

**Zebulon
Joint Public Hearing
Minutes
October 10, 2022**

Present: Glenn York, Beverly Clark, Quentin Miles, Shannon Baxter, Larry Loucks, Joe Moore-Town Manager, Lisa Markland-Town Clerk, Michael Clark-Planning, Aaron Chalker-Planning, Sam Slater-Attorney

Absent: Jessica Harrison

Planning Board Present: David Lowry, Michael Germano, Domenick Schilling, Genia Newkirk
Stephanie Jenkins

Absent: Laura Johnson

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

APPROVAL OF THE AGENDA

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

PUBLIC HEARING

A. Text Amendment 2023-01 Development Process Change, Public Hearing and Parks and Recreation

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

Michael Clark explained the public hearing notification process. The proposed text amendments would convert the Joint Public Hearing to a Board of Commissioners Public Hearing, introduced the Parks and Recreation Advisory Board into the development process and would provide clarification in Article five regarding open space requirements and Article six regarding the fee-in-lieu process.

The process changes for the Joint Public Hearing were discussed. The Board of Commissioners would be introduced to the case then would set the Public Hearing and refer the matter to the Planning Board and Parks and Recreation Advisory Board. Both boards would review the application request in context of their plans with the Comprehensive Land Use Plan and Transportation Plan for the Planning Board and the Parks and Recreation Master Plan for the Parks and Recreation Advisory Board. Once both Boards made a formal recommendation the Board of Commissioners would hold the public hearing with a possible decision.

The amendments to Articles 5 and 6 provided additional clarification pertaining to open space:

- Separated out land dedication requirements
- Provided specific standards for Parks and Recreation Board
- Allowed for reduction in Parks and Recreation Impact Fee

Joint Public Hearing
Minutes
October 10, 2022

Michael Clark stated the text amendment would give additional opportunity for public comment, as well as an additional recommendation from the Parks and Recreation Advisory Board. The amendment would also increase transparency of the development process and implement the Parks and Recreation Master Plan.

Staff recommended referring the matter to the Planning Board for recommendation.

Mayor York asked if the Board had any questions.

Commissioner Loucks asked if the Parks and Recreation Advisory Board chairman could come to the Joint Public Hearing to present their findings and recommendation. Michael Clark stated other municipalities in North Carolina did that and would need to ask the chairman of the Parks and Recreation Advisory Board.

Commissioner Baxter asked why Park Land was removed in Article 6. Staff explained it was listed in the fee-in-lieu process for the Parks and Recreation Impact fee.

Commissioner Baxter pointed out a grammatical error in Article 6-20.

Commissioner Baxter asked why the powers and duties were transferred from the Town Manager to the Town Attorney. The question would be covered under a different text amendment later at the meeting. There were discussions about the Powers and Duties of the Parks and Recreation Advisory Board. The appointed boards would recommend policy to the Board of Commissioners.

Mayor York asked if either Board had any more questions.

David Lowry asked if the Parks and Recreation Advisory Board and Planning Board meetings would have public comment. Staff clarified each meeting would have public comment. Meeting minutes would be taken at each meeting and would be available to any board member who was unable to attend. Each board having their own independent meeting would give greater equity and show the importance of each board.

Commissioner Baxter stated she would like to have all the boards together in one meeting versus having separate meetings. Michael Clark explained that staff brought the proposal before the Board of Commissioners based upon their work session comments that they were in favor of the proposed process.

Commissioner Baxter stated she was in favor of having dialogue with the boards together at one time.

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

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

Mayor York closed the public hearing and referred the matter to the Planning Board.

Joint Public Hearing

Minutes

October 10, 2022

B. Text Amendment 2023-02 Public Hearing Notification

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

Michael Clark stated NCGS 160D-602 required notice to abutting properties and presented the proposed text amendment to extend the mailed public hearing notification to 750 feet from the outer boundaries of a proposed request.

Staff recommended referring the matter to the Planning Board for recommendation.

Mayor York asked if the Board had any questions.

Commissioner Baxter asked if the Town provided the notice for the applicant to mail themselves. Staff explained the Town drafted the notice to ensure it was correct. The applicant provided the envelope with the labels and the stamps for mailing. Concerns were expressed about not burdening individual homeowners with the expense of mailing notifications to the entire radius. Michael Clark explained the Town attorney confirmed all property owners were to be treated equally regardless if a developer or a single property owner.

The landowner per Wake County tax records were the ones who received Public Hearing notification.

Commissioner Miles asked about the annexation notification process for the Town's most recent annexation request. Michael Clark explained public hearing notification was mailed to all property owners within 150 feet of the subject tract on Barbee Street. It was not required under the UDO but could be added in as part of the text amendment request.

Mayor York asked if the Board had any other questions. There were none.

Mayor York asked if the Planning Board had any questions.

Michael Germano asked why the Public Hearing notification was being increased from 150 feet to 750 feet. Michael Clark stated there was a consensus among the Board of Commissioners to increase the notification to 750 feet. Commissioner Miles stated the increase gave more transparency to the citizens.

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

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

Mayor York closed the public hearing and referred the matter to the Planning Board.

C. Text Amendment 2023-03 Industrial Ground Signs

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

Michael Clark presented the proposed text amendment to allow for ground signs for industrial uses.

Joint Public Hearing

Minutes

October 10, 2022

Staff recommended referring the matter to the Planning Board for recommendation.

Mayor York asked if the Board had any questions.

Commissioner Loucks asked if a request was made to amend that particular section of the UDO. Michael Clark explained there was a request made for a sign in the commercial district and staff discovered ground signs were not allowed in the industrial district.

Mayor York asked if the Board had any other questions. There were none.

Mayor York asked if the Planning Board had any questions.

David Lowry commented that the pictures shown were both commercial and industrial and the graphic with the ground signs was cut off at the top. Staff could have the UDO consultant make the modification.

Michael Germano stated there was no stipulation to limit someone from mounding the ground under the sign to make the sign taller and wanted to see an average elevation added. Staff would research the suggestion further.

Mayor York asked if the Boards had any other questions. There were none

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

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

Mayor York closed the public hearing and referred the matter to the Planning Board.

D. Text Amendment 2023-04 Multi-Family Dwelling Building Height

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

Michael Clark presented the proposed text amendment to allow the Board of Commissioners to approve deviations to building height requests for proposed multi-family dwelling units. The current regulation prohibited an applicant from seeking adjustments in the conditional zoning or planned development zones. The text amendment gave the applicant the option to go before the Board of Commissioners to request that deviation. An example of Shepherds Greene was explained.

Staff recommended referring the matter to the Planning Board for recommendation.

Mayor York asked if the Board had any questions.

Commissioner Miles inquired why the request was made. Michael Clark stated a request was made about one year ago for a 250-unit apartment complex adjacent to a residential structure and under the regulation they were unable to go before the Board to request a deviation.

Commissioner Miles inquired if the request would be a special permit. The request would go before the Board as a conditional zoning request.

Michael Germano expressed concerns about affordable housing and the lack of density issue and would like to see the building height limitation removed.

There was discussion about having height restrictions. The proposal would establish an 18-foot height maximum for multi-family detached residential structures within 100 feet of the property line of single family detached residential structures. Commissioner Loucks stated 100' was a good starting point but wanted to see a vegetation buffer between two structures.

Mayor York asked if the Boards had any other questions. There were none

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

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

Mayor York closed the public hearing and referred the matter to the Planning Board.

E. Text Amendment 2023-05 Corrections to Article 10

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

Michael Clark presented the proposed text amendments to correct errors in Article 10 of the UDO.

- 10.4.2 – corrects the composition of the Planning Board for in-Town and ETJ representation
- 10.4.3 – removed references to ex-parte communication for Planning Board
- 10.5.2.B – allowed the Planning Director to designate another staff person to chair TRC meetings
- 10.6.1.B.5 – provided clarification regarding duties for the Building Inspector (Wake County)
- 10.8.1.A – replaced “Town Attorney” with “Town Manager” for listed roles

Staff recommended referring the matter to the Planning Board for recommendation.

There was a question about Wake County appointing the ETJ member to the Planning Board. Lisa Markland explained the Board of Commissioners made a recommendation to the Wake County Board of Commissioners who made the appointment. If an appointment was not made within 90 days, the Zebulon Board of Commissioners had the authority to appoint the ETJ person to the Planning Board.

Commissioner Miles inquired about the amendment to remove references to ex-parte communication for the Planning Board. Sam Slater explained the reference was removed because the Planning Board was no longer part of the Quasi-Judicial decision-making process.

Commissioner Baxter asked about the building inspector duties assigned by the Board and being changed to the Planning Director. The Town subcontracted with Wake County for the building inspector. Michael Clark stated it was easier for him to direct the inspectors instead of the Board.

Joint Public Hearing
Minutes
October 10, 2022

Michael Germano asked about the timeline and process for bringing plan review in house. Michael Clark stated he was monitoring the numbers and costs associated with bringing plan review in house to determine if the Town was meeting the minimum permit thresholds.

Mayor York asked if the Boards had any other questions. There were none

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

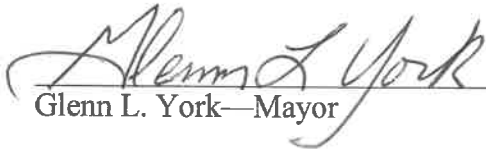
Mayor York asked if anyone wished to speak in opposition. There were none

Mayor York closed the public hearing and referred the matter to the Planning Board.

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

Adopted this the 7th day of November 2022.




Glenn L. York—Mayor


Lisa M. Markland, CMC—Town Clerk