



TOWN OF APEX PLANNING BOARD MEETING MINUTES

Meeting Date: February 13, 2023

The Planning Board held their regular meeting on February 13, 2023 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 Reginald Skinner, Vice-Chair Tina Sherman, Board Members, Tim Royal (ETJ Member), Keith Braswell, Jeff Hastings (Historical Society Member) and Ryan Akers (Wake County Member), Sarah Soh, Alyssa Byrd and Daniel Khodaparast. Member absent was Steven Rhodes.

Chair Skinner called the meeting to order at 4:30 p.m.
Chair Skinner gave the Invocation and led the Pledge of Allegiance.

ITEMS OF INFORMATION

There were no items of information.

PUBLIC FORUM

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

CONSENT

Item #1 – Minutes from the January 9, 2023 regular meeting. Chair Skinner called for a motion. Member Soh motioned to recommend approval. Member Sherman seconded. Motion carried with a unanimous vote.

PUBLIC HEARING

Item #1

Shelly Mayo, Planner II, stated that Rezoning Case #22CZ25 Prince Dead End Road was withdrawn by the applicant, John Mullis, Town of Apex Public Works Director.

Item #2

Shelly Mayo, Planner II presented Rezoning Case # 22CZ19, The Heights PUD (fka 406 S Salem St)-The applicant, Charm City Developers, seeks to rezone ±1.33 acres from High Density Single-Family (HDSF) to Planned Unit Development-Conditional Zoning (PUD-CZ). The property is located at 406 S Salem St., 0 Harwood St., and 0 First St. The developer is proposing 49 units with a maximum building height of 60 feet. Planner Mayo gave a review of location and surrounding area. This rezoning is located in the Small-Town Character Overlay District. The proposed project is part of the area that was studied in the 2019 Downtown Apex Master Plan and Parking Study. That study indicated that the area could absorb more residential units within the Apex Peakway. This project could be rental units or condominium units, the applicant has not yet decided. There are two affordable housing units being proposed with a different AMI percentage depending on whether it is apartments or condos. Planning Staff recommends approval of this rezoning. If the rezoning is approved, the 2045 Land Use Map will change from Office Employment and Medium Density Residential to High Density Residential.

Member Khodaparast lives in the neighborhood and is concerned about traffic conditions and changes. The 49 units did not meet the requirements for a Traffic Impact Study (TIA). Staff stated that the

applicant has tried to push back the entrance to the parking area as far back from the intersection of Salem and Harwood as possible. There is no longer a proposed right out onto Salem with this rezoning.

Member Byrd also lives in the neighborhood and is excited about the project.

Member Soh asked about the location of the bus stop. Staff replied that at this time there is no bus line running along that area. That would be looked at more closely at site plan.

Member Akers asked about the hardscaping, underground utilities and setbacks. Planner Mayo said there are no conditions regarding the undergrounding of utilities. The applicant is asking for flexibility for setbacks due to potential changes between condominium and rental units.

Member Royal asked about the entrances from the staff report that indicated the right-in, right-out would be on Salem St. Planner Mayo and Transportation Manager Russell Dalton stated that there were revised drawings submitted for a full movement entrance on Harwood St.

Chair Skinner asked about the traffic pattern for how the property would be accessed. Planner Mayo and Mr. Dalton indicated on the map how the property would be accessed from each direction in the future.

Vice-Chair Sherman asked if staff supported the proposal because it meets housing needs even though it does not meet commercial recommendations. There was discussion of this location in relationship to the 2045 Land Use Map and the Downtown Plan and the expected commercial use at this site. Planning Director Khin explained that there has not been a whole lot of interest for commercial properties in this area. The size and depth of the lots are not conducive to commercial activity.

Applicant Patrick Kiernan, Jones and Clossen representing the Charm City Developers spoke about the Transit Orientated Development (TOD) along this area. Future projects that are adding to the challenge are the future multi-modal station location and the NCDOT road widening project on Hwy 55. It is more likely that residents will figure out a way to get home but it gets tricky when you think about retail, where people see a building but they don't know how to get to it. We are definitely proposing this as an urban style building that you would find in downtown Raleigh or Cary. There is a decades old stormwater issue that the developer is intending to rectify by realigning the pipe. They tried to design the site with flexibility for the future plans as they come through.

Member Khodaparast likes the project. More residential brings more opportunity for commercial. The transit issues are unpredictable.

Member Sherman expressed concerns that this project will change the potential of what was envisioned for the area.

Member Khodaparast motioned to approve. Member Byrd seconded. The vote was 7-1. Member Royal dissented due to concerns over access to the site.

Chair Skinner said we need to make a motion to recuse Member Akers before the next project. Member Byrd motioned to recuse Member Akers. Member Braswell seconded. Motion passed unanimously.

Member Soh motioned to take a short break. Member Sherman seconded. Motion to take a break passed unanimously.

Meeting resumed at 5:36

Item #3

Shannon Cox, Long Range Planning Manager presented possible amendments to the Thoroughfare and Collector Street Plan Map, the Bicycle and Pedestrian System Plan Map, and the Transit Plan map of the Transportation Plan in the vicinity of US 1 Highway, East Williams St., and NC 540; within and adjacent to the area known as the East Village of Veridea. Long Range Planning Manager Shannon Cox presented a concept for Veridea and explained the overall concept. The goal of this development is to create a pedestrian friendly development that respects and encourages wellness and safety. Planner Cox presented eleven (11) additions and realignments to the planned roadways and seven (7) side paths, grade separated crossings and greenway changes. Planning Staff recommends approval of the changes.

Member Soh asked how long it took to develop the changes. Planner Cox said they had started working on these changes around November. The Veridea project has been in development for much longer.

Member Hastings asked if the area noted as institutional was the proposed Wake Tech. Planner Cox deferred that question to the team from RXR Realty.

Joe Graziose from RXR Realty thanked the board for the opportunity to introduce themselves, their company and their current projects. Along with his partner Rebecca D'Eloia they showcased a few of their most recent projects in the United States. Mr. Graziose also shared that they expect to close on the Wake Tech property by Friday 2/24/2023.

Member Khodaparast asked about the reconfiguration of Technology Dr. The applicants showed that the plans are to relocate Technology Drive.

Chair Skinner opened the Public Hearing. No one came forward. Chair Skinner closed the Public hearing.

Member Soh voted to approve. Member Sherman seconded. The vote was unanimous.

A motion was made by Member Byrd to bring Member Akers back. Member Khodaparast seconded. The vote passed unanimously.

Item #4

Shannon Cox, Long Range Planning Manager presented the Land Use Map Amendment (LUM) for Apex Gateway Ph 2. The purpose of these amendments is to propose the Industrial Employment land use classification on properties in the vicinity of NC 751 north of US 64, and to propose the Commercial Services and Industrial Employment classification on properties in the vicinity of New Hill Road south of US 64. These amendments are associated with a request for rezoning and annexation of the same properties. Planner Cox gave an overview of the areas included in the change to Land Use Map (LUM). These properties are currently consistent with how they are designated on the Chatham County future Land Use and Conversation Plan. These are associated with the next item on the agenda, Rezoning Case #22CZ26 Apex Gateway Ph 2. Planning Staff recommends adoption of the proposed amendment.

Chair Skinner opened the Public Hearing.

Mr. Seagroves, 200 Laurel Springs Way, Chatham County homeowner had some questions about the buffers and wells in the area.

Planning Director Khin suggested to the public that they come back with their questions after the Rezoning Case has been presented.

Chair Skinner closed the Public Hearing.

Item #5

Amanda Bunce, Current Planning Manager presented Rezoning Case #22CZ26 Apex Gateway Ph 2-The applicant, Maggie Houston, Beacon Development, seeks to rezone ±243.48 acres from Chatham County Conditional Use-Light Industrial District (CU-IND-L), Chatham County Residential District (R-1), and Chatham County Conditional Use-Office & Institutional District (CU-OI) to Light Industrial-Conditional Zoning (LI-CZ). The properties are located at 314, 450, 482, 472, 546, 610, 696, 527 & 0 NC Hwy 751; 0, 0, 0, & 13406 US 64 E. Planner Bunce gave an over view of the area and zoning types in the within the area of the rezoning.

Staff has met with Chatham County Planning and Economic Development while coordinating rezoning further into Chatham County. The uses are a mix of industrial as well as retail and office use to allow for services for both the people who are working in the area and the people who live in the general vicinity. This is consistent with the employment center description in the Chatham County Land Use Plan which calls for a mix of industrial, retail and supportive uses at this interchange. The intent would be as you get closer to the Deer Creek Community those areas would be restricted to service uses such as restaurant, medical office, retail, pet services and a few others. Planner Bunce provided additional information on the buffers, environmental conditions, stormwater, tree replanting and right-of-way commitments for the anticipated future interchange. Planning Staff is recommending approval of this rezoning.

Member Royal asked about what the proposed NCDOT interchange would look like. Planner Bunce showed where in the proposed development the interchange would fit. Alternatives for the roadway are still being evaluated by NCDOT. Staff is anticipating right-of-way acquisition is a few years out.

There were three Public Hearing emails received that were forwarded to the Planning Board.

Walter Gorham, Beacon Partners, Development Manager for Apex Gateway wanted to highlight some refinements to the concept plan that was born out of the collaboration with Chatham County Planning Staff as well as the Town of Apex Planning Staff and Economic Development Staff. They have dedicated 20 acres of frontage on Hwy 64 and NC 751 exclusively for retail and office to provide additional buffering. On the south side of Hwy 64 they are providing 85 acres for neighborhood retail use. There will be over 6 million dollars of infrastructure improvements. They will be extending water and sewer and providing regional pump stations above the capacity required for just this project. In addition, construction of roadways and dedication of acreage for the future interchange in the area are included in the project.

Member Hastings asked about the house on western side of New Hill Olive Chapel Rd. Mr. Gorham stated he has been working on a collaboration with Capital Area Preservation (CAP). They have had moving consultants on site and the intent is to relocate that home on the site and restore it.

Chair Skinner opened the public hearing for anyone to speak in favor or opposition of the rezoning.

Chair Skinner asked about the earlier question Mr. Seagroves had in regards to the buffers. Planner Bunce addressed the buffer and well questions.

Ms. Kennedy Stoskopf, 3512 Olive Chapel Ext, attended the October 10, 2022 online meeting and wanted to reiterate some of the concerns other parties had that were participating on that call. Ms. Stoskopf feels that Mr. Gorham has done a good job of job of addressing some of the concerns and feels Beacon Development understands the sensitivity of the area. There are perennial streams that require a riparian buffer. There are oversight concerns. Who is the watchdog to be sure we are not adversely affecting these sensitive areas? Planner Bunce said there is Staff to look over all the site plans and on-site inspections that happen throughout the project's duration. Ms. Stoskopf also mentioned hunting game land proximity, light pollution and traffic concerns.

Chair Skinner closed the public hearing.

Member Akers mentioned that the wildlife corridors are immensely important in that area. Apex Gateway Ph 2 environmental conditions are pretty substantive.

Member Byrd appreciates the multi-jurisdictional effort that went into this project.

Chair Skinner called for the motion on the Land Use Map change. Member Braswell motioned to recommend approval to Town Council. Member Byrd seconded. Motion carried with a unanimous vote.

Chair Skinner called for a motion on the Rezoning Case #22CZ26. Member Braswell motioned to approve. Member Royal seconded. Motioned passed unanimously.

NEW BUSINESS

Chair Skinner called for a motion to recuse Member Akers from Item #1 New Business. Member Byrd motioned to approve. Member Sherman seconded. The vote carried unanimously.

Item #1

Amanda Bunce, Current Planning Manager

Current Planning Manager Bunce presented the Veridea Environmental Enhancement Plan. The Veridea Sustainable Development (SD) includes a requirement for an Environmental Enhancement Plan (EEP) which includes additional Sustainability Standards related to environmental enhancement required to be submitted to the Town Council for approval in accordance with UDO 2.3.16.F.3.b. Planner Bunce highlighted some of the standards.

Member Soh motioned to approve. Member Sherman seconded. Motion passed unanimously.

Mr. Akers was welcomed back to the Planning Board.

Item #2

Amanda Bunce, Current Planning Manager

Amendments to the Unified Development Ordinance requested by Planning Staff.

1. Amendments to Sec. 8.2.6.B.4 Landscape Buffers Between Land Uses, Land Use Classes in order to update the use names "Warehousing, general" and "Wholesaling distribution center" and add the use "warehousing fulfillment center" in the list of Class 6 land uses.
2. Amendments to Sec. 8.3.2.A Off-Street Parking Schedule A in order to remove the use "Wholesaling, general" from the Commercial Uses section of the tables, it is an Industrial Use.

This amendment would not change the parking requirement for this use which was renamed to "Wholesaling distribution center".

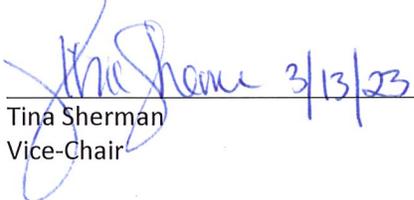
3. Amendments to Sec. 8.3.6.D Parking Lot Design Standards, Surfacing and Maintenance in order to allow "Agricultural Uses" to have the option to use gravel parking.

Member Akers asked if a farmer's market is an agricultural use or a commercial use. Planner Bunce stated that a farmer's market falls under a commercial use and therefore would be required to have paved parking if it is separate from a bona fide farm.

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

Member Soh motioned to adjourn. Member Royal 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 13th day of March, 2023.



Tina Sherman
Vice-Chair



Jeri Pederson
Lead Planning Technician