



**TOWN OF APEX  
PLANNING BOARD MEETING MINUTES**

Meeting Date: June 11, 2018

The Planning Board held their regular meeting on June 11, 2018 at 4:30 p.m. at the Apex Town Hall Campus, 73 Hunter Street, 2<sup>nd</sup> Floor Council Chambers. Members present were, Chair Margo Bills, Vice Chair Michael Marks, Board Members Tommy Morgan, David Hooks, Beth Godfrey, Jim Mead, Danielle Bedotto and Reginald Skinner.

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

**PUBLIC FORUM**

Chair Bills opened the floor for citizens to speak on non-agenda items; no one came forward.

**CONSENT**

Item #1 – Minutes from the May 14, 2018 regular meeting. Chair Bills called for a motion. Vice Chair Marks made a motion to recommend approval. Member Bedotto seconded. Motion carried with a unanimous vote.

**PUBLIC HEARING**

**Item #1**

Sarah Rayfield, Senior Planner stated in Rezoning Case #18CZ09, the applicants, Tony M. Tate Landscape Architecture, PA/Nelson Nai-Cheng Liu and Barbara Elizabeth/Lyman Michael Anderson Trustee are seeking to rezone approximately ±34.63 acres from Rural Residential (RR) to Low Density Residential-Conditional Zoning (LD-CZ) located at 8209 & 8233 Green Level Church Road. Planner Rayfield oriented those present as to the location of the subject property, existing surrounding uses and zoning designations. A neighborhood meeting was held on December 6, 2017; the full report on that meeting is included in the agenda packet. The rezoning is consistent with the 2030 Land Use Map. Rayfield summarized the uses and conditions proposed by the applicant and stated staff recommends approval.

The applicant, Tony Tate stated this rezoning is consistent with the 2030 LUM and they will not create any storm water problems for the adjacent subdivision. They had many meetings regarding access and they have worked out all issues.

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

Nelson Cooper of Silver Dew Court stated Mr. Futrell met with all the neighbors and he is in support of the rezoning. John Fisher of Silver Dew Court stated Mr. Futrell kept the neighbors very informed and it was wonderful to work with him.

Chair Bills closed the public hearing and called for the motion. Member Bedotto made a motion to recommend approval to Town Council with the conditions offered by the applicant. Member Skinner seconded. Motion carried with a unanimous vote.

## Item #2

Shelly Mayo, Planner II stated in Rezoning Case #18CZ12-Olive Glen PUD, the applicants, MorningStar Law Group and Virginia Goodwin Heirs are seeking to amend approximately ±36.46 acres on the 2030 Land Use Map from Rural Density Residential to Low Density Residential and rezone from Rural Residential (RR) and Wake County R-80W to Planning Unit Development-Conditional Zoning (PUD-CZ) located at 433 New Hill Olive Chapel Road. Planner Mayo oriented those present as to the location of the subject property, surrounding zoning designations, existing uses and current 2030 Land Use Map designation. A neighborhood meeting was held on October 18, 2017 and the report on the meeting is included in the agenda packet. Mayo summarized the proposed uses and conditions as well as maximum built upon areas. There will be a greenway connection with a credit to be issued to the developer based on the construction costs. Staff recommends denial of the amendment to the 2030 Land Use Map and rezoning because staff believes the lot sizes should be bigger than the adjacent Deer Creek subdivision based on comments from Council in the past; the applicant did not agree to increase the lot sizes to provide a transition between the two developments

The applicant, Jason Barron of MorningStar Law Firm stated there is a growing need for senior living in this area. The target demographic is older residents that do not want a larger lot to maintain. Housing for seniors generally have lower traffic counts than a standard single-family development.

Chair Bills opened the public hearing for anyone to speak in favor or opposition of the rezoning. Chair Bills closed the public hearing, no one came forward to speak on this item.

Some of the Board members commented on buffers, transitioning, senior resident housing, smaller lots vs. larger lots and that this is a challenging piece of property.

Chair Bills called for the motion. Member Mead made a motion to recommend denial to Town Council as proposed by the applicant. Member Hooks asked for some discussion. Jason Barron stated this is a tight sight and it would be tough to increase the entire buffer width and get the yield in order to be a viable development; he agreed to add a 20 foot Type A buffer to the south. Godfrey stated she would like to see more senior living and a lot of thought went into putting this together. Member Hooks seconded the motion to deny as proposed in the original application. Motion failed with a vote of 6:2 Mead and Hooks.

Member Godfrey made a motion to recommend approval to Town Council with the conditions proposed by the applicant including an additional condition of a Type A buffer to be located on the south side. Member Morgan seconded. Motion carried with a vote 6:2. Members Mead and Hooks voted nay.

## Item#3

Lauren Staudenmaier, Planner I stated in Rezoning Case #18CZ13-Cool Pools, the applicants, Peak Engineering & Design, PLLC/Richard and Richere Levert are seeking to rezone approximately ± 0.05 acre from Rural Residential (RR) to Tech/Flex-Conditional Zoning (TF-CZ) located at 0 Old US 1 Highway. Planner Staudenmaier oriented those present as to the location of the subject property, surrounding uses and zoning and 2030 Land Use Map designations. A neighborhood meeting was held on March 13, 2018 and the report on that meeting is included in the agenda packet. Planner Staudenmaier summarized the uses and conditions in the petition and stated staff recommends approval with the conditions proposed by the applicant.

The applicant, Jeff Roach of Peak Engineering and Design stated this small area is not going to be built upon, it is a clean-up rezoning of a property.

Chair Bills opened the public hearing for anyone to speak in favor or opposition of the rezoning. Chair Bills closed the public hearing, no one came forward to speak on this item. Chair Bills called for the motion. Vice Chair Marks 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 #4

Amanda Bunce, Planning Manager stated in Rezoning Case #18CZ16-Lufkin Road, the applicants, Glenn Futrell, JLG Corporation, LLC/Margaret Baker Hinton & Relonwidia Hinton are seeking to rezone approximately ± 2.1 acres from Residential Agricultural (RA) to Tech/Flex-Conditional Zoning (TF-CZ) located at 2014 & 0 Lufkin Road. Planner Bunce oriented those present as to the location of the subject property, surrounding existing uses, and 2030 Land Use Map designation. A neighborhood meeting was held on March 27, 2018; the report is included in the agenda packet. The zoning conditions are identical to the adjacent property and staff recommends approval.

The applicant, Tony Tate 5011 Southpark Drive, Durham stated this property will be recombined with the adjacent property and is basically is a clean-up rezoning. This property will be joined with Lot 6 in Pinnacle Park.

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

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

#### NEW BUSINESS

##### Item #1

Shelly Mayo, Planner II presented the Castleberry Trails Subdivision Plan. The applicant, JS Development Company, LLC / Joanne Satterfield Shaheen, Mark & Kristy Seaboch, Robert Henry and John & Cynthia McMains, proposes 22 single-family lots located at 605, 617, 621 & 625 Wimberly Road containing ±11.31 acres. Planner Mayo oriented those present as to the location of the subject property, surrounding zoning designations and existing uses. The applicant conducted a neighborhood meeting on October 24, 2017; the report is included in the agenda packet. The conditions are listed in the staff report, all storm-water requirements are being met and there is a 60 foot buffer with 10 feet to be planted as required by the UDO. The subdivision is consistent with the UDO and Apex Transportation Plan and staff recommends approval as shown.

The applicant, Andy Petty of Curry Engineering Group stated Shelly hit all the highlights and he would answer any questions. Member Hooks asked about the costs of providing homes ready for solar panels and the location of them (panels). Hooks was concerned about solar panels shining on adjacent homes and buffering of panels. Josh Wendell 4464 Six Forks Road stated advancements have been made.

Chair Bills called for the motion. Member Hooks made a motion to recommend approval to Town Council as submitted. Member Skinner seconded. Motion carried with a unanimous vote.

##### Item #2

Amanda Bunce, Planning Manager presented the following amendment to the Unified Development Ordinance as requested by Wake County:

1. Sec. 4.4.3.B.5 *Supplemental Standards, Communication Towers, Public Safety Communication Tower* in order to increase the maximum height permitted for such tower from 400 feet to 500 feet subject to Special Use Permit approval by the Town Council.

Planner Bunce stated recommends approval.

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

### Item #3

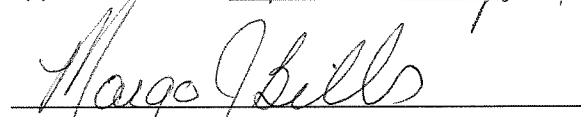
Amanda Bunce, Planning Manager presented the following amendments to the Unified Development Ordinance:

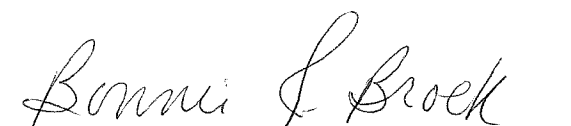
1. Sections 2.1.6 *Planning Director*; 2.1.7 *Technical Review Committee*; 2.2.8 *Application Submission*; 2.2.9 *Staff Report*; 2.3.7 *Subdivision*; 2.3.12 *Appeals*; 5.2.2.A *Setbacks, Measurement*; and Sec. 6.1.4.A *Watershed Protection Overlay Districts, General, Development Review* in order to amend the procedures for the review and approval of minor subdivisions to require the submission and approval of plans prior to the submission of a Final Plat, add references to minor subdivisions as appropriate in various sections, and remove outdated information in the UDO.
2. Sections 8.7.1.A.14 *Signs, Principal Ground: Non-residential* and 8.7.1.A.19 *Signs, Construction/Development* in order to allow such signs to be located at or near a limited-service vehicular entrance when a full-service vehicular entrance does not exist.
3. Section 6.1.12.H *Stormwater Control Measures (SCMs), Maintenance and Maintenance Guarantees* in order to amend when the maintenance guarantee is due for SCMs and when such guarantee can be released.
4. Sections 2.3.4 *Planned Development Districts*, 2.3.5 *Site Plans*, 2.3.7 *Subdivisions*, 7.2.1 *Streets*, and 7.5.4.F *Stub Street Fee-in-Lieu* and Article 13: *Transportation Development Fees* in order to make changes due to a recent State Supreme Court decision and to make corresponding formatting and section number amendments.

Planner Bunce stated recommends approval.

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

There being no further business, the meeting adjourned at 6:00 p.m. The foregoing minutes are approved this the 9<sup>th</sup> day of July, 2018.

  
Margo Bills  
Chair

  
Bonnie J. Brock, CMC, NCCMC  
Deputy Town Clerk