



**The Town Of Clayton
Town Council Work Session Meeting Agenda
Monday, September 19, 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.)

4. ADMINISTRATIVE ITEMS

- a. Warranty Acceptance Public Water, Sewer & Pertinent Utility Easements
[Cover - Warranty Acceptance - Public Water ,Sewer & Pertinent Utility Easements](#)
[Warranty Acceptance TOMAR Medical Office, Spring Branch](#)
[Warranty Acceptance Clayton Endoscopy Lot II](#)

POTENTIAL ACTION: Place on October 3, 2016 Consent Agenda

5. INTRODUCTIONS AND SPECIAL PRESENTATIONS

- a. Request for HS Band Classic Day Proclamation
Presenter: Bobby McFarland, Band Director
[2016 Clayton Band Classic Proclamation](#)

POTENTIAL ACTION: Place on October 3, 2016 Consent Agenda

- b. Introduction of Town of Clayton Employees:
Presenter: Robert McKie, Finance Director
- Chad Wallace, Warehouse Specialist
- Presenter:* Dale Medlin, Electric Distribution System Director
- Amy Calo, Energy Services Technician
 - Penny Adams, Administrative Support Specialist

- Cory Barrows, Electric Line Technician
 - Jake Lorren, Senior Electric Line Technician
- Presenter:* Captain Herring
- Amber Butler, Animal Control Officer
- c. Recognition of Clayton Rotary - Community Yard Signs
Presenter: Stacy Beard, Public Information Officer
- d. Tribute to Vets Committee Informational Update/Funding Request
Presenter: Frank DeVoid, Committee Member

6. ITEMS SCHEDULED FOR THE REGULAR MEETING

- a. Proposed 2017 Holiday Schedule
Presenter: Kimberly Moffett, Town Clerk
[Cover - Proposed 2017 Holiday Schedule](#)
[Resolution - Proposed 2017 Holiday Schedule](#)

POTENTIAL ACTION: Place on October 3, 2016 Consent Agenda
- b. Proposed 2017 Town Council Meeting Schedule
Presenter: Kimberly Moffett, Town Clerk
[Cover - Proposed 2017 TC Meeting Schedule](#)
[Resolution - Proposed 2017 TC Meeting Schedule](#)

POTENTIAL ACTION: Place on October 3, 2016 Consent Agenda
- c. Cemetery Billing Update
Presenter: Ann Game, Customer Service Director
[Cover - Cemetery Billing Update](#)
[Cemetery Presentation](#)
[Cemetery Collections Spreadsheet](#)

POTENTIAL ACTION: Provide Staff Direction
- d. Credit Card Fees - Non Utility Payments
Presenter: Ann Game, Customer Service Director
[Cover - Non-Utility Credit Card Payments](#)
[Presentation - Non-Utility Credit Card Payments](#)

POTENTIAL ACTION: Place on October 3, 2016 Consent Agenda
- e. Rezoning - 2016-135-RZ - Lone Star Steakhouse
Presenter: Planning Department
- Requesting Rezoning from Highway Business Special Use District (B-3-SUD) to Highway Business (B-3)
- [Application - Lone Star Steakhouse 2016-135-RZ](#)
[Staff Report - Lone Star Steakhouse 2016-135-RZ](#)

[Staff Map - Lone Star Steakhouse Rezoning 2016-135-RZ](#)
[Neighborhood Meeting - Lone Star Steakhouse 2016-135-RZ](#)
[Planning Board Recommendation - Lone Star Steakhouse 2016-135-RZ](#)

POTENTIAL ACTION: Set Public Hearing for October 3, 2016

- f. Special Use Permit - 2016-146-SUP - Wine on Main
Presenter: Planning Department

- Request for Special Use Permit to designate as a lounge

[Application - Wine on Main 2016-146-SUP](#)

[Staff Report - Wine on Main 2016-146-SUP](#)

[Staff Map - Wine on Main 2016-146-SUP](#)

[Plan Measurements - Wine on Main 2016-146-SUP](#)

[Neighborhood Meeting - Wine on Main 2016-146-SUP](#)

[Planning Board Recommendation- Wine on Main - 2016-146-SUP](#)

POTENTIAL ACTION: Set Public Hearing for October 3, 2016

- g. Amendment to Code of Ordinances - Chapter 93 - Civil Emergencies

Presenter: Kimberly Moffett, Town Clerk

[Chapter 93 Amendment](#)

POTENTIAL ACTION: Place on October 3, 2016 Consent Agenda

7. ITEMS CONTINGENT FOR THE REGULAR MEETING

8. ITEMS FOR DISCUSSION

- a. Connect NC Bond Grant Program for Children and Veterans with Disabilities

Presenter: Larry Bailey, Parks & Recreation Director

[Memo - Connect NC Bond Grand Program](#)

[Celebration Playground Phase 1](#)

POTENTIAL ACTION: Approval of Grant Application

9. OLD BUSINESS

10. STAFF REPORTS

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

11. OTHER BUSINESS

- a. Informal Discussion & Public Comment
- b. Council Comments
- c. Closed Session
Pursuant to NCGS 143-318.11(a)(4) to discuss an economic development issue.

12. ADJOURNMENT



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

AGENDA LOCATION:

Administrative Items

Meeting Date:

September 19, 2016

ITEM TITLE:

Warranty Acceptance Public Water, Sewer & Pertinent Utility Easements

DESCRIPTION:

Warranty acceptance request for public water, sewer, and all pertinent utility easements for TOMAR Medical Office, Spring Branch and Clayton Endoscopy Lot II.

POTENTIAL ACTION:

Place on Consent Agenda

DEPARTMENT:

Engineers/Inspection

PRESENTER:

Chris Rowland, Construction Project
Administrator

ITEM HISTORY:

Date:

Action Taken:

Information Provided:

Date:

Action Taken:

Information Provided:

TOWN OF CLAYTON OPERATIONS CENTER

"SERVICE"

ELECTRIC SERVICE
(919) 553-1530

VEHICLE MAINTENANCE
(919) 553-1530



"ENVIRONMENT"

PUBLIC WORKS
(919) 553-1530

WATER RECLAMATION
(919) 553-1535

MEMORANDUM

To: Kimberly Moffett, Town Clerk

From: Chris Rowland, Construction Project Administrator *CR*

Copy: Dave DeYoung, Planning Director
Mike Zaccardo, Wetherill Engineering

Date: August 18, 2016

Subject: TOMAR Medical Office, Spring Branch

Please place a warranty acceptance request for the subject public water, sewer, and all pertinent utility easements on the next available agenda. All punch list items have been addressed and record drawings have been accepted. Following said 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 

Copy: Dave DeYoung, Planning Director
Mike Zaccardo, Wetherill Engineering

Date: September 2, 2016

Subject: Clayton Endoscopy Lot II

Please place a one-year warranty acceptance request for the subject public water and sewer utilities, 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.

WHEREAS, the Clayton Band Classic was established in 1986 with the purpose of conducting competition among interested High School Marching Bands, to increase student interest, to bring out their musical talents, and to create pride in the local school band; and

WHEREAS, the Clayton Band Boosters will sponsor the 31st Annual Clayton Band Classic on October 15, 2016 at Clayton High School; and

WHEREAS, the Clayton Band Classic continually delivers on the promise to provide all band participants from various high schools a positive and pleasant experience; and

WHEREAS, the Clayton Band Classic promises to provide citizens of the Clayton area community the opportunity to enjoy all the sights, sounds, and pageantry of watching the extraordinary talent of high school bands perform;

NOW, THEREFORE, LET IT BE PROCLAIMED by the Honorable Mayor and Town Council of the Town of Clayton that October 15, 2016, be recognized as:

CLAYTON BAND CLASSIC DAY

Let it also be proclaimed that all businesses, industries and citizens in the Clayton area are urged to support the Clayton Band Boosters and the Clayton Band Classic.

Duly adopted this 3rd day of October, 2016.

Jody L. McLeod
Mayor



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

AGENDA LOCATION:

Items Scheduled for Regular Meetings

Meeting Date:

September 19, 2016

ITEM TITLE:

2017 Holiday Schedule

DESCRIPTION:

Proposed 2017 Holiday Schedule is attached for approval.

POTENTIAL ACTION:

Place on Consent Agenda

DEPARTMENT:

Administration

PRESENTER:

ITEM HISTORY:

Date:

Action Taken:

Information Provided:

Date:

Action Taken:

Information Provided:

TOWN OF CLAYTON

2017 HOLIDAY SCHEDULE

WHEREAS, it is the policy of the Town of Clayton to follow the holiday schedule provided by the State of North Carolina for its employees; and

WHEREAS, the below 2017 Holiday Schedule was retrieved from the State of North Carolina website: Listed below are the holidays that will be observed by State employees during 2017.

2017 Holiday Schedule		
Holiday	Observance Date	Day of Week
New Year's Day	January 2, 2017	Monday
Martin Luther King Jr.'s Birthday	January 16, 2017	Monday
Good Friday	April 14, 2017	Friday
Memorial Day	May 29, 2017	Monday
Independence Day	July 4, 2017	Tuesday
Labor Day	September 4, 2017	Monday
Veteran's Day	November 10, 2017	Friday
Thanksgiving	November 23 & 24, 2017	Thursday and Friday
Christmas	December 25, 26 & 27, 2017	Monday, Tuesday & Wednesday

NOW, THEREFORE, BE IT RESOLVED that the Town Council of Clayton hereby adopts the 2017 Holiday Scheduled as presented.

Duly adopted this 3rd day of October, 2016 while in regular session.

Jody McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk



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

AGENDA LOCATION:

Items Scheduled for Regular Meetings (2)

Meeting Date:

September 19, 2016

ITEM TITLE:

2017 Town Council Meeting Schedule

DESCRIPTION:

Proposed 2017 Town Council meeting schedule is presented for consideration.

POTENTIAL ACTION:

Place on Consent Agenda

DEPARTMENT:

Administration

PRESENTER:

Kimberly Moffett

ITEM HISTORY:

Date:

Action Taken:

Information Provided:

Date:

Action Taken:

Information Provided:

**TOWN OF CLAYTON
2017 TOWN COUNCIL MEETING SCHEDULE**

WHEREAS, the Clayton Town Council exists to conduct the business of the citizens; and

WHEREAS, the Clayton Town Council meetings are held the first and third Monday of the month at 6:30 p.m. in the Council chamber of the Town Hall, unless otherwise noted; and

WHEREAS, each meeting of the Clayton Town Council is open to the public, except as provided by NC G.S. 143-318.11; and

WHEREAS, the Clayton Town Council may amend the yearly meeting schedule in accordance with NC G.S. 143-318.12:

TOWN OF CLAYTON 2017 CALENDAR TOWN COUNCIL MEETINGS		
MONTH	REGULAR SESSION	WORK SESSION
January	January 3, 2017 (Tuesday)	January 17, 2017 (Tuesday)
February	February 6, 2017	February 20, 2017
March	March 6, 2017	March 20, 2017
April	April 3, 2017	April 17, 2017
May	May 1, 2017	May 15, 2017
June	June 5, 2017	June 19, 2017
July	July 3, 2017	July 17, 2017
August	August 7, 2017	August 21, 2017
September	September 5, 2017 (Tuesday)	September 18, 2017
October	October 2, 2017	October 16, 2017
November	November 6, 2017	November 20, 2017
December	December 4, 2017	December 18, 2017

NOW THEREFORE, BE IT RESOLVED that the Town Council of Clayton hereby adopts the 2017 Clayton Town Council Schedule as presented.

Duly adopted this 3rd day of October, 2016 while in regular session.

Jody McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC
Town Clerk



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

AGENDA LOCATION:

Items Scheduled for Regular Meetings

Meeting Date:

September 19, 2016

ITEM TITLE:

Cemetery Billing Update

DESCRIPTION:

Discussion regarding current unpaid and past due cemetery lots.

POTENTIAL ACTION:

None – Informational Only

DEPARTMENT:

Customer Service Department

PRESENTER:

Ann Game, Customer Service Director

ITEM HISTORY:

Date:

Action Taken:

Information Provided:

Date:

Action Taken:

Information Provided:



Cemetery Collection Issues

Council Update
September 19, 2016

Current Situation

- 79 collection letters mailed in April
 - 34 paid as requested (14 in full)
 - 18 letters returned as undeliverable
 - 45 customers past due
- Currently past due balance = \$51,695
- Unpaid graves = 82
- Two customers are on a monthly pay arrangement to pay off balance.

Current Ordinance

- 92.01 SALE OF USE LICENSE FOR CEMETERY LOTS
- ...Any contracts not paid in full by June 30 of the year the contract was executed will be terminated and no refunds will be granted. ...

Staff Recommendation for Existing Unpaid Lots

- Send certified letters to the 45 customers
- Effective February 1, 2017 for all unpaid invoices, we will terminate the existing contracts due non payment and refund NO monies.

Staff Recommendation for Ordinance Changes

92.01 SALE OF USE LICENSE FOR CEMETERY LOTS

© All persons desiring to purchase a use license for cemetery lots on an installment basis will be subject to the following: A down payment of not less than \$100 will be required. A contract for purchase of the use license must be executed by the purchaser and the Public Works and Utilities Director or their designee detailing price, term and payment due dates. ~~The terms are to allow for installment payments with payment in full for each cemetery lot to be completed by June 30 regardless of the date the contract for the use license is executed.~~ The terms are to allow for payment in full of one lot at the time of purchase with any additional lot purchases to be paid in full by June 30 of the following year. Any contracts not paid in full by June 30 of the year the contract was executed will be terminated and no refunds will be granted. Hardship cases will be determined by the Town Manager or his designee. As stipulated in division (A) of this section, no burials will take place and no use licenses will be issued until payment in full is made.

Questions?

# Plots Purchased	Date of Contract	Original Balance	Amount Paid to Date	Past Due Balance	Outstanding Balance	Date Final Payment Due
2	2/21/2013	\$ 2,000	\$ 1,500	\$ 500	\$ 500	6/30/2014
4	5/29/2012	\$ 2,400	\$ 650	\$ 1,750	\$ 1,750	6/30/2015
3	6/7/2012	\$ 1,800	\$ 600	\$ 1,200	\$ 1,200	6/30/2015
4	6/30/2012	\$ 2,400	\$ 600	\$ 1,800	\$ 1,800	6/30/2015
2	5/28/2013	\$ 2,000	\$ 1,000	\$ 1,000	\$ 1,000	6/30/2014
1	10/23/2009	\$ 600	\$ 65	\$ 535	\$ 535	6/30/2010
12	12/13/2011	\$ 7,200	\$ 1,800	\$ 1,200	\$ 5,400	6/30/2023
16	5/16/2011	\$ 9,600	\$ 2,500	\$ 500	\$ 7,100	6/30/2027
6	3/20/2012	\$ 3,600	\$ 1,320	\$ 1,080	\$ 2,280	6/30/2018
12	4/22/2014	\$ 12,000	\$ 4,000	\$ -	\$ 8,000	6/30/2025
2	8/16/2016	\$ 2,000	\$ 1,000	\$ -	\$ 1,000	6/30/2018
3	9/2/2014	\$ 3,000	\$ 2,300	\$ -	\$ 700	6/30/2017
2	9/30/2011	\$ 1,200	\$ 600	\$ 600	\$ 600	6/30/2012
5	10/23/2009	\$ 3,000	\$ 1,150	\$ 1,850	\$ 1,850	6/30/2014
5	6/6/2012	\$ 3,000	\$ 600	\$ 1,800	\$ 2,400	6/30/2017
4	12/8/2014	\$ 4,000	\$ 2,000	\$ -	\$ 2,000	6/30/2018
4	3/1/2010	\$ 2,400	\$ 600	\$ 1,800	\$ 1,800	6/30/2013
2	7/30/2015	\$ 2,000	\$ 1,100	\$ -	\$ 900	6/30/2017
2	8/8/2011	\$ 1,200	\$ 600	\$ 600	\$ 600	6/30/2013
1	8/4/2016	\$ 1,000	\$ -	\$ -	\$ 1,000	6/30/2017
1	8/5/2016	\$ 1,000	\$ 100	\$ -	\$ 900	6/30/2017
4	8/19/2016	\$ 4,000	\$ 100	\$ -	\$ 3,900	6/30/2020
8	4/1/2009	\$ 4,800	\$ 1,200	\$ 3,000	\$ 3,600	6/30/2017
2	6/26/2012	\$ 1,200	\$ 600	\$ 600	\$ 600	6/30/2014
2	4/27/2015	\$ 2,000	\$ 1,000	\$ 1,000	\$ 1,000	6/30/2016
2	7/5/2016	\$ 2,000	\$ 200	\$ -	\$ 1,800	6/30/2018
2	2/8/2011	\$ 1,200	\$ 600	\$ 600	\$ 600	6/30/2012
8	11/27/2013	\$ 8,000	\$ 4,000	\$ -	\$ 4,000	6/30/2021
4	6/4/2012	\$ 2,400	\$ 1,700	\$ 700	\$ 700	6/30/2015
14	3/2/2012	\$ 8,400	\$ 620	\$ 1,780	\$ 7,780	6/30/2025

7	2/7/2011	\$ 4,200	\$ 1,800	\$ 1,800	\$ 2,400	6/30/2017
4	3/10/2010	\$ 2,400	\$ 900	\$ 1,500	\$ 1,500	6/30/2013
2	3/28/2008	\$ 1,200	\$ 600	\$ 600	\$ 600	6/30/2009
4	1/18/2012	\$ 2,400	\$ 2,250	\$ 150	\$ 150	6/30/2015
4	4/11/2011	\$ 2,400	\$ 600	\$ 1,800	\$ 1,800	6/30/2014
4	5/2/2012	\$ 2,400	\$ 2,300	\$ 100	\$ 100	6/30/2015
2	8/15/2016	\$ 2,000	\$ 100	\$ -	\$ 1,900	6/30/2018
3	5/20/2013	\$ 3,000	\$ 1,000	\$ 2,000	\$ 2,000	6/30/2016
3	2/13/2015	\$ 3,000	\$ 2,000	\$ -	\$ 1,000	6/30/2017
1	10/2/2012	\$ 1,000	\$ 800	\$ 200	\$ 200	6/30/2013
2	8/9/2016	\$ 2,000	\$ 1,000	\$ -	\$ 1,000	6/30/2018
6	3/2/2012	\$ 3,600	\$ 1,200	\$ 600	\$ 2,400	6/30/2019
4	6/4/2012	\$ 2,400	\$ -	\$ 2,400	\$ 2,400	6/30/2016
2	7/2/2012	\$ 1,200	\$ 750	\$ 450	\$ 450	6/30/2014
4	1/6/2012	\$ 2,400	\$ 600	\$ 1,800	\$ 1,800	6/30/2015
1	6/26/2013	\$ 1,000	\$ 100	\$ 900	\$ 900	6/30/2014
1	6/30/2014	\$ 1,000	\$ 100	\$ 900	\$ 900	6/30/2015
8	8/7/2012	\$ 4,800	\$ 2,950	\$ -	\$ 1,850	6/30/2020
4	6/16/2012	\$ 2,400	\$ 600	\$ 1,800	\$ 1,800	6/30/2015
2	7/28/2015	\$ 2,000	\$ 1,900	\$ -	\$ 100	6/30/2017
3	7/10/2012	\$ 1,800	\$ 370	\$ 1,430	\$ 1,430	6/30/2015
2	7/6/2012	\$ 1,200	\$ 250	\$ 950	\$ 950	6/30/2014
2	11/3/2015	\$ 2,000	\$ 1,000	\$ -	\$ 1,000	6/30/2017
4	3/20/2012	\$ 2,400	\$ 600	\$ 1,800	\$ 1,800	6/30/2015
2	8/17/2012	\$ 1,200	\$ 600	\$ 600	\$ 600	6/30/2014
3	2/21/2013	\$ 1,800	\$ 860	\$ 940	\$ 940	6/30/2015
3	8/10/2015	\$ 3,000	\$ 2,400	\$ -	\$ 600	6/30/2018
1	8/10/2016	\$ 1,000	\$ 300	\$ -	\$ 700	6/30/2017
5	3/23/2012	\$ 3,000	\$ 2,400	\$ -	\$ 600	6/30/2017
7	7/12/2005	\$ 4,200	\$ 1,700	\$ 2,500	\$ 2,500	6/30/2012
4	9/2/2015	\$ 4,000	\$ 1,500	\$ -	\$ 2,500	6/30/2019
4	8/11/2014	\$ 4,000	\$ 3,000	\$ -	\$ 1,000	6/30/2018
4	8/4/2008	\$ 2,400	\$ 1,520	\$ 880	\$ 880	6/30/2012
2	2/25/2016	\$ 2,000	\$ 1,000	\$ -	\$ 1,000	6/30/2017

3	11/12/2010	\$ 1,800	\$ 600	\$ 1,200	\$ 1,200	6/30/2012
2	8/2/2012	\$ 1,200	\$ 600	\$ 600	\$ 600	6/30/2014
\$ 51,795						



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

AGENDA LOCATION:

Items Scheduled for Regular Meetings

Meeting Date:

September 19, 2016

ITEM TITLE:

Credit Card Fees - Non Utility Payments

DESCRIPTION:

Discussion regarding Non-Utility credit card payments.

POTENTIAL ACTION:

Place on Consent Agenda

DEPARTMENT:

Customer Service Department

PRESENTER:

Ann Game, Customer Service Director

ITEM HISTORY:

Date:

Action Taken:

Information Provided:

Date:

Action Taken:

Information Provided:



Non-Utility Credit Card Payments

Ann Game

Customer Service Director

September 19, 2016

Current Situation

- We only accept credit card payments for NON-UTILITY payments up to \$500
- Limits customer payment options
 - Example: Credit cards not accepted for payment of a cemetery plot if over \$500
- Not a good customer service practice!



Non Utility Credit Card Information

- 200 credit card payments for non utilities paid since July 1, 2016
- Average payment \$75
- Currently customers are paying \$3.95 convenience fee
- Total average non utility payment \$78.95



If we accept credit card payments with a varying rate...

- \$75 transaction at 3% = \$77.25
- \$75 transaction at 5% = \$78.75



Staff Recommendation

- **Non Utility credit card payments will be charged a varying fee between 3% & 5% (dependent upon type of card, etc) which will be absorbed by the customer.**



Questions?



TOWN OF CLAYTON

Planning Department

111 E. Second Street, Clayton, NC 27520

P.O. Box 879, Clayton, NC 27528

Phone: 919-553-5002

Fax: 919-553-1720

REZONING APPLICATION

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

Application Fees: **Standard Rezoning Fee: \$500.00**
Rezoning to Planned Development District Fee: \$1,000.00 + \$5.00 acre
Advertisement Fee: \$100.00
All fees are due when the application is submitted.

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

SITE INFORMATION

Name of Project: LOMBE STAR STEAKHOUSE Acreage of Property: 1.68
County Tag Number: 05G02001H NC PIN: 164900-87-7344
Address/Location: 13049 US HWY 70 BUS
Existing Zoning District: SPECIAL USE - B3
Proposed Zoning District: B3 (Highway Business)

APPLICANT INFORMATION

Applicant: JAMES R. LEVINSON / Randal Durham
Mailing Address: 101 SLEEPY CREEK DR, CLAYTON NC 27520
Phone Number: 9198943466 Fax: 9198944108
Contact Person: JAMES R LEVINSON
Email Address: LEVINSONLAW@EMBARQMAIL.COM

919-422-7349
radurham1@gmail.com

FOR OFFICE USE ONLY

Date Received: JUN 17 2016 Amount Paid: \$500.00 File Number: 2016-135R2

version 16-2016
TOWN OF CLAYTON
PLANNING DEPARTMENT

\$100.00 - Ad Fee

Page 1 of 10

PROPERTY OWNER INFORMATION

Name: JAMES R LEVINSON
Mailing Address: 101 SLEEPY LAKE DR, CLAYTON NC 27520
Phone Number: 919 894 3466 Fax: 919 894 4108
Email Address: LEVINSONLANE@EMBARQMAIL.COM

EXPLANATION OF PROJECT

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

EXISTING BUSINESS - DESIRE TO REMOVE SPECIAL USE
DISTRICT DESIGNATION TO

REQUIRED INFORMATION (to be submitted with the application)

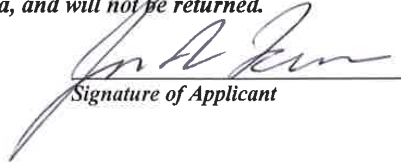
The following items must accompany a Rezoning application.

To be completed by the applicant:			For staff use only:		
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: <u>06/17/2016</u>	☒	☐			
2. Review Fee (\$500 for standard rezoning OR \$1,000 + \$5.00/acre for Planned Developments) and Advertisement Fee (\$100)	☐				
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, and also submitted electronically in MS 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>	☐				

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.

JAMES R. LEWIS
Print Name


Signature of Applicant

6/14/16
Date



TOWN OF CLAYTON
Planning Department

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

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: LOVE STAR STARKHOUSE Address or PIN #: 13049 US HWY 70 BCS
CLAYTON, NC 27520

AGENT/APPLICANT INFORMATION:

JAMES R LEVINSON 101 SLEEPY CROOK DR
(Name - type, print clearly) (Address)
CLAYTON, NC 27520
(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):

RANDELL DURHAM
4567 LITTLE CROOK CREEK RD CLAYTON NC 27520

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.

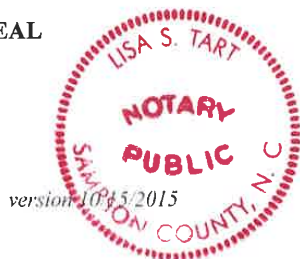
OWNER AUTHORIZATION:

JAMES R LEVINSON 101 SLEEPY CROOK DR
(Name - type, print clearly) (Address)
[Signature] CLAYTON NC 27520
(Owner's Signature) (City, State, Zip)

STATE OF North Carolina
COUNTY OF Sampson

Sworn and subscribed before me Lisa S. Tart, a Notary Public for the above State and County, this the 15 day of June, 2016.

SEAL



[Signature]
Notary Public
My Commission
Expires: 10-14-19



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
August 22, 2016*

STAFF REPORT

Application Number: 2016-135-RZ
Project Name: Lonestar Steakhouse, Rezoning

NC PIN / Tag #: 164900-87-7344 / 05G02001H
Town Limits/ETJ: Town
Overlay: Special Use District, Thoroughfare Overlay District
Applicant: James Levinson
Owner: James Levinson
Location: 13049 US HWY 70 BUS, along Town Centre Blvd and across from Grand Plaza

Public Noticing:

- Neighborhood meeting August 10, 2016
- Signs Posted prior to August 12, 2016
- Letters mailed to adjacent property owners prior to September 23, 2016
- Newspaper ad noticed September 21, 2016 and September 28, 2016

REQUEST: Request to rezone the parcel from Highway Business-Special Use District (B-3-SUD) to Highway Business (B-3).

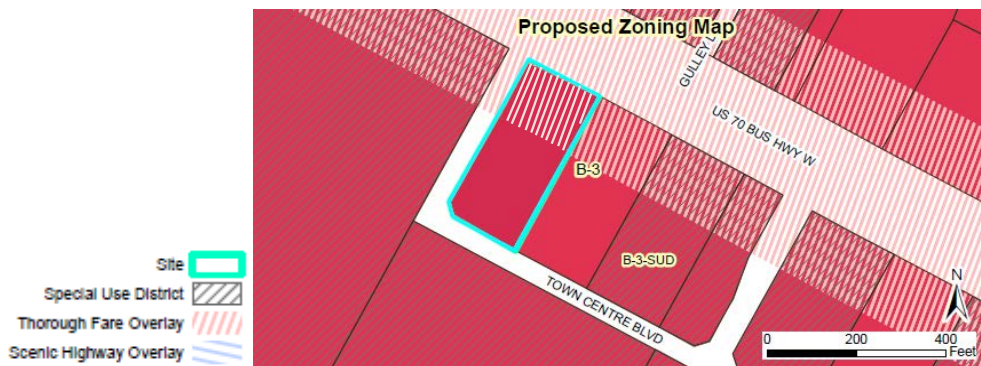


SITE DATA:

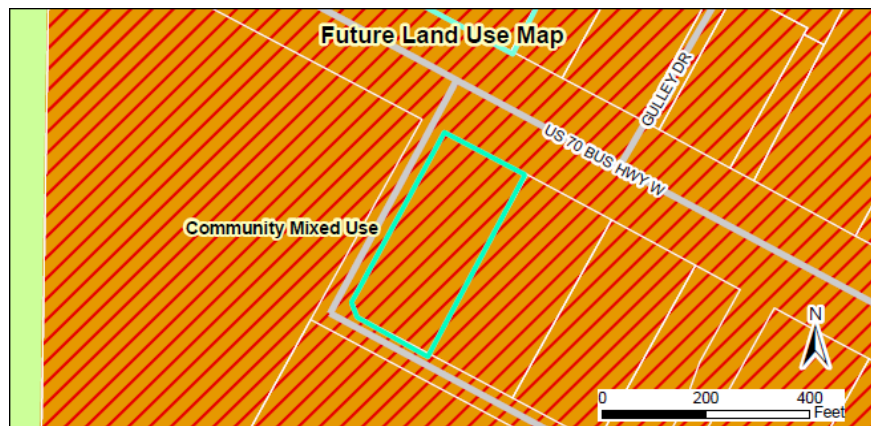
Acreage: 1.68 acres
Existing Uses: Restaurant

ADJACENT ZONING AND LAND USES:

Direction	Zoning	Existing Use
North	Highway-Business (Special Use District)	Commercial
South	Highway-Business (Special Use District)	Commercial
East	Highway-Business	Commercial
West	Highway-Business (Special Use District)	Vacant

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

The applicant is requesting to rezone the subject parcel from Highway Business-Special Use District (B-3-SUD) to B-3, in order to remove the Special Use District designation from the property. Special Use Districts require all potential uses to go through the special use process in order to operate, regardless of what the base zoning district permits. Based on direction from Town Council, staff sent letters to property owners that own property located within a Special Use District. These letters informed owners of what the Special Use District



designation means, and informed them that they are welcome to submit a rezoning application in order to remove the designation if they desired to do so. As a result of the letter, the applicant for this project is requesting to remove the Special Use District designation from the subject property.

Compatibility with Surrounding Land Uses

The proposed zoning change is to remove the special use district designation from the parcel, but the base zoning district of B-3 will remain. Therefore, the proposed zoning change is still compatible with the surrounding land uses, which are all commercial uses.

Consistency with the 2040 Comprehensive Plan

The proposed zoning change is consistent with Clayton's 2040 Comprehensive Plan.

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.
 - If approved, this rezoning will result in a modification to amend the official zoning map for The Town of Clayton.
-

APPROVAL CRITERIA:

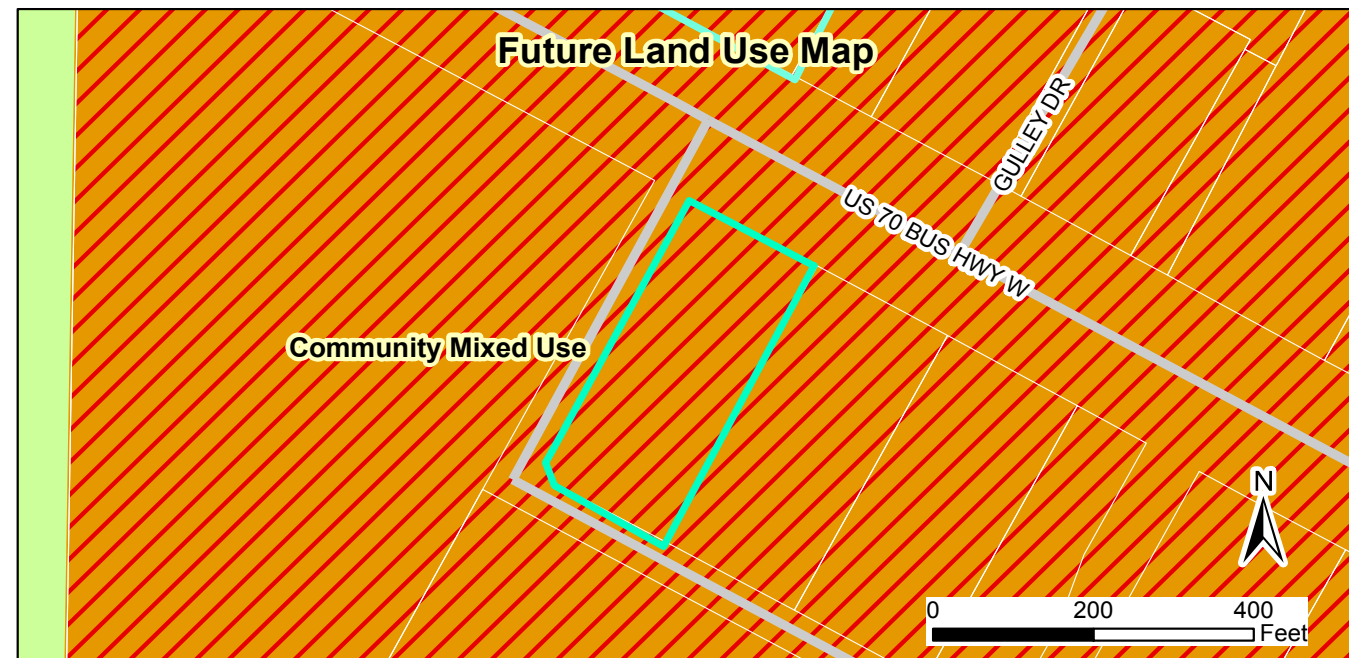
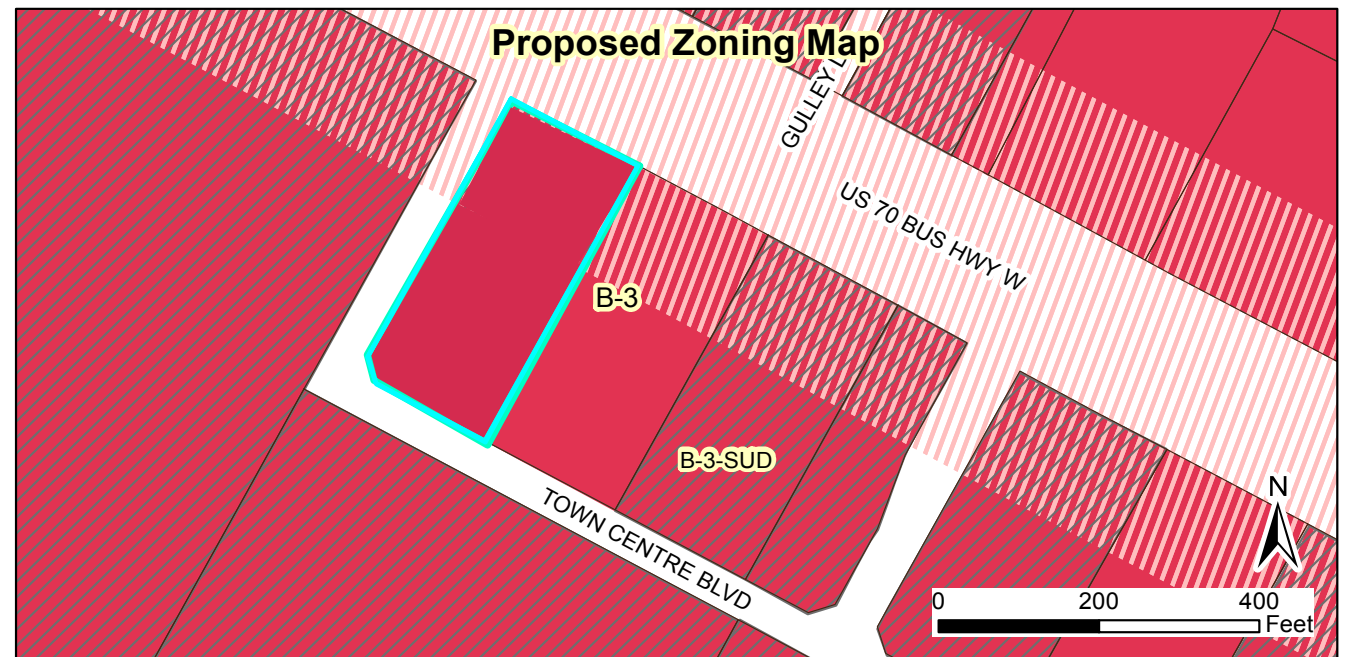
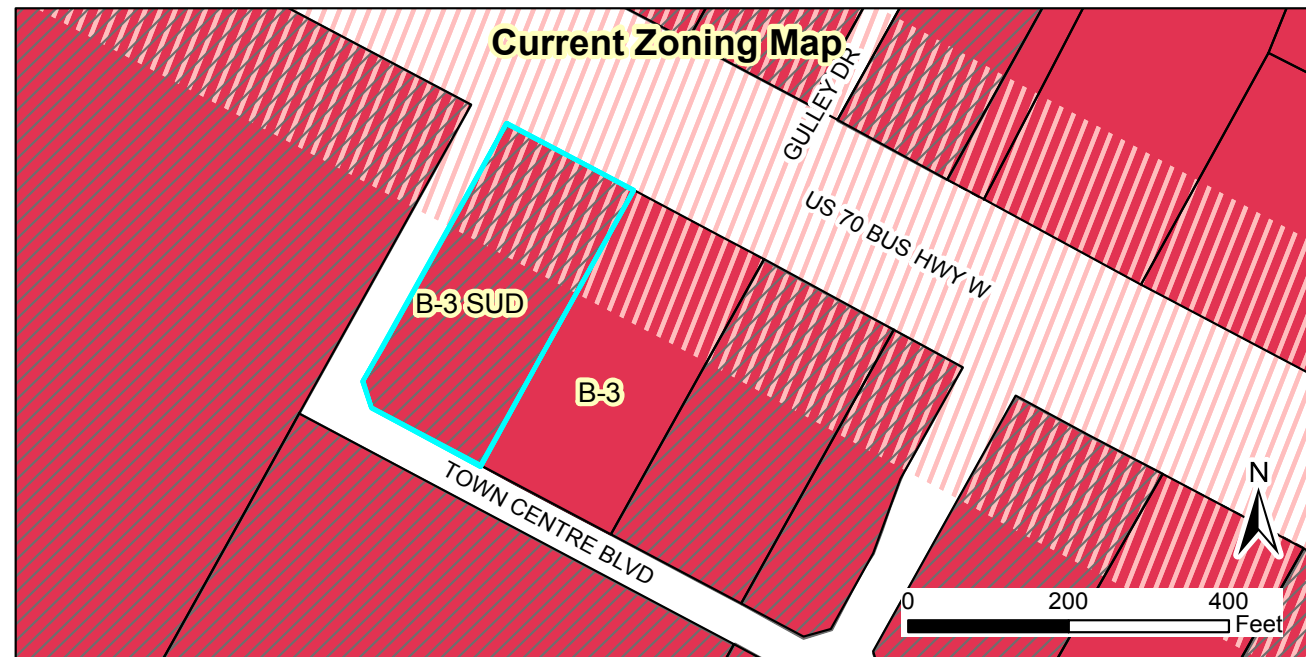
The applicant has addressed the Rezoning Approval Criteria outlined in §155.704. The applicant's responses are incorporated as an attachment to the Staff Report.

STAFF RECOMMENDATION:

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

ATTACHMENTS:

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



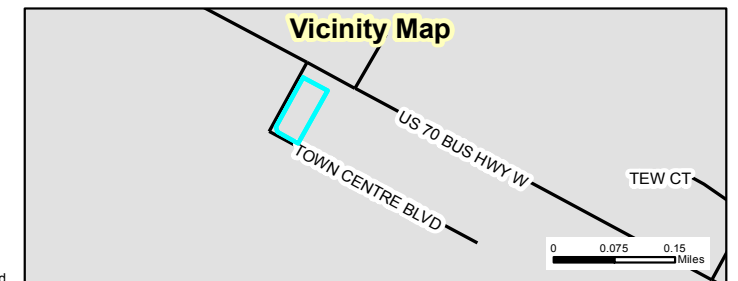
2016-121-RZ Performance Glass Rezoning 2016-135-RZ

Request: To rezone from B-3 SUD to B-3

Applicant: James Levinson/Randal Durham
 Property Owners: James Levinson
 Parcel ID: 164900-87-7344
 Tag #: 05G0200IH



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



Document Path: O:\PLANNING\REZONING\Rezoning\2016\2016-135-RZ Lonestar Steakhouse\Maps\2016-121-RZ Lonestar Rezoning.mxd

LEVINSON LAW FIRM, P.A.

ATTORNEYS AND COUNSELLORS AT LAW

JAMES R. LEVINSON

P.O. BOX 117
124 EAST MAIN STREET
BENSON, NORTH CAROLINA 27504
PHONE (919) 894-2518 • (919) 894-3466
FAX (919) 894-4108
email: levinsonlaw@embarqmail.com

219 JOHNSTON STREET
SMITHFIELD, NORTH CAROLINA 27577
PHONE (919) 934-8553
FAX (919) 934-5110

7/18/16

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 Johnson 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: Aug 10, 2016

Meeting Time: 6:00 PM

Meeting Location: Lone Star Steakhouse, Conference Room
13049 US Hwy 70 Bus, Clayton NC

Type of Application: To remove special use designation

Project/proposal Property Address: 13049 US Hwy 70 Bus, Clayton NC

Description of Project/Proposal: To remove Special Use District designation and resume B3
(Highway Business)

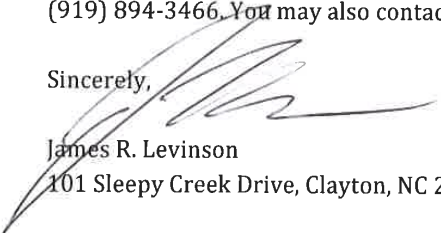
At a minimum, the following will be available for your inspection at the Neighborhood Meeting

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.

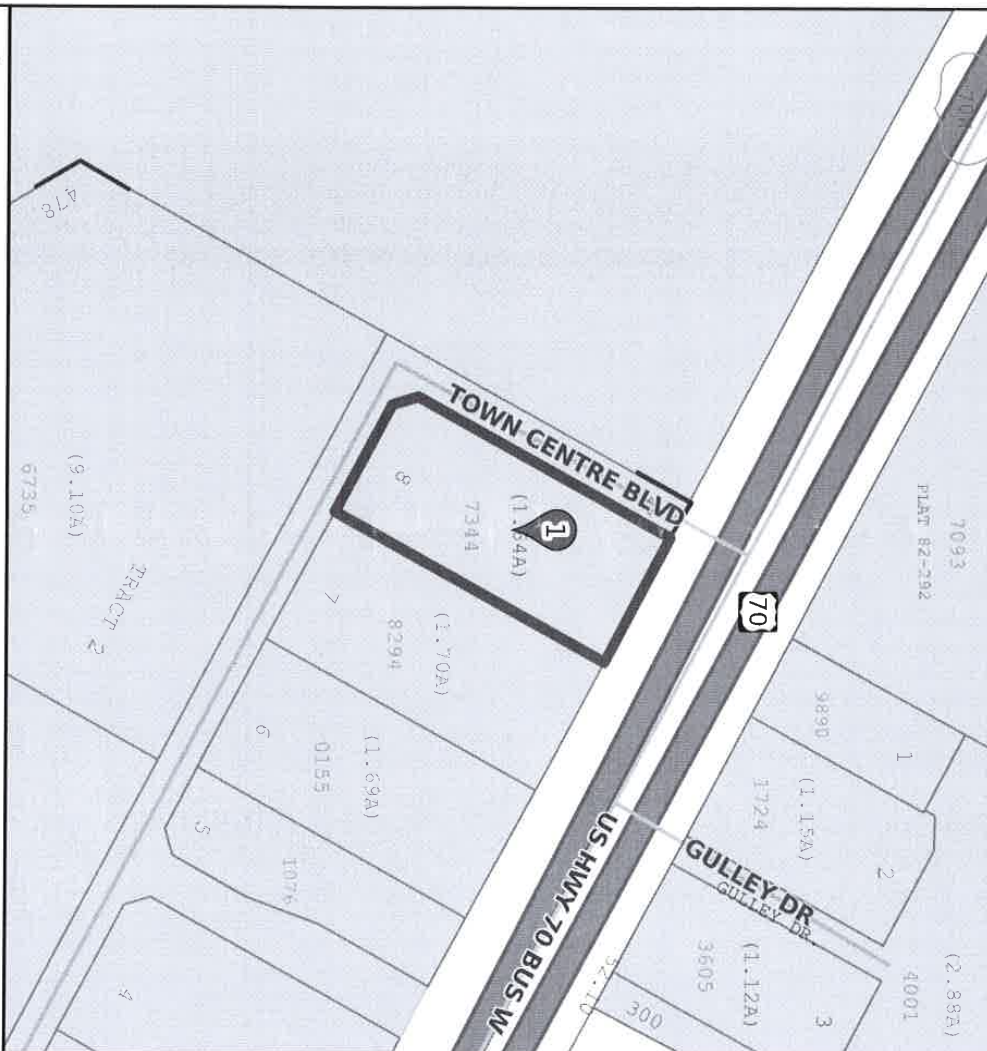
If you have any questions prior to or after this meeting, you may contact me at (919) 894-3466. You may also contact the Planning Department at 919-553-5002.

Sincerely,


James R. Levinson
101 Sleepy Creek Drive, Clayton, NC 27520

Cc: Town of Clayton Planning Dept.

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



Result 1

id: 05G02001H
Tag: 05G02001H
Tax Unique Id: 4370939
NCPin: 164900-87-7344
Mapsheet No: 1649
Owner Name 1: LEVINSON, JAMES R.
Owner Name 2:
Mail Address 1:
Mail Address 2: P O BOX 117
Mail Address 3: BENSON, NC 27504-0117
Site Address 1: 13049 US HWY 70 BUS
Site Address 2: CLAYTON, NC 27520
Book: 03680
Page: 0193
Market Value: 1843330
Assessed Acreage: 1.68
Calc. Acreage: 1.645
Sales Price: 1925000
Sale Date: 2009-04-02

Scale: 1:2456 - 1 in. = 204.65 feet

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

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Project: LUNE SIM STOKINUSE

Application: REMYNT SPOLINUSE DISTRICT TO B3

Location/Date: LUNE SIM STOKINUSE, 13049 US 70 BUS, CAMP 8/10/16

	NAME	ADDRESS
1	Stephen Douglas I Irrvocable Trust	319 Chapanoke Rd. Ste. 102 Raleigh, NC 27603-0000
2	Cynthia M. Stephens Irrvocable Trust	319 Chapanoke Rd. Ste. 102 Raleigh, NC 27603-0000
3	Carolina Park LLC	9005 Peachtree Town Ln. Knightdale, NC 27545-9710
4	Cadillac Sand Realty LLC	10689 N. Pennsylvania St. Ste. 100 Indianapolis, IN 46280-1099
5	Clayton Self Storage LLC	5540 Yates Mill Pond Rd. Raleigh, NC 27606-9688
6	WH Capital LLC	PO Box 6450 Norcross, GA 30091-0000
7	Fixapet LLC	1651 Folly Creek Way Charleston, SC 29412-0000
8	Haley E. Hogg, CZO Planner	PO BOX 879 Clayton, NC 27528
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		

NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Application: CITATION FROM SPECIM 450 B3 TO B3

Date of Mailing: 6/17/16

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: JAMES R. LEVINSON Signature: [Signature]

Date of Meeting: AUG 10, 2016 Time of Meeting: 6:00 PM

Location of Meeting: LONG STARR STORMHOUSE, 13049 US 70 BUS, CUMMINS NC

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.

NO ONE EXCEPT LANDOWNER JAMES R. LEVINSON
ATTENDED THE MEETING SO I AM AT A FIVE MIN.

AUG 11, 2016 [Signature]

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



*** DISCLAIMER ***

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

Result 1

id: 05G01199X
Tag: 05G01199X
Tax Unique Id: 4434046
NCPin: 164900-88-7093
Mapsheet No: 1649
Owner Name 1: CLAYTON SELF STORAGE
GROUP, LLC,
Owner Name 2:
Mail Address 1: 5540 YATES MILL POND RD
Mail Address 2:
Mail Address 3: RALEIGH, NC 27606-9688
Site Address 1: 12984 US HWY 70 BUS
Site Address 2: CLAYTON, NC 27520
Book: 04717
Page: 0350
Market Value: 539770
Assessed Acreage: 3.11
Calc. Acreage: 3.106
Sales Price: 543000
Sale Date: 2016-02-08

Result 2

id: 05G01201A
Tag: 05G01201A
Tax Unique Id: 4348497
NCPin: 164900-87-9890
Mapsheet No: 1649
Owner Name 1: WH CAPITAL LLC
Owner Name 2:
Mail Address 1:
Mail Address 2: PO BOX 6450
Mail Address 3: NORCROSS, GA 30091-0000
Site Address 1:
Site Address 2:
Book: 02592
Page: 0959
Market Value: 729100
Assessed Acreage: 0.66
Calc. Acreage: 0.66
Sales Price: 0
Sale Date: 2003-11-25

Result 3

id: 05G01201C
Tag: 05G01201C
Tax Unique Id: 4288166
NCPin: 164900-97-1724
Mapsheet No: 1649
Owner Name 1: FIXAPET LLC
Owner Name 2:
Mail Address 1: 1651 FOLLY CREEK WAY
Mail Address 2:
Mail Address 3: CHARLESTON, SC 29412-0000
Site Address 1:
Site Address 2:
Book: 03620
Page: 0603
Market Value: 1112300
Assessed Acreage: 1.15
Calc. Acreage: 1.148
Sales Price: 1825000
Sale Date: 2008-11-05



*** DISCLAIMER ***

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

Result 1

id: 05G02001H
Tag: 05G02001H
Tax Unique Id: 4370939
Owner Name 1: LEVINSON, JAMES R.
Owner Name 2:
Mail Address 1:
Mail Address 2: P O BOX 117
Mail Address 3: BENSON, NC 27504-0117
Book: 03680
Page: 0193

Result 2

id: 05G02001A
Tag: 05G02001A
Tax Unique Id: 4357241
Owner Name 1: STEPHEN DOUGLAS I
IRRVOABLE TRUST
Owner Name 2: CYNTHIA M STEPHENS
IRRVOABLE TRUST
Mail Address 1: 319 CHAPANOKE RD STE 102
Mail Address 2:
Mail Address 3: RALEIGH, NC 27603-0000
Book: 01875
Page: 0903

Result 3

id: 05G02001G
Tag: 05G02001G
Tax Unique Id: 4425965
Owner Name 1: CAROLINA PARK LLC
Owner Name 2:
Mail Address 1: 9005 PEACHTREE TOWN LN
Mail Address 2:
Mail Address 3: KNIGHTDALE, NC 27545-9710
Book: 04541
Page: 0642

Result 4

id: 05G02001I
Tag: 05G02001I
Tax Unique Id: 4424631
Owner Name 1: CADILLAC SAND REALTY LLC
Owner Name 2:
Mail Address 1: 10689 N PENNSYLVANIA ST
Mail Address 2: SUITE 100
Mail Address 3: INDANAPOLIS, IN 46280-1099
Book: 04593
Page: 0672

TOWN OF CLAYTON
PLANNING BOARD WRITTEN RECOMMENDATION
ZONING AMENDMENT
(REZONING AMENDMENT)

Lone Star Steakhouse
2016-135-RZ

On August 22, 2016 the Planning Board heard the above-referenced request and made the following vote:

Recommendation to the Town Council to

- ☒ approve the request;
☐ deny the request.

Recommendation(s) made this 22 day of August 2016 while in regular session.

Signed :



Frank Price, Planning Board Chair



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: on Premise malt Bev Special Use Permit Acreage of Property: _____
Parcel ID Number: _____ Tax ID: _____
Deed Book: _____ Deed Page(s): _____
Address/Location: 459 E. Main St

Existing Use: _____ Proposed Use: _____

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): _____

OFFICE USE ONLY

Date Received: JUN 01 2016 Amount Paid: \$500.00 Permit Number: 2016-146-SUP

version 01/06/2016

Page 1 of 9

PROPERTY OWNER INFORMATION

Name: Shauna Godwin
Mailing Address: 270 Benning Cir Clayton, NC 27527
Phone Number: 919 625-5976 Fax: _____
Email Address: _____

APPLICANT INFORMATION

Applicant: Temple Phipps / Wine on Main
Mailing Address: 115 E. Blanche St. Clayton NC 27520
Phone Number: 919 588 1730 Fax: _____
Contact Person: Temple Phipps
Email Address: wineonmainnc@gmail.com

REQUIRED INFORMATION (to be submitted with the application)

The following items must accompany a ^{Special} 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>06/30/2016</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



**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: On Premise Beer Address or PIN #: 459 E. Main St.
Special use permit

AGENT/APPLICANT INFORMATION:

Temple Phpps 115 E. Blanche St.
(Name - type, print clearly) (Address)
Clayton, NC 27520
(City, State, Zip)

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

Special use Associated process documents
Site plan

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

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

OWNER AUTHORIZATION:

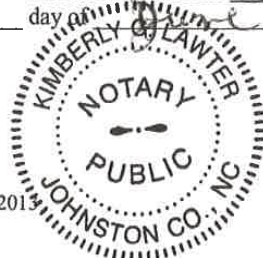
Shauna Godwin 270 Benning Cir
(Name - type, print clearly) (Address)
Shauna Godwin Clayton NC 27527
(Owner's Signature) (City, State, Zip)

STATE OF North Carolina
COUNTY OF Johnston

Sworn and subscribed before me Shirley Clanton a Notary Public for the above State and County, this
the 30 day of June 2014

SEAL

October 2013



Notary Public

My Commission Expires: 6/15/2020



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
August 22, 2016*

STAFF REPORT

Application Number: 2016-146-SUP
Project Name: Wine on Main, Special Use Permit

Address: 459 East Main Street
NC PIN/ Tag#: 166917-11-8563 / 05011024
Town Limits/ETJ: Town Limits
Overlay: Downtown
Applicant: Wine on Main, c/o Temple Phipps
Owner(s): Shauna Godwin

Neighborhood Meeting: Held on August 8, 2016
Public Noticing: Property posted prior to August 12, 2016
Letters mailed prior to September 23, 2016
Newspaper Ad published: September 21, 2016 and September 28, 2016

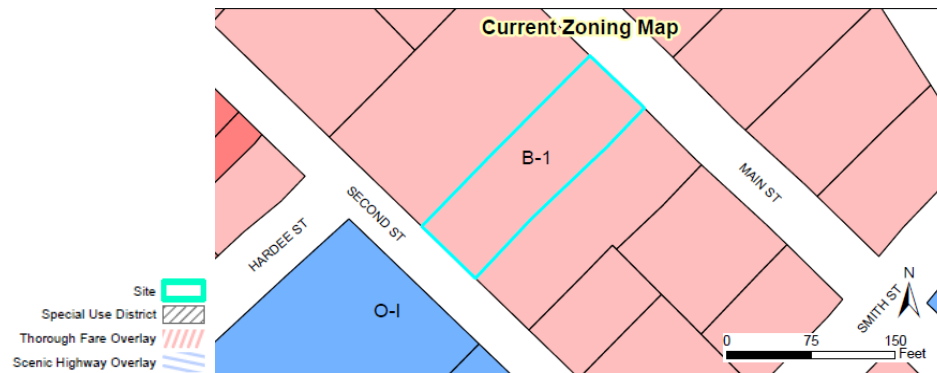
PROJECT LOCATION: The project is for the existing Wine on Main property, which is located at 459 East Main Street.

REQUEST: The applicant is requesting a Special Use Permit to sell on premise malt beverages in addition to their current wine sales. The Special Use Permit is for the operation of a Cocktail Lounge.



ADJACENT ZONING AND LAND USES:

Direction	Zoning	Existing Use
North	Central Business (B-1)	Commercial
South	Office-Institutional (O-I)	Residential (non-conforming)
East	Central-Business (B-1)	Residential (non-conforming)
West	Central Business (B-1)	Commercial

**SITE DATA:**

Acreage: .33 acres
 Zoning: Central Business (B-1)
 Existing Use: Retail with accessory on premise wine sales

DEVELOPMENT DATA:

Proposed Uses: Lounge, Cocktail
 Buildings: One building
 Fire Protection: Town of Clayton
 Access/Streets: The main entrance to the building is off of Main Street. There is also access via East Second Street through the back of the building, although that parking lot is primarily used for employee parking only, and is shared by the salon on that side of the parcel.

STAFF ANALYSIS AND COMMENTARY:**Overview**

The applicant is requesting a Special Use Permit in order to begin selling malt beverages for on premise consumption. Wine on Main currently sells wine on premise, but does not sell malt beverages at this time. The

proposed business is considered a “Lounge, Cocktail” use, based on definitions within the Unified Development Code. This use requires a Special Use Permit within the Central Business (B-1) zoning district. A Special Use Permit was not required of Wine on Main when it first opened because their on premise wine sales were accessory to their primary retail use. However, since they are expanding through the sale of malt beverages, a Special Use Permit must be obtained.

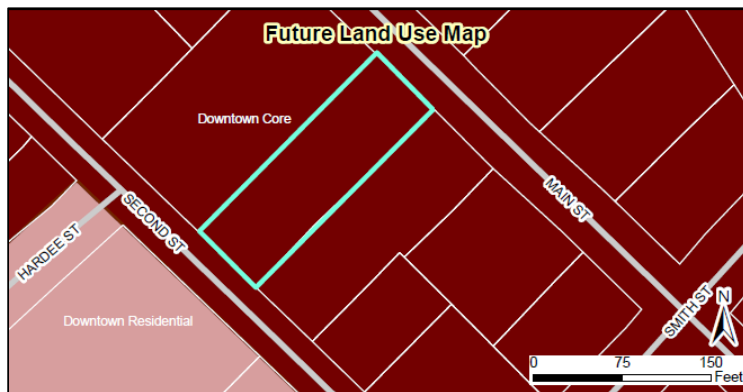
Wine on Main has been operating for over a year now, and is the recent recipient of a Downtown Façade Improvement and Site Element Grant. This grant helped make possible the expansion of the front porch outdoor seating area and associated formalization of the fencing along Main Street. The business occasionally hosts musicians and other small events in this outdoor space.

Parking is currently provided for employees in the gravel lot behind the business, and for customers along Main Street, and in other general downtown parking areas. A Traffic Impact Analysis is not required, since the threshold is not reached for peak hour trips. A increase in wastewater allocation may be needed as part of the expanded site plan, seating, and operations. Wine on Main also intends to serve a limited menu as part of their new operations. Restaurants are permitted outright in the B-1 zoning district.

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 request is compatible with surrounding land uses. Wine on Main is existing, and has been selling alcohol (wine) for on premise consumption for over a year now.

Associated Site Plan

The applicant submitted a minor site plan to run concurrently with this request. The site plan shall be reviewed and approved by staff. No changes to the site or landscaping are proposed.

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.
-

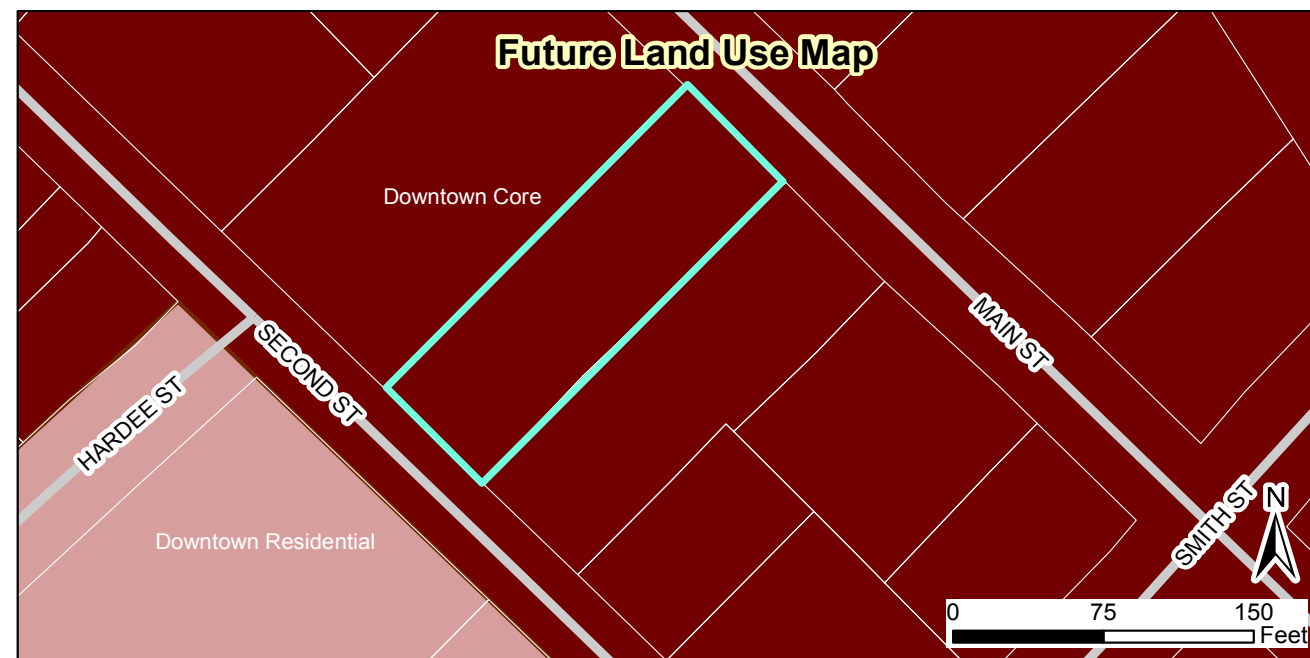
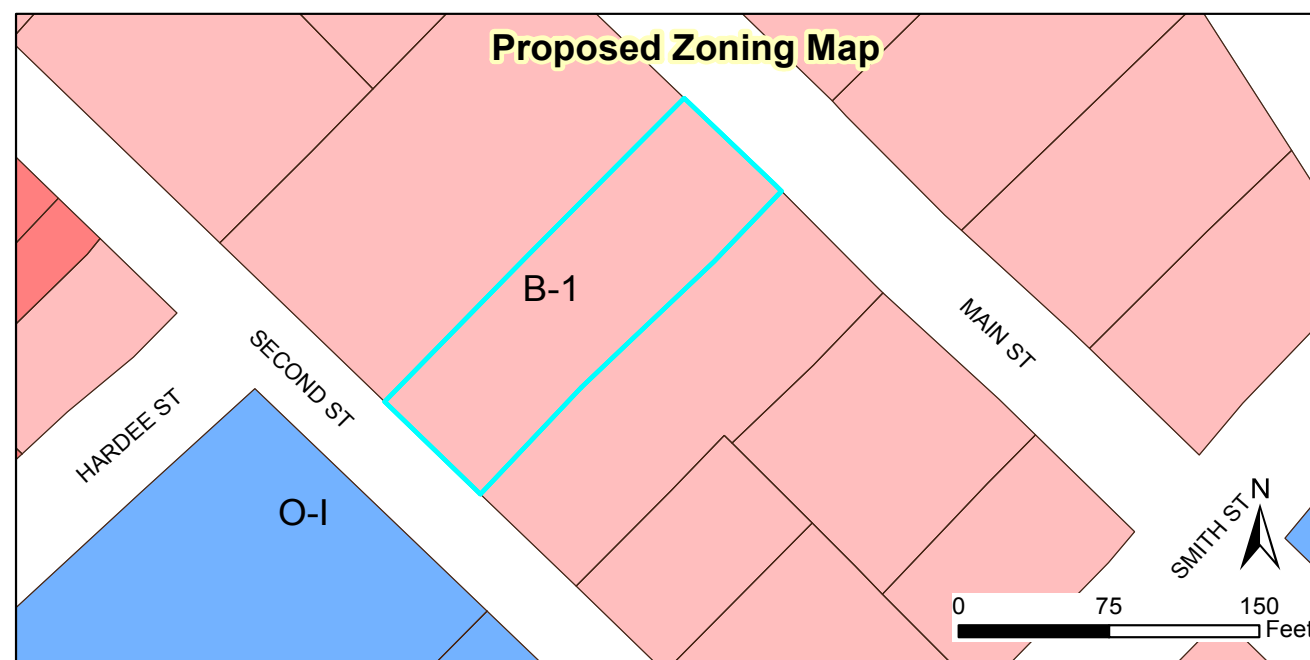
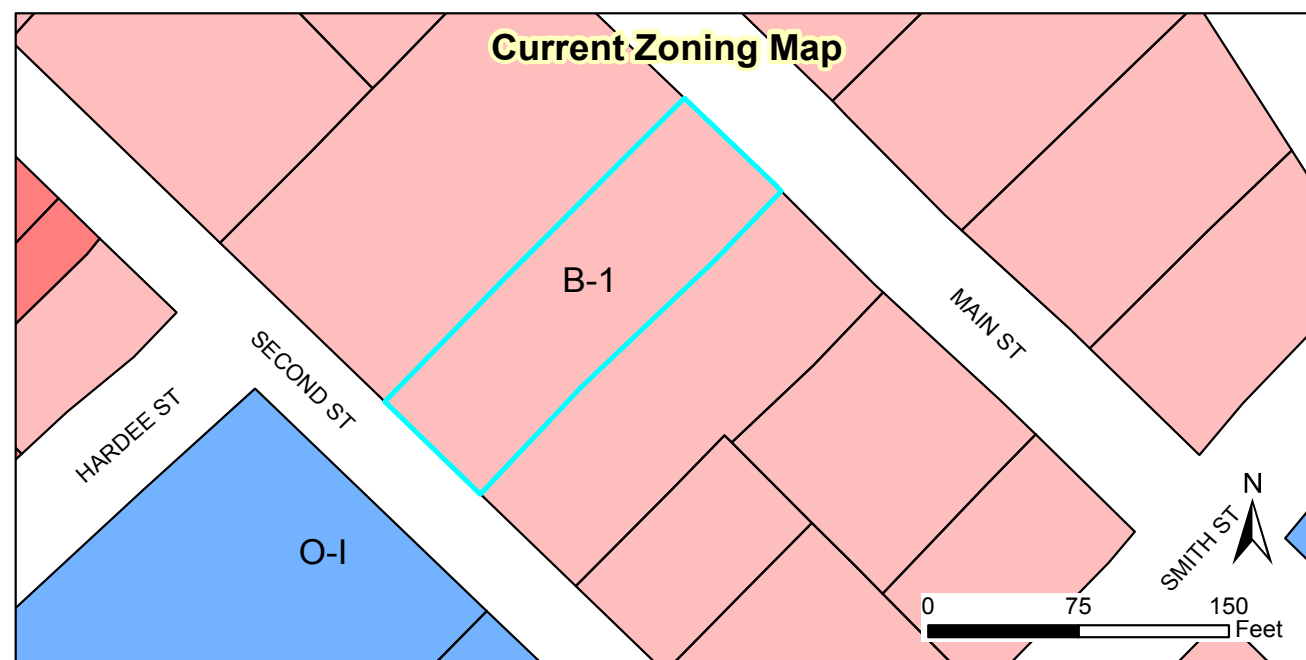
RECOMMENDATION:

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

1. 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.
 2. All roof mounted and ground mechanical equipment must be completely screened from view, including but not limited to HVAC, electric, and grease traps.
 3. All wastewater allocation and other development fees shall be paid prior to the issuance of a Zoning Compliance Permit.
-

ATTACHMENTS

1. Application
2. Staff Report Map
3. Neighborhood Meeting Materials
4. Associated Minor Site Plan

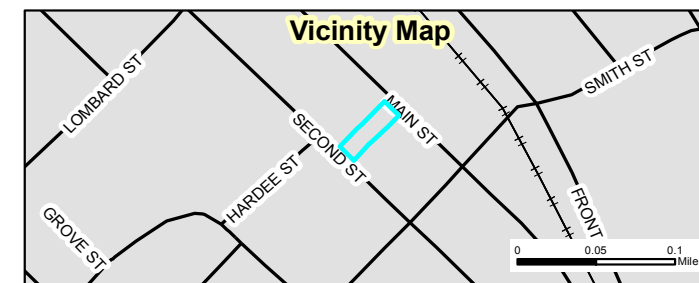


2016-146-SUP Wine on Main Special Use Permit
Request: Special Use approval to serve malt beverages

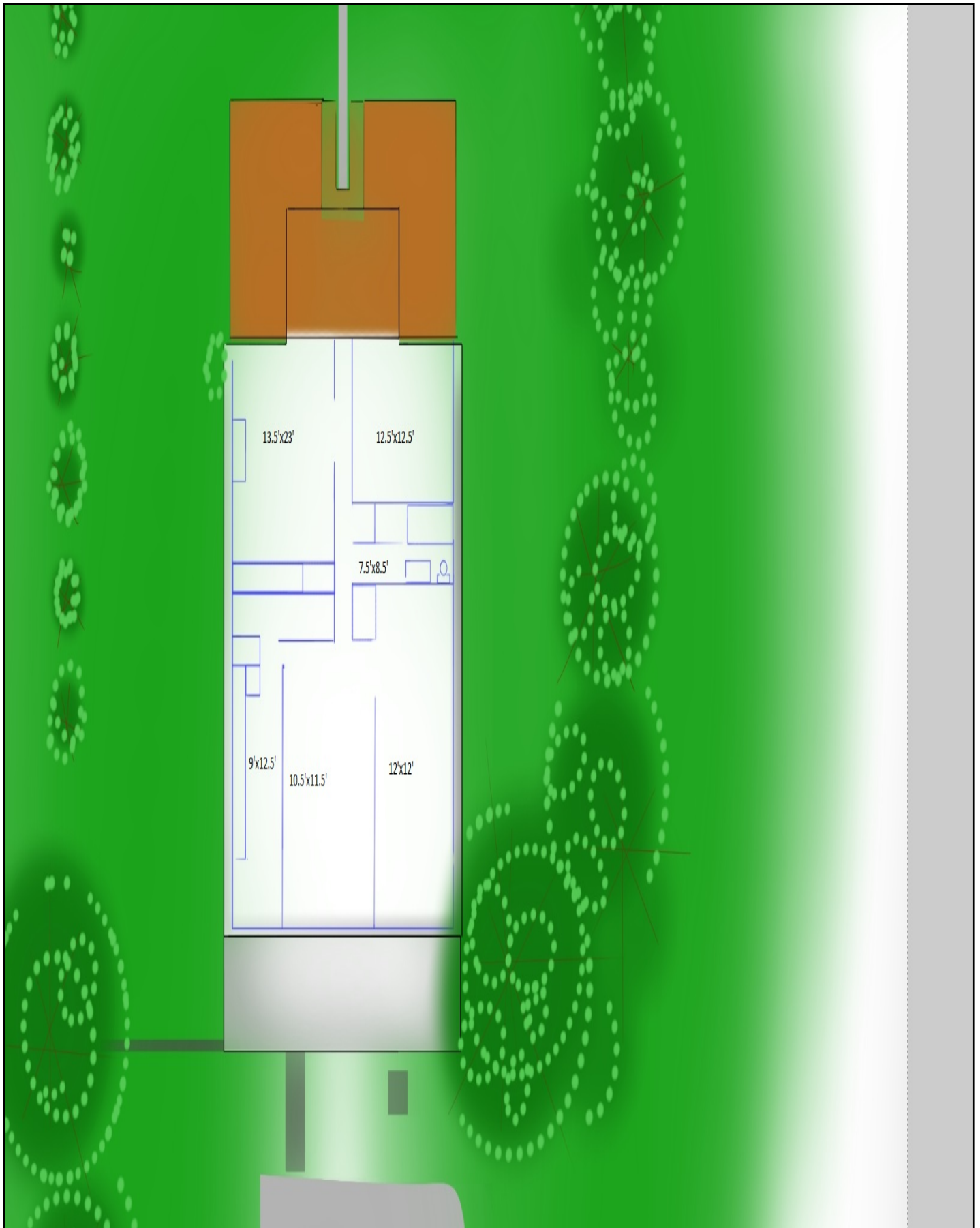
Applicant: Wine on Main
 Property Owners: Shauna Godwin
 Parcel ID: 166917-11-8563
 Tag #: 05011024



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



Document Path: O:\PLANNING\SPECIAL USE\2016\2016-146-SUP Wine on Main\Maps\2016-146-SUP wine on main SUP.mxd



NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Application:

SPECIAL USE PERMIT

Date of Mailing:

7.18.16

Date of Meeting:

8.8.16

Time of Meeting:

6:30 PM

Location of Meeting:

459 E. MAIN ST. CLAYTON, NC 27520

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, and that all required information was presented at the Meeting:

Printed Name: _____

Signature: _____

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

Only one town of Clayton Rep showed up. All 3 owners were present. No other property owners came in. No questions asked.

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

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Project: WINE ON MAIN SPEC USE PERMIT
 Application: SPECIAL USE
 Location/Date: 459 E. MAIN ST. CLAYTON, NC 27520

	NAME	ADDRESS
1	DAVE DEYOUNG	TOWN HALL
2	CLARK H. POLITO	459 E. MAIN ST. CLAYTON NC
3	Temple Phipps	459 E. main St. Clayton, NC
4	Christin Merys	459 E. main St. Clayton, NC
5		
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July 18, 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 proposal. A representative of the applicant will be present to explain their application, answer questions, and solicit comments.

Meeting Date: Monday, August 8

Meeting Time: 6:00pm

Meeting Location: 459 E. Main St., Clayton, NC 27520

Type of Application: Special Use Permit to serve beer

Project/proposal property address: 459 E. Main St. Clayton, NC 27520

Description of project/proposal: Wine on Main is applying for a special use permit in order to serve beer at the already established wine bar.

Upcoming public meetings for this application (Planning Board and/or Town Council):

Planning Board: August 22, 2016

Town Council Work Session: September 19, 2016

Town Council Hearing: October 3, 2016

At a minimum, the following will be available for your inspection at the Neighborhood Meeting: 1. A copy of the project application. 2. A schedule of all upcoming public meetings for the application. 3. A map at a scale that is appropriate to the project and shows neighboring properties and roads. 4. A map, drawing, or other depiction of the proposed land use change or development proposal.

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

If you have any questions prior to or after this meeting, you may contact us at 919.879.8520. You may also contact the Planning Department at 919-553-5002.

Sincerely,

Temple Phipps, Christina Menges and Clark Hipolito, Owners, Wine on Main

Cc: Town of Clayton Planning Department

**TOWN OF CLAYTON
PLANNING BOARD WRITTEN RECOMMENDATION
SPECIAL USE PERMIT:**

**Wine on Main
2016-146-SUP**

On August 22, 2016 the Planning Board heard the above-referenced request and made the following vote:

Recommendation to the Town Council to

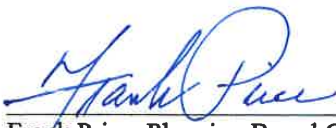
☒ approve the request;

☐ approve the request with the following modified or added conditions:

☐ deny the request.

Recommendation(s) made this 22 day of August 2016 while in regular session.

Signed:



Frank Price, Planning Board Chair

TOWN OF CLAYTON

Amendment to the Code of Ordinances: Chapter 93

Civil Emergencies

BEING HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON, NORTH CAROLINA, to amend §93.01 with the following amended language. This change reflects the amendments to NCGS 166A-4 and 166A-8, which were both repealed by Session Law 2012-12 on October 12, 2012.

§93.01 WHEN STATE OF EMERGENCY DEEMED TO EXIST.

A state of emergency shall be deemed to exist whenever there is an occurrence of imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any man-made accidental, military, or paramilitary cause.

Statutory reference:

Purpose and definition, see G.S. §166A-19.1 and 166A-19.3

Duly adopted this 3rd day of October, 2016 while in regular session

Jody L. McLeod
Mayor

Attest:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk

Memo to: Clayton Town Council

From: Larry Bailey, Parks and Recreation Director 

Subject: Connect NC Bond Grant Program for Children and Veterans with Disabilities

Date: September 14th, 2016

You may recall there was a Recreation Bond on the state ballot this past March. That \$78 million dollar bond passed and \$3 million was designated as the Connect NC Bond Grant Program for Children and Veteran's with Disabilities. This grant program is earmarked for projects which will "enable children or veterans with disabilities to participate in recreation or sports, regardless of their abilities." Eligible projects will be those that "build facilities or adapt existing facilities that meet the unique needs of children or veterans with physical and developmental disabilities."

Celebration Station Playground, proposed for East Clayton Community Park, fits the criteria for this grant as it is designed to be a universal playground where children of all abilities can play together.

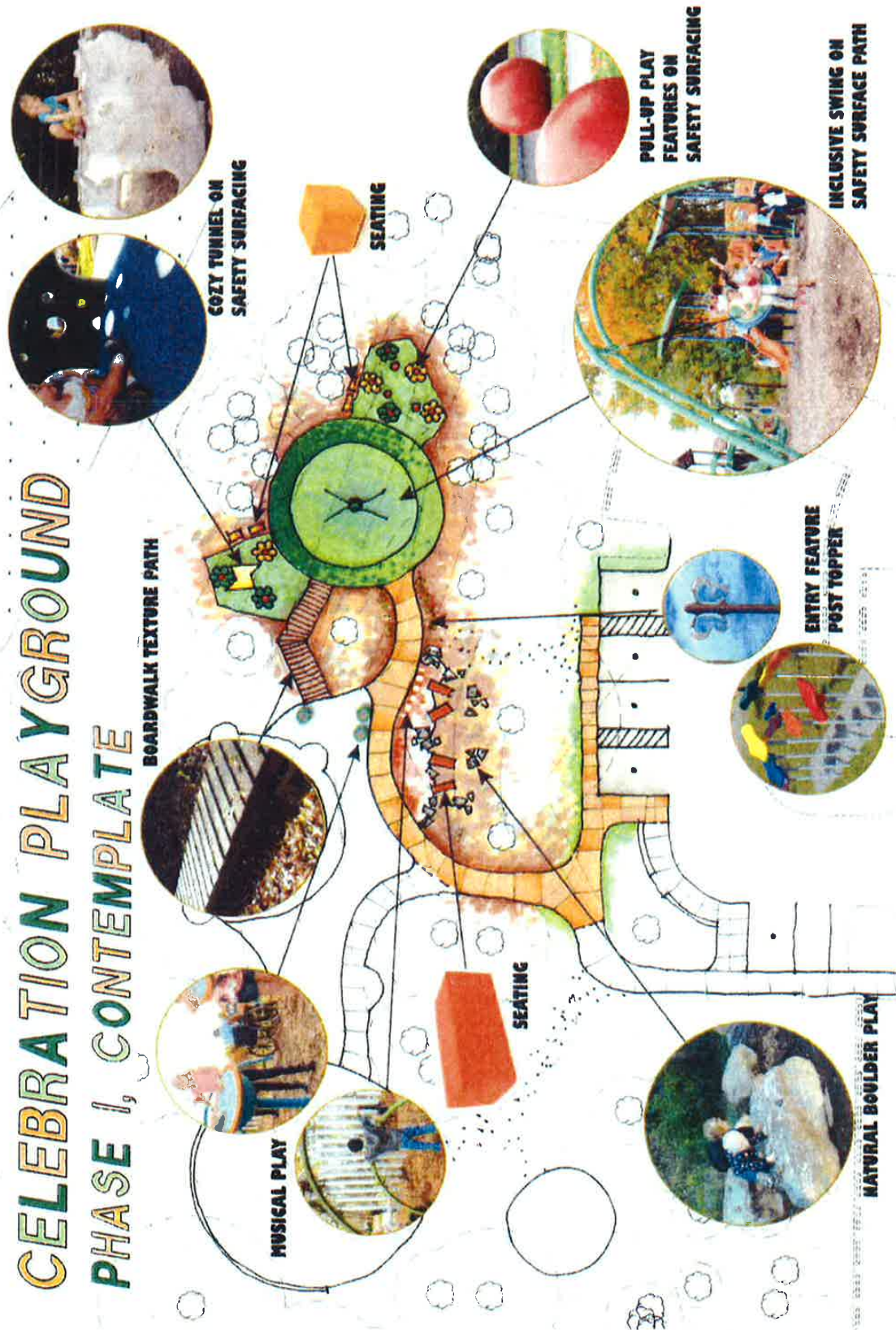
At the grant meeting state officials explained that the grant deadline is December 1, 2016. This grant will be administered through the Parks and Recreation Trust Fund Authority Board, which we have received funds from in the past. The difference is this grant match is \$1 local for \$4 PARTF instead of 50/50. The maximum grant request amount is \$500,000, although we were advised that with the small grant amount to be spread around the state, that it was highly unlikely they would approve a maximum amount request and smaller grant requests were recommended.

In looking closer at our playground design it can be divided into three sections. Working with our design firm it was decided to focus this grant on the "Contemplate" section, since it was felt this budget amount would give us the best consideration by the Authority Board.

To proceed with this grant application, we are requesting the Council approve our applying for the Connect NC Bond Grant Program for the amount of \$116,000 for Celebration Station Playground at East Clayton Community Park and, if awarded, would agree to match this grant with a local match of \$23,200. If we are successful in acquiring this grant the matching funds would not be required until '17-'18 fiscal budget.

CELEBRATION PLAYGROUND

PHASE I, CONTEMPLATE



POD AREA AND ELEMENT COSTS				DATE		PHASE		 CLH Design, PA
SITE WORK				12-Sep-16				
PROJECT NAME				PROJECT NO		CONCEPT		
East Clayton Community Park - Phase One - Contemplate Section				14-120				
LOCATION				BY				
Clayton, NC				CLH				
Line	Description	Qty.	Unit	Unit Cost	Item Cost	Sub Total	Total	
Contemplate								
Surface (includes fine grading)								
1.	Conc. Sidewalk to parking lot	235	SY	55.00	12,925.00			
2.	Engineered Wood Fibar Safety Surfacing	40	CY	25.00	1,000.00			
3.	Poured In place + Concrete base	2,300	SF	18.00	41,400.00			
Subtotal - Surface						55,325.00		
Play Equipment								
7.	Decorative Entry Posts	10	EA	500.00	5,000.00			
8.	Tubular Chimes	1	EA	6,000.00	6,000.00			
9.	Accessible Drums	3	EA	1,500.00	4,500.00			
10.	Pull-up Play Features	3	EA	500.00	1,500.00			
11.	Inclusive Basket Swing	1	EA	5,700.00	5,700.00			
12.	Cozy Tunnel	1	EA	4,500.00	4,500.00			
13.	Benches	6	EA	900.00	5,400.00			
14.	Shipping	1	EA	8,000.00	8,000.00			
Subtotal - Furniture						40,600.00		
Landscaping								
17.	Slow-Growing Shrub - 15" - 18" Ht. or Spr.	40	EA	25.00	1,000.00			
18.	Mulch	1,000	SY	1.50	1,500.00			
19.	Soil Amendments	60	SY	0.50	30.00			
20.	Imported Screened Topsoil	10	CY	40.00	400.00			
22.	Perennials - Qt. Cont.	40	EA	2.50	100.00			
Subtotal - Landscaping						9,300.00		
Total - Contemplate							\$ 105,225.00	
Contingency		10	%				\$ 10,522.50	
Grand Total - Site Work							\$ 115,747.50	