

**ZEBULON
BOARD OF COMMISSIONERS
AGENDA
November 1, 2021
7:00pm**

Due to COVID-19 we have limited in-person seating. If you would like to attend, please email Stacie Paratore (sparatore@townofzebulon.org) by 12:00pm on November 1, 2021 to reserve your seat.

All meetings are live streamed on our Facebook (@TownofZebulon) and YouTube (@TownofZebulon) pages.

I. PLEDGE OF ALLEGIANCE

II. APPROVAL OF AGENDA

III. SPECIAL RECOGNITIONS

A. Wakelon Elementary School

1. Christien Ward – Student
2. Keoshia Allen – Teacher

B. Gift Dedication to Town Hall

IV. PUBLIC COMMENT PERIOD

If you wish to present in-person, please contact Stacie Paratore at sparatore@townofzebulon.org to reserve your seat. If you would like to submit comments to be read into the record at the meeting, please send comments, of 400 words or less, to Stacie Paratore (sparatore@townofzebulon.org) by 3:00pm on November 1, 2021.

V. PUBLIC HEARING

A. Annexations

1. Pony Road Subdivision
2. Jasper Place
3. SPC Mechanical

V. CONSENT

A. Minutes

1. September 20, 2021 – Joint Public Hearing
2. October 4, 2021 – Regular Meeting
3. October 4, 2021 – Closed Session
4. October 20, 2021 – Work Session
5. October 20, 2021 – Closed Session

B. Finance

1. Monthly Items
 - a. Wake County Tax Report – August 2021
 - b. Monthly Financial Report

C. General

1. Quarterly Reports from Police and Planning
2. Acceptance of Gift Dedication to Town Hall

VI. OLD BUSINESS

A. Parks and Recreation

1. Impact Fee Study
2. Ordinance 2022-26 – Fee Schedule Amendment – PR Impact Fee
3. Resolution 2022-06 Intent to Purchase East Wake EMS Property

VII. NEW BUSINESS


A. Planning

1. Ordinance 2022-27 - Annexation Request – Pony Road Subdivision
2. Ordinance 2022-28 - Annexation Request – Jasper Place
3. Ordinance 2022-29 - Annexation Request – SPC Mechanical

VIII. BOARD COMMENTS

IX. MANAGER’S REPORT

STAFF REPORT
REQUEST FOR ANNEXATION
NOVEMBER 1, 2021

Topic: Pony Road Subdivision Annexation Request
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 voluntary annexation petition (Project # 496893) received for approximately 163 acres located at 705 Pony Road, 0 Harmonica Drive, and 0 Mack Todd Road (Pin # 1795616501, 1795511607, & 1794496945).

Background:

North Carolina General Statutes grant municipalities authority to annex areas contiguous to their boundaries upon presentation of a petition signed by the owners of all the real property located within such area (§160A-31).

The subject properties have a 406-lot residential development with a mixture of single-family detached homes and townhomes currently in review with the Town (IDT Project # 635059). Annexation is required due to the connecting to water and sewer services. The three properties are zoned Suburban Residential (R2), Residential Neighborhood (R4), and Heavy Commercial (HC).

Discussion:

The discussion before the Board is consideration of the subject property's annexation into the Town of Zebulon Corporate Limits.

Policy Analysis:

The Board's adoption of the Future Land Use and Character map on June 7, 2021, designated these parcels as Suburban Residential (SR) and General Residential (GR). The annexation request is consistent with the Future Land Use and Character Map.

The annexation meets the intent of the following Comprehensive Land Use Plan Policies of the Town's Comprehensive Land Use Plan:


- "Utility Connection" (Growth and Management Policy L) Continue to require annexation as a condition of utility service. (Growth Capacity section, pg. 3)
- "Priorities" (Annexation and Growth Management Policy U): The proposed activity will be consistent with the residential goals listed in the Land Use and Development policies, and the Suburban Residential and General Residential Land Use Classification, (Growth Capacity section, pg. 4; Land Use and Development section, pg. 3 and 14)

STAFF REPORT
REQUEST FOR ANNEXATION
NOVEMBER 1, 2021

Fiscal Analysis:

The property is within existing service boundaries and is within the fire department response time. The property is required to be annexed due to the connecting to public utilities. The property is anticipated to generate approximately \$550,000 in annual property tax revenue.

STAFF REPORT
REQUEST FOR ANNEXATION
NOVEMBER 1, 2021

Topic: Jasper Place Annexation Request
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 voluntary annexation petition (Project # 626984) received for approximately 58.81 acres located at 1317 W Gannon Avenue and 0 W Gannon Avenue (Pin # 1795456688 & 1795557304).

Background:

North Carolina General Statutes grant municipalities authority to annex areas contiguous to their boundaries upon presentation of a petition signed by the owners of all the real property located within such area (§160A-31).

The subject properties have a 97-lot single-family detached, conservation subdivision currently in review with the Town (IDT Project # 477123). Annexation is required due to the connecting to water and sewer services. 1317 W Gannon Avenue is zoned Suburban Residential (SR) and 0 W Gannon Avenue is zoned Office and Institutional (OI).

Discussion:

The discussion before the Board is consideration of the subject property's annexation into the Town of Zebulon Corporate Limits.

Policy Analysis:

The Board's adoption of the Future Land Use and Character map on June 7, 2021, designated these parcels as Suburban Residential (SR) for 1317 W Gannon Avenue and Suburban Commercial (SC) for 0 W Gannon Ave. The annexation request is consistent with the Future Land Use and Character map.


The annexation meets the intent of the following Comprehensive Land Use Plan Policies of the Town's Comprehensive Land Use Plan:

- "Utility Connection" (Growth and Management Policy L) Continue to require annexation as a condition of utility service. (Growth Capacity section, pg. 3)
- "Priorities" (Annexation and Growth Management Policy U): The proposed activity will be consistent with the residential goals listed in the Land Use and Development policies, and the Suburban Residential and Suburban Commercial Land Use Classification, (Growth Capacity section, pg. 4; Land Use and Development section, pg. 3 and 14)

Fiscal Analysis:

The property is within existing service boundaries and within the fire department response time. The property is anticipated to generate approximately \$130,000 in annual property tax revenue.

STAFF REPORT
REQUEST FOR ANNEXATION
NOVEMBER 1, 2021

Topic: SPC Mechanical Annexation Request
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 voluntary annexation petition received for approximately 4.76 acres located at 700 East Gannon Avenue (Pin# 2705767803). This is a legislative case.

Background:

North Carolina General Statute § 160A-31 states that the governing board of any municipality may annex by ordinance any area contiguous to its boundaries upon presentation to the governing board of a petition signed by the owners of all the real property located within such area. The Town has proactively certified the annexation request for sufficiency prior to Public Hearing. (See Attachment 2) This project is currently under construction, CBPR-046214-2020, requesting connection to municipal utilities and other Town services. The project was submitted in December 2019 prior to the adoption of the Unified Development Ordinance.

Discussion:

The discussion before the Board is whether or not to annex the subject property into the Town of Zebulon Corporate Limits.

Policy Analysis:

The Future Land Use and Character, adopted June 7, 2021 designates this parcel as General Commercial (GC). This request is consistent with the following Comprehensive Land Use Plan Policies:

- "Utility Connection" (Growth and Management Polity L) Continue to require annexation as a condition of utility service. (Growth Capacity section, pg. 3)
- "Priorities" (Annexation and Growth Management Policy U): The proposed activity will be consistent with the Industrial Goals listed in the Land Use and Development policies, and the Industrial Light Future Land Use Classification, (Growth Capacity section, pg. 4; Land Use and Development section, pg 4 and 20)

This project was submitted in 2019 under the previous Comprehensive Plan and Code of Ordinances, prior to the adoption of both the current Comprehensive/Transportation Plan and Unified Development Ordinance.

STAFF REPORT
REQUEST FOR ANNEXATION
NOVEMBER 1, 2021

Fiscal Analysis:

The property is within existing service boundaries and is within the fire department response time. The property is required to be annexed due to the connecting to public utilities. The property is anticipated to generate approximately \$7,000 in annual property tax revenue.

Zebulon
Joint Public Hearing
Minutes
September 20, 2021

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

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

Absent: Gene Blount, Jessica Luther, Joshua Robinson

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

APPROVAL OF AGENDA

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

PUBLIC HEARING

A. TA 2022-01-A Downtown Building Regulations

Mayor Matheny opened the public hearing.

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

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

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

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

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

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

Mayor Matheny opened the public hearing.

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

Mayor Matheny asked if either Board had questions.

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

There was discussion about campus industrial classification.

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

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

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

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

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

Mayor Matheny opened the public hearing.

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

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

Mayor Matheny asked if either Board had questions.

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

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

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

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

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

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

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

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

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

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

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

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

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

Mayor Matheny opened the public hearing.

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

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

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

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

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

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

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

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

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

Mayor Matheny opened the public hearing.

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

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

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

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

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

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

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

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

F. Parks & Recreation Impact Fee Study

Mayor Matheny opened the public hearing.

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

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

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

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

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

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

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

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

There was discussion about impact fees on donated land.

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

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

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

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

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

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

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

G. Budget: Fee Schedule Update

Mayor Matheny opened the public hearing.

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

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

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

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

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

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

Adopted this the 1st day of November 2021.

SEAL

Robert S. Matheny—Mayor

Lisa M. Markland, CMC—Town Clerk

Zebulon Board of Commissioners
Minutes
October 4, 2021

Present: Robert S. Matheny, Beverly Clark, Annie Moore, Glenn York, Larry Loucks, Shannon Baxter, Joe Moore-Town Manager, Lisa Markland-Town Clerk, Chris Ray-Public Works, Jacqui Boykin-Police, Chris Perry-Fire, Sheila Long-Parks & Recreation, Amy Hayden-Parks and Recreation Bobby Fitts-Finance, Michael Clark-Planning, Meade Bradshaw-Planning, Eric Vernon-Town Attorney

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

PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by Commissioner Loucks.

APPROVAL OF AGENDA

Commissioner Loucks asked to amend the agenda to move Ordinance 2022-3A – Amended Fire Station Capital Project to Old Business.

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

SCHOOL RECOGNITION

Mayor Matheny recognized student Jy'Seir Barnes and teacher Sarah Street, both from Zebulon Elementary School.

PROCLAMATION

Mayor Matheny read the proclamation for October – Community Planning Month.

Commissioner Loucks made a motion, second by Commissioner Baxter to adopt the Proclamation for October as Community Planning Month. There was no discussion and the motion passed unanimously.

PUBLIC COMMENT PERIOD

No one signed up to speak.

PUBLIC HEARING

A. Annexations

1. 469 Green Pace Road

Meade Bradshaw stated the annexation request was for approximately two acres located at 469 Green Pace Road. The property was rezoned to Light Industrial - Conditional in January 2021. Annexation is a condition of water service provided by the City of Raleigh. The conditional zoning approval for the site allows the structures to be connected to an on-site septic system instead of municipal sewer.

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The aerial map, zoning map and photos of the property were shown. The Town would collect \$1,197.90 in taxes, if the property was annexed.

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

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

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

Mayor Matheny closed the public hearing.

2. 1817 Old US 264 Hwy

Meade Bradshaw stated the annexation request was for approximately 16.18 acres located at 1817 Old US 264 Highway. The property was rezoned to Light Industrial - Conditional in April 2021 and was currently in review for the construction of an outdoor storage yard. The proposed use would not connect to the municipal water and sewer infrastructure and one of the approved conditions was to annex the property.

The aerial map, zoning map and photos of the property were shown. The Town would collect \$3,729.30 in taxes, if the property was annexed

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

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

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

Mayor Matheny closed the public hearing.

CONSENT

A. Minutes

Commissioner Clark made a motion, second by Commissioner Baxter to approve the minutes of the September 13, 2021 regular meeting. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Baxter to approve the minutes of the September 22, 2021 work session. There was no discussion and the motion passed unanimously.

B. Finance

Commissioner Clark made a motion, second by Commissioner Baxter to approve the Wake County tax report – July 2021. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Baxter to approve the monthly financial report. There was no discussion and the motion passed unanimously.

OLD BUSINESS

A. Planning

1. Ordinance 2022-13 (TA-2022-01-A) Downtown Building Design

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

The Planning Board voted unanimously at their September 27, 2021 meeting to recommend approval.

Commissioner Baxter asked about the color palette for the buildings. The colors would be based on the character and context of the surrounding buildings.

Commissioner Baxter made a motion, second by Commissioner Clark to approve Ordinance 2022-13 Downtown Building Design. There was no discussion and the motion passed unanimously.

2. Ordinance 2022-14 (TA-2022-01-B) New Uses

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

Commissioner Baxter inquired about the measures required to reduce noise and odor impacts. Staff would ensure adequate insulation and ventilators were used. There were also building codes for certain uses that would ensure chemicals were used and stored according to code.

Commissioner Baxter made a motion, second by Commissioner York to approve Ordinance 2022-14 New Uses. There was no discussion and the motion passed unanimously.

3. Ordinance 2022-15 (TA-2022-01-C) New Use Regulations

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

Staff recommended a 300ft radius around each use to separate them from each other as well as churches and preschools. The Planning Board unanimously recommended a modification to increase the radius to 1,000ft at their September 20, 2021 meeting. Staff showed a map with the 1,000ft radius which would prevent any of the uses from locating downtown. The existing uses would be grandfathered in but could not expand and would prohibit new shops from moving to downtown.

It was stated the approximate length of a downtown block was 300ft-400ft.

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Commissioner Baxter made a motion, second by Commissioner Clark to approve Ordinance 2022-15 New Use Regulations with a radius of 500ft.

Commissioner York asked what the difference would be between 500ft and 300ft radius. Michael Clark showed the radius differences on the map.

There was no further discussion and the motion passed unanimously.

4. Ordinance 2022-16 (TA-2022-01-D) Auto-Oriented Design Regulations

Michael Clark explained the amendments were to Sections 4.3.5, 4.4.7, and 5.3.1 of the Unified Development Ordinance to establish design regulations for vehicle dominate uses. Design examples of what was currently allowed and what would be allowed under the proposed text amendment were shown. The proposed regulations allowed for mixed-use designs and included auto repair facilities, oil change businesses and drive-thru establishments.

The Planning Board unanimously recommended approval at their September 20, 2021 meeting.

Commissioner York made a motion, second by Commissioner Baxter to approve Ordinance 2022-16 Auto-Oriented Design Regulations. There was no discussion and the motion passed unanimously.

5. Ordinance 2022-17, Ordinance 2022-18, Ordinance 2022-19 and Ordinance 2022-20 (TA-2022-01-E) UDO Corrections

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

The Planning Board unanimously recommended approval at their September 20, 2021 meeting.

Commissioner Baxter inquired about Section 4.3.5.G vehicle location standards and how it would impact J&M dealership parking vehicles in front of their business. Staff stated if the site was scraped and did a full reconstruction, they would be required to bring the parking closer to the road, but existing uses and activities were protected under the UDO.

Staff clarified that Section 5.3.1 design standards were for all zoning districts. Businesses could go before the Board of Commissioners and Planning Board to request deviations from design standards through conditional zoning approval.

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Commissioner Clark made a motion, second by Commissioner York to approve Ordinance 2022-17, Ordinance 2022-18, Ordinance 2022-19 and Ordinance 2022-20 UDO Corrections. There was no discussion and the motion passed unanimously.

6. Budget Amendments

a. Ordinance 2022-03A – Amended Fire Station Capital Project

Commissioner Loucks asked that the fire station design funds not be spent without the Board's approval.

Commissioner Loucks made a motion, second by Commissioner Baxter to approve Ordinance 2022-03A with the amendment for fire station design funds to not be spent without the Board's approval. There was no discussion and the motion passed unanimously.

NEW BUSINESS

A. Planning

1. Ordinance 2022-21 - Annexation Request – 469 Green Pace Road

Commissioner Baxter made a motion, second by Commissioner York to approve Ordinance 2022-21. There was no discussion and the motion passed unanimously.

2. Ordinance 2022-22 - Annexation Request – 1817 Old US 264 Highway

Commissioner Clark made a motion, second by Commissioner Moore to approve Ordinance 2022-22. There was no discussion and the motion passed unanimously.

BOARD COMMENTS

Commissioner Loucks encouraged citizens to get their COVID vaccine.

Commissioner Clark stated the Miss Zebulon pageant was October 10, 2021.

Commissioner Baxter stated youth basketball registration ended on October 8, the Candidates form was scheduled for October 12 at 7:00pm, congratulated Daniel Baxley on his promotion to crew leader and encouraged everyone to attend the Artspllosure event in downtown Raleigh.

Commissioner York stated October was Breast Cancer Awareness month and urged early detection screening and education.

MANAGER'S REPORT

Joe Moore stated the next work session was scheduled for Thursday, October 21, 2021 at 6:00pm and gave a preview of the meeting topics.

CLOSED SESSION

Per N.C. General Statute § 143-318.11(a)(5): "... to instruct the [Town] staff or negotiating agents concerning the position to be taken by or on behalf of the [Town] in negotiating the price and other

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material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; ...”

Commissioner Baxter made a motion, second by Commissioner York to go into closed session. There was no discussion and the motion passed unanimously.

NOTE: In closed session, Commissioner Baxter made a motion, second by Commissioner York to come out of closed session. There was no discussion and the motion passed unanimously.

Commissioner Loucks made a motion, second by Commissioner York to adopt Ordinance 2022-23. There was no discussion and the motion passed unanimously.

Commissioner Loucks made a motion, second by Commissioner York to adopt Ordinance 2022-24. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Loucks to adopt Ordinance 2022-25. There was no discussion and the motion passed unanimously.

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

Adopted this the 1st day of November 2021.

Robert S. Matheny—Mayor

SEAL

Lisa M. Markland, CMC—Town Clerk

Zebulon Board of Commissioners
Work Session
Minutes
October 21, 2021

Present: Robert S. Matheny, Beverly Clark, Annie Moore, Glenn York, Shannon Baxter, Larry Loucks, Joe Moore-Town Manager, Lisa Markland-Town Clerk, Chris Perry-Fire, Michael Clark-Planning, Chris Ray-Public Works, Jacqui Boykin-Police, Eric Vernon-Attorney

Mayor Matheny called the meeting to order at 6:00pm.

APPROVAL OF AGENDA

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

Joe Moore gave an overview of the topics to be discussed at the meeting.

WATER ALLOCATION: A POINT-BASED SYSTEM TO REWARD DEVELOPMENT WITH HIGHER DESIGN STANDARDS

Michael Clark spoke about the Water Allocation Policy. It was a process municipalities used to enhance the quality of development coming into the municipality by encouraging the desired activities and uses for a proposed development. Now that the Water Merger Agreement was completed, the Town owned a set amount of water. The Water Allocation Policy would ensure water was allocated toward uses, activities and development that would benefit the Town long term.

Michael Clark spoke about the point structure in the policy and how a use, activity or development could receive additional points. Staff would draft a policy for discussion at December's work session if the Board was interested in moving forward. The Board was in favor of seeing a policy.

COMPREHENSIVE PAY AND CLASSIFICATION: POLICE

Lisa Markland spoke about the comprehensive pay and classification study that was done for all departments and gave the results specifically for the Police Department. The map of the municipalities used for the study was shown as well as the starting salaries for police officers.

It was stated 39% of the applicants in the applicant pool met the minimum qualifications and the Town was having a difficult time attracting applicants. Jacqui Boykin stated law enforcement applicants were down in other communities, but the Town's applicant pool was unusually low. Most of the applicants were right out of BLET with little to no experience. The costs of training and turnover were explained.

Jacqui Boykin spoke about the problems to be addressed in the Police Department including succession planning, recruitment deficiencies, turnover/retention as well as the importance of leadership development in the department.

It was explained how the Town's benefits package compared well with other communities. There was discussion about the police officer per citizen ratio. Jacqui Boykin spoke about the needs and challenges in the community that warranted additional police personnel.

It was explained a personnel forecast for anticipated growth was done which included a plan to add officers each year to keep up with growth in the Town and workload increases related to that growth. The future salary schedule and the tuition assistance program were discussed.

N. ARENDELL PROJECT: UPDATES

Joe Moore gave the Board four options for the project:

- proceed with the project as currently scoped
- reduce the scope of the project
- resubmit project as currently scoped
- resubmit project with a bigger scope of work.

It was stated the problems went beyond Pearces Road and Arendell Avenue because of the heavy traffic issues. NCDOT was concerned with the intersection at Pearces and Proctor and the incident diagram for that intersection was shown. NCDOT designed a roundabout and wanted to self-initiate a LAPP Grant Program on their own. The project would be designed and funded by NCDOT. The Board was asked if they were willing to be a co-applicant on the LAPP application.

Commissioner Loucks made a motion, second by Commissioner York to approve the Board of Commissioners signing as a co-applicant on the LAPP application for the intersection of Pearces and Proctor. There was no discussion and the motion passed unanimously.

CLOSED SESSION

As allowed per N.C. General Statute § 143-318.11(a)(5): "... to instruct the [Town] staff or negotiating agents concerning the position to be taken by or on behalf of the [Town] in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; ..."

Commissioner Loucks made a motion, second by Commissioner York go into closed session. There was no discussion and the motion passed unanimously.

NOTE: In closed session, Commissioner Loucks made a motion, second by Commissioner Clark to come out of closed session. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Moore to adjourn. There was no discussion and the motion passed unanimously.

Adopted this the 1st day of November 2021.

Robert S. Matheny—Mayor

SEAL

Lisa M. Markland, CMC—Town Clerk



Board of Commissioners
P.O. Box 550 • Raleigh, NC 27602

TEL 919 856 6180
FAX 919 856 5699

MATT CALABRIA, CHAIR
VICKIE ADAMSON, VICE-CHAIR
MARIA CERVANIA
SUSAN EVANS
SIG HUTCHINSON
SHINICA THOMAS
JAMES WEST

October 5, 2021

Ms. Lisa Markland
Town Clerk
Town of Zebulon
1003 North Arendell Avenue
Zebulon, North Carolina 27597

Dear Ms. Markland:

The Wake County Board of Commissioners, in regular session on October 4, 2021, approved and accepted the enclosed tax report for the Town of Zebulon.

The attached adopted actions are submitted for your review; no local board action is required.

Sincerely,

Yvonne Gilyard
Deputy Clerk to the Board
Wake County Board of Commissioners

Enclosure(s)



Wake County Tax Administration

Rebate Details

08/01/2021 - 08/31/2021

ZEBULON

DATE

09/04/2021

TIME

3:39:31 PM

PAGE

1

| REBATE NUMBER | PROPERTY | CITY TAG | LATE LIST | BILLED INTEREST | TOTAL REBATED | PROCESS DATE | ACCOUNT NUMBER | TAX YEAR | YEAR FOR | BILLING TYPE | OWNER |
|--|------------------|-------------|-------------|-----------------|------------------|--------------|----------------|------------------------------------|----------|--------------|--------------------------|
| BUSINESS ACCOUNTS | | | | | | | | | | | |
| 792688 | 91,662.31 | 0.00 | 0.00 | 0.00 | 91,662.31 | 08/11/2021 | 0006802858 | 2021 | 2021 | 000000 | TRUIST BANK |
| 794174 | 84.16 | 0.00 | 0.00 | 0.00 | 84.16 | 08/27/2021 | 0006910891 | 2021 | 2021 | 007200 | ALTO ASSET COMPANY 1 LLC |
| SUBTOTALS FOR BUSINESS ACCOUNTS | 91,746.47 | 0.00 | 0.00 | 0.00 | 91,746.47 | | 2 | Properties Rebated | | | |
| INDIVIDUAL REAL ESTATE ACCOUNTS | | | | | | | | | | | |
| 793424 | 137.50 | 0.00 | 0.00 | 0.00 | 137.50 | 08/20/2021 | 0000022782 | 2021 | 2021 | 000000 | ANDERSON, FANNIE LEE |
| SUBTOTALS FOR INDIVIDUAL REAL ESTATE ACCOUNTS | 137.50 | 0.00 | 0.00 | 0.00 | 137.50 | | 1 | Properties Rebated | | | |
| TOTAL REBATED FOR ZEBULON | 91,883.97 | 0.00 | 0.00 | 0.00 | 91,883.97 | | 3 | Properties Rebated for City | | | |



Wake County Tax Administration

Rebate Details

08/01/2021 - 08/31/2021

ZEBULON

DATE

09/04/2021

TIME

3:39:31 PM

PAGE

1

| REBATE NUMBER | PROPERTY | CITY TAG | LATE LIST | BILLED INTEREST | TOTAL REBATED | PROCESS DATE | ACCOUNT NUMBER | TAX YEAR | BILLING FOR | OWNER TYPE |
|---------------------|-------------------|---------------|---------------|--------------------|-------------------|-----------------|-------------------|-----------------------------------|----------------|---------------|
| Grand Total: | 177,642.62 | 920.00 | 689.61 | 0.00 | 179,252.23 | | 185 | Properties Rebated for All Cities | | |

Topic: **FY 2022 Monthly Financial Statement Update**
Speaker: Bobby Fitts, Finance Director (if pulled from Consent)
Prepared by: Bobby Fitts, Finance Director
Approved by: Joseph M. Moore II, PE, Town Manager

Executive Summary:

This monthly report summarizes the status of the Town's revenues and expenditures.

Background:

The attached financials are a summary of revenues and expenditures to date. These monthly reports are provided to inform the Board of revenue and expenditure trends throughout the year. The enclosed statements are through October 18, 2021.

Information:

Fiscal Year 2021

Fiscal Year 2021 is closed but unaudited. The Board will receive an audit in the upcoming Comprehensive Annual Financial Report. The following are an approximate summary of the fiscal year's revenues and expenditures:

- o Revenues: \$13,173,751 (up 9.6% from FY 2020)
- o Expenditures: \$11,022,435 (up 8.2% from FY 2020)

FY '22 Expenditures

Three and a half months into Fiscal Year 2022, the Town has spent approximately \$3,527,600 (~21% of its General Fund budget of \$16,989,562). Some larger expenditures are made earlier in the fiscal year, such as debt service payments on the fire pumper truck, ladder truck, leaf truck, payloader and other vehicle purchases, and premiums on annual property & liability insurance and workers compensation.

FY '22 Revenues

The following summary provides insight into some of the early revenue activity in the current fiscal year:

- Property Tax (largest revenue stream)
 - + FY 2022 collections: \$1,053,839 collected to date (13.8% of \$7,628,000 budget).
 - + Observations:
 - # 58.9% more than collected last fiscal year (\$662,975).
 - # Majority of property taxes are received later in the calendar year.
- Sales Tax (second largest revenue stream)
 - + Comparisons (July's sales (reports lag 3-months)):
 - # \$19,267 (18.1%) more collected than last July for all sales tax.
 - # \$8,013 (17.1%) more collected than last July for "local" sales tax.

- Utilities Sales Tax (5% of revenue stream):
 - + first disbursement due December 15
 - + Reflects natural gas and electricity sales and heavily weather dependent
- Permits & Zoning
 - + \$38,124 collected total (17% of budgeted revenues (\$220,000))
 - + 49.5% less than what was collected this time last fiscal year (\$75,623).
 - + An indication of development activity and corresponding support services.
- Transportation Impact Fees
 - + \$59,809 collected to date (29.9% of budgeted revenues (\$200,000)).
 - + 55.5% less than what was collected last fiscal year (\$134,465).
 - + Revenue placed in reserve for transportation projects to be spent within 10 years

Policy Analysis: N/A

Financial Analysis:

FY '22 Budgeted revenue is \$16,989,562 while year to date revenue collected is \$1,909,034 (11.2% of budgeted). As shown in the chart on the Revenue Statement, 60.7% of year-to-date revenues come from property taxes as the total for the year has been collected.

Staff Recommendation:

No staff recommendation or Board action is necessary. These are informational only.

Attachments:

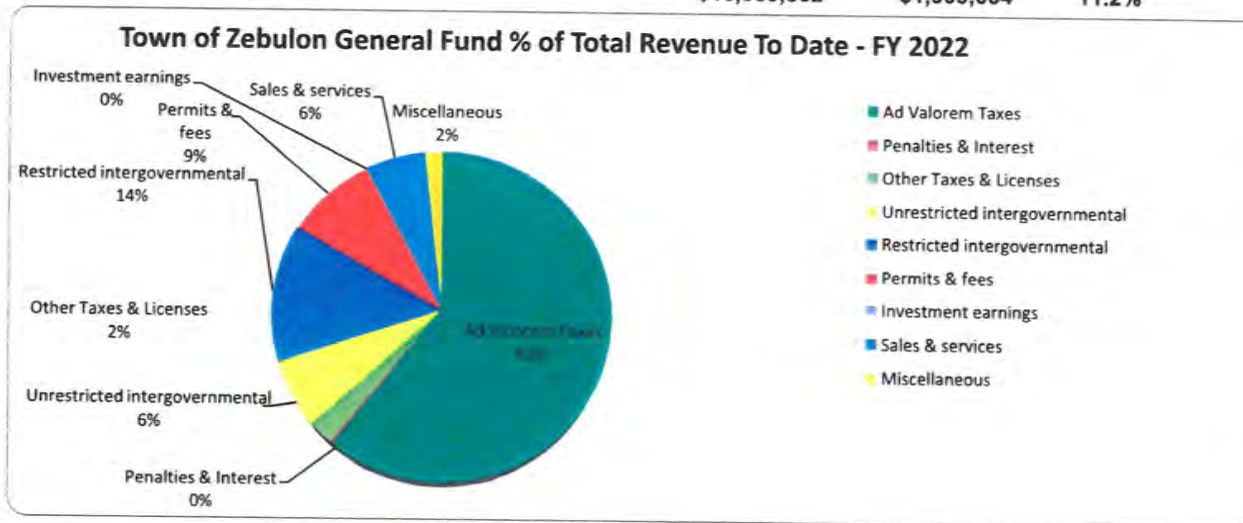
1. General Fund Fiscal Year 2022 Expenditure Statement and Revenue Statement (as of October 18, 2021)
2. Sales Tax – FY 2022

ZEBULON

NORTH CAROLINA

TOWN OF ZEBULON
 Revenue Statement: 2021 - 2022 As of 10/18/2021
 for Accounting Period 6/30/2022
 GENERAL FUND

| <u>Revenue Categories</u> | <u>Estimated Revenue</u> | <u>Revenue YTD</u> | <u>% Collected</u> | <u>% of Total Revenue YTD</u> |
|--|--------------------------|--------------------|--------------------|-------------------------------|
| Ad Valorem Taxes | \$7,672,000 | \$1,157,896 | 15.1% | 60.7% |
| Penalties & Interest | \$13,500 | \$5,466 | 40.5% | 0.3% |
| Other Taxes & Licenses | \$145,400 | \$44,400 | 30.5% | 2.3% |
| Unrestricted intergovernmental | \$1,927,500 | \$125,560 | 6.5% | 6.6% |
| Restricted intergovernmental | \$926,500 | \$259,636 | 28.0% | 13.6% |
| Permits & fees | \$551,500 | \$169,715 | 30.8% | 8.9% |
| Investment earnings | \$3,500 | \$368 | 10.5% | 0.0% |
| Sales & services | \$931,400 | \$112,831 | 12.1% | 5.9% |
| Miscellaneous | \$67,840 | \$33,163 | 48.9% | 1.7% |
| Other Financing Sources (Lease Purchase) | \$315,000 | \$0 | 0.0% | 0.0% |
| Fund Balance Appropriated | <u>\$4,435,422</u> | <u>\$0</u> | <u>0.0%</u> | <u>0.0%</u> |
| Total Revenues | \$16,989,562 | \$1,909,034 | 11.2% | 100% |



ZEBULON

NORTH CAROLINA

TOWN OF ZEBULON
Expenditure Statement:2021 - 2022
for Accounting Period 6/30/2022
GENERAL FUND

As of 10/18/2021

| <u>Dept #</u> | <u>Department</u> | <u>Approp Amount</u> | <u>Expenditure YTD</u> | <u>% Exp.</u> |
|---------------|--------------------------------------|----------------------|------------------------|---------------|
| 410 | GOVERNING BODY | \$435,015 | \$63,688 | 14.6% |
| 420 | FINANCE | \$407,016 | \$109,808 | 27.0% |
| 430 | ADMINISTRATION | \$1,021,700 | \$261,296 | 25.6% |
| 490 | PLANNING AND ZONING | \$652,366 | \$186,268 | 28.6% |
| 500 | PUBLIC WORKS-PROPERTY & PROJECT MGMT | \$2,854,915 | \$274,499 | 9.6% |
| 510 | POLICE | \$2,746,880 | \$994,727 | 36.2% |
| 520 | PUBLIC WORKS-OPERATIONS | \$3,333,400 | \$660,588 | 19.8% |
| 530 | FIRE | \$3,038,614 | \$675,355 | 22.2% |
| 570 | POWELL BILL | \$351,500 | \$1,653 | 0.5% |
| 620 | PARKS & RECREATION | \$1,783,011 | \$296,805 | 16.6% |
| 690 | COMMUNITY & ECONOMIC DEVELOPMENT | \$365,145 | \$2,883 | 0.8% |
| | Total Expenditures | \$16,989,562 | \$3,527,571 | 20.8% |

Sales Tax

FY 2022

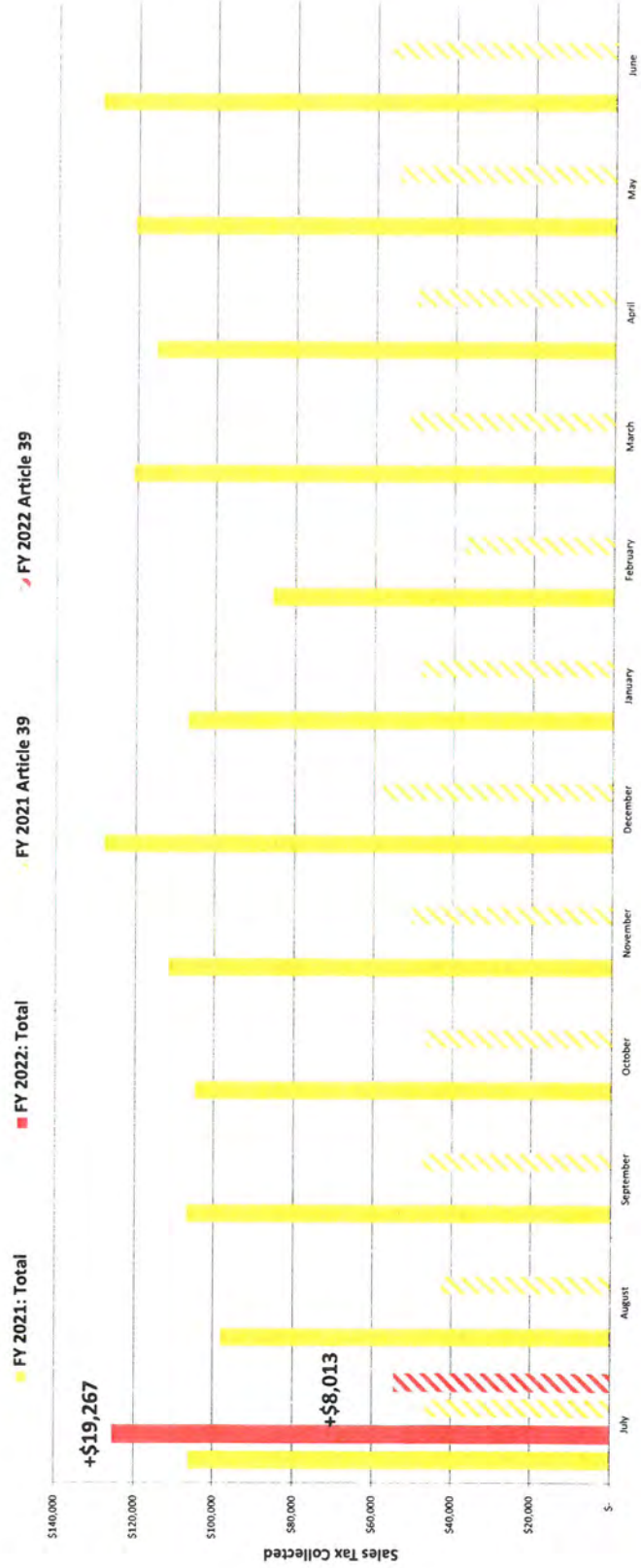
| Month | Article 39 (1) * | Article 40 (1/2) | Article 42 (1/2) | Article 44 (1/2) | City Hold Harmless | FY 22 Totals | Prior Year (FY 2021) | % Inc (Dec) from Prior Yr |
|--------------|------------------|------------------|------------------|------------------|--------------------|-------------------|----------------------|---------------------------|
| July | \$ 54,740 | \$ 23,633 | \$ 27,374 | \$ (8) | \$ 19,820 | \$ 125,560 | \$ 106,293 | 18.1% |
| August | - | - | - | - | - | - | 98,134 | -100.0% |
| September | - | - | - | - | - | - | 107,017 | -100.0% |
| October | - | - | - | - | - | - | 105,056 | -100.0% |
| November | - | - | - | - | - | - | 111,773 | -100.0% |
| December | - | - | - | - | - | - | 128,204 | -100.0% |
| January | - | - | - | - | - | - | 107,034 | -100.0% |
| February | - | - | - | - | - | - | 85,810 | -100.0% |
| March | - | - | - | - | - | - | 121,143 | -100.0% |
| April | - | - | - | - | - | - | 115,436 | -100.0% |
| May | - | - | - | - | - | - | 120,866 | -100.0% |
| June | - | - | - | - | - | - | 129,315 | -100.0% |
| Total | \$ 54,740 | \$ 23,633 | \$ 27,374 | \$ (8) | \$ 19,820 | \$ 125,560 | \$ 106,293 | 18.1% |

FY 2021

| Month | Article 39 (1) * | Article 40 (1/2) | Article 42 (1/2) | Article 44 (1/2) | City Hold Harmless | FY 21 Totals | Prior Year (FY 2020) | % Inc (Dec) from Prior Yr |
|--------------|-------------------|-------------------|-------------------|------------------|--------------------|---------------------|----------------------|---------------------------|
| July | \$ 46,727 | \$ 19,891 | \$ 23,331 | \$ (7) | \$ 16,351 | \$ 106,293 | \$ 94,711 | 12.2% |
| August | 42,713 | 18,626 | 21,327 | 11 | 15,457 | 98,134 | 96,820 | 1.4% |
| September | 47,770 | 19,733 | 23,858 | (2) | 15,658 | 107,017 | 98,482 | 8.7% |
| October | 46,956 | 19,326 | 23,433 | (13) | 15,354 | 105,056 | 101,205 | 3.8% |
| November | 50,717 | 20,199 | 25,285 | (2) | 15,574 | 111,773 | 100,498 | 11.2% |
| December | 58,329 | 23,016 | 29,146 | 10 | 17,704 | 128,204 | 108,478 | 18.2% |
| January | 48,410 | 19,425 | 24,185 | 1 | 15,012 | 107,034 | 84,115 | 27.2% |
| February | 37,570 | 16,223 | 18,734 | 1 | 13,282 | 85,810 | 85,027 | 0.9% |
| March | 51,917 | 23,270 | 25,950 | (2) | 20,007 | 121,143 | 96,647 | 25.3% |
| April | 50,198 | 21,765 | 25,058 | (3) | 18,418 | 115,436 | 81,112 | 42.3% |
| May | 54,888 | 21,736 | 27,402 | 0 | 16,841 | 120,866 | 93,940 | 28.7% |
| June | 56,533 | 24,213 | 28,255 | 2 | 20,313 | 129,315 | 112,742 | 14.7% |
| Total | \$ 592,728 | \$ 247,422 | \$ 295,964 | \$ (4) | \$ 199,972 | \$ 1,336,082 | \$ 1,153,778 | 15.8% |

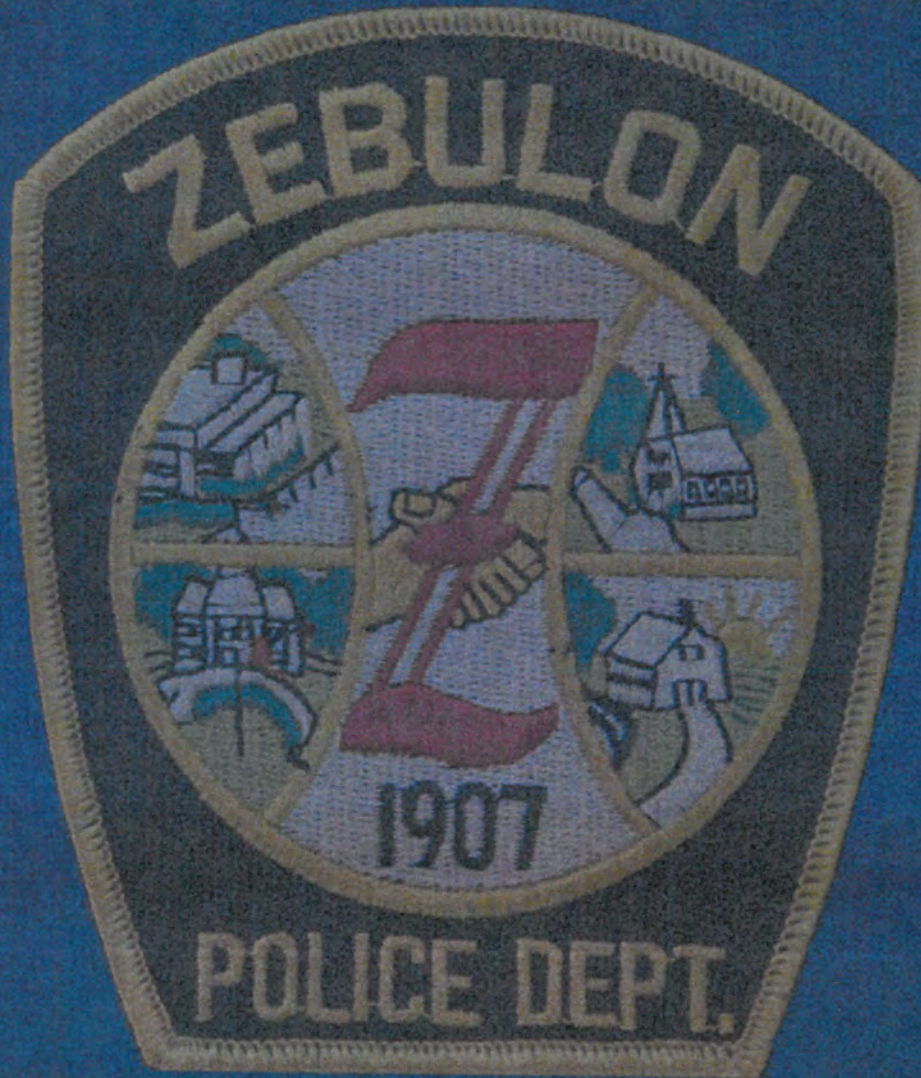
* Net proceeds of the Article 39 tax are returned to the county of origin.

Monthly Summary of Sales Tax Collected



1st Quarter Report

**JULY - SEPTEMBER
2021**



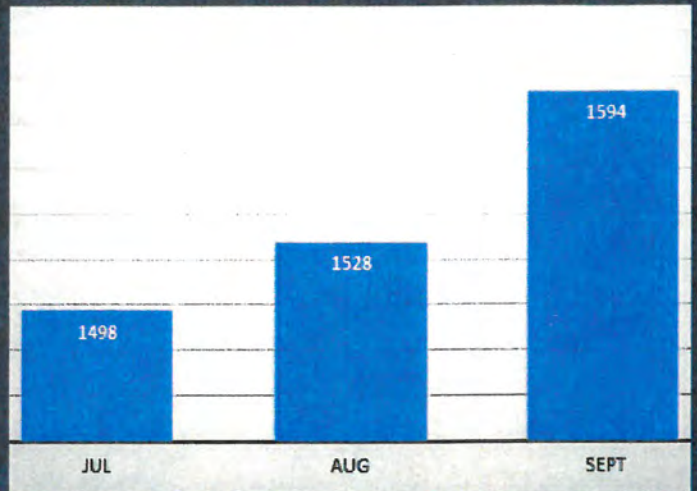
**ZEBULON POLICE
DEPARTMENT**

CALLS FOR SERVICE

JULY-1498 AUG-1528 SEPT-1594

INCREASE IN CALL VOLUME

There were a total of 4,620 calls for the first quarter. This is a 93% increase from the same quarter last year. Proactive, self-initiated activity continues to be a primary objective for officers, resulting in this increase.



CRIME TRENDS

There were 12 Violent *(Murder, Rape, Robbery, Assault) and 63 Property* (Burglary, Larceny, Auto theft, Arson) crimes reported in the 1st quarter, down 14% from the 3 year average.

*This is the most common means of reporting crime rate

| TYPE OF CRIME | JUL | AUG | SEPT |
|-------------------|-----|-----|------|
| PERSON | 3 | 1 | 3 |
| PROPERTY | 14 | 14 | 35 |
| WEAPON VIOLATIONS | 1 | 1 | 1 |
| DRUG VIOLATIONS | 2 | 13 | 9 |
| SIMPLE ASSAULT | 7 | 7 | 14 |
| DWI | 1 | 1 | 4 |
| VANDALISM | 6 | 3 | 3 |

K-9 PRODUCTIVITY

only one K9 team working most of the quarter

| | | |
|---|----------------------------|----------------------|
| Special Events Special Olympics | Tracks 4 | Building Search 0 |
| Drug Seizures 99g mari, 3g cocaine, 14 oxy | Assist Another Agency 3 | Training Hours 33 |
| Narcotics Search 15 | Article Search 0 | Vehicle Search 15 |



1Q AVERAGE RESPONSE TIMES

Average response time is 6 1/2 minutes in 2021

JUL

6:28
MIN.

AUG

5:29
MIN.

SEPT

7:32
MIN.

SELF-INITIATED

Traffic Stops: 667

Foot Patrols: 77

Security Checks: 1466

Proactive policing reduces crime rate



CITATIONS

109 ←

JULY

→ 94

125 ←

AUGUST

→ 90

125 ←

SEPT

→ 67

WARNINGS



SHIFTS AT MINIMUM STAFFING

JULY: 52%

AUGUST: 32%

SEPTEMBER: 47%

COMMUNITY INVOLVEMENT



ZEBULON REHAB CAR WASH JULY

ZPD raised over \$700 for the residents of Zebulon Rehab, by hosting a car wash. Proceeds will go to activities for the residents- dances, crafts, and the like.



BACKPACK BUDDIES AUGUST

We partnered with East Wake Elementary and the local Backpack Buddies to collect 11,000 items of food for kids when they are away from school.



LSAY SOMETHING SEPTEMBER

Officers partnered with East Wake Academy to advertise the Say Something program. This anonymous system allows students to report suspicious or concerning activity.

Community Outreach/Engagement Hours

70

DID YOU KNOW?

Zebulon Hosted a Multi-Agency
DWI Checkpoint on Friday Sept 17

WHERE

- South Arendell near Community Park
- Checkpoint locations are selected with several things in mind- traffic volume, community complaints, historical crime or traffic problems, number of officers available, nature of the checkpoint (license, DWI, investigative)

WHO

- Wake County Sheriff's Office
- Knightdale PD
- Rolesville PD
- Wendell PD
- Wake County ABC
- NC State Highway Patrol
- Apex PD
- NC State Police

RESULTS

- 1 DWI
- 5 Revoked License
- 2 Uninsured Motorists
- 3 Open Container
- 1 Weapon
- 15 Traffic infractions

TRAINING



All staff attended 2 De-escalation courses and Implicit Bias during this quarter. In September, the whole department transitioned from the .45 handgun we have used for the last decade to a 9mm model, that has proven to be more accurate in use of force incidents.



NEW HIRE



Patrick Pipkin came to us via Rocky Mount PD. His family has a legacy of law enforcement service. We welcomed him in July.

Planning
ZEBULON
 NORTH CAROLINA
FY2022 Q1

NEW STAFF



BRAD PLEASANT
 Code enforcement and zoning officer with previous experience with the Town of Wake Forest and Wake County Sheriffs Office.

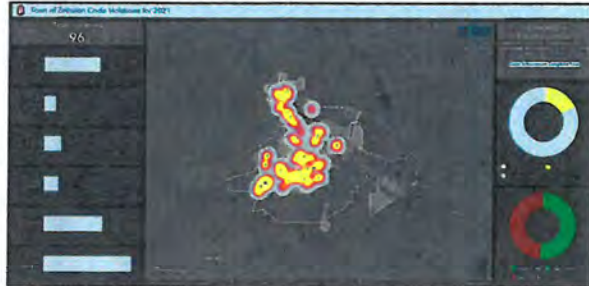


AARON CHALKER
 Planner 1 with experience from Wilson County, graduated from UNC in 2018, From Roanoke Rapids, NC.



LAURIE BUTLER
 Planning technician with experience from the Town of Wake Forest and has her real estate license.

CODE ENFORCEMENT DASHBOARD



This dashboard includes total counts of code enforcement cases by category, a heat map of hot spots, residential vs commercial, open vs closed, and the ability for the public to submit a code enforcement complaint.

grow Zebulon Comprehensive Transportation Plan was adopted August 2nd, 2021.

WHAT'S NEW

ZONING

\$37,896

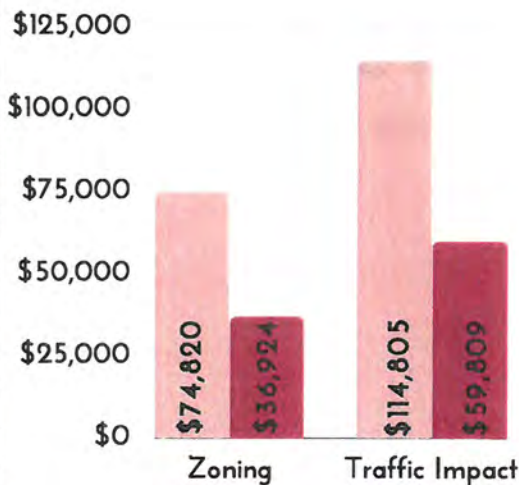
FY2021 Q4 TO FY2022 Q1 DIFFERENCE

TRAFFIC IMPACT

\$54,996

FY2021 Q4 TO FY2022 Q1 DIFFERENCE

FY21 Q4 & FY22 Q1 FEE COMPARISON



CASES FINALIZED

1 TECHNICAL REVIEW COMMITTEE

- Zebulon Outdoor Storage

1 REZONINGS

- Pony Road

4 PLAT RECORDINGS

- Liles Family LLC
- Shepards Park Phase 2B
- Autumn Lakes Phase 3
- William Penington

4 BOARD OF ADJUSTMENT

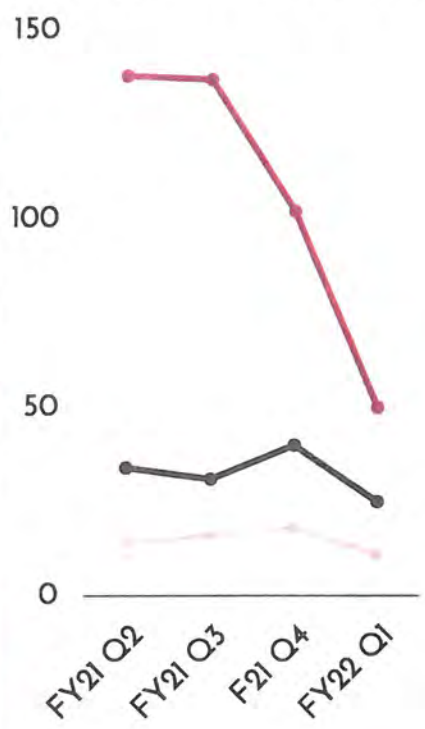
- 208 W. Sycamore St- Variance Approved
- 212 W. Sycamore St- Variance Approved

PERMITTING

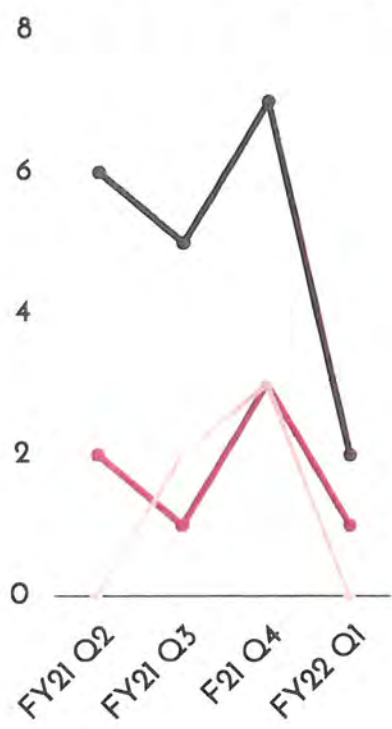
CODE ENFORCEMENT



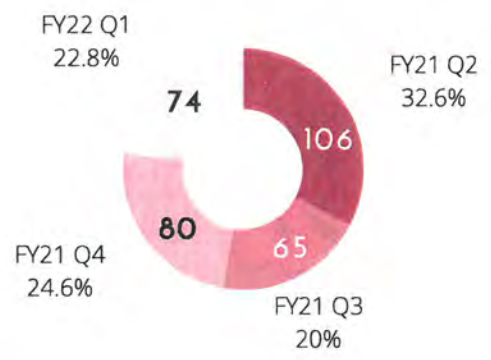
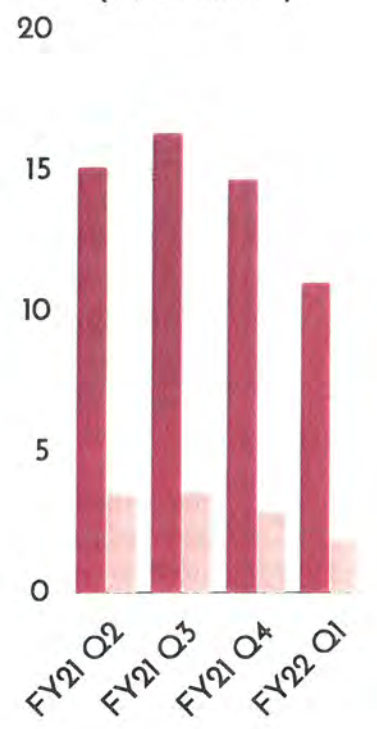
TOTAL PERMITS ISSUED



ZONING PERMITS

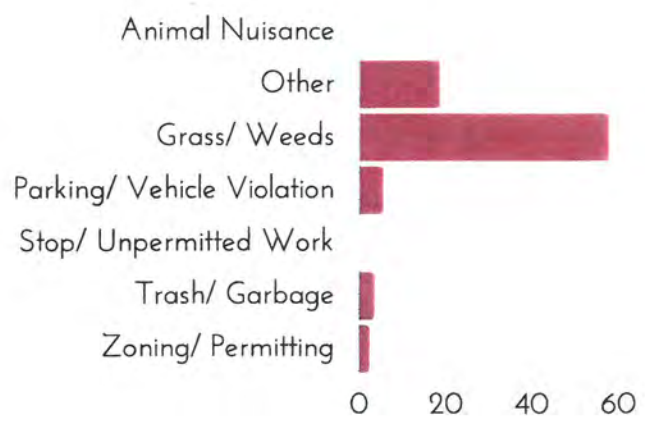


VALUE OF WORK (MILLIONS)



\$154,719.82

Average builder's cost for each house.



STAFF REPORT
RESOLUTION 2022-06
EASTERN WAKE EMS PROPERTY
NOVEMBER 1, 2021

Topic: Resolution 2022-06 - Eastern Wake EMS Property Purchase
Speaker: Joseph M. Moore II, PE, Town Manager
From: Eric Vernon, Esq., Town Attorney

Executive Summary:

The Board will consider acquisition of the Eastern Wake EMS property and building located at 131 E. Vance Street.

Background:

Wake County EMS began operating as a single, unified agency in May of this year. The consolidation brought all EMS responders into a single agency and Eastern Wake EMS ceased operations. Eastern Wake EMS has approved the donation of their building and property at 131 E. Vance Street to the Town of Zebulon in consideration of \$1.00.

On May 3, 2021, the Zebulon Board of Commissioners, determining the property will serve a public purpose in both the near and long term, expressed an interest in acquiring the property by funding the necessary due diligence prior to executing a Deed transfer. The due diligence included research on the property title, survey, structure and environmental condition.

During the due diligence process the Town's environmental consultant, ONE Environmental Group, discovered petroleum and dry cleaner solvents in the soils and ground water in excess of state standards. Some asbestos containing materials were also discovered in the building.

Discussion:

The discussion before the Board is whether to accept the Deed offered by Eastern Wake EMS.

Policy Analysis:

Acquiring property downtown is consistent with policy goals adopted by the Board of Commissioners, specifically the *Vibrant Downtown* goals within the Zebulon Vision 2030 Strategic Plan.

Fiscal Analysis:

The petroleum contamination is relatively limited and the cost to address the petroleum contamination is unlikely to include active remediation. The Town's environmental consultant will investigate the petroleum risk by conducting a Sensitive Receptor Survey in the vicinity of the Property. Sensitive Receptor Study identifies drinking water wells in the vicinity of the Property. Representatives from the State Underground Storage Section may require additional investigation and possibly impose deed restrictions to reduce the risk of the contamination. The environmental consultant in consultation with the state representatives considers this a very low risk to the Town and its citizens. Funds to conduct a Sensitive Receptor Study and impose deed restrictions were allocated by budget transfer with the approval of Ordinance 2022-25 on October 4, 2021.

STAFF REPORT
RESOLUTION 2022-06
EASTERN WAKE EMS PROPERTY
NOVEMBER 1, 2021

The dry cleaner contamination, although more extensive than the petroleum contamination, is also limited due primarily to the availability of a State dry cleaner remediation program known as "DSCA". If an abandoned dry cleaner site, such as the Property, is accepted into the DSCA program the property owner has limited exposure to the cost of remediation, specifically, (i) \$1,000 initial fee and (ii) cost participation equal to 1.5% of the actual remediation costs up to a maximum of \$16,000. The balance of the remediation cost is paid by the DSCA program. The DSCA office accepted the Property into the DSCA program pursuant to a Pre-Eligibility Letter dated October 15, 2021. The final conditions for acceptance of the Property into the DSCA program are (i) acquisition of the Property by the Town and (ii) submittal of the formal DSCA questionnaire on behalf of the Town. Only the property owner is eligible to participate in the DSCA program. Funds to apply and participate in the DSCA program were allocated by budget transfer with the approval of Ordinance 2022-25 on October 4, 2021.

Asbestos is not an issue at present. Asbestos issues arise if and when the Town decides to demolish or pursue other construction on the building that would disturb the asbestos containing materials. Funds for asbestos abatement were allocated by budget transfer with the approval of Ordinance 2022-25 on October 4, 2021.

Staff Recommendation:

Staff recommends approval of Resolution 2022-06 accepting the Deed transfer of the Eastern Wake EMS property.

Attachment(s):

1. Petitioner Eligibility Review letter
2. Resolution 2022-06

ROY COOPER
Governor
ELIZABETH S. BISER
Secretary
MICHAEL SCOTT
Director



NORTH CAROLINA
Environmental Quality

October 15, 2021

Wyrick Robbins Yates & Ponton LLP
Attn: Mr. Eric A. Vernon
4101 Lake Boone Trail, Suite 300
Raleigh, NC 27607

Subj: Petitioner Eligibility Review
Zebulon Dry Cleaners, 131 East Vance St., Zebulon, North Carolina

Dear Mr. Vernon,

After reviewing the environmental due diligence and sampling results submitted by ONE Environmental Group of Carolina, PLLC (ONE), on behalf of the Town of Zebulon, the Dry-Cleaning Solvent Cleanup Act Program (DSCA Program) has evaluated the Town of Zebulon's eligibility to petition the above referenced facility into the DSCA Program. To be eligible, it is necessary that: (i) a petitioner be a potentially responsible party; (ii) a petitioner provide all necessary contact and ownership information on the petitioner questionnaire; (iii) there is evidence of dry-cleaning solvent contamination; and (iv) if an operating dry-cleaning facility is present, it is in compliance with DSCA minimum management practices. These criteria must be met to be considered eligible for admission into the DSCA Program.

Based on a review of the information provided, we have determined that the Town of Zebulon will meet all of the following necessary eligibility criteria upon purchasing the subject property: (i) upon becoming the owner of the subject property, the Town of Zebulon is considered a potentially responsible party as defined in N.C. Gen. Stat. 143-215.104B(21); (ii) a petitioner questionnaire must be submitted providing the necessary information to enter the facility into DSCA; and (iii) evidence of contamination has been provided in the September 27, 2021 Limited Phase II Investigation Letter Report, by Emily Forbes, PE of ONE to the DSCA Program, portions of which have been combined and attached to this letter.

Upon confirmation that Town of Zebulon is the owner of the property located at 131 East Vance St., Zebulon, NC, we will send the agreements for signature. To complete the application process, it will be necessary to sign the agreements and return them to the DSCA Program with the \$1,000 application fee.

We appreciate your interest in the DSCA Cleanup Program. If you have any questions regarding DSCA or this letter, or assessment and remediation activities, please contact me at (919) 707-8361 or by email at mike.cunningham@ncdenr.gov or Billy Meyer (DSCA Remediation Unit Supervisor) at (919) 707-8366 or by email at billy.meyer@ncdenr.gov.

Sincerely,

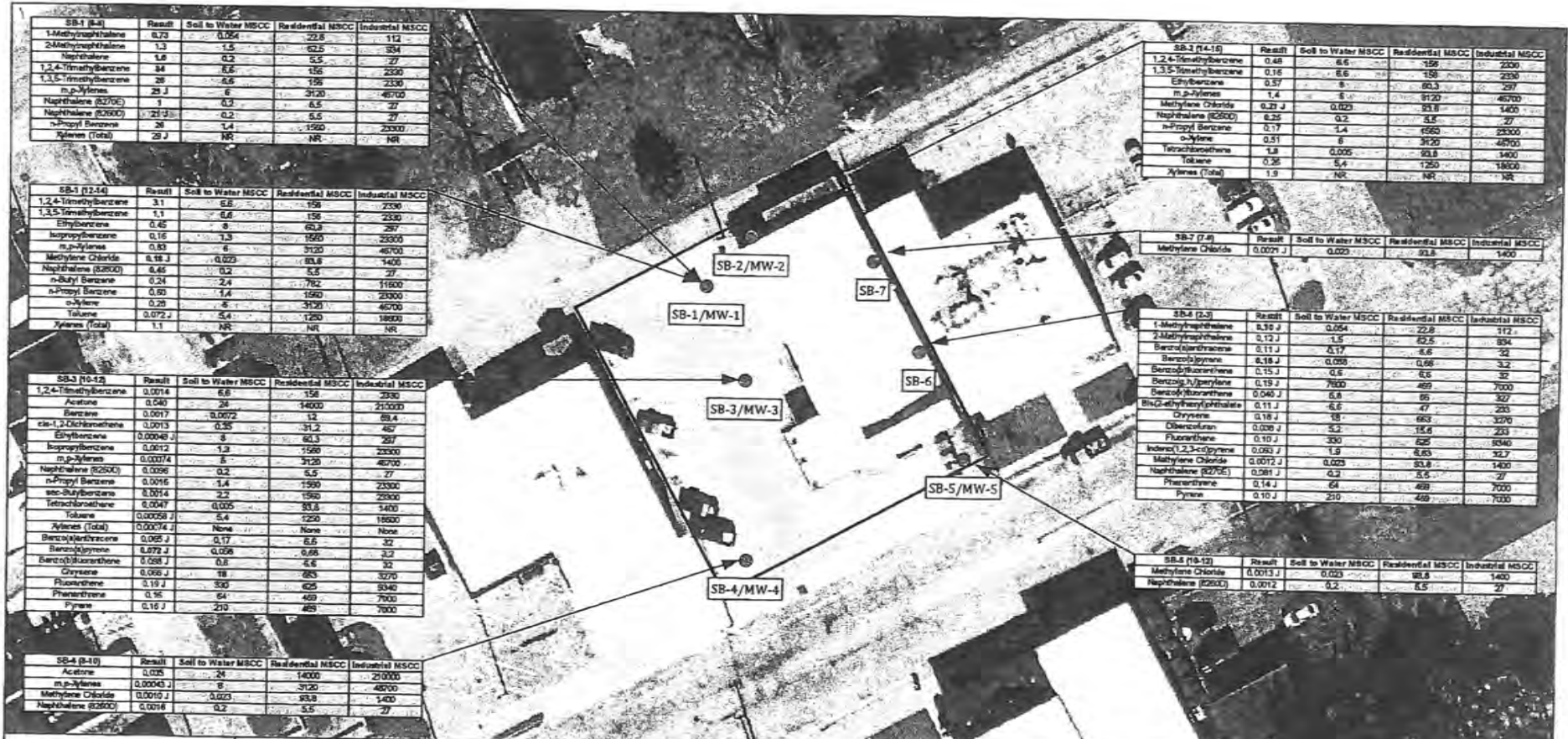
A handwritten signature in black ink, appearing to read "M. Cunningham".

Mike Cunningham, DSCA Project Manager
Division of Waste Management, NC DEQ

Attachments: Sample Location Maps



North Carolina Department of Environmental Quality | Division of Waste Management
217 West Jones Street | 1646 Mail Service Center | Raleigh, North Carolina 27699-1646
919.707.8200



| SB-1 (B-1) | Result | Soil to Water MSCC | Residential MSCC | Industrial MSCC |
|------------------------|--------|--------------------|------------------|-----------------|
| 1-Methylnaphthalene | 0.72 | 1.54 | 2.8 | 112 |
| 2-Methylnaphthalene | 1.3 | 1.5 | 62.5 | 334 |
| Naphthalene | 1.8 | 0.2 | 5.5 | 27 |
| 1,2,4-Trimethylbenzene | 44 | 6.6 | 156 | 2300 |
| 1,3,5-Trimethylbenzene | 26 | 6.6 | 156 | 2300 |
| m-Xylenes | 29 J | 6 | 3120 | 46700 |
| Naphthalene (B270E) | 1 | 0.2 | 5.5 | 27 |
| Naphthalene (B260D) | 21 J | 0.2 | 5.5 | 27 |
| n-Propyl Benzene | 30 | 1.4 | 1500 | 23000 |
| Xylenes (Total) | 29 J | NR | NR | NR |

| SB-1 (I2-14) | Result | Soil to Water MSCC | Residential MSCC | Industrial MSCC |
|------------------------|---------|--------------------|------------------|-----------------|
| 1,2,4-Trimethylbenzene | 3.1 | 6.6 | 156 | 2300 |
| 1,3,5-Trimethylbenzene | 1.1 | 6.6 | 156 | 2300 |
| Ethylbenzene | 0.45 | 6 | 60.3 | 297 |
| Isopropylbenzene | 0.16 | 1.3 | 160 | 2300 |
| m-Xylenes | 0.83 | 6 | 3120 | 46700 |
| Methylene Chloride | 0.18 J | 0.023 | 63.8 | 1400 |
| Naphthalene (B260D) | 0.45 | 0.2 | 5.5 | 27 |
| n-Butyl Benzene | 0.24 | 2.4 | 782 | 11600 |
| n-Propyl Benzene | 0.63 | 1.4 | 1500 | 23000 |
| n-Xylene | 0.20 | 6 | 3120 | 46700 |
| Toluene | 0.072 J | 5.4 | 1250 | 18000 |
| Xylenes (Total) | 1.1 | NR | NR | NR |

| SB-3 (I0-12) | Result | Soil to Water MSCC | Residential MSCC | Industrial MSCC |
|----------------------------|-----------|--------------------|------------------|-----------------|
| 1,2,4-Trimethylbenzene | 0.0014 | 6.6 | 156 | 2300 |
| Acetone | 0.040 | 24 | 14000 | 210000 |
| Benzene | 0.0017 | 0.0072 | 12 | 69.4 |
| Chloro-1,2-Dichlorobenzene | 0.0013 | 0.35 | 61.3 | 287 |
| Ethylbenzene | 0.00049 | 6 | 60.3 | 297 |
| Isopropylbenzene | 0.0012 | 1.3 | 160 | 2300 |
| m-Xylenes | 0.00074 | 6 | 3120 | 46700 |
| Naphthalene (B250C) | 0.0096 | 0.2 | 5.5 | 27 |
| n-Propyl Benzene | 0.0016 | 1.4 | 1500 | 23000 |
| sec-Butylbenzene | 0.0014 | 2.3 | 1500 | 23000 |
| Tetrachloroethene | 0.0047 | 0.025 | 33.5 | 3400 |
| Toluene | 0.00058 J | 5.4 | 1250 | 18000 |
| Xylenes (Total) | 0.00074 J | None | None | None |
| Benzofluoranthracene | 0.005 J | 0.17 | 6.6 | 32 |
| Benzofluorene | 0.002 J | 0.056 | 0.66 | 3.2 |
| Benzofluoranthracene | 0.008 J | 0.17 | 6.6 | 32 |
| Chrysene | 0.006 J | 18 | 483 | 3270 |
| Fluoranthene | 0.006 J | 18 | 625 | 3340 |
| Phenanthrene | 0.16 J | 64 | 469 | 7000 |
| Pyrene | 0.16 J | 210 | 469 | 7000 |

| SB-4 (B-10) | Result | Soil to Water MSCC | Residential MSCC | Industrial MSCC |
|---------------------|-----------|--------------------|------------------|-----------------|
| Acetone | 0.005 | 24 | 14000 | 210000 |
| m-Xylenes | 0.00043 J | 6 | 3120 | 46700 |
| Methylene Chloride | 0.0010 J | 0.023 | 63.8 | 1400 |
| Naphthalene (B260D) | 0.0018 | 0.2 | 5.5 | 27 |

| SB-3 (I4-15) | Result | Soil to Water MSCC | Residential MSCC | Industrial MSCC |
|------------------------|--------|--------------------|------------------|-----------------|
| 1,2,4-Trimethylbenzene | 0.48 | 6.6 | 156 | 2300 |
| 1,3,5-Trimethylbenzene | 0.16 | 6.6 | 156 | 2300 |
| Ethylbenzene | 0.37 | 6 | 60.3 | 297 |
| m-Xylenes | 1.4 | 6 | 3120 | 46700 |
| Methylene Chloride | 0.29 J | 0.023 | 63.8 | 1400 |
| Naphthalene (B260D) | 0.25 | 0.2 | 5.5 | 27 |
| n-Propyl Benzene | 0.17 | 1.4 | 1500 | 23000 |
| n-Xylene | 0.51 | 6 | 3120 | 46700 |
| Tetrachloroethene | 1.8 | 0.005 | 63.8 | 1400 |
| Toluene | 0.35 | 5.4 | 1250 | 18000 |
| Xylenes (Total) | 1.9 | NR | NR | NR |

| SB-7 (I-6) | Result | Soil to Water MSCC | Residential MSCC | Industrial MSCC |
|--------------------|----------|--------------------|------------------|-----------------|
| Methylene Chloride | 0.0021 J | 0.023 | 63.8 | 1400 |

| SB-4 (I-3) | Result | Soil to Water MSCC | Residential MSCC | Industrial MSCC |
|------------------------|---------|--------------------|------------------|-----------------|
| 1-Methylnaphthalene | 0.10 J | 0.054 | 22.8 | 112 |
| 2-Methylnaphthalene | 0.12 J | 1.5 | 62.5 | 334 |
| Benzofluoranthracene | 0.11 J | 0.17 | 6.6 | 32 |
| Benzofluorene | 0.18 J | 0.056 | 0.66 | 3.2 |
| Benzofluoranthracene | 0.15 J | 0.6 | 469 | 327 |
| Benzofluorene | 0.19 J | 7000 | 6.6 | 32 |
| Benzofluoranthracene | 0.040 J | 6 | 60.3 | 297 |
| Benzofluoranthracene | 0.11 J | 6.6 | 47 | 253 |
| Chrysene | 0.18 J | 18 | 663 | 3270 |
| Fluoranthene | 0.036 J | 5.2 | 15.6 | 233 |
| Indene(1,2,3-cd)pyrene | 0.10 J | 330 | 6.63 | 6340 |
| Methylene Chloride | 0.003 J | 0.023 | 63.8 | 1400 |
| Naphthalene (B270E) | 0.081 J | 0.2 | 5.5 | 27 |
| Phenanthrene | 0.14 J | 64 | 469 | 7000 |
| Pyrene | 0.10 J | 210 | 469 | 7000 |

| SB-4 (I4-12) | Result | Soil to Water MSCC | Residential MSCC | Industrial MSCC |
|---------------------|----------|--------------------|------------------|-----------------|
| Methylene Chloride | 0.0013 J | 0.023 | 63.8 | 1400 |
| Naphthalene (B260D) | 0.0012 | 0.2 | 5.5 | 27 |

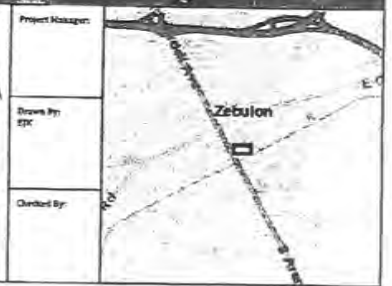


Figure 1
Sample Location Map

131 East Vance Street
Zebulon, NC 27597
Wake County

- Sample Location
- Property

Notes:
All results are reported in mg/kg (milligram(s) per kilogram)
NCDEQ = North Carolina Department of Environmental Quality
MSCC = Maximum Soil Contaminant Concentration
- = Below Reporting Limit
NR = Not regulated
J = Detection is below the laboratory reporting limit; therefore, result is an estimated concentration.
Highlighted yellow/bold = above the NCDEQ Soil to Water MSCC
Highlighted orange/bold = above the NCDEQ Residential MSCC



| MW-1 | Result | 2L GWQS | GCL |
|------------------------|--------|---------|--------|
| 1-Methylnaphthalene | 36 | 1 | 1000 |
| 2-Methylnaphthalene | 150 | 30 | 12500 |
| Naphthalene | 390 | 6 | 6000 |
| 1,2,4-Trimethylbenzene | 2700 | 400 | 28500 |
| 1,3,5-Trimethylbenzene | 790 | 400 | 25000 |
| Benzene | 150 | 1 | 5000 |
| Ethylbenzene | 1700 | 600 | 84500 |
| Isopropylbenzene | 160 | 70 | 25000 |
| m,p-Xylenes | 5100 | 500 | 85500 |
| Naphthalene (8260D) | 540 | 6 | 6000 |
| Naphthalene (8270E) | 390 | 6 | 6000 |
| n-Propyl Benzene | 490 | 70 | 30000 |
| o-Xylene | 1900 | 500 | 85500 |
| Toluene | 1500 | 600 | 260000 |
| Xylenes (Total) | 7000 | NR | NR |

| MW-2 | Result | 2L GWQS | GCL |
|------------------------|--------|---------|--------|
| 1-Methylnaphthalene | 14 | 1 | 1000 |
| 2-Methylnaphthalene | 29 | 30 | 12500 |
| Diethylphthalate | 4.8 J | 6000 | NR |
| Naphthalene | 25 | 6 | 6000 |
| 1,2,4-Trimethylbenzene | 110 | 400 | 28500 |
| 1,3,5-Trimethylbenzene | 61 | 400 | 25000 |
| Benzene | 2.8 J | 1 | 5000 |
| Ethylbenzene | 130 | 600 | 84500 |
| Isopropylbenzene | 13 | 70 | 25000 |
| m,p-Xylenes | 130 | 500 | 85500 |
| Naphthalene (8260D) | 37 | 6 | 6000 |
| Naphthalene (8270E) | 25 | 6 | 6000 |
| n-Propyl Benzene | 69 | 70 | 30000 |
| o-Xylene | 41 | 500 | 85500 |
| sec-Butylbenzene | 12 | 70 | 8500 |
| Tetrachloroethene | 210 | 0.7 | 700 |
| Toluene | 34 | 600 | 260000 |
| Xylenes (Total) | 170 | NR | NR |

| MW-3 | Result | 2L GWQS | GCL |
|-------------------------|--------|---------|-------|
| 1-Methylnaphthalene | 22 | 1 | 1000 |
| 2-Methylnaphthalene | 29 | 30 | 12500 |
| Naphthalene | 97 | 6 | 6000 |
| 1,2,4-Trimethylbenzene | 120 | 400 | 28500 |
| Benzene | 230 | 1 | 5000 |
| cis-1,2-Dichloroethene | 21 | 70 | 70000 |
| Isopropylbenzene | 40 | 70 | 25000 |
| Methyl-tert-Butyl Ether | 25 | 20 | 20000 |
| Naphthalene (8260D) | 140 | 6 | 6000 |
| Naphthalene (8270E) | 97 | 6 | 6000 |
| n-Butyl Benzene | 7.6 | 70 | 6900 |
| Tetrachloroethene | 110 | 0.7 | 700 |
| Trichloroethene | 46 | 3 | 3000 |

| MW-5 | Result | 2L GWQS | GCL |
|-------------------------|--------|---------|-------|
| Diethylphthalate | 5.1 J | 6000 | NR |
| Methyl-tert-Butyl Ether | 4.9 | 20 | 20000 |
| Tetrachloroethene | 2.4 | 0.7 | 700 |

| MW-4 | Result | 2L GWQS | GCL |
|-------------|--------|---------|---------|
| Benzic acid | 2.6 J | 30000 | 1700000 |
| Chloroform | 1.1 | 70 | 70000 |

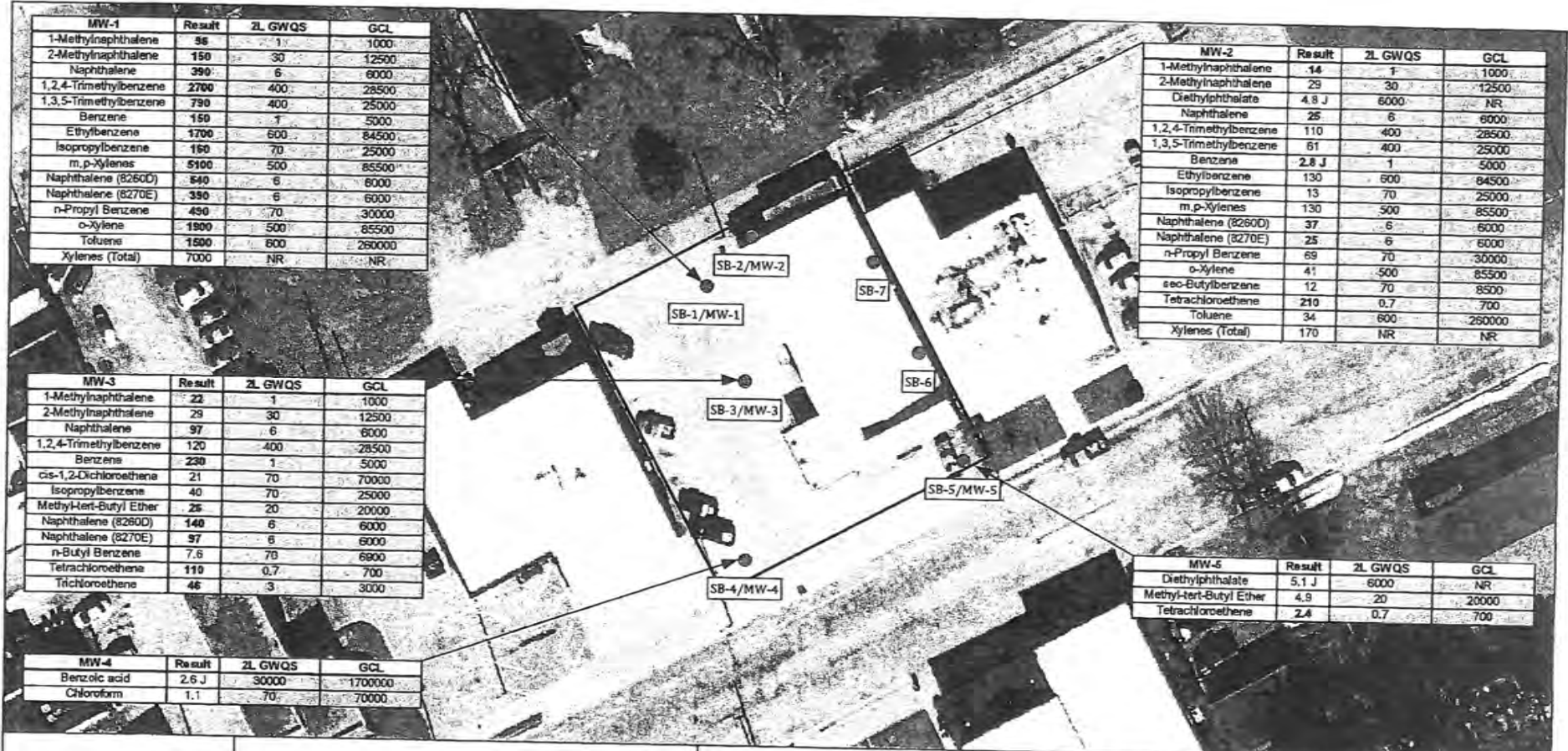


Figure 3
Groundwater Analytical Map

- Sample Location
- ▭ Property

Notes:
 All results are reported in µg/L (microgram(s) per liter)
 NCDHQ = North Carolina Department of Environmental Quality
 2L GWQS = 2L Groundwater Quality Standard
 GCL = Gross Contamination Level
 NR = Not regulated
 J = Detection is below the laboratory reporting limit; therefore, result is an estimated concentration.
 Highlighted yellow/bold = Exceedance of NCDHQ 2L GWQS



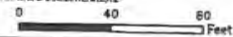
Project Manager:

Drawn By:
DK

Checked By:



131 East Vance Street
Zebulon, NC 27597
Wake County



RESOLUTION 2022-06

INTENT TO PURCHASE AND ACCEPT A DEED FROM EASTERN WAKE EMS, INC. AND AUTHORIZING THE TOWN MANAGER TO SIGN CONTRACT AND OTHER RELATED DOCUMENTS

WHEREAS, pursuant to the authority granted by N.C.G.S. § 160A-240.1, a municipality may acquire by any lawful method the fee in real or personal property for the use by the municipality, and;

WHEREAS, the Town of Zebulon, a North Carolina municipal corporation (the “Town”) has the opportunity to acquire approximately 0.4 acres, more or less, of real property and improvements located thereon owned by Eastern Wake EMS, Inc., a North Carolina nonprofit corporation (“Eastern Wake EMS”), and located at 131 E. Vance Street, Zebulon, NC (“Property”), and;

WHEREAS, Eastern Wake EMS has offered to the Town a deed to the Property (“Deed”) in consideration of \$1.00, and;

WHEREAS, a feasibility study and survey of the Property has been completed, and;

WHEREAS, the Town desires to purchase the Property from Eastern Wake EMS;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of Zebulon that the Town of Zebulon hereby accepts the Deed offered by Eastern Wake EMS, and;

BE IT FURTHER RESOLVED that the Board of Commissioners authorizes the Town Manager to execute all documents reasonably necessary to complete the transaction described herein.

Adopted this the 1st day of November 2021.

Robert S. Matheny—Mayor

SEAL

Lisa M. Markland, CMC—Town Clerk

Topic: PARKS & RECREATION IMPACT FEE STUDY
Speaker: Sheila Long, Parks and Recreation Director
From: Sheila Long, Parks and Recreation Director
 Michael J. Clark, AICP, CZO, Planning Director
Prepared by: Sheila Long, Parks and Recreation Director
Approved by: Joseph M. Moore II, PE, Town Manager

Executive Summary:

The Board of Commissioners will consider adoption of the Parks & Recreation Impact Fee Study and recommended fee.

Background:

Impact fees on new development generate revenue to supplement the funding of park projects related to growth. The Town does not currently charge a Recreation Impact Fee.

Funding growth-related projects and those identified in Comprehensive Parks and Recreation Master Plan will require multiple funding streams (e.g., impact fees, property taxes, Recreation Bond Referendum).

To develop a rational and defensible Recreation Impact Fee, the Town hired TischlerBise as a sub-consultant to the Parks and Recreation Master Plan Development process. TischlerBise is an experienced firm with a focus on fiscal, economic, and planning to understand cost of growth strategies. The study identifies expected growth and calculates the expected impact per new dwelling to maintain Levels of Service to be:

| Fee Component | Cost Per Person |
|-------------------------|-------------------|
| Park Land Acquisition | \$596.21 |
| Park Land Development | \$460.09 |
| Park Improvements | \$327.21 |
| Buildings Space | \$547.41 |
| Total Per Person | \$1,930.92 |

| Development Type | Persons Per Unit | Maximum Proposed Fees | Play Zebulon Recommended Fee |
|------------------|------------------|-----------------------|------------------------------|
| Single Family | 2.69 | \$5,194.00 | \$3,000.00 |
| Multi-Family | 2.37 | \$4,576.00 | \$2,500.00 |

| Current development impact fees (see fee schedule) | |
|---|---------------------------|
| Transportation Impact Fee | |
| Single Family Dwelling | \$1,200.54 |
| Townhome | \$612.04 |
| Greenway Impact Fee* | \$500.00 |
| Recreation In Lieu Fee | \$2,500.00 (Case by Case) |
| *Recreation Impact Fee includes greenway projects and will replace the Greenway Impact Fee. | |

Discussion:

The discussion before the Board is to consider adoption of the Recreation Impact Fee Study and recommended fee.

Policy Analysis:

Adopting this study and establishing an impact fee is consistent with the Town's Strategic Goals: Grow Smart and Small Town Life. Adopting this study is also consistent with policy recommendations in the Play Zebulon: Comprehensive Parks and Recreation Master Plan. The Town has an adopted local act (1989, Chapter 606, House Bill 802) that authorizes the Town to collect such fees.

Financial Analysis:

A Recreation Impact Fee will provide an additional revenue stream to prepare for expected strains on the existing park system by providing additional acreage, facilities, and amenities. Fees collected must be spent in a manner that is to the benefit of the intended dwelling occupants paying the fee.

Planning Board Recommendation:

At the September 27, 2021 meeting, the Planning Board unanimously recommended approval of the proposed Parks and Recreation Impact Study find that it is consistent with Goal 2 and Policies B and E of the Comprehensive Land Use Plan, and Section 5.5 of the Parks and Recreation Plan.

Staff Recommendation:

Staff recommends adoption of the proposed Parks and Recreation Impact Study as proposed.

Attachments:

1. Recreation Impact Fee Study

Parks and Recreation Impact Fee Study

**Prepared for:
Zebulon, North Carolina**

September 17, 2021



**4701 Sangamore Road
Suite S240
Bethesda, MD
301.320.6900
www.TischlerBise.com**

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EXECUTIVE SUMMARY

The Town of Zebulon retained TischlerBise to prepare a parks and recreation impact fee. Impact fees are collected from new construction and used to construct system improvements needed to accommodate new development. An impact fee represents future development's proportionate share of capital facility needs.

Impact fees do have limitations and should not be regarded as the total solution for infrastructure funding. Rather, they are one component of a comprehensive funding strategy to ensure provision of adequate public facilities. Impact fees may only be used for capital improvements or debt service for growth-related infrastructure. In contrast to general taxes, impact fees may not be used for operations, maintenance, replacement of infrastructure, or correcting existing deficiencies.

GENERAL LEGAL FRAMEWORK

Both state and federal courts have recognized the imposition of impact fees as a legitimate form of land use regulation, provided the fees meet standards intended to protect against regulatory takings. Land use regulations, development exactions, and impact fees are subject to the Fifth Amendment prohibition on taking of private property for public use without just compensation. To comply with the Fifth Amendment, development regulations must be shown to substantially advance a legitimate governmental interest. In the case of impact fees, that interest is in the protection of public health, safety, and welfare by ensuring development is not detrimental to the quality of essential public services. The means to this end are also important, requiring both procedural and substantive due process. The process followed to receive community input (i.e., stakeholder meetings, work sessions, and public hearings) provides opportunities for comments and refinements to the impact fees.

There is little federal case law specifically dealing with impact fees, although other rulings on other types of exactions (e.g., land dedication requirements) are relevant. In one of the most important exaction cases, the U. S. Supreme Court found that a government agency imposing exactions on development must demonstrate an "essential nexus" between the exaction and the interest being protected (see *Nollan v. California Coastal Commission*, 1987). In a more recent case (*Dolan v. Town of Tigard, OR*, 1994), the Court ruled that an exaction also must be "roughly proportional" to the burden created by development. However, the *Dolan* decision appeared to set a higher standard of review for mandatory dedications of land than for monetary exactions such as impact fees.

There are three reasonable relationship requirements for impact fees that are closely related to "rational nexus" or "reasonable relationship" requirements enunciated by a number of state courts. Although the term "dual rational nexus" is often used to characterize the standard by which courts evaluate the validity of impact fees under the U.S. Constitution, we prefer a more rigorous formulation that recognizes three elements: "need," "benefit," and "proportionality." The dual rational nexus test explicitly addresses only the first two, although proportionality is reasonably implied, and was specifically mentioned by the U.S. Supreme Court in the *Dolan* case. Individual elements of the nexus standard are discussed further in the following paragraphs.

All new development in a community creates additional demands on some, or all, public facilities provided by local government. If the capacity of facilities is not increased to satisfy that additional demand, the

quality or availability of public services for the entire community will deteriorate. Impact fees may be used to recover the cost of development-related facilities, but only to the extent that the need for facilities is a consequence of development that is subject to the fees. The *Nollan* decision reinforced the principle that development exactions may be used only to mitigate conditions created by the developments upon which they are imposed. That principle clearly applies to impact fees. In this study, the impact of development on infrastructure needs is analyzed in terms of quantifiable relationships between various types of development and the demand for specific capital facilities, based on applicable level-of-service standards.

The requirement that exactions be proportional to the impacts of development was clearly stated by the U.S. Supreme Court in the *Dolan* case and is logically necessary to establish a proper nexus. Proportionality is established through the procedures used to identify development-related facility costs, and in the methods used to calculate impact fees for various types of facilities and categories of development. The demand for capital facilities is measured in terms of relevant and measurable attributes of development (e.g., a typical housing unit's average weekday vehicle trips).

A sufficient benefit relationship requires that impact fee revenues be segregated from other funds and expended only on the facilities for which the fees were charged. Impact fees must be expended in a timely manner and the facilities funded by the fees must serve the development paying the fees. However, nothing in the U.S. Constitution or the state enabling legislation requires that facilities funded with fee revenues be available *exclusively* to development paying the fees. In other words, benefit may extend to a general area including multiple real estate developments. Procedures for the earmarking and expenditure of fee revenues are discussed near the end of this study. All of these procedural as well as substantive issues are intended to ensure that new development benefits from the impact fees they are required to pay. The authority and procedures to implement impact fees is separate from and complementary to the authority to require improvements as part of subdivision or zoning review.

As documented in this report, the Town of Zebulon has complied with applicable legal precedents. Impact fees are proportionate and reasonably related to the capital improvement demands of new development. Specific costs have been identified using local data and current dollars. With input from Town staff, TischlerBise identified demand indicators for each type of infrastructure and calculated proportionate share factors to allocate costs by type of development. This report documents the formulas and input variables used to calculate the impact fees for each type of public facility. Impact fee methodologies also identify the extent to which new development is entitled to various types of credits to avoid potential double payment of growth-related capital costs.

CONCEPTUAL IMPACT FEE CALCULATION

In contrast to project-level improvements, impact fees fund growth-related infrastructure that will benefit multiple development projects, or the entire service area (usually referred to as system improvements). The first step is to determine an appropriate demand indicator for the particular type of infrastructure. The demand indicator measures the number of service units for each unit of development. For example, an appropriate indicator of the demand for parks is population growth and the increase in population can be estimated from the average number of persons per housing unit. The second step in the impact fee

formula is to determine infrastructure improvement units per service unit, typically called level-of-service (LOS) standards. In keeping with the park example, a common LOS standard is improved park acres per thousand people. The third step in the impact fee formula is the cost of various infrastructure units. To complete the park example, this part of the formula would establish a cost per acre for land acquisition and/or park improvements.

EVALUATION OF CREDITS

Regardless of the methodology, a consideration of credits is integral to the development of a legally defensible impact fee. There are two types of credits that should be addressed in impact fee studies and ordinances. The first is a revenue credit due to possible double payment situations, which could occur when other revenues may contribute to the capital costs of infrastructure covered by the impact fee. This type of credit is integrated into the fee calculation, thus reducing the fee amount. The second is a site-specific credit or developer reimbursement for dedication of land or construction of system improvements. This type of credit is addressed in the administration and implementation of the impact fee program. For ease of administration, TischlerBise normally recommends developer reimbursements for system improvements.

GENERAL METHODOLOGIES

Impact fees for the capital improvements made necessary by new development must be based on the same level of service (LOS) provided to existing development in the service area. There are three basic methodologies used to calculate impact fees. They examine the past, present, and future status of infrastructure. The objective of evaluating these different methodologies is to determine the best measure of the demand created by new development for additional infrastructure capacity. Each methodology has advantages and disadvantages in a particular situation and can be used simultaneously for different cost components.

Reduced to its simplest terms, the process of calculating impact fees involves two main steps: (1) determining the cost of development-related capital improvements and (2) allocating those costs equitably to various types of development. In practice, though, the calculation of impact fees can become quite complicated because of the many variables involved in defining the relationship between development and the need for facilities within the designated service area. The following paragraphs discuss basic methodologies for calculating impact fees and how those methodologies can be applied.

- **Cost Recovery** (past improvements) - The rationale for recoupment, often called cost recovery, is that new development is paying for its share of the useful life and remaining capacity of facilities already built, or land already purchased, from which new growth will benefit. This methodology is often used for utility systems that must provide adequate capacity before new development can take place.
- **Incremental Expansion** (concurrent improvements) - The incremental expansion methodology documents current LOS standards for each type of public facility, using both quantitative and qualitative measures. This approach assumes there are no existing infrastructure deficiencies or surplus capacity. New development is only paying its proportionate share for growth-related infrastructure. Revenue will be used to expand or provide additional facilities, as needed, to

accommodate new development. An incremental expansion cost method is best suited for public facilities that will be expanded in regular increments to keep pace with development.

- **Plan-Based** (future improvements) - The plan-based methodology allocates costs for a specified set of improvements to a specified amount of development. Improvements are typically identified in a long-range facility plan and development potential is identified by a land use plan. There are two basic options for determining the cost per demand unit: (1) total cost of a public facility can be divided by total demand units (average cost), or (2) the growth-share of the public facility cost can be divided by the net increase in demand units over the planning timeframe (marginal cost).

PROPOSED IMPACT FEE METHODOLOGIES

Figure 1 summarizes the methods and cost components used for each component of the parks and recreation impact fee study.

Figure 1: Proposed Impact Fee Service Areas, Methodologies, and Cost Components

| Necessary Public Service | Service Area | Cost Recovery | Incremental Expansion | Plan-Based | Cost Allocation |
|--------------------------|--------------|---------------|---|------------|-----------------|
| Parks and Recreation | Zebulon | N/A | Park Land, Park Improvements, Buildings Space | N/A | Population |

PROPOSED PARKS AND RECREATION IMPACT FEE

The proposed parks and recreation impact fees are shown in Figure 2, by type of housing unit. TischlerBise does not recommend that parks and recreation impact fees be assessed on nonresidential development.

Fees shown below represent the maximum allowable fees. The Town of Zebulon may adopt fees that are less than the amounts shown; however, a reduction in impact fee revenue will necessitate an increase in other revenues, a decrease in planned capital improvements and/or a decrease in the Town’s level-of-service standards. All costs are in current dollars with no assumed inflation rate over time. If cost estimates change significantly over time, impact fees should be recalibrated.

The Town’s currently adopted fee is \$2,500 per single family unit and \$2,500 per multifamily unit. This analysis reports a maximum allowable fee of \$5,194 per single family unit and \$4,576 per multifamily unit. Figure 2 below demonstrates the difference between the current and proposed impact fees.

Figure 2: Proposed Parks and Recreation Impact Fee

| Development Type | Fees per Unit | | | |
|------------------|---------------------------------------|---------------|--------------|------------|
| | Persons per Housing Unit ¹ | Proposed Fees | Current Fees | Difference |
| Single Family | 2.69 | \$5,194 | \$2,500 | \$2,694 |
| Multi-Family | 2.37 | \$4,576 | \$2,500 | \$2,076 |

1. See Land Use Assumptions

LAND USE ASSUMPTIONS

The Town of Zebulon retained TischlerBise to prepare this study to analyze the impacts of development on the Town's parks and recreation capital facilities and to calculate impact fees based on that analysis. The population and housing unit projections contained in this document provide the foundation for the impact fee study. To evaluate the demand for growth-related infrastructure from various types of development, TischlerBise prepared documentation on demand indicators by type of housing unit. These metrics are the service units and demand indicators used in the impact fee study.

Impact fees are based on the need for growth-related improvements, and they must be proportionate by type of land use. The demographic data and development projections are used to demonstrate proportionality and anticipate the need for future infrastructure. Impact fee studies typically look out five to ten years, with the expectation that fees will be updated every three to five years. The estimates and projections of residential in this Land Use Assumptions document are for areas within the boundaries of Zebulon, North Carolina.

SUMMARY OF GROWTH INDICATORS

Key development projections for the Zebulon impact fee study include population and housing units. TischlerBise estimates population and housing units using data published by the U.S. Census Bureau and Town population estimates. The projections contained in this document provide the foundation for the Impact Fee Study.

These projections are used to estimate impact fee revenue and to indicate the anticipated need for growth-related infrastructure. The goal is to have reasonable projections without being overly concerned with precision. This is because impact fee methods are designed to reduce sensitivity to development projections in the determination of the proportionate-share fee amounts, if actual development is slower than projected, fee revenue will decline, but so will the need for growth-related infrastructure. In contrast, if development is faster than anticipated, Zebulon will receive more fee revenue, but will also need to accelerate infrastructure improvements to keep pace with the actual rate of development.

Persons Per Housing Unit

According to the U.S. Census Bureau, a household is a housing unit occupied by year-round residents. Impact fees often use per capita standards and persons per housing unit (PPHU) or persons per household (PPH) to derive proportionate share fee amounts. When PPHU is used in the fee calculations, infrastructure standards are derived using year-round population. When PPH is used in the fee calculations, the impact fee methodology assumes a higher percentage of housing units will be occupied, thus requiring seasonal or peak population to be used when deriving infrastructure standards. TischlerBise recommends that Zebulon impose impact fees for residential development according to the number of persons per housing unit.

Occupancy calculations require data on population and the types of units by structure. The 2010 census did not obtain detailed information using a "long-form" questionnaire. Instead, the U.S. Census Bureau switched to a continuous monthly mailing of surveys, known as the American Community Survey (ACS), which has limitations due to sample-size constraints. For example, data on detached housing units are now combined with attached single units (commonly known as townhouses, which share a common

sidewall, but are constructed on an individual parcel of land). For impact fees in Zebulon, detached stick-built units, attached units, and mobile home units are included in the “Single-Family” category. The second residential category includes duplexes and all other structures with two or more units on an individual parcel of land. This is referred to as “Multi-Family” category. (Note: housing unit estimates from ACS will not equal decennial census counts of units. These data are used only to derive the custom PPHU factors for each type of unit).

Figure 3 below shows the ACS 2019 5-Year Estimates for Zebulon, and population estimates provided by the town. Single-family units averaged 2.69 persons per housing unit (5,033 persons / 1,874 housing units) and multi-family units had an average of 2.37 persons per housing unit (613 persons / 259 housing units). In 2019 total housing units in Zebulon averaged 2.65 persons per housing unit.

Figure 3: Persons per Housing Unit by Type of Housing

| Housing Type | Persons ³ | Households | Persons per Household | Housing Units | Persons per Housing Unit | Housing Mix |
|----------------------------------|----------------------|------------|-----------------------|---------------|--------------------------|-------------|
| Single-Family Units ¹ | 5,033 | 1,653 | 3.05 | 1,874 | 2.69 | 87.9% |
| Multi-Family Units ² | 613 | 231 | 2.65 | 259 | 2.37 | 12.1% |
| Total | 5,646 | 1,884 | 3.00 | 2,133 | 2.65 | 100.0% |

Source: U.S. Census Bureau, 2015-2019 American Community Survey 5-Year Estimates, Tables B25024, B25032, B25033.

1. Includes detached, attached (i.e. townhouses), and mobile homes.
2. Includes dwellings in structures with two or more units.
3. Population estimates provided by the Town of Zebulon

Residential Estimates

To estimate the base year population and housing characteristics, TischlerBise has utilized the Town’s population estimates and ACS 5-year estimates. The Town of Zebulon projects their population in the year 2030 to be 16,790 persons. The American Community Survey 2015-2019 5-Year Estimates show a 2019 estimated population of 5,291 persons and 1,999 housing units, the Town of Zebulon prefers their population estimate of 5,646 in 2019, and applying the ACS PPHU factors yields a housing unit estimate of 2,133. Thus, the total increase in population from 2019-2030 is expected to be 11,144 persons. Dividing the total increase by the number of years in the projection period (11), yields an average annual increase of 1,013 persons per year.

To estimate the base year (2021) housing and population characteristics the average annual increase in population (1,013) is added to the 2019 ACS population estimate two times. This yields a base year population estimate of 7,672. Applying the previously discussed persons per housing unit factors to the population estimates yields a 2021 base year housing unit estimate of 2,898 housing units.

Residential Projections

As discussed previously, TischlerBise utilizes the Town’s population projections for the year 2030. Dividing the increase in persons over the projection period yields an estimated additional 1,013 persons per year in the Town of Zebulon. Applying the PPHU factors to the population projections yields housing unit

estimates for both single family and multi-family units. Figure 4 below shows the projected population and housing unit characteristics for the Town over the next ten years, and the total increase in population and housing units by type of unit. The Town is projected to grow by 10,131 persons and 3,827 housing units to the year 2031. This represents a 132 percent increase in population and housing units.

Figure 4: Residential Development Projections

| Zebulon, NC | 2021 | 2022 | 2023 | 2024 | 2025 | 2026 | 2031 | 10-Year Increase |
|----------------------------------|--------------|--------------|--------------|---------------|---------------|---------------|---------------|------------------|
| | Base Yr | 1 | 2 | 3 | 4 | 5 | 10 | |
| Population¹ | | | | | | | | |
| Single Family Units | 6,840 | 7,743 | 8,646 | 9,549 | 10,452 | 11,355 | 15,871 | 9,031 |
| Multi-Family Units | 833 | 943 | 1,053 | 1,163 | 1,273 | 1,383 | 1,933 | 1,100 |
| Total | 7,672 | 8,686 | 9,699 | 10,712 | 11,725 | 12,738 | 17,803 | 10,131 |
| Housing Units² | | | | | | | | |
| Single Family Units | 2,546 | 2,883 | 3,219 | 3,555 | 3,891 | 4,228 | 5,909 | 3,362 |
| Multi-Family Units | 352 | 398 | 445 | 491 | 538 | 584 | 817 | 465 |
| Total | 2,898 | 3,281 | 3,664 | 4,047 | 4,429 | 4,812 | 6,725 | 3,827 |

1. Population projections based on the Town's 2030 (shaded yellow) population estimate and then dividing the increase over the projection period equally.
2. Housing unit projections based on 2015-2019 American Community Survey population and housing unit estimates and Town population projections.

PARKS AND RECREATION IMPACT FEES

METHODOLOGY

Parks and Recreation impact fees include components for park land, park improvements, and buildings space. The *incremental expansion* methodology is used for all three fee components and allocates capital costs to new development based on population. This methodology allows Zebulon to maintain the current LOS standard as growth occurs. Impact fee revenue collected using this methodology may not be used to replace or rehabilitate existing improvements.

SERVICE AREA

The Town of Zebulon provides park and recreation services townwide; therefore, there is a single service area for the Parks and Recreation impact fees.

PROPORTIONATE SHARE

Impact fees should not exceed a proportionate share of the capital cost needed to provide capital facilities to the development. Parks and Recreation impact fees allocate 100 percent of the cost of capital facilities to residential development, based on number persons by type of housing unit.

IMPACT FEE COMPONENTS

Park Land - Incremental Expansion

The Town of Zebulon plans to expand its current inventory of park land to serve future development and maintain current levels of service. The Town currently has four community parks consisting of 76.24 total acres. The Town estimates cost to purchase park land at \$60,000.

To estimate the current level of service (LOS), total park land is divided by population, to yield 0.0099 acres of park land per person. Applying the cost factors (\$60,000 per acre) to the existing LOS results in a cost per person of \$596.21 per person for park land. Figure 5 details the current inventory of park land, developed park land, and existing level of service calculation.

Figure 5: Level of Service and Cost Allocation

| Description | Total Acres |
|------------------------|--------------|
| Zebulon Community Park | 47.58 |
| Whitley Park | 3.70 |
| Gill St Park | 1.60 |
| Little River Park | 23.36 |
| Total | 76.24 |

| Cost Factors | |
|----------------------------------|-----------------|
| Cost per Acre - Land Acquisition | \$60,000 |
| Cost per Acre - Total | \$60,000 |

| Level-of-Service (LOS) Standards | |
|----------------------------------|-----------------|
| Existing Acres | 76.24 |
| 2021 Population | 7,672 |
| Acres per Person | 0.0099 |
| Cost per Person | \$596.21 |

Source: Play Zebulon Parks & Recreation Master Plan (2020)

Developed Park Land – Incremental Expansion

As discussed above, the Town has 76.24 acres of park land. However, only 35.30 acres of that land is developed as active park land. As the Town uses impact fees to purchase additional park land, there will be a need to develop this raw land. Developed in this context aligns with the Town’s definition of “developed” as stated in their 2020 Play Zebulon Parks and Recreation Master Plan. The Town’s estimated cost to develop a single acre of park land is \$100,000, as stated in Appendix B.

To estimate the current level of service, total developed park land is divided by population, to yield 0.0046 acres of developed park land per person. Applying the cost factor (\$100,000 per acre) to the existing LOS results in a cost per person of \$460.09 per person for developed park land. Figure 6 details the current inventory of developed park land, and existing level of service calculation.

Figure 6: Level of Service and Cost Allocation

| Description | Total Acres | Developed Acres* |
|------------------------|--------------|------------------|
| Zebulon Community Park | 47.58 | 25.00 |
| Whitley Park | 3.70 | 3.70 |
| Gill St Park | 1.60 | 1.60 |
| Little River Park | 23.36 | 5.00 |
| Total | 76.24 | 35.30 |

*Developed acres provided by Withers Ravenel

| Cost Factors | |
|----------------------------------|------------------|
| Cost per Acre - Site Development | \$100,000 |
| Cost per Acre - Total | \$100,000 |

| Level-of-Service (LOS) Standards | |
|----------------------------------|-----------------|
| Existing Developed Acres | 35.30 |
| 2021 Population | 7,672 |
| Developed Acres per Person | 0.0046 |
| Cost per Person | \$460.09 |

Source: Play Zebulon Parks & Recreation Master Plan (2020)

Park Improvements – Incremental Expansion

In order to meet the demands of new residential development, the Town plans to expand its current inventory of park improvements to maintain the current level of service as new development occurs. Appendix B contains detailed cost assumptions, provided by the Town of Zebulon, for parks and recreation improvements. Figure 5 (next page) contains information on the Town’s current inventory of park improvements by type, and their cost factors. The current inventory includes 27 improvements, with an estimated replacement cost of \$2,510,500. This yields a weighted average cost per improvement of \$92,981.

To estimate the increased demand from new development on park improvements, TischlerBise has established the existing level of service for the Town of Zebulon. The existing level of service is 0.0035 park improvements per person, given the base year population of 7,672 and 27 current park improvements. Utilizing a weighted average cost of \$92,981 per improvement, the park improvement cost is \$327.21 per person.

Figure 7: Level of Service and Cost Allocation

| Description | Improvements | Unit Cost | Total Cost |
|--------------------------|--------------|-----------------|--------------------|
| Concessions | 1 | \$315,000 | \$315,000 |
| Disc Golf | 1 | \$6,500 | \$6,500 |
| Tennis Courts | 2 | \$35,000 | \$70,000 |
| Basketball Courts | 2 | \$25,000 | \$50,000 |
| Baseball/Softball Fields | 2 | \$150,000 | \$300,000 |
| Parking Lots | 8 | \$25,000 | \$200,000 |
| Picnic Shelter | 2 | \$9,500 | \$19,000 |
| Playground | 3 | \$200,000 | \$600,000 |
| Restrooms | 2 | \$375,000 | \$750,000 |
| Open Space | 4 | \$50,000 | \$200,000 |
| Total | 27 | \$92,981 | \$2,510,500 |

| Cost Factors | |
|----------------------------------|----------|
| Weighted Average per Improvement | \$92,981 |

| Level-of-Service (LOS) Standards | |
|----------------------------------|-----------------|
| Existing Improvements | 27.0 |
| 2021 Population | 7,672 |
| Improvements per Person | 0.0035 |
| Cost per Person | \$327.21 |

Source: Play Zebulon Parks & Recreation Master Plan (2020)

Recreation Building Space – Incremental Expansion

The Town currently owns 14,000 square feet of recreation building space, which is planned to be expanded as a result of increased demand from new development. The current inventory has a total replacement cost of \$4,200,000 and has an estimated average cost per square foot of \$300. Appendix B contains detailed cost assumptions for parks and recreation buildings space.

In order to estimate the current level of service, TischlerBise divides the total buildings space by the base year population to result in Zebulon’s existing level of service of 1.82 square feet per person. Utilizing an average cost of \$291 per square foot, the parks and recreation building space cost is \$547.41 per person.

Figure 8: Level of Service and Cost Allocation

| Description | Square Feet | Cost Per Sq. Ft. | Replacement Cost |
|--------------------------|-------------|------------------|------------------|
| Zebulon Community Center | 14,000 | \$300 | \$4,200,000 |

| Cost Factors | |
|----------------------|-------|
| Cost per Square Foot | \$300 |

| Level-of-Service (LOS) Standards | |
|----------------------------------|----------|
| Existing Square Feet | 14,000 |
| 2021 Population | 7,672 |
| Square Feet per Person | 1.82 |
| Cost per Person | \$547.41 |

Source: Play Zebulon Parks & Recreation Master Plan (2020)

PROJECTED DEMAND

Park Land

To project demand for future park land and developed park land, TischlerBise applies the level of service factors from Figure 5 to the development projections shown in the Land Use Assumptions. Over the next 10 years, the population of Zebulon is expected to increase by a total of 10,131 persons. This increase, at the current level of service (0.099 acres of park land and 0.0046 acres of developed park land per person) is associated with an increase of 100.7 acres of park land and 46.6 acres of developed park land. Using the cost factors outlined by the 2020 Play Zebulon Parks and Recreation Master Plan, projected expenditure equals \$6,039,968 and \$4,660,959 for park land and developed park land, respectively.

Figure 9: Projected Demand for Park Land

| Type of Infrastructure | Level of Service | Demand Unit | Cost per Unit |
|------------------------|------------------|-------------|---------------|
| Park Land | 0.0046 Acres | per Person | \$100,000 |
| | 0.0099 Acres | per Person | \$60,000 |

| Demand for Park Land | | | |
|-----------------------|---------------|-------------|--------------|
| Year | Population | Acres | |
| | | Developed | Undeveloped |
| 2021 | 7,672 | 35.3 | 76.2 |
| 2022 | 8,686 | 40.0 | 86.3 |
| 2023 | 9,699 | 44.6 | 96.4 |
| 2024 | 10,712 | 49.3 | 106.4 |
| 2025 | 11,725 | 53.9 | 116.5 |
| 2026 | 12,738 | 58.6 | 126.6 |
| 2027 | 13,751 | 63.3 | 136.6 |
| 2028 | 14,764 | 67.9 | 146.7 |
| 2029 | 15,777 | 72.6 | 156.8 |
| 2030 | 16,790 | 77.2 | 166.8 |
| 2031 | 17,803 | 81.9 | 176.9 |
| 10-Yr Increase | 10,131 | 46.6 | 100.7 |

| | | |
|-----------------------------|-------------|-------------|
| Growth-Related Expenditures | \$4,660,959 | \$6,039,968 |
|-----------------------------|-------------|-------------|

Park Improvements

Based on a projected population increase of 10,131 persons over the next 10 years, future residential development demands an additional 35.7 units of park improvements at 0.0035 improvements per person. Using the weighted average cost from Figure 5, the increased demand from new development (35.7 units of parks improvements) equates to a projected total growth-related expenditure of \$3,314,826.

Figure 10: Projected Demand for Park Improvements

| Type of Infrastructure | Level of Service | Demand Unit | Cost per Unit |
|------------------------|---------------------|-------------|---------------|
| Park Improvements | 0.0035 Improvements | per Person | \$92,981 |

| Demand for Park Improvements | | |
|------------------------------|---------------|--------------|
| Year | Population | Improvements |
| | | Residential |
| 2021 | 7,672 | 27.0 |
| 2022 | 8,686 | 30.6 |
| 2023 | 9,699 | 34.1 |
| 2024 | 10,712 | 37.7 |
| 2025 | 11,725 | 41.3 |
| 2026 | 12,738 | 44.8 |
| 2027 | 13,751 | 48.4 |
| 2028 | 14,764 | 52.0 |
| 2029 | 15,777 | 55.5 |
| 2030 | 16,790 | 59.1 |
| 2031 | 17,803 | 62.7 |
| 10-Yr Increase | 10,131 | 35.7 |

| | |
|------------------------------------|--------------------|
| Growth-Related Expenditures | \$3,314,826 |
|------------------------------------|--------------------|

Recreation Building Space

In order to estimate the Town’s future expenditure on recreation building space, the Town’s current level of service is applied to the projected population increase of 10,131 persons over the next 10 years. This calculation yields future development’s estimated demand of an additional 18,485 square feet of buildings space. Total growth-related expenditures on recreation building space equals \$5,545,616 (18,485 square feet X \$300 per square foot).

Figure 11: Projected Demand for Recreation Building Space

| Type of Infrastructure | Level of Service | Demand Unit | Cost per Sq. Ft. |
|------------------------|------------------|-------------|------------------|
| Buildings Space | 1.82 Square Feet | per Person | \$300 |

| Demand for Community Center Space | | | |
|-----------------------------------|-----------------------|---------------|---------------|
| | Year | Population | Sq. Ft |
| | | | Residential |
| Base | 2021 | 7,672 | 14,000 |
| Year 1 | 2022 | 8,686 | 15,849 |
| Year 2 | 2023 | 9,699 | 17,697 |
| Year 3 | 2024 | 10,712 | 19,546 |
| Year 4 | 2025 | 11,725 | 21,394 |
| Year 5 | 2026 | 12,738 | 23,243 |
| Year 6 | 2027 | 13,751 | 25,091 |
| Year 7 | 2028 | 14,764 | 26,940 |
| Year 8 | 2029 | 15,777 | 28,788 |
| Year 9 | 2030 | 16,790 | 30,637 |
| Year 10 | 2031 | 17,803 | 32,485 |
| | 10-Yr Increase | 10,131 | 18,485 |

Growth-Related Expenditures \$5,545,616

PROPOSED PARKS AND RECREATION IMPACT FEES

Infrastructure components and cost factors for Parks and Recreation impact fees are summarized in the upper portion of Figure 12. For Parks and Recreation impact fees, the capital cost is \$2,283.81 per person.

Parks and Recreation impact fees for residential development are assessed according to the number of persons per housing unit. The single-family fee of \$6,143 is calculated using a cost of \$2,283.81 per person multiplied by a demand unit of 2.69 persons per housing unit.

The Town of Zebulon will not assess Parks and Recreation impact fees on nonresidential development.

Figure 12: Proposed Parks and Recreation Impact Fees

| Fee Component | Cost per Person |
|-----------------------|-------------------|
| Park Land Acquisition | \$596.21 |
| Park Land Development | \$460.09 |
| Park Improvements | \$327.21 |
| Buildings Space | \$547.41 |
| Total | \$1,930.92 |

| Development Type | Persons per Housing Unit ¹ | Fees per Unit | | |
|------------------|---------------------------------------|---------------|--------------|------------|
| | | Proposed Fees | Current Fees | Difference |
| Single Family | 2.69 | \$5,194 | \$2,500 | \$2,694 |
| Multi-Family | 2.37 | \$4,576 | \$2,500 | \$2,076 |

1. See Land Use Assumptions

PROJECTED PARKS AND RECREATION IMPACT FEE REVENUE

Projected fee revenue shown below is based on the development projections, shown in Appendix A, and the proposed Parks and Recreation impact fees shown in Figure 12. If development occurs at a more rapid rate than projected, the demand for infrastructure will increase and impact fee revenue will increase at a corresponding rate. If development occurs at a slower rate than is projected, the demand for infrastructure will also decrease, along with impact fee revenue. Projected impact fee revenue equals \$19.59 million and projected expenditures equal \$19.56 million.

Figure 13: Projected Parks and Recreation Impact Fee Revenue

| Fee Component | Total |
|-----------------------|---------------------|
| Park Land Acquisition | \$6,039,968 |
| Park Land Development | \$4,660,959 |
| Park Improvements | \$3,314,826 |
| Buildings Space | \$5,545,616 |
| Total | \$19,561,370 |

| | | Single Family \$5,194 per unit | Multi-Family \$4,576 per unit |
|--------------------------|------|--------------------------------------|-------------------------------------|
| Year | | Hsg Unit | Hsg Unit |
| Base | 2021 | 2,546 | 352 |
| Year 1 | 2022 | 2,883 | 398 |
| Year 2 | 2023 | 3,219 | 445 |
| Year 3 | 2024 | 3,555 | 491 |
| Year 4 | 2025 | 3,891 | 538 |
| Year 5 | 2026 | 4,228 | 584 |
| Year 6 | 2027 | 4,564 | 631 |
| Year 7 | 2028 | 4,900 | 677 |
| Year 8 | 2029 | 5,236 | 724 |
| Year 9 | 2030 | 5,573 | 770 |
| Year 10 | 2031 | 5,909 | 817 |
| 10-Year Increase | | 3,362 | 465 |
| Projected Revenue | | \$17,463,837 | \$2,126,444 |

| | |
|-----------------------|--------------|
| Projected Fee Revenue | \$19,590,281 |
| Total Expenditures | \$19,561,370 |

APPENDIX A: LAND USE DEFINITIONS

RESIDENTIAL DEVELOPMENT

As discussed below, residential development categories are based on data from the U.S. Census Bureau, American Community Survey. Zebulon will collect impact fees from all new residential units. One-time impact fees are determined by site capacity (i.e., number of residential units).

Single-Family:

1. Single-family detached is a one-unit structure detached from any other house, that is, with open space on all four sides. Such structures are considered detached even if they have an adjoining shed or garage. A one-family house that contains a business is considered detached as long as the building has open space on all four sides.
2. Single-family attached (townhouse) is a one-unit structure that has one or more walls extending from ground to roof separating it from adjoining structures. In row houses (sometimes called townhouses), double houses, or houses attached to nonresidential structures, each house is a separate, attached structure if the dividing or common wall goes from ground to roof.
3. Mobile home includes both occupied and vacant mobile homes, to which no permanent rooms have been added. Mobile homes used only for business purposes or for extra sleeping space and mobile homes for sale on a dealer's lot, at the factory, or in storage are not counted in the housing inventory.

Multi-Family:

1. 2+ units (duplexes and apartments) are units in structures containing two or more housing units, further categorized as units in structures with "2, 3 or 4, 5 to 9, 10 to 19, 20 to 49, and 50 or more apartments."
2. Boat, RV, Van, Etc. includes any living quarters occupied as a housing unit that does not fit the other categories (e.g., houseboats, railroad cars, campers, and vans). Recreational vehicles, boats, vans, railroad cars, and the like are included only if they are occupied as a current place of residence.

APPENDIX B: PARKS AND RECREATION COST ASSUMPTIONS

PARKS AND RECREATION COST ASSUMPTIONS

Below is a table identifying the cost assumptions used in the impact fee study. The table is sourced from the Play Zebulon Parks and Recreation Master Plan (2020).

Figure AC 1: Detailed Cost Assumptions

| Play Zebulon Master Plan - Baseline Cost Estimates | | | | |
|---|--|-------------|-----------------|--------------|
| Order of Magnitude Estimate of Probable Capital Improvement Costs (February 2020) | | | | |
| | | Unit | Quantity (Typ.) | Unit Cost |
| Typical Amenities | | | | |
| A. Indoor Facilities & Buildings | | | | |
| 1 | Community Center (Total Building) | square foot | 20,000 | \$300.00 |
| 2 | Concession Building | square foot | 1,800 | \$175.00 |
| 3 | Activity Room | square foot | 3,000 | \$250.00 |
| 4 | Art Room | square foot | 2,000 | \$275.00 |
| 5 | Classroom | square foot | 2,000 | \$250.00 |
| 6 | Warming Kitchen | square foot | 1,200 | \$350.00 |
| 7 | Fitness Room | square foot | 1,500 | \$325.00 |
| 8 | Gymnasium | square foot | 15,000 | \$350.00 |
| B. Park Elements | | | | |
| 1 | Baseball/Softball Fields | each | 1 | \$150,000.00 |
| 2 | Basketball Courts | each | 1 | \$25,000.00 |
| 3 | Disc golf Course | each | 1 | \$6,500.00 |
| 4 | Soccer Field | each | 1 | \$80,000.00 |
| 5 | Tennis Courts | each | 1 | \$35,000.00 |
| 6 | Football Field | each | 1 | \$100,000.00 |
| 7 | Parking Lots | square yard | 1,000 | \$25.00 |
| 8 | Large Picnic Shelter | each | 1 | \$6,500.00 |
| 9 | Small Picnic Shelter | each | 1 | \$12,500.00 |
| 10 | Volleyball Court | each | 1 | \$12,500.00 |
| 11 | Small Playground (including surfacing) | each | 1 | \$250,000.00 |
| 12 | Large Playground (including surfacing) | each | 1 | \$150,000.00 |
| 13 | Open Space Development | acre | 2 | \$25,000.00 |
| C. Trails (does not include acquisition) | | | | |
| 1 | Paved Trail | linear foot | 5,280 | \$40 |
| 2 | Unpaved Trail | linear foot | 5,280 | \$15 |
| 3 | Sidewalk | square foot | 15,000 | \$10 |
| 4 | Bridge | linear foot | 200 | \$450 |
| D. Parkland | | | | |
| 1 | Acquisition | acre | 1 | \$60,000.00 |
| 2 | Development (Including all sitework and minimum amenities - assuming "blank slate scenario") | acre | 1 | \$100,000.00 |
| F. Landscape | | | | |
| 1 | Canopy Tree | each | 1 | \$350.00 |
| 2 | Ornamental Tree | each | 1 | \$300.00 |
| 3 | Shrubs | each | 1 | \$33.00 |
| 4 | Grasses | each | 1 | \$18.00 |


STAFF REPORT
ORDINANCE 2022-26
FISCAL YEAR 2022
FEE SCHEDULE AMENDMENT
NOVEMBER 1, 2021

Topic: ORDINANCE 2022-26 – Fee Schedule Amendment
Town of Zebulon Budget Ordinance

Speaker: Sheila Long, Parks and Recreation Director
Michael J. Clark, AICP, CZO, Planning Director

From: Sheila Long, Parks and Recreation Director
Michael J. Clark, AICP, CZO, Planning Director
Bobby Fitts, Finance Director

Prepared by: Sheila Long, Parks and Recreation Director

Approved by:  Joseph M. Moore, II, PE – Town Manager

Executive Summary:

The Board will consider Ordinance 2022-26 to update the Town of Zebulon Fiscal Year 2021-2022 Fee Schedule.

Background:

The Town adopted Play Zebulon: Parks and Recreation Master Plan on September 13th, 2021. The master planning process included a Parks and Recreation Impact Fee Study. The Master Plan and Fee Study acknowledge additional financial resources are required to support parks and recreation service levels for Zebulon’s residents. A variety of funding sources were presented in the Master Plan, recognizing a combination of funding sources are required to support parks and recreation service levels. One funding source is a Recreation Impact Fee.

In accordance with the Town’s local act (1989, Chapter 606, House Bill 802) the Town has authority to charge a Recreation Impact Fee. In summary, the local act requires the Town prepare a report identifying anticipated costs, characteristics of construction and a plan to provide one or more recreation projects. A public hearing is required, and the Planning Board must make a recommendation.

The Town currently charges a \$500 Greenway Impact Fee. Replacing the Greenway Impact Fee with a Recreation Impact Fee maintains the option to fund greenways and provides the Town with more flexibility and opportunity to fund other recreational resources as our community grows and diversifies.

Discussion:

The discussion before the Board is to consider comments on replacing the Greenway Impact Fee with the Recreation Impact Fee.

| Development Type | Recommended Recreation Impact Fee |
|------------------|-----------------------------------|
| Single Family | \$3,000 |
| Multi-Family | \$2,500 |

STAFF REPORT
ORDINANCE 2022-26
FISCAL YEAR 2022
FEE SCHEDULE AMENDMENT
NOVEMBER 1, 2021

Policy Analysis

The Parks and Recreation Master Plan established the policy for park and recreation service provision in Zebulon. The Parks and Recreation Impact Fee is a means to implement that policy by assigning some funding obligation to new development.

At their October Board Meeting, the Board will consider whether to implement a Recreation Impact Fee, as well as consider at what point in the permitting process all impact fees are paid.

Fiscal Analysis

The recommended Recreation Impact Fee is consistent with the new development impact on level of service projections. The Board may decide to charge more or less than the recommended amount depending upon their level of service expectations, but they cannot legally exceed \$6,413 per single family development and \$5,413 per multi-family development.

Planning Board Recommendation:

At the September 27, 2021 meeting, the Planning Board unanimously recommended approval of the proposed fee amendments funding them to be consistent with the proposed Parks and Recreation Impact Fee Study.

Staff Recommendation:

Staff recommends approval of Ordinance 2022-26 to amend the fee schedule as proposed.

Attachments:

1. Ordinance 2022-26

Ordinance 2022-26

FISCAL YEAR 2022 FEE SCHEDULE AMENDMENT

| Planning and Zoning | Current | Proposed |
|---|---|---|
| Development Fees | | |
| Transportation Impact Fee | \$1,177.00/peak hour *Total Fee Varies based on land use type) or per an approved traffic analysis as part of a Conditional Rezoning or Planned Development approval. | \$1,177.00/peak hour *Total Fee Varies based on land use type) or per an approved traffic analysis as part of a Conditional Rezoning or Planned Development approval. |
| Recreation Impact Fee | N/A | |
| Plat Already Recorded for Development - Fee Collected at time of Building Permit | | |
| Single Family | | \$3,000.00 |
| Multi - Family | | \$2,500.00 |
| Plat Not Recorded for Development - Fee Collected at time of Recordation | | |
| Single Family | | \$3,000.00 |
| Multi - Family | | \$2,500.00 |
| Recreation & Open Space - Fee-in-Lieu | | |
| Single-Family | \$2,500.00/unit | \$2,500.00/unit |
| Multi-Family | \$2,500.00/unit | \$2,500.00/unit |
| <i>Note: Residential fee-in-lieu is due upon plat approval.</i> | | |
| Weaver's Pond Subdivision | | |
| Easement Recovery Fee | \$192.96 per acre | \$192.96 per acre |
| Greenway Impact Fee | \$500 per dwelling Unit | \$500 per dwelling Unit |
| <i>Note: Easement recovery fee is due upon submission of application for plat approval.</i> | | |

Adopted this the 1st day of November 2021

Effective January 1, 2022

Robert S. Matheny – Mayor

SEAL

Lisa M. Markland, CMC – Town Clerk


STAFF REPORT
ORDINANCE 2022-27
REQUEST FOR ANNEXATION
NOVEMBER 1, 2021

Topic: Ordinance 2022-27 – Pony Road Subdivision Annexation Request

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 voluntary annexation petition (Project # 496893) received for approximately 163 acres located at 705 Pony Road, 0 Harmonica Drive, and 0 Mack Todd Road (Pin # 1795616501, 1795511607, & 1794496945).

Background:

North Carolina General Statutes grant municipalities authority to annex areas contiguous to their boundaries upon presentation of a petition signed by the owners of all the real property located within such area (§160A-31).

The subject properties have a 406-lot residential development with a mixture of single-family detached homes and townhomes currently in review with the Town (IDT Project # 635059). Annexation is required due to the connecting to water and sewer services. The three properties are zoned Suburban Residential (R2), Residential Neighborhood (R4), and Heavy Commercial (HC).

Discussion:

The discussion before the Board is consideration of the subject property's annexation into the Town of Zebulon Corporate Limits.

Policy Analysis:

The Board's adoption of the Future Land Use and Character map on June 7, 2021, designated these parcels as Suburban Residential (SR) and General Residential (GR). The annexation request is consistent with the Future Land Use and Character Map.

The annexation meets the intent of the following Comprehensive Land Use Plan Policies of the Town's Comprehensive Land Use Plan:

- "Utility Connection" (Growth and Management Polity L) Continue to require annexation as a condition of utility service. (Growth Capacity section, pg. 3)
- "Priorities" (Annexation and Growth Management Policy U): The proposed activity will be consistent with the residential goals listed in the Land Use and Development policies, and the Suburban Residential and General Residential Land Use Classification, (Growth Capacity section, pg. 4; Land Use and Development section, pg. 3 and 14)

STAFF REPORT
ORDINANCE 2022-27
REQUEST FOR ANNEXATION
NOVEMBER 1, 2021

Fiscal Analysis:

The property is within existing service boundaries and is within the fire department response time. The property is required to be annexed due to the connecting to public utilities. The property is anticipated to generate approximately \$550,000 in annual property tax revenue.

Staff Recommendation:

Following the public hearing and deliberation by the Board, Staff recommends approval of Ordinance 2022-27 for annexation as it is consistent with Comprehensive Plan policies.

Attachments:

1. Application
2. Recorded Plat
3. Aerial Map
4. ETJ Map
5. Land Use Map
6. Site Pictures
7. Public Hearing Notice
8. 150' Radius of Notified By Mailed Property Owners
9. NCGS 160A-31
10. Certificate of Sufficiency
11. Ordinance 2022-27



Town of Zebulon

Planning Department

1003 N. Arendell Avenue, Zebulon, NC 27597
Phone: (919) 823-1810 Fax: (919) 887-2824
www.townofzebulon.org

ANNEXATION PETITION

GENERAL INFORMATION:

In accordance with Section 2.2.2 of the UDO, upon receipt of a valid petition signed by all of the owners of real property in the area described therein, the Town may annex an area either contiguous or not contiguous to its primary corporate limits when the area meets the standards set out under North Carolina General Statutes 160A-31 and 160A-58.1. The petition need not be signed by the owners of real property that is wholly exempt from property taxation under the Constitution and laws of North Carolina, nor by railroad companies, public utilities as defined in G.S. 62-3(23), or electric or telephone membership corporations.

INSTRUCTIONS:

PRE-APPLICATION MEETING: A pre-application meeting with staff in accordance with Section 2.3.2 of the UDO to verify the application requirements, processes, and procedures regarding a proposed request. To schedule a meeting, applicants must e-mail a pdf map, drawing, model, site or sketch plan to Assistant Planning Director Meade Bradshaw (mbradshaw@TownofZebulon.org) no later than five (5) working days prior to the desired meeting day.

FILE PETITION: Submit hard copy application to the Planning Department with the applicable requirements in accordance with Section 2.2.2 of the UDO.

CERTIFICATION OF SUFFICIENCY: The Town Clerk shall investigate and certify whether the petition is legally sufficient. Only legally sufficient petitions shall be considered by the Town.

REVIEW BY STAFF: The Planning and Public Works Departments review the annexation submission. Comments will be sent to the applicant via email.

LEGAL ADVERTISEMENT: A legal advertisement will be published on the Town of Zebulon's website and in a paper of general circulation once no more than 25 days and one within 10 days of the date of the public hearing.

BOARD OF COMMISSIONERS MEETING/PUBLIC HEARING:

The BOARD OF COMMISSIONERS Meeting is typically held the first Monday of each month. The Board of Commissioners will either adopt or deny an ordinance to extend the corporate limits of the Town of Zebulon.

NOTICE OF DECISION: The formal notice of decision shall be provided to the applicant in accordance with Section 2.3.9 of the UDO.

RECORDATION: If the annexation is approved by the Board of Commissioners, the Town Clerk will have the Annexation Plats recorded at the Wake County Register of Deeds. Wake County will keep one of the recorded plats, one copy will be returned to the Planning Department and the surveying company is given the remaining recorded Annexation Plat.



Application Requirements –

The applicant requesting an annexation must submit a written application to the Zebulon Planning Department using the forms included in this packet

- Completed Application Form
- Petition Fee (Please See Fee Schedule)
- One (1) Legal Description (metes and bounds) of subject property
- Registered survey of subject property
- Certified List of Property Owners within 150 feet of subject property
- Agent Authorization Form
- Stamped envelopes addressed to Certified List of Property Owners all the homeowners

associations of those properties within 150 feet of the outer boundary subject property or properties.

- Affixed with the following return address:
Town of Zebulon
Planning Department
1003 N. Arendell Ave
Zebulon, NC 27597



PART 1. DESCRIPTION OF REQUEST/PROPERTY

| | | |
|---|------------|---|
| Street Address of the Property: 705 Pony Road, 0 Harmonica Dr, 0 Mack Todd Rd | | Total Acreage: 163 |
| Parcel Identification Number (NC PIN): Please include all | Deed Book: | Deed Page(s): |
| 1795-61-6501 | 8158 | 1032 |
| 1795-51-1607 | 8740 | 996 |
| 1794-49-6945 | 12709 | 235 |
| Name of Project (if Applicable) Pony Road Subdivision | | Current Zoning of the Property: R-2, R-4, HC |
| Existing Use of the Property: Vacant | | Proposed Use of the Property: Single family dwellings |
| Reason for Annexation With the rezoning to PD district, annexation is required by the rezoning and to obtain water and sewer services from the Town. | | |

PART 2. APPLICANT/AGENT INFORMATION

| | | |
|---|---|---|
| Name of Applicant/Agent: TMTLA - Pam Porter | | |
| Street Address of Applicant/Agent: 5011 Southpark Drive Suite 200 | | |
| City: Durham | State: NC | Zip Code: 27713 |
| Email of Applicant/Agent: pam@tmtla.com | Telephone Number of Applicant/Agent: 919 484-8880 | Fax Number of Applicant/Agent: |
| 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 | Note: If you are not the owner of the property, you <u>must</u> obtain the Owner's consent and signature giving you permission to submit this application. |

PART 3. SURVEYOR INFORMATION

| | | |
|--|--|-------------------------------|
| Name of Surveyor: Summit Design and Engineering Services - Thomas Tellup | | |
| Street Address of Surveyor: 320 Executive Court | | |
| City: Hillsborough | State: NC | Zip Code: 27278 |
| Email of Surveyor: Thomas.tellup@summitde.net | Telephone Number of Property Owner: 919-732-3883 | Fax Number of Property Owner: |
| <i>I hereby state that the facts related in this application and any documents submitted herewith are complete, true, correct, and accurate to the best of my knowledge.</i> | | |
| <i>Signature of Surveyor</i> | <i>Print Name:</i> Thomas Tellup | <i>Date:</i> |



PART 4. PROPERTY OWNER INFORMATION

To the Board of Commissioners of the Town of Zebulon, North Carolina:

1. We, the undersigned owners of real property, respectfully request that the area described in Part 4 be annexed to the Town of Zebulon, Wake County, North Carolina.
2. The area to be annexed is contiguous, non-contiguous (satellite) to the Town of Zebulon, North Carolina and the boundaries are as contained in the metes and bounds description attached hereto.
3. If contiguous, this annexation will include all intervening rights-of-way for streets, railroads and other areas as stated in G.S. 160A-31(f), unless otherwise stated in the annexation amendment.
4. I/We acknowledge that any zoning vested rights acquired pursuant to G.S. 160A385.1 or G.S. 153A-344.1 must be declared and identified on this petition. I/We further acknowledge that failure to declare such rights on this petition shall result in a termination of vested rights previously acquired for the property. (If zoning vested rights are claimed, indicate below and attach proof.)

All individual owners must sign. (If additional signatures are necessary, please attach an additional sheet.)

I hereby state that the facts related in this application and any documents submitted herewith are complete, true, correct, and accurate to the best of my knowledge.

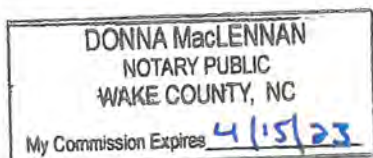
| Signature of Owner: | Print Name: | Date: |
|---------------------|----------------|-----------|
| | GOVIND CHANDAK | 1/29/2021 |
| Signature of Owner: | Print Name: | Date: |
| Signature of Owner: | Print Name: | Date: |
| Signature of Owner: | Print Name: | Date: |
| Signature of Owner: | Print Name: | Date: |
| Signature of Owner: | Print Name: | Date: |
| Signature of Owner: | Print Name: | Date: |

STATE OF North Carolina
COUNTY OF Wake

Sworn and subscribed before me, Donna MacLennan, a Notary Public for the above State and County, this the 29th day of January, 2021.

Notary Public

SEAL



4/15/23
My Commission Expires:



COMPLETE IF A CORPORATION:

In witness whereof, said corporation has caused this instrument to be executed by its President and attested by its Secretary by order of its Board of Directors, this the ___ day of ___, 20__.

Corporate Name

SEAL

By: Attest: President (Signature)

Secretary (Signature)

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, ___, a Notary Public for the above State and County, this the ___ day of ___, 20__.

Notary Public

SEAL

My Commission Expires:

COMPLETE IF IN A LIMITED LIABILITY COMPANY

In witness whereof, PNC OF NORTH CAROLINA a limited liability company, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this the 29th day of January, 2021. Name of Limited Liability Company

By: Govind Chandak

G. Chandak, Manager
Signature of Member/Manager

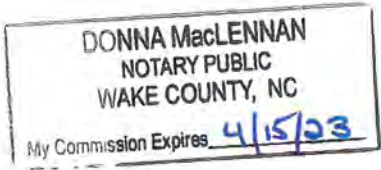
STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Donna MacLennan, a Notary Public for the above State and County, this the 29th day of January, 2021.

Donna MacLennan
Notary Public

SEAL

4/15/23
My Commission Expires:





COMPLETE IF IN A PARTNERSHIP

In witness whereof, _____, a partnership, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this the ____ day of _____, 20____.

Name of Partnership

By: Signature of General Partner

STATE OF NORTH CAROLINA
COUNTY OF WAKE

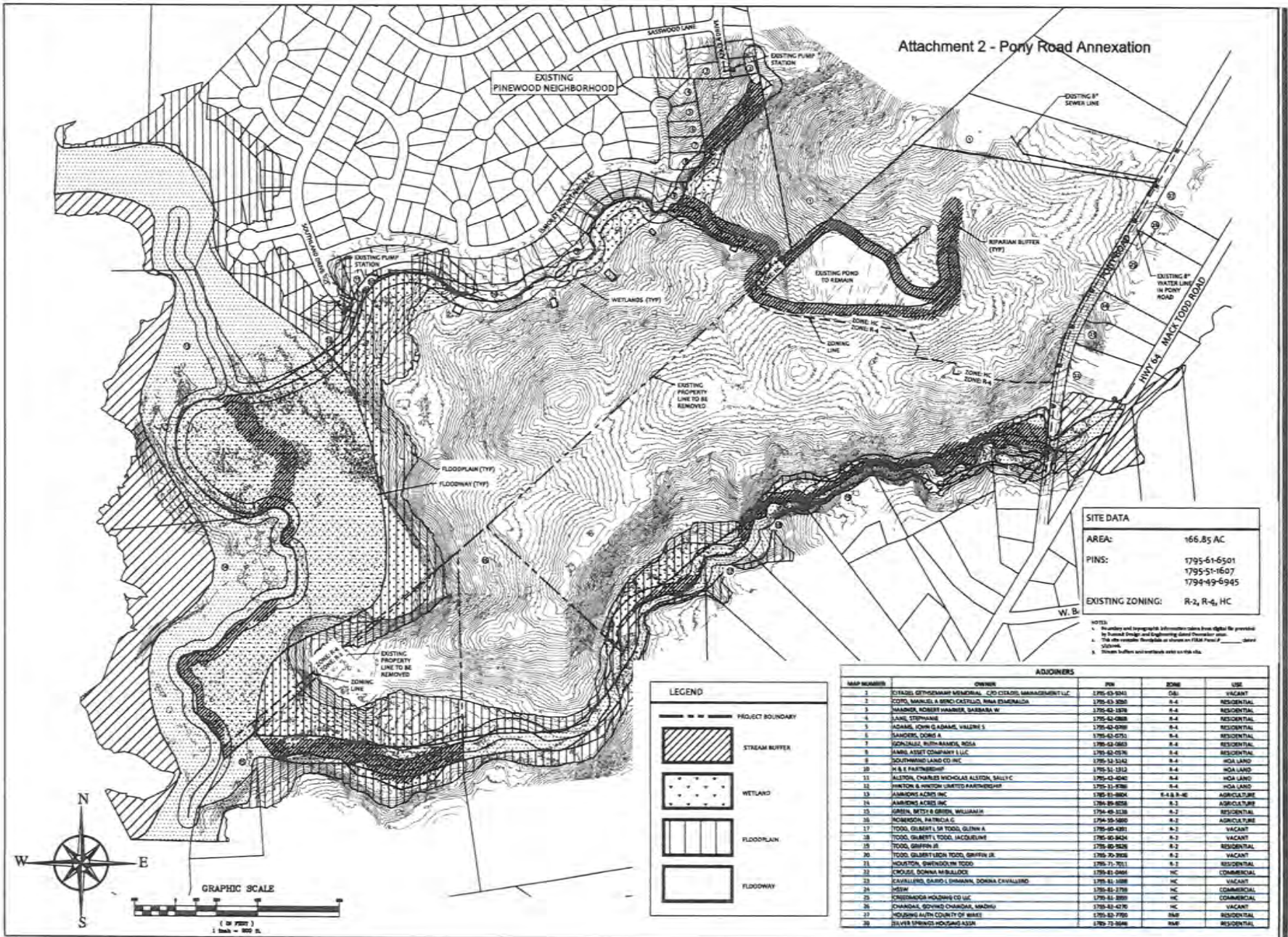
Sworn and subscribed before me, _____, a Notary Public for the above State and County, this the _____ day of _____, 20____.

Notary Public

SEAL

My Commission Expires:

Attachment 2 - Pony Road Annexation



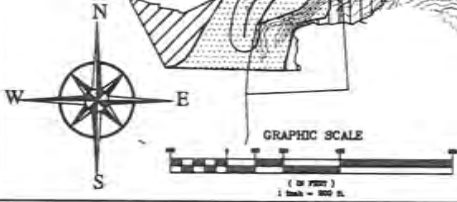
| SITE DATA | |
|------------------|--|
| AREA: | 166.85 AC |
| PINS: | 1795-61-6501 1795-51-1607 1794-49-6945 |
| EXISTING ZONING: | R-2, R-4, HC |

NOTES:
 1. All survey and topographic information taken from digital file provided by Summit Design and Engineering dated October 2011.
 2. The site boundary, floodplain or stream or flood hazard is shown as shown on the attached site plan.
 3. Stream buffer and wetlands added to this site.

LEGEND

- PROJECT BOUNDARY
- STREAM BUFFER
- WETLAND
- FLOODPLAIN
- FLOODWAY

| MAP NUMBER | OWNER | PIN | BOMB | USE |
|------------|---|--------------|------------|-------------|
| 1 | STRASIS GYTHENAMP MEMORIAL - C/D C/OASIS MANAGEMENT LLC | 1795-63-6243 | DB1 | VACANT |
| 2 | COOK, MARIE G & BRUCE CASTLE, TRMA BELMONTA | 1795-63-2828 | R-4 | RESIDENTIAL |
| 3 | SHANDLER, ROBERT HANMER, BARBARA W | 1795-62-3278 | R-4 | RESIDENTIAL |
| 4 | SANE, STEPHANE | 1795-62-2888 | R-4 | RESIDENTIAL |
| 5 | JAGAMS, JOHN G ADAMS, VALERIE S | 1795-62-4289 | R-4 | RESIDENTIAL |
| 6 | RAMBER, DORIS B | 1795-62-2775 | R-4 | RESIDENTIAL |
| 7 | SOONALAL, BIRU-BANDEL, ROSA | 1795-62-3863 | R-4 | RESIDENTIAL |
| 8 | SANBL ASSET COMPANY I LLC | 1795-62-2536 | R-4 | RESIDENTIAL |
| 9 | SOUMERLAND LAND CO INC | 1795-53-5242 | R-4 | HQA LAND |
| 10 | W & B PARTNERSHIP | 1795-52-3522 | R-4 | HQA LAND |
| 11 | AUSTON, CHARLES MICHAEL ALSTON, BALLY C | 1795-62-4242 | R-4 | HQA LAND |
| 12 | HINTON & HINTON LIMITED PARTNERSHIP | 1795-61-4788 | R-4 | HQA LAND |
| 13 | JAMBERS ACRES INC | 1795-61-4806 | R-4 & B-4E | AGRICULTURE |
| 14 | JAMBERS ACRES INC | 1795-61-4806 | R-3 | AGRICULTURE |
| 15 | JENSEN, BETSY B GREEN, WILLIAM H | 1794-49-3138 | R-2 | RESIDENTIAL |
| 16 | ROBINSON, PATRICK C | 1794-50-1880 | R-2 | AGRICULTURE |
| 17 | TOOD, GILBERT L OF TOOD, GILBERT A | 1795-60-1891 | R-2 | VACANT |
| 18 | TOOD, GILBERT L TOOD, LACOUSLWINE | 1795-60-9424 | R-2 | VACANT |
| 19 | TOOD, GILBERT JR | 1795-60-9628 | R-2 | RESIDENTIAL |
| 20 | TOOD, GILBERT L OF TOOD, GILBERT JR | 1795-50-7828 | R-2 | VACANT |
| 21 | HOUTSON, GUYMONNE TOOD | 1795-71-2611 | R-2 | RESIDENTIAL |
| 22 | CROUSE, DONNA MIBALLOD | 1795-61-2944 | HC | COMMERCIAL |
| 23 | CAVALLEDO, SAURO I SHIMANN, DOMINA CAVALLEDO | 1795-61-1688 | HC | VACANT |
| 24 | WESH | 1795-61-2728 | HC | VACANT |
| 25 | FRANZBERG HOLDINGS CO LLC | 1795-61-2893 | HC | COMMERCIAL |
| 26 | CHANDAS, GOVIND CHANDAS, MADHVI | 1795-61-4270 | HC | VACANT |
| 27 | HOLDINGS ALTH COUNTY OF WAKE | 1795-62-7395 | R4B | RESIDENTIAL |
| 28 | SILVER SPRINGS HOLDINGS LLC | 1795-72-8848 | R4B | RESIDENTIAL |



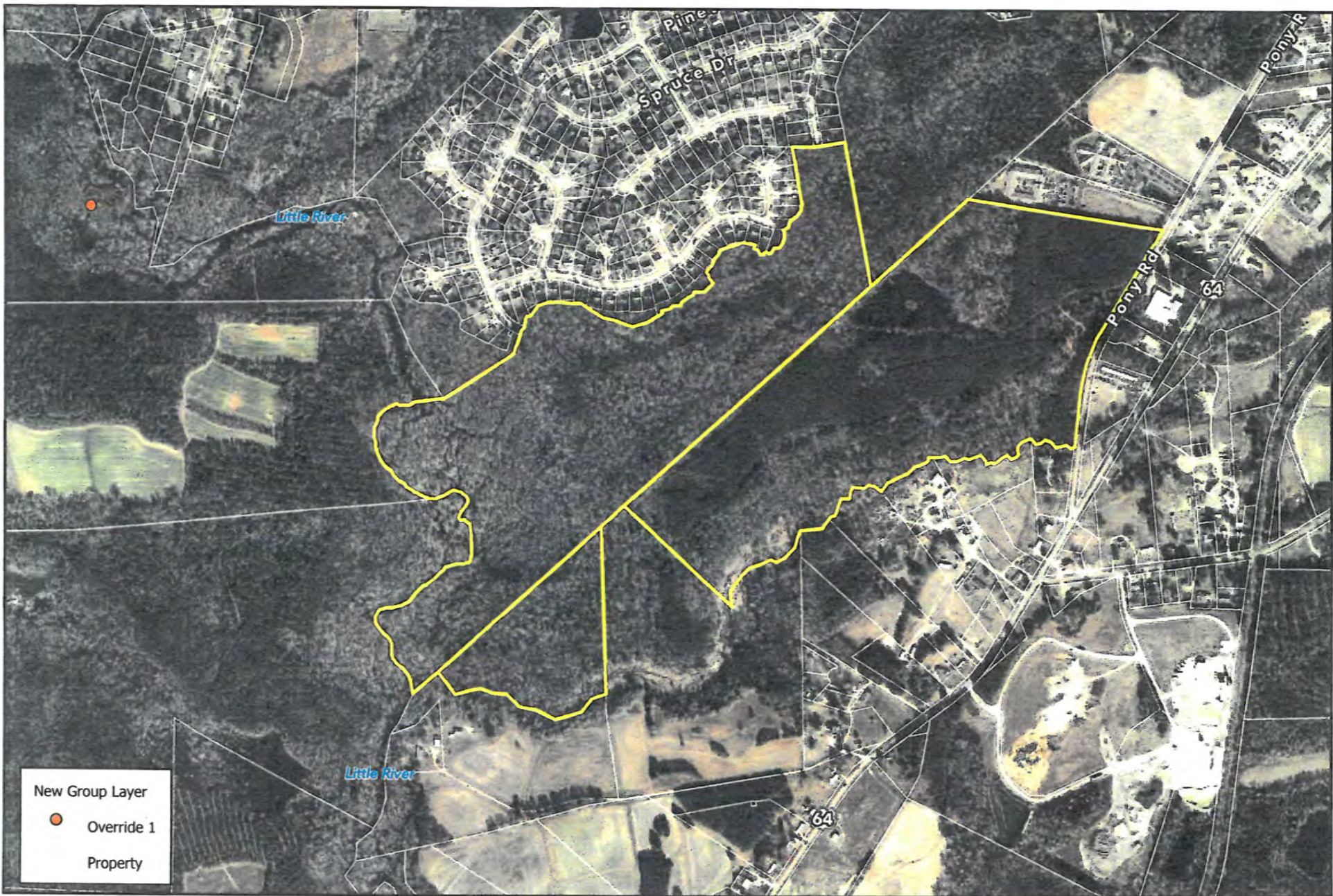
TRINA ASSOCIATES
 8011 Southpark Lane, Suite 27713
 Raleigh, NC 27615
 P: (919) 484-8800 E: info@trina.com

Summit D&E
 1110 Navaho Drive, Suite 600
 Raleigh, NC 27609

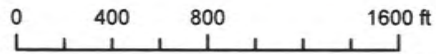
REVISIONS:

EXISTING CONDITIONS
Pony Road PD
 Pony Road, Lebanon NC

SCALE:
 1" = 200'
 DRAWN BY:
 PMP
 PROJECT #
 20176
 DATE:
 2/1/2021
 SHEET
 L-1
 OF



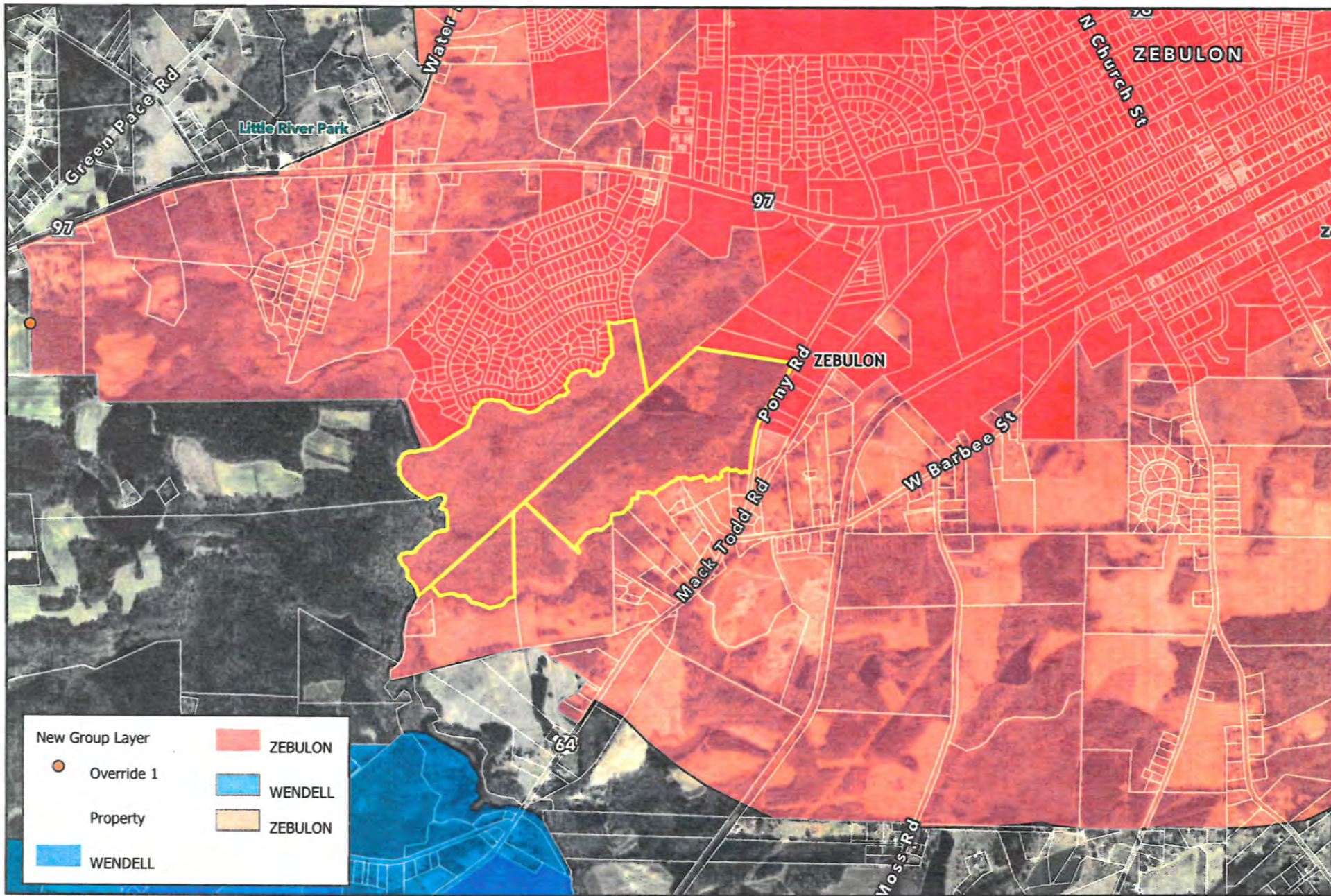
Attachment 3 - Aerial Map - Pony Road Annexation



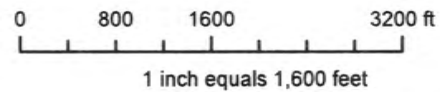
1 inch equals 800 feet

Disclaimer

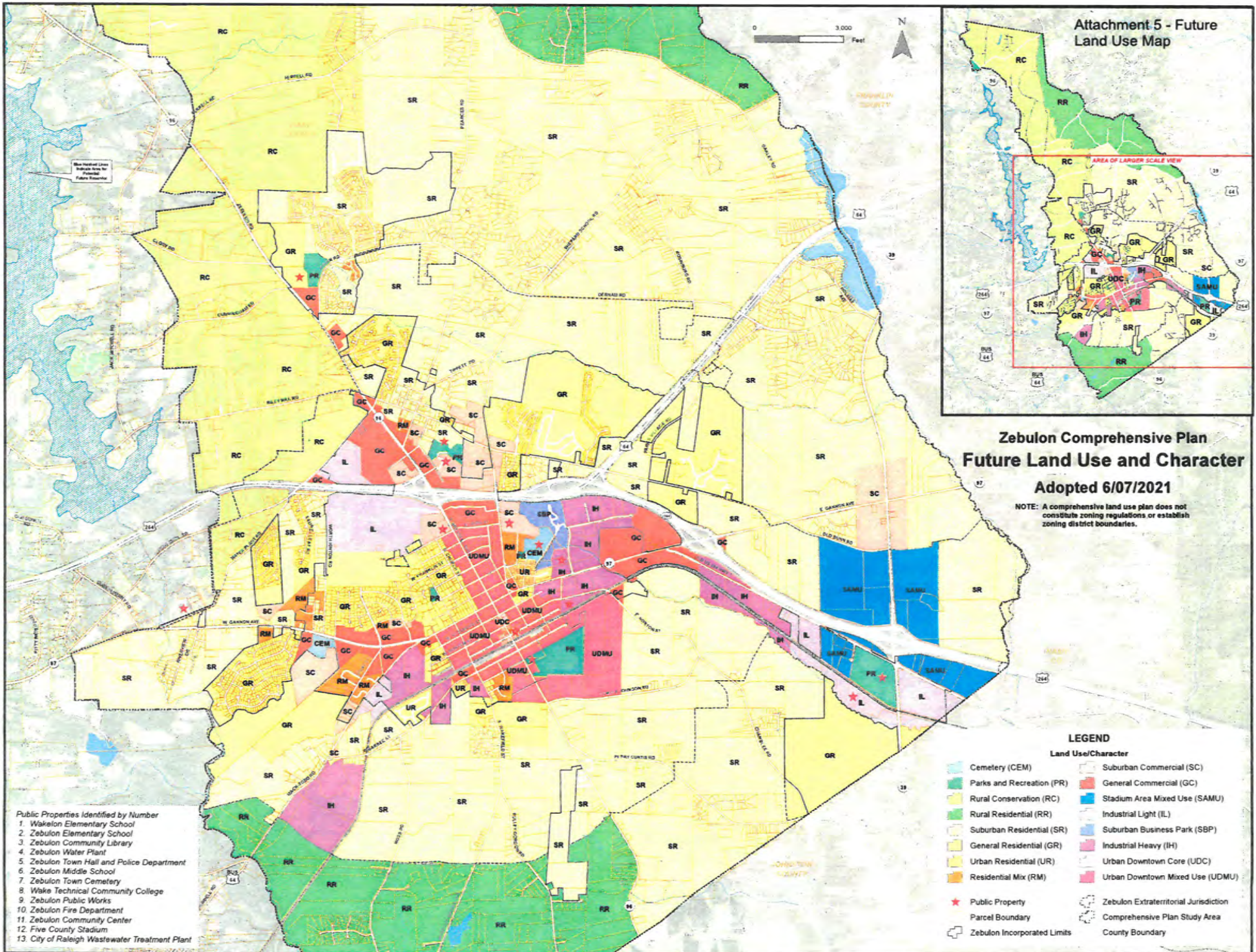
iMaps makes every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes, and are NOT surveys. No warranties, expressed or implied, are provided for the data therein, its use, or its interpretation.



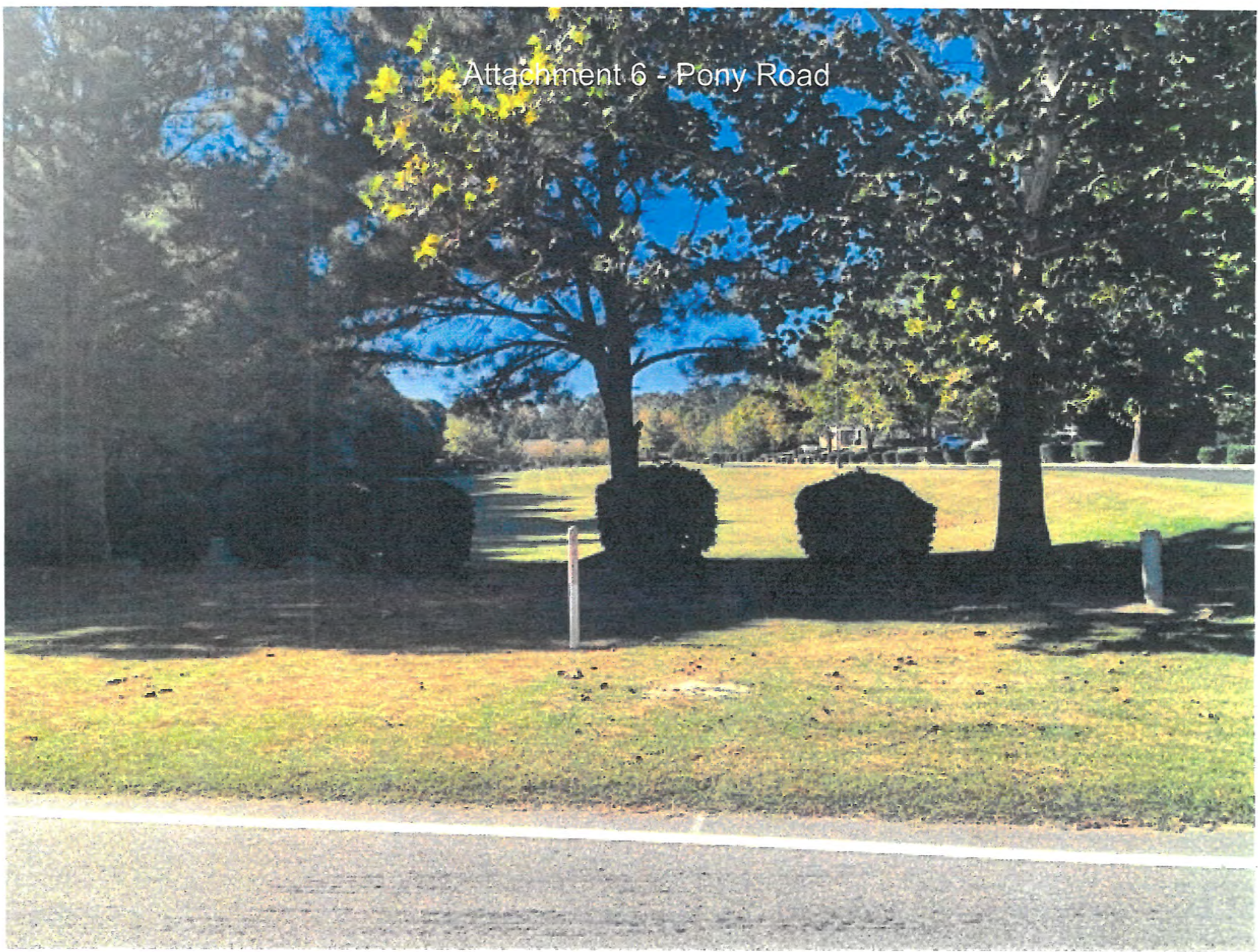
Attachment 4 - ETJ Map - Pony Road Annexation



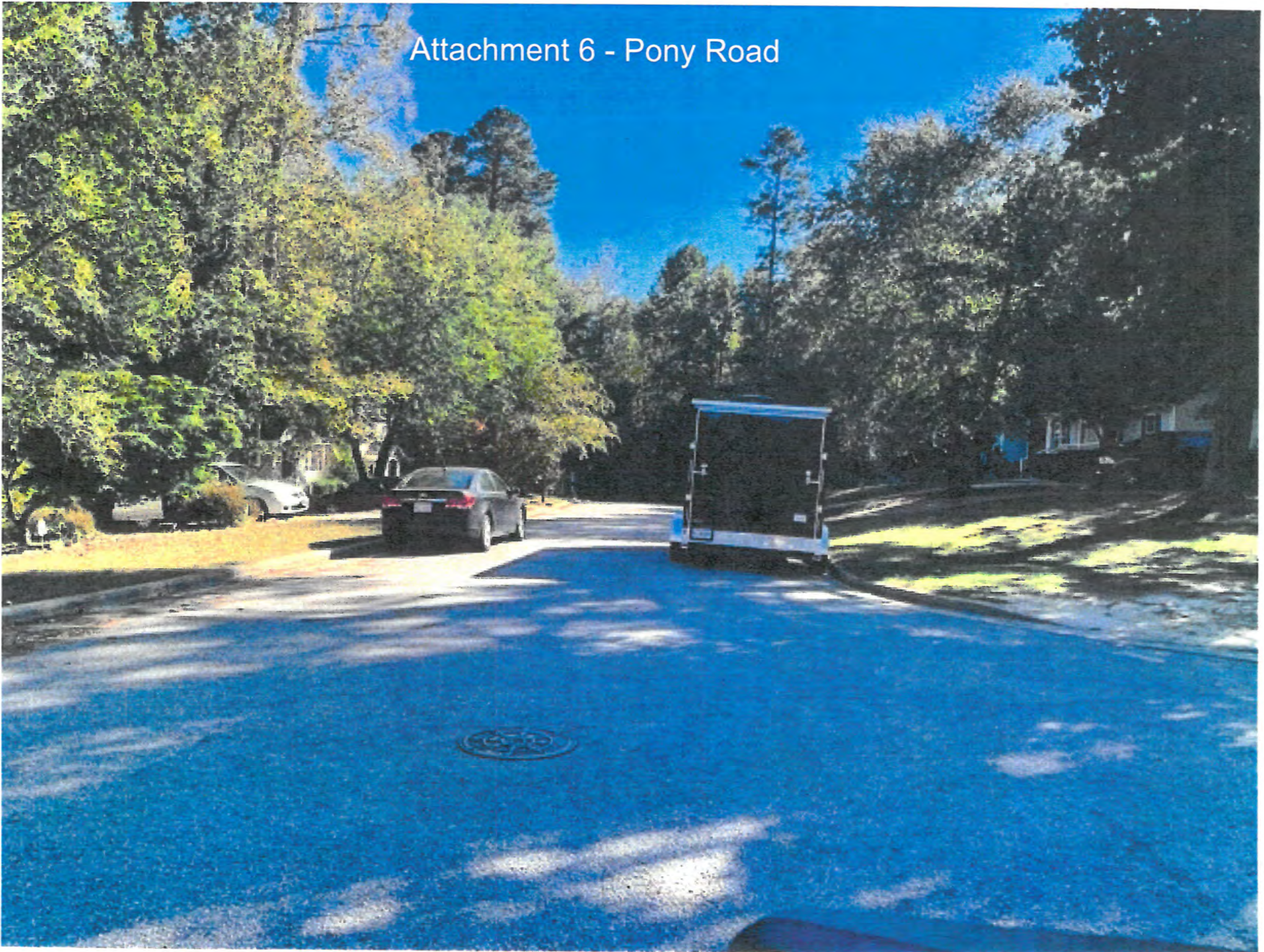
Disclaimer
 iMaps makes every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes, and are NOT surveys. No warranties, expressed or implied, are provided for the data therein, its use, or its interpretation.



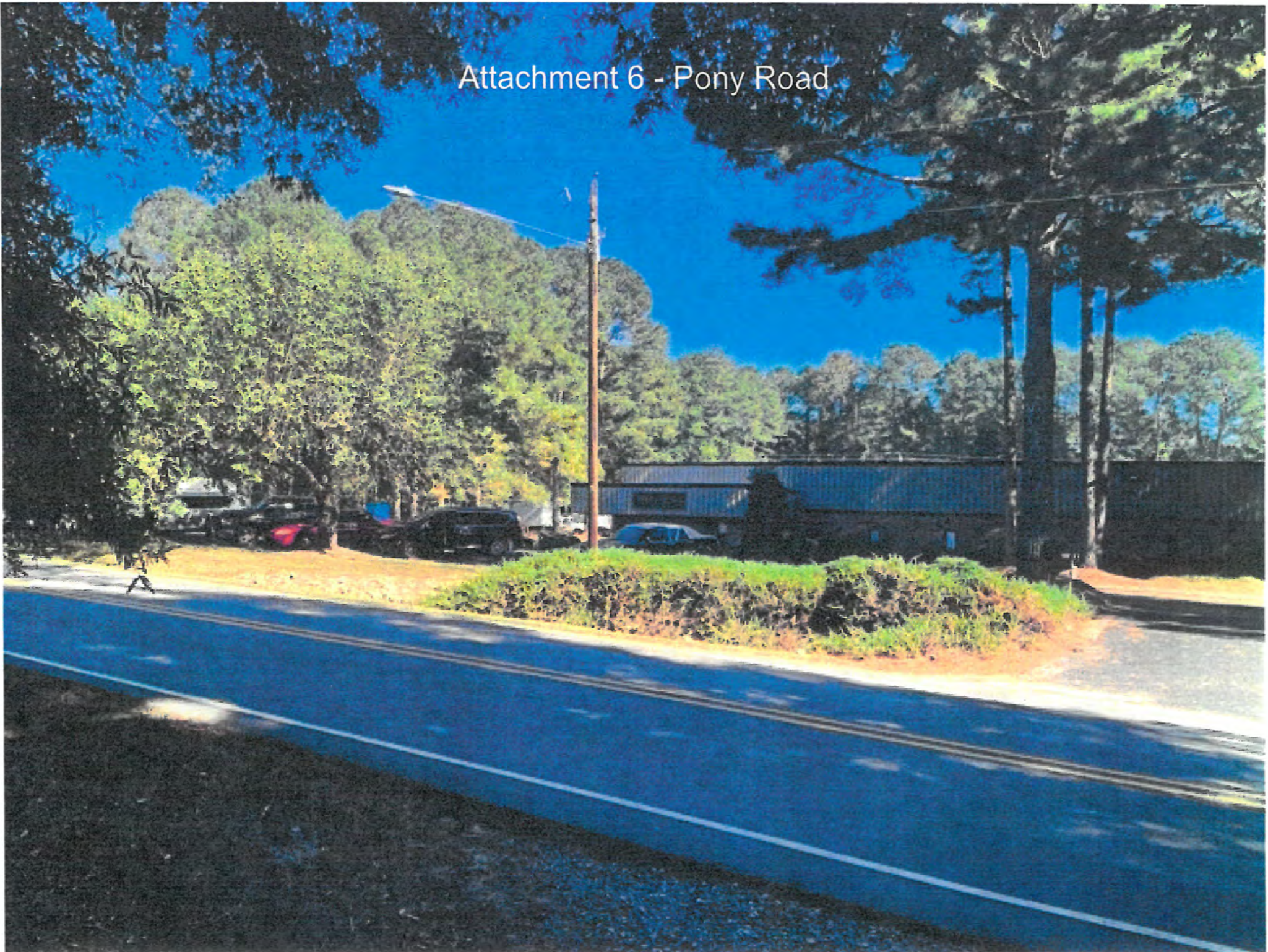
Attachment 6 - Pony Road



Attachment 6 - Pony Road



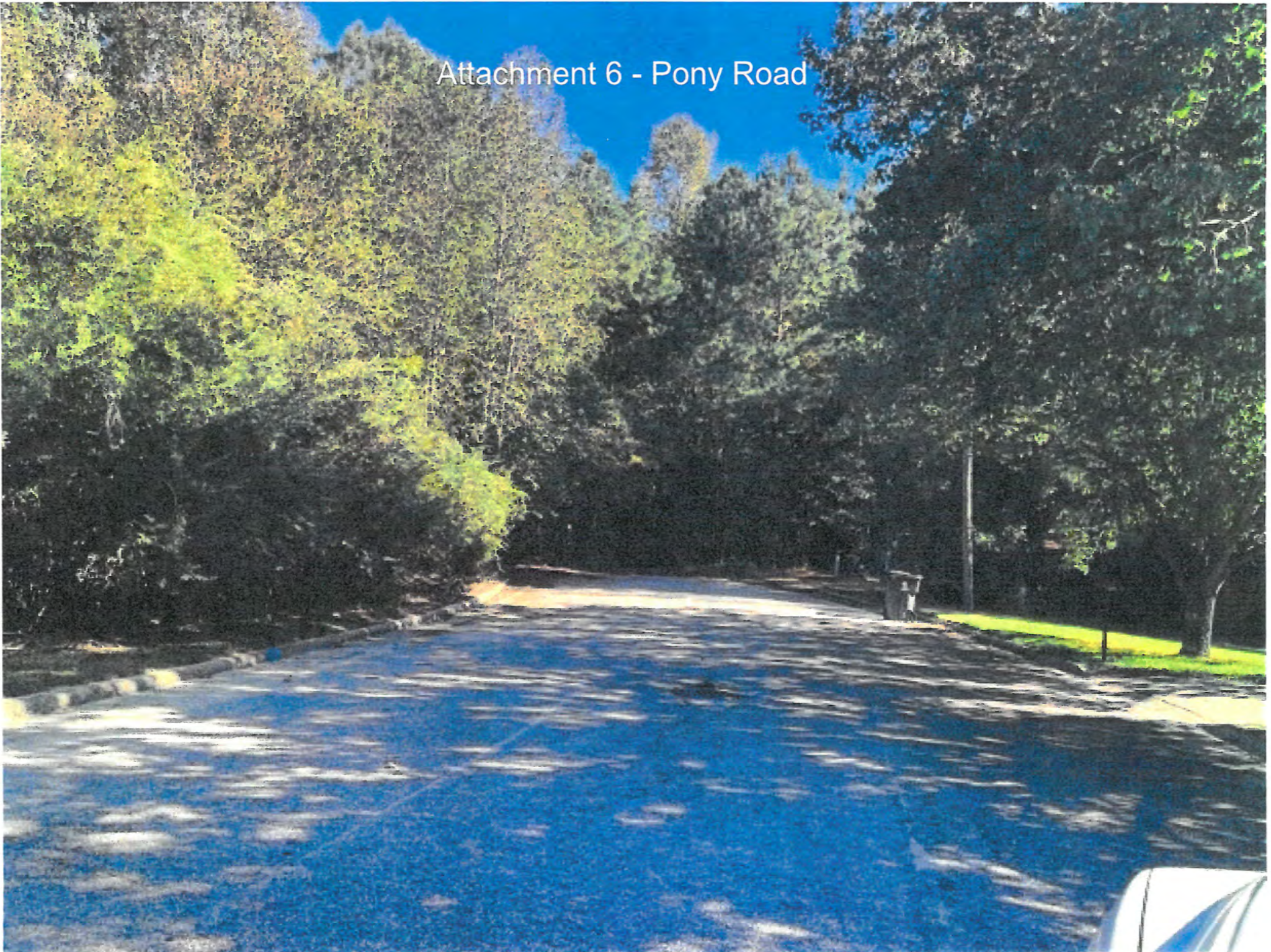
Attachment 6 - Pony Road



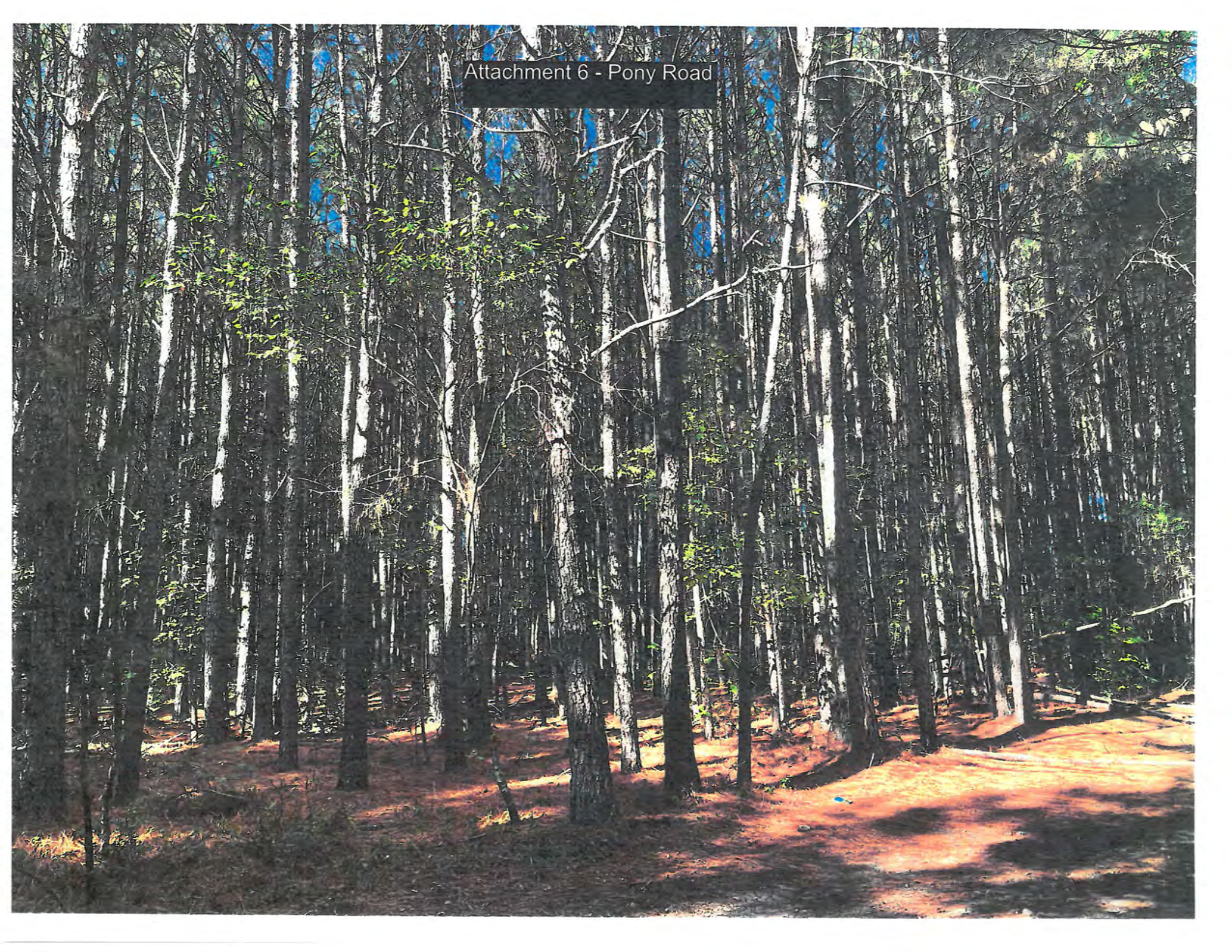
Attachment 6 - Pony Road



Attachment 6 - Pony Road



Attachment 6 - Pony Road



Attachment 7 – Pony Road Annexation

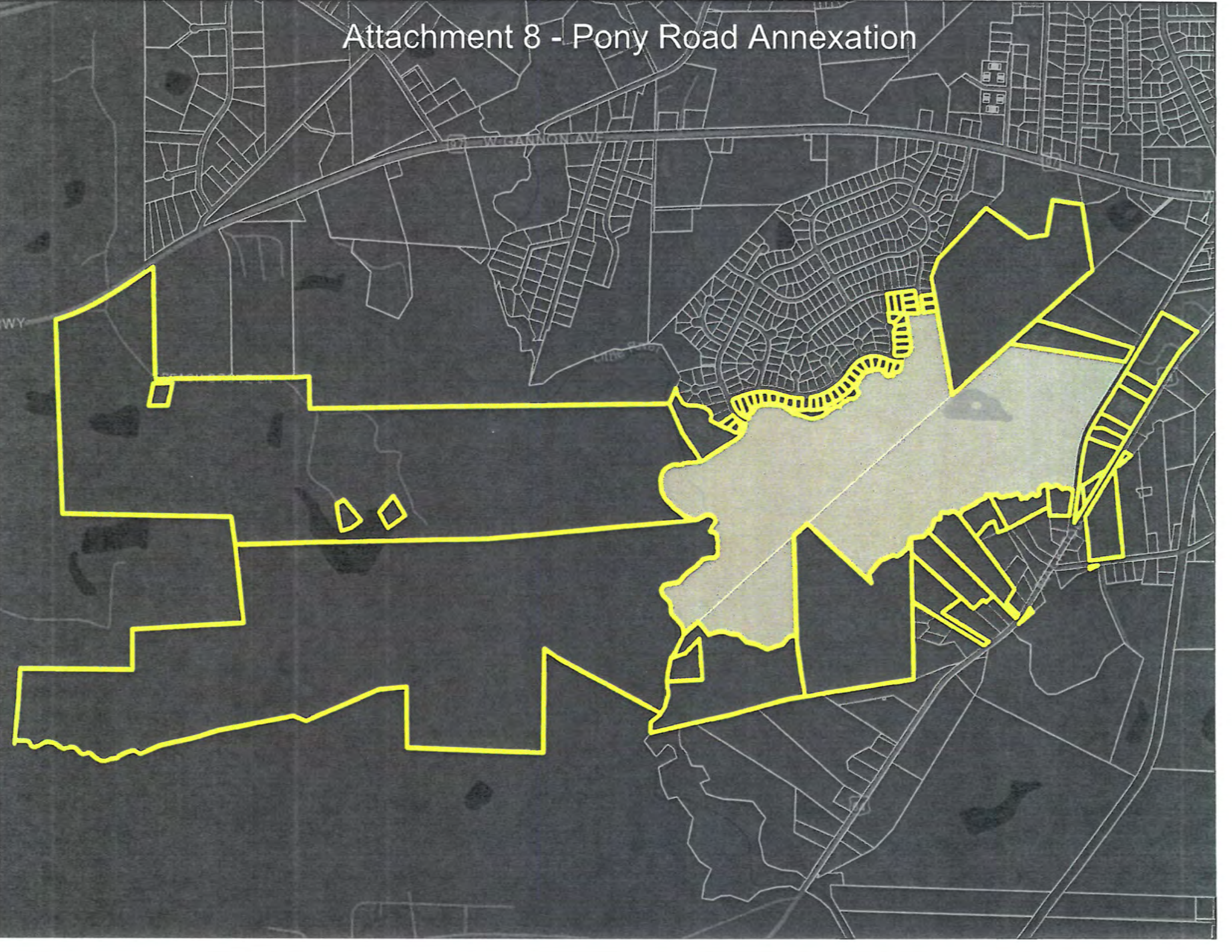
Notice of Public Hearing

Notice is hereby given pursuant to the provisions of Article 2.2.2 of the Town of Zebulon Unified Development Ordinance that a public hearing will be held on **November 1, 2021 at 7:00 PM** at the **Zebulon Municipal Complex, 1003 N. Arendell Avenue**, and will be conducted by the Board of Commissioners of the Town of Zebulon for the purpose of considering the following items:

IDT Project Number: 496893; Pony Road Planned Development. A request by Pam Porter, on the request of Govind Chandak and PNC of NC LLC, representing the property owners of 705 Pony Road (PIN # 1795616501), 0 Harmonica Drive (PIN # 1795511607), and 0 Mack Todd Road (PIN # 1794496945), requesting annexation into the Town of Zebulon's Corporate Limits.

Due to potential social distancing and occupancy limits related to the State's COVID-19 Order, in-person public comments will be accepted; however, the Town of Zebulon encourages that all public comments be submitted to Deputy Town Clerk Stacie Paratore at SParatore@TownofZebulon.org no later than 12:00 Noon on the day of the hearing to be read into the record. The meeting will be streamed live and links will be provided along with the full application packet and documentation on the Planning Department web page at www.TownofZebulon.org/services/planning. For questions or additional information, please contact us at (919) 823-1809.

Attachment 8 - Pony Road Annexation



§ 160A-31. Annexation by petition.

(a) The governing board of any municipality may annex by ordinance any area contiguous to its boundaries upon presentation to the governing board of a petition signed by the owners of all the real property located within such area. The petition shall be signed by each owner of real property in the area and shall contain the address of each such owner.

(b) The petition shall be prepared in substantially the following form:

DATE:

To the _____ (name of governing board) of the (City or Town) of _____

1. We the undersigned owners of real property respectfully request that the area described in paragraph 2 below be annexed to the (City or Town) of _____
2. The area to be annexed is contiguous to the (City or Town) of _____ and the boundaries of such territory are as follows:

(b1) Notwithstanding the provisions of subsections (a) and (b) of this section, if fifty-one percent (51%) of the households in an area petitioning for annexation pursuant to this section have incomes that are two hundred percent (200%) or less than the most recently published United States Census Bureau poverty thresholds, the governing board of any municipality shall annex by ordinance any area the population of which is no more than ten percent (10%) of that of the municipality and one-eighth of the aggregate external boundaries of which are contiguous to its boundaries, upon presentation to the governing board of a petition signed by the owners of at least seventy-five percent (75%) of the parcels of real property in that area. A municipality shall not be required to adopt more than one ordinance under this subsection within a 36-month period.

(b2) The petition under subsection (b1) of this section shall be prepared in substantially the following form:

DATE:

To the _____ (name of governing board) of the (City or Town) of _____

1. We the undersigned owners of real property believe that the area described in paragraph 2 below meets the requirements of G.S. 160A-31(b1) and respectfully request that the area described in paragraph 2 below be annexed to the (City or Town) of _____.
2. The area to be annexed is contiguous to the (City or Town) of _____, and the boundaries of such territory are as follows:

(c) Upon receipt of the petition, the municipal governing board shall cause the clerk of the municipality to investigate the sufficiency thereof and to certify the result of the investigation. For petitions received under subsection (b1) or (j) of this section, the clerk shall receive the evidence provided under subsection (l) of this section before certifying the sufficiency of the petition. Upon receipt of the certification, the municipal governing board shall fix a date for a public hearing on the question of annexation, and shall cause notice of the public hearing to be published once in a newspaper having general circulation in the municipality at least 10 days prior to the date of the public hearing; provided, if there be no such paper, the governing board shall have notices posted in three or more public places within the area to be annexed and three or more public places within the municipality.

(d) At the public hearing persons resident or owning property in the area described in the petition and persons resident or owning property in the municipality shall be given an opportunity to be heard. The governing board shall then determine whether the petition meets the requirements of this section. Upon a finding that the petition that was not submitted under subsection (b1) or (j) of this section meets the requirements of this section, the governing board shall have authority to pass an ordinance annexing the territory described in the petition. The governing board shall have authority to make the annexing ordinance effective immediately or

on the June 30 after the date of the passage of the ordinance or the June 30 of the following year after the date of passage of the ordinance.

(d1) Upon a finding that a petition submitted under subsection (j) of this section meets the requirements of this section, the governing body shall have the authority to adopt an annexation ordinance for the area with an effective date no later than 24 months after the adoption of the ordinance.

(d2) Upon a finding that a petition submitted under subsection (b1) of this section meets the requirements of this section, the governing body shall, within 60 days of the finding, estimate the capital cost to the municipality of extending water and sewer lines to all parcels within the area covered by the petition and estimate the annual debt service payment that would be required if those costs were financed by a 20-year revenue bond. If the estimated annual debt service payment is less than five percent (5%) of the municipality's annual water and sewer systems revenue for the most recent fiscal year, then the governing body shall within 30 days adopt an annexation ordinance for the area with an effective date no later than 24 months after the adoption of the ordinance. If the estimated annual debt service payment is greater than or equal to five percent (5%) of the municipality's annual water and sewer systems revenue for the most recent fiscal year, then the governing body may adopt a resolution declining to annex the area. If such a resolution is adopted, the governing body shall immediately submit a request to the Local Government Commission to certify that its estimate of the annual debt service payment is reasonable based on established governmental accounting principles.

(1) If the Local Government Commission certifies the estimate, the municipality is not required to annex the area and no petition to annex the area may be submitted under subsection (b1) of this section for 36 months following the certification. During the 36-month period, the municipality shall make ongoing, annual good faith efforts to secure Community Development Block Grants or other grant funding for extending water and sewer service to all parcels in the areas covered by the petition. If sufficient funding is secured so that the estimated capital cost to the municipality for extending water and sewer service, less the funds secured, would result in an annual debt service payment cost to the municipality of less than five percent (5%) of the municipality's annual water and sewer systems revenue for the most recent fiscal year, then the governing body shall within 30 days adopt an annexation ordinance for the area with an effective date no later than 24 months after the adoption of the ordinance.

(2) If the Local Government Commission notifies the governing board that the estimates are not reasonable based on established governmental accounting principles and that a reasonable estimate of the annual debt service payment is less than five percent (5%) of the municipality's annual water and sewer systems revenue for the most recent fiscal year, then the governing body shall within 30 days of the notification adopt an annexation ordinance for the area with an effective date no later than 24 months after the adoption of the ordinance.

(d3) Municipal services shall be provided to an area annexed under subsections (b1) and (j) of this section in accordance with the requirements of Part 7 of this Article.

(e) From and after the effective date of the annexation ordinance, the territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in such municipality and shall be entitled to the same privileges and benefits as other parts of such municipality. Real and personal property in the newly annexed territory on the January 1 immediately preceding the beginning of the fiscal year in which the annexation becomes

effective is subject to municipal taxes as provided in G.S. 160A-58.10. If the effective date of annexation falls between June 1 and June 30, and the effective date of the privilege license tax ordinance of the annexing municipality is June 1, then businesses in the area to be annexed shall be liable for taxes imposed in such ordinance from and after the effective date of annexation.

(f) For purposes of this section, an area shall be deemed "contiguous" if, at the time the petition is submitted, such area either abuts directly on the municipal boundary or is separated from the municipal boundary by the width of a street or street right-of-way, a creek or river, or the right-of-way of a railroad or other public service corporation, lands owned by the municipality or some other political subdivision, or lands owned by the State of North Carolina. A connecting corridor consisting solely of a street or street right-of-way may not be used to establish contiguity. In describing the area to be annexed in the annexation ordinance, the municipal governing board may include within the description any territory described in this subsection which separates the municipal boundary from the area petitioning for annexation.

(g) The governing board may initiate annexation of contiguous property owned by the municipality by adopting a resolution stating its intent to annex the property, in lieu of filing a petition. The resolution shall contain an adequate description of the property, state that the property is contiguous to the municipal boundaries and fix a date for a public hearing on the question of annexation. Notice of the public hearing shall be published as provided in subsection (c) of this section. The governing board may hold the public hearing and adopt the annexation ordinance as provided in subsection (d) of this section.

(h) A city council which receives a petition for annexation under this section may by ordinance require that the petitioners file a signed statement declaring whether or not vested rights with respect to the properties subject to the petition have been established under G.S. 160A-385.1 or G.S. 153A-344.1. If the statement declares that such rights have been established, the city may require petitioners to provide proof of such rights. A statement which declares that no vested rights have been established under G.S. 160A-385.1 or G.S. 153A-344.1 shall be binding on the landowner and any such vested right shall be terminated.

(i) A municipality has no authority to adopt a resolution or petition itself under this Part for annexation of property it does not own or have any legal interest in. For the purpose of this subsection, a municipality has no legal interest in a State-maintained street unless it owns the underlying fee and not just an easement.

(j) Using the procedures under this section, the governing board of any municipality may annex by ordinance any distressed area contiguous to its boundaries upon presentation to the governing board of a petition signed by at least one adult resident of at least two-thirds of the resident households located within such area. For purposes of this subsection, a "distressed area" is defined as an area in which at least fifty-one percent (51%) of the households in the area petitioning to be annexed have incomes that are two hundred percent (200%) or less than the most recently published United States Census Bureau poverty thresholds. The municipality may require reasonable proof that the petitioner in fact resides at the address indicated.

(k) The petition under subsection (j) of this section shall be prepared in substantially the following form:

DATE:

To the _____ (name of governing board) of the (City or Town) of _____

1. We the undersigned residents of real property believe that the area described in paragraph 2 below meets the requirements of G.S. 160A-31(j) and respectfully request that the area described in paragraph 2 below be annexed to the (City or Town) of _____.

2. The area to be annexed is contiguous to the (City or Town) of _____, and the boundaries of such territory are as follows:

(l) For purposes of determining whether the percentage of households in the area petitioning for annexation meets the poverty thresholds under subsections (b1) and (j) of this section, the petitioners shall submit to the municipal governing board any reasonable evidence that demonstrates the area in fact meets the income requirements of that subsection. The evidence presented may include data from the most recent federal decennial census, other official census documents, signed affidavits by at least one adult resident of the household attesting to the household size and income level, or any other documentation verifying the incomes for a majority of the households within the petitioning area. Petitioners may select to submit name, address, and social security number to the clerk, who shall in turn submit the information to the Department of Revenue. Such information shall be kept confidential and is not a public record. The Department shall provide the municipality with a summary report of income for households in the petitioning area. Information for the report shall be gleaned from income tax returns, but the report submitted to the municipality shall not identify individuals or households. (1947, c. 725, s. 8; 1959, c. 713; 1973, c. 426, s. 74; 1975, c. 576, s. 2; 1977, c. 517, s. 4; 1987, c. 562, s. 1; 1989 (Reg. Sess., 1990), c. 996, s. 3; 2011-57, s. 3; 2011-396, s. 10.)



Town of Zebulon
The Town of Friendly People


Certificate of Sufficiency
For Pin # 1795616501, 1795511607 and 1794496945
705 Pony Road, 0 Harmonica Drive and 0 Mack Todd Road

To the Board of Commissioners of the Town of Zebulon, North Carolina:

I, Lisa M. Markland, Clerk to the Zebulon Board of Commissioners, do hereby certify that I have investigated the petition attached hereto, and have found as a fact that said petition is signed by all the owners or their legal representative of real property lying in the area described therein, in accordance with G.S. 160A-31.

In witness whereof, I have here unto set my hand and affixed the seal of the Town of Zebulon, this 10th day of February 2021.




Lisa M. Markland, CMC—Town Clerk

FIRE DEPARTMENT
113 E. Vance Street
Zebulon, NC 27597
(919) 269-6487
Facsimile (919) 269-2618

POLICE DEPARTMENT
1001 N. Arendell Avenue
Zebulon, NC 27597
(919) 269-7455
Facsimile (919) 269-0312

TOWN HALL
1003 N. Arendell Avenue
Zebulon, NC 27597
(919) 269-7455
Facsimile (919) 269-6200

PUBLIC WORKS DEPARTMENT
450 E. Horton Street
Zebulon, NC 27597
(919) 269-5285
Facsimile (919) 269-2617

Ordinance 2022-27

**AN ORDINANCE TO EXTEND THE CORPORATE LIMIT OF THE
TOWN OF ZEBULON, NORTH CAROLINA**

**Project Number: 496893—705 Pony Road, 0 Harmonica Drive and 0 Mack
Todd Road of approximately 163 acres Pin Numbers 1795616501, 1795511607
and 1794496945**

WHEREAS, the Town of Zebulon has been petitioned under G.S. 160A-31 to annex the area as described below; and

WHEREAS, the Town of Zebulon has by resolution directed the Town Clerk to investigate the sufficiency of the petition; and

WHEREAS, the Town Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at 1003 N. Arendell Avenue at 7:00 PM on November 1, 2021 after due notice by publication in the Wake Weekly on October 22, 2021 and October 29, 2021;

WHEREAS, the Town of Zebulon finds that the petition meets the requirements of G.S. 160A-31;

NOW, THEREFORE, BE IT ORDAINED, the Board of Commissioners of the Town of Zebulon, North Carolina that:

Section 1. By virtue of the authority granted by G.S. 160A-31, the attached following described territory (see attachment) to include the adjoining public right of way (see also attached map) is hereby annexed and made part of the Town of Zebulon as of November 1, 2021;

Section 2. Upon and after November 1, 2021 the described territory (see attachment) and its citizens and property shall be subject to all laws, ordinances and regulations in force in the Town of Zebulon and shall be entitled to the same privileges and benefits as other parts of the Town of Zebulon. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor or Mayor Pro Tem of the Town of Zebulon shall cause to be recorded in the office of the Register of Deeds of Wake County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the County Board of Elections, as required by G.S. 163-288.1

Adopted this the 1st day of November 2021.

(SEAL)

Robert S. Matheny—Mayor

ATTEST:


APPROVED AS TO FORM:

Lisa M. Markland, CMC—Town Clerk

Eric A. Vernon—Town Attorney

Return to: Town of Zebulon
Lisa Markland
1003 N. Arendell Avenue
Zebulon, NC 27597
Attention: Town Clerk

STAFF REPORT
ORDINANCE 2022-28
REQUEST FOR ANNEXATION
NOVEMBER 1, 2021

Topic: Ordinance 2022-28 – Jasper Place Annexation Request
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 voluntary annexation petition (Project # 626984) received for approximately 58.81 acres located at 1317 W Gannon Avenue and 0 W Gannon Avenue (Pin # 1795456688 & 1795557304).

Background:

North Carolina General Statutes grant municipalities authority to annex areas contiguous to their boundaries upon presentation of a petition signed by the owners of all the real property located within such area (§160A-31).

The subject properties have a 97-lot single-family detached, conservation subdivision currently in review with the Town (IDT Project # 477123). Annexation is required due to the connecting to water and sewer services. 1317 W Gannon Avenue is zoned Suburban Residential (SR) and 0 W Gannon Avenue is zoned Office and Institutional (OI).

Discussion:

The discussion before the Board is consideration of the subject property's annexation into the Town of Zebulon Corporate Limits.

Policy Analysis:

The Board's adoption of the Future Land Use and Character map on June 7, 2021, designated these parcels as Suburban Residential (SR) for 1317 W Gannon Avenue and Suburban Commercial (SC) for 0 W Gannon Ave. The annexation request is consistent with the Future Land Use and Character map.

The annexation meets the intent of the following Comprehensive Land Use Plan Policies of the Town's Comprehensive Land Use Plan:

- "Utility Connection" (Growth and Management Policy L) Continue to require annexation as a condition of utility service. (Growth Capacity section, pg. 3)
- "Priorities" (Annexation and Growth Management Policy U): The proposed activity will be consistent with the residential goals listed in the Land Use and Development policies, and the Suburban Residential and Suburban Commercial Land Use Classification, (Growth Capacity section, pg. 4; Land Use and Development section, pg. 3 and 14)

STAFF REPORT
ORDINANCE 2022-28
REQUEST FOR ANNEXATION
NOVEMBER 1, 2021

Fiscal Analysis:

The property is within existing service boundaries and within the fire department response time. The property is anticipated to generate approximately \$130,000 in annual property tax revenue.

Staff Recommendation:

Following the public hearing and deliberation by the Board, Staff recommends approval of Ordinance 2022-28 for annexation as it is consistent with Comprehensive Plan policies.

Attachments:

1. Application
2. Recorded Plat
3. Aerial Map
4. ETJ Map
5. Land Use Map
6. Site Pictures
7. Public Hearing Notice
8. 150' Radius of Notified By Mailed Property Owners
9. NCGS 160A-31
10. Certificate of Sufficiency
11. Ordinance 2022-28



Town of Zebulon

Planning Department

1003 N. Arendell Avenue, Zebulon, NC 27597
Phone: (919) 823-1810 Fax: (919) 887-2824
www.townofzebulon.org

ANNEXATION PETITION

GENERAL INFORMATION:

In accordance with Section 2.2.2 of the UDO, upon receipt of a valid petition signed by all of the owners of real property in the area described therein, the Town may annex an area either contiguous or not contiguous to its primary corporate limits when the area meets the standards set out under North Carolina General Statutes 160A-31 and 160A-58.1. The petition need not be signed by the owners of real property that is wholly exempt from property taxation under the Constitution and laws of North Carolina, nor by railroad companies, public utilities as defined in G.S. 62-3(23), or electric or telephone membership corporations.

INSTRUCTIONS:

PRE-APPLICATION MEETING: A pre-application meeting with staff in accordance with Section 2.3.2 of the UDO to verify the application requirements, processes, and procedures regarding a proposed request. To schedule a meeting, applicants must e-mail a pdf map, drawing, model, site or sketch plan to Assistant Planning Director Meade Bradshaw (mbradshaw@TownofZebulon.org) no later than five (5) working days prior to the desired meeting day.

FILE PETITION: Submit hard copy application to the Planning Department with the applicable requirements in accordance with Section 2.2.2 of the UDO.

CERTIFICATION OF SUFFICIENCY: The Town Clerk shall investigate and certify whether the petition is legally sufficient. Only legally sufficient petitions shall be considered by the Town.

REVIEW BY STAFF: The Planning and Public Works Departments review the annexation submission. Comments will be sent to the applicant via email.

LEGAL ADVERTISEMENT: A legal advertisement will be published on the Town of Zebulon's website and in a paper of general circulation once no more than 25 days and one within 10 days of the date of the public hearing.

BOARD OF COMMISSIONERS MEETING/PUBLIC HEARING:

The BOARD OF COMMISSIONERS Meeting is typically held the first Monday of each month. The Board of Commissioners will either adopt or deny an ordinance to extend the corporate limits of the Town of Zebulon.

NOTICE OF DECISION: The formal notice of decision shall be provided to the applicant in accordance with Section 2.3.9 of the UDO.

RECORDATION: If the annexation is approved by the Board of Commissioners, the Town Clerk will have the Annexation Plats recorded at the Wake County Register of Deeds. Wake County will keep one of the recorded plats, one copy will be returned to the Planning Department and the surveying company is given the remaining recorded Annexation Plat.



Application Requirements –

The applicant requesting an annexation must submit a written application to the Zebulon Planning Department using the forms included in this packet

- Completed Application Form
- Petition Fee (Please See Fee Schedule)
- One (1) Legal Description (metes and bounds) of subject property
- Registered survey of subject property
- Certified List of Property Owners within 150 feet of subject property
- Agent Authorization Form
- Stamped envelopes addressed to Certified List of Property Owners all the homeowners

associations of those properties within 150 feet of the outer boundary subject property or properties.


- Affixed with the following return address:

Town of Zebulon
Planning Department
1003 N. Arendell Ave
Zebulon, NC 27597



| PART 1. DESCRIPTION OF REQUEST/PROPERTY | | |
|---|---|--------------------------------|
| Street Address of the Property: 1317 W Gannon Ave | | Total Acreage: 58.81 |
| Parcel Identification Number (NC PIN): Please include all | Deed Book: | Deed Page(s): |
| 1795-45-6688 | 13251 | 716 |
| 1795-55-7304 | Estate File 2000 | 2893 |
| Name of Project (if Applicable) Jasper Place | Current Zoning of the Property: R2 & OI | |
| Existing Use of the Property: Vacant | Proposed Use of the Property: Single Family Subdivision | |
| Reason for Annexation: Requirement for Development with Town. | | |

| PART 2. APPLICANT/AGENT INFORMATION | | |
|---|---|---|
| Name of Applicant/Agent: Andrew Suriano | | |
| Street Address of Applicant/Agent: PO Box 1080 | | |
| City: Wake Forest | State: NC | Zip Code: 27588 |
| Email of Applicant/Agent: andrew@deaconcompanies.com | Telephone Number of Applicant/Agent: 919-608-3542 | Fax Number of Applicant/Agent: |
| Are you the owner of the property? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Are you the owner's agent? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Note: If you are not the owner of the property, you <u>must</u> obtain the Owner's consent and signature giving you permission to submit this application. |

| PART 3. SURVEYOR INFORMATION | | |
|--|--|--|
| Name of Surveyor: Terry Westendorf | | |
| Street Address of Surveyor: 5410 Trinity Road, Suite 102 | | |
| City: Raleigh | State: NC | Zip Code: 27607 |
| Email of Surveyor: terry.westendorf@timmons.com | Telephone Number of Property Owner: 984-255-2353 | Fax Number of Property Owner: 919-859-5663 |
| <i>I hereby state that the facts related in this application and any documents submitted herewith are complete, true, correct, and accurate to the best of my knowledge.</i> | | |
| Signature of Surveyor  | Print Name: Terry Westendorf | Date: 8/27/2021 |



PART 4. PROPERTY OWNER INFORMATION

To the Board of Commissioners of the Town of Zebulon, North Carolina:

- 1. We, the undersigned owners of real property, respectfully request that the area described in Part 4 be annexed to the Town of Zebulon, Wake County, North Carolina.
2. The area to be annexed is [X] contiguous, [] non-contiguous (satellite) to the Town of Zebulon, North Carolina and the boundaries are as contained in the metes and bounds description attached hereto.
3. If contiguous, this annexation will include all intervening rights-of-way for streets, railroads and other areas as stated in G.S. 160A-31(f), unless otherwise stated in the annexation amendment.
4. I/We acknowledge that any zoning vested rights acquired pursuant to G.S. 160A385.1 or G.S. 153A-344.1 must be declared and identified on this petition. I/We further acknowledge that failure to declare such rights on this petition shall result in a termination of vested rights previously acquired for the property. (If zoning vested rights are claimed, indicate below and attach proof.)

All individual owners must sign. (If additional signatures are necessary, please attach an additional sheet.)

I hereby state that the facts related in this application and any documents submitted herewith are complete, true, correct, and accurate to the best of my knowledge.

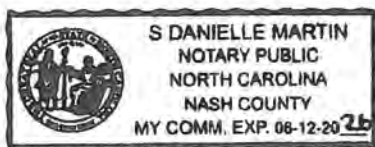
Table with 3 columns: Signature of Owner, Print Name, Date. Row 1: Crystal A. Eakes, Crystal A. Eakes, 8/18/2021. Other rows are blank.

STATE OF NC
COUNTY OF Wake

Sworn and subscribed before me, S. Danielle Martin, a Notary Public for the above State and County, this the 18th day of August, 2021.

S. Danielle Martin
Notary Public

SEAL



6-12-26
My Commission Expires:



COMPLETE IF A CORPORATION:

In witness whereof, said corporation has caused this instrument to be executed by its President and attested by its Secretary by order of its Board of Directors, this the ___ day of ___, 20__.

Corporate Name

SEAL

By: Attest: President (Signature)

Secretary (Signature)

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, _____, a Notary Public for the above State and County, this the ___ day of ___, 20__.

Notary Public

SEAL

My Commission Expires:

COMPLETE IF IN A LIMITED LIABILITY COMPANY

In witness whereof, Wholesale - Eakes, L.P.C. a limited liability company, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this the 18 day of August 2021. Name of Limited Liability Company

By: Mary Ann Eakes

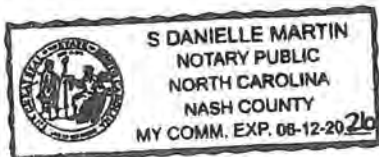
Mary Ann Eakes
Signature of Member/Manager

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, S. Danielle Martin, a Notary Public for the above State and County, this the 18th day of August, 2021.

S. Danielle Martin
Notary Public

SEAL



6-12-26
My Commission Expires:



COMPLETE IF IN A PARTNERSHIP

In witness whereof, _____, a partnership, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this the ____ day of _____, 20____.

Name of Partnership

By: Signature of General Partner

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, _____, a Notary Public for the above State and County, this the ____ day of _____, 20____.

Notary Public

SEAL

My Commission Expires:

CERTIFICATE OF OWNERSHIP AND ANNEXATION:

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY ANNEX THIS PROPERTY INTO THE CORPORATE LIMITS OF THE TOWN OF ZEBULON.

(OWNER / COMPANY / LLC NAME)
 (SIGNATURE) DATE
 (PRINT NAME) TITLE

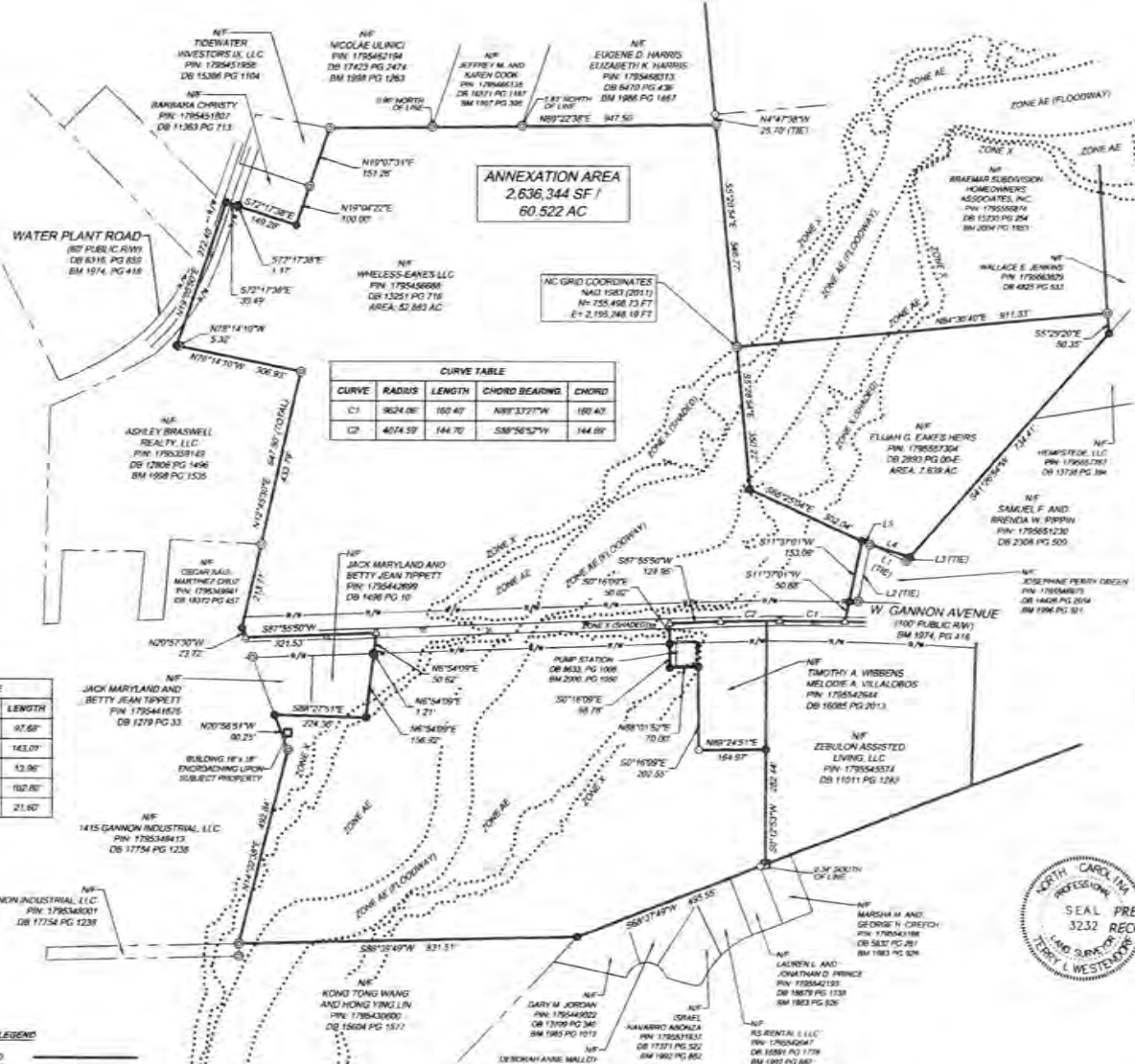
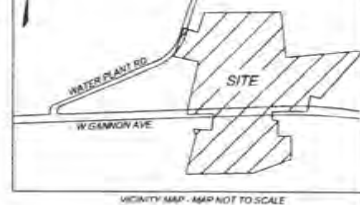
NOTARY CERTIFICATE:

STATE OF NORTH CAROLINA
 COUNTY OF WAKE
 SWORN TO AND SUBSCRIBED BEFORE ME THIS _____ DAY OF _____, 20____
 NOTARY PUBLIC IN AND FOR THE STATE OF NORTH CAROLINA
 MY COMMISSION EXPIRES _____

**Attachment 2 - Jasper
 Place Annexation**

REVIEW OFFICER'S CERTIFICATE:

STATE OF NORTH CAROLINA
 WAKE COUNTY
 REVIEW OFFICER OF WAKE COUNTY
 CERTIFY THAT THE PLAT OR MAP TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING
 REVIEW OFFICER DATE



ANNEXATION AREA
 2,636,344 SF /
 60.522 AC

NC GRID COORDINATES
 NAD 83 (2011)
 N= 255,458.73 FT
 E= 2,355,268.19 FT

| CURVE TABLE | | | | |
|-------------|---------|--------|---------------|--------|
| CURVE | RADIUS | LENGTH | CHORD BEARING | CHORD |
| C1 | 9624.06 | 160.47 | N89°37'27"W | 160.47 |
| C2 | 4074.59 | 144.70 | S88°56'25"W | 144.80 |

| LINE TABLE | | |
|------------|-------------|--------|
| LINE | BEARING | LENGTH |
| L1 | S85°29'04"E | 97.67 |
| L2 | S11°36'37"W | 143.07 |
| L3 | N41°28'54"E | 43.96 |
| L4 | N72°53'51"W | 162.80 |
| L5 | N65°23'04"W | 21.60 |

ANNEXATION AREA DESCRIPTION:
 BEGINNING AT A POINT HAVING NC GRID COORDINATES AND 1983 (2011) OF NORTHING = 255,458.73 FEET, EASTING = 2,355,268.19 FEET; THENCE NORTH 89°37'27" EAST, 160.47 FEET TO AN IRON PIPE FOUND; THENCE SOUTH 87°00' EAST, 90.39 FEET TO AN IRON ROD SET; THENCE SOUTH 41°28'54" WEST, 104.41 FEET TO AN IRON ROD SET; THENCE NORTH 27°35'1" WEST, 102.80 FEET TO AN IRON PIPE FOUND; THENCE NORTH 28°28' WEST, 21.60 FEET TO AN IRON ROD SET; THENCE SOUTH 11°37'01" WEST, 153.06 FEET TO AN IRON ROD SET; THENCE SOUTH 11°37'01" WEST, 20.26 FEET TO A POINT; THENCE WITH A CURVE TO THE RIGHT HAVING A RADIUS OF 9,624.06 FEET, SAID CURVE BEARING A CHORD BEARING AND DISTANCE OF NORTH 89°37'27" WEST, 160.47 FEET TO A POINT; THENCE WITH A CURVE TO THE RIGHT HAVING A RADIUS OF 4,074.59 FEET, SAID CURVE BEARING A CHORD BEARING AND DISTANCE OF SOUTH 88°56'25" WEST, 144.80 FEET TO A POINT; THENCE SOUTH 87°30'00" EAST, 124.95 FEET TO A POINT; THENCE SOUTH 9°18'59" EAST, 50.00 FEET TO AN IRON ROD SET; THENCE SOUTH 0°18'59" EAST, 50.00 FEET TO AN IRON ROD SET; THENCE NORTH 87°31'52" EAST, 70.00 FEET TO AN IRON ROD SET; THENCE SOUTH 0°18'59" EAST, 202.30 FEET TO AN IRON ROD FOUND; THENCE NORTH 89°29'51" EAST, 146.89 FEET TO AN IRON ROD SET; THENCE SOUTH 87°31'52" WEST, 262.84 FEET TO AN IRON ROD SET; THENCE SOUTH 87°31'52" WEST, 811.11 FEET TO AN IRON PIPE FOUND; THENCE NORTH 87°31'52" WEST, 402.84 FEET TO AN IRON PIPE FOUND; THENCE NORTH 20°09'1" WEST, 90.20 FEET TO AN IRON ROD SET; THENCE SOUTH 88°57'51" EAST, 224.36 FEET TO AN IRON ROD SET; THENCE NORTH 6°54'00" EAST, 158.16 FEET TO AN IRON PIPE FOUND; THENCE NORTH 6°54'00" EAST, 1.31 FEET TO AN IRON ROD SET; THENCE NORTH 6°54'00" EAST, 16.50 FEET TO A POINT; THENCE SOUTH 87°55'00" WEST, 371.50 FEET TO A POINT; THENCE NORTH 87°55'00" WEST, 233.22 FEET TO AN IRON ROD SET; THENCE NORTH 12°42'00" EAST, 213.71 FEET TO AN IRON PIPE FOUND; THENCE NORTH 12°42'00" EAST, 423.20 FEET TO AN IRON PIPE FOUND; THENCE NORTH 74°14'00" WEST, 360.20 FEET TO AN IRON PIPE FOUND; THENCE NORTH 74°14'00" WEST, 5.32 FEET TO AN IRON ROD SET; THENCE NORTH 10°00'00" EAST, 370.41 FEET TO AN IRON ROD SET; THENCE SOUTH 72°17'00" EAST, 30.89 FEET TO AN IRON PIPE FOUND; THENCE SOUTH 72°17'00" EAST, 1.11 FEET TO AN IRON ROD SET; THENCE SOUTH 72°17'00" EAST, 148.28 FEET TO AN IRON ROD SET; THENCE NORTH 10°00'00" EAST, 100.00 FEET TO AN IRON PIPE FOUND; THENCE NORTH 10°00'00" EAST, 151.16 FEET TO AN IRON PIPE FOUND; THENCE NORTH 88°22'00" EAST, 347.30 FEET TO AN IRON PIPE FOUND; THENCE SOUTH 52°00" EAST, 548.77 FEET TO THE POINT OF BEGINNING.
 CONTAINING 2,636,344 SQUARE FEET (60.522 ACRES) MORE OR LESS.

- SURVEY NOTES:**
1. PREPARED FOR LENNAR CAROLINAS, LLC
 2. THE PROPERTY IS LOCATED IN AN AREA DESIGNATED AS ZONE X, ZONE X (SHADED), ZONE AE, AND ZONE AE (FLOODWAY) PER 1605 (2008) AND 3700 (1990), PANEL 1295, EFFECTIVE DATE MAY 02, 2008
 3. HORIZONTAL CONTROL IS BASED ON NC STATE GRID, NAD83 (2011) AS DETERMINED BY GPS
 4. NOT ALL IMPROVEMENTS LOCATED ON THE PROPERTY HAVE BEEN SHOWN
 5. AREA COMPUTATION IS BY THE COORDINATE METHOD
 6. THIS SURVEY WAS COMPLETED WITHOUT BENEFIT OF A TITLE SEARCH
 7. RIGHT-OF-WAY AND PROPERTY BOUNDARY INFORMATION IS BASED ON REFERENCES AS SHOWN HEREON

SURVEYOR CERTIFICATION
 I, TERRY L. WESTENDORF, PLS, HEREBY CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION AS DESCRIBED IN RECORD AND MAPS OF RECORD OR OTHER REFERENCE SOURCES, THAT THE ERROR OF CLOSURE AS CALCULATED BY LATITUDES AND DEPARTURES IS GREATER THAN 1 / 10,000, THAT THE DIMENSIONS NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION OF RECORD, THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 41-30 AS AMENDED.
 THAT THIS SURVEY IS OF ANOTHER CATEGORY, SUCH AS A RECOGNITION OF EXISTING PARCELS, A COURT ORDERED SURVEY, OR OTHER EXCEPTION TO THE DEFINITION OF SURVEYING.
 TERRY L. WESTENDORF, NCPS No. 1-2327 DATE 08/18/2021



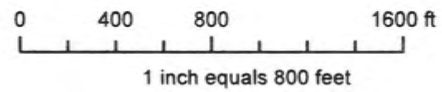
**ANNEXATION MAP FOR
 LENNAR CAROLINAS, LLC
 W. GANNON AVENUE
 ZEBULON, NORTH CAROLINA**

| REVISIONS: | | LITTLE RIVER TOWNSHIP | WAKE COUNTY |
|-----------------|------------------|-----------------------|-------------|
| DATE: | AUGUST 19, 2021 | SCALE: | 1" = 200' |
| SHEET: | 1 OF 1 | J.N.: | 454.74 |
| DRAWN BY: | MM | CHECK BY: | TLW |
| FIELD EDIT BY: | | | |
| MAP CHECKED BY: | MM ON 08/18/2021 | | |

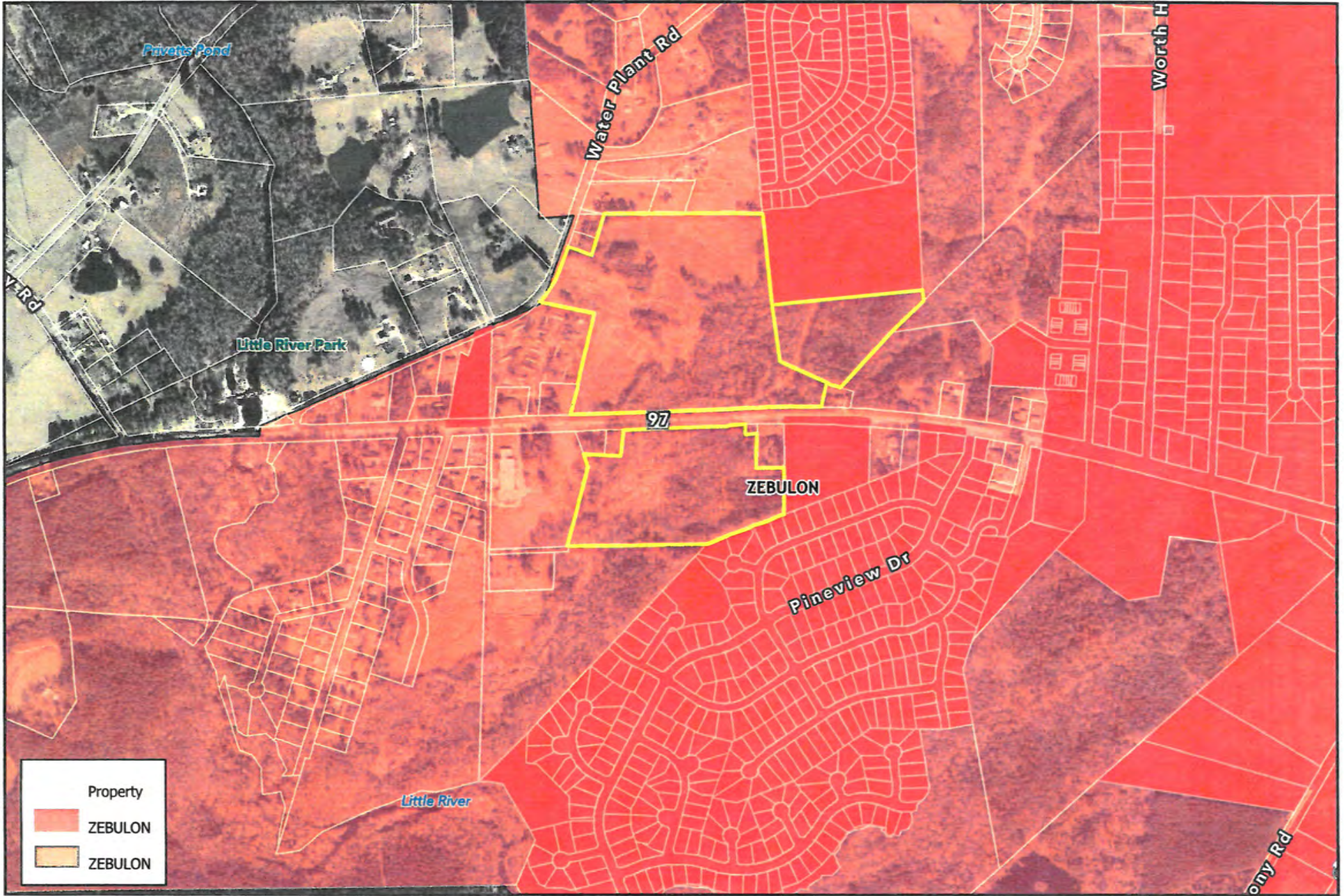
TIMMONS GROUP
 Site Development Residential Infrastructure Technology
 11111 PARKWAY, SUITE 1000, RALEIGH, NC 27615
 TEL: 919.487.1000 FAX: 919.487.1001
 WWW.TIMMONSGROUP.COM



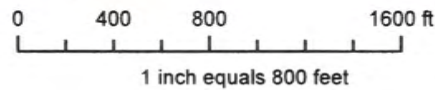
Attachment 3 Aerial Map - Jasper Place Annexation



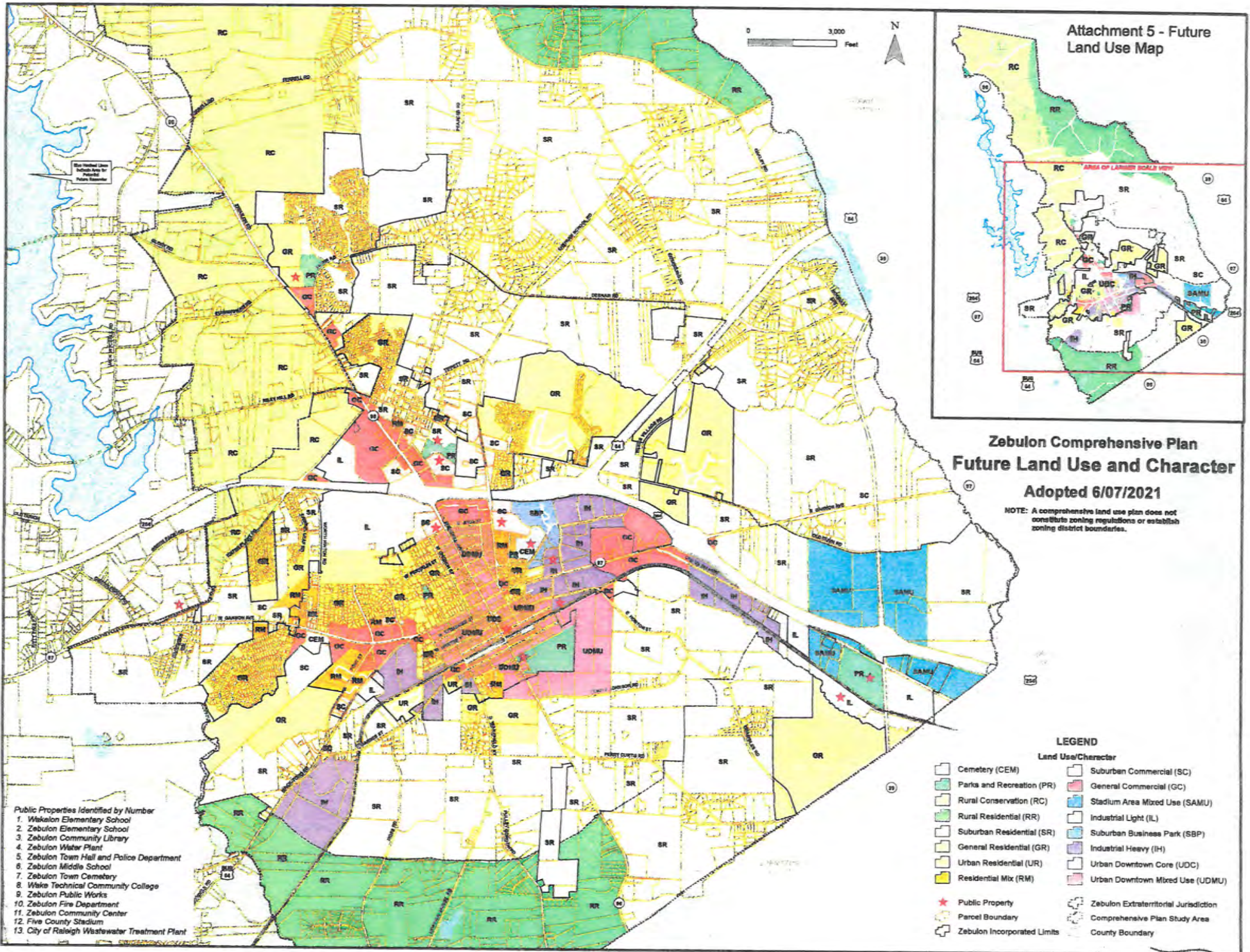
Disclaimer
 iMaps makes every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes, and are NOT surveys. No warranties, expressed or implied, are provided for the data therein, its use, or its interpretation.



Attachment 4 - ETJ Map - Jasper Place Annexation



Disclaimer
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Attachment 6 - Jasper Place



Attachment 6 - Jasper Place

2 Notice of Public Hearing
PH
www.townofjasper.com
919-823-1810
Tobacco Planning Department



Attachment 6 - Jasper Place



Attachment 6 - Jasper Place



Attachment 6 - Jasper Place



Attachment 6 - Jasper Place



Attachment 7 – Jasper Place Annexation

Notice of Public Hearing

Notice is hereby given pursuant to the provisions of Article 2.2.2 of the Town of Zebulon Unified Development Ordinance that a public hearing will be held on **November 1, 2021 at 7:00 PM** at the **Zebulon Municipal Complex, 1003 N. Arendell Avenue**, and will be conducted by the Board of Commissioners of the Town of Zebulon for the purpose of considering the following items:

IDT Project Number: 626984; Jasper Place. A request by Andrew Suriano, on the request of Wheless Eakes LLC and Elijah G Eakes Heirs, representing the property owners at 1317 West Gannon Avenue (PIN # 1795456688) and 0 West Gannon Avenue (PIN # 1795557304), requesting annexation into the Town of Zebulon's Corporate Limits.

Due to potential social distancing and occupancy limits related to the State's COVID-19 Order, in-person public comments will be accepted; however, the Town of Zebulon encourages that all public comments be submitted to Deputy Town Clerk Stacie Paratore at SParatore@TownofZebulon.org no later than 12:00 Noon on the day of the hearing to be read into the record. The meeting will be streamed live and links will be provided along with the full application packet and documentation on the Planning Department web page at www.TownofZebulon.org/services/planning. For questions or additional information, please contact us at (919) 823-1809.

Attachment 8 - Jasper Place Annexation



§ 160A-31. Annexation by petition.

(a) The governing board of any municipality may annex by ordinance any area contiguous to its boundaries upon presentation to the governing board of a petition signed by the owners of all the real property located within such area. The petition shall be signed by each owner of real property in the area and shall contain the address of each such owner.

(b) The petition shall be prepared in substantially the following form:

DATE:

To the _____ (name of governing board) of the (City or Town) of _____

1. We the undersigned owners of real property respectfully request that the area described in paragraph 2 below be annexed to the (City or Town) of _____
2. The area to be annexed is contiguous to the (City or Town) of _____ and the boundaries of such territory are as follows:

(b1) Notwithstanding the provisions of subsections (a) and (b) of this section, if fifty-one percent (51%) of the households in an area petitioning for annexation pursuant to this section have incomes that are two hundred percent (200%) or less than the most recently published United States Census Bureau poverty thresholds, the governing board of any municipality shall annex by ordinance any area the population of which is no more than ten percent (10%) of that of the municipality and one-eighth of the aggregate external boundaries of which are contiguous to its boundaries, upon presentation to the governing board of a petition signed by the owners of at least seventy-five percent (75%) of the parcels of real property in that area. A municipality shall not be required to adopt more than one ordinance under this subsection within a 36-month period.

(b2) The petition under subsection (b1) of this section shall be prepared in substantially the following form:

DATE:

To the _____ (name of governing board) of the (City or Town) of _____

1. We the undersigned owners of real property believe that the area described in paragraph 2 below meets the requirements of G.S. 160A-31(b1) and respectfully request that the area described in paragraph 2 below be annexed to the (City or Town) of _____.
2. The area to be annexed is contiguous to the (City or Town) of _____, and the boundaries of such territory are as follows:

(c) Upon receipt of the petition, the municipal governing board shall cause the clerk of the municipality to investigate the sufficiency thereof and to certify the result of the investigation. For petitions received under subsection (b1) or (j) of this section, the clerk shall receive the evidence provided under subsection (l) of this section before certifying the sufficiency of the petition. Upon receipt of the certification, the municipal governing board shall fix a date for a public hearing on the question of annexation, and shall cause notice of the public hearing to be published once in a newspaper having general circulation in the municipality at least 10 days prior to the date of the public hearing; provided, if there be no such paper, the governing board shall have notices posted in three or more public places within the area to be annexed and three or more public places within the municipality.

(d) At the public hearing persons resident or owning property in the area described in the petition and persons resident or owning property in the municipality shall be given an opportunity to be heard. The governing board shall then determine whether the petition meets the requirements of this section. Upon a finding that the petition that was not submitted under subsection (b1) or (j) of this section meets the requirements of this section, the governing board shall have authority to pass an ordinance annexing the territory described in the petition. The governing board shall have authority to make the annexing ordinance effective immediately or

on the June 30 after the date of the passage of the ordinance or the June 30 of the following year after the date of passage of the ordinance.

(d1) Upon a finding that a petition submitted under subsection (j) of this section meets the requirements of this section, the governing body shall have the authority to adopt an annexation ordinance for the area with an effective date no later than 24 months after the adoption of the ordinance.

(d2) Upon a finding that a petition submitted under subsection (b1) of this section meets the requirements of this section, the governing body shall, within 60 days of the finding, estimate the capital cost to the municipality of extending water and sewer lines to all parcels within the area covered by the petition and estimate the annual debt service payment that would be required if those costs were financed by a 20-year revenue bond. If the estimated annual debt service payment is less than five percent (5%) of the municipality's annual water and sewer systems revenue for the most recent fiscal year, then the governing body shall within 30 days adopt an annexation ordinance for the area with an effective date no later than 24 months after the adoption of the ordinance. If the estimated annual debt service payment is greater than or equal to five percent (5%) of the municipality's annual water and sewer systems revenue for the most recent fiscal year, then the governing body may adopt a resolution declining to annex the area. If such a resolution is adopted, the governing body shall immediately submit a request to the Local Government Commission to certify that its estimate of the annual debt service payment is reasonable based on established governmental accounting principles.

(1) If the Local Government Commission certifies the estimate, the municipality is not required to annex the area and no petition to annex the area may be submitted under subsection (b1) of this section for 36 months following the certification. During the 36-month period, the municipality shall make ongoing, annual good faith efforts to secure Community Development Block Grants or other grant funding for extending water and sewer service to all parcels in the areas covered by the petition. If sufficient funding is secured so that the estimated capital cost to the municipality for extending water and sewer service, less the funds secured, would result in an annual debt service payment cost to the municipality of less than five percent (5%) of the municipality's annual water and sewer systems revenue for the most recent fiscal year, then the governing body shall within 30 days adopt an annexation ordinance for the area with an effective date no later than 24 months after the adoption of the ordinance.

(2) If the Local Government Commission notifies the governing board that the estimates are not reasonable based on established governmental accounting principles and that a reasonable estimate of the annual debt service payment is less than five percent (5%) of the municipality's annual water and sewer systems revenue for the most recent fiscal year, then the governing body shall within 30 days of the notification adopt an annexation ordinance for the area with an effective date no later than 24 months after the adoption of the ordinance.

(d3) Municipal services shall be provided to an area annexed under subsections (b1) and (j) of this section in accordance with the requirements of Part 7 of this Article.

(e) From and after the effective date of the annexation ordinance, the territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in such municipality and shall be entitled to the same privileges and benefits as other parts of such municipality. Real and personal property in the newly annexed territory on the January 1 immediately preceding the beginning of the fiscal year in which the annexation becomes

effective is subject to municipal taxes as provided in G.S. 160A-58.10. If the effective date of annexation falls between June 1 and June 30, and the effective date of the privilege license tax ordinance of the annexing municipality is June 1, then businesses in the area to be annexed shall be liable for taxes imposed in such ordinance from and after the effective date of annexation.

(f) For purposes of this section, an area shall be deemed "contiguous" if, at the time the petition is submitted, such area either abuts directly on the municipal boundary or is separated from the municipal boundary by the width of a street or street right-of-way, a creek or river, or the right-of-way of a railroad or other public service corporation, lands owned by the municipality or some other political subdivision, or lands owned by the State of North Carolina. A connecting corridor consisting solely of a street or street right-of-way may not be used to establish contiguity. In describing the area to be annexed in the annexation ordinance, the municipal governing board may include within the description any territory described in this subsection which separates the municipal boundary from the area petitioning for annexation.

(g) The governing board may initiate annexation of contiguous property owned by the municipality by adopting a resolution stating its intent to annex the property, in lieu of filing a petition. The resolution shall contain an adequate description of the property, state that the property is contiguous to the municipal boundaries and fix a date for a public hearing on the question of annexation. Notice of the public hearing shall be published as provided in subsection (c) of this section. The governing board may hold the public hearing and adopt the annexation ordinance as provided in subsection (d) of this section.

(h) A city council which receives a petition for annexation under this section may by ordinance require that the petitioners file a signed statement declaring whether or not vested rights with respect to the properties subject to the petition have been established under G.S. 160A-385.1 or G.S. 153A-344.1. If the statement declares that such rights have been established, the city may require petitioners to provide proof of such rights. A statement which declares that no vested rights have been established under G.S. 160A-385.1 or G.S. 153A-344.1 shall be binding on the landowner and any such vested right shall be terminated.

(i) A municipality has no authority to adopt a resolution or petition itself under this Part for annexation of property it does not own or have any legal interest in. For the purpose of this subsection, a municipality has no legal interest in a State-maintained street unless it owns the underlying fee and not just an easement.

(j) Using the procedures under this section, the governing board of any municipality may annex by ordinance any distressed area contiguous to its boundaries upon presentation to the governing board of a petition signed by at least one adult resident of at least two-thirds of the resident households located within such area. For purposes of this subsection, a "distressed area" is defined as an area in which at least fifty-one percent (51%) of the households in the area petitioning to be annexed have incomes that are two hundred percent (200%) or less than the most recently published United States Census Bureau poverty thresholds. The municipality may require reasonable proof that the petitioner in fact resides at the address indicated.

(k) The petition under subsection (j) of this section shall be prepared in substantially the following form:

DATE:

To the _____ (name of governing board) of the (City or Town) of _____
1. We the undersigned residents of real property believe that the area described in paragraph 2 below meets the requirements of G.S. 160A-31(j) and respectfully request that the area described in paragraph 2 below be annexed to the (City or Town) of _____.

2. The area to be annexed is contiguous to the (City or Town) of _____, and the boundaries of such territory are as follows:

(l) For purposes of determining whether the percentage of households in the area petitioning for annexation meets the poverty thresholds under subsections (b1) and (j) of this section, the petitioners shall submit to the municipal governing board any reasonable evidence that demonstrates the area in fact meets the income requirements of that subsection. The evidence presented may include data from the most recent federal decennial census, other official census documents, signed affidavits by at least one adult resident of the household attesting to the household size and income level, or any other documentation verifying the incomes for a majority of the households within the petitioning area. Petitioners may select to submit name, address, and social security number to the clerk, who shall in turn submit the information to the Department of Revenue. Such information shall be kept confidential and is not a public record. The Department shall provide the municipality with a summary report of income for households in the petitioning area. Information for the report shall be gleaned from income tax returns, but the report submitted to the municipality shall not identify individuals or households. (1947, c. 725, s. 8; 1959, c. 713; 1973, c. 426, s. 74; 1975, c. 576, s. 2; 1977, c. 517, s. 4; 1987, c. 562, s. 1; 1989 (Reg. Sess., 1990), c. 996, s. 3; 2011-57, s. 3; 2011-396, s. 10.)



Town of Zebulon
The Town of Friendly People

Certificate of Sufficiency
For Pin # 1795456688 and 1795557304
1317 and 0 W Gannon Avenue

To the Board of Commissioners of the Town of Zebulon, North Carolina:

I, Lisa M. Markland, Clerk to the Zebulon Board of Commissioners, do hereby certify that I have investigated the petition attached hereto, and have found as a fact that said petition is signed by all the owners or their legal representative of real property lying in the area described therein, in accordance with G.S. 160A-31.

In witness whereof, I have here unto set my hand and affixed the seal of the Town of Zebulon, this 6th day of October 2021.





Lisa M. Markland, CMC—Town Clerk

FIRE DEPARTMENT
113 E. Vance Street
Zebulon, NC 27597
(919) 269-6487
Facsimile (919) 269-2618

POLICE DEPARTMENT
1001 N. Arendell Avenue
Zebulon, NC 27597
(919) 269-7455
Facsimile (919) 269-0312

TOWN HALL
1003 N. Arendell Avenue
Zebulon, NC 27597
(919) 269-7455
Facsimile (919) 269-6200

PUBLIC WORKS DEPARTMENT
450 E. Horton Street
Zebulon, NC 27597
(919) 269-5285
Facsimile (919) 269-2617

Ordinance 2022-28

**AN ORDINANCE TO EXTEND THE CORPORATE LIMIT OF THE
TOWN OF ZEBULON, NORTH CAROLINA**

**Project Number: 626984 — 1317 West Gannon and 0 West Gannon Avenue of
approximately 58.81 acres Pin Numbers 1795456688 & 1795557304**

WHEREAS, the Town of Zebulon has been petitioned under G.S. 160A-31 to annex the area as described below; and

WHEREAS, the Town of Zebulon has by resolution directed the Town Clerk to investigate the sufficiency of the petition; and

WHEREAS, the Town Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at 1003 N. Arendell Avenue at 7:00 PM on November 1, 2021 after due notice by publication in the Wake Weekly on October 22, 2021 and October 29, 2021;

WHEREAS, the Town of Zebulon finds that the petition meets the requirements of G.S. 160A-31;

NOW, THEREFORE, BE IT ORDAINED, the Board of Commissioners of the Town of Zebulon, North Carolina that:

Section 1. By virtue of the authority granted by G.S. 160A-31, the attached following described territory (see attachment) to include the adjoining public right of way (see also attached map) is hereby annexed and made part of the Town of Zebulon as of November 1, 2021;

Section 2. Upon and after November 1, 2021 the described territory (see attachment) and its citizens and property shall be subject to all laws, ordinances and regulations in force

in the Town of Zebulon and shall be entitled to the same privileges and benefits as other parts of the Town of Zebulon. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor or Mayor Pro Tem of the Town of Zebulon shall cause to be recorded in the office of the Register of Deeds of Wake County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the County Board of Elections, as required by G.S. 163-288.1

Adopted this the 1st day of November 2021.

(SEAL)

Robert S. Matheny—Mayor

ATTEST:


APPROVED AS TO FORM:

Lisa M. Markland, CMC—Town Clerk

Eric A. Vernon—Town Attorney

Return to: Town of Zebulon
Lisa Markland
1003 N. Arendell Avenue
Zebulon, NC 27597
Attention: Town Clerk

STAFF REPORT
ORDINANCE 2022-29
REQUEST FOR ANNEXATION
NOVEMBER 1, 2021

Topic: Ordinance 2022-29 - SPC Mechanical Annexation Request
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 voluntary annexation petition received for approximately 4.76 acres located at 700 East Gannon Avenue (Pin# 2705767803). This is a legislative case.

Background:

North Carolina General Statute § 160A-31 states that the governing board of any municipality may annex by ordinance any area contiguous to its boundaries upon presentation to the governing board of a petition signed by the owners of all the real property located within such area. The Town has proactively certified the annexation request for sufficiency prior to Public Hearing. (See Attachment 2) This project is currently under construction, CBPR-046214-2020, requesting connection to municipal utilities and other Town services. The project was submitted in December 2019 prior to the adoption of the Unified Development Ordinance.

Discussion:

The discussion before the Board is whether or not to annex the subject property into the Town of Zebulon Corporate Limits.

Policy Analysis:

The Future Land Use and Character, adopted June 7, 2021 designates this parcel as General Commercial (GC). This request is consistent with the following Comprehensive Land Use Plan Policies:

- "Utility Connection" (Growth and Management Polity L) Continue to require annexation as a condition of utility service. (Growth Capacity section, pg. 3)
- "Priorities" (Annexation and Growth Management Policy U): The proposed activity will be consistent with the Industrial Goals listed in the Land Use and Development policies, and the Industrial Light Future Land Use Classification, (Growth Capacity section, pg. 4; Land Use and Development section, pg 4 and 20)

This project was submitted in 2019 under the previous Comprehensive Plan and Code of Ordinances, prior to the adoption of both the current Comprehensive/Transportation Plan and Unified Development Ordinance.

STAFF REPORT
ORDINANCE 2022-29
REQUEST FOR ANNEXATION
NOVEMBER 1, 2021

Fiscal Analysis:

The property is within existing service boundaries and is within the fire department response time. The property is required to be annexed due to the connecting to public utilities. The property is anticipated to generate approximately \$7,000 in annual property tax revenue.

Staff Recommendation:

Following the public hearing and deliberation by the Board, Staff recommends approval of Ordinance 2022-29 for annexation as it is consistent with Comprehensive Plan policies.

Attachments:

1. Application
2. Recorded Plat
3. Aerial Map
4. ETJ Map
5. Land Use Map
6. Site Pictures
7. Public Hearing Notice
8. 150' Radius of Notified By Mailed Property Owners
9. NCGS 160A-31
10. Certificate of Sufficiency
11. Ordinance 2022-29



Town of Zebulon

Planning Department

1003 N. Arendell Avenue, Zebulon, NC 27597
Phone: (919) 823-1810 Fax: (919) 887-2824
www.townofzebulon.org

ANNEXATION PETITION

GENERAL INFORMATION:

In accordance with Section 2.2.2 of the UDO, upon receipt of a valid petition signed by all of the owners of real property in the area described therein, the Town may annex an area either contiguous or not contiguous to its primary corporate limits when the area meets the standards set out under North Carolina General Statutes 160A-31 and 160A-58.1. The petition need not be signed by the owners of real property that is wholly exempt from property taxation under the Constitution and laws of North Carolina, nor by railroad companies, public utilities as defined in G.S. 62-3(23), or electric or telephone membership corporations.

INSTRUCTIONS:

PRE-APPLICATION MEETING: A pre-application meeting with staff in accordance with Section 2.3.2 of the UDO to verify the application requirements, processes, and procedures regarding a proposed request. To schedule a meeting, applicants must e-mail a pdf map, drawing, model, site or sketch plan to Assistant Planning Director Meade Bradshaw (mbradshaw@TownofZebulon.org) no later than five (5) working days prior to the desired meeting day.

FILE PETITION: Submit hard copy application to the Planning Department with the applicable requirements in accordance with Section 2.2.2 of the UDO.

CERTIFICATION OF SUFFICIENCY: The Town Clerk shall investigate and certify whether the petition is legally sufficient. Only legally sufficient petitions shall be considered by the Town.

REVIEW BY STAFF: The Planning and Public Works Departments review the annexation submission. Comments will be sent to the applicant via email.

LEGAL ADVERTISEMENT: A legal advertisement will be published on the Town of Zebulon's website and in a paper of general circulation once no more than 25 days and one within 10 days of the date of the public hearing.

BOARD OF COMMISSIONERS MEETING/PUBLIC HEARING:

The BOARD OF COMMISSIONERS Meeting is typically held the first Monday of each month. The Board of Commissioners will either adopt or deny an ordinance to extend the corporate limits of the Town of Zebulon.

NOTICE OF DECISION: The formal notice of decision shall be provided to the applicant in accordance with Section 2.3.9 of the UDO.

RECORDATION: If the annexation is approved by the Board of Commissioners, the Town Clerk will have the Annexation Plats recorded at the Wake County Register of Deeds. Wake County will keep one of the recorded plats, one copy will be returned to the Planning Department and the surveying company is given the remaining recorded Annexation Plat.



Application Requirements –

The applicant requesting an annexation must submit a written application to the Zebulon Planning Department using the forms included in this packet

- Completed Application Form
- Petition Fee (Please See Fee Schedule)
- One (1) Legal Description (metes and bounds) of subject property
- Registered survey of subject property
- Certified List of Property Owners within 150 feet of subject property
- Agent Authorization Form
- Stamped envelopes addressed to Certified List of Property Owners all the homeowners

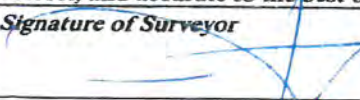
associations of those properties within 150 feet of the outer boundary subject property or properties.

- Affixed with the following return address:
Town of Zebulon
Planning Department
1003 N. Arendell Ave
Zebulon, NC 27597

APPLICATION FOR
ANNEXATION

| PART 1. DESCRIPTION OF REQUEST/PROPERTY | | |
|--|---|-------------------------------------|
| Street Address of the Property: 700 East Gannon Ave | | Total Acreage: 4.76 Acres |
| Parcel Identification Number (NC PIN): Please include all 2705-76-7803 | Deed Book: 017104 | Deed Page(s): 01278 |
| Name of Project (if Applicable) SPC Mechanical - Zebulon | Current Zoning of the Property: HC - Heavy Commercial | |
| Existing Use of the Property Vacant | Proposed Use of the Property: HVAC Service Center | |
| Reason for Annexation Request to be annexed to have access to Town of Zebulon services and City of Raleigh utility services. | | |

| PART 2. APPLICANT/AGENT INFORMATION | | |
|---|---|---|
| Name of Applicant/Agent: F.D.A., LLC, Manager Chris Williford | | |
| Street Address of Applicant/Agent: 1908 Baldree Road | | |
| City: Wilson | State: NC | Zip Code: 27896 |
| Email of Applicant/Agent: chris.williford@spcmechanical.com | Telephone Number of Applicant/Agent: 252-205-4099 | Fax Number of Applicant/Agent: NA |
| Are you the owner of the property? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Are you the owner's agent? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Note: If you are not the owner of the property, you <u>must</u> obtain the Owner's consent and signature giving you permission to submit this application. |

| PART 3. SURVEYOR INFORMATION | | |
|--|--|--|
| Name of Surveyor: Newcomb Land Surveyors, PLLC | | |
| Street Address of Surveyor: 7008 Harps Mill Road, Suite 105 | | |
| City: Raleigh | State: NC | Zip Code: 27615 |
| Email of Surveyor: justin@nls-nc.com | Telephone Number of Property Owner: 919-847-1800 | Fax Number of Property Owner: NA |
| I hereby state that the facts related in this application and any documents submitted herewith are complete, true, correct, and accurate to the best of my knowledge. | | |
| Signature of Surveyor  | Print Name: JUSTIN LUTJEL | Date: 7/29/21 |



PART 4. PROPERTY OWNER INFORMATION

To the Board of Commissioners of the Town of Zebulon, North Carolina:

1. We, the undersigned owners of real property, respectfully request that the area described in Part 4 be annexed to the Town of Zebulon, Wake County, North Carolina.
2. The area to be annexed is contiguous, non-contiguous (satellite) to the Town of Zebulon, North Carolina and the boundaries are as contained in the metes and bounds description attached hereto.
3. If contiguous, this annexation will include all intervening rights-of-way for streets, railroads and other areas as stated in G.S. 160A-31(f), unless otherwise stated in the annexation amendment.
4. I/We acknowledge that any zoning vested rights acquired pursuant to G.S. 160A385.1 or G.S. 153A-344.1 must be declared and identified on this petition. I/We further acknowledge that failure to declare such rights on this petition shall result in a termination of vested rights previously acquired for the property. (If zoning vested rights are claimed, indicate below and attach proof.)

| | | |
|--|--|-------------------------|
| All individual owners must sign. (If additional signatures are necessary, please attach an additional sheet.) | | |
| <i>I hereby state that the facts related in this application and any documents submitted herewith are complete, true, correct, and accurate to the best of my knowledge.</i> | | |
| <i>Signature of Owner:</i> | <i>Print Name:</i> S. CHRISTOPHER WILLIFORD | <i>Date:</i> 7-19-21 |
| <i>Signature of Owner:</i> | <i>Print Name:</i> | <i>Date:</i> |
| <i>Signature of Owner:</i> | <i>Print Name:</i> | <i>Date:</i> |
| <i>Signature of Owner:</i> | <i>Print Name:</i> | <i>Date:</i> |
| <i>Signature of Owner:</i> | <i>Print Name:</i> | <i>Date:</i> |
| <i>Signature of Owner:</i> | <i>Print Name:</i> | <i>Date:</i> |
| <i>Signature of Owner:</i> | <i>Print Name:</i> | <i>Date:</i> |

STATE OF NC
COUNTY OF Wilson

Sworn and subscribed before me, S. Christopher Williford, a Notary Public for the above State and County, this the 19th day of July, 2021.

Notary Public



7-13-2026
My Commission Expires:



APPLICATION FOR ANNEXATION

COMPLETE IF A CORPORATION:

In witness whereof, said corporation has caused this instrument to be executed by its President and attested by its Secretary by order of its Board of Directors, this the ___ day of ___, 20__.

Corporate Name

SEAL

By: Attest: President (Signature)

Secretary (Signature)

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, _____, a Notary Public for the above State and County, this the ___ day of ___, 20__.

Notary Public

SEAL

My Commission Expires:

COMPLETE IF IN A LIMITED LIABILITY COMPANY

In witness whereof, F.D.A., LLC a limited liability company, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this the 19th day of July, 2021. Name of Limited Liability Company

By: S. Christopher Williford

[Signature]
Signature of Member/Manager

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, S. Christopher Williford, a Notary Public for the above State and County, this the 19th day of July, 2021.

[Signature]
Notary Public

SEAL

7-13-2026
My Commission Expires:





COMPLETE IF IN A PARTNERSHIP

In witness whereof, _____, a partnership, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this the ____ day of _____, 20 ____.

Name of Partnership

By: Signature of General Partner

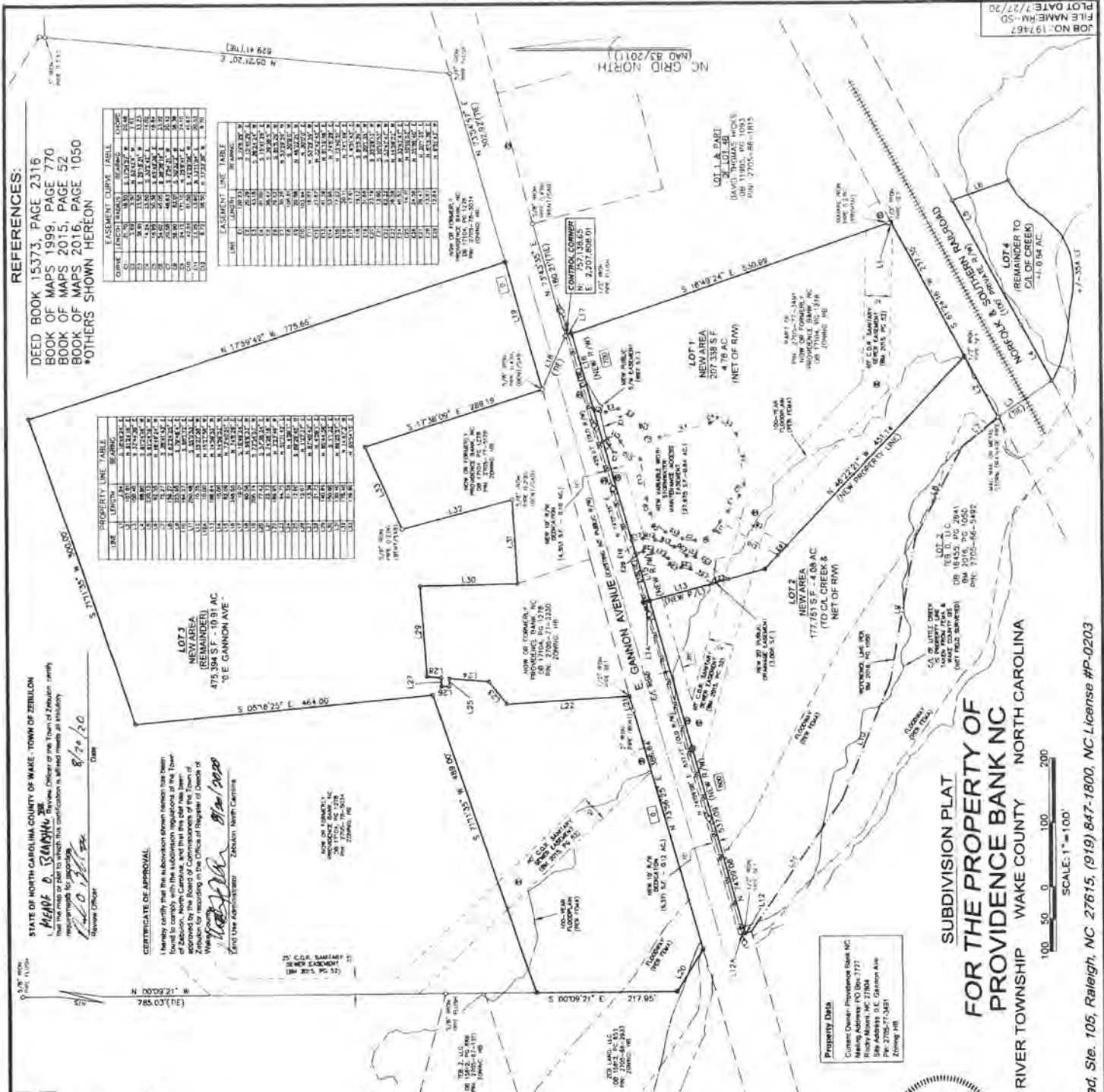
STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, _____, a Notary Public for the above State and County, this the ____ day of _____, 20 ____.

Notary Public

SEAL

My Commission Expires:



REFERENCES:
 DEED BOOK 15373, PAGE 2316
 BOOK OF MAPS 1999, PAGE 770
 BOOK OF MAPS 2015, PAGE 52
 BOOK OF MAPS 2016, PAGE 1050
 *OTHERS SHOWN HEREON

EASEMENT CURVE TABLE

| CURVE | LENGTH | BEARING | CHORD | ARC |
|-------|--------|---------------|--------|--------|
| 1 | 1.0000 | N 89° 41' 12" | 1.0000 | 1.0000 |
| 2 | 1.0000 | S 89° 41' 12" | 1.0000 | 1.0000 |
| 3 | 1.0000 | E 89° 41' 12" | 1.0000 | 1.0000 |
| 4 | 1.0000 | W 89° 41' 12" | 1.0000 | 1.0000 |

PROPERTY LINE TABLE

| LINE | LENGTH | BEARING | AREA |
|------|--------|---------------|--------|
| 1 | 1.0000 | N 89° 41' 12" | 1.0000 |
| 2 | 1.0000 | S 89° 41' 12" | 1.0000 |
| 3 | 1.0000 | E 89° 41' 12" | 1.0000 |
| 4 | 1.0000 | W 89° 41' 12" | 1.0000 |

EASEMENT LINE TABLE

| LINE | LENGTH | BEARING | AREA |
|------|--------|---------------|--------|
| 1 | 1.0000 | N 89° 41' 12" | 1.0000 |
| 2 | 1.0000 | S 89° 41' 12" | 1.0000 |
| 3 | 1.0000 | E 89° 41' 12" | 1.0000 |
| 4 | 1.0000 | W 89° 41' 12" | 1.0000 |

CERTIFICATE OF APPROVAL
 I hereby certify that the subdivision shown herein has been found to comply with the subdivision regulations of the Town of Zebulon, North Carolina, and that this plat has been approved by the Board of Commissioners of Wake County, North Carolina, on this 27th day of July, 2020.

 Board of Commissioners, Wake County, North Carolina

CERTIFICATE OF OWNERSHIP AND DESIGNATION
 I hereby certify that I am the owner of the property described herein, which property is located within the subdivision registration jurisdiction of public use of all areas shown on this plat. I hereby designate the following as the owner of the property described herein, and I hereby designate the following as the owner of the property described herein.

 Owner

NOTARY PUBLIC
 ROBIN C CONNIE
 1775 S. W. 20TH ST.
 WAKE COUNTY, NC 27709
 PHONE: 770-207-1234

PROPERTY DATA
 Current Owner: Providence Bank NC
 Address: 700 S. W. 20th St.
 Wake County, NC 27709
 Phone: 770-207-1234
 Zoning: HB

NOTICE
 1) All boundaries are measured ground distances in feet and inches unless otherwise noted.
 2) The owner does not exclude any underground utilities from this plat. Where any underground utilities are shown on this plat, they are shown for informational purposes only and do not constitute a warranty.
 3) The plat is subject to all applicable laws, regulations, and ordinances of the State of North Carolina and the County of Wake.
 4) The plat is subject to all applicable laws, regulations, and ordinances of the State of North Carolina and the County of Wake.
 5) The plat is subject to all applicable laws, regulations, and ordinances of the State of North Carolina and the County of Wake.
 6) The plat is subject to all applicable laws, regulations, and ordinances of the State of North Carolina and the County of Wake.
 7) The plat is subject to all applicable laws, regulations, and ordinances of the State of North Carolina and the County of Wake.
 8) The plat is subject to all applicable laws, regulations, and ordinances of the State of North Carolina and the County of Wake.
 9) The plat is subject to all applicable laws, regulations, and ordinances of the State of North Carolina and the County of Wake.
 10) The plat is subject to all applicable laws, regulations, and ordinances of the State of North Carolina and the County of Wake.

WAKE COUNTY, NC 104
CHARLES P. GILLIAM
 REGISTERED CLERK OF DEEDS
 88/13/2020 4131343
 BOOK: 118828 PAGE: 181259

ROBIN C CONNIE
 NOTARY PUBLIC
 WAKE COUNTY, NC
 1775 S. W. 20TH ST.
 WAKE COUNTY, NC 27709
 PHONE: 770-207-1234

PROVIDENCE BANK - BY: Robert H. Ladd, II
 Executive Vice President
 The 7/29/2020
 Robin C Connie, Notary Public
 My commission expires 4/30/2022

VICINITY MAP
 NOT TO SCALE

CERTIFICATE OF OWNERSHIP AND DESIGNATION
 I hereby certify that I am the owner of the property described herein, which property is located within the subdivision registration jurisdiction of public use of all areas shown on this plat. I hereby designate the following as the owner of the property described herein, and I hereby designate the following as the owner of the property described herein.

 Owner

NOTARY PUBLIC
 ROBIN C CONNIE
 1775 S. W. 20TH ST.
 WAKE COUNTY, NC 27709
 PHONE: 770-207-1234

PROPERTY DATA
 Current Owner: Providence Bank NC
 Address: 700 S. W. 20th St.
 Wake County, NC 27709
 Phone: 770-207-1234
 Zoning: HB

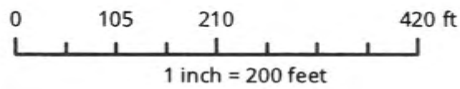
NOTICE
 1) All boundaries are measured ground distances in feet and inches unless otherwise noted.
 2) The owner does not exclude any underground utilities from this plat. Where any underground utilities are shown on this plat, they are shown for informational purposes only and do not constitute a warranty.
 3) The plat is subject to all applicable laws, regulations, and ordinances of the State of North Carolina and the County of Wake.
 4) The plat is subject to all applicable laws, regulations, and ordinances of the State of North Carolina and the County of Wake.
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 8) The plat is subject to all applicable laws, regulations, and ordinances of the State of North Carolina and the County of Wake.
 9) The plat is subject to all applicable laws, regulations, and ordinances of the State of North Carolina and the County of Wake.
 10) The plat is subject to all applicable laws, regulations, and ordinances of the State of North Carolina and the County of Wake.

PROVIDENCE BANK NC
 700 S. W. 20TH ST.
 WAKE COUNTY, NC 27709
 PHONE: 770-207-1234

NEWCOMB land surveyors, pllc, 7008 Harps Mill Road, Ste. 105, Raleigh, NC 27615, (919) 847-1800, NC License #P-0203

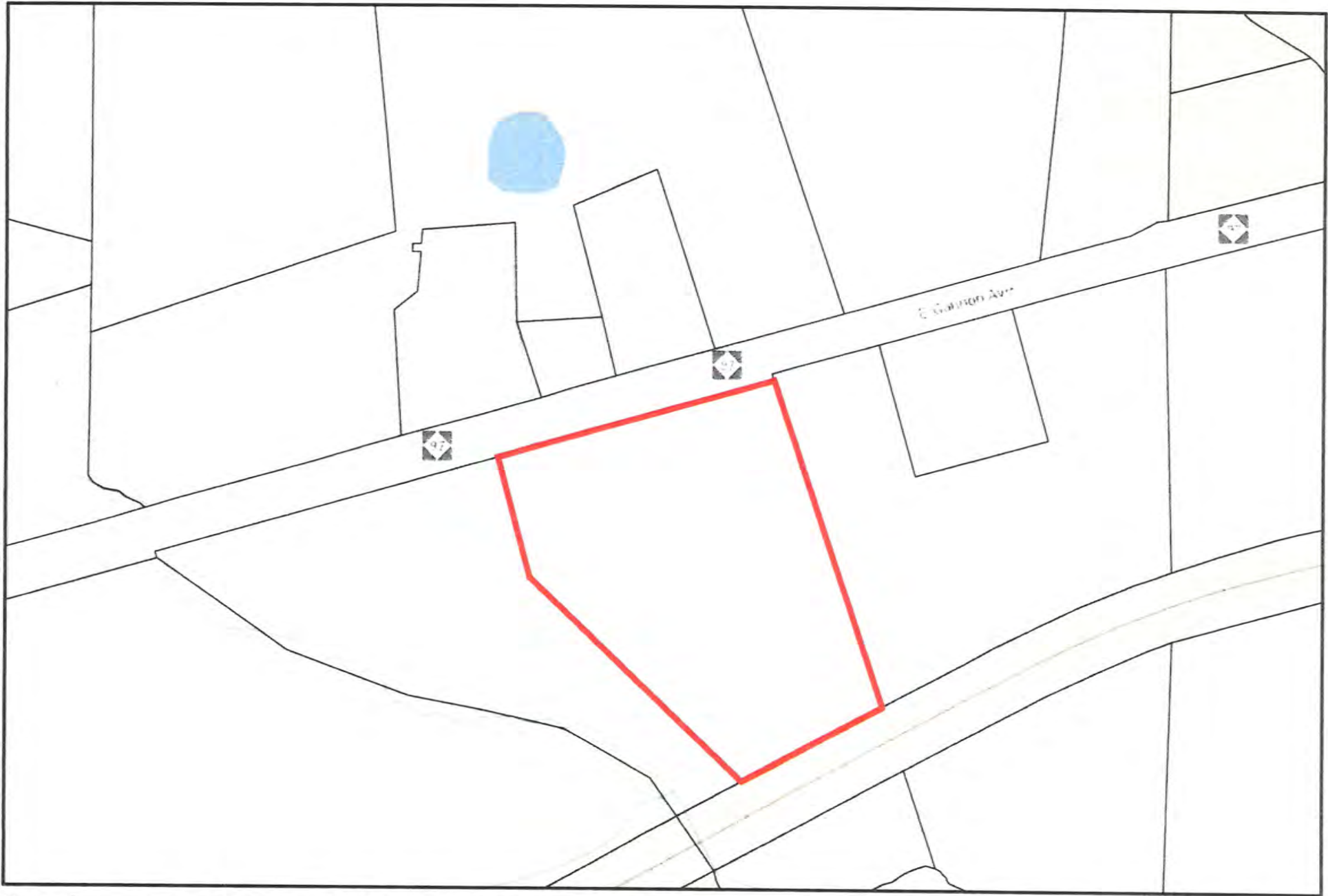


Attachment 3 - Aerial Map - SPC Mechanical

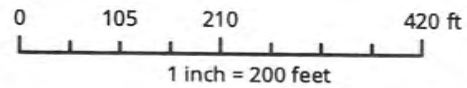


Disclaimer

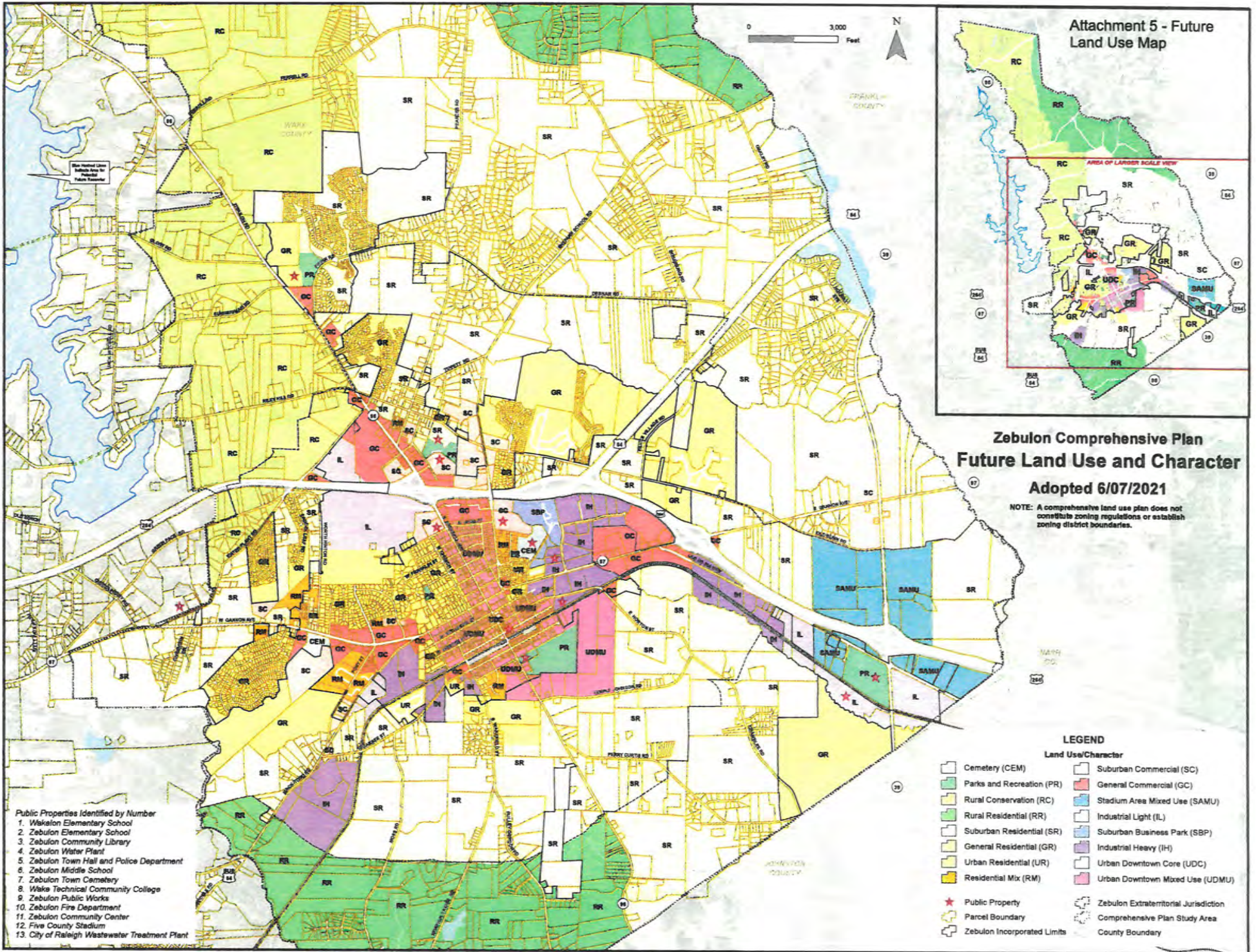
iMaps makes every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes, and are NOT surveys. No warranties, expressed or implied, are provided for the data therein, its use, or its interpretation.



Attachment 4 - ETJ Map - SPC Mechanical



Disclaimer
iMaps makes every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes, and are NOT surveys. No warranties, expressed or implied, are provided for the data therein, its use, or its interpretation.



Attachment 6 - SPC Mechanical







Z Notice of Public Hearing
PH
www.townofzebulon.org
919-823-1810
Zebulon Planning Department



Attachment 7 – SPC Mechanical Annexation

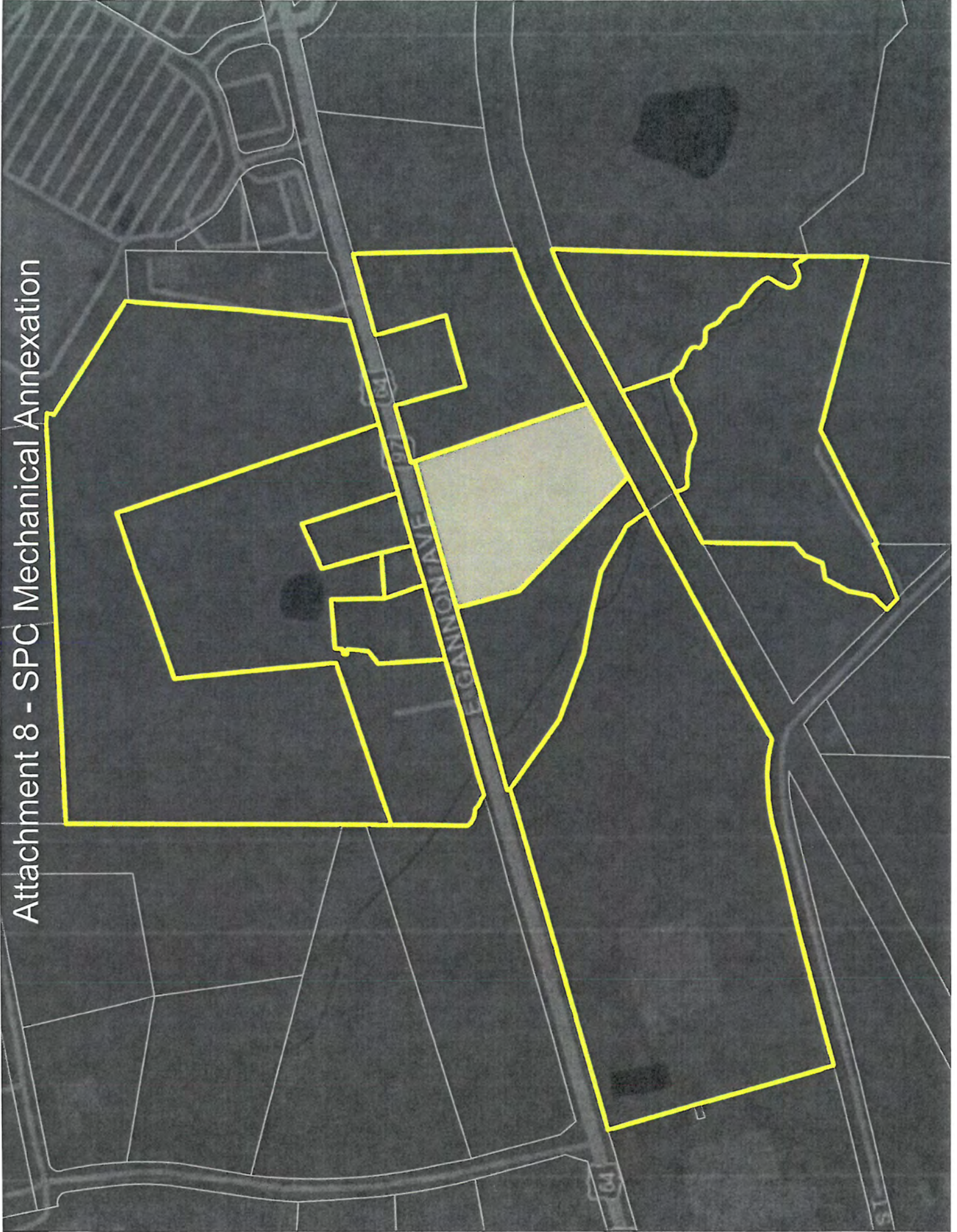
Notice of Public Hearing

Notice is hereby given pursuant to the provisions of Article 2.2.2 of the Town of Zebulon Unified Development Ordinance that a public hearing will be held on **November 1, 2021 at 7:00 PM** at the **Zebulon Municipal Complex, 1003 N. Arendell Avenue**, and will be conducted by the Board of Commissioners of the Town of Zebulon for the purpose of considering the following items:

IDT Project Number: 596784; SPC Mechanical - Zebulon. A request by Chris Williford, on the request of FDA LLC, representing the property owner of 700 East Gannon Avenue (PIN # 2705767803), requesting annexation into the Town of Zebulon's Corporate Limits.

Due to potential social distancing and occupancy limits related to the State's COVID-19 Order, in-person public comments will be accepted; however, the Town of Zebulon encourages that all public comments be submitted to Deputy Town Clerk Stacie Paratore at SParatore@TownofZebulon.org no later than 12:00 Noon on the day of the hearing to be read into the record. The meeting will be streamed live and links will be provided along with the full application packet and documentation on the Planning Department web page at www.TownofZebulon.org/services/planning. For questions or additional information, please contact us at (919) 823-1809.

Attachment 8 - SPC Mechanical Annexation



§ 160A-31. Annexation by petition.

(a) The governing board of any municipality may annex by ordinance any area contiguous to its boundaries upon presentation to the governing board of a petition signed by the owners of all the real property located within such area. The petition shall be signed by each owner of real property in the area and shall contain the address of each such owner.

(b) The petition shall be prepared in substantially the following form:

DATE:

To the _____ (name of governing board) of the (City or Town) of _____

1. We the undersigned owners of real property respectfully request that the area described in paragraph 2 below be annexed to the (City or Town) of _____
2. The area to be annexed is contiguous to the (City or Town) of _____ and the boundaries of such territory are as follows:

(b1) Notwithstanding the provisions of subsections (a) and (b) of this section, if fifty-one percent (51%) of the households in an area petitioning for annexation pursuant to this section have incomes that are two hundred percent (200%) or less than the most recently published United States Census Bureau poverty thresholds, the governing board of any municipality shall annex by ordinance any area the population of which is no more than ten percent (10%) of that of the municipality and one-eighth of the aggregate external boundaries of which are contiguous to its boundaries, upon presentation to the governing board of a petition signed by the owners of at least seventy-five percent (75%) of the parcels of real property in that area. A municipality shall not be required to adopt more than one ordinance under this subsection within a 36-month period.

(b2) The petition under subsection (b1) of this section shall be prepared in substantially the following form:

DATE:

To the _____ (name of governing board) of the (City or Town) of _____

1. We the undersigned owners of real property believe that the area described in paragraph 2 below meets the requirements of G.S. 160A-31(b1) and respectfully request that the area described in paragraph 2 below be annexed to the (City or Town) of _____.
2. The area to be annexed is contiguous to the (City or Town) of _____, and the boundaries of such territory are as follows:

(c) Upon receipt of the petition, the municipal governing board shall cause the clerk of the municipality to investigate the sufficiency thereof and to certify the result of the investigation. For petitions received under subsection (b1) or (j) of this section, the clerk shall receive the evidence provided under subsection (l) of this section before certifying the sufficiency of the petition. Upon receipt of the certification, the municipal governing board shall fix a date for a public hearing on the question of annexation, and shall cause notice of the public hearing to be published once in a newspaper having general circulation in the municipality at least 10 days prior to the date of the public hearing; provided, if there be no such paper, the governing board shall have notices posted in three or more public places within the area to be annexed and three or more public places within the municipality.

(d) At the public hearing persons resident or owning property in the area described in the petition and persons resident or owning property in the municipality shall be given an opportunity to be heard. The governing board shall then determine whether the petition meets the requirements of this section. Upon a finding that the petition that was not submitted under subsection (b1) or (j) of this section meets the requirements of this section, the governing board shall have authority to pass an ordinance annexing the territory described in the petition. The governing board shall have authority to make the annexing ordinance effective immediately or

Attachment 9 - SPC Mechanical Annexation

on the June 30 after the date of the passage of the ordinance or the June 30 of the following year after the date of passage of the ordinance.

(d1) Upon a finding that a petition submitted under subsection (j) of this section meets the requirements of this section, the governing body shall have the authority to adopt an annexation ordinance for the area with an effective date no later than 24 months after the adoption of the ordinance.

(d2) Upon a finding that a petition submitted under subsection (b1) of this section meets the requirements of this section, the governing body shall, within 60 days of the finding, estimate the capital cost to the municipality of extending water and sewer lines to all parcels within the area covered by the petition and estimate the annual debt service payment that would be required if those costs were financed by a 20-year revenue bond. If the estimated annual debt service payment is less than five percent (5%) of the municipality's annual water and sewer systems revenue for the most recent fiscal year, then the governing body shall within 30 days adopt an annexation ordinance for the area with an effective date no later than 24 months after the adoption of the ordinance. If the estimated annual debt service payment is greater than or equal to five percent (5%) of the municipality's annual water and sewer systems revenue for the most recent fiscal year, then the governing body may adopt a resolution declining to annex the area. If such a resolution is adopted, the governing body shall immediately submit a request to the Local Government Commission to certify that its estimate of the annual debt service payment is reasonable based on established governmental accounting principles.

(1) If the Local Government Commission certifies the estimate, the municipality is not required to annex the area and no petition to annex the area may be submitted under subsection (b1) of this section for 36 months following the certification. During the 36-month period, the municipality shall make ongoing, annual good faith efforts to secure Community Development Block Grants or other grant funding for extending water and sewer service to all parcels in the areas covered by the petition. If sufficient funding is secured so that the estimated capital cost to the municipality for extending water and sewer service, less the funds secured, would result in an annual debt service payment cost to the municipality of less than five percent (5%) of the municipality's annual water and sewer systems revenue for the most recent fiscal year, then the governing body shall within 30 days adopt an annexation ordinance for the area with an effective date no later than 24 months after the adoption of the ordinance.

(2) If the Local Government Commission notifies the governing board that the estimates are not reasonable based on established governmental accounting principles and that a reasonable estimate of the annual debt service payment is less than five percent (5%) of the municipality's annual water and sewer systems revenue for the most recent fiscal year, then the governing body shall within 30 days of the notification adopt an annexation ordinance for the area with an effective date no later than 24 months after the adoption of the ordinance.

(d3) Municipal services shall be provided to an area annexed under subsections (b1) and (j) of this section in accordance with the requirements of Part 7 of this Article.

(e) From and after the effective date of the annexation ordinance, the territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in such municipality and shall be entitled to the same privileges and benefits as other parts of such municipality. Real and personal property in the newly annexed territory on the January 1 immediately preceding the beginning of the fiscal year in which the annexation becomes

effective is subject to municipal taxes as provided in G.S. 160A-58.10. If the effective date of annexation falls between June 1 and June 30, and the effective date of the privilege license tax ordinance of the annexing municipality is June 1, then businesses in the area to be annexed shall be liable for taxes imposed in such ordinance from and after the effective date of annexation.

(f) For purposes of this section, an area shall be deemed "contiguous" if, at the time the petition is submitted, such area either abuts directly on the municipal boundary or is separated from the municipal boundary by the width of a street or street right-of-way, a creek or river, or the right-of-way of a railroad or other public service corporation, lands owned by the municipality or some other political subdivision, or lands owned by the State of North Carolina. A connecting corridor consisting solely of a street or street right-of-way may not be used to establish contiguity. In describing the area to be annexed in the annexation ordinance, the municipal governing board may include within the description any territory described in this subsection which separates the municipal boundary from the area petitioning for annexation.

(g) The governing board may initiate annexation of contiguous property owned by the municipality by adopting a resolution stating its intent to annex the property, in lieu of filing a petition. The resolution shall contain an adequate description of the property, state that the property is contiguous to the municipal boundaries and fix a date for a public hearing on the question of annexation. Notice of the public hearing shall be published as provided in subsection (c) of this section. The governing board may hold the public hearing and adopt the annexation ordinance as provided in subsection (d) of this section.

(h) A city council which receives a petition for annexation under this section may by ordinance require that the petitioners file a signed statement declaring whether or not vested rights with respect to the properties subject to the petition have been established under G.S. 160A-385.1 or G.S. 153A-344.1. If the statement declares that such rights have been established, the city may require petitioners to provide proof of such rights. A statement which declares that no vested rights have been established under G.S. 160A-385.1 or G.S. 153A-344.1 shall be binding on the landowner and any such vested right shall be terminated.

(i) A municipality has no authority to adopt a resolution or petition itself under this Part for annexation of property it does not own or have any legal interest in. For the purpose of this subsection, a municipality has no legal interest in a State-maintained street unless it owns the underlying fee and not just an easement.

(j) Using the procedures under this section, the governing board of any municipality may annex by ordinance any distressed area contiguous to its boundaries upon presentation to the governing board of a petition signed by at least one adult resident of at least two-thirds of the resident households located within such area. For purposes of this subsection, a "distressed area" is defined as an area in which at least fifty-one percent (51%) of the households in the area petitioning to be annexed have incomes that are two hundred percent (200%) or less than the most recently published United States Census Bureau poverty thresholds. The municipality may require reasonable proof that the petitioner in fact resides at the address indicated.

(k) The petition under subsection (j) of this section shall be prepared in substantially the following form:

DATE:

To the _____ (name of governing board) of the (City or Town) of _____
1. We the undersigned residents of real property believe that the area described in paragraph 2 below meets the requirements of G.S. 160A-31(j) and respectfully request that the area described in paragraph 2 below be annexed to the (City or Town) of _____.

2. The area to be annexed is contiguous to the (City or Town) of _____, and the boundaries of such territory are as follows:

(l) For purposes of determining whether the percentage of households in the area petitioning for annexation meets the poverty thresholds under subsections (b1) and (j) of this section, the petitioners shall submit to the municipal governing board any reasonable evidence that demonstrates the area in fact meets the income requirements of that subsection. The evidence presented may include data from the most recent federal decennial census, other official census documents, signed affidavits by at least one adult resident of the household attesting to the household size and income level, or any other documentation verifying the incomes for a majority of the households within the petitioning area. Petitioners may select to submit name, address, and social security number to the clerk, who shall in turn submit the information to the Department of Revenue. Such information shall be kept confidential and is not a public record. The Department shall provide the municipality with a summary report of income for households in the petitioning area. Information for the report shall be gleaned from income tax returns, but the report submitted to the municipality shall not identify individuals or households. (1947, c. 725, s. 8; 1959, c. 713; 1973, c. 426, s. 74; 1975, c. 576, s. 2; 1977, c. 517, s. 4; 1987, c. 562, s. 1; 1989 (Reg. Sess., 1990), c. 996, s. 3; 2011-57, s. 3; 2011-396, s. 10.)



Town of Zebulon
The Town of Friendly People

Certificate of Sufficiency
Pin # 2705767803 - 700 E. Gannon Avenue

To the Board of Commissioners of the Town of Zebulon, North Carolina:

I, Lisa M. Markland, Clerk to the Zebulon Board of Commissioners, do hereby certify that I have investigated the petition attached hereto, and have found as a fact that said petition is signed by all the owners or their legal representative of real property lying in the area described therein, in accordance with G.S. 160A-31.

In witness whereof, I have here unto set my hand and affixed the seal of the Town of Zebulon, this 15th day of October 2021.



Lisa M. Markland

Lisa M. Markland, CMC—Town Clerk

FIRE DEPARTMENT
113 E. Vance Street
Zebulon, NC 27597
(919) 269-6487
Facsimile (919) 269-2618

POLICE DEPARTMENT
1001 N. Arendell Avenue
Zebulon, NC 27597
(919) 269-7455
Facsimile (919) 269-0312

TOWN HALL
1003 N. Arendell Avenue
Zebulon, NC 27597
(919) 269-7455
Facsimile (919) 269-6200

PUBLIC WORKS DEPARTMENT
450 E. Horton Street
Zebulon, NC 27597
(919) 269-5285
Facsimile (919) 269-2617

Ordinance 2022-29

**AN ORDINANCE TO EXTEND THE CORPORATE LIMIT OF THE
TOWN OF ZEBULON, NORTH CAROLINA**

**Project Number: 596784—700 East Gannon Avenue of
approximately 4.76 acres Pin Number 2705767803**

WHEREAS, the Town of Zebulon has been petitioned under G.S. 160A-31 to annex the area as described below; and

WHEREAS, the Town of Zebulon has by resolution directed the Town Clerk to investigate the sufficiency of the petition; and

WHEREAS, the Town Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at 1003 N. Arendell Avenue at 7:00 PM on November 1, 2021 after due notice by publication in the Wake Weekly on October 22, 2021 and October 29, 2021;

WHEREAS, the Town of Zebulon finds that the petition meets the requirements of G.S. 160A-31;

NOW, THEREFORE, BE IT ORDAINED, the Board of Commissioners of the Town of Zebulon, North Carolina that:

Section 1. By virtue of the authority granted by G.S. 160A-31, the attached following described territory (see attachment) to include the adjoining public right of way (see also attached map) is hereby annexed and made part of the Town of Zebulon as of November 1, 2021;

Section 2. Upon and after November 1, 2021 the described territory (see attachment) and its citizens and property shall be subject to all laws, ordinances and regulations in force

in the Town of Zebulon and shall be entitled to the same privileges and benefits as other parts of the Town of Zebulon. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor or Mayor Pro Tem of the Town of Zebulon shall cause to be recorded in the office of the Register of Deeds of Wake County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the County Board of Elections, as required by G.S. 163-288.1

Adopted this the 1st day of November 2021.

(SEAL)

Robert S. Matheny—Mayor

ATTEST:

APPROVED AS TO FORM:

Lisa M. Markland, CMC—Town Clerk

Eric A. Vernon—Town Attorney

Return to: Town of Zebulon
Lisa Markland
1003 N. Arendell Avenue
Zebulon, NC 27597
Attention: Town Clerk