TOWN OF ZEBULON PLANNING BOARD AGENDA Zebulon Municipal Complex August 12, 2019 7:00pm

I. CALL TO ORDER

II. APPROVAL OF AGENDA

III. NEW BUSINESS

- A. AN 2019-02 and RZ 2019-08 Pearces Road A request by Stewart Inc. filing and annexation petition and a Zoning Map Amendment for +/- 111 acres located at 1309 & 1333 Pearces Road. The Zoning Map Amendment request is rezoning the parcel from Residential-30 (R-30 - Wake County Zoning) to Residential-13 (R-13). [NC PIN: 2706030290 & 2706198550].
- **B. SUP 2019-06 Sidney Creek** A request by Stocks Engineering to obtain a Special Use Permit to subdivide 214 acres into a maximum of 822 residential lots [NC PIN: 2715518060].
- **C. SUP 2019-07 Weavers Ridge** A request by Stocks Engineering to obtain a Special Use Permit to subdivide +/- 34 acres into a maximum of 182 residential lots. [NC PIN: 1795837655]
- **D. SUP 2019-09 Zebulon Green** A request by United Developers, Inc. to obtain a Special Use Permit for the purpose of constructing, managing, and owning a 72-unit apartment complex known as Zebulon Green located at 451 Pony Road. The parcels are currently owned by Blue Ridge Enterprises, Inc. The zoning is Residential Multi-Family SUD [NC PIN: 1795833158].
- **E.** ZA 2019-03 Special use Permit, Conditional Zoning, Planned Development Text Amendment - A request by the Town of Zebulon to amend Sections 152.038 through 152.043 to update the Special Use Permit process and requirements, Section 152.045 to eliminate the one year expiration of Special Use Permits, 152.045 Section 152.123 to include Conditional Zoning and Section 152.124 to include Planned Development as development options, Section 152.138 to eliminate reference to Planned Residential Development as a special use permit, Planned Developments.

IV. ADJOURNMENT



STAFF REPORT AN 2019-02 REQUEST FOR ANNEXATION August 12, 2019

Topic: AN 2019-02 Pearces 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 the voluntary annexation petition received for approximately 111 acres of located at 1309 and 1333 Pearces Road (PIN 2706090290 & 2706198550). This case should be heard in conjunction with RZ 2019-08. This is a legislative case.

Background:

North Carolina General Statute §160A-58.1 states that the governing board of any municipality may annex by ordinance any area non-contiguous to its boundaries upon presentation to the governing board of a petition signed by the owners of all the real property located within such area. While not a statutory requirement, the Board has received these petitions and directed the Town Clerk to certify sufficiency. As a means to eliminate an unnecessary step, sufficiency was certified by the clerk prior to the Joint Public Hearing. See Attachment 4.

Discussion:

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

Policy Analysis:

The Land Use Plan was last updated in May 2008 identifying the subject parcel as "Zebulon Long Range Utility Service Area." This request is consistent with Comprehensive Plan Chapter 9 Land Use & Overview Policy 2 - Explore annexation strategies.

Fiscal Analysis:

Fiscal Analysis is not possible with annexation requests, but site and infrastructure improvements will be considered in subsequent development processes (e.g. Special Use Permits).



STAFF REPORT AN 2019-02 REQUEST FOR ANNEXATION August 12, 2019

Staff Recommendation:

Staff recommends approval of the annexation as it is consistent with Comprehensive Plan policies.

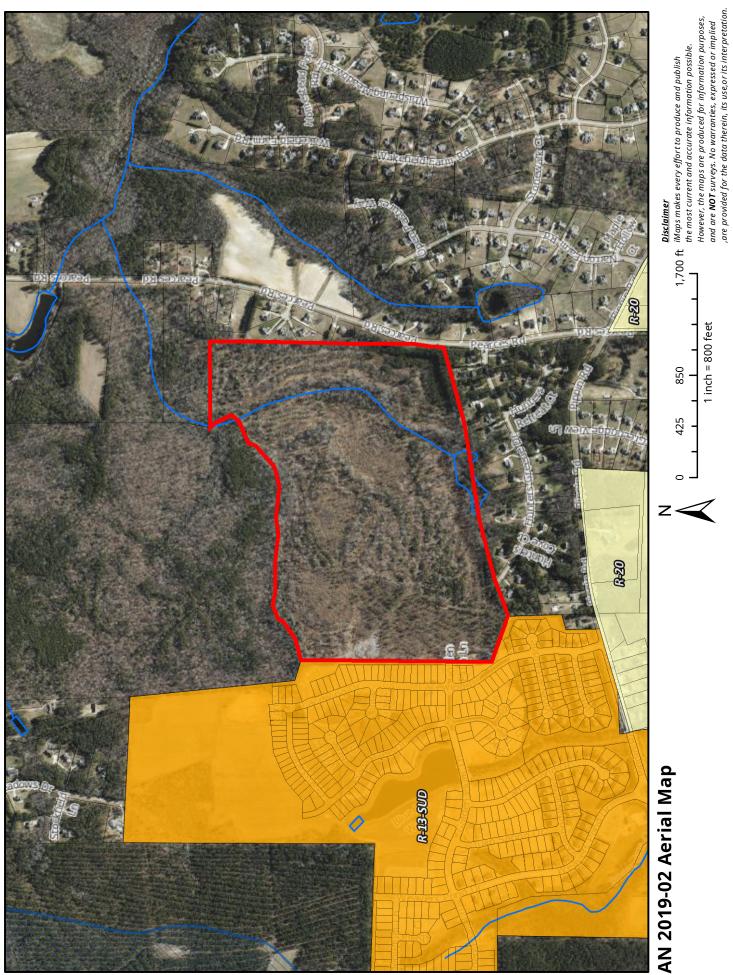
Attachments:

- 1. Aerial Map
- 2. Zoning Map
- 3. Land Use Map
- 4. Certificate of Sufficiency
- 5. NCGS 160A-58.1
- 6. Site Pictures
- 7. Cost Benefit Analysis

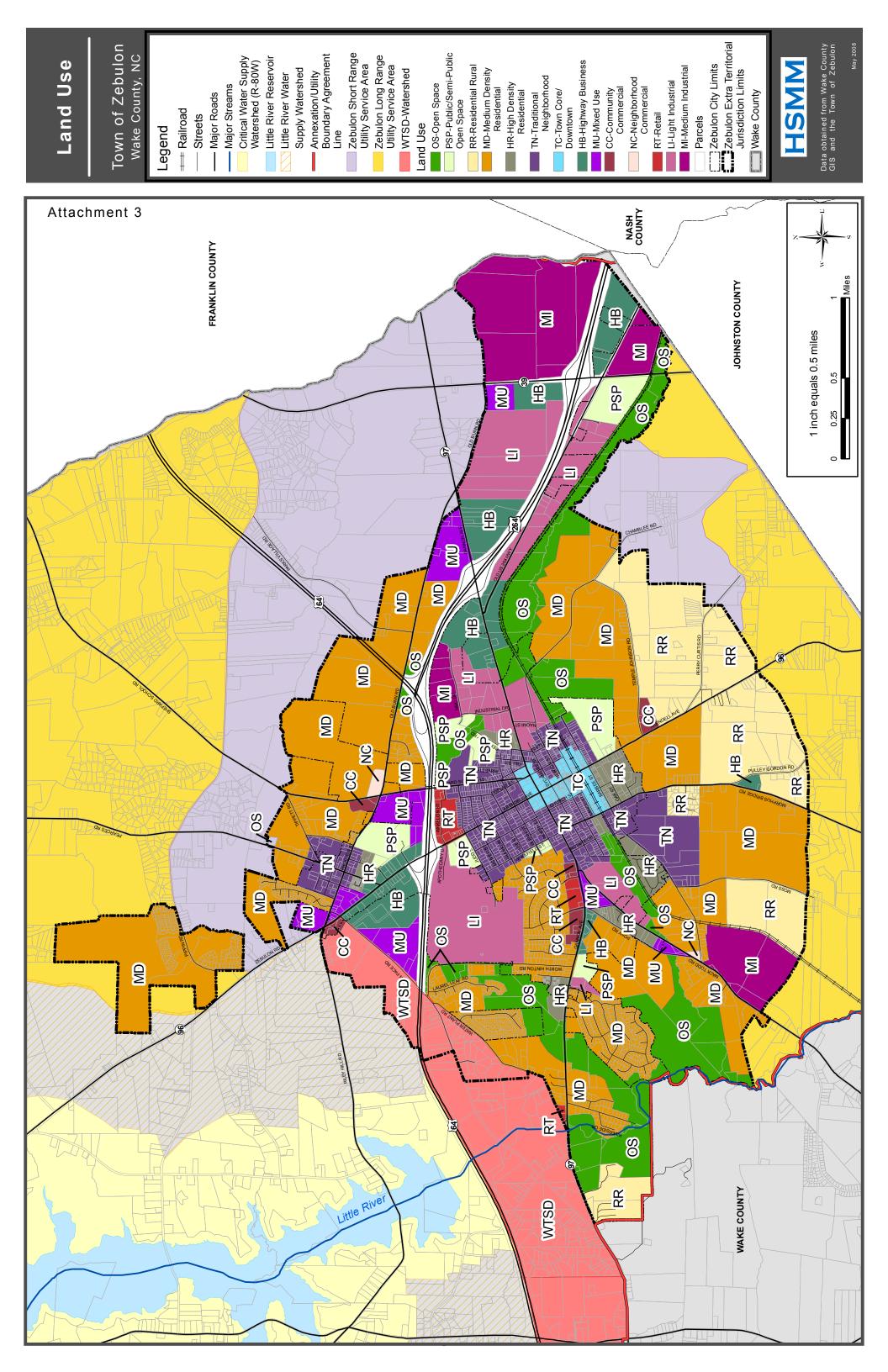
Attachment 1



1 inch = 800 feet



1 inch = 800 feet



Attachment 4



Town of Zebulon The Town of Friendly People

<u>Certificate of Sufficiency</u> For Pin # 2706090290 and 2706198550 1309 and 1333 Pearces Road

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

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

In witness whereof, I have here unto set my hand and affixed the seal of the Town of Zebulon, this 5th day of August, 2019.



Lisa M. Markland, CMC-Town Clerk

FIRE DEPARTMENT 113 E. Vance Street Zebulon, NC 27597 (919) 269-6487 Facsimile (919) 269-2618 Роцсе Dерактмент 1001 N. Arendell Avenue Zebulon, NC 27597 (919) 269-7455 Facsimile (919) 269-0312 Town Hall 1003 N. Arendell Avenue Zebulon, NC 27597 (919) 269-7455 Facsimile (919) 269-6200 Ривыс Works DEPARTMENT 450 E. Horton Street Zebulon, NC 27597 (919) 269-5285 Facsimile (919) 269-2617



Town of Zebulon

Planning Department

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

PETITION REQUESTING ANNEXATION

INSTRUCTIONS

- 1. Complete all necessary forms that follow the instructions portion of this form.
- 2. Attach a map showing the area proposed for annexation in relation to the primary corporate limits of the Town of Zebulon, North Carolina.
- 3. Attach a statement of the schedule for the full development of the property to be annexed, which includes the type, number, and estimated value of planned improvements, if applicable.

I/We the **undersigned owner(s)** (If the property is jointly owned, all parties must sign the annexation request below.) of real property respectfully request that the area described in "**exhibit** A" be annexed to the Town of Zebulon, North Carolina. (If there are not enough spaces on the front, continue name, address, and signature on the back of this form. Proof verifying signature may be required.)

The area to be annexed into the Town of Zebulon, North Carolina is listed as follows:

| Address of Property: | | Pearces Rd | | | | | |
|-----------------------|----------------------------|---------------------------|-----|------|-------|------|---------------|
| PIN Number and/or Rea | 1 Estate ID 1 9 02.90 - | Number: + # 2706199550 |) ; | REID | # 002 | 7824 | 4 # 00 852.99 |

I/We acknowledge that any zoning rights acquired pursuant to G.S. 160A385.1 or G.S. 153A344.1 must be declared and identified in this petition. A copy of such proof will be attached to this petition. I/We further acknowledge that failure to declare such rights on this petition shall result in a termination of vested rights previously acquired for the property.



APPLICATION FOR Petition Requesting Annexation

State of <u>NC</u> Wake County

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated:

| Name: Haywood H. Honeyout TT |
|--|
| Address: 3301 Felton Drive |
| City: Raleigh State: NC Zip Code: 2/76/2 |
| signature: 1111 M managin Partue, Zabulonshuestonent Properties |
| Signature: 1111 A. managin Partue, Zebulonshvestment Properties Witness my hand and official seal, this the 10th day of MAY , 2019. |
| (Official Seal) |
| Notary's Pfinted or Typed Name |
| My commission expires <u>9-16</u> , 20 <u>19</u> . |

When a petition for annexation is received, the governing body must direct the Clerk to investigate the sufficiency thereof. This means the Clerk has found as a fact that the petition is signed by all owners of real property lying in area described therein, in accordance with G.S. 160A-31

| FOR | OFFICE USE ONLY | |
|---|------------------|--|
| Date Received: 5/16/19 | Received By: Mis | |
| Annexation Permit Number: AN ZO19-02 | | |

Date Received:

Received By: M.3

Annexation Petition Number: <u>AN 2019-02</u>

5/10/19

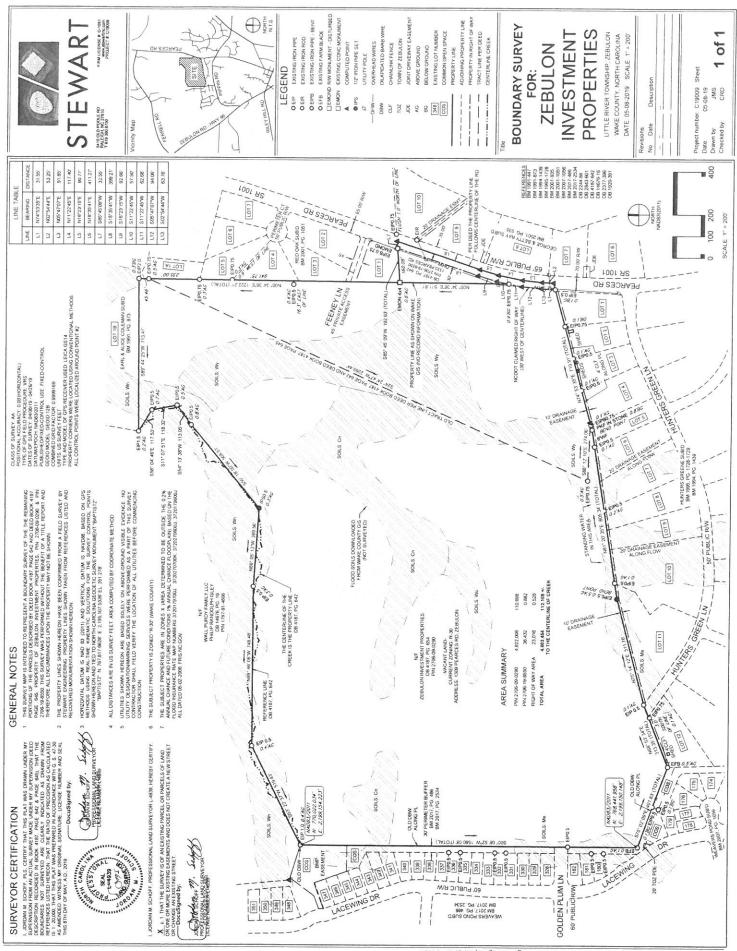
TOWN OF ZEBULON PETITION REQUESTING CONTIGUOUS ANNEXATION

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

- 1. I/We the **undersigned owner(s)** (If the property is jointly owned, all parties must sign the annexation request below.) of real property respectfully request that the area described in "exhibit A" be annexed to the Town of Zebulon, North Carolina. (If there are not enough spaces on the front, continue name, address, and signature on the back of this form. Proof verifying signature may be required.)
- 2. The area to be annexed is contiguous to the Town of Zebulon, North Carolina and the boundaries of such territory are as follows: (Attach Copy of Deed which contain a Metes & Bounds Description)
- 3. A map is attached showing the area proposed for annexation in relation to the primary corporate limits of the Town of Zebulon, North Carolina.
- 4. Attached is a statement of the schedule for full development of the property to be annexed, which includes the type, number, and estimated value of planned improvements, if applicable.
- 5. I/We acknowledge that any zoning vested rights acquired pursuant to G.S. 160A385.1 or G.S. 153A-344.1 must be declared and identified on this petition. I/We further acknowledge that failure to declare such rights on this petition shall result in a termination of vested rights previously acquired for the property. (If zoning vested rights are claimed, indicate below and attach proof.)

| | Name | | . Ada | dress | | Signature | . 0 |
|-------------|--|-----------|-------------|----------|---------|--------------|----------|
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When a petition for annexation is received, the governing body must direct the Clerk to investigate the sufficiency thereof. This means the Clerk has found as a fact that the petition is signed by all owners of real property lying in the area described therein, in accordance with G.S. 160A-31.



L Projects/2019/C19009 - Pearces Road Subdivision/SURVEY/DWG/C19009_BNDY dwg May 08, 2019 - 10.36am

EX4187PG0639

ZEBULON INVESTMENT PROPERTIES

SIGNATURE PAGE TO

ASSUMED NAME CERTIFICATE

Driver Realty and Construction, Inc., a North Carolina Corporation Box 2600 Hwy. 97 Wendell, N.C. 27591

By: <u>Charles P. T.</u> President uen (SEAL)

Acu

Notary Public

(Corp.) (Seal) ATTEST:

Thartigh' andia Secretary

North Carolina Wake County

I, a Notary Public of the County and State aforesaid, certify that <u>Sundvaged that See is</u> _______ Secretary of Driver Realty and construction, Inc., a North Carolina corporation, and that by authority and given and as the act of the corporation, the foregoing Assumed in certificate was signed in its name by its _____ President, sealed with its corporate seal and attested by <u>invice</u> Manufaces its Secretary.

KENNETH C WILKINS, Register of Deeds

Witness my hand and seal, this 21 day of Samuada

My Commission Expires: 0/28/88

NORTH CAROLINA - WAKE COUNTY certilicate & on Like aheah Hartin . K. Waddell Fatricie 45 DALGEN Notar(y)(ies) Public is

(are) certified to be correct. This instrument and this certificate are duly registered at the date and time and in the book and page shown on the first page hereof

BK4187FG0637

James Massengill & Sons Construction Company By: Tory 2 M

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ZEBULON INVESTMENT PROPERTIES

SIGNATURE PAGE TO

ASSUMED NAME CERTIFICATE

By: / Crr-Fresident

(Corp.) (Seal) ATTEST: Secretary North Carolina nellow County

I, a Notary Public of the County and State aforesaid, certify that <u>Minany Microsoft</u>, personally came before me this day and acknowledged that <u>he is month</u>. Secretary of James Massengill & Sons Construction Company, a North Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in the name by its <u>Apple</u> President, sealed with its corporate seal and attested by *from Microsoft* Secretary.

Witness my hand and seal, this <u>21</u> day of <u>Annuan</u>

My Commission Expires: 9-9-91

B familia B Notary Public

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BX4187760635

ZEBULON INVESTMENT PROPERTIES SIGNATURE PAGE TO ASSUMED NAME CERTIFICATE

Robert E. Privette, General Partner P.O. Box 248 Zebulon, N.C. 27597

North Carolina Wake County

I, a Notary Public of the County and State aforesaid, certify that <u>Robert F. Peivette</u>, General Partner of Zebulon Investment Properties, a North Carolina General Partnership, personally came before me this day and acknowledged the exeution of the foregoing Assumed Name Certificate.

Witness my hand and seal, this 20th day of <u>January</u>, 1988.

Sandro H. Wardell Notary Public

My Commission Expires: 11-11-92



BX4187F60633

ZEBULON INVESTMENT PROPERTIES

SIGNATURE PAGE TO

ASSUMED NAME CERTIFICATE

Charles B. Vollmer, General Partner (SEAL)

dig

Charles B. Vollmer, General Partner P.O. Box 22 Bunn, N.C. 27508

1988

North Carolina Wake County

I, a Notary Public of the County and State aforesaid, certify that Charles B. Vollmer, as General Partner of Zebulon Investment Properties, personally came before me this day and acknowledged the execution of the foregoing Assumed Name Certificate.

Witness my hand and seal, this 19 day of January, Umm Hawki Notary Public

My Commission Expires: $\frac{\varphi}{28}$

BX4187 PG0531

ZEBULON INVESTMENT PROPERTIES

SIGNATURE PAGE TO

ASSUMED NAME CERTIFICATE

(SEAL)

Robert D. Waterman, General Partner (as to a partnership interest jointly held with Carolyn H. Waterman) 204 Mount Vernon Church Road Raleigh, N.C. 27614

Materman (SEAL) AND MILE!

Carolyn H./Waterman, General Partner (as to a partnership interest jointly held with Robert D. Waterman) 204 Mount Vernon Church Road Raleigh, N.C. 27614

Notary Public

11:11

North Carolina Wake County

I, a Notary Public of the County and State aforesaid, certify that Robert D. Waterman and wife, Carolyn H. Waterman, jointly, as General Partner of Zebulon Investment Properties, personally came before me this day and acknowledged the execution of the foregoing Assumed Name Certificate.

Witness my hand and seal, this 18 day of January, 1988

My Commission Expires: 6/28/88

BK4187PG0629

ZEBULON INVESTMENT PROPERTIES

SIGNATURE PAGE TO

ASSUMED NAME CERTIFICATE

un (SEal)

Theodore J. Coleman General Partner (as to a partnership interest jointly held with Peggie S. Coleman) 922 Deerfield Drive Raleigh, N.C. 27609

goul

<u>Seleggel St. Ottomon</u> (SEAL) Peggid S. Coleman, General Partner (as to a partnership interest jointly held with Theordore J. Coleman) 922 Deerfield Drive Raleigh, N.C. 27609

North Carolina Wake County

I, a Notary Public of the County and State aforesaid, certify that Theordore J. Coleman and wife, Peggie S. Coleman, jointly, as General Barther of Zebulon Investment Properties, personally came before me this dat, and a acknowledged the execution of the foregoing Assumed Name Certificate

Witness my hand and seal, this 19 day of January

Mynn Helukins

1988.

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My Commission Expires: 6 28 88

BX4187200627

ZEBULON INVESTMENT PROPERTIES

SIGNATURE PAGE

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ASSUMED NAME CERTIFICATE

Pineway Associates, a North Carolina General Partnership 108 Pineway St. Garner, N.C. 27529

By: Daniel W. Black (SEAL) Daniel W. Blackburn, General Partner

L.B General Partner SEAL) By

North Carolina Wake County

I, a Notary Public of the County and State aforesaid, certify that Daniel W. Blackburn and Cardovia L. Blackmon, General Partners of Pineway Associates, a North Carolina General Partnership, personally appeared before me this day and acknowledged the execution of the foregoing Assumed Mame Certificate.

Witness my hand and seal, this 20 day of January

Wym Hewk Notary Public

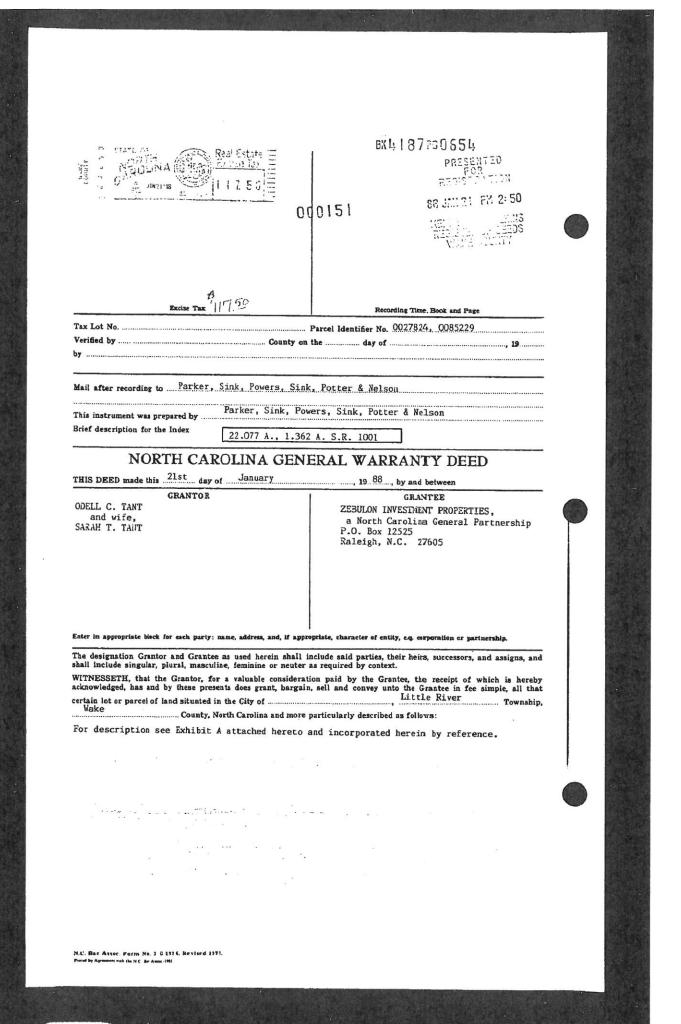
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BK4187760656

EXHIBIT A

BEGINNING at a point in the centerline of S.R. 1001, northeast corner of the second tract described in Deed to White Oak Farm recorded in Book 3604, Page 385, Wake County Registry; runs thence with the lines of White Oak Farm (now or formerly) as described in deeds recorded in Book 3604, Page 385, Wake County Registry and Book 2843, Page 1, Wake County Registry South 83 degrees 39 minutes 40 seconds West 917.14 feet to a point and North 28 degrees 56 minutes 55 seconds East 2269.50 feet to a point; runs thence South 05 degrees 07 minutes 05 seconds West 1176.76 feet to a point; runs thence South 89 degrees 42 minutes 22 seconds East 192.51 feet to a point in the centerline of S.R. 1001; runs thence with the centerline of S.R. 1001 South 23 degrees 04 minutes 49 seconds West 412.23 feet to a point; South 15 degrees 51 minutes 53 seconds West 99.99 feet to a a point; South 16 degrees 16 minutes 15 seconds West 99.98 feet to a point; South 10 degrees 16 minutes 15 seconds West 99.98 feet to a point and South 6 degrees 56 minutes 28 seconds West 248.85 feet to the point and place of BEGINNING, and being all of Tract 4 containing 22.077 acres and all of Tract 5 containing 1.362 acres according to survey entitled "Boundary Survey for Zebulon Investment Properties" dated December 1987, prepared by C. Gregory Bagley, Registered Land Surveyor of F. T. Green § Associates, P.A.



BK4187PG0656

EXHIBIT A

BEGINNING at a point in the centerline of S.R. 1001, northeast corner of the second tract described in Deed to White Oak Farm recorded in Book 3604, Page 385, Wake County Registry; runs thence with the lines of White Oak Farm (now or formerly) as described in deeds recorded in Book 3604, Page 385, Wake County Registry and Book 2843, Page 1, Wake County Registry South 83 degrees 39 minutes 40 seconds West 917.14 feet to a point and North 28 degrees 56 minutes 55 seconds East 2269.50 feet to a point; runs thence South 05 degrees 07 minutes 05 seconds West 1176.76 feet to a point; runs thence South 89 degrees 42 minutes 22 seconds East 192.51 feet to a point in the centerline of S.R. 1001; runs thence with the centerline of S.R. 1001 South 23 degrees 04 minutes 49 seconds West 412.23 feet to a point; South 20 degrees 52 minutes 53 seconds West 100.01 feet to a point; South 15 degrees 16 minutes 15 seconds West 248.85 feet to the point and place of BEGINNING, and being all of Tract 4 containing 22.077 acres and all of Tract 5 containing 1.362 acres according to survey entitled "Boundary Survey for Zebulon Investment Properties" dated December 1987, prepared by C. Gregory Bagley, Registered Land Surveyor of F. T. Green & Associates, P.A.

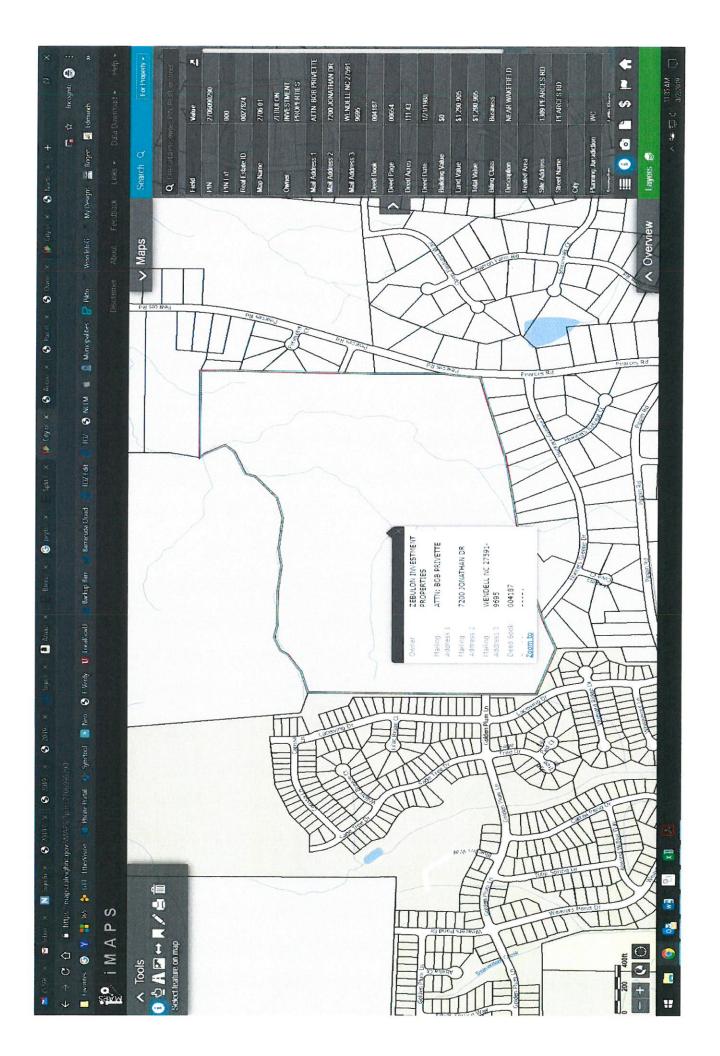
| Home | Wake County Real Estate Data Account Summary | <u>iMaps</u> <u>Tax Bills</u> |
|------------------------------------|---|----------------------------------|
| Real Estate ID 0027824 | PIN # 2706090290 | Account |
| NORTH CAROLINA Account Buildings | Property Description NEAR WAKEFIELD Pin/Parcel History New Search Land Deeds Notes Sales Photos Tax Bill Map | Search |

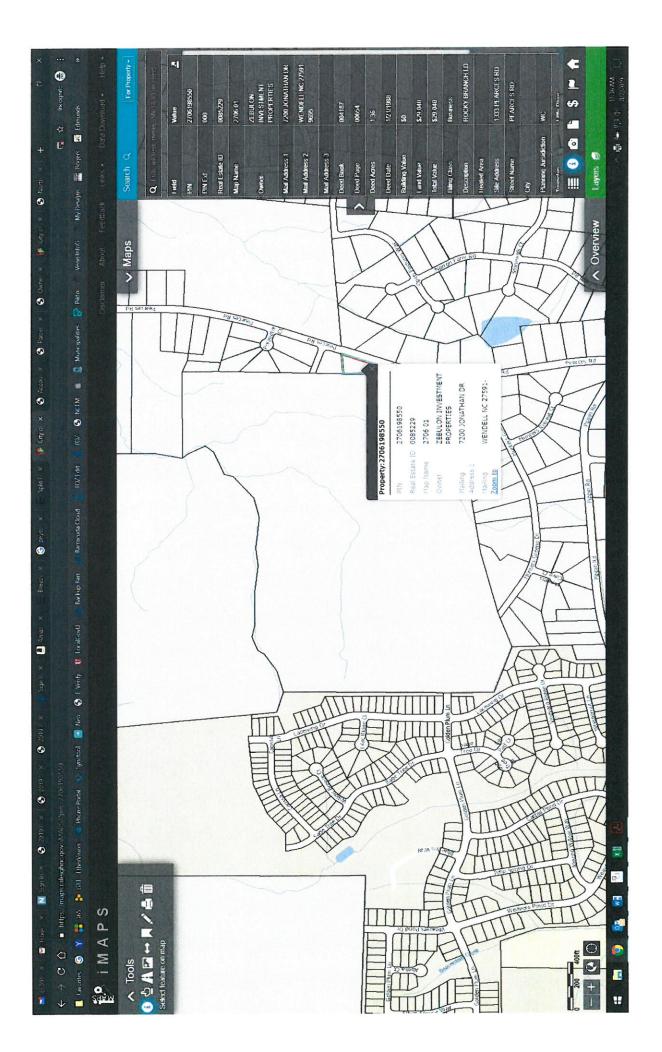
| Property Owner ZEBULON INVESTME (Use the Deeds link to v | | owner's Mailing Active Bob PRIVE 7200 JONATHAN WENDELL NC 275 | ETTE DR | Property Location Address 1309 PEARCES RD ZEBULON NC 27597-7820 |) |
|--|----------------|---|------------|---|-------------|
| Administrative Data | | Transfer Information | | Assessed Value | in a second |
| Old Map # | 393-00000-0003 | | | | |
| Map/Scale | 2706 01 | Deed Date | 1/21/1988 | Land Value Assessed | \$1,290,905 |
| VCS | 09WC900 | Book & Page | 04187 0654 | Bldg. Value Assessed | |
| City | | Revenue Stamps | | | |
| Fire District | 23 | Pkg Sale Date | 1/1/1973 | | |
| Township | LITTLE RIVER | Pkg Sale Price | \$25,500 | Tax Relief | |
| Land Class | VACANT | Land Sale Date | | | |
| ETJ | WC | Land Sale Price | | Land Use Value | |
| Spec Dist(s) | | | | Use Value Deferment | |
| Zoning | R-30 | Improvement Summary | | Historic Deferment | |
| History ID 1 | | | | Total Deferred Value | |
| History ID 2 | | Total Units | 0 | | |
| Acreage | 111.43 | Recycle Units | 0 | | |
| Permit Date | | Apt/SC Sqft | | Use/Hist/Tax Relief | |
| Permit # | | Heated Area | | Assessed | |
| | | | | Total Value Assessed* | \$1,290,905 |

*Wake County assessed building and land values reflect the market value as of January 1, 2016, which is the date of the last countywide revaluation. Any inflation, deflation or other economic changes occurring after this date does not affect the assessed value of the property and cannot be lawfully considered when reviewing the value for adjustment.

The January 1, 2016 values will remain in effect until the next county-wide revaluation. Until that time, any real estate accounts created or new construction built is assessed according to the 2016 Schedule of Values.

For questions regarding the information displayed on this site, please contact the Department of Tax Administration at <u>Taxhelp@wakegov.com</u> or call 919-856-5400.





Attachment 5

§ 160A-58.1. Petition for annexation; standards.

(a) Upon receipt of a valid petition signed by all of the owners of real property in the area described therein, a city may annex an area not contiguous to its primary corporate limits when the area meets the standards set out in subsection (b) of this section. The petition need not be signed by the owners of real property that is wholly exempt from property taxation under the Constitution and laws of North Carolina, nor by railroad companies, public utilities as defined in G.S. 62-3(23), or electric or telephone membership corporations. A petition is not valid in any of the following circumstances:

- (1) It is unsigned.
- (2) It is signed by the city for the annexation of property the city does not own or have a legal interest in. For the purpose of this subdivision, a city has no legal interest in a State-maintained street unless it owns the underlying fee and not just an easement.
- (3) It is for the annexation of property for which a signature is not required and the property owner objects to the annexation.

(b) A noncontiguous area proposed for annexation must meet all of the following standards:

- (1) The nearest point on the proposed satellite corporate limits must be not more than three miles from the primary corporate limits of the annexing city.
- (2) No point on the proposed satellite corporate limits may be closer to the primary corporate limits of another city than to the primary corporate limits of the annexing city, except as set forth in subsection (b2) of this section.
- (3) The area must be so situated that the annexing city will be able to provide the same services within the proposed satellite corporate limits that it provides within its primary corporate limits.
- (4) If the area proposed for annexation, or any portion thereof, is a subdivision as defined in G.S. 160A-376, all of the subdivision must be included.
- (5) The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, may not exceed ten percent (10%) of the area within the primary corporate limits of the annexing city.

This subdivision does not apply to the Cities of Belmont, Claremont, Concord, Conover, Durham, Elizabeth City, Gastonia, Greenville, Hickory, Kannapolis, Locust, Marion, Mount Airy, Mount Holly, New Bern, Newton, Oxford, Randleman, Roanoke Rapids, Rockingham, Sanford, Salisbury, Southport, Statesville, and Washington and the Towns of Ahoskie, Angier, Apex, Ayden, Benson, Bladenboro, Bridgeton, Burgaw, Calabash, Catawba, Clayton, Columbia, Columbus, Cramerton, Creswell, Dallas, Dobson, Four Oaks, Franklin, Fuquay-Varina, Garner, Godwin, Granite Quarry, Green Level, Grimesland, Harrisburg, Holly Ridge, Holly Springs, Hookerton, Hope Mills, Huntersville, Jamestown, Kenansville, Kenly, Knightdale, Landis, Leland, Lillington, Louisburg, Maggie Valley, Maiden, Mayodan, Maysville, Middlesex, Midland, Mocksville, Morrisville, Mount Pleasant, Nashville, Oak Island, Ocean Isle Beach, Pembroke, Pine Level, Princeton, Ranlo, Richlands, Rolesville, Rutherfordton, Shallotte, Siler City, Smithfield, Spencer, Spring Lake, Stem, Stovall, Surf City, Swansboro, Taylorsville, Troutman, Troy, Wallace, Warsaw, Watha, Waynesville, Weldon, Wendell, Wilson's Mills, Windsor, Yadkinville, and Zebulon.

(b1) Repealed by Session Laws 2004-203, ss. 13(a) and 13(d), effective August 17, 2004.

(b2) A city may annex a noncontiguous area that does not meet the standard set out in subdivision (b)(2) of this section if the city has entered into an annexation agreement pursuant to Part 6 of this Article with the city to which a point on the proposed satellite corporate limits is closer and the agreement states that the other city will not annex the area but does not say that the annexing city will not annex the area. The annexing city shall comply with all other requirements of this section.

(c) The petition shall contain the names, addresses, and signatures of all owners of real property within the proposed satellite corporate limits (except owners not required to sign by subsection (a)), shall describe the area proposed for annexation by metes and bounds, and shall have attached thereto a map showing the area proposed for annexation with relation to the primary corporate limits of the annexing city. When there is any substantial question as to whether the area may be closer to another city than to the annexing city, the map shall also show the area proposed for annexation with relation to the primary corporate limits of the other city. The city council may prescribe the form of the petition.

(d) A city council which receives a petition for annexation under this section may by ordinance require that the petitioners file a signed statement declaring whether or not vested rights with respect to the properties subject to the petition have been established under G.S. 160A-385.1 or G.S. 153A-344.1. If the statement declares that such rights have been established, the city may require petitioners to provide proof of such rights. A statement which declares that no vested rights have been established under G.S. 160A-385.1 or G.S. 153A-344.1 shall be binding on the landowner and any such vested rights shall be terminated. (1973, c. 1173, s. 2; 1989 (Reg. Sess., 1990), c. 996, s. 4; 1997-2, s. 1; 2001-37, s. 1; 2001-72, s. 1; 2001-438, s. 1; 2002-121, s. 1; 2003-30, s. 1; 2004-203, s. 13(a), (c); 2004-57, s. 1; 2004-99, s. 1; 2004-203, ss. 13(a)-(d); 2005-52, s. 1; 2005-71, s. 1; 2005-79, s. 1; 2005-173, s. 1; 2005-433, s. 9; 2006-62, s. 1; 2006-122, s. 1; 2006-130, s. 1; 2007-17, s. 1; 2007-26, ss. 1, 2(a); 2007-62, s. 1; 2007-225, s. 1; 2007-311, s. 1; 2007-342, s. 1; 2008-24, s. 1; 2008-30, s. 1; 2009-40, s. 2; 2009-53, s. 1; 2009-111, s. 1; 2009-156, s. 1; 2009-298, s. 1; 2009-323, s. 1; 2011-57, s. 1; 2012-96, s. 1; 2013-248, s. 1; 2014-30, s. 2(a); 2015-80, s. 1; 2015-81, s. 2(a); 2015-172, s. 2; 2016-48, s. 2.)

















| Town Service | Approximate Cost Benefit Notes (| it Analysis Operating | Based of AN 2019-02 to Cost per Service | Analysis Based of AN 2019-02 to Gauge Scale of Operational Costs Against Potential Revenue Derating Cost per Service Anticipated Cost Cost Anticipated Reve | nst Potential Revenue Anticipated Revenue | Benefit Analysis |
|-------------------------|--|--------------------------|--|--|--|---|
| ŗ | | Budget | | | - - - - - - - | |
| Finance | Population increases daily service of office visits and phone calls Assume 351 dwelling units Water Bill customers average 354 per month Estimated total water customers 2.647 | \$285,650 | 354/2,030 = 17% 22% customers pay at window \$285,650/ (354*12) = \$67 per visit | 351 * 0.22 = 77 Expected increase in window visits \$53 * 187 = \$4,081 Value of increased window visits | See "Property Tax Rate" I | -\$4,081 |
| Fire | Number of calls drives demand Increase in population assumes increase in volume of calls | \$545,855 | \$545,855/5,500 = \$99 Per person fee | Wake County Tax revenue will be lost as property is annexed Assessed value \$2,497,962 (\$2,497,962/100) * 0.096 = \$2,398 \$99 * 2,227 = \$220,473 Per person fee | See "Property Tax Rate" ¹ | -\$220,473 Per person fee + - <u>\$2,398 Tax revenue lost from</u> <u>Wake County</u> - <u>\$222,871</u> |
| Fleet Maintenance | Divided among 7 departments: Building and Grounds, Fire, Parks and Recreation, Planning, Police, Sanitation, Street Maintenance 55 employees | \$110,800 | \$110,800/5500 = \$2,015 Per employee | \$2,015 * 1 = \$2,015 Police position - see Police | See "Property Tax Rate" ¹ | -\$2,015 |
| Parks and Recreation | Current Population Estimate 5,500 | \$797,361 | \$797,361/5,500 = \$144.97 • Per person fee | \$144.97 * 2,227 = \$322,848.19 Per person fee | Youth Programs Spring Baseball, Fall Baseball, Basketball, Soccer Assume 2010 US Census Age 5- 14 at 15% population = 334 Assume 10% participation based on current services = 33 \$45 * 33 * 4 = \$5,940 See "Property Tax Rate"¹ | - \$322,848.19 Per person fee + \$5.940 Program revenue from fees -\$316,908.19 |
| Planning | Population increases daily service of office visits and phone calls Average office and window visits per month 250 Assume population increase 2,227 | \$332,950 | \$332,950/5,500 = \$60Per person fee | 250/5500 = 4% 5% of population visits monthly 2,227 * 0.05 = 111 expected increase \$60 * 111 = \$6,660value of expected increased visits | See "Property Tax Rate" ¹ | -\$6,660 |
| Police | Number of calls drives demand Increase in population assumes increase in volume of calls Current Incident Estimate 10,000 Estimated 576 calls per year | \$1,829,950 | \$1,829,950/10,000 = \$183 | \$183 * 576 = \$105,408 Cost to add one police patrol officer is \$100,000 \$52K salary + \$3K uniform + \$45K vehicle IACP Workload Manpower Formula adds one unit with this increase in incidents | See "Property Tax Rate" ¹ | -\$105,408 |
| Sanitation | 2,140 estimated number of residences receiving service Assume 351 added residences | \$1,019,055 | \$1,019,055/2,140 = \$476 Per residence fee | \$476 * 351 = \$167,076 • Per residence fee | Receptacle, Trash, Recycling, Bulky Waste Fee \$20.50 * 12 * 351 = \$86,346 | - \$167,076 Per residence fee + \$86,346 Per residence revenue from fees -\$80,730 |
| Stormwater | 16.20 miles of stormwater Assume 1.6 miles of added stormwater | \$214,590 | \$214,590/16.20 = \$13,246 • Per mile fee | \$13,246 * 1.6 = \$21,194 | Stormwater fee is dedicated to capital budget. See "Property Tax Rate" ¹. | -\$21,194 |
| Street Lights | \$2.71 pole + \$16.29 fixture = \$19 per month Assume 2 miles of added streets with 1 light per 140LF Assume 90 new lights | | \$19 * 12 = \$228 Per light per year | \$228 * 90 = \$20,520 per year | See "Property Tax Rate" ¹ | -\$20,520 |
| Street Maintenance | 24.85 miles of streets Assume 2.26 miles of added streets Powell Bill \$126,000 PEMR page 95 - \$14.63yd² 2" overlay 20-year cycle for overlay Assumes 21ft wide streets | | $(24.85*5280*24)/9 = 349,888yd^2$ (349,888*\$14.63)/20 = \$255,943 | (2.26*5280*24)/9 = 31,821yd ² (31,821*\$14.63yd ²)/20 = \$23,277 | Powell Bill is based 75% per capita and 25% on street mileage \$126,000*.25 = 31,500/24.85=\$1,267.60 per mile \$1,267.60 per mile \$126,000*.75=94,500/5500 people= \$17.82 per person 17.82*1235 people = \$22,007 \$23,277 for mill and overlay + \$22,007+2,864.77 \$22,007+2,864.77=\$1,594.77 \$22,007+2,864.77=\$1,594.77 \$22,007+2,864.77=\$1,594.77 | -\$23,277 per year 2" overlay fee + \$45,533 Powell Bill revenue \$22,256 |
| Property Tax Rate | Rate is per \$100 assessed valuation 0.525 for operating budget - 5 cents of tax rate dedicated to streets, fleet, facilities, greenways | | | | (\$140,000/100) * 0.525 * 351 = \$257,985 | \$257,985 |

Attachment

| | Assume Wake County average for Zebulon \$140,000 rounded to the nearest \$10,000 | | |
|--------------------------|--|--|----------|
| | Value of houses are market driven | | |
| | Legislature prohibits setting price points | | |
| Vehicle Tax Rate | Rate is per \$100 assessed valuation | (\$10,000/100) * 0.525 * 2 * 351 = \$36,855 | \$36,855 |
| | Assumes Wake County's average vehicle value of \$10,000 | | |
| | • 0.525 for operating budget - 5 cents of tax rate dedicated to | | |
| | streets, fleet, facilities, greenways | | |
| | Assume 2 vehicles per home | | |
| Vehicle Decal | \$10.00 per vehicle | \$10 * 2* 351 = \$7,020 | \$7,020 |
| Fee | Assume 2 vehicles per home | | |
| Sales and Use | Article 40 based on per capita | (\$165,000/4964) * 2,227 = \$74,024 | \$74,024 |
| Tax | • $FY2020 = $165,000$ | | |
| Utilities | Ad Valorem percentage of Wake County | 140,000*351 = \$49,140,000 | \$74,620 |
| Franchise Tax | • Wake County = \$900 Million | \$119M/900M = 5.5% | |
| | Assume Zebulon Average \$140,000 | 574,000 * 0.13 = \$74,620 | |
| | • $FY2020 = $574,000$ | | |
| Beer and Wine | Per Capita | 20,279/4,964 = \$4 | \$8,908 |
| Tax | • FY $2020 = 20,279$ | 4 * 2,227 = 8,908 | |
| | | Approximate Cost Benefit Analysis ² | Positive |
| ¹ Services no | ¹ Services not covered by fees are funded through property tax revenue | | |
| | | | |

² Approximate Cost Benefit Analysis is only a gauge to scale the operational costs against potential revenue. It is not a definitive reflection of the actual costs spent to serve the site, nor a definitive reflection of the actual to serve the site, nor a definitive reflection of the received from the site.



STAFF REPORT RZ 2019-08 Pearces Road Subdivision August 12, 2019

Topic: RZ 2019-08 – Pearces Road Subdivision

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

Executive Summary:

The Board of Commissioners will consider a Zoning Map Amendment and Comprehensive Plan Amendment to the Land Use Plan for 1309 Pearces Road and 1333 Pearces Road (PIN 2706090290 & 2706198550). This case shall be heard in conjunction with AN 2019-02. This case is a legislative case.

Background:

The applicant, Stewart Inc. requests rezoning approximately 111 acres from Residential-30 (R-30 Wake County) to Residential-13 (R-13). The property is located north of the intersection of Pearces Road and Pippin Road, recently being considered for annexation by the Town of Zebulon.

Policy Analysis:

The Land Use Plan (ref. Comprehensive Plan Chapter 9) offers the primary method to determine whether a rezoning is consistent with the "comprehensive blueprint for the Town of Zebulon's vision for the future overall land use patterns…"

The Land Use Plan was last updated in May 2008 identifying the parcel as "Zebulon Long Range Utility Service Area." While the proposed Zoning Map Amendment is inconsistent with the Land Use Plan currently, it would be consistent once a Comprehensive Plan Amendment is made. This Comprehensive Plan Amendment would meet *Comprehensive Plan Policy 1 - Ensure development is compatible with and complimentary to adjacent land uses and regulate transition and/or buffering between land uses to mitigate impact.* The amendment would change the Land Use Plan from Long Range Utility Service Area to Medium Residential (ref. "Attachment 3"). With the amendment to the Land Use Plan, the proposed Zoning Map Amendment is consistent with the Land Use Plan. The proposed Zoning Map Amendment is consistent with the residential development to the adjacent west. If the property develops into more than three parcels, a Special Use Permit will be required. At this time, infrastructure improvements will be required as a result of this residential development.

Fiscal Analysis:

Fiscal Analysis is not possible with rezoning requests, but site and infrastructure improvements should be considered in subsequent development processes (e.g. Special Use Permits).



STAFF REPORT RZ 2019-08 Pearces Road Subdivision August 12, 2019

Given the variety of uses allowed with the rezoning (ref. Code of Ordinances §152), it is not possible to analyze the revenues generated from the development (e.g. property taxes) versus the expenditures required to serve the development (e.g. police, fire, public works, parks and recreation). This property is currently located within the service area for town services. If the property develops into a subdivision of more than 3 lots, a Special Use Permit will be required. Conditions to that permit should consider this tradeoff between revenues and expenditures.

The Multimodal Transportation Plan designates Pearces Road as a two-lane road. This road designation supports a development with less density. Road improvements and right-of-way dedication should be considered as possible conditions in subsequent development processes.

The Town does not have a Parks and Recreation Master Plan to guide the placement, or assess the needs, of parks and recreation facilities. Program, facility, or land dedication should be considered as possible conditions in subsequent development processes.

Staff Recommendation:

By approving this Zoning Map Amendment, the Comprehensive Plan Amendment is approved in accordance with state statutes. With the Comprehensive Plan Amendment to Medium Residential, the Zoning Map Amendment to Residential-13 is consistent with the Land Use Goals; therefore, staff recommends approval.

Discussion:

The discussion before the Board is whether or not the Zoning Map Amendment and the Comprehensive Plan Amendment to the Land Use Plan request is consistent with the Town's adopted plans and policies.

If approved, a consistency statement is required in accordance with NC General Statutes 153A-341 and 160A-383. The following consistency statements may be used:

With the Comprehensive Plan Amendment to the Land Use Plan to Medium Density Residential, the proposed Zoning Map Amendment is consistent with the Town's plans and policies. These amendments meet the development needs of the community that were taken into account in the Zoning Map Amendment, further promoting a plan to grow smart addressing the transportation and housing needs within the Town of Zebulon.



STAFF REPORT RZ 2019-08 Pearces Road Subdivision August 12, 2019

If not approved, the Board should provide alternative language for the consistency statement to state the request is not consistent with the Town's adopted plans and polices. The following statement may be used:

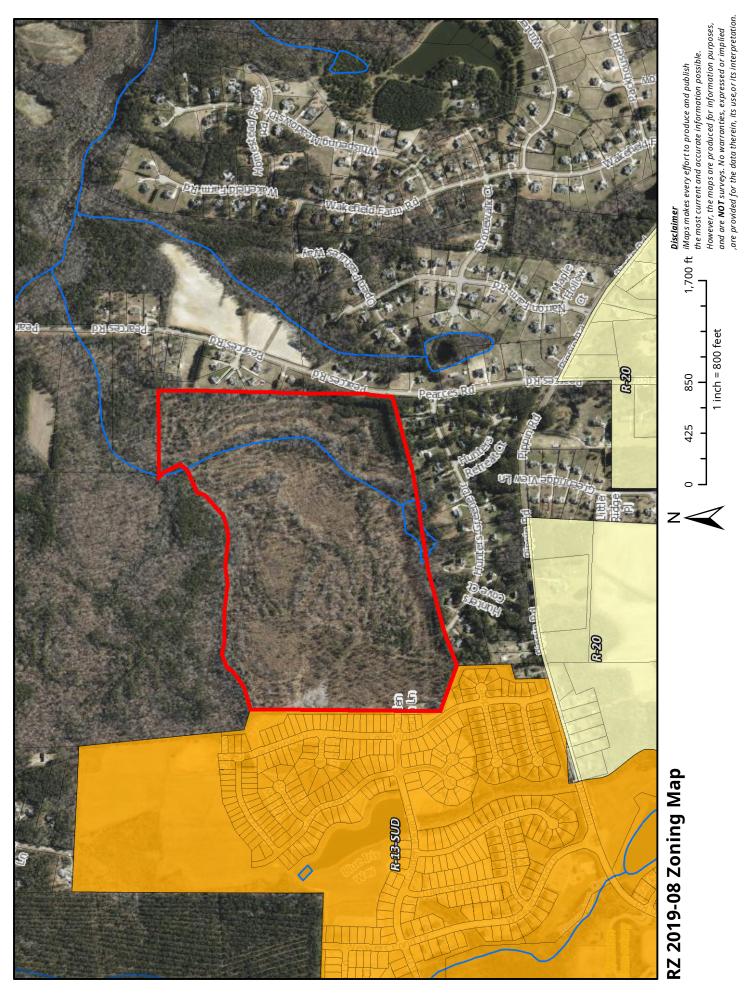
The proposed Zoning Map Amendment is inconsistent with the Town of Zebulon Land Use Plan in that it does not promote a plan to grow smart addressing the transportation and housing needs within the Town of Zebulon.

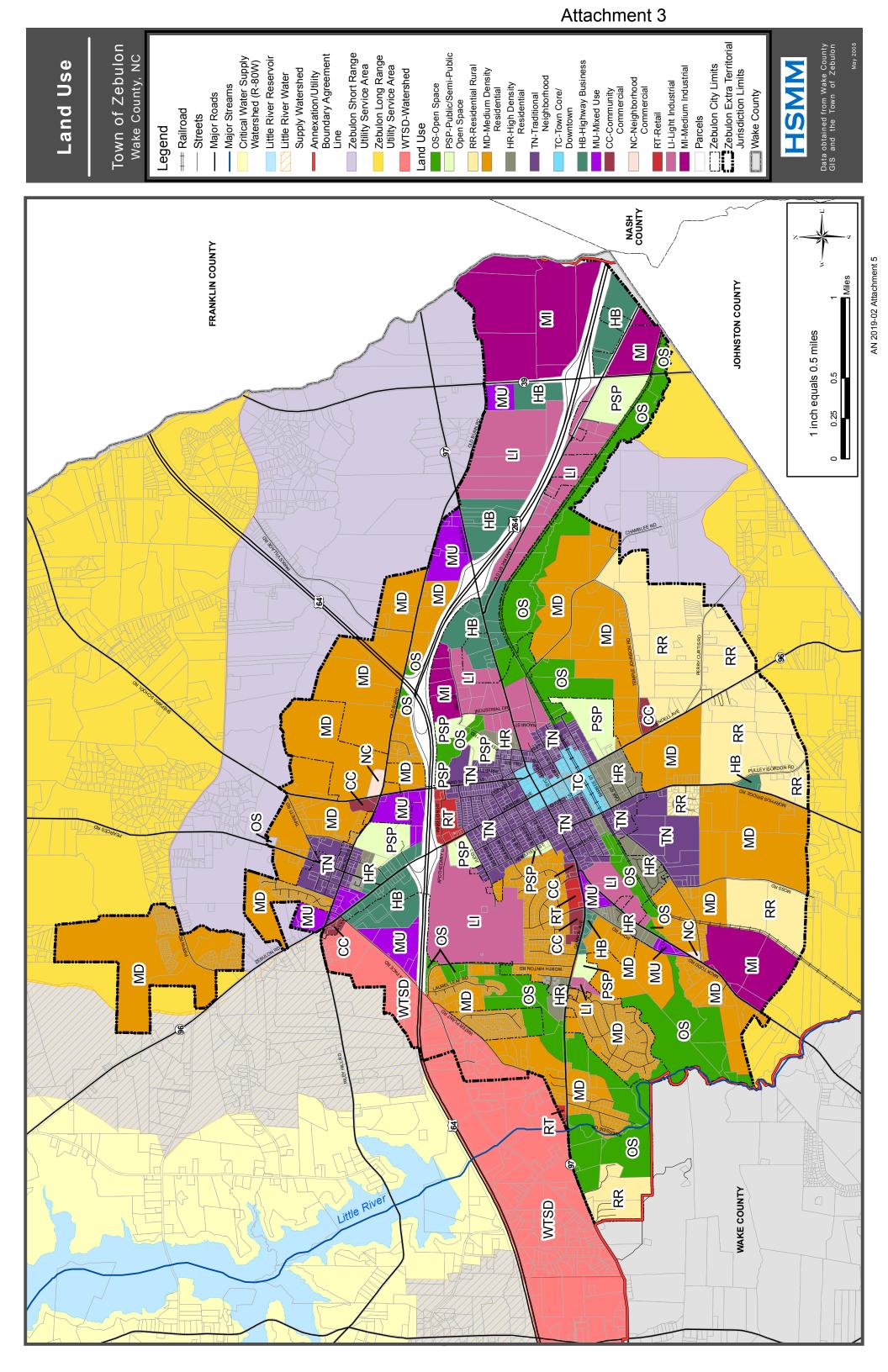
Attachments:

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



1 inch = 800 feet





Print

Zebulon, NC Code of Ordinances

§ 152.129 PERMITTED USES.

| Use Description | | | | | | | | 1 | Zones | | | | | | | | | | Suppler ental Regulat ons |
|---|-----------------------|---------------------------|----------|-----------|----------|------------|-----|-----------|-----------|-----------|---------|----|----|----|----|--------|----|-------------|------------------------------------|
| | R- 30/ R- 20 | RMH- 30/ RMH- 20 | R- 13 | RMH 13 | R- 10 | RMH- 10 | R-8 | RM H-8 | R- 80W | R- 40W | RM F | TR | MA | СВ | GB | H B | 11 | I H L | |
| ABC store | | T | | | | | | | I | I | | | | | 1 | G | + | 1 | |
| Accessory building | G | G | G | G | G | G | G | G | G | G | G | G | G | G | G | G | G | G | § 152.13 |
| Adult day care center | | | | | | | | | | | | S | S | | S | S | | | |
| Adult day care home | | | | | | | | | | | | G | | | | | | | |
| Adult establishments; cabarets | | | | | | | | | | | | - | | | | S | | | |
| Agricultural product; equipment sales and service | | | | | | | | | | | | | | | G | G | G | G | |
| Agricultural product; warehousing | | | | | | | | | | | | | | | | | G | G | |
| Agricultural production; crops | G | | G | | | | | | G | G | | | | | | | | | |
| Agricultural production; livestock | G | | | | | | | | G | G | | | | | | | S | s | |
| Airports, public and private | | | | | | | | | | | | | | | | | S | S | |
| Amphitheaters | | | | | | | | | | | | | | | | S | S | S | |
| Animal kennel, breeder, or shelter | S | | | | | _ | | | S | S | | | | | | | S | S | |
| Antiques and gift retail stores | | | | | | | | | | | | | | G | G | G | | | |
| Apartment on second floor | | | | | | | | | | | | | | G | | | | -+ | |
| Appliances; service and etail sales | | | | | | | | | | | | | | G | G | G | | | |
| Armories | | | | | | | | - | | | | | | | | G | G | G | |
| urt galleries | | | | | | | | | | | | S | | G | G | G | | -+ | |
| arts and crafis; supply and etail sales | | | | | | | | | | | | | | G | G | G | | | |
| asphalt plants or products nanufacturing or refining | | | | | | | | | | | | | | | | | S | S | |
| ssembly, fabrication, roduction or processing of oods and materials using rocesses that ordinarily do ot create noise, smoke, imes, odors, glare, health r safety hazards outside of he building. Typically avolves the work of trisans or craftsman. May lso include micro-brews, hicro-distilleries, micro- rineries, or other similar ricilities as part of a hicrobrewery or other everage tasting facilities. * | | | | | | | | | | | | | | G | G | G | G | G | |

| Auction, auto or equipment | | | | | | 1 | | | | | | | | G | G | |
|---|---|----------|---|-------|--|---|-------|---|---|---|---|---|---|---|---|--|
| Auction house | | | 1 | | | | | | | | G | G | G | | | |
| Auditorium, assembly, and conference halls; primary use | | | | | | | | | | | | | s | s | S | |
| Automatic teller machines | | | - | | | | | | | G | G | G | G | G | | |
| Automobile accessory sales | | | | 1 | | | | | | | G | G | G | | | |
| Automobile and truck assembling, painting, upholstering, rebuilding, reconditioning, body and fender works, truck repairing or overhauling, tire retreading or recapping, and similar uses | | | | | | | | | | | | | G | G | G | |
| Automobile, motorcycle race tracks, demolition derbies | | | | | | | | | | | | | | S | S | |
| Automobile, motorcycle sales and operation, not including junked or wrecked vehicles, conducted within a completely enclosed building | | | | | | | | | | | G | G | G | G | G | |
| Automobile rental | | | | | | | | | | | | G | G | G | G | |
| Automobile repair shops including body and fender work conducted within a completely enclosed building | | | | | | | | | | | G | G | G | G | G | |
| Automobile sales; new and used | | | - | | | | | | | | | G | G | G | G | |
| Automobile wash; self- service and automatic | | | | | | | | | | | | G | G | | | |
| Automobile, washing and detailing shops | | | | | | | | | | | G | G | G | G | | |
| Bait and tackle shop | | | | | | | | | | | G | G | G | | | |
| Bakeries, retail | | | | | | | | | | | G | G | G | | | |
| Bakeries, wholesale | | | | | | | | | | | | | G | G | G | |
| Banks and savings and loan, and similar financial institutions | | | | | | | | | G | G | G | G | G | | | |
| Bar, nightclub, lounge, tavern, and pub | | | | | | | | | | | S | S | S | S | S | |
| Barber shops | | | | | | | | | G | | G | G | G | | | |
| Beauty shops, supplies, salons, and cosmetics stores | | | | | | | | | | | G | G | G | | | |
| Bed and breakfast inns | S | | S | S | | S | S | S | G | G | G | G | G | | | |
| Bicycle and motorbike sales and repair | | | | | | | | | | | G | G | G | G | | |
| Billiard and pool halls | | | | | | | | | | | S | S | S | | | |
| Bingo hall | | | | | | | | | | | | | S | S | | |
| Blueprint and drafting service | | | | | | | | | G | | G | G | G | | | |
| Boats, watercraft, and marine equipment sales, rental, and repair | | | | | | | | | | | | G | G | G | G | |
| Books, reading materials and stationery sales | | | | | | | | | | | G | G | G | | | |
| Bottling plants | | | 1 | | | | | | | | S | S | S | G | G | |
| Bowling alleys | | | | | | | | | | | G | G | G | S | S | |
| Brick and stone yard, | 1 | <u> </u> | 1 | 1 | | | | | | | | | | G | G | |

6/5/2019

| Brick and stone yard, retail | | | | | | | | | + | + | | | | | | G | G | 1 | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|--|
| Broadcasting studios, radio, | | | | | | | | | | | | | | - | | | | | |
| and television | | | | | | | | | | | | | | G | G | G | G | | |
| Builders supply store | | | | | | | | | | | | | | G | G | G | G | G | |
| Bulk plants | | | | | | | | | | | | | | | | | G | G | |
| Bulk storage of nflammable liquids of ther hazardous substances | | | | | | | | | | | | | | | | | | s | |
| Bus stations | | | + | | | | | | | | 1 | | | G | G | G | G | G | |
| Cabinet and woodworking hops | | | | | | | | | | | | | | | G | G | G | G | |
| amera and photography upply store | | | | | | | | | | | 1 | | | G | G | G | | | |
| Canvas, tent, and awning ales and service | | | | | | | | | | | | | | G | G | G | G | | |
| °ar wash | | | | | | | | | | | | | | | G | G | G | | |
| Carpet, rug, bag cleaning stablishment | | | | | | | | | | | | | | G | G | G | G | | |
| Catering establishments | | | | | | | | | | | | | | G | G | G | | | |
| Cemeteries or mausoleums | | | | | 1 | | | | | | | S | S | S | S | S | S | S | |
| hild care home | G | G | G | G | G | G | G | G | G | G | G | G | G | G | G | G | | | |
| hild care institution | S | | | | 1 | 1 | 1 | | | | | | | | | S | S | S | |
| hurches, synagogues, mples, and other places of orship, rectories, Sunday chools | G | G | G | G | G | G | G | G | G | G | G | G | G | | | G | G | | |
| 'igars, cigarette, and obacco; retail stores | | | | 0 | | | | | | | | | | G | G | G | | | |
| ligars, cigarette, and obacco; wholesale | | | | | | | | | | | | | | | | G | G | G | |
| Fircuses, carnivals, arousels, roller coasters, erris wheels, fairgrounds, whibit shows, trade shows, aces, stage shows, arts and raft shows, etc. | | | | | | | | | | | | | | | | S | S | S | |
| lay, stone, concrete, ement processing and ales | | | | | | | | | | | | | | | | | G | G | |
| lothing, apparel, and ccessory; manufacturing | | | | | | | | | | | | | | | | | G | G | |
| lothing, apparel, and ccessory; new and used stail sales | | | | | | | | | | | | | | G | G | G | | | |
| lubs; civic, social, and aternal (non-profit) | S | S | S | S | S | S | S | S | S | S | S | S | | G | G | G | G | G | |
| lubs; private and atertainment | | | | | | | | | | | | | | | | s | | | |
| oal, wood lots | S | | | | | | | | | | | | | | | | S | S | |
| olleges, universities icluding fraternity, prority houses, pormitories, and incidental ses when on the same unit f property | S | | s | | s | | | | | | s | S | S | | S | s | s | s | |
| ommercial parking lots od garages | | | | | | | | | | | | | | G | G | G | | | |
| ommunity centers | | | | | | | | | | | | S | S | S | S | S | S | S | |
| ompartmentalized storage r individual storage of | | | | | | | | | | | | | | | | G | G | G | |

6/5/2019

| residential and commercial goods | | | | | | | | | | | | | | | | | | | |
|--|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|--------------|
| Computer maintenance, repair, services, and sales | | | | | | | | | | | | | | G | G | G | | | |
| Condominium | S | | S | | S | | S | | | | S | S | S | S | S | S | S | | |
| Consignment or secondhand shops | | | | | | | | | | | | | | G | G | G | | | |
| Construction storage yards, lumber yards | | | | | 1 | | | | | | | | | | | G | G | G | |
| Convenient stores | | | | | | | | | | | | | | G | G | G | | | |
| Correctional facility, penal institution, jails | | | | | | | | | | | | | | | | | S | S | |
| Country clubs | S | | | | | | | | | | | | | | | | S | S | |
| Crafi supplies, hobby and fabric sales | | | | | | | | | | | | | | G | G | G | | | |
| Crematorium | | | | | | | | | | | | | S | | | S | S | S | |
| Dairy, ice cream, and coffee shops | | | | | | | | | | | | | | G | G | G | | | |
| Day care center | S | S | S | S | s | S | S | S | S | S | S | S | S | | | G | | | |
| Department stores | | | | | | | | | | | | | | G | G | G | | | |
| Distribution center, product | | | | | | | | | | | | | | | | | G | G | |
| Drive-in theaters | | | | | | | | | | | | | | | | S | S | S | |
| Drug stores, pharmacies | | | | | | | | | | | | | G | G | G | G | | | |
| Dry cleaners | | | | | | | | | | | | | | G | G | G | | | |
| Duplex | S | | S | | S | | S | | S | S | S | S | | | | | | | |
| Dwellings, boarding and rooming houses | s | | S | | s | | s | | | | | S | | | | | | | |
| Dwellings, conservation subdivision | S | | s | | S | | S | | | | | | | | | | | | § 152.13 |
| Dwellings, single-family detached | G | G | G | G | G | G | G | G | G | G | G | G | | | | | | | |
| Dwellings, single-family residence with accessory apartment | s | S | S | S | S | S | S | S | S | S | G | G | | | | | | | |
| Dwellings, townhouses | S | | S | | S | | S | | | | S | S | S | S | Ş | S | S | | |
| Dwellings, two-family | G | | G | | G | | G | | | | | | | | | | | | |
| Egg processing | | | | | | | | | | | | | | | | | G | G | |
| Electric and electronic machinery, equipment, shops, supplies and sales | | | | | | | | | | | | | | G | G | G | G | | |
| Electronic game machine parlors | | | | | | | | | | | | | | S | S | s | | | |
| Electronic game machines, accessory to allowable use | | | | | | | | | | | | | | G | G | G | | | |
| Engineering supplies and equipment sales | | | | | | | | | | | | | | G | G | G | G | | |
| Excavation; processing and sale of minerals and stone | | | | | | | | | | | | | | | | | s | S | |
| Exhibition buildings, galleries or show rooms | | | | | | | | | | | | | | G | G | G | G | G | |
| Family care home | G | G | G | G | G | G | G | G | G | G | G | | | | | | | | § 152.146 |
| Farm supply, hay, grain, and feed stores | | | | | | | | | | | | | | | | S | G | G | |
| Flammable liquids or gases, bulk storage in quantities less than 100,000 gallons | | | | | | | | | | | | | | | | S | S | S | |

| 20 | 10 | | | | | / 11 \ | HOLL V | m. 20 | | no mae | //0//// | DLOI | | 17-11 | | | | | | |
|-------------|--|---|---|---|---|--------|--------|-------|---|--------|---------|------|---|-------|---|---|---|---|---|-----------|
| | Flea markets, used of new merchandise sales and promotion | | | | | | | | | | | | | | | | s | s | | |
| ┝ | Florist; retail sales | | | | | | | | | | | | | | G | G | G | 1 | | + |
| | Flowers, plants, and garden supply sales | S | | | | | | | | | | | | | | G | G | G | | |
| | Food and beverage processing | | 1 | | | | | | | | | | | | | | G | G | G | |
| | Formal wear and costume rental store | | | | | | | | | | 1 | | | | G | G | G | | | |
| h | Foundry | | | | | | | | | | | | | | 1 | 1 | 1 | S | G | |
| | Funeral homes | | | | | 1 | | | | | | 1 | S | S | S | S | S | | | |
| 1 | Furniture, home furnishings, and equipment; manufacturing | | | | | | | | | | | | | | | | | G | G | |
| 11 | Furniture, home furnishings, and equipment; retail sales | | | | | | | | | | | | | | G | G | G | G | | |
| 1 | Furniture re-upholstering and repair | | | | | | | | | | | | | | G | G | G | G | G | |
| i | Garbage landfills and ncinerators | | | | | | | | | | | | | | | | | | s | |
| 0 | Garden stores and garden centers; retail sales | | | | | | | | | | | | | | G | G | G | G | | |
| 1 | Gift stores | | | | | | | | | | | | | | G | G | G | | | |
| - | Glass and mirror shop | | | | | | | | | | | | | | G | G | G | | | |
| 1 | Golf courses, including par hree and miniature courses | S | | | | | | | | S | S | | | | | | S | S | S | |
| (| Golf driving ranges | S | | | | | | | | S | S | | | | | | S | G | G | |
| f | Grocery, supermarket, and lood stores | | | | | | | | | | | | | | G | G | G | | | |
| (| Froup care home | S | S | S | S | S | S | S | S | S | S | S | S | | | | | | | |
| a | Gun, weapons, firearms, nd ammunition sales hops | | | | | | | | | | | | | | G | G | G | | | |
| 1 | Gymnasiums | | | | | | | | | | | | | | | G | G | G | | |
| | landicapped, aged or nfirm home | G | G | G | G | G | G | G | G | G | G | G | S | | | | | | | |
| ł | landicapped, aged or nfirm institution | S | | | | | | | | | | S | S | G | | | S | | | |
| ŀ | Halfway house | S | S | S | S | S | S | S | S | S | S | S | S | | | | | | | |
| H c e | Health club, spa, fitness enter, gymnasium and xercise facilities (indoors) | | | | | | | | | | | | | | G | G | G | | | |
| F | lobby shops | | | | | | | | | | | | | | G | G | G | | | |
| ŀ | Iome occupations | G | G | G | G | G | G | G | G | G | G | G | G | | | | | | | § 152.143 |
| ŀ | lospitals | | | | | | | | | | | | | S | | | | | | |
| ŀ | lotels and motels | | | | | | | | | | | | | | S | S | s | S | S | |
| h e | IVAC, plumbing, ardware, supplies, quipment, and building naterials sales | | | | | | | | | | | | | | G | G | G | G | | |
| 1 | ce plants | | | | | | | | | | | | | | | | | G | G | |
| I | ntermediate care home | S | S | S | S | S | S | S | S | S | S | S | S | G | | | | - | | |
| | ntermediate care nstitution | S | | | | | | | | | | S | S | G | | | | | | - |
| - | nternet café | | | | | | | | | | | | | | | | S | | | |

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| 19 | | | | | AR | TICLE V | 111: 201 | NING D | ISTRIC | IS ANI | J 201N | und iv | IAP | | 1 | 1 | 1 | 1 | 1 |
|---|-----------|-------------|----------|--------------|------------|-------------|------------|------------|-----------|------------|-----------|--------|-----|---|---|---|---|---|---|
| Jewelry, precious stones and metal sales and service | | | | | | | | | | | | | | G | G | G | | | |
| lunkyards | | 1 | 1 | | | 1 | | | 1 | 1 | | 1 | | | | | S | S | |
| Laboratories conducting esearch or testing entirely ndoors using processes hat ordinarily do not create toise, smoke, fumes, odors or health and safety hazards putside fo the building* | | | | | | | | | | | | | | G | G | G | G | G | |
| Outside storage of raw mate | erials or | finished pr | ducts is | s not allowe | d; all sto | rage must t | De locates | d entirely | within an | enclosed l | ouilding. | 1 | 1 | 1 | 1 | 1 | 1 | | |
| aboratories, experimental oboto or motion picture, film, research and testing | | | | | | | | | | | | | | | | | G | G | |
| Laboratories, medical, research | | | | | | | | | | | | | G | | | G | G | G | |
| Land clearing and inert debris landfill | | | | | | | | | | | | | | | | | S | S | |
| Laundries, cleaners, and aundromats; self-service | | | 1 | | | | | | | | | | | G | G | G | G | | |
| Laundries; cleaning plants, and linen supply | | | | | | | | | | | | | | | | S | G | G | |
| Leather and leather products manufacturing | | | | | | | | | | | | | | | | | G | G | |
| Libraries | | | | | 1 | | | | | | | G | G | | | | | | |
| Locksmith, gunsmith, and reyshops | | | | | | | | | | | | | | G | G | G | G | | |
| Machine shops | | | | | <u> </u> | | | | | | | | | | | G | G | G | |
| Machinery (heavy) sale, repair, rental, or storage | | | | | | | | | | | | | | | | S | G | G | |
| Manufactured home manufacturing | | | | | | | | | | | | | | | | | G | G | |
| Manufactured home parks | | S | | S | | S | | S | | | | | | | | | | | |
| Manufactured home sales | | | | | | | | | | | | | | | | S | G | G | |
| Manufactured homes - Class A | | G | | G | | G | | G | | | | | | | | | | | |
| Manufactured homes - | | G | | G | 1 | G | | G | | | | | | | _ | | | | |
| Class B | | | ļ | | | | | | | | | | | | | | | | |
| Manufactured homes - Class C | | G | | G | | G | | G | | | | | | | | | | | |
| Manufacturing and maintenance of electric and neon signs, billboard and commercial advertising structures and light sheet metal products, including heating and ventilating ducts and equipment, cornices, eaves and the like | | | | | | | | | | | | | | | | | G | G | |
| Manufacturing and sales of auto accessories | | | | | | | | | | | | | | | | | G | G | |
| Manufacturing, compounding, assembling, or treatment of articles or merchandise from the following previously prepared materials: bone, cellophane, canvas, felt, fiber, fur, glass, hair, horn, leather, paper, plastic, precious or semiprecious metals or stone, shell, textiles, wood (excluding planing mills), tars, and paint | | | | | | | | | | | | | | | | | G | G | |
| Manufacturing, compounding, processing, packaging, or treatment of | | | + | | | 1 | | | | | | | | | | | G | G | |

| dairy products, drugs, perfumes, pharmaceuticals, soap, toiletries, and food products | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|-----|---|---|---|---|---|---|---|---|---|----|----|--|
| Manufacturing, creating, repairing, assembling of goods or products entirely within an enclosed building | | | | | | | | | | | | | | | | | G | G | |
| Manufacturing of musical instruments, toys, novelties, and rubber and metal stamps | | | | | | | | | | | | | | | | | G | G | |
| Manufacturing of pottery and figurines or similar ceramic products, using only previously pulverized clay and kilns fired only be electricity or gas | | | | | | | | | | | | - | | | | | G | G | |
| Manufacturing musical instruments | | | | | | | | | | | | | | | | | G | G | |
| Martial arts school | | | | | | | | | | | 1 | - | | G | G | G | | | |
| Medical equipment and supplies sales | | | | | | | 1 | | | | | | | G | G | G | | | |
| Metal shops involving fabrication of sheet metal only | | | | | | | | | | | | | | | | | G | G | |
| Modular home (one-family detached) | G | G | G | G | G | G | G | G | G | G | G | G | | | | | | | |
| Monument works, stone works | | | | | | | | | | | | | | | | G | G | G | |
| Motorcycles and all terrain vehicle (ATV) sales, service, repair, and rental | | | | | | | | | | | | | | G | G | G | G | G | |
| Movie theaters | | | - | 1 | 1 | | | | | | | | | S | G | G | | | |
| Moving, transfer, and storage companies | | | | | | | | | | | | | | | | | G | G | |
| Multi-family apartment, conversion, and townhouse | S | | S | | S | | S | | | | G | S | | | | | | | |
| Museum | | | | | | | | | | | | | | | | G | G | | |
| Musical instrument, equipment, and record sales | | | | | | | | | | | | | | G | G | G | | | |
| Nail care salons and spas | | | | | | | | | | | | | | G | G | G | | | |
| Nursery (horticultural) and greenhouses | S | | | | | | | | | | | | | | | G | G | | |
| Nursing care home | S | S | S | s | S | S | . S | S | S | S | S | S | | | | | | | |
| Nursing care institution | S | | | | | | | | | | S | S | G | | | | | -+ | |
| Office; business and professional | | | | | | | | | | | | G | | G | G | G | | | |
| Office equipment and supply store; retails sales | | | | | | | | | | | | | | G | G | G | G | | |
| Office; medical, dental, paramedical, chiropractor, physical and occupational herapy | | | | | | | | | | | | G | G | G | G | G | | | |
| Offices of permitted uses | | | | | | | | | | | | G | G | G | G | G | G | G | |
| Opticians | | | | | | | | | | | | G | G | G | G | G | | | |
| Paint and wallpaper stores | | | | | | | | | | | | | | G | G | G | G | - | |
| Pawn shops | | | | | | | | | | | | | | G | G | G | -+ | | |
| Pet store and grooming | | | | | | | | | | | | s | | G | G | G | | | |
| Photographic studios, levelopment, processing nd finishing | | | | | | | | | | | | | | G | G | G | | | |

6/5/2019

| 019 | | | | | AR | HULE V | 11.20 | NING L | 10 I KIC | 15 AN | 0201 | ana O n | | | | | | | |
|--|---|---|---|---|----|--------|-------|--------|----------|-------|------|---------|---|---|---|---|---|---|----------|
| Planing and sawmills | | | 1 | | | | 1 | | | | 1 | | | 1 | | | G | G | |
| Planned commercial and mixed use developments | | | | | | | | | | | | | | | S | S | s | s | |
| Poultry processing and dressing plants | | | | | | | | | | | | | | | | | | G | |
| Printing and binding establishments | | | | | | | | | | | | | | G | G | G | G | G | |
| Privately owned recreational facilities such as tennis courts, swimming pools, etc. | S | | | | | | | | | | | | | | s | s | | | |
| Propane and natural gas retail stores | | | | | | | | | | | | | | | G | G | G | | |
| Public buildings; police, fire, rescue squad stations, museums, art galleries, parks | G | G | G | G | G | G | G | G | G | G | G | G | G | G | G | G | G | G | |
| Public recreational facilities; tennis courts, swimming pools, etc. | G | G | G | G | G | G | G | G | G | G | G | G | G | G | G | G | | | |
| Public utilities, static transformer stations, transmission lines and towers and telephone exchanges, radio and televison towers and transmitting or relay stations, including service and storage yards | G | G | G | G | G | G | G | G | G | G | G | G | G | G | G | G | G | G | |
| Quarries or other extraction industries | | | | | | | | | | | | | | | | | S | S | |
| Racetrack, indoor | | | | | | | | | | | | | | | | S | S | S | |
| Racetrack, outdoor | | | | | | | | | | | | | | | | | S | S | |
| Railroad freight stations, switching, storage, freight yards, maintenance, and fueling stations | | | | | | | | | | | | | | | | s | s | s | |
| Railway stations | | | | | | | | | | | | | | G | G | G | G | G | |
| Recreational facility; indoor (private and non- profit) | | | | | | | | | | | | | | | | S | S | S | |
| Recreational facility; outdoor (private) | S | | | | | | | | | | | | | | | s | S | S | |
| Recycling deposit station (principal use) | S | | | | | | | | | | | | | | | S | S | S | |
| Recycling processing facility | | | | | | | | | | | | | | | | | S | S | |
| Repair and servicing shops conducted entirely within an enclosed structure | | | | | | | | | | | | | | G | G | G | G | G | |
| Restaurants, including all eating establishments except: bars, nightclubs, lounges, taverns, clubs, and lodges | | | | | | | | | | | | | | G | G | G | S | S | |
| Roller skating rinks | | | | | | | | | | | | | | G | G | G | S | S | |
| Salvage yards | | | | | | | | | | | | | | | | | S | S | |
| Schools (academic): kindergarten, elementary, secondary, public or private | S | S | s | s | s | S | S | S | S | S | S | S | S | S | S | s | s | S | |
| Schools (non-academic): commercial, vocational, public or private to include music and dance studios | S | S | s | s | s | S | S | S | S | S | s | s | s | S | S | s | s | s | |
| Seasonal sales (Christmas trees, plants and pumpkins) | | | | | | | | | | | | | | | G | G | G | G | 152.1463 |
| Septic tank cleaning services | | | | | | | | | | | | | | | | | S | S | |
| | | | | 1 | t | | 1 | | | | | | | | | | | | |

| Service and repair establishments, including but not limited to small item repair shops and rental shops; conducted entirely within an enclosed structure | 1 | | | | | | | | | | | | | | 3 0 | 3 (| 3 (| 3 G | |
|---|---|---|---|---|---|---|---|---|-------|---|---|---|---|---|-----|-----|-------|-------|----------|
| Service station type I | | | | | | | | | | | _ | | _ | | G | | | G | <u> </u> |
| Service station type II | | | | | _ | | | | | _ | | | _ | _ | s | | | | |
| Service station type III | | | | | _ | | | | | | | | | | | | | | |
| Sheet metal, roofing shops | | | | | | | | | | | | | | | S | _ | | | |
| Shoe repair | | | | - | | | | | | | | | | | _ | G | | G | |
| Shooting range; indoor | | + | | | | | | | | | | | | G | | | | | |
| | | | 1 | | | | | | | | | | | G | G | | | | |
| Shooting range; outdoor | | | | | | | | | | | | | | | | S | S | S | |
| Sign and banner shop, retail sales | | | | | | | | | | | | | | G | G | G | | | |
| Sign painting and fabrication shop | | | | | | | | | | | | | | | | G | G | G | |
| Sporting goods and apparel shops | | | | | | | | | | | | | | G | G | G | 1 | | |
| Stables, commercial | S | | | 1 | | | | | | | 1 | + | + | | | + | S | S | |
| Swimming pools sales, service, and supplies | | | | | | 1 | | | | | | 1 | | | | S | G | G | |
| Tailor, dressmaking, and alteration shop | | | | | | | | | | | | | | G | G | G | | | |
| Tanning salons, primary and accessory uses | | | | | 1 | | | | | 1 | | | | G | G | G | + | - | |
| Tattoo parlor | | | | 1 | | + | | | | + | + | + | | S | S | S | | - | |
| Tax preparation service | | | 1 | | | 1 | | | + | | + | | + | G | G | G | | - | |
| Taxi stands | | | - | | | + | | - | | | | | | G | G | G | G | G | |
| Televison sales and repair | | | | | | | | | | | | | | G | G | G | | | |
| Theater | | | | | | | | | | | | | | G | G | G | | | |
| Thrift stores | | | | | 1 | + | | | | | | | | G | G | G | | | |
| Tobacco storage and processing; commercial and industrial operation | | | | | | | | | | | | | | | | | G | G | |
| Tool and die shop, wrought iron shop, blacksmith or machine shop | | | | | | | | | | | | | | | | | G | G | |
| Toys, retail sales | | | | | 1 | | | | | | | | | G | G | G | | | |
| Trailer sales, service, and rental | | | | | | | | | | | | | | | | G | G | G | |
| fravel agency | | | | | | | | | | | | | | G | G | G | | | |
| Fravel trailer parks | S | | | | | 1 | - | | | | | | | | | | S | S | |
| Fruck and utility trailer ental facility; primary use | | | | | | | | | | | | | | | | G | G | G | |
| Truck washing facility; ccessory use | | | | | | | - | | | | | | | | | | G | G | |
| ruck washing facility; rimary use | | | | | | | | | | | | | | | | | s | s | |
| Jpholstery shop | | | | | | | | | | | | | | | | G | G | | |
| /eterinary and animal linics and hospitals (non- oarding) | | | | | | | | | | | | | | G | G | G | | | |
| /ideo rental stores; primary nd accessory use | | | | | | | | | | | | | | G | G | G | | | |
| Warehousing, general | | | | | | | | | | | | | | | G | G | G | G | |

| Watch and clock, repair and sales | | | | | G | G | G | | | |
|---|-------|--|--|--|---|---|---|---|---|--|
| Welding shop | | | | | | | G | G | G | |
| Well drilling services | 1 | | | | | | | G | G | |
| Wholesale establishments, sales, distribution, and operations | | | | | | | | G | G | |
| Wholesale storage of petroleum, gasoline, and oil | | | | | | | | | S | |
| Woodworking shops | | | | | | | | G | G | |
| Wrecker service: automobile and vehicle towing service | | | | | | | s | G | G | |

(1985 Code, § 152.129) (Ord. 2007-44, passed 3-7-2007; Ord. 2007-43, passed 5-7-2007; Ord. 2007-56, passed 5-7-2007; Ord. 2008-06, passed 7-2-2007; Ord. 2007-11, passed 8-7-2007; Ord. 2009-41, passed 5-4-2009; Ord. 2010-34, passed 3-1-2010; Ord. 2010-40, passed 5-3-2010; Ord. 2011-17, passed 5-4-2009; Ord. 2013-21, passed 11-5-2012; Ord. 2013-22, passed 12-3-2012; Ord. 2013-49, passed 6-3-2013; Ord. 2014-01, passed 7-1-2013; Ord. 2016-10, passed 7-6-2015)















Consistency Statement

| | | Requirements | Example Motions |
|-------------------------------------|----------|--|--|
| No changes to Ordinances or Plans | Option 1 | A statement approving the zoning map amendment and describing its consistency with the Town of Zebulon Comprehensive Plan, Zebulon Code of Ordinances, and any other official plan that is applicable, explaining why the action taken is reasonable and in the public interest. | I move we recommend approval of RZ 2019-08 based upon the consistency with the Town of Zebulon Comprehensive Plan, Zebulon Code of Ordinances, and any other official plan that is applicable. |
| | Option 2 | A statement rejecting the zoning map amendment and describing its inconsistency with the Town of Zebulon Comprehensive Plan, Zebulon Zoning Ordinance, and any other official plan that is applicable, explaining why the action taken is reasonable and in the public interest. | I move we recommend disapproval of RZ 2019-08 based upon review of inconsistency with the Town of Zebulon Comprehensive Plan, Zebulon Code of Ordinances, and any other official plan that is applicable. |
| With changes to Ordinances or Plans | Option 3 | A statement approving the zoning map amendment and containing <u>at least all</u> of the following: a. A declaration that the approval is also deemed an amendment to Town of Zebulon Comprehensive Plan, Zebulon Zoning Ordinance, and any other official plan that is applicable. The Board shall not require any additional request or application. b. An explanation of the change in conditions the Board took into account in amending the zoning ordinance to meet the development needs of the community. c. Why the action was reasonable and in the public interest. | I move we recommend approval of RZ 2019-08 as an amendment to the Zebulon Code of Ordinances. |



STAFF REPORT SUP 2019-06 Sidney Creek August 12, 2019

Topic: SUP 2019-06 Sidney Creek

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

Executive Summary:

The Board of Commissioners will consider the Special Use Permit for a Major Subdivision located at 1701 Chamblee Road (PIN 2715518060). This is a quasi-judicial case.

Background:

The property is approximately 215 acres in size zoned Residential-13 located within the Town of Zebulon's Extraterritorial Jurisdiction.

In accordance with *Code of Ordinances* Section 152.053, major subdivisions require a Special Use Permit issued by the Board of Commissioners. The proposed subdivision is a maximum of 822 dwelling units.

Unlike a General Use Permit or Minor Subdivision issued/approved by town staff, a Special Use Permit must be obtained from the Board of Commissioners.

Discussion:

The discussion before the Board is whether or not to approve the Special Use Permit. If approved, any conditions should be stated in the motion to approve, and the Board need not make findings of fact.

If denied, the Board must vote on each specific finding and state a reason as to why the finding did not have sufficient evidence to be met. Only one finding must be found unproven based upon evidence submitted at the hearing to oppose the permit. The findings of fact are as follows:

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



STAFF REPORT SUP 2019-06 Sidney Creek August 12, 2019

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

Policy Analysis:

The conditions proposed in Attachment 6 meet the policies within Chapters 3 - Economic Development, 4 - Form & Environment, 5 - Transportation, 6 - Housing & Neighborhoods, 7 - Community Facilities, 8 - Utilities, and 9 - Land Use & Overview of the Comprehensive Plan. These conditions relate to transportation, landscaping, open space, numerous recreation amenities, greenways, street lighting, setbacks, mailbox kiosk, and signage.

The following conditions do not meet policies within the Comprehensive Plan. Sidewalk locations, building materials and lack of transparency on provided building elevations.

Comprehensive Plan Chapter 5 Policy 3 - Provide safe and attractive streets through traffic calming and channelization devices, appropriate and pedestrian and bicycle facilities and improved streetscape design.

Comprehensive Plan Chapter 6 Goal 2 - Encourage the organization and enhancement of new and existing neighborhoods to support pedestrian and bicycle connectivity destinations in efforts to enhance the quality of life and overall wellbeing of the residents of Zebulon.

The plans are proposing sidewalks on both sides of the street on what the concept plans are classifying as collector streets within the development. This is three of the proposed twelve streets. Sidewalks are located on one side of the road on five of the twelve streets. Four of the twelve streets that do not have sidewalks on either side are cul-de-sacs. **Staff recommendation is sidewalks should be located on both sides of all streets.**

Comprehensive Plan Chapter 6 Goal 1 - Achieve a variety of housing types, designs and densities in both older neighborhoods and newly developing areas to meet the needs of all income levels and age groups.

This development meets the intent of this goal; however, the developer does not want to make a commitment to a percentage of the dwellings have a stone or masonry component. Staff recommendation is 30% of the dwellings should have a masonry or stone component except for the age targeted where only 30% of the homes would have to meet this requirement.



This development meets the intent of this goal; however, the developer does not want to make a commitment to have windows on the sides of the dwellings if the lot is an interior lot. Staff recommendation is all dwellings with an exterior side should have a window.

Fiscal Analysis:

The development is proposing road improvements along the existing roadways. Along Chamblee Road, right-of-way is being dedicated to reserve the area to construct road improvements in the future. The transportation impact analysis did not recommend any road construction along Chamblee Road due to the annual trips per day being below the threshold to recommend improvements. Along NC Highway 39, right-of-way for a 5-Lane Highway is being dedicated consistent with a previously approved Transportation Plan. A southbound right turn lane is being constructed and a northbound left turn lane is being constructed.

A 10' asphalt path is being constructed and a 20' easement being dedicated for the greenway along Little Creek. The construction and dedication at this time prevents the Town having to go through the acquisition process for greenway easements and the construction costs to construct the path. The Town of Zebulon will be responsible for maintenance of the easement and path.

The dedication of new street rights-of-way and street construction will require the Town of Zebulon to perform maintenance of the streets, stormwater maintenance, and light poles.

The absence of sidewalks in locations within the development could result in the Town of Zebulon using town funds to construct sidewalks in locations that could be a requirement of the developer. The current Code of Ordinances is not consistent with the goals of the Comprehensive Plan. By the time this subdivision starts construction, a Unified Development Ordinance may be adopted that might require subdivisions to have sidewalks on both sides of the street. The Special Use Permit is the stage of the development process is where the Town can require improvements consistent with the goals of the Comprehensive Plan.

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

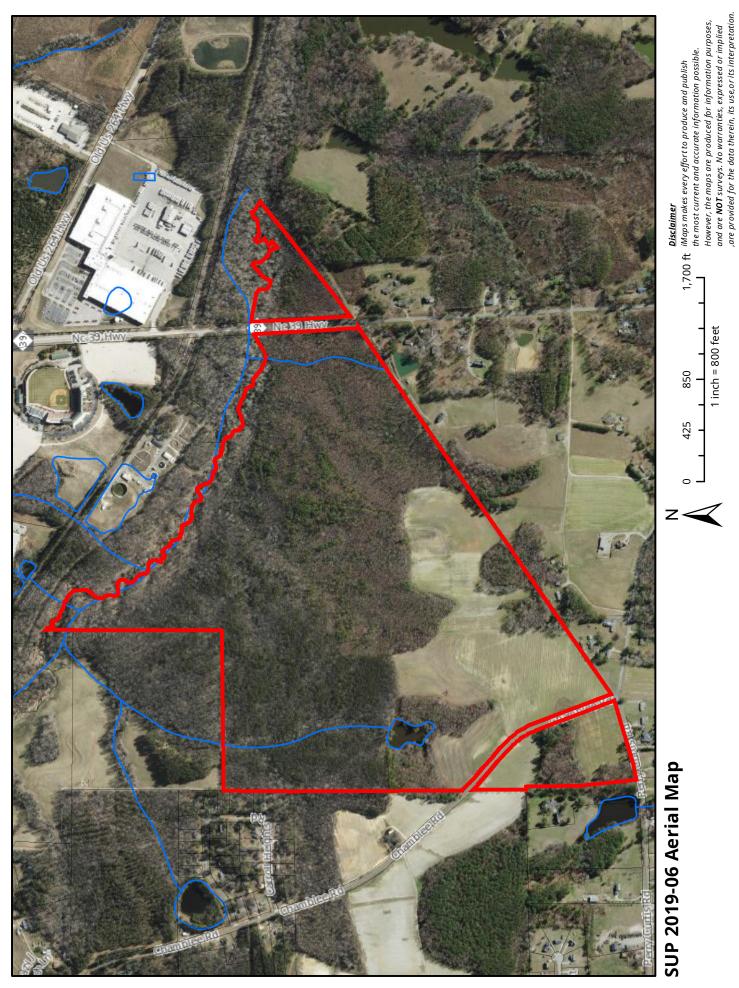


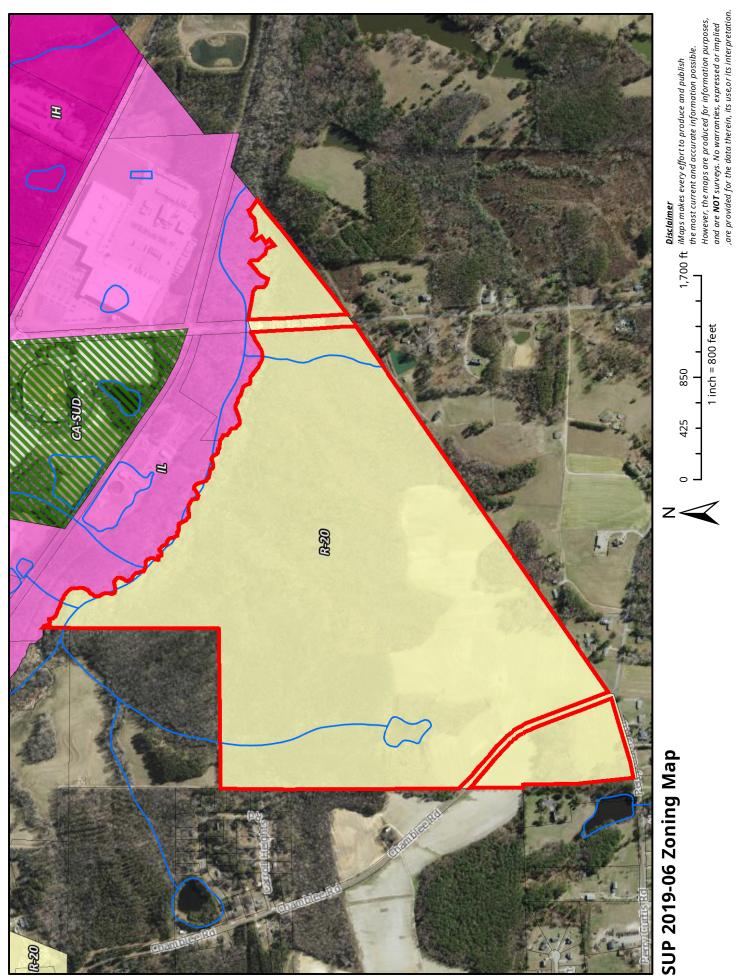
Staff Recommendation:

Staff recommends holding a joint public hearing to determine if all the Findings of Fact as required in Section §152.038. Staff feels because of the outstanding items in Attachment 5, Staff does not find the Special Use Permit meets Standard #4.

Attachments:

- (1) Aerial Map
- (2) Zoning Map
- (3) Traffic Impact Analysis
- (4) Application/Concept Plan
- (5) Special Use Permit Conditions
- (6) Legal Analysis





Traffic Impact Analysis Sidney Creek Zebulon, North Carolina

LTERNATE

STOP



TRAFFIC IMPACT ANALYSIS

FOR

SIDNEY CREEK

LOCATED

IN

ZEBULON, NORTH CAROLINA

Prepared For: Stocks Engineering, PA 801 East Washington Street Nashville, NC 27856

and

Dan Ryan Builders 3000 RDU Center Dr., Suite 202 Morrisville, NC 27560

Prepared By: Ramey Kemp & Associates, Inc. 5808 Faringdon Place, Suite 100 Raleigh, NC 27609 License #C-0910

July 2019



Prepared By: CAB

Reviewed By: JTR

RKA Project No. 18295

TRAFFIC IMPACT ANALYSIS UPDATE SIDNEY CREEK ZEBULON, NORTH CAROLINA

EXECUTIVE SUMMARY

1. Development Overview

This report summarizes the findings of the Traffic Impact Analysis (TIA) conducted for the proposed Sidney Creek development to be located west of NC 39 along Chamblee Road in Zebulon, North Carolina. The proposed development, anticipated to be completed in 2029, is expected to consist of the following uses:

- 565 single-family detached homes
- 140 townhomes

It should be noted that a portion of the 565 single-family detached homes are expected to be age targeted. Additionally, it should be noted the Town requires a future analysis year one (1) year beyond the anticipated build-out year of the proposed development; therefore, the future analysis year considered for this study was 2030.

2. Future Traffic Volumes, Traffic Growth, and Adjacent Development Trips

Background traffic considers new trips from approved adjacent development and ambient traffic growth. Through coordination with the Town and NCDOT, it was determined that an annual growth rate of 3% would be used to be project existing (2018) peak hour traffic volumes to the analysis year of 2030 based on a review of traffic growth patterns from the latest NCDOT AADT data. Based on coordination with the NCDOT and the Town, it was determined there were no approved adjacent developments to consider with this study. Although there are not currently any approved developments to include as adjacent developments in this study, based on the Triangle Regional Model (TRM), the traffic utilizing NC 39 is expected to experience an increase in traffic that would not be captured in the growth rate, as the existing (2018) volumes are too low to grow to the expected volumes. Based on the TRM, NC 39 is expected to experience an increase of 1,750 vehicles per day (vpd) to the north



of US 264. Through coordination with WSP, the 10% rule was applied to convert the AADT volumes into peak hour volumes and distributed to the roadway network.

3. Site Trip Generation

It is estimated that the proposed development will generate 6,140 trips during a typical 24-hour weekday period. Of the daily traffic volume, it is estimated that approximately 472 trips (117 entering and 355 exiting) will occur during the weekday AM peak hour and 616 trips (388 entering and 228 exiting) will occur during the weekday PM peak hour.

| Land Use (ITE Code) | Intensity | Daily Traffic | AM Peak Hour Trips (vph) | | PM Peak Hour Trips (vph) | |
|--|---------------|------------------|-----------------------------|------|-----------------------------|------|
| | | (vpd) | Enter | Exit | Enter | Exit |
| Single Family Detached Housing (210) | 565 dwellings | 5,120 | 102 | 304 | 338 | 198 |
| Multi-Family Low-Rise Housing (220) | 140 dwellings | 1,020 | 15 | 51 | 50 | 30 |
| Total Trips | | 6,140 | 117 | 355 | 388 | 228 |

Table 1: Trip Generation Summary

5. Capacity Analysis Summary

This study analyzes weekday AM and PM peak hour traffic for existing (2018), background (2030), and combined (2030) conditions. Refer to the Table 2 on page E-3 for a summary of the levels-of-services for all analysis scenarios.



| Intersection | Approach | Existing (2018) Conditions | | Background (2030) Conditions | | Combined (2030) Conditions | | Combined (2030) Conditions w/ Improvements | |
|---|----------|----------------------------|----------------|---------------------------------|----------------|----------------------------|----------------|---|--------|
| | | AM | PM | AM | PM | AM | PM | AM | PM |
| | WB | B ² | B ² | D^2 | C^2 | F^2 | D ² | С | C |
| NC 39 and US 264 | NB | A ¹ | A ¹ | A^1 | A^1 | B^1 | A ¹ | С | C |
| Westbound Ramps | SB | - | - | - | - | - | - | С | C |
| | Overall | N/A | N/A | N/A | N/A | N/A | N/A | C (23) | B (18) |
| | EB | A ² | B ² | B^2 | B^2 | C ² | C ² | - | - |
| NC 39 and US 264 | NB | - | - | - | - | - | - | - | - |
| Eastbound Ramps | SB | A ¹ | A ¹ | A^1 | A^1 | B^1 | A ¹ | - | - |
| | Overall | N/A | N/A | N/A | N/A | N/A | N/A | - | - |
| | EB | C^2 | D ² | D^2 | F^2 | F ² | F^2 | С | C |
| | WB | C ² | C ² | F^2 | F^2 | F^2 | F ² | С | C |
| NC 39 and Old US 264 | NB | A ¹ | A ¹ | A^1 | A^1 | A ¹ | A ¹ | С | С |
| | SB | A^1 | A ¹ | A ¹ | A ¹ | B^1 | A ¹ | С | С |
| | Overall | N/A | N/A | N/A | N/A | N/A | N/A | C (30) | C (34) |
| | EB | A ¹ | A ¹ | A^1 | A^1 | A ¹ | A ¹ | - | - |
| Chamblee Road and Perry Curtis Road / Wake | WB | - | - | - | - | - | - | - | - |
| County Line Road | SB | A ² | A ² | A^2 | A^2 | A ² | A ² | - | - |
| | Overall | N/A | N/A | N/A | N/A | N/A | N/A | - | - |
| | EB | B ² | B ² | B^2 | B^2 | B ² | B ² | - | - |
| NC 39 and Wake County | NB | A ¹ | A^1 | A^1 | A^1 | A^1 | A ¹ | | |
| Line Road | SB | - | - | - | - | - | - | - | - |
| | Overall | - | - | N/A | N/A | N/A | N/A | - | - |
| | WB | - | - | - | - | A ² | A ² | - | - |
| Chamblee Road and Site | NB | - | - | - | - | - | - | - | - |
| Drive 1 | SB | - | - | - | - | A ¹ | A ¹ | - | - |
| | Overall | - | - | - | - | N/A | N/A | - | - |
| | EB | - | - | - | - | E ² | D ² | - | - |
| NC 39 and Site Drive 2 | NB | - | - | - | - | - | - | - | - |
| INC 39 and Site Drive 2 | SB | - | - | - | - | A ¹ | A ¹ | - | - |
| [| Overall | - | - | - | - | N/A | N/A | - | - |

Table 2 – Capacity Analysis Summary

1. Level of service for major-street left-turn movements.

2. Level of service for minor-street approach.



Adjustments to Analysis Guidelines

Capacity analysis at all study intersections was completed according to the Town's UDO and NCDOT Congestion Management Guidelines. Refer to Section 6.1 of this report for a detailed description of any adjustments to these guidelines made throughout the analysis.

NC 39 and US 264 Westbound Ramps

Under combined (2030) traffic conditions, the westbound minor-street approach is expected to degrade to LOS F during the weekday AM peak hour and LOS D during the weekday PM peak hour. Due to the significant delay expected at the intersection during the weekday AM and PM peak hours under combined (2030) conditions, the peak hour signal warrant from the *Manual on Uniform Traffic Control Devices* (MUTCD) was considered. The peak hour volumes under combined (2030) conditions warrant installation of a traffic signal during the weekday PM peak hour. It should be noted that it is not expected that this intersection would satisfy the MUTCD 8-hour and 4-hour warrants, which NCDOT favors for installation of a traffic signal. These warrants are not expected to be met due to the nature of the development in the area (predominately residential), which have distinct short peaks throughout the day. It is recommended that this intersection be monitored for signalization and a full signal warrant analysis be conducted prior to full build-out of the proposed development (2030).

NC 39 and Old US 264

Geometric improvements were considered for this intersection due to significant delay expected during the weekday AM and PM peak hours under combined (2030) traffic conditions. Currently, there is enough roadway width on the eastbound and westbound approaches to provide additional laneage on each approach. A small (approximately 50 foot) left-turn lane and a standard (approximately 100 foot) right-turn lane are expected to fit within the existing pavement width at both the eastbound and westbound approaches. The center concrete median would need to be reduced or removed and the existing pavement would need to be

With exclusive left and right-turn lanes on the Old US 264 approaches, the intersection is still not expected to meet the Town's UDO requirements. Due to the significant delay expected at



the intersection with geometric improvement during the weekday AM and PM peak hours under combined (2030) traffic conditions, the peak hour signal warrant from the *Manual on Uniform Traffic Control Devices* (MUTCD) was considered. The weekday peak hour volumes under combined (2030) conditions warrant installation of a traffic signal during the weekday AM and PM peak hours. It should be noted that it is not expected that this intersection would satisfy the MUTCD 8-hour and 4-hour warrants, which NCDOT favors for installation of a traffic signal. These warrants are not expected to be met due to the nature of the development in the area (predominately residential), which have distinct short peaks throughout the day. Additionally, this intersection is within 400 feet from the intersection of NC 39 and US 264 Eastbound Ramps, which could impact the possibility of signalizing the Eastbound Ramps in the future as the surrounding area develops. With a traffic signal, this intersection is expected to operate at an overall LOS C during the weekday AM and PM peak hours under combined (2030) conditions and all approaches are expected to meet the Town's UDO requirements.

It is recommended that the developer enters a cost-share agreement at for the geometric improvements at the intersection and to monitor the intersection for signalization. The proposed development is expected to account for 6% of the traffic expected on the minor-street approaches under combined (2030) traffic conditions.

NC 39 and Site Drive 2

Capacity analysis of combined (2030) traffic conditions indicates the minor-street approach is expected to operate at LOS E during the weekday AM peak hour and LOS D during the PM peak hour under combined (2030) conditions. These levels-of-service are not uncommon for minor-street approaches with heavy mainline volumes under stop control conditions. The internal protected stem currently shown on the site plan is expected to accommodate the SimTraffic maximum queue exiting the site.



6. Recommendations

Based on the findings of this study, specific geometric and traffic control improvements have been identified at study intersections. The improvements are summarized below and are illustrated in Figure E-1.

Recommended Improvements by Developer

Based on previous coordination with the Town consultant, offsite improvements should be considered for a cost-share agreement (proportional share fee-in-lieu) with the Town.

NC 39 and US 264 Westbound Ramps

• Monitor the intersection for signalization and conduct a signal warrant analysis prior to the build-out of the proposed Sidney Creek development.

NC 39 and Old US 264

- Utilizing the existing pavement width, provide an exclusive westbound left-turn lane with maximized (approximately 50 feet) storage and appropriate taper and an exclusive westbound right-turn lane with maximized (approximately 125 feet) storage and appropriate taper and deceleration length.
- Utilizing the existing pavement width, provide an exclusive eastbound left-turn lane with maximized (approximately 50 feet) storage and appropriate taper and an exclusive eastbound right-turn lane with maximized (approximately 100 feet) storage and appropriate taper and deceleration length.
- Monitor the intersection for signalization and conduct a signal warrant analysis prior to the build-out of the proposed Sidney Creek development.
- Extend the existing southbound right-turn lane with a minimum of 100 feet of storage and appropriate taper and deceleration length.

Chamblee Road and Site Drive 1

- Construct the westbound approach (Site Drive 1) with one ingress lane and one egress lane.
- Provide stop-control for the westbound approach.



NC 39 and Site Drive 2

- Construct the eastbound approach (Site Drive 2) with one ingress lane and two egress lanes.
- Provide stop-control for the eastbound approach.
- Provide an exclusive northbound left-turn lane with a minimum of 50 feet of storage and appropriate taper and deceleration length.
- Provide an exclusive southbound right-turn lane with a minimum of 150 feet of storage and appropriate taper and deceleration length.



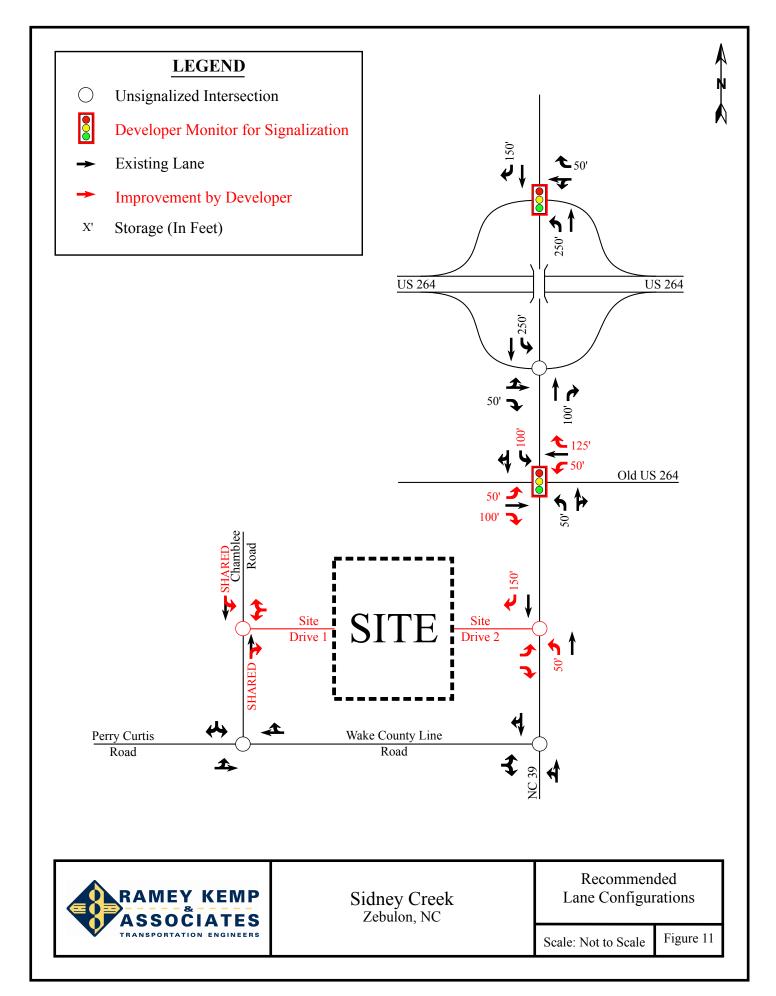


TABLE OF CONTENTS

| 1. | INTRODUCTION1 |
|--|--|
| 1.1. | Site Location and Study Area1 |
| 1.2. | Proposed Land Use and Site Access |
| 1.3. | Adjacent Land Uses |
| 1.4. | Existing Roadways |
| 2. | EXISTING (2018) PEAK HOUR CONDITIONS7 |
| 2.1. | Existing (2018) Peak Hour Traffic |
| 2.2. | Analysis of Existing (2018) Peak Hour Traffic7 |
| 3. | BACKGROUND (2030) PEAK HOUR CONDITIONS |
| 3.1. | Ambient Traffic Growth9 |
| 3.2. | Adjacent Development Traffic9 |
| 3.3. | Future Roadway Improvements9 |
| 3.4. | Background (2030) Peak Hour Traffic Volumes10 |
| 3.5. | Analysis of Background (2030) Peak Hour Traffic Conditions10 |
| 4. | SITE TRIP GENERATION AND DISTRIBUTION |
| 4.1. | Trip Generation |
| | |
| 4.2. | Site Trip Distribution and Assignment |
| 4.2. 5. | Site Trip Distribution and Assignment |
| 5. | |
| 5. 5.1. | COMBINED (2030) TRAFFIC CONDITIONS |
| 5. 5.1. | COMBINED (2030) TRAFFIC CONDITIONS18Combined (2030) Peak Hour Traffic Volumes18 |
| 5.1. 5.2. 6. | COMBINED (2030) TRAFFIC CONDITIONS18Combined (2030) Peak Hour Traffic Volumes18Analysis of Combined (2030) Peak Hour Traffic18 |
| 5.1. 5.2. 6. | COMBINED (2030) TRAFFIC CONDITIONS18Combined (2030) Peak Hour Traffic Volumes18Analysis of Combined (2030) Peak Hour Traffic18TRAFFIC ANALYSIS PROCEDURE20 |
| 5.1. 5.2. 6. 6.1. 7. | COMBINED (2030) TRAFFIC CONDITIONS18Combined (2030) Peak Hour Traffic Volumes18Analysis of Combined (2030) Peak Hour Traffic18TRAFFIC ANALYSIS PROCEDURE20Adjustments to Analysis Guidelines20 |
| 5.1. 5.2. 6. 6.1. 7. 7.1. | COMBINED (2030) TRAFFIC CONDITIONS18Combined (2030) Peak Hour Traffic Volumes18Analysis of Combined (2030) Peak Hour Traffic18TRAFFIC ANALYSIS PROCEDURE20Adjustments to Analysis Guidelines20CAPACITY ANALYSIS21 |
| 5.1. 5.2. 6. 6.1. 7. 7.1. 7.2. | COMBINED (2030) TRAFFIC CONDITIONS18Combined (2030) Peak Hour Traffic Volumes18Analysis of Combined (2030) Peak Hour Traffic18TRAFFIC ANALYSIS PROCEDURE20Adjustments to Analysis Guidelines20CAPACITY ANALYSIS21NC 39 and US 264 Westbound Ramps21 |
| 5.1. 5.2. 6. 6.1. 7. 7.1. 7.2. 7.3. | COMBINED (2030) TRAFFIC CONDITIONS18Combined (2030) Peak Hour Traffic Volumes18Analysis of Combined (2030) Peak Hour Traffic18TRAFFIC ANALYSIS PROCEDURE20Adjustments to Analysis Guidelines20CAPACITY ANALYSIS21NC 39 and US 264 Westbound Ramps21NC 39 and US 264 Eastbound Ramps23 |
| 5.1. 5.2. 6. 6.1. 7. 7.1. 7.2. 7.3. 7.4. | COMBINED (2030) TRAFFIC CONDITIONS18Combined (2030) Peak Hour Traffic Volumes18Analysis of Combined (2030) Peak Hour Traffic18TRAFFIC ANALYSIS PROCEDURE20Adjustments to Analysis Guidelines20CAPACITY ANALYSIS21NC 39 and US 264 Westbound Ramps21NC 39 and US 264 Eastbound Ramps23NC 39 and Old US 26424 |
| 5.1. 5.2. 6. 6.1. 7. 7.1. 7.2. 7.3. 7.4. 7.5. | COMBINED (2030) TRAFFIC CONDITIONS18Combined (2030) Peak Hour Traffic Volumes18Analysis of Combined (2030) Peak Hour Traffic18TRAFFIC ANALYSIS PROCEDURE20Adjustments to Analysis Guidelines20CAPACITY ANALYSIS21NC 39 and US 264 Westbound Ramps21NC 39 and US 264 Eastbound Ramps23NC 39 and Old US 26424Chamblee Road and Perry Curtis Road / Wake County Line Road27 |



| 8. | CONCLUSIONS | 32 |
|----|-----------------|----|
| 9. | RECOMMENDATIONS | 35 |

LIST OF FIGURES

| Figure 1 – Site Location Map | 4 |
|--|----|
| Figure 2 – Preliminary Site Plan | 5 |
| Figure 3 – Existing Lane Configurations | 6 |
| Figure 4 – Existing (2018) Peak Hour Traffic | 8 |
| Figure 5 – Projected (2030) Peak Hour Traffic | 11 |
| Figure 6 – Future Development Trips | 12 |
| Figure 7 – Background (2030) Peak Hour Traffic | 13 |
| Figure 8 –Site Trip Distribution | 16 |
| Figure 9 – Residential Site Trip Assignment | 17 |
| Figure 10 – Combined (2030) Peak Hour Traffic | 19 |
| Figure 11 – Recommended Lane Configurations | 37 |
| | |

LIST OF TABLES

| Table 1: Existing Roadway Inventory | 3 |
|---|------------|
| Table 2: Trip Generation Summary | 14 |
| Table 3: Highway Capacity Manual – Levels-of-Service and Delay | 20 |
| Table 4: Analysis Summary of NC 39 and US 264 Westbound Ramps | 21 |
| Table 5: Analysis Summary of NC 39 and US 264 Eastbound Ramps | 23 |
| Table 6: Analysis Summary of NC 39 and Old US 264 | 24 |
| Table 7: Analysis Summary of Chamblee Road and Perry Curtis Road / Wake C | ounty Line |
| Road | 27 |
| Table 8: Analysis Summary of NC 39 and Wake County Line Road | |
| Table 9: Analysis Summary of Chamblee Road and Site Drive 1 | 29 |
| Table 10: Analysis Summary of NC 39 and Site Drive 2 | |



TECHNICAL APPENDIX

| Appendix A: | Memorandum of Understanding |
|-------------|--|
| Appendix B: | Traffic Counts |
| Appendix C: | SimTraffic Queuing Reports |
| Appendix D: | Capacity Calculations - NC 39 and US 264 Westbound Ramps |
| Appendix E: | Capacity Calculations - NC 39 and US 264 Eastbound Ramps |
| Appendix F: | Capacity Calculations – NC 39 and Old US 264 |
| Appendix G: | Capacity Calculations - Chamblee Road and Perry Curtis Road / Wake |
| | County Line Road |
| Appendix H: | Capacity Calculations - NC 39 and Wake County Line Road |
| Appendix I: | Capacity Calculations – Chamblee Road and Site Drive 1 |
| Appendix J: | Capacity Calculations – NC 39 and Site Drive 2 |



TRAFFIC IMPACT ANALYSIS UPDATE SIDNEY CREEK ZEBULON, NORTH CAROLINA

1. INTRODUCTION

The contents of this report present the findings of the Traffic Impact Analysis (TIA) conducted for the proposed Sidney Creek development to be located west of NC 39 along Chamblee Road in Zebulon, North Carolina. The purpose of this study is to determine the potential impacts to the surrounding transportation system created by traffic generated by the proposed development, as well as recommend improvements to mitigate the impacts.

The proposed development, anticipated to be completed in 2029, is assumed to consist of 565 single-family detached homes and 140 townhomes. It should be noted that a portion of the 565 single-family detached homes are expected to be age targeted. The Town requires a future analysis year one (1) year beyond the anticipated build-out year of the proposed development; therefore, the future analysis year considered for this study was 2030.

The study analyzes traffic conditions during the weekday AM and PM peak hours for the following scenarios:

- Existing (2018) Traffic Conditions
- Background (2030) Traffic Conditions
- Combined (2030) Traffic Conditions

1.1. Site Location and Study Area

The development is proposed to be located west of NC 39 along Chamblee Road in Zebulon, North Carolina. Refer to Figure 1 for the site location map.

The study area for the TIA was determined through coordination with the North Carolina Department of Transportation (NCDOT) and the Town of Zebulon (Town) and consists of the following existing intersections:



- NC 39 and US 264 Westbound Ramps
- NC 39 and US 264 Eastbound Ramps
- NC 39 and Old US 264
- Chamblee Road and Perry Curtis Road / Wake County Line Road
- NC 39 and Wake County Line Road

Refer to Appendix A for the Memorandum of Understanding.

1.2. Proposed Land Use and Site Access

The proposed development, anticipated to be completed in 2029, is assumed to consist of 565 single-family detached homes and 140 townhomes. It should be noted that a portion of the 565 single-family detached homes are expected to be age targeted.

Site access is proposed via one full movement intersection on NC 39 and via one full movement intersection on Chamblee Road. Refer to Figure 2 for a copy of the preliminary site plan.

1.3. Adjacent Land Uses

The proposed development is located in an area consisting primarily of undeveloped land and residential development.

1.4. Existing Roadways

Existing lane configurations (number of traffic lanes on each intersection approach), lane widths, storage capacities, and other intersection and roadway information was collected through field reconnaissance by Ramey Kemp & Associates, Inc. (RKA). Table 1 provides a summary of the field data collected. Refer to Figure 3 for an illustration of the existing lane configurations within the study area.



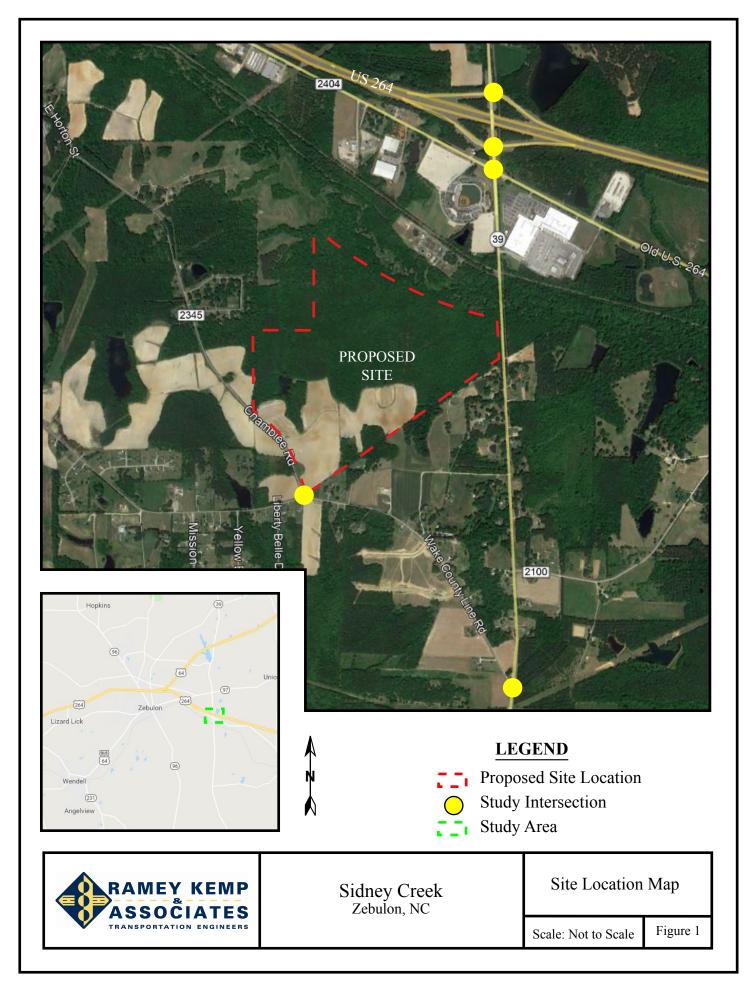
| Road Name | Route Number | Typical Cross Section | Speed Limit | Maintained By | 2017 AADT (vpd) |
|--------------------------|-----------------|-----------------------------|---------------------|------------------|--------------------|
| NC 39 | NC 39 | 2-lane undivided | 45 mph (assumed) | NCDOT | 6,200 |
| US 264 | US 264 | 4-lane divided | 70 mph | NCDOT | 30,000 |
| Old US 264 | SR 2404 | 2-lane undivided | 45 mph (assumed) | NCDOT | 3,800 |
| Chamblee Road | SR 2345 | 2-lane undivided | 45 mph (assumed) | NCDOT | 550* |
| Wake County Line Road | N/A | 2-lane undivided | 45 mph | NCDOT | 970** |
| Perry Curtis Road | N/A | 2-lane undivided | 45 mph | NCDOT | 1,300* |

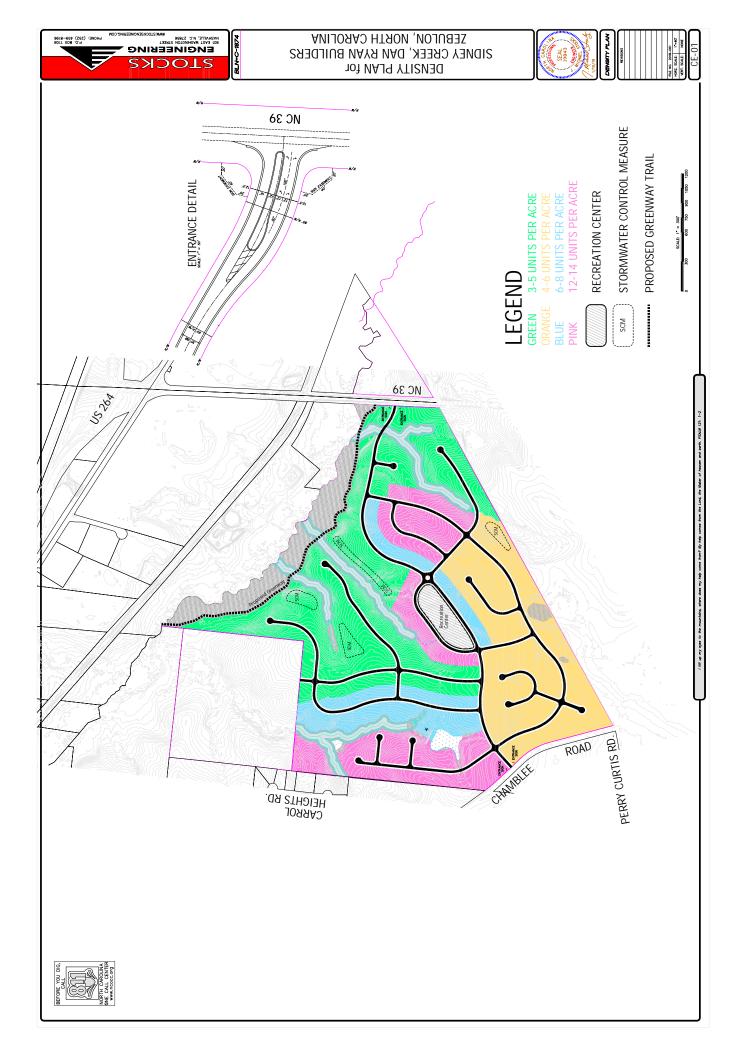
 Table 1: Existing Roadway Inventory

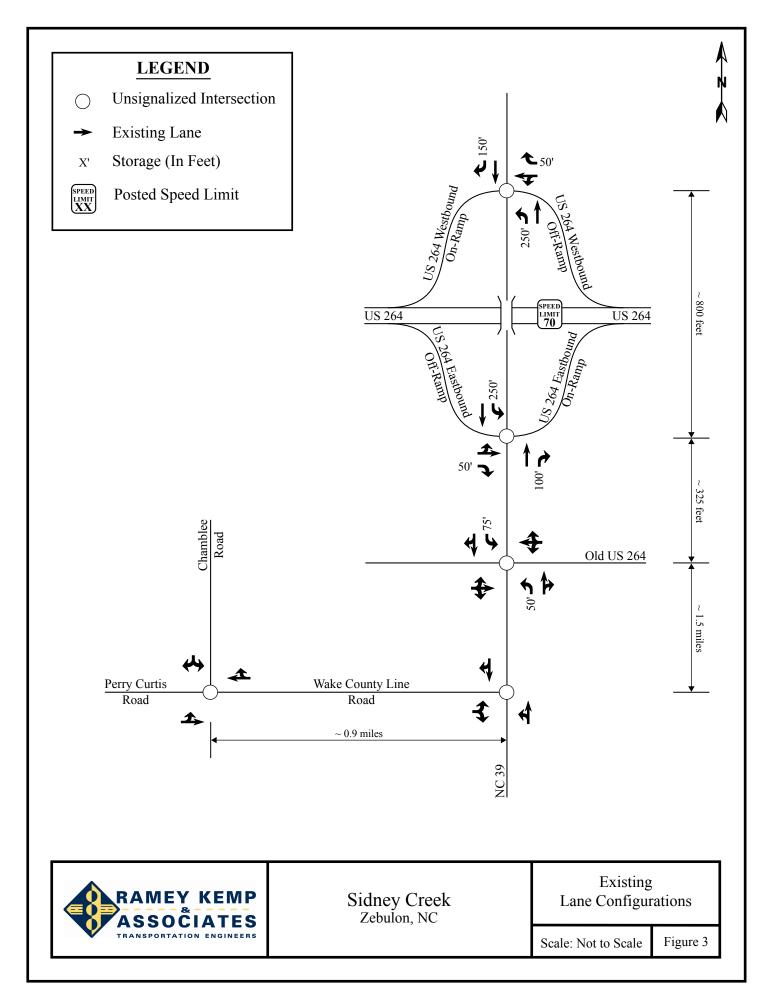
* NCDOT 2015 AADT Information

** NCDOT 2016 AADT Information









2. EXISTING (2018) PEAK HOUR CONDITIONS

2.1. Existing (2018) Peak Hour Traffic

Existing peak hour traffic volumes were determined based on traffic counts conducted at the study intersections listed below, in September of 2018 by RKA during a typical weekday AM (7:00 AM - 9:00 AM) and PM (4:00 PM - 6:00 PM) peak periods:

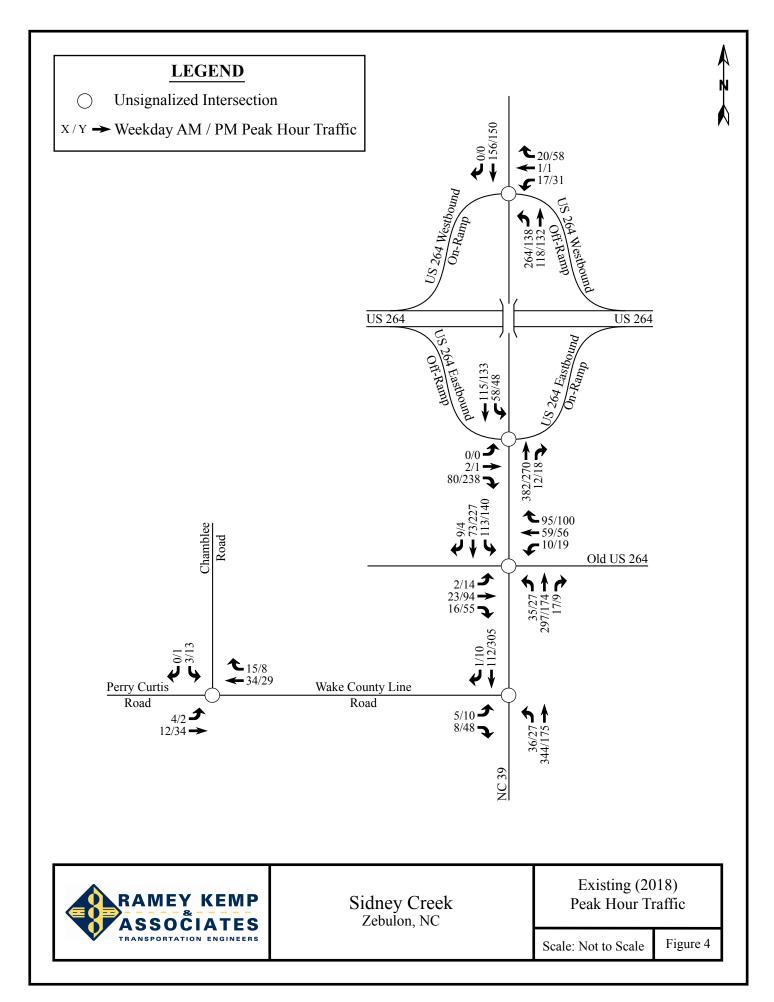
- NC 39 and US 264 Westbound Ramps
- NC 39 and US 264 Eastbound Ramps
- NC 39 and Old US 264
- Chamblee Road and Perry Curtis Road / Wake County Line Road
- NC 39 and Wake County Line Road

Traffic volumes were balanced between study intersections, where appropriate. It should be noted that an industrial factory is located to the west of NC 39 and south of Old US 264. Any imbalances between the study intersections are reasonable due to the location of the industrial factory. Refer to Figure 4 for existing (2018) weekday AM and PM peak hour traffic volumes. A copy of the count data is located in Appendix B of this report.

2.2. Analysis of Existing (2018) Peak Hour Traffic

The existing (2018) weekday AM and PM peak hour traffic volumes were analyzed to determine the current levels of service at the study intersections under existing roadway conditions. The results of the analysis are presented in Section 7 of this report.





3. BACKGROUND (2030) PEAK HOUR CONDITIONS

In order to account for growth of traffic and subsequent traffic conditions at a future year, background traffic projections are needed. Background traffic is the component of traffic due to the growth of the community and surrounding area that is anticipated to occur regardless of whether or not the proposed development is constructed. Background traffic is comprised of existing traffic growth within the study area and additional traffic created as a result of adjacent approved developments.

3.1. Ambient Traffic Growth

Through coordination with the Town and NCDOT, it was determined that an annual growth rate of 3% would be used to generate projected (2030) weekday AM and PM peak hour traffic volumes. Refer to Figure 5 for projected (2030) peak hour traffic.

3.2. Adjacent Development Traffic

Based on coordination with the NCDOT and the Town, it was determined there were no approved adjacent developments to consider with this study. Although there are not currently any approved developments to include as adjacent developments in this study, based on the Triangle Regional Model (TRM), the traffic utilizing NC 39 is expected to experience an increase in traffic that would not be captured in the growth rate, as the existing (2018) volumes are too low to grow to the expected volumes. Based on the TRM, NC 39 is expected to experience an increase of 1,750 vehicles per day (vpd) to the north of US 264. Through coordination with WSP, the 10% rule was applied to convert the AADT volumes into peak hour volumes and distributed to the roadway network. Refer to Figure 6 for projected future development traffic figure for the developed volumes.

3.3. Future Roadway Improvements

Based on coordination with the NCDOT and the Town, it was determined there were no future roadway improvements to consider with this study.



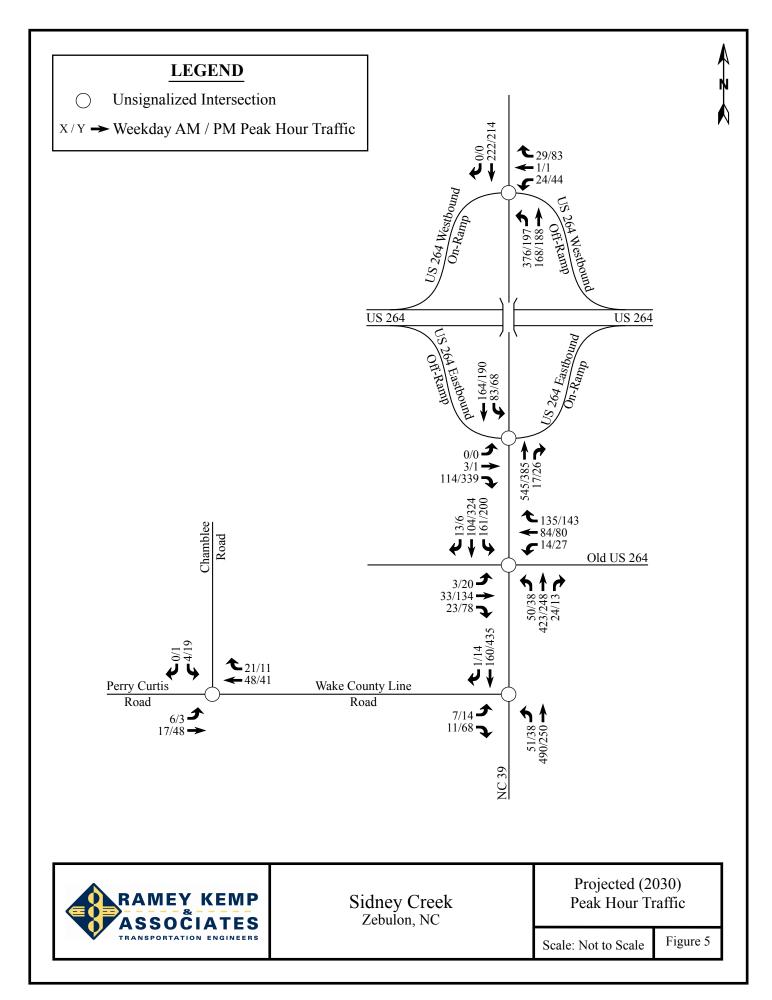
3.4. Background (2030) Peak Hour Traffic Volumes

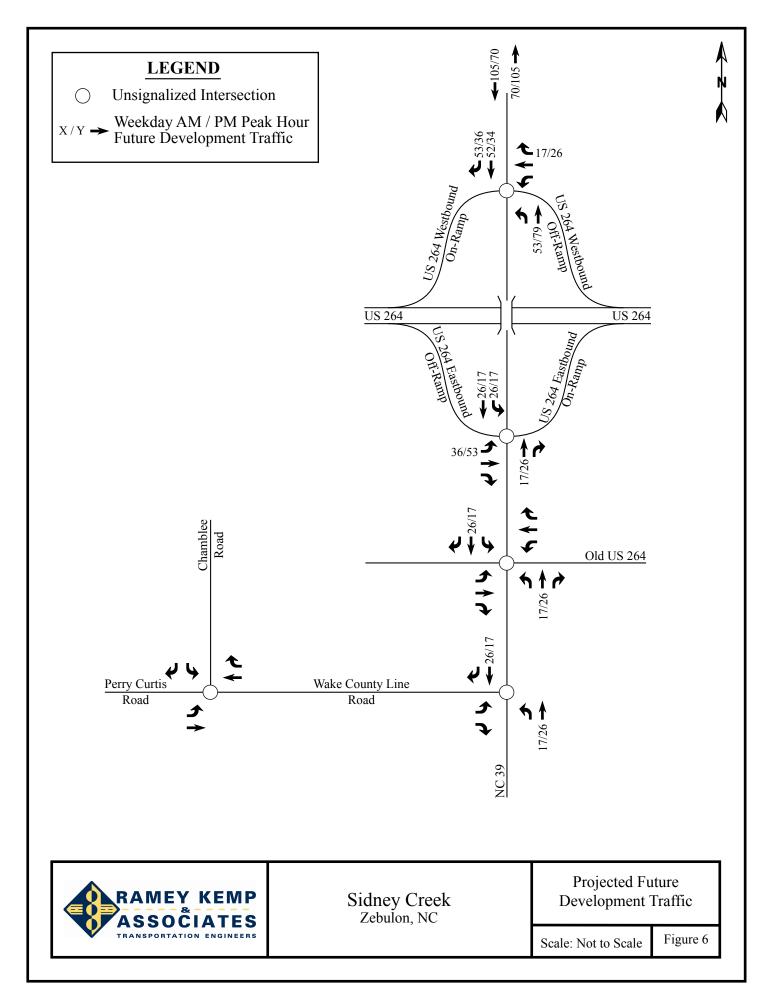
The background (2030) traffic volumes were determined by projecting the existing (2018) peak hour traffic to the year 2030 and adding the future development trips (Figure 6). Refer to Figure 7 for an illustration of the background (2030) peak hour traffic volumes at the study intersections.

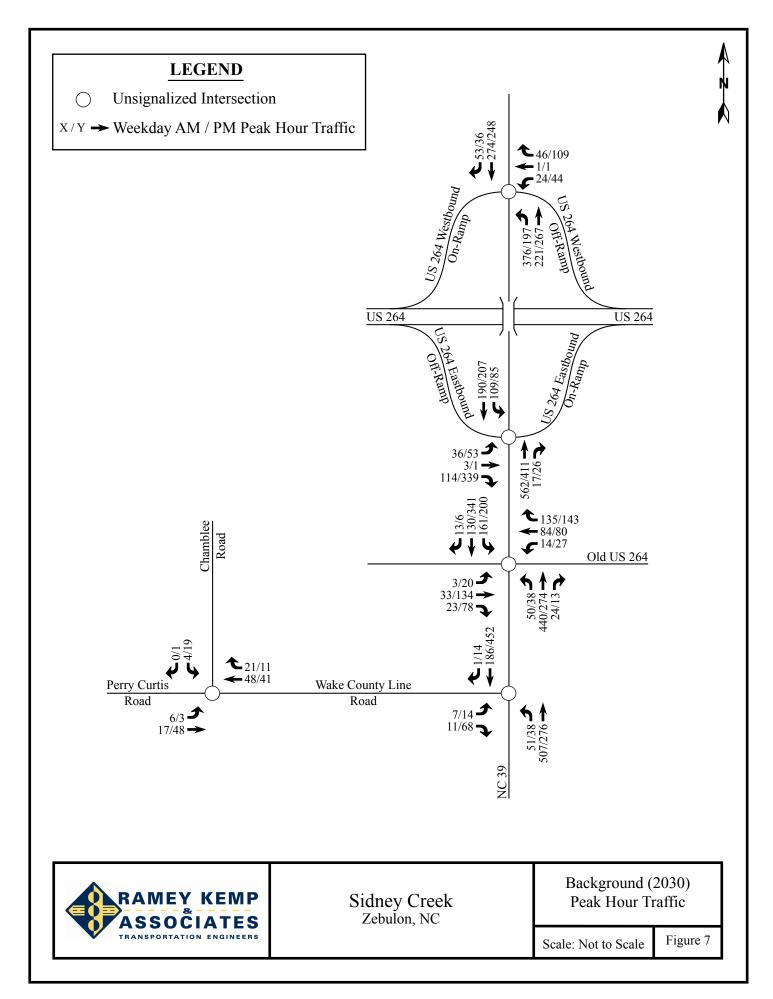
3.5. Analysis of Background (2030) Peak Hour Traffic Conditions

The background (2030) AM and PM peak hour traffic volumes at the study intersections were analyzed with future geometric roadway conditions and traffic control. The analysis results are presented in Section 7 of this report.









4. SITE TRIP GENERATION AND DISTRIBUTION

4.1. Trip Generation

The proposed development is assumed to consist of approximately 565 single-family homes and 140 townhomes. It is expected that a portion of the 565 single-family detached homes will be age targeted; however, all single-family homes were calculated using the Single Family Detached Housing (ITE Land Use Code 210) to provide a conservative estimation of trips generated by the proposed Sidney Creek development. Average weekday daily, AM peak hour, and PM peak hour trips for the proposed development were estimated using methodology contained within the ITE *Trip Generation Manual*, 10th Edition. Table 2 provides a summary of the trip generation potential for the site.

| Land Use (ITE Code) | Intensity Daily | | AM Pea Trips | | PM Peak Hour Trips (vph) | |
|--|------------------|-------|-----------------|------|-----------------------------|------|
| (ITE Code) | | (vpd) | Enter | Exit | Enter | Exit |
| Single Family Detached Housing (210) | 565 dwellings | 5,120 | 102 | 304 | 338 | 198 |
| Multi-Family Low-Rise Housing (220) | 140 dwellings | 1,020 | 15 | 51 | 50 | 30 |
| Total Trips | 6,140 | 117 | 355 | 388 | 228 | |

Table 2: Trip Generation Summary

It is estimated that the proposed development will generate approximately 6,140 total site trips on the roadway network during a typical 24-hour weekday period. Of the daily traffic volume, it is anticipated that 472 trips (117 entering and 355 exiting) will occur during the AM peak hour and 616 (388 entering and 228 exiting) will occur during the PM peak hour.

4.2. Site Trip Distribution and Assignment

Trip distribution percentages used in assigning site traffic for this development were estimated based on a combination of existing traffic patterns, population centers adjacent to the study area, and engineering judgment. It is estimated that trips will be distributed as follows:

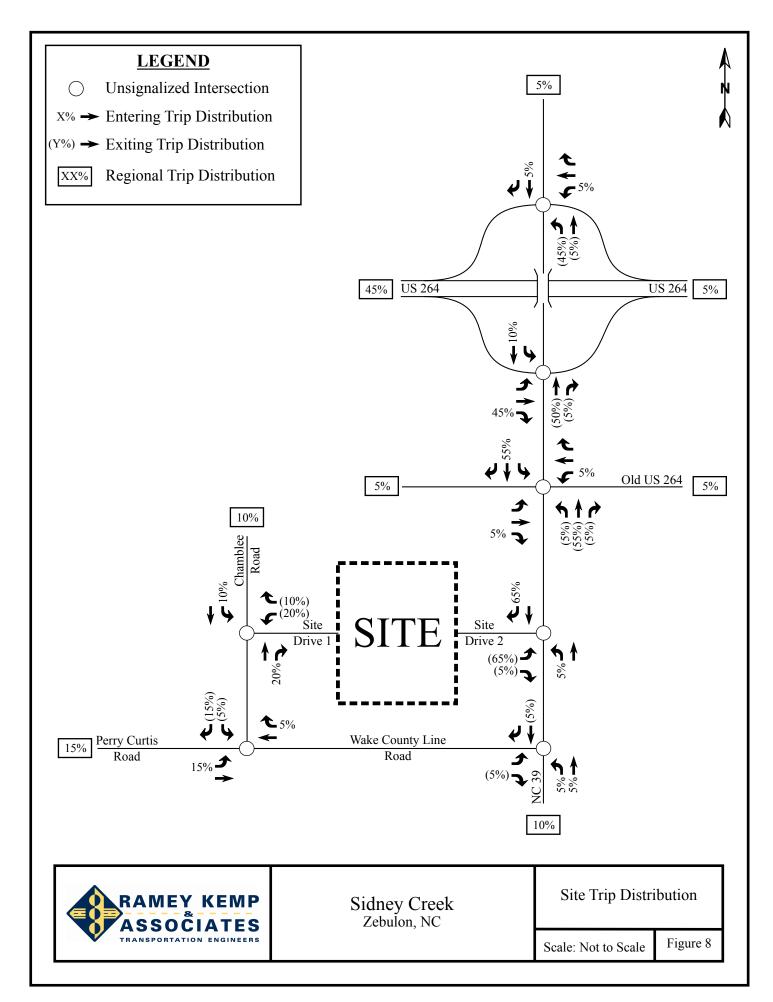
- 5% to/from the north via NC 39
- 10% to/from the north via Chamblee Road

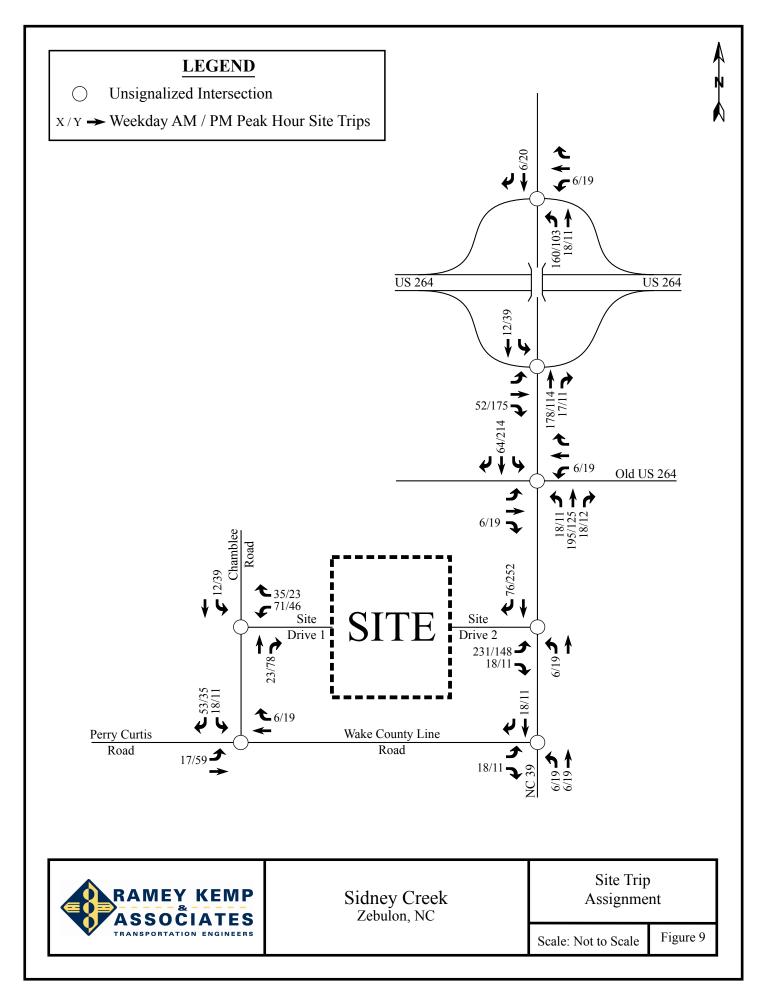


- 5% to/from the east via US 264
- 5% to/from the east via Old US 264
- 10% to/from the south via NC 39
- 15% to/from the west via Perry Curtis Road
- 5% to/from the west via Old US 264
- 45% to/from the west via US 264

The site trip distribution is shown in Figure 8. Refer to Figure 9 for the site trip assignment.







5. COMBINED (2030) TRAFFIC CONDITIONS

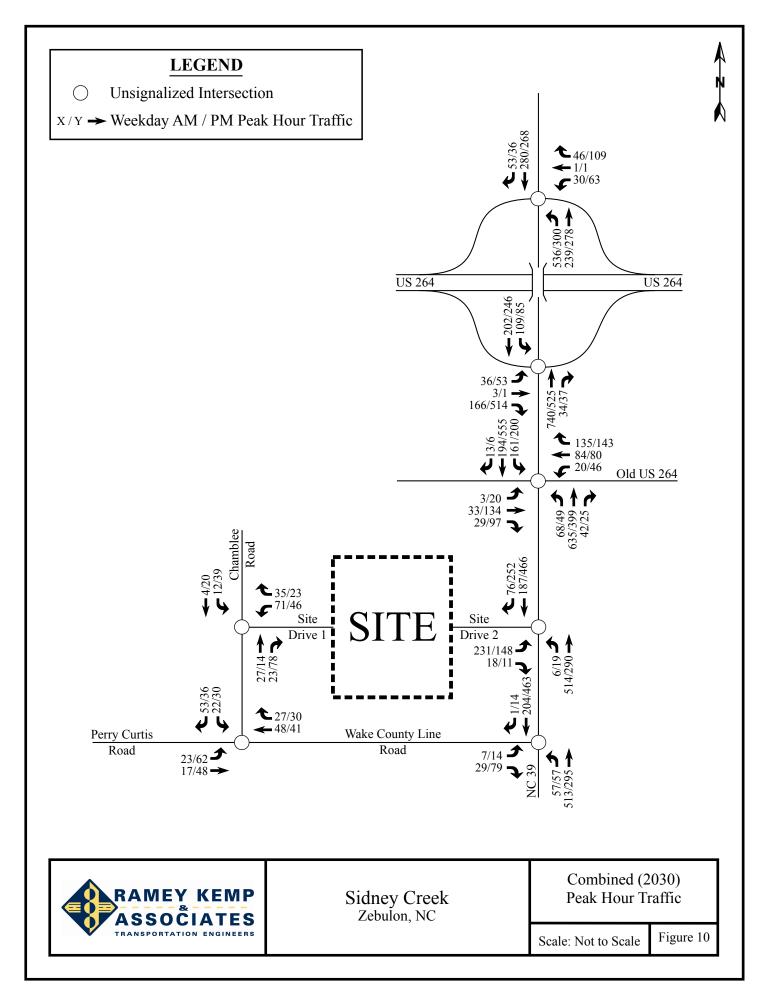
5.1. Combined (2030) Peak Hour Traffic Volumes

To estimate traffic conditions with the site fully built-out, the total site trips were added to the background (2030) traffic volumes to determine the combined (2030) traffic volumes. Refer to Figure 10 for an illustration of the combined (2030) peak hour traffic volumes with the proposed site fully developed.

5.2. Analysis of Combined (2030) Peak Hour Traffic

Study intersections were analyzed with the combined (2030) traffic volumes using the same methodology previously discussed for existing and background traffic conditions. Intersections were analyzed with improvements necessary to accommodate future traffic volumes. The results of the capacity analysis for each intersection are presented in Section 7 of this report.





6. TRAFFIC ANALYSIS PROCEDURE

Study intersections were analyzed using the methodology outlined in the Highway Capacity Manual (HCM), 6th Edition published by the Transportation Research Board. Capacity and level of service are the design criteria for this traffic study. A computer software package, Synchro (Version 10.3), was used to complete the analyses for most of the study area intersections. Please note that the unsignalized capacity analysis does not provide an overall level of service for an intersection; only delay for an approach with a conflicting movement.

The HCM defines capacity as "the maximum hourly rate at which persons or vehicles can reasonably be expected to traverse a point or uniform section of a lane or roadway during a given time period under prevailing roadway, traffic, and control conditions." Level of service (LOS) is a term used to represent different driving conditions and is defined as a "qualitative measure describing operational conditions within a traffic stream, and their perception by motorists and/or passengers." Level of service varies from Level "A" representing free flow, to Level "F" where breakdown conditions are evident. Refer to Table 3 for HCM levels of service and related average control delay per vehicle for both signalized and unsignalized intersections. Control delay as defined by the HCM includes "initial deceleration delay, queue move-up time, stopped delay, and final acceleration delay". An average control delay of 50 seconds at a signalized intersection results in LOS "D" operation at the intersection.

| UNSIGN | ALIZED INTERSECTION | SIGNALIZED INTERSECTION | | | |
|---------------------|---|-------------------------|---|--|--|
| LEVEL OF SERVICE | AVERAGE CONTROL DELAY PER VEHICLE (SECONDS) | LEVEL OF SERVICE | AVERAGE CONTROL DELAY PER VEHICLE (SECONDS) | | |
| А | 0-10 | А | 0-10 | | |
| В | 10-15 | В | 10-20 | | |
| С | 15-25 | С | 20-35 | | |
| D | 25-35 | D | 35-55 | | |
| Е | 35-50 | E | 55-80 | | |
| F | >50 | F | >80 | | |

 Table 3: Highway Capacity Manual – Levels-of-Service and Delay

6.1. Adjustments to Analysis Guidelines

Capacity analysis at all study intersections was completed according to the NCDOT Congestion Management Guidelines.



7. CAPACITY ANALYSIS

7.1. NC 39 and US 264 Westbound Ramps

The existing unsignalized intersection of NC 39 and US 264 Westbound Ramps was analyzed under existing (2018), background (2030), and combined (2030) traffic conditions with existing lane configurations and traffic control. Refer to Table 4 for a summary of the analysis results. Refer to Appendix D for the Synchro capacity analysis reports and Appendix C for the SimTraffic queuing reports.

| ANALYSIS | A P P R | LANE | WEEKDAY AM PEAK HOUR LEVEL OF SERVICE | | | WEEKDAY PM PEAK HOUR LEVEL OF SERVICE | | |
|---|------------------|---|---|--------------------------------------|----------------------|---|----------------------------------|----------------------|
| SCENARIO | O A C H | CONFIGURATIONS | Queue 95 th / Max (ft.) | Approach | Overall (seconds) | Queue 95 th / Max (ft.) | Approach | Overall (seconds) |
| Existing (2018) Conditions | WB NB SB | 1 LT-TH, 1 RT 1 LT, 1 TH 1 TH, 1 RT | 8* / 30 20* / 54 / | B ² A ¹ | N/A | 8* / 27 10* / 54 / | B ² A ¹ | N/A |
| Background (2030) Conditions | WB NB SB | 1 LT-TH, 1 RT 1 LT, 1 TH 1 TH, 1 RT | 28* / 60 40* / 138 / | D ² A ¹ | N/A | 23* / 80 15* / 52 / | C ² A ¹ | N/A |
| Combined (2030) Conditions | WB NB SB | 1 LT-TH, 1 RT 1 LT, 1 TH 1 TH, 1 RT | 80* / 70 73* / 164 / 22 | F ² B ¹ | N/A | 68* / 50 28* / 54 / | D ² A ¹ | N/A |
| Combined (2030) Conditions – with Improvements (Signalization) | WB NB SB | 1 LT-TH, 1 RT 1 LT, 1 TH 1 TH, 1 RT | 41 / 71 363 / 308 293 / 358 | B C C | C (23) | 66 / 197 203 / 269 206 / 200 | B B C | B (18) |

Table 4: Analysis Summary of NC 39 and US 264 Westbound Ramps

1. Level of service for major-street left-turn movement.

2. Level of service for minor-street approach.

*Due to limitations with the TWSC reporting, a vehicle length of 25 feet was used to determine the 95th percentile queue in feet.

Capacity analysis of existing (2018) and background (2030) traffic conditions indicates the minor-street approach and major-street left-turn movement at NC 39 and US 264 Westbound Ramps are expected to operate at LOS D or better during the weekday AM and PM peak hours. Under combined (2030) traffic conditions, the westbound minor-street approach is



expected to degrade to LOS F during the weekday AM peak hour and LOS D during the weekday PM peak hour. The major-street left-turn movement is expected to operate at LOS B during the weekday AM peak hour and LOS A during the weekday PM peak hour.

All approaches at the intersection are classified as an arterial or higher. Per the Town's UDO, mitigations must be shown for all arterials to operate at LOS C or back to existing traffic operates if worse than LOS C.

Due to the significant delay expected at the intersection during the weekday AM and PM peak hours under combined (2030) conditions, the peak hour signal warrant from the *Manual on Uniform Traffic Control Devices* (MUTCD) was considered. The peak hour volumes under combined (2030) conditions warrant installation of a traffic signal during the weekday PM peak hour. It should be noted that it is not expected that this intersection would satisfy the MUTCD 8-hour and 4-hour warrants, which NCDOT favors for installation of a traffic signal. These warrants are not expected to be met due to the nature of the development in the area (predominately residential), which have distinct short peaks throughout the day. With a traffic signal, this intersection is expected to operate at an overall LOS C during the weekday AM and LOS B during weekday PM peak hours under combined (2030) conditions. It is recommended that this intersection be monitored for signalization and a full signal warrant analysis be conducted prior to full build-out of the proposed development (2030). It should be noted that the proposed development is expected to account for 15% of the total traffic expected at the intersection under combined (2030) traffic conditions.

SimTraffic simulations were run for the weekday AM and PM peak hours to determine the expected queueing for all approaches. SimTraffic incorporates the adjacent intersections to calculate queue lengths to provide a more accurate representation of the gaps in traffic provided by the upstream intersections. The SimTraffic maximum queues are expected to be accommodated by the existing turn-lane storage bays under all analysis scenarios.



7.2. NC 39 and US 264 Eastbound Ramps

The existing unsignalized intersection of NC 39 and US 264 Eastbound Ramps was analyzed under existing (2018), background (2030), and combined (2030) traffic conditions with existing lane configurations and traffic control. Refer to Table 5 for a summary of the analysis results. Refer to Appendix E for the Synchro capacity analysis reports and Appendix C for the SimTraffic queuing reports.

| ANALYSIS | A P P R | LANE | WEEKDAY AM PEAK HOUR LEVEL OF SERVICE | | | WEEKDAY PM PEAK HOUR LEVEL OF SERVICE | | | |
|------------------------------------|------------------|---|---|--|----------------------|---|--------------------------------------|----------------------|--|
| SCENARIO | O A C H | CONFIGURATIONS | Queue 95 th / Max (ft.) | Approach | Overall (seconds) | Queue 95 th / Max (ft.) | Approach | Overall (seconds) | |
| Existing (2018) Conditions | EB NB SB | 1 LT-TH, 1 RT 1 TH, 1 RT 1 LT, 1 TH | 8* / 55 / 5* / 55 | $\begin{array}{c} A^2 \\ \hline \\ - \\ A^1 \end{array}$ | N/A | 33* / 116 / 3* / 50 | B^2 - A^1 | N/A | |
| Background (2030) Conditions | EB NB SB | 1 LT-TH, 1 RT 1 TH, 1 RT 1 LT, 1 TH | 20*/55 / 13*/94 | B ² A ¹ | N/A | 65* / 107 / 20 8* / 50 | B ² A ¹ | N/A | |
| Combined (2030) Conditions | EB NB SB | 1 LT-TH, 1 RT 1 TH, 1 RT 1 LT, 1 TH | 30* / 77 / 15* / 76 | C^2 - B^1 | N/A | 178* / 218 / 8* / 77 | C^2 - A^1 | N/A | |

Table 5: Analysis Summary of NC 39 and US 264 Eastbound Ramps

1. Level of service for major-street left-turn movement.

2. Level of service for minor-street approach.

*Due to limitations with the TWSC reporting, a vehicle length of 25 feet was used to determine the 95th percentile queue in feet.

Capacity analysis of existing (2018), background (2030), and combined (2030) traffic conditions indicates the minor-street approach and major-street left-turn movement at NC 39 and US 264 Eastbound Ramps are expected to operate at LOS C or better during the weekday AM and PM peak hours.

SimTraffic simulations were run for the weekday AM and PM peak hours to determine the expected queueing for all approaches. The SimTraffic maximum queues are expected to be accommodated by the existing turn-lane storage bays under all analysis scenarios.



7.3. NC 39 and Old US 264

The existing unsignalized intersection of NC 39 and Old US 264 was analyzed under existing (2018), background (2030), and combined (2030) traffic conditions with existing lane configurations and traffic control. Refer to Table 6 for a summary of the analysis results. Refer to Appendix F for the Synchro capacity analysis reports and Appendix C for the SimTraffic queuing reports.

| ANALYSIS | A P P R | LANE | WEEKDAY AM PEAK HOUR LEVEL OF SERVICE | | | WEEKDAY PM PEAK HOUR LEVEL OF SERVICE | | |
|--|----------------------|---|---|---|----------------------|--|---|----------------------|
| SCENARIO | O A C H | CONFIGURATIONS | Queue 95 th / Max (ft.) | Approach | Overall (seconds) | Queue 95 th / Max (ft.) | Approach | Overall (seconds) |
| Existing (2018) Conditions | EB WB NB SB | 1 LT-TH-RT 1 LT-TH-RT 1 LT, 1 TH-RT 1 LT, 1 TH-RT | 10*/36 50*/99 3*/16 8*/40 | $\begin{array}{c} \mathbf{C}^2\\ \mathbf{C}^2\\ \mathbf{A}^1\\ \mathbf{A}^1\end{array}$ | N/A | 83*/77 70*/142 3*/36 10*/43 | $\begin{array}{c} \mathbf{D}^2\\ \mathbf{C}^2\\ \mathbf{A}^1\\ \mathbf{A}^1\end{array}$ | N/A |
| Background (2030) Conditions | EB WB NB SB | 1 LT-TH-RT 1 LT-TH-RT 1 LT, 1 TH-RT 1 LT, 1 TH-RT | 33*/38 235*/326 3*/15 15*/85 | $\begin{array}{c} \mathbf{D}^2 \\ \mathbf{F}^2 \\ \mathbf{A}^1 \\ \mathbf{A}^1 \end{array}$ | N/A | 463*/720 /440 3*/58 18*/60 | $\begin{matrix} F^2 \\ F^{2^{\wedge}} \\ A^1 \\ A^1 \end{matrix}$ | N/A |
| Combined (2030) Conditions | EB WB NB SB | 1 LT-TH-RT 1 LT-TH-RT 1 LT, 1 TH-RT 1 LT, 1 TH-RT | 155* / 101 483* / 1757 5* / 56 20* / 124 | F^2 F^2 A^1 B^1 | N/A | / 1401 / 1865 5* / 60 20* / 60 | $\begin{matrix} F^{2^{\wedge}} \\ F^{2^{\wedge}} \\ A^{1} \\ A^{1} \end{matrix}$ | N/A |
| Combined (2030) Conditions – with Improvements | EB WB NB SB | 1 LT , 1 TH, 1 RT 1 LT , 1 TH, 1 RT 1 LT, 1 TH-RT 1 LT, 1 TH-RT 1 LT, 1 TH-RT | 54 / 27 129 / 177 733/ 774 222/ 272 | C C C C | C (30) | 170 / 157 126 / 101 432 / 324 487 / 268 | D C C C | C (34) |

Table 6: Analysis Summary of NC 39 and Old US 264

1. Level of service for major-street left-turn movement.

2. Level of service for minor-street approach.

^ Delay exceeds computational limit for Synchro; therefore, LOS F is assumed.

*Due to limitations with the TWSC reporting, a vehicle length of 25 feet was used to determine the 95th percentile queue in feet.

Capacity analysis of existing (2018) traffic conditions indicates the minor-street approaches and major-street left-turn movements at the intersection of NC 39 and Old US 264 currently operate at LOS D or better during the weekday AM and PM peak hours. Under background (2030) traffic conditions, the eastbound minor-street approach is expected to degrade to LOS



D during the weekday AM peak hour and LOS F during the weekday PM peak hour. The westbound minor-street approach is expected to degrade to LOS F during the weekday AM and PM peak hours under background (2030) traffic conditions. Under combined (2030) traffic conditions, all minor-street approaches are expected to operate at LOS F. The major-street left-turn movements are expected to operate at LOS B or better during the weekday AM and PM peak hours under background (2030) and combined (2030) traffic conditions.

All approaches at the intersection are classified as an arterial or higher, with the exception of the eastbound approach, which is classified as a local street. Per the Town's UDO, mitigations must be shown for all arterials to operate at LOS C or back to existing traffic operates if worse than LOS C.

Geometric improvements were considered for this intersection due to significant delay expected during the weekday AM and PM peak hours under combined (2030) traffic conditions. Currently, there is enough roadway width on the eastbound and westbound approaches to provide additional laneage on each approach. An approximate 50-foot left-turn lane and an approximate 100-125 foot right-turn lane are expected to fit within the existing pavement width at both the eastbound and westbound approaches. The center concrete median would need to be reduced or removed and the existing pavement would need to be repayed and restriped.

With exclusive left and right-turn lanes on the Old US 264 approaches, the intersection is still not expected to meet the Town's UDO requirements. Due to the significant delay expected at the intersection with geometric improvements during the weekday AM and PM peak hours under combined (2030) traffic conditions, the peak hour signal warrant from the *Manual on Uniform Traffic Control Devices* (MUTCD) was considered. The weekday peak hour volumes under combined (2030) conditions warrant installation of a traffic signal during the weekday AM and PM peak hours. It should be noted that it is not expected that this intersection would satisfy the MUTCD 8-hour and 4-hour warrants, which NCDOT favors for installation of a traffic signal. These warrants are not expected to be met due to the nature of the development in the area (predominately residential), which have distinct short peaks throughout the day. Additionally, this intersection is within 400 feet from the intersection of NC 39 and US 264



Eastbound Ramps, which could impact the possibility of signalizing the Eastbound Ramps in the future as the surrounding area develops. The intersection was analyzed with a traffic signal to show the improvements necessary to meet the Town's UDO. With a traffic signal, this intersection is expected to operate at an overall LOS C during the weekday AM and PM peak hours under combined (2030) conditions and all approaches are expected to meet the Town's UDO requirements.

SimTraffic simulations were run for the weekday AM and PM peak hours to determine the expected queueing for all approaches. The 95th percentile queue lengths according to Synchro are expected to be accommodated by the existing turn-lane storage bays under all analysis scenarios; however, the SimTraffic maximum queue lengths are expected to exceed the existing northbound left-turn lane storage bay during the weekday AM peak hour and the existing southbound left-turn lane storage bay during the weekday PM peak hour under combined (2030) traffic conditions with improvements. The maximum queue that is being reported by the simulation includes the vehicles destined to turn left that are in the through traffic queue, which reports an inflated queue length. The actual length of stacked cars is contained within the existing storage for the northbound left-turn movement. The southbound left-turn movement is expected to exceed the existing storage if the intersection is signalized. It is recommended that the southbound left-turn lane is lengthened. The proposed development is not expected to add any additional traffic to the southbound left-turn movement.

It is recommended that the developer enters a cost-share agreement at for the geometric improvements at the intersection and to monitor the intersection for signalization. It should be noted that the proposed development is expected to account for 6% of the traffic expected on the minor-street approaches under combined (2030) traffic conditions.



7.4. Chamblee Road and Perry Curtis Road / Wake County Line Road

The existing unsignalized intersection of Chamblee Road and Perry Curtis Road / Wake County Line Road was analyzed under existing (2018), background (2030), and combined (2030) traffic conditions with existing lane configurations and traffic control. Refer to Table 7 for a summary of the analysis results. Refer to Appendix G for the Synchro capacity analysis reports and Appendix C for the SimTraffic queuing reports.

| ANALYSIS | A P P R | LANE | WEEKDAY AM PEAK HOUR LEVEL OF SERVICE | | | WEEKDAY PM PEAK HOUR LEVEL OF SERVICE | | |
|-----------------|------------------|----------------|---|----------|----------------------|---|----------|----------------------|
| SCENARIO | O A C H | CONFIGURATIONS | Queue 95 th / Max (ft.) | Approach | Overall (seconds) | Queue 95 th / Max (ft.) | Approach | Overall (seconds) |
| Existing (2018) | EB | 1 LT-TH | 0 / | A^1 | | 0 / | A^1 | |
| Conditions | WB | 1 TH-RT | / | | N/A | / | | N/A |
| Conditions | SB | 1 LT-RT | 0 / 22 | A^2 | | 3* / 29 | A^2 | |
| Background | EB | 1 LT-TH | 0 / 25 | A^1 | | 0 / | A^1 | |
| (2030) | WB | 1 TH-RT | / | | N/A | / | | N/A |
| Conditions | SB | 1 LT-RT | 0 / 21 | A^2 | | 3*/30 | A^2 | |
| Combined | EB | 1 LT-TH | 3* / 24 | A^1 | | 3*/30 | A^1 | |
| (2030) | WB | 1 TH-RT | / | | N/A | / | | N/A |
| Conditions | SB | 1 LT-RT | 8* / 30 | A^2 | | 8* / 48 | A^2 | |

Table 7: Analysis Summary of Chamblee Road and Perry Curtis Road / Wake County Line Road

1. Level of service for major-street left-turn movement.

2. Level of service for minor-street approach.

*Due to limitations with the TWSC reporting, a vehicle length of 25 feet was used to determine the 95^{th} percentile queue in feet.

Capacity analysis of existing (2018), background (2030), and combined (2030) traffic conditions indicates the minor-street approach and major-street left-turn movement at the intersection of Chamblee Road and Perry Curtis Road / Wake County Line Road are expected to operate at LOS A during the weekday AM and PM peak hours.



7.5. NC 39 and Wake County Line Road

The existing unsignalized intersection of NC 39 and Wake County Line Road was analyzed under existing (2018), background (2030), and combined (2030) traffic conditions with existing lane configurations and traffic control. Refer to Table 8 for a summary of the analysis results. Refer to Appendix H for the Synchro capacity analysis reports and Appendix C for the SimTraffic queuing reports.

| ANALYSIS SCENARIO | A P P R O A C H | LANE CONFIGURATIONS | WEEKDAY AM PEAK HOUR LEVEL OF SERVICE | | | WEEKDAY PM PEAK HOUR LEVEL OF SERVICE | | |
|------------------------------------|--------------------------------------|-------------------------------|---|--------------------------------------|----------------------|---|--------------------------------------|----------------------|
| | | | Queue 95 th / Max (ft.) | Approach | Overall (seconds) | Queue 95 th / Max (ft.) | Approach | Overall (seconds) |
| Existing (2018) Conditions | EB NB SB | 1 LT-RT 1 LT-TH 1 TH-RT | 3* / 3* / 27 / | B ² A ¹ | N/A | 8* / 19 3* / 76 / | B ² A ¹ | N/A |
| Background (2030) Conditions | EB NB SB | 1 LT-RT 1 LT-TH 1 TH-RT | 3* / 3* / 52 / | B ² A ¹ | N/A | 18* / 43 3* / 109 / 22 | B ² A ¹ | N/A |
| Combined (2030) Conditions | EB NB SB | 1 LT-RT 1 LT-TH 1 TH-RT | 5* / 12 3* / 55 / | B ² A ¹ | N/A | 20*/42 5*/123 / | B ² A ¹ | N/A |

Table 8: Analysis Summary of NC 39 and Wake County Line Road

1. Level of service for major-street left-turn movement.

2. Level of service for minor-street approach.

*Due to limitations with the TWSC reporting, a vehicle length of 25 feet was used to determine the 95th percentile queue in feet.

Capacity analysis of existing (2018), background (2030), and combined (2030) traffic conditions indicates the minor-street approach and major-street left-turn movement at the intersection of NC 39 and Wake County Line Road are expected to operate at LOS B or better during the weekday AM and PM peak hours.



7.6. Chamblee Road and Site Drive 1

The unsignalized intersection of Chamblee Road and Site Drive 1 was analyzed under combined (2030) traffic conditions with proposed lane configurations and traffic control. Refer to Table 9 for a summary of the analysis results. Refer to Appendix I for the Synchro capacity analysis reports and Appendix C for the SimTraffic queuing reports.

| ANALYSIS | A P P R | LANE | | WEEKDAY AM PEAK HOUR LEVEL OF SERVICE | | | WEEKDAY PM PEAK HOUR LEVEL OF SERVICE | | |
|-------------------------------|------------------|--|---|--|----------------------|---|---|----------------------|--|
| SCENARIO | O A C H | CONFIGURATIONS | Queue 95 th / Max (ft.) | Approach | Overall (seconds) | Queue 95 th / Max (ft.) | Approach | Overall (seconds) | |
| Combined (2030) Conditions | WB NB SB | 1 LT-RT 1 TH- RT 1 LT- TH | 10* / 43 / 0 / | $\begin{array}{c} A^2 \\ \\ A^1 \end{array}$ | N/A | 8* / 45 / 3* / 31 | A ² A ¹ | N/A | |

Table 9: Analysis Summary of Chamblee Road and Site Drive 1

1. Level of service for major-street left-turn movement.

2. Level of service for minor-street approach.

*Due to limitations with the TWSC reporting, a vehicle length of 25 feet was used to determine the 95th percentile queue in feet.

Improvements to lane configurations are shown in bold.

Capacity analysis of combined (2030) traffic conditions indicates the minor-street approach and major-street left-turn movement at the intersection of Chamblee Road and Site Drive 1 are expected to operate at LOS A during the weekday AM and PM peak hours.

Chamblee Road is not expected to have an AADT of 4,000 vpd by the year 2030, which is the typical threshold for considering designated turn lanes at unsignalized intersections; therefore, no designated turn lanes are recommended at the proposed site drive.



7.7. NC 39 and Site Drive 2

The unsignalized intersection of NC 39 and Site Drive 2 was analyzed under combined (2030) traffic conditions with proposed lane configurations and traffic control. Refer to Table 10 for a summary of the analysis results. Refer to Appendix J for the Synchro capacity analysis reports and Appendix C for the SimTraffic queuing reports.

| ANALYSIS | A P P R | LANE | P | EEKDAY AI EAK HOUR EL OF SERV | 2 | Р | EEKDAY PI PEAK HOUR EL OF SERV | ł |
|----------------------------------|------------------|---|---------------------------------------|--------------------------------------|----------------------|---------------------------------------|--------------------------------------|----------------------|
| SCENARIO | O A C H | CONFIGURATIONS | Queue 95 th / Max (ft.) | Approach | Overall (seconds) | Queue 95 th / Max (ft.) | Approach | Overall (seconds) |
| Combined (2030) Conditions | EB NB SB | 1 LT, 1 RT 1 LT, 1 TH 1 TH, 1 RT | 135*/208 0/ / | E ² A ¹ | N/A | 73* / 111 3* / 31 / | D ² A ¹ | N/A |

Table 10: Analysis Summary of NC 39 and Site Drive 2

1. Level of service for major-street left-turn movement.

2. Level of service for minor-street approach.

*Due to limitations with the TWSC reporting, a vehicle length of 25 feet was used to determine the 95th percentile queue in feet.

Improvements to lane configurations are shown in bold.

Capacity analysis of combined (2030) traffic conditions indicates the major-street left-turn movement at the intersection of NC 39 and Site Drive 2 is expected to operate at LOS A during the weekday AM and PM peak hours. The minor-street approach is expected to operate at LOS E during the weekday AM peak hour and LOS D during the PM peak hour under combined (2030) conditions. These levels-of-service are not uncommon for minor-street approaches with heavy mainline volumes under stop control conditions.

Left and right-turn lanes were considered at this intersection based on the methodology outlined in the *Policy on Street and Driveway Access to North Carolina Highways* (published by the NCDOT). Based on the findings from the turn lane warrant analysis, the intersection meets the criteria to warrant an exclusive southbound right-turn lane with a minimum of 150 feet of storage and appropriate deceleration and taper length and an exclusive northbound left-turn lane with a minimum of 50 feet of storage and appropriate deceleration and taper length. The



internal protected stem currently shown on the site plan is expected to accommodate the SimTraffic maximum queue exiting the site.



8. CONCLUSIONS

This Traffic Impact Analysis was conducted to determine the potential traffic impacts of the proposed Sidney Creek, located west of NC 39 along Chamblee Road in Zebulon, North Carolina. The proposed development is expected to be a residential development and be built out in 2030. Site access is proposed via one full movement intersection on NC 39 and via one full movement intersection on Chamblee Road.

The study analyzes traffic conditions during the weekday AM and PM peak hours for the following scenarios:

- Existing (2018) Traffic Conditions
- Background (2030) Traffic Conditions
- Combined (2030) Traffic Conditions

Trip Generation

It is estimated that the proposed development will generate approximately 6,140 total site trips on the roadway network during a typical 24-hour weekday period. Of the daily traffic volume, it is anticipated that 472 trips (117 entering and 355 exiting) will occur during the AM peak hour and 616 (388 entering and 228 exiting) will occur during the PM peak hour.

Adjustments to Analysis Guidelines

Capacity analysis at all study intersections was completed according to the Town's UDO and NCDOT Congestion Management Guidelines. Refer to section 6.1 of this report for a detailed description of any adjustments to these guidelines made throughout the analysis.

Intersection Capacity Analysis Summary

All the study area intersections (including the proposed site driveways) are expected to operate at acceptable levels-of-service under existing and future year conditions with the exception of the intersections listed below. A summary of the study area intersections that are expected to need improvements are as follows:



NC 39 and US 264 Westbound Ramps

Under combined (2030) traffic conditions, the westbound minor-street approach is expected to degrade to LOS F during the weekday AM peak hour and LOS D during the weekday PM peak hour. Due to the significant delay expected at the intersection during the weekday AM and PM peak hours under combined (2030) conditions, the peak hour signal warrant from the *Manual on Uniform Traffic Control Devices* (MUTCD) was considered. The peak hour volumes under combined (2030) conditions warrant installation of a traffic signal during the weekday PM peak hour. It should be noted that it is not expected that this intersection would satisfy the MUTCD 8-hour and 4-hour warrants, which NCDOT favors for installation of a traffic signal. These warrants are not expected to be met due to the nature of the development in the area (predominately residential), which have distinct short peaks throughout the day. It is recommended that this intersection be monitored for signalization and a full signal warrant analysis be conducted prior to full build-out of the proposed development (2030).

NC 39 and Old US 264

Geometric improvements were considered for this intersection due to significant delay expected during the weekday AM and PM peak hours under combined (2030) traffic conditions. Currently, there is enough roadway width on the eastbound and westbound approaches to provide additional laneage on each approach. A small (approximately 50 foot) left-turn lane and a standard (approximately 100 foot) right-turn lane are expected to fit within the existing pavement width at both the eastbound and westbound approaches. The center concrete median would need to be reduced or removed and the existing pavement would need to be repaved and restriped.

With exclusive left and right-turn lanes on the Old US 264 approaches, the intersection is still not expected to meet the Town's UDO requirements. Due to the significant delay expected at the intersection with geometric improvement during the weekday AM and PM peak hours under combined (2030) traffic conditions, the peak hour signal warrant from the *Manual on Uniform Traffic Control Devices* (MUTCD) was considered. The weekday peak hour volumes under combined (2030) conditions warrant installation of a traffic signal during the weekday AM and PM peak hours. It should be noted that it is not expected that this intersection would



satisfy the MUTCD 8-hour and 4-hour warrants, which NCDOT favors for installation of a traffic signal. These warrants are not expected to be met due to the nature of the development in the area (predominately residential), which have distinct short peaks throughout the day. Additionally, this intersection is within 400 feet from the intersection of NC 39 and US 264 Eastbound Ramps, which could impact the possibility of signalizing the Eastbound Ramps in the future as the surrounding area develops. With a traffic signal, this intersection is expected to operate at an overall LOS C during the weekday AM and PM peak hours under combined (2030) conditions and all approaches are expected to meet the Town's UDO requirements.

It is recommended that the developer enters a cost-share agreement for the geometric improvements at the intersection and to monitor the intersection for signalization. The proposed development is expected to account for 6% of the traffic expected on the minor-street approaches under combined (2030) traffic conditions.

NC 39 and Site Drive 2

Capacity analysis of combined (2030) traffic conditions indicates the minor-street approach is expected to operate at LOS E during the weekday AM peak hour and LOS D during the PM peak hour under combined (2030) conditions. These levels-of-service are not uncommon for minor-street approaches with heavy mainline volumes under stop control conditions. The internal protected stem currently shown on the site plan is expected to accommodate the SimTraffic maximum queue exiting the site.



9. **RECOMMENDATIONS**

Based on the findings of this study, specific geometric improvements have been identified and are recommended to accommodate future traffic conditions. See a more detailed description of the recommended improvements below. Refer to Figure 11 for an illustration of the recommended lane configuration for the proposed development.

Recommended Improvements by Developer

Based on previous coordination with the Town consultant, offsite improvements should be considered for a cost-share agreement (proportional share fee-in-lieu) with the Town.

NC 39 and US 264 Westbound Ramps

• Monitor the intersection for signalization and conduct a signal warrant analysis prior to the build-out of the proposed Sidney Creek development.

NC 39 and Old US 264

- Utilizing the existing pavement width, provide an exclusive westbound left-turn lane with maximized (approximately 50 feet) storage and appropriate taper and an exclusive westbound right-turn lane with maximized (approximately 125 feet) storage and appropriate taper and deceleration length.
- Utilizing the existing pavement width, provide an exclusive eastbound left-turn lane with maximized (approximately 50 feet) storage and appropriate taper and an exclusive eastbound right-turn lane with maximized (approximately 100 feet) storage and appropriate taper and deceleration length.
- Monitor the intersection for signalization and conduct a signal warrant analysis prior to the build-out of the proposed Sidney Creek development.
- Extend the existing southbound right-turn lane with a minimum of 100 feet of storage and appropriate taper and deceleration length.



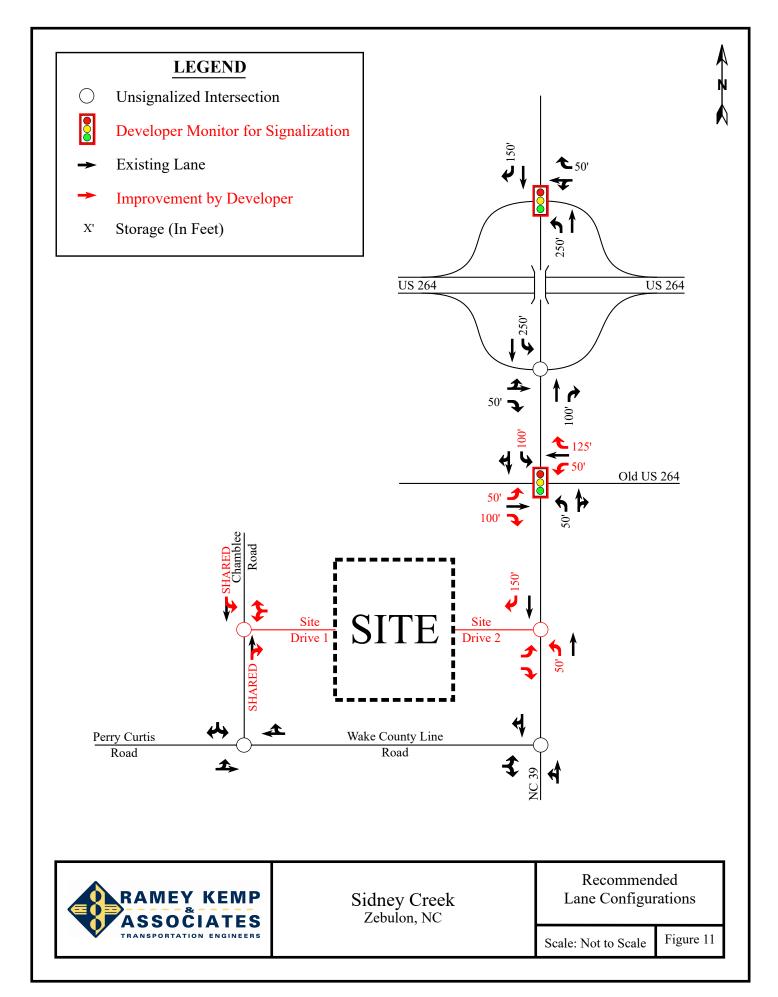
Chamblee Road and Site Drive 1

- Construct the westbound approach (Site Drive 1) with one ingress lane and one egress lane.
- Provide stop-control for the westbound approach.

NC 39 and Site Drive 2

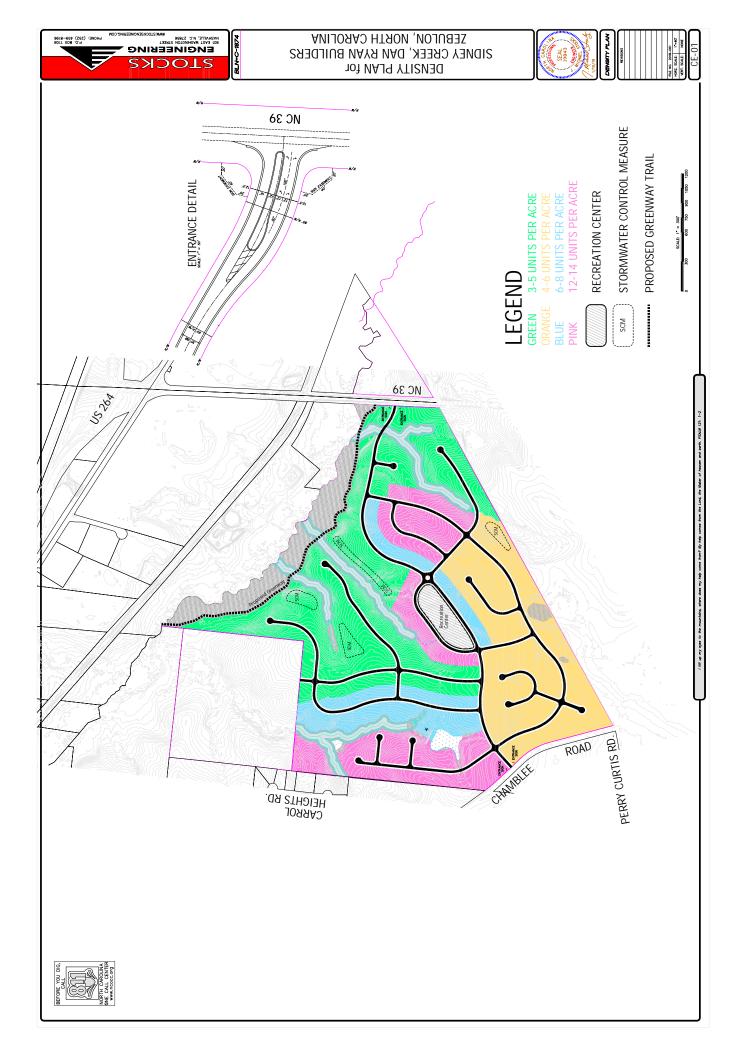
- Construct the eastbound approach (Site Drive 2) with one ingress lane and two egress lanes.
- Provide stop-control for the eastbound approach.
- Provide an exclusive northbound left-turn lane with a minimum of 50 feet of storage and appropriate taper and deceleration length.
- Provide an exclusive southbound right-turn lane with a minimum of 150 feet of storage and appropriate taper and deceleration length.







Charleston, SC - Charlotte, NC - Columbia, SC - Raleigh, NC - Richmond, VA - Winston-Salem, NC



Attachment 4



Town of Zebulon

Planning Department

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

SPECIAL USE PERMIT

GENERAL INFORMATION

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

INSTRUCTIONS

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



PART 1. APPLICANT/AGENT INFORMATION

Name of Applicant/Agent:

Dan Ryan Builders

Street Address of Applicant/Agent:

| 3000 RDU Center Drive, Suite 200 | | |
|----------------------------------|--------------------------------------|--------------------------------|
| City: | State: | Zip Code: |
| Morrisville | NC | 27560 |
| Email of Applicant/Agent: | Telephone Number of Applicant/Agent: | Fax Number of Applicant/Agent: |

| jcolvin@danryanbuilders.com | | | | | | | | 919.909.3677 | 252.459.8197 |
|---|-----|---|----|--|-----|--|----|-------------------------------|--|
| Are you the owner of the property? Are you the owner's agent? | | | | Note: If you are not the owner of the property, you must attach an | | | | | |
| | Yes | x | No | X | Yes | | No | "Owner's Consent Form" giving | you permission to submit this application. |

| PART 2. DESCRIPTION OF REQUEST/PROPERTY | | | | |
|--|--------------------------------|-------------------------|--|--|
| Street Address of the Property: | Current Zoning Classification: | Acreage: | | |
| 1701 Chamblee Road | R-20 | +/- 214.93 | | |
| Parcel Identification Number (NC PIN): | Deed Book: | Deed Page(s): | | |
| 2715518060, portion of | 8098 | 206 | | |
| Existing Use of the Property: | Proposed Use of the Property: | | | |
| Agriculture and Silviculture | Residential Dev | velopment | | |
| Describe the nature of the proposed activity and any particular characteristics related to | | a degenihed in the CIID | | |

| Residential | subdivision | with | various | housing | types | as | described | ın | the | SUP |
|-------------|-------------|------|---------|---------|-------|----|-----------|----|-----|-----|
| Application | L. | | | | | | | | | |

PART 3. PROPERTY OWNER INFORMATION

Name of Property Owner:

William McNabb

Street Address of Property Owner:

204 West Gannon Avenue

| City: | State: | Zip Code: |
|-----------------------------|-------------------------------------|-------------------------------|
| Zebulon | NC | 27597 |
| Email of Property Owner: | Telephone Number of Property Owner: | Fax Number of Property Owner: |
| william.mcnabb51@icloud.com | 919.269.7507 | |

I hereby certify that I am, or that I represent, the legal owner of the property described above and do hereby submit this request for a Special Use Permit to the Planning Board and Board of Commissioners for consideration.

| Signature of Owner? | Print Name: | Date: |
|---------------------|----------------|--------|
| HUM. A ~ A | William McNabb | 4-4-19 |
| | | |

| E E E E E E E E E E E E E E E E E E E | FOR OFFICE USE ONLY | a state in |
|---------------------------------------|---------------------|------------|
| Application Received By: | Application Date: | |
| File Name: | Case #: | |
| Filing Fees Paid: | Date Fees Received: | |
| Date of Public Hearing: | Date of Decision: | Approved |
| | | Denied |



REQUIRED FINDINGS OF FACT

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

- What evidence will you present to clearly show that the proposed special use will not materially endanger the public health, safety or welfare? See SUP Application
- 2. What evidence will you present to clearly show that the proposed special use will not substantially injure the value of adjoining or abutting property? See SUP Application
- 3. What evidence will you present to clearly show that the proposed special use will be in harmony with the area in which it is to be located? See SUP Application
- 4. What evidence will you present to clearly show that the proposed special use will be in general conformity with the ordinances, policies, land use plan, thoroughfare plan or other plan officially adopted by the Board of Commissioners?

See SUP Application

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



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

See SUP Application 7. What evidence will you present to clearly show that the proposed special use will not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas? See SUP Application 8. What evidence will you present to clearly show that the proposed special use will not impede the orderly development and improvement of the surrounding properties? See SUP Application 9. What evidence will you present to clearly show that the proposed special use is reasonably necessary for the public health or general welfare? Does the proposed special use enhance the successful operation of the surrounding area in its basic community function or by provide an essential service to the community? See SUP Application

APPLICANT AFFIDAVIT

I/We, the undersigned, do hereby make application and petition to the Board of Commissioners of the Town of Zebulon to approve the subject Special Use Permit. I hereby certify that I have full legal right to request such action and that the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand this application, related material and all attachments become official records of the Planning Department of the Town of Zebulon, North Carolina, and will not be returned.

Signature of Applicant

J. Kevin Varnell

Print Name



SITE PLAN REQUIREMENTS

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

| | ITEM | CHECK | K IF SUBMITTED |
|-----|--|----------|----------------|
| 1. | Plot plan showing all existing and planned structures, building setback lines, perimeter boundaries, and easements. (Concept | Onlv) | X |
| 2. | Elevation drawings of all buildings indicating the proposed exterior finish materials. (Concept Only) | 0111_7 / | X |
| 3. | Landscaping plan, lighting, fencing, screening, and walls, indicating all heights and locations. (Described In Report | Only) | X |
| 4. | Location of all ingress and egress. | | X |
| 5. | Off-street parking and loading facilities, with calculations showing how the quantities were obtained. | | |
| 6. | All pedestrian walks and open areas for use by residents, | | |
| | tenants, or the public. | | X |
| 7. | Proposed land uses indicating areas in square feet. | | A |
| 8. | The location and types of all signs, including lighting and | | |
| | heights, with elevation drawings. | | |
| 9. | Existing and/or proposed street names. | | |
| 10. | Proposed potable or reuse water, wastewater connections, and | | |
| | storm sewer line; proposed grading and drainage patterns; | | |
| | proposed water and sewer allocations. | | |
| 11. | Such additional items and conditions, including design | | |
| | standards as the Planning Board and Board of Commissioners | | X |
| | deems necessary. (Described In Report Only) | | |
| 12. | Trip generation data. | | X |
| | | | |

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

- a. Setbacks for buildings or structures
- b. Public street access
- c. Drainage
- d. Vehicular traffic, circulation, parking lots or spaces
- e. Hours of operation
- f. Activities and uses permitted
- g. Landscaping
- h. Pedestrian circulation
- i. Signs

- j. Mitigation of noise, fumes, odors, vibrations, or airborne particles
- k. Exterior lighting
- 1. Exterior construction materials
- m. Screening or buffer zones
- n. Outside storage and display of merchandise
- o. Refuse and waste storage
- p. Lot sizes and dimensions
- q. Accessory buildings
- r. Other conditions or restrictions as shown on the site plan



OWNER'S CONSENT FORM

Name of Project: Sidney Creek

Submittal Date:

OWNER'S AUTHORIZATION

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

I hereby certify I have full knowledge the property I have an ownership interest in is the subject of this application. I acknowledge and agree that, pursuant to §152.046 of the Zebulon Code of Ordinances, so long as the land or structures (or any portion thereof) covered under an approved Special Use Permit continues to be used for the purposes for which the Permit was granted, then no person (including successors or assigns of the person who obtained the Permit) may make use of the land or structures for the purposes authorized in the Permit except in accordance with all the terms and requirements of the Permit. I understand that any false, inaccurate or incomplete information provided by me or my agent will result in the denial, revocation or administrative withdrawal of this application, request, approval or permits. I acknowledge that additional information may be required to process this application. I further consent to the Town of Zebulon to publish, copy or reproduce any copyrighted document submitted as a part of this application for any third party. I further agree to all terms and conditions, which may be imposed as part of the approval of this application.

| AUM SIA | 🖕 William McNabb | 4-4-19 |
|--------------------|------------------|--------|
| Signature of Owner | Print Name | Date |

CERTIFICATION OF PROPERTY OWNER

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

William McNabb $\frac{4 \cdot 4 - 19}{Date}$ Print Name Signature of Owner

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

Sidney Creek Required Findings of Fact:

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

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

A market study by Chapel Hill Appraisals and Consultants is included with this report. The proposed study analyzed the neighboring community and the proposed development. The study concludes that, "The surrounding properties and the general neighborhood vicinity near the proposed Sidney Creek, at a minimum, will maintain their current market values, if not be further enhanced, and over time, their appreciation levels...." The proposed subdivision adheres to the Town's Future Land Use Plan, Comprehensive Plan, and Greenway Master Plan which indicates that this area was included in the short and long term utility service areas by the Town Planners under their own requirement to protect public health, safety and welfare. The project will increase the existing tax base with inclusion into the Town Limits along with the increase s in sales tax revenues that will be realized with the additional shopping in local markets. Additionally, public utilities will be extended into a currently un-served area and further extensions will be made available if desired by adjacent land owners and developers.

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

A market study by Chapel Hill Appraisals and Consultants is included with this report. The proposed study analyzed the neighboring community and the proposed development. The study concludes that, "The surrounding properties and the general neighborhood vicinity near the proposed Sidney Creek, at a minimum, will maintain their current market values, if not be further enhanced, and over time, their appreciation levels...." The proposed subdivision adheres to the Town's Future Land Use Plan, Comprehensive Plan, and Greenway Master Plan which indicates that this area was included in the short and long term utility service areas by the Town Planners under their own requirement to protect public health, safety and welfare. The project will increase the existing tax base with inclusion into the Town Limits along with the increase s in sales tax revenues that will be realized with the additional shopping in local markets. Additionally, public utilities will be extended into a currently un-served area and further extensions will be made available if desired by adjacent land owners and developers.

3. What evidence will you present to clearly show that the proposed Special Use will be in harmony with the area in which to be located?

This proposal meets the Comprehensive Plan and the Greenway Master Plan. While it is clearly designed to meet future needs, as has been discussed previously and in detail in the enclosed Impact Analysis, existing uses and neighboring areas will not be harmed. This development will serve as a distinct buffer from the industrial nature of the area along NC 39 to the residential nature westward towards downtown.

4. What evidence will you present to clearly show that the proposed Special Use will be in general conformity with the ordinances, policies, Land Use Plan, Thoroughfare Plan or other plan officially adopted by the Board of Commissioners?

The attached Conceptual Subdivision Layout and Plan Description addresses how this proposal meets the Comprehensive Plan and Future Land Use Map as it pertains to future utility service areas as well as the Greenway Master Plan Requirements.

5. What evidence will you present to clearly show that the proposed Special Use will not cause undue traffic congestion or create traffic hazards?

A Traffic Impact Analysis (TIA) has been performed by Ramey Kemp and Associates, Inc. and a copy of that report in included in this submittal. The intersections studied in the report include NC 39 and the US 264 ramps, NC 39 and Old 264, Chamblee Road and Perry Curtis Road, and NC39 and the Wake County Line Road. Recommendations for each intersection can be found on Pages 34 and 35 of the report.

6. What evidence will you present to clearly show that the proposed Special Use is appropriately located with respect to Transportation Facilities, Water and Sewer supply, Fire and Police protection, and similar facilities?

As stated above, the TIA, will provide the final design details in concurrence with NCDOT approvals. As part of this proposed development, water and sewer systems needed to support this project will be extended into current underserved areas. We have had conversations with the City of Raleigh to determine capacity and feasibility of service. The Fire and Police Department will have input during the Pre-Submittal Meeting and subsequent TRC Meetings during the Construction Plan process, which will ensure that the Fire Codes have been met and that the Town can successfully provide services to the proposed development. The proposed development will increase the tax base without having to increase taxes, which will provide the Town the opportunity to purchase new equipment and provide additional resources, not only for this development, but for the use across the entire Town.

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

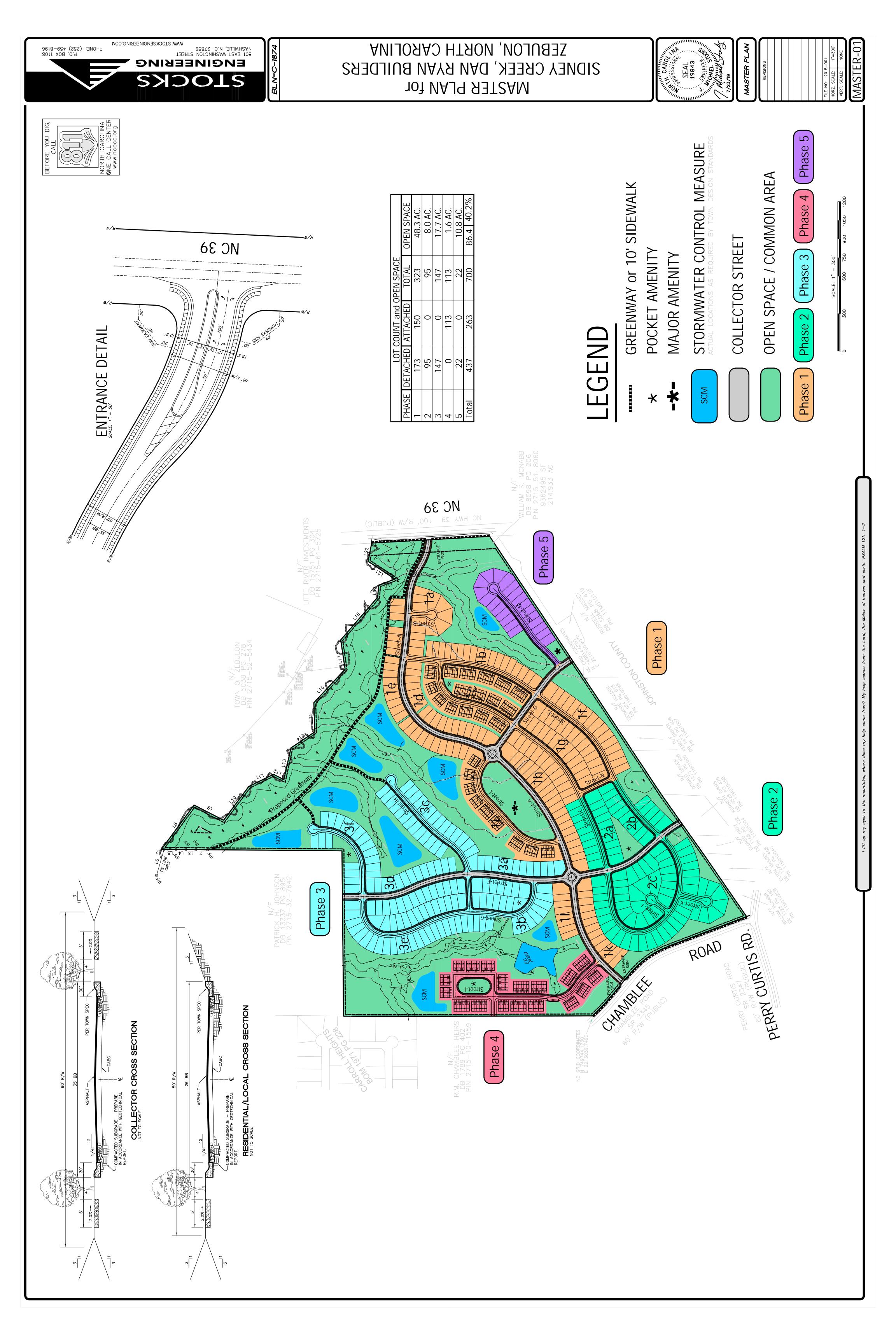
During construction of the proposed subdivision, there may be times where noise, vibration, dust, and/or smoke may be evident on the property. Ultimately the final land use will be a residential subdivision. The proposed development will be located between existing agricultural/residential properties and the current Waste Water Treatment Plant, Five County Stadium, Railroad, and US Foods. These uses have far more ongoing, smell, vibration, and noise related issues than this proposed use.

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

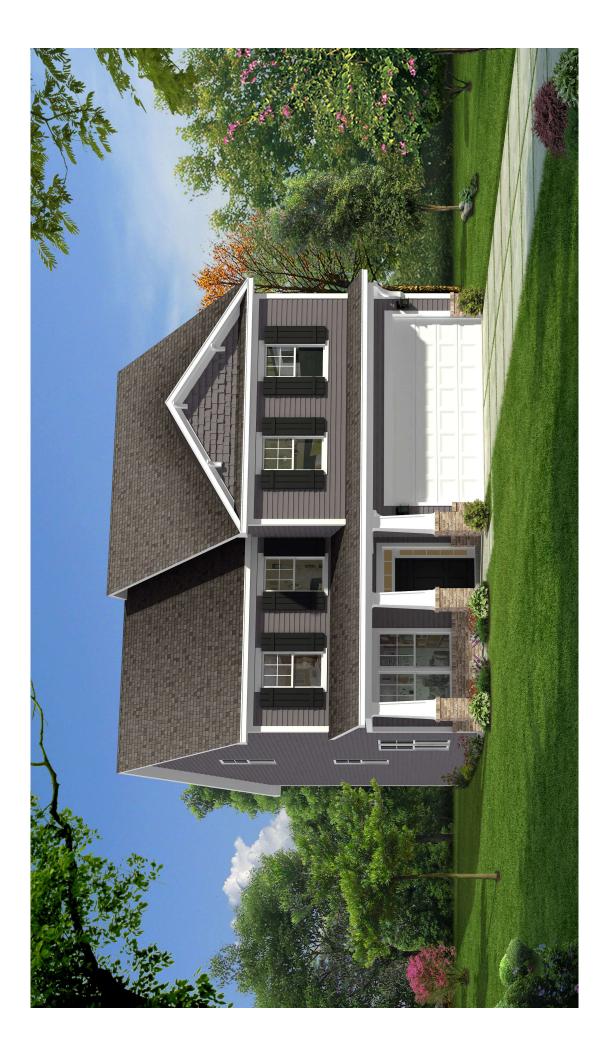
This proposal will not impede but will encourage the orderly development in the neighboring community. One of the catalyst to orderly growth is public utilities. This project will bring those utilities into and through areas not currently served by those utilities. The information outlined in this proposal also proves that this SUP also meets all of the Town of Zebulon Future Land Use Plans as it is currently shown in the Short and Long Range Utility Service Areas.

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

This project will provide multiple housing options that are currently unavailable in this area of Town on a scale with the ability to keep up with the demand. This proposal will not only expand the Towns tax base, but it will extend public utilities to current underserved areas. With the public utility extensions, the development fees and revenues realized from their use will assist the Town with the payback of merger fees per the agreement between the City of Raleigh and the Town. It is our understanding that once the merger fees have been fully paid, the current rate structure for those utilities may be reevaluated and may be lowered for all town residents and utility customers, not just the residents of this proposal











Attachment 5

Sidney Creek Special Use Permit Conditions

- 1. <u>Homeowners Association:</u> Homeowners Association or management firm shall be in place to enforce and abate all community association restrictive covenants, conditions, and restrictions. This document will be recorded prior to lot recordation of the 1st subdivision phase. The following elements need to be added to the restrictive covenants addressing he following regulations:
 - Restricting on-street parking for a maximum of 24 hours. This matter will be enforced by the Homeowners Association.
 - Maintenance and upkeep of Open Space/Common Areas, drainage easements and stormwater control measures as described in the Town of Zebulon Street and Storm Drainage Standards & Specifications Manual. Landscape islands and round-a-bouts, etc. located within the right-of-way will be considered common areas.
 - Enforcing tall grass, trash, debris and rubbish, removal of any junk/nuisance vehicles as defined by the adopted town policies.
- 2. All open space shall be permanently protected from development with a conservation easement and/or restrictive covenant to be recorded upon final plat approval.
- 3. No unauthorized disturbance of environmentally sensitive areas as defined by US Army Corps. of Engineers, NC DENR, Wake County Environmental Services and the Town of Zebulon.
- 4. No portion of any developable lot shall contain wetlands, riparian buffers, floodplain or floodway.
- 5. Development must comply with Appendix D of the 2000 International Fire Code.
- 6. An active recreation area including, at a minimum, a pool (minimum 3,480 square feet), swim pavilion (bathhouse), will be constructed and permits applied for prior to the 200th certificate of occupancy of any dwelling.
- 7. Installation of at least a fifteen (15') foot wide landscaped buffer along the perimeter of the subject property meeting. Existing trees will remain. Where there is not a tree line, a Type C buffer will be planted.
- 8. Installation of decorative street signs and streetlights within the subdivision should be in accordance with the latest version of the Town of Zebulon Street and Storm Drainage Standards and Specifications Manual specifications.
- 9. <u>Curb and Gutter:</u> All curb and gutter installations throughout the subdivision should be in accordance with the latest version of the Town of Zebulon Street and Storm Drainage Standards and Specifications Manual specifications.
- 10. <u>Public Roadways:</u> All streets within Sidney Creek shall be public and in accordance with the latest version of the Town of Zebulon Street and Storm Drainage Standards and Specifications Manual specifications.
- 11. <u>New Roadways</u>: Installation and dedication of any roadway infrastructure, improvements, or right-of-way widths for all phases of the development as shown on the Concept Land Plan for Sidney Creek shall be in accordance with the latest version of the Town of Zebulon Street and Storm Drainage Standards and Specifications Manual specifications. A licensed engineer with acceptable bonding information prior must provide engineer certification of the roadway to the issuance of a final plat for the development.
 - i. Collector Streets Street A, Street D, Street E
 - ii. Residential/local Street Street B, Street C, Street G, Street I, Street J, Street K, Street L, Street M

- 12. Roadway Improvements:
 - NC 39 and 264 Westbound Ramps
 - i. Monitor the intersection for signalization and conduct a signal warrant analysis prior to the build-out of the proposed Sidney Creek development. This shall be completed prior to the recording of Phases 3, 4, or 5.
 - ii. If warrant analysis is met, construction and design cost are shared 50% developer/50% town/NCDOT. A fee in lieu payment shall be made before platting final phase.
 - NC 39 and 264 Eastbound Ramps
 - i. Monitor the intersection for signalization and conduct a signal warrant analysis prior to the build-out of the proposed Sidney Creek development. This shall be completed prior to the recording of Phases 3, 4, or 5.
 - ii. If warrant analysis is met, construction and design costs are shared 50% developer/50% town/NCDOT. A fee in lieu payment shall be made before platting final phase.
 - NC 39 and Old US 264 Alternate
 - i. Dedicate right-of-way meeting ½-5 Lane Highway cross section as referenced in the Transportation Plan. I think this refers to the ROW on Hwy 39 in front of their property.
 - Utilizing the existing pavement width, provide an exclusive westbound leftturn lane with maximized (approximately 50 feet) storage and appropriate taper and an exclusive westbound right-turn lane with maximized (approximately 125 feet) storage and appropriate taper and deceleration length. Appears to already to be in place. See aerial Photo.
 - iii. Utilizing the existing pavement width, provide an exclusive eastbound leftturn lane with maximized (approximately 50 feet) storage and appropriate taper and an exclusive eastbound right-turn lane with maximized (approximately 100 feet) storage and appropriate taper and deceleration length.
 - iv. Extend the existing southbound right-turn lane with a minimum of 100 feet of storage and appropriate taper and deceleration length.
 - Chamblee Road and Street A
 - i. Construct the westbound approach (Street A) with one ingress lane and one egress lane.
 - ii. Provide stop-control for the westbound approach.
 - iii. Dedicate right-of-way meeting ¹/₂-80' section along the entire Chamblee frontage

- NC 39 and Street A
 - i. Dedicate right-of-way meeting ½-5 Lane Highway cross section as referenced in the Transportation Plan.
 - ii. Construct the eastbound approach (Street A) with one ingress lane and two egress lanes.
 - iii. Provide stop-control for the eastbound approach.
 - iv. Construct an exclusive northbound left-turn lane with a minimum of 50 feet of storage and appropriate taper and deceleration length.
 - v. Construct an exclusive southbound right-turn lane with a minimum of 150 feet of storage and appropriate taper and deceleration length.
- 13. <u>Storm Drainage Infrastructure:</u> a licensed engineer must provide Certification of the storm drainage infrastructure. Certification must be provided, reviewed, and approved prior to the issuance of a final plat for each phase.
- 14. Greenway Path Chamblee Road 10' Asphalt path/sidewalk is required along the entire road frontage of Chamblee Road as part of the roadway/Street A connection to Chamblee Road.
- 15. Greenway Path NC Hwy 39–10' Asphalt path/sidewalk is required along the property road frontage on Hwy 39 and connect to Five County Stadium Property Line. Construction shall be completed as part of the roadway improvements for site 2/Road A entrance improvements along Hwy 39.
 - Construction scope parameters:
 - curb and gutter with adjacent 10-foot wide asphalt path per NCDOT standards or a block retaining wall with 10-foot path with graded drainage swell.
 - 10' Greenway path at railroad shall be at grade with appropriate required signage.
 - Easement Acquisition if needed will be within 110% of appraised value for such easement.
 - Crosswalk striping as needed with appropriate H/C ramps
 - Fee-in Lieu payment will be considered if at grade crossing is not permitted by Railroad agency or cost of easement acquisition exceed 110% of appraised cost.
- 16. Greenway Trail: Greenway, Bicycle, and Pedestrian Master Plan: Greenways are required to be established, built and maintained in accordance with the most recent adopted version of the Town of Zebulon Greenway, Bicycle, and Pedestrian Master Plan. The public greenway trail is to be in accordance with the latest version of the Town of Zebulon Street and Storm Drainage Standards and Specifications Manual and Town of Zebulon Greenway, Bicycle, and Pedestrian Master Plan specifications. A complete design for a minimum ten-foot (10°) public greenway trail with a minimum twenty-foot (20') wide public greenway easement and associated trailhead connections along Little Creek. Greenway trailhead connections shall be provided at each cul-de-sac near the greenway (Street G, C, I). Greenway trail based on a minimum payement width of ten feet (10') and a minimum 6.25-ton load capacity for any necessary bridges or boardwalks. Greenway engineered drawings are required to be submitted with each phase of construction to the Technical Review Committee for approval. Installation and dedication of the required Little Creek public greenway trail and trailhead connection improvements must be completed prior to final plat approval for each individual phase's construction. Upon dedication and acceptance, all maintenance of the Little Creek public greenway trail and trailhead connections will be the responsibility of the Town.

- 17. <u>Greenway Connectivity</u>: Connectivity to greenways shall be provided at 3 locations. This shall be accomplished through trailheads, sidewalks, and internal trail connections All internal trail connections shall be designated as common area and maintained by the Homeowner's Association, or if applicable a Homeowner's Association management firm. A 10' wide asphalt path connecting the Recreation Center and the public Little Creek Trail as part of the recreation amenity construction.
- 18. Greenway Amenities: Developer to provide benches, trash receptables, pet waste stations, signage, trail head landscaping to provide screening from residential homes. Once these amenities have been installed, the Town of Zebulon will be responsible for the maintenance of these amenities. Landscaping shall be either 1-tree or 2-shrubs planted 30' on center.
- 19. All street installations throughout the subdivision should be in accordance with the latest version of the Town of Zebulon Street and Storm Drainage Standards and Specifications Manual specifications.
- 20. <u>Setbacks:</u> single-family detached front 20', side 6.5', rear, 15' corner side 20'; Townhome front 20', building to building 12', rear 15', corner side 20'
 - Architectural projections may encroach 1.5' into the side yard setback.
- 21. <u>Mail Kiosk:</u> Installation of mailbox kiosk will be reviewed/approved as part of the Technical Review Committee process.
 - Constructed prior to 1st certificate of occupancy of any dwelling unit.
 - Off-street parking will be provided for kiosk.
 - A kiosk shelter will be constructed using materials similar to what is being used throughout the neighborhood.
- 22. All dwellings within the subdivision will be required to have a garage.
- 23. All dwellings will have a minimum driveway length of 18' measure from the right-of-way.
- 24. All buffers will be located in open space/common areas.
- 25. Streetscape:
 - All residential streets shall have a 4' tree lawn between the curb and the sidewalk. If sidewalk is not required along that section of street, then the trees should be planted between 2-5 feet behind the curb.
 - A 100' in width buffer will be provided along NC 39.
 - A 30' buffer will be provided along Chamblee Road.
 - Another streetscape may be approved by staff along Chamblee Road or NC Hwy 39 if the standard does not require trees located in the right-of-way.
 - Trees should be considered shade trees and deciduous, planted 40' on center.
- 26. <u>Pocket Parks</u>: A minimum of six Pocket Park Areas will be constructed throughout the development. These Pocket Parks will be a choice with a combination of butterfly gardens with benches, athletic fields, fire pit locations, playground equipment (to be approved by Parks and Recreation Director), etc.
- 27. Model Homes: Must meet Wake County ADA standards and provide paved parking areas.

28. Exterior Elevations:

- Masonry component to dwellings
 - i. 100% of the single-family detached (not age targeted).
 - ii. 50% of townhome cluster (ie: if the cluster is 6 attached townhome units, 3 units will have the masonry component.
 - iii. 30% of the single-family detached (age targeted).
- All front windows should have shutters or trim. Corner side yard windows should be treated as a front elevation.
- Single-family detached dwellings should not have the same elevation with parcels adjacent to or directly across the street as the subject parcel's elevation.
- Landscaping shall be provided at both front corners of each dwelling either planted at a rate of 2 shrubs spaced horizontally or along the sides of the homes. An understory tree can substitute for the 2-shrub requirement.
- 29. Street Stubs will be required to the following properties:
 - Wake County Pin Number Pin Number 2715101559 (Deed Book 001789 PG 00402)
 - Wake County Pin Number 2715327642 (Deed Book 013337 PG 00895)
 - Either:
 - i. Johnston County id 11M01012F (Book 05068 PG 0419)
 - ii. Johnston County id 11M01009B (Book 00524 PG 0615)
 - iii. Johnston County id 11M01007 (Book 01473 PG 0408)
 - iv. A parcel not listed which is adjacent to the subject property located within Johnston County
- 30. Open Space/Common Area: 40% of the development will be open space/common area
- 31. <u>Signage:</u> Will be located in open space/common area at the entrance of the subdivision.
- 32. <u>Street Lights:</u> The developer is responsible for coordination with Duke Energy on the lighting plan layout; however, the Town of Zebulon will be approving the lighting plan. The developer is responsible for paying the current Duke Energy fee per pole to the Town of Zebulon prior to installation. All streetlights shall be decorative and must in accordance with the latest version of the Town of Zebulon Street and Storm Drainage Standards and Specifications Manual specifications. All streetlights shall be decorative Mitchell 50 Series LED unless otherwise specified and authorized by the Town of Zebulon Public Works Director. All streetlights shall be a minimum of 125 linear feet with a maximum of 140 linear feet apart with alternate spacing on either side of the street.
- 33. <u>Bonding</u>: Developer is responsible for posting a bond for final roadway, sidewalk or amenities improvements for each phase prior to the issuance of the first building permit. Developer is fully responsible for all necessary roadway repairs of dedicated streets prior to final overlay and striping. Regardless of residential construction progress, the final overlay of dedicated streets shall be over-laid within eighteen (18) months of the original roadway acceptance date for that phase.
- 34. <u>Driveway Restrictions:</u> No driveways to individual lots should be located within the circulating roadway of any internal roundabouts and should be located as far away from the entrance to the circulating roadway as practical. No driveway entrances within 100' from the entrances of Chamblee and Hwy 39.
- 35. <u>Entrances:</u> All entrances shall be reviewed and approved by the Town of Zebulon and the North Carolina Department of Transportation during the Technical Review Committee Process.

Outstanding Items

- Sidewalk locations on both sides of all streets
- Exterior Elevations:
 - o 30% Masonry component to front façade of the dwellings
 - 100% of the single-family detached (not age targeted).
 - 50% of townhome cluster (ie: if the cluster is 6 attached townhome units, 3 units will have the masonry component.
 - 30% of the single-family detached (age targeted).
 - All elevations must have windows on all exterior sides of dwellings.
- Traffic Impact Analysis Recommendation
 - Monitor the intersection of NC Hwy 39 and Old US 264 for signalization and conduct a signal warrant analysis prior to the build-out of the proposed Sidney Creek development.
 - This shall be completed prior to the recording of Phases 3, 4, or 5. If warrant analysis is met, Construction and design cost are 100 % by the developer. The construction shall be completed prior to the platting of the final phase.
- Greenway Path NC Hwy 39–10' Asphalt path/sidewalk is required along the property road frontage on Hwy 39 and connect to Five County Stadium Property Line. Construction shall be completed as part of the roadway improvements for site 2/Road A entrance improvements along Hwy 39.
 - i. Construction scope parameters:
 - curb and gutter with adjacent 10-foot wide asphalt path per NCDOT standards or a block retaining wall with 10-foot path with graded drainage swell.
 - 10' Greenway path at railroad shall be at grade with appropriate required signage.
 - Easement Acquisition if needed will be within 110% of appraised value for such easement.
 - Crosswalk striping as needed with appropriate H/C ramps
 - Fee-in Lieu payment will be considered if at grade crossing is not permitted by Railroad agency or cost of easement acquisition exceed 110% of appraised cost.
- Greenway Amenities: Developer to provide benches, trash receptables, pet waste stations, signage, trail head landscaping to provide screening from residential homes. Once these amenities have been installed, the Town of Zebulon will be responsible for the maintenance of these amenities. Landscaping shall be either 1-tree or 2-shrubs planted 30' on center.

Attachment 6

Consideration of Record Evidence Only and Burden of Proof

Case law, as reaffirmed in a recent Court of Appeals case, sets out the burden of proof an applicant must meet for a special use permit:

An applicant for a special use permit must make out a prima facie case, by competent, material, and substantial evidence, meeting all the conditions in the zoning ordinance. Material evidence is "[e]vidence having some logical connection with the consequential facts or the issues." Black's Law Dictionary 578 (7th ed.1999). "Substantial evidence is such relevant evidence as a reasonable mind might accept as adequate to support a conclusion."

It must do more than create the suspicion of the existence of the fact to be established....

An applicant who has made a prima facie case <u>is entitled to a special use</u> permit, unless there is also competent, material, and substantial evidence in the record to support denial.

<u>American Towers, Inc. v. Town of Morrisville</u>, 731 S.E.2d 698, 702 (2012) (citations omitted) (emphasis added)

In sum, the burden of proof in this case is as follows: The applicant must present evidence that the four standards in the Ordinance are met. If the applicant presents sufficient evidence that the four standards are met, the applicant is legally entitled to a permit. If contradictory evidence is presented, the board must make findings and then apply the standards.

Board Consideration and Action

After observing the proper procedures and considering proper evidence, the Board of Commissioners shall, by simple majority, act on a motion to:

- (1) Approve the application; or
- (2) Approve the application, subject to reasonable and appropriate conditions and safeguards; or
- (3) Deny the application; or
- (4) Table the application for further study.

If the Motion is to approve, the Motion should take into consideration each of the four standards, but the Board of Commissioners need not make specific findings of fact on each standard.

If the Motion is to deny, the Motion should include which of the required findings of fact was not supported based upon the evidence and explain why.



STAFF REPORT SUP 2019-07 Weavers Ridge August 12, 2019

Topic: SUP 2019-07 Weavers Ridge

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

Executive Summary:

The Board of Commissioners will consider the Special Use Permit for a Major Subdivision located at 2340 Zebulon Road (PIN 1796673644). This is a quasi-judicial case.

Background:

The property is approximately 34 acres in size zoned Residential-10 located within the Town of Zebulon's Corporate Limits. The adjacent parcel to the west, pin # 1796577710, located in Wake County will be recorded as amenity area/open space/common area. The parcel is located in the Little River Watershed and will not be developed for any residential dwellings. The reason for incorporating this parcel is to keep the density of the development in character with the recent development approvals.

In accordance with *Code of Ordinances* Section 152.053, major subdivisions require a Special Use Permit issued by the Board of Commissioners. The proposed subdivision is a maximum of 182 dwelling units.

Unlike a General Use Permit or Minor Subdivision issued/approved by town staff, a Special Use Permit must be obtained from the Board of Commissioners.

Discussion:

The discussion before the Board is whether or not to approve the Special Use Permit. If approved, any conditions should be stated in the motion to approve, and the Board need not make findings of fact.

If denied, the Board must vote on each specific finding and state a reason as to why the finding did not have sufficient evidence to be met. Only one finding must be found unproven based upon evidence submitted at the hearing to oppose the permit. The findings of fact are as follows:

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



STAFF REPORT SUP 2019-07 Weavers Ridge August 12, 2019

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

Policy Analysis:

The conditions proposed in Attachment 6 meet the policies within Chapters 3 - Economic Development, 4 - Form & Environment, 5 - Transportation, 6 - Housing & Neighborhoods, 8 - Utilities, and 9 - Land Use & Overview of the Comprehensive Plan. These conditions relate to transportation, landscaping, open space, numerous recreation amenities, greenways, street lighting, setbacks, mailbox kiosk, and signage.

Comprehensive Plan Chapter 7 - Community Facilities is met, but based on the proposed conditions provide minimum scale amenities. The plans are referencing 7.7 acres of useable open space, approximately 1 acre in the middle of the site. There needs to be an amenity at a scale suitable for 182 dwelling units whose dwellings units do not have a yard (townhomes) or the total lot size is a minimum of 6,500 square feet.

The following conditions do not meet policies within the Comprehensive Plan. Sidewalk locations, building materials and lack of transparency on provided building elevations.

Comprehensive Plan Chapter 5 Policy 3 – Provide safe and attractive streets through traffic calming and channelization devices, appropriate and pedestrian and bicycle facilities and improved streetscape design.

Comprehensive Plan Chapter 6 Goal 2 – Encourage the organization and enhancement of new and existing neighborhoods to support pedestrian and bicycle connectivity destinations in efforts to enhance the quality of life and overall wellbeing of the residents of Zebulon.

The plans are proposing sidewalks on both sides of the street on what the concept plans are classifying as collector streets within the development. This is three of the proposed twelve streets. Sidewalks are located on one side of the road on five of the twelve streets. Four of the twelve streets that do not have sidewalks on either side are cul-de-sacs. **Staff recommendation is sidewalks should be located on both sides of all streets.**

Comprehensive Plan Chapter 6 Goal 1 – Achieve a variety of housing types, designs and densities in both older neighborhoods and newly developing areas to meet the needs of all income levels and age groups.



This development meets the intent of this goal; however, the developer does not want to make a commitment to a percentage of the dwellings have a stone or masonry component. Staff recommendation is 30% of the dwellings should have a masonry or stone component except for the age targeted where only 30% of the homes would have to meet this requirement.

This development meets the intent of this goal; however, the developer does not want to make a commitment to have windows on the sides of the dwellings if the lot is an interior lot. **Staff recommendation is all dwellings with an exterior side should have a window.**

Fiscal Analysis:

The development is proposing road improvements along the site's frontage (Pin # 1796673644 and Pin # 1796577710) of Zebulon Road (NC Hwy 96), a southbound leftturn lane and a northbound right-turn lane are proposed in addition to meeting the Multimodal Transportation Plan section of a 3-Lane with a ditch and sidewalks. Additional improvements at the intersection of Zebulon Road and Pippin Road will include a northbound right-turn lane and a southbound left-turn lane.

A 10' asphalt path is being constructed and a 20' easement being dedicated for the greenway within the development. This amenity will provide a direct connection to Wakelon Elementary for the subject development and the adjacent Weavers Pond Development to the north. This will promote walkability and an opportunity to reduce the daily trips per day to and from the school.

The dedication of new street rights-of-way and street constriction will require the Town of Zebulon to perform maintenance of the streets, stormwater maintenance, and light poles.

The absence of sidewalks in locations within the development could result in the Town of Zebulon using town funds to construct sidewalks in locations that could be a requirement of the developer. The current Code of Ordinances is not consistent with the goals of the Comprehensive Plan. By the time this subdivision starts construction, a Unified Development Ordinance may be adopted that might require subdivisions to have sidewalks on both sides of the street. The Special Use Permit is the stage of the development process is where the Town can require improvements consistent with the goals of the Comprehensive Plan.

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



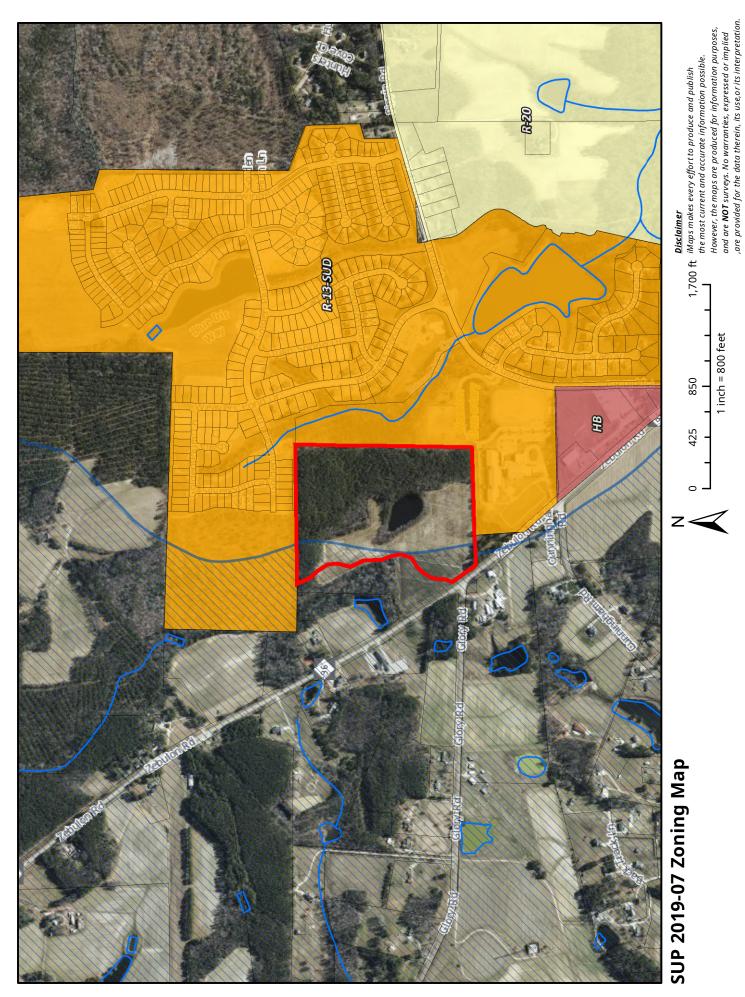
Staff Recommendation:

Staff recommends holding a joint public hearing to determine if all the Findings of Fact as required in Section §152.038. Staff feels because of the outstanding items in Attachment 5, Staff does not find the Special Use Permit meets Standard #4.

Attachments:

- (1) Aerial Map
- (2) Zoning Map
- (3) Traffic Assessment Letter
- (4) Application/Concept Plan
- (5) Special Use Permit Conditions
- (6) Legal Analysis







RAMEY KEMP & ASSOCIATES, INC. 5808 Faringdon Place, Suite 100 Raleigh, NC 27609 Phone: 919-872-5115 www.rameykemp.com

July 25, 2019

Mr. Meade Bradshaw Assistant Planning Director Town of Zebulon 1003 N. Arendell Avenue Zebulon, NC 27597 Phone: (919) 269-7455 Email: mbradshaw@townofzebulon.org

Subject: Traffic Study Weaver's Ridge – Zebulon, North Carolina

Dear Mr. Bradshaw:

This letter provides the findings of the traffic study prepared by Ramey Kemp & Associates, Inc. (RKA) for the proposed Weaver's Ridge development located east of Zebulon Road (NC 96) across from Glory Road in Zebulon, North Carolina. The purpose of the study is to determine how traffic generated by the proposed development is expected to impact surrounding roadways and intersections.

The proposed residential development is assumed to consist of 124 townhomes and 58 single-family homes. Refer to Figure 1 for the site location map. Site access will be provided via one (1) full movement site driveway along Zebulon Road (NC 96) across from Glory Road and a connection to the Weaver's Pond Development via Golden Plum Lane.

Refer to Figure 2 for the preliminary site plan of the proposed development and Figure 3 for an illustration of the existing lane configurations within the study area.

The study analyzes traffic conditions for the study intersections during the weekday AM and PM peak hours for the following scenarios:

- Existing (2019) Traffic Conditions
- Background (2024 +1) Traffic Conditions
- Combined (2024 +1) Traffic Conditions
- Combined (2024 +1) Traffic Conditions with Improvements

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Existing (2019) Peak Hour Conditions

Through coordination with the Town of Zebulon (Town) and the North Carolina Department of Transportation (NCDOT), existing peak hour traffic volumes were determined based on previous and current traffic studies conducted within the study area. The counts from the Weaver's Pond Development were conducted by Ramey Kemp & Associates, Inc. in August of 2017 and projected to the year 2019 for the existing (2019) volumes for the following intersections:

- Zebulon Road (NC 96) and Pippin Road
- Pippin Road and Pearces Road

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Existing peak hour traffic volumes were determined based on traffic counts conducted at the study intersections listed below, in April of 2019 by Ramey Kemp & Associates, Inc. during a typical weekday AM (7:00 AM - 9:00 AM) and PM (4:00 PM - 6:00 PM) peak periods:

• Zebulon Road (NC 96) and Glory Road

The volumes conducted in 2017 were grown to the year 2019 using an annual 3% growth rate and then the volumes were balanced along Zebulon Road (NC 96) to account for any variance associated with the different count dates. Volumes were not balanced along Pippin Road due to the reasonable imbalance in comparison to the land uses between the intersections along Pippin Road. Refer to Figure 4 for existing weekday AM and PM peak hour traffic volumes. A copy of the count data is attached to this report. Through coordination with the Town and the NCDOT, it was determined that an annual growth rate of 3% would be used to generate projected traffic volumes. Refer to Figure 5 for projected (2025) traffic. It should be noted that the balanced existing (2019) traffic is not re-balanced after the growth rate is applied for the projected (2025) traffic volumes, which can result in minor (1 vehicle) imbalances due to rounding.

Adjacent Developments

Through coordination with the Town, the following residential developments were identified to be included as an adjacent development in this study:

- Weaver's Pond
- Taryn Lake & Taryn Creek

Adjacent development trips are shown in Figure 6. Refer to the appendix in the attachments for the adjacent development information.

Background (2025) Peak Hour Conditions

Background traffic is comprised of existing traffic growth within the study area and additional traffic created as a result of adjacent approved developments. The background (2025) traffic volumes were determined by projecting the existing (2019) peak hour traffic to the year 2025 and adding the adjacent development trips. Refer to Figure 7 for background (2025) peak hour traffic.

Future Roadway Improvements

The Weaver's Pond development has committed to improvements at the intersection of Zebulon Road (NC 96) and Pippin Road. The improvements are expected to consist of a northbound right-turn lane with at least 100 feet of storage and appropriate decel and taper, a southbound left-turn lane with at least 150 feet of storage and appropriate decel and taper, and signalization of the intersection.

Trip Generation

The proposed development is assumed to consist of 124 townhomes and 58 single-family homes. Average weekday daily, AM peak hour, and PM peak hour trips for the proposed development were estimated using methodology contained within the ITE *Trip Generation Manual*, 10th Edition. Refer to Table 1 for a detailed breakdown of the proposed site trip generation.



| Land Use (ITE Code) | Intensity | Daily Traffic | AM Peak Hour Trips (vph) | | PM Peak Hour Trips (vph) | |
|--|-----------|------------------|-----------------------------|------|-----------------------------|------|
| (III Couc) | | (vpd) | Enter | Exit | Enter | Exit |
| Single-Family Detached Housing (210) | 58 units | 630 | 11 | 35 | 38 | 22 |
| Multifamily Housing (Low-Rise) (Townhomes) (220) | 124 units | 900 | 14 | 45 | 45 | 27 |
| Total Trips | 1,530 | 25 | 80 | 83 | 49 | |

| Table 1: Trip Generation Summary | : Trip Generation Su | mmary |
|---|----------------------|-------|
|---|----------------------|-------|

It is estimated that the proposed development will generate approximately 1,530 total site trips on the roadway network during a typical 24-hour weekday period. Of the daily traffic volume, it is anticipated that 105 trips (25 entering and 80 exiting) will occur during the weekday AM peak hour and 132 trips (83 entering and 49 exiting) will occur during the weekday PM peak hour.

Site Trip Distribution and Assignment

Trip distribution percentages used in assigning site traffic for this development were estimated based on a combination of existing traffic patterns, population centers adjacent to the study area, and engineering judgment. All trip distributions were approved by the Town and NCDOT during the scoping process. It is estimated that trips will be regionally distributed as follows:

- 20% to/from the north via Pearces Road
- 5% to/from the south via Pearces Road
- 50% to/from the south via Zebulon Road (NC 96)
- 25% to/from the north via Zebulon Road (NC 96)

It should be noted that based on engineering judgement it was determined that 100% of site trips will exit the site using the full movement site driveway located along Zebulon Road (NC 96). The site trip distribution is shown in Figure 8. Refer to Figure 9 for the site trip assignment.

It is not expected that the traffic from the proposed development will utilize the Weaver's Pond access; however, it is expected that a portion of the Weaver's Pond development will utilize the new site drive along Zebulon Road (NC 96). Based on coordination with the NCDOT and Town, Phases 3A and 5 of the Weaver's Pond Master Plan are proposed to be rerouted from the Weaver's Pond access on Pippin Road to the new Zebulon Road (NC 96) site drive aligned with Glory Road. Phases 3A and 5 include 137 homes combined, or approximately 19% of the total homes in the Weaver's Pond development. 19% of the Weaver's Pond site trips were rerouted from Pippin Road to the proposed site drive. Figure 10 illustrates the anticipated rerouted Weaver's Pond development site trips through the proposed Weaver's Ridge site.



Combined (2025) Peak Hour Conditions

To estimate traffic conditions with the site fully built-out, the total site trips were added to the background (2025) traffic volumes to determine the combined (2025) traffic volumes. Refer to Figure 11 for an illustration of the combined (2025) peak hour traffic volumes with the proposed site fully developed.

Capacity Analysis

The existing (2019), background (2025), and combined (2025) weekday AM and PM peak hour traffic volumes were analyzed to determine the current levels of service at the study intersections under existing roadway conditions. The results of the analysis are presented in the following section of this report.



Zebulon Road (NC 96) and Pippin Road

The existing intersection of Zebulon Road (NC 96) and Pippin Road was analyzed under existing (2019), background (2025), and combined (2025) traffic conditions with the lane configurations and traffic control shown in Table 2. It should be noted that this intersection was analyzed as a signalized intersection for the background (2025) and combined (2025) scenarios. Refer to Table 2 for a summary of the analysis results. The Synchro capacity analysis reports are included in the attached appendix.

| A P P P ANALYSIS R LANE | | WEEKDAY AM PEAK HOUR LEVEL OF SERVICE | | WEEKDAY PM PEAK HOUR LEVEL OF SERVICE | | |
|--|------------------|---|--------------------------------------|---|--------------------------------------|----------------------|
| SCENARIO | O A C H | CONFIGURATIONS | Approach | Overall (seconds) | Approach | Overall (seconds) |
| Existing (2019) Conditions | WB NB SB | 1 LT-RT 1 TH-RT 1 LT-TH | C ² A ¹ | N/A | D ² A ¹ | N/A |
| Background (2025) Conditions - Signalized | WB NB SB | 1 LT-RT 1 TH, <u>1 RT</u> <u>1 LT</u> , 1TH | C C B | C (22) | D C C | C (23) |
| Combined (2025) Conditions - Signalized | WB NB SB | 1 LT-RT 1 TH, <u>1 RT</u> <u>1 LT</u> , 1TH | C C B | C (21) | D C C | C (26) |

Table 2: Analysis Summary of Zebulon Road (NC 96) and Pippin Road

Improvements by Weaver's Pond shown <u>underlined</u>.

1. Level of service for major-street left-turn movement.

2. Level of service for minor-street approach.

_ _ _ _ _ _ _ _ _ _

Capacity analysis of existing (2019) traffic conditions indicates the minor-street approach at Zebulon Road (NC 96) and Pippin Road operates at LOS C during the weekday AM peak hour and LOS D during the weekday PM peak hour. The Weaver's Pond development is committed to constructing a northbound right-turn lane, a southbound left-turn lane and installing a signal at this intersection. These improvements were analyzed under future (2025) traffic conditions. Because signal plans and timings have not yet been finalized, the signal timings were optimized under background (2025) traffic conditions. Under background (2025) and combined (2025) traffic conditions, the intersection is expected to operate at an overall LOS C or better.

It is anticipated that the improvements associated with the Weaver's Pond development will accommodate the proposed site traffic at this intersection.



Pippin Road and Pearces Road

The existing unsignalized intersection of Pippin Road and Pearces Road was analyzed under existing (2019), background (2025), and combined (2025) traffic conditions with the lane configurations and traffic control shown in Table 3. Refer to Table 3 for a summary of the analysis results. The Synchro capacity analysis reports are included in the attached appendix.

| ANALYSIS | | LANE | WEEKDAY AM PEAK HOUR LEVEL OF SERVICE | | WEEKDAY PM PEAK HOUR LEVEL OF SERVICE | |
|---------------------------------|----------------------|--|--|----------------------|--|----------------------|
| SCENARIO | O A C H | CONFIGURATIONS | Approach | Overall (seconds) | Approach | Overall (seconds) |
| Existing (2019) Conditions | EB WB NB SB | 1 LT-TH-RT 1 LT-TH-RT 1 LT-TH-RT 1 LT-TH-RT | $\begin{array}{c} \mathbf{B}^2\\ \mathbf{B}^2\\ \mathbf{A}^1\\ \mathbf{A}^1\end{array}$ | N/A | $\begin{matrix} \mathbf{B}^2\\ \mathbf{B}^2\\ \mathbf{A}^1\\ \mathbf{A}^1\end{matrix}$ | N/A |
| Background (2025) Conditions | EB WB NB SB | 1 LT-TH-RT 1 LT-TH-RT 1 LT-TH-RT 1 LT-TH-RT | $\begin{array}{c} \mathbf{C}^2\\ \mathbf{C}^2\\ \mathbf{A}^1\\ \mathbf{A}^1 \end{array}$ | N/A | $\begin{array}{c} \mathbf{C}^2\\ \mathbf{C}^2\\ \mathbf{A}^1\\ \mathbf{A}^1 \end{array}$ | N/A |
| Combined (2025) Conditions | EB WB NB SB | 1 LT-TH-RT 1 LT-TH-RT 1 LT-TH-RT 1 LT-TH-RT | $\begin{array}{c} \mathbf{C}^2\\ \mathbf{C}^2\\ \mathbf{A}^1\\ \mathbf{A}^1 \end{array}$ | N/A | $\begin{array}{c} \mathbf{C}^2\\ \mathbf{C}^2\\ \mathbf{A}^1\\ \mathbf{A}^1 \end{array}$ | N/A |

 Table 3: Analysis Summary of Pippin Road and Pearces Road

1. Level of service for major-street left-turn movement.

2. Level of service for minor-street approach.

_ _ _ _ _

Capacity analysis of existing (2019), background (2025), and combined (2025) traffic conditions indicates the minor-street approaches and major-street left-turn movements at Pippin Road and Pearces Road are expected to operate at LOS C or better during both the weekday AM and PM peak hours.

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Zebulon Road (NC 96) and Glory Road/Site Drive

The existing unsignalized intersection of Zebulon Road and Glory Road/Site Drive was analyzed under existing (2019), background (2025), and combined (2025) traffic conditions with the lane configurations and traffic control shown in Table 4. Refer to Table 4 for a summary of the analysis results. The Synchro capacity analysis reports are included in the attached appendix.

| Table 4: Analysis Summar | y of Zebulon Road (1 | NC 96) and Glory | Road/Site Drive |
|--------------------------|----------------------|------------------|-----------------|
|--------------------------|----------------------|------------------|-----------------|

| ANALYSIS | A P P P R LANE | | WEEKDAY AM PEAK HOUR LEVEL OF SERVICE | | WEEKDAY PM PEAK HOUR LEVEL OF SERVICE | |
|--|-------------------------------|--|--|----------------------|---|----------------------|
| SCENARIO | O A C H | CONFIGURATIONS | Approach | Overall (seconds) | Approach | Overall (seconds) |
| Existing (2019) Conditions | EB NB SB | 1 LT-RT 1 LT-TH 1 TH-RT | C ² A ¹ | N/A | B ² A ¹ | N/A |
| Background (2025) Conditions | EB NB SB | 1 LT-RT 1 LT-TH 1 TH-RT | C^2 A^1 | N/A | C ² A ¹ | N/A |
| Combined (2025) Conditions | EB WB NB SB | 1 LT- TH -RT 1 LT, 1 TH-RT 1 LT-TH, 1 RT 1 LT -TH-RT | $\begin{array}{c} \mathbf{D}^2\\ \mathbf{F}^2\\ \mathbf{A}^1\\ \mathbf{A}^1 \end{array}$ | N/A | $\begin{array}{c} \mathbf{E}^2\\ \mathbf{F}^2\\ \mathbf{A}^1\\ \mathbf{A}^1\end{array}$ | N/A |
| Combined (2025) Conditions – Signalized to meet UDO | EB WB NB SB | 1 LT- TH -RT 1 LT, 1 TH-RT 1 LT-TH, 1 RT 1 LT , 1 TH-RT | D D B B | B (17) | D D A B | B (11) |

Improvements by Developer shown in **bold**.

1. Level of service for major-street left-turn movement.

2. Level of service for minor-street approach.

_ _ _ _ _ _

Capacity analysis of existing (2019) and background (2025) traffic conditions indicates the minor-street approach and major-street left-turn movement at Pippin Road and Glory Road are expected to operate at LOS C or better during both the weekday AM and PM peak hours. Under combined (2025) traffic conditions, the proposed development is expected to add a 4th leg to the intersection. With the addition of the 4th leg, the eastbound minor-street approach is expected to operate at LOS D during the weekday AM peak hour and LOS E during the weekday PM peak hour, and the new westbound approach is expected to operate at LOS F during both the weekday AM and PM peak hours.

Right and left-turn lanes were analyzed and recommended per the NCDOT *Policy on Street and Driveway Access to North Carolina Highways* (Driveway Manual). A southbound left-turn lane with 50 feet of storage and appropriate decel and taper is recommended, as well as a northbound right-turn lane with 100 feet of storage and appropriate decel and taper.



_ _ _ _ _ _ _ _ _ _ _ _

Per the Town's UDO, if a site access operates at LOS D or worse, additional site access points may need to be considered. It should be noted that the proposed Weaver's Ridge development is expected to have connectivity to the Weaver's Pond development, which has two site access points along Pippin Road. Drivers will likely use an alternative site access if they experience significant delay at the more convenient site access.

In order to meet the Town's UDO, improvements must be identified to improve the intersection to an acceptable level-of-service. Signalization and/or additional capacity along Zebulon Road (NC 96) would be necessary for significant improvement at the intersection. A traffic signal was considered at this intersection, and combined (2025) traffic volumes were analyzed utilizing the criteria contained in the *Manual on Uniform Traffic Control Devices* (MUTCD). A traffic signal was warranted during both weekday peak hours under combined (2025) traffic conditions; however, due to the high volume of residential development, which typically generates trips during two peak hours each day, it is anticipated that a 4- or 8-hour signal warrant would not be met.

A traffic signal was analyzed at the intersection to meet the Town's UDO requirements. With a signal, the intersection is expected to operate at LOS B with all approaches operating at LOS D or better.

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Conclusions

This traffic study was conducted to determine the potential traffic impacts for the proposed Weaver's Ridge residential development located east of Zebulon Road (NC 96) across from Glory Road in Zebulon, North Carolina.

The proposed residential development is assumed to consist of 124 townhomes and 58 single-family homes. The study analyzes traffic conditions during the weekday AM and PM peak hours for the following scenarios:

- Existing (2019) Traffic Conditions
- Background (2025) Traffic Conditions
- Combined (2025) Traffic Conditions
- Combined (2025) Traffic Conditions with Improvements

It is estimated that the proposed development will generate approximately 1,530 total site trips on the roadway network during a typical 24-hour weekday period. Of the daily traffic volume, it is anticipated that 105 trips (25 entering and 80 exiting) will occur during the weekday AM peak hour and 132 trips (83 entering and 49 exiting) will occur during the weekday PM peak hour.

Recommendations

Based on the findings of this study, specific geometric improvements have been identified and are recommended to accommodate future traffic conditions. See a more detailed description of the recommended improvements below. Refer to Figure 12 for an illustration of the recommended lane configuration for the proposed development.

Committed Improvements by Weaver's Pond

Zebulon Road (NC 96) and Pippin Road

- Provide designated northbound right-turn lane with at least 100 feet of storage and appropriate decel and taper.
- Provide designated southbound left-turn lane with at least 150 feet of storage and appropriate decel and taper.
- Install traffic signal at intersection when warranted.

Recommended Improvements by Developer

Zebulon Road (NC 96) and Glory Road / Site Drive 1

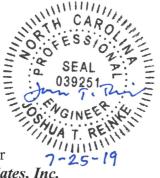
- Provide site access via westbound approach with one ingress lane and two egress lanes striped as one left-turn lane and one shared through/right-turn lane.
- Provide designated northbound right-turn lane with at least 100 feet of storage and appropriate decel and taper.
- Provide designated southbound left-turn lane with at least 50 feet of storage and appropriate decel and taper.

• Monitor intersection for signalization.



If you should have any questions, please feel free to contact me at (919) 872-5115.

Sincerely,

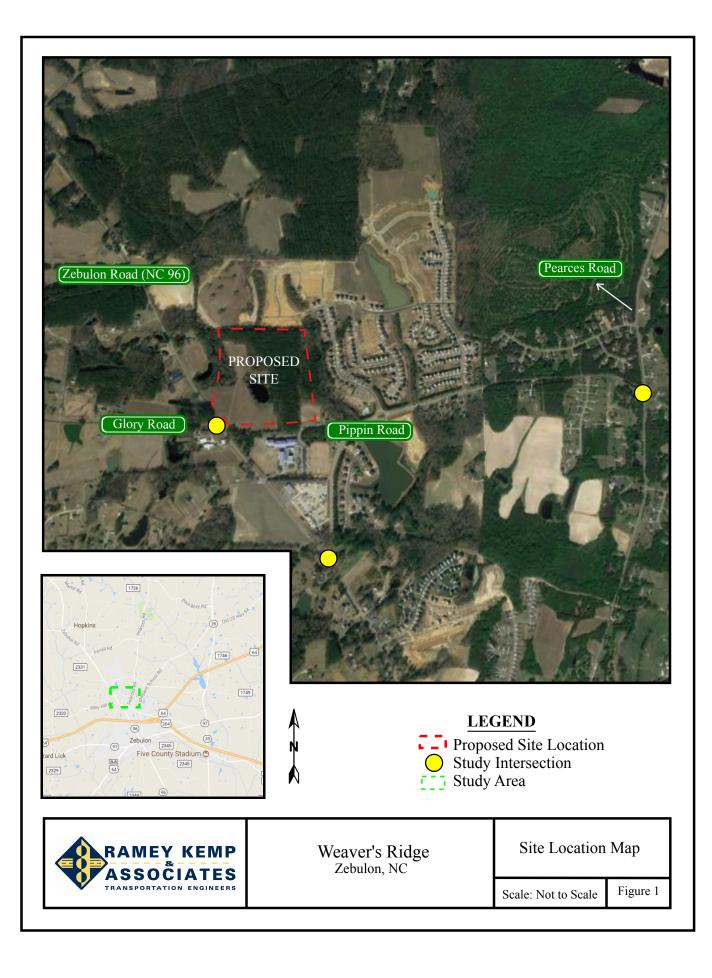


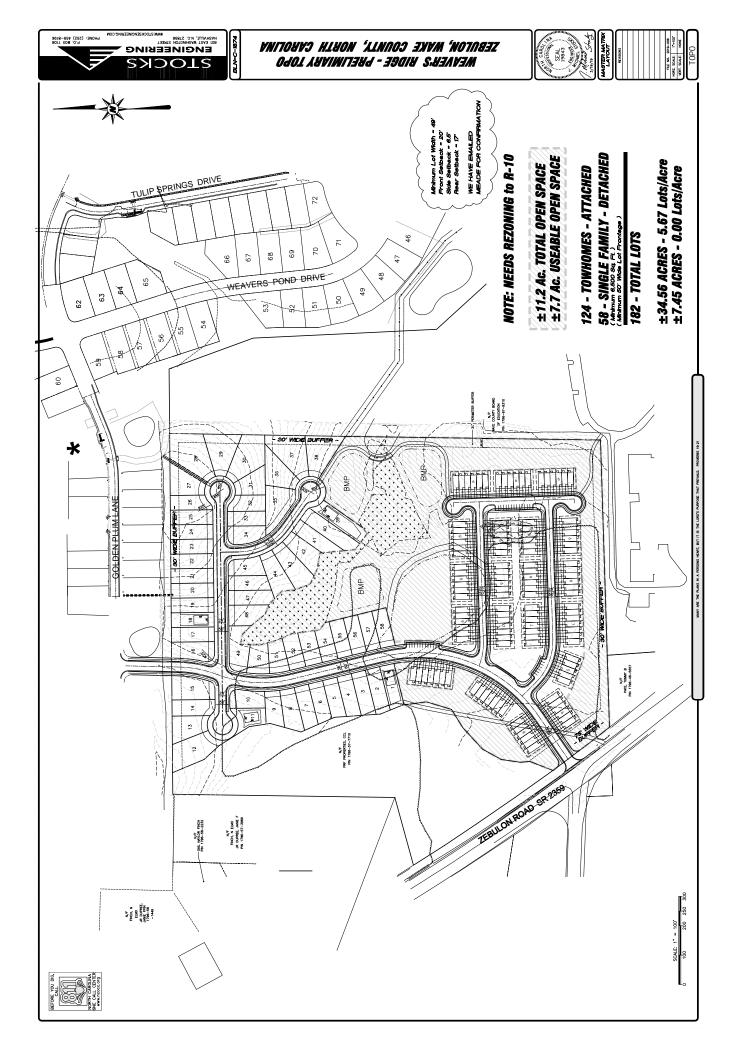
Joshua Reinke, P.E. Transportation Engineer Ramey Kemp & Associates, Inc.

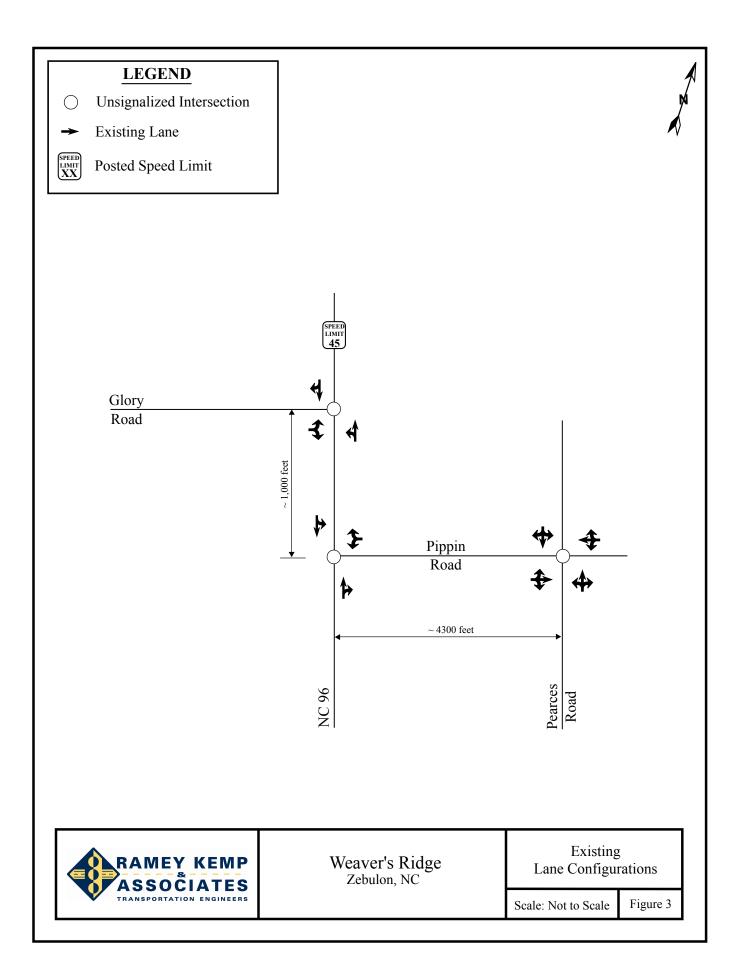
NC Corporate License # C-0910

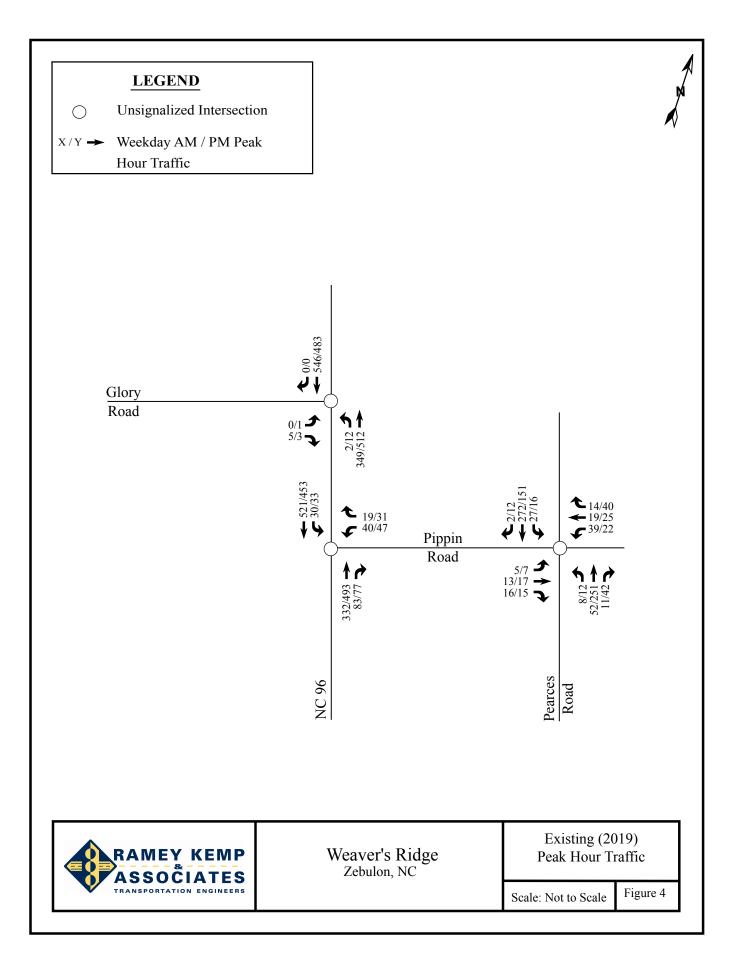
Attachments: Appendix

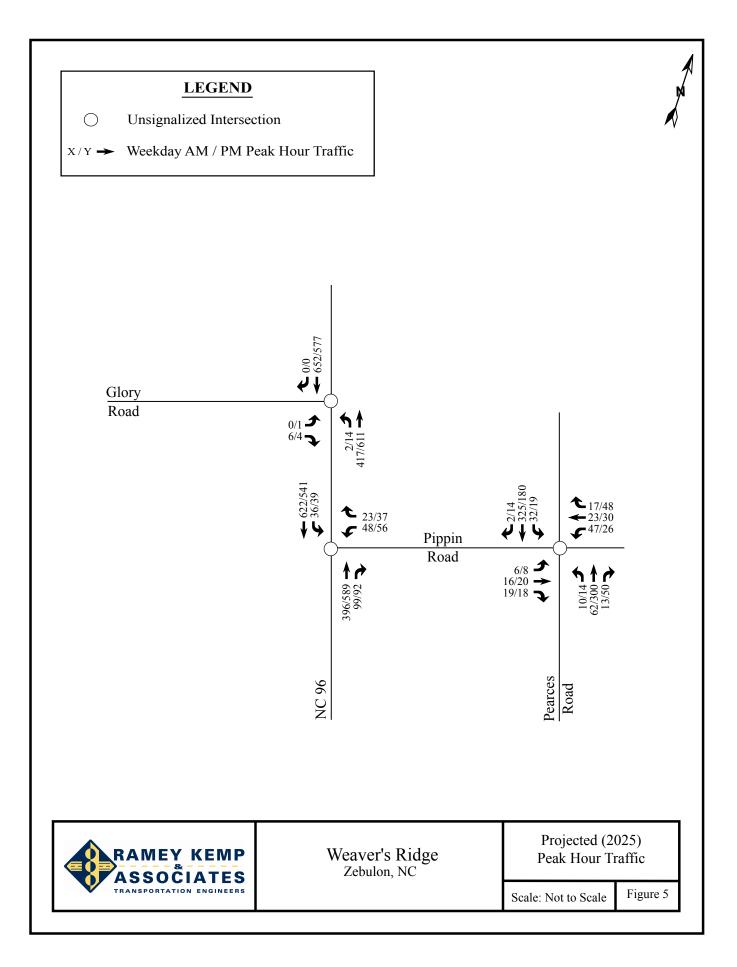


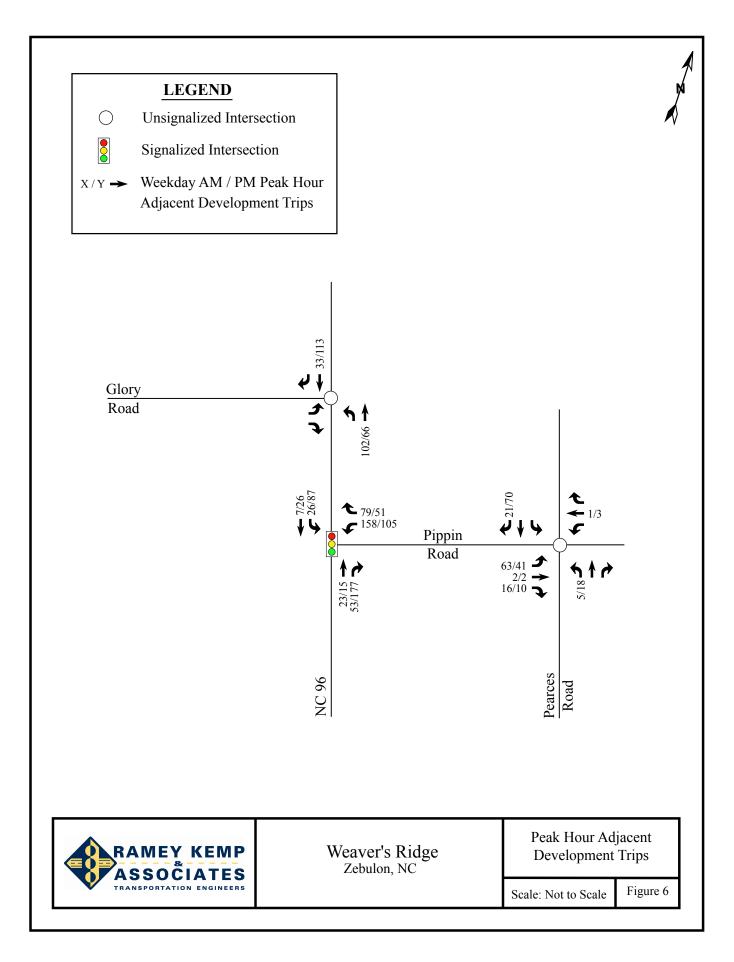


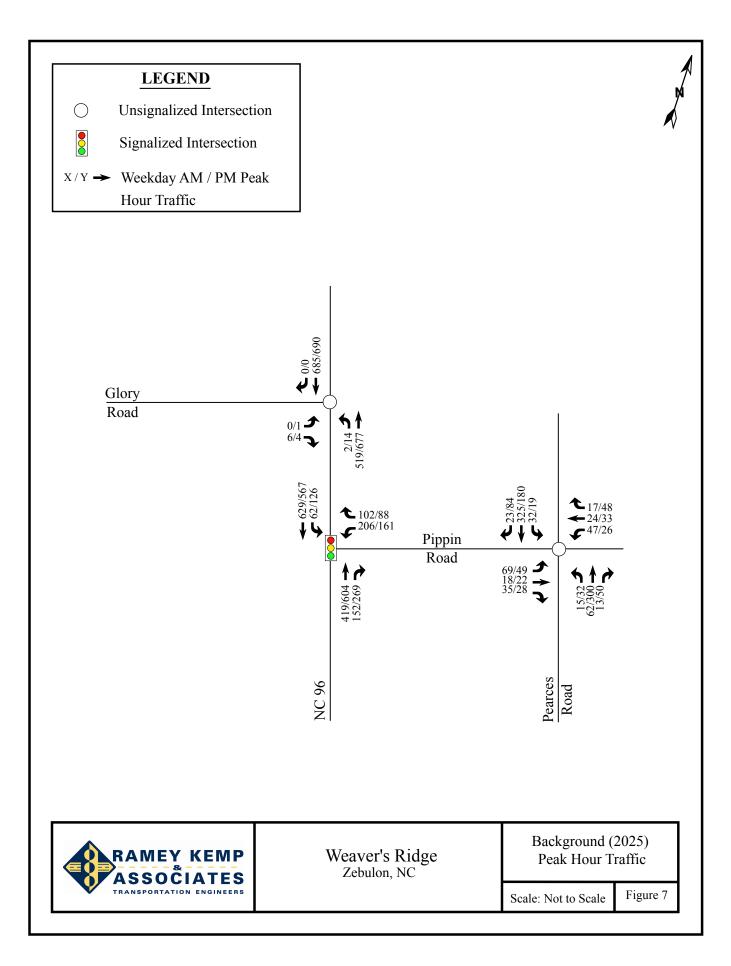


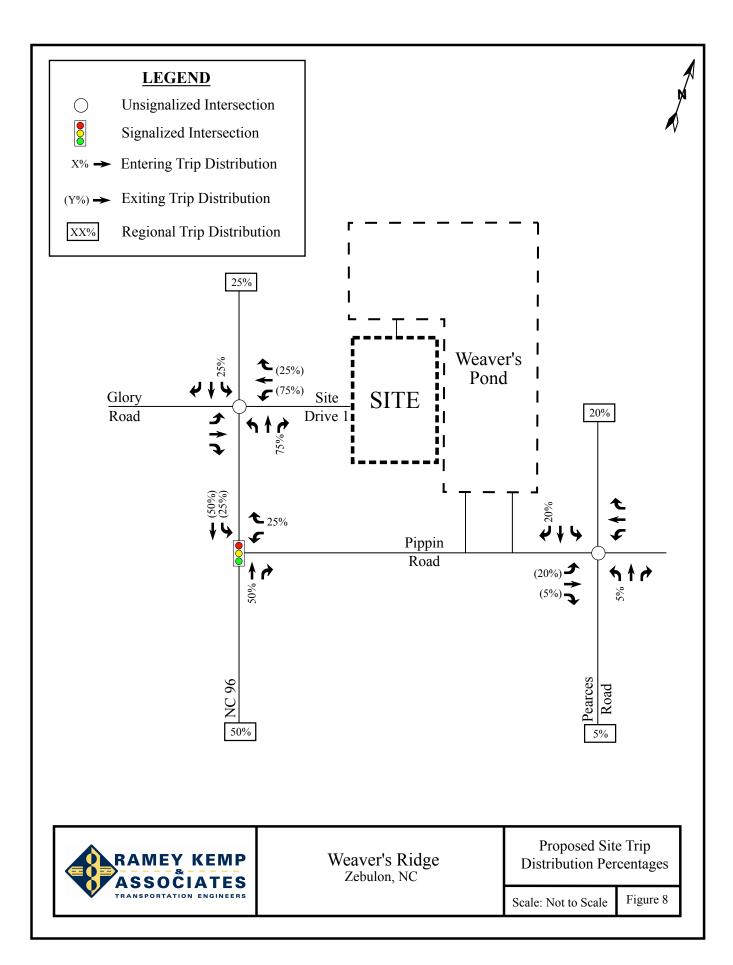


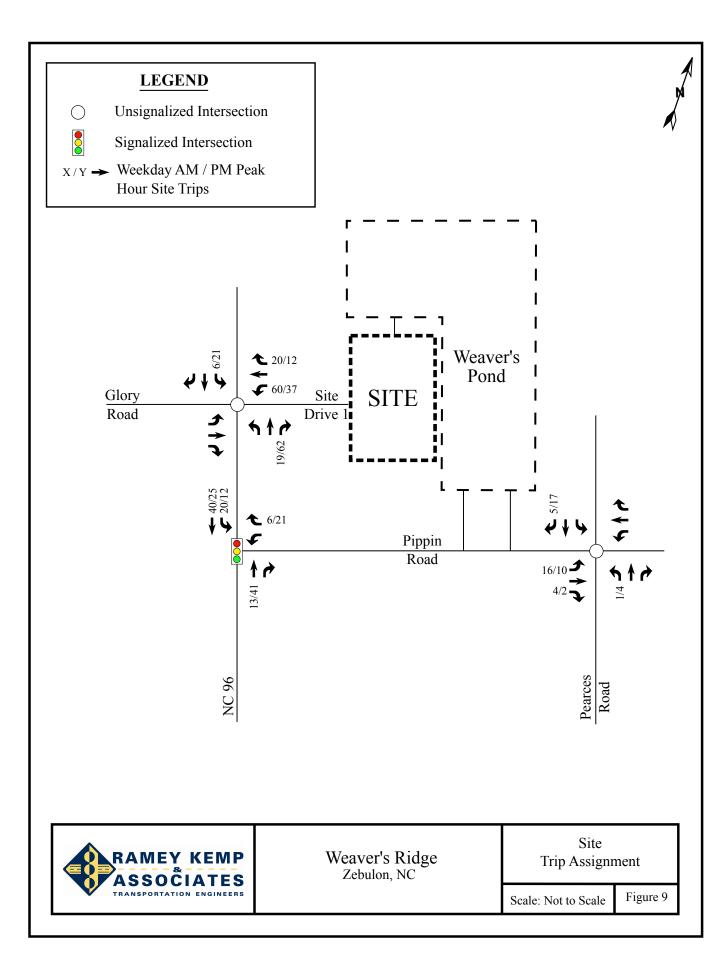


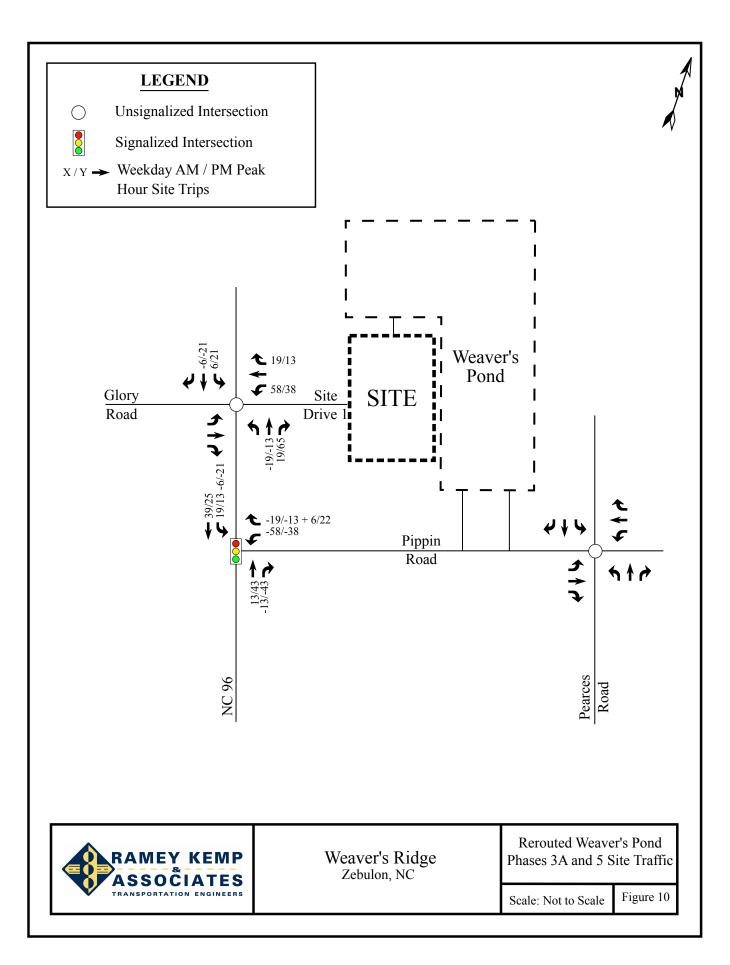


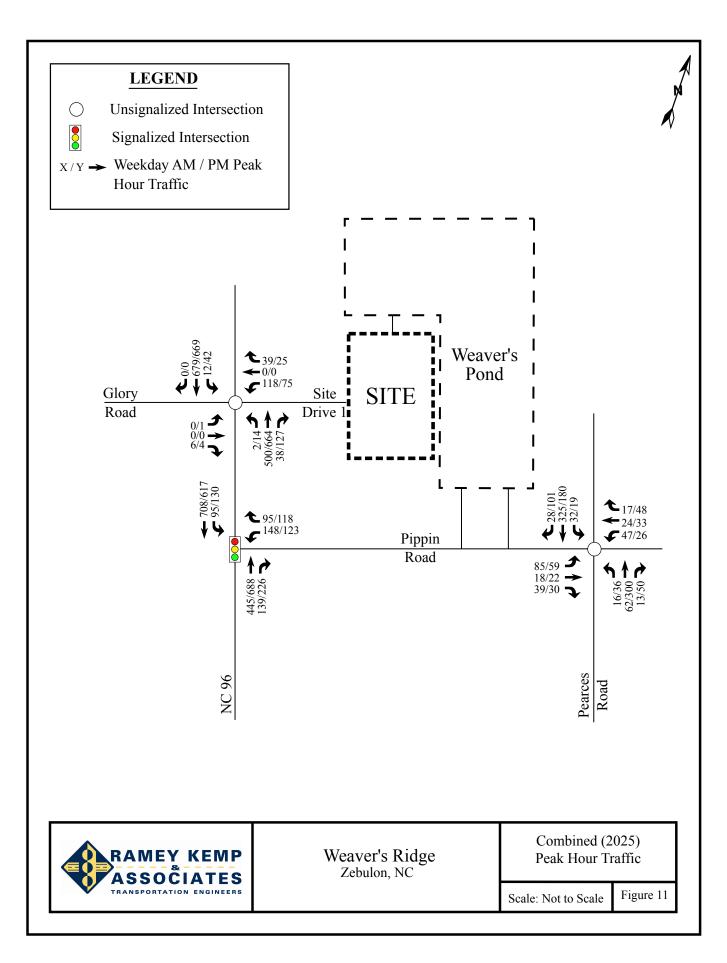


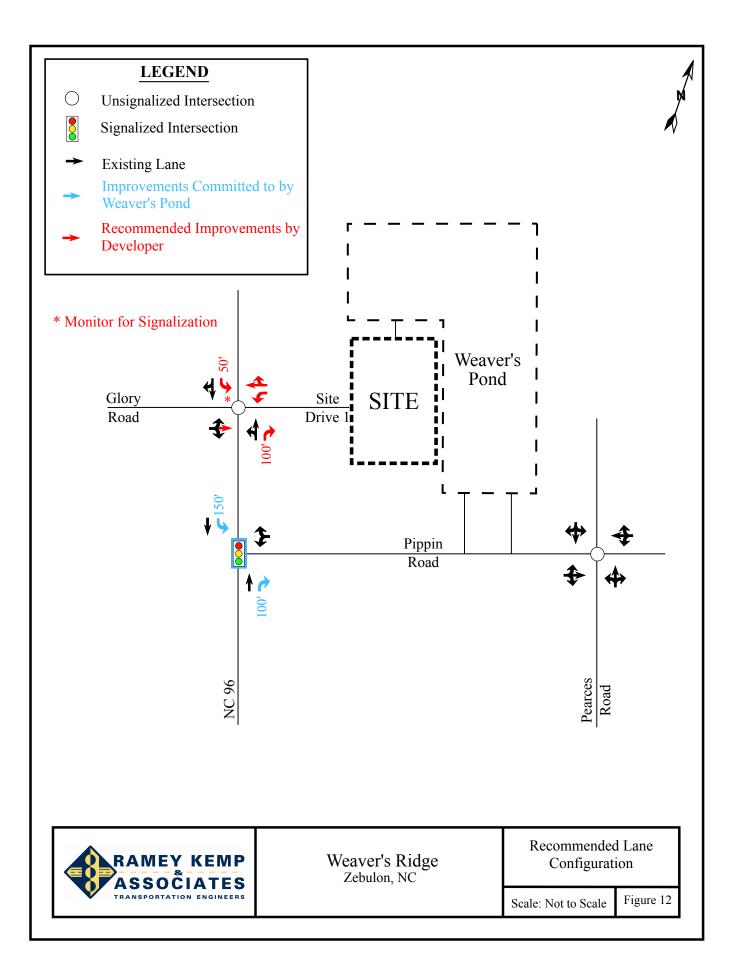














Town of Zebulon Special Use Permit and Zoning Application For



Applicant: PRF Properties, LLC 9407 Bartons Creek Road Raleigh, NC 27615

March 29, 2019

Table of Contents

| Project Development Team | 2 |
|--|----|
| SUP Application Form | 3 |
| Overall Master Plan Summary | 14 |
| Public Utilities | 15 |
| Compliance with Zebulon Future Land Use Plan | 15 |
| Density, Open Space, and Streetscape | 16 |
| Transportation Planning | 16 |
| Proposed Buffers and Setbacks | 17 |
| Conceptual Units Descriptions | 17 |
| Conceptual Unit Elevations | 17 |
| Project Phasing | 23 |
| Conceptual Subdivision Layout | 24 |

Project Development Team:

Civil Engineer - Stocks Engineering, PA

801 East Washington Street Nashville, NC 27856 Contact: Kevin Varnell (252) 459-8196 kvarnell@stocksengineering.com

Surveyor - True Line Surveying

205 West Main Street Clayton, NC 27520 Contact: Curk Lane, PLS (919) 359-0427 curk@truelinesurveying.com

Transportation Engineer - Ramey Kemp and Associates

5808 Faringdon Place Suite100 Raleigh, NC 27609 Contact: Caroline Bajorski, EI (919) 872-5115 <u>cbajorski@rameykemp.com</u>

Environmental Consultant - Soil and Environmental Consultants, PA

8412 Falls of Neuse Road Suite 104 Raleigh, NC 27615 Contact: Steven Ball (919) 846-5900 sball@sandec.com



Town of Zebulon

Planning Department

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

SPECIAL USE PERMIT

GENERAL INFORMATION

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

INSTRUCTIONS

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



| Sourcements | | |
|--|--------------------------------------|---|
| PART 1. APPLICANT/AGENT INFORM | ATION | |
| Name of Applicant/Agent: | | |
| PRF Properties, LLC Street Address of Applicant/Agent: | | |
| 9407 Bartons Creek Road | | |
| City: | State: | Zip Code: |
| Raleigh | NC | 27615 |
| Email of Applicant/Agent: | Telephone Number of Applicant/Agent: | Fax Number of Applicant/Agent: |
| david@futrellproperty.com | 919.604.1928 | 252.459.8197 |
| Are you the owner of the property? Are you the owner's agent? | Note: If you are not the owner of | the property, you <u>must</u> attach an |
| □ Yes 🗵 No 🗵 Yes . □ | No "Owner's Consent Form" giving y | ou permission to submit this application. |
| PART 2. DESCRIPTION OF REQUEST/P | ROPERTY | |
| Street Address of the Property: | Current Zoning Classification: | Acreage: |
| 2340 Zebulon Road | NA | +/- 42.01 |
| Parcel Identification Number (NC PIN): | Deed Book: | Deed Page(s): |
| 1796673644 | 17317 | 578 |
| Existing Use of the Property: | Proposed Use of the Property: | |
| Agriculture | Residential Deve | lopment |
| Describe the nature of the proposed activity and any particular characteristics related | to the use of the property: | |
| Residential subdivision with vari | tous nousing types as | described in the SUP |
| Application. | | |
| | | |
| | | |
| | | |
| | | |
| PART 3. PROPERTY OWNER INFORMA | ATION | |
| Name of Property Owner: | | |
| PRF Properties, LLC | | |
| Street Address of Property Owner: | | |
| 9407 Bartons Creek Road | | |
| City: | State: | Zip Code: |
| Raleigh | NC | 27615 |
| Email of Property Owner: | Telephone Number of Property Owner: | Fax Number of Property Owner: |
| | | |
| I hereby certify that I am, or that I represent, the lega request for a Special Use Permit to the Planning Boar | | |
| | | |
| Signature of Owner: | Print Name: | Date: |
| MM E Futte | Glenn & FU | Trell 4-1-19 |
| | | |
| Application Received By: | FFICE USE ONLY Application Date: | |
| Apprende Received by. | Application Date. | |
| File Name: | Case #: | |
| | | |
| Filing Fees Paid: | Date Fees Received: | |
| | | |
| Date of Public Hearing: | Date of Decision: | |

Denied



REQUIRED FINDINGS OF FACT

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

- What evidence will you present to clearly show that the proposed special use will not materially endanger the public health, safety or welfare? See SUP Application
- 2. What evidence will you present to clearly show that the proposed special use will not substantially injure the value of adjoining or abutting property? See SUP Application
- 3. What evidence will you present to clearly show that the proposed special use will be in harmony with the area in which it is to be located? See SUP Application

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

See SUP Application

5. What evidence will you present to clearly show that the proposed special use will not cause undue traffic congestion or create a traffic hazard? See <u>SUP Application</u>



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

See SUP Application

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

- 8. What evidence will you present to clearly show that the proposed special use will not impede the orderly development and improvement of the surrounding properties? See SUP Application
- 9. What evidence will you present to clearly show that the proposed special use is reasonably necessary for the public health or general welfare? Does the proposed special use enhance the successful operation of the surrounding area in its basic community function or by provide an essential service to the community?

See SUP Application

APPLICANT AFFIDAVIT

I/We, the undersigned, do hereby make application and petition to the Board of Commissioners of the Town of Zebulon to approve the subject Special Use Permit. I hereby certify that I have full legal right to request such action and that the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand this application, related material and all attachments become official records of the Planning Department of the Town of Zebulon, North Carolina, and will not be returned.

Signature of Applicant

Glenn Futrell

<u>4-1-19</u> Date



SITE PLAN REQUIREMENTS

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

| | ITEM | CHEC | K IF SUBMITTED |
|-----|--|--------|----------------|
| 1. | Plot plan showing all existing and planned structures, building setback lines, perimeter boundaries, and easements. (Concept | Onlv) | Х |
| 2. | Elevation drawings of all buildings indicating the proposed exterior finish materials. (Concept Only) | 0111 / | X |
| 3. | Landscaping plan, lighting, fencing, screening, and walls, indicating all heights and locations. (Described In Report | Only) | X |
| 4. | Location of all ingress and egress. | | X |
| 5. | Off-street parking and loading facilities, with calculations | | |
| | showing how the quantities were obtained. | | |
| 6. | All pedestrian walks and open areas for use by residents, | | |
| | tenants, or the public. | | |
| 7. | Proposed land uses indicating areas in square feet. | | X |
| 8. | The location and types of all signs, including lighting and | | |
| | heights, with elevation drawings. | | |
| 9. | Existing and/or proposed street names. | | |
| 10. | Proposed potable or reuse water, wastewater connections, and | | |
| | storm sewer line; proposed grading and drainage patterns; | | |
| 1.1 | proposed water and sewer allocations. | | |
| 11. | Such additional items and conditions, including design | | V |
| | standards as the Planning Board and Board of Commissioners | | X |
| | deems necessary. (Described In Report Only) | | |
| 12. | Trip generation data. | | X |
| | | | |

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

- Setbacks for buildings or structures j. a. Public street access k. b. Drainage 1. c. Vehicular traffic, circulation, parking lots or d. m.
- spaces
- Hours of operation e.
- Activities and uses permitted f.
- Landscaping g.
- Pedestrian circulation h.
- Signs i.

- Mitigation of noise, fumes, odors, vibrations, or airborne particles
- Exterior lighting
- Exterior construction materials
- Screening or buffer zones
- Outside storage and display of merchandise n.
- Refuse and waste storage 0.
- Lot sizes and dimensions p.
- Accessory buildings q.
- Other conditions or restrictions as shown on the r. site plan



OWNER'S CONSENT FORM

Name of Project: Weavers Ridge

Submittal Date:

OWNER'S AUTHORIZATION

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

I hereby certify I have full knowledge the property I have an ownership interest in is the subject of this application. I acknowledge and agree that, pursuant to §152.046 of the Zebulon Code of Ordinances, so long as the land or structures (or any portion thereof) covered under an approved Special Use Permit continues to be used for the purposes for which the Permit was granted, then no person (including successors or assigns of the person who obtained the Permit) may make use of the land or structures for the purposes authorized in the Permit except in accordance with all the terms and requirements of the Permit. I understand that any false, inaccurate or incomplete information provided by me or my agent will result in the denial, revocation or administrative withdrawal of this application, request, approval or permits. I acknowledge that additional information may be required to process this application. I further consent to the Town of Zebulon to publish, copy or reproduce any copyrighted document submitted as a part of this application for any third party. I further agree to all terms and conditions, which may be imposed as part of the approval of this application.

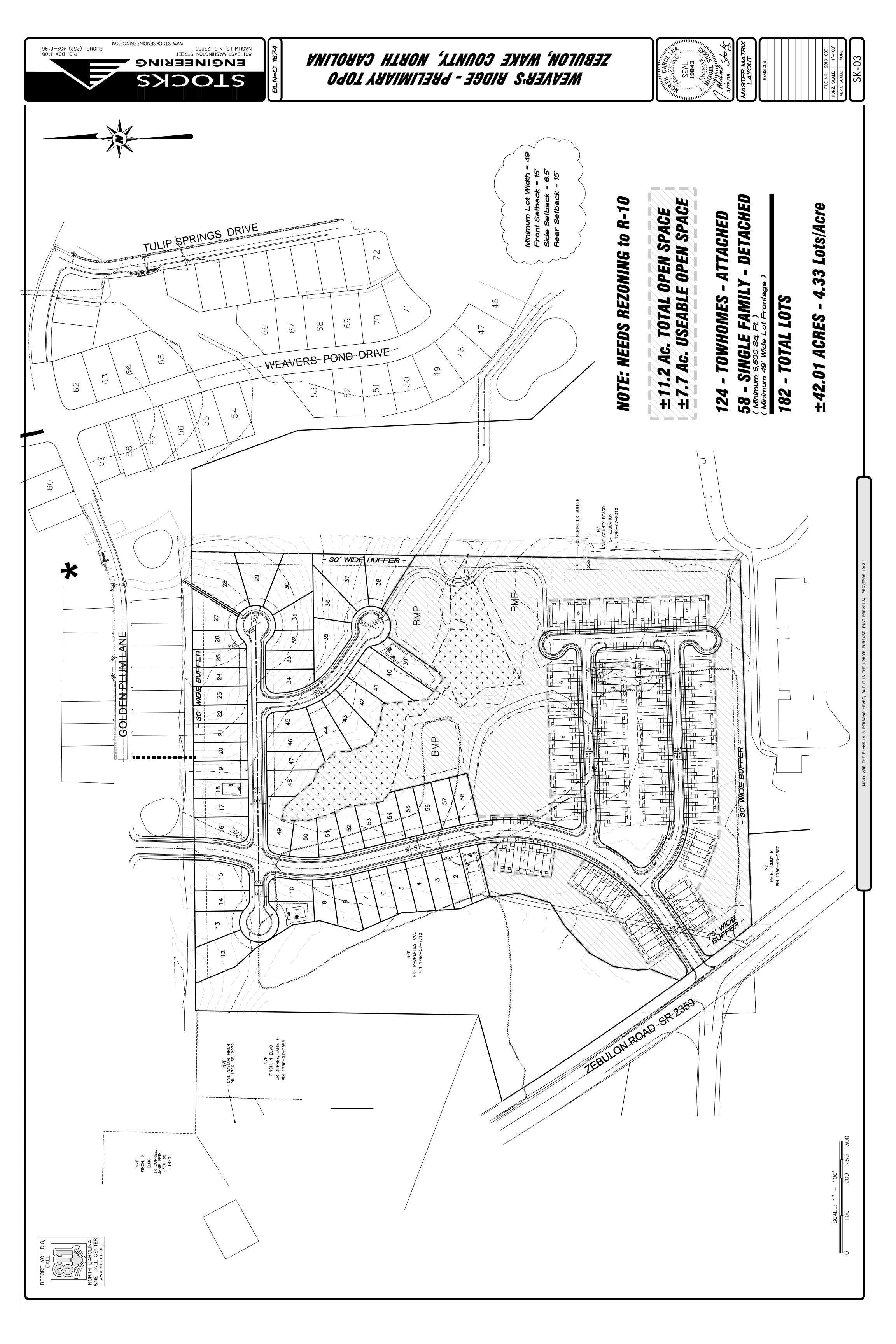
<u>E FUTrell</u> <u>4-1-19</u> Date Signature of Owner Print Name

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.

n & Futrell 4-1-19 Signature of Owner

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





ELEVATION 1

ELEVATION 2



ELEVATION 5

ELEVATION 4

ELEVATION 3



ELEVATION 1



ELEVATION 2





ELEVATION 4

ELEVATION 3



Low Country





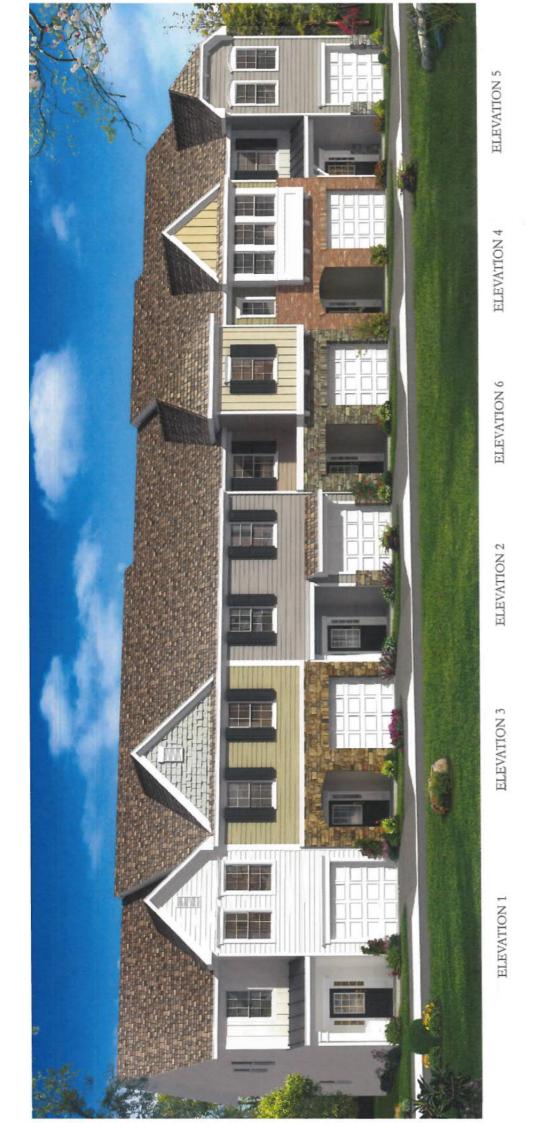
Cottage

Colonial Revival



Arts & Crafts





Weavers Ridge Special Use Permit Conditions

- Homeowners Association: Homeowners Association or management firm shall be in place to enforce and abate all community association restrictive covenants, conditions, and restrictions. This document will be recorded prior to lot recordation of the 1st subdivision phase. The following elements need to be added to the restrictive covenants addressing he following regulations:
 - Restricting on-street parking for a maximum of 24 hours. This matter will be enforced by the Homeowners Association.
 - Maintenance and upkeep of Open Space/Common Areas, drainage easements and stormwater control measures as described in the Town of Zebulon Street and storm Drainage Standards & Specifications Manual. Any landscaping located within the right-of-way shall be considered common area.
 - Enforcing tall grass, trash, debris and rubbish, removal of any junk/nuisance vehicles as defined by the adopted town policies.
- 2. All open space shall be permanently protected from development with a conservation easement and/or restrictive covenant to be recorded upon final plat approval.
- 3. No unauthorized disturbance of environmentally sensitive areas as defined by US Army Corps. of Engineers, NC DENR, Wake County Environmental Services and the Town of Zebulon.
- 4. No portion of any developable lot shall contain wetlands, riparian buffers, floodplain or floodway.
- 5. Development must comply with Appendix D of the 2000 International Fire Code.
- 6. A 75' in width buffer will be installed along Zebulon Road. 1 deciduous tree and 8 shrubs will be planted every 30'.
- 7. Install improvements required on Zebulon Road in accordance with the requirements of the Transportation Impact Analysis.
 - Northbound right turn lane 100' of storage. This will be required to be constructed/shown with the 1st submitted phase for TRC Review.
 - Southbound left turn lane 150' of storage. This will be required to be constructed/shown with the 1st submitted phase for TRC Review.
- 8. A 5' sidewalk will be required along Zebulon Road. If the sidewalk is outside of the NCDOT right-of-way, then the sidewalk installation should be in accordance with the latest version of the Town of Zebulon Street and Storm Drainage Standards and Specifications Manual specifications and a dedicated sidewalk easement will be required.
- 9. No driveway will be located within 100' of Zebulon Road.
- 10. <u>Model Homes:</u> Must meet Wake County ADA standards and provide paved parking areas.
- 11. <u>Mail Kiosk:</u> Installation of mailbox kiosk will be reviewed/approved as part of the Techincal Review Committee process.
 - Constructed prior to 1st certificate of occupancy of any dwelling unit.
 - Off-street parking will be provided for kiosk.
 - Will meet USPS standards. If a kiosk shelter is required by USPS, the shelter will be constructed using materials consistent with the neighborhood.
- 12. All dwellings within the subdivision will be required to have a garage.
- 13. All dwellings will have a minimum driveway length of 18' measure from the right-of-way.
- 14. A 30-foot wide buffer will be provided around the eastern and southern property lines of the subdivision utilizing existing vegetation. Where the existing vegetation cannot be saved, a Type A standard will be planted.
- 15. All buffers will be located in open space/common areas.

- 16. Streetscape: All residential streets shall have a 4' tree lawn between the curb and the sidewalk. If sidewalk is not required along that section of street, then the trees should be planted between 2-5 feet behind the curb. The tree spacing shall be one tree per lot, but located in the tree lawn. Trees should be considered shade tress and deciduous.
- 17. Installation of decorative street signs and streetlights within the subdivision should be in accordance with the latest version of the Town of Zebulon Street and Storm Drainage Standards and Specifications Manual specifications. Signs should be installed prior to lot recordation.
- 18. All curb and gutter installations throughout the subdivision should be in accordance with the latest version of the Town of Zebulon Street and Storm Drainage Standards and Specifications Manual specifications.
- 19. All street installations throughout the subdivision should be in accordance with the latest version of the Town of Zebulon Street and Storm Drainage Standards and Specifications Manual specifications. Collector Streets Street A from Arendell to Golden Plum Drive shall be constructed to Collector streets standards.
- 20. See Existing Weavers Pond SUP Water Pressure Requirement Language 50 Psi @ Meter
- 21. To get required dwelling unit count, the adjacent parcel (PIN # 1796577710; BM2017 PG 01330) must be incorporated into the development and recorded as common area/open space. This parcel may be developed as an amenity area.
- 22. Bonding: Developer is responsible for posting a bond for final roadway, sidewalk or amenities improvements for each phase prior to the issuance of the first building permit. Developer is fully responsible for all necessary roadway repairs of dedicated streets prior to final overlay and striping. Regardless of residential construction progress, the final overlay of dedicated streets shall be over-laid within eighteen (18) months of the original roadway acceptance date for that phase.
- 23. Entrances: All entrances shall be reviewed and approved by the Town of Zebulon and the North Carolina Department of Transportation during the Technical Review Committee Process.
- 24. A street connection will be made to the Golden Plum Lane in Weavers Pond Phase 5 as shown on the concept plan. This will be constructed prior to lot recordation.
- 25. The traffic signal at Pippin Road and NC HWY 96 should be installed prior to 1st Certificate of Occupancy.
- 26. Street Lights: The developer is responsible for coordination with Duke Energy on the lighting plan layout; however, the Town of Zebulon will be approving the lighting plan. The developer is responsible for paying the current Duke Energy fee per pole to the Town of Zebulon prior to installation. All streetlights shall be decorative and must in accordance with the latest version of the Town of Zebulon Street and Storm Drainage Standards and Specifications Manual specifications. All streetlights shall be decorative Mitchell 50 Series LED unless otherwise specified and authorized by the Town of Zebulon Public Works Director. All streetlights shall be a minimum of 125 linear feet with a maximum of 140 linear feet apart with alternate spacing on either side of the street.
- 27. Greenway: A new greenway shall be constructed throughout the development. Connectivity to the existing greenway from the adjacent north to the school to the adjacent south shall be provided. This connection should be a 10' wide asphalt path within a 20' greenway easement. Greenway Amenities: Developer to provide benches, trash receptables, pet waste stations, signage, trail head landscaping to provide screening from residential homes. Once these amenities have been installed, the Town of Zebulon will be responsible for the maintenance of these amenities. Landscaping shall be either 1-tree or 2-shrubs planted 30' on center.
- 28. Amenity Area: Area will be minimum of one acre consisting of playground equipment, athletic field, picnic shelter, benches, parking area, benches, picnic tables, and pet waste stations.

29. Exterior Elevations:

- Masonry component to dwellings
 - i. 100% of the single-family detached (not age targeted).
 - ii. 50% of townhome cluster (ie: if the cluster is 6 attached townhome units, 3 units will have the masonry component.
- All front windows should have shutters or trim. Corner side yard windows should be treated as a front elevation.
- Single-family detached dwellings should not have the same elevation with parcels adjacent to or directly across the street as the subject parcel's elevation.
- Landscaping shall be provided at both front corners of each dwelling either planted at a rate of 2 shrubs spaced horizontally or along the sides of the homes. An understory tree can substitute for the 2-shrub requirement.
- 30. Construct the eastbound approach (Street A) with one ingress lane and two egress lanes.
 - i. Provide stop-control for the eastbound approach.
 - ii. Construct an exclusive northbound right-turn lane with a minimum of 50 feet of storage and appropriate taper and deceleration length.
 - iii. Construct an exclusive southbound left-turn lane with a minimum of 150 feet of storage and appropriate taper and deceleration length.

Outstanding Items

- Sidewalk locations on both sides of all streets
- Single-family detached dwellings should not have the same elevation with parcels adjacent to or directly across the street as the subject parcel's elevation.
- Exterior Elevations:
 - 30% Masonry component to dwellings
 - 100% of the single-family detached (not age targeted).
 - 50% of townhome cluster (ie: if the cluster is 6 attached townhome units, 3 units will have the masonry component.
 - 30% of the single-family detached (age targeted).
 - All elevations must have windows on all exterior sides of dwellings.
- Zebulon Road: Construct a 3-Lane Divided as referenced in the Multimodal Transportation Plan with sidewalks and bikeways along entire property frontage of Arendell for properties Pin# 1796673644 and 179657710.
- <u>Model Homes:</u> Must meet Wake County ADA standards and provide paved parking areas.
- A street connection will be made to the Golden Plum Lane in Weavers Pond Phase 5 as shown on the concept plan. This will be constructed prior to lot recordation.
- Greenway: A new greenway shall be constructed throughout the development. Connectivity to the existing greenway from the adjacent north to the school to the adjacent south shall be provided. This connection should be a 10' wide asphalt path within a 20' greenway easement. Greenway Amenities: Developer to provide benches, trash receptables, pet waste stations, signage, trail head landscaping to provide screening from residential homes. Once these amenities have been installed, the Town of Zebulon will be responsible for the maintenance of these amenities. Landscaping shall be either 1-tree or 2-shrubs planted 30' on center.

Attachment 6

Consideration of Record Evidence Only and Burden of Proof

Case law, as reaffirmed in a recent Court of Appeals case, sets out the burden of proof an applicant must meet for a special use permit:

An applicant for a special use permit must make out a prima facie case, by competent, material, and substantial evidence, meeting all the conditions in the zoning ordinance. Material evidence is "[e]vidence having some logical connection with the consequential facts or the issues." Black's Law Dictionary 578 (7th ed.1999). "Substantial evidence is such relevant evidence as a reasonable mind might accept as adequate to support a conclusion."

It must do more than create the suspicion of the existence of the fact to be established....

An applicant who has made a prima facie case <u>is entitled to a special use</u> permit, unless there is also competent, material, and substantial evidence in the record to support denial.

<u>American Towers, Inc. v. Town of Morrisville</u>, 731 S.E.2d 698, 702 (2012) (citations omitted) (emphasis added)

In sum, the burden of proof in this case is as follows: The applicant must present evidence that the four standards in the Ordinance are met. If the applicant presents sufficient evidence that the four standards are met, the applicant is legally entitled to a permit. If contradictory evidence is presented, the board must make findings and then apply the standards.

Board Consideration and Action

After observing the proper procedures and considering proper evidence, the Board of Commissioners shall, by simple majority, act on a motion to:

- (1) Approve the application; or
- (2) Approve the application, subject to reasonable and appropriate conditions and safeguards; or
- (3) Deny the application; or
- (4) Table the application for further study.

If the Motion is to approve, the Motion should take into consideration each of the four standards, but the Board of Commissioners need not make specific findings of fact on each standard.

If the Motion is to deny, the Motion should include which of the required findings of fact was not supported based upon the evidence and explain why.



STAFF REPORT SUP 2019-09 ZEBULON GREEN August 12, 2019

Topic: SUP 2019-04 Zebulon Green

| 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 the Special Use Permit application received for land located at 451 Pony Road. This is a Quasi-Judicial Hearing request.

Background:

United Developers, Inc. has submitted a request to re-obtain a Special Use Permit for the purpose of constructing, managing, and owning a 72-unit apartment complex known as Zebulon Green located at 451 Pony Road. The applicant received a special use permit for the same request on March 6, 2017 with particular conditions. However, in accordance with Sections 152.045 and 152.063, the Special Use Permit has expired. The original approval was for two parcels, which were combined into a single parcel. The current zoning is Residential Multi-Family SUD [NC PINs: 1795833158 and is owned by Zebulon Green Associates.

Discussion:

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

The findings of fact are as follows:

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

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

The application, supporting documents, and any expert testimony provided by the applicants, staff, or the public, such as the application and findings of fact, proposed concept plan, and proposed conditions that were entered into the public record as



STAFF REPORT SUP 2019-09 ZEBULON GREEN August 12, 2019

exhibits during the Joint Public Hearing should be given careful examination to guide the Board's discussion for the four findings of fact necessary to approve or deny the special use permit.

Policy Analysis:

Comprehensive Plan: Land Use Map

The Comprehensive Plan defines the area as Medium Density Residential (MD) with an overall density of 3 to 4 units per acre, and High Density Residential (HR) with an overall density of 8 to 20 units per acre. MD includes housing types of single family detached, duplexes, townhomes, and multiple-family dwellings. HR includes housing types of apartments, condominiums, and townhomes. The proposed Special Use District conforms to the intent of the Comprehensive Plan.

Comprehensive Plan: Housing & Neighborhood (Chapter 6)

This proposed development is a tax credit project. This proposal is consistent with the following goal:

 Housing & Neighborhood Goal 1 – Achieve a variety of housing types, designs and densities in both older neighborhoods and newly developing areas to meet the needs of all income levels.

Transportation Plan

The Multimodal Transportation Plan shows Pony Road from south of Shannon Drive to Gannon Avenue as 2-lane with 12-foot lanes and 4-foot paved shoulders that could accommodate bicycle lanes. The total width of the pavement is 32 feet. The cross section also features a sidewalk on one side that is separated from the road by a ditch.

Traffic

A Traffic Impact Analysis (TIA) report was not submitted, and is not required as the trips generated during a weekday peak hour will be less than 100 trips. A driveway permit from NCDOT will be required for the site. Any improvements required for the driveway permit will be handled during the technical review site plan approval process.

Greenway, Bicycle, and Pedestrian Master Plan

The Greenway, Bicycle, and Pedestrian Master Plan does not plan for any greenway corridors for the proposed development site. The proposed site plan does show sidewalks along the property frontage of Pony Road, internally throughout the site, and includes a walking trail.

Parks and Recreation Master Plan

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

The proposed recreation amenities include walking trails with a covered seating area, a community building, covered picnic area with grill, a tot lot, a playground, and benches



STAFF REPORT SUP 2019-09 ZEBULON GREEN August 12, 2019

throughout the site. Staff proposes a condition for the number of bicycle racks, waste stations, and pet waste stations that the developer would like to slightly amend. As there will be no pets allowed in the development, the language about the pet waste stations should be removed. Staff agrees with this amendment to the condition.

Ordinance Requirements

Staff has proposed various other conditions relating to site plan approval, foundations, exterior building materials, signage, setbacks, street lighting, landscaping, streetscaping, buffers, preserving rock outcrops, open space preservation, mailbox kiosks, blasting, adherence to all town ordinances and policies, and Manager's Association responsibilities. The developer agrees to these conditions.

Fiscal Analysis:

N/A.

Staff Recommendation:

Staff recommends holding a joint public hearing to determine if all the findings of fact as required in Section §152.038. Staff has reviewed the applicable documentation and recommends that finding number 4 is met subject to the original conditions.

Attachments:

- (1) Special Use Permit Application and Documentation from applicant
- (2) Copy of 2017 Special Use Permit
- (3) Site Pictures
- (4) Vicinity Map
- (5) Zoning Map
- (6) Legal Analysis for Quasi-Judicial Special Use Cases



| PART 1. APPLICANT/AGENT INFORM | ATION | | | With the second second second |
|--|---------------------|------------------------------|-------------------|-------------------------------|
| Name of Applicant/Agent: | | | | |
| JAMES B. SMITH United | Devel | opurs, Inc= | | |
| 1329 Recting and Agent. | 1 1 | | | |
| City: | State | | Zip Code: | |
| FAYETTENLICE | | NC | 2831 | 03-5497 |
| Email of Applicant/Agent: | | e Number of Applicant/Agent: | Fax Number of A | oplicant/Agent: |
| JSMITTO DUGGINSSM TH, COM | 910 | -485-6600 | | |
| Are you the owner of the property? Are you the owner's agent? | | f you are not the owner of | | |
| BYes No Yes I | No "Owner | 's Consent Form" giving y | ou permission to | submit this a pplication. |
| PART 2. DESCRIPTION OF RE QUEST/P | ROPERT | Y | | |
| Street Address of the Property: | | oning Classification: | Acreage: | |
| 351 PONY RD, | Rr | nF-Sup | 11, | 12 |
| Parcel Identification Number (NC PIN): | Decd Bool | k: | Deed Page(s): | |
| 1795-83-3158 | 010 | 001 | 0185 | 2 |
| Existing Use of the Property: | Proposed | 281 Use of the Property: | 0107 | 6 |
| VACANT | | | MULT | FAMILY |
| Describe the nature of the proposed activity and any particular characteristics related to | o the use of the pr | Operty: | 1.101211- | F Princi |
| 72 UNITS COMPRISTOD OF 1, 2 AND | 3 BODZI | DOMUNITS WI | TH A GOI | nmunity |
| BUILDING FOR RESIDENT USE. | | | | |
| | | | | |
| | _ | | | |
| | | | | |
| | | | | |
| DADT & DRODEDTWONNED INFORMA | TION | | | |
| PART 3. PROPERTY OWNER INFORMA Name of Property Owner: | TION | | | |
| | | | | |
| ZEBYLON GREGEN ASSOCIATES Street Address of Property Owner: | LIMITIC | 5 MARTNICK SI | hP | |
| | | | | |
| 2939 BREEZEWOOD AVE, SUITE ZU | State: | | Zip Code: | |
| FAYEMENILLE | NC | | 28303. | -5497 |
| Email of Property Owner: | | er of Property Owner: | Fax Number of Pro | |
| JSMITH @ DUGGINSSMITH. COM | | | | |
| | | | | 1 1 1 1 1 1 1 |
| I hereby certify that I am, or that I represent, the legal request for a Special Use Permit to the Planning Board | | | | |
| Signature of Owner: | Print Na | me: | | Date: |
| | | | | C 1= 10 |
| April A. thing | -lame | c. C. Sm. th | - | 6-10-19 |
| FOR OF | FICE US | EONLY | | |
| Application Received By: | | Application Date: | | |
| Michael Clark | | June 10, 2019 | 9 | |
| File Name: | | Case #: SUP 2019:09 | | |
| Zebulon Green | | 557 201305 | | |
| Filing Fees Paid: | | Date Fees Received: | | |
| N/A | | N/A | | |
| Date of Public Hearing: | | Date of Decision: | | Approved |
| August 10, 2019 | | | | D Denied |



REQUIRED FINDINGS OF FACT

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

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

AU INFLASTENCTURE PROPOSIS WILL BE UP-TO-DATE AND REQUATELY DESKINGS AND CONSTRUCTORS TO MOUT DE EXCLUS REGULATORY CHILDELINES.

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

DUE TO THE SIMILARITY OF THE PRONECT TO ITS SURPOUNDINGS AND THE MODIAN MATURE OF CONSTRUCTION, IT IS REASONABLE TO BELIEVE THAT IT WILL ADD VALUE TO THE COMMUNITY.

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

THE PROPOSED USE 15 SIMILAR IN NATURE TO SENTERAL OF THE SURROUNSING PROPERTIES, THIS WOULD INCLUSE WAKE COUNTY HOUSING ANTHORITY, SILVER SERING APAPTMENTS, ZEBULON NOUSE, AND CANTERBURY APAPENTWITS.

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

AU PROPOSED WORK WILL BE SUBMITTED TO THE APPROPRIATE AGENCIES FOR REVIEW AND APPROVAL, ENSURING CONFORMITY WITH THE INTENT OF LOCAL ORDINGNICES.

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



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

THE PLAN PADNING SHOWS ITS PROXIMITY TO PUBLIC UTILITIES AND TRAFFIC FRANSPORTATION INFRASTRUCTURE. WATTER AND SELLICE Allocanous HAVE PREVIOUSLY BEEN GRANGVED.

7. What evidence will you present to clearly show that the proposed special use will not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas? DUE TO THE RESIDENTIAL NATURE OF THE PRONECT, THESE ISSUES

ARE NOT EXPECTIVE TO DE PRESENT.

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

THIS DEVELOPMENT DOES NOT PROPOSE ANY CONDITION THAT WOULD BE CONSIDERED AN IMPRIDIMENT TO ITS SURROUNDINGS.

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

THIS PROVECT WILL BE A BEWEFT AS IT ADDRESSES A PRIMARY NEED FOR THOSE WHO NEVED IT MOST, AFFORDABLE ITOUSING.

APPLICANT AFFIDAVIT

I/We, the undersigned, do hereby make application and petition to the Board of Commissioners of the Town of Zebulon to approve the subject Special Use Permit. I hereby certify that I have full legal right to request such action and that the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand this application, related material and all attachments become official records of the Planning Department of the Town of Zebulon, North Carolina, and will not be returned.

Signature of Applicant

James B. Smith 6-10-19 Print Name Date



APPLICATION FOR Special Use Permit

SITE PLAN REQUIREMENTS

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

| | ITEM | CHECK IF SUBMITTED |
|-----|--|--------------------|
| 1. | Plot plan showing all existing and planned structures, building setback lines, perimeter boundaries, and easements. | |
| 2. | Elevation drawings of all buildings indicating the proposed exterior finish materials. | CT HE R |
| 3. | Landscaping plan, lighting, fencing, screening, and walls, indicating all heights and locations. | LIGHTING BY OTHERS |
| 4. | Location of all ingress and egress. | |
| 5. | Off-street parking and loading facilities, with calculations showing how the quantities were obtained. | |
| 6. | All pedestrian walks and open areas for use by residents, tenants, or the public. | |
| 7. | Proposed land uses indicating areas in square feet. | 4 |
| 8. | The location and types of all signs, including lighting and heights, with elevation drawings. | LIGHT WARY OTHERS |
| 9. | Existing and/or proposed street names. | NO FROPESS |
| 10. | Proposed potable or reuse water, wastewater connections, and storm sewer line; proposed grading and drainage patterns; proposed water and sewer allocations. | |
| 11. | | 1 - Enc. |
| 12. | Trip generation data. | NA |

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

- a. Setbacks for buildings or structures
- b. Public street access
- c. Drainage
- d. Vehicular traffic, circulation, parking lots or spaces
- e. Hours of operation
- f. Activities and uses permitted
- g. Landscaping
- h. Pedestrian circulation
- i. Signs

- j. Mitigation of noise, fumes, odors, vibrations, or airborne particles
- k. Exterior lighting
- 1. Exterior construction materials
- m. Screening or buffer zones
- n. Outside storage and display of merchandise
- o. Refuse and waste storage
- p. Lot sizes and dimensions
- q. Accessory buildings
- r. Other conditions or restrictions as shown on the site plan

Proposed Categorized Conditions

Stipulations Specific to the Development

- <u>Recordation</u>: Special use permit and updated Illustrative Land Plan must be recorded with the Wake County Register of Deeds.
- Proposed Site Plan: Special use permit and an updated Proposed Site Plan addressing the approved special use permit conditions and applicable timelines shall be submitted no later than ninety (90) days following approval.
- 3. <u>Site Plan:</u> Site plan review and approval by the Zebulon Technical Review Committee (ZTRC) shall be required.
- 4. <u>Site Plan (Phasing)</u>: Site plan review by the ZTRC may be submitted by phase or through submittal of an overall development plan. If a phased approach is preferred, phases shall require a separate submittal. The applicant may group phases together and phases may be submitted out of numerical order as shown on the recorded Illustrative Plan.
- <u>Adopted Plans/Policies:</u> All town ordinances, plans, and adopted policies shall be adhered to and enforced by the ZTRC in addition to the special use permit approved conditions.
- <u>Signage (Main Entrance)</u>: One main entrance monument sign will be allowed along Pony Road and shall be made of brick, stone, or masonry material. Signage shall not exceed sixty-four square feet (64 SF) and must be setback at least ten feet (10') from the public right-of-way.

Stipulations Specific to the Management Association

- 7. <u>Management Association</u>: Office hours when staff will be present on-site shall be posted at the Community Building.
- 8. <u>Management Association</u>: A rental payment drop-box shall be designed to be theftdeterrent and well-lit for after-hour drop payments.
- 9. <u>Management Association</u>: Emergency maintenance service contact information shall be on-site at the Community Building.
- 10. <u>Management Association</u>: Management Association, or if applicable a management firm, shall enforce tall grass, trash, debris and rubbish along with the removal of any junked, abandoned, or nuisance automobiles as defined by the adopted town ordinances.
- Management Association: Management Association, or if applicable a management firm, shall be responsible for the maintenance and upkeep of all open space and improvements built therein, landscaped center islands, roadway medians, or roundabouts located throughout the development.
- 12. <u>Management Association</u>: Management Association, or if applicable a management firm, shall be responsible for the maintenance and upkeep of all drainage easements and

Detention/Retention/Water Quality Pond Areas as described in the Town of Zebulon Street and Storm Drainage Standards & Specifications Manual.

Stipulations Relating to Setbacks

13. <u>Setbacks (Residential Buildings)</u>: Setbacks shall be measured from the lot line. Building eaves, at-grade patios, and at-grade stoops shall be allowed in the setback area. Decks, porches or other building extensions shall not be permitted in the setback area. The minimum setbacks from the lot lines shall be as follows:

| Residential Multi- Family Dwelling | Land Use Type |
|---------------------------------------|--------------------------|
| 20' | Minimum Front Setback |
| 10, | Minimum Side Setback |
| 30' | Minimum Rear Setback |

Stipulations Relating to Recreation Amenities

- 14. <u>Recreation Amenities:</u> All recreation amenities shall be detailed on a site plan and recreation master plan to show the location and proposed use of all parks, open spaces, and passive recreation areas. This plan will be reviewed and approved by the Zebulon Technical Review Committee.
- 15. <u>Recreation Amenities:</u> Permits for the construction of the community building, covered seating area, picnic area, tot lot and playground shall be pulled at the same time, included or separately, as permits for the construction of Phase I of the development.
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- 16. <u>Playground and Tot Lot Equipment</u>: Equipment shall be included for toddlers ages 2-5 and children ages 5-12. A minimum of two (2) bike racks holding eight (8) bikes each shall be provided. A minimum of two (2) benches, two (2) trash receptacles and two (2) dog waste stations shall be provided.

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- 17. <u>Sidewalks</u>: Installation of five foot (5') wide sidewalk is required along Pony Road. Sidewalks shall be continuous and not interrupted along the interior roadway development perimeters or as directed by the North Carolina Department of Transportation. The sidewalk shall be reviewed and approved by the Town of Zebulon and the North Carolina Department of Transportation during the appropriate site plan approval process. The sidewalk shall be dedicated to the Town of Zebulon after installation.
- 18. <u>Street Signage:</u> All street signage shall be decorative and must be in accordance with the latest version of the Town of Zebulon Street and Storm Drainage Standards and Specifications Manual specifications. The Management Association shall own and maintain all street signage.
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- <u>Parking</u>: All parking dimensions shall be in accordance with the latest version of the Town of Zebulon ordinances and specifications.
- 24. <u>Parking</u>: There shall be a minimum of 144 parking spaces, including those designated as ADA compliant, with a minimum of 3 parking spaces for the community building and 2 parking spaces for the mail kiosks. The community building and mail kiosks shall have a minimum of 1 ADA compliant parking space each.
- 25. <u>Streets and Parking</u>: The Management Association shall own and maintain all streets and parking as part of this development. All streets shall be labeled as private.

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- 26. <u>Open Space:</u> All lands within areas required to be maintained as open space by the Management Association, or if applicable a management firm, shall be protected by a permanent conservation easement and restrictive covenant, prohibiting further development, and recorded upon recombination plat approval as "Open Space".
- <u>Streetscaping</u>: Pony Road shall have streetscaping along the development side of the street. A minimum of one large shade tree every thirty-five feet (35') with at least five (5) bushes minimum three (3) gallon container and eighteen inches (18") in height must be planted three feet (3') apart.
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- 35. <u>Water and Sewer Allocation</u>: Water and sewer allocation shall be authorized during the special use process. The industry standard is 250 GPD per two-bedroom unit and an additional 120 GPD per additional bedroom. 48 units are two bedrooms or less. 24 units will have three bedrooms. The community building will house the business office and laundry facilities. Industry standards for the business office is 25 GPD per employee and 500 GPD per laundry machine. The allocation request shall be 26,000 GPD, Unused allocation shall be returned to the Town during the site plan approval process.
- 36. <u>Dumpster Sites</u>: Dumpster sites shall be located off parking areas.
- 37. <u>Dumpster Sites</u>: Dumpster sites shall be ADA accessible.
- <u>Dumpster Sites</u>: Shall be screened in accordance with the latest version of Town of Zebulon ordinances and standards.
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42. <u>Mailbox Kiosk</u>: Installation and maintenance of mailbox kiosks shall be accordance to the United States Post Office and ADA compliance standards. Access and parking for the mailbox kiosk site should be in accordance with the latest version of the Town of

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- 45. <u>Blasting</u>: Blasting operations shall be conducted in accordance with the provisions of the NC Fire Prevention Code.



2939 Breezewood Avenue, Suite 201 Fayetteville, NC 28303 Phone: (910) 485-6600 Fax: (910) 483-8674

February 7, 2019

Mr. Meade O. Bradshaw, III, CZO Town of Zebulon 1003 North Arendell Avenue Zebulon, NC 27597

Re: Zebulon Green - Special Use Permit SU 2017-03

Dear Mr. Bradshaw:

North Carolina Housing Finance has awarded us the Zebulon Green development, through the Tax Credit Program. We've also been approved for \$1,000,000 in funding from Wake County for this job as well. We are requesting a six (6) month extension on the attached Special Use Permit while we are working on obtaining the various permits for this job.

We greatly appreciate your assistance in this matter.

Sincerely,

In 3 Ante

James B. Smith, President

Attachment 1-b



Edwin K. Mattern, Jr. (1949-1982) Gene R. Cress (1933-2014) Sam H. McGhee, III (1940-2018) Stewart W. Hubbell (Retired) J. Wayne Craig (Retired)

17 June, 2019

Mr. Marvin Mercer, P. E. Mercer Design Group 325 Aiken Road Asheville, NC 28804

Re: Parking and Trip Generation: Zebulon Green

Dear Mr. Mercer:

Michael S. Agee Steven A. Campbell Randy W. Beckner

Bradley C. Craig

David P. Wilson

Randy L. Dodson Chad M. Thomas Jason A. Carder

Tames B. Voso

Wm. Thomas Austin

Per your request, Mattern & Craig conducted a trip generation study for the residential development project known as "Zebulon Green" in Zebulon, NC. The study was conducted according to the guidelines contained in the Institute of Transportation Engineers (ITE) *Trip* Generation Manual, 10th. This study produced the following results:

| Land Use Code: | Units: | AM Peak | PM Peak | Daily Total |
|--------------------|--------|---------|---------------|-------------|
| 220 (Multi-Family) | 72 | 35 VPH | 44 VPH | 503 VPD |

Additionally, Mattern & Craig consulted the development ordinances of the Town of Zebulon, for guidance concerning the threshold for requiring a Traffic Impact Analysis (TIA). The Town Code of Ordinances states:

"(D) Applicability.

(1) A TIA shall be required for any new development projects utilizing a development plan, site plan, and preliminary plat that can be anticipated to generate at least 100 vehicle trips in either the a.m. or p.m. peak hour (as determined by Institute of Transportation Engineers Standards)."

The North Carolina Department of Transportation's *Policy on Street and Driveway* Access sets the threshold for requiring a TIA at 3,000 daily vehicle trips.

Thank you for the opportunity to assist you with this project. Please let me know if you have any questions or would like further information.

Sincerely,

H.M.Vo

Jeffrey H. Moore, P. E. MATTERN & CRAIG, INC.

JHM/jhm

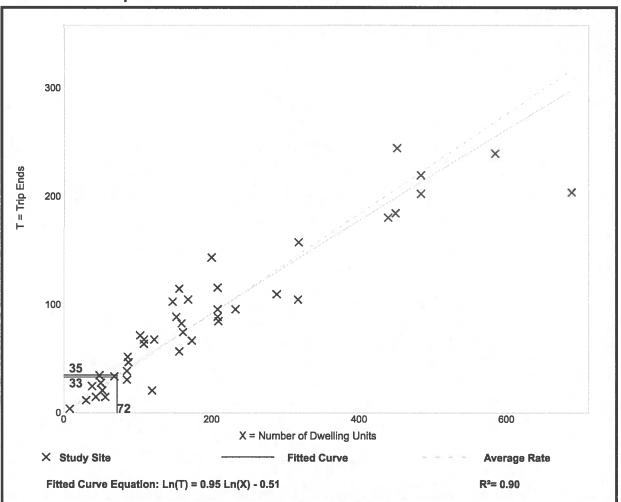
12 Broad Street • Asheville, NC 28801 (828) 254-2201 • Fax (828) 254-4562 www.ma tternand craig.com

| Multifamily Housing (Low-Rise) (220) | | |
|---|---------------------------------------|--|
| Vehicle Trip Ends vs: | Dwelling Units | |
| On a: | Weekday, | |
| | Peak Hour of Adjacent Street Traffic, | |
| | One Hour Between 7 and 9 a.m. | |
| Setting/Location: | General Urban/Suburban | |
| Number of Studies: | 42 | |
| Avg. Num. of Dwelling Units: | 199 | |
| | 23% entering, 77% exiting | |

Vehicle Trip Generation per Dwelling Unit

| Average Rate | Range of Rates | Standard Deviation |
|--------------|----------------|--------------------|
| 0.46 | 0.18 - 0.74 | 0.12 |

Data Plot and Equation



Trip Generation Manual, 10th Edition • Institute of Transportation Engineers

Multifamily Housing (Low-Rise) (220)

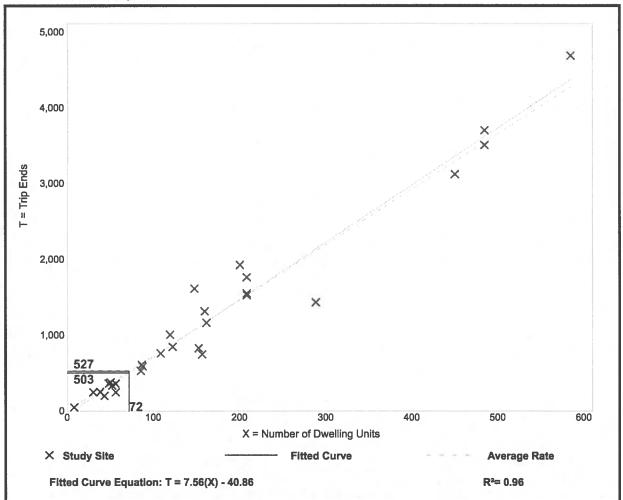
Vehicle Trip Ends vs: Dwelling Units On a: Weekday

| Setting/Location: | General Urban/Suburban |
|------------------------------|---------------------------|
| Number of Studies: | 29 |
| Avg. Num. of Dwelling Units: | 168 |
| Directional Distribution: | 50% entering, 50% exiting |

Vehicle Trip Generation per Dwelling Unit

| Average Rate | Range of Rates | Standard Deviation |
|--------------|----------------|--------------------|
| 7.32 | 4.45 - 10.97 | 1.31 |

Data Plot and Equation



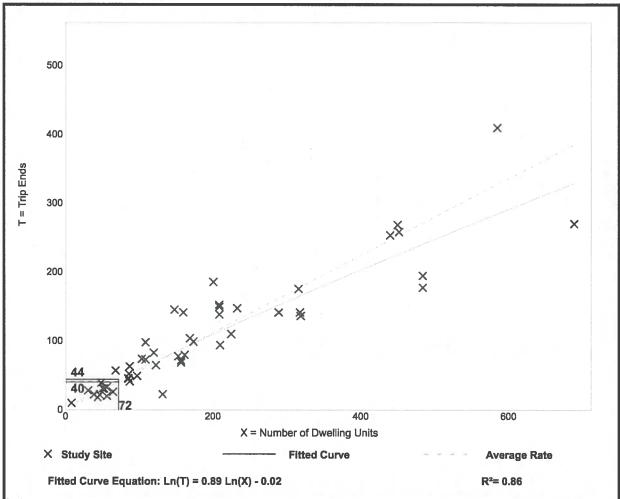
Trip Generation Manual, 10th Edition • Institute of Transportation Engineers

| using (Low-Rise) 20) | |
|---------------------------------------|--|
| Dwelling Units | C. |
| | |
| Peak Hour of Adjacent Street Traffic, | |
| One Hour Between 4 and 6 p.m. | |
| General Urban/Suburban | |
| 50 | |
| 187 | |
| 63% entering, 37% exiting | 10 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 |
| | 20) Dwelling Units Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 4 and 6 p.m. General Urban/Suburban 50 187 |

Vehicle Trip Generation per Dwelling Unit

| Average Rate | Range of Rates | Standard Deviation |
|--------------|----------------|--------------------|
| 0.56 | 0.18 - 1.25 | 0.16 |





Trip Generation Manual, 10th Edition • Institute of Transportation Engineers



Attachment 2



Town of Zebulon The Town of Friendly People

Town of Zebulon Special Use Permit Granted

SU 2017-03 – Zebulon Green

On March 6, 2017, the Board of Commissioners for the Town of Zebulon convened a hearing to consider an application for a Special Use Permit for the purpose of developing a multi-family apartment development known as Zebulon Green located at 351 and 451 Pony Road. The property is approximately 11.27 acres with the North Carolina Parcel Identification Numbers (NC PINs) 1765 83 4373 and 1795 83 2102, Real Estate Identification Numbers (REIDs) 0190619 and 0190620, and current zoning classification of Residential (R-10).

Enclosed you will find a copy of the Permit Granted Letter. Please return your notarized signature page to the Town within ten (10) calendar days of the receipt of this packet. The signature pages will be collated and a complete copy with all signed pages will be returned to you by certified mail for your records.

The act of signing this form does not infringe upon your rights to an appeal of the Board's decision to the Superior Court of Wake County. Your signature serves as notice that you have been informed of the decision made by the Board of Commissioners. Should you have any questions about the special use process, please feel free to contact me at (919) 823-1809 or at jspriggs@townofzebulon.org.

Sincerely,

Julie Spriggs, GISP, CZO Senior Planner

FIRE DEPARTMENT 113 E. Vance Street Zebulon, NC 27597 (919) 269-6487 Facsimile (919) 269-2618 POLICE DEPARTMENT 1001 N. Arendell Avenue Zebulon, NC 27597 (919) 269-7455 Facsimile (919) 269-0312 Town Hall 1003 N. Arendell Avenue Zebulon, NC 27597 (919) 269-7455 Facsimile (919) 269-6200 PUBLIC WORKS DEPARTMENT 450 E. Horton Street Zebulon, NC 27597 (919) 269-5285 Facsimile (919) 269-2617



Town of Zebulon The Town of Friendly People

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| Applicant: | William H. Owen United Developers, Inc. 2939 Breezewood Avenue, Suite 201 Fayetteville, North Carolina 28303 | | |
|--|---|--------------------------------------|------------------------|
| Property Owner: | Blue Ridge Enterprises Post office Box 1228 Mount Airy, North Carolina 27030 | | |
| Property Location: | 351 and 451 Pony Road Zebulon, NC 27597 | | |
| Tax Map: 1795 Tax Map: 1795 | Scale: 16 Scale: 16 | Block: 83 Block: 83 | Lot: 4373 Lot: 2102 |

Approved use of property: Multi-Family Apartment Complex Approved zoning of property: RMF-SUD

Having heard all the evidence and arguments presented at the hearing, the Board of Commissioners finds that the application is complete, that the application complies with all the applicable requirements of the Town of Zebulon Code of Ordinances for the development proposed, and the purpose indicated is hereby approved subject to the conditions attached and subject to all applicable existing provisions of the Zebulon Code of Ordinance, Street and Storm Drainage Specifications Manual, and adopted Plans.

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Conditions of Approval:

Stipulations Specific to the Development

- 1. <u>Recordation</u>: Special use permit and updated Illustrative Land Plan must be recorded with the Wake County Register of Deeds.
- 2. <u>Proposed Site Plan:</u> Special use permit and an updated Proposed Site Plan addressing the approved special use permit conditions and applicable timelines shall be submitted no later than ninety (90) days following approval.
- 3. <u>Site Plan:</u> Site plan review and approval by the Zebulon Technical Review Committee (ZTRC) shall be required.
- 4. <u>Site Plan (Phasing)</u>: Site plan review by the ZTRC may be submitted by phase or through submittal of an overall development plan. If a phased approach is preferred, phases shall require a separate submittal. The applicant may group phases together and phases may be submitted out of numerical order as shown on the recorded Illustrative Plan.
- 5. <u>Adopted Plans/Policies:</u> All town ordinances, plans, and adopted policies shall be adhered to and enforced by the ZTRC in addition to the special use permit approved conditions.
- 6. <u>Signage (Main Entrance)</u>: One main entrance monument sign will be allowed along Pony Road and shall be made of brick, stone, or masonry material. Signage shall not exceed sixty-four square feet (64 SF) and must be setback at least ten feet (10') from the public right-of-way.

Stipulations Specific to the Management Association

- 7. <u>Management Association</u>: There shall be a Management Association. Office hours when staff will be present on-site shall be posted at the Community Building.
- 8. <u>Management Association</u>: A rental payment drop-box shall be designed to be theftdeterrent and well-lit for after-hour drop payments.
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| Land Use Type | Minimum Front | Minimum Side | Minimum Rear |
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| | Setback | Setback | Setback |
| Residential Multi- Family Dwelling | 20' | 10' | 30' |

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- 45. <u>Blasting</u>: Blasting operations shall be conducted in accordance with the provisions of the NC Fire Prevention Code.

Nothing authorized by the permit may be done until the property owner properly executes and returns to the Town of Zebulon the attached acknowledgement of the issuance of this permit so that the Town of Zebulon may have it on file in the Planning Department.

(Signatures on next page)



IN WITNESS WHEREOF, the Town of Zebulon has caused this permit to be issued in its name, and the undersigned, being all of the property owners of the property above described, do hereby accept this Special Use Permit, together with all its conditions, as binding on them and their successors in interest.

Town of Zebulon

 Robert S. Matheny, Mayor
 Attest:
 (Seal)

 Lisa M. Markland, Town Clerk

 By Property owner(s) and applicant(s) of the above-identified property do hereby acknowledge receipt of this Special Use Permit. The undersigned owners do further acknowledge that no work may be done pursuant to this permit except in accordance with all of its conditions and requirements and that this restriction shall be binding on them and their successors in interest.

Applicant Signature

William H. Owen Agent for United Developers, Inc

County,

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document:

Date:

Name(s) of principal(s)

(Official Seal)

Official Signature of Notary

Notary's printed or typed name

My commission expires:



Property owner(s) and applicant(s) of the above-identified property do hereby acknowledge receipt of this Special Use Permit. The undersigned owners do further acknowledge that no work may be done pursuant to this permit except in accordance with all of its conditions and requirements and that this restriction shall be binding on them and their successors in interest.

Owner Signature

Thomas Greenwood Agent for Blue Ridge Enterprises

County,

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document:

Date:

(Official Seal)

Name(s) of principal(s)

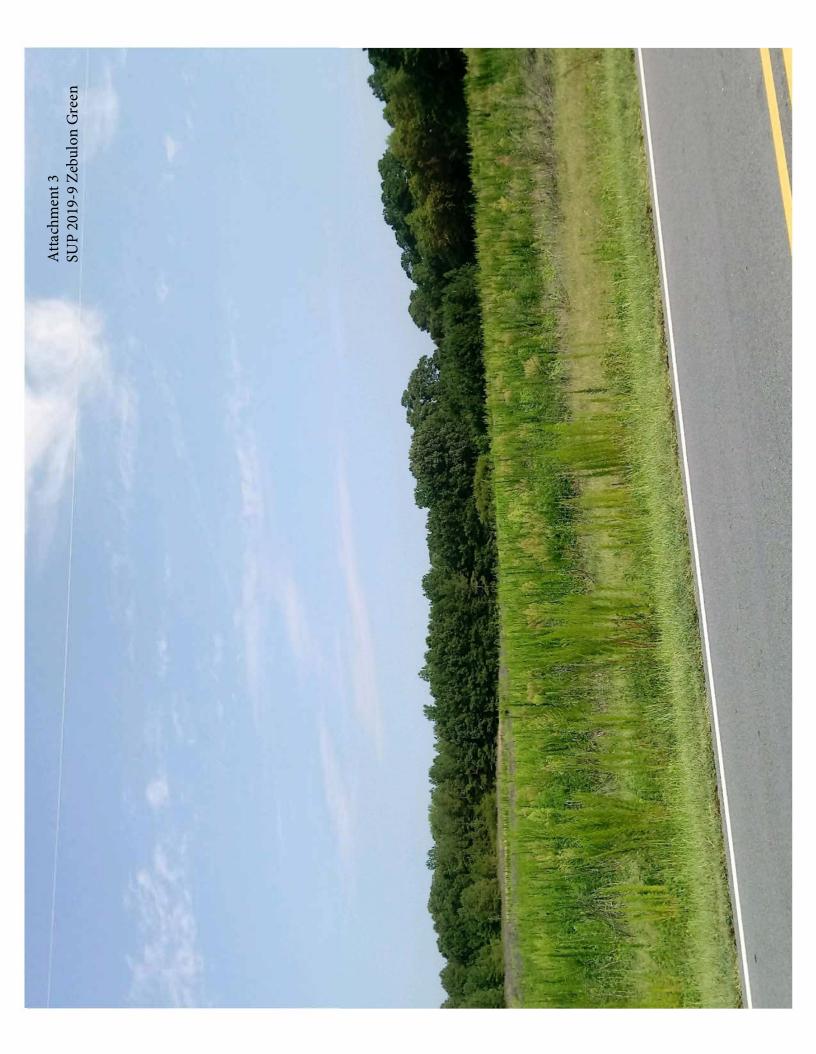
Official Signature of Notary

, Notary Public

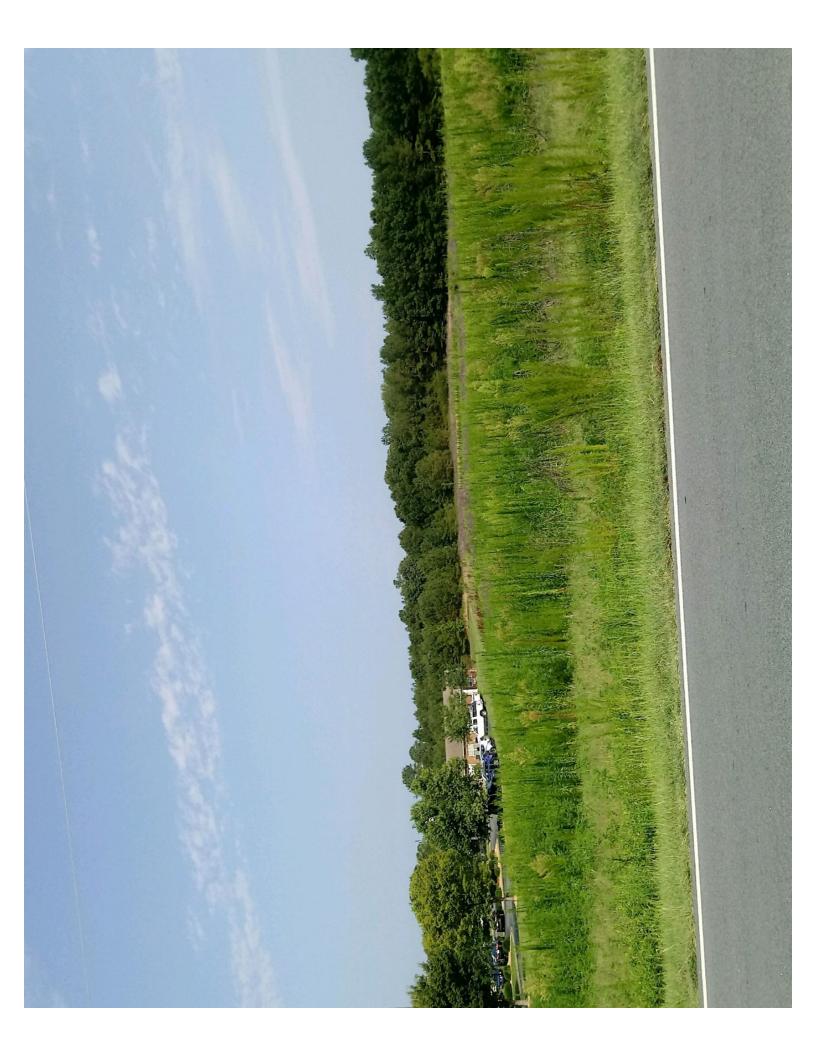
Notary's printed or typed name

My commission expires:









Attachment 4: Vicinity Map for 451 Pony Road:



Attachment 5: Zoning Map for 451 Pony Road:



Attachment 6

Consideration of Record Evidence Only and Burden of Proof

Case law, as reaffirmed in a recent Court of Appeals case, sets out the burden of proof an applicant must meet for a special use permit:

An applicant for a special use permit must make out a prima facie case, by competent, material, and substantial evidence, meeting all the conditions in the zoning ordinance. Material evidence is "[e]vidence having some logical connection with the consequential facts or the issues." Black's Law Dictionary 578 (7th ed.1999). "Substantial evidence is such relevant evidence as a reasonable mind might accept as adequate to support a conclusion."

It must do more than create the suspicion of the existence of the fact to be established....

An applicant who has made a prima facie case <u>is entitled to a special use</u> permit, unless there is also competent, material, and substantial evidence in the record to support denial.

American Towers, Inc. v. Town of Morrisville, 731 S.E.2d 698, 702 (2012) (citations omitted) (emphasis added)

In sum, the burden of proof in this case is as follows: The applicant must present evidence that the four standards in the Ordinance are met. If the applicant presents sufficient evidence that the four standards are met, the applicant is legally entitled to a permit. If contradictory evidence is presented, the board must make findings and then apply the standards.

Board Consideration and Action

After observing the proper procedures and considering proper evidence, the Board of Commissioners shall, by simple majority, act on a motion to:

- (1) Approve the application; or
- (2) Approve the application, subject to reasonable and appropriate conditions and safeguards; or
- (3) Deny the application; or
- (4) Table the application for further study.

If the Motion is to approve, the Motion should take into consideration each of the four standards, but the Board of Commissioners need not make specific findings of fact on each standard.

If the Motion is to deny, the Motion should include which of the required findings of fact was not supported based upon the evidence and explain why.



STAFF REPORT ZA 2019-03 SUP, CZ, PD Process Text Amendment Joint Public Hearing - August 12, 2019

Topic: Special Use Permit, Conditional Zoning, Planned Development Text Amendment (ZA 2019-03)

| 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 Planning Board and Board of Commissioners will consider amendments to revise the existing Special Use Permit regulations and apply regulations to allow for Conditional Zoning and Planned Developments. As a text amendment, this is a Legislative Hearing Request.

Background:

The Town is in the process of drafting a Unified Development Ordinance. Given the pace of current development activity, Staff proposes incorporating the following changes into the existing Zoning Ordinance.

- Create a Conditional Zoning ordinance to all for conditions of approvals and alternative means of compliance.
- Create a Planned Development ordinance to allow flexibility with mixed use districts.
- Remove the requirement for Major Residential Subdivisions to receive Special Use Permit approval, and allow them to proceed with Conditional Zoning approval.
- Remove the requirement for a Planning Board recommendation for Special Use Permit requests.

Policy Analysis:

These proposed amendments are consistant with the <u>Town of Zebulon: Vision 2030</u> <u>Stategic Plan</u>, specifically in that this allows for improved tools to work with business owners to create a **Vibarant Downtown** through investment in redevelopment of vacant and/or underutilized parcels and infill development, **Small Town Life** in that the proposed amendments allow us to work with developers to maintain particular characteristic traits within key locations of the community, and **Growing Smart** in that the proposed amendments allow for better tools to work with the business and development community in a transparent and effective approach that has already been adopted by several other Wake County communities. Finally, the proposed amendments also increase transparency and public involvement by moving the major residential subdivision process from a quasi-judicial process to a legislative process and allow improved methods for the Town to work with the development and business community.

Discussion:

PROPOSED TEXT AMENDMENTS – FINAL 'CLEAN' TEXT

152.038 SPECIAL USE PERMIT A. PURPOSE AND INTENT

This section sets out the procedure for consideration of an application for a special use permit. A special use is a use that may be appropriate in a zoning district, but because of its nature, extent, and external effects, requires special consideration of its location, design, and methods of operation before it can be deemed appropriate in the district and compatible with its surroundings.

B. APPLICABILITY

Applications for uses identified as requiring a special use in Section 152.129, Principal Use Table, shall be reviewed in accordance with the procedures and standards of this section.

C. SPECIAL USE PERMIT PROCEDURE

The Special Use Permit procedure is as follows:

- 1. Preapplication meeting with Planning Department
- 2. File application with Planning Department

3. Planning Department will conduct a review for completeness in accordance with Section 152.034 followed by a comprehensive review for compliance with ordinances and policies

4. A public hearing will be scheduled for a regular Board of Commissioners meeting and the meeting will be noticed in accordance with Section 152.083

- 5. Board of Commissioners will hold the public hearing
- 6. Board of Commissioners will render a decision
- 7. Planning Department will provide an official decision to applicant

D. APPLICATION

The application shall include a transportation impact analysis for review, when required by Section 152.194, Transportation Impact Analysis or as determined necessary by the Planning Director.

E. REVIEW AND DECISION BY BOARD OF COMMISSIONERS

(A) Following the conclusion of a quasi-judicial public hearing, the Board of Commissioners shall review and decide the application in accordance with the Special Use Review Standards as listed in Subsection F. The decision shall be the one of the following:

- 1. Approve the application; or
- 2. Approve the application, subject to reasonable and appropriate conditions and safeguards; or
- 3. Deny the application; or
- 4. Table the application for further study.

(B) If the motion to approve the special use permit application is based on sufficient evidence in support and a lack of evidence in opposition, the Board need not make further findings. If the motion is to deny the special use permit application, then the Board shall state which of the

standards set forth in Subsection F was not supported based upon the evidence submitted. If both those in support and in opposition to the issuance of a special use permit have presented conflicting evidence related to a standard or standards set out in Subsection F, the Board shall make findings of fact as to whether a particular standard has been met.

F. SPECIAL USE PERMIT REVIEW STANDARDS

A special use shall be approved upon a determination that the special use:

1. Will not materially endanger the public health or safety if located where proposed;

2. Complies with all required standards, conditions, and specifications of this Ordinance, including Article 4: Uses;

3. Will not substantially injure the value of the abutting land;

- 4. Will be in harmony with the area in which it is to be located;
- 5. Is in general conformity with the town's adopted policy guidance; and

6. Includes a concept plan that accurately depicts the proposed use's configuration.

G. CONDITIONS OF APPROVAL

1. The Board of Commissioners may apply conditions of approval to assure that the use will be harmonious with the area where proposed and consistent with the purpose and intent of this Ordinance.

2. The Board of Commissioners may apply conditions limiting the permit to a specified duration or may place limits on the availability of proposed residential dwelling units to coincide with the provision or maintenance of adequate public facilities.

3. All conditions shall be identified in the approval, the notice of decision, and on the associated major site plans.

H. EFFECT

1. A special use and the associated concept plan approval are perpetually binding and run with the land, unless amended.

2. Any violation of a special use condition of approval shall be subject to all enforcement mechanisms authorized by the ordinances including but not limited to rendering the special use permit null and void.

3. Special uses shall meet all applicable state and federal requirements for location and operation. Failure to maintain compliance with those requirements may result in the revocation of the special use.

I. AMENDMENT

Amendments of a special use permit or an associated concept plan may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

J. EXPIRATION

1. REPLACEMENT

If a special use is replaced by a use otherwise permitted by right in the zoning district, the special use permit approval is deemed abandoned and the special use permit approval is null and void.

2. FAILURE TO COMPLETE CONSTRUCTION

Unless otherwise stated in the special use permit approval, a special use permit shall expire and become null and void two years after the date of issuance if:

- **a.** The use authorized by the permit has not commenced, in circumstances where no substantial construction, erection, alteration, excavation, demolition, or similar work is necessary before commencement of the use; or
- b. Less than 10% of the total cost of all construction, erection, alteration, excavation and demolition, or similar work on the development authorized by the permit has been completed on the site. With respect to phased development (see § 152.044) this requirement shall apply only to the first phase.

3. EXTENSION

a. An applicant may request an extension of a special use permit approval in writing to the Planning Director at least 60 days prior to expiration.

- **b.** Extension requests shall be reviewed and decided by the Board of Commissioners.
- c. Up to one extension for a maximum period of one year may be granted if:
 i. The applicant has proceeded towards completion of construction in good faith and with due diligence; and

ii. Conditions have not changed to the extent that a new application is warranted in the sole discretion of the Board of Commissioners.

K. APPEAL

 A decision by the BOC on a special use permit shall be subject to review by the Superior Court of Wake County by proceedings in the nature of certiorari and in accordance with Section 160A-393 of the North Carolina General Statutes.
 Petitions for review must be filed with the Clerk of Court within 30 days of the date the decision is filed in the Office of the Town Clerk and delivered by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective.

152.039 - 154.043 (Reserved)

152.045 EXPIRATION OF PERMITS.

(A) A general use and sign permit shall expire automatically unless an applicable zoning right has been vested, if, within one year after the issuance of the permit:

(1) The use authorized by the permit has not commenced, in circumstances where no substantial construction, erection, alteration, excavation, demolition, or similar work is necessary before commencement of the use; or

(2) Less than 10% of the total cost of all construction, erection, alteration, excavation and demolition, or similar work on the development authorized by the permit has been completed on the site. With respect to phased development (see § 152.044) this requirement shall apply only to the first phase.

(B) The permit issuing authority may extend for a period up to six months the date when a permit would otherwise expire pursuant to division (A) if it concludes that the permit has not yet expired, the permit recipient has proceeded with due diligence and in good faith and condition have not changed so substantially as to warrant a new application. Successive extensions may be granted for periods up to six months upon the same findings. All the extensions may be granted without resort to formal processes and fees required for new permits.

(C) Notwithstanding any of the provisions of <u>Article VII</u> of this chapter, this section shall be applicable to permits issued prior to the date this section becomes effective.

152.053 REGULATION OF SUBDIVISIONS.

(A) *Minor subdivisions*. Minor subdivisions require a one-step administrative approval process. Physical improvements may not begin until final plat approval by the Land Use Administrator and the Plat Review Officer. Developers of minor subdivisions should also refer to § <u>152.055</u> for additional regulations.

(B) Major subdivisions. Major subdivisions are subject to a two-step approval process, requiring both preliminary and final plat approvals. Physical improvements to the land to be subdivided may not commence except with a special use permit issued by the Board of Commissioners in accordance with § 152.038, unless the subject development has received either Conditional Zoning in accordance with § 152.123 or Planned Development § 152.123 approval from the Board of Commissioners, and other applicable sections contained herein. Developers of major subdivisions should also refer to § 152.056 for additional regulations.

(C) *Special flood hazard areas*. Any subdivision containing special flood hazard areas must comply with § <u>152.151</u>.

(D) Watershed resources. Any subdivision containing watershed resources must comply with § <u>152.121(B)</u>.

152.123. CONDITIONAL REZONING

A. PURPOSE AND INTENT

The purpose of this section is to provide a uniform means for amending the Official Zoning Map to establish a conditional zoning district. 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. The conditional rezoning, if approved, establishes a parallel conditional zoning district that is equivalent to a corresponding general use zoning district, but is subject to additional conditions or restrictions that the applicant and town mutually agree are necessary to ensure conformance with adopted plans and to adequately address expected development impacts.

B. APPLICABILITY

This procedure sets out the requirements for amendments to the zoning district designation of land within the town's planning jurisdiction as well as for land coming into the town's planning jurisdiction via annexation in accordance with the standards in Sections 160A-382 through 160A-385 of the North Carolina General Statutes.

C. PROCEDURES DISTINGUISHED

Applications filed as a conditional rezoning application may not be converted to a map amendment application to establish a general use zoning district during the review process, and shall instead be withdrawn and resubmitted as a zoning map amendment application (see Section 152.280 – 152.285.)

D. APPLIED TO ENTIRE SITE

- **1.** Applications for a conditional rezoning shall include all the land area within a recorded lot or site that is the subject of the application.
- **2.** Conditional rezoning applications may not establish bi-furcated zoning classifications where only a portion of a lot or site is subject to a conditional zoning classification.

E. CONDITIONAL REZONING PROCEDURE

- 1. Preapplication meeting with Planning Department
- 2. File application with Planning Department
- **3.** Planning Department will conduct a review for completeness in accordance with Section 152.034 followed by a comprehensive review for compliance with ordinances and policies
- **4.** A joint public hearing will be scheduled for a regular Board of Commissioners meeting and the meeting will be noticed in accordance with Section 152.083
- 5. Board of Commissioners and Planning Board will hold a joint public hearing
- **6.** The Planning Board will review the request and make a recommendation to the Board of Commissioners
- 6. Board of Commissioners will render a decision
- 7. Planning Department will provide an official decision to applicant

F. APPLICATION SUBMITTAL

- **1.** Conditional rezoning applications may only be initiated by the landowner(s) of the land subject to the application, or their authorized agents.
- **2.** All conditions of approval proposed by the applicant must be included with the conditional zoning application.
- **3.** Conditional rezoning applications shall include a concept plan depicting the proposed development configuration.
- 4. The application shall include a transportation impact analysis for review when required by Section 152.194, Transportation Impact Analysis, or as determined necessary by the Planning Director to ensure conformance with the adopted plans and policies of the town.

G. JOINT PUBLIC HEARING

Following provision of public notice for a public hearing in accordance with Section 152.082 – 152.086, Public Notice, the Planning Board and Board of Commissioners shall conduct a joint public hearing on the conditional rezoning application.

H. REVIEW BY PLANNING BOARD

- 1. The Planning Board, following the close of the joint public hearing, shall review the application and the information presented during the joint public hearing during a follow-up public meeting, and shall make a recommendation on the conditional rezoning application in accordance with Conditional Rezoning Review Standards as listed within this section.
- 2. The Planning Board shall comment on whether or not the conditional rezoning is consistent with the town's adopted policy guidance and whether or not approval of the conditional rezoning application is or is not reasonable, and whether or not approval of the conditional rezoning is consistent with the public interest.
- **3.** During its review of a conditional rezoning application, the Planning Board may suggest revisions to the proposed conditions (including the concept plan), consistent with the provisions of the Conditions of Approval as listed in subsection L. Only those revisions agreed to in writing by the applicant shall be incorporated into the application.

I. BOARD OF COMMISSIONERS REVIEW AND DECISION

- The Board of Commissioners, after the conclusion of the joint public hearing conducted with the Planning Board, and receipt of a recommendation on the conditional rezoning application by the Planning Board, shall decide the application in accordance with the Conditional Rezoning Review Standards as listed in this section.
- **2.** The decision shall be one of the following:
 - **a.** Adoption of the conditional rezoning application as proposed;
 - **b.** Adoption of a revised conditional rezoning application;
 - c. Denial of the conditional rezoning application; or
 - **d.** Remand of the conditional rezoning application to the Planning Board for further consideration.
- **3.** In making its decision, the Board of Commissioners shall adopt a written statement including each of the following:
 - **a.** Whether the conditional rezoning application is approved, denied, or remanded; and
 - **b.** The degree to which the conditional rezoning is or is not consistent with the town's adopted policy guidance; and
 - **c.** The ways in which the conditional rezoning is or is not consistent with the town's adopted policy guidance; and
 - **d.** Whether approval of the conditional rezoning amends or does not amend the town's adopted policy guidance; and

- **e.** If the adopted policy guidance is amended as part of the application approval, a description of the change in conditions to meet the development needs of the town that were taken into account as part of the approval; and
- **f.** An explanation of why the action taken by the Board of Commissioners is reasonable and in the public interest.

J. DESIGNATION ON OFFICIAL ZONING MAP

The Planning Director shall make changes to the Official Zoning Map promptly after approval of a conditional rezoning application by the Board of Commissioners.

K. CONDITIONAL REZONING REVIEW STANDARDS

The advisability of an amendment to the Official Zoning Map is a matter committed to the legislative discretion of the Board of Commissioners and is not controlled by any one factor. In determining whether to adopt or deny a proposed conditional rezoning, the Board of Commissioners may weigh the relevance of and consider the following:

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

2. Whether and 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.

L. CONDITIONS OF APPROVAL

- Only conditions mutually agreed to by the owner(s) of the property that is the subject of a conditional zoning district designation and the Board of Commissioners may be approved as part of a conditional rezoning application establishing a conditional zoning district.
- 2. Conditions shall be limited to those that address conformance of development and use of the site with town regulations and adopted plans and that address the impacts reasonably expected to be generated by the development or use of the site.
- **3.** Conditions shall be in writing and may be supplemented with text or plans and maps.
- **4**. Unless regulations are otherwise amended as part of this approval, standards and regulations as required in the base zoning district shall apply.
- **5.** No condition shall be made part of the application which:
 - **a.** Is less restrictive than the standards of the parallel general use zoning district, any applicable overlay zoning district standard, or other applicable requirements in this Ordinance;
 - **b.** Specifies the ownership status, race, religion, or other characteristics of the occupants of housing units;
 - c. Establishes a minimum size of a dwelling unit;

- d. Establishes a minimum value of buildings or improvements;
- e. Excludes residents based upon race, religion, or income; or
- **f.** Obligates the town to perform in any manner relative to the approval of the conditional rezoning or development of the land.
- **6.** Major Subdivisions approved as part of this process will be exempt from requiring to obtain a Special Use Permit in accordance with Section 152.053.

M. EFFECT

- 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.
- **2.** Lands subject to a conditional rezoning and located outside the Town of Zebulon's corporate limits shall comply with all town policies related to annexation and the extension of utilities.

N. AMENDMENT

Amendments to an approved conditional rezoning application may only be considered in accordance with the following:

1. MINOR CHANGES

- a. Subsequent plans and permits for development within a conditional rezoning district may include minor changes. Minor changes are limited to changes that have no material effect on the character of the proposed development or changes that address technical considerations that could not reasonably be anticipated at the time of the conditional rezoning approval.
- **b.** The following minor changes may be approved by the Planning Director, in consultation with other appropriate town staff:
 - i. Changes to the location of entrances or driveways, the rearrangement of internal streets, turn lanes, drives, or access restrictions;
 - **ii.** Changes to the configuration of parking areas, but not the number of parking spaces;
 - iii. Changes to the configuration or location of open space or placement of required amenities, provided the amount of open space (whether passive or active) is unchanged;
 - iv. Changes to the configuration of landscape yards, including types of materials, provided minimum width and planting requirements are met;
 - v. Changes to proposed building elevations or facades, including materials, provided that the change retains the same general architectural character; and
 - vi. Changes to the arrangement or location of buildings provided there is no increase in the number of buildings, size, or amount of impervious surface.
- 2. SIGNIFICANT CHANGES CONSIDERED AMENDMENTS

- **a.** Changes that materially affect the basic character or configuration of the proposed development or that exceed the scope of a minor change are considered amendments. Amendments include, but are not limited to:
 - i. Changes in use designations;
 - ii. Density/intensity increases;
 - iii. Decreases in open space;
 - iv. Substantial changes in the location of streets (particularly if streets are to be deleted or access points to the development moved so traffic flows both inside and outside the development are affected); and
 - v. Change in the location of any public easement.
- **b.** Amendments shall be reviewed and considered in accordance with the procedures and standards established for the original approval of a conditional rezoning application.

O. APPEAL

- **1.** Any decision by the Board of Commissioners shall be subject to review by the Superior Court of Wake County.
- 2. Petitions for review must be filed with the Clerk of Court within 30 days of the date the decision is filed in the Office of the Town Clerk and delivered by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective.

152.124 PLANNED DEVELOPMENT

A. PURPOSE AND INTENT

The purpose for this planned development procedure is to provide a uniform means for amending the Official Zoning Map to establish a Planned Development (PD) zoning district. The planned development district creates opportunities for master planned development that is developed under unified control in accordance with more flexible standards and procedures that are conducive to creating mixed-use, pedestrian-oriented development that makes efficient use of land while protecting natural resources. It is the intent of these standards to allow an applicant to propose a wide variety of allowable uses and the flexible application of some of the development standards in Article 5: Development Standards, in return for a higher quality of development with more amenities than might otherwise result from a strict application of the standards in this Ordinance.

B. APPLICABILITY

The standards in this section may be applied to any land of one acre in area or more and under unified control, or as deemed appropriate by the Planning Director for infill development or redevelopment. The uses permitted shall be any use listed as "G" or "S" within any zoning district as listed in Section 154.129.

C. PLANNED DEVELOPMENT PROCEDURE

- 1. Preapplication meeting with Planning Department
- 2. File application with Planning Department

- **3.** Planning Department will conduct a review for completeness in accordance with Section 152.034 followed by a comprehensive review for compliance with ordinances and policies
- **4.** A joint public hearing will be scheduled for a regular Board of Commissioners meeting and the meeting will be noticed in accordance with Section 152.083
- 5. Board of Commissioners and Planning Board will hold a joint public hearing
- **6.** The Planning Board will review the request and make a recommendation to the Board of Commissioners
- 6. Board of Commissioners will render a decision
- 7. Planning Department will provide an official decision to applicant

D. APPLICATION

The application shall include a transportation impact analysis for review when required by Section 152.194, Transportation Impact Analysis or as determined necessary by the Planning Director.

E. JOINT PUBLIC HEARING

Following provision of public notice for a public hearing in accordance with Section 152.082 – 152.086, Public Notice, the Planning Board and Board of Commissioners shall conduct a joint public hearing on the planned development application.

F. REVIEW BY PLANNING BOARD

- 1. The Planning Board, following the close of the joint public hearing, shall review the application and the information presented during the joint public hearing during a follow-up public meeting, shall make a recommendation on the planned development application in accordance with Planned Development Review Standards within this section.
- 2. The Planning Board shall comment on whether or not the planned development is consistent with the town's adopted policy guidance and whether or not approval of the planned development application is or is not reasonable, and whether or not approval of the planned development is consistent with the public interest.
- **3.** During its review of a planned development application, the Planning Board may suggest revisions to the master plan or terms and conditions statement, consistent with the provisions of Conditions of Approval within this section. Only those revisions agreed to in writing by the applicant shall be incorporated into the application.

G. REVIEW AND DECISION BY BOARD OF COMMISSIONERS

- The Board of Commissioners, after the conclusion of the joint public hearing conducted with the Planning Board, and receipt of a recommendation on the planned development application by the Planning Board, shall decide the application in accordance with the Planned Development Review Standards listed in this section.
- 2. The decision shall be one of the following:
 - **a.** Approval of the planned development subject to the PD master plan and PD terms and conditions in the application;
 - **b.** Approval of the planned development subject to additional or revised conditions related to the PD master plan or PD terms and conditions;
 - c. Denial of the planned development; or
 - **d.** Remand of the planned development application back to the Planning Board for further consideration.

- **3.** In making its decision, the Board of Commissioners shall adopt a written statement including each of the following:
 - **a.** Whether the planned development application (and associated zoning map amendment) is approved, denied, or remanded; and
 - **b.** The degree to which the planned development application (and associated zoning map amendment) is or is not consistent with the town's adopted policy guidance; and
 - **c.** The ways in which the planned development application (and associated zoning map amendment) is or is not consistent with the town's adopted policy guidance; and
 - **d.** Whether approval of the planned development application also amends or does not amend the town's adopted policy guidance; and
 - e. If the adopted policy guidance is amended as part of the application approval, a description of the change in conditions to meet the development needs of the town that were taken into account as part of the approval; and
 - f. An explanation of why the action taken by the Board of Commissioners is reasonable; and
 - **g.** An explanation of why the action taken by the Board of Commissioners is in the public interest.

H. PLANNED DEVELOPMENT REVIEW STANDARDS

The advisability of amending the Official Zoning Map to establish a planned development district is a matter committed to the legislative discretion of the Board of Commissioners and is not controlled by any one factor. In determining whether to adopt or deny a planned development application, the Board of Commissioners may consider the standards in Section 152.280 through 125.285 Amendment Standards, and the standards within this Section.

I. CONDITIONS OF APPROVAL

- Only conditions mutually agreed to by the owner(s) of the property that is the subject of a planned development application and the Board of Commissioners may be approved as part of a planned development application establishing a planned development district.
- 2. Conditions shall be limited to those that address conformance of development and use of the site with town regulations and adopted plans and that address the impacts reasonably expected to be generated by the development or use of the site.
- **3.** Conditions shall be in writing and may be supplemented with text or plans and maps.
- **4.** No condition shall be made part of the application which:
 - **a.** Specifies the ownership status, race, religion, or other characteristics of the occupants of housing units;
 - **b.** Establishes a minimum size of a dwelling unit;
 - c. Establishes a minimum value of buildings or improvements;
 - d. Excludes residents based upon race, religion, or income; or
 - **e.** Obligates the town to perform in any manner relative to the approval of the planned development district or development of the land.

J. DESIGNATION ON THE OFFICIAL ZONING MAP

Designation of a PD zoning district on the Official Zoning Map shall note the ordinance number approving the PD zoning classification.

K. EFFECT

- **1.** Lands rezoned to a PD district shall be subject to the approved PD master plan and the approved PD terms and conditions.
- **2.** The master plan and terms and conditions are binding on the land as an amendment to the Official Zoning Map.
- **3.** The applicant may apply for and obtain subsequent development permits and approvals necessary to implement the PD master plan in accordance with the appropriate procedures and standards set forth in this Ordinance.
- **4.** Any permits or approvals shall comply with the PD master plan and the PD terms and conditions.
- **5.** Only those portions of the development subject to an approved PD master plan and PD terms and conditions shall be included in development activities.

L. AMENDMENT

1. MINOR CHANGES

- a. Subsequent plans and permits for development within a planned development district may include minor changes to the approved master plan map or statement of terms and conditions, provided the development continues to meet the minimum requirements of this Ordinance. Minor changes are limited to changes that have no material effect on the character of the planned development or changes that address technical considerations that could not reasonably be anticipated at the time of the planned development approval.
- **b.** The following minor changes may be approved by the Planning Director, in consultation with other appropriate town staff:
 - i. Changes to the location of entrances or driveways, the rearrangement of internal streets, turn lanes, drives, or access restrictions;
 - **ii.** Changes to the configuration of parking areas, but not the number of parking spaces;
 - iii. Changes to the configuration or location of open space or placement of required amenities, provided the amount of open space (whether passive or active) is unchanged;
 - **iv.** Changes to the configuration of landscape yards, including types of materials, provided minimum width and planting requirements are met;
 - v. Changes to the proposed building elevation or facade, including materials, provided that the change retains the same general architectural character; and
 - vi. Changes to the arrangement or location of buildings provided there is no increase in the number of buildings, size, or amount of impervious surface.

2. SIGNIFICANT CHANGES CONSIDERED AMENDMENTS

a. Changes that materially affect the basic concept of the planned development master plan map or basic parameters establishing the terms and conditions or that exceed the scope of a minor change are considered amendments. Amendments include, but are not limited to:

i. Changes in use designations;

- **ii.** Density/intensity increases;
- iii. Decreases in open space;

- iv. Substantial changes in the location of streets (particularly if streets are to be deleted or access points to the development moved so traffic flows both inside and outside the development are affected); and
- **v.** Change in the location of any public easement.
- **b.** Amendments shall be reviewed and considered in accordance with the procedures and standards established for the original approval of a planned development application.

M. EXPIRATION

- If no application for approval of a preliminary plat or site plan for any part of the approved PD master plan is submitted within two years after approval of the planned development, the Planning Director may initiate a zoning map amendment application to rezone the land back to its prior zoning classification or any other base zoning classification determined to be appropriate. Such time period shall not be extended with transfer of ownership.
- 2. Upon written request submitted at least 30 days before expiration of the two-year period provided in subsection (1) above, and upon a showing of good cause, the Planning Director may grant one extension not to exceed one year for the applicant to submit required development applications.

N. APPEAL

- **1.** Appeal of a decision by the Board of Commissioners on a planned development shall be subject to review by the Superior Court of Wake County.
- **2.** Petitions for review must be filed with the Clerk of Court within 30 days of the date the decision is filed in the Office of the Town Clerk and delivered by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective.



STAFF REPORT ZA 2019-03 SUP, CZ, PD Process Text Amendment Joint Public Hearing - August 12, 2019

The discussion before the Board is whether to amend sections from the draft UDO, specifically the Special Use Process in sections §152.038 - §152.043 and adopt §152.123 Conditional Zoning and §152.124 Planned Development along with amendments to §152.045 and §152.138 to eliminate conflicts.

Staff Recommendation:

Staff recommends approval of the proposed amendment to update and replace the existing Special Use Permit ordinance sections with the proposed Special Use Permit (§152.038) ordinance, adoption of the proposed Conditional Zoning ordinance section (§152.123), adoption of the proposed Planned Development ordinance section, (§152.124), and associated modifications to (§152.045) and (§152.138) to address conflicts.

Attachments:

- 1. Current Ordinance §152.038 §152.043 Special Use Permit §152.045 Expiration of Permits §152.138 Planned Residential Development
- 2. Draft Ordinance §152.038 Special Use Permit
 - §152.045 Expiration of Permits
 - §152.123 Conditional Zoning
 - §152.124 Planned Development
 - §152.138 Planned Development

PROPOSED TEXT SHOWING EDITS. Text that is <mark>highlighted is to be added</mark> and text that is highlighted and struck through is to be deleted.

§ 152.038 SPECIAL AND CONDITIONAL USE PERMITS.

-(A) An application for a special use permit shall be submitted to the Board of Commissioners by filing a copy of the application with the Land Use Administrator.

- (B) The Board of Commissioners shall not order the Land Use Administrator to issue a permit unless it first conducts a public hearing in the manner provided in Article V of this chapter. The public hearing will utilize quasi-judicial procedures. The Board of Commissioners shall not approve a special use permit unless the Board of Commissioners makes the following findings of face, based upon evidence submitted at the hearing:

— (1) The proposed special use will not materially endanger the public health, safety or welfare;

— (2) The proposed special use will not substantially injure the value of adjoining or abutting property;

— (3) The proposed special use will be in harmony with the area in which it is to be located; and

(4) The proposed special use will be in general conformity with the ordinances, policies, land use plan, thoroughfare plan or other plan officially adopted by the Board of Commissioners.

- (C) The applicant will bear the burden of presenting evidence sufficient to enable the Board of Commissioners to make the findings of fact required in division (B) above. Those in opposition to the issuance of the special use permit bear the burden of presenting evidence that a standard set out in division (B) above will not be met.

<mark>§ 152.039 RECOMMENDATIONS ON SPECIAL USE PERMITS.</mark>

-(A) Before the Board of Commissioners issues or denies a request for a special use permit, the application shall be referred to the Planning Board for action in accordance with this section. At the request of the Planning Board, the Board of Commissioners may continue the public hearing to allow the Planning Board more time to consider or reconsider the application.

—(B) When presented to the Planning Board, the application shall be accompanied by a report setting the planning staff's proposed findings concerning the proposed use's general conformity with the ordinances, policies, land use plan, thoroughfare plan or other plan officially adopted by the Board of Commissioners. If the planning staff report proposes a finding or conclusion that the application fails to so conform, planning staff: — (1) Shall identify the requirement in question and specifically state supporting reasons for the proposed findings or conclusions; and

— (2) May propose, for consideration by the Board of Commissioners in accordance with § 152,042 below, conditions or additional requirements the planning staff believes would bring the application into compliance with this chapter. Planning staff, however, will not make a recommendation to the Planning Board or the Board of Commissioners in favor of or in opposition to an application.

(C) The Planning Board will attend the public hearing described in § <u>152.038(B), to be held</u> jointly with the Board of Commissioners. The Planning Board will consider the application and the attached staff report within 40 days after referral by the Board of Commissioners and the closing of the joint public hearing.

(D) After the joint public hearing, the Planning Board shall report to the Board of Commissioners with a recommendation. If the Planning Board's recommendation is for denial, the Planning Board shall include with its recommendation a statement as to which of the required findings of fact set forth in <u>§ 152.038</u> was not, in the Planning Board's opinion, supported based upon the evidence submitted.

-(E) In response to the Planning Board's recommendations, the applicant may modify his or her application prior to submission to the Board of Commissioners.

- (F) If the Planning Board has not made a recommendation to the Board of Commissioners within 40 days after the closing of the joint public hearing, the Board of Commissioners may take action on the application pursuant to § 152.040.

<u>§ 152.040 BOARD OF COMMISSIONERS ACTION ON SPECIAL USE PERMITS.</u>

-(A) After observing the applicable procedures for consideration of application for special use permit, the Board of Commissioners shall, by simple majority, act on a motion to:

(1) Approve the application; or

— (2) Approve the application, subject to reasonable and appropriate conditions and safeguards; or

(3) Deny the application; or

(4) Table the application for further study.

—(B) If the motion passes to approve the special use permit application, the Board of Commissioners need not make further findings. If a motion passes to deny the special use permit application, then the Board shall state which of the required findings of fact set forth in § 152.038 was not supported based upon the evidence submitted.

§ 152.042 ADDITIONAL REQUIREMENTS ON SPECIAL USE AND CONDITIONAL USE PERMITS.

-(A) Subject to division (B) below, in granting a special use permit, the Board of Commissioners may attach the reasonable conditions in addition to those specified in this chapter.

—(B) The Board of Commissioners may not attach additional conditions that modify or alter the specific requirements set forth in this part unless the development in question presents extraordinary circumstances that justify the variation from the specified requirements.

-(C) Without limiting the foregoing, the Board of Commissioners may attach to a permit a condition limiting the permit to a specified duration.

<mark>§ 152.043 AUTHORIZING USE, OCCUPANCY OR SALE BEFORE COMPLETION OF DEVELOPMENT</mark> UNDER SPECIAL USE PERMITS.

-(A) In cases when, because of weather conditions or other factors beyond the control of the special use permit recipient, exclusive of financial hardship, it would be unreasonable to require the permit recipient to comply with all of the requirements of this chapter before commencing the intended use of the property or occupying any buildings, the Board of Commissioners may authorize the commencement of the intended use or the occupancy of buildings if the permit recipient a performance bond or other security satisfactory to the Board of Commissionels of these requirements will be fulfilled within a reasonable permit commissioners to ensure that all of these requirements will be fulfilled within a reasonable

(B) When the Board of Commissioners imposes additional requirements upon the permittee in accordance with § <u>152.042</u> or when the permittee proposes in the plans submitted to install amenities beyond those required by this chapter, the Board of Commissioners may authorize the permittee to commence the intended use of the property or to occupy any building before the additional requirements are fulfilled or the amenities installed if it specifies a date by which or a schedule according to which the requirements must be met or each amenity installed, and it concludes that compliance will be ensured as the result of any one or more of the following:

— (1) A performance bond or other security satisfactory to the Board of Commissioners is furnished; or

— (2) A condition is imposed establishing an automatic expiration date on the permit, thereby, ensuring that the permit recipient's compliance will be reviewed when the application for renewal is made.

152.038 SPECIAL USE PERMIT A. PURPOSE AND INTENT

This section sets out the procedure for consideration of an application for a special use permit. A special use is a use that may be appropriate in a zoning district, but because of its nature, extent, and external effects, requires special consideration of its location, design, and methods of operation before it can be deemed appropriate in the district and compatible with its surroundings.

B. APPLICABILITY

Applications for uses identified as requiring a special use in Section 152.129, Principal Use Table, shall be reviewed in accordance with the procedures and standards of this section.

C. SPECIAL USE PERMIT PROCEDURE

The Special Use Permit procedure is as follows:

- Preapplication meeting with Planning Department
- File application with Planning Department

 Planning Department will conduct a review for completeness in accordance with Section 152.034 followed by a comprehensive review for compliance with ordinances and policies

4. A public hearing will be scheduled for a regular Board of Commissioners meeting and the meeting will be noticed in accordance with Section 152.083

- 5. Board of Commissioners will hold the public hearing
- 6. Board of Commissioners will render a decision
- Planning Department will provide an official decision to applicant

D. APPLICATION

The application shall include a transportation impact analysis for review, when required by Section 152.194, Transportation Impact Analysis or as determined necessary by the Planning Director.

E. REVIEW AND DECISION BY BOARD OF COMMISSIONERS

(A) Following the conclusion of a quasi-judicial public hearing, the Board of Commissioners shall review and decide the application in accordance with the Special Use Review Standards as listed in Subsection F. The decision shall be the one of the following:

- Approve the application; or
- Approve the application, subject to reasonable and appropriate conditions and safeguards; or
- 3. Deny the application; or
- 4. Table the application for further study.

(B) If the motion to approve the special use permit application is based on sufficient evidence in support and a lack of evidence in opposition, the Board need not make further findings. If the motion is to deny the special use permit application, then the Board shall state which of the standards set forth in Subsection F was not supported based upon the evidence submitted. If both those in support and in opposition to the issuance of a special use permit have presented conflicting evidence related to a standard or standards set out in Subsection F, the Board shall make findings of fact as to whether a particular standard has been met.

F. SPECIAL USE PERMIT REVIEW STANDARDS

A special use shall be approved upon a determination that the special use:

1. Will not materially endanger the public health or safety if located where proposed;

 Complies with all required standards, conditions, and specifications of this Ordinance, including Article 4: Uses;

Will not substantially injure the value of the abutting land;

Will be in harmony with the area in which it is to be located;

5. Is in general conformity with the town's adopted policy guidance; and

6. Includes a concept plan that accurately depicts the proposed use's configuration.

G. CONDITIONS OF APPROVAL

 The Board of Commissioners may apply conditions of approval to assure that the use will be harmonious with the area where proposed and consistent with the purpose and intent of this Ordinance.

2. The Board of Commissioners may apply conditions limiting the permit to a specified duration or may place limits on the availability of proposed residential dwelling units to coincide with the provision or maintenance of adequate public facilities.

 All conditions shall be identified in the approval, the notice of decision, and on the associated major site plans.

H. EFFECT

 A special use and the associated concept plan approval are perpetually binding and run with the land, unless amended.

2. Any violation of a special use condition of approval shall be subject to all enforcement mechanisms authorized by the ordinances including but not limited to rendering the special use permit null and void.

3. Special uses shall meet all applicable state and federal requirements for location and operation. Failure to maintain compliance with those requirements may result in the revocation of the special use.

<mark>I. AMENDMENT</mark>

Amendments of a special use permit or an associated concept plan may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

<mark>J. EXPIRATION</mark>

1. REPLACEMENT

If a special use is replaced by a use otherwise permitted by right in the zoning district, the special use permit approval is deemed abandoned and the special use permit approval is null and void.

2. FAILURE TO COMPLETE CONSTRUCTION

Unless otherwise stated in the special use permit approval, a special use permit shall expire and become null and void two years after the date of issuance if:

- a. The use authorized by the permit has not commenced, in circumstances where no substantial construction, erection, alteration, excavation, demolition, or similar work is necessary before commencement of the use; or
- b. Less than 10% of the total cost of all construction, erection, alteration, excavation and demolition, or similar work on the development authorized by the permit has been completed on the site. With respect to phased development (see § 152.044) this requirement shall apply only to the first phase.

3. EXTENSION

a. An applicant may request an extension of a special use permit approval in writing to the Planning Director at least 60 days prior to expiration.

- b. Extension requests shall be reviewed and decided by the Board of Commissioners.
- c. Up to one extension for a maximum period of one year may be granted if:
 i. The applicant has proceeded towards completion of construction in good faith

and with due diligence; and

ii. Conditions have not changed to the extent that a new application is warranted in the sole discretion of the Board of Commissioners.

<mark>K. APPEAL</mark>

 A decision by the BOC on a special use permit shall be subject to review by the Superior Court of Wake County by proceedings in the nature of certiorari and in accordance with Section 160A-393 of the North Carolina General Statutes.
 Petitions for review must be filed with the Clerk of Court within 30 days of the date the decision is filed in the Office of the Town Clerk and delivered by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective.

152.039 – 154.043 (Reserved)

152.045 EXPIRATION OF PERMITS.

(A) A general use, special use and sign permit shall expire automatically unless an applicable zoning right has been vested, if, within one year after the issuance of the permit:

(1) The use authorized by the permit has not commenced, in circumstances where no substantial construction, erection, alteration, excavation, demolition, or similar work is necessary before commencement of the use; or

(2) Less than 10% of the total cost of all construction, erection, alteration, excavation and demolition, or similar work on the development authorized by the permit has been completed on the site. With respect to phased development (see § 152.044) this requirement shall apply only to the first phase.

(B) The permit issuing authority may extend for a period up to six months the date when a permit would otherwise expire pursuant to division (A) if it concludes that the permit has not yet expired, the permit recipient has proceeded with due diligence and in good faith and condition have not changed so substantially as to warrant a new application. Successive

extensions may be granted for periods up to six months upon the same findings. All the extensions may be granted without resort to formal processes and fees required for new permits.

(C) Notwithstanding any of the provisions of <u>Article VII</u> of this chapter, this section shall be applicable to permits issued prior to the date this section becomes effective.

152.053 REGULATION OF SUBDIVISIONS.

(A) *Minor subdivisions*. Minor subdivisions require a one-step administrative approval process. Physical improvements may not begin until final plat approval by the Land Use Administrator and the Plat Review Officer. Developers of minor subdivisions should also refer to § <u>152.055</u> for additional regulations.

(B) Major subdivisions. Major subdivisions are subject to a two-step approval process, requiring both preliminary and final plat approvals. Physical improvements to the land to be subdivided may not commence except with a special use permit issued by the Board of Commissioners in accordance with § 152.038, unless the subject development has received either Conditional Zoning in accordance with § 152.123 or Planned Development § 152.123 approval from the Board of Commissioners, and other applicable sections contained herein. Developers of major subdivisions should also refer to § 152.056 for additional regulations.

(C) *Special flood hazard areas*. Any subdivision containing special flood hazard areas must comply with § <u>152.151</u>.

(D) Watershed resources. Any subdivision containing watershed resources must comply with § <u>152.121(B)</u>.

152.123. CONDITIONAL REZONING

A. PURPOSE AND INTENT

The purpose of this section is to provide a uniform means for amending the Official Zoning Map to establish a conditional zoning district. 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. The conditional rezoning, if approved, establishes a parallel conditional zoning district that is equivalent to a corresponding general use zoning district, but is subject to additional conditions or restrictions that the applicant and town mutually agree are necessary to ensure conformance with adopted plans and to adequately address expected development impacts.

B. APPLICABILITY

This procedure sets out the requirements for amendments to the zoning district designation of land within the town's planning jurisdiction as well as for land coming into the town's planning jurisdiction via annexation in accordance with the standards in Sections 160A-382 through 160A-385 of the North Carolina General Statutes.

C. PROCEDURES DISTINGUISHED

Applications filed as a conditional rezoning application may not be converted to a map amendment application to establish a general use zoning district during the review process, and shall instead be withdrawn and resubmitted as a zoning map amendment application (see Section 152.280 – 152.285.)

D. APPLIED TO ENTIRE SITE

- Applications for a conditional rezoning shall include all the land area within a recorded lot or site that is the subject of the application.
- **2.** Conditional rezoning applications may not establish bi-furcated zoning classifications where only a portion of a lot or site is subject to a conditional zoning classification.

E. CONDITIONAL REZONING PROCEDURE

- 1. Preapplication meeting with Planning Department
- File application with Planning Department
- Planning Department will conduct a review for completeness in accordance with Section 152.034 followed by a comprehensive review for compliance with ordinances and policies
- 4. A joint public hearing will be scheduled for a regular Board of Commissioners meeting and the meeting will be noticed in accordance with Section 152.083
- 5. Board of Commissioners and Planning Board will hold a joint public hearing
- 6. The Planning Board will review the request and make a recommendation to the Board of Commissioners
- 6. Board of Commissioners will render a decision
- 7. Planning Department will provide an official decision to applicant

F. APPLICATION SUBMITTAL

- Conditional rezoning applications may only be initiated by the landowner(s) of the land subject to the application, or their authorized agents.
- All conditions of approval proposed by the applicant must be included with the conditional zoning application.
- Conditional rezoning applications shall include a concept plan depicting the proposed development configuration.
- 4. The application shall include a transportation impact analysis for review when required by Section 152.194, Transportation Impact Analysis, or as determined necessary by the Planning Director to ensure conformance with the adopted plans and policies of the town.

G. JOINT PUBLIC HEARING

Following provision of public notice for a public hearing in accordance with Section 152.082 – 152.086, Public Notice, the Planning Board and Board of Commissioners shall conduct a joint public hearing on the conditional rezoning application.

H. REVIEW BY PLANNING BOARD

- 1. The Planning Board, following the close of the joint public hearing, shall review the application and the information presented during the joint public hearing during a follow-up public meeting, and shall make a recommendation on the conditional rezoning application in accordance with Conditional Rezoning Review Standards as listed within this section.
- 2. The Planning Board shall comment on whether or not the conditional rezoning is consistent with the town's adopted policy guidance and whether or not approval of the conditional rezoning application is or is not reasonable, and whether or not approval of the conditional rezoning is consistent with the public interest.
- 3. During its review of a conditional rezoning application, the Planning Board may suggest revisions to the proposed conditions (including the concept plan), consistent with the provisions of the Conditions of Approval as listed in subsection L. Only those revisions agreed to in writing by the applicant shall be incorporated into the application.

I. BOARD OF COMMISSIONERS REVIEW AND DECISION

- 1. The Board of Commissioners, after the conclusion of the joint public hearing conducted with the Planning Board, and receipt of a recommendation on the conditional rezoning application by the Planning Board, shall decide the application in accordance with the Conditional Rezoning Review Standards as listed in this section.
- The decision shall be one of the following:
 - a. Adoption of the conditional rezoning application as proposed;
 - **b.** Adoption of a revised conditional rezoning application;
 - c. Denial of the conditional rezoning application; or
 - d. Remand of the conditional rezoning application to the Planning Board for further consideration.
- 3. In making its decision, the Board of Commissioners shall adopt a written statement including each of the following:
 - a. Whether the conditional rezoning application is approved, denied, or remanded; and
 - b. The degree to which the conditional rezoning is or is not consistent with the town's adopted policy guidance; and
 - c. The ways in which the conditional rezoning is or is not consistent with the town's adopted policy guidance; and
 - d. Whether approval of the conditional rezoning amends or does not amend the town's adopted policy guidance; and
 - e. If the adopted policy guidance is amended as part of the application approval, a description of the change in conditions to meet the development needs of the town that were taken into account as part of the approval; and

f. An explanation of why the action taken by the Board of Commissioners is reasonable and in the public interest.

J. DESIGNATION ON OFFICIAL ZONING MAP

The Planning Director shall make changes to the Official Zoning Map promptly after approval of a conditional rezoning application by the Board of Commissioners.

K. CONDITIONAL REZONING REVIEW STANDARDS

The advisability of an amendment to the Official Zoning Map is a matter committed to the legislative discretion of the Board of Commissioners and is not controlled by any one factor. In determining whether to adopt or deny a proposed conditional rezoning, the Board of Commissioners may weigh the relevance of and consider the following:

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

2. Whether and 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;

 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.

L. CONDITIONS OF APPROVAL

- 1. Only conditions mutually agreed to by the owner(s) of the property that is the subject of a conditional zoning district designation and the Board of Commissioners may be approved as part of a conditional rezoning application establishing a conditional zoning district.
- 2. Conditions shall be limited to those that address conformance of development and use of the site with town regulations and adopted plans and that address the impacts reasonably expected to be generated by the development or use of the site.
- **3.** Conditions shall be in writing and may be supplemented with text or plans and maps.
- 4. Unless regulations are otherwise amended as part of this approval, standards and regulations as required in the base zoning district shall apply.
- **5.** No condition shall be made part of the application which:
 - a. Is less restrictive than the standards of the parallel general use zoning district, any applicable overlay zoning district standard, or other applicable requirements in this Ordinance;
 - b. Specifies the ownership status, race, religion, or other characteristics of the occupants of housing units;
 - c. Establishes a minimum size of a dwelling unit;
 - d. Establishes a minimum value of buildings or improvements;
 - e. Excludes residents based upon race, religion, or income; or

- f. Obligates the town to perform in any manner relative to the approval of the conditional rezoning or development of the land.
- 6. Major Subdivisions approved as part of this process will be exempt from requiring to obtain a Special Use Permit in accordance with Section 152.053.

<mark>M. EFFECT</mark>

- 1. 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.
- Lands subject to a conditional rezoning and located outside the Town of Zebulon's corporate limits shall comply with all town policies related to annexation and the extension of utilities.

<mark>N. AMENDMENT</mark>

Amendments to an approved conditional rezoning application may only be considered in accordance with the following:

1. MINOR CHANGES

- a. Subsequent plans and permits for development within a conditional rezoning district may include minor changes. Minor changes are limited to changes that have no material effect on the character of the proposed development or changes that address technical considerations that could not reasonably be anticipated at the time of the conditional rezoning approval.
- **b.** The following minor changes may be approved by the Planning Director, in consultation with other appropriate town staff:
 - i. Changes to the location of entrances or driveways, the rearrangement of internal streets, turn lanes, drives, or access restrictions;
 - ii. Changes to the configuration of parking areas, but not the number of parking spaces;
 - iii. Changes to the configuration or location of open space or placement of required amenities, provided the amount of open space (whether passive or active) is unchanged;
 - iv. Changes to the configuration of landscape yards, including types of materials, provided minimum width and planting requirements are met;
 - v. Changes to proposed building elevations or facades, including materials, provided that the change retains the same general architectural character; and
 - vi. Changes to the arrangement or location of buildings provided there is no increase in the number of buildings, size, or amount of impervious surface.

2. SIGNIFICANT CHANGES CONSIDERED AMENDMENTS

- a. Changes that materially affect the basic character or configuration of the proposed development or that exceed the scope of a minor change are considered amendments. Amendments include, but are not limited to:
 - Changes in use designations;
 - ii. Density/intensity increases;
 - iii. Decreases in open space;
 - iv. Substantial changes in the location of streets (particularly if streets are to be deleted or access points to the development moved so traffic flows both inside and outside the development are affected); and
 - **v.** Change in the location of any public easement.
- b. Amendments shall be reviewed and considered in accordance with the procedures and standards established for the original approval of a conditional rezoning application.

<mark>O. APPEAL</mark>

- Any decision by the Board of Commissioners shall be subject to review by the Superior Court of Wake County.
- 2. Petitions for review must be filed with the Clerk of Court within 30 days of the date the decision is filed in the Office of the Town Clerk and delivered by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective.

152.124 PLANNED DEVELOPMENT

A. PURPOSE AND INTENT

The purpose for this planned development procedure is to provide a uniform means for amending the Official Zoning Map to establish a Planned Development (PD) zoning district. The planned development district creates opportunities for master planned development that is developed under unified control in accordance with more flexible standards and procedures that are conducive to creating mixed-use, pedestrian-oriented development that makes efficient use of land while protecting natural resources. It is the intent of these standards to allow an applicant to propose a wide variety of allowable uses and the flexible application of some of the development standards in Article 5: Development Standards, in return for a higher quality of development with more amenities than might otherwise result from a strict application of the standards in this Ordinance.

B. APPLICABILITY

The standards in this section may be applied to any land of one acre in area or more and under unified control, or as deemed appropriate by the Planning Director for infill development or redevelopment. The uses permitted shall be any use listed as "G" or "S" within any zoning district as listed in Section 154.129.

C. PLANNED DEVELOPMENT PROCEDURE

- 1. Preapplication meeting with Planning Department
- File application with Planning Department

- Planning Department will conduct a review for completeness in accordance with Section 152.034 followed by a comprehensive review for compliance with ordinances and policies
- 4. A joint public hearing will be scheduled for a regular Board of Commissioners meeting and the meeting will be noticed in accordance with Section 152.083
- 5. Board of Commissioners and Planning Board will hold a joint public hearing
- 6. The Planning Board will review the request and make a recommendation to the Board of Commissioners
- 6. Board of Commissioners will render a decision
- 7. Planning Department will provide an official decision to applicant

D. APPLICATION

The application shall include a transportation impact analysis for review when required by Section 152.194, Transportation Impact Analysis or as determined necessary by the Planning Director.

E. JOINT PUBLIC HEARING

Following provision of public notice for a public hearing in accordance with Section 152.082 – 152.086, Public Notice, the Planning Board and Board of Commissioners shall conduct a joint public hearing on the planned development application.

F. REVIEW BY PLANNING BOARD

 The Planning Board, following the close of the joint public hearing, shall review the application and the information presented during the joint public hearing during a follow-up public meeting, shall make a recommendation on the planned development

application in accordance with Planned Development Review Standards within this section.

- 2. The Planning Board shall comment on whether or not the planned development is consistent with the town's adopted policy guidance and whether or not approval of the planned development application is or is not reasonable, and whether or not approval of the planned development is consistent with the public interest.
- 3. During its review of a planned development application, the Planning Board may suggest revisions to the master plan or terms and conditions statement, consistent with the provisions of Conditions of Approval within this section. Only those revisions agreed to in writing by the applicant shall be incorporated into the application.

G. REVIEW AND DECISION BY BOARD OF COMMISSIONERS

- 1. The Board of Commissioners, after the conclusion of the joint public hearing conducted with the Planning Board, and receipt of a recommendation on the planned development application by the Planning Board, shall decide the application in accordance with the Planned Development Review Standards listed in this section.
- The decision shall be one of the following:
 - a. Approval of the planned development subject to the PD master plan and PD terms and conditions in the application;
 - b. Approval of the planned development subject to additional or revised conditions related to the PD master plan or PD terms and conditions;
 - c. Denial of the planned development; or
 - d. Remand of the planned development application back to the Planning Board for further consideration.

- 3. In making its decision, the Board of Commissioners shall adopt a written statement including each of the following:
 - a. Whether the planned development application (and associated zoning map amendment) is approved, denied, or remanded; and
 - **b.** The degree to which the planned development application (and associated zoning map amendment) is or is not consistent with the town's adopted policy guidance; and
 - c. The ways in which the planned development application (and associated zoning map amendment) is or is not consistent with the town's adopted policy guidance; and
 - d. Whether approval of the planned development application also amends or does not amend the town's adopted policy guidance; and
 - e. If the adopted policy guidance is amended as part of the application approval, a description of the change in conditions to meet the development needs of the town that were taken into account as part of the approval; and
 - f. An explanation of why the action taken by the Board of Commissioners is reasonable; and
 - g. An explanation of why the action taken by the Board of Commissioners is in the public interest.

H. PLANNED DEVELOPMENT REVIEW STANDARDS

The advisability of amending the Official Zoning Map to establish a planned development district is a matter committed to the legislative discretion of the Board of Commissioners and is not controlled by any one factor. In determining whether to adopt or deny a planned development application, the Board of Commissioners may consider the standards in Section 152.280 through 125.285 Amendment Standards, and the standards within this Section.

I. CONDITIONS OF APPROVAL

- Only conditions mutually agreed to by the owner(s) of the property that is the subject of a planned development application and the Board of Commissioners may be approved as part of a planned development application establishing a planned development district.
- 2. Conditions shall be limited to those that address conformance of development and use of the site with town regulations and adopted plans and that address the impacts reasonably expected to be generated by the development or use of the site.
- **3.** Conditions shall be in writing and may be supplemented with text or plans and maps.
- 4. No condition shall be made part of the application which:
 - a. Specifies the ownership status, race, religion, or other characteristics of the occupants of housing units;
 - b. Establishes a minimum size of a dwelling unit;
 - c. Establishes a minimum value of buildings or improvements;
 - d. Excludes residents based upon race, religion, or income; or
 - e. Obligates the town to perform in any manner relative to the approval of the planned development district or development of the land.

J. DESIGNATION ON THE OFFICIAL ZONING MAP

Designation of a PD zoning district on the Official Zoning Map shall note the ordinance number approving the PD zoning classification.

K. EFFECT

- Lands rezoned to a PD district shall be subject to the approved PD master plan and the approved PD terms and conditions.
- The master plan and terms and conditions are binding on the land as an amendment to the Official Zoning Map.
- 3. The applicant may apply for and obtain subsequent development permits and approvals necessary to implement the PD master plan in accordance with the appropriate procedures and standards set forth in this Ordinance.
- 4. Any permits or approvals shall comply with the PD master plan and the PD terms and conditions.
- 5. Only those portions of the development subject to an approved PD master plan and PD terms and conditions shall be included in development activities.

L. AMENDMENT

1. MINOR CHANGES

- a. Subsequent plans and permits for development within a planned development district may include minor changes to the approved master plan map or statement of terms and conditions, provided the development continues to meet the minimum requirements of this Ordinance. Minor changes are limited to changes that have no material effect on the character of the planned development or changes that address technical considerations that could not reasonably be anticipated at the time of the planned development approval.
- **b.** The following minor changes may be approved by the Planning Director, in consultation with other appropriate town staff:
 - i. Changes to the location of entrances or driveways, the rearrangement of internal streets, turn lanes, drives, or access restrictions;
 - ii. Changes to the configuration of parking areas, but not the number of parking spaces;
 - iii. Changes to the configuration or location of open space or placement of required amenities, provided the amount of open space (whether passive or active) is unchanged;
 - iv. Changes to the configuration of landscape yards, including types of materials, provided minimum width and planting requirements are met;
 - v. Changes to the proposed building elevation or facade, including materials, provided that the change retains the same general architectural character; and
 - vi. Changes to the arrangement or location of buildings provided there is no increase in the number of buildings, size, or amount of impervious surface.

2. SIGNIFICANT CHANGES CONSIDERED AMENDMENTS

- a. Changes that materially affect the basic concept of the planned development master plan map or basic parameters establishing the terms and conditions or that exceed the scope of a minor change are considered amendments. Amendments include, but are not limited to:
 - Changes in use designations;
 - ii. Density/intensity increases;
 - iii. Decreases in open space;

- iv. Substantial changes in the location of streets (particularly if streets are to be deleted or access points to the development moved so traffic flows both inside and outside the development are affected); and
- v. Change in the location of any public easement.
- **b.** Amendments shall be reviewed and considered in accordance with the procedures and standards established for the original approval of a planned development application.

M. EXPIRATION

- 1. If no application for approval of a preliminary plat or site plan for any part of the approved PD master plan is submitted within two years after approval of the planned development, the Planning Director may initiate a zoning map amendment application to rezone the land back to its prior zoning classification or any other base zoning classification determined to be appropriate. Such time period shall not be extended with transfer of ownership.
- 2. Upon written request submitted at least 30 days before expiration of the two-year period provided in subsection (1) above, and upon a showing of good cause, the Planning Director may grant one extension not to exceed one year for the applicant to submit required development applications.

<mark>N. APPEAL</mark>

- Appeal of a decision by the Board of Commissioners on a planned development shall be subject to review by the Superior Court of Wake County.
- 2. Petitions for review must be filed with the Clerk of Court within 30 days of the date the decision is filed in the Office of the Town Clerk and delivered by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective.

-<mark>152.138 PLANNED RESIDENTIAL DEVELOPMENTS.</mark>

Planned residential developments are permissible by special use permits in the GB, CB, HB, IL, and IHL districts indicated in § 152.129 above, in accordance with Section 152.124.