

**Zebulon
Joint Public Hearing
Minutes
March 8, 2021**

Present: Robert S. Matheny, Beverly Clark, Annie Moore, Glenn York, Shannon Baxter, Larry Loucks, Joe Moore-Town Manager, Lisa Markland-Town Clerk, Stacie Paratore-Deputy Town Clerk, Michael Clark-Planning, Eric Vernon-Attorney

Planning Board Present: Laura Johnson, Michael Germano, Jessica Luther, David Lowry
Absent: Stephanie Jenkins and Gene Blount

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

PUBLIC HEARING

A. TA 2021-01 Building Maintenance Regulations

Mayor Matheny opened the public hearing.

Michael Clark explained this was a staff initiated request to amend Chapter 95 of the Zebulon Code of Ordinances. This amendment would establish regulations regarding the conditions and appearance of non-residential buildings within the DTP (Downtown Periphery) and DTC (Downtown Core) districts.

The proposed text amendments were in response to deteriorating conditions of buildings within the Downtown Zoning Districts and the number of vacant buildings that work against the Town's effort to have a Vibrant Downtown. The proposed regulations required building exteriors to be maintained in a way that addressed safety and aesthetic concerns, and some level of display located in the front window of vacant buildings to eliminate the appearance of vacancy. Examples of some of the deteriorating conditions downtown were shown. The text amendment would create vibrancy outlined in the Town's 2030 Strategic Plan.

Staff recommended approval of TA 2021-01.

Mayor Matheny asked if either Board had questions.

Jessica Luther asked if there would be regulations about window displays. Michael Clark explained business owners would work with staff to create a plan for the window displays. The sign regulations were separate from the window displays which were identified as ground level windows in the storefront.

David Lowry pointed out redundancy in Section 95.63A. In Section 95.63E there was no definition for rotting. Staff would review and update the language. Mr. Lowry suggested adding the language "signage needed to be consistent with UDO requirements" in Section 95.63H. Staff would update the language. It was also suggested to add penalties for failure to register as a vacant building.

Michael Germano asked how to address vacant buildings being used for non-conforming uses. Michael Clark explained if it was an existing legal non-conformity, staff had to wait until the non-

conformity status expired. From the maintenance side the standards would still be applicable. There was discussion about storage of items on vacant lots.

David Lowry inquired about the “appearance of disrepair” language. Staff would work with business owners to make the necessary repairs to prevent giving an appearance of vacancy.

Mayor Matheny asked if brick was required to be painted since the section stated “exterior should be painted.” Staff would update the language to state exteriors of the building shall be maintained and/or painted so they do not appear vacant.

There was a question about the reference to the Board of Appeals in the Code of Ordinances. The Board of Appeals was the Town’s Board of Adjustment.

David Lowry inquired about the reference to 160D in Section 95.69. Michael Clark explained all regulations going forward were required to be consistent with 160D. The State made it effective June 2020 but gave municipalities one year to bring local ordinances into compliance with 160D.

Mayor Matheny asked if anyone wished to speak in favor.

Amanda Cruz, who owns the Creative Cup, stated buildings should be maintained to help the appearance and establish a new atmosphere in downtown. The regulation would help to create a unified look.

Dallas Pearce, of Dallas Pearce Realty, commended Town staff for making the recommendation for the building maintenance regulation. Mr. Pearce spoke about future plans and was excited about the future of downtown Zebulon.

Stacie Paratore read comments that were emailed to Teresa Piner from Brandon McCraney. Mr. McCraney stated the regulation would create a positive impact on existing businesses and would create basic standards for the buildings downtown.

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

Mayor Matheny asked if anyone wished to speak in opposition.

Stacie Paratore read comments submitted by Chuck Corbett. Mr. Corbett stated the regulation was unnecessary and the condition of commercial property was market driven.

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

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

B. CZ 2020-06 - Old US 264, Zebulon Outdoor Storage
Mayor Matheny opened the public hearing.

Meade Bradshaw explained this was a request by John Olgesby representing the property owner, Tommy Perry who was requesting a Conditional Zoning from Heavy Industrial (HI) to Heavy Industrial-Conditional (HI-C) for the property at 1817 Old US 264 Hwy.

The parcel size was approximately 15.28 acres. The vicinity map, aerial map, zoning map and pictures of the parcel were shown.

In accordance with Section 2.2.6 of the Town of Zebulon Unified Development Ordinance and NCGS 160D-703, the following conditions are agreed upon for request CZ 2020-06.

1. There shall be a maximum of 80% site coverage with washed stone surfacing and grass parking areas.
 - a. Top layer of crushed stone surfacing will be No. 5 washed stone to prevent dust.
 - b. Stone will provide semi-pervious surface to reduce total runoff by allowing infiltration.
 - c. All stone vehicular areas shall be within a security fence and screened by an opaque evergreen hedge row with a minimum height of 6 feet at the time of planting.
 - d. All stone vehicular areas shall be properly maintained, including vegetation control, smoothing, scraping, top dressing at regular intervals.
2. The entrance apron and approximately 250 feet of access road shall be paved by one of the surface materials listed in § 5.8.5.F.1 until the main entrance gate.
3. Additional landscaping shall be provided along paved access road, between pavement and security fence for additional screening of parking areas within fence.
4. There shall be a total of 40' of Type D Opaque buffer between the security fence and Old US 264 Highway.
5. There shall be a total of 30' of Type C Semi-Opaque buffer between the US 264 Highway controlled access right-of-way and the security fence. The 20' width of existing vegetation/trees within the property boundary will not be disturbed.
6. There shall be a total of 20' of Type C Semi-Opaque buffer between the adjoining property identified as Wake County PIN 2715737661 and the security fence.
7. There shall be approximately 400 feet of 6' wide concrete sidewalk adjacent to Old US 264 Highway approximately 1' inside the existing right-of-way.
8. The applicant shall apply to annex the subject property into the Town of Zebulon within 30 days of final approval of this conditional rezoning.

*All other applicable Unified Development Ordinance requirements shall remain as written and the requirements by other agencies will be reviewed and regulated at the time of Technical Review Committee review process.

The concept plan was shown. Staff explained the applicant wanted to use gravel in the parking area and driveway which was a deviation from code standard 5.8.5(f)(1). The code required materials to be asphalt, concrete, or of sufficient thickness for any parking areas, driveways or vehicular service areas on developed sites. Staff did not support the site being 100% gravel finding the allowance of gravel created public health and safety issues. Many uses within the Heavy Industrial District attracted and generated high traffic volumes and heavy weights. Gravel required more frequent maintenance and degraded quicker when exposed to all weather events than other surface treatments such as asphalt, concrete, or pervious surfaces. The quicker degradation and higher traffic volumes created unsounded surfaces for parking, storing, walking and ADA accessibility. The resolution of these issues required a large amount of staff time and magnified the frequency of code enforcement needs.

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

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

Mayor Matheny asked if either Board had questions. There were none.

Mayor Matheny asked if anyone wished to speak in favor.

Ashley Honeycutt Terrazas, an attorney from Fox Rothschild LLP representing the property owner Tommy Perry, asked the Board to consider approving the installation of a crushed stone lot. The history of the property was given. This was Mr. Perry's second location for his storage business. Ms. Honeycutt Terrazas stated the property owner would apply for annexation and the business would increase tax revenue for the Town. The crushed stone surface allowed changes to the parking layout and would make it easier for the site to be re-developed in the future.

Mayor Matheny asked if either Board had questions. There were none.

Mayor Matheny asked if anyone wished to speak in favor.

John Olgesby, the project engineer with CSD Engineering, spoke about increased stormwater filtration with crushed stone as compared to asphalt, and how the proposed stone thickness and durability was sufficient for the proposed use.

Mayor Matheny asked if either Board had questions.

David Lowry asked about the degradation of asphalt with long term storage compared to stop-and-go traffic. Mr. Olgesby explained most heavy loads such as tractor trailers were not stored long term like boats and RVs.

The 250ft access road would be asphalt as long as it was approved by DOT.

There was discussion about the stormwater runoff area on the property. Mr. Olgesby explained they had a permit from the US Army Corps of Engineers to drain the pond in the back of the property. After approximately nine months the US Army Corps of Engineers would determine if the area was designated as wetlands. No gravel was planned for that area. There was discussion about stormwater management on the property.

Michael Germano asked Mr. Olgesby about his interpretation of the impervious nature of gravel. Mr. Olgesby stated gravel was considered impervious and would slow down the time of concentration. Regardless how long gravel was at an area there would be a possibility of infiltration and would never get to 0% impervious like asphalt. There was discussion about the time of concentration and runoff characteristics of gravel vs. asphalt.

David Lowry asked if there were plans for future improvements. The property owner had the options for future improvements. Fixed structures would not be constructed with the storage facility, but the property had the potential to be asphalted and built on in the future.

There was a question about grassed areas. Mr. Olgesby explained there may be a small area that would be grassed to be used for overflow parking.

Ashley Honeycutt Terrazas spoke about the proposed conditions. Pictures of the crushed stone parking lot at Zebulon Road storage was shown.

Mayor Matheny asked if either Board had any more questions.

Commissioner Baxter inquired about the vegetation control measures used on the property and expressed concerns of herbicides entering the water table. Mr. Olgesby stated the material used was a granulated preemergent which would runoff into stormwater detention and be removed through biological processes.

Mayor Matheny asked if either Board had any more questions. There were none.

Mayor Matheny asked if anyone else wished to speak. There were none.

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

C. RZ 2020-02, 1513 N. Arendell Avenue
Mayor Matheny opened the public hearing.

Michael Clark explained this was a staff initiated rezoning request to amend the official zoning map from Heavy Industrial (HI) to Heavy Commercial (HC) for the property at 1513 N. Arendell

Avenue. The parcel size was approximately 1.32 acres. The vicinity map, aerial map, zoning map and pictures of the parcel were shown.

The subject parcel was zoned HB-Heavy Business under the previous zoning code, however due to a file corruption with the GIS file used for the rezoning as part of the Unified Development Ordinance, the subject property was designated as LI Light Industrial in error. The site was currently occupied by Bojangles and under the LI Light Industrial, it is an existing, nonconforming use. The rezoning to HC would bring the use into conformance with the UDO.

Staff recommended approval of RZ 2020-02.

Mayor Matheny asked if either Board had any questions. There were none.

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

Mayor Matheny asked if anyone wished to speak in opposition. There were none.

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

D. RZ 2020-03, 49 Green Pace Road
Mayor Matheny opened the public hearing.

Michael Clark explained this was a staff initiated request to amend the official zoning map from Light Industrial (LI) to Heavy Commercial (HC) for a section of the property at 49 Green Pace Rd. that fronts on N. Arendell south of 1513 N. Arendell Ave. The parcel size is approximately 1.31 acres. The vicinity map, aerial map, zoning map and pictures of the parcel were shown.

The property was zoned LI-Light Industrial as part of the previous zoning code until January 1, 2020. Due to a file corruption with the GIS file used for the rezoning as part of the Unified Development Ordinance, the property was designated as LI Light Industrial in error. The site was currently vacant but was part of the tract owned and operated by BB&T.

Staff recommended approval of RZ 2020-03.

David Lowry asked how a tract of a property had two different zoning codes. Michael Clark explained a recombination plat was requested last year. It was further stated a recombination plat only changed the property lines not the zoning classifications.

Mayor Matheny asked if either Board had any questions. There were none.

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

Mayor Matheny asked if anyone wished to speak in opposition. There were none.

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

E. RZ 2020-04 213 Moss Road
Mayor Matheny opened the public hearing.

Michael Clark explained this was a staff initiated rezoning request to amend the official zoning map from Residential (R-2) to Heavy Commercial (HC) for the property at 213 Moss Road. The parcel size was approximately 1.27 acres. The vicinity map, aerial map, zoning map and pictures of the parcel were shown.

The property at 213 Moss Road was rezoned from Residential to HB Commercial in 2012 and remained in that classification as part of the previous zoning code. Due to a file corruption with the GIS file used for the rezoning as part of the Unified Development Ordinance, the subject area was designated as R2- Residential in error. The site was currently occupied by a commercial use and owned by Wilbur and Theresa Pulley.

Staff recommended approval of RZ 2020-04.

Mayor Matheny asked if either Board had any questions.

Commissioner Loucks inquired about a previous rezoning request where the property was misclassified, and the rezoning fee was charged to the property owners. Michael Clark explained if this were a traditional rezoning, the fee would be waived. However, the applicant requested a conditional rezoning which required additional time.

Mayor Matheny asked if either Board had any other questions. There were none.

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

Mayor Matheny asked if anyone wished to speak in opposition. There were none.

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

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

Adopted this the 12th day of April 2021.



Robert S. Matheny—Mayor

Lisa M. Markland, CMC—Town Clerk