

**Zebulon
Joint Public Hearing
Minutes
September 20, 2021**

Present: Robert S. Matheny, Beverly Clark, Annie Moore, Glenn York, Shannon Baxter, Larry Loucks, Joe Moore-Town Manager, Lisa Markland-Town Clerk, Stacie Paratore-Deputy Town Clerk, Michael Clark-Planning, Meade Bradshaw-Planning, Sam Slater-Attorney

Planning Board Present: Laura Johnson, Michael Germano, David Lowry, Stephanie Jenkins

Absent: Gene Blount, Jessica Luther, Joshua Robinson

Mayor Matheny called the meeting to order at 7:00pm.

APPROVAL OF AGENDA

Commissioner Loucks made a motion, second by Commissioner Moore to approve the agenda. There was no discussion and the motion passed unanimously.

PUBLIC HEARING

A. TA 2022-01-A Downtown Building Regulations

Mayor Matheny opened the public hearing.

Michael Clark explained this was an amendment to Section 3.5.3 of the Unified Development Ordinance to require staff review of exterior modifications and alterations of buildings in the Downton Core (DTC) district. The regulations would ensure modifications kept with the character of the Downtown Core District.

Mayor Matheny asked if either Board had questions. There were none.

Mayor Matheny asked if anyone wished to speak in favor. There were none.

Mayor Matheny asked if anyone wished to speak in opposition. There were none.

Mayor Matheny closed the public hearing and referred the matter to the Planning Board.

B. TA 2022-01-B New Art Related Uses

Mayor Matheny opened the public hearing.

Michael Clark explained this was an amendment to Sections 4.2.3 4.3.5. and 9.4 of the Unified Development Ordinance to authorize and regulate art galleries and artisan studios as independent uses. Examples of art galleries and studios from other cities were shown.

Mayor Matheny asked if either Board had questions.

Michael Germano inquired about the requirements to upfit the buildings. Buildings were required to be upfit to meet the minimum requirements of the UDO.

There was discussion about campus industrial classification.

Mayor Matheny asked if either Board had any more questions. There were none.

Mayor Matheny asked if anyone wished to speak in favor. There were none.

Mayor Matheny asked if anyone wished to speak in opposition. There were none.

Mayor Matheny closed the public hearing and referred the matter to the Planning Board.

C. TA 2022-01-C New Uses – Pawn Shops and Vape, Tobacco, and CBD Shops

Mayor Matheny opened the public hearing.

Michael Clark explained the amendments were to Sections 4.2.3, 4.3.5, and 9.4 of the Unified Development Ordinance to authorize and regulate pawn shops and vape, tobacco, and CBD shops. The amendments were in response to concerns regarding concentrations of certain uses downtown. The proposed two new use classifications would be a pawn shop and another for vape, tobacco, and CBD shops.

There were currently three vape shops in downtown Zebulon. A map showing the existing pawn shop, vape, tobacco, CBD shops and churches/preschools was shown. The radius was set to 300ft and would prevent any of the same businesses from going downtown.

Mayor Matheny asked if either Board had questions.

There was discussion about traffic impacts of pawn shop, vape, tobacco, CBD shops.

All existing businesses would be grandfathered under the previous regulation. It was explained the process if a shop closed for six months or more. After the six-month window, the shop would be non-conforming and would be required to comply with the new regulation.

All approvals would be made by the Planning Director and appeals would be brought before the Board of Adjustment. Mayor Matheny suggested adding approvals could also be made by the Planning Director's designee in the event of his absence.

Sam Slater stated the defined term may already include the Planning Director's designee and would check into it.

Commissioner Baxter asked how 300ft was determined. Staff stated the 300ft restriction would allow only one shop per block but there could be more than one shop downtown.

All existing businesses would be grandfathered under the previous regulation. The process was explained if a similar shop re-opened in the same space. After the six-month window, the shop would be non-conforming and would be required to comply with the new regulation.

Michael Germano expressed concerns about oversaturating the downtown with vape and pawn shops and suggested limiting similar uses to one in the downtown district instead of 300 feet.

It was stated pawn shops and tobacco shops had the same negative economic impacts on surrounding property values.

Mayor Matheny asked if either Board had any more questions. There were none.

Mayor Matheny asked if anyone wished to speak in favor. There were none.

Mayor Matheny asked if anyone wished to speak in opposition. There were none.

Mayor Matheny closed the public hearing and referred the matter to the Planning Board.

D. TA 2022-01-D, Design Regulations for Vehicle Dominate Uses

Mayor Matheny opened the public hearing.

Michael Clark explained the amendments were to Sections 4.3.5, 4.4.7, and 5.3.1 of the Unified Development Ordinance to establish design regulations for vehicle dominate uses.

Design examples of what was currently allowed and what would be allowed under the proposed text amendment were shown

The proposed regulations allowed for mixed-use designs and included auto repair facilities, oil change businesses and drive-thru establishments. All financial service establishments with drive-thrus would be included.

If a business was torn down and rebuilt it would be classified as new construction and would be required to meet the new regulations.

Mayor Matheny asked if either Board had any more questions. There were none.

Mayor Matheny asked if anyone wished to speak in favor. There were none.

Mayor Matheny asked if anyone wished to speak in opposition. There were none.

Mayor Matheny closed the public hearing and referred the matter to the Planning Board.

E. TA 2022-01-E, Corrections to the Unified Development Ordinance

Mayor Matheny opened the public hearing.

Michael Clark explained the amendments were to Sections 3.4.5, 3.4.6, and 3.4.7 to correct minimum setback distance in Industrial Districts; Section 4.2.3 to clarify residential uses in DTC Zoning District; Section 4.3.5.G to clarify vehicle location standards; Section 5.3.1 to correct design exemptions, Section 5.1.4 to correct lot access; Section 5.3.1 to correct applicability of design standards; Section 5.3.2 to correct design standards; Section 5.3.3 to correct design standards; Table 5.8.4.H and Section 5.8.7 regarding guest parking; and Section 9.4 to correct definitions of “Best Management Practices” and “Major Variance (Watershed)”.

It was explained the proposed changes to Section 5.3.1 design exemptions would no longer apply to the downtown core.

Michael Clark explained conditional zoning ~~which~~ created a process to approve alternative design standards for compliance.

There was discussion about changing the parking requirements from light industrial to 25ft from 50ft. The minimum setback was 25ft, but parking could occur in the front or side of a business.

Mayor Matheny asked if either Board had any more questions. There were none.

Mayor Matheny asked if anyone wished to speak in favor. There were none.

Mayor Matheny asked if anyone wished to speak in opposition. There were none.

Mayor Matheny closed the public hearing and referred the matter to the Planning Board.

F. Parks & Recreation Impact Fee Study

Mayor Matheny opened the public hearing.

Michael Clark explained this was a request to adopt the Parks & Recreation Impact Fee study and recommended fee. The study considered impact fees on new development to supplement the expected costs of park projects related to growth as identified in Play Zebulon: Parks and Recreation Comprehensive Master Plan.

It was stated there was an error in the plan where the community center was double counted but would not impact the intent or result of the study. Staff explained what would be needed in the year 2030 to maintain the existing quality of services in the Parks and Recreation Department.

An estimated 75 acres at \$60,000/per acre would also be needed to maintain the level of service which was approximately .0099/acres per person at a cost of \$600 per person.

Michael Clark spoke about a proposed splash pad, playground, park improvements and building spaces and the estimated costs.

The Town proposed development impact fees of \$3,000 for a single family detached home and \$2,500 for a multi-family home. The current greenway impact fee would be replaced by the proposed Parks and Recreation fee.

Commissioner Baxter inquired about the land totals from the study. Staff would research the land totals and would offer clarification.

Commissioner Loucks asked when the impact fee would be effective. The amendment to the fee schedule would go before the Board at their next meeting and the impact fees could be effective immediately for each new residential lot or the Board could impose an implementation date. Commissioner Loucks also inquired about imposing an impact fee to out of Town residents who use Parks and Recreation services. Staff explained the Town charged in Town and out of Town rates for programs. There was discussion about increasing the out of Town fees and in Town residents having first priority to programs.

Staff offered clarification regarding the 76 proposed acres included in the Parks and Recreation study. The Town was projected to see a 132% population increase from 2021 to 2031 and would need to double the Town's existing parks to maintain the current level of service.

There was discussion about impact fees on donated land.

Staff explained the Public Hearing notification was sent out to make sure developers were informed of the proposed fee increase.

Parks and Recreation Master Plan showed the Town's level of service was very high.

There was discussion about the impact analysis of single-family homes and multifamily homes.

Mayor Matheny asked if either Board had any more questions. There were none.

Mayor Matheny asked if anyone wished to speak in favor. There were none.

Mayor Matheny asked if anyone wished to speak in opposition. There were none.

Mayor Matheny closed the public hearing and referred the matter to the Planning Board.

G. Budget: Fee Schedule Update

Mayor Matheny opened the public hearing.

Michael Clark explained this was a request to amend the Fee Schedule to remove the Greenway Impact Fee of \$500 per dwelling and replace it with a Parks and Recreation Impact Fee of \$3,000 per single family dwelling units and \$2,500 for multi-family dwelling units. The fee would be paid at the time of plat for any new residential developments moving forward. This fee schedule update would provide consistency with developer impact fees.

Mayor Matheny asked if either Board had questions. There were none.

Mayor Matheny asked if anyone wished to speak in favor. There were none.

Mayor Matheny asked if anyone wished to speak in opposition. There were none.

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Mayor Matheny closed the public hearing and referred the matter to the Planning Board.

Commissioner Loucks made a motion, second by Commissioner York to adjourn the meeting. There was no discussion and the motion passed unanimously.

Adopted this the 1st day of November 2021.




Robert S. Matheny—Mayor


Lisa M. Markland, CMC—Town Clerk