

**Zebulon
Joint Public Hearing
Minutes
August 12, 2019**

Present: Robert S. Matheny, Dale Beck, Curtis Strickland, Don Bumgarner, Beverly Clark, Annie Moore, Joe Moore-Town Manager, Lisa Markland-Town Clerk, Stacie Paratore-Deputy Town Clerk, Michael Clark-Planning, Meade Bradshaw-Planning, Eric Vernon-Attorney

Planning Board Present: Shannon Baxter, Laura Johnson, Larry Ray, Gene Blount, Stan Nowell, Stephanie Jenkins

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

PUBLIC HEARING

A. AN 2019-02 and RZ 2019-08 - Pearces Road

A request by Stewart Inc. to annex and rezone approximately 111 acres located at 1309 & 1333 Pearces Road. The rezoning request was to rezone the parcel from Residential-30 (R-30 - Wake County Zoning) to Residential-13 (R-13).

Mayor Matheny opened the public hearing and asked for staff report.

Meade Bradshaw gave a PowerPoint presentation on the annexation request and the rezoning request from R-30 to R-13. The vicinity map, surrounding property uses, zoning map, and pictures of the parcel were presented. The land use map and long range utility service area were shown and had the property depicted as medium density.

Staff recommended approval of AN 2019-02 and RZ 2019-08 as both were consistent with the Comprehensive Plan and other Town policies.

Mayor Matheny asked if anyone had questions.

Shannon Baxter asked about the cost benefit analysis and when the Town would see that benefit. Meade stated it would be several years before the cost benefit would be realized. There were questions about whether additional police officers would be needed and it was explained that in all likelihood there would be a need since the estimated increase in calls to the area would be approximately 250 per year.

Mayor Matheny asked if anyone wished to speak.

Andre'us Burton, from Weavers Pond, asked for clarification of R-30 and R-13 and how the parcel connected to Weavers Pond. It was explained R-30 was a 30,000 sq. ft. lot and R-13 was a 13,000 sq. ft. lot. The design details would be discussed at a later date.

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Bob Falge stated he supported R-30 because adding more homes with R-13 zoning would increase traffic in the Hunters Green subdivision. Mr. Falge also expressed his concern about flood hazards on the property that had consistent standing water.

Jim Mallinson stated he lived across Pearces Road from the proposed property and expressed his concern about safety and his desire for the parcel to remain zoned at R-30. Mr. Mallinson said there had been three traffic accidents in that area and changing to R-13 zoning would increase traffic. He also stated there was a cemetery on the property and wanted to see it preserved. Mr. Mallinson wanted to see development of greenways and walkways in the development and had no opposition to annexation or development at R-30.

Richard Roberts from Lacewing Drive in Weaver's Pond stated that he understood there would be a 30' buffer between the properties and did not understand why that was going away. It was explained that due diligence would be done to have buffers where they were required.

Shannon Baxter asked about the zoning being inconsistent with the Land Use Plan and was looking forward to that being addressed in the upcoming Comprehensive Plan. Meade Bradshaw explained that if the property were annexed the property would automatically be listed as R-13 and medium density.

Woody Honeycutt, one of the developers, offered some history of the property and explained that the parcel he wanted to develop had a soil issue and could not support individual well and septic systems. Town water and sewer was necessary for development. There was a question if R-30 was more expensive to develop than R-13. Mr. Honeycutt explained R-30 was not possible because the property did not perk for septic. It was also stated the cemetery would be protected.

Joe Desper, from Hunters Green, explained he was told the property was zoned R-30 when he purchased his home and did not feel it was fair to change it to R-13 after he had already purchased his property and lived there for 15 years.

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

Mayor Matheny asked if anyone wished to speak against. There was none.

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

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.

Mayor Matheny explained the quasi-judicial process. The Board was asked if they had an ethics conflict, ex-parte communication, or a fixed option on the matter. There was none.

Mayor Matheny opened the public hearing and asked for staff report.

Lisa Markland, Town Clerk, swore in Meade Bradshaw.

Meade Bradshaw presented a PowerPoint presentation for a Special Use Permit for a subdivision located at 1701 Chamblee Road. The property was approximately 214 acres currently zoned R-13 and located within the Town's ETJ. The vicinity map and zoning data in the surrounding area was shown. The subdivision consisted of 822 single family detached units, townhomes, 20% open space, pool, amenity area, pocket parks throughout, and greenway trail with two or three trailheads.

Staff recommended the following conditions.

1. 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 the 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 roundabouts, 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. Curb and Gutter: 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. Public Roadways: 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. New Roadways: 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.
 - ii. 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. Appears to already to be in place. See aerial Photo.
 - iii. 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.

- 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 $\frac{1}{2}$ -80' section along the entire Chamblee frontage
 - NC 39 and Street A
 - i. Dedicate right-of-way meeting $\frac{1}{2}$ -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. Storm Drainage Infrastructure: 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 pavement 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. Greenway Connectivity: 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 receptacles, 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. Setbacks: 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. Mail Kiosk: 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. Pocket Parks: 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. Signage: Will be located in open space/common area at the entrance of the subdivision.

32. 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.

33. 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.
34. Driveway Restrictions: 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. 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.

Outstanding Items that Staff and the Developer could not agree on:

- Sidewalk locations on both sides of all streets
- 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.
- 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.

Due to the outstanding items in the Special Use Permit, staff determined the Special Use Permit standards of the concept plan did not meet findings of fact #4.

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The findings of fact:

- 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.

Commissioner Strickland inquired if there were any hazards living in close proximity to a sewer plant and the odor. Meade Bradshaw said no, but there was no one present to provide expert testimony on that topic.

Mayor Matheny asked if there was anyone who wished to speak in favor.

Jay Colvin was sworn in by Lisa Markland, Town Clerk.

Mr. Colvin stated that he worked for the developer, Dan Ryan homes and be the vision for the community and what they wanted to do explaining there were 700 units, not 822 as presented.

Mike Stocks who was sworn in by Lisa Markland, Town Clerk

Mr. Stocks provided his credentials and was qualified as an expert by Eric Vernon, Town Attorney.

Shannon Baxter inquired about the outstanding items. Mr. Stocks explained he added sidewalks on the three collector streets and showed the loops for walking on the site plan. Mr. Stocks felt he had met the intent of the ordinance with the design. Shannon Baxter also inquired how the sidewalk was considered continuous if not in a cul-de-sac. Mr. Stocks explained in his initial review with staff, he was told streets less than 150' did not require sidewalks.

Joshua Reinke was sworn in by Lisa Markland, Town Clerk.

Mr. Reinke, was qualified as a traffic expert with Ramey Kemp & Associates, Inc. by the Town Attorney Eric Vernon. There was discussion about the traffic numbers and Mr. Reinke explained that they use the NCDOT standards and relied on the institute transportation engineering manual when figuring the trips per day, he also stated NCDOT might require additional monitoring for signals.

Jay Colvin stated their objection was that staff was wanting them to bear 100% of the costs to improve the intersections, turn lanes and signals when the subdivision would increase traffic by 15%. The numbers of the total intersection trips were given.

Shannon Baxter inquired about the greenspace. It was explained there were 86 acres of preserved greenspace with a 15' buffer and 30' on Chamblee Road and 100' on Hwy 39.

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Jay Colvin clarified there would be active open space with amenities and pocket parks. Images of the community amenities from Flowers Plantation and home types were shown but could not be considered evidence. There was discussion about the percentage of masonry and window requirements. Mr. Colvin said that there were only two models out of 17 that did not have windows on all sides and did not think that was a reasonable request.

Mayor Matheny stressed that the PowerPoint given by Mr. Colvin could not be considered evidence.

Mayor Matheny asked if anyone who wished to speak in favor.

Patrick Johnson was sworn in by Lisa Markland, Town Clerk.

Mr. Johnson stated he was not in favor or against, but asked when the plat was done that his surrounding property showed it was located in the volunteer agriculture district since a notification was required, so it had to be shown on the plans.

Michael Clark was sworn in by Lisa Markland, Town Clerk.

Michael Clark, from the Town's Planning Department, gave his credentials. It was explained one of the goals of the Town's 2030 Strategic Plan was to increase the Town's connectedness by having sidewalks on both sides of the street. The percentage of masonry on the homes that staff was asking for needed to be a quantifiable measure to ensure components were met.

Mayor Matheny asked if anyone else who wished to speak in favor. There was none.

Mayor Matheny asked if anyone wished to speak against. There was none.

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

C. SUP 2019-07 Weavers Ridge

A request by Stocks Engineering to obtain a Special Use Permit to subdivide approximately 34 acres into a maximum of 182 residential lots.

Mayor Matheny opened the public hearing and asked for a staff report.

Lisa Markland, Town Clerk swore in Meade Bradshaw.

Meade Bradshaw presented the PowerPoint presentation for a request for a Special Use Permit for a 182 lot subdivision located at 2340 Zebulon Road. The property was approximately 34 acres, zoned R-10, and located within the Town's corporate limits. The vicinity map, zoning data, concept plan, and surrounding property uses were reviewed.

Staff recommended the following conditions:

1. 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 the following regulations:
 - a. Restricting on-street parking for a maximum of 24 hours. This matter will be enforced by the Homeowners Association.
 - b. 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.
 - c. 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.
 - a. Northbound right turn lane 100' of storage. This will be required to be constructed/shown with the 1st submitted phase for TRC Review.
 - b. 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. Model Homes: Must meet Wake County ADA standards and provide paved parking areas.
11. Mail Kiosk: Installation of mailbox kiosk will be reviewed/approved as part of the Technical Review Committee process.
 - a. Constructed prior to 1st certificate of occupancy of any dwelling unit.
 - b. Off-street parking will be provided for kiosk.
 - c. 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.

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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 trees 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 receptacles, 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:
- a. 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).
 - b. All front windows should have shutters or trim. Corner side yard windows should be treated as a front elevation.
 - c. 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.
 - d. 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 that Staff and the Developer could not agree upon:

- a. Sidewalk locations on both sides of all streets
- b. Exterior Elevations:
 - 30% 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).
 - iv. All elevations must have windows on all exterior sides of dwellings.

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- c. 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.

Due to the outstanding items in the Special Use Permit Conditions, Staff found findings of fact #4 was not met.

The findings of fact:

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.

Mayor Matheny asked if anyone wished to speak in favor.

David York was sworn in by Lisa Markland, Town Clerk.

David York gave his credentials as the attorney for the developer. Mr. York explained that no one from the real estate appraiser's office was able to attend the meeting so Mr. York asked to present a report and affidavit of David Lewis, the real estate appraiser.

Eric Vernon, Town Attorney asked the audience if there was anyone who wished to speak against and there were none, therefore no objection to submitting the report and affidavit.

Glen Futrell was sworn in by Lisa Markland, Town Clerk.

Mr. Futrell gave his credentials and explained the development of Weavers Pond was fifty percent complete and was doing very well because it offered affordable homes. It was stated he purchased the property before the Board, because it was contiguous with the parcel and offered another exit from Weavers Pond. The proposed development would have townhomes and single family detached homes.

Mike Stocks was sworn in by Lisa Markland, Town Clerk.

Mr. Stocks was confirmed as an expert witness from earlier testimony on his credentials. David York asked a series of questions regarding the development and Mr. Stocks' knowledge of the development and the Town ordinances. Mr. Stocks answered in the affirmative to all questions.

Joshua Reinke was sworn in by Lisa Markland, Town Clerk.

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Mr. Reinke was confirmed as an expert witness from earlier testimony on his credentials by the Town Attorney Eric Vernon. David York asked a series of questions regarding Mr. Reinke's knowledge of the development, town ordinances and transportation requirements. Josh Reinke answered in the affirmative to all questions.

David York spoke about the outstanding items that staff and the developer could not come to agreement on. Mr. York expressed that they had gone above and beyond the requirements of the ordinance and the statements from staff were too general making it difficult to enforce and agree upon.

Mr. York spoke to the road improvement requirements and that it was customary to improve the road on their side, but not the entire roadway. Mr. York continued by stating that they were required to mitigate the impact proportionally but they felt that the Town was overly burdening the developer and all they wanted was fairness.

Glen Futrell spoke about the masonry requirements in Weavers Pond. There was not a specific percentage requirement, but most homes had some masonry or stone components. Mr. Futrell said that they were willing to agree to 10% for masonry requirement. Mr. Futrell also felt the road connections to Weavers Pond at Golden Plum did not need to be done since it would be a stub out to nowhere.

There was discussion about road improvements and what the Town wanted and what the developer was willing to do. Glen Futrell stated that they would agree to construct road improvements that included a three-lane divided roadway as referenced in the Multimodal Transportation Plan with sidewalks and bikeways along entire property frontage of Weaver's Ridge along N. Arendell Avenue.

Mr. Futrell stated that he would agree to everything that staff wanted if the Town was willing to compromise on the road improvements as stated.

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

Mayor Matheny asked if anyone wished to speak against. There was none.

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

D. SUP 2019-09 Zebulon Green

A request by United Developers, Inc. for a Special Use Permit for the purpose of constructing, managing, and owning a 72-unit apartment complex located at 451 Pony Road. The parcels are currently owned by Blue Ridge Enterprises, Inc. The zoning was Residential Multi-Family SUD.

Mayor Matheny opened the public hearing and asked for staff report.

Lisa Markland, Town Clerk, swore in Michael Clark.

Michael Clark presented the PowerPoint presentation and explained the applicant received a special use permit for the same request on March 6, 2017, but the permit had expired since no work had been completed. The parcel was zoned Residential Multi-Family SUD and was owned by Zebulon Green Associates. The applicant submitted an application with the same items that were previously approved. Michael Clark showed the public notice, vicinity map, zoning date, future land use plan, and gave background information.

Staff recommended the followings conditions, which were the same as those previously approved by the Town.

1. Recordation: Special use permit and updated Illustrative Land Plan must be recorded with the Wake County Register of Deeds.
2. 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. Site Plan: Site plan review and approval by the Zebulon Technical Review Committee (ZTRC) shall be required.
4. Site Plan (Phasing): 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. Adopted Plans/Policies: 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. Signage (Main Entrance): 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. Management Association: There shall be a Management Association. Office hours when staff will be present on-site shall be posted at the Community Building.
8. Management Association: A rental payment drop-box shall be designed to be theft-deterrent and well-lit for after-hour drop payments.
9. Management Association: Emergency maintenance service contact information shall be on-site at the Community Building.
10. Management Association: 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.
11. 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. Management Association: 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. Setbacks (Residential Buildings): 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:

<i>Land Use Type</i>	<i>Minimum Front Setback</i>	<i>Minimum Side Setback</i>	<i>Minimum Rear Setback</i>
Residential Multi-Family Dwelling	20'	10'	30'

Stipulations Relating to Recreation Amenities

14. Recreation Amenities: 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. Recreation Amenities: 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.
16. Playground and Tot Lot Equipment: 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, and two (2) trash receptacles shall be provided.

Stipulations Relating to Transportation

17. Sidewalks: 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. Street Signage: 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.
19. 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.
20. Street Lights: All street lights 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.
21. Street Lights: All street lights shall be decorative Mitchell 50 Watt Series LED unless otherwise specified and authorized by the Town of Zebulon Public Works Director.
22. Entrances: All entrances shall be reviewed and approved by the Town of Zebulon and the North Carolina Department of Transportation (NCDOT) during the appropriate site plan

approval process. Approved encroachments and driveway permits will be required. Any conditions required by NCDOT as part of their approval process shall be reviewed and approved by the Town of Zebulon and the NCDOT during the appropriate site plan approval process.

23. Parking: All parking dimensions shall be in accordance with the latest version of the Town of Zebulon ordinances and specifications.
24. Parking: 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. Streets and Parking: The Management Association shall own and maintain all streets and parking as part of this development. All streets shall be labeled as private.

Stipulations Relating to Landscaping/Buffers

26. Open Space: 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".
27. Streetscaping: 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.
28. Landscape Buffer (Property Perimeters): A ten-foot (10') wide Type "A" landscape buffer with two and a half inch (2.5") caliper trees shall be installed along all outer property perimeters. Preservation of any existing trees are encouraged and may be used as a credit toward the buffer requirement.

Stipulations Relating to Architecture

29. Building Materials: Exterior building materials will be brick or stone veneer, vinyl or fiber cement (such as hardieplank) siding.
30. Building Façade: Fifty percent of all buildings must have a front façade comprised of brick or stone equal to a minimum of thirty-three percent (33%) overall coverage.
31. Foundations: Foundations will be slab on grade, stem wall, crawl space or basement as determined by the site grading and topography or as determined by the builder.

Stipulations Relating to Environment

32. Environmentally Sensitive Areas: No unauthorized disturbances of environmentally sensitive areas as defined by U.S. Army Corps of Engineers, NCDEQ, Wake County Environmental Services and the Town of Zebulon Planning Department.
33. Floodplain: No portion of any lot shall contain wetlands, riparian buffers, floodplain or floodway.
34. Rock Formations: Rock outcropping appearing above the surface prior to construction in the pre-determined Open Space areas shall be preserved.

Stipulations Relating to Utilities

35. Water and Sewer Allocation: 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. Dumpster Sites: Dumpster sites shall be located off parking areas.
37. Dumpster Sites: Dumpster sites shall be ADA accessible.
38. Dumpster Sites: Shall be screened in accordance with the latest version of Town of Zebulon ordinances and standards.
39. Yard Waste and Leaf Collection: Yard waste and leaf collection must be provided by the Manager's Association, or if applicable a management firm.
40. Storm Drainage Infrastructure: Certification of the storm drainage infrastructure must be provided by a licensed engineer. Bonding will be applied to drainage structures not completed prior to final Certificates of Occupancy. Best Management Practices (BMP's) are not converted from erosion control to permanent stormwater devices until most of the construction is complete. BMP certification will be completed as directed by the Stormwater Administrator. The Management Associate shall own and maintain all stormwater infrastructure and devices.
41. Water, Sewer and Pump Station Improvements: All water, sewer and pump station improvements will be reviewed and approved by the City of Raleigh Public Utilities during the Zebulon Technical Review Committee site plan review process. The utility improvements must be in accordance with the City of Raleigh adopted plans, policies, ordinances, and handbook requirements.

Stipulations Relating to Mailbox Kiosk

42. Mailbox Kiosk: 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 Zebulon Code of Ordinances and the Street and Storm Drainage Standards and Specifications Manual specifications. There shall be a minimum of two (2) parking spaces. A minimum of one (1) space of the two (2) parking spaces provided must be ADA compliant.
43. Mailbox Kiosk: A mailbox kiosk shall be installed prior to issuance of the first Certificate of Occupancy.

Stipulations Relating to Fire Code and Blasting

44. Fire Code: Development must comply with the 2012 NC Fire Prevention Code or current edition adopted for use by the Town of Zebulon. This includes, but is not limited to, the access roadway requirements, hydrant locations, and blasting.
45. Blasting: Blasting operations shall be conducted in accordance with the provisions of the NC Fire Prevention Code.

Staff had reviewed the applicable documentation and recommended that finding #4 was met subject to the original conditions.

The findings of fact:

- 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.

Mayor Matheny asked if anyone wished to speak in favor.

Jim Smith, who was sworn in by Lisa Markland, Town Clerk.

Jim Smith explained United Builders and Developers only built affordable housing and targeted household incomes of \$28,000 to \$56,000 per year. Mr. Smith explained he did not own the property and did not have the tax credit approval at the Board meeting in 2017. However, all the necessary pieces were in place and they were ready to begin the development.

Mayor Matheny asked if anyone else who wished to speak in favor. There was none.

Mayor Matheny asked if anyone wished to speak against. There was none.

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

E. ZA 2019-03 Special use Permit, Conditional Zoning, Planned Development Text Amendment

A request by staff 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.

Mayor Matheny opened the public hearing and asked for staff report.

Michael Clark presented the request for amendment to the code of ordinances as it relates to Special Use Permits, Conditional Zoning, and Planned Development. The request was to remove quasi-judicial requirements for subdivisions and allow for more public participation and streamline as well as shorten the process. It would add conditional zoning for subdivisions so that there could more input and negotiations on developments to get the best possible product built.

Mayor Matheny asked if anyone else who wished to speak in favor. There was none.

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Mayor Matheny asked if anyone wished to speak against. There was none.

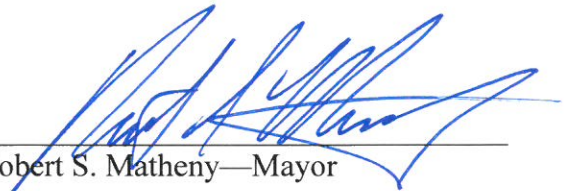
Mayor Matheny closed the public hearing and referred the matter to the Planning Board for their recommendation.

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

The meeting was adjourned at 9:53pm.

Adopted this the 9th day of September, 2019.




Robert S. Matheny—Mayor


Lisa M. Markland, CMC—Town Clerk