

**Town of Zebulon
Joint Public Hearing
April 8, 2019**

Matheny: Robert S. Matheny, Mayor
Strickland: Curtis Strickland, Commissioner
A. Moore: Annie Moore, Commissioner
Bumgarner: Don Bumgarner, Commissioner
Beck: Dale Beck, Commissioner
Clark: Beverly Clark, Commissioner
Markland: Lisa Markland, Town Clerk
J. Moore: Joe Moore, Town Manager
Bradshaw: Meade Bradshaw, Assistant Planning Director
Perry: Chris Perry, Fire Chief
Slater: Sam Slater, Town Attorney
Baxter: Shannon Baxter, Planning Board
Blount: Gene Blount, Planning Board
Covington: David Covington, Planning Board
Nowell: Stan Nowell, Planning Board
Johnson: Laura Johnson, Planning Board
Ray: Larry Ray, Planning Board
Jenkins: Stephanie Jenkins, Planning Board
Tharrington: Dennis Tharrington, Applicant
Walker: Charles Walker, Applicant
Corbett: Chuck Corbett, Parrish Realty
Sloane: Ross Sloane, GREC
Hall: Stephanie Hall, Resident Witness
Horan: Wayne Horan, Resident Witness
Gay: Stephen Gay, Superintendent of East Wake Academy
Craven: Tommy Craven, Engineer with Priest, Craven & Associates
High: Veronica High, P.E., Expert Witness
Creech: Anthony Creech, East Wake Animal Hospital
Ballard: Nancy Pippin Ballard, Resident Witness
M/F: Male/Female Speaker

[OVERLAPPING—INDISCERNIBLE]

Matheny: Okay, folks. Better late than never. We'll get started, and I'll call the meeting to order and ask for the board to approve the agenda.

Strickland: Motion to approve.

Clark: Second.

Matheny: All in favor? Motion carries. Thank you. All right, what we have this evening are some public hearings. And we have three legislative public hearings and two quasi-judicial public hearings. And the difference is that legislative is a policy type of public hearing, meaning that we would set up a certain zoning and jurisdiction and that sort of thing. And quasi-judicial is to something specific, like a business going on a—in a certain place and that sort of thing. So—and they're run totally different. So I want you just to understand that as we go in. And I'll try to keep you informed when we—well, I will keep you informed when we switch to quasi-judicial. But the first three are legislative, so we'll get started with those.

The first one is RZ 2019-02, Dixon Paving. They've asked us to delay that public hearing to a date specific, which is May 13th, at—here at the Municipal Complex at 7:00 p.m. So I'll ask for a motion to do just that.

Clark: I make a motion that we reschedule RZ 2019-02 with Dixon Paving until May 13th.

Matheny: Okay.

Moore: Second.

Matheny: Made and second. Other comments? All in favor? Motion carries. Thank you. All right. The next one is RZ 2019-01 Cardinal Pines, 7.07 acres at 303 Pony Road, asking to be changed from heavy business to transitional residential. So I will call that public hearing to order and ask for a staff report.

Bradshaw: Thank you, Mr. Mayor. RZ 2019-01 Cardinal Pines. Applicant is Dennis Tharrington with WDT Development. Owners: the Vincent Trustee. Address

303 Pony Road. It's approximately seven acres. Existing zoning is heavy business.

The request before you today is a zoning map amendment from heavy business district to transitional district. The subject site, fully wooded, outlined in yellow. You have a vacant parcel to the southwest. You have commercial uses to the adjacent north. You have an abandoned commercial use to the adjacent west. And then across Pony Road to the east are a mixture of office and commercial uses. And this site is just located south of the intersection of Gannon.

This is a zoning map. As I previously stated, the existing zoning is heavy business. You have heavy business to the adjacent north and to the adjacent west. To the adjacent south and further south along Pony Road, you do have some residential multifamily zoning district. And then across Pony Road, you have a mixture of mixed arts and heavy business.

The next few slides are going to be pictures from the site visit. This first picture is the posted sign along Pony Road, which is a two-lane road. The second picture—this is looking north towards the intersection of Gannon Avenue. This is an existing office—or commercial use across the street from the subject site. This is looking south on Pony Road to an adjacent commercial use. And this is one of the multifamily uses that is located further south along Pony Road. And these are multifamily uses located across the street a little further south on Pony Road.

This next slide is of the future land use map. Where the star is located is where the parcel is located. The future land use designation for the parcel is medium density residential. And the type of uses that we like to see in this area

are single-family detached, duplex, townhomes, multifamily, or limited commercial uses that serve the neighborhoods.

The staff's recommendation is approval due to the existing land uses in the area and the proposed zoning district's consistency with the adopted plans and policies of the Town of Zebulon. That concludes my presentation, Mr. Mayor. I'll answer any questions.

Matheny: Questions from either board? Thank you Meade. Anyone wishing to speak in favor of the rezoning? Okay.

Tharrington: My name is Dennis Tharrington. I'm the developer. I live about an hour from here, up in Henderson. And I've done a number of these types of developments. Varies from one that I've done up in Gastonia, one I've done in Henderson, one I've done in Oxford, and some other locations up around Asheville. Every one I've ever done is—they are—let me see. Don't want to say elderly—these are homes for seniors. And every one I've done is full. They're full all the time. They're very popular. They're one-bedroom/one-bath, two-bedroom/two-bath units, for the most part. Most of them, one-bedroom/one-bath units.

And I think this is a great site for this type of project. The mixed—within, oh, less than a mile from really nice grocery stores, from pharmaceutical companies. And in fact, in one of the pictures that you had, the building right across the street from it was a doctor's office of some sort. And so that area—and there's a number of medical-type facilities in that area. You could walk to almost every one of them. So I would hope that you would approve it. If you have any questions, I'll be glad to answer them.

Matheny: Thank you. Questions from either board? Thank you, sir.

Tharrington: Thank you, sir.

Matheny: Anyone else wishing to speak in favor? All right. Anyone wishing to speak against?

Corbett: Mr. Mayor, members of the board, staff, members of the Planning Board, Chuck Corbett here with Parrish Realty. I guess, PO Box 1128, Zebulon, North Carolina. I know most of you. I'm not really up here to state an opposition to it. I am a broker in a real estate transaction between the Vincent's and the other owner of record. And there's—as part of the contract language, it was to be a conditional rezoning, which was conditional on the applicant getting all his governmental approvals, you know that—like, I guess you would call it a certificate-of-need type thing, where the county and the state give him the right to build it in a certain location, in a certain population, and in a certain need district.

And I believe—I've seen this product. It's a great product. I know there's a need because I know people who want places like that to live that are on one-year waiting lists in some local establishments. So I absolutely believe there's a need. But my owners do not want their zoning changed from heavy business to transitional residential unless this deal goes through.

Now, I don't know how to accommodate that. In the past, I've—we've run annexation and rezoning, or in this case, rezoning and special use permits at the same time, at the same meeting. I don't know what the answer is, but I just wanted to let you know on behalf of the owners that that is out there. That concern is out there.

And I know you all don't vote on it tonight, and I hope to come up with a resolution that satisfies everybody. I do believe the need's there. I do believe it's a good deal for all involved. Hate to see the deal go in the toilet over a technicality. Would love to have some way to work this thing out. But he has acknowledged to me that he's got a bunch of hoops to jump through. USD—oh, no, N.C. Housing hoops, local Wake County—he's got some questions he's got to answer. It's a process for him. And having this rezoning—ideally, I'd like to get a rezoning that's conditioned upon him getting the approvals for the need and then rezone it, then drop the hammer on the rezoning. But I understand that's not a mechanism we have available to us.

So I'd appreciate any input you have on how to handle this. But once again, the sellers do not want their zoning changed unless this deal gets approved through the need process. And I appreciate your time.

Matheny: Okay. Questions from either board?

Bradshaw: I was just going to provide some clarification. The applicant did submit a special use permit. We just didn't run the special use permit at this meeting because we wanted the zoning to be in place for the next Board of Commissioners meeting. The special use permit would run through. So he has submitted a special use permit.

Corbett: Well, I'm hoping that's something we can work out between now and when the vote is taken.

Matheny: Okay.

Corbett: And Meade, it's good to meet you.

Bradshaw: It's good to meet you.

Matheny: We have a question.

Baxter: Yes. So—Shannon Baxter. Sir, just so I understand, you're putting forth that you have evidence that Dennis Tharrington has not submitted all of the necessary paperwork to have this go through?

Corbett: No, not at all.

Baxter: Okay. So please clarify. I'm really not quite sure what you're—
[OVERLAPPING].

Corbett: Well, I'm not real—I'm kind of—I know he did what he was asked to do by the town staff at the time. And, you know, we were in flux in the Planning Department and, you know, didn't know who to call, or—I mean, I'm not making an excuse for that, but that's the way it was. I depended on Lisa quite a bit.

But the simple fact of the matter, things ran a little chaos in the Planning Department and since have settled out nicely. I think you've got a competent man here. He's really good. He was responsive to me today. I had no idea he'd call me today. So no, I don't think he—I'm not qualified to answer that question. I don't think he submitted any wrong information or lack of information. I just don't think that he was explained the process well enough to understand what he was—you know, what it was contractually. And I can't put words in his mouth. He can stand up here and talk for himself.

Matheny: Okay. Other questions? Thank you, Chuck.

Corbett: Thank you.

Matheny: Anyone else that wishes to speak in favor—or against. I’m sorry. All right. Anyone that wishes to speak not necessarily for or against, but just has some comments to put forward? Okay. Hearing none, we will close that public hearing and refer the matter to the Planning Board.

And I did not explain as we started, when we close these hearings tonight, the Planning Board, which is sitting right in front of us here, will then at some point make a recommendation back to this board for a final decision. When they meet is up to them. They have a certain time frame that they have to have a recommendation back, but it doesn’t have to be tonight. So it’s up to them.

Okay. The next hearing is also legislative. It’s the Fetching Post and a request to rezone seven acres at 571 West Barbee Street from transitional residential to Residential 20. So I’ll call for staff report.

Bradshaw: RZ 2019-3: The Fetching Post. The applicant and owner are Amy Brown-Pearce. The address is 571 West Barbee Street. Parcel size approximately seven acres. Existing zoning’s transitional district.

The request before you tonight is a zoning map amendment from transitional district to Residential 20. Subject site is outlined in yellow. Currently vacant. The owner does have a commercial business to the adjacent north. To the other side of adjacent north and to the east are single-family residential detached units. To the adjacent south is a single-family detached unit. And to the adjacent west is a vacant wooded track. Across the street, along West Barbee Street, is a manufactured home park.

This is the zoning map. As you can see, to the adjacent west, south, and east are—is R-20 zoning. And then this adjacent parcel that the owner and applicant has is transitional district. And then across the street you have RMH-8.

These next slides are pictures from the site visit. This is the picture of the seven acres. This is the owner's existing business, to the adjacent north. This is a picture of the posted sign located along West Barbee Street, which is a two-lane street. This is a picture of the single-family detached residence to the adjacent east. And this is a picture of the wooded lot to the adjacent west.

This is a picture of the future land use map, categorizing the site as traditional neighborhood. And in traditional neighborhood uses, we'd like to see are single-family detached, duplex, townhomes, multifamily, and then limited commercial that serves the surrounding neighborhood.

The recommendation—staff recommends approval due to the proposed zoning district's consistency with the existing zoning district surrounding the site and a consistency with the future land use map. That concludes my presentation, Mr. Mayor.

Matheny: Thank you Meade. Questions from either board? I have one curiosity question. Is that creating a spot zoning?

Bradshaw: I would say it's not creating a spot zoning due to R-20 to the adjacent west, east, and south.

Matheny: No, I'm talking about what's left out of that current zoning.

Bradshaw: Technically that would be a spot zoning, sir.

Matheny: I thought so, but I wanted to be sure. Thank you. Other questions? Okay. Thank you. Anyone wishing to speak in favor of the zoning—rezoning? Okay. Anyone against? And finally, anyone not necessarily for or against, but just has something they want to say about it? Okay. Hearing none, I will close the public hearing and refer the matter to the Planning Board.

Okay. We're going to rearrange here just a minute. Sam?

Slater: Yeah

Matheny: This is Sam Slater with Wyrick Robbins. He is our attorney and will be the parliamentarian, and I will refer to him with any questions of procedure if I need to. So that's why he's here. As I said early—earlier, the evidentiary hearings, which is where we're fixing to go, is for policy decision.

And I want to take just a minute or two to explain quasi-judicial. And it's much more restricted than what you just witnessed. It is an evidentiary hearing. It's based solely on evidence, not personal opinion. And it's very much like a court proceeding in that we have the judge and we have the jury sitting here in front of you. There cannot be any ex parte communications, and if so, we'll get into that in just a minute, but ex parte is any conversation outside of this public hearing. And that cannot be and should not be done, with the exception of what's done here in the meeting. All persons giving evidence have to be sworn in or affirmed, state their name, address, and again, be sworn in or affirmed.

Ask any board member—if any board member has an ethics conflict relevant to evidence or ex parte conversation, that needs to be shared. So right at this point—I mean, I know we've had some ex parte communication, so I would

like any board member, either Planning Board or Town Board, to raise their hands if they've had ex parte communications. You've never gotten emails or anything?

Moore: Yeah. I've got some email.

Matheny: Yeah. Okay. Y'all got emails? You didn't get anything? Dale?

Bumgarner: No.

Matheny: Okay.

Ray: Just get it, whether you responded or not?

Matheny: Yes.

Clark: Yeah.

Matheny: You got some? Okay. All right. So I want to ask, having done that, what did you get?

Ray: Uh.

Matheny: Just a call, an email, or what?

Ray: Email.

Matheny: Email. Okay. Thank you.

Ray: I didn't read that, though.

Matheny: No, I understand. I'm sorry. I've got to do this in a specific way, so bear with me. Do you believe it had any effect on you and that you can remain impartial?

Ray: Yes.

Matheny: Okay. Thank you. Annie Jean, what did you get?

Moore: I got—it said—wanted me to vote.

Matheny: Was it an email?

Moore: Mm-hmm.

Matheny: Okay. So did you get one, or two—

Moore: I got one.

Matheny: Just one. Okay. Do you think it affected your impartiality?

Moore: No.

Matheny: You'll be okay?

Moore: I'll be okay.

Matheny: All right. Thank you. Beverly?

Clark: I got three emails and a text.

Matheny: Okay. And do you believe you can be impartial and not influenced by those?

Clark: Yes.

Matheny: Okay. Curtis?

Strickland: I got three emails, and I started reading one and I stopped when I got to the subject matter, but—

Matheny: But do you think it affected your impartiality?

Strickland: It will not.

Matheny: Okay. Thank you. I got 10 emails and one phone call. And as soon as I realized what they were, I quit opening them. But I still have—they are still on my computer but I did not read them. And the phone call, I actually told the person that I was not able to speak with them on this issue. They understood. So I can remain impartial on this as well. Don, did you get—

Bumgarner: I just got an email. I didn't—I just deleted it.

Matheny: Okay. And you believe you can remain impartial?

Bumgarner: Yes, I do.

Matheny: And Dale, you didn't get any?

Beck: I didn't check my email, so. [LAUGHTER]

Matheny: Okay. All right. Well, let's assume that you got one. Can you [LAUGHTER]—
since—[OVERLAPPING] I would now bet money [OVERLAPPING] got one—

Beck: No, I would—it would not affect my decision.

Matheny: That's what I need to hear. Thank you very much. All right. We had to go
through that specific. Everybody else was clean on the Planning Board. Okay.
All right. Thank you. I would say that, in this hearing, that any board member
that has a fixed opinion on the matter must ask to be recused. Any undisclosed ex
parte conversation—so that's what we just did—we shared that we have had it, so
we're okay with that.

Any close familial business or other associational relationship with the
applicant, and—does anyone have that? Okay. Financial interest in the outcome?
Okay.

And everyone feels that they can remain impartial and make decisions
based on the evidence tonight? So decisions, again, are to be made on the
evidence presented, not hearsay and unsubstantiated personal opinion. If anyone
is concerned about being able to consider any testimony, then ask our attorney.
That's what we pay him to do. [LAUGHTER] So need to ask him if an opinion
before proceeding. After each speaker has finished, then questions may be asked
first by the boards, of the speaker. Once the hearing is closed, no further evidence
can be presented.

Any board member absent tonight—which we have none, but if they were, they would have to—excuse me—become familiar with what’s presented tonight, typically by listening to the recorded session. Excuse me. That doesn’t really affect us this evening.

And I need to remind the board—and I know that I’m saying it over and over, but the decision must be made solely upon substantiated evidence presented in the public hearing. No ex parte communications until the final decision is made. So if the Planning Board makes a recommendation, you can’t go out and start talking about it. You’ve got to wait until this board makes their final decision.

So does anybody have any questions on any of that? Okay. Thank you very much for bearing with me on that. So I will now open the public hearing and ask for staff report.

Markland: Ready?

Bradshaw: Yeah.

Markland: Okay.

Markland: Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Bradshaw: I do.

Markland: State your name, please.

Bradshaw: Meade Bradshaw. SUP 2019-2GREC. Applicants: Golden Renewable Energy, LLC. Owners: TEBIO, LLC. Address is 517 Industrial Drive. Parcel size is approximately three acres. And the zoning is heavy industrial. The request

before you today is to locate a refinery and the storage of flammable liquids on a property zoned heavy industrial.

Subject site is outlined in yellow. There is an existing approximately 24,000-square-foot building on the property. You have industrial use to the adjacent north, industrial use across Industrial Drive, and then to the adjacent south you have a vacant lot. It appears to the adjacent west is a vacant piece of property as well as some single-family attached development.

The next slide is the zoning map. Subject site is heavy industrial. You have some transitional to the adjacent north as well as to the north. Across the street of Industrial Drive, you have heavy industrial uses. And to the adjacent south, you have heavy industrial zoning.

This is a picture of the existing warehouse on site. This is a picture of the posted sign along Industrial Drive, which is a two-lane road. A side view of the existing building. This is looking towards the rear of the parking lot, where the potential location for the storage of flammable liquids would be located. This next slide is the future land use map. Future land use map is designated for light industrial—some light industrial uses—some examples are enclosed storage, warehousing, and research laboratories.

This is a concept plan the applicant submitted. To the right is Industrial Drive. You have the parcel outlined in—with the thin black line. The shaded gray area is the existing warehouse. No expansions are planned for the warehouse. Everything will be enclosed of the warehouse. And then, as you saw in the previous picture, you have the—where the fuel storage would be.

Now, for approval, four findings of facts have to be met. The proposed special use will not materially endanger the public health, safety, or welfare. Number two, the proposed special use will not substantially injure the value of adjoining or abutting property. Number three, the proposed special use will be in harmony with the area in which it is to be located. And number four, the proposed special use will be in general conformity with ordinances, policies, land use plan, thoroughfare plan, or other plan officially adopted by the Board of Commissioners.

The next slides are the applicant's response to each standard. And the response to the proposed special use will not materially endanger the public health, safety, or welfare, the applicant talks about how there'd be 24/7 observation of assisted performance and live command over system operations. There's an RP unit monitor system, temperature—that monitors temperature, pressures, fluid levels; equipped with gas detection for various explosive or toxic gases. There's a backup power supply. It is utilized to maintain control over critical system components. And periodic maintenance, daily inspections, and systems checks are performed within the building.

In response to number two, the proposed special use will not substantially injure the value of adjoining or abutting property, everything proposed with GREC is within the enclosed building.

Number three, the proposed special use will be in harmony with the area in which it is to be located. The GREC—the special use request is being located

into an existing industrial park where there are other industrial uses around the property.

And then the response number four, the proposed special use will be in general conformity with ordinances, policies, land use plan, thoroughfare plan, or other plan officially adopted by the Board of Commissioners, the response is, the manufacture and operations will be housed inside of an existing building that's currently in conformance with ordinances and land use plans for the Town of Zebulon. Any improvements proposed will also be in conformance with N.C. Building Code, Fire Code, and local ordinances.

And staff's recommendation is approval. Staff did have some concerns with how the fuel storage would be screened, and staff's recommendation is masonry screening around the fuel storage of flammable liquids as well as their dumpster location. That concludes my presentation, Mr. Mayor.

Matheny: Okay. Any questions? Thank you. All right. Anyone wishing to present evidence in favor of?

Sloane: Council, Mr. Mayor. Ross Sloane from Burlington, North Carolina. Do I need to be sworn in?

Markland: Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Sloane: I do.

Markland: State your name and address again, please.

Sloane: Okay. Ross Sloane, Burlington, North Carolina. 6114 N.C. Highway 62. It's only in Carolina you can find those kind of numbers out there. Can't live in a car

or anything like that. And certainly, volunteers and appointed staff, I thank you guys for taking time to listen to our proposal. I'm a partner and one of the developing coordinators for the company. And we certainly are appreciative of your time this evening.

Want to tell you, you know, kind of what our experiences are when we're presenting on what we think some of the main concerns—and we wanted to try to address those and certainly answer questions as we get into this. And not to delve but so deep into our technology, but this is a family-owned-and-operated business. And literally, my uncles and brothers and cousins are a part of this process. Literally work beside the machines. But certainly our—one of our first things is our concern not only with our family but our neighbors, whether that's a community, resident, or our neighbors that are professional neighbors.

And so we start—eight years ago, when we started our research and development into our safety guidelines, our training. Who are we putting near this? How do we qualify people coming in to view this and help us with this project? And part of that has led us to proactive safety features. So we're talking about fuel storage. It starts from there. It's not a real reactionary company. We put proactive features in place that are intermingled with both visual and site inspections, but also to include a lot of what technology provides us today—an instant alert if something's going wrong, which allows us to of course stop a process in its tracks.

By virtue of these proactive systems, we've never had an incidence in an operation that's been operating up in New York now for seven years. And again,

my entire family operates the machine, so I don't want to lose sleep, and I really have an office that would be next to it, so I don't want to lose my life. I got three young children—they'll want me—they want me—want daddy around, some days.

But—so we've had a lot of long discussions with some folks that have given us some ideas of the quality not only of our safety and what we should be presenting, but also any time they wanted to visit, this practice should be in place here with some of the folks—city staffers, et cetera.

One of the concerns is traffic. What are we adding to the area? I know that we have a lot of already existing traffic. Fortunately, besides jobs that we'll be adding—you know, certainly there will be employees that will be going to our location on 517. But we'll have three additional trucks per day, 18-wheelers, that would be coming up and down there. We are—take a lot of time to make sure that we understand our traffic demographic. And why that's important is that we don't want any trucks showing up when we have parents picking up children at the local academy, those kind of things. So we do try to take the forethought to make sure that we're not putting somebody that would stall somebody getting their children.

Our noise. Right? We're—do we have any kind of noise pollution or anything like that? We do not. Actually, if we were standing next to the machine, our technology running, which is in—is housed inside, you would not be able to—you would easily be able to hear me and it would not become a

distraction in our conversation. So we won't be adding any kind of noise to the local community, surrounding neighbors.

Emissions and smell. You know, everything that we have—and again, by our process, it is a closed-loop system. So we have no smells or emissions that are emitted to the air, which is important. You know, one, make sure that we're containing everything, obviously for folks that are working directly around our process, but certainly our neighbors. We don't want anybody to smell anything going down the road.

You know, the—as far as any water runoff or any kind of facility—any kind of material trash, landfill items, hazardous items, we have none. Part of our inputs is very specific to what state regulation is. We've already been exempt from our solid waste, but we do not contain any kind of hazardous materials. We have nothing that goes into a drain. Anything that were to be, obviously, from a fuel standpoint, we have spill operations and spill cleanup, but we also have processes inside. If it were to be something that would spill, it can be a mop bucket. It's all biodegradable, and we wouldn't be putting anything into the system.

You got a lot of benefits, certainly, from the Town of Zebulon, but for the sake of, you know, everybody that's here this evening, you know, I'll be happy to talk about the benefits of our jobs and that we're working with NC State, UNC, Wake Tech, and some of the local folks. I'd like to just kind of conclude at this point and answer any questions that anybody may have.

Matheny: Thank you. Questions?

Baxter: So what you're saying is that your system off is running on a closed circuit, and even though there is an exhaust stack, there's no need for scrubbers or filters because what you're saying is that there's not going to be any emissions?

Sloane: That's a great question. So it's not a zero-emission process. Want to understand the—kind of the difference. We do have an emission of CO₂. It's the exact same CO₂ that comes through in your gas logs at your home. That's a good question, though.

Matheny: Other questions? Thank you, sir. Anyone else wishing to speak on behalf of the petition—the request? Anyone wishing to present evidence against?

Hall: Hi. Stephanie Hall—

Markland: I need to swear you in first.

Hall: I'm sorry. Sure.

Markland: Place your hand on the Bible. Left hand on the Bible.

Hall: Oh. Sorry.

Markland: Raise your hand. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Hall: I do.

Markland: State your name and address, please.

Hall: Stephanie Hall, professional engineer. 60 Happy Hen Lane, Louisburg, North Carolina. I'm a parent—you know, professional, but also a parent of students at East Wake Academy and that's how this came into my circle of knowledge. And I did a little bit of research into this. My background is storm water, so a lot of this—and I don't specialize in industrial, so full disclosure there. But just going

over the information that was given, I did not have any evidence per se, but I had questions and concerns, just knowing from a scientific—you know, what I know from a scientific standpoint.

The paralysis reactor—I did a little bit of research and actually I had no idea that you could turn plastic into diesel fuel. I hadn't—saw that they do it on barges in the ocean and are cleaning out plastics that way. That's really cool. So kudos to that.

My concern is more about the location of this paralysis reactor and with the Wake Tech Community College, the front door to that is about 116 feet from the proposed fuel storage outside. Diesel fuel does emit a vapor—it can vaporize—which is highly flammable. Just want to make sure that everything is taken into account for these sort of things when there are students there. East Wake Academy is there. There's two vacant lots right beside it, a government housing facility there as well, or a project. So, you know, I don't want it to affect the sale of those lots as far as what that—what can be done with them in the future. And I definitely don't want any radius, I guess of—blast radius or anything. I don't want any—you know, anything to affect our—the students in either of those facilities.

I did, just on a storm water—well, first I was—116 feet, the Wake Tech community and about 780 to the high school at East Wake; 470 feet to the back door of the nearest house; 250 feet to the vacant adjacent property. It's not far, and I would have more concern of—than just screening that storage tank.

There will be a transfer, whenever they get done with their process, the diesel fuel storage tank outside. There will be trucks coming and going. They're going to have to transport that material somewhere—that flammable fluid somewhere else. There are spills and things that happen like that. From a storm water standpoint, I would just urge the Planning Board to require some sort—the building there was built in 1994. There's not a storm water BMP there currently to treat the first inch of runoff that I know off. You may want to include some sort of sand filter or proprietary storm water device to scrub any—to help with any incidental spills before it goes into Little Creek right there, because that is a FEMA floodplain, and it's a big stream that feeds into our watershed. So that was—that's what I had. I appreciate you guys listening and everything you do.

Matheny: Thank you. Anyone else? Let me remind you that personal opinion is not to be considered by either of these boards. It's evidence. So if they believe something, they have to present evidence to what their beliefs is.

Markland: Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Horan: I do.

Markland: State your name and address, please.

Horan: Wayne Horan. 707 Beddingfield Drive in Knightdale, North Carolina. I am parent of a child at East Wake Academy, but I'm here by checking reference from a published article from February 2018 in *Scientific Reports*, which brings up two areas of concern. The first is because paralysis is done at between 450 degrees

and 1,000 degrees Celsius, you always run a risk of explosion. And you can talk all you want about monitoring and about shutdown systems—that risk is real.

And the secondary factor has to do with emissions. And it's nice to talk about a closed system when it's nothing but carbon dioxide. But this article says, at the end of it, there's not been significant literature to analyze properly what comes out. And I'll give this to anybody who wants it. But what happens in these articles is people will tell you what isn't in there. So they'll go along and they'll give you a list of 14-syllable things are—that are not part of the emission, but they won't tell you what's in the emission. And this confirms that. I think from the standpoint of safety and from the standpoint of air that further investigation needs to go into this before it's approved. Thank you.

Matheny: Thank you, sir. Anyone else?

Sloane: Do I need to be sworn in?

Matheny: No. This is people against. I'm assuming you're not against.

Sloane: I was just going to answer some question. I didn't know if I could—

Matheny: Well, let's hear from him first. Okay?

Markland: Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Gay: I do.

Markland: State your name and address, please.

Gay: Stephen Gay. 101 Wellington Court, Rocky Mount, North Carolina. I'm superintendent of East Wake Academy. We serve 1,200 students, over 800 families that come to town every day. The two people that spoke before me

provided the things that we had questions about. We just had some environmental concerns about the wetlands, and I think she brought—Ms. Hall brought that information out about the wetland air, because we own the property that's adjacent to Wake Tech and we can't even build in that, so we're worried about what happens to that area if there's any runoff or issues with that.

Then Wayne spoke about the emissions as another concern we have. The other things is the building itself—1994. And in the plans that are here that are provided, there's no sprinkler system. That's a fact. It's been in here. Will that be associated and thought about for the code for that? Because it's even in here. There are a three-hour division wall and the two-hour division wall, which is in here. I don't understand—you know, is the code there? So those are questions we have.

The traffic impact—in their application, they only represent two—they talk about two trucks. Now, in this presentation, there'll be three. That's minor. You know, about—you know, what's the difference in the two trucks and now there's three? That will become four, five, six, and seven. So does it impact—the school is actually doing a TIA because we're looking at expanding ourselves, down the street. If you don't know where we're located, we're located north of the property. We've been there for 21 years. Yes, we did purchase land in an industrial site. The industrial site where we are. We understand that. We're a partner with Nomaco. We'd like to be a partner with them as well if it's approved, but we do have concerns about our kids and the kids that are going to be here in the future. And so we have that.

One other thing is, you know, has this business been looked into for other issues in the local community? And that's all I have to say.

Matheny: Thank you, sir. All right. Anyone else wishing to speak again? You wanted to ask a question, sir?

Sloane: I just might be able to answer maybe a couple that were—

Matheny: All right. Yeah.

Matheny: Yeah, that's a part of this hearing.

Sloane: Just a little bit of light on a couple things. Certainly, it's awesome to see a community involved. My children go to a little school called Alamance Christian academy in a place called Graham, next to "mee-bane" if you're not from here; Mebane if you're from here. And you know, we certainly—we share a lot of the same, I think, fears. You know, when I got into this business years ago, it's kind of like, you know, what does happen? If I'm going to be working next to this thing, what happens?

To the first part, as far as, you know, some of the vapor, I'll address the young professional's—when she first came up here and started talking a little bit about what of our vapor, what of our transfer. So those are all really good questions. I want to also point out that just adjacent, less than a thousand feet, as you go through the back part of our lot, there's actually a fuel refilling station, which—and if you kind of look at it is as close to—or very close to what we are proposing—much larger tanks.

So part of what we're going to do is—because obviously there's a lot of state and EPA regulatory guidelines that we follow, all of which are going to be

public. So we don't hide any of our materials because we are about—we're a company about what we say we're going to do. So as far as the transfer, we actually, from the tanks, directly from what they call dispensing units, there is a—not only a firebreak and safety measures—I think we were talking about explosion and possible fires and things like that—but also, that is a continuum of part of our closed-loop system. So it actually goes to our truck that transfers the fuel out. There is very little vapor to no vapor. It's a three-inch connection. There's a rubber gasket. Everything's done and associating to the Petroleum Association of the United States. It also follows all the EPA regulatory things, which is usually standard from New York and Canada. That's how we build our machine, on that EPA standard.

And so as far as the vapor tower—so we do transfer the fuel that is produced each day, off premise, so there's very limited vapor odor left, which would also—allows the alleviation of that vapor to—or the creation of that vapor to be very limited.

To the emission part. So we are—have started—and I maybe thought maybe somebody would ask the question, “Well, why Zebulon?” Well it was really a—it was a process and a conversation started with states up and down the eastern seaboard. And North Carolina is one who not only understood our process, but as you guys know, is very forward-thinking when it comes to sustainable energy. And they were very—you know, certainly, it's—for me, live here, so it worked out good, but we're very interested to see what we could do to

help with this plastics going into the landfill and dirtying our state, how we can alleviate that.

But part of their thing was, “Hey, look, we’re going to help you guys out and get this done, but your air quality has to be done. Here is the standard that we set for you.” It has to be public information. It has to be monitored once a year. It’s got to be a continuous monitoring. So when we say, “How do we know?” specifically, the guidelines and the panels and the actual analyzer that we put on our stack that’s run 24 hours a day, that’s information that can be gained through a request through an email to us directly, to the committee, Mr. Mayor. Anybody that wanted that information, we could give you that analytic at the hour that you requested.

The third part, as far as the runoff and the wetlands, I think kind of coming back to the first question is, well, part of that transfer station—here in the State of North Carolina, you can have zero—there is zero tolerance for any petroleum hitting any kind of potential runoff water, wetland, or anything that would be considered a water source, whether it’s agriculture or not. So be very careful on that. So we actually will create—where that refilling station is, it’s a closed-off concreted takeoff where the trucks will actually pull in.

And what was the—the one other thing? Oh, we were talking about the sprinkler systems. So that is part—we’ve already worked with—or we’re working currently with a local group that will be doing the sprinkler system for the building, of course, if we are able to work with the Town of Zebulon. So that is—that’s all the plans.

Matheny: Thank you. Anyone else? Last call. Anybody that wants to have something to say. All right. We'll close that public hearing, refer the matter to the Planning Board.

Strickland: Anybody wants to speak [INDISCERNIBLE].

Matheny: They have to have standing.

Strickland: Witness.

Matheny: He wants to call a witness.

[INAUDIBLE]

Matheny: All right. Y'all stand by for a minute.

[INAUDIBLE]

Matheny: Okay. We have a commissioner that wants to call the fire chief forward. I'm sorry. We just had to check to be sure it was legal.

Strickland: I'd just like to hear some safety concerns from the fire chief in town.

Markland: Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Perry: I do.

Markland: State your name, please.

Perry: Chris Perry. Reside at 1688 Richardson Road in Zebulon.

Strickland: Chris, I would just like to hear you. I know you've reviewed this probably but I'd like to hear your safety concerns.

Perry: The—so we first learned of the project when the petitioner came and met with us on a basis to kind of, if you will, propose what they wanted to do with the property. We've had several meetings with them subsequently on the process,

what they intend to do. It's been an evolving process. Some of the concerns that you've heard tonight are probably similar concerns to what we had. Related to the combustibility of diesel fuel, and just, I guess, one clarification. Diesel fuel is a combustible liquid, not a flammable liquid, which is—makes quite a bit of difference when we talk about the ignitability and the ease of ignitability.

But from a fire code perspective, what we did was researched all we could. The technology they're using is very new. It makes it difficult for us to just look in the book and see what would apply in a situation like this. So we've researched it, come up with a lot of different “what ifs.” What if this, what if that.

Our concerns were flammability, of course. Our concerns were environmental impact on our air quality. When you ask what were our concerns, those were all—just to name a few of some of the things that we would ask probably of any similar type project. I can tell you that the petitioner here has answered all of our concerns, on much of what has been explained here tonight. For example, we've got pretty detailed information on air quality testing, initial and periodic; ongoing air quality testing. With it being in a closed system the limited—the vapor which is produced is limited quite a bit, as well. The tank—the fluids are stored in a double-wall tank, so to—you know, even if there—a breach were to occur, there's a backup containment to contain it again. So these are all just, I guess, examples.

And to tell you where we're at today, we've had good conversations, our concerns have been met, and we've outlined to the petitioner that if they pursue to get a building permit, these are some of the things we would need to see. And

that's exactly what you've heard here tonight in regards to, like, sprinkler systems. As we explained where the thresholds were for sprinkler systems, what could not be done, what could be done with or without sprinklers. That gave the business the option to go in there and say, "You know, we will want to do what you said or we won't," and that's where the whole conversation with sprinklers came up, so.

I don't know if that answers your question, but I—those were some of the concerns that we've been working with as we reference the code and tried to—the fire code, more specifically—and tried to make something that meets the intent of the fire code.

Strickland: I think it answers some of the questions concerning everyone's concern here tonight, so I thank you for coming up, Chris.

Perry: Yes, sir.

Strickland: I hate to put you on the spot.

Perry: No, that's quite all right.

Strickland: Thank you.

Matheny: Shannon.

Baxter: So through your research, you feel confident with the combustibility factors that the children of the school and, you know, any other students that might be in the area are going to be safe?

Perry: So the process is a little bit—if you will, is a little bit about midterm or—that's probably not exact, but we have required of the building owner to provide additional information when they actually apply for the permits. What I can tell

you for sure is we will not approve anything that does not meet both the—from our perspective, the fire code, to make sure that those safety hazards that are required are in place, and as well, the building inspectors, mechanical inspectors—each particular trade that comes forth will be examining that proposal to make sure that it is code-compliant and meets the intent of exactly—and I know my answer seems a little bit open-ended, but there's still more work to be done on the actual permitting—the building code permit side, if that makes sense. But in concept, yes. The—what we've seen, and they've provided a lot of information. But that will be the final approvals as we go through the building permitting process.

Matheny: Thank you, Chris.

Perry: You're welcome.

Matheny: Okay. Now, last call. Anybody that wants to present evidence? Okay. Hearing none, we'll close the public hearing, refer the matter to the Planning Board for their recommendation to the Town Board.

All right. Next is Special Use Permit 2019-05, which is Green Pace Road commercial center. I'm not going to read this whole quasi-judicial thing again. I think everybody probably has it now. So we'll just open the public hearing and ask for staff report. Let's—Meade. Let's let them clear out a little bit. Let them clear out.

Bradshaw: Okay.

Matheny: Thank you. Yes, sir.

Markland: All right, Meade. Swear you in again.

Bradshaw: All right.

Markland: Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Bradshaw: I do.

Markland: Thank you.

Bradshaw: SUP 2019-5, Green Pace Road commercial center. Applicant is Charles Walker, III, owner, Site Investments, LLC. Address, 201 Green Pace Road. Parcel size: approximately 32 acres. And existing zoning is heavy business.

The request before you today is a major subdivision, creating 10 lots from approximately 32 acres. This is an aerial of the subject site. You have some single-family detached across Green Pace Road. You have an existing commercial use to the adjacent north, office use and a large parcel to the adjacent east, and then a single-family residence to the adjacent south. And then you have 260—or, excuse me, 64 running along the southern end of the property.

This is a zoning map. Across Green Pace Road, you have R-40W zoning. To the adjacent north, you have heavy business. And then to the adjacent south, you have heavy business as well.

The next pictures are pictures from the site visit. The first picture is the existing parcel. Next picture is the posted sign located along Green Pace Road, which is a two-lane road.

Matheny: I'll give it back at the end.

Bradshaw: This is the adjacent single-family residence. This slide is a single-family residence across Green Pace Road. And this photo is the adjacent commercial use

to the north. This is a picture, or a slide, of the future land use map, currently designated as mixed use.

And this is the concept plan the applicant submitted. So currently, well, the request would be for 10 lots, all coming off of this cul-de-sac, which would intersect with Green Pace Road. You'd probably have about four lots that front Green Pace Road. All the other lots would be created off of this cul-de-sac. Only nine of the lots would be developed for commercial or any type of site plan use. That—the tenth lot would be a lot created for the storm water control measure towards the rear of the development.

The findings of fact are—is how you will approve this special use permit. And these are the four findings of fact. So the applicant's response to the first finding of fact, the proposed special use will not material endanger the public health, safety, or welfare. There was a real estate appraisal from Leatherman Real Estate Services that was provided with your packet and submitted with the special use permit. And the result of that real estate appraisal was no negative impacts to the surrounding properties.

The finding of fact number two, the proposed special use will not substantially injure the value of adjoining or abutting property. The—once again, the real estate appraisal answers that question by stating that there's no negative impact to the proposed development.

Finding of fact number three, the proposed special use will be in harmony with the area in which it's to be located. And on this—on the east side of Green Pace Road, there are commercial and office uses, so this is in character with—this

is in harmony with the area because the proposed uses would be some commercial uses—or commercial-type uses.

And then the finding of fact number four, the proposed special use will be in general conformity with ordinances, policies, land use plan, thoroughfare plan, or other plan officially adopted by the Board of Commissioners. And this is in—this is consistent with the future land use plan, and when each site plan, or when each lot, comes into—for review, it will have to comply with the Town of Zebulon Code of Ordinances.

And staff's recommendation is approval with a few conditions. The first condition is that the property's annexed into the Town of Zebulon. Condition number two, staff would like to see a developer's agreement created by the applicant that's approved by the Town of Zebulon. And really, what this developer agreement wants to—language in the agreement is when it's annexed, what the utility connections will be for the development and the services provided, whether that's water or sanitary sewer. And then we'd like to see some sort of agreement with the road that's being constructed—that there's a—that's built to a 20-year standard with a one-year warranty applied to it. And then the last one would be that the subdivision is—just goes through the Technical Review Committee—the Town of Zebulon's Technical Review Committee. And that concludes my presentation, Mr. Mayor.

Matheny: Okay. Questions? I was looking here, Meade, that they're not required to hook to the sewer line because there's not one there.

Bradshaw: Correct.

Matheny: But there is a water line there. So—

Bradshaw: Yes.

Matheny: So the City of Raleigh would require that the connect, too.

Bradshaw: Correct. That's one of the reasons that the—

Matheny: I thought you covered that in there, but I couldn't find it right away.

Bradshaw: The applicant has submitted an annexation petition. We're just going to handle that at a different hearing.

Matheny: All right. I gotcha. Okay. Thank you. Other questions?

Clark: How far are the sewer lines from that location?

Bradshaw: I'll defer to the applicant. I believe it's on the other side of 64—or, excuse me, no. It's on—runs down North Arendell.

Matheny: Yeah.

[INAUDIBLE]

Matheny: Right in North Arendell. That's why—

Clark: Why can't they?

Matheny: Well, they tried before and they couldn't get the easement right of way. To get the sewer line there, that's when the data center went in. So they had to go in with septic tanks.

Clark: Okay.

[OVERLAPPING—INDISCERNIBLE]

Matheny: BB&T would not give them the easement [INDISCERNIBLE]

Matheny: Thank you.

Matheny: I mean, that's what happened on it.

Clark: Okay.

Matheny: Okay. All right. Anything else? Other questions?

Bumgarner: Yeah. I've got one. I know it's a little—maybe a curiosity on my part, but there's a small section in that north—I'm sorry, that southwestern area that borders Green Pace Road. I know the answer to the question. The question—or the answer is, yes, it's a graveyard. Okay. That's not part of this zoning change.

Matheny: I think it is in there.

Bumgarner: Is it?

Bradshaw: It's not—this isn't a zoning change—[OVERLAPPING]

Bumgarner: That not—is that not the little square that's blocked out that's remained heavy business?

Clark: [INDISCERNIBLE]

Matheny: Yeah. See it?

Bradshaw: This right here?

Bradshaw: That's not part of the application.

Bumgarner: That's not—yeah. Is that a normal policy, to leave out one small graveyard like that?

Bradshaw: As far as I know, it—the owner doesn't control that. But I'll defer to the applicant.

Bumgarner: Okay.

Matheny: Any other questions? Okay. Anyone wishing to speak or present evidence in favor of this?

Markland: Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Walker: I do.

Markland: State your name and address, please.

Walker: My name is Charles Walker, 275 North Pea Ridge Road in Pittsboro, North Carolina. I am a landscape architect that has been doing work in this area since 1984. As you may remember, I was also here as part of the Barrington project. We enjoy doing more project in Zebulon.

Meade gave a good summary of the project. I'm just here to tell you what we propose as far as uses go. I also have here Mr. Tommy Craven, who is the engineer from Priest, Craven & Associates. And also we have here is Mr. Frank Weatherman, the appraiser that provided the report, if you have any specific questions from him.

Overall, what we're trying to do is take this project and build a commercial site that small, locally owned businesses can come and build their own facilities—plumbers, landscapers, cabinet makers, surveyors, things like that. What we intended for it to do, what we see the buildings to be mostly is the front of the building would be office and reception. And if it's in the back, that's where the workshop would be. That's where you would hold—you know, store your supplies to move further.

We also have a maximum of 10 lots, and the 10th lot is the open space lot. But we also, if someone wanted to come and purchase one, two, three lots, we could—they could be combined and then be a slightly larger use.

There are other facilities like this all over the area, one of which is in a project called “Contact 1”, which is in North Raleigh. It’s been there for the better part of 25 years. Very successful. And so what we’re trying to do here is to fulfill a need that can’t be fulfilled outside of a strip shopping center, where a small, locally owned business can own its own property, can put a security fence around the back if it feeds—if it needs to, and just have a good place to—good, safe place to do business in the town.

Specifically, and Tommy can speak into—in more details about this—there was a question about sanitary sewer. The sanitary sewer that’s down the street, it’s too high. This property follows from Green Pace Road all the way to 264. So the elevation of the ground doesn’t allow it to gravity-feed into the sewer that’s in that street.

We had talked to the City of Raleigh about that quite early in the process. They did not—they would not allow—did not—would not allow another pump station on this project to pump into that sanitary sewer system. So the only other way to get sewer to a prop—to anywhere near this property is to obtain sewer in—across 264 that’s actually below Glaxo. It’s approximately a thousand feet away. So what we have done is we meet the City of Raleigh’s policy that a sewer is unobtainable over a thousand feet away and you have suitable soils for septic, we are allowed to do that. But we would be annexed into the town because that’s one of the requirements to use the—to tap into the City of Raleigh’s water system.

So in general, that’s what we’re trying to do. And I’d be happy to answer any questions, or have Tommy and Frank answer any questions you may have.

Matheny: Okay. Questions? Yes, ma'am?

[INAUDIBLE]

Jenkins: Yes, my name is Stephanie Jenkins. Do you foresee any traffic problems with the businesses being there, near—I know there's a lot of traffic on that road and it's hard to get in and out at certain times of the day.

Walker: The—we had—we looked at it at the very beginning with a traffic engineer, and all of the businesses combined do not meet the level to even trigger a TIA. Also, because we have the large subdivision—we have—the street that runs down the center of it will serve several of the internal parcels. But the four properties that actually front on Green Pace Road could have independent driveways. So the dispersal of traffic would not really cause a burden. Of course, when each of the buildings come in and if they have a driveway permit to apply to the DOT, if the DOT deems—like we—if we have to have turn lanes or anything like that, I'm sure they will do that. But we do not reach, as we are—we do not reach the level of required TIA or street improvements as we stand today.

Jenkins: Can you tell me again what type of businesses you're planning to have there?

Walker: Again, it's—we're really trying to fill the niche where it's small, locally owned businesses. Let's say one of the people that we would probably talk to is a plumber who has his trucks out front. He has very little customer service out—that he has to deal with, but he does have to have reception area. And then he needs to be able to be—to have work in his shop and then have storage behind his building. And that's the level that we're trying to—that we're looking at.

Jenkins: Will that be considered—like a hair salon can come in, or—?

Walker: If they wanted to, they—sure they could. Absolutely. An insurance office could do the same thing. I mean, it's not particularly manufacturing or anything like that. It's just a space where someone that would not have the opportunity to have an independent building within town limits outside of a strip shopping center could afford to come in.

Jenkins: Who will be regulating what type of businesses will be coming in?

Walker: Overall, the town regulations would be doing that.

Matheny: Don't

Walker: And again, I have Mr. Craven here if you have any engineering questions, or Mr. Leatherman about the appraisal.

Matheny: You want to ask him your question?

Bumgarner: My question earlier was maybe why that little square section of property was left as heavy business. And again, I know that that's a graveyard. Was there no plans for the developer here to take that portion into his property and maintain it?

Walker: The owners of the property did not want to be a part of this project. They did not want to sell the rights to their project—obviously, we would not move the cemetery for what we were trying to do, but they did not want to sell.

Bumgarner: Okay. Would there be any consideration of, say, beautification around that cemetery on your property?

Walker: We could. We could absolutely do that. If there's—if you're asking for additional buffering or stuff like that, yes, we can do that.

Bumgarner: Yes.

Walker: That's not a problem.

Bumgarner: Okay. Thank you.

Matheny: Okay. Other questions? Thank you, sir.

Walker: Thank you.

Matheny: Anyone else wishing to present evidence?

Craven: Yes. Thank you.

Markland: Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Craven: I do.

Markland: State your name and address, please.

Craven: My name is Tommy Craven. I'm with Priest, Craven & Associates. 3803B Computer Drive in Raleigh. My firm, Priest, Craven & Associates, has done the site plans for the project. We've been involved in the preparation of the applications and been through the review process. I'm a professional engineer in the State of North Carolina. I've got over 35 years of experience in designing projects like this and going through these sorts of processes. We've reviewed the entire application, and I believe that the application and the plans as presented and proposed comply with your codes and your ordinances and meet the findings of fact that are required for this process.

One slight correction on Chuck's distance to the downstream sewer that's to the south. I believe Chuck said it was a thousand feet. It's more like 3,000 feet. It's beyond 3,000 feet. And we did go through the process, a preliminary process, with the City of Raleigh Public Utility Department, to see if they would allow us to serve this site and properties that were immediately upstream of this

site, with a pump station. And the response back from the City Public Utilities Department was no, they would not allow that. And I'd be glad to answer any questions that anyone might have.

Matheny: I'd be interested to know why they wouldn't allow it. I mean, it—

Craven: I'm not sure I can give you—I'm certainly not the source that can give you the full answer. How it's been explained to us over time, and in this particular case, is that Raleigh has a policy that discourages pump stations because they are a maintenance problem for them and that they have set standards that require that a gravity extension alternative be—I believe it's two-and-a-half times more expensive than a pump station, in order to allow the pump station or consider the pump station. We presented numbers that in our mind proved that we met that criteria.

The public utilities staff that reviewed our work, they tweaked our numbers. Their formula is set up in ways that discourage the pump station. Their form—for instance, their formulas allow the city to set what the price would be for an easement acquisition. The city, because they have powers of condemnation, spend a lot less on easement acquisition than private developers do. They also don't allow for any consideration of rock excavation in their cost opinions. So with their discount on easement acquisition and not—no consideration of rock, and also some additional costs that they have put into their pump station designs of late, they did not agree with our numbers and denied the request.

Matheny: I'm just curious—[OVERLAPPING]

Craven: Yes, sir.

Matheny: Okay. Other questions? Looks like a storm, huh?

Strickland: Mm-hmm.

Matheny: Thank you.

Craven: Thank you.

Matheny: Anyone else wishing to speak in favor? Anyone wishing to present evidence against?

Markland: Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

High: I do.

Markland: State your name and address, please.

High: Okay. My name is Veronica High. I'm at 1721 Longmont Drive in Wake Forest. But I'm here on behalf of Nancy High and Alton High, who are abutting property owners. I—actually, full disclosure, I'm actually a licensed professional engineer. I do deal with storm water management. I've been in the industry for over 26 years.

And I guess my question or point would be the delineation that's shown on the site plan shows that some portions of the lot actually naturally drain away from the proposed SCM device that's being shown on the plans. And what I'd like to know is some additional information on how they plan on draining it to that facility when the natural contours actually divert and flow differently than what's on—you know, the natural flow out there. Some of that may be addressed on a per-lot basis, but the boundary delineation for the SCM just conveniently

flows—follows the property line delineation, which is not the natural direction of the contours out there for that upper—that portion of the property there.

Matheny: Okay. Well, I—Okay, thank you.

Baxter: Are you saying that there's drainage issues that you're concerned about?

High: There are drainage issues and the only way that I could figure that they may be attempting to address it would be through either maybe curb and gutter parking lots, because obviously there's going to be paved areas. And you know, then the water for it to flow in that general direction of the SCM water—you know, storm water control device would be to direct that flow there. Just the information that was in the packet, in my opinion, was just not enough to support that flow in that direction, let's just say, naturally, for some parts—parts of the property.

Matheny: Okay. Thank you, ma'am. Care to answer?

Craven: Would you like me to go ahead and respond to that—

Matheny: Yes, sir.

Craven: —at this time? There are parts of this property that do not drain naturally to where the storm water device system is shown. We believe that through piping and through grading of the sites, we can get most of the water back there. There may be some places on these sites that require individual on-site BMPs as well as the one that we've shown on the community lot. What we know is that the street, which will contain the first abundance of impervious surfaces, will all drain to that BMP that would be located there. But we don't control the grading plans at this point in time for all of the development on all of the other nine lots.

So we will make storm water treatment available to them, but depending on their plans as they come in for site plans, there may be some situations where—for instance, this lot may wind up with a storm water device of their own down here. We just don't know how they are going to develop that site yet. If they—we believe that they could grade this site in such a way to make the water come back and go this way and into that pond. But it would depend on where they set their front store elevations, how they set their buildings. There are just a whole host of decisions that we don't—we're not in a position to make right now.

But we do know that this device will handle the road and it will handle the impervious from those lots if they choose to use them. But this design does not preclude those individual developments, individual site plans, of the opportunity to put a storm water control measure on their site.

Matheny: Okay. Thank you, sir.

Craven: Thank you.

Matheny: Anyone else?

[INAUDIBLE]

Markland: Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Creech: I do.

Markland: State your name and address, please.

Creech: Anthony Creech. 103 Green Pace Road, Zebulon, North Carolina. I own the business East Wake Animal Hospital, which is going to be adjacent to this property. I have a couple of concerns.

One, I disagree with the traffic issue—or the traffic that they've said was a nonissue. Because I can tell you, I drive that road every day, and it is a disaster. I've called the town, emailed. You know, I just have some real concerns. I can tell you, when I pull out of my place, you know, we meet traffic right there, and people get so frustrated—I can—I see it every day. They pull out, drive down the left-hand side of the road. Oncoming traffic here. They cut into the grocery store there. They immediately try to take a right and go back in front of those people.

I, myself, pulled a lady out of a car two weeks ago—her face was busted up—where somebody had turned out and another car hit her. Okay? So that is a real issue there. And—so, I don't know what we need to do about it. I think somebody definitely needs to look into that traffic pattern there. I mean, I've talked to the cops. They say, "Well, you know, we've tried. There's nothing we can do about it."

But every day—I mean, it's like a circus. If somebody would go down there from 7:30 to 8:30 and 5:30 to 6:30, you'd be amazed. Sit in that grocery store and just watch the people, watch what they do. It is amazing what they do to try to—they're so frustrated that they'll pull out—I mean, I've seen people drive a hundred yards down the road on the wrong side of the road to go around traffic just so they can get out. So that's a big issue, and I welcome neighbors, and I want people on my side of the town over here, and I want people to develop that piece of land for business.

But the other concern is that, you know, I feel like if they go to just—to doing all septic tanks, which I understand, because I had to be on a septic tank,

too, although I fought it. I didn't want a septic tank because it decreases the price of my property because I can only develop four acres. If I get a set—if I get hooked onto the town water, I can develop the other two. But, you know. So that would kind of squash my property value, although I feel like, you know, I'm stuck there. I've dealt with the City of Raleigh, and I know gravity doesn't flow. And I've looked at putting in, you know, a force main myself, and, you know, I just—I don't think anybody can get the easements to go down there. So that's a real issue, too.

But my main thing is, you know, I think that it could probably work and each lot have its own septic tank, and maybe that could happen, and if they could get, you know, Mr. High taken care of with his concerns on the drainage and all, which I think is probably a bit of a concern, as well.

But the traffic is a true problem. And it's not a problem, like, when they develop it. It's a problem now. So when they develop that, we're going to have a major issue. I mean, it's—so I think the traffic pattern, the lights down there, need to be addressed like ASAP. I've even put it in an email and said, "For the record, if you don't fix this light, somebody is going to get killed." Okay? And I sent it to the town. But—and I like y'all—y'all are doing a great job, but I'm telling you, somebody needs to address this, or it's going to be bad. It's going to be bad.

Jenkins: Right.

Creech: I see it every day. I bet there's—there's got to be two or three wrecks a week there. Minor fender benders, but some major ones. Some really bad ones. So, I

just think that needs to be addressed. And it's like I said, I welcome businesses, man. I want people over there. And if the only way it works is he has to do septic tanks, hey, I'm all for it. But, you know. But something needs to be looked into on the traffic, I feel like. So. All right?

Matheny: Thank you.

Creech: Yeah.

Matheny: Anyone else?

Bradshaw: Just to address Mr. Creech. I think there was a condition we—staff put in there that TIA would be looked at during the TRC review.

Matheny: Well, the other piece that's a state road, right?

Bradshaw: Green Pace—

Matheny: NCDOT would get involved.

[INAUDIBLE]

Bradshaw: I think staff's concern was we didn't want to require a TIA with the special use permit, but as it goes through TRC review, the valuation of having a TIA would be examined at that time.

Matheny: Explain to them—that's a traffic impact analysis. You know, you may not be familiar with TIA. Maybe you would be. But I want to be sure everybody knows what we're talking about here. And the other piece of that, again, is that's a state road, so NCDOT could have some requirements on it as well.

Bradshaw: That's correct.

Matheny: Okay. Anything else? All right.

Markland: Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Ballard: I do.

Markland: State your name and address, please.

Ballard: Nancy Pippin Ballard. 8600 Riley Hill Road in Zebulon. Born and raised in Zebulon. I am co-owner of the property directly across the road, the R-40W. I'm neither for or against the commercialization of the property over there. My concern is the traffic, as well as the property of the cemetery. That's where my ancestors are buried, and I want it protected. And that's it.

Matheny: Okay. Thank you. Anyone else bringing forth any evidence? All right. I'll close the public hearing, refer the matter to the Planning Board. I think we've given y'all a lot to do tonight haven't we? But we'll refer that matter to them, and call for a final staff report. Nothing? Okay. All right. Well, thank you, folks, for hanging in here with us. I'll ask for a motion to adjourn.

Clark: Motion to adjourn.

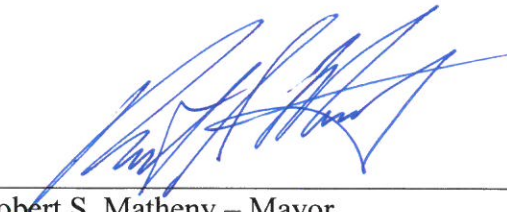
Strickland: Second.

[INAUDIBLE]

[END RECORDING]

Adopted this the 4th day of November 2019




Robert S. Matheny – Mayor


Lisa M. Markland, CMC – Town Clerk