

**TOWN OF ZEBULON**  
**JOINT PUBLIC HEARING AGENDA**  
**BOARD OF COMMISSIONERS AND PLANNING BOARD**  
**August 10, 2020**  
**7:00pm**

**I. CALL TO ORDER**

**II. PUBLIC HEARING**

- A. *Wake County Historic Landmark Designation:* A request from Capital Area Preservation to approve 216 W. Gannon Street as a Wake County Historic Landmark in accordance with Section 160D-945 of the North Carolina General Statute.
- B. *CZ 2020-01 Five County Mini Storage.* A request by John Sikorski, property owner 1412 & 1420 US 264 Highway, requesting a Zoning Map Amendment from Light Industrial (LI) to Conditional Zoning Light Industrial. The properties are within the Town of Zebulon's Corporate Limits.
- C. *CZ 2020-02 1500 & 1512 N Arendell Avenue.* A request by Clyde Holt representing the property owner of 1500 & 1512 North Arendell Avenue, Stephen Jordan Properties LLC, requesting a Conditional Zoning Map Amendment from Residential-2 (R-2) to Heavy Commercial Conditional Zoning (HC CZ).
- D. *Transportation Plan Amendment.* The Town of Zebulon is proposing an amendment to the Multi-Modal Plan to designate Judd Street from N. Arendell Avenue to Worth Hinton Road as a collector street.
- E. *QA-2020-02 Quarterly Text Amendments:* Amendment to Section 4.5.4.A Mobile Food Vendors to allow for exceptions for Ice Cream Trucks and similar vendors. Amendment to Section 6.10.7.F Street Grade to reference the Town's Standard Specifications.

**III. ADJOURNMENT**



STAFF REPORT  
BARBEE HOUSE HISTORIC LANDMARK DESIGNATION  
AUGUST 10, 2020

**Topic: Historic Landmark Designation**

Speaker: Michael Clark, AICP CZO, Planning Director,

From: Michael Clark AICP, CZO, Planning Director

Prepared by: Michael Clark AICP, CZO, Planning Director

Approved by:  Joseph M. Moore II, PE, Town Manager

**Executive Summary:**

The Board of Commissioners and Planning Board will seek public comment regarding a request to approve a resolution to recognize the George Spite and Nava Flowers Barbee House located at 216 W. Gannon Street a Wake County Historic Landmark.

**Background:**

The residential dwelling located at 216 was built in 1914 and retains much of its historic integrity. The site contains two contributing buildings, one noncontributing building and one noncontributing feature. Not only were the original owners significant to the development of early Zebulon, the structure is well preserved and is a great example of construction from that time period. The attached documentation provides further details regarding the history of the owners and the site.

**Discussion:**

The discussion before the Board is whether to designate the Barbee House at 216 W. Gannon a Wake County Historic Landmark.

**Policy Analysis:**

Preservation of historic resources is an example of *Grow Smart* and *Small Town Life* goals within the Zebulon 2030 Strategic Plan. Specifically, structures of this character and standing are no longer being built within Zebulon and their presence helps to tell the story of Zebulon's history. The Historic Landmark designation incentivizes property owners to preserve or restore properties within guidelines of the Wake County Historic Preservation Commission through property tax credits.

**Financial Analysis:**

Incentivizing the maintenance of eligible historic properties through the Local Historic Landmark program will reduce the property tax revenue received by the Town of Zebulon. Real Property designated as a historic structure or site by a local ordinance adopted pursuant to G.S. 160A-399.4 or designated as a historic landmark by a local ordinance adopted pursuant to G.S. 160A-400.5 is designated a special class of property under authority of Article V, Section 2(2) of the North Carolina Constitution.





STAFF REPORT  
BARBEE HOUSE HISTORIC LANDMARK DESIGNATION  
AUGUST 10, 2020

Property classified as historical is taxed uniformly in each local taxing unit on the basis of fifty percent (50%) of the true value of the property as determined pursuant to G.S. 105-285 and 105-286, or 105-287. After a property has been designated as historical property, the owner is required to submit a completed historical deferment application with the Wake County Revenue Department. The deferred taxes will not become due unless or until the property loses its eligibility because of a change in an ordinance designation or a change in the property which causes its historical significance to be lost or substantially impaired.

Tax revenue from the property located at 216 W. Gannon is currently \$2447.74. Tax deferment would reduce tax revenue paid to the Town of Zebulon by \$1,223.67. Tax deferments remain in place until activity occurs to negate the property's historic status. However, studies have shown that historic preservation results in increased property values based on comparable structures that are not part of a historic preservation program and that these properties tended to hold their value better during economic recessions.

**Wake County Historic Preservation Commission Recommendation:**

If approved, the Wake County Historic Preservation Commission (WCHPC) will become the regulatory authority regarding modifications to the structure. Currently, WCHPC serves almost all Wake County municipalities (Wake Forest and Raleigh are the exceptions and their own appointed and staffed historic preservation commission).

The WCHPC held a meeting on March 10, 2020 and recommended the approval of the inclusion of the Barbee House at 216 W. Gannon as a Wake County Historic Landmark. The Wake County Historic Preservation Commission recommends approval.

**Staff Recommendation:**

Following the joint public hearing, Staff recommends forwarding the proposed Historic Landmark Designation to the Planning Board for deliberation and a recommendation.

Staff recommends approval of the Historic Landmark Designation for 216 W. Gannon Ave as presented.

**Attachments:**

1. Scope of Work/Application from Capital Area Preservation



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January 22, 2020

Joe Moore, Town Manager  
Town of Zebulon  
1003 N. Arendell Avenue  
Zebulon, NC 27597

Dear Joe:

Enclosed is a local landmark designation report for your review, in accordance with Part 3C, Article 19, Chapter 160A-400.4.2 of the North Carolina General Statutes. The property is being considered for designation at the request of the property owner.

**Property:** George Sprite and Neva Flowers Barbee House  
**Owner:** Todd G. and Margaret A. Gecewicz  
**PIN/REID:** 2705250297 / 0044799  
**Address:** 216 W. Gannon Street Street, Zebulon, NC 27597  
**ETJ:** Zebulon

A public hearing before the Wake County Historic Preservation Commission is scheduled for Tuesday, March 10, 2020 in Room 2800, Wake County Justice Center, Raleigh, NC at 3:30 PM. I can present your comments to the Commission if I receive them on or before Friday, February 28, 2020.

Many thanks for your consideration. Please contact me at 919-833-6404 with any questions about the enclosed designation report.

Sincerely,

Gary G. Roth  
President & CEO

Enclosures

## APPLICATION FOR HISTORIC LANDMARK DESIGNATION

### **Preparing Your Application:**

Please use black ink or type and use paper no larger than 11" x 17" for the required supporting information. Capital Area Preservation (CAP) staff is available to advise in the preparation of applications.

### **Filing Your Application:**

When completed, the attached application will initiate consideration of a property for designation as a local historic landmark. The application will enable the Wake County Historic Preservation Commission (WCHPC) to determine whether the property qualifies for designation.

Mail the application to Capital Area Preservation, PO Box 28072, Raleigh, NC, 27611. Submitted materials become the property of the Wake County Government and will not be returned. Incomplete applications may be returned to the applicant for revision. CAP staff will contact applicants after receiving an application to discuss the next steps of the designation process (see *Landmark Designation Q & A* for more information). Please feel free to contact CAP with any questions at 919.833.6404, or e-mail at [info@cappresinc.org](mailto:info@cappresinc.org). CAP can be found on the web at [www.cappresinc.org](http://www.cappresinc.org).

**Thank you very much for your interest in protecting Wake County's historic resources!**

*\*The guidelines developed for this application are based on the evaluation process used by the National Register of Historic Places. National Register evaluation principles regarding criteria, category classifications, and integrity have been adapted for local applications.*

### **1. Name of Property**

Historic Name: George Sprite and Neva Flowers Barbee House

Current Name: George and Neva Barbee House, Dr. G. S. Barbee House

#### **Location**

Please include the full street address of the property, including its local planning jurisdiction. Wake County Property Identification (PIN) and Real Estate Identification (REID) Numbers can be found at the Wake County property information website at <http://lmaps.co.wake.nc.us/lmaps/mainpage.htm>, or by contacting the Wake County Planning Department.

Street Address: 216 W. Gannon Street, Zebulon, NC 27597

Planning Jurisdiction: Zebulon      PIN Number: 2705250297      REID: 044799

Deed Book and Page Number: Book: 017542      Page: 2172

Current Tax Value of Property: \$422,426.00

### **2. Owner Information (If more than one, list primary contact)**

Name: Todd and Margaret Gecewicz

Address: 216 W. Gannon Street, Zebulon, NC 27597

Phone: 919-264-0858

Email: Todd.Gecewicz@gmail.com

Ownership (check one):  Private       Public

### **3. Applicant/Contact Person (If other than owner)**

Name: Cynthia de Miranda, MdM Historical Consultants

Address: PO Box 1399, Durham, NC 27702

Phone: 919-906-3136      Email: cynthia@mdmhc.com

**4. Signatures**

*I have read the general information on landmark designation provided by the Wake County Historic Preservation Commission and affirm that I support landmark designation of the property defined herein.*

Owner: \_\_\_\_\_ Date: \_\_\_\_\_

Owner: \_\_\_\_\_ Date: \_\_\_\_\_

Owner: \_\_\_\_\_ Date: \_\_\_\_\_

Owner: \_\_\_\_\_ Date: \_\_\_\_\_

Applicant: \_\_\_\_\_ Date: \_\_\_\_\_  
(If different from owner)

<b>OFFICE USE ONLY: Received by:</b>	<b>Date:</b>
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**6. General Data/Site Information**

**Date of Construction and major alterations and additions:**

1914, ca. 1950, ca. 1999, ca. 2010, 2019

**Number, type, and date of construction of outbuildings:** 1 well house (ca. 1914); frame garage (1914, ca. 1999); 1 swimming pool (ca. 1999)

**A. Approximate lot size or acreage:** .54 acres

**B. Architect, builder, carpenter, and/or mason:** unknown

**C. Original Use:** dwelling

**D. Present Use:** dwelling

**7. Classification**

**E. Category (select type from below):** Building

- **Building** – created principally to shelter any form of human activity (i.e. house, barn/stable, hotel, church, school, theater, etc.)
- **Structure** - constructed usually for purposes other than creating human shelter (i.e. tunnel, bridge, highway, silo, etc.)
- **Object** - constructions that are primarily artistic in nature. Although movable by nature or design, an object is typically associated with a specific setting or environment (i.e. monument, fountain, etc.)
- **Site** - the location of a historic event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historic, cultural, or archeological value, regardless of the value of any existing structure (i.e. battlefields, cemeteries, designed landscape, etc.)

**F. Number of Contributing and non-contributing resources on the property:**

A contributing building, site, structure, or object adds to the historic associations, historic architectural qualities, or archeological values for which a property is significant because it was present during the period of significance, relates to the documented significance of the property, and possesses historic integrity or is capable of yielding important information about the period.

	<u>Contributing</u>	<u>Non-contributing</u>
<b>Buildings</b>	<u>2</u>	<u>1</u>
<b>Structures</b>	<u>0</u>	<u>1</u>
<b>Objects</b>	<u>0</u>	<u>0</u>
<b>Sites</b>	<u>0</u>	<u>0</u>

**Previous field documentation (when and by whom):** Wake County Historic Architecture

Survey, Kelly Lally, 1990-1991, updated 2018 by New South Associates

*Please contact the Survey Coordinator at the State Historic Preservation Office to determine if the property is included in the Wake County survey (919.807.6573).*

**National Register Status and date (listed, eligible, study list):**

Listed in the NRHP 8/28/2007

*Please contact the National Register Coordinator at the State Historic Preservation Office to determine National Register Status (919.807.6587).*



**8. Supporting Documentation** (Please type or print and attach to application on separate sheets. Please check box when item complete.)

**A. Physical Description Narrative of All Resources on the Site**

For primary resource, describe overall form, number of stories, construction materials, roof shape, porches, windows, doors, chimney, important decorative elements, and significant interior features whether or not the interior is being proposed for designation. Provide number, type and location of outbuildings, with an entry on each that includes construction date and brief description. Provide description of landscape and setting of all buildings, structures, etc. on the property.

**B. Historical Background Narrative**

Chronology of the property and its owners, including any historical events or historic persons associated with the property, presented in paragraph form.

**C. Significance Statement**

In a clear, concise statement tell why the property meets the criteria for local designation. Please refer to pages 47-48 in *The Handbook for Historic Preservation Commissions in North Carolina* when preparing statement of significance. A link to the Handbook can be found on the SHPO website site at <http://www.hpo.ncdcr.gov/commhome.htm>. Specifically refer to the Criteria for Significance and Aspects of Integrity. Also state if the property rises to the level of significance needed for designation when compared with all others of its style, type and period in the county, town or city. For example, a building or structure might be a community's only surviving examples of Greek Revival architecture or it may be a unique local interpretation of the Arts and Crafts movement.

**D. Landmark Boundary**

Describe the land area to be designated, address any prominent landscape features. Clearly explain the significance of the land area proposed for designation and its historical relationship to the building(s), structure(s) or object(s) located within the property boundary or, in the case of sites, the historical event or events that make the land area significant. For buildings and structures, the designated land area may represent part of or the entire original parcel boundaries, or may encompass vegetative buffers or important outbuildings. For objects, the designated land area may continue to provide the object's historic context (i.e., a statue's historic park setting). For sites, the designated area may encompass a landscape that retains its historic integrity (i.e. a battlefield encompassing undisturbed historic view sheds).

**E. Bibliography**

Bibliography of sources consulted.

**9. Photographs**

All photographs are required to be **digital, in JPEG (.jpg) format, and submitted on a CD or DVD**. Please note the following requirements:

- Minimum Standard: **6.5" x 4.5" at a resolution of 300ppi** (a pixel dimension of **1950 x 1350**)
- File Size: There is no maximum or minimum for the file size of an image; however, smaller file sizes may be necessary when emailing images.
- Proof Sheet: Proof sheets are required to show what is on a CD or DVD without having to load the disk. Proofs may be printed in either color or black and white as long as the images are crisp and legible. There should be a minimum of four and a maximum of six proofs per 8.5" x 11" sheet, with no image smaller than 3.25" on its longest side. Proofs should be labeled as they appear on the disk.
- Naming Images: Please label image files for the Local Designation Application as follows:

LM\_PropertyName Description.jpg  
Example: LM\_Smith House\_front façade.jpg)

For buildings and structures, include exterior photos of all elevations of the primary resource and any other contributing and non-contributing resources; photos of details of significant exterior features, such as notable trim; photos of the main building or structure within its setting; photos of each significant landscape feature; and photos of notable interior spaces, significant trim and other features. For objects, include a view of the object within its setting, as well as a variety of representative views. For sites, include overall views and any significant details.

**10. Floor Plan (for buildings and structures)**

Please include a floor plan showing the original layout, approximate dimensions of all rooms, and any additions (with dates) to the building or structure. Drawings do not have to be professionally produced nor do they need to be to exact scale, but should accurately depict the layout of the property. (Building sketches from the Wake County property information website are not acceptable.)

**11. Maps**

Include two (2) maps: one (1) clearly indicating the location of the property in relation to nearby streets and other buildings, and one (1) showing the proposed landmark boundary of the property and all significant resources. Tax maps with the boundaries of the property are preferred, but survey or sketch maps are acceptable. Please show street names and numbers and all structures on the property.

## 8A. Physical Description Narrative of All Resources on the Site

The George Sprite and Neva Flowers Barbee House at 216 W. Gannon Avenue in Zebulon stands on the north side of the street in the heart of this western Wake County railroad town.<sup>1</sup> The house is positioned in the front half of its 100-foot-wide by 235-foot-deep rectangular parcel, set back about 55 feet from the concrete sidewalk edging the street. The parcel is flat with grassy front lawns, low foundation shrubs, and a few young trees. Landscaping dates to the early twenty-first century, replacing aged shade trees. The back yard occupies roughly the north half of the parcel. It has a late-twentieth-century swimming pool with concrete pool deck and a period garage altered to function as a pool house. A well house straddles the west property line.

A few hardscape elements survive from the original construction date. Period brick posts with limestone caps mark the front walk and driveway entrances near the sidewalk. Concrete curbing runs across the front yard, a few feet north of the sidewalk. The curbing also edges the east and west sides of the front yard.

Other hardscaping dates to recent decades, as documented by a series of aerial photos in the Wake County GIS system. A comparison of photos in 1999 and 2005 show a new front walk, driveway, and the addition of the swimming pool. The concrete front walk and driveway are both edged with stamped brick and replaced earlier iterations. A circular inset in the front walk holds a five-tier fountain with scalloped bowls. Garage alterations likely date to this period as well, supporting the building's conversion to a pool house. A metal fence across the north end of each side yard limits access to the rear yard, and wood fencing encloses the north end of the parcel by rimming the west, north, and east sides of the rear yard.

*George and Neva Barbee House*  
1914, ca. 1950, ca. 1999, ca. 2010, 2019  
*Contributing Building*

The house is a two-story-on-raised-basement, brick-clad, modified Craftsman foursquare with some Colonial Revival- and Prairie-style elements. The broad, symmetrical façade is three bays wide. A single-story front porch wraps around the east side and extends beyond the west side elevation to form a porte cochere. Both the porch and the main roofline feature a boxed cornice and deep sheltering eave that create a strong horizontal. A gabled dormer with end returns vents the attic and dominates the front slope of the hipped roof. The vent has a Palladian arrangement of a larger rectangular vent flanked by smaller versions. Echoing the dormer is a gabled peak that bridges an open section of the porch roof directly in front of the centered main entrance. Red brick laid in running bond clads the exterior walls and is continuous from the foundation to each elevation. Two brick chimneys with

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<sup>1</sup> The house faces actually southeast, but for simplicity, this description assumes that the façade faces due south.



corbelled caps rise through the side slopes of the hipped roof, and a third chimney with plain limestone cap rises from the back slope of the hipped roof of a small, single-story rear wing that houses the kitchen and an enclosed back porch. A cast-iron stair with stoop leads to the door in the east side wall of the mudroom. Attached to the back wall of the single-story section is a hip-roofed entry bay with a plank door that leads into the partial basement.

The height, width, and brick exterior combine to create an imposing presence on the street. The eclectic use of Craftsman style with Colonial Revival- and Prairie-style elements add to the dwelling's striking appearance. The fenestration is varied but symmetrical and generally includes Craftsman-style mulilite sash with limestone sills and lintels. Two large windows with 24/1 sash flank the front door at the first floor. The second-story façade windows include paired 12/1 sash at the outer bays, each pair set into canted walls joined with interlocking bricks. The center bay at the second story holds a pair of smaller windows that also feature 12/1 sash. The front entry, on the other hand, is Colonial Revival, featuring a partially glazed door with leaded glass with chamfered edges. Leaded-glass sidelights and a transom frame the entry door. Windows on side and rear elevations are generally 12/1 sash in the size that matches those at the second-story canted walls. Most occur singly, but there is a paired set on the west elevation. A dramatic exception to the typical fenestration is the Prairie-style stained-glass window at the west elevation that is at the center of a three-part arrangement of windows. Narrow flanking windows are taller and feature 9/1 sash. The three windows share a limestone lintel but each has its own individual sill. A single 12/1 window as the east elevation has stained glass in the lower sash only.

The front porch features a solid brick balustrade wall, a popular Craftsman porch feature, with three rectangular openings in each bay between porch columns. These openings, like the windows, have thick limestone sills matched by a limestone cap across the top of the wall. The balustrade wall occurs in sections between brick porch posts with limestone caps. Atop each post are engaged rectilinear columns in groups of four. While the column-over-brick pier is another common Craftsman feature, the grouped columns themselves better reflect the Colonial Revival style. The gabled shape of the dormer and the peak over the broken section of the porch roof are also Colonial Revival, particularly the end-return detail of the dormer. The porch floor is original concrete.

The dwelling's interior features a modified foursquare plan and oak flooring in most rooms. The footprint of the two-story part of the house is roughly square, with an additional shallow rear section inset from the corners of the main block. At each story, one room fits into each of the four corners of the main square. The inset rear section houses a butler's pantry, bathroom, and closet at the first floor, with closets, bathrooms, and stair landing at the second. Two new bathrooms were installed at the second story in the 2010s, in the inset section and by converting closets that once occupied the space behind the center façade bay between the front two bedrooms.

At the first floor, the main entry opens into a front room that spans two-thirds the width of the house. The walls have paneled wainscot and crown molding added in the 2010s. A simple Colonial Revival mantel with Tuscan columns, mirrored overmantel, brick firebox and hearth is roughly centered on the north wall of the room. The mantel is a period replacement, installed after 2007. The original had been masonry and was covered at some point with stucco, as documented in the National Register of Historic Places nomination. A single-leaf French door in the north wall, to the left of the mantle and opposite the front door, leads into the stair hall. Paired French doors centered in the west wall open into a smaller front room at the southwest corner.

The front room on the west side has a Craftsman-style brick mantle with limestone cap canted in the northwest corner. The mantle has been painted. Dentil molding and a wall of bookcases surrounding the window at the south wall were added in the 1990s. Another pair of French doors lead into the dining room from the north wall.

The dining room has a beamed ceiling and Craftsman-style wainscot added in the 2010s to reproduce the original version that had been removed a few years prior, according to current property owners. The Prairie-style stained-glass window lights this room, to the right of a Colonial Revival mantel in a canted wall in the southwest corner. The mantel has Tuscan columns and a frieze with oval insets. A mirror once topped the mantel, as documented in the National Register nomination, but is no longer extant. A hinged door with two vertical panels leads into the stair hall from the south end of the east wall of the dining room. A swinging, recessed-panel door at the east end of the room's north wall leads into a butler's pantry, which retains original cabinetry on its east side. A passage leads, in turn, to the kitchen, and cabinetry dating to the 1990s fills the space west of the passage.

The kitchen is housed in the single-story wing at the back of the house. The kitchen fixtures date to the 1990s, but windows are original. The partially-glazed door in the east wall of the kitchen appears to date to the 1950s, but it is in the original location of the kitchen door. It leads to a mudroom housed in an enclosed back porch under the original roof of the rear wing. From the south wall in the mudroom, a door leads back into the center hall of the house. A bedroom and bathroom occupy the dwelling's northeast corner, behind the broad front room. The downstairs bedroom has a simple mantle with Tuscan columns and a thick shelf without molding. Glazed tile surrounds the firebox.

The center hall holds a straight-run open-stringer stair with squared balustrade under a molded handrail. The newel post is square with square cap and simple molding. The stair hall has paneled and molded wainscot and elaborate crown molding added in the 2010s, replacing the simple crown molding originally installed. The second story holds a bedroom in each of its corners. Closets, or portions of closets, have been converted into bathrooms. In the front two bedrooms,

new closets have been built into a corner of each room. Each bedroom has a fireplace featuring a simple Craftsman mantel similar to that in the bedroom at the first floor.

*Garage*

*1914, ca. 1999*

*Noncontributing building*

Single-story, hip-roofed garage with running-bond brick exterior, boxed eaves, and two bays. A narrower hipped section projects from the center of the rear elevation, and two additions with lower rooflines fill the corners that originally resulted. The small additions matched the boxed cornice of the original. Six-over-six windows are replacements. Paired sets of single-light French doors installed in the late twentieth century infilled original open garage bays. Single-leaf French doors on the east elevation lead to hardscaped areas between the garage and the swimming pool. The garage stands in the west end of the rear yard, at the north end of the driveway that leads from W. Gannon Avenue, through the side yard and the porte cochere.

*Swimming pool*

*Ca. 1999*

*Noncontributing Structure*

An in-ground curvilinear swimming pool occupies a large part of the rear yard to the east of the garage. The pool deck is concrete trimmed with brick.

*Well house*

*1914*

*Contributing Building*

Single-story, hip-roofed well house with boxed eave and lattice walls and no floor. At the interior, rustic braced columns support the roof at each corner. The east and west sides have centered full-height door openings in the lattice walls and half-height lattice gates. A recess in the ground at the center of the sheltered space seems to indicate the presence of an abandoned or sealed well. The well house stands on the shared property line between the Barbee House and the Campen House to the west, situated between the rear elevation of the house and the front elevation of the garage.

## 8B. Historical Background Narrative

The George Sprite and Neva Flowers Barbee House was likely built in late 1914. The Barbees acquired the property in October of that year, according to Wake County deed records, and the county GIS system records 1914 as the year of construction.



Zebulon was still in its first decade of development, and Barbee and the extended Flowers family all relocated here in the 1910s.<sup>2</sup>

Known in its early years as the “Magic Midway City,” the town was incorporated in 1907 at a spot halfway between Raleigh and Wilson on the planned route of the Raleigh and Pamlico Sound Railroad. This midway point, farmland at the time, had been chosen a year earlier as the site of a railroad station. Subsequently, businessmen from Raleigh and nearby Wakefield incorporated The Zebulon Company to develop the surrounding area. According to a large advertisement in the *Raleigh News and Observer*, by the end of 1907, Zebulon had a bank and commercial district, hosiery mills and lumber plants, and was already a market for cotton and tobacco. It was home to two hotels and fifty dwellings.<sup>3</sup> By 1916, the *News and Observer* estimated the town’s population as “varying from 1,250 to 1,500 people.”<sup>4</sup>

George Sprite Barbee (1886-1953), a Morrisville native, moved to Zebulon around 1912, sometime after earning a degree in medicine. He had attended the University of North Carolina, completing his studies in May 1910 with two years of hospital work in Raleigh and becoming a licensed physician later that year.<sup>5</sup>

Barbee may have followed a classmate of his, Jesse A. Strickland (1880-1941), to Zebulon. Strickland, a Wilson native, graduated with Barbee in 1910 and began practicing medicine in Zebulon soon after.<sup>6</sup> The 1911 *North Carolina Yearbook and Business Directory* lists Drs. Z. M. Caviness and J. A. Strickland as the only physicians in town in that year.<sup>7</sup> Caviness had been practicing in Zebulon since 1907, but sold his house at the corner of Wakefield and Gannon streets to Strickland in January 1912 and moved to Raleigh’s Boylan Heights neighborhood.<sup>8</sup> Six weeks later, on Valentine’s Day 1912, Strickland married Lela Flowers (1891-1951) in her native Pamlico County.<sup>9</sup> A few months later, Barbee also appeared to be living in Zebulon. In May, he served as a judge at a debate that was part of the commencement

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<sup>2</sup> Charles A. and DeElla Flowers to Neva Barbee, October 27, 1914, Wake County Deed Book 298, page 134; Wake County GIS information is available at <https://maps.raleighnc.gov/iMAPS/>.

<sup>3</sup> “Zebulon, The Magic Midway City,” *News and Observer*, December 22, 1907.

<sup>4</sup> “Progress in Wake,” *News and Observer*, March 16, 1916.

<sup>5</sup> “Fourteen New Physicians,” *Charlotte News*, May 26, 1910; “Seventy Nine New Doctors,” *Wilmington Morning Star*, June 21, 1910; K. Todd Johnson and Elizabeth Reid Murray, *Wake: Capital County of North Carolina* (Raleigh: Capital County of North Carolina, 1983), 329.

<sup>6</sup> *Ibid.* Alternatively, Barbee may have been related to Edgar B. Barbee, one of the founders of The Zebulon Company. However, a family connection could not be established for this report.

<sup>7</sup> *North Carolina Yearbook and Business Directory, 1911* (Raleigh: The News and Observer, 1911), 471, 491.

<sup>8</sup> Edythe M. Tippet, *History of Zebulon and Vicinity* (N.p.: n.d.), 74; Z. M. Caviness to J. A. Strickland, January 1, 1912, Wake County Deed Book 259, page 475; *Hill’s Raleigh City Directory, 1911-1912*, (Richmond: Hill Directory Company, 1911), 160.

<sup>9</sup> Ancestry.com, *North Carolina, Marriage Records, 1741-2011* [database on-line], Provo, UT, USA: Ancestry.com Operations, Inc., 2015.

activities for Wakelon High School. The 1913 *North Carolina Yearbook and Business Directory* lists him for the first time as a physician in Zebulon.<sup>10</sup>

Lela Flowers Strickland's parents, and other members of the large, extended Flowers family, also moved to Zebulon around this time. Charles Allen Flowers (1855-1935) and DeElla Flowers (1861-1935), formerly of Hollyville, Pamlico County, began purchasing house parcels in Zebulon as early as 1913, deeding some to their grown children and their spouses.<sup>11</sup> Charles and DeElla purchased about an acre from Dr. Caviness that adjoined the Stricklands' home parcel in March 2013. The land stretched from Gannon Street to North Street.<sup>12</sup> The Flowers made at least two purchases nearby on North Street between Wakefield and Liberty.<sup>13</sup> Their own frame Queen Anne house stands in that block at 503 N. Wakefield Street (WA2221); county tax records date the house to 1915. The Dr. Charles E. and Carmen Flowers House (WA2222), across the street at 500 N. Wakefield Street dates to 1919 and was built from an Aladdin Company plan known as The Plaza. Dr. Charles Flowers was a son of Charles and DeElla Flowers. Another son, Sultan G. Flowers, built a house at 113 E. Sycamore Street (WA8417) in 1921, according to tax records, according to The Plaza plan as well.<sup>14</sup>

It seems logical that Barbee would have met Neva Flowers (1895-1962) through her sister Lela Flowers Strickland.<sup>15</sup> Barbee attended a party at the Stricklands' house in Zebulon on August 4, 1913. Neva did not attend, according to the newspaper item detailing the party, although her younger sister Lucia Flowers was there, as well as hostess Lela Flowers Strickland. While Charles and DeElla Flowers may not have moved from Pamlico until 1915, based on the tax records date of their house, the sisters may have been frequent guests of the Stricklands' between 1912 and 1915.<sup>16</sup>

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<sup>10</sup> "Wakelon High School Commencement Success," *Farmer and Mechanic*, May 21, 1912; *North Carolina Yearbook and Business Directory, 1913* (Raleigh: News and Observer, 1913), 419. County records date the house currently on the parcel at the corner of Wakefield and Gannon to 1919, but it is possible that it was instead substantially remodeled in that year.

<sup>11</sup> Findagrave.com; Ancestry.com, *1910 United States Federal Census* [database on-line] (Lehi, UT, USA: Ancestry.com Operations Inc, 2006).

<sup>12</sup> Caviness to Flowers, March 17, 1913, Wake County Deed Book 276, page 84.

<sup>13</sup> E. J. and Bettie H. Holloway to C. A. Flowers, Wake County Deed Book 289, page 101, July 19, 1913; N. A. Gettys to Mrs. C. A. Flowers, Wake County Deed Book 289, page 95, September 27, 1914.

<sup>14</sup> Cheri Szcodronski to the author, email correspondence, December 18, 2019; Kelly A. Lally, *The Historic Architecture of Wake County, North Carolina* (Raleigh: Wake County Government, 1994), 156. The Clarke Historical Library at Central Michigan University has digitized copies of many Aladdin catalogs from 1908 through 1954 at [www.cmich.edu](http://www.cmich.edu). See also the survey files for properties listed above, available in the File Room at the State Historic Preservation Office in Raleigh. The Plaza plan appeared in catalogs from at least 1913 through 1918.

<sup>15</sup> Findagrave.com.

<sup>16</sup> "Porch Party at Zebulon," *News and Observer*, August 5, 1913.



George and Neva married in Wake County on October 22, 1913; no notice of their wedding has been located in the *News and Observer*.<sup>17</sup> The following October, Charles and DeElla divided the acre purchased from Dr. Caviness into two parcels and conveyed one each to two more daughters, Neva and her older sister Mary Flowers Campen (1887-1965). Neva Barbee's parcel was on the east. The deeds note that the value of each property was \$400—a good indication that the dwellings had not been erected.<sup>18</sup> The sisters built houses of similar scale and massing—imposing foursquares with deep boxed eaves, broad one-story porches, and gabled roof dormers—but Neva's brick dwelling features a grander presence on the street the frame house next door. Similar fenestration patterns and floor plans present the possibility that houses have the same or very similar floor plans. The county GIS system records a construction date of 1918 for Mary Campen's house.<sup>19</sup>

The dwellings' similarities, and the fact that two Flowers brothers both built from the same Aladdin plan, may be clues that these sisters based their two houses on the same architectural or even prefabricated house plan. Architects active in Zebulon at the time have not been identified. No substantially similar plan has been located with an online search of Aladdin or Sears house plans. However, it can be moderately instructive to compare the Barbee and Campen houses to Sears plan Model 158, which appeared in the catalogs of the 1910s. That Sears plan is a foursquare that appears similar in size and scale, features a center hall plan, and Craftsman and Prairie elements. The lowest catalog price for this kit in 1912 was \$1,548; the catalog claims the house could be built for \$3,895, including the price of the kit. The Barbee and Campen houses, presumably, were built for similar prices.<sup>20</sup>

Each house also had a garage in the rear yard, which appear in the 1923 Sanborn Fire Insurance map of Zebulon. What does not appear on that map is the lattice-walled well house that straddles the common property line. The east and west elevations of the pyramidal-roofed well house are gated, providing access from both the Barbee and the Campen sides. The well has been filled in, but a depression remains evident at the center of the sheltered space.<sup>21</sup> An early town well at the corner of North Arendell Avenue and West Vance Street augmented the private wells that dotted residential parcels in the town's early years. By 1920, there was a town-wide water system.<sup>22</sup> It is possible that the Sanborn map does not record the

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<sup>17</sup> Ancestry.com, *North Carolina, Marriage Records, 1741-2011* [database on-line] (Provo, UT, USA: Ancestry.com Operations, Inc., 2015).

<sup>18</sup> Charles A. and DeElla A. Flowers to Neva D. Barbee, October 27, 1914, Wake County Deed Book 298, page 134; Charles A. and DeElla A. Flowers to Mary A. Campen, October 27, 1914, Wake County Deed Book 289, page 539; Findagrave.com.

<sup>19</sup> The Campen House was not visited in preparation of this report, but the current Barbee House owner noted to the author that the floor plans are very similar.

<sup>20</sup> Sears Online Archive, <http://www.searsarchives.com/homes/1908-1914.htm>.

<sup>21</sup> *Sanborn Fire Insurance Map from Zebulon, Wake County, North Carolina* (Sanborn Map Company, May 1923), 4.

<sup>22</sup> Cheri Szcodronski and Heather Slane, "Zebulon Historic District," National Register Nomination (December 2019 Draft), Section 8, page 230.

well house because it was an open-air structure that lacked solid walls. Perhaps it did not qualify as a building for purposes of preparing the Sanborn map.

#### *Barbee House Residents and NRHP Listing*

The Barbee House was home to just two families throughout most of the twentieth century. The Barbees raised their son George Sprite Barbee Jr. (1917-1964) here, and Neva Barbee lived in the house until 1956, when, as a widow, she sold it to Robert D. (1913-1995) and Frances B. Massey (1917-1996), Zebulon residents since at least the 1940s.<sup>23</sup> Robert worked at Peoples Bank & Trust.<sup>24</sup> The Masseys also had a long tenure in the dwelling, remaining in residence into the 1990s. Their heirs subdivided the original parcel into two lots. William Erich Dean purchased the Barbee House, now on a smaller parcel, in late 1996.<sup>25</sup> The swimming pool, alterations to the garage, and changes to the front walk and driveway hardscape were made in this period.

The National Park Service listed the house in the National Register of Historic Places (NRHP) in 2007 under Criterion C for its architecture, as a outstanding, locally significant example of the Craftsman style with an eclectic interior featuring Craftsman, Prairie, and Colonial Revival architectural elements. Dean and his partner, Kenneth Charles Pearse, sold the property to Michael W. Rigsbee in 2010. Michael W. Rigsbee renovated the house with the plans to operate a bed and breakfast business there. He installed bathrooms in existing closets and created new closets in the bedrooms at both stories. He added wainscot in some rooms as well as chair rail and crown molding in most others. The current owners report that he restored the wainscot and shelf molding in the dining room, which had been removed sometime after 2007. The dining room overmantel has been removed since 2007, and the mantel in the front room is a replacement since that time as well.

Michael and Lou Rigsbee sold the dwelling to current owners Todd and Margaret Gecewicz in August 2019. The Gecewicz have renovated finishes in the mudroom and added some hardscape elements in the back yard between the garage, now used as a pool house, and the swimming pool.

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<sup>23</sup> Findagrave.com; Robert and Frances Massey to William Erich Dean, November 26, 1996, Wake County Deed Book 7251, page 221.

<sup>24</sup> Ancestry.com, *U.S. WWII Draft Cards Young Men, 1940-1947* [database on-line] (Lehi, UT, USA: Ancestry.com Operations, Inc., 2011).

<sup>25</sup> Ancestry.com, *North Carolina, Death Indexes, 1908-2004* [database on-line] (Provo, UT, USA: Ancestry.com Operations, Inc., 2007); Guy and Marsha Massey and James and Frances Jenkins to William Erich Dean, December 2, 1996, Wake County Deed Book 7251, page 224.

## 8C. Significance Statement

Properties in Wake County are eligible for local landmark designation when they have special historical, prehistorical, architectural, or cultural significance. Such properties possess significance under one or more of the following criteria.

- Association with events that have contributed significantly to our history.
- Association with the life of a person significant in our past.
- Embodies distinctive characteristics of a type, period, or method of construction.
- Represents the work of a master or possesses high artistic values.
- Has or is likely to yield important historical or prehistorical information, generally as an archaeological site.

The Barbee House meets the third and fourth criteria listed above, as it embodies distinctive characteristics of an early-twentieth-century Craftsman foursquare dwelling with an eclectic use of some Colonial Revival-style and Prairie-style architectural detail. Further, the house is a notable example of the type and style, possessing high artistic values compared to others in town and in the county.

The boxy massing and rectilinear interior plan are characteristic of the foursquare type. The long, horizontal lines of the deep boxed eaves and the sheltering nature of the deep porch are characteristic of the Craftsman style. Other Craftsman exterior features include porch posts atop brick piers, porch balustrade wall, and Craftsman-style patterns in the multi-lite sash. At the same time, there is an eclectic use of Colonial Revival and Prairie-style features. At the exterior, the gabled dormer with end returns and gabled roof form at the porch, the rectilinear columns used at porch posts, and the leaded-glass door enframed with similar transom and sidelights exhibit the Colonial Revival style, also popular in this period. The Palladian arrangement of the vent in the dormer also reflects the Colonial Revival. The impressive stained-glass window with stylized foliated designs, visible at both the exterior and interior, introduces a rare sample of the Prairie style.

In Wake County towns, early-twentieth-century residential construction generally exhibits then-popular styles like the Craftsman, the Colonial Revival, or the Tudor Revival. Bungalows, Period Cottages, and foursquares were popular types. The Craftsman style is closely associated with the foursquare type in Wake County in this period, but most examples have weatherboard and/or shingle siding, like other Zebulon examples. The Craftsman-style, masonry foursquare is relatively rare in the county and the Barbee House is Zebulon's only example. Both the material and the size of the dwelling give it a grand presence on W. Gannon Street.<sup>26</sup>

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<sup>26</sup> Kelly Lally, "Historic and Architectural Resources of Wake County, North Carolina, ca. 1770-1941," Multiple Property Documentation Form, 137-139.



The Barbees and Flowers were early residents of Zebulon who built dwellings that characterize the early development period of the town. However, the individuals' contributions to the history of Zebulon or to county or state history do not rise to the level of significance required for landmark eligibility. The house does not appear to be the work of a master. The parcel has not been evaluated for archeological significance.

The Barbee House exhibits a high level of architectural and historic integrity. It retains integrity of design, materials, and workmanship through its original materials as well as features showing both the foursquare type, the Craftsman style, and the eclectic addition of Colonial Revival- and Prairie-style elements. The house is in its original location and retains a residential appearance, keeping intact the integrity of location and setting. Together, these aspects contribute to the dwelling's integrity of feeling and association with its early twentieth-century residential history. Although the interior is not part of this landmark designation, it also retains a high level of architectural integrity, including original mantels, windows, doors, stair and newel, butler's pantry cabinetry, and spatial arrangement of rooms.

#### 8D. Landmark Boundary

The boundary for this landmark designation coincides with the legal bounds of parcel 2705250297. The house stands in the front half of this parcel, with the garage to the northwest and the well house west of and between those two buildings. The swimming pool fills roughly the northeast corner of the rear yard. A flat front yard with driveway, front walk, and minimal landscaping is between the house and the street. Historically, the yard had more landscape plants as well as shade trees.

The proposed boundary encompasses the entire current house parcel. While the parcel was larger during the Barbee's residence here, the house's eligibility is based on its architecture. The current parcel is sufficient to supply an appropriate residential setting for an early-twentieth-century house in a newly developing railroad town.

#### 8E. Bibliography

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*North Carolina Yearbook and Business Directory, 1913.* Raleigh: News and Observer, 1913.

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"Zebulon, The Magic Midway City." *News and Observer*, December 22, 1907.

"Seventy Nine New Doctors." *Wilmington Morning Star*, June 21, 1910.

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Ancestry.com. *North Carolina, Death Indexes, 1908-2004* [database on-line]. Provo, UT, USA: Ancestry.com Operations, Inc., 2007;

Ancestry.com. *U.S. WWII Draft Cards Young Men, 1940-1947* [database on-line]. Lehi, UT, USA: Ancestry.com Operations, Inc., 2011.

*Sanborn Fire Insurance Map from Zebulon, Wake County, North Carolina.* Sanborn Map Company, May 1923. Viewed at <http://sanborn1.proquest.com/map.php?m=339304>.

*Reports*

Lally, Kelly. "Historic and Architectural Resources of Wake County, North Carolina, ca. 1770-1941." Multiple Property Documentation Form. 1993.

Szcodronski, Cheri, and Heather Slane. "Zebulon Historic District." National Register Nomination, December 2019 Draft.

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Sears Online Archive. <http://www.searsarchives.com>.

Wake County Register of Deeds. <http://rod.wakegov.com>.

Wake County GIS. <https://maps.raleighnc.gov/iMAPS/>.

9. Proof Sheets of Submitted Photographs. Digital images submitted on DVD.

Barbee House, Zebulon, Wake County



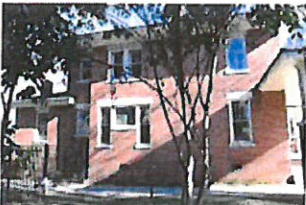
1 LM\_BarbeeHouse\_facade\_and



2 LM\_BarbeeHouse\_front\_yard



3 LM\_BarbeeHouse\_facade.JPG



4 LM\_BarbeeHouse\_west



4 LM\_BarbeeHouse\_year



5 LM\_BarbeeHouse\_year\_elevation



6 LM\_BarbeeHouse\_east\_elevation



7 LM\_BarbeeHouse\_front\_porch at  
December 2019 Photographs



8 LM\_BarbeeHouse\_well\_house



Barbee House, Zebulon, Wake County



9 LM\_BarbeeHouse\_well house



10 LM\_BarbeeHouse\_well house



11 LM\_BarbeeHouse\_garage facade



12 LM\_BarbeeHouse\_garage west



13 LM\_BarbeeHouse\_swimming



14 LM\_BarbeeHouse\_front east



15 LM\_BarbeeHouse\_front west



December 2019 Photographs  
16 LM\_BarbeeHouse\_west front

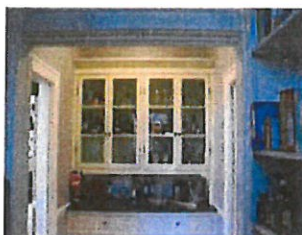


17 LM\_BarbeeHouse\_dining room

Barbee House, Zebulon, Wake County



18 LM\_BarbeeHouse\_dining room



19 LM\_BarbeeHouse\_butler's



20 LM\_BarbeeHouse\_stair hall.JPG

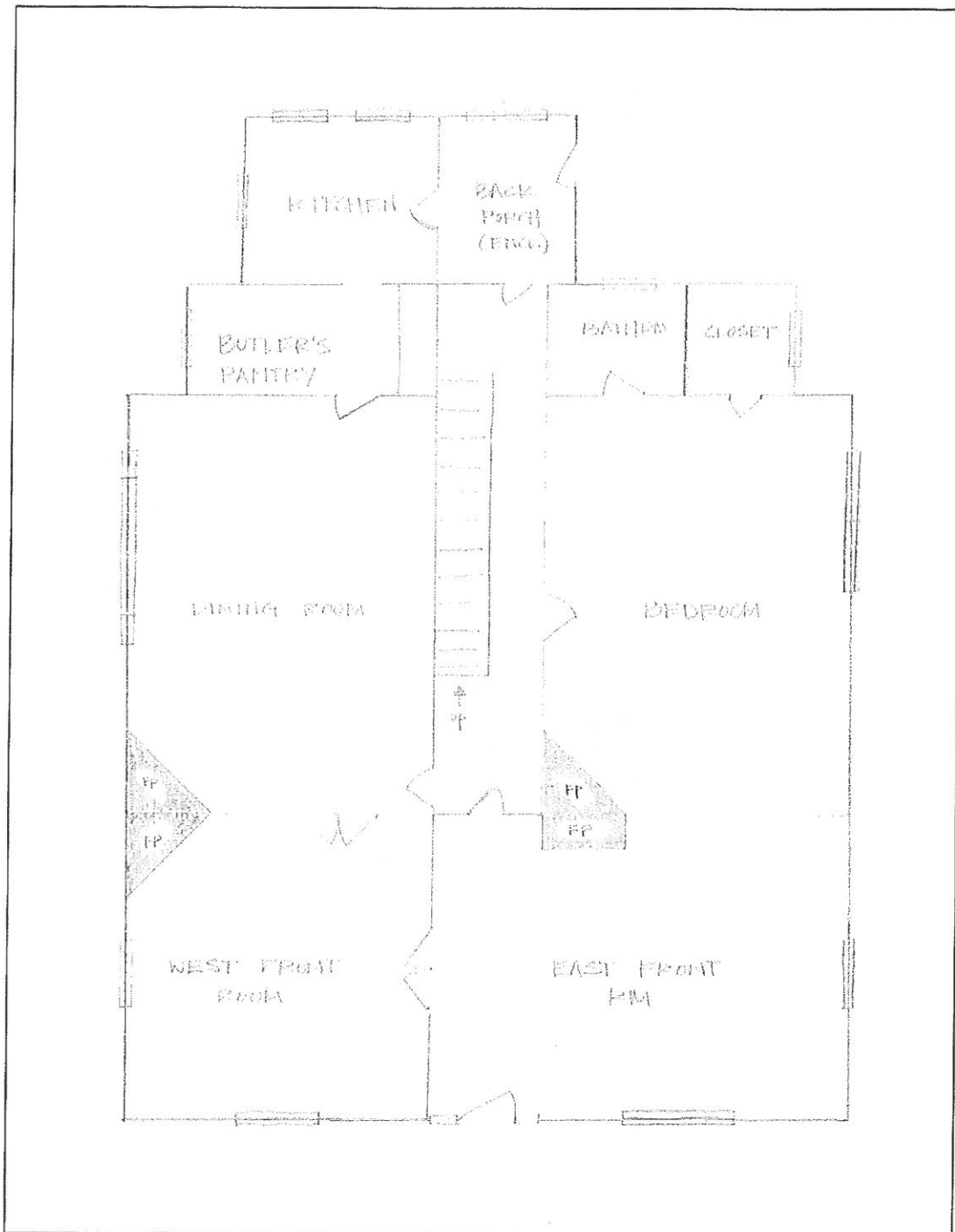


21 LM\_BarbeeHouse\_upstairs  
hall.JPG



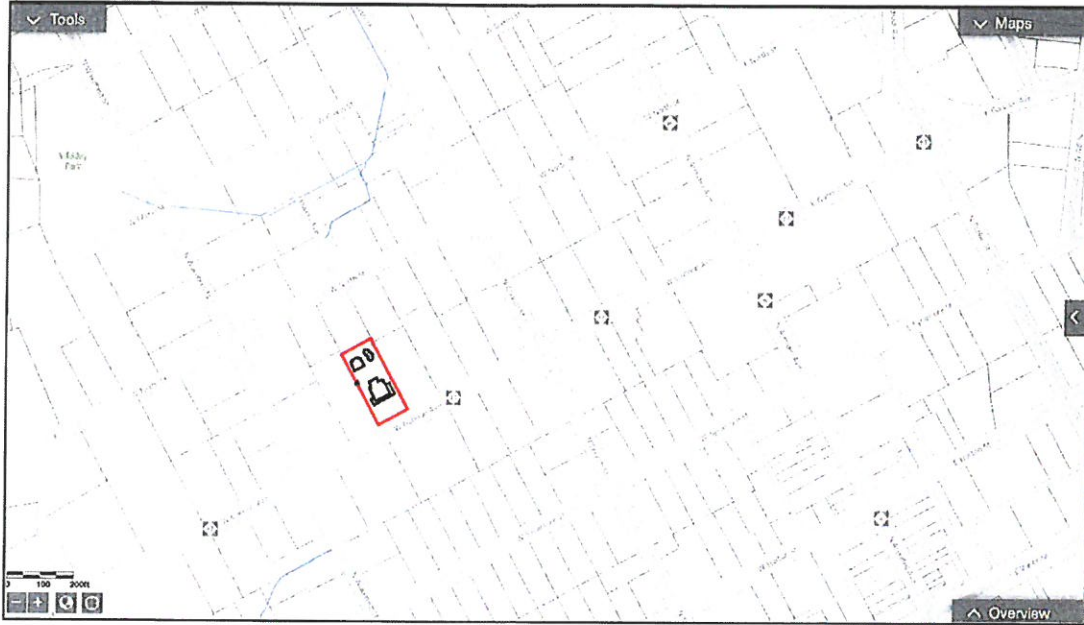
22 LM\_BarbeeHouse\_typical  
second story bedroom.JPG

10. Floor Plan.



*Barbee House, First Floor Plan (not to scale) N↑*

## 11. Maps.



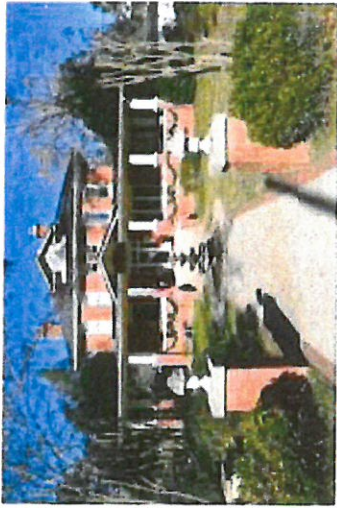
*Barbee House, Location Map, Zebulon, Wake County.*



*Barbee House, Site Plan and Boundary Map.  
Created with Wake County iMaps, January 15, 2020.*



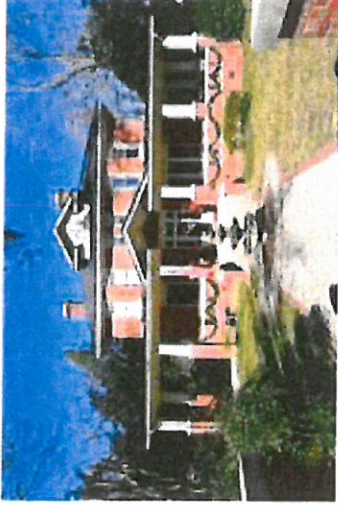
Barbee House, Zebulon, Wake County



1 LM\_BarbeeHouse\_facade\_and



2 LM\_BarbeeHouse\_front\_yard



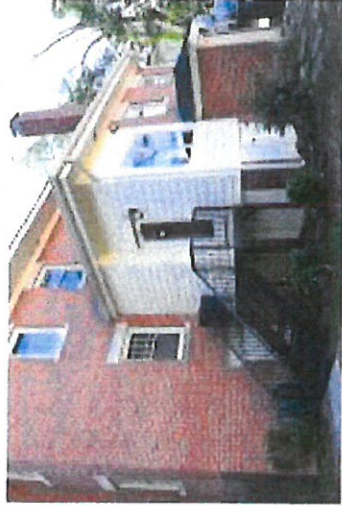
3 LM\_BarbeeHouse\_facade.JPG



4 LM\_BarbeeHouse\_west



4 LM\_BarbeeHouse\_rear



5 LM\_BarbeeHouse\_rear\_elevation



6 LM\_BarbeeHouse\_east\_elevation



December 2019 Photographs  
7 LM\_BarbeeHouse\_front\_porch\_at



8 LM\_BarbeeHouse\_well\_house



Barbee House, Zebulon, Wake County



9 LM\_BarbeeHouse\_well house



10 LM\_BarbeeHouse\_well house



11 LM\_BarbeeHouse\_garage facade



12 LM\_BarbeeHouse\_garage west



13 LM\_BarbeeHouse\_swimming



14 LM\_BarbeeHouse\_front east



15 LM\_BarbeeHouse\_front west



December 2019 Photographs  
16 LM\_BarbeeHouse\_front



17 LM\_BarbeeHouse\_dining room



Barbee House, Zebulon, Wake County



18 LM\_BarbeeHouse\_dining room



19 LM\_BarbeeHouse\_butler's



20 LM\_BarbeeHouse\_stair-hall.JPG



21 LM\_BarbeeHouse\_upstairs  
hall.JPG



22 LM\_BarbeeHouse\_typical  
second story bedroom.JPG



STAFF REPORT  
CZ 2020-01 Five County Mini Storage  
August 10, 2020

**Topic:** CZ 2020-01 – Five County Mini Storage  
**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 a Conditional Zoning Map Amendment for 1412 & 1420 Old US 264 Highway from Light Industrial District (LI) to Light Industrial Conditional Zoning District (LI CZ). This is a legislative case.

**Background:**

The applicant, John Sikorski requests rezoning two parcels approximately 2.31 acres cumulative in size from Light Industrial to Light Industrial Conditional Zoning. The property is located on Old US 264 Highway, west of its intersection with NC Highway 39. This is an existing self-service storage facility. The property owner would like to expand, but the Unified Development Ordinance limits self-service storage facilities to sites of five acres (UDO 4.3.5.NN.1.a.). This site is a nonconforming use. Nonconforming uses cannot expand the existing use. Requesting the conditional zoning removing the 5-acre minimum requirement would allow the property owner to expand the facility.

**Discussion:**

The discussion before the Board is whether to approve the Conditional Zoning Map Amendment to Light Industrial Conditional Zoning District (LI CZ).

**Policy Analysis:**

Both parcels have the existing self-storage facility on each parcel. The combined acreage of both parcels totals 2.31 acres. Generally, self-storage facilities are sprawling, industrial-type developments best suited for large sites in specific areas of a town. The Unified Development Ordinance requires self-storage facilities locate on a minimum site size of 5 acres. The goal of the 5-acre minimum site size is to reduce the potential for this type of development to occur as infill near growth centers and activity areas, because this type of development negatively dampens the pedestrian connectivity and commercial interaction necessary for the success of growth centers and activity areas.

The facility expansion is not consistent with the UDO's minimum site size, but it is consistent with the UDO's goal of limiting the impact of this development on growth centers and activity areas. The facility already exists and is not located near a growth center or activity area.



STAFF REPORT  
CZ 2020-01 Five County Mini Storage  
August 10, 2020

**Fiscal Analysis:**

If this request is denied, this facility cannot expand, nor be used for any other purpose and results in a loss of property tax revenue to support Town services.

If the request is approved, this facility will not result in additional service delivery to this area.

**Proposed Conditions:**

- Allowing a self storage facility on a minimum site size (2 parcels) of 2 acres.
- Install a Type-A Landscape Buffer (4 understory trees and 15 shrubs every 100 linear feet) planted along the western property line.

**Staff Recommendation:**

Staff recommends approval of CZ 2020-01 with the proposed conditions as it is consistent with Comprehensive Plan Policies, Land Use Policies, and goal of Unified Development Ordinance regarding self-storage facilities.

**Attachments:**

1. Application
2. Aerial Map
3. Zoning Map
4. Land Use Map
5. Concept Plan
6. Proposed Zoning Conditions
7. Site Pictures
8. Cost Benefit Analysis
9. Public Hearing Notice
10. 150' Radius of Notified Mailed Property Owners



# APPLICATION FOR CONDITIONAL REZONING MAP AMENDMENT

## PART 1. DESCRIPTION OF REQUEST/PROPERTY

Street Address of the Property: 1420 Old US Hwy 264		Acreage: 2.31
Parcel Identification Number (NC PIN): 2715259370 & 2715350148	Deed Book: 013896	Deed Page(s): 01262
Existing Zoning of the Property:	Proposed Zoning of the Property: Same	
Existing Use of the Property: Self Storage	Proposed Use of the Property:	

**Reason for Conditional Rezoning:**  
 The Unified Development Ordinance requires external entranced mini storage facilities to be minimum of 5 acres. Five County Mini Storage was initially built in 1992, with additional buildings being built in 1998, 2010, 2012, 2013 and 2015. Currently it has 28,000 square feet with a total of 227 units on 2.31 acres. I would like to add an additional 2500 square feet (18 additional units) to the property.  
 I have been working with Meade Bradshaw (Assistant Planning Director for the Town of Zebulon) as well as Barney Blackburn (Wake County Storm Water Environmental Consultant) since November of 2019 before the new Zebulon ordinances changed (January 1, 2020). Mr Bradshaw was waiting for a definitive answer from Mr Blackburn about an exception of Storm Water Run Off.

## PART 2. APPLICANT/AGENT INFORMATION

Name of Applicant/Agent: John Sikorski		
Street Address of Applicant/Agent: 55 Verplank Ave		
City: Stamford	State: CT	Zip Code: 06902
Email of Applicant/Agent: johnesikorski@yahoo.com	Telephone Number of Applicant/Agent: 917-923-4925	Fax Number of Applicant/Agent:
Are you the owner of the property? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Are you the owner's agent? <input type="checkbox"/> Yes <input type="checkbox"/> No	<b>Note:</b> If you are not the owner of the property, you <u>must</u> obtain the Owner's consent and signature giving you permission to submit this application.

## PART 3. PROPERTY OWNER INFORMATION

Name of Property Owner: John Sikorski (Sole owner JE Sikorski, LLC)		
Street Address of Property Owner: 55 Verplank Ave		
City: Stamford	State: CT	Zip Code: 06902
Email of Property Owner: johnesikorski@yahoo.com	Telephone Number of Property Owner: 917-923-4925	Fax Number of Property Owner:

*I hereby state that the facts related in this application and any documents submitted herewith are complete, true, correct, and accurate to the best of my knowledge.*

Signature of Applicant: 	Print Name: John Sikorski	Date: 1/21/20
Signature of Owner: 	Print Name: John Sikorski	Date: 1/21/20





APPLICATION FOR  
**CONDITIONAL REZONING MAP AMENDMENT**  
**LEGISLATIVE CONSIDERATIONS – CONDITIONAL REZONING**

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

<p>1. Please explain how the proposed Conditional Rezoning advances the public health, safety, or welfare</p> <p>By the conditional rezoning there will not be any new ingress/ egress on busy Zebulon roadways. My addition will create less than 10% increased vehicles using the facility.</p>
<p>2. Please explain how the proposed conditional rezoning is appropriate for its proposed location, and is consistent with the purposes, goals, objectives, and policies of the town's adopted policy guidance;</p> <p>Five County Mini Storage is located at 1420 Old US Hwy 264, which is an access road for Highway 264 between 97 and 39. The location is at the edge of Zebulon between the Walmart and Mud Cat Stadium which is a lightly traveled thoroughfare.</p>
<p>3. Please explain how an approval of the conditional rezoning is reasonable and in the public interest;</p> <p>Five County Mini Storage has been at the current location since 1992. The proposed addition increases total space by 8.92% minimally affecting traffic.</p>
<p>4. Please explain how the concept plan associated with the conditional rezoning is consistent with this Ordinance; and</p> <p>The increased storage space is needed due to the current and future homes built within 3 miles of the property.</p>
<p>5. Please explain how the proposed conditional rezoning addresses any other factors as the Board of Commissioners may determine to be relevant. These include but are not limited to the proposed uses requested and any requested deviations and proposed alternative means of compliance.</p> <p>Five County Mini Storage has been expanded over time to meet the needs of Eastern Wake County. I have personally expanded the facility 4 times since 2010.</p>



**CONCEPT PLAN REQUIREMENTS**

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

**CHECK IF  
SUBMITTED**

**ITEM**

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



# APPLICATION FOR CONDITIONAL REZONING MAP AMENDMENT

## PROPOSED CONDITIONAL USES

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

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

1.		25.	
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# APPLICATION FOR CONDITIONAL REZONING MAP AMENDMENT

## PROPOSED DEVELOPMENT CONDITIONS

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

The Unified Development Ordinance requires a minimum of 5 acres for external entranced mini storages. I propose this 2500 square foot addition on minimum 2 acre site. As I have stated, this is an increase of less than 9% increased square feet and 8% more storage units.

Thank you for your consideration.





OWNER'S CONSENT FORM

Name of Project: Five County Mini Storage Submittal Date: 1/23/2020

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.

I hereby certify I have full knowledge the property I have an ownership interest in is the subject of this application. I acknowledge and agree that, pursuant to Section 2.2.6 M. of the Town of Zebulon Unified Development Ordinance, that lands subject to a conditional rezoning shall be subject to all the standards, conditions, and plans approved as part of that application.

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.

John Sikorski 1/21/2020
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 CONDITIONAL REZONING MAP AMENDMENT

## **ADJACENT OWNERS AND HOA CONTACTS:**

Provide a certified list of property owners subject to this application and all properties owners within 150-feet feet of the subject property, and any HOA Contacts for developments which fall within 300-feet of the subject property.

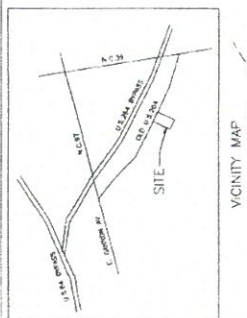
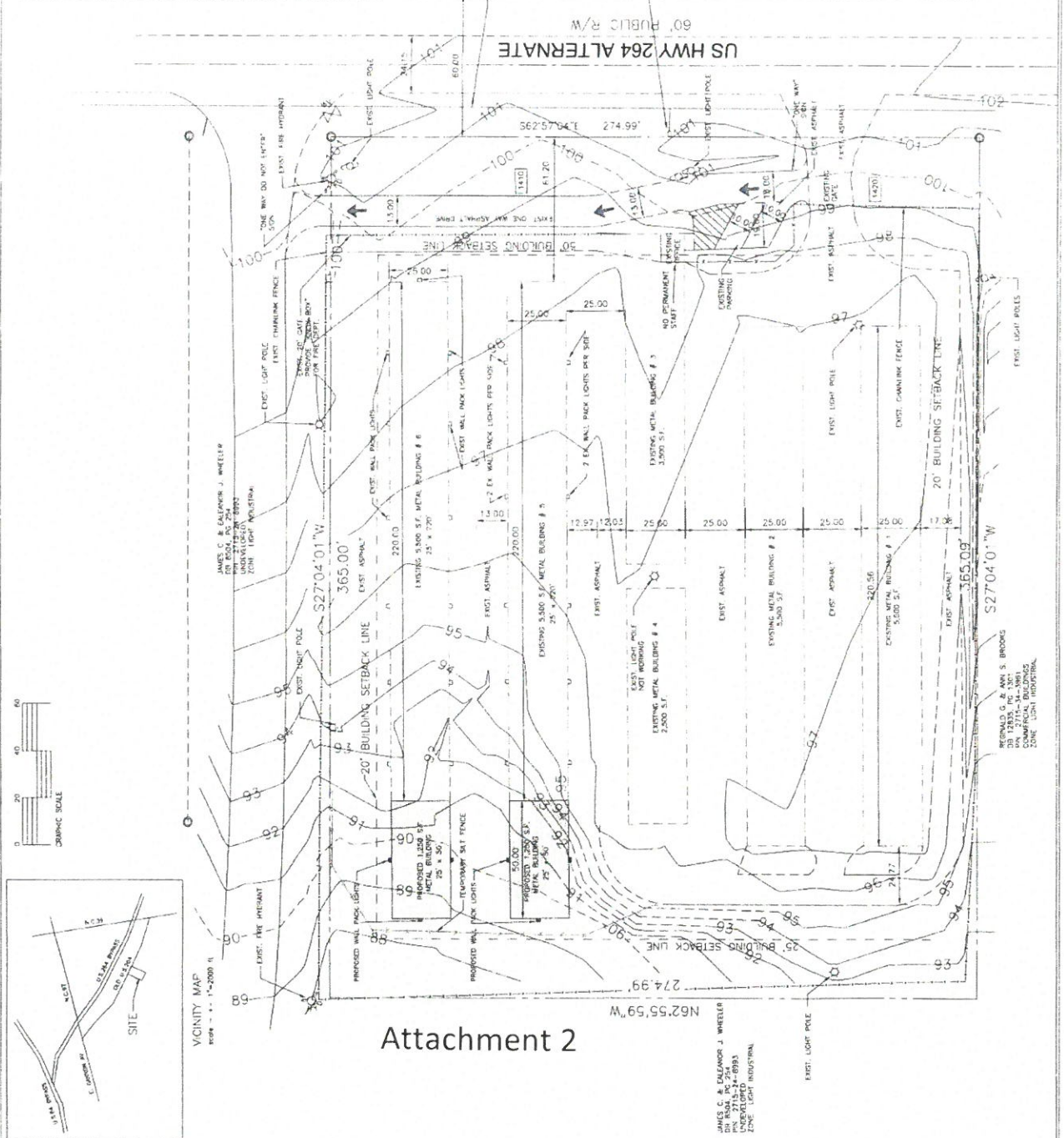
Parcel Address	Parcel ID Number	Owner's Name
1342 OLD US 264 HWY	2715254282	BROTHERS PARKING & STORAGE
1340 OLD US 264 HWY	2715258404	REGINALD & ANN BROOKS
1400 OLD US 264 HWY	2715248993	ELEANOR WHEELER TRUST
1424 OLD US 264 HWY	2715343861	REGINALD & ANN BROOKS

### HOA Contacts:

Development Name	Contact Name	Contact Address

**SITE DATA**  
 TOTAL LOT SIZE: 100,363 S.F.  
 EXISTING USE: LIGHT STORAGE  
 PROPOSED USE: SELF STORAGE  
 BUILDING SIZE: 28,000 S.F.  
 BUILDING HEIGHT: 2 BUILDING 26' x 26'  
 TOTAL BUILDING SIZE: 40,500 S.F.  
 PARKING REQUIRED: (1/200 S.F. OFFICE-120 S.F.)  
 PERMANENT PAVED AREA: 1 SPACED  
 CIRCULAR LIFE AREA: 47,763 S.F.  
 UNDEVELOPED AREA: 77.7%  
 DISTURBED AREA: 2,250 S.F.  
 UNDISTURBED AREA: 97,513 S.F.  
 55 VERPLANK AVENUE  
 WAKE COUNTY, NC 27715  
 (919) 223-9925

- NOTES**
1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CURRENT CODES OF ORDINANCES, LOCAL ORDINANCES AND ANY APPLICABLE REGULATIONS.
  2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CURRENT CODES OF ORDINANCES, LOCAL ORDINANCES AND ANY APPLICABLE REGULATIONS.
  3. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CURRENT CODES OF ORDINANCES, LOCAL ORDINANCES AND ANY APPLICABLE REGULATIONS.
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  12. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CURRENT CODES OF ORDINANCES, LOCAL ORDINANCES AND ANY APPLICABLE REGULATIONS.
  13. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CURRENT CODES OF ORDINANCES, LOCAL ORDINANCES AND ANY APPLICABLE REGULATIONS.



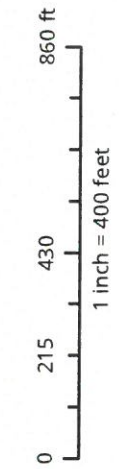
Attachment 2

JAMES C. & SALLYANN J. WHEELER  
 2715 S. WAKE RD.  
 WAKE COUNTY, NC 27715  
 (919) 223-9925  
 COMMERCIAL BUILDINGS  
 ZONE: LIGHT INDUSTRIAL





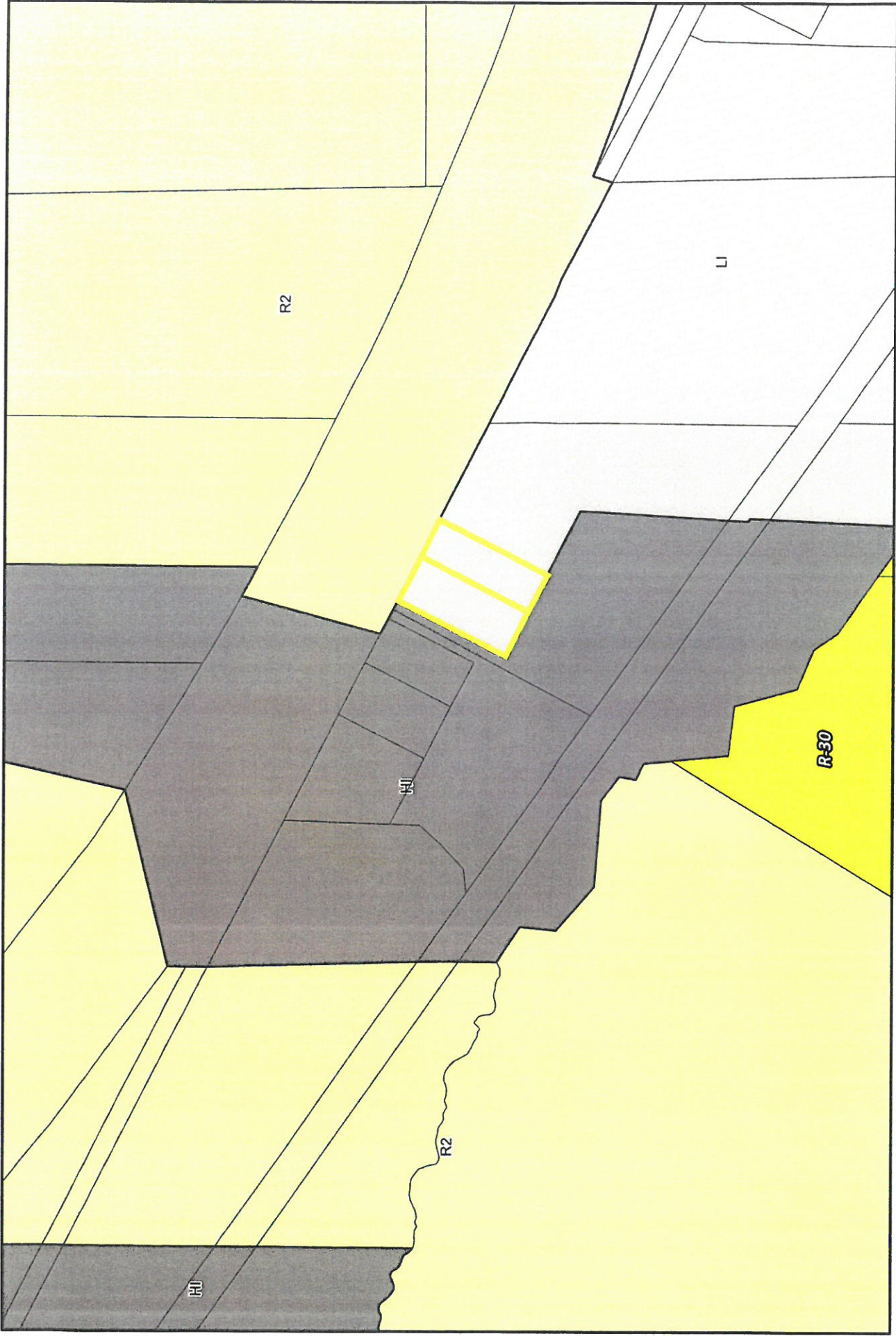
**Attachment 3 - Aerial Map**



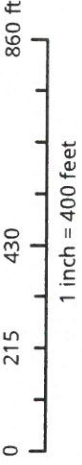
**Disclaimer**

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.





**Attachment 4 - Zoning Map**



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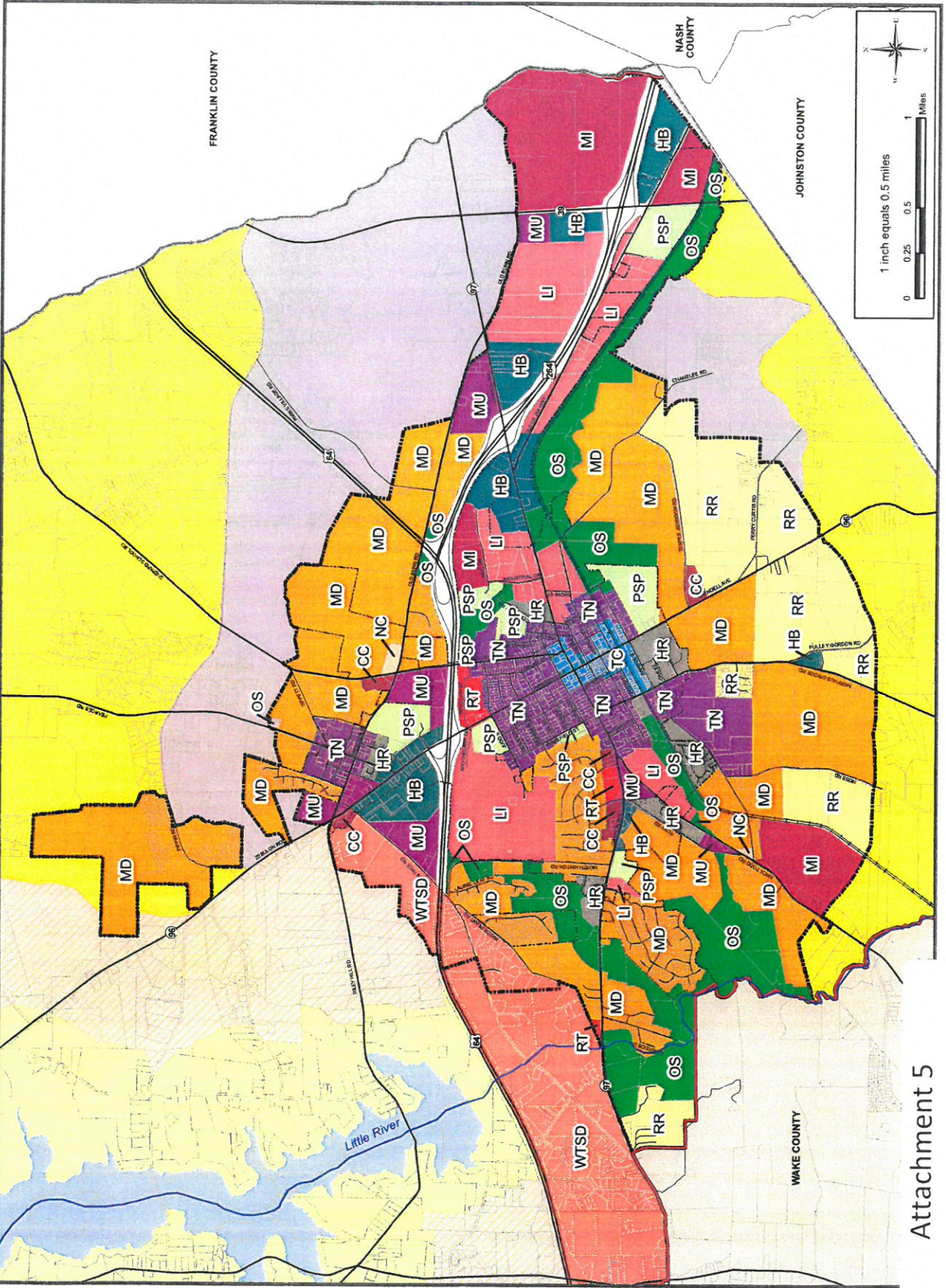
# Land Use

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
- Other Symbols**
- Zebulon City Limits
  - Zebulon Extra Territorial Jurisdiction Limits
  - Wake County



Data obtained from Wake County GIS and the Town of Zebulon  
Page 2 of 3







Attachment 6

















**FIVE COUNTY**  
MINI STORAGE





## Proposed Conditions

1. Allowing a self-storage facility on a minimum site size (2 parcels) of 2 acres
2. A Type A Landscape Buffer (4 understory trees and 15 shrubs per 100 linear feet) to be planted along the western property line

\*All applicable Unified Development Ordinance requirements and requirements by other agencies will be reviewed and regulated at the time of Technical Review Committee review process.

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Property Owner Signature

---

Meade O. Bradshaw III - Assistant Planning Director  
Town of Zebulon



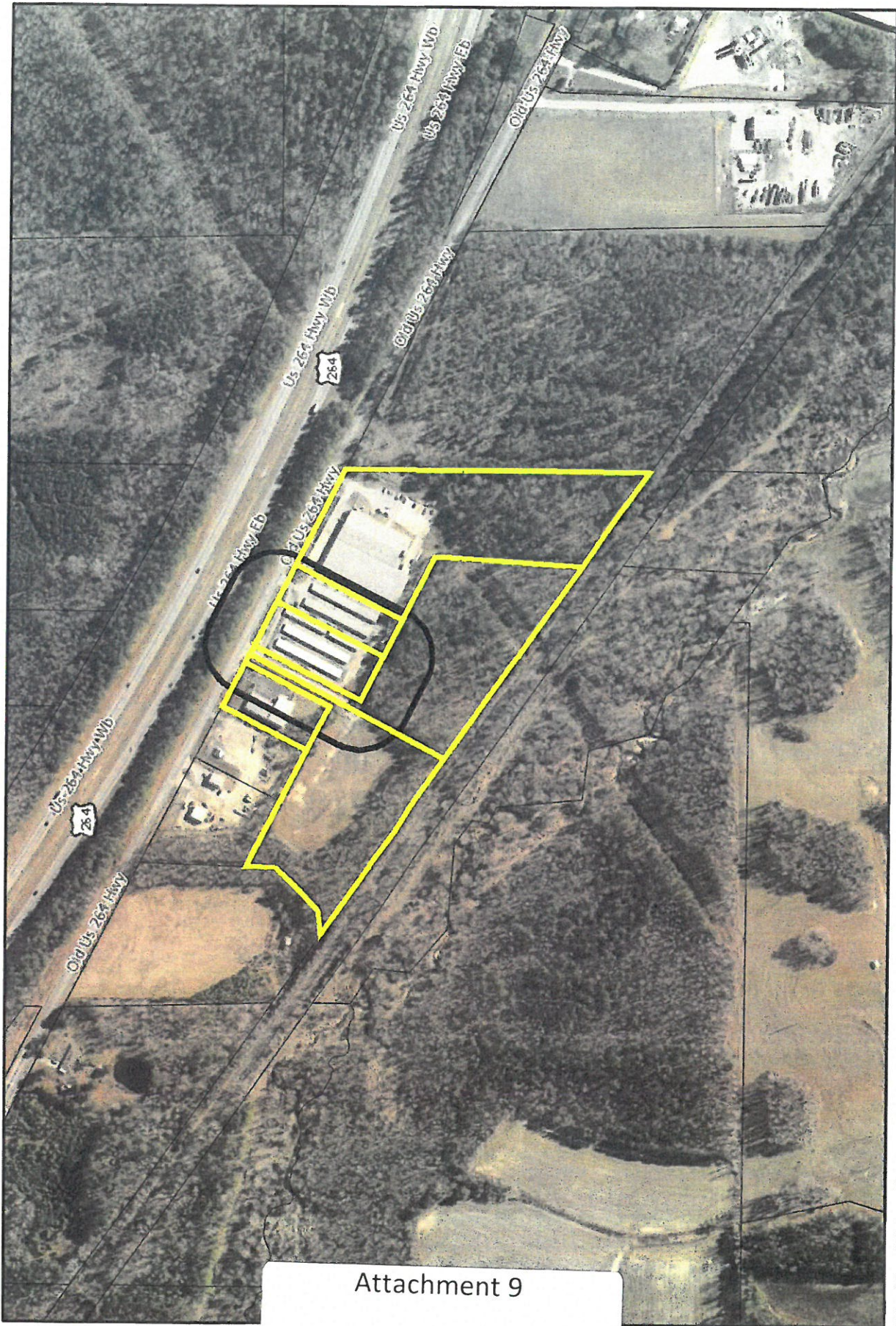
## **Notice of Public Hearing**

Notice is hereby given pursuant to the provisions of Article 2.2.2 of the Town of Zebulon Unified Development Ordinance that a public hearing will be held on **August 10, 2020 at 7:00 PM** at the **Zebulon Municipal Complex, 1003 N. Arendell Avenue**, and will be conducted by the Board of Commissioners of the Town of Zebulon for the purpose of considering the following items:

***CZ 2020-01 Five County Mini Storage.*** A request by John Sikorski, property owner 1412 & 1420 US 264 Highway, to rezone 2 parcels from Light Industrial (LI) to Light Industrial Conditional Zoning (LI CZ). The properties are within the Town of Zebulon's Corporate Limits.

Due to potential social distancing and occupancy limits related to the State's COVID-19 Order, in person comments will be accepted; however, the Town of Zebulon encourages all public comments be submitted to Deputy Town Clerk Stacie Paratore at [SParatore@TownofZebulon.org](mailto:SParatore@TownofZebulon.org) no later than 12:00 Noon on the day of the hearing to be read into the record. The meeting will be streamed live and links will be provided along with the full application packet and documentation on the Planning Department web page at [www.TownofZebulon.org/services/planning](http://www.TownofZebulon.org/services/planning). For questions or additional information, please contact us at (919) 823-1809.





**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.

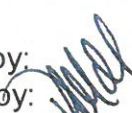
Attachment 9

Mailed Notice Map - 150' Buffer





STAFF REPORT  
CZ 2020-02 1500 & 1512 North Arendell Avenue  
August 10, 2020

**Topic:** CZ 2020-02 – 1500 & 1512 North Arendell Avenue  
**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 a Conditional Zoning Map Amendment for properties located at 1500 & 1512 North Arendell Avenue to Heavy Commercial Conditional Zoning (HC CZ) District. This is a legislative case.

**Background:**

The applicant, Clyde Holt on behalf of Stephen Jordan Properties, LLC requests rezoning two parcels approximately 2.77 acres cumulative in size from Residential-2 District (R-2) to Heavy Commercial Conditional Zoning District (HC CZ). The property is located on North Arendell Avenue, north its intersection with Pearces Road. Prior to the adoption of the Unified Development Ordinance, this property was zoned Heavy Business (HB).

With the adoption of the Unified Development Ordinance, and associated remapping of zoning districts correlating with that adoption, the property was zoned Residential-2 consistent with the properties to the north of the subject sites.

**Discussion:**

The discussion before the Board is whether to approve a Conditional Zoning Map Amendment on the property.

**Policy Analysis:**

While the Residential-2 zoning for both properties is consistent with properties to the north, they also front North Arendell Avenue. This location is ideal for Heavy Commercial zoning as properties to the adjacent south have this zoning designation.

**Fiscal Analysis:**

The properties changing from a residential zoning district (R-2) to a commercial zoning district (HC CZ) would be taxed at a commercial tax rate, resulting in more tax revenue for the Town. The uses allowed on the property would allow commercial uses which have higher permitting fees which would be collected by the Town.

If the properties are rezoned, a site plan would be submitted for development, requiring the property to dedicate right-of-way and construct infrastructure improvements. This cost is on the property owner instead of the Town of Zebulon taking on the cost for the infrastructure improvements or obtaining right-of-way.





STAFF REPORT  
CZ 2020-02 1500 & 1512 North Arendell Avenue  
August 10, 2020

If the property remains zoned Residential-2, a single-family house would be permitted on the property, exempting the property from road improvements and right-of-way dedication.

**Proposed Conditions:**

- Building height will be no greater than 35'
- A traffic impact analysis will be conducted by a licensed engineer submitted/approved by the Town of Zebulon prior to Technical Review Committee Approval
- A fence meeting the Unified Development Ordinance requirements be constructed on property lines adjacent to properties with residential dwelling units and the church property

**Staff Recommendation:**

Staff recommends approval of CZ 2020-002 with proposed conditions for the annexation as it is consistent with Comprehensive Plan, Transportation Plan, and Land Use policies.

**Attachments:**

1. Application
2. Aerial Map
3. Zoning Map
4. Land Use Map
5. Concept Plan for 1512 North Arendell Avenue Parcel
6. Proposed Zoning Conditions
7. Site Pictures
8. Public Hearing Notice
9. 150' Radius of Notified Mailed Property Owners



# Town of Zebulon

## Planning Department

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

RECEIVED M.B.  
6/3/20

## CONDITIONAL REZONING MAP AMENDMENT PETITION

### GENERAL INFORMATION:

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

### INSTRUCTIONS:

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

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

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





## APPLICATION FOR CONDITIONAL REZONING MAP AMENDMENT

**APPLICATION PROCEDURE:** The applicant requesting a Conditional Rezoning Map Amendment must submit a written application to the Zebulon Planning Department using the forms included in this packet.

- Completed Application Form
- 8 Full Size Plan Sets and 1 PDF set on USB drive. (see site plan checklist)
- Petition Fee (Please See Fee Schedule)
- One (1) Legal Description (metes and bounds) of subject property
- Registered survey of subject property
- Certified List of Property Owners within 150 feet of subject property
- Owner's Consent Form
- Neighborhood Meeting Packet
- Stamped envelopes addressed to Certified List of Property Owners all the homeowners associations of those properties within 150 feet of the outer boundary subject property or properties affixed with the following return address:
  - Town of Zebulon
  - Planning Department
  - 1003 N. Arendell Ave
  - Zebulon, NC 27597

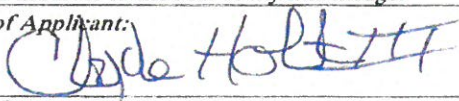
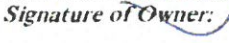
**PUBLIC HEARING PROCEDURE:** Upon submittal of a complete application, the Planning Department will schedule the application for a joint public hearing before the Planning Board and the Board of Commissioners. **APPLICANTS ARE STRONGLY ENCOURAGED TO CONTACT PLANNING STAFF AS SOON AS POSSIBLE TO ADDRESS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



## APPLICATION FOR CONDITIONAL REZONING MAP AMENDMENT

<b>PART 1. DESCRIPTION OF REQUEST/PROPERTY</b>		
Street Address of the Property: <b>1500 &amp; 1512 Arendell Avenue</b>		Acreage <b>2.77</b>
Parcel Identification Number (NC PIN): <b>1796-91-8552 &amp; 1796-91-6679</b>	Deed Book	Deed Page(s)
Existing Zoning of the Property: <b>HC</b>	Proposed Zoning of the Property:	
Existing Use of the Property: <b>car lot and vacant</b>	Proposed Use of the Property: <b>car lot and restaurant with drive-through service</b>	
Reason for Conditional Rezoning:  <b>Please see the attached memorandum. Thank you.</b>		

<b>PART 2. APPLICANT/AGENT INFORMATION</b>		
Name of Applicant Agent: <b>Clyde Holt, III - Fox Rothschild LLP</b>		
Street Address of Applicant Agent: <b>434 Fayetteville Street, Suite 2800</b>		
City: <b>Raleigh</b>	State: <b>NC</b>	Zip Code: <b>27601</b>
Email of Applicant Agent: <b>cholt@foxrothschild.com</b>	Telephone Number of Applicant Agent: <b>(919) 755-8700</b>	Fax Number of Applicant Agent: <b>(919) 755-8800</b>
Are you the owner of the property? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Are you the owner's agent? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>Note: If you are not the owner of the property, you must obtain the Owner's consent and signature giving you permission to submit this application.</b>

<b>PART 3. PROPERTY OWNER INFORMATION</b>		
Name of Property Owner: <b>Stephen Jordan Properties, LLC</b>		
Street Address of Property Owner: <b>20 Bunn Avenue</b>		
City: <b>Zebulon</b>	State: <b>NC</b>	Zip Code: <b>27597-5866</b>
Email of Property Owner: <b>***</b>	Telephone Number of Property Owner: <b>(919) 422-5660</b>	Fax Number of Property Owner:
<i>I hereby state that the facts related in this application and any documents submitted herewith are complete, true, correct, and accurate to the best of my knowledge.</i>		
Signature of Applicant: 	Print Name: <b>CLYDE HOLT III</b>	Date: <b>6-1-20</b>
Signature of Owner: 	Print Name:	Date:





**APPLICATION FOR  
CONDITIONAL REZONING MAP AMENDMENT**

**LEGISLATIVE CONSIDERATIONS – CONDITIONAL REZONING**

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

<p>1. Please explain how the proposed Conditional Rezoning advances the public health, safety, or welfare</p>
<p>Please see the attached memorandum. Thank you.</p>
<p>2. Please explain how the proposed conditional rezoning is appropriate for its proposed location, and is consistent with the purposes, goals, objectives, and policies of the town's adopted policy guidance:</p>
<p>Please see the attached memorandum. Thank you.</p>
<p>3. Please explain how an approval of the conditional rezoning is reasonable and in the public interest:</p>
<p>Please see the attached memorandum. Thank you.</p>
<p>4. Please explain how the concept plan associated with the conditional rezoning is consistent with this Ordinance: and</p>
<p>Please see the attached memorandum. Thank you.</p>
<p>5. Please explain how the proposed conditional rezoning addresses any other factors as the Board of Commissioners may determine to be relevant. These include but are not limited to the proposed uses requested and any requested deviations and proposed alternative means of compliance.</p>
<p>Please see the attached memorandum. Thank you.</p>



# APPLICATION FOR CONDITIONAL REZONING MAP AMENDMENT

## CONCEPT PLAN REQUIREMENTS

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

**CHECK IF  
SUBMITTED**

### ITEM

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





## APPLICATION FOR CONDITIONAL REZONING MAP AMENDMENT

### PROPOSED CONDITIONAL USES

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

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

1.	We reserve the right to engage in any permitted uses under Section 4.3.2 of the Zebulon UDO except	25.	
2.	ABC Store	26.	
3.	Bottle Shop (with on premise consumption)	27.	
4.	Flea Market	28.	
5.	Golf Course or Driving Range	29.	
6.	Microbrewery, Microwinery, or Microdistillery	30.	
7.	Nightclub or Dance Hall	31.	
8.	Tattoo and Piercing Establishment	32.	
9.	Truck Stop	33.	
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## APPLICATION FOR CONDITIONAL REZONING MAP AMENDMENT

### PROPOSED DEVELOPMENT CONDITIONS

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

1. Maximum height of principal building(s) shall not exceed thirty-five feet (35") as measured by code.
2. The collection of trash and/or recycling from the subject property shall be limited to Monday through Friday from the hours of 6AM to 7PM.
3. Exterior lighting shall be aimed and/or shielded so as to prevent direct view of the light sources from any adjacent residentially zoned lot containing an occupied dwelling.
4. In addition to storm water measures required by code, the owner shall design and maintain any required retention area so as to minimize and/or manage standing water to reduce its potential for mosquito infestation and to drain toward the right-of-way of Arendell Avenue.
5. In addition to landscaping required by code, at the time of initial development on the vacant parcel, or upon new construction and/or redevelopment of the developed parcel, each lot owner shall install and thereafter maintain a six (6') foot high opaque fence within the portion of the side or rear yard sharing a common boundary with adjacent residentially zoned property containing an occupied dwelling.
6. As a means of complying with §6.13.7 of the Zebulon UDO, each property-owner shall be permitted to utilize an alternative reasonable method, other than the ITE manual, to calculate peak hour trip generation for its traffic impact analysis and the calculation of any transportation impact fee assessed for new development on such lot. Any transportation impact fee ultimately agreed upon and/or paid by each property-owner and payments for any required road improvements and/or the fair market value of any right-of-way dedication (or fees-in-lieu for the same) required by the Town, or any sums previously paid by each property owner on account of such similar Town requirements, shall be considered concurrent payments.
7. The primary reason for rezoning these lots from R2 to HC being the return of the subject property to the commercial classification existing prior to January 1, 2020, and given that the downzoning occurring at that time took place without the property-owner's knowledge or consent, the application filing fee otherwise due under the Code and Fee Schedule shall be waived and/or returned to the property-owner applicant.





# APPLICATION FOR CONDITIONAL REZONING MAP AMENDMENT

## OWNER'S CONSENT FORM

Name of Project: 1500 & 1512 Arendell Avenue      Submittal Date: 6/1/2020

### OWNER'S AUTHORIZATION

I hereby give CONSENT to Clyde Holt, III & Ashley Terrazas of Fox Rothschild LLP (type, stamp or print clearly full name of agent) to act on my behalf, to submit or have submitted this application and all required material and documents, and to attend and represent me at all meetings and public hearings pertaining to the application(s) indicated above. Furthermore, I hereby give consent to the party designated above to agree to all terms and conditions which may arise as part of the approval of this application.

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

Stephen T. Perry      Stephen T. Perry      6-1-20  
*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.

Stephen T. Perry      Stephen T. Perry      6-1-20  
*Signature of Owner*      *Print Name*      *Date*

\*Owner of record as shown by the Wake County Revenue Department ([www.wakegov.com](http://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.





**ADJACENT OWNERS AND HOA CONTACTS**

<b>PARCEL ADDRESS</b>	<b>PARCEL ID NUMBER</b>	<b>OWNER'S NAME</b>
49 GREEN PACE RD ZEBULON, NC	1796902666	BRANCH BANKING & TRUST CO PROPERTY TAX COMPLIANCE PO BOX 167 WINSTON SALEM NC 27102-0167
1513 N ARENDELL AVE. ZEBULON, NC	1796915297	TRI ARC FOOD SYSTEMS INC 4905 WATERS EDGE DR RALEIGH NC 27606-2405
1413 N ARENDELL AVE. ZEBULON, NC	1796907983	PARRISH REALTY CO OF ZEBULON INC PO BOX 167 WINSTON SALEM NC 27102-0167
1405 N ARENDELL AVE. ZEBULON, NC	1796909941	LNP INC PO BOX 1128 ZEBULON NC 27597-1128
1512 N ARENDELL AVE. ZEBULON, NC	1796916679	STEPHEN JORDAN PROPERTIES LLC 20 BUNN AVE ZEBULON NC 27597-5866
308 PROCTOR STREET ZEBULON, NC	1796917959	WAKEFIELD CENTRAL BAPTIST CHURCH 308 PROCTOR ST ZEBULON NC 27597-8718
1500 N ARENDELL AVE. ZEBULON, NC	1796918552	STEPHEN JORDAN PROPERTIES LLC 20 BUNN AVE ZEBULON NC 27597-5866
1420 N ARENDELL AVE. ZEBULON, NC	1796919353	WAKE COUNTY BOARD OF ALCOHOLIC CONTROL 1212 WICKER DR RALEIGH NC 27604-1428
201 NOSTALGIA LN ZEBULON, NC	2706010523	UNDERHILL, KAREN 201 NOSTALGIA LN ZEBULON NC 27597-6873

203 NOSTALGIA LN ZEBULON, NC	2706010536	HOCUTT, EVA D 203 NOSTALGIA LN ZEBULON NC 27597-6873
205 NOSTALGIA LN ZEBULON, NC	2706010548	BINDER, TINA H BINDER, MICHAEL I 205 NOSTALGIA LN ZEBULON NC 27597-6873
207 NOSTALGIA LN ZEBULON, NC	2706010651	SCHILLING, DOMENICK CAIN, LORI 207 NOSTALGIA LN ZEBULON NC 27597-6873
209 NOSTALGIA LN ZEBULON, NC	2706010666	MACHACEK, JOHN D MACHACEK, ELLEN G 209 NOSTALGIA LN ZEBULON NC 27597-6873
211 NOSTALGIA LN ZEBULON, NC	2706010679	RUTERBORIES, LAURA KRISTINE 211 NOSTALGIA LN ZEBULON NC 27597-6873
213 NOSTALGIA LN ZEBULON, NC	2706010781	BLACKWELL, EMILY 213 NOSTALGIA LN ZEBULON NC 27597-6873
215 NOSTALGIA LN ZEBULON, NC	2706010794	DUNSTON, MAURICE 215 NOSTALGIA LN ZEBULON NC 27597-6873
1406 N ARENDELL AVE. ZEBULON, NC	2706011220	OLDE HERITAGE PROPERTIES LLC PO BOX 40 ZEBULON NC 27597-0040
217 NOSTALGIA LN ZEBULON, NC	2706011706	CREECH, HEDY JORDAN, YVONNE MARTIN 217 NOSTALGIA LN ZEBULON NC 27597-6873
219 NOSTALGIA LN ZEBULON, NC	2706011719	MORI, MARLEN 219 NOSTALGIA LN ZEBULON NC 27597-6873



201 PEARCES RD ZEBULON, NC	2706012606	WAKELON TOWNHOMES HOMEOWNERS ASSN INC 13037 NC HIGHWAY 39 ZEBULON NC 27597-8028
214 PROCTOR STREET ZEBULON, NC	1796925286	LANGSTON, GLORIA ANN 214 PROCTOR ST ZEBULON NC 27597-8716
300 EDDINS ST ZEBULON, NC	2706011950	PEARCE, CONNIE M 400 PROCTOR ST ZEBULON NC 27597-8720
113 NOSTALGIA LN ZEBULON, NC	2706011417	HARPER, MARTHA ANN 113 NOSTALGIA LN ZEBULON NC 27597-6871
111 NOSTALGIA LN ZEBULON, NC	2706011446	DAUPHINAIS, STEPHANIE DAUPHINAIS, PAUL B 111 NOSTALGIA LN ZEBULON NC 27597-6871
109 NOSTALGIA LN ZEBULON, NC	2706011475	KEENE, JOANNE M 109 NOSTALGIA LN ZEBULON NC 27597-6871
107 NOSTALGIA LN ZEBULON, NC	2706011494	LARA, KEVIN MUEGO, PATRICIA 107 NOSTALGIA LN ZEBULON NC 27597-6871
300 NOSTALGIA LN ZEBULON, NC	2706011576	BERUBE, CAROL ANN 300 NOSTALGIA LN ZEBULON NC 27597-6874
105 NOSTALGIA LN ZEBULON, NC	2706012423	HEMPHILL, ANDREW SCOTT 105 NOSTALGIA LN ZEBULON NC 27597-6871
304 NOSTALGIA LN ZEBULON, NC	2706012518	GUEVARA, BETHANN M 304 NOSTALGIA LN ZEBULON NC 27597-6874

106 NOSTALGIA LN ZEBULON, NC	2706012536	CARAPELLE, BEVERLY L 106 NOSTALGIA LN ZEBULON NC 27597-6870
104 NOSTALGIA LN ZEBULON, NC	2706012555	EGGIMANN, PETER EGGIMANN, DEVERA PO BOX 1629 WENDELL NC 27591-1629
102 NOSTALGIA LN ZEBULON, NC	2706012584	HARRIS, WENDELIN 102 NOSTALGIA LN ZEBULON NC 27597-6870
301 NOSTALGIA LN ZEBULON, NC	2706012733	WEST, MICHAEL PARKER, COURTNEY 301 NOSTALGIA LN ZEBULON NC 27597-6875
303 NOSTALGIA LN ZEBULON, NC	2706012762	VORYS, NANCY YORK 303 NOSTALGIA LN ZEBULON NC 27597-6875
305 NOSTALGIA LN ZEBULON, NC	2706012781	GIBBS, WILLIAM B JR 7728 BERRY CREST AVE RALEIGH NC 27617-8326
308 NOSTALGIA LN ZEBULON, NC	2706013519	KORNEGAY, MICHELE B 308 NOSTALGIA LN ZEBULON NC 27597-6874
311 NOSTALGIA LN ZEBULON, NC	2706013622	PAUL, BETTY 311 NOSTALGIA LN ZEBULON NC 27597-6875
309 NOSTALGIA LN ZEBULON, NC	2706013635	ROBERTS, JAMES T 309 NOSTALGIA LN ZEBULON NC 27597-6875
307 NOSTALGIA LN ZEBULON, NC	2706013710	HOWLAND, LISA 1745 WHISPERING MEADOWS DR ZEBULON NC 27597-7369



450 PROCTOR ST ZEBULON, NC	2706013991	CROHAN, DONNA I. FRANCIS PATRICK II 2474 WALNUT ST # 232 CARY NC 27518-9212
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I certify that the list above contains information regarding all properties within 150 feet of the subject property and HOA Contacts for developments within 300 feet of the subject property.

Clyde Holt III  
Clyde Holt, III

NORTH CAROLINA  
Wake COUNTY

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document: Clyde Holt III

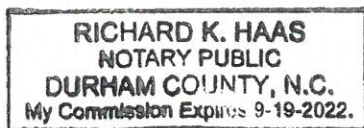
Today's Date: 6-1, 2020

[Signature]  
Notary's Signature

Richard K. Haas  
Notary's Printed Name

My commission expires: 9-19, 2022

[Affix Notary Seal in Space Above]



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## MEMORANDUM

**TO:** Town of Zebulon Council and Planning Board

**FROM:** Clyde Holt, III and Ashley Honeycutt Terrazas, on behalf of Stephen Jordan Properties, LLC

**DATE:** June 1, 2020

**RE:** 1500 & 1512 N. Arendell Avenue - Conditional Rezoning Application

### **I. Factual Background**

Stephen Jordan Properties, LLC (“Tommy Perry” or “Mr. Perry”) owns two parcels of land located less than half a mile from the busy exit of Arendell Avenue from NC Highway 64. Tommy Perry has owned these parcels for approximately ten years, having purchased them in reliance upon the business character of Arendell Road and the Zebulon Comprehensive Plan, which then and now recommends commercial zoning for the land abutting the highway. Mr. Perry in 2014 petitioned the Town Council to rezone these parcels for commercial businesses. He paid all required fees and complied with all of the steps and requirements for rezoning the properties to a Heavy Business (HB) designation, and in January 2015, the Town Commissioners approved his requested zoning map amendment.

Relying on this commercial zoning classification, Mr. Perry leased one of his lots to a used car dealership that applied for and received all necessary permits to construct a used car lot on the property. The other has remained vacant, but is now under contract for sale and development as a restaurant similar to existing restaurants immediately across the highway and elsewhere nearby on Arendell Road.

In early 2019, a “UDO Committee” for the Town of Zebulon began meeting regularly to discuss updating the Unified Development Ordinance and Zoning Map. Review of the Town files reveals that public participation was limited, and Mr. Perry received no notice of the meetings. At some point, a proposed amended zoning map was prepared purportedly to implement the policies of the new UDO, the map contained a downzoning of Mr. Perry’s property from its HB commercial classification to



Residential-2 (R2), which would only allowed for the construction of two residential homes per acre on the lot.

Town Planners held only one information session about the updated UDO in October 2019, but Mr. Perry received no notice of this session on the new UDO or the associated official zoning map that would downzone his property. Mr. Perry was not notified of the public hearing in November 2019, following which the Town Commissioners approved the new UDO. The approved amendments and amended zoning map purportedly went into effect on January 1, 2020.

In February 2020, the engineer for the purchaser of the vacant parcel contacted the Zebulon planning staff to begin the process of preparing site plans for the intended restaurant use. He was informed that the lot was no longer zoned commercial—it had been downzoned for single-family homes, despite being immediately adjacent to an auto sales lot, an ABC store, and across Arendell Avenue from an industrial plant and a restaurant. When asked regarding the consistency of the (R2) zoning classification with the busy highway, nearby commercial uses, and the Town’s Comprehensive Plan, Town staff encouraged the purchaser and Mr. Perry to petition for return of the property to a commercial classification similar to that existing prior to the UDO rewrite. That is the reason for this rezoning request. Similarly the Town staff encouraged the filing of a “conditional use” request rather than a “general” request because the “conditional” process allowed the incorporation of “alternate means of compliance” to address impracticalities of compliance with restrictive standards contained in the January 1, 2020 UDO.

## **II. The Constitutional Violations**

### **A. The Downzoning was a violation of Fourteenth Amendment substantive due process**

We believe Town officials acted in good faith in consideration and adoption of a new UDO for Zebulon, however constitutional due process requires that zoning map amendments have “conceivable rational relationship to the exercise of the state’s traditional police power.” *Siena Corp. v. Mayor & City Council of Rockville Maryland*, 873 F.3d 456, 464 (4th Cir. 2017). “Landowners are protected from zoning amendments that are “arbitrary and irrational” and “unjustified by any circumstance or governmental interest.” *Id.* at 463.

Here, Zebulon’s decision to downzone Mr. Perry’s properties contrary to its Comprehensive Plan recommendation and despite the surrounding commercial environment was clearly arbitrary and

irrational. It was “conscience shocking, in a constitutional sense.” *Id.* at 464. We do not find any rational relationship between the downzoning and Zebulon’s police power to “safeguard ‘the public health, safety, morals, or general welfare’” of any of its residents. *Id.* at 464 (citing *Village of Euclid v. Ambler Realty Co.*, 272 U.S. 365, 395, 47 S.Ct. 114, 71 L.Ed. 303 (1926)).

We are convinced the downzoning of Mr. Perry’s properties as a part of Zebulon’s 2019 UDO and zoning map amendments was the Town’s inadvertent mistake. While it is true that the properties’ previous zoning classification, HB, was eliminated from the UDO during the update, a comparison of the old and new UDOs shows that the only change made to this zoning classification was the name. HB just became Heavy Commercial (HC). The permitted uses for this classification and its description remained the same. All of the other properties around Mr. Perry’s that were previously zoned HB were simply switched over to HC in the UDO update. In fact, a comparison of Zebulon’s 2017 zoning map and its zoning map that went into effect on January 1, 2020, appears to show that Mr. Perry’s properties were the only commercial properties that were downzoned to residential as a part of the update. Moreover, it made no sense for the Town to designate a piece of property for residential use *that a car dealership is already occupying*. Finally, it seems unlikely that the Town downzoned Mr. Perry’s properties to satisfy any objections to commercial uses by neighbors or other citizens. Mr. Perry already went through the process of obtaining a commercial zoning classification for his properties less than five years ago—with all of the public notification and input that was required as a part of that process. He received no opposition to the commercial zoning of his properties then, and we have not found evidence that anyone objected to commercial uses on Arendell Avenue when the Town was updating its UDO in 2019.

For these reasons, we are confident that the Town Council in error designated Mr. Perry’s properties R2 in the updated zoning map. Still, the Constitution requires that arbitrary decisions likely to cause a property owner significant damage be remedied. The Town’s arbitrary although unintentional downzoning of his properties will cause him to lose—at best—thousands of dollars in costs associated with this rezoning to remedy the zoning issue. At worst— he could lose the entire value of the property if its future use is restricted to single-family homes!



**B. The Downzoning was a taking without just compensation, in violation of the Fifth Amendment.**

The Supreme Court has long acknowledged that a government regulation “which denies all economically beneficial or productive use of land” requires just compensation under the Fifth Amendment’s Takings Clause. *Palazzolo v. Rhode Island*, 533 U.S. 606, 617, 121 S. Ct. 2448, 2457, 150 L. Ed. 2d 592 (2001)(citations omitted). In addition, even when a regulation’s limitations on land “fall short of eliminating all economically beneficial use, a taking nonetheless may have occurred, depending on a complex of factors including the regulation’s economic effect on the landowner, the extent to which the regulation interferes with reasonable investment-backed expectations, and the character of the government action.” *Id.* at 51718.

The Town of Zebulon’s actions, even if taken in good faith, constitute a regulatory taking under both of these tests. First, as stated above, the Town has deprived Mr. Perry of all “economically beneficial or productive” use of his land by downzoning it from HB/HC to Residential Suburban (R2). The R2 classification would allow Mr. Perry to build two single-family homes on the empty property. Zebulon UDO § 3.3.3. For the parcel that is currently occupied by a used car lot, Mr. Perry would not be able to make any changes to this property other than tearing down the used car lot and building two single-family homes. *See* Zebulon UDO § 7.6. If a natural disaster destroys the used car lot or his dealership tenant ceases to use the lot for any reason, Mr. Perry would lose his right to have a commercial business tenant on that lot. *Id.*

Both of these properties are in a commercial district of Zebulon that is less than half a mile from busy NC Highway 64. One lot already has a commercial business on it; a church, apartments, and many other commercial businesses border both lots. These parcels fronting on busy Arendell Avenue are not suitable for detached, single-family residential use. Thus, Mr. Perry, as a result of this downzoning, has lost “all economically beneficial or productive use” of his land.

**III. Violations of North Carolina Law**

The downzoning also violated North Carolina law. N.C. Gen. Stat. Ann. § 160A-384(a) provides that “whenever there is a zoning map amendment, the owner of that parcel . . . and the owners of all parcels of land abutting that parcel of land . . . shall be mailed a notice of a public hearing on the proposed

amendment.” Here, Mr. Perry received no notice that his properties were slated to be downzoned as a part of the 2019 UDO update. This violates the plain language of the statute.

It was even more egregious that Mr. Perry did not receive personal notice of the Town’s intention to change the zoning classification of his property because this amendment to the zoning map was a downzoning. North Carolina law treats “down-zoning” more seriously than zoning map amendments that increase permitted density or uses of property (or allow them to remain the same). *Id.* The General Assembly has recognized that zoning ordinances that “decreas[e] the development density” or “reduc[e] the permitted uses” of land take significant and valuable rights away from landowners.

In addition to the forgoing, please consider the following responses to the questionnaire set out on page 4 of the Zebulon Conditional Rezoning Map Amendment Form:

1. The proposed rezoning advances the public health, safety, or welfare in that it will allow and encourage the development of uses compatible to the commercial character of Arendell Avenue. Single-family home use immediately adjacent to a State liquor outlet is inappropriate and unsafe.

2. The proposed rezoning is in conformity with the Zebulon Comprehensive Plan, which recognizes the need for and encourages the development of commercial uses on the subject property.

3. Approval of the rezoning will partially remedy constitutional law violations suffered by the property owner by virtue of the parcels being arbitrarily downzoned without personal notice. Honoring the safeguards of the Constitution is certainly reasonable and in the public interest.

4. The “concept plan” recognizes the irregular shape of the restaurant parcel, and the need to safely provide vehicular and pedestrian access and circulation. The plan also recognizes the need to allow reasonable privacy and security for adjacent and nearby properties while encouraging commercial additions to the Town tax base.

5. As explained elsewhere in this Memorandum, we believe the Town Council erred when incorporating the current “official zoning map” into the UDO rewrite effective January 1 of this year. We believe it was an unintentional mapping error. No Town official has been able to, or even attempted to, explain the rational planning consistency of restricting Mr. Perry’s two parcels to single-family use. We



believe it is incumbent upon the Town not only to grant this rezoning petition but also to return to Mr. Perry the zoning application filing fee.

#### **IV. Conclusion**

Zebulon has violated North Carolina law and Mr. Perry's constitutional rights by arbitrarily downzoning his property without adequate notice and without rational basis. Therefore, the Town should expeditiously remedy this error.

CH cdf

**Property of Stephen Jordan Properties, LLC  
1500 and 1512 Arendell Avenue, Zebulon, North Carolina**

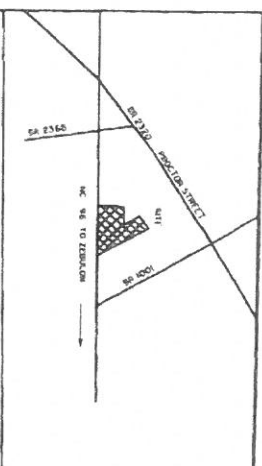
Lot 1: Wake County PIN# 1796-91-6698

BEGINNING at an existing iron pipe in the northeastern right-of-way line of NC Highway 96, said iron pipe being South 43°50'40" East 728.51 feet from NCGS "Olive" monument; thence along the line of Wakefield Central Baptist Church: North 51°52'20" East 149.86 feet to an existing iron pipe; thence, South 37°49'13" East 67.24 feet to an existing iron pipe; thence South 68°57'29" East 198.85 feet to a fixed point; thence, South 19°58'15" West 121.53 feet to an existing iron pipe; thence South 52°03'05" West 150.46 feet to an existing iron pipe in the northeastern boundary of the public right-of-way for NC Highway 96; thence, with the northeastern boundary of NC Highway 96, North 37°43'19" West 301.75 feet to the POINT AND PLACE OF BEGINNING, and containing 1.318 acres, more or less, shown as Parcel 1 on a survey dated March 30, 2020 by Clyde T. Pearce, PLS, and titled "Recombination for Tommy Perry, Town of Zebulon, Wake County, North Carolina" and recorded in Book of Maps 2020, Page 575, Wake County Registry, see Book of Maps 2015 page 118 for additional information.

Lot 2: Wake County PIN# 1796-91-8551

COMMENCING at NCGS "Olive" monument, thence South 43°50'40" East 728.51 feet to an existing iron pipe in the northeastern right-of-way line of NC Highway 96, thence South 37°43'19" East 301.75 feet to an existing iron pipe, being the point and place of BEGINNING; thence, South 37°45'19" East 284.51 feet to an existing iron pipe; thence North 19°58'22" East 184.16 feet to an existing iron pipe being the southwest corner of Wakelon Townhomes; thence North 19°46'11" East 214.58 feet to an existing iron pipe; thence, along the line of Wakefield Central Baptist Church North 68°57'29" West 136.02 feet to an existing iron pipe; thence, North 68°57'29" West 23.40 feet to a fixed point; thence, South 19°58'15" West 121.53 feet to an existing iron pipe; thence South 52°03'05" West 150.46 feet to an existing iron pipe in the northeastern right-of-way of NC Highway 96, being the POINT AND PLACE OF BEGINNING, and containing 1.448 acres, more or less, shown as Parcel 2 on a survey dated March 30, 2020 by Clyde T. Pearce, PLS, and titled "Recombination for Tommy Perry, Town of Zebulon, Wake County, North Carolina" and recorded in Book of Maps 2020, Page 575, Wake County Registry, see Book of Maps 2015 page 118 for additional information.



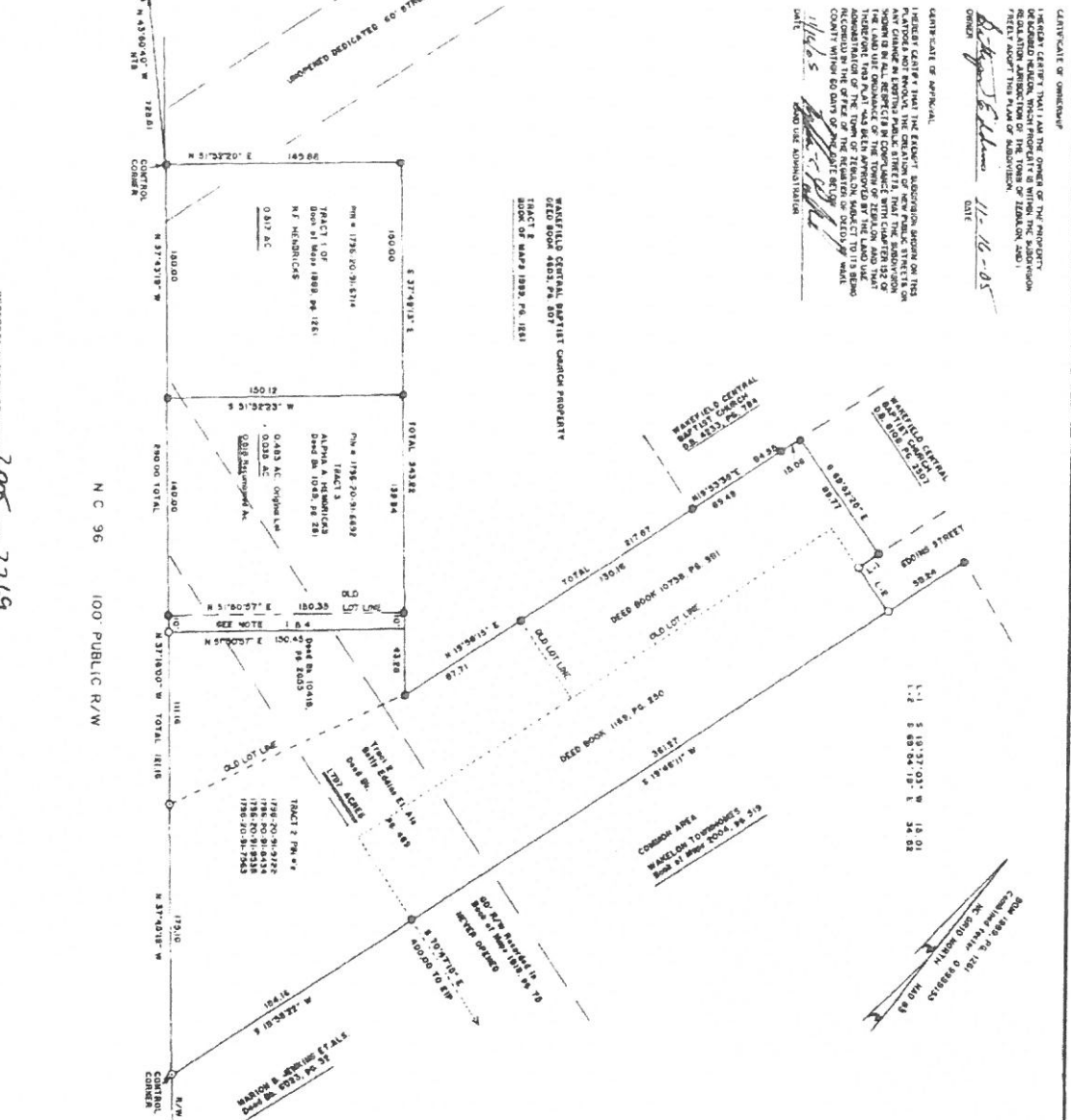


**CERTIFICATE OF OWNERSHIP**  
 I, ROBERT G. WILLIAMS, PROFESSIONAL LAND SURVEYOR, CERTIFY THAT I AM THE OWNER OF THE PROPERTY DESCRIBED HEREIN AND THAT THE INFORMATION HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.  
 DATE: 11-16-05  
 SIGNATURE: Robert G. Williams

**CERTIFICATE OF APPROVAL**  
 I, ROBERT G. WILLIAMS, PROFESSIONAL LAND SURVEYOR, CERTIFY THAT THE EXACT BOUNDARIES SHOWN ON THIS MAP HAVE BEEN FIELD VERIFIED AND THAT THE INFORMATION HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.  
 DATE: 11-16-05  
 SIGNATURE: Robert G. Williams

**FIELD FOR INFORMATION**  
 I, ROBERT G. WILLIAMS, PROFESSIONAL LAND SURVEYOR, CERTIFY THAT THE MAP ON THIS PAGE IS A TRUE AND CORRECT REPRESENTATION OF THE PROPERTY DESCRIBED HEREIN AND THAT THE INFORMATION HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.  
 DATE: 11-16-05  
 SIGNATURE: Robert G. Williams

**NOTE:**  
 1. AREA 36 MORE 1 TO BE OPENED TO ALPHEA HENDRICKS AND COMBINED WITH TRACT 3  
 2. AREA 36 MORE 1 TO BE OPENED TO ALPHEA HENDRICKS AND COMBINED WITH TRACT 3  
 3. AREA 36 MORE 1 TO BE OPENED TO ALPHEA HENDRICKS AND COMBINED WITH TRACT 3  
 4. AREA 36 MORE 1 TO BE OPENED TO ALPHEA HENDRICKS AND COMBINED WITH TRACT 3



**PROPERTY SURVEY AND RECOMBINATION SURVEY FOR**  
 BETTY M. EDWARDS, MIKEL L. BLAIR EDWARDS  
 H.T. HENDRICKS  
 ALPHEA A. HENDRICKS  
 TOWN OF ZEBULON  
 WAKE COUNTY  
 NORTH CAROLINA

**PROPERTY SURVEY AND RECOMBINATION SURVEY FOR**  
 BETTY M. EDWARDS, MIKEL L. BLAIR EDWARDS  
 H.T. HENDRICKS  
 ALPHEA A. HENDRICKS  
 TOWN OF ZEBULON  
 WAKE COUNTY  
 NORTH CAROLINA

**PROPERTY SURVEY AND RECOMBINATION SURVEY FOR**  
 BETTY M. EDWARDS, MIKEL L. BLAIR EDWARDS  
 H.T. HENDRICKS  
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 TOWN OF ZEBULON  
 WAKE COUNTY  
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**PROPERTY SURVEY AND RECOMBINATION SURVEY FOR**  
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 H.T. HENDRICKS  
 ALPHEA A. HENDRICKS  
 TOWN OF ZEBULON  
 WAKE COUNTY  
 NORTH CAROLINA



## INFORMATION PACKET FOR NEIGHBORHOOD MEETINGS

### **PROVIDING INPUT TO THE PLANNING BOARD OR BOARD OF COMMISSIONERS:**

Each Board of Commissioners meeting agenda includes a Public Forum time when anyone is permitted to speak for three (3) minutes on any topic with the exception of items listed as Public Hearings for that meeting. The Board of Commissioners meets on the 1<sup>st</sup> Monday of each month at 7:00 p.m. and Joint Public Hearings are scheduled for the 2<sup>nd</sup> Monday of every Month. (except for holidays, see schedule of meetings at <https://www.townofzebulon.org/agendas-minutes>) You may also contact Board of Commissioners at <https://www.townofzebulon.org/government-board-commissioners>.

### **PRIVATE AGREEMENTS AND EASEMENT NEGOTIATION:**

The Town of Zebulon cannot enforce private agreements between developers and neighbors and is not a party to the easement and right-of-way negotiation that occurs between developers and neighboring property owners for easements or rights-of-way that are necessary to build the project.

It is recommended that all private agreements be made in writing and that if a property owner feels it necessary, they should obtain private legal counsel in order to protect their interests in both private agreements and during easement negotiations. The only conditions that the Town of Zebulon can enforce are those conditions that are made a part of the conditional zoning of the property by agreement of the developer and the Town.

As an example, if a developer offers to build a fence for a neighbor to mitigate some impact, the Town can only enforce the construction of the fence if the fence becomes a condition of the rezoning. This would occur by the developer offering the condition as part of their conditional zoning application package or at the Joint Public Hearing on the conditional zoning and the Town accepting it as a condition. Private agreements regarding a fence being constructed will not be enforced by the Town.

To request that any agreement with a developer is made a part of the conditional zoning at the time of approval, you may ask at the public hearing if the agreement is included in the conditions. If it is not, you may request that the Board of Commissioners not approve the rezoning without the agreement being included in the conditions (note that it is up to Board of Commissioners whether to approve or deny the rezoning but they cannot impose conditions that the applicant does not agree to add). The developer's proposed conditions can be viewed any time after a rezoning is submitted on the Town of Zebulon Interactive Development Map which can be found at: <https://www.townofzebulon.org/services/planning/whats-coming-zebulon>

### **DOCUMENTATION:**

Neighbors to a requested new development and/or rezoning are strongly encouraged to fully document (such as through dated photographs) the condition of their property before any work is initiated for the new development. Stormwater controls installed on developed property are not designed to and will likely not remove 100% of the soil particles transported by stormwater runoff. As a result, creeks and ponds could become cloudy for a period of time after rain events.





## INFORMATION PACKET FOR NEIGHBORHOOD MEETINGS

### PROJECT CONTACT INFORMATION

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties

<b>Development Contacts:</b> Clyde Holt & Ashley Honeycutt Terrazas, Fox Rothschild, LLP		
Project Name: 1500/1512 Arendell		Zoning: Residential Suburban (R2)
Location: 1500/1512 Arendell Ave., Zebulon, NC 27597		
Property PIN(s): 1796918552 and 1796916679		Acreage/Square Feet: 1.45 acres & 1.32 acres
Property Owner:		
Address: 434 Fayetteville St. Suite 2800		
City: Raleigh	State: NC	Zip: 27601
Phone: 919-755-8700		Email: aterrazas@foxrothschild.com
Developer:		
Address:		
City:	State:	Zip:
Phone:	Fax:	Email:
Engineer:		
Address:		
City:	State:	Zip:
Phone:	Fax:	Email:
Builder (if known):		
Address:		
City:	State:	Zip:
Phone:	Fax:	Email:

Date: May 12, 2020

Re: 1500 1512 Arendell Ave., Zebulon, NC 27597      PINs: 1796918552 and 1796916679

Neighboring Property Owners:

You are invited to attend a neighborhood meeting on May 26, 2020 from 5:00pm-7:00pm. The meeting will be held virtually. You can participate online or by telephone. To participate via video, follow these instructions:

1. Go to [www.webex.com](http://www.webex.com).
2. In the top right corner of the page, click "Join."
3. In the "Enter Meeting Information" bar, type the meeting number: 641 419 521.
4. Tips:
  - a. You may download the desktop app or join from your browser.
  - b. You can call in for audio or use your computer audio.
  - c. Call in a few minutes early to set up your audio and video.

To participate via telephone, call:

+1-215-299-3000 US Toll  
+1-800-598-1154 US Toll Free  
Access code: 641 419 521

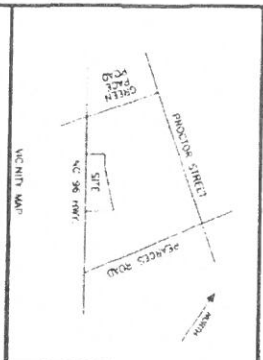
The purpose of this meeting is to discuss a potential rezoning of the property located at 1500 and 1512 Arendell Avenue, near Exit 435 on US-64. This meeting is intended to be a way for the applicant to discuss the project and review the proposed plans with adjacent neighbors and neighborhood organizations before the submittal of an application to the Town. This provides neighbors an opportunity to raise questions and discuss any concerns about the impacts of the project before it is officially submitted. Once an application has been submitted to the Town, it may be tracked using the Interactive Development Map located on the Town of Zebulon website at <https://www.townofzebulon.org/services/planning>. A Neighborhood Meeting is requested because this project will include a Conditional Rezoning. The attached memo dated May 1, 2020, summarizes the pre-application conference with Town Staff and describes the justification for this rezoning effort in more detail.

The following is a description of the proposed: This site is currently zoned Residential Suburban (R2) and is proposed to be rezoned to Heavy Commercial (HC). Currently, Five County Auto Sales, Inc. is located at 1500 Arendell Ave. This will not change. On 1512 Arendell Ave., a restaurant with drive-through service is proposed.

Estimated Submittal Date: June 1, 2020

If you have any concerns or questions about this potential rezoning, please feel free to reach out to the Project Contacts listed on the following page.





NEED MAP

9-11-2021  
 4-11-2021 BOOK 1244 PAGE 149C  
 4-11-2021 BOOK 1244 PAGE 149B  
 BOOK OF MAPS 2007 PAGE 1239  
 BOOK OF MAPS 2015 PAGE 118  
 NOT AKA COMPUTED BY COGNITIVE METHOD  
 4-11-2021 IMPRINTED & RECORDED TO DOCUMENTS  
 AND DISTINCTIONS OF RECORD

State of North Carolina  
 County of WAKE

I, MARIE WASSAW, Review Officer of Town of Zebulon,  
 certify that the map or plat to which this certification is  
 affixed meets all statutory requirements for recording.

*(Signature)*  
 Review Officer

4/13/20  
 Date

Certificate of Approval  
 I hereby certify that the matter recombination shown  
 on the plat does not constitute a change in ownership,  
 public streets or any change in existing public streets,  
 but the subdivision shown is in all respects a compliance  
 with the provisions of the Land Use Ordinance of the Town  
 of Zebulon, North Carolina, and the plat is approved  
 by the Land Use Administrator of the Town of Zebulon  
 subject to the being recorded in the Office of the Register  
 of Deeds of Wake County within 90 days of the date below.

46 2080  
*(Signature)*  
 Land Use Administrator

3-30-20  
 date

*(Signature)*  
 Owner

CLIVE T. PEARCE, PROFESSIONAL LAND SURVEYOR NO. L-52481, CERTIFIED  
 AND THE PART OF A SURVEY OF AVOIDED CATEGORIES SHALL BE THE  
 BASIS FOR THE RECOMBINATION OF THE SUBDIVISION  
 DECISION TO THE DIVISION OF SUBDIVISION

CLIVE T. PEARCE, L-52481

1. CLIVE T. PEARCE, CERTIFIED THAT THIS PLAT WAS PREPARED UNDER  
 HIS PERSONAL SUPERVISION AND THAT HE IS A LICENSED PROFESSIONAL  
 LAND SURVEYOR IN THE STATE OF NORTH CAROLINA AND IS NOT  
 PROVIDING ANY SERVICES TO THE PUBLIC IN CONNECTION WITH THIS  
 PLAT. HE HAS REVIEWED THE PLAT AND IS NOT PROVIDING ANY  
 SERVICES TO THE PUBLIC IN CONNECTION WITH THIS PLAT.



**Williams-Pearce and Assoc., Professional Land Surveyors, P.A.** P.O. Box 892, Zebulon, N.C. 27597 Tel.(919) 269-9605



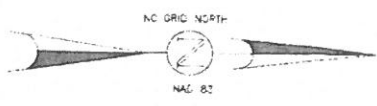
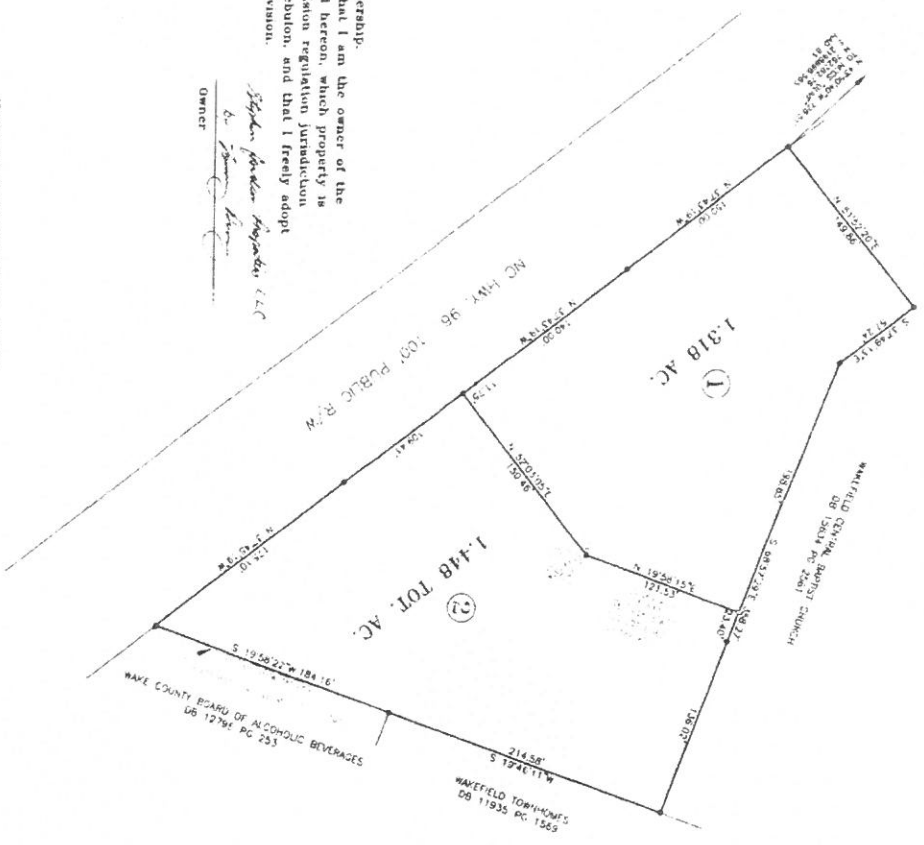
**RECOMBINATION FOR  
 TOMMY PERRY  
 TOWN OF ZEBULON  
 WAKE COUNTY  
 NORTH CAROLINA**

WAKE COUNTY, NC 3  
 CHARLES P. GILLUM  
 REGISTERED PROFESSIONAL ENGINEER  
 09/09/2020 18:11:54  
 820K-182428 PAGE:18275

PIN 778516689  
 LINDY R2

OWNER:  
 SUDHAN KORDA PROPERTIES LLC  
 ZEBULON, NC 27597

FIL. TOMMY PERRY, NC 96 NCEM  
 SCALE: 1"=100'  
 DATE: 01-10-2020  
 CASE FILE: PR 2020-02





Fox Rothschild <sup>LLP</sup>  
ATTORNEYS AT LAW

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## MEMORANDUM

**TO:** Town of Zebulon Planning Department: Michael Clark, Director; Meade Bradshaw, Assistant Director

**FROM:** Clyde Holt and Ashley Honeycutt Terrazas

**DATE:** May 1, 2020

**RE:** Summary of Yesterday's Pre-Application Meeting for 1500/1512 Arendell Ave.

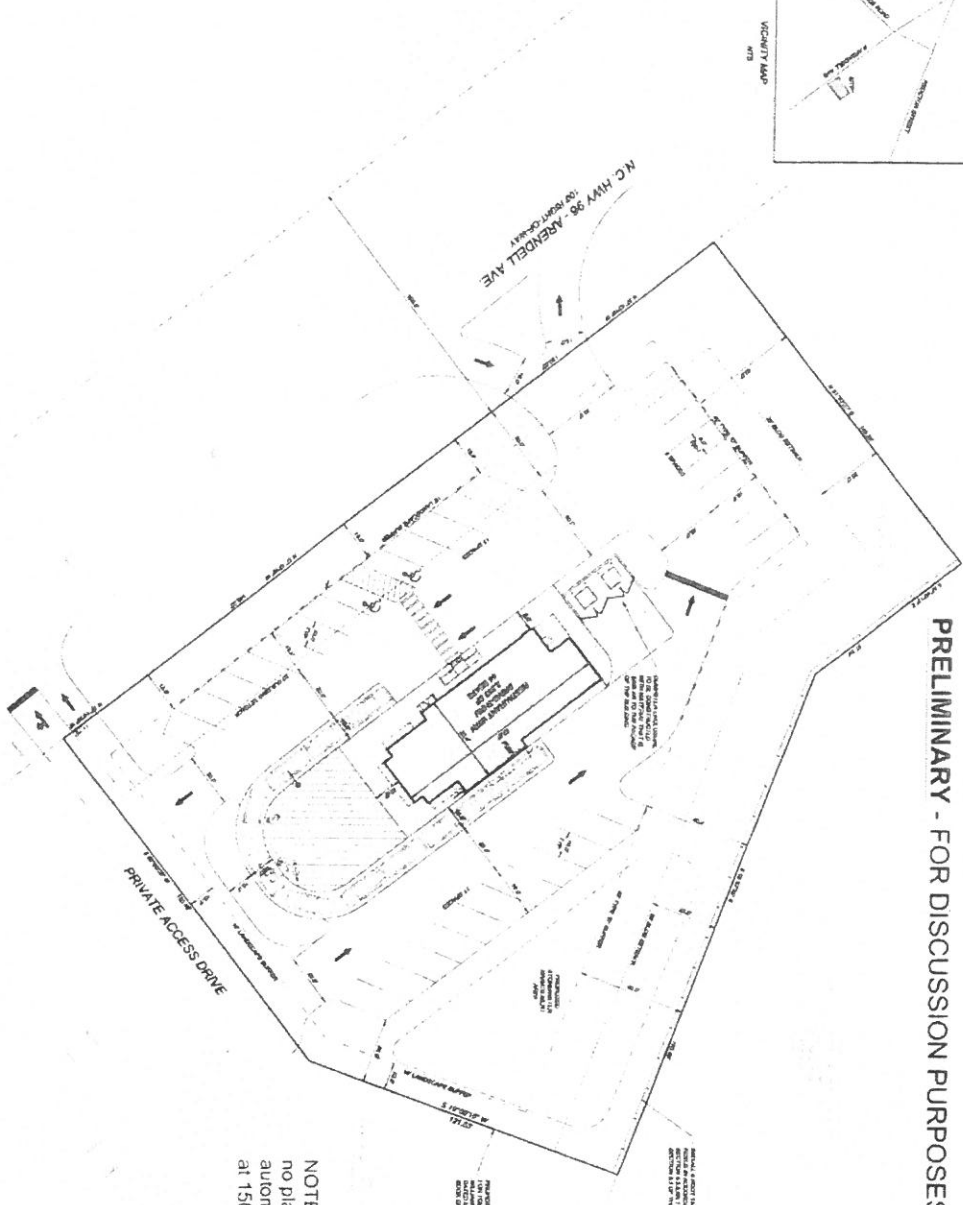
Thank you for your guidance in the "virtual" pre-application conference held yesterday afternoon for 1500/1512 Arendell Avenue in Zebulon. We discussed the property owner's effort to return the parcels to the commercial zoning classification existing prior to Zebulon's adoption of its new land use ordinance effective January 1, 2020. We follow up now to confirm our discussion and to seek your advice for proceeding.

The parcels were zoned Heavy Business (HB) in 2015. The record of that proceeding (RZ-2014-02-01) acknowledged that nearby properties on Arendell Avenue were classified as HB, such parcels were and continue to be used for highway commercial purposes, and that the Zebulon Comprehensive Plan called for business use on the property. We note the Zebulon Comprehensive Plan still supports commercial zoning and use for 1500/1512 Arendell Avenue. One of the parcels is vacant; the other is used for auto sales. During the fall of 2019, the Town of Zebulon adopted a set of new land use regulations with closely-related, but new land use classifications, necessitating the rezoning of the property to a new district. The district in the January 1 Code that most resembles the former HB district is Heavy Commercial (HC), and all of the other properties surrounding 1500/1512 Arendell that were previously zoned HB were switched over to HC. Despite this, for what we believe to be a mapping error or otherwise a mistake, a low-density residential district, Residential Suburban (R2), was placed on 1500/1512 Arendell. Our client did not receive notice of the hearings conducted to consider this significant change to the zoning classification of his property.

The 1512 Arendell Avenue property is under contract to a commercial buyer for restaurant use. Our client did not become aware of the rezoning process described above until the contract purchaser inquired of the Zebulon planning staff regarding the site planning approval process and was told the property was zoned residential. We explained yesterday afternoon that we are anxious to return the property to its preexisting commercial classification as quickly as possible to avoid our client suffering irreparable harm as a result of the mistaken downzoning. You were kind enough to summarize ways to expedite the process.



**PRELIMINARY - FOR DISCUSSION PURPOSES ONLY**



NOTE: There are currently no plans to alter the automotive sales lot located at 1500 Arendell Ave.

2.71. COUNTY ZONING ORDINANCE, PRELIMINARY

REVISION	DATE	DESCRIPTION
1	4-13-2020	REVISE PER PLAN
2	4-13-2020	REVISE PER TOWN

NO.	DATE	DESCRIPTION	BY
1	4-13-2020	REVISE PER PLAN	CDH
2	4-13-2020	REVISE PER TOWN	CDH



<p>1512 ARENDELL AVE ZEBULON, NORTH CAROLINA</p> <p>PRELIMINARY SITE PLAN</p>	<p>COMMERCIAL SITE DESIGN</p>	<p>REVISIONS</p> <p>1 4-13-2020 REVISE PER PLAN CDH</p> <p>2 4-13-2020 REVISE PER TOWN CDH</p>
		<p>NO. DATE DESCRIPTION BY</p>

We discussed applying for HC conditional rezoning for both properties in one application. You offered to help craft conditions based on our sketch plan for the property at 1512 Arendell providing alternate means of compliance to address some of the UDO requirements that would otherwise restrict development of HC restaurant properties offering drive-through service. We will craft some of the more typical conditions (like, these properties will not be used for nightclub uses, ABC stores, etc.) for both properties.

We plan to hold one neighborhood meeting for both properties, and we will do this on a WebEx video call (with the option for neighbors to call in on a telephone). We will follow all of the timing and notice guidelines outlined in the UDO, and plan to follow much of the guidance from Raleigh's memo on virtual neighborhood meetings. We will also file a formal site plan application for 1512 Arendell Avenue during the pendency of the consideration for rezoning to expedite the final permitting. We acknowledge that the site plan cannot officially be approved until after the rezoning is approved, but this should save the contract purchaser considerable time in breaking ground. We discussed a possible fee waiver for the rezoning process in light of the fact that our client assumed the expense of obtaining commercial zoning for these properties five years ago and they were downzoned in the recent UDO update without his knowledge. You explained that, because this will be a conditional rezoning, staff could not waive the fee. We will continue our request for a fee waiver or reimbursement when the matter reaches the elected officials.

Our target date for the neighborhood meeting is Tuesday, May 26, 2020, and the target to file the application is June 1, 2020. We look forward to working with you on this project and will be in touch soon.

AT:

cc:





# INFORMATION PACKET FOR NEIGHBORHOOD MEETINGS

## NEIGHBORHOOD MEETING SIGN-IN SHEET:

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Project Name: 1500/1512 Arendell Ave.

Meeting Address: Virtual Meeting via WebEx

Date of Meeting: May 26, 2020

Time of Meeting: 5-7pm

Property Owner(s) Names: Stephen Jordan Properties, LLC

Applicants: Clyde Holt & Ashley Honeycutt Terrazas, Fox Rothschild, LLP

Please print your name below, state your address and/or affiliation with a neighborhood group, and provide your phone number and email address. Providing your name below does not represent support or opposition to the project; it is for documentation purposes only.

	Name/ Organization	Address	Phone#	E-mail
1				
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Attach Additional Sheets If Necessary.



INFORMATION PACKET FOR NEIGHBORHOOD MEETINGS

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Project Name: 1500/1512 Arendell Ave.

Meeting Address: Virtual Meeting via WebEx

Date of Meeting: May 26, 2020 Time of Meeting: 5-7pm

Property Owner(s) Names: Stephen Jordan Properties, LLC

Applicants: Clyde Holt & Ashley Honeycutt Terrazas, Fox Rothschild, LLP

Please summarize the questions comments and your response from the Neighborhood Meeting in the spaces below (attach additional sheets, if necessary). Please state if how the project has been modified in response to any concerns. The response should not be "Noted" or "No Response". There has to be documentation of what consideration the neighbor's concern was given and justification for why no change was deemed warranted.

Question/ Concern #1 See attached e-mails for written questions and responses

Applicant Response:

Question/ Concern #2 Will the trailer sales business be moving to the back of the lot (closer to the townhomes)?

Applicant Response: At the time of the meeting, we did not know what would be happening with the trailer sales business, but after conferring with the property-owner, we found out that the trailer sales business would be X. We advised Domenick Schilling, the Wakelon Townhomes HOA president, of this via email.

Question/ Concern #3 Can the fence be extended to the western part of the property to protect from any trash that may blow over to the church property?

Applicant Response: Yes, we will extend the fence to the western part of the property.

Question/ Concern #4 Can the Type D buffer be extended to the border of 1500 Arendell and the Wakelon Townhomes?

Applicant Response: We will add a condition related to this concern. Anyone who redevelops that lot will have to extend the fence.





INFORMATION PACKET FOR NEIGHBORHOOD MEETINGS

AFFIDAVIT OF CONDUCTING A NEIGHBORHOOD MEETING, SIGN-IN SHEET AND ISSUES/RESPONSES SUBMITTAL

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

I, CLYDE HOLT III, do hereby declare as follows:
Print Name

- 1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Master Subdivision Plan, or Special Use Permit.
2. The meeting invitations were mailed to the Zebulon Planning Department, all property owners within 300 feet of the subject property and any neighborhood association that represents citizens in the area via first class mail a minimum of 10 days in advance of the Neighborhood Meeting.
3. The meeting was conducted at (location/address) on (date) from (start time) to (end time).
4. I have included the mailing list, meeting invitation, sign-in sheet, issue/response summary, and zoning map/reduced plans with the application.
5. I have prepared these materials in good faith and to the best of my ability.

JUNE 1, 2020 Date By: Clyde Holt III

STATE OF North Carolina
COUNTY OF Wake

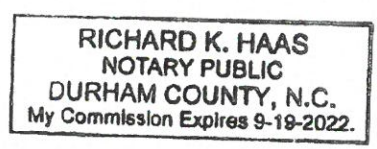
Sworn and subscribed before me, Richard K. Haas, a Notary Public for the above State and County, on this the 1 day of June, 2020.

SEAL [Signature]

Notary Public

Richard K. Haas

Print Name



My Commission Expires: 9-19-2022

## Terrazas, Ashley Honeycutt

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**From:** Brian Soltz <soltz@csitedesign.com>  
**Sent:** Tuesday, May 26, 2020 4:43 PM  
**To:** Terrazas, Ashley Honeycutt; Holt, Clyde  
**Subject:** RE: [EXT] 1500/1512 Arendell Ave Re-Zoning Neighborhood Meeting  
**Attachments:** Type D Buffer from UDO TABLE 5\_6\_10\_C\_PERIMETER BUFFER CONFIGURATION.PDF;  
Type A Buffer from UDO TABLE 5\_6\_10\_C\_PERIMETER BUFFER CONFIGURATION.PDF

Ashley – See below in Red. I have attached the buffer examples from the UDO.

**Brian T. Soltz, Partner**  
COMMERCIAL SITE DESIGN  
[Soltz@csitedesign.com](mailto:Soltz@csitedesign.com)  
Cell: 919-414-4054

**From:** Terrazas, Ashley Honeycutt [mailto:ATerrazas@foxrothschild.com]  
**Sent:** Friday, May 22, 2020 12:34 PM  
**To:** Wakelon Townhomes  
**Cc:** Holt, Clyde  
**Subject:** RE: [EXT] 1500/1512 Arendell Ave Re-Zoning Neighborhood Meeting

Hi Dominick,

Thanks for your questions, and I am happy to answer as many of them as I can. We are working with an engineer on this proposal—although I represent the current property-owner, and the engineer represents the restaurant buyer. I think that the buyer's engineer is better equipped to answer your project-specific questions, so I forwarded those to him. He is going to work on getting you some written responses to the project-specific questions before the meeting on Tuesday.

### Regarding the meeting process itself:

1. **Do participants simply call or log in at anytime between 5:00 & 7:00, or do they need to be on at the start of the meeting?**

The Zebulon UDO says that neighborhood meetings must be at least two hours, and we are doing everything we can to comply with the neighborhood meeting requirements virtually. So my plan is to have the meeting open from 5 until 7. Obviously, folks who can't get on the call at 5 may miss some of the introductory and background information, but I will do my best to catch people up if they can't join the call until later.

2. **Do people need to register or sign-up ahead of time to speak? Is there a time limit for speaking?**

I don't think there will be a need to register or sign up ahead of time to speak. This is a relatively-informal meeting. We want to get input from the neighboring property-owners and residents. And so after I introduce the meeting and our proposal, I am going to open up the floor for questions and comments. That being said, I think that the easiest way for people to get questions in will be through WebEx's chat box. So my plan would be to have everyone on the call muted except for those who are presenting. But I will ask people to type in their questions and comments into the chat box and will explain how to do that. When we are done presenting, we will answer those questions and address the comments. Then, I will unmute the folks who are just joining over the phone to see if they have any questions or concerns they would like to share. I will try to make sure we do that for people who have to join late, as well.



3. **Who will be in attendance from the applicant's side?**

Clyde Holt and I will be in attendance. We will be representing the property owner, who will also probably be listening in. But Clyde and I plan to answer all of the questions. The engineer for the restaurant buyer will be on the call as well to field technical questions and concerns.

4. **Will there be any Town of Zebulon officials on the call (commissioners or planning board members)?**

The Town staff know about this virtual neighborhood meeting, but they are not required under the UDO to be present. Based on my conversations with staff, I do not think that they plan to be on the call. That being said, we are required to submit a summary of all of the questions that come up during the meeting in our rezoning application, so the planners will know about any questions that come up at the meeting. But if anyone has comments for the Commissioners and Planning Board, this proposal will come before them at a public hearing at a later point in the rezoning process where they will be entitled to speak. Our hope is, though, that we can address any concerns from neighbors on the front end, before the proposal gets to the Planning Board and Commissioners.

5. **How will the meeting be structured? Is there an opening presentation planned and then Q&A, or something less formal? If an outline or agenda for the meeting is prepared that you can send, that would be helpful.**

I touched on this in my response to your second question, but my plan is

- 1) Introduce the virtual meeting: I will need attendees to type in their names and contact information into the chat box because the UDO requires that we submit a list of neighborhood meeting attendees with our application (this is usually done with a sign-in sheet, but that won't work for a virtual meeting). I will have to do a roll call for the people who are just joining via telephone. I will then tell people how to type in their questions and comments into the chat box, which they can do at any point.
- 2) Background: I will give everyone some background on our proposal. Most of it is in the memo that you received in your neighborhood meeting notification. The engineer may take a few minutes to talk about the sketch plan at this point as well.
- 3) Q&A: I will then go through and answer the questions and comments in the chat box in the order that they come in. I may consolidate questions if people are asking about the same things. When we finish those questions, I will unmute the folks who are joining us via telephone and give them time to ask their questions.

And like I said, I will be on the call for the entire two hours to make sure that we don't miss anyone who wants to participate.

Please let me know if you have any more questions that I can answer before the neighborhood meeting, and I look forward to virtually "meeting" you on Tuesday!

Kind regards,

**Ashley Honeycutt Terrazas**

Associate

**Fox Rothschild LLP**

434 Fayetteville Street

Suite 2800

Raleigh, NC 27601

(919) 719-1245 - direct

(919) 755-8800 - fax

[ATerrazas@foxrothschild.com](mailto:ATerrazas@foxrothschild.com)

[www.foxrothschild.com](http://www.foxrothschild.com)

**From:** Wakelon Townhomes <wakelonhoa@gmail.com>

**Sent:** Friday, May 22, 2020 8:54 AM

**To:** Terrazas, Ashley Honeycutt <ATerrazas@foxrothschild.com>

**Subject:** [EXT] 1500/1512 Arendell Ave Re-Zoning Neighborhood Meeting

Good Morning Ashley -

My name is Domenick Schilling, I am a homeowner in Wakelon Townhomes at 207 Nostalgia Ln. I am also the current serving president of the HOA and am emailing you from the HOA email account in order to easily share your responses with the rest of the HOA Board of Directors.

As you can imagine, we are very interested to hear further details about the proposed re-zoning and plans for the parcels referenced above and look forward to the meeting on Tuesday.

We do have several questions regarding the neighborhood meeting scheduled for Tuesday 5/26 at 5:00:

Regarding the meeting process itself:

1. Do participants simply call or log in at anytime between 5:00 & 7:00, or do they need to be on at the start of the meeting?
2. Do people need to register or sign-up ahead of time to speak? Is there a time limit for speaking?
3. Who will be in attendance from the applicant's side?
4. Will there be any Town of Zebulon officials on the call (commissioners or planning board members)?
5. How will the meeting be structured? Is there an opening presentation planned and then Q&A, or something less formal? If an outline or agenda for the meeting is prepared that you can send, that would be helpful.

Regarding the project itself:

1. In looking at the sketch - I assume that the "front" is the side facing Arendell Ave, correct? My next few questions assume that is the case when referencing right, left and rear sides of the property. **Yes, the building front faces Arendell & the secondary side faces the side share private access drive.**
2. What does the 10' landscape buffer on the right side consist of; ie. types of plants, height, spacing etc.? **The 10' landscape buffer between the restaurant parcel and the auto sales lot is a "Type A Separation Buffer" per TABLE 5.6.10.C: PERIMETER BUFFER CONFIGURATION (see attached).**
3. The plan notes a 40' buffer around the rear and left side, but it's difficult to make out the type - it looks like type "D" or maybe type "O". Can you clarify which it is and what that consists of? **The plan shows a "Type D Opaque Buffer" per TABLE 5.6.10.C: PERIMETER BUFFER CONFIGURATION (see attached).**
4. I also note there is an 8' fence along the rear property line - can that be added around the right side to mitigate possible noise and sight nuisances to the back of the Wakelon Townhome community, particularly since the drive-thru outdoor ordering kiosk is on that side of the building? **The plan shows a 6' fence along the restaurant parcel rear property line.**
5. It's not very clear from the sketch if there will be one entrance (to the front left side) or two (another one on the front right side at or near the current driveway into the car lot). If there are two, will there be a traffic light installed at the entrance on the front right side? **The restaurant proposes a main entrance facing Arendell & a secondary entrance facing the private access drive on the rear elevation.**
6. What type of parking lot lighting is planned - how tall and how bright would the lighting be? **LED full cutoff "shoebox" type fixture in accordance with UDO 5.4.7. MAXIMUM ILLUMINATION LEVELS**
7. What would the hours of operation be? **Proposed restaurant user typical hours are 10AM - 11PM**
8. When would delivery trucks and trash pick-up be scheduled? **Proposed restaurant user typical delivery truck occurs during operating hours but not during peak dining hours. Trash service varies by location and trash service provider.**



9. What is planned to mitigate any possible mosquito pest problems from the storm water retention area?  
*Typical storm water design will prevent against these negative items with design measures to insure the water does not become stagnant.*
10. What will happen with the trailer sales business that is currently occupying the parcel planned for the restaurant?

Thank you in advance for your responses and for the opportunity to get clarification and have our concerns heard and addressed. We look forward to hearing more on Tuesday and wish you a safe and Happy Memorial Day weekend!

Sincerely,

Domenick Schilling

This email contains information that may be confidential and/or privileged. If you are not the intended recipient, or the employee or agent authorized to receive for the intended recipient, you may not copy, disclose or use any contents in this email. If you have received this email in error, please immediately notify the sender at Fox Rothschild LLP by replying to this email and delete the original and reply emails. Thank you.

## Terrazas, Ashley Honeycutt

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**From:** Terrazas, Ashley Honeycutt  
**Sent:** Monday, June 1, 2020 9:30 AM  
**To:** 'Wakelon Townhomes'  
**Cc:** Holt, Clyde  
**Subject:** Neighborhood Meeting Follow-up

Good morning Domenick,

Thank you again for attending the virtual neighborhood meeting last Tuesday regarding the proposed conditional rezoning of 1500 and 1512 Arendell Avenue.

I wanted to follow up with you on some of your questions and concerns that we were unable to answer during the meeting. I also want to address a question that Karen Underhill asked me shortly before I closed the meeting at 7pm because I think it may be of interest to some of the other members of your HOA as well.

- **What will happen to the trailers currently on 1512 Arendell?** Those trailers are part of the Five County Auto Sale's inventory. Five County has been instructed in the future to maintain all autos and trailers on its leased property, and that they be kept as far away from the townhomes as possible.
- **You were interested in the possibility of the fence that will be built on the back of the 1512 property extending the length of the 1500 property that borders Wakelon Townhomes.** We plan to include a condition to the zoning application that will provide that once new construction or other redevelopment should occur on 1500, the fence would be extended along the common boundary with Wakelon townhomes (see below).
- **Karen Underhill told me that it slopes down from 1512 Arendell to the townhomes, and there is a stormwater retention pond on the townhomes property that sometimes overflows. Most of the runoff comes from the church, but Karen wanted to know if our project will add to that problem.** From the engineer: at this stage it is safe to say that the post-development drainage of the restaurant parcel will drain towards the roadside ditch within the R/W of N Arendell Ave. We are adding a condition to that effect to the zoning application.

I also want to run our planned conditions by you for your review. We plan to file the application today, but we have been advised that we have a month to fine-tune it, so if you need some time to review these, that should be fine.

1. Maximum height of principal building(s) shall not exceed thirty-five feet (35") as measured by code.
2. The collection of trash and/or recycling from the subject property shall be limited to Monday through Friday from the hours of 6AM to 7PM.
3. Exterior lighting shall be aimed and/or shielded so as to prevent direct view of the light sources from any adjacent residentially zoned lot containing an occupied dwelling.
4. In addition to storm water measures required by code, the owner shall design and maintain any required retention area so as to minimize and/or manage standing water to reduce its potential for mosquito infestation and to drain toward the right-of-way of Arendell Avenue.
5. In addition to landscaping required by code, at the time of initial development on the vacant parcel, or upon new construction and/or redevelopment of the developed parcel, each lot owner shall install and thereafter maintain a six (6') foot high opaque fence within the portion of the side or rear yard sharing a common boundary with adjacent residentially zoned property containing an occupied dwelling.



6. As a means of complying with §6.13.7 of the Zebulon UDO, each property-owner shall be permitted to utilize an alternative reasonable method, other than the ITE manual, to calculate peak hour trip generation for its traffic impact analysis and the calculation of any transportation impact fee assessed for new development on such lot. Any transportation impact fee ultimately agreed upon and/or paid by each property-owner and payments for any required road improvements and/or the fair market value of any right-of-way dedication (or fees-in-lieu for the same) required by the Town, or any sums previously paid by each property owner on account of such similar Town requirements, shall be considered concurrent payments.

7. The primary reason for this rezoning being the return of the subject property to the commercial classification existing prior to January 1, 2020, and given that the downzoning occurring at that time took place without the property-owner's knowledge or consent, the application filing fee otherwise due under the Code and Fee Schedule shall be waived and/or returned to the property-owner applicant.

Again, we want to be as transparent as possible. Please let me know if you have any further questions or concerns.

Kind regards,

**Ashley Honeycutt Terrazas**

Associate

**Fox Rothschild LLP**

434 Fayetteville Street

Suite 2800

Raleigh, NC 27601

(919) 719-1245 - direct

(919) 755-8800 - fax

[ATerrazas@foxrothschild.com](mailto:ATerrazas@foxrothschild.com)

[www.foxrothschild.com](http://www.foxrothschild.com)

5/26/2020 Virtual Neighborhood Meeting Sign-in Sheet

1. Domenick Schilling & Lori Cain, 207 Nostalgia Ln, 919-413-7600, Loridschilling@nc.rr.com & suntanvalentine@yahoo.com
2. Tina and Mike Binder, 205 Nostalgia Ln, 969-604-8562
3. Drew Hemphill, 105 Nostalgia Ln, 919-215-8811
4. Emily Blackwell, 213 Nostalgia Ln, Zebulon, NC. 919-818-7491 [emilybl14@nc.rr.com](mailto:emilybl14@nc.rr.com)
5. Renee Baker 1401 Arendell Ave 919-368-0584
6. Brandon Powell, Senior Pastor-Wakefield Central Baptist Church, 308 Proctor Street Wendell, NC
7. Tommy Perry, property-owner
8. Karen Underhill, 401 Nostalgia Ln., 919-219-9516



**PRELIMINARY - FOR DISCUSSION PURPOSES ONLY**

	<b>PRELIMINARY SITE PLAN</b> 1512 ARENDALE AVE ZEBULON, NORTH CAROLINA	PROJECT NO: 1512 DATE: 4-20-20 DRAWN BY: J. W. WOOD CHECKED BY: J. W. WOOD PSP-1
NO. DATE DESCRIPTION 1 4-13-2020 REVERSE PER PLAN DCH 2 5-5-2020 REVERSE PER PLAN DCH		
REVISIONS		

NO.	DATE	DESCRIPTION
1	4-13-2020	REVERSE PER PLAN DCH
2	5-5-2020	REVERSE PER PLAN DCH

NO.	DATE	DESCRIPTION
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2	5-5-2020	REVERSE PER PLAN DCH

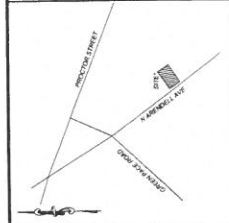
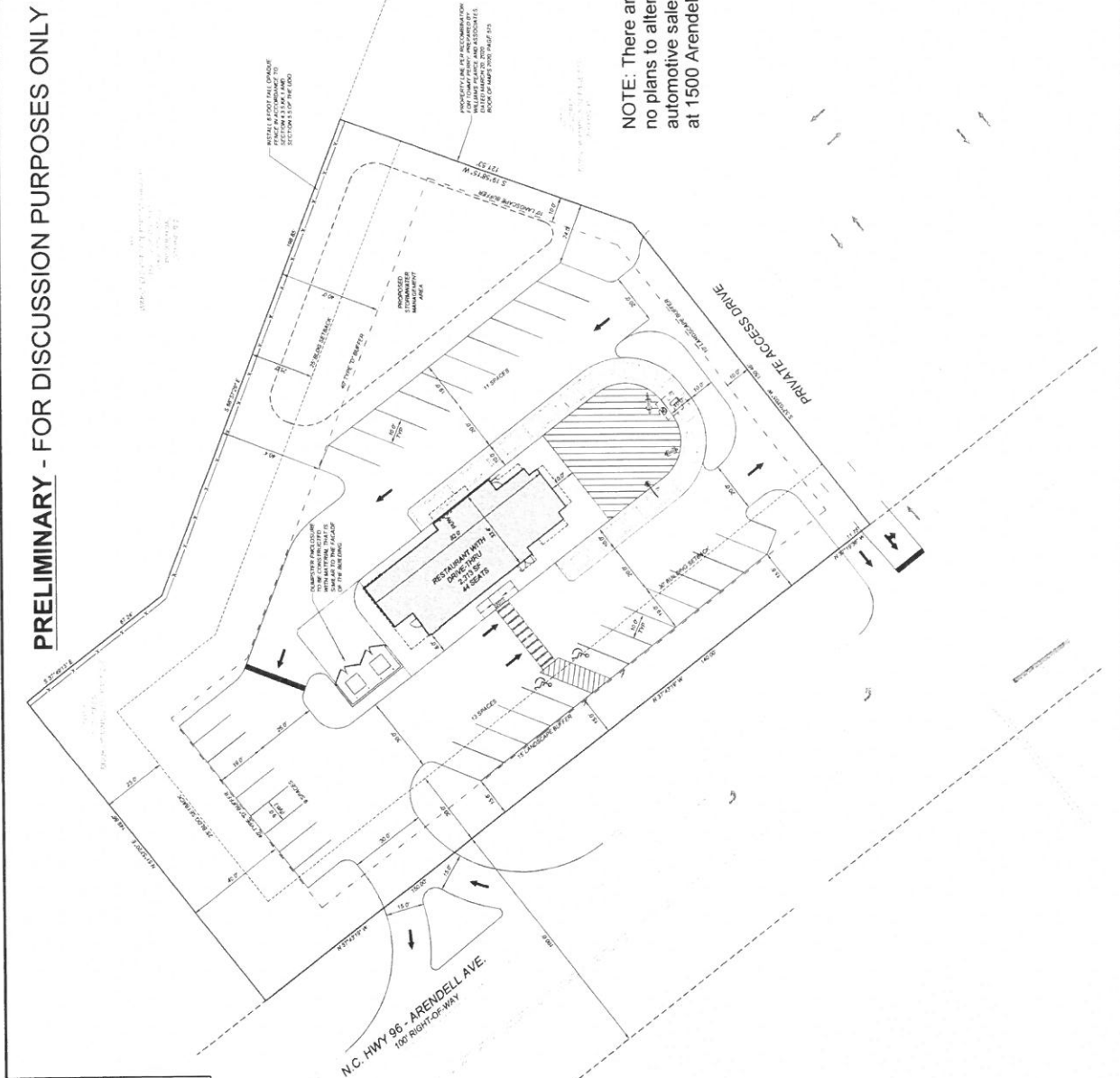
NO.	DATE	DESCRIPTION
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2	5-5-2020	REVERSE PER PLAN DCH

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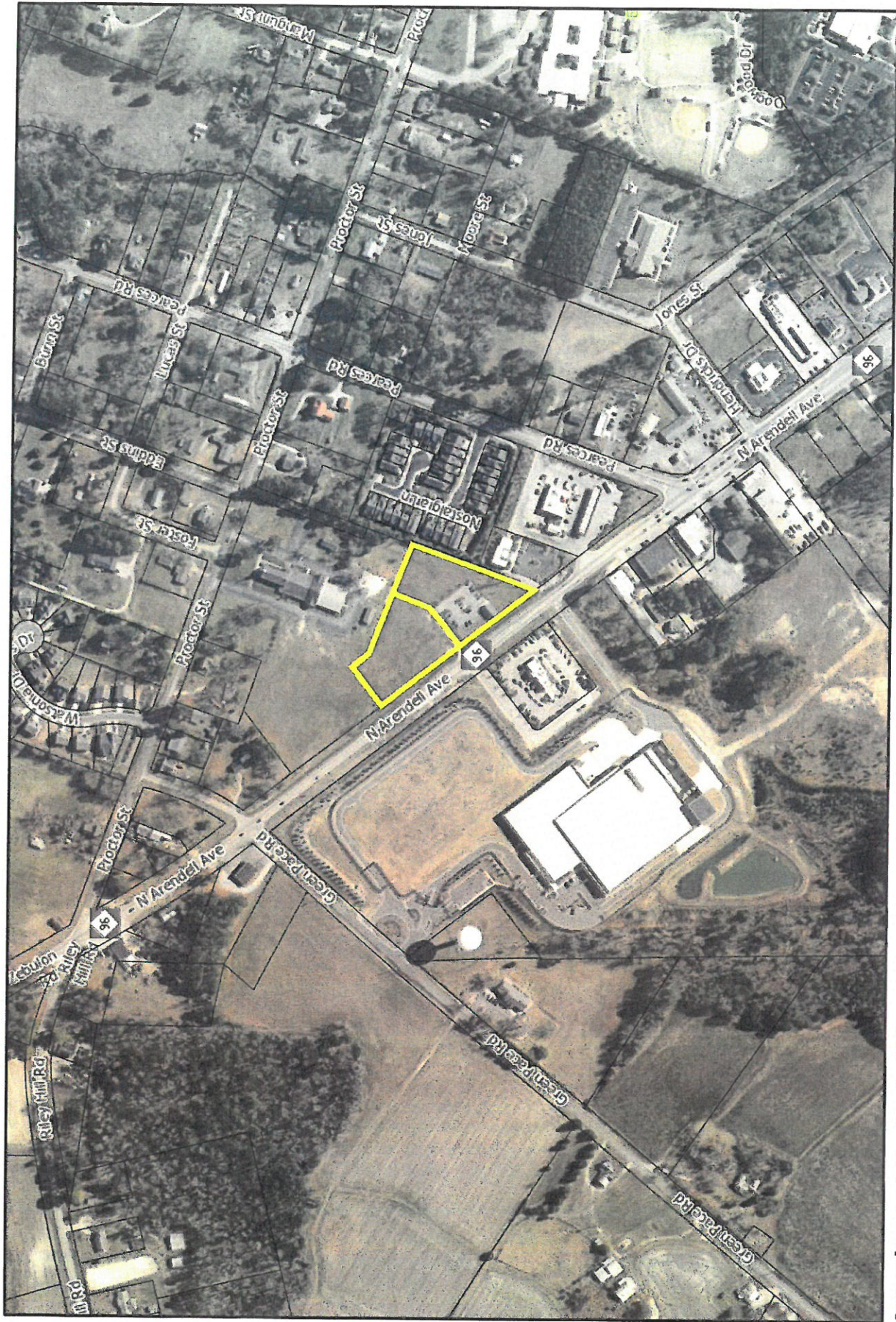
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2	5-5-2020	REVERSE PER PLAN DCH

NO.	DATE	DESCRIPTION
1	4-13-2020	REVERSE PER PLAN DCH
2	5-5-2020	REVERSE PER PLAN DCH

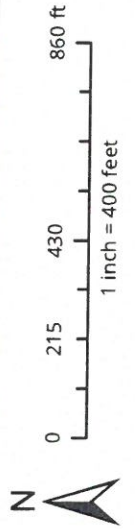


Attachment 2



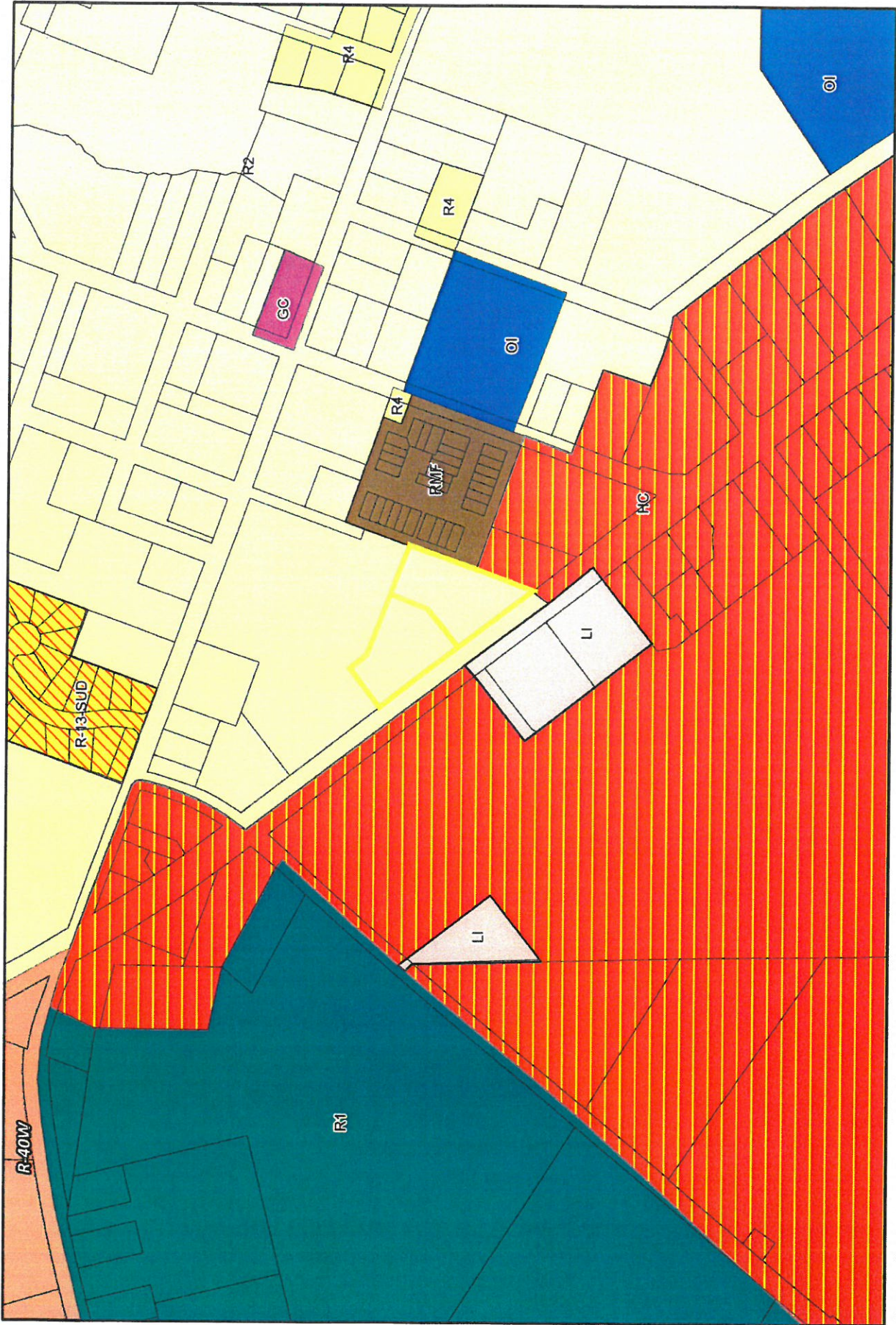


**Disclaimer**  
iMaps makes every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes, and are NOT surveys. No warranties, expressed or implied, are provided for the data therein, its use, or its interpretation.

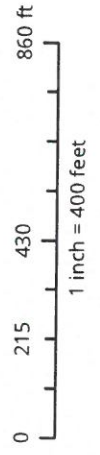


**Attachment 3 - Aerial Map**





**Attachment 4 - Zoning Map**



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# Land Use

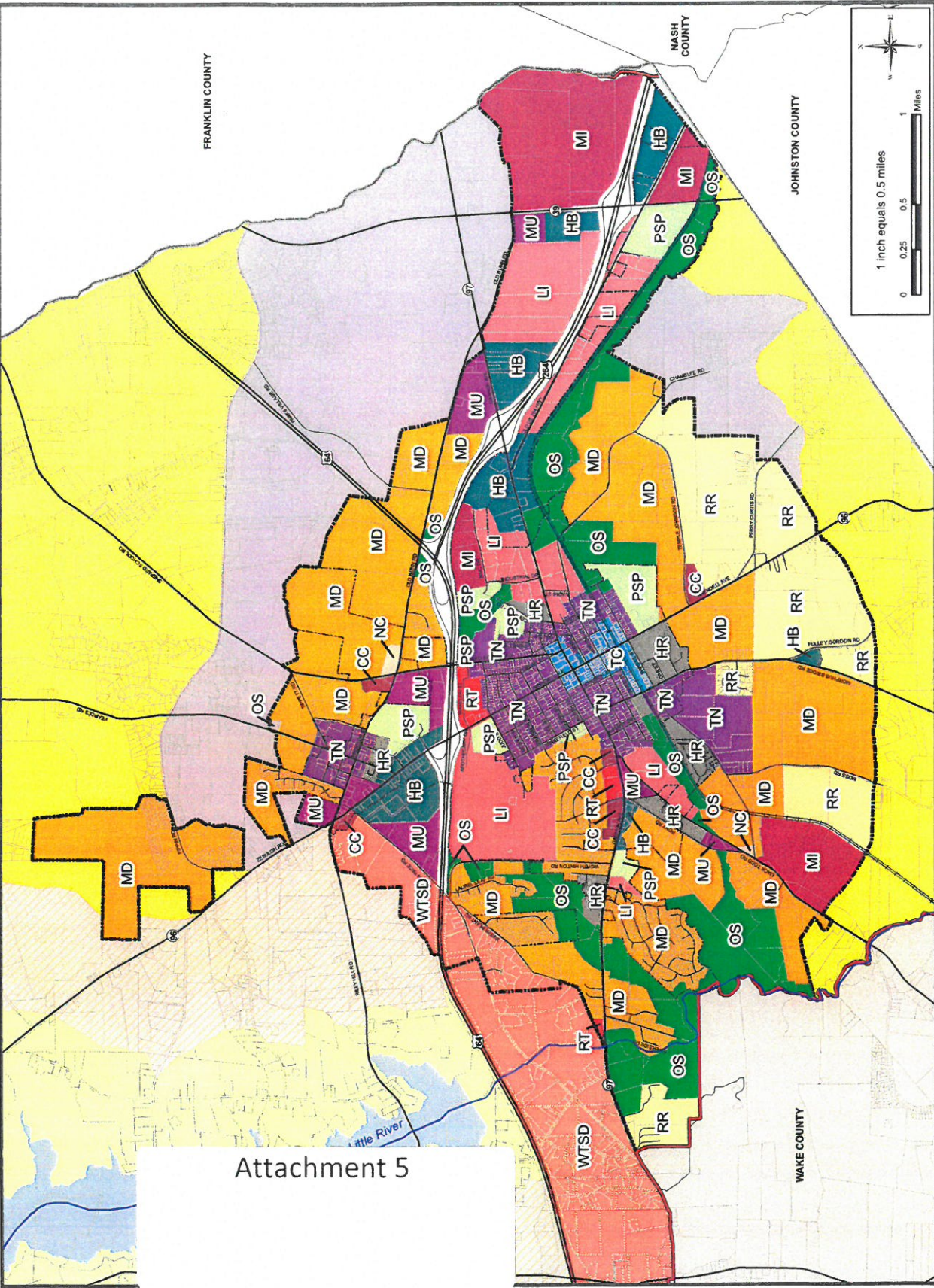
Town of Zebulon  
Wake County, NC

## Legend

- Railroad
- Streets
- Major Roads
- Major Streams
- Critical Water Supply Watershed (R-80W)
- Little River Reservoir
- 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 Residential
- MD-Medium Density Residential
- HR-High Density Residential
- TN-Traditional Neighborhood
- TC-Town Core/Downtown
- HB-Highway Business
- MU-Mixed Use Commercial
- 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



Date obtained from Wake County GIS and the Town of Zebulon  
06/2019



Attachment 5





## Proposed Conditions

1. Building height will be no greater than 35'
2. That a traffic impact analysis will be conducted by a licensed engineer and submitted and approved by the Town of Zebulon prior to Technical Review Committee approval
3. That a fence meeting the Unified Development Ordinance requirements be constructed on the property lines adjacent with residential dwelling units and the church property

\*All applicable Unified Development Ordinance requirements and requirements by other agencies will be reviewed and regulated at the time of Technical Review Committee review process.

---

Property Owner Signature

---

Meade O. Bradshaw III - Assistant Planning Director  
Town of Zebulon





Attachment 7





NOTICE OF PUBLIC HEARING

**PH**

[www.townofzebulon.org](http://www.townofzebulon.org)

**919.823.1810**

Zebulon Planning Department



















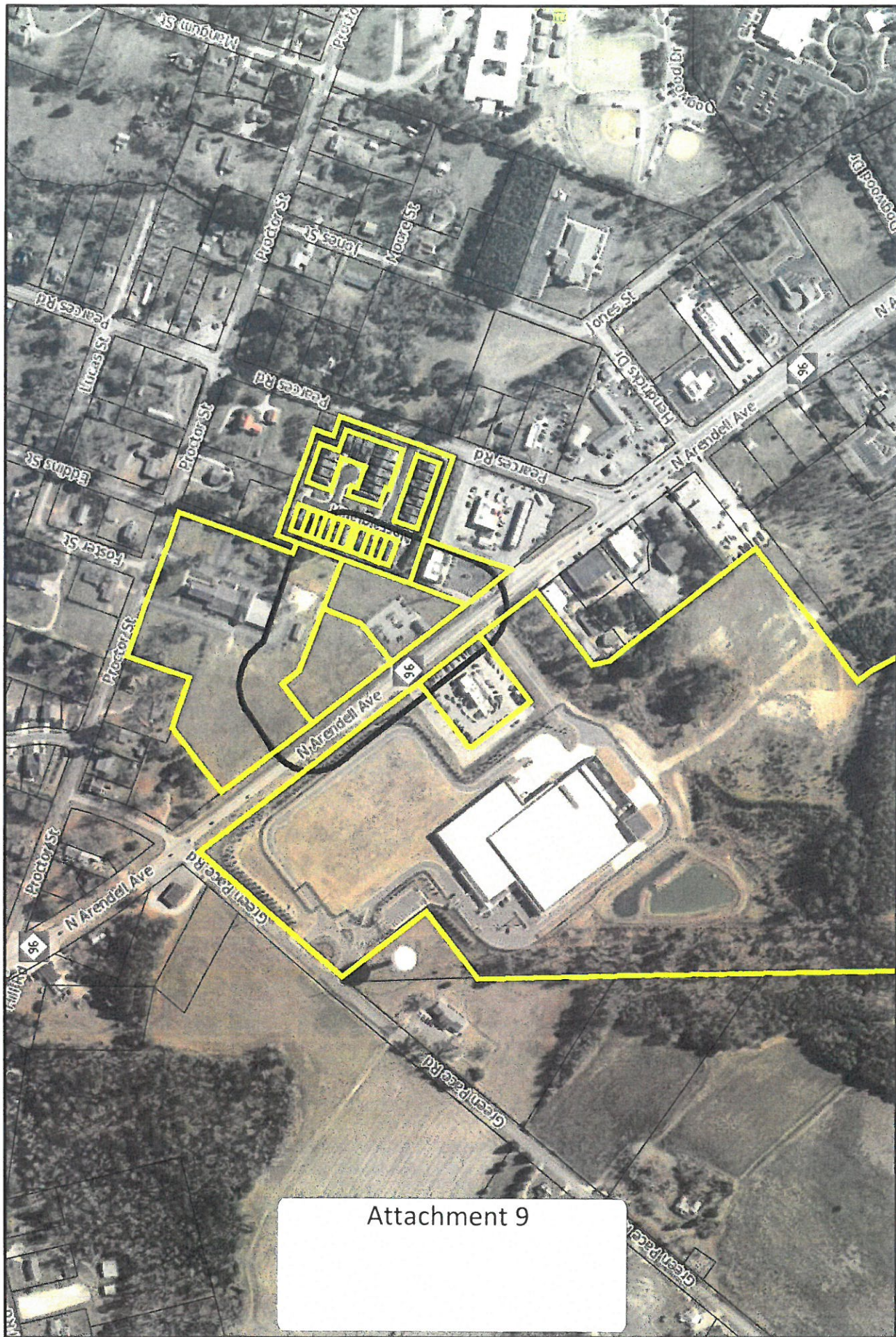
## **Notice of Public Hearing**

Notice is hereby given pursuant to the provisions of Article 2.2.2 of the Town of Zebulon Unified Development Ordinance that a public hearing will be held on **August 10, 2020 at 7:00 PM** at the **Zebulon Municipal Complex, 1003 N. Arendell Avenue**, and will be conducted by the Board of Commissioners of the Town of Zebulon for the purpose of considering the following items:

***CZ 2020-02 1500 & 1512 N Arendell Avenue.*** A request by Clyde Holt representing the property owner of 1500 & 1512 North Arendell Avenue, Stephen Jordan Properties LLC, requesting a Conditional Zoning Map Amendment from Residential-2 (R-2) to Heavy Commercial Conditional Zoning (HC CZ) .

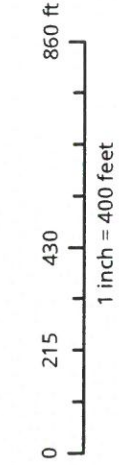
Due to potential social distancing and occupancy limits related to the State's COVID-19 Order, in-person public comments will be accepted; however, the Town of Zebulon encourages that all public comments be submitted to Deputy Town Clerk Stacie Paratore at [SParatore@TownofZebulon.org](mailto:SParatore@TownofZebulon.org) no later than 12:00 Noon on the day of the hearing to be read into the record. The meeting will be streamed live and links will be provided along with the full application packet and documentation on the Planning Department web page at [www.TownofZebulon.org/services/planning](http://www.TownofZebulon.org/services/planning). For questions or additional information, please contact us at (919) 823-1809.





Attachment 9

**Mailed Notice - 150' Buffer**



**Disclaimer**  
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STAFF REPORT  
Transportation Plan Amendment  
Joint Public Hearing, August 10, 2020

**Topic: Judd Street Transportation Plan Amendment**

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

**Executive Summary:**

The Board of Commissioners will consider an amendment to the existing Multimodal Transportation Plan Amendment to designate Judd Street as a collector from Arendell Avenue to Worth Hinton Road. As an amendment to an existing plan, this is a Legislative hearing request.

**Background:**

The subject section of land is currently located south of the facilities owned and operated by GSK and is currently zoned Light Industrial. GSK has indicated that they will be putting this tract of land on the market for development. Currently, there is no road connection shown on the existing Multimodal Transportation Plan.

**Policy Analysis:**

This proposed Transportation Plan amendment is consistent with the *Growing Smart* Area and Goal of the **Town of Zebulon: Vision 2030 Strategic Plan** as it anticipates potential redevelopment of the subject tract of land into multiple parcels and establishes the a needed connection between Arendell Avenue and Worth Hinton Road. When this property is developed, an east-west collector at this location will reduce traffic on other roads, reduce response times for emergency service vehicles, and provide for additional connections to Wedgewood and Worth Hinton.

**Fiscal Analysis:**

The cost of the proposed collector would be paid for by the developer instead of the Town if it is shown on the plan. Furthermore, this could potentially be either a Town-owned road or a State-owned road.

**Discussion:**

The discussion before the Boards is whether to amend the Transportation Plan to designate Judd Street as a collector as shown on the attached Transportation Plan Map and Cross Section as a two-lane collector with a landscaped median.

**Staff Recommendation:**

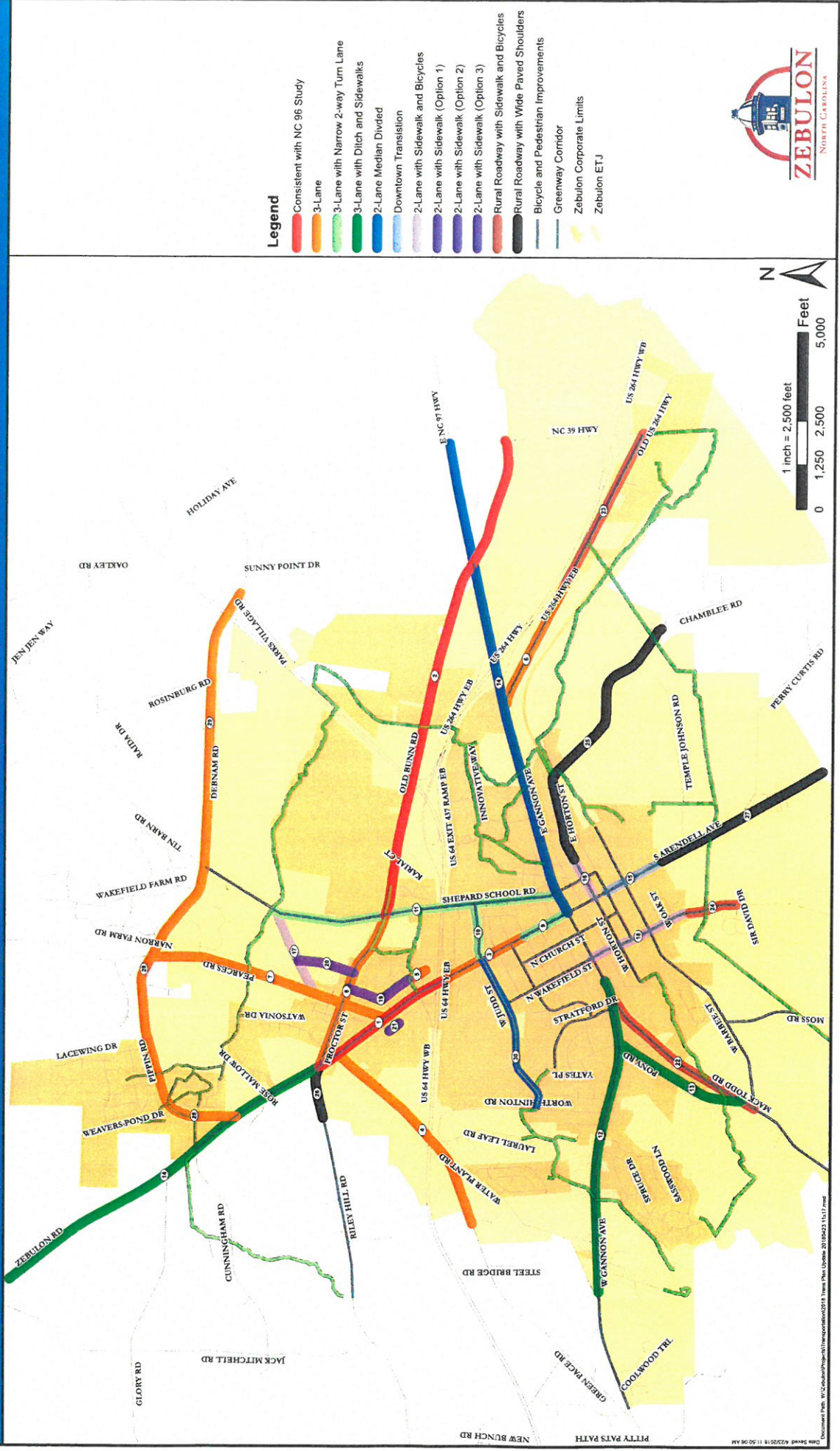
Following the joint public hearing, Staff recommends forwarding the proposed amendment for deliberation to the Planning Board.

Staff recommends approval of the Transportation Plan Amendment as presented.

**Attachments:**

1. Proposed Transportation Plan Map
2. Proposed Collector Street Cross-section.

# Town of Zebulon Multimodal Transportation Plan Appendix A



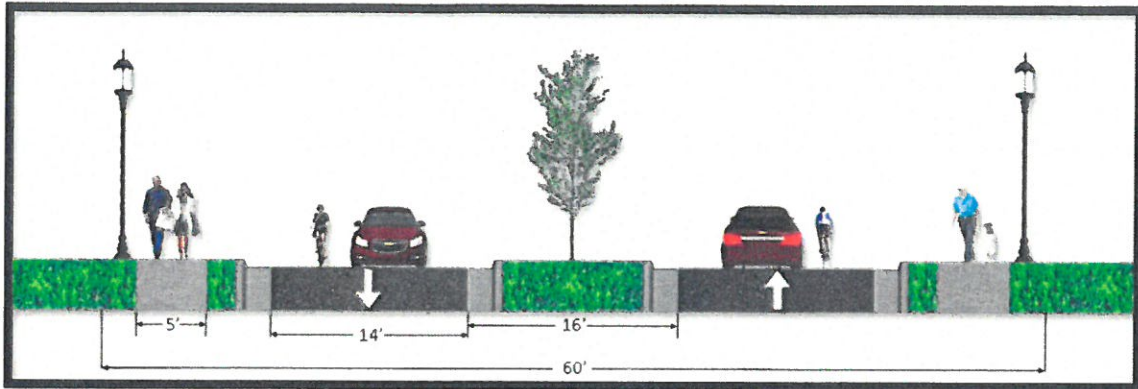
**Legend**

- █ Consistent with NC 96 Study
- █ 3-Lane
- █ 3-Lane with Narrow 2-way Turn Lane
- █ 3-Lane with Ditch and Sidewalks
- █ 2-Lane Median Divided
- █ Downtown Transition
- █ 2-Lane with Sidewalk and Bicycles
- █ 2-Lane with Sidewalk (Option 1)
- █ 2-Lane with Sidewalk (Option 2)
- █ 2-Lane with Sidewalk (Option 3)
- █ Rural Roadway with Sidewalk and Bicycles
- █ Rural Roadway with Wide Paved Shoulders
- █ Bicycle and Pedestrian Improvements
- █ Greenway Corridor
- █ Zebulon Corporate Limits
- █ Zebulon ETJ





**2-Lane Median Divided**




This cross section includes two 14-foot lanes with curb and gutter, divided by a 16 foot terrain median that can support trees or other aesthetic vegetation. The wide lane width could be used to accommodate bicycles. The cross section also includes 5-foot sidewalks with 2 foot 6 inches of terrain on both sides. There are lamp posts posted along the sidewalks located within the far side terrain area. The total width of the cross section is 68 feet 2 inches.

Main Rd.	From	To	Map Number
Gannon Ave.	Arendell Ave.	NC 39 Hwy.	14
Judd St.	Arendell Ave.	Worth Hinton Rd.	30



STAFF REPORT  
Quarterly Text Amendments (QA 2020-02)  
Mobile Food Vendors  
Joint Public Hearing, August 10, 2020

**Topic: Quarterly Text Amendment 2020-02- Mobile Food Vendors**

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

**Executive Summary:**

The Planning Board and Board of Commissioners will consider an amendment Section 4.5.4.A of the Unified Development Ordinance regarding Mobile Food Vendors. As a text amendment, this is a Legislative hearing request.

**Background:**

Section 2.2.20 of the Unified Development Ordinance regulates text amendments to the UDO. Staff received an application to amend UDO Section 4.5.4.A be less restrictive for Mobile Food Vendors that are fully mobile operations such as ice cream trucks.

**Policy Analysis:**

These proposed UDO text amendment is consistent with the *Small-Town Life* Focus Area and Goals of the **Town of Zebulon: Vision 2030 Strategic Plan** as it will still maintain health and safety controls on operations such as ice cream trucks though general law regulations, without requiring approval from staff each time they wish to operate.

**Fiscal Analysis:**

The proposed amendment will result in increased efficiency of staff time as applications for ice cream trucks and similar activities would not need to be processes, reviewed, and approved.

**Discussion:**

The discussion before the Boards is whether to amend the Section 4.5.4.A of UDO.

**Staff Recommendation:**

Following the joint public hearing, Staff recommends forwarding the proposed amendments for deliberation to the Planning Board.

Staff recommends approval of the proposed amendments to Section 4.5.4.A of the UDO. The following motion and consistency statement may be used:

*I hereby make a motion to approve/deny the proposed text amendments to sections 4.5.4.A of the Unified Development Ordinance as presented at the August 10, 2020 Joint Public Hearing, finding that the proposed requests are consistent with the Comprehensive Master Plan and the goal statements of the 2030 Strategic Plan as adopted by the Town of Zebulon.*

**Attachments:**

1. UDO Section 4.5.4.A (Mobile Food Vendors)
2. Joint Public Hearing Notification
3. Application for sign text amendment





# Town of Zebulon

## Planning Department

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

## UDO TEXT AMENDMENT PETITION

### GENERAL INFORMATION:

In cases where the standards of specific to a particular zoning district is inconsistent with the future land use or necessitates changes to the UDO text are needed to accommodate new practices, technology, or conditions, the UDO Text Amendment request as outlined in Section 2.2.20 of the UDO provides details on how to amend the UDO to for Town to apply different regulations.

### INSTRUCTIONS:

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

**APPLICATION PROCEDURE:** The applicant requesting a UDO Text Amendment must submit a written application to the Zebulon Planning Department using the forms included in this packet.

- Completed Application Form
- Petition Fee (Please See Fee Schedule)
- One (1) Legal Description (metes and bounds) of subject property

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



APPLICATION FOR  
UDO TEXT AMENDMENT

**PART 1. DESCRIPTION OF REQUEST**

UDO Section to be amended:  
**4.5.4.A.3.a**

Reason for Proposed Text Amendment:  
To allow a mobile Food Vendor to sell while stopped, standing, or parked on a public street, right-of-way, or easement.

Proposed Text:  
  
Current Text:

No products shall be sold from any mobile food vendor unit which is stopped, standing, or parked in any public street, right-of-way, or easement. Nor shall the mobile food vendor impede the flow of traffic or pedestrians on the sidewalk.

Proposed Text

No products shall be sold from any mobile food vendor unit which is stopped, standing, or parked in any public street, right-of-way, or easement that would impede the flow of traffic or pedestrians on the sidewalk.

I am in agreement with this proposed text as long as parking or stopping legally against a curb and/or parking in the center of a cul-de-sac that does not impede residents from entering or exiting driveways is allowed.

**PART 2. APPLICANT/AGENT INFORMATION**

Name of Applicant/Agent:  
**Jim Cummings**

Street Address of Applicant/Agent:  
**5716 Farragon Hill Lane**

City: <b>Wendell</b>	State: <b>NC</b>	Zip Code: <b>27591</b>
-------------------------	---------------------	---------------------------

Email of Applicant/Agent: <b>jcummings@kona-ice.com</b>	Telephone Number of Applicant/Agent: <b>919-584-5662</b>	Fax Number of Applicant/Agent:
--	---	--------------------------------

*I hereby state that the facts related in this application and any documents submitted herewith are complete, true, correct, and accurate to the best of my knowledge.*

<i>Signature of Applicant:</i> <b>Jim Cummings</b>	<i>Print Name:</i> <b>Jim Cummings</b>	<i>Date:</i> <b>6/17/20</b>
---	---	--------------------------------





## APPLICATION FOR UDO TEXT AMENDMENT

### LEGISLATIVE CONSIDERATIONS –ZONING MAP AMENDMENT

A UDO Text Amendment is a legislative process and subject to applicable review standards as set forth in Section 2.2.20.G of the UDO. Please note that the Planning Board and Board of Commissioners will be reviewing the proposed request based on all potential uses and activities that would be permitted within the subject request. Please provide detailed response on how the proposed rezoning request addresses each of these standards:

1) Please provide details on how the proposed amendment advances the public health, safety, or welfare.
N/A
2) Please provide details on how the proposed amendment is consistent with the Town's adopted policy guidance.
The same policies are in place. The only difference is in the wording. The way it is currently written prohibits mobile food vendors from selling while parked on a public street. Amendment allows mobile food vendors to serve on public streets and in residential neighborhoods as long as they are not impeding traffic
3) Please provide details on how the proposed amendment is not in conflict with any provision of this Ordinance or the Town Code of Ordinances
N/A
4) Please provide details if the proposed amendment is required by changed conditions.
N/A
5) Please demonstrate how the proposed amendment addresses a demonstrated community need;
This proposed amendment allows mobile food vendors the right to sell products in residential neighborhoods.



## APPLICATION FOR UDO TEXT AMENDMENT

6) Please provide details on how the proposed amendment addresses an unforeseen matter not present when the Ordinance was adopted;
N/A
7) Please provide details on how the proposed amendment is consistent with the purpose and intent of the zoning districts in this Ordinance, or would improve compatibility among uses and ensure efficient development within the Town
N/A
8) Please provide details on how the proposed amendment would result in a logical and orderly development pattern;
N/A
9) Please provide details on how the proposed request addresses other factors determined to be relevant by the Board of Commissioners;
N/A
10) Please provide details on how the proposed request would not result in significantly adverse impacts on the natural environment, including water, air, noise, stormwater management, wildlife, vegetation, and the natural functioning of the environment.
N/A



## 4.5.4.A STANDARDS FOR SPECIFIC TEMPORARY USES

---

### A. MOBILE FOOD VENDORS

---

#### 1. PURPOSE

This section is designed to provide standards relative to the accessibility, appearance, and safety regarding commercial food vending, as well as to preserve the peace and enjoyment of residences and occupation of a site by a properly licensed business.

#### 2. OPERATIONAL REGULATIONS

- a. A mobile food vendor permit shall be required as provided for herein.
- b. The following mobile food vendors shall not be required to obtain a mobile food vendor permit:
- c. The following activities shall not be required to obtain a mobile food vendor permit provided that all required permits are obtained:
  - i. Mobile food vendors that that stop based on customer demand for point of sale service and move to a different location such as an ice cream truck or similar operation.
  - ii. Mobile food vendors operating as part of a Town of Zebulon sponsored event.
  - ~~iii.~~ Noncommercial private events held on single-family detached, and duplex lots, or common space owned by a home owners association, shall not be required to obtain a mobile food vendor permit, provided that all required permits are obtained, if applicable, and that the mobile food vendor:
    - i.1. Is not open to the public, such as outdoor weddings and, employee parties and home owner association events;
    - ii.2. Is located on a site with a single user and/or tenant; and,
    - iii.3. Will not make, cause, or allow the making of any noise or sound which exceeds the limits set forth in the Town of Zebulon's Code of Ordinances, as may be amended from time to time, and will not generate adverse traffic, or other nuisance impacts on adjacent properties.
- d. Permits, unless sooner suspended or revoked, shall be valid for no longer than one year expiring at the end of the calendar year.
- e. Permit certificates shall be attached to the mobile food vendor unit where they are readily visible and shall include the name, mailing address, and valid phone number of the mobile food vendor unit owner and shall list the addresses and parcel identification numbers where the permit is valid.
- f. Routine inspections may be conducted by local inspectors on each mobile food unit at any time and at any frequency deemed appropriate by the Town.
- g. Any mobile food vendor unit that has a suspended or revoked permit by the State of North Carolina and/or Wake County, and on a subsequent inspection, a State of North Carolina and/or Wake County Inspector determines that the mobile food vendor has not corrected the violation(s), shall have its Town-issued mobile food vendor permit revoked and food service shall cease in the Town.
- h. A permit issued under this section is not transferable.

#### 3. STANDARDS

The following standards shall apply to all mobile food vendor permits unless exempt above:

- a. No products shall be sold from any mobile food vendor unit which is stopped, standing, or parked in any public street, right-of-way, or easement. Nor shall the mobile food vendor impede the flow of traffic or pedestrians on the sidewalk.
- b. Mobile food vendor units are prohibited on all parcels used for residential purposes as designated on the Official Zoning Map or on the grounds of any government office, facility, public park, recreation area, or other similar public land within the Town, which is under the

control, operation, or management of the Town, except as otherwise allowed in this section or by law.

- c. Mobile food vendors are allowed within the Town's planning jurisdiction so long as the mobile food vendor unit is located on private property designated and used for commercial, industrial, or nonresidential purposes, subject to the following conditions:
  - i. Mobile food vendors shall not provide customer seating.
  - ii. No display areas, merchandise, or stored items in association with the vendor or those associated with the principal use on the property, which are displaced due to the vending activity, shall encroach onto any public street, right-of-way, or easement, or onto any adjacent private property without express permission from that property owner.
  - iii. The mobile food vendor shall set up and locate the vehicle, wares, and/or any associated displays in accordance with the principal structure setback requirements of the district where located.
  - iv. The mobile food vendor sales area shall not exceed more than two parking spaces or six hundred square feet in area, whichever is greater. However, at no time may the required number of parking spaces for the principal use of the property be rendered nonconforming due to vendor use.
  - v. The mobile food vendor unit shall not interfere with required parking, loading and unloading spaces or the vehicular access to those spaces for the principal use.
  - vi. The mobile food vendor unit shall not block, damage, or interfere with required landscaping, buffers, or stormwater drainage systems on the subject property.
  - vii. During periods of nonuse, mobile food vendor equipment must remain locked and secured, unless otherwise required by the State of North Carolina or Wake County.
  - viii. The mobile food vendor shall be prohibited from selling or distributing any type of glass container with the exception of sealed prepackaged nonalcoholic beverages such as sodas or juices.
  - ix. Amplified music or other sounds from any mobile food vendor unit for the purposes of vending products is prohibited.
  - x. All mobile food vendors shall operate in compliance with Title IX: General Regulations, Chapter 97: Noise, of the Town Code of Ordinances.
  - xi. Mobile food vendors shall be prohibited from discharging fat, oil, grease, or waste water into the sanitary sewer system. Waste shall be properly stored and disposed of at a properly designated location.
  - xii. Each mobile food vending unit shall be equipped with adequate trash receptacles and shall be responsible for the proper disposal of solid waste from the site daily without using public waste receptacles. All disturbed areas must be cleaned following each stop at a minimum of 20 feet of the sales location.
  - xiii. Each mobile food vending unit shall be equipped with at least one fire extinguisher with a minimum of a 2A-10-BC rating.
  - xiv. Vinyl wrapping, decals, stickers, painted text and/or graphics, and menu boards affixed to the mobile food vendor unit shall not count towards the maximum aggregate sign area.

#### **4. ENFORCEMENT**

The following provisions may be enforced by the Police Department and the Planning Department.

##### **a. FINE FOR VIOLATION**

Any mobile food vendor licensee operating in violation of any provision within this section or any other rules and regulations may be subject to a fine in accordance with Article Error! Reference source not found. Error! Reference source not found.. Each day of violation shall constitute a separate offense for purposes of the penalties and remedies specified in this Ordinance.



**b. REVOCATION, SUSPENSION, MODIFICATION**


- i.** The Board of Commissioners may modify a mobile food vendor license, including an approved location:

  - 1.** At any time before the issuance of a mobile food vendor license;
  - 2.** If after the issuance of such license, for cause, after reasonable notice to the licensee of the grounds for the proposed modification and the time and place of the hearing regarding such proposed modification; or
  - 3.** By request of the licensee.
- ii.** The Board may suspend, revoke, or decline to renew a mobile food vendor license for cause, after reasonable notice to the licensee of the grounds for the proposed action and the time and place of the hearing regarding such proposed action.



STAFF REPORT  
Quarterly Text Amendments (QA 2020-02)  
Street Grades  
Joint Public Hearing, August 10, 2020

**Topic: Quarterly Text Amendment 2020-02- Street Grades**

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

**Executive Summary:**

The Planning Board and Board of Commissioners will consider an amendment Section 6.10.7.F of the Unified Development Ordinance regarding Street Grade. As a text amendment, this is a Legislative hearing request.

**Background:**

Section 2.2.20 of the Unified Development Ordinance regulates text amendments to the UDO. Staff discovered a conflict between our Standard Specifications and Section 6.10.7.F of the UDO regarding Street Grades. The UDO text allows for up to a 12% grade, but the Standard Specifications only allow for a maximum of a 7% Grade

**Policy Analysis:**

These proposed UDO text amendment is consistent with the *Growing Smart* Focus Area and Goals of the Town of Zebulon: Vision 2030 Strategic Plan as it maintains consistency with past practices as our current public works equipment is set to operate at a lower grade than the maximum permitted within the UDO.

**Fiscal Analysis:**

Failure to approve the proposed text amendment would necessitate recreation of those provisions of the Standard Specification Manual along with labor and materials cost to adjust some of our public works equipment, including snowplows, to accommodate the steeper grades.

**Discussion:**

The discussion before the Boards is whether to amend the Section 6.10.7.F of UDO.

**Staff Recommendation:**

Following the joint public hearing, Staff recommends forwarding the proposed amendments for deliberation to the Planning Board.

Staff recommends approval of the proposed amendments to Section 6.10.7.F of the UDO. The following motion and consistency statement may be used:

*I hereby make a motion to approve/deny the proposed text amendments to sections 6.10.7.F of the Unified Development Ordinance as presented at the August 10, 2020 Joint Public Hearing, finding that the proposed requests are consistent with the Comprehensive Master Plan and the goal statements of the 2030 Strategic Plan as adopted by the Town of Zebulon.*

**Attachments:**

1. UDO Section 4.5.4.A (Mobile Food Vendors)
2. Joint Public Hearing Notification
3. Application for sign text amendment



## F. STREET GRADE

Street grades shall comply with the following standards:

1. Streets and their associated gutters shall maintain grade levels in accordance with the **Town of Zebulon Standard Specifications**. **Table 6.10.7.F: Maximum and Minimum Street Grade**.

<b>STREET TYPE</b>	<b>MAXIMUM GRADE</b>	<b>MINIMUM GRADE</b>
Principal and Minor Arterials	6%	Not less than 1%
Major and Minor Collectors	8%	
Local Streets	12%	Not less than 1%

2. Street and intersection approaches shall not have grades in excess of three percent for a distance of 100 feet from the intersection of center lines in all directions for all streets.
3. All changes in grades for local streets and collectors shall be connected by a vertical curve of a minimum length of 40 times the algebraic difference in the percents of grade ("K" value). Stop conditions shall have a minimum "K" value of 14 times the algebraic difference of the percents of grade. "K" values for arterials shall be per the AASHTO Geometric Design of Highways and Streets based on design speed.
4. The Town Engineer may consider deviations from these standards based on topographic conditions or public safety concerns.