



**The Town Of Clayton
Regular Town Council Meeting Agenda
Monday, August 1, 2016 @ 6:30 PM
Council Chambers**

1. CALL TO ORDER

Pledge of Allegiance and 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
 - June 20, 2016 - Regular Session
 - July 18, 2016 & July 25, 2016 - Closed Sessions

[June 20, 2016 DRAFT Minutes](#)
- b. Warranty & Pertinent Easement Acceptances
 - [Cover - Warranty & Pertinent Easement Acceptances](#)
 - [Memo - Parkview Subdivision Phase 1](#)
 - [Memo - Elegant Events & Planning](#)
 - [Memo - Chandlers Ridge Phase 3](#)
- c. Recommendations for Appointment - Town Advisory Boards
 - [Cover - Recommendation for Appointment to Advisory Boards](#)
 - [Application - Bobby Bunn](#)
 - [Application - Steven Powers](#)
- d. Code of Ordinance Amendment - Chapter 50 - Acreage and Capacity Fees
 - [Cover - Code of Ordinance Amendment - Chapter 50](#)
 - [Ordinance #2016-08-01 - Amending Code of Ordinance - Chapter 50](#)
- e. Customer Service Policy Amendment - Return Check Policy
 - [Returned Check Policy Update](#)
 - [Ordinance #2016-08-02 - Updating Fees & Charges- Returned Check Fee](#)
 - [Resolution #2016-30 - Amended Return Check Policy](#)

POTENTIAL ACTION: Adoption of Consent Agenda as Presented

4. INTRODUCTIONS AND SPECIAL PRESENTATIONS

5. PUBLIC HEARINGS

- a. 231 E. Second Street - Rezoning 2016-100-RZ
Presenter: David DeYoung, Planning Director
[Cover - 231 E. Second Street Rezoning](#)
[Application - 231 East Second Street Rezoning](#)
[Staff Report -231 East Second Street Rezoning](#)
[Map - 231 East Second Street Rezoning](#)
[Neighborhood Meeting -231 East Second Street Rezoning](#)
[Motion Form 2016-100-RZ](#)
[Ordinance - 231 East Second Street Rezoning](#)

POTENTIAL ACTION: Adoption of Ordinance #2016-08-03

- b. First Street Tavern - Special Use Permit - 2016-88-SUP
Presenter: Jay McLeod, Senior Planner
[Cover - First Street Tavern - Special Use Permit](#)
[Application - First Street Tavern](#)
[Staff Map - First Street Tavern](#)
[Site Plan - First Street Tavern](#)
[Four Oaks Banks Parking Agreement](#)
[Health Dept. Materials - First Street Tavern](#)
[Health Dept. Materials 2 - First Street Tavern](#)
[Neighborhood Meeting - First Street Tavern](#)
[Appendix B - Southern Traditions 2012](#)
[Email First Street Tavern food prep JoCo Health Dept](#)
[Email food equipment on order](#)
[fire safety pic 1](#)
[fire safety pic 2](#)
[fire safety pic 3](#)
[food equipment spec sheet 1](#)
[food equipment spec sheet 2](#)
[food equipment spec sheet 3](#)
[food equipment spec sheet 4](#)
[food equipment spec sheet 5](#)
[food equipment spec sheet 6](#)
[food equipment spec sheet 7](#)
[food equipment spec sheet 8](#)
[Motion Form 2016-88-SUP](#)
[Approval - First Street Tavern](#)

POTENTIAL ACTION: Approval Special Use Permit #2016-88-SUP

6. OLD BUSINESS

7. NEW BUSINESS

8. STAFF REPORTS

- a. Town Manager
- b. Town Attorney
- c. Town Clerk
- d. Other Staff
 - David DeYoung, Planning Director*
 - 231 E. Second Street RFP Response
 - 220 E. Main Street Update

9. OTHER BUSINESS

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

10. ADJOURNMENT



**The Town Of Clayton
Town Council Work Session Meeting Minutes
Monday, June 20, 2016 @ 6:30 PM
Council Chambers**

COUNCIL PRESENT:

Mayor McLeod
Mayor Pro Tem Grannis
Council Member Satterfield
Council Member Lawter
Council Member Holder
Council Member Thompson

Nancy Medlin, Interim Town Manager
Katherine Ross, Town Attorney
Kimberly Moffett, Town Clerk
David DeYoung, Planning Director
Jay McLeod, Planner
Kaitlin Russo, Downtown Dev. Coord.
Stacy Beard, Public Information Officer
John Hamlin, A/Public Information Officer
Dale Medlin, Electrical Services
John McCullen, Town Engineer
Tim Simpson, Public Works Director
Lee Barbee, Fire Chief
Christie Starnes, Library Director

COUNCIL ABSENT:

1 CALL TO ORDER

Pledge of Allegiance and Invocation

- a) Budget Amendment - Sam's Branch Phase II Capital Project

ACTION: Approval of Consent Agenda As Presented

Motion: Council Member Holder
Second: Council Member Thompson
Vote: Unanimous

- b)
The Mayor called the meeting to order at 6:33 p.m.

2 ADJUSTMENT OF THE AGENDA

- a) Closed Session

A Closed Session will be held under NCGS 143-318.11(a)(3) to consult with attorney to preserve attorney-client privilege.

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 - Closed Sessions - May 16, 2016 & June 6, 2016

4 ADMINISTRATIVE ITEMS

- a) Warranty & Public Easements Acceptance - Bristol Subdivision - Phase I

ACTION: Placed on July 18, 2016 Consent Agenda

- b) Warranty Acceptance - Final Asphalt Pavement - Cobblestone Phase 11-A

ACTION: Placed on July 18, 2016 Consent Agenda

- c) Warranty Acceptance - Final Asphalt Pavement- Cobblestone, Phase 11B

ACTION: Placed on July 18, 2016 Consent Agenda

- d) Warranty & Public Easements Acceptance - East Village Office Building

ACTION: Placed on July 18, 2016 Consent Agenda

- e) Warranty & Public Easements Acceptance - RWAC 6D-1 (Alpine Valley)

ACTION: Placed on July 18, 2016 Consent Agenda

- f) Warranty & Public Easements Acceptance - Glen Laurel East, Phase 3

ACTION: Placed on July 18, 2016 Consent Agenda

- g) Warranty & Public Easements Acceptance - Summerlyn Subdivision, The Meadows Phases 6 & 7

ACTION: Place on July 18, 2016 Consent Agenda

- h) 2nd Supplemental Agreement: Sam's Branch Greenway

ACTION: Placed on July 18, 2016 Consent Agenda

5 INTRODUCTIONS AND SPECIAL PRESENTATIONS

- a) Recognition of Advanced Firefighter Certification to Chief Lee Barbee
Presenter: Stacy Beard, Public Information Officer

Stacy Beard provided information regarding the recognition of the NC Advanced Firefighter Certification. This award is the highest award presented to North Carolina firefighters. Just over 1% of all firefighters in North Carolina receive this honor. Qualifications to receive this certification include education, training and experience. Chief Barbee has over 2100 educational hours clocked and 41 years of experience. Mayor McLeod presented this certification to Chief Barbee on behalf of the entire council. The Mayor offered his sincere congratulations and thanks to Chief Barbee for his dedication to the Fire Department and the Town of Clayton.

6 PUBLIC HEARINGS

7 ITEMS SCHEDULED FOR THE REGULAR MEETING

- a) Rezoning #2016-55-RZ - Umstead Subdivision
Presenter: Jay McLeod, Planning Department

Mr. McLeod presented this information regarding this request to rezone two parcels located at the end of Gregory Drive, off of Amelia Church Road, south of the Wynston Subdivision. Request is to rezone from Residential-Estate (R-E) to Residential-10 (R-10). The total acreage is 19.8 and is currently vacant wood lands. The land is currently in the ETJ and would need to annex in order to receive water and sewer services necessary to develop at the requested 10,000 SF lot density. The request is compatible with the Surrounding Land Uses and consistent with the 2040 Comprehensive Plan. The applicant held the required neighborhood meeting.

The Planning Board and Staff recommended approval of the requested rezoning.

ACTION: Set Public Hearing for July 18, 2016

- b) Major Subdivision #2016-54-SD - Umstead Subdivision
Presenter: Jay McLeod, Planning Department

Mr. McLeod presented information regarding this item. Applicant is requesting approval to develop a total of 19.82 acres located adjacent to Amelia Church Road. Request is for a conventional residential subdivision of 41 single family residential lots with a minimum of 8,000 square foot per lot. Access to the development would utilize two existing street stub-outs; Gregory Drive and Dayflower Drive. Improvements would include curb and gutter streets with sidewalk, storm drainage and public water and sewer services provided by the Town. This piece of land is currently in the ETJ and would need to annex to receive necessary water and sewer services to develop as requested. The request is consistent with the 2040 Comprehensive Plan and Unified Development Code. It is also compatible with Surrounding Land Uses. The applicant has addressed the Findings of Fact. Staff is recommending approval with conditions as listed in staff report.

Mayor Pro Tem Grannis stated he read through the documentation and noted some citizen concerns regarding drainage. He stated he would like to have the applicant be prepared to address these issues at the Public Hearing.

ACTION: Set Public Hearing for July 18, 2016

- c) Special Use Permit # 2016-75-SUP - Archer Lodge Verizon Tower
Presenter: Jay McLeod, Planning Department

Mr. McLeod presented information regarding request for special use permit to install a new 155' (with a 9' lightning rod) monopole telecommunications tower on site, which is located off of Covered Bridge Road. Total acreage for this site is .1 acres of a total of 98.44 acres of land. Per the Unified Development code any new telecommunications facility shall obtain a special use permit.

The Planning Board has recommended approval of this special use permit. Staff is recommending approval with conditions as listed in staff report.

ACTION: Set Public Hearing for July 18, 2016

- d) Rezoning #2016-100-RZ - 231 East Second Street
Presenter: David DeYoung, Planning Director

Mr. DeYoung presented information regarding request to rezone this property. The applicant and owner of this property is the Town of Clayton. Property is currently zoned O-1 and request is to rezone to B-1. Mr. DeYoung further stated the requested zoning would allow for re-adaptive use of the property and the requested rezoning is more compatible with the current and future land use. Request is consistent with the 2040 Comprehensive Plan as well as the Surrounding Land Use.

Both the Planning Board and Planning Staff recommend approval.

ACTION: Set Public Hearing for August 1, 2016

8 ITEMS CONTINGENT FOR THE REGULAR MEETING

9 ITEMS FOR DISCUSSION

- a) Tree Removal/Future Streetscaping of Main Street
Presenter: David DeYoung, Planning Director

Mr. DeYoung provided history on this item. He stated there are several trees that have uprooted along Main Street. He stated that over time the trees have grown and are causing issues for business owners as well maintenance issues. Several trees are marked for removal due to issues with those trees getting in way of the power lines, growing up against businesses as well as underground rooting causing the sidewalk to crack and causing infrastructure issues. Additionally several of the trees would disrupt facade improvements. There was a lengthy discussion regarding possible future plans for possible curb extensions and numerous other ideas to help open up the area. Several samples of various streetscapes were shared. Mr. DeYoung also stated this is a long term vision and expensive venture and staff is seeking direction of how to proceed. Mr. DeYoung also shared the possibility of pop up streetscape improvements, this would allow citizens to "test" the feel and appearance. Staff thinks would be a good option to see what may or may not work.

Council stated they appreciated the full explanation and hoped that citizens fears regarding the cutting down of trees would be alleviated.

10 OLD BUSINESS

11 ITEMS REQUIRING ACTION

(In order for any action to be taken during a Work Session, a motion must be made and seconded to suspend the rule that will allow action to be taken.)

- a) Motion to Suspend Rule in Order to Take Action at Work Session

ACTION: Motion to Suspend Rule To Take Action

Motion: Council Member Thompson

Second: Council Member Holder

Vote: Unanimous

- b) NCDOT Proposed Highway 70 Safety Project

Presenter: Jiles Harrell?

Any additional material to be provided? (resolution)

An opportunity was provided to citizens to share their comments regarding this project.

Mr. Charles Treadway stated he had concerns regarding traffic accommodations and traffic lights. He also shared concerns regarding the school zone and the possibility of reducing the speed limited in this area or perhaps having overhead crossing provided for students.

Council Member stated he would like to see a traffic light installed at Fayetteville Street. There was discussion regarding this issue and Mayor Pro Tem Grannis asked if Mr DeYoung had an idea regarding cost of this. Mr. DeYoung stated the cost would probably be somewhere in the area of \$100,000 and this light would function solely to clear school traffic at non peak times. Council Member Thompson stated he stated he agreed with the NCDOT proposal as originally presented and that additional stop lights would only back up traffic. Discussion continued regarding pedestrian crossing. It was stated we are not encouraging anyone to cross a four land highway and that NCDOT will not provide funding for this. Council Member Lawter stated he felt crosswalks needed to be looked at another time.

ACTION: Adoption of Resolution #2016-25

Motion: Mayor Pro Tem Grannis

Second: Council Member Lawter

Vote: Unanimous

- c) Additional information was provided regarding year end close out budget amendments to include General Fund, Salary Reserve Allocation, Water & Sewer Fund, and the Electric Fund. There is no net change to fund balance with adjustments.

ACTION: Adoption of Ordinance #2016-06-02

Adoption of Ordinance #2016-06-03

Adoption of Ordinance #2016-06-04

Adoption of Ordinance #2016-06-05

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

- d) Adoption of Proposed FY '16-'17 Budget & FY '16-'17 Fees & Charges
Presenter: Nancy Medlin, Interim Town Manager

Ms. Medlin stated the only changes to the budget as originally presented was the removal of the credit card fee charge for utility payments and a few minor clean up regarding a double budget relating to a mowing contract. There was discussion regarding moving \$75,000 from the recreation allocation to Council contingency and that \$25,000 funding toward mammogram equipment at hospital as a one time contribution. Ordinance to be amended to include this information

ACTION: Adoption of Ordinance #2016-06-06 (with amendments as noted)
Adoption of Ordinance #2016-06-07

Motion: Council Member Satterfield
Second: Council Member Grannis
Vote: Unanimous

- e) 2016 Electric System Revenue Bonds
Presenter: Nancy Medlin, Interim Town Manager

Ms. Medlin stated this resolution is necessary for the Finance Director to make application to the Local Government Commission for approval of second electric substation.

ACTION: Adoption of Resolution #2016-26

Motion: Council Member Satterfield
Second: Council Member Lawter
Vote: Unanimous

12 STAFF REPORTS

- a) Town Manager

Ms. Medlin requested feedback regarding General Obligation Bond referendum regarding recreation. Discussion included information regarding time frame to get on ballot. The deadline to notify Board of Election would be August 1, 2016. Discussion continued regarding time needed to ensure that citizens are properly informed. Council agreed there is no need to rush and this item should be held off until 2017.

- b) Town Attorney
c) Town Clerk
d) Other Staff

Mr. DeYoung stated the RFP regarding 231 East Second Street would be placed on the website tomorrow. Mr. DeYoung stated this will be an upset bid process with performance guarantees and hopes to be bring back creative uses for this property.

13 OTHER BUSINESS

a) Informal Discussion & Public Comment

Ms. Terry Black shared concerns regarding the trees and feels a compromise is needed and wanted to make sure everyone was seeing the big picture. Ms. Black was assured that no matter what decisions are made that the town will always be pretty and attractive.

Mr. Bob Mayers is a downtown business owner and was concerned about the trimming process and felt that was a better option than tree removal.

Mr. Charles Treadway stated he had concerns regarding trees being taken down. He stated with the removal of trees some people would see an increase in their electric bill due to increased sunlight. He questioned if there would be any compensation offered to business owners and renters to off set an utility charge increase.

Ms. Jordan McDaniel stated she lives by the Post Office and has concerns regarding water collecting and sitting there for days. She stated she understood the concerns of the trees and concrete issues, however, feels the trees add something to the town.

Mr. Charles Treadway also stated he had concerns regarding truck traffic and fire hydrants and bump outs. He further stated he had concerns regarding delivery trucks needing extra room.

b) Council Comments

14 CLOSED SESSION

a)

Council went into Closed Session under NCGS 143.318.11(a)(3) at 7:45 p.m.

ACTION: Go into Closed Session

Motion: Council Member Holder

Second: Council Member Satterfield

Vote: Unanimous

15 ADJOURNMENT

a)

With there being nothing further the meeting was adjourned.

Motion: Council Member Satterfield

Second: Mayor Pro Tem Grannis
Vote: Unanimous

Jody L. McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk



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

AGENDA LOCATION:

Consent

Meeting Date:

August 1, 2016

ITEM TITLE:

Warranty & Pertinent Easement Acceptances

DESCRIPTION:

Request warranty acceptance for public water, storm draining utilities, all pertinent easements and asphalt pavement structure of proposed town maintained streets. Record drawings have been reviewed and accepted. Following acceptance, utilities and roadway will be subject to a one year warranty. Following said warranty final inspection will be completed and all deficient items corrected by developer prior to final acceptance.

POTENTIAL ACTION:

DEPARTMENT:

Engineers/Inspection

PRESENTER:

Chriw Rowland, Construction Project
Administrator

ITEM HISTORY:

Date:

July 18, 2016

Action Taken:

Placed on August 1, 2016 Consent Agenda

Information Provided:

Memos

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

MEMORANDUM

To: Kimberly Moffett, Town Clerk

From: Chris Rowland, Construction Project Administrator *CR*

Copy: Donnie Adams, Adams & Hodge Engineering
David DeYoung, Planning Director

Date: June 28, 2016

Subject: Parkview Subdivision, Phase 1

Please place a warranty acceptance request for the subject public water, sewer, storm drainage utilities, all pertinent easements, and the asphalt pavement structure on the next available agenda. Record drawings have been reviewed and accepted. Following acceptance, the public infrastructure will be subject to a one-year warranty period. Following the warranty, a final inspection will be done and all deficient items corrected by the developer prior to final acceptance.

TOWN OF CLAYTON OPERATIONS CENTER

"SERVICE"

ELECTRIC SERVICE
(919) 553-1530

VEHICLE MAINTENANCE
(919) 553-1530



"ENVIRONMENT"

PUBLIC WORKS
(919) 553-1530

WATER RECLAMATION
(919) 553-1535

MEMORANDUM

To: Kimberly Moffett, Town Clerk

From: Chris Rowland, Construction Project Administrator *CR*

Copy: Dave DeYoung, Planning Director
Steven Sanderson, Sanderson Engineering

Date: June 23, 2016

Subject: Elegant Events & Planning

Please place a warranty acceptance request for the subject public utility, with all pertinent easements, on the next available agenda. All punch list items have been addressed and record drawings have been accepted. Following the warranty, a final inspection will be done and all deficient items corrected by the developer's contractor prior to final acceptance.

TOWN OF CLAYTON OPERATIONS CENTER

"SERVICE"

ELECTRIC SERVICE
(919) 553-1530

VEHICLE MAINTENANCE
(919) 553-1530



"ENVIRONMENT"

PUBLIC WORKS
(919) 553-1530

WATER RECLAMATION
(919) 553-1535

MEMORANDUM

To: Kimberly Moffett, Town Clerk

From: Chris Rowland, Construction Project Administrator *CR*

Copy: Danny Blackburn, Blackburn Engineering
Rob Bailey, Royal Oaks
Dave DeYoung, Planning Director

Date: June 20, 2016

Re: Chandlers Ridge (Old Lyndale) Subdivision, Phase 3

Please place a warranty acceptance request for the subject public water, sewer, storm drainage utilities, all pertinent easements, and the asphalt pavement structure of proposed Town maintained streets on the next available agenda. Record drawings have been reviewed and accepted. Following acceptance, the utilities and roadway will be subject to a one-year warranty period. Following said warranty, a final inspection will be done and all deficient items corrected by the developer prior to final acceptance.



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

AGENDA LOCATION:

Items Scheduled for Regular Meetings

Meeting Date:

July 18, 2016

ITEM TITLE:

Recommendations for Appointment - Town Advisory Boards

DESCRIPTION:

Interviews were recently completed for appointment to vacancies on both the Planning Board and Board of Adjustment. It is the recommendation that Steven Powers be appointed to the Planning Board to fill an unexpired term of 12/31/ 2017. It is also the recommendation that Bobby Bunn be appointed to the Board of Adjustment to fill an alternate position on this board with a term expiration of 12/31/2016. Mr. Mark Helmer who currently serves on the Board of Adjustment will be moved from alternate position to regular position with a term expiration of 12/31/2017.

POTENTIAL ACTION:

Place on Consent Agenda

DEPARTMENT:

Planning + Zoning

PRESENTER:

David DeYoung, Planning Director

ITEM HISTORY:

Date:

July 18, 2016

Action Taken:

Placed on August 1, 2016 Consent Agenda

Information Provided:

Applications

Date:

Action Taken:

Information Provided:



ADVISORY BOARD CANDIDATE APPLICATION

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

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

CHOOSE ONE:

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

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

Please type or use dark ink.

Name: Bobby Bunn
 Mailing Address: 501 Ohara St.
 Physical HOME Address: 501 Ohara St.
 Phone Number (HOME): 919-553-2928 (WORK) 919-422-2818
 FAX Number: Mobile Number: 919-422-6944
 Email Address: bbunn6@gmail.com
 *Female ☐ *Male ☒ *Race White
 Employer: Executive Management Services, Inc.
 Occupation: Operations 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: 53 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.
After running for Town Council over a 4 year period. I feel that I could help residents, business and property owners articulate and achieve a vision for how they want their community to look and function in the future.

State why you would be an asset to this board or committee. I'm very familiar with our community's social structure, economic base and political framework.

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>11-16-15</u>

Signature

Date

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

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



ADVISORY BOARD CANDIDATE APPLICATION

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

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

CHOOSE ONE:

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

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

Please type or use dark ink.

Name: STEPHEN J. POWERS

Mailing Address: 52 CAMEO CT., CLAYTON, NC 27527

Physical HOME Address: SAME

Phone Number (HOME): 336-508-4799 (WORK) N/A

FAX Number: N/A Mobile Number: SAME

Email Address: SPOWERS14@TRIAD.RR.COM

*Female ☐ *Male ☒ *Race W

Employer: RETIRED

Occupation: CIVIL ENGINEERING DESIGN, SURVEY, GIS/CAD ADMIN

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

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

Length of residence in Clayton: 2 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 AT COUNCIL MEETING

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

I HOPE TO USE THE FOLLOWING KNOWLEDGE AND EXPERIENCE TO HELP THE TOWN OF CLAYTON. SUBDIVISION DESIGN, STREET/UTILITY DESIGN, SURVEYING/MAPPING, PROPERTY RESEARCH, INTERACTION WITH MUNICIPAL, COUNTY AND STATE DEPARTMENTS. ADMINISTRATOR FOR ENGINEERING CAD SYSTEM AND CITY-WIDE GIS

State why you would be an asset to this board or committee. I RETIRED TO CLAYTON AND HAVE A VESTED INTEREST IN ITS FUTURE. MY EXPERIENCE WITH MUNICIPAL GOVERNMENT AND CIVIL ENGINEERING, ALONG WITH MY MBA FROM ELON WILL BENEFIT THE PLANNING 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>HOA PRESIDENT</u>	<u>1997</u>	<u>2003</u>
<u>ELON UNIV. ALUMNI ASSOC.</u>	<u>1992</u>	<u>PRESENT</u>
<u>ECONOMICS HONOR SOCIETY (OAE)</u>	<u>1992</u>	<u>PRESENT</u>
<u>MEMBER STONEY CREEK/NEUSE GOLF</u>	<u>1999</u>	<u>PRESENT</u>

Stephen J. Povero
Signature

11/4/15
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 (kmoftett@townofclaytonnc.org)



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

AGENDA LOCATION:

Consent

Meeting Date:

August 1, 2016

ITEM TITLE:

Code of Ordinance Amendment - Chapter 50 - Acreage and Capacity Fees

DESCRIPTION:

Staff is recommending amendment to Chapter 50 of the Code of Ordinances with regard to financing and acreage and capacity fees.

POTENTIAL ACTION:

Place on Consent Agenda

DEPARTMENT:

Public Works/Operations

PRESENTER:

Tim Simpson, Public Works Director

ITEM HISTORY:

Date:

July 18, 2016

Action Taken:

Placed on August 1, 2016 Consent Agenda

Information Provided:

Amendment & Ordinance

Date:

Action Taken:

Information Provided:

TOWN OF CLAYTON
Amendment to the Code of Ordinances: Chapter 50
General Utility Regulations

BEING HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON, NORTH CAROLINA to amend §50.02(E) *Financing*, with the following:

§ 50.02(E) *Financing.*

- (1) All acreage and capacity fees must be paid in full prior to connection of public utility service, in accordance with prevailing town practice and procedure. All acreage and capacity fees for any tract or parcel of real property that is to be developed in phases must be paid in full for each phase prior to beginning construction of that phase.
- (2) Acreage and capacity fees in the total amount of \$2,000 or less for any individual commercial, industrial or institutional connection must be paid in full prior to connection of utility service.
- (3) Acreage and capacity fees in a total amount equal to or between \$2,001 and \$5,000 for any individual commercial, industrial or institutional connection may be financed at an interest rate of 5% for up to 12 months, with a down payment of 20% prior to connection of utility service.
- (4) Acreage and capacity fees in a total amount equal to or between \$5,001 and \$20,000 for any individual commercial, industrial or institutional connection may be financed at 5% simple interest for up to 18 months, with a down payment of 20% prior to connection of utility service.
- (5) Acreage and capacity fees in a total amount of more than \$20,000 for any individual commercial, industrial or institutional connection may be financed at 5% simple interest for up to 24 months, with a down payment of 20% prior to connection of utility service.
- (6) Any person who wishes to finance acreage or capacity fees as provided in divisions (E)(3) through (E)(5) must provide the town with adequate and satisfactory financial security for the outstanding balance (e.g., a confession of judgment in accordance with Chapter 1A, Rule 68.1 of the North Carolina General Statutes, and the like), the type and form of such security to be determined in the town's sole and absolute discretion.

Duly adopted this 1st day of August 2016, while in regular session.

Jody L. McLeod
Mayor

ATTEST:

APPROVED AS TO FORM:

Kimberly Moffett, CMC, NCCMC
Town Clerk

Katherine Ross
Town Attorney

The Town of Clayton's Response to Insufficient Funds

1. The Town of Clayton will accept cash, certified check or money order from any customer having two insufficient funds or closed accounts, in connection with (bad) checks, automatic drafts or credit card within any one year period.
 - a. Upon receipt of the first returned check or other insufficient funds notice, the customer will be informed of and given a copy of the written policy. The customer will have 48 hours from notification to pay the returned item.
 - b. Upon receipt of the second returned check or other insufficient funds notice, the customer will be advised that all bills must be paid in cash, certified check, or money order henceforth and will be given another copy of the written policy.
2. Notice to the customer of a returned check or other insufficient funds or credit or closed account notice will be made by telephone if possible. If not possible, a closed door hanger or written memo to will be released promptly after the check other insufficient funds or credit or closed account notice is received.
3. If the returned check or other insufficient funds or credit or closed account is not paid within the 48 hours period, utility service will be disconnected without further notice. Customers disconnected subsequent to a returned check or other insufficient funds 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.
4. In the event a new customer posts a utility account deposit by check or credit card and the funds are returned, the account will be immediately disconnected without benefit or 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)
5. To the extent permitted by North Carolina law, a charge is added to the customer's bill because of each returned check, closed account or other insufficient funds or credit notice.
6. The customer's account will be charged for returned checks or if permitted, closed account, other insufficient funds or credit notice and will be subject to regular collection policies for delinquent accounts.
7. All returned checks, other insufficient funds, or credit or closed account notice and receipt of cash: certified check or money order payment will be recorded on the Town of Clayton's books. The Town may pursue other remedies available against customers for returned checks, closed accounts or insufficient funds or credit. The conditions necessary to pursue these additional remedies (e.g., notice and grace periods) should not restrict the Town's actions in pursuing other remedies, such as termination of service.

Town of Clayton
Amendment to the Comprehensive
List of Fees and Charges
Regarding Returned Check Fee

BE IT HEREBY APPROVED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON, NORTH CAROLINA, THAT THE FOLLOWING SHALL BE AMENDED TO ITS COMPREHENSIVE LIST OF FEES AND CHARGES:

CUSTOMER SERVICE DEPARTMENT:

Returned Check Fee

\$25.00

*(Maximum allowed by the State of
North Carolina)*

Above listed fee will become effective August 1, 2016.

Duly adopted this 1st day of August, 2016.

Jody L. McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk

**TOWN OF CLATYON
CUSTOMER SERVICE POLICY
AMENDMENT TO RETURNED CHECKS/DRAFTS (INSUFFICIENT FUNDS)**

BE IT RESOLVED by the Clayton Town Council that the Customer Service Policy be amended to include the following :

Returned Checks or Drafts (Insufficient Funds):

1. The Town of Clayton will accept cash, certified check or money order from any customer having two insufficient funds or closed accounts, in connection with (bad) checks, automatic drafts or credit card within any one year period.
 - a. Upon receipt of the first returned check or other insufficient funds notice, the customer will be informed of and given a copy of the written policy. The customer will have 48 hours from notification to pay the returned item.
 - b. Upon receipt of the second returned check or other insufficient funds notice, the customer will be advised that all bills must be paid in cash, certified check, or money order henceforth and will be given another copy of the written policy.
2. Notice to the customer of a returned check or other insufficient funds or credit or closed account notice will be made by telephone if possible. If not possible, a closed door hanger or written memo to will be released promptly after the check other insufficient funds or credit or closed account notice is received.
3. If the returned check or other insufficient funds or credit or closed account is not paid within the 48 hours period, utility service will be disconnected without further notice. Customers disconnected subsequent to a returned check or other insufficient funds 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.
4. In the event a new customer posts a utility account deposit by check or credit card and the funds are returned, the account will be immediately disconnected without benefit or 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)
5. To the extent permitted by North Carolina law, a charge is added to the customer's bill because of each returned check, closed account or other insufficient funds or credit notice.
6. The customer's account will be charged for returned checks or if permitted, closed account, other insufficient funds or credit notice and will be subject to regular collection policies for delinquent accounts.
7. All returned checks, other insufficient funds, or credit or closed account notice and receipt of cash: certified check or money order payment will be recorded on the Town of Clayton's books. The Town may pursue other remedies available against customers for returned checks, closed accounts or insufficient funds or credit. The conditions necessary to pursue these additional remedies (e.g., notice and grace periods) should not restrict the Town's actions in pursuing other remedies, such as termination of service.

Duly adopted this the 1st day of August, 2016 while in regular session.

Jody L. McLeod, Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk



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

AGENDA LOCATION:

Public Hearings

Meeting Date:

August 1, 2016

ITEM TITLE:

231 E. Second Street - Rezoning 2016-100-RZ

DESCRIPTION:

The applicant (Town of Clayton) is requesting to rezone a Town owned property from O-1 (Office Institutional) to B-1 (Central Business). The property is located at 231 East Second Street, was recently declared as surplus property by the Town Council. As it is currently zoned, the subject property does not meet the setback requirements stated in the UDC. Rezoning the property to the B-1 zoning category, which has no minimum setback requirements, would bring the site into compliance with the UDC.

POTENTIAL ACTION:

Approval/Disapproval

DEPARTMENT:

Planning + Zoning

PRESENTER:

Planning Department

ITEM HISTORY:

Date:

June 20, 2016

Action Taken:

Set Public Hearing for August 1, 2016

Information Provided:

Application, Staff Report, Map, Neighborhood Meeting Information

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 Fees: **Standard Rezoning Fee: \$500.00**
Rezoning to Planned Development District Fee: \$1,000.00 + \$5.00 acre
Advertisement Fee: \$100.00
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: Old Town Hall Rezoning Acreage of Property: .178
County Tag Number: 05015051 NC PIN: 166917-02-7136
Address/Location: Corner of Second street and Barbour Street
Existing Zoning District: O-I
Proposed Zoning District: B-1

APPLICANT INFORMATION

Applicant: Town of Clayton
Mailing Address: PO Box 879 Clayton, NC 27528
Phone Number: 919-553-5002 Fax: _____
Contact Person: Planning Department, Haley Hogg
Email Address: hhogg@townofclaytonnc.org

FOR OFFICE USE ONLY

5/9/16 - application
Date Received: on file for Amount Paid: \$0 Town initiated File Number: 2016-100-RZ
MAY 2, 2016

version 1/6/2016

Page 1 of 11

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
adopted Plans

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

It is suitable as it is located within Clayton's
Downtown.

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

The proposed rezoning improves the balance of
uses and meets specific demand in 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 public facilities and services are
available for the property.

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

This is correct; they are not violated

6. It has been determined that there will be no adverse effect upon adjoining property owners unless such effect can be justified by the overwhelming public good or welfare.

There will be no adverse effect.

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 is correct; there will be no detriment
to the general public.

APPLICANT AFFIDAVIT

I/We, the undersigned, do hereby make application and petition to the Town Council of the Town of Clayton to amend the Zoning Ordinance and change the Official Zoning Map of the Town of Clayton as requested. I hereby certify that I have full legal right to request such action and that the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand this application, related material and all attachments become official records of the Planning Department of the Town of Clayton, North Carolina, and will not be returned.

Haley Hogg
Print Name
Town Planner

Haley Hogg (on behalf of Town)
Signature of Applicant

5-9-16
Date



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

*Planning Board
May 23, 2016*

STAFF REPORT

Application Number: 2016-100-RZ Project Name: Old Town Hall Rezoning

NC PIN / Tag #: 166917-02-7136 / 05015051
Town Limits/ETJ: Town Limits
Overlay: Downtown Overlay District
Applicant: Town of Clayton
Owner: Town of Clayton
Location: The property is at the western corner of E Second Street and Barbour Street

Public Noticing:

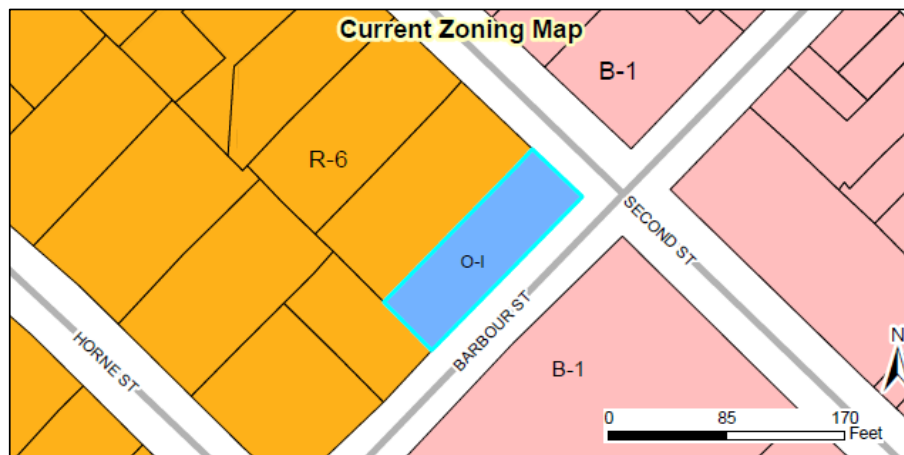
- Neighborhood meeting May 19, 2016
- Sign posted May 17, 2016
- Letters mailed prior to June 28, 2016
- Newspaper ad posted prior to July 6, 2016

REQUEST: Rezoning from Office-Institutional (O-I) to Central Business (B-1).

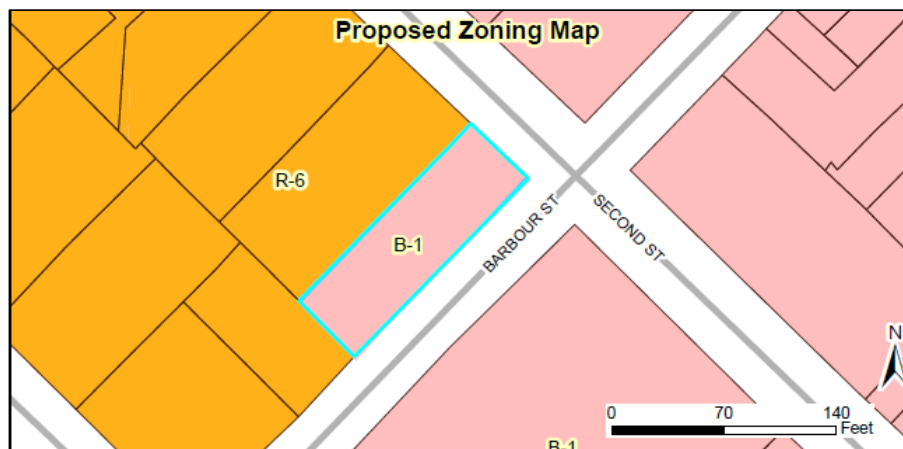


SITE DATA:**Acreage:** .178 acres**Existing Use:** Vacant**ADJACENT ZONING AND LAND USES:**

Direction	Zoning	Existing Use
North	Residential-6 (R-6), Central Business (B-1)	Residential, Commercial
South	Central Business (B-1)	Town of Clayton Police Department
East	Central Business (B-1)	Commercial
West	Residential-6 (R-6)	Single Family Residential

**STAFF ANALYSIS AND COMMENTARY:****Overview**

The applicant (Town of Clayton) is requesting to rezone a Town-owned property from O-I (Office Institutional) to B-1 (Central Business). The property is home to the Old Town Hall, was recently declared as surplus property by the Town Council. As it is currently zoned, the subject property does



not meet the setback requirements stated in the Unified Development Code. Rezoning the property to the B-1 zoning category, which has no minimum setback requirements, would bring the site into compliance with the Unified Development Code.

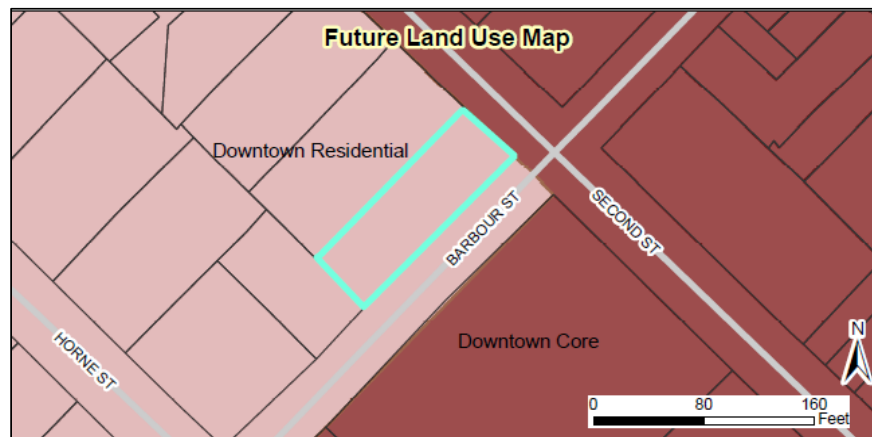
Currently, the parcel is unintentionally spot zoned; a relic of its use as the Town offices, which are a primary use in O-I zoning. A rezoning to B-1 would eliminate the spot zoning status, by making it contiguous with the adjacent B-1 zoning district. A B-1 zoning is more compatible with the physical dimensions of the site as it exists today.

Compatibility with Surrounding Land Uses

The rezoning request is compatible with surrounding land uses, as it is located within Clayton's Downtown, and is bordered on three sides by B-1, and on the fourth side by Residential-6 (R-6). R-6 is the highest density residential zoning district and is often associated with and in proximity to the Town's Central Business District. A zoning of B-1 allows for many uses, generally including but not limited to Upper-story Residence (with commercial or retail on the first floor), Apartments, Townhomes, Financial Services, Offices, Restaurant, and Retail stores.

Consistency with the Comprehensive Plan 2040

The proposed rezoning is consistent with the Comprehensive Plan 2040 – Downtown Residential FLU allows B-1 as an acceptable zoning district. Downtown Residential is seen as generally providing dense development that supports the Downtown Core.



CONSIDERATIONS:

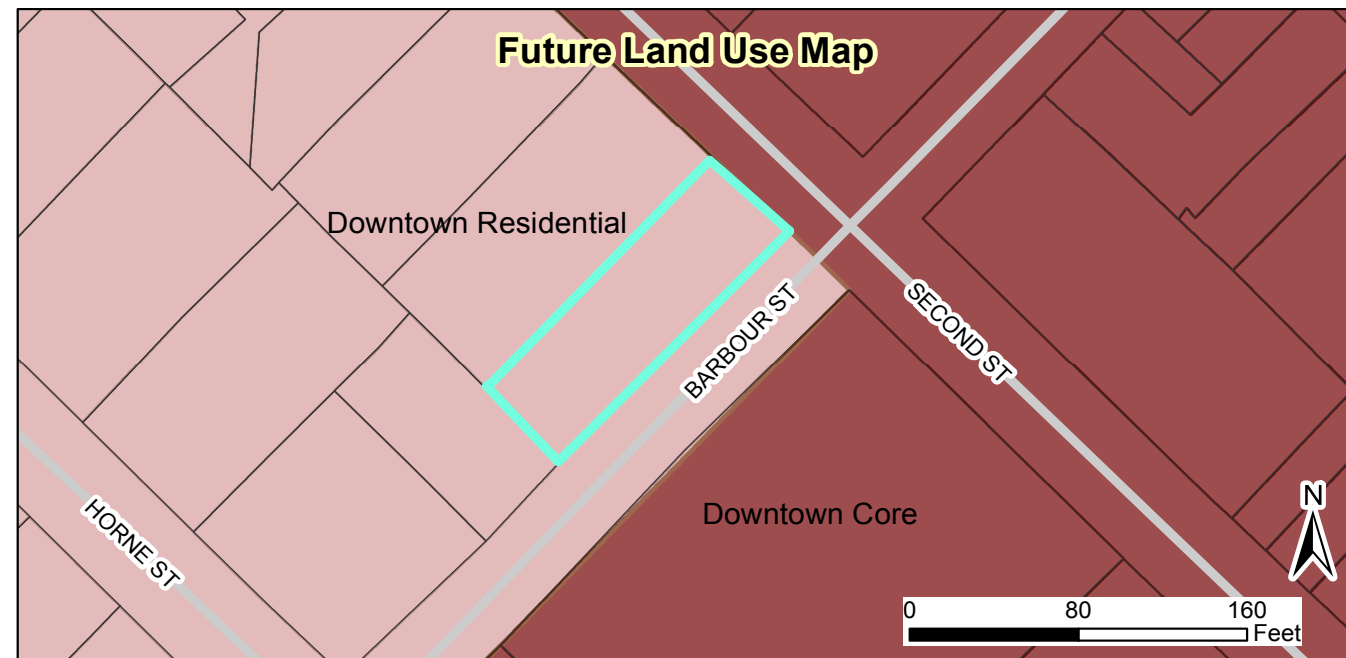
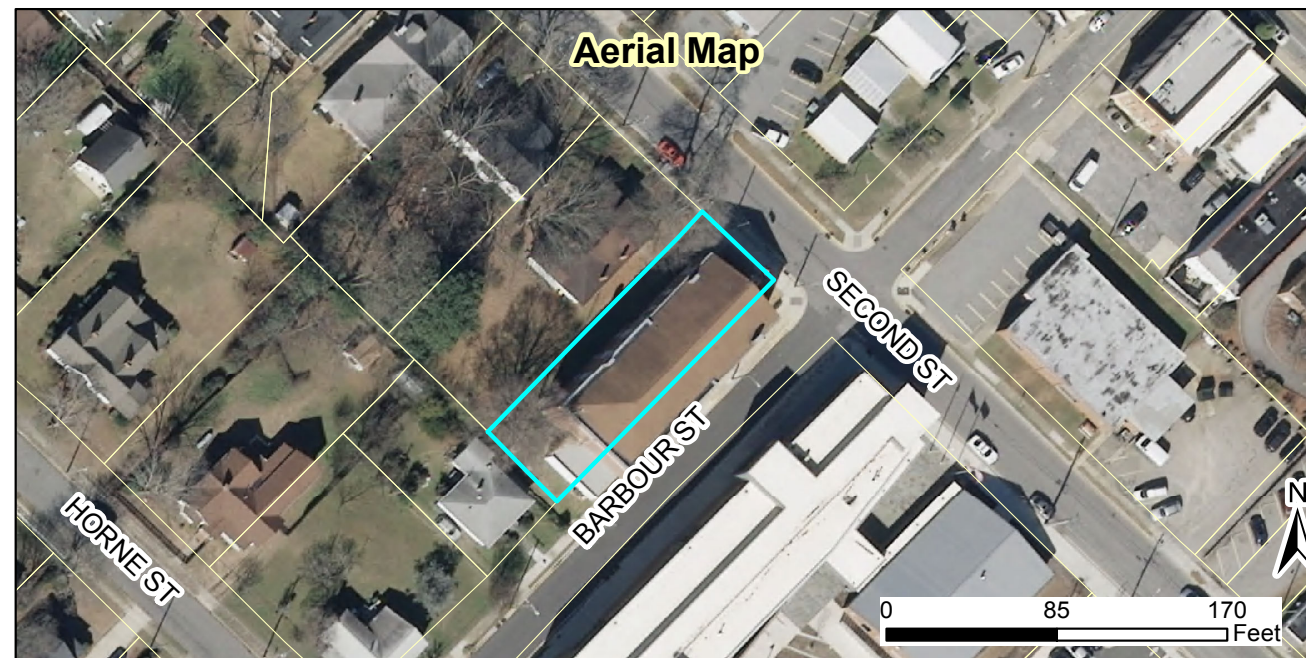
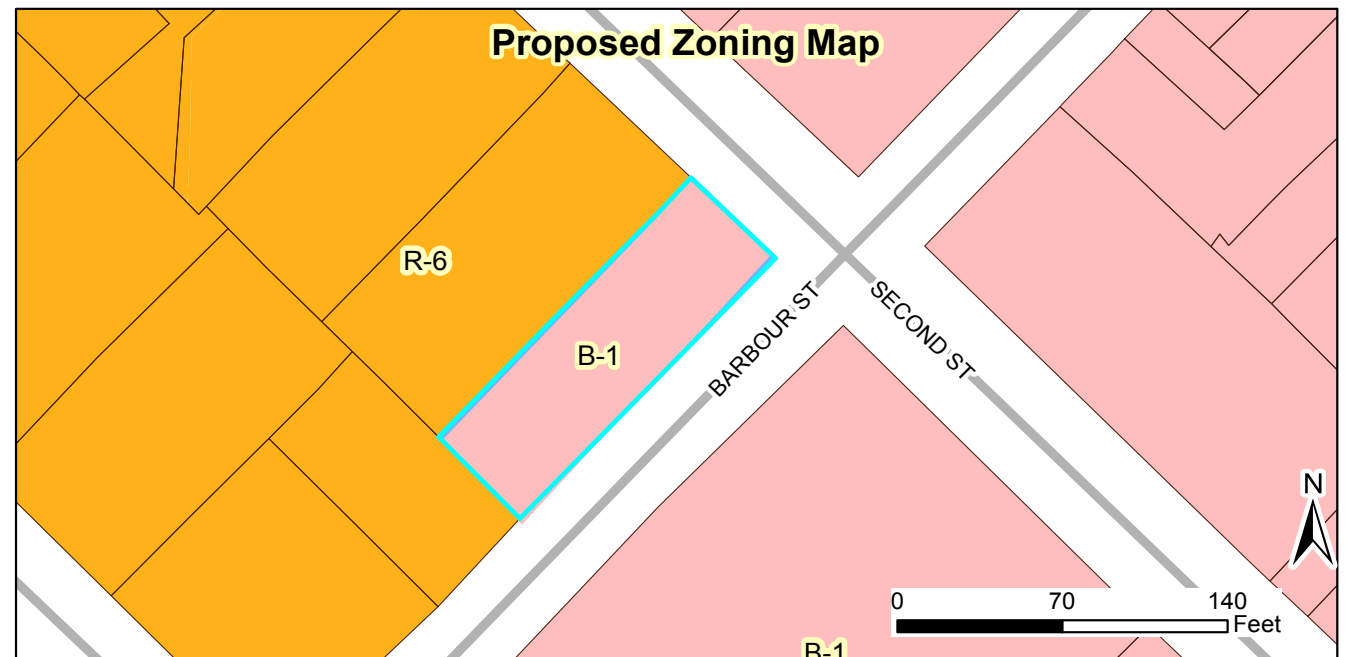
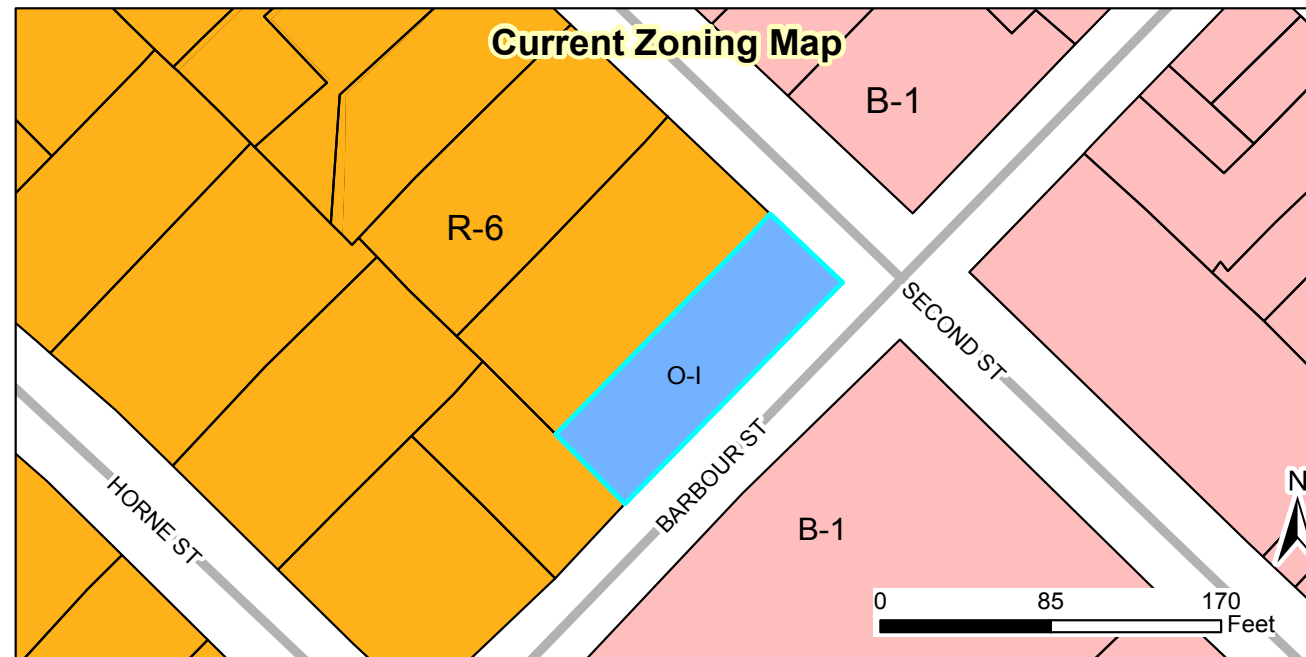
- Rezonings are decided by the Town Council. The Planning Board shall make a recommendation to the Town Council.
 - When adopting or rejecting the rezoning, the Town Council shall approve a statement describing whether its action is consistent with adopted plans and/or policies of the Town and explaining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

STAFF RECOMMENDATION:

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

ATTACHMENTS:

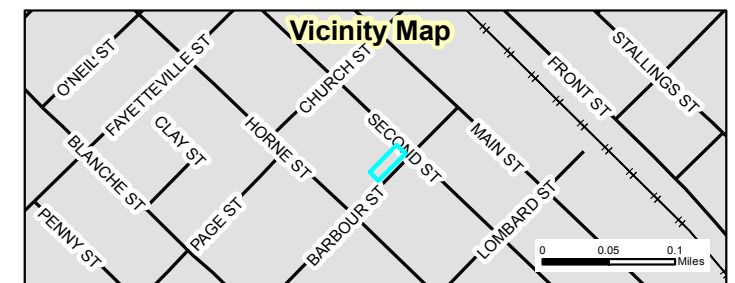
- 1) Staff Report Maps
- 2) Application
- 3) Neighborhood Meeting Materials – to be distributed at the Planning Board meeting.



2016-100-SP Old Town Hall Rezoning
Request: To rezone subject parcel from O-I to B-1
 Applicant: Town of Clayton
 Property Owners: Town of Clayton
 Parcel ID: 166917-02-7136
 Tag #: 05015051



- sde.DBO.ETJ_Roads ———
- Site
- Special Use District
- Thorough Fare Overlay
- Scenic Highway Overlay
- Railroads



Document Path: O:\PLANNING\REZONING\Rezoning\2016\2016-100-RZ Old Town Hall Rezoning\Maps\StaffReportMap- Old Town Hall Rezoning.mxd

Jody L. McLeod
MAYOR

Bruce Thompson
TOWN ATTORNEY

Steve Biggs
TOWN MANAGER



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

Michael Grannis
MAYOR PRO TEM

May 9, 2016

Dear Clayton Area Property Owner:

The purpose of this letter is to notify you of an application filed by the Town of Clayton for a rezoning 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 Town will be present to explain the rezoning, answer questions, and solicit comments.

Meeting Date: May 19, 2016

Location: Clayton Center Lobby, Clayton Town Hall 111 E. Second Street, Clayton, NC 27520

Time: 6:00pm

Type of Application: Rezoning

General Description: Rezoning the subject property (Parcel ID: 166917-02-7136) from Office Institutional (O-I) to Central Business (B-1). The property is located at the corner of E Second Street and Barbour Street. Please see attached map.

If you have any questions prior to or after this meeting, you may contact me at 919-553-5002.

Sincerely,

A handwritten signature in black ink, appearing to read "Haley Hogg".

Haley Hogg
Town Planner
Town of Clayton

P. O. Box 879 - Clayton, North Carolina 27528 - Office (919) 553-5002 - Fax (919) 553-8919



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

After considering the recommendations of the Planning Board and Planning Director, I move to **[approve OR deny] case number 2016-100-RZ**

[IF APPROVING]

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

**Item 5a
231 E. Second Street
Rezoning – 2016-100-RZ**

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

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

WHEREAS said property is owned by the Town of Clayton; and

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

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

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

WHEREAS the said public hearing was actually conducted at 6:30 p.m. on August 1, 2016, wherein a reasonable opportunity was given to all those in attendance to speak either in favor or against the said change or to make relevant comments;

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

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

General Description:

Corner of Second Street and Barbour Street.

Specific Description:

NC Parcel Identification Numbers: 166917-02-7136

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

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

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

DULY ADOPTED by the Clayton Town Council this 1st day of August, 2016, while in regular session.

Jody McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk



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

AGENDA LOCATION:

Items Scheduled for Regular Meetings

Meeting Date:

August 1, 2016

ITEM TITLE:

First Street Tavern - Special Use Permit - 2016-88-SUP

DESCRIPTION:

Applicant is requesting a SUP to operate a tavern in an existing building located within the B-1 zoning district. Any drink establishment wishing to located within B-1 zoning requires a Special Use Permit to operate.

POTENTIAL ACTION:

Approval/Disapproval

DEPARTMENT:

Planning + Zoning

PRESENTER:

Jay McLeod, Planner

ITEM HISTORY:

Date:

July 18, 2016

Action Taken:

Set Public Hearing for August 1, 2016

Information Provided:

Application/Staff Report/Site Plan/Map/Parking Agreement/Health Dept. Materials & Neighborhood Meeting Materials

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.

Application Fee: \$400.00.

Advertisement Fee: \$100.00.

All fees are due when the application is submitted.

Please note that Section 155.702(B) of the Unified Development Code requires a Neighborhood Meeting for all Special Use Permit applications.

APPLICATION TYPE

☒ New Special Use Permit

☐ Major Modification to an approved SUP

Permit Modified: _____

SITE INFORMATION

Name of Project: FIRST ST. TAVERN Acreage of Property: .26
Parcel ID Number: 05015016 Tax ID: 31-2271370(EIN)
Deed Book: 03322 Deed Page(s): 0502
Address/Location: 115 FIRST ST
CLAYTON, NC 27520
Existing Use: VACANT Proposed Use: TAVERN
Is project within a Planned Development? ☒ No ☐ Yes
Planned Development District (if applicable): _____
Is project within an Overlay District: ☒ No ☒ Yes
Overlay District (if applicable): _____

TAX ID
4485244

OFFICE USE ONLY

Date Received: APR 27 2018 Amount Paid: \$500.00 Permit Number: 2016-88-SUP

version 01-06-2016

TOWN OF CLAYTON
PLANNING DEPARTMENT

Page 1 of 9

PROPERTY OWNER INFORMATION

Name: THAD & JEME AULT
Mailing Address: 338 E. MAIN ST. CLAYTON, NC 27520
Phone Number: (919) 818-7973 (JEME) Fax: (919) 818-0518 (THAD)
Email Address: APG@NC.RR.COM

APPLICANT INFORMATION

Applicant: DAVID J. SCHEARER
Mailing Address: 124 HEIN DR. CLAYTON, NC 27527
Phone Number: 704-491-3479 Fax: N/A
Contact Person: DAVE SCHEARER
Email Address: DAVE@WILDDWILDCAFE.COM 02 FIRSTSTANEDJ2016@GMAIL.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: <u>4/19/16</u>	☒	☐			
2. Review Fee (\$400) and Application Fee (\$100)	☒	☐			
3. Completed application (9 copies)	☒	☐			
4. Owner's Consent Form (9 copies)	☒	☐			
5. Adjacent property owners list (9 copies)	☒	☐			
6. Wastewater allocation request OR verification of wastewater allocation (9 copies)	☒	☐			
7. Signed and sealed traffic impact analysis (2 copies)	☐	☒			
8. If applicant is concurrently applying for site plan approval, a copy of the proposed site plan.	☒	☐			
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.

NO IT WILL NOT ENDANGER PUBLIC HEALTH OR
SAFETY + WILL BE DEVELOPED ACCORDING TO PLANS

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.

YES I WILL CONFORM TO TOWN CODE ORDINANCES

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.

WILL DO NOTHING TO DAMAGE ANYTHING

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.

NO I WILL NOT

EXPLANATION OF PROJECT

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

A TAVERN W/ SMALL MENU

CONCEPT IS SELF SERVE. CUSTOMER PICK BOTTLE
OF WINE / BEER. PAYS AT BAR/COUNTER.
WE PROVIDE A GLASS. FOOD IS PURCHASED
AT TIME OF BEER/WINE PURCHASE.

NO WAITSTAFF.

THIS IS A LOUNGE MORE THAN A RESTAURANT

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.

DAVID J. SCHAEFER
Print Name

Signature of Applicant

4/29/16
Date

NEIGHBORHOOD MEETING INFORMATION

Purpose:

The purpose of the Neighborhood Meeting is to inform the surrounding property owners of the nature of the proposed land use and/or development features, answer questions, respond to concerns, and solicit comments.

Meeting Date:

The meeting must be held at least ten (10) calendar days prior to the Planning Board meeting.

Meeting Time & Location:

The meeting must be held no earlier than 6:00 pm Monday through Friday, and must be held in a location generally accessible to residents within close proximity of the request. The meeting space must be able to comfortably accommodate everyone that receives an invitation.

Meeting Notice Mailing requirements:

1. The applicant must contact all adjacent property owners via first class mailing (see sample letter).
2. The mailing must include all the persons, firms, or corporations owning property within 100 feet and immediately adjacent to the subject property. Where the subject property immediately adjoins a public or private right-of-way, landscape or riparian buffer, commonly-owned private area, public property, or homeowners' association property, then letters of notification shall be sent to adjoining property owners as if they directly abut the subject property.
3. The notice must be mailed at least ten (10) calendar days but not more than twenty-five (25) days prior to the date of the Neighborhood Meeting.

Information provided at the Neighborhood Meeting:

At a minimum, the following materials must be present for inspection at a Neighborhood Meeting:

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

Information provided to Planning Department:

Alert the Planning Department once the date, location, and time of the Neighborhood Meeting are determined. Planning staff may attend the Neighborhood Meeting to answer process/code questions.

Deliver the following items to the Planning Department at least ten (10) calendar days prior to the Planning Board meeting in electronic or hard copy format:

- ☐ Adjacent Property Owner's List (aka "mailing list")
- ☐ Copy of the letter mailed
- ☐ Attendance Roster (aka "sign-in sheet")
- ☐ Neighborhood Meeting Summary Form with minutes (see below)

ADJACENT PROPERTY OWNERS LIST

Project Name: FIRST ST. TAVERN

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



**Town of Clayton
Planning Department**

111 E. Second Street, Clayton, NC 27520

P.O. Box 879, Clayton, NC 27528

Phone: 919-553-5002

Fax: 919-553-1720

OWNER'S CONSENT FORM

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

Project Name: FIRST ST. TAVERN Address or PIN #: 118 EAST FIRST ST.
CLAYTON, NC 27520

AGENT/APPLICANT INFORMATION:

DAVID JOSEPH SCHAFER 124 HEIN DR.
(Name - type, print clearly) (Address)
CLAYTON, NC 27527
(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):

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.

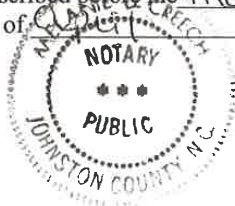
OWNER AUTHORIZATION:

Thad Arent (main street) 338 E. Main Street
(Name - type, print clearly) (Address)
[Signature] Clayton NC 27520
(Owner's Signature) (City, State, Zip)

STATE OF North Carolina
COUNTY OF Johnston

Sworn and subscribed before me Melanie D. Creech, a Notary Public for the above State and County, this
the 22 day of April, 2016.

SEAL



Melanie D. Creech
Notary Public

My Commission Expires: 11/20/2019

October 2013

Figure 1. (continued)

Figure 1. (continued)



Figure 1. (continued)

Figure 1. (continued)

Figure 1. (continued)

Figure 1. (continued)

Figure 1. (continued)

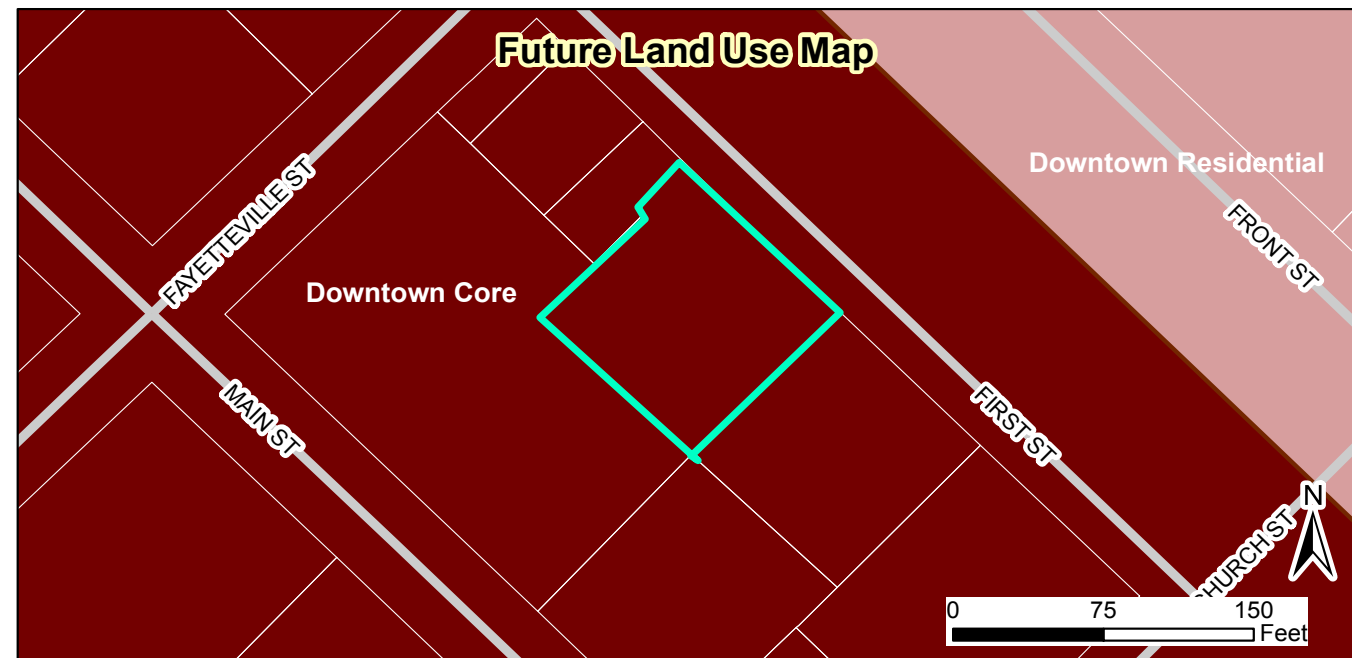
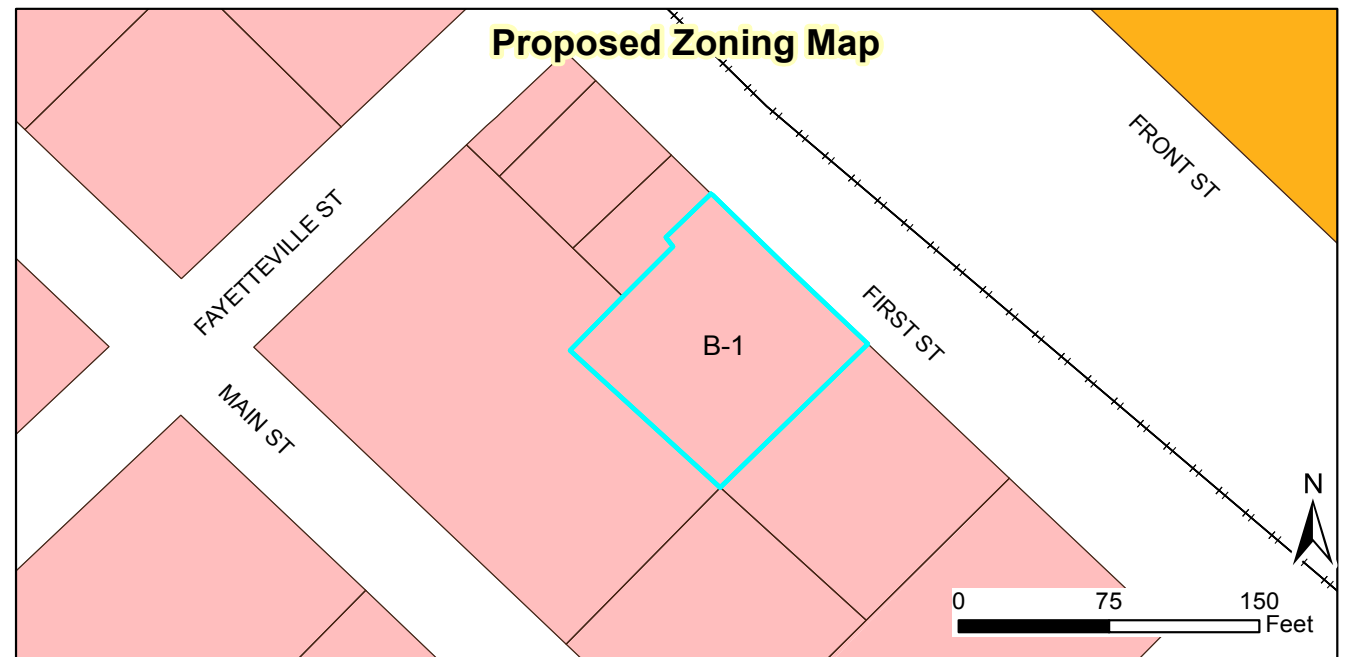
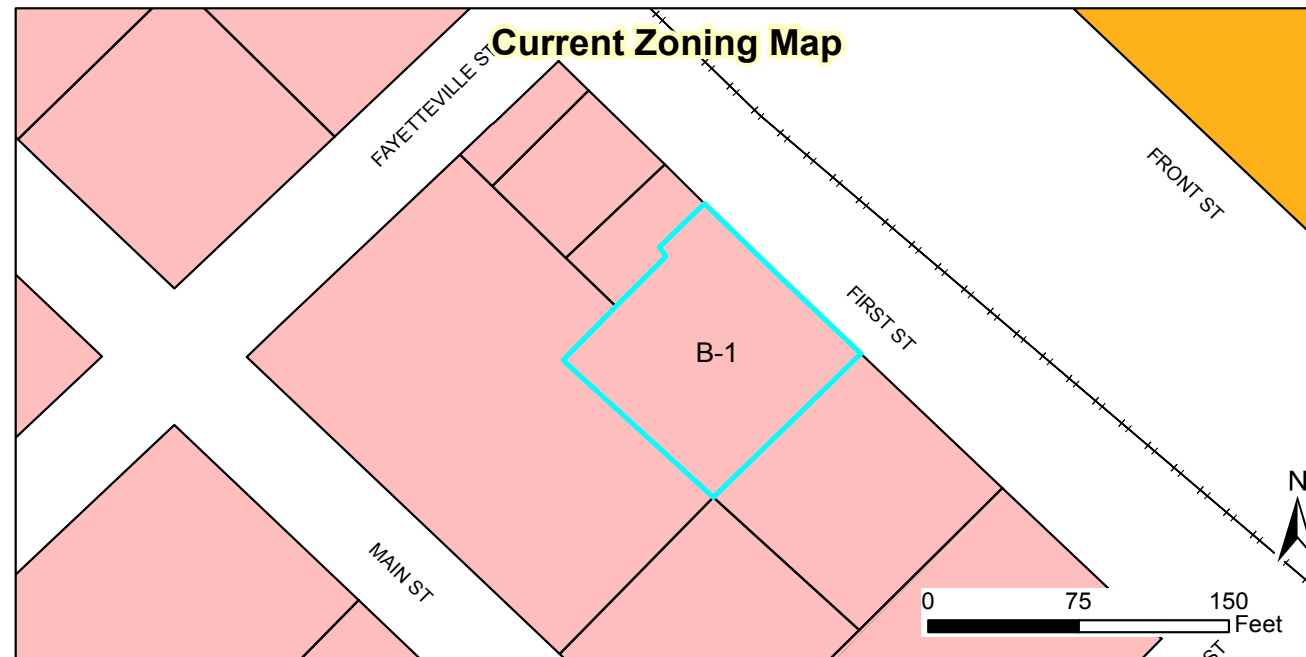
Figure 1. (continued)

Figure 1. (continued)

Figure 1. (continued)

Figure 1. (continued)

Figure 1. (continued)



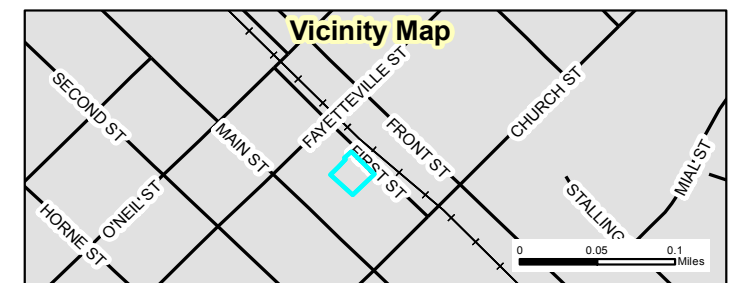
2016-88-SUP First Street Tavern Special Use Permit
Request: Special Use approval to operate a tavern on a property located in the B-1 zoning district

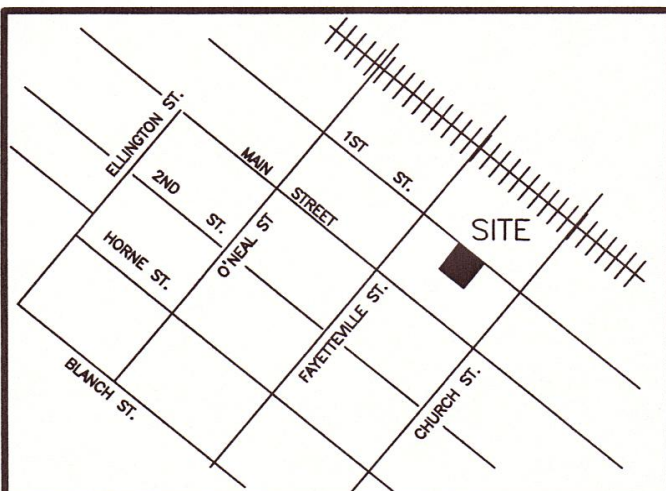
Applicant: David Schearer
 Property Owners: Thad Avant
 Parcel ID: 166913-03-6023
 Tag #: 05015016



- Railroads —+—+—
- Site
- Special Use District
- Thorough Fare Overlay
- Scenic Highway Overlay
- Parcels_03202015_All

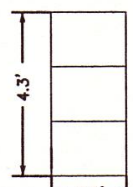
Document Path: O:\PLANNING\SPECIAL USE\2016\2016-88-SUP First Street Tavern\Maps\2016-88-SUP First Street Tavern SUP.mxd





VICINITY MAP (NOT TO SCALE)

BICYCLE RACK DETAIL



(NOT TO SCALE)

PACKRAK SERIES
6 DELUXE GRID
STYLE RACK WITH
ACCESSORY STORAGE
3.5' TALL CARBON
STEEL FRAME PARK
STAND HOLDS SIX
BIKES UPRIGHT

FAYETTEVILLE STREET 50' R/W (PUBLIC)

N/F
CHARLES GORDON
DB 2648 PG 603
PIN 166913-03-5089

ZONING: B-1
CURRENT USE: COMMERCIAL

N/F
FOUR OAKS BANK
DB 999 PG 547
PIN 166913-03-5011

ZONING: B-1
CURRENT USE: COMMERCIAL

N/F
HERITAGE PARTNERS
DB 3409 PG 303
PIN 166913-03-7073

ZONING: B-1
CURRENT USE: COMMERCIAL

N/F
LINDA M. MCADAMS
DB 4596 PG 829
PIN 166913-02-7906

ZONING: B-1
CURRENT USE: RESIDENTIAL

NORTH CAROLINA RAILROAD COMPANY 200' R/W

NOTE: THE AREA IDENTIFIED ON THIS SITE PLAN AS BEING WITHIN THE NORTH CAROLINA RAILROAD COMPANY RAIL CORRIDOR IS SUBJECT TO THE OWNERSHIP OR RIGHTS OF THE NORTH CAROLINA RAILROAD COMPANY. PURSUANT TO REQUIREMENTS OF THE RAILROAD, AND PROPOSED USE OF PROPERTY WITHIN THE RAIL CORRIDOR BOUNDARY REQUIRES USERS TO COMPLY WITH THE POLICIES AND LICENSING PROCEDURES OF NORTH CAROLINA

SEE CHARTER OF THE NORTH CAROLINA RAILROAD COMPANY 1848-49, NC LAWS CH LXXXII (JANUARY 27, 1849) INCORPORATING THE NORTH CAROLINA RAILROAD COMPANY.

GRAVEL AREA

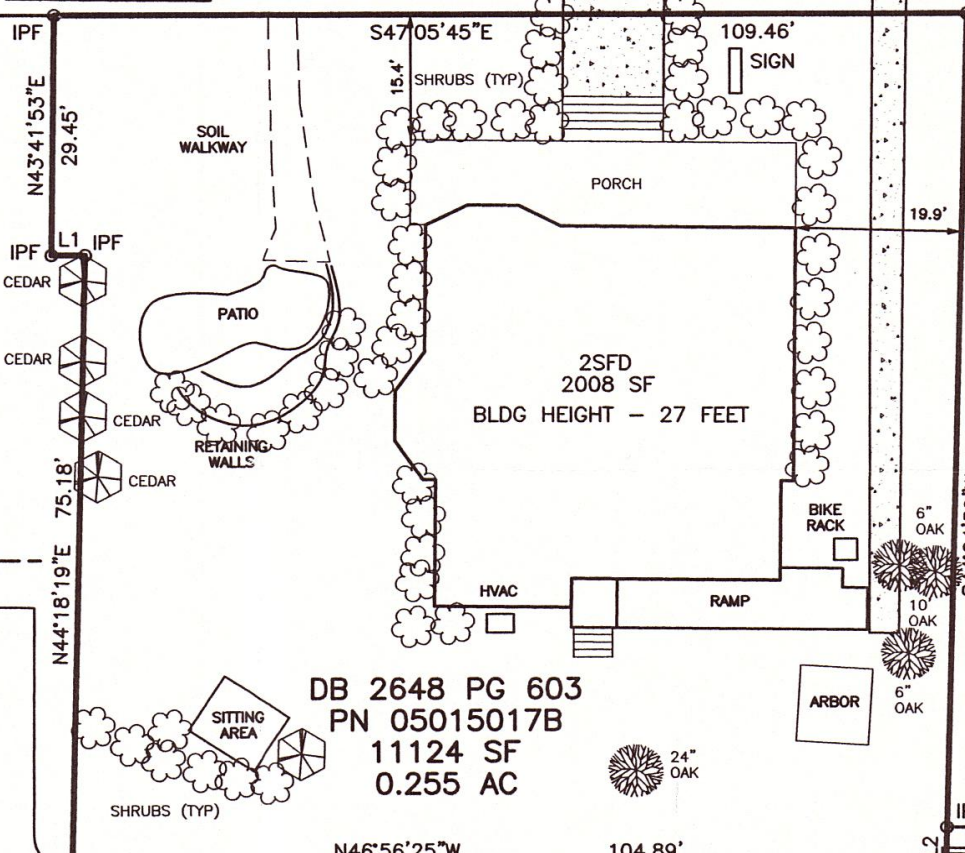
9 GRAVEL PARKING SPACES

GRAVEL AREA

EDGE OF PAVEMENT

FIRST STREET 50' R/W (PUBLIC)

4' CONC. WALK



DB 2648 PG 603
PN 05015017B
11124 SF
0.255 AC

ASPHALT

LANDSCAPING NOTES:

1. 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, OR IF NO IRRIGATION SYSTEM IS PROVIDED, THIS NOTE IS NOT REQUIRED BUT DROUGHT-TOLERANT LANDSCAPING MUST BE UTILIZED AND NOTED AS SUCH.
2. ALL LANDSCAPED AREAS SHALL BE MAINTAINED IN AN ATTRACTIVE AND HEALTHY CONDITION. DEAD OR DISEASED PLANTINGS SHALL BE REMOVED AND REPLACED IN A TIMELY FASHION.
3. REQUIRED PLANTING AREAS SHALL INCORPORATE EXISTING NATURAL VEGETATION TO THE MAXIMUM EXTENT FEASIBLE.
4. 20% OF THE ENTIRE SITE SHALL BE LANDSCAPED. PLANTINGS INSIDE OF BUFFERS DO NOT COUNT TOWARDS THIS REQUIREMENT
5. SHRUBS PLANTED AROUND HVAC EQUIPMENT, FOR SCREENING, SHALL BE A MINIMUM OF 30" IN HEIGHT AT TIME OF PLANTING

NOTES:

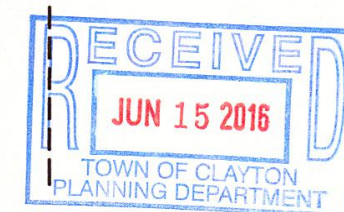
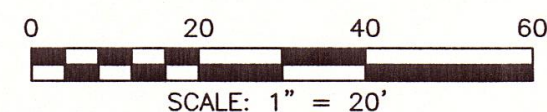
- 1) ALL DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES
- 2) AREAS COMPUTED BY COORDINATE METHOD.
- 3) PROPERTY SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.
- 4) NO. 5 REBAR IRON STAKES WITH CAPS SET AT ALL LOT CORNERS UNLESS OTHERWISE NOTED
- 5) SITE TO BE SERVED BY INDIVIDUAL TRASH CONTAINERS
- 6) BUILDING SHOWN ON SITE IS EXISTING
- 7) POWER TO BE SUPPLIED BY TOWN OF CLAYTON
- 8) SITE IS LOCATED WITHIN PLANNING JURISDICTION OF THE TOWN OF CLAYTON
- 9) CURRENT OWNER OF TRACT: MAIN STREET DEVELOPMENT GROUP
338 E MAIN ST
CLAYTON, N.C. 27520
- 10) ZONING: B-1
- 11) ANY EXISTING OR PROPOSED MECHANICAL EQUIPMENT MUST BE SCREENED ENTIRELY FROM VIEW
- 12) SIGN SHALL BE LANDSCAPED WITH ANNUAL PLANT BED

SITE DATA

AREA IN SITE	11124 SF	0.255 AC
VEHICULAR USE AREA	0 SF	
LANDSCAPED AREA	2224 SF	20.0% OF SITE
LOT COVERAGE	2008 SF	18.1% OF SITE
IMPERVIOUS SURFACE AREA	3705 SF	33.3% OF SITE
DB 3322 PG 502		
NC PIN NO. 166913-03-6023		
ALL LANDSCAPING SHOWN IS EXISTING		
TAVERN USE 1 PARKING SPACE PER 3 SEATS • 32 SEATS = 11		
RETAIL USE 1 PARKING SPACE PER 200 SF • 738 SF = 4		
OFFICE USE 1 PARKING SPACE PER 300 SF • 387 SF = 2		
17 TOTAL PARKING SPACES REQUIRED		

DIMENSIONAL STANDARDS	
MIN. LOT AREA	NONE
MIN. LOT WIDTH	NONE
MAX. BUILDING COVERAGE PER LOT	N/A
MAX. IMPERVIOUS SURFACE PER LOT	N/A
MAX. BUILDING HEIGHT	50 FEET
SETBACKS	
FRONT	0 FEET
SIDE INTERIOR	0 FEET
SIDE STREET	0 FEET
REAR	0 FEET

LINE	BEARING	DISTANCE
L1	N46°53'59"W	4.05'
L2	S44°24'59"W	4.95'



FIRST STREET TAVERN FOR **MAIN STREET DEVELOPMENT**

CLAYTON TOWNSHIP, JOHNSTON COUNTY
NORTH CAROLINA

2016-87-SPM MAY 5, 2016

SURVEYED BY:

DRAWN BY:
MIKE

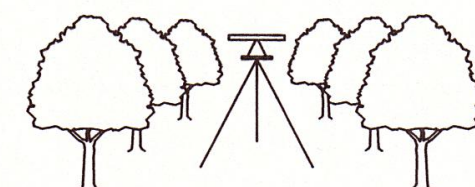
CHECKED BY:

DRAWING NAME:
SITEPLAN.DWG

SURVEY DATE:

JOB NO.
1056.001

TRUE LINE SURVEYING, P.C.



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

C-1859



Date: June 8, 2016

To: David DeYoung, Town of Clayton Planning Director

From: Brent George, Senior Vice President

A handwritten signature in black ink, appearing to read "Brent George".

Re: Access to handicapped parking space on Four Oaks Bank property

Let this letter serve as verification that Four Oaks Bank gives permission to First Street Tavern, to be located at 115 First Street, Clayton, NC, to access our handicapped parking space at our 102 E. Main Street location directly behind their facility. Their business hours will not significantly overlap our hours and should not present a problem for us. Please do not hesitate to contact me with any questions or further information.

Food Preparation and Storage:

1. Which of the following will be prepared in your facility?

☒ Chicken-will you be using: (check all that apply) PRE-COOKED

☐ Cutting raw

☐ Whole raw

☒ Processed breasts

☒ Cooked from frozen state

☐ Raw hamburger-will you patty? YES ☐ NO ☒

☐ Raw shrimp-will you be cleaning? YES ☐ NO ☒

☐ Raw fish-will you be cleaning? YES ☐ NO ☒

☐ Raw beef or pork-will you be cutting? YES ☐ NO ☒

☐ Raw oysters-will they be served raw? YES ☐ NO ☒

☐ Raw vegetables-will you be washing? YES ☐ NO ☒

2. If any of the above has been checked, please indicate where these items will be washed and prepared or if they will be purchased pre-processed.

PROCESSED BREAST WILL BE PRE-COOKED & STORED
IN COOLER

Note: If meats or vegetables are washed and prepared, separate prep sinks maybe required.

3. Will you be cooling any item(s)? Please describe the item(s) and indicate your procedure for cooling.

ALL ITEMS WILL BE PREPARED COLD &
HEATED TO SERVE
NO COOLING REQUIRED

4. Will any item(s) be pre-cooked and hot held? Describe the item(s) and indicate how temperature will be maintained.

QUESO CRAB DIP } ALL HEATED & MICROWAVE
SQUASH & ARTICHOKE DIP } TO 165° AND HELD HOT
THREE CHEESE DIP } TO STEAMWELL AT
145° OR HIGHER

5. Will any item(s) be thawed? Describe the item(s) and indicate your procedure for thawing.

N/A

9. Will test strips for testing sanitizer be provided? YES ☒ NO ☐

Hot Water Heater:

1. Water heater storage capacity. 50 Gallons Storage)
2. Water heater recovery rate in gallons per hour at a 100F temperature rise.
(134 Gallons per hour) see worksheet
3. Are laundry facilities located on premises? YES ☐ NO ☒

* PROBLEM
ALSO HAS

A 20 GAL

WATER HEATER
UNDER SINKS
THAT WILL BE
USED

Water Supply & Sewage Disposal:

1. Is water supply: ☒ public () well
2. Is building connected to: ☒ municipal sewer () on-site septic system

Storage:

1. How much dry storage do you have? 100 sq. feet
2. Please indicate location of:
- Dry food storage: KITCHEN SHELVING/CABINETS
- Single service storage: CABINETS IN KITCHEN
- Paper products: CABINETS IN KITCHEN
- Chemicals/cleaning products: BATHROOM CABINETS
- Personal & office items: OFFICE UPSTAIRS
- Linen (if applicable): N/A

Garbage and Refuse:

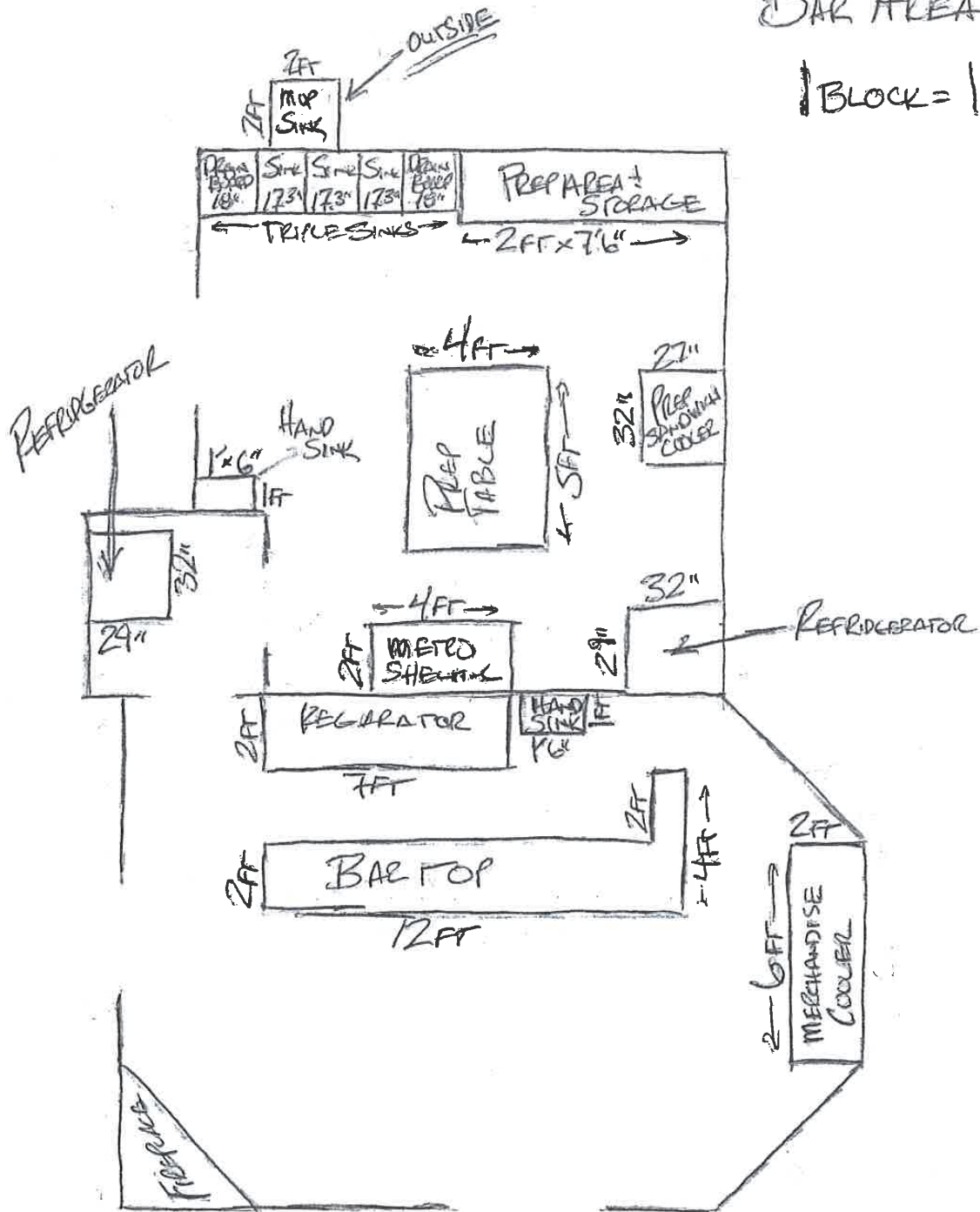
1. Will the facility have:
- | | |
|---|---|
| Dumpster(s) with lids? | YES ☐ NO ☐ |
| Trash can(s) with lids? | YES ☒ NO ☐ |
| Grease storage receptacle? | YES ☒ NO ☐ |
| Can wash cleaning facility? | YES ☐ NO ☒ |
| Off-site contracted cleaning service for dumpsters? | YES ☒ NO ☐ |
2. Location where dumpster(s)/compactor/can(s) will be stored. CITY TO PROVIDE
TRASH/RECYCLE BINS. STORED ON OUTSIDE
OF HOME

WILL CONTACT REPUBLIC SERVICES
OR WASTE MANAGEMENT SERVICES
IF CITY DOES NOT PROVIDE

SE STREET
TAVEN

KITCHEN AND
BAR AREA

1 BLOCK = 1 FOOT



First Street Tavern Menu

Dips & Platters

Hummus Trio – black bean, roasted red pepper & traditional hummus platter served cold with warm white corn tortilla chips

*****Crab Queso – king crab mixed with queso cheese, fresh jalapenos, roasted tomato, cilantro and white onion served with warm white corn tortilla chips**

Spinach & Artichoke- fresh baby spinach and artichokes mixed with mozzarella, cream cheese, fontina and dry roasted veggies served with warm white corn tortilla chips

Three cheese- white american, pepper jack and cream cheese melted with jalapenos, onion & cilantro served with warm white corn tortilla chips

Cheese, cracker & fresh fruit trays – various cheese, crackers and seasonal fresh fruits make up this tray. Made upon request.

Smoked Red Salmon served on toasted french bread with an onion & chive cream cheese spread. Served cold.

White Chocolate Dessert Tray- fresh strawberries, blueberries, white chocolate covered pretzels, shortbread cookies and white chocolate cheesecake bites

Dark & Stormy Tray- chocolate covered strawberries, black cherries, blueberries, chocolate covered pretzels, mint cookies and german chocolate cheesecake bites

Flatbreads

Spinach Chicken Florentine – cooked breast meat chicken, fresh baby spinach, sliced tomato on a crispy flatbread with a garlic, olive oil & cracked pepper base.

Apple, Cheddar & Bacon – granny smith apples, cheddar & fontina cheeses, hickory smoked bacon bits on a crispy flatbread with a vegetable cream cheese base

Pepperoni – crispy flatbread with homemade marinara, mozzarella cheese, basil and Boars Head Pepperoni

Margarita- crispy flatbread with homemade marinara, mozzarella, chopped tomatoes, fresh basil & oregano

Caprese Flatbread- Crispy flatbread with homemade marinara, fresh sliced mozzarella, sliced roma tomato, fresh basil leaves and a balsamic drizzle

******Pear & Gorgonzola- crispy flatbread with fresh sliced Anjou Pears, gorgonzola cheese, provolone, chopped walnuts with onion & chive cream cheese base**

Three Cheese- crispy flatbread with a olive oil & cracked pepper base, pepper jack cheese, white american and mozzarella.

****allergy warning. Some recipes require tree nuts and shellfish. These are denoted on the menu for possible allergen**



JOHNSTON COUNTY PUBLIC HEALTH DEPARTMENT



MAIN OFFICE

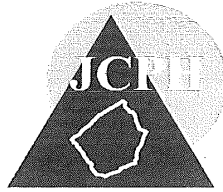
517 North Bright Leaf Boulevard
Smithfield, NC 27577-4407

(919) 989-5200

Fax: (919) 989-5208 Admin.

Fax: (919) 989-5199 Med. Rec.

Connie L. Barnes, Pharm. D.
Board Chair



MARILYN R. PEARSON, MD
Director

ENVIRONMENTAL OFFICE LAND USE CENTER

309 East Market Street
Smithfield, NC 27577-3919

(919) 989-5180

Fax: (919) 989-5190

Oliver Johnson, Ph.D.
Board Vice Chair

May 23, 2016

Mr. David Schearer
124 Hern Dr.
Clayton, NC 27527

Re: First Street Tavern
115 East First St.
Clayton, NC 27520
Application # 122400

Mr. Schearer:

This will acknowledge the receipt of the plans for the above referenced facility. These plans have been reviewed and approved with the following conditions.

1. There is no food prep sinks in facility. Food can be prepped at 3 compartment sink after sink has be cleaned and sanitized and is not being used for dish washing. This 3-compartment sink must also be indirectly drained!
2. There must be 50ft candles of light in bar for cleaning. These lights can be on separate switch so that they can be turned on after restaurant closes at night.
3. Outside doors and windows must have fly fans installed or have self closures installed.
4. Existing water heaters can be utilized. After opening, if hot water temperatures cannot maintain 110 degrees in dish sink and 100 degrees in handsinks, additional water heaters will be required.

stoves, ovens, and other food preparation and holding appliances. If equipment is not National Sanitation Foundation listed, the owner or operator shall submit documentation to this Department that demonstrates that the equipment is at least equivalent to N.C. Food Code standards 4.1 and 4.2. In doing so, if the components of the equipment are the same as those meeting ANSI/N.C. Food Code standards, the Department shall deem the equipment equivalent. For the purpose of the rules, toasters, mixers, microwaves ovens, water heaters, and hoods shall not be considered to be equipment and shall not be required to meet National Sanitation Foundation standards. If used equipment is purchased, it will need to be properly functioning and in good repair. Self-service buffet bars shall meet all current NSF standards for food Protection.

10. All equipment will need to be either mounted or movable. Mounted means flashed or caulk to a sealed surface and movable means easily moved by one person.
11. All surfaces with which food or drink comes in contact shall consist of smooth, no readily corrodible, non-toxic materials in which there are no open cracks or joints that will collect food particles and slime.
12. Shelves, tables, and counters shall not be covered with paper, cardboard, oilcloth, or other absorbent material, and shall be free of crevices.
13. Floors in areas where food stored, prepared, handled, or served, or in which utensils are washed, shall be of such construction as to be easily cleaned. Flooring may be sealed concrete, terrazzo, quarry, or vinyl tile, wood covered with composition flooring or equal. The joints between walls and floors shall be rounded or be otherwise constructed to provide a tight seal between the floor and wall. Floors in toilet rooms shall be constructed of non-absorbent, washable materials. In all rooms in which water is discharged to the floor, or in which floors are subjected to flood-type cleaning, floors shall slope to drain and be provided with floor drains.
14. The walls of kitchens and other room used for the preparation of food and the washing of utensils shall be smooth, washable, and kept clean. Acceptable wall materials include but are not limited to glazed tile; fiberglass reinforced panels, stainless steel, wood or metal; wall board painted with washable, non-absorbent paint; and brick, cinder block, slag block, or concrete blocks, if glazed, tiled, plastered or filled so as to provide a smooth surface. Walls in toilet rooms shall be constructed of non-absorbent, washable material. Ceilings in kitchens and other rooms used for the preparation of food or washing of utensils shall be washable. Acceptable materials include, but are not limited to perforated or non-perforated vinyl faced acoustical tile, fiberglass reinforced panels, and

Equipment Installation Recommendations

1. Equipment not readily movable or sealed to adjacent surfaces shall be spaced to allow access for cleaning. The amount of space required between and behind equipment depends on the size of the equipment and the accessibility needed for cleaning the equipment and adjacent surfaces.
2. The following is the equipment spacing recommendations for stationary equipment:
 - A. If access is available from both ends of the equipment and the total equipment length is 4 feet or less, the equipment should be spaced at least 6 inches from walls and other equipment.
 - B. Provided access is available from both ends of the equipment and the total equipment length is over 4 feet but less than 8 feet, the equipment should be spaced at least 12 inches from walls and other equipment.
 - C. When the total equipment length is 8 feet or more, the equipment should be spaced at least 18 inches from the walls and other equipment.
 - D. A minimum of 6 inches of space should be provided between equipment items to allow access for cleaning. Additional space may be required for large equipment when 6 inches is not adequate to provide access.
3. Equipment placed directly on the floor, such as counters, display cases, cabinets, proofers, ovens, and retarders shall be effectively sealed to the floor using silicone, metal flashing, vinyl coved base, or other approved material. Metal kick plates, which are readily removable, will not be required to be sealed to the floor, provided the base of the equipment is sealed to the floor or the areas behind the kick plates are easily cleanable.
4. Equipment attached to walls, such as lavatories, preparation sinks, utensil washing sinks, dish tables, counters, and cabinets shall be effectively sealed to the wall to prevent splash, debris accumulation, and vermin harborage. **Note:** any combination of low profile or pan head bolts, screws, rivets, silicone sealers, for flashing that effectively closes the opening between the equipment and the walls in a smooth and sanitary manner is acceptable.
5. If the equipment is open underneath, such as drain board, dish table, or open base table, it may be installed at least 3 inches away from the wall.

FIRST STREET
TAVERN
EST. 2016

<Date>

4/29/16

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 change or development 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:

MAY 16TH, 2016

Meeting Time:

6pm

Meeting Location:

SOUTHERN TRADITION HOUSE

Type of Application:

SPECIAL USE PERMIT

Project/proposal property address:

115 EAST FIRST ST.

Description of project/proposal:

TAVERN/LOUNGE

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 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 ~~919-553-5002~~. You may also contact the Planning Department at 919-553-5002.

Sincerely,

<Applicant>

DAVID J. SCHAFER
704-491-3479

Cc: Town of Clayton Planning Dept.

DAVID@WINDINGCAFE.COM

NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Application:

FIRST STREET TAVARIN

Date of Mailing:

APRIL 29TH, 2016

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:

DAVID SCHAEFER

Signature:



Date of Meeting:

MAY 16TH, 2016

Time of Meeting:

6:00 PM

Location of Meeting:

SOUTHERN TRADITIONS HOME

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.

JUDY BARKER EDWARDS - 116 EAST FRONT ST.

DAWN RIED - E. FIRST ST (WARTON)

SABRA LIGHT (MS. BONNIE) - E. FIRST ST.

CONCERNS → PARKING, SECURITY & NOISE

* ALL ISSUES WERE DISCUSSED & EVERYONE IS FINE WITH US GOING ON WITH THIS TYPE OF BUSINESS.

SECURITY → WE WILL PROVIDE OUTSIDE CAMERAS

PARKING → USING ONLY 11 SPACES ON RAILROAD SIDE → NO DESIGNATED PARKING

NOISE → HOURS OF OPERATION WILL NOT BE PAST MIDNIGHT → NO OUTSIDE

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

* NO CHANGES IN PLANS DUE TO MEETING

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Street and Apt. No., or PO Box No. 611 BARBARA ST.	
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☐ Adult Signature Restricted Delivery \$	
Postage \$ 0.47	
Total Postage and Fees \$ 3.77	
Sent To: HERITAGE PARTNERS LLC	
Street and Apt. No., or PO Box No. 121 FIRST ST.	
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Postage \$ 0.47	
Total Postage and Fees \$ 3.77	
Sent To: FALLOAKS BANK & TRUST	
Street and Apt. No., or PO Box No. PO BOX 309	
City, State, ZIP+4® FALLOAKS, NC 27524	

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☐ Return Receipt (electronic) \$	
☐ Certified Mail Restricted Delivery \$	
☐ Adult Signature Required \$	
☐ Adult Signature Restricted Delivery \$	
Postage \$ 0.47	
Total Postage and Fees \$ 3.77	
Sent To KENNETH CAUADY	
Street and Apt. No., or PO Box No. 203 WEST BLANCHET ST BOX 305	
City, State, ZIP+4® CLAYTON, NC 27520	
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Total Postage and Fees \$ 3.77	
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Street and Apt. No., or PO Box No. 416 SKINNER RD.	
City, State, ZIP+4® FAULKNER, NC 27524-9233	
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☐ Return Receipt (electronic) \$	
☐ Certified Mail Restricted Delivery \$	
☐ Adult Signature Required \$	
☐ Adult Signature Restricted Delivery \$	
Postage \$ 0.47	
Total Postage and Fees \$ 3.77	
Sent To CARL EDWARDS	
Street and Apt. No., or PO Box No. 116 E. FRONT ST.	
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☐ Return Receipt (electronic) \$	
☐ Certified Mail Restricted Delivery \$	
☐ Adult Signature Required \$	
☐ Adult Signature Restricted Delivery \$	
Postage \$ 0.47	
Total Postage and Fees \$ 3.77	
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Street and Apt. No., or PO Box No. 520 E. MAIN ST.	
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2012 APPENDIX B
BUILDING CODE SUMMARY
FOR ALL COMMERCIAL PROJECTS
(EXCEPT 1 AND 2-FAMILY DWELLINGS AND TOWNHOUSES)
(Reproduce the following data on the building plans sheet 1 or 2)

Name of Project: First Street Tavern
Address: 115 East First Street, Clayton, NC Zip Code: 27504
Proposed Use: Tavern
Owner/Authorized Agent: Avent-Permenter Group Phone #: (919)553-3945 E-Mail: _____
Owned By: ☐ City/County ☒ Private ☐ State
Code Enforcement Jurisdiction: ☒ City: Clayton ☐ County: Johnston ☐ State

LEAD DESIGN PROFESSIONAL:

DESIGNER	FIRM	NAME	LICENSE #	TELEPHONE #	E-MAIL
Architectural	D & L Design Group	Lori Lowery	_____	(919)553-1966	lori@dldesigngroup.com_
Civil	Wise Engineering	Randy K. Wise, PE	19860	(919)894-2203	randy@wise-engineer.com
Electrical	_____	_____	_____	() _____	_____
Fire Alarm	_____	_____	_____	() _____	_____
Plumbing	_____	_____	_____	() _____	_____
Mechanical	_____	_____	_____	() _____	_____
Sprinkler Standpipe	_____	_____	_____	() _____	_____
Structural	_____	_____	_____	() _____	_____
Retaining Walls > 5'	_____	_____	_____	() _____	_____
Other	_____	_____	_____	() _____	_____

2012 EDITION OF NC CODE FOR: ☐ New Construction ☐ Addition ☐ Upfit
EXISTING: ☐ Reconstruction ☒ Alteration ☐ Repair ☐ Renovation
CONSTRUCTED: (date) _____ ORIGINAL USE(S) (Ch. 3): _____
RENOVATED: (date) _____ CURRENT USE(S) (Ch. 3): salon/retail/business
PROPOSED USE(S) (Ch. 3): tavern/retail/business

BASIC BUILDING DATA

Construction Type: ☐ I-A ☐ II-A ☐ III-A ☐ IV ☐ V-A
(check all that apply) ☐ I-B ☒ II-B ☐ III-B ☐ V-B

Sprinklers: ☒ No ☐ Partial ☐ Yes ☐ NFPA 13 ☐ NFPA 13R ☐ NFPA 13D

Standpipes: ☒ No ☐ Yes Class ☐ I ☐ II ☐ III ☐ Wet ☐ Dry

Fire District: ☒ No ☐ Yes (Primary) Flood Hazard Area: ☐ No ☐ Yes

Building Height: (feet) 30

Gross Building Area:

FLOOR	EXISTING (SQ FT)	NEW (SQ FT)	SUB-TOTAL
6 th Floor			
5 th Floor			
4 th Floor			
3 rd Floor			
2 nd Floor	1231		1231
Mezzanine			
1 st Floor	1765		1765
Basement			
TOTAL	2996		2996

ALLOWABLE AREA

Occupancy:

Assembly ☐ A-1 ☒ A-2 ☐ A-3 ☐ A-4 ☐ A-5
Business ☒
Educational ☐
Factory ☐ F-1 Moderate ☐ F-2 Low
Hazardous ☐ H-1 Detonate ☐ H-2 Deflagrate ☐ H-3 Combust ☐ H-4 Health ☐ H-5 HPM
Institutional ☐ I-1 ☐ I-2 ☐ I-3 ☐ I-4
I-3 Condition ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5
Mercantile ☒
Residential ☐ R-1 ☐ R-2 ☐ R-3 ☐ R-4
Storage ☐ S-1 Moderate ☐ S-2 Low ☐ High-piled
☐ Parking Garage ☐ Open ☐ Enclosed ☐ Repair Garage
Utility and Miscellaneous ☐

Accessory Occupancies:

Assembly ☐ A-1 ☐ A-2 ☐ A-3 ☐ A-4 ☐ A-5
Business ☐
Educational ☐
Factory ☐ F-1 Moderate ☐ F-2 Low
Hazardous ☐ H-1 Detonate ☐ H-2 Deflagrate ☐ H-3 Combust ☐ H-4 Health ☐ H-5 HPM
Institutional ☐ I-1 ☐ I-2 ☐ I-3 ☐ I-4
I-3 Condition ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5
Mercantile ☒
Residential ☐ R-1 ☐ R-2 ☐ R-3 ☐ R-4
Storage ☐ S-1 Moderate ☐ S-2 Low ☐ High-piled
☐ Parking Garage ☐ Open ☐ Enclosed ☐ Repair Garage
Utility and Miscellaneous ☐

Incidental Uses (Table 508.2.5):

- ☐ Furnace room where any piece of equipment is over 400,000 Btu per hour input
☐ Rooms with boilers where the largest piece of equipment is over 15 psi and 10 horsepower
☐ Refrigerant machine room
☐ Hydrogen cutoff rooms, not classified as Group H
☐ Incinerator rooms
☐ Paint shops, not classified as Group H, located in occupancies other than Group F
☐ Laboratories and vocational shops, not classified as Group H, located in a Group E or I-2 occupancy
☐ Laundry rooms over 100 square feet
☐ Group I-3 cells equipped with padded surfaces
☐ Group I-2 waste and linen collection rooms
☐ Waste and linen collection rooms over 100 square feet
☐ Stationary storage battery systems having a liquid electrolyte capacity of more than 50 gallons, or a lithium-ion capacity of 1,000 pounds used for facility standby power, emergency power or uninterrupted power supplies
☐ Rooms containing fire pumps
☐ Group I-2 storage rooms over 100 square feet
☐ Group I-2 commercial kitchens
☐ Group I-2 laundries equal to or less than 100 square feet
☐ Group I-2 rooms or spaces that contain fuel-fired heating equipment

Special Uses: ☐ 402 ☐ 403 ☐ 404 ☐ 405 ☐ 406 ☐ 407 ☐ 408 ☐ 409 ☐ 410 ☐ 411 ☐ 412 ☐ 413 ☐ 414
☐ 415 ☐ 416 ☐ 417 ☐ 418 ☐ 419 ☐ 420 ☐ 421 ☐ 422 ☐ 423 ☐ 424
☐ 425 ☐ 426 ☐ 427

Special Provisions: ☐ 509.2 ☐ 509.3 ☐ 509.4 ☐ 509.5 ☐ 509.6 ☐ 509.7 ☐ 509.8 ☐ 509.9



Mixed Occupancy: ☐ No ☒ Yes Separation: 1 Hr. Exception: _____

☐ Incidental Use Separation (508.2.5)

This separation is not exempt as a Non-Separated Use (see exceptions).

☐ Non-Separated Use (508.3)

The required type of construction for the building shall be determined by applying the height and area limitations for each of the applicable occupancies to the entire building. The most restrictive type of construction, so determined, shall apply to the entire building.

☐ Separated Use (508.4) - See below for area calculations

For each story, the area of the occupancy shall be such that the sum of the ratios of the actual floor area of each use divided by the allowable floor area for each use shall not exceed 1.

$$\frac{\text{Actual Area of Occupancy A}}{\text{Allowable Area of Occupancy A}} + \frac{\text{Actual Area of Occupancy B}}{\text{Allowable Area of Occupancy B}} \leq 1$$

$$\text{_____} + \text{_____} + \text{.....} = \text{_____} \leq 1.00$$

STORY NO.	DESCRIPTION AND USE	(A) BLDG AREA PER STORY (ACTUAL)	(B) TABLE 503 ⁵ AREA	(C) AREA FOR FRONTAGE INCREASE ¹	(D) AREA FOR SPRINKLER INCREASE ²	(E) ALLOWABLE AREA OR UNLIMITED ³	(F) MAXIMUM BUILDING AREA ⁴
1	Tavern	1765	9,500	10,697			2996
2	Business	439	23,000	25,898			
2	Mercantile	792	12,500	14,075			

¹ Frontage area increases from Section 506.2 are computed thus:

- a. Perimeter which fronts a public way or open space having 20 feet minimum width = 87 (F)
b. Total Building Perimeter = 198 (P)
c. Ratio (F/P) = .44 (F/P)
d. W = Minimum width of public way = 20 (W)
e. Percent of frontage increase $I_f = 100 [F/P - 0.25] \times W/30 = \underline{12.6} \%$

² The sprinkler increase per Section 506.3 is as follows:

- a. Multi-story building $I_s = 200$ percent
b. Single story building $I_s = 300$ percent

³ Unlimited area applicable under conditions of Section 507.

⁴ Maximum Building Area = total number of stories in the building x E (506.4).

⁵ The maximum area of open parking garages must comply with Table 406.3.5. The maximum area of air traffic control towers must comply with Table 412.1.2.

ALLOWABLE HEIGHT

	ALLOWABLE (TABLE 503)	INCREASE FOR SPRINKLERS	SHOWN ON PLANS	CODE REFERENCE
Type of Construction	Type <u> </u> II-B <u> </u>		Type <u> </u> II-B <u> </u>	
Building Height in Feet	55	Feet = H + 20' = <u> </u>		
Building Height in Stories	2	Stories + 1 = <u> </u>		2

FIRE PROTECTION REQUIREMENTS

BUILDING ELEMENT	FIRE SEPARATION DISTANCE (FEET)	RATING		DETAIL # AND SHEET #	DESIGN # FOR RATED ASSEMBLY	DESIGN # FOR RATED PENETRATION	DESIGN # FOR RATED JOINTS
		REQ'D	PROVIDED (w/ <u> </u> * REDUCTION)				
Structural Frame, including columns, girders, trusses		0					
Bearing Walls							
Exterior							
North		0					
East		0					
West		0					
South		0					
Interior		0					
Nonbearing Walls and Partitions							
Exterior walls							
North		0					
East		0					
West		0					
South		0					
Interior walls and partitions		0					
Floor Construction		0					
Including supporting beams and joists							
Roof Construction		0					
Including supporting beams and joists							
Shaft Enclosures - Exit							
Shaft Enclosures - Other							
Corridor Separation							
Occupancy Separation							
Party/Fire Wall Separation							
Smoke Barrier Separation							
Tenant Separation							
Incidental Use Separation							

* Indicate section number permitting reduction

LIFE SAFETY SYSTEM REQUIREMENTS

- Emergency Lighting: ☐ No ☒ Yes
Exit Signs: ☐ No ☒ Yes
Fire Alarm: ☒ No ☐ Yes
Smoke Detection Systems: ☒ No ☐ Yes ☐ Partial
Panic Hardware: ☒ No ☐ Yes



EXIT REQUIREMENTS

NUMBER AND ARRANGEMENT OF EXITS

FLOOR, ROOM OR SPACE DESIGNATION	2 MINIMUM NUMBER OF EXITS		TRAVEL DISTANCE		ARRANGEMENT MEANS OF 1,3 EGRESS (SECTION 1004.1)	
	REQUIRED	SHOWN ON PLANS	ALLOWABLE TRAVEL DISTANCE (TABLE 1016.1)	ACTUAL TRAVEL DISTANCE SHOWN ON PLANS	REQUIRED DISTANCE BETWEEN EXIT DOORS	ACTUAL DISTANCE SHOWN ON PLANS
First Floor	2	2	200	49	36	44
Second Floor	1	1	200	79	n/a	n/a

1 Corridor dead ends (Section 1004.3.2.3)

2 Single exits (Table 1005.2.2)

3 Common Path of Travel (Section 1004.2.5)

EXIT WIDTH

USE GROUP OR SPACE DESCRIPTION	(a)	(b)	(c)		EXIT WIDTH (in)2,3,4,5,6			
	1 AREA sq. ft.	1 AREA PER OCCUPANT (TABLE 1003.2.2.2)	EGRESS WIDTH PER OCCUPANT (TABLE 1003.2.3)		REQUIRED WIDTH (SECTION 1003.2.3) (a ÷ b) x c		ACTUAL WIDTH SHOWN ON PLANS	
			STAIR	LEVEL	STAIR	LEVEL	STAIR	LEVEL
Tavern	1378	15		.2		18"		76"
2nd Floor (Offices)	617	100	.3		2"		40"	
2nd Retail	537	60	.3		3"		40"	

LIFE SAFETY PLAN REQUIREMENTS

Life Safety Plan Sheet #: _____

- ☐ Fire and/or smoke rated wall locations (Chapter 7)
- ☐ Assumed and real property line locations
- ☐ Exterior wall opening area with respect to distance to assumed property lines (705.8)
- ☐ Existing structures within 30’ of the proposed building
- ☐ Occupancy types for each area as it relates to occupant load calculation (Table 1004.1.1)
- ☒ Occupant loads for each area
- ☒ Exit access travel distances (1016)
- ☒ Common path of travel distances (1014.3 & 1028.8)
- ☐ Dead end lengths (1018.4)
- ☒ Clear exit widths for each exit door
- ☒ Maximum calculated occupant load capacity each exit door can accommodate based on egress width (1005.1)
- ☒ Actual occupant load for each exit door
- ☐ A separate schematic plan indicating where fire rated floor/ceiling and/or roof structure is provided for purposes of occupancy separation
- ☐ Location of doors with panic hardware (1008.1.10)
- ☐ Location of doors with delayed egress locks and the amount of delay (1008.1.9.7)
- ☐ Location of doors with electromagnetic egress locks (1008.1.9.8)
- ☐ Location of doors equipped with hold-open devices
- ☐ Location of emergency escape windows (1029)
- ☐ The square footage of each fire area (902)
- ☐ The square footage of each smoke compartment (407.4)
- ☐ Note any code exceptions or table notes that may have been utilized regarding the items above



From: [John Phillips](#)
To: [Dave Schearer](#)
Cc: [Jay McLeod](#); [Haley Hogg](#); dave@firststreettavern.com
Subject: Re: First Street Tavern in downtown Clayton
Date: Wednesday, July 20, 2016 9:28:34 AM

Good morning.

I talked with Michael Grannis mid last week about your facility and let him know that what you were planning to do was fine with us. I had one of my co-workers drop off a copy of the application you submitted to us, along with my approval letter to him yesterday so he could share with the Town Council.

You will be permitted as a restaurant and will be inspected 3 times per year. The menu you have supplied to us, as well as the way you plan to process the food is approved. The meat products will be purchased pre-cooked/ready to eat form so "cooking" and raw meat prep handling will not be occurring at this location. Basically heat and serve, handle/mix/serve ready to eat foods is going to be happening. Any type of prep/seasoning/handling will be done on prep tables/counters and washing vegetables will be done at the 3-compartment sink. The 3-compartment sink will need to be indirect plumbed, and be cleaned and sanitized prior to using the sink for food prep. All cold meat products will be stored in NSF refrigeration units. Hot food dips/soups will be stored in NSF approved hot hold units. Flatbreads will be made "to order", the cold individual ingredients will be stored in the refrigeration units until order is recieved. At that time, the flatbreads will be constructed, then heated in the pizza oven.

Building inspections/fire department is the department that determines if the pizza oven will need hood/fire suppression. Building inspections department will handle grease trap requirements.

If you have any other questions, let me know.

--

John Phillips, REHS
Johnston County Environmental Health
309 E. Market St.
Smithfield, NC 27577
Phone 919.989.5180
Fax 919.989.5190
www.johnstoncenvironmentalhealth.org

From: "Dave Schearer" <dave@wildwingcafe.com>
To: "John Phillips" <john.phillips@johnstonnc.com>
Cc: "Jay McLeod" <jwmcleod@townofclaytonnc.org>, "Haley Hogg" <hhogg@townofclaytonnc.org>, dave@firststreettavern.com
Sent: Tuesday, July 19, 2016 5:53:16 PM
Subject: Re: First Street Tavern in downtown Clayton

John, I hope you are doing well sir. The Town Council in Clayton had some concerns about the chicken I will be using. As we discussed when we met several weeks ago I am bringing in a pre-cooked product that will be stored in a NSF approved cooler until it is ready to be served. At that point I will chop up the chicken & heat and serve on a flatbread pizza. I am providing the town with the spec sheet on the NSF Approved cooler & pizza oven I will be using but could you please furnish a letter that you are in full understanding of how I will do this and that is complies with Food Safety standards. I would greatly appreciate it & I have all my equipment on order and can provide you with

model & serial numbers. I plan on having everything in place in the next few weeks for you to come out and check it out for me. Thanks for your time. Just FYI our next Town Council meeting is on August 1st so if you could get me that letter as soon as possible to prepare it for this meeting that would be great! Thanks again.

On Wed, Jun 22, 2016 at 9:25 AM, John Phillips <john.phillips@johnstonnc.com> wrote:

Good morning! I have attached the approval letter. As you get closer, let me know and I will come out to take a look.

--

John Phillips, REHS
Johnston County Environmental Health
309 E. Market St.
Smithfield, NC 27577
Phone [919.989.5180](tel:919.989.5180)
Fax [919.989.5190](tel:919.989.5190)
www.johnstoncncenvironmentalhealth.org

From: "Dave Schearer" <dave@wildwingcafe.com>
To: "john phillips" <john.phillips@johnstonnc.com>
Cc: "Jay McLeod" <jwmcleod@townofclaytonnc.org>, "Haley Hogg" <hhogg@townofclaytonnc.org>
Sent: Tuesday, June 21, 2016 4:55:03 PM
Subject: First Street Tavern in downtown Clayton

Hey John I hope you are doing good. I met with you several weeks back about First Street Tavern in downtown Clayton. I have already submitted my plan review to you guys but I was hoping you could send me an email as I need it for the town of Clayton stating that we have already met and gone over your recommendations on what needs to be done to get the kitchen Health Department ready. I have all the notes from the day we met and I have already have the ceilings scraped and taking care of and will be getting a triple sink put in next month. I also will be ordering all NSF approved equipment to be put in next month as well. Just let me know if you can get that to me by noon tomorrow as I would like to have it for a packet that is going before the town for their review. Thanks for your help on this and I will let you know as soon as I get all the equipment in so that you guys can come by and look and make sure that I am good to go.

--

https://mail.google.com/mail/u/0/?ui=2&ik=ebff3421a7&view=att&th=14bdc2a79eaa323a&attid=0.1&disp=safe&realattid=f_i6sbfypn0&zw

From: [John Phillips](#)
To: [Dave Schearer](#)
Cc: [Jay McLeod](#); [Haley Hogg](#)
Subject: Re: equipment on order
Date: Wednesday, July 20, 2016 9:03:51 AM

Good morning! Yes, this equipment is approved to be used from our department.

--

John Phillips, REHS
Johnston County Environmental Health
309 E. Market St.
Smithfield, NC 27577
Phone 919.989.5180
Fax 919.989.5190
www.johnstoncncenvironmentalhealth.org

From: "Dave Schearer" <dave@firststreettavern.com>
To: "john phillips" <john.phillips@johnstonnc.com>, "Jay McLeod" <jwmcleod@townofclaytonnc.org>, "Haley Hogg" <hhogg@townofclaytonnc.org>
Sent: Tuesday, July 19, 2016 7:10:11 PM
Subject: equipment on order

Hey there Jay & John, here is the food storage equipment as well as the oven I will use. These are all NSF approved equipment and follow their strict guidelines to ensure food safety. Just wanted both of you to have this info. Thanks & talk to you soon.

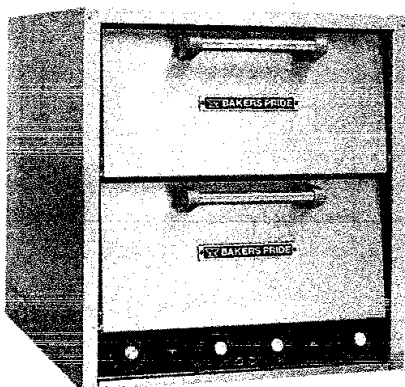








COUNTER TOP ELECTRIC PIZZA & PRETZEL OVENS



Model P44S

SPECIFICATIONS

The P44S and P44S-BL with brick lined option electric counter top ovens feature two independently controlled baking chambers, each with two Cordierite hearth decks and 3 1/4" (83mm) deck height.

Designed for pizza, pretzels, flat breads and bakery products baked directly on the hearth deck, screens, pans or baking sheets.

The brick lined option adds top heat intensity, speeds recovery and increases production. The brick lined option may be easily installed in the standard P44S either in the field or factory. Cordierite hearth decks are easily removable for cleaning or replacement.

Controls feature a 15 minute electric timer with continuous ring alarm and manual shut-off, and a 300° - 650° F (149° - 343° C) thermostat.

The exterior front, sides and top and doors are fabricated of heavy gauge type 430 stainless steel with a #4 finish. Door handle is constructed of tubular stainless steel. Exterior measures 26" (660mm) wide by 28" (711mm) deep by 28 1/2" (724mm) tall overall.

The interiors are constructed of high heat aluminized steel, welded to form a single unitized body. The entire oven is insulated with 1 1/2" (38mm) thick industrial grade insulation. Each Cordierite hearth deck measures 20 3/4" (527mm) by 20 3/4" (527mm).

Incoloy, tubular heating elements provide top and bottom heat with up to 7200 watts in 208v or 220-240v, single or three phase. 6' Cord and plug provided on single-phase models. International voltages available. 1-Year limited parts and labor warranty included.

Job _____ Item # _____

ELECTRIC DECK OVENS

- ☐ Model P44S
- ☐ Model P44S-BL Brick Lined

STANDARD FEATURES

- ☐ 7200 Watts in 208v or 220-240v
- ☐ 300°-650°F Temperature range (149°-343°C)
- ☐ Electric 15-Minute timer with continuous ring alarm and manual shut-off
- ☐ Two independently controlled cook/baking chambers
- ☐ Four hearth stone decks per oven with 3 1/4" (83mm) deck heights
- ☐ All stainless steel exterior
- ☐ Unitized, welded, aluminized steel interior
- ☐ Fully insulated
- ☐ 6' (1830mm) Cord & plug
- ☐ Limited 1-Year parts and labor warranty

OPTIONS & ACCESSORIES

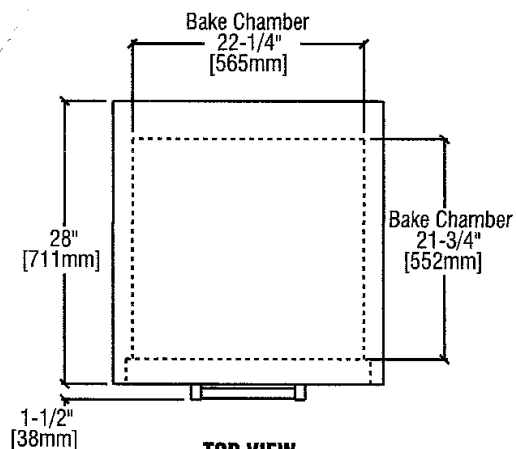
- ☐ 4" (102mm) Adjustable legs
- ☐ Stainless steel stand with or without casters
- ☐ Brick lined conversion kit (standard with P44S-BL)
- ☐ International voltages
- ☐ Peel & deck scraper brush
- ☐ Stacking kit
- ☐ Glass window in doors

CERTIFICATIONS

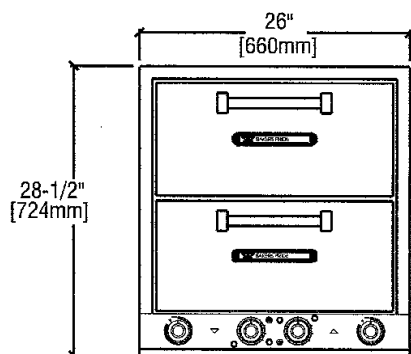


BAKERS PRIDE OVEN COMPANY, INC.
30 Pine Street, New Rochelle, NY 10801
914/576-0200 • 1-800-431-2745 • fax 914/576-0605

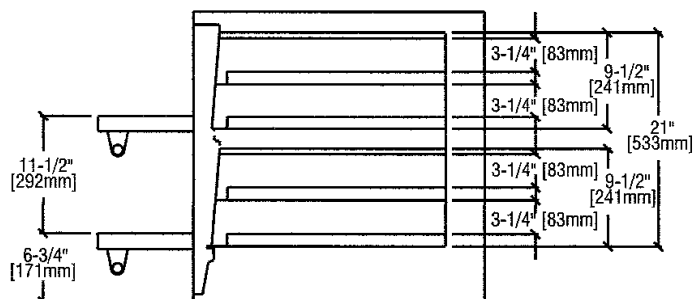
Continuous product improvement is a policy of Bakers Pride Oven Company. Therefore, specifications and design are subject to change without notification



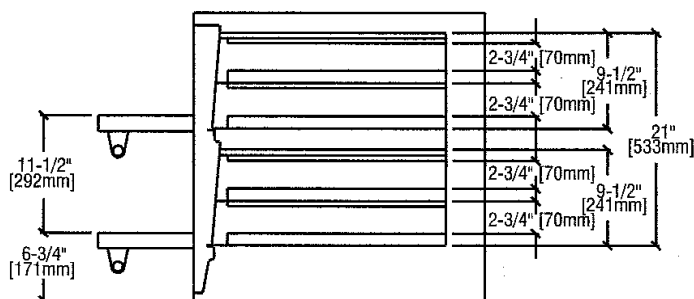
TOP VIEW



FRONT VIEW



RH SIDE VIEW P44S



RH SIDE VIEW P44S-BL

ALL DIMENSIONS NOMINAL

SHIPPING INFORMATION										
Model	Shipping Wt.		Carton Dimensions				Crate Size			
	Lbs.	Kilos	Width Inches mm	Depth Inches mm	Height Inches mm		Cubic Feet	Cubic Meter		
P44S	296	134	33 838	35 1/2 902	35 889	23.7	.68			
P44S-BL	306	139	33 838	35 1/2 902	35 889	23.7	.68			

Under 500 lbs = Shipping Class # 70

POWER SUPPLY									
Model	WATTS	VOLTAGE	PHASE	AMPS w/o Lights	AMPS w Lights	USA	NECA Plug #	Canada	UK
P44S/BL	7200	208	1	34.6	35.4	6-50P	6-50P	—	—
P44S/BL	7200	220-240	1	31.3	32.1	6-50P	6-50P	—	—
P44S/BL	7200	220-240	3	22.0	22.7	—	—	—	—

Each oven requires a separate electrical connection — 3 Phase and Export Voltages No Line Cord

SPECIFICATIONS										
Model	Deck Size		# Decks	# Cook Chambers	Overall Dimensions				Height*	mm
	Inches	mm			Width Inches mm	Depth Inches mm	Height Inches mm			
P44S	20 3/4x20 3/4	527 x 527	4	2	26 660	28 711	28 1/2 724			

MINIMUM CLEARANCES				
	Non-Combustible Construction*		Combustible Construction**	
	Inches	mm	Inches	mm
Left Side	3	76	3	76
Right Side	3	76	3	76
Rear	3	76	3	76

* In European Community Countries and North America. In NON-COMBUSTIBLE locations only.
** In European Community Countries only in COMBUSTIBLE locations. NOT for North America.



6-50P



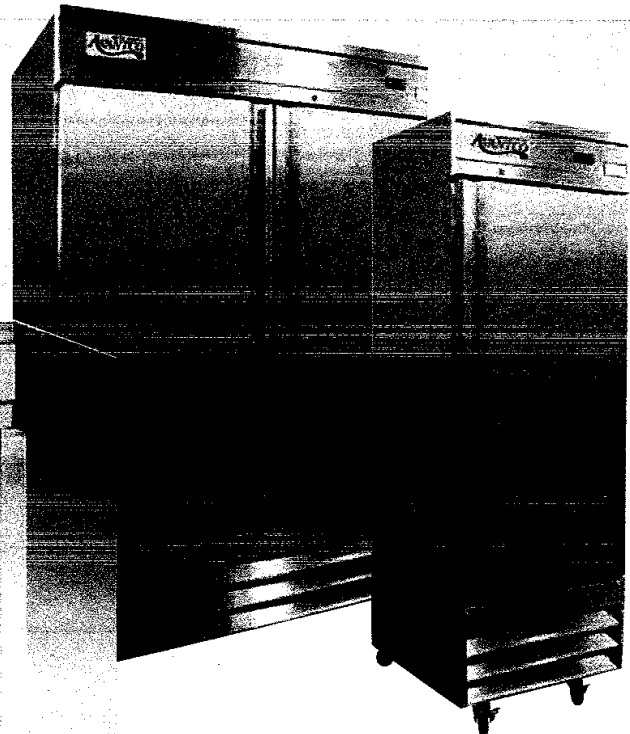
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TSW:07/07

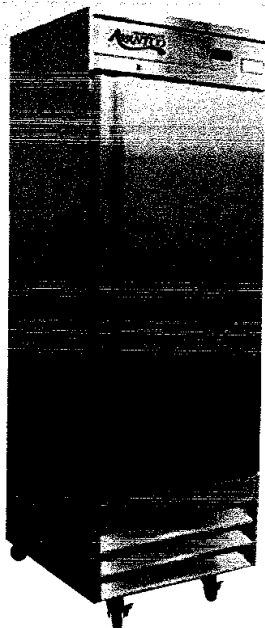
Reach In Refrigerators / Freezers

The CFD Series commercial reach in refrigerators and freezers brings high performance and quality to your kitchen. Designed to be functional and efficient, the CFD Series provides the best value in commercial refrigeration.



- High quality stainless steel interior & exterior
- ETL Safety & Sanitation Approved
- Digital temperature controls w/ LCD display
- Outstanding temperature preservation & reduced energy consumption

REFRIGERATION
AVANTCO



With its durable, 430 series stainless steel exterior and 304 series stainless steel interior, the Avantco CFD 1 door reach in refrigerator is strong enough to stand up to the daily demands of your busy restaurant kitchen.

The Avantco CFD 1 door reach in refrigerator features a self closing door that comes hinged on the right. Also includes four casters, two of which are locking, which make it easy to move the reach in refrigerator for cleaning and servicing. Digital controls and an LCD readout make it easy to adjust the interior temperature.

Three plastic coated wire shelves are included. For maximum versatility, the shelves slide easily in and out of the reach in on heavy duty slide rails. You can even remove the shelves and slide in full size food pans!

The Avantco CFD reach in refrigerator's bottom mounted, 1/3 hp compressor uses R134a refrigerant and is easily accessible for cleaning and maintenance. Foamed in place polyurethane cell insulation helps maintain interior temperatures. The reach in refrigerator has a temperature range of 32 to 41 degrees Fahrenheit.

The Avantco CFD single door reach in refrigerator has a 120V, 7.9 amp, 60 Hz, electrical rating, and is ETL Sanitation Listed and NSF Compliant.

CFD Series 178CFD1RR

Features

- 304 series stainless steel interior
- 430 series stainless steel exterior
- Self closing door
- Recessed door handle
- 3 plastic coated steel shelves included
- Heavy duty shelf rails accept full size food pans
- Digital temperature controls with LCD Display
- Automatic defrosting
- 4 casters (two locking)
- Door lock
- Foamed in place polyurethane insulation
- ETL Sanitation Listed
- Field convertible to left-hinge, requires item #178CFD1KITFR (sold separately).

Technical Data

Dimensions

Exterior Dimensions (W x D x H)	29" x 32.25" x 82.5"
Interior Dimensions (W x D x H)	24.5" x 27" x 60.25"
Net Volume (cu. ft.)	23 cu. ft.
Net Weight	281.6 lbs.
Packaging Dimensions (W x D x H)	31.5" x 34.5" x 83.5"

Cooling

Temperature Range	32° - 41° F
Refrigerant	R134a
Maximum Ambient Temperature Rating	90° F
Defrosting	Automatic
Temperature Display	Yes
Temperature Controller	Digital
Horsepower	1/3

Construction

Exterior Material	430 series stainless steel
Interior Material	304 series stainless steel
Insulation Material	Foamed in place polyurethane
Shelf Material	Plastic coated steel
Shelf Load Capacity	120 lbs.

Electrical

Voltage	120
Amps	7.9
Hz	60
Phase	1
Electrical Cord Length	96"

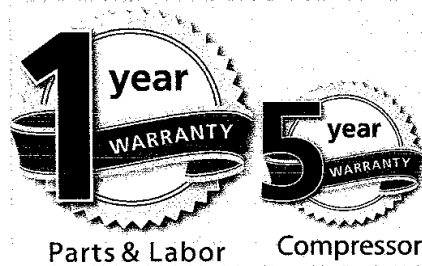
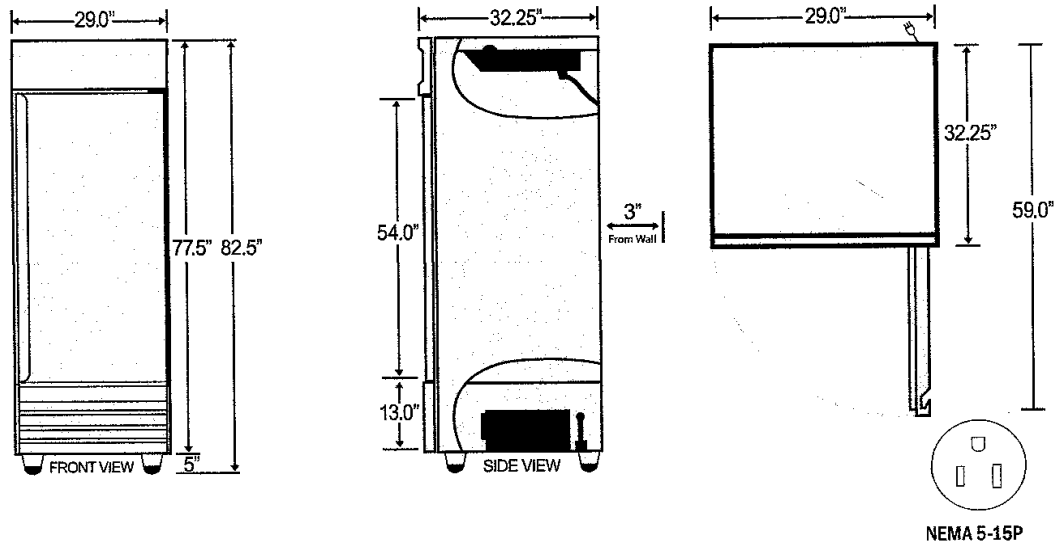


www.AvantcoRefrigeration.com



1 Door Reach In Refrigerator Stainless Steel 120V

Plan View



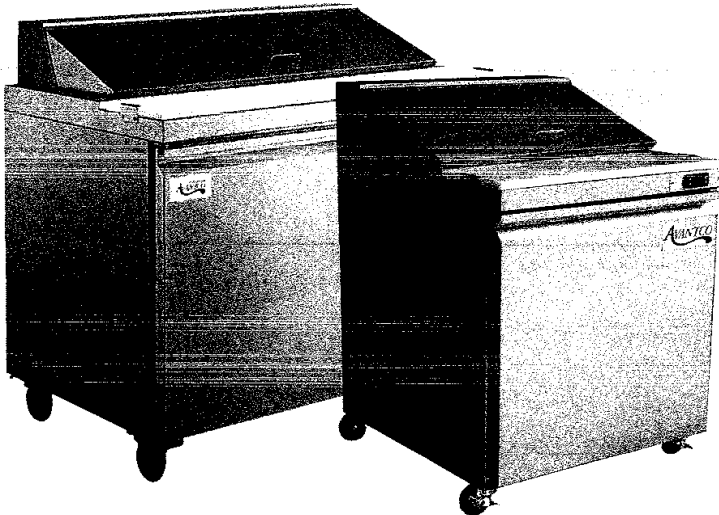
All Avantco Refrigerators and Freezers are backed by a 1 year parts and labor warranty, with a 5 year warranty on the compressor. For warranty inquiries or service, first locate the serial number plate on the front of the unit, or inside the door jamb. Next, call 1-800-678-5517. Be sure to have the serial and model numbers available when contacting service technicians.

AVANTCO
REFRIGERATION

www.AvantcoRefrigeration.com



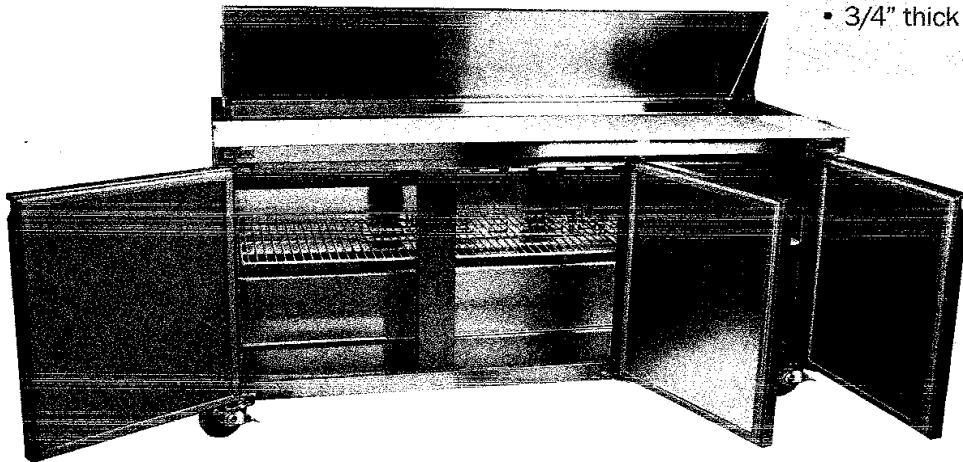
Sandwich / Salad Prep Refrigerators



The SCL Series sandwich / salad prep refrigerators provides both an ample work area and exceptional storage space. With a durable, stainless steel interior and exterior, built-in casters, and self closing doors, the SCL Series is designed for unmatched efficiency at an unbeatable price.



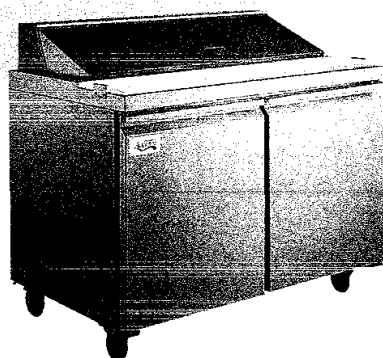
- High quality stainless steel interior & exterior
- Foamed-in-place high density polyurethane cell insulation
- Insulated lid
- ETL Safety & Sanitation Approved
- 3/4" thick cutting board



REFRIGERATION
AVANTCO



SCL Series 178SCL2



With its durable, 430 series stainless steel exterior and 304 series stainless steel interior, the Avantco SCL2 48" sandwich / salad prep refrigerator is strong enough to stand up to the daily demands of your busy restaurant kitchen.

This Avantco SCL2 48" sandwich / salad refrigerator features a stainless steel, slide rail work area and a cold topping holding area that can hold up to twelve, 1/6 size food pans up to 6" deep. Its topping rail will also accommodate 1/3, 1/9, and full size food pans.

An insulated, hinged cover helps keep your condiments, meats, and vegetables cold during off-peak hours. Built in casters, two of which are locking, allow you to move the sandwich / salad refrigerator for easy cleaning and servicing.

Store additional toppings for quick access in the sandwich / salad preparation refrigerator's lower section. The lower refrigerator has two self closing doors and two plastic coated wire shelves. Adjustable mounting brackets give you complete control over the refrigerator's shelving configuration, to accommodate a variety of prepared garnishes, dressings, and condiments.

The Avantco SCL2 refrigerator's 1/3 hp compressor uses R134a refrigerant. Foamed in place CFC-free insulation helps maintain interior temperatures between 32 and 41 degrees Fahrenheit. An interior fan regulates the refrigerator's temperature and directs cool air upward, to help keep your toppings at food safe holding temperatures.

The Avantco SCL2 sandwich / salad prep refrigerator has a 120V, 6.5 amp, 60 Hz, electrical rating, and is ETL Sanitation Listed and NSF Compliant.

Features

- 304 series stainless steel interior
- 430 series stainless steel exterior
- 3/4" thick cutting board
- Recessed door handles
- 2 plastic coated steel shelves included
- Foamed in place polyurethane insulation
- Insulated lid
- Removable door gasket for easy cleaning
- Self closing doors
- Automatic defrosting
- 4 casters (two locking)
- ETL Sanitation Listed

Technical Data

Dimensions

Exterior Dimensions (W x D x H)	47" x 31" x 42.5"
Interior Dimensions (W x D x H)	42.75" x 23.75" x 23.5"
Cutting Board Dimensions (W x D x H)	46.5" x 10.5" x .75"
Net Volume (cu. ft.)	9.75 cu. ft.
Net Weight	253 lbs.
Packaging Dimensions (W x D x H)	51" x 34" x 45.5"

Cooling

Temperature Range	32° - 41° F
Refrigerant	R134a
Maximum Ambient Temperature Rating	90° F
Defrosting	Automatic
Temperature Display	Yes
Temperature Controller	Mechanical
Horsepower	1/3

Construction

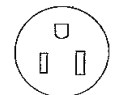
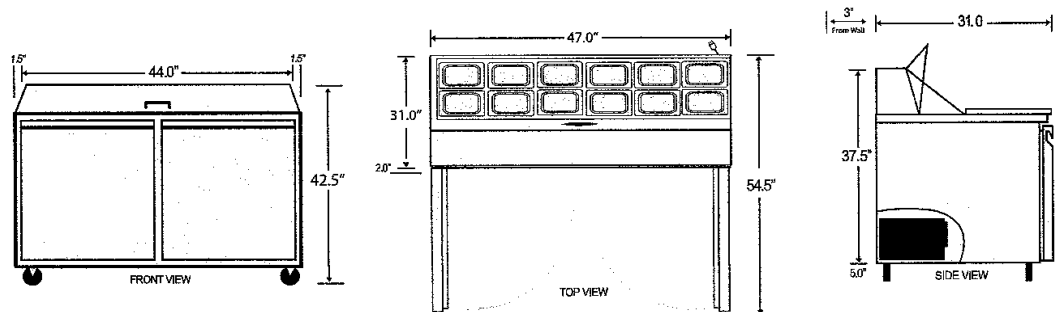
Exterior Material	430 Series Stainless Steel
Interior Material	304 Series Stainless Steel
Insulation Material	Foamed in Place Polyurethane
Shelf Material	Plastic Coated Steel
Shelf Load Capacity	90 lbs.

Electrical

Voltage	120
Amps	6.5
Hz	60
Phase	1
Electrical Cord Length	84"



Plan View



NEMA 5-15P



Parts & Labor



Compressor

All Avantco Refrigerators and Freezers are backed by a 1 year parts and labor warranty, with a 5 year warranty on the compressor. For warranty inquiries or service, first locate the serial number plate on the front of the unit, or inside the door jamb. Next, call 1-800-678-5517. Be sure to have the serial and model numbers available when contacting service technicians.



www.AvantcoRefrigeration.com



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

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

- ☐ Approve
- ☐ Deny
- ☐ Approve with Conditions

SUP Application 2016-88-SUP

This motion is based on the following findings:

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

OR

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

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

OR

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

**Item 6b
First Street Tavern
Special Use Permit 2016-88-SUP**

3. The application **will not** substantially injure the value of adjoining or abutting property, and **will not** be detrimental to the use or development of adjacent properties or other neighborhood uses.

OR

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

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

OR

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

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

Item 6b
First Street Tavern
Special Use Permit 2016-88-SUP

**TOWN OF CLAYTON
SPECIAL USE PERMIT
#2016-788-SUP
GRANTED**

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

Applicant:	David Schearer
Property Owner:	Main Street Development Group, LLC
Property Location:	115 First Street, Clayton, NC
Brief Property Description:	.26 acres - Commercial
Tax Parcel Number:	166913-03-6023 / 05015016
Proposed Use of Property:	Tavern
Hearing Date:	August 1, 2016

Having heard all the evidence and argument presented at the hearing, the Board of Adjustment makes the following findings:

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

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

(3) That the application will not substantially injure the value of adjoining or abutting property, and will not be detrimental to the use or development of adjacent properties or other neighborhood uses.

(4) That the application will not adversely affect the adopted plans and policies of the Town, or violate the character of existing standards for development of the adjacent properties.

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

1. The development of the site is limited to the site design and uses approved by the Planning Board. Modifications to the approved site plan shall require review and approval in accordance with Section 155.707 of the Unified Development Code.
2. Following Board approvals, three copies of the Final Site Plan, Landscape Plan and Architectural Elevations meeting the requirements of the Conditions of Approval and displaying the Conditions of Approval shall be submitted to Planning Department for final approval.
3. All roof mounted and ground mechanical equipment must be completely screened from view, including but not limited to HVAC, electric, and grease traps.
4. Utility, development, and/or wastewater fees shall be paid to the Town prior to issuance of any Zoning Compliance Permit.
5. Any expansion of the cocktail lounge use beyond the approved 32 seats or expansion of outdoor seating areas shall require review as appropriate per §155.711(K) "Modifications to approved Special Use Permits" and/or §155.707 "Site Plan Review".
6. The monument sign on site shall be brought into compliance with the UDC by the installation of a landscaped bed around its base.
7. A final landscape/site inspection shall be performed by the Planning Department prior to the issuance of a Certificate of Occupancy.

TOWN OF CLAYTON

BY: _____
Mayor

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

ATTEST:

_____(SEAL)
Town Clerk