

APEX ENVIRONMENTAL ADVISORY BOARD

MEETING MINUTES

Meeting Date:
December 17, 2020
6:00 p.m.



Remote Meeting
Details located on the Town website:
<https://www.apexnc.org/calendar.aspx>

ENVIRONMENTAL ADVISORY BOARD MEMBERS:

Hal Langenbach, Chair
Katie Schaaf, Vice Chair
Tim Carley
Laura Duggan
John Garrison

Michael Rusher
Marilee Szczerbala
Jessica Wilkerson
Ted Williams

The remote Environmental Advisory Board (EAB) meeting was called to order by Chair Hal Langenbach at 6:02p.m. Members present were Chair Langenbach, Vice-Chair Katie Schaaf, and Board members Laura Duggan, John Garrison, and Jessica Wilkerson. Board member Tim Carley joined at 6:04p.m. and Board member Mike Rusher joined at 6:27p.m. Board members Marilee Szczerbala and Ted Williams were absent.

Councilmember Brett Gantt was in attendance and Town staff members present were Planner II Shelly Mayo, Environmental Engineering Manager Jessica Bolin, Sustainability Analyst Valeria Mera, and non-voting staff secretary Sustainability Coordinator Megan Pendell. Members of the public were invited in listen-only mode and two were present.

Chair Langenbach asked the Board if there were any comments on the updated meeting minutes from November 19, 2020. A motion was made by Vice Chair Schaaf to approve the minutes, seconded by Board member Garrison and the motion passed unanimously.

Chair Langenbach highlighted the busy agenda and noted the possibility that the Board may not complete the Agenda items during this meeting and those items may be moved to the January meeting Agenda. Chair Langenbach explained that the primary focus for this meeting is to host the two pre-application meetings with developers.

Chair Langenbach made comments on how Board discussion occasionally ends prematurely with motions made to move on. He announced his goal to more closely follow Robert's Rules of Order to ensure a balance between providing ample time for Board members to contribute and efficient pacing through the Agenda. At the end of each Agenda item, Chair Langenbach will ask for final comments. If there is a motion to suspend a comment or table a motion, it is the responsibility of every Board member to speak up and vote against it. He noted that, according to Robert's Rules, discussions can be limited or postponed to a future meeting.

Chair Langenbach opened the floor for announcements to the Board. Staff member Pendell announced that the Town is requesting citizen input on budget and that she will send the link for a voluntary survey to the Board.

Chair Langenbach encouraged every Board member to participate and contribute feedback during the two pre-application meetings on the Agenda. He signaled the start of the first pre-application meeting on the Agenda. Staff member Pendell admitted four representatives for the rezoning project, Abbey

Spring, into the private remote meeting at 6:12p.m. Representatives of Abbey Spring included applicant and attorney Isabel Mattox, Tim Morgan of Evergreen Construction, Rick Baker of Timmons Group, and Becky Bascom Kelly of Tightlines. Chair Langenbach introduced himself and the Board, and asked the developers to provide a summary of the Abbey Spring project.

Project attendees Mattox, Morgan, and Baker elaborated on the property. Evergreen Building is proposing to develop 80-84 affordable housing age-restricted senior apartments on the proposed site, which is the undeveloped property south of Walgreens on West Williams Street. The development proposes a three-story building, which will include multiple common areas and apartments sized between 660-900 square feet. Traffic will be considerably lower than the commercial uses currently permitted by the existing PUD, and the parking ratio is planned at 1.1:1, or 1-1.5 spaces per unit. If approved, the project will be funded partially through DHIC tax credits and applicants will seek out additional funding through Wake County.

Staff member Mayo shared her screen and presented the sketch layout of the proposed development. The Board and project attendees discussed potential stormwater control measures (SCMs).

Project attendee Kelly spoke on environmental aspects of the building, commenting that the development will comply with the Energy Star Multifamily New Construction program, which includes features like energy efficient interior and exterior lighting, windows, and HVAC. Project attendee Morgan added that the developer will have a third-party contract which will ensure the development is meeting benchmarks in accordance with Energy Star.

Chair Langenbach asked the question of who would be in charge of the stormwater pond on site. Project attendee Baker responded that the developer would share the stormwater pond with Walgreens, which requires legal documents that will define ownership and budget for each party involved.

Board member Carley asked whether the retention pond would be above or below ground, as well as if developers would be willing to add a garden or pet station. He noted that there is a significant slope in the topography of this property. Project attendee Baker reiterated that there is much topographic design and that developers have not yet completed a grading plan to predict whether a retaining wall is needed or not, and what the height may be.

Vice Chair Schaaf asked for more information about affordable housing, specifically the cost of rent, income targets, and whether units would be 100% affordable. Project attendee Morgan replied that the target audience is a mixed community and units are set aside to house 30%, 40%, 50%, and 60% of area median income. All units are affordable and developers are seeking funds from Wake County to support affordable housing.

Staff member Bolin highlighted that because this property lies within the Upper Beaver Creek Basin, attenuation of the 25-year storm is required by the UDO for this property.

Board member Wilkerson inquired about whether the SCM would be underground and the location of signage. Project attendee Baker replied that the SCM would likely be underground and that signage for the SCM would be installed above ground near the drainage inlet of the SCM. The slope of the land prompted questions about the existing stormwater pond for Walgreens, which staff member Bolin confirmed is a construction device that has not yet been filled. Project attendees noted that the existing sediment basin would be removed; however, if the proposed project goes to construction, a sediment basin would be created in a different location as part of the required erosion control plan.

The applicant agreed to commit to the following items:

- Install signage near environmental sensitive areas in order to:

- Reduce pet waste near SCM drainage areas; and
- Eliminate fertilizer near SCM drainage areas.
- Increase biodiversity:
 - Plant pollinator-friendly flora.
- Increase the number of native hardwood tree species planted to 3, preferably 4.
- Install pet waste stations.
- Follow the Energy Star Multifamily New Construction program.
- Include energy efficient lighting in building design.
- Install exterior daylight timers and interior motion sensors for lighting.

Staff member Mayo assured the Board that the list of recommended zoning conditions will be part of the Planning Department's review of the PUD-CZ rezoning application, included in the staff report, and will be presented to Town Council. She highlighted the legal significance of using technical language for motions, such as "recommend approval of the suggested zoning conditions," rather than "approve the suggested conditions."

Chair Langenbach asked for further comments or questions, to which Board member Carley made a motion to recommend approval of the suggested conditions. Board member Garrison seconded. The motion passed unanimously at 6:46p.m. and the Abbey Spring attendees left the meeting.

Before moving to the next agenda item, the Board engaged in a discussion regarding the process of pre-application meetings. Board member Rusher stated that discussion will make us a better Board as we move through the items. Board member Duggan stated that she would prefer to receive a list of conditions upfront so the Board could discuss privately before the pre-application meeting and Chair Langenbach agreed. Staff member Mayo stated that Planning can investigate if there is a way to turn the report from the Technical Review Committee (TRC) into something valuable for the Board to use in this process.

Chair Langenbach signaled the start of the second pre-application meeting on the Agenda. Staff member Pendell admitted eight representatives for the rezoning project, The Retreat at the Preserve at White Oak, into the private remote meeting at 6:58p.m. Representatives of the project included applicant Jessica Hardesty, Colleen Davis, Jeremy Finch, Brandee Melcher, David Pellowitz, Brian Purdy, Scott Roylance, and Sean Vanderslice. Chair Langenbach introduced himself and the Board, and asked the developers to provide a summary of the project.

Project attendee Hardesty explained the location of the project. The property is planned to be divided into three elements: town homes, office space, and a community park. Stormwater control would be located west of the townhomes and the developers plan to delineate all existing wetlands on the site. She mentioned this was the first time anyone on her team is meeting with the Board and is interested to receive feedback and recommendations.

Chair Langenbach began with questions and asked for a description of the existing land use. Project attendee Hardesty explained that there are a couple of single-family homes on site and town homes north of the site.

Vice Chair Schaaf inquired about the size and intended use of the park. Project attendee Hardesty replied that the potential park site is 1.65 acres. The park would be private for the development and shown in conceptual stages so there are no details to share at this time. Board member Carley asked if the new park will connect to any nearby greenways. Project attendee Hardesty mentioned that they met with staff member Angela Reincke who informed them that it is in the Town Transportation Plan to add public sidewalk between the outskirts of the neighborhood and the greenway system.

Board member Carley asked if there will be one stormwater pond for the whole property. Project attendee Hardesty replied yes. Board member Duggan asked the attendees if they had a chance to look at the Suggested Environmental Zoning Conditions list, which contains many planting and landscaping suggestions. Project attendee communicated that the intention is to preserve trees near the buffer.

Chair Langenbach asked about a plan for the wetland, whether it will be protected or built upon. Project attendee Hardesty replied that the first step is to perform a wetland delineation and that it will most likely be preserved.

Vice Chair Schaaf expressed concern that the Board is not receiving enough information. Board member Carley agreed, stating that there are opportunities but forecasting it now is not realistic. Project attendee Roylance asked to help him understand what type of information the Board is looking for so they can confirm with the landowners. Vice Chair Schaaf explained that she would like to know they have looked through the zoning conditions are willing to commit to various suggestions. She further stated that it could be too early to commit and that is understandable; however, then it would also be too early for the Board to give quality recommendations.

Chair Langenbach stated he would like indication that effort is being put into preserving the wetland. He suggested public education, such as signage with information on water quality and pet waste. Project attendee Roylance said he is happy to commit to that now. Chair Langenbach added that landscaping should not include fertilizer near SCM areas and signage should exist to direct landscapers away from the area. Project attendee Roylance said that is a great suggestion and they would work with staff to indicate those elements.

Chair Langenbach asked about the installation of pet waste stations as it seems like low hanging fruit for the park setting. Project attendee Roylance said it is an easy suggestion that they will commit to.

Vice Chair Schaaf stated there are a lot of opportunities with the park and she would like to hear discussion on planting pollinator friendly vegetation and trees around the park. She added she would love a commitment to a butterfly garden and connection to the greenway. Project attendee Roylance stated he is hesitant to commit to a condition on property he does not own or control. Discussion occurred on the idea of community gardens versus pollinator gardens. Chair Langenbach suggested they commit to planting pollinator gardens as to avoid complications with harvesting food and to support butterflies and bees.

Board member Garrison stated he was interested in the buildings and their sustainability. Project attendee Roylance stated that the office buildings will be left for others in future development. Townhomes will meet current building code standard.

Board member Wilkerson asked what the next steps are and whether the developers could and should return for a second meeting. Town staff will research this further.

Chair Langenbach stated that the Board has received commitments and staff member Mayo read off her list: wetland educational signage, including fertilizer and pet waste, pet waste stations, consider greenway connection, pollinator and native plantings, and plantings on the edge of the wetland as a buffer. Project attendee Roylance confirmed that the listed conditions were correct.

Staff member Mayo asked for clarification on the location of the additional plantings near the wetland buffer and project attendee Roylance explained that landscaping will be located outside of the projected wetlands. Chair Langenbach stated that the Board wants developers to protect the wetlands to the best extent possible, and in terms of what has been offered, this is a project he thinks the Board can approve. Board member Carley made a motion to recommend the approval of conditions.

Staff member Mayo explained the process of adding recommended conditions to the plan. Chair Langenbach reiterated that making recommendations does not hold Town Council accountable to agree. Additional discussion occurred about connecting the neighborhood park to the nearby greenway system; Chair Langenbach stated he would like to add the condition and project attendee Roylance agreed to consider it.

The official conditions were stated again:

- Install education signage about wetlands.
- Install signage near environmental sensitive areas in order to:
 - Reduce pet waste; and
 - Eliminate fertilizer.
- Install additional landscaping around the edges of the wetland outside of the jurisdictional boundary.
- Increase biodiversity:
 - Plant pollinator-friendly flora and native landscaping.
- Install pet waste stations.
- Attempt to connect park to the nearby greenway system.

Chair Langenbach made a motion to recommend approval of conditions, seconded by Board Member Rusher. Chair Langenbach and Board members Carley, Garrison, Rusher, and Wilkerson voted in the affirmative. Vice Chair Schaaf and Board member Duggan voted against. The motion passed at 7:39p.m.

Chair Langenbach thanked the project attendees and they left the meeting. He made a motion to adjourn the meeting and table the rest of the agenda. He then opened the floor to final discussion.

Board member Carley made a second motion to adjourn the meeting at 7:39p.m. and the motion was seconded by Chair Langenbach. The motion was approved unanimously and the meeting adjourned at 7:40p.m.



Megan Pendell, non-voting staff secretary

ATTEST:



Hal Langenbach, Chair