



**TOWN OF APEX
PLANNING BOARD MEETING MINUTES**

Meeting Date: October 8, 2018

The Planning Board held their regular meeting on October 8, 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, Chair Margo Bills, Vice Chair Michael Marks, Board Members Tommy Morgan, Beth Godfrey, Jim Mead, and Reginald Skinner. Members absent were David Hooks and Danielle Bedotto.

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. Chair Bills closed the public forum.

CONSENT

Item #1 – Minutes from the September 10, 2018 regular meeting. Chair Bills called for a motion. Member Mead commented it should be noted the Planning Board recommended Town Council consider adding a condition from a neighbor: “UDO Sections 2.3.9 “Administrative Adjustment” and 10.4.1 “Non-conforming Lots of record, Setback Reductions” as may be amended or recodified, shall not apply to this property.” Planning Director Khin stated this was included in the Planning Board Report to Town Council. Member Marks made a motion to recommend approval of the minutes. Member Mead seconded. Motion carried with a unanimous vote.

PUBLIC HEARING

Item #1

Amanda Bunce, Planning Manager stated in Rezoning Case #18CZ01 Sweetwater PUD Amendment, the applicants, Mark Ashness, CE Group/ExperienceOne Homes & KEP Apex, LLC are seeking to rezone approximately ±44.76 acres from Planned Unit Development-Conditional Zoning (PUD-CZ #17CZ21) to Planned Unit Development-Conditional Zoning (PUD-CZ) located at 0 Core Banks St; and 0, 3115, 3233 US 64 Hwy West. Planner Bunce oriented those present as to the location of the subject property, surrounding zoning and land use designations as well as existing uses. A neighborhood meeting was held on December 19, 2017; the report on that meeting is included in the agenda packet. Bunce stated the amendments to the PUD regarding design standards, buffers and signage. Planning staff recommends approval as proposed by the applicant.

The applicant, Mark Ashness of 301 Glenwood Avenue, Raleigh stated they wanted to accommodate the landscaping in an urban fashion for this project.

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

Lauren Staudenmaier, Planner stated in Rezoning Case #18CZ17 Jordan Vistas PUD, the applicants, Jeff Roach, Peak Engineering & Design, PLLC/ William and Deborah Elmore, Nina Lynn Church, Michelle Demers, Kenneth and Jennifer Proux, are seeking to rezone approximately ±52.91 acres from Wake County Residential-40W (R-40W) & Residential-80W (R-80W) to Planned Unit Development-Conditional Zoning (PUD-CZ) located at 2500, 2508, 2520, & 2532 New Hill Olive Chapel Road. Planner Staudenmaier oriented those present as to the location of the subject property, surrounding zoning and land use designations as well as existing uses. A neighborhood meeting was held on April 11, 2018; the report on that meeting is included in the agenda packet. Planner Staudenmaier handed out an update to the neighborhood meeting report for reference. Staudenmaier stated the uses and conditions proposed by the applicant. The road improvements are consistent with the Apex Transportation Plan and planning staff recommends approval with the conditions proposed by the applicant.

The applicant, Jeff Roach stated Jordan Oaks west of this property was rezoned two months ago; they propose to dedicate a portion of the Jordan Oaks Boulevard to connect the right-of-way between three developments. There is a condition to relocate the multi-use path so they are tied together with the other sections located in other developments and they are going to save as many trees on the site as possible.

Chair Bills opened the public hearing for anyone to speak in favor or opposition of the rezoning. No one came forward. Chair Bills closed the public hearing and called for the motion. Member Marks made a motion to recommend approval to Town Council with the conditions offered by the applicant. Member Morgan seconded. Motion carried with a unanimous vote.

Item #3

Sarah Rayfield, Senior Planner stated in Rezoning Case #18CZ22 Tullamore PUD, the applicant, Jones & Cnossen Engineering, PLLC, is seeking to rezone approximately ±13.31 acres from Rural Residential (RR) and Medium Density Residential-Conditional Use (MD-CU #94CU23) to Planned Unit Development-Conditional Zoning (PUD-CZ) located at 1805, 1745, and 0 Holt Road. Planner Rayfield oriented those present as to the location of the subject property, surrounding zoning and land use designations as well as existing uses. A neighborhood meeting was held on May 29, 2018; the report on that meeting is included in the agenda packet. Rayfield stated some of the uses proposed, maximum density, setbacks and buffers. The full list of architectural standards are listed in the conditions proposed. The PUD is consistent with the Apex Transportation Plan and planning staff recommends approval with the uses and conditions proposed by the applicant.

The applicant, Stuart Jones stated he is representing the developer and property owners. The developer proposes two new conditions:

1. Economy Housing Condition-Where economy housing is housing that can be purchased by a household that earns approximately the median household income for Apex, Tullamore PUD will address economy housing by providing at least five residential lots that are forty feet wide and fifteen percent smaller than the average lot measured by lot width. These economy lots may have reduced lot sizes of up to ten percent below the minimum lot size, will be designated on the subdivision plans and will not be restricted in sales.
2. Solar Condition- All homes shall provide conduit for the future installation of roof top solar panels.

Jones also stated this will be an age targeted development with the master bedroom on the first floor. They will widen a portion of Holt Road at the curve located on the north side of the property. This rezoning is consistent with the 2030 Land Use Map and staff stated they recommend approval.

The President of the HOA of Charleston Village, Alex Corbin of 2001 Weehawken Place came forward and stated they are selling one of the 3 acre parcels to the developer. They had to get a minimum of 75% of home owner's signatures in order to sell it; they received 81%. Some points motivating them to sell were: a dam in one of the ponds is failing, there is limited access to the property, this gives them the opportunity to get a better buffer, the current HOA dues are low and they can get funds to manage the HOA by selling.

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

Stan Jackson of 1803 Keokuk Court stated he is one of the first homeowners in this neighborhood. This property should be preserved as open space even though the subdivision was built-out before preservation of RCA was required for residential developments. There are a number of trees in this area and they help with the storm run-off. If developed, the animals in this area will not survive. He asks that the Board vote no on the rezoning.

Thomas Hall of 2101 Templeton Gap Drive stated he was told this property would never be developed, he paid a premium for his property and there are existing drainage problems in this neighborhood. There have been flooding problems with the new developments in the surrounding areas.

Bill Ferrell of 2010 Battlewood Road stated he concurs with the other speakers. He is concerned with developing the property because it is on such a steep slope. The property is going to be developed too dense.

Chair Bills closed the public hearing.

Discussion ensued regarding the approval process of Charleston Village and how much of this property will be developed, drainage of the pond and the stream buffer.

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

Item #4

Sarah Rayfield, Senior Planner stated in Rezoning Case #18CZ24 Lake Pine Animal Hospital, the applicants, Jeff Roach, Peak Engineering & Design, PLLC/Lake Pine Animal Hospital (Jody Katz) & the Town of Apex are seeking to rezone approximately ±1.28 acres from Residential Agricultural (RA) & Office & Institutional (O&I) to Neighborhood Business-Conditional Zoning (B1-CZ) located at 1200 and 1204 Old Raleigh Road. Planner Rayfield oriented those present as to the location of the subject property, surrounding zoning and land use designations as well as existing surrounding uses. A neighborhood meeting was held on June 26, 2018; the report is included in the agenda packet. Planner Rayfield stated some of the uses, summarized the conditions and that planning staff recommends approval as submitted.

Russell Dalton, Transportation Engineer explained the egress and ingress of the site and some of the existing traffic conditions in this area.

The applicant, Jeff Roach stated he worked with staff, they will have a 20 foot buffer by the adjacent house and they made some improvements for the right-in/right-out driveway. They will have a cross access for the town-owned property should it be sold and developed.

Chair Bills opened the public hearing for anyone to speak in favor or opposition of the rezoning. Gary Brown of 1206 Old Raleigh Road stated he is concerned with his property value, he has no intention of selling his home, they made a number of improvements on their house and he does not have any problem with a business being located here. He does not want his property rezoned; and it will remain single-family.

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

Item #5

Lauren Staudenmaier, Planner I stated in Rezoning Case #18RZ26 Olive Farm Park, the applicant, Drew Havens, Town Manager, Town of Apex is seeking to rezone approximately ±22.213 acres from Residential R-40W to Conservation Buffer (CB) located at 0, 0, 3020 and 3024 Olive Farm Road. Planner Staudenmaier oriented those present as to the location of the subject property, surrounding zoning and land use designations as well as existing uses. A neighborhood meeting was held on July 25, 2018; the report on that meeting is included in the agenda packet. Planning staff recommends approval as submitted.

Chair Bills opened the public hearing for anyone to speak in favor or opposition of the rezoning. No one came forward. Chair Bills closed the public hearing and called for the motion. Member Skinner made a motion to recommend approval to Town Council. Member Mead seconded. Motion carried with a unanimous vote.

Item #6

Shelly Mayo, Planner II stated in Rezoning Case #18CZ27 540 Flex and Business Park, the applicant, Patrick Kiernan, Jones & Cnossen Engineering, PLLC / 540 Flex & Business Park, LLC is seeking to rezone approximately ±10.04 acres from Tech/Flex–Conditional Zoning (TF-CZ #14CZ20) to Tech/Flex–Conditional Zoning (TF-CZ) located at 1600 Olive Chapel Road. Planner Mayo oriented those present as to the location of the subject property, surrounding zoning and land use designations as well as existing uses. A neighborhood meeting was held on July 30, 2018; the report on that meeting is included in the agenda packet. The applicant proposes three additional uses: automotive accessory sales and installation, commissary and manufacturing and processing, minor and a condition “Each commissary use shall be limited to an interior area of no more than 5,000 square feet. The applicant proposes to remove the previous condition of the 6 foot stockade fence along the eastern property line. Planning staff recommends approval of this rezoning with the addition of the following condition:

There shall be either a 6' stockade fence or additional evergreen screening planted along the eastern property line between the thoroughfare buffer and the drainage easement.

The applicant, Stuart Jones stated the fence is an on-going maintenance issue for the property owner and adjacent property owner; it keeps falling down. The fence was installed because the adjacent

property used to be a residential use with horses. Now it is an office use and still has a 30 foot buffer. Neither property owner wants the fence.

Chair Bills opened the public hearing for anyone to speak in favor or opposition of the rezoning. Mark Rusca of Bella Casa, an owner of one of the units stated he is opposed to the three new uses proposed; they will generate more traffic, the commissary will target food truck traffic and the automotive accessory use will generate more parking. Eliza Stecklar an owner of one of the units, is concerned with additional trash, effects on the sewer system, fire truck access and safety concerns in that they have expensive equipment in their business. They would prefer to have a fence but would look at having an evergreen "fence".

Chair Bills closed the public hearing.

Stuart Jones stated they wanted to have a limit on the size of the commissary area and the kitchen area would be in the rear where the trucks would load and unload; the truck would be parked in the interior safety fence.

Chair Bills called for the motion. Member Mead made a motion to recommend approval to Town Council with the conditions listed with a note to Council that the fence could be replaced with evergreen plantings and that the applicant can consult with staff on the best choices. Member Morgan seconded. Motion carried with a unanimous vote.

NEW BUSINESS

Item #1

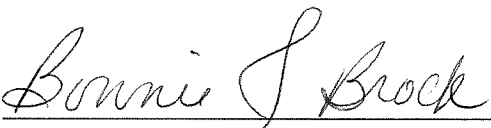
Amanda Bunce, Planning Manager presented Sweetwater Phase 9 Master Subdivision Plan and stated the applicants, Mark Ashness, CE Group/ExperienceOne Homes & KEP Apex, LLC, proposes 9 non-residential/mixed-use lots located at 0, 3115, 3233 US 64 Hwy West containing ±24.59acres. Planner Bunce oriented those present as to the location of the subject property, surrounding zoning and land use designations and existing uses. All internal streets will be private. Bunce stated the buffers proposed, all other standards of the UDO will be met and there will be two access points on Richardson Road.

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

There being no further business, the meeting adjourned at 7:03 p.m. The foregoing minutes are approved this the 13 day of November, 2018.



Margo Bills
Chair



Bonnie J. Brock, CMC, NCCMC
Deputy Town Clerk