

# FAISON TRACT

## Planned Development Statement of Terms and Conditions

Town of Zebulon, North Carolina

### Submittal Dates

First Submittal:

### Developer

Deacon Development Group, LLC  
P.O. Box 1080  
Wake Forest, NC 27588

### Civil Engineer

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5410 Trinity Road, Suite 27607  
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### Land Use Attorneys

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# TABLE OF CONTENTS

Vicinity Map .....	3
Project Data .....	4
Statement of Planning Objectives .....	5
Location and Context .....	5
Consistency With Long Range Plans .....	5
Permitted Uses .....	7
Density and Dimensional Standards .....	7
Architectural Conditions .....	8
Open Space .....	8
Amenities .....	8
Streets .....	8
Streetscapes .....	9
Pedestrian Connectivity .....	9
Utilities .....	9
Stormwater .....	9
Environmental Features .....	10
Buffers .....	10
Homeowner's Association .....	10
Phasing .....	10
Signage .....	10
Parking .....	10
Exterior Lighting .....	11
Fences and Walls .....	11
Solid Waste .....	11
Site Plan Review .....	11
Relationship to UDO .....	11

# VICINITY MAP



Scale: 1" = 600'

# PROJECT DATA

**Name of Project:**

**Developer:**

Deacon Development Group, LLC  
P.O. Box 1080  
Wake Forest, NC 27588

**Prepared by:**

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301 Fayetteville Street, Suite 1400  
Raleigh, NC 27601

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**Current Zoning:**

Residential Suburban (R2)

**Proposed Zoning:**

Planned Development (PD)

**Current Future Land Use and  
Character Map Designation:**

Suburban Residential (SR)

**Proposed Future Land Use and  
Character Map Designation:**

Suburban Residential (SR)

**Site Address:**

0 W Gannon Ave & 100 Coolwood Trl

**Property Identification Numbers:**

1795038323 & 1795123608<sup>1</sup>

**Total Site Acreage:**

102.16 acres

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<sup>1</sup> Both properties are in Zebulon's ETJ and will require annexation prior to development.

## 1. STATEMENT OF PLANNING OBJECTIVES

The proposed Planned Development (the “Development”) will be a planned residential community offering rear-loaded and front-loaded single-family detached homes to meet the growing demand for housing in the Town of Zebulon (the “Town”).

This Statement of Terms and Conditions, the Preliminary Plan, and the accompanying exhibits submitted herewith (collectively, the “Master Plan”) are provided pursuant to the Town of Zebulon Unified Development Ordinance (the “UDO”) Planned Development provisions. The Development proposes a high-quality, single-family neighborhood with ample open space, on a mostly vacant site on Hwy 97 (W Gannon Ave), close to the commercial node at the Lizard Lick Road intersection. The additional commitments of this Statement of Terms and Conditions shall constitute zoning conditions.

## 2. LOCATION AND CONTEXT

This Master Plan addresses the development of two parcels that total approximately 102.16 acres. The area subject to the rezoning is more particularly described in Exhibit A (the “Property”). The Property is at the boundary between Zebulon’s ETJ and Wendell. This property is bounded to the north by older single-family homes in Wake County’s jurisdiction and the Little River Park, to the east by a small subdivision, to the west by a mobile home development, and to the south by two large developments that were recently approved by the Town of Wendell and to which the Faison Tract Development would connect (the Ammons PUD and Marshburn Manor).

## 3. CONSISTENCY WITH LONG RANGE PLANS

The Faison Tract Development is consistent with the Town’s long range plans and will further the Town’s goals outlined in the Grow Zebulon Comprehensive Land Use Plan (the “Comp Plan”). The Development will further the Town’s stated goals of “achieving greater housing variety, supporting its economic development and tax base needs, and creating a complete community with convenient resident access to schools, recreation, shopping, and services” and consistency with the “character of land use within areas intended for particular character types.” Comp Plan p. 2 (Goals for Land Use and Development 1 & 2). It is consistent with the following specific policies from the Comp Plan’s Land Use and Development Chapter (pp.3-4):

- G3: Adequate transportation access and circulation should be provided for uses that generate large numbers of trips. Pedestrian and bicycle access should be addressed where appropriate.
- G5: Floodplain areas should not be encroached upon by development unless there is compliance with stringent floodplain management practices. These areas should be used for parks, recreation or related purposes, or for agricultural uses.

- G6: Environmentally sensitive areas should be protected, including wildlife habitat areas.
- R4: Houses should have direct access to local residential streets but not to collector streets or thoroughfares.
- R6: New residential development should be buffered from thoroughfares and collector streets.
- R7: New residential developments should include adequate area for parks and recreation facilities, schools and places of worship.
- P3: Parks are a desirable use for floodplain areas.
- P5: Natural features should be used as buffers or preserved open space between or around developed areas.

The Development includes several single-family housing types with ample open space that will mesh with the surrounding area. The design prioritizes the environmentally-sensitive areas around the Little River that runs adjacent to the site and connects to the Little River Park across the street to the north. The project will also provide a public greenway trail for residents and the existing community. The residential development will be set back from Hwy 97 (Gannon Ave), and will provide connectivity to coming residential developments in the area.

The property is well-situated between two commercial nodes. There is a node of commercial development at the Lizard Lick Road/Hwy 97 intersection to the west and commercial uses including the Wedgewood shopping center to the east. The proximity and direct access to existing commercial uses encourage residents to engage in the local economy and support existing commercial development. The Faison Tract Development will also increase the Town's tax base by raising the market value of currently vacant undeveloped land that will be annexed into the Town limits.

The Faison Tract Development embodies the Future Land Use and Character Map's (the "Map") vision for the Property. The Map designates the Property as Suburban Residential which envisions planned developments with a mix of housing types "with increased open space." Comp Plan p. 13.

The proposed planned development is also consistent with the stated Characteristics of development in Suburban Residential areas. Specifically, it will have a "[l]ess noticeable accommodation of the automobile . . . especially where ... garages are situated to the side or rear of the dwelling." It will also "promote conservation design by allowing for smaller lot sizes than the baseline in exchange for greater open space set-aside. This approach enables some viable use of sites partially constrained by topography or other factors." The Faison Tract Development will offer front-loaded

and rear-loaded single-family detached homes while preserving ample open space, to maintain the suburban character of the area, consistent with these planning goals.

The Development is also consistent with the Town’s Comprehensive Transportation Plan (the “Transportation Plan”) which contemplates a 4-Lane Divided Widening/Altering of the Hwy 97 frontage. The Development will facilitate this widening and will improve traffic flow as shown on the Concept Plan. In addition, the project proposes a north-south collector street to facilitate better connectivity to the surrounding area.

**4. PERMITTED USES**

(a) Principal Uses

The following principal uses shall be permitted:

- Single family Detached Dwelling
- Park (public or private)

The location of primary uses are shown on the Master Plan.

(b) Accessory Uses

All accessory uses permitted in the R6 district shall be permitted.

**5. DENSITY AND DIMENSIONAL STANDARDS**

(a) Density

There shall be a maximum of 85 single family detached rear-loaded dwelling units and 115 single family detached front-loaded dwelling units.

(b) Dimensional Standards

(i) Single-Family Detached Rear-Loaded Development

Minimum Lot Area (square feet)	5000 SF/Unit
Minimum Development Width	40 feet
Minimum Setbacks	
Front Setback	5 feet
Side Setback	3 feet
Rear Setback	20 feet
Side Corner Setback	10 feet
Maximum Lot Coverage	70%
Maximum Building Height (feet/stories)	50/3
Building to building setback	6 feet

(ii) Single-Family Detached Front-Loaded Development

Minimum Lot Area (square feet)	5625 SF/Unit
Minimum Lot Width	45 feet
Minimum Setbacks	
Front Setback	20 feet
Side Setback	3 feet
Rear Setback	15 feet
Maximum Lot Coverage	70%
Maximum Building Height (feet/stories)	50/3

**6. ARCHITECTURAL CONDITIONS**

The proposed development will offer architectural controls to ensure a consistency of character throughout the development, while allowing for enough variety to create interest and avoid monotony.

The Faison Tract Development will be comprised of high-quality single-family detached homes. In order to create a variety of architectural character along the streetscapes, the project will offer a variety of distinct residential elevations.

The applicant is currently in the process of finalizing appropriate architectural conditions and accompanying elevations, which will be included in a subsequent submission of this Planned Development Statement of Terms and Conditions.

**7. OPEN SPACE**

The Development takes into account the rural nature of the site and the adjacent Little River environmental feature, and will have 53 acres of open space, more than five times the 10% requirement. Locations of Open Space areas are shown on the Master Plan. All open space shall be permanently protected from development by a restrictive covenant to be recorded upon final plat approval.

**8. AMENITIES**

The Development has programmed amenities located throughout the community including a large area programmed for active open space and an amenity area at the entrance to the Development. A public greenway trail shall also be provided through the property, which will be an amenity not only for residents of the Development, but for the entire community. Locations of amenities are shown on the Master Plan.

**9. STREETS**

The locations of all public streets and alleys are shown on the Master Plan. Final names of all public streets may vary from those shown on the Master Plan and all streets shall be dedicated and depicted as public streets on the subdivision plat for

each Phase. All curb and gutter installations for public streets throughout the Development should be in accordance with the latest version of the Town of Zebulon Street and Storm Drainage Standards and Specifications Manual specifications.

## **10. STREETSCAPES**

Streetscapes for public streets shall be designed, constructed, and landscaped in accordance with the Town of Zebulon UDO and Street and Storm Drainage Standards and Specifications Manual.

## **11. PEDESTRIAN CONNECTIVITY**

The Faison Tract Development will have over 4 miles of sidewalks, public greenway trail, and walking trails. Both sides of all public streets within the Development shall have a five foot (5') wide sidewalk. A public greenway trail will be provided in the riparian area and a trail will be provided to connect the community to this public amenity. Locations of sidewalks, greenways, and trails are shown on the Master Plan.

## **12. UTILITIES**

Upon annexation, the Property will be within the boundaries of the Town. The Development shall extend water and sewer infrastructure to the Property and shall be served by public water and an on-site pump station and force main connecting east on Hwy 97 to an existing pump station. Utility locations are shown in the Master Plan. Developer shall be responsible for construction and installation of on-site public facilities in compliance with town, state, and federal regulations. Developer shall dedicate public right of way and easements required for on-site public facilities in compliance with Town, state, and federal regulations.

## **13. STORMWATER**

The Development will comply with all applicable stormwater requirements contained in the Town of Zebulon Street and Storm Drainage Standards and Specifications Manual (the "Stormwater Manual"). Post development stormwater runoff levels shall not exceed pre-development stormwater runoff levels. The Development will utilize approved stormwater devices to control stormwater and sediment runoff (the "Stormwater Facilities"). The Stormwater Facilities may include a combination of detention ponds, retention ponds, bio-retention areas, or any other stormwater devices contemplated in the Stormwater Manual. Locations of the Stormwater Facilities are shown on the Master Plan. Stormwater Control Measures shall be screened with a 10' Type A Buffer.

## **14. ENVIRONMENTAL FEATURES**

No portion of any residential lot shall contain wetlands, riparian buffers, floodplain, or floodway areas. There shall be no unauthorized disturbance of environmentally

sensitive areas as defined by the US Army Corps of Engineers, NC DENR, Wake County Environmental Services, and the Town of Zebulon.

## **15. BUFFERS**

A 30' Type A landscape perimeter buffer shall be provided along the shared property line with the following Parcel Nos.: 0890142871, 1619738887, 1745795030, 2706070464, 1769560424, 0678794825, 1712448926, 1749884150, 1731085344, 1728336505, 0698628395, 0786204723, 0745115369, 1725526336, 1796329010, 1795045023 (collectively the "Adjacent Parcels"). Breaks for pedestrian and vehicle access, walls, berms, easements, utilities, and other encroachments as permitted by the UDO shall be permitted in the buffers. Locations and dimensions of buffers are shown on the Master Plan.

## **16. HOMEOWNER'S ASSOCIATION**

Prior to the issuance of the first certificate of occupancy for the Development, a Homeowner's Association ("HOA") shall be formed to govern the affairs of the Development. The HOA shall be responsible for maintaining the common areas of the Development including any shared stormwater facilities, landscaping, hardscape structures (such as signage, irrigation, lighting, and fountains) and recreation amenities.

## **17. PHASING**

The Faison Tract Development will be developed in up to 3 phases (the "Phases", and each, a "Phase"). Location of phases are shown on the Master Plan.

## **18. SIGNAGE**

Signage shall comply with UDO Section 5.11. Installation of decorative street signs within the Development shall be in accordance with the latest version of the Town of Zebulon Street and Storm Drainage Standards and Specifications Manual.

## **19. PARKING**

Parking shall be provided in accordance with UDO Section 5.8.4. A total of at least 49 guest parking spaces shall be provided. Guest parking will be constructed for each phase to meet the requirements of that phase.

**20. EXTERIOR LIGHTING**

Exterior Lighting shall comply with UDO Section 5.4.

**21. FENCES AND WALLS**

Fences and walls shall comply with UDO Section 5.5.

**22. SOLID WASTE**

Each residential unit shall have its own solid waste can.

**23. SITE PLAN REVIEW**

Pursuant to UDO Section 3.5.5.B.4, the applicant requests an exemption from subsequent site plan review. This PD includes a master plan that is detailed and meets the requirements for a site plan, as demonstrated by the included Zebulon Site Plan Checklist. Therefore, upon approval of this PD, the applicant shall be exempt from subsequent site plan review.

**24. RELATIONSHIP TO UDO**

This Master Plan shall be the primary governing document for the development of Faison Tract Development. All standards and regulations in this Master Plan shall control over general standards of the UDO. Provided, however, that if a specific regulation is not addressed in this Master Plan, UDO regulations shall control.

**LIST OF EXHIBITS**

**EXHIBIT A – Rezoning Boundary Legal Description**

**Exhibit A**  
**Rezoning Boundary Legal Description**

**TRACT 1**

Beginning at an existing iron pipe in the southern property line of the Jessie Thomas Bunn property and having a North Carolina State Plane Coordinate value of North 753685.64 feet, East 2190475.81 feet. Thence S86° 15' 38"E, 547.07' to a 5/8" capped iron rod set, the common property corner of Jessie Thomas Bunn and F. Eugene Hester and Katherine S. Hester, Trustees; thence S12° 38' 05"E, 98.63' to an existing iron pipe; thence S5° 03' 48"E, 443.02' to an existing iron pipe; thence S32° 06' 02"W, 269.31' to a 5/8" capped iron rod set; thence N68° 16' 14"W, 353.91' to a 5/8" capped iron rod set; thence N7° 01' 10"E, 340.65' to a 5/8" capped iron rod set; thence N45° 11' 30"W, 280.27' to a 5/8" capped iron rod set; thence N9° 29' 10"E, 136.57' to the Beginning. Containing 7.78 acres more, or less.

TOGETHER WITH THE RIGHT OF INGRESS TO AND EGRESS FROM SAID PROPERTY TO NORTH CAROLINA HIGHWAY #97 ALONG A 60-FOOT PRIVATE DRIVE, SHOWN WAKE COUNTY REGISTER OF DEEDS, BOOK OF MAPS 1986, PAGE 658.

**TRACT 2**

Beginning at an existing iron pipe, a common corner with the property of AMMONS ACRES, INC., and having a North Carolina state Plane Coordinate value of North 751,951,82 feet, East 2189983.21 feet. Thence N0° 22' 05"E, 331.56' to an existing iron pipe; thence N89° 49' 39"W, 144.43' to an existing iron pipe; thence N0° 43' 54"W, 1594.82' to an existing iron pipe, witnessed by a concrete monument; thence S89° 55' 27"E, 150.46' to an existing iron pipe; thence N24° 25' 15"W, 248.22' to an existing iron pipe; thence continuing N24° 25' 15"W, 50.17' to a point in the centerline of NC Highway 97; thence with the centerline of NC Highway 97 N68° 19' 34"E, 229.35' to a point; thence leaving the centerline of NC Highway 97 S16° 15' 38"E, 40.79' to an existing iron rod; thence continuing S16° 15' 38"E 513.29' to a 5/8" capped iron rod set; thence S86° 15' 38"E, 260.50' to an existing iron pipe; thence S9° 29' 10"W, 136.57' to a 5/8" capped iron rod set; thence S45° 11' 30"E, 280.27' to a 5/8" capped iron rod set; thence S7° 01' 10"W, 340.65' to a 5/8" capped iron rod set; thence S68° 16' 14"E, 353.91' to a 5/8" capped iron rod set; thence N32° 06' 02"E, 269.31' to an existing iron pipe; thence N5° 03' 48"W, 443.02' to an existing iron pipe; thence N12° 38' 05"W, 98.63' to a 5/8" capped iron rod set; thence S86° 15' 38"E, 509.07' to a 5/8" capped iron rod set; thence S54° 42' 13"E, 306.55' to an existing iron pipe on the west bank of the Little River; thence with the bank of the Little River the following bearings and distances: S18° 29' 35"W, 62.22'; S37° 47' 53"E, 86.18'; S35° 23' 01"E, 81.74'; S8° 30' 26"E, 125.66'; S20° 18' 09"E, 182.81'; S7° 59' 25"E, 90.36'; S42° 01' 17"W, 49.94'; S33° 14' 45"E, 76.57'; S82° 56' 16"E, 61.08'; S81° 24' 16"E, 67.04'; S25° 50' 44"E, 85.13'; S11° 27' 07"W, 89.35'; S22° 12' 01"E, 93.90'; S30° 23' 33"E, 87.23'; S30° 22' 15"E, 95.47'; S3° 49' 55"W, 194.53'; S65° 44' 30"E, 137.01'; S51° 40' 31"E, 95.32'; N63° 53' 11"E, 128.25'; N33° 46' 22"E, 80.70'; N46° 03' 42"E, 111.04'; N38° 24' 58"E, 82.27'; N41° 30' 42"E, 91.34'; N66° 00' 09"E, 202.44'; N85° 38' 10"E, 109.91'; S68° 37' 54"E, 83.17';

N77° 56' 59"E, 139.77'; N78° 29' 59"E, 128.05'; N37° 15' 20"E, 51.15'; N21° 50' 47"E, 48.74'; S82° 05' 16"E, 62.84'; S37° 14' 52"E, 58.82'; S12° 40' 22"W, 136.38'; S34° 08' 15"E, 132.15'; S20° 32' 30"W, 98.41'; S4° 39' 33"E, 98.74'; S34° 51' 59"E, 109.84'; S19° 29' 55"E, 79.31' to an existing iron pipe (origin unknown); thence S5° 39' 51"E, 41.47' to a 5/8" capped iron rod set; thence leaving the bank of the Little River N88° 37' 55"W, 3686.00' to the Beginning. Containing 94.38 acres more, or less.