



TOWN OF APEX PLANNING BOARD MEETING MINUTES

Meeting Date: January 14, 2019

The Planning Board held their regular meeting on January 14, 2019 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 Beth Godfrey, Reginald Skinner, Tina Sherman, Mark Steele and Steve Tyburski. Member absent was Danielle Bedotto.

Chair Bills called the meeting to order at 4:30 p.m. Member Marks 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

Updates to the Town of Apex Planning Board Rules of Procedure. Chair Bills called for a motion. Member Marks made a motion to recommend approval. Member Skinner seconded. Motion carried with a unanimous vote.

Item #2

Minutes from the December 10, 2018 regular meeting. Chair Bills called for a motion. Member Godfrey made a motion to recommend approval. Member Marks seconded. Motion carried with a unanimous vote.

PUBLIC HEARING

Item #1

Shannon Cox, Long Range Planning Manager presented the draft of Advance Apex-The 2045 Plan. Planner Cox stated Advance Apex is one process looking at two plans; The 2045 Transportation Plan and The 2045 Land Use Map Update. Recommendations depicted in the maps from Advance Apex are a combination of existing conditions and the future vision. The process began with data collection, establishing goals and developing the proposed transportation network and future land use plan guided by a Steering Committee. The public was invited to participate in an online survey, there were two public workshops and a web page. Information was provided in the utility bills, emails, social media and signs were posted throughout the town's corporate limits and ETJ. Several slides were shown with highlights and maps from Advance Apex-The 2045 Plan.

2045 Land Use Map:

- Guiding Principles
- Land Use Screening-Current parcels
- Focus Areas and Other Areas
- Alternatives Evaluation
- Land Use Classification Changes
- Recommended changes to the public draft
- Proposed 2045 Land Use Map

2045 Transportation Plan:

- Context-Sensitive Design
- Focus Areas
- Roadway Network Recommendations
- Transit Network
- Implementation

Some questions/comments from the Board:

- Need staff to clarify the industrial land use class in the southwest area. It has been on the land use plan for decades; the Shearon Harris Plant is located there and staff does not want to see residential uses in that area.
- On the "Other Areas" slide, some areas are rather large. Staff received substantial opposition and scaled back the mixed use land class. Most other changes reflect conservation easements.
- How are dates determined for funded projects? They are programed in the state transportation improvement program. Sidewalk projects have funding; projects without funding are subject to change over time.

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

The following residents came forward to speak:

Karim Cleary	607 Old Mill Village Drive	Alton Richardson	1295 Windham Road
John Paton	1000 Double Helix Road	Jim Mead	203 Thorn Hollow Drive

Some comments/questions were:

- This is a great, extensive plan. Are there 1-story condominiums or homes coming to Apex and what about handicap and wheelchair accessibility? Cox stated we have this as a comment and our sidewalks are constructed to meet ADA standards.
- Support changes to the plan for their location.
- Why is a road shown going through the Dezola Drive area; do not remember seeing this road on the Horton Park PUD plan. Planner Cox displayed the area in question and stated the changes were part of the Horton Park PUD.
- Appreciate staff changing Castleberry subdivision to Rural Residential on the land use map.

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

Item #2

Shannon Cox, Long Range Planning Manager presented the following amendment to the Apex Transportation Plan for Trinity Apex PUD:

- Remove the future north-south Minor Collector street between future Jessie Drive extension and a future east-west Major Collector street.

Staff met with the developers of Trinity PUD and Jessie Commons PUD; both requested this to be removed and staff recommends approval.

Chair Bills opened and closed the public hearing; no one came forward to speak in favor or opposition. Chair Bills called for the motion. Member Marks made a motion to recommend approval to Town Council. Member Sherman seconded. Motion carried with a unanimous vote.

Item #3

Amanda Bunce, Current Planning Manager stated in Rezoning Case #16CZ32 Trinity at Apex PUD, the applicants, Jonathan T. Sizemore, Page Two Holdings, LLC; Rodessa, LLC; and KAM Group, LLC are seeking to

amend the 2030 Land Use Map for approximately ±25.5 acres located at 0 and 1709 E. Williams Street from Medium-High Density Residential/High Density Residential to Medium-High Density Residential/High Density Residential/Office Employment/Commercial Services and rezone said property from Residential Agricultural (RA) to Planned Unit Development-Conditional Zoning (PUD-CZ). Planner Bunce oriented those present as to the location of the subject property, existing uses, land use and zoning designations. A summary of the uses and conditions were provided as well as buffers, building height maximums and architectural standards. Sewer services are contingent upon the regional pump station being completed. There are a lot of roadway and sidewalk improvements including a connection to the Middle Creek Greenway. Planning staff recommends approval with the conditions as proposed by the applicant in addition to the approval of the transportation plan amendment.

The applicant, Jason Barron of Morningstar Law Firm stated this mixed use rezoning makes sense for this area. There are significant road improvements proposed and they are providing cross access between the two developments proposed for this area.

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

Item #4

Shelly Mayo, Planner II stated in Rezoning Case #18CZ32 Old Mill Village Lot 1 PUD Amendment, the applicants, Jones & Cnossen Engineering, PLLC/Apex First Development, LLC are seeking to rezone approximately 2.82 acres located at 400 & 450 North Mason Street from Planned Unit Development-Conditional Zoning (PUD-CZ #07CZ22) to Planned Unit Development-Conditional Zoning (PUD-CZ). Planner Mayo oriented those present as to the location of the subject property, existing uses, zoning and land use designations. When the applicant and staff met, it was recommended to take out a number of conditions. A neighborhood meeting was held on October 29, 2018; the report on that meeting is included in the agenda packet. Planner Mayo stated the added uses and uses removed from the old zoning conditions. The applicant proposes 4.6 units per acre; the UDO allows 14 units per acre. The previous rezoning proposed 50,000 sq. ft. of commercial space; this proposal is for 20,000 sq. ft. The pedestrian oriented sidewalks will have benches and planters and on-street parking has been added along N. Mason Street. The PUD will provide public art along the intersection of North Mason Street and Old Raleigh Road. Planning staff recommends approval as proposed.

Member Sherman asked for clarification on the transportation impacts for this site. Peter Cnossen, Jones Cnossen Engineering, PLLC stated a full TIA was not done. However a trip generation was completed for a daycare and it showed it would be a less intense use, thus no impact on adjacent trips. When the site plan comes in, a TIA will be conducted. Russell Dalton, Transportation Engineer stated Peter is correct, the rezoning uses actually are a reduction in the trips. Mr. Cnossen stated there is a contract with Primrose School for this property. Primrose has been in Apex for three years on Laura Duncan Road at US 64 and is being forced to close via eminent domain. The rezoning would allow them to relocate close to the current site. Neighbors stated at the neighborhood meeting were concerned with traffic, the three entrances shown were already approved with the previous rezoning for this property, and they will work with staff when a site plan comes in. They have an eight acre tract currently under contract adjacent to the [proposed] daycare site.

Member Godfrey asked if there is anything specific as to why this property hasn't sold. Mr. Cnossen stated it is the size of the property, there are very low traffic volumes for commercial uses, the property has been on the market with no interest for 15 years and they need to make a change.

The owner, Kerry Stockman of Primrose School stated they have invested a lot in this school. They need to relocate by January 2022 and it will take 16-18 months to do so. They promised their staff of 35 employees they would try to relocate [from the existing facility to the new one] over a four day period. There is a huge demand for quality childcare and Primrose has a high rating for their curriculum, they do community service projects such as book drives, Make a Wish Foundation and they have a safe place for children.

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

The following residents came forward to speak:

Karin Cleary	607 Old Mill Village Drive	Terri Nelson	509 Old Mill Village
Allison Jurgens	521 Old Mill Village Drive	Katherine	424 Sawcut Lane
Lynette Cardillo	534 Old Mill Village Drive	Beth Tsai	418 Sawcut Lane
Cathy East	432 Sawcut Land	Chris Hand	550 Old Mill Village Drive

Some comments and concerns were:

- Encourage conducting a TIA now
- Primrose is a good facility but not the best use for this area
- Concerned with day care going here because of the number of cars that will be driving in an out each day twice a day
- There will be a lot of noise with a day care here
- Off-site parking will take place in Old Mill Village with a day care facility that has special events and family events
- Would like the rezoning to remain as it was when they bought property in this community
- Opposed to a day care or other public use
- Opposed to an entrance from Sawcut Lane
- Average parking on a Primrose site is 40-50 spaces and will not accommodate special events
- Told there would be no on-street parking when they purchased their property in Old Mill Village
- Hard to get through the subdivision even without a day care
- There is a second day care going in within a half a mile of this area

Kerry Stockman provided the following responses to citizens:

Events are staggered due to their experience with Apex High School renovations at their current location. No one parks on the street [Laura Duncan Road] now; the new proposal will have 50% more parking spaces. The children play outside between the hours of 9-11 a.m. and 3-5 p.m. The traffic count conducted is lower than the uses under the current zoning. There are a few families in Old Mill Village who want their kids to attend Primrose.

Peter Clossen stated there are 1,650 trips projected per day under the uses allowed in the current zoning; 620 trips are projected with the proposed rezoning making it 1,030 less trips per day.

Chair Bills closed the public hearing.

Mayo provided background information on what was previously approved and what could go there as it is currently approved vs. a potential daycare. Russell Dalton stated they have an older TIA for the original rezoning; conducting another TIA at site plan stage would determine traffic improvements and recommendations. A TIA at the rezoning stage would not serve any purpose or change staff's recommendation for essentially a down zoning. A question and answer session ensued between the applicant, staff and Board members about the existing Primrose school, public parking spaces available, and previous rezoning's for this site.

Some comments from the Board were:

- Residents bought into this subdivision.
- 15 years is a very long time for property is sit vacant
- Understand feelings of the neighbors; Primrose needs to relocate and want them to stay
- The traffic counts will be lower with the day care vs. a 50,000 sq. ft. building.
- We are a recommending body, this rezoning meets the UDO and we don't want to lose the tax base
- There are existing parking issues in Old Mill Village and should be taken up with the HOA

Chair Bills called for the motion. Member Godfrey made a motion to recommend approval to Town Council. Member Skinner seconded. Member Steele stated a lot of the objections from the neighbors could happen with any use proposed on this site. Motion carried with a vote of 6-1. Member Sherman voted nay due to traffic concerns and changing conditions of zoning based on a promise of development.

Item #5

Shelly Mayo, Planner II stated in Rezoning Case #18CZ33, the applicant, Robbie Bell, Bass, Nixon & Kennedy, Inc. /Jeffrey & Lindy Morris are seeking to rezone approximately 5.61 acres located at 7800 Secluded Acres from Rural Residential (RR) to Low Density-Conditional Zoning (LD-CZ). Planner Mayo oriented those present as to the location of the subject property, existing uses, zoning and land use designations. A neighborhood meeting was held on October 29, 2018; the report is included in the agenda packet. Planner Mayo stated the uses proposed, summarized the conditions proposed by the applicant and stated staff recommends approval as submitted.

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

NEW BUSINESS

Item #1

Amanda Bunce, Current Planning Manager presented the following amendments to the Unified Development Ordinance (UDO):

1. Sec. 2.3.6.D *Site Plan* in order to require that any North Carolina Certified Site be reviewed as a Minor Site Plan as specified in the UDO.
2. Sec. 8.7 *Signs* in order to add "Interactive Display Sign" as a new sign type as well as associated standards for such sign type.
3. Sec. 4.2.2 *Use Table* in order to add "Pet services" and "Tailor shop" as permitted uses within the Office and Institutional (O&I) zoning district.
4. Sec. 5.2.2.B.4 *Encroachments into Setbacks* in order to clarify that cantilevered chimneys are allowed to encroach into a setback the same amount as a traditional chimney.
5. Sec. 8.3.2.B *Off-Street Parking Schedule "B"* in order to decrease the required parking for the "Indoor sales area" of uses following this parking schedule.

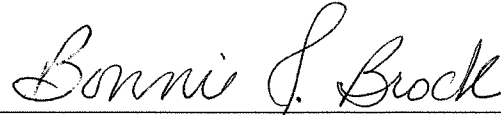
Planner Bunce state planning staff recommends approval.

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

There being no further business, the meeting adjourned at 7:40 p.m. The foregoing minutes are approved this the 11 day of February, 2018.



Margo Bills
Chair



Bonnie J. Brock, CMC, NCCMC
Deputy Town Clerk