

Zebulon Board of Commissioners
Minutes
June 7, 2021

Present: Robert S. Matheny, Beverly Clark, Annie Moore, Larry Loucks, Shannon Baxter, Glenn York, Joe Moore-Town Manager, Lisa Markland-Town Clerk, Stacie Paratore-Deputy Town Clerk, Chris Ray-Public Works, Jacqui Boykin-Police, Chris Perry-Fire, Sheila Long-Parks & Recreation, Bobby Fitts-Finance, Michael Clark-Planning, Meade Bradshaw-Planning, Eric Vernon-Town Attorney

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

PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by Commissioner York.

APPROVAL OF AGENDA

Mayor Matheny asked to amend the agenda to move the FY'22 Budget Public Hearing as item A and Special Use Permit Application as item B and to add Ordinance 2021-75 to the conditional zoning for Nedriga Bungalow Court and add Ordinance 2021-76 to the planned development on Pony Road.

Commissioner Loucks made a motion, second by Commissioner Baxter to approve the agenda as amended. There was no discussion and the motion passed unanimously.

PUBLIC COMMENT PERIOD

No comments were submitted.

CONSENT

A. Minutes

Commissioner Clark made a motion, second by Commissioner Moore to approve the minutes of the April 21, 2021 work session. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Moore to approve the minutes of the May 3, 2021 meeting. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Moore to approve the minutes of the May 3, 2021 closed session. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Moore to approve the minutes of the May 11, 2021 work session. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Moore to approve the minutes of the May 19, 2021 work session. There was no discussion and the motion passed unanimously.

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B. Finance

Commissioner Clark made a motion, second by Commissioner Moore to approve the financial report as of May 24, 2021. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Moore to approve Ordinance 2021-67. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Moore to approve Ordinance 2021-68. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Moore to approve Ordinance 2021-69. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Moore to approve Ordinance 2021-70. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Moore to approve Ordinance 2021-71. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Moore to approve Ordinance 2021-72. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Moore to approve Resolution 2021-08. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Moore to approve Resolution 2021-09. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Moore to approve the quarterly reports from the Parks and Recreation and Police Departments. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Moore to approve the Amendment of Work Session Meeting Schedule. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Moore to approve renewal of Fire contract with Johnston County. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Moore to approve extension of Fire contract with Wake County. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Moore to approve the change in curbside solid waste collections days. There was no discussion and the motion passed unanimously.

PUBLIC HEARING

A. FY '22 Budget Public Hearing

Mayor Matheny opened the public hearing.

Joe Moore recapped the budget message, schedule and process.

Mayor Matheny asked if anyone wished to speak.

Donald Horton commended the Board and staff for their hard work on the budget. Mr. Horton recommended that the budget be adopted as prepared and presented by staff.

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

Mayor Matheny closed the public hearing.

B. Special Use Permit Application: Iglesia Christiana Renacer Church Building

Mayor Matheny opened the public hearing.

Mayor Matheny asked if anyone on the Board had any ex-parte communications on the matter.

There were none.

Meade Bradshaw was sworn in by Stacie Paratore.

Meade Bradshaw stated the owner was Iglesia Christiana Rencer, Inc. and the applicant was The Site Group. The parcel was approximately 4.83 acres located at 0 Old Bunn Road. The current zoning was Residential-2 (R2). The request was to construct an approximately 16,000 sf religious institution in a residential zoning district.

The six findings of fact were:

1. Will not materially endanger the public health or safety if located where proposed;
2. Complies with all required standards, conditions, and specification of this Ordinance, including Article 4: Uses;
3. Will not substantially injure the value of the abutting land;
4. Will be in harmony with the area in which it is to be located;
5. Is in general conformity with the Town's adopted policy guidance; and
6. Includes a concept plan that accurately depicts the proposed use's configuration.

The Town's Section of the UDO on Religious Institution (Section 4.3.4.M) stated:

Religious institutions shall comply with the following standards:

1. A religious institution with seating for 500 or more persons shall:
 - a. Be on a lot of at least three acres in area.
 - b. Meeting the minimum off-street parking standards for a religious institution as well as for any accessory uses (e.g., a school, daycare, etc.) in Table 5.8.4.H: Minimum Off-Street Parking Requirements Table.

2. Regardless of the zoning district where located, religious institutions of any size shall provide a Type A buffer along lot lines shared with single-family residential dwellings.

It was stated the church proposed a total of 260 seats. The vicinity map, zoning map, site plan and photos of the property and surrounding area were shown.

Planning staff confirmed the proposal met all findings of fact standards.

Commissioner Baxter inquired how the metal siding met the harmony of surrounding neighborhoods. Staff stated the metal siding was allowed under the UDO and asked the applicant to extend brick the length of the building on the east and west sides of the property to be more in line with the nearby neighborhoods.

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.

OLD BUSINESS

A. Planning

1. Special Use Permit Applicant – Iglesia Christiana Renacer Church Building
Commissioner Clark made a motion, second by Commissioner Loucks to approve Special Use Permit Applicant – Iglesia Christiana Renacer Church Building. There was no discussion and the motion passed unanimously.

2. Conditional Zoning – Nedriga Bungalow Court – Ordinance 2021-75
Meade Bradshaw stated applicant Partners of North Carolina, LLC was requesting a conditional zoning from LI-Light Industrial to R-4 Residential-4. The parcel was located at 901 Mack Todd Road and was approximately 2.36 acres. The vicinity map, zoning map, concept plan and pictures of the area were shown. There were seven lots with two access points and half an acre of open space.

In accordance with Section 2.2.6 of the Town of Zebulon Unified Development Ordinance and NCGS 160D-703, the following conditions were agreed upon for the proposed Conditional Rezoning Project #511021.

1. Reduction of the front setback from 20' to 15'
2. Reduction of the rear setback to 15' to 5'
3. Each shared driveway will be in a common area maintained by the Homeowner's Association.

The standards for a conditional rezoning were as follows:

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, objectives, and policies of the Town’s adopted policy guidance;
3. Whether an approval of the conditional rezoning is reasonable and in the public interest;
4. Whether 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.

Commissioner York made a motion, second by Commissioner Baxter to approve Ordinance 2021-75 with the agreed upon conditions. There was no discussion and the motion passed unanimously.

3. Planned Development – Pony Road – Ordinance 2021-76

Meade Bradshaw explained the applicant, Pamela Porter with TMTLA Associates, requested to rezone three parcels to a Planned Development (PD) district. The parcels located at 0 Harmonica Drive, 0 Mack Todd Road, and 705 Pony Road were approximately 163 acres and were currently zoned as Heavy Commercial (HC), Residential-2 (R2) and Residential-4 (R4) districts. The proposal was for 418 single-family detached and single-family attached units with 2.51 units per acre. The concept plan, aerial map, zoning map, land use map and site pictures were shown.

It was stated there would be four entrances total with two in the Pineview subdivision and two from Pony Road. Some of the proposed amenities were a greenway trail, amenity center, pool, open space, dog park and a tot lot.

The applicant addressed the outstanding issues raised at the May 10, 2021 Joint Public Hearing:

1. Additional horizontal traffic calming throughout the development including but not limited to additional curvature in the roadway alignments, and mini-circles or roundabouts at significant intersections.
Response: We are committed to providing additional traffic calming measures which may include: mini-circles, roundabouts, or other measures at significant intersections throughout the development. We commit to work with Town staff and the Technical Review Committee to determine best measures for individual intersections.
2. A confirmation that the Residential Guidelines of Sec. 5.2.4 will be met with listed exclusions and the architectural details will exceed what would otherwise be required within the UDO.
Response: We commit to exceed the architectural requirements in Section 5.2.4 of the UDO. We will work with Town Planning and Building staff to provide additional architectural features with the exception of Section 5.2.4.E.3.e. Garage doors will not be required to be located at least two or more feet behind a front porch or the primary entrance to the dwelling.

3. All street sections will accommodate EMS and maintenance vehicles.
Response: We commit to all street sections within the development shall accommodate EMS and maintenance vehicles.

4. In the Homeowners Covenants there is language that no more than 10% of the homes with Certificates of Occupancy will be rental units.
Response: We commit to adding language to the HOA documents stating no more than 10% of the units with a CO shall be rental units.

5. A threshold on when the pool/amenity center will be constructed (i.e. number of dwellings that have received Certificate of Occupancy will be limited until particular amenity features are constructed.)
Response: We commit to a condition that the pool/amenity center will be constructed as part of the second Phase of development.

The standards for a conditional rezoning were as follows:

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, objectives, and policies of the Town's adopted policy guidance;
3. Whether an approval of the conditional rezoning is reasonable and in the public interest;
4. Whether 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.

Commissioner Loucks asked about the criteria for Phase 2 to begin. Staff explained phase 2 began once it was submitted.

It was asked how the Town would determine if more than 10% of the homes were rented. Eric Vernon stated the restrictive covenants should be written to include language regarding the 10% maximum and an application to file with the HOA for approval to rent units. The HOA would have a record of the rental units and would be self-policing by the HOA. Eric Vernon suggested the Town review the covenants to ensure they included the proper verbiage to enforce the 10% rental restriction.

It was stated a developer must submit HOA documents before the Planning Department will sign the plat and approve the lots for recording.

Michael Clark stated the 10% rental restriction was an industry standard and other municipalities in Wake County had the 10% benchmark.

Commissioner Clark expressed concerns about environmental impacts and traffic issues.

Edward Suragany, the Traffic Engineer, spoke about the Traffic Impact Analysis that was performed.

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Commissioner Loucks expressed concerns about traffic congestion at the intersection at 97 and Pony Road. It was suggested to add a condition to require a roundabout at the intersection once 25% of the development was completed.

Commissioner York inquired about the response time to that area. Chris Perry stated it would be approximately five to six minutes.

Commissioner Baxter made a motion, second by Commissioner Clark to table Ordinance 2021-76 for further discussion. There was no discussion and the motion passed unanimously.

4. Zebulon National Historic District – Resolution 2021-10

Mayor Matheny recognized guests from the Wake County Historic Preservation Commission who were in attendance.

Michael Clark gave details about the Zebulon Historic District. The proposed Zebulon Historic District map was shown. The district included 239 resources ranging from 1906 to 1971. The proposal was done by Preservation Zebulon without input from the Town of Zebulon, Wake County Historic Preservation Commission and Zebulon residents.

The architectural differences in the proposed district were shown. The difference between contributing and non-contributing resources was explained.

The criteria, period of significance and additional guidelines were explained.

Whitley Galleries was excluded from the proposed district, whereas the Zebulon Swim Association pool was included as a contributing resource. It was stated federal funds could not be used for this property for a use that would negate the historic integrity of the structure. If a property was not included in the district, it would not be eligible for any tax credits.

Michael Clark spoke about some of the Federal funding available to municipalities and how a Zebulon Historic District could affect receiving funding.

Staff there were other structures to be considered historic located outside the boundaries of the proposed Historic District.

At the May 17, 2021 the Planning Board voted 6 to 1 to recommend the Board of Commissioners request the National Registry Advisory table the Zebulon Historic District nomination to allow for modifications of the proposed boundaries and full public involvement.

The Wake County Historic Preservation Commission provided a recommendation letter dated May 25, 2021 expressing concerns with the proposed boundaries as well as the process. Jeff Hastings, Vice Chair for the Wake County Historic Preservation Commission, stated the historic district needed to be all inclusive and needed to go through the Board of Commissioners and Wake County Historic Commission.

Michael Clark stated that staff was asking the Board of Commissioners to adopt Resolution 2021-10 to request the National Register Advisory Committee deny the nomination of the Zebulon Historic District as presented to allow an all-inclusive and transparent process that would involve the Town, Wake County Historic Preservation Commission, Preservation Zebulon, and all Citizens of Zebulon to better understand and represent the districts comprising the different periods of significance in Zebulon’s growth and development.

Commissioner Baxter made a motion, second by Commissioner Clark to approve Resolution 2021-10.

Commissioner Loucks asked how long it would take to re-draw the districts with public input. Michael Clark stated it depended on the parties involved. The Resolution would go to the National Register Advisory Committee who had the ability to move the designation to the National Parks Service or to take other actions. Staff would assess options and have a timeframe once a decision was made.

There was no further discussion and the motion passed unanimously.

5. Comprehensive Land Use Plan – Ordinance 2021-73

Michael Clark explained the Comprehensive Land Use Plan was the foundation for the Town’s regulations and a guiding document to help officials and staff plan for the future. The Town held Town Board sessions, Town Hall meetings, online surveys, visual preference surveys, social media and primary focus groups to obtain public input.

The sections for the plan included:

- Plan Introduction
- Land Use and Development
- Growth Capacity
- Housing and Neighborhoods
- Economic Development
- Recreation and Amenities
- Implementation
- Zebulon Today

The guiding principals for the plan were: connected, grounded, balanced, prudent, collaborative, resilient. All of the principals were mentioned during public input.

The future land use map was shown. The plan implementation, administration and action plan were explained.

Commissioner Clark made a motion, second by Commissioner Loucks to approve Ordinance 2021-73. There was no discussion and the motion passed unanimously.

BUDGET

A. Administration

1. Budget 2021-2022 – Ordinance 2021-74

Commissioner York made a motion, second by Commissioner Baxter to establish a meeting on June 23, 2021 at 5:00pm to discuss the budget. There was no discussion and the motion passed unanimously.

B. Finance

1. Non-Profit Funding Distribution

Commissioner Clark made a motion, second by Commissioner York to table Non-Profit Funding Distribution. There was no discussion and the motion passed unanimously.

BOARD COMMENTS

Commissioner Loucks thanked staff for their work on the budget and hoped the Town would have the tree lighting in December.

Commissioner Clark asked about the specifics items to be discussed at the meeting on June 23, 2021. Mayor Matheny stated there were questions about funding of certain projects and items that needed clarification.

Commissioner Baxter recognized Dustin Thorne and Austin Morgan who were both promoted to Senior Firefighter and wanted a Zebulon Historic District and felt it was important to the community.

Commissioner York thanked East Wake Academy for the invitation to their graduation.

MANAGER’S REPORT

Bobby Fitts gave the following budget transfers:

Governing Body:

Moved \$1,300 from Group Insurance to FICA

Finance:

Moved \$2,000 from Travel & Training to Contracted Services (Wake Co. Tax Collections)

Administration:

Moved \$1,000 from Materials & Supplies (IT) to Professional Services

Planning:

Moved \$2,500 from Salaries (Overtime) - \$500 to Cell Phones & \$2,000 to Vehicle Maintenance

Project & Property Management:

Moved \$2,000 from Contract Services-Janitorial Services to Water/Sewer;

Moved \$2,500 from ZMC Maintenance to Buildings & Grounds Maintenance

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Fire:
Moved \$3,200 from Salaries to Salaries (Overtime)

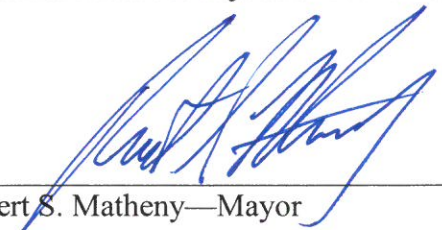
Operations:
Moved \$5,000 from Salaries (Overtime) to Street Lighting;
Moved \$1,000 from Snow & Ice Materials to Street Lighting

Parks & Recreation:
Moved \$4,500 from P/T Salaries (Parks Maintenance) to Contract Services

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

Adopted this the 2nd day of August 2021.




Robert S. Matheny—Mayor


Lisa M. Markland, CMC—Town Clerk