - a. The meeting schedule is to be adopted before the end of the calendar year and filed with the Town Clerk and posted on the Town of Clayton website (G.S. § 143-318.12).
    - b. If the Board need to amend its calendar, it must do so at least 48 hours before the meeting.
  - (2) The election of officers for the ensuing year shall take place at the regular Library Board meeting in January of each year. In the event an officer's appointment to the Library Board is terminated, a replacement to this office shall be elected by the Board from its membership at the meeting following the termination. Officers:
    - a. **Chair.** Facilitates the meetings of the Libaray Board with a published agenda.
    - b. **Vice Chair.** In the absence of the Chair, the Vice Chair will facilitate the meeting of the Library Board with a published agenda.
    - c. **Recorder.** Record and transcribe the attendance and the minutes of the official meetings of the Library Board.
      - i. In accordance with (G.S. § 143-318.12), the Library Board shall keep full and accurate minutes of all official meetings.
      - ii. Minutes are to include the date, time and place of the meeting, members present and absent, a summary of points discussed, motions of the Board, and adjournment.
  - (3) Officers shall be elected for one year terms with eligibility for re-election up to three consecutive terms. Mid-year replacement of officers shall serve for the period remaining in that term. New officers shall take office at the first meeting following the regular January meeting.
  - (4) In collaboration with the State Library of North Carolina, the Library Director shall complete the annual report on library operations (G.S. § 153A-266) for the Town of Clayton and submit an annual report to the Department of Cultural Resources as required by G.S. § 125-5. The Library Director will provide an overview of the report to the Board.
  - (5) Special meetings may be called by the Chair, Vice-Chair, or three or more members of the Board. In accordance with G.S. § 143-318.12, a written notice of the meeting stating its purpose is to be posted on the principal bulletin board or door of its usual meeting room; and mailed, emailed, or delivered to each media or individual requesting notice; and it must be posted on the Town website prior to the scheduled meeting time.
  - (6) A quorum shall consist of a simple majority of the total membership of the Library Board. A quorum of the Library Board shall be in attendance before action of an official nature can be taken.
- (F) **Committees.** The Chair shall have the authority, subject to the approval of the Library Board, to appoint such committees as may be deemed desirable to complete the work of the Board. Committees may be composed of Board members, library staff members, and perhaps others. No committee, either standing or special, can be given power to act for the Board; rather the committee may investigate a particular matter and makes

recommendations to the full Board. Committees will adhere to the open meetings and public records laws as followed by the Board.

(Adopted 10-2-89; Am. adopted 2-4-91; Am. Ord. 2012-12-01, passed 12-3-12; Am. Ord. 2013-03-01, passed 3-4-13)

**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  
TOWN COUNCIL  
AGENDA COVER SHEET**

**AGENDA LOCATION:**

Items Scheduled for Regular Meetings

**Meeting Date:**

November 16, 2015

**ITEM TITLE:**

East Village - Rezoning 12-05-04-PDD

**DESCRIPTION:**

Applicant is requesting to rezone 52.57 acres of land to PD-R. The subject property's existing zoning is PD-R. However, this was designated in 2012 when the property was running concurrently with a different master plan than the one currently proposed for the site. All Planned Developments are tied to specific Master Plans. As a result, in order for the new master plan to be approved the property must go through the rezoning process again.

**POTENTIAL ACTION:**

Set Public Hearing

**DEPARTMENT:**

Planning + Zoning

**PRESENTER:**

Dave DeYoung, Planning Director

**ITEM HISTORY:**

**Date:**

**Action Taken:**

**Information Provided:**

**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: EAST VILLAGE Pocket Community Acreage of Property: 52.57  
 County Tag Number: 05037010E NC PIN: 166807-59-2827  
 Address/Location: NORTH SIDE EAST FRONT ST.

---

Existing Zoning District: ~~PR-D~~ PD-R  
 Proposed Zoning District: ~~PR-D~~ PD-R

Is project within an Overlay District?  No  
 Yes (list): Watershed Protection

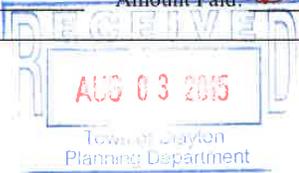
### APPLICANT INFORMATION

Applicant: EAST VILLAGE INVESTMENTS, LLC  
 Mailing Address: 2217 STANTONBURG RD, GREENVILLE, NC  
 Phone Number: 919-796-1612 Fax: \_\_\_\_\_  
 Contact Person: MARK GRAMLING  
 Email Address: mark@timugroup.com

### FOR OFFICE USE ONLY

Date Received: \_\_\_\_\_ Amount Paid: ~~500.00~~ \$1265.00 File Number: 12-056-04-~~RE~~ PDD

January 2015



Page 1 of 10

**PROPERTY OWNER INFORMATION**

Name: EAST VILLAGE INVESTMENTS, LLC  
 Mailing Address: 2217 STANTONS BURG RD, GREENVILLE, NC  
 Phone Number: \_\_\_\_\_ Fax: \_\_\_\_\_  
 Email Address: \_\_\_\_\_

**EXPLANATION OF PROJECT**

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

AS FOR SUBMITTED

**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
Submit 9 copies of all materials unless otherwise noted or directed by staff					
1. A pre-application conference was held with Town of Clayton staff. Date: _____	<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 type="checkbox"/>	<input checked="" type="checkbox"/>		✓ needed.	
5. A signed and sealed boundary survey (not more than a year old unless otherwise approved by the Planning Department). <u>AS SUBMITTED</u>	<input type="checkbox"/>		✓		
6. If property to be rezoned is a portion of a parcel: - Property legal description typed (10 pt. font or greater). The legal description must also be submitted electronically in Microsoft Word format. - Plat showing property to be rezoned, matching legal description.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	✓		
7. Adjacent property owners list <u>AS SUBMITTED</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		✓ forthcoming.	
8. Neighborhood meeting notice letter (1 copy) <i>See sample letter and meeting requirements included in this packet</i>	<input type="checkbox"/>			✓ forthcoming.	
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 type="checkbox"/>			✓ needed.	

## APPROVAL CRITERIA

All applications for a Rezoning must address the following findings:

1. Consistency with the adopted plans of the Town.

AS PER SUBMISSION, YES

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

AS PER SUBMISSION, YES

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

AS PER SUBMISSION, MEETS DEMAND IN THE TOWN.

4. The capacity of adequate public facilities and services including schools, roads, recreation facilities, wastewater treatment, potable water supply and stormwater drainage facilities is available for the proposed use.

ADEQUATE SERVICES & FACILITIES ARE AVAILABLE.

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

As per Submission, Yes

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.

As per Submission, Yes

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.

Yes.

**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.*

Mark Gramling  
Print Name

[Signature]  
Signature of Applicant

8-3-15  
Date

January 2015

Page 4 of 10



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  
September 28, 2015

**STAFF REPORT**

**Application Number: 12-05-04-PDD**  
**Project Name: East Village Walk Rezoning**

**NC PIN / Tag #:** 166807-50-2827 / 05037010E  
**Town Limits/ETJ:** Town Limits  
**Overlay:** Watershed Protection Overlay  
**Applicant:** East Village Investments, LLC  
**Owner:** East Village Investments, LLC  
**Location:** The project is located at the intersection of East Front Street and Bent Branch Loop.

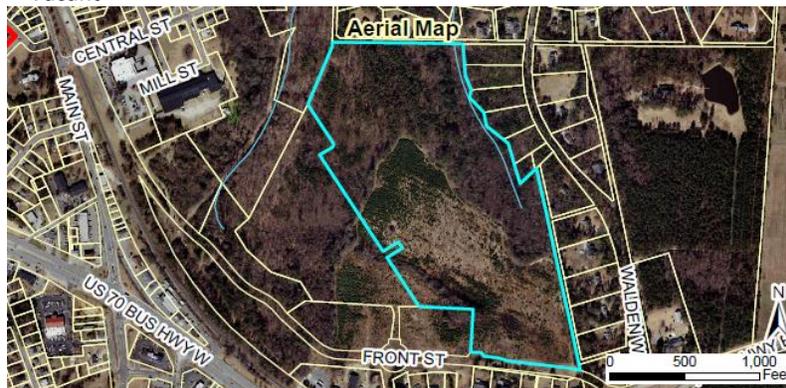
**Public Noticing:**

- Neighborhood meeting September 9, 2015
- Sign posted September 18, 2015
- Letters mailed prior to October 21, 2015
- Newspaper Ad posted prior to October 21, 2015

**REQUEST:** Rezoning 52.57 acres from PD-R to PD-R. This application is running concurrently with preliminary subdivision plat application, acting as a master plan, 12-05-05-SD East Village Walk.

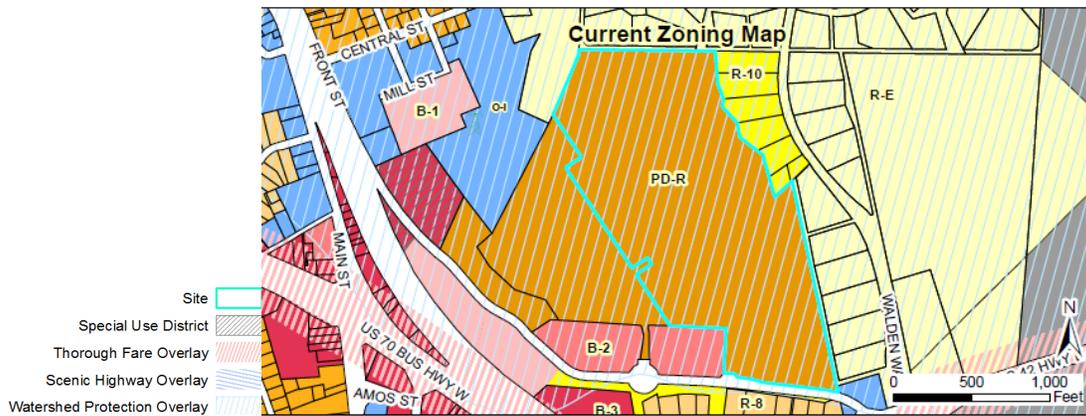
**SITE DATA:**

**Acreage:** 52.57  
**Existing Use:** Vacant



**ADJACENT ZONING AND LAND USES:**

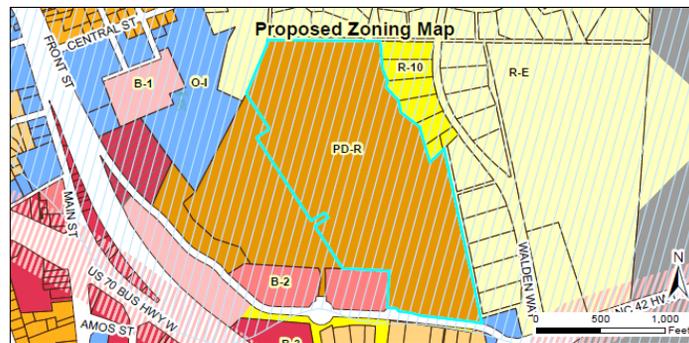
Direction	Zoning	Existing Use
North	Residential-Estate	Single-Family Homes, Vacant
South	Neighborhood-Business, Residential-8, Residential-10	Vacant, Single-Family Homes
East	Residential-10, Residential-8	Single-Family Homes
West	Planned Development-Residential, Residential-Estate	Apartments, Vacant



**STAFF ANALYSIS AND COMMENTARY:**

**Overview**

The applicant is requesting to rezone 52.57 acres of land to PD-R. This application is running concurrently with a major preliminary plat, acting as a master plan, for East Village Walk. The subject property's existing zoning is PD-R. However, this was designated in 2012 when the property was running concurrently with a different master plan than the one currently proposed for the site. All Planned Developments are tied to specific Master Plans. As a result, in order for the new master plan to be approved the property must go through the rezoning process again.



**Compatibility with Surrounding Land Uses**

The surrounding land uses are primarily residential, along with some vacant parcels. The proposed zoning category is Planned Development-Residential, making it compatible with surrounding residential uses.

**Consistency with the Strategic Growth Plan**

Clayton’s 2008 Strategic Growth Plan designates this parcel as “Residential-Light”. The proposed rezoning for this site is Planned Development-Residential. This zoning category will be consistent with the strategic growth plan because it allows the property to be developed for residential use, which is what was envisioned in the Growth Plan.



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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.
- This rezoning is running concurrently with a major subdivision request (12-05-05-SD East Village Walk)

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**APPROVAL CRITERIA:**

The applicant has addressed the Rezoning Approval Criteria outlined in §155.705. The applicant’s responses are incorporated as an attachment to the Staff Report.

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**STAFF RECOMMENDATION:**

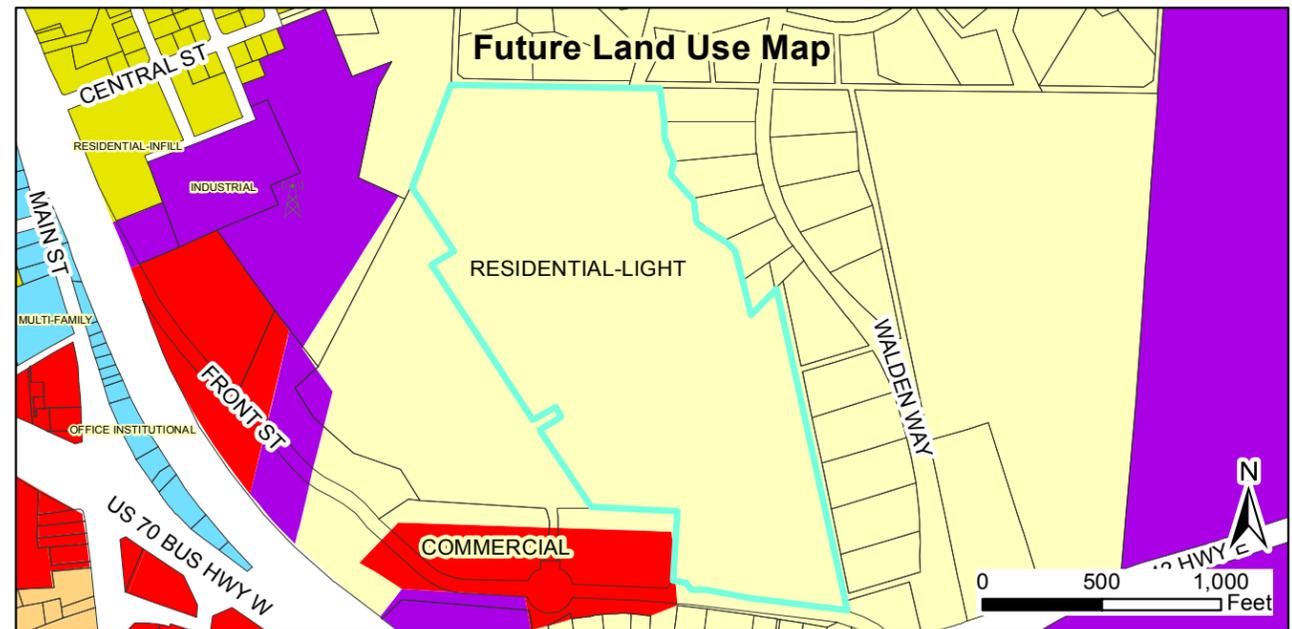
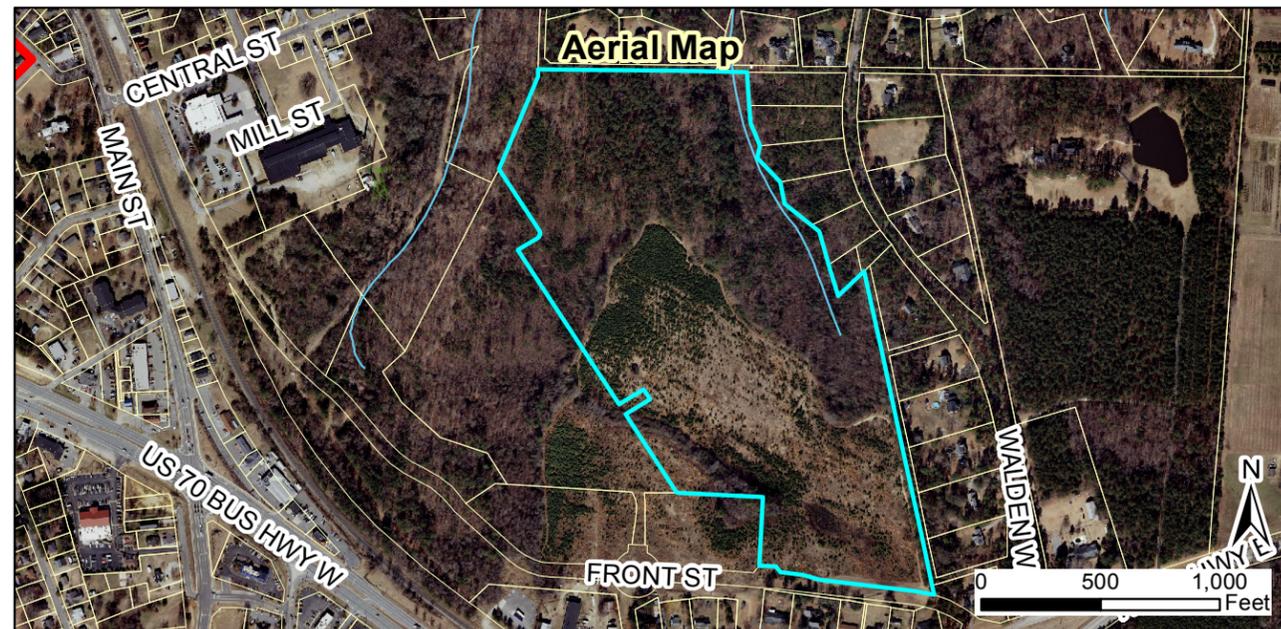
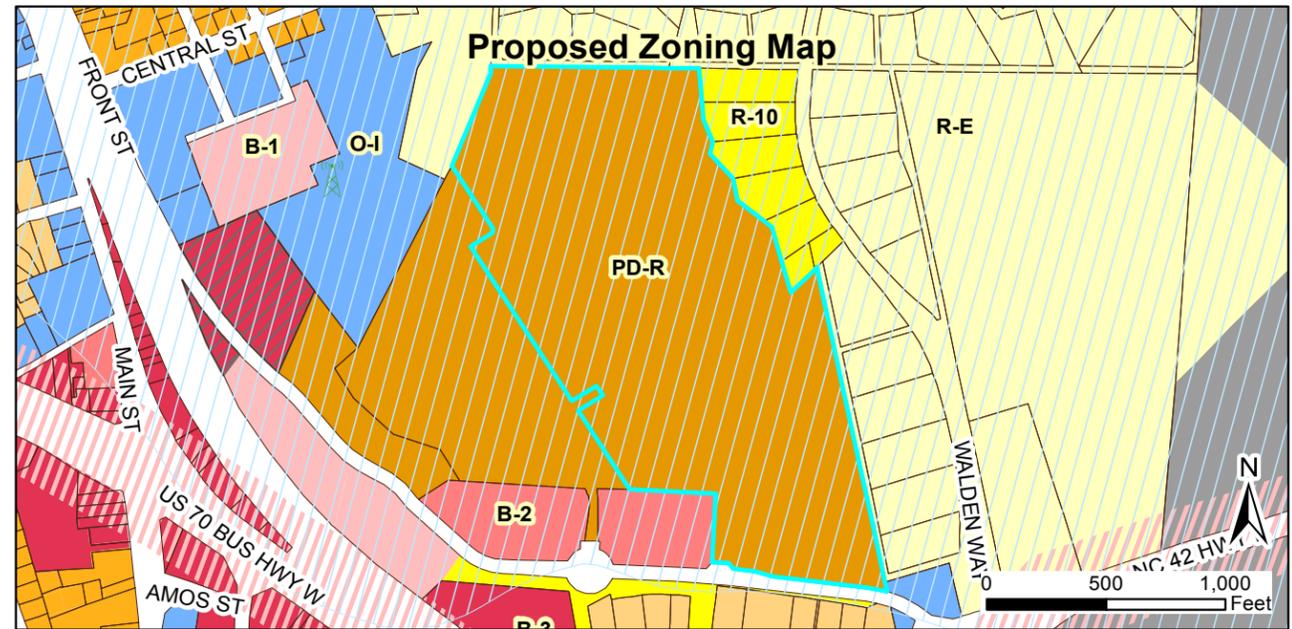
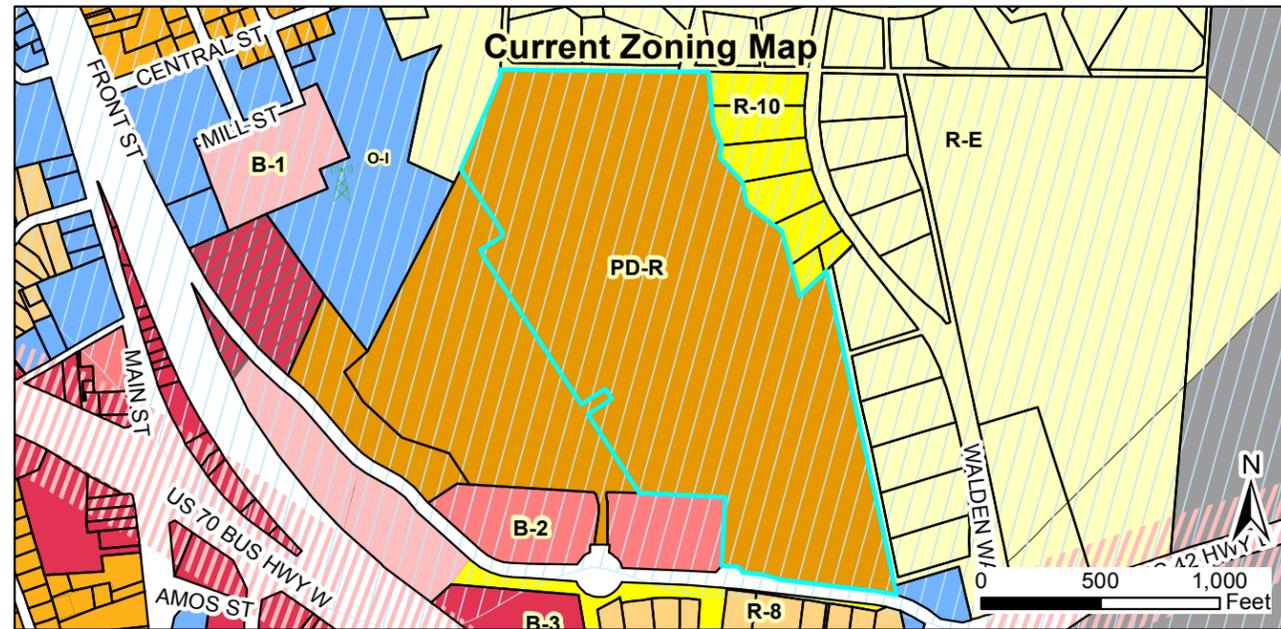
Staff is recommending approval of the rezoning of the subject parcel.

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Staff Report  
12-05-04-PDD East Village Walk Rezoning

**ATTACHMENTS:**

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



**12-05-04-PDD East Village Walk**  
**Request: Rezoning from PD-R to PD-R**  
**12-05-05-SD East Village Walk**  
**Request: 300-lot sbdubivision**  
 Applicant: East Village Investments, LLC  
 Property Owner: East Village Investments, LLC  
 Parcel ID Number: 166807-50-2827  
 Tag #: 05037010E



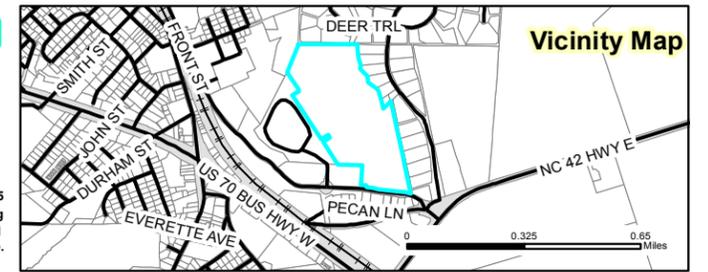
- Site
- Special Use District
- Thorough Fare Overlay
- Scenic Highway Overlay
- Watershed Protection Overlay

09/15/2015

Produced by: TOC Planning

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

Document Path: O:\PLANNING\SUBDIVISIONS\MAJOR SUBDIVISIONS\2015\12-05-05-SD East Village Walk - maj subdivision\Maps\StaffReport\Map\_EastVillageRezoning&Subdivision.mxd





3715 Neil Street \* Raleigh, NC 27607 \* O) 919.827.1790 \* [www.timugroup.com](http://www.timugroup.com)

August 26, 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 proposed Rezoning and Subdivision Development adjacent or in close proximity to property shown in your ownership by Johnston County tax records. Per Town of Po Clayton regulations, a Neighborhood Meeting will be held to provide information to area residents about the nature of the proposal. A representative of the applicant will be present to explain their application, answer questions, and solicit comments.

**Meeting Date:** Wednesday, September 9<sup>th</sup>, 2015

**Meeting Time:** 6:30 – 7:30 PM

**Meeting Location:** The Clayton Center, Hales Room: 111 E 2<sup>nd</sup> Street Clayton, NC 27520

**Type of Application:** Rezoning & Major Subdivision

**Project Address:** Please see attached map and project description, below

**Project Description:** East Village Pocket Community is a 52.57 acre Planned Residential Development (PD-R) in the Town of Clayton. The property is bounded by East Front Street, the Arbors Apartments and Walden Estates. The development plan incorporates a mixture of single-family homes and townhomes, and will be age targeted to an active adult population (55 years and older). Single-family homes and townhomes will be clustered into pods. The single family home pods front a pedestrian oriented greenspace. A private Amenity Center, including a swimming pool and fitness center, is proposed.

At a minimum, the following will be available for your inspection at the Neighborhood Meeting:

1. A copy of the project application
2. A map at a scale that is appropriate to the project and shows the neighboring properties and roads.
3. A map, drawing, or other depiction of the proposed land use change or development proposal.

A map is enclosed with this letter showing the location of the property that is subject to this application for land use change and/ or development proposal. If you have any questions prior to or after this meeting, you may contact us at (919) 363-0404. You may also contact the Planning Department at (919) 553-5002.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Gramling", is written over a light blue horizontal line.

Mark Gramling  
TIMU Group

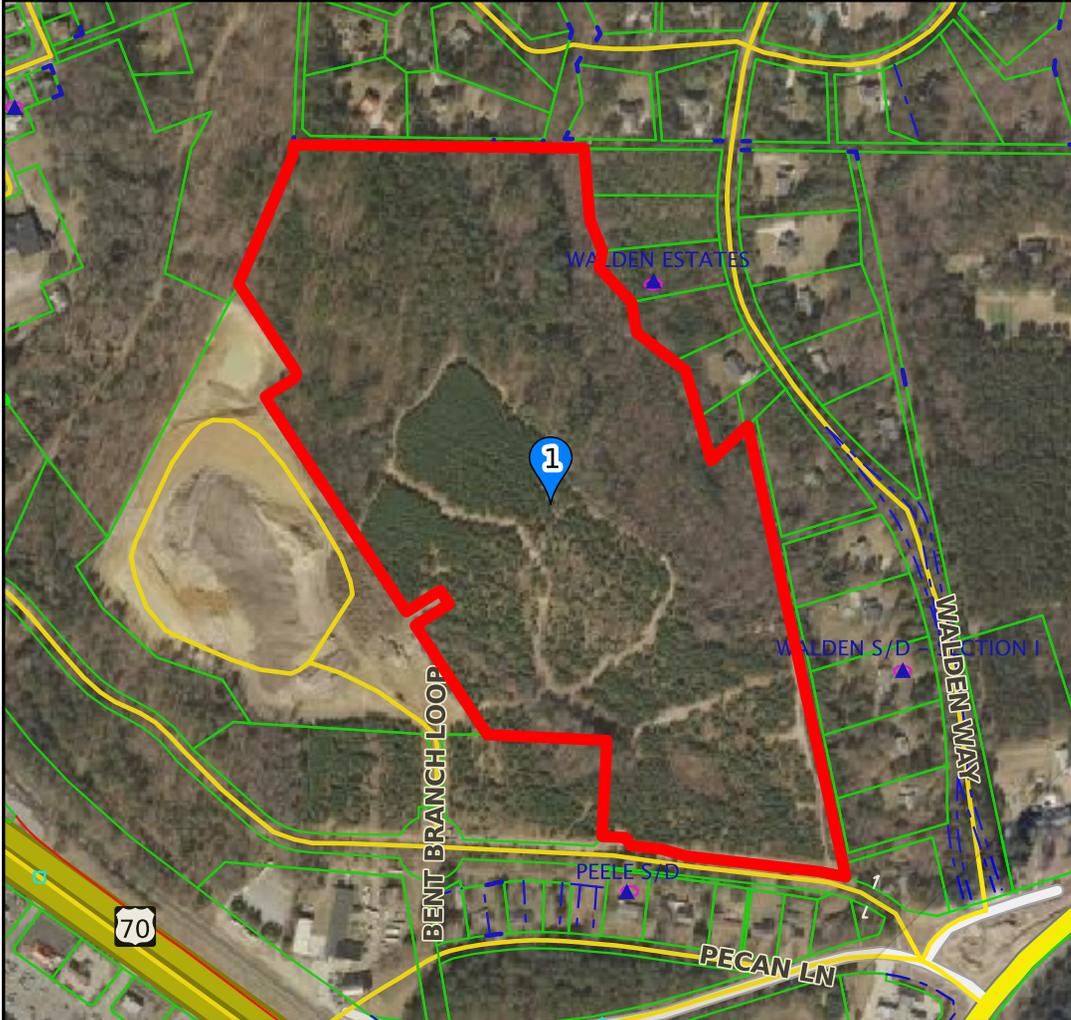
Cc: Town of Clayton Planning Department

# East Village Pocket Community- Vicinity Map



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

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



## Result 1

**id:** 166807-59-2827  
**Tag:** 05037010E  
**Tax Unique Id:** 4244398  
**NCPin:** 166807-59-2827  
**Mapsheet No:** 166807  
**Owner Name 1:** TH CLAYTON DEVELOPMENT COMPANY LLC  
**Owner Name 2:**  
**Mail Address 1:**  
**Mail Address 2:** PO BOX 566  
**Mail Address 3:** GREENVILLE, NC 27835-0566  
**Site Address 1:**  
**Site Address 2:**  
**Book:** 04483  
**Page:** 0821  
**Market Value:** 1010540  
**Assessed Acreage:** 52.57  
**Calc. Acreage:** 52.8  
**Sales Price:** 2704500  
**Sale Date:** 2014-08-08



Scale: 1:5993 - 1 in. = 499.38 feet

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

Johnston County GIS  
August 17, 2015



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## **EAST VILLAGE WALK**

### **NEIGHBORHOOD MEETING AGENDA, September 9, 2015**

- 6:30-6:45pm - Review of plans (informal discussions, attendees roam at their leisure)
  - 6:45- 7:10pm – Official welcome of attendees; introduction of team
    - Developer comments; thanks attendees for coming; describes his firm’s interest in project and connection to Clayton as place appropriate for project.
    - Project background: existing subdivision approved September 2012; completion of East Front Street and The Arbors
    - Comparison of layouts of original and proposed: street access points unchanged; arrangement of lots, open space, and greenway trails basically the same; amenities now include clubhouse and swimming pool; density increase from 208 to 300 .
    - Project Design features: (1) The Common Courtyards Concept (Focus on intimate “front yard” pedestrian-only community open spaces; Cars in alleys; reduce visual impact of cars on neighborhood; Small to midsize lots for lower maintenance)
    - Architectural Character: (1) Small to mid-sized houses; (2) Downstairs master suites; (3) Garage parking (option); (4) Front porches for architectural character and promotion of community.
  - 7:10-7:30pm – Questions from attendees. See Q&A sheets
  - 7:30pm – Meeting ends
-



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## EAST VILLAGE WALK

### NEIGHBORHOOD MEETING – Questions & Answers

September 9, 2015

Notes by: Jimmy Thiem, HagerSmith Design

- Q: Will proposed Tupelo Street (Subdivision Entrance 1) intersect E. Front Street at same location as shown on previously approved subdivision plan? Berm on south side of Front Street installed as part of Front Street project built to height of 3' vs. 6', with limited screening vegetation. [ from: owner of PIN 166807-58-3397]
  - A: Tupelo Street is proposed to remain in the same location as shown on the existing approved subdivision plan. Recommended contacting Town of Clayton Public Works regarding height of berm and plantings. Representative of TIMU Group offered to go look at the situation to see what improvements might be made to enhance buffering of traffic.
- Q: What is residential density of approved and proposed plans?
  - A: Approved density is 208 units. Proposed density is 300 units.
- Q: What is time frame for build-out of project?
  - A: 4-5 years with construction starting early 2016.
- Q: How will parking be provided on streets/lanes?
  - Groups of parallel parking spaces are provided in various locations along the streets/lanes.
- Q: Where are vehicle ingress/egress locations for project?
  - A: There are three: (1) proposed Tupelo Street connecting to E. Front Street, (2) public street connecting to existing street stub-out at The Arbors, (3) public street stub-out at northwest corner of site to undeveloped lot west of Walden subdivision.
- Q: Has traffic study been done? Concern for impact of traffic on E. Front Street.
  - A: The original traffic study has been updated to reflect both the increased density proposed for East Village Walk as well as for the proposed expansion of The Arbors which replaces property originally planned for future commercial development. The study indicates a reduction in daily vehicle trips, primarily related to the reduced traffic levels associated with the 55+ year adult focus for East Village Walk. The study has been submitted to the Town of Clayton and is presently under review.
- Q: Where will you start construction?
  - A: The southern end of the site near E. Front Street.
- Q: What is proposed for property bordered by Pecan Lane and Old NC 42?

- That property is not part of the East Village Walk project, and we are not involved in its development.
  - Q: There is a problem with drivers east bound on E. Front Street making a left-hand turn onto NC 42 during certain times of the day. What can be done to fix this?
    - A: We understood, during the planning phase for the E. Front Street extension, that a traffic light was proposed for this intersection at some future date. Recommended that they contact Clayton Public Works or the local N.C. Division of Highways District office for more information.
  - Q: Are there alternative locations for vehicular access.
    - A: Discussion focused on routing of street from proposed East Village Walk stub-out at the north end of the site after it exited the property. All agreed that tying back into the Walden subdivision to the west was highly unlikely. Extending the street to the west the most likely connection was to Central Street which would involve crossing a stream channel with riparian buffers and significant side slopes.
-

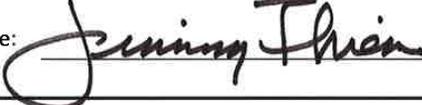
## NEIGHBORHOOD MEETING SUMMARY FORM

**FILL OUT THE FOLLOWING:**

Application: EAST VILLAGE WALK 12-05-05-SD

Date of Mailing: AUG. 27, 2015

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: JIMMY THIEM Signature: 

Date of Meeting: SEPT. 10, 2015 Time of Meeting: 6:30 PM

Location of Meeting: THE CLAYTON CENTER, HALES ROOM

**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.*

SEE ATTACHMENT: NEIGHBORHOOD  
MEETING - QUESTIONS & ANSWERS

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



---

## EAST VILLAGE WALK

### NEIGHBORHOOD MEETING – Questions & Answers

September 9, 2015

Notes by: Jimmy Thiem, HagerSmith Design

- Q: Will proposed Tupelo Street (Subdivision Entrance 1) intersect E. Front Street at same location as shown on previously approved subdivision plan? Berm on south side of Front Street installed as part of Front Street project built to height of 3' vs. 6', with limited screening vegetation. [ from: owner of PIN 166807-58-3397]
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-

## NEIGHBORHOOD MEETING ATTENDANCE ROSTER

**Project:** EAST VILLAGE WALK

**Application:** 12-05-03-SD (Preliminary Plat / Major Subdivision)

**Location/Date:** CLAYTON CENTER, HALLS ROOM SEPT. 9, 2015

	NAME	ADDRESS
1	Jimmy Thiem	634 N. Blount St., Raleigh, NC 27604
2	Tim Kuremaskie	1030 Washington St. Raleigh, NC 27605
3	Mark Cramling	3715 Lenoir St., Raleigh, NC
4	Dean Strobel	" " "
5	Joe Smith	118 Ashtu Ave Raleigh
6	Elizabeth Patton	116 Pecan Lane Clayton
7	Angela Jones	118 Pecan Lane
8	"	106 Pecan Lane
9		
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**TOWN OF CLAYTON  
TOWN COUNCIL  
AGENDA COVER SHEET**

**AGENDA LOCATION:**

Items Scheduled for Regular Meetings

**Meeting Date:**

November 16, 2015

**ITEM TITLE:**

East Village - Major Subdivision/ Master Plan

**DESCRIPTION:**

Request for approval for a preliminary subdivision approval for a 300 unit, single-family subdivision to be developed on 52.57 acres of land. This project is running concurrently with rezoning request 12-05-04-PDD to rezone the property to PD-R.

**POTENTIAL ACTION:**

Set Public Hearing

**DEPARTMENT:**

Planning + Zoning

**PRESENTER:**

David DeYoung, Planning Director

**ITEM HISTORY:**

**Date:**

**Action Taken:**

**Information Provided:**

**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

**SUBDIVISION: MAJOR SUBDIVISION  
(Preliminary Subdivision Plat)**

Pursuant to Article 7, §155.706 of the Unified Development Code (UDC), an owner of land within the jurisdiction of the Town (or a duly authorized agent) may petition the Town of Clayton to approve a subdivision of land. Please complete all fields in this application and submit to the Planning Department with all required materials.

Application fees: Major Preliminary Subdivision Plat: \$400.00 + \$5.00 per lot  
Modifications to approved plans:  
Major Modification: \$400.00 + \$5.00 per lot modified  
Minor Modification: \$200.00 + \$5.00 per lot modified

See §155.706(F) of the UDC for a definition of Major vs. Minor Subdivisions.  
See §155.706(I) for Preliminary Plat approval (major subdivision) process/approval information.  
See §155.203(F), (G), and (H) for information on Conventional vs. Open Space Subdivisions.  
See §155.706(N) for information on minor and major modifications.  
See UDC Article 6 for Subdivision Standards.

**SITE INFORMATION**

New Major Subdivision  
Conventional:  Open Space:   
 New Subdivision Master Plan  
 Modification to Approved Preliminary Plat  
Major:  Minor:

Name of Project: East Village Pocket Community Acreage of Property: 52.57  
Tag #: 05037010E NC PIN: 166807-59-2827  
Location: North Side of East Front St.

Number of Lots (existing): 209 (Proposed) 300 Min Lot Size: 40x80  
Zoning District: \_\_\_\_\_ Electric Provider: Duke Power  
Wastewater:  Septic  Well  
 Sewer (check one) Water:  Public/Private Water (check one)  
Recreation/Open Space Requirement:  Fee in lieu  Land Dedication – Acreage: \_\_\_\_\_

**FOR OFFICE USE ONLY**

Date Received: \_\_\_\_\_ Amount Paid: ~~8000.00~~ 51900.00 File Number: 12-05-05-5D

November 2014



Page 1 of 17

**PROPERTY OWNER INFORMATION**

Name: East Village Investments, LLC  
 Mailing Address: 2217 STANFORDS BURG RD, GREENVILLE, NC  
 Phone Number: \_\_\_\_\_ Fax: \_\_\_\_\_  
 Email Address: \_\_\_\_\_

**APPLICANT INFORMATION**

Applicant: Same  
 Mailing Address: \_\_\_\_\_  
 Phone Number: 919-796-1012 Fax: \_\_\_\_\_  
 Contact Person: MARK GRAMLING  
 Email Address: marketing@grout.com

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

The following items must accompany the application:

To be completed by the applicant:			To be completed by staff:		
	Yes	N/A	Yes	No	N/A
<b>Submit 9 copies of all materials unless otherwise directed by staff</b>					
1. A pre-application meeting was held with Town Staff. Date: _____	<input checked="" type="checkbox"/>		✓		
2. Completed Application	<input checked="" type="checkbox"/>		✓		
3. Review Fee	<input checked="" type="checkbox"/>		✓		
4. Findings of Fact, signed <i>Not required for minor modifications. Form is included in this packet.</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		✓ - NOT Signed	
5. Owner's Consent Form <i>Required if applicant is not the property owner. Included in this packet</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		✓ Needed	
6. Preliminary Plat Subdivision Requirements Checklist form, completed and signed <i>Checklist is included in this packet</i>	<input type="checkbox"/>		✓		
7. Plat sheet(s) meeting requirements of the Requirements Checklist	<input type="checkbox"/>	<input checked="" type="checkbox"/>	✓	needs revision	
8. If subdivision waivers are requested, applicant must attach a separate typed document requesting the waivers. The document must specifically list the waivers requested, including Code references, and must address the 4 considerations outlined in §155.706(l)(7).	<input type="checkbox"/>	<input checked="" type="checkbox"/>			✓
9. Adjacent Property Owners List	<input type="checkbox"/>	<input checked="" type="checkbox"/>		✓ - needed	
10. Road Name Application <i>Included in this packet</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		✓ - needed.	
11. Wastewater allocation request OR verification of wastewater allocation <i>Letter format, to the attention of the Town Manager.</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		✓ - use existing	



**FINDINGS OF FACT**

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

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

AS PER SUBMISSION

- (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.

AS PER SUBMISSION

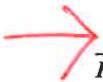
- (3) That the subdivision design will provide for the distribution of traffic in a manner that will avoid or mitigate congestion within the immediate area, will provide for the unified and orderly use of or extension of public infrastructure, and will not materially endanger the environment, public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

AS PER SUBMISSION

- (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.

IT WILL NOT ADVERSELY AFFECT THE ORDERLY GROWTH & DEVELOPMENT OF THE TOWN

Project Name: EAST VILLAGE



Print Name

Signature of Applicant

Date

## MAJOR SUBDIVISION – PRELIMINARY PLAT REQUIREMENTS CHECKLIST

The applicant is responsible for completing this checklist. Please sign and submit with the completed application.

To be completed by the applicant:			Staff:
	Yes	N/A	
<b>GENERAL (ALL SHEETS):</b>			
1. Plans are a maximum of 24" x 36", folded to an 8.5" x 11" format, with a scale no smaller than 1 inch = 100 feet (scale of 1" = 20' to 60' preferred).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Separate <b>sheets for each</b> : Subdivision Plan, Preliminary Engineering Plan, Existing Conditions. Information in this checklist should be placed on the appropriate sheet. (Additional sheets may be required depending on scope of the project).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
3. Multiple sheets are consecutively numbered (e.g. Sheet 1 of 4).			<input checked="" type="checkbox"/>
4. Engineer/Surveyor Logo Box (name, address, phone number, fax, and e-mail, if applicable)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Name of subdivision (including phase numbers if applicable) and plan type (Subdivision, Final Plat, Exempt Plat, or Recombination).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Revision Date	<input type="checkbox"/>	<input type="checkbox"/>	
<b>PRELIMINARY PLAN SHEET:</b>			
7. Name of township, county, and state in which the property is located.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8. Vicinity sketch/map.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9. Surveyor or professional engineer's name and seal. <i>AS PREV. SUBMITTED</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10. Date of survey and plat preparation. <i>AS PREV. SUBMITTED</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11. Provide the following project data in <u>Tabular</u> form:			
- Area of tract in square feet and acres	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>needs to be on site plans.</i>
- Parcel Identification # (and/or Tag #)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- Owner's name and address	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- Within Town limits or ETJ	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- Zoning District	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- Overlay District (if applicable)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- Indicate if the site is within a Watershed Protection Overlay	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- Total Number of Lots	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- Number of lots per acre (density)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- Acreage in Resource Conservation Areas (UDC §155.500)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
- Annexation # (if applicable)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
- FEMA designated flood plain and floodway (include FIRM panel reference number and effective date) or certification that no flood plain exists within the subdivision.	<input type="checkbox"/>	<input type="checkbox"/>	
- Electric Provider	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- Water Provider (or indicate if well)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

To be completed by the applicant:			Staff:
	Yes	N/A	
- Sewer Provider (or indicate if septic)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>put on site plan.</i>
- Impervious (existing and proposed, square feet and %) – provide impervious for overall development and per lot	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- Maximum allowed impervious	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- Existing Use	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- Proposed Use	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. An accurately positioned north arrow indicating true north, magnetic north, North Carolina grid ("NAD 83" or "NAD 27"), or is referenced to old deed or plat bearings. If the north index is magnetic or referenced to an old deed or plat bearings, the date and the source (if known) the index was originally determined is clearly indicated.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. The exact course and distance of every boundary line of the tract to be subdivided, fully dimensioned (metes and bounds) along with the location of intersecting boundary lines of adjoining lands in accordance with the North Carolina General Statutes § 47-30 – Plats and subdivisions; mapping requirements.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>N/A This is a master plan.</i>
14. Accurate location and description of all monuments, markers and control points.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
15. Show the 100 year flood plain, riparian buffer, wetlands, and any Resource Conservation Areas on all sheets.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>✓</i>
16. Blocks numbered consecutively throughout entire subdivision with lots numbered consecutively in each block. Lot numbers shall be placed in a circle or labeled "Lot __".	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
17. Phase lines. Phases are clearly labeled.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>✓</i>
18. The name and location of all adjoining subdivisions and adjoining lot property lines drawn with dotted lines at the same scale. Include the names of adjacent landowners.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
19. Location and width of all existing and proposed rights-of-way, Resource Conservation Areas, easements and areas dedicated to public use with the purpose of each stated.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
20. Location of safe sight triangles at project ingress/egress points, or as required.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
21. Minimum building setbacks /envelope are noted.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
22. All dimensional standards are shown in table format. Dimensional standards shall include: min. lot size, min. lot width, max building coverage, max impervious surface (entire subdivision), max impervious surface (per lot, in %), density, max height, and min dwelling unit size.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<i>needs to be on site plans.</i>
23. Location of all existing and proposed easements, labeled as "public" or "private" and labeled with easement type.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
24. Width and type of any buffers and easements.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
25. Indicate the boundaries of any utility or greenway easements dedicated to the Town of Clayton and label "To Be Dedicated to the Town of Clayton."	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
26. Proposed streets are labeled, named and dimensioned. Correct street cross	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

To be completed by the applicant:			Staff:
	Yes	N/A	
section detail provided. Label street type based on definitions in §155.602(D). If streets are private: - All private streets shall be maintained by a designated responsible party. The party shall be noted on the plat. - Streets are labeled "Private Streets – No Town Maintenance." Street names must be approved by Town of Clayton via a Road Name Application.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
27. Lengths of all cul-de-sacs.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
28. Identify proposed traffic control signs and striping.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
29. Location, purpose and dimensions of non-residential areas (such as parks, playgrounds, open space, churches, school sites, etc.) - All open space, parks, and similar common areas shall be maintained by a designated responsible party. The party shall be noted on the plat.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
30. Resource Conservation Areas must be shown and dimensioned on the plat. The following note must also be provided: "The Resource Conservation Area shown hereon is provided per the requirements of Article 5 of the Town of Clayton's Unified Development Code. This Resource Conservation Area must be preserved in perpetuity per the standards of the Unified Development Code"	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
31. Proposed stormwater retention/detention features and dimensions. If fenced, include fence location.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
32. Existing and proposed sidewalk system, access ramps, and crosswalks.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
33. Identify alternative modes of transportation including school stops, pedestrian connections, bicycle paths and bicycle racks.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
34. Show how streets are connected to property lines ("stub-out" streets) to provide for cross-connectivity and development on adjacent parcels. Show cross-access easements.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
35. Location of clustered mailboxes.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
36. Location and orientation of freestanding signs (signage is permitted separately).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>LANDSCAPING PLAN SHEET (See §155.402 for Landscaping Requirements)</b>			
37. Show location, width, and type of all landscape buffers.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
38. Provide a plant list summary table which includes: - A planting key identifying the various planting elements - The quantity of each type of plant material proposed - The size, height, caliper and spacing of plant material proposed - The Botanical and common names of plant material proposed	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
39. If common landscaped areas are provided, provide an irrigation note to read as follows: "All landscaped areas shall be provided with an automatically operated irrigation system that will adequately cover all living plant material, such system shall include a rain sensor." (If irrigation will not be utilized, drought-tolerant	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

To be completed by the applicant:			Staff:
	Yes	N/A	
species must be used).			
40. Location, species, and caliper of any existing trees that will remain on site. If used to meet planting requirements, make note of what requirements are fulfilled by the preserved trees.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>EXISTING CONDITIONS SHEET:</b>			
41. On the existing conditions sheet, provide topography with two-foot contour intervals, showing the location of any natural features such as water courses, wooded areas, steep slopes (above 25%), or other geological features.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
42. Location of all existing buildings and structures, water/sewer/gas infrastructure, underground structures, easements, or other existing features.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
43. Existing structures, existing streets and roadway improvements, and existing utilities within 100 feet of the site.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
44. Label adjacent property acreage, owners, and zoning districts.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
45. Label subject parcel property owner, acreage, and zoning.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>PRELIMINARY ENGINEERING PLAN SHEET:</b>			
46. Show subdivision layout, streets, and all pertinent information from subdivision plat sheet.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
47. Identify curb radii for all internal and external vehicular use areas.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
48. Location of all existing and proposed utilities (water, sewer, electric, natural gas, etc.).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
49. Location of all existing and proposed drainage structures.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
50. Location of all existing and proposed fire hydrants.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
51. Location of all existing and proposed easements, labeled as "public" or "private."	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
52. Show street cross-sections.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
53. Indicate method of slope stabilization measures for all slopes steeper than 2.5:1.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
54. Identify the proposed storm water management system with location of inlets, piping and positive outfall along with typical section and top surface area of storm water retention/detention pond, including soil types, slope, bottom and top elevations, and finish floor elevations.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>OTHER</b>			
55. If subdivision includes townhomes, include architectural elevations sheet, noting construction materials, finishes and colors, height, and number of stories.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
56. Any other information considered by either the applicant or the Town to be pertinent to the review.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Signed by Applicant: \_\_\_\_\_ Date: \_\_\_\_\_



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

## OWNER'S CONSENT FORM

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

**Project Name:** East Village Walk **Address or PIN #:** 4244398

**AGENT/APPLICANT INFORMATION:**

Mark W. Gramlich  
 (Name - type, print clearly)

3715 Neil St.  
 (Address)  
Raleigh, NC 27607  
 (City, State, Zip)

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

Re-Zoning  
Master Plan

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

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

**OWNER AUTHORIZATION:**

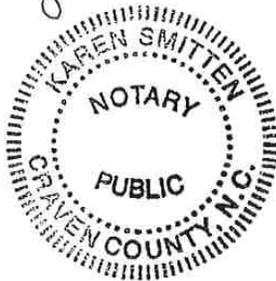
Hubert G. Tolson, III  
 (Name - type, print clearly)  
[Signature]  
 (Owner's Signature)

227 E. Front Street  
 (Address)  
New Bern, NC 28560  
 (City, State, Zip)

**STATE OF** North Carolina  
**COUNTY OF** Craven

Sworn and subscribed before me Karen Smitten, a Notary Public for the above State and County, this the 17<sup>th</sup> day of August, 2015.

**SEAL**



Karen Smitten  
 Notary Public  
 My Commission Expires: 9-6-19

January 2015

Page 10 of 10



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  
September 28, 2015

**STAFF REPORT**

**Application Number: 12-05-05-SD**

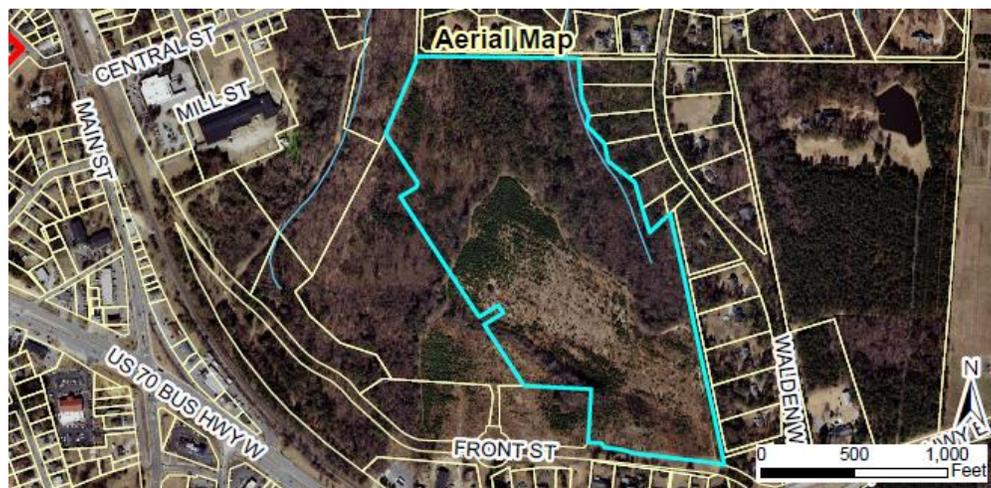
**Project Name: East Village Walk Preliminary Subdivision/Master Plan**

**NC PIN / Tag #:** 166807-59-2827 / 05037010E  
**Town Limits/ETJ:** Town Limits  
**Overlay:** Watershed Protection Overlay  
**Applicant:** East Village Investments, LLC  
**Owner:** East Village Investments, LLC  
**Location:** Off of East Front Street, between the Arbors at East Village apartments and Walden Way Subdivision

**Public Noticing:**

- Neighborhood meeting September 9, 2015
- Sign posted September 18, 2015
- Letters mailed prior to October 21, 2015
- Newspaper Ad posted prior to October 21, 2015

**REQUEST:** The applicant is requesting preliminary subdivision approval for a 300 unit, single-family subdivision to be developed on 52.57 acres of land. This project is running concurrently with rezoning request 12-05-04-PDD to rezone the property to PD-R.



**SITE DATA:**

Acreage: 52.57 acres  
Existing Use: Vacant

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**ADJACENT ZONING AND LAND USES:**

Direction	Zoning	Existing Use
North	Residential-Estate	Single-Family Homes, Vacant
South	Neighborhood-Business, Residential-8, Residential-10	Vacant, Single-Family Homes
East	Residential-10, Residential-8	Single-Family Homes
West	Planned Development-Residential, Residential-Estate	Apartments, Vacant

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**DEVELOPMENT DATA:**

Proposed Uses: Single-Family Homes  
Buildings: 300 residential units  
Density/Intensity: 5.7 dwelling units per acre  
Number of Stories: Maximum height of 35 feet  
Impervious Surface: 49.08%  
Required Parking: 2 spaces per unit  
Proposed Parking: 2 spaces per unit  
Fire Protection: The Town of Clayton Fire Department will provide fire protection.  
Access/Streets: There will be three access points. One will be provided off of East Front Street. Another access will be connected to an existing stub-out in the Arbors at East Village Apartment complex. The third access will be a stub-out located on the northwestern corner of the property for future development.  
Water/Sewer Provider: Town of Clayton  
Electric Provider: Town of Clayton

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**STAFF ANALYSIS:**

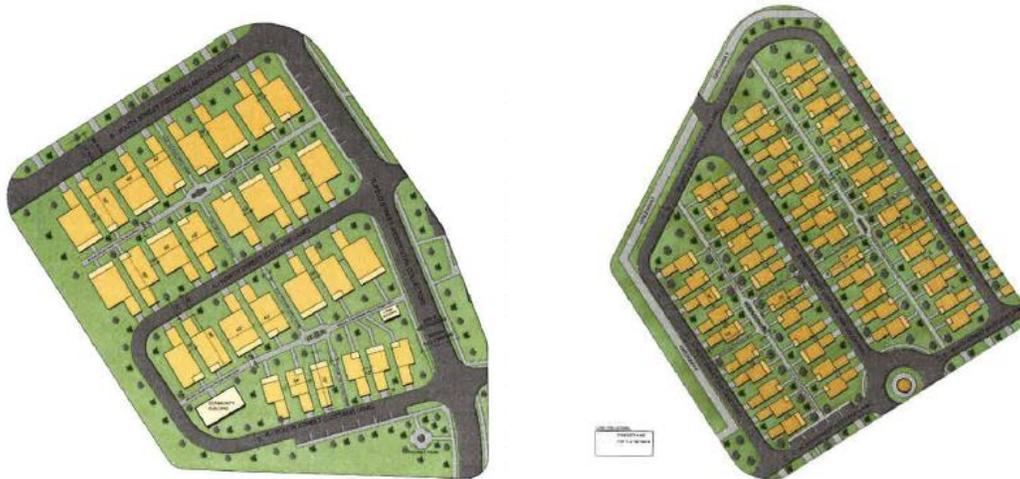
**Overview**

The applicant is requesting preliminary subdivision plat approval, acting as a Master Plan, for East Village Walk. This 52.57 acre project is running concurrently with rezoning request 12-05-04-PDD which would rezone this property to PD-R. The rezoning request must be approved in order for the revised subdivision to be approved.

The plan proposes to develop 300 single-family units. These units are clustered together in a higher density with very small setbacks due to the unique design of the development. The development is proposed to be a “Pocket Community” which means that the homes in the community will be clustered into “pods” that front a 30 foot pedestrian greenspace/courtyard. Vehicular access to these homes will be located at the rear of the homes off of small side streets (alleys) referred to as “cottage lanes”. The development is proposed to be a 55+ community, and will have amenities such as a club house, swimming pool, fitness center, and “pocket parks”.



TYPICAL POCKET NEIGHBORHOOD RENDERING-PERSPECTIVE  
NTS



**Consistency with Adopted Plans**

- 2008 Strategic Growth Plan**  
 The 2008 Strategic Growth Plan designates this property as “residential-light”. The high density proposed for this development is not what the Strategic Growth Plan originally envisioned for the property and the surrounding area. However, one of the goals of the Strategic Growth Plan is to increase residential presence in the downtown area which is what this project would do. When the Growth Plan

was adopted in 2008, East Front Street had not yet been developed. With the development of East Front Street, the subject property and surrounding properties, now have a much quicker and easier access to downtown Clayton. The Town of Clayton has already begun incorporating residential uses with higher densities in the surrounding area. For example, the property directly to the West of the subject property was developed into 192 multi-family apartments (Arbors at East Village), and is currently seeking approval for 72 additional units in 3 new buildings. While the high density seen in this proposal is not what was originally intended for the subject property, it is consistent with the direction of having higher densities close to the Downtown Core.



- **Unified Development Code**

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

**Compatibility with Surrounding Land Uses**

The proposed use is a residential subdivision and is compatible with the current land uses surrounding the subject property which are primarily residential with some agricultural. The property directly west of the subject property is currently used for multi-family apartments. The high density of this residential subdivision would fit in well with this use.

The properties directly east of the subject property are single-family residences in an R-E zoning district. The lot sizes of these residences are much larger than that of the proposed subdivision. However, the existing vegetation and riparian buffer area that lies between the subject property and these residences is a large enough buffer to mitigate the impact on the existing homes.

**Landscaping and Buffering**

The applicant is proposing to provide a “streetscape” along the main collector road of the subdivision. A landscape buffer is also being provided along the perimeter of the property. A detailed landscaping plan will be submitted when each phase of the subdivision comes in for review. Each residential lot will have one ornamental street tree and two shrubs. Corner lots with a side yard will contain two ornamental street trees and two shrubs per lot.

**Recreation and Open Space**

The subdivision includes six “pocket parks” for the residents. There is also a club house located on the site with amenities such as a pool, fitness center, and club rooms.

**Environmental**

The property has a resource conservation area located on the western portion of the property. The total acreage of resource conservation areas for the property is 2.01 acres. A buffer is provided per code, and the applicant will comply with all conservation buffer requirements from the Town of Clayton.

This site is within the Watershed Protection Overlay, and already has a previously approved Special Intensity Allocation, which will allow it to exceed the 2 dwelling units/acre (or 36% impervious surface) development restriction. As currently proposed, the site will have ±49% impervious surface.

**Access/Streets**

There will be three access points to the subdivision. The first access is a two-way entrance driveway located off of East Front Street. There is also be an entrance connecting to The Arbors at East Village Apartments via an existing stub-out. The third access point is located on the northwestern corner of the property. A stub-out will be provided here to connect the property to any future development to the north.

**Multi-Modal Access**

Interior sidewalks are provided throughout the subdivision for residents. These sidewalks are located along the perimeter of each “pod” and extend throughout the entire community, allowing pedestrian access to all “pocket parks” and club house amenities. A greenway trail is also provided from East Front Street which extends along the western and northern perimeter of the property.

**Garbage / Recycling**

Residents will use roll-outs and the club house will use dumpsters.

**Architecture/Design**

All homes will have slab-on-grade, crawl-space, or basement foundation. The homes will include decorative features, such as shutters and bay windows. Garage doors will have will also have windows and other decorative features. The homes will consist of varied color palettes and the materials of the homes will consist of cementations stucco, wood, wood composite, glass, and architectural metals. The applicant has stated that vinyl siding is not permitted in the subdivision.

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

None.

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**CONSIDERATIONS:**

- The applicant is requesting Preliminary Subdivision Plat approval, which is functioning as a Master Plan, for a 300 unit residential subdivision.
- This plan is subject to final approval by Town Council.
- This approval is subject to approval of 12-05-04-PDD

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**FINDINGS:**

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

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**CONDITIONS:**

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

1. The unmet Conditions of Approval accepted as a part of Petition Number PSD 2012-60 and 2012-96 for the single-family and townhome portion of East Village are hereby deleted and replaced as follows:
2. Following Board approvals, three copies of the final Preliminary Subdivision Plan meeting the requirements of the Conditions of Approval shall be submitted to the Planning Department for final approval. The conditions of approval shall be recorded on the plans before final approval is granted.
3. All development fees shall be paid prior to final plat recordation, except that Capacity fees shall be paid prior to issuance of building permits.
4. The final plat and subsequent development of the site shall be consistent with the specifications of the approved Preliminary Subdivision Plan. Modifications shall require additional approvals pursuant to Section 155.706 of the Unified Development Code.
5. The Master Plan/Preliminary Subdivision Plan is considered to be a preliminary plat. Individual phases are subject to final plat review. This includes neighborhood parks and amenities.
6. All sidewalks and greenways shall be bonded and constructed prior to plat recordation for the associated phase.
7. No more than 75 certificates of occupancy may be issued within the subdivision until the required secondary access has been constructed or bonded for construction.
8. No more than 250 certificates of occupancy may be issued within the subdivision until the required third access has been constructed or bonded for construction.
9. All signs shall require review/approval pursuant to 155.713.
10. Resource Conservation Areas as defined in Article 5 of the Unified Development Code shall remain undisturbed pursuant to standards of Article 5, and shall be shown on all plats as being permanently set aside pursuant to 155.500(C).
11. Prior to grading and construction activities, tree protection fencing shall be installed around all resource conservation areas. Once the tree protection fence is installed, it must be inspected by the Planning Department before construction activities begin.
12. A homeowners' association document shall be reviewed by staff and recorded prior to final plats. Such document shall assure responsibility for maintenance of all common facilities and provide adequate means for funding to do so.
13. A wastewater allocation request must be approved by the Town Council.

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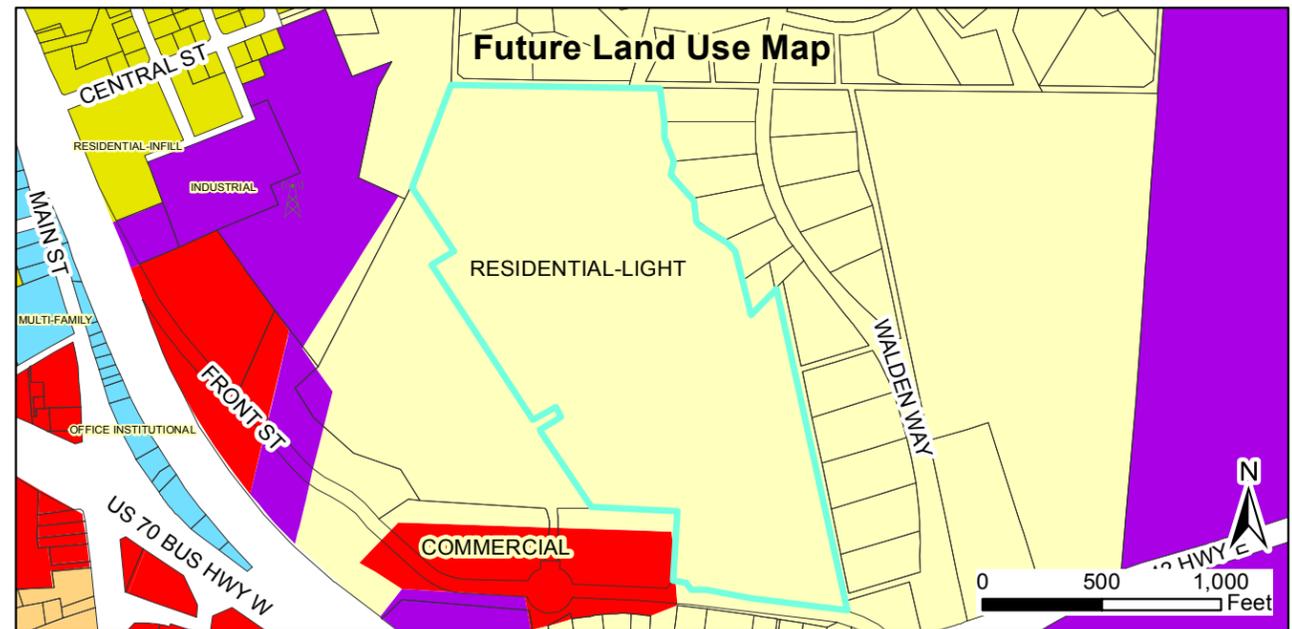
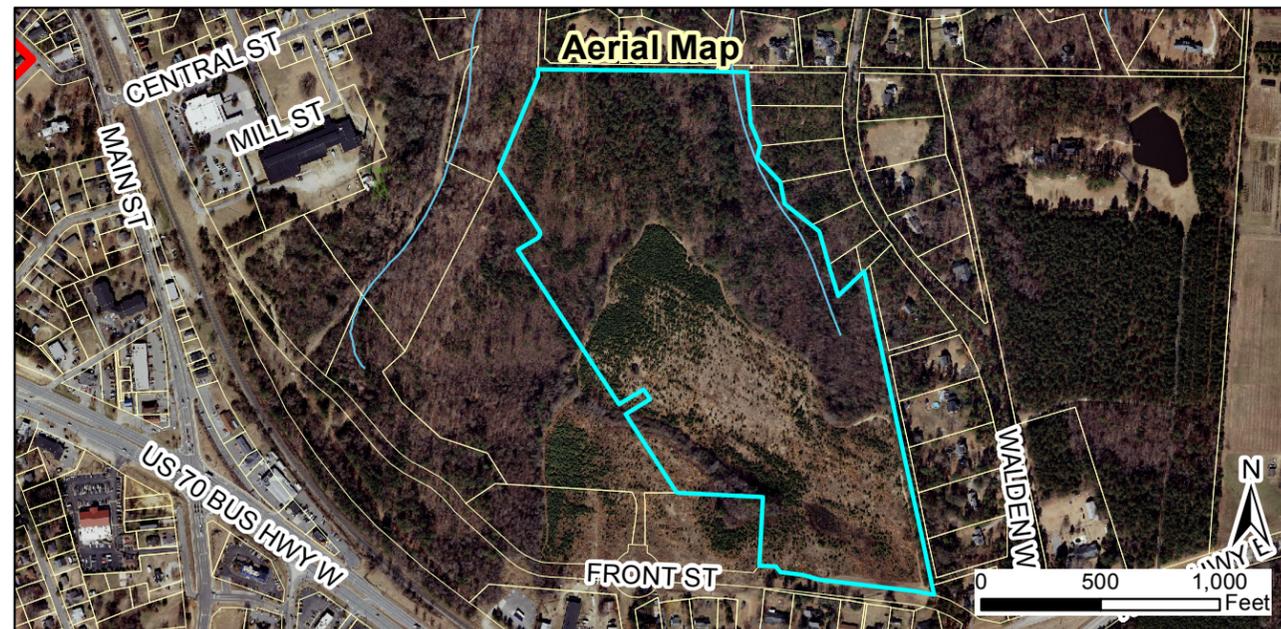
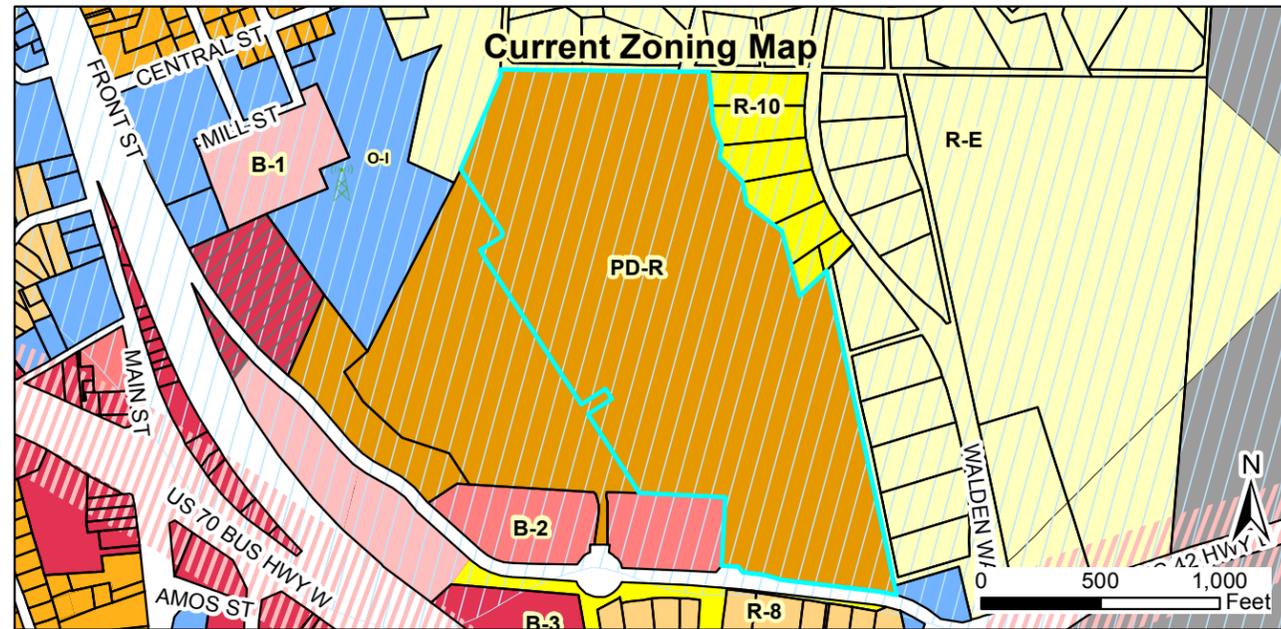
**STAFF RECOMMENDATION:**

Staff is recommending approval with conditions of the proposed preliminary subdivision plat, acting as a master plan, of the subject parcel.

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**ATTACHMENTS:**

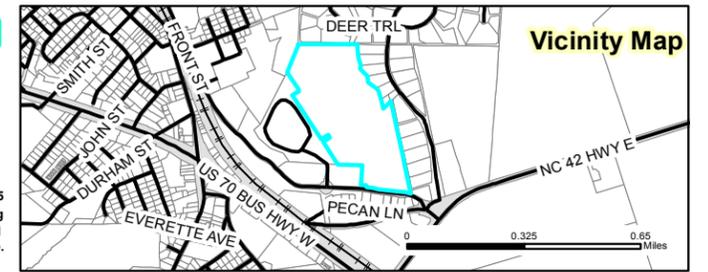
- 1.) Staff Report Maps
- 2.) Application
- 3.) Neighborhood Meeting Materials
- 4.) Site Plan
- 5.) East Village- Previous Approval/Conditions



**12-05-04-PDD East Village Walk**  
**Request: Rezoning from PD-R to PD-R**  
**12-05-05-SD East Village Walk**  
**Request: 300-lot subdivision**  
 Applicant: East Village Investments, LLC  
 Property Owner: East Village Investments, LLC  
 Parcel ID Number: 166807-50-2827  
 Tag #: 05037010E



- Site
  - Special Use District
  - Thorough Fare Overlay
  - Scenic Highway Overlay
  - Watershed Protection Overlay
- 09/15/2015  
 Produced by: TOC Planning  
 Disclaimer: Town of Clayton assumes no legal responsibility for the information represented here.



Document Path: O:\PLANNING\SUBDIVISIONS\MAJOR SUBDIVISIONS\2015\12-05-05-SD East Village Walk - maj subdivision\Maps\StaffReport\Map\_EastVillageRezoning&Subdivision.mxd



3715 Neil Street \* Raleigh, NC 27607 \* O) 919.827.1790 \* [www.timugroup.com](http://www.timugroup.com)

August 26, 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 proposed Rezoning and Subdivision Development adjacent or in close proximity to property shown in your ownership by Johnston County tax records. Per Town of Po Clayton regulations, a Neighborhood Meeting will be held to provide information to area residents about the nature of the proposal. A representative of the applicant will be present to explain their application, answer questions, and solicit comments.

**Meeting Date:** Wednesday, September 9<sup>th</sup>, 2015

**Meeting Time:** 6:30 – 7:30 PM

**Meeting Location:** The Clayton Center, Hales Room: 111 E 2<sup>nd</sup> Street Clayton, NC 27520

**Type of Application:** Rezoning & Major Subdivision

**Project Address:** Please see attached map and project description, below

**Project Description:** East Village Pocket Community is a 52.57 acre Planned Residential Development (PD-R) in the Town of Clayton. The property is bounded by East Front Street, the Arbors Apartments and Walden Estates. The development plan incorporates a mixture of single-family homes and townhomes, and will be age targeted to an active adult population (55 years and older). Single-family homes and townhomes will be clustered into pods. The single family home pods front a pedestrian oriented greenspace. A private Amenity Center, including a swimming pool and fitness center, is proposed.

At a minimum, the following will be available for your inspection at the Neighborhood Meeting:

1. A copy of the project application
2. A map at a scale that is appropriate to the project and shows the neighboring properties and roads.
3. A map, drawing, or other depiction of the proposed land use change or development proposal.

A map is enclosed with this letter showing the location of the property that is subject to this application for land use change and/ or development proposal. If you have any questions prior to or after this meeting, you may contact us at (919) 363-0404. You may also contact the Planning Department at (919) 553-5002.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Gramling", is written over a light blue horizontal line.

Mark Gramling  
TIMU Group

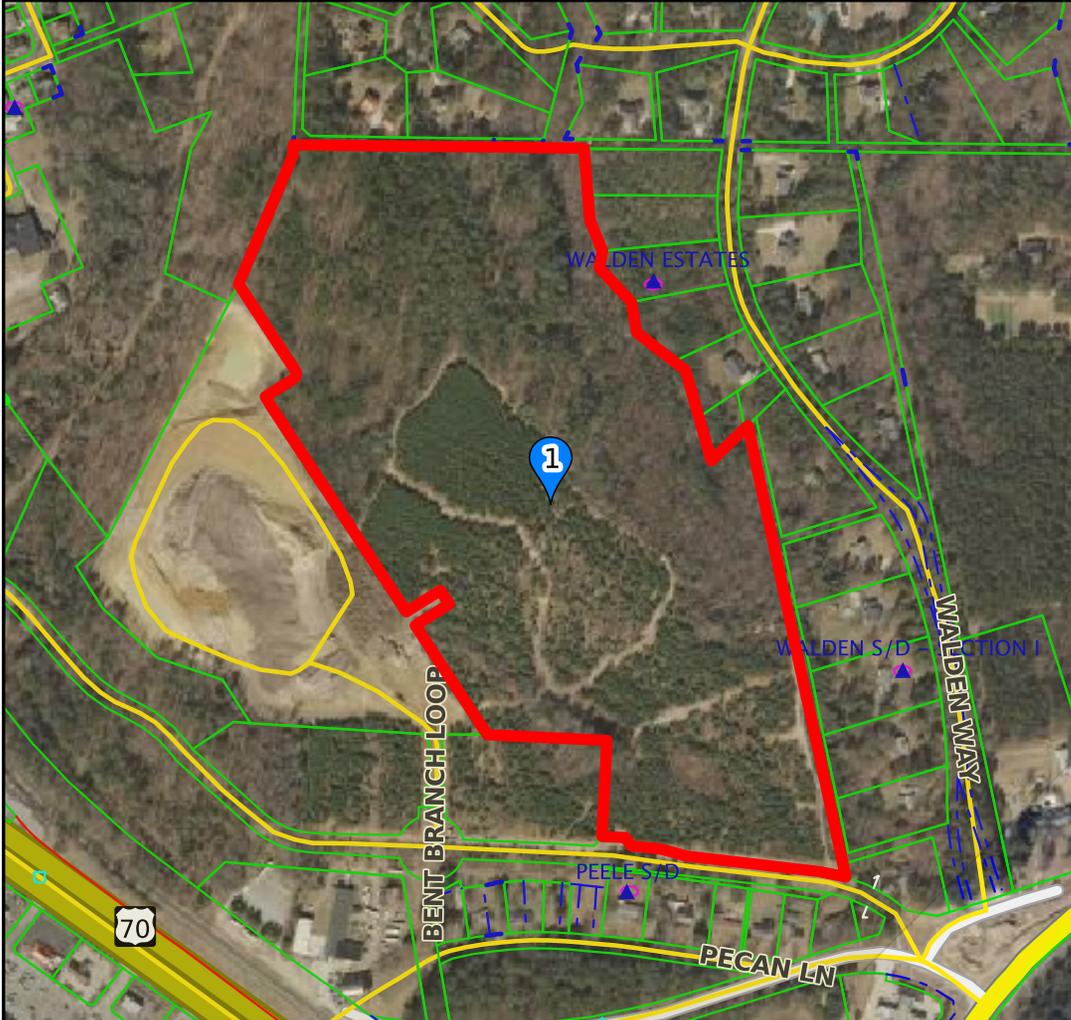
Cc: Town of Clayton Planning Department

# East Village Pocket Community- Vicinity Map



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

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



## Result 1

**id:** 166807-59-2827  
**Tag:** 05037010E  
**Tax Unique Id:** 4244398  
**NCPin:** 166807-59-2827  
**Mapsheet No:** 166807  
**Owner Name 1:** TH CLAYTON DEVELOPMENT COMPANY LLC  
**Owner Name 2:**  
**Mail Address 1:**  
**Mail Address 2:** PO BOX 566  
**Mail Address 3:** GREENVILLE, NC 27835-0566  
**Site Address 1:**  
**Site Address 2:**  
**Book:** 04483  
**Page:** 0821  
**Market Value:** 1010540  
**Assessed Acreage:** 52.57  
**Calc. Acreage:** 52.8  
**Sales Price:** 2704500  
**Sale Date:** 2014-08-08



Scale: 1:5993 - 1 in. = 499.38 feet

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

Johnston County GIS  
August 17, 2015

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**EAST VILLAGE WALK**

**NEIGHBORHOOD MEETING AGENDA, September 9, 2015**

- 6:30-6:45pm - Review of plans (informal discussions, attendees roam at their leisure)
  - 6:45- 7:10pm – Official welcome of attendees; introduction of team
    - Developer comments; thanks attendees for coming; describes his firm’s interest in project and connection to Clayton as place appropriate for project.
    - Project background: existing subdivision approved September 2012; completion of East Front Street and The Arbors
    - Comparison of layouts of original and proposed: street access points unchanged; arrangement of lots, open space, and greenway trails basically the same; amenities now include clubhouse and swimming pool; density increase from 208 to 300 .
    - Project Design features: (1) The Common Courtyards Concept (Focus on intimate “front yard” pedestrian-only community open spaces; Cars in alleys; reduce visual impact of cars on neighborhood; Small to midsize lots for lower maintenance)
    - Architectural Character: (1) Small to mid-sized houses; (2) Downstairs master suites; (3) Garage parking (option); (4) Front porches for architectural character and promotion of community.
  - 7:10-7:30pm – Questions from attendees. See Q&A sheets
  - 7:30pm – Meeting ends
-



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**EAST VILLAGE WALK****NEIGHBORHOOD MEETING – Questions & Answers****September 9, 2015****Notes by: Jimmy Thiem, HagerSmith Design**

- Q: Will proposed Tupelo Street (Subdivision Entrance 1) intersect E. Front Street at same location as shown on previously approved subdivision plan? Berm on south side of Front Street installed as part of Front Street project built to height of 3' vs. 6', with limited screening vegetation. [ from: owner of PIN 166807-58-3397]
  - A: Tupelo Street is proposed to remain in the same location as shown on the existing approved subdivision plan. Recommended contacting Town of Clayton Public Works regarding height of berm and plantings. Representative of TIMU Group offered to go look at the situation to see what improvements might be made to enhance buffering of traffic.
- Q: What is residential density of approved and proposed plans?
  - A: Approved density is 208 units. Proposed density is 300 units.
- Q: What is time frame for build-out of project?
  - A: 4-5 years with construction starting early 2016.
- Q: How will parking be provided on streets/lanes?
  - Groups of parallel parking spaces are provided in various locations along the streets/lanes.
- Q: Where are vehicle ingress/egress locations for project?
  - A: There are three: (1) proposed Tupelo Street connecting to E. Front Street, (2) public street connecting to existing street stub-out at The Arbors, (3) public street stub-out at northwest corner of site to undeveloped lot west of Walden subdivision.
- Q: Has traffic study been done? Concern for impact of traffic on E. Front Street.
  - A: The original traffic study has been updated to reflect both the increased density proposed for East Village Walk as well as for the proposed expansion of The Arbors which replaces property originally planned for future commercial development. The study indicates a reduction in daily vehicle trips, primarily related to the reduced traffic levels associated with the 55+ year adult focus for East Village Walk. The study has been submitted to the Town of Clayton and is presently under review.
- Q: Where will you start construction?
  - A: The southern end of the site near E. Front Street.
- Q: What is proposed for property bordered by Pecan Lane and Old NC 42?

- That property is not part of the East Village Walk project, and we are not involved in its development.
  - Q: There is a problem with drivers east bound on E. Front Street making a left-hand turn onto NC 42 during certain times of the day. What can be done to fix this?
    - A: We understood, during the planning phase for the E. Front Street extension, that a traffic light was proposed for this intersection at some future date. Recommended that they contact Clayton Public Works or the local N.C. Division of Highways District office for more information.
  - Q: Are there alternative locations for vehicular access.
    - A: Discussion focused on routing of street from proposed East Village Walk stub-out at the north end of the site after it exited the property. All agreed that tying back into the Walden subdivision to the west was highly unlikely. Extending the street to the west the most likely connection was to Central Street which would involve crossing a stream channel with riparian buffers and significant side slopes.
-

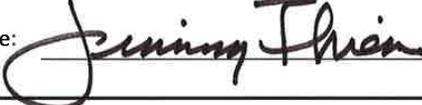
## NEIGHBORHOOD MEETING SUMMARY FORM

**FILL OUT THE FOLLOWING:**

Application: EAST VILLAGE WALK 12-05-05-SD

Date of Mailing: AUG. 27, 2015

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: JIMMY THIEM Signature: 

Date of Meeting: SEPT. 10, 2015 Time of Meeting: 6:30 PM

Location of Meeting: THE CLAYTON CENTER, HALES ROOM

**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.*

SEE ATTACHMENT: NEIGHBORHOOD  
MEETING - QUESTIONS & ANSWERS

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



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**EAST VILLAGE WALK**

**NEIGHBORHOOD MEETING – Questions & Answers**

**September 9, 2015**

**Notes by: Jimmy Thiem, HagerSmith Design**

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-

## NEIGHBORHOOD MEETING ATTENDANCE ROSTER

**Project:** EAST VILLAGE WALK

**Application:** 12-05-03-SD (Preliminary Plat / Major Subdivision)

**Location/Date:** CLAYTON CENTER, HALLS ROOM SEPT. 9, 2015

	NAME	ADDRESS
1	Jimmy Thiem	634 N. Blount St., Raleigh, NC 27604
2	Tim Kuremskie	1030 Washington St. Raleigh, NC 27605
3	Mark Cramling	3715 Lenoir St., Raleigh, NC
4	Dean Strobel	" " "
5	Joe Smith	118 Ashtu Ave Raleigh
6	Elizabeth Patton	116 Pecan Lane Clayton
7	Angela Jones	118 Pecan Lane
8	" "	106 Pecan Lane
9		
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**TOWN OF CLAYTON  
SUBDIVISION APPROVAL SUB 2012-60  
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:** James E. Thiem of HagerSmith Design, PA  
**Owner:** East Village Investments LLC  
**Property Location:** Fronts on East Front Street Extension to the south and borders Walden subdivision to the north and east  
**Tax Parcel Numbers:** 05037010E  
**Proposed Use of Property:** Single-Family Subdivision  
**Meeting Date:** September 4, 2012

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 Unified Development Ordinance, hereafter referred to as UDO, 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 UDO 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.

As set forth in Section 155.706 of the UDO, the Town Council imposed the following additional conditions of the Subdivision Permit:

- **Provisions of PDD-R 2012-05 apply:**
  1. All public infrastructures shall be constructed to Town of Clayton standards and approved by the Public Works Department prior to the approval of zoning permits.
  2. Homeowners Association documents which delineate funding and maintenance of common areas shall be prepared and submitted to the town prior to the recordation of final plats.
  3. Additional conditions (as modified 4-16-12) that were originally part of the preliminary subdivision plan for the Clayton East Village Subdivision (SUB 06-04) as approved July 17, 2006:
    - A. Acreage, capacity and nutrient offset fees for water/sewer shall be paid prior to recording of final plat.
    - B. The review and approval of project water, sewer, storm drainage, and street construction drawings is a separate process. Two sets of these drawings must be submitted to the Public Works Department when they become available.
    - C. Street name request forms shall be submitted to TOC GIS and approved prior to submitting final plat.
    - D. Debris from the clearing of the site will not be burned within TOC Limits.
    - E. A registered landscape architect shall complete a landscape design plan for the storm water control structures.
    - F. Storm water detention ponds shall be designed as amenity areas for the project and be in compliance with TOC's General Design Guidelines. Such facilities shall be owned and maintained by a HOA with adequate financial surety to the Town to assure their future integrity.
    - G. Wetland and riparian buffer areas will be undisturbed except as required for the installation of streets, utilities and greenways. All work shall be in accordance with applicable state and local regulations. Existing trees and vegetation will be preserved as much as practical and in accordance with all applicable regulations.
    - H. All phases of the planned development shall require Site Plan review and approval by the Planning Board.
    - I. No stucco foundations (Council condition).
    - J. Use of the single-family house at the intersection of proposed East Front Street and Old NC 42 HWY East shall be discontinued following completion of the single-family component of East Village. The future use of the property shall be determined at this time and fully comply with the Town of Clayton's Unified Development Code.

**New Conditions:**

1. The perimeter landscaping along East Front Street for the project's frontage must be installed prior to the issuance of a Certificate of Occupancy for Phase I.

2. Traffic improvements to be completed by the developer will be determined based on coordination with the NCDOT District Office and will be installed prior to the issuance of a certificate of occupancy for the phase that generates an improvement. The timing of the installation of a proposed traffic signal at the intersection of East Front Street and NC 42 Hwy. East will be determined based on a warrant analysis to be completed by the developer and approved by the NCDOT Division Office. An initial signal warrant analysis will be prepared by the developer and submitted to NCDOT upon completion of the East Front Street Extension.
3. Consistent with the Locally Administered Project Agreement (Project U-3605) dated January 17, 2012, execution of a Developers Agreement between the Town and the Developer shall be complete prior to the start of construction of the Front Street Extension.
4. In order to facilitate expedited construction of the East Village greenway system, the applicant is permitted to limit sidewalk construction to one side of each street as approved by the Planning Department.
5. In order to facilitate expedited construction of the East Village greenway system, the applicant will receive 100 percent credit toward Recreation and Open Space fees associated with Land Units S-1 through S-6, M-1 and M-2 as indicated on the Master Plan.

{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: [Signature]  
Jody L. McLeod,  
Mayor

ATTEST:

[Signature] (SEAL)  
Sherry L. Scoggins, MMC  
Town Clerk

NORTH CAROLINA  
JOHNSTON COUNTY

I, Stephanie B. Lanzolla, a Notary Public, do hereby certify that Sherry L. Scoggins 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 1<sup>st</sup> day of October 2012.

[Signature]  
Notary Public - Stephanie B. Lanzolla  
(Printed Name)

(SEAL)

NC County of Commission: 6/10/12<sup>SL</sup> Johnston

Commission expires: 6/10/2017



James E. Thiem, applicant, of the above-identified property for the above Preliminary Subdivision Permit, does hereby acknowledge receipt of this Preliminary Subdivision Permit issued by the Clayton Town Council. The undersigned does hereby acknowledge that no work may be done pursuant to this permit except in accordance with all of its conditions and requirements and that this restriction shall be binding on them and their successors in interest.

James E Thiem III  
Signature of Applicant

\*\*\*\*\*

NORTH CAROLINA  
WAKE COUNTY

I, Adam D Wakefield, a Notary Public in and for said County and State, do hereby certify that JAMES E THIEM III (applicant) personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

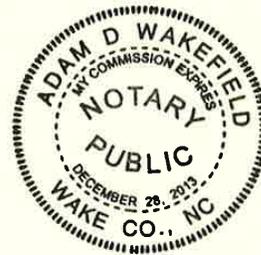
Witness my hand and notarial seal, this the 17<sup>th</sup> day of SEPT, 2012.

Adam D Wakefield

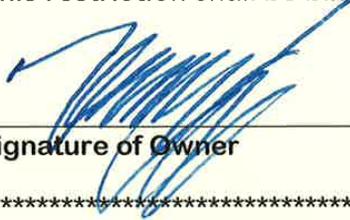
Notary Public - Adam D. Wakefield  
(Printed Name)

NC County of Commission: WAKE

Commission expires: 12/28/2013



Thomas F. Taft Sr., owner and registered agent of East Village Investments LLC, of the above-identified property for the above Preliminary Subdivision Permit, does hereby acknowledge receipt of this Preliminary Subdivision Permit issued by the Clayton Town Council. The undersigned does hereby acknowledge that no work may be done pursuant to this permit except in accordance with all of its conditions and requirements and that this restriction shall be binding on them and their successors in interest.

  
\_\_\_\_\_  
Signature of Owner

\*\*\*\*\*

NORTH CAROLINA  
Pitt COUNTY

I, Jessica M McGowan, a Notary Public in and for said County and State, do hereby certify that Thomas F. Taft, Sr. (owner) personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal, this the 20<sup>th</sup> day of September, 2012.



  
\_\_\_\_\_  
Notary Public - Jessica M. McGowan  
(Printed Name)

NC County of Commission: Pitt

Commission expires: May 13, 2017



# EAST VILLAGE WALK

12-05-05-SD

(PRELIMINARY PLAT / MAJOR SUBDIVISION)

CLAYTON, NC

JOHNSTON COUNTY

# PD-R SUBMISSION

**SHEET INDEX:**

- CS1 - COVER SHEET
- EX1 - EXISTING CONDITIONS
- EX2 - PHASING MASTER PLAN
- EX3 - GREENWAY & NATURAL AREA PLAN
- EX4 - CIRCULATION PLAN
- EX5 - ENLARGED POCKET NEIGHBORHOOD PLANS
- EX6 - TYPICAL HOME ELEVATIONS & PERSPECTIVE LAYOUT
- EX7 - TYPICAL HOME & AMENITIES ELEVATIONS
- EX8 - UTILITY PLAN

**akai**

ARCHITECT  
KURMASKIE  
ASSOCIATES,  
INC.

1030 Washington St  
Raleigh, NC 27605  
Phone: 919-846-1600  
Fax: 919-846-9404  
ARCHITECT@AKAI.COM

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**TIMU**  
GROUP  
Construction IQ™

**EAST VILLAGE INVESTMENTS, LLC**  
C/O HUBIE TOLSON  
2217 STANTONSBURG RD  
GREENVILLE, NC 27834  
PHONE: (252) 638-4225  
FAX: (252) 670-6070



PD-R PLAN for

**East Village Walk**  
Clayton, North Carolina

Prepared for:  
The Town of Clayton  
August 2015

Prepared by:  
Timu Group and  
Architect Kurmaskie and Associates  
3715 Neil St.  
Raleigh, NC 27607

Developer:  
East Village Investments, LLC  
c/o Hubie Tolson  
2217 Stantonburg Rd.  
Greenville, NC 27834

**PURPOSE**

East Village Walk is a 52.57-acre Planned Residential Development (PD-R) in Town of Clayton, North Carolina. The property is bounded by East Front Street, the Arbors Apartments and Walden Estates.

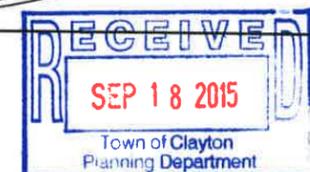
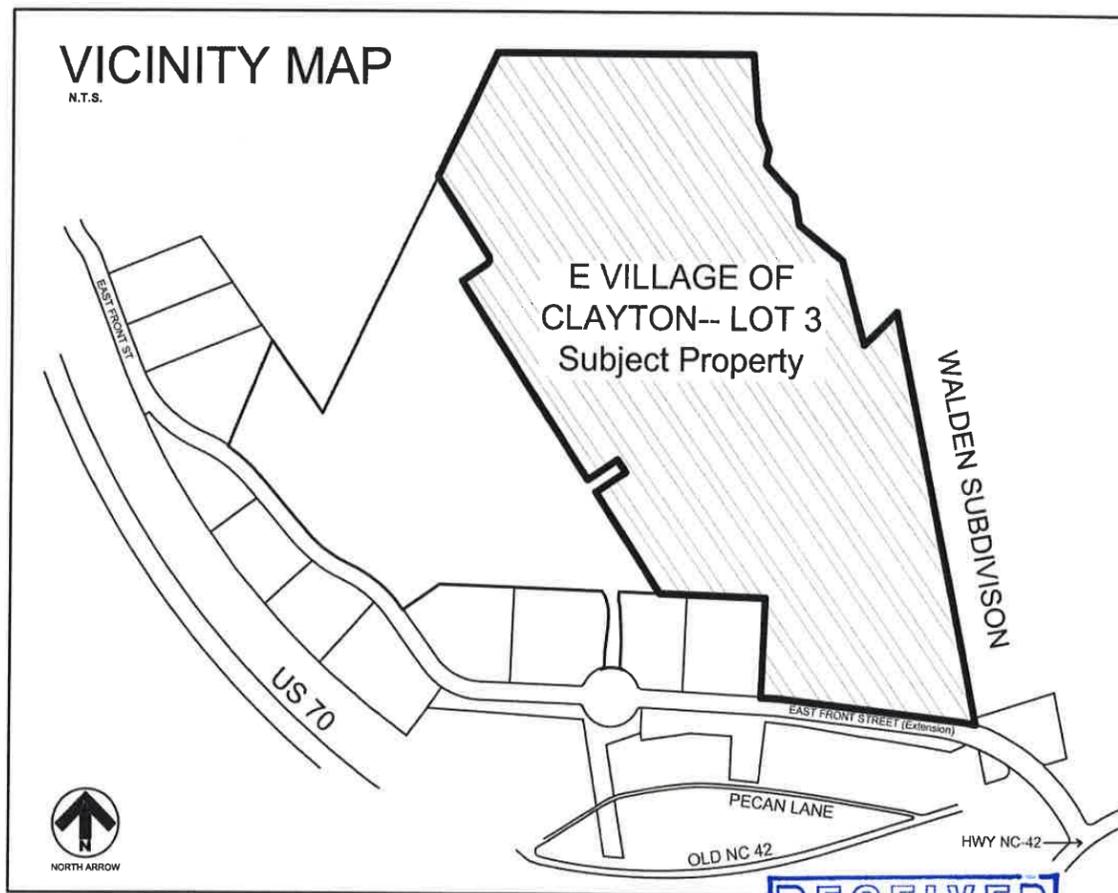
This single entity Developer will be the sole party from which the Town will accept decisions regarding the Planned Residential Development and PD-R Plan.

East Village will be age targeted to an active adult population (55 years and older). The development plan incorporates a mixture of single-family village and cottage-style homes. Single-family village and cottage homes will be clustered into pocket neighborhoods. The single family village and cottage homes will front a pedestrian oriented greenspace. Each home is then served for vehicular traffic and services through a "Cottage Lane".

The East Village property lies within a PD-R zoning as designated on the Official Town of Clayton Zoning Map, adopted June 19, 2006.

A private Amenity Center will be incorporated into East Village. The facility will provide a recreational size swimming pool and other active and passive outdoor recreational activities. In addition, there will be a fitness center and club rooms housed inside the building. Commons buildings will be situated throughout the development.

East Village's land use patterns promote pedestrian connectivity. This has been stressed in order to link all parts of the neighborhood to the planned private Amenity Center, as well as community open space amenities, commons buildings, sidewalks, multi-use paths and Greenway system of the Town of Clayton.



**EAST VILLAGE WALK**  
12-05-05-SD  
(PRELIMINARY PLAT / MAJOR SUBDIVISION)  
CLAYTON, NC  
JOHNSTON COUNTY

Project Reference Numbers  
Architect's Project No. 150029

Drawn By: NK

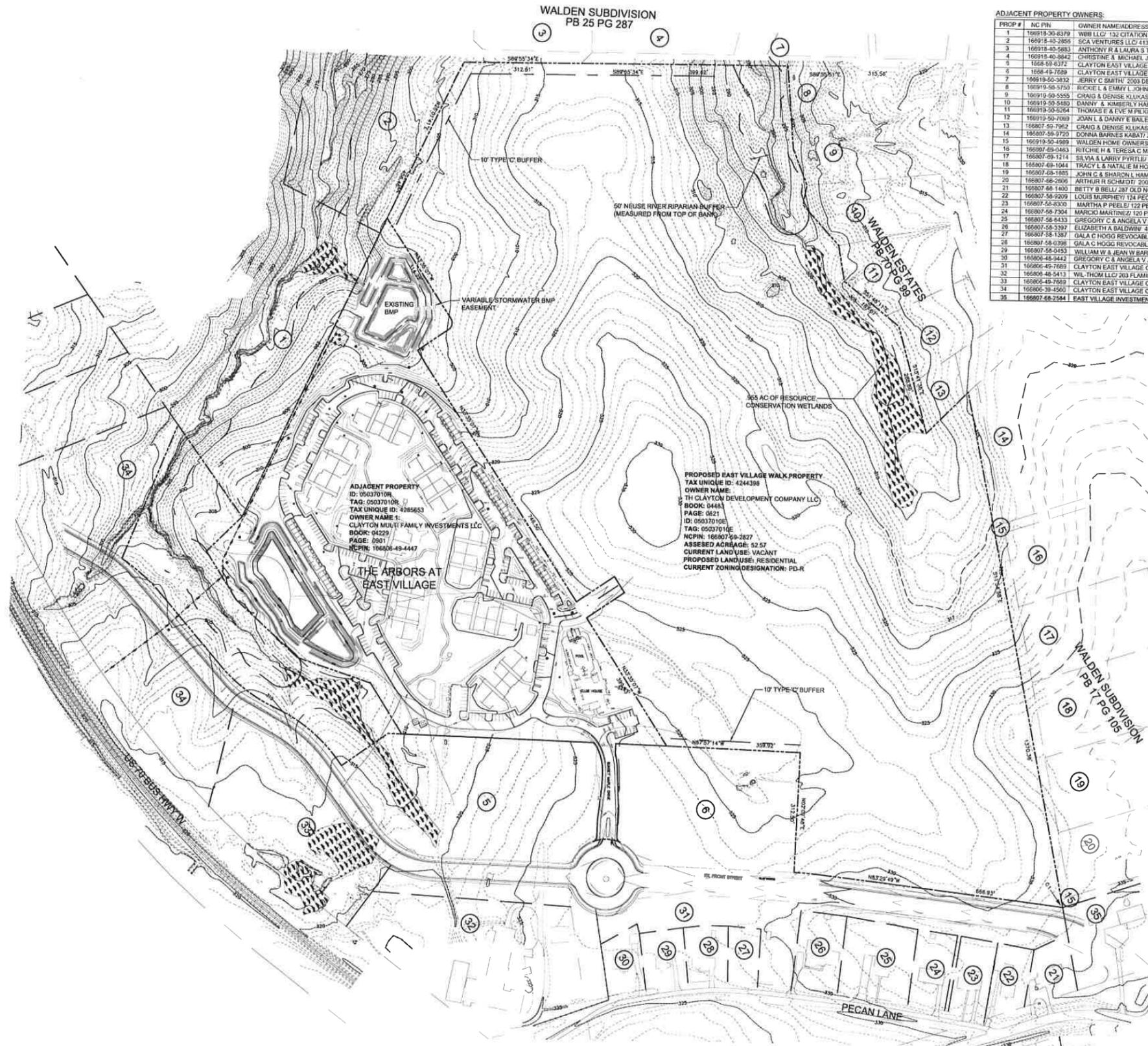
**REVISIONS**  
08-28-15 TRC - 1ST REVIEW CMNTS.  
09-17-15 TRC - 2ND REVIEW CMNTS.

DATES	
PHASE	ISSUED
REVISED	08/28/15
REVISED	09/17/15

COVERSHEET

SHEET NUMBER

**CS1**



ADJACENT PROPERTY OWNERS:

PROP #	NC PIN	OWNER NAME/ADDRESS	ZONING
1	166919-30-8379	WBB LLC 132 CITATION LANE, SMITHFIELD, NC 27577	O-1
2	166919-40-2855	SCA VENTURES LLC 4132 CITATION LANE, SMITHFIELD, NC 27577	R-2
3	166919-40-5883	ANTHONY R & LAURA S TRUJILLO 2017 DEER TRAIL, CLAYTON, NC 27527	R-8
4	166919-40-8842	CHRISTINE & MICHAEL JERNIGAN 2011 DEER TRAIL, CLAYTON, NC 27520	R-8
5	1668-59-6372	CLAYTON EAST VILLAGE CT, LLC 227 E FRONT ST, NEW BERN, NC 28560	ZONING
6	1668-49-7689	CLAYTON EAST VILLAGE CT, LLC 227 E FRONT ST, NEW BERN, NC 28560	ZONING
7	166919-50-3932	JERRY C SMITH 2003 DEER TRAIL, CLAYTON, NC 27520	R-8
8	166919-50-1761	RICKIE L & EMILY JOHNSON 104 HELENA LANE, CLAYTON, NC 27527	R-10
9	166919-50-5555	CRAIG & DENISE KUKAS 6163 W DELINDING DRIVE, GLENDALE, AZ 85306	R-10
10	166919-50-5180	DANNY & KIMBERLY HARDEN 280 WILSON JONES RD, CLAYTON, NC 27520	R-10
11	166919-50-5064	THOMAS E & EVE M PILKINGTON 178 JOSEPH DRIVE, CLAYTON, NC 27527	R-10
12	166919-50-7003	JOHN L & DAWN E BAILEY 2031 WALDEN WAY, CLAYTON, NC 27527	R-10
13	166807-59-7962	CRAIG & DENISE KUKAS 6163 W DELINDING DRIVE, GLENDALE, AZ 85306	R-10
14	166807-59-9720	DONNA BARNES KABAT 2029 WALDEN WAY, CLAYTON, NC 27527	R-8
15	166919-50-4989	WALDEN HOME OWNERS ASSOC INC 3044 DEER TRAIL, CLAYTON, NC 27527	R-8
16	166807-59-4463	RITCHEE H & TERESA G MATTHEWS 2025 WALDEN WAY, CLAYTON, NC 27527	R-8
17	166807-59-1214	SILVA & LARRY PYRTEL 3021 WALDEN WAY, CLAYTON, NC 27527	R-8
18	166807-59-1044	TRACY L & NATALIE M HOBBS 2017 WALDEN WAY, CLAYTON, NC 27527	R-8
19	166919-50-1985	JOHN C & SHARON L HAMMILL 2013 WALDEN WAY, CLAYTON, NC 27527	R-8
20	166807-59-2909	ARTHUR R SCHMIDT 2909 WALDEN WAY, CLAYTON, NC 27527	R-8
21	166807-59-1400	BETTY B BELL 287 OLD NC HWY 42 E, CLAYTON, NC 27527	R-8
22	166807-59-9209	LOUIS MURPHY 134 PECAN LANE, CLAYTON, NC 27527	R-8
23	166807-59-8300	MARTHA P PEELE 122 PECAN LANE, CLAYTON, NC 27527	R-8
24	166807-59-1004	MARCIO MARTINEZ 120 PECAN LANE, CLAYTON, NC 27527	R-8
25	166807-59-6433	GREGORY C & ANGELA V JONES 118 PECAN LANE, CLAYTON, NC 27527	R-8
26	166807-59-3797	ELIZABETH A BALDWIN 4105 GRAND MANOR CT, APT 304, RALEIGH, NC 27612	R-8
27	166807-59-1387	GALA C HOGG REVOCABLE TRUST 110 PECAN LANE, CLAYTON, NC 27527	R-8
28	166807-59-0398	GALA C HOGG REVOCABLE TRUST 110 PECAN LANE, CLAYTON, NC 27527	R-8
29	166807-59-0453	WILLIAM W & JEAN W BARRON 1901 HOLLY SPRINGS DR, RALEIGH, NC 27608	R-8
30	166806-49-9442	GREGORY C & ANGELA V JONES 118 PECAN LANE, CLAYTON, NC 27527	R-8
31	166806-49-7869	CLAYTON EAST VILLAGE CT, LLC 227 E FRONT ST, NEW BERN, NC 28560	R-10
32	166806-49-5413	WILSON LLC 283 FLAMINGO DRIVE, CLAYTON, NC 27527	B-3
33	166806-49-7689	CLAYTON EAST VILLAGE CT, LLC 227 E FRONT ST, NEW BERN, NC 28560	B-1
34	166806-39-4560	CLAYTON EAST VILLAGE CT, LLC 227 E FRONT ST, NEW BERN, NC 28560	PD-R
35	166807-69-2584	EAST VILLAGE INVESTMENTS LLC 227 E FRONT ST, NEW BERN, NC 28560	O-1



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EAST VILLAGE  
WALK  
12-05-05-SD  
(PRELIMINARY PLAN / MAJOR SUBDIVISION)  
CLAYTON, NC  
JOHNSTON COUNTY

Project Reference Numbers  
Architect's Project No. 150029

Drawn By: NK

REVISIONS  
08-28-15 TRC - 1ST REVIEW CMNTS.  
09-17-15 TRC - 2ND REVIEW CMNTS.

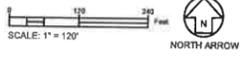
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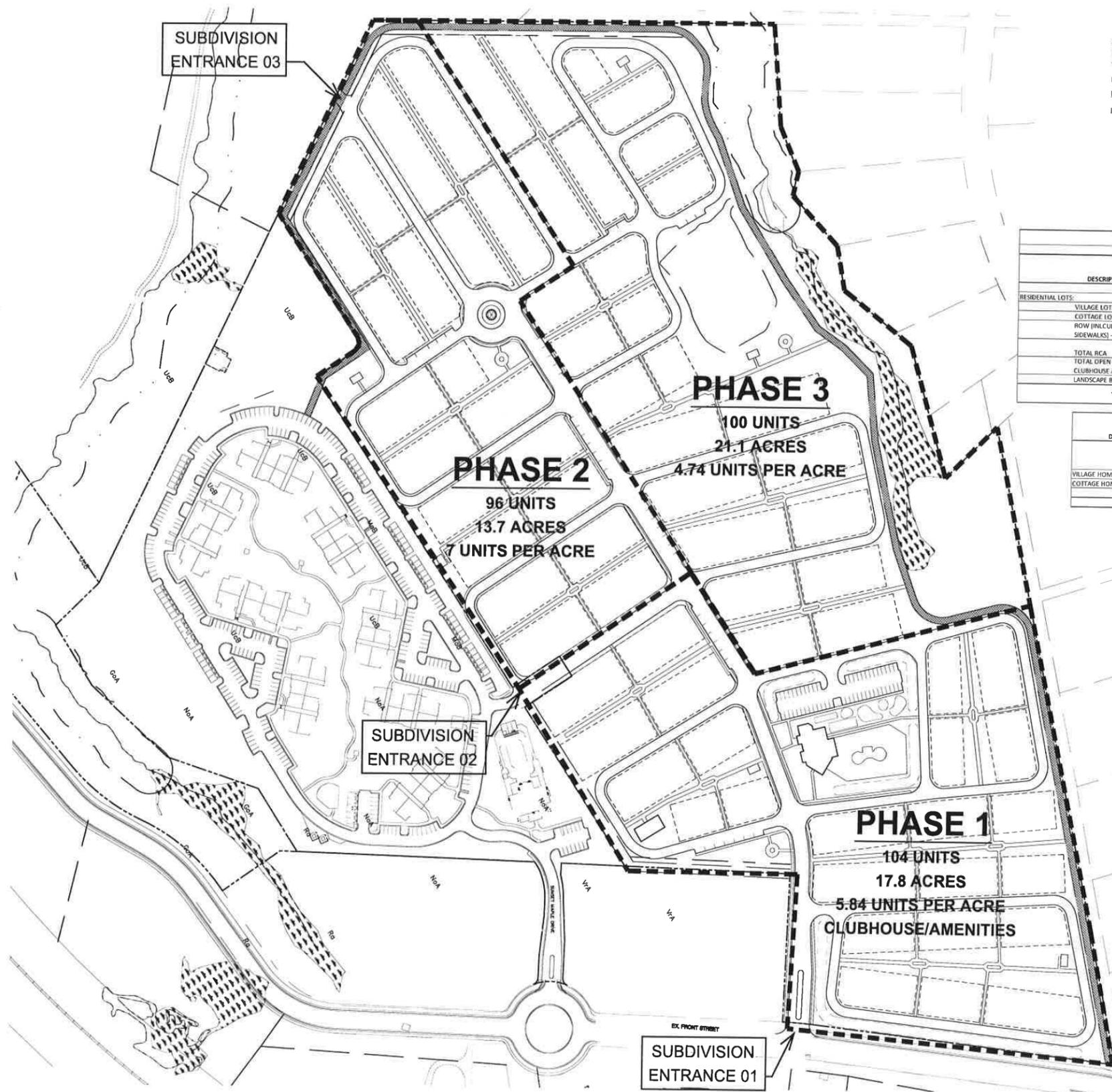
PHASE	ISSUED
REVISED	08/28/15
REVISED	09/17/15

EXISTING CONDITIONS

SHEET NUMBER

EX1





**PHASING**  
It is anticipated that the completion of East Village Walk will occur in year 2019. Build out of the subdivision will take place in multiple phases. Phase one includes the roadway and utility connectors from East Front Street to the Arbors Apartments.

Phasing Chart:

**PERMITTED USES**

Proposed Uses shall be limited to the following:

1. Single-Family Detached
2. Alley Loaded Homes
3. Village and Cottage Style Homes
4. Community Center, with Gym, Spa, Pickleball Courts, Pool, Private Meeting Rooms
5. Commons Buildings - Buildings that are located in common areas for use as gathering areas for community use. Building and common areas are to be owned and maintained by the HOA.

DESCRIPTION	NO. LOTS	AVERAGE SIZE OF LOTS	TOTAL AREA	% OF TOTAL SITE	IMPERVIOUS AREA (SQ. FT.)	% IMPERVIOUS SURFACE
<b>RESIDENTIAL LOTS:</b>						
VILLAGE LOTS -	134	4,051	542,834	23.71%	298,558.70	13.04%
COTTAGE LOTS -	166	3,060	507,960	22.16%	275,378.00	12.20%
ROW (INCLUDES STREETS AND SIDEWALKS) -			437,586	19.11%	380,000	16.59%
TOTAL RCA			87,944	3.84%	-	0.00%
TOTAL OPEN SPACE (INCLUDES POOL, CLUBHOUSE, AMENITIES, GREYWAYS, LANDSCAPE BUFFERS)			574,916	25.11%	165,934	7.25%
			140,016	6.11%	-	0.00%
<b>TOTAL AREA -</b>	<b>300</b>	<b>3,503</b>	<b>2,291,256</b>	<b>100%</b>	<b>1,123,870.7</b>	<b>49.08%</b>

DWELLING TYPE	MINIMUM LOT SIZE	MAXIMUM LOT SIZE	MINIMUM NO. OF UNITS	MINIMUM % OF UNITS	MAXIMUM NO. OF UNITS	MAXIMUM % OF UNITS
VILLAGE HOMES	3780	4320	134	45%	134	45%
COTTAGE HOMES	3060	3060	166	55%	166	55%
<b>TOTALS DWELLINGS -</b>			<b>300</b>	<b>100%</b>	<b>300</b>	<b>100%</b>

DESCRIPTION	ACRES	% OF TOTAL SITE
PASSIVE OPEN SPACE	5.58	10.61%
ACTIVE RECREATION AREAS (POOL, CLUBHOUSE, DEVELOPED PARKS, ETC.)	9.19	17.48%
GREENWAYS (PAVED SURFACE ONLY)	0.97	1.83%
<b>TOTAL OPEN SPACE -</b>	<b>15.74</b>	<b>29.92%</b>

NOTE: PER TOWN OF CLAYTON DEVELOPMENT STANDARDS.

DESCRIPTION	ACRES	% OF TOTAL SITE
RIPARIAN BUFFER AREA	1.12	2.12%
OPEN BODIES OF WATER AND JURISDICTIONAL WETLAND	0.89	1.69%
100 YEAR FLOOD PLAIN	0	0.00%
<b>RESOURCE CONSERVATION AREAS -</b>	<b>2.01</b>	<b>3.72%</b>

**LOT INFORMATION:**  
LOT SIZE & QUANTITY:  
SINGLE FAMILY VILLAGE UNITS: 134  
TYP. LOT SIZE: 42' X 90' & 48' X 90'  
SINGLE FAMILY COTTAGE UNITS: 166  
TYP. LOT SIZE: 34' X 80'  
**TOTAL UNITS: 300**

PHASE	UNITS	DENSITY	ACREAGE
PHASE 1	104 UNITS	5.84 UNITS PER ACRE	17.8 AC
PHASE 2	96 UNITS	7.00 UNITS PER ACRE	13.7 AC
PHASE 3	100 UNITS	4.74 UNITS PER ACRE	21.1 AC
<b>TOTAL</b>	<b>300 UNITS</b>	<b>5.70 UNITS PER ACRE</b>	<b>52.57 AC</b>

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**TIMOTHY KURMASKIE**  
Professional Engineer  
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09/11/2015

**Professional Engineer**  
No. 51883  
PALEIGH, NC

**EAST VILLAGE WALK**  
12-05-05-SD  
(PRELIMINARY PLAT / MAJOR SUBDIVISION)  
CLAYTON, NC  
JOHNSTON COUNTY

Project Reference Numbers  
Architect's Project No. 150029  
Drawn By: NK

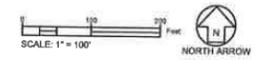
**REVISIONS**  
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09-17-15 TRC - 2ND REVIEW CMNTS.

**DATES**  
PHASE ISSUED  
REVISED 08/28/15  
REVISED 09/17/15

**PHASING MASTER PLAN**

SHEET NUMBER

**EX2**





**LANDSCAPING**  
 The Landscape Plan, which will be submitted on future plans, will demonstrate compliance with the standards set forth in the Town of Clayton's Unified Development Ordinance. Specifically as approved for the East Village.

**Perimeter Buffers - As shown on plans.**

**Street Buffers - As shown on plans.**

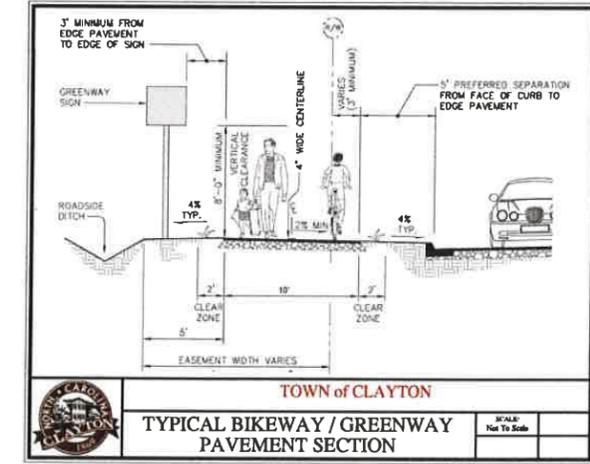
**Residential Lot Landscaping Requirements -** The front yard for each building lot will contain one appropriate ornamental type street tree and two shrubs per lot. All rear yards fronting the "Cottage Lanes" will contain the same requirements as the front yard. Corner building lots with a side yard will contain two appropriate ornamental type street trees and two shrubs per lot. All mechanical units and utilities visible from the public right-of-way will be screened with evergreen shrubs.

**PARKS AND RECREATION**  
 East Village will provide active and passive recreation for its residents and will provide the greenway connection as shown on the plans.

**NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION**  
 The East Village plan will comply with all conservation buffer rules enforced by the Town of Clayton as well as all other governing jurisdictions. There is no FEMA designated 100-year floodplain within the property.

See RCA and Open Space, Greenways and other Recreation Charts.

**STORMWATER MANAGEMENT**  
 East Village will comply with the Town's requirements for stormwater management. The owners and/or their assigns will maintain all storm water facilities. Stormwater design shall meet the applicable requirements of the Town of Clayton UDO.



- LEGEND**
- POCKET PARK GREENSPACE
  - RESIDENCES
  - COMMUNITY BUILDING
  - GREENWAY (SEE DETAIL)
  - STREETSCAPE
  - SIDEWALK (5'-0" WIDE MIN., 8'-0" WIDE IN MAJOR COURTYARDS)
  - STREAM BUFFER/WETLAND
  - LANDSCAPE BUFFER



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**EAST VILLAGE  
 WALK**  
 12-05-05-SD  
 PRELIMINARY PLAN / MAJOR SUBMITTALS  
 CLAYTON, NC  
 JOHNSTON COUNTY

Project Reference Numbers  
 Architect's Project No. 150029

Drawn By: NK

**REVISIONS**

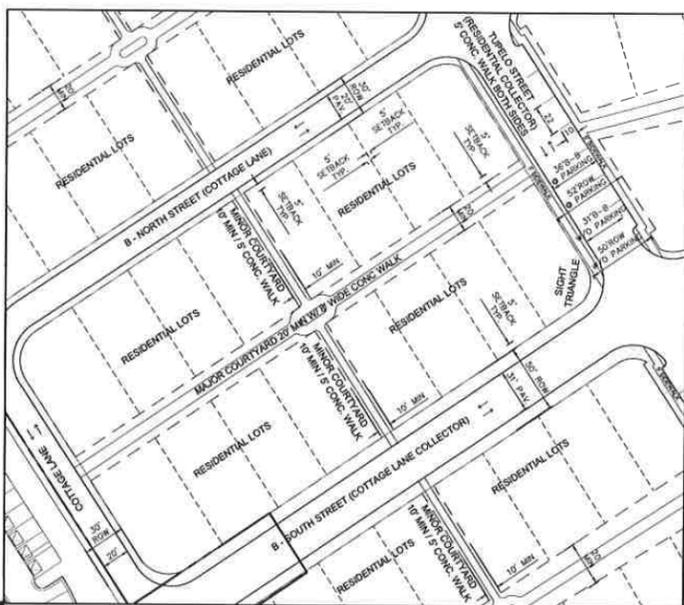
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06-17-15 TRC - 2ND REVIEW CMNTS.

**DATES**

PHASE	ISSUED
REVISED	08/28/15
REVISED	09/17/15

GREENWAY &  
 NATURAL AREA  
 MASTER PLAN  
 SHEET NUMBER

**EX3**

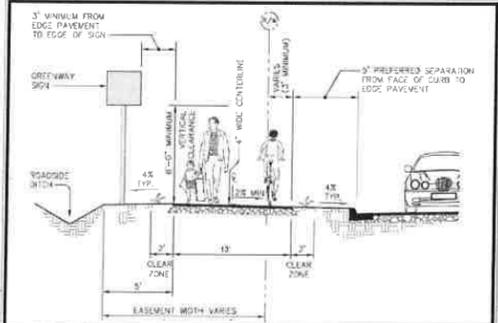


**TYPICAL STREET & LOT DIMENSIONS**  
1" = 50'

**PARKING AND LOADING REQUIREMENTS**  
Each home will have a minimum of 2 parking spaces. Additional guest parking will be provided adjacent to the pocket neighborhoods. Bicycle racks will be provided at the clubhouse as well as "pocket parks" and "common buildings".

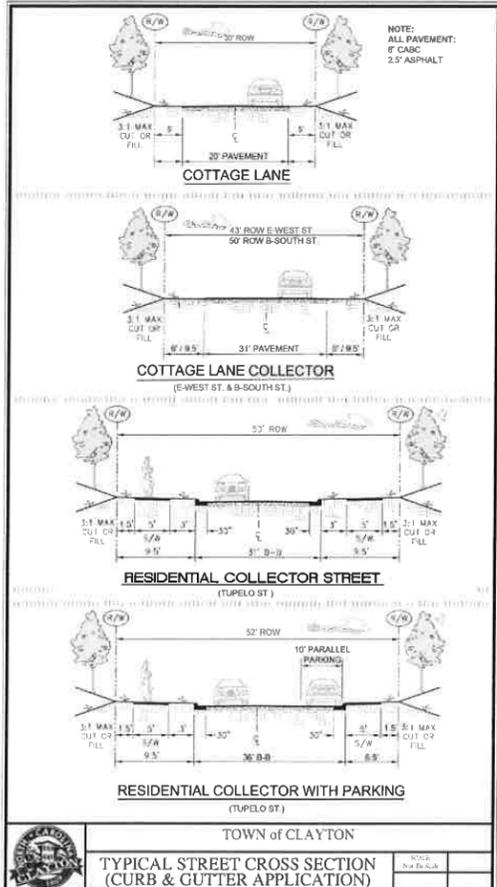
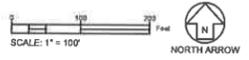
**ACCESS AND CIRCULATION**  
Primary access would be via a primary residential collector road connecting to Front Street and accessing the residences via a network of traffic circle and "Cottage Lanes" that provide direct access to the garages. The "Cottage Lane" will be a 20 ft. paved roadway section with a 30 ft. ROW. A Cottage Lane - "Collector" (B-South Street) will be a 31 ft. paved roadway with a 50 ft ROW and will connect to the Arbors of Clayton and to a third access point as shown on the plans. The Cottage Lane - Collector (E-West Street) will be a 31 ft. paved roadway with a 43 ft. ROW and will connect to property North. The primary residential collector road (Tupelo Street) will allow for on street visitor parallel parking. All streets to be public.

The design of East Village allows for a safe and adequate on-site transportation circulation system. Planned roadways are consistent with the Town's Transportation Plan and Standard Specifications and Construction Details and show required right-of-way widths and road sections. East Village will be connected by an urban grid of residential streets, including "Cottage Lanes" and pedestrian walkways (major/minor courtyards, greenway) in order to promote connectivity.



TOWN OF CLAYTON  
**TYPICAL BIKEWAY / GREENWAY PAVEMENT SECTION**

- LEGEND**
- HATCH ON PLAN INDICATES GREENWAY WITH CLEAR ZONES (SEE TYP. SECTION ABOVE FOR DETAILS)
  - HATCH ON PLAN INDICATES RCA WETLANDS



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**EAST VILLAGE WALK**  
12-05-05-SD  
PRELIMINARY PLAN / MAJOR SUBDIVISION  
CLAYTON, NC  
JOHNSTON COUNTY

Project Reference Numbers  
Architect's Project No. 150029  
Drawn By: NK

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**CIRCULATION PLAN**  
SHEET NUMBER

**EX4**

**PURPOSE**

East Village Walk is a 52.57-acre Planned Residential Development (PD-R) in Town of Clayton, North Carolina. The property is bounded by East Front Street, the Arbors Apartments and Walden Estates.

This single entity Developer will be the sole party from which the Town will accept decisions regarding the Planned Residential Development and PD-R Plan.

East Village will be age targeted to an active adult population (55 years and older). The development plan incorporates a mixture of single-family village and cottage-style homes. Single-family village and cottage homes will be clustered into pocket neighborhoods. The single family village and cottage homes will front a pedestrian oriented greenspace. Each home is then served for vehicular traffic and services through a "Cottage Lane".

The East Village property lies within a PD-R zoning as designated on the Official Town of Clayton Zoning Map, adopted June 19, 2006.

A private Amenity Center will be incorporated into East Village. The facility will provide a recreational size swimming pool and other active and passive outdoor recreational activities. In addition, there will be a fitness center and club rooms housed inside the building. Commons buildings will be situated throughout the development.

East Village's land use patterns promote pedestrian connectivity. This has been stressed in order to link all parts of the neighborhood to the planned private Amenity Center, as well as community open space amenities, commons buildings, sidewalks, multi-use paths and Greenway system of the Town of Clayton.

**COMMON COURT YARDS (MAJOR AND MINOR)**

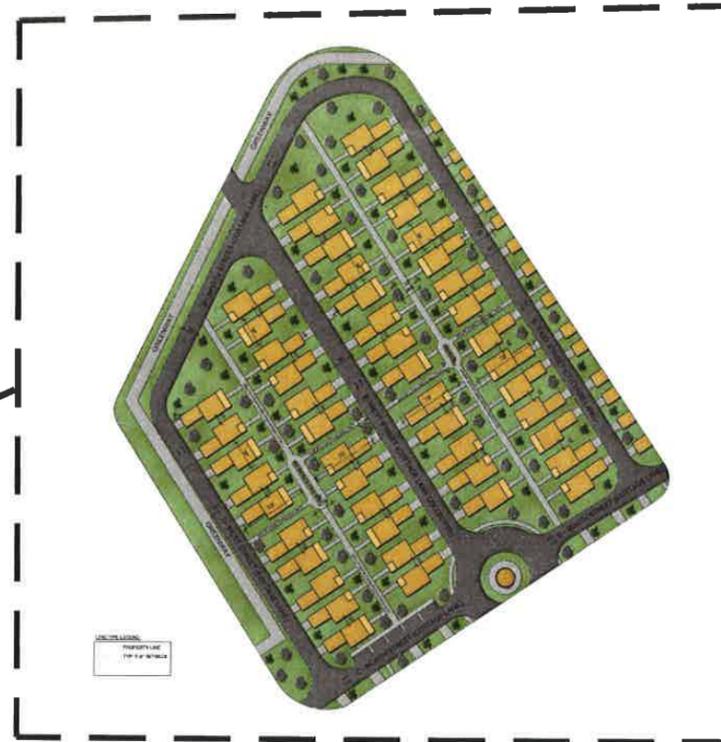
The single family homes (village and cottage style) will front a "Major" common space court yard. "Minor" common space courtyards will provide lateral accessibility between adjacent pocket neighborhoods. The courtyard system will provide connectivity throughout the residential development and create a community environment. The width of the "major" common space courtyards will be variable from lot line to lot line, but will be a minimum of 20 ft. and the "Minor" common space courtyards will be a minimum width of 10 ft.



**ENLARGED POCKET NEIGHBORHOOD PLAN**  
NTS



**COMPOSITE SITE PLAN**  
1" = 200'



**ENLARGED POCKET NEIGHBORHOOD PLAN**  
NTS



**ENLARGED TYPICAL POCKET PARK PLAN**  
NTS



**atai**

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**EAST VILLAGE**  
**WALK**  
12-05-05-SD  
PRELIMINARY PLAN / MAJOR SUBDIVISION  
CLAYTON, NC  
JOHNSTON COUNTY

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ENLARGED POCKET  
NEIGHBORHOOD  
PLAN

SHEET NUMBER

**EX5**



**TYPICAL POCKET NEIGHBORHOOD RENDERING-PERSPECTIVE**  
NTS



TYP. RESIDENTIAL SINGLE-FAMILY (VILLAGE & COTTAGE) HOME ELEVATIONS: ALLEY SIDE  
(NOT-TO-SCALE)



TYP. RESIDENTIAL SINGLE-FAMILY (VILLAGE & COTTAGE) HOME ELEVATIONS: COURTYARD SIDE  
(NOT-TO-SCALE)

**TYPICAL HOUSE ELEVATIONS**  
NTS



**TYPICAL POCKET NEIGHBORHOOD RENDERING-PERSPECTIVE**  
NTS



**TYPICAL POCKET NEIGHBORHOOD RENDERING-PERSPECTIVE**  
NTS

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**EAST VILLAGE**  
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12-05-05-SD  
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DATES

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TYP. HOME ELEVATIONS  
& PERSPECTIVE

LAYOUT

SHEET NUMBER

**EX6**

**PURPOSE**  
East Village Walk is a 53.57-acre Planned Residential Development (PD-R) in Town of Clayton, North Carolina. The property is bounded by East Front Street, the Arbors Apartments and Walden Estates.

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East Village's land use patterns promote pedestrian connectivity. This has been stressed in order to link all parts of the neighborhood to the planned private Amenity Center, as well as community open space amenities, common buildings, sidewalks, multi-use paths and Greenway system of the Town of Clayton.

**Applicable Design Standards**— Unless otherwise stated or clarified, the following will be applicable and represent the minimum standards for the PD-R Plan.

Chapter 155 – Unified Development Ordinance  
Article 1: General Provisions  
Article 2: Zoning Districts  
Article 3: Specific Use Standards  
Section 155.301 Residential Use Standards  
(B) Alley-Loaded House  
(C) Townhouse  
(L) Single Family House  
Section 155.308 Accessory Structures and Uses  
(A) General  
(B) Accessory Uses in Residential Districts  
(3) Swimming Pools  
(b) Outdoor Community Pools  
Article 4: General Development Standards  
Section 155.400 Access  
Section 155.401 Off-Street Parking and Loading  
Section 155.402 Landscaping, Screening and Buffering  
Part 1: Site Interior Landscape Requirements  
(D) Site Interior Landscaping  
(1) Interior Landscaping  
Part 2: Perimeter Buffers  
Part 4: Screening  
(C) Screening  
(4) Mechanical Equipment  
(6) Fencing and Walls (no chain link fence permitted)  
Part 5: General Landscaping, Screening and Buffering Provisions  
Section 155.403 Signs  
Section 155.404 Outdoor Lighting  
Article 5: Natural Resource Protection  
Section 155.500 Resource Conservation Areas  
Section 155.501 Watershed Protection  
Section 155.502 Stream Buffers  
Article 6: Subdivision Standards  
Section 155.600 Applicability  
Section 155.601 Sequence of Improvements  
Section 155.602 Streets (as specifically designated)  
Section 155.604 Utilities  
Section 155.605 Public Facilities  
(C) Recreation and Open Space  
Section 155.607 Permanent Reference Points  
Section 155.607 Guarantee of Improvements  
Article 7: Administration  
Article 8: Definitions

**DESIGN CONTROLS**

Max Impervious Coverage: 60% of Gross Project Area  
Max Density: 6 units/acre

**Village Homes**  
Max Building Height: 2 Stories (35 ft.)  
Minimum Lot Width: 40 ft.  
Front Setback: 5 ft.  
Side Setback: 3 ft.  
Corner Side Setback at Public Right-of-Way: 5 ft.  
Rear Setback: 5 ft.

**Cottage Homes**  
Max Building Height: 2 Stories (35 ft.)  
Minimum Lot Width: 32 ft.  
Front Setback: 5 ft.  
Side Setback: 5 ft.  
Rear Setback: 5 ft.

**Yard Encroachments**  
Yard Encroachments will be as per Town of Clayton UDO, Article 2: Section 155.201.J, (4) Yard Encroachments with the following exceptions:  
(b) Chimneys, pre-fabricated chimneys, flues, or smokestacks may extend into any required yard, but shall remain at least three feet from the property line.  
(c) Sills and ornamental features may extend into any required yard, but shall remain at least three feet from the property line.  
(d) Unenclosed patios, decks or terraces, including lighting structures may extend into any required yard, but shall remain at least three feet from the property line.  
(e) Bay windows, entrances, balconies, and similar features that are less than ten feet wide may extend up to 18 inches into any required yard, but shall remain at least three feet from the property line.  
(f) Front steps and stoops may extend into any required yard, but shall remain at least two feet from the property line.

**ARCHITECTURAL STANDARDS**  
The PD-R will follow the additional architectural standards.

- All single-family, village, and cottage homes will be slab-on-grade, crawl-space or basement foundation.
- The single-family, village, and cottage homes shall include decorative features such as shutters, bay windows, garage trellis, and raised trim around the windows.
- Garage doors must have windows, decorative details or carriage-style adornments on them.
- Materials will consist of cementitious stucco or siding, architectural masonry (full brick, stone, synthetic stone, etc.), cementitious siding, wood, wood composite, glass and architectural metals. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted. A varied color palette will be utilized.
- The side elevations of end units and corner single-family homes (village/cottage) will incorporate unique architectural elements, such as bay windows, porches and decorative trim.
- Retaining walls, if necessary, will have a brick or stone veneer or be composed of precast segmental concrete block, in a complementary color.
- The project will be pedestrian friendly with sidewalks connecting all parts of the neighborhood to each other. To minimize the effects of on-site lighting, down lighting and shielded fixtures will be utilized where applicable. Electrical transformers and HVAC units will be screened in accordance with the stated UDO.
- An Architectural Review Board (ARB) will be established before and building permits will be applied for. A representative from the Town of Clayton's Planning Department will be a member of the ARB. A portfolio of homes must be approved by the ARB prior to applying for any building permits. The portfolio of homes will include the following:
  - Detailed elevations of all homes to be constructed
  - Color palette
  - Details of windows, finishes, doors, shutters, etc.

**ACCESS AND CIRCULATION**  
Primary access would be via a primary residential collector road connecting to Front Street and accessing the residences via a network of traffic circle and "Cottage Lanes" that provide direct access to the garages. The "Cottage Lane" will be a 20 ft. paved roadway section with a 30 ft. ROW. A Cottage Lane – "Collector" (B-South Street) will be a 31 ft. paved roadway with a 50 ft. ROW and will connect to the Arbors of Clayton and to a third access point as shown on the plans. The Cottage Lane – Collector (E-West Street) will be a 31 ft. paved roadway with a 43 ft. ROW and will connect to property North. The primary residential collector road (Tupelo Street) will allow for on street visitor parallel parking. All streets to be public.

The design of East Village allows for a safe and adequate on-site transportation circulation system. Planned roadways are consistent with the Town's Transportation Plan and Standard Specifications and Construction Details and show required right-of-way widths and road sections. East Village will be connected by an urban grid of residential streets, including "Cottage Lanes" and pedestrian walkways (major/minor courtyards, greenway) in order to promote connectivity.

**PARKS AND RECREATION**  
East Village will provide active and passive recreation for its residents and will provide the greenway connection as shown on the plans.

**COMMON COURT YARDS (MAJOR AND MINOR)**  
The single family homes (village and cottage style) will front a "Major" common space court yards. "Minor" common space courtyards will provide lateral accessibility between adjacent pocket neighborhoods. The courtyard system will provide connectivity throughout the residential development and create a community environment. The width of the "major" common space courtyards will be variable from lot line to lot line, but will be a minimum of 20 ft. and the "minor" common space courtyards will be a minimum width of 10 ft.

**LANDSCAPING**  
The Landscape Plan, which will be submitted on future plans, will demonstrate compliance with the standards set forth in the Town of Clayton's Unified Development Ordinance. Specifically as approved for the East Village:

Perimeter Buffers – As shown on plans.  
Street Buffers – As shown on plans.

Residential Lot Landscaping Requirements – The front yard for each building lot will contain one appropriate ornamental type street tree and two shrubs per lot. All rear yards fronting the "Cottage Lanes" will contain the same requirements as the front yard. Corner building lots with a side yard will contain two appropriate ornamental type street trees and two shrubs per lot. All mechanical units and utilities visible from the public right-of-way will be screened with evergreen shrubs.



**TYPICAL VILLAGE HOME ELEVATIONS**  
NTS



**TYPICAL COTTAGE HOME ELEVATIONS**  
NTS



**AMENITIES CLUBHOUSE CONCEPTUAL ELEVATION**  
NTS

**akai**

ARCHITECT  
KURMASKIE  
ASSOCIATES,  
INC.

1030 Washington St  
Raleigh, NC 27605  
Phone: 919-846-1400  
Fax: 919-846-8464  
ARCHITECT@AKAI.COM

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**TIMU GROUP**  
Construction IQ®

**EAST VILLAGE INVESTMENTS, LLC**  
C/O HUBE TOLSON  
2817 STANTONMILLS RD  
GREENVILLE, NC 27634  
PHONE (252) 838-4225  
FAX (252) 870-0070

TRINITY KURMASKIE ASSOCIATES, INC.  
10280  
RALEIGH, NC  
09/11/2010

KURMASKIE ASSOCIATES, INC.  
51883  
RALEIGH, NC

**EAST VILLAGE WALK**  
12-05-05-SD  
(PRELIMINARY PLAN / MAJOR SUBDIVISION)  
CLAYTON, NC  
JOHNSTON COUNTY

Project Reference Numbers  
Architect's Project No. 150029  
Drawn By: NK

REVISIONS  
08-28-15 TRC - 1ST REVIEW CMNTS.  
09-17-15 TRC - 2ND REVIEW CMNTS.

DATES  
PHASE | ISSUED  
REVISED | 08/29/15  
REVISED | 09/17/15

TYPICAL HOME/AMENITIES ELEVATIONS  
SHEET NUMBER  
**EX7**



**NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION**  
 The East Village plan will comply with all conservation buffer rules enforced by the Town of Clayton as well as all other governing jurisdictions. There is no FEMA designated 100-year floodplain within the property.

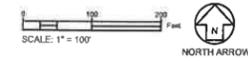
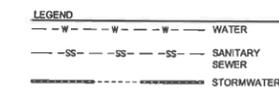
See RCA and Open Space, Greenways and other Recreation Charts.

**STORMWATER MANAGEMENT**  
 East Village will comply with the Town's requirements for stormwater management. The owners and/or their assigns will maintain all storm water facilities. Stormwater design shall meet the applicable requirements of the Town of Clayton UDD.

**PUBLIC FACILITIES**  
 All improvement standards applicable to the public facilities that will serve East Village shall comply with the Town of Clayton's UDD and all other design standards. All on-site potable water and wastewater lines will be designed according to sound engineering standards and provided by the developer. All easement acquisition will occur at the construction document submittal stage. Routing of other utilities, to include electricity, phone, cable and gas, will be in keeping with the Town of Clayton standards.

East Village development will be served by the existing sanitary sewer pump station located adjacent to the property.

Potable water will be supplied by an existing water line located along East Front Street. The development will provide a looped waterline connection along the major streets to connect from East Front Street and be into the existing waterline in the Arbors Apartments.



**akai**

ARCHITECT  
**KURMASKIE  
 ASSOCIATES,  
 INC.**

1638 Washington St  
 Raleigh, NC 27605  
 Phone: 919-846-1600  
 Fax: 919-846-3404  
 ARCHITECT@AKAI.COM

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**TIMU  
 GROUP**  
 Construction IQ™

**EAST VILLAGE  
 INVESTMENTS, LLC**  
 C/O HUBE TOLSON

2207 STANTONBURRO RD  
 GREENVILLE, NC 27604  
 PHONE: (252) 408-4235  
 FAX: (252) 670-8070



**EAST VILLAGE  
 WALK**  
 12-05-05-SD  
 (PRELIMINARY PLAN / MAJOR SUBDIVISION)  
 CLAYTON, NC  
 JOHNSTON COUNTY

Project Reference Numbers  
 Architect's Project No. 150029

Drawn By: NK

**REVISIONS**

08-28-15 TRC - 1ST REVIEW CMNTS.  
 09-17-15 TRC - 2ND REVIEW CMNTS.

PHASE	ISSUED
REVISED	08/28/15
REVISED	09/17/15

**UTILITIES  
 PLAN**

SHEET NUMBER

**EX8**

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

**AGENDA LOCATION:**

Items Scheduled for Regular Meetings

**Meeting Date:**

November 16, 2015

**ITEM TITLE:**

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

**DESCRIPTION:**

Applicant is request 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:**

Set Public Hearing

**DEPARTMENT:**

Planning + Zoning

**PRESENTER:**

David DeYoung, Planning Director

**ITEM HISTORY:**

**Date:**

**Action Taken:**

**Information Provided:**

**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

<div style="border: 2px solid blue; padding: 5px; text-align: center;"> <p style="font-size: 24px; margin: 0;">RECEIVED</p> <p style="font-size: 18px; color: red; margin: 0;">SEP 01 2015</p> <p style="font-size: 10px; margin: 0;">Town of Clayton Planning Department</p> </div>	Date Received: _____ Amount Paid: <u>\$500.00</u>	Permit Number: <u>15-50-01-SUP</u>
--	--	------------------------------------

**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

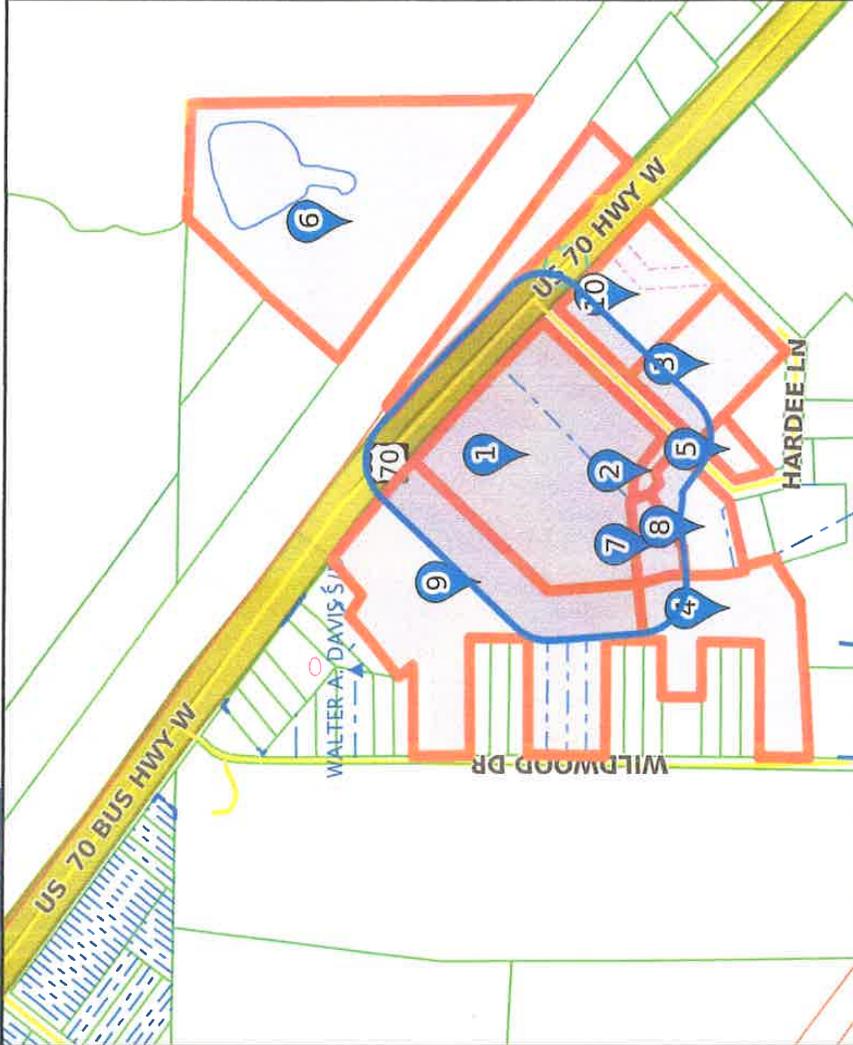
It is the responsibility of the applicant to correctly identify the current owner, based upon records in the Johnston County GIS Office, for all property owners of land within the required public notice radius.

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

*BUFF 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.)





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

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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.

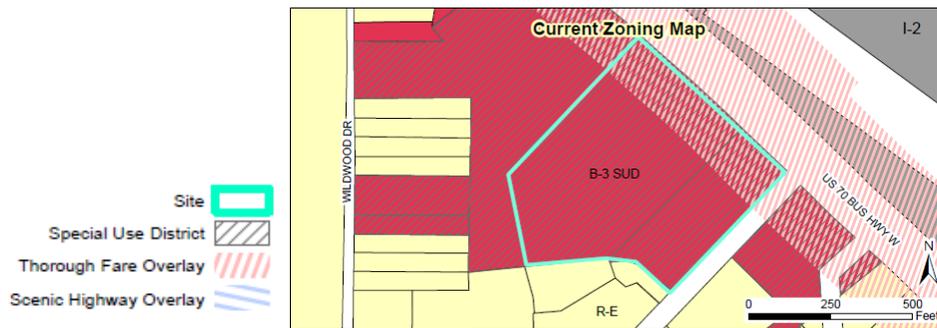
**SITE DATA:**

**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



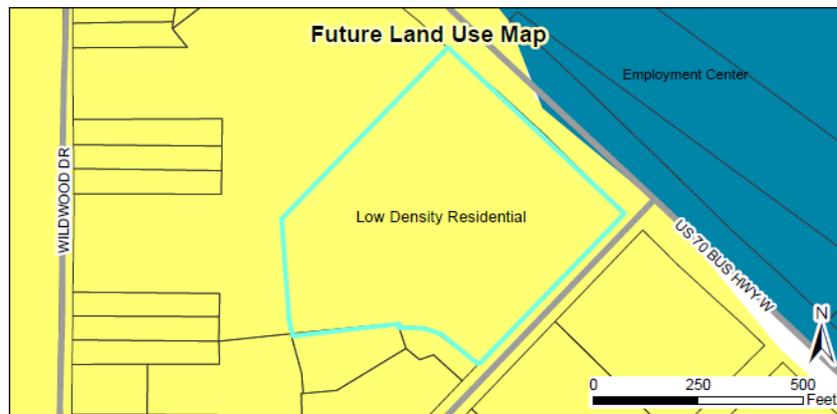
**DEVELOPMENT DATA:**

- 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 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.

---

**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.
- 

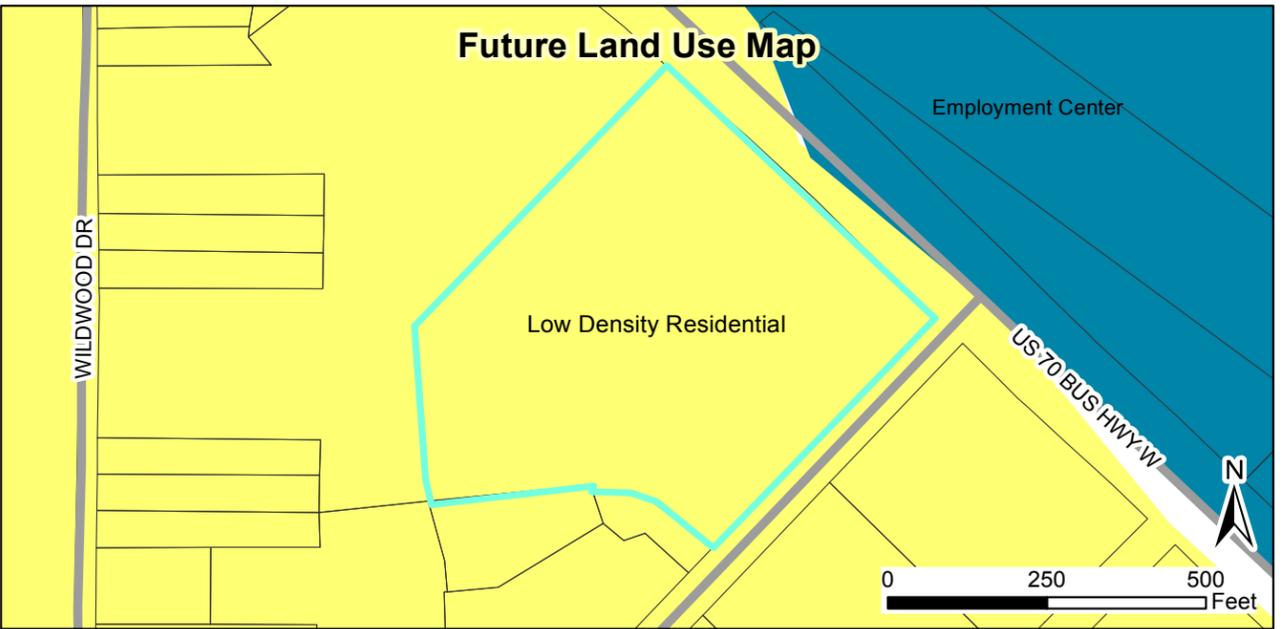
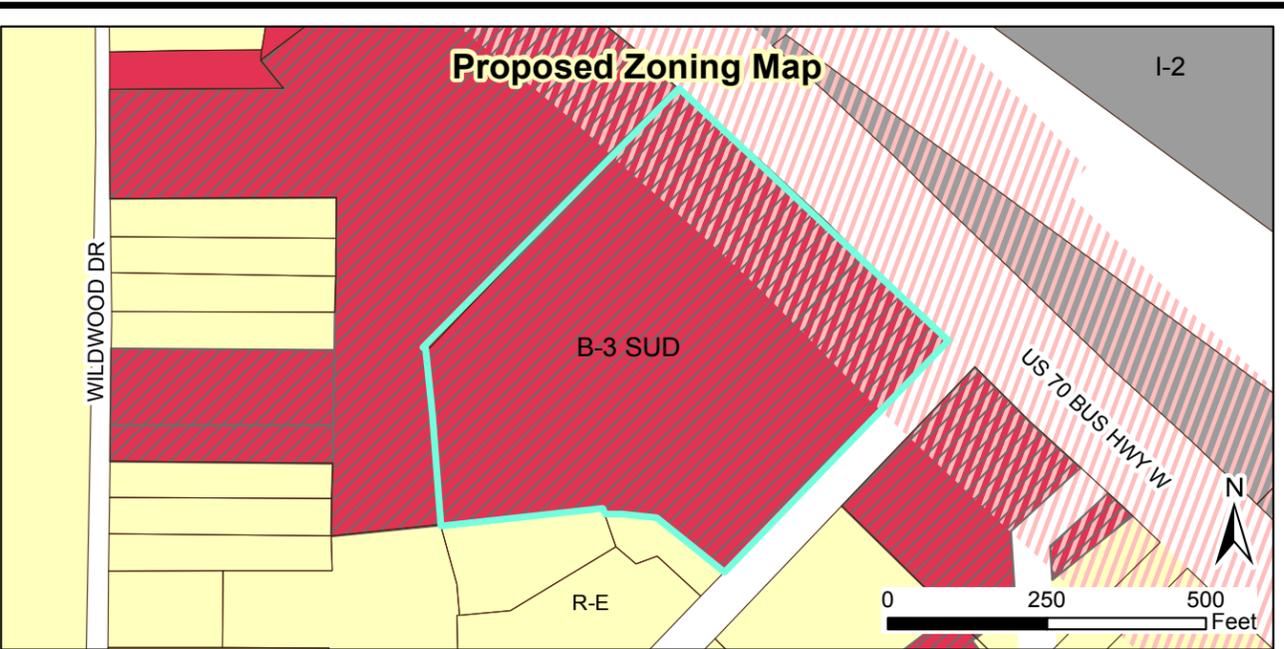
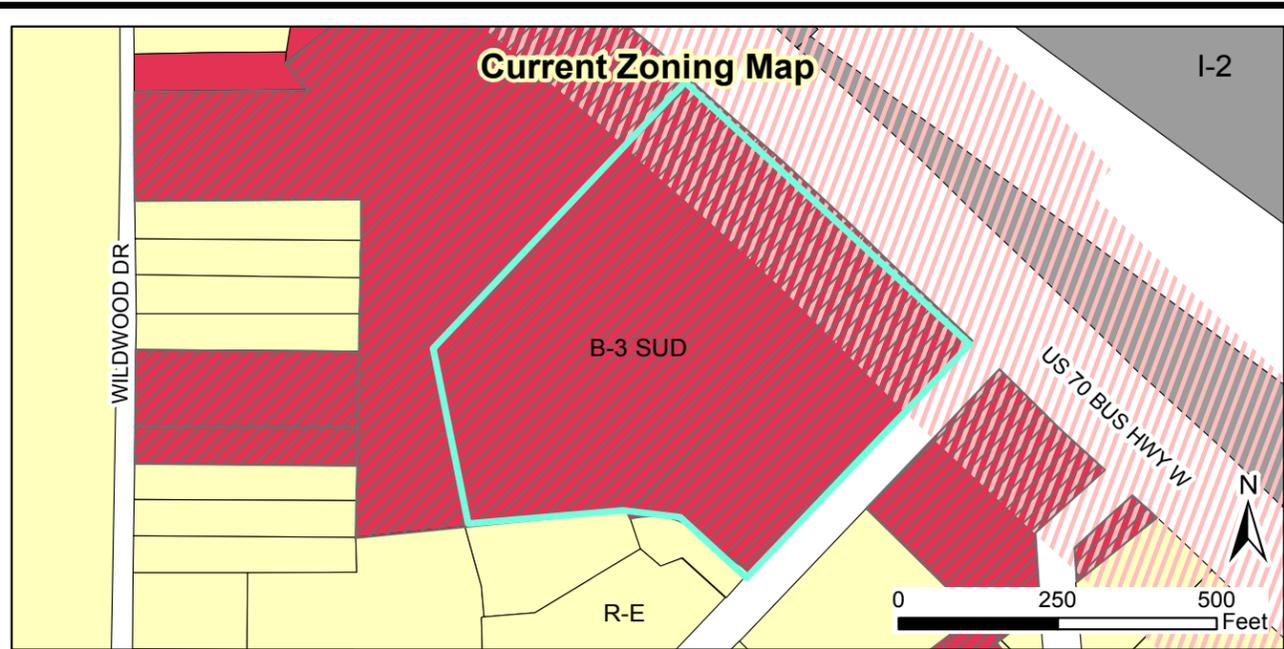
**RECOMMENDATION:**

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

---

**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**

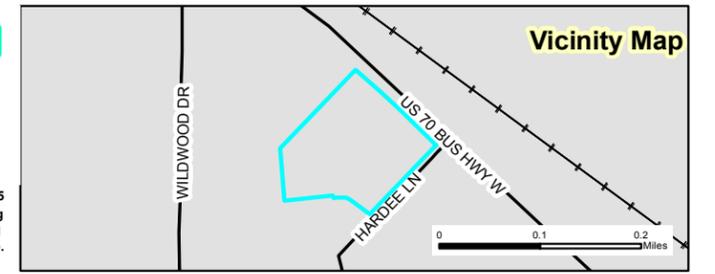
Applicant: Nick's Flippin Kids  
 Property Owner: Mooring Capital Fund, LLC  
 Parcel ID Number: 166800-84-0769  
 Tag #: 05104017

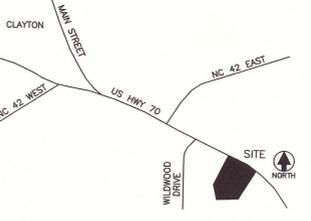


Document Path: O:\PLANNING\SPECIAL USE\2015\15-50-01-SUP Nick's Flippin Kids Special Use\Maps\StaffReportMap.mxd



- 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.

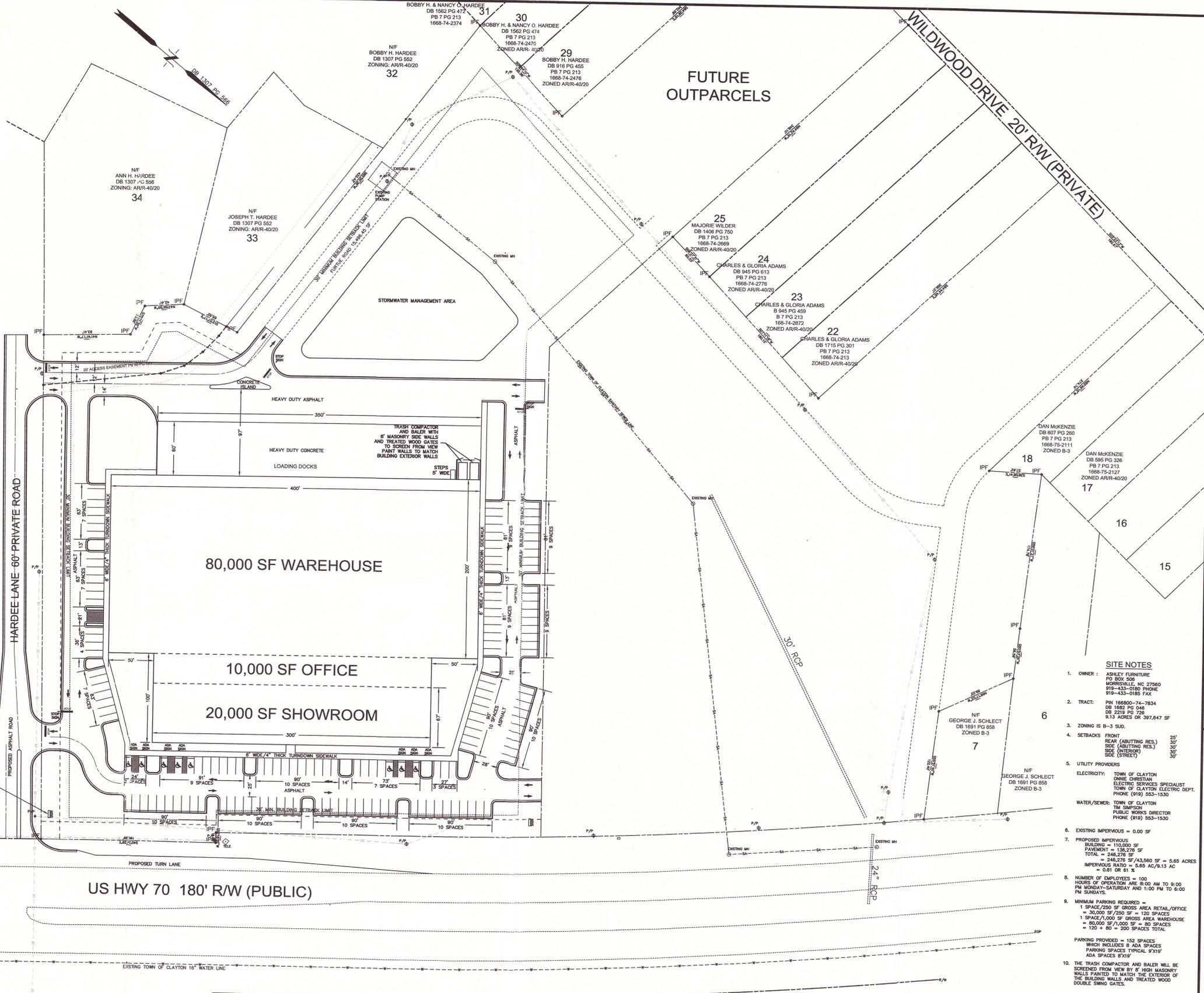




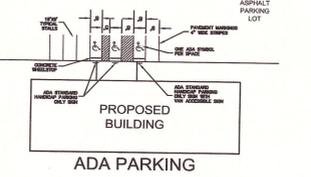
VICINITY MAP  
(NOT TO SCALE)

**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	—S—
EXISTING INTERCEPTOR SEWER	IS
PROPOSED SEWER LINE	- - - - S - - - -
PROPOSED SEWER SERVICE LINE	- - - - SS - - - -
EXISTING DRAINAGE PIPE	—D—
PROPOSED DRAINAGE PIPE	- - - - D - - - -
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	—TSF—
LIMITS OF DISTURBANCE	—LOD—
BLOCK AND GRAVEL FILTER	BGF
ROCK CHECK DAM	RCD
SEDIMENT TRAP	ST



N/F BOBBY HARDEE  
DB 1307 PG 552  
ZONED AR-R-40/20



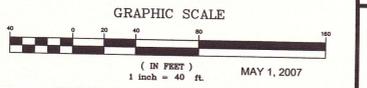
N/F BOBBY HARDEE  
NANCY O. HARDEE  
DB 2043 PG 701  
ZONED B-3



US HWY 70 180' RW (PUBLIC)

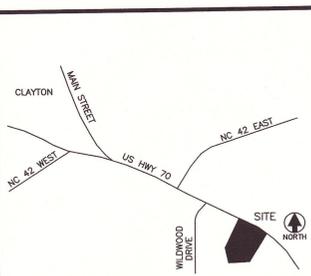
SUP 07-03

- SITE NOTES**
- OWNER : ASHLEY FURNITURE  
PO BOX 209  
MORRISVILLE, NC 27560  
919-433-0100 PHONE  
919-433-0185 FAX
  - TRACT: PN 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  
PARKING = 136,276 SF  
TOTAL = 246,276 SF  
IMPERVIOUS RATIO = 5.65 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.



REVISION NO. 2  
PRO RECORD REVIEW COMMENTS  
MAY 10, 2007  
REVISION NO. 1  
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	EL
PROPOSED OVERHEAD ELECTRIC	- - - -
EXISTING UNDERGROUND ELECTRIC	---UE---
PROPOSED UNDERGROUND ELECTRIC	- - - -
EXISTING GAS LINE	---G---
PROPOSED FENCE	- - - -
TEMPORARY S&T FENCE	- - - -
LIMITS OF DISTURBANCE	---
BLOCK AND GRAVEL FILTER	GF
ROCK CHECK DAM	CD
SEDIMENT TRAP	ST

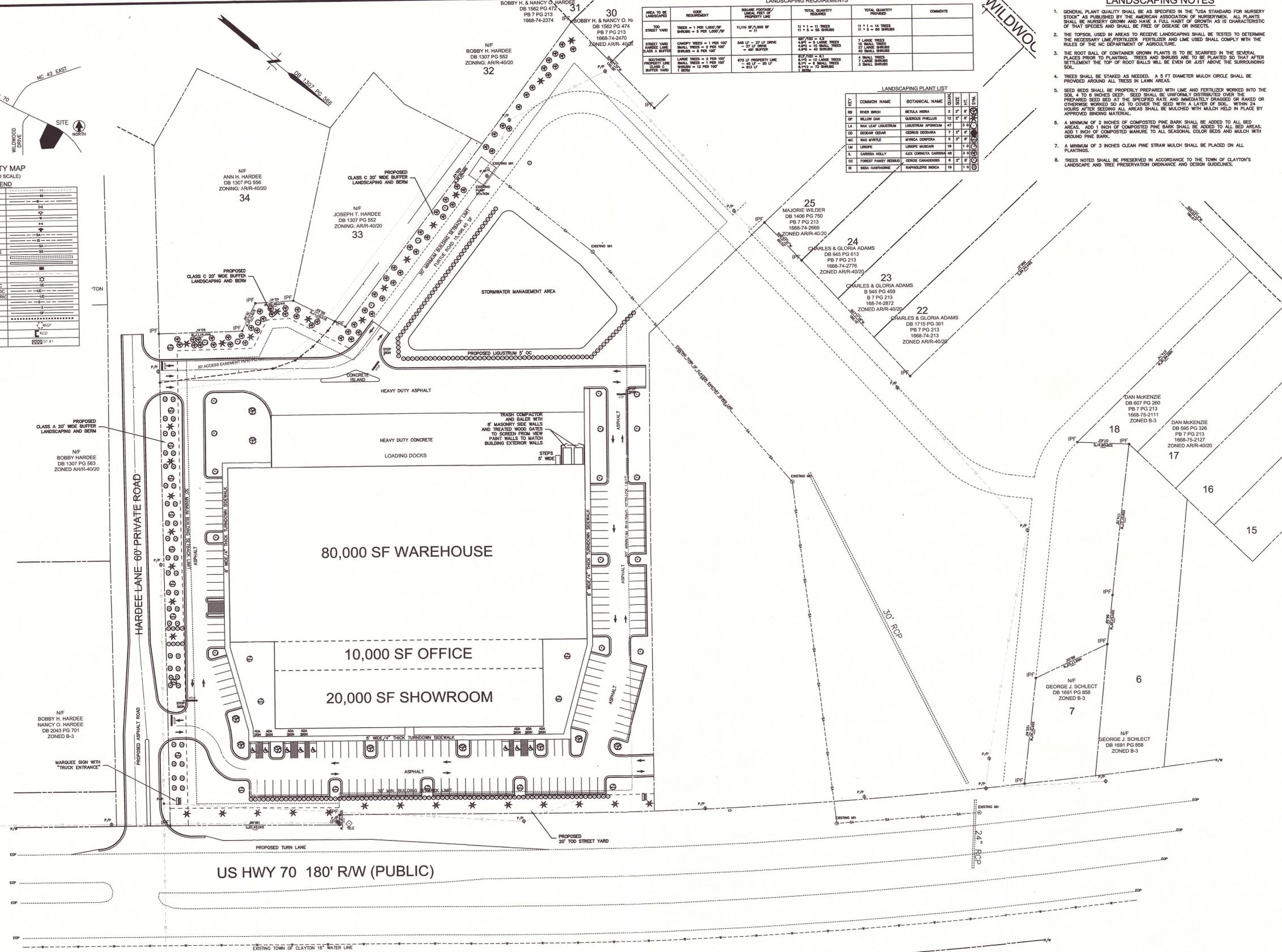
**LANDSCAPING REQUIREMENTS**

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 LARGES TREES 16 * 2 = 32 SMALL TREES 64 * 8 = 512 SHRUBS	7 LARGES 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 - 673 LF - 26 LF DRIVE	13 * 2 = 26 LARGES TREES 67 * 1 = 67 SMALL TREES 808 * 12 = 9,696 SHRUBS	1 LARGES TREES 3 SMALL TREES 3 SMALL SHRUBS	

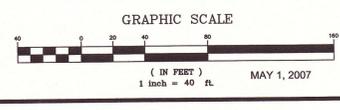
**LANDSCAPING PLANT LIST**

COMMON NAME	BOTANICAL NAME	QUANTITY	SIZE
RYE GRASS	SETARIA PABER	1	4"
WILLOW OAK	QUERCUS PELLIERI	13	2"
WAX LEAF LIGUSTRUM	LIGUSTRUM SPICATUM	47	3"
DEODAR CEDAR	CEDRUS DEODARA	7	2"
WAX MYRTLE	MYRTICA GOSWAMI	5	2"
L. LINCOLN	LINDERA LINCOLNII	15	1"
L. GIBBSIA HOLLY	ILEX CORNUTA GIBBSIA	48	3"
FOREST PANSY BEDDING	CELOSIA CANTONCHER	8	2"
INDIA HAWTHORNE	BAPHOEGE INDICA	18	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 BRAGGED 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 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

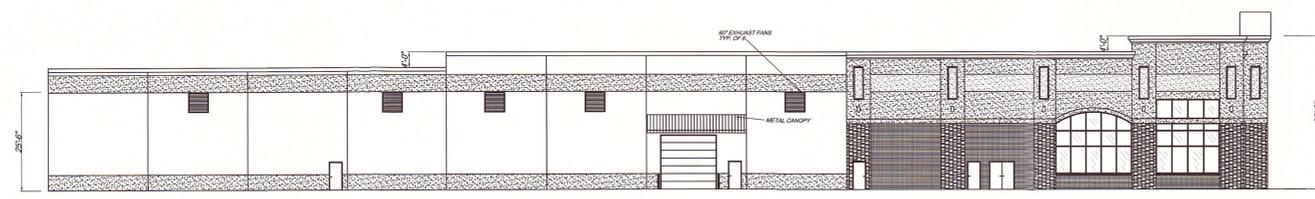


REVISION NO. 3  
TRC SECOND REVIEW COMMENTS  
MAY 15, 2007  
REVISION NO. 1  
TRC FIRST REVIEW COMMENTS  
MAY 11, 2007

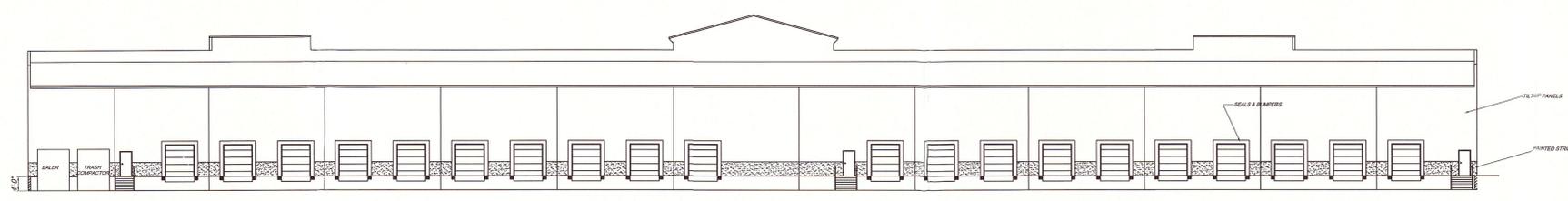
REV.	DATE	DESCRIPTION	BY



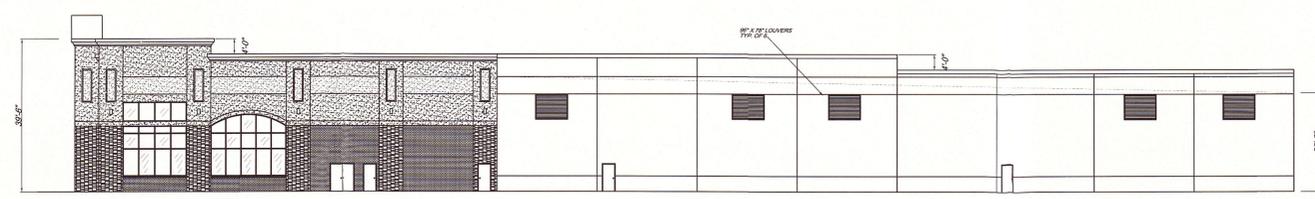
1 FRONT ELEVATION  
A3 SCALE: 1/16"=1'-0"



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



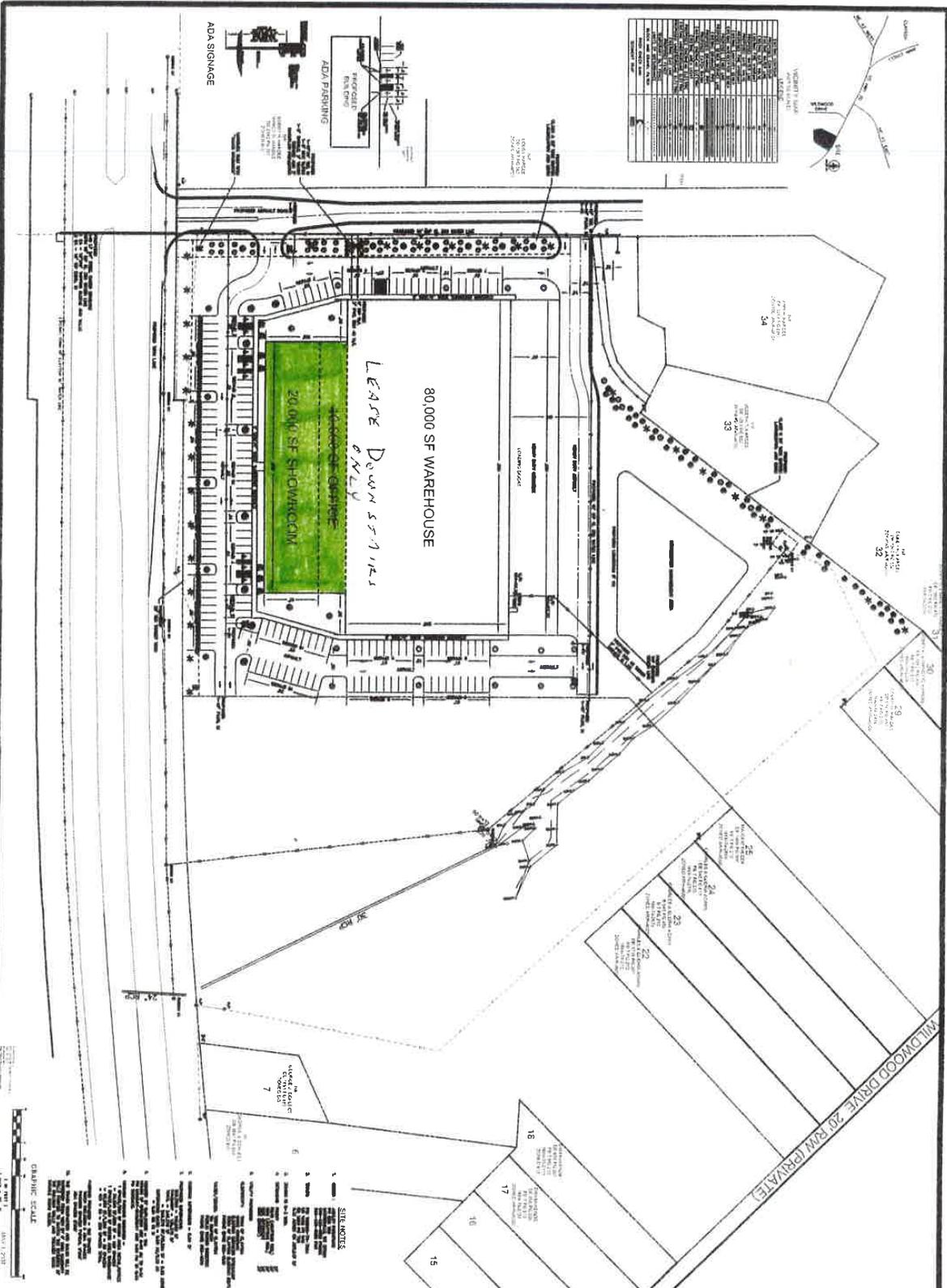
3 REAR ELEVATION  
A3 SCALE: 1/16"=1'-0"



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.**

12500 WILDMOOD DRIVE, CLAYTON, NC 27020 • PHONE: (703) 547-9922 • FAX: (703) 547-9923

DATE: 08/11/2011

SCALE: 1" = 40'

PROJECT NO: C1





**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

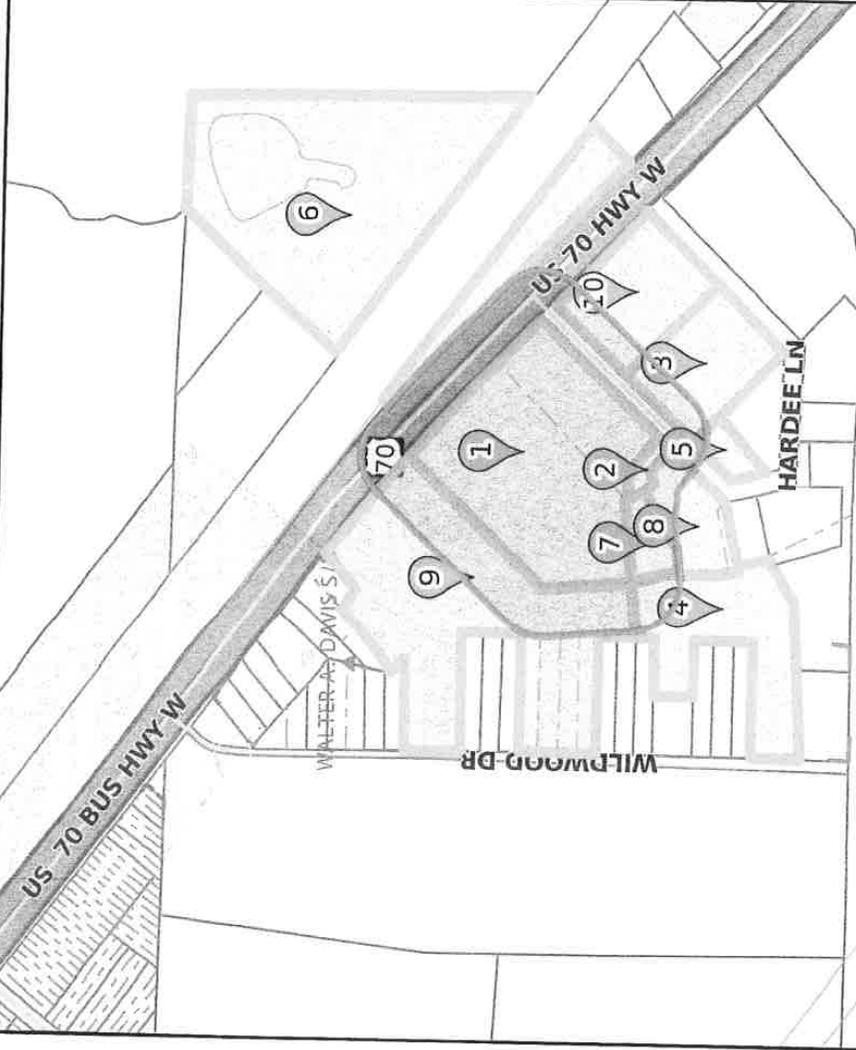
**Result 8**

**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		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
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

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

*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:

---

---

---

---

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  
AGENDA COVER SHEET**

**AGENDA LOCATION:**

Items Scheduled for Regular Meetings

**Meeting Date:**

November 16, 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:**

Set Public Hearing

**DEPARTMENT:**

Planning + Zoning

**PRESENTER:**

David DeYoung, Planning Director

**ITEM HISTORY:**

**Date:**

**Action Taken:**

**Information Provided:**

**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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5. It has been determined that the legal purposes for which zoning exists are not violated.  
The proposed PDD-MU district is consistent with all standards and procedures prescribed in the 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.  
This development, in the manner designed and planned, will provide a convenient service to the nearby residents and others travelling by the site. The site will be easily and safely accessible to all users. All development will be buffered from adjacent properties.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
7. It has been determined that no one property owner or small group of property owners will benefit materially from the change to the detriment of the general public.  
This well-planned mixed use project will be an asset to the surrounding area and Town of Clayton as a whole. There are no known conflicts of interest that create any unusual benefit this property.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**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.*

Garry P. Walston, RLA  
\_\_\_\_\_  
*Print Name*

*Garry P. Walston*  
\_\_\_\_\_  
*Signature of Applicant*

9-1-2015  
\_\_\_\_\_  
*Date*

### 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).

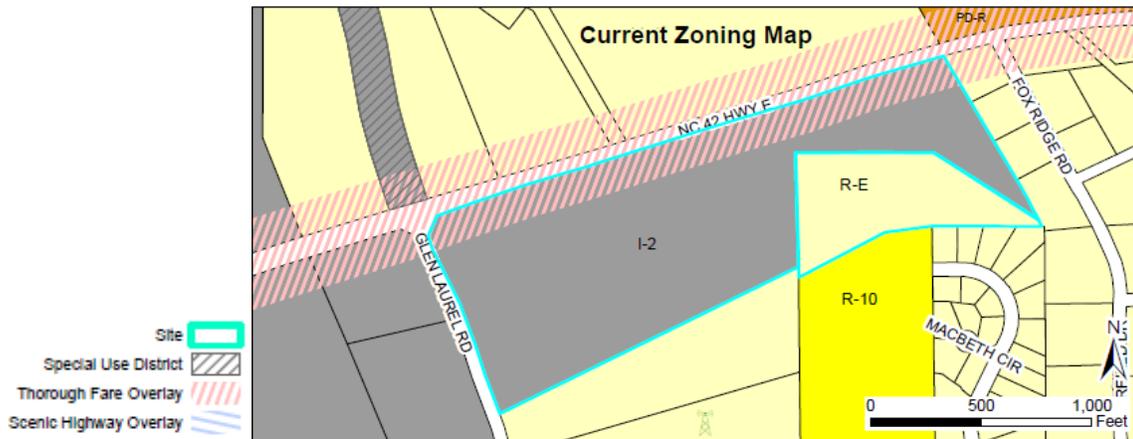
**SITE DATA:**

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



**ADJACENT ZONING AND LAND USES:**

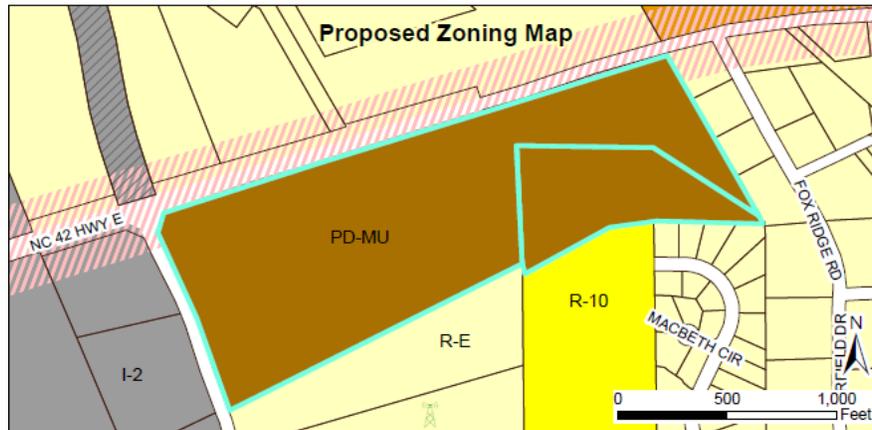
Direction	Zoning	Existing Use
North	Residential Estate (R-E)	Vacant
South	Residential Estate (R-E)	Vacant and Single-Family Residential
East	Residential Estate (R-E)	Single-Family Residential
West	Industrial-Heavy (I-2)	Industrial



**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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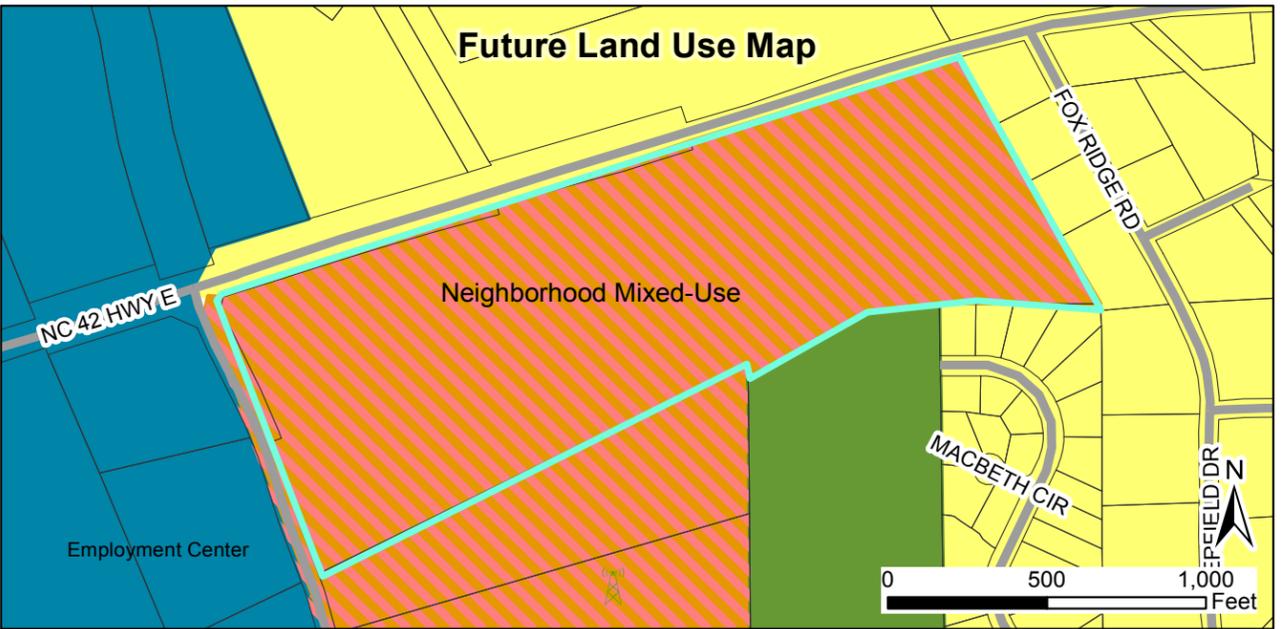
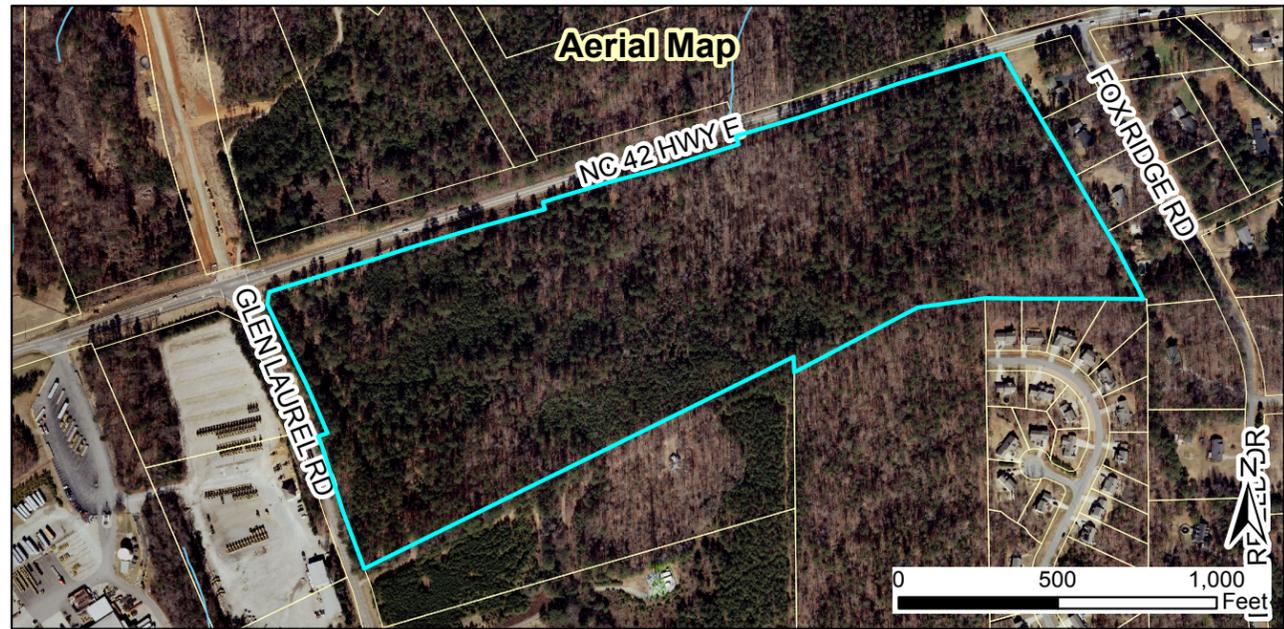
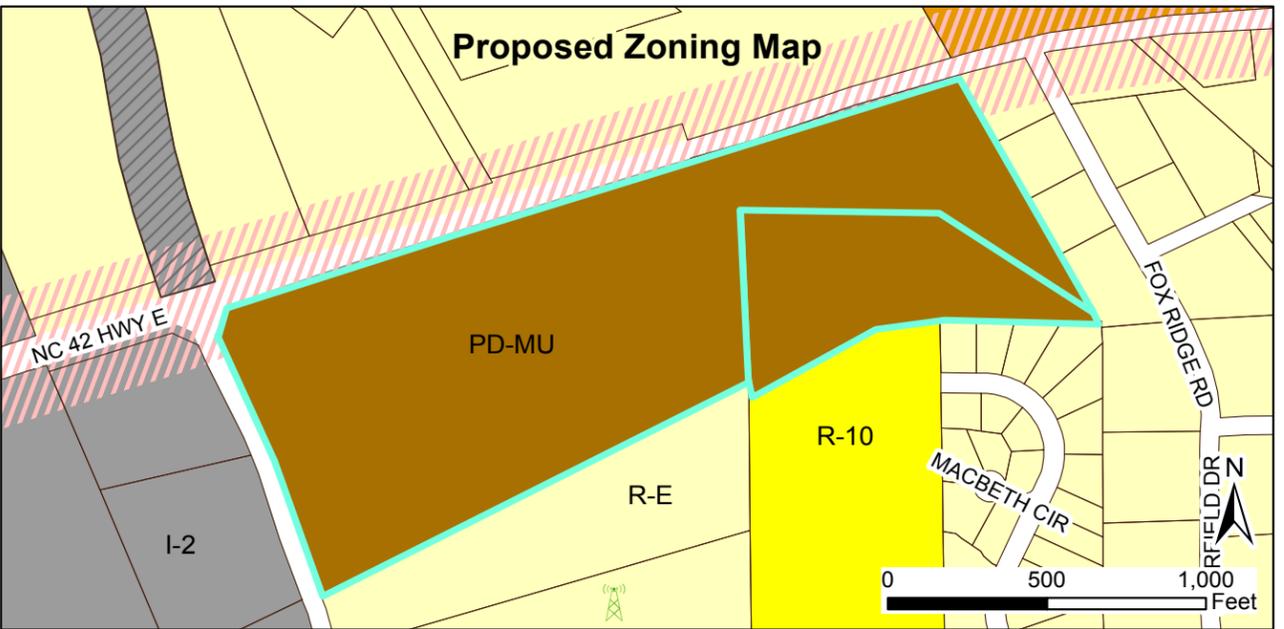
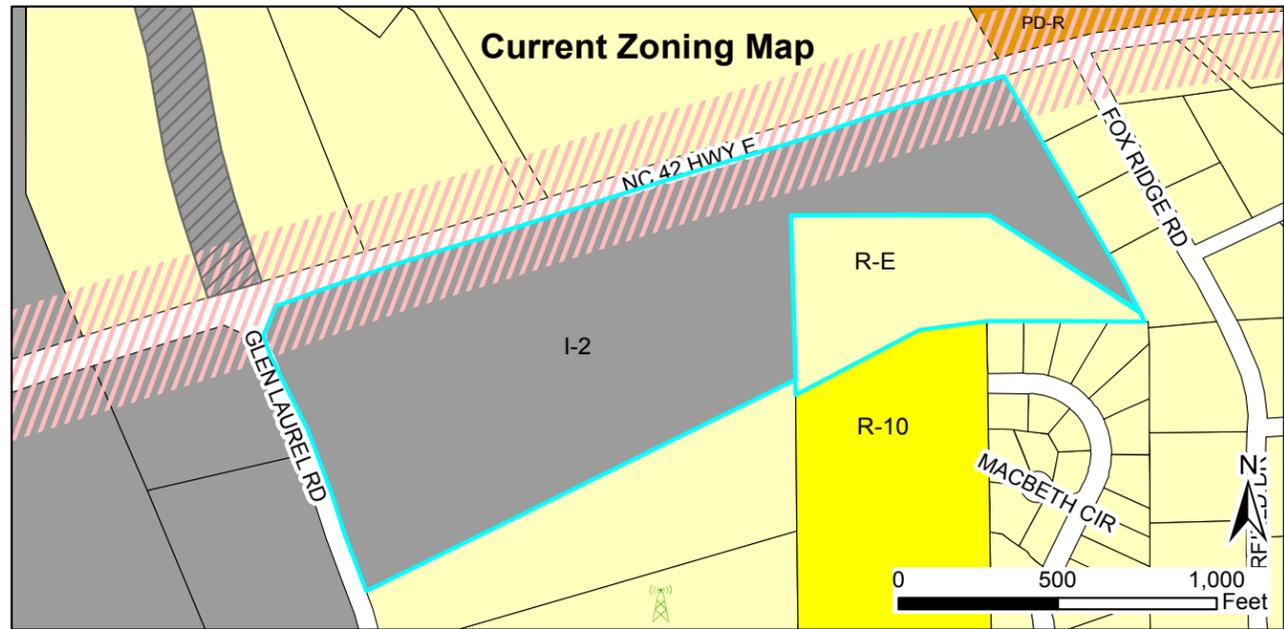
**STAFF RECOMMENDATION:**

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

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**ATTACHMENTS:**

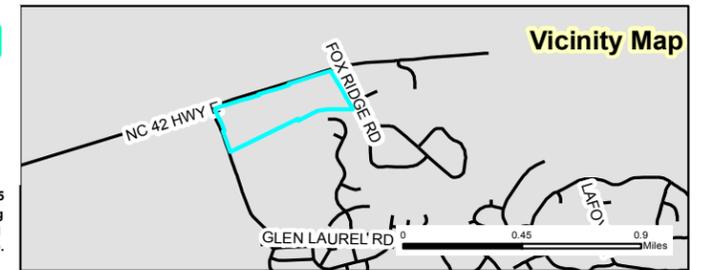
- 1) Application
- 2) Staff Report Maps
- 3) Master Site Plan
- 4) Neighborhood Meeting Materials



**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  
919/851-4422 FAX 919/851-8968 [www.bnkinc.com](http://www.bnkinc.com)

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		
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9		
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11		
12		
13		
14		
15		
16		
17		
18		
19		
20		



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

**AGENDA LOCATION:**

Items Scheduled for Regular Meetings

**Meeting Date:**

November 16, 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:**

Set Public Hearing

**DEPARTMENT:**

Planning + Zoning

**PRESENTER:**

David DeYoung, Planning Director

**ITEM HISTORY:**

**Date:**

**Action Taken:**

**Information Provided:**

**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.

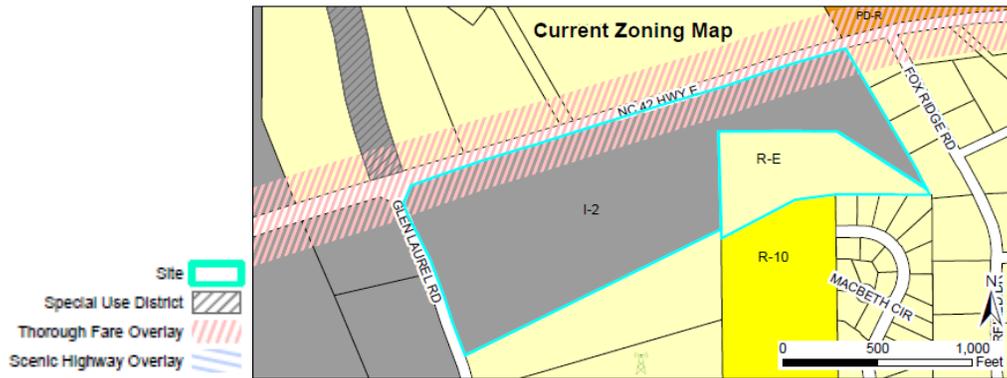
**SITE DATA:**

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



**ADJACENT ZONING AND LAND USES:**

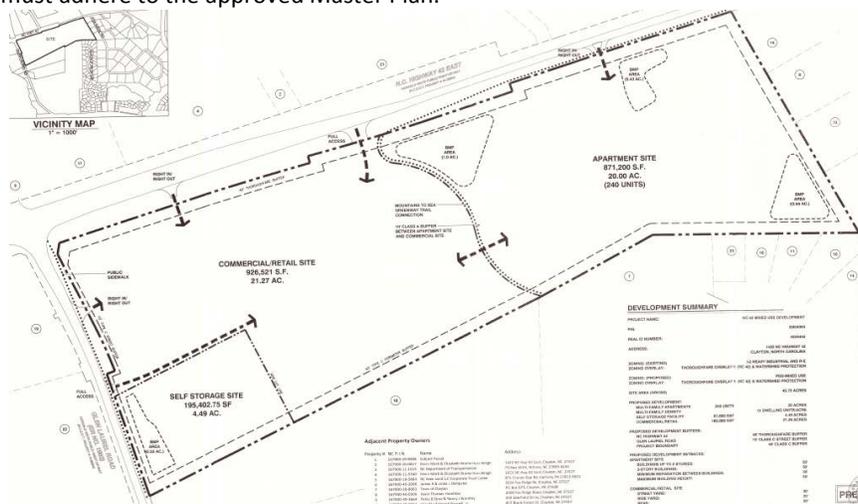
Direction	Zoning	Existing Use
North	Residential Estate (R-E)	Vacant
South	Residential Estate (R-E)	Vacant and Single-Family Residential
East	Residential Estate (R-E)	Single-Family Residential
West	Industrial-Heavy (I-2)	Industrial



**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**

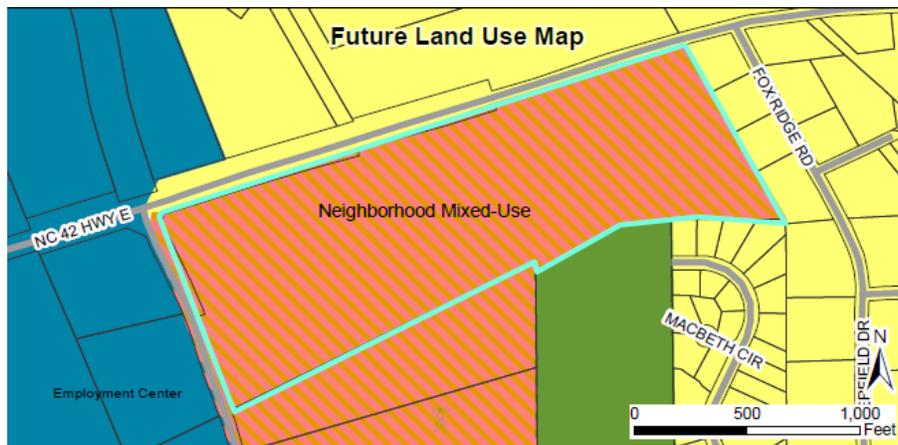
The intended development plan is to develop an apartment site, commercial/retail site, and a self-storage site on the subject property. The apartment site is proposed to be located on the eastern portion of the property which consists of 20 acres of land. The applicant is proposing 240 units, with a 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:**

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

- 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.

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**FINDINGS:**

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

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**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.

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**STAFF RECOMMENDATION:**

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

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**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

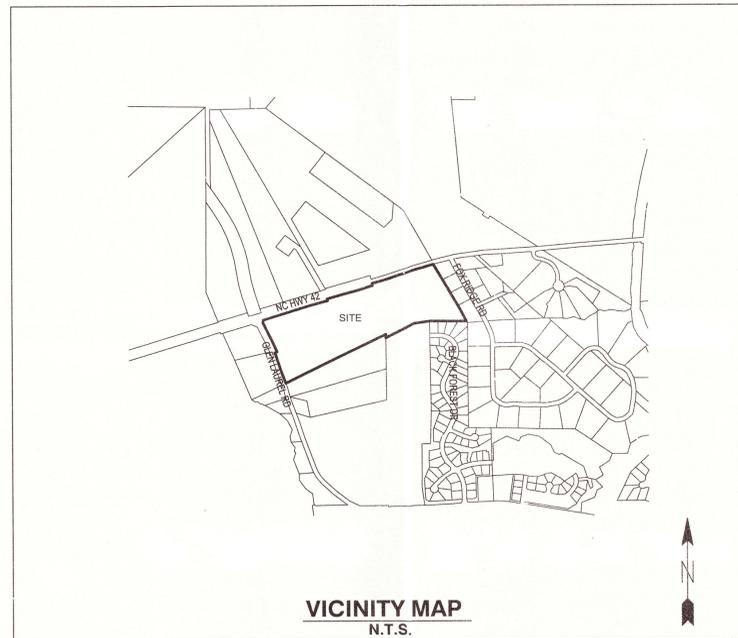
TOWN OF CLAYTON, JOHNSTON COUNTY, NORTH CAROLINA

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

## 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 GUTTER	⊙	EXISTING GATE VALVE
CFS	CUBIC FEET PER SECOND	⊙	EXISTING REDUCER
CI	CURB INLET	⊙	EXISTING WATER METER
CL	CENTER LINE	⊙	EXISTING SAN SEWER MANHOLE
CM	CORRUGATED METAL PIPE	⊙	EXISTING CLEAN OUT
CO	CLEAN OUT	⊙	EXISTING POWER POLE
COM	COMMUNICATION	⊙	EXISTING TELEPHONE PEDESTAL
CONC	CONCRETE	⊙	EXISTING AREA LIGHT
DCV	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	⊙	
RC	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:

**BNK**

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



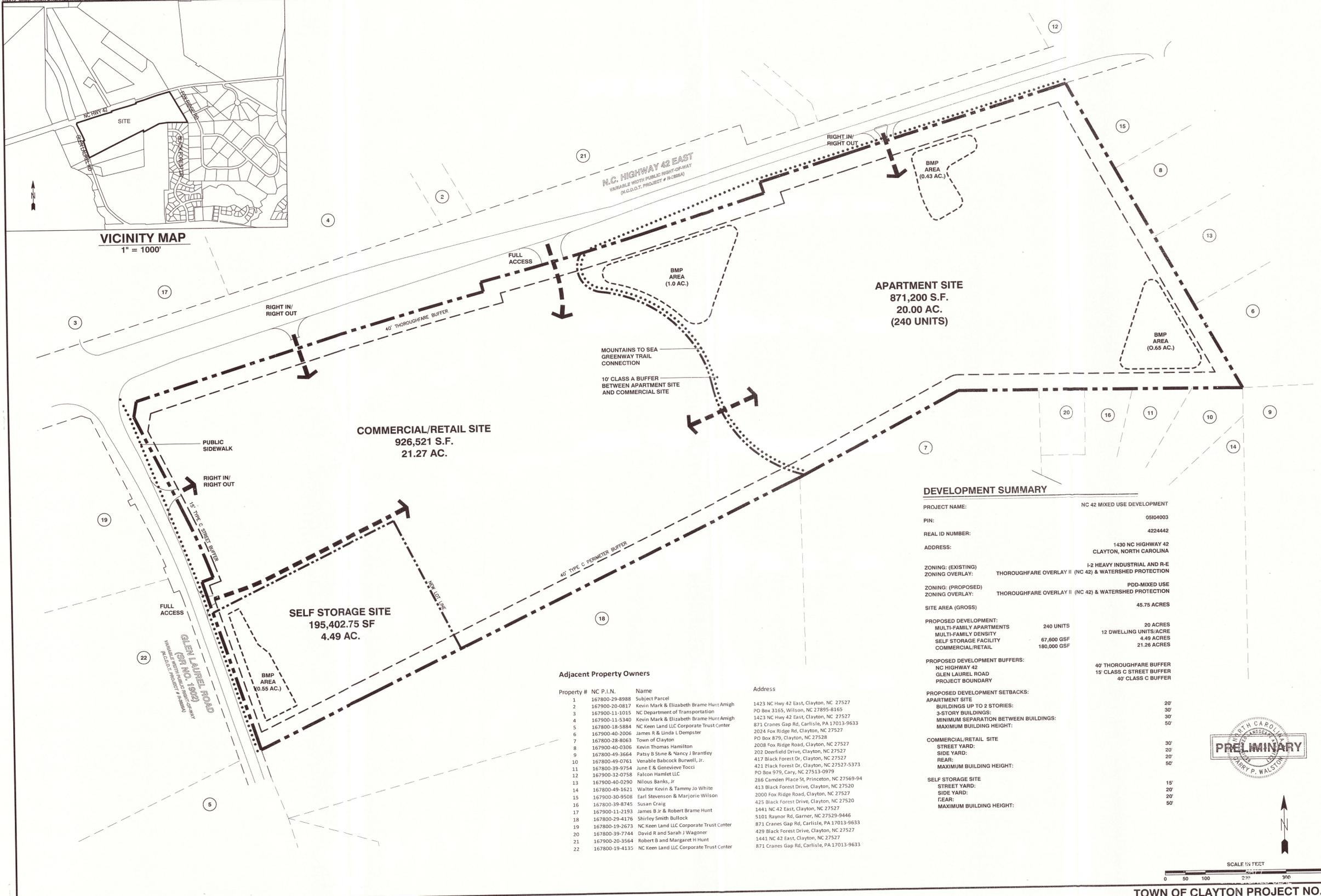
TOWN OF CLAYTON PROJECT NO. 15-48-01-PDD  
BASS, NIXON & KENNEDY, INC.

03-15060 NC HWY 42 MIXED USE REZONING SUBMITTAL

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**VICINITY MAP**  
1" = 1000'



**DEVELOPMENT SUMMARY**

PROJECT NAME:	NC 42 MIXED USE DEVELOPMENT	
PIN:	0504003	
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:	240 UNITS	20 ACRES
MULTI-FAMILY APARTMENTS		12 DWELLING UNITS/ACRE
MULTI-FAMILY DENSITY	67,600 GSF	4.49 ACRES
SELF STORAGE FACILITY	180,000 GSF	21.26 ACRES
COMMERCIAL/RETAIL		
PROPOSED DEVELOPMENT BUFFERS:	40' THOROUGHFARE BUFFER	
NC HIGHWAY 42	15' CLASS C STREET BUFFER	
GLEN LAUREL ROAD	40' CLASS C BUFFER	
PROJECT BOUNDARY		
PROPOSED DEVELOPMENT SETBACKS:		
APARTMENT SITE		
BUILDINGS UP TO 2 STORIES:	20'	
3-STORY BUILDINGS:	30'	
MINIMUM SEPARATION BETWEEN BUILDINGS:	50'	
MAXIMUM BUILDING HEIGHT:		
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'	

**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, PA 17013-9633
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	P.O. 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 Stone & 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 27569-94
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 Baynor 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



**BASS, NIXON & KENNEDY, INC.**  
CONSULTING ENGINEERS  
6310 CHAPEL HILL ROAD, SUITE 200, RALEIGH, NC 27607  
TELEPHONE: (919) 854-8779 FAX: (919) 854-8868  
CERTIFICATION NUMBERS: NCBELS (C-0110); NCBOLA (C-0287)

NO.	DATE	DESCRIPTION	BY
1	09-28-15	PRELIMINARY COMMENTS	GW

**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

NOT RELEASED FOR CONSTRUCTION OR BID SOLICITATION



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

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

**AGENDA LOCATION:**

Items Scheduled for Regular Meetings

**Meeting Date:**

November 16, 2015

**ITEM TITLE:**

Project Bright Sky Grant

**DESCRIPTION:**

Golden LEAF Foundation has approved a grant for Project Bright Sky. Grantee Acknowledge & Agreement forms have been forwarded and approval is requested to move forward.

**POTENTIAL ACTION:**

Approval/Disapproval

**DEPARTMENT:**

Administration

**PRESENTER:**

Steve Biggs, Town Manager

**ITEM HISTORY:**

**Date:**

**Action Taken:**

**Information Provided:**

**Date:**

**Action Taken:**

**Information Provided:**



(LONG-TERM ECONOMIC ADVANCEMENT FOUNDATION)

October 7, 2015

**BOARD OF DIRECTORS**

JOHNATHAN L. RHYNE, JR.  
CHAIR  
LINCOLNTON, NC

MURCHISON "BO" BIGGS  
LUMBERTON, NC

BRITT COBB  
RALEIGH, NC

S. LAWRENCE DAVENPORT  
GREENVILLE, NC

BARRY Z. DODSON  
STONEVILLE, NC

DON FLOW  
WINSTON-SALEM, NC

BILLY RAY HALL  
ANGIER, NC

TOMMY HESTER  
HENDERSON, NC

RANDY ISENHOWER  
NEWTON, NC

CAROLYN H. JUSTICE  
HAMPSTEAD, NC

DAVID ROSE  
NASHVILLE, NC

DAVID M. STOVER  
RALEIGH, NC

RALPH N. STRAYHORN, III  
CHARLOTTE, NC

JEROME VICK  
WILSON, NC

**PRESIDENT**  
DAN GERLACH

Mr. Steve Biggs  
Town Manager  
Town of Clayton  
PO Box 249  
Clayton, North Carolina 27528

Dear Mr. Biggs: 

I am pleased to inform you that the Board of Directors of the Golden LEAF Foundation has approved a grant for "Project Bright Sky," in an amount up to \$4,000,000.00. We trust that this support will further your work to the benefit of North Carolinians.

Enclosed are two copies of our Grantee Acknowledgement and Agreement, which includes details regarding administration of the grant, including the payment schedule and reporting requirements. Please read your grantee agreement carefully and take note of special conditions that may apply to your grant award.

We require that grantees become acquainted with Golden LEAF's policies governing grants by attending a grants management workshop. We will provide you the dates and locations of upcoming workshops in the near future.

Upon receipt of one original signed Grantee Acknowledgement and Agreement form, documentation that any requisite conditions have been met, and a written request for payment, we will make the first disbursement of funds in connection with your project. As outlined in the Grantee Acknowledgement and Agreement, subsequent payments will be forwarded upon the receipt of the required reports. Reporting forms can be accessed at our website, [www.goldenleaf.org](http://www.goldenleaf.org), or by contacting us at 888-684-8404 or at [programs@goldenleaf.org](mailto:programs@goldenleaf.org).

All publicity and printed materials regarding projects or activities funded in whole or in part by this grant should contain the following language: **"This project received support from the Golden LEAF Foundation."** The Golden LEAF logo is to be displayed in all of the publicity and printed materials relating to this grant. Please contact Jenny Tinklepaugh ([jtinklepaugh@goldenleaf.org](mailto:jtinklepaugh@goldenleaf.org)) for digital versions of the logo.

Mr. Steve Biggs  
October 7, 2015  
Page 2

Please let me or any member of our programs staff know if you have any questions regarding your grant, its conditions, or reporting requirements. We stand ready to be of assistance to you at any time. Once again, on behalf of the Board, congratulations on your grant award. We look forward to learning about your accomplishments.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dan Gerlach', with a stylized flourish at the end.

Dan Gerlach  
President

DG:bs

Enclosures: as stated

The Golden LEAF Foundation

GRANTEE ACKNOWLEDGMENT AND AGREEMENT

1. Grantee: Town of Clayton
2. Project File Number & Title: FY2016-020 / Project Bright Sky
3. Purpose of Grant: This grant will provide funding to the Town of Clayton to construct publicly owned wastewater pre-treatment facilities for the Town's wastewater system. Novo Nordisk, Inc. is locating an expansion in the East Clayton Industrial Area (ECIA) and constructing a \$1.2 billion pharmaceutical manufacturing facility that will create approximately six hundred ninety-one (691) new full-time jobs over a five-year period. The jobs will pay an average annual salary of \$68,420, compared to the Johnston County average of \$34,448. A major consideration in the company's decision to locate in North Carolina was the ability of a public entity to receive, pre-treat, transmit, and treat production wastewater. The pre-treatment facility will also have the capacity to serve other companies located in the ECIA, particularly those with a pharmaceutical manufacturing waste stream.
4. Amount of Grant: up to \$4,000,000.00
5. Award Date: 10/1/2015 Start Date: \_\_\_\_\_
6. Special Terms and Conditions Applicable to Grant:
  - a) The term of the grant is 36 months, commencing on the Award Date unless the Grantee proposes a later Start Date that is accepted by Golden LEAF. Golden LEAF may extend the term of the Grant. All project-related expenses must be incurred during the term of the grant. The provisions of this agreement that by their nature extend beyond the term of the grant will survive the end of the term of the grant.
  - b) Funds are to be used for costs associated with constructing publicly owned wastewater pre-treatment facilities for the Town of Clayton's wastewater system. The pre-treatment facility will have the capacity to serve Novo Nordisk, Inc. (the "Company") and will be capable of serving or readily expandable to serve additional users. Golden LEAF funds may not be used for acquisition of interests in real property.
  - c) Golden LEAF funds may be used for no more than 50% of the pre-treatment project costs.
  - d) Release of grant funds is contingent upon the Grantee demonstrating that it has secured sufficient funds to complete the infrastructure and other improvements necessary for this project.
  - e) Release of funds is conditioned on the Grantee agreeing to establish a schedule of rates and fees or other revenues sufficient to support operation, maintenance, repair, and replacement of the pre-treatment facility, including a requirement that the Company pay the cost of treating the Company's waste in the pre-treatment facility. Rates and fees must be applied equitably to future users of the pre-treatment facility.
  - f) Any agreement pursuant to which the Company would operate the pre-treatment facility must include provisions to allow connection and use by third parties and must be approved by Golden LEAF.
  - g) Grant funds must be spent exclusively on public infrastructure that is located on publicly owned property or public easements and that is not for the exclusive use of any private entity.
  - h) Release of funds is contingent on the Town or other governmental or 501(c)(3) nonprofit entity acquiring appropriate easements to allow other users to access the pre-treatment facility and to allow maintenance, repair, replacement, and expansion of the facility, if such access is not available through existing easements.
  - i) Release of funds is contingent on the Grantee providing evidence that the Company has agreed to allow Grantee and Golden LEAF to verify the Company's job creation/retention numbers and wage

rates and benefits by reviewing NCUI-101 forms and/or through other means satisfactory to Golden LEAF.

- j) Release of funds is contingent on the Grantee providing evidence of an inducement agreement, performance agreement, or similar agreement demonstrating that the Company is obligated to create a minimum of 622 new full time jobs at its Clayton, NC facility with average annual wages of no less than \$61,578 plus benefits including at least 50% of the cost of employee-only health insurance, by December 31, 2020, and providing appropriate consequences should the Company fail to satisfy its obligations. The new jobs must be in addition to a baseline that is the number of full-time jobs that existed at the Company's Clayton facility as of August 25, 2015.

7. Standard conditions on the release of grant funds:

- a) Release of grant funds is contingent on Grantee attending a Golden LEAF grants management workshop or participating in satisfactory discussions with Golden LEAF staff to gain training in the management of Golden LEAF grants and reporting requirements.
- b) For non-governmental grantees, release of funds is contingent on Grantee providing the Foundation with a copy of the Grantee's policy regarding conflicts of interest with evidence that the policy has been adopted by the Grantee's board of directors.
- c) Release of funds is contingent on Grantee returning a fully executed original of this Grantee Acknowledgment and Agreement no later than three months after the Award Date, unless the Foundation agrees to extend the deadline for its submission.
- d) Release of funds is contingent on Grantee submitting a project management plan ("PMP") that Golden LEAF has approved. The PMP must be submitted within three months of the Award Date, unless the Foundation agrees to extend the deadline. Unless otherwise approved, the PMP must be submitted on the Golden LEAF PMP form. The Grantee agrees to work with Golden LEAF staff to identify key activities and milestones that are critical to successful implementation of the grant, outcomes that will be used to assess the success and effectiveness of the project, baseline data from which progress can be measured, individuals responsible for implementing identified tasks, deadlines for each activity and milestone, and an overall project time line. Grantee must submit documentation to verify the baseline data with the PMP. The Grantee may be required to report results and accomplishments to Golden LEAF for a period beyond the grant term that is reasonably necessary to evaluate the outcomes of the grant.
- e) Release of funds is contingent on the Grantee submitting a project budget that Golden LEAF has approved. The project budget must be submitted within three months of the Award Date unless the Foundation agrees to extend the deadline. Unless otherwise approved, the project budget must be submitted on the Golden LEAF Budget and Expense Tracking Form.
- f) If the Grantee fails to comply with its obligations under this Agreement, no further grant funds will be released unless such noncompliance is resolved to the satisfaction of Golden LEAF.

8. Confirmation of Eligibility/Permissible use of Funds: The Grantee confirms: (1) that the Internal Revenue Service has determined that the Grantee is an organization described in Section 501(c) (3) of the Internal Revenue Code of 1986, as amended, and that such determination has not been revoked, or (2) that the Grantee is a federal, state or local governmental unit. Grantee agrees to notify the Foundation promptly if the Grantee's tax-exempt status is revoked or modified in any way. The Grantee agrees that it will use the funds from this grant only for charitable, educational, or scientific purposes within the meaning of Section 501(c)(3) of the Code, and that it will not use the funds from this grant in any way that would result in or give rise to private inurement or impermissible private benefit. The Grantee agrees that no funds from this grant will be used to carry on propaganda or otherwise to attempt to influence legislation, to influence the outcome of any public election, or to carry on directly or indirectly any voter registration drive. The Grantee agrees that it will not use any of these grant funds to make any expenditure or grant that does not comply with the requirements of Section 4945(d)(3) or (4) of the Code or to undertake any activity for any purpose other than one specified in Section 170(c)(1) or Section 170(c)(2)(B) of the Code. If grant funds are used to pay for sales tax for which the Grantee receives a refund, Grantee will use the refund for expenses that are consistent with the purpose of the grant and

permissible under this Agreement. Unless otherwise agreed by the Foundation in writing, no portion of the Grantee's rights or obligations under this Agreement may be transferred or assigned to any other entity.

9. Compliance with laws/liens: The Grantee is in material compliance with all federal, state, county, and local laws, regulations, and orders that are applicable to the Grantee, and the Grantee has timely filed with the proper governmental authorities all statements and reports required by the laws, regulations, and orders to which the Grantee is subject. There is no litigation, claim, action, suit, proceeding or governmental investigation pending against the Grantee, and there is no pending or (to the Grantee's knowledge) threatened litigation, claim, action, suit, proceeding or governmental investigation against the Grantee that could reasonably be expected to have a material adverse effect upon the Grantee's ability to carry out this grant in accordance with its terms. The Grantee has timely paid all judgments, claims, and federal, state, and local taxes payable by the Grantee the non-payment of which might result in a lien on any of the Grantee's assets or might otherwise adversely affect the Grantee's ability to carry out this grant in accordance with its terms.
10. Project and budget modification: The Grantee agrees to immediately notify the Foundation of anything that may materially affect the Grantee's ability to perform the project funded. **If the Grantee proposes to modify the budget, the objectives, or any other feature of the project funded, the Grantee shall not encumber or expend any funds from this grant for such purposes unless and until the Foundation has approved such proposed modifications in writing.** Moreover, no further payments shall be made to the Grantee in connection with the project funded unless and until the Foundation has approved such proposed modifications in writing.
11. Use of grant funds/rescission and termination of grants: The Grantee accepts and will retain full control of the disposition of funds awarded to the Grantee by the Foundation under this grant, and accepts and will retain full responsibility for compliance with the terms and conditions of the grant. Grant funds shall be utilized exclusively for the purposes set forth above. If the Grantee breaches any of the covenants or agreements contained in this Agreement, uses grant funds for purposes other than those set out above, or any of the representations and warranties made by the Grantee are untrue as to a material fact, the Grantee agrees to repay to the Foundation the full amount of this grant. Any condition, purpose, term or provision in the Foundation's resolution approving funding or in this Agreement shall take precedence over any conflicting provision in the Grantee's application.

The Grantee acknowledges receipt of the following policy regarding termination and rescission of grants, which is intended to supplement but not replace or limit the rights and remedies of the Foundation set forth elsewhere in this Agreement. The Grantee acknowledges that the Foundation may, from time to time, amend its policy regarding termination and rescission of grants, and the Grantee acknowledges that the Grantee will be subject to the policy as amended.

**Policy Regarding Rescission and Termination of Grants.** Rescission of a grant revokes the grant award. When funds have been disbursed to a Grantee by the Foundation and a grant is rescinded, the Grantee may be liable for repayment to the Foundation for an amount up to the total of grant funds received by the Grantee. Termination of a grant ends the grant on a going-forward basis, and the Grantee is responsible for repayment to the Foundation of only that portion of the grant funds that has been disbursed but not expended by the Grantee in accordance with the terms of the grant.

A grant may be rescinded or terminated at any time in the discretion of the Foundation for the Grantee's failure to comply with its obligations under this Agreement or if any of the Grantee's representations and warranties in this Agreement are or become untrue as to a material fact. Reasons for rescission or termination of a grant include but are not limited to the following:

- a. The Grantee has not signed and delivered to the Foundation the Grantee Acknowledgment and Agreement within three (3) months of the Award Date set out in Section 5, above.

- b. The Grantee has failed to complete the project within the grant term established by this Agreement or any extensions thereof.
- c. The Grantee's tax-exempt status has been modified or revoked.
- d. The Grantee is unable, or has failed or refused, to comply with a material term or condition of the grant.
- e. The Grantee has experienced a change in circumstances that is likely to have a material adverse effect upon the Grantee's ability to accomplish fully the purposes of the grant (e.g., loss of collateral funding, loss of key personnel, etc.).
- f. The Grantee has failed or refused to submit a report, statement, accounting or return required by this Agreement or applicable law.
- g. The Grantee has materially modified its budget for the project, and such material modification has not been approved by the Foundation.
- h. The Grantee commits a material violation of the Internal Revenue Code, or uses grant funds for some purpose not permitted by the Internal Revenue Code or for some purpose not contemplated by the grant.
- i. The Grantee breaches any of the covenants or agreements contained in this Grantee Acknowledgment and Agreement.
- j. The Grantee requests that the grant be rescinded or terminated.

It is anticipated that a grant will be rescinded in situations in which no grant funds have been disbursed. Where grant funds have been disbursed, it is anticipated that a grant will be rescinded in the case of more serious violations (including, without limitation, use of grant funds for some purpose not contemplated by the grant or in violation of the Internal Revenue Code, or upon other affirmative misconduct of the Grantee), and that termination of a grant will occur in the case of the less serious instances of non-compliance or where the circumstance giving rise to termination is not the result of misconduct of the Grantee.

If the Board of Directors of the Foundation determines that a grant should be rescinded or terminated, the Foundation will notify the Grantee of that decision. The Foundation may choose to notify the Grantee that the grant is subject to rescission or termination unless the Grantee remedies the noncompliance and establish deadlines or other limitations on the Grantee's opportunity to remedy the noncompliance. If the Foundation allows the Grantee the opportunity to correct the noncompliance, no further grant funds shall be advanced until the noncompliance is remedied.

12. Release of Funds: Unless otherwise agreed by the Foundation, up to twenty percent (20%) of funds may be released in advance after all conditions on the release of funds are satisfied. Funds may be released in additional advances of up to twenty percent (20%) of the grant amount upon receipt of evidence satisfactory to the Foundation that funds previously released have been properly expended and accounted for. Funds may instead be released on a reimbursement basis, in which case payments may be made in an amount equal to or up to eighty percent (80%) of the grant amount upon receipt of evidence satisfactory to the Foundation that funds have been properly expended and accounted for. Unless otherwise approved by the President of the Foundation, a sum equal to twenty percent (20%) of the total amount of the grant will be retained by the Foundation until the Grantee completes its obligations under this grant, including submission of a satisfactory final report on the project funded. This final twenty percent (20%) retained by the Foundation shall be paid to the Grantee on a reimbursement basis. If the grant is conditional or contingent, all conditions and contingencies must be met before any payment will be made. Sales and use taxes for which the Grantee will be reimbursed from the NC Department of Revenue are not eligible Golden LEAF expenses. Each request for payment shall be in writing and shall certify that the Grantee has performed in accordance with the terms and provisions of its Grantee Acknowledgment and Agreement, and that such Grantee is entitled under the terms of such Agreement to receive the amount so requested. Each request should be made to Mr. Dan Gerlach, President, The Golden LEAF Foundation, 301 N. Winstead Avenue, Rocky Mount, NC 27804. Payment should not be requested until the Grantee has need for actual expenditures of the funds. The Grantee should request payment at least thirty (30) days prior to its desired payment date.

13. Reporting: The Grantee agrees to submit a Progress Report to the Foundation biannually, to be received by the Foundation six months from the date of award and every six months thereafter. The Grantee agrees to submit a final Progress Report for receipt by the Foundation within sixty (60) days after the completion of all obligations for the project funded or the end date, whichever comes first. Report forms may be found on the Foundation's website, [www.goldenleaf.org](http://www.goldenleaf.org). The Grantee will furnish additional or further reports if so requested by the Foundation on forms prescribed by the Foundation.
14. Records: The Grantee agrees to maintain full, accurate and verifiable financial records, supporting documents, and all other pertinent data for the project funded in such a manner so as to identify and document clearly the activities and outcomes of the project funded and the expenditure of Foundation funds. Financial records regarding the Foundation's grant shall be kept separate from accounts for other awards, monetary contributions, or other revenue sources for the project funded. The Grantee agrees to retain all financial and programmatic records, supporting documents, and all other pertinent records related to the project funded for a period of five (5) years from the end of the grant funding period. In the event such records are audited, all project records shall be retained beyond such five-year period until all audit findings have been resolved. The Grantee shall provide to the Foundation copies of all financial and other records requested by the Foundation and shall make available to the Foundation, or the Foundation's designated representative, all of the Grantee's records that relate to the project funded, and shall allow the Foundation or the Foundation's representative to audit, examine and copy any data, documents, proceedings, records and notes of activity relating to the project. Access to these records shall be allowed upon request at any time during normal business hours and as often as the Foundation or its representative may deem necessary. The Grantee may be subject to audit by the State Auditor.
15. This Section 15 is applicable if the following blank is marked: \_\_\_\_\_ Staff Initials & date: \_\_\_\_\_

Intellectual property/New Developments: In consideration of its receipt of funds granted by the Foundation, the Grantee agrees that during the course of the project funded by the grant, the Grantee, and any recipient of grant funds, will promptly disclose to the Foundation any improvements, inventions, developments, discoveries, innovations, systems, techniques, ideas, processes, programs, and other things, whether patentable or unpatentable, that result from any work performed by or for the Grantee in connection with the project funded, or by individuals whose work is funded by the grant (the "New Developments"). If the Grantee provides to the Foundation a copy of any Invention Disclosure Reports it receives from Grantee employees that report making inventions under this Agreement, then the Grantee will be deemed to have satisfied the disclosure requirement in the preceding sentence.

The Grantee agrees that it, and any recipient of grant funds, shall take all reasonably appropriate actions to assure that the New Developments shall be and remain the sole and exclusive property of the Grantee. In the event that the interests of the public would be served by commercialization of the New Developments, the Grantee agrees to use its best reasonable efforts to pursue the commercialization of any such New Developments in a manner that will serve the interests of the public, including but not limited to the transfer, assignment or licensing of such New Developments; provided, however, that the Grantee, and any recipient of grant funds, shall not transfer, assign or license such New Developments in part or in whole without first having obtained the written consent of the Foundation.

Any revenue generated as a result of transferring, assigning, or licensing New Developments will be managed by the Grantee in accordance with its published patent, copyright and technology transfer procedures, if any, and in the absence of such procedures such revenue will be managed by the Grantee in accordance with procedures approved by the Foundation. Such procedures typically will prioritize the distribution of revenues to insure that the Grantee first honors its obligation to its inventors and then to cover its own out-of-pocket expenses as necessary to protect its intellectual property.

The Grantee and Foundation further agree that should there be any revenue generated greater than that necessary to meet the obligations of the preceding paragraph (“Net Revenue”), the Net Revenue shall be managed by the Grantee as follows:

- a) 15% of the Net Revenue will be retained by the Grantee as a fee for the management and distribution of funds as required under this Agreement.
- b) 30% of the remaining Net Revenue will be paid to the Foundation.
- c) 70% of the remaining Net Revenue will be retained by the Grantee and used in accordance with the procedures referenced in the preceding paragraph above.

The Grantee's obligations pursuant to this Section will continue beyond the expiration of the funding period.

- 16. Independent entity: The Grantee acknowledges and agrees that the Grantee is an entity independent from the Foundation, is not an agent of the Foundation, and is not authorized to bind the Foundation to any agreement of payment for goods or services. The Grantee is responsible for payment of all its expenses, including rent, office expenses and all forms of compensation to employees. It shall provide workers compensation insurance to the extent required for its operations and shall accept full responsibility for payments of unemployment compensation, social security, income taxes and any other charges, taxes or payroll deductions required by law in connection with its operations, for itself and its employees. All expenses incurred by the Grantee are the sole responsibility of the Grantee, and the Foundation shall not be liable for the payment of any obligations incurred in the performance of the project funded.
- 17. Non-discrimination: The Grantee shall not discriminate by reason of age, race, ethnicity, religion, color, sex, national origin, or handicap related to the activities of a project funded by the Foundation.
- 18. Publicity: All publicity and printed materials regarding projects or activities supported in whole or in part by this grant should contain the following language: **“This project received support from The Golden LEAF Foundation.”** The Golden LEAF logo is to be displayed in all of the Grantee’s publicity and printed materials relating to this grant. Please contact Jenny Tinklepaugh ([jtinklepaugh@goldenleaf.org](mailto:jtinklepaugh@goldenleaf.org)) for digital versions of the logo.
- 19. Authority to execute/Necessary Approvals Obtained: The individual signing below certifies his or her authority to execute this Agreement on behalf of the Grantee and that the Grantee has received any third party approval that may be required prior to entering this Agreement. By executing this Agreement, the Grantee, to induce the Foundation to make this grant, makes each of the representations set forth hereinabove and certifies that each of such representations is true, accurate and complete as of the date hereof.

IN WITNESS WHEREOF, the Grantee has executed this Agreement as of the date below:

Name of Grantee Organization (print): \_\_\_\_\_

Signature: \_\_\_\_\_

Name of Person Signing (print): \_\_\_\_\_

Title of Person Signing (print): \_\_\_\_\_

Date: \_\_\_\_\_

The Golden LEAF Foundation

GRANTEE ACKNOWLEDGMENT AND AGREEMENT

1. Grantee: Town of Clayton
2. Project File Number & Title: FY2016-020 / Project Bright Sky
3. Purpose of Grant: This grant will provide funding to the Town of Clayton to construct publicly owned wastewater pre-treatment facilities for the Town's wastewater system. Novo Nordisk, Inc. is locating an expansion in the East Clayton Industrial Area (ECIA) and constructing a \$1.2 billion pharmaceutical manufacturing facility that will create approximately six hundred ninety-one (691) new full-time jobs over a five-year period. The jobs will pay an average annual salary of \$68,420, compared to the Johnston County average of \$34,448. A major consideration in the company's decision to locate in North Carolina was the ability of a public entity to receive, pre-treat, transmit, and treat production wastewater. The pre-treatment facility will also have the capacity to serve other companies located in the ECIA, particularly those with a pharmaceutical manufacturing waste stream.
4. Amount of Grant: up to \$4,000,000.00
5. Award Date: 10/1/2015 Start Date: \_\_\_\_\_
6. Special Terms and Conditions Applicable to Grant:
  - a) The term of the grant is 36 months, commencing on the Award Date unless the Grantee proposes a later Start Date that is accepted by Golden LEAF. Golden LEAF may extend the term of the Grant. All project-related expenses must be incurred during the term of the grant. The provisions of this agreement that by their nature extend beyond the term of the grant will survive the end of the term of the grant.
  - b) Funds are to be used for costs associated with constructing publicly owned wastewater pre-treatment facilities for the Town of Clayton's wastewater system. The pre-treatment facility will have the capacity to serve Novo Nordisk, Inc. (the "Company") and will be capable of serving or readily expandable to serve additional users. Golden LEAF funds may not be used for acquisition of interests in real property.
  - c) Golden LEAF funds may be used for no more than 50% of the pre-treatment project costs.
  - d) Release of grant funds is contingent upon the Grantee demonstrating that it has secured sufficient funds to complete the infrastructure and other improvements necessary for this project.
  - e) Release of funds is conditioned on the Grantee agreeing to establish a schedule of rates and fees or other revenues sufficient to support operation, maintenance, repair, and replacement of the pre-treatment facility, including a requirement that the Company pay the cost of treating the Company's waste in the pre-treatment facility. Rates and fees must be applied equitably to future users of the pre-treatment facility.
  - f) Any agreement pursuant to which the Company would operate the pre-treatment facility must include provisions to allow connection and use by third parties and must be approved by Golden LEAF.
  - g) Grant funds must be spent exclusively on public infrastructure that is located on publicly owned property or public easements and that is not for the exclusive use of any private entity.
  - h) Release of funds is contingent on the Town or other governmental or 501(c)(3) nonprofit entity acquiring appropriate easements to allow other users to access the pre-treatment facility and to allow maintenance, repair, replacement, and expansion of the facility, if such access is not available through existing easements.
  - i) Release of funds is contingent on the Grantee providing evidence that the Company has agreed to allow Grantee and Golden LEAF to verify the Company's job creation/retention numbers and wage

rates and benefits by reviewing NCUI-101 forms and/or through other means satisfactory to Golden LEAF.

- j) Release of funds is contingent on the Grantee providing evidence of an inducement agreement, performance agreement, or similar agreement demonstrating that the Company is obligated to create a minimum of 622 new full time jobs at its Clayton, NC facility with average annual wages of no less than \$61,578 plus benefits including at least 50% of the cost of employee-only health insurance, by December 31, 2020, and providing appropriate consequences should the Company fail to satisfy its obligations. The new jobs must be in addition to a baseline that is the number of full-time jobs that existed at the Company's Clayton facility as of August 25, 2015.

7. Standard conditions on the release of grant funds:

- a) Release of grant funds is contingent on Grantee attending a Golden LEAF grants management workshop or participating in satisfactory discussions with Golden LEAF staff to gain training in the management of Golden LEAF grants and reporting requirements.
- b) For non-governmental grantees, release of funds is contingent on Grantee providing the Foundation with a copy of the Grantee's policy regarding conflicts of interest with evidence that the policy has been adopted by the Grantee's board of directors.
- c) Release of funds is contingent on Grantee returning a fully executed original of this Grantee Acknowledgment and Agreement no later than three months after the Award Date, unless the Foundation agrees to extend the deadline for its submission.
- d) Release of funds is contingent on Grantee submitting a project management plan ("PMP") that Golden LEAF has approved. The PMP must be submitted within three months of the Award Date, unless the Foundation agrees to extend the deadline. Unless otherwise approved, the PMP must be submitted on the Golden LEAF PMP form. The Grantee agrees to work with Golden LEAF staff to identify key activities and milestones that are critical to successful implementation of the grant, outcomes that will be used to assess the success and effectiveness of the project, baseline data from which progress can be measured, individuals responsible for implementing identified tasks, deadlines for each activity and milestone, and an overall project time line. Grantee must submit documentation to verify the baseline data with the PMP. The Grantee may be required to report results and accomplishments to Golden LEAF for a period beyond the grant term that is reasonably necessary to evaluate the outcomes of the grant.
- e) Release of funds is contingent on the Grantee submitting a project budget that Golden LEAF has approved. The project budget must be submitted within three months of the Award Date unless the Foundation agrees to extend the deadline. Unless otherwise approved, the project budget must be submitted on the Golden LEAF Budget and Expense Tracking Form.
- f) If the Grantee fails to comply with its obligations under this Agreement, no further grant funds will be released unless such noncompliance is resolved to the satisfaction of Golden LEAF.

8. Confirmation of Eligibility/Permissible use of Funds: The Grantee confirms: (1) that the Internal Revenue Service has determined that the Grantee is an organization described in Section 501(c) (3) of the Internal Revenue Code of 1986, as amended, and that such determination has not been revoked, or (2) that the Grantee is a federal, state or local governmental unit. Grantee agrees to notify the Foundation promptly if the Grantee's tax-exempt status is revoked or modified in any way. The Grantee agrees that it will use the funds from this grant only for charitable, educational, or scientific purposes within the meaning of Section 501(c)(3) of the Code, and that it will not use the funds from this grant in any way that would result in or give rise to private inurement or impermissible private benefit. The Grantee agrees that no funds from this grant will be used to carry on propaganda or otherwise to attempt to influence legislation, to influence the outcome of any public election, or to carry on directly or indirectly any voter registration drive. The Grantee agrees that it will not use any of these grant funds to make any expenditure or grant that does not comply with the requirements of Section 4945(d)(3) or (4) of the Code or to undertake any activity for any purpose other than one specified in Section 170(c)(1) or Section 170(c)(2)(B) of the Code. If grant funds are used to pay for sales tax for which the Grantee receives a refund, Grantee will use the refund for expenses that are consistent with the purpose of the grant and

permissible under this Agreement. Unless otherwise agreed by the Foundation in writing, no portion of the Grantee's rights or obligations under this Agreement may be transferred or assigned to any other entity.

9. Compliance with laws/liens: The Grantee is in material compliance with all federal, state, county, and local laws, regulations, and orders that are applicable to the Grantee, and the Grantee has timely filed with the proper governmental authorities all statements and reports required by the laws, regulations, and orders to which the Grantee is subject. There is no litigation, claim, action, suit, proceeding or governmental investigation pending against the Grantee, and there is no pending or (to the Grantee's knowledge) threatened litigation, claim, action, suit, proceeding or governmental investigation against the Grantee that could reasonably be expected to have a material adverse effect upon the Grantee's ability to carry out this grant in accordance with its terms. The Grantee has timely paid all judgments, claims, and federal, state, and local taxes payable by the Grantee the non-payment of which might result in a lien on any of the Grantee's assets or might otherwise adversely affect the Grantee's ability to carry out this grant in accordance with its terms.
10. Project and budget modification: The Grantee agrees to immediately notify the Foundation of anything that may materially affect the Grantee's ability to perform the project funded. **If the Grantee proposes to modify the budget, the objectives, or any other feature of the project funded, the Grantee shall not encumber or expend any funds from this grant for such purposes unless and until the Foundation has approved such proposed modifications in writing.** Moreover, no further payments shall be made to the Grantee in connection with the project funded unless and until the Foundation has approved such proposed modifications in writing.
11. Use of grant funds/rescission and termination of grants: The Grantee accepts and will retain full control of the disposition of funds awarded to the Grantee by the Foundation under this grant, and accepts and will retain full responsibility for compliance with the terms and conditions of the grant. Grant funds shall be utilized exclusively for the purposes set forth above. If the Grantee breaches any of the covenants or agreements contained in this Agreement, uses grant funds for purposes other than those set out above, or any of the representations and warranties made by the Grantee are untrue as to a material fact, the Grantee agrees to repay to the Foundation the full amount of this grant. Any condition, purpose, term or provision in the Foundation's resolution approving funding or in this Agreement shall take precedence over any conflicting provision in the Grantee's application.

The Grantee acknowledges receipt of the following policy regarding termination and rescission of grants, which is intended to supplement but not replace or limit the rights and remedies of the Foundation set forth elsewhere in this Agreement. The Grantee acknowledges that the Foundation may, from time to time, amend its policy regarding termination and rescission of grants, and the Grantee acknowledges that the Grantee will be subject to the policy as amended.

**Policy Regarding Rescission and Termination of Grants.** Rescission of a grant revokes the grant award. When funds have been disbursed to a Grantee by the Foundation and a grant is rescinded, the Grantee may be liable for repayment to the Foundation for an amount up to the total of grant funds received by the Grantee. Termination of a grant ends the grant on a going-forward basis, and the Grantee is responsible for repayment to the Foundation of only that portion of the grant funds that has been disbursed but not expended by the Grantee in accordance with the terms of the grant.

A grant may be rescinded or terminated at any time in the discretion of the Foundation for the Grantee's failure to comply with its obligations under this Agreement or if any of the Grantee's representations and warranties in this Agreement are or become untrue as to a material fact. Reasons for rescission or termination of a grant include but are not limited to the following:

- a. The Grantee has not signed and delivered to the Foundation the Grantee Acknowledgment and Agreement within three (3) months of the Award Date set out in Section 5, above.

- b. The Grantee has failed to complete the project within the grant term established by this Agreement or any extensions thereof.
- c. The Grantee's tax-exempt status has been modified or revoked.
- d. The Grantee is unable, or has failed or refused, to comply with a material term or condition of the grant.
- e. The Grantee has experienced a change in circumstances that is likely to have a material adverse effect upon the Grantee's ability to accomplish fully the purposes of the grant (e.g., loss of collateral funding, loss of key personnel, etc.).
- f. The Grantee has failed or refused to submit a report, statement, accounting or return required by this Agreement or applicable law.
- g. The Grantee has materially modified its budget for the project, and such material modification has not been approved by the Foundation.
- h. The Grantee commits a material violation of the Internal Revenue Code, or uses grant funds for some purpose not permitted by the Internal Revenue Code or for some purpose not contemplated by the grant.
- i. The Grantee breaches any of the covenants or agreements contained in this Grantee Acknowledgment and Agreement.
- j. The Grantee requests that the grant be rescinded or terminated.

It is anticipated that a grant will be rescinded in situations in which no grant funds have been disbursed. Where grant funds have been disbursed, it is anticipated that a grant will be rescinded in the case of more serious violations (including, without limitation, use of grant funds for some purpose not contemplated by the grant or in violation of the Internal Revenue Code, or upon other affirmative misconduct of the Grantee), and that termination of a grant will occur in the case of the less serious instances of non-compliance or where the circumstance giving rise to termination is not the result of misconduct of the Grantee.

If the Board of Directors of the Foundation determines that a grant should be rescinded or terminated, the Foundation will notify the Grantee of that decision. The Foundation may choose to notify the Grantee that the grant is subject to rescission or termination unless the Grantee remedies the noncompliance and establish deadlines or other limitations on the Grantee's opportunity to remedy the noncompliance. If the Foundation allows the Grantee the opportunity to correct the noncompliance, no further grant funds shall be advanced until the noncompliance is remedied.

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13. Reporting: The Grantee agrees to submit a Progress Report to the Foundation biannually, to be received by the Foundation six months from the date of award and every six months thereafter. The Grantee agrees to submit a final Progress Report for receipt by the Foundation within sixty (60) days after the completion of all obligations for the project funded or the end date, whichever comes first. Report forms may be found on the Foundation's website, [www.goldenleaf.org](http://www.goldenleaf.org). The Grantee will furnish additional or further reports if so requested by the Foundation on forms prescribed by the Foundation.
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\_\_\_\_\_

Intellectual property/New Developments: In consideration of its receipt of funds granted by the Foundation, the Grantee agrees that during the course of the project funded by the grant, the Grantee, and any recipient of grant funds, will promptly disclose to the Foundation any improvements, inventions, developments, discoveries, innovations, systems, techniques, ideas, processes, programs, and other things, whether patentable or unpatentable, that result from any work performed by or for the Grantee in connection with the project funded, or by individuals whose work is funded by the grant (the "New Developments"). If the Grantee provides to the Foundation a copy of any Invention Disclosure Reports it receives from Grantee employees that report making inventions under this Agreement, then the Grantee will be deemed to have satisfied the disclosure requirement in the preceding sentence.

The Grantee agrees that it, and any recipient of grant funds, shall take all reasonably appropriate actions to assure that the New Developments shall be and remain the sole and exclusive property of the Grantee. In the event that the interests of the public would be served by commercialization of the New Developments, the Grantee agrees to use its best reasonable efforts to pursue the commercialization of any such New Developments in a manner that will serve the interests of the public, including but not limited to the transfer, assignment or licensing of such New Developments; provided, however, that the Grantee, and any recipient of grant funds, shall not transfer, assign or license such New Developments in part or in whole without first having obtained the written consent of the Foundation.

Any revenue generated as a result of transferring, assigning, or licensing New Developments will be managed by the Grantee in accordance with its published patent, copyright and technology transfer procedures, if any, and in the absence of such procedures such revenue will be managed by the Grantee in accordance with procedures approved by the Foundation. Such procedures typically will prioritize the distribution of revenues to insure that the Grantee first honors its obligation to its inventors and then to cover its own out-of-pocket expenses as necessary to protect its intellectual property.

The Grantee and Foundation further agree that should there be any revenue generated greater than that necessary to meet the obligations of the preceding paragraph ("Net Revenue"), the Net Revenue shall be managed by the Grantee as follows:

- a) 15% of the Net Revenue will be retained by the Grantee as a fee for the management and distribution of funds as required under this Agreement.
- b) 30% of the remaining Net Revenue will be paid to the Foundation.
- c) 70% of the remaining Net Revenue will be retained by the Grantee and used in accordance with the procedures referenced in the preceding paragraph above.

The Grantee's obligations pursuant to this Section will continue beyond the expiration of the funding period.

- 16. Independent entity: The Grantee acknowledges and agrees that the Grantee is an entity independent from the Foundation, is not an agent of the Foundation, and is not authorized to bind the Foundation to any agreement of payment for goods or services. The Grantee is responsible for payment of all its expenses, including rent, office expenses and all forms of compensation to employees. It shall provide workers compensation insurance to the extent required for its operations and shall accept full responsibility for payments of unemployment compensation, social security, income taxes and any other charges, taxes or payroll deductions required by law in connection with its operations, for itself and its employees. All expenses incurred by the Grantee are the sole responsibility of the Grantee, and the Foundation shall not be liable for the payment of any obligations incurred in the performance of the project funded.
- 17. Non-discrimination: The Grantee shall not discriminate by reason of age, race, ethnicity, religion, color, sex, national origin, or handicap related to the activities of a project funded by the Foundation.
- 18. Publicity: All publicity and printed materials regarding projects or activities supported in whole or in part by this grant should contain the following language: "**This project received support from The Golden LEAF Foundation.**" The Golden LEAF logo is to be displayed in all of the Grantee's publicity and printed materials relating to this grant. Please contact Jenny Tinklepaugh ([jtinklepaugh@goldenleaf.org](mailto:jtinklepaugh@goldenleaf.org)) for digital versions of the logo.
- 19. Authority to execute/Necessary Approvals Obtained: The individual signing below certifies his or her authority to execute this Agreement on behalf of the Grantee and that the Grantee has received any third party approval that may be required prior to entering this Agreement. By executing this Agreement, the Grantee, to induce the Foundation to make this grant, makes each of the representations set forth hereinabove and certifies that each of such representations is true, accurate and complete as of the date hereof.

IN WITNESS WHEREOF, the Grantee has executed this Agreement as of the date below:

Name of Grantee Organization (print): \_\_\_\_\_

Signature: \_\_\_\_\_

Name of Person Signing (print): \_\_\_\_\_

Title of Person Signing (print): \_\_\_\_\_

Date: \_\_\_\_\_

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

**AGENDA LOCATION:**

Public Hearings

**Meeting Date:**

November 16, 2015

**ITEM TITLE:**

Gordon Tract - Rezoning - RZ 2014-21

**DESCRIPTION:**

Mr. DeYoung will provide an update regarding 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:**

September 8,  
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

**Information Provided:**

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

**AGENDA LOCATION:**

Public Hearings

**Meeting Date:**

November 16, 2015

**ITEM TITLE:**

Gordon Tract Subdivision - PSD 2014-95

**DESCRIPTION:**

Mr. DeYoung will provide an updated regarding 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:**

September 8,  
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

**Information Provided:**