



TOWN OF APEX PLANNING BOARD MEETING MINUTES

Meeting Date: March 13, 2023

The Planning Board held their regular meeting on March 13, 2023 at 4:30 p.m. at the Apex Town Hall Campus, 73 Hunter Street, Apex North Carolina, 2nd Floor Council Chamber. Members present were, Vice-Chair Tina Sherman, Board Members, Tommy Pate, Tim Royal (ETJ Member), Keith Braswell, Jeff Hastings (Historical Society Member), Ryan Akers (Wake County Member), Steven Rhodes and Daniel Khodaparast. Members absent were Chair Reginald Skinner and Member Alyssa Byrd.

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

ITEMS OF INFORMATION

Current Planning Manager, Amanda Bunce, introduced the newest Senior Planner, June Cowles.

PUBLIC FORUM

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

CONSENT

Item #1 – Minutes from the February 13, 2023 regular meeting. Member Braswell motioned to recommend approval. Member Rhodes seconded. Motion carried with a unanimous vote.

PUBLIC HEARING

Member Braswell made a motion to recuse himself from Item #1. Member Royal seconded. The motion was approved unanimously.

Item #1

Lauren Staudenmaier, Planner II presented Rezoning Case #22CZ21 Apex Light Industrial-The applicant, Drew Thigpen, Greenberg Gibbons Properties, seeks to rezone approximately ±55.68 acres from Rural Residential (RR), Tech/Flex-Conditional Zoning (TF-CZ #14CZ09), Wake County Residential 80-W (R-80W) to Tech/Flex-Conditional Zoning (TF-CZ). The properties are located at 3212, 3208, 3228, and 3232 US 64 Highway West, 0 and 7529 Creekbird Road. Planner Staudenmaier gave an overview of the area and the current zoning classifications. The 2045 Land Use map (LUM) classifies the subject properties as Office Employment/Commercial Services and the proposed rezoning to Tech/Flex-Conditional Zoning (TF-CZ) is consistent with that land use classification. Planning staff recommends approval of this rezoning.

Member Hastings asked Planner Staudenmaier about the house labeled as a potential historical and if had been addressed. Planner Staudenmaier said that at the site plan pre-application staff would work with the applicant on that issue.

The applicant, Jeff Roach, Peak Engineering and Design spoke. He stated that a Transportation Impact Analysis (TIA) was completed on this project even though a TIA is not required for a Tech/Flex rezoning.

As part of the rezoning they are including several off-site road improvements and an east-west connection of Lowell Rd. The site plans are taking into consideration NCDOT long range plans and they have set up the site accordingly.

Member Royal asked about the architectural details, breaking up the buildings facades so the buildings look presentable off of Hwy 64. Mr. Roach says this is four or five smaller buildings in the front with a larger facility behind those. They don't submit building elevations in a Tech/Flex rezoning but will work with staff to make sure the ordinance is followed.

Member Royal asked if there was a preliminary plan that shows the entrances and exits. Mr. Roach reviewed their basic plans for the site access.

Member Akers asked what the Electric Vehicle (EV) charging stations requirement would be for that size site. Mr. Roach says the current maximum is 10 charging stations. Member Akers asked about stormwater nutrients. Mr. Roach said they would be looking at the requirements that are at the state level for the Neuse River and bring them over to this site due to the proximity of White Oak Creek and Jordan Lake to the site.

Vice-Chair Sherman asked about the historical home on site. Planner Staudenmaier said she would review the historic registry and work with Capital Area Preservation (CAP) to see what they recommend.

Traffic Engineering Manager, Russell Dalton spoke to clarify the staff requested transportation reservation condition. Member Royal wanted to know the latest information on the diamond interchange at Jenks Rd. Mr. Dalton stated the long-term plan is still an interchange at the location of Jenks Rd and Sweetwater entrances.

Member Akers asked what council decided on the right-of-way reservation that Sweetwater originally had at that location. Mr. Dalton said the that Town Council voted to remove the right-of-way reservation and stated that we got concessions on the buffer so in the future there would be some additional room to squeeze in a tight diamond interchange.

Member Soh asked if the roadway plans were available to us. Mr. Dalton said it is online and one can search for the US 64 Corridor study.

Member Royal asked for there to be additional notification about the low flying airplanes in that area.

Vice-Chair Sherman opened the public hearing for anyone to speak in favor or opposition of the amendments. No one came forward. Vice-Chair Sherman closed the public hearing.

Member Akers motioned to approve Rezoning #22CZ21 Apex Light Industrial. Member Soh seconded. The motion passed unanimously.

Member Akers motioned to bring Member Braswell back to the meeting. Member Royal seconded. Motion passed unanimously.

Item #2

Shannon Cox, Long Range Planning Manager, presented amendments to the Transportation Plan associated with the next item on the agenda, Rezoning Case #22CZ22, Elevate 64 West PUD. Planner Cox recommended waiting to vote on the transportation amendments until after the next agenda item

has been presented. Planner Cox gave an overview of the location of the area and the six (6) changes proposed as part of this amendment.

Member Akers asked about the difference between a Street Side Path and a greenway on the side of the street. Manager Cox said one difference is maintenance responsibility. Public Works would maintain the side path and Parks and Recreation would design and maintain the greenways.

Vice-Chair Sherman opened the public hearing for anyone to speak in favor or opposition of the amendments. No one came forward. Vice-Chair Sherman closed the public hearing.

The vote was held until after the next presentation.

Item #3

Shelly Mayo, Planner II, presented Rezoning Case #22CZ22, Elevate 64 West PUD. Planner Mayo gave an overview of the location. This project is about 35.15 acres and currently zoned Rural Residential (RR) and is in the Town's ETJ. The applicant is proposing to rezone this to Planned Unit Development-Conditional Zoning (PUD-CZ). This use is consistent with the 2045 Land Use Map (LUM) which designates the properties as Mixed Use. The Town of Apex has a policy of requiring 30% of the site to be reserved as non-residential and the proposed rezoning does that. The applicant is proposing condominium or multi-family apartments and a variety of non-residential uses, including daycare facility, restaurant, medical offices, microbrewery and retail sales general. The applicant is proposing at least 20 residential units or 5% of the total units, whichever is greater as affordable housing for 10 years and occupied by households earning no more than 80% of the Raleigh AMI. Planner Mayo showed the elevations for the residential units as well as the non-residential portion. The site will preserve the existing pond as well as the buffered streams and other environmentally sensitive areas on the site. Planner Mayo outlined the project buffers and access points. Staff is recommending approval of this rezoning.

Member Braswell asked for confirmation that we are seeing one access point for all of the units. Planner Mayo explained that the UDO allows the option of one access point with the major collector street that they are proposing to build as part of their project. There would be a couple of access points out to the major collector they are building.

Member Khodaparast asked if the southern street would connect to Lawson Lane. Planner Mayo said the intent is not to connect yet. Currently Lawson Lane is more like a long gravel driveway than a street despite its name.

Matthew Carpenter, Parker Poe, 301 Fayetteville St representing the developer, Signature Property Group, provided additional details of buffers, off-site greenway construction, affordable housing and Environmental Advisory Board suggestions.

Member Khodaparast has concerns about the road to the south that is currently on the plan as a stub street at Lawson Lane. He is concerned that it could become a dump site. Mr. Carpenter said they are having ongoing discussions with Mr. Smith, the property owner to the south and they are working with him in regards to that issue but are waiting for him to decide what he thinks the best option is to separate the properties. The other issue is the Voluntary Agricultural District for his property and the burn rights to go with that district. Craig Taylor, Signature Property Group, has had several conversations with the owner. He is concerned about being able to use the property as he historically has. He had typically done a controlled burn on the property every four years but is now talking about burning a quarter of the property every year. They have committed to Mr. Smith that if he would

provide notice, property management would take care of notifying the residents so they would not be alarmed.

Member Soh asked if there was a schematic plan for the neighborhood. The applicant stated that at this stage there is only a general plan. By virtue of the riparian buffer, pond and road construction there is limited placement positions for the buildings.

Member Akers asked if there will be elevators. The applicant said there will be elevators in the four-story buildings. Mr. Akers asked about school capacity. Mr. Carpenter said they expect their timeline to be similar to the timeline of Felton Grove High School. In addition, Member Akers has concerns about the Jordan Lake Watershed and hopes the developer and Town staff can get together to treat the water quality as well as detention requirements.

Member Hastings confirmed that there is only one access to the development on Hwy 64 for 400 units. He believes that will create a bottleneck. Mr. Carpenter said part of that is being the first project so they are improving overall connectivity for the area. You have to have a big enough project to absorb the cost of that type of road construction.

Vice-Chair Sherman opened the public hearing for anyone to speak in favor or opposition of the amendments. No one came forward. Vice-Chair Sherman closed the public hearing.

Member Soh likes the long-term plan for connecting the roads and the additional retail provided.

Member Akers hopes the developer will come up with more interesting elevations.

Vice-Chair Sherman is excited about the affordable housing, EAB recommendations and road construction aspects of this project. Traffic is a bit of a concern but is going to be assured that town staff and emergency services has determined it is safe.

Member Soh motioned to approve the amendments to the Transportation Plan associated with Rezoning Case #22CZ22. Member Khodaparast seconded. The motion passed unanimously.

Member Soh motioned to approve Rezoning Case #22CZ22. Member Akers seconded. The motion passed 4 to 3. Dissenting members were Member Braswell, Member Royal and Member Khodaparast. Member Braswell dissented due to the lack of a second access for a property with 400 units. Member Royal dissented due to one access point and an unknown timeframe for additional development. Member Khodaparast also did not think one access point to Hwy 64 was adequate.

Item #4

Lauren Staudenmaier stated that the applicant for Rezoning Case #22CZ27 has requested a 60-day continuance until May 8, 2023. Member Akers made a motion to grant the 60-day continuance. Member Braswell seconded. Motion passed unanimously.

Vice-Chair Sherman motioned for a five-minute recess. Member Soh seconded. Motion passed unanimously.

NEW BUSINESS

Item #1

Amanda Bunce, Current Planning Manager presented the following amendments to the Unified Development Ordinance (UDO):

Amendment #1: Requested by the Planning Committee of Town Council

Amendments to Secs. 2.1.9.A *Apex Environmental Advisory Board* and 2.2.7.B *Neighborhood Meetings* in order to change the timing of Environmental Advisory Board review to after application submittal and add an additional neighborhood meeting after application submittal in the month prior to the anticipated public hearing dates.

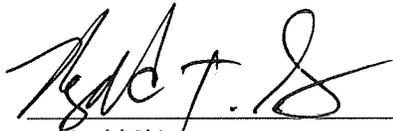
Amendment #2: Requested by Planning Staff

Amendments to Sec. 4.4.1.J.2 *Supplemental Standards; Residential Uses; Townhouse, detached; Alleys and Driveways* in order to remove the requirement that no more than 10 lots be on a single alleyway without an intervening alleyway and to require that alleys for such use follow the standards for residential alleys in Sec. 7.2.1.H.2.

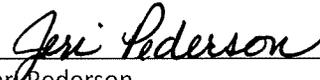
Member Akers made a motion to approve the UDO Amendments. Member Khodaparast seconded. The motion passed unanimously.

Member Soh made a motion to adjourn. Member Khodaparast seconded. The motion passed unanimously.

There being no further business, the meeting adjourned at 6:24 p.m. The foregoing minutes are approved this the 10th day of April, 2023.



Reginald Skinner
Chair



Jeri Pederson
Planning Technician