

**PLANNING BOARD**  
**Minutes**  
**May 13, 2013**

Present: Darrell Jones, Larry Ray, Kenny Waldroup, Wallace Jenkins, Avon Privette, Mark Hetrick-Planning, Julie Wilkins-Planning, Bo Dobrzenski-Planning, Eric Vernon-Attorney  
Absent: Gene Blount

The meeting was called to order by Darrell Jones at 7:40pm.

**ELECTION OF OFFICERS**

Darrell Jones asked the Board if they would like to do the elections now or wait until the next meeting when all members were present.

There was some discussion about the voting and establishing a quorum.

Wallace Jenkins stated that he would like to wait until all members were present. It was decided by a consensus that the election of officers would wait until the next meeting in June.

**AGENDA**

Wallace Jenkins made a motion, second by Larry Ray to approve the agenda. There was no discussion and the motion passed unanimously.

**MINUTES**

Darrell Jones asked if there was a motion to approve the minutes of April 8, 2013.

Kenny Waldroup made a motion, second by Wallace Jenkins to approve the minutes of April 8, 2013. There was no discussion and the motion passed unanimously.

**NEW BUSINESS**

*ZA 2013-05—Amendment to Permitted Uses Table 152.129*

Bo Dobrzenski presented that the proposed amendment was to add bars, taverns or night clubs in the central business district as a special use permit and to allow labs or research facilities as a general use in the business and industrial districts.

Darrell Jones asked about the percentage of sales of food versus alcohol sales. Bo stated that the ABC requirements were that if they were a public entity that the food sales had to be at least 30 percent of total sales. Some establishments do not have that requirement. It all depends on how it is licensed by ABC.

Larry Ray asked about the occupancy requirements. Bo stated that would be governed by the building code.

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Kenny Waldroup said that there were no comments during the public hearing on the proposed change. He asked if there was any public discourse on the issue that staff has heard. Bo explained that there had been no public feedback in the last five years he had been working for the Town. The only comments were from those that wanted to open such an establishment.

Avon Privette stated that he thought that the distance between an establishment and residential homes needed to be taken into consideration. He stated he was not comfortable with the uses abutting.

Kenny Waldroup said that a downtown overlay district would be looked at later in the meeting and with that coming up would that be a possibility with the new overlay should it be approved. Bo stated that would not be a possibility and with a special use permit that could be taken into consideration to keep that from happening.

Kenny Waldroup made a motion to approve ZA 2013-05. The motion died for lack of a second.

Darrell Jones asked if there was a motion to disapprove ZA 2013-05. Lisa Markland explained that a motion to disapprove was not needed. The motion to approve died for lack of a second and therefore was not approved.

Darrell Jones asked if there was any interest in tabling ZA 2013-05.

Kenny Waldrop made a motion, second by Larry Ray to table ZA 2013-05 until the June 2013 meeting. Lisa Markland asked for direction from the Board on what they needed to address since there were no objections expressed so that they can bring the necessary information to the next meeting. Bo asked if it was possible to approve part of ZA 2013-05. It was explained that they could do that.

Darrell Jones asked the Board what direction staff needed for the next meeting. Larry Ray said that even though they had a quorum he would like to have a full board to get further input. Wallace Jenkins said that he would like to deal with the two items separately. Bo said that was allowed and they could approve them separately.

Kenny Waldroup made a motion, second by Larry Ray to amend the motion to table only the bar, nightclub, lounge, tavern and pub component until the next meeting. There was no discussion and the amendment to the motion passed.

There was discussion about whether the amendment was proper and the method of amending a motion.

The motion to be voted on was to table the bar portion of ZA 2013-05. There was no further discussion and the motion passed with a vote of 4-1 with Kenny Waldroup, Larry Ray, Darrell Jones and Wallace Jenkins voted in favor and Avon Privette voting against.

Kenny Waldroup made a motion, second by Wallace Jenkins to recommend approval of the labs/research portion of ZA 2013-05 to the Zebulon Board of Commissioners. There was no discussion and the motion passed with a vote of 4-1 with Kenny Waldroup, Wallace Jenkins, Larry Ray and Darrell Jones voting in favor and Avon Privette voting against.

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Bo Dobzenski asked for direction from the Board on the item that was tabled and if there was anything specific they wanted staff to bring back to them for consideration and to answer any questions they might have. There were none.

*ZA 2013-06—Downtown Overlay District*

Julie Spriggs reviewed what was being proposed. Some of the changes were to the nuisance ordinance, applied to only the downtown district excluding all residential property, awnings, signage, setbacks, roofs, and fencing.

There was some discussion about definitions and it was explained that it applied to all property in the Town. Avon Privette asked about parapet being used with brick and asked for an explanation. The committee was looking for something that was cohesive and aesthetically pleasing on the roof line. The roofline they wanted to be uniform in height and not jagged.

Larry Ray brought up signage and if a business would be allowed to have signage on the side of the building that might designate their parking. Julie Spriggs stated that it would be prohibited and was a pedestrian safety issue since it would block pedestrian traffic. Julie stated that they could put it actually on the building but not on the sidewalk. That would be calculated in the square footage for all allowed signs.

There was discussion about language changes to 95.01 so that they would be more defensible. Kenny Waldroup thought that a policy should be drafted that would detail the implementation of the two new areas of 95.06 and 95.09 if it moved forward. The attorney thought that there needed to be a safe harbor in the language and it might be good for staff to work with the attorney.

There was discussion about whether to move forward or to wait on the recommendation. It was the consensus that they should move forward with instructions to staff to work on the language with the attorney.

Wallace Jenkins asked who would be enforcing the ordinance that was being presented. Julie stated that all enforcement was conducted by staff. Kenny Waldroup stated that the City of Raleigh had well defined policies on who could or could not make determinations and what their qualifications had to be.

Kenny Waldroup made a motion, second by Wallace Jenkins to recommend approval of ZA 2013-06 with instruction to staff to work with the Town Attorney's office to modify language in 95.01 in definitions for six and nine to reinforce the intent for defensible language.

Avon Privette said that he would like to see the full document as revised prior to going to the Board of Commissioners.

There was no further discussion and the motion passed with a vote of 4-1 with Kenny Waldroup, Darrell Jones, Wallace Jenkins and Larry Ray voting in favor and Avon Privette voting against.

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*RZ 2013-03—Boundary for Overlay District*

Julie Spriggs showed the proposed boundary for the overlay district. No zoning would be changed with the boundary being proposed. The boundary went from Gannon Avenue to Barbee Street and then from Church Street to Poplar Street.

Wallace Jenkins asked if it would be expanded. Julie Spriggs said that it could be but it was up to the Board of Commissioners to decide. The next question was, were the property owners notified and allowed to come and give their thoughts. Julie explained that they were given that opportunity to share their thoughts.

Wallace Jenkins made a motion, second by Kenny Waldroup to approve ZA 2013-03 boundary line. There was no discussion and the motion passed unanimously.

**STAFF REPORT**

Julie Spriggs stated that Mark Hetrick was out for school. Old Bunn Place was moving forward with getting the site ready to build homes.

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

Meeting adjourned at 8:39pm.

\_\_\_\_\_  
Date

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Darrell Jones—Vice Chairman

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SEAL

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Lisa M. Markland, CMC—Town Clerk