

**Zebulon  
Planning Board  
Minutes  
August 10, 2020**

Present: Gene Blount, Laura Johnson, Larry Ray, Stan Nowell, Stephanie Jenkins, Michael Germano, Jessica Luther, Joe Moore-Town Manager, Michael Clark-Planning, Meade Bradshaw-Planning, Lisa Markland-Town Clerk, Stacie Paratore-Deputy Town Clerk, Eric Vernon

Gene Blount called the meeting to order at 8:09pm.

**AGENDA**

Laura Johnson made a motion, second by Stephanie Jenkins to approve the agenda. There was no discussion and the motion passed unanimously.

**ADOPTION OF MINUTES**

Michael Germano made a motion, second by Larry Ray to approve the minutes of April 22, 2019, September 23, 2019, October 14, 2019, February 10, 2020, February 24, 2020, and March 2, 2020. There was no discussion and the motion passed unanimously.

**NEW BUSINESS**

**A. Wake County Historic Landmark Designation**

Michael Clark explained this was a request from Capital Area Preservation to designate 216 W. Gannon Avenue as a Wake County Historic Landmark in accordance with Section 16D-94 of the North Carolina General Statute. It was explained when a home was designated as a historic landmark, Wake County would provide guidance and grant a certificate of appropriateness before the homeowner was able make modifications to the property. The property owner would receive tax credits and tax incentives to have their home on the historic landmark registry.

There was discussion about the process a property owner would make to modify the home as well as the allowable uses of the home.

Stephanie Jenkins made a motion, second by Laura Johnson to recommend approval of the Wake County Historic Landmark Designation for 216 W. Gannon Avenue. There was no discussion and the motion passed unanimously.

**B. CZ 2020-02 1500 & 1512 N. Arendell Avenue**

Meade Bradshaw explained this was a request by Clyde Holt representing the property owner of 1500 and 1512 N. Arendell Avenue, Stephen Jordan Properties, LLC requesting a conditional zoning map amendment from residential-2 (R-2) to heavy commercial conditional zoning (HC CZ). Three conditions were applied to the property:

1. Building height will be no greater than 35'.
2. A traffic impact analysis will be conducted by a licensed engineer submitted/approved by the Town of Zebulon prior to Technical Review Committee Approval.

3. A fence meeting the Unified Development Ordinance requirements be constructed on property lines adjacent to properties with residential dwelling units and the church property.

The applicant added the following conditions:

1. Maximum height of principal building(s) shall not exceed thirty-five feet (35") as measured by code.
2. The collection of trash and/or recycling from the subject property shall be limited to Monday through Friday from the hours of 6AM to 7PM.
3. Exterior lighting shall be aimed and/or shielded so as to prevent direct view of the light sources from any adjacent residentially zoned lot containing an occupied dwelling.
4. In addition to storm water measures required by code, the owner shall design and maintain any required retention area so as to minimize and/or manage standing water to reduce its potential for mosquito infestation and to drain toward the right-of-way of Arendell Avenue.
5. In addition to landscaping required by code, at the time of initial development on the vacant parcel, or upon new construction and/or redevelopment of the developed parcel, each lot owner shall install and thereafter maintain a six (6') foot high opaque fence within the portion of the side or rear yard sharing a common boundary with adjacent residentially zoned property containing an occupied dwelling.
6. As a means of complying with §6.13. 7 of the Zebulon UDO, each property-owner shall be permitted to utilize an alternative reasonable method, other than the ITE manual, to calculate peak hour trip generation for its traffic impact analysis and the calculation of any transportation impact fee assessed for new development on such lot. Any transportation impact fee ultimately agreed upon and/or paid by each property-owner and payments for any required road improvements and/or the fair market value of any right-of-way dedication (or fees-in-lieu for the same) required by the Town, or any sums previously paid by each property owner on account of such similar Town requirements, shall be considered concurrent payments.
7. The primary reason for rezoning these lots from R2 to HC being the return of the subject property to the commercial classification existing prior to January 1, 2020, and given that the downzoning occurring at that time took place without the property-owner's knowledge or consent, the application filing fee otherwise due under the Code and Fee Schedule shall be waived and/or returned to the property-owner applicant.

The applicant also requested the administrative conditional zoning fee be waived. The parcels were previously zoned heavy business and were changed to residential-2 under adoption of the new Unified Development Ordinance. Staff supported the conditional zoning request but did not support waiving the re-zoning fee.

There was discussion about the uses allowed in the heavy commercial district. There was some confusion about the intent of the application and the prohibited uses. The Planning Board asked Clyde Holt for clarification of his intent in the application's allowable uses. Mr. Holt explained the applicant reserved the right to have any of the allowable uses except the ones that were specifically prohibited.

There was discussion about light pollution from the proposed business. Michael Germano proposed following dark sky initiatives for the lighting design. Mr. Holt explained he had added condition three stating "exterior lighting shall be aimed and/or shielded so as to prevent direct view of the light sources from any adjacent residentially zoned lot containing an occupied dwelling." Mr. Germano wanted a method to measure light pollution for the nearby neighborhood.

Michael Germano made a motion, second by Jessica Luther to recommend approval of CZ 2020-02 for 1500 & 1512 N. Arendell Avenue with the following conditions.

1. Maximum height of principal building(s) shall not exceed thirty-five feet (35") as measured by code.
2. The collection of trash and/or recycling from the subject property shall be limited to Monday through Friday from the hours of 6AM to 7PM.
3. Exterior lighting shall be aimed and/or shielded so as to prevent direct view of the light sources from any adjacent residentially zoned lot containing an occupied dwelling.
4. In addition to storm water measures required by code, the owner shall design and maintain any required retention area so as to minimize and/or manage standing water to reduce its potential for mosquito infestation and to drain toward the right-of-way of Arendell Avenue.
5. In addition to landscaping required by code, at the time of initial development on the vacant parcel, or upon new construction and/or redevelopment of the developed parcel, each lot owner shall install and thereafter maintain a six (6') foot high opaque fence within the portion of the side or rear yard sharing a common boundary with adjacent residentially zoned property containing an occupied dwelling.
6. As a means of complying with §6.13.7 of the Zebulon UDO, each property-owner shall be permitted to utilize an alternative reasonable method, other than the ITE manual, to calculate peak hour trip generation for its traffic impact analysis and the calculation of any transportation impact fee assessed for new development on such lot. Any transportation impact fee ultimately agreed upon and/or paid by each property-owner and payments for any required road improvements and/or the fair market value of any right-of-way dedication (or fees-in-lieu for the same) required by the Town, or any sums previously paid by each property owner on account of such similar Town requirements, shall be considered concurrent payments.
7. The primary reason for rezoning these lots from R2 to HC being the return of the subject property to the commercial classification existing prior to January 1, 2020, and given that the downzoning occurring at that time took place without the property-owner's knowledge or consent, the application filing fee otherwise due under the Code and Fee Schedule shall be waived and/or returned to the property-owner applicant.
8. All uses will be allowed except for the following: ABC Store, Bottle Shop with on premise

consumption, Flea Market, Golf Course or Driving Range, Microbrewery, Microwinery, Microdistillery, Nightclub or Dance Hall, Tattoo and Piercing Establishment, and Truck Stop.

9. Incorporation of Dark Sky Lighting requirements.

There was no discussion and the motion passed unanimously.

There was a question how the property was zoned as R-2 under the new UDO. The zoning under the UDO was based on boundaries and the way it was mapped. The fee was initiated since the applicant requested conditional zoning and not commercial. The previous zoning code did not offer conditional zoning as an option therefore staff did not feel the rezoning fee was an error.

Laura Johnson made a motion, second by Larry Ray to recommend removing the zoning fee. The motion failed with a vote 2 to 4 with Laura Johnson and Larry Ray voting in favor and Michael Germano, Stephanie Jenkins, Jessica Luther and Stan Nowell voting in opposition.

Michael Germano made a motion, second by Stephanie Jenkins to recommend keeping the zoning fee. The motion passed with Michael Germano, Stephanie Jenkins, Jessica Luther and Stan Nowell voting in favor and Larry Ray and Laura Johnson voting in opposition.

C. CZ 2020-01 Five County Mini Storage

Meade Bradshaw explained this was a request by John Sikorski, property owner of 1412 and 1420 US 264 Highway, requesting a zoning map amendment from light industrial (LI) to conditional zoning light industrial. There was an existing self-service storage facility and the property owner wanted to expand the facility. Two conditions were applied to the property:

1. Allowing a self-storage facility on a minimum site size (two parcels) of two acres.
2. Install a type-A landscape buffer (four understory trees and 15 shrubs every 100 linear feet) planned along the western property line.

Staff explained when the Unified Development Ordinance was adopted self-storage facilities had to be a minimum site size of five acres and the existing site was approximately 2.21 and was a non-conforming use. Requesting the conditional zoning and removing the five-acre minimum requirement would allow the property owner to expand the facility.

There was a question if a variance for the impervious percentage to the site plan was needed for the additional use the UDO allowed 65% over the lot coverage and this use would be 75%. Staff deferred to Wake County and explained the applicant had spoken to Wake County Soil and Erosion Control and was given an exemption.

Michael Germano made a motion, second by Jessica Luther to recommend approval of CZ 2020-01 Five County Mini Storage finding that the proposed requests are consistent with the Comprehensive Master Plan and the goal statements of the 2030 Strategic Plan as adopted by the Town of Zebulon and with the following conditions.

1. Allowing a self-storage facility on a minimum site size (two parcels) of two acres.

2. Install a type-A landscape buffer (four understory trees and 15 shrubs every 100 linear feet) planted along the western property line.

There was no discussion and the motion passed unanimously.

D. Transportation Plan Amendment

Michael Clark stated the Town was proposing an amendment to the multi-modal plan to designate Judd Street from N. Arendell Avenue to Worth Hinton Road as a collector road. The section of land was owned by GSK and was zoned light industrial. GSK indicated they were putting this tract of land on the market for development. The collector road would give more east and west connectivity and quicker response time for an emergency service vehicle.

There was discussion about maintenance of the collector road.

Jessica Luther made a motion, second by Laura Johnson to recommend approval of the Transportation Plan Amendment, finding that the proposed request is consistent with the Comprehensive Master Plan and the goal statements of the 2030 Strategic Plan as adopted by the Town of Zebulon. There was no discussion and the motion passed unanimously.

E. QA-2020-02 Quarterly Text Amendments

Michael Clark explained this was an amendment to Section 4.5.4.A to allow exceptions for mobile food vendors. The proposed amendment would result in increased efficiency of staff time as applications for ice cream trucks and similar activities would not need to be processed, reviewed, and approved. This text amendment also allowed exemptions for Homeowner's Associations and Town sponsored events.

Michael Clark further explained this was for a mobile truck that did not have a set location, stopped only for point of contact sales, and continued on a fixed route.

Michael Germano made a motion, second by Jessica Luther to recommend approval of the proposed text amendments to sections 4.5.4.A of the Unified Development Ordinance as presented at the August 10, 2020 Joint Public Hearing, finding that the proposed request is consistent with the Comprehensive Master Plan and the goal statements of the 2030 Strategic Plan as adopted by the Town of Zebulon. There was no discussion and the motion passed unanimously.

Michael Clark stated this was an amendment to Section 6.10.7.F regarding street grade. The UDO text allowed for up to a 12% grade, but the standard specifications only allowed for a maximum of a 7% grade. The text amendment would give more consistency.

Larry Ray made a motion, second by Michael Germano to recommend approval of the proposed text amendments to section 6.10.7.F of the Unified Development Ordinance as presented at the August 10, 2020 Joint Public Hearing, finding that the proposed request is consistent with the Comprehensive Master Plan and the goal statements of the 2030 Strategic Plan as adopted by the Town of Zebulon. There was no discussion and the motion passed unanimously.

Planning Board  
Minutes  
August 10, 2020

Michael Germano made a motion, second by Laura Johnson to adjourn the meeting. There was no discussion and the motion passed unanimously.

Adopted this the 12<sup>th</sup> day of October 2020.



  
Gene Blount—Chair

  
Stacie Paratore, CMC—Deputy Town