

**TOWN OF ZEBULON**  
**JOINT PUBLIC HEARING AGENDA**  
**BOARD OF COMMISSIONERS AND PLANNING BOARD**  
**Zebulon Municipal Complex – 1003 N. Arendell Avenue**  
**Council Chambers (2<sup>nd</sup> Floor)**  
**May 13, 2019**  
**7:00 p.m.**

**I. CALL TO ORDER**

**II. PUBLIC HEARING**

***A. LEGISLATIVE***

1. RZ 2019-02 – Dixon Paving. A request by Bill Perry to rezone approximately 3 acres located at 324 Perry Curtis Road from Residential 20 (R-20) to Heavy Business (HB). [NC PIN: 2705704175]
2. RZ 2019-04 – 0 N Arendell Avenue. A request by Dallas Pearce to rezone 0.15 acres located at 0 North Arendell Avenue from Residential-10 (R-10) to Transitional Residential (TR). [NC PIN: 2705179366]

***B. QUASI-JUDICIAL***

1. SUP 2019-01 – Cardinals Pines. A request by Dennis Tharrington to obtain a Special Use Permit for the purpose of construction multi-family apartments on a parcel zoned Transitional District. The parcel is owned by Joseph B Vinson & Jewel S Vinson Trustee. [NC PIN: 1795837655]
2. SUP 2019-03 - The Fetching Post. A request by Amy Brown-Pearce to obtain a Special Use Permit for an Animal Kennel on a parcel zoned Residential-20. The parcel is owned by Amy Brown-Pearce. [NC PIN: 2705100745]

**III. ADJOURNMENT**



STAFF REPORT  
RZ 2019-02 Dixon Paving  
May 13, 2019

**Topic: RZ 2019-02 -Dixon Paving**

**Speaker:** Meade O. Bradshaw, III, CZO, Assistant Planning Director  
**From:** Michael J. Clark, AICP, CZO, Planning Director  
**Prepared by:** Meade O. Bradshaw, 111,CZO, Assistant Planning Director  
**Approved by:** Joseph M. Moore II, PE, Town Manager

**Executive Summary:**

The Board of Commissioners will consider the Zoning Map Amendment for 324 Perry Curtis Road.

**Background:**

A request by Bill Perry to rezone approximately 3 acres of land located at 324 Perry Curtis Road. The request is to rezone the parcel from Residential-20 (R-20) to Heavy Business District (HB). The property is located on Perry Curtis Road, east of the intersection with S Arendell Avenue. Perry Curtis Road is a two-lane undivided roadway with a posted speed of 35 mph in the vicinity.

A Notice of Violation was sent to the property owner (February 14, 2019) by the Town of Zebulon Code Enforcement Staff for parking construction categorized vehicles on the property and constructing an office on the property without applying for permits. This parcel has become a satellite office for Dixon Paving, Inc. Office uses and the storage of construction categorized vehicles are not permitted uses in the R20 zoning district. As there is not a use description for the parking of construction vehicles in the Code of Ordinances, staff would categorize this use as a *construction storage yard*, as listed in Section 152.129 of the Town of Zebulon Code of Ordinances.

The applicant is proposing a Zoning Map Amendment to the Heavy Business District (HB), where both an *office use* and *construction storage yard* would be permitted uses with the approval of a general use permit by Town Staff in accordance with Section 152.129 of the Zoning Code. Furthermore, other non-residential uses that are permitted within the proposed HB zoning district would also be permitted on the subject property.

A notice of public hearing was mailed to all property owners within 150 feet of the subject property on March 14, 2019 satisfying the mailing requirement of 20 days prior to hearing. The site was posted with public hearing signs. A notice of public hearing was published in the Zebulon Times on March 28, 2019, and April 4, 2019.

The request area is located within the Town of Zebulon's Extraterritorial Jurisdiction,



STAFF REPORT  
RZ 2019-02 Dixon Paving  
May 13, 2019

**Discussion:**

The discussion before the Board is whether or not the Zoning Map Amendment request is consistent with the Town's adopted plans and policies. If approved, the consistency statement is required in accordance with NC General Statute 160A-383. If the request is not approved, the Board should provide alternative language for the consistency statement to state the request is not consistent with the Town's adopted plans and policies.

**Policy Analysis:**

*Comprehensive Plan: Land Use Plan (Chapter 9)*

The Land Use Plan (June 2008) designates various areas within Town for particular land use recommendations, based principally on goals of economic viability, preserving small-town character, pro-actively managing growth, and promoting accessibility and connectivity to community destinations.

This parcel is designated as Rural Residential District (RR) in the Land Use Plan. RR is designated as low-density residential land use.

1. The Town's adopted Comprehensive Plan suggests the parcel and surrounding areas should be Rural Residential.
2. Rural Residential areas include low-density residential land use, The Rural Residential area includes land currently developed and directed for future growth as residential in areas not served by municipal sewer and water. Predominant land use will be single-family detached homes.
3. Rural Residential is a gross density of 0.4 units an acre.
4. Types of uses:
  - a. Single-family detached homes
  - b. Cluster Subdivisions
  - c. Open Space

The proposed Zoning Map Amendment conflicts with the Land Use Plan.

*Ordinance Requirements*

If the Zoning Map Amendment is approved, The *Town* of Zebulon would require a Zoning Permit and TRC review for an office building and parking area.

**Fiscal Analysis:**

Cannot be evaluated with a Zoning Map Amendment.



STAFF REPORT  
RZ 2019-02 Dixon Paving  
May 13, 2019

**Staff Recommendation:**

Staff recommends denial of RZ 2019-02 finding that the proposed Zoning Map Amendment is inconsistent with the Land Use Plan and current character of the surrounding area.

All the properties surrounding the parcel, whether adjacent to the subject property or across the street are zoned Residential-20. The properties surrounding the property are single-family detached homes on large lots. Furthermore, the proposed rezoning would permit other uses currently permitted within the HB zoning district as listed in Section 152.129 and there are no other nonresidential uses within this area along Perry Curtis Road.

**Attachments:**

- (1) Aerial Map
- (2) Zoning Map
- (3) Land Use Plan
- (4) Permitted Uses Table
- (5) Site Pictures
- (6) Consistency Statement

# **Attachment 1**

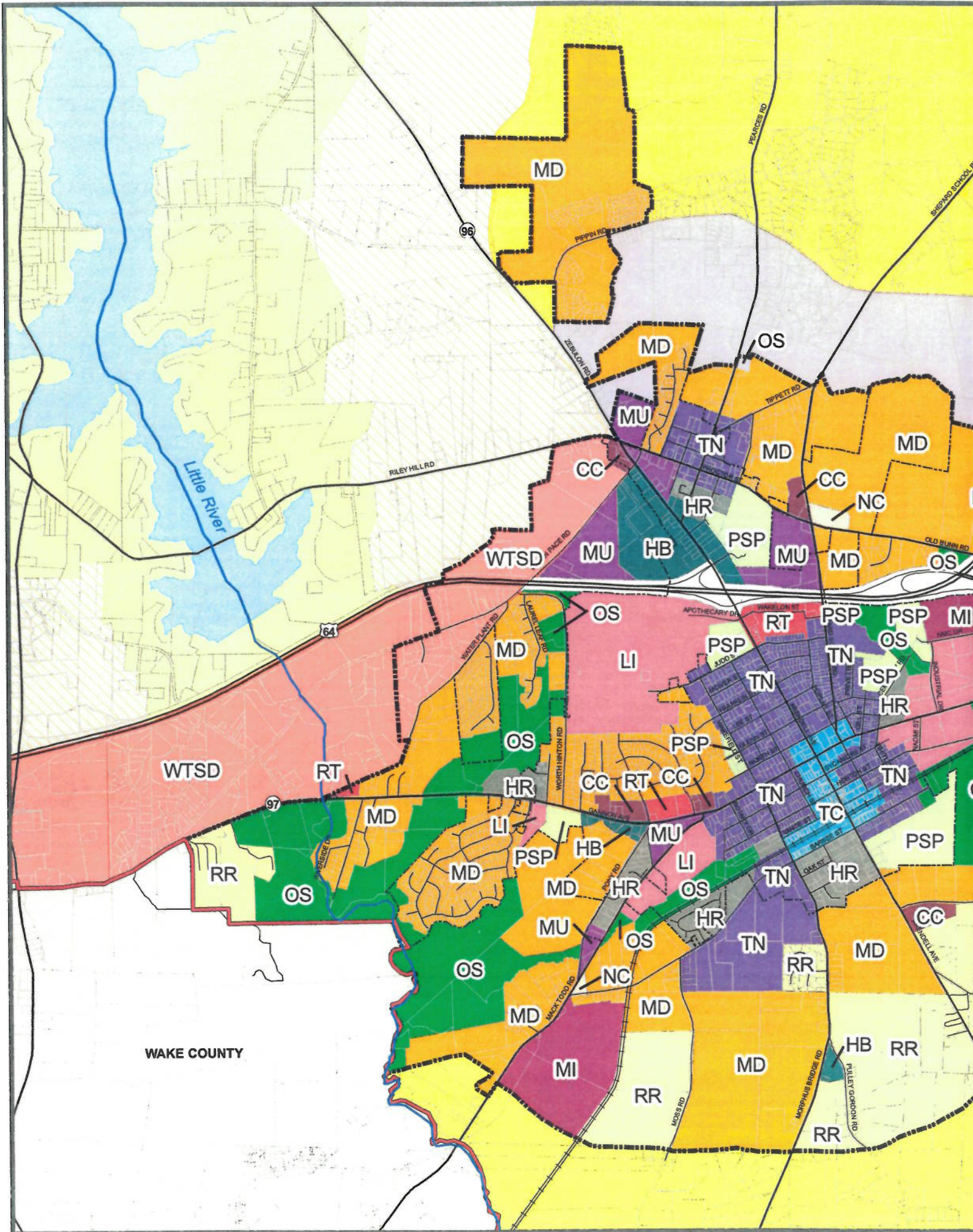


## **Attachment 2**





## **Attachment 3**



## **Attachment 4**

§152.129 PERMITTED USES TABLE																			
Use Description	Zones																Supplemental Regulations		
	R-30/R-20	RMH-30 RMH-20	R-13	RMH-13	R-10	RMH-10	R-8	RMH-8	R-80W	R-40W	RMF	TR	MA	CB	GB	HB		TL	TH
ABC store																	G		
Accessory building	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	§152.133
Adult day care center												S	S		S	S			
Adult day care home												G							
Adult establishments and cabarets																	S		
Agricultural production, crops	G		G						G	G									
Agricultural production, livestock	G								G	G								S	S
Agricultural product, equipment sales and service															G	G	G	G	
Agricultural product, warehousing																		G	G
Airports, public and private																		S	S
Amphitheaters																	S	S	S
Animal kennel, breeder, or shelter*	S								S	S							S	S	
Antiques and gift retail stores														G	G	G			
Apartment on second floor														G					
Appliances, service and retail sales														G	G	G			
Armories																G	G	G	
Art galleries												S		G	G	G			
Arts and crafts, supply and retail sales														G	G	G			
Asphalt plants or products manufacturing and refining																	S	S	
Assembly, fabrication, production or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, health or safety hazards outside of the building. Typically involves the work of artisans or craftsman. May also include micro-brews, micro-distilleries, micro-wineries, or other similar facilities as part of a microbrewery or other beverage tasting facilities.														G	G	G	G	G	*Outside storage of raw materials or finished products is not allowed; all storage must be located entirely within an enclosed building
Auction, auto or equipment																	G	G	
Auction house														G	G	G			
Auditorium, assembly, and conference halls; primary use																S	S	S	

§152.129 PERMITTED USES TABLE

Use Description	Zones															Supplemental Regulations			
	R-30/R-20	RMH-30 RMH-20	R-13	RMH 13	R-10	RMH-10	R-8	RMH-8	R-80W	R-40W	RMP	TR	MA	CB	GB		HB	II	III
Automatic teller machines														G	G	G	G	G	
Automobile accessories sales															G	G	G		
Automobile and truck assembling, painting, upholstering, rebuilding, reconditioning, body and fender works, truck repairing or overhauling, tire retreading or recapping, and similar uses																	G	G	G
Automobile, motorcycle race tracks, demolition derbies																		S	S
Automobile, motorcycle sales and operation, not including junked or wrecked vehicles, conducted within a completely enclosed building															G	G	G	G	G
Automobile repair shops including body and fender work conducted within a completely enclosed building															G	G	G	G	G
Automobile rental																G	G	G	G
Automobile sales, new and used																G	G	G	G
Automobile, washing and detailing shops															G	G	G	G	
Automobile wash, self-service and automatic																G	G		
Bait and tackle shop															G	G	G		
Bakeries, retail															G	G	G		
Bakeries, wholesale																	G	G	G
Banks and savings and loan, and similar financial institutions												G	G	G	G	G			
Barber shops												G		G	G	G			
Bar, nightclub, lounge, tavern, and pub														S	S	S	S	S	
Bed and breakfast inns	S		S		S		S		S	S		G	G	G	G	G			
Beauty shops, supplies, salons, and cosmetics store															G	G	G		
Bicycle and motorbike sales and repair															G	G	G	G	
Billiard and pool halls															S	S	S		
Bingo hall																	S	S	
Blueprint and drafting service												G		G	G	G			

§152.129 PERMITTED USES TABLE

Use Description	Zones															Supplemental Regulations				
	R-30/R-20	RMH-30	RMH-20	R-13	RMH-13	R-10	RMH-10	R-8	RMH-8	R-80W	R-40W	RMF	TR	MA	CB		GB	IIB	IL	IH
Boats, watercraft, and marine equipment sales, rental, and repair																G	G	G	G	
Books, reading materials and stationary sales															G	G	G			
Bottling plants															S	S	S	G	G	
Bowling alleys															G	G	G	S	S	
Broadcasting studios, rad.o. and television															G	G	G	G		
Brick and stone yard: manufacturing and wholesale																		G	G	
Brick and stone yard: retail																	G	G		
Builders supply store															G	G	G	G	G	
Bulk plants																		G	G	
Bulk storage of inflammable liquids or other hazardous substances																			S	
Bus stations															G	G	G	G	G	
Cabinet and woodworking shops																G	G	G	G	
Camera and photography supply store															G	G	G			
Canvas, tent, and awning sales and service															G	G	G	G		
Carpet, rug, bag cleaning establishment															G	G	G	G		
Car wash																G	G	G		
Catering establishments															G	G	G			
Cemeteries or mausoleums													S	S	S	S	S	S	S	
Child care home	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G			
Child care institution	S																S	S	S	
Churches, synagogues, temples, and other places of worship, rectories, Sunday Schools	G	G	G	G	G	G	G	G	G	G	G	G	G				G	G		
Cigars, cigarette, and tobacco, retail stores															G	G	G			
Cigars, cigarette, and tobacco; wholesale																	G	G	G	
Circuses, carnivals, carousels, roller coasters, ferris wheels, fairgrounds, trade shows, race tracks, stage shows, arts and craft shows, drive-in theaters, commercial stables, etc.																	S	S	S	

§152.129 PERMITTED USES TABLE

Use Description	Zones																Supplemental Regulations			
	R-30/R-20	RMH-30	RMH-20	R-15	RMH-15	R-10	RMH-10	R-8	RMH-8	R-80W	R-40W	RMF	TR	MA	CB	GB		UB	H	HI
Clay, stone, concrete cement processing and sales																			G	G
Clothing, apparel, and accessory, manufacturing																			G	G
Clothing, apparel, and accessory; new and used retail sales																G	G	G		
Clubs, civic, social, and fraternal (non-profit)	S	S	S	S	S	S	S	S	S	S	S	S	S		G	G	G	G	G	
Clubs, private and entertainment																		S		
Coal, wood lots	S																	S	S	
Colleges, universities including fraternity, sorority houses, dormitories, and incidental uses when on the same unit of property	S		S		S						S	S	S			S	S	S	S	
Commercial parking lots and garages															G	G	G			
Community centers													S	S	S	S	S	S	S	
Compartmentalized storage for individual storage of residential and commercial goods																	G	G	G	
Computer maintenance, repair, services, and sales															G	G	G			
Condominiums	S		S		S		S				S	S	S	S	S	S	S	S		
Construction storage yards, lumber yards																	G	G	G	
Convenient stores															G	G	G			
Consignment or secondhand shops															G	G	G			
Correctional facility, penal institutions, jails																		S	S	
Country clubs	S																	S	S	
Crafts supplies, hobby and fabric sales															G	G	G			
Crematorium														S			S	S	S	
Dairy, ice cream, and coffee shops															G	G	G			
Day care center	S	S	S	S	S	S	S	S	S	S	S	S	S	S			G			
Department stores															G	G	G			
Distribution center, product																		G	G	
Drive-in theaters																	S	S	S	
Drug stores, pharmacies														G	G	G	G			
Dry cleaners															G	G	G			
Duplex	S		S		S		S		S	S	S	S								

**§152.129 PERMITTED USES TABLE**

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Dwellings, boarding and rooming houses	S		S		S		S					S							
Dwellings, conservation subdivision	S		S		S		S												§152.139
Dwellings, single family detached	G	G	G	G	G	G	G	G	G	G	G	G							
Dwellings, single family residence with accessory apartment	S	S	S	S	S	S	S	S	S	S	G	G							
Dwellings, townhouses	S		S		S		S				S	S	S	S	S	S	S		
Dwellings, two family	G		G		G		G												
Egg processing																	G	G	
Electric and electronic machinery, equipment, shops, supplies and sales														G	G	G	G		
Electronic game machine parlors														S	S	S			
Electronic game machines, accessory to allowable uses														G	G	G			
Engineering supplies and equipment sales														G	G	G	G		
Excavation, processing and sale of minerals and stone																	S	S	
Exhibition buildings, galleries or show rooms														G	G	G	G	G	
Family care home	G	G	G	G	G	G	G	G	G	G	G								§152.1464
Farm supply, hay, grain, and feed stores																S	G	G	
Flammable liquids or gases, bulk storage in quantities less than 100,000 gallons																S	S	S	
Flea markets, used or new merchandise sales and promotion																S	S		
Florist; retail sales														G	G	G			
Flowers, plants, and garden supply sales	S														G	G	G		
Food and beverage processing																G	G	G	
Formal wear and costume rental store														G	G	G			
Foundry																	S	G	
Funeral homes												S	S	S	S	S			
Furniture, home furnishings, and equipment;																	G	G	
Furniture, home furnishings, and equipment; retail sales														G	G	G	G		



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	R-30/R-20	RMH-30 RMH-20	R-13	RMH 13	R-10	RMH-10	R-8	RMH-8	R-80W	R-40W	RMF	TR	MA	CB	GH		HB	II	II
Furniture re-upholstering and repair														G	G	G	G	G	
Garbage landfills and incinerators																			S
Garden stores and garden centers; retail sales														G	G	G	G		
Gift stores														G	G	G			
Glass and mirror shop														G	G	G			
Golf courses, including par three and miniature courses	S								S	S						S	S	S	
Golf driving ranges	S								S	S						S	G	G	
Grocery, supermarket, and food stores														G	G	G			
Group care home	S	S	S	S	S	S	S	S	S	S	S	S	S						
Gun, weapons, firearms, and ammunition sales shops														G	G	G			
Gymnasiums															G	G	G		
Halfway house	S	S	S	S	S	S	S	S	S	S	S	S							
Handicapped, aged or infirm home	G	G	G	G	G	G	G	G	G	G	G	S							
Handicapped, aged or infirm institution	S										S	S	G			S			
HVAC, plumbing, hardware, supplies, equipment, and building materials sales														G	G	G	G		
Health club, spa, fitness center, gymnasium and exercise facilities (indoors)														G	G	G			
Hobby shops														G	G	G			
Home occupations	G	G	G	G	G	G	G	G	G	G	G	G						See §152.143	
Hospitals													S						
Hotels and motels														S	S	S	S	S	
Ice plants																	G	G	
Intermediate care home	S	S	S	S	S	S	S	S	S	S	S	S	G						
Intermediate care institution	S										S	S	G						
Internet café																S			
Jewelry, precious stones and metals, sales and service														G	G	G			
Junkyards																	S	S	
Laboratories conducting research or testing entirely indoors using processes that ordinarily do not create noise, smoke, fumes, odors or health and safety hazards outside of the building*														G	G	G	G	G	

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	R-30/R-20	RMH-30	RMH-20	R-13	RMH-13	R-10	RMH-10	R-8	RMH-8	R-80W	R-40W	RMF	TR	MA	CB	GB		HB	IL	II
Laboratories, experimental photo or motion picture, film, research and testing																			G	G
Laboratories, medical, research														G				G	G	G
Land clearing and inert debris landfill																		S	S	
Laundries, cleaners, and laundromats, self-service															G	G	G	G		
Laundries, cleaning plants, and linen supply																	S	G	G	
Leather and leather products manufacturing																		G	G	
Libraries													G	G						
Locksmith, gunsmith, and key shops															G	G	G	G		
Machine shops																	G	G	G	
Machinery (heavy) sale, repair, rental, or storage																	S	G	G	
Manufactured home manufacturing																		G	G	
Manufactured home sales																	S	G	G	
Manufactured homes -		G			G		G		G											
Manufactured homes - Class B		G			G		G		G											
Manufactured homes - Class C		G			G		G		G											
Manufactured home parks		S			S		S		S											
Manufacturing and maintenance of electric and neon signs, billboard and commercial advertising structures and light sheet metal products, including heating and ventilating ducts and equipment, cornices, eaves and the like																		G	G	
Manufacturing and sales of auto accessories																		G	G	

**§152.129 PERMITTED USES TABLE**

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	R-30/R-20	RMH-30	RMH-20	R-13	RMH-13	R-10	RMH-10	R-8	RMH-8	R-80W	R-40W	RMH	TR	MA	CB		GIB	IBB	UL	IH
Manufacturing, compounding, assembling or treatment of articles or merchandise from the following previously prepared materials: bone, cellophane, canvas, felt, fiber, fur, glass, hair, horn, leather, paper, plastic, precious or semiprecious metals or stone, shell, textiles, wood (excluding																			G	G
Manufacturing, compounding, processing, packaging, or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, soap, toiletries, and food products																			G	G
Manufacturing, creating, repairing, assembling of goods or products entirely within an enclosed building																			G	G
Manufacturing of musical instruments, toys, novelties, and rubber and metal stamps																			G	G
Manufacturing of pottery and figurines or similar ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas																			G	G
Manufacturing musical instrument																			G	G
Martial arts school															G	G	G			
Medical equipment and supplies sales															G	G	G			
Metal shops involving fabrication of sheet metal																			G	G
Modular home (one family detached)	G	G	G	G	G	G	G	G	G	G	G	G	G							
Monument works, stone works																		G	G	G
Motocycle and all terrain vehicle (ATV) sales, service, repair, and rental															G	G	G	G	G	

§152.129 PERMITTED USES TABLE

Use Description	Zones															Supplemental Regulations				
	R-30/R-20	RMH-30	RMH-20	R-15	RMH-13	R-10	RMH-10	R-8	RMH-8	R-80W	R-40W	RMF	TR	MA	CB		GB	HB	IL	III
Movie theaters															S	G	G			
Moving, transfer, and storage companies																		G	G	
Museum																	G	G		
Multi-family apartment conversion, and townhouse	S		S		S		S					G	S							
Musical instrument equipment, and record sales															G	G	G			
Nail care salons and spas															G	G	G			
Nursery (horticultural) and greenhouses	S																G	G		
Nursing care home	S	S	S	S	S	S	S	S	S	S	S	S	S							
Nursing care institution	S											S	S	G						
Office: business and professional													G		G	G	G			
Office: medical, dental, paramedical, chiropractor, massage, physical, and occupational therapy													G	G	G	G	G			
Office equipment, and supply store; retail sales															G	G	G	G		
Offices of permitted uses													G	G	G	G	G	G	G	
Opticians													G	G	G	G	G			
Paint and wallpaper stores															G	G	G	G		
Pawn shops															G	G	G			
Pet store and grooming												S			G	G	G			
Photographic studios, development, processing and finishing															G	G	G			
Planing and saw mills																		G	G	
Planned commercial and mixed use developments																S	S	S	S	
Poultry processing and dressing plants																			G	
Printing and binding establishments															G	G	G	G	G	
Privately owned recreational facilities such as tennis courts, swimming pools, etc.	S															S	S			
Propane and natural gas retail stores																G	G	G		
Public buildings; police, fire, rescue squad stations, museums, art galleries, parks	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	
Public recreational facilities; tennis courts, swimming pools, etc.	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G				

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Use Description	Zones																Supplemental Regulations		
	R-30/R-20	RMH-30 RMH-20	R-13	RMH-13	R-10	RMH-10	R-8	RMH-8	R-80W	R-40W	RMF	TR	MA	CB	GB	HB		IL	II
Public utilities, static transformer stations, transmission lines and towers and telephone exchanges, radio and television towers and transmitting or relay stations, including service and storage yards	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	
Quarries or other extraction industries																	S	S	
Racetrack, indoor																	S	S	S
Racetrack, outdoor																	S	S	
Railroad freight stations, switching, storage, freight yards, maintenance, and fueling stations																	S	S	S
Railway stations														G	G	G	G	G	
Recreational facility, indoor (private and non-profit)																	S	S	S
Recreational facility, outdoor (private)	S																S	S	S
Recycling deposit station (principal use)	S																S	S	S
Recycling processing facility																	S	S	
Repair and servicing shops conducted entirely within an enclosed structure														G	G	G	G	G	
Restaurants, including all eating establishments except bars, nightclubs, lounges,														G	G	G	S	S	
Roller skating rinks														G	G	G	S	S	
Salvage yards																	S	S	
Septic tank cleaning service																	S	S	
Schools (academic): kindergarden, elementary, secondary, public or private	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
Schools (non-academic): commercial, vocational, public or private to include music and dance studios	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
Seasonal sales (Christmas trees, plants and pumpkins)															G	G	G	G	§152.1463
Service and repair establishments, including but not limited to small item repair shops and rental shops; conducted entirely within an enclosed structure														G	G	G	G	G	

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	R-30/R-20	RMI-30 RMI-20	R-13	RMH-13	R-10	RMI-10	R-8	RMI-8	R-80W	R-40W	RMF	TR	MA	CB	GB		HB	II	III	
Service station type I															G	G	G	G	G	
Service station type II																S	G			
Service station type III																S	G			
Sheet metal, roofing shops																	G	G	G	
Shoe repair															G	G	G			
Shooting range, indoor															G	G	G			
Shooting range, outdoor																	S	S	S	
Sign and banner shop - retail sales															G	G	G			
Sign painting and fabrication shop																	G	G	G	
Small-scale solar collection systems	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	§152.1469
Solar farms	S	S																S	S	§152.1469
Sporting goods and apparel shops															G	G	G			
Stables, commercial	S																	S	S	
Swimming pools sales, service, and supplies																	S	G	G	
Tailor, dressmaking, and alteration shop															G	G	G			
Tanning salons, primary and accessory uses															G	G	G			
Tattoo parlor															S	S	S			
Tax preparation service															G	G	G			
Tax stands															G	G	G	G	G	
Television sales and repair															G	G	G			
Theater															G	G	G			
Thrift stores															G	G	G			
Tobacco storage and processing; commercial and industrial operations																		G	G	
Tool and die shop, wrought iron shop, blacksmith or machine shop																		G	G	
Toys, retail sales															G	G	G			
Trailer sales, service, and rental																	G	G	G	
Travel agency															G	G	G			
Travel trailer parks	S																	S	S	
Truck and utility trailer rental facility; primary use																	G	G	G	
Truck washing facility; accessory use																		G	G	
Truck washing facility; primary use																		S	S	
Upholstery shop																	G	G		

§152.129 PERMITTED USES TABLE

Use Description	Zones															Supplemental Regulations				
	R-30/R-20	RMH-30	RMH-20	R-13	RMH-13	R-10	RMH-10	R-8	RMH-8	R-80W	R-40W	RMF	TR	MA	CB		GB	HB	TL	TH
Veterinary and animal clinics and hospitals (non-boarding)															G	G	G			
Video rental stores, primary and accessory use															G	G	G			
Warehousing, general																G	G	G	G	
Watch and clock, repair and sales															G	G	G			
Welding shop																	G	G	G	
Well drilling services																		G	G	
Wholesale establishments, sales, distribution, and operations																		G	G	
Wholesale storage of petroleum, gasoline, and oil																				S
Wind energy facilities, principle or accessory uses	S									S	S						S	S	S	
Woodworking shops																		G	G	
Wrecker service; automobile and vehicle towing service																	S	G	G	

## **Attachment 5**





**Subject Site**



**Subject Site**



**DIXON  
PAVING**



**919-830-8498**

**NOW HIRING**

- PAVING FOREMAN
- ASPHALT PAVER OPERATORS
- ASPHALT CREW MEN
- HEAVY EQUIPMENT OPERATORS
- ASPHALT MILLING OPERATORS

**Business Signage**



**Posted sign looking West on Perry Curtis Road**



**Commerical Vehicles**



**Commercial Vehicles**



**Adjacent Property - Single-Family Residence**



**Adjacent Property – Single-Family Residence**





**Across the Street - Single-Family Residence**



**Signage and Driveway Access from South Arendell**

## **Attachment 6**

		Requirements	Example Motions
No changes to Ordinances or Plans	Option 1	A statement approving the zoning map amendment and describing its consistency with the Town of Zebulon Comprehensive Plan, Zebulon Code of Ordinances, and any other official plan that is applicable, explaining why the action taken is reasonable and in the public interest.	I move we recommend approval of RZ 2019-02 based upon the consistency with the Town of Zebulon Comprehensive Plan, Zebulon Code of Ordinances, and any other official plan that is applicable.
	Option 2	A statement rejecting the zoning map amendment and describing its inconsistency with the Town of Zebulon Comprehensive Plan, Zebulon Zoning Ordinance, and any other official plan that is applicable, explaining why the action taken is reasonable and in the public interest.	I move we recommend disapproval of RZ 2019-02 based upon review of inconsistency with the Town of Zebulon Comprehensive Plan, Zebulon Code of Ordinances, and any other official plan that is applicable.
With changes to Ordinances or Plans	Option 3	<p>A statement approving the zoning map amendment and containing <b><u>at least all</u></b> of the following:</p> <p>a. A declaration that the approval is also deemed an amendment to Town of Zebulon Comprehensive Plan, Zebulon Zoning Ordinance, and any other official plan that is applicable. The Board shall not require any additional request or application.</p> <p>b. An explanation of the change in conditions the Board took into account in amending the zoning ordinance to meet the development needs of the community.</p> <p>c. Why the action was reasonable and in the public interest.</p>	I move we recommend approval of RZ 2019-02 as an amendment to the Zebulon Code of Ordinances.



STAFF REPORT  
RZ 2019-04 0 N Arendell Avenue  
May 13, 2019

**Topic: RZ 2019-04 – 0 N Arendell Avenue**

Speaker: Meade O. Bradshaw, III, CZO, Assistant Planning Director  
From: Michael J. Clark, AICP, CZO, Planning Director  
Prepared by: Meade O. Bradshaw, III, CZO, Assistant Planning Director  
Approved by: Joseph M. Moore II, PE, Town Manager

**Executive Summary:**

The Board of Commissioners will consider a Zoning Map Amendment for 0 N Arendell Avenue.

**Background:**

A request by Dallas Pearce to rezone approximately 0.15 acres of land located at 0 N Arendell Avenue. The request is to rezone the parcel from Residential-10 (R-10) to Transitional District (TR). The property is a landlocked property located adjacent to 811 N Arendell Avenue which fronts on N Arendell Avenue.

**Discussion:**

The discussion before the Board is whether or not the Zoning Map Amendment request is consistent with the Town's adopted plans and policies. If approved, a consistency statement is required in accordance with NC General Statute 160A-383.. If the request is not approved, the Board should provide alternative language for the consistency statement to state the request is not consistent with the Town's adopted plans and policies.

**Policy Analysis:**

*Comprehensive Plan: Land Use Plan (Chapter 9)*

This parcel is designated as Traditional Neighborhood (TN). TN is characterized by grid or connected street pattern, houses oriented with shorter dimension to the street and detached garages, some with alleys. Limited commercial, schools, churches, and home business. Limited commercial facilities are characterized for the area serving neighborhoods.

1. The Town of Zebulon's adopted Future Land Use plan suggests the parcel and surrounding areas should be Traditional Neighborhood.
2. Traditional Neighborhood is an average of 4 to 8 units per acre.
3. Types of Uses:
  - a. Single-Family Detached
  - b. Duplexes
  - c. Townhomes
  - d. Multiple-Family Dwellings
  - e. Limited commercial uses serving neighborhoods

The proposed Zoning Map Amendment is consistent with the Land Use Plan.



STAFF REPORT  
RZ 2019-04 0 N Arendell Avenue  
May 13, 2019

**Fiscal Analysis:**

Cannot be evaluated with a Zoning Map Amendment request.

**Staff Recommendation:**

Staff recommends approval of RZ 2019-04 due to the Zoning Map Amendment being consistent with the Land Use Plan and existing zoning in the area.

Adjacent parcels to the north, west, and south are zoned Residential-10 District. The parcel to the adjacent east is zoned Transitional District. The subject property and the property to the adjacent east are owned by the same property owner. This gives a landlocked parcel zoning consistency with a parcel with street frontage.

The following consistency statement may be used:

The proposed rezoning is consistent with the Town of Zebulon Land Use Plan in that it further promotes the revitalization of the downtown by introducing uses and continuing applicable improvements as required in the multipodal plan,

**Attachments:**

- 1) Aerial Map
- 2) Zoning Map
- 3) Land Use
- 4) Site Pictures
- 5) Consistency Statement

# **Attachment 1**

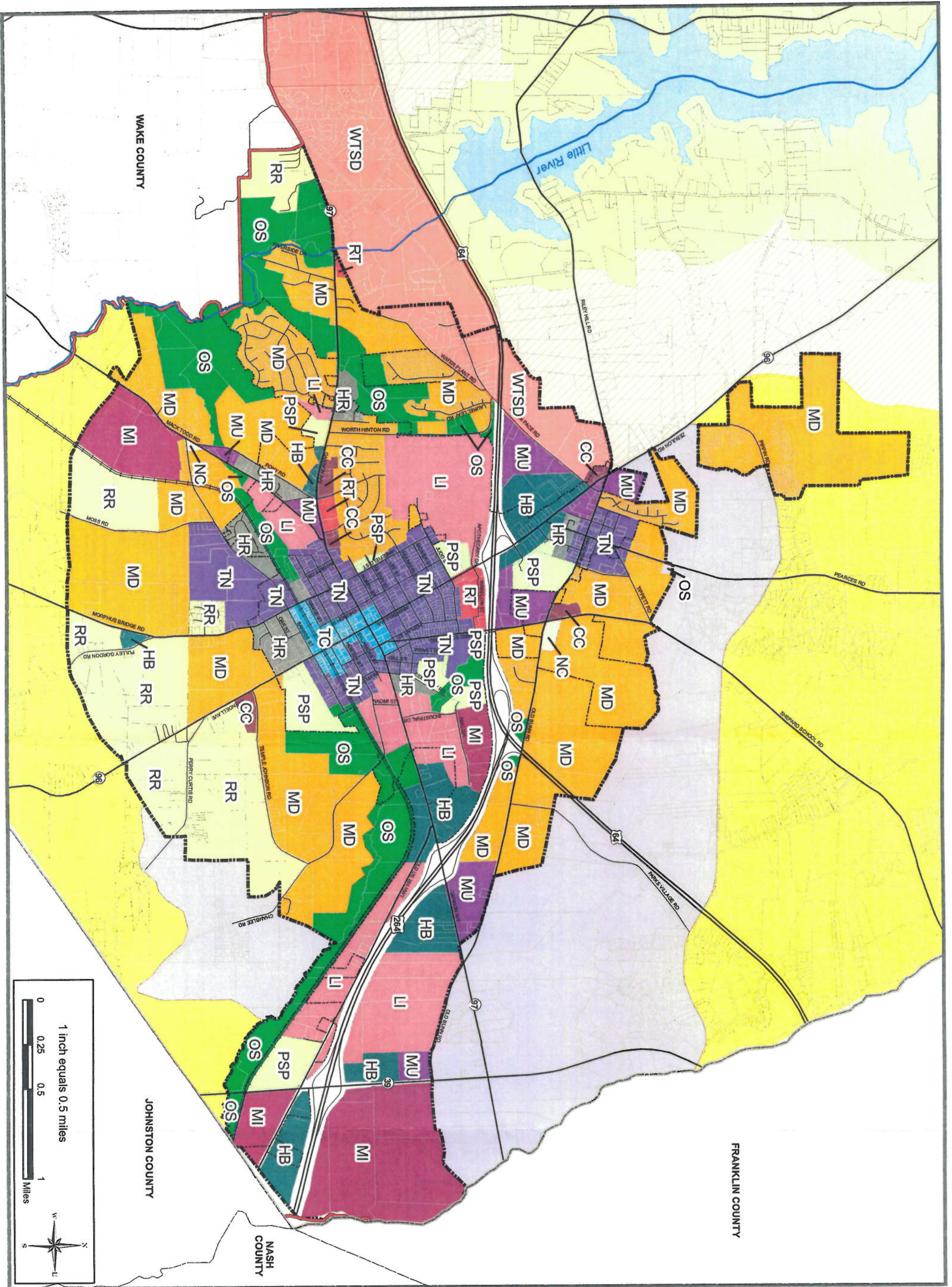




## **Attachment 2**



# **Attachment 3**



# Land Use

Town of Zebulon  
Wake County, NC

## Legend

- Railroad
  - Streets
  - Major Roads
  - Major Streams
  - Critical Water Supply Watershed (R-80W)
  - Little River Reservoir
  - Little River Water
  - Supply Watershed
  - Annexation/Utility Boundary Agreement Line
  - Zebulon Short Range Utility Service Area
  - Zebulon Long Range Utility Service Area
  - WTSD-Watershed
- Land Use**
- OS-Open Space
  - PSP-Public/Semi-Public Open Space
  - RR-Residential Rural Residential
  - MD-Medium Density Residential
  - HR-High Density Residential
  - TN-Traditional Neighborhood
  - TC-Town Core/Downtown
  - HB-Highway Business
  - MU-Mixed Use
  - CC-Community Commercial
  - NC-Neighborhood Commercial
  - RT-Retail
  - LI-Light Industrial
  - MI-Medium Industrial
- Zebulon City Limits
- Zebulon Extra Territorial Jurisdiction Limits
- Wake County



Data obtained from Wake County GIS and the Town of Zebulon

MAY 2008

## **Attachment 4**

§152.129 PERMITTED USES TABLE																			
Use Description	Zones															Supplemental Regulations			
	R-30/R-20	RMH-30 RMH-20	R-13	RMH-13	R-10	RMH-10	R-8	RMH-8	R-80W	R-40W	RMP	TR	MA	CB	GB		HB	IL	IH
ABC store																G			
Accessory building	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	\$152.133
Adult day care center												S	S		S	S			
Adult day care home											G								
Adult establishments and cabarets																S			
Agricultural production: crops	G		G						G	G									
Agricultural production: livestock	G								G	G							S	S	
Agricultural product: equipment sales and service															G	G	G	G	
Agricultural product: warehousing																	G	G	
Airports, public and private																	S	S	
Amphitheaters																S	S	S	
Animal kennel, breeder, or shelter*	S								S	S							S	S	
Antiques and gift retail stores															G	G	G		
Apartment on second floor															G				
Appliances: service and retail sales															G	G	G		
Armories																G	G	G	
Art galleries												S			G	G	G		
Arts and crafts: supply and retail sales															G	G	G		
Asphalt plants or products manufacturing and refining																	S	S	
Assembly, fabrication, production or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, health or safety hazards outside of the building. Typically involves the work of artisans or craftsman. May also include micro-brews, micro-distilleries, micro-wineries, or other similar facilities as part of a microbrewery or other beverage tasting facilities.																		G	* Outside storage of raw materials or finished products is not allowed; all storage must be located entirely within an enclosed building
Auction; auto or equipment																	G	G	
Auction house															G	G	G		
Auditorium, assembly, and conference halls; primary use																S	S	S	

§152.129 PERMITTED USES TABLE

Use Description	Zones														Supplemental Regulations					
	R-30/R-20	RMH-30	RMH-20	R-13	RMH 13	R-10	RMH-10	R-8	RMH-8	R-80W	R-40W	RMF	TR	MA		CB	GB	HB	II	III
Automatic teller machines															G	G	G	G	G	
Automobile accessories sales															G	G	G			
Automobile and truck assembling, painting, upholstering, rebuilding, reconditioning, body and fender works, truck repairing or overhauling, tire retreading or recapping, and similar uses																	G	G	G	
Automobile, motorcycle race tracks, demolition derbies																		S	S	
Automobile, motorcycle sales and operation, not including junked or wrecked vehicles, conducted within a completely enclosed building															G	G	G	G	G	
Automobile repair shops including body and fender work conducted within a completely enclosed building															G	G	G	G	G	
Automobile rental																G	G	G	G	
Automobile sales; new and used																G	G	G	G	
Automobile, washing and detailing shops															G	G	G	G		
Automobile wash; self-service and automatic																G	G			
Bait and tackle shop															G	G	G			
Bakeries, retail															G	G	G			
Bakeries, wholesale																G	G	G		
Banks and savings and loan, and similar financial institutions													G	G	G	G	G			
Barber shops													G		G	G	G			
Bar, nightclub, lounge, tavern, and pub															S	S	S	S	S	
Bed and breakfast inns	S			S		S		S		S	S	G	G	G	G	G	G			
Beauty shops, supplies, salons, and cosmetics store															G	G	G			
Bicycle and motorbike sales and repair															G	G	G	G		
Billiard and pool halls															S	S	S			
Bingo hall																	S	S		
Blueprint and drafting service													G		G	G	G			

§152.129 PERMITTED USES TABLE

Use Description	Zones															Supplemental Regulations				
	R-30/R-20	RMF-30	RMF-20	R-13	RMH-13	R-10	RMH-10	R-8	RMH-8	R-80W	R-40W	RMF	TR	MA	CB		GB	HB	EL	HH
Boats, watercraft, and marine equipment sales, rental, and repair																G	G	G	G	
Books, reading materials and stationary sales															G	G	G			
Bottling plants															S	S	S	G	G	
Bowling alleys															G	G	G	S	S	
Broadcasting studios, radio, and television															G	G	G	G		
Brick and stone yard; manufacturing and wholesale																		G	G	
Brick and stone yard; retail																	G	G		
Builders supply store															G	G	G	G	G	
Bulk plants																		G	G	
Bulk storage of inflammable liquids or other hazardous substances																			S	
Bus stations															G	G	G	G	G	
Cabinet and woodworking shops																G	G	G	G	
Camera and photography supply store															G	G	G			
Canvas, tent, and awning sales and service															G	G	G	G		
Carpet, rug, bag cleaning establishment															G	G	G	G		
Car wash																G	G	G		
Catering establishments															G	G	G			
Cemeteries or mausoleums															S	S	S	S	S	S
Child care home	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G			
Child care institution	S																S	S	S	
Churches, synagogues, temples, and other places of worship, rectories, Sunday Schools	G	G	G	G	G	G	G	G	G	G	G	G	G				G	G		
Cigars, cigarette, and tobacco; retail stores															G	G	G			
Cigars, cigarette, and tobacco; wholesale																	G	G	G	
Circuses, carnivals, carousels, roller coasters, ferris wheels, fairgrounds, trade shows, race tracks, stage shows, arts and craft shows, drive-in theaters, commercial stables, etc.																	S	S	S	



**§152.129 PERMITTED USES TABLE**

Use Description	Zones																Supplemental Regulations			
	R-30/R-20	RMU-30	RMU-20	R-13	RMU-13	R-10	RMU-10	R-8	RMU-8	R-80W	R-40W	RMU	TR	M/A	CB	GB		IB	IL	II
Clay, stone concrete cement processing and sales																			G	G
Clothing, apparel, and accessory: manufacturing																			G	G
Clothing, apparel, and accessory: new and used retail sales															G	G	G			
Chrs: civic, social, and fraternal (non-profit)	S	S	S	S	S	S	S	S	S	S	S	S	S		G	G	G	G	G	
Clubs, private and entertainment																	S			
Coal, wood lots	S																	S	S	
Colleges, universities including fraternity, sorority houses, dormitories, and incidental uses when on the same unit of property	S		S		S						S	S	S		S	S	S	S	S	
Commercial parking lots and garages															G	G	G			
Community centers												S	S	S	S	S	S	S	S	
Compartmentalized storage for individual storage of residential and commercial goods																	G	G	G	
Computer maintenance, repair, services, and sales															G	G	G			
Condominiums	S		S		S		S				S	S	S	S	S	S	S	S		
Construction storage yards, lumber yards																	G	G	G	
Convenient stores															G	G	G			
Consignment or secondhand shops															G	G	G			
Correctional facility, penal institutions, jails																		S	S	
Country clubs	S																	S	S	
Crafts supplies, hobby and fabric sales															G	G	G			
Crematorium														S			S	S	S	
Dairy, ice cream, and coffee shops															G	G	G			
Day care center	S	S	S	S	S	S	S	S	S	S	S	S	S	S			G			
Department stores															G	G	G			
Distribution center, product																		G	G	
Drive-in theaters																	S	S	S	
Drug stores, pharmacies														G	G	G	G			
Dry cleaners															G	G	G			
Duplex	S		S		S		S		S	S	S	S								

§152.129 PERMITTED USES TABLE

Use Description	Zones															Supplemental Regulations			
	R-30/R-20	RMH-30 RMH-20	R-13	RMH-13	R-10	RMH-10	R-8	RMH-8	R-80W	R-40W	RMF	TR	MA	CB	GB		HB	II	III
Dwellings, boarding and rooming houses	S		S		S		S					S							
Dwellings, conservation subdivision	S		S		S		S												§152.139
Dwellings, single family detached	G	G	G	G	G	G	G	G	G	G	G	G							
Dwellings, single family residence with accessory apartment	S	S	S	S	S	S	S	S	S	S	G	G							
Dwellings, townhouses	S		S		S		S				S	S	S	S	S	S	S		
Dwellings, two family	G		G		G		G												
Egg processing																	G	G	
Electric and electronic machinery, equipment, shops, supplies and sales														G	G	G	G		
Electronic game machine parlors														S	S	S			
Electronic game machines, accessory to allowable uses														G	G	G			
Engineering supplies and equipment sales														G	G	G	G		
Excavation; processing and sale of minerals and stone																	S	S	
Exhibition buildings, galleries or show rooms														G	G	G	G	G	
Family care home	G	G	G	G	G	G	G	G	G	G	G								§152.1464
Farm supply, hay, grain, and feed stores																S	G	G	
Flammable liquids or gases, bulk storage in quantities less than 100,000 gallons																S	S	S	
Flea markets, used or new merchandise sales and promotion																S	S		
Florist; retail sales														G	G	G			
Flowers, plants, and garden supply sales	S														G	G	G		
Food and beverage processing															G	G	G		
Formal wear and costume rental store														G	G	G			
Foundry																	S	G	
Funeral homes												S	S	S	S	S			
Furniture, home furnishings, and equipment;																	G	G	
Furniture, home furnishings, and equipment; retail sales														G	G	G	G		

§152.129 PERMITTED USES TABLE

Use Description	Zones																Supplemental Regulations		
	R-30/R-20	RMH-30 RMH-20	R-13	RMH 13	R-10	RMH-10	R-8	RMH-8	R-80W	R-40W	RMF	FR	MA	CB	GB	HIB		IL	IH
Furniture re-upholstering and repair														G	G	G	G	G	
Garbage landfills and incinerators																		S	
Garden stores and garden centers; retail sales														G	G	G	G		
Gift stores														G	G	G			
Glass and mirror shop														G	G	G			
Golf courses, including par three and miniature courses	S								S	S						S	S	S	
Golf driving ranges	S								S	S						S	G	G	
Grocery, supermarket, and food stores														G	G	G			
Group care home	S	S	S	S	S	S	S	S	S	S	S	S							
Gun, weapons, firearms, and ammunition sales shops														G	G	G			
Gymnasiums															G	G	G		
Halfway house	S	S	S	S	S	S	S	S	S	S	S	S							
Handicapped, aged or infirm home	G	G	G	G	G	G	G	G	G	G	G	S							
Handicapped, aged or infirm institution	S										S	S	G			S			
HVAC, plumbing, hardware, supplies, equipment, and building materials sales														G	G	G	G		
Health club, spa, fitness center, gymnasium and exercise facilities (indoors)														G	G	G			
Hobby shops														G	G	G			
Home occupations	G	G	G	G	G	G	G	G	G	G	G	G							See §152.143
Hospitals													S						
Hotels and motels														S	S	S	S	S	
Ice plants																	G	G	
Intermediate care home	S	S	S	S	S	S	S	S	S	S	S	S	G						
Intermediate care institution	S											S	S	G					
Internet café																S			
Jewelry, precious stones and metals; sales and service														G	G	G			
Junkyards																	S	S	
Laboratories conducting research or testing entirely indoors using processes that ordinarily do not create noise, smoke, fumes, odors or health and safety hazards outside of the building*														G	G	G	G	G	



**§152.129 PERMITTED USES TABLE**

Use Description	Zones														Supplemental Regulations					
	R-30/R-20	RMH-30	RMH-20	R-13	RMH-13	R-10	RMH-10	R-8	RMH-8	R-80W	R-40W	RMF	TR	MA		CB	GB	IIB	IL	IH
Manufacturing, compounding, assembling or treatment of articles or merchandise from the following previously prepared materials: bone, cellophane, canvas, felt, fiber, fur, glass, hair, horn, leather, paper, plastic, precious or semiprecious metals or stone, shell, textiles, wood (excluding																			G	G
Manufacturing, compounding, processing, packaging, or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, soap, toiletries, and food products																			G	G
Manufacturing, creating, repairing, assembling of goods or products entirely within an enclosed building																			G	G
Manufacturing of musical instruments, toys, novelties, and rubber and metal stamps																			G	G
Manufacturing of pottery and figurines or similar ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas																			G	G
Manufacturing musical instrument																			G	G
Martial arts school															G	G	G			
Medical equipment and supplies sales															G	G	G			
Metal shops involving fabrication of sheet metal																			G	G
Modular home (one family detached)	G	G	G	G	G	G	G	G	G	G	G	G	G							
Monument works, stone works																		G	G	G
Motorcycle and all terrain vehicle (ATV) sales, service, repair, and rental															G	G	G	G	G	



§152.129 PERMITTED USES TABLE

Use Description	Zones																Supplemental Regulations		
	R-30/R-20	RM1-30 RM1-20	R-15	RMH-13	R-10	RMH-10	R-8	RMH-8	R-80W	R-10W	RMF	TR	M/A	CB	GB	HB		IL	HI
Public utilities, static transformer stations, transmission lines and towers and telephone exchanges, radio and television towers and transmitting or relay stations, including service and storage yards	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	
Quarries or other extraction industries																		S	S
Racetrack, indoor																		S	S
Racetrack, outdoor																		S	S
Railroad freight stations, switching, storage, freight yards, maintenance, and fueling stations																		S	S
Railway stations														G	G	G	G	G	
Recreational facility, indoor (private and non-profit)																	S	S	S
Recreational facility, outdoor (private)	S																S	S	S
Recycling deposit station (principal use)	S																S	S	S
Recycling processing facility																		S	S
Repair and servicing shops conducted entirely within an enclosed structure														G	G	G	G	G	
Restaurants, including all eating establishments except bars, nightclubs, lounges,														G	G	G	S	S	
Roller skating rinks														G	G	G	S	S	
Salvage yards																		S	S
Septic tank cleaning service																		S	S
Schools (academic): kindergarden, elementary, secondary, public or private	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Schools (non-academic): commercial, vocational, public or private to include music and dance studios	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Seasonal sales (Christmas trees, plants and pumpkins)															G	G	G	G	§152.1463
Service and repair establishments, including but not limited to small item repair shops and rental shops; conducted entirely within an enclosed structure														G	G	G	G	G	

§152.129 PERMITTED USES TABLE

Use Description	Zones															Supplemental Regulations					
	R-30/R-20	RMH-30	RMH-20	R-13	RMH-13	R-10	RMH-10	R-8	RMH-8	R-80W	R-40W	RMF	IR	MA	CB		GB	HB	IL	II	
Service station type I																G	G	G	G	G	
Service station type II																	S	G			
Service station type III																	S	G			
Sheet metal, roofing shops																		G	G	G	
Shoe repair																G	G	G			
Shooting range; indoor																G	G	G			
Shooting range; outdoor																		S	S	S	
Sign and banner shop, retail sales																G	G	G			
Sign painting and fabrication shop																		G	G	G	
Small-scale solar collection systems	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	§152.1469
Solar Farms	S	S																	S	S	§152.1469
Sporting goods and apparel shops																G	G	G			
Stables, commercial	S																		S	S	
Swimming pools sales, service, and supplies																		S	G	G	
Tailor, dressmaking, and alteration shop																G	G	G			
Tanning salons, primary and accessory uses																G	G	G			
Tattoo parlor																S	S	S			
Tax preparation service																G	G	G			
Taxi stands																G	G	G	G	G	
Television sales and repair																G	G	G			
Theater																G	G	G			
Thrift stores																G	G	G			
Tobacco storage and processing; commercial and industrial operations																			G	G	
Tool and die shop, wrought iron shop, blacksmith or machine shop																			G	G	
Toys, retail sales																G	G	G			
Trailer sales, service, and rental																		G	G	G	
Travel agency																G	G	G			
Travel trailer parks	S																		S	S	
Truck and utility trailer rental facility; primary use																		G	G	G	
Truck washing facility; accessory use																			G	G	
Truck washing facility; primary use																			S	S	
Upholstery shop																		G	G		



§152.129 PERMITTED USES TABLE

Use Description	Zones														Supplemental Regulations					
	R-30/R-20	RMF-30	RMF-20	R-13	RMU-13	R-10	RMF-10	R-8	RMF-8	R-80W	R-40W	RMF	TR	MA		CB	GB	HB	IL	IH
Veterinary and animal clinics and hospitals (non-boarding)															G	G	G			
Video rental stores, primary and accessory use															G	G	G			
Warehousing, general																G	G	G	G	
Watch and clock, repair and sales															G	G	G			
Welding shop																	G	G	G	
Well drilling services																		G	G	
Wholesale establishments, sales, distribution, and operations																			G	G
Wholesale storage of petroleum, gasoline, and oil																				S
Wind energy facilities: principle or accessory uses	S									S	S						S	S	S	
Woodworking shops																		G	G	
Wrecker service: automobile and vehicle towing service																	S	G	G	

## **Attachment 5**



Posted sign looking south on N Arendell Avenue



Looking North on N Arendell Avenue



Subject Site



Vacant, adjacent parcel to the east



Adjacent parcel to the North



Adjacent office use to the South





Office uses across N Arendell Avenue

## **Attachment 6**

		Requirements	Example Motions
No changes to Ordinances or Plans	Option 1	A statement approving the zoning map amendment and describing its consistency with the Town of Zebulon Comprehensive Plan, Zebulon Code of Ordinances, and any other official plan that is applicable, explaining why the action taken is reasonable and in the public interest.	I move we recommend approval of RZ 2019-04 based upon the consistency with the Town of Zebulon Comprehensive Plan, Zebulon Code of Ordinances, and any other official plan that is applicable.
	Option 2	A statement rejecting the zoning map amendment and describing its inconsistency with the Town of Zebulon Comprehensive Plan, Zebulon Zoning Ordinance, and any other official plan that is applicable, explaining why the action taken is reasonable and in the public interest.	I move we recommend disapproval of RZ 2019-04 based upon review of inconsistency with the Town of Zebulon Comprehensive Plan, Zebulon Code of Ordinances, and any other official plan that is applicable.
With changes to Ordinances or Plans	Option 3	<p>A statement approving the zoning map amendment and containing <b>at least all</b> of the following:</p> <p>a. A declaration that the approval is also deemed an amendment to Town of Zebulon Comprehensive Plan, Zebulon Zoning Ordinance, and any other official plan that is applicable. The Board shall not require any additional request or application.</p> <p>b. An explanation of the change in conditions the Board took into account in amending the zoning ordinance to meet the development needs of the community.</p> <p>c. Why the action was reasonable and in the public interest.</p>	I move we recommend approval of RZ 2019-04 as an amendment to the Zebulon Code of Ordinances.



STAFF REPORT  
SUP 2019-01 Cardinal Pines  
May 13, 2019

**Topic: SUP 2019-01 –Cardinal Pines**

Speaker: Meade O. Bradshaw, III, CZO, Assistant Planning Director  
From: Michael J. Clark, AICP, CZO, Planning Director  
Prepared by: Meade O. Bradshaw, III, CZO, Assistant Planning Director  
Approved by: Joseph M. Moore II, PE, Town Manager

**Executive Summary:**

The Board of Commissioners will consider the Special Use Permit received for a property located at 303 Pony Road.

**Background:**

The Special Use Permit request is for the approval of a 77-unit, 55+ age targeted, affordable, multifamily building. A Special Use Permit is required for a *Multifamily Apartment* located within the Transitional District. It should also be noted this is a tax credit development.

**Discussion:**

The discussion before the Board of Commissioners is whether or not to approve the Special Use Permit as requested. If approved, any conditions should be stated in the motion to approve, and the Board of Commissioners determined that the findings of fact have been met. ¶

¶

The findings of fact are as follows:

- 1) The proposed special use will not materially endanger the public health, safety or welfare;
- 2) The proposed special use will not substantially injure the value of adjoining or abutting property;
- 3) The proposed special use will be in harmony with the area in which it is to be located; and
- 4) The proposed special use will be in general conformity with the ordinances, policies, land use plan, thoroughfare plan or other plan officially adopted by the Board of Commissioners.

If denied, the Board of Commissioners must discuss and state a reason as to why particular(s) finding did not have sufficient evidence to be met. Only one finding must be found unproven based upon evidence submitted at the hearing to oppose the permit.

The application, supporting documents, and any expert testimony provided by the applicants, staff, or the public, such as the application and findings of fact, proposed concept plan, and proposed conditions that were entered into the public record as exhibits during the Joint Public Hearing should be given careful examination to guide the Board's discussion for the four findings of fact necessary to approve or deny the special use permit.



STAFF REPORT  
SUP 2019-01 Cardinal Pines  
May 13, 2019

**Policy Analysis:**

*Comprehensive Plan: Land Use Plan (Chapter 9)*

This parcel is designated as Medium Density Residential (MD). MD consists of multifamily attached housing oriented in a vertical fashion, more commonly known as apartments and condominiums. The proposed Zoning Map Amendment is consistent with the Land Use Plan. See Attachment 3 for a map of the Land Use Plan.

1. The Town of Zebulon's adopted Future Land Use suggests the parcel and surrounding areas should be Medium Density Residential.
2. Medium Density Residential areas include land designated for residential use in areas that will be served by the municipal water and sanitary sewer system. This land use is designated by the density of development and not the type of housing.
3. Medium Density is an average overall density of 3 to 4 units per acre.
4. Types of uses:
  - a. Single-Family Detached
  - b. Duplexes
  - c. Townhomes
  - d. Multiple-Family Dwellings
5. The proposed Zoning Map Amendment conflicts with the Land Use Plan in regards to density, but not housing type.

*Comprehensive Plan: Multimodal Transportation Plan (Chapter 5)*

1. The property is located on Pony Road, south of the intersection with Gannon Avenue.
2. Pony Road is a two-lane undivided roadway.
3. The Multimodal Transportation Plan shows no improvements to the section of Pony Road.

*Comprehensive Plan: Housing & Neighborhood (Chapter 6)*

- A. This proposed development is a tax credit project. This proposal is consistent with the following goal:
  - *Housing & Neighborhood Goal 1 -- Achieve a variety of housing types, designs and densities in both older neighborhoods and newly developing areas to meet the needs of all income levels.*

*Comprehensive Plan: Parks and Recreation Master Plan (Chapter 7)*

The Town currently does not have a Parks and Recreation Master Plan or a Parks and Recreation component of the Comprehensive Plan, to guide the placement, or assess the needs, of parks and recreation facilities.



STAFF REPORT  
SUP 2019-01 Cardinal Pines  
May 13, 2019

*Zebulon 2030 Strategic Plan*

The proposal is consistent with the following goal:

- *Growing Smart - Explore how to build more multifamily housing options*
- *Small Town Life – Increase town's walkability*

*Traffic*

A Traffic Impact Analysis (TIA) report is not required. See the trip generation letter, Attachment 6.

*Greenway, Bicycle, and Pedestrian Master Plan*

Bikeways and sidewalks are designated along this section of Pony Road.

*Ordinance Requirements*

This project will go through the Town of Zebulon's Technical Review Committee process which will meet all applicable requirements from the *Code of Ordinances* and *Land Development Regulations*.

**Fiscal Analysis:**

Attachment 5 is the applicants responses to the Findings of Fact.

**Staff Response:**

Staff has reviewed SUP 2019-01 and finds the request to be in general conformity with the ordinances, policies, land use plan, thoroughfare plan or other plan officially adopted by the Board of Commissioners, subject to the following conditions:

- 1) A sidewalk connection should be made behind the building for connectivity and a proposed outdoor amenity;
- 2) There should be a sidewalk connection from the front entrance of the building to the public sidewalk on Pony Road; and
- 3) The project must receive Technical Review Committee approval from the Town of Zebulon conforming to the *Code of Ordinances* and *Land Development Regulations*.

**Attachments:**

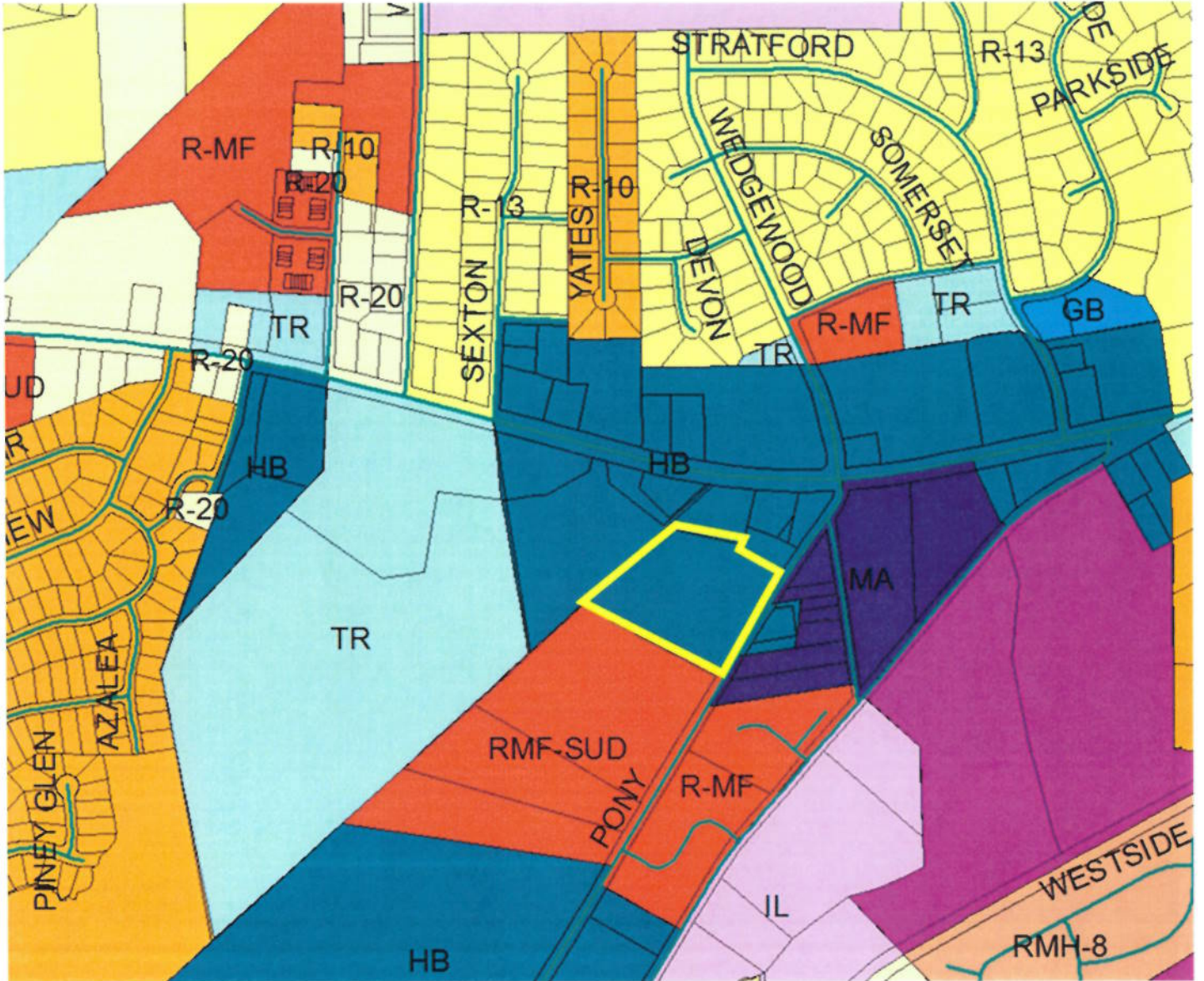
- 1) Aerial Map
- 2) Zoning Map
- 3) Land Use
- 4) Application/Concept Plan
- 5) Trip Generation Letter
- 6) Site Pictures

# **Attachment 1**





## **Attachment 2**



## **Attachment 3**

# Land Use

Town of Zebulon  
Wake County, NC

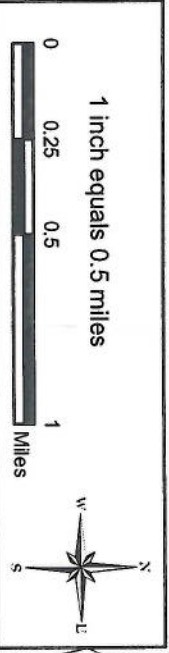
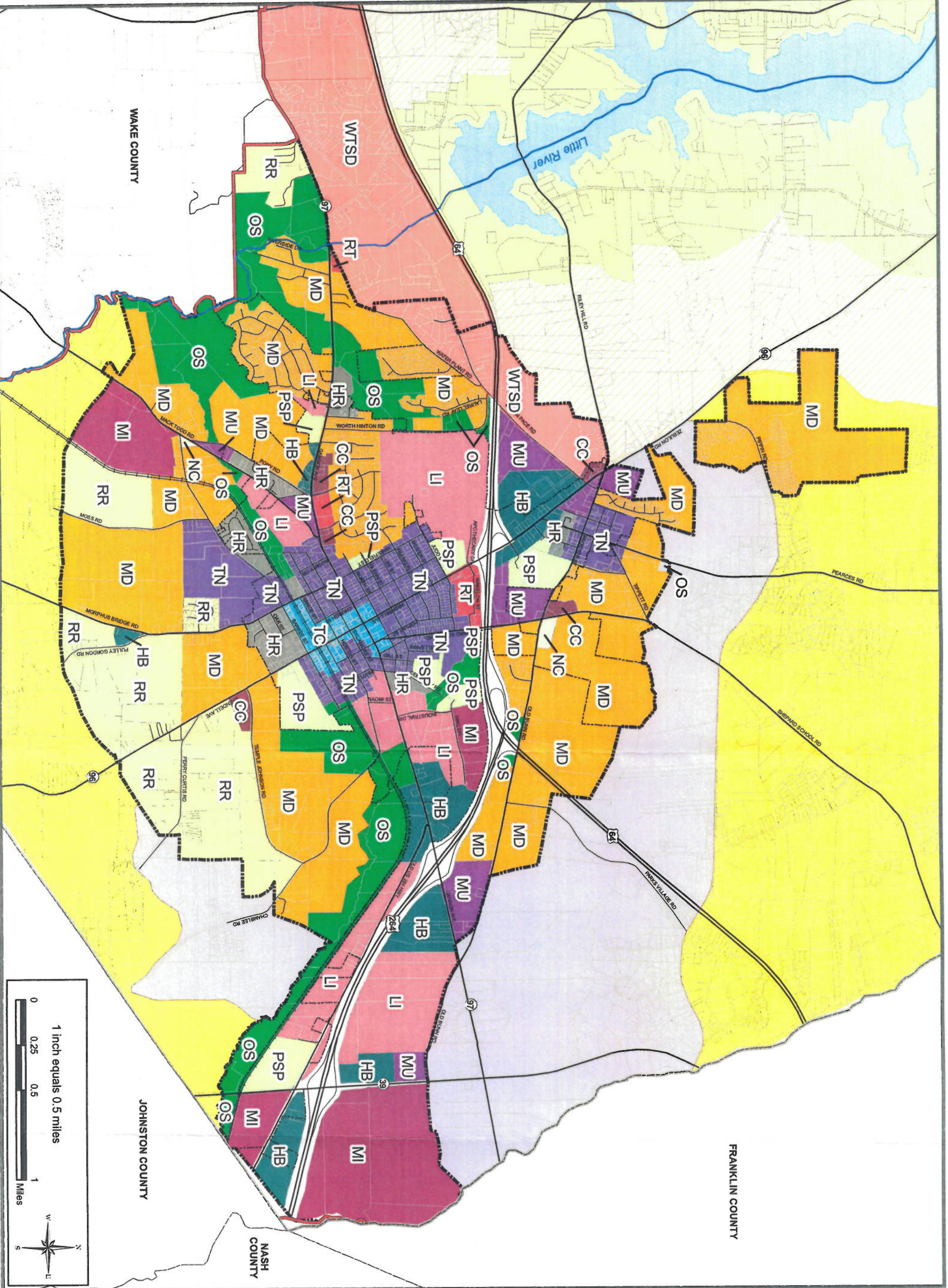
## Legend

- Railroad
  - Streets
  - Major Roads
  - Major Streams
  - Critical Water Supply Watershed (R-80W)
  - Little River Reservoir
  - Little River Water
  - Supply Watershed
  - Annexation/Utility Boundary Agreement Line
  - Zebulon Short Range Utility Service Area
  - Zebulon Long Range Utility Service Area
  - WTSD-Watershed
- Land Use**
- OS-Open Space
  - PSP-Public/Semi-Public Open Space
  - RR-Residential Rural Residential
  - MD-Medium Density Residential
  - HR-High Density Residential
  - TN-Traditional Neighborhood
  - TC-Town Core/Downtown
  - HB-Highway Business
  - MU-Mixed Use
  - CC-Community Commercial
  - NC-Neighborhood Commercial
  - RT-Retail
  - LI-Light Industrial
  - MI-Medium Industrial
- Zebulon City Limits
- Zebulon Extra Territorial Jurisdiction Limits
- Wake County



Data obtained from Wake County GIS and the town of Zebulon

May 2008



## **Attachment 4**



RECEIVED

2/12/19

# Town of Zebulon

## Planning Department

1003 N. Arendell Avenue, Zebulon, NC 27597  
Phone: (919) 823-1810 Fax: (919) 269-6200  
www.townofzebulon.org

## SPECIAL USE PERMIT

### GENERAL INFORMATION

A Special Use Permit is intended to provide flexibility by allowing certain types of uses in areas where additional considerations may need to be addressed to reduce the adverse effects on adjacent or surrounding properties. A Special Use Permit may be authorized for a specific site for an additional land use when such use is determined to not have an adverse effect on surrounding properties and when such use is consistent with the purpose of the zoning district.

### INSTRUCTIONS

1. **Application Procedure** – The applicant requesting a Special Use Permit must submit a written application to the Zebulon Planning Department using the forms included in this packet and furnish plans and data concerning the operation, location, function, and characteristics of any use of the land or building being proposed. The non-refundable application fee is \$800.00 or \$1,800.00 with TIA Review.
2. **Site Plan** – Twenty four (24) copies of a site plan drawing shall accompany every application for a Special Use Permit. Such site plan shall include all the contents established for site plans as included in this packet.
3. **Public Hearing Procedure** – Upon submittal of a complete application, the Planning Department will schedule the application for a joint public hearing before the Planning Board and the Board of Commissioners. State law requires Special Use Permit hearings to be conducted utilizing quasi-judicial procedures. Please review the section of this packet entitled “QUASI-JUDICIAL HEARINGS,” beginning on page 6, for an explanation of quasi-judicial hearings and the applicant’s responsibility in such hearings. **APPLICANTS ARE STRONGLY ENCOURAGED TO CONTACT PLANNING STAFF AS SOON AS POSSIBLE TO ADDRESS ANY QUESTIONS ABOUT THE PUBLIC HEARING.** Notices of the public hearing will be mailed to all property owners having property located within 150 feet of the property being considered for a Special Use Permit. At the public hearing, the applicant, proponents, and opponents will be given the opportunity to offer evidence in favor of or against the proposal. After completion of the public hearing, the Planning Board will deliberate and forward its recommendation to the Board of Commissioners for final consideration. Deadline dates and Joint Public Hearing dates can be found on the Town of Zebulon’s website or by scanning the QR Code located at the end of this application packet.
4. **Approval and Conditional Approval** – In accordance with §152.039 of the Zebulon Code of Ordinances, each Special Use Permit application and related evidence will be evaluated by the Planning Board and the Board of Commissioners and may be approved or denied based on the evidence presented regarding certain required findings of fact (See the section of this packet entitled “REQUIRED FINDINGS OF FACT”). In the event of a conditional approval, any conditions imposed will be incorporated into the approving ordinance for permanent record.
5. **Building Permit Compliance** – No building permit for any structure will be issued, nor shall a Certificate of Occupancy be issued on any existing structure, until such development plans are consistent with the approved site plan and the conditions established for the Special Use Permit.
6. **Special Use Permit Amendments** – In accordance with §152.047 of the Zebulon Code of Ordinances, changes to a Special Use Permit or its approved site plan shall be processed in the same manner as the original approved request and will require a new application. Insignificant deviations from the permit or within a site plan may be authorized by the Planning Director. A deviation is insignificant if it has no discernible impact on neighboring properties, the general public, or those intended to occupy or use the proposed development.

# APPLICATION FOR Special Use Permit

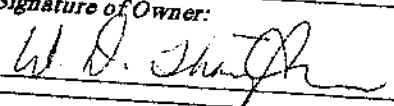
## PART 1. APPLICANT/AGENT INFORMATION

Name of Applicant/Agent <b>WDT Development, LLC</b>		
Street Address of Applicant/Agent <b>430 S. Woodland Road</b>		
City <b>Henderson</b>		
State <b>NC</b>		Zip Code <b>27536</b>
Email of Applicant/Agent <b>dennis@igbinc.com</b>		Fax Number of Applicant/Agent <b>252-436-9126</b>
Telephone Number of Applicant/Agent <b>252-432-1445</b>	Note: If you are not the owner of the property, you must attach an "Owner's Consent Form" giving you permission to submit this application.	
Are you the owner of the property? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Are you the owner's agent? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

## PART 2. DESCRIPTION OF REQUEST/PROPERTY

Street Address of the Property <b>303 Pony Road</b>		
Current Zoning Classification <b>HB</b>		
Parcel Identification Number (NC PIN) <b>1795837655</b>		Acreage <b>7.07</b>
Existing Use of the Property <b>Vacant Land</b>		Deed Book <b>012841</b>
		Deed Page(s) <b>02154</b>
Proposed Use of the Property <b>Apartments for elderly (people 55 yrs. and older)</b>		
Describe the nature of the proposed activity, and any particular characteristics related to the use of the property. <b>I am proposing the construction of 77 affordable apartments that will house adults of 55 years of age or older. There will be no children allowed to live in the units. The building will be designed to enable elderly people to live in a safe environment designed to fill their needs. Units will all be handicapped accessible and 10% of them will have features especially designed for handicapped individuals like roll-in showers and accessible sinks. This property is particularly good for this type of development due to it's location. It's close to all the amenities that elderly need from grocery stores, pharmacies, doctors offices, etc.</b>		

## PART 3. PROPERTY OWNER INFORMATION

Name of Property Owner <b>See attached "Offer to purchase" listing the four owners with their addresses, etc.</b>		
Street Address of Property Owner		
City		
State		Zip Code
Email of Property Owner		Fax Number of Property Owner
Telephone Number of Property Owner		
<i>I hereby certify that I am, or that I represent, the legal owner of the property described above and do hereby submit this request for a Special Use Permit to the Planning Board and Board of Commissioners for consideration.</i>		
Signature of Owner: 	Print Name: <b>W. Dennis Tharrington</b>	Date: <b>2/8/2019</b>

### FOR OFFICE USE ONLY

Application Received By:	Application Date
File Name:	Case #
Filing Fees Paid:	Date Fees Received
Date of Public Hearing:	Date of Decision
<input type="checkbox"/> Approved <input type="checkbox"/> Denied	



## REQUIRED FINDINGS OF FACT

All recommendations and decisions made by the Planning Board and Board of Commissioners regarding Special Use Permit applications shall be supported by findings of fact. **The applicant will bear the burden of presenting substantial, competent, and material evidence** sufficient to enable the Board of Commissioners to make the findings of fact required in §152.038(B) of the Zebulon Code of Ordinances, as set forth below. Failure to adequately address the findings below may result in denial of the application. Please attach additional pages if necessary.

1. What evidence will you present to clearly show that the proposed special use will not materially endanger the public health, safety or welfare?  
I have the site plan layout that shows the building and parking facilities for the inhabitants. Those inhabitants will be 55 yrs. of age and older and should present no danger to the public health, safety or welfare of others in the area. In fact, this site was selected because it would allow for the public health, safety, and welfare for those that will reside in the development.

2. What evidence will you present to clearly show that the proposed special use will not substantially injure the value of adjoining or abutting property?  
Again, I have the site plan that can be studied by the committee members. They will see that the structure and the way parking and traffic is handled will not substantially injure the value of adjoining or abutting property. In fact, I believe it will enhance those values. Various amenities such as grocery stores, pharmacies, healthcare facilities, banks, fast food stores and other areas of shopping will benefit from the residents that live in the facility.

3. What evidence will you present to clearly show that the proposed special use will be in harmony with the area in which it is to be located?  
If you look at the surrounding area, you will note that various amenities that serve the resident population are in close proximity to the site. This facility should fit perfectly with the amenities surrounding it.

4. What evidence will you present to clearly show that the proposed special use will be in general conformity with the ordinances, policies, land use plan, thoroughfare plan or other plan officially adopted by the Board of Commissioners?  
The site plan and the geographical location of this facility in a Transitional District would be in conformity with the ordinances policies, land use plan, thoroughfare plan, and intent of the Board of Commissioners. There is a large business district at the end of Pony Road where it ends at Gannon Street and there is mostly residential areas as you go further down Pony Road. So this is a great transitional development that is in keeping with the district and the other properties nearby.

5. What evidence will you present to clearly show that the proposed special use will not cause undue traffic congestion or create a traffic hazard?  
This facility will be elderly. Most likely, ten to twelve of the residents will not have cars. Many will have cars but will seldom drive as compared to the general population. I have a letter attached showing that the trip count from this elderly facility will be much lower than most any other type of development.





APPLICATION FOR  
**Special Use Permi**

6. What evidence will you present to clearly show that the proposed special use is appropriately located with respect to transportation facilities, water and sewer supply, fire and police protection, and similar facilities?

The facility is close to the amenities elderly desire. It is within walking distance of many of them. Wake County has told us that water and sewer is available in sufficient quantities to serve the development. The building will have passcode protected entries (using a key phobe for each resident). It will be locked at all times. Lighting will be adequate, providing for safe access and egress. The building will be sprinkled and will have fire alarm systems that will alert those needed...fire and police.

7. What evidence will you present to clearly show that the proposed special use will not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas?

The building is a residential facility. There should be no noxious or offensive vibrations, noise, odor, dust, smoke or gas.

8. What evidence will you present to clearly show that the proposed special use will not impede the orderly development and improvement of the surrounding properties?

Most of the surrounding properties are already developed. In fact, they owners of these enterprises should benefit the development and improvement of the surrounding properties as they will most likely use the services offered by surrounding properties.

9. What evidence will you present to clearly show that the proposed special use is reasonably necessary for the public health or general welfare? Does the proposed special use enhance the successful operation of the surrounding area in its basic community function or by provide an essential service to the community?

There is a need for affordable elderly housing in Zebulon and throughout Wake County. We have a market study that shows the need based on Zebulon's elderly population that would prefer to rent rather than having to spend funds to keep up their homes. Between 2018 and 2021, the elderly population in Zebulon is estimated to grow from 8954 to 9868. Some will purchase, but many will look to rent. Given the calculated need, this development only meets about 21% of the need.

**APPLICANT AFFIDAVIT**

I/We, the undersigned, do hereby make application and petition to the Board of Commissioners of the Town of Zebulon 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 Zebulon, North Carolina, and will not be returned.

Signature of Applicant

W. Dennis Tharrington  
Print Name

2/8/2019  
Date



### SITE PLAN REQUIREMENTS

Every applicant requesting a Special Use Permit shall submit **24 copies** and **1 pdf on cd** of a site plan drawing with the application for a Special Use Permit. The site plan shall contain sufficient information to adequately determine the type of development being proposed. The site plan drawing shall include, at a minimum, the following features unless otherwise specified by the Planning Department:

ITEM	CHECK IF SUBMITTED
1. Plot plan showing all existing and planned structures, building setback lines, perimeter boundaries, and easements.	<input checked="" type="checkbox"/>
2. Elevation drawings of all buildings indicating the proposed exterior finish materials.	<input checked="" type="checkbox"/>
3. Landscaping plan, <u>lighting</u> , fencing, screening, and walls, indicating all heights and locations.	<input checked="" type="checkbox"/>
4. Location of all ingress and egress.	<input checked="" type="checkbox"/>
5. Off-street parking and loading facilities, with calculations showing how the quantities were obtained.	<input checked="" type="checkbox"/>
6. All pedestrian walks and open areas for use by residents, tenants, or the public.	<input checked="" type="checkbox"/>
7. Proposed land uses indicating areas in square feet.	<input checked="" type="checkbox"/>
8. The location and types of all signs, including lighting and heights, with elevation drawings.	<input checked="" type="checkbox"/>
9. Existing and/or proposed street names.	<input checked="" type="checkbox"/>
10. Proposed potable or reuse water, wastewater connections, and storm sewer line; proposed grading and drainage patterns; proposed water and sewer allocations.	<input checked="" type="checkbox"/>
11. Such additional items and conditions, including design standards as the Planning Board and Board of Commissioners deems necessary.	<input checked="" type="checkbox"/>
12. Trip generation data.	<input checked="" type="checkbox"/>

**NOTE:** In accordance with §152.042 of the Zebulon Code of Ordinances, the Board of Commissioners may affix conditions to the Special Use Permit. Examples of conditions that might be imposed would be conditions affecting the following:

- a. Setbacks for buildings or structures
- b. Public street access
- c. Drainage
- d. Vehicular traffic, circulation, parking lots or spaces
- e. Hours of operation
- f. Activities and uses permitted
- g. Landscaping
- h. Pedestrian circulation
- i. Signs
- j. Mitigation of noise, fumes, odors, vibrations, or airborne particles
- k. Exterior lighting
- l. Exterior construction materials
- m. Screening or buffer zones
- n. Outside storage and display of merchandise
- o. Refuse and waste storage
- p. Lot sizes and dimensions
- q. Accessory buildings
- r. Other conditions or restrictions as shown on the site plan



# OWNER'S CONSENT FORM

Name of Project:

*See "Offer To Purchase" Attachment*

Submittal Date: \_\_\_\_\_

## OWNER'S AUTHORIZATION

I hereby give CONSENT to \_\_\_\_\_ (type, stamp or print clearly full name of agent) to act on my behalf, to submit or have submitted this application and all required material and documents, and to attend and represent me at all meetings and public hearings pertaining to the application(s) indicated above. 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 I have full knowledge the property I have an ownership interest in is the subject of this application. I acknowledge and agree that, pursuant to §152.046 of the Zebulon Code of Ordinances, so long as the land or structures (or any portion thereof) covered under an approved Special Use Permit continues to be used for the purposes for which the Permit was granted, then no person (including successors or assigns of the person who obtained the Permit) may make use of the land or structures for the purposes authorized in the Permit except in accordance with all the terms and requirements of the Permit. 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 acknowledge that additional information may be required to process this application. I further consent to the Town of Zebulon to publish, copy or reproduce any copyrighted document submitted as a part of this application for any third party. I further agree to all terms and conditions, which may be imposed as part of the approval of this application.

\_\_\_\_\_  
*Signature of Owner*

\_\_\_\_\_  
*Print Name*

\_\_\_\_\_  
*Date*

## CERTIFICATION OF PROPERTY OWNER

I hereby certify 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 Zebulon, North Carolina, and will not be returned.

\_\_\_\_\_  
*Signature of Owner*

\_\_\_\_\_  
*Print Name*

\_\_\_\_\_  
*Date*

\*Owner of record as shown by the Wake County Revenue Department ([www.wakegov.com](http://www.wakegov.com)). An option to purchase does not constitute ownership. If ownership has been recently transferred, a copy of the deed must accompany this form.



## QUASI-JUDICIAL HEARINGS

**Explanation of Quasi-Judicial Hearings**  
Quasi-judicial decisions arise in a variety of local government settings. In Zebulon, members of the Town's Board of Commissioners and Planning Board jointly hold quasi-judicial hearings for special use permits, as required by state law. Zebulon's Board of Adjustment also holds quasi-judicial hearings for variance requests and appeals of staff decisions. During a quasi-judicial hearing, the Boards must hold an evidentiary hearing based solely on written and oral evidence presented by witnesses testifying under oath and subject to cross-examination. The quasi-judicial hearings do not involve setting new policies, but rather the application of previously adopted policies to the parties involved. Unlike legislative decisions (like rezonings), where the Board's actively seek the public's input and opinion concerning the advisability of the matter before the Boards, state law and constitutional considerations require that a quasi-judicial decision must be based solely on the evidence presented and cannot be based on the Board's or witnesses' unsubstantiated opinions. Put differently, a quasi-judicial decision is one that requires the Board members to find facts and apply the standards set forth in the Town's ordinance to a specific situation.

### Evidence Required

There must be "substantial, competent, and material evidence" in the record to support each factual determination: the findings cannot be based on conjecture or assumptions. North Carolina General Statutes (NCGS) §160A-393 prohibits a person from giving opinions about scientific, technical or other specialized subjects unless the person, by knowledge, skill, experience, training or education, is in fact an expert on the subject. NCGS §160A-393 specially prohibits opinions that "the use of property in a particular way would affect the value of other properties" or opinions that "the increase in vehicular traffic resulting from a proposed development would pose a danger to the public safety" unless the witness is an expert on the subject.

### Burden

The applicant will bear the burden of presenting evidence sufficient to enable the Board of Commissioners to make the findings of fact required the Zebulon Code of Ordinances. Those in opposition to the issuance of the special use permit bear the burden of presenting evidence that a required standard will not be met. The findings of fact required by the Zebulon Code of Ordinances are as follows:

1. The proposed special use will not materially endanger the public health, safety or welfare.
2. The proposed special use will not substantially injure the value of adjoining or abutting property.
3. The proposed special use will be in harmony with the area in which it is to be located.
4. The proposed special use will be in general conformity with the ordinances, policies, land use plan, thoroughfare plan or other plan officially adopted by the Board of Commissioners.

### Ex-Parte Communication

In all quasi-judicial hearings, all rulings must be based only upon the evidence in the record. Any direct or indirect communication (verbal, written, electronic or graphic) between a Board member and a proponent, opponent, or other interested party received outside of the record is considered "ex-parte communication". Board members should not receive evidence or argument on a pending quasi-judicial matter outside of the official public hearing on the matter. Note that this is different from a legislative matter before the Board, in which case Board members are free to discuss legislative matters with citizens at any time. It is inappropriate for the Board member to discuss or read correspondence concerning the quasi-judicial matter outside of the public hearing. Please do not approach or attempt to communicate with a Board member about the pending special use permit outside the public hearing; doing so may provide legal grounds for a court to overturn the Board's decision.

### Oaths

Those offering testimony are put under oath. If a witness has religious objections to taking an oath, he or she may affirm rather than swear an oath.



# APPLICATION FOR Special Use Perm

## Questions about Quasi-Judicial Proceedings

If you have any questions about the applicable procedures, contact one of the Town of Zebulon Planning Department representatives listed below:

Name	Title	Phone Number	Email
Mark Hetrick	Planning Director	(919)823-1808	<a href="mailto:mhetrick@townofzebulon.org">mhetrick@townofzebulon.org</a>
Julie Spriggs	Senior Planner	(919)823-1809	<a href="mailto:jspriggs@townofzebulon.org">jspriggs@townofzebulon.org</a>
Mackenzie Day	Planner I	(919)823-1811	<a href="mailto:mday@townofzebulon.org">mday@townofzebulon.org</a>
Davida Moore	Permitting & Code Enforcement Officer	(919)823-1810	<a href="mailto:dmoore@townofzebulon.org">dmoore@townofzebulon.org</a>



NOT FOR CONSTRUCTION

Cardinal Pines

Zebulon, North Carolina

19-407.00

DATE: January 18, 2018

PROJECT: 19-407.00

Site Plan

Site 1.1

Ross/Deckard Architects

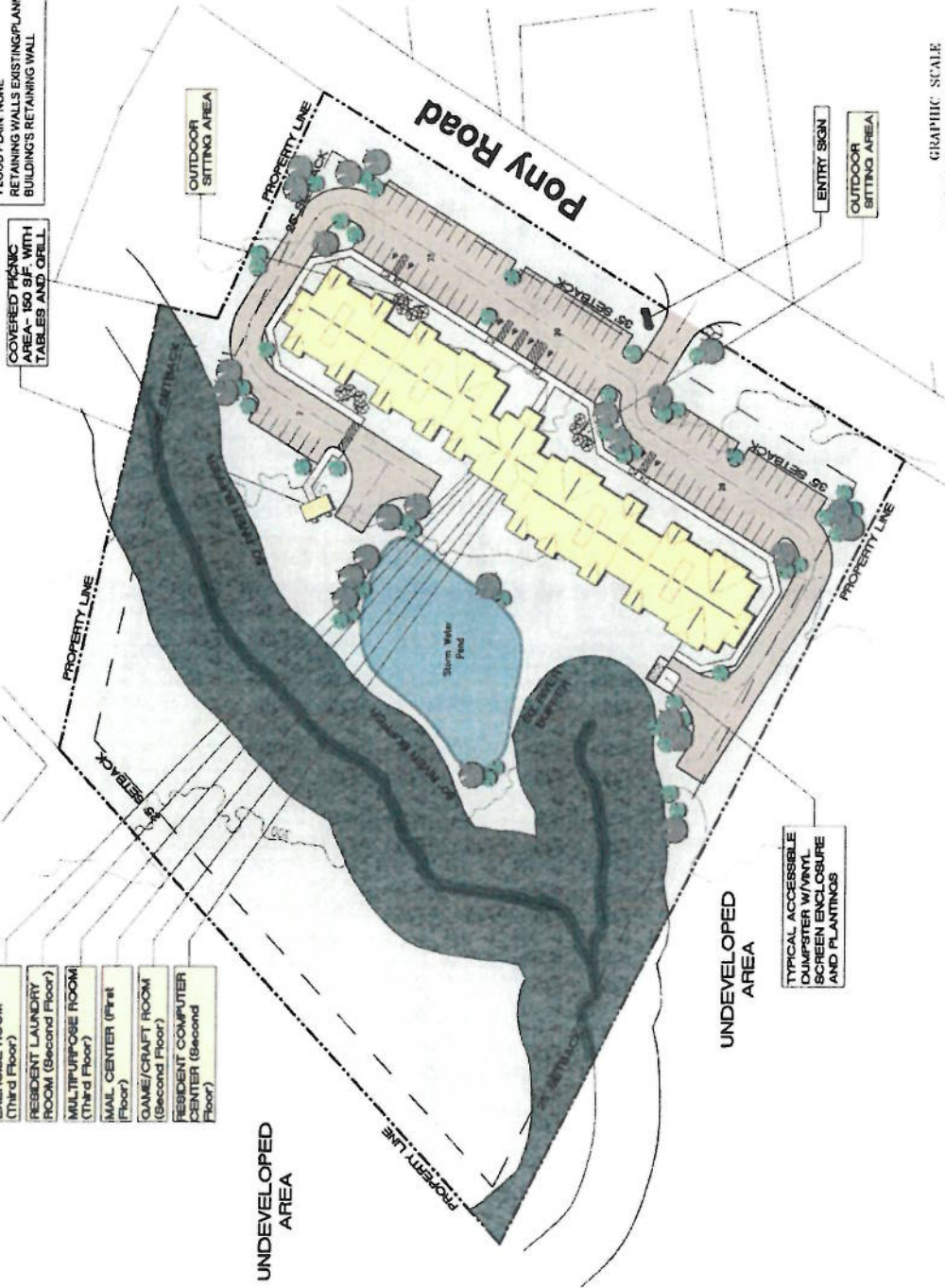
**SITE INFORMATION:**  
 SITE AREA: 7.07 ACRES  
 SITE ACCESS: FROM PONY ROAD  
 TOTAL PARKING SPACES PROVIDED: = 80 SPACES  
 TOTAL NUMBER OF BUILDINGS: (1) RESIDENTIAL BUILDING  
 FLOOD PLAIN: NONE  
 RETAINING WALLS EXISTING/PLANNED: NONE/NEW  
 BUILDING'S RETAINING WALL

COVERED PAVING AREA - 150 SF WITH TABLES AND ORILL

EXISTING COMMERCIAL

- EXERCISE ROOM (Third Floor)
- RESIDENT LAUNDRY ROOM (Second Floor)
- MULTIPURPOSE ROOM (Third Floor)
- MAIL CENTER (First Floor)
- GAME/CRAFT ROOM (Second Floor)
- RESIDENT COMPUTER CENTER (Second Floor)

UNDEVELOPED AREA



1 Site Plan

Phone: 919.853.0001

Fax: 919.853.0200

Email: ross@rossdeckard.com

Street Address: 4310 Wake Forest Blvd, Raleigh, North Carolina 27609

Mailng Address: P.O. Box 7004, Raleigh, North Carolina 27614-0704

© Copyright 2018 Ross/Deckard Architects, PA

## **Attachment 5**



4004 Barrett Drive, Suite 101  
Raleigh, North Carolina, 27609  
TEL (919) 553-6570

**Zebulon – Senior Living Apartments**

**Anticipated Trip Generation**

Based on Institute of Transportation Engineer Trip Generation Manual – 10<sup>th</sup> Edition

Note: The anticipated trip generation numbers for the senior living apartments are analyzed as Land Use Code 221: Multi-Family (Mid-Rise), based on the description and anticipated operation of the site. The projected peak hour trips are a conservative estimate of anticipated traffic flow considering the tenants of the proposed development will be elderly and will have a limited number of trips on a daily basis. There will be a number of tenants that are anticipated to not have a vehicle which will further reduce the projected peak hour trips.

ITE LUC	Description	Unit	AM Peak Hour Trips (vph) Enter	AM Peak Hour Trips (vph) Exit	PM Peak Hour Trips (vph) Enter	PM Peak Hour Trips (vph) Exit
221	Multi-Family (Mid-Rise)	77 Units	8	21	21	14

Professional Engineer Seal for North Carolina, dated 2/21/19, with signature.



# **Attachment 6**



**Posted Sign Looking South on Pony Road**



**Looking North on Pony Road**



**Vacant Property to the Adjacent West**



**Commercial to the Adjacent East**



**Office Use across Pony Road**



**Multifamily Living on Pony Road**



**Multifamily Living on Pony Road**





STAFF REPORT  
SUP 2019-03 The Fetching Post  
May 13, 2019

**Topic: SUP 2019-03 – The Fetching Post**

Speaker: Meade O. Bradshaw, III, CZO, Assistant Planning Director  
From: Michael J. Clark, AICP, ZCO, Planning Director  
Prepared by: Meade O. Bradshaw, III, CZO, Assistant Planning Director  
Approved by: Joseph M. Moore II, PE, Town Manager

**Executive Summary:**

The Board of Commissioners will consider a Special Use Permit received for 571 W Barbee Street.

**Background:**

A Special Use Permit is required for an *Animal Kennel* in the Residential-20 District. The owner owns the parcel, fronting on W Barbee Street, 579 W Barbee Street. The existing building at 579 W Barbee Street will serve as the parking and check-in for the kennel operation.

**Discussion:**

The discussion before the Board of Commissioners is whether or not to approve the Special Use Permit as requested. If approved, any conditions should be stated in the motion to approve, and the Board of Commissioners determines that the findings of fact have been met.

The findings of fact are as follows:

- 1) The proposed special use will not materially endanger the public health, safety or welfare;
- 2) The proposed special use will not substantially injure the value of adjoining or abutting property;
- 3) The proposed special use will be in harmony with the area in which it is to be located; and
- 4) The proposed special use will be in general conformity with the ordinances, policies, land use plan, thoroughfare plan or other plan officially adopted by the Board of Commissioners.

If denied, the Board of Commissioners must discuss state a reason as to why particular finding(s) did not have sufficient evidence to be met. Only one finding must be found unproven based upon evidence submitted at the hearing to oppose the permit.

The application, supporting documents, and any expert testimony provided by the applicants, staff, or the public, such as the application and findings of fact, proposed concept plan, and proposed conditions that were entered into the public record as exhibits during the Joint Public Hearing should be given careful examination to guide the Board's discussion for the four findings of fact necessary to approve or deny the special use permit.



STAFF REPORT  
SUP 2019-03 The Fetching Post  
May 13, 2019

**Policy Analysis:**

*Comprehensive Plan: Land Use Plan (Chapter 9)*

This parcel is designated as Traditional Neighborhood (TN). TN is characterized by grid or connected street pattern, houses oriented with shorter dimension to the street and detached garages, some with alleys. Limited commercial, schools, churches, and home business. Limited commercial facilities are characterized for the area serving neighborhoods. See Attachment 3 for a map of the Land Use Plan.

1. The Town of Zebulon's adopted Land Use Plan suggests the parcel and surrounding areas should be Traditional Neighborhood.
2. Traditional Neighborhood is an average overall density of 4 to 8 units per acre.
3. Types of uses:
  - a. Single-Family Detached
  - b. Duplexes
  - c. Townhomes
  - d. Multiple-Family Dwellings
  - e. Limited commercial uses serving neighborhoods
4. The proposed Special Use Permit is consistent with the Land Use Plan.

*Comprehensive Plan: Multimodal Transportation Plan (Chapter 5)*

1. The property is located on W Barbee Street, between the town limits and Mack Todd Road.
2. W Barbee Street is a two-lane undivided roadway.
3. The Multimodal Transportation Plan shows no improvements to the section of W Barbee Street.

*Comprehensive Plan: Housing & Neighborhood (Chapter 6)*

Not applicable

*Comprehensive Plan: Parks and Recreation Master Plan (Chapter 7)*

The Town currently does not have a Parks and Recreation Master Plan or a Parks and Recreation component of the Comprehensive Plan, to guide the placement, or assess the needs, of parks and recreation facilities.

*Zebulon 2030 Strategic Plan*

The proposal is consistent with the following goal:

- *Growing Smart – Identify certified sites for economic development projects*



STAFF REPORT  
SUP 2019-03 The Fetching Post  
May 13, 2019

*Traffic*

A Traffic Impact Analysis (TIA) report is not required.

*Greenway, Bicycle, and Pedestrian Master Plan*

The Greenway, Bicycle, and Pedestrian Master Plan (GBPMP) does plan for bikeways along this section of W Barbee Street.

*Water and Sewer Allocation Policy*

Water and Sewer are available. The City of Raleigh will require utility connections. This will result in an annexation petition being filed by the property owner.

*Ordinance Requirements*

The plan submitted with the Special Use Permit is a concept plan. The Special Use Permit allows the use on the property with conditions of approval proposed by staff. The project will have to go through the Town's Technical Review Committee conforming to the conditions of approval with the Special Use Permit and all of the Town of Zebulon *Code of Ordinances* and *Land Development Regulations*.

**Fiscal Analysis:**

Attachment 4 is the applicant's responses to the Findings of Fact.

**Staff Response:**

Staff has reviewed SUP 2019-03 and finds the request to be in general conformity with the ordinances, policies, land use plan, thoroughfare plan or other plan officially adopted by the Board of Commissioners, subject to the following conditions:

1. No outdoor animal activity from the hours of 8 pm - 8 am.
2. No outdoor kennels.
3. Any outdoor animal activity areas must be enclosed with fencing.
4. An annexation petition must be filed and the property annexed by the Town of Zebulon prior to Certificate of Occupancy by Wake County.

**Attachments:**

- (1) Aerial Map
- (2) Zoning Map
- (3) Land Use Plan
- (4) Application/Concept Plan
- (5) Site Pictures

# **Attachment 1**



## **Attachment 2**



## **Attachment 3**



# Land Use

Town of Zebulon  
Wake County, NC

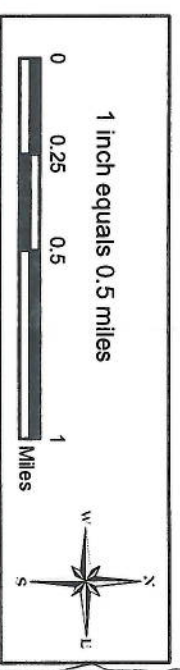
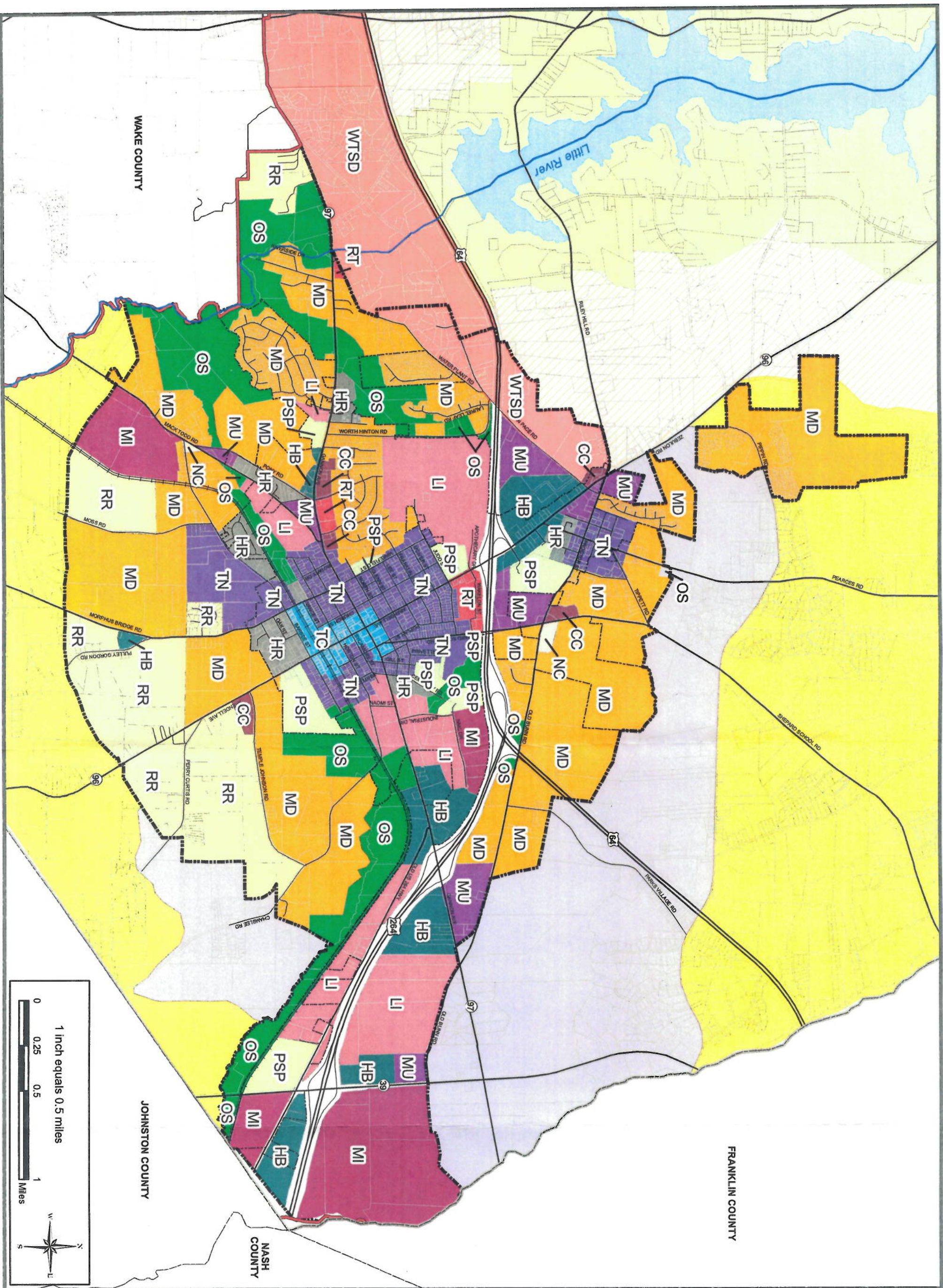
## Legend

- Railroad
  - Streets
  - Major Roads
  - Major Streams
  - Critical Water Supply Watershed (R-80W)
  - Little River Reservoir
  - Little River Water
  - Supply Watershed
  - Annexation/Utility Boundary Agreement Line
  - Zebulon Short Range Utility Service Area
  - Zebulon Long Range Utility Service Area
  - WTSD-Watershed
- Land Use**
- OS-Open Space
  - PSP-Public/Semi-Public Open Space
  - RR-Residential Rural
  - MD-Medium Density Residential
  - HR-High Density Residential
  - TN-Traditional Neighborhood
  - TC-Town Core/Downtown
  - HB-Highway Business
  - MU-Mixed Use
  - CC-Community Commercial
  - NC-Neighborhood Commercial
  - RT-Retail
  - LI-Light Industrial
  - MI-Medium Industrial
- Zebulon City Limits
- Zebulon Extra Territorial Jurisdiction Limits
- Wake County



Data obtained from Wake County GIS and the Town of Zebulon

4/9/2008



## **Attachment 4**



RECEIVED

2/12/19

# Town of Zebulon

## Planning Department

1003 N. Arendell Avenue, Zebulon, NC 27597  
Phone: (919) 823-1810 Fax: (919) 269-6200  
www.townofzebulon.org

## SPECIAL USE PERMIT

### GENERAL INFORMATION

A Special Use Permit is intended to provide flexibility by allowing certain types of uses in areas where additional considerations may need to be addressed to reduce the adverse effects on adjacent or surrounding properties. A Special Use Permit may be authorized for a specific site for an additional land use when such use is determined to not have an adverse effect on surrounding properties and when such use is consistent with the purpose of the zoning district.

### INSTRUCTIONS

1. **Application Procedure** – The applicant requesting a Special Use Permit must submit a written application to the Zebulon Planning Department using the forms included in this packet and furnish plans and data concerning the operation, location, function, and characteristics of any use of the land or building being proposed. The non-refundable application fee is **\$800.00 or \$1,800.00 with TIA Review**.
2. **Site Plan** – Twenty four (24) copies of a site plan drawing shall accompany every application for a Special Use Permit. Such site plan shall include all the contents established for site plans as included in this packet.
3. **Public Hearing Procedure** – Upon submittal of a complete application, the Planning Department will schedule the application for a joint public hearing before the Planning Board and the Board of Commissioners. State law requires Special Use Permit hearings to be conducted utilizing quasi-judicial procedures. Please review the section of this packet entitled “QUASI-JUDICIAL HEARINGS,” beginning on page 6, for an explanation of quasi-judicial hearings and the applicant’s responsibility in such hearings. **APPLICANTS ARE STRONGLY ENCOURAGED TO CONTACT PLANNING STAFF AS SOON AS POSSIBLE TO ADDRESS ANY QUESTIONS ABOUT THE PUBLIC HEARING.** Notices of the public hearing will be mailed to all property owners having property located within 150 feet of the property being considered for a Special Use Permit. At the public hearing, the applicant, proponents, and opponents will be given the opportunity to offer evidence in favor of or against the proposal. After completion of the public hearing, the Planning Board will deliberate and forward its recommendation to the Board of Commissioners for final consideration. Deadline dates and Joint Public Hearing dates can be found on the Town of Zebulon’s website or by scanning the QR Code located at the end of this application packet.
4. **Approval and Conditional Approval** – In accordance with §152.039 of the Zebulon Code of Ordinances, each Special Use Permit application and related evidence will be evaluated by the Planning Board and the Board of Commissioners and may be approved or denied based on the evidence presented regarding certain required findings of fact (See the section of this packet entitled “REQUIRED FINDINGS OF FACT”). In the event of a conditional approval, any conditions imposed will be incorporated into the approving ordinance for permanent record.
5. **Building Permit Compliance** – No building permit for any structure will be issued, nor shall a Certificate of Occupancy be issued on any existing structure, until such development plans are consistent with the approved site plan and the conditions established for the Special Use Permit.
6. **Special Use Permit Amendments** – In accordance with §152.047 of the Zebulon Code of Ordinances, changes to a Special Use Permit or its approved site plan shall be processed in the same manner as the original approved request and will require a new application. Insignificant deviations from the permit or within a site plan may be authorized by the Planning Director. A deviation is insignificant if it has no discernible impact on neighboring properties, the general public, or those intended to occupy or use the proposed development.



RECEIVED

2/12/19

# Town of Zebulon

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## Planning Department

1003 N. Arendell Avenue, Zebulon, NC 27597  
Phone: (919) 823-1810 Fax: (919) 269-6200  
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APPLICATION FOR  
Special Use Permit

**PART 1. APPLICANT/AGENT INFORMATION**

Name of Applicant/Agent: <i>Amy M Brown-Pearce</i>		
Street Address of Applicant/Agent: <i>579 W Barbree St</i>		
City: <i>Zebulon</i>	State: <i>NC</i>	Zip Code: <i>27597</i>
Email of Applicant/Agent: <i>ambrownpearce@gmail.com</i>		Telephone Number of Applicant/Agent: <i>919 269 0075</i>
		Fax Number of Applicant/Agent: <i>919 269 8687</i>
Are you the owner of the property? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Are you the owner's agent? <input type="checkbox"/> Yes <input type="checkbox"/> No	Note: If you are not the owner of the property, you must attach an "Owner's Consent Form" giving you permission to submit this application.

**PART 2. DESCRIPTION OF REQUEST/PROPERTY**

Street Address of the Property: <i>571 W Barbree St</i>		Custom Zoning Classification: <i>TR</i>	Acreage: <i>7.11 acres</i>
Parcel Identification Number (NC PIN): <i>2705100745</i>		Deed Book: <i>017249</i>	Deed Page(s): <i>01961</i>
Existing Use of the Property: <i>Vacant / undeveloped</i>		Proposed Use of the Property: <i>Pet boarding / kennel facility</i>	
Describe the nature of the proposed activity and any particular characteristics related to the use of the property: <i>The Felicity Pet pet grooming and boarding proposes to expand onto this adjoining property. The 7.11 acres allows for separate fenced areas for animal play yards. The adjoining adjacent lots are family owned land used for agricultural purposes.</i>			

**PART 3. PROPERTY OWNER INFORMATION**

Name of Property Owner: <i>Amy M Brown-Pearce</i>		
Street Address of Property Owner: <i>577 W Barbree St</i>		
City: <i>Zebulon</i>	State: <i>NC</i>	Zip Code: <i>27597</i>
Email of Property Owner: <i>ambrownpearce@gmail.com</i>		Telephone Number of Property Owner: <i>919 269 0075</i>
		Fax Number of Property Owner: <i>919 269 8687</i>
I hereby certify that I am, or that I represent, the legal owner of the property described above and do hereby submit this request for a Special Use Permit to the Planning Board and Board of Commissioners for consideration.		
Signature of Owner: <i>Amy M Pearce</i>	Print Name: <i>Amy M Brown-Pearce</i>	Date: <i>02.10.19</i>

**FOR OFFICE USE ONLY**

Application Received By:	Application Date:
File Name:	Case #:
Filing Fees Paid:	Date Fees Received:
Date of Public Hearing:	Date of Decision:
<input type="checkbox"/> Approved <input type="checkbox"/> Denied	

## REQUIRED FINDINGS OF FACT

All recommendations and decisions made by the Planning Board and Board of Commissioners regarding Special Use Permit applications shall be supported by findings of fact. **The applicant will bear the burden of presenting substantial, competent, and material evidence** sufficient to enable the Board of Commissioners to make the findings of fact required in §152.038(B) of the Zebulon Code of Ordinances, as set forth below. Failure to adequately address the findings below may result in denial of the application. Please attach additional pages if necessary.

1. What evidence will you present to clearly show that the proposed special use will not materially endanger the public health, safety or welfare?

A special use permit was granted to the existing business, The Fetching Post, LLC in April, 2008. The Fetching Post wishes to expand the existing business by building a second building on adjacent property. Animal boarding special use permit was granted 2008.

2. What evidence will you present to clearly show that the proposed special use will not substantially injure the value of adjoining or abutting property?

The proposed special use is already in existence on the property north of the proposed expansion. All adjoining and abutting property is undeveloped farm land.

3. What evidence will you present to clearly show that the proposed special use will be in harmony with the area in which it is to be located?

The proposed special use is an expansion of the adjoining property. The proposed use of the land will include dog walks and playgrounds fencing which is harmonious with the agricultural use of all other adjoining properties.

4. What evidence will you present to clearly show that the proposed special use will be in general conformity with the ordinances, policies, land use plan, thoroughfare plan or other plan officially adopted by the Board of Commissioners?

The proposed special use is an expansion of an existing use on an adjacent property which already obtained a special use permit adopted by the Board of Commissioners.

5. What evidence will you present to clearly show that the proposed special use will not cause undue traffic congestion or create a traffic hazard?

The proposed special use is an expansion of a building to more adequately house boarding animals, pets of existing clients. The clientele of The Fetching Post has been in existence at the adjoining property since 2008.

APPLICATION FOR  
Special Use Permit

6. What evidence will you present to clearly show that the proposed special use is appropriately located with respect to transportation facilities, water and sewer supply, fire and police protection, and similar facilities?

The proposed special use for an animal boarding facility is an expansion of the existing facility has paved adequate transportation allowance. The proposed use of a second building would require the property owner's well and septic installation on the adequate 7.11 acres. Fire hydrants were installed in 2018 with the original business.

7. What evidence will you present to clearly show that the proposed special use will not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas?

The proposed special use is on 7.11 acres in the middle of farm land. All adjacent properties are vacant and undeveloped except for the existing animal grooming/kennel business operating on the adjoining property. The property is surrounded by two 30 acre parcels.

8. What evidence will you present to clearly show that the proposed special use will not impede the orderly development and improvement of the surrounding properties?

The proposed special use will include an approximate 3500 square feet of building/fenced yards. The remainder of the 7.11 acres will buffer the perimeter. Surrounding properties have alternate easements and are all zoned for agricultural use.

9. What evidence will you present to clearly show that the proposed special use is reasonably necessary for the public health or general welfare? Does the proposed special use enhance the successful operation of the surrounding area in its basic community function or by provide an essential service to the community?

The proposed special use is necessary for the expansion of an existing business that boards the Zebulon community's residences' pets. The existing business, The Fetching Post has been in operation since 1997.

## APPLICANT AFFIDAVIT

I/We, the undersigned, do hereby make application and petition to the Board of Commissioners of the Town of Zebulon 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 Zebulon, North Carolina, and will not be returned.

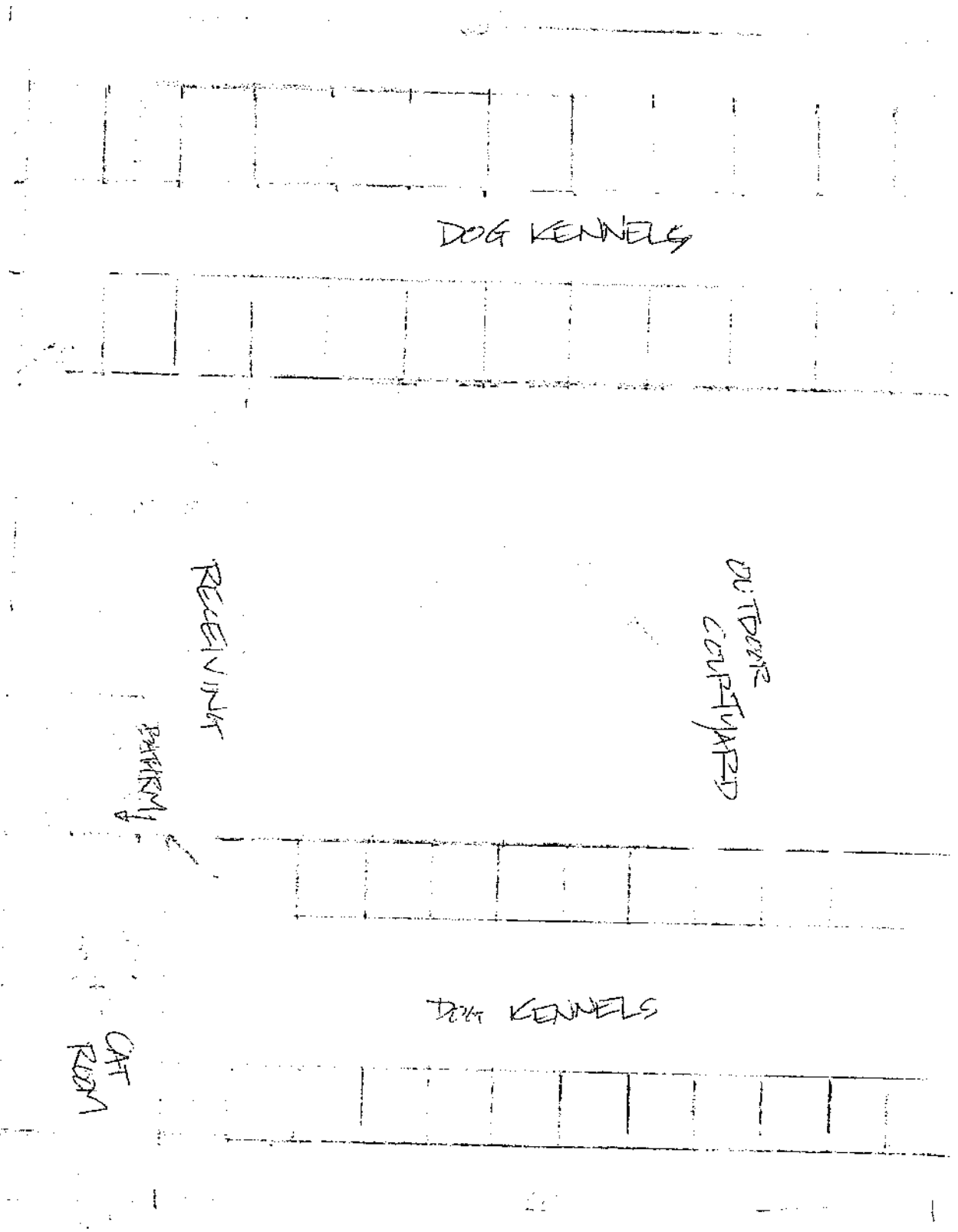
  
Signature of Applicant

Amy M. Brown-Pearce  
Print Name

02.10.19  
Date

2000

THE UNIVERSITY OF  
PARKLAND



DOG KENNELS

OUTDOOR  
COURTYARD

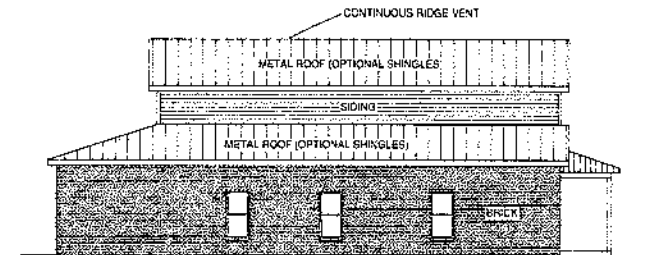
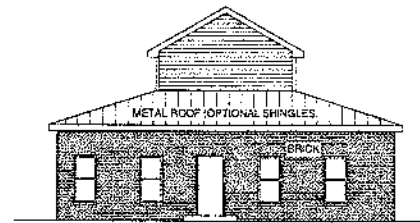
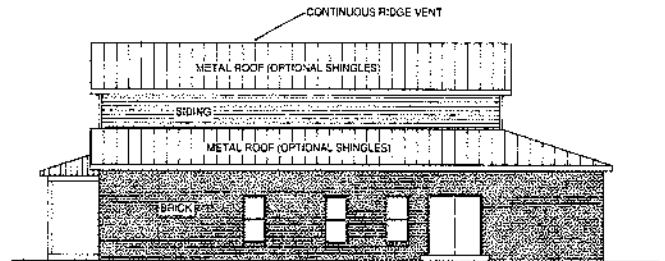
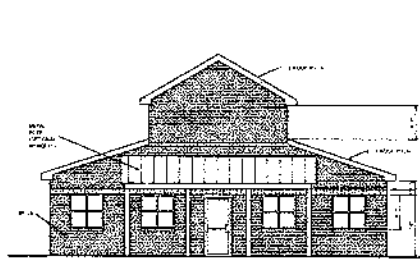
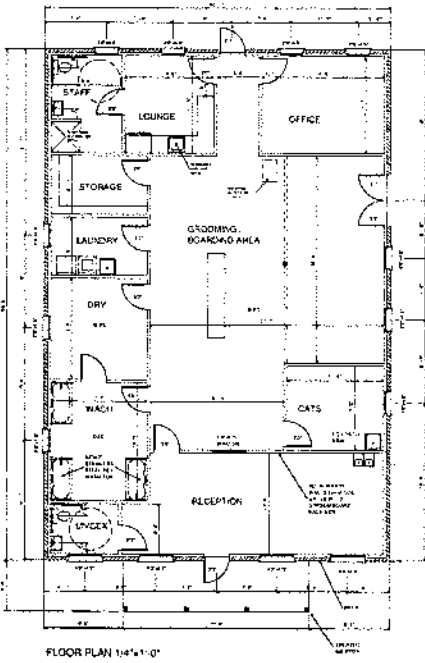
RECEIVING

PARKING

CAT  
ROOM

DOG KENNELS

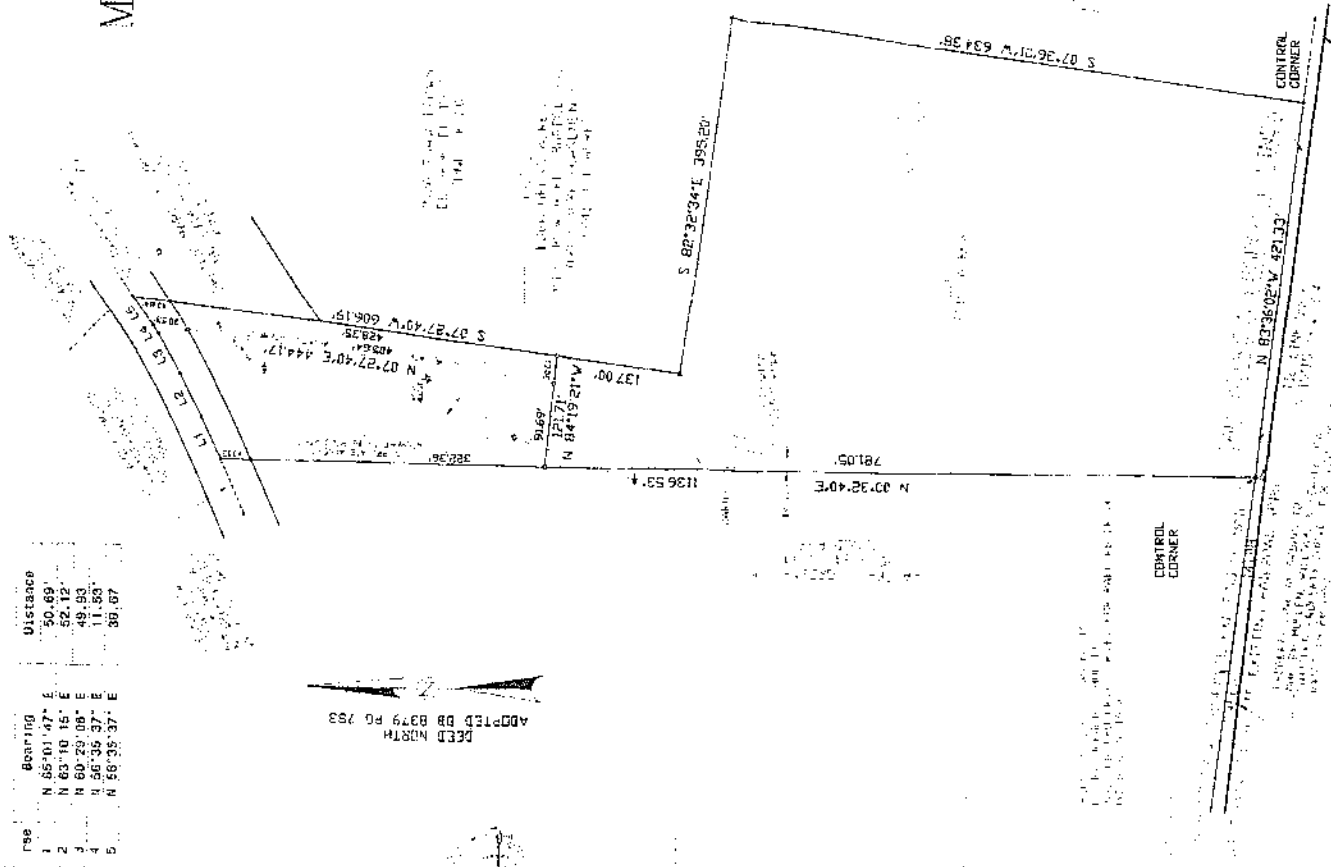




MINOR  
AMY  
TOW  
W  
NO

Line	Bearing	Distance
1	N 65°01'47" E	50.69'
2	N 63°10'15" E	62.12'
3	N 60°29'08" E	49.93'
4	N 56°35'37" E	11.50'
5	N 58°35'37" E	89.67'

DEED NORTH  
ADAPTED DB 8379 PG 753



LEGEND  
 • EXISTING  
 • NEW IRDP  
 • EXISTING  
 • NEW PL 1

RICE & ASSOC., P.A. Professional Land Surveyors P.O. Box 692, Zebulok

## **Attachment 5**



**Subject Site**



**Commerical Business**



**Posted sign looking Southwest on Perry Curtis Road**



**Looking Northeast on W Barbee Street**



**Adajcent Property to the East - Single-Family Residence**





**Adajcent Property to the West - Vacant**



**Across the Street - Manufactured Home Park**