TOWN OF ZEBULON
JOINT PUBLIC HEARING AGENDA
BOARD OF COMMISSIONERS AND PLANNING BOARD
September 23, 2019
7:00pm

I. CALL TO ORDER

II. PUBLIC HEARING

SUP 2019-08 Pearces Road - A request by Stewart Inc. to obtain a Special Use Permit for a Major Subdivision of +/- 111 acres into 375 residential lots located at 1309 & 1333 Pearces Road. [NC PIN: 2706030290 & 2706198550].

SUP 2019-10 1701 N Arendell Ave - A request by Landstar Investment Group of NC, Inc. to obtain a Special Use Permit for an Internet Café located at 1701 N. Arendell Avenue. The parcel is currently owned by Wakefield Mercantile, Inc. The zoning is Heavy Business (HB). [NC PIN: 1796828261].

III. ADJOURNMENT

STAFF REPORT
SUP 2019-08 Pearces Road Subdivision
September 23, 2019

Topic: SUP 2019-08 - Pearces Road Subdivision

Speaker: Meade O. Bradshaw, III, CZO, Assistant Planning Director
From: Michael J. Clark, AICP, CZO, Planning Director
Prepared by: Meade O. Bradshaw, III, CZO, Assistant Planning Director
Approved by: Joseph M. Moore II, PE, Town Manager

Executive Summary:
The Board of Commissioners will consider the Special Use Permit for a Major Subdivision located at 1309 and 1333 Pearces Road (PIN # 2706090290 and 2706198550). This is a quasi-judicial case.

Background:
The property is approximately 111 acres in size zoned Residential-13 located within the Town of Zebulon's Corporate Limits. The reason for incorporating this parcel is to keep the density of the development in character with the recent development approvals.

In accordance with Code of Ordinances Section 152.053, major subdivisions require a Special Use Permit issued by the Board of Commissioners. The proposed subdivision is a maximum of 377 dwelling units.

Unlike a General Use Permit or Minor Subdivision issued/approved by town staff, a Special Use Permit must be obtained from the Board of Commissioners.

Discussion:
The discussion before the Board is whether or not to approve the Special Use Permit. If approved, any conditions should be stated in the motion to approve, and the Board need not make findings of fact. Please note that the application for this Special Land Use was submitted before the recent text amendment was approved, therefore the regulations in place at that time are applicable.

If denied, the Board must vote on each specific finding and state a reason as to why the finding did not have sufficient evidence to be met. Only one finding must be found unproven based upon evidence submitted at the hearing to oppose the permit. The findings of fact are as follows:

1) The proposed special use will not materially endanger the public health, safety or welfare;
2) The proposed special use will not substantially injure the value of adjoining or abutting property;
3) The proposed special use will be in harmony with the area in which it is to be located; and
4) The proposed special use will be in general conformity with the ordinances, policies, land use plan, thoroughfare plan or other plan officially adopted by the Board of Commissioners.

The application, supporting documents, and any expert testimony provided by the applicants, staff, or the public, such as the application and findings of fact, proposed concept plan, and proposed conditions that were entered into the public record as exhibits during the Joint Public Hearing should be given careful examination to guide the Board's discussion for the four findings of fact necessary to approve or deny the special use permit.

Policy Analysis:
The conditions proposed in Attachment 6 meet the policies within Chapters 3 - Economic Development, 4 - Form & Environment, 5 - Transportation, 6 - Housing & Neighborhoods, 8 - Utilities, and 9 - Land Use & Overview of the Comprehensive Plan. These conditions relate to transportation, landscaping, open space, numerous recreation amenities, housing diversity, sidewalks, greenways, street lighting, setbacks, mailbox kiosk, and signage. Attachment 8 displays in depth the conformance of the proposed Special Use permit with the Town of Zebulon Comprehensive Plan and Strategic Plan.

Fiscal Analysis:
The development is proposing road improvements along the site's frontage (Pin # 2706198550 and Pin # 2706090290) of Pearces Road, a southbound right-turn lane and a northbound left-turn lane are proposed in addition to meeting the Multimodal Transportation Plan cross section dedicating ½-90'-100' of right-of-way along Pearces Road and constructing ½-3-Lane roadway with a ditch and sidewalks.

The walkability the subdivision proposes will be a benefit. Sidewalks are proposed on both sides of all streets. A 10' asphalt path located in common areas is being constructed to provide a more direct connection from dwelling units to amenity areas within the subdivision. The intent is to reduce the amount of internal automobile trips from dwelling units to amenity areas and promote walkability within the subdivision.

The dedication of new street rights-of-way and street construction will require the Town of Zebulon to perform maintenance of the streets, stormwater maintenance, and light poles.

Attachment 1 is the applicant's application which includes responses to the Findings of Fact.

Staff Recommendation:
Staff recommends holding a joint public hearing to determine if all the Findings of Fact as required in Section §152.038. The proposed conditions in Attachment 8 are agreed

upon by both town staff and the applicant. Because of this, Staff finds the Special Use Permit meets Standard #4.

Attachments:

1) Application/Findings of Fact
2) Concept Plan
3) Aerial Map
4) Zoning Map
5) Future Land Use Map
6) Site Pictures
7) Traffic Impact Analysis
8) Proposed Conditions
9) Public Hearing Notification
10) 150' buffer for Notified Property Owners
11) Legal Analysis

ZEBULON
NORTH CAROLINA

Town of Zebulon

Planning Department

1003 N. Arendell Avenue, Zebulon, NC 27597
Phone: (919) 823-1810 Fax: (919) 269-6200
www.townofzebulon.org

SPECIAL USE PERMIT

GENERAL INFORMATION

A Special Use Permit is intended to provide flexibility by allowing certain types of uses in areas where additional considerations may need to be addressed to reduce the adverse effects on adjacent or surrounding properties. A Special Use Permit may be authorized for a specific site for an additional land use when such use is determined to not have an adverse effect on surrounding properties and when such use is consistent with the purpose of the zoning district.

INSTRUCTIONS

1. **Application Procedure** – The applicant requesting a Special Use Permit must submit a written application to the Zebulon Planning Department using the forms included in this packet and furnish plans and data concerning the operation, location, function, and characteristics of any use of the land or building being proposed. The non-refundable application fee is **$800.00 or $1,800.00 with TIA Review**.
2. **Site Plan** – Twenty four (24) copies of a site plan drawing shall accompany every application for a Special Use Permit. Such site plan shall include all the contents established for site plans as included in this packet.
3. **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. State law requires Special Use Permit hearings to be conducted utilizing quasi-judicial procedures. Please review the section of this packet entitled "QUASI-JUDICIAL HEARINGS," beginning on page 6, for an explanation of quasi-judicial hearings and the applicant's responsibility in such hearings. 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 property owners having property located within 150 feet of the property being considered for a Special Use Permit. 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 or by scanning the QR Code located at the end of this application packet.
4. **Approval and Conditional Approval** – In accordance with §152.039 of the Zebulon Code of Ordinances, each Special Use Permit application and related evidence will be evaluated by the Planning Board and the Board of Commissioners and may be approved or denied based on the evidence presented regarding certain required findings of fact (See the section of this packet entitled "REQUIRED FINDINGS OF FACT"). In the event of a conditional approval, any conditions imposed will be incorporated into the approving ordinance for permanent record.
5. **Building Permit Compliance** – No building permit for any structure will be issued, nor shall a Certificate of Occupancy be issued on any existing structure, until such development plans are consistent with the approved site plan and the conditions established for the Special Use Permit.
6. **Special Use Permit Amendments** – In accordance with §152.047 of the Zebulon Code of Ordinances, changes to a Special Use Permit or its approved site plan shall be processed in the same manner as the original approved request and will require a new application. Insignificant deviations from the permit or within a site plan may be authorized by the Planning Director. A deviation is insignificant if it has no discernible impact on neighboring properties, the general public, or those intended to occupy or use the proposed development.

ZEBULON

APPLICATION FOR
Special Use Permit

PART 1. APPLICANT/AGENT INFORMATION

Name of Applicant/Agent: Stewart c/o Adam Pike		
Street Address of Applicant/Agent: 223 S. West Street Suite 1100		
City: Raleigh	State: NC	Zip Code: 27603
Email of Applicant/Agent: apike@stewartinc.com	Telephone Number of Applicant/Agent: 919 866 4808	Fax Number of Applicant/Agent:

Are you the owner of the property? ☐ Yes ☒ No

Are you the owner's agent? ☐ Yes ☒ No

Note: If you are not the owner of the property, you must attach an "Owner's Consent Form" giving you permission to submit this application.

PART 2. DESCRIPTION OF REQUEST/PROPERTY

Street Address of the Property: 1309 & 1333 Pearces Rd	Current Zoning Classification: R-13 (upon approval)	Acreage: 111.5762
Parcel Identification Number (NC PIN): #2706090290 + 2706198550	Deed Book: 004187	Deed Page(s): 00654
Existing Use of the Property: Undeveloped	Proposed Use of the Property: Residential Subdivision	

Describe the nature of the proposed activity and any particular characteristics related to the use of the property:

The proposed plan for this site is a 350 lot, medium density residential sub division (Pearces Landing) with associated roads, utilities and open space.

PART 3. PROPERTY OWNER INFORMATION

Name of Property Owner: Zebulon Investment Properties		
Street Address of Property Owner: 7200 Jonathan Drive		
City: Wendell	State: NC	Zip Code: 27591
Email of Property Owner: N/A	Telephone Number of Property Owner: N/A	Fax Number of Property Owner:

I hereby certify that I am, or that I represent, the legal owner of the property described above and do hereby submit this request for a Special Use Permit to the Planning Board and Board of Commissioners for consideration.

Signature of Owner:	*Print Name:*	*Date:*
Managing Partner Zebulon Investment Prop	H. H. HONEYCUTT III	

FOR OFFICE USE ONLY

Application Received By:	Application Date:
File Name:	Case #:
Filing Fees Paid:	Date Fees Received:
Date of Public Hearing:	Date of Decision: ☐ Approved ☐ Denied

ZEBULON

APPLICATION FOR
Special Use Permit

REQUIRED FINDINGS OF FACT

All recommendations and decisions made by the Planning Board and Board of Commissioners regarding Special Use Permit applications shall be supported by findings of fact. **The applicant will bear the burden of presenting substantial, competent, and material evidence** sufficient to enable the Board of Commissioners to make the findings of fact required in §152.038(B) of the Zebulon Code of Ordinances, as set forth below. Failure to adequately address the findings below may result in denial of the application. Please attach additional pages if necessary.

1. What evidence will you present to clearly show that the proposed special use will not materially endanger the public health, safety or welfare?
   The proposed special use permit for a 350 lot medium density residential subdivision which is a consistent use to the development of the adjoining property. The site will be served by public utilities, public streets and will be located within the corporate limits of the Town of Zebulon. The development of this site for a residential subdivision which will not materially endanger the public health, safety or welfare.

2. What evidence will you present to clearly show that the proposed special use will not substantially injure the value of adjoining or abutting property?
   The proposed development is a medium density residential subdivision that provides interconnected streets to adjacent developed (and developing) properties. The proposed use is residential - consistent with the existing adjoining uses and should not provide any negative effects to surrounding properties. The development is also considered a conservation style subdivision in that over 23 acres of open space (improved and natural) will be provided.

3. What evidence will you present to clearly show that the proposed special use will be in harmony with the area in which it is to be located?
   The uses surrounding the property are residential & agricultural. The proposed residential subdivision will be in harmony with the surrounding properties and respect existing street stubs creating interconnection of neighborhoods, protect natural features on site and provide buffers and street trees where required by the Town's development code.

4. What evidence will you present to clearly show that the proposed special use will be in general conformity with the ordinances, policies, land use plan, thoroughfare plan or other plan officially adopted by the Board of Commissioners?
   The proposed subdivision plan is in conformance to the applicable Town development codes/ordinances (setbacks, lot sizes, land use, infrastructure, landscaping, open space, etc.); comprehensive plan (goals & policies for Housing and Neighborhoods, Forms/Environment, Transportation & Utilities) and the Town's thoroughfare plan.

5. What evidence will you present to clearly show that the proposed special use will not cause undue traffic congestion or create a traffic hazard?
   A traffic study has been provided as part of this application. All applicable road improvements & street connections will be made in accordance with Town codes/policies and the recommended road improvements (where applicable) in the traffic study.

ZEBULON

APPLICATION FOR
Special Use Permit

6. What evidence will you present to clearly show that the proposed special use is appropriately located with respect to transportation facilities, water and sewer supply, fire and police protection, and similar facilities?

The attached subdivision plan illustrates the appropriate collector and residential street network per the Town's development codes & transportation plan, public water and sewer will service the site and the site is proposed to be annexed into the Town of Zebulon corporate limits where adequate municipal protection services will be provided.

7. What evidence will you present to clearly show that the proposed special use will not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas?

The proposed development is a residential subdivision. Noxious or offensive vibrations, noise, odor, dust, smoke or gas are not associated with such use.

8. What evidence will you present to clearly show that the proposed special use will not impede the orderly development and improvement of the surrounding properties?

The proposed subdivision continues planned streets that are currently stubbed and therefore will provide an interconnected street network that will not impede the orderly development and improvement of the surrounding properties.

9. What evidence will you present to clearly show that the proposed special use is reasonably necessary for the public health or general welfare? Does the proposed special use enhance the successful operation of the surrounding area in its basic community function or by provide an essential service to the community?

The proposed development is a medium density residential subdivision that provides interconnected streets to adjacent developed (and developing) properties. The proposed use is residential which is consistent with the existing adjoining land uses and should enhance the operation of the surrounding area while creating a new neighborhood for future residents of Zebulon. The development is also considered a conservation subdivision in that over 23 acres of open space (improved and natural) will be provided.

APPLICANT AFFIDAVIT

I/We, the undersigned, do hereby make application and petition to the Board of Commissioners of the Town of Zebulon to approve the subject Special Use Permit. I hereby certify that I have full legal right to request such action and that 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.

Signature of Applicant	*Print Name*	*Date*
Adam Pike	Adam Pike	5/14/19

APPLICATION FOR
Special Use Permit

SITE PLAN REQUIREMENTS

Every applicant requesting a Special Use Permit shall submit **24 copies** and **1 pdf on cd** of a site plan drawing with the application for a Special Use Permit. The site plan shall contain sufficient information to adequately determine the type of development being proposed. The site plan drawing shall include, at a minimum, the following features unless otherwise specified by the Planning Department:

	ITEM	CHECK IF SUBMITTED
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.	X

NOTE: In accordance with §152.042 of the Zebulon Code of Ordinances, the Board of Commissioners may affix conditions to the Special Use Permit. Examples of conditions that might be imposed would be conditions affecting the following:

a. Setbacks for buildings or structures
b. Public street access
c. Drainage
d. Vehicular traffic, circulation, parking lots or spaces
e. Hours of operation
f. Activities and uses permitted
g. Landscaping
h. Pedestrian circulation
i. Signs
j. Mitigation of noise, fumes, odors, vibrations, or airborne particles
k. Exterior lighting
l. Exterior construction materials
m. Screening or buffer zones
n. Outside storage and display of merchandise
o. Refuse and waste storage
p. Lot sizes and dimensions
q. Accessory buildings
r. Other conditions or restrictions as shown on the site plan

ZEBULON

APPLICATION FOR
Special Use Permit

OWNER'S CONSENT FORM

Name of Project: _____ Submittal Date: _____

OWNER'S AUTHORIZATION

I hereby give CONSENT to _____ (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 §152.046 of the Zebulon Code of Ordinances, so long as the land or structures (or any portion thereof) covered under an approved Special Use Permit continues to be used for the purposes for which the Permit was granted, then no person (including successors or assigns of the person who obtained the Permit) may make use of the land or structures for the purposes authorized in the Permit except in accordance with all the terms and requirements of the Permit. 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.

ZEBULON INVESTMENT PROPERTIES ZEBULON INVESTMENTS PROPERTIES

Managing Partner H.H. HONEYCUTT III M.P. _____

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.

Managing Partner ZEBULON INVESTMENT PROPERTIES

Zeb Inv. Prop. H.H. HONEYCUTT III _____

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.**

APPLICATION FOR
Special Use Permit

QUASI-JUDICIAL HEARINGS

Explanation of Quasi-Judicial Hearings

Quasi-judicial decisions arise in a variety of local government settings. In Zebulon, members of the Town's Board of Commissioners and Planning Board jointly hold quasi-judicial hearings for special use permits, as required by state law. Zebulon's Board of Adjustment also holds quasi-judicial hearings for variance requests and appeals of staff decisions. During a quasi-judicial hearing, the Boards must hold an evidentiary hearing based solely on written and oral evidence presented by witnesses testifying under oath and subject to cross-examination. The quasi-judicial hearings do not involve setting new policies, but rather the application of previously adopted policies to the parties involved. Unlike legislative decisions (like rezonings), where the Board's actively seek the public's input and opinion concerning the advisability of the matter before the Boards, state law and constitutional considerations require that a quasi-judicial decision must be based solely on the evidence presented and cannot be based on the Board's or witnesses' unsubstantiated opinions. Put differently, a quasi-judicial decision is one that requires the Board members to find facts and apply the standards set forth in the Town's ordinance to a specific situation.

Evidence Required

There must be "substantial, competent, and material evidence" in the record to support each factual determination; the findings cannot be based on conjecture or assumptions. North Carolina General Statutes (NCGS) §160A-393 prohibits a person from giving opinions about scientific, technical or other specialized subjects unless the person, by knowledge, skill, experience, training or education, is in fact an expert on the subject. NCGS §160A-393 specially prohibits opinions that "the use of property in a particular way would affect the value of other properties" or opinions that "the increase in vehicular traffic resulting from a proposed development would pose a danger to the public safety" unless the witness is an expert on the subject.

Burden

The applicant will bear the burden of presenting evidence sufficient to enable the Board of Commissioners to make the findings of fact required the Zebulon Code of Ordinances. Those in opposition to the issuance of the special use permit bear the burden of presenting evidence that a required standard will not be met. The findings of fact required by the Zebulon Code of Ordinances are as follows:

1. The proposed special use will not materially endanger the public health, safety or welfare.
2. The proposed special use will not substantially injure the value of adjoining or abutting property.
3. The proposed special use will be in harmony with the area in which it is to be located.
4. The proposed special use will be in general conformity with the ordinances, policies, land use plan, thoroughfare plan or other plan officially adopted by the Board of Commissioners.

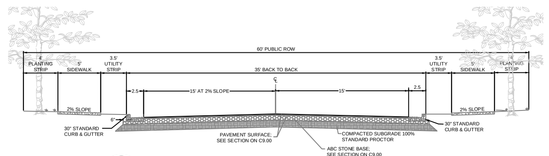
Ex-Parte Communication

In all quasi-judicial hearings, all rulings must be based only upon the evidence in the record. Any direct or indirect communication (verbal, written, electronic or graphic) between a Board member and a proponent, opponent, or other interested party received outside of the record is considered "ex-parte communication". Board members should not receive evidence or argument on a pending quasi-judicial matter outside of the official public hearing on the matter. Note that this is different from a legislative matter before the Board, in which case Board members are free to discuss legislative matters with citizens at any time. It is inappropriate for the Board member to discuss or read correspondence concerning the quasi-judicial matter outside of the public hearing. Please do not approach or attempt to communicate with a Board member about the pending special use permit outside the public hearing; doing so may provide legal grounds for a court to overturn the Board's decision.

Oaths

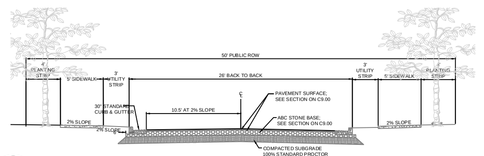
Those offering testimony are put under oath. If a witness has religious objections to taking an oath, he or she may affirm rather than swear an oath.

STREET CLASSIFICATION				
NAME		R/W WIDTH	PUBLIC (Y /N)	LINEAR FEET
GOLDEN PLUM LANE	COLLECTOR	60'	Y	2970
STREET B	COLLECTOR	60'	Y	1474
HUNTER'S GREEN DRIVE	SUB-COLLECTOR	50'	Y	488
STREET C	SUB-COLLECTOR	50'	Y	808
STREET D	SUB-COLLECTOR	50'	Y	628
STREET E	SUB-COLLECTOR	50'	Y	1721
STREET F	CUL-DE-SAC	50'	Y	550
STREET G	CUL-DE-SAC	50'	Y	550
STREET H	SUB-COLLECTOR	50'	Y	1203
STREET J	SUB-COLLECTOR	50'	Y	408
STREET K	CUL-DE-SAC	50'	Y	245
STREET L	CUL-DE-SAC	50'	Y	245
STREET M	CUL-DE-SAC	50'	Y	331
STREET N	SUB-COLLECTOR	50'	Y	574
STREET O	CUL-DE-SAC	50'	Y	315



4 COLLECTOR STREET SECTION

Scale: 1" = 10'



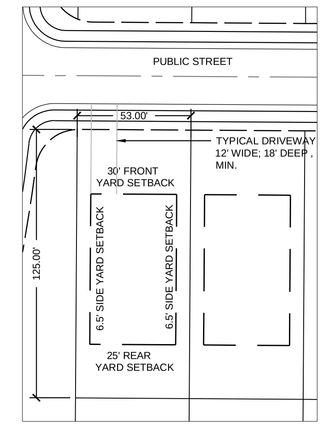
5 SUB-COLLECTOR (LOCAL) STREET SECTION

Scale: 1" = 10'

LOT QUANTITIES							
COLOR	USE -TYPE	LOT SIZE (MIN.)	SETBACKS				QTY.
		Width X Depth	FRONT	SIDE	REAR	BETWEEN BLDGS	
	SINGLE FAMILY (TYPE 1)	53' x 125'	30'	6.5'	25'	0	152
	SINGLE FAMILY (TYPE 2)	55' x 120'	30'	6.5'	25'	0	55
	TOWNHOMES	20' x 95'	10'	0	10'	15'	170
	OPEN LOTS						24

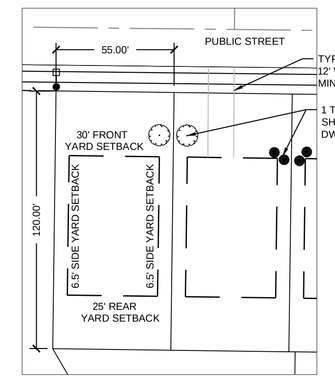
SITE DATA	
PROJECT NAME:	PEARCES ROAD SUBDIVISION
SITE ADDRESS:	1309 PEARCES ROAD
COUNTY:	WAKE
PARCEL PIN #:	2706090290 and 2706198550
PARCEL OWNER:	ZEBULON INVESTMENT PROPERTIES
PARCEL AREA:	112.79 AC
CURRENT ZONING:	WAKE COUNTY R-30
PROPOSED ZONING:	ZEBULON R13 - CONSERVATION
EXISTING LAND USE:	VACANT
PROPOSED USE:	RES - SINGLE FAMILY & TOWNHOMES
RIVER BASIN:	LITTLE RIVER
CONSTRUCTION TYPE:	NEW
MAX BUILDING HEIGHT:	35'

DENSITY CALCULATIONS		
DENSITY		
Tract of land divided by the min. lot square footage		
GROSS TRACT (AC)		112.79
R/W DEDICATION		0.35
SLOPES GREATER THAN 25%		0
NET TRACT (SF)		112.44
ZONING DISTRICT		
R-13 (13,000 SF min. lot size)		
TOTAL LOTS ALLOWED		
(112.44 X 43560) / 13000		377
LOTS PROVIDED		377
PROPOSED DENSITY	112.44 / 377 =	3.35 u / ac



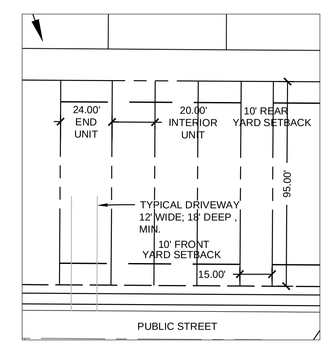
1 SINGLE FAMILY LOT LAYOUT (TYPE 1)

Scale: 1" = 40'



2 SINGLE FAMILY LOT LAYOUT (TYPE 2)

Scale: 1" = 40'



3 TYPICAL TOWNHOME LOT LAYOUT

Scale: 1" = 40'

STEWART

223 S. WEST ST., #1100
RALEIGH, NC 27603
T 919.380.8750

FIRM LICENSE #: C-1051
www.stewartinc.com
PROJECT #: C19009

Client:

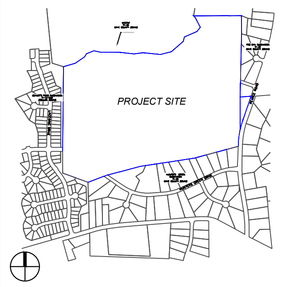
NATELLI COMMUNITIES
506 MAIN STREET, SUITE 300
GAITHERSBURG, MD 20878
CONTACT: BRIAN MASSENGILL
(T) 919.868.3102

Client:

Project:

PEARCES LANDING SUBDIVISION

Vicinity map:



Seal:

NORTH CAROLINA PROFESSIONAL SEAL 036231 ENGINEER ADAM C PYKE

PRELIMINARY - DO NOT USE FOR CONSTRUCTION

Issued for:

No.	Date	Description
A	2019.09.04	REVISED PER TOWN SUP COMMENTS

0 50 100 200 NORTH

SCALE: 1"=100'

Title:

OVERALL SITE PLAN

Project number: C19009
Date: 05.14.2019
Drawn by: LAP
Approved by: ACP

Sheet: C3.00

Attachment 2 SUP 2019-08

L:\Projects\2019\C19009 - Pearces Road Subdivision\DWGS\1 - Design\Sheets\C19009-C3.00-Site Plan.dwg Sep 04, 2019 - 4:48pm

SHEET NOTES:

1. ALL OPEN SPACE SHALL BE PERMANENTLY PROTECTED FROM DEVELOPMENT WITH A CONSERVATION EASEMENT AND/OR RESTRICTIVE COVENANT TO BE RECORDED UPON FINAL PLAT APPROVAL.
2. NO UNAUTHORIZED DISTURBANCE OF ENVIRONMENTALLY SENSITIVE AREAS AS DEFINED BY US ARMY CORPS. OF ENGINEERS, NC DENR, WAKE COUNTY ENVIRONMENTAL SERVICES AND THE TOWN OF ZEBULON.
3. NO PORTION OF ANY DEVELOPABLE LOT SHALL CONTAIN WETLANDS, RIPARIAN BUFFERS, FLOODPLAIN OR FLOODWAY.

CONSERVATION AREA

PRIMARY		
50 NEUSE RIVER BUFFER		9.43 AC
JURISDICTIONAL WETLAND		10.20 AC
SLOPES GREATER THAN 25%		0
TOTAL PRIMARY CONSERVATION		19.63 AC
SECONDARY		
		0

OPEN SPACE CALCULATIONS

GROSS PARCEL AREA		112.79 AC
R/W DEDICATION		0.35 AC
		112.44 AC
OPEN SPACE		
REQUIRED: 20% OF GROSS TRACT AREA	112.44 x 0.20 =	22.49 AC
PROVIDED:		22.49 AC
ACTIVE SPACE		
REQUIRED (40% OF OPEN SPACE)	112.44 x 0.40 =	9.00 AC
PROVIDED		9.00 AC
MINIPARKS REQUIRED (0.0025 ac times each person per lot ; Assumed 3.2 person per lot)	0.0025 x 3.2 x 378=	3.02 AC
PROVIDED		3.02 AC

OPEN SPACE LOTS

Parcel #	Area (SF)	Parcel #	Area (SF)
378	109573	391	2742
379	861034	392	2696
380	217216	393	2876
381	803465	394	2888
382	62327	395	6071
383	95375	396	3336
384	14415	397	9344
385	9007	398	5000
386	9886	399	5000
387	11361	400	2058
388	4928	401	27655
389	2850		
390	2850		

STEWART
223 S. WEST ST., #1100
RALEIGH, NC 27603
T 919.380.8750
FIRM LICENSE #: C-1051
www.stewartinc.com
PROJECT #: C19009

Client:

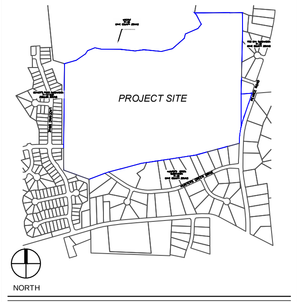
NATELLI COMMUNITIES
506 MAIN STREET, SUITE 300
GAITHERSBURG, MD 20878
CONTACT: BRIAN MASSENGILL
(T) 919.868.3102

Client:

Project:

PEARCES LANDING SUBDIVISION

Vicinity map:



Seal:

NORTH CAROLINA PROFESSIONAL SEAL 036231 ENGINEER ADAM C. PIRK

PRELIMINARY - DO NOT USE FOR CONSTRUCTION

Issued for:

No.	Date	Description
A	2019.09.04	REVISED PER TOWN SUP COMMENTS

0 50 100 200 NORTH

SCALE: 1"=100'

Title:

OPEN SPACE PLAN

Project number: C19009 Sheet:
Date: 05.14.2019
Drawn by: MTJ
Approved by: ACP

C3.01

Attachment 2 SUP 2019-08

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SUP 2019-08 Aerial Map

N

0 425 850 1,700 ft

1 inch = 800 feet

Disclaimer

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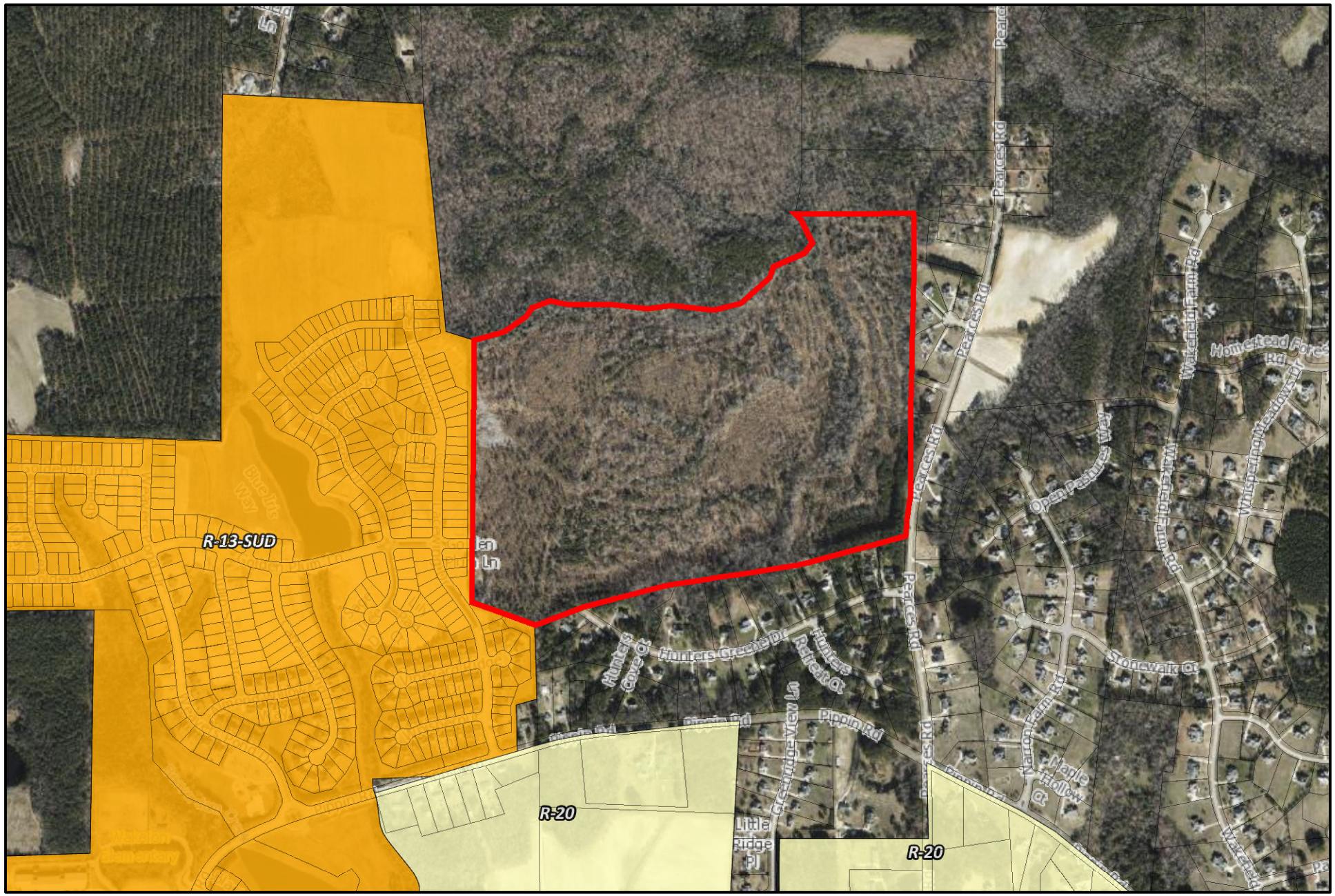

SUP 2019-08 Zoning Map

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0 425 850 1,700 ft

1 inch = 800 feet

Disclaimer

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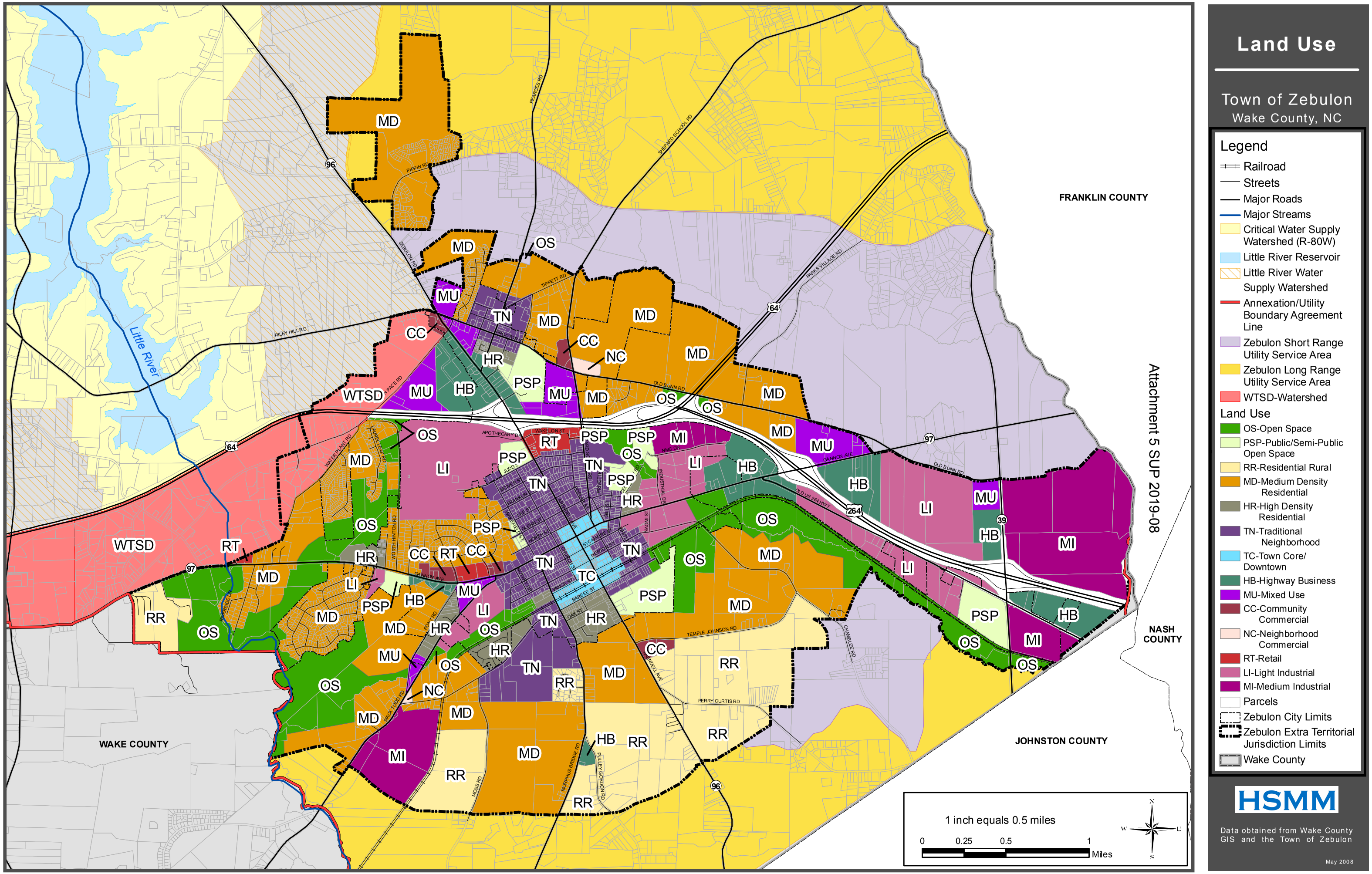

Land Use
Town of Zebulon
Wake County, NC
Legend
Railroad
Streets
Major Roads
Major Streams
Critical Water Supply Watershed (R-80W)
Little River Reservoir
Little River Water Supply Watershed
Annexation/Utility Boundary Agreement Line
Zebulon Short Range Utility Service Area
Zebulon Long Range Utility Service Area
WTSD-Watershed
Land Use
OS-Open Space
PSP-Public/Semi-Public Open Space
RR-Residential Rural
MD-Medium Density Residential
HR-High Density Residential
TN-Traditional Neighborhood
TC-Town Core/ Downtown
HB-Highway Business
MU-Mixed Use
CC-Community Commercial
NC-Neighborhood Commercial
RT-Retail
LI-Light Industrial
MI-Medium Industrial
Parcels
Zebulon City Limits
Zebulon Extra Territorial Jurisdiction Limits
Wake County
HSMM
Data obtained from Wake County GIS and the Town of Zebulon
May 2008
FRANKLIN COUNTY
NASH COUNTY
JOHNSTON COUNTY
WAKE COUNTY
Little River
Attachment 5 SUP 2019-08
1 inch equals 0.5 miles
0 0.25 0.5 1 Miles
N
S
E
W

Attachment 6 - SUP 2019-08

Attachment 6 - SUP 2019-08

Attachment 6 - SUP 2019-08

Attachment 6 - SUP 2019-08

Attachment 6 - SUP 2019-08

Attachment 6 - SUP 2019-08

Attachment 6 - SUP 2019-08

Attachment 7 SUP 2019-08

Traffic Impact Analysis
Pearces Road Subdivision
Zebulon, North Carolina

RAMEY KEMP & ASSOCIATES

TRAFFIC IMPACT ANALYSIS

FOR

PEARCES ROAD SUBDIVISION

LOCATED

IN

ZEBULON, NORTH CAROLINA

Prepared For:
Stewart
223 S West Street, Suite 1100
Raleigh, NC 27603

Prepared By:
Ramey Kemp & Associates, Inc.
5808 Faringdon Place, Suite 100
Raleigh, NC 27609
License #C-0910

May 2019

RKA Project No. 19158

Prepared By: CAB

Reviewed By: JTR

TRAFFIC IMPACT ANALYSIS
PEARCES ROAD SUBDIVISION
WENDELL, NORTH CAROLINA

EXECUTIVE SUMMARY

1. Development Overview

A Traffic Impact Analysis (TIA) was conducted for the proposed Edwards Property development in accordance with the Zebulon (Town) Unified Development Ordinance (UDO) and North Carolina Department of Transportation (NCDOT) capacity analysis guidelines. The proposed development is to be located Pearces Road in Zebulon, North Carolina. The proposed development is expected to consist of 188 single-family homes and 162 townhomes and estimated to be built out in 2023. Based on the Town of Zebulon's (Town's) Unified Development Ordinance (UDO), future scenarios were analyzed one (1) year after the build-out year of the proposed development (2023); therefore, future scenarios will be analyzed for year 2024. Site access will be provided via one (1) full movement driveway on Pearces Road, one (1) connection to the existing Hunters Greene subdivision, and one (1) connection to the Weaver's Pond subdivision (under construction).

2. Existing Traffic Conditions

The study area for the TIA was determined through coordination with the Town and NCDOT and consists of the following existing intersections:

- Pearces Road and Arendell Avenue (NC 96) (signalized)
- Pearces Road and Proctor Street (unsignalized)
- Pearces Road and Pippin Road (unsignalized)
- Zebulon Road (NC 96) and Pippin Road (unsignalized)
- Pearces Road and Hunters Greene Drive (unsignalized)

Existing peak hour traffic volumes were determined based on traffic counts conducted at the study intersections listed above, in April of 2019 by RKA during a typical weekday AM (7:00 AM – 9:00 AM) and PM (4:00 PM – 6:00 PM) peak periods.

Traffic volumes were balanced between study intersections, where appropriate.

3. Site Trip Generation

The proposed development is expected to consist of 188 single-family homes and 162 townhomes. Average weekday daily, AM peak hour, and PM peak hour trips for the proposed development were estimated using methodology contained within the ITE *Trip Generation Manual*, 10th Edition. Table 2 provides a summary of the trip generation potential for the site.

Table E-1: Site Trip Generation

Land Use (ITE Code)	Intensity	Daily Traffic (vpd)	AM Peak Hour Trips (vph)		PM Peak Hour Trips (vph)	
			Enter	Exit	Enter	Exit
Single Family Detached Housing (210)	188 dwellings	1,900	34	104	117	69
Multifamily Housing (Low-Rise) – Townhomes (220)	162 dwellings	1,200	17	58	57	34
Total Site Trips		**3,100**	**51**	**162**	**174**	**103**

4. Future Traffic Conditions

Through coordination with the Town and NCDOT, it was determined that an annual growth rate of 3% would be used to generate projected (2024) weekday AM and PM peak hour traffic volumes based on a review of traffic growth patterns and adjacent development information. Through coordination with the NCDOT and Town, Weaver's Pond and Taryn Lake / Taryn Creek were identified to be included as adjacent developments in this study.

Through coordination with NCDOT and the Town, the future roadway improvements associated with the Weaver's Pond development, as well as the future roadway improvements associated with the Locally Administered Projects Program (LAPP) at the intersection of Pearces Road and Arendell Avenue (NC 96), should be included in the analysis of future traffic conditions, where applicable.

The study analyzes traffic conditions during the weekday AM and PM peak hours for the following scenarios:

- Existing (2019) Traffic Conditions
- Background (2023+1) Traffic Conditions
- Combined (2023+1) Traffic Conditions
- Combined (2023+1) Traffic Conditions with Improvements

5. Capacity Analysis Summary

The analysis considered weekday AM and PM peak hour traffic for existing (2019), background (2024), and combined (2024) conditions. Refer to Section 7 of the report for the capacity analysis performed at each study intersection.

6. Recommendations

Based on the findings of this study, specific geometric and traffic control improvements have been identified at study intersections. The improvements are summarized below and are illustrated in Figure E-1.

LAPP Improvements

The LAPP project is expected to add a second left turn lane from westbound Pearces Road onto Arendell Avenue (NC 96) and add a second receiving lane on Arendell Avenue (NC 96) for approximately 200 feet before being dropped as a right-turn lane at Hendricks Drive. In addition to the geometric changes to the intersection, the LAPP improvements are expected to modify the signal plans and timings to accommodate the lane changes at the intersection.

Committed Improvements by Weaver's Pond Development

Zebulon Road (NC 96) and Pippin Road

- Provide a designated northbound right-turn lane with at least 100 feet of storage and appropriate decel and taper.
- Provide a designated southbound left-turn lane with at least 150 feet of storage and appropriate decel and taper.
- Install a traffic signal at intersection when warranted.

Recommended Improvements by Developer

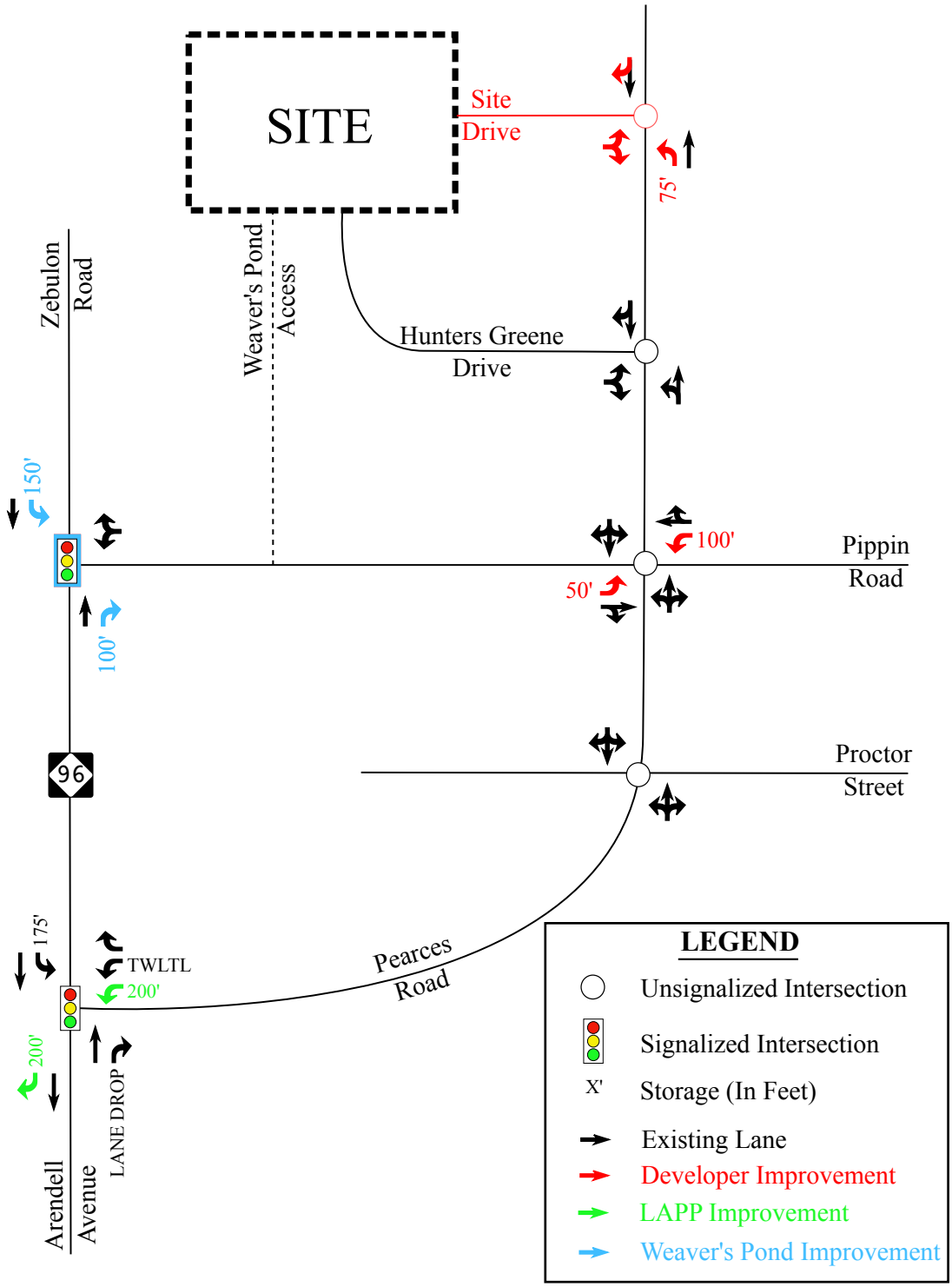
Offsite improvements should be considered for a cost-share agreement (proportional share fee-in-lieu) with the Town.

Pearces Road and Proctor Street

- Provide a designated eastbound left-turn lane with at least 50 feet of storage and appropriate deceleration and taper.
- Provide a designated westbound left-turn lane with at least 100 feet of storage and appropriate deceleration and taper.

Pearces Road and Site Drive

- Provide site access via a full movement intersection with one ingress lane and one egress lane.
- Provide stop control for eastbound Site Drive approach.
- Provide a designated northbound left-turn lane with at least 75 feet of storage and appropriate deceleration and taper.



RAMEY KEMP & ASSOCIATES
TRANSPORTATION ENGINEERS

Pearces Road Subdivision
Zebulon, NC

Recommended Lane Configurations

Scale: Not to Scale | Figure E-1

TABLE OF CONTENTS

1. INTRODUCTION 1
1.1. Site Location and Study Area 1
1.2. Proposed Land Use and Site Access 2
1.3. Adjacent Land Uses 2
1.4. Existing Roadways 2
2. EXISTING (2019) PEAK HOUR CONDITIONS 7
2.1. Existing (2019) Peak Hour Traffic 7
2.2. Analysis of Existing (2019) Peak Hour Traffic 7
3. BACKGROUND (2024) PEAK HOUR CONDITIONS 9
3.1. Ambient Traffic Growth 9
3.2. Adjacent Development Traffic 9
3.3. Future Roadway Improvements 9
3.4. Background (2024) Peak Hour Traffic Volumes 9
3.5. Analysis of Background (2024) Peak Hour Traffic Conditions 10
4. SITE TRIP GENERATION AND DISTRIBUTION 14
4.1. Trip Generation 14
4.2. Site Trip Distribution and Assignment 14
5. COMBINED (2024) TRAFFIC CONDITIONS 17
5.1. Combined (2024) Peak Hour Traffic Volumes 17
5.2. Analysis of Combined (2024) Peak Hour Traffic 17
6. TRAFFIC ANALYSIS PROCEDURE 19
6.1. Adjustments to Analysis Guidelines 19
7. CAPACITY ANALYSIS 20
7.1. Pearces Road and Arendell Avenue (NC 96) 20
7.2. Pearces Road and Proctor Street 21
7.3. Pearces Road and Pippin Road 24
7.4. Zebulon Road (NC 96) and Pippin Road 25
7.5. Pearces Road and Hunters Greene Drive 26
7.6. Pearces Road and Site Drive 27
8. CONCLUSIONS 28

LIST OF FIGURES

Figure 1 – Site Location Map 4
Figure 2 – Preliminary Site Plan 5
Figure 3 – Existing Lane Configurations 6
Figure 4 – Existing (2019) Peak Hour Traffic 8
Figure 5 – Projected (2024) Peak Hour Traffic 11
Figure 6 – Adjacent Development Trips 12
Figure 7 – Background (2024) Peak Hour Traffic 13
Figure 8 – Site Trip Distribution 15
Figure 9 – Site Trip Assignment 16
Figure 10 – Combined (2024) Peak Hour Traffic 18
Figure 11 – Recommended Lane Configurations 33

LIST OF TABLES

Table 1: Existing Roadway Inventory 3
Table 2: Trip Generation Summary 14
Table 3: Highway Capacity Manual – Levels-of-Service and Delay 19
Table 4: Analysis Summary of Pearces Road and Arendell Avenue (NC 96) 20
Table 5: Analysis Summary of Pearces Road and Proctor Street 21
Table 6: Analysis Summary of Pearces Road and Pippin Road 24
Table 7: Analysis Summary of Zebulon Road (NC 96) and Pippin Road 25
Table 8: Analysis Summary of Pearces Road and Hunters Greene Drive 26
Table 9: Analysis Summary of Pearces Road and Site Drive 27

TECHNICAL APPENDIX

Appendix A: Memorandum of Understanding

Appendix B: Traffic Counts

Appendix C: Signal Plans

Appendix D: Adjacent Development Information

Appendix E: LAPP Information

Appendix F: Capacity Calculations – Pearces Road and Arendell Avenue (NC 96)

Appendix G: Capacity Calculations – Pearces Road and Proctor Street

Appendix H: Capacity Calculations – Pearces Road and Pippin Road

Appendix I: Capacity Calculations – Zebulon Road (NC 96) and Pippin Road

Appendix J: Capacity Calculations – Pearces Road and Hunters Greene Drive

Appendix K: Capacity Calculations – Pearces Road and Site Drive

TRAFFIC IMPACT ANALYSIS
PEARCES ROAD SUBDIVISION
ZEBULON, NORTH CAROLINA

1. INTRODUCTION

The contents of this report present the findings of the Traffic Impact Analysis (TIA) conducted for the proposed Pearces Road subdivision to be located along Pearces Road, north of Hunters Greene Drive in Zebulon, North Carolina. The proposed development, anticipated to be completed in 2024, is expected to consist of 188 single-family homes and 162 townhomes. The purpose of this study is to determine the potential impacts to the surrounding transportation system created by traffic generated by the proposed development, as well as recommend improvements to mitigate the impacts.

The study analyzes traffic conditions during the weekday AM and PM peak hours for the following scenarios:

- Existing (2019) Traffic Conditions
- Background (2023+1) Traffic Conditions
- Combined (2023+1) Traffic Conditions
- Combined (2023+1) Traffic Conditions with Improvements

1.1. Site Location and Study Area

The development is proposed to be located along Pearces Road, north of Hunters Greene Drive in Zebulon, North Carolina. Refer to Figure 1 for the site location map.

The study area for the TIA was determined through coordination with the North Carolina Department of Transportation (NCDOT) and the Town of Zebulon (Town) and consists of the following existing intersections:

- Pearces Road and Arendell Avenue (NC 96) (signalized)
- Pearces Road and Proctor Street (unsignalized)
- Pearces Road and Pippin Road (unsignalized)

- Zebulon Road (NC 96) and Pippin Road (unsignalized)
- Pearces Road and Hunters Greene Drive (unsignalized)

Refer to Appendix A for the approved Memorandum of Understanding.

1.2. Proposed Land Use and Site Access

The proposed development, anticipated to be completed in 2024, is expected to consist of 188 single-family homes and 162 townhomes. Site access will be provided via one (1) full movement driveway on Pearces Road, one (1) connection to the existing Hunters Greene subdivision, and one (1) connection to the Weaver's Pond subdivision (under construction). Refer to Figure 2 for a copy of the preliminary site plan.

1.3. Adjacent Land Uses

The proposed development is located in an area consisting primarily of undeveloped land and residential development.

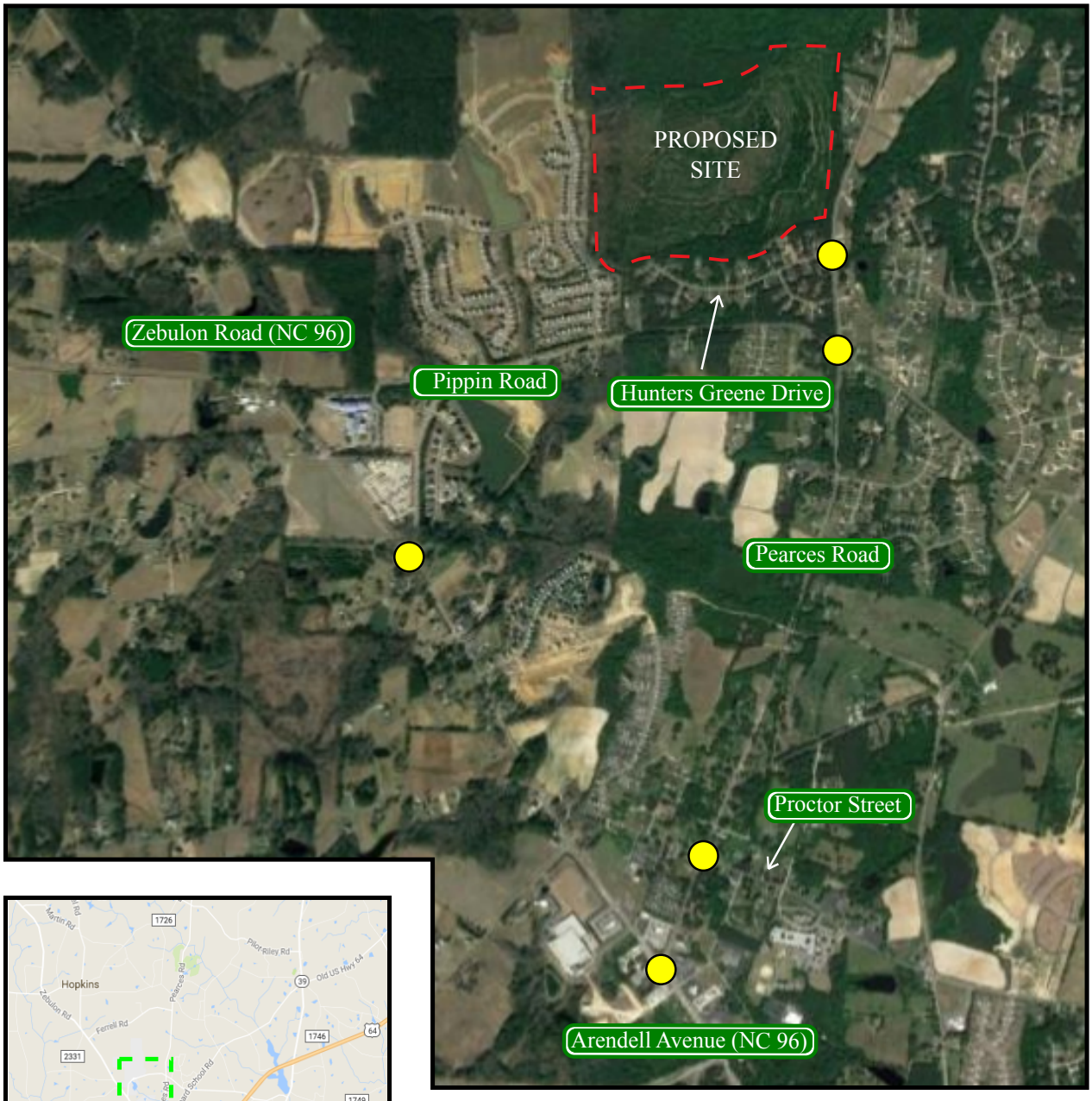
1.4. Existing Roadways

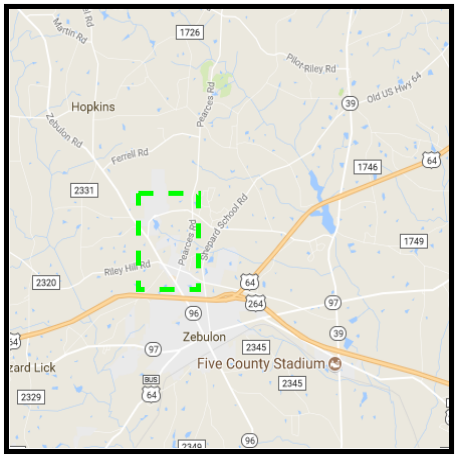
Existing lane configurations (number of traffic lanes on each intersection approach), lane widths, storage capacities, and other intersection and roadway information was collected through field reconnaissance by Ramey Kemp & Associates, Inc. (RKA). Table 1 on the following page provides a summary of the field data collected. Refer to Figure 3 for an illustration of the existing lane configurations within the study area.

Table 1: Existing Roadway Inventory

Road Name	Route Number	Typical Cross Section	Speed Limit	Maintained By	2017 AADT (vpd)
Pearces Road	SR 1001	2-lane undivided	Varies; 35 mph / 45 mph	NCDOT	6,500
NC 96 (Arendell Avenue / Zebulon Road)		2-lane undivided	Varies; 35 mph / 45 mph	NCDOT	14,000
Proctor Street	SR 2320	2-lane undivided	35 mph	NCDOT	2,100
Pippin Road	SR 2337	2-lane undivided	Varies; 35 mph / 45 mph	NCDOT	2,130*
Hunters Greene Drive	SR 2466	2-lane undivided	25 mph (unposted)	NCDOT	260*

*ADT based on the traffic counts from 2019 and assuming the weekday PM peak hour volume is 10% of the average daily traffic.





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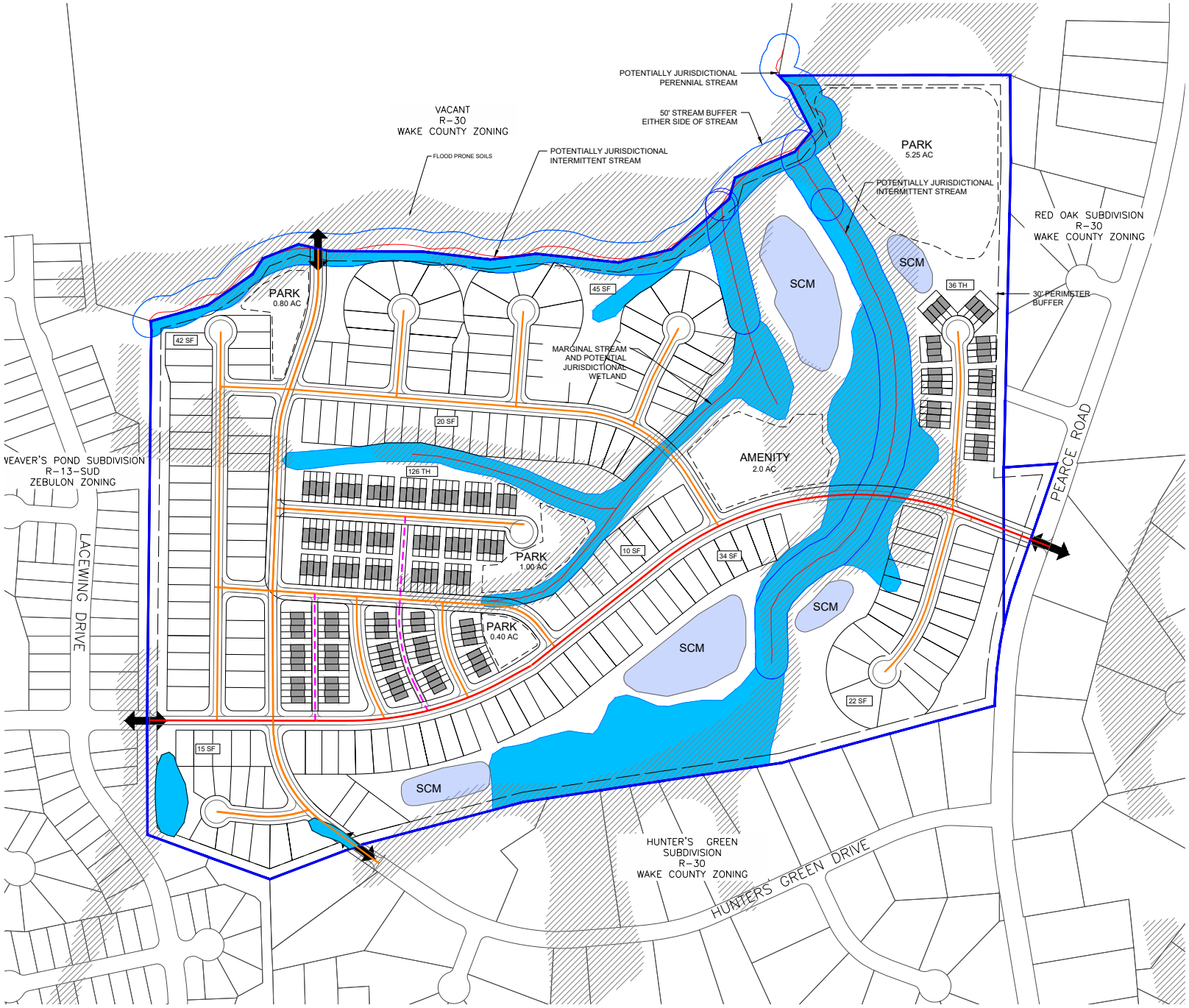
LEGEND

- Proposed Site Location
- Study Intersection
- Study Area

RAMEY KEMP & ASSOCIATES TRANSPORTATION ENGINEERS	Pearces Road Subdivision Zebulon, NC	Site Location Map Scale: Not to Scale | Figure 1



PIN: 2706090290 and 2706198550

TOTAL AC.	112.79 AC
STREAM BUFFER AND WETLANDS:	19.03 AC
GROSS AC:	93.76 AC
OPEN SPACE REQ. (Conservation 25%):	23.44 AC
ACTIVE SPACE REQ. (40% OF OPEN SPACE):	9.38 AC
DEVELOPABLE AREA:	70.32 AC

DENSITY ALLOWED:

(Calculated: total gross area divided by min. lot area)

4,084,185.6 / 6,500 =	628 LOTS
OR	
MEDIUM DENSITY 3-4 U/AC	375 LOTS
TOTAL LOTS	350 LOTS
DENSITY PROVIDED:	3.73 u/ac
OPEN SPACE PROVIDED:	48%
RECREATION SPACE REQ. PER PERSON:	
(Assumed 3.2 person/lot) 0.0025ac x 3.2 x 308 =	2.8 ac

STREET TYPE			
	CLASSIFICATION	R/W WIDTH	B-B DIMENSION
	COLLECTOR	60 Ft	34 Ft
	SUB-COLLECTOR	50 Ft	26 Ft
	PRIVATE ALLEY	24 Ft	16 Ft

LOT QUANTITY			
ABBR.	QTY.	LOT SIZE (min.)	BUILDING SIZE
SF	188	50' W x 130' L	40' W' x 60' L
TH	162	20' W x 95' L	20' W' x 42' L

0 100 200 400 NORTH

SCALE: 1" = 200'

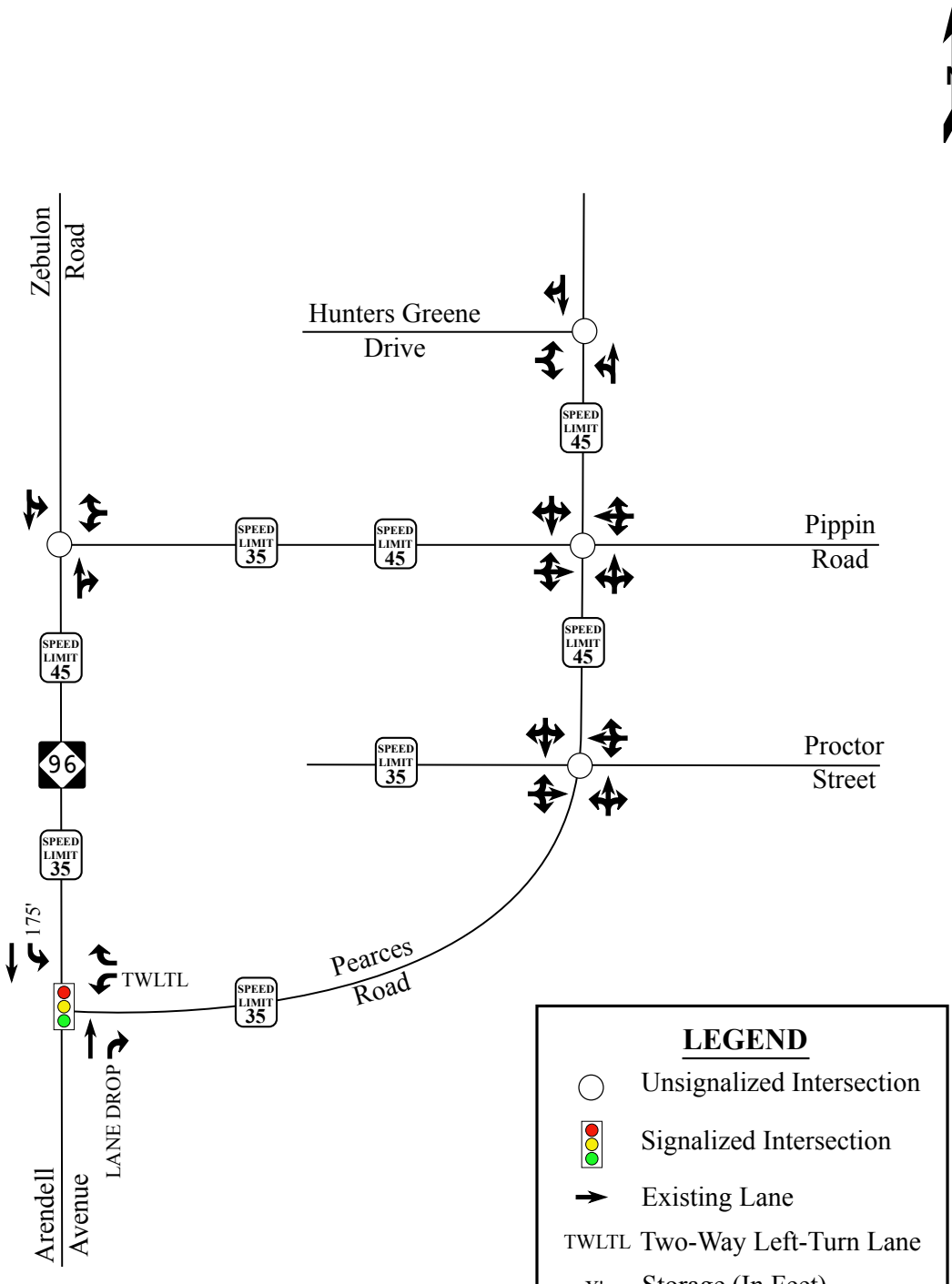
PEARCES ROAD SUBDIVISION

ZEBULON, NC

CONCEPTUAL CONSERVATION SUBDIVISION

MARCH 05, 2019

STEWART



RAMEY KEMP & ASSOCIATES
TRANSPORTATION ENGINEERS

Pearces Road Subdivision
Zebulon, NC

Existing Lane Configurations

Scale: Not to Scale | Figure 3

2. EXISTING (2019) PEAK HOUR CONDITIONS

2.1. Existing (2019) Peak Hour Traffic

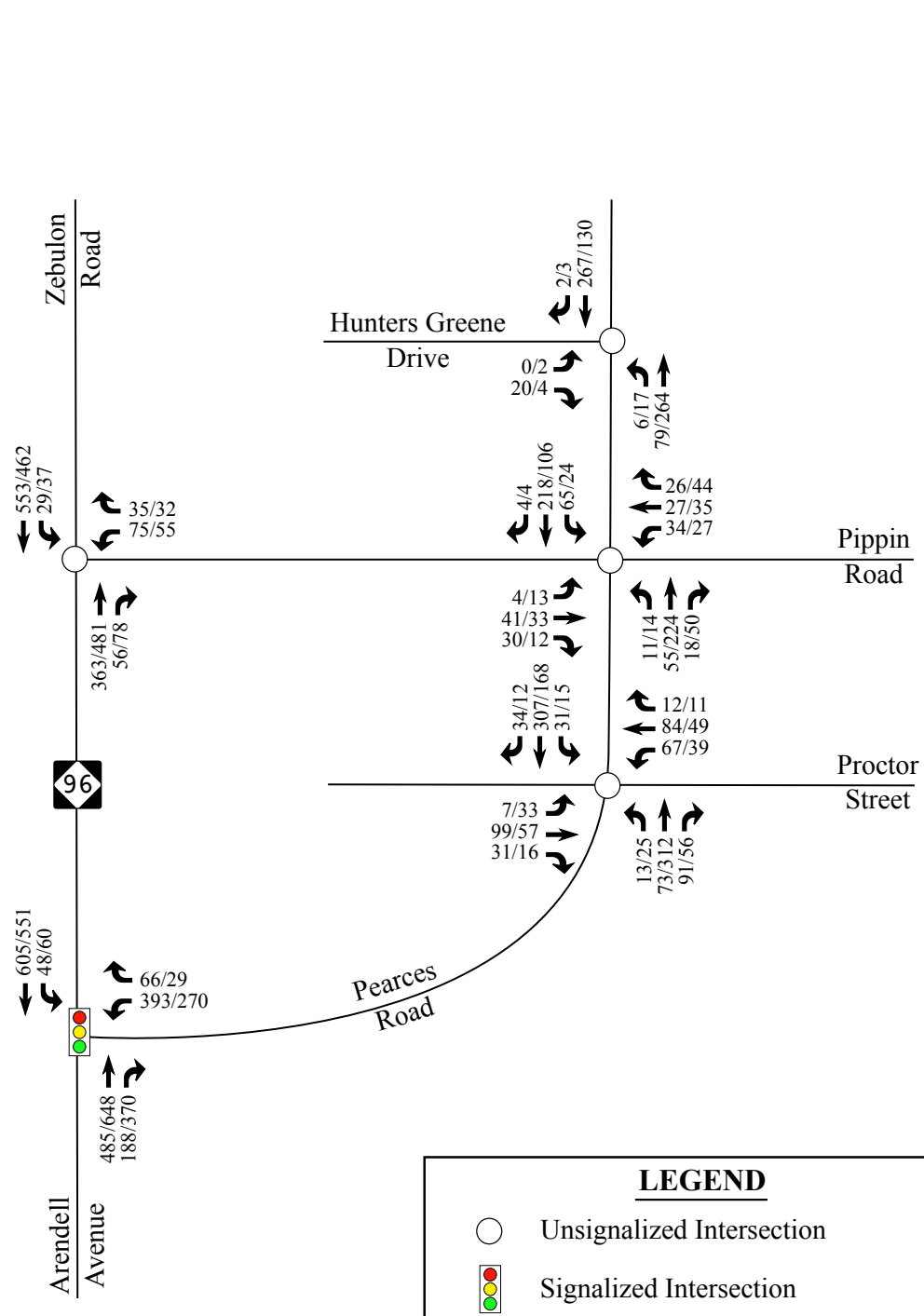
Existing peak hour traffic volumes were determined based on traffic counts conducted at the study intersections listed below, in April of 2019 by RKA during a typical weekday AM (7:00 AM – 9:00 AM) and PM (4:00 PM – 6:00 PM) peak periods:

- Pearces Road and Arendell Avenue (NC 96) (signalized)
- Pearces Road and Proctor Street (unsignalized)
- Pearces Road and Pippin Road (unsignalized)
- Zebulon Road (NC 96) and Pippin Road (unsignalized)
- Pearces Road and Hunters Greene Drive (unsignalized)

Traffic volumes were balanced between study intersections, where appropriate. Refer to Figure 4 for existing (2019) weekday AM and PM peak hour traffic volumes. A copy of the count data is located in Appendix B of this report.

2.2. Analysis of Existing (2019) Peak Hour Traffic

The existing (2019) weekday AM and PM peak hour traffic volumes were analyzed to determine the current levels of service at the study intersections under existing roadway conditions. Signal information was obtained from NCDOT and is included in Appendix C. The results of the analysis are presented in Section 7 of this report.



RAMEY KEMP & ASSOCIATES
TRANSPORTATION ENGINEERS

Pearces Road Subdivision
Zebulon, NC

Existing (2019)
Peak Hour Traffic

Scale: Not to Scale | Figure 4

3. BACKGROUND (2024) PEAK HOUR CONDITIONS

In order to account for growth of traffic and subsequent traffic conditions at a future year, background traffic projections are needed. Background traffic is the component of traffic due to the growth of the community and surrounding area that is anticipated to occur regardless of whether or not the proposed development is constructed. Background traffic is comprised of existing traffic growth within the study area and additional traffic created as a result of adjacent approved developments.

3.1. Ambient Traffic Growth

Through coordination with NCDOT and the Town, it was determined that an annual growth rate of 3% would be used to generate projected (2024) weekday AM and PM peak hour traffic volumes. Refer to Figure 5 for projected (2024) peak hour traffic.

3.2. Adjacent Development Traffic

Through coordination with the NCDOT and Town, Weaver's Pond and Taryn Lake / Taryn Creek were identified to be included as adjacent developments in this study. Adjacent development trips are shown in Figure 6. Adjacent development information can be found in Appendix D.

3.3. Future Roadway Improvements

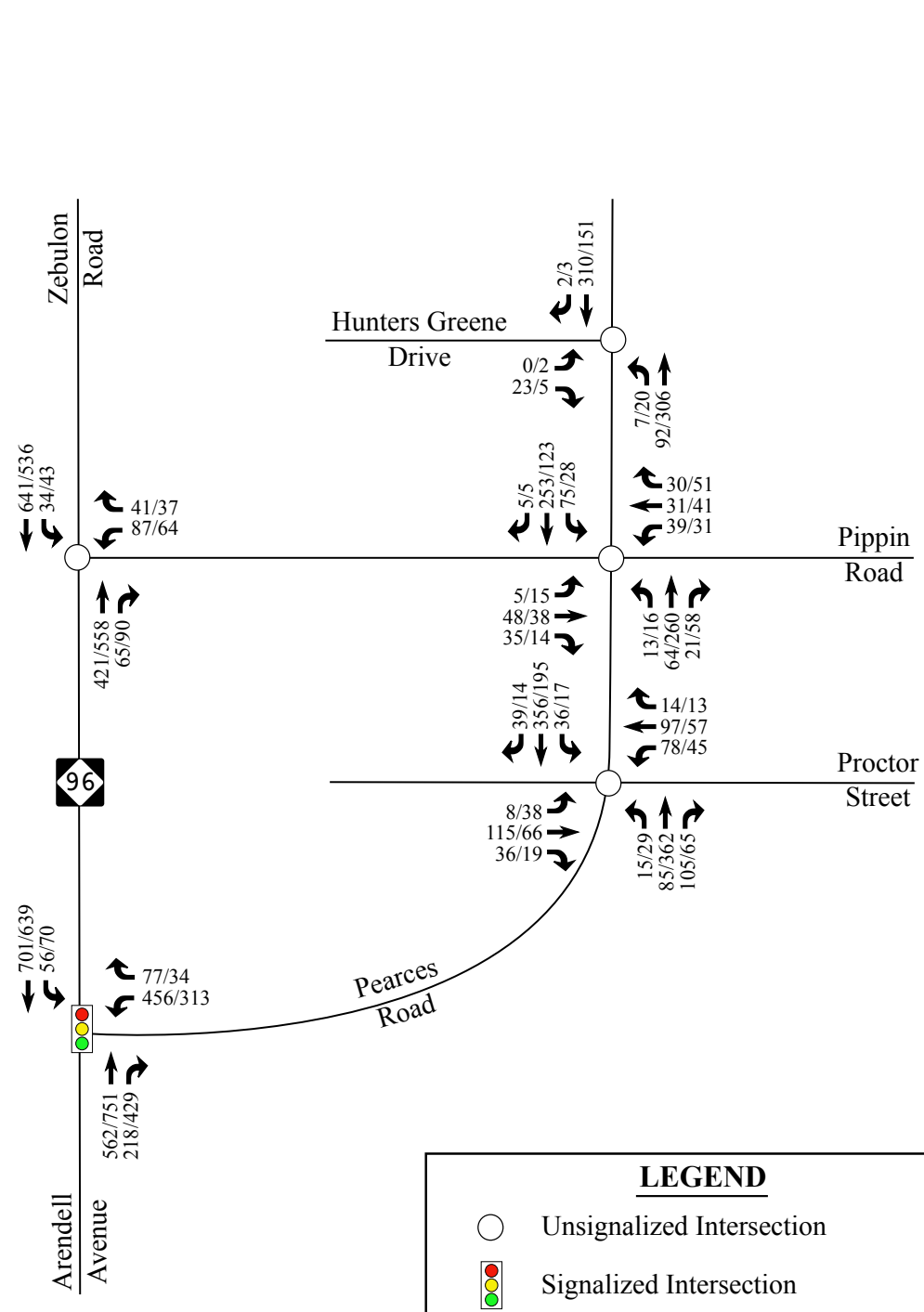
Through coordination with NCDOT and the Town, the future roadway improvements associated with the Weaver's Pond development, as well as the future roadway improvements associated with the Locally Administered Projects Program (LAPP) at the intersection of Pearces Road and Arendell Avenue (NC 96), should be included in the analysis of future traffic conditions, where applicable. The description for the LAPP improvements can be found in Appendix E.

3.4. Background (2024) Peak Hour Traffic Volumes

The background (2024) traffic volumes were determined by projecting the existing (2019) peak hour traffic to the year 2024 and adding the adjacent development trips. Refer to Figure 7 for an illustration of the background (2024) peak hour traffic volumes at the study intersections.

3.5. Analysis of Background (2024) Peak Hour Traffic Conditions

The background (2024) AM and PM peak hour traffic volumes at the study intersections were analyzed with future geometric roadway conditions and traffic control. The analysis results are presented in Section 7 of this report.

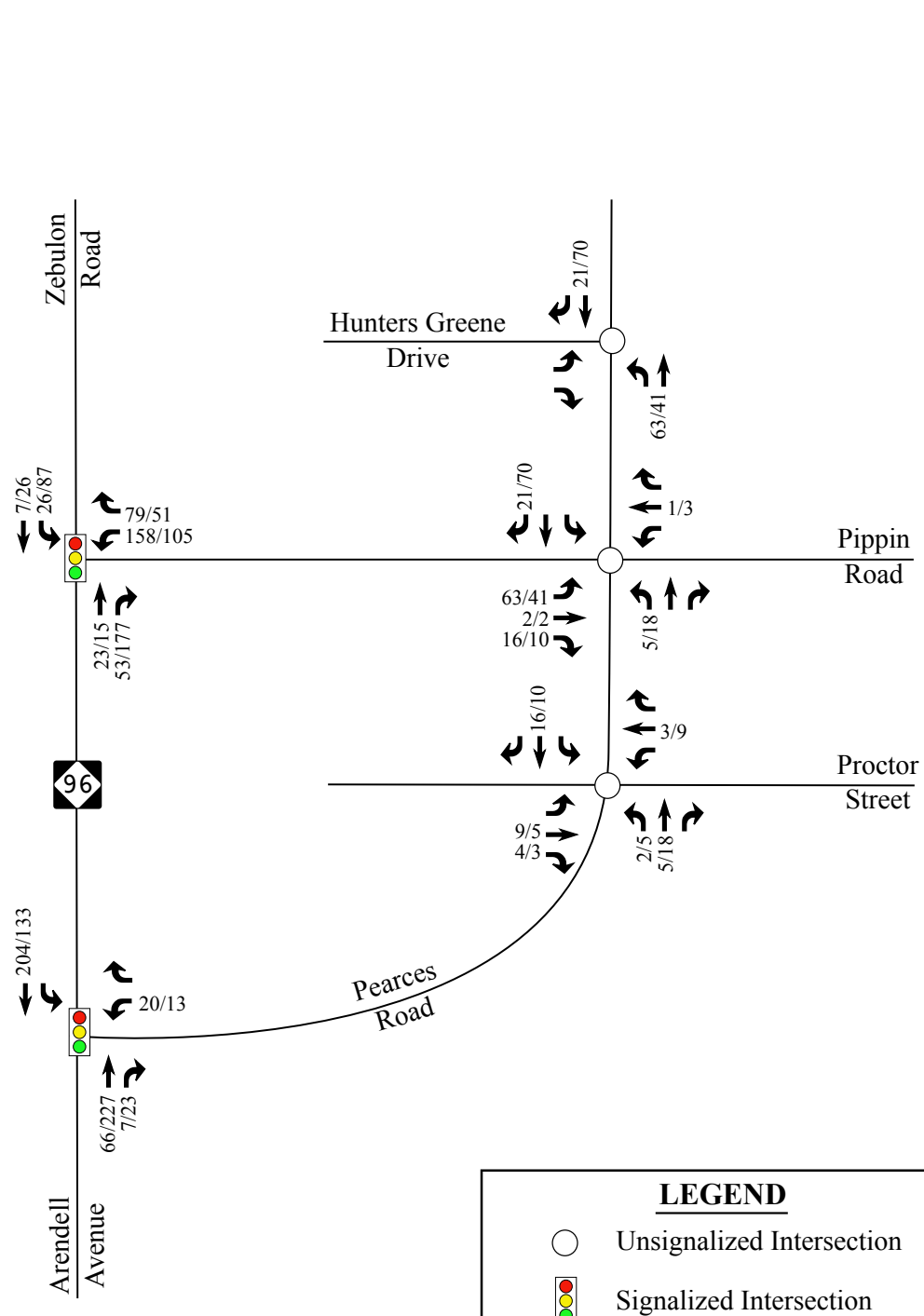


RAMEY KEMP & ASSOCIATES
TRANSPORTATION ENGINEERS

Pearces Road Subdivision
Zebulon, NC

Projected (2024)
Peak Hour Traffic

Scale: Not to Scale | Figure 5



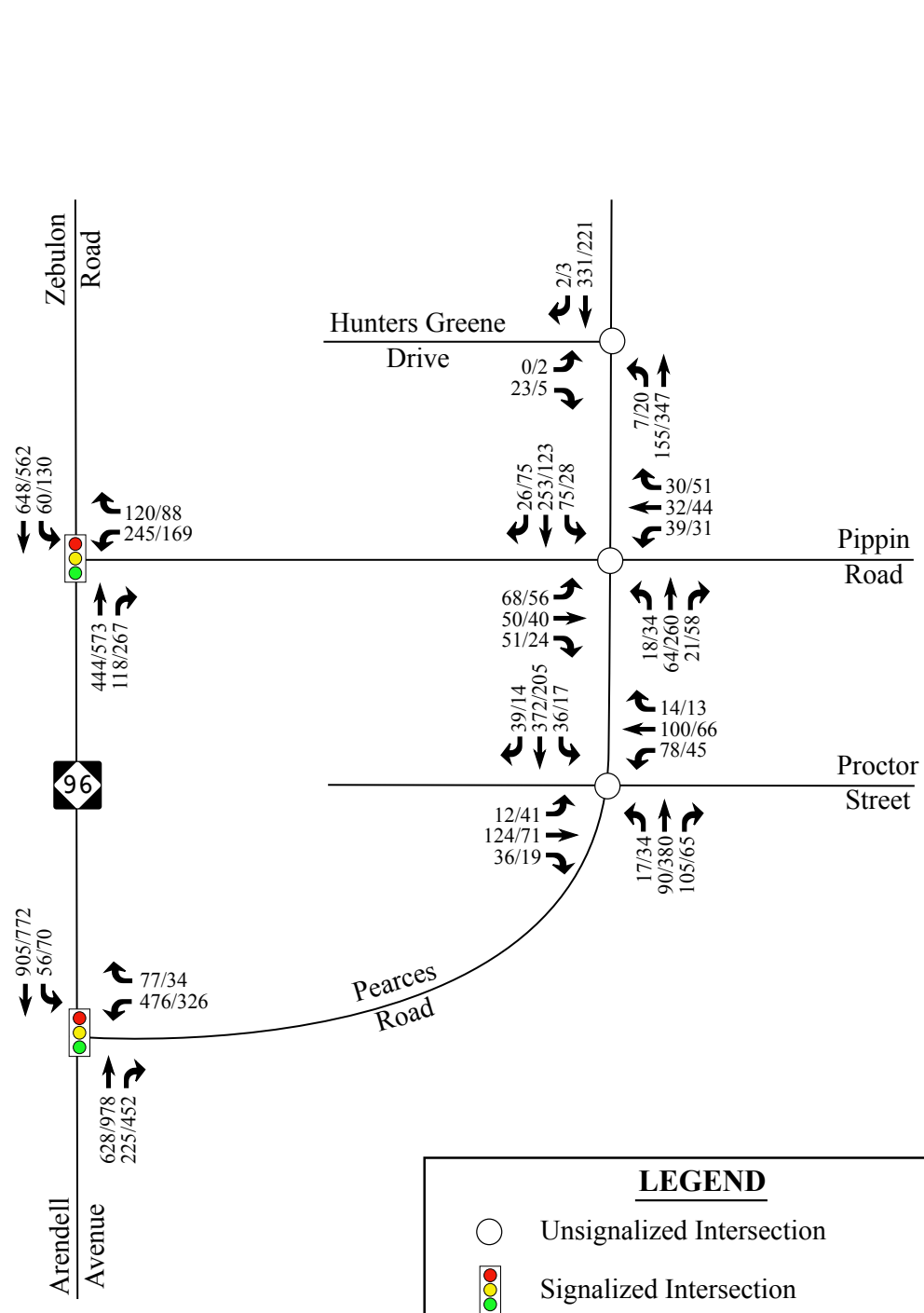
RAMEY KEMP & ASSOCIATES
TRANSPORTATION ENGINEERS

Pearces Road Subdivision
Zebulon, NC

Peak Hour Adjacent Development Trips

Scale: Not to Scale

Figure 6



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TRANSPORTATION ENGINEERS

Pearces Road Subdivision
Zebulon, NC

Background (2024)
Peak Hour Traffic

Scale: Not to Scale

Figure 7

4. SITE TRIP GENERATION AND DISTRIBUTION

4.1. Trip Generation

The proposed development is expected to consist of 188 single-family homes and 162 townhomes. Average weekday daily, AM peak hour, and PM peak hour trips for the proposed development were estimated using methodology contained within the ITE *Trip Generation Manual*, 10th Edition. Table 2 provides a summary of the trip generation potential for the site.

Table 2: Trip Generation Summary

Land Use (ITE Code)	Intensity	Daily Traffic (vpd)	AM Peak Hour Trips (vph)		PM Peak Hour Trips (vph)	
			Enter	Exit	Enter	Exit
Single Family Detached Housing (210)	188 dwellings	1,900	34	104	117	69
Multifamily Housing (Low-Rise) – Townhomes (220)	162 dwellings	1,200	17	58	57	34
Total Site Trips		**3,100**	**51**	**162**	**174**	**103**

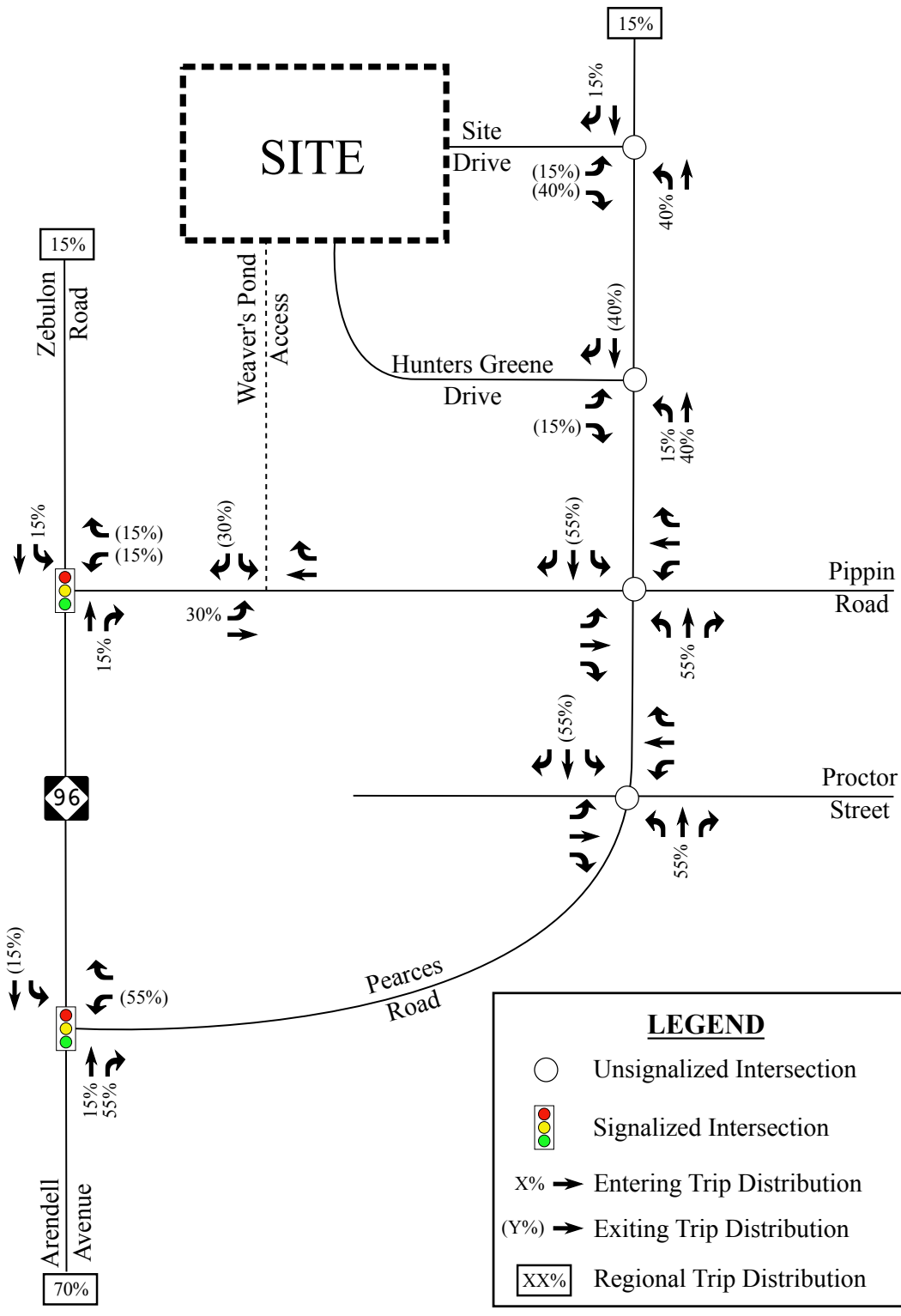
It is estimated that the proposed development will generate approximately 3,100 total site trips on the roadway network during a typical 24-hour weekday period. Of the daily traffic volume, it is anticipated that 213 trips (51 entering and 162 exiting) will occur during the weekday AM peak hour and 277 trips (174 entering and 103 exiting) will occur during the weekday PM peak hour.

4.2. Site Trip Distribution and Assignment

Trip distribution percentages used in assigning site traffic for this development were estimated based on a combination of existing traffic patterns, population centers adjacent to the study area, and engineering judgment. It is estimated that trips will be distributed as follows:

- 70% to/from the south via Arendell Avenue (NC 96)
- 15% to/from the north via Zebulon Road (NC 96)
- 15% to/from the north via Pearces Road

The site trip distribution is shown in Figure 8. Refer to Figure 9 for the site trip assignment.



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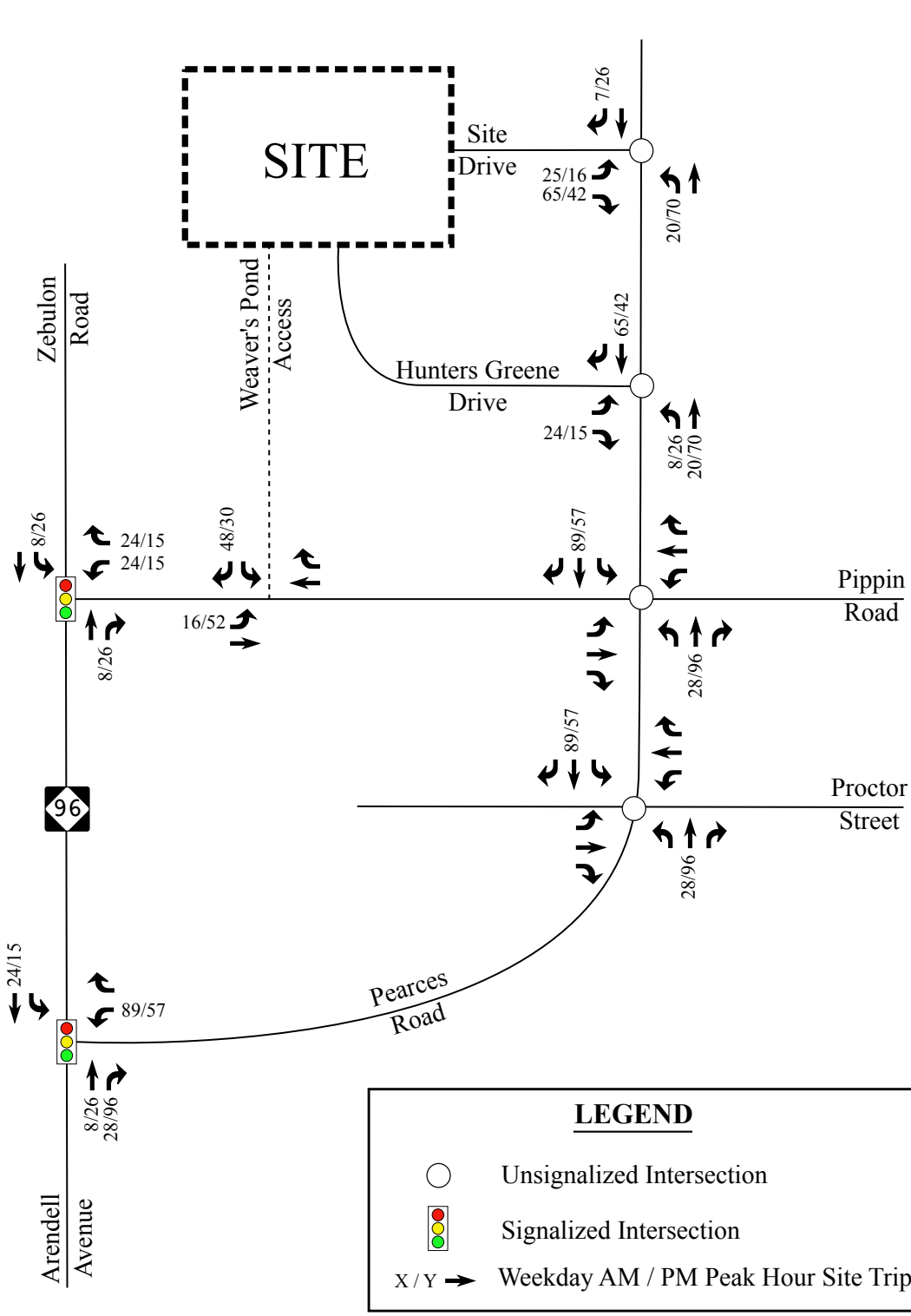
Pearces Road Subdivision
Zebulon, NC

Site Trip Distribution

Scale: Not to Scale | Figure 8



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Pearces Road Subdivision
Zebulon, NC

Site
Trip Assignment

Scale: Not to Scale

Figure 9

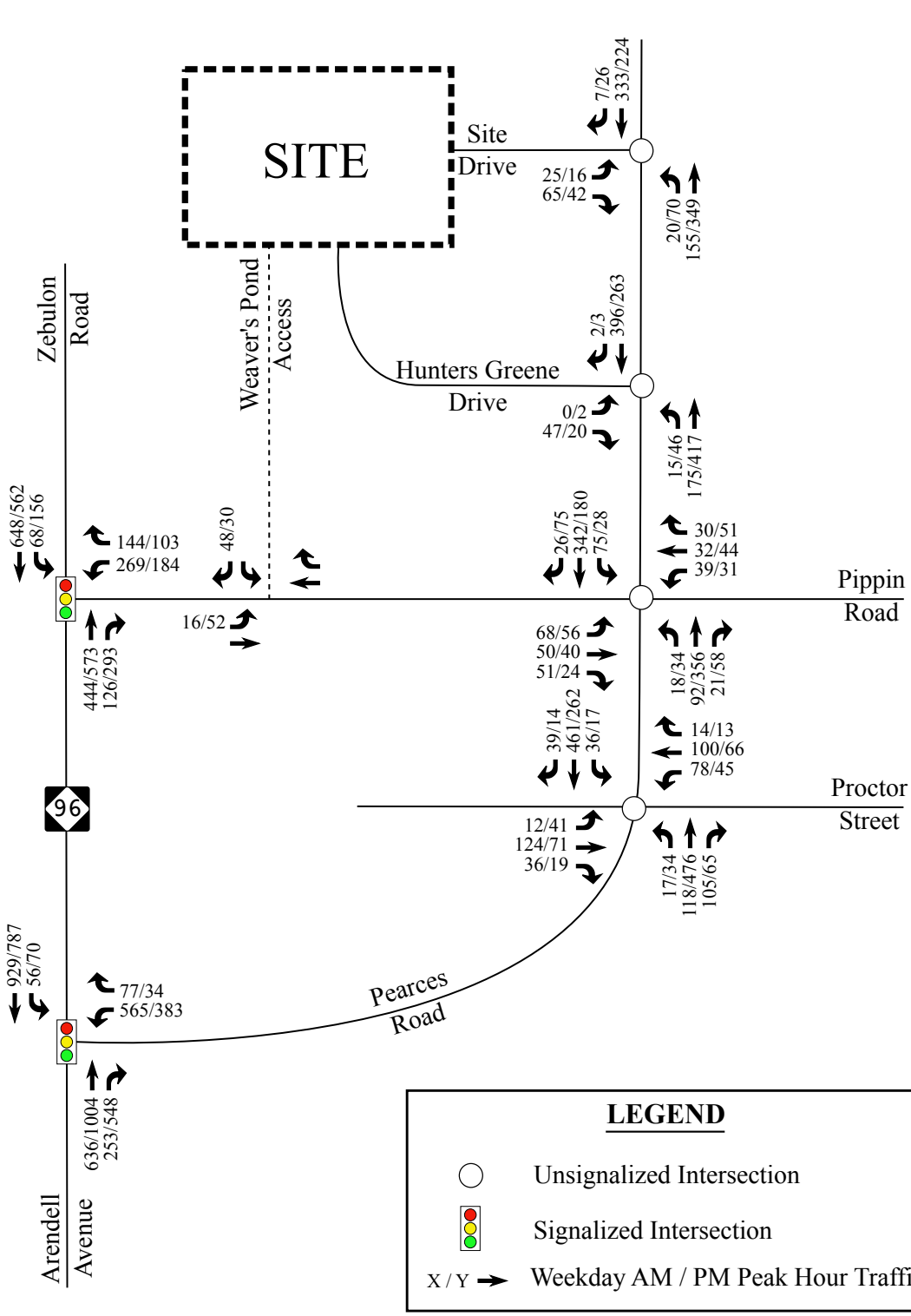
5. COMBINED (2024) TRAFFIC CONDITIONS

5.1. Combined (2024) Peak Hour Traffic Volumes

To estimate traffic conditions with the site fully built-out, the total site trips were added to the background (2024) traffic volumes to determine the combined (2024) traffic volumes. Refer to Figure 10 for an illustration of the combined (2024) peak hour traffic volumes with the proposed site fully developed.

5.2. Analysis of Combined (2024) Peak Hour Traffic

Study intersections were analyzed with the combined (2024) traffic volumes using the same methodology previously discussed for existing and background traffic conditions. Intersections were analyzed with improvements necessary to accommodate future traffic volumes. The results of the capacity analysis for each intersection are presented in Section 7 of this report.



RAMEY KEMP & ASSOCIATES
TRANSPORTATION ENGINEERS

Pearces Road Subdivision
Zebulon, NC

Combined (2024)
Peak Hour Traffic

Scale: Not to Scale | Figure 10

6. TRAFFIC ANALYSIS PROCEDURE

Study intersections were analyzed using the methodology outlined in the Highway Capacity Manual (HCM), 6th Edition published by the Transportation Research Board. Capacity and level of service are the design criteria for this traffic study. A computer software package, Synchro (Version 10.3), was used to complete the analyses for most of the study area intersections. Please note that the unsignalized capacity analysis does not provide an overall level of service for an intersection; only delay for an approach with a conflicting movement.

The HCM defines capacity as "the maximum hourly rate at which persons or vehicles can reasonably be expected to traverse a point or uniform section of a lane or roadway during a given time period under prevailing roadway, traffic, and control conditions." Level of service (LOS) is a term used to represent different driving conditions, and is defined as a "qualitative measure describing operational conditions within a traffic stream, and their perception by motorists and/or passengers." Level of service varies from Level "A" representing free flow, to Level "F" where breakdown conditions are evident. Refer to Table 3 for HCM levels of service and related average control delay per vehicle for both signalized and unsignalized intersections. Control delay as defined by the HCM includes "initial deceleration delay, queue move-up time, stopped delay, and final acceleration delay". An average control delay of 50 seconds at a signalized intersection results in LOS "D" operation at the intersection.

Table 3: Highway Capacity Manual – Levels-of-Service and Delay

UNSIGNALIZED INTERSECTION		SIGNALIZED INTERSECTION	
LEVEL OF SERVICE	**AVERAGE CONTROL DELAY PER VEHICLE (SECONDS)**	**LEVEL OF SERVICE**	**AVERAGE CONTROL DELAY PER VEHICLE (SECONDS)**
A	0-10	A	0-10
B	10-15	B	10-20
C	15-25	C	20-35
D	25-35	D	35-55
E	35-50	E	55-80
F	>50	F	>80

6.1. Adjustments to Analysis Guidelines

Capacity analysis at all study intersections was completed according to the NCDOT Congestions Management Guidelines.

7. CAPACITY ANALYSIS

7.1. Pearces Road and Arendell Avenue (NC 96)

The signalized intersection of Pearces Road and Arendell Avenue (NC 96) was analyzed under existing (2019), background (2024), and combined (2024) traffic conditions with the lane configurations and traffic control shown in Table 4. Refer to Table 4 for a summary of the analysis results. Refer to Appendix F for the Synchro capacity analysis reports.

Table 4: Analysis Summary of Pearces Road and Arendell Avenue (NC 96)

ANALYSIS SCENARIO	APPROACH	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
Existing (2019) Conditions	WB NB SB	1 LT, 1 RT 1 TH, 1 RT 1 LT, 1 TH	F A A	C (27)	D A A	B (12)
Background (2024) Conditions	WB NB SB	<u>2 LT</u>, 1 RT 1 TH, 1 RT 1 LT, 1 TH	D B B	C (21)	D C B	C (25)
Combined (2024) Conditions	WB NB SB	<u>2 LT</u>, 1 RT 1 TH, 1 RT 1 LT, 1 TH	D B B	C (24)	D C B	C (29)

<u>Improvements by LAPP project shown underlined.</u>

Capacity analysis of existing (2019), background (2024), and combined (2024) traffic conditions indicated the intersection of Pearces Road and Arendell Avenue (NC 96) is expected to operate at an overall LOS C or better during both weekday AM and PM peak hours. A LAPP project is expected to add a second left turn lane from westbound Pearces Road onto Arendell Avenue (NC 96) and add a second receiving lane on Arendell Avenue (NC 96) for approximately 200 feet before being dropped as a right-turn lane at Hendricks Drive. In addition to the geometric changes to the intersection, the LAPP improvements are expected to modify the signal plans and timings to accommodate the lane changes at the intersection.

Under background (2024) traffic conditions, the intersection was analyzed with the LAPP improvements and the same signal timings were used to analyze the combined (2024) traffic.

7.2. Pearces Road and Proctor Street

The intersection of Pearces Road and Proctor Street was analyzed under existing (2019), background (2024), and combined (2024) traffic conditions with the lane configurations and traffic control shown in Table 5. Refer to Table 5 for a summary of the analysis results. Refer to Appendix G for the Synchro capacity analysis reports.

Table 5: Analysis Summary of Pearces Road and Proctor Street

ANALYSIS SCENARIO	APPROACH	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
Existing (2019) Conditions	EB WB NB SB	1 LT-TH-RT 1 LT-TH-RT 1 LT-TH-RT 1 LT-TH-RT	C[2] D[2] A[1] A[1]	N/A	C[2] C[2] A[1] A[1]	N/A
Background (2024) Conditions	EB WB NB SB	1 LT-TH-RT 1 LT-TH-RT 1 LT-TH-RT 1 LT-TH-RT	D[2] F[2] A[1] A[1]	N/A	D[2] D[2] A[1] A[1]	N/A
Combined (2024) Conditions	EB WB NB SB	1 LT-TH-RT 1 LT-TH-RT 1 LT-TH-RT 1 LT-TH-RT	E[2] F[2] A[1] A[1]	N/A	F[2] F[2] A[1] A[1]	N/A
Combined (2024) Conditions – **with Improvements**	EB WB NB SB	**1 LT**, 1 TH-RT **1 LT**, 1 TH-RT 1 LT-TH-RT 1 LT-TH-RT	D[2] E[2] A[1] A[1]	N/A	C[2] C[2] A[1] A[1]	N/A
Combined (2024) Conditions – **with Signalization**	EB WB NB SB	1 LT-TH-RT 1 LT-TH-RT 1 LT-TH-RT 1 LT-TH-RT	B B A B	B (13)	C B A A	B (12)

1. Level of service for major-street left-turn movement.
2. Level of service for minor-street approach.
   Improvements and/or revised lane configurations shown in **BOLD.**

Capacity analysis of existing (2019), background (2024), and combined (2024) traffic conditions indicates the major-street left-turn movements at the intersection of Pearces Road and Proctor Street are expected to operate at LOS A during the weekday AM and PM peak hours. The minor-street approaches are expected to operate at LOS D or better under existing

(2019) traffic conditions during both weekday AM and PM peak hours. Under background traffic conditions, the westbound minor-street approach is expected to degrade to LOS F during the weekday AM peak hour. Under combined (2024) both minor-street approaches are expected to operate at LOS E or F during both the weekday AM and PM peak hours.

It should be noted that the proposed development is not expected to add a significant amount of traffic on either eastbound or westbound minor-street approach. Per the Town's UDO, improvements must be identified to bring the approaches to an acceptable level of service. Left-turn lanes at the minor-street approaches were analyzed to improve the minor-street approaches to background (2019) operations or better. The westbound minor-street approach is still expected to operate at LOS E with improvements. Alternate traffic control was considered to bring the approach to LOS D or better.

Converting the intersection to a 4-way stop control was considered at the intersection. Although converting the intersection into a 4-way stop-controlled intersection would improve the minor-street to an acceptable LOS, the major-street approach LOS is expected to degrade to below acceptable LOS; therefore, 4-way stop-control is not recommended at the intersection.

A traffic signal was also considered at this intersection and combined (2024) traffic volumes were analyzed utilizing the criteria contained in the *Manual on Uniform Traffic Control* (MUTCD). A traffic signal was not warranted during either the weekday AM or PM peak hour under combined (2025) traffic conditions. Because the surrounding is primarily residential development, which typically generates trips during two peak hours each day, the intersection is not expected to meet the 4 or 8-hour traffic volumes that the NCDOT typically require for installation of a traffic signal. In order to meet the Town's UDO, improvements must be shown to improve the intersection to an acceptable LOS. With signalization, the intersection is expected to operate at an overall LOS B during the weekday AM and PM peak hours.

Although signalization would be required to meet the Town's UDO, it is not recommended as the intersection is not expected to meet the necessary warrants that NCDOT typically require

for signalization. Left-turns at the minor-street approaches are expected to improve the intersection to background (2024) traffic operations. It is recommended that the developer enters a cost-share agreement for the geometric improvements at the intersection. It should be noted that the proposed development is expected to increase the total background (2024) traffic at the intersection by approximately 12% during the weekday AM peak hour and 16% during the weekday PM peak hour.

7.3. Pearces Road and Pippin Road

The unsignalized intersection of Pearces Road and Pippin Road was analyzed under existing (2019), background (2024), and combined (2024) traffic conditions with the lane configurations and traffic control shown in Table 6. Refer to Table 6 for a summary of the analysis results. Refer to Appendix H for the Synchro capacity analysis reports.

Table 6: Analysis Summary of Pearces Road and Pippin Road

ANALYSIS SCENARIO	APPROACH	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
Existing (2019) Conditions	EB WB NB SB	1 LT-TH-RT 1 LT-TH-RT 1 LT-TH-RT 1 LT-TH-RT	B[2] B[2] A[1] A[1]	N/A	B[2] B[2] A[1] A[1]	N/A
Background (2024) Conditions	EB WB NB SB	1 LT-TH-RT 1 LT-TH-RT 1 LT-TH-RT 1 LT-TH-RT	C[2] C[2] A[1] A[1]	N/A	C[2] C[2] A[1] A[1]	N/A
Combined (2024) Conditions	EB WB NB SB	1 LT-TH-RT 1 LT-TH-RT 1 LT-TH-RT 1 LT-TH-RT	D[2] C[2] A[1] A[1]	N/A	D[2] C[2] A[1] A[1]	N/A

1. Level of service for major-street left-turn movement.
2. Level of service for minor-street approach.

Capacity analysis of existing (2019), background (2024), and combined (2024) traffic conditions indicates the minor-street approaches and major-street left-turn movements at the intersection of Pearces Road and Pippin Road are expected to operate at LOS D or better during the weekday AM and PM peak hours.

7.4. Zebulon Road (NC 96) and Pippin Road

The intersection of Zebulon Road (NC 96) and Pippin Road was analyzed under existing (2019), background (2024), and combined (2024) traffic conditions with the lane configurations and traffic control shown in Table 7. Refer to Table 7 for a summary of the analysis results. Refer to Appendix I for the Synchro capacity analysis reports.

Table 7: Analysis Summary of Zebulon Road (NC 96) and Pippin Road

ANALYSIS SCENARIO	APPROACH	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
Existing (2019) Conditions	WB NB SB	1 LT-RT 1 TH-RT 1 LT-TH	D[2] -- A[1]	N/A	D[2] -- A[1]	N/A
Background (2024) Conditions	WB NB SB	1 LT-RT 1 TH, 1 RT 1 LT, 1 TH	C C C	C (25)	D C B	C (24)
Combined (2024) Conditions	WB NB SB	1 LT-RT 1 TH, 1 RT 1 LT, 1 TH	C C C	C (27)	D C B	C (26)

Improvements by Weaver's Pond shown in BLUE.

1. Level of service for major-street left-turn movement.
2. Level of service for minor street approach.

Capacity analysis of existing (2019) traffic conditions indicates the minor-street approach is expected to operate at D and the major-street left-turn movement is expected to operate at LOS A during the weekday AM and PM peak hours. The Weaver's Pond development is expected to install a northbound right-turn lane, a southbound left-turn lane and signalize the intersection under background (2024) traffic conditions. Under background (2024) traffic conditions, the intersection was analyzed with the Weaver's Pond improvements and the same signal timings were used to analyze the combined (2024) traffic. Under background (2024) and combined (2024) traffic conditions, the intersection is expected to operate at an overall LOS C during both the weekday AM and PM peak hours.

7.5. Pearces Road and Hunters Greene Drive

The unsignalized intersection of Pearces Road and Hunters Greene Drive was analyzed under existing (2019), background (2024), and combined (2024) traffic conditions with the lane configurations and traffic control shown in Table 8. Refer to Table 8 for a summary of the analysis results. Refer to Appendix J for the Synchro capacity analysis reports.

Table 8: Analysis Summary of Pearces Road and Hunters Greene Drive

ANALYSIS SCENARIO	APPROACH	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
Existing (2019) Conditions	EB NB SB	1 LT-RT 1 LT-TH 1 TH-RT	B[2] A[1] --	N/A	A[2] A[1] --	N/A
Background (2024) Conditions	EB NB SB	1 LT-RT 1 LT-TH 1 TH-RT	B[2] A[1] --	N/A	B[2] A[1] --	N/A
Combined (2024) Conditions	EB NB SB	1 LT-RT 1 LT-TH 1 TH-RT	B[2] A[1] --	N/A	B[2] A[1] --	N/A

1. Level of service for major-street left-turn movement.
2. Level of service for minor-street approach.

Capacity analysis of existing (2019), background (2024), and combined (2024) traffic conditions indicates the minor-street approach and major-street left-turn movement at the intersection of Pearces Road and Hunters Greene Drive are expected to operate at LOS B or better during the weekday AM and PM peak hours.

7.6. Pearces Road and Site Drive

The future unsignalized intersection of Pearces Road and Site Drive was analyzed under combined (2024) traffic conditions with proposed lane configurations and traffic control shown in Table 9. Refer to Table 9 for a summary of the analysis results. Refer to Appendix K for the Synchro capacity analysis reports.

Table 9: Analysis Summary of Pearces Road and Site Drive

ANALYSIS SCENARIO	APPROACH	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
Combined (2024) Conditions	**EB** NB SB	**1 LT-RT** **1 LT**, 1 TH 1 TH-**RT**	B[2] A[1] --	N/A	B[2] A[1] --	N/A

1. Level of service for major-street left-turn movement.
2. Level of service for minor-street approach.

Improvements and/or revised lane configurations shown in **BOLD.**

Capacity analysis of combined (2024) traffic conditions indicates the minor-street approach and major-street left-turn movement at the intersection of Pearces Road and the proposed Site Drive are expected to operate at LOS B or better during the weekday AM and PM peak hours.

Turn lanes were considered based on the NCDOT *Policy on Street and Driveway Access to North Carolina Highways* (Driveway Manual). A northbound left-turn lane with a minimum of 75 of storage and appropriate taper and deceleration is recommended at this intersection. Due to the expected low volume of southbound right-turning traffic, a right-turn lane is not recommended.

8. CONCLUSIONS

This Traffic Impact Analysis was conducted to determine the potential traffic impacts of the proposed Pearces Road Subdivision, located along Pearces Road in Zebulon, North Carolina. The proposed development is expected to be a residential development and be built out by 2023. Site access will be provided via one (1) full movement driveway on Pearces Road, one (1) connection to the existing Hunters Greene subdivision, and one (1) connection to the Weaver's Pond subdivision (under construction).

The study analyzes traffic conditions during the weekday AM and PM peak hours for the following scenarios:

- Existing (2019) Traffic Conditions
- Background (2023+1) Traffic Conditions
- Combined (2023+1) Traffic Conditions
- Combined (2023+1) Traffic Conditions with Improvements

Trip Generation

It is estimated that the proposed development will generate approximately 3,100 total site trips on the roadway network during a typical 24-hour weekday period. Of the daily traffic volume, it is anticipated that 213 trips (51 entering and 162 exiting) will occur during the weekday AM peak hour and 277 trips (174 entering and 103 exiting) will occur during the weekday PM peak hour.

Adjustments to Analysis Guidelines

Capacity analysis at all study intersections was completed according to the Town's UDO and NCDOT Congestion Management Guidelines. Refer to section 6.1 of this report for a detailed description of any adjustments to these guidelines made throughout the analysis.

Intersection Capacity Analysis Summary

All the study area intersections (including the proposed site driveways) are expected to operate at acceptable levels-of-service under existing and future year conditions with the exception of

the intersections listed below. A summary of the study area intersections that are expected to need improvements are as follows:

Pearces Road and Proctor Street

The eastbound and westbound approaches at the intersection of Pearces Road and Proctor Street are expected to operate at LOS E or F under combined (2024) traffic conditions. The proposed development is not expected to add a significant amount of traffic on either eastbound or westbound minor-street approach. Per the Town's UDO, improvements must be identified to bring the approaches to an acceptable level of service. Left-turn lanes at the minor-street approaches were analyzed to improve the minor-street approaches to background (2019) operations or better. The westbound minor-street approach is still expected to operate at LOS E with improvements. Alternate traffic control was considered to bring the approach to LOS D or better.

Converting the intersection to a 4-way stop control was considered at the intersection. Although converting the intersection into a 4-way stop-controlled intersection would improve the minor-street to an acceptable LOS, the major-street approach LOS is expected to degrade to below acceptable LOS; therefore, 4-way stop-control is not recommended at the intersection.

A traffic signal was also considered at this intersection and combined (2024) traffic volumes were analyzed utilizing the criteria contained in the *Manual on Uniform Traffic Control* (MUTCD). A traffic signal was not warranted during either the weekday AM or PM peak hour under combined (2025) traffic conditions. Because the surrounding is primarily residential development, which typically generates trips during two peak hours each day, the intersection is not expected to meet the 4 or 8-hour traffic volumes that the NCDOT typically require for installation of a traffic signal. In order to meet the Town's UDO, improvements must be shown to improve the intersection to an acceptable LOS. With signalization, the intersection is expected to operate at an overall LOS B during the weekday AM and PM peak hours.

Although signalization would be required to meet the Town's UDO, it is not recommended as

the intersection is not expected to meet the necessary warrants that NCDOT typically require for signalization. Left-turns at the minor-street approaches are expected to improve the intersection to background (2024) traffic operations. It is recommended that the developer enters a cost-share agreement for the geometric improvements at the intersection. It should be noted that the proposed development is expected to increase the total background (2024) traffic at the intersection by approximately 12% during the weekday AM peak hour and 16% during the weekday PM peak hour.

9. RECOMMENDATIONS

Based on the findings of this study, specific geometric improvements have been identified and are recommended to accommodate future traffic conditions. See a more detailed description of the recommended improvements below. Refer to Figure 11 for an illustration of the recommended lane configuration for the proposed development.

LAPP Improvements

The LAPP project is expected to add a second left turn lane from westbound Pearces Road onto Arendell Avenue (NC 96) and add a second receiving lane on Arendell Avenue (NC 96) for approximately 200 feet before being dropped as a right-turn lane at Hendricks Drive. In addition to the geometric changes to the intersection, the LAPP improvements are expected to modify the signal plans and timings to accommodate the lane changes at the intersection.

Committed Improvements by Weaver's Pond Development

Zebulon Road (NC 96) and Pippin Road

- Provide a designated northbound right-turn lane with at least 100 feet of storage and appropriate decel and taper.
- Provide a designated southbound left-turn lane with at least 150 feet of storage and appropriate decel and taper.
- Install a traffic signal at intersection when warranted.

Recommended Improvements by Developer

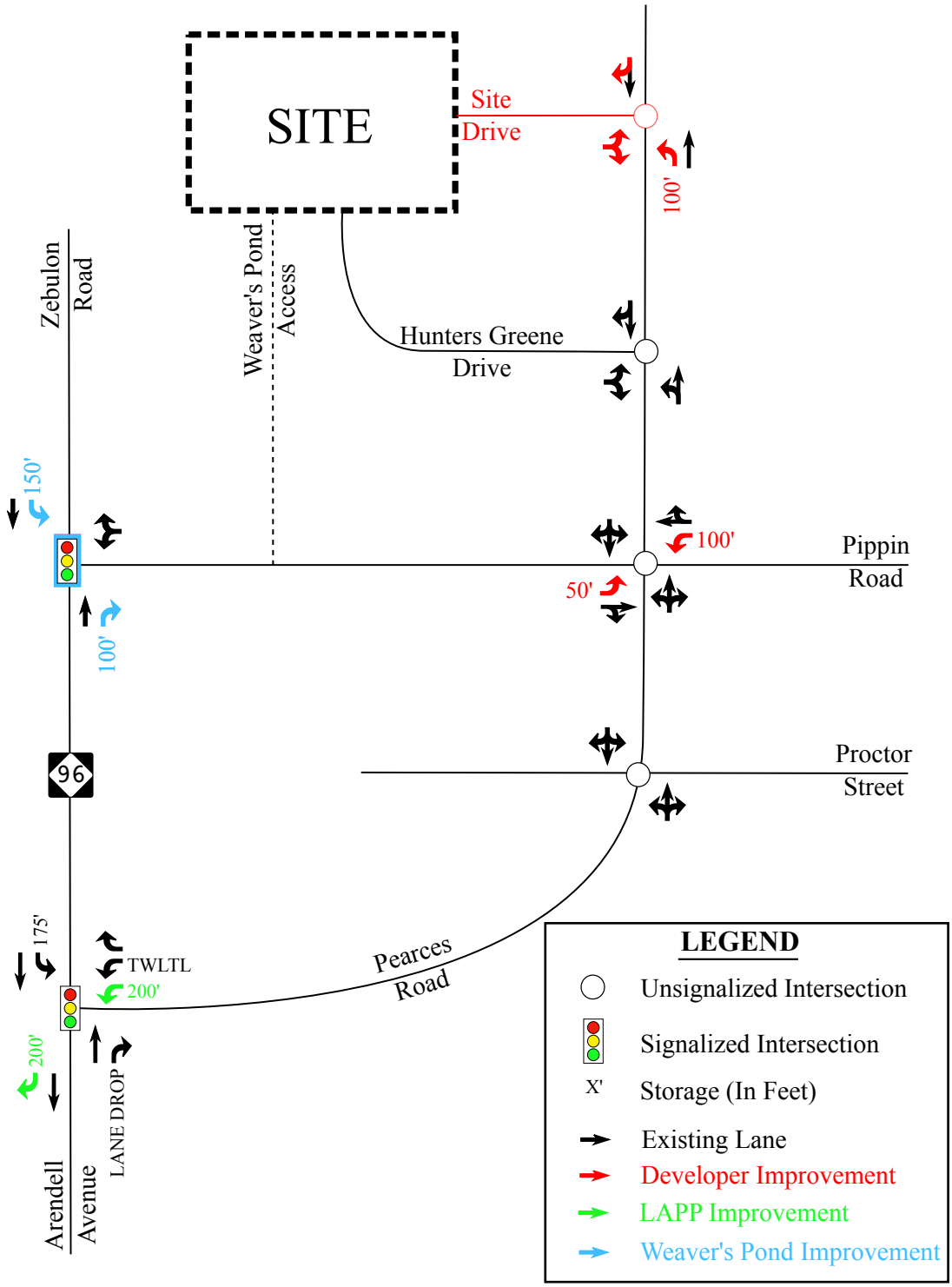
Offsite improvements should be considered for a cost-share agreement (proportional share fee-in-lieu) with the Town.

Pearces Road and Proctor Street

- Provide a designated eastbound left-turn lane with at least 50 feet of storage and appropriate deceleration and taper.
- Provide a designated westbound left-turn lane with at least 100 feet of storage and appropriate deceleration and taper.

Pearces Road and Site Drive

- Provide site access via a full movement intersection with one ingress lane and one egress lane.
- Provide stop control for eastbound Site Drive approach.
- Provide a designated northbound left-turn lane with at least 75 feet of storage and appropriate deceleration and taper.



RAMEY KEMP & ASSOCIATES
TRANSPORTATION ENGINEERS

Pearces Road Subdivision
Zebulon, NC

Recommended Lane Configurations

Scale: Not to Scale | Figure 11

Pearces Road Special Use Permit Conditions

1. Homeowners Association: Homeowners Association or management firm shall be in place to enforce and abate all community association restrictive covenants, conditions, and restrictions. This document will be recorded prior to lot recordation of the 1st subdivision phase. The following elements need to be added to the restrictive covenants addressing he following regulations:
    - Restricting on-street parking for a maximum of 24 hours. This matter will be enforced by the Homeowners Association.
    - Maintenance and upkeep of Open Space/Common Areas, drainage easements and stormwater control measures as described in the Town of Zebulon Street and Storm Drainage Standards & Specifications Manual. Landscape islands and round-a-bouts, etc. located within the right-of-way will be considered common areas.
    - Enforcing tall grass, trash, debris and rubbish, removal of any junk/nuisance vehicles as defined by the adopted town policies.

2. All open space shall be permanently protected from development with a conservation easement and/or restrictive covenant to be recorded upon final plat approval.

3. No unauthorized disturbance of environmentally sensitive areas as defined by US Army Corps. of Engineers, NC DENR, Wake County Environmental Services and the Town of Zebulon.

4. No portion of any developable residential lot shall contain wetlands, riparian buffers, floodplain or floodway.

5. Development must comply with Appendix D of the 2000 International Fire Code.

6. An active recreation area including, at a minimum, a 2,800 square foot pool (deck area not included in this calculation) and 600 square foot conditioned space bathhouse. Building permits for the pool house will be approved prior to the 100th certificate of occupancy of any dwelling. The bathhouse will have architecture similar to that of the dwellings in the neighborhood.

7. Perimeter Buffer: Existing vegetation shall be saved to meet a 30' in width buffer along the perimeter of the development. Where there is not existing vegetation or vegetation must be removed, a Type C buffer in accordance with § 152.309 Buffers will be installed.

8. Installation of decorative street signs within the subdivision should be in accordance with the latest version of the Town of Zebulon Street and Storm Drainage Standards and Specifications Manual specifications and in accordance with MCTCD standards.

9. Curb and Gutter: All curb and gutter installations throughout the subdivision should be in accordance with the latest version of the Town of Zebulon Street and Storm Drainage Standards and Specifications Manual specifications.

10. Public Roadways: All streets within Pearces Road shall be public and in accordance with the latest version of the Town of Zebulon Street and Storm Drainage Standards and Specifications Manual specifications.

11. New Roadways: Installation and dedication of any roadway infrastructure, improvements, or right-of-way widths for all phases of the development as shown on the Concept Land Plan for ~~k~~ Pearces Landing shall be in accordance with the latest version of the Town of Zebulon Street and Storm Drainage Standards and Specifications Manual specifications. A licensed engineer with acceptable bonding information prior must provide engineer certification of the roadway to the issuance of a final plat for the development.
    i. Residential Collector Streets - Street A, Street B (North of Golden Plum Ln),
    ii. Local Street/ cul-de-sacs – All other streets

Table 1 Minimum Right-of-Way and Pavement Width

Type of Street	Min. Right of Way Width Curb and Gutter (Back to Back)	Min. Pavement Width Curb and Gutter (Back to Back)
Major Thoroughfare	Per Thoroughfare Plan	Varies, 52' min.
Minor Thoroughfare	Per Thoroughfare Plan	Varies, 45' min.
Residential Collector	60'	35'
Local Street	50'	26'
Cul-de-Sac	53' R	48' R

12. Additional Parking: Local streets shall incorporate at a minimum five, off-street parking areas for guests. These parking areas will also provide landscaping.

13. Bonding: Developer is responsible for posting a bond for final roadway, sidewalk or for each phase prior to the issuance of the first building permit. Developer is fully responsible for all necessary roadway repairs of dedicated streets prior to final overlay and striping. Regardless of residential construction progress, the final overlay of dedicated streets shall be over-laid within eighteen (18) months of the original roadway acceptance date for that phase.

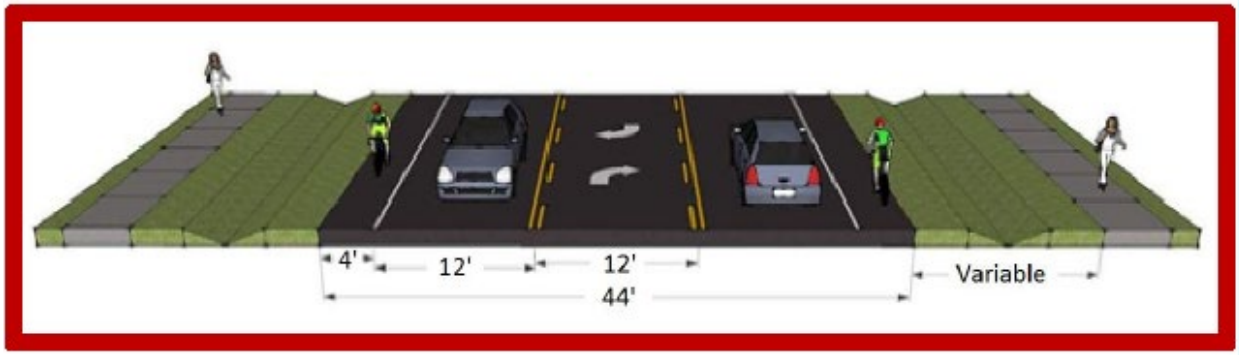
14. Traffic Impact Analysis Recommendations: Recommendations from the TIA by Ramey Kemp and Associates dated May 2019 and sealed May 13, 2019 will be incorporated into site plan review by the ZTRC for conformance with Town and NCDOT standards.

15. Street Connectivity – In general, streets with one end permanently closed (Cul-de-sacs) shall be avoided unless the design of the subdivision and the existing or proposed street system in the surrounding area clearly indicates that a through street is not essential in the location of the proposed cul-de-sac.

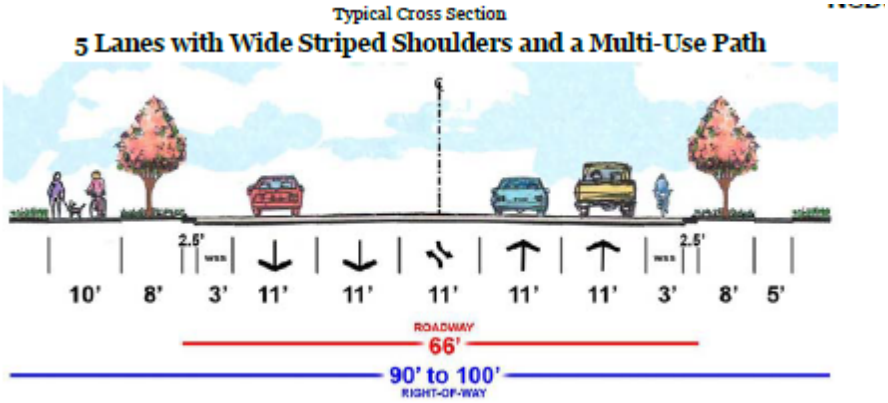
16. Street Connectivity – Street A shall be built and accepted by the Town that connects to Golden Plum Lane in Weavers Pond prior to the issuance of the 100th residential certificate of occupancy. A second access point to Pearces Road, via temporary access connection, shall be completed prior to the issuance of the 1st certificate of occupancy. The temporary access may be removed once Street A connection is completed and accepted by the Town.

17. Pearce's Roadway Improvements:
    - Construct ½ of 3-lane section of roadway below:

3-Lane with Ditch and Sidewalks



    - Dedicate ½-100' of right-of-way, meeting the five-lane section of roadway for ultimate future build out. See typical below.



    - Turn Lanes: Installation turn lanes at the intersection of Pearces and Street A shall be installed. A northbound left turn lane with a minimum of one hundred feet (100') of full width storage and appropriate transitions on Pearce's Road at Street A. The southbound right turn lane shall have a minimum of one hundred feet (100') of full width storage with appropriate taper at Street A and Pearces. The developer shall have site plan design approvals and construction approvals prior to the issuance of the first (1st) Certificate of Occupancy for the development

with construction bonded with NCDOT or Town of Zebulon. All roadway construction should be completed by the 25th Certificate of Occupancy.

18. Sidewalks: Both sides of the street within the subdivision will be required to have a five foot (5') wide sidewalk.

19. Internal private greenway path– 10' Asphalt path connecting homes to the main recreation amenity center.

20. Greenway Amenities: Developer to provide benches, trash receptables, pet waste stations, signage, trail head landscaping and/or fencing to provide screening from residential homes.

21. All street installations throughout the subdivision should be in accordance with the latest version of the Town of Zebulon Street and Storm Drainage Standards and Specifications Manual specifications.

22. Setbacks: single-family detached – front – 30', side – 6.5', rear, 25' corner side - 20'; Townhome – front – 10', building to building – 15', rear – 10', corner side – 20'

23. Mail Kiosk: Installation of mailbox kiosk will be reviewed/approved as part of the Technical Review Committee process.
    - Constructed prior to 1st certificate of occupancy of any dwelling unit.
    - Off-street parking will be provided for kiosk.
    - A kiosk shelter will be constructed using materials similar to what is being used throughout the neighborhood.
        i. The shelter will need to be constructed prior to the 100th certificate of occupancy of any dwelling.

24. Solid Waste and Recycling: All homes (single family, townhomes) within the subdivision will receive trash collection and recycling services.

25. Yard Waste and Leaf Collection: Only single family and paired single family dwellings will receive yard waste and leaf collection. Yard waste and leaf collection for townhomes must be provided by the Homeowner's Association, or if applicable a Homeowner's Association management firm.

26. 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 plat recording. Best Management Practices (BMP's) are not converted from erosion control to permanent stormwater devices until most of the home construction is complete. BMP certification will be completed as directed by the Stormwater Administrator.

27. All dwellings will have a minimum driveway length of 18' measure from the right-of-way.

28. All buffers will be located in common areas.

29. Streetscape:
    - All residential streets shall have a minimum 3.5' utility strip, sidewalk, and a shade tree as part of the residential street cross section.
    - Pearces Road shall have a Type A buffer.

30. Model Homes: Must meet Wake County ADA standards and provide paved parking areas.

31. Exterior Elevations:
    - A 24" masonry water table will be constructed on the front façade of all single-family detached dwelling units. An 18" masonry water table will be constructed on the front façade of all single family attached dwelling units

    - All elevations must have windows on all exterior sides of dwellings. All front windows should have shutters or trim. Corner side yard windows should be treated as a front elevation.

    - Single-family detached dwellings should not have the same elevation with parcels adjacent to or directly across the street as the subject parcel's elevation.

    - If 6.5' side yard setback, landscaping shall be provided at both front corners of each dwelling either planted at a rate of 2 shrubs spaced horizontally or along the sides of the homes. An understory tree can substitute for the 2-shrub requirement.

32. Street Stubs will be required to the following properties:
    - Wake County Pin Number Pin Number – 1797914808 (Deed Book 014676 PG 00016)
    - Wake County Pin Number 2707115040 – (Deed Book 016096 PG 01663)

33. Open Space/Common Area: A minimum of 20% of the development will be open space

34. Signage: add a note to the plans that signage will be a separate approval process.

35. 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. The developer is responsible for paying the current Duke Energy fee per pole to the Town of Zebulon prior to installation. All streetlights 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. All streetlights shall be decorative Mitchell 50 Series LED unless otherwise specified and authorized by the Town of Zebulon Public Works Director. All streetlights shall be a minimum of 125 linear feet with a maximum of 140 linear feet apart with alternate spacing on either side of the street.

36. 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.

37. Entrances: All entrances shall be reviewed and approved by the Town of Zebulon and the North Carolina Department of Transportation during the Technical Review Committee Process.

38. All residential units/lots are required to have an individual residential booster pump if the static water pressure at the meter does not meet or exceed 50 psi.

39. Street Name Continuity – Street A will be Golden Plum Lane and Street B will be Hunters Green Drive

40. Update street cross sections to reflect table 1 of the Street and Storm Drainage Specifications Manual.

41. Signage (Main Entrance): Main entrance monument signs will be allowed along Pearces Road at Street A and Weavers Pond Subdivision and Street A 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 to include landscaping. Signage approval will be the building permit phase for the sign.

To Whom It May Concern:
Notice of Public Hearing

The date has changed for the September Joint Public Hearing. Please disregard the prior mailing

Notice is hereby given pursuant to the provisions of Section 152.083 of the Land Use Code of the Town of Zebulon that a public hearing will be held on **September 23, 2019, at 7:00 PM.** The hearing will be held at the **Zebulon Municipal Complex, 1003 N. Arendell Avenue,** and will be conducted by the Board of Commissioners of the Town of Zebulon and the Zebulon Planning Board sitting jointly for the purpose of considering the following items:

> ***SUP 2019-10*** A request by Landstar Investment Group of NC, Inc. to obtain a Special Use Permit for an Internet Café located at 1701 N. Arendell Avenue. The parcel is currently owned by Wakefield Mercantile, Inc. The zoning is Heavy Business (HB). [NC PIN: 1796828261].

Interested resident citizens are encouraged to attend and be heard. Maps and other relevant information pertaining to these matters are available at the Zebulon Town Hall and are filed with the Planning Department.

Attachment 10 SUP 2019-08

To Whom It May Concern:
Notice of Public Hearing

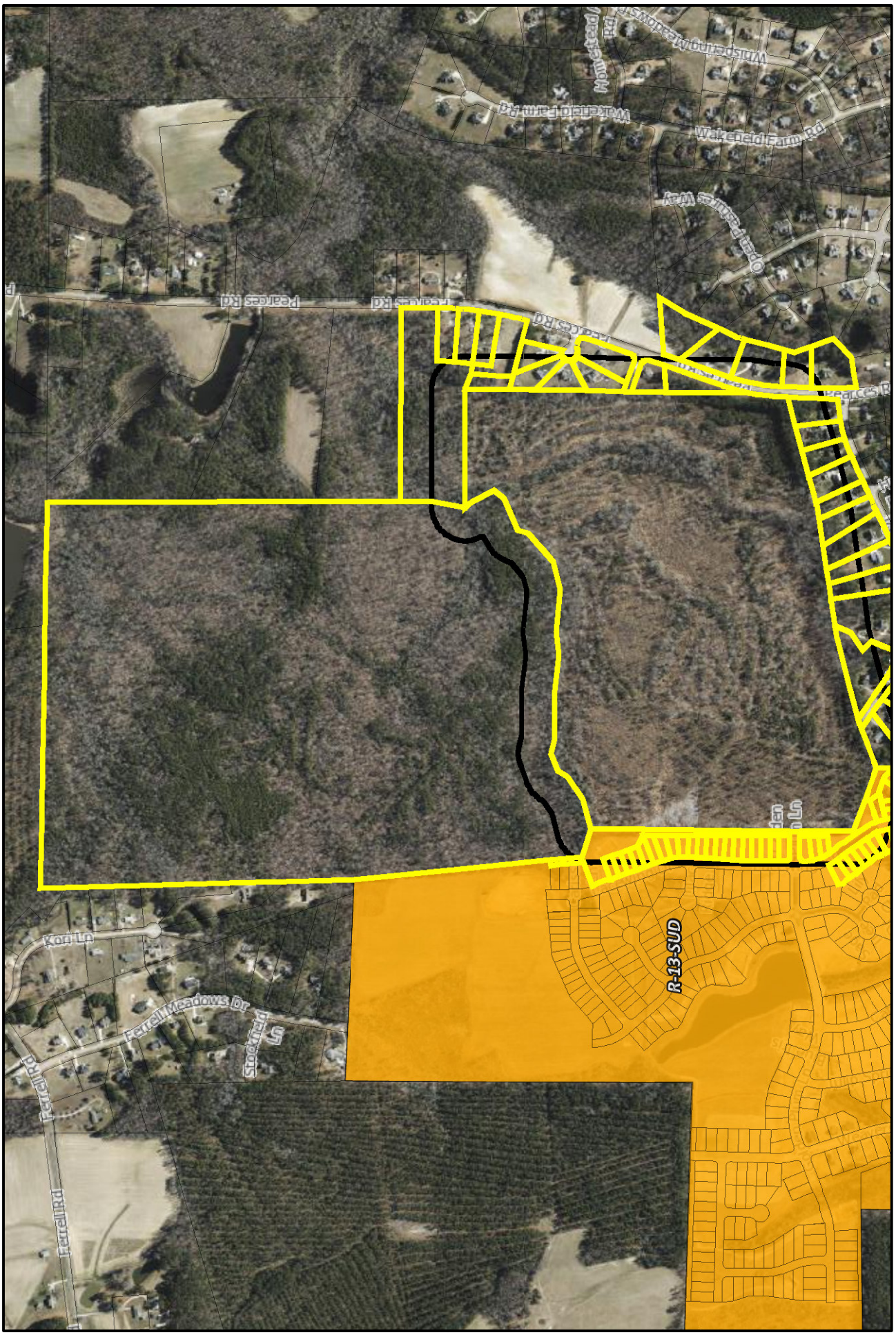
The date has changed for the September Joint Public Hearing. Please disregard the prior mailing

Notice is hereby given pursuant to the provisions of Section 152.083 of the Land Use Code of the Town of Zebulon that a public hearing will be held on **September 23, 2019 at 7:00 PM.** The hearing will be held at the **Zebulon Municipal Complex, 1003 N. Arendell Avenue**, and will be conducted by the Board of Commissioners of the Town of Zebulon and the Zebulon Planning Board sitting jointly for the purpose of considering the following items:

> ***SUP 2019-08 Pearces Road.*** A request by Stewart Inc. to obtain a Special Use Permit for a Major Subdivision of +/- 111 acres into 377 residential lots located at 1309 & 1333 Pearces Road. [NC PIN: 2706030290 & 2706198550].

Interested resident citizens are encouraged to attend and be heard. Maps and other relevant information pertaining to these matters are available at the Zebulon Town Hall and are filed with the Planning Department.

Attachment 11 SUP 2019-08



Disclaimer

*iMaps makes every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes, and are **NOT** surveys. No warranties, expressed or implied ,are provided for the data therein, its use,or its interpretation.*

Consideration of Record Evidence <u>Only</u> and Burden of Proof

Case law, as reaffirmed in a recent Court of Appeals case, sets out the burden of proof an applicant must meet for a special use permit:

> An applicant for a special use permit must make out a prima facie case, by competent, material, and substantial evidence, meeting all the conditions in the zoning ordinance. Material evidence is "[e]vidence having some logical connection with the consequential facts or the issues." Black's Law Dictionary 578 (7th ed.1999). "Substantial evidence is such relevant evidence as a reasonable mind might accept as adequate to support a conclusion."
> It must do more than create the suspicion of the existence of the fact to be established....
> An applicant who has made a prima facie case **<u>is entitled to a special use permit, unless there is also competent, material, and substantial evidence in the record to support denial.</u>**

<u>American Towers, Inc. v. Town of Morrisville</u>, 731 S.E.2d 698, 702 (2012) (citations omitted) (emphasis added)

In sum, the burden of proof in this case is as follows: The applicant must present evidence that the four standards in the Ordinance are met. If the applicant presents sufficient evidence that the four standards are met, the applicant is legally entitled to a permit. If contradictory evidence is presented, the board must make findings and then apply the standards.

Board Consideration and Action

After observing the proper procedures and considering proper evidence, the Board of Commissioners shall, by simple majority, act on a motion to:

(1) Approve the application; or
(2) Approve the application, subject to reasonable and appropriate conditions and safeguards; or
(3) Deny the application; or
(4) Table the application for further study.

If the Motion is to approve, the Motion should take into consideration each of the four standards, but the Board of Commissioners need not make specific findings of fact on each standard.

If the Motion is to deny, the Motion should include which of the required findings of fact was not supported based upon the evidence and explain why.

STAFF REPORT
SUP 2019-10 1701 N. Arendell Avenue Internet Café
September 23, 2019

Topic: SUP 2019-10 - 1701 N. Arendell Avenue Internet Café

Speaker: Meade O. Bradshaw, III, CZO, Assistant Planning Director
From: Michael J. Clark, AICP, CZO, Planning Director
Prepared by: Meade O. Bradshaw, III, CZO, Assistant Planning Director
Approved by: Joseph M. Moore II, PE, Town Manager

Executive Summary:
The Board of Commissioners will consider the Special Use Permit for an Internet Café at 1701 N. Arendell Avenue (PIN # 1796828261). This is a quasi-judicial case.

Background:
The property is approximately 1.21 acres in size zoned Heavy Business located within the Town of Zebulon's Corporate Limits. This property is zoned Heavy Business (HB).

In accordance with Code of Ordinances Section 152.129, internet cafés require a Special Use Permit within the Heavy Business zoning district.

Unlike a General Use Permit approved by town staff, a Special Use Permit must be obtained from the Board of Commissioners.

Discussion:
The discussion before the Board is whether or not to approve the Special Use Permit. If approved, any conditions should be stated in the motion to approve, and the Board need not make findings of fact.

If denied, the Board must vote on each specific finding and state a reason as to why the finding did not have sufficient evidence to be met. Only one finding must be found unproven based upon evidence submitted at the hearing to oppose the permit. The findings of fact are as follows:

1) The proposed special use will not materially endanger the public health, safety or welfare;
2) The proposed special use will not substantially injure the value of adjoining or abutting property;
3) The proposed special use will be in harmony with the area in which it is to be located; and
4) The proposed special use will be in general conformity with the ordinances, policies, land use plan, thoroughfare plan or other plan officially adopted by the Board of Commissioners.

The application, supporting documents, and any expert testimony provided by the applicants, staff, or the public, such as the application and findings of fact, proposed concept plan, and proposed conditions that were entered into the public record as exhibits during the Joint Public Hearing should be given careful examination to guide the Board's discussion for the four findings of fact necessary to approve or deny the special use permit.

Policy Analysis:

Comprehensive Plan: Land Use Map

The Comprehensive Plan defines the area as Community Commercial (CC) focusing on convenience and service oriented. The proposed use conforms to this category.

Transportation Plan

The Multimodal Transportation Plan shows this section of North Arendell Avenue is part of the NC 96 Study Cross Section. The applicant would have to dedicate ½-96' of right-of-way, construct 26' travel lanes, and 10' sidewalk with light pole installation. The Multimodal Transportation Plan shows this section of Green Pace Road as a Rural Roadway with wide paved shoulders. This requires the applicant to dedicate ½'-32' of right-of-way and construct a 12' travel lane with a 4' bike lane. These improvements will be required during the Technical Review Committee Process.

Traffic

A Traffic Impact Analysis (TIA) report was not submitted, and is not required as the trips generated during a weekday peak hour will be less than 100 trips. Driveway permits from NCDOT will be required for the site. Any improvements required for the driveway permit will be handled during the Technical Review Committee Process.

Greenway, Bicycle, and Pedestrian Master Plan

The Greenway, Bicycle, and Pedestrian Master Plan does not plan for any greenway corridors for the proposed development site. The proposed site plan does show sidewalks along the property frontage of Pony Road, internally throughout the site, and includes a walking trail.

Parks and Recreation Master Plan

The Town currently does not have a Parks and Recreation Master Plan or a Parks and Recreation component of the Comprehensive Plan, to guide the placement, or assess the needs, of parks and recreation facilities.

Ordinances Requirements
Code of Ordinances §152.109 Abandonment and Discontinuance of Nonconforming Situations

If the principal activity on property where a nonconforming situation other than a nonconforming use exists is discontinued for a consecutive period of 180 days, or discontinued for any period of time without a present intention of resuming that activity, then that property may thereafter be used only in conformity with all of the regulations applicable to the preexisting use unless the entity with authority to issue a permit for the intended use issues a permit to allow the property to be used for this purpose without correcting the nonconforming situations. This permit may be issued if the permit issuing authority finds that eliminating a particular nonconformity is not reasonably possible. The permit shall specify which nonconformities need not be corrected. Town staff reached out to the City of Raleigh Public Utilities Department to find out the date of the last time water was used on the property. That date was May 24, 2018, well beyond 180 days from the date the Special Use Permit was submitted, June 2019.

Code of Ordinances § 152.1466 Internet Cafe

A. Hours of Operation.
    1) Monday through Thursday: 7:00 a.m. to 11:00 p.m.
    2) Friday through Saturday: 7:00 a.m. to 12:00 midnight.
    3) Sunday: 1:00 p.m. to 8:00 p.m.
B. No screens, curtains, blinds, partitions, or other obstructions shall be placed between the entrance to the room where games are played and the rear wall of the room, so that a clear view of the interior may be had from the street.
C. There must be an adult, 18 years of age or older, managing the business on the premises at all times during the hours of operation.
D. The maximum number, terminals, or computers for any operation's business is 20.
E. No alcoholic beverages shall be served or consumed on the premises of the operation.
F. There shall not be more than one internet cafe on the same property or in the same building, structure or portion thereof.
G. No internet cafe shall locate within 1,000 feet of the front door of any other internet cafe, school, adult establishments or any sexually oriented business.
H. No one under the age of 18 can enter the premises.

Fiscal Analysis:
Attachment 1 is the applicant's application which includes responses to the Findings of Fact.

Staff Recommendation:
Staff recommends holding a joint public hearing to determine if all the Findings of Fact as required in Section §152.038. Staff feels because of the outstanding items in Attachment 7, Staff does not find the Special Use Permit meets Standard #4.

Attachments:
1) Application/Findings of Fact
2) Concept Plan
3) Aerial Map
4) Zoning Map
5) Future Land Use Map
6) Site Pictures
7) Proposed Conditions
8) Public Hearing Notification
9) Buffer for Mailed Notifications
10) Legal Analysis

ZEBULON
NORTH CAROLINA

Town of Zebulon

Planning Department

1003 N. Arendell Avenue, Zebulon, NC 27597
Phone: (919) 823-1810 Fax: (919) 269-6200
www.townofzebulon.org

SPECIAL USE PERMIT

GENERAL INFORMATION

A Special Use Permit is intended to provide flexibility by allowing certain types of uses in areas where additional considerations may need to be addressed to reduce the adverse effects on adjacent or surrounding properties. A Special Use Permit may be authorized for a specific site for an additional land use when such use is determined to not have an adverse effect on surrounding properties and when such use is consistent with the purpose of the zoning district.

INSTRUCTIONS

1. **Application Procedure** – The applicant requesting a Special Use Permit must submit a written application to the Zebulon Planning Department using the forms included in this packet and furnish plans and data concerning the operation, location, function, and characteristics of any use of the land or building being proposed. The non-refundable application fee is **$800.00 or $1,800.00 with TIA Review**.
2. **Site Plan** – Twenty four (24) copies of a site plan drawing shall accompany every application for a Special Use Permit. Such site plan shall include all the contents established for site plans as included in this packet.
3. **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. State law requires Special Use Permit hearings to be conducted utilizing quasi-judicial procedures. Please review the section of this packet entitled "QUASI-JUDICIAL HEARINGS," beginning on page 6, for an explanation of quasi-judicial hearings and the applicant's responsibility in such hearings. 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 property owners having property located within 150 feet of the property being considered for a Special Use Permit. 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 or by scanning the QR Code located at the end of this application packet.
4. **Approval and Conditional Approval** – In accordance with §152.039 of the Zebulon Code of Ordinances, each Special Use Permit application and related evidence will be evaluated by the Planning Board and the Board of Commissioners and may be approved or denied based on the evidence presented regarding certain required findings of fact (See the section of this packet entitled "REQUIRED FINDINGS OF FACT"). In the event of a conditional approval, any conditions imposed will be incorporated into the approving ordinance for permanent record.
5. **Building Permit Compliance** – No building permit for any structure will be issued, nor shall a Certificate of Occupancy be issued on any existing structure, until such development plans are consistent with the approved site plan and the conditions established for the Special Use Permit.
6. **Special Use Permit Amendments** – In accordance with §152.047 of the Zebulon Code of Ordinances, changes to a Special Use Permit or its approved site plan shall be processed in the same manner as the original approved request and will require a new application. Insignificant deviations from the permit or within a site plan may be authorized by the Planning Director. A deviation is insignificant if it has no discernible impact on neighboring properties, the general public, or those intended to occupy or use the proposed development.

ZEBULON

APPLICATION FOR
Special Use Permit

PART 1. APPLICANT/AGENT INFORMATION

Name of Applicant/Agent: Landstar Investment Group of NC, Inc.		
Street Address of Applicant/Agent: 4501 New Bern Ave., Suite 130-221		
City: Raleigh	State: NC	Zip Code: 27610
Email of Applicant/Agent: JG.Action(at)gmail.com	Telephone Number of Applicant/Agent: 919-796-0531	Fax Number of Applicant/Agent:
Are you the owner of the property? ☐ Yes ☒ No	Are you the owner's agent? ☐ Yes ☒ No	Note: If you are not the owner of the property, you must attach an "Owner's Consent Form" giving you permission to submit this application.

PART 2. DESCRIPTION OF REQUEST/PROPERTY

Street Address of the Property: 1701 N. Arendell Ave., Zebulon, NC 27597	Current Zoning Classification: Heavy Business (HB)	Acreage: 1.21 acres
Parcel Identification Number (NC PIN): 1796828261	Deed Book: 08209	Deed Page(s): 1420
Existing Use of the Property: Convenience Store (closed)	Proposed Use of the Property: Internet Cafe	

Describe the nature of the proposed activity and any particular characteristics related to the use of the property:
The sale of access to the internet, games and sweepstakes via computers located on site.

PART 3. PROPERTY OWNER INFORMATION

Name of Property Owner: Wakefield Mercantile, Inc.		
Street Address of Property Owner: 4630 Oakwood Circle		
City: Winston Salem	State: NC	Zip Code: 27106-2112
Email of Property Owner:	Telephone Number of Property Owner:	Fax Number of Property Owner:

I hereby certify that I am, or that I represent, the legal owner of the property described above and do hereby submit this request for a Special Use Permit to the Planning Board and Board of Commissioners for consideration.

Signature of Owner:	***Print Name:***	***Date:***
X [signature]	Jessica Goodman	6-10-19

FOR OFFICE USE ONLY

Application Received By:	Application Date:
File Name:	Case #:
Filing Fees Paid:	Date Fees Received:
Date of Public Hearing:	Date of Decision: ☐ Approved ☐ Denied

ZEBULON

APPLICATION FOR
Special Use Permit

REQUIRED FINDINGS OF FACT

All recommendations and decisions made by the Planning Board and Board of Commissioners regarding Special Use Permit applications shall be supported by findings of fact. **The applicant will bear the burden of presenting substantial, competent, and material evidence** sufficient to enable the Board of Commissioners to make the findings of fact required in §152.038(B) of the Zebulon Code of Ordinances, as set forth below. Failure to adequately address the findings below may result in denial of the application. Please attach additional pages if necessary.

1. What evidence will you present to clearly show that the proposed special use will not materially endanger the public health, safety or welfare?
   See attached page

2. What evidence will you present to clearly show that the proposed special use will not substantially injure the value of adjoining or abutting property?
   See attached page

3. What evidence will you present to clearly show that the proposed special use will be in harmony with the area in which it is to be located?
   See attached page

4. What evidence will you present to clearly show that the proposed special use will be in general conformity with the ordinances, policies, land use plan, thoroughfare plan or other plan officially adopted by the Board of Commissioners?
   See attached page

5. What evidence will you present to clearly show that the proposed special use will not cause undue traffic congestion or create a traffic hazard?
   See attached page

REQUIRED FINDINGS OF FACT

1. What evidence will you present to clearly show that the proposed special use will not materially endanger the public health, safety or welfare?

The Applicant will present evidence that there have been no incidents in other internet cafes owned and operated by Applicant that have posed a threat to the public health, safety or welfare in the communities where located. In addition, the Applicant will offer evidence through the records or testimony of local law enforcement that the presence of an existing internet café in the Town of Zebulon has not posed a threat to the public health, safety or welfare.

2. What evidence will you present to clearly show that the proposed special use will not substantially injure the value of adjoining or abutting land?

The Applicant will present through the testimony of a local expert on the market value of property in the Town of Zebulon that the proposed use of the property will have no measurable effect on the value or use of adjoining or abutting property.

3. What evidence will you present to clearly show that the proposed special use will be in harmony with the area in which it is to be located?

The Applicant will present evidence from the Town of Zebulon Zoning Map that the property is located in the Heavy Business District and that an Internet Café is a permitted used within the Heavy Business District with a Special Use Permit. The properties adjoining the subject property have been or presently used for commercial purposes except for the property adjoining the subject property on the west. This property is vacant property being used for agriculture and is zoned Residential (R-40W).

4. What evidence will you present to clearly show that the proposed special use will be in general conformity with the ordinances, policies, land use plan, thoroughfare plan or other plan officially adopted by the Board of Commissioners?

The Applicant will offer evidence that the proposed special use is in conformity with the existing commercial uses of the property along NC Hwy 96 and that the proposed special use is consistent with the ordinances, plans and official policies for land use along the NC 96 corridor (Arendell Ave.) north of US Hwy 64-264 expressway.

5. What evidence will you present to clearly show that the proposed special use will not cause undue traffic congestion or create a traffic hazard?

Town of Zebulon Ordinance 152.1466 limits the hours of operation and capacity of internet cafes. The Applicant will present evidence to show that the business will not generate enough motor vehicle traffic to have any impact on NC Hwy 96 or Green Pace Road. The customer patronage of the business will be very low during peak traffic hours for NC Hwy 96 and Green Pace Road. There is access to the property from NC Hwy 96 and Green Pace Road proving patrons with options for accessing and exiting the property.

ZEBULON

APPLICATION FOR
Special Use Permit

6. What evidence will you present to clearly show that the proposed special use is appropriately located with respect to transportation facilities, water and sewer supply, fire and police protection, and similar facilities?

See attached page

7. What evidence will you present to clearly show that the proposed special use will not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas?

See attached page

8. What evidence will you present to clearly show that the proposed special use will not impede the orderly development and improvement of the surrounding properties?

See attached page

9. What evidence will you present to clearly show that the proposed special use is reasonably necessary for the public health or general welfare? Does the proposed special use enhance the successful operation of the surrounding area in its basic community function or by provide an essential service to the community?

See attached page

APPLICANT AFFIDAVIT

I/We, the undersigned, do hereby make application and petition to the Board of Commissioners of the Town of Zebulon to approve the subject Special Use Permit. I hereby certify that I have full legal right to request such action and that 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.

Signature of Applicant	*Print Name*	*Date*
	Joseph Goodnow	6-10-19

REQUIRED FINDINGS OF FACT
Page 2

6. What evidence will you present to clearly show that the proposed special use is appropriately located with respect to transportation facilities, water and sewer supply, fire and police protection and similar facilities?

The Applicant will present evidence to show that the proposed special us is located within the municipal limits of the Town of Zebulon and is currently served by the Town of Zebulon (City of Raleigh) water and sewer facilities. Applicant's evidence will show that the proposed special use will have Town of Zebulon fire and police protection. Applicant will show that the proposed special use will have direct access to NC Hwy 96 and Green Pace Road.

7. What evidence will you present to clearly show that the proposed special use will not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas?

Applicant will present evidence to show that all of the activity generated by the internet café will be inside the building on the property except for the motor vehicles utilized by customers using the internet café. Applicant will show that the overwhelming preponderance of the motor vehicles accessing the site will be individual passenger vehicles. Applicant will present evidence to show that no proposed activity on the property will generate vibrations, noise, odor, dust, smoke or gas.

8. What evidence will you present to clearly show that the proposed special use will not impede the orderly development and improvement of the surrounding properties?

Applicant will present evidence that the proposed special use is consistent with the current uses of the adjoining properties and that the proposed special use will not impact the improvement or orderly development of surrounding properties.

9. What evidence will you present to clearly show that the proposed special use is reasonably necessary for the public health or general welfare?

Applicant will show that the proposed special use will provide the public with access to the internet via computer consoles located in the building on site. In addition, Applicant will show that the proposed special use will provide entertainment and recreation for patrons via programs accessed via the internet.

Does the proposed special use enhance the successful operation of the surrounding area in its basic community function or provide an essential service to the community?

Applicant will present evidence to show that the proposed use will provide a safe and friendly site for people to gather and socialize thereby enhancing the creation of a community. Applicant will show that having access financial, commercial and government services is absolutely essential to the welfare of the citizens of the Town of Zebulon.

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ZEBULON

APPLICATION FOR
Special Use Permit

OWNER'S CONSENT FORM

Name of Project: Blue Dragon Internet Cafe Submittal Date: June 11, 2019

OWNER'S AUTHORIZATION

I hereby give CONSENT to Landstar Investment Group of NC, Inc. (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 §152.046 of the Zebulon Code of Ordinances, so long as the land or structures (or any portion thereof) covered under an approved Special Use Permit continues to be used for the purposes for which the Permit was granted, then no person (including successors or assigns of the person who obtained the Permit) may make use of the land or structures for the purposes authorized in the Permit except in accordance with all the terms and requirements of the Permit. 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.

Wakefield Mercantile, Inc.

By: Wilber Boykin	Wakefield Mercantile, Inc.	June 10, 2019
Signature of Owner	***Print Name***	***Date***

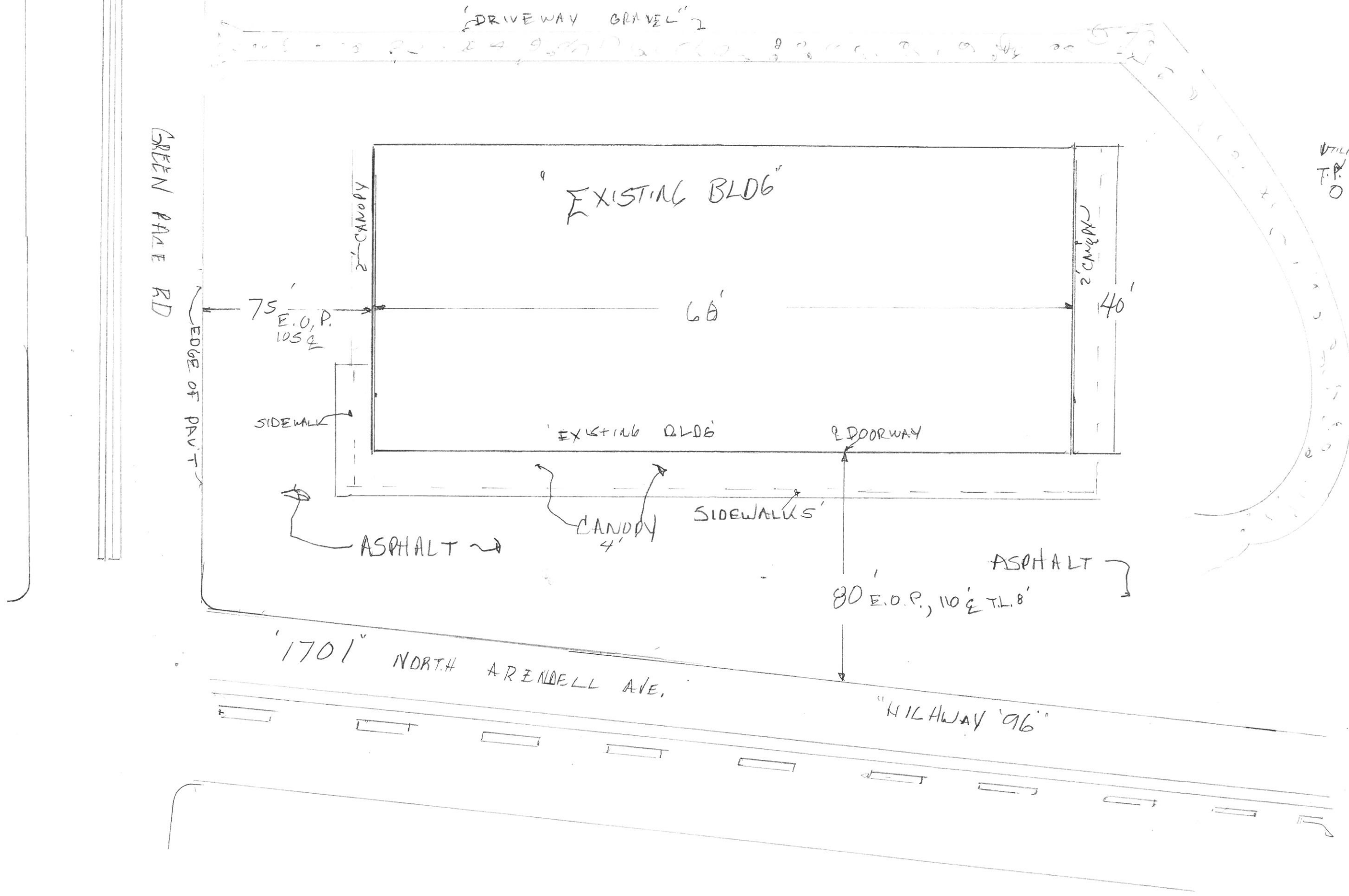
CERTIFICATION OF PROPERTY OWNER

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.

Wakefield Mercantile, Inc.

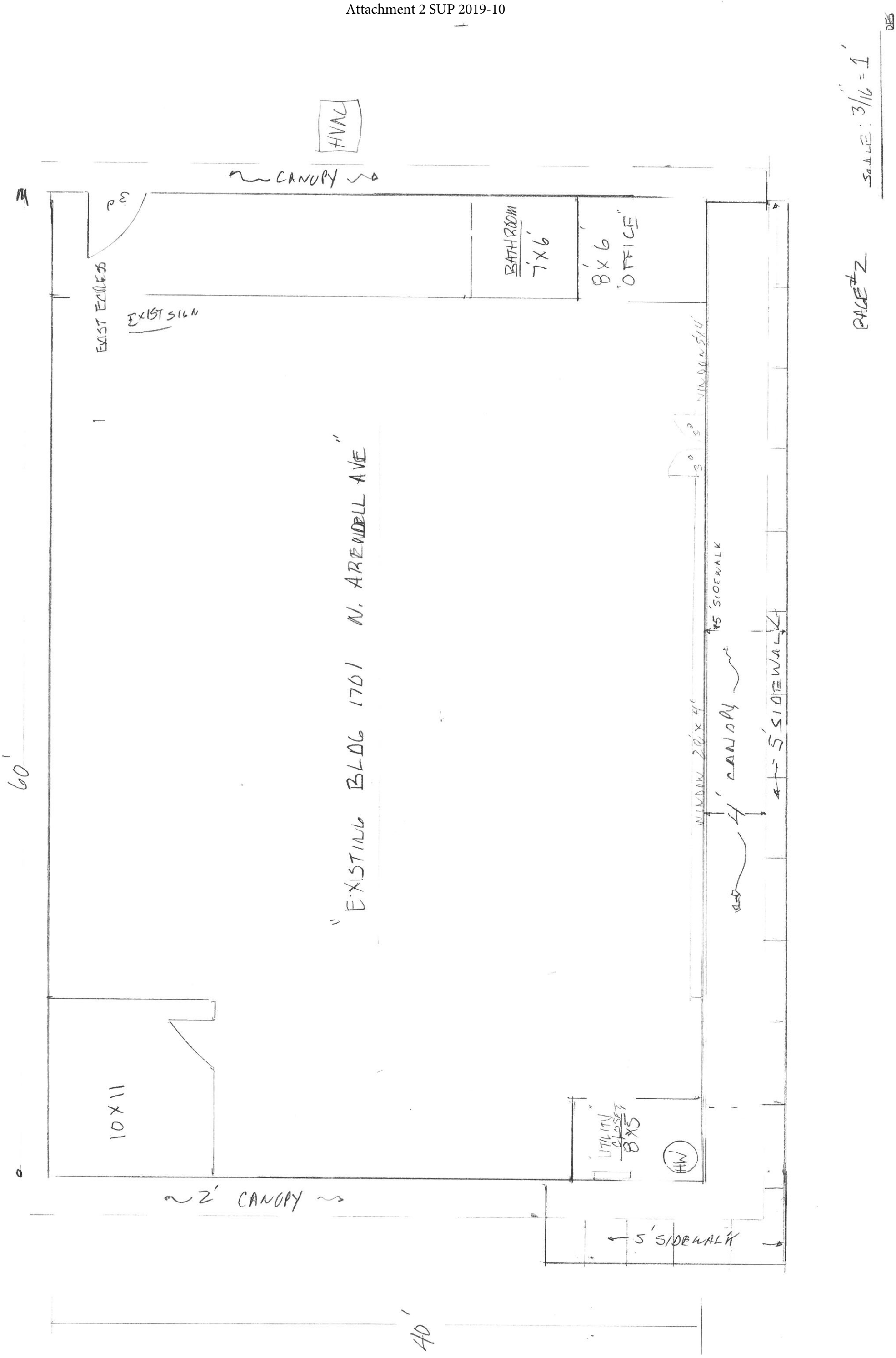
By: Wilber Boykin	Wakefield Mercantile, Inc.	June 10, 2019
Signature of Owner	***Print Name***	***Date***

***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.**

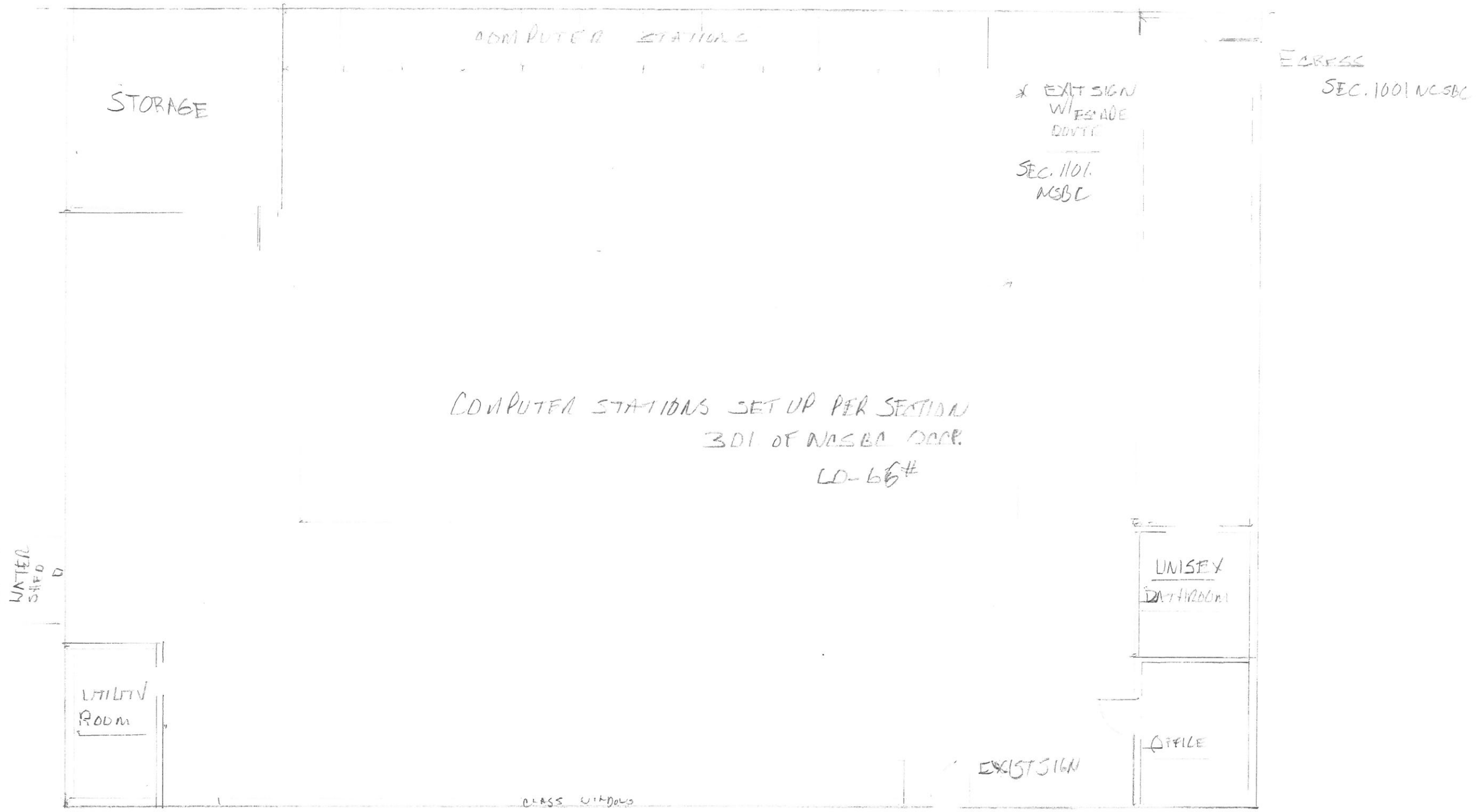


PAGE #1 "NOT TO SCALE"

Attachment 2 SUP 2019-10


HVAC
CANOPY
BATHROOM 7'X6'
8'X6' OFFICE
EXIST ENTRESS
EXIST SIGN
"EXISTING BLDG 1701 N. ARENDELL AVE"
WINDOW 5'X4'
3°
5' SIDEWALK
WINDOW 20'X4'
4' CANOPY
5' SIDEWALK
10X11
UTILITY CLOSET 8X5
HW
2' CANOPY
5' SIDEWALK
60'
40'
SCALE: 3/16" = 1'
PAGE #2

NO STRUCTURE CHANGE



COMPUTER STATIONS SET UP PER SECTION 301 OF NCSBC CHAP. CO-66#

2400 S.F. ±

PAGE #3

SCALE = 3/16 = 1'

DES

Attachment 2 SUP 2019-10

SUP 2019-10 Aerial Map

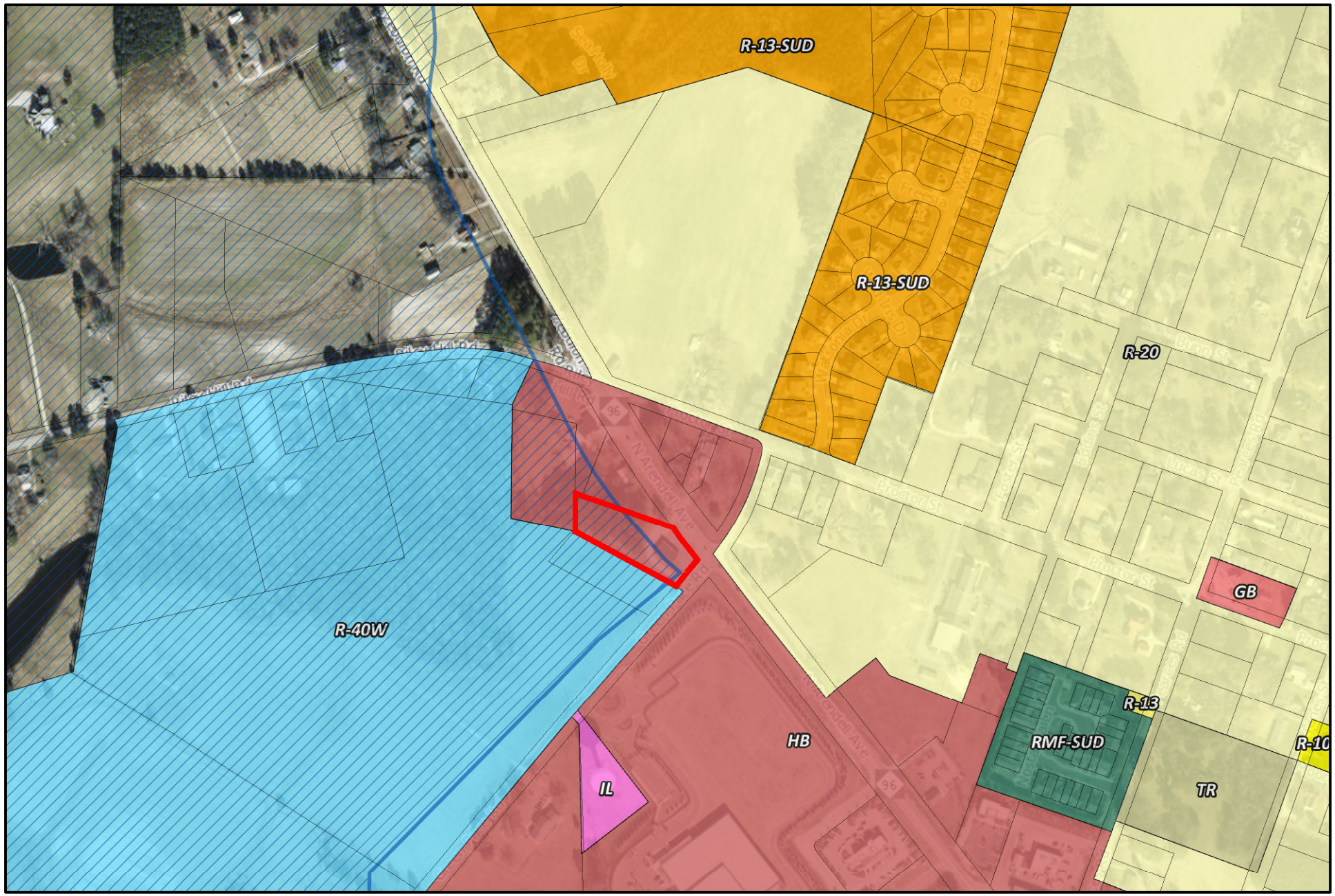
N

0 215 430 860 ft

1 inch = 400 feet

Disclaimer

*iMaps makes every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes, and are **NOT** surveys. No warranties, expressed or implied ,are provided for the data therein, its use,or its interpretation.*



SUP 2019-10 Zoning Map

N

0 215 430 860 ft

1 inch = 400 feet

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Land Use

Town of Zebulon
Wake County, NC

Legend

- Railroad
- Streets
- Major Roads
- Major Streams
- Critical Water Supply Watershed (R-80W)
- Little River Reservoir
- Little River Water Supply Watershed
- Annexation/Utility Boundary Agreement Line
- Zebulon Short Range Utility Service Area
- Zebulon Long Range Utility Service Area
- WTSD-Watershed

Land Use

- OS-Open Space
- PSP-Public/Semi-Public Open Space
- RR-Residential Rural
- MD-Medium Density Residential
- HR-High Density Residential
- TN-Traditional Neighborhood
- TC-Town Core/ Downtown
- HB-Highway Business
- MU-Mixed Use
- CC-Community Commercial
- NC-Neighborhood Commercial
- RT-Retail
- LI-Light Industrial
- MI-Medium Industrial
- Parcels
- Zebulon City Limits
- Zebulon Extra Territorial Jurisdiction Limits
- Wake County

FRANKLIN COUNTY

WAKE COUNTY

JOHNSTON COUNTY

NASH COUNTY

Little River

1 inch equals 0.5 miles

0 0.25 0.5 1 Miles

N W E S

HSMM

Data obtained from Wake County GIS and the Town of Zebulon

May 2008

Attachment 5 SUP 2019-10

Attachment 6 SUP 2019-10

Attachment 6 SUP 2019-10

Attachment 6 SUP 2019-10

Attachment 6 SUP 2019-10

Attachment 6 SUP 2019-10

1701 North Arendell Avenue Special Use Permit Conditions

1. Property must be brought up to current code compliance with this being a nonconforming situation for greater than 180 days. The following regulations that are needed to comply are, but not limited to:
    - Right-of-way dedication and street construction meeting the Transportation Plan
    - Green Pace Road – Rural Roadway with wide paved shoulders cross section. ½- 32' right-of-way dedication, 12' travel lane with 4' bike lane.
    - Zebulon Road/NC Hwy 96 – NC 96 Study cross section. ½- 92' right-of-way dedication, 26' two travel lanes, and 10' sidewalk and light pole installation.
    - Controlled driveway access on Green Pace Road and Zebulon Road
    - Paved parking and vehicular surface area.
    - Parking Ordinance conformance
    - Landscaping Ordinance conformance
    - Solid Waste conformance
    - Lighting ordinance conformance
    - Any watershed ordinance requirements

To Whom It May Concern:
Notice of Public Hearing

The date has changed for the September Joint Public Hearing. Please disregard the prior mailing

Notice is hereby given pursuant to the provisions of Section 152.083 of the Land Use Code of the Town of Zebulon that a public hearing will be held on **September 23, 2019, at 7:00 PM.** The hearing will be held at the **Zebulon Municipal Complex, 1003 N. Arendell Avenue,** and will be conducted by the Board of Commissioners of the Town of Zebulon and the Zebulon Planning Board sitting jointly for the purpose of considering the following items:

> ***SUP 2019-10*** A request by Landstar Investment Group of NC, Inc. to obtain a Special Use Permit for an Internet Café located at 1701 N. Arendell Avenue. The parcel is currently owned by Wakefield Mercantile, Inc. The zoning is Heavy Business (HB). [NC PIN: 1796828261].

Interested resident citizens are encouraged to attend and be heard. Maps and other relevant information pertaining to these matters are available at the Zebulon Town Hall and are filed with the Planning Department.

150' Buffer for Notification

N

0 215 430 860 ft

1 inch = 400 feet

Disclaimer

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Attachment 9

Consideration of Record Evidence <u>Only</u> and Burden of Proof

Case law, as reaffirmed in a recent Court of Appeals case, sets out the burden of proof an applicant must meet for a special use permit:

> An applicant for a special use permit must make out a prima facie case, by competent, material, and substantial evidence, meeting all the conditions in the zoning ordinance. Material evidence is "[e]vidence having some logical connection with the consequential facts or the issues." Black's Law Dictionary 578 (7th ed.1999). "Substantial evidence is such relevant evidence as a reasonable mind might accept as adequate to support a conclusion."
> It must do more than create the suspicion of the existence of the fact to be established....
> An applicant who has made a prima facie case **<u>is entitled to a special use permit, unless there is also competent, material, and substantial evidence in the record to support denial.</u>**

<u>American Towers, Inc. v. Town of Morrisville</u>, 731 S.E.2d 698, 702 (2012) (citations omitted) (emphasis added)

In sum, the burden of proof in this case is as follows: The applicant must present evidence that the four standards in the Ordinance are met. If the applicant presents sufficient evidence that the four standards are met, the applicant is legally entitled to a permit. If contradictory evidence is presented, the board must make findings and then apply the standards.

Board Consideration and Action

After observing the proper procedures and considering proper evidence, the Board of Commissioners shall, by simple majority, act on a motion to:

(1) Approve the application; or
(2) Approve the application, subject to reasonable and appropriate conditions and safeguards; or
(3) Deny the application; or
(4) Table the application for further study.

If the Motion is to approve, the Motion should take into consideration each of the four standards, but the Board of Commissioners need not make specific findings of fact on each standard.

If the Motion is to deny, the Motion should include which of the required findings of fact was not supported based upon the evidence and explain why.

TOWN OF ZEBULON
PLANNING BOARD AGENDA
September 23, 2019
7:00pm

I. CALL TO ORDER

II. APPROVE THE AGENDA

III. NEW BUSINESS

A. **SUP 2019-08 Pearces Road -** A request by Stewart Inc. to obtain a Special Use Permit for a Major Subdivision of +/- 111 acres into 375 residential lots located at 1309 & 1333 Pearces Road. [NC PIN: 2706030290 & 2706198550].

B. **SUP 2019-10 1701 N Arendell Ave -** A request by Landstar Investment Group of NC, Inc. to obtain a Special Use Permit for an Internet Café located at 1701 N. Arendell Avenue. The parcel is currently owned by Wakefield Mercantile, Inc. The zoning is Heavy Business (HB). [NC PIN: 1796828261].

C. Unified Development Ordinance

IV. ADJOURNMENT