

**APPROVED**  
**TOWN OF APEX**  
**PLANNING BOARD MEETING MINUTES**  
**MONDAY, SEPTEMBER 9, 2024**  
**4:30 P.M.**

The Apex Planning Board met on Monday, September 9, 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

Keith Braswell

Sarah Soh

Alyssa Byrd

Daniel Khodaparast

Jeff Hastings (Wake County Representative)

Absent: Steven Rhodes, Preston Mitchell

Vacant: Apex Historical Society Representative

Town Staff

Planning Director Dianne Khin

Current Planning Manager Amanda Bunce

Planner I Joshua Killian

All other staff members will be identified appropriately below

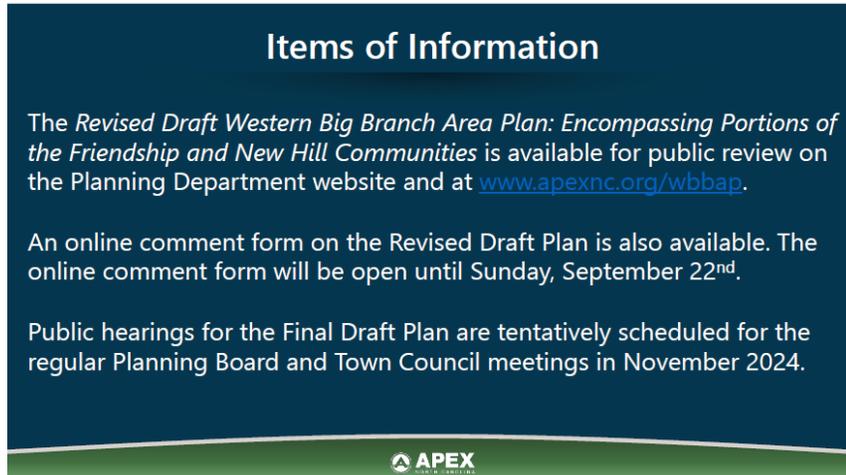
**[COMMENCEMENT]**

**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]**

**Director Khin** shared that the revised Western Wake Big Branch Area Plan is available for public review on the Planning Department website and at [www.apexnc.org/wbbap](http://www.apexnc.org/wbbap). An online comment form is available through September 22, 2024. The Public Hearings are tentatively scheduled for the Planning Board and Town Council in November.

[SLIDE 1]



**Items of Information**

The Revised Draft Western Big Branch Area Plan: Encompassing Portions of the Friendship and New Hill Communities is available for public review on the Planning Department website and at [www.apexnc.org/wbbap](http://www.apexnc.org/wbbap).

An online comment form on the Revised Draft Plan is also available. The online comment form will be open until Sunday, September 22<sup>nd</sup>.

Public hearings for the Final Draft Plan are tentatively scheduled for the regular Planning Board and Town Council meetings in November 2024.



**[PUBLIC COMMENT]**

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

**[CONSENT]**

**Chair Sherman** asked for a motion to approve the meeting minutes from the August 12,2024 Planning Board meeting.

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

**VOTE: UNANIMOUS (7-0)**

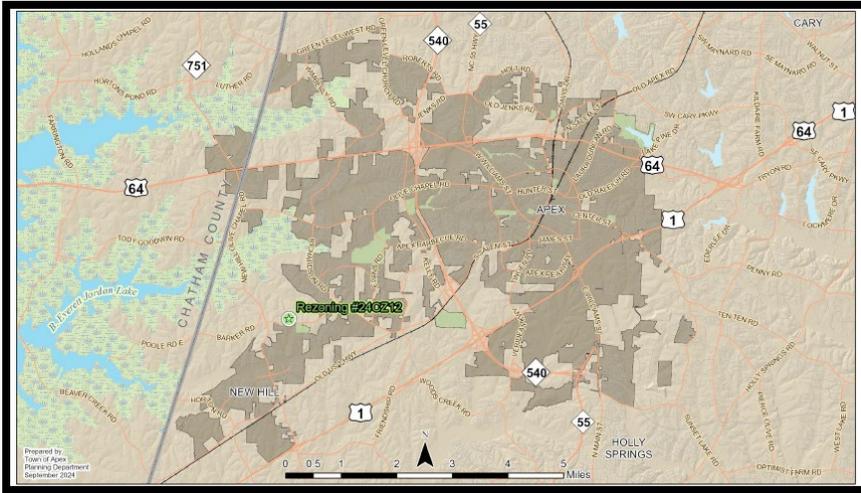
**[PUBLIC HEARINGS]**

**ITEM NO. 1 - REZONING CASE NO. 24CZ12 Oliver Property**

**Joshua Killian, Planner I**, presented Rezoning Case #24CZ12Oliver Property. The applicant, JVI Building and Development, seeks to rezone ±15.94 acres from Wake County Residential-40W (R-40W) to Low Density Residential-Conditional Zoning (LD-CZ). The subject properties are located at 8608, 8612, and 8620 Humie Olive Rd (portion of). 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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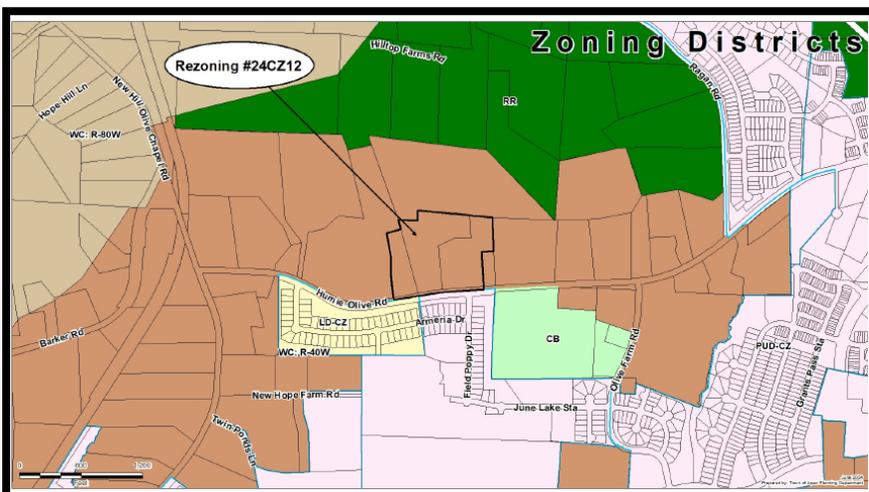
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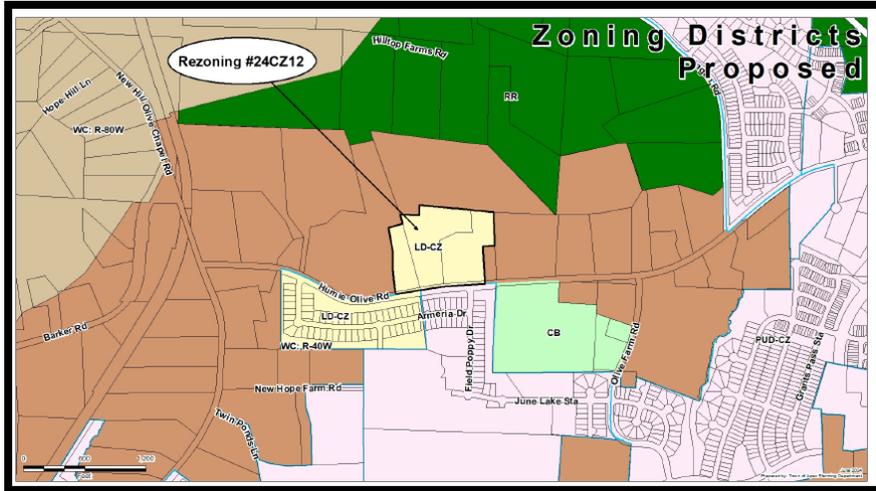
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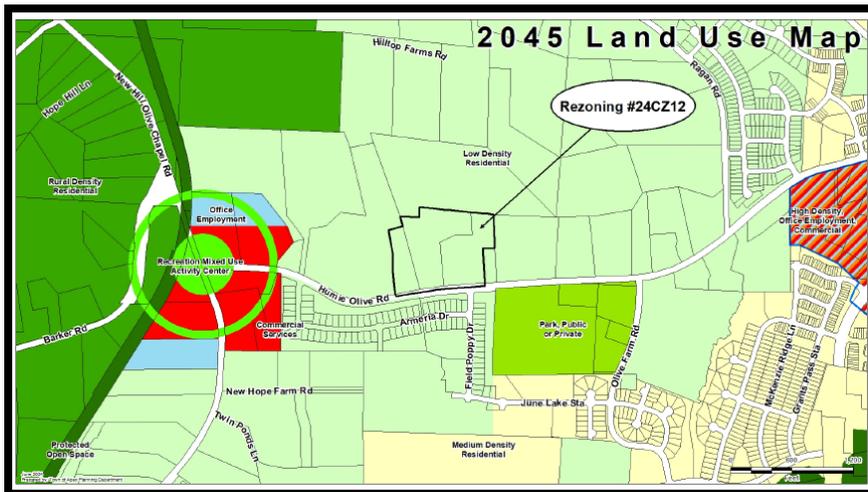
[SLIDE 3]



[SLIDE 4]



[SLIDE 5]



[SLIDE 6]



## **APPROVED | PLANNING BOARD MEETING MINUTES 09.09.2024**

**Mr. Killian** asked if there were any questions.

**Member Hastings** said that in the neighborhood meeting report, one or two neighbors had asked about adding on to the project, but the sewer capacity wasn't strong enough. He asked if they were adding a pump station, would it be possible to add other properties to this project.

**Mr. Killian** said that he would let the applicant answer.

**Will Norton**, with Jones with & Clossen Engineering said that there was not a pump station, the sewer will be gravity. He said the landowners to the north were asking about future development. He said that was for a future pump station. He said due to topography that they would not be able to tap onto the sewer in this development.

**Member Khodaparast** said that in the staff packet there looked to be a stub on the west but further in the packet it was switched to the east. He asked if there was connectivity available for both sides.

**Mr. Killian** said those designs were preliminary. He said there was a zoning condition requested to lock in a stub street going to the east, but the applicant didn't offer it. He said that the UDO does require interconnectivity, and they would be providing a local connector north and south. The east and west stub streets would be reviewed at the subdivision stage.

**Member Soh** said that the Environmental Advisory Board suggested a 30 foot buffer along Humie Olive Road to be a Type A. She asked what type of buffer was going to be.

**Mr. Norton** said it would be a 30' Type B, which is what the Transportation plan would call for. He said that the grade will help with buffering. They believe that increased opacity for the buffer would not help much due to the lay of the land. The layout being considered does consider a street stub to the east, but to the west there are multiple blue line streams that will not provide a viable option to provide connectivity to the west. He consulted with staff on why that connection could not be made.

**Chair Sherman** asked the applicant to come up and speak.

**Mr. Norton** thanked Mr. Killian for his presentation. He spoke in more detail about the local connection and access points to the north and alignment with the street in the development south of Humie Olive Road. He gave background on the property. He said that he would answer any questions.

**Mr. Norton** said that the applicant is a custom builder and had looked at the UDO and will be asking for flexibility on some of the setbacks.

**Chair Sherman** asked if that request was in the application.

**Mr. Norton** stated that it was not and he had mentioned it to Mr. Killian just before the meeting.

**Chair Sherman** stated that it sounded like he would be asking the Planning Board to approve that as part of their consideration.

**Mr. Norton** said yes, and he could add that in if the Board would like them to do so.

**Chair Sherman** said that she was not ok with that change and would want to bring it before the Board. She stated that she was not in favor of that change, but wanted to hear from others.

**Member Byrd** stated she would rather that change be presented to staff so that they would be able to make a recommendation first.

**Member Braswell** if there was a power line or sewer in the Northwest corner.

**Mr. Norton** said it was an electric transmission line but also a Cary force main line in that area, too.

## **APPROVED | PLANNING BOARD MEETING MINUTES 09.09.2024**

**Chair Sherman** asked if there were any further questions and opened Public Hearing. She closed Public Hearing with no one signed up to speak. She brought it back to the Board for a possible motion. **Member Byrd** made a motion to approve Rezoning Case #24CZ12 Oliver Property.

**Chair Sherman** said that she did have concerns about changing from 8' to 5' side setbacks and would be opposed to reducing it additionally. She was in support of the affordable housing that the developer is offering elsewhere in Apex. She said that the incentive zoning should be spread out across Apex and not in particular sections. She said it would have been great to have the two units for affordable housing included in this project.

**Member Braswell** asked for clarification on the setbacks even though it isn't being voted on now.

**Mr. Jones** said from an 8' minimum, 20' aggregate to a 5' minimum, 15' aggregate building setback. He said they may look at adding verbiage to limit that solely for garage purposes.

**Member Braswell** seconded the motion.

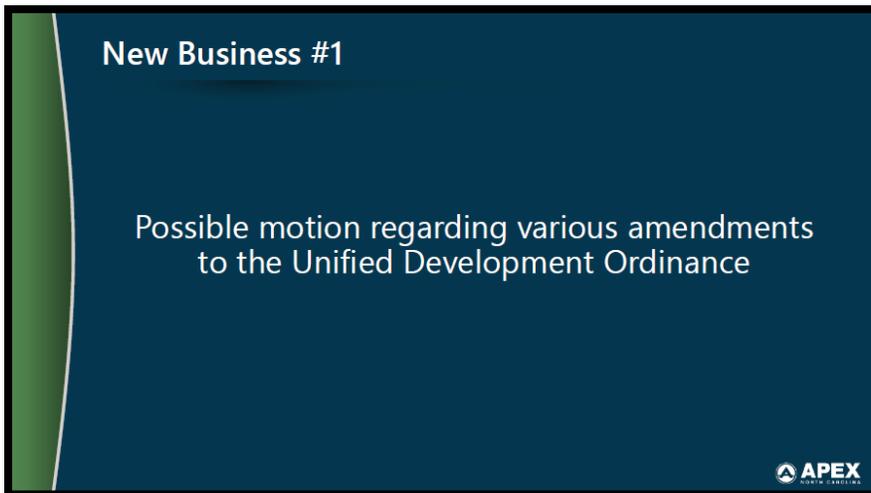
**VOTE: UNANIMOUS (7-0)**

### **[NEW BUSINESS]**

#### **ITEM NO. 1 -UDO AMENDMENTS**

**Amanda Bunce, Current Planning Manager**, presented amendments to the UDO in regard to removing all the references to condominium given it is not a specific use but an ownership type.

### **[SLIDE 1]**



**[SLIDE 2]**

### Amendment #1

Requested by Planning Staff

1. Amendments to various sections of the UDO in order to remove all references to "condominium" given it is not a specific use and that State law does not require municipal review of condominium plats. Affected sections include the following:  
 3.3.1.F, 3.3.1.G, 4.2.2, 4.3.1.B, 4.4.1.A, 5.1.1, 5.1.5, 5.2.2.F, 6.3.1.G, 6.3.1.H, 7.1.6, 7.2.5.D, 7.5.9.C.2, 8.2.4.A, 8.2.6.B.4, 8.6.3, and 12.2

3.3.1 Residential Districts  
 ...  
 F) *High Density Multi-Family Residential District*  
 The purpose and intent of the HDMF High Density Multi-Family Residential District is to provide lands for high-density multi-family residential uses, (townhouses, condominiums, apartments, duplexes, triplexes, and quadplexes) at densities up to 14 units an acre.

G) *MH Manufactured Housing Residential District*  
 The purpose and intent of the MH Manufactured Housing Residential District is to provide lands for manufactured housing along with other multi-family (townhouse, condominium, duplex, and multi-family dwellings) and single-family housing at densities of six (6) units an acre.

...



**[SLIDE 3]**

### Amendment #1

Requested by Planning Staff

4.2.2 Use Table

Use Type	Definition Section	Zoning Districts														Standards					
		Residential							Business				Planned Development		Other		Section(s)				
		R R	R L	M D	H D	H M	M H	M P	O & I	B 1	B 2	P C	P L	T F	M E			T N	P U	C B	S D
Residential Uses																					
Condominium	4.3.1.B																				4.4.1.A; 6.3



**[SLIDE 4]**

### Amendment #1

Requested by Planning Staff

4.3.1 Residential Uses  
 ...  
 B) *Condominium Reserved*  
 A residential development of two or more units in one or more buildings designed and constructed for unit ownership as permitted by the North Carolina Unit Ownership Act.

4.4.1 Residential Uses  
 ...  
 A) *Condominium Reserved*

- All condominium developments with one or more dumpsters or a trash compactor must provide a recycling area and a cardboard dumpster; both shall be screened with similar materials to the dumpster or compactor enclosure;
- The overall enclosure design must comply with the standards found in the Town of Apex Standard Specifications and Standard Details.



**[SLIDE 5]**

5.1.1 Residential Districts

Use	Average Lot Size	Minimum Lot Width (feet)	Minimum Setbacks (feet)				Max. Height (feet)	Max. Built-Upon Area (%)	Max. Density (Gross Units per Acre)	Additional Regulations
			Front	Side	Rear	Corner Side				
<b>HDMM</b>										
Condominium, Multi-Family or Apartments	---	---	50**	50**	50**	50**	48	65	14	Sec. 5.2.2.F
<b>MORR</b>										
Condominium, Duplex, Multi-Family, or Apartments	---	---	25** max.	5**	10**	15**	36	70	12	Sec. 5.2.2.F

\* See Sec. 6.1 Watershed Protection Overlay Districts.  
 \*\* These setbacks are for the perimeter of entire project only.  
 \*\*\* Projects submitted prior to April 1, 2008 shall be governed by the Minimum Front Setbacks in place at the time of submittal.

5.1.5 Small Town Character Overlay District Intensity and Dimensional Standards Table

Use	Average Lot Size	Minimum Lot Width (feet)	Minimum Setbacks (feet)				Max. Height (feet)	Max. Built-Upon Area (%)	Max. Density (Gross Units per Acre)	Additional Regulations
			Front	Side	Rear	Corner Side				
Multi-Family/Condominium	---	60	30 <sup>2</sup>	10 <sup>2</sup>	15 <sup>2</sup>	30 <sup>2</sup>	36	60	14	---

\* See Sec. 6.1 Watershed Protection Overlay Districts.  
 1. Building height may be increased to 3 stories and 50 feet if the following conditions are met:  
 a. The existing structure is not contributing to the historic district.  
 b. The existing or proposed building shall be located on Salem Street.  
 c. The existing or proposed building is located on the corner of 2 public streets or a public street and a public alley.  
 d. The 3rd story shall be set back at least 18 feet from the property line along the front facade.  
 e. Open air rooftop dining shall be exempt from the height calculation.  
 2. These setbacks are for the perimeter of the entire project only, not setbacks between units or buildings.



**[SLIDE 6]**

## Amendment #1

Requested by Planning Staff

5.2.2 General Measurement Requirements

...  
 F) **Internal Building Setbacks**  
 Except in Sustainable Development Conditional Zoning District (SD-CZ), internal building setbacks for condominium, multi-family and apartment, congregate living facilities and nursing and convalescent facilities shall comply with the following spacing standards:  
 ...

6.3.1 Small Town Character Overlay District

...  
 G) **Residential Building Standards**  
 ...  
 2) **Accessory Buildings**  
 Accessory buildings such as garages shall be placed in the rear or side yard. Whenever possible, side loading garages shall be located in the rear of the property. For condominium, multi-family or apartment uses, garages and driveways which dominate the front of the lot area are not permitted.  
 ...  
 H) **Residential Architectural Character**  
 The following standards shall apply to any condominium, multi-family or apartment use. It is strongly recommended that single-family and townhouse dwellings follow the architectural guidelines in the *Town of Apex Design and Development Manual*.



**[SLIDE 7]**

## Amendment #1

Requested by Planning Staff

7.1.6 Condominium and **Requirements for Townhouse Developments**

A) **Requirements for Condominium Developments**

1) ~~Before a declaration establishing a condominium development may be recorded in the office of the Wake County Register of Deeds, as prescribed in the North Carolina Unit Ownership Act, the Site Plan or Master Subdivision Plan shall be approved as provided in this Ordinance. Such declaration and Site Plan or Master Subdivision Plan shall conform to applicable subdivision requirements as set forth in this Article and to the zoning requirements of this Ordinance.~~

2) ~~In addition, the following requirements shall be complied with:~~

a) ~~The declaration shall be a complete legal document prepared strictly in accordance with the North Carolina Unit Ownership Act.~~  
 b) ~~The plans of the buildings to be attached to the above declaration and recorded shall be prepared in accordance with the North Carolina Unit Ownership Act.~~  
 c) ~~If any streets or utility easements are to be dedicated for public use and maintenance, a separate plat shall be submitted and recorded in accordance with requirements of this Ordinance.~~  
 d) ~~The declaration shall contain a statement that common expenses include ad valorem taxes, public assessments, or governmental liens levied on common areas, if any.~~

B) **Requirements for Townhouse Developments**



**[SLIDE 8]**

**Amendment #1**  
Requested by Planning Staff

7.2.5 Single-Family Residential Grading  
...  
D) *Exemptions*

1) The following shall be exempt from the provisions of Sec. 7.2.5 *Single-Family Residential Grading*:  
...  
e) Attached and detached townhomes, multi-family/apartments, condominiums, and non-residential developments.

7.5.9 Schedule of Installation  
...  
C) ...  
...  
2) *Residential development*

a) All road improvements required per the Advance Apex: The 2045 Transportation Plan, all proposed roadways to be constructed within existing or proposed public right-of-way as part of the approved development plan and all additional offsite road improvements required to mitigate development traffic impacts to existing facilities must be completed prior to the first plat approval for single family residential and townhomes and prior to the first CO for multi-family, **and/or** apartments and/or- condominiums. For phased multi-family, **and/or** apartment and/or- condominium developments, all the improvements applicable to a phase must be completed before the first CO is issued for the phase.



**[SLIDE 9]**

**Amendment #1**  
Requested by Planning Staff

8.2.4 Building Landscaping Requirements

A) *General Landscaping Standards*  
All non-residential, multi-family/apartment, condominium and townhome developments, and all single-family residential subdivisions shall install landscaping pursuant to the requirements of this Section. This landscaping shall be in addition to any other landscaping required by Article 8: *General Development Standards*, unless otherwise specified.  
...

8.2.6.B *Buffering, Landscape Buffers Between Land Uses*  
...  
4) *Land Use Classes*  
...  
c) *Class 3:*  
Condominium  
Duplex  
Manufactured home- detached, lots less than 6,000 square feet  
Multi-family or apartment  
Single-family detached, lots less than 6,000 square feet  
Townhouse  
Townhouse, detached  
Triplex or Quadplex  
...



**[SLIDE 10]**

**Amendment #1**  
Requested by Planning Staff

8.6.3 Illumination Standards  
...  
**Table 8.6-1: Lighting Standards for General Parking with Pedestrian Areas (initial foot-candles)**

Use	Horizontal Illuminance	
	Avg	Uniformity Ratio
- Multi-family residential or- condominium (stacked flat)	4.0	8/1
- Retail	4.0	4/1
- Office	2.0	4/1
- Industrial		
- Educational		
- Cultural, civic, and recreational		
- Church or place of worship		
- Townhomes and other attached residential		

...  
12.2 Terms Defined  
...  
Grading  
The movement of earth by mechanical means to alter the gross topographic features of a development site, including elevation and slope, in preparation for construction of single-family, multi-family/apartment, condominium, and attached and detached townhome residential development and non-residential development.  
...



## **APPROVED | PLANNING BOARD MEETING MINUTES 09.09.2024**

**Member Byrd** asked how a condo developer would fit into the UDO and how condo development would be allowed. She asked if it would be treated like an apartment.

**Ms. Bunce** said that in most cases it would be treated like an apartment since you would have multiple units on one parcel of land and so most likely you would be an apartment unless you are an office development. It would be treated by use. Even a duplex could be sold as condos.

A **motion** was made by **Member Hastings** and seconded by **Member Soh** to approve the proposed UDO amendments.

**VOTE: UNANIMOUS (7-0)**

A **motion** was made by **Member Byrd** and seconded by **Member Khodaparast** to adjourn the Planning Board meeting at 4:56 PM.

**VOTE: (7-0)**

Tina Sherman  
Planning Board Chair

Jeri Pederson  
Lead Planning Technician

Submitted for approval by Jeri Pederson and approved on 10/14/2024.