



## TOWN OF APEX PLANNING BOARD MEETING MINUTES

Meeting Date: July 10, 2023

The Planning Board held their regular meeting on July 10, 2023 at 4:30 p.m. at the Apex Town Hall Campus, 73 Hunter Street, Apex North Carolina, 2<sup>nd</sup> Floor Council Chamber. Members present were, Chair Reginald Skinner, Vice-Chair Tina Sherman, Board Members, Sarah Soh, Tim Royal (ETJ Member), Keith Braswell, Jeff Hastings (Historical Society Member), Ryan Akers (Wake County Member), 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

Dianne Khin, Planning Director informed the Planning Board that the Ragan Road side path project, discussed at the June 12, 2023 will not be moving forward. Staff looked into the concerns about the historic property as well as the North Carolina Wildlife Resources Commission property and have determined that the original project alignment is not feasible.

### 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 June 12, 2023 regular meeting. Chair Skinner called for a motion. Member Sherman motioned to recommend approval. Member Byrd seconded. Motion carried with a unanimous vote.

### PUBLIC HEARING

Motion to recuse Member Braswell from Item #1 made by Member Byrd, Member Royal seconded. Motion passed unanimously.

#### Item #1

Shannon Cox, Long Range Planning Manager, presented an amendment to the Thoroughfare and Collector Street Plan Map to add a proposed Future Local Connection (Lowell Rd.) from Jenks Rd to Goodwin Road. A portion would be constructed by Arden at Summit Pines which is currently in construction plan review and a portion by Apex Light Industrial which is currently in site plan review. The purpose of the amendment is to be transparent that the roadway is being constructed in parts by these approved developments and if redevelopment occurs between them the Town would require that the roadway be constructed and connected to the other projects. The plan is consistent with the US 64 Corridor Study. Planning Staff recommends approval of the proposed amendment.

Chair Skinner opened the Public hearing.

Jeff Roach, Peak Engineering and Design stated that the Apex Light Industrial developers support this connection out to Jenks Rd.

Chair Skinner closed the Public Hearing.

Member Soh asked if there were any homes or business with frontage on this local connector. Planner Cox said that there is not individual driveway access needed with the two new projects and a local connector street would allow driveway access.

Member Byrd motioned to approve. Member Sherman seconded. Motion carried with a unanimous vote.

Member Sherman motioned to bring Member Braswell back to the meeting. Member Royal seconded. Motion carried with a unanimous vote.

#### Item #2

Shannon Cox, Long Range Planning Manager, presented several amendments to the Thoroughfare and Collector Street Plan Map and the Bike Plan Map. These amendments are adjacent to the East Williams St. corridor between future Jessie Drive and Reunion Creek Parkway.

Amendments to the Bicycle and Pedestrian Plan Map in the vicinity of E Williams and Technology Dr.

1. Add a grade separated Bike/Ped Crossing at Technology Dr. Staff requesting this addition due to an active NCDOT project to improve the intersection. We have future side paths planned on both sides of the road and considerable development occurring in this area.

Amendments to the Thoroughfare and Collector Street Plan Map in the same vicinity-

1. Remove the future interchange at Technology Dr and E Williams/HWY 55.
2. Remove the future interchange at future Jessie Drive. This is a developer request.
3. Add a future major collector street between Reunion Parkway and Colby Chase Dr. to serve as a back up to E Williams.
4. Realign and upgrade Colby Chase Dr. extension.
5. Add a future major collector street between Gladsong Dr. and Jessie Dr.
6. Shift future Jessie Dr. alignment slightly south to align with the feasibility study the town just completed.

Planning Staff recommends approval of all except the removal of the future interchange at Jessie Drive. Staff recommends leaving the interchange on the plan for now as we don't have enough information to justify removing the interchange at this time. Traffic, police and fire were in support of Planning Staff recommendations.

Member Akers asked who pays for the interchanges. Planner Cox stated that the right-of-way is dedicated through development projects but the actual interchange construction would most likely be state or federal funding.

Member Soh asked if there are any private properties affected along Colby Chase. Planner Cox said the collector streets would likely only be built if there was redevelopment.

Jeff Roach, Peak Engineering and Design, stated he is representing property owners on the east side of E Williams. Unlike the 64 corridor where NCDOT did a long range study there is no long range plan on E Williams. Jessie Commons was rezoned in 2010 and it has sat there waiting for sewer, water and roads. Now that the Town is moving forward with these projects there is a need for commercial property. There has been interest in developing the east side of E Williams until potential users look at the

Transportation Plan. They don't know what they are looking at as far as cost and whether this will come back to the developer to build. The property owner is concerned that this is going to impact him for another 20 years. They are asking for two changes from staff's recommendations. Remove the interchange at Jessie Drive (#2) and downgrade the future major collector (#5) to a minor collector or a local connection.

Member Akers asked Mr. Roach what would be their proposed alternative for #5. Mr. Roach outlined the potential alternatives for a north/south connection, some are already incorporated into the Transportation Plan.

Mr. Roach wanted to go on record that his clients felt the Jessie Dr. interchange could be removed from the plan as it was no longer supported by a NCDOT plan.

Member Sherman expressed that mitigating traffic concerns of the neighbors was a priority.

Member Byrd asked Planner Cox if requests for state or federal funding for a future project are supported by what is shown on the Plan. Planner Cox said that if the Town is requesting funding then it does help for the project to be shown on our Plan. Projects like Hwy 55 improvements don't have to be initiated by the Town but it definitely helps for the plan to match the metropolitan plan and the State plan. Planner Cox said it is very rare the State would move forward with a project that was completely unsupported by the local jurisdiction.

Member Akers asked for clarification on the difference between a Major and Minor Collector. Planner Cox explained the differences.

Chair Skinner opened the public hearing. No one came forward. Chair Skinner closed the public hearing.

Member Sherman does not see any incentive from deviating from the proposal that staff has recommended at this point, it can be revisited when plans come before the board.

Member Sherman made a motion to concur with staff recommendations and approve all the amendments with the exception of amendment #2. Member Byrd seconded the motion. The motion carried with a vote of 6-2. Dissenting members were Akers and Braswell.

Member Akers dissent was a due to Item #2. He supports removal of the Jessie Dr. interchange and disagrees with leaving it on the plan. Member Braswell also believes that removing the interchange #2 from the plan is needed.

### Item #3

June Cowles, Senior Planner presented Rezoning Case #23CZ04 Castleberry Reserve PUD-The applicant, Inspire Commercial, LLC seeks to rezone approximately ±89.90 acres from Wake County Residential-80W (R-80) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 8633, 8635, 8637, 8639, 8649, 8705, 8709, and 8717 Castleberry Road. Planner Cowles gave an overview of the location and surrounding uses. The applicant hosted a neighborhood meeting on December 7, 2022 and another on April 19, 2023. Staff recommends denial of this rezoning for the following reasons:

- The proposed density is inconsistent with the 2045 Land Use Map (LUM).
- The Rezoning is not consistent with the NC Wildlife Resource Commission Protected Open Space and Town of Apex Environmental Advisory Board Game land buffer recommendation.
- The Rezoning is not consistent with the surrounding neighborhood character.

Staff recommends the proposed density be lower and the larger buffer adjacent to the protected open space be provided in order to be consistent with the surrounding existing neighborhood densities and consistent with the Peak Plan 2030 goal.

Member Akers asked if the applicant asked if this neighborhood could have been a Wake County “well and septic” neighborhood. Staff replied that if the soils supported septic and wells that it would be possible.

Matthew Carpenter, Parker Poe along with Jeff Roach from Peak Engineering and Design presented the PUD Rezoning package. The applicant acknowledges that they are seeking greater density than the Land Use Map recommends, but feels that the project is overall consistent with the Peak Plan.

Highlights of the Concept Plan-

- Single Family Detached
- Max 2 units/acre
- Max built-upon area of 45% (UDO maximum of 70%)
- Cemetery preserved in place
- Connection to the American Tobacco Trail
- Southern District-lower density adjacent to Corps property

Member Sherman asked if there is a data for the standards for the buffer along the Army Corps property to limit interactions between hunters and residents. Mr. Carpenter pointed out that it is a policy not a standard. There are specific game land regulations applicable to the Jordan Lake property in place now. You can't fire a gun within 450 feet of residences and you can't carry a loaded gun walking around the property. You load the gun once you are at your site.

The applicant is offering two affordable housing units for sale @ 135% AMI.

Chair Skinner opened up the Public Hearing.

Steve Ammons, 8499 Castleberry Rd. brought up concerns of the family, that if these parcels are rezoned and then the applicant does not go through with their purchase that they would be burdened with a huge tax liability they would not be able to meet. Chair Skinner acknowledged that this is not something the Planning Board can answer.

Member Sherman outlined the process that the rezoning petition will go through with the Town of Apex and recommended that the family seek legal counsel to understand the implications for the family with their specific contract. This petition will have another public hearing on August 8, 2023 with Town Council.

Chair Skinner closed the public hearing.

Member Akers asked about the speed along Castleberry Rd. Mr. Roach said he contacted NCDOT earlier and Wimberley Rd and Castleberry Rd. are both on the repaving plan and expected to be repaved in 2025. They have passed on the applicant's request for a speed reduction.

Member Akers also brought up that as a resident out in that area, he would not be supportive of curb and gutter along the road; the rural aesthetic is preferred. Mr. Roach said they were required to follow the Town of Apex's Transportation Plan for that section.

Member Soh also brought up traffic volume along Castleberry Rd and how the increased density would affect traffic along that road.

Member Sherman brought up some comments/questions to Mr. Carpenter in regards to his presentation of the project. She would have liked data on what the standards are to back up the positions of the applicant. Mr. Carpenter answered what was asked and offered to follow up with the family representative. They had not received any questions from any of the sellers either directly or through the developer so he would follow up with Mr. Ammons.

Member Akers made a motion to approve the rezoning as presented by staff with the condition that Castleberry Road cross section maintain a rural nature with a condition to be worked out by staff. Member Braswell seconded. Motion carried by a vote of 5-3. Member Sherman, Member Soh and Chair Skinner dissented.

Member Sherman agrees with staff that the project should be denied for the same reasons staff did not support this rezoning.

Chair Skinner voted no due to the rezoning being inconsistent with the 2045 LUM.

Member Soh aligned with staff analysis and voted no. Additional reasons include, larger lots in neighboring subdivision than being proposed for this rezoning, insufficient space in schools, traffic on Castleberry Rd. and active hunting areas so close.

#### Item #4

June Cowles, Senior Planner presented Rezoning Case #23CZ10 Salem Church Road Parcels-The applicant, Sundance of NC is seeking to rezone +2.9 acres from Residential Agricultural (RA) to Medium Density Residential-Conditional Zoning (MD-CZ). The proposed rezoning is located at 1529, 1531, & 1535 Salem Church Road. Planner Cowles gave an overview of the location. Behind the properties is the Apex-Cary Municipal Agreement Line. The 2045 LUM shows these parcels as Medium Density. Staff recommends sidewalk, curb and gutter along the frontage, but the applicant has not agreed to that condition. The affordable housing policy is not applicable to this small project. The project will pay a fee in lieu for parks and recreation. Planning staff recommends approval of the rezoning if the applicant agrees to the condition for sidewalk, curb and gutter along the frontage.

Peter Cnossen, Jones and Cnossen Engineering, consulting engineer for this project brought some photos of the existing ditch along the front of the property for the Board.

Carl Helton, Sundance of NC, LLC, 505 E Chatham plans on building homes that are less expensive than the average single-family new home in the area. He would build eight homes with four shared driveways.

Member Soh asked if there was a site plan for these properties. Mr. Cnossen said this would be an exempt subdivision so they might have to do some small recombinations of the existing lots but basically there would be eight lots with 52'-53' of frontage on average.

Member Akers asked where the sewer and water would be pulled from. Mr. Cnossen showed the potential links to utilities.

Member Sherman would like Mr. Helton to have a conversation with the Affordable Housing Manager to make sure this development is aligned with the Affordable Housing Plan. The applicant agreed to set up a meeting with the Affordable Housing staff.

Member Akers spoke to the desire to keep a sidewalk improvement as part of the plan. The applicant stated that he has no desire to include a sidewalk or a fee in lieu for this small project due to the need for fill and the high cost of the installation.

Member Khodaparast also liked the idea of a sidewalk and connectivity to the school. The applicant pointed out that there are no sidewalks on the other side of Salem Church Rd. and that is a much larger development that would have spread the cost out amongst more units.

Member Royal asked if there was enough right-of-way to construct the sidewalk. The applicant stated there was sufficient room. Member Royal stated he feels like the overall lack of sidewalks along Salem Church Rd including the larger subdivision across the street makes sidewalks a big ask for this smaller (8 unit) development.

Traffic Engineering Manager Russell Dalton stated that the approximate cost to install the sidewalk would be about \$14,000. He stated that it would be more expensive and difficult for the Town to come in later to install sidewalk in the future and it would be more disruptive for the future residents of those lots. He stated that the sidewalk would be a benefit to the overall community.

Member Sherman stated that the Board needs to consider every cost when a developer is trying to build more affordable housing and that sometimes means choosing between certain improvements and affordability. Traffic Engineering Manager Dalton stated that if an affordable housing condition were offered, then staff could reconsider the request for the sidewalk to be provided.

Chair Skinner opened the public hearing.

Karen King, 5612 Woodard Lane in Raleigh, is representing her in-laws Tommy and Nancy King from the property the east of the properties being discussed. She has expressed concerns about the runoff from the properties currently. She has been working with Mr. Cossen to determine how they can design the new project to address the existing problem of the water running from the building site onto their property. They are all for the development. What is there now can definitely be taken down and used for a much better purpose.

Chair Skinner closed the public hearing.

Member Sherman made a motion to approve the rezoning as presented by the applicant. Member Braswell seconded. Motion passed unanimously.

#### Item #5

Amanda Bunce, Current Planning Manager, presented Rezoning Case #23CZ12 Sweetwater PUD Amendment-The applicant, David Schmidt, ExperienceOne Homes, LLC seeks to rezone approximately +0.944 acres from Planned Unit Development-Conditional Zoning (PUD-CZ #17CZ21) to Planned Unit Development-Conditional Zoning (PUD-CZ) The proposed rezoning is located at 0 Core Banks Street and 0 Little Gem Lane. The proposed PUD Amendment is consistent with the land use classification. There is no increase in proposed residential density. Planner Bunce shared the history of the land uses for this area in the Sweetwater PUD. The proposed uses are less intense than the non-residential parcels to the

north of Core Banks St. The applicant is also reducing the proposed maximum height to thirty-nine (39) feet and is requesting that if a buffer is required by the UDO it shall not exceed 10' in width. Planning staff recommends approval of the rezoning as proposed by the applicant.

Jacob Hudson, CE Group is working on the rezoning and wanted to be available for any questions.

Member Byrd asked is there was any interest in the property. Mr. Hudson said there was not at this time.

Chair Skinner opened the public hearing. No one came forward. Chair Skinner close the public hearing. Planner Bunce reminded the Board of a public hearing email that was forwarded to Board members.

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

#### NEW BUSINESS

There was no new business.

Member Royal motioned to adjourn. Member Soh seconded. Motion carried with a unanimous vote. There being no further business, the meeting adjourned at 7:38 p.m. The foregoing minutes are approved this the 14<sup>th</sup> day of August, 2023.



Reginald Skinner  
Chair



Jeri Pederson  
Lead Planning Technician