

APPROVED

TOWN OF APEX PLANNING BOARD MEETING MINUTES MONDAY, JUNE 10, 2024 4:30 P.M.

The Apex Planning Board met on Monday, June 10, 2024 at 4:30 PM in the Council Chamber at Apex Town Hall, located at 73 Hunter Street in Apex, North Carolina.

This meeting was open to the public. Members of the public were able to attend this meeting in-person or watch online via the livestream on the Town's YouTube Channel. The recording of this meeting can be viewed here: <https://www.youtube.com/watch?v=SFnWnk0L6Zw>

[ATTENDANCE]

Board Members

Tina Sherman, Chair

Tim Royal, Vice-Chair (ETJ Member)

Keith Braswell

Steven Rhodes

Sarah Soh

Alyssa Byrd

Daniel Khodaparast

Preston Mitchell

Jeff Hastings (Historical Society Member, non-voting)

Absent: Vacant, Wake Co. Representative

Town Staff

Planning Director Dianne Khin

Current Planning Manager Amanda Bunce

Senior Planner June Cowles

Planner II Shelly Mayo

Planner II Lauren Staudenmaier

All other staff members will be identified appropriately below

[COMMENCEMENT]

Chair Sherman called the meeting to order at 4:30p.m., then called for a moment of silence and led the Pledge of Allegiance.

[ITEMS OF INFORMATION]

Director Khin said that Rezoning 24CZ03 for the YMCA on New Hill Holeman Road was approved by Town Council. She said staff did work with the applicant on updated transportation

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zoning conditions, and wanted to update the board since it had gone to Council with different conditions.

[PUBLIC COMMENT]

Chair Sherman opened the floor for anyone to speak on non-agenda items and with no sign-ups the public comment was closed.

[CONSENT]

Chair Sherman asked for a motion to approve the meeting minutes from the May 13, 2024 Planning Board meeting.

A **motion** was made by **Vice-Chair Royal** and seconded by **Board Member Soh** to approve the May 13th Planning Board meeting minutes.

VOTE: UNANIMOUS (8-0), (Vacant, Wake Co. Representative)

[PUBLIC HEARINGS]

[ITEM NO. 1 - REZONING CASE NO. 24CZ05 - 2228 KELLY ROAD]

Lauren Staudenmaier, Planner II, presented Rezoning Case No. 24CZ05 St. Paul American Coptic Orthodox Church - The applicant, Matthew Carpenter, Parker Poe, LLC submitted a petition to rezone approximately +/- 4.067 acres from Residential Agricultural (RA) to Medium Density Residential-Conditional Zoning (MD-CZ). The property is located at 2228 Kelly Road. The 2045 Land Use Map (LUM) classification for the property is Medium Density Residential. Zoning conditions related to road improvements have been proposed to vary the type of improvements required based on the future use. Planning Staff recommends approval of the Rezoning.

Chair Sherman said she had a question regarding the roundabout and asked Ms. Staudenmaier to go over it one more time for a visual.

Ms. Staudenmaier said it's at the proposed intersection of Holland Road and Kelly Road for a future 2 by 1 roundabout and asked Mr. Dalton to add anything he had regarding the intersection.

Mr. Dalton said the roundabout was added to the transportation plan years ago. He said Council's direction was to identify future locations where roundabouts would be feasible. He said he was working with NCDOT, and the instruction at the time was if those cannot be included as improvements of development when the development occurs, the town would at least get the right-of-way for future construction. He said it was done at the intersection of Green Level Church at Jenks Road and it would be the same situation with this intersection.

Chair Sherman said she was thinking about the grade level and thanked Mr. Dalton.

Board Member Mitchell said he applauds the concept of the roundabout there particularly at that location. He said there's a hill on Kelly Road and said there are some high speeds so putting the ingress/egress point up higher on the hill is a better idea than having it closer down to the intersection. He said the roundabout will help with the south bound speeds.

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Matthew Carpenter, Parker Poe, 301 Fayetteville Street, spoke on behalf of the property owner and the applicant, St. Paul American Coptic Orthodox Church. He said the purpose of the rezoning is to reuse the existing single-family home that's on site for prayer meetings and other church offices. He said the church currently meets at another location on N Salem Street on Saturdays. He said in some late discussions with town staff that there's a corner of the property that's not shown on GIS that is part of the property. He said the acreage is closer to 4 acres and that it doesn't change anything about the rezoning but wanted it noted. He said there is an existing home on the site that was built in 1972 that is surrounded by wooded areas. He said there is a future traffic circle that's going in at the intersection of Holland and Kelly and that has been accounted for as well. He said the applicant is asking to rezone this property to Medium Density Residential to be consistent with the Land Use Map and the surrounding area. He proposed three different scenarios that could potentially take place under the zoning request. First is the church will adaptively reuse the existing home for a church building. It would require a minor site plan. The long-term plan is to build a permanent church home on this site. He said building a permanent church would be 5-10 years away from now, but wanted to account for that in the zoning. Third is since the applicant already has some permitted residential uses, Planning staff also wanted to include architectural conditions for residential. Mr. Carpenter said it is in the public interest to allow the rezoning of the church to reuse an existing structure. Another benefit is that it provides the church a new church home in Apex to continue to grow and reach more community members and for those reasons the applicant asks for approval.

Chair Sherman opened the public hearing. No one came forward.

Ms. Staudenmaier reminded the board that there were two emails received and that Board Members were provided with that information.

Chair Sherman closed the public hearing and opened the floor for discussion.

Vice-Chair Royal asked why the church wants to include residential uses in this rezoning.

Ms. Staudenmaier explained that this would give the applicant more flexibility for the land with different uses. She said the applicant could potentially end up having a subdivision if the church use did not come to fruition as intended.

Mr. Carpenter said he had discussions with staff regarding to not limit this to just a church and to rezone it to Medium Density Residential with residential permitted. He said removing residential uses would also make the rezoning inconsistent with the Land Use Map.

Vice-Chair Royal wanted to clarify if the homes were being added because the church use by itself is not consistent with the Land Use Map. He said he understood they aren't planning to build homes, but wanted to get to the reason.

Mr. Carpenter said it's just for the rezoning and no homes are being built on the property. He said it may be useful in the future if the church needed to sell the property.

Ms. Bunce said the church use is allowed in the Medium Density zoning district so it is consistent with the 2045 Land Use Map. She said staff felt like it gives the property owner flexibility should something happen and they couldn't develop it as a church.

Chair Sherman asked if having a place of worship how it's currently zoned is allowed.

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Ms. Bunce said the property is less than 5 acres, which means it's a non-conforming lot of record that can't be developed because of its size, and could currently only be used for a single-family home.

Ms. Staudenmaier said if the applicant wanted to do anything else with the property it would have to be rezoned.

Chair Sherman asked how the 19 units come into this scenario and why is there a cap on the affordable housing unit.

Mr. Carpenter said the medium density designation would allow six units an acre. He said there is a density limitation on the site because residential uses are permitted.

Ms. Staudenmaier said it can't go past 19 units for affordable housing.

Ms. Bunce said it both the affordable housing issue and realizing that if the applicant was going to develop as residential they would not be able to fit more than 19 dwelling units on the parcel. She said the applicant went ahead and capped the number at what was more realistic for the property.

Board Member Byrd said the recorded survey says 4.067 acres but less the right-of-way is 3.6 acres. She said with all the setbacks, buffers, and stormwater control measures the land will be substantially under 3.619 acres.

Chair Sherman asked why would the dwellings be capped at this point. She said it feels very limiting for an unknown use, and wondered if it would be better to deal with those specifics in the future if the site were to change to residential.

Ms. Bunce said the applicant recognized that the density could be limited there. She said the adjacent property had concerns about how much development could occur and this would help address those concerns.

Chair Sherman said it feels inconsistent with the way the Town approaches development.

Board Member Mitchell said it's an either/or. He said he applauds the analysis that the staff has undertaken. He said it simply opens up options for the applicant but caps the residential at a level that is consistent with the town's plan for the area. He said there is anticipated growth in the area and these are first to go.

Chair Sherman said she was excited about this but has concerns about the capping of the units. She said she would have concerns about putting more than 19 units on this lot, but thinks preliminarily capping it sets a bad precedent.

A **motion** was made by **Board Member Mitchell** and seconded by **Board Member Braswell** to approve the Rezoning Case No. 24CZ05 - 2228 Kelly Road with conditions as proposed by the applicant.

VOTE: UNANIMOUS (8-0), (Vacant, Wake Co. Representative)

Chair Sherman said she wanted to go on record saying this is a really poor precedent that the board is setting, and that the last time she said that it came up the next time.

Board Member Mitchell said land use decisions are not precedent setting.

Chair Sherman said they are.

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Board Member Braswell said he thought it made sense. He said if they were building townhomes and churches were an allowed use it wouldn't be a question.

[ITEM NO. 2 - REZONING CASE NO. 24CZ08 - 0 & 1341 PERRY ROAD]

Shelly Mayo, Planner II, presented Rezoning Case No. 24CZ08 Town of Apex-Perry Road Yard Waste Transfer Site - The applicant, Matt Wetherell, Facilities & Grounds Manager for the Town of Apex submitted a petition to rezone approximately +/- 50.55 acres from Light Industrial (LI) to Light Industrial-Conditional Zoning (LI-CZ). The properties are located at 0 & 1341 Perry Road. The Town of Apex is proposing six uses, three of which will require a special Use Permit (SUP). The proposed uses are Yard waste transfer station (SUP); Communication tower, commercial (SUP); Communication tower, public safety (SUP); Utility minor; Government service; and Greenway.

Board Member Braswell asked for clarification if the RCA on condition number 10 that it's going to absorb some RCA or possibly move it to another site.

Ms. Mayo said if the town in the future wanted to sell or redevelop the other portion of the property other than what the town is currently using, then that condition would have to be revised in order to readjust the location where that RCA goes. She said this is the process the town would follow if a site plan is adjusted.

Vice Chair Royal asked about the amount of traffic coming up and down Perry Road and if it would be heavy traffic.

Ms. Mayo said it will be minimal traffic. She said the trucks that are used may be on the heavier side but not many trips are made. She said the current location for transferring yard waste for taking it down south of 540 is no longer going to be accessible and the town needed an intermittent place where the yard waste staff can take their truck to get things sorted out and loaded on to a bigger truck to make it more fuel efficient to take it to the new location.

Vice-Chair Royal said he was asking about the condition of the road and regarding the heavy equipment.

Ms. Mayo said it was a great question, and said part of the reason they are not currently recommending road improvements is because there is a proposed realignment for Perry Road in the future.

Mr. Wetherell said rather than sending all of the individual residential yard waste collection trucks down to processing sites, the town currently uses this as a consolidation area. He said maybe one or two semi-trucks would be going from this site to the processing facility daily.

Vice-Chair Royal asked if there is a height limitation to the communication towers.

Ms. Mayo said communication towers are typically limited to 190 feet for commercial and 225 feet for public safety, but that she would need to check those numbers prior to Town Council. She said the town doesn't let towers get to the point of the red flashing lights to avoid aircraft which would be below that level.

Chair Sherman asked if it was special use.

Ms. Mayo said yes, they require a special use permit and a site plan.

Board Member Soh asked if the public would be able to use the drop off site.

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Ms. Mayo said no, it's intended for town trucks to go and combine their loads so its more fuel efficient. She said everyone in the town's corporate limits is able to have yard waste picked up at the front of their homes.

Chair Sherman opened the public hearing, and with no sign-ups she closed the public hearing.

Board Member Braswell said this site was better than the one that was proposed a year ago, and that he was in favor.

A **motion** was made by **Board Member Braswell** and seconded by **Vice-Chair Royal** to approve the Rezoning Case No. 24CZ08 - 0 & 1341 Perry Road.

VOTE: UNANIMOUS (8-0), (Vacant, Wake Co. Representative)

[ITEM NO. 3 - REZONING CASE NO. 24CZ09 - 8633, 8635, 8637, 8649, 8705, 8709, AND 8717 CASTLEBERRY ROAD; 8309 SERENITY TRAIL; AND 4201 DIESEL PATH (PORTION OF)]

June Cowles, Senior Planner, presented Rezoning Case No. 24CZ09 Castleberry Reserve PUD Amendment - The applicant Inspire Commercial, LLC., submitted a petition to rezone approximately +/-104.09 acres from Planned Unit Development-Conditional Zoning (PUD-CZ #23CZ21) and Wake County Residential-80W (R-80W) to Planned Unit Development-Conditional Zoning (PUD-CZ). The properties are located at 8633, 8635, 8637, 8649, 8705, 8709, and 8717 Castleberry Road; 8309 Serenity Trail; and 4201 Diesel Path (portion of). This proposed rezoning will add an access road to the Castleberry Reserve PUD plan. It will be Low Density and connect Castleberry Reserve PUD to Wimberly Oaks Drive. No density increases are proposed with this rezoning. Planning Staff recommends approval of the rezoning.

Board Member Soh said she recalls this coming in before.

Ms. Cowles said this is the second amendment. She said that the first one was the Johnson parcel that the applicant included was around 20 acres that was approved in April. She said this property has different property owners and different timing negotiating with the owners.

Board Member Soh asked if this was the important piece to connect to Wimberly Oaks.

Ms. Cowles said yes.

Matthew Carpenter, Parker Poe, and Patty Harold Hilburn with McKimmon Creed, the civil engineer. He said the applicant is back with a narrow amendment to add a second amendment to add the second point of access to the PUD. He said there is an existing easement there now, a driveway for the property owners, which would be the second access point. Staff said it did need to be a part of the PUD to keep consistency to have it all zoned the same. He said it takes the PUD from 9 to 10 parcels and from 103.4 to 104.092 acres. He said just as when the Johnson Property was added, none of the zoning conditions are changing and they are not proposing any more units.

Vice-Chair Royal asked if Wimberly Oaks will need any type of improvements to connect out.

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Mr. Carpenter said no improvements need to be made but the cul-de-sac bulb on the south side will have to connect. He said there won't be any abandoning of any right-of-way or making any other improvements.

Mr. Dalton said there's a stream crossing there and part of the road will have to be reconstructed as part of their plan. The intent is hopefully to remove the cul-de-sac bulb and have continuous street there.

Vice Chair Royal asked if over 50 dwelling units have to have a second point of access. He said if there is no addition right now to the number of dwellings, he asked how this got through with only one access point before.

Ms. Bunce said the town would not have been able to approve their master subdivision plan until they acquired the ability to provide that second point of access in their subdivision plans. The applicant was moving forward with the rezoning knowing that they were working toward getting the second point of access.

Vice Chair Royal said there was a development off of 64 with more than 50 dwellings that only had one point of access, and that was brought up as a concern before.

Ms. Bunce said in that case of that apartment development, the number of access points was taken based on the major thoroughfare and collector they were building, and not directly from 64.

Board Member Soh asked if the access point on Castleberry was worked out with the homeowners who had concerns.

Mr. Carpenter said it was. He said the final driveway location is shifting west to avoid headlights shining into a home.

Board Member Soh said there are no markings currently on the road and asked if that will be updated.

Mr. Carpenter said it's a NCDOT road and they would need to coordinate with NCDOT.

Ms. Hilburn said at this time there's no plan to do any striping.

Board Member Soh asked if there will be a stop sign at the access point.

Ms. Hilburn said yes.

Chair Sherman opened the public hearing, and with no sign-ups she closed the public hearing.

Vice-Chair Royal said this was pretty straightforward, and noted that this was necessary to make the subdivision viable.

A **motion** was made by **Vice-Chair Royal** and second by **Board Member Rhodes** to approve the Rezoning Case No. 24CZ09 - Castleberry Reserve PUD Amendment.

VOTE: UNANIMOUS (8-0), (Vacant, Wake Co. Representative)

[NEW BUSINESS] - *None*

[ADJOURNMENT]

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Chair Sherman asked for a motion to adjourn.

A **motion** was made by **Board Member Byrd** and seconded by **Board Member Soh** to adjourn the Planning Board meeting at **5:35 PM**.

VOTE: UNANIMOUS (8-0), (Vacant, Wake Co. Representative)

Tina Sherman
Planning Board Chair

Jeri Pederson
Lead Planning Technician

Submitted for approval by Lead Planning Technician Jeri Pederson and approved on August 12, 2024.