

**Zebulon
Planning Board
Minutes
March 8, 2021**

Present: Laura Johnson, Michael Germano, Jessica Luther, David Lowry, Joe Moore-Town Manager, Michael Clark-Planning, Lisa Markland-Town Clerk, Stacie Paratore-Deputy Town Clerk, Eric Vernon-Attorney

Absent: Stephanie Jenkins and Gene Blount

Laura Johnson called the meeting to order at 8:38pm.

ADOPTION OF MINUTES

Michael Germano made a motion, second by Jessica Luther to approve the February 8, 2021 minutes as amended. There was no discussion and the motion passed unanimously.

NEW BUSINESS

A. *TA 2021-01 Building Maintenance Regulations*

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.

David Lowry inquired about the language modifications.

Michael detailed the changes to be made. Section 95.63(A) would change to "painted or maintained." Striking through second "does not". Section 95.63(H) would include "applicable signage requirements would have to be consistent with the Unified Development Ordinance." Under 95.66(E) would read "failure to register and/or failure to implement plan. . .". Section 95.67 the Board of Appeals would be changed to Board of Adjustment. Section 95.63(E) rotting would be changed to disrepair.

David Lowry made a motion, second by Michael Germano to recommend approval of TA 2021-01 as amended. There was no discussion and the motion passed unanimously.

B. CZ 2020-06 - Old US 264, Zebulon Outdoor Storage
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.

Michael Germano asked if there was a runoff issue on the site. Staff was not aware one. Michael Clark explained Wake County was monitoring the site clearing to make sure there were no further economic degradation to the site.

Michael Germano made a motion, second by Jessica Luther to recommend denial of CZ 2020-06 finding the proposal was not consistent with Standards four and two. There was no discussion and the motion passed unanimously.

C. RZ 2020-02, 1513 N. Arendell Avenue

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 was an existing, nonconforming use. The rezoning to HC would bring the use into conformance with the UDO.

Staff recommended approval of RZ 2020-02.

David Lowry made a motion, second by Michael Germano to recommend approval of RZ 2020-02. There was no discussion and the motion passed unanimously.

D. RZ 2020-03, 49 Green Pace Road

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

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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.

Jessica Luther made a motion, second by Michael Germano to recommend approval. There was no discussion and the motion passed unanimously.

E. RZ 2020-04 213 Moss Road

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.

It was clarified this was a residential property with a commercial structure on the property. Staff was not able to determine if the commercial structure was still in operation.

There was discussion about the possibility of the property being sold and used as a different commercial business.

It was clarified that the property owner was not requesting the current rezoning. The property owner had previously requested to be rezoned approximately 10 years ago to a commercial use and staff was correcting a technical error in the UDO. The surrounding properties were zoned residential except one property across the street which was commercial.

Michael Germano asked if neighborhood commercial would be more in line with the intent of the space. Staff explained the use would not be permissible under the neighborhood zoning classification.

There was discussion about changing the zoning to neighborhood commercial with a nonconforming use to protect the surrounding residential properties.

Michael Germano made a motion, second by David Lowry to recommend approval of RZ 2020-04 as amended for the property at 213 Moss Road to be rezoned as neighborhood commercial

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finding it would be more appropriate for the context and geographical location of the particular site and finding it is consistent with Section 2.2.2.4(J). There was no discussion and the motion passed with a vote 3 to 1 with Michael Germano, David Lowry, Laura Johnson voting in favor and Jessica Luther voting in opposition.

Michael Clark spoke about the upcoming Joint Public Hearings. The Planning Department updated the Interactive Development map on the Town's website.

David Lowry asked for extra time to review 160D.

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

Adopted this the 19th day of April 2021.



Gene Blount—Chair

Stacie Paratore, CMC—Deputy Town Clerk