



## TOWN OF APEX PLANNING BOARD MEETING MINUTES

Meeting Date: September 9, 2019

The Planning Board held their regular meeting on September 9, 2019 at 4:30 p.m. at the Apex Town Hall Campus, 73 Hunter Street, Apex North Carolina, 2<sup>nd</sup> Floor Council Chambers, Members present were, Chair Margo Bills, Vice Chair Michael Marks, Board Members, Beth Godfrey, Reginald Skinner, Mark Steele and Tina Sherman.

Chair Bills called the meeting to order at 4:30 p.m.

Vice Chair Marks gave the Invocation and Chair Bills led the Pledge of Allegiance.

### PUBLIC FORUM

Chair Bills opened the floor for citizens to speak on non-agenda items; no one came forward.

### CONSENT

Item #1 – Minutes from the August 12, 2019 regular meeting. Chair Bills called for a motion. Member Steele motioned to recommend approval. Member Sherman seconded. Motion carried with a unanimous vote.

### PUBLIC HEARING

Item #1

Shannon Cox, Long Range Planner presented the following substantial amendments and corrections to Bike Apex:

- Roberts Road/Green Level Church Road: replace greenway road crossing with side path.
- US 64/American Tobacco Trail: shift side path to east side of Goodwin Road & remove US 64 path connection to the American Tobacco Trail.
- US 64 at NC 55: remove proposed greenway; show a side path on Vision Drive which is safer and more practical.
- Howell Road: show side path to proposed greenway.
- Haddon Hall Greenway Loop connection to Apex Peakway.
- Kinship Lane: remove side path and greenway along future Kinship Lane.
- Humie Olive Road: realign greenway to match side path design of Friendship Station subdivision
- Old US 1/Humie Olive Road: change designation from side path to street-side greenway
- NC 55/Nationwide Plaza: remove proposed greenway through parking lot; it is not safe for children.
- Tingen Road/Big Branch Greenway: make small connection to Wake Acres Apartments.
- Big Branch Greenway/US 1: revise alignment and add grade separated crossing.
- US 1 / 540/ Veridea Parkway – remove side path shown along future corridor.
- Horton Park/Jessie Drive in Middle Creek area: realign middle creek greenway

Planning and Parks, Recreation and Cultural Resources and Parks Recreation and Cultural Resources Advisory Commission support a recommendation of approval.

Chair Bills opened the public hearing for anyone to speak in favor or opposition of the amendments.

Dr. John Barnshaw of 2426 Castleburg Drive stated his back yard backs up to an existing greenway in Charleston Village where people cut through his yard. He is in favor of the original proposal rather than making changes. Planner Cox stated the proposal is to not remove the greenway but to slightly shift it onto town property. Angela Reincke, Parks & Greenways Planner stated last year the town installed a bridge section to connect Charleston Village to Sutton Place.

Chair Bills closed the public hearing and called for the motion. Member Godfrey motioned to recommend approval to Town Council. Member Skinner seconded. Motion carried with a unanimous vote.

#### Item #2

Liz Loftin, Senior Planner stated in Rezoning Case #19CZ17 Woodbury PUD Amendment, the applicant, Pulte Home Company, LLC is seeking rezone approximately ±42 acres located at 2564, 2567, 2556, 2552, 2548, 2544, 2540, 2536, 2532, 2528, 2516, 2527, 2531, 2545 Collection Court; 2552, 2536, 2531, 2547 Kylewynd Place; 2532, 2528, 2524, 2520, 2516, 2512, 2508, 2504, 2500, 2501, 2505, 2511, 2515, 2519, 2523, 2527, 2531, 2535, 2539, 2543 Impulsion Drive; and a portion of 2701 Old US Highway 1 from Planned Unit Development-Conditional Zoning (#16CZ01) to Planned Unit Development-Conditional Zoning in order to amend an architectural condition. Planner Loftin oriented those present as to the location of the subject property, existing uses, land use and zoning designations. The proposed amendment is consistent with the 2045 Land Use Map. A neighborhood meeting was held on July 30, 2019 and the report on that meeting is included in the agenda packet. The amendment is to revise an architectural zoning condition: No more than 15% of the total number of homes shall be side entry garages with "J" drives. Homes with "J" drives shall not be located on immediately adjacent lots to other homes with "J" drives.

Chair Bills opened and closed the public hearing, no one came forward to speak. Chair Bills called for the motion. Member Marks motioned to recommend approval to Town Council. Member Steele seconded. Motion carried with a unanimous vote.

#### UNFINISHED BUSINESS

##### Item #1

Sarah Rayfield, Senior Planner provided a recap on an amendment to the 2045 Land Use Map and Rezoning Application #19CZ02 Morris Acres PUD. The applicant, Kaplan Residential, seeks to amend the 2045 Land Use Map from Medium Density Residential to High Density Residential and to rezone approximately ±17.4376 acres, for the properties located at 0, 7208, & 7208B Morris Acres Road (PINs 0732289587, 0732382530, & 0732382709), from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ). Planner Rayfield reoriented those present as to the location of the subject property. Rayfield highlighted the previous 2045 Land Use Map discussion; Council left the 2030 Land Use Map designations for 3 controversial parcels and would look at the three areas later with proposals. The subject area was medium density; and could transition from lesser to higher density. Rayfield provided examples of existing multi-family uses next to single-family (Miramonte/Camden Reunion Park) and single-family to townhome uses (Cameron Apartments/Oak Pointe). Traffic from this development will not decrease the current level of service compared to land remaining undeveloped. Vision Drive is a public street with 45 foot right-of-way to 60 feet at Morris Acres Road. A portion of an Advance Apex Context Area includes this development. Transit-oriented development includes a mix of land uses including medium/high density residential.

Rayfield provided an overview of Apex rental market analysis, affordability data for the average market rate for Apex and summarized the PUD changes. Staff supports the land use map amendment; it is an appropriate transition and location. Staff supports the rezoning with appropriate uses, buffers, setbacks, architectural standards and a transit oriented development.

Jason Barron, Morningstar Law Group stated the contents of the zoning have been fine-tuned, 15 units will be at 60% AMI. They looked at Chapel Hills affordable housing; in 7 years, Apex will exceed Chapel Hill. Kimley-Horn's analysis of 300 units vs. 122 townhomes states the level of service remains the same for this area.

Chair Bills re-opened the public hearing with the caveat that discussion is limited to the four changes as summarized by Planner Rayfield.

The following residents came forward to speak:

Andrew George	2314 Walden Creek Drive	Steven Gessner	2118 Echo Glen Lane
Gus Casey	2306 Bristers Spring Way	Ken Lambert	1801 Dunwick Court

Some comments and concerns were:

- It is a measly concession of only 15 affordable housing units. Setbacks and buffers are smoking mirrors.
- Additional architectural requirements do not mean anything.
- What are the chances the Police, Fire, EMS can afford these houses.
- This development does not fit here. There is a duty to represent the residents of this community.
- This will set a precedent for this area for the remaining vacant parcels and create high density.
- This feels like a broken system; need to propose a 5-year moratorium on high density development.
- This is not what Walden Creek residents invested in when they purchased their property.

Chair Bills closed the public hearing and stated the Board is made up of volunteers, we don't get paid. We have strict requirements and rules to follow when approving or disapproving rezonings. Chair Bills called for discussion and/or motion.

Some comments from the Board:

- The affordable housing proposal is insufficient.
- The residents need to be careful in characterizing what was said by Council on February 2019 [with the approval of Advance Apex].
- We are a recommending Board to Town Council.
- The developer is making a good faith effort in transitioning this development; he will provide open space with apartment uses, otherwise, townhome uses would be built in the open pasture area.
- Have lived in Apex for a very long time and have seen massive changes. Residents move here because they like it.
- Concerned about high density when people thought this was going to be medium density.
- Moved here three years ago, knew about growth issues and traffic; despite that, they wanted to live here.
- The Board took an oath to represent the whole town and have to do what is right for the whole town.
- Offended by comments made by the residents to this Board.
- The comment made by the residents at last month's meeting did not match the data.
- 540 was not here when the Walden Creek residents bought their property; would not want to live next to medium density townhomes.

Board Member Skinner motioned to recommend approval for the 2045 Land Use Map amendment and rezoning. Member Pate seconded. Motion passed with a vote of 4 to 3; Members Godfrey, Steele and Sherman voted "nay".

NEW BUSINESS

Item #1

Amanda Bunce, Current Planning Manager stated the following amendment to the Unified Development Ordinance (UDO):

- Sec. 8.7.1.A.13 *Menu Board* in order to increase the maximum sign area for a menu board from 32 square feet to 40 square feet with the condition that only one menu board sign be permitted if the larger sign area is used.

Chair Bills called for the motion. Member Sherman motioned to recommend denial to Town Council. Member Steele seconded. Motion failed with a vote of 3 to 4. Member Marks made a motion to recommend approval to Town Council. Member Skinner seconded. Motion passed with the vote 4 to 3. Members Bills, Sherman and Steele voted “nay”.

Item #2

Amanda Bunce, Current Planning Manager stated the following amendments to the Unified Development Ordinance (UDO):

Requested by Administration:

1. The addition of Sec. 2.1.9 *Environmental Advisory Board* in order to include provisions for the new Environmental Advisory Board in the Unified Development Ordinance.

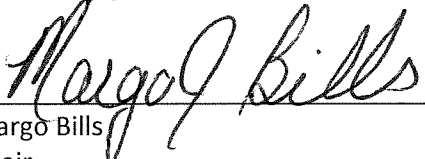
Requested by Planning Staff:

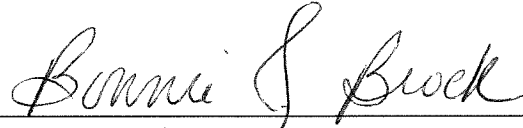
2. Sec. 8.3 *Off-Street Parking and Loading* in order to clarify that neither parking located under a building nor more than one level of structured parking counts toward the maximum parking calculation and amend the minimum drive-aisle width in parking areas based on the angle and design of the parking lot.

Staff recommends approval.

Chair Bills called for the motion. Member Godfrey motioned to recommend approval to Town Council and suggested the term “Environment” be defined with regard to this Board. Member Sherman seconded the motion. Motion carried with a unanimous vote

There being no further business, the meeting adjourned at 6:45 p.m. The foregoing minutes are approved this the 12 day of November, 2019.

  
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Margo Bills  
Chair

  
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Bonnie J. Brock, CMC, NCCMC  
Deputy Town Clerk