

PLANNING BOARD
Minutes
February 13, 2017

Present: Darrell Jones, Larry Ray, Kenny Waldroup, Laura Johnson, David Covington, Mark Hetrick-Planning, Julie Spriggs-Planning, Toby Hampson-Attorney, Lisa Markland-Clerk
Absent: Sam Hayes, Gene Blount

The meeting was called to order by Darrell Jones at 7:59pm.

Laura Johnson made a motion, second by David Covington to approve the agenda. There was no discussion and the motion passed unanimously.

NEW BUSINESS

SUP 2017-03—Request by United Developers, Inc. for a Special Use Permit to locate Zebulon Green, a 72 unit apartment complex at 351 & 451 Pony Road

Darrell Jones asked if staff had anything to add to the presentation. Julie Spriggs stated that there was nothing further to add to the presentation.

Darrell Jones asked if there were any questions from the Board.

Larry Ray asked Toby Hampson under the findings of fact number five concerning undue traffic congestion; he stated that there was mention of possible issues at Pony Road and Hwy 97. The developer stated they were willing to work with NC DOT and the Town to help address those concerns. The question was did that statement by the developer bind them to that. Julie Spriggs stated that at site plan approval during the TRC meeting, NC DOT reviewed all plans and made their requirements known that would be necessary to obtain a driveway permit for the development. It could onsite or offsite and no permit would be issued without the necessary improvements being made. Larry Ray asked if that intersection came into play for the project. Julie explained that was correct and Reid Elmore with NC DOT was already reviewing the site plan and said that it may be a requirement. Until it was officially submitted for TRC review there would not be anything official stated or required.

Darrell Jones asked if there was further discussion.

Kenny Waldroup asked about public safety information that was provided for the record that he might have missed. Julie Spriggs stated that there were no comments from Police or Fire asking for changes or recommendations for conditions.

Kenny Waldroup stated that was not the same as determining if the development would have an impact on public safety. Julie said that since nothing was entered into the record there was nothing further that could be discussed. There were statistics for the area for both fire and police but nothing was entered into the record for discussion. Kenny Waldroup was troubled by that fact. Julie explained that the calls received were not directed toward the specific site in question.

Kenny Waldroup said that the articles in the record did support the fact that there were studies done that showed a negative cumulative impact based on size. Kenny expressed concern based on the fact that

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there was other affordable housing in the area, even though it was a different type of affordable housing. He was not sure if adding additional affordable housing would cause a threshold to be reached or exceeded that would cause a negative impact to surrounding property values.

David Covington asked about attachment 17, page 10 that made a statement concerning population in the market area that said it was projected to decrease between 2016-2019. He wanted to know if that was because of the development itself and wanted to know where that information came from. Toby Hampson there was some constraints on answering that question since the public hearing was closed but it would have to be in the materials provided and not new information.

Darrell Jones asked if there was further discussion or was the Board ready to make a motion.

Kenny Waldroup said that he was not prepared to make a motion and wanted to share his opinion that he thought the record was incomplete. Kenny stated that he could not in good conscious state that the project would not cause any material endangerment of public health safety or welfare. Nor could he state that it would not substantially injure the value of adjoining property values.

David Covington asked where Kenny was getting that information. Kenny explained that he was looking at the quasi-judicial requirements, on page 6 of the packet, that were required for approving a special use permit. Kenny continued by stating that to deny a special use permit they would have to cite one or more of the conditions and he thought that the inverse was true as well; to recommend approval then they would have to find that there was no evidence of public endangerment etc.

Kenny felt that there was some information provided in the record that the project could injure the adjoining property values. Larry Ray asked specifically where Kenny saw that information. Kenny said that it came from attachment 14, which were articles from various sources and particularly the John D. and Catherine T. MacArthur Foundation. The article referenced surveys and literature research in some instances seemed to support a negative impact. Larry Ray said that in most case were for very large metropolitan areas like Boston and New York City which could not be compared to Zebulon, there was quite a bit of difference. Kenny Waldroup read a sentence from the end of article that said that the impacts varied with the size of affordable housing development and the number of households. Larry Ray said if he read down further it said they were referring to areas of New York City. Kenny said that there was no understanding of what the threshold was that would cause it to have a negative impact and since there was affordable housing directly across the street that was an issue. The Kenny was trying to make was that he was not comfortable supporting a motion to support the project.

Darrell Jones asked if Kenny was comfortable making a motion to deny based on his points. Kenny Waldroup said he would like to hear from the other board members first.

Laura Johnson thought that they should approve the request and based on the articles the comments were for larger cities which did not compare to Zebulon. She continued by saying that she would be in favor of the project.

David Covington said that he was also in favor because of the communities referenced that it could have a negative impact in a large scale situation but Zebulon was a small community. David explained that he appreciated that the developer shared that it could happen but did not think that it would happen.

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Larry Ray explained that since it would be managed by the developer and not publicly managed and had a stake in the project being successful and with a good reputation.

Kenny Waldroup stated that it was explained that it would be illegal to put a condition on the project that the special use permit could not be transferred to another person. Kenny said that he was concerned that if the developer did not receive their funding they could sell the property to another person that would have the ability to do the same project that would not be of the same caliber as what was being presented.

Larry Ray asked if there was a time restraint on the project. Toby Hampson stated there was not.

Laura Johnson said that the decision to be made had to be based on the evidence presented.

Darrell Jones said that there were always unknowns in a project and since none of the project funding had been finalized and they could not predict the future. Darrell said that he read all the survey information and got nothing out of what was presented. In his opinion, they were not independent studies but had to make a decision based on that.

Julie Spriggs made a point of clarification that attachment 20 had 45 conditions that were being proposed by staff that stated anything built would have to follow all town ordinances and so on and would have water and sewer allocation for 72 units. The 45 conditions do limit and restrict how and what could be put on the site. All the conditions could be approved as presented, changed or added to if the Board wanted to do so.

Kenny Waldroup expressed discomfort that certain information was absent from the record and was not in the work that staff and the applicant had done.

Kenny Waldroup asked what the difference was between a management association and a management firm. Julie Spriggs said it was a choice of words and used the comparison of a homeowners association and a homeowner's association firm. She explained it was whether a management firm or management association and how they might be hired. It could be done onsite or contracted out. Kenny said did that encompass the entire universe of potential management framework that they might be concerned with it.

Toby Hampson said that he did not know. Kenny said he needed to understand what that meant. Toby said that it was a function of the Board to refine the terms and suggest a more specific definition they could do that.

Kenny Waldroup asked if neither of the management entities were used then would the condition cease to apply. Toby explained that the conditions would always apply. Kenny referenced condition 10 and asked if something could be created that could manage the facility that would not technically fall under those terms. Larry Ray asked if that entity was managing the site then why would it not fall under those terms. Toby said that it could be refined down to be a manager and not an association.

Kenny gave some possible suggestions that could be management association or applicable management firm or representative of owner, so ultimately the owner would be responsible. David Covington asked if the management firm was representing the management association. Laura Johnson said that she thought it was similar to a homeowners association. Toby agreed that it was similar to a homeowners association.

The concern, he thought Kenny Waldroup had was whether the condition was encompassing everything so that there was no way out of the condition. Kenny said that he wanted the owner to be ultimately responsible. Laura Johnson said that that management firm was there on behalf of the owner.

Larry Ray stated that the concern for almost everything was who would police those things. Toby Hampson said that the conditions could be refined to the Boards discretion.

Kenny Waldroup asked if the Board would consider adding “or owner” to all conditions that spoke to the management association and management firm. Larry Ray asked if they would retitle the entire section stipulations specific to the management association or owner and conditions 7-12. Kenny Waldroup stated that it was a tool for staff to use later.

Toby Hampson suggested that the language recommended could have unintended consequences if were to be owner of management association it could suggest that there did not have to be a manager or management association. Perhaps the change could be a condition that would require a management association that would require them to be responsible and it would lock in a management association. Kenny was good with that change.

Laura Johnson made a motion to approve SU 2017-03 without conditions as submitted.

Toby Hampson asked if the motion was to approve with none of the 45 conditions recommended by staff.

Laura Johnson stated no she wanted her motion for approval of SU 2017-03 would be with conditions as submitted by staff.

Toby Hampson asked for clarification, if condition 16 for the pet waste station to be removed and if Mr. Waldroup’s suggestion to add the requirement of a management association was part of Laura Johnson’s motion. Laura Johnson stated that it would be.

Darrell Jones said that there was a motion for approval and asked if there was a second.

Larry Ray seconded the motion.

The motion was approved with a vote of 3-2 with Laura Johnson, David Covington and Larry Ray voting in favor of the motion and Kenny Waldroup and Darrell Jones voting in opposition.

The conditions approved by the Planning Board and recommended to the Board of Commissioners would be as follows:

Stipulations Specific to the Development

1. Recordation: Special use permit and updated Illustrative Land Plan must be recorded with the Wake County Register of Deeds.
2. Proposed Site Plan: Special use permit and an updated Proposed Site Plan addressing the approved special use permit conditions and applicable timelines shall be submitted no later than ninety (90) days following approval.

3. Site Plan: Site plan review and approval by the Zebulon Technical Review Committee (ZTRC) shall be required.
4. Site Plan (Phasing): Site plan review by the ZTRC may be submitted by phase or through submittal of an overall development plan. If a phased approach is preferred, phases shall require a separate submittal. The applicant may group phases together and phases may be submitted out of numerical order as shown on the recorded Illustrative Plan.
5. Adopted Plans/Policies: All town ordinances, plans, and adopted policies shall be adhered to and enforced by the ZTRC in addition to the special use permit approved conditions.
6. Signage (Main Entrance): One main entrance monument sign will be allowed along Pony Road and shall be made of brick, stone, or masonry material. Signage shall not exceed sixty-four square feet (64 SF) and must be setback at least ten feet (10') from the public right-of-way.

Stipulations Specific to the Management Association

7. Management Association: Office hours when staff will be present on-site shall be posted at the Community Building.
8. Management Association: A rental payment drop-box shall be designed to be theft-deterrent and well-lit for after-hour drop payments.
9. Management Association: Emergency maintenance service contact information shall be on-site at the Community Building.
10. Management Association: Management Association, or if applicable a management firm, shall enforce tall grass, trash, debris and rubbish along with the removal of any junked, abandoned, or nuisance automobiles as defined by the adopted town ordinances.
11. Management Association: Management Association, or if applicable a management firm, shall be responsible for the maintenance and upkeep of all open space and improvements built therein, landscaped center islands, roadway medians, or roundabouts located throughout the development.
12. Management Association: Management Association, or if applicable a management firm, shall be responsible for the maintenance and upkeep of all drainage easements and Detention/Retention/Water Quality Pond Areas as described in the Town of Zebulon Street and Storm Drainage Standards & Specifications Manual.

Stipulations Relating to Setbacks

13. Setbacks (Residential Buildings): Setbacks shall be measured from the lot line. Building eaves, at-grade patios, and at-grade stoops shall be allowed in the setback area. Decks, porches or other building extensions shall not be permitted in the setback area. The minimum setbacks from the lot lines shall be as follows:

<i>Land Use Type</i>	<i>Minimum Front Setback</i>	<i>Minimum Side Setback</i>	<i>Minimum Rear Setback</i>
Residential Multi-Family Dwelling	20'	10'	30'

Stipulations Relating to Recreation Amenities

14. Recreation Amenities: All recreation amenities shall be detailed on a site plan and recreation master plan to show the location and proposed use of all parks, open spaces, and passive recreation areas. This plan will be reviewed and approved by the Zebulon Technical Review Committee.
15. Recreation Amenities: Permits for the construction of the community building, covered seating area, picnic area, tot lot and playground shall be pulled at the same time, included or separately, as permits for the construction of Phase I of the development.
16. Playground and Tot Lot Equipment: Equipment shall be included for toddlers ages 2-5 and children ages 5-12. A minimum of two (2) bike racks holding eight (8) bikes each shall be provided. A minimum of two (2) benches, two (2) trash receptacles ~~and two (2) dog waste stations~~ shall be provided.

Stipulations Relating to Transportation

17. Sidewalks: Installation of five foot (5') wide sidewalk is required along Pony Road. Sidewalks shall be continuous and not interrupted along the interior roadway development perimeters or as directed by the North Carolina Department of Transportation. The sidewalk shall be reviewed and approved by the Town of Zebulon and the North Carolina Department of Transportation during the appropriate site plan approval process. The sidewalk shall be dedicated to the Town of Zebulon after installation.
18. Street Signage: All street signage shall be decorative and must be in accordance with the latest version of the Town of Zebulon Street and Storm Drainage Standards and Specifications Manual specifications. The Management Association shall own and maintain all street signage.
19. Street Lights: The developer is responsible for coordination with Duke Energy on the lighting plan layout; however, the Town of Zebulon will be approving the lighting plan.
20. Street Lights: All street lights shall be decorative and must in accordance with the latest version of the Town of Zebulon Street and Storm Drainage Standards and Specifications Manual specifications.
21. Street Lights: All street lights shall be decorative Mitchell 50 Watt Series LED unless otherwise specified and authorized by the Town of Zebulon Public Works Director.
22. Entrances: All entrances shall be reviewed and approved by the Town of Zebulon and the North Carolina Department of Transportation (NCDOT) during the appropriate site plan approval process. Approved encroachments and driveway permits will be required. Any conditions required by NCDOT as part of their approval process shall be reviewed and approved by the Town of Zebulon and the NCDOT during the appropriate site plan approval process.
23. Parking: All parking dimensions shall be in accordance with the latest version of the Town of Zebulon ordinances and specifications.
24. Parking: There shall be a minimum of 144 parking spaces, including those designated as ADA compliant, with a minimum of 3 parking spaces for the community building and 2 parking spaces

for the mail kiosks. The community building and mail kiosks shall have a minimum of 1 ADA compliant parking space each.

25. Streets and Parking: The Management Association shall own and maintain all streets and parking as part of this development. All streets shall be labeled as private.

Stipulations Relating to Landscaping/Buffers

26. Open Space: All lands within areas required to be maintained as open space by the Management Association, or if applicable a management firm, shall be protected by a permanent conservation easement and restrictive covenant, prohibiting further development, and recorded upon recombination plat approval as "Open Space".
27. Streetscaping: Pony Road shall have streetscaping along the development side of the street. A minimum of one large shade tree every thirty-five feet (35') with at least five (5) bushes minimum three (3) gallon container and eighteen inches (18") in height must be planted three feet (3') apart.
28. Landscape Buffer (Property Perimeters): A ten-foot (10') wide Type "A" landscape buffer with two and a half inch (2.5") caliper trees shall be installed along all outer property perimeters. Preservation of any existing trees are encouraged and may be used as a credit toward the buffer requirement.

Stipulations Relating to Architecture

29. Building Materials: Exterior building materials will be brick or stone veneer, vinyl or fiber cement (such as hardieplank) siding.
30. Building Façade: Fifty percent of all buildings must have a front façade comprised of brick or stone equal to a minimum of thirty-three percent (33%) overall coverage.
31. Foundations: Foundations will be slab on grade, stem wall, crawl space or basement as determined by the site grading and topography or as determined by the builder.

Stipulations Relating to Environment

32. Environmentally Sensitive Areas: No unauthorized disturbances of environmentally sensitive areas as defined by U.S. Army Corps of Engineers, NCDEQ, Wake County Environmental Services and the Town of Zebulon Planning Department.
33. Floodplain: No portion of any lot shall contain wetlands, riparian buffers, floodplain or floodway.
34. Rock Formations: Rock outcropping appearing above the surface prior to construction in the pre-determined Open Space areas shall be preserved.

Stipulations Relating to Utilities

35. Water and Sewer Allocation: Water and sewer allocation shall be authorized during the special use process. The industry standard is 250 GPD per two-bedroom unit and an additional 120 GPD

per additional bedroom. 48 units are two bedrooms or less. 24 units will have three bedrooms. The community building will house the business office and laundry facilities. Industry standards for the business office is 25 GPD per employee and 500 GPD per laundry machine. The allocation request shall be 26,000 GPD. Unused allocation shall be returned to the Town during the site plan approval process.

36. Dumpster Sites: Dumpster sites shall be located off parking areas.
37. Dumpster Sites: Dumpster sites shall be ADA accessible.
38. Dumpster Sites: Shall be screened in accordance with the latest version of Town of Zebulon ordinances and standards.
39. Yard Waste and Leaf Collection: Yard waste and leaf collection must be provided by the Manager's Association, or if applicable a management firm.
40. Storm Drainage Infrastructure: Certification of the storm drainage infrastructure must be provided by a licensed engineer. Bonding will be applied to drainage structures not completed prior to final Certificates of Occupancy. Best Management Practices (BMP's) are not converted from erosion control to permanent stormwater devices until most of the construction is complete. BMP certification will be completed as directed by the Stormwater Administrator. The Management Associate shall own and maintain all stormwater infrastructure and devices.
41. Water, Sewer and Pump Station Improvements: All water, sewer and pump station improvements will be reviewed and approved by the City of Raleigh Public Utilities during the Zebulon Technical Review Committee site plan review process. The utility improvements must be in accordance with the City of Raleigh adopted plans, policies, ordinances, and handbook requirements.

Stipulations Relating to Mailbox Kiosk

42. Mailbox Kiosk: Installation and maintenance of mailbox kiosks shall be accordance to the United States Post Office and ADA compliance standards. Access and parking for the mailbox kiosk site should be in accordance with the latest version of the Town of Zebulon Code of Ordinances and the Street and Storm Drainage Standards and Specifications Manual specifications. There shall be a minimum of two (2) parking spaces. A minimum of one (1) space of the two (2) parking spaces provided must be ADA compliant.
43. Mailbox Kiosk: A mailbox kiosk shall be installed prior to issuance of the first Certificate of Occupancy.

Stipulations Relating to Fire Code and Blasting

44. Fire Code: Development must comply with the 2012 NC Fire Prevention Code or current edition adopted for use by the Town of Zebulon. This includes, but is not limited to, the access roadway requirements, hydrant locations, and blasting.

45. Blasting: Blasting operations shall be conducted in accordance with the provisions of the NC Fire Prevention Code.

Additional condition proposed by the Planning Board was:

A management association or management firm would be required for the site.

STAFF REPORT

Mark Hetrick introduced Mackenzie Day who started with the Planning Department on November 1, 2016.

Julie Spriggs let the Board know that there would be a joint public hearing on March 13 and April 10. Julie asked the Board members to keep their notebooks and staff would deliver the packets to put them to insert into the binder.

Julie asked the Board members how they felt about going to a digital document. The Board was fine with using dropbox and receiving digital documents in the future.

Darrell Jones thanked staff and the Board for a good presentation and discussion of the project.

Kenny Waldroup made a motion, second by Larry Ray to adjourn the meeting. There was no discussion and the motion passed unanimously.

Date

Darrell Jones—Chairman

SEAL

Lisa M. Markland, CMC—Town Clerk