



**The Town Of Clayton
Town Council Work Session Meeting Agenda
Monday, July 18, 2016 @ 6:30 PM
Council Chambers**

1. CALL TO ORDER

Pledge of Allegiance and Invocation

2. ADJUSTMENT OF THE AGENDA

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

POTENTIAL ACTION: Motion to Suspend Rule

3. CONSENT AGENDA

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

- a. Draft Minutes

- June 6, 2016 Regular Session
- June 20, 2016, June 28, 2016 & July 11, 2016 Closed Sessions
(Provided under separate cover)

[June 6, 2016 DRAFT Minutes](#)

- b. Warranty & Pertinent Easement Acceptances:

- Bristol Subdivision - Phase 1
- East Village Office Building
- RWAC 6D-1 - Alpine Valley
- Glen Laurel East - Phase 3
- Summerlyn - The Meadows Phases 6&7

- c. Warranty Acceptance - Final Asphalt Pavement:

- Cobblestone - Phase 11A
- Cobblestone - Phase 11B

- d. 2nd Supplemental Agreement - Sam's Branch Greenway

POTENTIAL ACTION: Approval of Consent Agenda as Presented

4. ADMINISTRATIVE ITEMS

- a. Warranty & Pertinent Easement Acceptances:

- Chandlers Ridge, Phase 3

- Elegant Events & Planning
- Parkview Subdivision, Phase 1

[Cover - Warranty & Pertinent Easement Acceptances](#)

[Memo - Chandlers Ridge Phase 3](#)

[Memo - Elegant Events & Planning](#)

[Memo - Parkview Subdivision Phase 1](#)

POTENTIAL ACTION: Place on August 1, 2016 Consent Agenda

5. INTRODUCTIONS AND SPECIAL PRESENTATIONS

- a. Introduction New Town Employees
Presenters: Nancy Medlin, Interim Town Manager & Scotty Henley, Clayton Center Director
 - Michael Tutwiler, GIS Technician
 - Sean Koenig, Facility Technician
- b. Citizen Appreciation - East Clayton Town Park Beautification - Hubert & Judith Schmidt
Presenter: Stacy Beard, Public Information Officer
[Cover - Appreciation of the Schmidt's and Park Beautification](#)
- c. Recognition of Advanced Firefighter Certification to Deputy Fire Chief Jason Dean
Presenter: Stacy Beard, Public Information Officer

6. PUBLIC HEARINGS

- a. Umstead Subdivision Rezoning 2016-55-RZ
Presenter: Jay McLeod, Senior Planner
[Cover - Umstead Subdivision - Rezoning 2016-55-RZ](#)
[Application - Umstead Subdivision Rezoning](#)
[Staff Report - Umstead Subdivision Rezoning](#)
[Map - Umstead Subdivision Rezoning](#)
[Neighborhood Meeting - Umstead Subdivision Rezoning](#)
[Advertisement - Umstead Rezoning](#)
[Motion Form - Umstead Rezone](#)
[Ordinance - Umstead Rezoning](#)

POTENTIAL ACTION: Adoption of Ordinance #2016-07-01

- b. Umstead Subdivision - Major Subdivision 2016-54-SD
Presenter: Jay McLeod, Senior Planner
[Cover - Umstead Major Subdivision 2016-54-SD](#)
[Application - Umstead Subdivision](#)
[Staff Report - Umstead Subdivision](#)
[Map - Umstead Subdivision](#)
[Site Plan - Umstead Subdivision](#)

[Neighborhood Meeting - Umstead Subdivision](#)

[Advertisement - Umstead Subdivision](#)

[Motion Form - Umstead Subdivision](#)

[Approval - Umstead Subdivision](#)

POTENTIAL ACTION: Approval Major Subdivision - 2016-54-SD

- c. Archer Lodge Verizon Tower Special Use Permit - 2016-75-SUP

Presenter: Jay McLeod, Senior Planner

[Cover - Archer Lodge Verizon Special Use Permit](#)

[Application - Archer Lodge Verizon Tower SUP](#)

[Staff Report - Archer Lodge Verizon Tower SUP](#)

[Map - Archer Lodge Verizon Tower SUP](#)

[Map Part 2 - Archer Lodge Verizon Tower SUP](#)

[Neighborhood Meeting - Archer Lodge Verizon Tower SUP](#)

[Advertisement - Archer Lodge Verizon Tower SUP](#)

[Motion Form - Archer Lodge Verizon Tower SUP](#)

[Approval - Archer Lodge Verizon Tower](#)

POTENTIAL ACTION: Approval Special Use Permit 2016-75-SUP

7. ITEMS SCHEDULED FOR THE REGULAR MEETING

- a. Recommendations for Appointment - Town Advisory Boards

Presenter: David DeYoung, Planning Director

- Steven Powers - Planning Board
- Bobby Bunn - Board of Adjustment

[Cover - Recommendation for Appointment to Advisory Boards](#)

[Application - Steven Powers](#)

[Application - Bobby Bunn](#)

POTENTIAL ACTION: Place on August 1, 2016 Consent Agenda

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

Presenter: Tim Simpson, Public Works Director

[Cover - Code of Ordinance Amendment - Chapter 50](#)

[Chapter 50 - General Utility Regulations "Redline" Copy](#)

[Ordinance - Chapter 50 - General Utility Regulations](#)

POTENTIAL ACTION: Place on August 1, 2016 Consent Agenda

- c. Customer Service Policy Amendment - Returned Check Policy

Presenter: Ann Game, Customer Service Director

[Returned Check Policy Update](#)

[Ordinance - Returned Check Fee](#)

POTENTIAL ACTION: Place on August 1, 2016 Consent Agenda

- d. First Street Tavern - Special Use Permit - 2016-88-SUP
Presenter: Jay McLeod, Senior Planner
[Cover - First Street Tavern - Special Use Permit 2016-88-SUP](#)
[Application - First Street Tavern](#)
[Staff Report - First Street Tavern](#)
[Site Plan - First Street Tavern](#)
[Staff Map - First Street Tavern](#)
[Four Oaks Banks Parking Agreement](#)
[Health Dept. Materials - First Street Tavern](#)
[Health Dept. Materials 2 - First Street Tavern](#)
[Neighborhood Meeting - First Street Tavern](#)

POTENTIAL ACTION: Set Public Hearing for August 1, 2016

8. ITEMS CONTINGENT FOR THE REGULAR MEETING

9. ITEMS REQUIRING ACTION

- a. The 2016 Shindig - October 8, 2016 - Presentation & Street Closure Request
Presenter: Dave Brown - Earthplow Productions & Clayton Mid Day Rotary
[2016 Shindig](#)
[Resolution - Street Closure 2016 Shindig](#)

POTENTIAL ACTION: Approval of Resolution #2016-27

- b. 2016 Harvest Festival - September 14 - 18, 2016 - Presentation & Street Closure Request
Presenter: James Lipscomb -Clayton Chamber of Commerce
[2016 Harvest Festival](#)
[Resolution - Street Closure 2016 Harvest Festival](#)

POTENTIAL ACTION: Approval of Resolution #2016-28

10. ITEMS FOR DISCUSSION

11. OLD BUSINESS

12. STAFF REPORTS

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

13. OTHER BUSINESS

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

14. CLOSED SESSION

- a. Pursuant to NCGS 143.318.11(a)(4) to discuss Economic Development and NCGS 143.318.11(a)(5) to discuss possible acquisition of real property

15. ADJOURNMENT



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

COUNCIL PRESENT:

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

STAFF PRESENT:

Steve Biggs, Town Manager
Nancy Medlin, Deputy Town Manager
Katherine Ross, Town Attorney
Kimberly Moffett, Town Clerk
Stacy Beard, Public Information Officer
Catherine Whitley, Human Resource Director
Ann Game, Customer Service Director
Tim Simpson, Public Works Director
John McCullen, Town Engineer
Chris Rowland, Construction Administrator
Dale Medlin, Electrical Manager
Larry Bailey, Parks & Recreation Director
Lee Barbee, Fire Chief
David DeYoung, Planning Director

1 CALL TO ORDER

- a) Mayor McLeod called the meeting to order at 6:33 p.m. The Mayor led everyone in the Pledge of Allegiance and also offered the Invocation.

2 ADJUSTMENT OF THE AGENDA

3 CONSENT AGENDA

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

- a) Draft Minutes - May 16, 2016 Regular Session
- b) Warranty Acceptance & All Utility Easements - Spring Branch Lot 4
- c) Final Warranty Acceptance & Pertinent Easements - Arbors at East Village
- d) Warranty Acceptance - Final Lift Asphalt - RWAC-Phases 1A,1B,1C,1D(Excludes Payton Dr.)
- e) Warranty Acceptance - Final Lift Asphalt - RWAC-Phases 4A,4B,4C,4D,4E&4F
- f) Proclamation - Gastroschisis Awareness
- g) Request for Closure of Kilgo Street - July 4th Celebration
- h) Resolution for Closure of Main Street - Halloween Parade
- i) Waste Management Contract Amendment
- j) Audit Contract for FY '15-'16 / Anderson, Smith & Wike, LLC
- k) Appointment of Amanda Hilburn to Downtown Development Board

ACTION: Adoption of Consent Agenda as Presented

Motion: Council Member Thompson

Second: Council Member Holder

Vote: Unanimous

4 INTRODUCTIONS AND SPECIAL PRESENTATIONS

- a) Recognition of Psi Sigma Omega (PSO) Chapter of Alpha Kappa Alpha

Presenter: Stacy Beard, Public Information Officer

Ms. Beard provided background information on this group who participated in the beautification of All-Star Park. Members from the sorority around the country, mobilize to provide improvements to parks in their communities. All-Star Park improvements included mulch, flowers, raking and cleaning. Members of the group were presented with a Certificate of Appreciation. Members of the council offered their thanks and appreciation.

- b) Johnston County Storm Water/Sediment/Erosion Control Update

Presenter: Carlos Bagley, Johnston County

Mr. Bagley who is the Environmental Manager for Johnston County provided information regarding the many active projects in the town. He stated the County works in conjunction with the town and spoke about the good working relationship that is enjoyed. Mayor Pro Tem Grannis inquired about any information he might be able to provide regarding the issues being experienced at both Creekside Commons and Mitchiner Hills. Mr. Bagley stated that he had forwarded a report to KB Homes regarding several of the homes in that community. He further stated he was not aware of the issues with Mitchiner Hills and stated it was his understanding this project had been going on for several years. Mayor Pro Tem Grannis asked for additional clarification regarding erosion control and who might be responsible. Mr. Bagley stated that the original permits were issued by DNA (State). Council Member Lawter questioned if there were an enforcement issue would that fall to the state or to the county? Mr. Bagley stated he believed it would fall to Johnston County. Mayor Pro Tem Grannis stated he would like to see this issue followed up on. Council Member Holder agreed and stated he wanted to see this issue come back to Council. John McCullen, Town Engineer, stated he would report back to Council. Mr. Bagley also stated he would provide his contact information to anyone who wished it. Council Member Lawter stated he appreciated all the hard work that has been done and stated he would like to get the problem at Creekside resolved.

- c) NCDOT Proposed Highway 70 Safety Project

Presenter: Jiles Harrell, NCDOT District Engineer

Mr. Harrell provided information regarding the US 70 Safety Project. He outlined two separate projects. The first project involves resurfacing and the second project involves median safety improvements. Mr. Harrell stated that while the first project was advertised in May of 2016, it would preferential to take a look at incorporating both projects. The incorporation of both projects would include cost savings as well as being less intrusive to those affected by

the projects. Project #1 was advertisement in May of 2016 but they would like to take a look at perhaps incorporating the two projects together for any possible cost savings and to be less intrusive to those affected. Council approval is needed regarding the median project and without said consent only the paving project would move forward. Mr. Harrell provided four different area maps showing the suggested improvements. Also provided were statistics regarding crash data at all suggested concrete median islands. There was discussion regarding pedestrian safety crossing at Robertson Street. Mr. Harrell stated he would look into this issue, however, it would not fit into the project(s) being discussed. There was discussion regarding stacking lanes and light timing. A new traffic light is proposed for the area by the Food Lion Shopping Center. There was discussion regarding the re-routing of vehicles by the Old Towne area. Mr. Harrell further stated that discussions were held with Caterpillar and a Right of Entry has been obtained. Discussion continued regarding the use of private roads by the Old Towne area and possibility of maintenance. Mr. Biggs stated there are two options for rerouting vehicles and it would not be necessary to use the private road option. Council Member Satterfield stated he would like to know who owns all the properties and possibly have some type of agreement to keep it maintained. Mr. Biggs stated the town would be able to assist with that information.

Mr. Harrell provided crash data for all above areas and stated a reduction of 50-95% in crashes is typically seen with above type of improvements. Additionally you will see increased mobility along the corridor, decreased travel time for commuters as well and providing an opportunity for reduction in police and rescue response times. Completing both projects together would decrease the redundancy and make the projects less "piece meal".

ACTION: Placed on June 20, 2016 Agenda for Action

5 PUBLIC HEARINGS

a) Public Hearing - Proposed FY '16-'17 Budget

Mr. Biggs stated this item served as a supplement to the previously held three-hour budget work session. Provided was an overview of the budget to include the requested positions and the in-housing of yard waste and property maintenance.

Mr. Biggs stated there was a separate item on the agenda to discuss the base fee adjustment. Additionally at that time a decision would need to be made regarding credit cards and non-utility usage as there is a different process if credit cards are used for non-utility items. Mr. Biggs stated the proposed base fee increase would set off transaction fees for credit card usage. Currently the credit card usage set fee is \$3.95 per transaction. This set fee, which is a third party fee, is charged to the credit card user. He explained that should we decide to do away with that set fee, a percentage basis fee would be charged, with the cost to the town being approximately \$80,000. Question being asked of council is whether to remain with status quo of keeping with the current \$3.95 transaction charge or raising base fees to cover credit card costs. Mr.

Biggs stated additional information would be broken down and provided at a later date.

Mayor McLeod stated this was being noted as a Public Hearing and opened the hearing at 7:38 p.m. for public comment..

Mr. Mike Marvel addressed the Council and stated he was present to request support for investment in community with regard to the 3D mammogram project and Johnston Health. Mr. Marvel stated that the goal was to also have other municipalities invest in this life saving equipment.

With there being no further comments, the hearing was closed at 7:47 p.m.

Discussion continued regarding credit card fees and proposed base fee increases. It was agreed there would be no base fee increase and the current fee of credit card usage would remain as is and be borne by the credit card user.

ACTION: Credit Card Fees Remain with No Changes to Base Fees

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

ACTION: Placed Proposed FY '16-'17 Budget on June 20, 2016 Agenda for Adoption

Motion: Council Member
Second: Council Member
Vote: Unanimous

- b) Organization of Regional Water and Sewer Authority in Johnston County
Presenter: Katherine Ross, Town Attorney

Town Attorney Ross provided background information regarding this item and stated copies of the Resolution as well of the Articles of Incorporation had been included in the agenda packet for consideration of adoption. The two appointees from Clayton would be Mayor McLeod and Council Member Lawter. Mr. Biggs stated that Johnston County just adopted a Resolution at their meeting.

Mayor McLeod noted this as a public hearing and opened the hearing at 7:58 p.m.

With no one coming forward to speak, the hearing was closed at 7:59 p.m.

ACTION: Adoption of Resolution #2016-22

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

6 OLD BUSINESS

- a) Façade/Site Elements Grant Program
Presenter: David DeYoung, Planning Director

Mr. DeYoung provided details regarding proposed updates to the grant program. Those improvements include but would not be limited to; facade improvements, brick or wall surface cleaning, patching/painting of facade walls, signage or lighting replacement/repair, structure/frame to hold signage, canopy, window or door replacement/repair, mortar join repair, railings repair or addition, cornice repair, design services, site lighting, landscaping, and parking improvements.

ACTION: Approval of Changes to Facade Grant

Motion: Mayor Pro Tem
Second: Council Member Holder
Vote: Unanimous

- b) Base / Credit Card Fee Discussion
Presenter: Steve Biggs, Town Manager

This item was discussed and action taken under Item 5a.

7 NEW BUSINESS

- a) Appointment of Interim Town Manager
Presenter: Kimberly Moffett, Town Clerk

Town Council has named Nancy Medlin, Deputy Town Manager to serve as the Interim Town Manager until such time a permanent appointment is made.

ACTION: Adoption of Resolution #2016-23

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

- b) Resolution Approving Proposal/Refinance - Law Enforcement Center
Presenter: Robert McKie, Finance Director

Mr. McKie provided information regarding the proposed re-financing opportunity that would using the law enforcement center as collateral..

ACTION: Adoption of Resolution #2016-24

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

- c) Budget Amendment - Sam's Branch Phase II Capital Project
Presenter: Robert McKie, Finance Director

Mr. McKie provided information regarding this ordinance and provision for establishment of infrastructure to a previously unserved area as well as support the future abandonment of one or more existing sanitary sewer lift stations.

ACTION: Place on June 20, 2016 Consent Agenda

8 STAFF REPORTS

a) Town Manager

1. General Obligation Bond Preliminary Report

Mr. Biggs provided a handout that included various possible park projects for with regard to potential General Obligation Bond. There was discussion regarding the schedule that would be necessary to include this item on the upcoming November ballot. This schedule would be extremely aggressive. It was noted that a referendum could be held at any election, it is not possible to call a special bond referendum. Discussion included pros and cons on moving forward with November ballot. It was agreed this item would not be placed on the November ballot. This will allow time for time to provide citizens with all the necessary information.

b) Town Attorney

c) Town Clerk

d) Other Staff

John McCullen - Town Engineer:

Update on Citizen Reported Issues at:

- Creekside
- Mitchiner Hills

Mr. McCullen provided updated information regarding settlement issues at Creekside and the Southside Connector. He stated that Andy Simmerman had recently visited the site and reported slope failure. He stated that large cracks appeared along the slopes, there was soil in cracks that appeared to have settled between 8 and 16 inches. He further stated that KB Homes has hired a technician to make recommendations regarding corrective actions. An updated report will be available in the upcoming weeks. Mayor Pro Tem Grannis asked what the next steps would be. Mr. McCullen stated once report is received, corrective actions will be put into motion. Mr. McCullen further stated that KB Homes have been very receptive to assist. Mayor Pro Tem Grannis asked Mr. McCullen if he felt that Johnston County bore any role. Mr. McCullen stated he did not feel that the County had a role in this. He further stated staff remains in contact with property owners. Mayor Pro Tem asked should there be no recourse against the State in this issue, who would bear the responsibility for repair. Mr. McCullen stated the town would be looking to the developer and home owner. Council Member Lawter stated erosion and cracking issues are separate and cracking would be a developer and property owner issue. It was stated the County will continue to look at the erosion.

Also discussed was erosion issues at Mitchiner Hills. Photos were provided of both upstream and downstream. It is the opinion of Mr. McCullen that

maintenance is necessary on the upstream lots. He stated the downstream lots have had sod placed.

David DeYoung - Planning Director:
Update - 619 Lombard Street

Mr. DeYoung provided a brief update regarding this property. He stated there was been no power at this property for the past 10 years. A notice was placed in February and a hearing held in March. This property was deemed unsafe/unfit for habitation. Owners were advised repairs needed to be completed no later than June 1, 2016 to bring into compliance. The owner has chosen to sell the property with the understanding that the present structure needs to be torn down. Owner is currently trying to clear up a title issue and stated plan is to maintain the property as a vacant lot.

9 OTHER BUSINESS

a) Informal Discussion & Public Comment

Ms. Lynn Austin addressed the council and thanked them for increased funding to support cultural arts in the town. Ms. Austin also offered her sincere thanks and appreciation for Mr. Biggs. She stated he will be dearly missed and expressed the town was losing a great manager.

Mr. Michael Williams also addressed the council and offered his personal thanks to Mr. Biggs for his outstanding leadership and commitment to the town. He offered Mr. Biggs his best wishes.

Mr. Carlton Benson, who serves on the Archer Lodge Town Council offered his thanks and appreciation to Mr. Biggs. He stated Mr. Biggs was always willing to offer his assistance and was always available for advice. He stated he would be greatly missed.

Mr. Bob Ahlert spoke and stated for many years he has served as both an elected official as well as serving on numerous volunteer boards and stated there was no better manager than Mr. Biggs. He offered his thanks and appreciation.

b) Council Comments

Mayor McLeod, on behalf of the town council, stated Mr. Biggs was absolutely the best town manager ever. The Mayor presented a photo collage to Mr. Biggs. Also presented was framed art work of the Clayton Center. The Mayor offered his heartfelt thanks and appreciation to Mr. Biggs.

Council Member Holder spoke about Universal playground and stated he felt it was time to take some sort of action regarding this item. He proposed this item be brought back to the October agenda for additional discussion regarding possible available funding towards the playground. Mayor McLeod stated he felt appointment of a new town manager needed to take priority and then have a mini retreat, October/November time frame, to focus on a few issues to include the universal playground and create a clear vision.

10 CLOSED SESSION

- a) Pursuant to NCGS 143-318.11(a)(3) to consult with Town Attorney in order to preserve attorney-client privilege between attorney and Town of Clayton.

Following a brief break, council went into closed session at 9:05 p.m.

ACTION: Go into Closed Session

Motion: Council Member Lawter

Second: Council Member Holder

Vote: Unanimous

11 ADJOURNMENT

- a) With there being nothing further the meeting was adjourned at 10:30 p.m.

Motion: Council Member Thompson

Second: Council Member Holder

Vote: Unanimous

Jody L. McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk



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

AGENDA LOCATION:

Administrative Items

Meeting Date:

July 18, 2016

ITEM TITLE:

Warranty & Pertinent Easement Acceptances

DESCRIPTION:

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

POTENTIAL ACTION:

Place on Consent Agenda

DEPARTMENT:

Engineers/Inspection

PRESENTER:

Chriw Rowland, Construction Project
Administrator

ITEM HISTORY:

Date:

Action Taken:

Information Provided:

Date:

Action Taken:

Information Provided:

TOWN OF CLAYTON OPERATIONS CENTER

"SERVICE"

ELECTRIC SERVICE
(919) 553-1530

VEHICLE MAINTENANCE
(919) 553-1530



"ENVIRONMENT"

PUBLIC WORKS
(919) 553-1530

WATER RECLAMATION
(919) 553-1535

MEMORANDUM

To: Kimberly Moffett, Town Clerk

From: Chris Rowland, Construction Project Administrator *CR*

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

Date: June 20, 2016

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

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

TOWN OF CLAYTON OPERATIONS CENTER

"SERVICE"

ELECTRIC SERVICE
(919) 553-1530

VEHICLE MAINTENANCE
(919) 553-1530



"ENVIRONMENT"

PUBLIC WORKS
(919) 553-1530

WATER RECLAMATION
(919) 553-1535

MEMORANDUM

To: Kimberly Moffett, Town Clerk

From: Chris Rowland, Construction Project Administrator *CR*

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

Date: June 23, 2016

Subject: Elegant Events & Planning

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

TOWN OF CLAYTON

OPERATIONS CENTER

"SERVICE"

ELECTRIC SERVICE
(919) 553-1530

VEHICLE MAINTENANCE
(919) 553-1530



"ENVIRONMENT"

PUBLIC WORKS
(919) 553-1530

WATER RECLAMATION
(919) 553-1535

MEMORANDUM

To: Kimberly Moffett, Town Clerk

From: Chris Rowland, Construction Project Administrator *CR*

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

Date: June 28, 2016

Subject: Parkview Subdivision, Phase 1

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



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

AGENDA LOCATION:

Introductions & Special Presentations

Meeting Date:

July 18, 2016

ITEM TITLE:

Town Park Beautification Appreciation - Hubert & Judith Schmidt

DESCRIPTION:

Our parks are some of the Town of Clayton's biggest assets. Whether it's the greenways, the dog park or the playgrounds – they all have one thing that helps make them beautiful – the trees and flowers. While our Parks & Recreation and Public Works staff work hard to keep them healthy and looking their best – tonight, the Mayor & Town Council would like to recognize two unsung heroes who...without compensation, without recognition...work to keep our newest and largest park looking it's best. Glen Laurel resident Hubert & Judith Schmidt go out of their way in the cold of winter or the heat of spring to trim the roses and trees at East Clayton Community Park. They volunteer, unsolicited, to pick up trimmings and piles of brush and remove them from the main park area. They send kind emails to our Parks & Rec director asking for permission to fertilize the roses or removes trees stakes from grounds. There are some fellow residents who know of their hard work in the park and shower them with compliments and appreciation for their dedication to this park on Glen Laurel Road...but the Mayor & Town Council want to make sure more of our residents know about the efforts, care and dedication of the Schmidts. We want to thank them and formally recognize them for their work and their pride in our parks and these crown jewels of Clayton!

POTENTIAL ACTION:

DEPARTMENT:

Administration

PRESENTER:

Stacy Beard, Public Information Officer

ITEM HISTORY:

Date:

Action Taken:

Information Provided:

Date:

Action Taken:

Information Provided:



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

AGENDA LOCATION:

Public Hearings

Meeting Date:

July 18, 2016

ITEM TITLE:

Umstead Subdivision Rezoning 2016-55-RZ

DESCRIPTION:

The applicant is requesting to rezone 19.8 +/- acres from Residential-Estate to Residential-10, which allows 10,000 SF single family residential lots. This piece of land is currently vacant woodlands. The land is currently in the Town's ETJ, but would need to be annex in order to receive water and sewer services necessary to develop at the 10,000 SF lot density.

POTENTIAL ACTION:

Approval/Disapproval

DEPARTMENT:

Planning + Zoning

PRESENTER:

Planning Department

ITEM HISTORY:

Date:

June 20, 2016

Action Taken:

Set Public Hearing for July 18 2016

Information Provided:

Date:

Action Taken:

Information Provided:



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

REZONING APPLICATION

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

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

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

SITE INFORMATION

Name of Project: UMSTEAD SUBDIVISION Acreage of Property: 19.82 ACRES
County Tag Number: 05G02013, 05G02040A NC PIN: 164800-98-6622, 165801-08-4742
Address/Location: ADJACENT TO AMELIA CHURCH ROAD (SR 1552), AND SOUTH OF THE INTERSECTION OF AMELIA CHURCH ROAD AND GUY ROAD.
Existing Zoning District: R-E
Proposed Zoning District: R-10
Is project within an Overlay District? ☐ No ☐ Yes (list): _____

APPLICANT INFORMATION

Applicant: UMSTEAD PARTNERS, L.L.C.
Mailing Address: P.O. Box 189 CLAYTON, NC 27528
Phone Number: (919) 345-6729 Fax: N/A
Contact Person: NATHAN EVANS
Email Address: nathan@nlevans.com

FOR OFFICE USE ONLY

Date Received: APR 22 2016 Amount Paid: _____ File Number: 2016-5522

version 07/30/2015
TOWN OF CLAYTON
PLANNING DEPARTMENT

Page 1 of 10

PROPERTY OWNER INFORMATION

Name: UMSTEAD PARTNERS, L.L.C.

Mailing Address: P.O. Box 189 CLAYTON, NC 27528

Phone Number: (919) 345-6729

Fax: N/A

Email Address: nathan@nlevans.com

EXPLANATION OF PROJECT

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

THE OWNERS OF SUBJECT PROPERTIES ARE REQUESTING THE REZONING OF APPROXIMATELY 19.82 ACRES, FROM R-E (EXISTING) TO R-10 (PROPOSED). THE SUBJECT PROPERTIES ARE LOCATED WITHIN THE TOWN OF CLAYTON'S E.T.J., AND ARE ADJACENT TO AMELIA CHURCH ROAD.

REQUIRED INFORMATION (to be submitted with the application)

The following items must accompany a Rezoning application.

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

APPROVAL CRITERIA

All applications for a Rezoning must address the following findings:

1. Consistency with the adopted plans of the Town.

THE SUBJECT PROPERTIES ARE PROPOSED TO BE ZONED R-10 AND THE
PROJECT WOULD COMPLY WITH ALL ZONING REQUIREMENTS OF THE
TOWN OF CLAYTON UNIFIED DEVELOPMENT CODE.

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

THE SUBJECT PROPERTIES ARE PROPOSED TO BE ZONED R-10 AND THE
PROJECT WOULD COMPLY WITH ALL ZONING REQUIREMENTS OF THE
TOWN OF CLAYTON UNIFIED DEVELOPMENT CODE.

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

THE SUBJECT PROPERTIES ARE PROPOSED TO BE ZONED R-10 AND THE
PROJECT WOULD COMPLY WITH ALL ZONING REQUIREMENTS OF THE
TOWN OF CLAYTON UNIFIED DEVELOPMENT CODE.

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

THE CAPACITY OF PUBLIC FACILITIES IN THE AREA IS ADEQUATE
TO SUPPORT THE PROPOSED USE OF THE ANTICIPATED DEVELOPMENT.

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

THE SUBJECT PROPERTIES ARE PROPOSED TO BE ZONED R-10 AND
THE PROJECT WOULD COMPLY WITH ALL ZONING REQUIREMENTS OF THE
TOWN OF CLAYTON UNIFIED DEVELOPMENT CODE.

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

THE SUBJECT PROPERTIES ARE PROPOSED TO BE ZONED R-10 AND
THE PROJECT WOULD COMPLY WITH ALL ZONING REQUIREMENTS OF THE
TOWN OF CLAYTON UNIFIED DEVELOPMENT CODE.

NO ADVERSE EFFECTS UPON ADJOINING PROPERTIES ARE EXPECTED.

7. It has been determined that no one property owner or small group of property owners will benefit materially from the change to the detriment of the general public.

THE DEVELOPMENT OF THIS PROPERTY WOULD BE BENEFICIAL TO THE
TOWN OF CLAYTON AS WELL AS SURROUNDING BUSINESSES.

APPLICANT AFFIDAVIT

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

Unskel Partners LLC
Print Name

By: *[Signature]*
Signature of Applicant

3-1-16
Date



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

Planning Board
May 23, 2016

STAFF REPORT

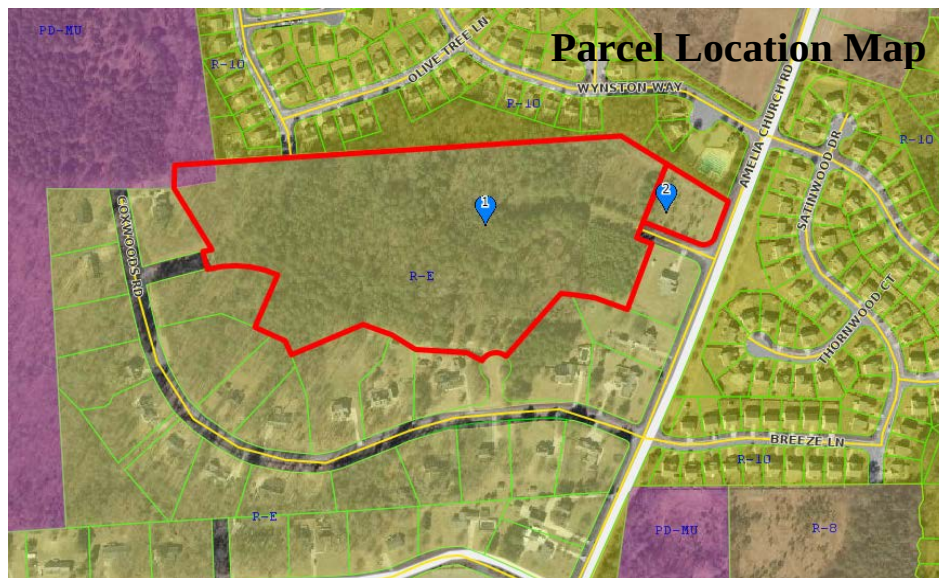
Application Number: 2016-55-RZ Project Name: Umstead Subdivision Rezoning

NC PIN / Tag #: 164800-98-622, 165801-08-4742 / 05g02013, 05g02040a
Town Limits/ETJ: ETJ
Overlay: none
Applicant: Umstead Partners LLC c/o Nathan Evans
Owner: Umstead Partners LLC
Location: At the end of Gregory Drive, off of Amelia Church Road; south of the Wynston subdivision.

Public Noticing:

- Neighborhood meeting April 14, 2016
- Sign posted April 14, 2016
- Letters mailed prior to July 8, 2016
- Newspaper ad posted prior to July 5, 2016

REQUEST: Rezoning from Residential-Estate (R-E) to Residential-10 (R-10).



SITE DATA:

Acreage: 19.8 acres
Existing Use: Vacant

ADJACENT ZONING AND LAND USES:

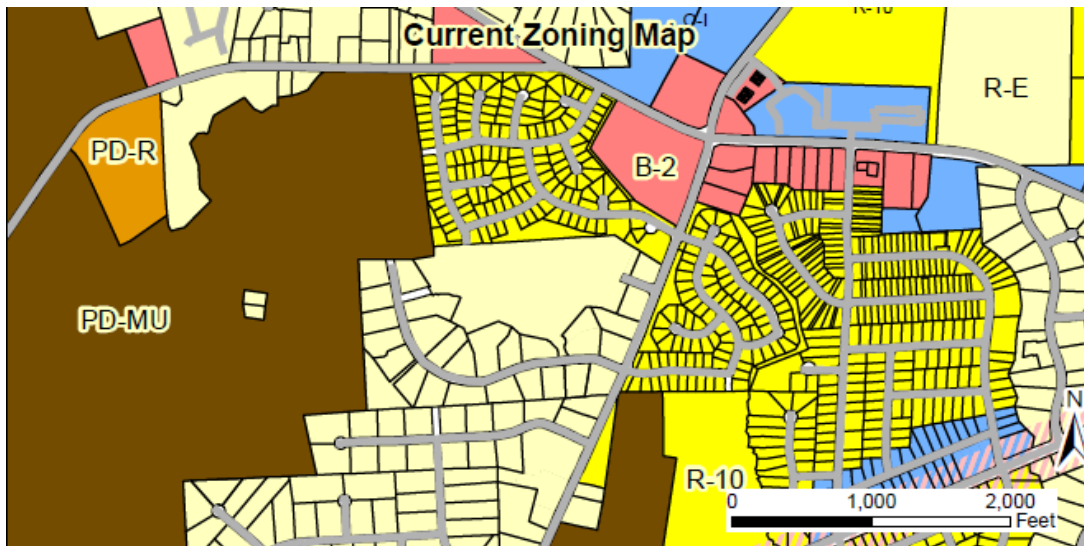
Direction	Zoning	Existing Use
North	Residential-10	Single-family residential, open space subdivision
South	Residential-Estate (R-E)	Single-family residential
East	Residential-10	Single-family residential, open space subdivision
West	Residential-Estate (R-E) and Planned Development – Mixed Use (PD-MU)	Single-family residential, and future, master planned single family residential

STAFF ANALYSIS AND COMMENTARY:**Overview**

The applicant is requesting to rezone 19.8± acres from Residential-Estate to Residential-10 (R-10), which allows 10,000 SF single family residential lots. This piece of land is currently vacant woodlands. The land is currently in the Town's Extraterritorial Planning Jurisdiction (ETJ), but would need to annex in order to receive water and sewer services necessary to develop at the 10,000 SF lot density.

Compatibility with Surrounding Land Uses

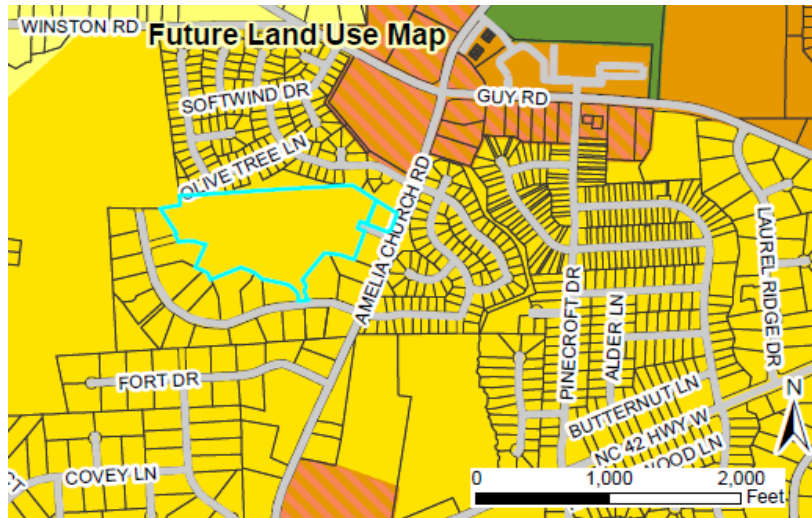
The site is bordered by 8,000 SF single family residential lots to the north in an R-10 zoning district (the Wynston



subdivision), and 40,000± SF single family lots to the south (along Coxwoods Rd). The Wynston subdivision is served by public water and sewer, and the Coxwoods neighborhood is served by septic systems. A conventional R-10 zoned subdivision would be an appropriate density transition between the two neighborhoods.

Access/Streets:

Primary access to the property is currently from Gregory Drive, with a paved stubout from the west connecting to Coxwoods Rd, an unpaved stubout from the south connecting to Coxwoods Rd, and a paved stubout connecting from Wynston in the north. Some question currently exists regarding the ownership of Coxwoods Rd, whether it is privately- or state-owned.



Consistency with the Comprehensive Plan 2040

The Future Land Use for this area is envisioned as Medium Density Residential, which accommodates R-10 zoned residential.

CONSIDERATIONS:

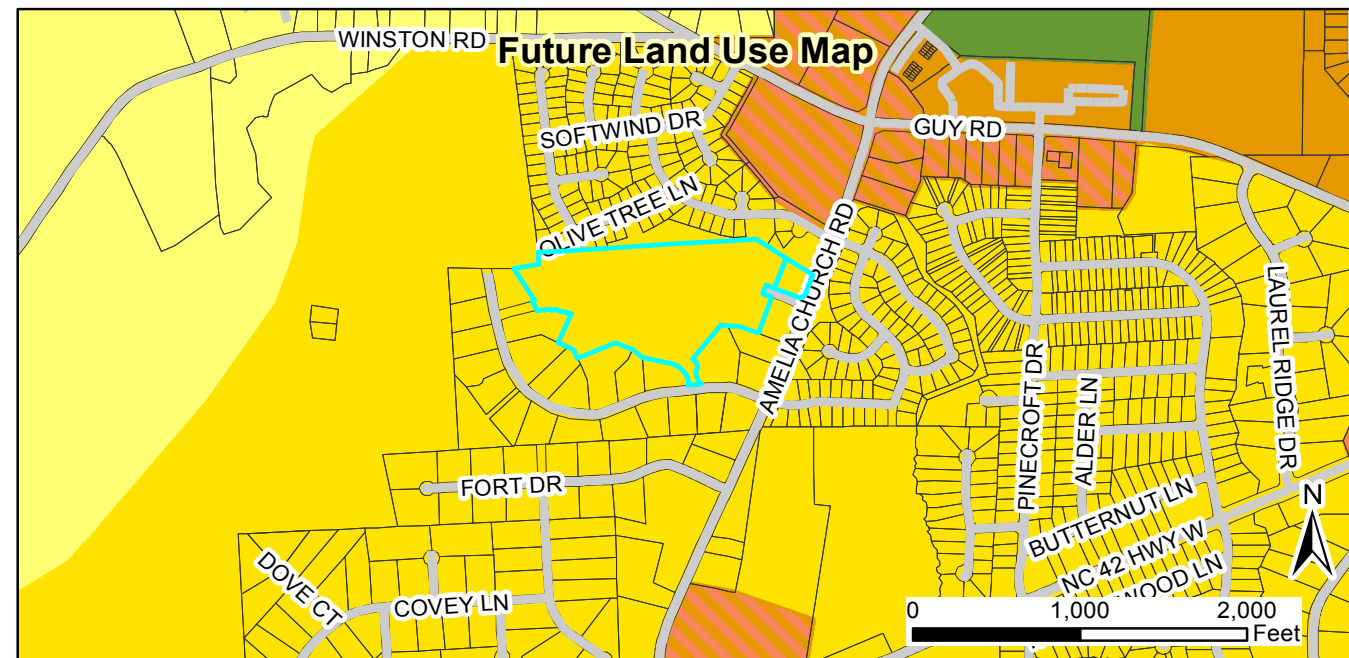
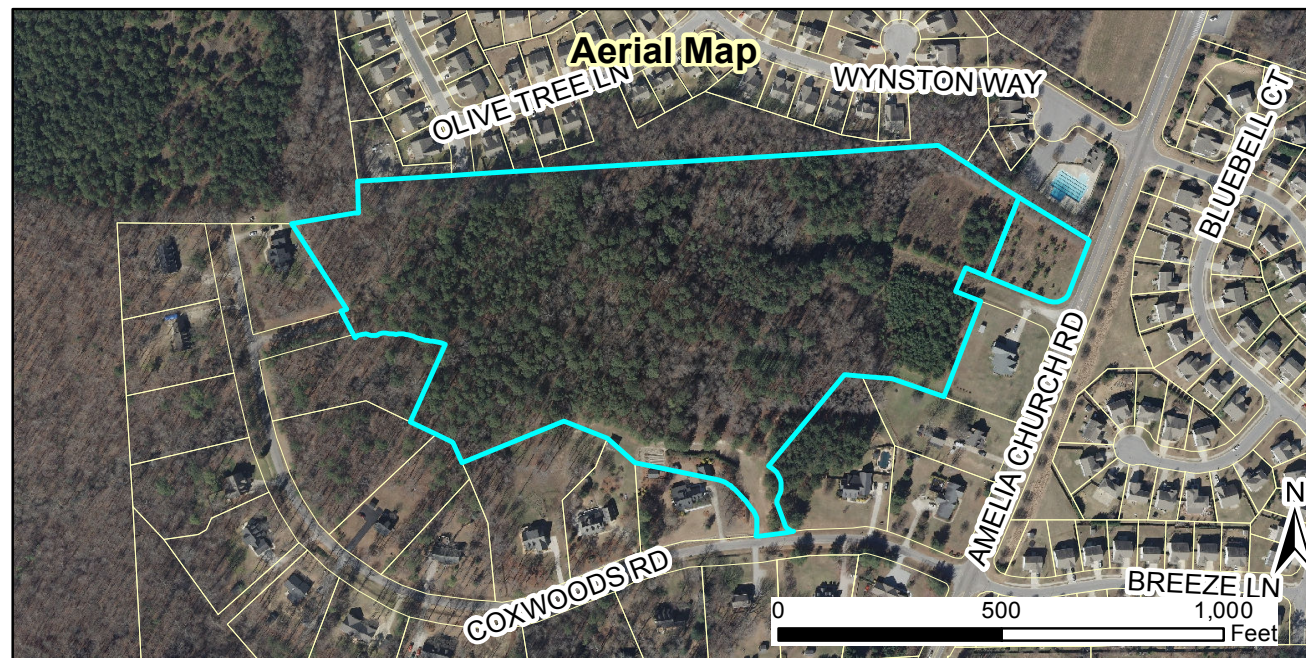
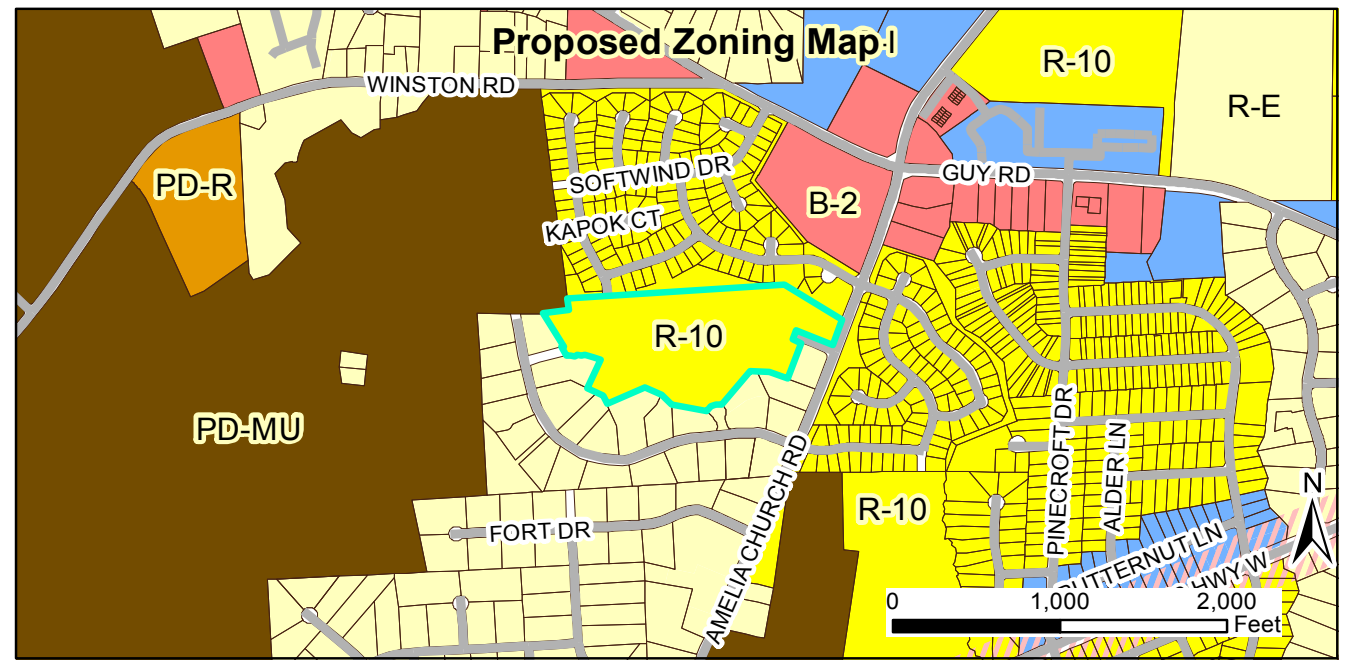
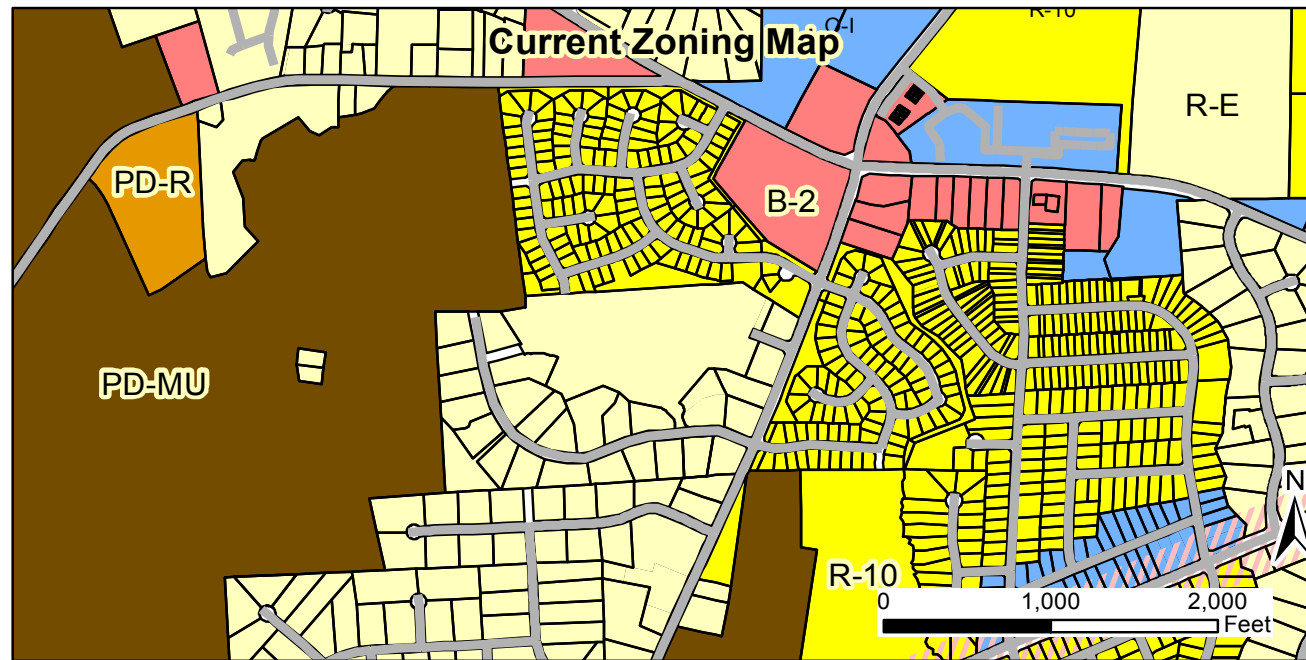
- Rezoning is decided by the Town Council. The Planning Board shall make a recommendation to the Town Council.
- When adopting or rejecting the rezoning, the Town Council shall approve a statement describing whether its action is consistent with adopted plans and/or policies of the Town and explaining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

STAFF RECOMMENDATION:

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

ATTACHMENTS:

- 1) Staff Report Map
- 2) Property Images 1 and 2
- 3) Application
- 4) Neighborhood Meeting Materials
- 5) Letter Opposing Rezoning



**2016-54-SD and 2016-55-RZ: Umstead Subdivision and Rezoning
Request: Create a ±41 lot subdivision on a site proposed to be
rezoned to R-10.**

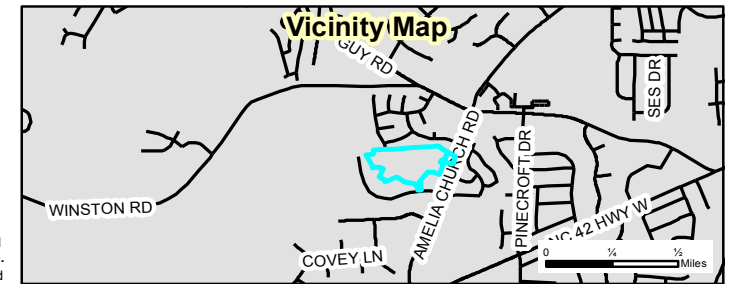
Applicant: Umstead Partners LLC c/o Nathan Evans
Property Owners: Umstead Partners LLC
Parcel ID: 164800-98-622, 165801-08-4742
Tag #: 05g02013, 05g02040a



- Site
- Special Use District
- Thorough Fare Overlay
- Scenic Highway Overlay
- Railroads

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

Document Path: O:\PLANNING\REZONING\Rezoning\2016\2016-55-RZ Umstead Subdivision\Maps\StaffReportMap- Umstead maj subdiv and rezoning - 2016-55-RZ.mxd



NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Applicant: Umstead Partners, L.L.C.

Location/Date: Location : Dalton Engineering and Assoc., P.A. 446 East Main Street Clayton, NC 27520 Date : 4/14/16

	NAME	ADDRESS
1	Jonathan Barnes	446 East Main Street Clayton, NC 27520
2	Horace & Heasley Cox	2017 Coxwoods Rd 7
3	James H. Wherry	2032 Coxwoods Rd
4	Elmer E Patton	2034 Coxwoods Rd
5	David Bullock	2037 Coxwoods Rd.
6	Carol Cost	1494 Amelia Church Rd
7	Tim Costin	1494 Amelia Church Rd.
8	Melinda Scott	2018 Coxwoods Rd
9	Buckh Scott	"
10	Jeremy + Megan Looney	2052 Coxwoods Rd
11	Shelley + Scot Cron	2002 Coxwoods Rd.
12	Glen Bursey	3005 Winston Way
13	Jean Maull	3009 Winston Way
14	Jim Brocker	2021 Olive Tree Lane
15	Pat Brocker	2021 Olive Tree Lane
16	Pat Patton	2024 Coxwoods Rd
17	ROGER WORTHINGTON	2001 Coxwoods Rd.
18	John KATA	2020 Coxwoods Rd
19	Stephanie & Jim Koester	2049 Coxwoods Rd.
20	Night Rogers	2029 Coxwoods Rd.
	Kathy Bramme	2053 Coxwoods Rd

01/06/2016

Page 9 of 17

NEIGHBORHOOD MEETING SUMMARY FORM

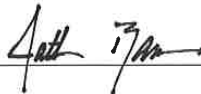
FILL OUT THE FOLLOWING:

Application: Umstead Subdivision

Date of Mailing: 4/4/16

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

Printed Name: Jonathan Barnes

Signature: 

Date of Meeting: 4/14/16

Time of Meeting: 6:30 p.m.

Location of Meeting: Dalton Engineering and Associates, P.A. 446 East Main Street Clayton, NC 27520

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.*

Notes : Several residents of Coxwoods Subdivision were present. Most inquired about the possibility of a roadway connection between Coxwoods Subdivision and Umstead Subdivision. Of those that inquired about that topic, none were in favor of a roadway connection between the two subdivisions. Other items that were inquired about included the location of the proposed stormwater management b.m.p. and the outlet location of the stormwater exiting the pond. The residents of Wynston Subdivision inquired about the area owned by the Wynston Homeowners Association, adjacent to Umstead Subdivision. Their questions included if there were any plans to perform any clearing in that area, and what kind of landscape buffers were required for the project.

Everyone in attendance was asked numerous times to provide written comments, concerns, etc. to our office, and that their comments would be provided to the Town of Clayton Planning Department. At this time, our office has received comments from two landowners, which are attached. Submitted by : Jonathan Barnes - Dalton Engineering and Associates, P.A.

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

City of Clayton
Town Planning Department
Clayton, N. C. 27520

Elmer E. and Patricia A. Patton
2024 Coxwoods Road
Clayton, N.C. 27520

15 April 2016

As home owner of Lot 23 located in the Coxwoods Subdivision, my major concern with the construction of the proposed Umstead Subdivision adjacent to Amelia Church Road, Clayton, N. C. is the drainage easement between Lots 23 and 24. The drainage ditch between Lots 23 and 24 is a natural and a major drainage easement for the Southeastern end of the Coxwoods Subdivision. Any obstruction to this drainage easement from the proposed Umstead Subdivision could result in major flooding to Lots 23 and 24. This concern was address at length on 14 April 2016 at the Area Property Owners meeting. Thank you for your consideration and listening to our concern.


Elmer E. and Patricia A. Patton
Property Owners:

NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Date of Mailing: 4/4/14

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

Printed Name: Jonathan Barnes

Signature: _____

Date of Meeting: 4/14/16

Time of Meeting: 6:30 p.m.

Location of Meeting: Dalton Engineering and Assoc., P.A. 446 East Main Street Clayton, NC 27520

Meeting Summary/Minutes: provide a summary of the discussion held at the meeting, including issues raised and any changes made by the applicant as a result of the meeting.

A concern:

We know of a situation in Cary, where a wooded buffer was agreed upon, but when the contractor started clear-cutting, the bulldozers were going far beyond the line where they should have stopped. Contractors have to pay a fine, but they simply pay the fine & go their merry way.

In this case, two of the residents stood there, refusing to allow them to cut beyond the line.

In this situation, somebody needs to monitor what is happening; residents should not have to do this. (They will not even know the time table.)

919-359-1620⁶. Patricia Brocken 2021 Olive Tree Lane

Please write clearly (or submit a typed summary), and use additional sheets if necessary.

01/06/2016

Page 6 of 17

PUBLIC NOTICE

In accordance with NC GS 160A-384 and NC GS 160A-364, the Clayton Town Council will hold a public hearing on Monday, July 18, 2016 at 6:30 PM at Town Hall, 111 East Second Street, to consider the following:

- Umstead Subdivision Rezoning, 2016-55-RZ. The request is to rezone the subject properties from Residential-Estate (R-E) to Residential-10 (R-10). Parcel number(s) 164800-98-6622 and 16165801-08-4742; TAG #(s) 05G02013 and 05G02040A
- Umstead Preliminary Plat (Major Subdivision), 2016-54-SD. This request is to develop 42 single-family residential lots. Parcel number(s) 164800-98-6622 and 16165801-08-4742; TAG #(s) 05G02013 and 05G02040A

For Rezoning, the Clayton Town Council reserves the right to approve the request as presented or any portion of the request without necessity of withdrawal or modification of the application or additional public hearing on the matter. Likewise, the Town Council may designate approval to the district requested or another district or districts without modification of the request or additional public hearing.

For Preliminary Plats (major subdivisions), the Clayton Town Council must make findings of fact based upon sworn testimony and other credible evidence during an evidentiary hearing. 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.

Jay McLeod, Planner
919-553-5002

The Clayton News Star

Please advertise on the following dates:

July 6, 2016

July 13, 2016

Dates are the two Wednesdays prior to the hearing

Affidavit of publication required.

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

After considering the recommendations of the Planning Board and Planning Director, I move to **[approve OR deny] case number 2016-55-RZ**

[IF APPROVING]

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

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

WHEREAS a petition has been filed with the Town Council of the Town of Clayton requesting an amendment to the Zoning Ordinance and Zoning Map of the Town of Clayton to include in the Residential - 10 (R-10) zone the property described below, said property formerly being zoned Residential Estate (R-E); and

WHEREAS said property is owned by Umstead Partners LLC; and

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

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

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

WHEREAS the said public hearing was actually conducted at 6:30 p.m. on July 18, 2016, wherein a reasonable opportunity was given to all those in attendance to speak either in favor or against the said change or to make relevant comments;

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

SECTION 1. That the Unified Development Code of the Town of Clayton is hereby amended to include in the Residential-10 (R-10) zone the following described property:

General Description:

Located at the end of Gregory Drive, off of Amelia Church Road, south of the Wynston Subdivision.

Specific Description:

NC Parcel Identification Numbers: 164800-98-622 & 165801-08-4742

SECTION 2. That the official Town of Clayton Zoning Map is hereby amended to include in the Residential-10 (R-10) zone the above-described property and will be so marked.

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

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

DULY ADOPTED by the Clayton Town Council this 18th day of July, 2016, while in regular session.

Jody McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk



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

AGENDA LOCATION:

Public Hearings

Meeting Date:

July 18, 2016

ITEM TITLE:

Umstead Subdivision - Major Subdivision 2016-54-SD

DESCRIPTION:

The Umstead Subdivision is located at the end of Gregory Drive, off of Amelia Church Road; south of the Wynston Subdivision. The applicant is requesting to develop a conventional R-10 (pending successful rezoning) single family residential subdivision. The property currently is vacant woodlands. Property size is 19.8+/- acres. The subdivision will consist of 42 single-family homes with a minimum lot size of 10,000 SF.

POTENTIAL ACTION:

Approval/Disapproval

DEPARTMENT:

Planning + Zoning

PRESENTER:

Planning Department

ITEM HISTORY:

Date:

June 20, 2016

Action Taken:

Set Public Hearing for July 18, 2016

Information Provided:

Date:

Action Taken:

Information Provided:



TOWN OF CLAYTON

Planning Department

111 E. Second Street, Clayton, NC 27520

P.O. Box 879, Clayton, NC 27528

Phone: 919-553-5002

Fax: 919-553-1720

SUBDIVISION: MAJOR SUBDIVISION (Preliminary Subdivision Plat)

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

Application fees: Major Preliminary Subdivision Plat: \$400.00 + \$5.00 per lot

Modifications to approved plans:

Major Modification: \$400.00 + \$5.00 per lot modified

Minor Modification: \$200.00 + \$5.00 per lot modified

See §155.706(F) of the UDC for a definition of Major vs. Minor Subdivisions.

See §155.706(I) for Preliminary Plat approval (major subdivision) process/approval information.

See §155.203(F), (G), and (H) for information on Conventional vs. Open Space Subdivisions.

See §155.706(N) for information on minor and major modifications.

See UDC Article 6 for Subdivision Standards.

SITE INFORMATION

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

Name of Project: Umstead Subdivision Acreage of Property: 19.82 acres

Tag #: 05G02013, 05G02040A NC PIN: 164800-98-6622, 165801-08-4742

Location: adjacent to Amelia Church Road (SR 1552)

Number of Lots (existing): 0 (Proposed) 41 Min Lot Size: 8,000 s.f.

Zoning District: R-E Electric Provider: undetermined

Wastewater: ☐ Septic ☒ Sewer (check one) Water: ☐ Well ☒ Public/Private Water (check one)

Recreation/Open Space Requirement: ☒ Fee in lieu ☐ Land Dedication – Acreage: _____

FOR OFFICE USE ONLY

Date Received: MAR 02 2016 Amount Paid: \$605.00 File Number: 2016-54-50

TOWN OF CLAYTON
PLANNING DEPARTMENT

November 2014

Page 1 of 17

PROPERTY OWNER INFORMATION

Name: Umstead Partners, L.L.C.

Mailing Address: Post Office Box 189 Clayton, North Carolina 27528

Phone Number: (919) 345 - 6729 Fax: n/a

Email Address: nathan@nlevans.com

APPLICANT INFORMATION

Applicant: Umstead Partners, L.L.C.

Mailing Address: Post Office Box 189 Clayton, North Carolina 27528

Phone Number: (919) 345 - 6729 Fax: n/a

Contact Person: Nathan Evans

Email Address: nathan@nlevans.com

REQUIRED INFORMATION (to be submitted with the application)

The following items must accompany the application:

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

12. A signed and sealed Traffic Impact Analysis (required for projects which generate at least 100 vehicle trips at peak hour. See §155.708 of the UDC)	☐	☒			
13. Neighborhood Meeting Notice Letter* See sample letter and meeting requirement, included in this packet. *Not required for minor modifications or subdivisions *Not required for subdivisions that are part of an approved planned development	☐	☒			
14. Neighborhood Meeting summary form* Included in this packet – NOT submitted with application. *Not required for minor modifications or subdivisions *Not required for subdivisions that are part of an approved planned development		☒	Must be submitted after neighborhood meeting is held and at least 10 days prior to Planning Board meeting.		
15. Stamped, addressed, empty envelopes with no return address, using the adjacent property owner list. This for a public notice of the public hearing mailed by the Town – thus, neighbors will receive both a neighborhood meeting letter from the applicant, and a notice of the hearing from the Town.	☐	☒			

EXPLANATION OF PROJECT

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

The Owner is requesting approval to develop subject properties as a conventional residential subdivision. The subdivision consists of 19.82 acres subdivided into 41 single-family residential lots with a minimum of 8,000 square feet per lot. Access to the development will utilize two existing street stubouts: Gregory Drive and Dayflower Drive. Improvements include curb and gutter streets with sidewalk, storm drainage and public water and sewer services provided by the Town of Clayton. All improvements are to meet current Town of Clayton specifications.

APPLICANT AFFIDAVIT

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

Umstead Partners, LLC
Print Name

By: [Signature]
Signature of Applicant

3-1-16
Date

November 2014

Page 3 of 17

FINDINGS OF FACT

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

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

~~The subject properties are currently zoned R-E. A Rezoning Application has been submitted to the Town of Clayton to rezone the properties to R-8.~~

- (2) That the subdivision will not be detrimental to the use or orderly development of other properties in the surrounding area and will not violate the character of existing standards for development of properties in the surrounding area.

~~The development of the subject properties will compliment the surrounding properties and is consistent with surrounding developments. The location of the subject project in relation to downtown Clayton will encourage continued residential growth and development of surrounding parcels.~~

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

~~The subject project will provide proper distribution of traffic to avoid congestion to the public in the immediate area. The project will utilize an extension of the Town of Clayton's existing infrastructure to provide products and services to the public that are desired and will not be an endangerment to the environment or the public.~~

- (4) That the subdivision will not adversely affect the general plans for the orderly growth and development of the town and is consistent with the planning policies adopted by the Town Council.

~~The proposed development of the subject properties is consistent with the overall development plan of the Town of Clayton.~~

Project Name: Umstead Subdivision

Umstead Partners LLC
Print Name

By: [Signature]
Signature of Applicant

3-1-16
Date

November 2014

Page 4 of 17

MAJOR SUBDIVISION – PRELIMINARY PLAT REQUIREMENTS CHECKLIST

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

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

November 2014

Page 10 of 17

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

November 2014

Page 11 of 17

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

November 2014

Page 12 of 17

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

Signed by Applicant: Umstead Partners LLC
By: [Signature] Date: 3-1-16

November 2014

Page 13 of 17



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: UMSTEAD SUBDIVISION Address or PIN #: 164800 - 98 - 6622

AGENT/APPLICANT INFORMATION:

DALTON ENGINEERING AND ASSOC., P.A.
(Name - type, print clearly)

P.O. Box 426

(Address)

CLAYTON, NC 27528

(City, State, Zip)

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

MAJOR SUBDIVISION

REZONING

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:

UMSTEAD PARTNERS, L.L.C.

(Name - type, print clearly)

P.O. Box 189

(Address)

CLAYTON, NC

(City, State, Zip)

27528

By: [Signature]
(Owner's Signature)

STATE OF

COUNTY OF

North Carolina

Wake

Sworn and subscribed before me [Signature], a Notary Public for the above State and County, this the 15 day of March, 2016.

SEAL

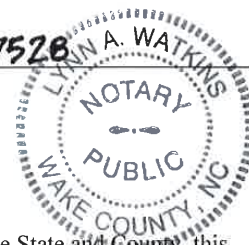
Notary Public

My Commission
Expires:

12-7-2016

November 2014

Page 14 of 17





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

*Planning Board
May 23, 2016*

STAFF REPORT

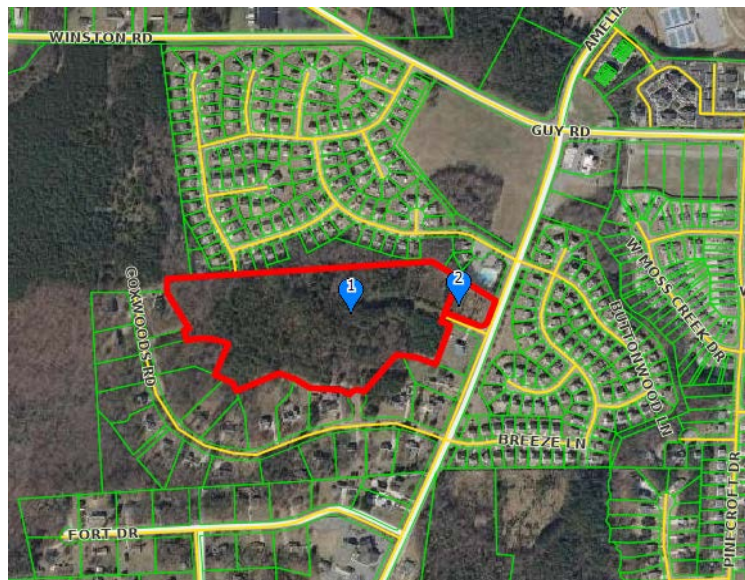
Application Number: 2016-54-SD Project Name: Umstead Major Subdivision

NC PIN / Tag #: 164800-98-6622, 165801-08-4742 / 05g02013, 05g02040a
Town Limits/ETJ: ETJ
Overlay: None
Applicant: Umstead Partners LLC c/o Nathan Evans
Owner: Umstead Partners LLC
Location: At the end of Gregory Drive, off of Amelia Church Road; south of the Wynston subdivision.

Public Noticing:

- Neighborhood meeting April 14, 2016
- Sign posted April 14, 2016
- Letters mailed prior to July 8, 2016
- Newspaper ad posted prior to July 5, 2016

REQUEST: Conventional subdivision with 42 single family detached homes.



SITE DATA:

Acreage: 19.8 acres
Existing Use: Vacant

ADJACENT ZONING AND LAND USES:

Direction	Zoning	Existing Use
North	Residential-10	Single-family residential, open space subdivision
South	Residential-Estate (R-E)	Single-family residential
East	Residential-10	Single-family residential, open space subdivision
West	Residential-Estate (R-E) and Planned Development – Mixed Use (PD-MU)	Single-family residential, and future, master planned single family residential

DEVELOPMENT DATA:

Proposed Uses: Single-Family Homes
Buildings: 42 dwelling units
Density/Intensity: 2.1 dwelling units per acre
Number of Stories: Maximum height of 35 feet
Required Parking: 2 spaces per unit
Proposed Parking: 2 spaces per unit
Fire Protection: The Town of Clayton Fire Department will provide fire protection.
Access/Streets: Three access points are proposed, with no interconnection between them. An extension of Gregory Drive will serve the majority of the site. An extension of Dayflower Drive will serve seven lots in the northwest (accessed through the Wynston subdivision). And a single lot (Lot 42) is proposed to have access from a paved stubout that connects to Coxwoods Rd.
Water/Sewer Provider: Town of Clayton will provide water and sewer, following successful annexation
Electric Provider: Duke

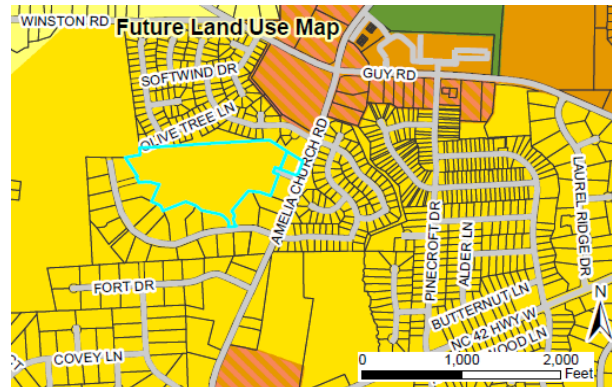
STAFF ANALYSIS:

Overview

The applicant is requesting to develop a conventional R-10 (pending successful rezoning) single family residential subdivision on 19.8± acres, with a minimum lot size of 10,000 SF. This piece of land is currently vacant woodlands. The land is currently in the Town's Extraterritorial Planning Jurisdiction (ETJ), but would need to annex in order to receive the water and sewer services that are necessary to develop at the 10,000 SF lot density.

Consistency with Adopted Plans

- **2040 Comprehensive Plan**
The Future Land Use for this area is envisioned as Medium Density Residential, which accommodates R-10 zoned residential.
- **Unified Development Code**
The proposed development is generally consistent with the requirements of the Unified Development Code (UDC).



Compatibility with Surrounding Land Uses

The site is bordered by 8,000 SF single family residential lots to the north in an R-10 zoning district (the Wynston subdivision), and 40,000± SF single family lots to the south (along Coxwoods Rd). The Wynston subdivision is served by public water and sewer, and the Coxwoods neighborhood is served by septic systems. The proposed conventional R-10 zoned subdivision is an appropriate density transition between the two neighborhoods.

Landscaping and Buffering

The applicant will provide one street tree per lot, as required by Town of Clayton's Unified Development Code. The applicant is also proposing a Class "A" landscaping buffer along Amelia Church Road, which is consistent with the UDC.

Recreation and Open Space

This is a conventional subdivision, so the applicant is requesting to pay fee-in-lieu for recreation.

Environmental

The stream running through the site is protected by the required 50' riparian buffer.

Access/Streets

Primary access to the property is currently from Gregory Drive, with a paved stubout from the west connecting to Coxwoods Rd, an unpaved stubout from the south connecting to Coxwoods Rd, and a paved stubout connecting from Wynston in the north. Some question currently exists regarding the ownership of Coxwoods Rd, whether it is privately- or state-owned. This has impacts on whether this road may be accessed by the applicant when developing this parcel. Staff has contacted NCDOT, but resolution has not been obtained at the time this staff report was written.

Multi-Modal Access

Sidewalks will be on both sides of each road, and will connect out to Amelia Church Road. Sidewalks will be along the connection to the adjacent Wynston subdivision, along the extension of Mayflower Dr.

Waivers/Deviations/Variations from Code Requirements

- The applicant is requesting a waiver from the requirement for interconnectivity - §155.603(B)(2).
- The applicant is requesting to pay fee-in-lieu for recreation.
- The applicant is requesting a waiver from the maximum cul-de-sac length requirement - §155.602(G)(1).

CONSIDERATIONS:

- The applicant is requesting Preliminary Subdivision Plat approval for a 42 lot single-family residential subdivision.
 - This plan is subject to final approval by Town Council.
-

FINDINGS:

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

CONDITIONS:

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

1. Following Board approvals, three copies of the final Preliminary Subdivision Plan meeting the requirements of the Conditions of Approval shall be submitted to the Planning Department for final approval. The conditions of approval shall be recorded on the plans before final approval is granted.
2. All development fees shall be paid prior to final plat recordation.
3. The final plat and subsequent development of the site shall be consistent with the specifications of the approved Preliminary Subdivision Plan. Modifications shall require additional approvals pursuant to Section 155.706 of the Unified Development Code.
4. All signs shall require review/approval pursuant to UDC Section 155.713.
5. A homeowners' association document (if applicable) shall be reviewed by staff and recorded prior to final plats. Such document shall assure responsibility for maintenance of all common facilities and provide adequate means for funding to do so.
6. The landscaping buffer along Amelia Church Road shall be installed prior to the issuance of any Certificate of Occupancy.
7. Any required perimeter landscape buffer shall be installed prior to the commencement of construction on adjacent lots.
8. Lot 42 (the lot accessed from Coxwoods Drive) shall not be allowed to be platted unless evidence is presented to the Planning Department showing that legal access can be made to the lot from Amelia Church Road, via Coxwoods Rd and the paved stubout that connects the lot to Coxwoods Rd.
9. Access and easement shall be provided to any permanent stormwater features, and provision shall be made for their maintenance.

Waivers:

10. The applicant is requesting a waiver from the requirement for interconnectivity §155.603(B)(2).

11. Recreation fees shall be paid as fee-in-lieu, prior to plat recordation.

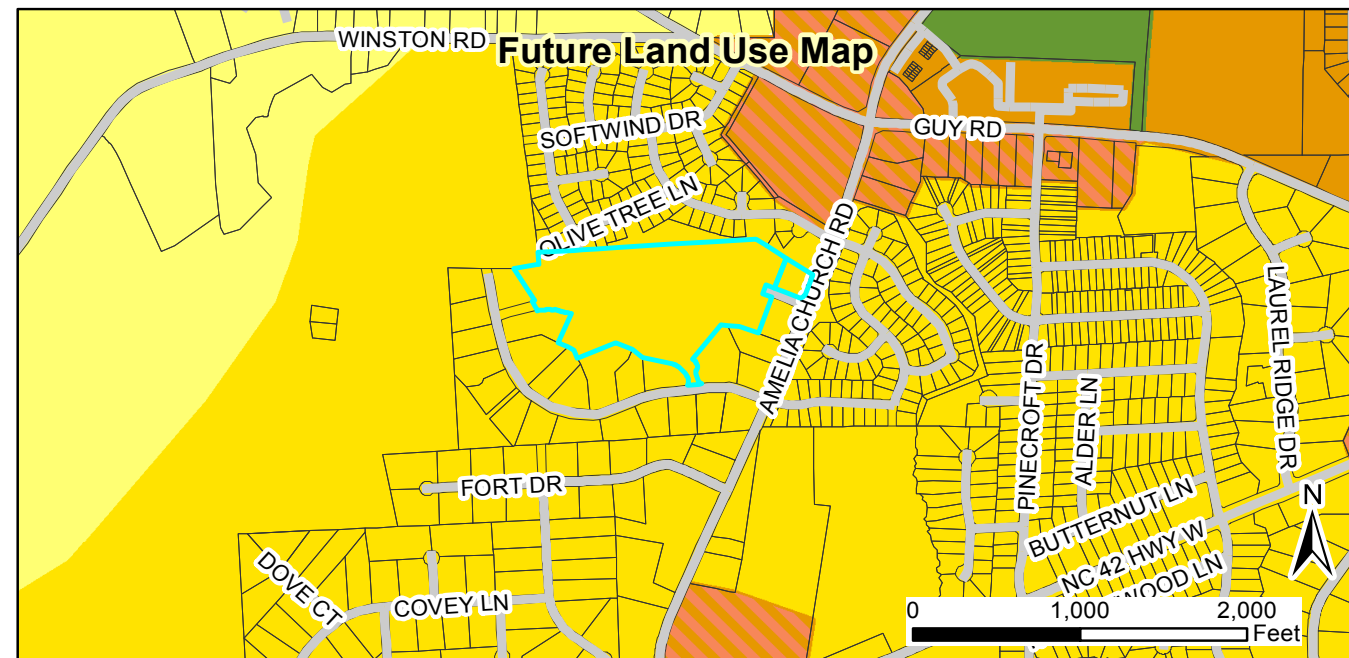
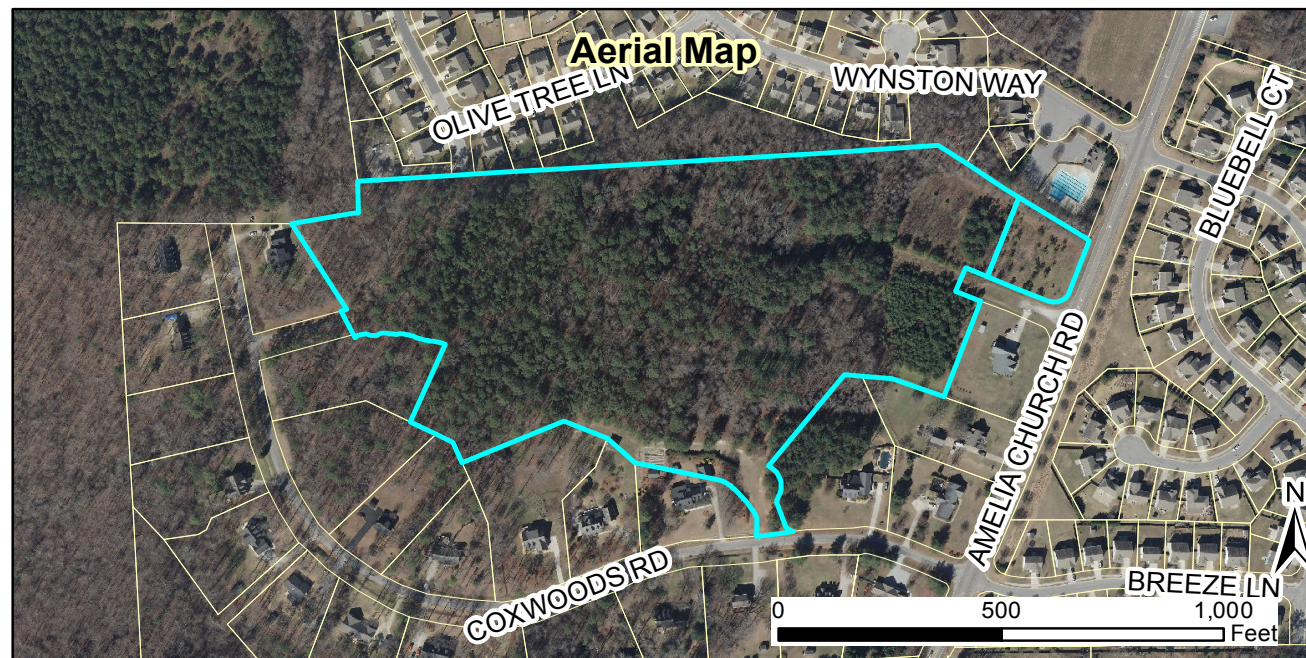
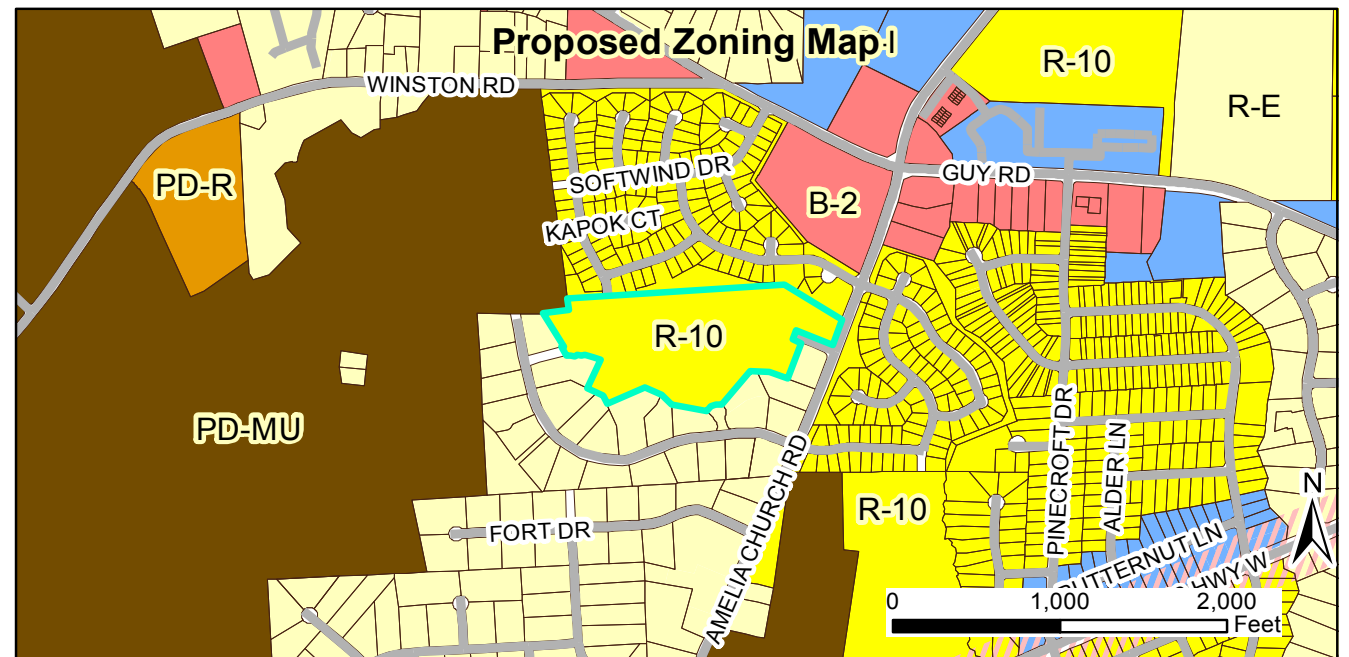
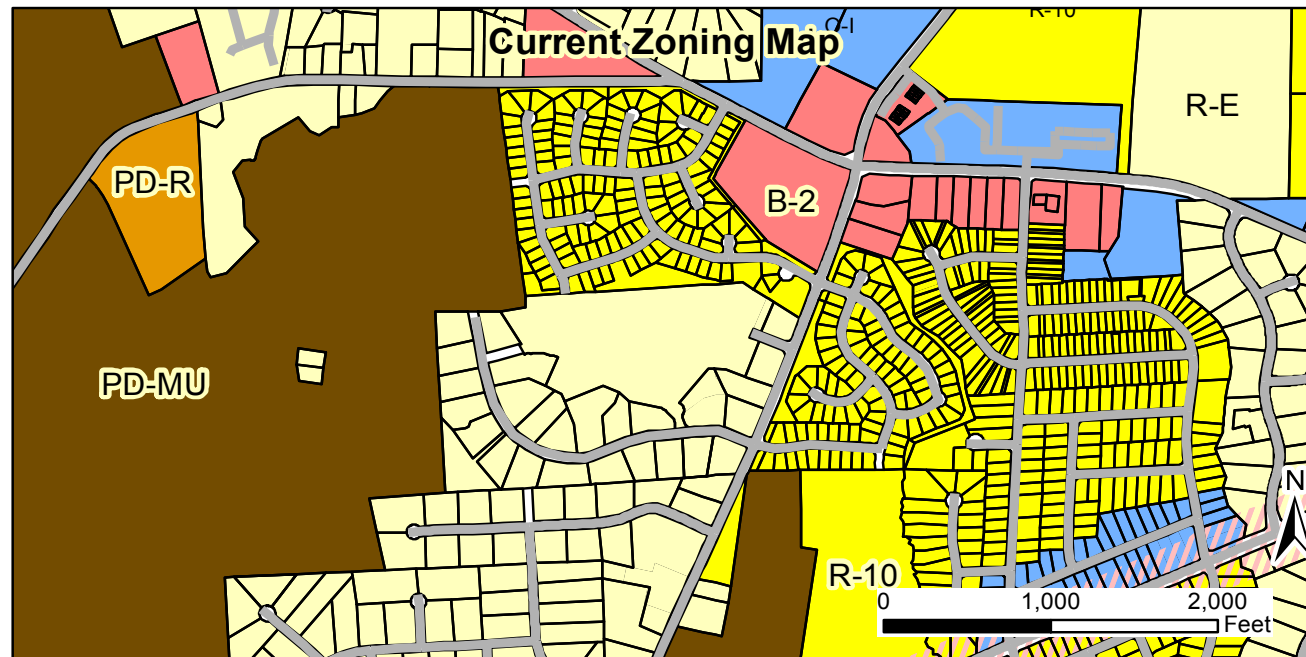
12. The applicant is requesting a waiver from the maximum cul-de-sac length requirement - §155.602(G)(1).

STAFF RECOMMENDATION:

Staff is recommending approval with conditions of the proposed preliminary subdivision plat of the subject parcel.

ATTACHMENTS:

- 1.) Staff report
- 2.) Maps
- 3.) Application
- 4.) Property Images 1 and 2
- 5.) Neighborhood Meeting Materials
- 6.) Preliminary subdivision plan set
- 7.) Landscaping plan sheet



2016-54-SD and 2016-55-RZ: Umstead Subdivision and Rezoning Request: Create a ±41 lot subdivision on a site proposed to be rezoned to R-10.

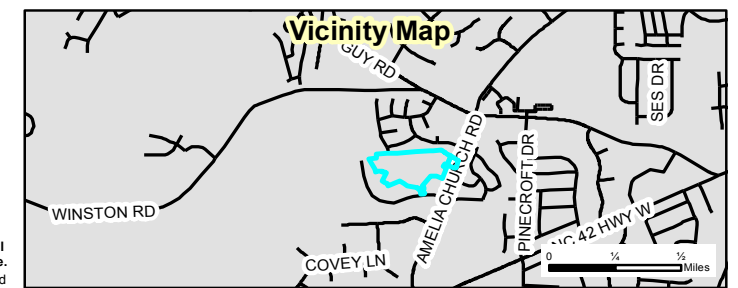
Applicant: Umstead Partners LLC c/o Nathan Evans
 Property Owners: Umstead Partners LLC
 Parcel ID: 164800-98-622, 165801-08-4742
 Tag #: 05g02013, 05g02040a

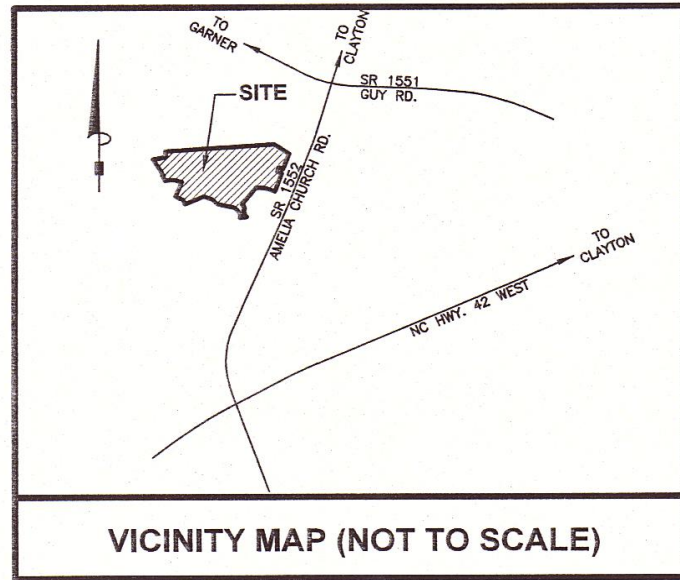


- Site
- Special Use District
- Thorough Fare Overlay
- Scenic Highway Overlay
- Railroads

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

Document Path: O:\PLANNING\REZONING\Rezoning\2016\2016-55-RZ Umstead Subdivision\Maps\StaffReportMap- Umstead maj subdiv and rezoning - 2016-55-RZ.mxd





VICINITY MAP (NOT TO SCALE)

PRELIMINARY SUBDIVISION PLAN
FOR
UMSTEAD SUBDIVISION
TOWN OF CLAYTON - JOHNSTON COUNTY, NC
INDEX TO DRAWINGS

- SHEET 1 - COVER SHEET
SHEET 2 - EXISTING CONDITIONS SHEET
SHEET 3 - PRELIMINARY SITE PLAN
SHEET 4 - PRELIMINARY UTILITY PLAN
SHEET 5 - LANDSCAPE PLAN

ENGINEER

DALTON ENGINEERING AND ASSOCIATES, P. A.
446 EAST MAIN STREET P. O. BOX 426
CLAYTON, NC 27520 CLAYTON, NC 27528
(919) 550-4740 - FAX (919) 550-4741

SURVEYOR

TRUE LINE SURVEYING, P. C.
205 WEST MAIN STREET
CLAYTON, NC 27520
(919) 359-0427

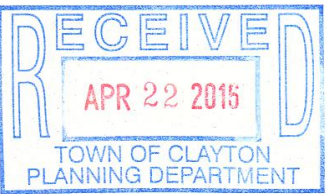
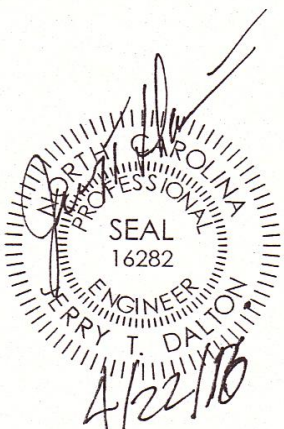
OWNER & DEVELOPER

UMSTEAD PARTNERS, L.L.C.
P. O. BOX 189
CLAYTON, NC 27528

Dalton Engineering
and Associates, P. A.

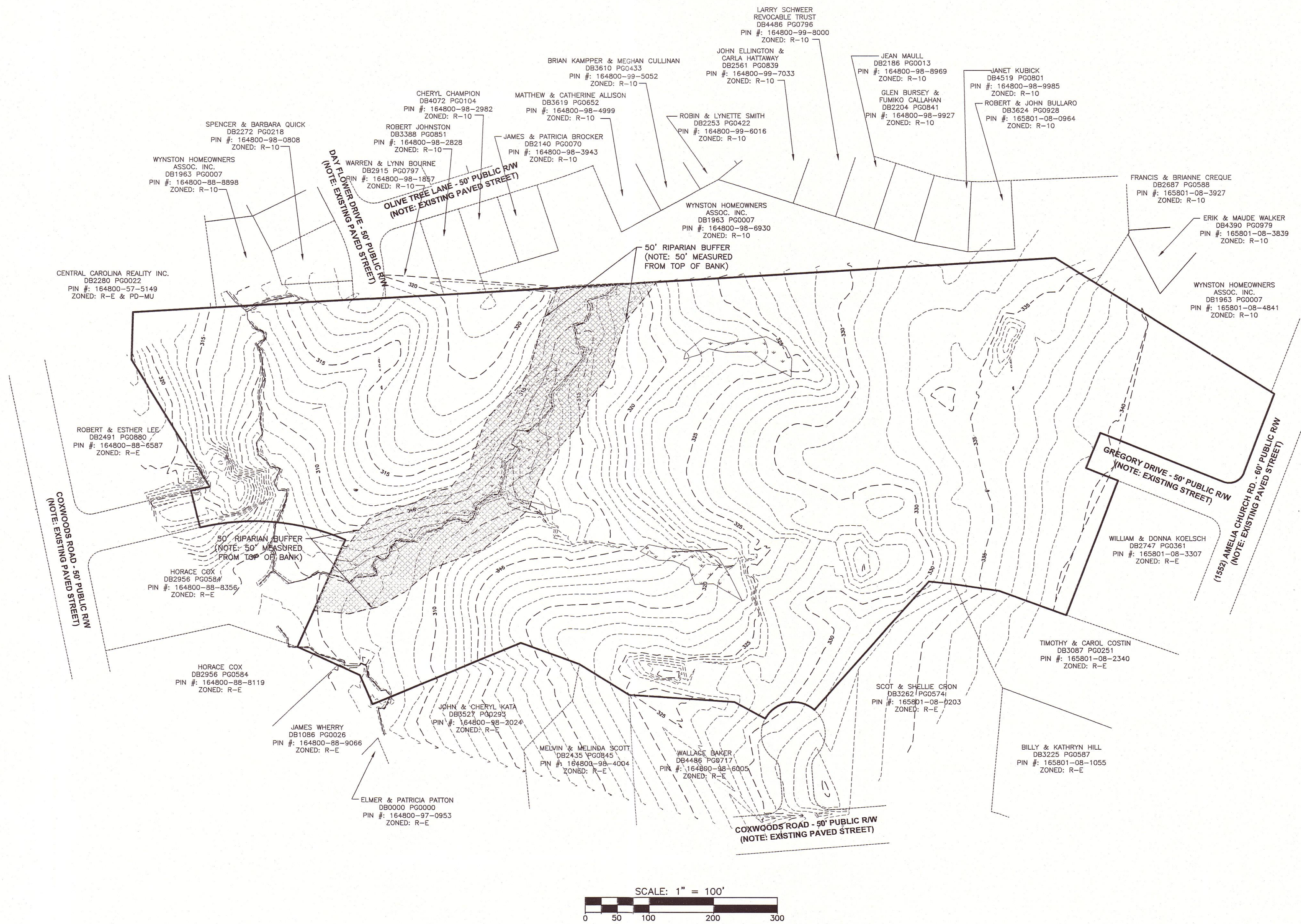
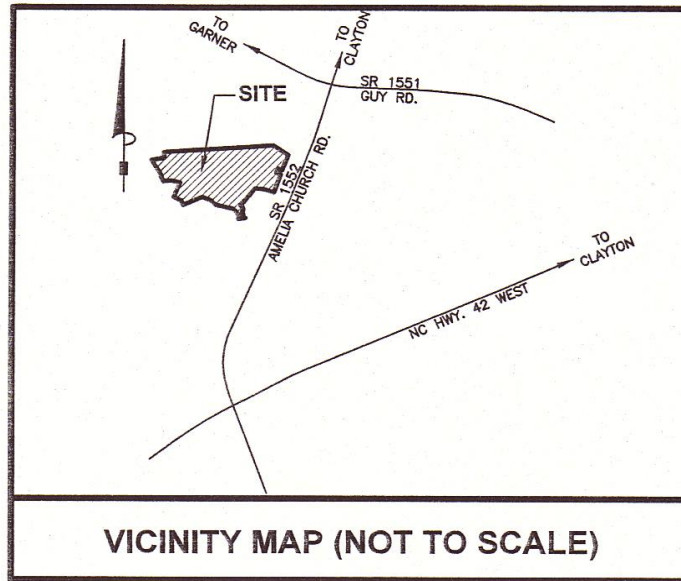


REVIEW ONLY
NOT FOR CONSTRUCTION



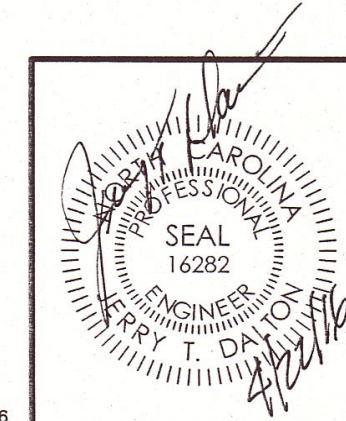
TOWN OF CLAYTON PLANNING DEPARTMENT PROJECT NUMBER: 2016-54-SD		
Job: 15023	Date: 3/1/16	Revision: 001
File: COVER	Drawn: DBL	Sheet: 1 OF 5

REVISION 001: ADDRESSED TOWN OF CLAYTON PLANNING DEPT. TRC COMMENTS - 4/22/16



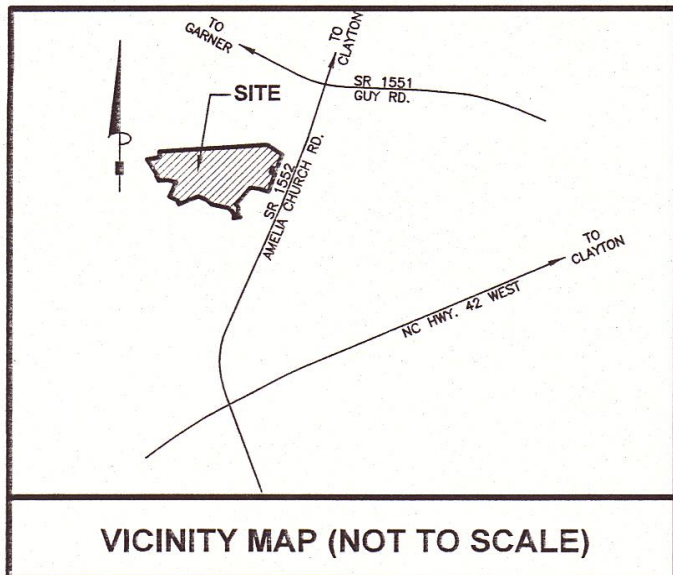
REVIEW ONLY
NOT FOR CONSTRUCTION

EXISTING CONDITIONS SHEET
FOR
UMSTEAD SUBDIVISION
TOWN OF CLAYTON - JOHNSTON COUNTY, NC



Dalton Engineering and Associates, P. A.		
446 East Main Street P.O. Box 426 Clayton, NC 27520		
(919) 550-4740 Fax (919) 550-4741		
Job: 15023	Date: 3/1/16	Revision: 001
File: EXISTING	Drawn: DBL	Sheet: 2 OF 5

REVISION 001: ADDRESSED TOWN OF CLAYTON PLANNING DEPT. TRC COMMENTS - 4/22/16



- CONSTRUCTION DRAWINGS ARE TO BE SUBMITTED TO THE TOWN OF CLAYTON PUBLIC WORKS ENGINEERING DIVISION FOR REVIEW AND APPROVAL.
- N.C.D.O.T. DRIVEWAY PERMIT APPROVAL IS REQUIRED FOR ROADWAY CONNECTION TO DAYFLOWER AND GREGORY DRIVE.
- FEE-IN-LIEU WILL BE REQUIRED TO MEET RECREATION AND OPEN SPACE REQUIREMENTS.
- NO BUILDINGS MAY OCCUR WITHIN 20' OF RIPARIAN BUFFERS; ROADS AND DRIVEWAYS MAY OCCUR IN THAT 20' AREA.
- NO BUILDING ENVELOPES MAY EXTEND INTO JURISDICTIONAL WETLANDS.
- ALL STREET TREES WILL BE 8' TALL AT TIME OF PLANTING.
- ALL RESOURCE CONSERVATION AREAS AND THE 50' RIPARIAN BUFFER SHALL REMAIN UNDISTURBED IN ACCORDANCE WITH ARTICLE 5 OF THE UNIFIED DEVELOPMENT CODE.

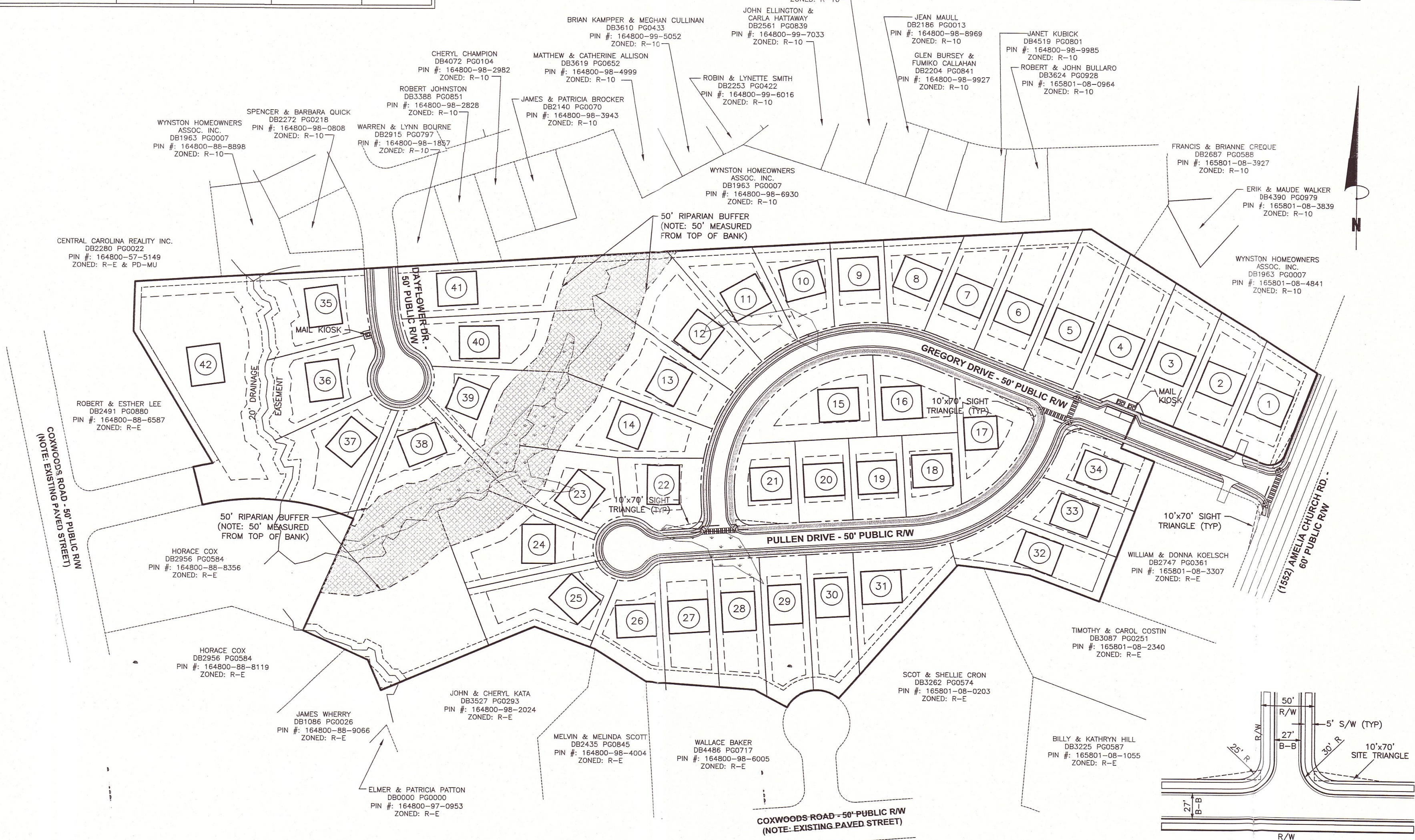
LOT SUMMARY	
LOT NUMBER	
1	15,044
2	14,623
3	15,454
4	16,870
5	18,543
6	17,072
7	14,046
8	12,010
9	10,040
10	11,968
11	15,863
12	17,398
13	15,111
14	15,869
15	18,713
16	13,230
17	14,274
18	10,119
19	10,000
20	10,000
21	11,297
22	12,608
23	11,730
24	16,601
25	18,853
26	13,257
27	15,116
28	14,009
29	15,208
30	14,564
31	16,763
32	16,426
33	11,943
34	12,099
35	17,673
36	17,354
37	19,958
38	13,756
39	10,054
40	16,021
41	19,943
42	52,472

- NOTES:
- A MINIMUM LOT AREA OF 10,000 SF IS REQUIRED.
 - LOT AREA DOES NOT INCLUDE RESOURCE CONSERVATION AREAS.

TOTAL SITE DATA AND IMPERVIOUS AREA CALCULATIONS				
	TOTAL AREA (ACRES)	PERCENTAGE OF TOTAL SITE	IMPERVIOUS AREA (ACRES)	PERCENTAGE IMPERVIOUS SURFACE
RESIDENTIAL LOTS	14.841	74.88%	8.16	55.0%
RIGHT-OF-WAY (includes streets and sidewalks)	2.250	11.35%	1.80	80.0%
TOTAL RESOURCE CONSERVATION AREAS (not in residential lots)	1.986	10.02%	0	0%
AREAS NOT IN ANY OF THE ABOVE CATEGORIES (including undeveloped areas not qualified as Open Space)	0.743	3.75%	.005	0.60%
TOTAL AREA	19.82	100%	9.965	50.03%

RESOURCE CONSERVATION AREA DATA		
	ACRES	*PERCENTAGE
RIPIARIAN BUFFER AREAS	1.774	8.95%
OPEN WATER BODIES AND JURISDICTIONAL WETLANDS	0.588	2.96%
100-YEAR FLOODPLAIN	0	0%
TOTAL RESOURCE CONSERVATION AREAS	**1.986	10.02%

*PERCENTAGE OF TOTAL SITE AREA
**THERE IS AN OVERLAP OF 0.376 ACRES OF WETLANDS/RIPIARIAN BUFFER AREA



SUMMARY INFORMATION

DEVELOPMENT NAME: UMSTEAD SUBDIVISION
PARCEL PIN: 164800-98-6622 & 165801-08-4742
IS PROPERTY TO BE ANNEXED INTO THE TOWN? YES
TOTAL AREA CONTAINED WITHIN TRACT: 19.82 AC
TOTAL FLOOD AREA: 0 AC
NET USEABLE LAND: 19.82 AC
MAX DENSITY: 4.0 DWELLING UNITS/ACRE
DENSITY PROPOSED: 2.12 UNITS/ACRE
TOTAL NUMBER OF UNITS PROPOSED: 42
TOTAL 41 SINGLE-FAMILY RESIDENTIAL
MINIMUM LOT AREA: 10,000 S.F.
MIN. LOT WIDTH: 70'
MIN. FRONT SETBACK: 30'
MIN. SIDE INTERIOR SETBACK: 10'
MIN. SIDE STREET: 20'
MIN. REAR SETBACK: 25'
MAX. BUILDING HEIGHT: 35'
MAX. BUILDING LOT COVERAGE: 35%
MAX. IMPERVIOUS PER LOT: 50%
MIN. DWELLING UNIT SIZE: 1,100 S.F.
AREA IN SIDEWALKS: 15,386.38 S.F.
AREA IN PAVEMENT AND C&G: 63,070 S.F.
LINEAR FEET OF STREETS: 2,035 L.F.
TYPE OF WATER SYSTEM PROPOSED: TOWN OF CLAYTON
TYPE OF SANITARY SEWER SYSTEM PROPOSED: TOWN OF CLAYTON
ELECTRICAL SERVICE PROVIDED BY TOWN OF CLAYTON
ZONING DISTRICT: RE
THOROUGHFARE OVERLAY DISTRICT: YES
WATERSHED PROTECTION AREA: NO
PROPOSED ZONING: R-10
INSIDE CITY LIMITS? YES
OWNER AND APPLICANT:
UMSTEAD PARTNERS, LLC
P.O. BOX 189
CLAYTON, NC 27528
PRELIMINARY LAYOUT PREPARED BY:
DALTON ENGINEERING AND ASSOCIATES, P.A.
446 EAST MAIN STREET
CLAYTON, NC 27520
(919) 550-4740

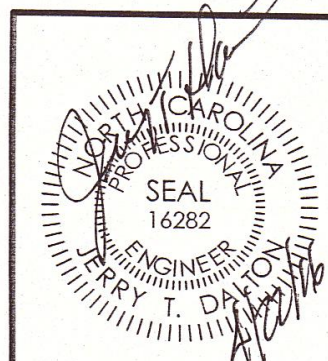
TOWN OF CLAYTON PLANNING DEPARTMENT PROJECT NUMBER: 2016-54-SD

Dalton Engineering
and Associates, P. A.

446 East Main Street
P.O. Box 426
Clayton, NC 27520

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

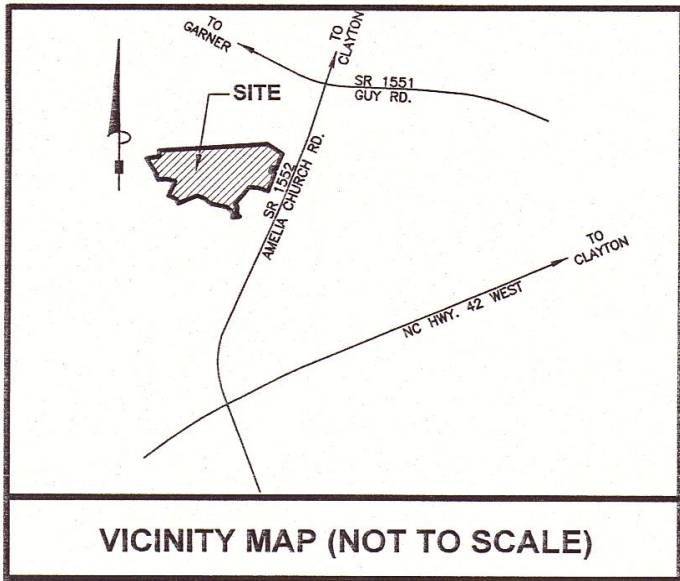
Job: 15023 Date: 3/1/16 Revision: 001
File: SITE Drawn: DBL Sheet: 3 OF 5



PRELIMINARY SITE PLAN
FOR
UMSTEAD SUBDIVISION
TOWN OF CLAYTON - JOHNSTON COUNTY, NC

REVISION 001: ADDRESSED TOWN OF CLAYTON PLANNING DEPT. TRC COMMENTS - 4/22/16

REVIEW ONLY
NOT FOR CONSTRUCTION

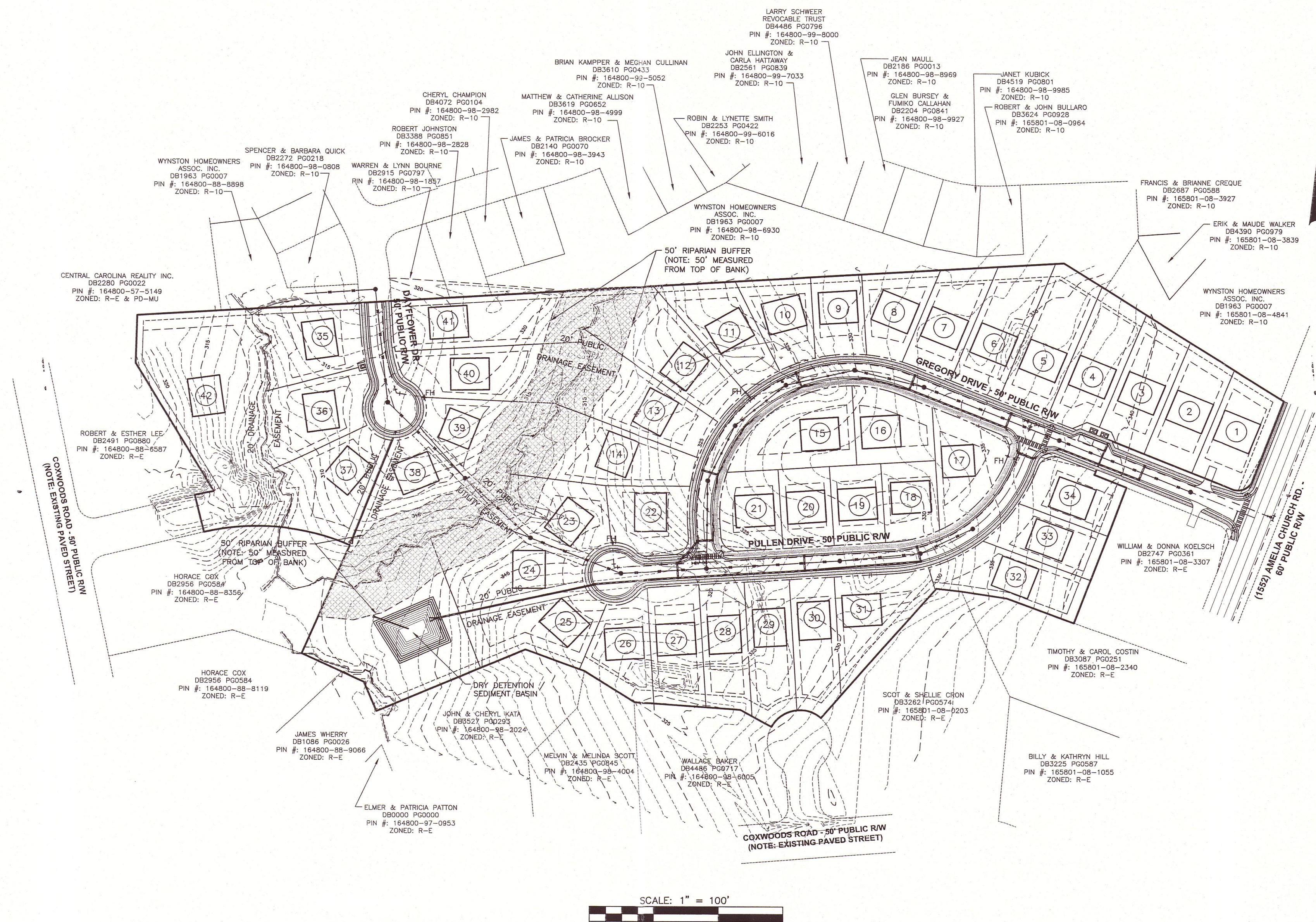


NOTE: INFRASTRUCTURE RELATED CONSTRUCTION WILL BE REVIEWED BY THE ENGINEERING DIVISION OF PUBLIC WORKS.

NOTE: STRUCTURE RELATED DRAWINGS WILL BE PERMITTED, REVIEWED, AND INSPECTED IN ACCORDANCE WITH NORTH CAROLINA BUILDING CODE BY THE TOWN OF CLAYTON BUILDING INSPECTIONS.

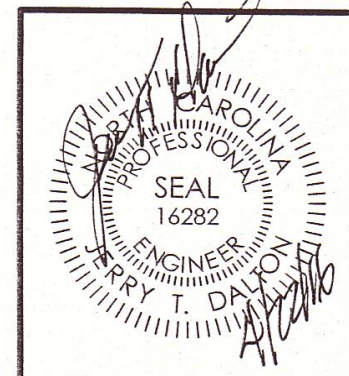
NOTE: NCDOT WILL REVIEW AND APPROVE ROADWAY IMPROVEMENTS.

NOTE: CONSTRUCTION/UTILITY PLANS TO BE REVIEWED AND APPROVED BY THE ENGINEERING DEPARTMENT PRIOR TO CONSTRUCTION.



REVIEW ONLY
NOT FOR CONSTRUCTION

PRELIMINARY UTILITY PLAN
FOR
UMSTEAD SUBDIVISION
TOWN OF CLAYTON - JOHNSTON COUNTY, NC



Dalton Engineering and Associates, P. A.		
446 East Main Street P.O. Box 426 Clayton, NC 27520		
(919) 550-4740 Fax (919) 550-4741		
Job: 15023	Date: 3/1/16	Revision: 001
File: UTILITY	Drawn: DBL	Sheet: 4 OF 5

REVISION 001: ADDRESSED TOWN OF CLAYTON PLANNING DEPT. TRC COMMENTS - 4/22/16

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Applicant: Umstead Partners, L.L.C.

Location/Date: Location : Dalton Engineering and Assoc., P.A. 446 East Main Street Clayton, NC 27520 Date : 4/14/16

	NAME	ADDRESS
1	Jonathan Barnes	446 East Main Street Clayton, NC 27520
2	Horace & Heasley Cox	2017 Coxwoods Rd 7
3	James H. Wherry	2032 Coxwoods Rd
4	Elmer E Patton	2034 Coxwoods Rd
5	David Bullock	2037 Coxwoods Rd.
6	Carol Cost	1494 Amelia Church Rd
7	Tim Costin	1494 Amelia Church Rd.
8	Melinda Scott	2018 Coxwoods Rd
9	Buckh Scott	"
10	Jeremy + Megan Looney	2052 Coxwoods Rd
11	Shelley + Scot Cron	2002 Coxwoods Rd.
12	Glen Bursey	3005 Winston Way
13	Jean Maull	3009 Winston Way
14	Jim Brocker	2021 Olive Tree Lane
15	Pat Brocker	2021 Olive Tree Lane
16	Pat Patton	2024 Coxwoods Rd
17	ROGER WORTHINGTON	2001 Coxwoods Rd.
18	John KATA	2020 Coxwoods Rd
19	Stephanie & Jim Koester	2049 Coxwoods Rd.
20	Nyght Rowley	2029 Coxwoods Rd.
	Kathy Bramme	2053 Coxwoods Rd

01/06/2016

Page 9 of 17

NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Application: Umstead Subdivision

Date of Mailing: 4/4/16

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

Printed Name: Jonathan Barnes

Signature: 

Date of Meeting: 4/14/16

Time of Meeting: 6:30 p.m.

Location of Meeting: Dalton Engineering and Associates, P.A. 446 East Main Street Clayton, NC 27520

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.*

Notes : Several residents of Coxwoods Subdivision were present. Most inquired about the possibility of a roadway connection between Coxwoods Subdivision and Umstead Subdivision. Of those that inquired about that topic, none were in favor of a roadway connection between the two subdivisions. Other items that were inquired about included the location of the proposed stormwater management b.m.p. and the outlet location of the stormwater exiting the pond. The residents of Wynston Subdivision inquired about the area owned by the Wynston Homeowners Association, adjacent to Umstead Subdivision. Their questions included if there were any plans to perform any clearing in that area, and what kind of landscape buffers were required for the project.

Everyone in attendance was asked numerous times to provide written comments, concerns, etc. to our office, and that their comments would be provided to the Town of Clayton Planning Department. At this time, our office has received comments from two landowners, which are attached. Submitted by : Jonathan Barnes - Dalton Engineering and Associates, P.A.

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

City of Clayton
Town Planning Department
Clayton, N. C. 27520

Elmer E. and Patricia A. Patton
2024 Coxwoods Road
Clayton, N.C. 27520

15 April 2016

As home owner of Lot 23 located in the Coxwoods Subdivision, my major concern with the construction of the proposed Umstead Subdivision adjacent to Amelia Church Road, Clayton, N. C. is the drainage easement between Lots 23 and 24. The drainage ditch between Lots 23 and 24 is a natural and a major drainage easement for the Southeastern end of the Coxwoods Subdivision. Any obstruction to this drainage easement from the proposed Umstead Subdivision could result in major flooding to Lots 23 and 24. This concern was address at length on 14 April 2016 at the Area Property Owners meeting. Thank you for your consideration and listening to our concern.


Elmer E. and Patricia A. Patton
Property Owners:

NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Date of Mailing: 4/4/14

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

Printed Name: Jonathan Barnes

Signature: _____

Date of Meeting: 4/14/16

Time of Meeting: 6:30 p.m.

Location of Meeting: Dalton Engineering and Assoc., P.A. 446 East Main Street Clayton, NC 27520

Meeting Summary/Minutes: provide a summary of the discussion held at the meeting, including issues raised and any changes made by the applicant as a result of the meeting.

A concern:

We know of a situation in Cary, where a wooded buffer was agreed upon, but when the contractor started clear-cutting, the bulldozers were going far beyond the line where they should have stopped. Contractors have to pay a fine, but they simply pay the fine & go their merry way.

In this case, two of the residents stood there, refusing to allow them to cut beyond the line.

In this situation, somebody needs to monitor what is happening; residents should not have to do this. (They will not even know the time table.)

919-359-1620. Patricia Brocker 2021 Olive Tree Lane

Please write clearly (or submit a typed summary), and use additional sheets if necessary.

01/06/2016

Page 6 of 17

PUBLIC NOTICE

In accordance with NC GS 160A-384 and NC GS 160A-364, the Clayton Town Council will hold a public hearing on Monday, July 18, 2016 at 6:30 PM at Town Hall, 111 East Second Street, to consider the following:

- Umstead Subdivision Rezoning, 2016-55-RZ. The request is to rezone the subject properties from Residential-Estate (R-E) to Residential-10 (R-10). Parcel number(s) 164800-98-6622 and 16165801-08-4742; TAG #(s) 05G02013 and 05G02040A
- Umstead Preliminary Plat (Major Subdivision), 2016-54-SD. This request is to develop 42 single-family residential lots. Parcel number(s) 164800-98-6622 and 16165801-08-4742; TAG #(s) 05G02013 and 05G02040A

For Rezoning, the Clayton Town Council reserves the right to approve the request as presented or any portion of the request without necessity of withdrawal or modification of the application or additional public hearing on the matter. Likewise, the Town Council may designate approval to the district requested or another district or districts without modification of the request or additional public hearing.

For Preliminary Plats (major subdivisions), the Clayton Town Council must make findings of fact based upon sworn testimony and other credible evidence during an evidentiary hearing. 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.

Jay McLeod, Planner
919-553-5002

The Clayton News Star

Please advertise on the following dates:

July 6, 2016

July 13, 2016

Dates are the two Wednesdays prior to the hearing

Affidavit of publication required.

**Town of Clayton
Town Council
Preliminary Subdivision Plat 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

Preliminary Subdivision Plat Application Number 2016-54-SD

This motion is based on the following findings:

1. The preliminary subdivision plat **IS** consistent with the adopted plans and policies of the town.

OR

The preliminary subdivision plat **IS NOT** consistent with the adopted plans and policies of the town. (State evidence supporting finding.)

2. The subdivision **DOES** meet all required specifications of the Town of Clayton Unified Development Code.

OR

The subdivision **DOES NOT** meet all required specifications of the Town of Clayton Unified Development Code. (State evidence supporting finding.)

3. The subdivision **WILL NOT** be detrimental to the use or orderly development of other properties in the surrounding area and **WILL NOT** violate the character of existing standards for development of properties in the surrounding area.

OR

The subdivision **WILL** be detrimental to the use or orderly development of other properties in the surrounding area and **WILL** violate the character of existing standards for development of properties in the surrounding area. (State evidence supporting finding.)

4. The subdivision design **WILL** provide for the distribution of traffic in a manner that will avoid or mitigate congestion within the immediate area, **WILL** provide for the unified and orderly use of or extension of public infrastructure, and **WILL NOT** materially endanger the environment, public health, safety, or the general welfare.

OR

The subdivision design **WILL NOT** provide for the distribution of traffic in a manner that will avoid or mitigate congestion within the immediate area, **WILL NOT** provide for the unified and orderly use of or extension of public infrastructure, and **WILL** materially endanger the environment, public health, safety, or the general welfare. (State evidence supporting finding).

[If approved with conditions] The applicant meets this finding subject to the following conditions:

**Town of Clayton
Town Council
Preliminary Subdivision Plat
#2016-54-SD
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:	Umstead Partners, LLC
Property Owner:	Umstead Partners, LLC
Property Location:	Adjacent to Amelia Church Road
Brief Property Description:	19.82 acres
Tax Parcel Number(s):	05G02013, 05G02040A
Proposed Use of Property:	Subdivision to create 41 single family residential lots
Hearing Date:	July 18, 2016

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

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

The Town Council also finds the Preliminary Subdivision Plat is subject to the following conditions:

1. Following Board approvals, three copies of the final Preliminary Subdivision Plan meeting the requirements of the Conditions of Approval shall be submitted to the Planning Department for final approval. The conditions of approval shall be recorded on the plans before final approval is granted.
2. All development fees shall be paid prior to final plat recordation.
3. The final plat and subsequent development of the site shall be consistent with the specifications of the approved Preliminary Subdivision Plan. Modifications shall require additional approvals pursuant to Section 155.706 of the Unified Development Code.
4. All signs shall require review/approval pursuant to UDC Section 155.713.
5. A homeowners' association document (if applicable) shall be reviewed by staff and recorded prior to final plats. Such document shall assure responsibility for maintenance of all common facilities and provide adequate means for funding to do so.
6. The landscaping buffer along Amelia Church Road shall be installed prior to the issuance of any Certificate of Occupancy.
7. Any required perimeter landscape buffer shall be installed prior to the commencement of construction on adjacent lots.
8. Lot 42 (the lot accessed from Coxwoods Drive) shall not be allowed to be platted unless evidence is presented to the Planning Department showing that legal access can be made to the lot from Amelia Church Road, via Coxwoods Rd and the paved stubout that connects the lot to Coxwoods Rd.
9. Access and easement shall be provided to any permanent stormwater features, and provision shall be made for their maintenance.

Waivers:

10. The applicant is requesting a waiver from the requirement for interconnectivity §155.603(B)(2).
11. Recreation fees shall be paid as fee-in-lieu, prior to plat recordation.
12. The applicant is requesting a waiver from the maximum cul-de-sac length requirement -

§155.602(G)(1).

TOWN OF CLAYTON

BY: _____
Mayor

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

ATTEST:

_____(SEAL)
Town Clerk



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

AGENDA LOCATION:

Public Hearings

Meeting Date:

July 18, 2016

ITEM TITLE:

Archer Lodge Verizon Tower Special Use Permit - 2016-75-SUP

DESCRIPTION:

The applicant is requesting Special Use Permit approval to install a new 155' (with 9' lightning rod, height totals to 164' total elevation) monopole Verizon telecommunications tower on the site.

POTENTIAL ACTION:

Approval/Disapproval

DEPARTMENT:

Planning + Zoning

PRESENTER:

Planning Department

ITEM HISTORY:

Date:

June 20, 2016

Action Taken:

Set Public Hearing for July 18, 2016

Information Provided:

Date:

Action Taken:

Information Provided:



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

SPECIAL USE APPLICATION

Pursuant to Article 7, Section 155.711 of the Unified Development Code, an owner of land within the jurisdiction of the Town (or a duly authorized agent) may petition the Town Council to allow a Special Use. Special Uses are uses that may be appropriate in a particular district, but have the potential to create incompatibilities with adjacent uses.

Fee: The application fee is \$400.00. All fees are due when the application is submitted.

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

APPLICATION TYPE

☒ New Special Use Permit

☐ Major Modification to an approved SUP

Permit Modified: _____

SITE INFORMATION

Name of Project: Crown Castle "Archers Lodge" Acreage of Property: 106.8
Parcel ID Number: 16103019 Tax ID: _____
Deed Book: _____ Deed Page(s): _____
Address/Location: 3654 East Covered Bridge Road
Clayton, NC 27527
Existing Use: light residential Proposed Use: light residential (tower)
Is project within a Planned Development? ☒ No ☐ Yes
Planned Development District (if applicable): _____
Is project within an Overlay District: ☐ No ☒ Yes
Overlay District (if applicable): Watershed Protection Overlay

OFFICE USE ONLY

	Date Received: <u>APR 08 2016</u>	Amount Paid: <u>\$500.00</u>	Permit Number: <u>2016-75-SUP</u>

PROPERTY OWNER INFORMATION

Name: Louis F. Pourron Life Estate
Mailing Address: 3654 E. Covered Bridge Rd, Clayton, NC 27527
Phone Number: _____ Fax: _____
Email Address: _____

APPLICANT INFORMATION

Applicant: Crown Castle / Tony Stewart
Mailing Address: 60604 Lanford Street, Anderson, SC 29624
Phone Number: 864-915-1122 Fax: _____
Contact Person: Tony Stewart
Email Address: tstewart@telecomsite.com

REQUIRED INFORMATION (to be submitted with the application)

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

To be completed by the applicant:			To be completed by staff:		
	Yes	N/A	Yes	No	N/A
1. A pre-application conference was held with Town of Clayton staff. Date: <u>3/8/2016</u>	☒	☐			
2. Review Fee (\$400)	☒	☐			
3. Completed application (9 copies)	☒	☐			
4. Owner's Consent Form (9 copies)	☒	☐			
5. Adjacent property owners list (9 copies)	☒	☐			
6. Wastewater allocation request OR verification of wastewater allocation (9 copies)	☐	☒			
7. Signed and sealed traffic impact analysis (2 copies)	☐	☒			
8. If applicant is concurrently applying for site plan approval, a copy of the proposed site plan.	☒	☐			
9. Neighborhood meeting notice letter (9 copies) <i>See sample letter and meeting requirements included in this packet</i>	May be provided at time of submittal if meeting date is known – otherwise must be submitted by email or mail on date the letter is mailed out.				
10. Set of stamped, addressed envelopes using the adjacent property owners list	May be provided at time of submittal OR no later than 25 days prior to the Town Council meeting.				
11. Neighborhood meeting summary form (9 copies) <i>Form is included in this packet</i>	Must be submitted after neighborhood meeting is held and at least 10 days prior to Planning Board meeting.				

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

REQUIRED FINDINGS OF FACT

Section 155.711(I) of the Unified Land Development Code requires applications for a Special Use to address the following findings. The burden of proof is on the applicant and failure to adequately address the findings may result in denial of the application. Please attach additional pages if necessary.

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

The proposed tower will not endanger the public health or safety and all adequate measures have been taken to ensure that the proposed site is in compliance with FCC regulation as it relates to RF exposure. Further, the tower will be constructed per the plans submitted.

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.

The proposed application conforms to the standards and practices of sound land use planning and meets all of the required specifications as set forth by the Town of Clayton Code of Ordinances.

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

The proposed tower will not injure the value of adjoining or abutting properties and will not be detrimental to the use or development of adjacent properties or other neighborhood uses.

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

The proposed application is in compliance with the adopted plans and policies as set forth by the Town of Clayton and will not violate the character of existing standards for development of the adjacent properties.

EXPLANATION OF PROJECT

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

Install a new 155' monopole tower within a new 80' X 80' lease space (60' X 60' of this space is a fenced compound); install a new equipment shelter on a new concrete pad; add a 200' amp meter service; install landscaping where appropriate per plans

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.

Tony Stewart
Print Name

Jay Stewart
Signature of Applicant

4-1-2016
Date



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

*Planning Board
May 23, 2016*

STAFF REPORT

Application Number: 2016-75-SUP

Project Name: Archer Lodge Verizon Tower Special Use Permit

NC PIN/ Tag#: 177000-33-4587 / 16I03019
Town Limits/ETJ: ETJ
Overlay: None
Applicant: Crown Castle
Owners: Louis F. Pourron Life Estate

Neighborhood Meeting: May 4, 2016
Public Noticing: Property posted May 17, 2016
Letters mailed prior to July 6, 2016
Newspaper Ad published July 6, 2016 and July 13, 2016

PROJECT LOCATION: The subject property is located off of Covered Bridge Road.

REQUEST: The applicant is requesting special use permit approval to install a new 155' monopole Verizon telecommunications tower on an 80'x80' leased portion of the subject parcel.



Page 1 of 4

SITE DATA:

Acreage: .1 acres of a total of 98.44 acres of land will be leased for the tower facilities

Zoning: Residential-Estate

Existing Use: Agricultural

DEVELOPMENT DATA:

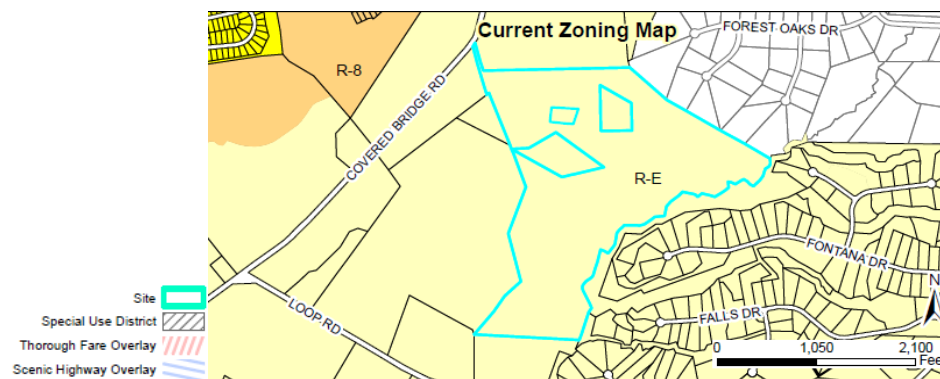
Proposed Uses: 155' monopole Verizon telecommunication tower

Required Parking: Telecommunication towers are exempt from parking requirements as stated within the UDC.

Access/Streets: There is an existing entrance into the property off of Covered Bridge Road. The applicant is proposing a new access road be developed off of the existing driveway to get to the site of the tower.

ADJACENT ZONING AND LAND USES:

Direction	Zoning	Existing Use
North	Residential-Estate (R-E)	Residential/Agricultural
South	Residential-Estate (R-E)	Residential
East	Single Family Residential District (SFR-1, Archer Lodge Jurisdiction)	Residential
West	Residential-Estate (R-E)	Residential/Agricultural

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

The applicant is requesting Special Use Permit approval to install a new 155' (with 9' lightning rod, height totals to 164' total elevation) monopole Verizon telecommunications tower on the site. Per UDC requirements, any new telecommunications facility shall obtain Special Use Permit approval in order to be developed. The property

owner will lease an 80'x80' space on the subject property to Verizon. This space will accommodate the tower and the equipment shelter. A Major Site Plan has also been submitted to run concurrently with this project. Both of these applications have been reviewed for the Town by Cityscape Consultants.

Balloon Test

As part of the requirements for new telecommunication facilities, the applicant was required to perform a balloon test for the proposed cell tower. This was held on March 24, 2016 and the applicant has provided Photo Sims (renderings) which are included as attachments to the staff report.

Consistency with the 2040 Comprehensive Plan

The proposed development is consistent with the 2040 Comprehensive Plan, which designates this property as agricultural and rural residential.

Consistency with the Unified Development Code

After review by Cityscape Consultants, the proposed development has been determined to be consistent with and meets the applicable requirements of the Unified Development Code (UDC).

FINDINGS

When considering a Special Use Permit application, The Town Council shall consider specific Findings of Fact. A Special Use which fails to meet any of these Findings shall be deemed adverse to the public interest and shall not be approved. The applicant has addressed the Findings expressly established by Chapter 155.711 (I) of the UDC. The applicant's Findings of Fact are incorporated into the record as an attachment to the Staff Report.

CONSIDERATIONS

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

RECOMMENDATION:

Staff is recommending ***approval with the following conditions*** of the Special Use Permit, in part based upon a recommendation letter from Cityscape Consultants dated May 12, 2016:

1. The applicant shall provide a satisfactory approval from the National Environment Policy Act and the State Historical Office; and,
2. The applicant or Crown Castle International, as owner shall submit a satisfactory statement of Compliance with FCC "Good Engineering Practices" and,
3. A tower with foundation plan for a one hundred fifty-five (155) foot monopole tower with a nine (9) foot attached lightning rod, certified by a North Carolina Professional Engineer stating the structure will meet or exceed EIA/TIA-222-G standards (as amended) to include the Town's desired number of antenna arrays of like design; and,

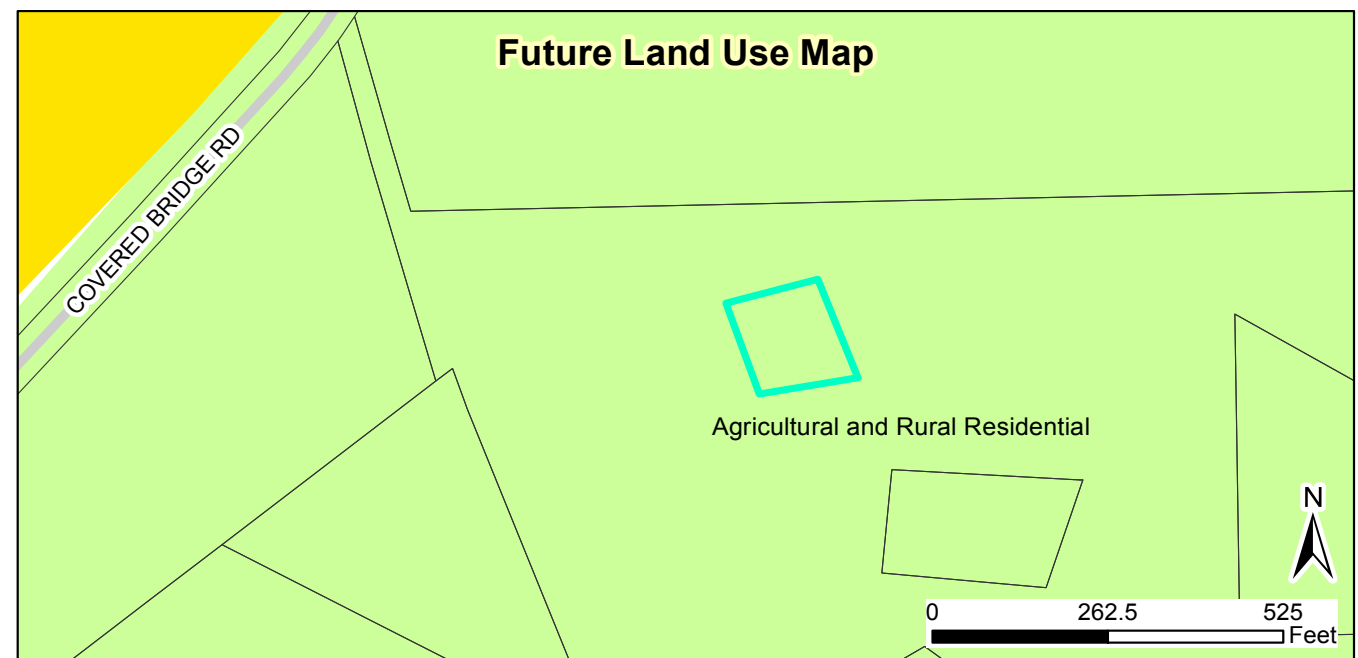
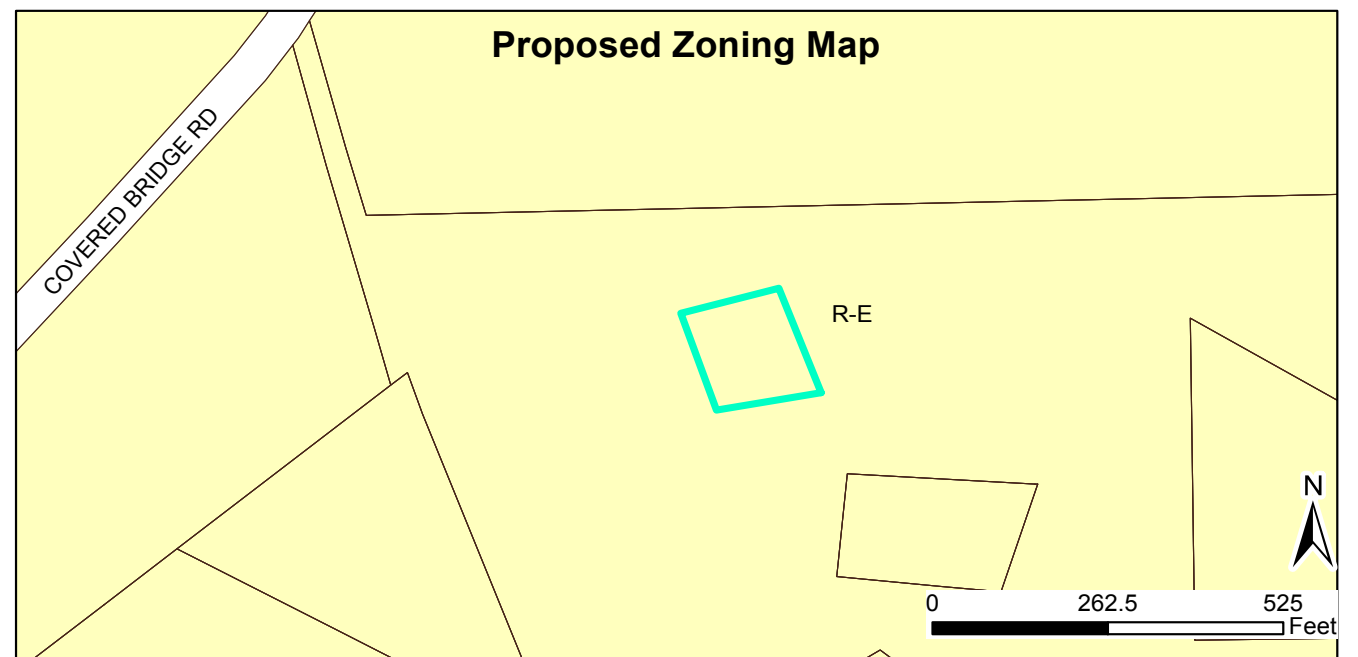
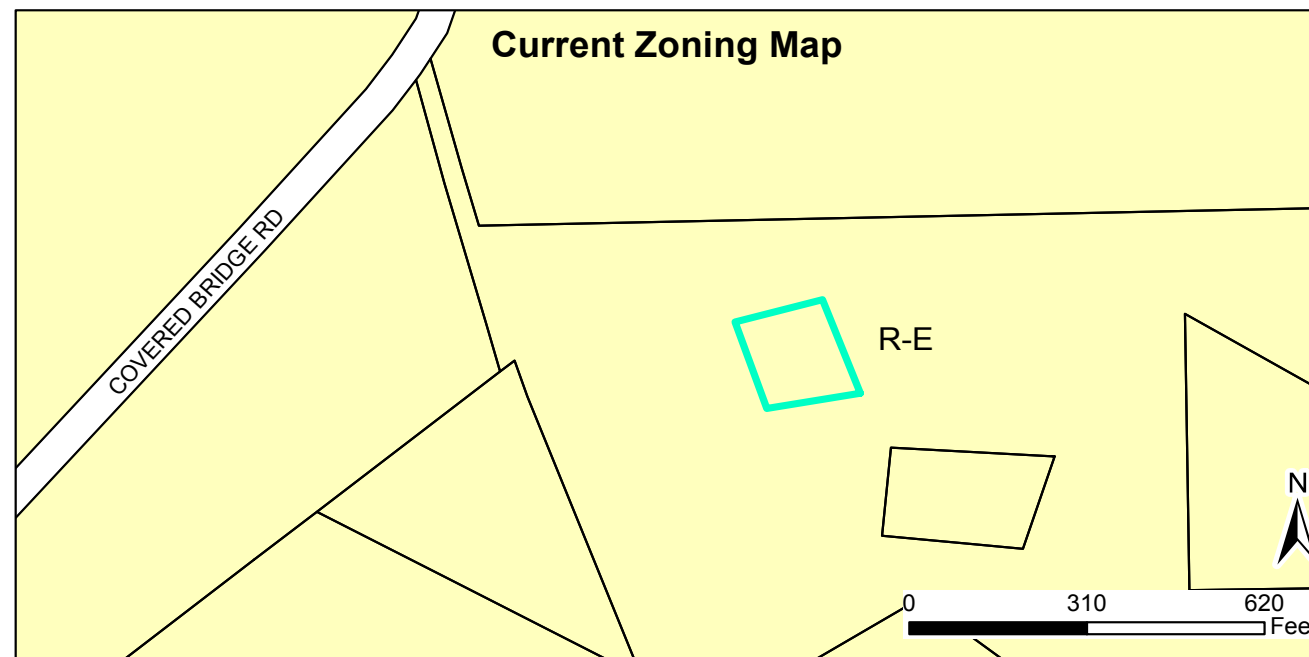
4. The applicant shall confirm that all feed lines, current and future, shall be installed inside the support structure; and,
5. The applicant shall ensure that the monopole structure will be maintained with all ports to remain sealed to prevent habitation by animals.

In addition to the conditions of approval recommended by Cityscape, staff recommends the following conditions:

6. Following Council approval, three final sets of plans shall be delivered to the Planning Department for final approval and recording. The Conditions of Approval for the Special Use Permit and Site Plan (which are identical) shall be recorded on these final plan sets, preferably on the cover page or site plan sheet.
7. The development of the site shall be limited to the approved site plan, and further modifications shall require application through the Planning Department.
8. The site plan shall show the required 10' landscape perimeter buffer around the entire perimeter of the leased area, per §155.310.
9. A successful landscape/site inspection shall be performed by the Planning Department prior to the issuance of a Certificate of Occupancy (or Compliance).
10. All mechanical equipment shall be screened entirely from view, per §155.402((G)(4)(a). This particularly applies to all ground-mounted mechanical equipment (generators, electrical boxes, etc.) within the fenced area. Year-round opaque visual screening is required, which may include dense, evergreen shrubbery.
11. The Special Use Permit shall only apply to the leased area on which the cell tower is to be located, as shown and stated in the site plan and attached lease agreement dated December 18, 2015, and as described in a legal description of the leased area. These area descriptions shall be recorded on the approved site plan.

ATTACHMENTS

- 1) Staff report maps
- 2) Application
- 3) Neighborhood Meeting Materials
- 4) Site Plan
- 5) RF Letter
- 6) Agent Authorization Letter
- 7) Archer Lodge Flush Mount Letter
- 8) Archer Lodge Tower Justification Letter
- 9) Balloon Test Photo Sims 1
- 10) Balloon Test Photo Sims 2
- 11) Lease Agreement
- 12) Sound Level Certification
- 13) Cityscape Consultants Recommendation Letter



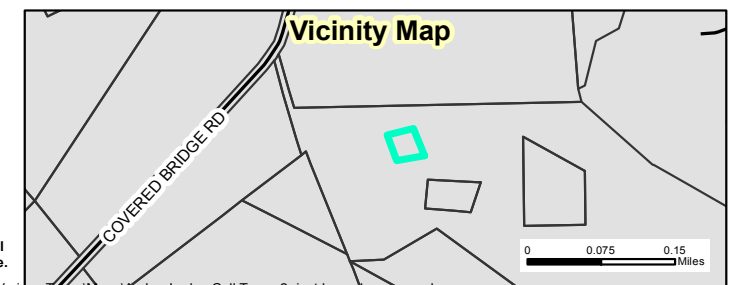
2016-68-SP Archer Lodge Verizon Tower Major Site Plan
2016-75-SUP Archer Lodge Verizon Tower Special Use Permit
Request: To obtain special use approval and major site plan approval to develop a new Verizon cell tower
 Applicant: Tony Stewart, Crown Castle
 Property Owners: Louis F. Pourron Life Estate
 Parcel ID: 177000-33-4587
 Tag #: 4305214

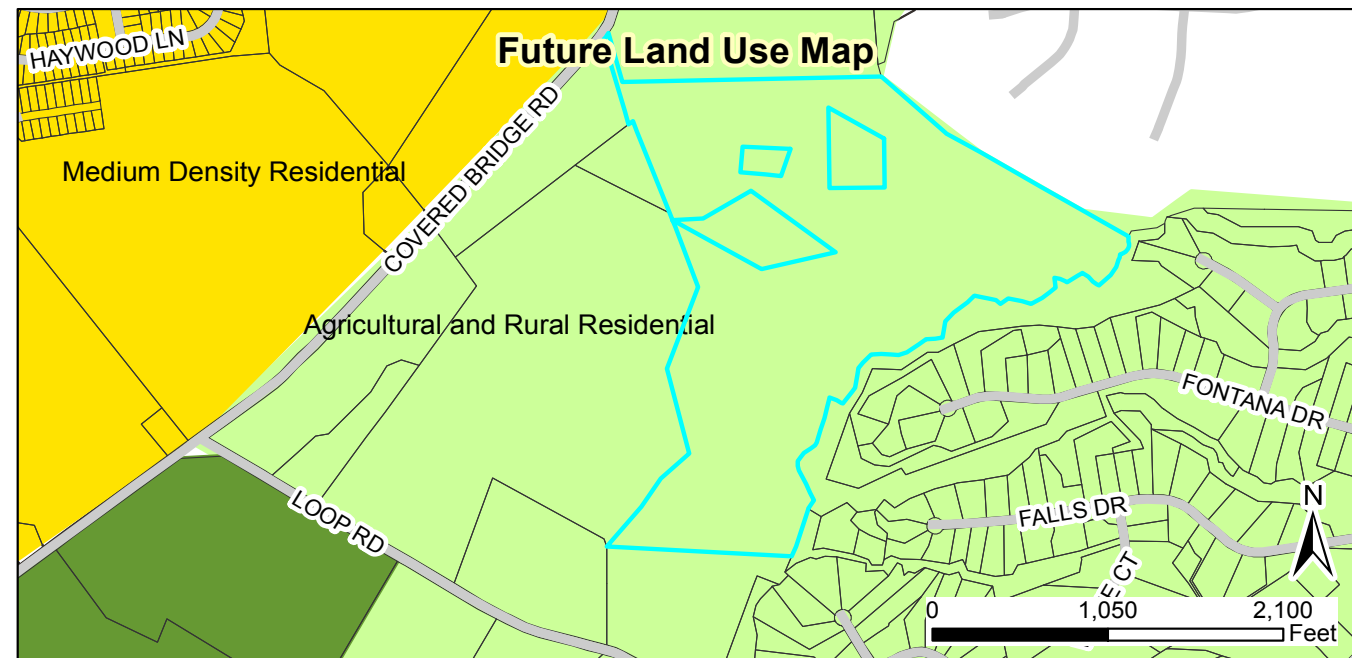
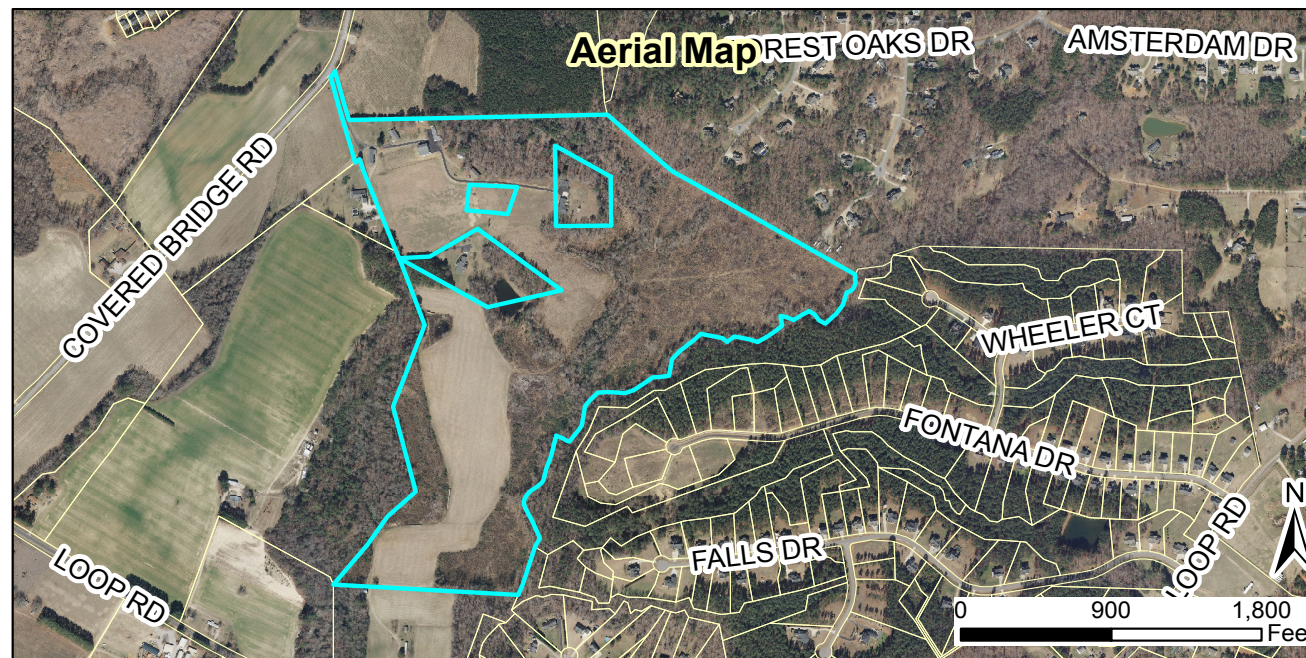
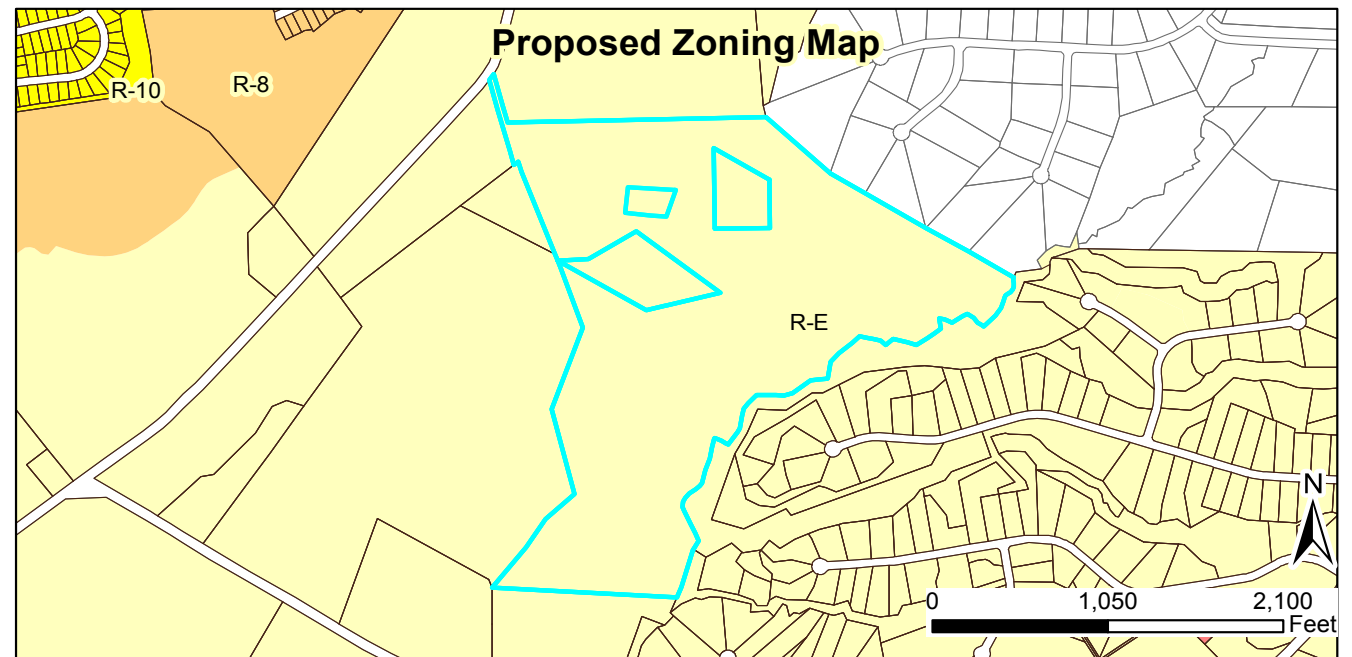
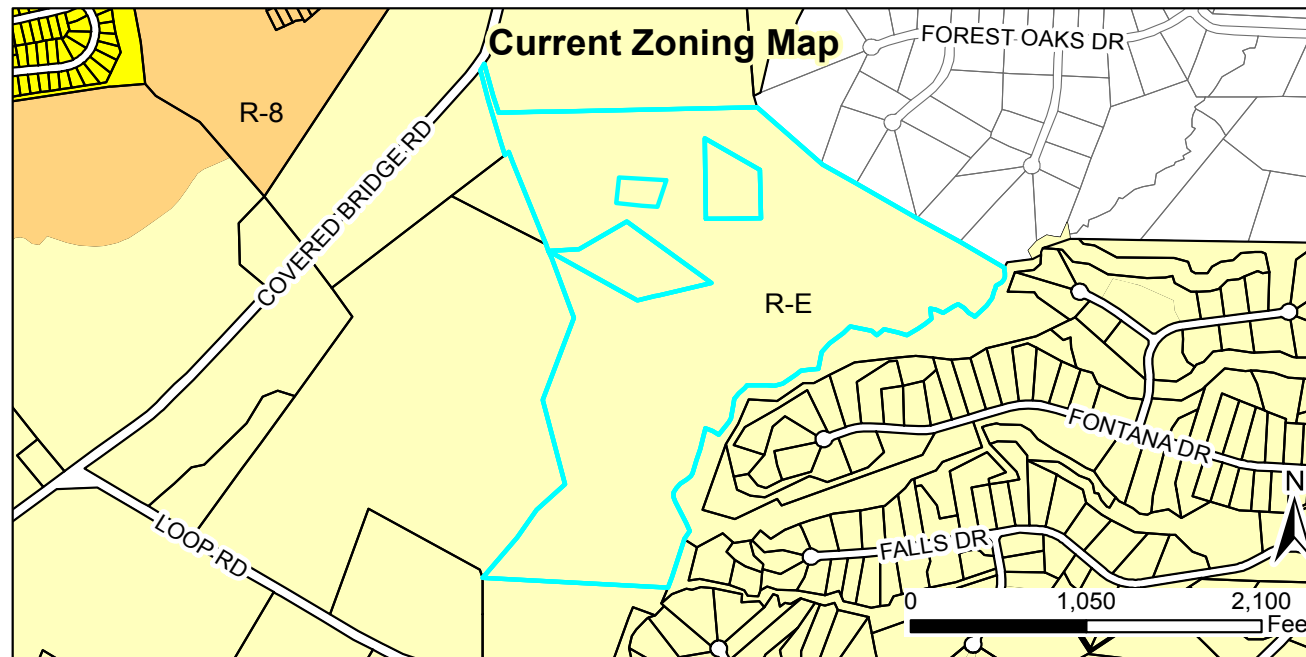


- Site
- Special Use District
- Thorough Fare Overlay
- Scenic Highway Overlay
- Parcels_03202015_All

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

Document Path: O:\PLANNING\SITE PLANS\Major Site Plans\2016\2016-68-SP Archers Lodge Verizon Tower Maps\Archer Lodge Cell Tower 2 - just leased space.mxd





2016-68-SP Archers Lodge Verizon Tower Major Site Plan
2016-75-SUP Archers Lodge Verizon Tower Special Use Permit
Request: To obtain special use approval and major site plan approval to develop a new Verizon cell tower

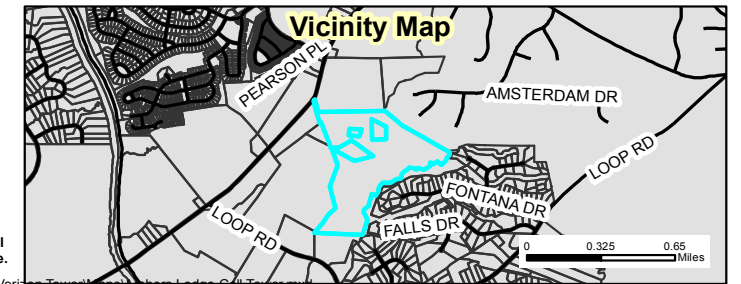
Applicant: Tony Stewart, Crown Castle
 Property Owners: Louis F. Pourron Life Estate
 Parcel ID: 177000-33-4587
 Tag #: 4305214



- Site
- Special Use District
- Thorough Fare Overlay
- Scenic Highway Overlay
- Parcels_03202015_All

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

Document Path: O:\PLANNING\SITE PLANS\Major Site Plans\2016\2016-68-SP Archers Lodge Verizon Tower Maps\Archers Lodge Cell Tower.mxd





Crown Castle
3530 Toringdon Way Suite
300
Charlotte NC 28277

Tel (704) 405-6608
Fax (724) 416-6254
Email jason.mayo@crowncastle.com

April 16, 2016

Dear Clayton Area Property Owner:

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

Meeting Date: Wednesday, May 4, 2016

Meeting Time: 6:00 p.m.

Meeting Location: 3654 Covered Bridge Road, Clayton, North Carolina

Type of Application: Special Use Permit and Major Site Plan

Project/proposal property address: 3654 Covered Bridge Road, Clayton, North Carolina 27527

Description of project/proposal: Install a new 155' monopole telecommunications tower with associated equipment

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

A copy of the project application

A map at a scale that is appropriate to the project and shows neighboring properties and roads

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 (864) 915-1122. You may also contact the Planning Department at (919) 553-5002.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tony Stewart'.

Tony Stewart
Agent for Crown Castle

Cc: Town of Clayton Planning Department

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Project: Crown Castle "Archer's Lodge"

Application: _____

Location/Date: 3654 East Covered Bridge Road, Clayton, NC May 4, 2016

	NAME	ADDRESS
1	Tony Stewart, Crown Castle	604 Lanford Street Anderson, SC 29624
2	Wayne Bourdon	2000 Smith Drive Clayton NC 27520
3	Harold + Vicki Satterfield	516 Post Oak Ct Clayton NC 27527
4	Josiah Mayo	10022 Krasborough Square Huntersville NC 28078
5	Vic Perdue	3654 Covered Bridge Clayton NC 27527
6	Johnnie Perdue	
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		

NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Application: Crown Castle "Archers Lodge"
Date of Mailing: April 29, 2016

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

Printed Name: Tony Stewart Signature: Tony Stewart

Date of Meeting: 5-4-2016 Time of Meeting: 6:00 pm
Location of Meeting: 3654 East Covered Bridge Rd, Clayton, NC 27527

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.

A meeting was held at the site. The applicant, property owner, and 1 neighboring residence was the only ones in attendance. The neighbors (Satterfields) only were concerned if the tower would be visible from their residence. After looking at the photo simulations provided by the applicant, they were happy with the tower. They said they would attend the BOA to support our application. The meeting ended at 7:00 pm.

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

PUBLIC NOTICE

In accordance with NC GS 160A-364, the Clayton Town Council will hold an evidentiary hearing on Monday, July 18, 2016, at 6:30 PM at Town Hall, 111 East Second Street, to consider the following special use application:

- Archer Lodge Verizon Tower Special Use Permit, 2016-75-SUP. The request is to obtain special use approval to install a new 155' monopole telecommunications tower on the subject property. Per the Unified Development Code, new telecommunication towers must obtain a Special Use Permit in order to be permitted. Parcel number 177000-33-4587; TAG # 16I03019.

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.

Haley Hogg, Planner
919-553-5002

The Clayton News Star

Please advertise on the following dates:

July 6, 2016

July 13, 2016

Dates are the two Wednesdays prior to the hearing

Affidavit of publication required.

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

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

- ☐ Approve
- ☐ Deny
- ☐ Approve with Conditions

SUP Application 2016-75-SUP.

This motion is based on the following findings:

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

OR

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

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

OR

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

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:

**TOWN OF CLAYTON
SPECIAL USE PERMIT
#2016-75-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:	Crown Castle / Tony Stewart
Property Owner:	Louis F. Pourron Life Estate
Property Location:	3654 East Covered Bridge Road
Brief Property Description:	.1 acres of a total of 98.44 acres of land
Tax Parcel Number:	16I03019
Proposed Use of Property:	Install new 155' Telecommunications Tower
Hearing Date:	July 18, 2016

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

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

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

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

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

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

1. The applicant shall provide a satisfactory approval from the National Environment Policy Act and the State Historical Office; and,
2. The applicant or Crown Castle International, as owner shall submit a satisfactory statement of Compliance with FCC "Good Engineering Practices" and,
3. A tower with foundation plan for a one hundred fifty-five (155) foot monopole tower with a nine (9) foot attached lightning rod, certified by a North Carolina Professional Engineer stating the structure will meet or exceed EIA/TIA-222-G standards (as amended) to include the Town's desired number of antenna arrays of like design; and,
4. The applicant shall confirm that all feed lines, current and future, shall be installed inside the support structure; and,
5. The applicant shall ensure that the monopole structure will be maintained with all ports to remain sealed to prevent habitation by animals.

In addition to the conditions of approval recommended by Cityscape, staff recommends the following conditions:

6. Following Council approval, three final sets of plans shall be delivered to the Planning Department for final approval and recording. The Conditions of Approval for the Special Use Permit and Site Plan (which are identical) shall be recorded on these final plan sets, preferably on the cover page or site plan sheet.

7. The development of the site shall be limited to the approved site plan, and further modifications shall require application through the Planning Department.
8. The site plan shall show the required 10' landscape perimeter buffer around the entire perimeter of the leased area, per §155.310.
9. A successful landscape/site inspection shall performed by the Planning Department prior to the issuance of a Certificate of Occupancy (or Compliance).
10. All mechanical equipment shall be screened entirely from view, per §155.402((G)(4)(a). This particularly applies to all ground-mounted mechanical equipment (generators, electrical boxes, etc.) within the fenced area. Year-round opaque visual screening is required, which may include dense, evergreen shrubbery.
11. The Special Use Permit shall only apply to the leased area on which the cell tower is to be located, as shown and stated in the site plan and attached lease agreement dated December 18, 2015, and as described in a legal description of the leased area. These area descriptions shall be recorded on the approved site plan.

TOWN OF CLAYTON

BY: _____
Mayor

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

ATTEST:

_____(SEAL)
Town Clerk



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

AGENDA LOCATION:

Items Scheduled for Regular Meetings

Meeting Date:

July 18, 2016

ITEM TITLE:

Recommendations for Appointment - Town Advisory Boards

DESCRIPTION:

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

POTENTIAL ACTION:

Place on Consent Agenda

DEPARTMENT:

Planning + Zoning

PRESENTER:

David DeYoung, Planning Director

ITEM HISTORY:

Date:

Action Taken:

Information Provided:

Date:

Action Taken:

Information Provided:



ADVISORY BOARD CANDIDATE APPLICATION

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

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

CHOOSE ONE:

☒ Planning & Zoning Board

☐ Board of Adjustment

☐ Downtown Development Assoc.

☐ Clayton Library Board

☐ Recreation Advisory Committee

☐ Fire Dept. Advisory Board

☐ Public Arts Advisory Board

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

Please type or use dark ink.

Name: STEPHEN J. POWERS

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

Physical HOME Address: SAME

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

FAX Number: N/A Mobile Number: SAME

Email Address: SPOWERS14@TRIAD.RR.COM

*Female ☐ *Male ☒

*Race W

Employer: RETIRED

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

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

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

Length of residence in Clayton: 2 YRS

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

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

Newspaper ☐ Email ☐ Twitter ☐ Mail ☐ Other AT COUNCIL MEETING

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

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

State why you would be an asset to this board or committee. I RETIRED TO CLAYTON AND HAVE A VESTED INTEREST IN ITS FUTURE. MY EXPERIENCE WITH MUNICIPAL GOVERNMENT AND CIVIL ENGINEERING, ALONG WITH MY MBA FROM ELON WILL BENEFIT THE PLANNING BOARD

Do you anticipate a conflict of interest if asked to serve as a member on the requested board or committee? No ☒ Yes ☐ If Yes, explain:

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

Boards/Committees/Civic	From	To
<u>HOA PRESIDENT</u>	<u>1997</u>	<u>2003</u>
<u>ELON UNIV. ALUMNI ASSOC.</u>	<u>1992</u>	<u>PRESENT</u>
<u>ECONOMICS HONOR SOCIETY (OAE)</u>	<u>1992</u>	<u>PRESENT</u>
<u>MEMBER STONEY CREEK/NEUSE GOLF</u>	<u>1999</u>	<u>PRESENT</u>

Stephen J. Power
Signature

11/4/15
Date

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

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



ADVISORY BOARD CANDIDATE APPLICATION

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

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

CHOOSE ONE:

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

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

Please type or use dark ink.

Name: Bobby Bunn
 Mailing Address: 501 Ohara St.
 Physical HOME Address: 501 Ohara St.
 Phone Number (HOME): 919-553-2928 (WORK) 919-422-2818
 FAX Number: Mobile Number: 919-422-6944
 Email Address: bbunn6@gmail.com
 *Female ☐ *Male ☒ *Race White
 Employer: Executive Management Services, Inc.
 Occupation: Operations Manager

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

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

Length of residence in Clayton: 53 Years

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

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

Newspaper ☐ Email ☐ Twitter ☐ Mail ☒ Other _____

Outline your qualifications and why you wish to serve the board/committee you indicated. After running for Town Council over a 4 year period. I feel that I could help residents, business and property owners articulate and achieve a vision for how they want their community to look and function in the future.

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

Do you anticipate a conflict of interest if asked to serve as a member on the requested board or committee? No ☒ Yes ☐ If Yes, explain: _____

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

Boards/Committees/Civic	From	To
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
	_____	<u>11-16-15</u>

Signature

Date

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

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



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

AGENDA LOCATION:

Items Scheduled for Regular Meetings

Meeting Date:

July 18, 2016

ITEM TITLE:

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

DESCRIPTION:

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

POTENTIAL ACTION:

Place on Consent Agenda

DEPARTMENT:

Public Works/Operations

PRESENTER:

Tim Simpson, Public Works Director

ITEM HISTORY:

Date:

Action Taken:

Information Provided:

Date:

Action Taken:

Information Provided:

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

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

§ 50.02(E) *Financing.*

(1) All acreage and capacity fees must be paid in full prior to connection of public utility service, in accordance with prevailing town practice and procedure. All acreage and capacity fees for any tract or parcel of real property that is to be developed in phases must be paid in full for each phase prior to beginning construction of that phase.

(2) Acreage and capacity fees in the total amount of \$2,000 or less for any individual commercial, industrial or institutional connection must be paid in full prior to connection of utility service.

(3) Acreage and capacity fees in a total amount equal to or between \$2,001 and \$5,000 for any individual commercial, industrial or institutional connection may be financed at an interest rate of 5% for up to ~~six~~ 12 months, with a down payment of ~~20~~5% prior to connection of utility service.

(4) Acreage and capacity fees in a total amount equal to or between \$5,001 and \$20,000 for any individual commercial, industrial or institutional connection may be financed at 5% simple interest for up to ~~18~~ 24 months, with a down payment of ~~20~~5% prior to connection of utility service.

(5) Acreage and capacity fees in a total amount of more than \$20,000 for any individual commercial, industrial or institutional connection may be financed at 5% simple interest for up to ~~24~~48 months, with a down payment of ~~20~~5% prior to connection of utility service.

(6) Any person who wishes to finance acreage or capacity fees as provided in divisions (E)(3) through (E)(5) must provide the town with adequate and satisfactory financial security for the outstanding balance (e.g., a confession of judgment in accordance with Chapters ~~1 and~~ 1A, Rule 68.1 of the North Carolina General Statutes, and the like), the type and form of such security to be determined in the town's sole and absolute discretion.

Duly adopted this ____ day of ____ 2016, while in regular session.

Jody L. McLeod, Mayor

ATTEST:

APPROVED AS TO FORM:

Kimberly Moffett, CMC, NCCMC Town Clerk

Katherine Ross, Town Attorney

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

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

§ 50.02(E) *Financing.*

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

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

Jody L. McLeod
Mayor

ATTEST:

APPROVED AS TO FORM:

Kimberly Moffett, CMC, NCCMC
Town Clerk

Katherine Ross
Town Attorney

The Town of Clayton's Response to Insufficient Funds

1. The Town of Clayton will accept cash, certified check or money order from any customer having two insufficient funds or closed accounts, in connection with (bad) checks, automatic drafts or credit card within any one year period.
 - a. Upon receipt of the first returned check or other insufficient funds notice, the customer will be informed of and given a copy of the written policy. The customer will have 48 hours from notification to pay the returned item.
 - b. Upon receipt of the second returned check or other insufficient funds notice, the customer will be advised that all bills must be paid in cash, certified check, or money order henceforth and will be given another copy of the written policy.
2. Notice to the customer of a returned check or other insufficient funds or credit or closed account notice will be made by telephone if possible. If not possible, a closed door hanger or written memo to will be released promptly after the check other insufficient funds or credit or closed account notice is received.
3. If the returned check or other insufficient funds or credit or closed account is not paid within the 48 hours period, utility service will be disconnected without further notice. Customers disconnected subsequent to a returned check or other insufficient funds shall be notified that they have 10 days to clear the unpaid balance with the Town or the matter is turned over to the Johnston County District Attorney's office for collection.
4. In the event a new customer posts a utility account deposit by check or credit card and the funds are returned, the account will be immediately disconnected without benefit or prior notification. A notation of this provision shall be included on the customer service agreement signed by the customer at the time of account activation. (Adopted July 20, 1998)
5. To the extent permitted by North Carolina law, a charge is added to the customer's bill because of each returned check, closed account or other insufficient funds or credit notice.
6. The customer's account will be charged for returned checks or if permitted, closed account, other insufficient funds or credit notice and will be subject to regular collection policies for delinquent accounts.
7. All returned checks, other insufficient funds, or credit or closed account notice and receipt of cash: certified check or money order payment will be recorded on the Town of Clayton's books. The Town may pursue other remedies available against customers for returned checks, closed accounts or insufficient funds or credit. The conditions necessary to pursue these additional remedies (e.g., notice and grace periods) should not restrict the Town's actions in pursuing other remedies, such as termination of service.

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

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

CUSTOMER SERVICE DEPARTMENT:

Returned Check Fee

\$25.00

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

Above listed fee will become effective August 1, 2016.

Duly adopted this 1st day of August, 2016.

Jody L. McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk



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

AGENDA LOCATION:

Items Scheduled for Regular Meetings

Meeting Date:

July 18, 2016

ITEM TITLE:

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

DESCRIPTION:

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

POTENTIAL ACTION:

Set Public Hearing

DEPARTMENT:

Planning + Zoning

PRESENTER:

Jay McLeod, Planner

ITEM HISTORY:

Date:

Action Taken:

Information Provided:

Date:

Action Taken:

Information Provided:



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

SPECIAL USE APPLICATION

Pursuant to Article 7, Section 155.711 of the Unified Development Code, an owner of land within the jurisdiction of the Town (or a duly authorized agent) may petition the Town Council to allow a Special Use. Special Uses are uses that may be appropriate in a particular district, but have the potential to create incompatibilities with adjacent uses.

Application Fee: \$400.00.

Advertisement Fee: \$100.00.

All fees are due when the application is submitted.

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

APPLICATION TYPE

☒ New Special Use Permit

☐ Major Modification to an approved SUP

Permit Modified: _____

SITE INFORMATION

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

TAX ID
4485244

OFFICE USE ONLY

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

version 01-06-2016

TOWN OF CLAYTON
PLANNING DEPARTMENT

Page 1 of 9

PROPERTY OWNER INFORMATION

Name: THAD & JEME AVER
 Mailing Address: 338 E. MAIN ST. CLAYTON, NC 27520
 Phone Number: (919) 818-7973 (JEME) Fax: (919) 818-0518 (THAD)
 Email Address: AP6@NC.RR.COM

APPLICANT INFORMATION

Applicant: DAVID J. SCHEARER
 Mailing Address: 124 HEIN DR. CLAYTON, NC 27527
 Phone Number: 704-491-3479 Fax: N/A
 Contact Person: DAVE SCHEARER
 Email Address: DAVE@WILDDWILDCAFE.COM 02 FIRSTSTANEDJ2016@GMAIL.COM

REQUIRED INFORMATION (to be submitted with the application)

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

To be completed by the applicant:			To be completed by staff:		
	Yes	N/A	Yes	No	N/A
1. A pre-application conference was held with Town of Clayton staff. Date: <u>4/19/16</u>	☒	☐			
2. Review Fee (\$400) and Application Fee (\$100)	☒	☐			
3. Completed application (9 copies)	☒	☐			
4. Owner's Consent Form (9 copies)	☒	☐			
5. Adjacent property owners list (9 copies)	☒	☐			
6. Wastewater allocation request OR verification of wastewater allocation (9 copies)	☒	☐			
7. Signed and sealed traffic impact analysis (2 copies)	☐	☒			
8. If applicant is concurrently applying for site plan approval, a copy of the proposed site plan.	☒	☐			
9. Neighborhood meeting notice letter (9 copies) <i>See sample letter and meeting requirements included in this packet</i>	May be provided at time of submittal if meeting date is known – otherwise must be submitted by email or mail on date the letter is mailed out.				
10. Set of stamped, addressed envelopes using the adjacent property owners list	May be provided at time of submittal OR no later than 25 days prior to the Town Council meeting.				
11. Neighborhood meeting summary form (9 copies) <i>Form is included in this packet</i>	Must be submitted after neighborhood meeting is held and at least 10 days prior to Planning Board meeting.				

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

REQUIRED FINDINGS OF FACT

Section 155.711(I) of the Unified Land Development Code requires applications for a Special Use to address the following findings. The burden of proof is on the applicant and failure to adequately address the findings may result in denial of the application. Please attach additional pages if necessary.

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

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

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

YES I WILL CONFORM TO TOWN CODE ORDINANCES

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

WILL DO NOTHING TO DAMAGE ANYTHING

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

NO I WILL NOT

EXPLANATION OF PROJECT

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

A TAVERN W/ SMALL MENU

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

NO WAITSTAFF.

THIS IS A LOUNGE MORE THAN A RESTAURANT

APPLICANT AFFIDAVIT

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

DAVID J. SCHAEFER
Print Name

Signature of Applicant

4/29/16
Date

NEIGHBORHOOD MEETING INFORMATION

Purpose:

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

Meeting Date:

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

Meeting Time & Location:

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

Meeting Notice Mailing requirements:

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

Information provided at the Neighborhood Meeting:

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

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

Information provided to Planning Department:

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

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

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

ADJACENT PROPERTY OWNERS LIST

Project Name: First St. Tavern

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

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

PARCEL NUMBER	NAME	ADDRESS



**Town of Clayton
Planning Department**

111 E. Second Street, Clayton, NC 27520

P.O. Box 879, Clayton, NC 27528

Phone: 919-553-5002

Fax: 919-553-1720

OWNER'S CONSENT FORM

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

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

AGENT/APPLICANT INFORMATION:

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

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

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

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

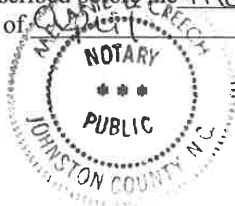
OWNER AUTHORIZATION:

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

STATE OF North Carolina
COUNTY OF Johnston

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

SEAL



Melanie D. Creech
Notary Public

My Commission Expires: 11/20/2019

October 2013

The first part of the paper is devoted to the study of the asymptotic behavior of the solution of the problem (1.1) as $\epsilon \rightarrow 0$. In this case, the solution of the problem (1.1) is given by the formula

$$u(x, y, z) = \sum_{n=0}^{\infty} \frac{1}{n!} \left(\frac{\partial}{\partial x} \right)^n \left(\frac{\partial}{\partial y} \right)^n \left(\frac{\partial}{\partial z} \right)^n u_0(x, y, z) + O(\epsilon),$$

where $u_0(x, y, z)$ is the solution of the problem (1.1) with $\epsilon = 0$. The second part of the paper is devoted to the study of the asymptotic behavior of the solution of the problem (1.1) as $\epsilon \rightarrow 0$.

The third part of the paper is devoted to the study of the asymptotic behavior of the solution of the problem (1.1) as $\epsilon \rightarrow 0$. The fourth part of the paper is devoted to the study of the asymptotic behavior of the solution of the problem (1.1) as $\epsilon \rightarrow 0$.

The fifth part of the paper is devoted to the study of the asymptotic behavior of the solution of the problem (1.1) as $\epsilon \rightarrow 0$. The sixth part of the paper is devoted to the study of the asymptotic behavior of the solution of the problem (1.1) as $\epsilon \rightarrow 0$.

The seventh part of the paper is devoted to the study of the asymptotic behavior of the solution of the problem (1.1) as $\epsilon \rightarrow 0$. The eighth part of the paper is devoted to the study of the asymptotic behavior of the solution of the problem (1.1) as $\epsilon \rightarrow 0$.

The ninth part of the paper is devoted to the study of the asymptotic behavior of the solution of the problem (1.1) as $\epsilon \rightarrow 0$. The tenth part of the paper is devoted to the study of the asymptotic behavior of the solution of the problem (1.1) as $\epsilon \rightarrow 0$.

The eleventh part of the paper is devoted to the study of the asymptotic behavior of the solution of the problem (1.1) as $\epsilon \rightarrow 0$. The twelfth part of the paper is devoted to the study of the asymptotic behavior of the solution of the problem (1.1) as $\epsilon \rightarrow 0$.

The thirteenth part of the paper is devoted to the study of the asymptotic behavior of the solution of the problem (1.1) as $\epsilon \rightarrow 0$. The fourteenth part of the paper is devoted to the study of the asymptotic behavior of the solution of the problem (1.1) as $\epsilon \rightarrow 0$.

The fifteenth part of the paper is devoted to the study of the asymptotic behavior of the solution of the problem (1.1) as $\epsilon \rightarrow 0$. The sixteenth part of the paper is devoted to the study of the asymptotic behavior of the solution of the problem (1.1) as $\epsilon \rightarrow 0$.

The seventeenth part of the paper is devoted to the study of the asymptotic behavior of the solution of the problem (1.1) as $\epsilon \rightarrow 0$. The eighteenth part of the paper is devoted to the study of the asymptotic behavior of the solution of the problem (1.1) as $\epsilon \rightarrow 0$.

The nineteenth part of the paper is devoted to the study of the asymptotic behavior of the solution of the problem (1.1) as $\epsilon \rightarrow 0$. The twentieth part of the paper is devoted to the study of the asymptotic behavior of the solution of the problem (1.1) as $\epsilon \rightarrow 0$.

The twenty-first part of the paper is devoted to the study of the asymptotic behavior of the solution of the problem (1.1) as $\epsilon \rightarrow 0$. The twenty-second part of the paper is devoted to the study of the asymptotic behavior of the solution of the problem (1.1) as $\epsilon \rightarrow 0$.



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

*Planning Board
June 27, 2016*

STAFF REPORT

Application Number: 2016-88-SUP
Project Name: First Street Tavern, Special Use Permit

Address: 115 First St
NC PIN/ Tag#: 166913-03-6023 / 05015016
Town Limits/ETJ: Town Limits
Overlay: Downtown
Applicant: David Schearer (dave@firststtavern.com)
Owners: Main Street Development Group LLC, c/o Thad Avent

Neighborhood Meeting: Held on May 16th, 2016
Public Noticing: Property posted prior to June 18, 2016
Letters mailed prior to July 21, 2016
Newspaper Ad published: July 20th & July 27th

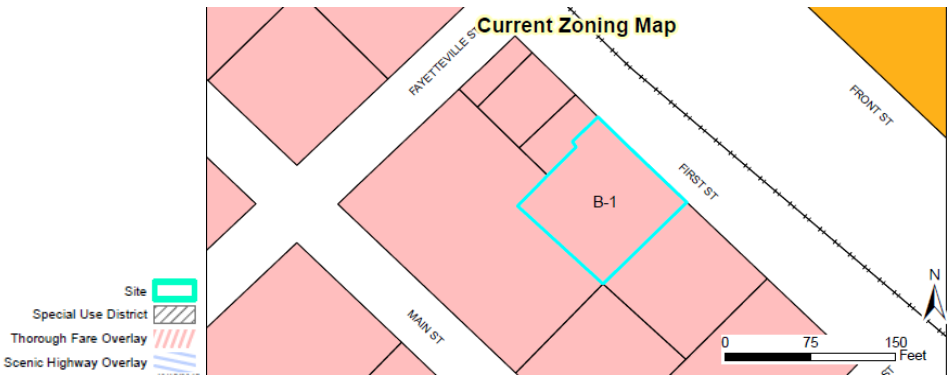
PROJECT LOCATION: The project site is located off of First Street, behind Four Oaks Bank and near the corner of First Street and Fayetteville Street

REQUEST: The applicant is requesting a Special Use Permit to operate a tavern in an existing structure.



ADJACENT ZONING AND LAND USES:

Direction	Zoning	Existing Use
North	Residential-6 (R-6)	Residential
South	Central Business (B-1)	Commercial
East	Central Business (B-1)	Commercial
West	Central Business (B-1)	Commercial



SITE DATA:

Acreage: .26 acres
Zoning: Central Business (B-1)
Existing Use: Commercial

DEVELOPMENT DATA:

Proposed Uses: Tavern (approx. 1,400 square feet)
Buildings: One building
Number of Stories: Two stories
Impervious Surface: ±3,705 square feet (33.3% of the site)
Capacity/seating: 32 seats (Tavern only)
Required Parking: 17 spaces (1 space per 3 seats of tavern, 1 space per 200 square feet of retail, 1 space per 300 square feet of office)
Proposed Parking: 9 gravel spaces within the railroad right-of-way, per the right-of-way agreement with the Town. General downtown parking shall also be utilized, and there is a parking agreement for the tavern to utilize the handicap parking space located at Four Oak Banks. This existing historical structure is within the Downtown Overlay

District, and is subject to somewhat relaxed parking requirements due to the pedestrian-oriented nature of the downtown.

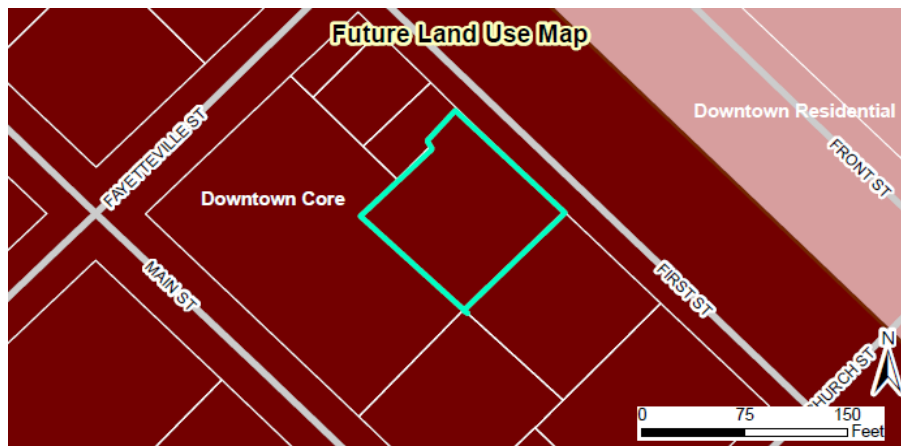
Fire Protection: Town of Clayton

Access/Streets: The main entrance to the building will be on First Street. Handicap access will be in the back via an existing handicap ramp.

STAFF ANALYSIS AND COMMENTARY:

Overview

The applicant is requesting a Special Use Permit to operate a tavern in an existing building located within the B-1 zoning district. Any drinking establishment wishing to locate within the B-1 zoning district requires a Special Use Permit in order to operate. As it currently exists, the structure is utilized for office use and retail use. Previous uses have included a salon/spa with a small retail component. If approved, the office use will remain but will only operate in 617 square feet of the second story and the retail use will operate roughly 700 square feet of the structure. The tavern is proposed to be located on the first story, and will have approximately 32 seats, with some of this seating located outside on the front covered porch.



Consistency with the Comprehensive Plan

The proposed development is consistent with the Comprehensive Plan Future Land Use Map, which encourages these types of uses within downtown. The proposal is consistent with the following Goals of the Comprehensive Plan, per the Downtown section:

- D1: Promote quality new, adaptive re-use, and infill development projects downtown while preserving its historic character and small-town charm.
- D3: Reinforce downtown as the social, civic, and cultural center of town.

Consistency with the Unified Development Code

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

Compatibility with Surrounding Uses

The site is bounded by a downtown residence, a bank, and a dog-grooming service. The site is also located just off of Main Street, but still within Clayton's central business district.

Associated Site Plan

Pursuant to §155.711(D)(1), concurrent with request for a Special Use Permit, an applicant shall submit a site plan for review and approval. The associated minor site plan (2016-87-SPM) is provided as an attachment to this staff report.

Wastewater Allocation

The proposed use is considered to be a change of use from what was previously located on the site (hair salon). The applicant is proposing 32 seats, and based on the calculation used for "tavern uses", the business is estimated to use 640 gallons per day. Based on the consumption report, the previous use was estimated at about 130 gallons per day. The applicant's request shall be reviewed by the Town Engineer and then sent to the Town Manager for final approval.

Parking

The applicant is proposing to utilize 9 gravel parking spaces across the street located within the railroad right-of-way. Parking within the railroad right-of-way is permitted, via an agreement that the Town has with the railroad. The remaining required parking spaces shall be utilized through the use of general downtown parking, which is permitted by the UDC.

In order to meet handicap parking requirements, the applicant has obtained a written parking agreement with Four Oaks Bank to utilize their handicap parking space. This agreement is provided as an attachment to the staff report. The route that mobility-impaired patrons will take to access the building involves entering through an existing ramp at the rear of the building.

Landscaping and Buffering

Buffering is not needed based on surrounding zoning. The applicant meets the 20% interior landscape requirements, and will not be making any changes to the site's landscaping.

Multi-Modal Access

A bicycle rack will be provided, per the requirements of the Unified Development Code.

FINDINGS

When considering a Special Use Permit application, The Town Council shall consider specific Findings of Fact. A Special Use which fails to meet any of these Findings shall be deemed adverse to the public interest and shall not be approved. The applicant has addressed the Findings expressly established by Chapter 155.711 (I) of the UDC. The applicant's Findings of Fact are incorporated into the record as an attachment to the Staff Report.

CONSIDERATIONS

- Planning Board shall make a recommendation to Town Council on Special Use Permits.
- The Town Council shall make a final decision on Special Use Permits.

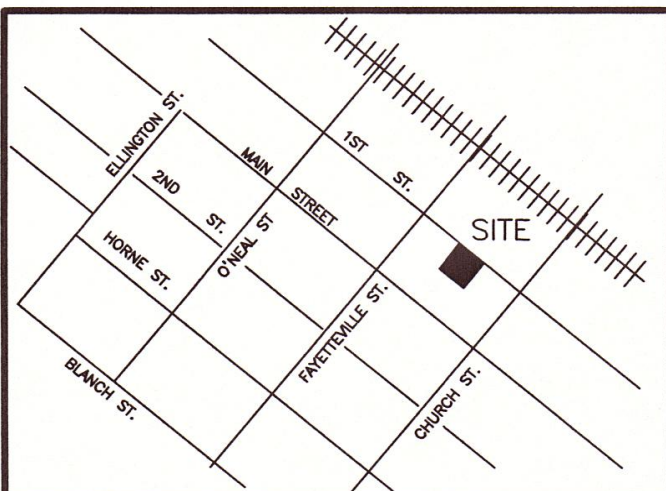
RECOMMENDATION:

Staff is recommending approval of the Special Use Permit with the following conditions:

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

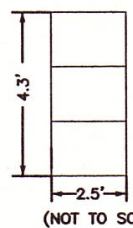
ATTACHMENTS

1. Application
2. Staff Report Map
3. Neighborhood Meeting Materials
4. Associated Minor Site Plan (2016-87-SPM)
5. Parking Agreement with Four Oaks Bank
6. Health Department materials



VICINITY MAP (NOT TO SCALE)

BICYCLE RACK DETAIL



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

(NOT TO SCALE)

FAYETTEVILLE STREET 50' R/W (PUBLIC)

N/F
CHARLES GORDON
DB 2648 PG 603
PIN 166913-03-5089
ZONING: B-1
CURRENT USE: COMMERCIAL

N/F
FOUR OAKS BANK
DB 999 PG 547
PIN 166913-03-5011
ZONING: B-1
CURRENT USE: COMMERCIAL

N/F
HERITAGE PARTNERS
DB 3409 PG 303
PIN 166913-03-7073
ZONING: B-1
CURRENT USE: COMMERCIAL

N/F
LINDA M. MCADAMS
DB 4596 PG 829
PIN 166913-02-7906
ZONING: B-1
CURRENT USE: RESIDENTIAL

LANDSCAPING NOTES:

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

NOTES:

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

SITE DATA

AREA IN SITE 11124 SF
0.255 AC

VEHICULAR USE AREA 0 SF
LANDSCAPED AREA 2224 SF 20.0% OF SITE
LOT COVERAGE 2008 SF 18.1% OF SITE
IMPERVIOUS SURFACE AREA 3705 SF 33.3% OF SITE

DB 3322 PG 502
NC PIN NO. 166913-03-6023

ALL LANDSCAPING SHOWN IS EXISTING

TAVERN USE 1 PARKING SPACE PER 3 SEATS • 32 SEATS = 11
RETAIL USE 1 PARKING SPACE PER 200 SF • 738 SF = 4
OFFICE USE 1 PARKING SPACE PER 300 SF • 387 SF = 2
17 TOTAL PARKING SPACES REQUIRED

NORTH CAROLINA RAILROAD COMPANY 200' R/W

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

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

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

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

0 20 40 60
SCALE: 1" = 20'

FIRST STREET TAVERN FOR MAIN STREET DEVELOPMENT

CLAYTON TOWNSHIP, JOHNSTON COUNTY
NORTH CAROLINA
2016-87-SPM MAY 5, 2016

SURVEYED BY:

DRAWN BY:
MIKE

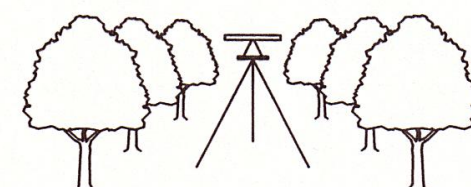
CHECKED BY:

DRAWING NAME:
SITEPLAN.DWG

SURVEY DATE:

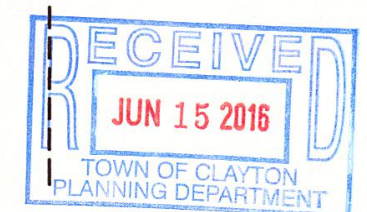
JOB NO.
1056.001

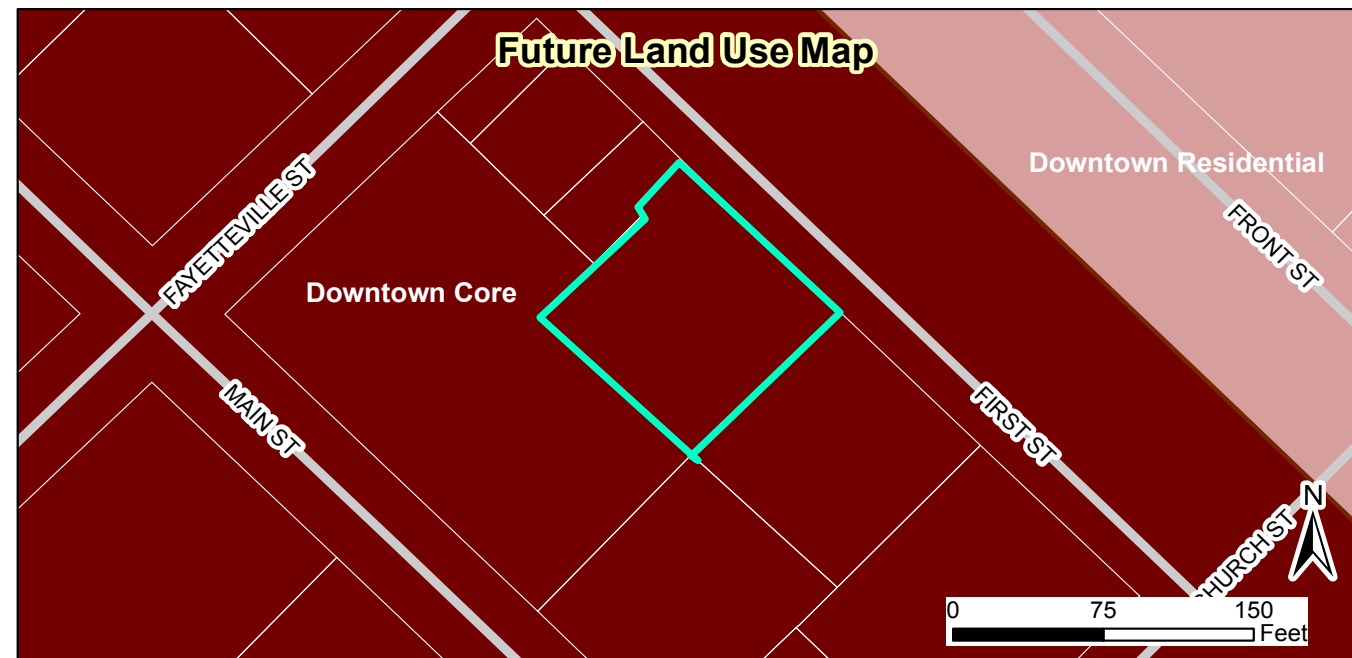
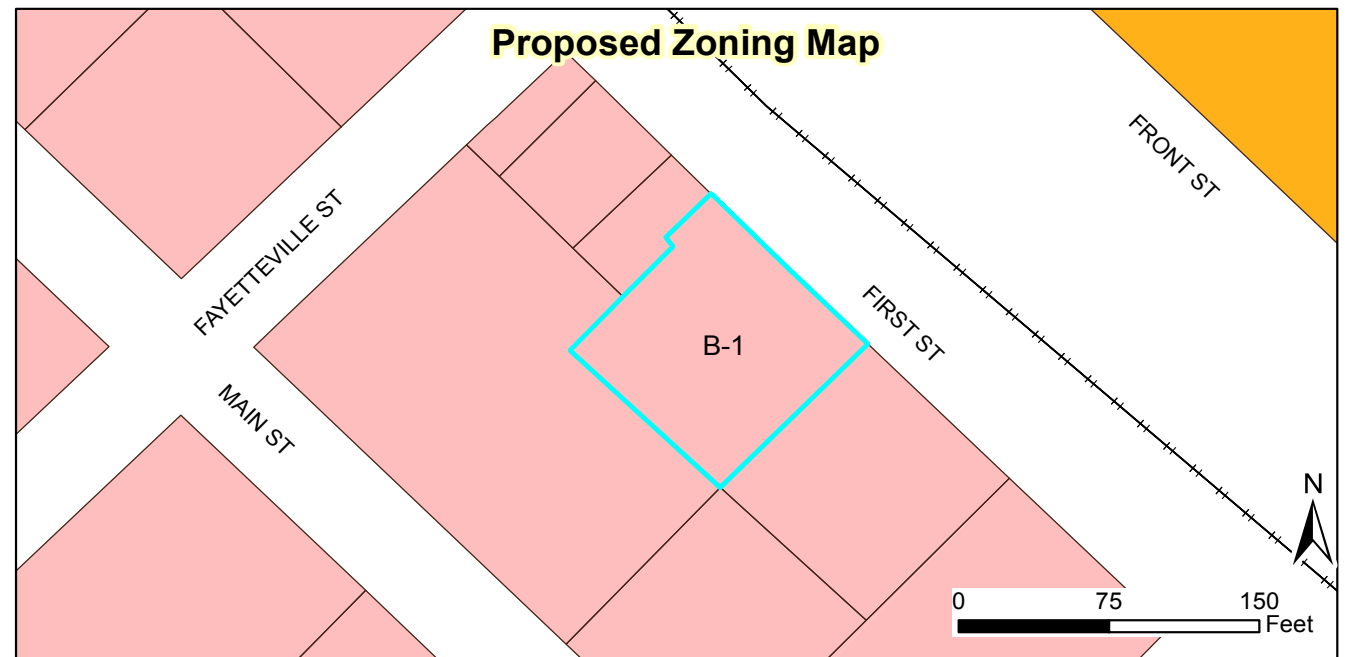
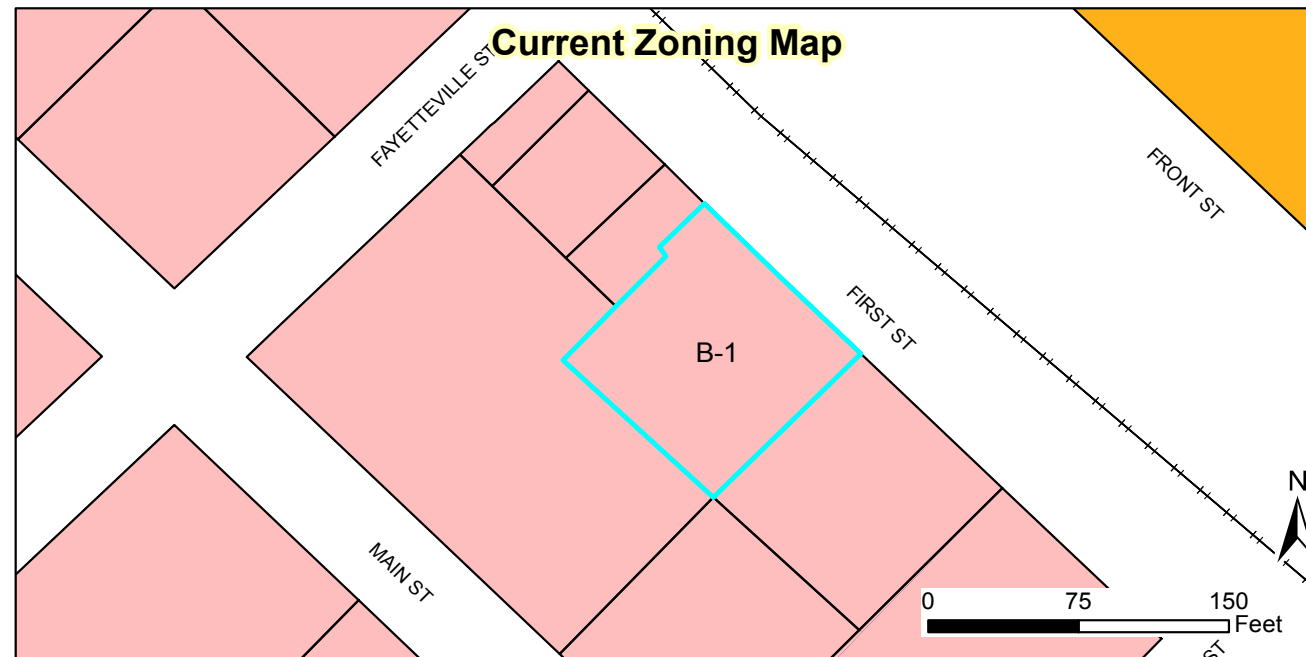
TRUE LINE SURVEYING, P.C.



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

C-1859





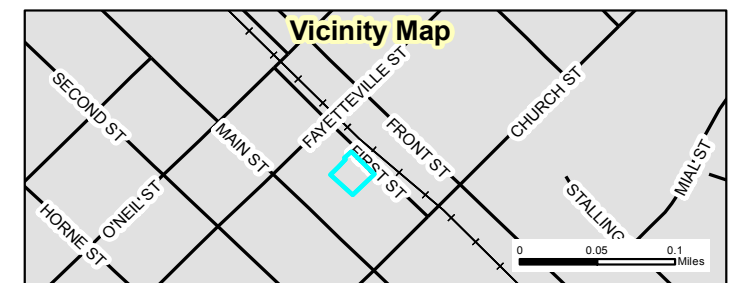
2016-88-SUP First Street Tavern Special Use Permit
Request: Special Use approval to operate a tavern on a property located in the B-1 zoning district

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



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

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





Date: June 8, 2016

To: David DeYoung, Town of Clayton Planning Director

From: Brent George, Senior Vice President

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

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

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

Food Preparation and Storage:

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

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

☐ Cutting raw

☐ Whole raw

☒ Processed breasts

☒ Cooked from frozen state

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

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

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

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

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

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

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

PROCESSED BREAST WILL BE PRE-COOKED & STORED
IN COOLER

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

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

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

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

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

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

N/A

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

Hot Water Heater:

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

* PROBLEM
ALSO HAS

A 20 GAL

WATER HEATER
UNDER SINKS
THAT WILL BE
USED

Water Supply & Sewage Disposal:

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

Storage:

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

Garbage and Refuse:

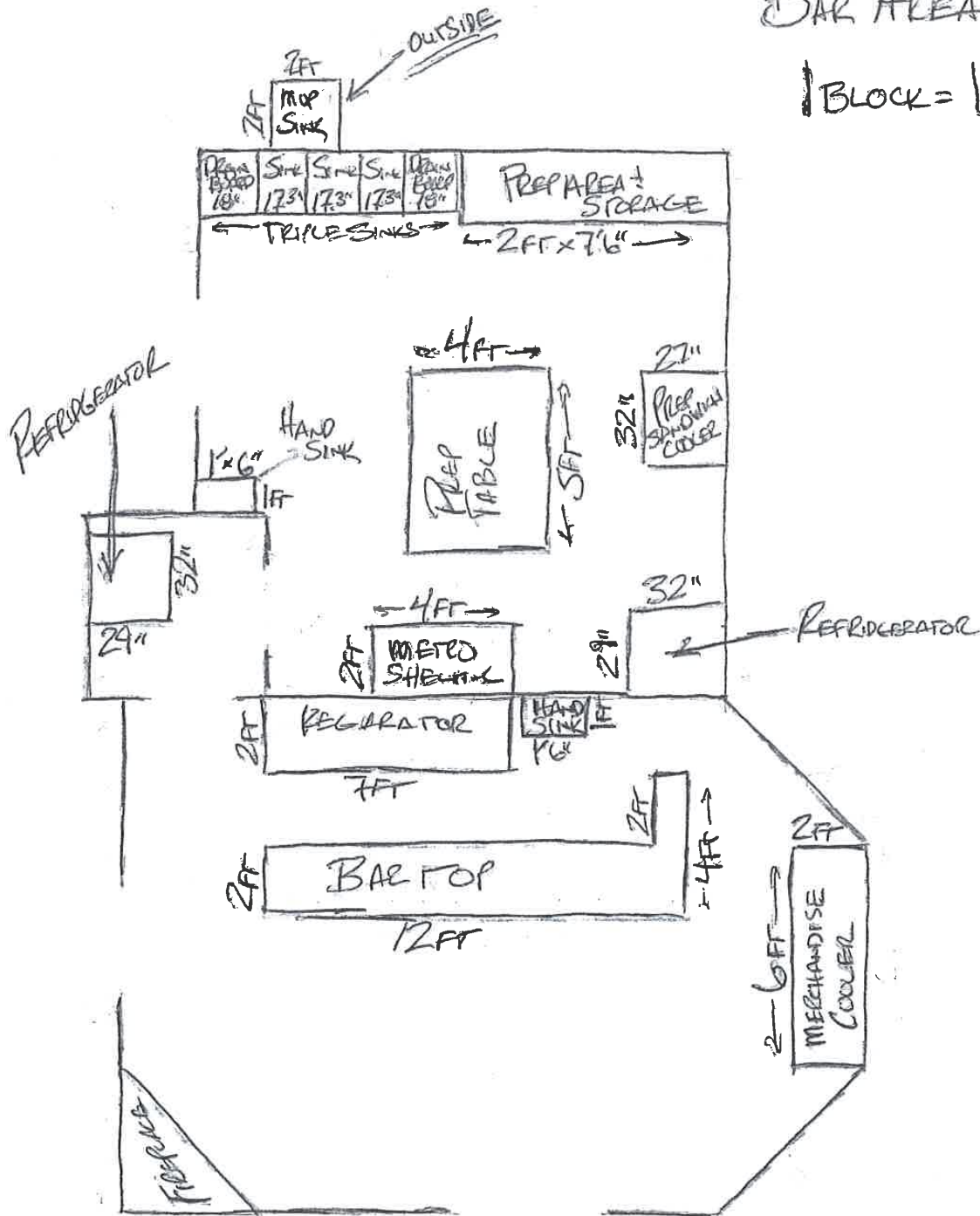
1. Will the facility have:
Dumpster(s) with lids? YES ☐ NO ☐
Trash can(s) with lids? YES ☒ NO ☐
Grease storage receptacle? YES ☒ NO ☐
Can wash cleaning facility? YES ☐ NO ☒
Off-site contracted cleaning service for dumpsters? YES ☒ NO ☐
2. Location where dumpster(s)/compactor/can(s) will be stored. CITY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

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

SE STREET
TAVEN

KITCHEN AND
BAR AREA

1 BLOCK = 1 FOOT



First Street Tavern Menu

Dips & Platters

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

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

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

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

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

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

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

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

Flatbreads

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

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

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

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

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

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

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

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



JOHNSTON COUNTY PUBLIC HEALTH DEPARTMENT



MAIN OFFICE

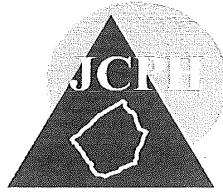
517 North Bright Leaf Boulevard
Smithfield, NC 27577-4407

(919) 989-5200

Fax: (919) 989-5208 Admin.

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

Connie L. Barnes, Pharm. D.
Board Chair



MARILYN R. PEARSON, MD
Director

ENVIRONMENTAL OFFICE LAND USE CENTER

309 East Market Street
Smithfield, NC 27577-3919

(919) 989-5180

Fax: (919) 989-5190

Oliver Johnson, Ph.D.
Board Vice Chair

May 23, 2016

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

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

Mr. Schearer:

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

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

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

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

Equipment Installation Recommendations

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

FIRST STREET
TAVERN
EST. 2016

<Date>

4/29/16

Dear Clayton Area Property Owner:

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

Meeting Date:

MAY 16TH, 2016

Meeting Time:

6pm

Meeting Location:

SOUTHERN TRADITION HOUSE

Type of Application:

SPECIAL USE PERMIT

Project/proposal property address:

115 EAST FIRST ST.

Description of project/proposal:

TAVERN/LOUNGE

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

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

A map is enclosed with this letter showing the location of the property that is subject to this application for land use change and/or development proposal.

If you have any questions prior to or after this meeting, you may contact us at ~~919-553-5002~~. You may also contact the Planning Department at 919-553-5002.

Sincerely,

<Applicant>

DAVID J. SCHAFER
704-491-3479

Cc: Town of Clayton Planning Dept.

DAVID@WINDINGCAFE.COM

NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Application:

FIRST STREET TAVERN

Date of Mailing:

APRIL 29TH, 2016

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

Printed Name:

DAVID SCHAEFER

Signature:



Date of Meeting:

MAY 16TH, 2016

Time of Meeting:

6:00 PM

Location of Meeting:

SOUTHERN TRADITIONS HOME

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

JUDY BARKER EDWARDS - 116 EAST FRONT ST.

DAWN RIED - E. FIRST ST (WARTON)

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

CONCERNS → PARKING, SECURITY & NOISE

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

SECURITY → WE WILL PROVIDE OUTSIDE CAMERAS

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

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

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

* NO CHANGES IN PLANS DUE TO MEETING

7015 3010 0001 5262 1183

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee \$ 3.30	Postmark Here APR 2 8 2015
Extra Services & Fees (check box, add fee as appropriate)	
☐ Return Receipt (hardcopy) \$	
☐ Return Receipt (electronic) \$	
☐ Certified Mail Restricted Delivery \$	
☐ Adult Signature Required \$	
☐ Adult Signature Restricted Delivery \$	
Postage \$ 0.47	
Total Postage and Fees \$ 3.77	
Sent To: ROBERT MAHERS	
Street and Apt. No., or PO Box No. 321 E. 2ND ST.	
City, State, ZIP+4® CLAYTON, NC 27520	

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7015 3010 0001 5262 1237

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee \$ 3.30	Postmark Here APR 2 8 2015
Extra Services & Fees (check box, add fee as appropriate)	
☐ Return Receipt (hardcopy) \$	
☐ Return Receipt (electronic) \$	
☐ Certified Mail Restricted Delivery \$	
☐ Adult Signature Required \$	
☐ Adult Signature Restricted Delivery \$	
Postage \$ 0.47	
Total Postage and Fees \$ 3.77	
Sent To: PEGGY MORGAN	
Street and Apt. No., or PO Box No. 207 N. FAIRVIEW ST.	
City, State, ZIP+4® CLAYTON, NC 27520	

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7015 3010 0001 5262 1190

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee \$ 3.30	Postmark Here APR 2 8 2015
Extra Services & Fees (check box, add fee as appropriate)	
☐ Return Receipt (hardcopy) \$	
☐ Return Receipt (electronic) \$	
☐ Certified Mail Restricted Delivery \$	
☐ Adult Signature Required \$	
☐ Adult Signature Restricted Delivery \$	
Postage \$ 0.47	
Total Postage and Fees \$ 3.77	
Sent To: SARRA LIGHT	
Street and Apt. No., or PO Box No. 131 FIRST ST.	
City, State, ZIP+4® CLAYTON, NC 27520	

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7015 3010 0001 5262 1220

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee \$ 3.30	Postmark Here APR 2 8 2015
Extra Services & Fees (check box, add fee as appropriate)	
☐ Return Receipt (hardcopy) \$	
☐ Return Receipt (electronic) \$	
☐ Certified Mail Restricted Delivery \$	
☐ Adult Signature Required \$	
☐ Adult Signature Restricted Delivery \$	
Postage \$ 0.47	
Total Postage and Fees \$ 3.77	
Sent To: LINDA McADAMS	
Street and Apt. No., or PO Box No. 611 BARBARA ST.	
City, State, ZIP+4® CLAYTON, NC 27520	

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7015 3010 0001 5262 1206

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee \$ 3.30	Postmark Here APR 2 8 2015
Extra Services & Fees (check box, add fee as appropriate)	
☐ Return Receipt (hardcopy) \$	
☐ Return Receipt (electronic) \$	
☐ Certified Mail Restricted Delivery \$	
☐ Adult Signature Required \$	
☐ Adult Signature Restricted Delivery \$	
Postage \$ 0.47	
Total Postage and Fees \$ 3.77	
Sent To: HERITAGE PARTNERS LLC	
Street and Apt. No., or PO Box No. 121 FIRST ST.	
City, State, ZIP+4® CLAYTON, NC 27520	

7015 3010 0001 5262 1213

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee \$ 3.30	Postmark Here APR 2 8 2015
Extra Services & Fees (check box, add fee as appropriate)	
☐ Return Receipt (hardcopy) \$	
☐ Return Receipt (electronic) \$	
☐ Certified Mail Restricted Delivery \$	
☐ Adult Signature Required \$	
☐ Adult Signature Restricted Delivery \$	
Postage \$ 0.47	
Total Postage and Fees \$ 3.77	
Sent To: FALLOAKS BANK & TRUST	
Street and Apt. No., or PO Box No. PO BOX 309	
City, State, ZIP+4® FALLOAKS, NC 27524	

7015 3010 0001 5262 0247

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee \$ 3.30	Postmark Here APR 29 2015
Extra Services & Fees (check box, add fee as appropriate)	
☐ Return Receipt (hardcopy) \$	
☐ Return Receipt (electronic) \$	
☐ Certified Mail Restricted Delivery \$	
☐ Adult Signature Required \$	
☐ Adult Signature Restricted Delivery \$	
Postage \$ 0.47	
Total Postage and Fees \$ 3.77	
Sent To KENNETH CAUADY	
Street and Apt. No., or PO Box No. 203 WEST BLANCHES ST BOX 305	
City, State, ZIP+4® CLAYTON, NC 27520	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

7015 3010 0001 5262 1176

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee \$ 3.30	Postmark Here APR 29 2015
Extra Services & Fees (check box, add fee as appropriate)	
☐ Return Receipt (hardcopy) \$	
☐ Return Receipt (electronic) \$	
☐ Certified Mail Restricted Delivery \$	
☐ Adult Signature Required \$	
☐ Adult Signature Restricted Delivery \$	
Postage \$ 0.47	
Total Postage and Fees \$ 3.77	
Sent To CHARLES GORDON	
Street and Apt. No., or PO Box No. 416 SKINNER RD.	
City, State, ZIP+4® FAUCUAS, NC 27524-9233	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

7015 3010 0001 5262 0230

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee \$ 3.30	Postmark Here APR 29 2015
Extra Services & Fees (check box, add fee as appropriate)	
☐ Return Receipt (hardcopy) \$	
☐ Return Receipt (electronic) \$	
☐ Certified Mail Restricted Delivery \$	
☐ Adult Signature Required \$	
☐ Adult Signature Restricted Delivery \$	
Postage \$ 0.47	
Total Postage and Fees \$ 3.77	
Sent To CAL EDWARDS	
Street and Apt. No., or PO Box No. 116 E. FRONT ST.	
City, State, ZIP+4® CLAYTON, NC 27520	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

7015 3010 0001 5262 1169

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee \$ 3.30	Postmark Here APR 29 2015
Extra Services & Fees (check box, add fee as appropriate)	
☐ Return Receipt (hardcopy) \$	
☐ Return Receipt (electronic) \$	
☐ Certified Mail Restricted Delivery \$	
☐ Adult Signature Required \$	
☐ Adult Signature Restricted Delivery \$	
Postage \$ 0.47	
Total Postage and Fees \$ 3.77	
Sent To MAINT. DEP. GROUP	
Street and Apt. No., or PO Box No. 520 E. MAIN ST.	
City, State, ZIP+4® CLAYTON, NC 27520	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	



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

SPECIAL EVENT ACTION ITEM REPORT

Planning Staff Contact:

EVENT INFORMATION:

Event Name: The Shindig File Number: 2016-12
 Event Description: Music, food, beer and vendors.
 Event Date(s): 10/8/2016 Event Time(s): 11 am – 9:00 pm
 Event Location: 110 W. Main Street
 Event Coordinator: Dave Brown Contact Number: 919-438-8555
 Contact Email: dave@earthplow.org
 Attendees (Per Day): 2500

TOWN SERVICES REQUESTED:

Department / Division	Requested Services	Date/Time	Primary Contact	Contact Phone #

STAFF USE:

SEC Approval	☐ Approved ☐ Denied	Date: _____	☐ No Council Action needed
Council Action	Presentation	Date: _____	☐ Approved ☐ Denied
	Consent Agenda	Date: _____	Date: _____
Pending Actions	☐ DOT Road Closure Approval		
	☐ ABC Permit Submittal		
	☐ Other _____		
			☐ Issue Permit Date: _____

(SEC – Special Event Committee)



TOWN OF CLAYTON

Planning Department

111 E. Second Street, Clayton, NC 27520

P.O. Box 879, Clayton, NC 27528

Phone: 919-553-5002

Fax: 919-553-1720

SPECIAL EVENT PERMIT APPLICATION

Pursuant to Article 7, Section 155.712 of the Unified Development Code, a property owner/business owner within the jurisdiction of the Town (or a duly authorized agent) may apply for a Special Event Permit from the Planning Department. Special Event Permits are valid for a maximum 30 days within a one year time period.

Applications must be accompanied by one (1) copy of a site plan depicting the special event location, an Owner's Consent Form and the \$100.00 application fee (if applicable). All fees are due when the application is submitted.

NOTE: If the event is to be held on public property, approval to use the property must be obtained from Town Council; therefore the application must be submitted 90 days prior to the event.

A special event is a non-routine happening or social activity such as a festival, concert, sporting event, parade, walk or run bringing people together in a defined area on Town property, right of way, or private property. Special events generally require Town services to ensure safety and coordination.

Applications and events are prioritized based on a first come-first served basis and the Town may approve or disapprove an event's requested date based on availability of resources. Events that occur on an annual basis will receive priority the following year.

APPLICANT INFORMATION

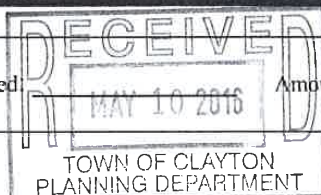
Name of Event: The Shindig
Applicant Name and Title: Dave Brown
Organization: Clayton Mid Day Rotary Club
Mailing (Billing) Address: 567 Rock Pillar Road
City: Clayton State: NC Zip Code: 27520
Daytime Phone: 919-438-8555 Cell: 919-812-6969 Email: dave@earthplow.org

EVENT INFORMATION

Event Location: Clayton - Town Square -
Event Address: 110 W. Main St. Clayton 27520 Parcel ID: _____
Date(s) of Event: Oct. 8, 2016
Event Start Time: 11am Event End Time: 9pm
Will roads need to be closed: ☒ Yes ☐ No
Set Up Begins: 8am on 10/8/16 Clean Up Ends: Midnight same day
Estimated Attendance: 2500 people
Description of Event: Music, Food, Beers and vendors. Family friendly, gated and ticketed event. Fully Staffed by Clayton rotary and volunteers.

TOWN OF CLAYTON STAFF USE ONLY

Date Received: _____



Amount Paid: N/A

Permit Number: 2016-12

April 2014

ORGANIZATION INFORMATION

Please complete the following information if the Special event is benefitting an organization or check the box if not applicable: ☐ N/A

Is the Organization a 501(c) 3? ☐ Yes ☒ No

	Yes	No
1. Is the Special Event being held by or for the benefit of an organization?	☒	☐
2. Is the organization a 501(C)3	☐	☒

Briefly describe the purpose of the organization: Rotary International is an international service organization whose purpose is to bring together business and professional leaders in order to provide

Name of Organization: humanitarian services, encourage high ethical

Organization Address: standards in all vocations and to advance goodwill and peace around the world.

Organization Contact Name: Clayton Mid Day Rotary Club - P.O. Box 365 Clayton 27521

Organization Email: Laura Nelson Phone Number: 919-389-6213

Federal Identification Number: clayton midday rotary@gmail.com

36-3245072 27-3036588

TENTS & MEMBRANE STRUCTURES

**** A TENT is a structure, enclosure, or shelter, with or without sidewalls or drops****

To be completed by the applicant:			To be completed by staff: Permit/Inspections Required?	
	Yes	No	Yes	No
1. Will tents be used at the event?	☒	☐		
2. How many tents will be used?	20 - 40			
3. What is the size of the tents being used? Please note that tents greater than 240 square feet in size require a building permit and associated inspections.	10 x 10			
4. Are there multiple tents without sidewalls being placed side by side? Please note that 12 feet of separation is required between all tents larger than 700 square feet.	☒	☐		

**** A MEMBRANE structure is an air-inflated or air supported structure ****

To be completed by the applicant:			To be completed by staff: Permit/Inspections Required?	
	Yes	No	Yes	No
1. Will a membrane structure(s) be used at the event?	☐	☒		
2. How many membrane structures will be used?	N/A			

POWER SOURCES

To be completed by the applicant:	Yes	No	Staff Notes
1. Will you use electric generators?	☒	☐	
2. Will you use a Town of Clayton power source?	☒	☐	

PLEASE NOTE: NO direct wiring to any power source is permitted.

VOICE/MUSIC AMPLIFICATION

	Yes	No	Staff Notes
1. Are there any musical entertainment features related to your event? (If no, proceed to next section)	☒	☐	
If yes, state the number of bands:			
2. Will a temporary stage be utilized?	☒	☐	
If yes, please state the number of stages			
3. Will the event use amplified sound?	☒	☐	
If yes, please list start time and finish time.			
	Start Time	Finish Time	
	1pm	9pm	

HAZARDOUS MATERIALS

	Yes	No	Staff Notes
1. Will the event have any hazardous materials such as propane, butane, gasoline, diesel tanks, helium cylinders or other upright tanks? If yes, note that all tanks must be secured in a manner to prevent accidentally being knocked over. All helium tanks not being used shall have their caps in place.	☐	☒	
2. Will there be any portable heaters?	☐	☒	
3. Will there be any deep fat fryers?	☐	☒	
4. Will there be any fireworks, lasers, torches, candles or pyrotechnics? If yes, please contact the Fire Marshall for more 919-553-1520 information.	☐	☒	

ALCOHOL

	Yes	No	Staff Notes
1. Will alcoholic beverages be served? If yes, an ABC permit is required.	☒	☐	
2. Will alcoholic beverages be sold? If yes, an ABC permit is required.	☒	☐	
3. What type of alcohol will be served?			
Draft Beer	☒		
Can/Bottle Beer	☒		
Wine	☒		
Liquor	☐		
4. Who will be serving the alcohol? Please identify on the site plan the locations within event site where alcohol will be served. Beer and wine vendors			
5. List times that alcohol will be served	Start Time	Finish Time	
	1pm	9pm	
6. Copies of the ABC permit should be submitted upon receipt to the Planning Department.			

April 2014

VENDORS

	Yes	No	Staff Notes
1. Will the event include mechanical rides, or other similar attractions? <i>Applicants contracting with amusement ride companies are required to provide the Town of Clayton with a certificate of insurance, naming applicant and the Town of Clayton (if applicable) as additional insured on general liability.</i>	☐	☒	
2. Please list/describe rides and attractions:	<i>N/A</i>		
3. Does the event have food vendors?	☒	☐	
If yes, check all that apply:			
Served	Sold	Free	Catered
☒	☒	☒	☒
4. If the event includes food concessions and/or cooking areas: <i>Event organizers are required to submit a Temporary Food Event Sponsor form with Johnston County Environmental Health (919-989-5180) at least 14 days prior to the event. A copy of the application must be submitted to the Planning Department at the same time. Fire Code requires a fire extinguisher at each cooking location.</i>	☐	☒	

TOWN SERVICES

The Town of Clayton does not provide amenities such as portable washrooms, sound systems, tables, chairs, tents, canopies or other equipment. The applicant is responsible for arranging and providing services such as solid waste, wastewater, event clean up, traffic control, etc.

TRASH RECEPTICLES/ROLL-OUT CARTS	Yes	No	Staff Notes
1. Does the event require roll-out carts?	☒	☐	
2. What types of trash will be discarded? <i>food waste, paper goods, drinks</i>			
Aluminum Cans	Glass Bottles / Jars	Plastic Bottles / Cups	Paper Cups / Plates
☒	☐	☒	☒
3. How many trash roll-out carts are needed?	Number		
	<i>10</i>		
4. How many recycle roll-out carts are needed?	<i>10</i>		
5. Delivery location?	<i>Towne Square</i>		
6. Date rollout carts are to be delivered/picked up?	Delivered	Picked-up	
	<i>Oct. 7, 2016</i>	<i>Oct. 9, 2016</i>	
PUBLIC PROPERTY CLEAN-UP			
7. Will portable toilets be used during the event?	☒	☐	
8. Date portable toilets will be delivered/and removed?	Delivered	Picked-up	
	<i>Oct. 7, 2016</i>	<i>Oct. 9, 2016</i>	
9. What is the clean-up plan for the event? <i>Staff will clean up venue as best as possible on Oct 8th and come back on the morning of Oct. 9th to finish.</i>			
<i>Applicants are responsible for cleaning and restoring the site after the event. Please pick up all trash including paper, plastic, bottles, cans and event marketing signs. Any cost incurred by the Town due to the failure of an applicant to clean and/or restore the site following the event will be borne by the applicant. If you believe that no litter will be generated during your event, please state this in your plan.</i>			

SAFETY AND SECURITY					Yes	No
10. Will security be used during the event?					☒	☐
11. Will overnight security be used?					☐	☒
12. How many off duty officers will be used?					2	
13. Please check the type(s) of security that will be used:						
Alcohol Security	Stage Security	Event Area Security	Gate Security	Money Handling Security	Other	
☐	☐	☒	☐	☒	☐	
14. Date(s) and time(s) security will be on site:						
Oct. 8 th - 12 to 9pm -						
Applicant may be required to hire off-duty Town of Clayton police officers to provide security to insure public safety. The Town of Clayton Police Department will determine the number of security personnel required on site.						

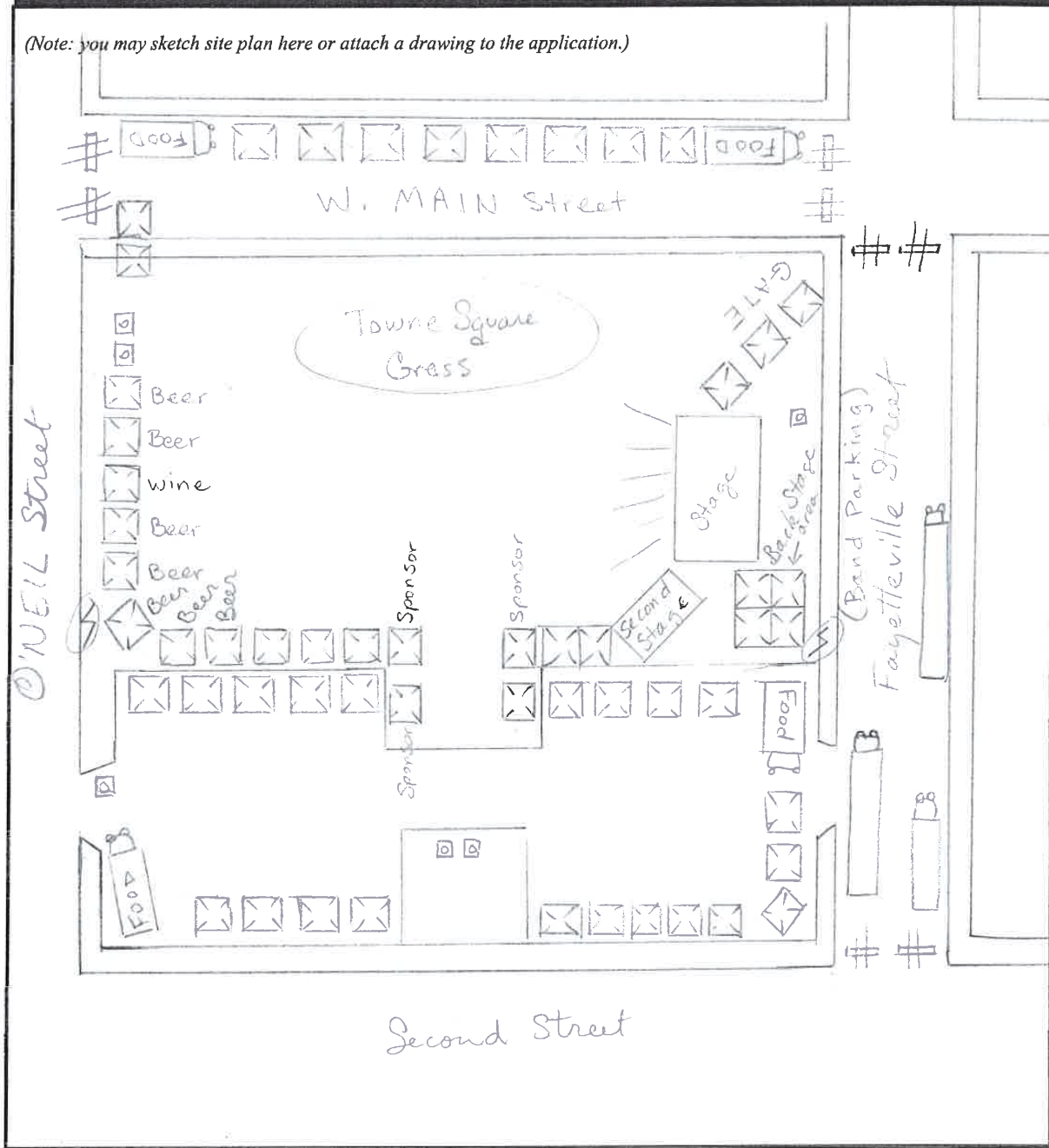
SITE PLAN

Provide a detailed Site-Plan sketch of the event. Include maps, outline or diagram of the entire event venue including the names of all streets or areas that are part of the venue and the surrounding area. The plan should include the following information (if applicable):

- Location of the event/activity on the property. Showing adjacent streets/roads and boundaries.
- Location of temporary structures that will be used during the event. Must indicate size of temporary structures, distances between temporary structures and existing buildings.
- Identify how each temporary structure will be used. Example: type of vendor, food preparation, alcohol sales, etc.
- Identify location of all cooking devices and open flames. (Grills only)
- Location of all fencing, barricades, or other restrictions that will impair access to and from the event or property.
- Identify all designated parking areas.
- Identify location of any generators and fuel storage.

SITE PLAN SKETCH

(Note: you may sketch site plan here or attach a drawing to the application.)



☒ = 10x10 tent

☐ = porta-pottie

⚡ = Electric

= Barricade

April 2014

EVENT BOUNDARY AND ROAD TRAFFIC PLAN

EVENT TYPE						Yes	No	Staff Notes
1. Will the event include use of public streets?						☒	☐	
2. How will the route be utilized?								
Parade	March or Walk	Vehicles Only	Vendors	Foot/Bicycle Race	Other			
☐	☐	☒	☒	☐	☐			
3. How many participants are expected?						Number		
						N/A		
4. How many floats will participate?						N/A		
5. How many vehicles will participate?						N/A		
						Yes	No	
6. Will animals participate in the event?						☐	☒	
7. If yes, please list the types of animals:						N/A		
EVENT BOUNDARIES								
Please describe the event boundaries. If event is a road event then include route below. If there is more than one segment to the event, include start and finish times for each segment. (Example: The "GENERIC AWARENESS RUN" may include a 5K, a 10K, and a Fun Run).								
Towne Square plus Main Street and Fayetteville St								

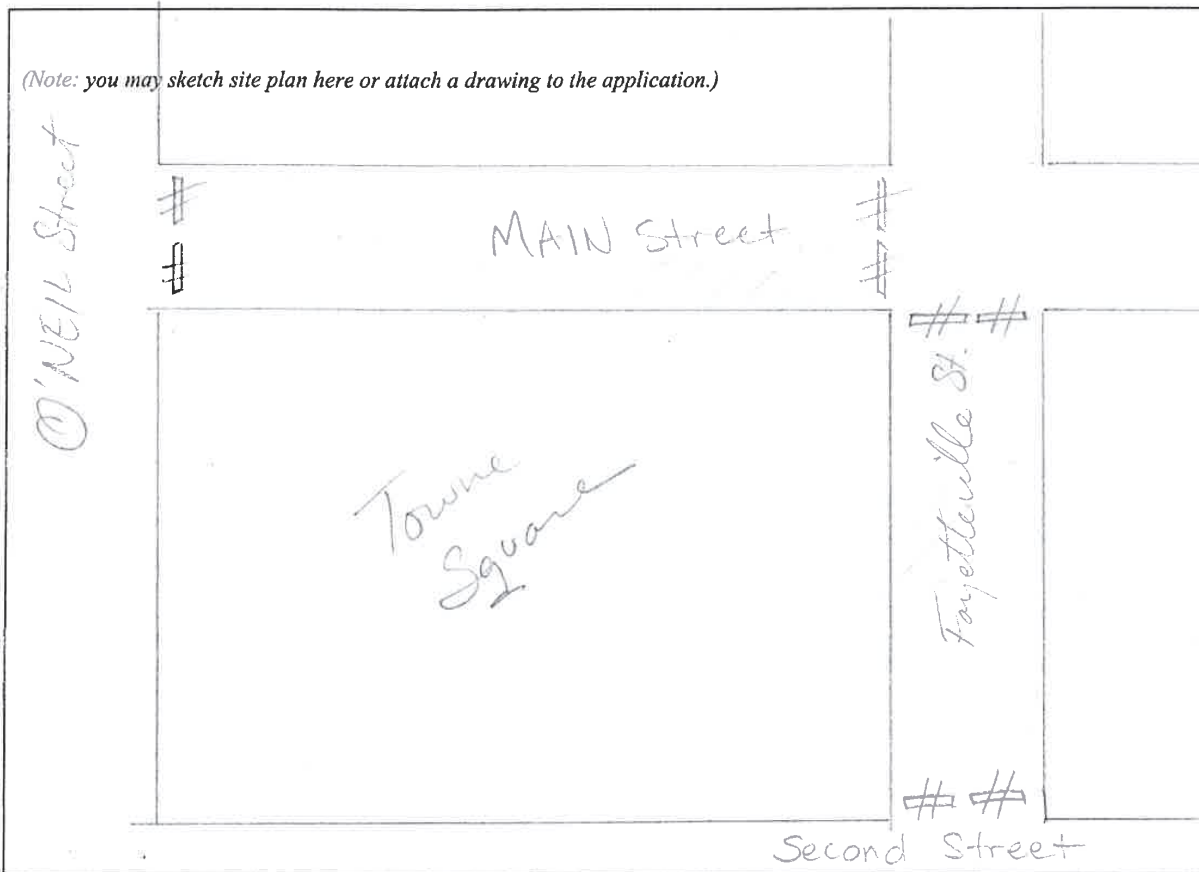
ROAD CLOSURE REQUESTS

All road closure requests are reviewed by the Town of Clayton. Approval, denial, or modification of road closure requests is at sole discretion of the Town, including but not limited to the route, placement and number of all barricades, signs and police/volunteer locations. If your event involves road closures, please attach a Route and Traffic Plan. Include the required information (listed below) and any additional information that you believe applies to your event.

ROAD CLOSURE			Staff Notes
1. List the street(s) and times in which street(s) will need to be closed (<i>Please note that NC and US roadways require approval from the North Carolina Department of Transportation</i>):			
Street(s):	Begins	Ends	
Main St. (From O'Neil to Fayetteville)	10/8/2016	10/8/2016	
Fayetteville St. (From Second to Main)	10/8/2016	10/8/2016	
2. How many participants are expected?	Number 2500		
EVENT ROUTE			Staff Notes
DESCRIBE THE EVENT ROUTE BELOW. IF THERE IS MORE THAN ONE SEGMENT TO AN EVENT, INCLUDE START AND FINISH TIMES FOR EACH SEGMENT. (Example: The "GENERIC AWARENESS RUN" may include a 5K, a 10K, and a Fun Run).			
N/A			
Please note that <u>white temporary water-base paint</u> can be used to mark the route on the street pavement (May be purchased at common hardware stores such as Lowes, Home Depot, etc.).			

ROAD CLOSURE/DETOUR PLAN

Illustrate a plan to include roads that you are requesting to be closed to vehicular or other traffic for your event. Include all proposed locations for barricades, signs and police/volunteers. Identify the proposed locations for emergency access lanes (Minimum 20' width) throughout the event site. Describe planned arrangements to resolve conflicts with people trying to reach businesses, their own residences, places of worship and public facilities including public transportation.



SPECIAL EVENT PROCESSING

The applicant must follow the steps below in chronological order to ensure successful processing of the Special Event request:

1. Request a pre-application meeting with the Planning Department to discuss the scope of the Special Event. If the event is downtown, the meeting must include the Downtown Development Coordinator.
2. Submit a completed application with any important supplemental information.
3. Provide proof of \$1,000,000 General Liability Insurance. Certificate naming Town of Clayton as Additional Insured may be required.
4. Meet with the Special Events Committee to review the request, receive comments and a recommendation of approval for the event.
5. If Special Events Committee approves, a staff request will be made to the Town Clerk in order to be placed on a Town Council agenda if Town services or road closures are necessary.
6. Upon agenda scheduling, applicant will present the Special Event request to Town Council to receive authorization.

April 2014

7. If the event will utilize Horne Square, a \$250.00 deposit is required following approval.
8. Prior to the Event, a meeting to review the incident action plan (IAP) is required

Upon completion of the steps above, the Planning Department will issue a Special Event Permit approval (with or without Conditions), or notify the applicant in writing that the request is denied.

DO NOT ASSUME, ADVERTISE, OR PROMOTE YOUR EVENT UNTIL YOU HAVE A SIGNED PARADE PERMIT FROM THE TOWN OF CLAYTON POLICE DEPARTMENT. CONFLICTS DO ARISE AND CHANGES TO THE REQUEST MAY BE NECESSARY.

USE OF TOWN OWNED PROPERTY

	Yes	No
1. Use policies and procedures obtained and submitted for use of any Town owned property or streets.	☒	☐

DENIAL OR REVOCATION OF PERMIT

Denial

A Special Event Permit application may be denied if it is found that its granting would not be in the Town of Clayton's or the public's interest. Any applicant denied a permit to utilize Town-owned property for a special event shall receive a written statement outlining the grounds on which the denial is based. The applicant may appeal the denial of the application to the Town Council within fifteen working days of the written denial and the Town Council may take such corrective action as it shall find necessary. The findings and the determination of the Town Council shall be final.

Permit Revocation

The Town may revoke a permit issued pursuant to this section if the applicant or operator of the special event has:

1. Misrepresented or provided false information in the permit application;
2. Violated any provision of the Town of Clayton Unified Development Code or Johnston County Health Department regulations;
3. Violated any law, regulation or ordinance regarding the possession, sale, transportation or consumption of intoxicating beverages or controlled substances; or
4. Operated the special event in such a manner as to create a public nuisance or to constitute a hazard to the public health, safety or welfare, specifically including failure to keep the Town of Clayton owned property clean and free of refuse.

APPLICANT'S AFFIDAVIT

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

The undersigned does understand and agree to the rules and regulations that apply to a Special Event Permit.

Applicant's Signature: _____

Date: _____

May 10, 2016

April 2014

NORTH CAROLINA
JOHNSTON COUNTY



INDEMNIFICATION AGREEMENT

I, Dave Brown have submitted an application for a Special Event Permit for The Shindig on property owned by the Town of Clayton. As the authorized applicant/authorized representative for the Special Event, I hereby agree to indemnify and hold the Town of Clayton, its officers, agents and employees, harmless from all claims, liabilities, demands, expenses, of any nature or kind, expresses or implied, whether sounding in tort or in contract that may be asserted against the Town, its officials, agents and employees by any person, firm, or corporation, that may arise out of any acts or omissions, active or passive, related to operating an event on the Town's property.

A handwritten signature of Dave Brown, written in dark ink, positioned above a horizontal line.

Signature of Applicant & Authorized Representative of Event

Sworn to (or affirmed) and subscribed before me this the 10 day of May, 2016.



(Official Seal)

Official Signature of Notary

A handwritten signature of Laura L. Nelson, written in dark ink, positioned above a horizontal line.

Laura L. Nelson, Notary Public
Notary's printed or typed name

My commission expires: 4-8-2017

**RESOLUTION REQUEST
STREET CLOSURE
2016 SHINDIG**

WHEREAS, the Clayton Town Council has received a request from the Clayton Mid Day Rotary Club to close Main Street for the 2016 Shindig.

WHEREAS, the Clayton Town Council believes that it is in the best interest of the citizens of Clayton that they act favorably on said request and formally notify the North Carolina Department of Transportation for the closing of Main Street between O'Neil and Fayetteville Streets:

Saturday, October 8, 2016
8:00 a.m. – 11:59 p.m.

NOW, THEREFORE, the Clayton Town Council does hereby resolve as follows:

That the Clayton Town Council agrees to be the governmental entity making a request for the closing of said road at said times and for obtaining compliance with those requirements of the North Carolina Department of Transportation for conducting of said road closure.

Duly adopted this the 18th day of July, 2016.

Jody L. McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk



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

SPECIAL EVENT ACTION ITEM REPORT

Planning Staff Contact: Kaitlyn Russo – 919-359-9349

EVENT INFORMATION:

Event Name: Harvest & Music Festival File Number: 2016-11
Event Description: Carnival rides, food vendors, vendor booths retail, concerts & talent show.
Event Date(s): 9/14 – 18/2016 Event Time(s): 5pm to 11 pm
Event Location: Main Street
Event Coordinator: Tara Keegan Contact Number: 919-816-7964
Contact Email: tara@claytonchamber.com
Attendees (Per Day): 20,000

TOWN SERVICES REQUESTED:

Department / Division	Requested Services	Date/Time	Primary Contact	Contact Phone #

STAFF USE:

SEC Approval	☐ Approved ☐ Denied	Date:	☐ No Council Action needed
Council Action	Presentation Consent Agenda	Date: Date:	☐ Approved ☐ Denied Date:
Pending Actions	☐ DOT Road Closure Approval ☐ ABC Permit Submittal ☐ Other	☐ Issue Permit Date:	

(SEC – Special Event Committee)



TOWN OF CLAYTON

Planning Department

111 E. Second Street, Clayton, NC 27520

P.O. Box 879, Clayton, NC 27528

Phone: 919-553-5002

Fax: 919-553-1720

SPECIAL EVENT PERMIT APPLICATION

Pursuant to Article 7, Section 155.712 of the Unified Development Code, a property owner/business owner within the jurisdiction of the Town (or a duly authorized agent) may apply for a Special Event Permit from the Planning Department. Special Event Permits are valid for a maximum 30 days within a one year time period.

Applications must be accompanied by one (1) copy of a site plan depicting the special event location, an Owner's Consent Form and the \$100.00 application fee (if applicable). All fees are due when the application is submitted. NOTE: If the event is to be held on public property, approval to use the property must be obtained from Town Council; therefore the application must be submitted 90 days prior to the event.

A special event is a non-routine happening or social activity such as a festival, concert, sporting event, parade, walk or run bringing people together in a defined area on Town property, right of way, or private property. Special events generally require Town services to ensure safety and coordination.

Applications and events are prioritized based on a first come-first served basis and the Town may approve or disapprove an event's requested date based on availability of resources. Events that occur on an annual basis will receive priority the following year.

APPLICANT INFORMATION

Name of Event: Clayton Harvest & Music Festival
Applicant Name and Title: Tara Keegan, Director of Special Projects & Recruitment
Organization: Clayton Chamber of Commerce
Mailing (Billing) Address: 301 E. Main Street
City: Clayton State: NC Zip Code: 27520
Daytime Phone: 919-553-6352 Cell: 919-816-7964 Email: tara@claytonchamber.com

EVENT INFORMATION

Event Location: Main Street area from Smith St. to O'Neil St, Including Horne Square & Town Square
Event Address: Downtown area along Main Street Parcel ID : _____
Date(s) of Event: September 14th thru the 18th
Event Start Time: Various around 5pm, Sat 8 am Event End Time: Various, around 11pm
Will roads need to be closed: ☒ Yes ☐ No
Set Up Begins: September 13th Clean Up Ends: September 19th
Estimated Attendance: 20,000 people, primarily on Saturday
Description of Event: The 2016 Clayton Harvest & music festival is the premier annual event in Clayton.

Includes, but not limited to: carnival rides, food vendors, vendor booths selling various items, concerts and community talent showcases and contests.

The festival takes place in various locations in downtown Clayton: Horne Square, Town Square and the length of E. Main St. The is a fundraising event for the Clayton Chamber of Commerce.

TOWN OF CLAYTON STAFF USE ONLY

Date Received: 4-28-16 Amount Paid: N/A Permit Number: 2016-11

April 2014

ORGANIZATION INFORMATION

Please complete the following information if the Special event is benefitting an organization or check the box if not applicable: ☐ N/A

Is the Organization a 501(c) 3? ☐ Yes ☐ No

	Yes	No
1. Is the Special Event being held by or for the benefit of an organization?	☒	☐
2. Is the organization a 501(C)3 <u>501(C) 6</u>	☒	☒ <u>501(C) 6</u>

Briefly describe the purpose of the organization: The Chamber works cooperatively wit local business and government to promote busines
and economic government, increase civic awareness, community involvement and supported educational opportunities throughout
Clayton and the surrounding areas.

Name of Organization: Clayton Chamber of Commerce

Organization Address: 301 E. Main Street Clayton, NC 27527

Organization Contact Name: Tara Keegan Phone Number: 919-553-6352

Organization Email: tara@claytonchamber.com

Federal Identification Number: 56-0900962

TENTS & MEMBRANE STRUCTURES

**** A TENT is a structure, enclosure, or shelter, with or without sidewalls or drops****

To be completed by the applicant:			To be completed by staff: Permit/Inspections Required?	
	Yes	No	Yes	No
1. Will tents be used at the event?	☒	☐		
2. How many tents will be used?	upwards of 200			
3. What is the size of the tents being used? <i>Please note that tents greater than 240 square feet in size require a building permit and associated inspections.</i>	10x10			
4. Are there multiple tents without sidewalls being placed side by side? <i>Please note that 12 feet of separation is required between all tents larger than 700 square feet .</i>	☒	☐		

**** A MEMBRANE structure is an air-inflated or air supported structure ****

To be completed by the applicant:			To be completed by staff: Permit/Inspections Required?	
	Yes	No	Yes	No
1. Will a membrane structure(s) be used at the event?	☐	☒		
2. How many membrane structures will be used?				

POWER SOURCES

To be completed by the applicant:	Yes	No	Staff Notes
1. Will you use electric generators?	☒	☐	
2. Will you use a Town of Clayton power source?	☒	☐	
PLEASE NOTE: NO direct wiring to any power source is permitted.			

VOICE/MUSIC AMPLIFICATION

	Yes	No	Staff Notes
1. Are there any musical entertainment features related to your event? (If no, proceed to next section)	☒	☐	
If yes, state the number of bands:			
2. Will a temporary stage be utilized?	☒	☐	
If yes, please state the number of stages			
3. Will the event use amplified sound?	☒	☐	
If yes, please list start time and finish time.			
	Start Time	Finish Time	
		10	

HAZARDOUS MATERIALS

	Yes	No	Staff Notes
1. Will the event have any hazardous materials such as propane, butane, gasoline, diesel tanks, helium cylinders or other upright tanks? <i>If yes, note that all tanks must be secured in a manner to prevent accidentally being knocked over. All helium tanks not being used shall have their caps in place.</i>	☒	☒	
2. Will there be any portable heaters?	☐	☒	
3. Will there be any deep fat fryers?	☒	☐	
4. Will there be any fireworks, lasers, torches, candles or pyrotechnics? <i>If yes, please contact the Fire Marshall for more 919-553-1520 information.</i>	☐	☒	

ALCOHOL

	Yes	No	Staff Notes
1. Will alcoholic beverages be served? <i>If yes, an ABC permit is required.</i>	☒	☐	
2. Will alcoholic beverages be sold? <i>If yes, an ABC permit is required.</i>	☒	☐	
3. What type of alcohol will be served?			
Draft Beer	Can/Bottle Beer	Wine	Liquor
☒	☒	☒	☐
4. Who will be serving the alcohol? <i>Please identify on the site plan the locations within event site where alcohol will be served.</i>			
5. List times that alcohol will be served			
Start Time		Finish Time	
7pm		10:30pm	
6. Copies of the ABC permit should be submitted upon receipt to the Planning Department.			

VENDORS

	Yes	No	Staff Notes
1. Will the event include mechanical rides, or other similar attractions? <i>Applicants contracting with amusement ride companies are required to provide the Town of Clayton with a certificate of insurance, naming applicant and the Town of Clayton (if applicable) as additional insured on general liability.</i>	☒	☐	
2. Please list/describe rides and attractions: various			
3. Does the event have food vendors?	☒	☐	
If yes, check all that apply:			
Served	Sold	Free	Catered
☒	☒	☐	☐
		Served Outdoors	Other
		☒	☐
4. If the event includes food concessions and/or cooking areas: <i>Event organizers are required to submit a Temporary Food Event Sponsor form with Johnston County Environmental Health (919-989-5180) at least 14 days prior to the event. A copy of the application must be submitted to the Planning Department at the same time. Fire Code requires a fire extinguisher at each cooking location.</i>	☐	☐	

TOWN SERVICES

The Town of Clayton does not provide amenities such as portable washrooms, sound systems, tables, chairs, tents, canopies or other equipment. The applicant is responsible for arranging and providing services such as solid waste, wastewater, event clean up, traffic control, etc.

TRASH RECEPTICLES/ROLL-OUT CARTS	Yes	No	Staff Notes
1. Does the event require roll-out carts?	☒	☐	
2. What types of trash will be discarded?			
Aluminum Cans	Glass Bottles / Jars	Plastic Bottles / Cups	Paper Cups / Plates
☒	☒	☒	☒
		Styrofoam Cups / Plates	Other
		☒	☒
3. How many trash roll-out carts are needed?	Number		
	unknown		
4. How many recycle roll-out carts are needed?	unknown		
5. Delivery location?	unknown		
6. Date rollout carts are to be delivered/picked up?	Delivered	Picked-up	
	Sept. 13	Sept. 19	
PUBLIC PROPERTY CLEAN-UP			
	Yes	No	
7. Will portable toilets be used during the event?	☒	☐	
8. Date portable toilets will be delivered/and removed?	Delivered	Picked-up	
	Sept. 13	Sept. 19	
9. What is the clean-up plan for the event? Sanitation will service the toilets			
during the event. one holding tank will be on site all week.			
<i>Applicants are responsible for cleaning and restoring the site after the event. Please pick up all trash including paper, plastic, bottles, cans and event marketing signs. Any cost incurred by the Town due to the failure of an applicant to clean and/or restore the site following the event will be borne by the applicant. If you believe that no litter will be generated during your event, please state this in your plan.</i>			

April 2014

SAFETY AND SECURITY		Yes	No
10. Will security be used during the event?		☒	☐
11. Will overnight security be used?		☒	☐
12. How many off duty officers will be used?		unknown	
13. Please check the type(s) of security that will be used:			
Alcohol Security	Stage Security	Event Area Security	Gate Security
☒	☒	☐	☐
14. Date(s) and time(s) security will be on site:		unknown	
<i>Applicant may be required to hire off-duty Town of Clayton police officers to provide security to insure public safety. The Town of Clayton Police Department will determine the number of security personnel required on site.</i>			

SITE PLAN

Provide a detailed Site-Plan sketch of the event. Include maps, outline or diagram of the entire event venue including the names of all streets or areas that are part of the venue and the surrounding area. The plan should include the following information (if applicable):

- Location of the event/activity on the property. Showing adjacent streets/roads and boundaries.
- Location of temporary structures that will be used during the event. Must indicate size of temporary structures, distances between temporary structures and existing buildings.
- Identify how each temporary structure will be used. Example: type of vendor, food preparation, alcohol sales, etc.
- Identify location of all cooking devices and open flames. (Grills only)
- Location of all fencing, barricades, or other restrictions that will impair access to and from the event or property.
- Identify all designated parking areas.
- Identify location of any generators and fuel storage.

SITE PLAN SKETCH

(Note: you may sketch site plan here or attach a drawing to the application.)

April 2014

ROAD CLOSURE/DETOUR PLAN

Illustrate a plan to include roads that you are requesting to be closed to vehicular or other traffic for your event. Include all proposed locations for barricades, signs and police/volunteers. Identify the proposed locations for emergency access lanes (Minimum 20' width) throughout the event site. Describe planned arrangements to resolve conflicts with people trying to reach businesses, their own residences, places of worship and public facilities including public transportation.

(Note: you may sketch site plan here or attach a drawing to the application.)



SPECIAL EVENT PROCESSING

The applicant must follow the steps below in chronological order to ensure successful processing of the Special Event request:

1. Request a pre-application meeting with the Planning Department to discuss the scope of the Special Event. If the event is downtown, the meeting must include the Downtown Development Coordinator.
2. Submit a completed application with any important supplemental information.
3. Provide proof of \$1,000,000 General Liability Insurance. Certificate naming Town of Clayton as Additional Insured may be required.
4. Meet with the Special Events Committee to review the request, receive comments and a recommendation of approval for the event.
5. If Special Events Committee approves, a staff request will be made to the Town Clerk in order to be placed on a Town Council agenda if Town services or road closures are necessary.
6. Upon agenda scheduling, applicant will present the Special Event request to Town Council to receive authorization.

April 2014

EVENT BOUNDARY AND ROAD TRAFFIC PLAN

EVENT TYPE					Yes	No	Staff Notes
1. Will the event include use of public streets?					☒	☐	
2. How will the route be utilized?							
Parade	March or Walk	Vehicles Only	Vendors	Foot/Bicycle Race	Other		
☐	☐	☐	☒	☐	☐		
3. How many participants are expected?					Number		
					200+ vendors		
4. How many floats will participate?					none		
5. How many vehicles will participate?					200 - car show		
					Yes	No	
6. Will animals participate in the event?					☒	☐	
7. If yes, please list the types of animals:							
dogs/cats will be at vendor booth							
EVENT BOUNDARIES							
Please describe the event boundaries. If event is a road event then include route below. If there is more than one segment to the event, include start and finish times for each segment. (Example: The "GENERIC AWARENESS RUN" may include a 5K, a 10K, and a Fun Run).							
Main Street from O'Neil to Second Street, Town Square, Horne Square							

ROAD CLOSURE REQUESTS

All road closure requests are reviewed by the Town of Clayton. Approval, denial, or modification of road closure requests is at sole discretion of the Town, including but not limited to the route, placement and number of all barricades, signs and police/volunteer locations. If your event involves road closures, please attach a Route and Traffic Plan. Include the required information (listed below) and any additional information that you believe applies to your event.

ROAD CLOSURE			Staff Notes
1. List the street(s) and times in which street(s) will need to be closed (Please note that NC and US roadways require approval from the North Carolina Department of Transportation):			
Street(s):	Begins	Ends	
Friday, Sept. 16 thru Saturday, Sept. 17 th	5pm	11pm	
Sat - South St to Elizabeth St on Main	5pm	12pm	
Fayetteville St to Church St - Blocked			
Main St & Second St - Blocked			
2. How many participants are expected?			
Number			
20,000 - p.m. Sat.			
EVENT ROUTE			Staff Notes
DESCRIBE THE EVENT ROUTE BELOW. IF THERE IS MORE THAN ONE SEGMENT TO AN EVENT, INCLUDE START AND FINISH TIMES FOR EACH SEGMENT. (Example: The "GENERIC AWARENESS RUN" may include a 5K, a 10K, and a Fun Run).			
Same as above			
Please note that white temporary water-base paint can be used to mark the route on the street pavement (May be purchased at common hardware stores such as Lowes, Home Depot, etc.).			

* Main St. O'Neil to Fayetteville 5pm Fri - 11pm Sat.
 Main St. Fayetteville to 2nd 5am Sat. - 6pm Sat.
 Parking lot 5pm Fri - 11pm Sat

April 2014

7. If the event will utilize Horne Square, a \$250.00 deposit is required following approval.
8. Prior to the Event, a meeting to review the incident action plan (IAP) is required

Upon completion of the steps above, the Planning Department will issue a Special Event Permit approval (with or without Conditions), or notify the applicant in writing that the request is denied.

DO NOT ASSUME, ADVERTISE, OR PROMOTE YOUR EVENT UNTIL YOU HAVE A SIGNED PARADE PERMIT FROM THE TOWN OF CLAYTON POLICE DEPARTMENT. CONFLICTS DO ARISE AND CHANGES TO THE REQUEST MAY BE NECESSARY.

USE OF TOWN OWNED PROPERTY

	Yes	No
1. Use policies and procedures obtained and submitted for use of any Town owned property or streets.	☒	☐

DENIAL OR REVOCATION OF PERMIT

Denial

A Special Event Permit application may be denied if it is found that its granting would not be in the Town of Clayton's or the public's interest. Any applicant denied a permit to utilize Town-owned property for a special event shall receive a written statement outlining the grounds on which the denial is based. The applicant may appeal the denial of the application to the Town Council within fifteen working days of the written denial and the Town Council may take such corrective action as it shall find necessary. The findings and the determination of the Town Council shall be final.

Permit Revocation

The Town may revoke a permit issued pursuant to this section if the applicant or operator of the special event has:

1. Misrepresented or provided false information in the permit application;
2. Violated any provision of the Town of Clayton Unified Development Code or Johnston County Health Department regulations;
3. Violated any law, regulation or ordinance regarding the possession, sale, transportation or consumption of intoxicating beverages or controlled substances; or
4. Operated the special event in such a manner as to create a public nuisance or to constitute a hazard to the public health, safety or welfare, specifically including failure to keep the Town of Clayton owned property clean and free of refuse.

APPLICANT'S AFFIDAVIT

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

The undersigned does understand and agree to the rules and regulations that apply to a Special Event Permit.

Applicant's Signature: _____

Date: _____

April 2014

NORTH CAROLINA
JOHNSTON COUNTY



INDEMNIFICATION AGREEMENT

I, Tara Keegan have submitted an application for a Special Event Permit for Harvest & Music Festival on property owned by the Town of Clayton. As the authorized applicant/authorized representative for the Special Event, I hereby agree to indemnify and hold the Town of Clayton, its officers, agents and employees, harmless from all claims, liabilities, demands, expenses, of any nature or kind, expresses or implied, whether sounding in tort or in contract that may be asserted against the Town, its officials, agents and employees by any person, firm, or corporation, that may arise out of any acts or omissions, active or passive, related to operating an event on the Town's property.

Signature of Applicant & Authorized Representative of Event

Sworn to (or affirmed) and subscribed before me this the _____ day of _____, 20____.

(Official Seal)

Official Signature of Notary

_____, Notary Public
Notary's printed or typed name

My commission expires: _____

USE POLICIES & PROCEDURES FOR TOWN SQUARE & HORNE SQUARE

PURPOSE

The purpose of this policy is to establish guidelines for the use of Town Square, located at 110 W. Main Street at its intersection with Fayetteville Street and Horne Square, located at 348 E. Main Street at its intersection with Lombard Street. Town Square and Horne Square are public spaces that may be used to help further the vision of downtown Clayton as a 'regional center for artistic expression and destination where people, businesses, and the arts thrive.'

ELIGIBLE USES

Subject to approval, and in compliance with the guidelines listed herein, the following uses may be permitted in Town Square or Horne Square:

- Established non-profit, civic, and similar organizations may, from time to time, make use of Town Square or Horne Square as approved by the Town of Clayton in compliance with these guidelines.
- Eligible public uses of Town Square or Horne Square include cultural, arts-related, educational and other non-commercial uses.
- Other uses deemed appropriate by Town Council.

Ineligible uses include, but are not limited to:

- Yard sales, private or ticketed events.

The Town of Clayton may refuse use of the property to any group that it deems as failing to meet the criteria or purposes stated herein, at its sole discretion.

GENERAL POLICIES AND PROCEDURES

To use Town Square or Horne Square, the following policies and procedures must be followed.

- A. A **Special Event Application**, for a Special Event Permit, must be submitted to Town of Clayton Planning Department at least 30 days prior to event; if request includes street closures, a minimum of 90 days is required.
- B. All users must adhere to all ordinances of the Town of Clayton, including securing Town of Clayton Sign Permits prior to issuance of Special Events Permit. (Planning, Zoning & Inspections Office located on Floor G2 of The Clayton Center/Town Hall.)
- C. The property shall not be used for commercial or "for profit" purposes except as a fundraiser in support of an established non-profit organization and as approved by the Town of Clayton.
- D. The primary purpose of Horne Square is to provide parking for visitors to Downtown Clayton. Whenever possible, use of the property for special events shall be located on the property so as to

accommodate its primary purpose as a public parking lot.

- E. No organization may use the property more than two (2) times per calendar year.
- F. The parking lot at Horne Square shall not be closed to public use more than six (6) times per year.
- G. No ground stakes may be used by the user or any agent of the user for any purpose including securing tents, signage, staging, etc.
- H. No vehicles of any kind allowed on Town Square for any purpose, with the exception of mobile stages. No vehicles are allowed on Horne Square pavers, unless conditional considerations are noted on the Special Events Application and Permit.
- I. Due to fire and safety regulations, no fireworks or open fires are allowed.
- J. ***Children attending events should be supervised at all times due to proximity of busy roads and traffic.***
- K. The user agrees to protect and hold harmless the Town of Clayton and all employees from and against any claims, actions, damages, injury or loss that occurs in relation to event. ***Event holders shall carry General Liability Insurance in the amount of \$1,000,000 combined limit policy for bodily injury and property damage, and include the Town, its officers, employees and agents as additional insured's under the policy.***
- L. Upon completion of the event, all banners, signs, decoration and other materials must be completely removed from the premises.
- M. All users shall leave the property in a clean and safe condition restored to the state and condition which existed prior to their use.
- N. All activities must be planned and conducted in a safe, healthy, and orderly fashion. The Town of Clayton reserves the right to immediately cancel, without compensation or other consideration, any event not conducted in a safe, healthy and orderly fashion.

ALCOHOL POLICY

In order for alcohol to be served during an event on Horne Square, the following applies:

- A. User must indicate the intent to serve/sell alcohol in the Special Event Application.
- B. State law requires that an ABC Special Use Permit be secured from the NC ABC Commission by the user for any event serving unfortified beer and/or wine if the event is ticketed and/or if wine/beer is sold or transacted via donations *unless* the user is using a licensed caterer to provide and serve it. The Town of Clayton requires this permit to be on file with the Planning Department no later than 1 week prior to event date.
- C. State law requires that, in order to serve fortified wine and liquor at any event (whether ticketed or not), an ABC Special Use Permit must be secured via the NC ABC Commission *unless* the user is using a fully licensed and insured caterer to serve it.

- D. The Town of Clayton *requires Event Holders to carry* General Liability Insurance with \$2,000,000 *liquor liability coverage* at events where alcohol is served *unless* liability is covered by a fully licensed and insured caterer. In *both* cases, the Town of Clayton must be added as an "*Additional Insured*" specifying event date and time. *A copy of the certificate* for the file is required 1 week prior to event. The Town of Clayton waives all liability for illness or injury related to the consumption of alcohol on premises.
- E. All alcohol must be bartended. No self-service alcohol by attendees is permitted. Kegs are allowed, but only as managed by the bartender(s).
- F. At events where minors are present and alcohol is served, the user is responsible to establish a system of checking ID's and identifying minors with bartender(s)/caterer.
- G. At events where alcohol is served, The Town of Clayton requires the user to employ a Security Officer thru the Town of Clayton Police Department for the duration of the event at an hourly rate of \$25 with a 3-hour minimum. Payment is to be paid directly to the Security Officer on the date of contracted event. (Assigned officer's name communicated to user by Police Department within 5 days of event.)

DAMAGE DEPOSIT POLICY

A discretionary \$250.00 Damage/Cleanup Deposit may be required for any use, refundable after 15 days of event date provided Town Square/Horne Square suffers no damage as a result of event. Should damages occur, an itemized statement of repairs will be provided to the user along with a refund of the remaining deposit. If damages exceed \$250.00, an invoice will be sent to the user with an itemized statement of repairs.

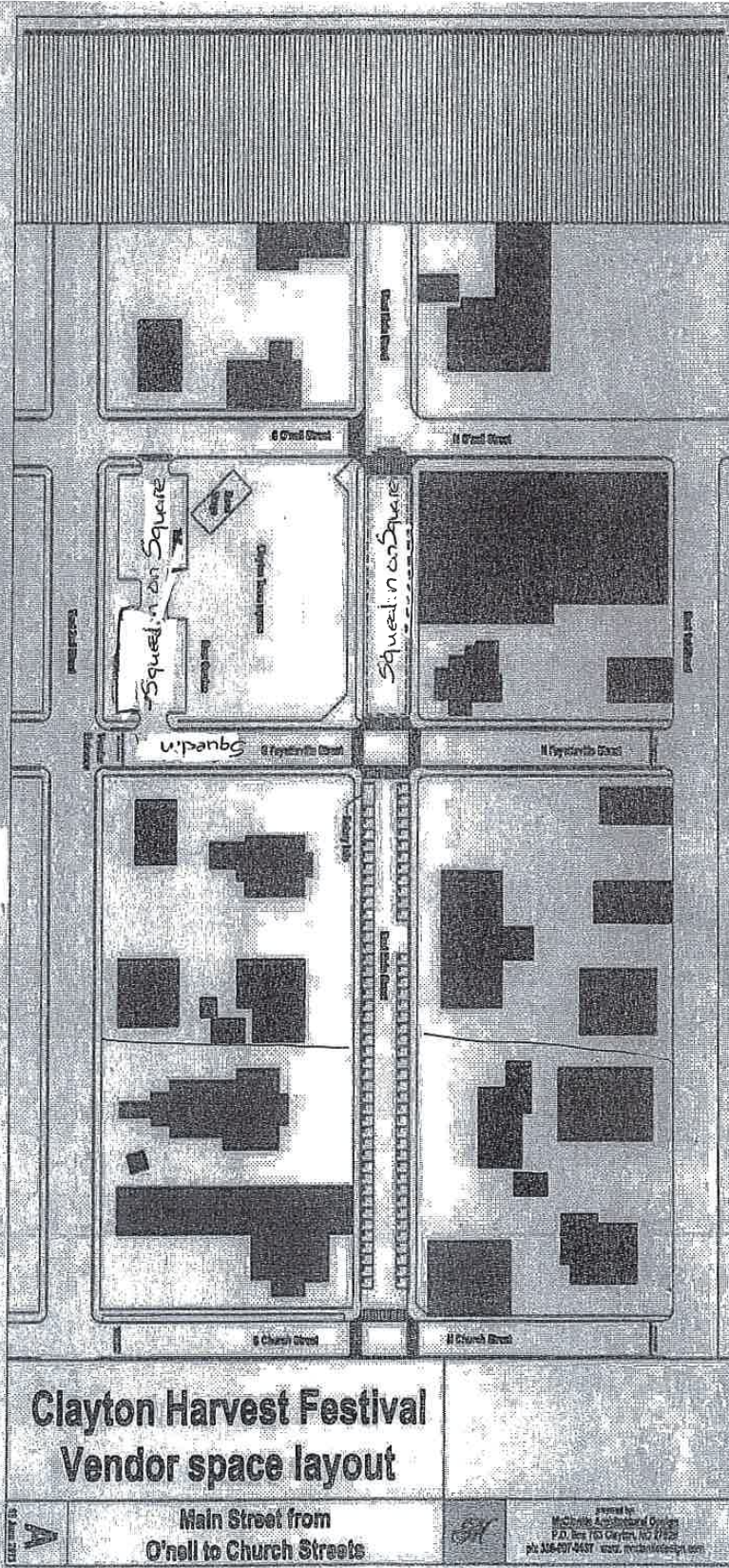
If Town Square/Horne Square is not adequately cleared of event-related debris, including signage, within 12 hours of the event, a \$150 clean up fee will be either deducted from Damage Deposit or invoiced post-event and due within 2 weeks of receipt.

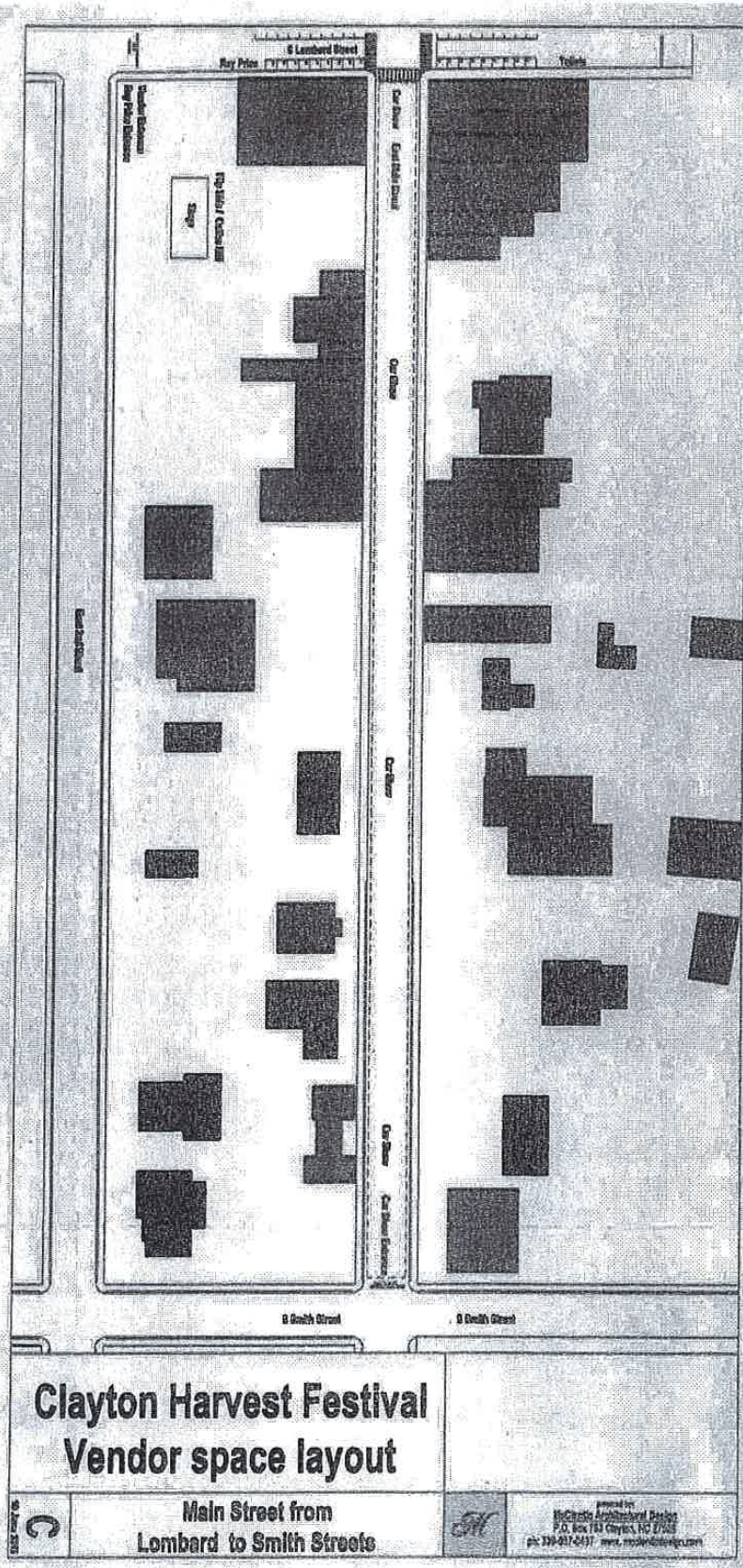
As a potential user of Town Square or Horne Square, I fully understand and agree to the policies and procedures listed herein.

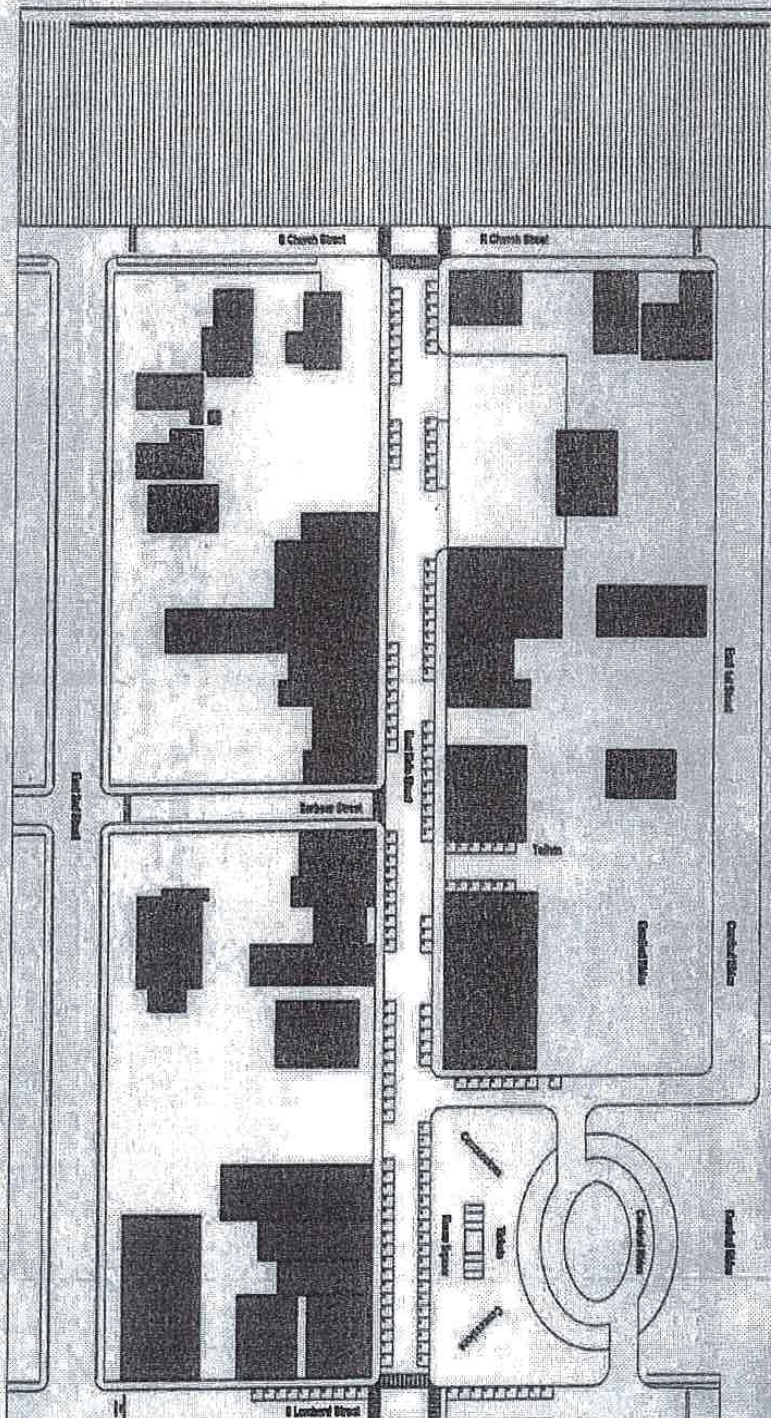
User Signature: _____

Date: _____

Print Name: _____







Clayton Harvest Festival Vendor space layout

Main Street from
Church to Lombard Streets

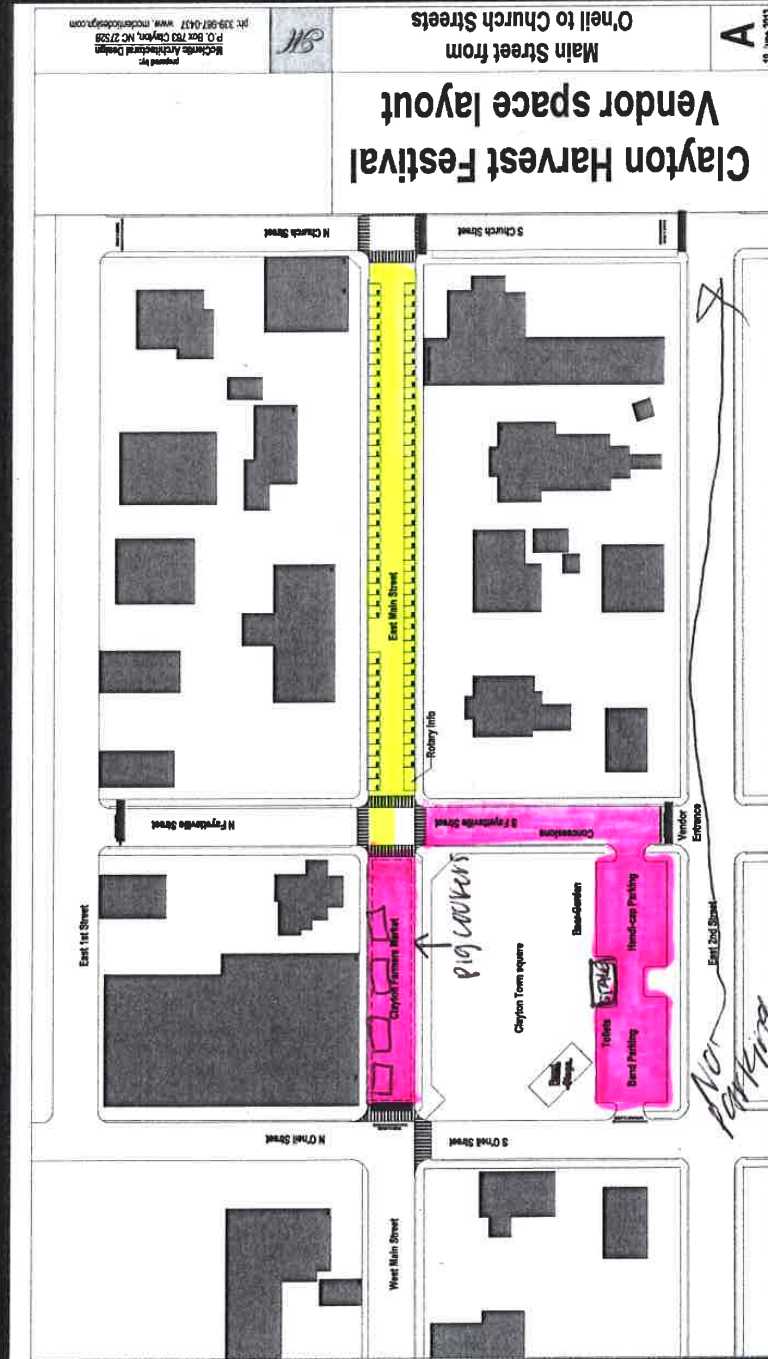
Prepared by:
McClintock & Associates, Inc.
P.O. Box 183 Clayton, NC 27925
ph: 336-587-6437 www.mccintockdesign.com

main from O'Neil - Fayetteville 5pm Fri - 11pm Sat (savealin)
 main from Fayetteville - Church 5am Sat - 6pm Sat - (HFE vendors)



Site Plan

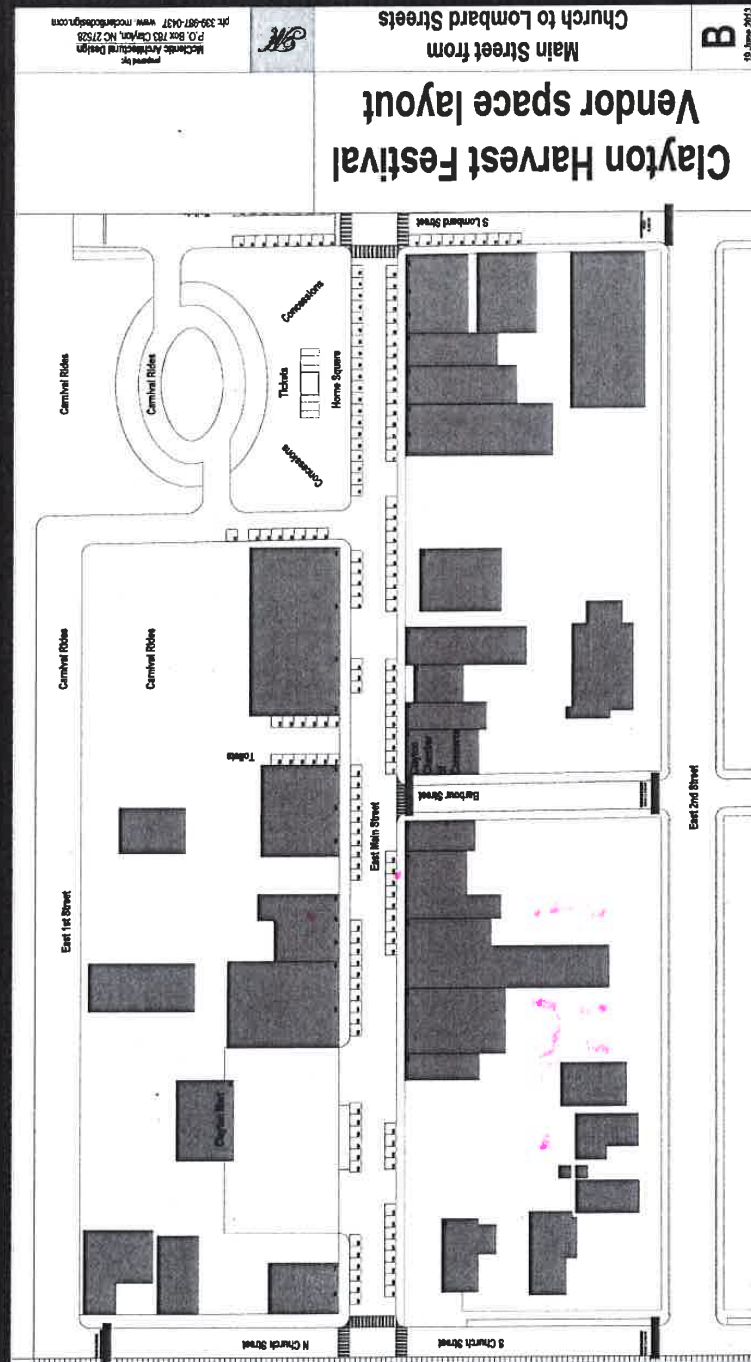
Clayton Harvest & Music Festival 2015-6



Townsg. & parking lot 5pm Fri - 11pm Sat

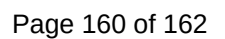


Clayton Harvest & Music Festival 2015-6



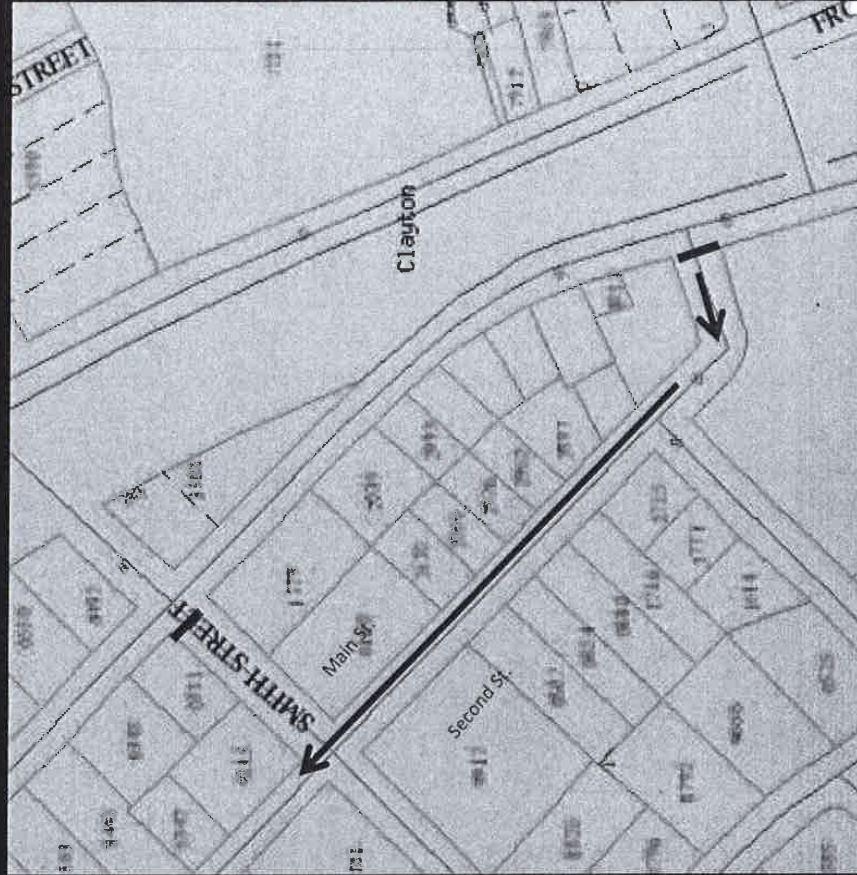


Clayton Harvest & Music Festival 2015-6





Site Plan Clayton Harvest & Music Festival 2015-6



**RESOLUTION REQUEST
STREET CLOSURE
2016 HARVEST & MUSIC FESTIVAL**

WHEREAS, the Clayton Town Council has received a request from the Clayton Chamber of Commerce to close Main Street for the 2016 Harvest & Music Festival.

WHEREAS, the Clayton Town Council believes that it is in the best interest of the citizens of Clayton that they act favorably on said request and formally notify the North Carolina Department of Transportation for the closing of Main Street between O'Neil and East Second Street AND the closing of Lombard Street between Main and Second Street on the following date and times:

Saturday, September 17, 2016
5:00 a.m. – 6:00 p.m.

ADDITIONALLY, the closing of Main Street between O'Neil and S. Fayetteville Street on the following date and times:

Friday, September 16, 2016 through Saturday, September 17, 2016
3:00 p.m. – 11:59 p.m.

NOW, THEREFORE, the Clayton Town Council does hereby resolve as follows:

That the Clayton Town Council agrees to be the governmental entity making a request for the closing of said road at said times and for obtaining compliance with those requirements of the North Carolina Department of Transportation for conducting of said road closure.

Duly adopted this the 18th day of July, 2016.

Jody L. McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk