

Zebulon
Joint Public Hearing
Minutes
August 10, 2020

Present: Robert S. Matheny, Beverly Clark, Annie Moore, Glenn York, Shannon Baxter, Larry Loucks, Joe Moore-Town Manager, Lisa Markland-Town Clerk, Stacie Paratore-Deputy Town Clerk, Michael Clark-Planning, Meade Bradshaw-Planning, Eric Vernon-Attorney

Planning Board Present: Gene Blount, Laura Johnson, Larry Ray, Gene Blount, Stan Nowell, Stephanie Jenkins, Michael Germano and Jessica Luther

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

Michael Clark stated the safety protocols that were observed for the meeting.

PUBLIC HEARING

A. Wake County Historic Landmark Designation

Mayor Matheny opened the public hearing.

Michael Clark explained this was a request from Capital Area Preservation to approve 216 W. Gannon Avenue as a Wake County Historic Landmark in accordance with Section 16D-94 of the North Carolina General Statute.

Jeremy Bradham, from Capital Area Preservation, spoke about the property on 216 W. Gannon Avenue. Pictures of the home and floor plan were shown. Mr. Bradham gave historic information, facts and descriptions of the home.

Jeff Hastings, the Vice Chair for Capital Area Preservation, stated the Wake County Historic Preservation Commission recommended the Board of Commissioners designate the property at 216 W. Gannon Avenue as a historic landmark.

Mayor Matheny asked if the Board had questions. There were none.

Mayor Matheny asked if anyone wished to speak in favor. There was none.

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

Mayor Matheny closed the public hearing and referred the matter to the Planning Board for their recommendation.

B. CZ 2020-01 Five County Mini Storage

Mayor Matheny opened the public hearing.

Meade Bradshaw explained this was a request by John Sikorski, property owner of 1412 and 1420 US 264 Highway, requesting a zoning map amendment from light industrial (LI) to conditional zoning light industrial (LI-C). The was an existing self-service storage facility and the property owner wanted to expand the facility. The aerial map, pictures of the property and the concept plan were shown. Two conditions were agreed to for the property by the applicant:

1. Allowing a self-storage facility on a minimum site size (two parcels) of two acres.
2. Install a type-A landscape buffer (four understory trees and 15 shrubs every 100 linear feet) planed along the western property line.

Staff explained when the Unified Development Ordinance stated self-storage facilities had to be a minimum site size of five acres and the existing site was approximately 2.21 and was a non-conforming use. Requesting the conditional zoning and removing the five acre minimum requirement would allow the property owner to expand the facility.

There was a question if a variance for the impervious surface percentage on the site plan was needed for the additional use. The applicant had spoken to Wake County Soil and Erosion Control and was given an exemption.

Mayor Matheny asked if the Board had questions. There were none.

Mayor Matheny asked if anyone wished to speak in favor.

John Sikorski stated he consulted with Barney at Wake County Stormwater Runoff and was told the facility was exempt with the additional 2,500 square feet. An additional landscape buffer would be installed.

Mayor Matheny asked if anyone else wished to speak in favor. There was none.

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

Mayor Matheny closed the public hearing and referred the matter to the Planning Board for their recommendation.

C. CZ 2020-02 1500 & 1512 N. Arendell Avenue

Mayor Matheny opened the public hearing.

This was a request by Clyde Holt representing the property owner of 1500 and 1512 N. Arendell Avenue, Stephen Jordan Properties, LLC requesting a conditional zoning map amendment from residential-2 (R-2) to heavy commercial conditional zoning (HC). The aerial map, vicinity map, and zoning map were shown. Three conditions were agreed to for the property by the applicant:

1. Building height will be no greater than 35'
2. A traffic impact analysis will be conducted by a licensed engineer submitted/approved by the Town of Zebulon prior to Technical Review Committee Approval

3. A fence meeting the Unified Development Ordinance requirements be constructed on property lines adjacent to properties with residential dwelling units and the church property.

The applicant also requested the zoning fee be waived. The parcels were previously zoned heavy business and were changed to residential-2 under adoption of the new Unified Development Ordinance.

Mayor Matheny asked if the Board had any questions.

There was discussion about the fence to be installed and it was shown where on the property line it would be constructed.

It was asked if the light use could be limited to reduce light pollution for the nearby townhomes. Staff explained there was not a light restriction.

Mayor Matheny asked if the Board had any more questions. There were none.

Mayor Matheny asked if anyone wished to speak in favor. There was none.

Clyde Holt, the attorney for the applicant, gave some background of the zoning on the property and stated in his opinion the recent rezoning to R-2 under the UDO was a mistake and the applicant should be refunded the rezoning fees. The property owner never received notice of the zoning change.

Mr. Holt stated a neighborhood meeting was held in May 2020 to hear from the nearby neighbors and adjacent property owners. The applicant stated they were willing to add the following conditions:

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.

Mayor Matheny asked if anyone else wished to speak in favor. There was none.

Mayor Matheny asked if anyone wished to speak in opposition.

Domenick Schilling, the Wakelon Homeowner's Association President, stated the car trailers were unsightly and expressed his concerns regarding security. The homeowners wanted to see the fence extended along the border between the Wakelon townhomes and the two parcels.

Tina Biner, a nearby resident, stated she was not opposed to the property use, but was concerned about grease odor and asked if odor filters could be added to the restaurant.

Comments submitted from Karen Underhill and her concerns about traffic as it relates to noise congestion and accidents (written comments are attached to these minutes).

Mayor Matheny asked if anyone else wished to speak in opposition. There were none.

Mayor Matheny closed the public hearing and referred the matter to the Planning Board for their recommendation.

D. Transportation Plan Amendment

Mayor Matheny opened the public hearing.

Michael Clark stated the Town was proposing an amendment to the multimodal transportation plan to designate Judd Street from N. Arendell Avenue to Worth Hinton Road as a collector road. The section of land was owned by GSK and was zoned light industrial. The collector road would give more east and west connectivity and quicker response time for emergency service vehicles.

There was a question if the road would be Town owned or DOT owned. Michael Clark explained staff would work with NCDOT and the potential applicant and would be dependent upon the northeast area study as well as NCDOT plans. If the road was state owned it would be state maintained.

Mayor Matheny asked if the Board had questions. There were none.

Mayor Matheny asked if anyone wished to speak in favor. There was none.

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

Mayor Matheny closed the public hearing and referred the matter to the Planning Board for their recommendation.

E. QA-2020-02 Quarterly Text Amendments

Mayor Matheny opened the public hearing.

1.) Michael Clark explained this was an amendment to Section 4.5.4.A to allow exceptions for mobile food vendors. The proposed amendment would result in increased efficiency of staff time as applications for ice cream trucks and similar activities would not need to be processed, reviewed, and approved. This text amendment also allowed exemptions for Homeowner's Associations and Town sponsored events.

There was a request for clarification of ice cream trucks. Michael Clark explained this was for a mobile truck that did not have a set location, stopped only for point of contact sales, and then continued on with the route.

2.) Michael Clark stated this was an amendment to Section 6.10.7.F regarding street grade. The UDO text allowed for up to a 12% grade, but the standard specifications only allowed for a maximum of a 7% grade. The text amendment would give more consistency to the ordinance.

Mayor Matheny asked if the Board had questions. There were none.

Mayor Matheny asked if anyone wished to speak in favor. There was none.

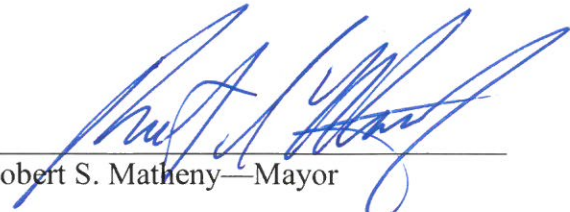
Mayor Matheny asked if anyone wished to speak in opposition. There was none.

Mayor Matheny closed the public hearing and referred the matter to the Planning Board for their recommendation.

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

Adopted this the 1st day of September 2020.




Robert S. Matheny—Mayor


Lisa M. Markland, CMC—Town Clerk

Stacie Paratore

From: underhillkgmc@aol.com
Sent: Sunday, August 9, 2020 8:33 PM
To: Stacie Paratore
Subject: Zoning Map Amendment

Good morning,

I, as a home owner adjacent to the said property 1500 & 1512 N Arendell Avenue, do not recommend that a conditional Zoning Map Amendment from Heavy Commercial (HC) to Heavy Commercial Conditional Zoning (HC CZ) be considered or passed. Why at this point go to HC CZ? So another fast food restaurant can be placed there?

We have had numerous **accidents** in that area that has tied up **traffic** in both directions. Plus an accident in that area also impacts traffic on Proctor and Pearces Roads with people trying to avoid the backups. Wakelon homeowners find it dangerous even getting out of the sub-division when there is an accident in that area plus early morning and evenings. How many accidents have we had between 64 and Green Pace Road already? Noise is unbelievable in this area now. Homeowners can't even sit on their patios and talk.

I know that a traffic light is intended to Green Pace which will tie up **traffic** even more during the morning rush hour and evening hours. Early morning and at night you hear loud banging plus cars and trucks with **loud mufflers** in front of Sheetz, ABC store, and Bojangles racing up and down Arendell.

Wakelon residents along with some Taryn Meadows residents (off Proctor and Arendell) plus the some of the Wakefield Baptist Church parishoners do no need or want more **noise and traffic** or **congestions** in this area.

There are no sidewalks in that area. I've seen numerous people walking to their jobs daily in that area which is extremely **dangerous**.

I am also speaking for a couple of elderly neighbors 75-85 yr. old that do not feel comfortable coming to the meeting and do not have computer access. They also feel that the Zebulon board will make the right decision to reject this zoning request.

If this ordinance is passed and another fast food restaurant comes in that area, the following will affect Wakelon homeowners:

Resale of Wakelon properties will be impacted.

Wakelon's **quality of life** will also be affected by more **noise with drive-thru speakers** on the Wakelon side.

Trucks going in and out with deliveries and pick up of garbage.

People will be cutting through our properties at all hours trying to get to restaurant. We already put up with that when Sheetz, Bojangles and the Waffle House opened.

Water run off might be a problem. No guarantees.

Pollution with smells of grease and garbage floating through the air.

Thank you for your time.

Karen Underhill