



**TOWN OF APEX  
PLANNING BOARD MEETING MINUTES**

Meeting Date: April 9, 2018

The Planning Board held their regular meeting on April 9, 2018 at 4:30 p.m. at the Apex Town Hall Campus, 73 Hunter Street, Apex North Carolina, 2<sup>nd</sup> Floor Council Chambers, Members present were, Vice Chair Michael Marks, Board Members Tommy Morgan, Beth Godfrey, Jim Mead, Danielle Bedotto and Reginald Skinner. Members absent were Chair Margo Bills and David Hooks.

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

**PUBLIC FORUM**

Vice Chair Marks opened the floor for citizens to speak on non-agenda items. Paul Flick, Attorney for Olive Chapel Swim & Tennis Club stated the residents within three subdivisions wanted to renovate the facilities and add lights. The renovation was permitted without Planning being involved and the lights were metered. When they were turned on, it was determined they were well outside the standards of the UDO. The UDO amendment that will be before this board tonight will allow them to go before the Council with a Special Use Permit to allow them to use the lights and this provides a path to review private recreation facilities by the Planning Department. Stan Thompson of 3033 White Cloud Circle stated he is in opposition of the UDO change; he is concerned with lighting at Olive Chapel Swim Club which is like stadium lighting. Lights were on at 11:00 p.m. where teenagers were playing basketball on the courts which the courts used to be in compliance with the UDO. The town already has a variance process and zoning laws should help people. Wendy Oders of 3035 White Cloud Circle stated there is a narrow strip of trees that are overgrown with vines and she wants to know who owns the property, she concerned with lighting spilling into their bedroom, it affects wildlife, traffic that goes by and there was a crime study from the Institute of Justice regarding lighting .If any changes are to be made, they should be thoughtfully studied.

**CONSENT**

Item #1 – Minutes from the March 12, 2018 regular meeting. Vice Chair Marks called for a motion. Member Morgan made a motion to recommend approval. Member Skinner seconded. Motion carried with a unanimous vote.

**PUBLIC HEARING**

**Item #1**

Amanda Bunce, Planning Manager stated in Rezoning Case #18CZ04 Horton Park PUD Amendment, the applicants, Jeff Roach, Peak Engineering & Design / MFW Investments, LLC; Fred G. Cash, Jr.; Loomis Horton Jr. Heirs; Mary E. Horton; Merion Investments Properties, LLC; MFWIRA, LLC; Patricia Jones; Virginia Horton Stewart are seeking to rezone approximately ±146.899 acres from Rural Residential (RR) & Planned Unit Development-Conditional Zoning (PUD-CZ #17CZ19)to Planned Unit Development-Conditional Zoning (PUD-CZ) located at 5100, 5101, & 5220 Jessie Drive; 0 Dezola Street; 8140, 8252, 8306, & 8308 Smith Road. Planner Bunce oriented those present as to the location of the subject property, existing surrounding uses, the additional three parcels to be added to the rezoning and zoning

designations. A neighborhood meeting was held on January 24, 2018; the report on that meeting is included in the agenda packet. Planner Bunce summarized the proposed amendments.

Russell Dalton, Transportation Engineer summarized the transportation improvements, phasing and timing as they pertain to the PUD which some of the roadways affected include US1, Lufkin Road, Jessie Drive, Smith Road, Stephenson Road, E. Williams Street, Dezola Street and Ten Ten Roads.

Planner Bunce stated staff recommends approval and the rezoning is reasonable and in the public interest because additional properties are to be incorporated into the PUD and not increase the number of residential units proposed and the amendments to the existing PUD clarify the timing of road improvements that were approved in the current PUD (#17CZ19), provide more variety in the design of single-family homes, and eliminate individual lot driveways from a section of the north-south collector street.

Jeff Roach, Peak Engineering stated they are not proposing to add lots, the density drops down because of the additional property. The developer has an age target type of community with the master bedroom on the first floor. They intend to adhere to the required transportation improvements; they just needed to clarify the timing of the improvements.

Vice Chair Marks opened the public hearing for those to speak in favor or opposition of the rezoning. Vice Chair closed the public hearing; no one came forward.

Vice Chair Marks called for the motion. Member Mead made a motion to recommend approval to Town Council. He also recommended Town Council to consider amending #2 from 25% to no more than 50% as zero-entry homes. Member Godfrey seconded. Motion carried with a unanimous vote.

#### Item #2

Liz Loftin, Planner II stated in Rezoning Case #18CZ07 MCI Business Park Expansion, the applicants, Jones & Clossen Engineering, PLLC/MCI Enterprises, LLC are seeking to amend the 2030 Land Use Map for approximately ±2.39 acres from Office Employment to Office Employment & Industrial Employment and rezone said property from Rural Residential (RR) to Light Industrial-Conditional Zoning (LI-CZ) located at 5513 Eddie Creek Drive. Planner Loftin oriented those present as to the location of the subject property, existing surrounding zoning designations and uses. A neighborhood meeting was held on Jan 30, 2018; the report on that meeting is included in the agenda packet as well as the proposed zoning conditions and uses. Planning staff can recommend approval because it is consistent with the properties to the south and west and will encourage compatible development and increase the tax base.

Patrick Kiernan of Jones, Clossen Engineering stated they want to ensure the uses are consistent with the existing uses at MCI.

Vice Chair Marks opened the public hearing for those to speak in favor or opposition of the rezoning. Vice Chair Marks closed the public hearing; no one came forward.

Member Mead stated he is concerned about the public notice process for this property. The sign is not visible from NC 55 and one of the notices went to a P.O. Box in Texas for the apartment community.

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.

NEW BUSINESS

Item #1

Sarah Rayfield, Senior Planner presented South Walk Townhomes Master Subdivision Plan. The applicants, Tommy Craven, Priest, Craven & Associates, Inc. / SBTJ Joint Ventures, LLC, propose 40 townhomes located at 0 and 804 S. Salem Street containing ±7.13 acres. Planner Rayfield oriented those present as to the location of the subject property, existing surrounding uses, zoning designations and 2030 Land Use Designations. A neighborhood meeting was held on October 30, 2017; the report is included in the agenda packet. 5.5 dwelling units per acre. Planner Rayfield summarized the buffers, access points and circulation. Staff recommends approval as submitted.

The applicant, Tommy Craven of Priest Craven & Associates came forward to answer questions. Vice Chair Marks called for the motion. Member Morgan made a motion to recommend approval to Town Council. Member Skinner seconded. Motion carried with a unanimous vote.

Item #2

Amanda Bunce, Planning Manager presented the following amendment to the UDO as requested by the Olive Chapel Swim and Tennis Club:

1. Sec. 8.6.3 *Illumination Standards* and Sec. 8.6.4.I *Sports and Athletic Field Lighting* and the addition of Sec. 8.6.4.J *Private Recreation Facility Lighting* in order to clarify existing exceptions to lighting levels for athletic facilities and to increase the amount of lighting permitted on ball fields and sports courts at private recreation facilities subject to specific conditions.

Planner Bunce demonstrated examples of private recreation facilities in the area. Discussion ensued regarding foot candles, buffers, light poles, notifications, compatibility and the special use permit process.

Vice Chair Marks called for a motion. Member Godfrey made a motion to recommend approval to Town Council. Member Morgan seconded. The motion passed with a vote 5:1 (Mead).

There being no further business, the meeting adjourned at 6:05 p.m. The foregoing minutes are approved this the 14 day of MAY, 2018.



~~Margo Bills~~ MICHAEL MARKS

Vice Chair



Bonnie J. Brock, CMC, NCCMC  
Deputy Town Clerk