



Town of Zebulon

Planning Department

1003 N. Arendell Avenue, Zebulon, NC 27597
Phone: (919) 823-1810 Fax: (919) 887-2824
www.townofzebulon.org

CONDITIONAL REZONING MAP AMENDMENT PETITION

GENERAL INFORMATION:

In cases where the standards of a general use zoning district are inadequate to ensure that development allowed by the district will conform to the Town's adopted plans or to appropriately address the impacts expected to be generated by development, a landowner may apply for a conditional rezoning in accordance with Section 2.2.6 of the Unified Development Ordinance. The conditional rezoning, if approved, establishes a parallel conditional zoning district that is equivalent to a corresponding general use zoning district, except as modified through additional conditions restrictions that the applicant and Town mutually agree are necessary to ensure conformance with adopted plans and to adequately address expected development impacts.

INSTRUCTIONS:

PRE-APPLICATION MEETING: A pre-application meeting with staff in accordance with Section 2.3.2 of the UDO to verify the application requirements, processes, and procedures regarding a proposed request. To schedule a meeting, applicants must e-mail a pdf map, drawing, model, site or sketch plan to Planning Director Michael Clark (mclark@TownofZebulon.org) no later than five (5) working days prior to the desired meeting day.

NEIGHBORHOOD MEETING: Neighborhood meetings are required in accordance with Section 2.3.4 of the UDO prior to application submission. The applicant is required to notify property owners and any neighborhood association that represents citizens within that area within 300 feet of the subject property via first class mail a minimum of 10 days in advance of the neighborhood meeting. The applicant shall use their own return address on the envelopes as the meeting is a private meeting between the developer and the neighbors. The applicant shall submit the "Certified List of Property Owners" and "Neighborhood Meeting Packet" forms included on the Town's website with their initial submittal.

ANNEXATION REQUIREMENTS: If a property or portion thereof subject to this rezoning is outside the corporate limits and ETJ, an annexation petition is **required** to be submitted on the same day as this application in accordance with section 2.2.2 of the UDO.



APPLICATION FOR CONDITIONAL REZONING MAP AMENDMENT

APPLICATION PROCEDURE: The applicant requesting a Conditional Rezoning Map Amendment must submit an application through the Town of Zebulon IDT Web Portal. As noted below some materials must be brought in person to the Zebulon Planning Department to complete the application process. Access to IDT can be found on the Town of Zebulon Website or through this link (<https://townofzebulon.idtplans.com/secure/>)

- **Materials to Submit through the Town of Zebulon IDT Web Portal:**

- Completed Application Form
- PDF Plan Set (see site plan checklist)
- One (1) Legal Description (metes and bounds) of subject property
- Registered survey of subject property
- Certified List of Property Owners within 750 feet of subject property
- Owner's Consent Form
- Neighborhood Meeting Packet
- Utility Allocation Checklist

- **Materials to Submit in Person with the Town of Zebulon Planning Department:**

- 2 Full Size Plan Sets
- Stamped envelopes addressed to Certified List of Property Owners all the homeowners associations of those properties within 750 feet of the outer boundary subject property or properties. Affixed with the following return address:
Town of Zebulon
Planning Department
1003 N. Arendell Ave
Zebulon, NC 27597
- Petition Fee (Please See Fee Schedule)
(Can be paid online but applicants must let Planning Staff know prior to paying)

PUBLIC HEARING PROCEDURE: Upon submittal of a complete application, the Planning Department will schedule the application for a joint public hearing before the Planning Board and the Board of Commissioners. **APPLICANTS ARE STRONGLY ENCOURAGED TO CONTACT PLANNING STAFF AS SOON AS POSSIBLE TO ADDRESS ANY QUESTIONS ABOUT THE PUBLIC HEARING.** Notices of the public hearing will be mailed to all adjacent property owners of the property being considered for a Conditional Rezoning Map Amendment. At the public hearing, the applicant, proponents, and opponents will be given the opportunity to offer evidence in favor of or against the proposal. After completion of the public hearing, the Planning Board will deliberate and forward its recommendation to the Board of Commissioners for final consideration. Deadline dates and Joint Public Hearing dates can be found on the Town of Zebulon's website.



APPLICATION FOR CONDITIONAL REZONING MAP AMENDMENT

PART 1. DESCRIPTION OF REQUEST/PROPERTY		
Street Address of the Property: 301 Jones Street and 108 Pearces Road		Acreage: 1.915
Parcel Identification Number (NC PIN): 2706-01-5099 and 2706-01-4224	Deed Book: 19356	Deed Page(s): 637
Existing Zoning of the Property: R2	Proposed Zoning of the Property: General Commercial Conditional (GC-C)	
Existing Use of the Property: Vacant	Proposed Use of the Property: Gymnasium / Fitness Center and Retail Use, Other	
Reason for Conditional Rezoning: Conditional Rezoning is requested to allow construction of a building to include a fitness center and retail space as indicated on the conceptual site plan.		

PART 2. APPLICANT/AGENT INFORMATION		
Name of Applicant/Agent: O'Kane and Associates, PLLC (Brian O'Kane)		
Street Address of Applicant/Agent: 107 Union Drive, Suite 202		
City: Washington	State: NC	Zip Code: 27889
Email of Applicant/Agent: brian@okaneandassociates.com	Telephone Number of Applicant/Agent: 252-702-1910	Fax Number of Applicant/Agent: N/A
Are you the owner of the property? <input type="checkbox"/> Yes <input type="checkbox"/> No	Are you the owner's agent? <input type="checkbox"/> Yes <input type="checkbox"/> No	Note: If you are not the owner of the property, you <u>must</u> obtain the Owner's consent and signature giving you permission to submit this application.

PART 3. PROPERTY OWNER INFORMATION		
Name of Property Owner: CG Enterprises of NC LLC		
Street Address of Property Owner: 1609 Whispering Meadows Drive		
City: Zebulon	State: NC	Zip Code: 27597
Email of Property Owner: cur_gin@msn.com	Telephone Number of Property Owner: 470-309-4479	Fax Number of Property Owner: N/A
<i>I hereby state that the facts related in this application and any documents submitted herewith are complete, true, correct, and accurate to the best of my knowledge.</i>		
Signature of Applicant: 	Print Name: Brian O'Kane	Date: 11/01/2023
Signature of Owner: 	Print Name: Curtis Gingles	Date: 11/01/2023



APPLICATION FOR CONDITIONAL REZONING MAP AMENDMENT

LEGISLATIVE CONSIDERATIONS – CONDITIONAL REZONING

The applicant shall propose site-specific standards and conditions that take into account the following considerations, which are considerations that are relevant to the legislative determination of whether or not the proposed conditional zoning district rezoning is in the public interest. These considerations do not exclude the legislative consideration of any other factor that is relevant to the public interest. Failure to adequately address the findings below may result in denial of the application. Please attach additional pages if necessary. The petition is justified based on the facts as they relate to the Standards in Section 2.2.6.K of the UDO as follows:

1. Please explain how the proposed Conditional Rezoning advances the public health, safety, or welfare
The proposed use of a fitness center will encourage health and wellness for the residents of Zebulon. The proposed development will provide Town residents with a gym and retail space near higher density residential developments. Furthermore, the proposed site plan provides pedestrian connectivity from Jones Street to Pearces Road through the site to provide safe pedestrian movement through this section of town.
2. Please explain how 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;
The proposed conditional rezoning of General Commercial with the use of a fitness center and retail space is consistent with the Comprehensive Land Use Plan providing retail and a fitness center within close proximity to the Town's Urban Core. The proposed rezoning plan is consistent with the Zebulon Comprehensive Plan (Future Land Use and Character Map) which indicates a future land use of Suburban Commercial (SC) for this site.
3. Please explain how an approval of the conditional rezoning is reasonable and in the public interest;
The approval of the conditional rezoning will provide residents with a fitness center and retail space to support the residential growth of the area.
4. Please explain how the concept plan associated with the conditional rezoning is consistent with this Ordinance; and
The concept plan meets the development standards set forth in the ordinance.
5. Please explain how the proposed conditional rezoning addresses any other factors as the Board of Commissioners may determine to be relevant. These include but are not limited to the proposed uses requested and any requested deviations and proposed alternative means of compliance.
The proposed conditional rezoning of General Commercial with the use of a fitness center and retail space is consistent with the Comprehensive Land Use Plan providing retail and a fitness center within close proximity to the Town's Urban Core. The proposed rezoning plan is consistent with the Zebulon Comprehensive Plan (Future Land Use and Character Map) which indicates a future land use of Suburban Commercial (SC) for this site.



APPLICATION FOR CONDITIONAL REZONING MAP AMENDMENT

CONCEPT PLAN REQUIREMENTS

Every applicant requesting a Conditional Zoning Amendment shall submit **8 copies** and **1 pdf (e-mail or USB Drive)** of a concept plan drawing with the application for a Conditional Rezoning. The concept plan shall contain sufficient information to adequately determine the type of development being proposed. The concept plan drawing shall include, at a minimum, the following features unless otherwise specified by the Planning Department:

**CHECK IF
SUBMITTED**

ITEM

1.	Plot plan showing all existing and planned structures, building setback lines, perimeter boundaries, and easements.	X _____
2.	Elevation drawings of all buildings indicating the proposed exterior finish materials.	X _____
3.	Landscaping plan, lighting, fencing, screening, and walls, indicating all heights and locations.	X _____
4.	Location of all ingress and egress.	X _____
5.	Off-street parking and loading facilities, with calculations showing how the quantities were obtained.	X _____
6.	All pedestrian walks and open areas for use by residents, tenants, or the public.	X _____
7.	Proposed land uses indicating areas in square feet.	X _____
8.	The location and types of all signs, including lighting and heights, with elevation drawings.	X _____
9.	Existing and/or proposed street names.	X _____
10.	Proposed potable or reuse water, wastewater connections, and storm sewer line; proposed grading and drainage patterns; proposed water and sewer allocations.	X _____
11.	Such additional items and conditions, including design standards as the Planning Board and Board of Commissioners deems necessary.	X _____
12.	Trip generation data and TIA	X _____



APPLICATION FOR CONDITIONAL REZONING MAP AMENDMENT

PROPOSED CONDITIONAL USES

An application has been duly filed requesting that the property described in this application be rezoned from R2 to GC-C. It is understood and acknowledged that if the property is rezoned as requested, the property described in this request will be perpetually bound to the use(s) authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in the Unified Development Ordinance. It is further understood and acknowledged that final plans for any specific development to be made pursuant to any such Conditional Zoning shall be submitted for site or subdivision plan approval. Use additional pages as needed.

The Rezoned Lands may be used for, and only for, the uses listed immediately below. The permitted uses are subject to the limitations and regulations stated in the Use Table and any additional limitations or regulations stated below. For convenience, some relevant sections of the Unified Development may be referenced; such references do not imply that other sections of the Unified Development Ordinance do not apply.

1.	Gymnasium / Fitness Center	25.	
2.	Retail Use, Other	26.	
3.		27.	
4.		28.	
5.		29.	
6.		30.	
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20.		44.	
21.		45.	
22.		46.	
23.		47.	
24.		48.	



APPLICATION FOR CONDITIONAL REZONING MAP AMENDMENT

PROPOSED DEVELOPMENT CONDITIONS

The applicant hereby requests that the Zebulon Board of Commissioners, pursuant Section 2.2.6 of the UDO approve the Conditional Zoning for the Conditional Zoning for the above listed use(s), subject to the following condition(s), requested deviations, and proposed alternative means of compliance. (Attach additional pages as needed)

Please write our an
proposed zoning
conditions for this
project.



APPLICATION FOR
CONDITIONAL REZONING MAP AMENDMENT

OWNER'S CONSENT FORM

Name of Project: 24/7 Fitness Club Submittal Date: 11/1/2023

OWNER'S AUTHORIZATION

I hereby give CONSENT to O'Kane and Associates - Brian O'Kane (type, stamp or print clearly full name of agent) to act on my behalf, to submit or have submitted this application and all required material and documents, and to attend and represent me at all meetings and public hearings pertaining to the application(s) indicated above. Furthermore, I hereby give consent to the party designated above to agree to all terms and conditions which may arise as part of the approval of this application.

I hereby certify I have full knowledge the property I have an ownership interest in is the subject of this application. I acknowledge and agree that pursuant to Section 2.2.6 M. of the Town of Zebulon Unified Development Ordinance, that lands subject to a conditional rezoning shall be subject to all the standards, conditions, and plans approved as part of that application. These standards, plans, and approved conditions are perpetually binding on the land as an amendment to this Ordinance and the Official Zoning Map and may only be changed in accordance with the procedures established in this Ordinance. Development located outside the Town of Zebulon's corporate limits shall comply with all Town policies related to annexation and the extension of utilities. I understand that all other applicable standards and regulations of the UDO will remain applicable to the subject lands unless specifically listed as conditions or deviations as part of this request. I understand that any false, inaccurate or incomplete information provided by me, or my agent will result in the denial, revocation or administrative withdrawal of this application, request, approval or permits. I acknowledge that additional information may be required to process this application. I further consent to the Town of Zebulon to publish, copy, or reproduce any copyrighted document submitted as a part of this application for any third party. I further agree to all terms and conditions, which may be imposed as part of the approval of this application.

Curtis Gingles CG Enterprises of NC LLC (Curtis Gingles) 11/1/2023
Signature of Owner *Print Name* *Date*

CERTIFICATION OF PROPERTY OWNER

I hereby certify the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand this application, related material and all attachments become official records of the Planning Department of the Town of Zebulon, North Carolina, and will not be returned.

Curtis Gingles CG Enterprises of NC LLC (Curtis Gingles) 11/1/2023
Signature of Owner *Print Name* *Date*

*Owner of record as shown by the Wake County Revenue Department (www.wakegov.com). An option to purchase does not constitute ownership. If ownership has been recently transferred, a copy of the deed must accompany this form.

