



TOWN OF APEX PLANNING BOARD MEETING MINUTES

Meeting Date: October 14, 2019

The Planning Board held their regular meeting on October 14, 2019 at 4:30 p.m. at the Apex Town Hall Campus, 73 Hunter Street, Apex North Carolina, 2nd Floor Council Chambers, Members present were, Chair Margo Bills, Board Members, Beth Godfrey, Reginald Skinner, Mark Steele, and Tim Royal. Members absent were Vice Chair Michael Marks, Board Members Tina Sherman and Tommy Pate.

Chair Bills called the meeting to order at 4:30 p.m. Member Steele gave the Invocation and Chair Bills led the Pledge of Allegiance. Introduction of new ETJ Member Tim Royal.

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 September 9, 2019 regular meeting. This item is to be voted on at the November 12, 2019 meeting due to lack of a quorum; new member Tim Royal is unable to vote.

PUBLIC HEARING

Item #1

Shelly Mayo, Planner II stated in Rezoning Case #19CZ15 Mt. Zion Church Road PUD, the applicants, Vaughn King/Lector Atwater and Jerome Kenneth Atwater Heirs are seeking to rezone approximately ±11.30 acres from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ) located at 2504, 2508, 2512, 2516 and 2600 Mt. Zion Church Road. Planner Mayo oriented those present as to the location of the subject property, existing uses, land use and zoning designations. A neighborhood meeting was held on June 26, 2019; the report on that meeting is included in the agenda packet. Planner Mayo stated the uses and summarized the conditions and design controls proposed by the applicant. Along Mt. Zion Church Road, the applicant is increasing the buffer from 10 ft. to 30 ft. and will make improvements per the Apex Transportation Plan. The rezoning is consistent with the 2045 Land Use Map and UDO and staff recommends approval as submitted.

The applicant, Jeff Roach, Peak Engineering and Design stated at the original meeting they addressed 79 questions. They attended the Bella Casa Legislative Committee meeting. They removed a second point of access and townhome uses altogether. They will work with staff on the installation of a high visibility crosswalk. They submitted the rezoning petition before the approval of the UDO amendment to change the penalty for mass- grading from 2% to 5% and they will adhere to the 5% penalty.

Chair Bills opened and closed the public hearing; no one came forward to speak in favor or opposition of the rezoning. Chair Bills called for the motion. Member Godfrey motioned to recommend approval to Town Council. Member Skinner seconded. Motion carried with a unanimous vote.

Item #2

Amanda Bunce, Current Planning Manager stated in Rezoning Case #19CZ16 Horton Park PUD Amendment, the applicants, Jeff Roach, Peak Engineering & Design / MFW Investments, LLC; Horton Park MH, LLC; Mary E. Horton; MFWIRA, LLC; Kimberly Horton & Loomis Horton III, are seeking to rezone approximately ±146.9 acres from Planned Unit Development-Conditional Zoning (PUD-CZ #18CZ04) to Planned Unit Development-Conditional Zoning (PUD-CZ) (127.84 acres) and Tech/Flex-Conditional Zoning (TF-CZ) (19.06 acres) located at 5100, 5101, & 5220 Jessie Drive; 0 Dezola Street; and 8140 (portion of), 8252, 8306 & 8308 Smith Road. Planner Bunce oriented those present as to the location of the subject property, existing surrounding uses, land use and zoning designations. The proposal is to amend portions of the property. A neighborhood meeting was held on June 27, 2019; the report on that meeting is included in the agenda packet. What was previously known as POD 2 is proposed to be amended to Tech/Flex. The remaining changes are for phasing and timing of road improvements to be done. Phase 1 is the east/west major collector street from Smith Road to the western project boundary and the north/south collector from Colby Chase Drive to the boundary of the PUD along the south portion of the Cash Property; Phase 2 includes the development of the residential uses along the Jessie Drive corridor. No restrictions are tied to construction of 1010 Road. Planner Bunce summarized comments based on the August TIA. NCDOT has pushed back improvements to 1010 Road to 2029. A majority of traffic will come out of Smith Road. Staff evaluated a round-a-bout but without state road improvements, it will not function properly. Staff does not agree with the proposed phasing of construction. Planning staff recommends denial unless the following changes are made:

- Remove "Church or place of worship as a permitted use in the TF-CZ zoning district; the use does not help to increase the tax base or contribute a significant number of jobs which is likely to occur with the other permitted uses.
- Maintain phasing and transportation improvement conditions as currently approved in Rezoning Case #18CZ04. The proposed changes in the phasing and timing of road improvements will have negative impacts on Smith Road, Stephenson Road and roads within Pemberley and Miramonte subdivisions.

The applicant, Jeff Road stated they have brought this before the Board three times. They found out 1010 Road widening has been delayed. With 1010 Road widening, they do not want NCDOT to take out the road improvements they make for the Horton Park PUD. They are doing improvements not shown on the plans. Colby Chase currently has a gap and they will put up barriers. They want to show Tech/Flex on the zoning maps. The sole purpose of the amendments is to change some of the phasing. There is no infrastructure in this area; the developer is going to build it. He would like to have a public/private venture with the town to build Jessie Drive.

The developer, Mike Whitehead stated the following:

- Colby Chase, a 14 lot subdivision, will be built with Horton Park.
- This plan meets the Apex Transportation Plan and utility plan with the \$4.2 million pump station they will build.
- There are transportation problems throughout the Triangle; he can't solve all of the problems.
- At build out, the tax base for this project will be at \$190 million.
- Collector streets, 1010 Road and Smith Road signalization, and other infrastructure costs are over \$8 million dollars for this project.
- The prior rezoning disallowed churches based on staff's comments and he struggled with removing this use. He will not agree to remove this use; he does not have a church buyer at this time.

Member Steele asked what is motivating the developer to not link Jessie Drive? Whitehead stated the timing and moving the cost. Member Steele said this will delay the revenue and moving the costs is not a good idea.

Chair Bills opened the public hearing for anyone to speak in favor or opposition of the rezoning. The following residents came forward to speak:

Steven Rhodes	3208 Colby Chase Drive	John Beshard	3108 Colby Chase Drive
Hunter Muse	3305 Colby Chase Drive	John Falchi	3232 Colby Chase Drive
Loren Gold	5405 Merion Station Drive	Tommy Drake	P.O. Box 6327 Raleigh NC

- Not against growth, concerned with rezoning changes and the delay of the north south connection.
- Improvements to 1010 Road and Jessie Drive are on hold.
- Concerned with connection and opening of Colby Chase Drive being at the discretion of one person; should be Town Council.
- Roads are different between the two developments that will be connected by Colby Chase Drive
- If the north/south connector is not built and Colby Chase Drive is connected, the traffic will cut through their development.
- They were ok with the previous rezoning, do not want Colby Chase Drive opened until north/south connection is made.
- Merion's water pipes are not to town standards; their infrastructure will be damage by construction traffic.
- There is a safety risk with children at sunrise and sunset on the narrow roads; blinding for drivers.
- Do not allow Colby Chase be the next thoroughfare.
- Support of safe development.
- Jessie Commons was rezoned in 2006 for commercial use and has set idle 13 years due to a lack of infrastructure for sewer and roadway improvements; we need rooftops here.
- Would like to see infrastructure installed for the Jessie Commons project.
- Supports Horton Park development to get activity started in this area.

Videos shown of traffic scenarios, road conditions, road widths and school bus stops.

Chair Bills closed the public hearing.

Some comments/questions from the Board:

- Was there discussion to improve the road in Merion? (Whitehead stated he is open to provide incentive money; the road is in poor condition).
- Are the phases tied to a time frame? (Yes, because the gravity sewer at the south of the project and the apartments and townhomes to the north have not been marketed).
- The north/south collector needs to be in place. (Whitehead stated there are still 2 points of ingress/egress).
- The access points are not equal to the previous rezoning.
- This is going to be a disaster with both 1010 Road improvements and Jessie Drive connection being delayed.
- If we keep this the way it is, it will put pressure to get Jessie Drive connected and the north/south connector built.

Chair Bills called for the motion. Member Steele motioned to recommend denial of the amendment to Town Council based on legislative standards 2, 4, 6 & 7 not being met; traffic impact and safety concerns related to roads. Member Skinner seconded. Motion carried with a unanimous vote.

Item #3

Shannon Cox, Senior Long Range Planner and Jenna Shouse, Long Range Planner presented an amendment to the Transit Plan Map of the Comprehensive Transportation Plan for the Future Circulator Route. Some drawbacks; time, money, concern with traffic on NC 55 and time to catch on. Considerations of a local bus; serve those who need a ride, who do not drive, leverage citizens investment and route that will connect to the region.

Planner Shouse demonstrated the adopted and proposed routes with stops for the 301 and 311 to the Board as well as the recommended schedule. The transit advisory committee recommended paratransit service. They considered two models, a base fare and day passes. This is the same fare structure as Cary and Raleigh. The cons of the day pass are they require advance trip planning, longer waits for missed buses and no Sunday service.

Planner Cox presented funding opportunities:

- Community funding – 50% match deadline in January. Funding assumptions are too low.
- LAPP – requires minimum 20% match deadline at the end of this month.
- Wake Transit Plan – goes through normal work plan process.

The next step is to amend the transit map.

Chair Bills opened the public hearing for anyone to speak in favor or opposition of the amendment. Beth Bordeaux, Executive Director of the Western Wake Crisis Ministry stated 74% of the residents served are from Apex, or over 2000 residents. They polled the residents as to how they arrived for help. Most stated they borrowed a car, paid someone, or asked for a ride. She shared with staff where most of their clients would and could be served by the route proposed.

Chair Bills closed the public hearing and called for the motion. Member Godfrey motioned to recommend approval of the revised extended future circular route to Town Council. Member Steele seconded. Motion carried with a unanimous vote.

NEW BUSINESS

Item #1

Amanda Bunce, Current Planning Manager presented the following amendments to the UDO.

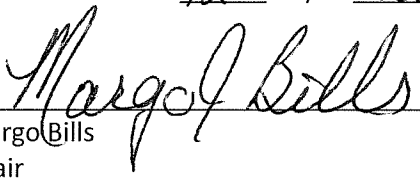
Requested by Planning Staff:

1. Sec. 2.3.7.F.1 *Master Subdivision Final Plat, General* in order to allow fewer than 15 lots to be platted before the last phase with the approval of the Planning Director, Public Works & Transportation Director, and Water Resources Director.
2. Sec. 4.6.1.B *Temporary Uses and Structures, General Regulations* in order to require that all temporary uses and structures not jeopardize the health, safety, or general welfare, or be injurious or detrimental to properties adjacent to, or in the vicinity of, the proposed temporary use or structure.

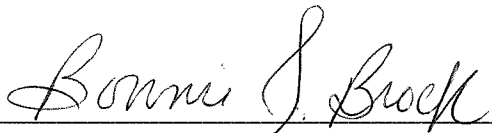
3. Sec. 2.3.5.B *Special Use and Sec. 4.6.1.C Temporary Uses and Structures, Uses Allowed* in order to repeal subsection 7 "Temporary Use Permits issued under a Special Use Permit" and to remove the reference to Planning Board reviewing Special Use Permits.
4. Sec. 8.3 *Off-Street Parking and Loading* in order to add that parking for uses associated with Landmark and other historic structures or properties may be gravel with the exception of handicap parking spaces.
5. Sec. 8.7.1.A.13 *Menu Board* in order to set the minimum distance between two menu boards on the same drive-through lane.

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

There being no further business, the meeting adjourned at 6:50 p.m. The foregoing minutes are approved this the 12 day of November, 2019.



Margo Bills
Chair



Bonnie J. Brock, CMC, NCCMC
Deputy Town Clerk