



TOWN OF APEX PLANNING BOARD MEETING MINUTES

Meeting Date: June 12, 2023

The Planning Board held their regular meeting on June 12, 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, Chair Reginald Skinner, Vice-Chair Tina Sherman, Board Members, Tim Royal (ETJ Member), Keith Braswell, Ryan Akers (Wake County Member), Alyssa Byrd and Daniel Khodaparast. Members absent were Steven Rhodes, Sarah Soh and Jeff Hastings (Historical Society Member).

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

CONSENT

Item #1 – Minutes from the May 8, 2023 regular meeting. Chair Skinner called for a motion. Vice-Chair Sherman motioned to recommend approval. Member Royal seconded. Motion carried with a unanimous vote.

PUBLIC FORUM

Chair Skinner opened the floor for citizens to speak on non-agenda items.

Mr. William Gentry, 8528 Ragan Road spoke in regards to the proposed side path along Ragan Road and his property. He has other options in mind and wants to talk with the staff involved in making plans for that area about these options.

Vice-Chair Sherman said she would make sure staff followed up with them to get their concerns addressed.

PUBLIC HEARING

Item #1

Liz Loftin, Senior Planner, presented, Rezoning Case #23CZ07-940 Tingen Road. Planner Loftin gave an overview of the location and reminded the Board that the applicant had told them at the rezoning hearing for the larger parcel to the south in December 2022 that they would be back to add this recently acquired parcel to the overall plan and previous rezoning. The intent of this rezoning is to include this property with the previous rezoning #21CZ27. The zoning conditions are the same as the previous case with the exception of #11. The rezoning is consistent with the 2045 Land Use Map and Planning Staff recommends approval of the rezoning.

The applicant, Jeff Roach, Peak Engineering and Design, said the property owner has acquired this piece and has included this additional parcel in the submitted plans for the 100% affordable housing development.

Member Akers asked where the applicant was in the process for this neighborhood. Mr. Roach said Master Subdivision Plans were submitted May 1. Those plans included this parcel. Member Akers asked

about stormwater controls. Mr. Roach said they are still working on it and have been in contact with staff.

Chair Skinner opened the public hearing.

Patricia Fritts, 206 Harbor Haven Dr. brought up the stormwater runoff issues the neighborhood to the south has been experiencing. She provided information and photos at the time of the first rezoning hearing. She also provided more recent photos from storms in April. They are having a surveyor come out so they can identify who owns the dead trees between the developments.

Chair Skinner closed the public hearing.

Member Sherman asked about expectations for monitoring and additional disruption with the new neighborhood.

Robert Patterson, Senior Stormwater Engineer, answered that the developer will have to meet the Unified Development Ordinance (UDO) standards for stormwater and erosion control. With natural streams and stream morphology there is always some sediment moving. The drainage will be considered throughout the planning process as plans are being developed.

Chair Skinner called for the motion. Member Braswell made the motion to approve. Vice-Chair Sherman seconded. Motion carried with a unanimous vote.

Item #2

Shelly Mayo, Planner II, presented Rezoning Case #23CZ09 Hatcher Property Revision-The applicant, JVI Building and Development is seeking to revise the current zoning conditions (#22CZ12). Planning Board heard the original case in December and Town Council approved it in January 2023. The applicant is seeking to amend a couple of the conditions and add two additional ones that were discovered after their subdivision plan was turned in for review. The applicant has split the rezoning into two areas; Zone A consisting of two parcels that are about 2.5 acres (2 single family homes) and Zone B where there is a proposed larger lot subdivision of about 23 homes.

Planner Mayo reviewed the applicant's proposed changes:

Condition #4: The maximum built upon area for this development shall be 60%. The change is consistent with how the UDO calculates impervious surface.

Condition #15: The developer shall construct a 24-foot wide section of asphalt (a 6' reduction from the Major Collector Street typical section) and shall not be required to construct curb and gutter on the west side of Transit Trail.

Condition #19: Increasing the length of the branching Cul-De-Sac length to 1,450 linear feet if a street stub cannot be provided.

Condition #20: Remove the requirement to construct a street stub to the northern boundary line due to potential future environmental impacts on the adjacent parcel (specifically PIN #0722-02-6366).

Staff recommends approval of Conditions #4 & #19 and recommends a denial of Condition #15 and #20.

Member Akers asked for a review of Condition #15 previously approved language.

Member Khodaparast asked if the road would be striped at 24 feet. Planner Mayo said plans are in review right now with a 24-foot road that we have not signed off on as we have to wait until the rezoning case outcome.

Vice-Chair Sherman asked if EMS had any comments about a 24-foot road. Planner Mayo said that fire and police are on the Technical Review Committee and they did not comment.

Patrick Kiernan, Jones and Cnossen, started with the Transit Trail widening, condition #15. Currently it is an existing private gravel drive. Several years ago, the Transportation Plan was amended to call Transit Trail a future major collector street, a North/South corridor through that section. The client wasn't included in any discussion, all of a sudden that major collector street appeared on his land. Typically, the developer would widen an existing street and the developer would only be responsible to improve their side and not the opposite side. Since this is a new street, the burden is falling on this current small development. The applicant has had previous discussions with Town Council and the proposal is in line to what they understood to be a fair solution.

In regards to condition #4; the way the original zoning condition was written, was that it was more restrictive than the table of intensities in the Unified Development Ordinance (UDO). They would like to average the maximum built-upon area amongst the lots like typical developments in the area.

In regards to condition #20; the physical locations of the streams straddling the line between Apex and Wake County is creating a challenge. The location of the street stubs would put the actual stream crossing off of our property and our consultants can't make a determination of any environmental impacts on the Wake County property to the north. The neighbors to the north have told the developer that they do not want a street stub facing their property. The interconnectivity can still happen within the north property and the Legacy development without including a stream crossing.

In regards to condition #19; the applicant is requesting a slight increase from 1,200 feet in length to 1,450 feet in length of the branching cul-de-sacs. They feel that due to the extremely low density (23 units) the slight increase will help them avoid the less desirable flag lots.

There was a lengthy discussion between the applicant and the board in regards to the jurisdictional determination of the streams and wetlands on the site. Planning Board ultimately decided they do not have enough information to make a determination on these items involving conditions #19 and #20.

Member Akers added his feelings on the alternative street request. While he understands staff's hands are tied, asking this developer to pay for a major collector street because they are first in the door with their project is a financial outlay for a small project. Streets are the most expensive piece of what we do in land development and having that one developer with relatively few homes to build a collector street is a big ask.

Member Akers is in favor Conditions #4, #15, #19.

Chair Skinner opened the public hearing for anyone to speak in favor or opposition of the amendment. No one came forward. Chair Skinner closed the public hearing.

Chair Skinner called for the motion. Member Royal made the motion to deny Rezoning Case #23CZ09. Vice-Chair Sherman seconded. Motion carried with a unanimous vote.

While the motion to deny was unanimous, some members looked at some of the conditions favorably. In summary, the Planning Board recommends denial of the rezoning with the inclusion of condition #20 (no street stub to the north). The board agrees with the conditions that staff supports, conditions #4 & #19, as well as condition #15 which is the reduction of the typical street section.

Item #3

Shelly Mayo, Planner II, presented Rezoning Case #23CZ11 Smith Farm PUD Amendment. The applicant, Peter Clossen, Jones and Clossen Engineering, along with Andrew Clark TR & Staley Smith; Staley Smith, Aaron Smith Jr & Haley Hoffler, seek to rezone approximately ±30.11 acres from Planned Unit Development-Conditional Zoning (PUD-CZ #15CZ32) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 3223 US 64 HWY West & 0 Air Park Dr. This proposal is to amend the existing zoning and is consistent with the 2045 Land Use Map. During the review of Sweetwater Phase 10 Transportation Staff was looking more closely at the connectivity and we were looking to Ingold Drive to provide additional connectivity to the west towards Smith Farm. The UDO does not allow grading within required buffers. This road will require grading beyond what is typically allowed. The Sweetwater developers reached out to the owners of this portion of Smith Farm and have asked them to amend their PUD to allow eastern perimeter buffer to be graded. Each of those buffers will be replanted at the time of development and still count as Resource Conservation Area (RCA) if a future land use requires a perimeter buffer. There are currently no plans in place for Smith Farm Phase 5. The soil would be restabilized after grading.

The applicant, Peter Clossen reviewed the existing conditions. There is not a retaining wall in place at this time but it is in Sweetwater's plans. Their plan is to restabilize the soil after the grading is in place.

Member Royal confirmed the details for grading and stabilizing.

Member Akers reviewed that the Sweetwater developer will stub the street. Mr. Clossen said there will be a wall required but it won't be required for the entire length shown and will allow for easier connectivity.

Member Byrd stated that the interconnectivity is important here due to limited access off of Hwy 64.

Vice-Chair Sherman wanted to be sure the Environmental Advisory Board (EAB) concerns were heard and accommodated.

Chair Skinner opened the public hearing for anyone to speak in favor or opposition of the rezoning. No one came forward. Chair Skinner closed the public hearing.

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

NEW BUSINESS

Item #1

Michael Linsenmeyer, Senior Housing Specialist, provided an overview of the affordable housing incentive zoning policy. This policy is being developed jointly by the Planning Department and the Neighborhood Connections Department. The policy is in draft form and the Housing Advisory board is scheduled to vote on their recommendation Friday June 16th. This plan is a 10-year road map which outlines the Town's role in ensuring housing affordability to attract and retain a diverse population.

Vice-Chair Sherman made a motion to approve. Member Braswell seconded. Motion carried with a unanimous vote.

Member Byrd made the motion to adjourn. Vice-Chair Sherman seconded. Motion carried with a unanimous vote. There being no further business, the meeting adjourned at 6:41 p.m. The foregoing minutes are approved this the 10th day of July, 2023.



Reginald Skinner
Chair



Jeri Pederson
Planning Technician