

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

The Apex Planning Board met on Monday, December 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. The recording of this meeting can be viewed here:

<https://www.youtube.com/watch?v=EDxeW40FIZU>.

[ATTENDANCE]

Board Members

Tina Sherman, Chair

Keith Braswell

Sarah Soh

Alyssa Byrd

Steven Rhodes

Preston Mitchell

Jeff Hastings (Wake County Representative)

Absent: Tim Royal, Vice-Chair and Daniel Khodaparast

Vacant: Apex Historical Society Representative

Town Staff

Planning Director Dianne Khin

Current Planning Manager Amanda Bunce

Planner I Joshua Killian

Planner II Bruce Venable

All other staff members will be identified appropriately below

[COMMENCEMENT]

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

[ITEMS OF INFORMATION]

Planner Shannon Cox introduced Long Range Planner II Alisha Harris, a new staff member, with the Planning Department.

Planning Director Dianne Khin shared that Planner II Shelly Mayo's last day at the Town will be 12.13.2024.

Chair Sherman congratulated Ms. Mayo. She then moved to Public Comment.

[PUBLIC COMMENT]

Chair Sherman opened the floor for anyone to speak on non-agenda items. No one came forward. Chair Sherman closed Public Comment. She then moved to the Consent agenda.

[CONSENT]

Chair Sherman asked for a motion to approve the meeting minutes from the November 4, 2024 Planning Board meeting.

A **motion** was made by **Member Soh** and seconded by **Member Mitchell** to approve the minutes from the November 4, 2024 Planning Board meeting.

VOTE: UNANIMOUS (7-0) Tim Royal, Vice-Chair and Daniel Khodaparast absent.

[PUBLIC HEARINGS]

ITEM NO. 1 - Amendments to the 2045 Land Use Map and 2045 Transportation Plan

Jenna Shouse, Long Range Senior Planner presented proposed amendments to the 2045 Land Use Map and 2045 Transportation Plan which includes the Thoroughfare and Collector Street Plan map, Bicycle and Pedestrian System Plan map, and Context Areas map, consistent with the recommendations in the adopted Western Big Branch Area Plan: Encompassing Portions of the Friendship and New Hill Communities (the Plan). Town Council adopted the Plan on November 21, 2024. Planning staff recommended approval of the amendments. The Plan is available at: <https://publicinput.com/i5237#tab-45671>.

[SLIDE 1]

Public Hearing #1

Proposed amendments to the 2045 Land Use Map and Transportation Plan, consistent with recommendations in the adopted *Western Big Branch Area Plan: Encompassing Portions of the Friendship and New Hill Communities*



[SLIDE 2]

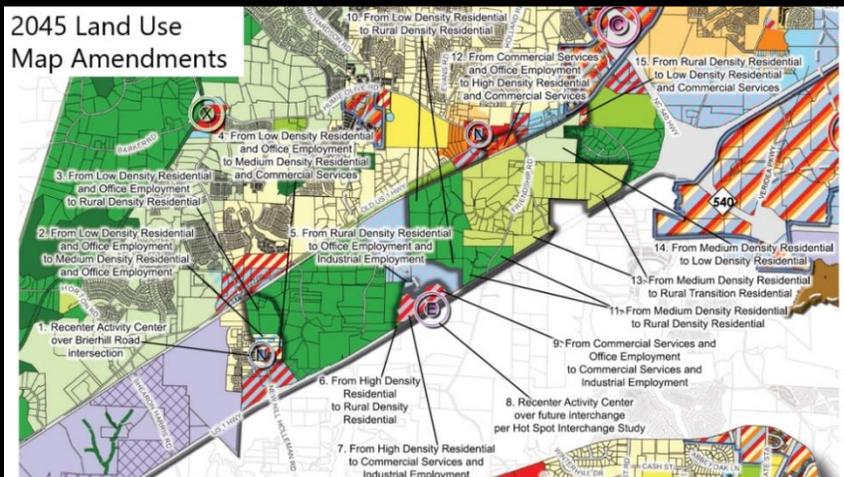
Plan Adoption Timeline

- Planning Board unanimously recommended Plan adoption on November 4, 2024
- Town Council unanimously voted to adopted the Plan on November 21, 2024



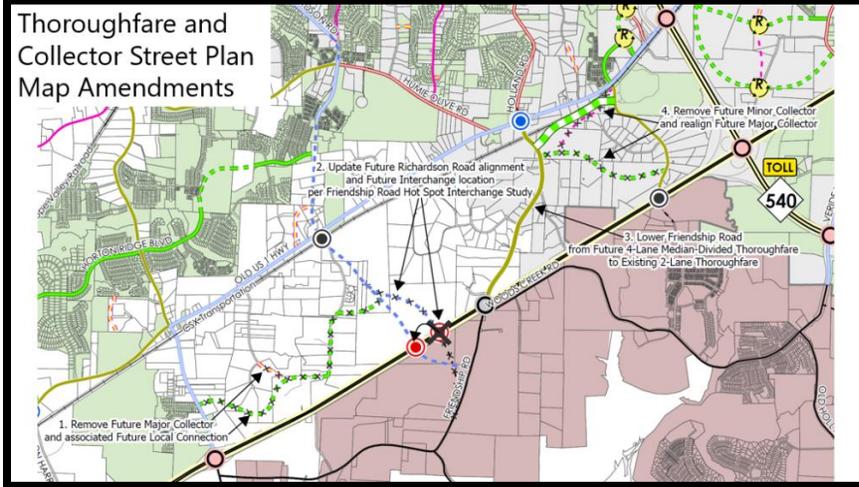
[SLIDE 3]

2045 Land Use Map Amendments

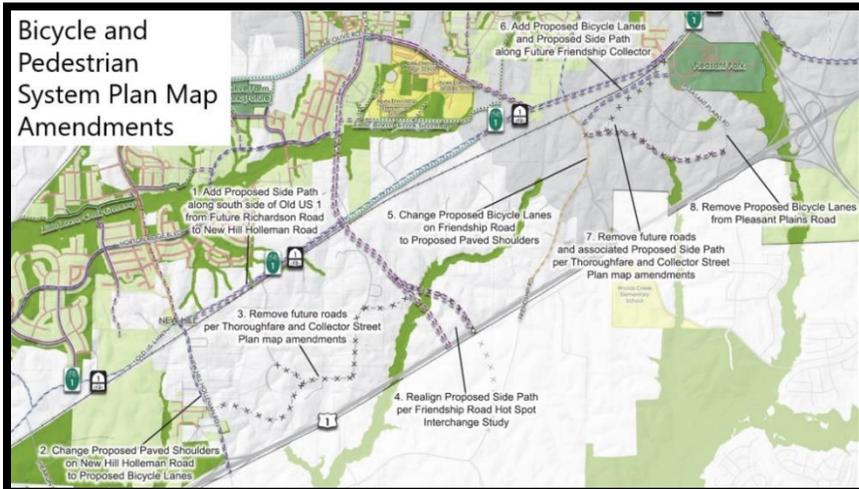


1. Re-center Activity Center over Brierhill Road Intersection
2. From Low Density Residential and Office Employment to Medium Density Residential and Office Employment
3. From Low Density Residential and Office Employment to Rural Density Residential
4. From Low Density Residential and Office Employment to Medium Density Residential and Commercial Services
5. From Rural Density Residential to Office Employment and Industrial Employment
6. From High Density Residential to Rural Density Residential
7. From High Density Residential to Commercial Services and Industrial Employment
8. Re-center Activity Center over future interchange per Hot Spot Interchange Study
9. From Commercial Services and Office Employment to Commercial Services and Industrial Employment
10. From Low Density Residential to Rural Density Residential
11. From Medium Density Residential to Rural Density Residential
12. From Commercial Services and Office Employment to High Density Residential and Commercial Services
13. From Medium Density Residential to Rural Transition Residential
14. From Medium Density Residential to Low Density Residential
15. From Rural Density Residential to Low Density Residential and Commercial Services

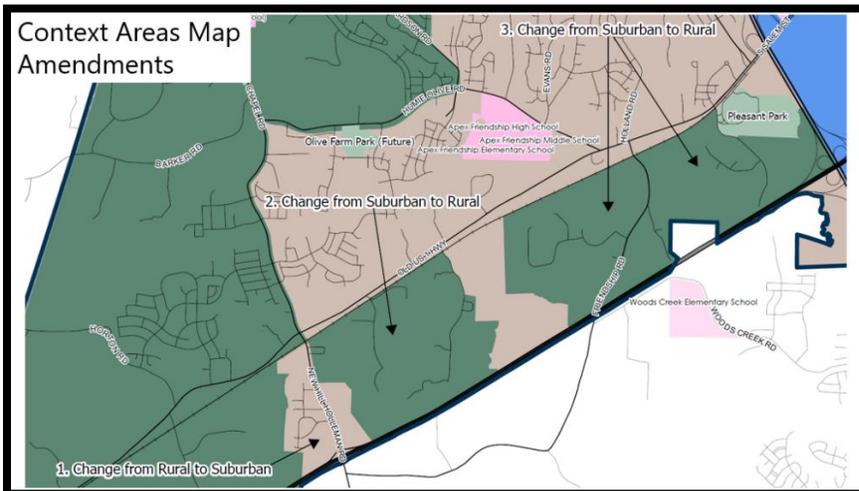
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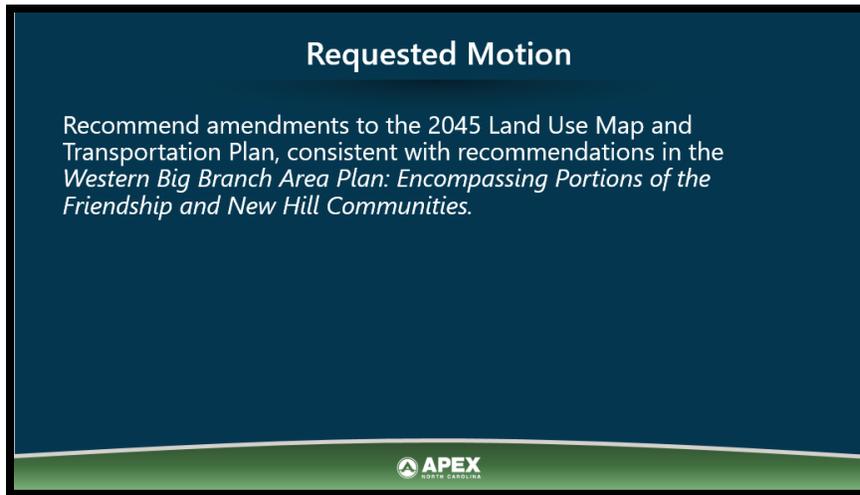
[SLIDE 5]



[SLIDE 6]



[SLIDE 7]



Chair Sherman opened the floor for anyone to speak on the proposed amendments. No one came forward. Chair Sherman closed the Public Hearing and brought the item back to the Board for comments and discussion.

A **motion** was made by **Member Mitchell** and seconded by **Member Byrd** to approve the amendments as presented by staff.

VOTE: UNANIMOUS (7-0) Tim Royal, Vice-Chair and Daniel Khodaparast absent.

ITEM NO. 2 - Rezoning Case #24CZ18 Sweetwater PUD Amendment

Joshua Killian, Planner I presented Rezoning Case #24CZ18 Sweetwater PUD Amendment. The applicant, ExperienceOne Homes, LLC, seeks to rezone approximately ±36.24 acres from Planned Unit Development-Conditional Zoning (PUD-CZ #23CZ20) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 0 Core Banks St; 0 Little Gem Ln; 1051 & 1075 Newland Ave; 1101, 1111, & 1121 Moncure Pl; 1425, 1451, 1481 Richardson Rd; 2701 Lawnview Ln; 2707 Stokesdale Ave; & 2820 Teachey Pl. The rezoning is consistent with the 2045 Land Use Map and Planning staff recommended approval.

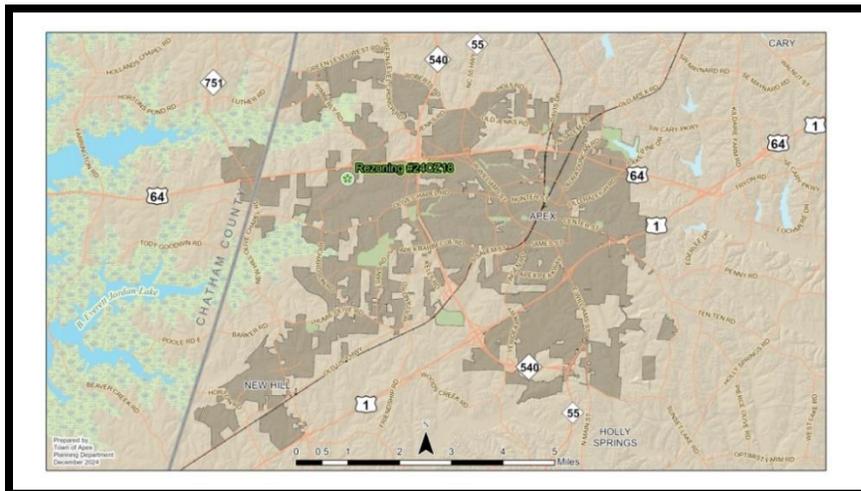
[SLIDE 1]

Public Hearing #2

Rezoning Case #24CZ18 Sweetwater PUD Amendment



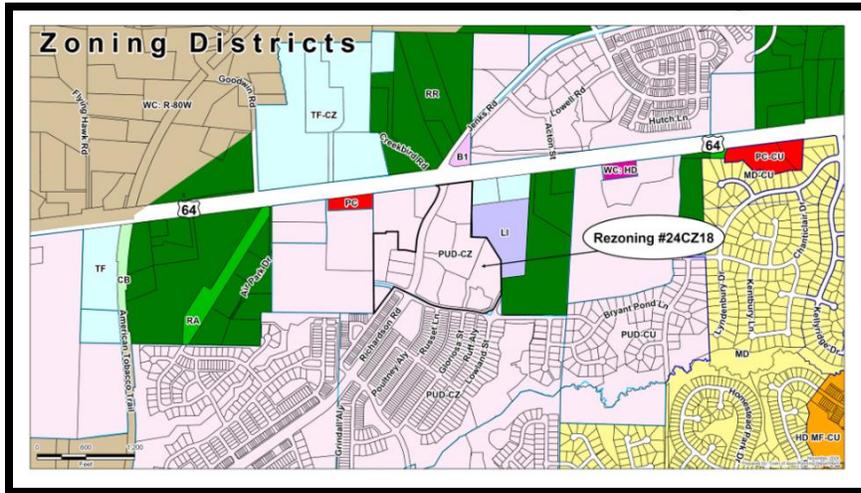
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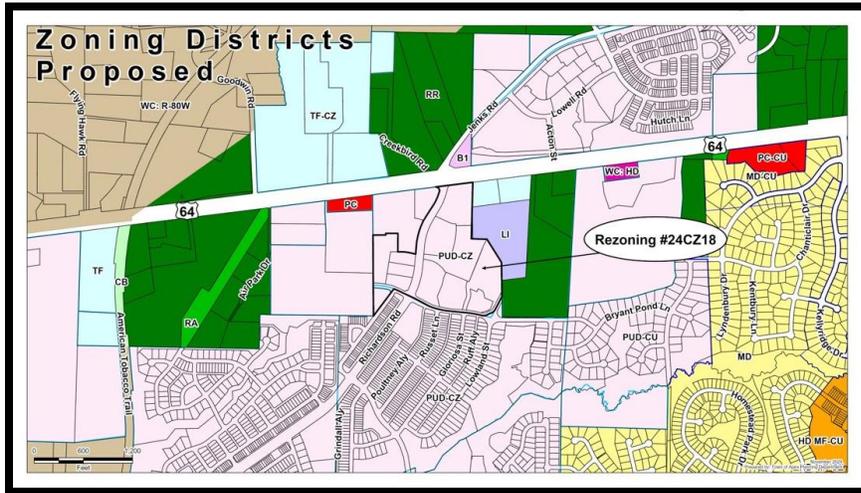
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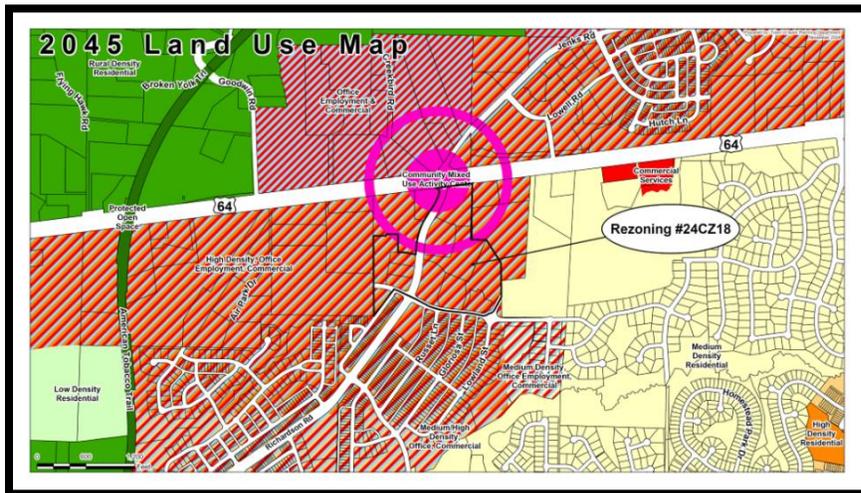
[SLIDE 4]



[SLIDE 5]



[SLIDE 6]



Chair Sherman opened the floor for anyone to speak on the proposed amendments.

Marvin Waldo, 3402 Sir Colleton Court, Raleigh, the leasing manager for Sweetwater Retail, confirmed the desire to add the uses to the list of allowed uses to round out the offerings on the site.

Member Byrd asked how the grocery stores were able to operate bars and taprooms inside of the grocery store. She asked if it was considered a secondary and an accessory use.

Planner Killian said that the grocery store was the primary use and a bar or taproom was an accessory use.

Chair Sherman closed the Public Hearing.

A **motion** was made by **Member Braswell** and seconded by **Member Hastings** to approve the re-zoning as presented.

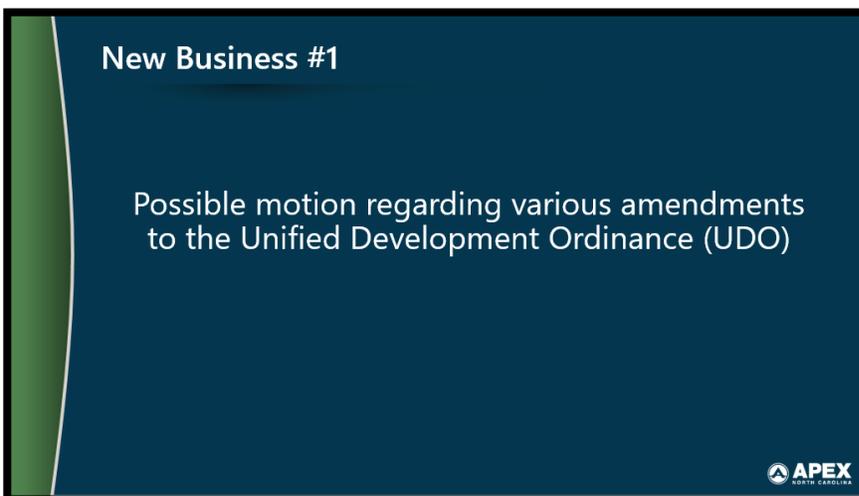
VOTE: UNANIMOUS (7-0) Tim Royal, Vice-Chair and Daniel Khodaparast absent.

[NEW BUSINESS]

ITEM NO. 1 - Amendments to the Unified Development Ordinance

Bruce Venable, Planner II and **Amanda Bunce, Current Planning Manager** presented various amendments to the Unified Development Ordinance (UDO). Planner Venable gave the following presentation regarding amendments to the lighting standards:

[SLIDE 1]



[SLIDE 5]

8.6.3 Illumination Standards

...

Q Alternative Compliance
The Planning Director may approve an alternative form of compliance to Secs. 8.6.3 *Illumination Standards* and 8.6.4 *Design Requirements* when it has been clearly demonstrated on a lighting plan submitted by a licensed lighting professional holding the PE, LC, CLEP, or similar certification that the proposed deviations are necessary in order to improve the safety and/or functionality of the site. The lighting plan shall show compliance with all other sections of this Ordinance, including Sec. 8.5.5 *Operational/Physical Compatibility*, which may be invoked in the event the alternative form of compliance garners zoning complaints once installed.

The Planning Director shall consider the following factors in determining whether any such proposed alternative is acceptable:

- 1) Existing and proposed uses on-site;
- 2) Adjacent uses;
- 3) Existing and proposed topography;
- 4) Location and configuration of buildings on-site and on adjoining properties;
- 5) Existing and proposed evergreen screening;
- 6) Proposed house-side shields;
- 7) Size and configuration of the parcel;
- 8) Proximity to public rights-of-way;
- 9) Proximity to residentially-zoned properties;
- 10) Proximity to Resource Conservation Areas and all state and/or federal designated environmentally sensitive areas;
- 11) Consistency with the intent of this Ordinance.



[SLIDE 6]

Amendment #1
Requested by Planning Staff:

8.6.4 Exterior Lighting, Design Requirements

Exterior lighting, such as that used in and around buildings, recreation areas, parking lots, and signs, shall be designed to prevent the excessive spillover of light onto adjacent properties. It shall also be designed to protect against glare onto public rights-of-way thereby impairing the vision of motorists and adversely impacting adjoining properties. All exterior lighting shall be shielded from adjacent properties by existing vegetation, thick evergreen vegetated buffers, berms, walls, or fences, and/or the use of directional lighting, lighting shields, special fixtures, timing devices, appropriate light intensities, luminaries, and mountings at appropriate heights. External and/or internal shields are required on all lights in vehicular use areas and lights mounted to buildings where they are immediately adjacent to residential uses (such as along the edges of parking lots or mounted to the rear of buildings close to residential uses). All outdoor lighting shall conform to the following design standards **of this Section. When the standards of this Section cannot be reasonably met, the applicant may submit an alternative form of compliance per Sec. 8.6.3.C Alternative Compliance.**

...

E) Lumens
Lamps for full cut-off **pole mounted** fixtures shall not exceed 15,500 lumens



[SLIDE 7]

Amendment #1
Requested by Planning Staff:

F) *Building, Ground Mounted Fixtures and Accent Lighting*
Lighting shall not be mounted to buildings or used to illuminate buildings or other site features unless approved as integral elements on the development plan. Lighting will not be approved unless the light fixtures are carefully selected, located, aimed, and shielded so that light is directed only onto limited parts of the building façade, specimen landscape, and site features, and spillover light is minimized (see also Secs. 8.6.4.C *Architectural/Site Compatibility*, 8.6.4.D *Spillover Light and Glare Control*, and 8.6.4.E *Lumens*). Building, ground mounted fixtures and accent lighting must meet the following criteria:

- 1) Lights must **shall** not be used to illuminate entire portions of building(s), landscape, or site features.
- 2) Building mounted lights such as wall-pack and goose-neck type fixtures shall be fully shielded, full cut-off type fixtures (concealed lamp/light source). The lighting **must shall** be directed downward, and the **lamps shall** must not exceed 2,500 lumens; **provided, however, that Industrial Service or Production uses within the TF Tech/Flex, or LI Light Industrial Districts may have building mounted light fixtures with lamps up to 15,500 lumens only within a designated loading dock area.**
- 3) Accent lights **must shall** be low-lumen or low-voltage and the maximum illumination on any surface shall not exceed 5.0 average initial foot-candles.

...



Member Mitchell asked if the Planning Director was required to consider all or any of the standards to grant an alternative method of compliance.

Planner Venable said that the Planning Director would consider all of the elements.

Member Mitchell asked if all of these would have to be passed and the likelihood of meeting all 11 elements.

Planner Venable said that intent was to set standards that would avoid too many deviations from the ordinance.

Member Mitchell asked if the existing standards are considered if the fixtures are pole mounted or building mounted or semi-cut off or full cut off and that it appears to be focused on lumens.

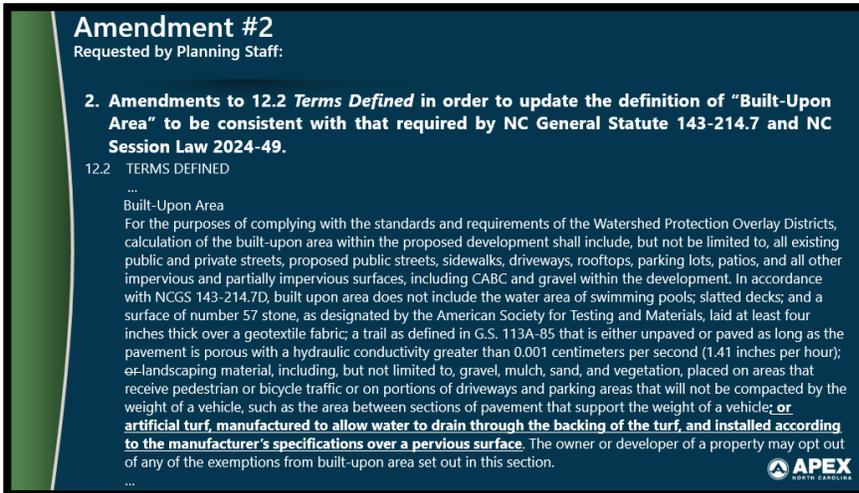
Planner Venable said that there was thought put into this, but staff did not address raising that angle/degree for the cutoff since we wanted an applicant would present the minimum change needed to meet the standards.

Chair Sherman asked how often issues have come up and how often would the Planning Director need to weigh in on this.

Planner Venable said to his knowledge, only a few times. He said ideally this doesn't get used often, but it can be used to stick to what Apex would want in the lighting standards.

Planning Manager Bunce gave the remaining of the presentation:

[SLIDE 8]



Amendment #2
Requested by Planning Staff:

2. Amendments to 12.2 Terms Defined in order to update the definition of "Built-Up Area" to be consistent with that required by NC General Statute 143-214.7 and NC Session Law 2024-49.

12.2 TERMS DEFINED
...
Built-Up Area
For the purposes of complying with the standards and requirements of the Watershed Protection Overlay Districts, calculation of the built-upon area within the proposed development shall include, but not be limited to, all existing public and private streets, proposed public streets, sidewalks, driveways, rooftops, parking lots, patios, and all other impervious and partially impervious surfaces, including CABC and gravel within the development. In accordance with NCGS 143-214.7D, built upon area does not include the water area of swimming pools; slatted decks; and a surface of number 57 stone, as designated by the American Society for Testing and Materials, laid at least four inches thick over a geotextile fabric; a trail as defined in G.S. 113A-85 that is either unpaved or paved as long as the pavement is porous with a hydraulic conductivity greater than 0.001 centimeters per second (1.41 inches per hour); or landscaping material, including, but not limited to, gravel, mulch, sand, and vegetation, placed on areas that receive pedestrian or bicycle traffic or on portions of driveways and parking areas that will not be compacted by the weight of a vehicle, such as the area between sections of pavement that support the weight of a vehicle; or **artificial turf, manufactured to allow water to drain through the backing of the turf, and installed according to the manufacturer's specifications over a pervious surface.** The owner or developer of a property may opt out of any of the exemptions from built-upon area set out in this section.

APEX
NORTH CAROLINA

[SLIDE 9]

Amendment #3
Requested by Planning Staff:

3. Amendments to Sec. 8.7.1 Permitted Signs: Location, Size, and Number; Table 8.7.1 in order to make corrections to the symbols for “allowed with permit”, “not allowed”, and “allowed without permit” shown for the On-premise, Non-commercial Temporary Sign type so that it is consistent with the standards for that sign type approved earlier this year.

8.7.1 Permitted Signs: Location, Size, and Number
All signs are subject to Sec. 8.7.9 Definitions, Article 12: Definitions, and Sec. 8.7.2 through 8.7.6. The sections listed specifically in Sec. 8.7.1 have been included for emphasis and user convenience and shall not be construed to exclude other sections of the Ordinance. Any sign permitted by these regulations may display or publish a non-commercial message. This includes both signs that require and do not require a permit. Exemptions from Sec. 8.7.1 are found in subsection 8.7.1.C.

Sign Type	Conditions	P = allowed with permit			X = not allowed		✓ = allowed without permit	
		Residential Uses	Commercial Uses	Industrial Uses	Office & Institutional Uses	illumination ¹		
Permanent Sign Types								
Temporary Sign Types								
1	On-premise, Non-commercial Temporary Signs	8.7.1.B.1	X-✓	✓P	✓P	✓P	✓P	No



Chair Sherman asked if there were any questions for Ms. Bunce. She then brought it back to the Board for discussion and a possible motion.

A **motion** was made by **Member Byrd** and seconded by **Member Mitchell** to approve the requested amendments to the Unified Development Ordinance (UDO).

VOTE: UNANIMOUS (7-0) Tim Royal, Vice-Chair and Daniel Khodaparast absent

[ADJOURNMENT]

A **motion** was made by **Member Braswell** and seconded by **Member Hastings** to adjourn the Planning Board meeting at 5:03 PM.

VOTE: UNANIMOUS (7-0) Tim Royal, Vice-Chair and Daniel Khodaparast absent.

Tina Sherman
Planning Board Chair

Jeri Pederson
Lead Planning Technician

Submitted for approval by Jeri Pederson and approved on 01/13/2025.