TOWN OF ZEBULON PLANNING BOARD AGENDA Zebulon Municipal Complex December 14, 2020 7:00pm

I. CALL TO ORDER

II. ADOPTION OF MINUTES

A. October 26, 2020

III. PUBLIC HEARING

- **A.** RZ 2020-01 0, 601, 703, 705, 709 E Gannon Ave. Thurston Debnam Jr., representing the property owner, Providence Bank, requesting a Zoning Map Amendment from Residential-2 (R-2) to Heavy Commercial (HC).
- **B.** CZ 2020-04 201, 313, 469 Green Pace Road. A request by Thomas F. Craven representing the property owner of properties listed above, Site Investments LLC, requesting a Conditional Zoning from Heavy Commercial District (HC) to Light Industrial Conditional Zoning District (LI-C).
- **C.** Transportation Plan Amendment: The Town of Zebulon is proposing an amendment to the Multi-Modal Plan to connect the eastern Terminal of Innovative Way to E. Gannon Road with a two-lane median divided street.

IV. ADJOURNMENT

Zebulon Planning Board Minutes October 26, 2020

Present: Laura Johnson, Stephanie Jenkins, Michael Germano, Jessica Luther, Larry Ray, Michael Clark-Planning, Stacie Paratore-Deputy Town Clerk, Sam Slater- Attorney

Absent: Stan Nowell, Gene Blount

Laura Johnson called the meeting to order at 7:00pm.

APPROVAL OF AGENDA

Michael Germano made a motion, second by Jessica Luther to approve the agenda. There was no discussion and the motion passed unanimously.

ADOPTION OF MINUTES

Stephanie Jenkins made a motion, second by Larry Ray to approve the August 10, 2020 and September 14, 2020 minutes. There was no discussion and the motion passed unanimously.

NEW BUSINESS

A. QA-2020-03-A Mass Grading Text Amendment

Michael Clark explained staff was proposing a text amendment to Section 6.2 of the UDO to regulate grading within conservation subdivisions. The modification restricted the time and method of grading and would preserve the natural vegetation and topography of the area.

No one spoke in favor or opposition at the October 12, 2020 Joint Public hearing.

There was a question about when the play areas would be cleared in a conservation subdivision. Staff explained the playground could be cleared as needed once the building permits were approved.

Jessica Luther made a motion, second by Michael Germano to recommend approval of QA-2020-03-A Mass Grading Text Amendment. There was no discussion and the motion passed unanimously.

B. QA-2020-03-B Sidewalks Text Amendment

Michael Clark explained staff proposed a text amendment to Section 6.8.1 of the UDO to require sidewalks on at least one side of local streets within a conservation subdivision. Sidewalks would need to be constructed on both sides of collector and arterial roads in all subdivisions. The sidewalks would be placed in the public right-of-way.

No one spoke in favor or opposition at the October 12, 2020 Joint Public hearing.

Michael Germano made a motion, second by Larry Ray to recommend approval of QA-2020-03-B Sidewalks Text Amendment. There was no discussion and the motion passed unanimously.

Planning Board Minutes October 26, 2020

Michael Clark stated there would not be a Joint Public Hearing in November. The next Joint Public Hearing was scheduled for December 14, 2020.

Larry Ray was thanked for his years of service on the Planning Board.

Jessica Luther made a motion, second by Stephanie Jenkins to adjourn. There was no discussion and the motion passed unanimously.

Adopted this the 14th day of December 2020.

	Gene Blount—Chair
SEAL	
	Stacie Paratore, CMC—Deputy Town Clerk



STAFF REPORT JOINT PUBLIC HEARING RZ2020-01 601, 703, 705, AND 709 E. GANNON AVENUE DECEMBER 14, 2020

Topic: RZ2020-01: 601, 703, 705, AND 709 E. GANNON AVE

Speaker: Michael J. Clark, AICP, CZO, Planning Director From: Michael J. Clark, AICP, CZO, Planning Director Prepared by: Michael J. Clark, AICP, CZO, Planning Director

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

Executive Summary:

The Board of Commissioners will consider a rezoning request from Thurston Debnam on behalf of Providence Bank for 601, 703, 705, and 709 E. Gannon Avenue from R-2 Residential to HC Heavy Commercial

Background:

The subject tracts were zoned "HB-Heavy Business" as part of the previous zoning code, however due to a file corruption with the GIS file used for the rezoning as part of the Unified Development Ordinance, the subject properties were designated as R-2 Residential in error. Staff was going to bring a rezoning request of the subject properties before the board in early 2021, however the property owner requested that that it proceed sooner.

Discussion:

The discussion before the Board of Commissioners is whether to approve a UDO Map Amendment to rezone the subject parcels from R-2 Residential to HC Heavy Commercial.

Policy Analysis:

The proposed request is consistent with Section 2.2.4.H of the Unified Development Ordinance and the 2008 Comprehensive Master Plan Future Land Use Map.

Financial Analysis:

The existing R-2 Residential zoning classification is the second lowest impact zoning classification, and the residential yield would have minimal property tax benefit. However, the HC Heavy Commercial Uses would introduce higher property taxes and personal property taxes within a location that is currently within the Town service boundaries.

Staff Recommendation:

Staff Recommends the Board of Commissioners accept public comment on RZ2020-01 at the December 14th Joint Public Hearing and refer the matter to the Planning Board for consideration. Staff Recommends the Planning Board recommend approval of the UDO Map Amendment as proposed.



STAFF REPORT JOINT PUBLIC HEARING RZ2020-01 601, 703, 705, AND 709 E. GANNON AVENUE DECEMBER 14, 2020

Attachments:

- 1. Application
- 2. Boundary Map
- 3. Zoning Map
- 4. Aerial Map
- 5. Land Use Map
- 6. Site Pictures
- 7. Public Hearing Notice
- 8. 150' Radius of Notified Mailed Property Owners Map



W. Thurston Debnam, Jr.
Partner
tdebnam@smithdebnamlaw.com
(919) 250-2104
Fax: (919) 250-2211

October 1, 2020

Mr. Michael Clark Planning Director Town of Zebulon 1003 N. Arendell Avenue Zebulon, NC 27597

RE: Providence Bank

0; 601; 703; 705 and 709 E. Gannon Avenue, Zebulon, NC 27597 Rezoning

Dear Mr. Clark,

In regard to the above request for rezoning, please find the attached documents:

- 1. Application for Zoning Map Amendment with adjacent owners that were invited to the meeting.
- 2. Revised Notice of Neighborhood Meeting that was mailed to all of the adjoining property neighbors.
- 3. List of adjoining property owners invited to the meeting (Adjacent Owners and HOA Contacts).
- 4. Neighborhood Meeting Sign In Sheet.
- 5. Report of Neighborhood Meeting.
- 6. Affidavit of Conducting a Neighborhood Meeting.
- 7. Reduced copy of the maps presented to the neighbors at the Neighborhood Meeting.

It is our understanding that the Town has agreed to waive fees associated with this Re-zoning request.

Please let us know if you require any additional information. Your assistance in this matter is great appreciated.

Sincerely,

SMITH DEBMAM NARRON DRAKE SAINTSING & MYERS, LLP

W. Thurston Debnam, Jr.

Partner

WTD/wk

Enclosures



PART 1. DESCRIPTION OF REQUEST/PR	ROPERTY	
Street Address of the Property: 0; 601; 703; 705 and 709 E. Gannon Ave	STATE OF THE PROPERTY AND ADDRESS OF THE PROPERTY OF THE PROPE	32.03 Acres
Parcel Identification Number (NC PIN): 0069280 (partial); 0256471; 0087256; 0087257 and 0030-	Deed Book:	Deed Page(s): 2316
R-2 - Residential Suburban	Proposed Zoning of the Property: HC, Heavy Com	mercial
Existing Use of the Property:	Proposed Use of the Property:	
vacant	Commerci	al
Property was inadvertently rezoned by the Tow		
PART 2. APPLICANT/AGENT INFORMA	TION	
Providence Bank/W. Thur	ston Debnam, J	Jr., Attorney
4601 Six Forks Road, Suite	100, Raleigh, NC	27609
Raleigh	NC	27609
tdebnam@smithdebnamlaw.co	m 919-250-2104	Fax Number of Applicant/Agent:
Are you the owner of the property? Yes No Yes No Yes No	Note: If you are not the owner of t Owner's consent and signature givi application.	he property, you must obtain the ng you permission to submit this
PART 3. PROPERTY OWNER INFORMA	TION	
Providence Bank		
450 N. Winstead Avenue		
	State: NC	27804
Empl of Peoplety Owner	919-250-2104	Fax Number of Property Owner:
I hereby state that the facts related in this application a correct, and accurate to the best of my knowledge.	nd any documents submitted here	with are complete, true,
Signature of Applicant: PROVIDENCE BANK Y: Kelt Hallotte	Print Name: Robert H. Ladd, III, Executive	Date: e Vice President 9/18/2020
PSignature of Rivner:	Print Name: Robert H. Ladd, III, Executive	Vice President 9/8/2 24



LEGISLATIVE CONSIDERATIONS – ZONING MAP AMENDMENT

The applicant shall propose site-specific standards and conditions that take into account the following considerations, which are considerations that are relevant to the legislative determination of whether or not the proposed zoning district is in the public interest. Therese considerations do not exclude the legislative consideration of any other factor that is relevant to the public interest. Failure to adequately address the findings below may result in denial of the application. Please attach additional pages if necessary. The petition is justified based on the facts as they relate to the Standards in Section 2.2.24 J of the UDO as follows:

1. Please explain how the proposed Zoning Map Amendment advances the public health, safety, or welfare
The real estate parcels in question have for more than 20 years been surrounded by industrial uses on the north, west and south. The adjoining property to the east of the subject property has been occupied for more than five years by heavy business and high traffic uses such as Wal Mart. There is a limited access highway lying immediate North of the subject property.
2. Please explain how the proposed Zoning Map Amendment is appropriate for its proposed location, and is consistent with the purposes, goals, objectives, and policies of the town's adopted policy guidance;
For more than five (5) years the subject property was in a heavy business classification. For reasons unknown to the applicant and without its actual knowledge the subject property was rezoned to a residential use upon the adoption of the Town's most recent Zoning Map effective January 1, 2020.
3. Please explain how an approval of the Zoning Map Amendment is reasonable and in the public interest;
For more than twenty-five (25)years the subject property has been located within the commercial corridor that runs from the intersection of Gannon Avenue and Arendell Avenue in an easterly direction to its intersection with N.C. Highway 39 adjacent to the baseball stadium.
4. Please explain how the proposed Zoning Map Amendment addresses any other factors as the Board of Commissioners may determine to be relevant. These include but are not limited to the proposed uses requested and any requested deviations and proposed alternative means of compliance.
See 1, 2 and 3 above.
See 1, 2 and 3 above.



OWNER'S CONSENT FORM

Name of Project:	Submittal Dat	e:
documents, and to attend and represent i	submit or have submitted this application me at all meetings and public hearings per give consent to the party designated abort	ertaining to the application(s
Ordinance, that lands subject to a zoning plans approved as part of that application. on the land as an amendment to this Or accordance with the procedures establis Zebulon's corporate limits shall comply w I understand that all other applicable stand lands unless specifically listed as conditi inaccurate or incomplete information pradministrative withdrawal of this application information may be required to process the copy or reproduce any copyrighted documn agree to all terms and conditions, which may be required to process the copy of the conditions of the copy of the cop	These standards, plans, and approved conductionance and the Official Zoning Map, a shed in this Ordinance. Development leads and regulations of the UDO will remove and regulations of the UDO will remove the consorder of this request. The service of the consent will result ation, request, approval or permits. It is application. I further consent to the content submitted as a part of this application has be imposed as part of the approval of the Robert H. Ladd, III, Executive Vice President	bulon Unified Development he standards, conditions, and litions are perpetually binding and may only be changed in exated outside the Town of and the extension of utilities. In air applicable to the subject I understand that any false, in the denial, revocation or acknowledge that additional Town of Zebulon to publish, for any third party. I further this application.
Signature of Owner	Print Name	Date '
CERTIFICATION OF PROPERTY I hereby certify the statements or information of the best of th	ion made in any paper or plans submitted	herewith are true and
correct to the best of my knowledge. I und	derstand this application, related material	and all attachments become
official records of the Planning Departmen		,
By: falet of falls	Robert H. Ladd, III, Executive Vice President	9/18/2020
Signature of Owner	Print Name	Date

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



ADJACENT OWNERS AND HOA CONTACTS:

Provide a certified list of property owners subject to this application and all properties owners within 150-feet feet of the subject property, and any HOA Contacts for developments which fall within 300-feet of the subject property.

Parcel Address	Parcel ID Number	Owner's Name
505 E. Horton Street, Zebulon, NC 27597	0036250	Iglesia Christiana Resurreccion, Inc.
718 E. Gannon Avenue, Zebulon, NC 27597	0159997	David Thomas Hicks
716 E. Gannon Avenue, Zebulon, NC 27597	0113358	Phyllis Perry Hicks
721 E. Gannon Avenue, Zebulon, NC 27597	0027197	Vondell W. and Jeanette R. Bullock
841 E. Gannon Avenue, Zebulon, NC 27597	0357252	Wal Mart Real Estate Business Trust
0 Innovative Way, Zebulon, NC 27597	0196681	Zeb Land, LLC
510 Industrial Drive, Zebulon, NC 27597	0196686	Teb 2, LLC
502 Industrial Drive, Zebulon, NC 27597	0196687	Zeb Land, LLC
530 E. Gannon Avenue, Zebulon, NC 27597	0034548	Teb O, LLC
0 East Gannon Avenue, Zebulon, NC 27597	Out of 0069280	F.D.A., LLC

HOA Contacts:

Development Name	Contact Name	Contact Address
N/A		



Dear Neighbor:

INFORMATION PACKET FOR NEIGHBORHOOD MEETINGS

REVISED

NOTICE OF NEIGHBORHOOD MEETING

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

You are invited to	a neighborhood meeting to review and dis	scuss the development proposal at:
0; 601; 703; 705 and	d 709 E. Gannon Avenue, Zebulon, NC 27597	0069280 (partial); 0256471; 0087256; 0087257 and 0030486
(Addresses)		(Pin Numbers)
way for the appl neighborhood org opportunity to rais submitted. Once	icant to discuss the project and review anizations before the submittal of an app se questions and discuss any concerns ab- an application has been submitted to the	the proposed plans with adjacent neighbors and plication to the Town. This provides neighbors an out the impacts of the project before it is officially to Town, it may be tracked using the Interactive the https://www.townofzebulon.org/services/planning.
☐ Conditiona☐ Planned Un☐ Site Plan w☐ Zoning Ma☐ Special Us *Quasi-Judi	nit Development vithin the Downtown Core or Downtown F ap Amendment (results in more intensive use Permit (Quasi-Judicial Hearing) icial Hearing: The Board of Commissioners can description of the proposed (also see attac	Periphery Zoning Districts uses or increased density) annot discuss the project prior to the public hearing.
Estimated Submitt	al Date:	
	NFORMATION: Name(s) Providence Bank	
Applicant(s) Prov	vidence Bank	
Contact Information	on (e-mail/phone) tdebnam@smithdebr	namlaw.com
Meeting Address:	815 North Arendell Avenue, Zebulon,	NC 27597
Date of Meeting:	September 28, 2020	
Time of Meeting:	5:00 P.M. until 7:00 P.M.	

^{**}Meetings shall occur between 5:00 p.m.-9:00 p.m. on a Monday through Thursday (excluding Town recognized holidays). If you have questions about the general process for this application, please contact the Planning Department at 919-823-1809. You may also find information about the Zebulon Planning Department and on-going planning efforts at https://www.townofzebulon.org/services/planning



INFORMATION PACKET FOR NEIGHBORHOOD MEETINGS

PROJECT CONTACT INFORMATION

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Development Contacts:				
Project Name:		Zoning: HC, Heavy Commercial		
		n Avenue, Zebulon, NC 27597		
Property PIN(s): 0069280: 025647	1; 0087256; 0087257 and 0030486	Acreage/Square Feet: 32.03 Acres		
Property Owner: Providence				
Address: 450 N. Winstead	d Avenue			
City: Rocky Mount	State: NC	Zip: 27804		
Phone: 919-250-2104		Email: tdebnam@smithdebnamlaw.com		
Developer:				
Address:				
City:	State:	Zip:		
Phone:	Fax:	Email:		
Engineer:				
Address:				
City:	State:	Zip:		
Phone:	Fax:	Email:		
Builder (if known):				
Address:				
City:	State:	Zip:		
Phone:	Fax:	Email:		



INFORMATION PACKET FOR NEIGHBORHOOD MEETINGS

PROVIDING INPUT TO THE PLANNING BOARD OR BOARD OF COMMISSIONERS:

Each Board of Commissioners meeting agenda includes a Public Forum time when anyone is permitted to speak for three (3) minutes on any topic with the exception of items listed as Public Hearings for that meeting. The Board of Commissioners meets on the 1st Monday of each month at 7:00 p.m. and Joint Public Hearings are scheduled for the 2^{std} Monday of every Month. (except for holidays, see schedule of meetings at https://www.townofzebulon.org/agendas-minutes. You may also contact Board of Commissioners at https://www.townofzebulon.org/government/board-commissioners.

PRIVATE AGREEMENTS AND EASEMENT NEGOTIATION:

The Town of Zebulon cannot enforce private agreements between developers and neighbors and is not a party to the easement and right-of-way negotiation that occurs between developers and neighboring property owners for easements or rights-of-way that are necessary to build the project.

It is recommended that all private agreements be made in writing and that if a property owner feels it necessary, they should obtain private legal counsel in order to protect their interests in both private agreements and during easement negotiations. The only conditions that the Town of Zebulon can enforce are those conditions that are made a part of the conditional zoning of the property by agreement of the developer and the Town. As an example, if a developer offers to build a fence for a neighbor to mitigate some impact, the Town can only enforce the construction of the fence if the fence becomes a condition of the rezoning. This would occur by the developer offering the condition as part of their conditional zoning application package or at the Joint Public Hearing on the conditional zoning and the Town accepting it as a condition. Private agreements regarding a fence being constructed will not be enforced by the Town.

To request that any agreement with a developer is made a part of the conditional zoning at the time of approval, you may ask at the public hearing if the agreement is included in the conditions. If it is not, you may request that the Board of Commissioners not approve the rezoning without the agreement being included in the conditions (note that it is up to Board of Commissioners whether to approve or deny the rezoning but they cannot impose conditions that the applicant does not agree to add). The developer's proposed conditions can be viewed any time after a rezoning is submitted on the Town of Zebulon Interactive Development Map which can be found at: https://www.townofzebulon.org/services/planning/whats-coming-zebulon

DOCUMENTATION:

Neighbors to a requested new development and/or rezoning are strongly encouraged to fully document (such as through dated photographs) the condition of their property before any work is initiated for the new development. Stormwater controls installed on developed property are not designed to and will likely not remove 100% of the soil particles transported by stormwater runoff. As a result, creeks and ponds could become cloudy for a period of time after rain events.



ADJACENT OWNERS AND HOA CONTACTS:

Provide a certified list of property owners subject to this application and all properties owners within 150-feet feet of the subject property, and any HOA Contacts for developments which fall within 300-feet of the subject property.

Parcel Address	Parcel ID Number	Owner's Name
505 E. Horton Street, Zebulon, NC 27597	0036250	Iglesia Christiana Resurreccion, Inc.
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716 E. Gannon Avenue, Zebulon, NC 27597	0113358	Phyllis Perry Hicks
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0 East Gannon Avenue, Zebulon, NC 27597	Out of 0069280	F.D.A., LLC

HOA Contacts:

Development Name	Contact Name	Contact Address
N/A		
		A CONTROL OF THE CONT



INFORMATION PACKET FOR NEIGHBORHOOD MEETINGS

NEIGHBORHOOD MEETING SIGN-IN SHEET:

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Project Name:		
Meeting Address: 815 North Arendell Avenue, Zel	bulon, NC 27597	
Date of Meeting: September 28, 2020	Time of Meeting:	5 00 P M. until 7.00 P M
Property Owner(s) Names: Providence Bank		
Applicants: Providence Bank		
Please print your name below, state your address and/or affiliation with a number and email address. Providing your name below does not represent		

	Name/ Organization	Address	Phone#	E-mail
1	Linda Arnold		919-931/84	lindaetmeinvesmen
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7				
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Attach Additional Sheets If Necessary.

REPORT OF NEIGHBORHOOD MEETING September 28, 2020

The meeting was held at the office of the Zebulon Chamber of Commerce on Arendell Avenue.

One person, Linda Arnold, attended. She represents the group of companies owned by Marc Noel, the owner of several adjoining tracts. Once she was informed that the real estate in question was not under contract Linda had no real questions. She made a general comment regarding the suitability of the site for kennels. We generally discussed the site and its ownership history.

W. Thurston Debnam,



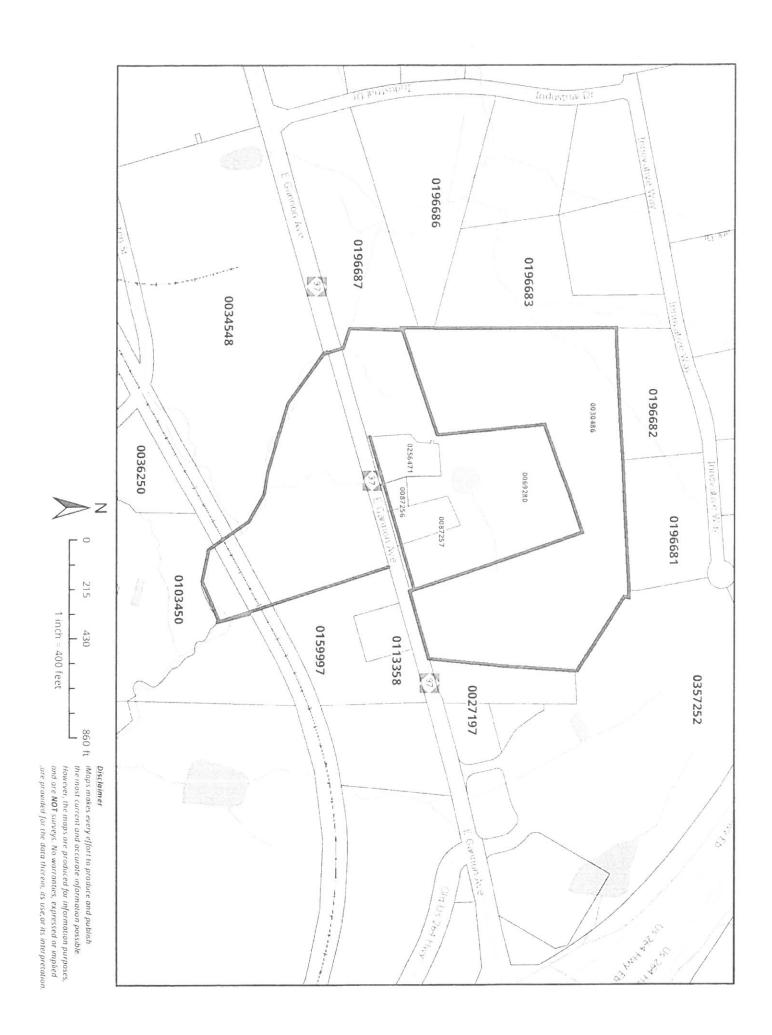
INFORMATION PACKET FOR NEIGHBORHOOD MEETINGS

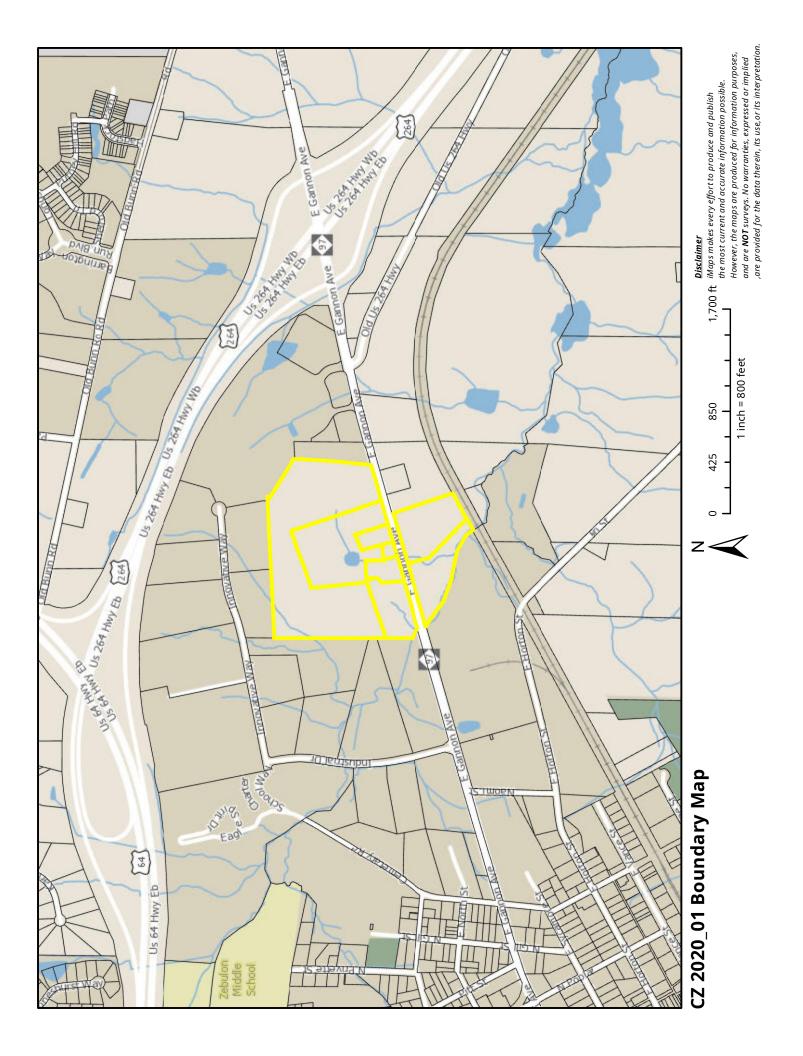
AFFIDAVIT OF CONDUCTING A NEIGHBORHOOD MEETING, SIGN-IN SHEET AND ISSUES/RESPONSES SUBMITTAL This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third

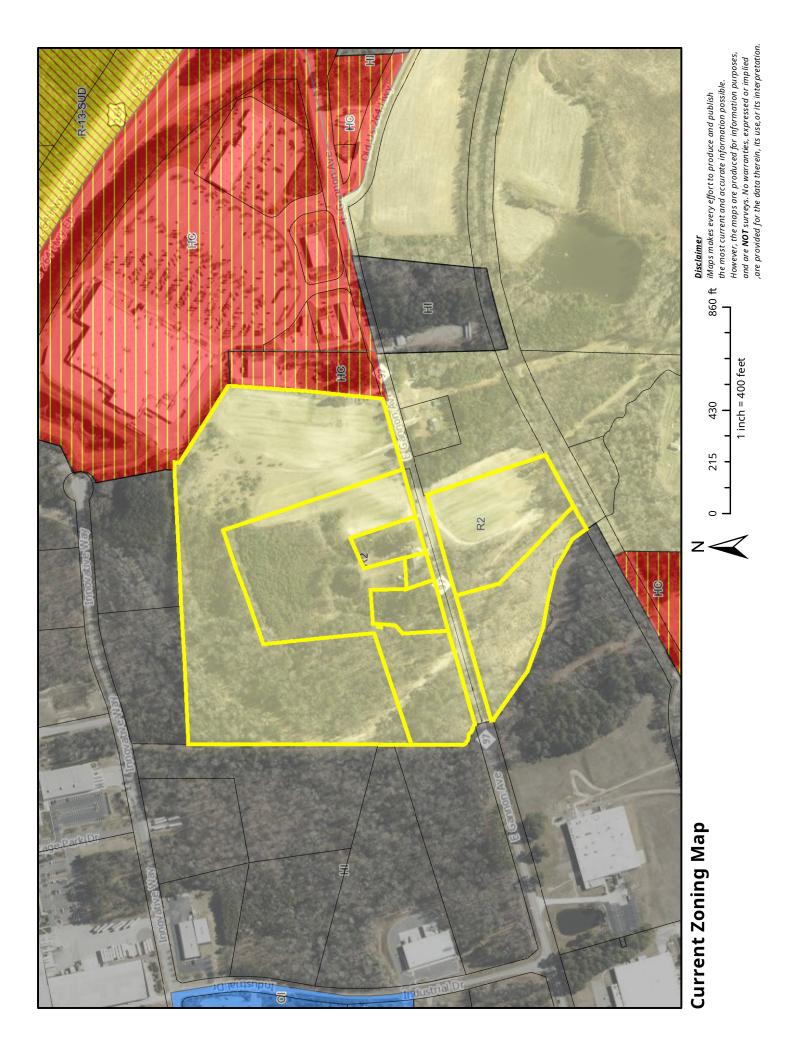
arties.		
W. Thurston Debnam, Jr. Print Name	, do hereby declare as fol	lows:
. I have conducted a Neighborhood Meeting for tellan, or Special Use Permit.	the proposed Rezoning, Majo	or Site Plan, Master Subdivision
2. The meeting invitations were mailed to the Zeb cet of the subject property and any neighborhood mail a minimum of 10 days in advance of the Nei	association that represents c	all property owners within 300 citizens in the area via first class
3. The meeting was conducted at 815 N. Arendell A September 28, 2020 (date) from 5:00 PM	Ave., Zebulon, NC 27597 (1c (start time) to 7:00 PM	ocation/address) on _(end time).
4. I have included the mailing list, meeting invitat map/reduced plans with the application.	ion, sign-in sheet, issue/resp	onse summary, and zoning
5. I have prepared these materials in good faith an SMITH DEBWY N By: W. Thurston D	d to the best of my ability. ARRON DRAKE SAIRPSING & MYPP LEDON, Jr., Attorney	PS, LIP
STATE OF Mash		
Sworn and subscribed before me, Why County, on this the Whay of Sept.	B Kern 3, a Nota	ry Public for the above State and
Wiendy B. Kerns	NASH POSCO ON THE PROPERTY OF THE PARTY OF T	Notary Public
	· · · · · · · · · · · · · · · · · · ·	Print Name

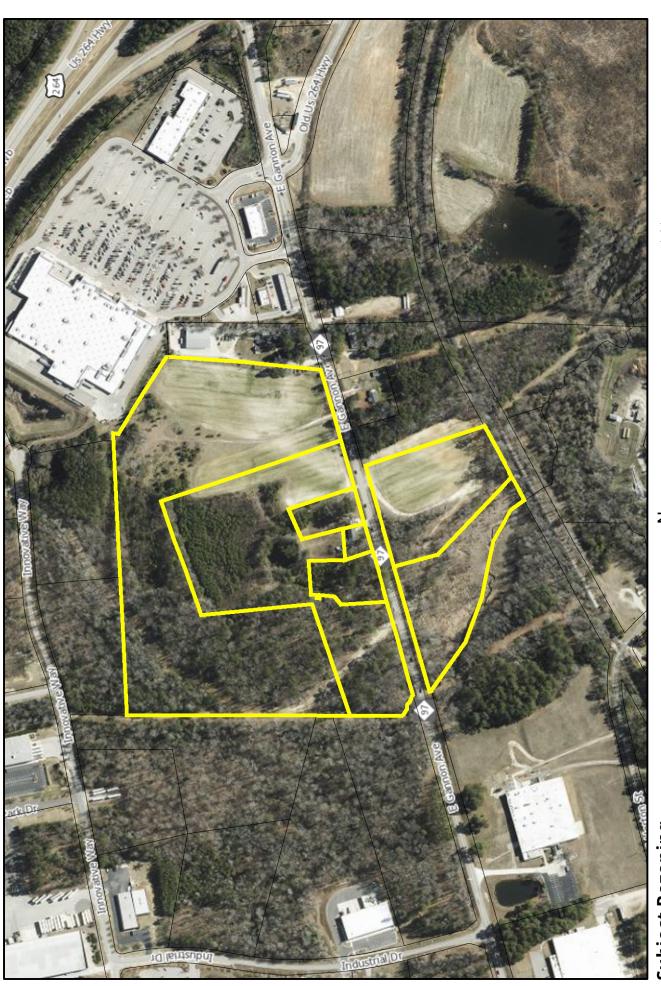
My Commission Expires:











Subject Rezoning

860 ft 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.

1 inch = 400 feet

430

215

Land Use

Town of Zebulon

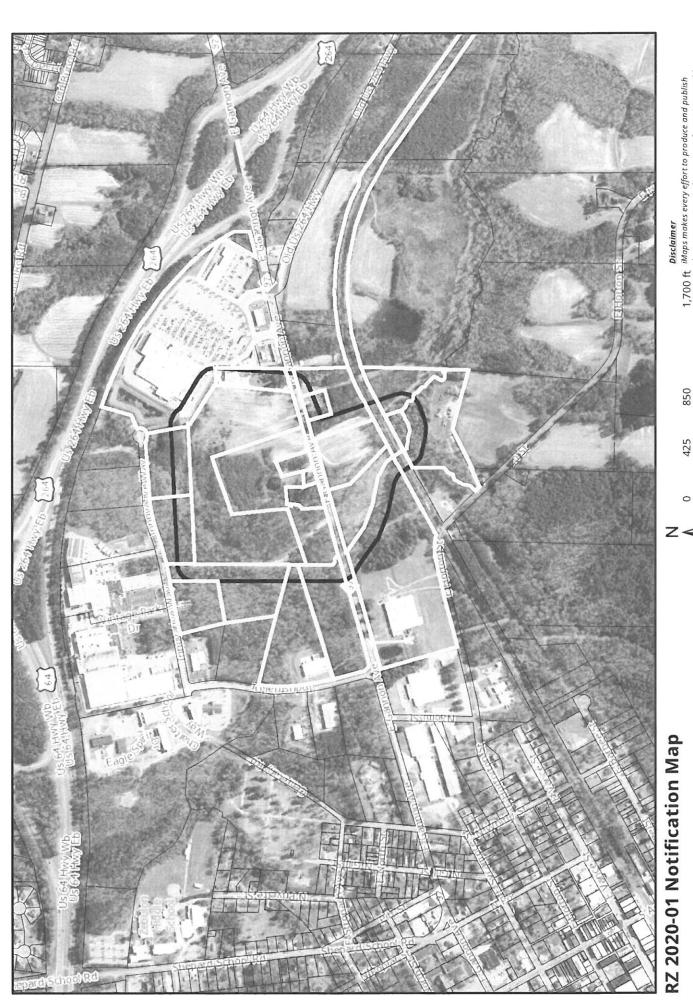
Zebulon Extra Territorial Junsdiction Limits - Annexation/Utility Boundary Agreement Line Wake County, NC Zebulon Short Range Utility Service Area Zebulon Long Range Utility Service Area PSP-Public/Semi-Public Critical Water Supply Watershed (R-80W) Little River Reservoir HB-Highway Business Zebulon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











1,700 ft. 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.

1 inch = 800 feet



STAFF REPORT CZ 2020-04 Green Pace CONDITIONAL ZONING REQUEST December 14, 2020

Topic: CZ 2020-04 201, 313, & 469 Green Pace Road

Speaker: Meade O. Bradshaw, III, CZO, Assistant Planning Director

From: Michael J. Clark, AICP, CZO, Planning Director

Prepared by: Meade O. Bradshaw, III, CZO, Assistant Planning Director

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

Executive Summary:

The Board of Commissioners will consider a Conditional Zoning Map Amendment for 201, 313, 469 Green Pace Road from Heavy Commercial District (HC) to Light Industrial Conditional Zoning District (LI-C). This is a legislative case.

Background:

The applicant, Thomas F. Craven, requests rezoning three parcels approximately 34 acres cumulative in size from Heavy Commercial District (HC) to Light Industrial Conditional Zoning District (LI-C). The property is located on Green Pace Road, southwest of its intersection with NC Highway 96. A Special Use Permit was approved for a Major Subdivision in 2019 (SUP 2019-05), as well as annexing 201 and 313 Green Pace Road, AN 2019-01 into the corporate limits. 469 Green Pace Road is currently owned by the Town of Zebulon, but the applicant has entered a contract to purchase the parcel from the Town.

A notice of public hearing was mailed to all property owners within 150 feet of the subject property on November 25, 2020. The site was posted with public hearing signs on November 25, 2020. A notice was published in the Wake Weekly on December 3, 2020 and December 10, 2020.

Discussion:

The discussion before the Board is whether to approve the Conditional Zoning Map Amendment to Light Industrial Conditional Zoning District (LI-C).

Policy Analysis:

The vacant parcels are zoned Heavy Commercial District (HC). A rezoning from HC to Light Industrial Conditional Zoning District (LI-C) allows land uses that could produce lower traffic volumes but heavier vehicles. Meaning, the HC zoning will theoretically have a greater impact on the volume capacity of the transportation system (e.g. widening of Green Pace Road, signalization of the Green Pace Road / N. Arendell Avenue intersection), while the LI-C zoning will have greater impact on the weight capacity of the transportation system (e.g. pavement durability of Green Pace Road).

Unified Development Ordinance Section 2.2.6.K provides the following standards in which the Board is to base a decision:

 Whether the proposed conditional rezoning advances the public health, safety, or welfare;



STAFF REPORT CZ 2020-04 Green Pace CONDITIONAL ZONING REQUEST December 14, 2020

- Whether the extent to which the proposed conditional rezoning is appropriate for its proposed location, and is consistent with the purposes, goals, objectives, and policies of the town's adopted policy guidance;
- 3. Whether an approval of the conditional rezoning is reasonable and in the public interest:
- 4. Whether and the extent to which the concept plan associated with the conditional rezoning is consistent with this Ordinance; and
- 5. Any other factors as the Board of Commissioners may determine to be relevant.

Fiscal Analysis:

The development of the property is limited by the HC zoning designation. The lack of sanitary sewer connections in the vicinity limits the uses available under the HC zoning designation. The provision of sewer service would require boring underneath US 64 and is cost prohibitive when compared to the return on investment in developing a property zoned HC. Maintaining the HC zoning designation will likely keep this property vacant.

LI-C zoning increases the development potential of the property, but will generate approximately one-half the property tax revenue for a property zoned HC.

Proposed Conditions:

Town of Zebulon Staff has worked with the applicant to finalize conditions that are still in the spirit and intent of the Unified Development Ordinance.

See Attachment 6

Staff Recommendation:

Following the Joint Public Hearing and a recommendation from the Planning Board, staff recommends approval of CZ 2020-04.



STAFF REPORT CZ 2020-04 Green Pace CONDITIONAL ZONING REQUEST December 14, 2020

Attachments:

- 1. Application
- 2. Boundary Survey/Concept Plan
- 3. Zoning Map
- 4. Aerial Map
- 5. Land Use Map
- 6. Proposed Conditions
- 7. Site Pictures
- 8. Public Hearing Notice
- 9. 150' Radius of Notified Mailed Property Owners Map

Attachment 1



Town of Zebulon

Planning Department

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

CONDITIONAL REZONING MAP AMENDMENT PETITION

GENERAL INFORMATION:

In cases where the standards of a general use zoning district are inadequate to ensure that development allowed by the district will conform to the Town's adopted plans or to appropriately address the impacts expected to be generated by development, a landowner may apply for a conditional rezoning in accordance with Section 2.2.6 of the Unified Development Ordinance. The conditional rezoning, if approved, establishes a parallel conditional zoning district that is equivalent to a corresponding general use zoning district, except as modified through additional conditions restrictions that the applicant and Town mutually agree are necessary to ensure conformance with adopted plans and to adequately address expected development impacts.

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.

NEIGHBORHOOD MEETING: Neighborhood meetings are required in accordance with Section 2.3.4 of the UDO prior to application submission. The applicant is required to notify property owners and any neighborhood association that represents citizens within that area within 300 feet of the subject property via first class mail a minimum of 10 days in advance of the neighborhood meeting. The applicant shall use their own return address on the envelopes as the meeting is a private meeting between the developer and the neighbors. The applicant shall submit the "Certified List of Property Owners" and "Neighborhood Meeting Packet" forms included on the Town's website with their initial submittal.

ANNEXATION REQUIREMENTS: If a property or portion thereof subject to this rezoning is outside the corporate limits and ETJ, an annexation petition is **required** to be submitted on the same day as this application in accordance with section 2.2.2 of the UDO.



APPLICATION FOR CONDITIONAL REZONING MAP AMENDMENT

APPLICATION PROCEDURE: The applicant requesting a Conditional Rezoning Map Amendment must submit a written application to the Zebulon Planning Department using the forms included in this packet.

- Completed Application Form
- 8 Full Size Plan Sets and 1 PDF set on USB drive. (see site plan checklist)
- 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
- Owner's Consent Form
- Neighborhood Meeting Packet

 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

PUBLIC HEARING PROCEDURE: Upon submittal of a complete application, the Planning Department will schedule the application for a joint public hearing before the Planning Board and the Board of Commissioners. APPLICANTS ARE STRONGLY ENCOURAGED TO CONTACT PLANNING STAFF AS SOON AS POSSIBLE TO ADDRESS ANY QUESTIONS ABOUT THE PUBLIC HEARING. Notices of the public hearing will be mailed to all adjacent property owners of the property being considered for a Conditional Rezoning Map Amendment. At the public hearing, the applicant, proponents, and opponents will be given the opportunity to offer evidence in favor of or against the proposal. After completion of the public hearing, the Planning Board will deliberate and forward its recommendation to the Board of Commissioners for final consideration. Deadline dates and Joint Public Hearing dates can be found on the Town of Zebulon's website.



APPLICATION FOR CONDITIONAL REZONING MAP AMENDMENT

WARREST THE STREET					
PART 1. DESCRIPTION OF REQUEST/PI	ROPERTY	1.4			
201, 313 and 469 Green Pace Rd		and the second s	I		
1796804769, 1796802112, 17957959		Deed Page(s): DB012482 F	g00821(469)		
Existing Zoning of the Property: HC (Heavy Commercial) Existing Use of the Property:	Proposed Zoning of the Property: LI (Light Industrial) Proposed Use of the Property:	Conditiona	Use		
Vacant	Business Park				
Reason for Conditional Rezoning: The conditional rezoning will allow uses and a for the business park prior to the implementation the associated rezoning of the property to HC (on of the Town's Unified Devi	ere originally e elopment Oro	envisioned linance and		
PART 2. APPLICANT/AGENT INFORMA	TION				
Name of Applicant/Agent:	IION				
Thomas F. Craven					
Street Address of Applicant/Agent: Priest, Craven & Associates, Inc., 3803-B Computer Dr, Suite 104					
Raleigh	State: NC	Zip Code: 27609			
tcraven@priestcraven.com	Telephone Number of Applicant/Agent: 919 781-0300	Fax Number of Applic 919 782-1			
Are you the owner of the property? Are you the owner's agent?	Note: If you are not the owner of to Owner's consent and signature givin application.	Note: If you are not the owner of the property, you must obtain the Owner's consent and signature giving you permission to submit this			
PART 3. PROPERTY OWNER INFORMAT	TION				
Name of Property Owner: Site Investments, LLC By: JV Mar		nager			
933 Old Knight Road					
ciiy: Knightdale	State: NC	Zip Code: 27545			
	Telephone Number of Property Owner: 919 422-3933	none Number of Property Owner: Fax Number of Property Owner:			
I hereby state that the facts related in this application as correct, and accurate to the best of my knowledge.	nd any documents submitted here	with are comple	ete, true,		
Signature of Applicant:	Print Name:		Date:		
Thomas & Cleven	Thomas F. Crave	Thomas F. Craven Oct 15, 202			
Signature of Owner:	Print Name:		Date:		
Cla 7	Michael Jordan, I	Manager	Oct 15, 2020		



APPLICATION FOR

CONDITIONAL REZONING MAP AMENDMENT

LEGISLATIVE CONSIDERATIONS - CONDITIONAL REZONING

The applicant shall propose site-specific standards and conditions that take into account the following considerations, which are considerations that are relevant to the legislative determination of whether or not the proposed conditional zoning district rezoning is in the public interest. Therese considerations do not exclude the legislative consideration of any other factor that is relevant to the public interest. Failure to adequately address the findings below may result in denial of the application. Please attach additional pages if necessary. The petition is justified based on the facts as they relate to the Standards in Section 2.2.6.K of the UDO as follows:

1. Please explain how the proposed Conditional Rezoning advances the public health, safety, or welfare

The proposed conditional rezoning will allow for a wider range of uses that will provide additional job opportunities to the community, an increased and more diversified tax base to the Town, and a wider range of goods and services to the public.

2. Please explain how the proposed conditional rezoning is appropriate for its proposed location, and is consistent with the purposes, goals, objectives, and policies of the town's adopted policy guidance;

The proposed conditional rezoning will allow a broader mix of uses in accordance with the intent of the comprehensive plan and future land use map. The proposed conditional rezoning will also allow for greater economic diversity within the allowed uses, supporting the economic development goals of the comprehensive plan.

3. Please explain how an approval of the conditional rezoning is reasonable and in the public interest;

The approval of this conditional use rezoning is a reasonable extension of the current HC zoning, that will also allow the uses and style of development originally envisioned with the approval of the business park subdivision plan in 2019 prior to the effective date of the UDO. As described in Items 1 and 2 above, this proposed conditional use rezoning serves the public interest by advancing the economic development goals of the comprehensive plan as well as providing a wider range of allowed uses within the the land use goals of the comprehensive plan.

4. Please explain how the concept plan associated with the conditional rezoning is consistent with this Ordinance; and

The concept plan is actually the proposed revision to the original business park subdivision plan that was approved by the Board of Commissioners in 2019.

5. Please explain how the proposed conditional rezoning addresses any other factors as the Board of Commissioners may determine to be relevant. These include but are not limited to the proposed uses requested and any requested deviations and proposed alternative means of compliance.

As was explained with the 2019 subdivision approval, this site will be served by Raleigh water and individual private septic tanks and nitrification fields for each lot. This requires that the location of the suitable soils on each lot to become the over riding constraint for the placement of buildings and parking. This proposed conditional rezoning request helps to provide the flexibility to UDO requirements that would be in conflict with the need to preserve and utilize suitable soil areas for subsurface wastewater treatment.



APPLICATION FOR CONDITIONAL REZONING MAP AMENDMENT

CONCEPT PLAN REQUIREMENTS

Every applicant requesting a Conditional Zoning Amendment shall submit 8 copies and 1 pdf (email or USB Drive) of a concept plan drawing with the application for a Conditional Rezoning. The concept plan shall contain sufficient information to adequately determine the type of development being proposed. The concept plan drawing shall include, at a minimum, the following features unless otherwise specified by the Planning Department:

CHECK IF **SUBMITTED**

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



PROPOSED CONDITIONAL USES

An application has been duly filed requesting that the property described in this application be rezoned from HC (Heavy Commercial) to LI (Light Industrial) Conditional Use . It is understood and acknowledged that if the property is rezoned as requested, the property described in this request will be perpetually bound to the use(s) authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in the Unified Development Ordinance. It is further understood and acknowledged that final plans for any specific development to be made pursuant to any such Conditional Zoning shall be submitted for site or subdivision plan approval. Use additional pages as needed.

The Rezoned Lands may be used for, and only for, the uses listed immediately below. The permitted uses are subject to the limitations and regulations stated in the Use Table and any additional limitations or regulations stated below. For convenience, some relevant sections of the Unified Development may be referenced; such references do not imply that other sections of the Unified Development Ordinance do not apply.

1.	Please see attached	25.	
2.		26.	
3.		27.	
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23.		47.	
24.		48.	



PROPOSED DEVELOPMENT CONDITIONS

The applicant hereby requests that the Zebulon Board of Commissioners, pursuant Section 2.2.6 of the UDO approve the Conditional Zoning for the Conditional Zoning for the above listed use(s), subject to the following condition(s), requested deviations, and proposed alternative means of compliance. (Attach additional pages as needed)

Please see attached.	



OWNER'S CONSENT FORM

Name of Project:	Green Pace Bus	siness Park	Submittal Date:	10/16/2020
documents, and to aften	T to Thomas F. Craven t on my behalf, to sub d and represent me a ermore. I hereby give	t all meetings and pu	this application an blic hearings pertain designated above on.	pe, stamp or print clearly d all required material and ining to the application(s) to agree to all terms and
Ordinance, that lands surapproved as part of that the land as an amendment with the procedures estal limits shall comply with all other applicable stan specifically listed as conincomplete information withdrawal of this application required to process this a	be that, pursuant to spect to a conditional application. These state to this Ordinance and the conditional all Town policies relidards and regulations of deviations provided by me or extion, request, appropriation. I further albmitted as a part of the policies and the conditions of	Section 2.2.6 M. of the rezoning shall be subjundards, plans, and application of the Official Zoning ince. Development local atted to annexation and shall be subjunded to the UDO will result as part of this requesting agent will result agent to the Town of this application for any other subjundance.	tip interest in is the he Town of Zebul ect to all the stands proved conditions a Map, and may only ated outside the Town of the extension of main applicable to st. I understand that in the denial, reviewledge that addition Zebulon to public third party. I first the denial in the denial to the condition to public third party. I first third party. I first the denial to the condition to public third party. I first the denial to the condition to public third party. I first the condition to the con	subject of this application. Ion Unified Development ards, conditions, and plans are perpetually binding on the changed in accordance with of Zebulon's corporate utilities. I understand that the subject lands unless at any false, inaccurate or ocation or administrative tional information may be sh, copy or reproduce any ther agree to all terms and
lie &		Michael Jordan	n, Manager	10/16/2020
Signature of Ov	vner	Print Name		Date
CERTIFICATION O. I hereby certify the states correct to the best of my official records of the Plantage of the	nents or information a knowledge. I underst	made in any paper or pand this application	elated material and	all attachments become
lile g		Michael Jordan	n, Manager	10/16/2020
Signature of On	her	Print Name		Date

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

* SITE INVESTMENTS LLC OWNS PAPCELS 1796BO4769 AND 1796BO2112 AND HAS PAPCEL 1795795922 UNDER CONTRACT WITH THE TOWN OF ZEIBULOH.



ADJACENT OWNERS AND HOA CONTACTS:

Provide a certified list of property owners subject to this application and all properties owners within 150-feet feet of the subject property, and any HOA Contacts for developments which fall within 300-feet of the subject property.

Parcel Address	Parcel ID Number	Owner's Name
See Attached List		
	- N- 1997-01 (1997-01)	

HOA Contacts:

Development Name	Contact Name	Contact Address
None Known		

Parcels Included for Green Pace Park Conditional Zoning

201 Green Pace Road, PIN 1796804769 313 Green Pace Road, PIN 1796802112 469 Green Pace Road, PIN 1795795922

Proposed Zoning

Light Industrial Conditional

Proposed Conditional Uses

Any use allowed as a Permitted Use within the Light Industrial district or any use allowed as a Permitted Use within the Heavy Commercial district except for the following uses:

Coliseum or Arena
Conference or Convention Center
Fraternal Club or Lodge
Helicopter Landing Pad
Utility Major
Utility Minor
Campground
Heavy Equipment Sales, Rental, Repair
Parking Structure
Truck Stop
Heavy Manufacturing
Recycling Center
Salvage or Junkyard

Proposed Development Conditions

District Dimensional Standards

Standard Minimum Residential Density	Mixed Use Development 4	Non-Residential Development N/A
Minimum Lot Area (square feet)	30,000	30,000
Minimum Lot Width (linear feet)	150	150
Maximum Lot Coverage (% of lot area)	85	80
Minimum Street Setback (feet)	30	30
Minimum Side Setback (feet)	5	5
Minimum Rear Setback (feet)	25	25
Maximum Building Height (feet/stories)	50; height may increas additional foot of setb	e by 2 feet for each ack up to 100 feet in height
Minimum Spacing Between Principal Buildings on the Same Lot (feet)	25	25

UDO Article 5.1.6.F

Minimum parking stem length shall be 25 feet for all parking lots.

UDO Article 5.1.8. Parking Lot Connections

Due to the variable location of suitable soils for septic tank drain fields, the parking lot connection requirements will not apply, as implied by Article 5.1.8.C.3. which states "Significant natural features exist in the only viable location for parking lot connections".

UDO Article 5.3.1.C.3 Uses Exempt from Commercial Standards

All uses within Green Pace Park shall be exempt from the Commercial standards.

UDO Article 5.3.1.F.2.b Customer Entrances

Primary building entrances shall be visually prominent and shall include at least two of the features listed in i through ix.

UDO Article 5.3.1.F.4 through 11 Building Articulation, Materials and Colors, Roof Form, Fenestration, Awnings, Out Parcels, Multi-Building Development and Site Features

All lots and buildings within Green Pace Park will be exempt from these articles of the UDO.

UDO Article 5.4.7 Maximum Illumination Levels

The maximum illumination level at the lot line applicable to Green Pace Park will be 2.5 FC on lots lines interior to the Park, 2.0 FC on the perimeter lot lines of the Park, and 5.0 along the right of way of Green Pace Road.

UDO Article 5.5.5 Maximum Height

The maximum security fence panel height will be limited to 8 feet. If barbed wire is added to the top of the fence panels, it will be a minimum of 6 feet off the ground.

UDO Article 5.6.6.A.3 Canopy Tree Size

This article shall be modified to read:

An evergreen hedge will be installed to a minimum height of 6 feet at the time of planting to surround any security fencing to screen loading or storage areas. These plantings will be between the fence and the property line. If barbed wire is added to the top of the fence panels, it will be a minimum of 6 feet off the ground.

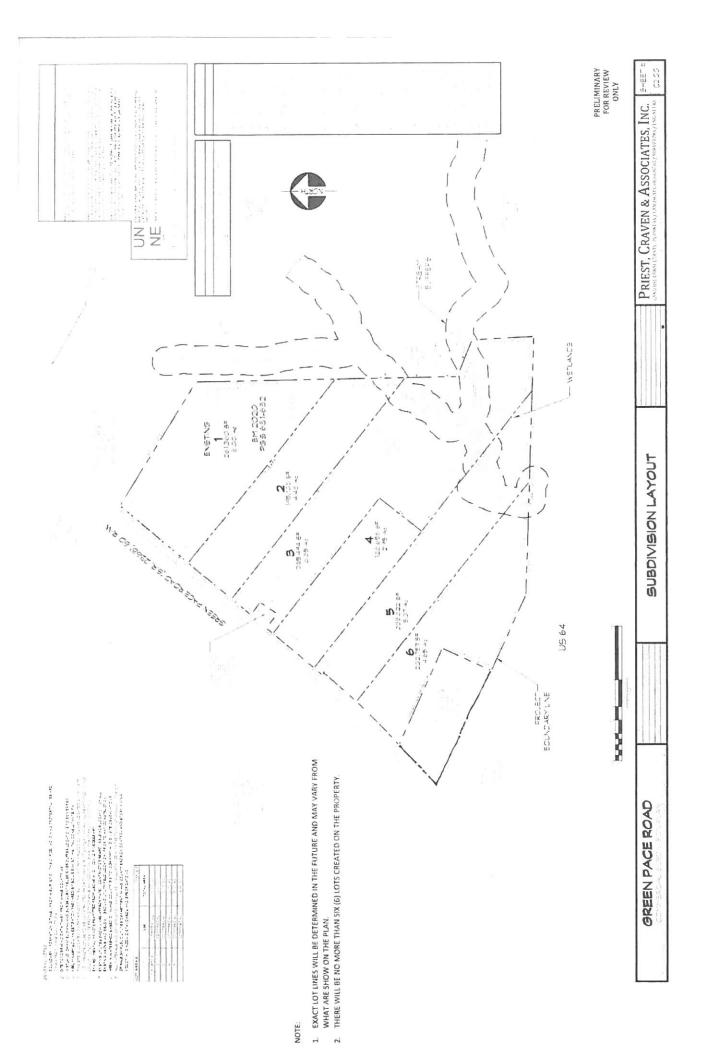
UDO Article 5.8.11.E Alternate Surfacing

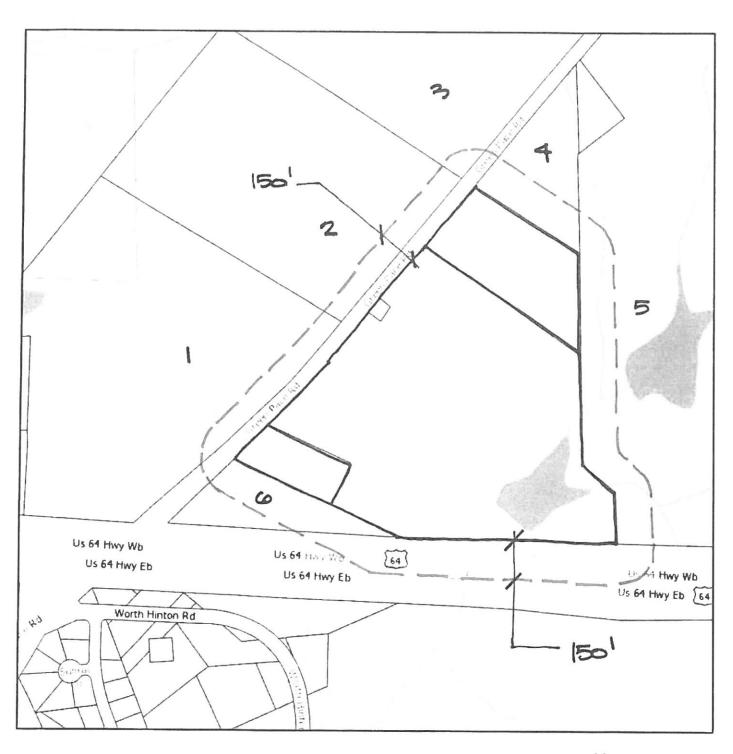
Crushed stone surfacing material will be allowed in any vehicular area other than the off street parking spaces required by the UDO and the driveway that directly connects to those required spaces.

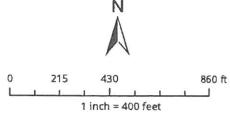
Miscellaneous

Metal building walls shall be allowed on all facades of all buildings within Green Pace Park. Front facades facing Green Pace Road provide a minimum of 25% of the front façade, inclusive of windows, as brick, masonry, stone, stucco or EIFS.

The constraints of the septic system design and location of suitable soils shall take precedence over setbacks and other spatial constraints of the UDO.







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.

). LOUISBURG, NC 27549). LOUISBURG, NC 27549				
ADDRESS	TRUSTEE EMIMA JEAN P. PIPPIN REVOCABLE LIVING TRUST 187 M.C. WILDER RD. LOUISBURG, NC 27549	TRUSTEE EMIMA JEAN P. PIPPIN REVOCABLE LIVING TRUST 187 M.C. WILDER RD. LOUISBURG, NC 27549	8009 CREEDMOOR RD. SUITE 203 RALEIGH, NC 27613-4394	2601 STONEWALK CT. ZEBULON, NC 27597-5001	PROPERTY TAX COMPLIANCE P.O. BOX 167 WINSTON SALAM, NC 27102-0167	DARRYL R. HIGH 1401 SHEPHERD SCHOOL ROAD ZEBULON, NC 27597-9380
PIN # OWNER	1796608358 EMMA JEAN P. PIPPIN	1796714146 EMMA JEAN P. PIPPIN	1796811757 JOSTAN INVESTMENTS GROUP LLC	1796815202 YELLOW DOG INVESTMENTS LLC	1796902666 BRANCH BANKING & TRUST CO.	1795793708 NANCY L HIGH & ALTON HIGH
	1 1	2 1	3 1	4	5 1	6 1

1/30000330 EIVINA JEAN P. PIPPIN	TROSTEE EMINIA JEAN P. PIPPIN KEVOCABLE LIVING TROST 187 M.C. WILDER RD. LOUISBURG, NC 275
1796714146 EMIMA JEAN P. PIPPIN	TRUSTEE EMMA JEAN P. PIPPIN REVOCABLE LIVING TRUST 187 M.C. WILDER RD. LOUISBURG, NC 2754
1796811757 JOSTAN INVESTMENTS GROUP LLC	8009 CREEDIMOOR RD. SUITE 203 RALEIGH, NC 27613-4394
1796815202 YELLOW DOG INVESTMENTS LLC	2601 STONEWALK CT. ZEBULON, NC 27597-5001

PROPERTY TAX COMPLIANCE P.O. BOX 167 WINSTON SALAM, NC 27102-0167 DARRYL R. HIGH 1401 SHEPHERD SCHOOL ROAD ZEBULON, NC 27597-9380

WAKE COUNTY, NC
CHARLES P. GILLIAM
REGISTER OF DEEDS
PRESENTED & RECORDED ON
05-30-2018 AT 16:13:03
STATE OF NC REAL ESTATE
EXCISE TAX: \$460.00
BOOK: 017141 PAGE: 00113 - 00114

NORTH CAROLINA SPECIAL WARRANTY DEED

Parcel Identifier No. <u>0044796</u> Verified by Count By:	ty on the day of, 20	
Mail/Box to: Grantee		
This instrument was prepared by: W. Thurston Debnam, Jr. (wk) Sn	nith Debnam, Attorneys	
Brief description for the Index: 32.40 Acres, B/M 2007, Page 233		
THIS DEED made this Outh day of May, 2018, by and between	en	
GRANTOR	GRANTEE	
UNITED COMMUNITY BANK F/K/A FOUR OAKS BANK & TRUST COMPANY 6114 U.S. Highway 301 South Four Oaks, NC 27524	SITE INVESTMENTS, LLC, A North Carolina limited liability co 933 Old Knight Road Knightdale, NC 27545	mpany
Enter in appropriate block for each Grantor and Grantee: name, macorporation or partnership.	iling address, and, if appropriate, character of ent	ity, e.g.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the Little River Township, Wake County, North Carolina and more particularly described as follows:

BEING all of Lot 1, containing 32.4 Acres of land as shown on that plat entitled "Minor Subdivision Plat of Davidson & Jones 34.4 ac. Tract", dated January 23, 2007, prepared by BSC Rice, and recorded in Book of Maps 2007, Page 233, Wake County Registry.

(Continued on page 2)

Submitted electronically by "Smith Debnam Narron Drake Saintsing & Myers, LLP" in compliance with North Carolina statutes governing recordable documents and the terms of the submitter agreement with the Wake County Register of Deeds.

NC Bar Association Form No. 6 @ 1/1/2010 Printed by Agreement with the NC Bar Association

BK017141PG00114

Specifically excluded from the above referenced land is the cemetery referenced in Book of Maps 2007, Page 233 being a 0.1 acre tract, Wake County Registry, which has the following metes and bounds description: Beginning in the Green Pace Road 60' Public Right of Way (SR #2368) and running thence S 40 deg. 09 min 12 sec W 77.21 feet to a stake, thence N 53 deg. 20 min 31 sec W 56.21 feet to a stake, thence N 34 deg. 19 min 42 sec E 75.34 feet to a stake, thence S 54 deg. 27 min 36 sec E 66.01 feet to the point and place of beginning.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 16321, page 923.

All or a portion of the property herein conveyed includes or X does not include the primary residence of a Grantor. A map showing the above described property is recorded in Plat Book 2007, page 233. TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple. And the Grantor covenants with the Grantee, that Grantor has done nothing to impair such title as Grantor received, and Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor, other than the following exceptions: IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written. (SEAL) UNITED COMMUNITY BANK F/K/A FOUR OAKS BANK & TRUST COMPANY Print/Type Name:_____ (Entity Name) Print/Type Name: Print/Type Name & Title: Lynn DelGaudio, Vice President (SEAL) Print/Type Name:___ Print/Type Name & Title: (SEAL) Print/Type Name:___ Print/Type Name & Title:___ - County or City of State of I, the undersigned Notary Public of the County or City of and State aforesaid, certify that ___ personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this _____ day of _______, 20____. Notary Public My Commission Expires: Notary's Printed or Typed Name (Affix Seal) - County or City of State of and State aforesaid, certify that Lynn I, the undersigned Notary Public of the County or City of DelGaudio personally came before me this day and acknowledged that she is the Vice President of UNITED COMMUNITY BANK F/K/A FOUR OAKS BANK & TRUST COMPANY, and that by authority duly given and as the act of such entity, she signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this day of May, 2018. **24** day of May, 2018. My Commission Expires: 9/30/20 Notary's Printed or Typed Name (Affix Seal)

NC Bar Association Form No. 6 © 1/1/2010 Printed by Agreement with the NC Bar Association

BK012482PG00821

WAKE COUNTY. NC 32
LAURA M RIDDICK
REGISTER OF DEEDS
PRESENTED 8 RECORDED ON
04/04/2007 AT 08:53:33
STATE OF MORTH CAROLINA
REAL ESTATE EXCISE TAX: \$240
BOOK:012482 PAGE:00821 - 60823

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$240.00	
Parcel No. <u>Out of 0044796</u> Verified by of, 20 By:	County on the day
Mail after recording to: Grantee BOX \$6	Jackson, LLP 68
This instrument was prepared by: Benjamin I (without ti	H. Hervey, Hervey & Hervey, P.A. tle examination)
Brief description for the Index:Lot 2, Boo	ok of Maps 2007, Page 233
THIS DEED made this 3 rd day of April, 2007, b	by and between
GRANTOR	GRANTEE
Davidson and Jones Residential, LLC, a North Carolina limited liability company	The Town of Zebulon, North Carolina, a municipal corporation
	100 North Arendell Avenue Zebulon, North Carolina 27597

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in Little River Township, Wake County, North Carolina and more particularly described as follows:

1

BK012482PG00822

BEING all of Lot 2, containing 2.0 acres (87,120.00 Sq. Ft.) of land, as shown on that plat entitled "Minor Subdivision Plat of Davidson & Jones 34.4 Ac. Tract", prepared by BSC Rice, dated December 19, 2006 (original release) and recorded in Book of Maps 2007, Page 233, Wake County Registry.

The property hereinabove described was acquired by Grantor by deed recorded in Book 12002, Page 875, Wake County Registry.

A map showing the above described property is recorded in Book of Maps 2007, Page 233.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

This property is conveyed subject to all enforceable covenants, restrictions and easements of record affecting said property and to 2007 ad valorem taxes.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

By: M. Sta. C. A. M. Steven Junningham,
Authorized Delegate of the Manager

Davidson and Jones Residential, LLC

State of North Carolina - County of Walle

, a Notary Public for said County and State, certify that M. Steven Cunningham, Authorized Delegate of the Manager of Davidson and Jones Residential, LLC, a limited liability company, personally came before me this day and acknowledged the due execution of the foregoing instrument on behalf of the company.

Witness my hand and Notarial stamp or seal this _____ day of April, 2007.

My Commission Expires: 6/28/2011

Seal:

Notary Public Junes

Expiration 8/28/2017

BUBLIC

W JORGANIA



BOOK:012482 PAGE:00821 - 00823

Yellow probate sheet is a vital part of your recorded document. Please retain with original document and submit for rerecording.



Wake County Register of Deeds Laura M. Riddick Register of Deeds

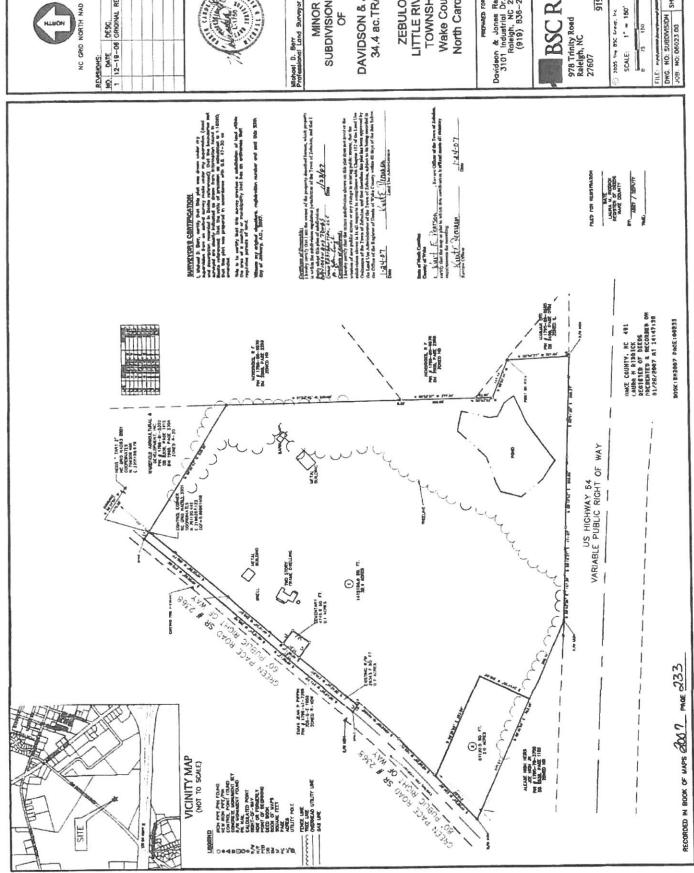
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of Pages • 22,004-1/2006





NC GRID NORTH NAD 83 2001 HO DATE DESC. 1 12-18-06 ORIGINAL RELEASE REMONS



01-23-07 DATE

MINOR SUBDIVISION PLAT

DAVIDSON & JONES 34.4 ac.TRACT ZEBULON LITTLE RIVER TOWNSHIP North Carolina Wake County

PRICHARDS FOR

Davideon & Jones Residential LLC 3101 Industrial Dr. Ste 200 Raleigh, NC 27609 (919) B35-2125

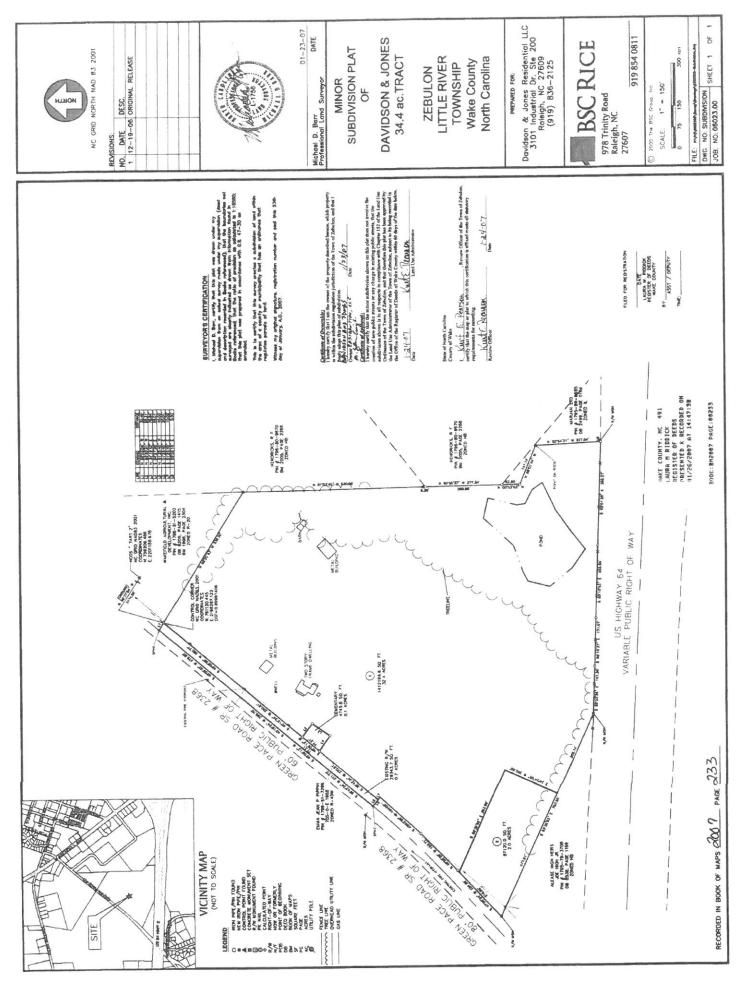
BSC RICE

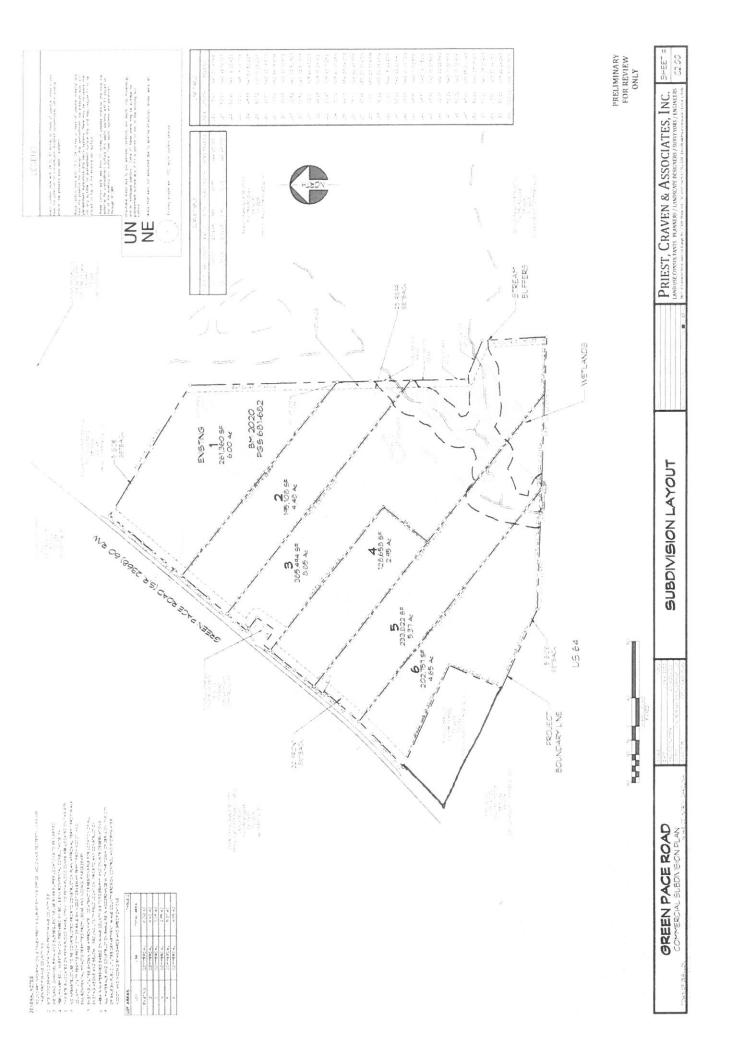
978 Trinity Road Raleigh, NC 27607

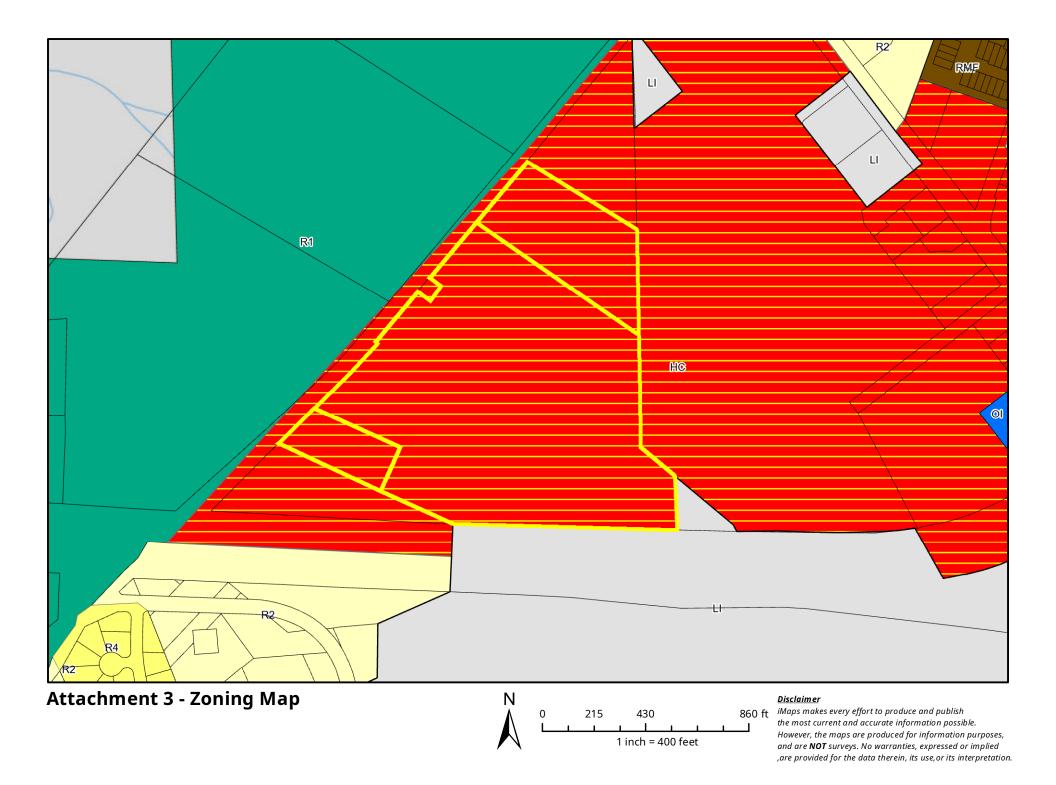
919 854 0811

SCALE: 1" = 180" 2005 The BSC Group, Inc.

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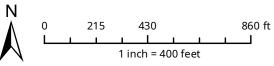








Attachment 4 - Aerial Map



<u>Disclaim er</u>

860 ft 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 5 Zebulon Extra Territorial Junsdiction Limits Town of Zebulon Data obtained from Wake County GIS and the Town of Zebulon - Annexation/Utility Boundary Agreement Line Wake County, NC Zebulon Short Range Utility Service Area Zebulon Long Range Utility Service Area PSP-Public/Semi-Public Land Use Critical Water Supply Watershed (R-80W) Little River Reservoir **HSMM** HB-Highway Business Zebulon City Limits MI-Medium Industrial RR-Residential Rural Supply Watershed WTSD-Watershed MD-Medium Density Residential Little River Water TN-Traditional Neighborhood NC-Neighborhood Commercial LI-Light Industrial Major Streams OS-Open Space HR-High Density Residential CC-Community Commercial TC-Town Core/ Downtown Wake County MU-Mixed Use Major Roads Open Space === Railroad Parcels RT-Retail Streets Land Use Legend NASH COUNTY FRANKLIN COUNTY JOHNSTON COUNTY 里 **3** 1 inch equals 0.5 miles 暑 SO 兕 PSP 0.25 3 里 Ø MD MD SO 里 MD RR RR MD SO 3 乭 ပ္ပ PSP TIN PSP O MD PSP RR Z S MD 兕 PSP MD 黑 8 RR R R 3 <u>M</u> Ź PSP 2 MD PSP Z PSP_ 馬 SO 3 ပ္ပ MD 里 MD RR CCKIT SO 黑 3 SO Ö HB M 暑 MD M PSP VTSD 黑 MD SO MD SO MD MD R SO RR WAKE COUNTY Little River WTSD

Attachment 6



Conditional Rezoning Agreed Conditions

In accordance with Section 2.2.6 of the Town of Zebulon Unified Development Ordinance and NCGS 160D-703, the following conditions are agreed upon for request CZ 2020-04.

 Any use allowed as a Permitted Use or Special Use within the Light Industrial district, except for the uses listed below as Not Permitted. Also, among the permitted uses will be any use in the Heavy Commercial district that is listed below. Any Heavy Commercial Use not listed below is not permitted unless it is a Permitted or Special Use within the Light Industrial district.

Light Industrial Uses that are not Permitted:

- Airport and Related Facilities
- Auditorium
- Cemetery, Columbarium or Mausoleum
- College or University
- Coliseum or Arena
- Conference or Convention Center
- Drug/Alcohol Treatment Facility
- Fraternal Club or Lodge
- Helicopter Landing Pad
- Telecommunications Tower, Major
- Utility Major
- Utility Minor
- Bar, Cocktail Lounge or Private Club
- Campground
- Heavy Equipment Sales, Rental, Repair
- Parking Structure
- Pool Hall
- Race Track
- Recreational Vehicle Park
- Truck Stop
- Heavy Manufacturing
- Asphalt or Concrete Plant
- Extractive Industry
- Manufacturing, Heavy



Conditional Rezoning Agreed Conditions

- Recycling Center
- Salvage or Junkyard
- Waste Composting
- Wind Energy Conversion

Heavy Commercial Uses That Are Permitted

- Adult Day Care
- Child Day Care Center
- Community/Youth/Senior Center
- Cultural Facility, Library or Museum
- Post Office
- Religious Institution
- School, Elementary
- School, High/Middle
- Urgent Care Facility
- ABC Store
- Automotive Parts and Accessory Sales
- Bottle Shop (with on premises consumption)
- Clothing Rental
- Event Venue
- Financial Services Establishment
- Flea Market
- Golf Course or Driving Range
- Grocery Store
- Gymnasium/ Fitness Center
- Hair, Nails and Skin Related Care
- Laundry or Cleaning Service
- · Office, Sales or Service
- Outdoor Commercial Recreation
- Package and Printing Service
- Pharmacy
- Farmers Market
- Plant Nursery



Conditional Rezoning Agreed Conditions

2. District Dimensional Standards

District Dimensional Standards

Standard	Non-Residential	
	Development	
Minimum Residential Density	N/A	
Minimum Lot Area (square feet)	30,000	
Minimum Lot Width (linear feet)	200	
Maximum Lot Coverage (% of lot area)	80	
Minimum Street Setback (feet)	30	
Minimum Side Setback (feet)	5*	
Minimum Rear Setback (feet)	25	
Maximum Building Height (feet/stories)	50; height may increase by 2 feet for each additional foot of setback up to 100 feet in height	
Minimum Spacing Between Principal	25	
Buildings on the Same Lot (feet)		

^{*5} foot Minimum Side Yard Setback shall be subject to TRC approval and fire code requirements, but in no case shall the Minimum Side Yard Setback be greater than 10 feet.

3. The constraints of the septic system design and location of suitable soils shall take precedence over setbacks, parking location, building location and other spatial constraints of the UDO. The TRC will work with the applicant regarding the site layout of the building and vehicular areas in relation to the septic system design, and the septic system design shall allow encroachment into the Type D buffer.



Conditional Rezoning Agreed Conditions

- 4. Minimum parking stem length shall be 25 feet for all parking lots.
- 5. Due to the variable location of suitable soils for septic tank drain fields, and since sufficient access exists to each proposed lot, the parking lot connections are encouraged where appropriate, but not required.
- 6. All uses within Green Pace Park shall be exempt from the Commercial Design Standards UDO Article 5.3.1.D., E, and F, however:
 - The primary customer building entrance shall be visually prominent and shall include at least two of the features listed in i through ix.
- 7. Metal building walls shall be allowed on all facades of all building within Green Pace Park other than facades directly facing Green Pace Road which shall provide that all of the façade directly facing Green Pace Road, exclusive of windows and doors, shall be brick, masonry, stone, stucco or EIFS; however, no EIFS shall be installed within 36" of the ground.
- 8. Article 5.1.8.C. states that "Parking lot connections are not required when any of the following conditions are present:"
 - 3. "Significant natural features exist in the only viable location for parking lot connections". The suitable soils for septic disposal are a significant natural feature that warrant an exception of 5.1.8.
 - 5. "Sufficient access already exists without need for additional parking lot connections". Each of the proposed lots with Green Pace Business Park have at least 200 feet of frontage on Green Pace Road and will apply for individual driveway permitting from NC Department of Transportation. No additional access is necessary. Each of the proposed lots will be under separate individual ownership. Under this ownership model, there is no shared parking and interconnected parking lots are an insurance complication and a security risk.
- 9. The maximum illumination level at the lot line applicable to Green Pace Park will be 2.5 FC on lots lines interior to the Park, 2.0 FC on the perimeter lot lines of the Park, and 5.0 along the right of way of Green Pace Road.



Conditional Rezoning Agreed Conditions

- 10. In cases where a Type C or D perimeter buffer is required but the lot line abuts unbuildable land within a riparian buffer, the FHO, a Town designated tree save area, a reforestation area, or other Town designated conservation area where existing vegetation will not be removed, the required perimeter buffer width and amount of required landscaping material may be reduced by 50%, and the existing vegetation that is to be preserved will be credited toward the remaining required planting.
- 11. For a Type C Semi-Opaque or Type D Opaque Buffer The provision of a fully opaque fence, wall, or berm; or increasing the planting requirements by an additional 25%, allows the buffer width to be reduced to 20 feet.
- 12. The perimeter buffers along the northern property line adjacent to the 4.25 acre parcel owned by Yellow Dog Investments, LLC and identified by Wake County PIN 1796815202 and along the southern property line adjacent to the 3.65 acre parcel owned by the Highs and identified by Wake County PIN 1795793708 shall both be a Type D Opaque Buffer, subject to the modification of buffer width with increased plantings listed above.
- 13. Crushed stone surfacing material will be allowed in any vehicular area other than the off street parking spaces required by the UDO and the driveway that directly connects to those required spaces. Vehicular areas surfaced with crushed stone material will be screened with a semi opaque fence such as a chain link fence with pvc slats or privacy screening and an evergreen hedge row with a minimum height of 6 feet at the time of planting.
- 14. No driveway shall access Green Pace Road at a point closer than 200 feet north of the existing northern corner along the right of way of Green Pace Road of the 3.65 acre parcel owned by the Highs and identified by Wake Co PIN 1795793708.
- 15. The driveway spacing between driveways to Green Pace Road serving these properties shall be a minimum or 200 feet from one another measured from center line of driveway to center line of driveway.



Conditional Rezoning Agreed Conditions

	evelopment Ordinance requireme er agencies will be reviewed and review process.	
Applicant Signature	Print Name	 Date
Town of Zebulon Signature	Print Name	Date











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 **December 14, 2020** 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:

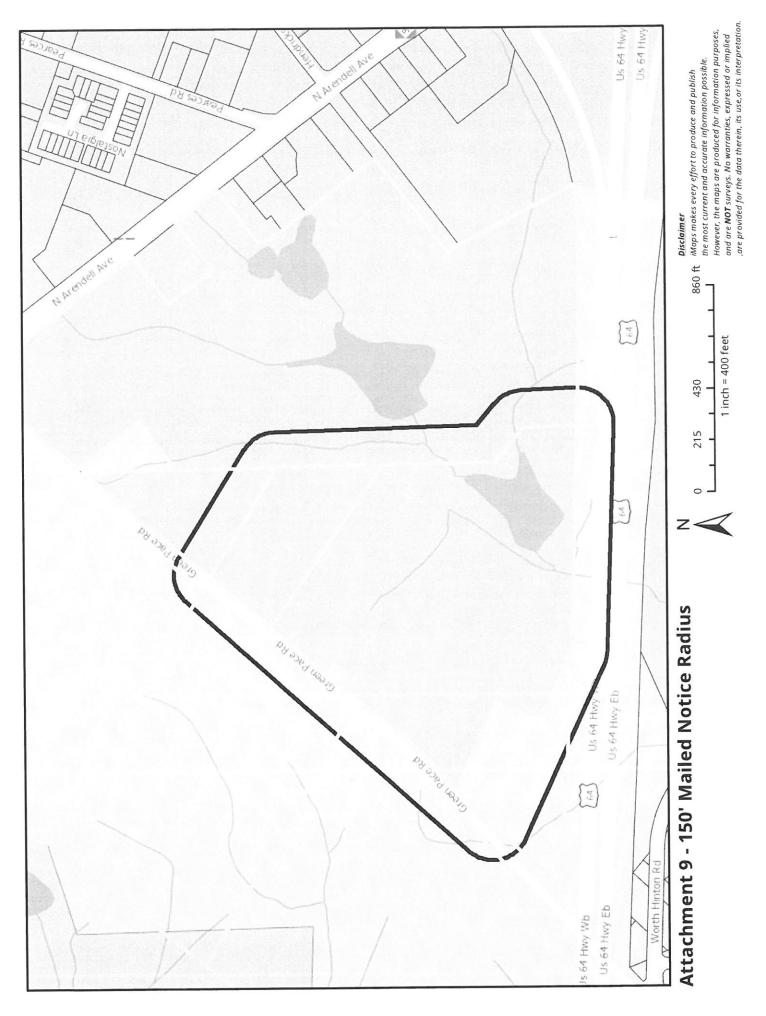
RZ 2020-01 0, 601, 703, 705, 709 E Gannon Avenue. A request by Thurston Debnam Jr., representing the property owner, Providence Bank, requesting a Zoning Map Amendment from Residential-2 (R-2) to Heavy Commercial (HC).

CZ 2020-04 201, 313, 469 Green Pace Road. A request by Thomas F. Craven representing the property owner of properties listed above, Site Investments LLC, requesting a Conditional Zoning from Heavy Commercial District (HC) to Light Industrial Conditional Zoning District (LI-C).

Transportation Plan Amendment: The Town of Zebulon is proposing an amendment to the Multi-Modal Plan to connect the eastern Terminal of Innovative Way to E. Gannon Road with a two-lane median divided street.

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.

Wake Weekly 12/3/2020 & 12/10/2020





STAFF REPORT JOINT PUBLIC HEARING TRANSPORTATION PLAN AMENDMENT DECEMBER 14, 2020

Topic: TRANSPORTATION PLAN AMENDMENT – INNOVATION WAY CONNECTOR

Speaker: Michael J. Clark, AICP, CZO, Planning Director From: Michael J. Clark, AICP, CZO, Planning Director Prepared by: Michael J. Clark, AICP, CZO, Planning Director

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

Executive Summary:

The Board of Commissioners will consider an amendment to the current Transportation Plan to include 2 lane median divided connector between E. Gannon Avenue and the eastern end of Innovation Way.

Background:

Innovation Way is the east-west road serving Zebulon's Industrial Park (home to Nomaco, Vinventions, GREC and other industries). Industrial Drive is the only link connecting Innovation Way with NC 97 (E. Gannon Avenue) and access to the broader transportation network of US 64 and US 264. Industrial Drive also serves as the designated carpool access to East Wake Academy for the 9th – 12th grade classes. The dual purposes of Industrial Drive combine two very different types of traffic users. As development of vacant tracts within the Zebulon Industrial Park continues, the traffic volume and congestion between these competing purposes and schedules will increase. Additionally, the single point of access for these industrial uses creates a potential emergency services challenge if the Industrial Drive becomes blocked.

Discussion:

The discussion before the Board is whether to approve an amendment to the Transportation Plan for the construction of a two-lane median divided road between the east end of Innovation Way and East Gannon Avenue when the subject parcels are developed.

Policy Analysis:

The proposed amendment is consistent with the "Growing Smart" goal of the 2030 Strategic Plan in that it establishes a distribution of traffic while creating access redundancy for emergency service vehicles to the buildings that provide the greatest health and safety risk.

Financial Analysis:

The inclusion of the road on the transportation plan defers the cost of the right-of-way and construction costs to the developer as part of the redevelopment of the subject parcels. Failure to approve the amendment may result in the Town absorbing the cost of securing right-of-way, as well as, the cost of design and construction.



STAFF REPORT JOINT PUBLIC HEARING TRANSPORTATION PLAN AMENDMENT DECEMBER 14, 2020

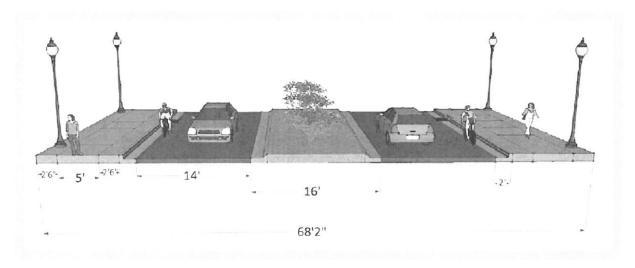
Staff Recommendation:

Staff Recommends the Board accept public comment on this Transportation Plan Amendment at the December 14th Joint Public Hearing and defer the matter to the Planning Board for consideration. Staff Recommends the Planning Board recommend approval of the amendment as proposed.

Attachments:

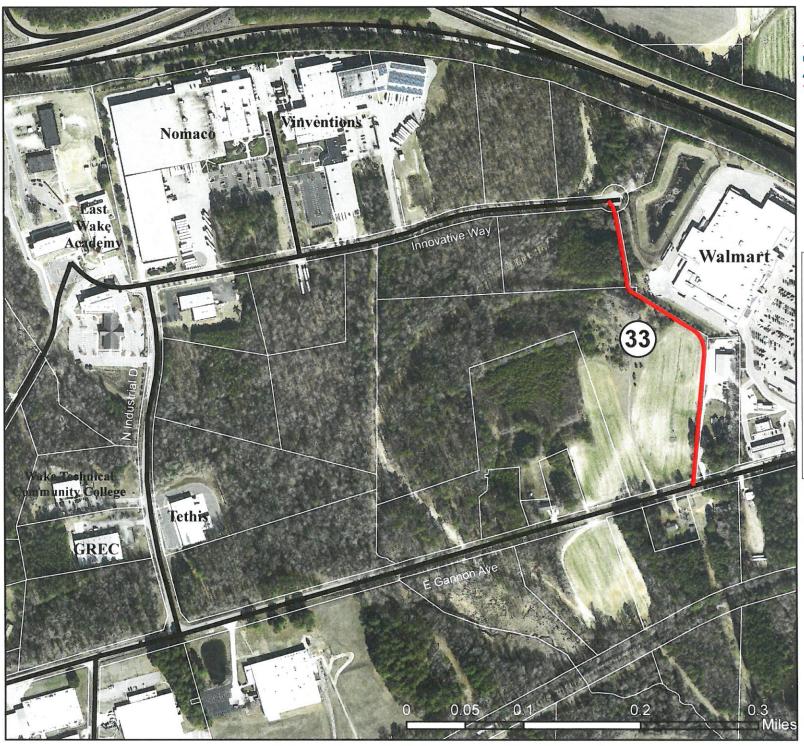
- 1. Proposed Amendment
- 2. Map

2-Lane Median Divided



This cross section includes two 14-foot lanes with curb and gutter, divided by a 16 foot terrain median that can support trees or other aesthetic vegetation. The wide lane width could be used to accommodate bicycles. The cross section also includes 5-foot sidewalks with 2 foot 6 inches of terrain on both sides. There are lamp posts posted along the sidewalks located within the far side terrain area. The total width of the cross section is 68 feet 2 inches.

Main Rd.	From	То	Map Number
Gannon Ave. East	Arendell Ave.	NC 39 Hwy.	14
Judd St.	Arendell Ave.	Worth Hinton Rd.	32
New Street	Innovative Way	Gannon Ave. East	33





NORTH CAROLINA

Legend

2-Lane Median Divided Street

Current Streets

Parcels

