

**Zebulon  
Joint Public Hearing  
Minutes  
July 13, 2015**

Present: Robert S. Matheny, Dale Beck, Curtis Strickland, Beverly Clark, Glenn York, Rick Hardin-Town Manager, Lisa Markland-Town Clerk, Mark Hetrick-Planning, Julie Wilkins-Planning, Toby Hampson-Attorney

Absent: Don Bumgarner

Planning Board Present: Darrell Jones, Gene Blount, Sam Hayes, Larry Ray, Laura Johnson

Absent: Kenny Waldroup, Avon Privette

Mayor Matheny called the meeting to order at 7:00pm.

Mayor Matheny reviewed the quasi-judicial hearing guidelines and requirements for the meetings and the process.

Mayor Matheny asked if anyone had a conflict of interest, ex parte communication or financial interest in the outcome of the hearing. There were none.

Mayor Matheny stated that everyone had to be sworn in if they wished to speak and that they could not give hearsay or personal opinion, it had to be evidence or facts.

Mayor Matheny declared the public hearing open and asked for staff report.

*SU 2015-04—Shepard's Park*

Mark Hetrick was sworn in by Lisa Markland.

Mark Hetrick stated that he would be giving a lengthy PowerPoint presentation and said that the Boards should feel free to interrupt and ask questions along the way. Mark also stated that the PowerPoint would be entered into evidence.

Black Orchid Equity LLC was represented by James Nash and was requesting an amendment to the special use permit. The site was approximately 135 acres zoned R-13SUD. The site was vacant but some improvements had been made and a transportation impact analysis for the site would be required.

The property zoned HB that was originally part of the site had been subdivided out and was not a consideration with the special use permit amendment. The property was originally granted the special use permit in 2005 and it was amended in November 2006. There would be five phases with 302 lots and Phase I had 125 lots.

Mark discussed the previous second entrance/exit to the subdivision that went onto Shepard School Road and that since the HB lot was no longer a part of the parcel that second means of egress would not be available. The mailbox kiosk would also be up in that area to meet the requirement of the USPS which did not want individual mailboxes. It was also stated that the Town traffic engineer thought that the newer proposed means of egress was a better fit.

The water and sewer requirements were discussed and that an additional 35 homes would have to be allocated to accommodate the 125 homes that were being requested for Phase I. Mark also reviewed the answers that were provided by the applicant on their application. Mark reviewed the various maps of zoning and land use of surrounding properties.

A transportation impact analysis would be required since it would be adding 125 lots onto Old Bunn Road. A field assessment was done by Volkert that provided a study of his findings when walking the site to review the roadway and curb and gutter issues prior to discussions of what would be needed. Site plan approval would go to TRC and then final plats to the Board for approval.

The 36 conditions that were approved in November 2006 were reviewed and what was being proposed by the applicant and the Town. There were also additional conditions added that Town staff thought were necessary and then some clarification. Mark did state that the NC legislature had changed what conditions could be placed on one or two family dwellings dealing with aesthetics unless agreed to by the applicant.

The specific conditions and proposed changes as well as the proposed new conditions are attached as reference to these minutes.

After reviewing all the proposed conditions and changes Mark Hetrick reviewed the quasi-judicial requirements for approval or denial with or without conditions.

Mayor Matheny asked if anyone had any questions.

Darrell Jones asked about the secondary entrance off of Shepard School Road that would no longer be an option. The second entrance would be on Old Bunn Road and appeared to be about 150' from the main entrance and thought that the traffic would be a problem. If there were to be a second entrance onto Shepard School Road it was not shown anywhere on the plans. Mark Hetrick stated that it was changed because the location was no longer owned by the current property owner. NC DOT was ok with the second entrance and it was being shown as a right in and right out only. One issue was having the second entrance from that cul-de-sac would limit those property owners past that to get in and out of the development.

Darrell Jones asked that when the traffic study was done it would be done when school was in session and when the Boys & Girls club was operating to see the full impact of adding additional traffic to the area. Mark stated that in the ordinance there were detailed requirements for the TIA. It would be reviewed by the Town's engineer and NCDOT.

Mayor Matheny asked if DOT was recommending the right in and right out. Mark Hetrick said that it was discussed in concept and they were in approval but no actual application had been received by them that he was aware of. Mark said that the reasoning may be given the distance to the full access that was provided at the traffic circle. Mayor Matheny said that he did not see

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where that would make a difference either way and thought that it should be looked at in a little more detail.

Sam Hayes asked about the cemetery and who would care for that property. Mark said that it would be listed as open space and the HOA would care for that property.

Larry Ray asked if street parking would be allowed. Mark stated that it would be allowed currently since the streets were 35' back of curb to back of curb on the main drive. Some of the main drives would carry a lot more of the traffic than the stub streets which might be only 26' back to back curb and gutter but main drives would be 35'. It should not be a problem.

Same Hayes asked about the pool and if it was typical to have a 36 month period to have that installed. He thought that should be one of the first things to get people to move into the neighborhood. The other thing was that he was concerned where the pool was located and the access to it for emergencies. Mark Hetrick said that any access to and from the pool off the main drive would have to be to the standards of the specification manual and it was currently in the same location as when approved in 2006. The drive would be sufficient for emergency vehicles to access that area. Sam asked if wouldn't be easier if there was a Shepard School Road access it would be much closer to the pool. It seemed like a long way from the entrance to get to that area. Mark Hetrick said that a drive off of Shepard School Road would be beneficial but with the environmental issues in that it area it would be extremely costly to install one.

Commissioner Strickland stated that he had concerns with the pond safety. Mark Hetrick said that at Weaver's Pond the covenants dealt with all things on their site and it would be a similar situation. Toby Hampson said that the specific issues would need to be worked out later down the road through TRC review and in the covenants but not as part of the conditions.

Mayor Matheny said that he would like for the Planning Board to consider various items. He thought that a lot of the aesthetics were taken out of the plan. He said he was concerned with lots that would not have driveway access and what the reasoning behind that was. They would need a reasonable way to use the lots. He understood that the round-a-bouts could be moved to the edges but the entrance lots were a concern. Concerning the mailbox kiosk he asked could the aesthetics be a condition. Mark explained that that legislation only applied to one or two family dwellings. The 18 month road completion was a concern especially if the building in the subdivision slowed then the heavy truck traffic on the final overlay could be an issue. Finally, would the eastern 10' open space be filled up with a buffer. Mark stated yes it would be, and the thought was that the 30' would be a little excessive and restricted the lot sizes and the ability to fit the home on the lot. Mayor Matheny said if the 10' was open space and he thought it should be walkable and not totally filled with buffer. Mark did not include a greenway requirement within the buffer in addition to the landscaping the HOA could do that. Mayor Matheny said that he would like to see that it would be walkable but did not have to be paved, gravel or mulch. People could walk on the grass.

Commissioner Clark asked about the removal of playsets, walkways, benches and so on and those needed to be included. Mayor Matheny also agreed with that statement.

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Mayor Matheny asked if there was anyone who wished to speak in favor of the petition.

Lisa Markland swore in James Nash who was the agent for Black Orchid LLC.

James Nash stated that the project had been sitting idle for many years and they would like to get the site moving again and create something positive for the neighborhood. He explained that they did not wish to remove everything that was there but they had to start with something a little more basic. The selling price of lots was much lower now than when the original plan was adopted so they wanted to push out the amenities until the 75 certificate of occupancy. The homeowners would not be able to afford to pay for the maintenance or pool service if there were too few homeowners in the neighborhood. That would be the reasoning for waiting to do some of the amenities. Mr. Nash said that if they were forced to do the amenities up front then they would not develop at all.

Mayor Matheny asked if there were any questions.

Gene Blount asked what the average cost and size of the homes would be. James Nash said that they did not know what their costs were and that would dictate the cost of the lots which would dictate the price of the homes. They did not want to build anything that would keep the subdivision from moving along and keep the value of the subdivision a quality product. Build a nice home that was of good quality and keep the subdivision looking nice and profitable; that was the goal.

There were no other questions.

Mayor Matheny asked if there was anyone who wished to speak in opposition. There were none.

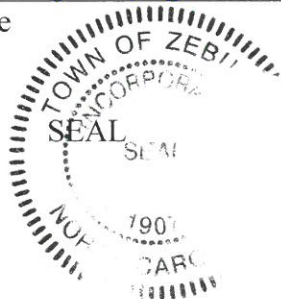
Mayor Matheny asked if there was anyone who wished to speak in general. There were none.

Mayor Matheny declared the public hearing closed and referred the matter to the Planning Board.

Commissioner Clark made a motion, second by Commissioner York to adjourn the meeting. There was no discussion but the motion passed unanimously.

Date

8/3/15



Robert S. Matheny—Mayor

Lisa M. Markland  
Lisa M. Markland, CMC—Town Clerk