



**Town of Clayton
Regular Town Council Meeting Agenda
Monday, May 17, 2021 @ 6:00 PM
Council Chambers**

THE PUBLIC MAY VIEW THE LIVE COUNCIL MEETING ON THE TOWN'S YOUTUBE CHANNEL:
https://www.youtube.com/channel/UCwz_EIU1ENy7BkFsqmWYzQ

BELOW PLEASE FIND ADDITIONAL INFORMATION REGARDING PROCEDURES FOR IN-PERSON MEETINGS:

- ALL persons attending must wear a mask.
- We will be following proper social distancing at all times.
- All council/board members will be socially distanced in the council chambers and wearing face masks.*
- All staff and visitors will be socially distanced while within the council chambers. Face masks will be worn.*
- Hand sanitizer will be available, both in the lobby and council chambers.
- Podium/microphone will be sanitized after each speaker.

**Masks may be lowered when speaking.*

1. CALL TO ORDER

Pledge of Allegiance and Invocation

2. ADJUSTMENT OF THE AGENDA

3. CONSENT AGENDA

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

- a. Final Acceptance
 - Village at Little Creek Subdivision - Phase 1
[Village at Little Creek Phase I](#)
- b. DRAFT Minutes
 - April 5, 2021 - Regular Meeting
 - May 3, 2021 - Regular Meeting
 - May 3, 2021 - Closed Session

Minutes will be sent under separate cover
- c. Resolution Authorizing Bank Signatures/Deputy Finance Officers
[Resolution #2021-20](#)
- d. Certification of Sufficiency
 - 2021-36-ANX - Ashcroft Phase 7 & 8
[Certificate of Sufficiency Ashcroft Phases 7 & 8](#)
- e. Resolution Setting Public Hearing
 - 2021-36-ANX - Ashcroft Phases 7 & 8
[Resolution #2021-21](#)

- f. Resolution Authorizing Acceptance of American Rescue Plan Act of 2021 Funding
[Resolution #2021-22](#)
- g. Proclamation - Public Works Week
[Proclamation](#)
- h. Proclamation - Building Safety Month
[Proclamation](#)
- i. Proclamation - 2021 National Police Week
[Proclamation](#)

POTENTIAL ACTION: Adoption of Consent Agenda as Presented

4. ADMINISTRATIVE ITEMS

- a. Swearing In of New Police Officer
 - Officer Brandon Hart Rico
- b. Fire Advisory Board Appointment Recommendation
Presenter: Kimberly Moffett, Town Clerk
[Cover](#)
[Application](#)

5. INTRODUCTIONS AND SPECIAL PRESENTATIONS

- a. Employee Introductions
Presenters: Kimberly Moffett - Town Clerk; Lee Barbee - Fire Chief & Matt Sutphin - Deputy Fire Chief
 - Sarah Byers - Front Desk Receptionist
 - Amy Shearin - Emergency Management Coordinator
 - Stacey Turner - Battalion Fire Chief
 - Kyle Driver - Fire Captain
 - Joel Shanks - Fire Equipment Operator
- b. Recognition of Long Term Employee
Presenter: Rich Cappola, Interim Town Manager
 - James Warren - Wastewater Treatment Plant Superintendent
- c. Introduction of Gannett Fleming & HDR Staff
Presenter: Rich Cappola, Interim Town Manager

6. PUBLIC HEARINGS

- a. 2021-04-SUP - Smithfield Chicken & BBQ - Special Use Permit (Quasi-Judicial)
Presenter: Planning Department
[Cover](#)
[Application](#)
[Owner's Consent](#)
[Neighborhood Meeting](#)
[Site Plan](#)
[Adjacent Property Notification Letter](#)
[Newspaper Ad](#)
[Signed TRC Certification Letter](#)
[Recommended Conditions SIGNED](#)

[Staff Report](#)
[Staff Report Map](#)
[Approval](#)
[Motion Form](#)

POTENTIAL ACTION: Approval/Denial #2021-04-SUP

- b. 2020-103-PDD - Lumen - Rezoning
Presenter: Planning Department

POTENTIAL ACTION: Continue to June 7, 2021

- c. 2020-104-SD - Lumen - Subdivision (Quasi-Judicial)
Presenter: Planning Department

POTENTIAL ACTION: Continue to June 7, 2021

- d. Development Agreement - Lumen
Presenter: Planning Department

POTENTIAL ACTION: Continue to June 7, 2021

7. OLD BUSINESS

- a. Parks & Recreation Bond Concept Idea
Presenters: Delores Gill, D/Town Manager & Scott Barnard, Parks & Recreation Director

[Cover](#)
[Park Bond Map Information](#)

POTENTIAL ACTION: Informational Only

8. NEW BUSINESS

- a. Clayton High School Joint Use of Turf Field Agreement
Presenter: Bennett Jones, CHS Principal

POTENTIAL ACTION: Authorize Support and Negotiation of Joint Use and Venture Contract

- b. Capital Project Ordinance Amendment - Wastewater Treatment Plant
Presenter: Robert McKie, Finance Director

[Cover](#)
[Ordinance #2021-05-01](#)

POTENTIAL ACTION: Adoption of Ordinance #2021-05-01

- c. Reorganization and Reclassification of Positions
Presenter: Rich Cappola, Interim Town Manager

POTENTIAL ACTION: Approval of Reorganization/Reclassification

9. STAFF REPORTS

- a. Town Manager
b. Town Attorney

- c. Town Clerk
- d. Other Staff

10. OTHER BUSINESS

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

11. ADJOURNMENT

Quasi-Judicial (evidentiary) – These hearings are different from other public hearings in that they resemble a court hearing where testimony is presented and the Town Council acts like a court of law. During evidentiary hearings, the Town Council receives only sworn testimony and other credible evidence. In addition, the Town Council must make findings of fact based upon the evidence presented. Citizens may give testimony in an evidentiary hearing after they have taken an oath.



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

MEMORANDUM

To: Kimberly Moffett, Town Clerk

From: Andy Simerman, Construction Project Administrator

Copy: Keith Gettle, CAA Engineers
Lori Bryant, Development Services Coordinator

Date: May 5, 2021

Subject: Village at Little Creek Subdivision – Phase I

Please place a final acceptance request for the referenced public sanitary sewer and water utilities on the next available agenda.

RESOLUTION AUTHORIZING REPRESENTATIVE(S) OF THE MUNICIPALITY BE
DESIGNATED AS DEPUTY FINANCE OFFICERS

Whereas, NCGS 159-25 defines both the Finance Officer and Mayor as being authorized to sign checks on behalf of the town should no other designation be made; and

Whereas, on September 8, 2020, Resolution #2020-32 was adopted appointing certain representatives of the Town of Clayton the authorization to sign and/or countersign checks on behalf of the Town of Clayton; and

Whereas, it is the request of the Town Council to modify and replace Resolution #2020-32 by authorizing the following representatives authority to sign and/or countersign checks on behalf of the Town of Clayton.

<u>Name</u>	<u>Title</u>	<u>Signatures</u>
Richard D. Cappola Jr.	Interim Town Manager	_____
Delores Gill	Deputy Town Manager	_____
Robert W. McKie, Jr.	Finance Director	_____
Kimberly A. Moffett	Town Clerk	_____

This Resolution will be effective immediately and remain until such time it is modified.

Duly adopted this the 17th day of May, 2021 while in regular session.

Jody McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk

ANNEXATION PETITION 2021-36-ANX
Ashcroft Partners, LLC
Parcel: 05H02200B
Owners: Ashcroft Partners, LLC
Contiguous; 35.23 +/- acres

CERTIFICATE OF SUFFICIENCY

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

I, Kimberly A. Moffett, Town Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S. 160A-31.(c).

In witness whereof, I have hereunto set my hand and affixed the seal of the Town of Clayton, this the 17th day of May, 2021 while in regular session.

Kimberly A. Moffett, CMC, NCCMC
Town Clerk

ANNEXATION PETITION 2021-36-ANX
Ashcroft Partners, LLC
Parcel: 05H02200B
Owners: Ashcroft Partners, LLC
Contiguous; 35.23 +/- acres

TOWN OF CLAYTON
RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION
OF ANNEXATION PURSUANT TO G. S.160A-31

WHEREAS, a petition requesting annexation of the contiguous 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 contiguous area described herein will be held at Town Hall at 6:00 PM on Monday, June 7, 2021.

Section 2. Lying and being in Clayton Township, Johnston County, North Carolina and being more particularly described as follows:

BEGINNING AT AN EXISTING IRON PIPE, SAID PIPE HAVING NC NAD83(2011) GRID COORDINATES N:697425.70, E:2167968.65, AND PROCEEDING S31°38'54"E A DISTANCE OF 544.46 FEET TO AN EXISTING IRON PIPE; THENCE S50°52'01"W A DISTANCE OF 324.65 FEET TO A POINT; THENCE S46°41'00"E A DISTANCE OF 634.29 FEET TO AN EXISTING IRON PIPE; THENCE S43°19'00"W A DISTANCE OF 84.45 FEET TO AN EXISTING IRON PIPE; THENCE S44°02'14"E A DISTANCE OF 62.03 FEET TO AN EXISTING IRON PIPE; THENCE S39°40'21"E A DISTANCE OF 76.44 FEET TO AN EXISTING IRON PIPE; THENCE S36°40'00"E A DISTANCE OF 56.41 FEET TO AN EXISTING IRON PIPE; THENCE S27°18'33"E A DISTANCE OF 164.69 FEET TO AN EXISTING IRON PIPE; THENCE S30°37'04"E A DISTANCE OF 121.20 FEET TO A POINT; THENCE S39°02'35"W A DISTANCE OF 92.88 FEET TO AN EXISTING IRON PIPE; THENCE N69°50'29"W A DISTANCE OF 641.42 FEET TO A POINT; THENCE N69°53'35"W A DISTANCE OF 920.18 FEET TO AN EXISTING IRON ROD; THENCE N19°10'12"E A DISTANCE OF 131.62 FEET TO A POINT; THENCE N20°15'30"E A DISTANCE OF 165.10 FEET TO AN EXISTING BENT IRON PIPE; THENCE CONTINUING N20°15'30"E A DISTANCE OF 183.75 FEET TO AN EXISTING IRON PIPE; THENCE N61°59'25"W A DISTANCE OF 472.37 FEET TO A POINT; THENCE N05°21'46"E A DISTANCE OF 386.35 FEET TO AN EXISTING IRON PIPE; THENCE N87°44'52"E A DISTANCE OF 1042.16 FEET TO AN EXISTING IRON PIPE AND THE POINT AND PLACE OF BEGINNING, CONTAINING 1,529,880 SQUARE FEET OR 35.121 ACRES, MORE OR LESS.

Section 3. Notice of the public hearing shall be published once in The Johnstonian Newspaper, 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 the 17th day of May, 2021 while in regular session.

Jody L. McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC
Town Clerk

RESOLUTION ACCEPTING AMERICAN RESCUE PLAN ACT OF 2021 FUNDS

WHEREAS, The American Rescue Plan Act (*a/k/a American Rescue Plan*) was signed into law on March 11, 2021; and

WHEREAS, the American Rescue Plan is to assist with the speeding up the recovery from the economic and health effects from the COVID-19 pandemic and ongoing recession; and

WHEREAS, part of the American Rescue Plan provides funding aid for local governments; and

WHEREAS, these funds for municipalities may be used to respond to public health emergencies with respect to COVID-19, provide premium pay to essential workers and investment in water and sewer infrastructure; and

NOW, THEREFORE, BE IT RESOLVED BY THE CLAYTON TOWN COUNCIL:

- That Town of Clayton does hereby authorize the acceptance of funds through the American Rescue Act and acknowledges funds will be issued via the State of North Carolina.
- That The Town of Clayton will substantially comply with all laws, rules, and regulations, a pertaining thereto.

Duly adopted this the 17th day of May, 2021 while in regular session.

Jody McLeod,
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk



Proclamation

2021 National Public Works Week

WHEREAS, public works professionals focus on infrastructure, facilities and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life and well-being of the people of the Town of Clayton; and,

WHEREAS, these infrastructure, facilities and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers and employees at all levels of government and the private sector, who are responsible for rebuilding, improving and protecting our nation's transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and,

WHEREAS, it is in the public interest for the citizens, civic leaders and children in the Town of Clayton to gain knowledge of and to maintain an ongoing interest and understanding of the importance of public works and public works programs in their respective communities; and,

WHEREAS, the year 2021 marks the 61st annual National Public Works Week sponsored by the American Public Works Association be it now,

THEREFORE BE IT RESOLVED, on behalf of the Clayton Town Council, I do hereby designate the week May 16 – 22, 2021 as National Public Works Week; I urge all citizens to join with representatives of the American Public Works Association and government agencies in activities, events and ceremonies designed to pay tribute to our public works professionals, engineers, managers and employees and to recognize the substantial contributions they make to protecting our national health, safety, and quality of life.

Duly adopted this the 17th day of May, 2021 while in regular session.

Jody McLeod
Mayor

Proclamation

Building Safety Month — May, 2021

Whereas, Clayton is committed to recognizing that our growth and strength depends on the safety and economic value of the homes, buildings and infrastructure that serve our citizens, both in everyday life and in times of disaster, and;

Whereas, our confidence in the resilience of these buildings that make up our community is achieved through the devotion of vigilant guardians--building safety, inspector, fire prevention officials, engineers, builders, tradespeople, design professionals, laborers, plumbers and others in the construction industry who work year round to ensure the safe construction of buildings, and;

Whereas, these guardians are dedicated members of the International Code Council, a nonprofit that brings together local, state and federal officials that are experts in the built environment to create and implement the highest-quality codes to protect us in the buildings where we live, learn, work, play, and;

Whereas, our nation benefits economically and technologically from using the International Codes that are developed by a national, voluntary consensus codes and standards developing organization, our government is able to avoid the high cost and complexity of developing and maintaining these codes, which are the most widely adopted building safety and fire prevention codes in the world;

Whereas, these modern building codes include safeguards to protect the public from hazards such as hurricanes, snowstorms, tornadoes, wildland fires, floods and earthquakes, and;

Whereas, "Prevent, Prepare, Protect. Building Codes Save," the theme for Building Safety Month 2021, encourages all citizens to raise awareness about the importance of safe and resilient construction; fire prevention; disaster mitigation, energy conservation; water safety; training the next generation; and new technologies in the construction industry.

NOW, THEREFORE, on behalf of the Clayton Town Council, I Jody McLeod, do hereby proclaim the month of May 2021 as Building Safety Month and encourage our citizens to acknowledge and enjoy Building Safety Month activities.

Duly adopted this the 17th day of May, 2021 while in regular session.

Jody McLeod
Mayor

Proclamation

National Police Week 2021

WHEREAS, there are more than 800,000 law enforcement officers serving in communities across the United States, including the dedicated members of the Clayton Police Department; and

WHEREAS, there have been 56,034 assaults against law enforcement officers in 2019, resulting in approximately 17,188 injuries; and

WHEREAS, since the first recorded death in 1786, more than 22,600 law enforcement officers in the United States have made the ultimate sacrifice and died in the line of duty, including Patrol Officer Charles Lee, Patrol Officer Ray Gilmore and Lieutenant Monica Carey, who honorably served as members of the Clayton Police Department; and

WHEREAS, the names of these dedicated public servants are engraved on the walls of the National Law Enforcement Officers Memorial in Washington, DC;

WHEREAS, 394 new names of fallen heroes are being added to the National Law Enforcement Officers Memorial this spring, including 295 officers who died in 2020 and 99 officers who died in previous years;

WHEREAS, the service and sacrifice of all officers who died in the line of duty will be honored during the National Law Enforcement Officers Memorial Fund's 33rd Annual Candlelight Vigil, on the evening of May 13, 2021;

WHEREAS, the Annual Candlelight Vigil is part of National Police Week, which takes place this year on May 9-15; and

WHEREAS, May 15 is designated as Peace Officers Memorial Day, in honor of all fallen officers and their families and U.S. flags should be flown at half-staff;

THEREFORE, BE IT RESOLVED that Clayton Town Council formally designates May 9-15, 2021, as Police Week in the Town of Clayton, and publicly salutes the service of law enforcement officers in our community and in communities across the nation.

Duly adopted this the 17th day of May, 2021 while in regular session.

Jody McLeod
Mayor



Town Council Agenda Cover Sheet

Meeting Date

May 17, 2021

Agenda Location

Administrative

Item Title

Fire Advisory Board Appointment Recommendation

Presenter

Kimberly Moffett, Town Clerk

Summary/Description

The Fire Advisory Board had 1 unexpired vacancy for the Fire Department position with a term expiration of December 31, 2023. The vacancy was advertised, applications received and interviews conducted by staff and board liaison. The recommendation for appointment to the Fire Advisory Board presented for consideration are as follows:

Name	Board Position #	Term Expiration
Christopher Carter	FD3	12/31/2023

Requested Action

Approval/Denial

Funding Source (If Applicable):

N/A

Cost: N/A Yes ☐ No ☒

Additional Documents to be Included in Agenda Packet

Applications

Meeting Timeline



Clerk's Office Use

Date Rec'd: _____

Town/ETJ: _____

ADVISORY BOARD CANDIDATE APPLICATION

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

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

CHOOSE ONE:

☐ Planning Board

☐ Library Advisory Board

☐ Downtown Development Association Advisory Board

☒ Fire Advisory Board

☐ Recreation Advisory Board

☐ Public Art Advisory Board

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

Please type or print using dark ink.

Name: Christopher Carter

Mailing Address: 1604 Barbour Street Clayton 27520

Physical HOME Address: Same

Phone Number (HOME): 919-422-2339 (WORK) 919-553-1520

FAX Number: _____ Mobile Number: 919-422-2339

Email Address: ccarter@townofclaytonnc.org

☐ Female*

☒ Male*

Employer: Town of Clayton

Occupation: Fire Captain

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

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

Length of residence in Clayton: 12 years

Do you live in **Clayton Corporate Limits**: ☒ Yes ☐ No **ETJ**: ☐ Yes ☒ No

How did you find out about this board?

☐ Facebook ☐ Website ☐ Newspaper ☐ Twitter
☐ TV ☐ Friend ☒ Email ☐ Other

Outline your qualifications and why you wish to serve on the board you indicated:

I feel that being a resident of the Town of Clayton as well as being a full time Captain on the Fire Department make me fully equipped to serve on the Fire Advisory Board.

State why you believe you would be an asset to this board:

I believe a combination of my fourteen years experience on the Clayton Fire Department as well as my love for this town make me a perfect asset to the Fire Advisory Board.

Do you anticipate a conflict of interest if asked to serve as a member of the requested board:

☒ No ☐ Yes If Yes, please explain:

Please list any current or previous service to the community, civic organizations, activities and any special talents:

Boards/Civic Organization/Talents	From	To
member of security team, ^{First Baptist Church}	2017	present
Secretary of CFFA	December 2020	present

Charles J. Goff 2/17/2021
Signature Date

- Please do not submit resumes or attachments.
- This application is a PUBLIC RECORD.
- Information contained in the application will be considered when making appointments.
- Candidates may be interviewed prior to appointment.
- If not initially appointed to serve, applications will remain active for one year from date of receipt.

Applications should be submitted to the Town Clerk in person at 111 East Second Street, by mail at Town of Clayton, PO Box 879, Clayton, NC 27528 or via email at kmoffett@townofclaytonnc.org



Town Council Agenda Cover Sheet

Meeting Date

May 17, 2021

Agenda Location

Introductions & Special Presentations

Item Title

SCNB Offsite Parking – Special Use Permit - 2021-04-SUP

Presenter

Planning Department

Summary/Description

SCNB Restaurant is requesting a special use permit for an offsite parking lot on Durham Street.

Requested Action

Approval/Denial

Funding Source (If Applicable):

N/A

Cost: N/A Yes ☐ No ☒

Additional Documents to be Included in Agenda Packet

Meeting Timeline

Click or tap here to enter text.



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: Clayton Smithfield's Chicken 'n BAR-B-Q Offsite Parking **Date:** 01-05-2021
Applicant Name: Enoch Engineers, PA - Fleet Temple

The following checklist to be completed by applicant:

- [☒] Pre-Application Meeting on: 10-21-2020
- [☒] Application Review fee
- [☒] Advertisement Fee

11 copies of the following:

- [☒] Completed Application
- [☒] Owner's Consent Form
- [☒] Adjacent Property Owner's List
- [☒] Neighborhood Meeting Notice Letter (1 copy)
- [☐] Wastewater Allocation Request Form (if applicable)
- [☒] Set of stamped, addressed, empty envelopes for adjacent property owner notification
- [☒] Associated Site Plan (separate application required for major site plans, must be submitted concurrently)

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: \$400.00
Advertisement Fee: \$200.00

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

SITE INFORMATION

Name of Project: Clayton Smithfield's Chicken 'n BAR-B-Q Offsite Parking
Acreage of Property: 0.31 acres Zoning District: O-I
County Tag #: 05008037 NC Pin #: 166806-29-5684
Address/Location: 136 Durham St. Clayton, NC 27520
Existing Use: vacant Proposed Use: parking lot
Is project within a Planned Development? ☐ Yes ☒ No If yes, which: _____
Is project within an Overlay District? ☐ Yes ☒ No If yes, which: _____

APPLICANT INFORMATION

Applicant: Enoch Engineers, PA
Mailing Address: 1403 NC 50 S Benson, NC 27504
Phone Number: 919-894-7765 Fax: 919-894-8190
Contact Person: Fleet Temple
Email Address: fleet@enochengineers.com

OFFICE USE ONLY

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

PROPERTY OWNER INFORMATION

Name: Clayton 001, LLC

Mailing Address: P.O. Box 979 Cary, NC 27512

Phone Number: 919-934-5012

Fax: 919-934-9536

Email Address: lewstarling@dwslaw.com

EXPLANATION OF PROJECT

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

Construct new parking lot to serve existing Smithfield's Chicken 'n BAR-B-Q

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.

Proposed parking lot will not endanger public health or safety

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.

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.

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.

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

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

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.

APPLICANT AFFIDAVIT

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

Fleet Temple
Print Name

Fleet Temple
Signature of Applicant

Digitally signed by Fleet Temple
Date: 2020.12.03 09:28:02 -05'00'

12-03-2020
Date

ADJACENT PROPERTY OWNERS LIST

Project Name: Clayton Smithfield's Chicken 'n BAR-B-Q Offsite Parking

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

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

PARCEL NUMBER	NAME	ADDRESS
166805-29-4520	140 DURHAM STREET, LLC	205 W MAIN ST Clayton NC 27520
166805-29-3619	PEGGY R. WALL	209 COMPTON ST Clayton, NC 27520
166805-29-4658	Clara Faye Stephenson	112 TOPSAIL ISLAND DRIVE Garner, NC 27529
166806-29-6742	HERITAGE COURT APARTMENTS	PO BOX 450233 Atlanta, GA 31145
166805-29-4734	DELAYNE WALL DEAN	8241 ALLYNS LANDING WAY Apt. 3 Raleigh, NC 27615
166805-29-3719	PORTER WAYNE CASEY, SR	PO BOX 1270 Clayton, NC 27528
166805-29-2652	JAMES W. LEE, JR & DEBORAH B. LEE	442 1/2 E MAIN ST Clayton, NC 27520



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: Clayton Smithfield's Chicken 'n BAR-B-Q Offsite Parking **Address or PIN #:** 166806-29-5684

AGENT/APPLICANT INFORMATION:

Fleet Temple/Enoch Engineers, PA
(Name - type, print clearly)

1403 NC 50 S
(Address)
Benson, NC 27504
(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*):

Clayton Smithfield's Chicken 'n BAR-B-Q Offsite Parking

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.

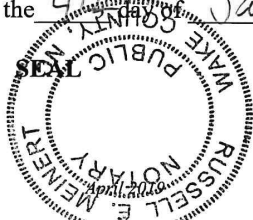
OWNER AUTHORIZATION:

[Signature]
(Name - type, print clearly)
Colton Star
(Owner's Signature)

P.O. Box 979
(Address)
Cary, NC 27512
(City, State, Zip)

STATE OF NC
COUNTY OF WAKE

Sworn and subscribed before me Russell E. Meinert, a Notary Public for the above State and County, this the 4th day of January, 2021.



[Signature]
Notary Public

My Commission Expires:

11-09-2023

10 of 10

Enoch **Engineers, P. A.**

Joe E. Godwin Sr., P.E., P.L.S.

Consulting Engineers & Surveyors

1403 NC Hwy 50 South
Benson, NC 27504

Phone: (919) 894-5731
(919) 894-7765

Fax: (919) 894-8190

Email: general@enochengineers.com

January 18, 2021

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 must be held to provide information to area residents about the proposal. Due to current social distancing resulting from COVID-19, the Town of Clayton has authorized temporary use of Virtual Neighborhood Meetings. This letter includes instructions on how to access the virtual neighborhood meeting for this application. A representative of the applicant will coordinate this meeting and explain the application, answer questions, and solicit comments.

Meeting Date: February 1, 2021

Meeting Time: 6:00PM - 8:00PM

Virtual Meeting Instructions: Virtual Meeting - Use the link to join!

link:

https://teams.microsoft.com/l/meetupjoin/19%3ameeting_YmYzMmU2ODItYjZmMS00MDUwLTg3OTYtZjU1mViMjU5MGRm%40thread.v2/0?context=%7b%22Tid%22%3a%22ba8be19c-7430-4906-a25316268c174d8f%22%2c%22Oid%22%3a%229992dbe2-5f7a-46e3-8e8d-6c277ec2b605%22%7d

(email -Fleet Temple - fleet@enochengineers.com or

Kent Warren - kwarren@jacksonbuilders.com for a direct link to the meeting)

Call-in Number (for audio only): +1 321-430-2052 Phone Conference ID: 293 684 408#

Type of Application: Major Site Plan

Parcel Identification Number: 166806-29-5684

Project/proposal property address: Smithfield's Chicken 'n BAR-B-Q - Offsite
Parking

136 Durham Street
Clayton, NC 27528

Description of project/proposal
and action requested: new parking lot plan approval

Upcoming public meetings for this application: Planning Board - TBD - Notification
will be mailed

mailed

Town Council - TBD - Notification will be

The following is enclosed with this letter and will be discussed during the virtual Neighborhood Meeting:

1. Aerial Image of Property
2. Current Zoning Map of Property
3. Copy of Application
4. Anticipated Public Meeting dates (TBD)
5. Proposed Site Plan

If you have any questions prior to or after this meeting, you may contact us at **919-894-7765**. You may also contact the Town of Clayton Planning Department at 919-553-5002.

Sincerely,



Fleet Temple, PE
Enoch Engineers, PA
Cc: Town of Clayton Planning Department

TEMPORARY VIRTUAL NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Project: Clayton Smithfield's Chicken 'n BAR-B-Q Offsite Parking

Application: Major Site Plan

Meeting Platform/Date: Virtual Meeting / Microsoft Teams / February 1, 2021 / 6:00PM - 8:00PM

	NAME	ADDRESS
1	Fleet Temple	1403 NC 50 S Benson, NC 27504
2	Kent Warren	1608 US Hwy 70 W Goldsboro, NC 27530
3	Porter Casey	326 Page Ct. Clayton, NC 27520
4		
5		
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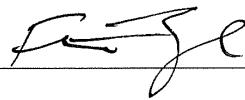
TEMPORARY VIRTUAL NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Application: Clayton Smithfield's Chicken 'n BAR-B-Q Offsite Parking
Date of Mailing: January 18, 2021
Date of Meeting: February 1, 2021 Time of Meeting: 6:00PM - 8:00PM
Meeting Platform: Virtual Meeting / Microsoft Teams

I hereby attest that letters were mailed to the addresses listed on the Adjacent Property Owners List (attached) at least ten days but not more than 25 days prior to the Neighborhood Meeting, and that all required information was presented at the Meeting:

Printed Name: Fleet Temple

Signature: 

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

Porter Casey was the sole property owner that attended the meeting with questions regarding Site lighting, landscape buffer, curb & gutter, fencing, and storm drainage with the following responses:

~~site lighting - will be per Town of Clayton Standards with minimal lighting installed~~

~~landscape buffer - Existing trees in the 20' landscape buffer in the rear of the property will only be removed if required by grading. Buffer will be planted per Town of Clayton specs if existing vegetation doesn't meet landscaping requirements~~

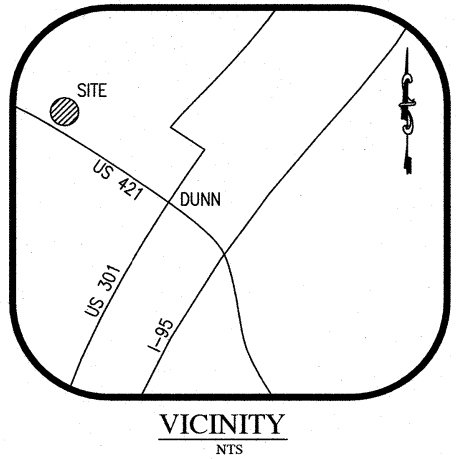
~~curb & gutter - curb & gutter will be provided in parking lot~~

~~fencing - no fencing is proposed~~

~~storm drainage - parking lot drainage will be tied into Town of Clayton storm drainage system located in Durham Street~~

No changes were made to the application as a result of the meeting.

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



NOTE: PAVEMENT DESIGN IN THE TOWN OF CLAYTON
ROW SHALL BE 3" ASPHALT & 8" ABC STONE.

SITE DATA TABLE

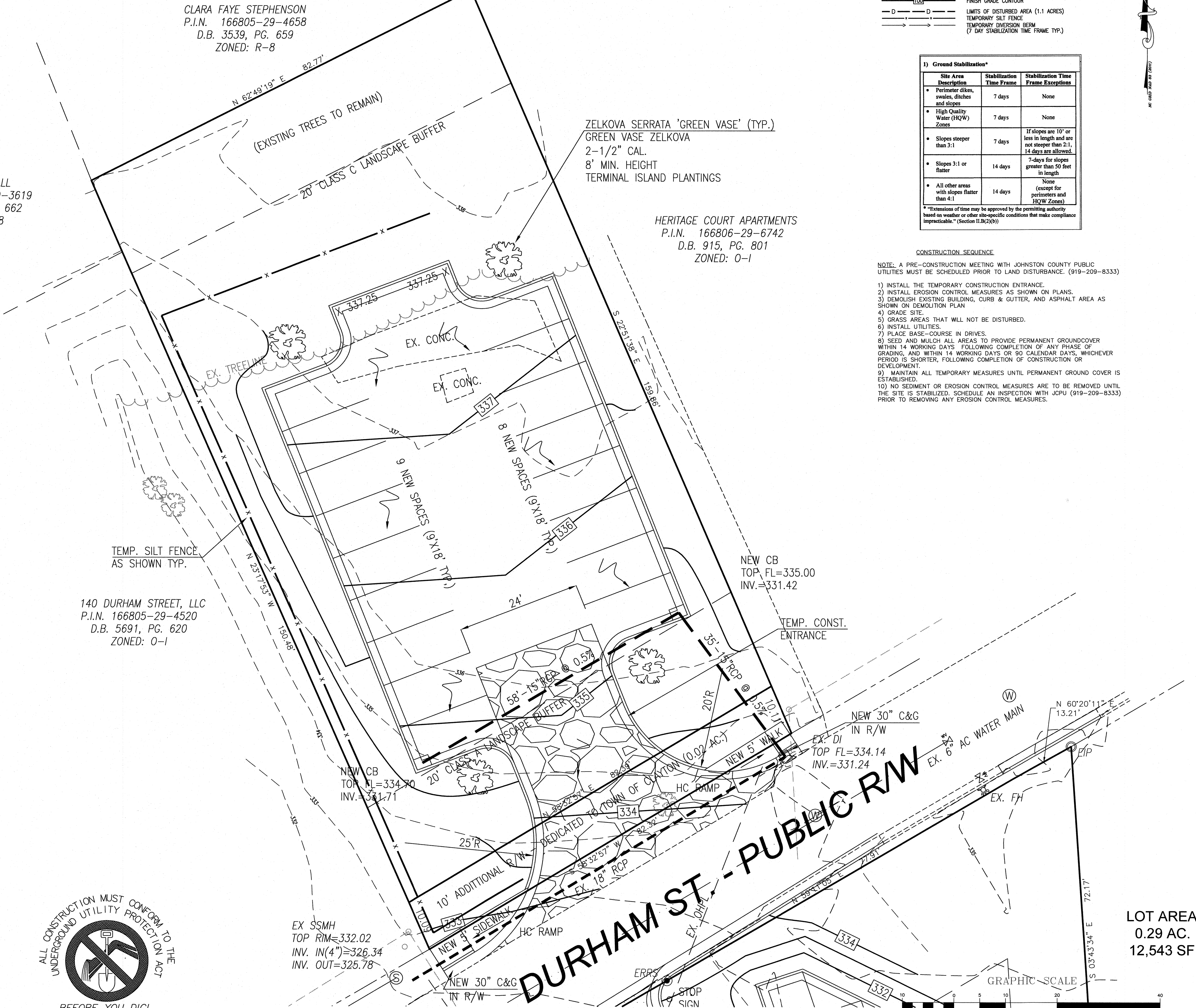
PROJECT NAME: CLAYTON SMITHFIELD'S CHICKEN 'N BAR-B-Q	
PARCEL IDENTIFICATION NUMBERS: 166806-29-5684	
TAG NUMBERS: 05008037	
PROPERTY SIZE:	0.29 ACRES (12,543SF)
PROPERTY LOCATION:	CLAYTON TOWN LIMITS
EXISTING ZONING DISTRICT:	O-I
PROPOSED ZONING DISTRICT:	N/A
OVERLAY:	THOROUGHFARE OVERLAY DISTRICT
EXISTING USE:	VACANT
PROPOSED USE:	PARKING LOT
NUMBER OF SEATS:	N/A
NUMBER OF HOUSING UNITS PROPOSED:	N/A
EXISTING DENSITY:	N/A
PROPOSED DENSITY:	N/A
EXISTING INTENSITY:	N/A
PROPOSED INTENSITY:	N/A
FLOOR AREA RATIO:	N/A
BUILDING COVERAGE:	N/A
PERVIOUS SURFACE AREA:	7,005 SF
IMPERVIOUS SURFACE AREA:	5,538 SF
PROPOSED IMPERVIOUS SURFACE COVERAGE:	44.2%
MAXIMUM IMPERVIOUS SURFACE COVERAGE:	75%
BUILDING HEIGHT:	N/A
REQUIRED PARKING:	17 SPACES
REQUIRED HANDICAP ACCESSIBLE PARKING:	N/A
PROPOSED HANDICAP ACCESSIBLE PARKING:	N/A
ELECTRIC PROVIDER:	TOWN OF CLAYTON
WATER PROVIDER:	TOWN OF CLAYTON
SEWER PROVIDER:	TOWN OF CLAYTON
REQUIRED BIKE RACK PARKING:	N/A
PROVIDED BIKE RACK PARKING:	N/A
PROPOSED WASTEWATER ALLOCATION:	N/A
REQUIRED SETBACKS:	FRONT - 30 FEET SIDE INTERIOR - 10 FEET SIDE STREET - 20 FEET REAR - 20 FEET
PROPOSED SETBACKS:	N/A

STORMWATER MANAGEMENT NOTE:
PREVIOUS EXISTING IMPERVIOUS AREA INCLUDING R/W:
SONB SITE (PIN 166806-29-6474): 36,426 SF
OFFSITE PARKING SITE (PIN 166806-29-5684): 0 SF
TOTAL: 36,426 SF

PROPOSED IMPERVIOUS AREA INCLUDING R/W:
SONB SITE (PIN 166806-29-6474): 29,596 SF
OFFSITE PARKING SITE (PIN 166806-29-5684): 6,524 SF
TOTAL: 36,120 SF



BEFORE YOU DIG!
CONTACT ONE-CALL CENTER
1-800-632-4949



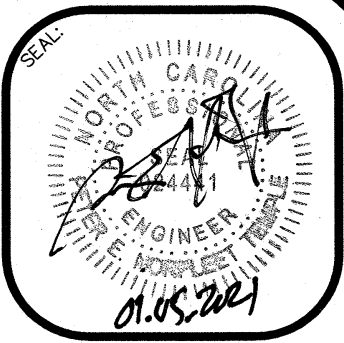
100'-	EXISTING CONTOUR
X 100.000	EXISTING SPOT ELEVATION
X 100.000	FINISH GRADE SPOT ELEVATION
100'-	FINISH GRADE CONTOUR
D - D	LIMITS OF DISTURBED AREA (1.1 ACRES)
- - - - -	TEMPORARY SILT FENCE
- - - - -	TEMPORARY DISTURBANCE BEEM
- - - - -	(7 DAY STABILIZATION TIME FRAME TYP.)

1) Ground Stabilization*		
Site Area Description	Stabilization Time Frame	Stabilization Time Frame Exceptions
• Perimeter ditches, swales, ditches and slopes	7 days	None
• High Quality Water (H2O) Zones	7 days	None
• Slopes steeper than 3:1	7 days	If slopes are 10' or less in length and are not steeper than 2:1, 14 days are allowed.
• Slopes 3:1 or flatter	14 days	7-days for slopes greater than 50 feet in length
• All other areas with slopes flatter than 4:1	14 days	None (except for preliminary and H2O Zones)

* Extensions of time may be approved by the permitting authority based on weather or other site-specific conditions that make compliance impracticable. (Section 11.B(2)(b))

CONSTRUCTION SEQUENCE

- NOTE: A PRE-CONSTRUCTION MEETING WITH JOHNSTON COUNTY PUBLIC UTILITIES MUST BE SCHEDULED PRIOR TO LAND DISTURBANCE. (919-209-8333)
- 1) INSTALL THE TEMPORARY CONSTRUCTION ENTRANCE.
 - 2) INSTALL EROSION CONTROL MEASURES AS SHOWN ON PLANS.
 - 3) DEMOLISH EXISTING BUILDING, CURB & GUTTER, AND ASPHALT AREA AS SHOWN ON DEMOLITION PLAN.
 - 4) GRADE SITE.
 - 5) GRASS AREAS THAT WILL NOT BE DISTURBED.
 - 6) INSTALL UTILITIES.
 - 7) PLACE BASE-COURSE IN DRIVES.
 - 8) SEED AND MULCH ALL AREAS TO PROVIDE PERMANENT GROUND COVER WITHIN 14 WORKING DAYS FOLLOWING COMPLETION OF ANY PHASE OF GRADING, AND WITHIN 14 WORKING DAYS OR 90 CALENDAR DAYS, WHICHEVER PERIOD IS SHORTER, FOLLOWING COMPLETION OF CONSTRUCTION OR DEVELOPMENT.
 - 9) MAINTAIN ALL TEMPORARY MEASURES UNTIL PERMANENT GROUND COVER IS ESTABLISHED.
 - 10) NO SEDIMENT OR EROSION CONTROL MEASURES ARE TO BE REMOVED UNTIL THE SITE IS STABILIZED. SCHEDULE AN INSPECTION WITH JOPU (919-209-8333) PRIOR TO REMOVING ANY EROSION CONTROL MEASURES.



Enoch Engineers, P.A.
CONSULTING ENGINEERS & SURVEYORS
1403 NC Highway 50 South - Benson, NC 27504
Phone: (919) 884-7765 Fax: (919) 884-8190
E-mail: info@enoche.com
E-Enoch NC Firm License #C2601

PLAN INFORMATION:	DESIGNED BY:	DRAWN BY:	CHECKED BY:	DATE CREATED:	SURVEY INFORMATION:
Revisions					

LOCATION:	10414 US HWY 70 BUS CLAYTON, NC 27528 JOHNSTON COUNTY	PROPERTY DEVELOPER:
SITE, GRADING, DRAINAGE, AND EROSION CONTROL PLAN FOR CLAYTON SMITHFIELD'S CHICKEN 'N BAR-B-Q OFFSITE PARKING		

EE PROJECT: 4987
S - 1
of 1

NOTE: This document is a physical or electronic form, discloses subject matter considered confidential to ENOCH ENGINEERS, P.A. and as such ENOCH ENGINEERS, P.A. has exclusive property rights. Neither read nor possession thereof confers or transfers any rights to reproduce the document or any part thereof, or to disclose any information contained therein to others, or to use for any purpose without the written permission of ENOCH ENGINEERS, P.A.



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

April 12, 2021

NOTICE

SUBJECT: Project: 2021-04-SUP SCNB Offsite Parking Special Use Permit
Address: 136 Durham St. Clayton, NC 27520
TAG #: 05008037
Applicant: Enoch Engineers, PA

Dear Clayton Area Property Owner:

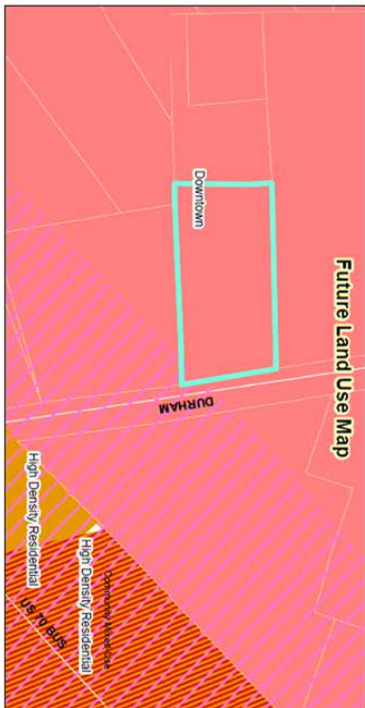
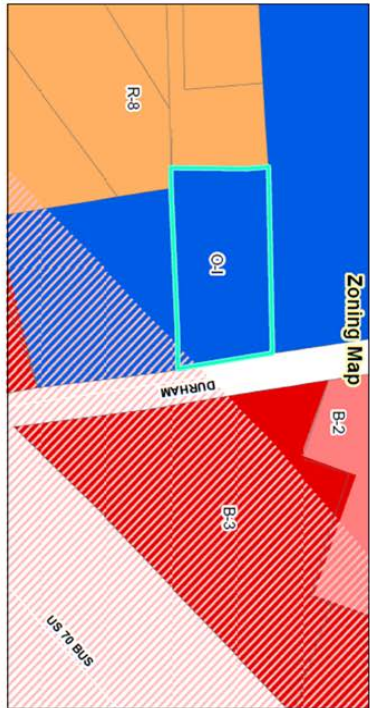
Notice is hereby given that the Clayton Town Council will hold an evidentiary hearing on May 3, 2021 at 6:00 PM at Town Hall, 111 E Second Street, to consider the above referenced Special Use Permit application. The applicant is proposing to operate the use of offsite parking area for the Smithfield's Chicken 'N' BBQ restaurant on the subject property. This use requires issuance of a Special Use Permit in order to be permitted in the O-I zoning district. The property is located at 136 Durham Street across from the SCNB restaurant on the corner of US Hwy 70 Business and Durham Street. Please see the map on the back of this letter.

During an evidentiary hearing, the Clayton Town Council must make findings of fact based upon sworn testimony and other credible evidence. Citizens may give testimony in an evidentiary hearing after they have taken an oath. This is an open meeting and the public is invited to attend.

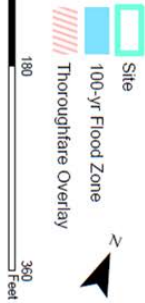
If you should need additional assistance or information, please contact Ben Paynter in the Planning Department at 919-553-5002 or email at bpaynter@townofclaytonnc.org.

Sincerely,

Ben Paynter, Planner



SCNB Offsite Parking Special Use Permit
2021-04-SUP
Request: Grant a special use permit for an offsite parking lot serving Smithfield's Chicken 'N' BBQ restaurant.
 Applicant: Epoch Engineers, PA
 Property Owners: Clayton 001, LLC
 Tag #: 05008037



Staff Report Map
Prepared by: TOC Planning Department
April 12, 2021
 Disclaimer: Town of Clayton assumes no legal responsibility for the quality of the data represented here.

Document Path: O:\PLANNING\REPORTS\2021-04-SUP-SCNB Offsite Parking Special Use Permit Report Map - 2021-04-SUP-SCNB Offsite Parking.mxd

PUBLIC NOTICE

In accordance with NC GS 160A-364, the Clayton Town Council will hold an evidentiary hearing on Monday, May 3rd, 2021 at 6 PM at Town Hall, 111 East Second Street, to consider special use application 2021-04-SUP Smithfield Chicken 'N' BBQ Parking Lot. This application requires a Special Use Permit for the use of the lot as an offsite parking area. The property is located next to 140 Durham St and is zoned O-I. TAG number 05008037.

During an evidentiary hearing, the Clayton Town Council must make findings of fact based upon sworn testimony and other credible evidence. Citizens may give testimony in an evidentiary hearing after they have taken an oath.

This is an open meeting and the public is invited to attend.

Ben Paynter, Planner
919-553-5002

The Johnstonian Newspaper

Please advertise on the following dates:
Wednesday April 21, 2021
Wednesday April 28, 2021

Affidavit of publication required.



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

TRC CERTIFICATION

March 19, 2021

Fleet Temple
1403 NC 50 S
Benson, NC 27504
Fleet@enochengineers.com

Re: 2021-05-SP SCNB Offsite Parking Lot

Mr. Temple,

The project listed above has received certification from the Technical Review Committee on March 19, 2021. In order to prepare for your upcoming Town Council meeting, please submit **ONE** digital, clean copy of your latest site plan to Lbryant@townofclaytonnc.org no later than 5PM on April 5th. Please label the plans as Final Town Council Copy. The project will now tentatively proceed to the following meeting:

Town Council: Monday May 3, 2021 at 6:00pm

Please let me know if you have any questions or need further assistance.

Thank you,

Lori Bryant
Development Services Coordinator
Lbryant@townofclaytonnc.org
(919) 359-9337

Staff Approval:

Project Manager's Approval

Date

Department of Engineering Approval

Date

Fire Inspector's Approval

Date

Updated February 2019



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

April 5, 2021

Fleet Temple
Enoch Engineers
1403 NC 50 S
Benson, NC 27504
Fleet@enochengineers.com

Re: 2021-05-SP SCNB Offsite Parking Site Plan

To Whom It May Concern,

The Town of Clayton Planning staff is recommending to the Town Council that conditions of approval be placed upon the above referenced application, which proceeds to Town Council on May 3, 2021. These recommended conditions of approval are outlined on the back of this letter.

Please read through these potential conditions of approval, and sign below if you are in agreement with the conditions as proposed. If you are not in agreement please respond accordingly in writing. This will be included within the agenda packet for Council review.

Thank you.

Sincerely,

Ben Paynter
Planner

Conditions of Approval (2021-05-SP SCNB Offsite Parking Lot Site Plan):

Whereas, the Town is scheduled to install a Sewer Force Main along the frontage of the subject property with a completion date of September 1, 2022;

And in an effort to coordinate projects, the applicant and the Town shall agree that the subject development project is to start no later than January 1, 2023. In the event the Town sewer project is delayed, the Town will update the applicant and a revised start date.

The site plan application will be valid for a period of 2 years from the date of Council approval.

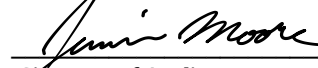
If the applicant has not completed the project by July 1, 2023, the property will be subject to zoning violations.

APPLICANT AFFIDAVIT

I/We, the undersigned, do hereby certify that I have reviewed the recommended conditions of approval and am in agreement with the conditions as they are outlined within this letter.

Junius Moore

Print Name


Signature of Applicant

04/05/2021

Date



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

*Town Council
May 3, 2021*

STAFF REPORT

Application Number: 2021-04-SUP Project Name: SCNB Offsite Parking Special Use Permit

Tag #: 05008037
Location: 136 Durham St. Clayton, NC 27520
Overlay: N/A
Applicant: Enoch Engineers, PA
Owner: Clayton 001, LLC
Project Planner: Ben Paynter

Public Noticing Dates:

- **Neighborhood Meeting:** February 1, 2021
- **Sign Posted:** April 23, 2021
- **Newspaper Ad Published:** April 21, 2021; April 28, 2021
- **Adjacent Property Notification:** April 23, 2021

REQUEST: To construct a paved offsite parking area for the Smithfield's Chicken 'N' BBQ restaurant across Durham Street on a vacant 0.29 acre lot currently zoned O-I.

SITE DATA:

Acreage: 0.29

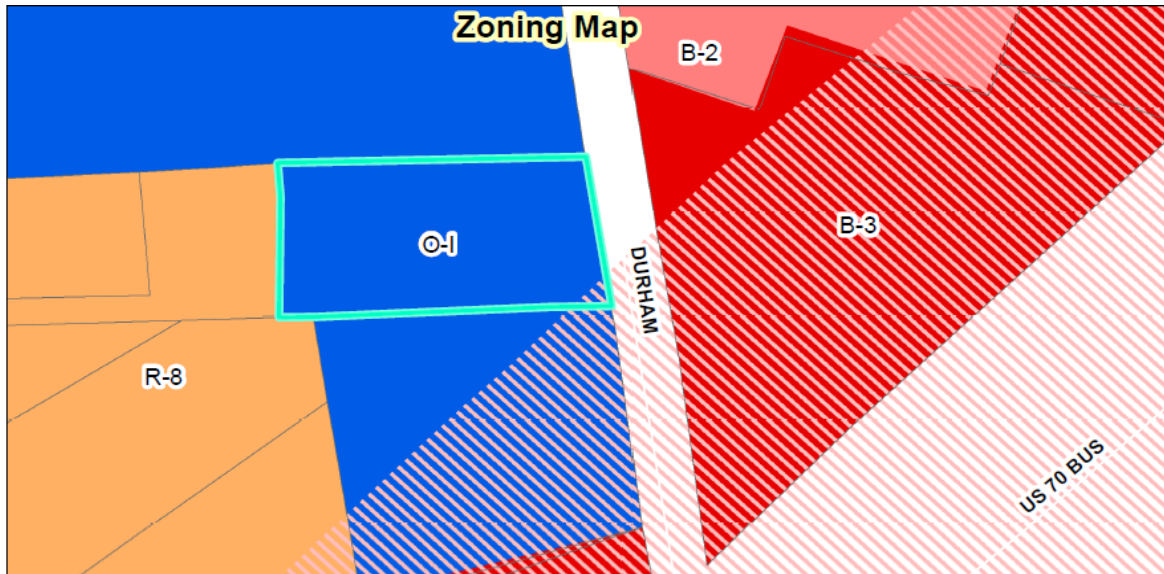
Zoning: O-I

Existing Use: Vacant



ADJACENT ZONING AND LAND USES:

Direction	Zoning	Existing Use
North	Residential (R-8)/Office Institutional (O-I)	Residential
South	Highway Business (B-3)	Food Retail
East	Office Institutional (O-I)	Church
West	Office Institutional (O-I)	Residential (Apartments)

**DEVELOPMENT DATA:**

Proposed Uses: Parking lot

Impervious Surface: 5,538 SF (44.2% of site)

Proposed Parking: 17 spaces

Access/Streets: Access by Durham Street

STAFF ANALYSIS AND COMMENTARY:**Overview**

Paved parking area needed to handle overflow parking from Smithfield Chicken 'N' BBQ restaurant. The restaurant has had increased traffic and parking after a remodel and expansion of the restaurant. The applicant has stated that the parking will primarily be used for employee parking. This parcel is currently zoned O-I and is vacant. A parking lot is a permissible use in the O-I zone with a special use permit. The Town plans to install a sewer force main utility line along the frontage of this property at a future date. Based on an agreement signed by the

applicant, the improvements to this property along the frontage abutting Durham Street will be delayed until the sewer force main project has been completed.

Associated Site Plan

Pursuant to §155.711(D)(1), concurrent with a request for a special use permit, an applicant is required to submit a site/subdivision plan for review and approval. This plan is processed as any other site/subdivision plan (in this case as a major site plan), with a final decision made by the applicable reviewing body. The details of the site/subdivision plan are outlined partially herein, and in their entirety in the site plan for the associated 2021-05-SP.

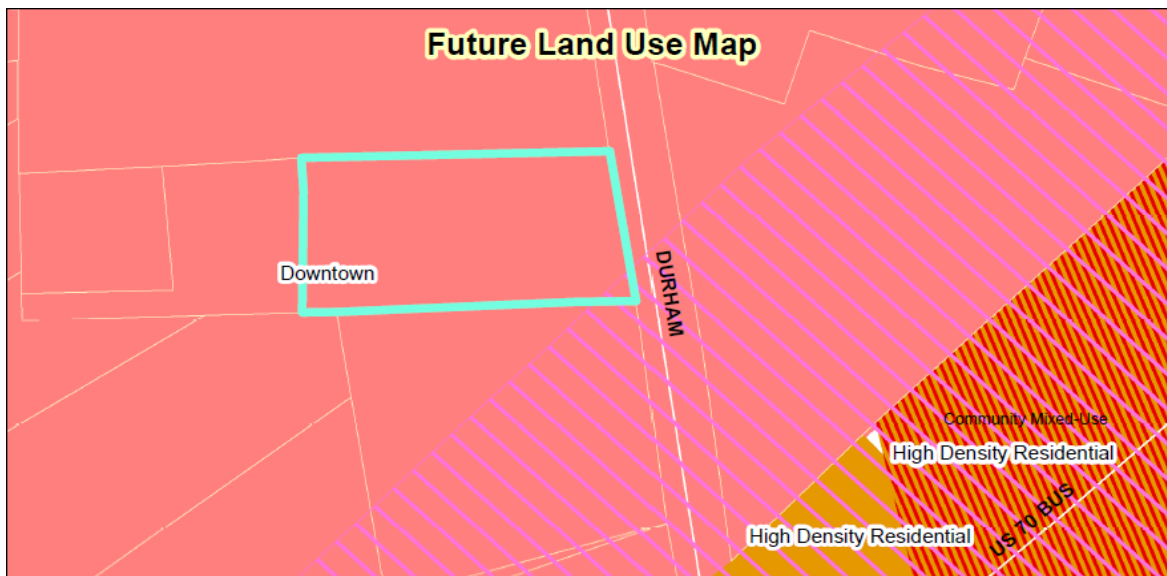
Consistency with Adopted Plans:

- **Comprehensive Plan 2040**

This site is located within the Downtown Residential designation of the Future Land Use map from the Comprehensive Plan. The purpose of this area is to provide for a mixture of housing options and office-residential uses in close proximity to the downtown core. The downtown category is to retain established neighborhoods and historic character as well as allow for a variety of higher-density housing types that support and foster growth of the Downtown Core. The Downtown Residential future land use designation does not explicitly address parking lots in the comprehensive plan and it is out of necessity that the applicant is developing the parking lot in this area. However, the increased parking area will allow the SCNB restaurant to maintain and increase the customer base which will provide increased traffic and activity in close proximity to the Downtown area. This restaurant parking lot addition will support the intent of the future land use by attracting more commerce activity to the downtown area.

- **Unified Development Code**

The plan does meet the requirements of the UDC by adhering to all necessary setbacks, buffers, and other development standards for this zone.



CONSIDERATIONS

- The Town Council shall make final decisions regarding Special Use Permits.
 - Special Use Permits shall address specific Findings of Fact. The burden of proof is on the applicant. These Findings all must be met for a Special Use Permit to be approved.
 - Staff does not make recommendations on Quasi-Judicial applications in regards to approval/denial.
-

FINDINGS OF FACT

Special Use Permits shall address the following findings. The burden of proof is on the applicant. Please see below for the applicant's response to each finding, as well as staff's commentary.

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 Response: Proposed parking lot will not endanger public health or safety

Staff Commentary: Parking lot is proposed on a piece of property directly adjacent from the restaurant with clear and visible access from Durham Street.

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.*

Applicant Response: 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.

Staff Commentary: The application does meet all of the required specifications and conforms to the standards of the O-I zone. The site plan has been through the TRC process and has received that certification.

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 Response: 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

Staff Commentary: The approved site plan for the parking lot on this site contains the proper dimensional standards and buffering to mitigate any adverse impacts it may have on adjoining or abutting properties. The parking lot does not have any impact on the use or development of adjacent properties or other neighborhood uses.

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

Applicant Response: 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.

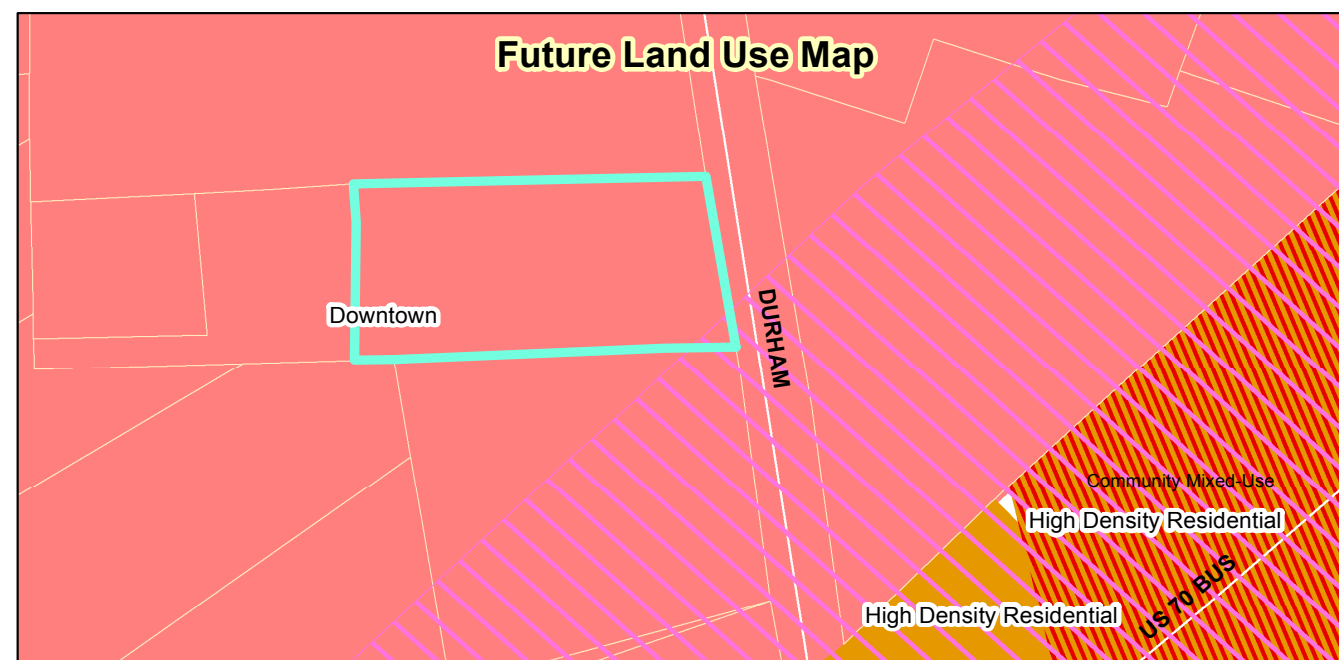
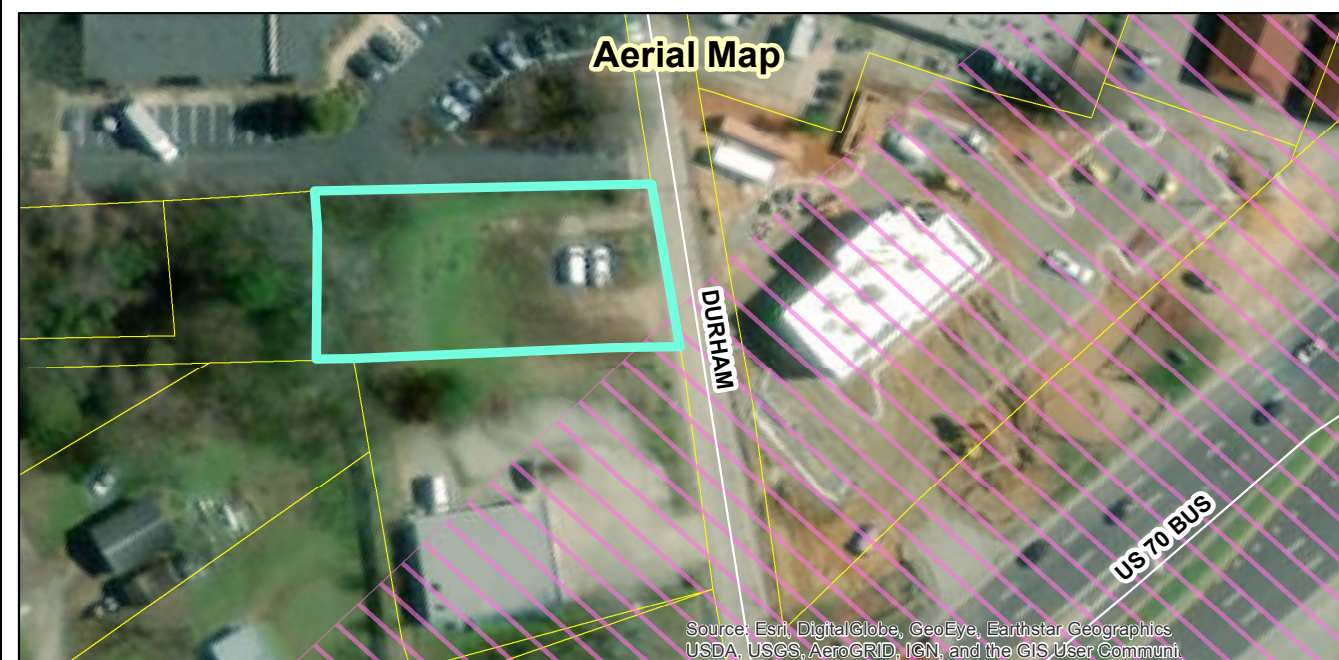
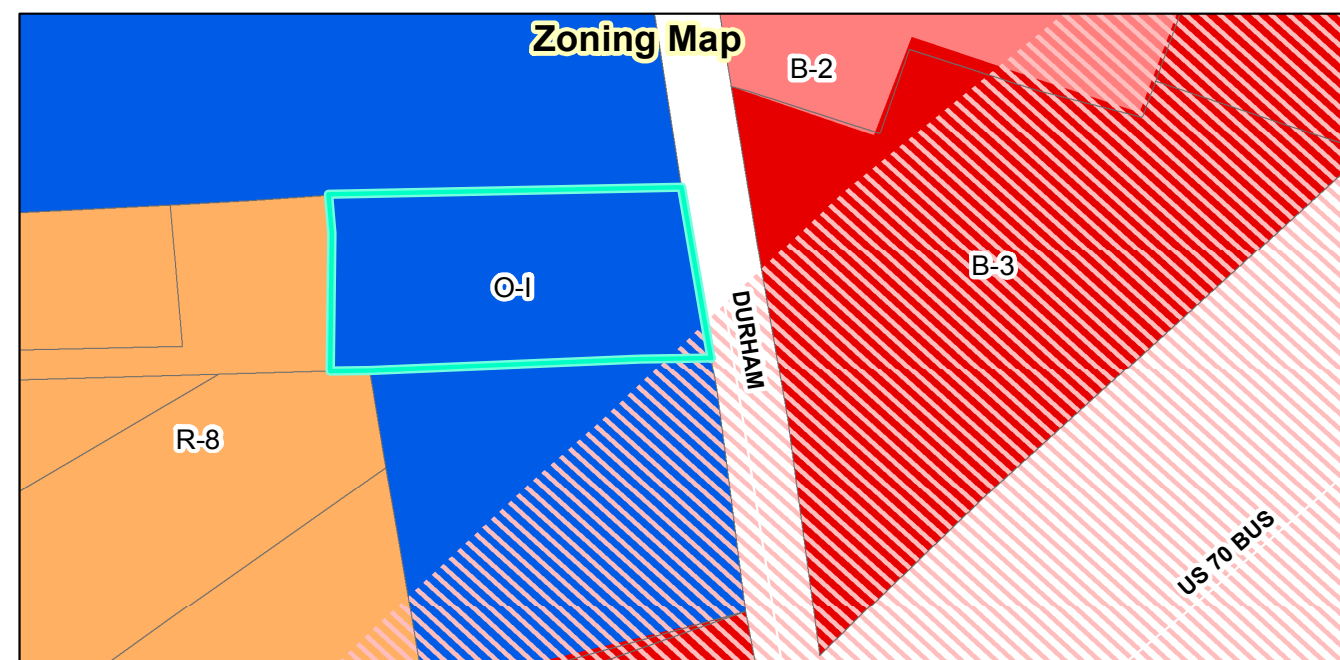
Staff Commentary: Staff finds that the approved site plan for this parking lot will contain the elements to adequately situate this use within the policies and plans adopted for the zone and future land use category of this area. The existing standards for development of the adjacent properties in this area are aligned with the use of this property as a parking lot as their area commercial uses with parking areas within the proximity of this project.

RECOMMENDED CONDITIONS OF APPROVAL:

If approved, staff is recommending conditions of approval be placed upon the application. These conditions are outlined in an attachment to the staff report. The applicant has reviewed the attachment and is in agreement with the conditions proposed by staff.

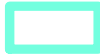
ATTACHMENTS:

- 1) Application
- 2) Staff Report Maps
- 3) Neighborhood Meeting Materials
- 4) Site Plan
- 5) Adjacent Property Letter
- 6) Newspaper Ad
- 7) Recommended Conditions of Approval – Signed by Applicant



**SCNB Offsite Parking Special Use Permit
2021-04-SUP**
Request: Grant a special use permit for
an offsite parking lot serving
Smithfield's Chicken 'N' BBQ restaurant.

Applicant: Enoch Engineers, PA
Property Owners: Clayton 001, LLC
Tag #: 05008037

-  Site
-  100-yr Flood Zone
-  Thoroughfare Overlay



0 180 360 Feet



Staff Report Map
Prepared by: TOC Planning Department
April 12, 2021

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

Document Path: O:\PLANNING\SPECIAL USE\2021\2021-04-SUP SCNB Offsite Parking\Staff Report Map\Staff Report Map - 2021-04-SUP SCNB Offsite Parking.mxd

**TOWN OF CLAYTON
SPECIAL USE PERMIT
#2021-04-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:	Enoch Engineers, PA
Property Owner:	Clayton 001, LLC
Property Location:	136 Durham Street, Clayton NC 27520
Brief Property Description:	.29 acres
Tax Parcel Number:	05008037
Proposed Use of Property:	Offsite Parking Lot
Hearing Date:	May 17, 2021

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 policies of the Town, or violate the character of existing standards for development of the adjacent properties.

CONDITIONS:

1. The Town is scheduled to install a sewer force main along the frontage of the subject property with a completion date of September 1, 2022. In an effort to coordinate the projects the applicant and the Town agree that the subject development project is to ***START NO LATER THAN January 1, 2023.*** In the event the Town sewer project is delayed, the Town will update the applicant and a revised start date.
2. The site plan application will be valid for a period of 2 years from the date of Council approval.
3. If the applicant has not completed the project by July 1, 2023 the property will be subject to zoning violations.

TOWN OF CLAYTON

BY: _____
Jody McLeod
Mayor

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

ATTEST:

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

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

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

- ☐ Approve
- ☐ Deny
- ☐ Approve with Conditions

SUP Application 2021-04-SUP – Smithfield Chicken & BBQ – Special Use Permit

This motion is based on the following findings:

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

OR

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

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

OR

The application **DOES NOT MEET** all required specifications and **DOES NOT CONFORM** to the standards and practices of sound land use planning and the Town Code of Ordinances, or other applicable regulations. (State evidence supporting finding.)

Motion Form
Item 6a
2021-04-SUP
Smithfield Chicken & BBQ

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

OR

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

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

OR

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

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

Motion Form
Item 6a
2021-04-SUP
Smithfield Chicken & BBQ



Town Council Agenda Cover Sheet

Meeting Date

May 17, 2021

Agenda Location

Old Business

Item Title

Parks Bond Update

Presenter

Deputy Town Manager-Dolores Gill and Director of Parks and Recreation- Scott Barnard

Summary/Description

The staff is recommending the attached improvements to East Clayton, Municipal, and Clayton Community Parks utilizing funds from the voter approved \$18 million Parks Bond. The staff is recommending these improvements after reviewing prior conceptual design work and community input.

Requested Action

Informational Only

Funding Source (If Applicable):

N/A

Cost: N/A Yes ☐ No ☒

Additional Documents to be Included in Agenda Packet

Conceptual Drawings of Park Updates and Estimated Costs

Meeting Timeline

Click or tap here to enter text.



Approximate Costs

Synthetic Multi-Use Fields (2)	\$2,250,000
Outdoor Lighting for Fields	\$750,000
Concrete Sidewalk between Fields	\$75,000
Improved Traffic Flow and Additional Parking Spaces	\$650,000

SubTotal:	\$3,725,000
Price Escalation (5%): Construction	\$186,250
Management (10%):	\$372,500
Contingency (30%):	\$1,117,500
Total:	\$5,401,250



East Clayton Community Park

Park Bond - Staff Recommendation

0 50 100 200 Feet

May. 12, 2021

East Clayton Community Park—Cost Breakdown

Priority Items			Item Cost
Synthetic Turf Multi-use fields (2)			\$2,250,000
Outdoor Lighting for 2 Synthetic Fields			\$750,000
Improved Traffic Flow and Additional Parking Spaces (entrance to Harmony Playground)			\$650,000
Concrete sidewalk between fields			\$75,000
Sub-Total:			\$3,875,000
Price Escalation (5%)	Construction Management (10%)	Contingency (30%)	Total
\$186,250	\$372,500	\$1,117,500	\$5,401,250

Cost estimates based on staff meeting April 21, 2021

May 12, 2021



East Clayton Park

1774 Glen Laurel Road

Park Asset / Amenity	Quantity	Condition (N= Needs improvement; S= satisfactory, C= Commendable)	Notes
Parking (Qty & Condition)		N	Gravel and undefined; could pave and improve parking and circulation
Pedestrian Access/(internal and Connectivity)	Partially paved loop trail	N	Partially Paved Park trail to be connected for fully paved internal park loop; signage needed and connectivity to and from park features
Bicycle Access/Parking	n/a	N	Need to add Bike Parking and connections to adjacent neighborhoods
Signage	title signage	N	Need to add internal vehicular and pedestrian signage
Sun/Shade	sun	N	Several comments from users additional shade is needed
Restrooms	1	N	More restrooms and winterization and expansion needed
Circulation	n/a	N	Vehicular and pedestrian circulation needed
Picnic table/Benches/Picnic Shelter	1	N	Additional shelters needed and the one adjacent to bathrooms to be part of bathroom expansion
Trash Receptacles	Yes	N	Roll-aways
Playground	n/a	N	Support for the ADA playground at this site
Baseball	1	N	Could convert to multi-use field
Disc Golf	1	S	Great course, could add easier tee boxes for beginner users

Strengths	New park with a lot of great amenities
Opportunities	Opportunity to convert fields to multi-use with artificial turf for greater use
Weakness	Vehicular and Pedestrian circulation need improvement, signage needed, bathrooms needed, shelters needed, playground

Park Condition Assessment from Town of Clayton Parks and Recreation Master Plan

Update Addendum—March 2019

May 12, 2021



Municipal Park

Existing Features

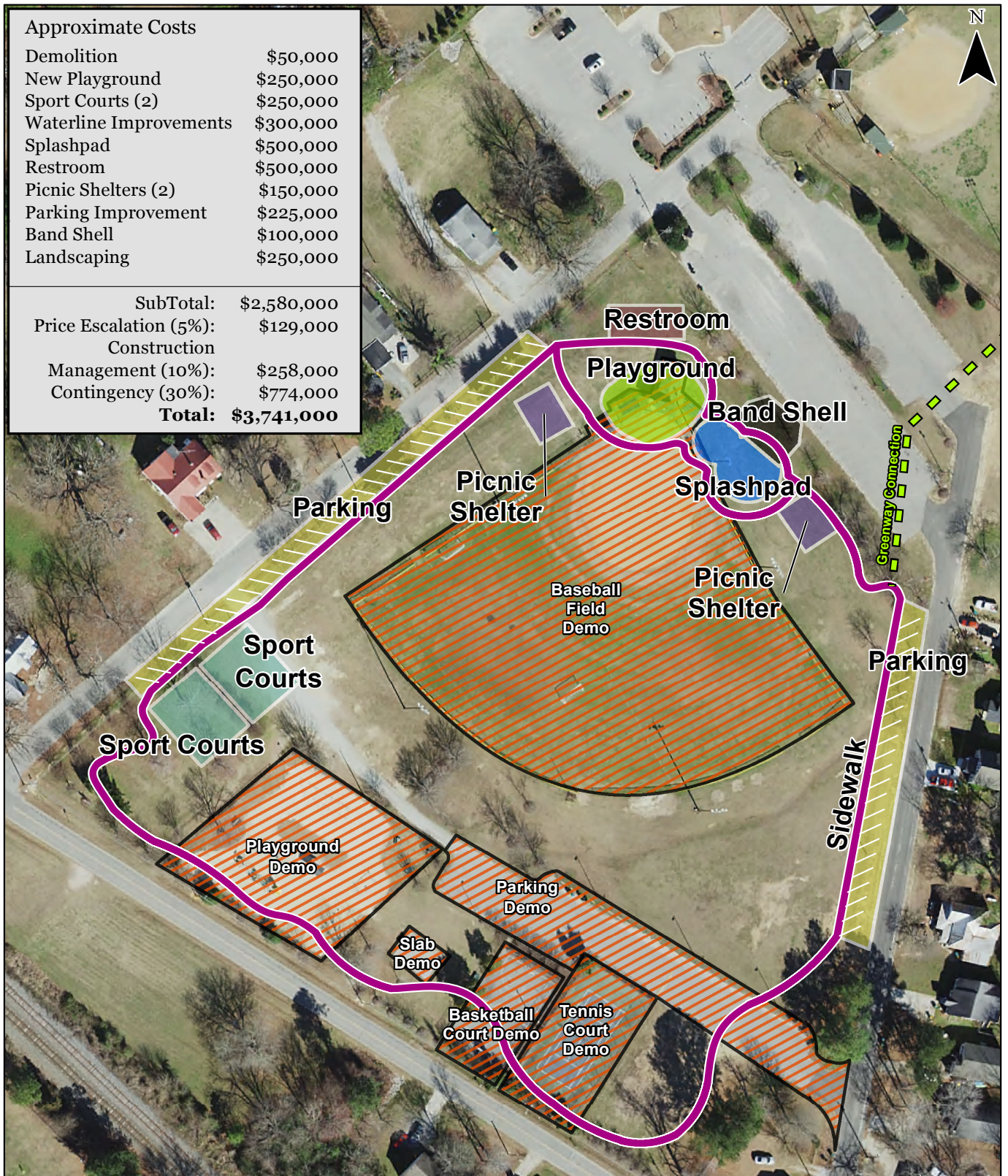
0 50 100 200 Feet

May. 12, 2021

Approximate Costs

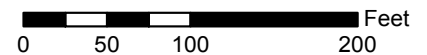
Demolition	\$50,000
New Playground	\$250,000
Sport Courts (2)	\$250,000
Waterline Improvements	\$300,000
Splashpad	\$500,000
Restroom	\$500,000
Picnic Shelters (2)	\$150,000
Parking Improvement	\$225,000
Band Shell	\$100,000
Landscaping	\$250,000

SubTotal:	\$2,580,000
Price Escalation (5%):	\$129,000
Construction	
Management (10%):	\$258,000
Contingency (30%):	\$774,000
Total:	\$3,741,000

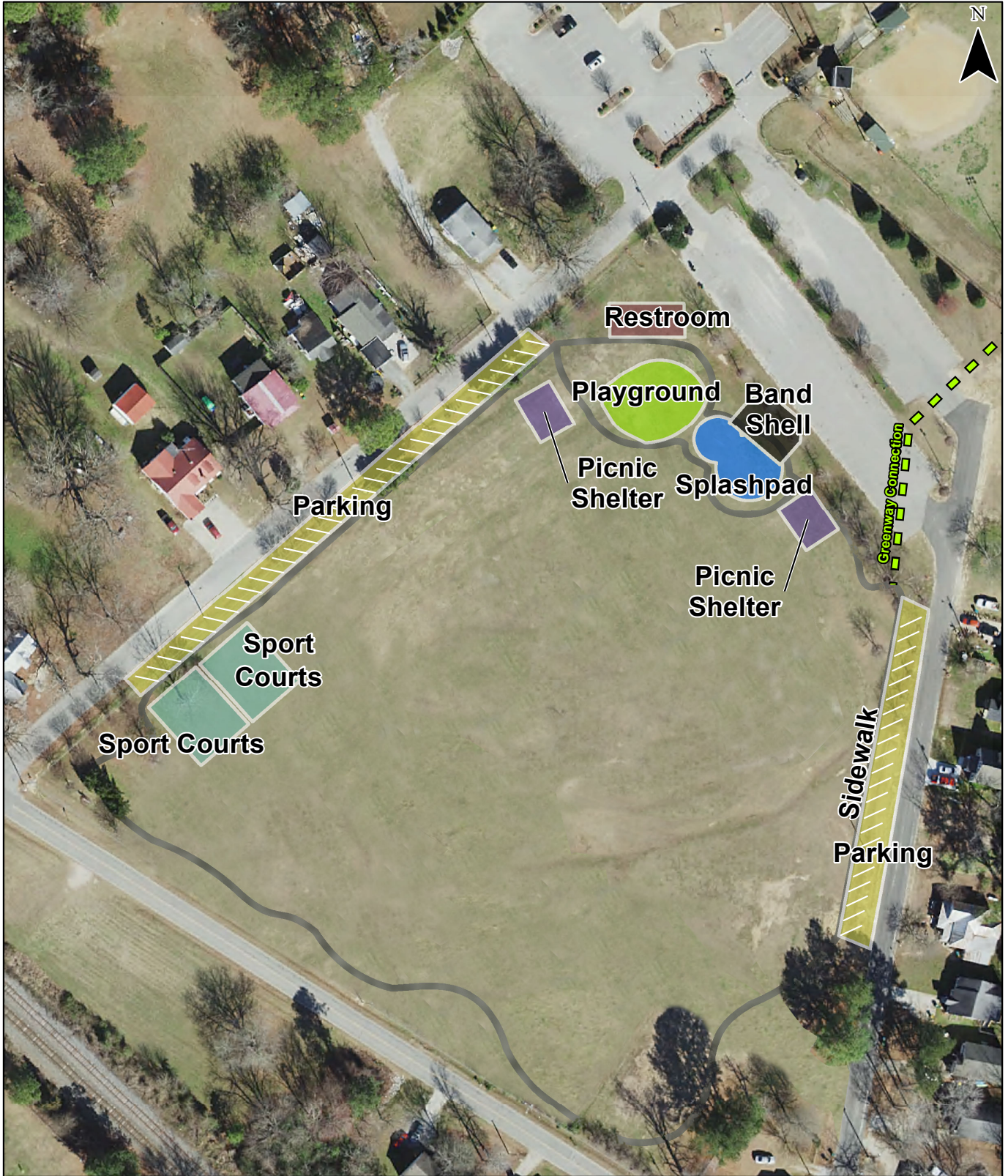


Municipal Park

Park Bond - Staff Recommendation

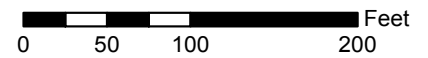


May. 12, 2021



Municipal Park

Proposed Features



May. 12, 2021

Municipal Park—Cost Breakdown

Priority Items		Item Cost	
New Playground (including pour in place)		\$250,000	
Parking Improvement and Traffic Flow		\$225,000	
Sport Courts (2)		\$250,000	
Picnic Shelters (2)		\$150,000	
Demo of existing features		\$50,000	
Pickle Ball (Overlay on Sport Courts)		\$5,000	
Splash Pad w/ Recirculation		\$500,000	
Restroom		\$500,000	
Landscaping		\$250,000	
Band Shell		\$100,000	
Waterline/Backflow Additions (supporting utilities)		\$300,000	
Sub-Total:		\$2,580,000	
Price Escalation (5%)	Construction Management (10%)	Contingency (30%)	Total
\$129,000	\$258,000	\$774,000	\$3,741,000

Cost estimates based on staff meeting April 21, 2021

May 12, 2021



Municipal Park

325 McCullers Drive

Park Asset / Amenity	Quantity	Condition (N= Needs improvement; S= satisfactory, C= Commendable)	Notes
Parking (Qty & Condition)	Near Baseball- 76 Near Lower area 104; HC 6	N	Site circulation and parking can be better distributed and connected to features
Pedestrian Access/(internal and Connectivity)	n/a	N	no internal connectivity
Bicycle Access/Parking	n/a	N	None exists
Signage	n/a	N	ID and internal park signage needed
Sun/Shade	n/a	N	users have identified a need for shade on this site
Restrooms	n/a	N	restrooms needed
Picnic table/Benches/Picnic Shelter	n/a	N	None
Trash Receptacles	yes	N	Rollaways
Playground	1	N	Does not meet ADA and current codes - needs replaced
Baseball	1	N	Could convert this to multi-use field for expanded use
Basketball	1	N	Needs improvement, resurfaced or replaced
Tennis	1	N	Needs resurfaced and/or replaced

Strengths	Fantastic location to town, Legend, Civitan and community
Opportunities	Opportunity to convert field to multi-use; opportunity to link This to Sams Branch, Legend, and downtown. Additional Community Center Space has been identified as a need, this is a great location and there is an opportunity to partner with Civitan on a gymnasium or indoor community center space.
Weakness	Many of the features are outdated and need upgraded or redone, as such there is an opportunity for a park redo

Park Condition Assessment from Town of Clayton Parks and Recreation Master Plan

Update Addendum—March 2019

May 12, 2021



Town Council Agenda Cover Sheet

Meeting Date

May 17, 2021

Agenda Location

Old Business

Item Title

Budget Amendment – Neuse River Water Reclamation Facility

Presenter

Robert McKie, Finance Director

Summary/Description

The Finance Director will present a budget amendment to the capital project budget ordinance to increase the budget to reflect the \$120 million projected total cost to complete the Neuse River Water Reclamation Facility project.

Requested Action

Approval

Funding Source (If Applicable):

N/A

Cost: N/A **Yes** ☒ **No** ☐

\$132.8 million estimated debt service associated with SRF loans and revenue bonds.

Additional Documents to be Included in Agenda Packet

Neuse River Water Reclamation Facility Capital Project Budget Amendment

Meeting Timeline

Click or tap here to enter text.

Town of Clayton
Amendment to the Capital Project Budget Ordinance

BE IT HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON that the following amendments shall be made to the Neuse River Water Reclamation Facility Capital Project Budget Ordinance:

Fund: 641 – Neuse River Water Reclamation Facility

<u>Line Item</u>	<u>Previous Appropriation</u>	<u>Adjustment</u>	<u>Revised Appropriation</u>
<u>Revenues</u>			
641-45 72	EDA Grant		
	-	+5,159,500	\$5,159,500
641-48 05	Misc. Finance Capital		
	\$15,000,000	+96,290,500	\$111,290,500
641-48 91	Transfer from Reserve Fund		
	\$3,500,000	-	\$3,500,000
641-49 81	Due from Water & Sewer Fund		
	\$50,000	-	\$50,000
<u>Expenditures</u>			
641-56 00	Professional Services		
	\$4,706,418	-	\$4,706,418
641-58 01	Construction		
	-	+97,443,000	\$97,443,000
641-58 02	Easement Acquisition		
	-	+292,000	\$292,000
641-58 05	Closing Fees		
	\$135,000	+1,265,000	\$1,400,000
641-58 24	Design		
	\$50,000	+2,450,000	\$2,500,000
641-58 35	Nitrogen Capacity		
	\$13,658,582	-	\$13,658,582

Explanation: Amending the capital project budget ordinance to reflect the \$120 million total projected cost to complete the project. This amendment is required for compliance with G.S. 159-13.2.

Duly adopted this 17th day of May, 2021 while in regular session.

Jody L. McLeod
Mayor

Attest:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk