Town of Clayton
Regular Town Council Meeting Agenda
Monday, August 7, 2023 at 6:00 PM
Council Chambers, Town Hall
111 E. Second Street

THE PUBLIC MAY VIEW THE LIVE COUNCIL MEETING ON THE TOWN'S YOUTUBE CHANNEL:
https://www.youtube.com/TownofClaytonNC

1. CALL TO ORDER

a. Call to Order

b. Pledge of Allegiance

c. Invocation

2. ADJUSTMENT OF THE AGENDA

a. **POTENTIAL ACTION:** Approve or Adjust 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. Minutes
- July 17, 2023 - Work Session
- July 17, 2023 - Regular Session
- July 17, 2023 - Closed Session

Presenter: Heidi Holland, Town Clerk
July 17, 2023 - Work Session
July 17, 2023 - Regular Session

b. Clayton Farm & Community Market Use & Policy Agreement
Presenter: Matt Sutphin, Interim Fire Chief
CFCM Lease Agreement 2023-2025

c. Certificate of Sufficiency for Annexation Petition 2023-64-ANX
Presenter: Bruce Venable, Planner 1
2023-64-ANX Certificate of Sufficiency, Non-Contiguous

d. ElectriCities Oaths
- David Allen Turnage
- Michael Grannis
- Patrick Pierce

Presenter: Heidi Holland, Town Clerk
ElectriCities Oaths

e. Resolution 2023-46: To Accept Streets into the Town Of Clayton Street System for Maintenance – Academy Point, Phases 1 & 2
Presenter: Jonathan K. Jacobs, PE, CFM - Assistant Engineering Director

Resolution 2023-46: To Accept Streets into the Town Of Clayton Street System for Maintenance – Academy Point, Phases 1 & 2

f. Resolution 2023-49-Directing the Clerk to Set a Public Hearing Date for 2023-64-ANX
Resolution 2023-49-Directing the Clerk to Set a Public Hearing Date for 2023-64-ANX

POTENTIAL ACTION: Approve Consent Agenda As Presented

4. ADMINISTRATIVE ITEMS

a. Update on Sam's Branch WRF Program
Presenter: Louis Duffie, Assistant Program Manager
Update on Sam's Branch WRF Program

5. INTRODUCTIONS AND SPECIAL PRESENTATIONS

6. PUBLIC HEARINGS

a. 2023-75-SPA Walmart Alternative Sign Plan
Presenter: Ben Howell, Planning Director
2023-75-SPA Walmart Alternative Sign Plan
2023-75-SPA Walmart Alternative Sign Plan Staff Report
1 2023-75-SPA Walmart Alternative Sign Plan Application
2 2023-75-SPA Walmart Alternative Sign Plan Justification and Sign Plan
3 2023-75-SPA Walmart Alternative Sign Plan 2016 Approved Master Sign Plan
4 2023-75-SPA Walmart Alternative Sign Plan Staff Report Maps

POTENTIAL ACTION: Adoption of Resolution #2023-50

7. QUASI-JUDICIAL HEARING

Quasi-Judicial Hearing

A quasi-judicial hearing resembles a court trial where testimony is presented. Citizens may give testimony in a quasi-judicial hearing after they have taken an oath. Town Council acts like a court of law and receives only sworn testimony and other credible evidence. In addition, the Town Council must make findings of fact based upon the evidence presented.
The Town Council refrains from "ex parte communication" about these cases, as the Town Council must make a decision based solely on the evidence presented at the hearing itself.
Staff is available to assist with inquiries from citizens.

a. 2023-113-SUP Mury Class B Home Occupation - NC Aquatics, LLC
Presenter: Ben Howell, Planning Director
2023-113-SUP Mury Class B Home Occupation - NC Aquatics, LLC
2023-113-SUP Mury Class B Home Occupation - NC Aquatics Staff Report
1 2023-113-SUP Mury Class B Home Occupation - NC Aquatics Application Packet
2 2023-113-SUP Mury Class B Home Occupation - NC Aquatics Mury Affidavit
3 2023-113-SUP Mury Class B Home Occupation - NC Aquatics Neighborhood Meeting Information

4 2023-113-SUP Mury Class B Home Occupation - NC Aquatics Adjacent Property Owners Affidavits
5 2023-113-SUP Mury Class B Home Occupation - NC Aquatics Site Plan
6 2023-113-SUP Mury Class B Home Occupation - NC Aquatics Trip Generation Letter
7 2023-113-SUP Mury Class B Home Occupation - NC Aquatics Season Wyatt Affidavit
8 2023-113-SUP Mury Class B Home Occupation - NC Aquatics Staff Report Maps

POTENTIAL ACTION: Approval of 2023-113-SUP

8. OLD BUSINESS

9. NEW BUSINESS

10. STAFF REPORTS

a. Town Manager

b. Town Attorney

c. Town Clerk

d. Other Staff

Downtown Branding
Presenter: Patrick Pierce, Economic Development Director

11. OTHER BUSINESS

a. Informal Discussion & Public Comment

- Individuals have three (3) minutes to address the Town Council.
- Groups will designate a spokesperson. Spokesperson will have five (5) minutes to address the Town Council.

b. Council Comments

12. CLOSED SESSION

13. ADJOURNMENT

a. Adjourn

POTENTIAL ACTION: Motion To Adjourn

Town of Clayton
Town Council Work Session Minutes
Monday, July 17, 2023 at 3:00 PM
Rotary Room, Town Hall
111 E. Second Street

Council Present: Mayor Jody McLeod Mayor Pro Tem Jason Thompson Council Member Andria Archer Council Member Michael Sims Council Member Porter Casey **Council Absent:** Council Member Avery Everett	**Staff Present:** Rich Cappola, Town Manager Jim Cauley, Town Attorney Dolores Gill, Deputy Town Manager Lee Barbee, Deputy Town Manager Heidi Holland, Town Clerk Robert McKie, Finance Director Greg Tart, Police Chief Sam Johnson-Phillips, Deputy Town Clerk Michelle Snyder, Executive Asst. to Town Manager Jonathan Jacobs, Assistant Engineering Director Joshua Baird, Engineering Director

1 CALL TO ORDER

a) Mayor McLeod called the meeting to order at 3:05 p.m.

2 ADJUSTMENT OF THE AGENDA

a) **Approve or Adjust the Agenda**

RESULT:	**CARRIED 4-0**
MOVER:	Michael Sims
SECONDER:	Porter Casey
YES:	Jason Thompson, Andria Archer, Michael Sims, and Porter Casey
NO:	None
ABSENT:	Avery Everett

3 INTRODUCTIONS AND SPECIAL PRESENTATIONS

a) Pierce Insurance Presentation (15 Minutes)
Presenter: Doug Kreszl, National Benefit Partners & Carson Pierce, Pierce Insurance

Mr. Cappola stated the Town changed to a partnership with Pierce Insurance last year. Lonnie Pierce was present to discuss the program, Benefits That Benefit Children, which provides donation to a local children hospital on behalf of the employer. This is at no cost to employees. Donations are made on behalf of the Town. Pierce Insurance presented Council with a check for $2,560 which would go to

UNC Children's Hospital to their Say Yes Fund.

Mr. Cappola stated he appreciates the partnership that has been established with Pierce.

b) Employee Introduction (15 Minutes)

- Chris Gallant, Project Manager

Presenter: Joshua Baird, Engineering Director

Joshua Baird introduced Chris Gallant, who started about a month ago. Shared was his background history.

c) Employee Recognitions

- Dylan Carroll, Utility Maintenance Mechanic 3
- Jake Kyer, Utility Maintenance Mechanic 3

Presenter: James Blalock, Maintenance Superintendent, Water Resources

- Brandon Carroll, Grade 1 Pre-Treatment Program Specialist Certificate
- Kyle Brady, Grade 1 Pre-Treatment Program Specialist Certificate

Presenter: Byron Poelman, Water Resources Director

James Blalock recognized Dylan Carroll and Jake Kyer, who passed their B-Distribution exam and have both been promoted to Utility Maintenance Mechanic 3.

4 ITEMS FOR DISCUSSION

a) School Resource Officer Discussion (15 Minutes)
Presenter: Greg Tart, Police Chief

Chief Tart stated the number of SRO's is now up to seven. Earlier this year Johnston County Charter Academy reached out and inquired about having an SRO through the Town for their school. There was discussion on their end to privatize this, but we have been asked to do it. Chief Tart told them this would need to go before Council before deciding.

He stated the County reimburses the Town $75,000 per officer; money with Johnston Charter has not been discussed. Mayor Pro Tem Thompson stated there is a common misconception that charter schools are private schools, but they are still public schools. He stated we need to treat this school like we do other public schools. The $75,000 only covers salaries, it does not cover equipment or vehicles.

It was stated with this entity, Johnston Charter pays the taxes on their building, this is an ad valorem tax base.

It was consensus of the council to move forward with an MOU for providing the SRO to Johnston Charter Academy.

An MOU and a budget amendment would need to come before Council for approval. There was discussion on charging the same price for Johnston Charter as we do the other public schools. It was stated we need to have an agreement with the charter schools that would provide the understanding that they would have to match the other

schools and we would need to give them as much heads-up on negotiations so they could prepare if necessary.

b) Technology Updates (15 Minutes)
- Mass Communication Update
- Clariti Update

Presenter: Dolores Gill, Deputy Town Manager

Mass Communication and Outage Management System

Nathanael Shelton provided a brief update on the Mass Communication and Outage Management System. Riverwood had a water change out and the first test rang out to them July 1st. Regarding data, out of 1700 customers, 1300 had valid phone numbers. The email portion will be rolling out this week and the next piece to roll out is the text message piece. The delinquent calls for customer service customers is scheduled to go out this evening. The integration portion would be finished Friday.

There was discussion on staff training and practice for the Outage Management System, but this would take a while before staff is comfortable; staff must be comfortable before sending this to the public. It may take a couple months of practice before rolling this out. The system is predicting the outage locations correctly. During a recent outage, the electric staff made customers aware this would be rolling out.

Ms. Gill stated staff has been working on this for months. There have been weekly meetings was various departments and this has been a team effort.

Clariti

Ms. Gill provided an update on Clariti software. This program will enable us to go paperless and make the customer experience better. We are currently in month 2 of this process, she stated staff meets 3 to 4 times per week on this. Jonathan Jacobs stated they are working to create 39 workflows; he stated staff have spent many hours drawing flowcharts. He stated they are wrapping up the sprint phase of testing and working through the citizen portal to work through the kinks.

Ms. Gill stated staff has learned through implementation what is working and what isn't. There has been a lot of staff collaboration. Council Member Casey asked about the developer facing side. Ms. Gill stated this must be done in phases. Mr. Jacobs stated towards the end of the year staff would be using this program 80-90%. He stated they have met with development groups and would reach out to developers during the trial period before going public. He stated there would be a training session for the public. He stated this should be up and running in 10-11 months.

c) BL-0050 LAPP Project Discussion - East Main Street Sidewalk Connector (1 Hour)
Presenter: Jonathan K. Jacobs, PE, CFM - Assistant Engineering Director

Joshua Baird stated there have been numerous conversations on different levels on this subject. He stated today he is asking for Council's direction on how to move forward. Jonathan Jacobs shared a presentation. A visual packet was provided to all of Council.

Project Summary Slide:

- Design, Permit, and Install sidewalks along both sides of Main Street between Second Street and US 70 Business
- Identified as a critical gap in sidewalk in the Town of Clayton Pedestrian Plan

Shared was a project timeline. In April 2020, the original design contract was bidded to Bohler Engineering. June 2020, notice to proceed, issued to Bohler Engineering. July 2020 – July 2021, multiple design concepts were drafted and reviewed by staff. December 2021, the Town applied for CAMPO's LAPP funding for FY23. February 2022, LAPP funding was approved by CAMPO for ROW, utilities, and construction in the amount of $650,000 with a 70/30 match. February – June 2022, staff determined Bohler Engineering was unable to meet the deadlines/needs of this project. June – July 2022, solicited design and surveying services. August 2022 executed task order with DRMP for additional topographic survey services. September 2022 executed task order with Kimley-Horn for 100% design and permitting. September 2022 – March 2023, updated designs completed. March 2023, staff presented 3 options at a work session for consideration. April 2023, staff received consensus to proceed with alternate #3. May 2023, staff received 90% design submittal design based on alterative #3; coordinated meeting with primarily affected property owner. June 2023, staff met with representative of the primarily affected property owner to present 90% design submittal.

Shared was the 90% Bohler Engineering Design Concept. Mr. Jacobs stated switching gears, upon receipt of LAPP funding, project requirements changed to meet Federal Requirements. Bohler Project managers changed numerous times and project work continued to decline. Staff decided to take the project from Bohler and resolicited design services. Kimley-Horn was chosen of the Town's On-Call Engineering List.

Kimley-Horn Scope

- National Environmental Policy Act (NEPA) approvals
- Roadway Design and Contract Specifications
- Re-evaluate original concepts
- Hydraulic Design
- Traffic Signal Design
- Traffic Management Plans
- Erosion and Sediment Control Design
- Signing and Pavement Marking
- Utility Coordination
- Railroad Coordination

25% Design Plans – March Work Session

- Three (3) Alternatives (Compton St. to Durham St.):
    - 6-8' sidewalk at back of curb, significant overhead utility relocation, multiple retaining walls, 5-story trees removed. All work within existing right-of-way with temporary construction easements.
    - 5' sidewalk at top of existing slope, avoid utility relocation and 4/5 trees removed, introduce a 4-level ADA "switch-back." Extensive easement and right-of-way acquisition.
    - Install a curb extension to reduce width of existing roadway, install 6'

sidewalk at back of new curb, eliminating parallel parking on SW side, utility relocation, and 4/5 trees removed within existing right-of-way with temporary easements necessary.

There was discussion on the proposed three design alternatives. Design #1 included the sidewalk on the back of curb which would require a significant amount of overhead utility relocation. This work can add several months to the project schedule. This alternative will also require a large retaining wall (about 8' tall). Design #2 included design for sidewalk at top of slope and would avoid overhead utility relocations but would require more property acquisition and an elaborate ramp system to access at Durham St. Design #3 included design plans for a sidewalk to be installed inside of existing curb; this design would impact 14 parking spaces and would eliminate property acquisition and overhead utility relocation needs.

At the April Work session there was

- Additional discussion with Town Council about Alternatives
  - Costs associated will all alternatives are expected to be similar
  - Recommendation from McAdams (consultant for Downtown Master Plan) was Alternative #3
- Discussion about drainage with curb extension
- Consensus provided to staff on Alternative #3
- Staff to meet with Property Owners

May 2023 – Pedestrian Coordination

- Staff worked with NCDOT and Kimley-Horn on crosswalks and pedestrian connectivity across E. Main Street
- Kimley-Horn brought in their integrated mobility and safety staff for discussion
- Existing parallel parking across from Vinson's presents a safety concern due to lack of sidewalk, connectivity, and crosswalks
- Staff proposed an RRFB between Vinson's and Pittman's Auto
- NCDOT was not receptive to the RRFB
- Staff offered to maintain RRFB devices
- NCDOT agreed to standard crosswalks at Durham Street and Compton Street

90% Design Submittal/Property Owner Meeting

- Kimley-Horn formally submitted 90% plans to Town on June 15th
- Design based on Alternative #3 – Curb Extensions
- Staff met with representative from Lipscomb, LLC (Emily Beddingfield) on June 22nd at Town Hall to present latest project design and discussed the following:
- Multiple concerns related to removal of parking associated with Vinson's
- Effects on Vinson's business
- Vinson's Site Plan was approved with reduced parking requirements
- Sidewalk only on one-side of E. Main Street
- Future public parking lot on existing Town Property

Following Property Owner Meeting

- Based on Town Council feedback, staff has met with Kimley-Horn four (4) times to discuss further alternatives/changes
- Received updated 90% design cost estimates for current design and non-curb

extension
- Non-Curb Extension Alternative revised to introduce a utility strip to potentially remove relocation and only have to “re-set” existing utility poles
- Requires easement for retaining walls
- Received updated project schedules for current design and non-curb extension
- Discussed introduction of retaining walls with NCDOT Division 4 staff
- Division 4 staff is not receptive to additional retaining walls within the public right-of-way, including ownership and maintenance by the Town
- Retaining walls would have to be shifted (leading to increased height) and constructed in an easement separate from public right-of-way

Preliminary Opinion of Probable Construction Cost – 90% Design
Curb Extension
- Curb extension: $783,000
- Construction - $758,000
- Temporary Easements - $25,000

Existing Curb Line
- Without Curb Extension: $1,388,000
- Construction - $1,325,000
- Permanent ROW - $22,000
- Temporary Easements - $41,000

Additional Engineering: $35,000
Utility Relocation: $50,000
Retaining Wall Const.: $450,000
Overall Difference in Cost: $605,000

CAMPO Funding
- Existing funding $650,000 (70% Federal / 30% Match)
- Federal - $455,000
- Town - $195,000
- Future CAMPO Supplemental Agreement (50% Federal / 50% Match)
- $66,500 additional local commitment (current design)
- $400,500 additional local commitment (alt design)

Mr. Jacobs discussed the updated schedule. The overall schedule may be reduced for both scenarios if easements are able to be negotiated outside of condemnation.

Updated Schedule Effects
- LAPP Funding assumed construction in October 2023
- CAMPO requests quarterly updated for construction authorization
- Revised timeline risks daylight of LAPP Agreement

Things to Consider
- Revision of the project design will require a revision of the NEPA document and trigger Erosion Control permitting requirement
- Parking reduction of at least four (4) spaces for any alternative chosen to

ensure adequate sight distance is maintained for crosswalks
- Example: E. Main Street at Fayetteville Street Crosswalk
- Existing parking is not defined; number of spaces available is contingent on how people park
- Example: Parking in a gravel parking lot without parking stall lines
- Formalize all parallel parking spaces to ensure maximum capacity of existing parallel spaces

Shared were alternatives/options considered.

- Leaving parallel parking near the 500 E. Main Street block (closest to Compton Street) and extending curb closer to constrained area
- Due to sight distance concerns, nominal parking was saved and could cause additional safety issues
- With curb extension, widen sidewalk to 8', or introduce a minimal planting strip to allow a "buffer" between the travel lane and sidewalk
- Potential to introduce street trees
- Reduce width and number of driveways in front of 704 E. Main Street and 710 E. Main Street to introduce additional street parking

Shared were retaining wall options which included brick veneer, smooth concrete and stone veneer.

Mr. Jacobs provided a summary.

Design Alternative #1

- Existing curb line remains in place
- Large Retaining wall
- Impact to established trees
- Loss of parallel parking to provide safe crosswalks
- Extended construction schedule
- Extensive RoW to be acquired
- Increased costs (~$600,000) plus any aesthetic options ($100,000 -$200,000)

Design Alternative #2

- Curb extension/new curb line
- No retaining wall
- No impact to established trees
- Loss of XX parallel parking
- Reduced construction schedule
- Only TCE to be acquired
- Reduced construction costs

Other Considerations

- Formalize Parking along other areas of Main St (other business owners buy-in)
- Construct new parking lot on Town owned lot
- Combination of design alternatives with parallel parking near 500 E. Main.
- Additional retaining wall aesthetics

There was discussion on the parking spots not being marked. Council Member Sims asked how many parking spaces would be lost? Mr. Jacobs stated with them not being marked you could get approximately 14 parking spots, but cars should not park that close. With these spots being marked you could lose 10 parking spots.

There was discussion about the Town possibly having to pay an additional $50,000 for this project. To close the gap, we would need to go to CAMPO unless the Town would absorb this cost. Council Member Sims asked if there is a drastic difference between the two scenarios. Mayor Pro Tem Thompson discussed the option of not moving forward with this project at all. Mr. Jacobs stated in terms with CAMPO, he is not sure what that would do; it might hurt chances in the future for funding. Mayor Pro Tem Thompson stated his struggle is that the options are too drastic. He stated he would be comfortable to go back to the retaining wall but not the switchback. Mr. Howell mentioned any substantial changes to the project, and the project would need to be rescored.

There was discussion on the crosswalks. Mr. Jacobs stated NCDO would like to reconsider our crosswalks.

Council Member Archer stated this is a hard decision. We have the money and momentum for this project. With us being at 90% design, are we researching where we can pick up spaces here and there? Mayor Pro Tem Thompson stated he agrees with Council Member Archer, can we go along with the design if we can make up the majority of the parking spaces on the Vinson side of the street; this should be on our dime and not the property owner's. He stated the only way he can support this project is if we make up the parking on the other side of the street.

Council Member Casey stated if we could make up the cost, we should do the first scenario. Mayor McLeod asked if there was a reason these parking spaces are not marked; these should be designated. Mr. Cappola stated if we marked the spots, we would lose parking spots; we have to make sure we do this with safety in mind. He stated there is conversation to be had, we need to understand this is an option but would have to consider that we would need to go back to NCDOT and CAMPO. Mr. Jacobs stated there have been tense conversation with NCDOT about increasing connectivity.

Council Member Casey discussed the issue of citizens speeding in that area. There was further discussion on the safety issues of this project. Mayor McLeod stated this needs to go to the Parking Task Force, it was stated this is already on their schedule for July 31st.

Council Member Casey discussed the mature trees in this area that he would like to stay. It was stated those trees would not be cut down.

Mr. Cappola discussed Option #3a which would drop the linkage completely and would figure out what would happen to formalize the parking on that side of the street. Option #4, dropping link down to 70 to see what that looks like with CAMPO scoring. Option #5 would keep the retaining wall.

Mayor McLeod stated he would like to see the retaining wall as stained concrete.

Council Member Casey stated he doesn't know how many are opposed to the retaining wall, but we could do a mural on that wall. Council Member Archer stated if we go that route we could look into lively planted walls.

Mr. Cappola stated the takeaway of the day is to take this to the August 7th council meeting.

5 ADJOURNMENT

a) With nothing further, the meeting was adjourned at 5:18 p.m.

RESULT:	**CARRIED**
MOVER:	Jason Thompson
SECONDER:	Andria Archer
YES:	Jason Thompson, Andria Archer, Michael Sims, and Porter Casey
NO:	None
ABSENT:	Avery Everett

Duly adopted this the 7th day of August 2023 while in regular session.

Jody L. McLeod
Mayor

ATTEST:

Heidi L. Holland, CMC, NCCMC
Town Clerk

Town of Clayton
Regular Town Council Meeting Minutes
Monday, July 17, 2023 at 6:00 PM
Council Chambers, Town Hall
111 E. Second Street

Council Present:
Mayor Jody McLeod
Mayor Pro Tem Jason Thompson
Council Member Porter Casey
Council Member Avery Everett
Council Member Andria Archer
Council Member Michael Sims

Council Absent:
None

Staff Present:
Rich Cappola, Town Manager
Jim Cauley, Town Attorney
Dolores Gill, Deputy Town Manager
Lee Barbee, Deputy Town Manager
Heidi Holland, Town Clerk
Robert McKie, Finance Director
Jonathan Jacobs, Assistant Engineering Director
Joshua Baird, Engineering Director
Nathanael Shelton, Communications Officer
Ben Howell, Planning Director
Bruce Venable, Planner
Patrick Pierce, Economic Development Director
Ann Game, Revenue & Utility Customer Service Director

1. CALL TO ORDER

a. Call to Order

Mayor McLeod called the meeting to order at 6:00 p.m.

b. Pledge of Allegiance

Mayor McLeod led the Pledge of Allegiance.

c. Invocation

Mayor McLeod provided the Invocation.

2. ADJUSTMENT OF THE AGENDA

a. Adjustment to the Agenda to switch items 6a to 6c, 6b to 6a and 6c to 6a and Quasi Judicial hearing item a to b and b to a.

RESULT:	**CARRIED 5-0**
MOVER:	Porter Casey
SECONDER:	Avery Everett
YES:	Jason Thompson, Porter Casey, Avery Everett, Andria Archer, and Michael Sims
NO:	None

3. CONSENT AGENDA

a. Minutes
- June 20, 2023 - Regular Session

Presenter: Heidi Holland, Town Clerk

b. Johnston County Fire Contracts FY2023-2024 (Interlocal Agreements)
Presenter: Matt Sutphin, Interim Fire Chief

c. Resolution 2023-40 Directing the Clerk to Check for Sufficiency for Annexation 2023-64-ANX 8175 US HWY 70 Bus
Presenter: Bruce Venable, Planner 1

d. Acceptance of $25,000,000 ARPA Funding for Sam's Branch WRF

e. Resolution 2023-38: To Accept Streets into The Town of Clayton Street System for Maintenance – Walk at East Village Phase 2
Presenter: Jonathan K. Jacobs, PE, CFM - Assistant Engineering Director

Approve Consent Agenda as Presented

RESULT:	**CARRIED 5-0**
MOVER:	Jason Thompson
SECONDER:	Michael Sims
YES:	Jason Thompson, Porter Casey, Avery Everett, Andria Archer, and Michael Sims
NO:	None

4. ADMINISTRATIVE ITEMS

5. INTRODUCTIONS AND SPECIAL PRESENTATIONS

a. National Intern Day Proclamation
Presenter: Mayor McLeod

Mayor McLeod read the proclamation into the record and presented it to the Town's interns.

6. PUBLIC HEARINGS

a. 2023-91-OA Downtown Permitted Uses Ordinance Amendment
Presenter: Ben Howell, Planning Director

Mr. Howell stated this is an amendment to section 155.202(A), table 2-1. The purpose of this proposed amendment is to allow for lounge, cocktails and entertainment indoor uses to be permitted by right in the B1 zoning district. The request was initiated at the request of the Economic Development Department.

The proposed text amendment is consistent with the remainder of the applicable chapters in the
UDC, it meets the intent of the code and is consistent with all three plans. The proposed amendment allows for more uses as permitted in B1 district which generally covers the downtown commercial area. This amendment is in line with the proposed

changes in the new UDO draft. Planning Board recommends approval of this amendment as well as staff.

Mayor McLeod stated this has been noted as a public hearing and asked if anyone wished to speak. With no one wishing to speak this was turned over to Council for deliberation.

Adoption of Ordinance #2023-07-02 with Consistency Statement

RESULT:	**CARRIED 5-0**
MOVER:	Jason Thompson
SECONDER:	Avery Everett
YES:	Jason Thompson, Porter Casey, Avery Everett, Andria Archer, and Michael Sims
NO:	None

b. Economic Development Agreement - 218 E Main Street
Presenter: Patrick Pierce, Economic Development Director
Craig Lee, Carroll Building Investments
Paul Auclair, Fare Game

Patrick Pierce was joined with Craig Lee, Paul Auclair and CJ Batista to share a proposed project for downtown. The property is 0.8 acres located behind 218 E. Main Street. The town purchased combined parcel for $150,000 in 2015 to preserve the historic building. It was resold in 2019 for $110,000 by way of upset bid process. The parcel was appraised for $35,000 in May 2023.

What is being proposed as part of the Economic Development agreement would be to recombine the two parcels into one contiguous parcel, which would be necessary for this project. The parcel was originally purchased by the Town, the building was vacant and not in good condition. The idea was to make sure this was preserved.

Shared was the project overview which includes an arcade/eatery on the ground floor of both buildings with an outdoor patio and seating area in the rear and two 2,150 sq. ft. office suites upstairs. DDA has approved a $12,500 façade grant for new windows.

Shared were details of the economic development agreement:

- Town conveys the property to Carroll Building Investments for $40,000 (fair market value + legal fees)
- CBI will invest or cause to be invested a minimum of $500,000 in the next five years
- Downstairs space will have or have work completed necessary to obtain a Certificate of Occupancy by December 31, 2023
- Construction on the rest of the building will be complete or substantially complete by December 31, 2023

Craig Lee, co-owner of Carroll Building Investments, LLC spoke and provided history on this building. Shared were architectural layouts for the building and photos of the interior. He stated this building has been vacant for many years, the interior is not salvageable.

Paul Auclair with Fare Game, LLC, spoke and shared the concept of this arcade, pub and social house. Shared was a layout of the proposed facility which includes 4,306 sq. ft., A-3 occupancy, kitchen, pizza oven, arcade games, bar, seating, 4 bathrooms, cooler and patio. The patio would be 1,800 sq. ft. with outdoor seating, a privacy fence and would be shaded. Shared were ideas for the menu.

Council Member Sims asked what the hours of operation would be; Mr. Auclair stated possibly opening at noon and closing at approximately 10:00 p.m. but that would be determined.

Mayor McLeod stated this has been noted as a public hearing and asked if anyone wished to speak. With no one wishing to speak, the public hearing was closed and turned over to Council for deliberation.

Approval of Development Agreement

RESULT:	**CARRIED 5-0**
MOVER:	Jason Thompson
SECONDER:	Avery Everett
YES:	Jason Thompson, Porter Casey, Avery Everett, Andria Archer, and Michael Sims
NO:	None

c. 2022-212-RZ Woodbriar Rezoning
Presenter: Bruce Venable, Planner I

Mr. Venable stated this is the first of two items, the second would be townhomes which would come as an SUP. He stated this request is to rezone a property on the southeast corner of Barber Mill Road at NC Hwy 42. The property is approximately 4.40 acres and is currently zoned R-E. Shared was a map of the current zoning and the proposed zoning map. This is consistent and compatible with the future land use map. Staff and Planning Board both recommend approval.

Factors for Council to consider are: the approval of this rezoning would allow any permitted use within the R-8 Zoning District to be constructed on the site. The Town Council should consider all potential uses of the site prior to approving this proposal.

Council Member Casey stated with this being high density residential, are there any talks of road expansion in front of this parcel? Joshua Baird, Engineering Director, stated there is a proposed 42 widening project. DOT has not started any right-of-way acquisition, so the exact design and line work has not been determined. It's on the books but still yet to come, the acquisition process has not been started.

Mayor McLeod stated this has been noted as a public hearing and asked if anyone wished to speak.

Matthew Carpenter, with Parker Poe, was present on behalf of the developer. He stated he is excited to present this project that offers additional density that is in line with the future land use map. He discussed information regarding the SUP project for the townhomes. He requested Council hold the vote on this rezoning request until

after the SUP hearing was heard. He stated the request is for a townhome project with 41 total townhomes units at a maximum density of 10 units an acre. The current zoning is split between office and residential estate. The goal with this project is to add gentle density along NC 42 in an area that is well connected with goods and services.

The proposed housing and density are in line with the future land use map recommendation. He stated this project is consistent with several policies in the comprehensive plan.

With no one else wishing to speak the public hearing was closed and turned over to Council for deliberation.

Mayor Pro Tem Thompson stated this item should be voted on; close the door on this item and then proceed with the SUP hearing. Council Member Archer stated her thoughts are similar. She stated she felt the application met the criteria for a rezoning.

Mayor McLeod stated this hearing is only for rezoning a piece of property and does not have anything to do with what future development could look like; that would be the next topic if this is approved.

Adoption of Ordinance #2023-07-01 with Statement of Consistency and Reasonableness

RESULT:	**CARRIED 5-0**
MOVER:	Andria Archer
SECONDER:	Jason Thompson
YES:	Jason Thompson, Porter Casey, Avery Everett, Andria Archer, and Michael Sims
NO:	None

Quasi-Judicial Hearing

A quasi-judicial hearing resembles a court trial where testimony is presented. Citizens may give testimony in a quasi-judicial hearing after they have taken an oath. Town Council acts like a court of law and receives only sworn testimony and other credible evidence. In addition, the Town Council must make findings of fact based upon the evidence presented.
The Town Council refrains from "ex parte communication" about these cases, as the Town Council must make a decision based solely on the evidence presented at the hearing itself. Staff is available to assist with inquiries from citizens.

a. 2022-213-SUP Woodbriar Towns
Presenter: Ben Howell, Planning Director

Attorney Cauley discussed the quasi-judicial procedures. The Town Clerk swore in those offering testimony.

Mr. Howell stated this is the SUP portion of Woodbriar Towns. The request is to construct 41 townhome units on approximately 4.4 acres located near the intersection of Barber Mill Road and Lombard Street. Shared was an associated subdivision plan. This plan has been under review by the TRC and will be approved following the approval of this item. Shared were proposed architectural elevations.

The Comprehensive Plan shows the area as a combination of medium density residential and high density residential. The land is currently surrounded by a mix of business and business office and institutional.

Shared were the findings of fact and recommended conditions, which are included in the staff report.

Council Member Casey asked Mr. Howell to go back to the comprehensive land use plan map, he stated this overlaps with high and medium density. He asked Mr. Howell if this is 2/3 in high density and 1/3 in medium density, Mr. Howell stated that looks correct. Council Member Casey stated he noticed some elevation drawings were rendered and doesn't say these were proposed, he stated because these are examples these are the actual ones the townhomes would be built by, Mr. Howell stated yes, these were submitted as part of the subdivision plan set and the final condition requires that they substantially conform to these drawings.

Council Member Casey stated with the elementary school there, the road gets substantial amount of traffic. It looks like there has not been a decision made on Lombard Street with the DOT, Mr. Howell stated since Lombard would be widened as part of the NC 42 project, the applicant was not required to provide any widening for that stretch. Mr. Howell stated the construction for this project is funded for 2029.

Matthew Carpenter with Parker Poe was present. He stated the findings of fact are part of the record. Donnie Adams, Professional Engineer with Adams & Hodge Engineering spoke. He repeated details of this project and shared a site map. He stated there would be 3 access points, which exceeds the minimum required by code. One access point is off Barber Mill Road. A second would be to the southeast portion there would be a connection point onto Sunset Lane. The third connection point would be to the south and is a private road connection to an existing private road stub that has been stubbed into the property from those townhome units. He stated the interior streets are public streets consistent with the Town streets typical sections, the only thing private would be the stub connection. This development would be connecting to the public water and sewer. The road network is designed to meet fire code requirements for turnaround purposes.

Mr. Adams spoke about stormwater. He stated one way to handle this would be during construction and would deal with that with erosion control measures designed to ensure that sediment does not leave the site during construction. The second part is post construction. Once everything is developed, there would be a permanent control measure in place. Shared was a stormwater control measure that would be designed and permitted through the Town to meet the Town's ordinance. There would also be impervious area limitations. For this site per code, the max is 55%, the proposed layout is 45% impervious.

Discussed were the amenities. A dog park would be located on the most southern point of the site. It would be fenced in and landscaped. The other amenity is a mini park centered on the site with an open play field area with three park benches.

Shared were building elevations. These are front loaded with a one-car garage. The

proposed siding is fiber cement siding, fiber cement lap siding, wood paneling accents, asphalt shingle roofing and metal roof. Mayor McLeod asked when talking about fiber cement vertical siding, would that be the least expensive siding? Mr. Adams stated that is not his expertise, but he would say no. Mayor McLeod asked about the wood paneling, the density and if the wood is made to be exposed to outdoor elements. Developer Josh Chenery spoke. He stated there is a masonry component required by the UDO, that is at the bottom. A brick ledge was installed so it looks substantial. The fiber cement siding, commonly referred to as hardy plank, is probably the most expensive siding on the market. He stated regarding the wood component, you would need to have something that is a stainable material, it would not be cheap. They do not want to put in low-end products, they want these townhomes to be homes people desire to live in.

Mayor McLeod asked about the painted brick. Mr. Chenery stated he did not know if this would be painted brick. He stated the roll lock is the different layer across the top that adds separation. He stated if the brick would be painted, he did not know what color it would be. It would be a color consistent with the siding. Mayor McLeod asked who would maintain the paint, Mr. Chenery stated the HOA would; they would maintain the landscaping and exterior of the properties.

Mayor Pro Tem Thompson asked about if there would be room for a vehicle in the garage and driveway? He stated he did not want a vehicle hanging in the street or covering a sidewalk. Mr. Adams stated there is one parking space in the garage and for the outside there is a 25’ setback from the front of the garage to the sidewalk.

Council Member Casey asked Mr. Adams if he was familiar with the rock wall in the right-of-way? Mr. Adams stated there is no intention to disturb the wall. Shared was history of the wall. Mr. Chenery stated that would not be disturbed, they want the character of this property to stay.

Nate Bouquin, Traffic Engineer with McAdams spoke. He stated he is experienced in traffic engineering and certified as a professional traffic operations engineer. He stated they have worked with NCDOT on this project, and they have recently completed a traffic forecast so they were able to use that information to get a glimpse of how traffic operations are going to be at the site. Based on their study, cues currently are not extending beyond where the driveway is proposed on Barber Mill. He stated they have been coordinating with them on what that driveway would look like in the future. They have been given preliminary sign off on right in and right out for that driveway, that is something they would continue to work with them on.

He stated they have also conducted a trip generation study to get a glimpse of what future traffic might generate. With 41 units, we are looking at 16 a.m. peak hour traffic trips and 21 p.m. peak hour traffic trips. Based on the low generation and minor cues seen, he doesn’t anticipate this project to have a significant impact on traffic. He stated the a.m. peak hours would be roughly the same time period when school would be starting in the morning and the p.m. peak hours would be later in the day.

Mayor Pro Tem Thompson wanted to confirm that there is no driveway off of 42 for this project, the entrance is on Barber Mill or through the existing states, Mr. Bouquin stated that is correct.

Council Member Sims asked to view the slide with the access to the driveway. He stated when looking at Sunset Lane, going back east into downtown, he asked what street that was going back? It was stated it is Woodbriar. He asked if that was an exit that goes out onto Lombard Street, it was stated yes there is, and it is currently full movement where you can go either left or right. Council Member Sims asked for confirmation on the traffic study. Mr. Bouquin stated the a.m. peak was for the busiest time in the morning and for a 60-minute time frame. Council Member Sims asked if that would impact anything, Mr. Bouquin stated it would be a fairly negligible impact. Mayor McLeod asked Mr. Bouquin to define that term. Mr. Bouquin stated that would be an impact that you would not notice an impact.

David Lewis, commercial real estate appraiser with Dickinson Lewis and Associates spoke. He has been appraising since 1992. Mr. Lewis prepared a report that was provided to the Clerk. He stated he was here to support the quasi-judicial contention that the property and the sub-application will not substantially enter the value of adjoining or abutting properties and will not be detrimental to the use or development of adjacent properties in other neighborhoods. In his research completed an analysis of comparable developments that have occurred similar to what is proposed at this site. He stated there were numerous choices to choose from within a one- and two-mile radius. Chosen were four developments that would show there has been no adverse effect from any of the developments that have occurred. The first one is a high density commercial at 401 E. Main Street (Scott Crawford Restaurant); the second is Champion West; third is Meadow View and fourth Academy Point. He stated the conclusion is the property values are continuing to increase. The appreciation rate from before to after these developments have been approved and were broken ground is in a range of 3-13%. In conclusion, it shows there is no adverse effect.

Council Member Casey commented about receiving the report before the meeting so Council could have an opportunity to look over it prior to the meeting. He asked about the CPA office next door, with the stormwater pond, is that a dry or wet pond, and would that impact them based on your analysis, Mr. Lewis stated that is not part of what his analysis and testimony is. He stated it is more of an amenity and usually an enhancement. Mr. Adams stated that would be a wet pond with a fence around it; the land falls at a 45% angle and the water would exit at the corner of Woodbriar and Sunset Lane. It would be a permanent pool elevation and would be designed so it holds the 100-year storm with an appropriate free board above it. Mr. Lewis stated with all three of the high-density residential developments that he spoke of, all of those incorporated the same infrastructure and showed no ill effects. Mayor McLeod said, for clarification on his statement, he asked if he was saying when a development took place that had a stormwater retention pond that adjoined another private property that it didn't decrease the value of the private property, Mr. Lewis stated that is correct.

Council Members Sims asked Mr. Bouquin to explain how schools are brought into the traffic equations when figuring out bars for traffic. He stated the study would have been done based on existing traffic counts so they would have counted the intersection, then take those volumes and they grow it up to 2050 for the projected year within the DOT project. The school traffic would have been included in the original traffic counts. Council Member Sims wanted to verify the 16 a.m. trips. Mr. Bouquin stated it would be 12 exiting vehicles an hour, roughly one vehicle every 4/5 minutes is what is expected.

Mayor McLeod asked to see the slide of the map. He asked if the largest yellow arrow coming off Belhaven Drive is where the street stops and you would connect from that point into this proposed development? Mr. Adams stated that is correct; the yellow arrow represents an existing stub. Mayor McLeod asked if that goes in between where the townhomes end and the neighbor's property on Lakeview Drive? Mr. Adams stated that is correct. Mayor McLeod asked what impact does that have on the property owner's backyard on Lakeview Drive? Mr. Adams stated as far as the work they are required to do, it would be touching the property owner's backyard so it could be physically constructed on the site. He stated it is a continuation of a stub and alignment that is already set and is also existing public utility easements in that area.

Council Member Casey stated that would be a private access on Belhaven Drive through there, Mr. Adams stated that is correct, it would be a paved private street. Council Member Casey asked if there would be a buffer between the residential backyard and the street? Mr. Adams stated they are continuing the alignment that is there, there is a utility easement that runs all the way to that property line, so this extension stays inside that easement. The buffer provided is on the townhome side of the street in the dog park area. Council Member Casey asked what the estimated build out of the project is? Mr. Adams stated he believes it would be one phase construction. If this is approved, they would work with the Town to get construction drawings which would take 6-9 months, and then construction could start. Mr. Chenery stated a project of this size would be developed at one time; it would not be phased. He stated the large yellow arrow is basically a private street width so it's more like a driveway width, it's not in a big right-of-way that cars would fly in and out of; the only way to connect it is to continue the private street.

Mr. Carpenter summarized this project.

Ginger Levingston asked if in the building in the corner if that is a pond or a swimming pool. Mayor McLeod stated this is a pond. She asked if this would be a place for snakes and mosquitos. Mayor Pro Tem Thompson stated he would like to hear what type of protection is around the stormwater ponds and are there any precautions taken for insects? Mr. Adams stated this is a permanent stormwater control measure and is required per Town standards which are consistent with the State standards. This would be a wet pond designed and specific maintenance requirements are set aside for keeping of the height of the grass as well as the landscaping. There would be a perimeter security fence around the entire site. It will be designed where there would be a permanent water level. Mayor Pro Tem Thompson stated the purpose is for water to run off the property into the pond and not onto their adjacent properties, correct? Mr. Adams stated that is correct.

With no one else wishing to speak this was turned over to Council for their deliberation.

Council Member Casey asked if the developer would get Ms. Levingston's contact information, even if it's part of a condition, but if she has any concerns with bugs, would the applicant be willing to, in good faith, try to help her with those? Mr. Chenery stated he would be glad to do that, he stated he wants to be good to their neighbors. Mayor McLeod stated he thinks just stating that for the record is enough.

Council Member Archer stated she felt the applicant met the Findings of Fact and

shared her thoughts of what exceeded expectations. Council Member Sims stated he likes the project but struggling with Findings of Fact #1, his concern is having the school there and the traffic. He stated one thing that was mentioned was the access that is still being worked on, he asked if all of these proposed access points are going to come to fruition. He stated he would feel more comfortable if the widening project came a lot sooner. Mayor Pro Tem Thompson stated he is comfortable with this. He feels 41 units won't be a safety concern. Council Member Casey stated he is not a fan of the SUP process or townhomes, but feels the developer is willing to make a compromise and work with the neighbors. He stated he is in support of this. Council Member Everett stated this is a great project and a nice addition to what is going on in Clayton.

Approval of 2022-213-SUP with Conditions Listed

RESULT:	**CARRIED 5-0**
MOVER:	Andria Archer
SECONDER:	Jason Thompson
YES:	Jason Thompson, Porter Casey, Avery Everett, Andria Archer, and Michael Sims
NO:	None

Adoption of Wastewater Resolution #2023-42

RESULT:	**CARRIED 5-0**
MOVER:	Andria Archer
SECONDER:	Avery Everett
YES:	Jason Thompson, Porter Casey, Avery Everett, Andria Archer, and Michael Sims
NO:	None

b. 2023-17-SUP Meadow View Special Use Permit Major Modification
Presenter: Ben Howell, Planning Director

Mr. Howell stated this request is to remove the road connection from the Meadow View neighborhood to the Lakeside Acres neighborhood and to also centralize mail kiosks for Meadow View. The development is located near the intersection of Shotwell Road and Old US 70. The proposed subdivision plan changes were shared. All mail kiosks would be moved to the amenities center.

Shared were the Findings of Fact and conditions which are included in the staff report. Staff recommendations approval of this request.

The applicant Sean Hein, Project Manager with Timmons Group was present. He is a professional land surveyor. He has been working with land development projects for over 30 years. He stated this is the third time this project has been before Council. The first time was with a different engineering firm that did not show the road stub to Woodcrest, when he got involved with the developer the layout was changed. He worked with a previous Town planner who suggested making this stub. Since then, the Town, neighborhood and developer have had discussions and no one wants to make this stub at this time. This is the main reason for tonight's request.

There are two mail kiosks in different spots and would like to combine those into one. The adjacent neighborhood road, even though is an NCDOT recorded right-of-way, is unimproved and the neighbors do not want this connection right now.

He is asking to reword condition #3. The developer would like to work with staff on how much is removed of the existing Woodcrest Drive. There are utilities and storm drains already in that road; removing it all may be problematic. He is asking for flexibility in the wording for that condition.

Council Member Archer asked Mr. Hein to be more specific about modifying condition #3. He stated to fully remove the road may be problematic. There is a water line and storm drainage that has been installed. Instead of having a blanket statement he would like to work with engineering and planning on what can be removed and possibly come up with a maintenance agreement that can maintain what can stay until the Town decides to take dedication of the road. He would like flexibility in that statement.

Mayor McLeod stated this has been noted as a public hearing and asked if anyone wished to speak.

Nilous Banks of 101 Lakeside drive, stated there are kids in the neighborhood and this has become a racetrack. It's a mess on Lakeside Drive.

Mark Farmer of 1404 Woodcrest Drive stated this road comes past his house. He shared his concerns about the traffic.

Douglas Norman of1402 US 70 West discussed his concern about safety. The speed limit on the road is 45, he sees folks driving 60 mph. He stated he would like to do something about the traffic.

Barbara Mays of Lakeside Drive stated there are three bus stops on this road. She discussed drivers speeding and coming through stop signs.

Tracy Farmer, 1404 Woodcrest, spoke on the drainage. She stated Mr. Hein mentioned an adjustment, she asked for clarification on this. Adam Ashfa, Certified Planner and Registered Civil Engineer and Director of Planning, Engineering and Entitlements for DRB Homes spoke. He stated they want to remove this road. The safety issues heard tonight would be improved by removing this road. The reason Mr. Hein mentioned an adjustment to condition #3 is because the north-south road that ends in a cul-de-sac has normal crown roadway and the stub that is planned to be removed falls away from the north-south road; there is a drainage inlet just beyond the curb return that. Rather than moving the entire length of stub all the way back to the north-south road, they would like to be able to maintain the drainage pattern. They would remove the rest of the road and will meet every other part of the conditions as presented.

With no one else wishing to speak, this was turned over to Council for deliberation.

Mayor Pro Tem Thompson stated for fellow council members, this is our future. There is a lot of momentum to expand ETJ’s and this is what happens. These people do not live in the city limits, they don’t pay our taxes but what we have done is approve a

development that greatly affects their quality of life. He is in favor of this. If we don't think a lot more, we will see this more in the future. He does not think the streets should connect.

Council Member Archer stated this project does meet all four Findings of Fact. Regarding condition #3, she asked for staff if they had any thoughts on the wording for this condition. Attorney Cauley stated does removing the pavement address that concern but leaving the stub right-of-way? Jonathan Jacobs, Assistant Engineering Director stated no, the concern the applicant has is regarding the existing drainage installed in the curb line and they have constructed the stub all the way to the property line as was on the original approval. Just removing that would lead to hoods per se of storm drain in the middle of what would now be an open space because it would still be a right-of-way. There is potential those could be converted to a yard inlet, there are other options but from a staff perspective he would say "fully removed or modified".

Council Member Archer stated given that could we modify the language for condition #3 to say just to add fully removed or modified, Mayor McLeod stated as agreed upon by Town staff and the developer. Mr. Jacobs stated he thinks its key to add with coordination with Town staff.

Approval of 2023-17-SUP with Conditions including Modifications to Condition #3 as Noted

RESULT:	**CARRIED**
MOVER:	Andria Archer
SECONDER:	Porter Casey
YES:	Jason Thompson, Porter Casey, Avery Everett, Andria Archer, and Michael Sims
NO:	None

7. OLD BUSINESS

8. NEW BUSINESS

a. Water Leak Adjustment Policy
Presenter: Ann Game, Revenue & Utility Customer Service Director

Ms. Game stated her team has made an update to clarify this policy. In the last year they have focused on updating SOP's and forms. One of the things found is there were two different forms. There are no changes to the wording, just merged these two forms into one.

Adoption of Resolution #2023-43

RESULT:	**CARRIED 5-0**
MOVER:	Jason Thompson
SECONDER:	Andria Archer
YES:	Jason Thompson, Porter Casey, Avery Everett, Andria Archer, and Michael Sims
NO:	None

b. Updated Returned Payment Policy
Presenter: Ann Game, Revenue & Utility Customer Service Director

Ms. Game stated the wording has been changed on this policy. The previous policy stated if you had a returned check, the Town did not allow another check to be written for five years. She stated she talked to surrounding municipalities, and all have changed their wording to say "return payment". The five-year penalty time has been changed to one-year. Mayor Pro Tem Thompson asked if this is just for checks, Ms. Game stated this globally covers payments.

Adoption of Resolution #2023-44

RESULT:	**CARRIED 5-0**
MOVER:	Michael Sims
SECONDER:	Avery Everett
YES:	Jason Thompson, Porter Casey, Avery Everett, Andria Archer, and Michael Sims
NO:	None

c. CAMPO Bike/Ped Project Submittals
Presenter: Ben Howell, Planning Director
Patrick Pierce, Economic Development Director
Jonathan Jacobs, Assistant Town Engineer

Mr. Howell spoke on this item. He stated this is a quick item update and ask for permission to make submittals. Provides another opportunity for the Town to receive funding.

Background
- NCDOT develops 10-year State Transportation Improvement Programs (STIP) through prioritization process (SPOT)
- MPOs, RPOs and NCDOT Divisions are only entities that submit projects into SPOT
- NCDOT is currently in the 7th cycle of the SPOT process (SPOT 7) for developing the 2026-2035 STIP

CAMPO & Spot 7
- CAMPO is preparing project lists for submission to SPOT 7 process
- CAMPO utilizes the Metropolitan Transportation Plan (Long Range Plan) and discussions with member agencies to develop roadway, transit and other modal submittals
- CAMPO releases a call for projects for bicycle and pedestrian projects, and uses the SPOT/STIP Committee to develop final projects for submission
- CAMPO has limited number of submissions, and will work with TCC and Executive Board to finalize list of projects for submission

CAMPO SPOT 7 Bike/Ped Submissions
- CAMPO released call for bike/ped projects from member agencies in mid-June with deadline for submittals of July 28th.
- Staff has met internally to discuss potential project submissions

- Staff is proposing to submit projects that are currently listed on CIP – all projects were also recommended in the Clayton Pedestrian Plan
- All Bike/Ped projects in STIP require 20% Local Match; CAMPO requires a Local Match Letter be submitted with project list

Clayton Bike/Ped Submissions

1. Robertson St Sidewalk Gaps & Main St. Pedestrian Improvements
2. Clayton Community Center Pedestrian Crossing
3. US 70 Pedestrian Crossings (Champion/Main, Shotwell, Moore)
4. Amelia Church & Shotwell Greenway Gaps
5. Glen Laurel Road Pedestrian Improvements
6. O'Neil Street Pedestrian Improvements
7. Downtown Railway Pedestrian Crossings
8. Cobblestone to CCC Greenway
9. Clayton Riverwalk Extension to 42E
10. Parkview, Meadowview, High Gate Greenway Gap
11. Shotwell Ped Improvements
12. First St. Ped Improvements - O'Neil to Robertson

Detailed information on each project was shared.

Next Steps

- Council authorize Town Manager to provide Letter of Local Match Support for submitted projects
  - Local Match is 20% of Project Costs
  - Letter cannot be binding on future Councils
- Staff finalizes submittal list and submits to CAMPO
  - CAMPO will review all projects submitted by member agencies and recommend final project list for approval by Executive Board
- Projects submitted by CAMPO will be placed into NCDOT's prioritization process – projects will compete against other Division 4 projects
- If projects are placed on 2026-2035 STIP, likely not received funding until 2031 or later

The Town will find out if any projects make it into the submission later this fall. Scores would be received next spring.

Approval of Project Submittals and Cost Match Letter

RESULT:	**CARRIED 5-0**
MOVER:	Jason Thompson
SECONDER:	Porter Casey
YES:	Jason Thompson, Porter Casey, Avery Everett, Andria Archer, and Michael Sims
NO:	None

9. STAFF REPORTS

a. Town Manager

Mr. Cappola stated the Fire Chief Recruitment did close last night. Close to 70 applications were received from all over almost every state. HR will go through and compare candidate profiles and qualifications to score those and pair them down. The first round of interviews would be held the week of July 31st.

He stated he appreciated staff who helped with the Fireworks event. He stated it was a good event but would have to tweak it a little next year.

b. Town Attorney

c. Town Clerk

d. Other Staff

10. OTHER BUSINESS

a. Informal Discussion & Public Comment

- Individuals have three (3) minutes to address the Town Council.
- Groups will designate a spokesperson. Spokesperson will have five (5) minutes to address the Town Council.

b. Council Comments

Council Member Sims thanked everyone involved with the fireworks and thanked the citizens who adjusted to the weather.

11. CLOSED SESSION

a. To Discuss Legal Matter in Accordance with NC GS 143-318.11(a)(3) & To Discuss Economic Development in accordance with NC GS 143-318.11(a)(4)

Motion to Go Into Closed Session

RESULT:	**CARRIED 5-0**
MOVER:	Michael Sims
SECONDER:	Jason Thompson
YES:	Jason Thompson, Porter Casey, Avery Everett, Andria Archer, and Michael Sims
NO:	None

Motion to Return to Open Session

RESULT:	**CARRIED 5-0**
MOVER:	Michael Sims
SECONDER:	Jason Thompson
YES:	Jason Thompson, Porter Casey, Avery Everett, Andria Archer, and Michael Sims
NO:	None

12. ADJOURNMENT

a. Adjourn

With nothing further, the meeting was adjourned at 9:50 p.m.

Motion To Adjourn

RESULT:	**CARRIED 5-0**
MOVER:	Porter Casey
SECONDER:	Jason Thompson
YES:	Jason Thompson, Porter Casey, Avery Everett, Andria Archer, and Michael Sims
NO:	None

Duly adopted by the Town Council this 7th day of August, 2023 while in regular session.

_____

Jody L. McLeod
Mayor

ATTEST:

_____

Heidi L. Holland, CMC, NCCMC
Town Clerk

Town of Clayton
111 E. Second St, Clayton, NC 27520
P.O. Box 879, Clayton, NC 27528
Phone: 919-553-1520
Fax: 919-553-1720

Use & Policy Agreement
For Use of Horne Square

The Town of Clayton (hereby referred to as the Town) enters into this agreement with Clayton Farm and Community Market (hereby referred to as CFCM), PO Box 1452, Clayton, NC 27527.

CFCM is licensed to use the space outlined below for the contract period of July 1, 2023, through June 30, 2025 for use as the Clayton Farmers Market, Holiday Markets, Night Market & Winter Markets (hereby referred to as the Farmers Market) for retail sales of farm and handmade goods to the public. Goods shall be locally grown and produced as defined in CFCM Operating Guidelines- found at http://cfcmnc.org/forms

The CFCM agrees to pay the Town of Clayton the sum of $1.00 per year. If both parties agree, this agreement may be extended for an additional term of two years.

CFCM will operate the Farmers Market in Horne Square, located at the corner of Main Street and Lombard Street on Saturdays from 9 a.m. – 1 p.m. March through December, and 10 a.m. – 1 p.m. January through February. This agreement also allows the use of Horne Square for a night market during the monthly “Last Friday” promotion. CFCM agrees to vacate Horne Square 1 hour after the scheduled closing of the Farmers Market.

The Farmers Market is able to request the use of other Town facilities, including but not limited to Town Square, town parks, etc, to set up the regularly scheduled Saturday morning market or any specialty markets. These alternate locations will fall under this Use & Policy Agreement and the Farmers Market is responsible for compliance with any and all rules and regulations pertaining to the specific locations, including the Town’s special events policies, as applicable.

CFCM is aware that scheduling conflicts may occur during the rental period. If the Town of Clayton, schedules an event that is in direct time and use conflict with the Farmers Market, the Town-scheduled event will have priority use of Town Property.

CFCM will be notified by the Town at least two weeks in advance, if practical, should a scheduling conflict arise, and when feasible, be permitted to use a location on Main Street that is complementary with the event. When a conflicting event requires closure of Main Street, the Town will make best efforts to relocate the Farmers Market to a location near Town Square to facilitate easier access for the Farmers Market vendors, per CFCM’s request.

All scheduling conflicts will be resolved by the Emergency Management Coordinator whose decision will be final.

The COVID-19 pandemic and possibility for future pandemics add additional uncertainty to the scheduling and use of public facilities and public gatherings. The Town of Clayton will make best efforts to communicate with CFCM regarding potential required closures or other disruptions as a result of changing local, state and federal laws and regulations.

The following provisions also apply to this agreement:

1. CFCM representative will prepare market area and setup all items associated with the operation of the Farmers Market, including but not limited to signs, tables, tents, trash and recycling cans.
2. CFCM representatives will keep an accounting of all vendors' operations in the Farmers Market and the space assigned to each.
3. CFCM representatives will monitor the unloading of vendor products and will monitor the site throughout the operating hours.
4. CFCM is solely responsible for the setup, breakdown, and cleanup of Horne Square (or other location of operations if relocated) each Market Day, to include but not limited to removal of all signage, tables, tents, trash and recycling.
5. CFCM has access to an electrical outlet and water for market-related vendor use only. The use of electrical outlets is at your own risk.
6. CFCM may not assign, sublet, transfer or otherwise offer use of Horne Square or any temporary location of operations to a third party. Third party users must contact the Emergency Management Coordinator to obtain approval.
7. CFCM agrees to verify and/or obtain, at its sole cost or at the cost of associated vendors, all permits, licenses and authorizations necessary for the purpose of engaging in sales of any and all vendor products and merchandise.
8. No ground stakes may be used by the user or any agent of the user for any purpose, including but not limited to, securing tents, signage or staging.
9. No vehicles are allowed on Horne Square pavers.
10. Fireworks and open fires are not allowed due to fire and safety regulations.
11. CFCM will make best efforts to ensure staff, volunteers, vendors and patrons of the market follow local, state and federal laws and regulations, while using this public facility.
12. Any promotional signage used by vendors will only be allowed during market hours.
13. The Town will provide the CFCM two banner brackets in Horne Square in mutually agreed upon locations for banners with mutually agreed upon artwork. Banners are to be designed, purchased and maintained by the CFCM.

Penalty & Termination Policy

Cancellation & Schedule Changes. CFCM agrees to provide at least two weeks' notice, with the exception of weather-related events, to the Emergency Management Coordinator should the Farmers Market be cancelled at any time during the period of this agreement. Failure to adequately notify Town of Clayton of cancellations or changes to schedule or to comply with any other terms of this agreement may result in termination hereof without notice.

Cleanup & Damage. A $250 cleanup fee will be charged in the event Horne Square or any temporary operating location, is not adequately cleared of trash, recycling and event-related debris immediately following the conclusion of the Farmers Market. Failure to adequately clean following an event will result in a verbal warning after one incident, a warning of termination by letter after a second incident, and termination after a third incident. Farmers Market is responsible for repairing any damage caused by their activities and reporting any damage found upon their arrival.

Termination of Agreement. Grounds for termination of this agreement include, but are not limited to the~~,~~ violation of any terms of this agreement or the convenience of the Town.

Indemnification

CFCM agrees to protect and indemnify the Town from and against any claims, actions, damages and liabilities including but limited to any and all legal and other professional fess arising from or related to the event or activities associated with the operation of the Markets.

CFCM shall carry $1,000,000 per occurrence limit for commercial general liability, $1,000,000 for commercial auto, a $2,000,000 umbrella liability coverage and include the Town, its officers, employees and agents as an additional insured under the policy. A certificate shall be provided to the Town of Clayton upon execution of this agreement, and subsequently, upon the annual renewal of the policy. CFCM is further obligated to notify the Town within three (3) business days of cancellation or change of any insurance coverages.

The undersigned represents that he/she is authorized to sign this agreement on behalf of the CFCM and that he/she has read, understands and will adhere to the above policies for operation of the Farmers Market at Horne Square and within the Town of Clayton.

Clayton Farm & Community Market

Signature _____ Print Name & Title _____

Date _____

Town of Clayton

Signature _____ Print Name & Title _____

Date _____

TOWN OF CLAYTON
CERTIFICATE OF SUFFICIENCY
Annexation Petition #2023-64

To the Town Council of the Town of Clayton, North Carolina:

I, Heidi Holland, Town Clerk, do hereby certify that I have investigated the petition and hereby make the following findings:

1. The petition includes a metes and bounds description of the area proposed for annexation and has attached a map showing the proposed satellite area in relation to the primary corporate limits. [Note if the map also shows the area in relation to another municipality.]
2. The petition includes the name(s) and address(es) of all owner(s) of real property lying in the area described therein.
3. The petition includes the signature(s) of all owner(s) of real property lying in the area described therein, except those not required to sign by N.C. G. S. 160A-58.1(a).
4. The nearest point on the proposed satellite corporate limits is no more than three-miles from the primary corporate limits of the Town of Clayton.
5. No point on the proposed satellite corporate limits is closer to the primary corporate limits of any municipality other than the Town of Clayton, unless there is an annexation agreement in place that allows the annexation of the proposed satellite.
6. The satellite area is so situated that the Town of Clayton will be able to provide the same services as are provided within its primary corporate limits.
7. To the extent that the proposed satellite area contains any portion of a subdivision, the entire subdivision is included.

In witness whereof, I have hereunto set my hand and affixed the seal of the Town of Clayton, this 31st day of July 2023.

Heidi Holland

Heidi Holland, CMC, NCCMC
Town Clerk

DESCRPTION/ADDRESS:
Pin #:167700-29-0735
Non-Contiguous; 15.76 acres

TOWN OF CLAYTON
INCORPORATED
APRIL 1869
CLAYTON, N.C.

Regular Town Council Meeting
Agenda Cover Sheet

Meeting Date	Agenda Location
August 7, 2023	CONSENT AGENDA

Item Title

ElectriCities Oaths

Presenter(s)

Heidi Holland, Town Clerk

Suggested Action

Place on Consent Agenda

Strategic Priorities Alignment

☐ Think Clayton (Administrative)	☐ Think Arts & Culture	☐ Think Downtown	☐ Think Economic Development	☐ Think Land Use & Housing	☐ Think Mobility	☐ Think Parks, Recreation & Natural Resources	☐ Think Public Services & Infrastructure

Public Hearing: No

If Approved, Will Document Require Recordation? No

Does This Item Require a Communication Plan?

☐ Public Hearing (Required by GS)	☐ Public Hearing (Not Required by GS)
☐ Newspaper Notice (Required by GS)	☐ Newspaper Notice (Not Required by GS)
☐ Public Forum/Input Session	☐ Press Release
☐ E-News Distribution	☐ Website
☐ Social Media	☐ Survey
☐ Special Mailing	☐ None Required

Summary

There have been updates in the NCEMPA BOC. Oaths have been taken and will need Council's approval. Changes include: Allen Turnage: Commissioner; Michael Grannis: First Alternate; and Patrick Pierce: Second Alternate.

Funding Source

N/A

Corresponding Documentation

Oaths

Submitted By: Heidi Holland, Clerks

Reviewed By:

Heidi Holland, Town Clerk	Approved - Jul 20 2023
Sam Johnson-Phillips, Deputy Town Clerk	Approved - Jul 20 2023
Rich Cappola, Town Manager	Approved - Aug 02 2023

1501.09 Clayton

OATH

I, David Allen Turnage, do solemnly swear that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina, not inconsistent therewith, and that I will faithfully and impartially execute and discharge the duties of my office as Commissioner of North Carolina Eastern Municipal Power Agency, and that I will adhere to and abide by the ElectriCities' Ethical and Professional Code of Conduct, so help me God.

Commissioner

Sworn to and subscribed before me,
this 18 day of July, 2023.

Heidi L. Holland
Notary Public

My Commission Expires:

(NOTARY SEAL HERE)

HEIDI L. HOLLAND
NOTARY PUBLIC
Johnston County
North Carolina
My Commission Expires November 18, 2023

1501.09 Clayton

OATH

I, Michael Grannis, do solemnly swear that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina, not inconsistent therewith, and that I will faithfully and impartially execute and discharge the duties of my office as First Alternate Commissioner of North Carolina Eastern Municipal Power Agency, and that I will adhere to and abide by the ElectriCities' Ethical and Professional Code of Conduct, so help me God.

Michael Grannis
First Alternate Commissioner

Sworn to and subscribed before me,
this 20 day of July, 2023.

Heidi L Holland
Notary Public

My Commission Expires:

(NOTARY SEAL HERE)

HEIDI L. HOLLAND
NOTARY PUBLIC
Johnston County
North Carolina
My Commission Expires November 18, 2023

1501.09 Clayton

OATH

I, Patrick Pierce, do solemnly swear that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina, not inconsistent therewith, and that I will faithfully and impartially execute and discharge the duties of my office as Second Alternate Commissioner of North Carolina Eastern Municipal Power Agency, and that I will adhere to and abide by the ElectriCities' Ethical and Professional Code of Conduct, so help me God.

Second Alternate Commissioner

Sworn to and subscribed before me,
this 19 day of JULY, 2023.

Samantha N Johnson-Phillips
Notary Public

My Commission Expires:

(NOTARY SEAL HERE)

SAMANTHA N. JOHNSON-PHILLIPS
NOTARY PUBLIC
Wake County
North Carolina
My Commission Expires March 20,2028

Regular Town Council Meeting
Agenda Cover Sheet

Meeting Date	Agenda Location
August 7, 2023	CONSENT AGENDA

Item Title

Resolution 2023-46: To Accept Streets into the Town Of Clayton Street System for Maintenance – Academy Point, Phases 1 & 2

Presenter(s)

Jonathan K. Jacobs, PE, CFM - Assistant Engineering Director

Suggested Action

Adoption of Resolution

Strategic Priorities Alignment

☐ Think Clayton (Administrative)	☐ Think Arts & Culture	☐ Think Downtown	☐ Think Economic Development	☐ Think Land Use & Housing	☐ Think Mobility	☐ Think Parks, Recreation & Natural Resources	☒ Think Public Services & Infrastructure

Public Hearing: No

If Approved, Will Document Require Recordation? No

Does This Item Require a Communication Plan?

- ☐ Public Hearing (Required by GS)
- ☐ Newspaper Notice (Required by GS)
- ☐ Public Forum/Input Session
- ☐ E-News Distribution
- ☐ Social Media
- ☐ Public Hearing (Not Required by GS)
- ☐ Newspaper Notice (Not Required by GS)
- ☐ Press Release
- ☐ Website
- ☐ Survey

☐ Special Mailing ☐ None Required

Summary

Streets and rights-of-way are required to be designed and built according to the Town of Clayton Manual of Standards, Specifications, and Design. Engineering staff has verified through the inspection process that the subject street and right of sections have been installed to meet or exceed this standard and recommends final acceptance. Upon final acceptance, the subject streets are eligible for funding through NCDOT's Powell Bill Program.

Funding Source

N/A

Corresponding Documentation

Resolution

Submitted By: Chris Rowland, Engineering

Reviewed By:

Jonathan Jacobs, Assistant Engineering Director	Approved - Aug 02 2023
Sam Johnson-Phillips, Deputy Town Clerk	Approved - Aug 02 2023
Heidi Holland, Town Clerk	Approved - Aug 02 2023

Resolution # 2023-46

RESOLUTION TO ACCEPT STREETS INTO THE TOWN OF CLAYTON STREET SYSTEM FOR MAINTENANCE – ACADEMY POINTE PHASE 1 AND 2

WHEREAS, streets and right-of-way are required to be designed and built according to the Town of Clayton Manual of Standards, Specifications and Design; and

WHEREAS, Town of Clayton Engineering staff has inspected the street segments listed below and recommends acceptance by Town Council for maintenance by the Town; and

WHEREAS, the street segments listed below will be placed under a warranty period for one-year to monitor for construction deficiencies; and

WHEREAS, prior to expiration of the one-year warranty period, Town of Clayton Engineering staff will perform a final inspection and notify the developer to correct all deficient items (if any); and

WHEREAS, upon correction of all deficient items (if any), the Town of Clayton Engineering staff will issue a final acceptance notice to the developer; and

WHEREAS, approval by the Town of Clayton Town Council is necessary for eligibility for receiving funding from the NCDOT's Powell Bill Program;

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Clayton, North Carolina accept this list of streets and right-of-way into the Town of Clayton Street System.

SUBDIVISION	STREET NAME	BEGINNING DESCRIPTION	END DESCRIPTION	LENGTH
Academy Point, Phase 1	Rosemary Street	N. O'Neil Street	Roundabout	0.20*
Academy Point, Phase 1	Rosemary Street Roundabout at Elliot Drive/N. Mail Street			0.06*
Academy Point, Phase 2	Diploma Drive	Phase Line	Elliot Drive	0.18
Academy Point, Phase 2	Elliot Drive	Rosemary Street	Cul-de-Sac	0.11
			TOTAL	0.55 mi

**Rosemary Street was a previously accepted street which was reconstructed as part of this development. The linear footage for Rosemary Street will not be added to our Powell Bill listing as a new street.*

Duly adopted this the 7th day of August 2023.

_____
Jason A. Thompson
Mayor Pro Tem

ATTEST:

_____
Heidi L. Holland, CMC, NCCMC
Town Clerk

Regular Town Council Meeting
Agenda Cover Sheet

Meeting Date	Agenda Location
August 7, 2023	CONSENT AGENDA

Item Title

Resolution 2023-49-Directing the Clerk to Set a Public Hearing Date for 2023-64-ANX

Suggested Action

Adoption of Resolution

Strategic Priorities Alignment

☐ Think Clayton (Administrative)	☐ Think Arts & Culture	☐ Think Downtown	☐ Think Economic Development	☒ Think Land Use & Housing	☐ Think Mobility	☐ Think Parks, Recreation & Natural Resources	☐ Think Public Services & Infrastructure

Public Hearing: No

If Approved, Will Document Require Recordation? No

Does This Item Require a Communication Plan?

☐ Public Hearing (Required by GS)
☐ Newspaper Notice (Required by GS)
☐ Public Forum/Input Session
☐ E-News Distribution
☐ Social Media
☐ Special Mailing
☐ Public Hearing (Not Required by GS)
☐ Newspaper Notice (Not Required by GS)
☐ Press Release
☐ Website
☐ Survey
☐ None Required

Other/Special Instructions: N/A

Summary

2nd meeting required for the annexation process. This resolution directs the Town Clerk to set a date for a public hearing for annexation petition 2023-64-ANX 8175 US HWY 70

Funding Source

N/A

Cost

N/A

Corresponding Documentation

2023-64-ANX RESOLUTION DIRECTING CLERK TO SET A PUBLIC HEARING

Meeting Timeline

2nd of a total of 3 required meetings for annexation process.

Submitted By: Bruce Venable, Planning

Reviewed By:

Ben Howell, Planning Director	Approved - Jul 31 2023
Rich Cappola, Town Manager	Approved - Aug 02 2023
Heidi Holland, Town Clerk	Approved - Aug 02 2023

TOWN OF CLAYTON
RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO NC G.S. 160A-58.2

RESOLUTION 2023-49

WHEREAS, a petition requesting annexation of the area described herein has been received; and

WHEREAS, the Town Council has by resolution directed the Town Clerk to investigate the sufficiency of the petition; and

WHEREAS, certification by the Town Clerk as to the sufficiency of the petition has been made.

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

SECTION 1. A public hearing on the question of annexation of the area described herein will be held at the Clayton Town Hall, Chambers, at 6:00 p.m. on Monday, August 21, 2023.

SECTION 2. The area proposed for annexation is described as follows:

Non-contiguous and approximately 15.76 acres of vacant property within the Town's ETJ.
Pin# 167700-29-0735

SECTION 3. Notice of the public hearing shall be published in the Johnstonian News, a newspaper having general circulation in the Town of Clayton, at least ten days prior to the date of the public hearing.

Duly adopted this 7 day of August 2023, while in regular session.

_____
Jason A. Thompson
Mayor Pro Tem

ATTEST:

_____
Heidi Holland, CMC, NCCMC
Town Clerk

ANNEXATION PETITION: 2023-64-ANX 8175 US HWY 70

Regular Town Council Meeting
Agenda Cover Sheet

Meeting Date	Agenda Location
August 7, 2023	ADMINISTRATIVE ITEMS

Item Title

Update on Sam's Branch WRF Program

Suggested Action

Information Only

Strategic Priorities Alignment

☐ Think Clayton (Administrative)	☐ Think Arts & Culture	☐ Think Downtown	☐ Think Economic Development	☐ Think Land Use & Housing	☐ Think Mobility	☐ Think Parks, Recreation & Natural Resources	☐ Think Public Services & Infrastructure

Public Hearing: No

If Approved, Will Document Require Recordation? No

Does This Item Require a Communication Plan?

☐ Public Hearing (Required by GS)	☐ Public Hearing (Not Required by GS)
☐ Newspaper Notice (Required by GS)	☐ Newspaper Notice (Not Required by GS)
☐ Public Forum/Input Session	☐ Press Release
☐ E-News Distribution	☐ Website
☐ Social Media	☐ Survey
☐ Special Mailing	☒ None Required

Summary

Quarterly update on the progress of the Sam's Branch WRF, Little Creek Transmission Improvements, Little Creek Pump Station Improvements, and East Clayton Industrial Area Transmission and Pump Station Improvements.

Funding Source

N/A

Submitted By: Louis Duffie, Engineering

Reviewed By:

Joshua Baird, Engineering Director	Approved - Aug 01 2023
Rich Cappola, Town Manager	Approved - Aug 02 2023
Heidi Holland, Town Clerk	Approved - Aug 02 2023

Regular Town Council Meeting
Agenda Cover Sheet

Meeting Date	Agenda Location
August 7, 2023	PUBLIC HEARINGS

Item Title

2023-75-SPA Walmart Alternative Sign Plan

Presenter(s)

Ben Howell, Planning Director

Suggested Action

Adoption of Resolution

Strategic Priorities Alignment

☐ Think Clayton (Administrative)	☐ Think Arts & Culture	☐ Think Downtown	☐ Think Economic Development	☒ Think Land Use & Housing	☐ Think Mobility	☐ Think Parks, Recreation & Natural Resources	☐ Think Public Services & Infrastructure

Public Hearing: Yes - Legislative

If Approved, Will Document Require Recordation? No

Does This Item Require a Communication Plan?

☒ Public Hearing (Required by GS)	☐ Public Hearing (Not Required by GS)
☒ Newspaper Notice (Required by GS)	☐ Newspaper Notice (Not Required by GS)
☐ Public Forum/Input Session	☐ Press Release
☐ E-News Distribution	☐ Website
☐ Social Media	☐ Survey
☒ Special Mailing	☐ None Required

Summary

Wal-Mart has an approved Master Sign Plan that was approved in 2016. The applicant is preparing to replace most of the signage on the Wal-Mart, and is requesting approval of an Alternative Sign Plan, as the Town no longer has Master Sign Plans in the Unified Development Code.

Recommendation

Staff recommends that Town Council approve the proposed Alternative Sign Plan.

Funding Source

N/A

Cost

N/A

Corresponding Documentation

2023-75-SPA Walmart Alternative Sign Plan Staff Report

1 2023-75-SPA Walmart Alternative Sign Plan Application

2 2023-75-SPA Walmart Alternative Sign Plan Justification and Sign Plan

3 2023-75-SPA Walmart Alternative Sign Plan 2016 Approved Master Sign Plan

4 2023-75-SPA Walmart Alternative Sign Plan Staff Report Maps

2023-75-SPA Walmart Alternative Sign Plan Approval Resolution

Meeting Timeline

Town Council Public Hearing - August 7, 2023

Submitted By: Ben Howell, Planning

Reviewed By:

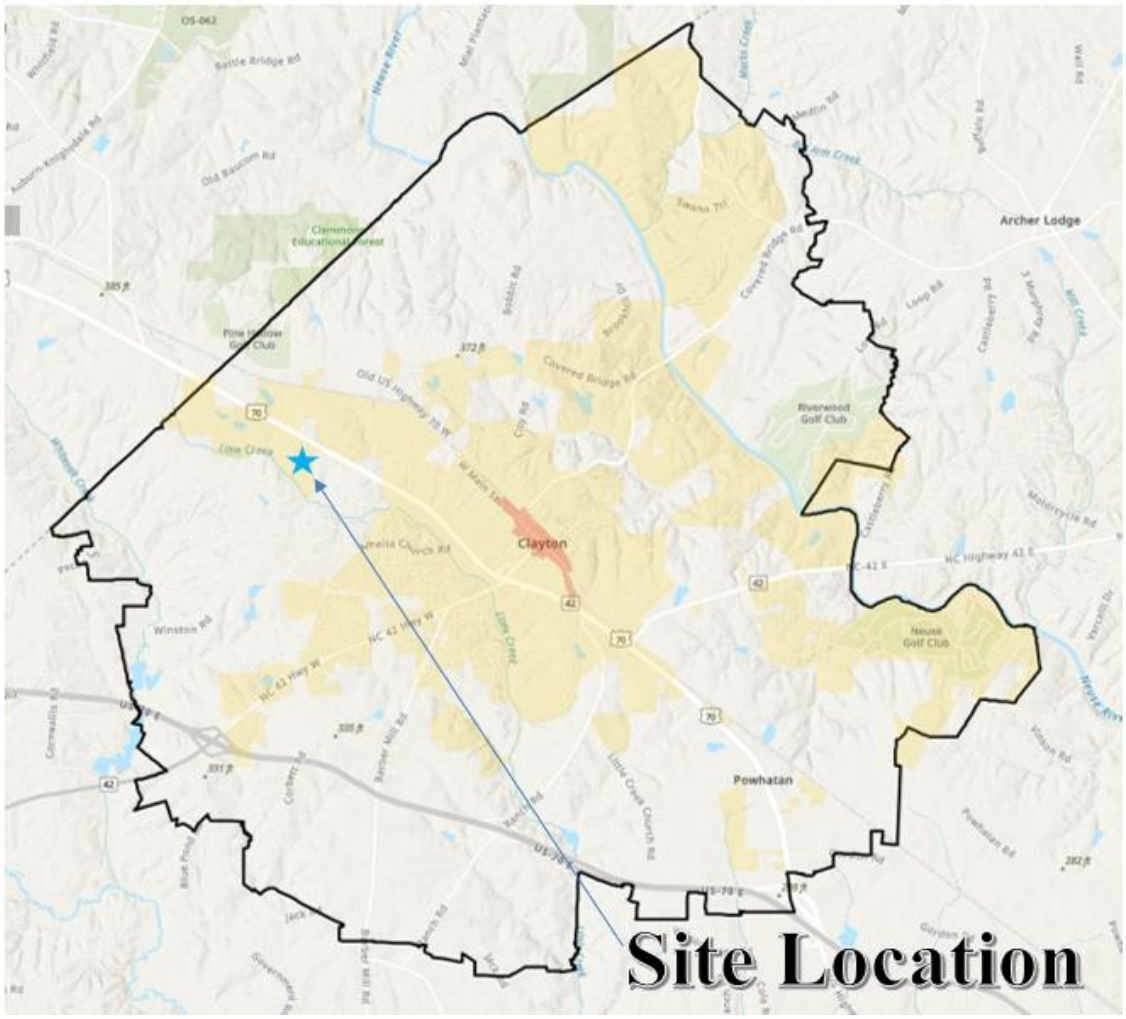
Ben Howell, Planning Director	Approved - Jul 28 2023
Rich Cappola, Town Manager	Approved - Aug 02 2023
Heidi Holland, Town Clerk	Approved - Aug 02 2023

PLANNING DEPARTMENT

TOWN COUNCIL STAFF REPORT
AUGUST 7, 2023

WALMART ALTERNATIVE SIGN PLAN

Project #:	2023-75-SPA	**Location:**	805 Town Center BLVD, Clayton, NC, 27520
Applicant:	CYNTERGY	**Project Type:**	Alternative Sign Plan Amendment
Property Owner:	WALMART	**Use:**	Commercial
Staff Planner:	Ben Howell, Planning Director	**TAG #(s):**	05G02001J



PROJECT SUMMARY

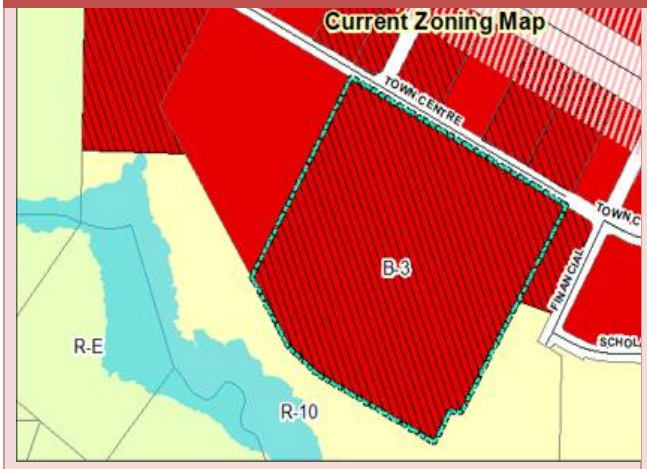
The site is located off US 70 Business on Town Centre Boulevard. The applicant has submitted an Alternative Sign Plan to update their approved Master Sign Plan to replace existing signage on the Walmart building.

LAND USE REVIEW

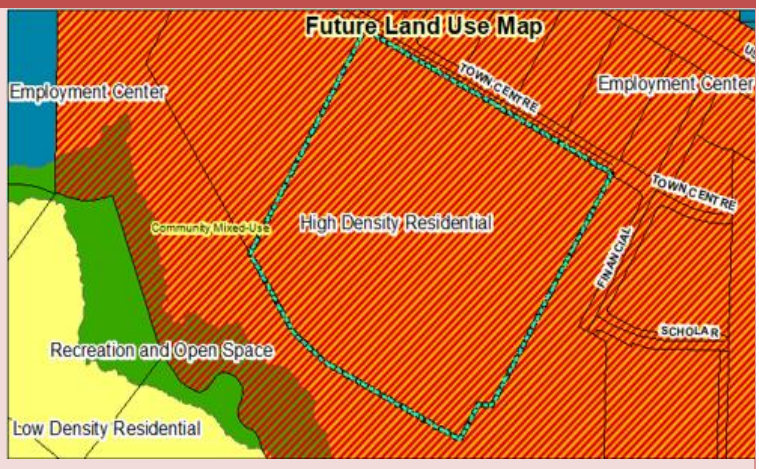
SITE DATA:
Acreage: +/- 21.64 acres

Existing Us COMMERCIAL; RETIAL.

CURRENT ZONING



FUTURE LAND USE



AERIAL MAP

TABLE 1: COMPARISON OF SURROUNDING PROPERTIES		
Direction	Zoning	Existing Use
North	B-3 (Highway Business)	Existing Commercial Outparcels
South	R-10 (Single-Family Residential-10)	Vacant/Wooded
East	R-10 (Single-Family Residential-10)	Vacant/Wooded
West	B-3 (Highway Business) and R-10 (Single-Family Residential-10)	Existing Commercial and Vacant/Wooded

STAFF ANALYSIS AND COMMENTARY

The applicant has an approved Master Sign Plan, that was approved in 2016. The 2016 Master Sign Plan allowed for a total of 1,212 square feet of signage, with Freestanding signs, Wall/Fascia Signs and Canopy Signs as the Permitted Sign Types. This Alternative Sign Plan is proposing to re-face the Freestanding Sign for the site (only the Walmart logo, but no other changes), and is proposing to modify the Wall/Fascia and Canopy signage. The approved Master Sign Plan allowed for the size of Wall/Fascia Signs to be up to 25% of the surface area of each wall exclusive of windows/doors, and allowed for the size of Canopy Signs to be up to 75% of the surface area of the canopy.

The proposed Alternative Sign Plan allows for a total of square footage of 1,193.15 square feet for the Wall/Fascia and Canopy signage, and includes updated text and colors from the 2016 Master Sign Plan. The only change proposed for the freestanding (monument) sign is to reface the Walmart signage. With a few exceptions, a majority of the Wall/Fascia and Canopy Signage is proposed to be less square footage than the existing signage.

The Unified Development Code (UDC) allows for Alternative Sign Plans, "to allow for creativity of sign design," and allow for signage size that exceeds the limits in the UDC. The applicant has provided a Justification Statement for the Alternative Sign Plan that includes images of the new signage. The Unified Development Code includes the following review criteria that should be evaluated by Town Council in the review of Alternative Sign Plans:

a) Components of the Alternative Sign Plan shall be consistent with the Town of Clayton General Design Guidelines.
b) The proposed sign design, size, color, illumination, and placement are compatible in style and character with any building to which the sign is to be attached, any surrounding structures, any adjoining signage on the site, and/or the district character or architectural character of the area in which it is located.
c) Innovative use of materials and design techniques in response to unique characteristics of the specific site, if applicable.
d) Sign design, scale and placement.
e) Integrates architectural features in a manner compatible with the surroundings and district in which the development is located.
f) Consistent with approved neighborhood plans, studies or area plans.
g) The Alternative Sign Plan improves the safety and welfare of the general public by minimizing distractions, hazards, and obstructions from sign design or placement.

Staff has reviewed the proposed Alternative Sign Plan Amendment and believes that the proposed amendment meets the review criteria. In accordance with Section 155.403(I)(4) of the UDC, Town Council may impose Conditions of Approval on the Alternative Sign Plan Amendment. Conditions may include, but are not limited to, specification of color(s), reductions in the allowable number of signs, total sign face area, location of signs, and types of signs allowed. Staff is not recommending any conditions of approval for this Alternative Sign Plan. If the Alternative Sign Plan is approved, any new signage must match the details provided by the applicant in the Justification Statement.

Considerations

- The applicant has provided a justification statement for the requested Alternative Sign Plan.

Staff Recommendation

Staff recommends approval of the Alternative Sign Plan.

ATTACHMENTS:

1) Walmart Alternative Sign Plan Application
2) Walmart Alternative Sign Plan Justification and Sign Plan
3) Approved 2016 Master Sign Plan
4) Staff Report Maps

TOWN OF CLAYTON
Planning Department
111 E. Second St., P.O. Box 879
Clayton, NC 27528
Phone: 919-553-5002
Fax: 919-553-1720

ALTERNATIVE SIGN PLAN APPLICATION

Pursuant to Article 7, Section 155.713 of the Unified Development Code (UDC), no sign, unless specifically exempted under Section 155.403(D) of the UDC may be erected, located or altered in any manner until a sign permit (and building permit if necessary) has been secured from the Planning Department. An owner of land within the jurisdiction of the Town (or a duly authorized agent) may make application with the Planning Department for an Alternative Sign Plan.

See Section 155.403 of the UDC for information on sign regulations. Note that signs in overlay districts (i.e. Downtown Overlay) may be subject to additional requirements.

APPLICATION REQUIREMENTS

- ☒ **One copy of this application, signed**
- ☒ **Owner's Consent Form (if applicant is other than the property owner)**
- ☒ **All applicable drawings and documents**
- ☒ **Application Fee ($300.00)**

SITE INFORMATION

Business or Site Name: Walmart #5046

Parcel ID Number: 164900-96-3247 **Parcel TAG Number:** 05-G-02-001-J

Business Address: 805 Town Center BLVD, Clayton, NC

Property Owner: WALMART R.E. BUS. TRUST

Property Owner Email &/or Phone: Adam.Schwerdtfeger@walmart.com 615-630-5295

Is the site a multi-tenant building or shopping center? ☒ **No** ☐ **Yes:**

Applicable Alternative Sign Plan number (if replacing): _____

Overlay District (if applicable): ☐ **Downtown** ☐ **Thoroughfare** ☐ **Scenic Highway**

Property Owner: Walmart R.E. Bus. Trust

APPLICANT INFORMATION

Applicant Name: Cyntergy

Contact Person: Jennifer Cobbs and James E. Turner (Architect)

Mailing Address: 810 S. Cincinnati, 2nd Floor, Tulsa, OK 74119

Phone Number: 918-877-6000 **Fax:** 918-877-4000

Email Address: jcobbs@cyntergy.com, jeturner@cyntergy.com

OFFICE USE ONLY

Date Received: _____ Amount Paid: _____ Permit Number: _____

July 2022

REQUIRED INFORMATION

Please provide a typed document including the following items:

Provided?			
Yes	**N/A**	**Staff**	**Item**
☑			1. Justification statement which details project information, modifications being requested, specific code references and proposed alternatives. Statement must include a response to each of the approval criteria outlined in Section 155.403(K)(3) of the UDC.
☑			2. Location (address and development name)
☑			3. All information required for the applicable sign application that the Alternative Sign Plan is replacing, as listed in the tables in this application

APPLICANT AFFIDAVIT

I/We, the undersigned, do hereby make application and petition to the Planning Department of the Town of Clayton to approve the subject Sign 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.

Jennifer Cobbs c/o Cyntergy	Jennifer Cobbs c/o Cyntergy	05-08-2023
Print Name	***Signature of Applicant***	***Date***

Note: A Permanent Sign Permit Application is required following an Alternative Sign Plan approval in order to install a permanent sign.

July 2022

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: WALMART #5046-253 CLAYTON, NC **Address or PIN #:** 805 TOWN CENTER BOULEVARD

AGENT/APPLICANT INFORMATION:

CYNTERGY, JENNIFER COBBS & JAMES E. TURNER
(Name - type, print clearly)

jcobbs@cyntergy.com; jeturner@cyntergy.com

810 S. CINCINNATI, 2ND FLOOR
(Address)
TULSA, OK 74119
(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)***:

Exterior Signs

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:

Cameron Tryon c/o Wal-Mart R.E. Bus. Trust
(Name - type, print clearly)

(Owner's Signature)

702 SW 8th St.
(Address)
Bentonville, AR 72712
(City, State, Zip)

STATE OF Arkansas
COUNTY OF Benton

Sworn and subscribed before me Sheri Fiel-Torbett, a Notary Public for the above State and County, this the 30th day of November, 22.

SEAL

SHERI FIEL-TORBETT NOTARY PUBLIC #12377216 EXPIRES 05/27/2030 WASHINGTON COUNTY, ARKANSAS

Sheri Fiel-Torbett
Notary Public

My Commission Expires: 5.27.2030

July 2018

May 5, 2023,

Town of Clayton Planning Department
111 E. 2nd Street
Clayton, NC 27258

Dear Town of Clayton Planning Department,

We are requesting a review and consideration of an Alternative Sign Plan Package for property Walmart #5046 located at 805 Town Center Boulevard in Clayton, NC. The requested Alternative Sign Plan scope of work includes a full exterior wall sign branding package, drive-thru pharmacy & pick-up canopy signage, and re-facing of existing Monument Sign. Please review the Justification per line item listed below.

Per Section 155.403 (K)(3) of the UDC

a) Components of the Alternative Sign Plan shall be consistent with the Town of Clayton General Design Guidelines.

The changes included in the request for Alternative Sign Plan prevents adverse community appearance and protects the character of the area in which they are located. The proposed signs are simple, clean, and scaled appropriately. The proposed signs provides clear business identification as well. The total allowable sign face area is based upon linear building frontage is 612.8 linear feet x 1.25= 766 S.F. The proposed total wall sign square footage is 427.15 S.F. The proposed signs will be constructed of quality materials; channel letter signs and individually mounted lettering on the building, and vinyl lettering for the canopy. The illuminated signs will have no movement. All secondary signs will be consistent with the primary sign and smaller than the primary sign.

(b) The proposed design, size, color, illumination, and placement are compatible in style and character with any building to which the sign is to be attached, any surrounding structures, any adjoining signage on the site, and/or the district character or architectural character of the area in which it is located.

The requested sign changes are compatible in style and character with the building and locations they are attached to. The signs are scaled in relation to the size of the building and informative for navigation purposes. The main Walmart Identification sign with logo and the Pickup sign with Arrow are lit channel letter signs. The channel letters are

white and the logo is Walmart's trademark yellow spark. The remaining exterior wall signs on the building are white plastic non-lit channel letter style located at entrances indicating the main purpose of the specific sides of the building. The pharmacy and pick-up drive-thru canopy signage is white individual vinyl applied letters directing traffic to which lanes are designated for pharmacy, and pickup. There are also attached hanging lane number assignment signs above each lane. These signs match the canopy color (blue) and have white text.

(c) Innovative use of materials and design techniques in response to unique characteristics of the specific site, if applicable.

The requested sign changes are standard nationwide branding in scale with the characteristic of size that is specific to large sites, including this site.

(d) Sign design, scale, and placement.

The signs are scaled in relation to the size of the building and informative for navigation purposes. The main Walmart Identification sign with logo and the Pickup sign with Arrow are lit channel letter signs. The channel letters are white and the logo is Walmart's trademark yellow spark is located in the center of the front façade. It identifies the business and is the largest of all signs for that purpose. The Pickup with arrow sign is on the right hand front corner of the building. The size is significantly smaller than the main sign. It is illuminated and the arrow directs customers to the drive through canopy that sits adjacent to the building. Directly below the lit Pickup sign with arrow, is a Pharmacy Drive-Thru with arrow sign. It is smaller in scale but effectively communicates where the pharmacy drive-thru is location. The remaining exterior wall signs on the building are white plastic non-lit channel letter style located at entrances indicating the main purpose of the specific sides of the building. The pharmacy and pick-up drive-thru canopy signage is white individual vinyl applied letters directing traffic to which lanes are designated for pharmacy, and pickup. There are also attached hanging lane number assignment signs above each lane. These signs match the canopy color (blue) and have white text. The numerals indicate to the customer which lane they are in so that they can be located by the associates bringing their online orders out for pickup.

(e) Integrates architectural features in a manner compatible with the surroundings and district in which the development is located.

The channel letter design is compatible with adjacent properties, strip center signs.

(f) Consistent with approved neighborhood plans, studies, or area plans.

The channel letter design is compatible with adjacent properties, strip center signs that are channel letters with other individual company standard brand colors.

(g) The Alternative Sign Plan improves the safety and welfare of the general public by minimizing distractions, hazards and obstructions from sign design or placement.

The Alternative Sign Plan improves the safety and welfare of the general public by minimizing hazards. The Alternative Sign Plan includes directional signs on the pharmacy canopy that are necessary for the functionality of the canopy. The signs direct the customers on which lanes are dedicated to pharmacy and which are dedicated to Online Purchase Pickup.

We appreciate your consideration for the Alternative Sign Plan.
Sincerely,

Jennifer Cobbs
C/O Cyntergy
810 S. Cincinnati, 2nd Floor
Tulsa, OK 74119

SITE PLAN

MONUMENT SIGNAGE: 18 - A2.1

COLOR LEGEND

P#	COLOR NAME
P49E	DARK GRAY
P76U	WALMART BLUE (URETHANE-LIKE)
P134E	LIGHT GRAY
P135E	MEDIUM GRAY
P162E	BLACK GRAY

DISCLOSURES

- PAINT RESTRICTIONS: There are no exterior paint color restrictions at this location. Walmart is allowed to use their current proto colors, grays and blue.
- ALLOWED SIGNAGE SF: 1.25 SF per lineal street frontage and maximum of 25% of the surface area of each wall area exclusive of windows/doors.
- EXISTING SIGNAGE SF: 529.65
- PROPOSED SIGNAGE SF: 427.15

PLEASE REFERENCE SIGNAGE COMPARISON DOCUMENT FOR VISUAL OF PROPOSED SIGNS VERSUS EXISTING SIGNS

FINISH KEY

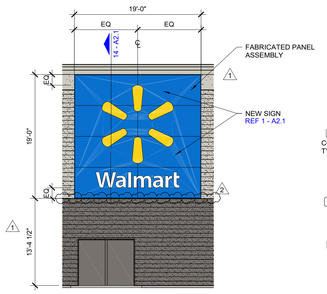
P5E	SAFETY YELLOW
P33E	CREAM
P36E	BLACK
P49E	DARK GRAY
P76	WALMART BLUE SWI#076
P76U	WALMART BLUE (URETHANE-LIKE)
P134E	LIGHT GRAY
P135E	MEDIUM GRAY
P162E	BLACK GRAY

SHEET NOTES

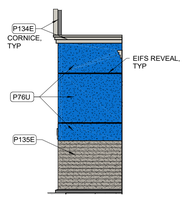
1. PATCH AND REPAIR EXTERIOR WALL SURFACES, DAMAGED OR EXPOSED DUE TO REMOVAL OF BUILDING MOUNTED ITEMS, TO MATCH ADJACENT AS REQUIRED.
2. REFER TO DETAILS ON SHEET A2.1 FOR SUBSTRATE AND FINISH REQUIREMENTS AT LOCATIONS OF BUILDING MOUNTED SIGNS.
3. RESURFACE EXISTING EIFS WHERE SHOWN.
4. NOT USED.
5. PRIOR TO PAINTING WALL AT LOCATION(S) OF LIT IDILOGO SIGN(S), COORDINATE SCOPE OF WORK WITH WALMART CM.
6. IF PAINTING ADJACENT WALLS PAINT HOLLOW METAL STEEL DOORS, FRAMES, AND DOWNSPOUTS, EXPOSED METAL FLASHING, HANDRAILS, AND EXPOSED MISCELLANEOUS STEEL TO MATCH ADJACENT BUILDING COLOR UNO.
7. PAINT ANY NEW ROOFTOP GAS PIPING P5E WHERE EXTERIOR WALL IS BEING PAINTED, GAS PIPE ALONG SIDE WALL TO GRADE SHOULD MATCH ADJACENT BUILDING. DO NOT PAINT METER OR VALVES.
8. IF PAINTING ADJACENT WALLS PAINT CANOPY STRUCTURAL STEEL AND FLASHING TO MATCH ADJACENT WALL.
9. WHERE CANOPIES ARE VISIBLE TO AND ACCESSED BY CUSTOMERS, PAINT UNDERSIDE OF CANOPY DECK P33E DO NOT PAINT CANOPY DECK IF NOT PREVIOUSLY PAINTED.
10. ALL ENTRY BOLLARDS TO RECEIVE GRAY PLASTIC BOLLARD SLEEVE. PAINT ALL DECORATIVE BOLLARDS P135E MEDIUM GRAY. PAINT ALL NON-DECORATIVE, NON-ENTRY EXTERIOR BOLLARDS P5E SAFETY YELLOW.
11. NOT USED.
12. DO NOT PAINT LED WALL PACK HOUSINGS
13. PAINT GARDEN CENTER STEEL DOORS AND FRAMES P36E
14. NOT USED.
15. NOT USED.
16. NOT USED.
17. PAINT JIB CRANE P36E ON JIB BOOM. P5E ON HANDRAILS

DEMOLITION NOTES

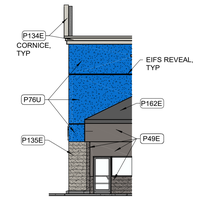
1. NOT USED.
2. REMOVAL OF BUILDING MOUNTED ITEMS, SHOWN OR NOTED TO BE DEMOLISHED OR AS REQUIRED BY SCOPE OF WORK, SHALL OCCUR PRIOR TO PAINTING BUILDING. COORDINATE DEMOLITION WORK SO EXTERIOR PAINTING WILL OCCUR PRIOR TO INSTALLATION OF BUILDING MOUNTED ITEMS.



9 ENLARGED ELEVATION
1/8" = 1'-0"

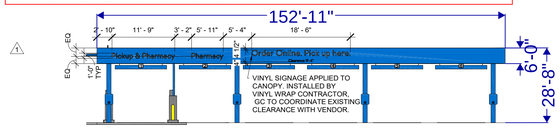


8 SIDE ELEVATION
1" = 10'-0"



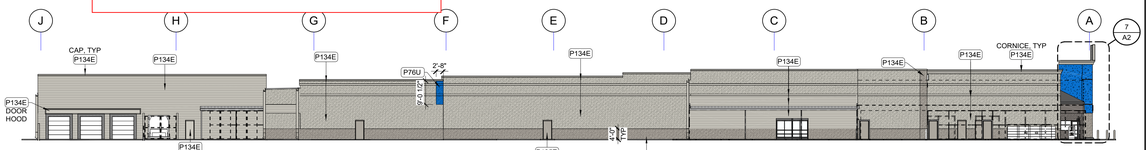
7 SIDE ELEVATION
1" = 10'-0"

UPDATING PICKUP CANOPY SIGNAGE TO PROVIDE CLEAR DIRECTION ON LANE USE INCLUDING STALL NUMBERS FOR ONLINE PICKUP ORDERS

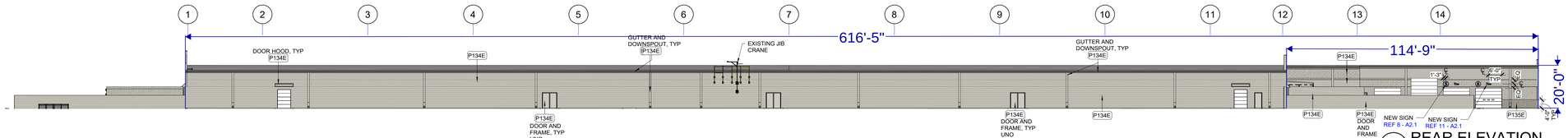


10 PICKUP CANOPY
1" = 10'-0"

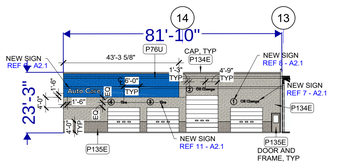
NEW STYLE MAIN SIGN REPLACING EXISTING WALMART & SPARK SIGN



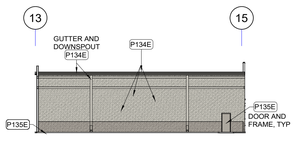
6 SIDE ELEVATION
1" = 20'-0"



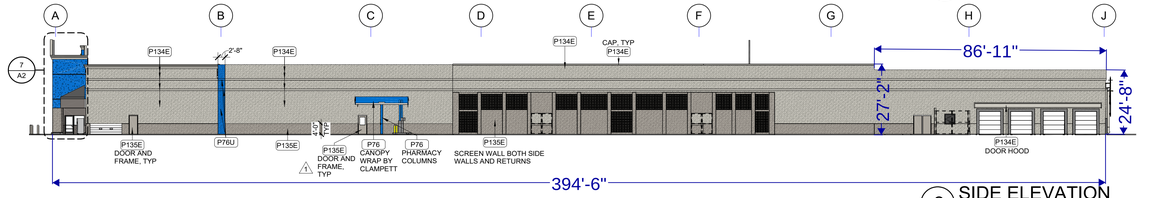
5 REAR ELEVATION
1" = 20'-0"



4 FRONT AUTO CENTER ELEVATION
1" = 20'-0"



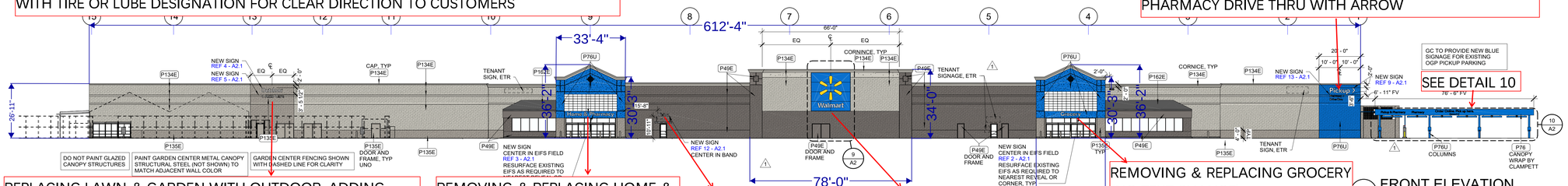
3 REAR SEASONAL SHOP ELEVATION
1" = 20'-0"



2 SIDE ELEVATION
1" = 20'-0"

UPDATING EXISTING AUTO CENTER TO AUTO CARE, PROVIDING STALL NUMBERS ALONG WITH TIRE OR LUBE DESIGNATION FOR CLEAR DIRECTION TO CUSTOMERS

REPLACING PICKUP TO PICKUP W/ARROW. ADDING PHARMACY DRIVE THRU WITH ARROW



REPLACING LAWN & GARDEN WITH OUTDOOR, ADDING AUTO CARE WITH DIRECTIONAL ARROW.

REMOVING & REPLACING HOME & PHARMACY (NO TEXT CHANGE)

REPLACING VISION CENTER WITH VISION

SEE DETAIL 9

REMOVING & REPLACING GROCERY (NO TEXT CHANGE)

1 FRONT ELEVATION
1" = 20'-0"

CYNTERGY
6111 S. 103RD EAST AVE. STE 200
TULSA, OK. 74133
918.877.6000

STIPULATION FOR REUSE:

THIS DRAWING AND SPECIFICATION, AS AN INSTRUMENT OF SERVICE, IS AND SHALL REMAIN THE PROPERTY OF CYNTERGY WHETHER THE PROJECT FOR WHICH IT IS MADE IS EXECUTED OR NOT. THE REUSE OF THIS DRAWING FOR REFERENCE, OR ANY PART THEREOF, BY ANY PERSON, FIRM OR CORPORATION FOR ANY PURPOSE WHATSOEVER, EXCEPT BY WRITTEN AGREEMENT WITH CYNTERGY, IS STRICTLY PROHIBITED. ANY REUSE DOCUMENTS WITHOUT WRITTEN VERIFICATION OR ADAPTATION BY CYNTERGY WILL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO THE USER.

CONSULTANTS:

Walmart

CLAYTON, NC

STORE NO: 5046-253 | PROTO: 192

JOB NUMBER: USRM-010077

ISSUE BLOCK

1	ADD #1	01/09/2023
2	ADD #4	02/07/23

CHECKED BY: RJ
DRAWN BY: ZR
PROTO CYCLE: 09/30/2022
DOC DATE: 11/21/2022

DOCUMENTS WITHOUT SIGNATURE AND REQUIRED SEAL OF AOR/EOR ARE NOT FOR CONSTRUCTION

TULSA, OK

2/8/2023

JAMES EDWARD TURNER
ARCHITECT OF RECORD

EXTERIOR ELEVATIONS

SHEET: A2

EXISTING SIGNAGE SCHEDULE

FRONT SIGNAGE	QTY	LIGHTED	COLOR	SIZE	INDIVIDUAL AREA	TOTAL AREA
Walmart	1	LED	WHITE	5'-6"	299.04 SF	299.04 SF
* (spark)	1	LED	YELLOW			
Pickup	1	LED	WHITE	2'-6"	67.66 SF	67.66 SF
* (spark)	1	LED	YELLOW			
Home & Pharmacy	1	N/A	WHITE	2'-0"	61.85 SF	61.85 SF
Grocery	1	N/A	WHITE	2'-0"	25.63 SF	25.63 SF
Lawn & Garden	1	N/A	WHITE	2'-0"	41.02 SF	41.02 SF
Vision Center	1	N/A	WHITE	1'-0"	8.81 SF	8.81 SF
TOTAL FRONT SIGNAGE						436.35 SF
AUTO CENTER SIGNAGE						
Auto Center	1	N/A	WHITE	1'-6"	17.75 SF	17.75 SF
Tire	2	N/A	WHITE	1'-0"	2.38 SF	4.76 SF
Lube	1	N/A	WHITE	1'-0"	3.13 SF	3.13 SF
TOTAL AUTO CENTER SIGNAGE						25.64 SF
TOTAL BUILDING SIGNAGE						529.65 SF

NEW SIGNAGE SCHEDULE

FRONT SIGNAGE	QTY	LIGHTED	COLOR	SIZE	INDIVIDUAL AREA	TOTAL AREA
Walmart	1	LED	WHITE	2'-5"	30.41 SF	30.41 SF
* (spark)	1	LED	YELLOW	12'-0"	128.00 SF	128.00 SF
Pickup>	1	LED	WHITE	2'-6"	40.83 SF	40.83 SF
Home & Pharmacy	1	N/A	WHITE	2'-0"	60.53 SF	60.53 SF
Grocery	1	N/A	WHITE	2'-0"	26.27 SF	26.27 SF
Outdoor	1	N/A	WHITE	2'-0"	20.67 SF	20.67 SF
Vision	1	N/A	WHITE	1'-0"	3.69 SF	3.69 SF
< Auto Care	1	N/A	WHITE	1'-6"	16.25 SF	16.25 SF
Building Address (805)	1	N/A	BLACK	1'-0"	0.00 SF	0.00 SF
Pharmacy Drive-Thru> (Stacked)	1	N/A	WHITE	1'-0"	18.31 SF	18.31 SF
TOTAL FRONT SIGNAGE						344.96 SF
AUTO CENTER SIGNAGE						
Auto Care	1	N/A	WHITE	2'-0"	24.75 SF	24.75 SF
Numerals 1-6	6	N/A	BLACK	2'-6"	4.91 SF	29.46 SF
Oil Change	2	N/A	BLACK	1'-0"	9.33 SF	18.66 SF
Tire	4	N/A	BLACK	1'-0"	2.33 SF	9.32 SF
TOTAL AUTO CENTER SIGNAGE						82.19 SF
TOTAL BUILDING SIGNAGE						427.15 SF

SIGNAGE GENERAL NOTES

1. SIGNAGE FURNISHED BY WAL-MART AND INSTALLED BY GC.
2. ALL EXISTING WALMART EXTERIOR SIGNAGE IS TO REMAIN IN PLACE ON THE BUILDING UNTIL THE GC SIGN COMPANY IS ONSITE. THE EXISTING SIGNAGE WILL THEN BE REMOVED, PATCH AND REPAIR WORK WILL BE COMPLETED AT SIGN LOCATIONS, AND NEW SIGNAGE WILL BE INSTALLED PER PLANS.
   A. A TEMPORARY BANNER WILL BE INSTALLED PRIOR TO REMOVAL OF EXISTING EXTERIOR SIGNAGE. BANNER WILL REMAIN IN PLACE UNTIL ALL MODIFICATIONS AND/OR REPAIRS HAVE BEEN COMPLETED AND NEW SIGNAGE IS INSTALLED.
   B. TEMPORARY BANNER WILL BE APPROXIMATELY 125 SF (5'X25').
   C. EXTERIOR SIGN WORK NEEDS TO BE SCHEDULED, COORDINATED, AND COMPLETED DURING WEEK 6 OF THE CONSTRUCTION SCHEDULE.
3. GENERAL CONTRACTOR RESPONSIBILITIES
   A. BY END OF FIRST WEEK OF CONSTRUCTION, REVIEW EXISTING CONSTRUCTION WHERE SIGN(S) WILL BE INSTALLED. IF EXISTING CONDITIONS DO NOT MATCH SIGN ATTACHMENT DETAILS SHOWN, REQUEST APPROVAL FROM CONSTRUCTION MANAGER TO SUBMIT RFI IN ACCORDANCE WITH SECTION 01255. NOTE DIFFERENCES IN CONSTRUCTION, INCLUDING DIMENSIONS, AND INCLUDE PHOTOGRAPHS FOR CLARIFICATION.
   B. PROVIDE SUBSTRATE SUITABLE FOR INSTALLATION OF SIGNAGE. REFER TO SIGN DETAILS FOR LIGHTED ID/LOGO SIGNS.
   C. PROVIDE JUNCTION BOXES AND CIRCUITRY TO NEW "Walmart" and "spark" SIGNAGE. EXISTING (8) BOXES FROM "WAL-MART" SIGNAGE MAY BE REUSED.
   D. PROVIDE JUNCTION BOXES AND CIRCUITRY TO TENANT SIGNAGE LOCATION SHOWN. REFER TO ELECTRICAL.
   E. INSTALL ACCESS DOORS AND FRAMES IN GYPSUM BOARD CEILINGS IF REQUIRED BY RELOCATION OF EXISTING TENANT SIGNAGE.
   F. VERIFY VOLTAGE AT CIRCUITS FEEDING LIGHTED SIGNAGE. REFER TO ELECTRICAL
   G. MAKE FINAL TERMINATIONS ON LIGHTED SIGNAGE.
   H. REMOVE ALL LIT ID/LOGO SIGNS AND UNLIT EXTERIOR STUD MOUNTED BUILDING SIGNS. UNLESS NOTED OTHERWISE.
   I. MAKE REQUIRED EXTERIOR WALL PENETRATIONS, INSTALL CONDUIT, AND SEAL PENETRATIONS PER SPECIFICATION SECTION 07900.
   J. INSTALL SIGNAGE PER DETAILS.

SHERWIN-WILLIAMS CUSTOM
BRONZE/ ORDER NUMBER
7248-0044642
-BRONZE MATCH
-CUSTOM MANUAL MATCH

BAC COLORANT:	OZ	32	64	128
W1 WHITE	-	43	-	1
B1 BLACK	6	4	1	1
R2 MAROON	-	19	-	1
Y3 DEEP GOLD	-	48	1	1
G2 NEW GREEN	-	18	-	-

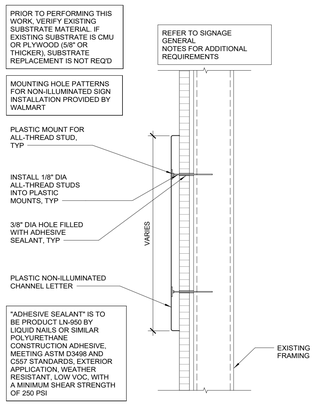
ONE GALLON
#B54T00104
UI TRADECP #796999993

REPLACE EXISTING SIGN WITH INTERNALLY ILLUMINATED SIGN CABINET COLOR DURANODIC BRONZE - REF TABLE FOR CUSTOM COLOR
REF STRUCTURAL

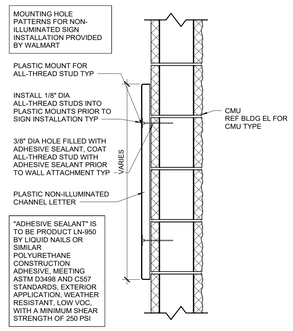
WHITE LETTERS
YELLOW SPARK, COLOR PMS 1235C
FLEX FACE, COLOR PMS 286C BLUE

RE-FACING EXISTING MONUMENT SIGN FACE

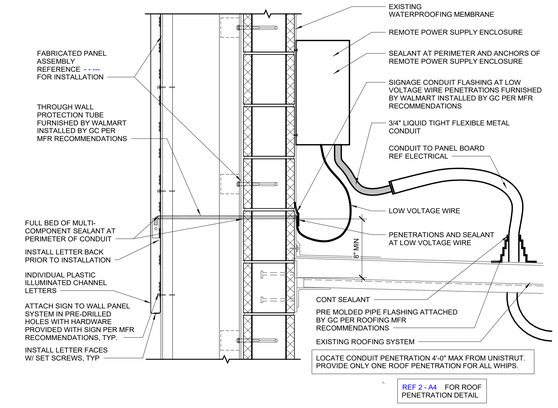
18 MONUMENT SIGN
3/16" = 1'-0"



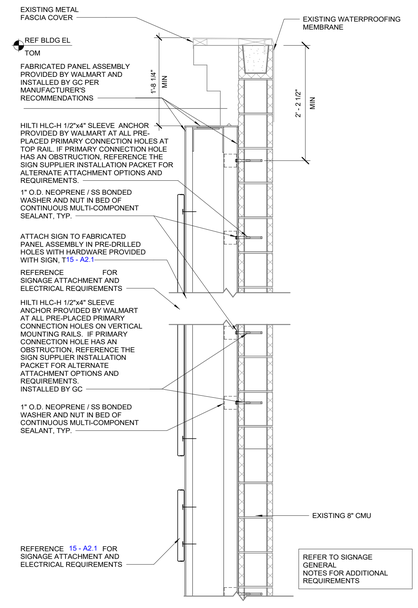
17 SIGN ATTACHMENT AT EIFS AND METAL STUD WALL
1 1/2" = 1'-0"



16 SIGN ATTACHMENT
1 1/2" = 1'-0"



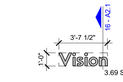
15 SIGNAGE ATTACHMENT (V2)
1 1/2" = 1'-0"



14 WALL PANEL SECTION CAPTURED (V2)
1" = 1'-0"

NOTE TO SIGN INSTALLER:
ALL PRIMARY MOUNTING HOLES MUST BE UTILIZED. IF MOUNTING THROUGH PRIMARY HOLE IS OBSTRUCTED BY REBAR, METAL STUDS, CHANNELS, OR OTHER MISC METAL, SEAL PRIMARY HOLE IN SIGN CAN AND MOUNT THROUGH THE NEAREST ALTERNATE MOUNTING HOLE. PRIMARY HOLES ARE INDICATED WITH PREDRILLED HOLES.

13 1'-0" STACKED PHARMACY
1/4" = 1'-0"

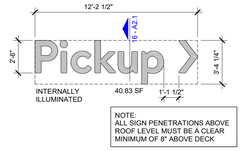


12 1'-0" VISION
1/4" = 1'-0"

11 1'-0" TIRE
1/4" = 1'-0"

NOTE:
SQUARE FOOTAGE NOT INCLUDED IN BUILDING SIGNAGE SCHEDULE

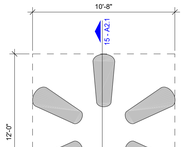
10 SIGNAGE
1/4" = 1'-0"

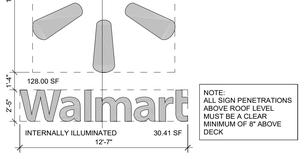


NOTE:
ALL SIGN PENETRATIONS ABOVE ROOF LEVEL MUST BE A CLEAR MINIMUM OF 8" ABOVE DECK

9 2'-6" PICKUP ARROW
1/4" = 1'-0"

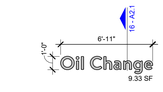
8 2'-6" AUTOMOTIVE NUMBERS
1/4" = 1'-0"





NOTE:
ALL SIGN PENETRATIONS ABOVE ROOF LEVEL MUST BE A CLEAR MINIMUM OF 8" ABOVE DECK

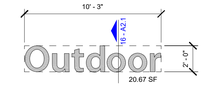
1 12'-0" WALMART SIGN
1/4" = 1'-0"



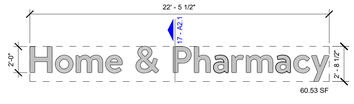
7 1'-0" OIL CHANGE
1/4" = 1'-0"

6 2'-0" AUTO CARE
1/4" = 1'-0"

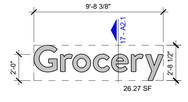
5 1'-6" AUTO CARE (W/ARROW)
1/4" = 1'-0"



4 2'-0" OUTDOOR
1/4" = 1'-0"



3 2'-0" HOME & PHARMACY
1/4" = 1'-0"



2 2'-0" GROCERY
1/4" = 1'-0"

CYNTERGY
2500 E 21ST STREET, STE 200
TULSA, OK 74119
918.877.0000

STIPULATION FOR REUSE:

THIS DRAWING AND ALL INFORMATION HEREIN ARE THE PROPERTY OF CYNTERGY AND SHALL NOT BE USED IN WHOLE OR IN PART FOR ANY PURPOSE WITHOUT THE WRITTEN CONSENT OF CYNTERGY. ANY USE OF THIS DRAWING FOR REFERENCE OR REUSE ON ANY OTHER PROJECT REQUIRES THE SERVICES OF PROPERLY LICENSED PROFESSIONALS. UNAUTHORIZED REUSE OR REPRODUCTION OF THIS PROJECT IS PROHIBITED AND MAY BE CONTRARY TO THE LAW.

CONSULTANTS

Walmart
CLAYTON, NC
STORE NO: 5046-253
JOB NUMBER: USRM-010077 / PROTO: 192

ISSUE BLOCK

3	CCD #1	03/28/23

CHECKED BY:	RJ
DRAWN BY:	ZR
PROTO CYCLE:	09/30/2022
DOC DATE:	11/21/2022

DOCUMENTS WITHOUT SIGNATURE AND REQUIRED SEAL OF AOR/EOR ARE NOT FOR CONSTRUCTION

JAMES EDWARD TURNER
10041
REGISTERED PROFESSIONAL ENGINEER
NORTH CAROLINA
TULSA, OK
3/28/2023

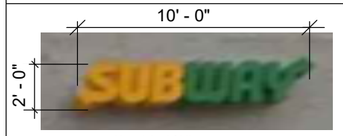
JAMES EDWARD TURNER
ARCHITECT OF RECORD

EXTERIOR DETAILS

SHEET:
A2.1

3/28/2023 10:59:55 AM
C:\Users\zrich\Documents\Revit\Clayton_NC_5046_zrichZen_V25_R.rvt

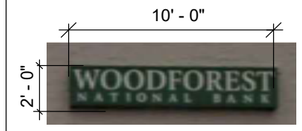
EXISTING SIGNAGE TO REMAIN



20.00 SF

13.00 SF

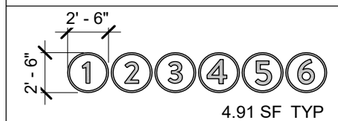
8.33 SF



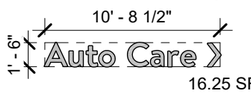
20.00 SF

TOTAL = 61.33 SF

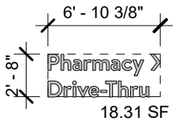
NEW SIGNAGE TO BE INSTALLED



4.91 SF TYP



16.25 SF

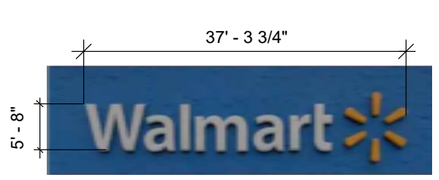


18.31 SF

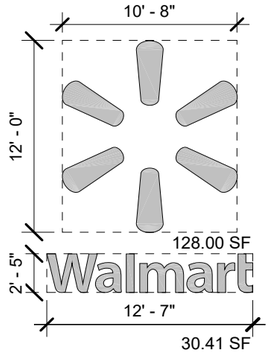
ADDRESS SIGNAGE

TOTAL = 64.02 SF

EXISTING SIGNAGE TO BE REPLACED

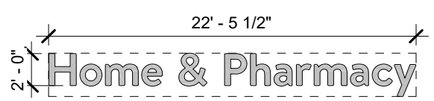


299.04 SF

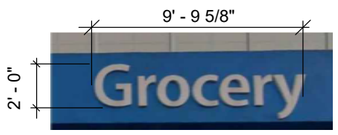


128.00 SF
30.41 SF

61.85 SF

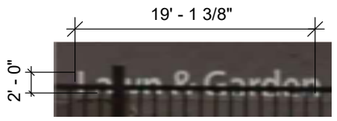


60.53 SF

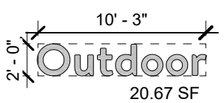


25.63 SF

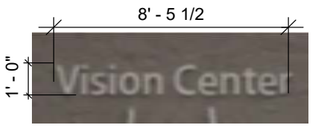
26.27 SF



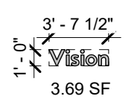
41.02 SF



20.67 SF



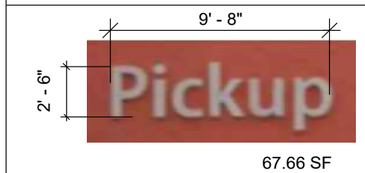
8.81 SF



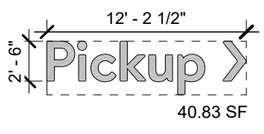
3.69 SF

17.75 SF

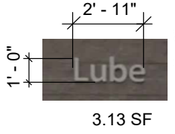
24.75 SF



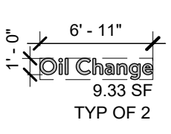
67.66 SF



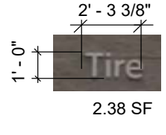
40.83 SF



3.13 SF

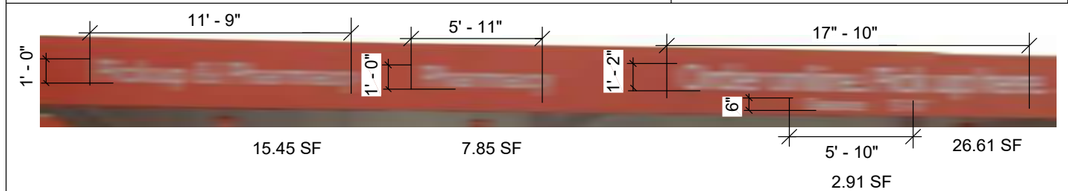


9.33 SF
TYP OF 2

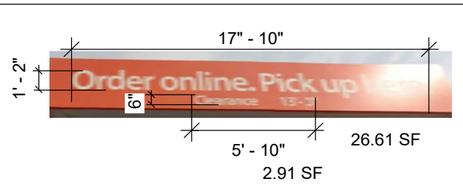


2.38 SF

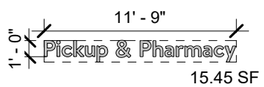
2.33 SF
TYP OF 4



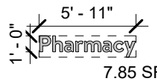
15.45 SF
7.85 SF
26.61 SF
2.91 SF



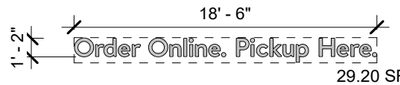
26.61 SF
2.91 SF



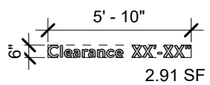
15.45 SF



7.85 SF



29.20 SF
TYP OF 2



2.91 SF
TYP OF 2

TOTAL EXISTING TO BE REPLACED = 611.99 SF

TOTAL NEW SIGNAGE REPLACING EXISTING = 450.65 SF

SIGNAGE TOTAL PRIOR TO REMODEL = 529.65 SF

SIGNAGE TOTAL AFTER REMODEL = 514.67 SF

5046 Clayton, NC
SIGNAGE
03/13/23

CYNTERGY

RECEIVED
OCT 07 2016
TOWN OF CLAYTON
PLANNING DEPARTMENT

2016-197-MSP

FILE COPY

MASTER SIGN PLAN

TOWN CENTRE

CLAYTON NORTH CAROLINA

10/06/2016

Town of Clayton
Planning Department
Date: 10/07/2016
By:
Plan Approval

LOCATION

Parcel numbers and Street addresses of properties covered by the Master Sign Plan.

	Parcel	Address	Tenant
1	05G02001J	12873 US HWY 70 Business Clayton, NC 27520	Walmart

See Attached 11 x 17 Aerial Location Map.

PERMITTED SIGN TYPES

Freestanding signs (monument)-development identification sign
Wall/fascia signs
Canopy Signs

ALLOCATION OF SIGN AREA

Town Centre Boulevard frontage of the parcel is 969.6 linear feet X 1.25 =

1,212 square feet total allowable sign face area for the Walmart site

SIGN DESIGN

(1) Freestanding signs (monument sign).

(a) Allowed Color:
   1. White, PMS 11-0602.

(b) Size (max.) per sign face.
   1. Monument signs. A total of 0.25 square feet per linear foot of street frontage along the street on which the sign is oriented.

(c) Height (max.). Eight feet.

(d) Setback and separation (min.).
   1. Five feet from the public right-of-way.

(e) Illumination:
   1. May be illuminated internally or externally.

(f) Construction Materials: Materials shall be consistent with the primary building construction.

(g) Sign Sketch: **See Attached Exhibit A.**

(2) Wall / Fascia signs

(a) Allowed Color:
   1. White, PMS 11-0602.

(b) Size (max.). Twenty-five percent of the surface area of each wall area exclusive of windows/doors.

(c) Number. No limit.

(d) Positioning.
   1. No portion of a wall/fascia sign may extend above the roof line of a building without a parapet wall.
   2. No portion of a wall/fascia sign may extend above parapet walls.
   3. No portion of wall/fascia sign may extend above the lower eave line of a building with a pitched roof with an angle less than 75 degrees.

(e) Projection (max.). Twelve inches from wall. (See Section (G)(6), Projecting Wall Signs.)

(f) Clearance (min.). If the sign projects more than six inches from the wall it is attached to, the sign shall maintain a clearance of eight feet from the ground below.

(g) Construction.
   1. All wall signs shall be fastened directly to the supporting wall.
   2. Flush-mounted channel letters are encouraged over raceway-mounted channel letters. Raceways, if utilized, shall match Duranodic Bronze 7248-0044642.

(h) Illumination.
   1. Internally illuminated with LEDs .

(i) Sign Sketch: **See Attached Exhibit B.**

(3) Canopy signs.

(a) Allowed Color:
   2. White, 3M Vinyl 7725-10.

(b) Size (max.). Seventy-five percent of the surface area of the canopy to which it is attached.
(c) Number (max.) per site. One permitted on each side or face canopy.
(d) Clearance. Minimum eight feet from the ground level.
(e) Construction. Shall be fastened or adhered directly and securely to the canopy.
(f) Sign Sketch: **See Attached Exhibit C.**

Proposed Walmart additional Wall Signage

See Attached 11" x 17" exhibit for proposed Walmart wall signage design.

Materials & Illumination:

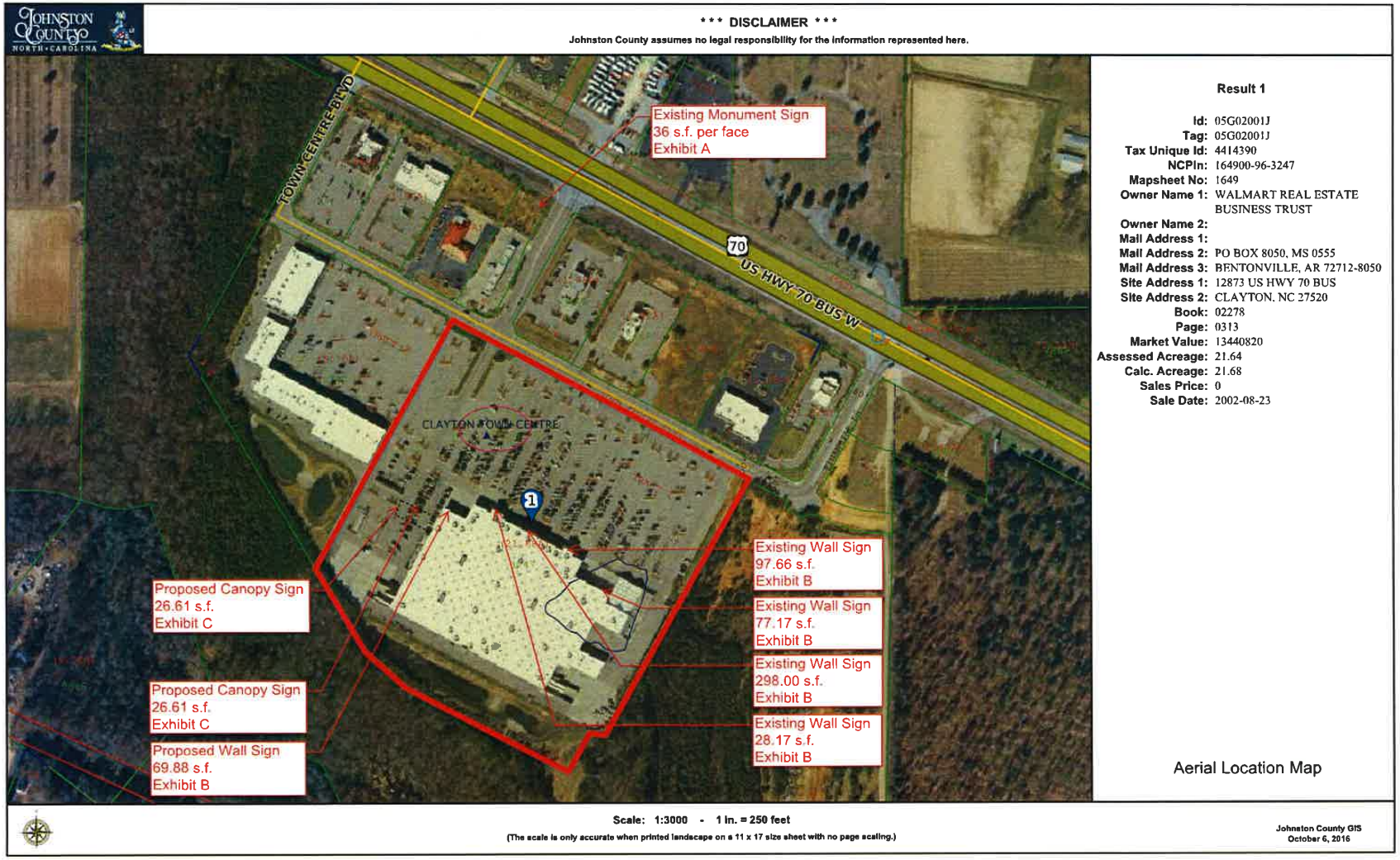
Signs will be constructed of individual channel letters constructed of Sta-Tuf Plastic, that meets the methods of ASTM D-792, ASTM D-638, ASTM D-790M, ASTM D-256, ASTM D-3092, and ASTM D-785. All illuminated signage will be internally illuminated with LEDs.

Color:

Color: White, PMS 11-0602, 3M Vinyl 7725-10.

Trademarked Logo:

The Walmart Spark logo color is Gusto Gold SW# 6904. It is 12 Sq. Ft.


*** DISCLAIMER ***
Johnston County assumes no legal responsibility for the information represented here.
TOWN CENTRE BLVD
US HWY 70 BUS W
70
CLAYTON TOWN CENTRE
Existing Monument Sign
36 s.f. per face
Exhibit A
Existing Wall Sign
97.66 s.f.
Exhibit B
Existing Wall Sign
77.17 s.f.
Exhibit B
Existing Wall Sign
298.00 s.f.
Exhibit B
Existing Wall Sign
28.17 s.f.
Exhibit B
Proposed Canopy Sign
26.61 s.f.
Exhibit C
Proposed Canopy Sign
26.61 s.f.
Exhibit C
Proposed Wall Sign
69.88 s.f.
Exhibit B
Result 1
Id: 05G02001J
Tag: 05G02001J
Tax Unique Id: 4414390
NCPIn: 164900-96-3247
Mapsheet No: 1649
Owner Name 1: WALMART REAL ESTATE BUSINESS TRUST
Owner Name 2:
Mail Address 1:
Mail Address 2: PO BOX 8050, MS 0555
Mail Address 3: BENTONVILLE, AR 72712-8050
Site Address 1: 12873 US HWY 70 BUS
Site Address 2: CLAYTON, NC 27520
Book: 02278
Page: 0313
Market Value: 13440820
Assessed Acreage: 21.64
Calc. Acreage: 21.68
Sales Price: 0
Sale Date: 2002-08-23
Aerial Location Map
Scale: 1:3000 - 1 in. = 250 feet
(The scale is only accurate when printed landscape on a 11 x 17 size sheet with no page scaling.)
Johnston County GIS
October 6, 2016

NOTES, EXEMPTIONS, AND OTHER GUIDLINES

- All signage must conform to an approved Master Sign Plan and individual signs must receive approval from the Town of Clayton.
- The Town of Clayton will not enforce any agreements between tenant and landlord, and will only enforce requirements of the sign code; hence landlord approval is not required by the Town.
- Federal and state registered trademarks with colors other than the approved color palette are permitted (maximum 12 square feet per sign).
- All freestanding signs are required to have a vegetated bed of shrubs, flowers, or groundcover at the base equal to at least half the size of the sign face area (if sign is two-sided, calculate using one side of the sign).
- There are no font restrictions.
- Outparcels may use more than just the one color designated for the inline buildings.
- Any change to or replacement of existing occupant signage shall conform to the current approved Master Sign Plan.
- Please refer to the Unified Development Code § 155.403 for requirements which may affect sign design, requirements, and specifications.
- Any standards not referenced in an approved Master Sign Plan will be required to meet the standards set forth in the current Unified Development Code.
- Deviations from the requirements of a Master Sign Plan may only be approved by Town Council via an Alternative Sign Plan.

EXHIBIT A

Typical Freestanding signs (monument sign).

EXHIBIT B

Typical Wall / Fascia signs.

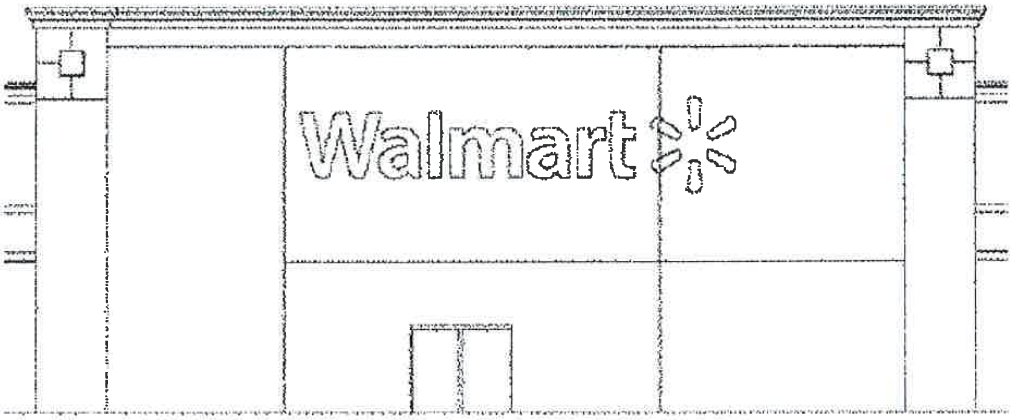
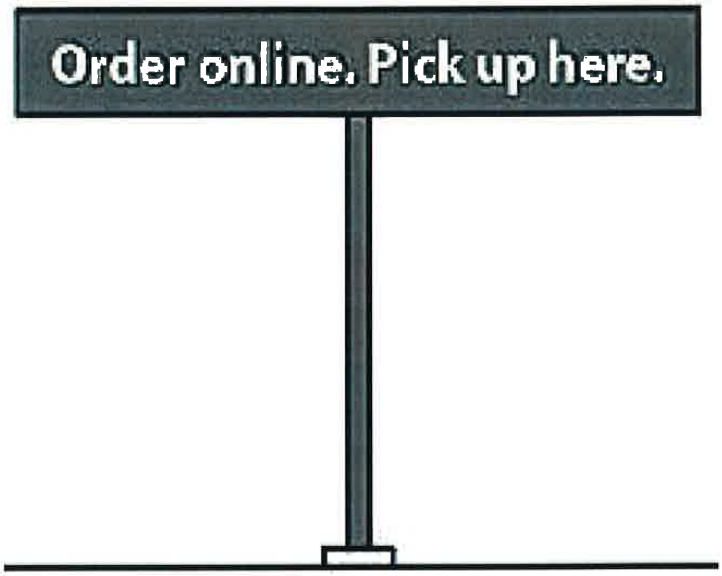


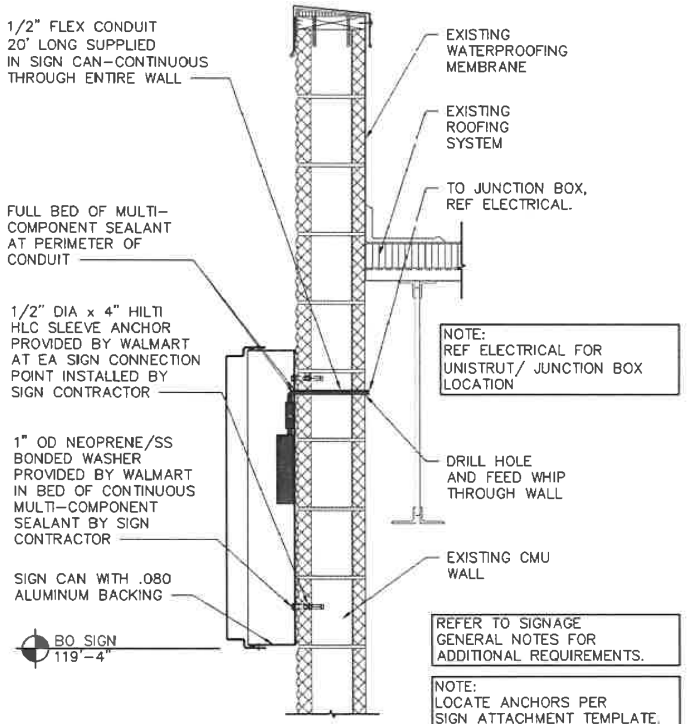
EXHIBIT C

Typical Canopy signs.

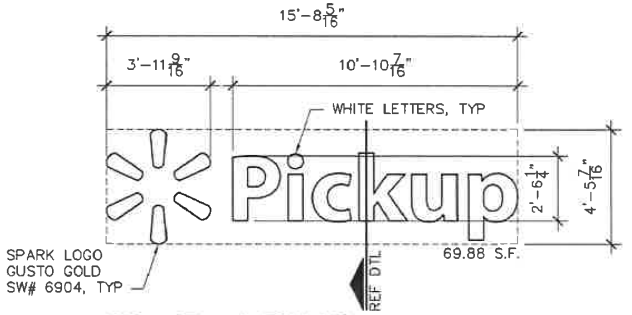


NEW SIGNAGE SCHEDULE

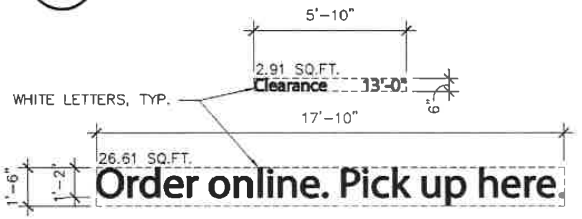
SIGNAGE LOCATION	QTY	LIGHTED	COLOR	SIZE	INDIVIDUAL AREA	TOTAL AREA
BUILDING SIGNAGE						
Pickup (w spark)	1	X	WHITE	2'-6"	69.88 SF	69.88 SF
TOTAL ADDED BUILDING SIGNAGE						69.88 SF
CANOPY SIGNAGE						
Order online. Pick up here.	2	–	WHITE	1'-6"	26.61 SF	53.22 SF
Clearance 13'-0"	3	–	WHITE	0'-6"	2.91 SF	8.73 SF
TOTAL CANOPY SIGNAGE						61.95 SF



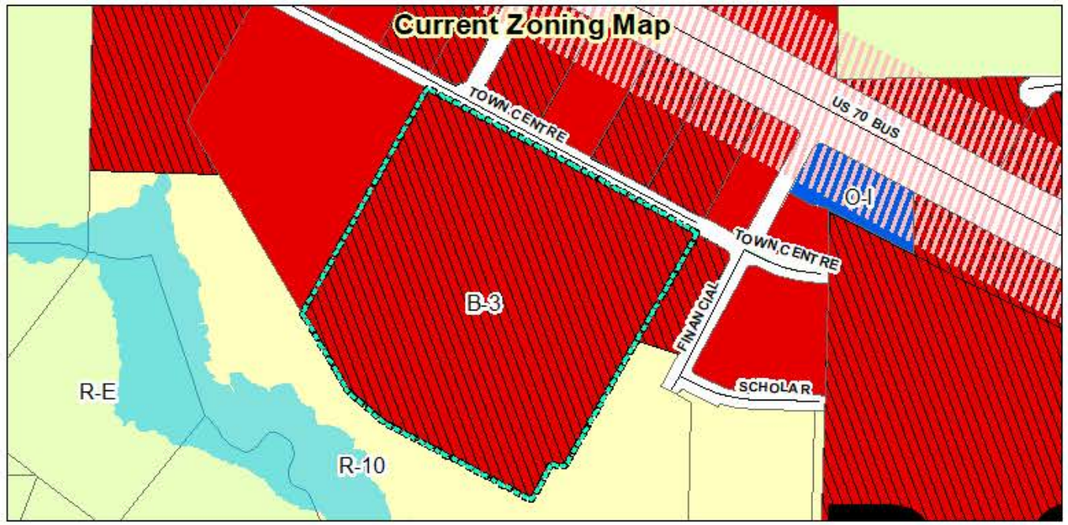
3 SIGN ATTACHMENT
1"=1'-0"

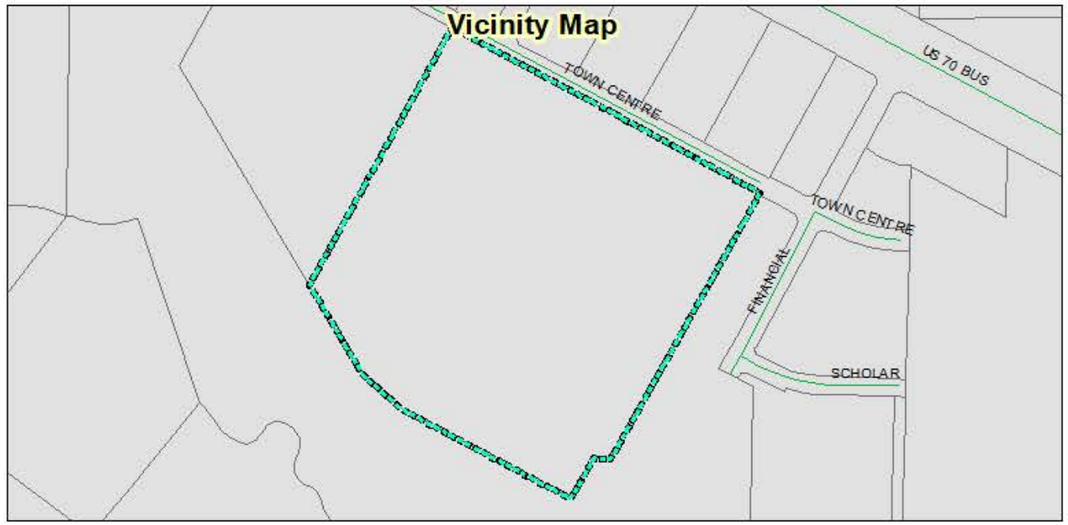


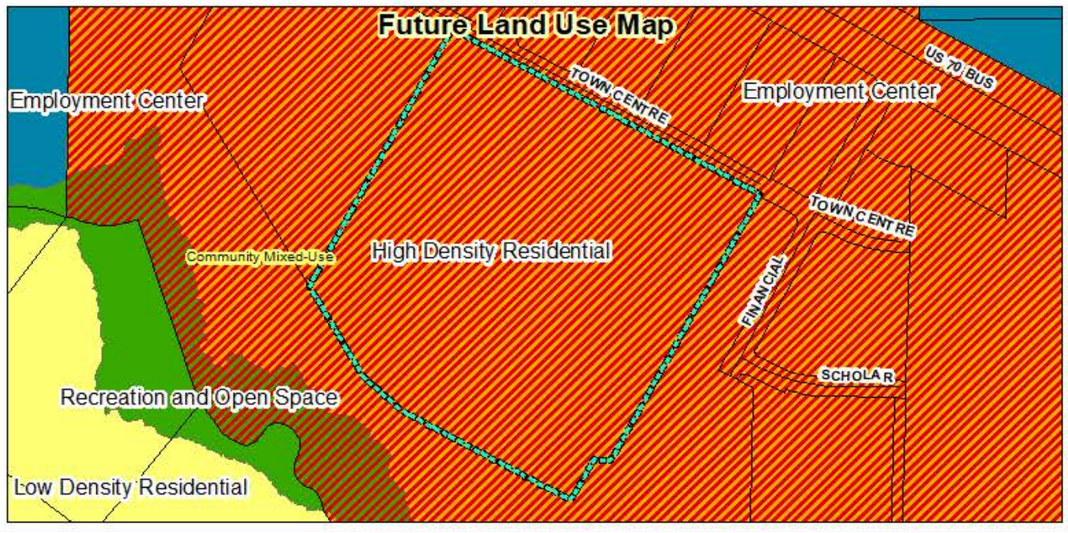
1 BUILDING SIGN
1/4"=1'-0"



2 SIGNAGE AT CANOPY
1/4" = 1'-0"







Request: Alternative Sign Plan
Project Name: Walmart
Project Number: 2023-75-SPA

Applicant:Cyntergy
Property Owner: Walmart R.E. BUS Trust.
Tag #:0502001J

N

Legend

Site

0 0.275 0.55 Miles

Staff Report Map
Prepared by: TOC Planning Department
July 19, 2023

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

Document Path: P:\PLANNING\ALTERNATIVE SIGN PLANS AND MASTER SIGN PLANS\2023\2023-75-SPA Walmart #5046\Staff Report Map\2023-75-SPA WALMART .mxd

TOWN OF CLAYTON
RESOLUTION APPROVING 2023-75-SPA WALMART ALTERNATIVE SIGN PLAN

RESOLUTION #2023-50

WHEREAS, an application has been submitted for an Alternative Sign Plan for Walmart (2023-75-SPA); and

WHEREAS, staff has reviewed the requested Alternative Sign Plan and found that it meets the review criteria in Section 155.403(I) of the Unified Development Code; and

WHEREAS, a notice of the proposed Alternative Sign Plan action and Town Council Public Hearing 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; and

WHEREAS, the said public hearing was actually conducted at 6:00 p.m. on August 7, 2023, 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.

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

The Walmart Alternative Sign Plan, 2023-75-SPA, is hereby approved.

Duly adopted this 7th day of August 2023, while in regular session.

_____
Jason A. Thompson
Mayor Pro Tem

ATTEST:

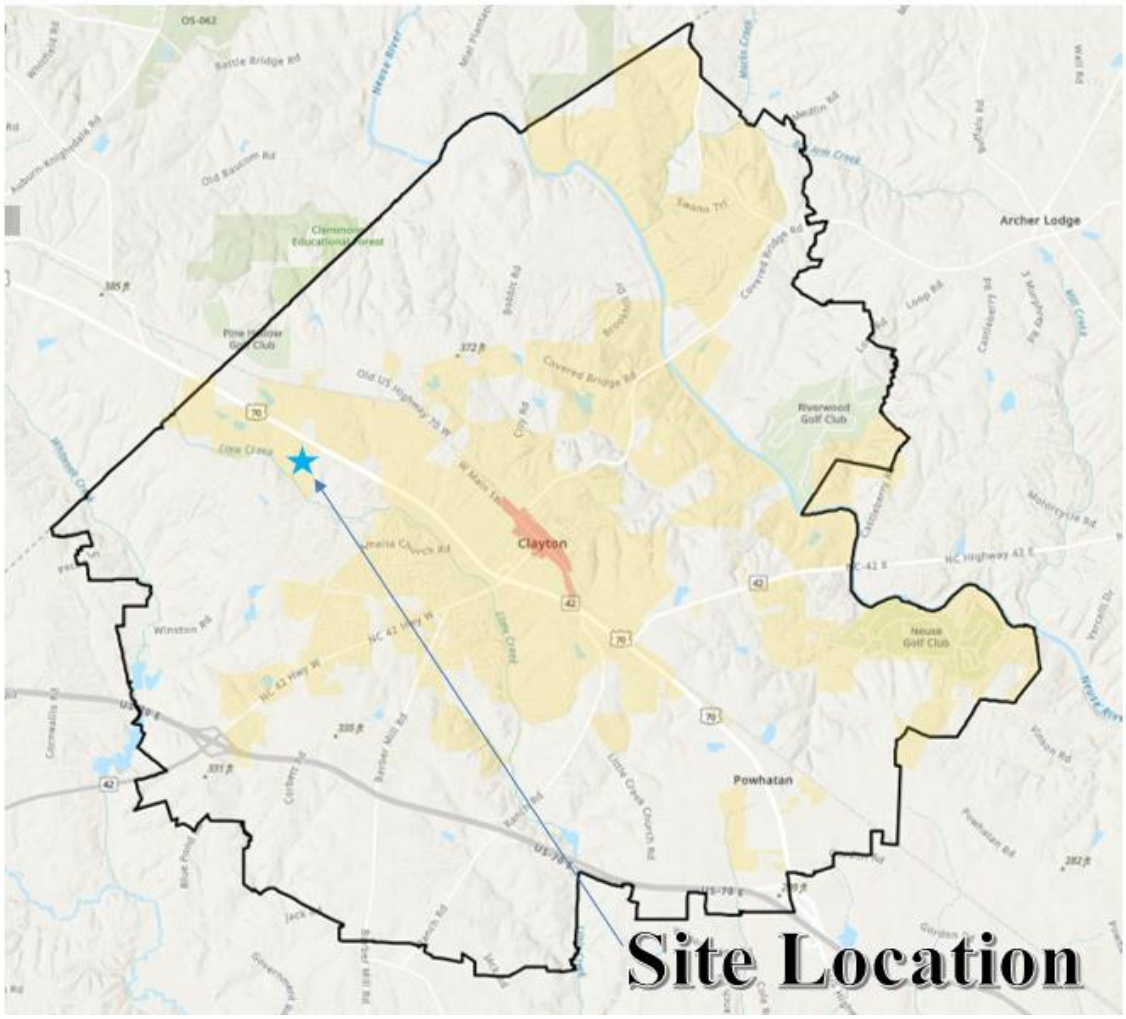
_____
Heidi L. Holland, CMC and NCCMC
Town Clerk

PLANNING DEPARTMENT

TOWN COUNCIL STAFF REPORT
AUGUST 7, 2023

WALMART ALTERNATIVE SIGN PLAN

Project #:	2023-75-SPA	**Location:**	805 Town Center BLVD, Clayton, NC, 27520
Applicant:	CYNTERGY	**Project Type:**	Alternative Sign Plan Amendment
Property Owner:	WALMART	**Use:**	Commercial
Staff Planner:	Ben Howell, Planning Director	**TAG #(s):**	05G02001J



PROJECT SUMMARY

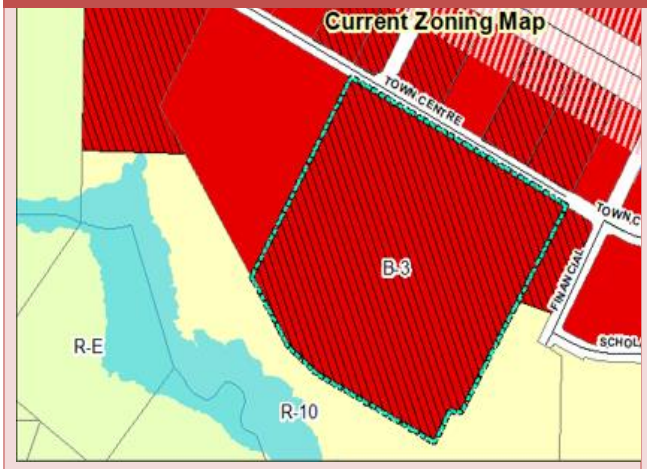
The site is located off US 70 Business on Town Centre Boulevard. The applicant has submitted an Alternative Sign Plan to update their approved Master Sign Plan to replace existing signage on the Walmart building.

LAND USE REVIEW

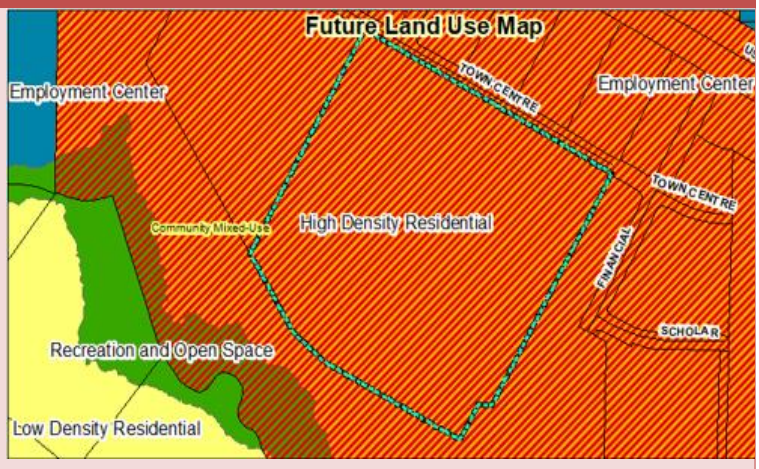
SITE DATA:
Acreage: +/- 21.64 acres

Existing Us COMMERCIAL; RETIAL.

CURRENT ZONING



FUTURE LAND USE



AERIAL MAP

TABLE 1: COMPARISON OF SURROUNDING PROPERTIES		
Direction	Zoning	Existing Use
North	B-3 (Highway Business)	Existing Commercial Outparcels
South	R-10 (Single-Family Residential-10)	Vacant/Wooded
East	R-10 (Single-Family Residential-10)	Vacant/Wooded
West	B-3 (Highway Business) and R-10 (Single-Family Residential-10)	Existing Commercial and Vacant/Wooded

STAFF ANALYSIS AND COMMENTARY

The applicant has an approved Master Sign Plan, that was approved in 2016. The 2016 Master Sign Plan allowed for a total of 1,212 square feet of signage, with Freestanding signs, Wall/Fascia Signs and Canopy Signs as the Permitted Sign Types. This Alternative Sign Plan is proposing to re-face the Freestanding Sign for the site (only the Walmart logo, but no other changes), and is proposing to modify the Wall/Fascia and Canopy signage. The approved Master Sign Plan allowed for the size of Wall/Fascia Signs to be up to 25% of the surface area of each wall exclusive of windows/doors, and allowed for the size of Canopy Signs to be up to 75% of the surface area of the canopy.

The proposed Alternative Sign Plan allows for a total of square footage of 1,193.15 square feet for the Wall/Fascia and Canopy signage, and includes updated text and colors from the 2016 Master Sign Plan. The only change proposed for the freestanding (monument) sign is to reface the Walmart signage. With a few exceptions, a majority of the Wall/Fascia and Canopy Signage is proposed to be less square footage than the existing signage.

The Unified Development Code (UDC) allows for Alternative Sign Plans, "to allow for creativity of sign design," and allow for signage size that exceeds the limits in the UDC. The applicant has provided a Justification Statement for the Alternative Sign Plan that includes images of the new signage. The Unified Development Code includes the following review criteria that should be evaluated by Town Council in the review of Alternative Sign Plans:

a) Components of the Alternative Sign Plan shall be consistent with the Town of Clayton General Design Guidelines.
b) The proposed sign design, size, color, illumination, and placement are compatible in style and character with any building to which the sign is to be attached, any surrounding structures, any adjoining signage on the site, and/or the district character or architectural character of the area in which it is located.
c) Innovative use of materials and design techniques in response to unique characteristics of the specific site, if applicable.
d) Sign design, scale and placement.
e) Integrates architectural features in a manner compatible with the surroundings and district in which the development is located.
f) Consistent with approved neighborhood plans, studies or area plans.
g) The Alternative Sign Plan improves the safety and welfare of the general public by minimizing distractions, hazards, and obstructions from sign design or placement.

Staff has reviewed the proposed Alternative Sign Plan Amendment and believes that the proposed amendment meets the review criteria. In accordance with Section 155.403(I)(4) of the UDC, Town Council may impose Conditions of Approval on the Alternative Sign Plan Amendment. Conditions may include, but are not limited to, specification of color(s), reductions in the allowable number of signs, total sign face area, location of signs, and types of signs allowed. Staff is not recommending any conditions of approval for this Alternative Sign Plan. If the Alternative Sign Plan is approved, any new signage must match the details provided by the applicant in the Justification Statement.

Considerations

- The applicant has provided a justification statement for the requested Alternative Sign Plan.

Staff Recommendation

Staff recommends approval of the Alternative Sign Plan.

ATTACHMENTS:

1) Walmart Alternative Sign Plan Application
2) Walmart Alternative Sign Plan Justification and Sign Plan
3) Approved 2016 Master Sign Plan
4) Staff Report Maps

TOWN OF CLAYTON
Planning Department
111 E. Second St., P.O. Box 879
Clayton, NC 27528
Phone: 919-553-5002
Fax: 919-553-1720

ALTERNATIVE SIGN PLAN APPLICATION

Pursuant to Article 7, Section 155.713 of the Unified Development Code (UDC), no sign, unless specifically exempted under Section 155.403(D) of the UDC may be erected, located or altered in any manner until a sign permit (and building permit if necessary) has been secured from the Planning Department. An owner of land within the jurisdiction of the Town (or a duly authorized agent) may make application with the Planning Department for an Alternative Sign Plan.

See Section 155.403 of the UDC for information on sign regulations. Note that signs in overlay districts (i.e. Downtown Overlay) may be subject to additional requirements.

APPLICATION REQUIREMENTS

- ■ **One copy of this application, signed**
- ■ **Owner's Consent Form (if applicant is other than the property owner)**
- ■ **All applicable drawings and documents**
- ■ **Application Fee ($300.00)**

SITE INFORMATION

Business or Site Name: Walmart #5046

Parcel ID Number: 164900-96-3247 **Parcel TAG Number:** 05-G-02-001-J

Business Address: 805 Town Center BLVD, Clayton, NC

Property Owner: WALMART R.E. BUS. TRUST

Property Owner Email &/or Phone: Adam.Schwerdtfeger@walmart.com 615-630-5295

Is the site a multi-tenant building or shopping center? ■ **No** ☐ **Yes:**

Applicable Alternative Sign Plan number (if replacing): _____

Overlay District (if applicable): ☐ **Downtown** ☐ **Thoroughfare** ☐ **Scenic Highway**

Property Owner: Walmart R.E. Bus. Trust

APPLICANT INFORMATION

Applicant Name: Cyntergy

Contact Person: Jennifer Cobbs and James E. Turner (Architect)

Mailing Address: 810 S. Cincinnati, 2nd Floor, Tulsa, OK 74119

Phone Number: 918-877-6000 **Fax:** 918-877-4000

Email Address: jcobbs@cyntergy.com, jeturner@cyntergy.com

OFFICE USE ONLY

Date Received: _____ Amount Paid: _____ Permit Number: _____

July 2022

REQUIRED INFORMATION

Please provide a typed document including the following items:

Provided?			
Yes	**N/A**	**Staff**	**Item**
☑			1. Justification statement which details project information, modifications being requested, specific code references and proposed alternatives. Statement must include a response to each of the approval criteria outlined in Section 155.403(K)(3) of the UDC.
☑			2. Location (address and development name)
☑			3. All information required for the applicable sign application that the Alternative Sign Plan is replacing, as listed in the tables in this application

APPLICANT AFFIDAVIT

I/We, the undersigned, do hereby make application and petition to the Planning Department of the Town of Clayton to approve the subject Sign 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.

Jennifer Cobbs c/o Cyntergy	Jennifer Cobbs c/o Cyntergy	05-08-2023
Print Name	***Signature of Applicant***	***Date***

Note: A Permanent Sign Permit Application is required following an Alternative Sign Plan approval in order to install a permanent sign.

July 2022

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: WALMART #5046-253 CLAYTON, NC **Address or PIN #:** 805 TOWN CENTER BOULEVARD

AGENT/APPLICANT INFORMATION:

CYNTERGY, JENNIFER COBBS & JAMES E. TURNER
(Name - type, print clearly)

jcobbs@cyntergy.com; jeturner@cyntergy.com

810 S. CINCINNATI, 2ND FLOOR
(Address)
TULSA, OK 74119
(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)***:

Exterior Signs

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:

Cameron Tryon c/o Wal-Mart R.E. Bus. Trust
(Name - type, print clearly)

(Owner's Signature)

702 SW 8th St.
(Address)
Bentonville, AR 72712
(City, State, Zip)

STATE OF Arkansas
COUNTY OF Benton

Sworn and subscribed before me Shirl Fiel-Torbett, a Notary Public for the above State and County, this the 30th day of November, 22.

SEAL

SHIRL FIEL-TORBETT NOTARY PUBLIC #12377216 EXPIRES 05/27/2030 WASHINGTON COUNTY, ARKANSAS

Shirl Fiel-Torbett
Notary Public

My Commission Expires: 5.27.2030

July 2018

May 5, 2023,

Town of Clayton Planning Department
111 E. 2nd Street
Clayton, NC 27258

Dear Town of Clayton Planning Department,

We are requesting a review and consideration of an Alternative Sign Plan Package for property Walmart #5046 located at 805 Town Center Boulevard in Clayton, NC. The requested Alternative Sign Plan scope of work includes a full exterior wall sign branding package, drive-thru pharmacy & pick-up canopy signage, and re-facing of existing Monument Sign. Please review the Justification per line item listed below.

Per Section 155.403 (K)(3) of the UDC

a) Components of the Alternative Sign Plan shall be consistent with the Town of Clayton General Design Guidelines.

The changes included in the request for Alternative Sign Plan prevents adverse community appearance and protects the character of the area in which they are located. The proposed signs are simple, clean, and scaled appropriately. The proposed signs provides clear business identification as well. The total allowable sign face area is based upon linear building frontage is 612.8 linear feet x 1.25= 766 S.F. The proposed total wall sign square footage is 427.15 S.F. The proposed signs will be constructed of quality materials; channel letter signs and individually mounted lettering on the building, and vinyl lettering for the canopy. The illuminated signs will have no movement. All secondary signs will be consistent with the primary sign and smaller than the primary sign.

(b) The proposed design, size, color, illumination, and placement are compatible in style and character with any building to which the sign is to be attached, any surrounding structures, any adjoining signage on the site, and/or the district character or architectural character of the area in which it is located.

The requested sign changes are compatible in style and character with the building and locations they are attached to. The signs are scaled in relation to the size of the building and informative for navigation purposes. The main Walmart Identification sign with logo and the Pickup sign with Arrow are lit channel letter signs. The channel letters are

white and the logo is Walmart's trademark yellow spark. The remaining exterior wall signs on the building are white plastic non-lit channel letter style located at entrances indicating the main purpose of the specific sides of the building. The pharmacy and pick-up drive-thru canopy signage is white individual vinyl applied letters directing traffic to which lanes are designated for pharmacy, and pickup. There are also attached hanging lane number assignment signs above each lane. These signs match the canopy color (blue) and have white text.

(c) Innovative use of materials and design techniques in response to unique characteristics of the specific site, if applicable.

The requested sign changes are standard nationwide branding in scale with the characteristic of size that is specific to large sites, including this site.

(d) Sign design, scale, and placement.

The signs are scaled in relation to the size of the building and informative for navigation purposes. The main Walmart Identification sign with logo and the Pickup sign with Arrow are lit channel letter signs. The channel letters are white and the logo is Walmart's trademark yellow spark is located in the center of the front façade. It identifies the business and is the largest of all signs for that purpose. The Pickup with arrow sign is on the right hand front corner of the building. The size is significantly smaller than the main sign. It is illuminated and the arrow directs customers to the drive through canopy that sits adjacent to the building. Directly below the lit Pickup sign with arrow, is a Pharmacy Drive-Thru with arrow sign. It is smaller in scale but effectively communicates where the pharmacy drive-thru is location. The remaining exterior wall signs on the building are white plastic non-lit channel letter style located at entrances indicating the main purpose of the specific sides of the building. The pharmacy and pick-up drive-thru canopy signage is white individual vinyl applied letters directing traffic to which lanes are designated for pharmacy, and pickup. There are also attached hanging lane number assignment signs above each lane. These signs match the canopy color (blue) and have white text. The numerals indicate to the customer which lane they are in so that they can be located by the associates bringing their online orders out for pickup.

(e) Integrates architectural features in a manner compatible with the surroundings and district in which the development is located.

The channel letter design is compatible with adjacent properties, strip center signs.

(f) Consistent with approved neighborhood plans, studies, or area plans.

The channel letter design is compatible with adjacent properties, strip center signs that are channel letters with other individual company standard brand colors.

(g) The Alternative Sign Plan improves the safety and welfare of the general public by minimizing distractions, hazards and obstructions from sign design or placement.

The Alternative Sign Plan improves the safety and welfare of the general public by minimizing hazards. The Alternative Sign Plan includes directional signs on the pharmacy canopy that are necessary for the functionality of the canopy. The signs direct the customers on which lanes are dedicated to pharmacy and which are dedicated to Online Purchase Pickup.

We appreciate your consideration for the Alternative Sign Plan.
Sincerely,

Jennifer Cobbs
C/O Cyntergy
810 S. Cincinnati, 2nd Floor
Tulsa, OK 74119

SITE PLAN

MONUMENT SIGNAGE: 18 - A2.1

COLOR LEGEND	
P#	COLOR NAME
P49E	DARK GRAY
P76U	WALMART BLUE (URETHANE-LIKE)
P134E	LIGHT GRAY
P135E	MEDIUM GRAY
P162E	BLACK GRAY

DISCLOSURES

- PAINT RESTRICTIONS: There are no exterior paint color restrictions at this location. Walmart is allowed to use their current proto colors, grays and blue.
- ALLOWED SIGNAGE SF: 1.25 SF per lineal street frontage and maximum of 25% of the surface area of each wall area exclusive of windows/doors.
- EXISTING SIGNAGE SF: 529.65
- PROPOSED SIGNAGE SF: 427.15

PLEASE REFERENCE SIGNAGE COMPARISON DOCUMENT FOR VISUAL OF PROPOSED SIGNS VERSUS EXISTING SIGNS

FINISH KEY

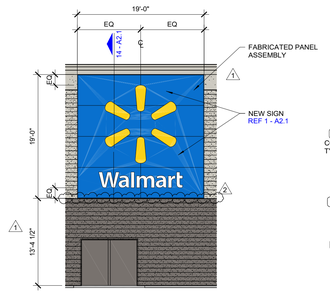
P5E	SAFETY YELLOW
P33E	CREAM
P36E	BLACK
P49E	DARK GRAY
P76	WALMART BLUE SWI#076
P76U	WALMART BLUE (URETHANE-LIKE)
P134E	LIGHT GRAY
P135E	MEDIUM GRAY
P162E	BLACK GRAY

SHEET NOTES

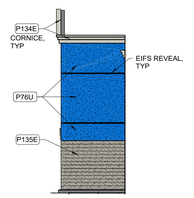
1. PATCH AND REPAIR EXTERIOR WALL SURFACES, DAMAGED OR EXPOSED DUE TO REMOVAL OF BUILDING MOUNTED ITEMS, TO MATCH ADJACENT AS REQUIRED.
2. REFER TO DETAILS ON SHEET A2.1 FOR SUBSTRATE AND FINISH REQUIREMENTS AT LOCATIONS OF BUILDING MOUNTED SIGNS.
3. RESURFACE EXISTING EIFS WHERE SHOWN.
4. NOT USED.
5. PRIOR TO PAINTING WALL AT LOCATION(S) OF LIT IDILOGO SIGN(S), COORDINATE SCOPE OF WORK WITH WALMART CM.
6. IF PAINTING ADJACENT WALLS PAINT HOLLOW METAL STEEL DOORS, FRAMES, AND DOWNSPOUTS, EXPOSED METAL FLASHING, HANDRAILS, AND EXPOSED MISCELLANEOUS STEEL TO MATCH ADJACENT BUILDING COLOR UNO.
7. PAINT ANY NEW ROOFTOP GAS PIPING P5E WHERE EXTERIOR WALL IS BEING PAINTED, GAS PIPE ALONG SIDE WALL TO GRADE SHOULD MATCH ADJACENT BUILDING. DO NOT PAINT METER OR VALVES.
8. IF PAINTING ADJACENT WALLS PAINT CANOPY STRUCTURAL STEEL AND FLASHING TO MATCH ADJACENT WALL.
9. WHERE CANOPIES ARE VISIBLE TO AND ACCESSED BY CUSTOMERS, PAINT UNDERSIDE OF CANOPY DECK P33E DO NOT PAINT CANOPY DECK IF NOT PREVIOUSLY PAINTED.
10. ALL ENTRY BOLLARDS TO RECEIVE GRAY PLASTIC BOLLARD SLEEVE. PAINT ALL DECORATIVE BOLLARDS P135E MEDIUM GRAY. PAINT ALL NON-DECORATIVE, NON-ENTRY EXTERIOR BOLLARDS P5E SAFETY YELLOW.
11. NOT USED.
12. DO NOT PAINT LED WALL PACK HOUSINGS
13. PAINT GARDEN CENTER STEEL DOORS AND FRAMES P36E
14. NOT USED.
15. NOT USED.
16. NOT USED.
17. PAINT JIB CRANE P36E ON JIB BOOM. P5E ON HANDRAILS

DEMOLITION NOTES

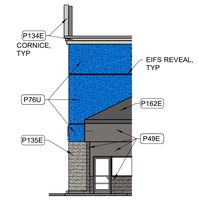
1. NOT USED.
2. REMOVAL OF BUILDING MOUNTED ITEMS, SHOWN OR NOTED TO BE DEMOLISHED OR AS REQUIRED BY SCOPE OF WORK, SHALL OCCUR PRIOR TO PAINTING BUILDING. COORDINATE DEMOLITION WORK SO EXTERIOR PAINTING WILL OCCUR PRIOR TO INSTALLATION OF BUILDING MOUNTED ITEMS.



9 ENLARGED ELEVATION
1/8" = 1'-0"

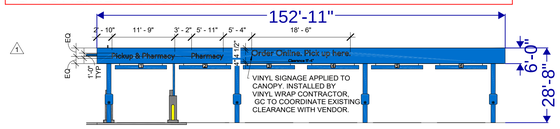


8 SIDE ELEVATION
1" = 10'-0"



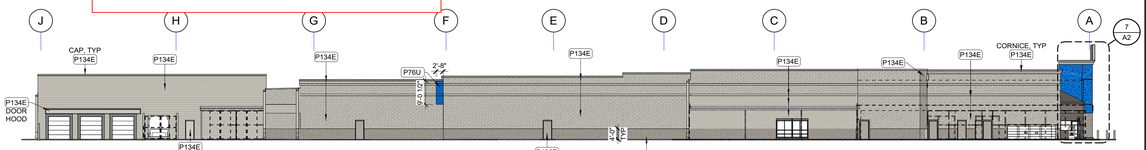
7 SIDE ELEVATION
1" = 10'-0"

UPDATING PICKUP CANOPY SIGNAGE TO PROVIDE CLEAR DIRECTION ON LANE USE INCLUDING STALL NUMBERS FOR ONLINE PICKUP ORDERS

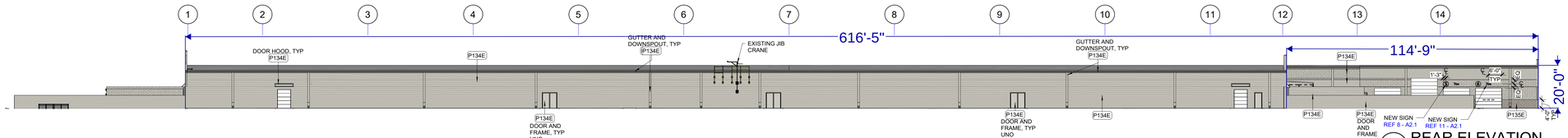


10 PICKUP CANOPY
1" = 10'-0"

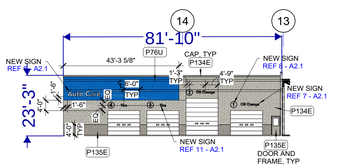
NEW STYLE MAIN SIGN REPLACING EXISTING WALMART & SPARK SIGN



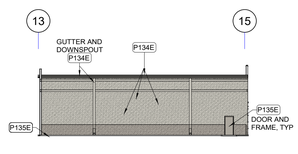
6 SIDE ELEVATION
1" = 20'-0"



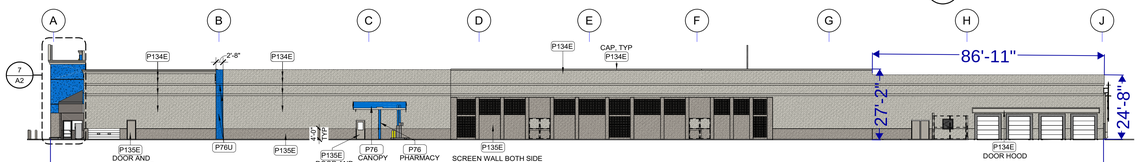
5 REAR ELEVATION
1" = 20'-0"



4 FRONT AUTO CENTER ELEVATION
1" = 20'-0"



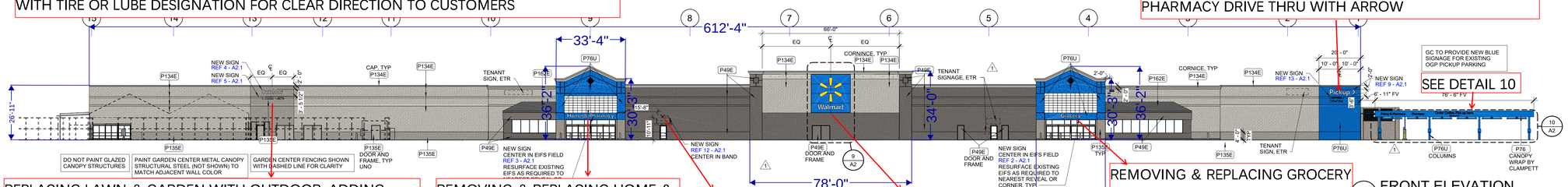
3 REAR SEASONAL SHOP ELEVATION
1" = 20'-0"



2 SIDE ELEVATION
1" = 20'-0"

UPDATING EXISTING AUTO CENTER TO AUTO CARE, PROVIDING STALL NUMBERS ALONG WITH TIRE OR LUBE DESIGNATION FOR CLEAR DIRECTION TO CUSTOMERS

REPLACING PICKUP TO PICKUP W/ARROW. ADDING PHARMACY DRIVE THRU WITH ARROW



REPLACING LAWN & GARDEN WITH OUTDOOR, ADDING AUTO CARE WITH DIRECTIONAL ARROW.

REMOVING & REPLACING HOME & PHARMACY (NO TEXT CHANGE)

REPLACING VISION CENTER WITH VISION

SEE DETAIL 9

REMOVING & REPLACING GROCERY (NO TEXT CHANGE)

1 FRONT ELEVATION
1" = 20'-0"

CYNTERGY
6111 S. 103RD EAST AVE. STE 200
TULSA, OK. 74133
918.877.6000

STIPULATION FOR REUSE:
THIS DRAWING AND SPECIFICATION, AS AN INSTRUMENT OF SERVICE, IS AND SHALL REMAIN THE PROPERTY OF CYNTERGY WHETHER THE PROJECT FOR WHICH THEY ARE MADE IS EXECUTED OR NOT. THE REUSE OF THESE DRAWINGS AND SPECIFICATIONS ON ANY OTHER PROJECT OR SITE WITHOUT THE EXPRESS WRITTEN PERMISSION OF CYNTERGY IS PROHIBITED. ALL COMMON LAW, STATUTORY AND OTHER RESERVED RIGHTS, INCLUDING COPYRIGHT, ARE RETAINED BY CYNTERGY.

CONSULTANTS:

Walmart
CLAYTON, NC
STORE NO: 5046-253
USRM-010077 / PROTO: 192
JOB NUMBER:

ISSUE BLOCK

1	ADD #1	01/09/2023
2	ADD #4	02/07/23

CHECKED BY:	RJ
DRAWN BY:	ZR
PROTO CYCLE:	09/30/2022
DOC DATE:	11/21/2022

DOCUMENTS WITHOUT SIGNATURE AND REQUIRED SEAL OF AOR/EOR ARE NOT FOR CONSTRUCTION

2/8/2023

JAMES EDWARD TURNER
ARCHITECT OF RECORD

EXTERIOR ELEVATIONS

SHEET: A2

2/7/2023 5:13:22 PM
C:\Users\jturner\Documents\Revit\Clayton_NC_5046_exterior_r20_ZRamirez.rvt

EXISTING SIGNAGE SCHEDULE

FRONT SIGNAGE	QTY	LIGHTED	COLOR	SIZE	INDIVIDUAL AREA	TOTAL AREA
Walmart	1	LED	WHITE	5'-6"	299.04 SF	299.04 SF
* (spark)	1	LED	YELLOW			
Pickup	1	LED	WHITE	2'-6"	67.66 SF	67.66 SF
* (spark)	1	LED	YELLOW			
Home & Pharmacy	1	N/A	WHITE	2'-0"	61.85 SF	61.85 SF
Grocery	1	N/A	WHITE	2'-0"	25.63 SF	25.63 SF
Lawn & Garden	1	N/A	WHITE	2'-0"	41.02 SF	41.02 SF
Vision Center	1	N/A	WHITE	1'-0"	8.81 SF	8.81 SF
TOTAL FRONT SIGNAGE						436.35 SF
AUTO CENTER SIGNAGE						
Auto Center	1	N/A	WHITE	1'-6"	17.75 SF	17.75 SF
Tire	2	N/A	WHITE	1'-0"	2.38 SF	4.76 SF
Lube	1	N/A	WHITE	1'-0"	3.13 SF	3.13 SF
TOTAL AUTO CENTER SIGNAGE						25.64 SF
TOTAL BUILDING SIGNAGE						529.65 SF

NEW SIGNAGE SCHEDULE

FRONT SIGNAGE	QTY	LIGHTED	COLOR	SIZE	INDIVIDUAL AREA	TOTAL AREA
Walmart	1	LED	WHITE	2'-5"	30.41 SF	30.41 SF
* (spark)	1	LED	YELLOW	12'-0"	128.00 SF	128.00 SF
Pickup>	1	LED	WHITE	2'-6"	40.83 SF	40.83 SF
Home & Pharmacy	1	N/A	WHITE	2'-0"	60.53 SF	60.53 SF
Grocery	1	N/A	WHITE	2'-0"	26.27 SF	26.27 SF
Outdoor	1	N/A	WHITE	2'-0"	20.67 SF	20.67 SF
Vision	1	N/A	WHITE	1'-0"	3.69 SF	3.69 SF
< Auto Care	1	N/A	WHITE	1'-6"	16.25 SF	16.25 SF
Building Address (805)	1	N/A	BLACK	1'-0"	0.00 SF	0.00 SF
Pharmacy Drive-Thru> (Stacked)	1	N/A	WHITE	1'-0"	18.31 SF	18.31 SF
TOTAL FRONT SIGNAGE						344.96 SF
AUTO CENTER SIGNAGE						
Auto Care	1	N/A	WHITE	2'-0"	24.75 SF	24.75 SF
Numerals 1-6	6	N/A	BLACK	2'-6"	4.91 SF	29.46 SF
Oil Change	2	N/A	BLACK	1'-0"	9.33 SF	18.66 SF
Tire	4	N/A	BLACK	1'-0"	2.33 SF	9.32 SF
TOTAL AUTO CENTER SIGNAGE						82.19 SF
TOTAL BUILDING SIGNAGE						427.15 SF

SIGNAGE GENERAL NOTES

1. SIGNAGE FURNISHED BY WAL-MART AND INSTALLED BY GC.
2. ALL EXISTING WALMART EXTERIOR SIGNAGE IS TO REMAIN IN PLACE ON THE BUILDING UNTIL THE GC SIGN COMPANY IS ONSITE. THE EXISTING SIGNAGE WILL THEN BE REMOVED, PATCH AND REPAIR WORK WILL BE COMPLETED AT SIGN LOCATIONS, AND NEW SIGNAGE WILL BE INSTALLED PER PLANS.
   A. A TEMPORARY BANNER WILL BE INSTALLED PRIOR TO REMOVAL OF EXISTING EXTERIOR SIGNAGE. BANNER WILL REMAIN IN PLACE UNTIL ALL MODIFICATIONS AND/OR REPAIRS HAVE BEEN COMPLETED AND NEW SIGNAGE IS INSTALLED.
   B. TEMPORARY BANNER WILL BE APPROXIMATELY 125 SF (5'X25').
   C. EXTERIOR SIGN WORK NEEDS TO BE SCHEDULED, COORDINATED, AND COMPLETED DURING WEEK 6 OF THE CONSTRUCTION SCHEDULE.
3. GENERAL CONTRACTOR RESPONSIBILITIES
   A. BY END OF FIRST WEEK OF CONSTRUCTION, REVIEW EXISTING CONSTRUCTION WHERE SIGN(S) WILL BE INSTALLED. IF EXISTING CONDITIONS DO NOT MATCH SIGN ATTACHMENT DETAILS SHOWN, REQUEST APPROVAL FROM CONSTRUCTION MANAGER TO SUBMIT RFI IN ACCORDANCE WITH SECTION 01255. NOTE DIFFERENCES IN CONSTRUCTION, INCLUDING DIMENSIONS, AND INCLUDE PHOTOGRAPHS FOR CLARIFICATION.
   B. PROVIDE SUBSTRATE SUITABLE FOR INSTALLATION OF SIGNAGE. REFER TO SIGN DETAILS FOR LIGHTED ID/LOGO SIGNS.
   C. PROVIDE JUNCTION BOXES AND CIRCUITRY TO NEW "Walmart" and "spark" SIGNAGE. EXISTING (8) BOXES FROM "WAL-MART" SIGNAGE MAY BE REUSED.
   D. PROVIDE JUNCTION BOXES AND CIRCUITRY TO TENANT SIGNAGE LOCATION SHOWN. REFER TO ELECTRICAL.
   E. INSTALL ACCESS DOORS AND FRAMES IN GYPSUM BOARD CEILINGS IF REQUIRED BY RELOCATION OF EXISTING TENANT SIGNAGE.
   F. VERIFY VOLTAGE AT CIRCUITS FEEDING LIGHTED SIGNAGE. REFER TO ELECTRICAL
   G. MAKE FINAL TERMINATIONS ON LIGHTED SIGNAGE.
   H. REMOVE ALL LIT ID/LOGO SIGNS AND UNLIT EXTERIOR STUD MOUNTED BUILDING SIGNS. UNLESS NOTED OTHERWISE.
   I. MAKE REQUIRED EXTERIOR WALL PENETRATIONS, INSTALL CONDUIT, AND SEAL PENETRATIONS PER SPECIFICATION SECTION 07900.
   J. INSTALL SIGNAGE PER DETAILS.

SHERWIN-WILLIAMS CUSTOM
BRONZE/ ORDER NUMBER
7248-0044642
-BRONZE MATCH
-CUSTOM MANUAL MATCH

BAC COLORANT:	OZ	32	64	128
W1 WHITE	-	43	-	1
B1 BLACK	6	4	1	1
R2 MAROON	-	19	-	1
Y3 DEEP GOLD	-	48	1	1
G2 NEW GREEN	-	18	-	-

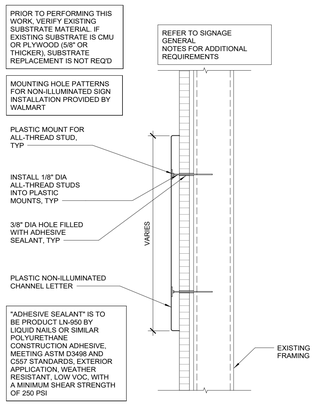
ONE GALLON
#B54T00104
UI TRADECP #796999993

REPLACE EXISTING SIGN WITH INTERNALLY ILLUMINATED SIGN CABINET COLOR DURANODIC BRONZE - REF TABLE FOR CUSTOM COLOR
REF STRUCTURAL

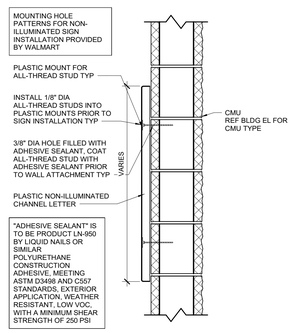
WHITE LETTERS
YELLOW SPARK, COLOR PMS 1235C
FLEX FACE, COLOR PMS 286C BLUE

RE-FACING EXISTING MONUMENT SIGN FACE

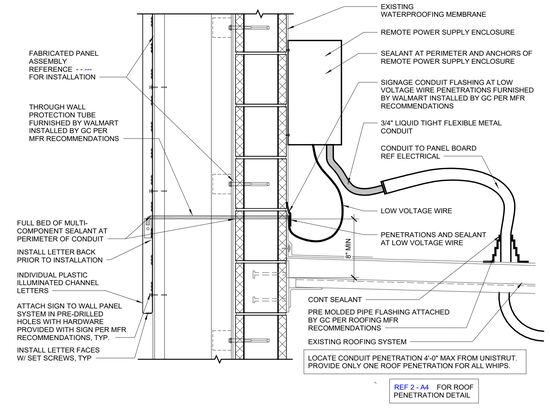
18 MONUMENT SIGN
3/16" = 1'-0"



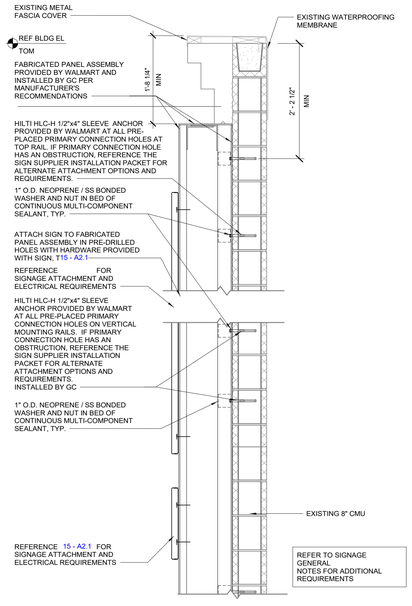
17 SIGN ATTACHMENT AT EIFS AND METAL STUD WALL
1 1/2" = 1'-0"



16 SIGN ATTACHMENT
1 1/2" = 1'-0"



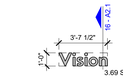
15 SIGNAGE ATTACHMENT (V2)
1 1/2" = 1'-0"



14 WALL PANEL SECTION CAPTURED (V2)
1" = 1'-0"

NOTE TO SIGN INSTALLER:
ALL PRIMARY MOUNTING HOLES MUST BE UTILIZED. IF MOUNTING THROUGH PRIMARY HOLE IS OBSTRUCTED BY REBAR, METAL STUDS, CHANNELS, OR OTHER MISC METAL, SEAL PRIMARY HOLE IN SIGN CAN AND MOUNT THROUGH THE NEAREST ALTERNATE MOUNTING HOLE. PRIMARY HOLES ARE INDICATED WITH PREDRILLED HOLES.

13 1'-0" STACKED PHARMACY
1/4" = 1'-0"

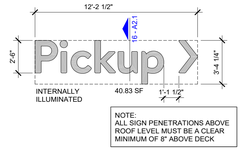


12 1'-0" VISION
1/4" = 1'-0"

11 1'-0" TIRE
1/4" = 1'-0"

NOTE:
SQUARE FOOTAGE NOT INCLUDED IN BUILDING SIGNAGE SCHEDULE

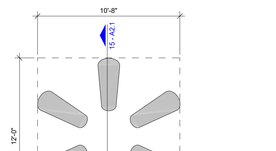
10 SIGNAGE
1/4" = 1'-0"



NOTE:
ALL SIGN PENETRATIONS ABOVE ROOF LEVEL MUST BE A CLEAR MINIMUM OF 8" ABOVE DECK

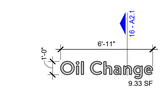
9 2'-6" PICKUP ARROW
1/4" = 1'-0"

8 2'-6" AUTOMOTIVE NUMBERS
1/4" = 1'-0"



NOTE:
ALL SIGN PENETRATIONS ABOVE ROOF LEVEL MUST BE A CLEAR MINIMUM OF 8" ABOVE DECK

1 12'-0" WALMART SIGN
1/4" = 1'-0"

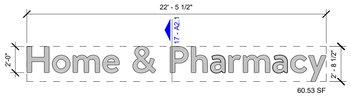


7 1'-0" OIL CHANGE
1/4" = 1'-0"

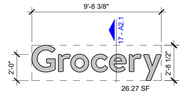
6 2'-0" AUTO CARE
1/4" = 1'-0"

5 1'-6" AUTO CARE (W/ARROW)
1/4" = 1'-0"

4 2'-0" OUTDOOR
1/4" = 1'-0"



3 2'-0" HOME & PHARMACY
1/4" = 1'-0"



2 2'-0" GROCERY
1/4" = 1'-0"

CYNTERGY
2727 E. 21ST ST. SMART, STE 200
TULSA, OK 74119
918.877.0000

STIPULATION FOR REUSE:
THIS DRAWING AND ALL INFORMATION HEREIN ARE THE PROPERTY OF CYNTERGY AND SHALL NOT BE USED IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION OF CYNTERGY. ANY USE OF THIS DRAWING FOR REFERENCE OR CONSTRUCTION ON ANY PROJECT REQUIRES THE SERVICES OF PROPERLY LICENSED PROFESSIONALS. ANY UNAUTHORIZED REUSE OR MODIFICATION OF THIS DRAWING WITHOUT THE EXPRESS WRITTEN CONSENT OF CYNTERGY IS PROHIBITED AND WILL BE ENFORCED TO THE FULL EXTENT OF THE LAW.

CONSULTANTS

Walmart
CLAYTON, NC
STORE NO: 5046-253
JOB NUMBER: USRSA.015077 / PROTO: 192

ISSUE BLOCK

3	CCD #1	03/28/23

CHECKED BY:	RJ
DRAWN BY:	ZR
PROTO CYCLE:	09/30/2022
DOC DATE:	11/21/2022

DOCUMENTS WITHOUT SIGNATURE AND REQUIRED SEAL OF AOR/EOR ARE NOT FOR CONSTRUCTION

JAMES EDWARD TURNER
10041
REGISTERED PROFESSIONAL ENGINEER
NORTH CAROLINA
TULSA, OK
3/28/2023

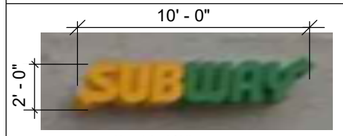
JAMES EDWARD TURNER
ARCHITECT OF RECORD

EXTERIOR DETAILS

SHEET:
A2.1

3/28/2023 10:59:55 AM
C:\Users\rjames\Documents\Revit\Clayton_NC_5046_rjamesv_r20_R.rvt

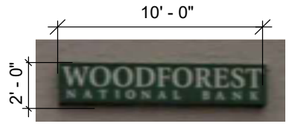
EXISTING SIGNAGE TO REMAIN



20.00 SF

13.00 SF

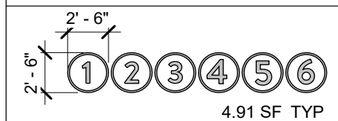
8.33 SF



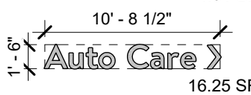
20.00 SF

TOTAL = 61.33 SF

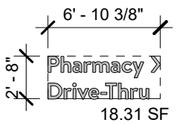
NEW SIGNAGE TO BE INSTALLED



4.91 SF TYP



16.25 SF



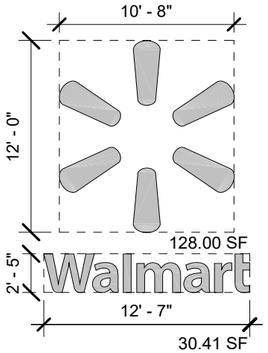
18.31 SF

ADDRESS SIGNAGE

TOTAL = 64.02 SF

EXISTING SIGNAGE TO BE REPLACED

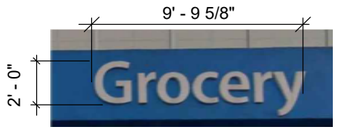
299.04 SF



128.00 SF
30.41 SF

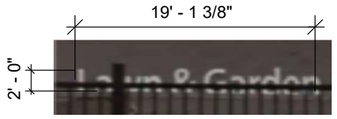
61.85 SF

60.53 SF

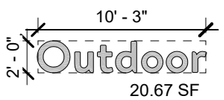


25.63 SF

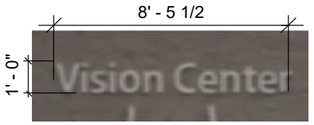
26.27 SF



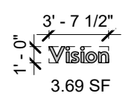
41.02 SF



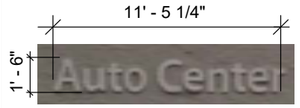
20.67 SF



8.81 SF

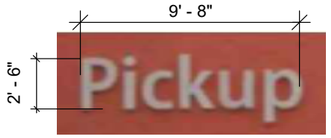


3.69 SF

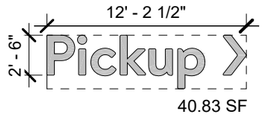


17.75 SF

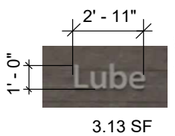
24.75 SF



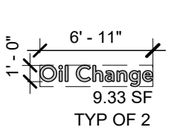
67.66 SF



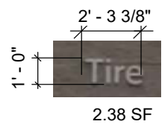
40.83 SF



3.13 SF

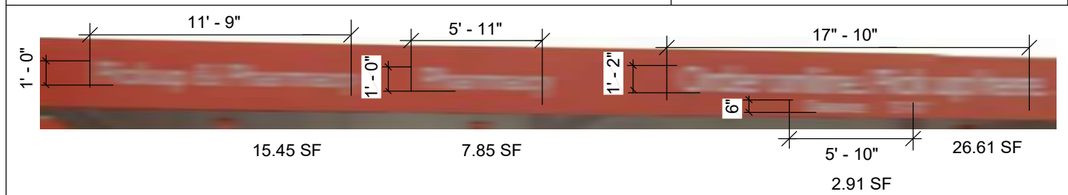


9.33 SF
TYP OF 2

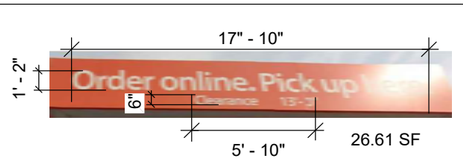


2.38 SF

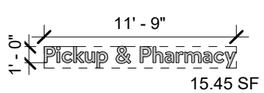
2.33 SF
TYP OF 4



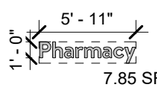
15.45 SF
7.85 SF
26.61 SF
2.91 SF



26.61 SF
2.91 SF

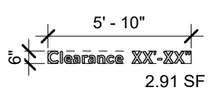


15.45 SF



7.85 SF

29.20 SF
TYP OF 2



2.91 SF
TYP OF 2

TOTAL EXISTING TO BE REPLACED = 611.99 SF

TOTAL NEW SIGNAGE REPLACING EXISTING = 450.65 SF

SIGNAGE TOTAL PRIOR TO REMODEL = 529.65 SF

SIGNAGE TOTAL AFTER REMODEL = 514.67 SF

5046 Clayton, NC
SIGNAGE
03/13/23

CYNTERGY

RECEIVED
OCT 07 2016
TOWN OF CLAYTON
PLANNING DEPARTMENT

2016-197-MSP

FILE COPY

MASTER SIGN PLAN

TOWN CENTRE

CLAYTON NORTH CAROLINA

10/06/2016

Town of Clayton
Planning Department
Date: 10/07/2016
By:
Plan Approval

LOCATION

Parcel numbers and Street addresses of properties covered by the Master Sign Plan.

	Parcel	Address	Tenant
1	05G02001J	12873 US HWY 70 Business Clayton, NC 27520	Walmart

See Attached 11 x 17 Aerial Location Map.

PERMITTED SIGN TYPES

Freestanding signs (monument)-development identification sign
Wall/fascia signs
Canopy Signs

ALLOCATION OF SIGN AREA

Town Centre Boulevard frontage of the parcel is 969.6 linear feet X 1.25 =

1,212 square feet total allowable sign face area for the Walmart site

SIGN DESIGN

(1) Freestanding signs (monument sign).

(a) Allowed Color:
   1. White, PMS 11-0602.

(b) Size (max.) per sign face.
   1. Monument signs. A total of 0.25 square feet per linear foot of street frontage along the street on which the sign is oriented.

(c) Height (max.). Eight feet.

(d) Setback and separation (min.).
   1. Five feet from the public right-of-way.

(e) Illumination:
   1. May be illuminated internally or externally.

(f) Construction Materials: Materials shall be consistent with the primary building construction.

(g) Sign Sketch: **See Attached Exhibit A.**

(2) Wall / Fascia signs

(a) Allowed Color:
   1. White, PMS 11-0602.

(b) Size (max.). Twenty-five percent of the surface area of each wall area exclusive of windows/doors.

(c) Number. No limit.

(d) Positioning.
   1. No portion of a wall/fascia sign may extend above the roof line of a building without a parapet wall.
   2. No portion of a wall/fascia sign may extend above parapet walls.
   3. No portion of wall/fascia sign may extend above the lower eave line of a building with a pitched roof with an angle less than 75 degrees.

(e) Projection (max.). Twelve inches from wall. (See Section (G)(6), Projecting Wall Signs.)

(f) Clearance (min.). If the sign projects more than six inches from the wall it is attached to, the sign shall maintain a clearance of eight feet from the ground below.

(g) Construction.
   1. All wall signs shall be fastened directly to the supporting wall.
   2. Flush-mounted channel letters are encouraged over raceway-mounted channel letters. Raceways, if utilized, shall match Duranodic Bronze 7248-0044642.

(h) Illumination.
   1. Internally illuminated with LEDs .

(i) Sign Sketch: **See Attached Exhibit B.**

(3) Canopy signs.

(a) Allowed Color:
   2. White, 3M Vinyl 7725-10.

(b) Size (max.). Seventy-five percent of the surface area of the canopy to which it is attached.
(c) Number (max.) per site. One permitted on each side or face canopy.
(d) Clearance. Minimum eight feet from the ground level.
(e) Construction. Shall be fastened or adhered directly and securely to the canopy.
(f) Sign Sketch: **See Attached Exhibit C.**

Proposed Walmart additional Wall Signage

See Attached 11" x 17" exhibit for proposed Walmart wall signage design.

Materials & Illumination:

Signs will be constructed of individual channel letters constructed of Sta-Tuf Plastic, that meets the methods of ASTM D-792, ASTM D-638, ASTM D-790M, ASTM D-256, ASTM D-3092, and ASTM D-785. All illuminated signage will be internally illuminated with LEDs.

Color:

Color: White, PMS 11-0602, 3M Vinyl 7725-10.

Trademarked Logo:

The Walmart Spark logo color is Gusto Gold SW# 6904. It is 12 Sq. Ft.

*** DISCLAIMER ***

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

Result 1

Id:	05G02001J
Tag:	05G02001J
Tax Unique Id:	4414390
NCPIn:	164900-96-3247
Mapsheet No:	1649
Owner Name 1:	WALMART REAL ESTATE BUSINESS TRUST
Owner Name 2:	
Mail Address 1:	
Mail Address 2:	PO BOX 8050, MS 0555
Mail Address 3:	BENTONVILLE, AR 72712-8050
Site Address 1:	12873 US HWY 70 BUS
Site Address 2:	CLAYTON, NC 27520
Book:	02278
Page:	0313
Market Value:	13440820
Assessed Acreage:	21.64
Calc. Acreage:	21.68
Sales Price:	0
Sale Date:	2002-08-23

Aerial Location Map

Scale: 1:3000 - 1 in. = 250 feet

(The scale is only accurate when printed landscape on a 11 x 17 size sheet with no page scaling.)

Johnston County GIS
October 6, 2016

NOTES, EXEMPTIONS, AND OTHER GUIDLINES

- All signage must conform to an approved Master Sign Plan and individual signs must receive approval from the Town of Clayton.
- The Town of Clayton will not enforce any agreements between tenant and landlord, and will only enforce requirements of the sign code; hence landlord approval is not required by the Town.
- Federal and state registered trademarks with colors other than the approved color palette are permitted (maximum 12 square feet per sign).
- All freestanding signs are required to have a vegetated bed of shrubs, flowers, or groundcover at the base equal to at least half the size of the sign face area (if sign is two-sided, calculate using one side of the sign).
- There are no font restrictions.
- Outparcels may use more than just the one color designated for the inline buildings.
- Any change to or replacement of existing occupant signage shall conform to the current approved Master Sign Plan.
- Please refer to the Unified Development Code § 155.403 for requirements which may affect sign design, requirements, and specifications.
- Any standards not referenced in an approved Master Sign Plan will be required to meet the standards set forth in the current Unified Development Code.
- Deviations from the requirements of a Master Sign Plan may only be approved by Town Council via an Alternative Sign Plan.

EXHIBIT A

Typical Freestanding signs (monument sign).

EXHIBIT B

Typical Wall / Fascia signs.

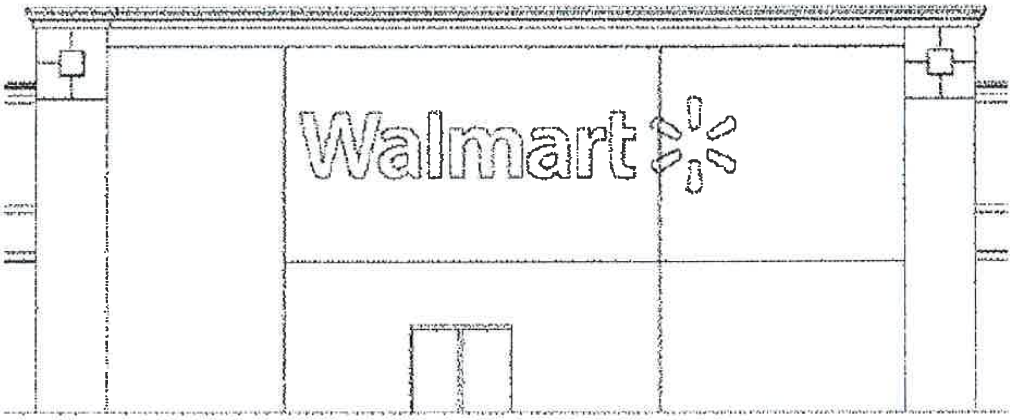
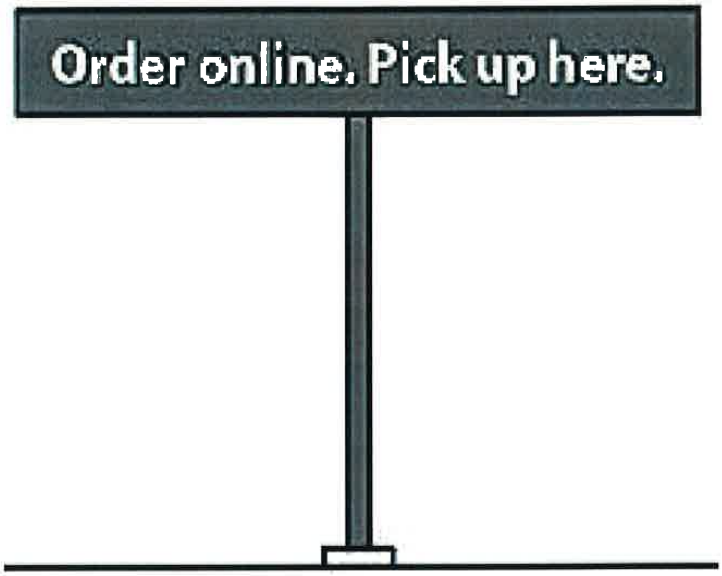


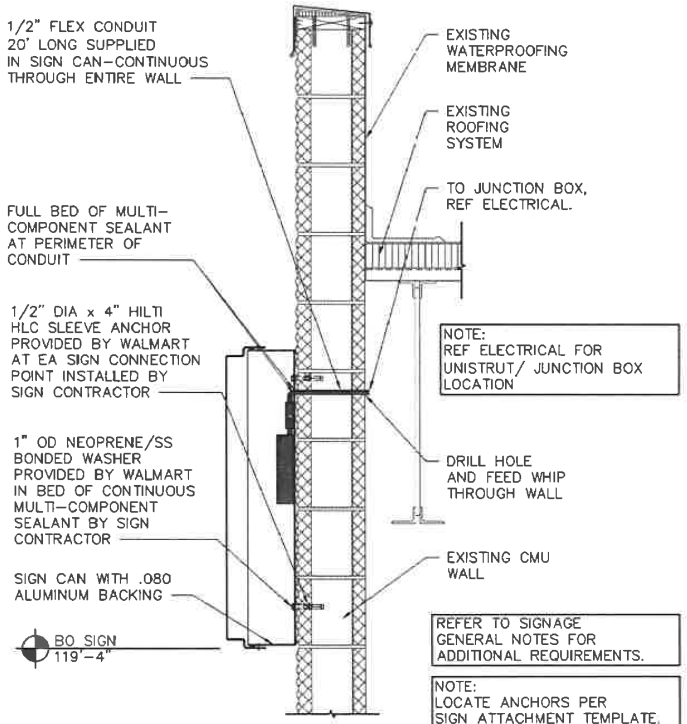
EXHIBIT C

Typical Canopy signs.

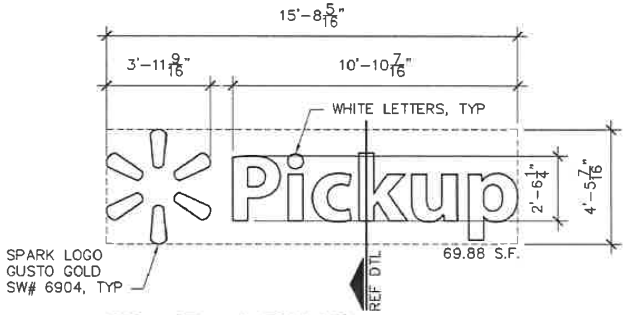


NEW SIGNAGE SCHEDULE

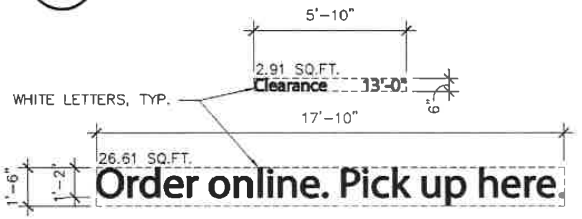
SIGNAGE LOCATION	QTY	LIGHTED	COLOR	SIZE	INDIVIDUAL AREA	TOTAL AREA
BUILDING SIGNAGE						
Pickup (w spark)	1	X	WHITE	2'-6"	69.88 SF	69.88 SF
TOTAL ADDED BUILDING SIGNAGE						69.88 SF
CANOPY SIGNAGE						
Order online. Pick up here.	2	–	WHITE	1'-6"	26.61 SF	53.22 SF
Clearance 13'-0"	3	–	WHITE	0'-6"	2.91 SF	8.73 SF
TOTAL CANOPY SIGNAGE						61.95 SF



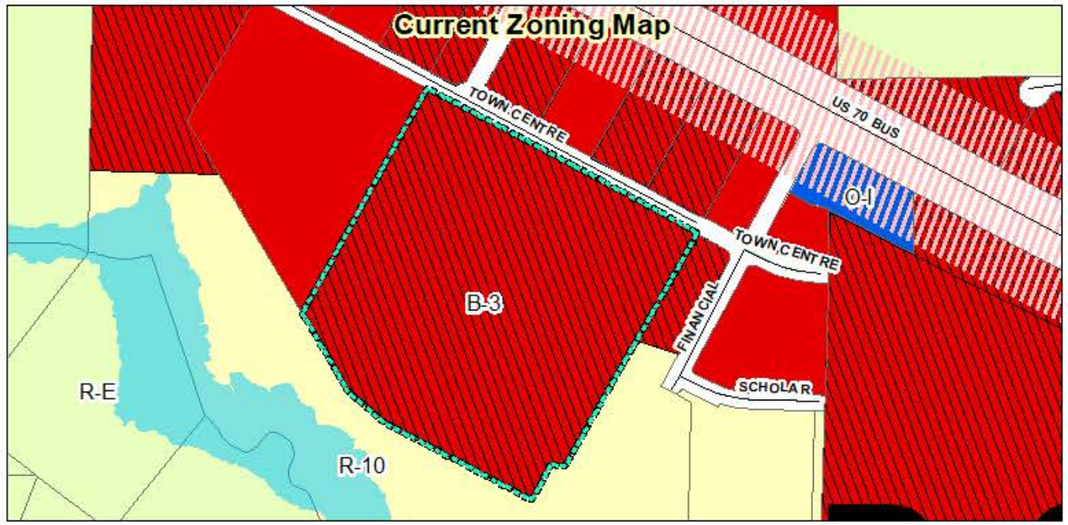
3 SIGN ATTACHMENT
1"=1'-0"

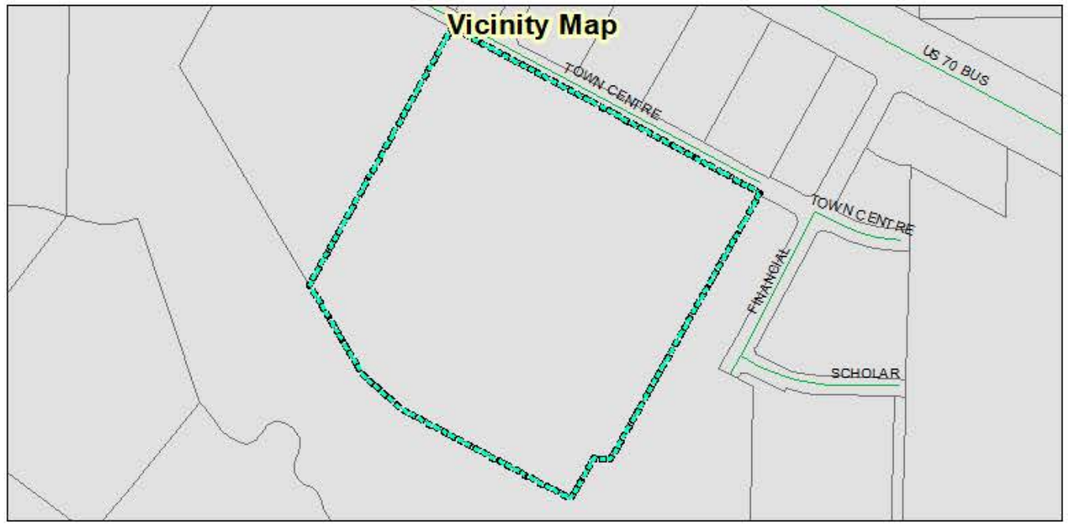


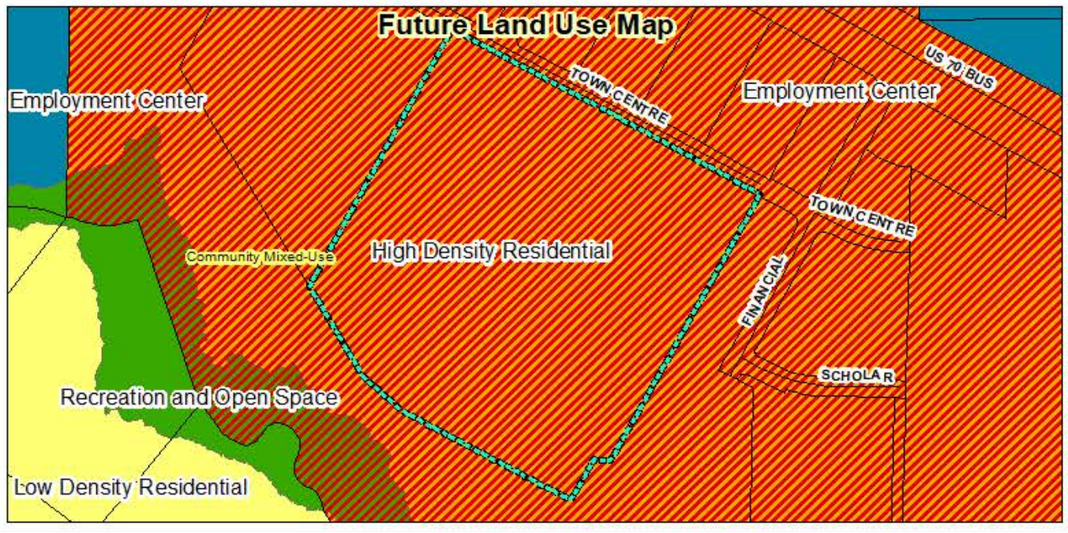
1 BUILDING SIGN
1/4"=1'-0"



2 SIGNAGE AT CANOPY
1/4" = 1'-0"







Request: Alternative Sign Plan
Project Name: Walmart
Project Number: 2023-75-SPA

Applicant:Cyntergy
Property Owner: Walmart R.E. BUS Trust.
Tag #:0502001J

Legend

Site

N

0 0.275 0.55 Miles

Staff Report Map
Prepared by: TOC Planning Department
July 19, 2023

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

Document Path: P:\PLANNING\ALTERNATIVE SIGN PLANS AND MASTER SIGN PLANS\2023\2023-75-SPA Walmart #5046\Staff Report Map\2023-75-SPA WALMART .mxd

Regular Town Council Meeting
Agenda Cover Sheet

Meeting Date	Agenda Location
August 7, 2023	PUBLIC HEARINGS

Item Title

2023-113-SUP Mury Class B Home Occupation - NC Aquatics, LLC

Presenter(s)

Ben Howell, Planning Director

Suggested Action

Approval of SUP

Strategic Priorities Alignment

☐ Think Clayton (Administrative)	☐ Think Arts & Culture	☐ Think Downtown	☐ Think Economic Development	☒ Think Land Use & Housing	☐ Think Mobility	☐ Think Parks, Recreation & Natural Resources	☐ Think Public Services & Infrastructure

Public Hearing: Yes - Quasi

If Approved, Will Document Require Recordation? Yes

Does This Item Require a Communication Plan?

☒ Public Hearing (Required by GS)	☐ Public Hearing (Not Required by GS)
☒ Newspaper Notice (Required by GS)	☐ Newspaper Notice (Not Required by GS)
☐ Public Forum/Input Session	☐ Press Release
☐ E-News Distribution	☐ Website
☐ Social Media	☐ Survey
☒ Special Mailing	☐ None Required

Other/Special Instructions: Sign posted at property

Summary

The applicant is requesting a Class B Home Occupation as an Accessory Use to their single-family residence. Class B Home Occupations require approval through the Special Use Permit process, and allow home occupations that allow customers to visit the home and/or employees that do not live in the home. The Class B Home Occupation for NC Aquatics would allow for the teaching of swimming lessons to children living outside of the home.

Recommendation

If Town Council finds that the applicant has met the Findings of Fact, then Council should approve the Special Use Permit. Staff is not proposing any conditions for the proposed Class B Home Occupation. The Town Council may impose conditions based on the testimony and evidence presented at the Public Hearing, with approval from the applicant.

Funding Source

N/A

Cost

N/A

Corresponding Documentation

2023-113-SUP Mury Class B Home Occupation - NC Aquatics Staff Report

1 2023-113-SUP Mury Class B Home Occupation - NC Aquatics Application Packet

2 2023-113-SUP Mury Class B Home Occupation - NC Aquatics Mury Affidavit

3 2023-113-SUP Mury Class B Home Occupation - NC Aquatics Neighborhood Meeting Information

4 2023-113-SUP Mury Class B Home Occupation - NC Aquatics Adjacent Property Owners Affidavits

5 2023-113-SUP Mury Class B Home Occupation - NC Aquatics Site Plan

6 2023-113-SUP Mury Class B Home Occupation - NC Aquatics Trip Generation Letter

7 2023-113-SUP Mury Class B Home Occupation - NC Aquatics Season Wyatt Affidavit

8 2023-113-SUP Mury Class B Home Occupation - NC Aquatics Staff Report Maps

2023-113-SUP Mury Home Occupation-NC Aquatics LLC - Approval Document

Meeting Timeline

Town Council Public Hearing - August 7, 2023

Submitted By: Ben Howell, Planning

Reviewed By:

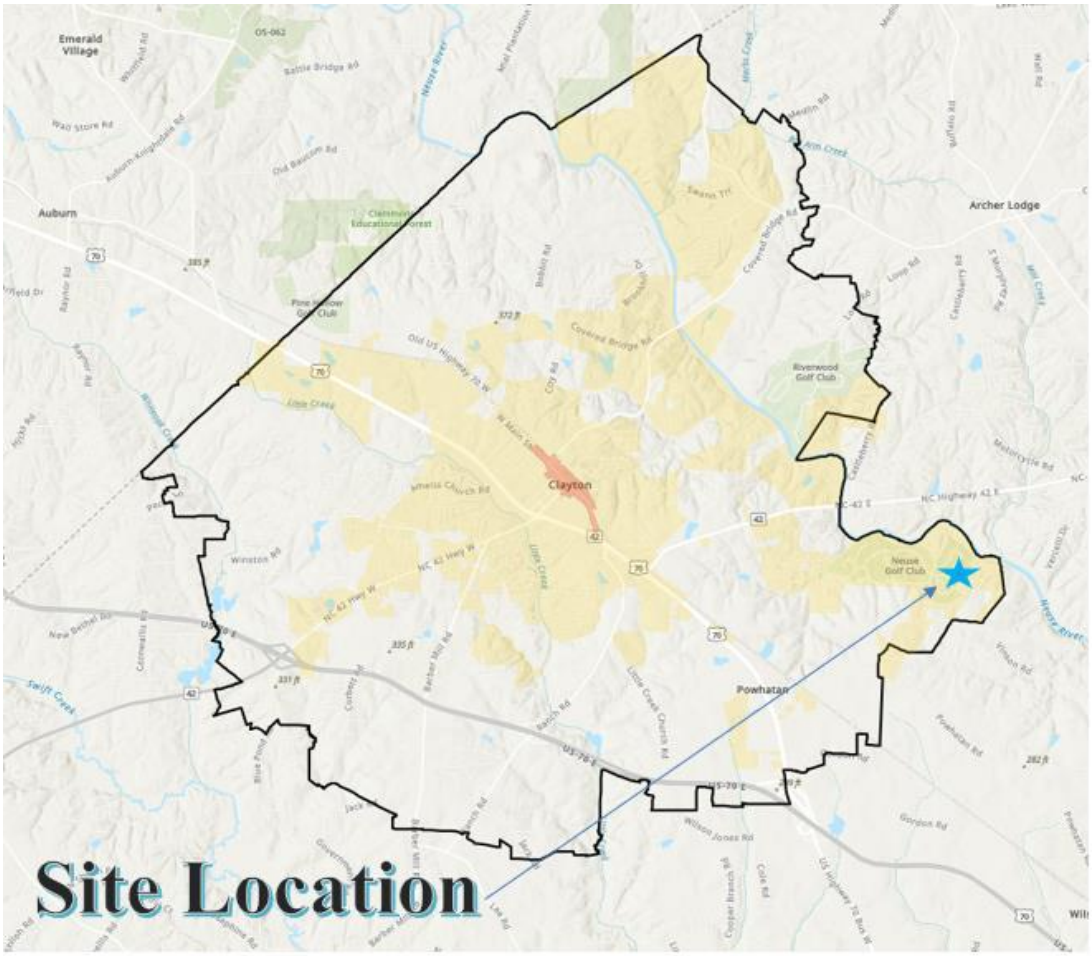
Ben Howell, Planning Director	Approved - Jul 28 2023
Rich Cappola, Town Manager	Approved - Aug 02 2023
Heidi Holland, Town Clerk	Approved - Aug 02 2023

PLANNING DEPARTMENT

TOWN COUNCIL STAFF REPORT
AUGUST 7, 2023

MURY HOME OCCUPATION SUP

Project #:	2023-113-SUP	**Location:**	53 Grantwood Drive, Clayton, NC, 27527
Applicant:	Michael & Jennifer Mury	**Project Type:**	Class B Home Occupation Special Use Permit
Property Owner:	Michael & Jennifer Mury	**Use:**	Residential
Staff Planner:	Ben Howell, Planning Director	**TAG #(s):**	05J05019A



PROJECT SUMMARY

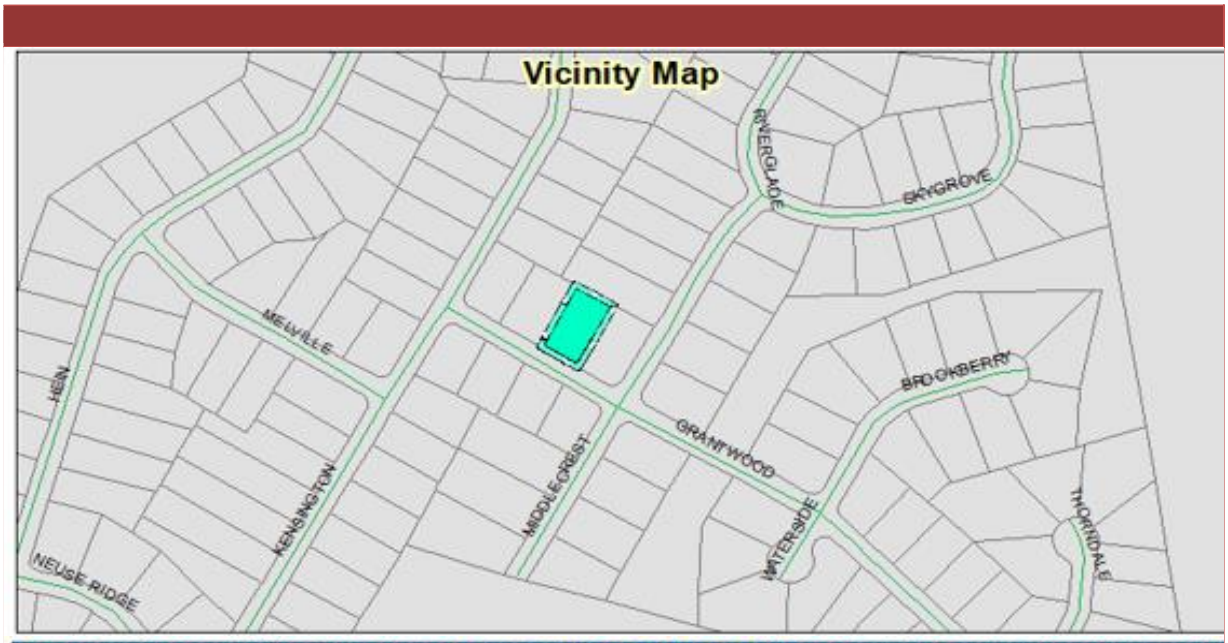
The site is located on Grantwood Drive in the Glen Laurel neighborhood. The applicants are requesting a Class B Home Occupation, which requires approval of a Special Use Permit, to conduct swim lessons at their residence. A Class B Home Occupation is required for any home occupation where customers will be visiting the residence, or the home occupation will be employing personnel living outside of the residence. The applicants had previously received a Class A Home Occupation Permit in 2018.

LAND USE REVIEW

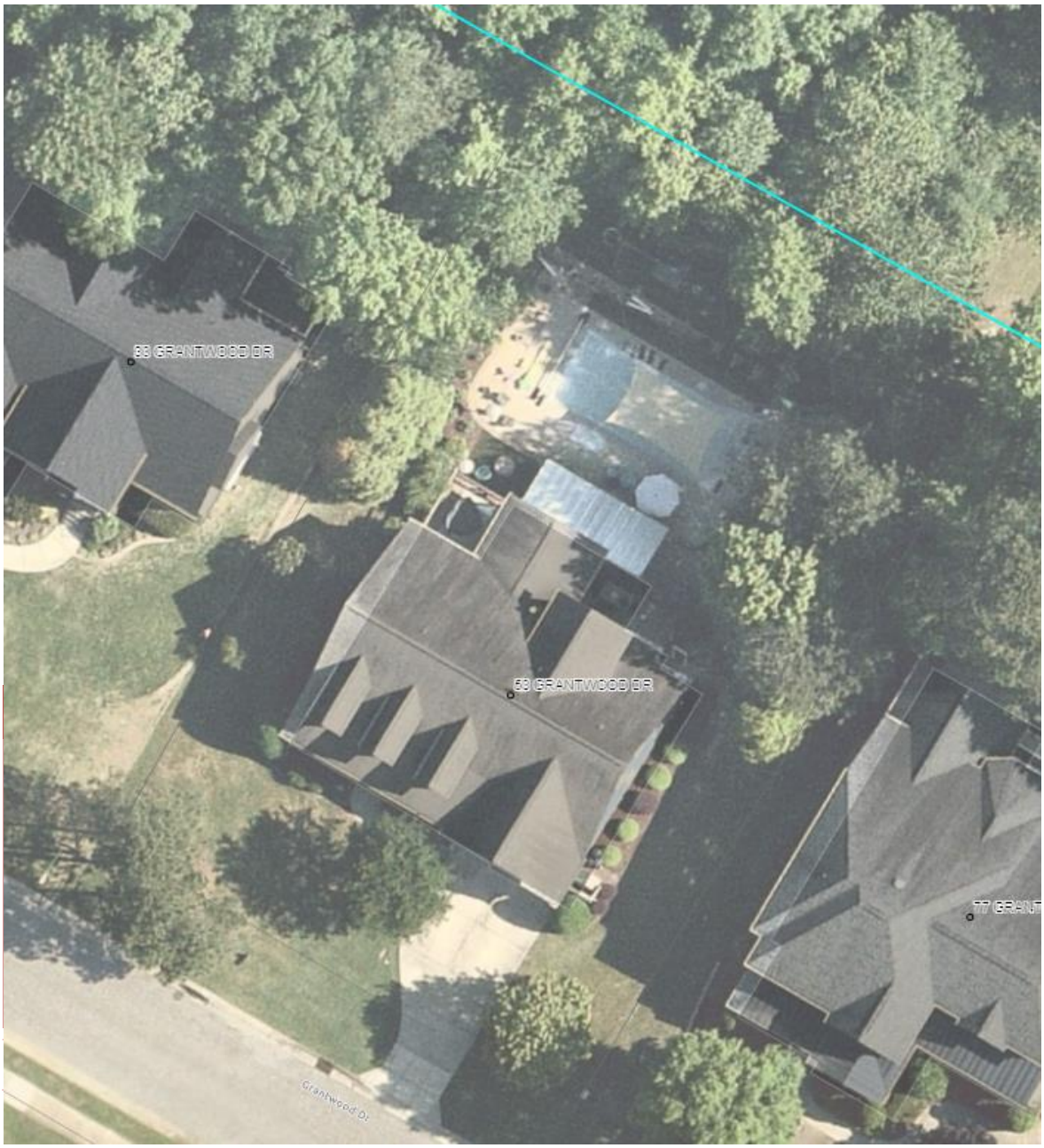
SITE DATA:

Acreage: +/- .370 acres

Existing Use: SINGLE-FAMILY



AERIAL MAP



Class B Home Occupation Requirements – Section 155.308(C)(2)(c)

Class B Home Occupations.
A Class B Home Occupations is a business, profession, occupation or trade conducted for gain or support within a residential dwelling or its accessory buildings that requires employees, customers, clients or patrons to visit the home. This use does not include "In-Home Daycares" which are subject to separate requirements as outlined in this Chapter. A Class B Home Occupation may be permitted as a special use permit provided that the Town Council shall determine in its judgment that:

1. It is carried on by a person residing on the premises and employs no more than two employees not living on the premises.
2. No more than 20% of the total actual floor area of the dwelling shall be in the conduct of the home occupation.
3. No more than two vehicles are used in the conduct of the home occupation, and such vehicles are parked off the street.
4. No merchandise or commodity is sold on the premises, except what is incidental to the home occupation.
5. No mechanical equipment is installed or used except such that is normally used for domestic or professional purposes.
6. No expansion shall be permitted outside the principal structure that houses the home occupation, except that which is necessary to house vehicles used in the conduct of home occupation.
7. It is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, and similar facilities.
8. The use will not create undue traffic congestion or create a traffic hazard.
9. Advertising signs shall be limited to one unlighted wall sign no larger than three square feet in area, attached to the structure housing the home occupation, or one yard sign of the same size not to exceed three feet in height.

FINDINGS OF FACT

(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.

Applicant's Response: The proposed application for a permit to conduct swim lessons will not impact public health and safety. The business has been in operation for a period of 6 years and there have been no responses required by the Clayton Fire Department, Johnston County EMS, or Clayton Police Department prior to Friday, June 16th, 2023. The only incident that has occurred was after an initial complaint was filed by a new neighbor and determined to be unfounded. The private swim lessons were determined by McAdams an Co to not impact traffic in the area. The proposed and currently existing activity does not involve the use, production, or management of any dangerous materials or equipment. There is no odor, noxious smell, or other intrusion of any sort onto a neighboring property. There is no exchange of goods or merchandise that would require the applicant to keep money or inventory on site that might lead to theft. The pool is secured and properly screened. The swim lessons are for a single child at a time and have no greater impact on the pool than ordinary recreational use by a private homeowner.

Staff Commentary: The proposed Class B Home Occupation meets the Unified Development Code requirements for such Accessory Uses. The applicant has provided affidavits from adjoining property owners/neighbors as well as a Trip Generation Memo from a Traffic Engineer showing that the proposed Class B Home Occupation will not generate undue traffic.

(2) That the applicant 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.

Applicant's Response: The Town of Clayton's land use planning, ordinances, and other regulations are slient on the operation of a private swimming lessons so there is no express or known violation as a result. The property where the lessons are conducted is within the R-E zoning, which permits the construction of a recreation pool. On review of the table of uses within Chapter 155 for R-E development, a school would be permitted subject to a special-use permit and a daycare facility would be permitted subject to a special-use permit. Applicant suggest that these uses, subject to this permit, are evidence of the Town of Clayton's intention to permit instruction to children within the R-E zoning. The pool where the lessons are occurring is properly permitted and maintained. The pool complies with all applicable regulations under Chapter 154 and has not be cited or evaluated for potential violations. There is no signage on the property that would require evaluation or other regulation. There is no additional parking need or wastewater allocation required. There is nothing in the Town of Clayton's land use plan that would suggest private swim lessons would be barred or prohibited at this site. Applicant also makes refence to the affidavit of Season Wyatt and her findings.

Staff Commentary: The property is located in the Glen Laurel neighborhood, in the R-10 Zoning District, and surrounded by other single-family residential homes. The Town Unified Development Code permits two classes of Home Occupations, and the proposed use qualifies and meets the requirements for a Class B Home Occupation.

(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.

Applicant's Response: Applicant makes reference to the affidavit of Season Wyatt and her professional opinion. Applicant also makes reference to the affidavits of the surrounding property owners that attest that the operation of the private swim lessons in the pool do not substantially injure the value of their property, the use of their property, or the character of the neighborhood.

Staff Commentary: Staff has no comment with respect to whether the proposed Class B Home Occupation will affect the value of abutting properties. Based on evidence provided by the applicant, the proposed Home Occupation use will not be detrimental to other neighborhood uses. Staff believes that the proposed Home Occupation, a permitted Accessory Use for single-family residential dwellings, will not be detrimental to the use or development of adjacent properties or other neighborhood uses, as Home Occupations are permitted Accessory Uses in all residential zoning districts.

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 adjacent properties.

Applicant's Response: Applicant makes reference to the affidavit of Season Wyatt and her professional opinion. Applicant also makes reference to the affidavits of the surrounding property owners that attest that the operation of the private swim lessons in the pool do not substantially injure the value of their property, the use of their property, or the character of the neighborhood. The Town of Claytons land use planning, ordinances, and other regulations are silent on the operation of private swimming less as a general matter. The property where the lessons are conducted is within the R-E zoning, which permits the construction of a recreation pool. On review of the table of uses within chapter 155 for the R-E development, a school would be permitted subject to a special-use permit and a daycare facility would be permitted subject to a special-use permit. Applicant suggest that these uses, subject to this permit, are evidence of the Town of Clayton's intention to permit instruction to children within the R-E zoning. The pool where the lessons are occurring is properly permitted and maintained. The pool complies with all applicable regulations under Chapter 154 and has not been cited or evaluated for potential violations. There is no signage on the property that would require evaluation or other regulation. There is nothing in Town of Clayton's land use plan that would suggest private swim lessons would be barred or prohibited at this site. Applicant also makes refence to the affidavit of Season Wyatt and her findings.

Staff Commentary: The proposed Class B Home Occupation will meet the requirements in the Unified Development Code. Home Occupations are permitted as Accessory Uses in residential zoning districts. The proposed Class B Home Occupation is not expected to violate the character of existing standards for development of adjacent properties, as the subject property will continue to be classified as a single-family residential use as the Principal Use.

Considerations

- The Town Council may approve the request, deny the request, or send the request back to the Technical Review Committee for additional consideration.
- In granting approval of a Special Use Permit, the Council may impose reasonable conditions which serve to assure that the required findings are upheld. Such conditions may include, but are not limited to, right-of-way or easement dedication; recreation, open space or buffer provision; limitation in scale, intensity, or hours of operation; and other reasonable restrictions.
- Any conditions approved by the Town Council shall become a part of the permit and be of equal importance in the responsibility of the applicant or subsequent assigns to adhere to its terms.
- Prior to a decision by Town Council, the applicant shall consent to these conditions in writing or decline consent to the conditions. Conditions and safeguards imposed under this section shall not include requirements for which the Town does not have authority under statute to regulate nor requirements for which the courts have held to be unenforceable if imposed directly by a local government.

Conditions of Approval

Staff is not proposing any conditions for the proposed Class B Home Occupation. The Town Council may impose conditions based on the testimony and evidence presented at the Public Hearing, with approval from the applicant.

ATTACHMENTS:

1) Mury Class B Home Occupation – NC Aquatics Application Packet
2) Mury Affidavit
3) Neighborhood Meeting Materials
4) Adjacent Property Owners Affidavits
5) Site Plan
6) Trip Generation Letter
7) Season Wyatt Affidavit
8) Staff Report Maps

TOWN OF CLAYTON
Planning Department
111 E. Second St., P.O. Box 879
Clayton, NC 27528
Phone: 919-553-5002
Fax: 919-553-1720

SPECIAL USE PERMIT APPLICATION COVER SHEET

Name of Project: Class B Home Occupation - Special Use Permit - NC Aquatics, LLC Swim Lessons **Date:** July 20, 2023

Applicant Name: NC Aquatics, LLC

The following checklist to be completed by applicant:

- [✓] Pre-Application Meeting on: June 15, 2023
- [✓] Application Review fee

Submit 1 hardcopy and 1 digital (via email or USB) of each of the following:

- [✓] Completed Application
- [✓] Owner's Consent Form N/A OWNER/APPLICANT SAME PERSON - STILL INCLUDED WITH BOTH PROPERTY OWNERS APPROVAL (Michael & Jennifer Mus)
- [✓] Adjacent Property Owner's List
- [✓] Neighborhood Meeting Notice Letter (1 copy)
- [✓] Wastewater Allocation Request Form (if applicable) NOT APPLICABLE PER TOC Engineering
- [✓] Adjacent Property Owner's List - Include Names, Full Mailing Addresses & Parcel/NC Tag #
- [✓] Associated Site Plan

Reviewed by: _____

TOWN OF CLAYTON
Planning Department
111 E. Second St., P.O. Box 879
Clayton, NC 27528
Phone: 919-553-5002
Fax: 919-553-1720

SPECIAL USE PERMIT APPLICATION

Application Fee: $750.00
Public Noticing Fees (Mailing & Sign) will be confirmed/invoiced by town staff prior to payment.
Mailed Notice: $1.00 per mailed notice / Public Notice Signs: $20.00 per posted sign

☒ **New Special Use Permit** ☐ **Major Modification to an approved SUP**
Permit Modified: _____

SITE INFORMATION

Name of Project: Class B Home Occupation - Special Use Permit - Swim Lessons

Acreage of Property: 0.37 **Zoning District:** R-E

County Tag #: 05J05019A **NC Pin #:** 168800-46-3931

Address/Location: 53 Grantwood Drive / Clayton, NC 27527

Existing Use: Private Home with Pool **Proposed Use:** Private Home with Private Swim Lessons

Is project within a Planned Development? ☒ **Yes** ☐ **No If yes, which:** Glen Laurel Neighborhood

Is project within an Overlay District? ☐ **Yes** ☐ **No If yes, which:** not applicable

APPLICANT INFORMATION

Applicant: NC Aquatics, LLC
Mailing Address: 53 Grantwood Drive / Clayton, NC 27527
Phone Number: 713-419-8363 **Fax:** _____
Contact Person: Michael Mury
Email Address: mmury03@gmail.com

OFFICE USE ONLY

Date Received: _____ Amount Paid: _____ File Number: _____

PROPERTY OWNER INFORMATION

Name: Michael & Jennifer Mury

Mailing Address: 53 Grantwood Drive / Clayton, NC 27527

Phone Number: 713-419-8363 **Fax:** N/A

Email Address: mmury03@gmail.com

EXPLANATION OF PROJECT

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

The proposed project is to upgrade the current permit for NC Aquatics, LLC to continue providing life-saving swim lessons for local children in Johnston County. I provide private swim lessons for small children that are focused on developing strong independent swimmers that would have the ability to save themselves should they accidentally fall in a pool, lake, river, etc. My lessons are all 1 on 1. It is just myself and one child in the pool at a time. The pool is located in my backyard and is properly permitted, maintained, and surrounded by a screened fence. There is no signage and the pool is not visible from the road. I schedule my lessons for 1 child per 15 minutes. The youngest children will only swim for 10 minutes of the allotted 15 minutes. The same child comes to lessons each day (Monday through Friday) at the same time for roughly 4 straight weeks. During this time, they learn how to swim-float-swim and how to get themselves to safety should they accidentally fall in the pool. I operate my swim lessons during normal business hours. In general, my hours are 8:45am - 5:45pm with breaks from 11:15am to 1:45pm and 3:15pm to 4:00pm. The business is part-time as I operate between 21 to 23 weeks each year from late April through the end of September. A permit for this business does presently exist, although I have learned I was given the incorrect type of permit by the Town. I started these swim lessons in 2018, and at that time, I went to the Town of Clayton planning department to request a permit for my business. I explained that I would be teaching private swim lessons in my backyard pool, and the contact provided me with a home occupation permit. After operating for 5 straight seasons, uninterrupted (with the exception of the Covid-19 shutdown), I received a notice from the Town of Clayton that I was operating out of compliance. I understand that a complaint from a neighbor prompted the notice. I immediately called the town with the belief there had to be a mistake, and I was notified that the permit I received in 2018 was incorrect. I was informed that I would need to apply for this Special Use Permit.

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.

   See attached "Required Findings of Fact_Michael Mury_Secial Use Permit" document for response.

   See attached "53 Grantwood Drive Trip Generation 7.20.23" document.

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.

See attached "Required Findings of Fact_Michael Mury_Secial Use Permit" document for response.
See attached affidavits.

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.

See attached "Required Findings of Fact_Michael Mury_Secial Use Permit" document for response.
See attached affidavits.

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.

See attached "Required Findings of Fact_Michael Mury_Secial Use Permit" document for response.
See attached affidavits.

APPLICANT AFFIDAVIT

I/We, the undersigned, do hereby make an 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.

Michael Mury
Print Name

Signature of Applicant

7/20/23
Date

TOWN OF CLAYTON
Planning Department
111 E. Second St., 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: Class B Home Occupation SUP - Swim Lessons **Address or PIN #:** 53 Grantwood Dr

AGENT/APPLICANT INFORMATION:

NC Aquatics LLC
(Name - type, print clearly)

53 Grantwood Dr
(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***):

Special use Permit

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:

Jennifer Mury
(Name - type, print clearly)

53 Grantwood Dr
(Address)

Jennifer Mury
(Owner's Signature)

Clayton NC 27527
(City, State, Zip)

STATE OF North Carolina
COUNTY OF Johnston

Sworn and subscribed before me Yamekia S. Boswell-Taylor, a Notary Public for the above State and County, this the 20 day of July, 2023.

SEAL

Yamekia S. Boswell-Taylor
Notary Public

My Commission Expires: July 10, 2024

July 2018

TOWN OF CLAYTON
Planning Department
111 E. Second St., 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: Class B Home Occupation- Special use Permit - NC Aquatics, LLC Swim lessons **Address or PIN #:** 53 GRANTWOOD DR

AGENT/APPLICANT INFORMATION:

NC Aquatics, LLC
(Name - type, print clearly)

53 GRANTWOOD DR.
(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***):

Special Use Permit

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:

Michael Mury
(Name - type, print clearly)

(Owner's Signature)

53 GRANTWOOD DR
(Address)
CLAYTON, NC 27527
(City, State, Zip)

STATE OF North Carolina
COUNTY OF Johnston

Sworn and subscribed before me Tamekia S. Boswell-Taylor, a Notary Public for the above State and County, this the 20 day of July, 2023.

Tamekia S. Boswell-Taylor
Notary Public

SEAL

My Commission Expires: July 10, 2024

July 2018

***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.*

    a. The proposed application for a permit to conduct swim lessons will not impact public health and safety. The business has been in operation for a period of 6 years and there have no been responses required by the Clayton Fire Department, Johnston County EMS, or Clayton Police Department prior to Friday, June 16th, 2023. The only incident that has occurred was after an initial complaint was filed by a new neighbor and determined to be unfounded. The private swim lessons were determined by McAdams and Co to not impact traffic in the area. The proposed and currently existing activity does not involve the use, production, or management of any dangerous materials or equipment. There is no odor, noxious smell, or other intrusion of any sort onto a neighboring property. There is no exchange of goods or merchandise that would require the applicant to keep money or inventory on site that might lead to theft. The pool is secured and properly screened. The swim lessons are for a single child at a time and have no greater impact on the pool than ordinary recreational use by a private homeowner.

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.*

    a. The Town of Clayton's land use planning, ordinances, and other regulations are silent on the operation of private swimming lessons so there is no express or known violation as a result. The property where the lessons are conducted is within the R-E zoning, which permits the construction of a recreation pool. On review of the table of uses within Chapter 155 for the R-E development, a school would be permitted subject to a special-use permit and a daycare facility would be permitted subject to a special-use permit. Applicant suggests that these uses, subject to this permit, are evidence of the Town of Clayton's intention to permit instruction to children within the R-E zoning. The pool where the lessons are occurring is properly permitted and maintained. The pool complies with all applicable regulations under Chapter 154 and has not been cited or evaluated for potential violations. There is no signage on the property that would require evaluation or other regulation. There is no additional parking need or wastewater allocation required. There is nothing in the Town of Clayton's land use plan that would suggest private swim lessons would be barred or prohibited at this site. Applicant also makes reference to the affidavit of Season Wyatt and her findings.

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.*

    a. Applicant makes reference to the affidavit of Season Wyatt and her professional opinion. Applicant also makes reference to the affidavits of the surrounding property owners that attest that the operation of the private swim lessons in the pool do not substantially injure the value of their property, the use of their property, or the character of the neighborhood.

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.*

    a. Applicant makes reference to the affidavit of Season Wyatt and her professional opinion. Applicant also makes reference to the affidavits of the surrounding property owners that attest that the operation of the private swim lessons in the pool do not substantially injure the value of their property, the use of their property, or the character of the neighborhood. The Town of Clayton's land use planning, ordinances, and other regulations are silent on the operation of private swimming lessons as a general matter. The property where the lessons are conducted is within the R-E zoning, which permits the construction of a recreation pool. On review of the table of uses within Chapter 155 for the R-E development, a school would be permitted subject to a special-use permit and a daycare facility would be permitted subject to a special-use permit. Applicant suggests that these uses, subject to this permit, are evidence of the Town of Clayton's intention to permit instruction to children within the R-E zoning. The pool where the lessons are occurring is properly permitted and maintained. The pool complies with all applicable regulations under Chapter 154 and has not been cited or evaluated for potential violations. There is no signage on the property that would require evaluation or other regulation. There is nothing in the Town of Clayton's land use plan that would suggest private swim lessons would be barred or prohibited at this site. Applicant also makes reference to the affidavit of Season Wyatt and her findings.

Affidavit of Michael Mury

(1) My name is Michael Mury and I am a resident of Clayton, Johnston County, North Carolina. I am over the age of eighteen years and of sound mind at the time of this affidavit.

(2) I am the sole member and manager of NC Aquatics, LLC and I jointly own the property at 53 Grantwood Drive, Clayton, Johnston County, North Carolina with my wife, Jennifer. We have two children and have lived in Clayton since 2015.

(3) NC Aquatics is the company under which I give swim lessons to children. I started the company and began giving lessons to children in 2018. It has been operating continuously – with the exception of an interruption due to COVID-19 – since that time.

(4) Before I started giving lessons, I applied for a business permit with the Town of Clayton. I told Town of Clayton staff what I wanted to do at my home and was told which permit to apply for and given the paperwork. I listed the swimming lessons on it and was issued the permit. I understand that current staff have pulled the 2018 permit to verify that it listed the swim lessons. It has always been my intention to operate lawfully and with the proper permit in place. I have never tried to conceal this from anyone or the Town of Clayton.

(5) I started this business because I realized that no one was offering life saving swim lessons in Clayton or the surrounding towns. The program I offer requires me to have specialized training. I had 4.5 weeks and 200 hours of intense training with the founder of this program. I am CPR certified and renew that certification as needed. My company carries appropriate liability insurance.

(6) I was a competitive swimmer as a child and this is a passion of mine. I recently saw that drowning is now the number one cause of death for children between the ages of 0-5. I hope that my lessons can help reduce that statistic in the area.

(7) I use the pool behind my house for these lessons. The pool was built in 2018 by Clear Water. It is a ~35x15 saltwater pool. The pool water is tested twice a day by me using testing strips and professionally tested by Clear Water once per week. The pool is cleaned daily. The pool does not have a direct water line hookup. It runs on its own independent system. I mostly rely on rainwater to refill my pool when it is low. When I must refill it using a hose, I never submerge the hose in the water to avoid backflow issues. I rarely dump water. But if water is dumped, it is properly desalinated and then dumped onto vegetation on my own property.

(8) Clear Water obtained all necessary permits for the pool in 2018. I confirmed that again recently with the Town of Clayton. The pool has a fence with a proper locking mechanism. It is screened on the outside. The top of the fence is barely visible from the street. You cannot see the pool from Grantwood Drive.

(9) I have served about 500 families and over 700 children over the last six seasons. Most of the children I work with live in the Clayton area. About one-third of the children I work with live in Glen Laurel. I have an extensive waiting list of families that have asked to take lessons.

(10) Most families drive to my house and are able to park in my driveway. Occassionally they park on the street. Families in the neighborhood will frequently walk or bring a golf cart to my home for the lessons. The lessons are one at a time in fifteen-minute increments to prevent congestion or blockage on the street.

(11) Oftentimes, this is a child's first time in the water with formal swim lessons. And sometimes a child will get upset or yell, but it's infrequent and short-lived. The child's parent is always at the pool with them to observe and be part of the process. Sometimes the child's parent will get into the pool with them as part of the lesson.

(12) The lessons are provided on weekdays between 8:45 a.m. and 5:45 p.m. with breaks around 11:15 a.m. and 1:45 p.m. and 3:15 p.m. and 4:00 p.m.

(13) Until this year, no one has complained about the swim lessons. In fact, the person that I understand to be the complainant has never raised the issue with me in person and has stated there were no issues on more than one occasion. I was very disappointed to learn about the dispute.

(14) I have submitted a number of affidavits of people that have a house within 500 feet of the pool. Six of the eight people that live within 100 feet of the house have signed an affidavit indicating their support. One of the eight is the complainant. The gentleman across and one house over on Grantwood told me that he has no issue with my swim lessons but did not want to sign any paperwork, which is understandable. The gentleman that lives behind me said that he and his wife enjoy sitting on their porch and watching the lessons because it brings back fond memories of their child when he was younger. With the exception of the one neighbor, my business is generally and strongly supported by the neighborhood and Clayton community.

(15) Until this year, I have not had the police or any emergency responders at my home. On June 16, after the complaint was filed with the Town of Clayton and one day after my pre-application meeting, someone called the police to complain about a child screaming that morning. The police responded and no action was taken; we had a pleasant conversation and they commented they sat out front for over 20 minutes and did not hear a sound.

(16) There has been no crime, injury, or safety issue at my home as a result of the business. The business does not sell merchandise or keep cash on hand that may attract burglaries. There are no chemicals on the property except for the same pool chemicals that any pool would use and is otherwise permitted. There are no loud noises, sounds, or odors as a result of the operation of the business.

(17) There is no signage on my property for the business.

(18) I have reviewed Chapter 155 of the Clayton Town Ordinances and understand that my home is zoned R-E. I did not find any provision in the ordinances with respect to private swim lessons or swimming lessons, generally. However, I see that schools and daycares are permitted on property zoned R-E, which indicates an intention that instruction to children would be permitted in an area zoned R-E and subject to the approval of a special use permit.

(19) My application is simply a request to continue operating my business in the same manner that I have the past several years.

(20) As part of my application, I obtained a traffic impact analysis. The analysis found that the operation of my business had no impact on traffic on Grantwood Drive.

(21) I consulted with Season Wyatt, an experience real estate broker with HomeTowne Realty, who has offered her opinion that operation of my business will not – and has not previously – negatively impacted the value of properties adjacent to mine.

(22) I consulted with my neighbors, which include a former president of the Glen Laurel HOA, who have all been willing to sign an affidavit in support of this application.

(23) The person that owned the house prior to the complainant has also signed an affidavit stating his support for the business and contradicting some of the complaints that I understand have been made.

(24) I am grateful for the Town of Clayton's consideration and hope that my business can continue to operate and serve the community in the same manner that I have over the last six years.

Affiant further sayeth naught.

Dated July 20, 2023.

Signature: _____

STATE OF NORTH CAROLINA
COUNTY OF JOHNSTON

Sworn to and subscribed before me
this 20th day of July, 2023.

Notary Public: _____

Print Name: _____, Notary Public [Affix Seal]

My commission expires:

Copy of letter sent to all adjacent property owners.

July 18th, 2023

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 proposal. A representative of the applicant will be present to explain their application, answer questions, and solicit comments.

Meeting Date: Friday, July 28th

Meeting Time: 6:00pm

Meeting Location: 53 Grantwood Drive / Clayton, NC 27527

Type of Application: Upgrade Current Permit to Special Use Permit

Project/proposal property address: 53 Grantwood Drive / Clayton, NC 27527

Description of project/proposal: The only proposal is to continue the swim lessons that I had permitted in 2018 by the Town of Clayton. I have been informed that I now need a 'Special Use Permit' to continue the lessons that I have conducted in my backyard pool since 2018. Each year I conduct 21 to 23 weeks of swim lessons. The swimming lessons take place from 8:45am – 11:15am / 1:30pm – 3:30pm / 4:00pm – 6:00pm. All the lessons are scheduled in those time frames and they are 1 on 1 lessons (just myself and 1 child in the pool at a time). The lessons are scheduled for 1 child per 15 minutes. I am applying to the town to grant me a special use permit so I can continue the lessons exactly as described above, no more and no less. I am not proposing any modifications or signage/etc. as part of my application, only to continue doing what I have been doing for 6 years to hopefully continue to save lives against the #1 killer of small children in our country (drowning).

Upcoming public meetings for this application (Planning Board and/or Town Council): On August 7th @ 6pm there will be a town council hearing and this subject will be on the docket.

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

1. A copy of the project application.
2. A schedule of all upcoming public meetings for the application.
3. A map at a scale that is appropriate to the project and shows neighboring properties and roads.
4. 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 713-419-8363. You may also contact the Town of Clayton Planning Department at 919-553-5002.

Sincerely,

Michael Mury

cc: Town of Clayton Planning Department

ADJACENT PROPERTY OWNERS LIST

Project Name: Class B Home Occupation - Special Use Permit - NC Aquatics, LLC Swim Lessons

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.

LOT

PARCEL NUMBER	NAME	ADDRESS
42 / 05I04037O	John & Lyn Wozniak	33 Grantwood Drive / Clayton, NC 27527
44 / 05J05019B	John & Jessica Jordan	77 Grantwood Drive / Clayton, NC 27527
37 / 05J05015R	Pasquale Digirolamo & April Ellis	74 Grantwood Drive / Clayton, NC 27527
38 / 05J05015Q	Stephanie & Joy Mitchiner	56 Grantwood Drive / Clayton, NC 27527
39 / 05I04037Q	Kerry Jackson & Linda Defoe	36 Grantwood Drive / Clayton, NC 27527
45 / 05J05019C	John & Lynette Asmussen	80 Middlecrest Way / Clayton, NC 27527
46 / 05J05019D	Jerry ("Glenn") Lilly	62 Middlecrest Way / Clayton, NC 27527
1132 / 05I04037N	Michael & Lisa Stormant	220 Kensington Ct / Clayton, NC 27527

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Project: Class B Home Occupation - Special Use Permit - NC Aquatics, LLC Swim Lessons

Application: Swim lessons - Special Use Permit

Location/Date: 53 Grantwood Drive / July 28th, 2023 TBD

	NAME	ADDRESS
1	Mike & Jenn Murry	53 Grantwood
2	John + Lynette Asmussen	80 Middlecrest Way
3	John Jordan	77 Grantwood, Clayton
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		

Re: Neighborhood Meeting Attendance List

Jennifer Mury <jennifermury@gmail.com>

Fri 7/28/2023 8:25 PM

To:Michael M <mmury03@gmail.com>

Cc:Lori Bryant <lbryant@townofclaytonnc.org>;Ben Howell <bhowell@townofclaytonnc.org>;Planning-EngineeringSubmittals <planning-engineeringsubmittals@townofclaytonnc.org>;Benton Sawrey <bsawrey@narronwenzel.com>

Be Advised: This email originated from outside of the Town of Clayton's network. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please find the meeting minutes below.

Neighbor meeting 7/28/23

- Meeting commenced at 6:00pm.
- Parties in attendance: Michael and Jennifer Mury (53 Grantwood), John and Lynette Asmussen (80 Middlecrest Way), and John Jordan (77 Grantwood).
- All required documents were available for review by all parties.
- No concerns were expressed by John and Lynette Asmussen.
- John Jordan expressed concerns over “40 cars every day coming and going.” Schedule was reviewed with Mr. Jordan including the number of cars expected on a daily basis and that all cars park in the driveway of 53 Grantwood with an occasional car in front of the property of 53 Grantwood. The true number of cars parked at 53 Grantwood was calculated to be significantly less than the suggested 40 cars by Mr. Jordan. It was also discussed that cars do not park in front of Mr. Jordan’s property and this was confirmed by Mr. Jordan.
- Mr. Jordan then expressed concerns about “nuisance” created by “screaming babies all day.” After reviewing the daily schedule with Mr. Jordan, the concerned was found to be about one particular child that cried intermittently during a 10 minute lesson for 3 weeks. He also stated that the noise has not been an issue over the last several weeks.
- After prolonged discussion, Mr. Jordan apologized for not reaching out personally to the Murys to express his concerns. It was also acknowledged by Mr. Jordan that he had previously texted Mr. Mury expressing that he had no issues with lessons including concerns about noise. He reiterated his noise nuisance complaints.
- Meeting ended at 6:47pm.

Jennifer Mury

On Fri, Jul 28, 2023 at 7:30 PM Michael M <mmury03@gmail.com> wrote:

> Please find the attendance list from tonite's neighborhood meeting....

Affidavit of Charlie Z. Doyle, Jr. ("Ski")

(1) My name is Charlie Z. Doyle, Jr. ("Ski") and I am a resident of Clayton, North Carolina. I am over the age of eighteen years and of sound mind at the time of this affidavit. This affidavit is given voluntarily and without condition or incentive.

(2) I previously resided at 77 Grantwood Drive, Clayton, Johnston County, North Carolina, and was neighbors with Michael Mury ("Mury") and his family during that time.

(3) I knew Mury and his family well. Mury and his family were good and considerate neighbors.

(4) To my knowledge, Mury has been operating his swim lesson business since 2018. He operated the business while I was the owner of the home at 77 Grantwood Drive.

(5) I understand that the person who bought the house at 77 Grantwood Drive has lodged a complaint with the Town of Clayton against Mury about his business. I had no complaint or issue with Mury giving swim lessons in the pool behind his house when I resided there.

(6) I have personal knowledge that the business is well-attended by families in the neighborhood and in the Clayton-area.

(7) There was no noticeable traffic on the roadway as a result of his business.

(8) Mury's business did not cause safety or health issues in the neighborhood or on my property.

(9) There was no signage, display, or other alternation to the property that would indicate a business is being operated at his home.

(10) I did not hear loud screaming or other noises or sounds during the day that are coming from his property as a result of his business. Any noise that did come from his property as a result of the business is what I would expect from any person that has children and a personal pool in the backyard that they play in.

(11) There was no trash or debris on his property from the operation of his business.

(12) There was no smell or noxious odor coming from the property as a result of his business.

(13) It is my opinion that the operation of Mury's business at his residence had no negative impact on the value of my property. I received fair market value in line with my expectations of the market and our realtor's analysis when I sold my house to the current owners on October 13, 2021.

(14) It is my opinion that the operation of Mury's business at his residence was not detrimental to the use of my property.

(15) It is my opinion that his business did not adversely impact the character of the neighborhood. In fact, I think the presence of his business added value to the neighborhood because families have a local place where their kids can learn valuable skills.

(16) I would have had no objection to the Town of Clayton issuing the necessary permit for Michael Mury to continue operating his swim lesson business.

To Whom it May Concern

We lived next door to the Murys from June 2018-October 2021 and never had an issue with noise when swim lessons were taking place. My daughter was homeschooled and my husband and I both worked from home.

This 16 day of July, 2023.

Affiant further sayeth naught.

Dated July 16, 2023.

Patricia Doyle

North (1st)
STATE OF ~~SOUTH~~ CAROLINA
COUNTY OF Johnston

Sworn to and subscribed before me
this 16th day of July, 2023.

Notary Public: Tamekia S. Boswell-Taylor

Print Name: Tamekia S. Boswell-Taylor Notary Public

[Affix Seal]

TAMEKIA S. BOSWELL-TAYLOR NOTARY PUBLIC JOHNSTON COUNTY, NC

My commission expires: July 10, 2024

{N0417408.DOCX; 3}

Affidavit of Stephanie & Joy Mitchiner

(1) My name is Stephanie Joy Mitchiner and I am a resident of Clayton, Johnston County, North Carolina. I am over the age of eighteen years and of sound mind at the time of this affidavit. This affidavit is given voluntarily and without condition or incentive.

(2) My address is 56 GRANTWOOD DR. CLAYTON, NC 27527. I know Michael Mury ("Mury") and his family well. I live within several hundred feet of Michael Mury's residence at 53 Grantwood Drive in the Glen Laurel neighborhood. Mury and his family are good neighbors.

(3) To my knowledge, Mury has been operating his swim lesson business since 2018.

(4) I understand that someone has lodged a complaint with the Town of Clayton against Mury about his business. I have no complaint or issue with Mury giving swim lessons in the pool behind his house.

(5) I have personal knowledge that the business is well-attended by families in the neighborhood and in the Clayton-area.

(6) There is no noticeable traffic on the roadway as a result of his business.

(7) Mury's business does not cause safety or health issues in the neighborhood or on my property.

(8) There is no signage, display, or other alternation to the property that would indicate a business is being operated at his home.

(9) I do not hear loud screaming or other noises or sounds during the day that are coming from his property as a result of his business. Any noise that does come from his property as a result of the business is what I would expect from any person that has children and a personal pool in the backyard that they play in.

(10) There is no trash or debris on his property from the operation of his business.

(11) There is no smell or noxious odor coming from the property as a result of his business.

(12) It is my opinion that the operation of Mury's business at his residence has no negative impact on the value of my property.

(13) It is my opinion that the operation of Mury's business at his residence is not detrimental to the use of my property.

(14) It is my opinion that his business does not adversely impact the character of the neighborhood. In fact, I think the presence of his business adds value to the neighborhood because families have a local place where their kids can learn valuable skills.

(15) I have no objection to the Town of Clayton issuing the necessary permit for Michael Mury to continue operating his swim lesson business.

Affiant further sayeth naught.

Dated July 18, 2023.

Signature: Stephanie Mitchiner

STATE OF NORTH CAROLINA
COUNTY OF JOHNSTON

Sworn to and subscribed before me
this 18th day of July, 2023.

Notary Public: Tamekia S. Boswell-Taylor

Print Name: Tamekia S. Boswell-Taylor, Notary Public [Affix Seal]

My commission expires: July 10, 2024

TAMEKIA S. BOSWELL-TAYLOR NOTARY PUBLIC JOHNSTON COUNTY, NC

{N0417404.DOCX; 3}

Affidavit of John and Lynette Asmussen

(1) My name is Lynette Asmussen John Asmussen and I am a resident of Clayton, Johnston County, North Carolina. I am over the age of eighteen years and of sound mind at the time of this affidavit. This affidavit is given voluntarily and without condition or incentive.

(2) My address is 80 Middcast Way - Clayton, NC 27527. I know Michael Mury ("Mury") and his family well. I live within several hundred feet of Michael Mury's residence at 53 Grantwood Drive in the Glen Laurel neighborhood. Mury and his family are good neighbors.

(3) To my knowledge, Mury has been operating his swim lesson business since 2018.

(4) I understand that someone has lodged a complaint with the Town of Clayton against Mury about his business. I have no complaint or issue with Mury giving swim lessons in the pool behind his house.

(5) I have personal knowledge that the business is well-attended by families in the neighborhood and in the Clayton-area.

(6) There is no noticeable traffic on the roadway as a result of his business.

(7) Mury's business does not cause safety or health issues in the neighborhood or on my property.

(8) There is no signage, display, or other alternation to the property that would indicate a business is being operated at his home.

(9) I do not hear loud screaming or other noises or sounds during the day that are coming from his property as a result of his business. Any noise that does come from his property as a result of the business is what I would expect from any person that has children and a personal pool in the backyard that they play in.

(10) There is no trash or debris on his property from the operation of his business.

(11) There is no smell or noxious odor coming from the property as a result of his business.

(12) It is my opinion that the operation of Mury's business at his residence has no negative impact on the value of my property.

(13) It is my opinion that the operation of Mury's business at his residence is not detrimental to the use of my property.

(14) It is my opinion that his business does not adversely impact the character of the neighborhood. In fact, I think the presence of his business adds value to the neighborhood because families have a local place where their kids can learn valuable skills.

(15) I have no objection to the Town of Clayton issuing the necessary permit for Michael Mury to continue operating his swim lesson business.

Affiant further sayeth naught.

Dated July 15th, 2023.

Signature: Lynette Asmussen

STATE OF NORTH CAROLINA
COUNTY OF JOHNSTON

Sworn to and subscribed before me
this 15th day of July, 2023.

Notary Public: Tamekia S. Boswell-Taylor

Print Name: Tamekia S Boswell-Taylor, Notary Public [Affix Seal]

My commission expires: July 10, 2024

TAMEKIA S. BOSWELL-TAYLOR NOTARY PUBLIC JOHNSTON COUNTY, NC

{N0417404.DOCX; 3}

Affidavit of John and Lyn Wozniak

(1) My name is Lyn + John and I am a resident of Clayton, Johnston County, North Carolina. I am over the age of eighteen years and of sound mind at the time of this affidavit. This affidavit is given voluntarily and without condition or incentive.

(2) My address is 33 Grantwood Dr.. I know Michael Mury ("Mury") and his family well. I live within several hundred feet of Michael Mury's residence at 53 Grantwood Drive in the Glen Laurel neighborhood. Mury and his family are good neighbors.

(3) To my knowledge, Mury has been operating his swim lesson business since 2018.

(4) I understand that someone has lodged a complaint with the Town of Clayton against Mury about his business. I have no complaint or issue with Mury giving swim lessons in the pool behind his house.

(5) I have personal knowledge that the business is well-attended by families in the neighborhood and in the Clayton-area.

(6) There is no noticeable traffic on the roadway as a result of his business.

(7) Mury's business does not cause safety or health issues in the neighborhood or on my property.

(8) There is no signage, display, or other alternation to the property that would indicate a business is being operated at his home.

(9) I do not hear loud screaming or other noises or sounds during the day that are coming from his property as a result of his business. Any noise that does come from his property as a result of the business is what I would expect from any person that has children and a personal pool in the backyard that they play in.

(10) There is no trash or debris on his property from the operation of his business.

(11) There is no smell or noxious odor coming from the property as a result of his business.

(12) It is my opinion that the operation of Mury's business at his residence has no negative impact on the value of my property.

(13) It is my opinion that the operation of Mury's business at his residence is not detrimental to the use of my property.

(14) It is my opinion that his business does not adversely impact the character of the neighborhood. In fact, I think the presence of his business adds value to the neighborhood because families have a local place where their kids can learn valuable skills.

(15) I have no objection to the Town of Clayton issuing the necessary permit for Michael Mury to continue operating his swim lesson business.

Affiant further sayeth naught.

Dated July 15, 2023.

Signature: Lyn + John Stozniak

STATE OF NORTH CAROLINA
COUNTY OF JOHNSTON

Sworn to and subscribed before me
this 15th day of July, 2023.

Notary Public: Tamekia S. Boswell-Taylor

Print Name: Tamekia S. Boswell-Taylor, Notary Public [Affix Seal]

My commission expires: July 10, 2024

TAMEKIA S. BOSWELL-TAYLOR NOTARY PUBLIC JOHNSTON COUNTY, NC

{N0417404.DOCX; 3}

Affidavit of Jerry Lilly ("Glen")

(1) My name is GERALD LILLY and I am a resident of Clayton, Johnston County, North Carolina. I am over the age of eighteen years and of sound mind at the time of this affidavit. This affidavit is given voluntarily and without condition or incentive.

(2) My address is 62 MIDDLECREST WAY. I live within several hundred feet of Michael Mury's residence at 53 Grantwood Drive in the Glen Laurel neighborhood. Mury and his family are good neighbors.

(3) To my knowledge, Mury has been operating his swim lesson business since 2018.

(4) I understand that someone has lodged a complaint with the Town of Clayton against Mury about his business. I have no complaint or issue with Mury giving swim lessons in the pool behind his house.

(5) There is no noticeable traffic on the roadway as a result of his business.

(6) Mury's business does not cause safety or health issues in the neighborhood or on my property.

(7) There is no signage, display, or other alternation to the property that would indicate a business is being operated at his home.

(8) Any noise that I may hear from his property as a result of the business is what I would expect from any person that has children and a personal pool in the backyard that they play in.

(9) There is no trash or debris on his property from the operation of his business.

(10) There is no smell or noxious odor coming from the property as a result of his business.

(11) It is my opinion that the operation of Mury's business at his residence has no negative impact on the value of my property.

(12) It is my opinion that the operation of Mury's business at his residence is not detrimental to the use of my property.

(13) It is my opinion that his business does not adversely impact the character of the neighborhood. In fact, I think the presence of his business adds value to the neighborhood because families have a local place where their kids can learn valuable skills.

(14) I have no objection to the Town of Clayton issuing the necessary permit for Michael Mury to continue operating his swim lesson business.

Affiant further sayeth naught.

Dated July 18, 2023.

Signature: _____

STATE OF NORTH CAROLINA
COUNTY OF JOHNSTON

Sworn to and subscribed before me
this 18th day of July, 2023.

Notary Public: Tamekia S. Boswell-Taylor

Print Name: Tamekia S. Boswell-Taylor, Notary Public

[Affix Seal]

My commission expires: July 10, 2024

TAMEKIA S. BOSWELL-TAYLOR
NOTARY
PUBLIC
JOHNSTON COUNTY, NC

{N0417404.DOCX; 3}

Affidavit of Michael & Lisa Stormant

(1) My name is Lisa + Michael and I am a resident of Clayton, Johnston County, North Carolina. I am over the age of eighteen years and of sound mind at the time of this affidavit. This affidavit is given voluntarily and without condition or incentive.

(2) My address is 220 Kensington Ct. Clayton, NC. I live within several hundred feet of Michael Mury's residence at 53 Grantwood Drive in the Glen Laurel neighborhood. Mury and his family are good neighbors.

(3) To my knowledge, Mury has been operating his swim lesson business since 2018.

(4) I understand that someone has lodged a complaint with the Town of Clayton against Mury about his business. I have no complaint or issue with Mury giving swim lessons in the pool behind his house.

(5) There is no noticeable traffic on the roadway as a result of his business.

(6) Mury's business does not cause safety or health issues in the neighborhood or on my property.

(7) There is no signage, display, or other alternation to the property that would indicate a business is being operated at his home.

(8) Any noise that I may hear from his property as a result of the business is what I would expect from any person that has children and a personal pool in the backyard that they play in.

(9) There is no trash or debris on his property from the operation of his business.

(10) There is no smell or noxious odor coming from the property as a result of his business.

(11) It is my opinion that the operation of Mury's business at his residence has no negative impact on the value of my property.

(12) It is my opinion that the operation of Mury's business at his residence is not detrimental to the use of my property.

(13) It is my opinion that his business does not adversely impact the character of the neighborhood. In fact, I think the presence of his business adds value to the neighborhood because families have a local place where their kids can learn valuable skills.

(14) I have no objection to the Town of Clayton issuing the necessary permit for Michael Mury to continue operating his swim lesson business.

Affiant further sayeth naught.

Dated July 18, 2023.

Signature: Michael Stewart
Michael Stewart

STATE OF NORTH CAROLINA
COUNTY OF JOHNSTON

Sworn to and subscribed before me
this 18th day of July, 2023.

Notary Public: Tamekia D. Boswell-Taylor

Print Name: Tamekia S. Boswell-Taylor, Notary Public

[Affix Seal]

TAMEKIA S. BOSWELL-TAYLOR NOTARY PUBLIC JOHNSTON COUNTY, NC

My commission expires: July 10, 2024

{N0417404.DOCX; 3}

Affidavit of Pasquale ("Pat") Digirolamo

(1) My name is Pasquale D. Digirolamo and I am a resident of Clayton, Johnston County, North Carolina. I am over the age of eighteen years and of sound mind at the time of this affidavit. This affidavit is given voluntarily and without condition or incentive.

(2) My address is 74 Grantwood Dr. I live within several hundred feet of Michael Mury's residence at 53 Grantwood Drive in the Glen Laurel neighborhood. Mury and his family are good neighbors.

(3) To my knowledge, Mury has been operating his swim lesson business since 2018

(4) I understand that someone has lodged a complaint with the Town of Clayton against Mury about his business. I have no complaint or issue with Mury giving swim lessons in the pool behind his house.

(5) I have personal knowledge that the business is well-attended by families in the neighborhood and in the Clayton-area.

(6) There is no noticeable traffic on the roadway as a result of his business.

(7) Mury's business does not cause safety or health issues in the neighborhood or on my property.

(8) There is no signage, display, or other alternation to the property that would indicate a business is being operated at his home.

(9) I do not hear loud screaming or other noises or sounds during the day that are coming from his property as a result of his business. Any noise that does come from his property as a result of the business is what I would expect from any person that has children and a personal pool in the backyard that they play in.

(10) There is no trash or debris on his property from the operation of his business.

(11) There is no smell or noxious odor coming from the property as a result of his business.

(12) It is my opinion that the operation of Mury's business at his residence has no negative impact on the value of my property.

(13) It is my opinion that the operation of Mury's business at his residence is not detrimental to the use of my property.

(14) It is my opinion that his business does not adversely impact the character of the neighborhood. In fact, I think the presence of his business adds value to the neighborhood because families have a local place where their kids can learn valuable skills.

(15) I have no objection to the Town of Clayton issuing the necessary permit for Michael Mury to continue operating his swim lesson business.

Affiant further sayeth naught.

Dated July 18, 2023.

Signature: Raquale Dekle

STATE OF NORTH CAROLINA
COUNTY OF JOHNSTON

Sworn to and subscribed before me
this 18th day of July, 2023.

Notary Public: Tamekia S. Boswell-Taylor

Print Name: Tamekia S. Boswell-Taylor, Notary Public

My commission expires: July 10, 2024

[Affix Seal]

TAMEKIA S. BOSWELL-TAYLOR NOTARY PUBLIC JOHNSTON COUNTY, NC

Affidavit of William ("Tony") Quisenberry

(1) My name is William A. Quisenberry and I am a resident of Clayton, Johnston County, North Carolina. I am over the age of eighteen years and of sound mind at the time of this affidavit. This affidavit is given voluntarily and without condition or incentive.

(2) My address is 15 Grantwood Dr. I know Michael Mury ("Mury") and his family well. I live within several hundred feet of Michael Mury's residence at 53 Grantwood Drive in the Glen Laurel neighborhood. Mury and his family are good neighbors.

(3) To my knowledge, Mury has been operating his swim lesson business since May 2017.

(4) I understand that someone has lodged a complaint with the Town of Clayton against Mury about his business. I have no complaint or issue with Mury giving swim lessons in the pool behind his house.

(5) I have personal knowledge that the business is well-attended by families in the neighborhood and in the Clayton-area.

(6) There is no noticeable traffic on the roadway as a result of his business.

(7) Mury's business does not cause safety or health issues in the neighborhood or on my property.

(8) There is no signage, display, or other alternation to the property that would indicate a business is being operated at his home.

(9) I do not hear loud screaming or other noises or sounds during the day that are coming from his property as a result of his business. Any noise that does come from his property as a result of the business is what I would expect from any person that has children and a personal pool in the backyard that they play in.

(10) There is no trash or debris on his property from the operation of his business.

(11) There is no smell or noxious odor coming from the property as a result of his business.

(12) It is my opinion that the operation of Mury's business at his residence has no negative impact on the value of my property.

(13) It is my opinion that the operation of Mury's business at his residence is not detrimental to the use of my property.

(14) It is my opinion that his business does not adversely impact the character of the neighborhood. In fact, I think the presence of his business adds value to the neighborhood because families have a local place where their kids can learn valuable skills.

(15) I have no objection to the Town of Clayton issuing the necessary permit for Michael Mury to continue operating his swim lesson business.

Affiant further sayeth naught.

Dated July 18, 2023.

Signature: I. Quisenberry

STATE OF NORTH CAROLINA
COUNTY OF JOHNSTON

Sworn to and subscribed before me
this 18th day of ~~July, 2023~~.

Notary Public: _____

Print Name: Isabel M. Quisenberry, Notary Public

My commission expires: October 2nd, 2027

ISABEL M. QUISENBERRY NOTARY PUBLIC JOHNSTON COUNTY, NC

Affidavit of Gregory Klein

(1) My name is Greg Klein and I am a resident of Clayton, Johnston County, North Carolina. I am over the age of eighteen years and of sound mind at the time of this affidavit. This affidavit is given voluntarily and without condition or incentive.

(2) My address is 16 Grantwood Dr. Clayton NC. I know Michael Mury ("Mury") and his family well. I live within several hundred feet of Michael Mury's residence at 53 Grantwood Drive in the Glen Laurel neighborhood. Mury and his family are good neighbors.

(3) To my knowledge, Mury has been operating his swim lesson business since 2018.

(4) I understand that someone has lodged a complaint with the Town of Clayton against Mury about his business. I have no complaint or issue with Mury giving swim lessons in the pool behind his house.

(5) I have personal knowledge that the business is well-attended by families in the neighborhood and in the Clayton-area.

(6) There is no noticeable traffic on the roadway as a result of his business.

(7) Mury's business does not cause safety or health issues in the neighborhood or on my property.

(8) There is no signage, display, or other alternation to the property that would indicate a business is being operated at his home.

(9) I do not hear loud screaming or other noises or sounds during the day that are coming from his property as a result of his business. Any noise that does come from his property as a result of the business is what I would expect from any person that has children and a personal pool in the backyard that they play in.

(10) There is no trash or debris on his property from the operation of his business.

(11) There is no smell or noxious odor coming from the property as a result of his business.

(12) It is my opinion that the operation of Mury's business at his residence has no negative impact on the value of my property.

(13) It is my opinion that the operation of Mury's business at his residence is not detrimental to the use of my property.

(14) It is my opinion that his business does not adversely impact the character of the neighborhood. In fact, I think the presence of his business adds value to the neighborhood because families have a local place where their kids can learn valuable skills.

(15) I have no objection to the Town of Clayton issuing the necessary permit for Michael Mury to continue operating his swim lesson business.

Affiant further sayeth naught.

Dated July 18th, 2023.

Signature: _____

STATE OF NORTH CAROLINA
COUNTY OF JOHNSTON

Sworn to and subscribed before me
this 18th day of July, 2023.

Notary Public: _____

Print Name: Isabel M. Quisenberry, Notary Public

[Affix Seal]

ISABEL M. QUISENBERRY NOTARY PUBLIC JOHNSTON COUNTY, NC

My commission expires: October 2nd, 2027

Affidavit of TJ Bugbee

(1) My name is Thomas (TJ) Bugbee and I am a resident of Clayton, Johnston County, North Carolina. I am over the age of eighteen years and of sound mind at the time of this affidavit. This affidavit is given voluntarily and without condition or incentive.

(2) My address is 181 Middlecrest Way. I know Michael Mury ("Mury") and his family well. I live within several hundred feet of Michael Mury's residence at 53 Grantwood Drive in the Glen Laurel neighborhood. Mury and his family are good neighbors.

(3) To my knowledge, Mury has been operating his swim lesson business since 2018.

(4) I understand that someone has lodged a complaint with the Town of Clayton against Mury about his business. I have no complaint or issue with Mury giving swim lessons in the pool behind his house.

(5) I have personal knowledge that the business is well-attended by families in the neighborhood and in the Clayton-area.

(6) There is no noticeable traffic on the roadway as a result of his business.

(7) Mury's business does not cause safety or health issues in the neighborhood or on my property.

(8) There is no signage, display, or other alternation to the property that would indicate a business is being operated at his home.

(9) I do not hear loud screaming or other noises or sounds during the day that are coming from his property as a result of his business. Any noise that does come from his property as a result of the business is what I would expect from any person that has children and a personal pool in the backyard that they play in.

(10) There is no trash or debris on his property from the operation of his business.

(11) There is no smell or noxious odor coming from the property as a result of his business.

(12) It is my opinion that the operation of Mury's business at his residence has no negative impact on the value of my property.

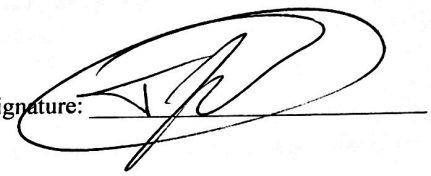
(13) It is my opinion that the operation of Mury's business at his residence is not detrimental to the use of my property.

(14) It is my opinion that his business does not adversely impact the character of the neighborhood. In fact, I think the presence of his business adds value to the neighborhood because families have a local place where their kids can learn valuable skills.

(15) I have no objection to the Town of Clayton issuing the necessary permit for Michael Mury to continue operating his swim lesson business.

Affiant further sayeth naught.

Dated July 14, 2023.

Signature: 

STATE OF NORTH CAROLINA
COUNTY OF JOHNSTON

Sworn to and subscribed before me
this 14th day of July, 2023.

Notary Public: Tamekia S. Boswell-Taylor

Print Name: Tamekia S. Boswell-Taylor Notary Public

[Affix Seal]

My commission expires: July 10, 2024

Affidavit of Michael Beecham, Jr.

(1) My name is Michael Beecham, Jr. and I am a resident of Clayton, Johnston County, North Carolina. I am over the age of eighteen years and of sound mind at the time of this affidavit. This affidavit is given voluntarily and without condition or incentive.

(2) My address is 206 Skygrove Drive. I know Michael Mury ("Mury") and his family. I live within several hundred feet of Michael Mury's residence at 53 Grantwood Drive in the Glen Laurel neighborhood. Mury and his family are good neighbors.

(3) To my knowledge, Mury has been operating his swim lesson business since 2018.

(4) I understand that someone has lodged a complaint with the Town of Clayton against Mury about his business. I have no complaint or issue with Mury giving swim lessons in the pool behind his house.

(5) I have personal knowledge that the business is well-attended by families in the neighborhood and in the Clayton-area.

(6) There is no noticeable traffic on the roadway as a result of his business.

(7) Mury's business does not cause safety or health issues in the neighborhood or on my property.

(8) There is no signage, display, or other alternation to the property that would indicate a business is being operated at his home.

(9) I do not hear loud screaming or other noises or sounds during the day that are coming from his property as a result of his business. Any noise that does come from his property as a result of the business is what I would expect from any person that has children and a personal pool in the backyard that they play in.

(10) There is no trash or debris on his property from the operation of his business.

(11) There is no smell or noxious odor coming from the property as a result of his business.

(12) It is my opinion that the operation of Mury's business at his residence has no negative impact on the value of my property.

(13) It is my opinion that the operation of Mury's business at his residence is not detrimental to the use of my property.

(14) It is my opinion that his business does not adversely impact the character of the neighborhood. In fact, I think the presence of his business adds value to the neighborhood because families have a local place where their kids can learn valuable skills. I am the former president of the Glen Laurel Homeowners Association and have unique and personal knowledge about the character of the community from that role.

(15) I have no objection to the Town of Clayton issuing the necessary permit for Michael Mury to continue operating his swim lesson business.

Affiant further sayeth naught.

Dated July 19, 2023.

Signature: Michael Beck

STATE OF NORTH CAROLINA
COUNTY OF JOHNSTON

Sworn to and subscribed before me
this 19th day of July, 2023.

Notary Public: Tamekia S. Boswell-Taylor

Print Name: Tamekia S. Boswell-Taylor, Notary Public [Affix Seal]

My commission expires: July 10, 2024

Affidavit of Galen & Lacey Kashtock

(1) My name is Galen and Lacey Kashtock and I am a resident of Clayton, Johnston County, North Carolina. I am over the age of eighteen years and of sound mind at the time of this affidavit. This affidavit is given voluntarily and without condition or incentive.

(2) My address is 66 Thandle Ct Clayton, NC 27527. I know Michael Mury ("Mury") and his family well. I live within several hundred feet of Michael Mury's residence at 53 Grantwood Drive in the Glen Laurel neighborhood. Mury and his family are good neighbors.

(3) To my knowledge, Mury has been operating his swim lesson business since 2018.

(4) I understand that someone has lodged a complaint with the Town of Clayton against Mury about his business. I have no complaint or issue with Mury giving swim lessons in the pool behind his house.

(5) I have personal knowledge that the business is well-attended by families in the neighborhood and in the Clayton-area.

(6) There is no noticeable traffic on the roadway as a result of his business.

(7) Mury's business does not cause safety or health issues in the neighborhood or on my property.

(8) There is no signage, display, or other alternation to the property that would indicate a business is being operated at his home.

(9) I do not hear loud screaming or other noises or sounds during the day that are coming from his property as a result of his business. Any noise that does come from his property as a result of the business is what I would expect from any person that has children and a personal pool in the backyard that they play in.

(10) There is no trash or debris on his property from the operation of his business.

(11) There is no smell or noxious odor coming from the property as a result of his business.

(12) It is my opinion that the operation of Mury's business at his residence has no negative impact on the value of my property.

(13) It is my opinion that the operation of Mury's business at his residence is not detrimental to the use of my property.

(14) It is my opinion that his business does not adversely impact the character of the neighborhood. In fact, I think the presence of his business adds value to the neighborhood because families have a local place where their kids can learn valuable skills.

(15) I have no objection to the Town of Clayton issuing the necessary permit for Michael Mury to continue operating his swim lesson business.

Affiant further sayeth naught.

Dated July 15, 2023.

Signature: Larry Hasluck (Gale)

STATE OF NORTH CAROLINA
COUNTY OF JOHNSTON

Sworn to and subscribed before me
this 15th day of July, 2023.

Notary Public: Tamekia S. Boswell-Taylor

Print Name: Tamekia S. Boswell-Taylor, Notary Public [Affix Seal]

My commission expires: July 10, 2024

TAMEKIA S. BOSWELL-TAYLOR NOTARY PUBLIC JOHNSTON COUNTY, NC

{N0417404.DOCX; 3}

Affidavit of Marisa White

(1) My name is Marisa White and I am a resident of Clayton, Johnston County, North Carolina. I am over the age of eighteen years and of sound mind at the time of this affidavit. This affidavit is given voluntarily and without condition or incentive.

(2) My address is 236 Hein Dr. Clayton. I know Michael Mury ("Mury") and his family well. I live within several hundred feet of Michael Mury's residence at 53 Grantwood Drive in the Glen Laurel neighborhood. Mury and his family are good neighbors.

(3) To my knowledge, Mury has been operating his swim lesson business since 2018.

(4) I understand that someone has lodged a complaint with the Town of Clayton against Mury about his business. I have no complaint or issue with Mury giving swim lessons in the pool behind his house.

(5) I have personal knowledge that the business is well-attended by families in the neighborhood and in the Clayton-area.

(6) There is no noticeable traffic on the roadway as a result of his business.

(7) Mury's business does not cause safety or health issues in the neighborhood or on my property.

(8) There is no signage, display, or other alternation to the property that would indicate a business is being operated at his home.

(9) I do not hear loud screaming or other noises or sounds during the day that are coming from his property as a result of his business. Any noise that does come from his property as a result of the business is what I would expect from any person that has children and a personal pool in the backyard that they play in.

(10) There is no trash or debris on his property from the operation of his business.

(11) There is no smell or noxious odor coming from the property as a result of his business.

(12) It is my opinion that the operation of Mury's business at his residence has no negative impact on the value of my property.

(13) It is my opinion that the operation of Mury's business at his residence is not detrimental to the use of my property.

(14) It is my opinion that his business does not adversely impact the character of the neighborhood. In fact, I think the presence of his business adds value to the neighborhood because families have a local place where their kids can learn valuable skills.

(15) I have no objection to the Town of Clayton issuing the necessary permit for Michael Mury to continue operating his swim lesson business.

Affiant further sayeth naught.

Dated July 15, 2023.

Signature: Mary K Allen

STATE OF NORTH CAROLINA
COUNTY OF JOHNSTON

Sworn to and subscribed before me
this 15th day of July, 2023.

Notary Public: Tamekia S. Boswell-Taylor

Print Name: Tamekia S. Boswell-Taylor, Notary Public

[Affix Seal]

TAMEKIA S. BOSWELL-TAYLOR NOTARY PUBLIC JOHNSTON COUNTY, NC

My commission expires: July 10, 2024

SITE PLAN - SUP

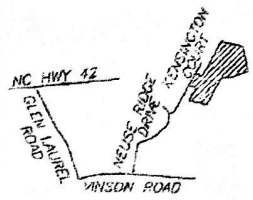
FLOOD CERTIFICATION

A ( ) THE PROPERTY IS NOT LOCATED IN A COMMUNITY PARTICIPATING IN THE NATIONAL FLOOD INSURANCE PROGRAM AS OF THIS DATE.

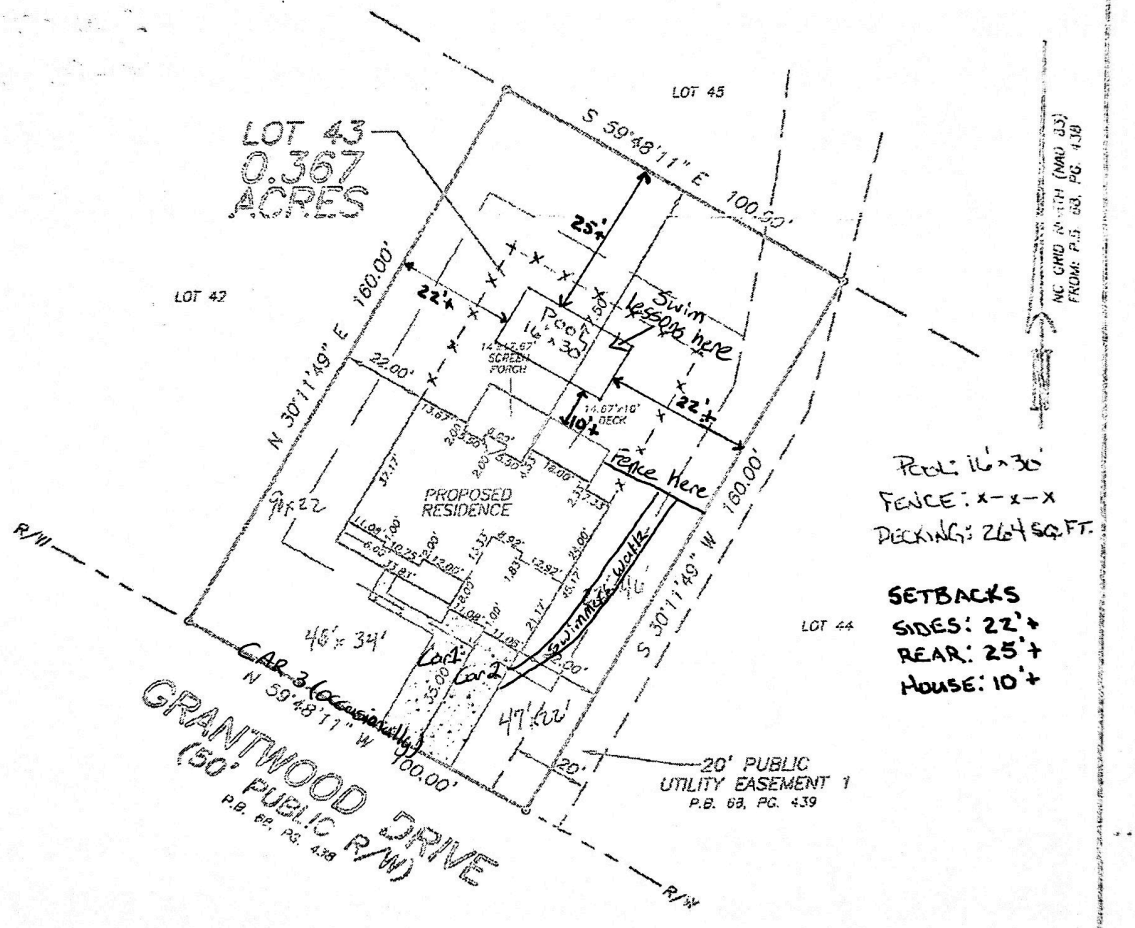
B (X) THE PROPERTY IS NOT LOCATED IN THE 100 YEAR FLOOD HAZARD AREA PER F.I.R.M. MAP NO. 3720168800 J, EFFECTIVE DATE DECEMBER 2, 2005.

C ( ) A PORTION OF THIS PROPERTY IS LOCATED WITHIN A 100 YEAR FLOOD FRINGE AREA AS SHOWN BELOW.

VICINITY MAP



NOT TO SCALE



Pool: 16' x 30'
FENCE: x-x-x
DECKING: 264 SQ.FT.

SETBACKS
SIDES: 22'±
REAR: 25'±
HOUSE: 10'±

LEGEND

(IPF)	IRON PIPE FOUND
(IPS)	IRON PIPE SET
(R/W)	RIGHT OF WAY
(℄)	CENTERLINE OF RIGHT OF WAY

SETBACKS

FRONT	30'
REAR	25'
SIDE	10'
CORNER SIDE	20'

PROPOSED IMPERVIOUS AREA

HOUSE, GARAGE, PORCH	@ 100%	2,704 S.F.
CONCRETE DRIVEWAY	@ 100%	751 S.F.
CONCRETE SIDEWALK	@ 100%	88 S.F.
TOTAL IMPERVIOUS AREA		3,543 S.F.
TOTAL LOT AREA		16,000 S.F.
PERCENTAGE OF IMPERVIOUS AREA =		22.14%

NOTE:
1. NOT FOR RECORDATION OR CONVEYANCE OR SALE.

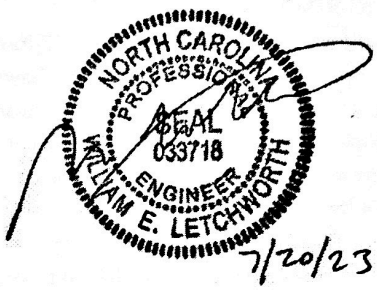
PRELIMINARY PLAT OF
LOT 43
GLEN LAUREL EAST PHASE 1

PROPERTY OF
PINKUS CONSTRUCTION

MCADAMS

53 GRANTWOOD DRIVE

July 20, 2023



Benton Sawrey
PO Box 1567
102 South Third Street
Smithfield, North Carolina, 27577

RE: 53 Grantwood Drive – Clayton, North Carolina

Dear Mr. Sawrey,

This letter presents a summary of the trip generation potential for the in-home private swim lesson business of Mr. Michael Murray located at 53 Grantwood Drive in Clayton, North Carolina. The purpose of this letter is to determine the trip generation potential for the proposed business and to assess the potential impact, if any, the proposed business may have on the adjacent roadway network.

TRIP GENERATION DATA

The Institute for Transportation Engineers (ITE) *Trip Generation Manual*, 11th Edition, which provides trip generation rates for a wide variety of land uses, does not include trip generation calculations for a public or private pool. In instances where trip generation is not available from ITE, local data is typically utilized. Mr. Murray has reported that one family arrives and departs approximately every 15 minutes, and his business operates during the following times:

- 8:45 AM – 11:15 AM
- 1:45 PM – 3:15 PM
- 4:00 PM – 5:45 PM

Trip generation calculations were determined based off the information provided by Mr. Murray and is summarized in Table 1 below.

TABLE 1: TRIP GENERATION

Land Use	Density	Calculation Methodology	Daily Trips	AM Peak Hour			PM Peak Hour		
				Enter	Exit	Total	Enter	Exit	Total
Private Swim Lessons	N/A	Local Data	46	4	4	8	4	4	8

Mr. Murray has also indicated that approximately 35% of the students are residents of his neighborhood and either walk or take a golf cart, which would reduce this expected vehicle trip generation.

ADJACENT ROADWAY NETWORK

Grantwood Drive has approximately a 27-foot wide cross-section with curb and gutter and is a residential roadway owned and maintained by the Town of Clayton (Town). This roadway width provides sufficient room for on-street parking without impeding traffic on Grantwood Drive. Additionally, Mr. Murray's driveway provides sufficient room for multiple vehicles to park. Traffic counts are not available from NCDOT for Town of Clayton owned roadways (such as Grantwood Drive) or for SR 1903 (Vinson Road). However, 2021 Annual Average Daily Traffic (AADT) volumes are available for SR 1902 (Glen Laurel Road), which indicates that approximately 4,400 vehicles per day (vpd) travel along this roadway which is well under the capacity of this two-lane facility. While McAdams has not completed a capacity analysis related to Mr. Murrays' business, Grantwood Drive and the surrounding roadway network appear to be of adequate design and capacity to support the daily and peak hour trips generation by Mr. Murray's proposed business.

SUMMARY

Based on the minor amount of traffic generated by Mr. Murray's business and the adequate design of Grantwood Road, including space for on and off-street parking, it is my opinion that Mr. Murray's business will not negatively impact the health, safety, or welfare of the travelling public. If you have any additional questions or need any additional information, please do not hesitate to contact me at any time.

If you should have any questions or comments relative to this study, please feel free to contact me at 919.805.4900

Sincerely,

MCADAMS

Will Letchworth, PE

Affidavit of Season Wyatt

(1) My name is Season Wyatt and I am a resident of Clayton, Johnston County, North Carolina. I am over the age of eighteen years and of sound mind at the time of this affidavit. This affidavit is given voluntarily and without condition or incentive.

(2) I am a licensed real estate broker by the North Carolina Real Estate Commission and have been working in this field for over a decade. I work with HomeTowne Realty in Clayton and am part of the Wyatt Team. Our team averages over 100 real estate closings per year with a gross closing amount in excess of $20,000,000 annually. We are within the top 5% within our firm and its affiliates. My husband, Derek Wyatt, is also part of the Wyatt Team at HomeTowne Realty.

(3) Most of my work is concentrated on residential closings in Johnston County and, specifically, the Clayton market. I was raised in Clayton and graduated from Clayton High School in 2003. After graduation, I attended Meredith College pursued a degree in business.

(4) I am very familiar with the residential real estate market in Glen Laurel and the neighborhood, generally. My husband plays golf at the course in the neighborhood. We have friends that live in the neighborhood. I was a lifeguard at the Glen Laurel pool during high school. Professionally, I frequently show homes in the neighborhood to potential buyers and have been part of over 20 home sales in Glen Laurel in recent memory.

(5) I have been asked to determine whether a private swim lesson business run by Mike Mury at his residence located at 53 Grantwood Drive, Clayton, Johnston County, North Carolina would (a) substantially injure the value of the adjoining or abutting property, (b) be detrimental to the use of adjacent properties or other neighborhood uses, or (c) violate the character of existing standards for development of the adjacent properties.

(6) I am familiar with Mr. Mury's property and have observed him conduct his swim lessons. I understand and have observed that he has a pool in the backyard of his home and that it is fenced and screened. I understand that the pool is properly permitted and it is similar in character and nature to other pools that you would see located at a home in a residential property. It is also my observation that Mr. Mury went further to ensure the pool is not intrusive because of the screened fencing. The pool and fencing are not apparent or visible from the street. There is no signage for his business anywhere on the property. There is no visible indication that a business is being operated on this property at all. It is very discrete.

(7) I also understand that Mr. Mury operates his business during weekdays and sees children, one at a time, in fifteen-minute increments. I understand that about 35% of Mr. Mury's clients come from the neighborhood and either walk or bring a golf cart. I understand that the majority of those people are able to park in his driveway. I have reviewed the Traffic Impact Assessment from McAdams and Co. and understand that there was a finding that the operation of the business would have no impact on traffic on Grantwood Drive or surrounding streets.

(8) I have also reviewed several property sales within the vicinity of Mr. Mury's home to determine whether any of the properties sold for less than fair value based on comparable properties. All of the sales were in line with my expectations and it does not appear that there was any injury to

value of the properties as a result of the operation of Mr. Mury's swim lessons. A copy of the sales that I evaluated is attached here as **Exhibit A** to this affidavit.

(9) Glen Laurel is a well-established neighborhood in the Clayton community. All of the property within the vicinity of Mr. Mury's home is developed and contains single-family homes. The neighborhood is a popular place for young families to move with children because of its community pool, proximity to Powhatan Elementary School, and established character. It's my opinion that being in proximity to a reputable neighborhood swim instructor would be a benefit to the community and makes it a more desirable place to live.

(10) Based on my personal knowledge and analysis, it is my professional opinion that Mr. Mury's business will not substantially injure the value of the adjoining or abutting properties and will not be detrimental to the use or development of adjacent properties or other neighborhood uses. It is my professional opinion that the operation of Mr. Mury's business will not violate the character of existing standards for development of the adjacent properties in Glen Laurel, either.

(11) Mr. Mury's business has been in operation for a period of time already and any injury or detriment caused would be apparent and obvious at this point. I understand that there is a business permit that he was issued previously and lists the swim lessons as a use.

(12) The only possible future detriment to these properties at this point would be the inability to sell a single-family residence or an injury to value of the existing homes because the adjoining or abutting properties are already developed. Two of the adjoining properties at 77 Grantwood Drive and 74 Grantwood Drive have all had sales occur within the last two years for fair value, so the operation of the swim lessons is not impacting a property owner's ability to convey the home. And, based on my analysis of comparable sales, there has been no injury to the property value of the adjacent or abutting homes. There are several other houses within five-hundred feet that have also sold in the last few years for fair value.

(13) Mr. Mury's business does not violate the existing standards for development of the adjacent properties. Again, the adjacent properties are already developed and the pool in his backyard is otherwise not out of place with any other home in the neighborhood. There is no parking or traffic issue. The impact is non-existent.

[Signature Page Attached]

Affiant further sayeth naught.

Dated July 20, 2023.

Signature: Reason Wyatt

STATE OF NORTH CAROLINA
COUNTY OF JOHNSTON

Sworn to and subscribed before me
this 20th day of July, 2023.

Notary Public: Sharon Stallings

Print Name: Sharon Stallings Notary Public

My commission expires: 9-21-2026

[Affix Seal]

EXHIBIT A

CMA Summary Report

RESIDENTIAL Summary Statistics

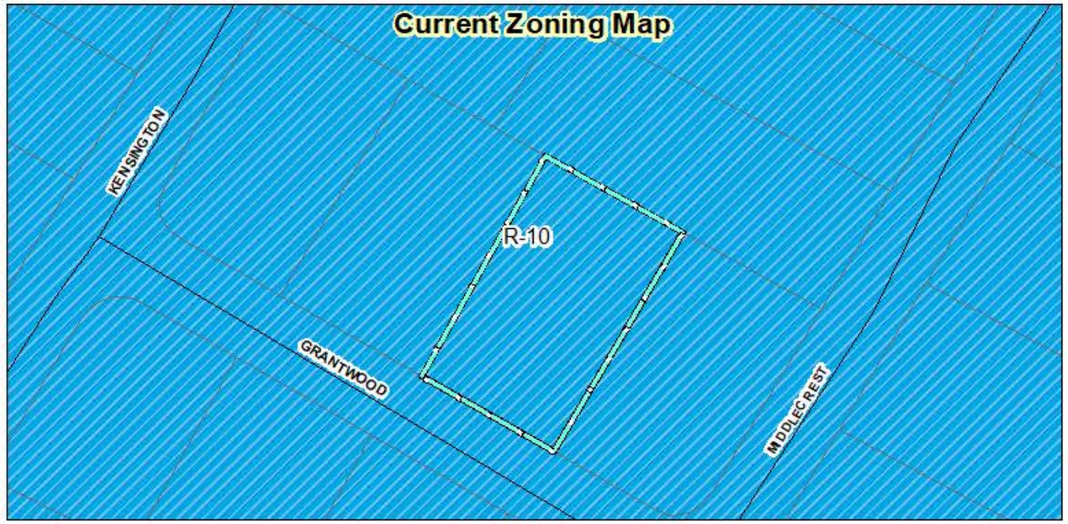
	High	Low	Average	Median
LP	$650,000	$442,000	$558,000	$570,000
SP	$660,000	$450,000	$565,375	$575,750

RESIDENTIAL - Sold

Number of Properties: 4

Num	MLS #	PropDesc	Address	Subdiv	Beds	TotBths	YrBlt	SPLP	LvngAreaSF	DOM	LP	LP/LvngAreaSF	SP	SP/LvngAreaSF
1	2502832	SF	230 Parkridge Drive	Glen Laurel	3	3	1996	1.02	2,305	0	$442,000	$191.76	$450,000	$195.23
2	2489570	SF	28 Middlecrest Way	Glen Laurel	3	3	2011	1.00	2,880	5	$575,000	$199.65	$572,500	$198.78
3	2499107	SF	46 Middlecrest Way	Glen Laurel	5	3	2010	1.02	3,009	2	$565,000	$187.77	$579,000	$192.42
4	2504630	SF	135 Middlecrest Way	Glen Laurel	4	5	2007	1.02	3,445	4	$650,000	$188.68	$660,000	$191.58
Avg					**3**	**3**	**2006**	**1.02**	**2909**	**2**	**$558,000**	**$191.97**	**$565,375**	**$194.50**
Min					**3**	**3**	**1996**	**1.00**	**2305**	**0**	**$442,000**	**$187.77**	**$450,000**	**$191.58**
Max					**5**	**5**	**2011**	**1.02**	**3445**	**5**	**$650,000**	**$199.65**	**$660,000**	**$198.78**
Med					**3**	**3**	**2008**	**1.02**	**2944**	**3**	**$570,000**	**$190.22**	**$575,750**	**$193.83**

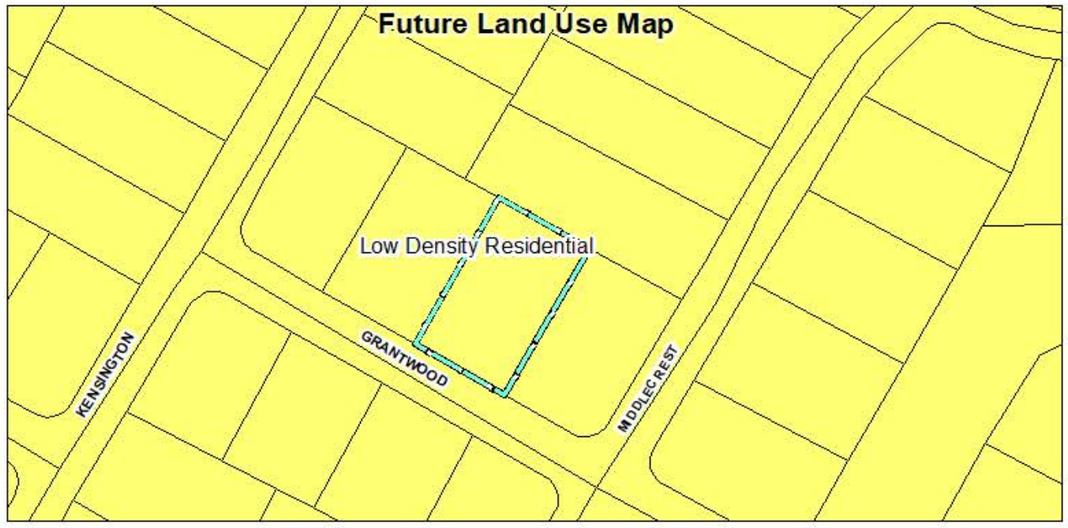
Current Zoning Map



Vicinity Map

Aerial Map

Future Land Use Map



Request: Class B Home Occupation SUP
Project Name: Mury Home Occupation
Project Number: 2023-113-SUP

Applicant:Cyntergy
Property Owners: MURY, MICHAEL F & MURY, JENNIFER A
Tag #05J05019A

N

Legend

Site

0 0.275 0.55 Miles

Staff Report Map
Prepared by: TOC Planning Department
July 20, 2023

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

Document Path: P:\PLANNING\ALTERNATIVE SIGN PLANS AND MASTER SIGN PLANS\2023\2023-113- SUP Mury\2023-113-SUP Mury.mxd

Return to:
Town of Clayton
Town Clerk Heidi Holland
PO BOX 879
Clayton, NC 27528

TOWN OF CLAYTON
SPECIAL USE PERMIT
#2023-113-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:	NC Aquatics, LLC
Property Owner:	Michael & Jennifer Mury
Property Location:	53 Grantwood Drive
Brief Property Description:	0.37 acre lot with an existing single-family residence
Tax Parcel Number:	05J05019A
Proposed Use of Property:	Class B Home Occupation
Hearing Date:	August 7, 2023

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

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

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

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

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

TOWN OF CLAYTON

BY: _____
Jason A. Thompson
Mayor Pro Tem

DATE: August 7, 2023

ATTEST:

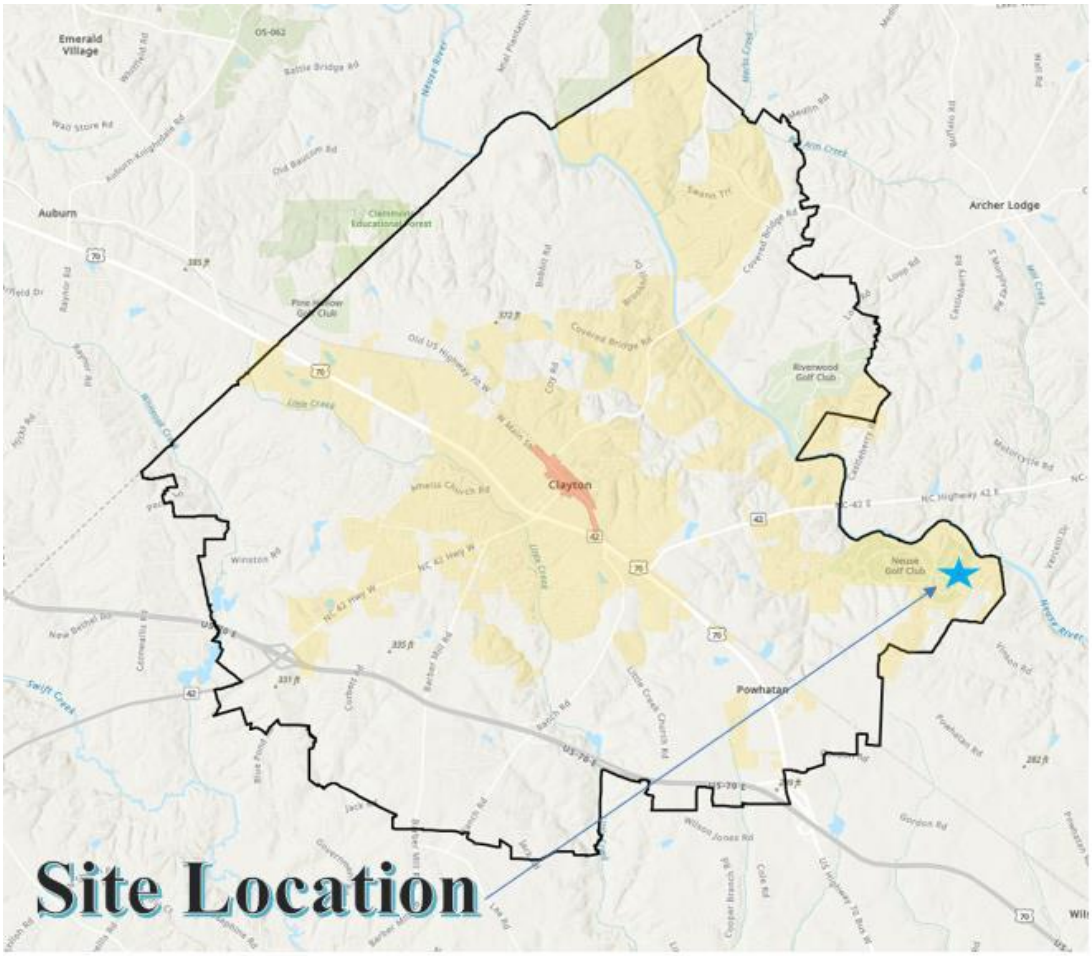
_____(SEAL)
Heidi L. Holland, CMC and NCCMC
Town Clerk

PLANNING DEPARTMENT

TOWN COUNCIL STAFF REPORT
AUGUST 7, 2023

MURY HOME OCCUPATION SUP

Project #:	2023-113-SUP	**Location:**	53 Grantwood Drive, Clayton, NC, 27527
Applicant:	Michael & Jennifer Mury	**Project Type:**	Class B Home Occupation Special Use Permit
Property Owner:	Michael & Jennifer Mury	**Use:**	Residential
Staff Planner:	Ben Howell, Planning Director	**TAG #(s):**	05J05019A



PROJECT SUMMARY

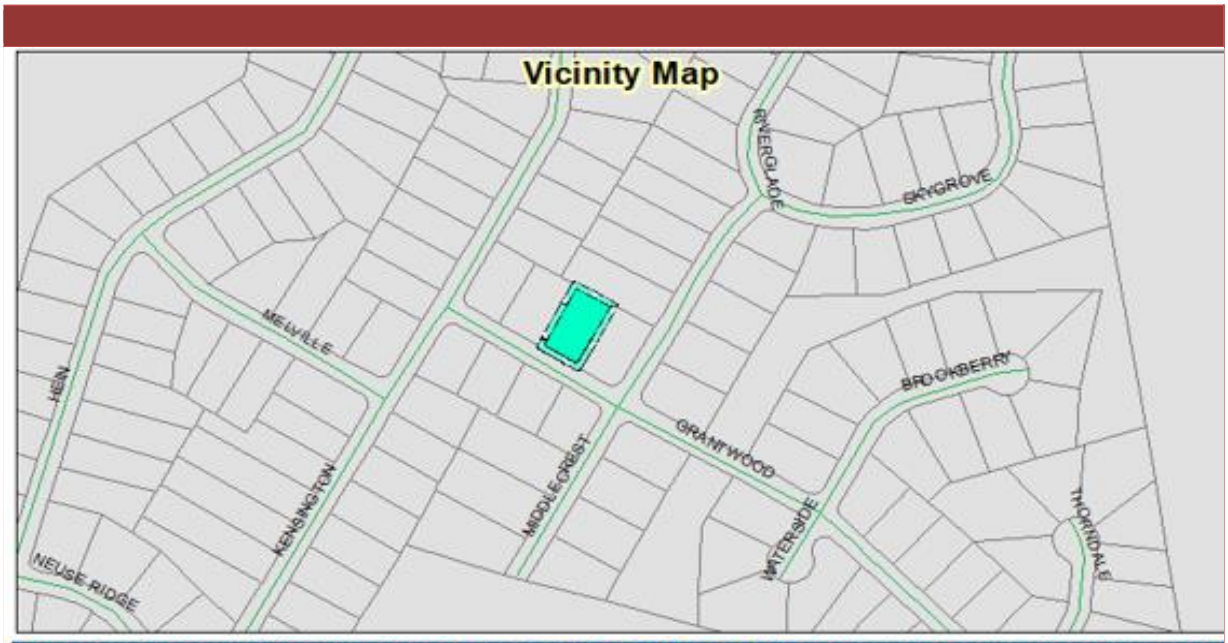
The site is located on Grantwood Drive in the Glen Laurel neighborhood. The applicants are requesting a Class B Home Occupation, which requires approval of a Special Use Permit, to conduct swim lessons at their residence. A Class B Home Occupation is required for any home occupation where customers will be visiting the residence, or the home occupation will be employing personnel living outside of the residence. The applicants had previously received a Class A Home Occupation Permit in 2018.

LAND USE REVIEW

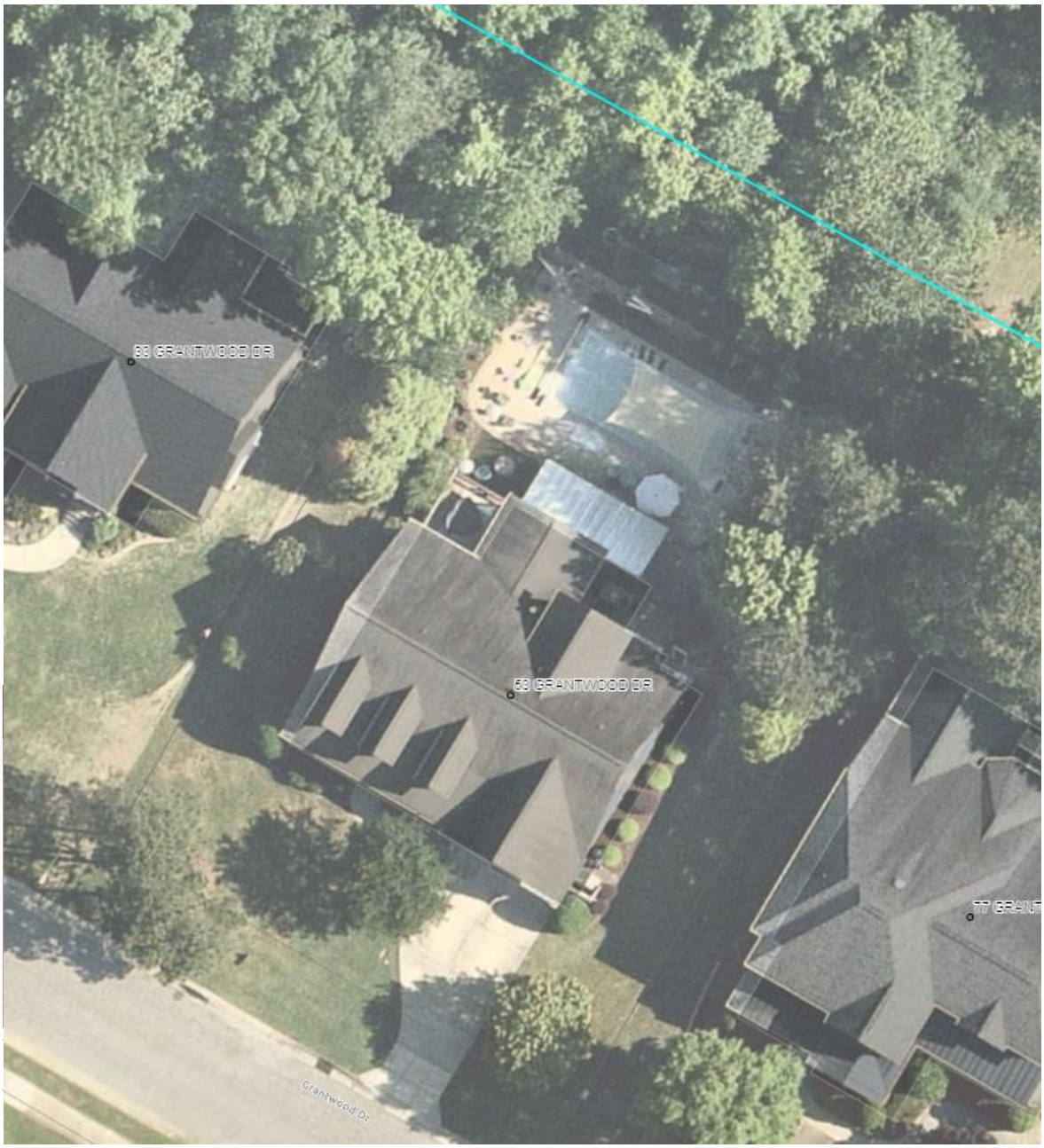
SITE DATA:

Acreage: +/- .370 acres

Existing Use: SINGLE-FAMILY



AERIAL MAP



Class B Home Occupation Requirements – Section 155.308(C)(2)(c)

Class B Home Occupations.
A Class B Home Occupations is a business, profession, occupation or trade conducted for gain or support within a residential dwelling or its accessory buildings that requires employees, customers, clients or patrons to visit the home. This use does not include "In-Home Daycares" which are subject to separate requirements as outlined in this Chapter. A Class B Home Occupation may be permitted as a special use permit provided that the Town Council shall determine in its judgment that:

1. It is carried on by a person residing on the premises and employs no more than two employees not living on the premises.
2. No more than 20% of the total actual floor area of the dwelling shall be in the conduct of the home occupation.
3. No more than two vehicles are used in the conduct of the home occupation, and such vehicles are parked off the street.
4. No merchandise or commodity is sold on the premises, except what is incidental to the home occupation.
5. No mechanical equipment is installed or used except such that is normally used for domestic or professional purposes.
6. No expansion shall be permitted outside the principal structure that houses the home occupation, except that which is necessary to house vehicles used in the conduct of home occupation.
7. It is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, and similar facilities.
8. The use will not create undue traffic congestion or create a traffic hazard.
9. Advertising signs shall be limited to one unlighted wall sign no larger than three square feet in area, attached to the structure housing the home occupation, or one yard sign of the same size not to exceed three feet in height.

FINDINGS OF FACT

(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.

Applicant's Response: The proposed application for a permit to conduct swim lessons will not impact public health and safety. The business has been in operation for a period of 6 years and there have been no responses required by the Clayton Fire Department, Johnston County EMS, or Clayton Police Department prior to Friday, June 16th, 2023. The only incident that has occurred was after an initial complaint was filed by a new neighbor and determined to be unfounded. The private swim lessons were determined by McAdams an Co to not impact traffic in the area. The proposed and currently existing activity does not involve the use, production, or management of any dangerous materials or equipment. There is no odor, noxious smell, or other intrusion of any sort onto a neighboring property. There is no exchange of goods or merchandise that would require the applicant to keep money or inventory on site that might lead to theft. The pool is secured and properly screened. The swim lessons are for a single child at a time and have no greater impact on the pool than ordinary recreational use by a private homeowner.

Staff Commentary: The proposed Class B Home Occupation meets the Unified Development Code requirements for such Accessory Uses. The applicant has provided affidavits from adjoining property owners/neighbors as well as a Trip Generation Memo from a Traffic Engineer showing that the proposed Class B Home Occupation will not generate undue traffic.

(2) That the applicant 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.

Applicant's Response: The Town of Clayton's land use planning, ordinances, and other regulations are slient on the operation of a private swimming lessons so there is no express or known violation as a result. The property where the lessons are conducted is within the R-E zoning, which permits the construction of a recreation pool. On review of the table of uses within Chapter 155 for R-E development, a school would be permitted subject to a special-use permit and a daycare facility would be permitted subject to a special-use permit. Applicant suggest that these uses, subject to this permit, are evidence of the Town of Clayton's intention to permit instruction to children within the R-E zoning. The pool where the lessons are occurring is properly permitted and maintained. The pool complies with all applicable regulations under Chapter 154 and has not be cited or evaluated for potential violations. There is no signage on the property that would require evaluation or other regulation. There is no additional parking need or wastewater allocation required. There is nothing in the Town of Clayton's land use plan that would suggest private swim lessons would be barred or prohibited at this site. Applicant also makes refence to the affidavit of Season Wyatt and her findings.

Staff Commentary: The property is located in the Glen Laurel neighborhood, in the R-10 Zoning District, and surrounded by other single-family residential homes. The Town Unified Development Code permits two classes of Home Occupations, and the proposed use qualifies and meets the requirements for a Class B Home Occupation.

(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.

Applicant's Response: Applicant makes reference to the affidavit of Season Wyatt and her professional opinion. Applicant also makes reference to the affidavits of the surrounding property owners that attest that the operation of the private swim lessons in the pool do not substantially injure the value of their property, the use of their property, or the character of the neighborhood.

Staff Commentary: Staff has no comment with respect to whether the proposed Class B Home Occupation will affect the value of abutting properties. Based on evidence provided by the applicant, the proposed Home Occupation use will not be detrimental to other neighborhood uses. Staff believes that the proposed Home Occupation, a permitted Accessory Use for single-family residential dwellings, will not be detrimental to the use or development of adjacent properties or other neighborhood uses, as Home Occupations are permitted Accessory Uses in all residential zoning districts.

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 adjacent properties.

Applicant's Response: Applicant makes reference to the affidavit of Season Wyatt and her professional opinion. Applicant also makes reference to the affidavits of the surrounding property owners that attest that the operation of the private swim lessons in the pool do not substantially injure the value of their property, the use of their property, or the character of the neighborhood. The Town of Claytons land use planning, ordinances, and other regulations are silent on the operation of private swimming less as a general matter. The property where the lessons are conducted is within the R-E zoning, which permits the construction of a recreation pool. On review of the table of uses within chapter 155 for the R-E development, a school would be permitted subject to a special-use permit and a daycare facility would be permitted subject to a special-use permit. Applicant suggest that these uses, subject to this permit, are evidence of the Town of Clayton's intention to permit instruction to children within the R-E zoning. The pool where the lessons are occurring is properly permitted and maintained. The pool complies with all applicable regulations under Chapter 154 and has not been cited or evaluated for potential violations. There is no signage on the property that would require evaluation or other regulation. There is nothing in Town of Clayton's land use plan that would suggest private swim lessons would be barred or prohibited at this site. Applicant also makes refence to the affidavit of Season Wyatt and her findings.

Staff Commentary: The proposed Class B Home Occupation will meet the requirements in the Unified Development Code. Home Occupations are permitted as Accessory Uses in residential zoning districts. The proposed Class B Home Occupation is not expected to violate the character of existing standards for development of adjacent properties, as the subject property will continue to be classified as a single-family residential use as the Principal Use.

Considerations

- The Town Council may approve the request, deny the request, or send the request back to the Technical Review Committee for additional consideration.
- In granting approval of a Special Use Permit, the Council may impose reasonable conditions which serve to assure that the required findings are upheld. Such conditions may include, but are not limited to, right-of-way or easement dedication; recreation, open space or buffer provision; limitation in scale, intensity, or hours of operation; and other reasonable restrictions.
- Any conditions approved by the Town Council shall become a part of the permit and be of equal importance in the responsibility of the applicant or subsequent assigns to adhere to its terms.
- Prior to a decision by Town Council, the applicant shall consent to these conditions in writing or decline consent to the conditions. Conditions and safeguards imposed under this section shall not include requirements for which the Town does not have authority under statute to regulate nor requirements for which the courts have held to be unenforceable if imposed directly by a local government.

Conditions of Approval

Staff is not proposing any conditions for the proposed Class B Home Occupation. The Town Council may impose conditions based on the testimony and evidence presented at the Public Hearing, with approval from the applicant.

ATTACHMENTS:

1) Mury Class B Home Occupation – NC Aquatics Application Packet
2) Mury Affidavit
3) Neighborhood Meeting Materials
4) Adjacent Property Owners Affidavits
5) Site Plan
6) Trip Generation Letter
7) Season Wyatt Affidavit
8) Staff Report Maps

TOWN OF CLAYTON
Planning Department
111 E. Second St., P.O. Box 879
Clayton, NC 27528
Phone: 919-553-5002
Fax: 919-553-1720

SPECIAL USE PERMIT APPLICATION COVER SHEET

Name of Project: Class B Home Occupation - Special Use Permit - NC Aquatics, LLC Swim Lessons **Date:** July 20, 2023

Applicant Name: NC Aquatics, LLC

The following checklist to be completed by applicant:

- [✓] Pre-Application Meeting on: June 15, 2023
- [✓] Application Review fee

Submit 1 hardcopy and 1 digital (via email or USB) of each of the following:

- [✓] Completed Application
- [✓] Owner's Consent Form N/A OWNER/APPLICANT SAME PERSON - STILL INCLUDED WITH BOTH PROPERTY OWNERS APPROVAL (Michael & Jennifer Mus)
- [✓] Adjacent Property Owner's List
- [✓] Neighborhood Meeting Notice Letter (1 copy)
- [✓] Wastewater Allocation Request Form (if applicable) NOT APPLICABLE PER TOC Engineering
- [✓] Adjacent Property Owner's List - Include Names, Full Mailing Addresses & Parcel/NC Tag #
- [✓] Associated Site Plan

Reviewed by: _____

TOWN OF CLAYTON
Planning Department
111 E. Second St., P.O. Box 879
Clayton, NC 27528
Phone: 919-553-5002
Fax: 919-553-1720

SPECIAL USE PERMIT APPLICATION

Application Fee: $750.00
Public Noticing Fees (Mailing & Sign) will be confirmed/invoiced by town staff prior to payment.
Mailed Notice: $1.00 per mailed notice / Public Notice Signs: $20.00 per posted sign

☒ **New Special Use Permit** ☐ **Major Modification to an approved SUP**
Permit Modified: _____

SITE INFORMATION

Name of Project: Class B Home Occupation - Special Use Permit - Swim Lessons

Acreage of Property: 0.37 **Zoning District:** R-E

County Tag #: 05J05019A **NC Pin #:** 168800-46-3931

Address/Location: 53 Grantwood Drive / Clayton, NC 27527

Existing Use: Private Home with Pool **Proposed Use:** Private Home with Private Swim Lessons

Is project within a Planned Development? ☒ **Yes** ☐ **No If yes, which:** Glen Laurel Neighborhood

Is project within an Overlay District? ☐ **Yes** ☐ **No If yes, which:** not applicable

APPLICANT INFORMATION

Applicant: NC Aquatics, LLC
Mailing Address: 53 Grantwood Drive / Clayton, NC 27527
Phone Number: 713-419-8363 **Fax:** _____
Contact Person: Michael Mury
Email Address: mmury03@gmail.com

OFFICE USE ONLY

Date Received: _____ Amount Paid: _____ File Number: _____

PROPERTY OWNER INFORMATION

Name: Michael & Jennifer Mury

Mailing Address: 53 Grantwood Drive / Clayton, NC 27527

Phone Number: 713-419-8363 **Fax:** N/A

Email Address: mmury03@gmail.com

EXPLANATION OF PROJECT

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

The proposed project is to upgrade the current permit for NC Aquatics, LLC to continue providing life-saving swim lessons for local children in Johnston County. I provide private swim lessons for small children that are focused on developing strong independent swimmers that would have the ability to save themselves should they accidentally fall in a pool, lake, river, etc. My lessons are all 1 on 1. It is just myself and one child in the pool at a time. The pool is located in my backyard and is properly permitted, maintained, and surrounded by a screened fence. There is no signage and the pool is not visible from the road. I schedule my lessons for 1 child per 15 minutes. The youngest children will only swim for 10 minutes of the allotted 15 minutes. The same child comes to lessons each day (Monday through Friday) at the same time for roughly 4 straight weeks. During this time, they learn how to swim-float-swim and how to get themselves to safety should they accidentally fall in the pool. I operate my swim lessons during normal business hours. In general, my hours are 8:45am - 5:45pm with breaks from 11:15am to 1:45pm and 3:15pm to 4:00pm. The business is part-time as I operate between 21 to 23 weeks each year from late April through the end of September. A permit for this business does presently exist, although I have learned I was given the incorrect type of permit by the Town. I started these swim lessons in 2018, and at that time, I went to the Town of Clayton planning department to request a permit for my business. I explained that I would be teaching private swim lessons in my backyard pool, and the contact provided me with a home occupation permit. After operating for 5 straight seasons, uninterrupted (with the exception of the Covid-19 shutdown), I received a notice from the Town of Clayton that I was operating out of compliance. I understand that a complaint from a neighbor prompted the notice. I immediately called the town with the belief there had to be a mistake, and I was notified that the permit I received in 2018 was incorrect. I was informed that I would need to apply for this Special Use Permit.

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.

   See attached "Required Findings of Fact_Michael Mury_Secial Use Permit" document for response.

   See attached "53 Grantwood Drive Trip Generation 7.20.23" document.

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.

See attached "Required Findings of Fact_Michael Mury_Secial Use Permit" document for response.
See attached affidavits.

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.

See attached "Required Findings of Fact_Michael Mury_Secial Use Permit" document for response.
See attached affidavits.

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.

See attached "Required Findings of Fact_Michael Mury_Secial Use Permit" document for response.
See attached affidavits.

APPLICANT AFFIDAVIT

I/We, the undersigned, do hereby make an 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.

Michael Mury
Print Name

Signature of Applicant

7/20/23
Date

TOWN OF CLAYTON
Planning Department
111 E. Second St., 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: Class B Home Occupation SUP - Swim Lessons **Address or PIN #:** 53 Grantwood Dr

AGENT/APPLICANT INFORMATION:

NC Aquatics LLC
(Name - type, print clearly)

53 Grantwood Dr
(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***):

Special use Permit

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:

Jennifer Mury
(Name - type, print clearly)

53 Grantwood Dr
(Address)

Jennifer Mury
(Owner's Signature)

Clayton NC 27527
(City, State, Zip)

STATE OF North Carolina
COUNTY OF Johnston

Sworn and subscribed before me Yamekia S. Boswell-Taylor, a Notary Public for the above State and County, this the 20 day of July, 2023.

SEAL

Yamekia S. Boswell-Taylor
Notary Public

My Commission Expires: July 10, 2024

July 2018

TOWN OF CLAYTON
Planning Department
111 E. Second St., 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: Class B Home Occupation- Special use Permit - NC Aquatics, LLC. Swim lessons **Address or PIN #:** 53 GRANTWOOD DR

AGENT/APPLICANT INFORMATION:

NC Aquatics, LLC
(Name - type, print clearly)

53 GRANTWOOD DR.
(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***):

Special Use Permit

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:

Michael Mury
(Name - type, print clearly)

(Owner's Signature)

53 GRANTWOOD DR
(Address)
CLAYTON, NC 27527
(City, State, Zip)

STATE OF North Carolina
COUNTY OF Johnston

Sworn and subscribed before me Tamekia S. Boswell-Taylor, a Notary Public for the above State and County, this the 20 day of July, 2023.

Tamekia S. Boswell-Taylor
Notary Public

SEAL

My Commission Expires: July 10, 2024

July 2018

***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.*

    a. The proposed application for a permit to conduct swim lessons will not impact public health and safety. The business has been in operation for a period of 6 years and there have no been responses required by the Clayton Fire Department, Johnston County EMS, or Clayton Police Department prior to Friday, June 16th, 2023. The only incident that has occurred was after an initial complaint was filed by a new neighbor and determined to be unfounded. The private swim lessons were determined by McAdams and Co to not impact traffic in the area. The proposed and currently existing activity does not involve the use, production, or management of any dangerous materials or equipment. There is no odor, noxious smell, or other intrusion of any sort onto a neighboring property. There is no exchange of goods or merchandise that would require the applicant to keep money or inventory on site that might lead to theft. The pool is secured and properly screened. The swim lessons are for a single child at a time and have no greater impact on the pool than ordinary recreational use by a private homeowner.

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.*

    a. The Town of Clayton's land use planning, ordinances, and other regulations are silent on the operation of private swimming lessons so there is no express or known violation as a result. The property where the lessons are conducted is within the R-E zoning, which permits the construction of a recreation pool. On review of the table of uses within Chapter 155 for the R-E development, a school would be permitted subject to a special-use permit and a daycare facility would be permitted subject to a special-use permit. Applicant suggests that these uses, subject to this permit, are evidence of the Town of Clayton's intention to permit instruction to children within the R-E zoning. The pool where the lessons are occurring is properly permitted and maintained. The pool complies with all applicable regulations under Chapter 154 and has not been cited or evaluated for potential violations. There is no signage on the property that would require evaluation or other regulation. There is no additional parking need or wastewater allocation required. There is nothing in the Town of Clayton's land use plan that would suggest private swim lessons would be barred or prohibited at this site. Applicant also makes reference to the affidavit of Season Wyatt and her findings.

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.*

    a. Applicant makes reference to the affidavit of Season Wyatt and her professional opinion. Applicant also makes reference to the affidavits of the surrounding property owners that attest that the operation of the private swim lessons in the pool do not substantially injure the value of their property, the use of their property, or the character of the neighborhood.

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.*

    a. Applicant makes reference to the affidavit of Season Wyatt and her professional opinion. Applicant also makes reference to the affidavits of the surrounding property owners that attest that the operation of the private swim lessons in the pool do not substantially injure the value of their property, the use of their property, or the character of the neighborhood. The Town of Clayton's land use planning, ordinances, and other regulations are silent on the operation of private swimming lessons as a general matter. The property where the lessons are conducted is within the R-E zoning, which permits the construction of a recreation pool. On review of the table of uses within Chapter 155 for the R-E development, a school would be permitted subject to a special-use permit and a daycare facility would be permitted subject to a special-use permit. Applicant suggests that these uses, subject to this permit, are evidence of the Town of Clayton's intention to permit instruction to children within the R-E zoning. The pool where the lessons are occurring is properly permitted and maintained. The pool complies with all applicable regulations under Chapter 154 and has not been cited or evaluated for potential violations. There is no signage on the property that would require evaluation or other regulation. There is nothing in the Town of Clayton's land use plan that would suggest private swim lessons would be barred or prohibited at this site. Applicant also makes reference to the affidavit of Season Wyatt and her findings.

Affidavit of Michael Mury

(1) My name is Michael Mury and I am a resident of Clayton, Johnston County, North Carolina. I am over the age of eighteen years and of sound mind at the time of this affidavit.

(2) I am the sole member and manager of NC Aquatics, LLC and I jointly own the property at 53 Grantwood Drive, Clayton, Johnston County, North Carolina with my wife, Jennifer. We have two children and have lived in Clayton since 2015.

(3) NC Aquatics is the company under which I give swim lessons to children. I started the company and began giving lessons to children in 2018. It has been operating continuously – with the exception of an interruption due to COVID-19 – since that time.

(4) Before I started giving lessons, I applied for a business permit with the Town of Clayton. I told Town of Clayton staff what I wanted to do at my home and was told which permit to apply for and given the paperwork. I listed the swimming lessons on it and was issued the permit. I understand that current staff have pulled the 2018 permit to verify that it listed the swim lessons. It has always been my intention to operate lawfully and with the proper permit in place. I have never tried to conceal this from anyone or the Town of Clayton.

(5) I started this business because I realized that no one was offering life saving swim lessons in Clayton or the surrounding towns. The program I offer requires me to have specialized training. I had 4.5 weeks and 200 hours of intense training with the founder of this program. I am CPR certified and renew that certification as needed. My company carries appropriate liability insurance.

(6) I was a competitive swimmer as a child and this is a passion of mine. I recently saw that drowning is now the number one cause of death for children between the ages of 0-5. I hope that my lessons can help reduce that statistic in the area.

(7) I use the pool behind my house for these lessons. The pool was built in 2018 by Clear Water. It is a ~35x15 saltwater pool. The pool water is tested twice a day by me using testing strips and professionally tested by Clear Water once per week. The pool is cleaned daily. The pool does not have a direct water line hookup. It runs on its own independent system. I mostly rely on rainwater to refill my pool when it is low. When I must refill it using a hose, I never submerge the hose in the water to avoid backflow issues. I rarely dump water. But if water is dumped, it is properly desalinated and then dumped onto vegetation on my own property.

(8) Clear Water obtained all necessary permits for the pool in 2018. I confirmed that again recently with the Town of Clayton. The pool has a fence with a proper locking mechanism. It is screened on the outside. The top of the fence is barely visible from the street. You cannot see the pool from Grantwood Drive.

(9) I have served about 500 families and over 700 children over the last six seasons. Most of the children I work with live in the Clayton area. About one-third of the children I work with live in Glen Laurel. I have an extensive waiting list of families that have asked to take lessons.

(10) Most families drive to my house and are able to park in my driveway. Occassionally they park on the street. Families in the neighborhood will frequently walk or bring a golf cart to my home for the lessons. The lessons are one at a time in fifteen-minute increments to prevent congestion or blockage on the street.

(11) Oftentimes, this is a child's first time in the water with formal swim lessons. And sometimes a child will get upset or yell, but it's infrequent and short-lived. The child's parent is always at the pool with them to observe and be part of the process. Sometimes the child's parent will get into the pool with them as part of the lesson.

(12) The lessons are provided on weekdays between 8:45 a.m. and 5:45 p.m. with breaks around 11:15 a.m. and 1:45 p.m. and 3:15 p.m. and 4:00 p.m.

(13) Until this year, no one has complained about the swim lessons. In fact, the person that I understand to be the complainant has never raised the issue with me in person and has stated there were no issues on more than one occasion. I was very disappointed to learn about the dispute.

(14) I have submitted a number of affidavits of people that have a house within 500 feet of the pool. Six of the eight people that live within 100 feet of the house have signed an affidavit indicating their support. One of the eight is the complainant. The gentleman across and one house over on Grantwood told me that he has no issue with my swim lessons but did not want to sign any paperwork, which is understandable. The gentleman that lives behind me said that he and his wife enjoy sitting on their porch and watching the lessons because it brings back fond memories of their child when he was younger. With the exception of the one neighbor, my business is generally and strongly supported by the neighborhood and Clayton community.

(15) Until this year, I have not had the police or any emergency responders at my home. On June 16, after the complaint was filed with the Town of Clayton and one day after my pre-application meeting, someone called the police to complain about a child screaming that morning. The police responded and no action was taken; we had a pleasant conversation and they commented they sat out front for over 20 minutes and did not hear a sound.

(16) There has been no crime, injury, or safety issue at my home as a result of the business. The business does not sell merchandise or keep cash on hand that may attract burglaries. There are no chemicals on the property except for the same pool chemicals that any pool would use and is otherwise permitted. There are no loud noises, sounds, or odors as a result of the operation of the business.

(17) There is no signage on my property for the business.

(18) I have reviewed Chapter 155 of the Clayton Town Ordinances and understand that my home is zoned R-E. I did not find any provision in the ordinances with respect to private swim lessons or swimming lessons, generally. However, I see that schools and daycares are permitted on property zoned R-E, which indicates an intention that instruction to children would be permitted in an area zoned R-E and subject to the approval of a special use permit.

(19) My application is simply a request to continue operating my business in the same manner that I have the past several years.

(20) As part of my application, I obtained a traffic impact analysis. The analysis found that the operation of my business had no impact on traffic on Grantwood Drive.

(21) I consulted with Season Wyatt, an experience real estate broker with HomeTowne Realty, who has offered her opinion that operation of my business will not – and has not previously – negatively impacted the value of properties adjacent to mine.

(22) I consulted with my neighbors, which include a former president of the Glen Laurel HOA, who have all been willing to sign an affidavit in support of this application.

(23) The person that owned the house prior to the complainant has also signed an affidavit stating his support for the business and contradicting some of the complaints that I understand have been made.

(24) I am grateful for the Town of Clayton's consideration and hope that my business can continue to operate and serve the community in the same manner that I have over the last six years.

Affiant further sayeth naught.

Dated July 20, 2023.

Signature:

STATE OF NORTH CAROLINA
COUNTY OF JOHNSTON

Sworn to and subscribed before me
this 20th day of July, 2023.

Notary Public: _____

Print Name: _____, Notary Public [Affix Seal]

My commission expires:

Copy of letter sent to all adjacent property owners.

July 18th, 2023

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 proposal. A representative of the applicant will be present to explain their application, answer questions, and solicit comments.

Meeting Date: Friday, July 28th

Meeting Time: 6:00pm

Meeting Location: 53 Grantwood Drive / Clayton, NC 27527

Type of Application: Upgrade Current Permit to Special Use Permit

Project/proposal property address: 53 Grantwood Drive / Clayton, NC 27527

Description of project/proposal: The only proposal is to continue the swim lessons that I had permitted in 2018 by the Town of Clayton. I have been informed that I now need a 'Special Use Permit' to continue the lessons that I have conducted in my backyard pool since 2018. Each year I conduct 21 to 23 weeks of swim lessons. The swimming lessons take place from 8:45am – 11:15am / 1:30pm – 3:30pm / 4:00pm – 6:00pm. All the lessons are scheduled in those time frames and they are 1 on 1 lessons (just myself and 1 child in the pool at a time). The lessons are scheduled for 1 child per 15 minutes. I am applying to the town to grant me a special use permit so I can continue the lessons exactly as described above, no more and no less. I am not proposing any modifications or signage/etc. as part of my application, only to continue doing what I have been doing for 6 years to hopefully continue to save lives against the #1 killer of small children in our country (drowning).

Upcoming public meetings for this application (Planning Board and/or Town Council): On August 7th @ 6pm there will be a town council hearing and this subject will be on the docket.

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

1. A copy of the project application.
2. A schedule of all upcoming public meetings for the application.
3. A map at a scale that is appropriate to the project and shows neighboring properties and roads.
4. 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 713-419-8363. You may also contact the Town of Clayton Planning Department at 919-553-5002.

Sincerely,

Michael Mury

cc: Town of Clayton Planning Department

ADJACENT PROPERTY OWNERS LIST

Project Name: Class B Home Occupation - Special Use Permit - NC Aquatics, LLC Swim Lessons

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.

LOT

PARCEL NUMBER	NAME	ADDRESS
42 / 05I04037O	John & Lyn Wozniak	33 Grantwood Drive / Clayton, NC 27527
44 / 05J05019B	John & Jessica Jordan	77 Grantwood Drive / Clayton, NC 27527
37 / 05J05015R	Pasquale Digirolamo & April Ellis	74 Grantwood Drive / Clayton, NC 27527
38 / 05J05015Q	Stephanie & Joy Mitchiner	56 Grantwood Drive / Clayton, NC 27527
39 / 05I04037Q	Kerry Jackson & Linda Defoe	36 Grantwood Drive / Clayton, NC 27527
45 / 05J05019C	John & Lynette Asmussen	80 Middlecrest Way / Clayton, NC 27527
46 / 05J05019D	Jerry ("Glenn") Lilly	62 Middlecrest Way / Clayton, NC 27527
1132 / 05I04037N	Michael & Lisa Stormant	220 Kensington Ct / Clayton, NC 27527

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Project: Class B Home Occupation - Special Use Permit - NC Aquatics, LLC Swim Lessons

Application: Swim lessons - Special Use Permit

Location/Date: 53 Grantwood Drive / July 28th, 2023 TBD

	NAME	ADDRESS
1	Mike & Jenn Murry	53 Grantwood
2	John + Lynette Asmussen	80 Middlecrest Way
3	John Jordan	77 Grantwood, Clayton
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		

Re: Neighborhood Meeting Attendance List

Jennifer Mury <jennifermury@gmail.com>

Fri 7/28/2023 8:25 PM

To:Michael M <mmury03@gmail.com>

Cc:Lori Bryant <lbryant@townofclaytonnc.org>;Ben Howell <bhowell@townofclaytonnc.org>;Planning-EngineeringSubmittals <planning-engineeringsubmittals@townofclaytonnc.org>;Benton Sawrey <bsawrey@narronwenzel.com>

Be Advised: This email originated from outside of the Town of Clayton's network. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please find the meeting minutes below.

Neighbor meeting 7/28/23

- Meeting commenced at 6:00pm.
- Parties in attendance: Michael and Jennifer Mury (53 Grantwood), John and Lynette Asmussen (80 Middlecrest Way), and John Jordan (77 Grantwood).
- All required documents were available for review by all parties.
- No concerns were expressed by John and Lynette Asmussen.
- John Jordan expressed concerns over “40 cars every day coming and going.” Schedule was reviewed with Mr. Jordan including the number of cars expected on a daily basis and that all cars park in the driveway of 53 Grantwood with an occasional car in front of the property of 53 Grantwood. The true number of cars parked at 53 Grantwood was calculated to be significantly less than the suggested 40 cars by Mr. Jordan. It was also discussed that cars do not park in front of Mr. Jordan’s property and this was confirmed by Mr. Jordan.
- Mr. Jordan then expressed concerns about “nuisance” created by “screaming babies all day.” After reviewing the daily schedule with Mr. Jordan, the concerned was found to be about one particular child that cried intermittently during a 10 minute lesson for 3 weeks. He also stated that the noise has not been an issue over the last several weeks.
- After prolonged discussion, Mr. Jordan apologized for not reaching out personally to the Murys to express his concerns. It was also acknowledged by Mr. Jordan that he had previously texted Mr. Mury expressing that he had no issues with lessons including concerns about noise. He reiterated his noise nuisance complaints.
- Meeting ended at 6:47pm.

Jennifer Mury

On Fri, Jul 28, 2023 at 7:30 PM Michael M <mmury03@gmail.com> wrote:

> Please find the attendance list from tonite's neighborhood meeting....

Affidavit of Charlie Z. Doyle, Jr. ("Ski)

(1) My name is Charlie Z. Doyle, Jr. ("Ski") and I am a resident of Clayton, North Carolina. I am over the age of eighteen years and of sound mind at the time of this affidavit. This affidavit is given voluntarily and without condition or incentive.

(2) I previously resided at 77 Grantwood Drive, Clayton, Johnston County, North Carolina, and was neighbors with Michael Mury ("Mury") and his family during that time.

(3) I knew Mury and his family well. Mury and his family were good and considerate neighbors.

(4) To my knowledge, Mury has been operating his swim lesson business since 2018. He operated the business while I was the owner of the home at 77 Grantwood Drive.

(5) I understand that the person who bought the house at 77 Grantwood Drive has lodged a complaint with the Town of Clayton against Mury about his business. I had no complaint or issue with Mury giving swim lessons in the pool behind his house when I resided there.

(6) I have personal knowledge that the business is well-attended by families in the neighborhood and in the Clayton-area.

(7) There was no noticeable traffic on the roadway as a result of his business.

(8) Mury's business did not cause safety or health issues in the neighborhood or on my property.

(9) There was no signage, display, or other alternation to the property that would indicate a business is being operated at his home.

(10) I did not hear loud screaming or other noises or sounds during the day that are coming from his property as a result of his business. Any noise that did come from his property as a result of the business is what I would expect from any person that has children and a personal pool in the backyard that they play in.

(11) There was no trash or debris on his property from the operation of his business.

(12) There was no smell or noxious odor coming from the property as a result of his business.

(13) It is my opinion that the operation of Mury's business at his residence had no negative impact on the value of my property. I received fair market value in line with my expectations of the market and our realtor's analysis when I sold my house to the current owners on October 13, 2021.

(14) It is my opinion that the operation of Mury's business at his residence was not detrimental to the use of my property.

(15) It is my opinion that his business did not adversely impact the character of the neighborhood. In fact, I think the presence of his business added value to the neighborhood because families have a local place where their kids can learn valuable skills.

(16) I would have had no objection to the Town of Clayton issuing the necessary permit for Michael Mury to continue operating his swim lesson business.

To Whom it May Concern

We lived next door to the Murys from June 2018-October 2021 and never had an issue with noise when swim lessons were taking place. My daughter was homeschooled and my husband and I both worked from home.

This 16 day of July, 2023.

Affiant further sayeth naught.

Dated July 16, 2023.

Patricia Doyle

STATE OF ~~SOUTH~~ North (1st) CAROLINA
COUNTY OF Johnston

Sworn to and subscribed before me
this 16th day of July, 2023.

Notary Public: Tamekia S. Boswell-Taylor

Print Name: Tamekia S. Boswell-Taylor (10/6) Notary Public

[Affix Seal]

TAMEKIA S. BOSWELL-TAYLOR NOTARY PUBLIC JOHNSTON COUNTY, NC

My commission expires: July 10, 2024

{N0417408.DOCX; 3}

Affidavit of Stephanie & Joy Mitchiner

(1) My name is Stephanie Joy Mitchiner and I am a resident of Clayton, Johnston County, North Carolina. I am over the age of eighteen years and of sound mind at the time of this affidavit. This affidavit is given voluntarily and without condition or incentive.

(2) My address is 56 GRANTWOOD DR. CLAYTON, NC 27527. I know Michael Mury ("Mury") and his family well. I live within several hundred feet of Michael Mury's residence at 53 Grantwood Drive in the Glen Laurel neighborhood. Mury and his family are good neighbors.

(3) To my knowledge, Mury has been operating his swim lesson business since 2018.

(4) I understand that someone has lodged a complaint with the Town of Clayton against Mury about his business. I have no complaint or issue with Mury giving swim lessons in the pool behind his house.

(5) I have personal knowledge that the business is well-attended by families in the neighborhood and in the Clayton-area.

(6) There is no noticeable traffic on the roadway as a result of his business.

(7) Mury's business does not cause safety or health issues in the neighborhood or on my property.

(8) There is no signage, display, or other alternation to the property that would indicate a business is being operated at his home.

(9) I do not hear loud screaming or other noises or sounds during the day that are coming from his property as a result of his business. Any noise that does come from his property as a result of the business is what I would expect from any person that has children and a personal pool in the backyard that they play in.

(10) There is no trash or debris on his property from the operation of his business.

(11) There is no smell or noxious odor coming from the property as a result of his business.

(12) It is my opinion that the operation of Mury's business at his residence has no negative impact on the value of my property.

(13) It is my opinion that the operation of Mury's business at his residence is not detrimental to the use of my property.

(14) It is my opinion that his business does not adversely impact the character of the neighborhood. In fact, I think the presence of his business adds value to the neighborhood because families have a local place where their kids can learn valuable skills.

(15) I have no objection to the Town of Clayton issuing the necessary permit for Michael Mury to continue operating his swim lesson business.

Affiant further sayeth naught.

Dated July 18, 2023.

Signature: Stephanie Mitchiner

STATE OF NORTH CAROLINA
COUNTY OF JOHNSTON

Sworn to and subscribed before me
this 18th day of July, 2023.

Notary Public: Tamekia S. Boswell-Taylor

Print Name: Tamekia S. Boswell-Taylor, Notary Public [Affix Seal]

My commission expires: July 10, 2024

TAMEKIA S. BOSWELL-TAYLOR NOTARY PUBLIC JOHNSTON COUNTY, NC

{N0417404.DOCX; 3}

Affidavit of John and Lynette Asmussen

(1) My name is Lynette Asmussen John Asmussen and I am a resident of Clayton, Johnston County, North Carolina. I am over the age of eighteen years and of sound mind at the time of this affidavit. This affidavit is given voluntarily and without condition or incentive.

(2) My address is 80 Middcast Way - Clayton, NC 27527. I know Michael Mury ("Mury") and his family well. I live within several hundred feet of Michael Mury's residence at 53 Grantwood Drive in the Glen Laurel neighborhood. Mury and his family are good neighbors.

(3) To my knowledge, Mury has been operating his swim lesson business since 2018.

(4) I understand that someone has lodged a complaint with the Town of Clayton against Mury about his business. I have no complaint or issue with Mury giving swim lessons in the pool behind his house.

(5) I have personal knowledge that the business is well-attended by families in the neighborhood and in the Clayton-area.

(6) There is no noticeable traffic on the roadway as a result of his business.

(7) Mury's business does not cause safety or health issues in the neighborhood or on my property.

(8) There is no signage, display, or other alternation to the property that would indicate a business is being operated at his home.

(9) I do not hear loud screaming or other noises or sounds during the day that are coming from his property as a result of his business. Any noise that does come from his property as a result of the business is what I would expect from any person that has children and a personal pool in the backyard that they play in.

(10) There is no trash or debris on his property from the operation of his business.

(11) There is no smell or noxious odor coming from the property as a result of his business.

(12) It is my opinion that the operation of Mury's business at his residence has no negative impact on the value of my property.

(13) It is my opinion that the operation of Mury's business at his residence is not detrimental to the use of my property.

(14) It is my opinion that his business does not adversely impact the character of the neighborhood. In fact, I think the presence of his business adds value to the neighborhood because families have a local place where their kids can learn valuable skills.

(15) I have no objection to the Town of Clayton issuing the necessary permit for Michael Mury to continue operating his swim lesson business.

Affiant further sayeth naught.

Dated July 15th, 2023.

Signature: Lynelle Asmussen

STATE OF NORTH CAROLINA
COUNTY OF JOHNSTON

Sworn to and subscribed before me
this 15th day of July, 2023.

Notary Public: Tamekia S. Boswell-Taylor

Print Name: Tamekia S Boswell-Taylor, Notary Public [Affix Seal]

My commission expires: July 10, 2024

TAMEKIA S. BOSWELL-TAYLOR NOTARY PUBLIC JOHNSTON COUNTY, NC

{N0417404.DOCX; 3}

Affidavit of John and Lyn Wozniak

(1) My name is Lyn + John and I am a resident of Clayton, Johnston County, North Carolina. I am over the age of eighteen years and of sound mind at the time of this affidavit. This affidavit is given voluntarily and without condition or incentive.

(2) My address is 33 Grantwood Dr.. I know Michael Mury ("Mury") and his family well. I live within several hundred feet of Michael Mury's residence at 53 Grantwood Drive in the Glen Laurel neighborhood. Mury and his family are good neighbors.

(3) To my knowledge, Mury has been operating his swim lesson business since 2018.

(4) I understand that someone has lodged a complaint with the Town of Clayton against Mury about his business. I have no complaint or issue with Mury giving swim lessons in the pool behind his house.

(5) I have personal knowledge that the business is well-attended by families in the neighborhood and in the Clayton-area.

(6) There is no noticeable traffic on the roadway as a result of his business.

(7) Mury's business does not cause safety or health issues in the neighborhood or on my property.

(8) There is no signage, display, or other alternation to the property that would indicate a business is being operated at his home.

(9) I do not hear loud screaming or other noises or sounds during the day that are coming from his property as a result of his business. Any noise that does come from his property as a result of the business is what I would expect from any person that has children and a personal pool in the backyard that they play in.

(10) There is no trash or debris on his property from the operation of his business.

(11) There is no smell or noxious odor coming from the property as a result of his business.

(12) It is my opinion that the operation of Mury's business at his residence has no negative impact on the value of my property.

(13) It is my opinion that the operation of Mury's business at his residence is not detrimental to the use of my property.

(14) It is my opinion that his business does not adversely impact the character of the neighborhood. In fact, I think the presence of his business adds value to the neighborhood because families have a local place where their kids can learn valuable skills.

(15) I have no objection to the Town of Clayton issuing the necessary permit for Michael Mury to continue operating his swim lesson business.

Affiant further sayeth naught.

Dated July 15, 2023.

Signature: Lyn + John Stozniak

STATE OF NORTH CAROLINA
COUNTY OF JOHNSTON

Sworn to and subscribed before me
this 15th day of July, 2023.

Notary Public: Tamekia S. Boswell-Taylor

Print Name: Tamekia S. Boswell-Taylor, Notary Public [Affix Seal]

My commission expires: July 10, 2024

TAMEKIA S. BOSWELL-TAYLOR NOTARY PUBLIC JOHNSTON COUNTY, NC

{N0417404.DOCX; 3}

Affidavit of Jerry Lilly ("Glen")

(1) My name is GERALD LILLY and I am a resident of Clayton, Johnston County, North Carolina. I am over the age of eighteen years and of sound mind at the time of this affidavit. This affidavit is given voluntarily and without condition or incentive.

(2) My address is 62 MIDDLECREST WAY. I live within several hundred feet of Michael Mury's residence at 53 Grantwood Drive in the Glen Laurel neighborhood. Mury and his family are good neighbors.

(3) To my knowledge, Mury has been operating his swim lesson business since 2018.

(4) I understand that someone has lodged a complaint with the Town of Clayton against Mury about his business. I have no complaint or issue with Mury giving swim lessons in the pool behind his house.

(5) There is no noticeable traffic on the roadway as a result of his business.

(6) Mury's business does not cause safety or health issues in the neighborhood or on my property.

(7) There is no signage, display, or other alternation to the property that would indicate a business is being operated at his home.

(8) Any noise that I may hear from his property as a result of the business is what I would expect from any person that has children and a personal pool in the backyard that they play in.

(9) There is no trash or debris on his property from the operation of his business.

(10) There is no smell or noxious odor coming from the property as a result of his business.

(11) It is my opinion that the operation of Mury's business at his residence has no negative impact on the value of my property.

(12) It is my opinion that the operation of Mury's business at his residence is not detrimental to the use of my property.

(13) It is my opinion that his business does not adversely impact the character of the neighborhood. In fact, I think the presence of his business adds value to the neighborhood because families have a local place where their kids can learn valuable skills.

(14) I have no objection to the Town of Clayton issuing the necessary permit for Michael Mury to continue operating his swim lesson business.

Affiant further sayeth naught.

Dated July 18, 2023.

Signature: _____

STATE OF NORTH CAROLINA
COUNTY OF JOHNSTON

Sworn to and subscribed before me
this 18th day of July, 2023.

Notary Public: Tamekia S. Boswell-Taylor

Print Name: Tamekia S. Boswell-Taylor, Notary Public

[Affix Seal]

My commission expires: July 10, 2024

TAMEKIA S. BOSWELL-TAYLOR NOTARY PUBLIC JOHNSTON COUNTY, NC

{N0417404.DOCX; 3}

Affidavit of Michael & Lisa Stormant

(1) My name is Lisa + Michael and I am a resident of Clayton, Johnston County, North Carolina. I am over the age of eighteen years and of sound mind at the time of this affidavit. This affidavit is given voluntarily and without condition or incentive.

(2) My address is 220 Kensington Ct. Clayton, NC. I live within several hundred feet of Michael Mury's residence at 53 Grantwood Drive in the Glen Laurel neighborhood. Mury and his family are good neighbors.

(3) To my knowledge, Mury has been operating his swim lesson business since 2018.

(4) I understand that someone has lodged a complaint with the Town of Clayton against Mury about his business. I have no complaint or issue with Mury giving swim lessons in the pool behind his house.

(5) There is no noticeable traffic on the roadway as a result of his business.

(6) Mury's business does not cause safety or health issues in the neighborhood or on my property.

(7) There is no signage, display, or other alternation to the property that would indicate a business is being operated at his home.

(8) Any noise that I may hear from his property as a result of the business is what I would expect from any person that has children and a personal pool in the backyard that they play in.

(9) There is no trash or debris on his property from the operation of his business.

(10) There is no smell or noxious odor coming from the property as a result of his business.

(11) It is my opinion that the operation of Mury's business at his residence has no negative impact on the value of my property.

(12) It is my opinion that the operation of Mury's business at his residence is not detrimental to the use of my property.

(13) It is my opinion that his business does not adversely impact the character of the neighborhood. In fact, I think the presence of his business adds value to the neighborhood because families have a local place where their kids can learn valuable skills.

(14) I have no objection to the Town of Clayton issuing the necessary permit for Michael Mury to continue operating his swim lesson business.

Affiant further sayeth naught.

Dated July 18, 2023.

Signature: Michael Stewart
Michael Stewart

STATE OF NORTH CAROLINA
COUNTY OF JOHNSTON

Sworn to and subscribed before me
this 18th day of July, 2023.

Notary Public: Tamekia D. Boswell-Taylor

Print Name: Tamekia S. Boswell-Taylor; Notary Public

[Affix Seal]

TAMEKIA S. BOSWELL-TAYLOR NOTARY PUBLIC JOHNSTON COUNTY, NC

My commission expires: July 10, 2024

{N0417404.DOCX; 3}

Affidavit of Pasquale ("Pat") Digirolamo

(1) My name is Pasquale DiGirolamo and I am a resident of Clayton, Johnston County, North Carolina. I am over the age of eighteen years and of sound mind at the time of this affidavit. This affidavit is given voluntarily and without condition or incentive.

(2) My address is 74 Grantwood Dr. I live within several hundred feet of Michael Mury's residence at 53 Grantwood Drive in the Glen Laurel neighborhood. Mury and his family are good neighbors.

(3) To my knowledge, Mury has been operating his swim lesson business since 2018

(4) I understand that someone has lodged a complaint with the Town of Clayton against Mury about his business. I have no complaint or issue with Mury giving swim lessons in the pool behind his house.

(5) I have personal knowledge that the business is well-attended by families in the neighborhood and in the Clayton-area.

(6) There is no noticeable traffic on the roadway as a result of his business.

(7) Mury's business does not cause safety or health issues in the neighborhood or on my property.

(8) There is no signage, display, or other alternation to the property that would indicate a business is being operated at his home.

(9) I do not hear loud screaming or other noises or sounds during the day that are coming from his property as a result of his business. Any noise that does come from his property as a result of the business is what I would expect from any person that has children and a personal pool in the backyard that they play in.

(10) There is no trash or debris on his property from the operation of his business.

(11) There is no smell or noxious odor coming from the property as a result of his business.

(12) It is my opinion that the operation of Mury's business at his residence has no negative impact on the value of my property.

(13) It is my opinion that the operation of Mury's business at his residence is not detrimental to the use of my property.

(14) It is my opinion that his business does not adversely impact the character of the neighborhood. In fact, I think the presence of his business adds value to the neighborhood because families have a local place where their kids can learn valuable skills.

(15) I have no objection to the Town of Clayton issuing the necessary permit for Michael Mury to continue operating his swim lesson business.

Affiant further sayeth naught.

Dated July 18, 2023.

Signature: Raquale Dekle

STATE OF NORTH CAROLINA
COUNTY OF JOHNSTON

Sworn to and subscribed before me
this 18th day of July, 2023.

Notary Public: Tamekia S. Boswell-Taylor

Print Name: Tamekia S. Boswell-Taylor, Notary Public

My commission expires: July 10, 2024

[Affix Seal]

TAMEKIA S. BOSWELL-TAYLOR NOTARY PUBLIC JOHNSTON COUNTY, NC

{N0417404.DOCX; 3}

Affidavit of William ("Tony") Quisenberry

(1) My name is William A. Quisenberry and I am a resident of Clayton, Johnston County, North Carolina. I am over the age of eighteen years and of sound mind at the time of this affidavit. This affidavit is given voluntarily and without condition or incentive.

(2) My address is 15 Grantwood Dr. I know Michael Mury ("Mury") and his family well. I live within several hundred feet of Michael Mury's residence at 53 Grantwood Drive in the Glen Laurel neighborhood. Mury and his family are good neighbors.

(3) To my knowledge, Mury has been operating his swim lesson business since May 2017.

(4) I understand that someone has lodged a complaint with the Town of Clayton against Mury about his business. I have no complaint or issue with Mury giving swim lessons in the pool behind his house.

(5) I have personal knowledge that the business is well-attended by families in the neighborhood and in the Clayton-area.

(6) There is no noticeable traffic on the roadway as a result of his business.

(7) Mury's business does not cause safety or health issues in the neighborhood or on my property.

(8) There is no signage, display, or other alternation to the property that would indicate a business is being operated at his home.

(9) I do not hear loud screaming or other noises or sounds during the day that are coming from his property as a result of his business. Any noise that does come from his property as a result of the business is what I would expect from any person that has children and a personal pool in the backyard that they play in.

(10) There is no trash or debris on his property from the operation of his business.

(11) There is no smell or noxious odor coming from the property as a result of his business.

(12) It is my opinion that the operation of Mury's business at his residence has no negative impact on the value of my property.

(13) It is my opinion that the operation of Mury's business at his residence is not detrimental to the use of my property.

(14) It is my opinion that his business does not adversely impact the character of the neighborhood. In fact, I think the presence of his business adds value to the neighborhood because families have a local place where their kids can learn valuable skills.

(15) I have no objection to the Town of Clayton issuing the necessary permit for Michael Mury to continue operating his swim lesson business.

Affiant further sayeth naught.

Dated July 18, 2023.

Signature: I. Quisenberry

STATE OF NORTH CAROLINA
COUNTY OF JOHNSTON

Sworn to and subscribed before me
this 18th day of ~~July, 2023~~.

Notary Public: _____

Print Name: Isabel M. Quisenberry, Notary Public

My commission expires: October 2nd, 2027

ISABEL M. QUISENBERRY NOTARY PUBLIC JOHNSTON COUNTY, NC

Affidavit of Gregory Klein

(1) My name is Greg Klein and I am a resident of Clayton, Johnston County, North Carolina. I am over the age of eighteen years and of sound mind at the time of this affidavit. This affidavit is given voluntarily and without condition or incentive.

(2) My address is 16 Grantwood Dr. Clayton NC. I know Michael Mury ("Mury") and his family well. I live within several hundred feet of Michael Mury's residence at 53 Grantwood Drive in the Glen Laurel neighborhood. Mury and his family are good neighbors.

(3) To my knowledge, Mury has been operating his swim lesson business since 2018.

(4) I understand that someone has lodged a complaint with the Town of Clayton against Mury about his business. I have no complaint or issue with Mury giving swim lessons in the pool behind his house.

(5) I have personal knowledge that the business is well-attended by families in the neighborhood and in the Clayton-area.

(6) There is no noticeable traffic on the roadway as a result of his business.

(7) Mury's business does not cause safety or health issues in the neighborhood or on my property.

(8) There is no signage, display, or other alternation to the property that would indicate a business is being operated at his home.

(9) I do not hear loud screaming or other noises or sounds during the day that are coming from his property as a result of his business. Any noise that does come from his property as a result of the business is what I would expect from any person that has children and a personal pool in the backyard that they play in.

(10) There is no trash or debris on his property from the operation of his business.

(11) There is no smell or noxious odor coming from the property as a result of his business.

(12) It is my opinion that the operation of Mury's business at his residence has no negative impact on the value of my property.

(13) It is my opinion that the operation of Mury's business at his residence is not detrimental to the use of my property.

(14) It is my opinion that his business does not adversely impact the character of the neighborhood. In fact, I think the presence of his business adds value to the neighborhood because families have a local place where their kids can learn valuable skills.

(15) I have no objection to the Town of Clayton issuing the necessary permit for Michael Mury to continue operating his swim lesson business.

Affiant further sayeth naught.

Dated July 18th, 2023.

Signature: _____

STATE OF NORTH CAROLINA
COUNTY OF JOHNSTON

Sworn to and subscribed before me
this 18th day of July, 2023.

Notary Public: _____

Print Name: Isabel M. Quisenberry, Notary Public

[Affix Seal]

ISABEL M. QUISENBERRY NOTARY PUBLIC JOHNSTON COUNTY, NC

My commission expires: October 2nd, 2027

Affidavit of TJ Bugbee

(1) My name is Thomas (TJ) Bugbee and I am a resident of Clayton, Johnston County, North Carolina. I am over the age of eighteen years and of sound mind at the time of this affidavit. This affidavit is given voluntarily and without condition or incentive.

(2) My address is 181 Middlecrest Way. I know Michael Mury ("Mury") and his family well. I live within several hundred feet of Michael Mury's residence at 53 Grantwood Drive in the Glen Laurel neighborhood. Mury and his family are good neighbors.

(3) To my knowledge, Mury has been operating his swim lesson business since 2018.

(4) I understand that someone has lodged a complaint with the Town of Clayton against Mury about his business. I have no complaint or issue with Mury giving swim lessons in the pool behind his house.

(5) I have personal knowledge that the business is well-attended by families in the neighborhood and in the Clayton-area.

(6) There is no noticeable traffic on the roadway as a result of his business.

(7) Mury's business does not cause safety or health issues in the neighborhood or on my property.

(8) There is no signage, display, or other alternation to the property that would indicate a business is being operated at his home.

(9) I do not hear loud screaming or other noises or sounds during the day that are coming from his property as a result of his business. Any noise that does come from his property as a result of the business is what I would expect from any person that has children and a personal pool in the backyard that they play in.

(10) There is no trash or debris on his property from the operation of his business.

(11) There is no smell or noxious odor coming from the property as a result of his business.

(12) It is my opinion that the operation of Mury's business at his residence has no negative impact on the value of my property.

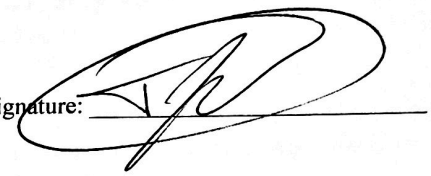
(13) It is my opinion that the operation of Mury's business at his residence is not detrimental to the use of my property.

(14) It is my opinion that his business does not adversely impact the character of the neighborhood. In fact, I think the presence of his business adds value to the neighborhood because families have a local place where their kids can learn valuable skills.

(15) I have no objection to the Town of Clayton issuing the necessary permit for Michael Mury to continue operating his swim lesson business.

Affiant further sayeth naught.

Dated July 14, 2023.

Signature: 

STATE OF NORTH CAROLINA
COUNTY OF JOHNSTON

Sworn to and subscribed before me
this 14th day of July, 2023.

Notary Public: Tamekia S. Boswell-Taylor

Print Name: Tamekia S. Boswell-Taylor Notary Public

[Affix Seal]

My commission expires: July 10, 2024

Affidavit of Michael Beecham, Jr.

(1) My name is Michael Beecham, Jr. and I am a resident of Clayton, Johnston County, North Carolina. I am over the age of eighteen years and of sound mind at the time of this affidavit. This affidavit is given voluntarily and without condition or incentive.

(2) My address is 206 Skygrove Drive. I know Michael Mury ("Mury") and his family. I live within several hundred feet of Michael Mury's residence at 53 Grantwood Drive in the Glen Laurel neighborhood. Mury and his family are good neighbors.

(3) To my knowledge, Mury has been operating his swim lesson business since 2018.

(4) I understand that someone has lodged a complaint with the Town of Clayton against Mury about his business. I have no complaint or issue with Mury giving swim lessons in the pool behind his house.

(5) I have personal knowledge that the business is well-attended by families in the neighborhood and in the Clayton-area.

(6) There is no noticeable traffic on the roadway as a result of his business.

(7) Mury's business does not cause safety or health issues in the neighborhood or on my property.

(8) There is no signage, display, or other alternation to the property that would indicate a business is being operated at his home.

(9) I do not hear loud screaming or other noises or sounds during the day that are coming from his property as a result of his business. Any noise that does come from his property as a result of the business is what I would expect from any person that has children and a personal pool in the backyard that they play in.

(10) There is no trash or debris on his property from the operation of his business.

(11) There is no smell or noxious odor coming from the property as a result of his business.

(12) It is my opinion that the operation of Mury's business at his residence has no negative impact on the value of my property.

(13) It is my opinion that the operation of Mury's business at his residence is not detrimental to the use of my property.

(14) It is my opinion that his business does not adversely impact the character of the neighborhood. In fact, I think the presence of his business adds value to the neighborhood because families have a local place where their kids can learn valuable skills. I am the former president of the Glen Laurel Homeowners Association and have unique and personal knowledge about the character of the community from that role.

(15) I have no objection to the Town of Clayton issuing the necessary permit for Michael Mury to continue operating his swim lesson business.

Affiant further sayeth naught.

Dated July 19, 2023.

Signature: Michael Beck

STATE OF NORTH CAROLINA
COUNTY OF JOHNSTON

Sworn to and subscribed before me
this 19th day of July, 2023.

Notary Public: Tamekia S. Boswell-Taylor

Print Name: Tamekia S. Boswell-Taylor, Notary Public [Affix Seal]

My commission expires: July 10, 2024

Affidavit of Galen & Lacey Kashtock

(1) My name is Galen and Lacey Kashtock and I am a resident of Clayton, Johnston County, North Carolina. I am over the age of eighteen years and of sound mind at the time of this affidavit. This affidavit is given voluntarily and without condition or incentive.

(2) My address is 66 Thandle Ct Clayton, NC 27527. I know Michael Mury ("Mury") and his family well. I live within several hundred feet of Michael Mury's residence at 53 Grantwood Drive in the Glen Laurel neighborhood. Mury and his family are good neighbors.

(3) To my knowledge, Mury has been operating his swim lesson business since 2018.

(4) I understand that someone has lodged a complaint with the Town of Clayton against Mury about his business. I have no complaint or issue with Mury giving swim lessons in the pool behind his house.

(5) I have personal knowledge that the business is well-attended by families in the neighborhood and in the Clayton-area.

(6) There is no noticeable traffic on the roadway as a result of his business.

(7) Mury's business does not cause safety or health issues in the neighborhood or on my property.

(8) There is no signage, display, or other alternation to the property that would indicate a business is being operated at his home.

(9) I do not hear loud screaming or other noises or sounds during the day that are coming from his property as a result of his business. Any noise that does come from his property as a result of the business is what I would expect from any person that has children and a personal pool in the backyard that they play in.

(10) There is no trash or debris on his property from the operation of his business.

(11) There is no smell or noxious odor coming from the property as a result of his business.

(12) It is my opinion that the operation of Mury's business at his residence has no negative impact on the value of my property.

(13) It is my opinion that the operation of Mury's business at his residence is not detrimental to the use of my property.

(14) It is my opinion that his business does not adversely impact the character of the neighborhood. In fact, I think the presence of his business adds value to the neighborhood because families have a local place where their kids can learn valuable skills.

(15) I have no objection to the Town of Clayton issuing the necessary permit for Michael Mury to continue operating his swim lesson business.

Affiant further sayeth naught.

Dated July 15, 2023.

Signature: Larry Hasluck (Gale)

STATE OF NORTH CAROLINA
COUNTY OF JOHNSTON

Sworn to and subscribed before me
this 15th day of July, 2023.

Notary Public: Tamekia S. Boswell-Taylor

Print Name: Tamekia S. Boswell-Taylor, Notary Public [Affix Seal]

My commission expires: July 10, 2024

TAMEKIA S. BOSWELL-TAYLOR NOTARY PUBLIC JOHNSTON COUNTY, NC

{N0417404.DOCX; 3}

Affidavit of Marisa White

(1) My name is Marisa White and I am a resident of Clayton, Johnston County, North Carolina. I am over the age of eighteen years and of sound mind at the time of this affidavit. This affidavit is given voluntarily and without condition or incentive.

(2) My address is 236 Hein Dr. Clayton. I know Michael Mury ("Mury") and his family well. I live within several hundred feet of Michael Mury's residence at 53 Grantwood Drive in the Glen Laurel neighborhood. Mury and his family are good neighbors.

(3) To my knowledge, Mury has been operating his swim lesson business since 2018.

(4) I understand that someone has lodged a complaint with the Town of Clayton against Mury about his business. I have no complaint or issue with Mury giving swim lessons in the pool behind his house.

(5) I have personal knowledge that the business is well-attended by families in the neighborhood and in the Clayton-area.

(6) There is no noticeable traffic on the roadway as a result of his business.

(7) Mury's business does not cause safety or health issues in the neighborhood or on my property.

(8) There is no signage, display, or other alternation to the property that would indicate a business is being operated at his home.

(9) I do not hear loud screaming or other noises or sounds during the day that are coming from his property as a result of his business. Any noise that does come from his property as a result of the business is what I would expect from any person that has children and a personal pool in the backyard that they play in.

(10) There is no trash or debris on his property from the operation of his business.

(11) There is no smell or noxious odor coming from the property as a result of his business.

(12) It is my opinion that the operation of Mury's business at his residence has no negative impact on the value of my property.

(13) It is my opinion that the operation of Mury's business at his residence is not detrimental to the use of my property.

(14) It is my opinion that his business does not adversely impact the character of the neighborhood. In fact, I think the presence of his business adds value to the neighborhood because families have a local place where their kids can learn valuable skills.

(15) I have no objection to the Town of Clayton issuing the necessary permit for Michael Mury to continue operating his swim lesson business.

Affiant further sayeth naught.

Dated July 15, 2023.

Signature: Mary K Mury

STATE OF NORTH CAROLINA
COUNTY OF JOHNSTON

Sworn to and subscribed before me
this 15th day of July, 2023.

Notary Public: Tamekia S. Boswell-Taylor

Print Name: Tamekia S. Boswell-Taylor, Notary Public

[Affix Seal]

TAMEKIA S. BOSWELL-TAYLOR NOTARY PUBLIC JOHNSTON COUNTY, NC

My commission expires: July 10, 2024

SITE PLAN - SUP

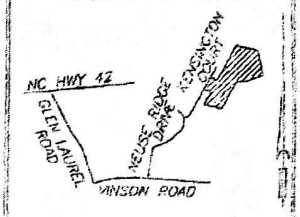
FLOOD CERTIFICATION

A ( ) THE PROPERTY IS NOT LOCATED IN A COMMUNITY PARTICIPATING IN THE NATIONAL FLOOD INSURANCE PROGRAM AS OF THIS DATE.

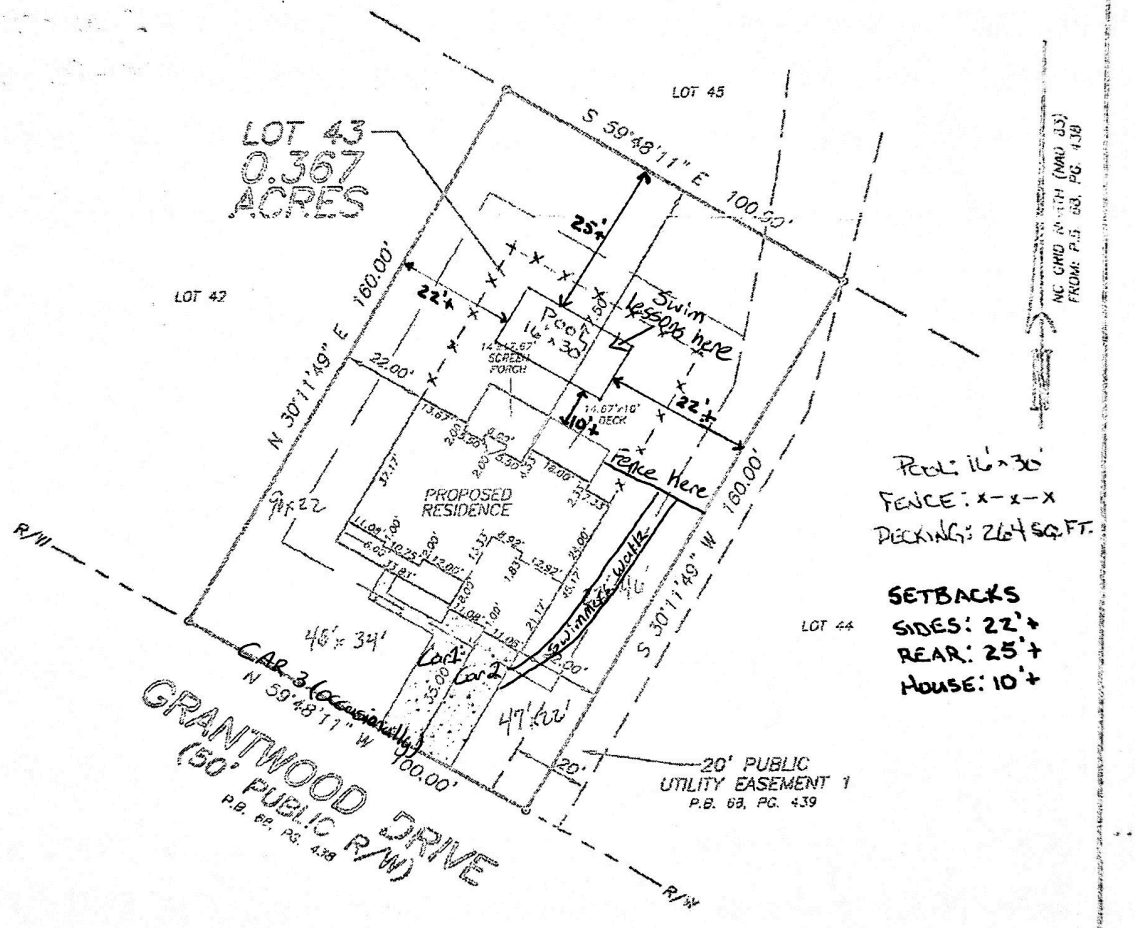
B (X) THE PROPERTY IS NOT LOCATED IN THE 100 YEAR FLOOD HAZARD AREA PER F.I.R.M. MAP NO. 3720168800 J, EFFECTIVE DATE DECEMBER 2, 2005.

C ( ) A PORTION OF THIS PROPERTY IS LOCATED WITHIN A 100 YEAR FLOOD FRINGE AREA AS SHOWN BELOW.

VICINITY MAP



NOT TO SCALE



Pool: 16' x 30'
FENCE: x-x-x
DECKING: 264 SQ.FT.

SETBACKS
SIDES: 22'±
REAR: 25'±
HOUSE: 10'±

LEGEND

(IPF) IRON PIPE FOUND
(IPS) IRON PIPE SET
(R/W) RIGHT OF WAY
(℄) CENTERLINE OF RIGHT OF WAY

SETBACKS

FRONT	30'
REAR	25'
SIDE	10'
CORNER SIDE	20'

PROPOSED IMPERVIOUS AREA

HOUSE, GARAGE, PORCH	@ 100%	2,704 S.F.
CONCRETE DRIVEWAY	@ 100%	751 S.F.
CONCRETE SIDEWALK	@ 100%	88 S.F.
TOTAL IMPERVIOUS AREA		3,543 S.F.
TOTAL LOT AREA		16,000 S.F.
PERCENTAGE OF IMPERVIOUS AREA =		22.14%

NOTE:
1. NOT FOR RECORDATION OR CONVEYANCE OR SALE.

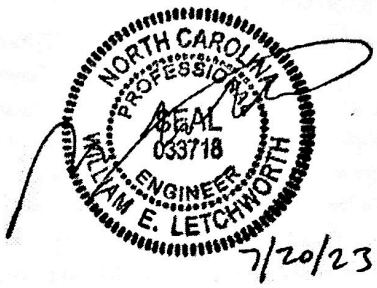
PRELIMINARY PLAT OF
LOT 43
GLEN LAUREL EAST PHASE 1

PROPERTY OF
PINKUS CONSTRUCTION

MCADAMS

53 GRANTWOOD DRIVE

July 20, 2023



Benton Sawrey
PO Box 1567
102 South Third Street
Smithfield, North Carolina, 27577

RE: 53 Grantwood Drive – Clayton, North Carolina

Dear Mr. Sawrey,

This letter presents a summary of the trip generation potential for the in-home private swim lesson business of Mr. Michael Murray located at 53 Grantwood Drive in Clayton, North Carolina. The purpose of this letter is to determine the trip generation potential for the proposed business and to assess the potential impact, if any, the proposed business may have on the adjacent roadway network.

TRIP GENERATION DATA

The Institute for Transportation Engineers (ITE) *Trip Generation Manual*, 11th Edition, which provides trip generation rates for a wide variety of land uses, does not include trip generation calculations for a public or private pool. In instances where trip generation is not available from ITE, local data is typically utilized. Mr. Murray has reported that one family arrives and departs approximately every 15 minutes, and his business operates during the following times:

- 8:45 AM – 11:15 AM
- 1:45 PM – 3:15 PM
- 4:00 PM – 5:45 PM

Trip generation calculations were determined based off the information provided by Mr. Murray and is summarized in Table 1 below.

TABLE 1: TRIP GENERATION

Land Use	Density	Calculation Methodology	Daily Trips	AM Peak Hour			PM Peak Hour		
				Enter	Exit	Total	Enter	Exit	Total
Private Swim Lessons	N/A	Local Data	46	4	4	8	4	4	8

Mr. Murray has also indicated that approximately 35% of the students are residents of his neighborhood and either walk or take a golf cart, which would reduce this expected vehicle trip generation.

ADJACENT ROADWAY NETWORK

Grantwood Drive has approximately a 27-foot wide cross-section with curb and gutter and is a residential roadway owned and maintained by the Town of Clayton (Town). This roadway width provides sufficient room for on-street parking without impeding traffic on Grantwood Drive. Additionally, Mr. Murray's driveway provides sufficient room for multiple vehicles to park. Traffic counts are not available from NCDOT for Town of Clayton owned roadways (such as Grantwood Drive) or for SR 1903 (Vinson Road). However, 2021 Annual Average Daily Traffic (AADT) volumes are available for SR 1902 (Glen Laurel Road), which indicates that approximately 4,400 vehicles per day (vpd) travel along this roadway which is well under the capacity of this two-lane facility. While McAdams has not completed a capacity analysis related to Mr. Murrays' business, Grantwood Drive and the surrounding roadway network appear to be of adequate design and capacity to support the daily and peak hour trips generation by Mr. Murray's proposed business.

SUMMARY

Based on the minor amount of traffic generated by Mr. Murray's business and the adequate design of Grantwood Road, including space for on and off-street parking, it is my opinion that Mr. Murray's business will not negatively impact the health, safety, or welfare of the travelling public. If you have any additional questions or need any additional information, please do not hesitate to contact me at any time.

If you should have any questions or comments relative to this study, please feel free to contact me at 919.805.4900

Sincerely,

MCADAMS

Will Letchworth, PE

Affidavit of Season Wyatt

(1) My name is Season Wyatt and I am a resident of Clayton, Johnston County, North Carolina. I am over the age of eighteen years and of sound mind at the time of this affidavit. This affidavit is given voluntarily and without condition or incentive.

(2) I am a licensed real estate broker by the North Carolina Real Estate Commission and have been working in this field for over a decade. I work with HomeTowne Realty in Clayton and am part of the Wyatt Team. Our team averages over 100 real estate closings per year with a gross closing amount in excess of $20,000,000 annually. We are within the top 5% within our firm and its affiliates. My husband, Derek Wyatt, is also part of the Wyatt Team at HomeTowne Realty.

(3) Most of my work is concentrated on residential closings in Johnston County and, specifically, the Clayton market. I was raised in Clayton and graduated from Clayton High School in 2003. After graduation, I attended Meredith College pursued a degree in business.

(4) I am very familiar with the residential real estate market in Glen Laurel and the neighborhood, generally. My husband plays golf at the course in the neighborhood. We have friends that live in the neighborhood. I was a lifeguard at the Glen Laurel pool during high school. Professionally, I frequently show homes in the neighborhood to potential buyers and have been part of over 20 home sales in Glen Laurel in recent memory.

(5) I have been asked to determine whether a private swim lesson business run by Mike Mury at his residence located at 53 Grantwood Drive, Clayton, Johnston County, North Carolina would (a) substantially injure the value of the adjoining or abutting property, (b) be detrimental to the use of adjacent properties or other neighborhood uses, or (c) violate the character of existing standards for development of the adjacent properties.

(6) I am familiar with Mr. Mury's property and have observed him conduct his swim lessons. I understand and have observed that he has a pool in the backyard of his home and that it is fenced and screened. I understand that the pool is properly permitted and it is similar in character and nature to other pools that you would see located at a home in a residential property. It is also my observation that Mr. Mury went further to ensure the pool is not intrusive because of the screened fencing. The pool and fencing are not apparent or visible from the street. There is no signage for his business anywhere on the property. There is no visible indication that a business is being operated on this property at all. It is very discrete.

(7) I also understand that Mr. Mury operates his business during weekdays and sees children, one at a time, in fifteen-minute increments. I understand that about 35% of Mr. Mury's clients come from the neighborhood and either walk or bring a golf cart. I understand that the majority of those people are able to park in his driveway. I have reviewed the Traffic Impact Assessment from McAdams and Co. and understand that there was a finding that the operation of the business would have no impact on traffic on Grantwood Drive or surrounding streets.

(8) I have also reviewed several property sales within the vicinity of Mr. Mury's home to determine whether any of the properties sold for less than fair value based on comparable properties. All of the sales were in line with my expectations and it does not appear that there was any injury to

value of the properties as a result of the operation of Mr. Mury's swim lessons. A copy of the sales that I evaluated is attached here as **Exhibit A** to this affidavit.

(9) Glen Laurel is a well-established neighborhood in the Clayton community. All of the property within the vicinity of Mr. Mury's home is developed and contains single-family homes. The neighborhood is a popular place for young families to move with children because of its community pool, proximity to Powhatan Elementary School, and established character. It's my opinion that being in proximity to a reputable neighborhood swim instructor would be a benefit to the community and makes it a more desirable place to live.

(10) Based on my personal knowledge and analysis, it is my professional opinion that Mr. Mury's business will not substantially injure the value of the adjoining or abutting properties and will not be detrimental to the use or development of adjacent properties or other neighborhood uses. It is my professional opinion that the operation of Mr. Mury's business will not violate the character of existing standards for development of the adjacent properties in Glen Laurel, either.

(11) Mr. Mury's business has been in operation for a period of time already and any injury or detriment caused would be apparent and obvious at this point. I understand that there is a business permit that he was issued previously and lists the swim lessons as a use.

(12) The only possible future detriment to these properties at this point would be the inability to sell a single-family residence or an injury to value of the existing homes because the adjoining or abutting properties are already developed. Two of the adjoining properties at 77 Grantwood Drive and 74 Grantwood Drive have all had sales occur within the last two years for fair value, so the operation of the swim lessons is not impacting a property owner's ability to convey the home. And, based on my analysis of comparable sales, there has been no injury to the property value of the adjacent or abutting homes. There are several other houses within five-hundred feet that have also sold in the last few years for fair value.

(13) Mr. Mury's business does not violate the existing standards for development of the adjacent properties. Again, the adjacent properties are already developed and the pool in his backyard is otherwise not out of place with any other home in the neighborhood. There is no parking or traffic issue. The impact is non-existent.

[Signature Page Attached]

Affiant further sayeth naught.

Dated July 20, 2023.

Signature: Reason Wyatt

STATE OF NORTH CAROLINA
COUNTY OF JOHNSTON

Sworn to and subscribed before me
this 20th day of July, 2023.

Notary Public: Sharon Stallings

Print Name: Sharon Stallings Notary Public

My commission expires: 9-21-2026

[Affix Seal]

EXHIBIT A

CMA Summary Report

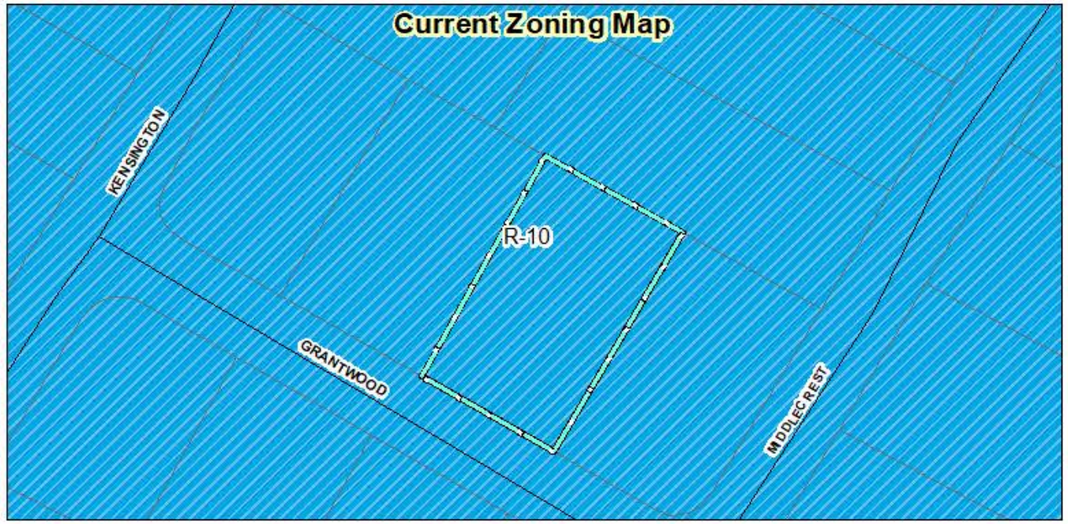
RESIDENTIAL Summary Statistics

High	Low	Average	Median
LP:$650,000	$442,000	$558,000	$570,000
SP:$660,000	$450,000	$565,375	$575,750

RESIDENTIAL - Sold

Number of Properties: 4

Num	MLS #	PropDesc	Address	Subdiv	Beds	TotBths	YrBlt	SPLP	LvngAreaSF	DOM	LP	LP/LvngAreaSF	SP	SP/LvngAreaSF
1	2502832	SF	230 Parkridge Drive	Glen Laurel	3	3	1996	1.02	2,305	0	$442,000	$191.76	$450,000	$195.23
2	2489570	SF	28 Middlecrest Way	Glen Laurel	3	3	2011	1.00	2,880	5	$575,000	$199.65	$572,500	$198.78
3	2499107	SF	46 Middlecrest Way	Glen Laurel	5	3	2010	1.02	3,009	2	$565,000	$187.77	$579,000	$192.42
4	2504630	SF	135 Middlecrest Way	Glen Laurel	4	5	2007	1.02	3,445	4	$650,000	$188.68	$660,000	$191.58
Avg					**3**	**3**	**2006**	**1.02**	**2909**	**2**	**$558,000**	**$191.97**	**$565,375**	**$194.50**
Min					**3**	**3**	**1996**	**1.00**	**2305**	**0**	**$442,000**	**$187.77**	**$450,000**	**$191.58**
Max					**5**	**5**	**2011**	**1.02**	**3445**	**5**	**$650,000**	**$199.65**	**$660,000**	**$198.78**
Med					**3**	**3**	**2008**	**1.02**	**2944**	**3**	**$570,000**	**$190.22**	**$575,750**	**$193.83**



Request: Class B Home Occupation SUP
Project Name: Mury Home Occupation
Project Number: 2023-113-SUP

Applicant:Cyntergy
Property Owners: MURY, MICHAEL F & MURY, JENNIFER A
Tag #05J05019A

N

Legend

Site

0 0.275 0.55 Miles

Staff Report Map
Prepared by: TOC Planning Department
July 20, 2023

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

Document Path: P:\PLANNING\ALTERNATIVE SIGN PLANS AND MASTER SIGN PLANS\2023\2023-113- SUP Mury\2023-113-SUP Mury.mxd