



TOWN OF APEX PLANNING BOARD REMOTE MEETING MINUTES

Meeting Date: January 13, 2021

The Planning Board held a remote Special Meeting on January 13, 2021 at 5:00 p.m. Chair Marks called the meeting to order at 5:00 p.m. Members present by roll call were, Chair Michael Marks, Vice Chair Reginald Skinner, Board Members Mark Steele, Tina Sherman, Tommy Pate, Tim Royal (ETJ Member), Keith Braswell and Ryan Akers (Wake County Member). Jeff Hastings (Historical Society Member) was absent at roll call.

Chair Marks gave an overview of the conduct of the meeting. Item #1 Apex Affordable Housing Plan will be moved to the last item for the vote.

PUBLIC HEARING ITEMS CONTINUED FROM THE JANUARY 11, 2021 REMOTE MEETING

Item #2

Possible motion regarding Rezoning Case #20CZ11 Roberts Road Properties PUD, the applicants, Justin Michela/Matthew & Michelle Michela, Justin & Maryann Michela and Matthew & Michelle Michela, and Justin & Maryanne Michela are seeking to rezone approximately ±10.54 acres from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ) located at 7517 Roberts Road, 2310 Pollard Place, & 2000 Cabin Cove Road. Sarah Van Every, Senior Planner stated the 5 conditions offered by the applicant from the January 11, 2021 remote meeting:

- Maximum density is reduced to 3.2/units per acre for a maximum total of 33 units as opposed to 50 units.
- Added condition: The location of the temporary gravel construction entrance shall be limited to provide construction access from Pollard Place to Gartrell Way.
- Removing architectural condition number 6 in order to provide flexibility to have slab on grade which is typically used in senior communities.
- Revising the builder condition number 8 to “This project shall consist of lots developed with custom homes.”
- The condition regarding pedestrian access to Roberts Road to be revised to “The project shall provide pedestrian access from the future subdivision to Roberts Road via the 8’ sidepath along Pollard Place and Gartrell Way unless a public street within the subdivision is constructed within 300’ of the northwest property corner in which case a direct pedestrian connection shall be made to Roberts Road consistent with UDO Section 7.5.4.C.

Planner Van Every summarized comments submitted after the January 11, 2021 remote meeting and are herein incorporated by reference as Attachment A. Planner Van Every stated there were a total of 66 signatures on the petition submitted for the January 11, 2021 meeting. A recording was played from a caller stating they did not receive notification about the [neighborhood] meetings in September and October, 2020, they are concerned with their neighborhood becoming a transit area, and they want access to the new development from Roberts Road.

Some comments/questions from the Board:

- Regarding the changes proposed [reduction in the number of units proposed], the statement [letter of impact] from WCPSS; did we receive feedback from them? (The reduction would not have any impact.)
- Will we get impact statements from WCPSS for future development? (Amanda Bunce, Current Planning Manager stated last year staff became more involved with WCPSS and rezonings with residential uses will have an impact letter from WCPSS.)
- The Crestmont subdivision was required to post a sign at the street stubs that the road will connect to future development.
- Cut-through traffic is not going to be as common as the residents think it is going to be.
- The Board received such a large amount of comments and very little were offered at the neighborhood meetings.
- With over 600 mailed notices, it is hard to believe the neighbors did not receive their notice.

At 5:26 p.m. Board Member Hastings joined the meeting.

- The comments from Monday's meeting were repetitive; and those tonight are more site plan related.

Patrick Kierning of Jones & Clossen Engineering, PLLC stated he will hold another meeting before for the master subdivision plan is submitted to the Town and he will put this as a condition; the last thing he wants is negative feelings from the neighbors. Planner Bunce stated another neighborhood meeting will be required by the UDO for the master subdivision plan therefore the condition offered by Patrick is not applicable at this time.

Chair Marks called for the motion. Member Skinner motioned to recommend approval with the additional six (6) conditions offered by the applicant to Town Council. Member Braswell seconded. Motion by roll call carried with a unanimous vote.

Item #3

Possible motion regarding Rezoning Case #20CZ13 Yumeewarra Farm Assembly, the applicants, Bill Zahn, Humie Olive Associates/Yumeewarra Farm, LLC, are seeking to rezone approximately ±18.737 acres from Wake County Residential-40W (R-40W) to Low Density Residential-Conditional Zoning (LD-CZ) located at 0 & 8633 Humie Olive Road. Sarah Van Every, Senior Planner read the one comment submitted after the January 11, 2021 remote meeting. The email is incorporated herein by reference as shown in Attachment B.

Jeff Roach, Peak Engineering and Design stated they are going to work with the adjacent owner on the access easement.

Chair Marks called for the motion. Member Akers motioned to recommend approval to Town Council with the conditions offered by the applicant. Member Royal seconded. Motion by roll call carried with a unanimous vote.

Item #4

Possible motion regarding Rezoning Case #20CZ15 Smithfield Road Collision Center, the applicants, Spencer B. Terry III, Carolina Land Development Group, Inc./Anthony K. & Melissa S. Woodell and R. Markham & Ruth B. Stewart, are seeking to rezone approximately ±3.816 acres from Rural Residential

(RR) and High Density Single-Family Residential (HDSF) to Light Industrial-Conditional Zoning (LI-CZ) located at 5920 & 0 Old Smithfield Road.

Lauren Staudenmaier, Planner I summarized the rezoning proposal and stated there were no comments received after the January 11, 2021 remote meeting.

Chair Marks called for the motion. Member Steele motioned to recommend approval to Town Council as proposed. Member Skinner seconded. Motion by roll call carried with a unanimous vote.

Item #1

Possible motion regarding the Town of Apex Affordable Housing Plan.

Shannon Cox, Long Range Planning Manager stated there were no official comments submitted after the January 11, 2021 meeting for this public hearing. Because out of transparency, we do have a comment form that we're leaving open through the Town Council public hearings and they will summarize those comments in the Town Council staff report. Those comments were geared toward implementation of the Affordable Housing Plan relating to accessory dwelling units and a comment regarding looking at densities downtown in particular.

Chair Marks called for the motion. Member Steele motioned to recommend approval to Town Council as presented at the January 11, 2021 meeting. Member Akers stated he would like to see a condition go to Council that there is a stronger effort to include the Home Builders Association other industry leaders that do this for a living included in the policy as a part of this. Member Steele stated the Steering Committee worked very hard on this, listened to the industry who would like certain things and what we have before us is a merging of different groups. He does not think they need to have any condition on this plan. Planner Cox stated she appreciates hearing from the industry and they will be responsive regarding the different groups. Planner Cox stated the changes after discussions with staff and the consultant based on public comments received. The changes are on page 32 of the draft plan:

When propose development requires Town Council approval, the Town has an opportunity to encourage new development to include affordable house units. Previously it said "ensure". Incentive zoning conditions are intended to prompt and help developers provide a public good, such as affordable housing units. The last sentence was added: Such incentive zoning conditions are proffered by the developer and cannot be imposed by Town Council. Under Recommendations for Apex, the sentence was shortened to read: "The Town should establish a clear policy to provide incentives for developers in exchange for affordable housing units or an equivalent fee payment toward the Town's Housing Trust Fund."

Sherman stated she cannot recommend approval on these changes. Member Steele concurred and asked if it is illegal to impose the previous language? Dianne Khin, Director of Planning and Community Development stated all zoning conditions have to be proffered by the developer; the Town Council cannot impose conditions that are not expressly agreed to by applicants. The Town Council's recourse is to turn down any rezoning they feel is not in the best interest of the town. This is true regardless of whether that sentence is in this document or not.

Member Sherman seconded Member Steele's motion [to approve the plan as presented at the January 11, 2021 remote meeting].

Member Steele ask if the Boards concerns will be provided to Council? (Yes, it will be similar in format to how we provided public feedback to the Planning Board and they will be added to the staff report.)

Motion by roll call. Ayes: Chair Marks, Members Sherman and Steele. Nays: Members Skinner Pate, Royal, Braswell and Akers. Motion failed with a vote of 3:5.

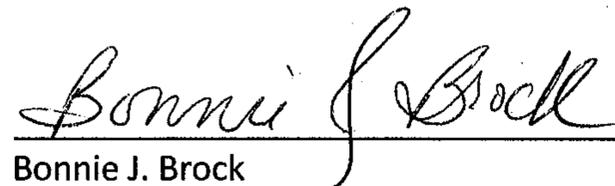
Member Royal motioned to recommend approval of the amended draft Apex Housing Plan document presented at this meeting [with changes made on page 32]. Member Braswell seconded. Further discussion ensued regarding incentivizing vs. mandating, the number of stakeholders involved, the January 11, 2021 version may be illegal and the number of months and stakeholders time put into this plan. Motion by roll call. Ayes: Members Vice Chair Skinner, Royal, Braswell and Akers. Nays: Chair Marks-due to process, Members Steele-due to process and it devalues time and effort put into this plan, Sherman-it's a process objection and Pate-do not support document. The Vote 4:4. Director Khin stated this will go forward to Council and the Nays expressed reasons will be included. The January 26, 2021 Town Council meeting will be conducted remotely.

Member Skinner motioned to adjourn. Member Pate seconded. Motion by roll call carried with a unanimous vote.

There being no further business, the meeting adjourned at 6:57 p.m. The foregoing minutes are approved this the 8th day of February, 2021.

Michael Marks Digitally signed by Michael Marks
Date: 2021.02.22 16:54:55 -05'00'

Michael Marks
Chair



Bonnie J. Brock
Development Specialist