
ZEBULON

NORTH CAROLINA

**TOWN OF ZEBULON
JOINT PUBLIC HEARING AGENDA
BOARD OF COMMISSIONERS AND PLANNING BOARD
March 8, 2021
7:00pm**

Due to COVID-19 we will be taking public hearing comments in writing. Comments will be read into the record at the meeting. Please get all comments of 400 words or less to the Deputy Town Clerk – Stacie Paratore (sparatore@townofzebulon.org) by 12:00pm on March 8, 2021.

I. CALL TO ORDER


II. PUBLIC HEARING

- A. *TA 2021-01 Building Maintenance Regulations.*** A staff-initiated request to amend Chapter 95 Zebulon Code of Ordinance to establish regulations regarding the conditions and appearance of non-residential buildings within the Downtown Core (DTC) and Downtown Periphery (DTP) Zoning Districts.
- B. *CZ Old US 264, Zebulon Outdoor Storage.*** A request by John Oglesby representing the property owner, Tommy Perry, requesting a Conditional Zoning from Heavy Industrial District (HI) to Heavy Industrial-Conditional District (HI-C) for the property at 1817 Old US 264 Hwy..
- C. *RZ 2020-02, 1513 N Arendell Avenue.*** A staff-initiated rezoning request to amend the official Zoning Map from Heavy Industrial (HI) to Heavy Commercial (HC) for the property at 1513 N. Arendell Avenue.
- D. *RZ 2020-03, 49 Green Pace Road.*** A staff-initiated rezoning request to amend the official Zoning Map from Heavy Industrial (HI) to Heavy Commercial (HC) for a section of the property at 49 Green Pace Rd that fronts on N. Arendell, south of 1513 N. Arendell Avenue.
- E. *RZ 2020-04 213 Moss Road.*** A staff-initiated rezoning request to amend the official Zoning Map from Residential (R-2) to Heavy Commercial (HC) for the property at 213 Moss Road.

III. ADJOURNMENT

STAFF REPORT
JOINT PUBLIC HEARING
TA 2021-01 – BUILDING MAINTENANCE
MARCH 8, 2021

Topic: TA 2021 –01 Building Maintenance Regulations

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 staff-initiated text amendment establishing display requirements and minimum building maintenance regulations for non-residential structures within the Downtown Periphery (DTP) and Downtown Core (DTC) zoning districts.

Background:

The proposed text amendments are in response to deteriorating conditions of buildings within the Downtown Zoning Districts and the number of vacant buildings that work against the Town's effort to have a Vibrant Downtown. The proposed regulations require building exteriors maintained in a way that addresses safety and aesthetic concerns, and some level of display located in the front window of vacant buildings to eliminate the appearance of vacancy.

Discussion:

The discussion before the Board of Commissioners is whether to approve the proposed text amendments as presented.

Policy Analysis:

The proposed text amendments respond to the 2030 Strategic Plan's Vibrant Downtown goal of establishing "... a clean, attractive, and historic downtown ...". The proposed text amendments are intended to both create attractive buildings that in-turn attract events, entertainment, shops, restaurants, business, and housing downtown, as well as, attract quality development investment throughout Town.

Continual maintenance of these structures prevents them from falling into disrepair and becoming more costly for developers to meet the North Carolina Commercial Building Code. A well-kept downtown also reveals to developers, regardless of where they intend to invest, a town's commitment to development standards and a town's support of developers committed to those standards.

Financial Analysis:

The adoption of the proposed text amendments will result in increased property values of commercial structures within Downtown as both the aesthetics and building maintenance conditions improve. As buildings improve, the ability for the property owners to attract tenants will increase sales tax revenue. Finally, continued maintenance of these structures will reduce costly and time-consuming code enforcement actions.

STAFF REPORT
JOINT PUBLIC HEARING
TA 2021-01 – BUILDING MAINTENANCE
MARCH 8, 2021

Staff Recommendation:

Staff Recommends the Board of Commissioners accept public comment on TA 2021-02 Building Maintenance Regulations at the March 8, 2021 Joint Public Hearing and refer the matter to the Planning Board for consideration. Staff Recommends the Planning Board recommend approval of the proposed text amendments.

Attachments:

1. Proposed text amendments

CHAPTER 95: ~~GARBAGE; RUBBISH; WEEDS~~ PROPERTY MAINTENANCE

Commercial Building Maintenance Code

§95.60 Intent and Scope It is the purpose and intent of the Zebulon Town Board of Commissioners, through the adoption of this section, to establish commercial property maintenance standards ordinance as a mechanism to preserve the historic integrity of Zebulon's Downtown Districts and to protect the Town's commercial districts from becoming blighted through the lack of adequate maintenance and security of abandoned and vacant properties and occupied buildings that are falling into disrepair. Additionally the Town desires to deter crime and theft of materials, to minimize loss of property value to vacant properties and surrounding occupied properties, to reduce the risk of damage from fire, flooding or other hazards, and to promote the comfort, happiness and emotional stability of area residents. The Town finds that the presence of properties exhibiting evidence of vacancy pose special risks to the health, safety, and welfare of the community and therefore require heightened regulatory attention. The provisions of this Sections 95.60 – 95.69 shall apply to all properties in the DTC and DTP Business districts of the Town of Zebulon.

§95.61 Definitions For the purposes of Sections 95.60 – 95.69, certain words and phrases used in this section are defined as follows:

"Days" means consecutive calendar days.

"Disrepair" means falling into poor condition due to damage, neglect, decay, or similar condition with conditions including, but are not limited to, overgrown or dead vegetation, extensively chipped or peeling exterior paint, exterior walls in poor condition, porches and steps in poor condition, roof in poor condition, broken windows and other signs of general disrepair, accumulation of newspapers, circulars, flyers or mail, past due utility notices or disconnected utilities, accumulation of trash, junk or debris, the absence of window coverings such as curtains, damaged blinds, or shutters.

"Evidence of Vacancy" means any aesthetic condition that on its own or combined with other conditions present would lead a reasonable person to believe that the Property is vacant. Such conditions include, disrepair or the absence of furnishings or personal items consistent with commercial habitation, statements by neighbors, passersby, delivery agents, government employees that the Property is vacant.

"Government Agency" means any public body having authority over the Property and residents of the Town, including but not limited to the Town of Zebulon, Wake County, Zebulon Police Department, Zebulon Fire Department, Wake County Sheriff's Office

"Government Official" means any public official representing a public body which has authority over the Property and residents of the Town, including but not limited to the Code Enforcement Officer, Planning Director, Building Inspector, Police Chief, Fire Inspector, and Town Manager.

"Non-residential Property" means any real property used or intended to be used for anything other than residential property as defined herein.

"Owner" means any person, partnership, association, corporation, or fiduciary having a legal or equitable title or any interest in any real property. No trustee in any Deed of Trust shall be considered an owner.

“Owner of Record” is the person or entity listed on recorded deed, probated will or heir by intestacy.

“Property” means any unimproved or improved real property or portion thereof, situated in the Town and includes the buildings or structures located on the Property regardless of condition.

“Residential Property” means a building, or portion thereof, designed exclusively for residential occupancy, including one-family, two-family, multiple dwellings, mobile homes, house trailers, boarding and lodging houses, apartment houses, and apartment hotels.

“Town” means the Town of Zebulon corporate limits and its Extra Territorial Jurisdiction.

“Utilities” means water, sewer, telephone, natural and propane gas, and electricity services.

“Vacant” means a Property that has not been legally occupied for 180 days. Legally occupied means occupancy by the owner or any business or individual whose presence therein is with the consent of the owner with utilities furnished to the Property.

§95.62 Vacant Building Registration Required

(A) Any vacant commercial property located within the Town’s DTC or DTP districts must be registered by the Owner with the Town, either (1) of the Owner of a Vacant Property’s own accord before receiving a Notice of Registration Requirement, or (2) within 30 days of receiving a Notice of Registration Requirement from the Town.

(B) The Town will send a Notice of Registration Requirement to the Owner of Record of Properties that exhibit Evidence of Vacancy. Owner shall register Property within the time set forth in Section 3(a) unless Owner can provide clear and convincing evidence to the Town Administrator, within such time period, that the Property is not Vacant.

(C) The Vacant Building Registration shall contain:

- (1) the name of the Owner (corporation or individual),
- (2) the direct street/office mailing address of the Owner and P.O. Box if applicable,
- (3) a direct contact name and phone number,

(D) Any changes in the information in (C)(1)-(C)(3) of this Section shall be reported to the Town within thirty (30) days of such changes.

(E) Registration must be renewed annually.

(F) Vacant properties shall remain subject to the annual registration, maintenance, and security requirements of this section if they remain Vacant.

(G) Once the Property is no longer Vacant or is sold, the owner must provide written proof of occupancy or sale to the Town.

§95.63 Maintenance Requirements

Commercial and mixed-use properties subject to this section shall be kept in compliance with the following maintenance requirements:

(A) The exteriors of building(s)/structure(s) on the Property shall be painted and maintained in a way that does not does not exhibit any appearance of Disrepair or Evidence of Vacancy.

(B) The yard(s) of the Property shall be free of rubbish as defined in Section 95.01 and shall be maintained in a way that does not provide appearance of Disrepair or Evidence of Vacancy.

(C) The deck(s) and porch(s) located on the Property shall be maintained in a way that does not provide appearance of Disrepair or Evidence of Vacancy.

(D) The window(s) and door(s) of building(s)/structure(s) of the property shall be intact and operable and shall be maintained in a way that does not provide appearance of Disrepair or Evidence of Vacancy.

(E) Instances of rotting of building(s)/structure(s) located on the Property or portion thereof shall be corrected in order to eliminate appearance of Disrepair or Evidence of Vacancy so that no visible rotting, with the exterior free of peeling paint, loose bricks, or other required maintenance and kept in good aesthetic condition.

(F) The Property shall be maintained to exhibit no appearance of Disrepair or Evidence of Vacancy.

(G) The storefronts, facades, and awnings of buildings shall be maintained in a way that does not provide appearance of Disrepair or Evidence of Vacancy.

(H) The interiors, when visible to passersby through storefront windows, shall be maintained in a way that does not exhibit appearance of Disrepair or Evidence of Vacancy. This may be accomplished with displays within the window bay or similar point of interest decals, photos, or similar elements displayed on the glass.

§95.64 Security Requirements.

Vacant properties subject to this section shall comply with the following security requirements.

(A) The Property shall be maintained in a secure manner so as not to be accessible to unauthorized persons. This includes, without limitation, the closure and locking of windows, doors (including but not limited to walk-through, sliding, and garage), gates, pet doors, and any other such opening of such size that it may allow a child to access the interior of the Property or structure(s).

(B) Broken windows shall be replaced and/or re-glazed; windows at street level shall not be boarded up, and windows on upper floors shall be secured to still appear to be in good operation. If windows are boarded up, they shall be painted to look like fully operable windows.

§95.65 Inspections.

The Town shall have the authority and the duty to inspect properties subject to this section for compliance and to issue citations for any violations. The Town shall have the discretion to determine when and how such inspections are to be made, provided that their policies are reasonably calculated to ensure that Sections 95.60 – 95.69 is enforced.

§95.66 Enforcement; Violations; and Penalties.

(A) It shall be unlawful for any Owner to be in violation of any of the provisions of this section.

(B) Any person who violates a provision of this section or fails to comply with any order made thereunder and from which no appeal has been taken, or who shall fail to comply with such order as affirmed or modified by appeal, or by a court of competent jurisdiction, within the time fixed herein, shall severally, for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable as provided in this Chapter.

(C) The imposition of one penalty for any violation shall not excuse the violation or authorize its continuance.

(D) All such persons shall be required to submit an acceptable plan of action to the Town Administrator within 15 business days of notification. This plan of action must include, but is not limited to, a description of the work to be done, by whom and a specific schedule. Plans shall be reviewed by the Town and work is to commence within 15 days of staff approval. When not otherwise specified, failure to meet any stated condition within 15 days of required action shall constitute a separate offense.

(E) Penalties for failure to comply:

(1) Maintenance and Security Requirements. Failure to meet the maintenance and security requirements is punishable by a civil penalty of \$500.

(2) Failure to implement plan. Failure to implement plan within 15 days of approval or complete the plan within the approved time unless given an extension in writing by the Town Administrator is a violation punishable by a civil penalty of \$500.

(3) For violations of Sections 95.60-95.69, each day that a violation remains in effect shall constitute a new violation.

§95.67 Appeals.

Any person aggrieved by any of the requirements of Sections 95.60 – 95.69 may present an appeal in writing to the Board of Appeals.


§95.68 Severability.

Should any provision, section, paragraph, sentence or word of Section 95.60 – 95.69 be determined or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this chapter shall remain in full force and effect.

§95.69 Preemption.

Except as specifically preempted by NCGS §160D-1201, et. seq. 160D-1129 or Town ordinances promulgated pursuant to NCGS. §160A-1129, et. seq., Sections 95.60 – 95.69 shall apply to all Commercial, Mixed-Use, and Vacant Properties in the DTC and DTP zoning districts in the Town of Zebulon as described in the Town of Zebulon Unified Development Ordinance.

STAFF REPORT
JOINT PUBLIC HEARING
CZ 2020-06 ZEBULON OUTDOOR STORAGE
MARCH 8, 2021

Topic: CZ 2020-06 Zebulon Outdoor Storage
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 1817 Old US Highway 264.

Background:

The applicant, Engineer John F. Oglesby of CSD Engineering, on behalf of the property owner, Zebulon Outdoor Storage, requests rezoning a 15.28-acre parcel from Heavy Industrial (HI) to Heavy Industrial Conditional Zoning (HI-C). The subject property is located on Old US Highway 264, east of its intersection with NC Highway 39, across from US Foods. The parcel has been recently cleared without authorization but is currently vacant.

A notice of public hearing was mailed to all property owners within 150 feet of the subject property on February 24, 2021. The site was posted with public hearing signs on January 21, 2021. A notice was published in the Wake Weekly on February 24, 2021 and March 4, 2021.

Discussion:

The discussion before the Board is consideration of the request for a Conditional Zoning Map Amendment to Heavy Industrial Conditional Zoning District (HI-C).

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

1. Whether the proposed conditional rezoning advances the public health, safety, or welfare;
2. 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 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.

Policy Analysis:

A conditional rezoning grants an applicant the opportunity to propose conditions in exchange for assurances of a particular result or objective. Typically, the applicant requests a reduction in uses and deviations from development standards by offering alternate means of complying with the intent and purpose of the development standards.

This Conditional Rezoning request would not alter any uses, but the applicant is requesting the use of gravel for drive aisles, vehicular storage, and parking. The use of gravel for *“off-street parking spaces, accessible parking spaces, drive aisles, and vehicular use”* are limited to a few exceptional uses (e.g. religious institutions, private clubs, bed and breakfast establishments (see UDO § 5.8.5.F.3 for the full list)). Outside of the noted exceptions, *“concrete, asphalt or similar material of sufficient thickness and consistency is required to support anticipated traffic volumes and weights.”* This requirement is a continuation of a long-standing expectation that *“vehicular areas be graded and surfaced with asphalt or concrete to prove protection against potholes, erosion, and dust.”* While the applicant is proposing additional landscape buffers to minimize the visibility, the purpose and intent of the development standards remains unmet.

The Purpose and Intent of this ordinance is meant to address the following issues:

1. Traffic volume and weight:

With the exception of the uses noted in the development ordinance, many uses within the Heavy Industrial District attract and generate high traffic volumes with heavier weights. Gravel requires more frequent maintenance and degrades quicker when exposed to all-weather events than other surface treatments such as asphalt, concrete, or pervious surfaces (e.g. pervious concrete, permeable paving systems).

2. Public Health and Safety:

The quicker degradation of gravel exposed to higher traffic volumes, heavier traffic loads, and all-weather events produces unsound surfaces for parking, storing, walking, or ADA accessibility.

3. Code Enforcement Effectiveness and Efficiency:

Improperly maintained private lots are largely out of Town control and the resolution of these issues requires an inordinate amount of Staff time to resolve (e.g. potholes in private parking lots). Allowance of gravel in a Heavy Industrial District would magnify the number and frequency of these issues and pull resources away from addressing other code enforcement needs throughout Town.

If the conditional zoning case is approved, two precedents will be established for subsequent conditional zoning cases. First, the use of gravel on this site will run with the land regardless of future ownership, and grant consideration for use on other sites seeking Heavy Industrial District Conditional Zonings in the future. Second, legislative

STAFF REPORT
JOINT PUBLIC HEARING
CZ 2020-06 ZEBULON OUTDOOR STORAGE
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allowance would undercut an opportunity for the compromise/collaboration nature of the conditional zoning process to produce an ingenious solution (e.g. a recent conditional rezoning along Green Pace Road resulted in a successful compromise/collaboration on the use of gravel).

The Unified Development Ordinance, both through the compromise/collaborative nature of the process, and the allowable use of alternate materials (see attached Figure 5.8.5.F), offers the chance at a better solution than simply allowing gravel on this and future sites within a Heavy Industrial District. Staff does not support the use of gravel for an outdoor/vehicle storage facility on this parcel.

If the proposed conditional zoning case is denied, the applicant may still operate the intended *Outdoor Storage* use subject to meeting the requirements of the UDO as written, including the surfacing requirements.

Fiscal Analysis:

From a land use perspective, a conditional zoning change from Heavy Industrial to Heavy Industrial - Conditional does not create a fiscal change with the property. The allowance of gravel will create public health and safety issues pulling resources away from other code enforcement actions, and develop a product with less taxable value and producing less revenue.

Proposed Conditions:

Town of Zebulon Staff worked with the applicant to finalize conditions that are still in the spirit and intent of the Unified Development Ordinance, however an agreed upon alternative means of compliance to the proposed deviations from the UDO were not achieved.

See Attachment 6

Staff Recommendation:

Following the Joint Public Hearing and a recommendation from the Planning Board, staff recommends denial of CZ 2020-06.

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



APPLICATION FOR CONDITIONAL REZONING MAP AMENDMENT

PART 1. DESCRIPTION OF REQUEST/PROPERTY		
Street Address of the Property: 1817 OLD US HWY 264 ZEBULON, NC 27597	Acreage: 15.28	
Parcel Identification Number (NC PIN): 2715830482	Deed Book: 18096	Deed Page(s): 1246
Existing Zoning of the Property: HEAVY INDUSTRIAL (HI)	Proposed Zoning of the Property: HEAVY INDUSTRIAL - Conditional Zoning (HI-CZ)	
Existing Use of the Property: VACANT	Proposed Use of the Property: LONG-TERM PARKING FACILITY FOR LARGE TRUCKS, BOX TRUCKS, TRAILERS, ETC.	
Reason for Conditional Rezoning: UDO Section 5.8.5.F requires the vehicle use areas including drive aisles and parking spaces have to be concrete, asphalt or similar material. The owner/developer is requesting he have the option to use gravel in vehicle use areas including drive aisles and parking spaces. Town planning staff will not administratively approve gravel or similar materials; therefore, requiring this request for conditional zoning. The request for gravel as an approved option for vehicle areas is to allow a semi-impervious to porous surface that will reduce surface runoff and allow some infiltration. Other conditions requested include increasing the maximum coverage area to 80% with a semi-impervious vehicle use area; parking setbacks along public right-of-way be set at 15' min; and, allowing metal buildings in the future.		

PART 2. APPLICANT/AGENT INFORMATION		
Name of Applicant/Agent: CSD Engineering (John F. Oglesby, PE - Sr. Project Manager)		
Street Address of Applicant/Agent: 3 N. Main Street - Suite D (Physical) and P.O. Box 1250 (Mailing)		
City: Wendell	State: NC	Zip Code: 27591
Email of Applicant/Agent: john@csd-engineering.com	Telephone Number of Applicant/Agent: (919) 624-0997	Fax Number of Applicant/Agent: (910) 791-1501
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. PROPERTY OWNER INFORMATION		
Name of Property Owner: Zebulon Outdoor Storage, LLC (Tommy Perry - Manager)		
Street Address of Property Owner: 20 Bunn Avenue		
City: Zebulon	State: NC	Zip Code: 27597
Email of Property Owner: tommy@perrycorpnc.com	Telephone Number of Property Owner: (919) 422-5660	Fax Number of Property Owner:

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 Applicant: 	Print Name: John F. Oglesby	Date: 12/7/20
Signature of Owner: 	Print Name: Tommy Perry	Date: 12-7-20



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. These 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 use of semi-impervious surface material in vehicle use areas will significantly reduce stormwater runoff; reduce the amount of energy and use of fossil fuels required to mix and install asphalt cement concrete and/or Portland cement concrete. Providing a parking facility will meet the demand for long-term parking as eastern Wake County grows. The location is ideal for this use as trucks are currently parking on side of road causing a safety concern for traveling 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;

This location is ideal and within an industrial area with no residential property nearby. Using gravel in vehicle use areas is common for long-term parking facilities, which are in high demand. The screening of the parking area will reduce the visual impact of the traveling public and help mitigate potential dust. Fencing, existing vegetation, additional landscaping will meet the intent of the town’s purposes, goals, objectives and policies of maintaining consistency with growth and appearance.

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

Paving 65% to 80% of a land area (in this case, from 9 to 12 acres) is not practical given the concern for stormwater management. The proposed use for long-term parking does not require pavement. A gravel, soil, and/or grass surface gives the owner flexibility in parking configuration. The owner is not proposing a full-service truck stop, for which pavement would be preferred for commercial use. There are no buildings proposed and no uses that require short-term off-street parking. Screening will help reduce visual impact for traveling public. Neighbors have no objection.

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

The site plan meets the Ordinance as written for min. setbacks, street yard buffers, maximum coverage (current plan shows less than 65% coverage; however, additional land could be utilized for parking). The concept plan shows min. 50' stem length at driveway entrance. The development will maintain most of the ordinance requirements as written with only minor exceptions that give flexibility to the owner to provide a use that is in high demand.

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.

The current zoning (HI) accommodates large-scale industrial uses including outdoor operations with extensive movement of vehicles and truck traffic. The property is surrounded by heavy industrial uses and controlled access right-of-way. Pavement will have more adverse impact on the environment and will prohibit the owner from providing flexible alternatives for providing parking for large trucks. Vegetative and fence screening will reduce the minimally adverse visual impact. Otherwise, the use will meet the current UDO requirements.



APPLICATION FOR CONDITIONAL REZONING MAP AMENDMENT

CONCEPT PLAN REQUIREMENTS

Every applicant requesting a Conditional Zoning Amendment shall submit **8 copies** and **1 pdf (e-mail 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.	<u>✓</u>
2.	Elevation drawings of all buildings indicating the proposed exterior finish materials.	<u>n/a</u>
3.	Landscaping plan, lighting, fencing, screening, and walls, indicating all heights and locations.	<u>✓</u>
4.	Location of all ingress and egress.	<u>✓</u>
5.	Off-street parking and loading facilities, with calculations showing how the quantities were obtained.	<u>✓</u>
6.	All pedestrian walks and open areas for use by residents, tenants, or the public.	<u>n/a</u>
7.	Proposed land uses indicating areas in square feet.	<u>✓</u>
8.	The <u>location</u> and types of all signs, including lighting and heights, with elevation drawings.	<u>✓</u>
9.	Existing and/or proposed street names.	<u>n/a ✓</u>
10.	Proposed potable or reuse water, wastewater connections, and storm sewer line; proposed grading and drainage patterns; proposed water and sewer allocations.	<u>n/a</u>
11.	Such additional items and conditions, including design standards as the Planning Board and Board of Commissioners deems necessary.	<u>✓</u>
12.	Trip generation data and TIA	<u> </u>

Please see notes on cover/transmittal letter.



APPLICATION FOR CONDITIONAL REZONING MAP AMENDMENT

PROPOSED CONDITIONAL USES

An application has been duly filed requesting that the property described in this application be rezoned from Heavy Industrial to Heavy Industrial - Conditional Zoning. 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.	Uses allowed by HI Zoning	25.	
2.	plus additional condtions	26.	
3.		27.	
4.		28.	
5.		29.	
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21.		45.	
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23.		47.	
24.		48.	



APPLICATION FOR CONDITIONAL REZONING MAP AMENDMENT

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)

1. Any use allowed as a permitted use within the Heavy Industrial district.
2. District Dimensional Standards:
 - Maximum Lot Coverage: 80% with semi-impervious (gravel, soil/grass) parking surfaces
 - Minimum setbacks for parking area: 15' along public R/W and 5' at interior lot lines
3. Type C or D perimeter buffer width and amount of required landscape material reduced by 50% where existing vegetation will not be removed, and existing vegetation that is preserved will be credited toward the remaining required planting.
4. For Type C Semi-Opaque Buffer or Type D Opaque Buffer: the provision of a fully opaque fence, wall or berm; or increasing the planting requirements by an additional 25% will allow the buffer width to be reduced to 15 feet.
5. Gravel, crushed stone, reinforced soil/grass surfacing material will be allowed in all vehicular use areas except for driveway apron from edge of existing pavement to right-of-way/property line.
6. Vehicle areas surfaced with gravel or crushed stone will be adequately screened with existing vegetation and/or evergreen vegetation with a minimum height of 4 feet at the time of planting.
7. Metal buildings will be allowed for tool storage and future office space, if needed.



APPLICATION FOR
CONDITIONAL REZONING MAP AMENDMENT

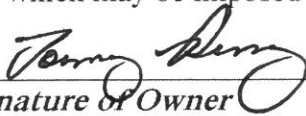
OWNER'S CONSENT FORM

Name of Project: Zebulon Outdoor Storage Submittal Date: 12/7/2020

OWNER'S AUTHORIZATION

I hereby give CONSENT to CSD Engineering (c/o John F. Oglesby, PE) (type, stamp or print clearly full name of agent) to act on my behalf, to submit or have submitted this application and all required material and documents, and to attend and represent me at all meetings and public hearings pertaining to the application(s) indicated above. Furthermore, I hereby give consent to the party designated above to agree to all terms and conditions which may arise as part of the approval of this application.

I hereby certify I have full knowledge the property I have an ownership interest in is the subject of this application. I acknowledge and agree that, pursuant to Section 2.2.6 M. of the Town of Zebulon Unified Development Ordinance, that lands subject to a conditional rezoning shall be subject to all the standards, conditions, and plans approved as part of that application. These standards, plans, and approved conditions are perpetually binding on the land as an amendment to this Ordinance and the Official Zoning Map, and may only be changed in accordance with the procedures established in this Ordinance. Development located outside the Town of Zebulon's corporate limits shall comply with all Town policies related to annexation and the extension of utilities. I understand that all other applicable standards and regulations of the UDO will remain applicable to the subject lands unless specifically listed as conditions or deviations as part of this request. I understand that any false, inaccurate or incomplete information provided by me or my agent will result in the denial, revocation or administrative withdrawal of this application, request, approval or permits. I acknowledge that additional information may be required to process this application. I further consent to the Town of Zebulon to publish, copy or reproduce any copyrighted document submitted as a part of this application for any third party. I further agree to all terms and conditions, which may be imposed as part of the approval of this application.


Signature of Owner

Tommy Perry
Print Name

12-7-20
Date

CERTIFICATION OF PROPERTY OWNER

I hereby certify the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand this application, related material and all attachments become official records of the Planning Department of the Town of Zebulon, North Carolina, and will not be returned.


Signature of Owner

Tommy Perry
Print Name

12-7-20
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.

Zebulon Outdoor Storage – Zebulon, NC

Legal Description

A 15.28 acre tract of land located in Little River Township, Wake County, North Carolina; tract of land as described in Deed Book 18096, Page 1248, "Exhibit A" as recorded in the Wake County Registry on September 28, 2020.

EXHIBIT A

BEGINNING at a point in the centerline of SR 2404 (Old Hwy 264) said beginning point being located in the southwestern most corner of that certain tract of land conveyed to Carolina Power and Light Company in Deed recorded in Book 8764, Page 342, Wake County Registry; runs thence with the centerline of SR 2404 North 58 degrees 23 mins. 38 seconds West 776.17 feet to a point; thence leaving said centerline north 24 degrees 21 minutes 37 seconds east 383.53 feet and north 18 degrees 14 minutes 22 seconds east 354.18 feet to a point in the southern right of way line of US Hwy 264; runs thence with said right of way line in a curve having an arc of 36.38 feet, a radius of 1,307.39 feet, and a curve length of 36.38 feet with an arc direction of South 77 degrees 14 mins. 24 seconds east; runs thence continuing with said right of way line South 73 degrees 11 mins. 15 seconds East 188.69 feet and south 71 degrees 18 minutes 04 seconds East 704.35 feet; runs thence leaving said right of way line South 31 degrees 35 minutes 17 seconds West 942.95 feet to a point in the centerline of SR 2404, the point and place of beginning and being designated as Tract 1 containing 16.176 gross acres as is shown on a survey entitled "Property map for William Avon Privette, Jr." prepared by Williams-Pearce & Assoc., Professional Land Surveyors dated April 7, 2003.
Property address: 1817 Old US 264 Hwy, Zebulon, NC 27597 (Wake County)

John Oglesby

Subject: Copy: Zebulon Outdoor Storage - Neighborhood Meeting
Location: join.me/513-570-701, see conference numbers in the invitation

Start: Thu 12/3/2020 6:30 PM
End: Thu 12/3/2020 8:30 PM

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: John Oglesby
Required Attendees: Jeff Stallings; David Hicks; Shane McKinney; Joe Haywood ; Ginger Oglesby - CSD; Tommy Perry

Categories: Project

Good afternoon,

You are invited to a neighborhood meeting to review and discuss a development proposal in your vicinity. The official notification letter is attached to this email and was mailed to the address we have on file for you. Thank you very much for providing your email address. Due to COVID, we are offering a virtual meeting option through Join Me (see below). However, you are welcome to attend in person at my office. We will follow CDC guidelines for social distancing and wearing of masks. We do not expect more than 10 people if everyone shows up at my office.

We look forward to meeting all of you. If you have any questions, please contact me at (919) 624-0997. Please confirm receipt of this invitation and the mailed letter.

Thank you,
John F. Oglesby, PE
CSD Engineering

You have been invited to a join.me meeting

Join the meeting: join.me/513-570-701

To dial in by phone:

United States - Boston, MA
+1.857.444.6500

United States - Camden, DE
+1.302.202.5900

United States - Denver, CO
+1.720.650.5050

United States - Los Angeles, CA
+1.213.226.1066

United States - New York, NY
+1.646.307.1990

United States - Salt Lake City, UT
+1.801.448.0006

United States - San Francisco, CA

+1.415.594.5500

United States - Seattle, WA

+1.206.636.0011

United States - Tampa, FL

+1.813.769.0500

United States - Washington, DC

+1.202.602.1295

[More phone numbers](#)

Conference ID:

513-570-701 #

Need to share screen? [Download the app](#)



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: Zebulon Outdoor Storage		Zoning: Heavy Industrial
Location: 1817 Old Hwy 264 Zebulon, NC 27597		
Property PIN(s): 2715830482		Acreage/Square Feet: 15.28 ac / 665,684 sf
Property Owner: Zebulon Outdoor Storage, LLC (Tommy Perry)		
Address: 20 Bunn Avenue		
City: Zebulon	State: NC	Zip: 27597
Phone: (919) 422-5660		Email: tommy@perrycorpnc.com
Developer: Same as Property Owner		
Address:		
City:	State:	Zip:
Phone:	Fax:	Email:
Engineer: CSD Engineering (John F. Oglesby, PE)		
Address: 3 N. Main Street, Suite D (physical) and P.O. Box 1250		
City: Wendell	State: NC	Zip: 27591
Phone: (919) 624-0997	Fax: (910) 791-1501	Email: john@csd-engineering.com
Builder (if known):		
Address:		
City:	State:	Zip:
Phone:	Fax:	Email:



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: Zebulon Outdoor Storage

Meeting Address: 3 N. Main Street, Suite D - Wendell, NC 27591

Date of Meeting: 12/3/2020 Time of Meeting: 6:30-8:30

Property Owner(s) Names: Zebulon Outdoor Storage, LLC

Applicants: CSD Engineering on behalf of Tommy Perry, Manager of Zebulon Outdoor Storage, LLC

Please print your name below, state your address and/or affiliation with a neighborhood group, and provide your phone number and email address. Providing your name below does not represent support or opposition to the project; it is for documentation purposes only.

	Name/ Organization	Address	Phone#	E-mail
1	Joe Haywood / US Food	1500 NCHay 39	919 464 4165	joe.haywood@usfoods.com
2	David Hicks / Twin Lake	2124 Winslowe	252 813 5828	
3	Farm 2	Farm Rd	919 427 3545	dspencerh0214
4	Jeff Stallings	Po Box 40	252 230 6860	@gmail.com
5	Stallings Bros.	Middlesex		jeffstallings@
6				y mail.com
7	Shane McKimney	1825 Old US Hay	919 906	shane.mckimney
8	Progress Dulce	264	5480	@duke-energy.com
9				
10				
11				
12				
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18				
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23				
24				
25				

Attach Additional Sheets If Necessary.



INFORMATION PACKET FOR NEIGHBORHOOD MEETINGS

SUMMARY OF DISCUSSION FROM THE 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.

Project Name: Zebulon Outdoor Storage
Meeting Address: 3 N. Main Street, Suite D Wendell, NC 27591 (everyone called in; not in-person)
Date of Meeting: 12/3/2020 Time of Meeting: 6:30 - 8:30
Property Owner(s) Names: Zebulon Outdoor Storage, LLC
Applicants: CSD Engineering

Please summarize the questions/comments and your response from the Neighborhood Meeting in the spaces below (attach additional sheets, if necessary). Please state if/how the project has been modified in response to any concerns. The response should not be "Noted" or "No Response". There has to be documentation of what consideration the neighbor's concern was given and justification for why no change was deemed warranted.

Question/ Concern #1 Joe Haywood (US Foods): "Is this a parking area? Looks like very large spaces. Is it for large trucks? If so, we have no concerns. Will lot be fenced in?"

Applicant Response: Yes, this will be a parking area for tractor-trailers, box truck, dump trucks, large pickup trucks with utility trailers, etc. We are requesting the parking surface to be gravel. Yes, the lot will be fenced with locked gate that can be accessed by unique code.

Question/ Concern #2 Shane McKinney (Duke Energy): "Will the lot be fenced and locked?"

Applicant Response: Yes. The lot will be enclosed by fencing with locked gate that can be entered by a unique code that is given to every customer.

Question/ Concern #3 Jeff Stallings (Stallings Brothers, Inc.): "I know what Tommy is doing and have no concerns. I support Tommy 100%."

Applicant Response: Thank you.

Question/ Concern #4 David Hicks (Twin Lake Farmz, LLC): "Will the site be secure and not attract crime and rift-raft? Otherwise, I have no concern; I can't see it from my house."

Applicant Response: Yes sir, the site will be secure with fence and locked gate. The owner only rents to owner/operators of tractor trailers and well-known trucking companies. The site will also have security cameras and lighting.



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 parties.

I, John F. Oslesby, do hereby declare as follows:
Print Name

1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Master Subdivision Plan, or Special Use Permit.

2. The meeting invitations were mailed to the Zebulon Planning Department, all property owners within 300 feet of the subject property and any neighborhood association that represents citizens in the area via first class mail a minimum of 10 days in advance of the Neighborhood Meeting.

3. The meeting was conducted at 3.11 Main Street Wendell (and online) (location/address) on 12/3/20 (date) from 6:30 (start time) to 8:30 (end time).

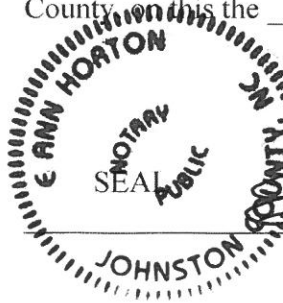
4. I have included the mailing list, meeting invitation, sign-in sheet, issue/response summary, and zoning map/reduced plans with the application.

5. I have prepared these materials in good faith and to the best of my ability.

12/7/2020 Date By: John F. Oslesby

STATE OF NC COUNTY OF Johnston

Sworn and subscribed before me, E. Ann Horton, a Notary Public for the above State and County, on this the 7 day of December, 2020.



E. Ann Horton

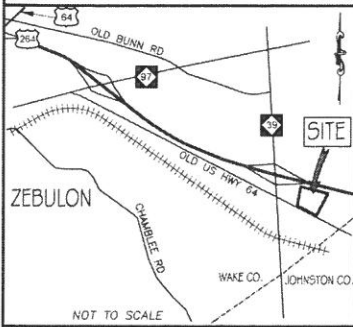
Notary Public

E. Ann Horton

Print Name

My Commission Expires: May 4, 2024

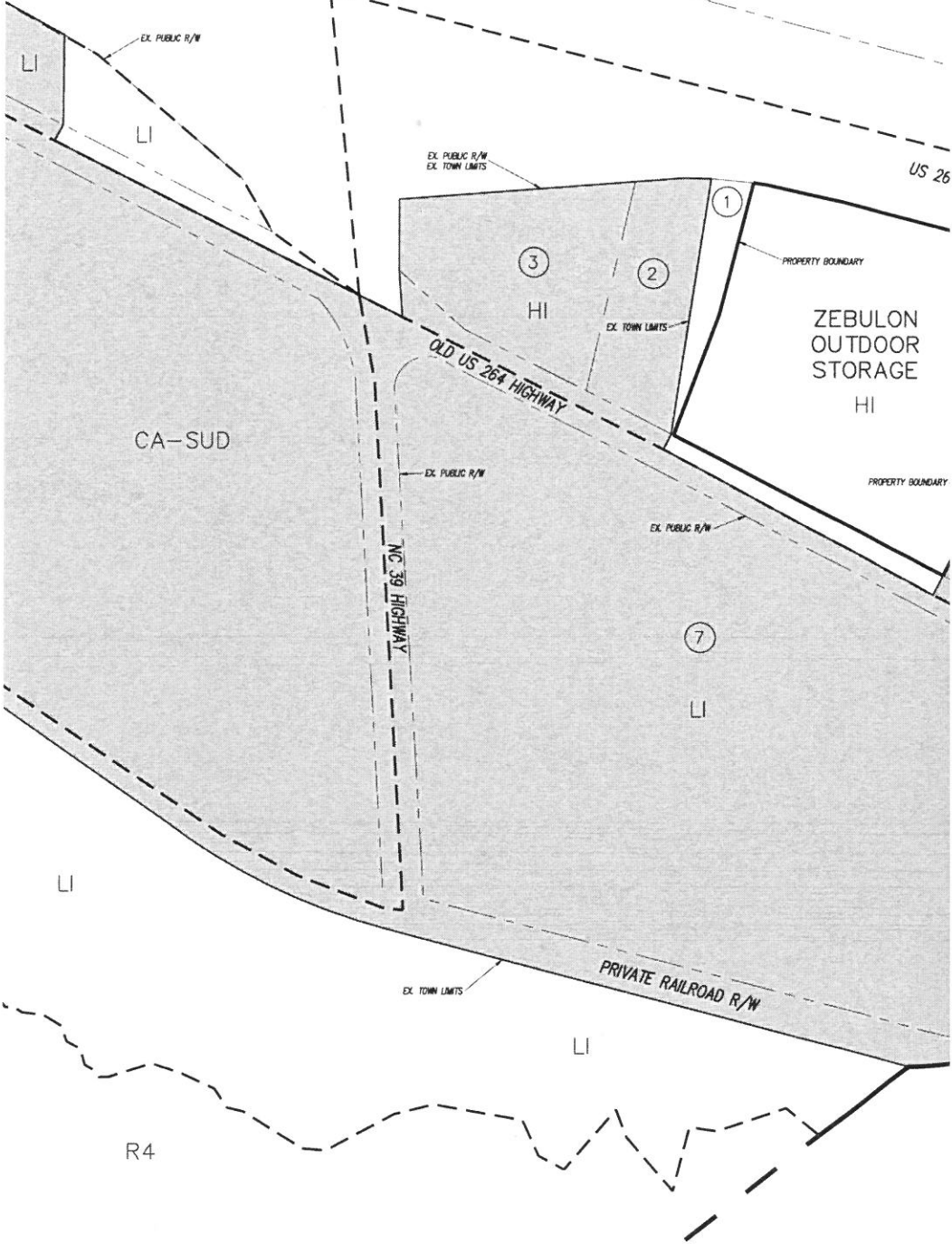
LOCATION MAP



R2

NC 39 HIGHWAY

US 264 HIGHWAY



CA-SUD

LI

LI

3

HI

2

1

ZEBULON
OUTDOOR
STORAGE
HI

7

LI

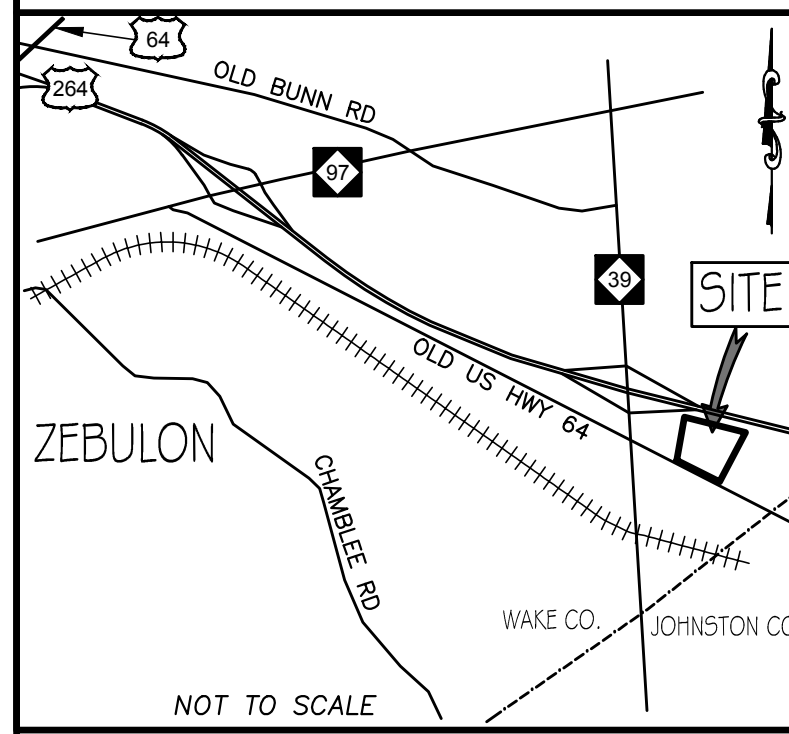
LI

R4

LI

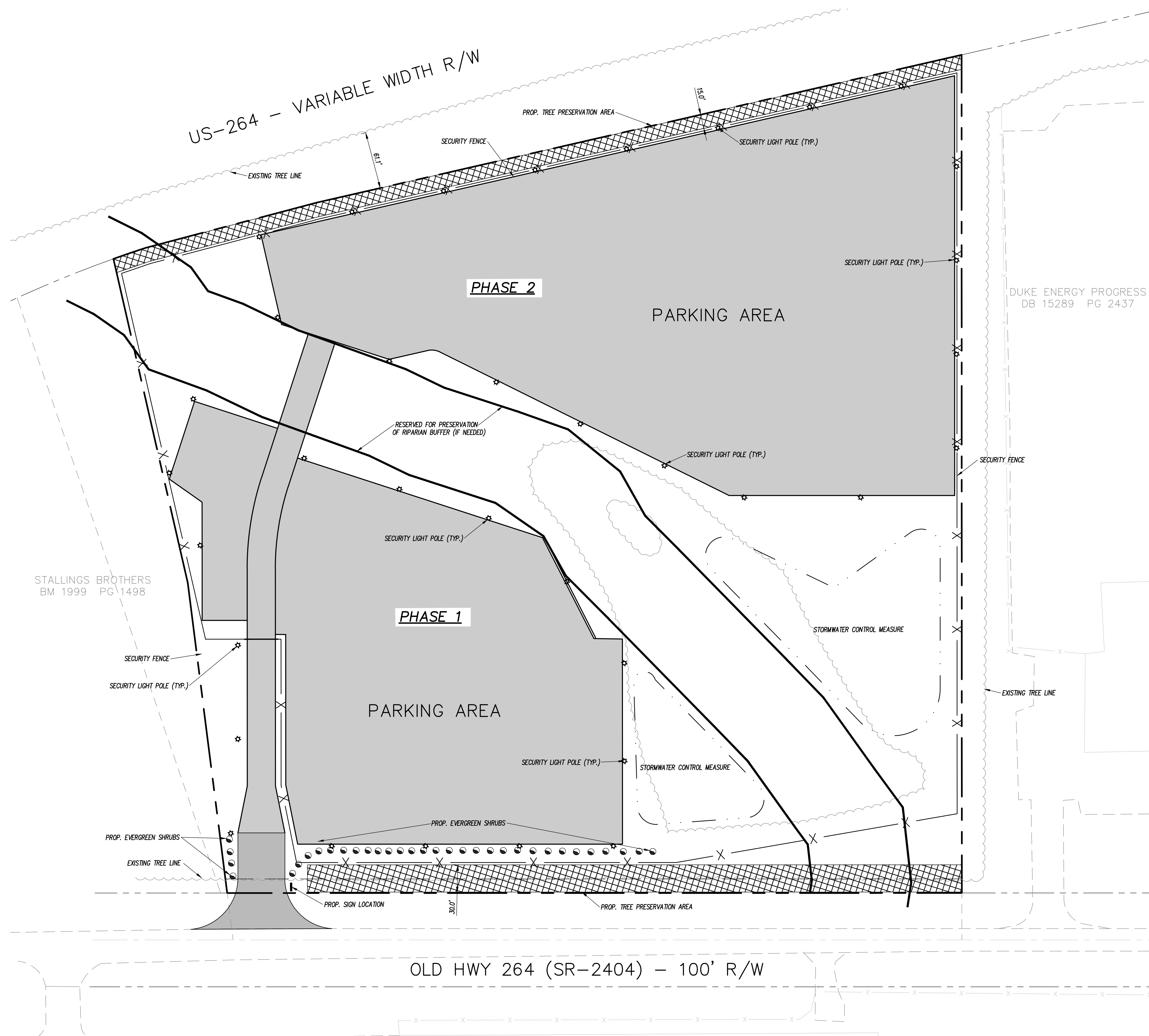
PRIVATE RAILROAD R/W

LOCATION MAP



LANDSCAPING NOTES:

1. A TREE SURVEY WILL BE PERFORMED WITHIN PROPOSED TREE PRESERVATION AREAS.
2. THE SITE CURRENTLY CONSISTS OF PINE WITH SCATTERED HARDWOODS.
3. CARE SHALL BE TAKEN TO ENSURE THE PRESERVATION OF EXISTING TREES WITHIN BUFFER YARDS ADJACENT TO PUBLIC RIGHT-OF-WAY.
4. THE TREE PRESERVATION AREAS WILL BE ENHANCED BY ADDITIONAL LANDSCAPING TO MEET BUFFER YARD REQUIREMENTS, IF NECESSARY.



STALLINGS BROTHERS
BM 1999 PG 1498

DUKE ENERGY PROGRESS
DB 15289 PG 2437

OLD HWY 264 (SR-2404) - 100' R/W

USF PROPCO, LLC
DB 12653 PG 777



LICENSE # C-2710
ENGINEERING
LAND PLANNING
COMMERCIAL / RESIDENTIAL

P.O. BOX 1250
WENDELL, NC 27591
(910) 791-4441

CONCEPTUAL LANDSCAPE PLAN
PARKING FOR COMMERCIAL TRUCK

This drawing is the property of CSD Engineering, Inc. and is not to be reproduced, copied, or used in any way without the written consent of CSD Engineering, Inc. All rights reserved.

SITE PLAN DRAWING FOR
ZEBULON OUTDOOR STORAGE

LOCATED IN TOWN OF ZEBULON,
WAKE COUNTY, NORTH CAROLINA
OWNER: ZEBULON OUTDOOR STORAGE, LLC
CONTACT: TOMMY PERRY @ 919-422-5660
ADDRESS: 20 BUNN AVENUE, ZEBULON, NC

PRELIMINARY

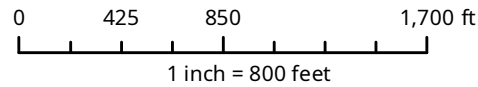
REV. NO.	BY	DATE	REMARKS

DATE: 12/7/2020
HORZ SCALE: 1" = 50'
VERT. SCALE: N/A
DRAWN BY: JFO
CHECKED BY: HSR
PROJECT NO.: 20-0520

Sheet **L1**
Sheet No. 1 of 1

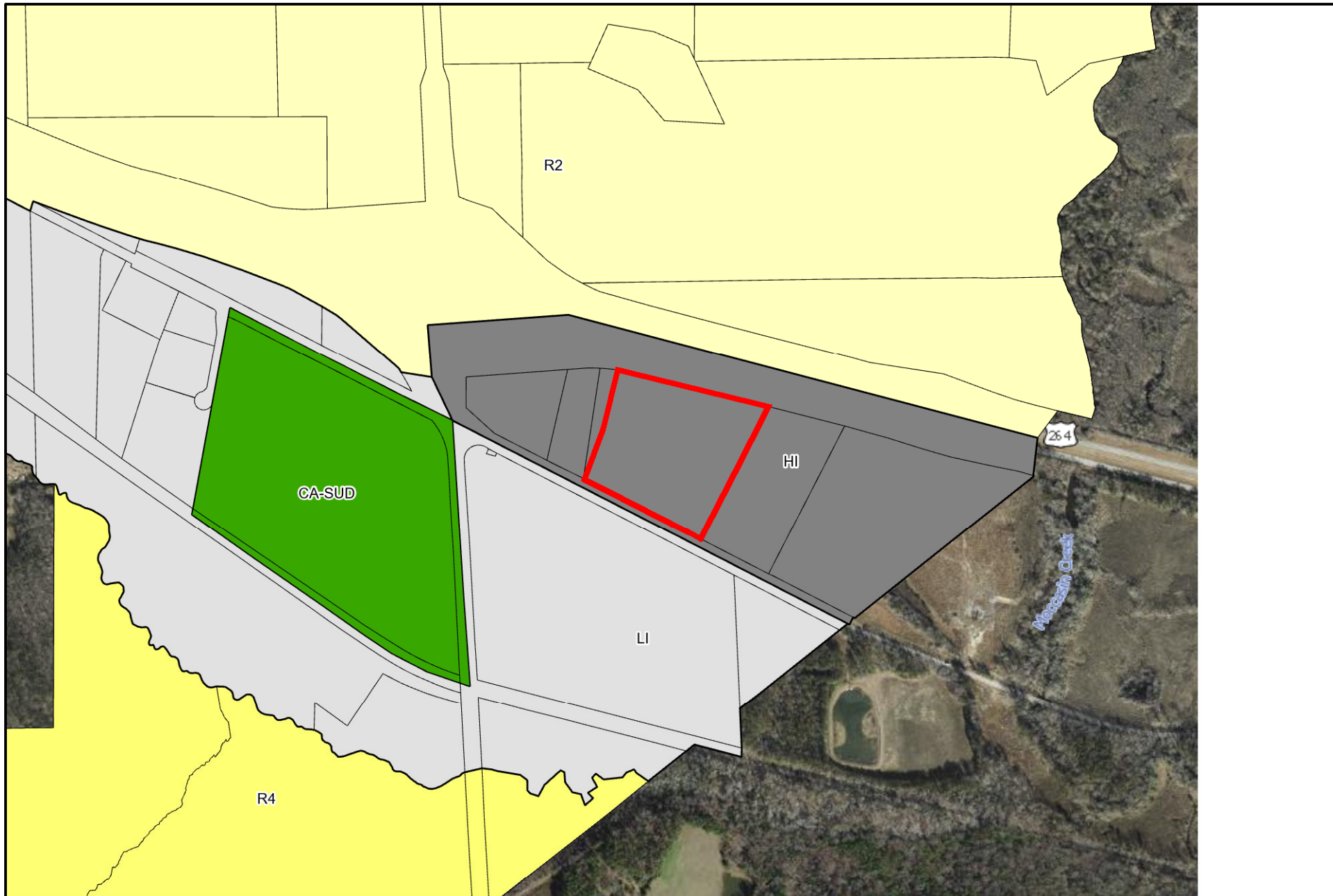


Attachment 3 - Aerial Map CZ 2020-06

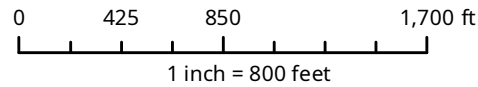


Disclaimer

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 - Zoning Map CZ 2020-06



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Land Use

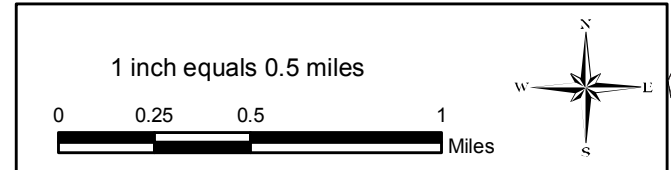
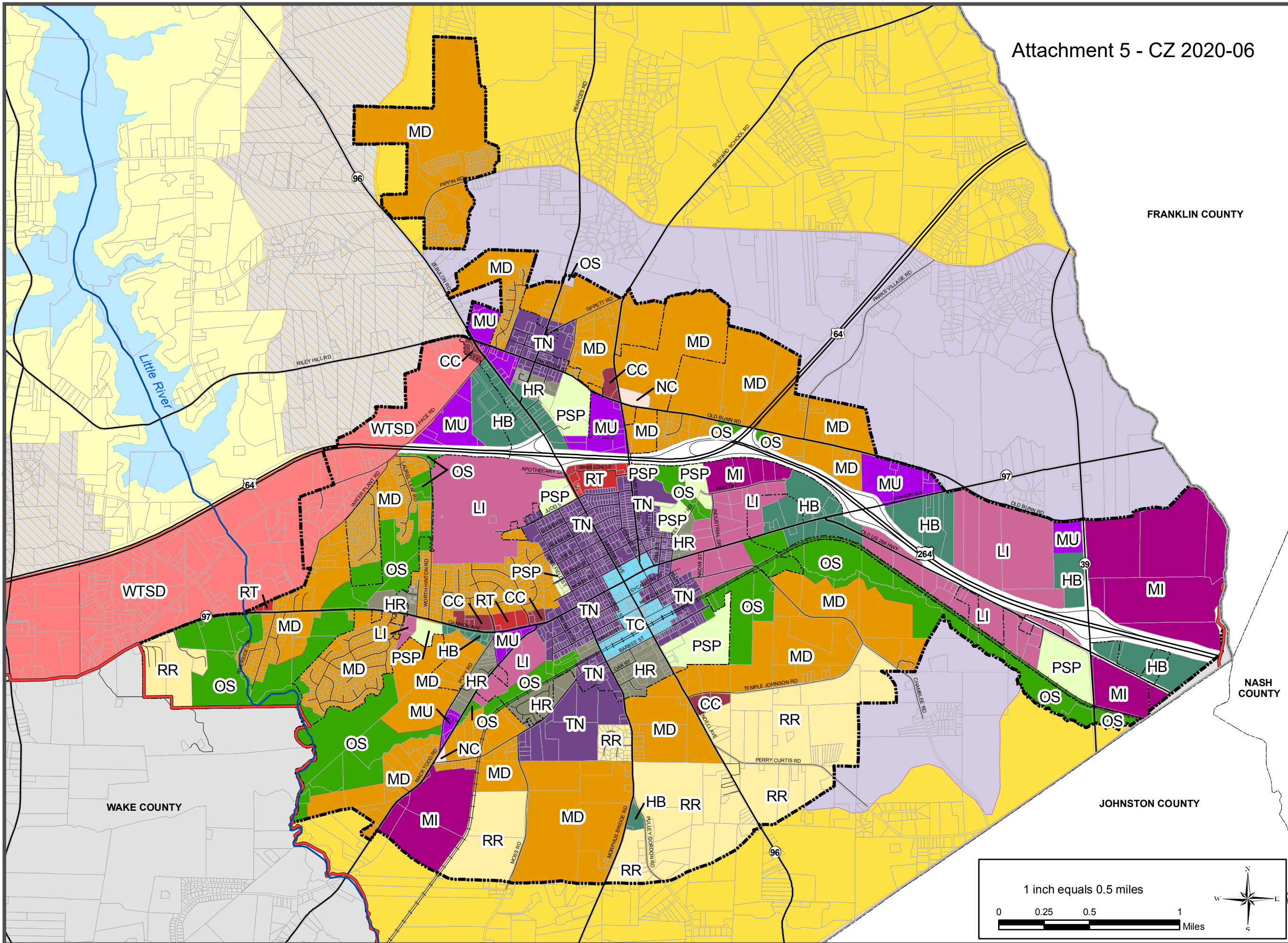
Town of Zebulon
Wake County, NC

Legend

- Railroad
- Streets
- Major Roads
- Major Streams
- Critical Water Supply Watershed (R-80W)
- Little River Reservoir
- Little River Water Supply Watershed
- Annexation/Utility Boundary Agreement Line
- Zebulon Short Range Utility Service Area
- Zebulon Long Range Utility Service Area
- WTSD-Watershed

Land Use

- OS-Open Space
- PSP-Public/Semi-Public Open Space
- RR-Residential Rural
- MD-Medium Density Residential
- HR-High Density Residential
- TN-Traditional Neighborhood
- TC-Town Core/Downtown
- HB-Highway Business
- MU-Mixed Use
- CC-Community Commercial
- NC-Neighborhood Commercial
- RT-Retail
- LI-Light Industrial
- MI-Medium Industrial
- Parcels
- Zebulon City Limits
- Zebulon Extra Territorial Jurisdiction Limits
- Wake County



Data obtained from Wake County GIS and the Town of Zebulon



Conditional Rezoning 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 2020-06.

1. There shall be a maximum of 80% site coverage with washed stone surfacing and grass parking areas.
 - a. Top layer of crushed stone surfacing will be No. 5 washed stone to prevent dust.
 - b. Stone will provide semi-pervious surface to reduce total runoff by allowing infiltration.
 - c. All stone vehicular areas shall be within a security fence and screened by an opaque evergreen hedge row with a minimum height of 6 feet at the time of planting. **(I got this from that other case)**
 - d. All stone vehicular areas shall be properly maintained, including vegetation control, smoothing, scraping, top dressing at regular intervals. **(to address your concern about maintenance)**
2. The entrance apron and approximately 250 feet of access road shall be paved by one of the surface materials listed in § 5.8.5.F.1 until the main entrance gate.
3. Additional landscaping shall be provided along paved access road, between pavement and security fence for additional screening of parking areas within fence.
4. There shall be a total of 40' of Type D Opaque buffer between the security fence and Old US 264 Highway.
5. There shall be a total of 30' of Type C Semi-Opaque buffer between the US 264 Highway controlled access right-of-way and the security fence. The 20' width of existing vegetation/trees within the property boundary will not be disturbed.
6. There shall be a total of 20' of Type C Semi-Opaque buffer between the adjoining property identified as Wake County PIN 2715737661 and the security fence. **(Also got this from the other case—we thought that this buffer would be especially important on the side of the property adjacent to the undeveloped parcels because, as you mentioned during our last conversation, they may someday be developed as a hotel or some other kind of mixed, non-industrial, use. The Duke site already has a very thick layer of plantings on the property line.)**
7. There shall be approximately 400 feet of 6' wide concrete sidewalk adjacent to Old US 264 Highway approximately 1' inside the existing right-of-way. **(To proactively make our project comply with the forthcoming Transportation Plan)**
8. The applicant shall apply to annex the subject property into the Town of Zebulon within 30 days of final approval of this conditional rezoning.

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 **March 8, 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:

CZ 2020-06 Zebulon Outdoor Storage. 1817 Old US 264 Hwy. A request by John Oglesby representing the property owner, Tommy Perry, requesting a Conditional Zoning from Heavy Industrial District (HI) to Heavy Industrial-Conditional District (HI-C).

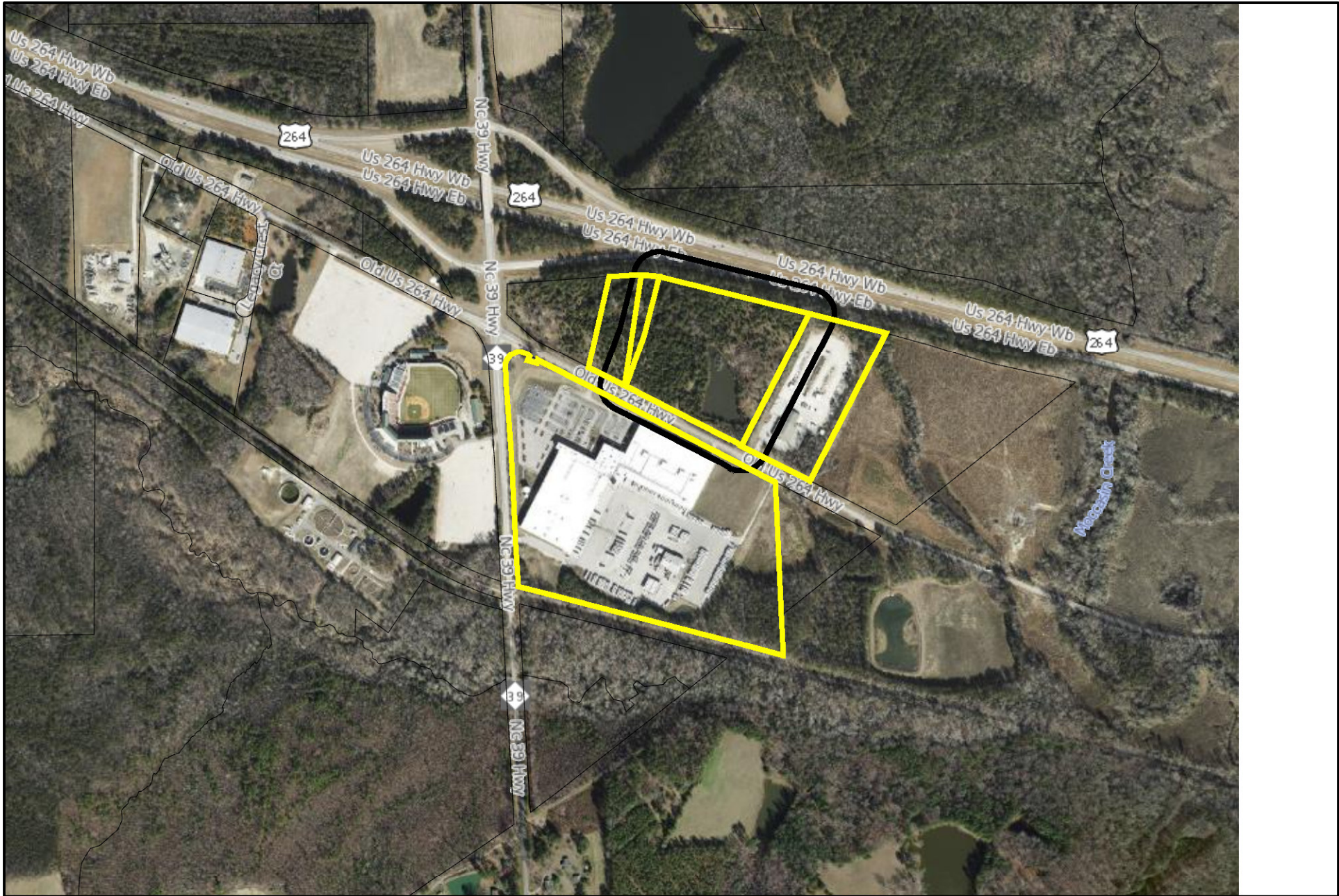
Due to potential social distancing and occupancy limits related to the State's COVID-19 Order, in-person public comments will be accepted; however, the Town of Zebulon encourages that all public comments be submitted to Deputy Town Clerk Stacie Paratore at SParatore@TownofZebulon.org no later than 12:00 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.



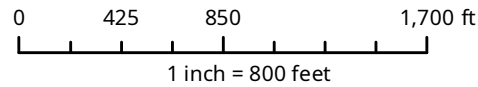




CZ 2020-06 Attachment 7




Attachment 9 - 150' Mailed Notice Buffer CZ 2020-06



Disclaimer
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STAFF REPORT
JOINT PUBLIC HEARING
RZ 2020-02 1513 N. ARENDELL AVENUE
MARCH 8, 2021

Topic: RZ2020-02: 1513 N. Arendell 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 staff initiated rezoning request for 1513 N. Arendell Avenue from Light Industrial (LI) to Heavy Commercial (HC).

Background:

The subject parcel was zoned "HB-Heavy Business" under 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 property was designated as LI Light Industrial in error. The site is currently occupied by Bojangles and under the LI Light Industrial, it is an existing, nonconforming use however the rezoning to HC would bring the use into conformance with the UDO.

Discussion:

The discussion before the Board of Commissioners is whether to approve a UDO Map Amendment to rezone the subject parcels from LI Light Industrial 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 property is currently improved with a fast-food drive through restaurant, which will continue. However, if the use of the property was vacated for a period of more than 6 months, only uses within the LI- Light Industrial classification would be able to reoccupy the site. 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 RZ 2020-02 at the January 11, 2021 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
RZ 2020-02 1513 N. ARENDELL AVENUE
MARCH 8, 2021

Attachments:

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



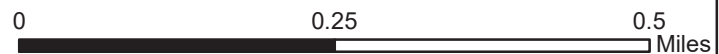
Vicinity Map

Case: RZ 2020-02 - 1513 N. Arendell



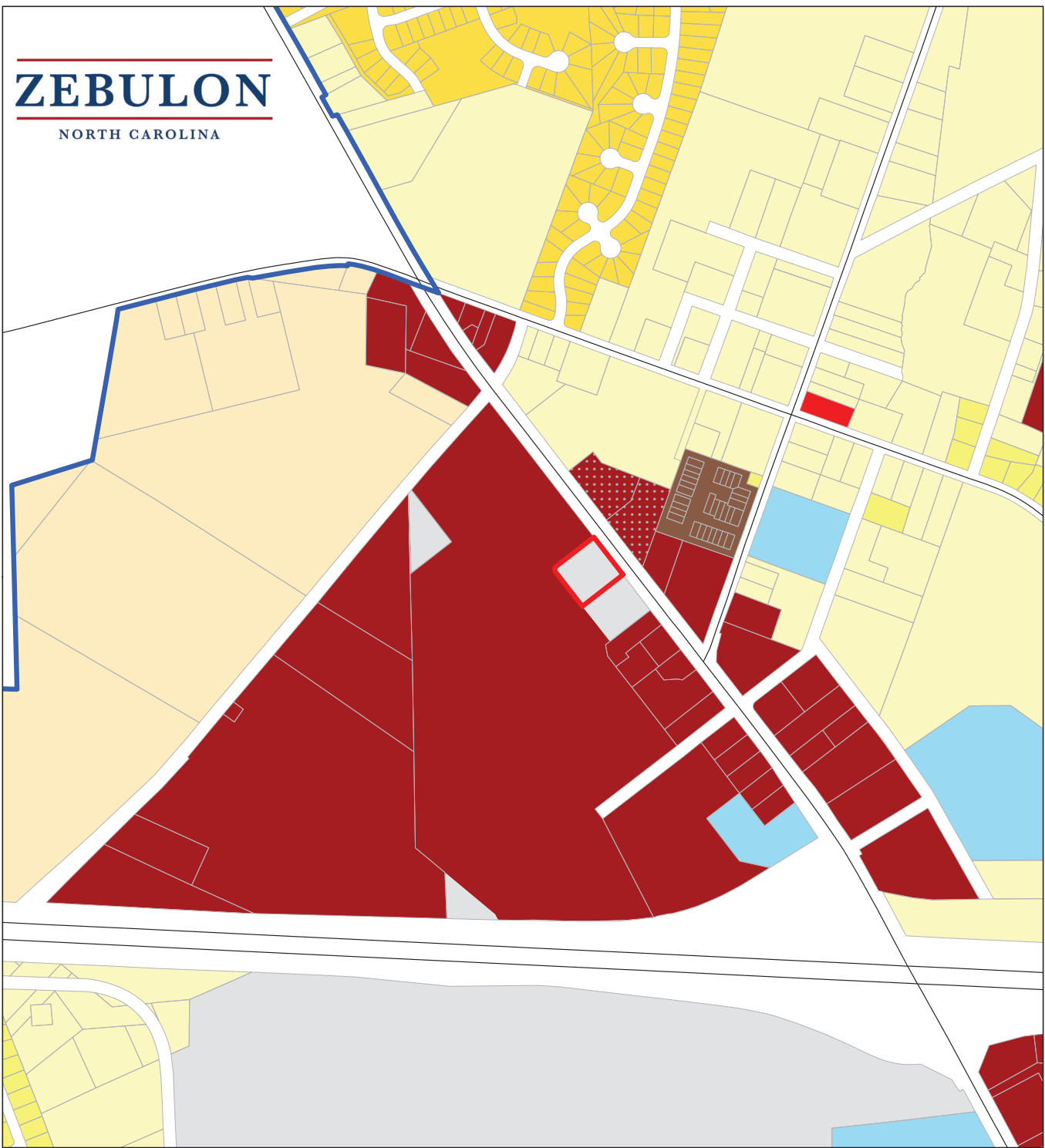
Legend

- RZ 2020-02
- ETJ
- Streets
- Parcel















ZEBULON

NORTH CAROLINA



Zoning Districts

-  RZ 2020-02
-  R1, Residential Watershed
-  R2, Residential Suburban
-  R4, Residential Neighborhood
-  RMF, Residential Multi-Family
-  R-13 SUD, Residential 13 - Special Use Districts
-  GC, General Commercial
-  HC, Heavy Commercial
-  LI, Light Industrial
-  OI, Office and Institutional
-  CZ, Conditional Zoning
-  Zebulon Planning Jurisdiction

Zoning Map Case: RZ 2020-02





Aerial Map

Case: RZ 2020-02 - 1513 N. Arendell

ZEBULON
NORTH CAROLINA

Legend

-  RZ 2020-02
-  Streets
-  Parcel



0 0.015 0.03 Miles

RZ 2020-02 Attachment 5



RZ 2020-02 Attachment 5



RZ 2020-02 Attachment 5



RZ 2020-02 Attachment 5



ZEBULON

NORTH CAROLINA

Notice of Public Hearing

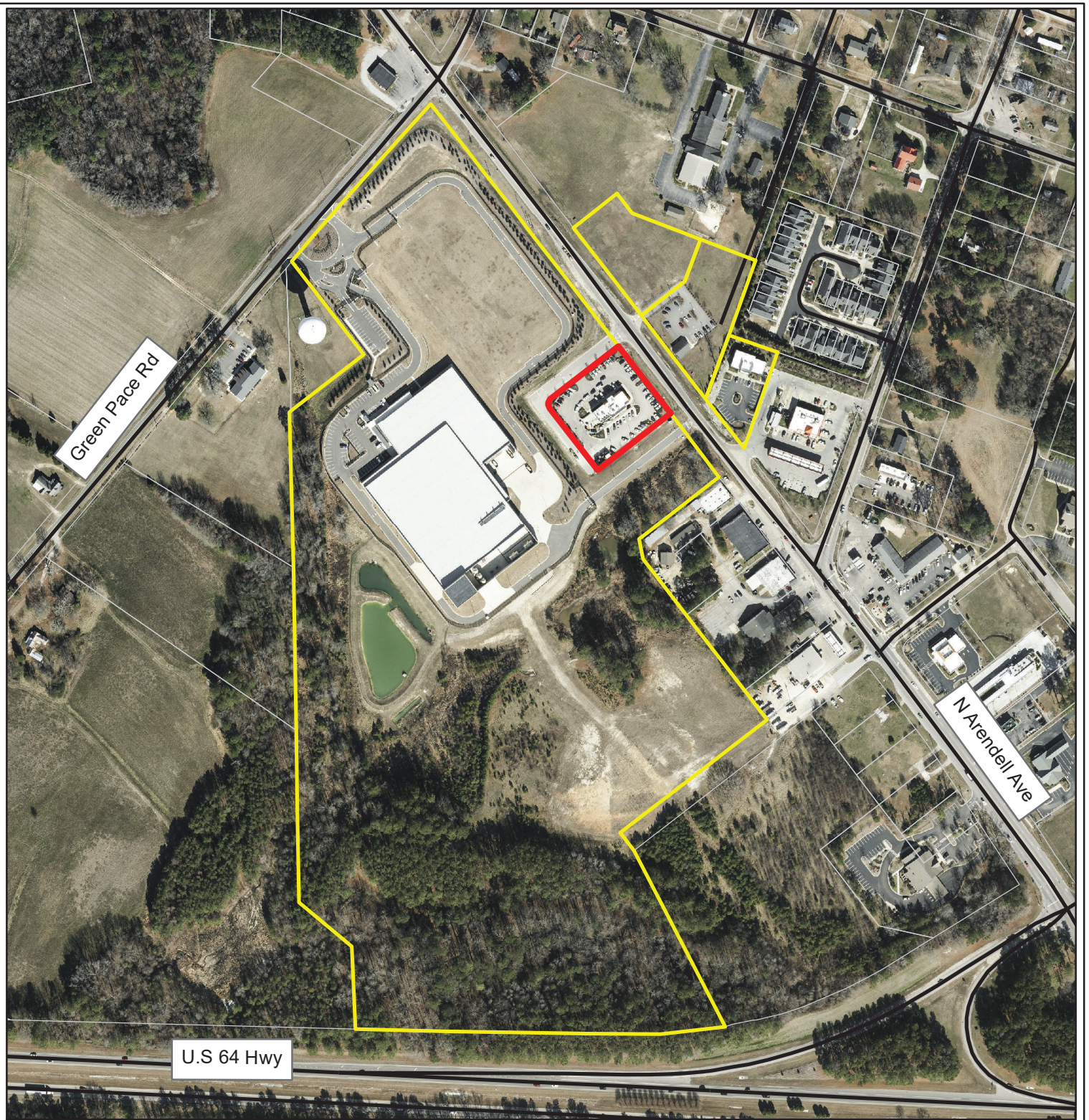
Notice is hereby given pursuant to the provisions of Article 2.2.2 of the Town of Zebulon Unified Development Ordinance that a public hearing will be held on **March 8, 2021 at 7:00 PM** at the **Zebulon Municipal Complex, 1003 N. Arendell Avenue**, and will be conducted by the Board of Commissioners of the Town of Zebulon for the purpose of considering the following items:

RZ 2020-02, 1513 N Arendell Avenue. A staff initiated rezoning request to amend the official Zoning Map from Heavy Industrial (HI) to Heavy Commercial (HC) for the property at 1513 N. Arendell Avenue.

RZ 2020-03, 49 Green Pace Road. A staff initiated rezoning request to amend the official Zoning Map from Heavy Industrial (HI) to Heavy Commercial (HC) for a section of the property at 49 Green Pace Rd that fronts on N. Arendell, south of 1513 N. Arendell Avenue.

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) 823-1808.





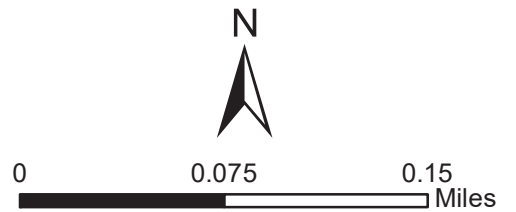
Public Hearing Notification Radius

Case: RZ 2020-02 - 1513 N. Arendell




Legend

- RZ 2020-02
- Radius
- Streets
- Parcel



STAFF REPORT
JOINT PUBLIC HEARING
RZ 2020-03 49 GREEN PACE RD
FEBRUARY 8, 2021

Topic: RZ 2020-03: 49 Green Pace Road

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 staff initiated rezoning request for a section of 49 Green Pace Road located south of 1513 N. Arendell Avenue from LI- Light Industrial to HC Heavy Commercial

Background:

The subject section of 49 Green Pace Road that fronts on N. Arendell south of 1513 N. Arendell as indicated on the attachments was an independent parcel of record until December 2020. Furthermore, the subject area was zoned "HB-Heavy Business" as part of the previous zoning code until January 1, 2020. However, due to a file corruption with the GIS file used for the rezoning as part of the Unified Development Ordinance, the subject area designated as LI Light Industrial in error. The site is currently vacant but is part of the tract owned and operated by BB&T and under the LI Light Industrial.

Discussion:

The discussion before the Board of Commissioners is whether to approve a UDO Map Amendment to rezone the subject parcels from LI Light Industrial 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 property is currently vacant and only uses within the LI- Light Industrial classification would be able to occupy this section the site. 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.

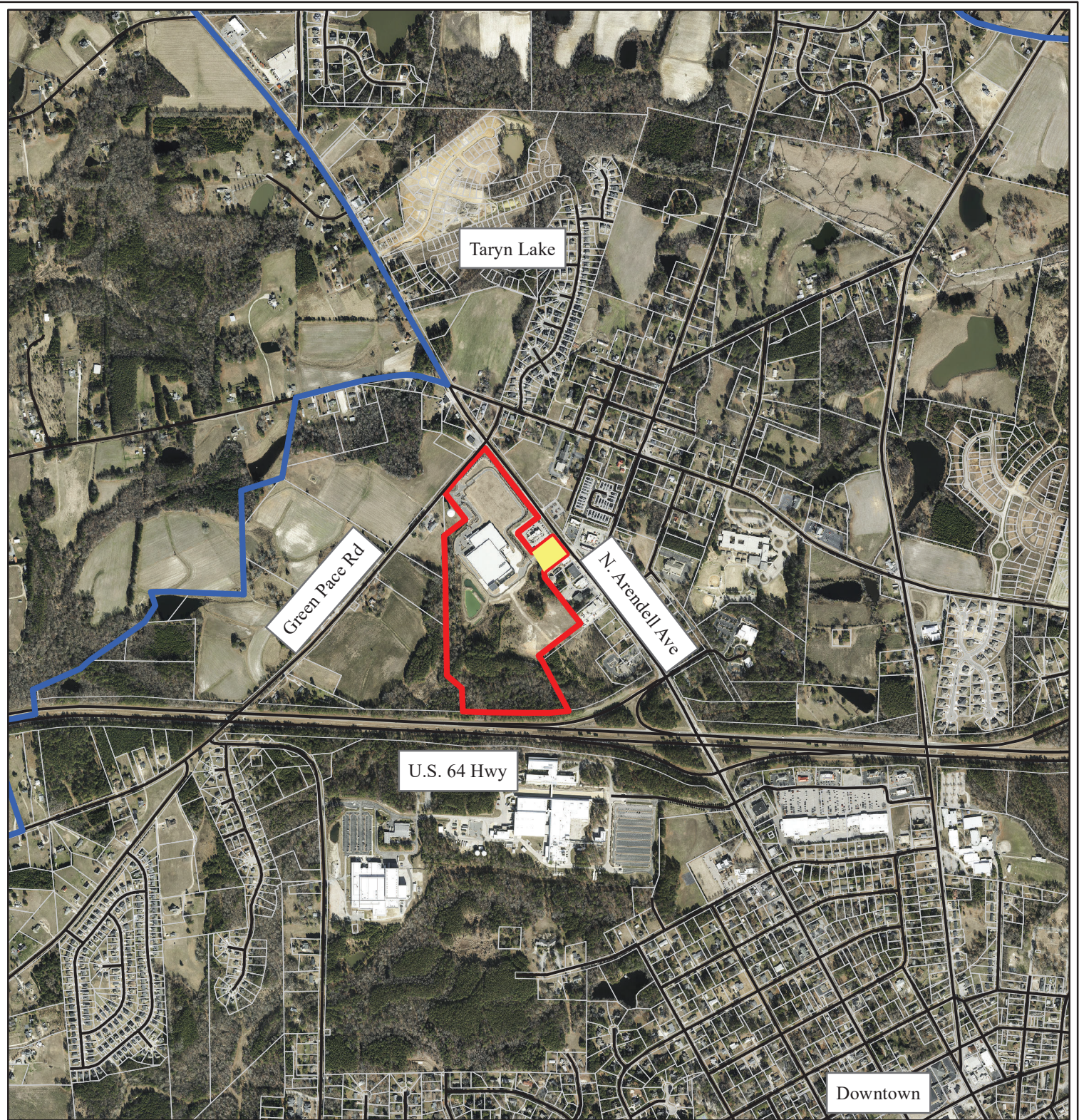
Staff Recommendation:

Staff Recommends the Board of Commissioners accept public comment on RZ 2020-03 at the January 11, 2021 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
RZ 2020-03 49 GREEN PACE RD
FEBRUARY 8, 2021

Attachments:

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



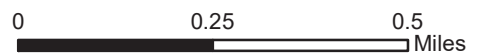
Vicinity Map

Case: RZ 2020-03 - 49 Green Pace Rd



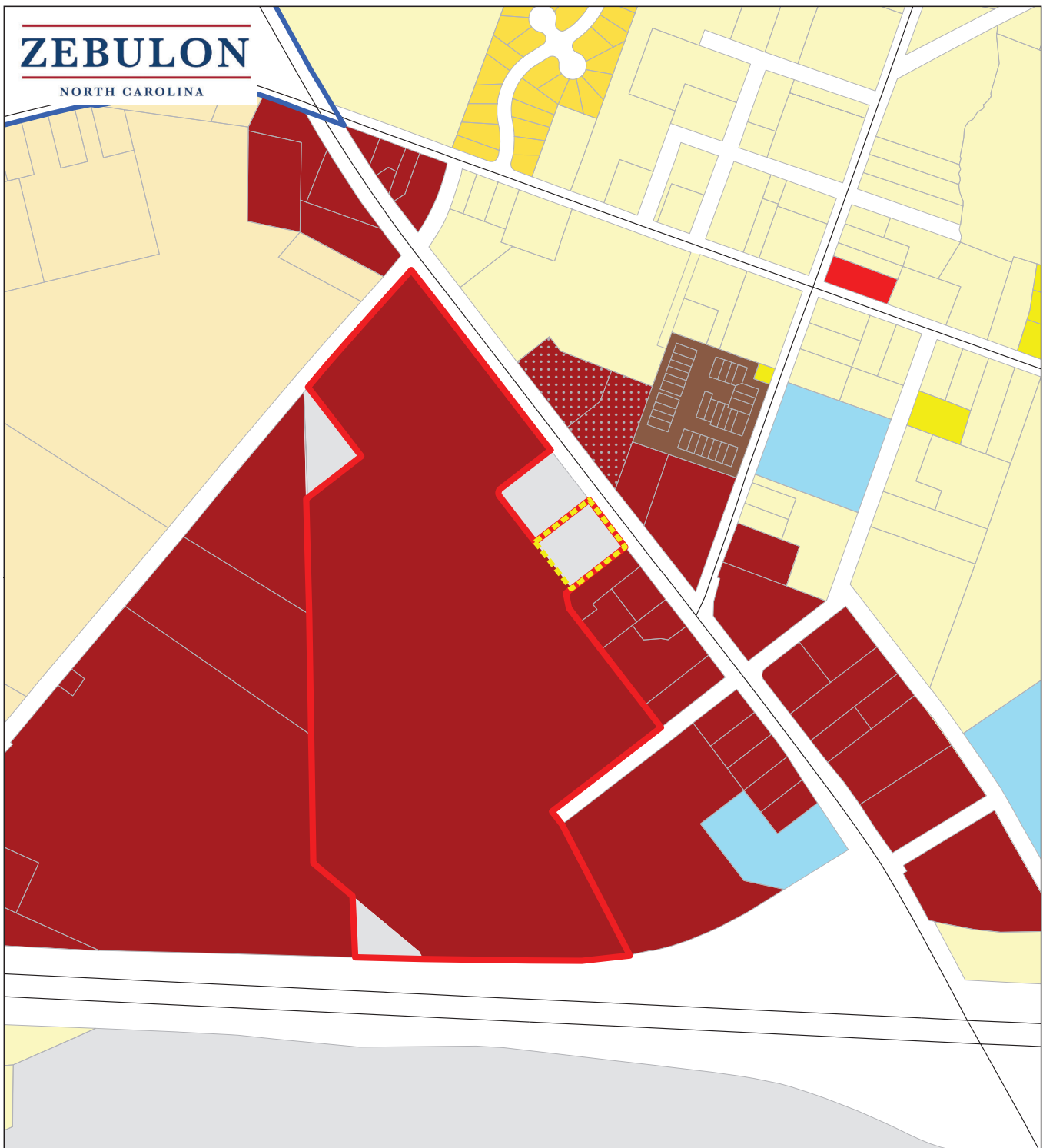
Legend

- Area of Subject Rezoning
- RZ 2020-03
- ETJ
- Streets
- Parcel



ZEBULON














NORTH CAROLINA



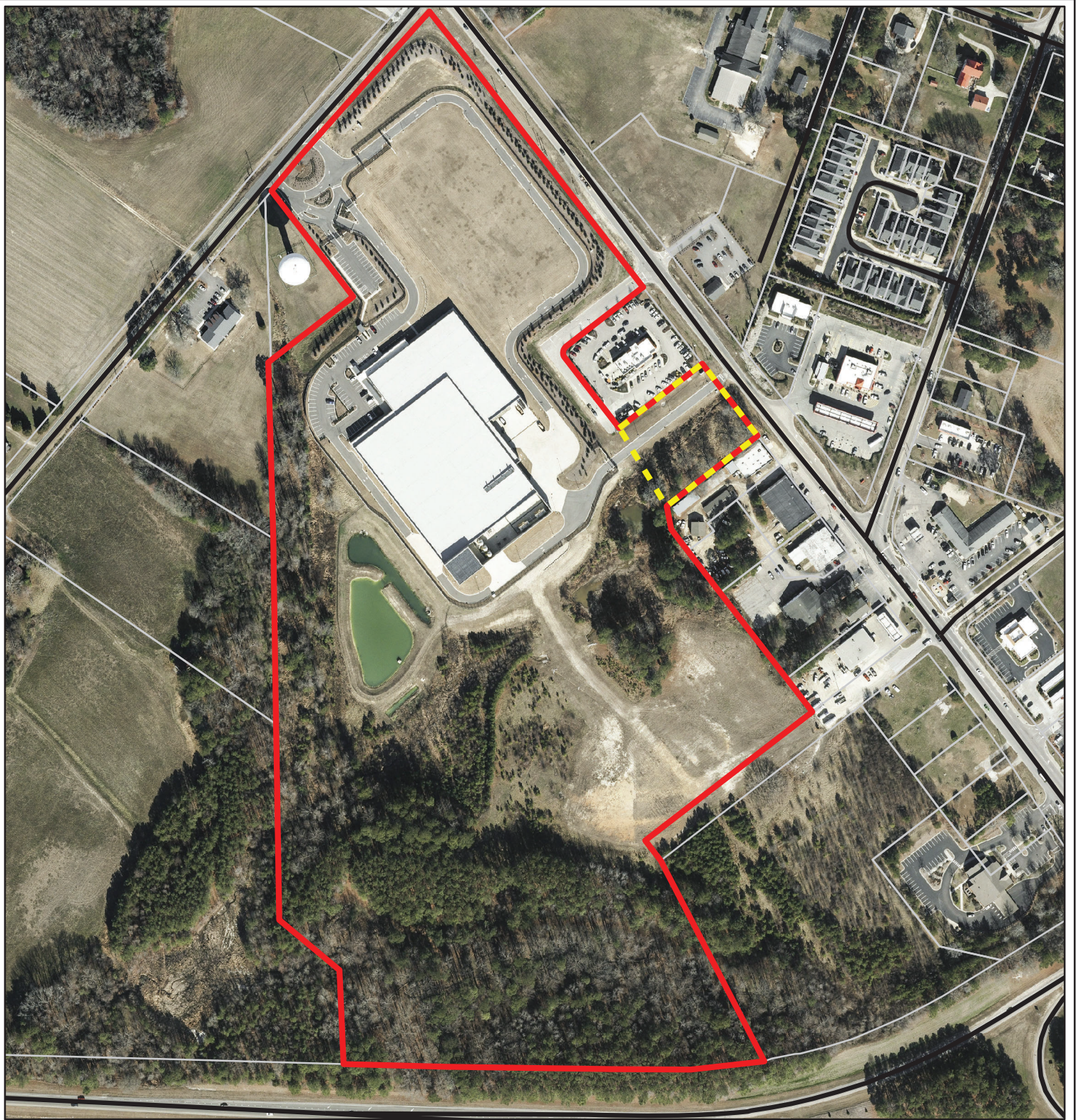
Zoning Map

Case: RZ 2020-03

Zoning Districts

- | | |
|---|--|
|  Area of Subject Rezoning |  R-13 SUD, Residential 13 - Special Use Districts |
|  RZ 2020-03 |  GC, General Commercial |
|  Zebulon Planning Jurisdiction |  HC, Heavy Commercial |
|  R1, Residential Watershed |  LI, Light Industrial |
|  R2, Residential Suburban |  OI, Office and Institutional |
|  R4, Residential Neighborhood |  CZ, Conditional Zoning |
|  RMF, Residential Multi-Family | |









Aerial Map

Case: RZ 2020-03 - 49 Green Pace Rd

ZEBULON
NORTH CAROLINA

Legend

-  Area of Subject Rezoning
-  RZ 2020-03
-  Streets
-  Parcel

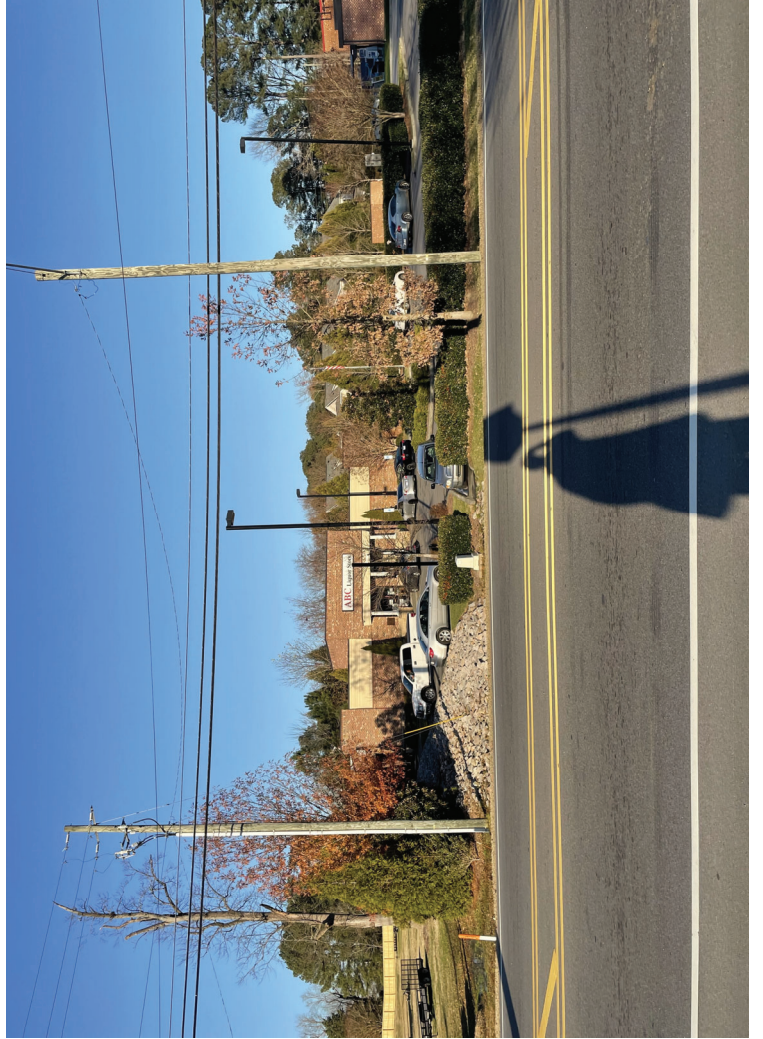


0 0.075 0.15 Miles

RZ 2020-03 Attachment 5



RZ 2020-03 Attachment 5



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Notice of Public Hearing

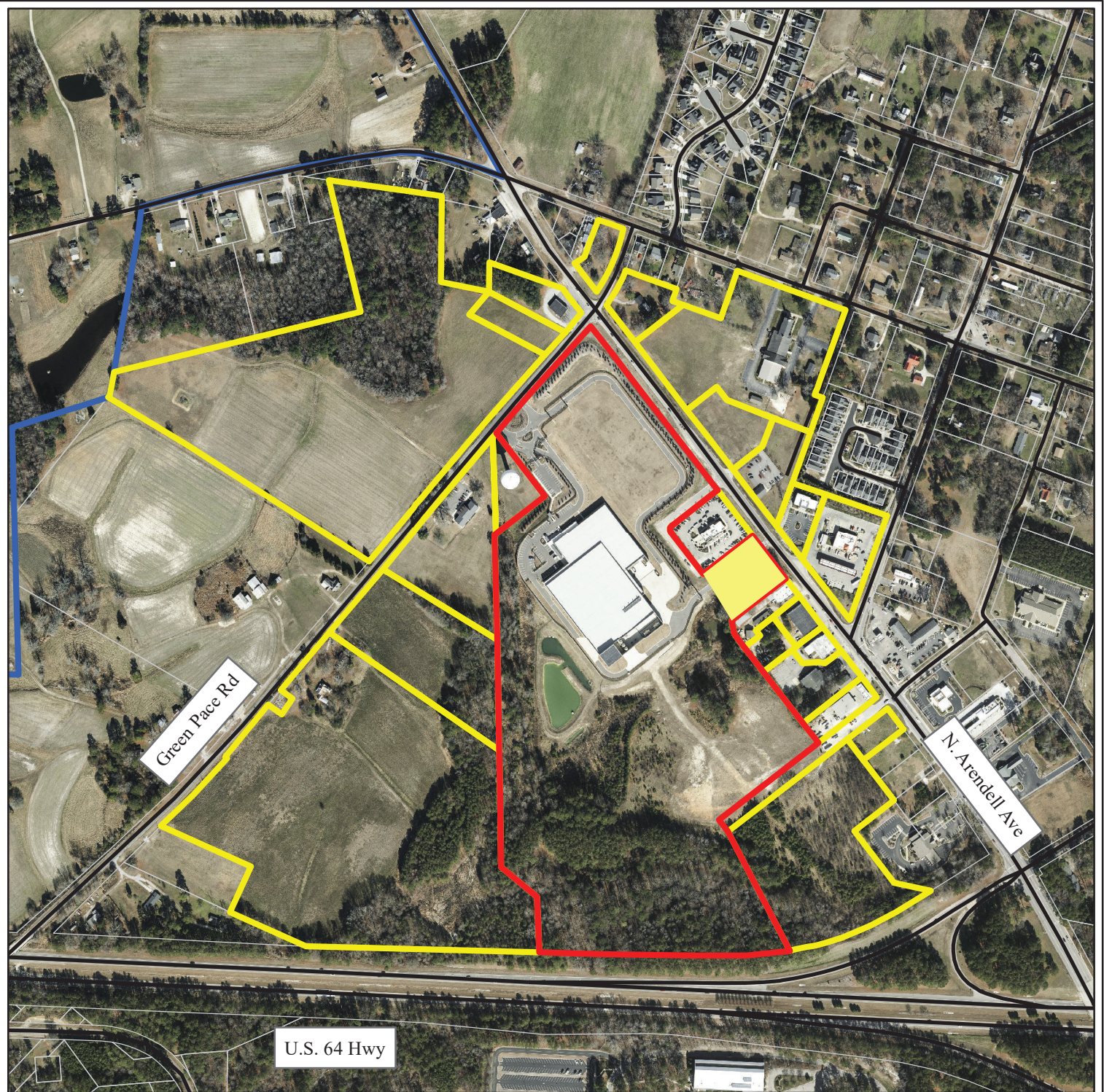
Notice is hereby given pursuant to the provisions of Article 2.2.2 of the Town of Zebulon Unified Development Ordinance that a public hearing will be held on **March 8, 2021 at 7:00 PM** at the **Zebulon Municipal Complex, 1003 N. Arendell Avenue**, and will be conducted by the Board of Commissioners of the Town of Zebulon for the purpose of considering the following items:

RZ 2020-02, 1513 N Arendell Avenue. A staff initiated rezoning request to amend the official Zoning Map from Heavy Industrial (HI) to Heavy Commercial (HC) for the property at 1513 N. Arendell Avenue.

RZ 2020-03, 49 Green Pace Road. A staff initiated rezoning request to amend the official Zoning Map from Heavy Industrial (HI) to Heavy Commercial (HC) for a section of the property at 49 Green Pace Rd that fronts on N. Arendell, south of 1513 N. Arendell Avenue.

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) 823-1808.



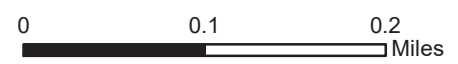


Public Hearing Notification Radius Case: RZ 2020-03 - 49 Green Pace Rd




Legend

- Area of Subject Rezoning
- RZ 2020-03
- Radius
- Streets
- ETJ
- Parcel



STAFF REPORT
JOINT PUBLIC HEARING
RZ 2020-04 213 MOSS ROAD
MARCH 8, 2021

Topic: RZ 2020-04: 213 Moss Road

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 staff initiated rezoning request for 213 Moss Road R-2 Residential to HC Heavy Commercial

Background:

The subject property at 213 Moss Road was rezoned from Residential to HB Commercial in 2012 and remained in that classification 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 area designated as R2- Residential in error. The site is currently occupied by a commercial use and owned by Wilbur and Theresa Pulley.

Discussion:

The discussion before the Board of Commissioners is whether to approve a UDO Map Amendment to rezone the subject parcel 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 property is currently occupied by a commercial use and while it would be able to remain, site modifications and expansions would not be permissible under the current zoning classification. Furthermore, if the site was vacated, only uses within the R2 - Residential classification would be able to reoccupy this section the site. 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.

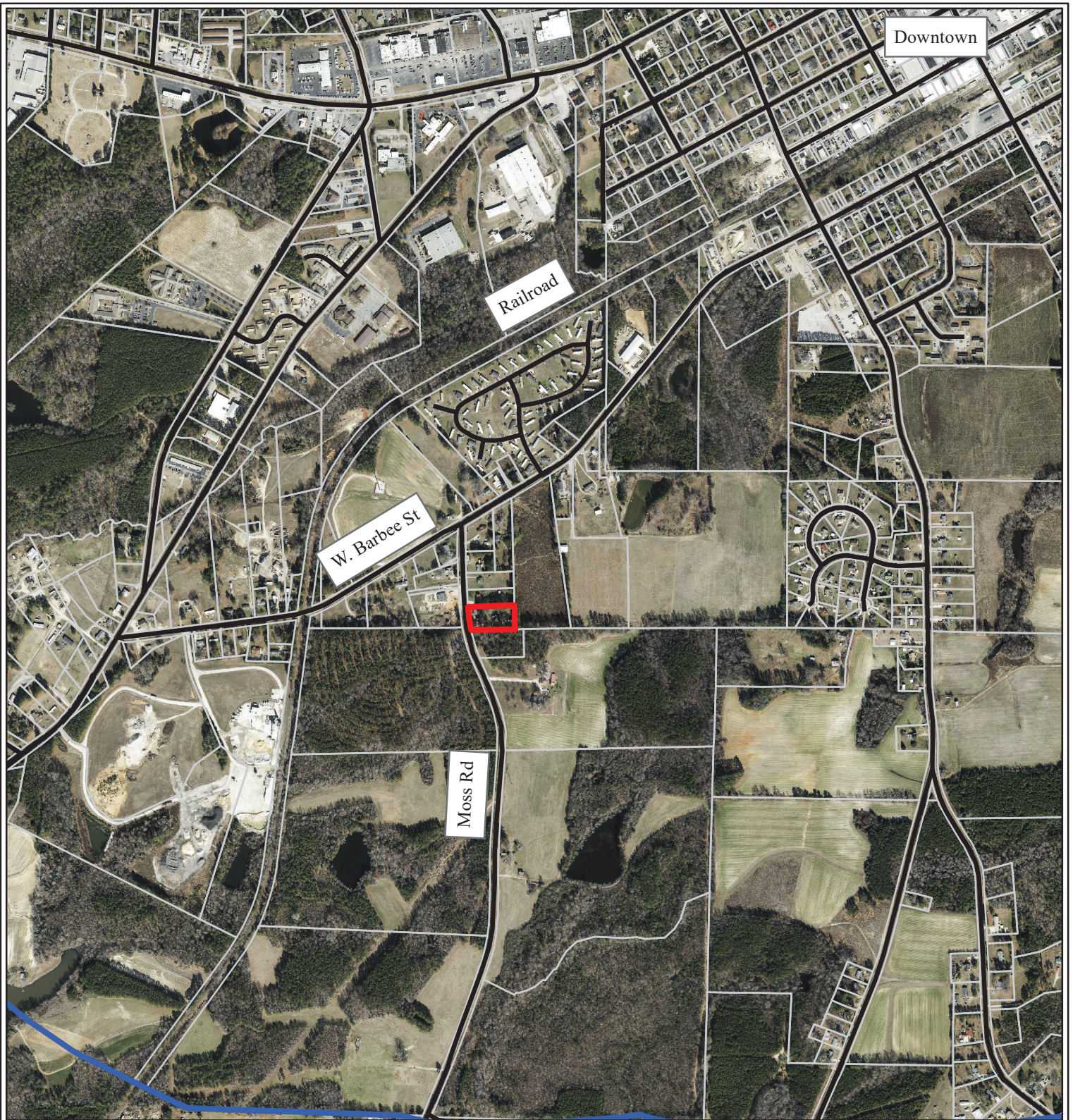
Staff Recommendation:

Staff Recommends the Board of Commissioners accept public comment on RZ 2020-04 at the January 11, 2021 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
RZ 2020-04 213 MOSS ROAD
MARCH 8, 2021

Attachments:

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







Vicinity Map

Case: RZ 2020-04 - 213 Moss Rd

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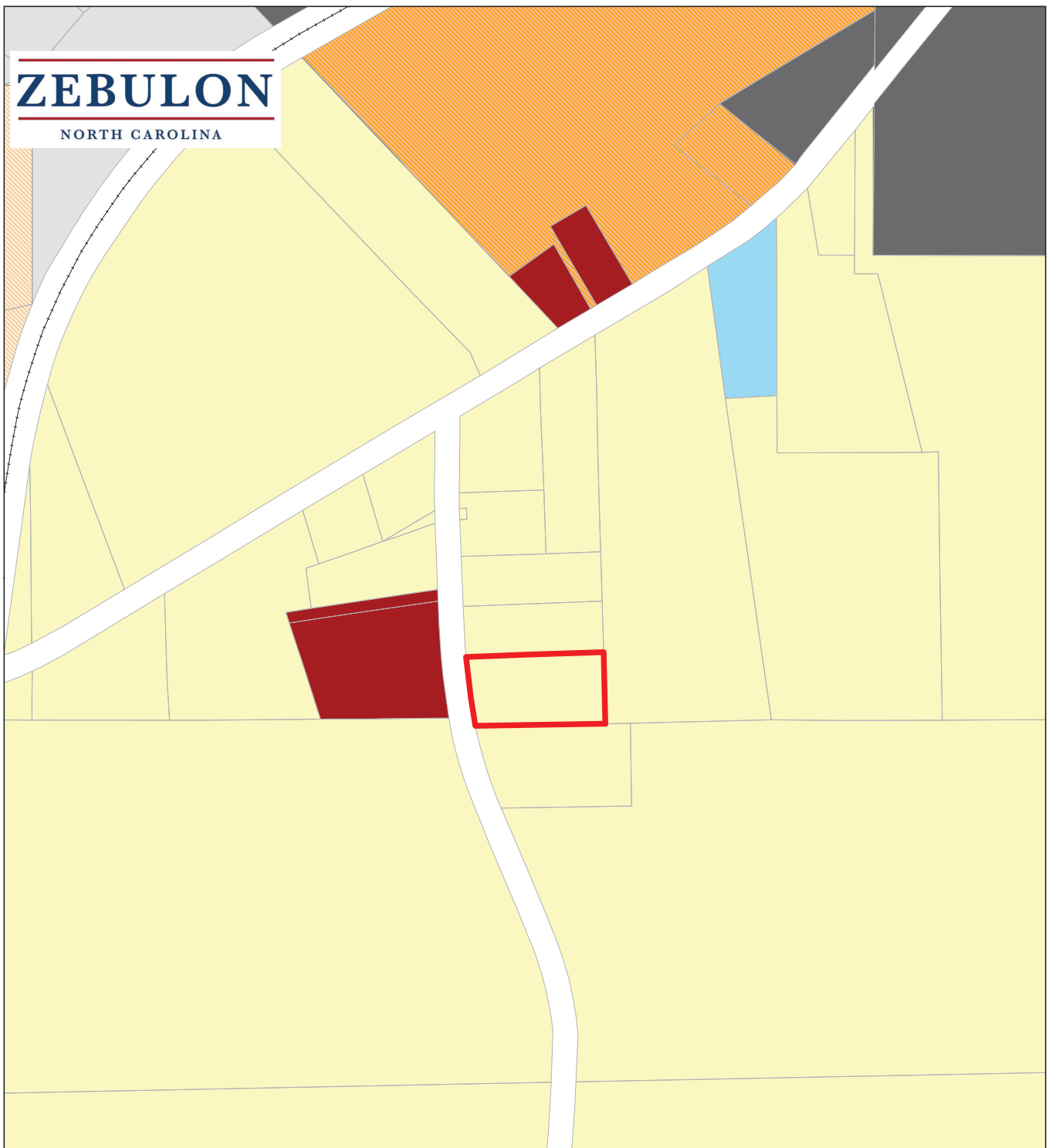
Legend

-  RZ 2020-04
-  ETJ
-  Streets
-  Parcel











ZEBULON

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Zoning Map Case: RZ 2020-04

Zoning Districts

-  RZ 2020-04
-  R2, Residential Suburban
-  R6, Residential Urban
-  HC, Heavy Commercial
-  LI, Light Industrial
-  HI, Heavy Industrial
-  OI, Office and Institutional
-  MHO, Manufactured Home Overlay



0 0.0375 0.075 0.15 Miles



Aerial Map

Case: RZ 2020-04 - 213 Moss Rd

ZEBULON
NORTH CAROLINA

Legend

-  RZ 2020-04
-  Streets
-  Parcel



0 0.01 0.02 Miles

RZ 2020-04 Attachment 5



RZ 2020-04 Attachment 5



RZ 2020-04 Attachment 5



RZ 2020-04 Attachment 5



ZEBULON

NORTH CAROLINA

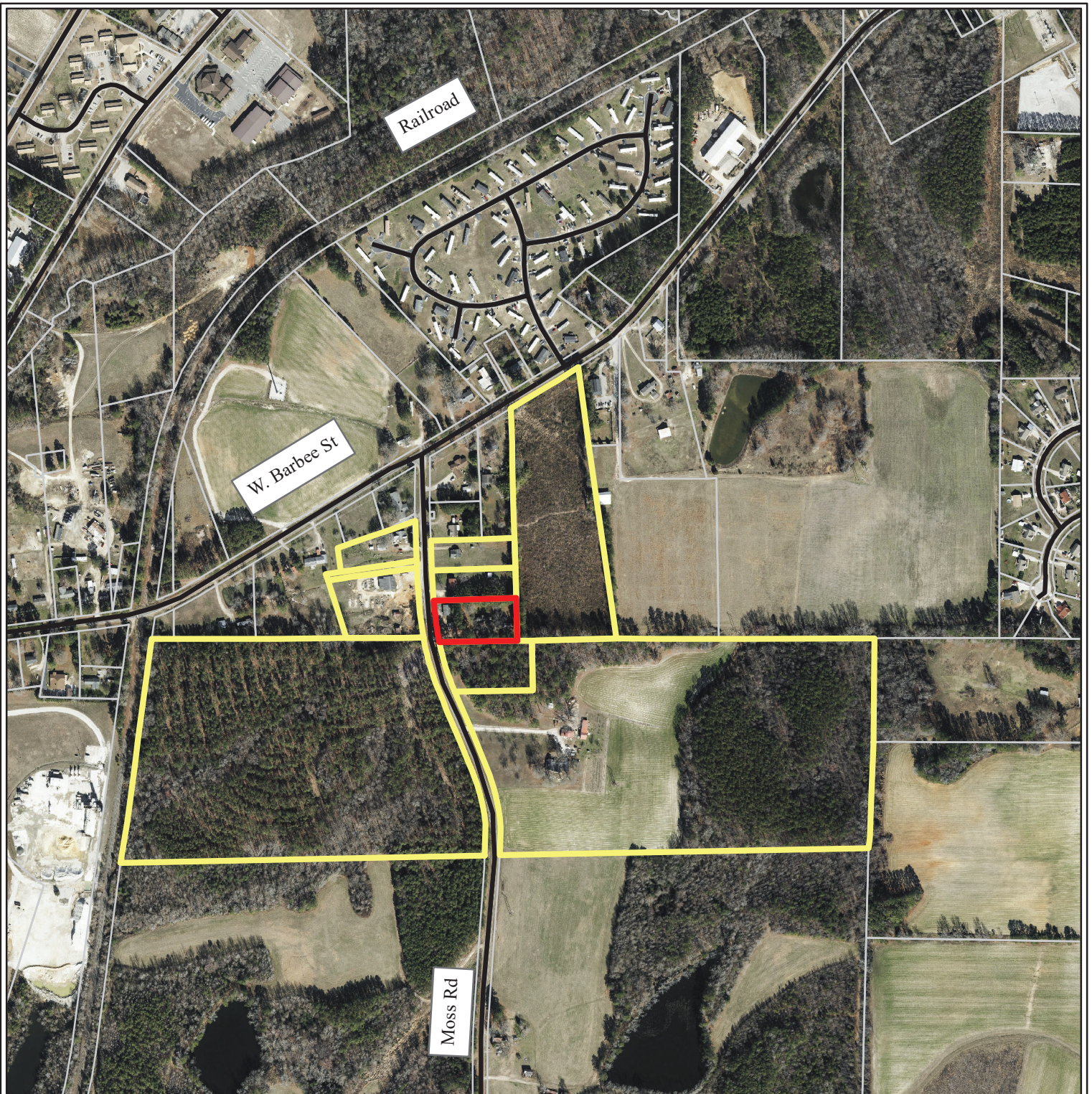
Notice of Public Hearing

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RZ 2020-04 213 Moss Road. A staff initiated rezoning request to amend the official Zoning Map from Residential (R-2) to Heavy Commercial (HC) for the property at 213 Moss Road.

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) 823-1808.





Public Hearing Notification Radius

Case: RZ 2020-04 - 213 Moss Rd



Legend

- RZ 2020-04
- Radius
- Streets
- Parcel

