

# APEX ENVIRONMENTAL ADVISORY BOARD MEETING MINUTES

Meeting Date:  
January 20<sup>th</sup>, 2022  
6:00 p.m.



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

## **ENVIRONMENTAL ADVISORY BOARD MEMBERS:**

Katie Schaaf, Chair  
Suzanne Mason, Vice Chair  
Patrick Adams  
Adam Efird  
John Garrison

Bill Jensen  
Jason Maynard  
Kim Pierson  
Greg Reger

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### Call to Order & Roll Call

The remote Environmental Advisory Board (EAB) meeting was called to order by Chair Katie Schaaf at 6:00p.m. Members present were Chair Schaaf, Vice Chair Suzanne Mason, and Board members Patrick Adams, Adam Efird, John Garrison, Bill Jensen, Jason Maynard, Kim Pierson, Greg Reger.

Councilmembers Cheryl Stallings and Brett Gantt were in attendance. Town staff members present were Assistant Town Manager Marty Stone, Current Planning Manager Amanda Bunce, Planner II Shelly Mayo, Environmental Engineering Manager Jessica Bolin, Sustainability Specialist Valeria Mera, and non-voting staff secretary Sustainability Coordinator Megan Pendell. Members of the public had access to the meeting through the Town of Apex YouTube livestream page.

### Approval of Minutes

Chair Schaaf asked the Board if there were any comments on the meeting minutes from December 16, 2021. Upon hearing none, Vice Chair Mason made a motion to approve the minutes, seconded by Board member Garrison and the motion passed unanimously.

### Announcements

Staff member Mayo shared an update on how Staff plans to review pollinator gardens that the Board recommends as zoning conditions. Staff anticipates that the review will require an update to the Design and Development Manual, and they intend to coordinate with the Bee City Committee to determine if their Pollinator Garden Certification Program can be implemented as a review device.

### New Member Introductions

Board member John Garrison was reappointed to the Board for a second term. Board member Adam Efird has lived in Apex for 5 years and has a background in Wildlife Ecology. He has worked as an Environmental Project Manager for 14 years, and currently does Natural Resources work. Board member Jason Maynard has lived in Apex his entire life, with family history in Apex dating back to the 1800s. He has a background in Horticulture and currently works as a Learning and Development Coordinator. He and his wife are working to transform their backyard into a permaculture system.

Councilmember Stallings introduced herself as the new mayor-appointed Council Liaison to the Board, and expressed her excitement to serve on the Board.

### Committee Updates

The Tree Citizens Advisory Panel (CAP) last met on December 2<sup>nd</sup> and the Bee City Committee on October 20<sup>th</sup>. The Bee City Committee is in the process of appointing two new members in February. A

full report with feedback on the EAB Suggested Environmental Zoning Conditions list from both Committees will be available until after the next Bee City Committee meeting.

Board member Jensen asked if there was any consideration from the Town to install beehives or sow pollinator seeds alongside greenway paths. Staff member Pendell shared that the Town is in early stages of a new program that includes planting wildflowers alongside Town easements, which will include beehive installation. Staff member Stone clarified that the plantings will be alongside electric easements, because it will not impact the ability to maintain service to the residents at these locations. In particular, pollinator gardens would interfere with the maintenance service required for sewer easements. The Town will monitor the Electric Easement Pollinator Project and expand it in years to come based on this pilot. There is no official timeline for these plantings, but it is expected that the Town's Forester will begin planting this spring. Staff member Pendell will update the Board as the project progresses.

#### Solar Flyer: Staff Feedback

Staff member Pendell emphasized Staff's appreciation for the good stewardship and intention of the original Solar Flyer, as well as the general interest from the Board in promoting solar to the community at large. After further review from Staff, the Board cannot promote the solar flyer as-is as part of its recommendation to developers to disseminate this information to homebuyers.

Staff member Pendell reiterated the purpose of the EAB, highlighting that the Board is charged with assisting the Town Council through advice and program support. The Board is tasked with making recommendations from an environmental perspective that align with Town Council and the policy they make. Any supporting documents provided by the Board must be reviewed by Staff and must match Town messaging and branding so it is clearly identified as official communication from the Town and Board. Staff member Pendell presented the following options to move forward:

1. Legally, the EAB does not have the authority to distribute flyers or other information on behalf of the Town or the entire Board. Distribution of this flyer would have to be on an individual basis, and explicitly clarified that it is not representative of the Town or Board.
2. The flyer can be included as part of the recommendations passed on to the Planning Committee. Staff would then review the flyer and ultimately decide on whether to make the recommendation to Council, which is not guaranteed. If approved by Council, the developer could then distribute the flyer to homebuyers.
3. The Board may refer developers to the Solar and Solar Resources pages on the Town website, which can be regularly updated and mitigates printing waste. The Board may also add suggestions for improvement to the solar webpages.

Planning Staff reiterated that a zoning condition compelling the developer to provide any sort of information to homebuyers would not to be enforceable.

Staff clarified that the Net Metering resources on the website are specific to the Town of Apex Electric Customers. Duke Energy Net Metering information will be added to the website per Board member Garrison's suggestion.

#### Pre-Application Meeting: Sweetwater PUD

Staff member Pendell admitted two representatives for the rezoning project, Sweetwater PUD, into the remote meeting access. The project representatives for Sweetwater PUD were Mitch Craig and David Schmidt. Applicant Craig explained that their company is handling the Planned Unit Development (PUD) amendment, which has been amended before. The proposed conditions intend to:

1. Remove the reservation area on U.S. Highway 64 and Richardson Road that the Town and North Carolina Department of Transportation (NCDOT) asked for in the 2016 PUD amendment.

2. Reduce the required 80,000 sq. ft. of office space to 55,000 sq. ft. The project team stated that the Town does not currently have a good conference facility and they want to build a hotel with conference center on the upper right side of property.

Aside from these amendments, the project will remain with the same conditions agreed to in the previous rezoning. The project is currently under construction and in the process of performing site work for the approved five buildings. Any new zoning conditions would not apply to any development that has already been submitted and under construction, and would only apply to portions of the development that do not have committed and approved site plans.

Items and questions discussed with the Board include:

- Site Plans. Site Plans have not been submitted for the hotel conference center. A subdivision plan has been approved, but the Town has not received or approved construction plans. The applicant hopes to have a preliminary site plan submitted by March.
- Reservation Area. When agreeing to the original reservation condition in 2016, the applicants did not realize that these four acres were reserved for a planned highway interchange that may not be constructed for another 25 years. From a Staff perspective, the reservation was asked for because NCDOT's Long-Range Transportation Plan includes an interchange at this location.
- Existing Conditions. The initial rezoning and subsequent rezoning to add apartments led to adding conditions for solar conduits.
- Lighting Efficiency. The Board asked for compliance with International Dark Sky standards. The Unified Development Ordinance (UDO) requires that lighting temperature be limited to 3500 Kelvin (K); this project is already using lighting with color temperature of 3000K.
- Transit. The Board recommended that, since a hotel and conference center would be a major attraction, a bus stop should be provided if Planning and Town Staff find it desirable and viable.
- EV Parking Spaces. The UDO requires EV Parking Spaces for various uses, including retail and other commercial over a certain size.
- Solar. If done when construction begins and is factored into financing of the building, solar lowers the overall cost of running the building. The Board recommended solar PV systems to be added and Staff added the size qualification.
- Pet Waste Stations. The Board recommended to add pet waste stations near the hotel if pets were permitted. The applicant noted that the apartment stations planned for this site would benefit as well.
- Green Infrastructure. Staff member Bolin reiterated that stormwater quantity and quality will be addressed upon site plan review due to UDO requirements. The applicant stated that impervious surface will not change much as a result of these amendments because the parking lot planned for the hotel conference center is similar to the parking lot planned for office use. Permeable pavers are allowed if developers chose to include them.

#### **Summary of Recommendations:**

- Construct a bus stop if the stop is desirable and recommended by Town staff and transit providers after coordination.
- Include energy efficient lighting in building design.
  - Lower maximum foot-candles outside of buildings.
- Install timers or light sensors or smart lighting technology.
- Incorporate natural lighting techniques into building design.
- Include International Dark Sky Association compliance standards.
  - Outdoor lighting shall be shielded in a way that focuses lighting to the ground.
  - Lighting that minimizes the emission of blue light to reduce glare shall be used.
  - Lighting with a color temperature of 3000K or less shall be used for outside installations.

- Add 100-kW of solar PV on the rooftop of the hotel conference center and grocery stores over 35,000 sq. feet.
- Install pet waste stations nearby the hotel if the hotel permits pets.
- Implement green infrastructure.
  - Plant rain gardens.
  - Implement xeriscaping in design.
- Increase pervious surface.
  - Install pervious pavements where practicable (e.g. when parking maximums are exceeded).

Vice Chair Mason made a motion to approve the rezoning recommendations, seconded by Board member Jensen and the motion passed unanimously. The applicants encouraged the Board to look at their website for a video that showcases the project.

Pre-Application Meeting: 808 Wimberly Recombination

Staff member Pendell admitted two representatives for the rezoning project, 808 Wimberly Recombination, into the remote meeting access. The project representatives for 808 Wimberly Recombination, were Zak Shipman and Abel Figueroa. Applicant Shipman is representing Abel and Jessica Figueroa. This site is near the intersection of Castleberry and Wimberly, currently in the Wake County Planning Jurisdiction, and not within the Town’s corporate limits or extraterritorial jurisdiction (ETJ). The owner, who currently lives on one of the lots subject to this rezoning, would like to reshuffle lot lines to make them more equal in size and build another house on the second lot. In order to access sanitary sewer for the two properties, it must be annexed to Apex and rezoned to the appropriate district.

Items and questions discussed with the Board include:

- Use. Use shall be limited to single-family detached residential, accessory structure, and accessory apartment. A maximum of four dwelling units are permitted, included to allow additional lots in the future.
- Buffer. Stream delineation for creek in the backyard has not yet been conducted and the current assumption is that this stream is intermittent. An intermittent stream requires a 50-foot buffer. The applicant would agree to an additional 25-foot buffer for a total of 75-foot buffer to be observed.
- Lighting. The applicant reviewed the proposed lighting conditions.
- Vegetation. The intention is to have the new house set back similarly to the current house and leave the balance of the wooded lot in the back of the property.
- Solar. Conduit for solar panels was requested by the Board.

**Summary of Recommendations:**

- An additional 25-feet of riparian buffer shall be observed on the existing stream on the rear of the lot if it is intermittent or 50-feet of buffer if it is ephemeral.
- Exterior Lighting shall have a color temperature of 3000k or less for outside installations.
- All exterior lighting shall include timers or light sensors.
- Include solar conduit in new building design.

Board member Garrison made a motion to approve the rezoning recommendations, seconded by Board member Jensen and the motion passed unanimously.

Pre-Application Meeting: Red Sun Rezoning

Staff member Pendell admitted one representative for the rezoning project, Red Sun Rezoning, into the remote meeting access. The project representative for Red Sun Rezoning was Nil Ghosh. Applicant Ghosh explained the intention of the rezoning and reviewed the proposed rezoning condition.

This property is accessible via a service road off U.S. highway 64 and there are a few single-family homes in surrounding properties. Despite being next to the Kelly Road interchange, there is limited development in this area. Rezoning is meant to accommodate a unique project: part food-hall and part co-working space, optimized for the modern era. The building would be three levels with underground parking with roughly 50,000 conditioned sq. feet in total. The intention is for this project to work as an incubator for small businesses by creating a space where they can thrive, gain a following, and eventually expand.

The first two levels would operate as a food hall and offer an optimized food delivery model. Food could be ordered for delivery from any of the restaurants in the building, dispatched to a dedicated delivery service housed at the parking lot, and deliver multiple orders in close proximity to each other in an effort to reduce total vehicle miles travelled (VMT). The dedicated delivery service fleet will be composed entirely of EVs and the applicant plans to charge a portion of those vehicles with solar.

Half of the top floor would be built out as a co-working space, available for hourly rentals and envisioned for professional office users. The remaining half would operate as larger scale “sweat space,” available for hourly rentals, to accommodate fitness classes, larger meetings, and small events.

Items and questions discussed with the Board include:

- EVs. The applicant clarified that the number of EVs for delivery fleet and the number of charging spaces provided and powered by solar are to be determined. The number of EV charging spaces required by the UDO is dependent on the size and use of the property, but does not clarify if the spaces must serve the public. Planning Staff cannot enforce a zoning condition that requires EVs to be used for this business. The Board recommended that at least one additional EV station be added for public use.
- Solar. The applicant anticipates that a solar PV system much larger than 10-kW is expected, and the Board recommended a minimum of a 20-kW system.
- Underground Parking. There will be true underground parking which minimizes the footprint of impermeable surface.
- Limitations. Property is limited in space because of existing trees on the land.
- Comprehensive Land Use Plan. This area is designated for Mixed-Use in the Comprehensive Plan and this project is the first development in the area true that designation. Zoning around this area today is residential, which impacts buffer requirements, but over time will likely change because of what the Town has planned for this area.
- Conservation. The applicant anticipates that it will be difficult to save trees, particularly because of the access point location off the service road. However, non-residential development projects are required to provide 25% of the site to serve as Resource Conservation Area (RCA). Depending on how this use is classified, there will be 20 to 40-foot buffers required around the site because of existing residential zoning surrounding it, and at least a 50-foot buffer from the Highway 64 service road right-of-way (ROW). The applicant expressed uncertainty that the cost of conducting an extensive tree survey would make sense given the potential of more mixed-use development surrounding this property.

#### **Summary of Recommendations:**

- Commit to underground parking.
- Commit to solar and EV parking.
  - Include solar conduit in building design.
  - Add a minimum of 20-kW of solar PV on the rooftop of buildings.

- Include a minimum of one EV parking space reserved for guest or client use.
- Commit to native landscaping.
  - Increase biodiversity.
    - Plant native flora (Refer to the Apex [Design & Development Manual](#) for approved native species).
  - Include landscaping that requires less irrigation and chemical use.
    - Plant warm season grasses for drought-resistance.
  - Increase the number of native hardwood tree species planted to 3, preferably 4.
- Commit to lighting efficiency.
  - Include energy efficient lighting in building design.
    - Lower maximum foot-candles outside of buildings.
  - Install timers or light sensors or smart lighting technology.
  - Include International Dark Sky Association compliance standards.
    - Outdoor lighting shall be shielded in a way that focuses lighting to the ground.
    - Lighting that minimizes the emission of blue light to reduce glare shall be used.
    - Lighting with a color temperature of 3000K or less shall be used for outside installations.
- Existing trees greater than 12" in diameter that are removed by site development shall be replaced by planting a 1.5" caliper native tree from the Town of Apex Design and Development Manual either on-site or at an alternative location approved by Town Planning Staff, above and beyond standard UDO requirements.
- Add a zoning condition which minimizes tree clearing, stormwater control measure, or infrastructure in either zone of the riparian buffer, except as necessary for the installation of Town of Apex utilities.

Vice Chair Mason made a motion to approve the rezoning recommendations, seconded by Board member Adams and the motion passed unanimously.

#### Presentation: Affordable Housing

Staff member Pendell admitted Apex Housing Program Manager, Christopher "CJ" Valenzuela, to present an overview on the Affordable Housing Plan. Affordable Housing is defined as "a household who spends no more than 30% of their combined gross household income on housing costs, including utilities." Town Council adopted their first Affordable Housing Plan in February 2021, in addition to creating the Apex Affordable Housing Fund and Housing Advisory Board.

Since the Housing Program began in July 2021, staff has started the Apex Cares Housing Rehabilitation Program and Apex Customer Assistance Program. Transit, equity, partnerships, density, land acquisition, education/counseling opportunities and other supportive services are a number of considerations included in the mid- and long-term action plans. Staff is currently working on an Annual Housing Report as well as an Affordable Housing Incentive Zoning policy, in addition to Affordable Housing projects currently under construction.

#### Discussion: Dark Sky UDO Comments

Board member Pierson explained that the most recent edits were made to:

- Clarify goals of lighting amendments.
- Amend language for consistency and accessibility.
- Establish cohesive aesthetic for lighting design.
- Reflect updated industry standards.
- Specify lighting expectations.

If the amendment was to be implemented in the UDO, existing sites would not be required to meet new lighting requirements unless a site change was proposed. The degree of the changes the property would have to make depends on the redevelopment, and would therefore be evaluated on a case-by-case basis.

Vice Chair Mason made a motion for the amendments to move ahead to Town Staff for review, seconded by Board member Reger and the motion passed unanimously.

Open Discussion

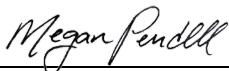
None.

Adjourn

Board member Garrison made a motion to adjourn the meeting, seconded by Vice Chair Mason. The motion was approved unanimously and the meeting adjourned at 8:25p.m.

  
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Katie Schaaf, Chair

ATTEST:

  
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Megan Pendell, non-voting staff secretary