

APPROVED

TOWN OF APEX PLANNING BOARD MEETING MINUTES MONDAY, AUGUST 12, 2024 4:30 P.M.

The Apex Planning Board met on Monday, August 12, 2024 at 4:30 PM in the Council Chambers 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=3lQyEC9qM_U&t=4086s

[ATTENDANCE]

Board Members

Tina Sherman, Chair

Keith Braswell

Steven Rhodes

Sarah Soh

Alyssa Byrd

Daniel Khodaparast

Jeff Hastings (Wake County Representative)

Absent: Tim Royal, Vice-Chair & Preston Mitchell

Vacant: Apex Historical Society Representative

Town Staff

Planning Director Dianne Khin

Current Planning Manager Amanda Bunce

Senior Planner Long Range Transit Katie Schwing

Senior Planner Long Range Jenna Shouse

Senior Planner Liz Loftin

Planner I Joshua Killian

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]

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Director Khin reminded the public of the Apex Mobility Hub Study and encouraged people to go to the www.apexnc.org website for a link to the survey.

[PUBLIC COMMENT]

Chair Sherman opened the floor for anyone to speak on non-agenda items, no one came forward so public comment was closed.

[CONSENT]

Chair Sherman asked for a motion to approve the meeting minutes from the June 10, 2024 and the July 12, 2024 Planning Board meetings.

A **motion** was made by **Board Member Byrd**, second by **Board Member Soh** to approve the minutes from both meetings.

VOTE: UNANIMOUS (7-0),

[PUBLIC HEARINGS]

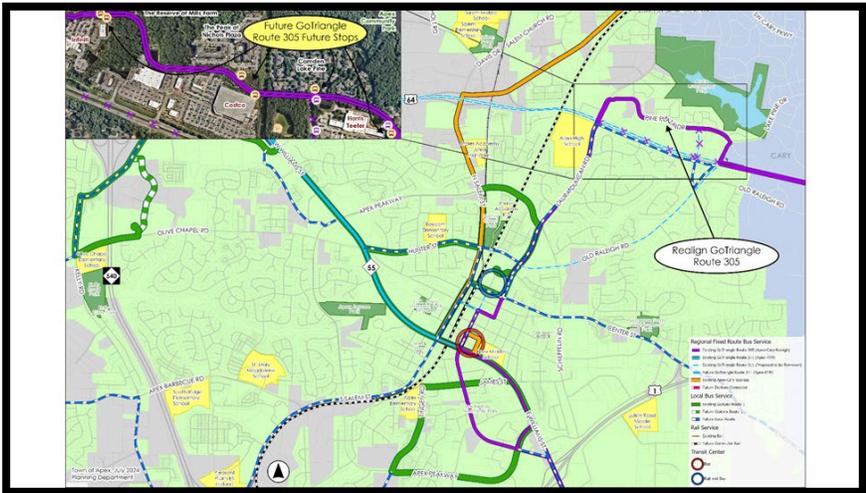
ITEM NO. 1 - TRANSIT PLAN AMENDMENTS

Katie Schwing, Senior Planner- Long Range Transit, presented possible motion regarding amendments to the Transit Plan Map Amendment for Route 305 of the Apex Transportation Plan. The proposed routing change is intended to be implemented by GoTriangle imminently for operational and safety reasons. This change is not anticipated to have an impact on cost to the Town of Apex, as this service is not funded by the Town. Planning Staff recommends approval of the amendments. The Transit Advisory Committee recommended approval of the amendments at their July 2024 meeting.

[SLIDE 1]



[SLIDE 2]



[SLIDE 3]

Transit Plan Map Amendment - Route 305

Anticipated Costs to the Town:

- Any cost impacts of this proposed routing change (including any bus stop installations or moves) are the responsibility of GoTriangle.

Recommendation:

- The Apex Transit Advisory Committee recommended approval of this proposed amendment at their July 10, 2024 regular meeting.
- Apex Planning and Transportation & Infrastructure Development staff are in support of this proposed amendment.

APEX NORTH CAROLINA

Ms. Schwing said that she would be happy to answer any questions about the proposed change.

Board Member Byrd asked for the schedule for implementation.

Ms. Schwing said the changes should be made as soon as possible. She said that there had been a service change to the route schedule. She said they would have to get the change approved.

Chair Sherman opened up for Public Hearing and closed it with no one signed up to speak and she brought it back to the Board for discussion and possible motion.

A **motion** was made by **Board Member Byrd** and seconded by **Board Member Khodaparast** to approve the Transit Plan Amendment for GoTriangle Route 305.

VOTE: UNANIMOUS (7-0)

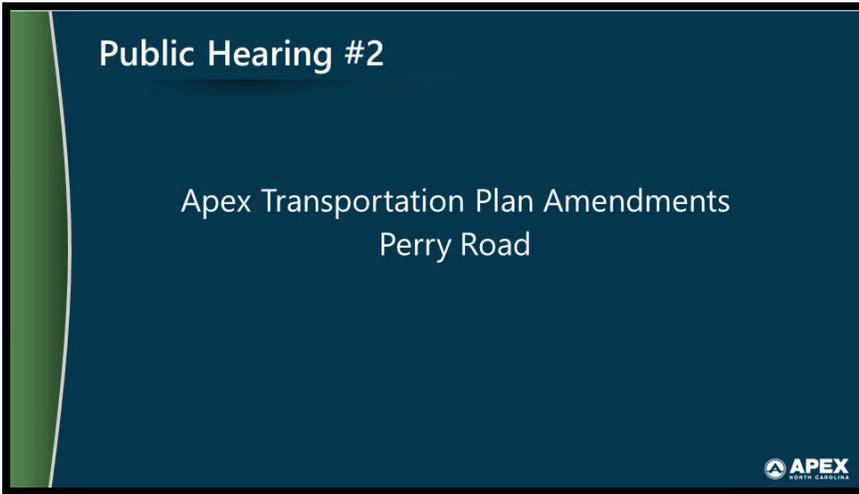
A **motion** made by **Board Member Byrd** and seconded by **Board Member Braswell** to recuse **Board Member Byrd** from Item #2.

VOTE: (6-0)

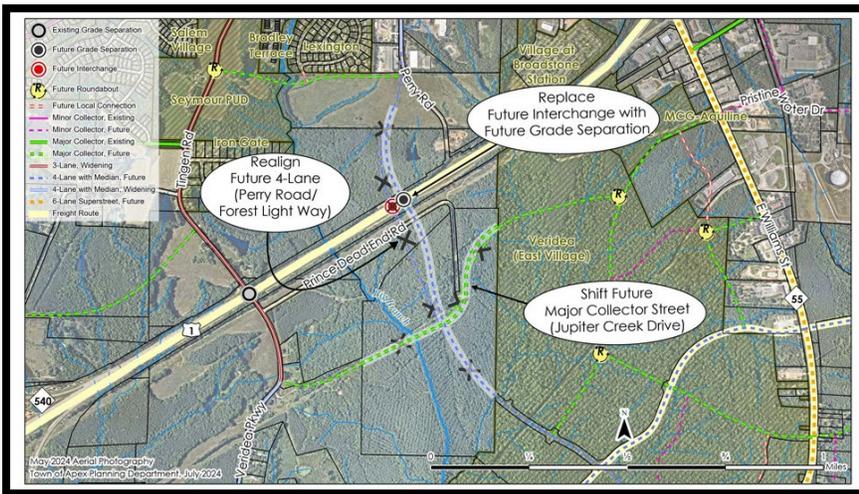
ITEM NO. 2 - THOROUGHFARE AND COLLECTOR STREET MAP AMENDMENTS

Jenna Shouse, Senior Long-Range Planner, presented three proposed amendments to the Thoroughfare and Collector Street Map of the Apex Transportation Plan. The main amendment is to replace the future interchange planned at the future extension of Perry Road and US 1 with a future grade separation. As a result of that amendment there are two other changes to be considered, realign the future 4-lane Perry Road/Forest Light Way and shift the Major Collector Street, Jupiter Creek Dr. Planning Staff recommends approval of the amendments.

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[SLIDE 3]

Perry Rd/US 1 - Interchange vs. Grade Separation

Traffic Volumes & Capacity – 2050 Projections

Roadway	Measurement	Interchange	Grade Separation (Bridge)
Tingen Road south of Apex Peakway	Vehicles per day	14,980	14,630
	Volume/Capacity	< 1	< 1
NC 55 south of US 1	Vehicles per day	70,640	76,320
	Volume/Capacity	> 1	> 1



[SLIDE 4]

Perry Rd/US 1 - Interchange vs. Grade Separation

Additional Considerations

- Expensive interchange (\$50M-\$70M) due to proximity to NC 55/US 1 interchange.
- Interchange is too large for private development.
- Ineligible for largest “bucket” of funding through NCDOT’s process of SPOT projects.
- Interchange is unlikely to be funded. Grade separation is more likely to be funded.
- Planning for an interchange at Perry Rd/US 1 constrains design options for a new interchange at NC 55/US 1.



Ms. Shouse asked if there were any questions.

Member Soh asked if there will be a signal at the intersection of Jupiter Creek Drive and future Perry Road.

Ms. Shouse said that because it was not a highway that it would be just an intersection.

Chair Sherman opened for Public Hearing and closed it with no one signed up to speak and she brought it back to the Board for discussion and possible motion.

A **motion** made by **Board Member Braswell** and seconded by **Board Member Soh** to approve the three amendments to the Thoroughfare and Collector Street Map.

VOTE: (6-0)

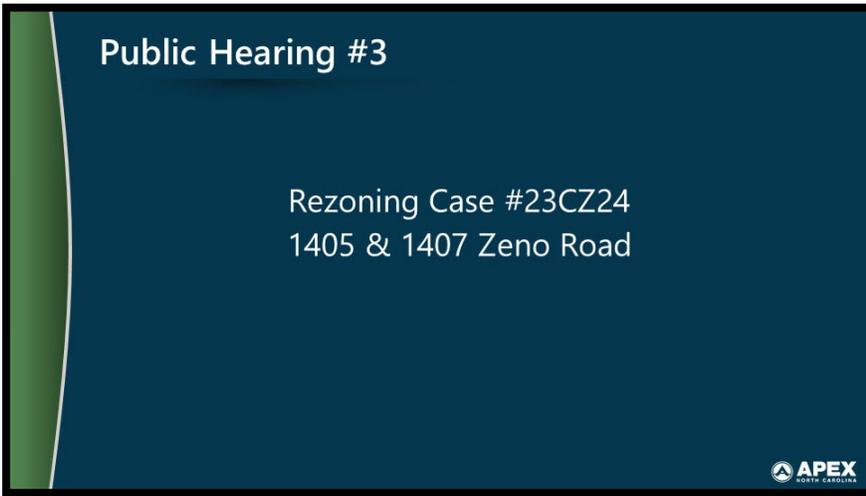
A **motion** made by **Board Member Byrd** and seconded by **Board Member Braswell** to bring **Board Member Byrd** back into the meeting.

VOTE: (6-0)

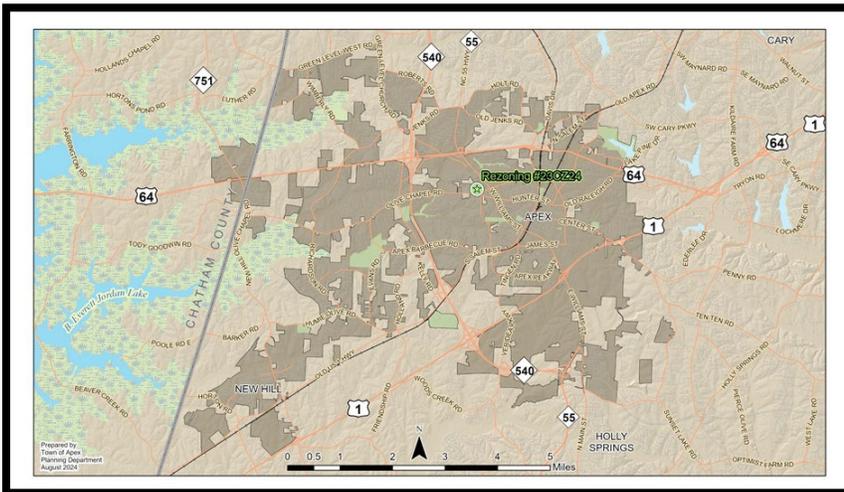
ITEM NO. 3 - REZONING CASE NO. 23CZ24 1405 & 1407 ZENO ROAD

Joshua Killian, Planner I, presented Rezoning Case #23CZ24 1405 & 1407 Zeno Road-The applicant, Michael Birch, Longleaf Partners, seeks to rezone approximately ±3.08 acres from Residential Agricultural (RA) to Office and Industrial-Conditional Zoning (O&I-CZ). The properties are located at 1405 and 1407 Zeno Road. Mr. Killian summarized the proposed zoning conditions. The rezoning is consistent with the 2045 Land Use Map. Planning Staff recommends approval.

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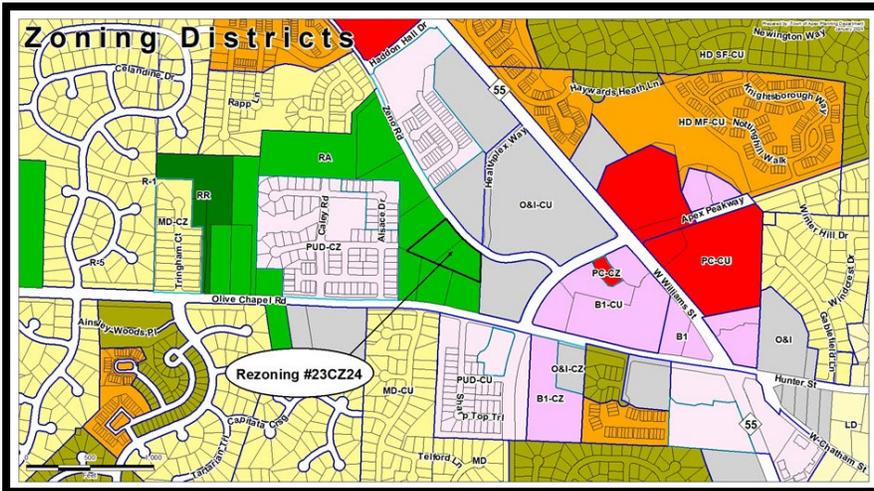
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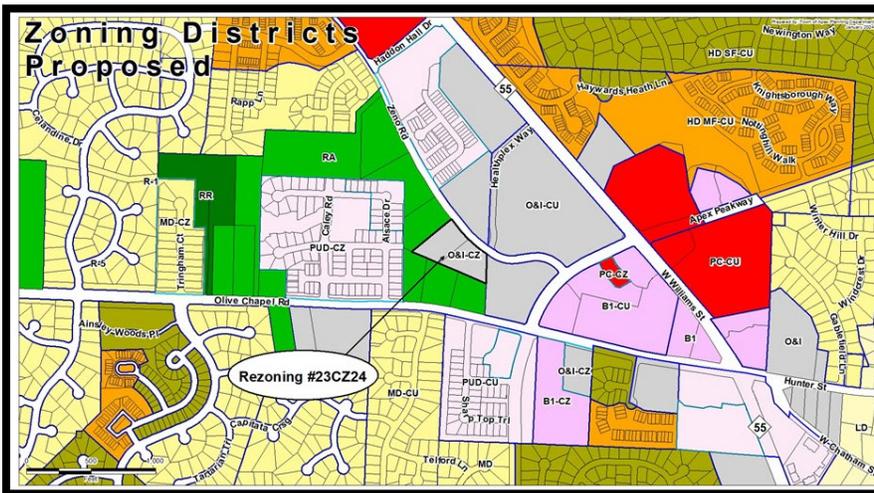
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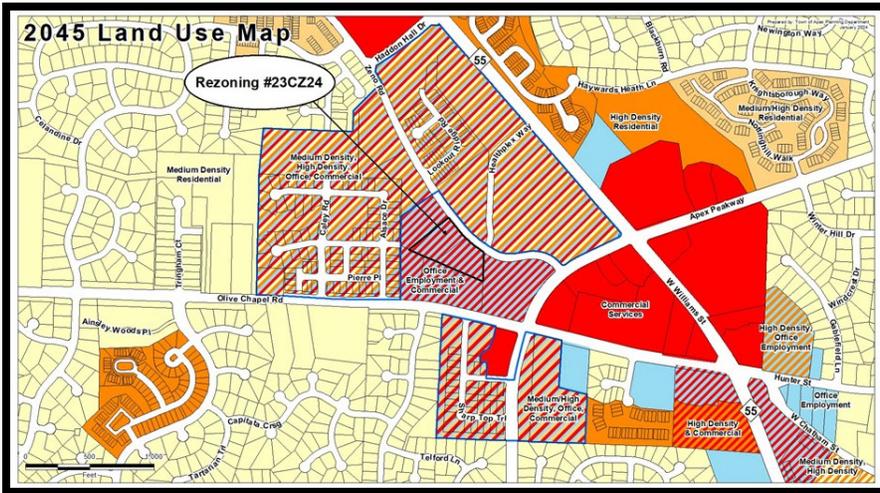
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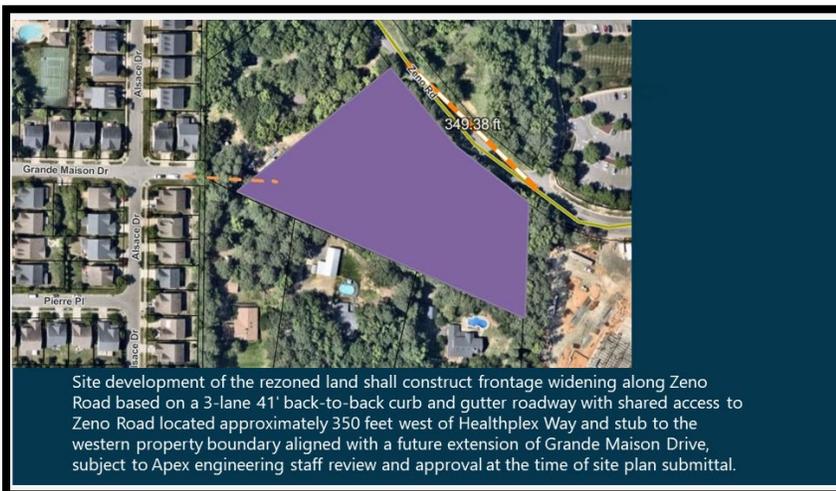
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[SLIDE 8]



Mr. Killian asked if there were any questions.

Board Member Hastings asked if it would be one access at the western boundary.

Mr. Killian said that was correct.

Chair Sherman asked where the expansion of Zeno Road fit with the current Transportation plan. She said that as she recalled, not too long ago it was a gravel road.

Mr. Killian said that it was paved. He said that Russell would clarify.

Mr. Dalton said that because of the location of the driveways that they were recommending an additional turning lane for safety for that area.

Board Member Braswell asked if the developer was okay with widening the road.

Mr. Killian said that it was offered by the applicant.

Chair Sherman asked if this was shown as a potential three-lane road.

Planner Bunce said it was not shown as a three-lane section on the Transportation Plan.

Chair Sherman asked if two lanes could have turn lanes.

Planner Bunce confirmed that a two-way thoroughfare could have a turn lane.

Worth Mills on behalf of the rezoning applicant for rezoning 1405 and 1407 Zeno Road gave an overview of the rezoning.

Chair Sherman thanked Mr. Mills and asked if there were any questions.

Member Braswell asked about access to the property in connection with Olive Chapel Road.

Mr. Mills said that the access had not been identified at this time. He said it had not been designed. He said that it would be required to make an offer and design a site that can provide cross access from the South.

Chair Sherman opened for Public Hearing and invited the first speaker up.

First to speak was **Russell Miles** of 1409 Zeno Road, Apex NC:

"I live next to the proposed project. Lived there for 38 years. I will lose my privacy by day and nighttime lighting from the project. I would like to see the tree buffer zone, left in place a, a privacy fence installed before the project starts between the project and my property and I also noticed that they said access to the road behind my subdivision, behind Olive Chapel, there is a subdivision right behind us and they can't access unless they purchase the property from me. The way I understood them directing where the roadway would go next to my property line and enter the subdivision behind me, they would have to purchase my property to do that. I didn't quite understand what he was explaining there on that and that's pretty much all I really had to say. Thank you for your time."

Chair Sherman thanked Mr. Miles and asked if there was anyone else to speak. She closed the Public Hearing and brought the item back to the Board for discussion and a possible motion.

Member Braswell asked if the buffers were 20 feet. He asked Mr. Miles if he was on Zeno Road.

Mr. Miles said yes. He said that the property line was between the proposed project and his home.

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Member Braswell said Mr. Miles was concerned about the buffer and was asking for a fence along his property. He said that it would be beside his property line.

Mr. Killian said that was correct.

Member Byrd asked if the developer was going to stub the road on the western side of the property.

Mr. Killian said yes. He said there would not be construction of the extension on the two undeveloped properties. He said there would be a proposed condition to provide a stub for future development of the two properties. He said that for the perimeter buffers for this site, the applicant is not asking to reduce any of those buffers, so what is required in the UDO will be required here as perimeter buffers.

Chair Sherman asked if Mr. Killian could show what the buffers would look like for Mr. Miles.

Mr. Killian said he did not have that on hand and that he wasn't aware of this concern.

Planner Bunce said that if Mr. Russell's property is over a quarter acre, then it would be required to have a 20 ft Type A buffer and it's the most opaque buffer, 20 ft in width.

Chair Sherman asked the applicant about Mr. Miles' concerns about the fence.

Mr. Miles said that his barn would have to be taken down if they had access behind his property at Grande Maison Drive.

Chair Sherman said that they were not proposing to do that. She said that they would put a stub street there and if he never sold his property that would not happen. She wanted to make sure the fencing was ok and she explained what that would look like. She asked Mr. Mills to answer the question about the fence.

Mr. Mills said that his initial thought is that the fence is to make sure it doesn't impede the functionality of this new public street that is being constructed. He explained how the fence would be installed.

Chair Sherman asked if a fence could be considered.

Mr. Mills said they could meet with Mr. Miles to discuss a fence option to protect his privacy.

Chair Sherman asked if Mr. Miles would meet about the fence.

Mr. Miles said yes and he appreciated this.

Chair Sherman asked if this meeting would happen before this went before Town Council.

Mr. Mills said yes.

Chair Sherman asked if there were any other discussions.

Chari Sherman closed the Public Hearing and brought it back to the Board.

Board Member Braswell said that given the structures that the zoning fits what is being proposed.

Board Member Byrd agreed.

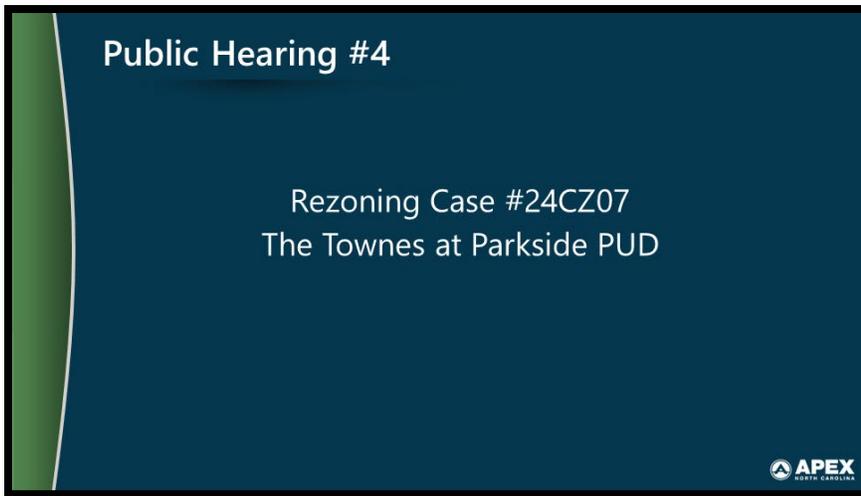
A **motion** was made by **Board Member Braswell** and seconded by **Board Member Rhodes** to approve Rezoning Case #23CZ24 1405 & 1407 Zeno Rd.

VOTE: UNANIMOUS (7-0)

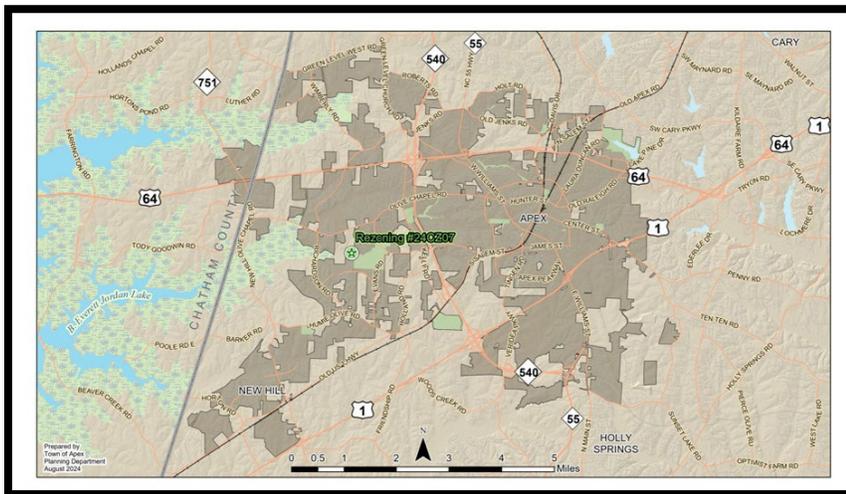
ITEM NO 4-REZONING CASE NO. 24CZ07 - THE TOWNES AT PARKSIDE PUD

Liz Loftin, Senior Planner, presented Rezoning Case #24CZ07 The Townes at Parkside PUD- The applicant, Charm City Developers, LLC along with their agent Mitch Craig, CE Group, Inc seek to rezone approximately ±4.17 acres from Rural Residential (RR) to Planned Unit Development- Conditional Zoning (PUD-CZ). The properties are located at 0 Olive Chapel Road and 2437 Olive Chapel Road (portion of). This rezoning will build the extension of a minor collector Rd, Hammocks Beach Trail, across Beaver Creek providing a connection between Holland’s Crossing and Bella Casa. This rezoning will also allow for the properties to be developed in a manner consistent with the last parcel with in the last phase of the Parkside at Bella Casa. The rezoning is consistent with the 2045 Land Use Map. Planning Staff recommends approval.

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[SLIDE 3]



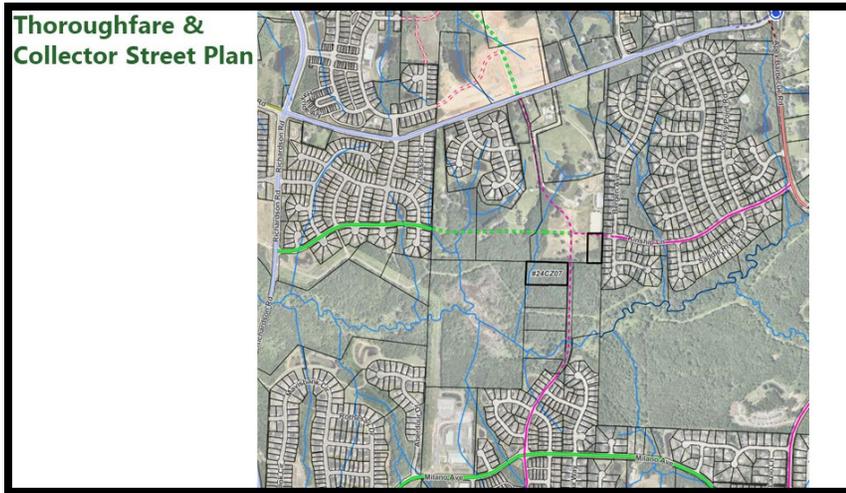
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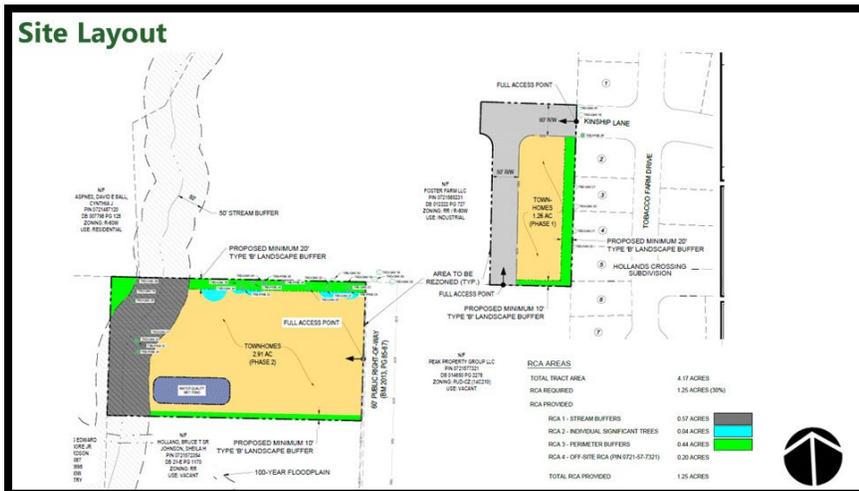
[SLIDE 5]



[SLIDE 9]



[SLIDE 10]



Ms. Loftin asked if there were any questions. She said that the applicant was going to give a presentation.

Chair Sherman asked if the two letters that came in had been forwarded to the Board.

Ms. Loftin said that she was just handed them before the meeting. She said that the letters were similar to the ones that the Board already had.

Board Member Khodaparast asked if there was an affordable housing condition, but it was removed due to the Beaver Creek bridge.

Ms. Loftin said yes.

Board Member Khodaparast asked if the bridge over the creek would not be built.

Ms. Loftin said no. She said they did have affordable housing condition, and it was removed after they agreed to build the bridge over Beaver Creek. She said the applicant could speak to that condition.

Mitch Craig with CE Group, representing the owners gave a presentation.

Board Member Braswell asked if the parcel in the middle was rezoned for townhomes as part of the development to the South.

Mr. Craig said yes.

Chair Sherman opened up the Public Hearing and invited the first speaker up.

First to speak was **Mr. John Mackel** of 204 Tobacco Farm Drive:

"Good evening, Planning Board Members and thank you for your time. I actually live on the partial joining the partial of land that has currently been rezoned for town homes. Something to note about that particular plot of land is it does sit significantly down a hill, so should they build 36' town homes they would not be horribly above. However, I'm speaking for my neighbors who are also with me here tonight, that do live in that plot for the rezoning request that I don't know if it's in the reports or not, that piece of land sits about 10 to 12 feet higher than the actual residences there, so putting 36 foot story town homes would be close to almost 50 feet above the existing residence of Holland's Crossing. That's rather inconsiderate if we were to go that route as a town, so I think that is our biggest concern. Most of these people have lived in their homes a decade, plus. It would also be inconsistent with the general aesthetic of the area. I do understand that one plot has already been rezoned, however, I don't think that dictates that this plot needs to be rezoned in the same manner, right that's not necessarily precedent. So, I would encourage, if you have not already, deeply do look into the actual grading and sloping of these properties before taking vote. Thank you."

Chair Sherman thanked Mr. Mackel and called the next speaker.

The next speaker was **Monica Myers** of 108 Saddle River Road:

"I live one block over from Kinship so my concern with this development is that they're going to break through Kinship as they've talked about, and Kinship is not a wide road, it's a residential road, it has sidewalks on one side, it's a bus route and the amount of traffic that's going to go through there to get to these townhomes, I don't know how safe that's going to be for the current residents that live there. It's also, you know, the traffic off of Apex Barbecue or the traffic off of Olive Chapel and the people coming down Piney Woods to get to Kinship to turn to then get to their townhouse development so those are my concerns. You know it's I'm new to the area, I've just moved to Apex, I've been here about 6 months and it's a great development as it is and it would be a shame as the previous speaker said to be on one of the streets what's going to have these huge townhouses behind it and change the whole look and feel of the area, so. I appreciate the work that you do, thanks.

Chair Sherman said welcome to Apex and called the next speaker.

The next speaker was **Judith Miller** of 119 Saddle River Road:

"I've lived there since 2010 and my concern really is safety more than anything, seen many people die because of coming down Apex Barbecue flying by the bridge and the township did put in the new bridge, but if we're going to have 71 total and people are talking about the 29 and 31 but ultimately there's 71 condominiums that are supposed to be placed in that land when Kinship opens. First of all, Kinship is a narrow street, it's the school bus route and the kids fly out between the cars. If you stand there at 6:00 in the evening and look up the hill, kids fly in and out between those cars. It's not safe, so you've got the not safety of the Apex Barbecue, you've got not safe at Kinship

and this is for our kids and then the other main issue is our drainage, our drainage is poor now that Olive Chapel is so built up from way before Apex Barbecue right out to where it ends at Olive Chapel and you know at the T big church. We've got developments everywhere Sweet Water. We've got Richardson that has flooded for years, probably long before I even moved here and my drainage, we had to have a lot of drainage work done, Saddle River is bottom of that development and it wasn't done properly and contractors weren't held to their part of it so it goes to the homeowners to have to try to repair their land and so with 71 condominiums on the zoom call that we had last month, I think four people or five of us said that we have noticed much greater increase in the water and so the contractors or the lawyer said well, that wasn't them, it's not them, but it's the Town Planning that this all happens because if you don't into consideration man's relationship to nature, which I think is a big issue because nature's always going to come to middle of the road. No matter how it happens, it's going to happen and we're in that mix of Marshland Evans Park Road that drainage is terrible, I've seen the water come right up to the top there and to put in all those condos is not going to help that development at all and I think the township needs not just for us but to start considering that because every square inch that's built on takes up drainage for every other part of this township and that's my main concern, safety factor more than anything. Thank you."

Chair Sherman said thank you and called the next speaker.

Next to speak was **Mary Roden** of 206 Tobacco Farm Drive:

"I have a few things that I would like to bring to your attention but just to kind of piggyback off of what my neighbor just said regarding the drainage. I'm at the very end if you look at the cul-de-sac, I am at the very end there and the developer has already confirmed in all of our neighborhood meetings that they will be clear cutting that property and you're ripping up a root system in a particular area that already gets flooded. It is only a half a mile away from the Richardson Road Bridge, we are having challenges every time it rains with that bridge getting flooded and now, we are building another bridge and ripping up the root system of this, so I just don't see how that's in the best interest of the community. It's also this property is near the Apex Nature Park, there is a top of wildlife in those woods there, you know we're talking about the Nature Park but we are eliminating an entire ecosystem by clear cutting this property, owls, hawks, you know different frogs, woodpeckers all this different kind of nature that's back there. Just be clear, I am not anti-development, we live in Apex North Carolina, one of the most desirable places in the country to live, development is going to happen. I am against this project because it is not in the best interests of the residents of Apex, of the residents of Holland's Crossing This property here the one that they're talking about rezoning these are single story 1250 ft ranch homes, these are older people, these are families, we've had one family moved when the first thing came up and a new family moved in, didn't have any idea of this project that was proposed. Their home has solar panels on it, well a three-story town home is completely removing and it's an invasion of their property, it's going to look like a skyscraper because of the grading of that property. I sent an email last week encouraging any members to please drive down the road because you can't really get a full picture of this on a map and just drive down the neighborhood. I do understand, I've seen you know, I've seen see the map, we are fully aware that this property will eventually be developed, I am just urging you to please wait until it's the proper development. I do not feel that this should be rezoned, I strongly urge that you

would please recommend not to approve this. I feel like that this property should stay rural residential, the homes that should be built there should be homes that are aesthetically similar to what we have. I am blessed to be able to live, work, go to church, everything in Apex, my kids have gone through Apex schools. I can tell you by somebody who runs a preschool, that the school system cannot handle all these homes that are coming. I have families that have moved down the street, can throw a rock to Olive Chapel and they have to travel all the way down 55 to Turner Creek to take their kids to school. We need to get caught up, we need to catch our breath and just feels like it's a constant thing that's happening, so I would just ask that you say no to this rezoning and wait until the project can be done in the best interest of the community. One last point I want to make. I'm over my time. Thank you so much."

Chair Sherman thanked Ms. Roden and called the next speaker.

The next to speak was **Klaus Albertin** of 1705 Venezia Way:

"My understanding of the project, and I think it was mentioned at the beginning was originally, it was going to be a lower density development and then the town was going to require the developer to put in the Hammocks Beach extension and I think it went from single family homes to these three-story townhouses and I can understand the issues with having a three-story townhouse you know, 50 ft above your house. My question is how necessary is the Hammocks Beach extension and has the traffic study looked at what the traffic is going to be like until the major connectors are going to be in place because right now, I think if that goes in, I think Kinship, Bergen and Hammocks Beach on the south side are going to see a lot more traffic because you're going to have, it's going to be the cut through instead of having to go over to Evans or go over to Richardson everybody from Bella Casa is going to start going up um Hammocks Beach and the same thing, you know people need to go from I guess Hollands Crossing to the high school or something like that, they're all going to start using that Hammock's Beach Bridge, so I don't know that it's really, again, it's being presented as a minor collector, but for until the whole area develops, it's going to be pretty major and there are a lot of houses that do have their driveways directly onto Hammock's Beach or on Kinship or Bergen and so it's going to get a lot more dangerous as people have said. So, again my question kind of is, is that road necessary or should Richardson be improved, because it is flooding regularly these days, should Evans be looked at and then you know, should these two parcels stay at the original lower zoning that they were proposed at. So those were my thoughts, thank you."

Chair Sherman thanked Mr. Albertson and asked if there were any other speakers.

A citizen spoke from the audience stood up to say that in addition to the 60 letters there also 200 unique signatures that are against the rezoning.

Catherine Allen said that letters were received and forwarded among all the others that were forwarded to you.

Chair Sherman said that they had several that came through that they scanned for the Board. She asked if there were additional questions.

The next speaker was **Mike Callahan** of 104 Tobacco Farm Drive:

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"I think it's the third house right here. The gentleman this has been going on, I've been going to meetings with this developer and our HOA in townhomes now for about 3 years and initially there was going to be one way in and one way out for 71 townhomes and somebody had enough sense to realize we needed another way in and that had to be the bridge and I feel sorry for Bella Casa people but feel sorry for us too with just one way in and one way out. Now, also my home is about 10 or 12 feet below the grade and if you're going to put something that's going to be three stories and we were told 40 feet, I'm looking at something that is 50 feet tall because I'm 10 feet below. Now, I just can't believe that, and I've had questions about 25 feet or get back some and please don't come in and cut down the trees. There are trees there now, there's foliage and I'll just be sitting there at a barbecue and looking at 40 feet tall and that kind of takes away the idea of the pleasantness and the excitement of being here in Apex. Now, also too in their representations it's a four bedrooms um 2200 to 2600 square feet and \$500,000.00 to \$600,000.00. I don't know how many people can come in here and afford that, they must think they can, but how about a single-story home like what we have there and thank you for listening and I appreciate it."

Chair Sherman thanked the speaker and closed the Public Hearing and brought it back to the Board for discussion and possible motion.

Chair Sherman asked Russell to speak about the roads. She said that Mr. Albertson had a question about the roads and that Apex does have a transportation plan that includes connections and being able to connect with the community.

Russell Dalton said that the UDO does have connectivity standards. He said that there was a traffic impact analysis done to study the two access points of Holland's Crossing and they showed acceptable levels of service at those intersections. He said that there needed to be an extra point of access, and this was the reason the road is being extended to the South.

Chair Sherman asked Russell to speak to the cul-de-sacs.

Russell Dalton said that he could not speak to the cul-de-sacs because the subdivision plan is not part of the rezoning. He said when a subdivision plan comes in to staff, they compare it to the transportation plan, and they look at our connectivity standards and determine whether or not a cul-de-sac is permitted. He said it was his understanding that the cul-de-sac layout for this plan is not conditional.

Ms. Loftin said that this parcel was part of the Bella Casa plan, and they submitted a master subdivision plan that did show the cul-de-sac, but these are not part of the rezoning. She said that the applicant proposed a maximum height of 36 feet on one parcel and 40 feet on the other parcel.

Chair Sherman asked if Ms. Loftin could give an idea of elevation for the adjacent homes.

Ms. Loftin said there was a grade difference, but not exactly sure of how much.

Chair Sherman said the grade does look significant.

Board Member Soh asked if there was language in the UDO for sky exposure planes.

Ms. Loftin said that there was not any of that language in the UDO. She said that typically that is used in areas with skyscrapers.

Board Member Soh said that the cross section would be helpful to visualize. She said there were a lot of unknown factors here.

Chair Sherman said that it may be looked at and added to the UDO. She asked if this was something that the Planning staff could consider for future UDO.

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Board Member Braswell said was not sure how to consider this.

Chair Sherman said that she thought this would be possible for Planning staff to consider height restrictions and would like to bring it back to the Board for discussion.

Board Member Soh said it makes sense for future Kinship Lane connect on both sides.

Board Member Braswell said that the road being stubbed out for connectivity is done in every community and is required by the UDO.

Board Member Byrd asked how this compared with the density of the existing zoning.

Ms. Loftin said she did not have those exact numbers for the parcel but it was comparable.

Board Member Braswell said he did not know what could be done with the topo and was not sure what do this. He said that there was glad the developer offered to reduce some of this. He said this is consistent with the 2045 Land Use Map (LUM). He was open to any type of buffering. He said this was a rezoning.

Board Member Soh asked could the drainage issue be addressed by the developer.

Board Member Braswell said that the drainage issue should be addressed per the Town code.

Board Member Soh asked could they ask the developer to revisit the drainage issue.

Board Member Braswell said that was a reasonable request.

Chair Sherman said that the topo should be looked at in the UDO by the Planning Department. She said this is a rezoning. She said that the applicant should follow the UDO. She said that she would not support the development because of the topo.

Board Member Braswell asked Ms. Bunce roughly how tall 2 story houses are.

Ms. Bunce said it depends on the pitch of the roof. We measure to the peak of the roof. She explained what some of the surrounding properties could build.

Chair Sherman asked if there was a possible motion.

A **motion** was made by **Board Member Byrd** and seconded by **Board Member Rhodes** to approve Rezoning Case No. 24CZ07 - The Townes at Parkside PUD.

VOTE: UNANIMOUS (6-1) Chair Sherman dissented.

A **motion** made by **Board Member Khodaparast** and seconded by **Board Member Rhodes** to recuse **Board Member Byrd** from Item #5.

VOTE: UNANIMOUS (6-0)

ITEM NO. 5 - REZONING CASE NO. 24CZ13 - LA FARM BAKERY

Liz Loftin, Senior Planner, presented Rezoning Case #24CZ13 La Farm Bakery at 202 S Salem Street-The applicant, La Farm Bakery, seeks to rezone approximately ±0.53 acres from Office and Institutional (O&I) to Mixed Office-Retail-Residential-Conditional Zoning (MORR-CZ). The property is located at 202 S Salem Street. The rezoning is consistent with the 2045 Land Use Map. Planning Staff recommends approval.

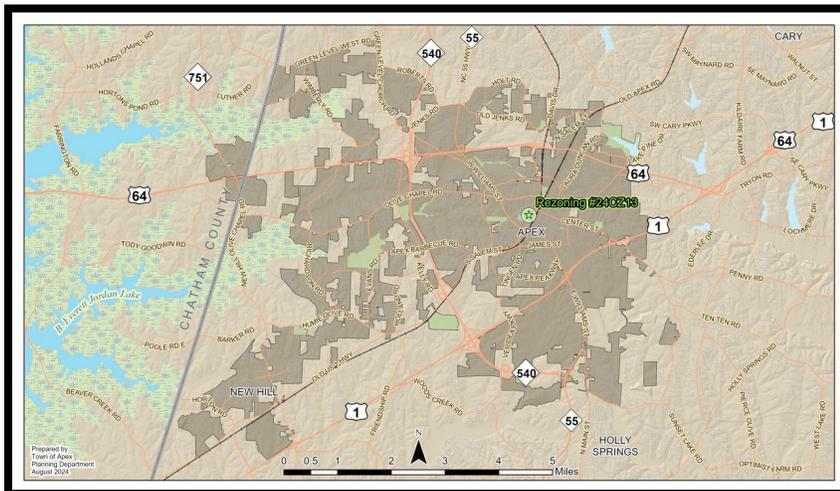
[SLIDE 1]

Public Hearing #5

Rezoning Case #24CZ13
La Farm Bakery
202 South Salem Street



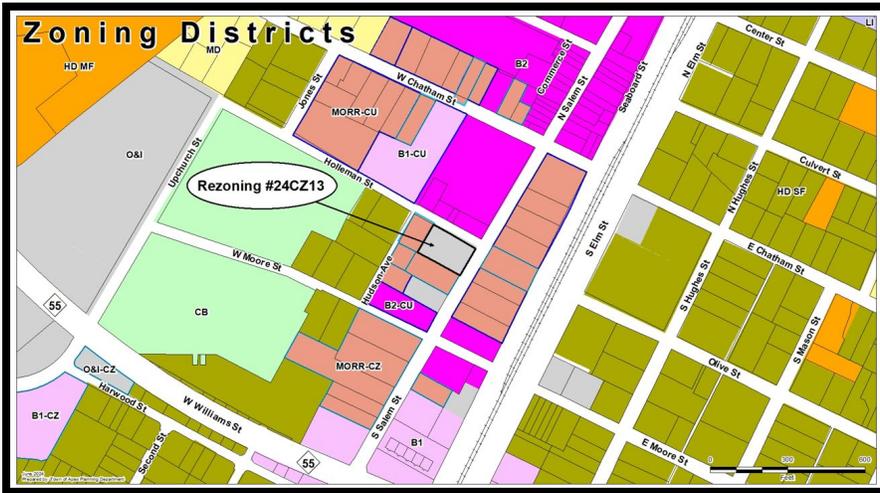
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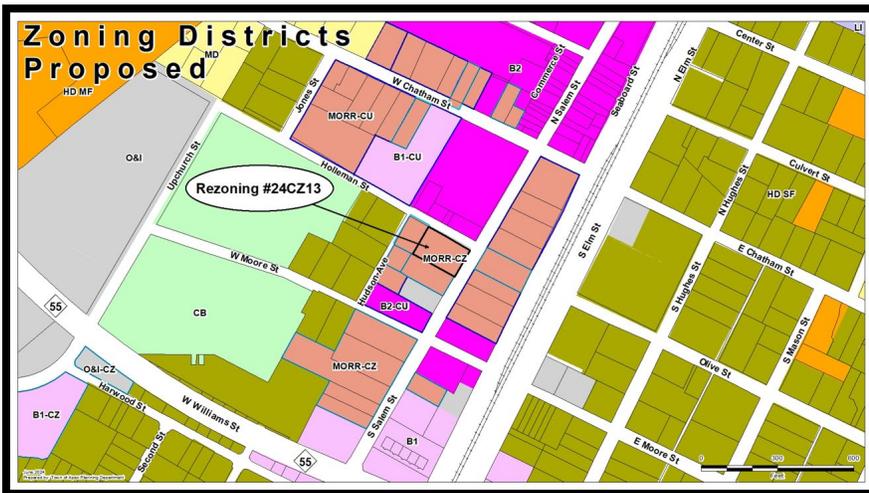
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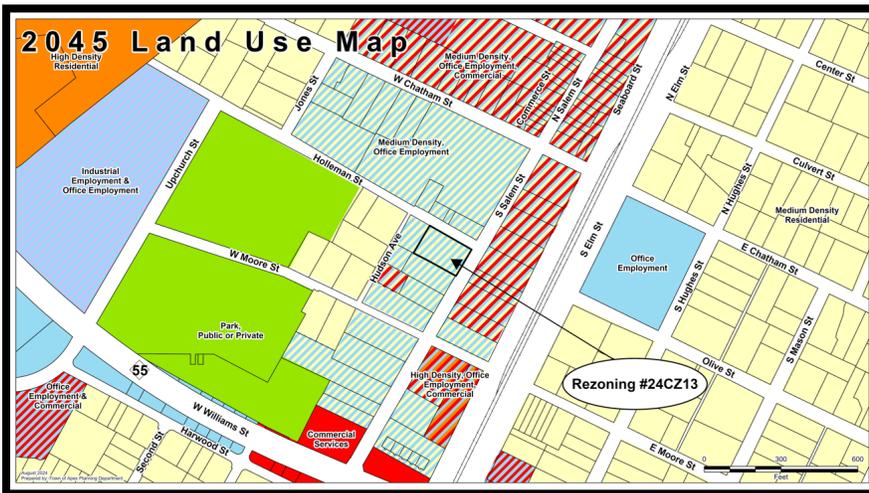
[SLIDE 4]



[SLIDE 5]



[SLIDE 6]



[SLIDE 7]



Ms. Loftin thanked the Board and said that the applicant was in attendance.

Chair Sherman asked if the applicant would like to speak.

Omar Gaye, the CEO of La Farm Bakery, said they were excited for the opportunity to join downtown Apex.

Chair Sherman opened up Public Hearing and called the first speaker.

First speaker was **Laura Grimes** at 210 South Salem Street:

"I think I'm the only one that's going to speak, and I thank you for this opportunity to come. I don't know how y'all feel, but I feel like I've been put through a grist mill just sitting through this one meeting. I'm glad I don't have to do what you have to do, but I'm thrilled that you will allow me to speak. My name is Laura Grimes, and I live at 210 South Salem Street. I have lived here for 35 years. When I moved here, almost everybody on the street was my age or older, generally much older. Now I'm the old lady in the district. Everybody else is much younger. We have two delightful members of the street here, and I want you to consider that our street, with homes wise, is very small. You know, we're only talking about 11 houses where people live. I mean, if you were talking about your neighborhood and you said 11 houses, you would say, what street is that? You know, some little piece of a street, not an entire neighborhood. So, I want you to put yourself in my place and imagine yourself in your neighborhood when I talk about these things. Ask yourself what it would be like if these things were coming to you in your neighborhood. So, I am wanting to express these concerns about SunTrust Bank. We gave you a little chart. Does everybody have this? Okay, and we also emailed these materials to you earlier in the week. This is a bit of an abbreviated chart, but it has a point that I want to make. The first thing I'd like to bring to your attention is how old these homes are. If you look on the years built and you look at when they were built, one in 1865 and so on, the average year that they were built is 1914, which is, you know, quite a bit ago, 110 years. Imagine if the houses on your street were 110 years old. You look around, okay, and like most old things, they have to be taken care of. You would not believe how they have to be taken care of. They have to be petted and pampered worse than my cat. I mean, it's unbelievable how much attention it takes and how much money it costs and how difficult it is. So, I

won't go into the difficulties, but because they're made of wood, all of them made of wood, they're not brick, they're not concrete, they're not fiber, they have to be taken care of much more carefully than usual, and because they're historic, we cannot replace what is on there. We have to keep what we have. We have to keep it wood. We can't go with fiberboard or other things that are more durable. The traffic on Salem Street creates a lot of dirt, the asphalt gets ground up, goes into dust, lands on your porch. I have to scrub my porch once a week to keep it clean. If I don't, I can't sit on the chairs or the benches or anything else. So the houses have to be washed and painted frequently. Having another restaurant would exacerbate these problems.

Most of the houses have these large front porches, but they were valuable, and they still are as places where people can meet and greet. The neighbors can get together. Think about that in your subdivision. Do the houses have porches where people can meet and greet and get together and socialize? You have to ask yourself. Inside, the houses have spacious, comfortable rooms that lend themselves to family gatherings. The majority of them are on the National Historic Register, and they are a rich part of the cultural heritage of this area. Very rich. You know, we have the home tours, and people go through, and they see, and the people who own these homes bring in the neighborhood and show them what we have and tell them about our homes.

So, a perusal of the records, the deed records, reveals that two or more generations of families have lived in these homes, some of these houses have had the same family live in them since they were built in the early 1900s. I'm not kidding you. It's just amazing. The grandparents and the parent and the child and the grandchild in the same home. If you look around your neighborhood, can you say that the same family has lived in the houses in your neighborhood for 63 years? That's a long time, but that's how much these homes are loved. They're loved. People move in them, and they don't want to leave. Okay, but the tax value that has been placed on these homes is very high. Every one of them, if you look on your little chart down there, has the same value, every one of them. They are taxed at \$1.275 million per acre. Now, the people that live there, including myself, are middle-class people, we're not wealthy. You know, this is a little hard to understand.

So, and only three of the houses since the zoning was changed by the town of Apex in the 1960s to O and I a long time ago, since then, three houses have been turned into offices, one is an insurance agency, one is a real estate office, and one is not really, I guess you could call it an office, but they do therapy for children, so it's a sort of a public service thing, it's a medical office.

So, after the town rezoned everything to O and I, it stayed like that. I don't know why they chose to do that, but they did that in the 60s and then in 2005, they asked, did someone want to change their zoning to MORR, mixed-use office, residential, and retail? And a lot of people did because residential was included in that, we were not allowed to rezone to residential only, this mixed-use combination. And we were told at the time that if you had retail, it would be like you could put 15% of your building as retail. You could have a little, you know, office or something, a little, I don't know what you would do, but anyway, that's why some people thought that maybe they could turn a hobby into some kind of thing, but anyway, like I said, in the meantime, only three houses out of the street have been turned into office. One of them, therapy, basically a therapy office, and so we have families being there for a long time, still there, families from the beginning of when the house was built to now, but they're being taxed as if they were all offices. It's not based on use; it's based on what the town hopes will be their use, we all pay the same price. Normally, I would think that how a building is being used would determine their zoning, but no, on our street, it's what they hope will

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be there, what the town hopes will be there, rather than what is there and just in case we have a doubt about that, your report on this rezoning from the town staff says that one of the top 10 recommendations, just as your agent said here in the downtown plan, is to attract five new restaurants, bars, and breweries to Salem Street. Okay, I'm an old lady on the street, you know, and so I now get to anticipate having to participate in zonings for a brewery, a bar, a restaurant in my neighborhood. What if it was in your neighborhood? Would you want the building next to you to become a bar?"

Chair Sherman said Ms. Grimes may have two more minutes.

"Okay, I'm nearly finished. Let me please. I mean, I'm the only one that's speaking, so I have a little bit longer.

Chair Sherman said to Ms. Grimes she is allowed nine minutes. She said that she didn't want to cut her off. She said she wanted her to have that opportunity.

"The folks who own the bank, they bought it in 2020, live in Buckingham, and their street that they live on has a land value of \$120,000 an acre. That is one-tenth of the value at which Salem Street is being taxed. So, I don't understand the logic of a large, expensive subdivision being allowed to have a low tax, and we on Salem Street in the historic district have a very high one. It's being done as office.

Since you're contracting my time, I just want to say, is there any value to having a historic district? Do you care? You know, a few more of these rezonings and the district is gone, basically, it'll be gone. It'll be restaurants, bars, breweries, whatever. That's why they want the retail. They want the rezone for the retail, not office, not institutional. They want commercial and the people who own it have made, since they bought it, have made no attempt to market this in a visible way. No signs, no nothing. Four years and nothing, and no signs, that's the most obvious way to advertise. They could have had doctors, they could have had lawyers, they could have had all kinds of folks who fit the zoning, the current zoning is O and I. It doesn't fit your zoning and it doesn't fit your 2045 master plan, so I'm asking, think about the historic district, please."

Chair Sherman thanked Ms. Grimes and asked if there was anyone else that would like to speak.

Next speaker was **Mr. Grimes**:

"I just want to add to what she said that it's pretty cold comfort, you know, when you're facing a rezoning of a historic residential district that is integral and terribly important to the character of this community, and you're basing it on the top 10 recommendation of the downtown plan to attract more bars, breweries, and restaurants to our homes, okay, all right, that doesn't make me feel very welcome, to be honest with you and we've been here for 35 years. We have devoted ourselves to keeping this property up, devoted ourselves to protecting all of the properties on Salem Street, and this is just a foot in the door to breaking that thing completely open. This is setting a precedent that will always be there every time somebody wants to inject some kind of incompatible use, like a

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restaurant, right in the middle of where we live, so, if this historic district and the whole concept of Apex's historic importance in character is not important, then go ahead, by all means. But the land use plan for 2045 says that this property should be either continuing to be an office or be converted to residential use. It doesn't say anything about restaurants or bars or anything like that, so this is going to be completely different and, I submit, completely incompatible with the character of the area. Thank you."

Chair Sherman thanked Mr. Grimes, and the next speaker came up.

Next speaker was **Kyler Zadell** of 415 First Street:

"So, I just asked Liz, and she said that the rezoning anyways would be upfitting the existing bank. If we rezone this now, what is a future building like? Do they have to come to you guys like we did with 406 South Salem and present renderings if this is in the historic district? Or once this is zoned, can someone theoretically buy the bank, tear it down, and do whatever they want?"

Chair Sherman thanked Kyler and asked Ms. Loftin if she could answer Tyler's question.

Ms. Khin said that would be a Small Town Character application that be reviewed by the staff for the upfit for the existing building.

Kyler Zadell asked if could theoretically build whatever they wanted without going toward the small-town character or historic renderings.

Ms. Khin said the existing bank building is not historic and the building could be torn down.

Kyler Zadell asked what premise is there for a new erection of a building.

Ms. Khin said it would have to meet Sec. 6.3 Small Town Character Overlay District requirements.

Chair Sherman said that the permitted uses are also listed in the application and bars and restaurants are just one of the 14.

Ms. Loftin clarified that bars and microbrewery are not listed in one of the 14 uses in this rezoning.

Board Member Braswell said the downtown history overlay district is one of the more restrictive areas.

Ms. Loftin said the UDO has Sec. 6.3 which is an overlay and has the architectural standards and more requirements for small town character.

Board Member Soh asked how long the building had been inactive.

Board Member Byrd said maybe 2 years.

Mr. Gayer said currently the bank is leasing and has been vacant for 4 years. He said that they were not going to tear the building down but work within the confines of the building and make it feel and look like Apex.

Chair Sherman closed Public Hearing and brought this item back to the Board for a possible motion.

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Board Member Hastings said that he understood the impact a commercial entity has on the community. He asked if there would be cooking done at the location.

Mr. Gaye said that the plan is all of the baking would be done in Cary and brought into this store.

Board Member Hastings said that he was in favor of this. He said we know what we are working with.

Ms. Grimes said there were a range of offices.

Board Member Braswell asked could this possibly be a 3-story building.

Board Member Hastings said that use is already zoned, it would not come back to the Planning Board or Town Council for approval.

Chair Sherman brought it back to the Board for a possible motion.

A **motion** was made by **Board Member Khodaparast** and seconded by **Board Member Soh** to approve Rezoning Case #24CZ13 La Farm Bakery.

VOTE: (6-0) Board Member Byrd recused.

A **motion** made by **Board Member Hastings** and seconded by **Board Member Khodaparast** to recuse **Board Member Byrd** and **Board Member Braswell** from the New Business item.

VOTE: (5-0)

[NEW BUSINESS]

ITEM NO. 1 - VERIDEA PATTERN BOOK

Amanda Bunce, Current Planning Manager, presented the Veridea Pattern Book. The purpose of the Pattern Book is to ensure that the quality and character of development within the boundaries of Veridea is designed to a high caliber and centered around a cohesive and sustainably focused design theme. The elements outlined within the document will provide a framework of the design intent, theme and style of the mixed-use community. This will be used to assist property owners, developers, home builders, architects, engineers, landscape architects, planners and other consultants in their decision-making as the project is designed and developed over time. Planning Staff recommends approval.

[SLIDE 1]

New Business #1

Possible motion regarding the Veridea Pattern Book



[SLIDE 2]

Background

The Veridea Sustainable Development (SD) Plan was adopted to “facilitate the development of Veridea as a community of safe, healthy, resource efficient and transit-oriented mixed-use projects planned and developed in accordance with Principles promoting Sustainability. Accordingly, Veridea will be developed in view of the following Guiding Principles:

- a. Create economic value
- b. Eliminate the concept of waste
- c. Insist on a renewable future
- d. Create delightful urban places
- e. Integrate nature throughout the community.”

The Veridea Sustainable Development (SD) Plan, in accordance with Sec. 2.3.16 of the Unified Development Ordinance (UDO), establishes “a flexible framework of development standards (collectively, the “Sustainability Standards”). The Sustainability Standards include natural and cultural resource standards, transportation infrastructure standards, utility infrastructure standards, energy standards, community design standards, and building standards.



[SLIDE 3]

Proposed Pattern Book

Definition:
The Veridea SD Plan defines Pattern Book(s) as “a book or books of text, diagrams and illustrations setting forth the principles of design for Veridea or some portion thereof in order to provide consistencies in characteristic form, massing, composition, style, method, materials, lighting and signage while simultaneously allowing for architectural and aesthetic diversity.”



Process to adopt:
Section 5.13 of the SD Plan states:
“A Pattern Book(s) may be submitted for approval from time to time in accordance with UDO 2.3.16 F) 3) a). Each site plan submitted with respect to Veridea shall designate the existing Pattern Book, or portion thereof, which shall be applicable to the site plan, or a Pattern Book applicable thereto shall be submitted with the site plan for approval pursuant to UDO 2.3.16 F) 3) a).”



[SLIDE 4]

Proposed Pattern Book

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[SLIDE 5]

Section 3: Streetscapes

This Section describes the **design intent for hardscape and landscape treatment of major roadway streetscapes within the public right-of-way only**. Guidance for internal streetscapes follows the guidelines set forth in Sections 5-8. Streetscape character of major roadways may be applied to internal streetscapes as is fitting with adjacent development program and uses.

All streetscape designs, layouts, dimensioning, and landscape standards shall comply with the streetscape requirements set forth in the SD Plan and the Town of Apex UDO. **Where enhanced hardscape and landscape is located in the public right-of-way, a developer’s agreement regarding maintenance shall be defined between the Town of Apex and the developer/Responsible Person.**



[SLIDE 6]

3.1: STREETSCAPE CHARACTER

The Urban Streetscape
Applies to major collector roads at urban and mixed-use developments.

- Manicured and formal landscape arrangements with defined rhythms, colors, and textures
- Use of focal flowering plantings as a defining plant species
- Urban-tolerant species
- Contained landscape within defined planter zones with cutting and/or fencing
- Wayfinding legibility from a pedestrian and vehicular perspective
- Singular street tree species with one species spanning no more than 30 trees




Formal planting arrangements with defined turf edge - turf may be reinforced

Enhanced landscape zone with high quality hardscapes and landscapes where feasible

Singular tree species




[SLIDE 7]

Section 4: Open Spaces, Parks, and Trails

This section includes **suggestions for various types of parks and design guidelines** including, but not limited to, the following:

- providing a **high percentage of native plant species** with a variety of color, texture, and visual interest passive parks
- providing **guidance for pedestrian amenities, public art, and educational signage** in active open spaces and along trails

Each park and open space shall comply with the design standards and requirements listed in the SD Plan and the Environmental Enhancement Plan. Park facilities that are owned and operated by the Town of Apex may follow Town standards but are encouraged to comply with the Pattern Book and Veridea branding.



[SLIDE 8]

4.3: ACTIVE OPEN SPACES

Residential Parks

Minimum requirements:

- One waste receptacle
- One seating opportunity

Residential communities shall have a network of parks and open spaces that provide a variety of amenities to residents. Parks and open spaces should embrace a variety of passive and active components, with each community providing at least one common open space for active programming. Community centers, pools, playgrounds, play fields, dog parks, and community gardens are examples of active community amenities that offer opportunities to gather, play, and engage. All parks and open spaces shall be connected by a pedestrian and multi-modal transit network, such as sidewalks and trails, to allow access to open space areas without needing a vehicle. Furnishings, such as benches and waste receptacles, are required in each residential park.

Open turf lawns provide opportunities for flexible play.

Natural elements, such as boulders and logs, are sustainable elements found onsite that can be used for play and increased landscape aesthetics.



[SLIDE 9]

Section 5: Landscape Standards

This section describes **planting design guidelines for landscapes within the public right-of-way and private spaces to establish a cohesive and organic landscape approach** and does not overrule landscape standards otherwise required by the SD Plan, the Environmental Enhancement Plan, the UDO, or any other Town of Apex standard.

Guidance is included for elements including street trees, landscape strip planting (between the road and sidewalk), landscape medians, private frontages, parking lots, and naturalized areas, and are intended to complement and provide a framework for the design approach of landscaped areas. Landscape areas within the public right-of-way that are enhanced above Town Standards may be included as part of a maintenance agreement between the Town and the developer/Responsible Person.



[SLIDE 10]

5.2: PUBLIC RIGHT-OF-WAY

Street Trees

- ▶ Trees may be continuous species or alternating species, but should be grouped according to similar or complement street tree shapes as indicated in the public planting section in the SD plan. Refer to streetscape character for determining alternating or singular species and a naturalized or manicured planting arrangement.
- ▶ Street trees to be planted in site conditions that allow for healthy, sustainable growth.
- ▶ Street trees shall be located outside of the AASHTO sight distance easement. If a conflict exists or there is a desire to maintain landscape uniformity, one single stem street tree with no foliage between 2' and 6' in height at the time of planting and remains that way through maturity will be permitted within the AASHTO sight distance easement.
- ▶ Street trees shall maintain a minimum of 10' of separation from utility main lines and 5' of separation from utility service laterals and storm lines. A root barrier shall be provided where minimum separation cannot be achieved.

▶ Ensure street trees can maintain healthy, sustainable growth by providing optimal growing conditions, such as increasing available soil volume through structural soil or soil containment systems where softscape area is limited.

▶ If alternating street tree species is proposed, species selection shall have similar or complementary forms and fall colors.

[SLIDE 11]

Section 6: Site Amenities

This section provides **guidance for a wide range of site amenities such as enhanced paving materials, site furnishings, bike racks, walls, and shade structures** in order to create an impactful user experience and enhance the overall aesthetic of Veridea. Specific standards for certain elements such as the following have been included:

- Modern design standards for bike racks.
- Waste receptacles shall contain both trash and recycling options and include a rain bonnet.
- Dedicated outdoor dining spaces shall be enclosed with raised planters and fencing where possible.
- Outdoor televisions shall be located a minimum of 25' from the public right-of-way and screens shall be oriented away from vehicular traffic.
- Gaming tables shall be surface-mounted.

[SLIDE 12]

6.2: HARDSCAPES

Enhanced Paving + Surfaces

Hardscape enhancements may include, but are not limited to, the following:

- ▶ Concrete applications - decorative scoring patterns, broom finish, sandblasted, integral color, exposed aggregate, stamped
- ▶ Pavers - brick pavers, permeable pavers, precast pavers
- ▶ Natural Stone - flagstone, bluestone, granite cobble, granite screenings, stone match
- ▶ Tree grates - metal or iron with decorative designs
- ▶ Wood decking
- ▶ Decorative thermoplastic applications

▶ Natural wood decking allows for additional water infiltration for canopy trees. Wood shall be FSC certified.

▶ Permeable pavers in decorative herringbone pattern

▶ Town owned and operated facilities are encouraged to comply with the Veridea standard but are permitted to utilize the Town standard site furnishings such as the Bendevous Series bench by Anova.

▶ Waste receptacles shall contain both trash and recycling options and include a rain bonnet. Veridea's standard waste receptacle are the Torgo family by Forme + Surfaces and the Madison series with visitor hood by Anova Furnishings. Alternative products that have modern aesthetics and clean lines may be approved.

▶ Stamped concrete may contain integral color with a release agent for additional color depth. Exposed aggregate may contain integral color.

[SLIDE 13]

Section 7: Signage

This section identifies **modifications to some sign standards in Sec. 8.7 of the UDO in order to allow for flexibility in sign area and size needed** given the unique style of development allowed by the SD Plan, create a new sign type called Principal Ground (Dimensional) that incorporates public art, and provide standards for the use of digital signage. This sections also includes a Master Sign Plan to guide the location of ground monument signage.



[SLIDE 14]

7.2: MASTER SIGNAGE PLAN

Principal Ground (Dimensional)

- A sign type specific to Veridea and is not a standard Town of Apex sign typology.
- Defined as a sign supported permanently upon the ground by a continuous base or two or more support features, not attached to any building, that includes a three-dimensional or artistic element.
- Intended to be visible and experienced by both vehicles and pedestrians as an artistic approach to placemaking and signage.
- Signage may be integrated into the three-dimensional element or adjacent to, but no further than 10 feet from, the three-dimensional element.



▲ Signage may be integrated or adjacent to the dimensional art element.

▲ Lighting may be incorporated. See Section 08.

▲ Use of structure and material selection to mimic natural landscapes and forms.



[SLIDE 15]

Section 8: Lighting

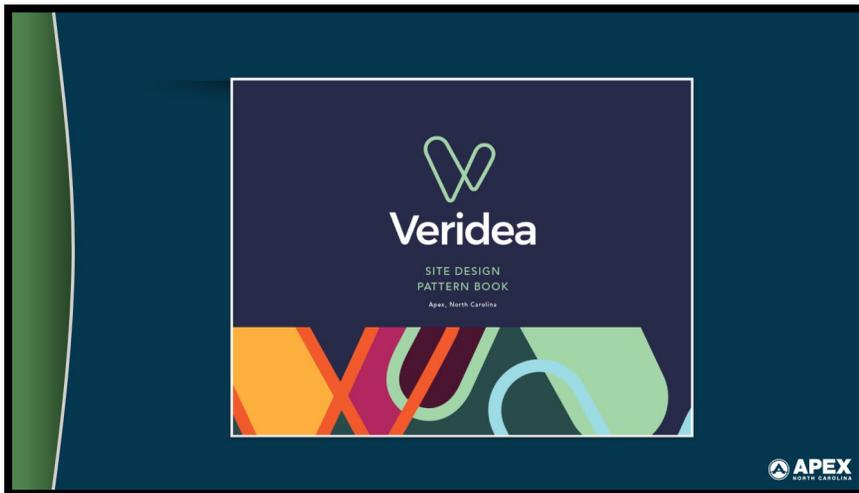
This section does not overrule lighting standards otherwise required by the Town of Apex UDO, the SD Plan, or the Environmental Enhancement Plan. The key elements listed within this Section are intended to complement and provide framework for the design approach of site lighting. Lighting that is an alternative from the Town standard located within the public right of way may be included as part of a maintenance agreement between the Town and the developer/Responsible Person. Included are lighting standards for streetscapes, sites and areas, pathways, and landscaping.



[SLIDE 16]



[SLIDE 17]



Ms. Bunce said she would answer any questions.

Board Member Byrd asked who could initiate changes to the Pattern Book, if the Town could initiate changes.

Ms. Bunce said that should the developer desire changes after adoption, it would come back to the Planning Board for recommendation to the Town Council.

Chair Sherman asked why this was coming to the Planning Board.

Ms. Bunce said that the zoning for Veridea allows the developer to propose standards to establish the character of this part of Apex. The goal is that development will be cohesive as it develops and to establish the character for this part of Apex.

Chair Sherman brought this back to the Board for a possible motion.

Board Member Soh said she likes the proposal and she had not seen a project of this scale to propose these type of standards. She said that to be consistent in design was good for maintenance.

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A **motion** was made by **Board Member Soh** and seconded by **Board Member Rhodes** to approve Veridea Pattern Book.

VOTE (5-0) Byrd and Braswell were recused.

A **motion** was made by Board Member Hastings, seconded by Board Member Khodaparast to un-recuse Alyssa Byrd and Keith Braswell.

VOTE: (7-0)

A **motion** was made by **Member Byrd** and seconded by **Member Soh** to adjourn the Planning Board meeting at 7:00 PM.

VOTE: (7-0)

Tina Sherman
Planning Board Chair

Jeri Pederson
Lead Planning Technician

Submitted for approval by Lead Planning Technician Jeri Pederson and approved on September 09, 2024.