

APEX ENVIRONMENTAL ADVISORY BOARD MEETING MINUTES

Meeting Date:
April 21, 2022
6:00p.m.



Hybrid Meeting
Apex Town Hall Room 3A
Microsoft Teams

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

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 physically present were Chair Schaaf, Vice Chair Suzanne Mason, and Board members Patrick Adams, Adam Efird, and John Garrison. Members present remotely were Board members Bill Jensen, Jason Maynard, Kim Pierson, and Greg Reger. Board members Jensen and Maynard joined the meeting after initial roll call.

Councilmember Cheryl Stallings was in attendance. Town staff members present were 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 March 17, 2022. Upon hearing none, Vice Chair Mason made a motion to approve the minutes, seconded by Board member Efird and the motion passed unanimously.

Announcements

Staff member Pendell reminded the Board that rezoning applications will be limited to 20 minutes. Chair Schaaf added that the Board has the option to make a motion to extend discussion as needed.

Committee Updates

The Tree Citizens Advisory Panel (CAP) last met on April 7th. Tree CAP will be at Apex EarthFest 2022 with the Electric Utilities Department booth. Powerline Forester Phillip Barnes will serve as the new Town Liaison starting July 1st. A Plant the Peak update was given, announcing a budget increase from \$75K to \$100K for the next fiscal year.

The Bee City Committee last met on April 13th. The Committee discussed the EAB Suggested Conditions List, expressed concern about the invasive plants listed in the Development and Design Manual, and will come with final recommendations at the next meeting.

Joint EAB Meeting Updates

The Town of Cary EAB, Town of Morrisville Environmental and Stormwater Committee (ESC), and the Town of Apex EAB met on March 31st for a regional joint EAB meeting kick-off. Members present discussed Board membership and structures, processes, and current initiatives. A meeting will be held again in 6 months to keep the line of communication open and discuss opportunities for collaboration. Councilmember Stallings applauded the Board for the regional collaboration.

Special Committee Meeting Updates

The EAB, Tree CAP, and Bee City Committee met on April 5th for their second bi-annual meeting. The Town Advisory Panels discussed initiatives and opportunities for collaboration.

Discussion: Apex EarthFest Plan

Apex EarthFest is planned for April 23rd from 12:00-4:00p.m. at the Town Campus Courtyard. The Board confirmed that they will offer resources on Dark Sky and that Town Staff will bring the giveaway items. Sign-up shifts for the EAB booth were discussed.

Pre-Application Meeting: 905 Wimberly Road

Staff member Pendell admitted one representative for the rezoning project, 905 Wimberly Road, into the remote meeting access. The project representative for 905 Wimberly Road was Evan Bost.

Bost Custom Homes, a high-end custom builder serving the Greater Triangle, is representing the clients at 905 Wimberly. The clients would like to access into Town of Apex from the current Wake County jurisdiction in order to access the Town utility for this single-family residence. There is no final landscape plan, but the house footprint is finalized, which is reflected on the site plan. The area of disturbance on the site will not exceed 2 acres. As part of the Erosion Control Measures, tree protection fencing will be installed around the non-disturbed areas. There is a possibility that the home may meet energy Eco-Select Certification, but it would ultimately be up to the client because of the added cost to the homeowner. Currently, there are 20,000 sq. ft. of impervious surface, and the project will not exceed 35,000 sq. ft. of impervious surface. The pool deck and driveway are not included in that calculation yet, but the driveway could be cut down and offset the impervious surface from pool deck as needed.

Items and questions discussed with the Board include:

- Future Dwellings. The only rezoning the applicant is pursuing is the Residential/Agricultural Conditional Zoning, which limits 1 dwelling unit per 5 acres. If the clients wanted to add another dwelling in the future, they would have to apply for a different rezoning.
- American Tobacco Trail (ATT). If the property was more at grade with the trail, the clients would consider adding a buffer. Currently, they are planning to leave the land as it is, or possibly add evergreens into the landscape plan for additional privacy. The closest distance to the ATT is 120 feet from the house, and 20 feet from the property line. Further, the homeowners have expressed that the ATT is an asset they want to protect and enhance. The property is near current and future access points, and there are no formal access points for the ATT planned.
- Resource Conservation Area (RCA). Staff clarified that the Unified Development Ordinance (UDO) does not require RCA unless it is greater than 2 units per acre. Due to the fact that RCA is usually maintained by a Homeowner's Association (HOA) or third-party owner, Staff would not recommend suggesting a condition that a certain amount of acreage be dedicated to RCA since it would be difficult to enforce when there is only one property owner.
- Conditions. Applicant Bost asked to remove the Eco-Select and Solar Recommendations. Staff explained that they work with applicants to discuss conditions to decide which works best with their projects. The Board's recommendations will follow the project through the Rezoning Process. Councilmember Stallings stated that the Town Council takes these recommendations seriously and values environmental stewardship in new development. Staff emphasized that the recommendations given at this point are non-binding.

Summary of Recommendations:

- Preserving large specimen tree canopy on property perimeter and in southern third of property.
- Evergreen trees as windbreak on Northern side of home.
- Pollinator friendly plantings in final landscaping.
- Native flora in final landscaping.
- Warm season grass to reduce irrigation use.
- On home construction, EcoSelect certification.
- Natural lighting is included in the home plan – skylights and sun tunnels throughout home to reduce electric light demand.
- Rooftop solar array of 4-kW to be installed at minimum.

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

Board member Adams expressed concern over the Board's ability to make specific suggestions for a single-family home. Chair Schaaf stated that Town Council makes the ultimate decision and they can see the direction and preference of the Board through their recommendations. Staff member Mayo made a point of order that each item on the list of rezoning recommendations is up for debate if necessary, and removing a single recommendation from the list can be discussed as well.

Pre-Application Meeting: 2021 North Salem Street

Staff member Pendell admitted three representatives for the rezoning project, 2021 North Salem Street, into the remote meeting access. The project representatives for 2021 North Salem Street were Brendie Vega, Ed Tang, and Mark Bowles.

This project is adjacent to an existing subdivision. There is a small piece of property that lies between the railroad tracks and Salem Street, to the East is a vacant parcel and beyond that there are townhomes. This land is currently zoned as Residential Agricultural. On the 2045 Future Land Use Map, it is identified as Medium-density residential, which limits it to 3-7 dwelling units per acre. The applicants are requesting a Planned Unit Development-Conditional Zoning (PUD-CZ) that would limit this to townhomes. Access points for this would be to North Salem Street and to the East. The applicant would retain the peninsula at the north of the property as RCA, with buffers and stormwater control measures (SCMs).

Items and questions discussed with the Board include:

- Signage. Applicant will add signage near environmentally sensitive areas, though townhomes are usually not subject to this.
- Tree Survey. Tree Survey has not been conducted yet, though similar conditions will likely be proposed as the ones offered at this meeting.
- Solar. Homes will be pre-wired for solar, applicants will educate themselves on placing solar on south-facing roofs. The Board changed the recommendation to add solar to 14 homes instead of 19 homes.
- Dark Sky. The Board proposed to add Dark Sky Association Compliance Standards for non-residential commercial areas.
- Green Street Design. The Board made a motion to remove the conditions suggesting the gutter and Green Street Design after Staff clarified it could not be implemented per current Town standards.

Summary of Recommendations:

- Install signage near environmental sensitive areas in order to:
 - Reduce pet waste near SCM drainage areas.
 - Eliminate fertilizer near SCM drainage areas.
- Install pervious surface and pavements where practicable (e.g. when parking maximums are exceeded).
- Add information signage or other marking at the boundary of lots when they are adjacent to a wooded or natural condition resource conservation area (RCA) indicating that the area beyond the sign is RCA and is not to be disturbed.
- Install pet waste stations in neighborhoods.
- 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.
- Increase the buffer around the whole development to a minimum 30 feet wide type "A" buffer.
- Prewire all homes for solar photovoltaic (PV) installations per town specifications.
- Minimize to the extent possible protrusions on south facing roofs and/or attempt to concentrate protrusions in one location.
- Install solar PV systems of minimum 4 kilowatts on 14 homes. Suggest the homes with south facing roofs.
- For non-residential common areas, 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.

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

Pre-Application Meeting: Hatcher Property Rezoning

Staff member Pendell admitted one representative for the rezoning project, Hatcher Property Rezoning, into the remote meeting access. The project representative for Hatcher Property Rezoning was Patrick Kiernan.

The process for a Wake County subdivision is to divide the parcel into three, with the upper two parcels as submitted for a partial rezoning. An important aspect of this project is the construction of a transit trail since road connection is important to meet Town standards. The applicant is applying for a low-density rezoning, with a cap on the density to 1.3 dwelling units per acre as a zoning condition. The property is intended to build large lots with large homes, so there will be significant tree clearing on each lot. It is not determined yet if this project will be mass-graded, and if it is, the project will need to meet the increased RCA requirement. The layout is not finalized, though a sketch was submitted and reviewed. Applicants reviewed the suggested conditions and elaborated on their commitments.

Items and questions discussed with the Board include:

- Greenways. The Greenway Plan may have originally had a greenway plan to its location, but has since changed due to the Legacy PUD found 1,000 feet to the north of this property. Due to the fact that there will be connectivity to the Legacy PUD Subdivision, the applicant will not include an additional greenway connection on this property in order to limit the number of connections to the ATT and to follow the revised Greenway Plan. The transit trail will consist of a 10-foot multi-use path and a 4-foot bike lane. In light of this, the Board voted to remove their recommendation for an ATT connection.
- RCA. To the southeast is the US Army Corps of Engineers' property. Running along the property line are Town and Duke Utility Easements, which leaves 20-25% of open space that is essentially built into the project. Due to the fact that it is low density, no RCA is required by the UDO, though 5% will be required if the land is mass-graded. The Board recommended that, if RCA is required, that the open space be designated in the southeast corner of the property, adjacent to the Army Corps of Engineer and Wildlife Resources Commission game land. Additionally, this property zone is outside the smoke buffer awareness area. The applicant suggested installing a privacy fence to keep people off this land, though the Board addressed that a fence could prohibit animal movement.
- Solar. The applicant does not plan to construct any solar upfront, but will move forward with solar conduit on every home.
- Landscaping. The Board suggested that the landscaping shall consist of a minimum of 75% native species to the eastern U.S.

Summary of Recommendations:

- Stormwater design shall meet the 25-year storm for pre- and post- attenuation requirements.
- Signage or information brochures shall be provided by any homeowner's association areas regarding the need to eliminate and reduce fertilizer and pet waste near SCMs.
- Developer shall install pollinator-friendly and native flora within SCM planting areas.
- Sod used within perimeter buffers, SCMs, and along streets shall be warm season grasses for drought resistance.
- A pet waste station shall be installed in the development.
- All homes shall include solar conduit in the building design to facilitate future rooftop solar installations.
- Any required outdoor lighting shall utilize full cutoff fixtures that have a minimum color temperature of 3000K.
- Recommend the installation of solar photovoltaic (PV) systems of minimum 4 kilowatts (about 12 panels) on a minimum of six homes.
- If RCA is required, direct that open space to the southeast corner of the property nearby the Army Corps of Engineers land.
- The landscaping shall consist of a minimum of 75% native species to the eastern U.S.

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

Pre-Application Meeting: Calyx Pre-App

Staff member Pendell admitted two representatives for the rezoning project, Calyx Pre-App, into the remote meeting access. The project representatives for Calyx Pre-App were Pamela Porter and Marcos Vidal.

The applicants submitted the preliminary layout on a portion of the Cobra Tracks PUD which was approved recently. They are proposing a one-story building for assisted living on this portion of the PUD. The subdivision on the other portion is currently under review. The street entrances for both projects on the Cobra Tracks PUD would line up with each other.

Items and questions discussed with the Board include:

- Stormwater and Water Conservation. This project does not have a site engineer yet, so they are unsure how any of those suggestions could be addressed at this time.
- Landscaping. It is achievable to plant native flora, especially given that this property will have three outdoor courtyards, some of which will include community gardens. The Board suggested that the landscaping shall consist of a minimum of 75% native species to the eastern U.S.
- Energy Efficiency. The applicant will install timers for all lighting.
- Solar. Solar conduit will be included, though installing solar panels may be cost prohibitive. The Board decided that by keeping the recommendation, an opportunity is provided for the applicants to discuss the opportunity of installing solar with their investors.
- RCA. Required RCA is accounted for in the other portion of the Cobra Tracks PUD.
- Lighting. The Board suggested that the project would benefit from a more thoughtful approach to lighting, and suggested International Dark Sky Compliance.
- Tree Canopy. The trees that are currently in the middle of this site are not fully wooded.

Summary of Recommendations:

- Consider the use of pervious pavement as well as integrated irrigation from the SCM as we start to refine the site design.
- To the extent possible, preserve existing trees on site.
- Apply a landscape package with a lot of additional plant material, including many plants that are good pollinator plants and as many native plants as possible.
- Exceed the UDO requirements for landscaping.
- Consider planting trees for efficiency (deciduous trees on the south side of the building and evergreen trees on the north side of the building).
- Install a couple of gardens throughout the site and consider creating pockets of pollinator gardens with a spring through fall bloom. Consider including a rain garden and implementing xeriscaping.
- Consider making the building solar panel ready.
- Consider timers on any building or pathway lighting.
- Solar PV system installation that has a minimum size based on the smallest of the following criteria. (1) A 100-kilowatt DC system. (2) A system that fits on space available on the rooftop. (3) A system that will generate 90% of the expected yearly consumption of the building.
- The landscaping shall consist of a minimum of 75% native species to the eastern U.S.
- Include International Dark Sky Association compliance standards.
 - a. Outdoor lighting shall be shielded in a way that focuses lighting to the ground.
 - b. Lighting that minimizes the emission of blue light to reduce glare shall be used.
 - c. Lighting with a color temperature of 3000K or less shall be used for outside installations.

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

Pre-Application Meeting: Utley Farms (formerly known as Belterra Section II)

Staff member Pendell admitted one representative for the rezoning project, Utley Farms, into the remote meeting access. The project representative for Utley Farms was Jeff Roach.

The two parcels included for this property are west of New Hill Olive Chapel Road, before reaching Jordan Point. The buffers and wetlands illustrated are closely similar to the plan presented to the Board, and the intention is to minimize crossings of environmental features. The layout for the project has changed due to information from the Environmental Consultants.

Items and questions discussed with the Board include:

- Solar. The Board discussed changing the number of homes recommended, but ultimately stayed with recommending 20 homes.
- Lighting. The Board recommended adding International Dark Sky Association compliance standards, specifically so that monument signage, amenity center, and other outdoor lighting fixtures be shielded and focused to the ground.

Summary of Recommendations:

- Recommend that all homes be pre-wired for solar PV systems.
- Recommend the storm water management system provide for the minimum 25-year storm with preference for managing the 100-year storm.
- Twenty homes each have a solar PV system of minimum 4 kilowatts (about 12 panels).
- Increase design storm pre- and post-attenuation requirement to the 25-year storm.
- Add a permit condition which does not allow for tree clearing, stormwater control measures (SCM), or infrastructure in either zone of the riparian buffer.
- Install signage near environmental sensitive areas in order to:
 - Reduce pet waste near SCM drainage areas.
 - Eliminate fertilizer near SCM drainage areas.
- Plant trees as designed for efficiency.
 - Plant deciduous shade trees on southern side of buildings.
 - Plant evergreen trees as a windbreak on northern side of buildings.
- Increase biodiversity.
 - Plant pollinator-friendly flora.
 - 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.
- Add information signage or other marking at the boundary of lots when they are adjacent to a wooded or natural condition resource conservation area (RCA) indicating that the area beyond the sign is RCA and is not to be disturbed.
- Install pet waste stations in neighborhoods.
- 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.

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

Open Discussion

Vice Chair Mason stated that in a Transportation Plan Webinar by the Department of Transportation (DOT), it was mentioned that they are working with the Building Code Council to make amendments in order to see an increase in Electric Vehicle Infrastructure. Board member Garrison added that the National Building Code Association is also reviewing the Building Code, though the amendments may not be finalized or adopted by the State for a few more years.

Additionally, Vice Chair Mason announced that it is now turtle season. If someone happens to see a turtle in the middle of the road, you may carefully carry it towards the way the turtle is heading. The NC State Veterinary School has a Turtle Rescue Team that one may call for help as needed, and they are open 7 days a week.

Board member Jensen reminded the Board that he has bird nest boxes, and was asked to bring a few to PeakFest.


Adjourn

Board member Efird made a motion to adjourn the meeting, seconded by Board member Garrison. The motion was approved unanimously and the meeting adjourned at 7:42p.m.



Katie Schaaf, Chair

ATTEST:



Megan Pendell, non-voting staff secretary