



**The Town Of Clayton
Town of Clayton Planning Board Agenda
Tuesday, December 20, 2016 @ 6:00 PM
Town Council Chambers**

1. CALL TO ORDER

2. ADJUSTMENT OF THE AGENDA

3. APPROVAL OF MINUTES

- a. November 28, 2016 Planning Board Minutes
[Planning Board Minutes](#)

4. REPORTS AND COMMENTS

5. OLD BUSINESS

6. NEW BUSINESS

- a. 2016-227-SUP IGT Technology Special Use Permit
NC Pin: 166800-84-0769
Tag # : 05i04017

The applicant is requesting a special use permit to operate a warehouse business in an existing and vacant building located in a Special Use District.

[Staff Report 2016-227-SUP](#)

[Staff Map 2016-227-SUP](#)

[Application 2016-227-SUP](#)

[Revised Explanation of Project](#)

[Neighborhood Meeting Minutes 2016-227-SUP](#)

[Site Plan 2016-227-SUP](#)

7. INFORMAL DISCUSSION AND PUBLIC COMMENT

8. ADJOURN



**The Town Of Clayton
Clayton Planning Board Minutes
Monday, November 28, 2016 @ 6:00 PM
Town Council Chambers**

BOARD MEMBERS PRESENT:

Frank Price [Chair] (ETJ), Bob Ahlert [Vice Chair] (TL), James Lipscomb (ETJ), Jim Lee (ETJ), Marty Bizzell (ETJ), Sarah Brooks (TL), Ronald Johnson (TL), Stephen Powers (TL), Michael Grannis (Mayor Pro Tem) and Bob Satterfield (Councilman).

STAFF PRESENT:

David DeYoung, Planning Director; Jay McLeod, Town Planner; Haley Hogg, Town Planner; John McCullen, Town Engineer and Laura Gray, Clerk to Board.

MEMBERS ABSENT:

George "Bucky" Coats (TL)

1 CALL TO ORDER

- a) Frank Price, Chair, called the meeting to order.
- b) David DeYoung, Planning Director, called roll.

2 ADJUSTMENT OF THE AGENDA

- a) None

3 APPROVAL OF MINUTES

- a) October 24, 2016 Planning Board Minutes.

ACTION: Motion to approve October 24th Planning Board minutes.

Motion: Sarah Brooks
Second: Bob Ahlert
Vote: Unanimous

4 REPORTS AND COMMENTS

- a) None.

5 OLD BUSINESS

- a) 2016-102-OA - Sign Code Amendment (Ordinance Amendment)
Request to make amendments to the text of the Unified Development Code, Title XV, §155, relating to signs, sign permits, and associated definitions and regulations.

Jay McLeod, Town Planner, presented the Sign Code to the Planning Board.

Mr. McLeod stated the proposed Sign Code revisions attempt to solve negative experiences with sign permitting. The current Sign Code can complicate customer experience. The solution to the issue is general updating of the sign code and removal of the Master Sign Plan process.

The Sign Code is proposed for general revision, including updating the prohibited and exempted signage. Note: "Exempt" signage is only exempt from a obtaining a permit, not from meeting sign dimensional criteria. Prohibited signs are expanded, in particular to include "rope" or string lighting. The proposed updates also include adding regulation of two new sign types: Tenant Identification Sign and Flags/Flagpoles. Criteria for all sign types have been revised for added clarity.

The Master Sign Plan process regulates all buildings with multiple uses or tenants, planned developments, and other such sites. This includes all multi-tenant buildings, with strip malls being a good example. The Master Sign Plan was originally created to "provide a unified record of signs and promote coordinated signage". The concept was simple: businesses that are connected should look like they belong together. In practice, however, it has proved unworkable and/or legally suspect (depending on the particulars of the site), has required a professional planner or Code-writer to create each one, and has consumed many hours of staff review time for little gain. The proposed Sign Code revisions address this by removing the Master Sign Plan, but also refining other specific sign criteria (such as wall signs) to incorporate changes that reduce signage clutter. The Alternative Sign Plan process remains as a signage pressure relief valve (of sorts) for sites that are unique or exceptional.

These proposed amendments will help refine the regulation of signage and signs in Clayton to allow a more cooperative, more easily understandable, and streamlined process for business owners, property owners, Town staff, and sign companies. The resulting process will create a more efficient and business-friendly sign permitting process while also retaining the criteria for signage excellence to which the Town aspires.

Mr. McLeod stated the request is consistent with the remainder of Chapter 155 and is consistent with all known state, federal and case laws.

Mr. McLeod stated staff recommends approval.

Jim Lee had the following Sign Code revision suggestions:
Change exempt flag size to 8' x 5' and add illumination exemption.
Illumination: all wires and lights hidden or camouflaged.
Alternate Sign Plan: add allowance for back-lit awnings.

Marty Bizzell asked if back-lit awnings would be outright permitted.

Mr. McLeod stated the updated code would allow back-lit awnings as an alternate sign plan.

No further questions for staff.

ACTION: Motion to recommend approval of 2016-102-OA to Town Council, with the 3 added recommended changes.

Motion: Bob Ahlert
Second: James Lipscomb
Vote: Unanimous

6 NEW BUSINESS

- a) 2016-163-SD Warrick Tract - Major Subdivision
NC Pin: 175000-30-9566 & 175000-30-6174
Tag #: 05g01016h & 05g01020k

The applicant is requesting to develop a conventional R-E single-family residential subdivision on 25.33 acres of land. There are 26 proposed lots, which are proposed to be a minimum of 25,000 square feet. This is less than what is typically permitted in the R-E zoning district for lots on public water and septic. However, the applicant obtained a Variance (2016-210-VAR) from the minimum lot size on November 16, 2016 to permit the properties to have a minimum lot size of 25,000 square feet.

James Lipscomb recused himself.

Jay McLeod, Town Planner, presented the Warrick Tract to the Planning Board.

Mr. McLeod stated the applicant is requesting to develop a conventional R-E single-family residential subdivision on 25.33 acres of land. Of the 26 total proposed lots, 23 will be accessed via an entrance off of Fieldstone Drive. The remaining three lots are considered to be a part of this subdivision, but will be located off of Old US HWY 70 West and access via individual driveways.

The applicant obtained a variance from the minimum lot size requirement within the Unified Development Code in order to develop lots with a minimum lot size of 25,000 square feet. This variance was granted by the Board of Adjustment on November 16, 2016.

The subject properties are currently vacant and are located within the Town's Extraterritorial Planning Jurisdiction (ETJ). The applicant is proposing to extend public water to the subdivision, as well as have the roads taken over by the Town. If the subdivision is approved, the applicant will be required to submit an annexation application.

The applicant is proposing to 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 two proposed lots (23 & 24) off of Old US HWY 70 W, which is consistent with the UDC.

A mail kiosk is proposed at the end of the cul-de-sac of "Street A". The kiosk is proposed to have two designated parking spaces, as required by the post office and NC building code. One of these proposed parking spaces will be handicap accessible, as required by NC building code. The lots with access off of Old US Hwy 70 West will receive individual mailboxes.

Mr. McLeod noted access to the subdivision is proposed to be from the existing Fieldstone Drive. This will be the only entrance/exit into the subdivision for 23 of the 26 total lots. The proposed street section is 20' of asphalt with ditches, to match the neighboring Fieldstone subdivision. The applicant is proposing two streets within the subdivision, both of which are proposed to be cul-de-sacs.

The applicant is requesting to pay fee-in-lieu instead of providing sidewalks. However, the applicant has provided a 20' greenway easement along Old US HWY 70 West. This is in keeping with the Town goal of connecting the Sam's Branch Greenway to Clemmons State Educational Forest.

Mr. McLeod stated no sidewalks are proposed within the development. However, particularly due to the increased density resulting from the granting of the associated variance (2016-210-VAR), staff is recommending that the applicant provide sidewalk on one side of the streets throughout the development, including fully around any cul-de-sacs. Staff is also recommending that a sidewalk be provided along Fieldstone Drive in order to provide pedestrian connectivity to any future greenway that might be located along Old US HWY 70 West.

The applicant is requesting a waiver from curb-and-gutter. Alternatively, the applicant is proposing ditch/swale road due to the rural characteristics of the development, and the fact that it will connect to Fieldstone Drive/Pebble Drive which lacks curb-and-gutter.

The applicant is not proposing a connection to the vacant property to the north of the development. The UDC allows cul-de-sacs only when the extension to adjacent property is impracticable.

Mr. McLeod stated the applicant addressed the Findings of Fact.

The project is consistent with the 2040 Comprehensive Plan. The Future Land Use for this area is envisioned as Low Density Residential, which accommodates zoned residential developments.

Mr. McLeod stated the request is generally consistent with the UDC, except for waivers.

The applicant is requesting waivers from:

1. Providing curb-and-gutter streets.
2. Sidewalk fee-in-lieu for unconstructed sidewalk.
3. Street connectivity to adjacent parcels.

Mr. McLeod stated staff recommends approval with conditions.

Bob Satterfield asked if the Town would take over the roads inside the subdivision.

Mr. McLeod stated the road leading into the subdivision is a NCDOT road.

Bob Ahlert asked if there would be a HOA.

David DeYoung, Planning Director, stated there will be a HOA. The proposed subdivision is proposing more than 24 lots and is required by the state to have a HOA. Therefore, it was not a condition of approval since it is mandated by the state.

Mr. Ahlert requested the HOA be an added condition of approval (condition #9).

Jim Lee asked for clarification on the curb and gutter waiver request.

David DeYoung stated the code reads Town Council can waive curb and gutter if the adjoining streets do not have curb and gutter.

Frank Price called on the applicant.

Donnie Adams, 335 Athletic Club Blvd, came forth and stated the applicant is planning to develop a sidewalk on one side of the street.

James Lipscomb, 328 E. Main Street, came forth to give further information.

Mr. Lipscomb hopes to mimic the side walk design of Cassedale Subdivision.

Bob Satterfield asked if Cassedale Subdivision paid fee-in-lieu.

Mr. DeYoung stated he was not sure but would find out.

No further questions for the applicant.

Conditions of Approval:

Staff recommended the following conditions be applied to the approval of the preliminary subdivision plan for the Warrick Tract (2016-163-SD):

1. This project is subject to the Conditions of Approval placed on the associated, approved Variance application (2016-210-VAR), listed below for convenience:
 - a) Any subdivision shall still adhere to the minimum separation requirements for well and septic fields, as determined and administered by the appropriate body; in this case, the Johnston County Environmental Health Department.

- b) Average lot size shall be at least 30,000 sq. ft. This calculation shall not include existing homes on land to be subdivided off of the rest of the tract.
- c) Minimum lot size shall be 25,000 sq. ft.
- d) The maximum number of lots for the land in question shall be 26.
- 2. 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.
- 3. All development fees shall be paid at building permit issuance, with the exception of recreation fees, which will be paid at plat.
- 4. Any fee-in-lieu shall be paid prior to plat. This includes the following fees-in-lieu, which are required for not installing the following improvements:
 - a) Curb-and-gutter - §155.602(B)(2)(b)
 - b) Sidewalks - §155.602(H)(4)
- 5. 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.
- 6. Prior to plat recordation, the subject properties shall be annexed into the Town of Clayton.
- 7. All signs shall require review/approval pursuant to UDC Section 155.713.
- 8. The landscaping buffer along Old US HWY 70 W shall be installed prior to the issuance of any Certificate of Occupancy.
- 9. A homeowner's 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. (Added by Planning Board: 11/28/16)
- 10. Sidewalks shall be provided along both sides of all public streets in and adjacent to the development. Alternatively, sidewalks may be omitted along one side of the streets entirely within the development, with fee-in-lieu paid for any unconstructed sidewalk.
- 11. A stub-out road connection shall be provided to the parcel to the north in a location acceptable to the Planning Department. No cul-de-sac shall occur on this road segment (currently identified as Street "B"), and a sign shall be posted at the property line stating that this road stub-out will connect to the neighboring property at such time as it develops.
- 12. The development may substitute an un-curbed street section for curb-and-gutter, as permitted within the Unified Development Code (§155.601(B)(1)).

ACTION:

Planning Board made the following motions on waiver requests:

Planning Board recommended approval of request for waiver of uncurbed street section.

Motion: Bob Ahlert

Seconded: Marty Bizzell

Vote: Unanimous

Planning Board recommended approval of request for waiver of sidewalk on

one side of all streets and around cul-de-sacs, and with Town Council to decide fee-in-lieu.

Motion: Jim Lee

Seconded: Ronald Johnson

Vote: Unanimous

Planning Board recommended denial of request for waiver of street connectivity.

Motion: Ronald Johnson

Seconded: Bob Ahlert

Vote: Unanimous

Planning Board recommended approval, with conditions, of 2016-163-SD to Town Council.

Motion: Stephen Powers

Second: Bob Ahlert

Vote: Unanimous

b) 2017 Planning Board Calendar

ACTION: Motion to approve 2017 Planning Board Calendar.

Motion: Sarah Brooks

Second: James Lipscomb

Vote: Unanimous

7 INFORMAL DISCUSSION AND PUBLIC COMMENT

a) None

8 ADJOURN

a) Motion to adjourn.

Motion: Sarah Brooks

Second: James Lipscomb

Vote: Unanimous

Frank Price
Chair

ATTEST:

Laura Gray
Clerk to the Board

November 28, 2016
Minutes



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

December 20, 2016

STAFF REPORT

Application Number: 2016-227-SUP

Project Name: IGT Technology- 9257 US 70 HWY BUS W, Special Use Permit

NC PIN / Tag #: 166800-84-0769 / 05I04017
Town Limits/ETJ: Town Limits
Overlay: Thoroughfare Overlay
Applicant: Cameron D. Sullivan
Owner: Mooring Capital Fund, LLC
Location: 9257 US 70 BUS HWY

Public Noticing:

- Neighborhood meeting December 8, 2016
- Sign posted December 9, 2016
- Newspaper ad published February 1, 2017 & January 25, 2017

REQUEST: The applicant is requesting a special use permit to operate the use of Warehouse, Freight Movement in an existing building located in a Special Use District.

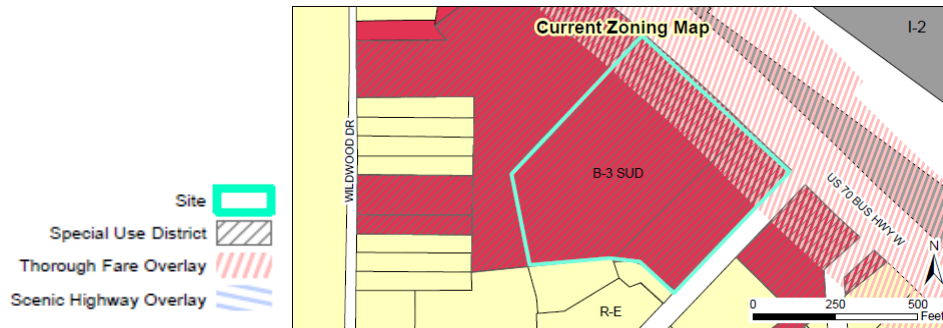
SITE DATA:

Acreage: 8.33 acres
Existing Use: The front 30,000 square feet contains the use of Indoor Entertainment (Nick's Flippin Kids), and the remaining 80,000 square feet of the building is vacant.



ADJACENT ZONING AND LAND USES:

Direction	Zoning	Existing Use
North	Highway-Business (B-3)	Vacant
South	Residential-Estate (R-E)	Single-Family Residences
East	Highway-Business (B-3)	Commercial
West	Highway-Business (B-3)	Single-Family Residences



DEVELOPMENT DATA:

Proposed Uses: Warehouse, Freight Movement

Buildings: 1 building, existing

Fire Protection: Town of Clayton

Access/Streets: Access is provided via 2 full-access existing driveways located off of Hardee Lane. There are also two stub-outs located on the Northern portion of the lot. These stub-outs connect to the undeveloped adjacent property.

Water/Sewer Provider: Town of Clayton

Electric Provider: Town of Clayton

STAFF ANALYSIS:

Overview

The applicant is requesting a Special Use Permit to operate a warehousing business in an existing and vacant building. The company is proposing to lease 40,000 square feet of the building to conduct their operations, which is primarily the repackaging and shipping of lottery machines. There will be 40,000 square feet of the building that will remain vacant, and the remaining 30,000 square feet (the storefront facing US Hwy 70 Bus.) is occupied by Nick's Flippin' Kids gymnastics facility. The applicant is proposing to operate the warehousing business temporarily within the structure, with the lease ending in April 30, 2017.

The property is zoned B-3 SUD (Highway Business Special Use District). This use is permitted outright within the B-3 zoning district, but the Special Use Overlay requires new use applications to go through the special use process in order to be permitted.

Background & History

In 2007, a Special Use Permit was granted for this site (SUP 07-03) to allow Ashley Furniture Store and Distribution Center to locate on the site. A Major Site Plan was also approved during this time. The building later was converted into Chloe's Furniture Store, which closed in 2013 leaving the 110,000 square foot building vacant. In 2015, Nick's Flippin Kids obtained a Special Use Permit in order to operate a gymnastics facility within the front 30,000 square feet of the building.

Associated Site Plan

Since the applicant is requesting to locate in an existing building, and no changes are proposed to be made to the property, the applicant has submitted the existing site plan which was approved in 2007 for the Ashley Furniture Store. Staff has reviewed the existing plan and has determined that no changes are needed to the site to meet code requirements. The applicant has noted on the site plan which portions of the facility the business is proposing to occupy.

Landscaping, Buffering, Screening

The site has existing landscaping that is in compliance with UDC requirements. Street yard trees and shrubs are provided along Highway 70, a Class "A" buffer is provided along Hardee Lane, and a Class "C" landscape buffer is provided along the southern property line, which is where the property abuts parcels zoned R-E (Residential-Estate). The applicant will be required to maintain the existing landscaping as well as replace any missing plant material as shown on the original site plan approval. Any future dumpsters that are added to the site shall be screened entirely from view, as required within the UDC (155.402(G)(2)).

Signs

The applicant has not submitted any proposed signage for the subject property. All signs will be reviewed separately through the Planning Department and will be required to adhere to UDC requirements.

Architecture

No exterior changes are being made to the existing building. The existing architecture of the building is acceptable to staff.

Consistency with Adopted Plans:

- **Comprehensive Plan 2040**

The 2040 Comprehensive Plan designates this parcel of land, as well as surrounding parcels, as "Low Density Residential". However, the existing site is currently zoned B-3 SUD and will ultimately be used for commercial purposes because of the existing facilities. While the proposed use is not consistent with the future land use map, it is consistent with Objective LU1.2 of the plan which encourages the redevelopment or adaptive reuse of under-utilized commercial development. The subject parcel has been primarily vacant for some time, and the proposed use is similar to that of the previous use of the building which was a furniture store with warehousing.

- **Unified Development Code**

The proposed development is consistent 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 adequately addressed the Findings of Fact expressly established by Chapter 155.711(I) of the UDC, and these Findings are accepted as part of the completed application.

CONSIDERATIONS:

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

CONDITIONS OF APPROVAL:

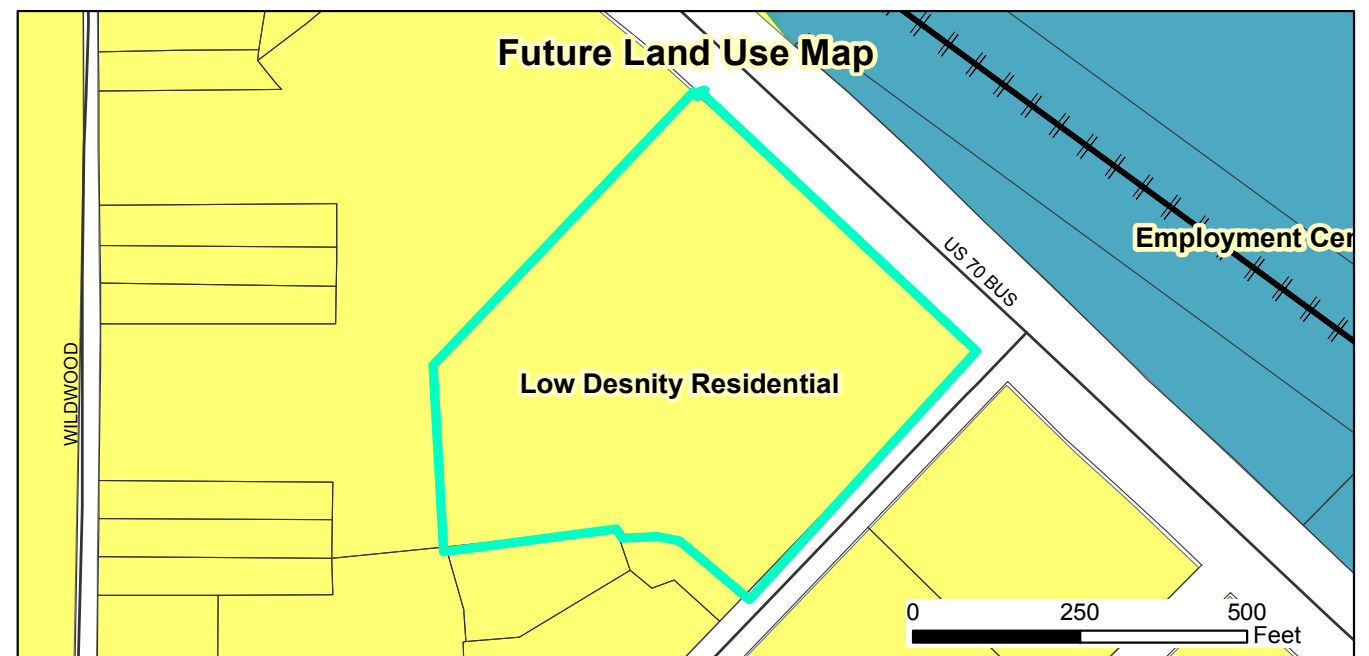
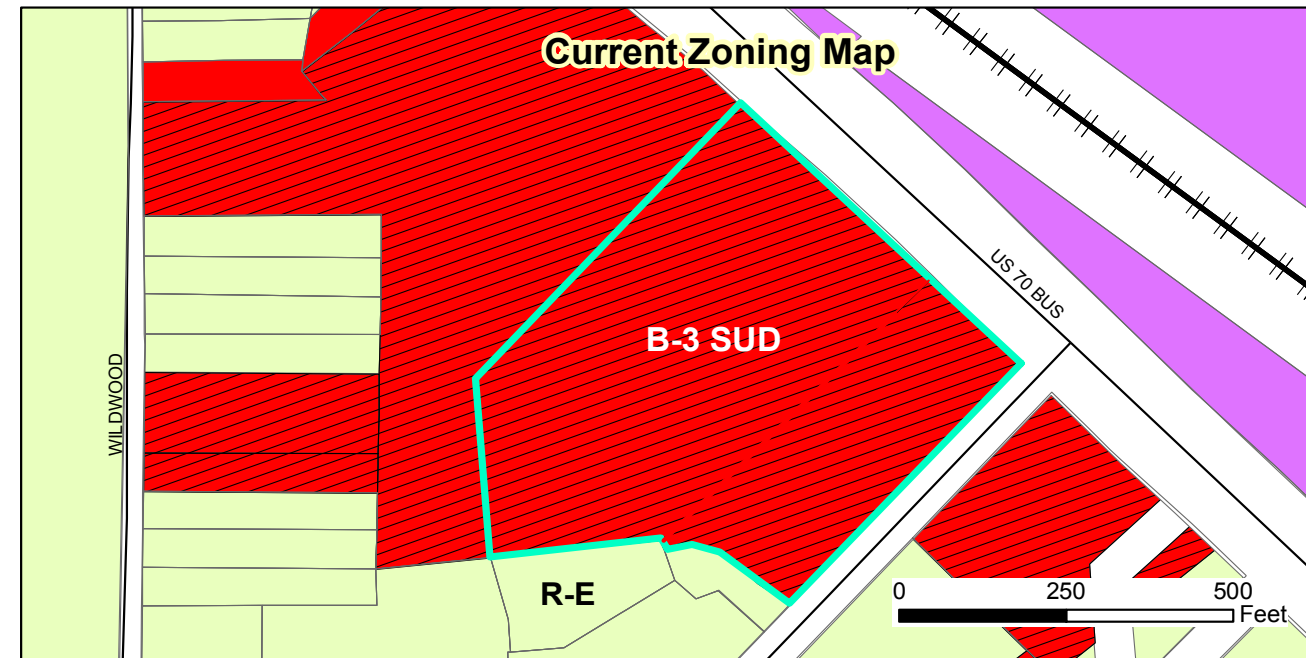
1. All dumpsters shall be screened entirely from view, as required within the Unified Development Code (155.402(G)(2)).
-

RECOMMENDATION:

Staff is recommending approval with conditions of the above referenced Special Use Permit.

ATTACHMENTS:

- 1) Application
- 2) Staff Report Map
- 3) Site Plan
- 4) Neighborhood Meeting Materials



2016-227-SUP IGT Technology- 9257 US HWYBUS W
Request: Special Use request to operate a manufacturing operation on the site
 Applicant: Cameron D. Sullivan
 Property Owner: Mooring Capital Fund LLC
 Parcel ID: 166800-84-0769
 Tag #: 05104017

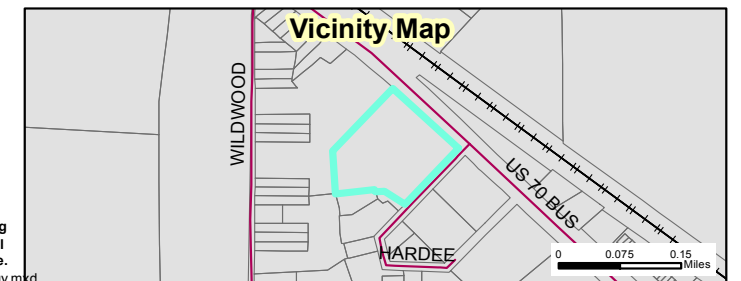


Parcels
 Roads
 Site

11/30/16

Produced by: TOC Planning
 Disclaimer: Town of Clayton assumes no legal responsibility for the information represented here.

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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: Ashley Furniture Building Acreage of Property: 8.33

Parcel ID Number: 05104017 Tax ID: 166800-84-0769

Deed Book: 4124 Deed Page(s): 490

Address/Location: 9257 US Hwy 70 Bus

Clayton NC 27520

Existing Use: Warehousing Proposed Use: Warehousing

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): SUD

OFFICE USE ONLY

Date Received:	RECEIVED OCT 31 2016	Amount Paid: <u>\$500.00</u>	Permit Number: <u>2016-227-SUP</u>
TOWN OF CLAYTON PLANNING DEPARTMENT		Page 1 of 9	

PROPERTY OWNER INFORMATION**Name:** Mooring Capital Fund LLC**Mailing Address:** 8609 Westwood Center Drive Ste 450 Vienna VA 22182**Phone Number:** 703-917-4488**Fax:****Email Address:** lulrich@mooringfinancial.com**APPLICANT INFORMATION****Applicant:** Cameron D. Sullivan**Mailing Address:** 104 N. Fayetteville Street Clayton NC 27520**Phone Number:** 919-585-5501**Fax:** 919-573-0798**Contact Person:** Cameron D. Sullivan**Email Address:** cds@mwhlaw.lawyer**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: _____	☐	☒			
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(1) 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 building is already in place and will not be modified. The use will be warehousing of lottery machines. There will be no risk to public safety or health.

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 warehousing use is allowed as a conditional use under the current zoning.

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.

There will be no impact on the adjoining properties. The use will be contained in the existing building and will not be noticeable to surrounding neighbors.

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 building is already in place. The use will be allowed under the current zoning as a conditional use.

EXPLANATION OF PROJECT

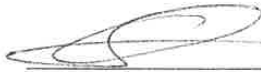
Please provide detailed information concerning all requests. Attach additional sheets if necessary.

The building is being leased by a warehousing company that takes in lottery machines, repackages them and ships them back out. The building already exists on the property, the use is the only change. This use is similar in nature as previous uses by furniture companies.

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.

Cameron D Sullivan
Print Name


Signature of Applicant

10/27/16
Date

ADJOINING PROPERTY OWNERS LIST

Project Name: Ashley Furniture Building

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
05A01013	Little Creek Eleven LLC	1255 Creekshire Way, Winston Salem NC 27103
05A01029E	Bobby Hardee	2019 Hardee Lane Clayton NC 27520
05A01029F	Randall Hardee	2021 Hardee Lane Clayton NC 27520
05A01029M	Randall Hardee	2021 Hardee Lane Clayton NC 27520
05A01029K	Bobby Hardee	2019 Hardee Lane Clayton NC 27520
05A01029H	Bobby Hardee	2019 Hardee Lane Clayton NC 27520
05A0029A	Garrett Pope	2000 Hardee Lane, Clayton NC 27520
05A01029	Bobby Hardee	2019 Hardee Lane Clayton NC 27520
05A01027	Frances Gupton	PO Box 445 Clayton NC 27526



**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: Ashley Furniture Building Address or PIN #: 05104017

AGENT/APPLICANT INFORMATION:

Cameron D. Sullivan 104 N. Fayetteville Street
(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*):

Rezoning Application for the above property

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:

Liz Ulrich meoring Capital Fund, LLC
(Name - type, print clearly) (Address)
8609 Westwood Center Dr. Ste 450
Vienna, VA 22182
(Owner's Signature) VP, Asset management (City, State, Zip)

STATE OF Virginia
COUNTY OF Fairfax

Sworn and subscribed before me Diane Lyn Lunsford, a Notary Public for the above State and County, this
the 22nd day of September, 2016.

SEAL

Diane Lyn Lunsford
Notary Public
My Commission
Expires: 5/31/2017

version 10-15-2015

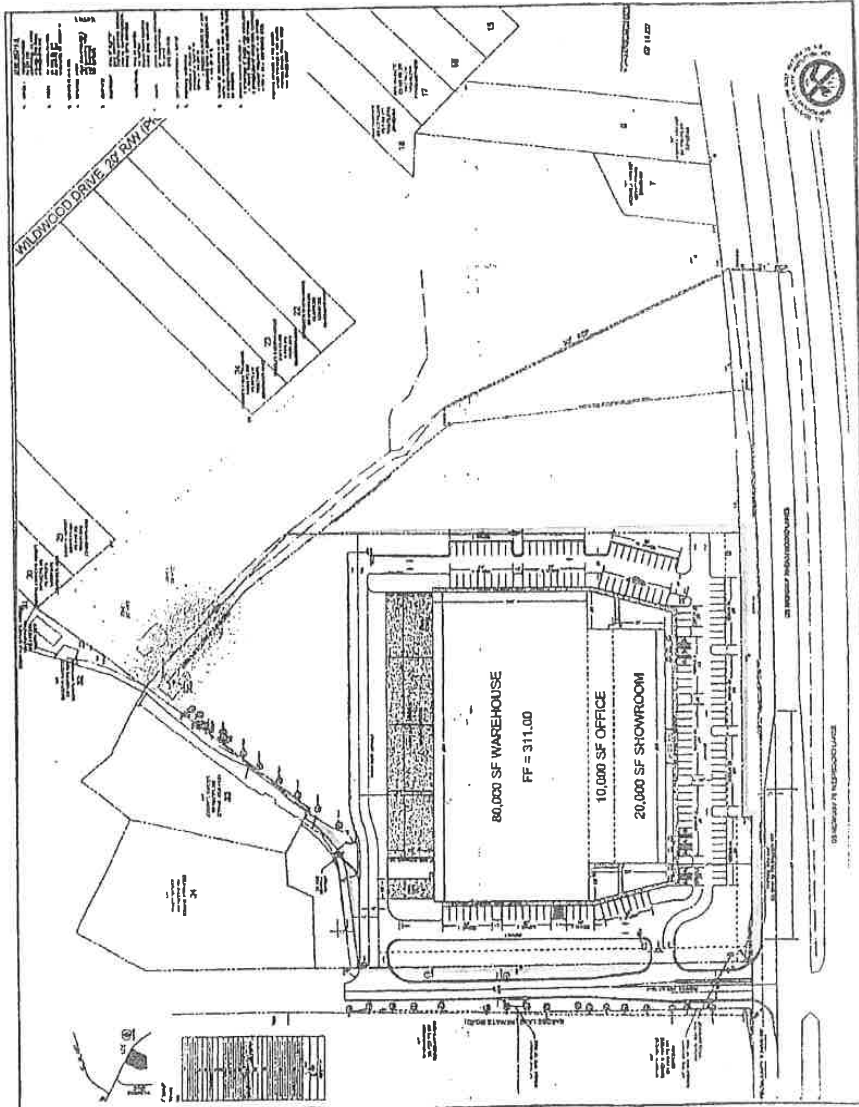
DIANE LYN LUNSFORD
NOTARY PUBLIC
REG. #292229
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES MAY 31, 2017

Page 10 of 10

EXHIBIT A

Showroom/Office/Warehouse, US Highway 70, Clayton

Site Plan



EXPLANATION OF PROJECT

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

The building is being leased by a warehousing company that takes in lottery machines, repackages them and

ships them back out. The building already exists on the property, the use is the only change. This use is

similar in nature as previous uses by furniture companies. IT-1 Technology, Inc.

current event. Their base will arrive April 30 2017.

APPLICANT AFFIDAVIT

I/We, the undersigned, do hereby make application and petition to the Town Council of the Town of

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 and belief.

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

become officers, records of the 1st Training Department of the Town of Clayton, North Carolina, and will not be returned.

DE 100011614


Signature of Applicant

Signature of Applicant

Date _____



Joshua M. Whitaker
jmw@mwhlaw.lawyer

Damion L. McCullers
dlm@mwhlaw.lawyer

Joseph Hamer
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Ashley M. Pinner
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Cameron D. Sullivan
cds@mwhlaw.lawyer

Offices:

Garner:
216 US Highway 70 West
Garner, NC 27529

Clayton:
104 N. Fayetteville St.
Clayton, NC 27520

Phone: (919) 585-5501

Fax: (919) 573-0798

www.mwhlaw.lawyer



Wednesday, November 23, 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 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: December 8th, 2016 Meeting Time :6:00pm

Meeting Location: McCullers, Whitaker & Hamer, PLLC 104 N. Fayetteville Street, Clayton NC 27520.

Type of Application: Special Use District.

Project/proposal property address: 9257 US Hwy 70 Bus Clayton NC 27520 (Ashley Furniture Building)

Description of Project/proposal: Obtain the required Special Use Permit for the current use.

At 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 road.
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) 585-5501. You may also contact the planning department at 919-552-5002.

Sincerely,

Cameron D. Sullivan

Cc: Town of Clayton Planning Dept.

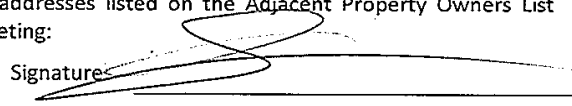
NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Application: Ashley Furniture Building

Date of Mailing: 11/23/2016

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: Cameron D. Sullivan Signature: 

Date of Meeting: 12/08/2016

Time of Meeting: 6:00PM

Location of Meeting: 104 N Fayetteville 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.*

Robert Niesel from IGT and Cameron Sullivan were ready at 6:00pm
at the meeting location. We waited until 6:45pm before calling the meeting
as none of the property owners or anyone else were present.

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

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Project: Ashley Furniture Building

Application: SUP

Location/Date: 104 N. Fayetteville Street Clayton NC 27520 6:00pm

	NAME	ADDRESS
1	Cameron D Sullivan	104 N Fayetteville St. Clayton NC 27520
2	Robert Niesel	3100 Hawthoods, Raleigh, NC 27604
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Showroom/Office/Warehouse, US Highway 70, Clayton

Site Plan

