



TOWN OF APEX PLANNING BOARD MEETING MINUTES

Meeting Date: May 14, 2018

The Planning Board held their regular meeting on May 14, 2018 at 4:30 p.m. at the Apex Town Hall Campus, 73 Hunter Street, Apex North Carolina, 2nd Floor Council Chambers, Members present were Vice Chair Michael Marks, Board Members Tommy Morgan, David Hooks, Beth Godfrey, Danielle Bedotto and Reginald Skinner. Members absent were Chair Margo Bills and Jim Mead.

Vice Chair Marks called the meeting to order at 4:30 p.m. Member Hooks gave the Invocation and Vice Chair Marks led the Pledge of Allegiance.

PUBLIC FORUM

Vice Chair Marks opened the floor for citizens to speak on non-agenda items. Victoria Olsen of 2675 Beckwith Road located in Beckwith subdivision stated she is in favor of Rezoning Case #18CZ09 and she feels 36 proposed homes would have minimal impacts on their neighborhood.

CONSENT

Item #1 – Minutes from the April 9, 2018 regular meeting. Vice Chair Marks called for a motion. Member Bedotto made a motion to recommend approval. Member Morgan seconded. Motion carried with a unanimous vote.

PUBLIC HEARING

Item #1

Rezoning Case #18CZ09. Staff requests this item to be continued to the next meeting. Member Morgan made a motion to postpone this item to the June 11, 2018 Planning Board meeting. Member Bedotto seconded. Motion carried with a unanimous vote.

Item #2

Liz Loftin, Planner II stated in Rezoning Case #18CZ05, the applicants, William G. Daniel & Associates, P.A./Milestone Developments, LLC, are seeking to amend the 2030 Land Use Map for approximately ±31.75 acres from Rural Density Residential to Low Density Residential and rezone said property from Wake County R-80W to Planned Unit Development-Conditional Zoning (PUD-CZ) located at 0 Horton Road. Planner Loftin oriented those present as to the location of the subject property, existing surrounding uses, zoning districts and 2030 Land Use Map designations. A neighborhood meeting was held on November 17, 2017; the report on that meeting is included in the agenda packet. The PUD is consistent with Apex Transportation Plan and the Parks & Recreation Advisory Committee recommends a fee-in-lieu with the rate set at PUD approval. Planning staff recommends approval of the 2030 Land Use Map amendment and rezoning with the conditions proposed by the applicant.

The applicant, Bill Daniels of William B Daniels & Associates stated the construction of the major collector will serve the adjacent developments and they are working with those developers.

Vice Chair Marks opened the public hearing for anyone wanting to speak in favor or opposition of the rezoning. Dana Stephens representing Jordan Pointe came forward and stated there is an 80 foot line of trees next to their property, they paid a lot premium and were told that particular area could not be developed. They do not want any trees cut and want a 100 foot buffer to keep their privacy. They are concerned with additional traffic from a future proposed development between Jordan Manors and Jordan Pointe.

Vice Chair Marks closed the public hearing.

A question and answer session ensued between the Board and the applicant regarding the collector streets, a requested 100 foot buffer, an HOA for the new development and access to the future homes of proposed Jordan Oaks.

Vice Chair Marks called for the motion. Member Hooks made a motion to recommend approval to Town Council with the conditions agreed to by the applicant. Member Godfrey seconded. Motion carried with a unanimous vote.

Item #3

Sarah Rayfield, Senior Planner stated in Rezoning Case #18CZ06, the applicants, Milestone Developments, LLC/ Gita Patel Vallabh and CD Land Holdings, LLC, are seeking to amend the 2030 Land Use Map for approximately ±6.98 acres from Medium Density Residential to Office Employment and rezone said property from Rural Residential (RR) to Office and Institutional-Conditional Zoning (O & I-CZ) located at 1113 & 1125 Davis Drive. Planner Rayfield passed out revised conditions, oriented those present as to the location of the subject property, existing surrounding uses, conditions and zoning designations. A neighborhood meeting was held on December 6, 2017 and the report on that meeting is included in the agenda packet. A significant amount of right-of-way will be required. As a result of an earlier meeting today, Rayfield stated the revised conditions proposed and that staff recommends approval of the 2030 Land Use Map amendment and rezoning with the conditions offered by the applicant. It is in the public interest in that it will allow office and institutional uses in an area in need of those services.

The applicant, John Brewer, of Towerview Office Suites stated they offer ready-to-move in office spaces complete with utilities, furniture and internet services for one monthly fee. They market to foreign and local businesses. Mr. Brewer provided a list of tenants at their other existing facilities.

Vice Chair Marks opened the public hearing for anyone wanting to speak in favor or opposition of the rezoning.

Eddie Lyons of 5908 Forget Me Not Road stated he came home one day and surveyors were marking trees on his property. They were told they could not drain their pond per NCDNR because the area is a watershed. If the pond is drained, it will flood homes along Forget Me Not Road. He does not see how the developer can hold back the water and he asks that the ponds stay, and not allow Forget me Not to be used as an access; it is a private road.

Brandon Shank of 1217 Davis Drive stated he is not opposed to development, but wants proper infrastructure to be installed.

A question and answer session ensued regarding access, a traffic light, use of Forget Me Not Road, existing integrity of ponds in the area, impacts with the removal of the pond and underground detention. Some key comments from the Board were concerns with a 10-Year storm management, there is a huge need for start-up office space, this will attract business and office use is a good fit for this area.

Vice Chair Marks closed the public hearing and called for a motion. Member Godfrey made a motion to recommend approval to Town Council with the conditions proposed by the applicant. Member Hooks seconded. Motion carried with a vote of 5:1 Bedotto voted nay.

Item #4

Lauren Staudenmaier, Planner stated in Rezoning Case #18RZ08, the applicant, Drew Havens, Town Manager, Town of Apex, is seeking to rezone approximately ±0.0184 acres from High Density Single-Family Residential (HDSF); Small Town Character Overlay District to Conservation Buffer (CB); Small Town Character Overlay District, located at 0 W. Williams Street. Planner Staudenmaier oriented those present as to the location of the subject property, existing uses, zoning and 2030 Land Use Map designations. A neighborhood meeting was held on March 15, 2018; the report on that meeting is included in the agenda packet and planning staff recommends approval of the rezoning.

Vice Chair Marks opened and closed the public hearing for anyone wanting to speak in favor or opposition of the rezoning. No one came forward to speak.

Vice Chair Marks called for the motion. Member Bedotto made a motion to recommend approval to Town Council. Member Skinner seconded. Motion carried with a unanimous vote.

Item #5

Liz Loftin, Planner II stated in Rezoning Case #18CZ10, the applicants, William G. Daniel & Associates, P.A./Middle Ground Acquisition, LLC, are seeking to rezone approximately ±3.34 acres from Residential Agricultural (RA) to Planned Commercial-Conditional Zoning (PC-CZ) located at 1490 and 1506 N. Salem Street. Planner Loftin oriented those present as to the location of the subject property, existing surrounding uses, zoning and 2030 Land Use Map designations. A neighborhood meeting was held on February 26, 2018; the report on that meeting is included in the agenda packet. Loftin summarized the uses and conditions proposed by the applicant and planning staff recommends approval of the rezoning.

The applicant, Bill Daniels of William B. Daniels & Associates stated the points were well covered by staff, there will be architectural standards and he summarized the uses that were eliminated from this rezoning request.

Vice Chair Marks opened and closed the public hearing for anyone wanting to speak in favor or opposition of the rezoning. No one came forward to speak.

Vice Chair Marks called for the motion. Member Hooks made a motion to recommend approval to Town Council with the conditions proposed by the applicant. Member Godfrey stated this area needs to have something special here given it is an entryway into town. Member Skinner seconded. Motion carried with a unanimous vote.

Item #6

Shelly Mayo, Planner II stated in Rezoning Case #18CZ11, the applicants, Discovery Child Development Center/Ronald & Margaret Allison are seeking to amend the 2030 Land Use Map for approximately ±3.2 acres from Medium Density Residential to Office Employment and rezone said property from Rural Residential (RR) to Office and Institutional-Conditional Zoning (O & I-CZ) located at 3005 Evans Road. Planner Mayo oriented those present as to the location of the subject property, existing surrounding uses, zoning and 2030 Land Use Map designations. A neighborhood meeting was held on February 19, 2018; the report on that meeting is included in the agenda packet. Staff met with the Madison HOA president to see what impacts could potentially affect the residents. Planner Mayo summarized the uses and conditions proposed by the applicant and planning staff recommends approval of the proposed 2030 Land Use Map amendment and rezoning.

The applicant, Michael Dlott, owner of Discovery Child Development stated he and his wife decided to open a child center in this location due to inquiries and requests from other residents and neighbors. There is a lack of a similar facility in this area and this would be a great asset. They worked with staff to develop specific conditions for this site.

A question was asked if there were situations where cars can back up. Mr. Dlott stated yes, but they stagger the arrival and dismissals to minimize this situation.

Vice Chair Marks opened the public hearing for anyone wanting to speak in favor or opposition of the rezoning. The following individuals came forward to speak:

Mark Steele*	2221 Madison Creek Dr	Brian Masella	2093 Tordello
Laura Cash, Realtor	1016 Lylebourne Court	Jerry Johnson	2221 Madison Creek Dr
Michael Vulpis	1851 Napoli Drive	Andrew Brunn	1025 Kelly Road

* representing residents in the Friendship area [approximately 15 members present]

- They don't believe staff considered the land use map was amended less than 18 months ago.
- They support having commercial in the area; there is a Publix to the north.
- The Morrisville Discovery Child Development Center is completely surrounded by commercial and not residential as this one is proposed.
- Number one issue is traffic and it cuts through the Bella Casa subdivision because of the light.
- The town wants more office and commercial businesses; we already have enough available commercially zoned land elsewhere for this use.
- Did not know commercial could go here, and feels they failed clients.
- A daycare would be a good use for this area and they want to see a quality project here.
- There is a constant flow of traffic on Evans Road, there will be three schools here when WCPSS is finished with their site.
- The daycare will be in close proximity to the residents who will use it.
- The existing roads are not going to be able to handle three schools once they are built.

Vice Chair Marks closed the public hearing and called for the motion. Some comments from the Board were:

- This is not a good area for a daycare.
- Compatibility is one of the things they look for; this looks like spot zoning.
- There will be a traffic problem with whatever goes here.
- Have a problem with making another change to the 2030 Land Use Map.
- This will be a good facility, just not in this location.

Member Godfrey made a motion to recommend denial to Town Council; the proposal does not meet standard #'s 1, 2, 3, 6 and 8. Member Skinner seconded. Motion carried with a unanimous vote.

NEW BUSINESS

Item #1

Sarah Rayfield, Senior Planner stated the applicants, Stuart Jones, Jones & Cnossen Engineering, PLLC/JVI Development, propose Toad Hollow Master Subdivision Plan comprised of 11 single-family lots located at 1928 Kelly Road containing ±3.79 acres. Planner Rayfield oriented those present as to the location of the subject property, existing uses, zoning and 2030 Land Use Map designations. A neighborhood meeting was held on December 20, 2017; the report is included in the agenda packet. This project will extend public facilities. The master subdivision plan is consistent with the Apex Transportation Plan and planning staff recommends approval.

Vice Chair Marks called for the motion. Member Morgan made a motion to recommend approval to Town Council. Member Bedotto seconded. Motion carried with a unanimous vote.

Item#2

Amanda Bunce, Planning Manager stated and summarized the following amendments to the UDO:

Requested by the Planning Committee:

1. Amendments to Sec. 4.2.2 *Use Table* and Sec. 4.4.5.A.4 *Supplemental Standards, Commercial Uses, Tattoo Parlor and Body Piercing* in order to amend where and how the use "Tattoo parlor and body piercing" is allowed and to remove the standard requiring the use to be separated from certain other uses.

Requested by staff:

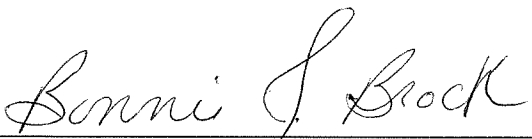
2. Amendments to Sec. 7.5.4.C *Sidewalks* in order to remove the requirement for a pedestrian connection when it would not improve connectivity within the subdivision or surrounding areas, to change the term "concrete paved path" to "pedestrian connection", and to remove the standard encouraging public sidewalks to meander.

Vice Chair Marks called for the motion. Member Godfrey made a motion to recommend approval to Town Council. Member Morgan seconded. Motion carried with a unanimous vote.

There being no further business, the meeting adjourned at 7:00 p.m. The foregoing minutes are approved this the 11 day of June, 2018.



Margo Bills
Chair



Bonnie J. Brock, CMC, NCCMC
Deputy Town Clerk