



TOWN OF APEX PLANNING BOARD MEETING MINUTES

Meeting Date: March 11, 2019

The Planning Board held their regular meeting on March 11, 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, Mark Steele, Tina Sherman and Steve Tyburski.

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 – Minutes from the February 11, 2019 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

Liz Loftin, Senior Planner stated in Rezoning Case #18CZ34 Olive Ridge PUD, the applicants, Weekley Homes, LLC/Jeff Roach, Peak Engineering & Design, PLLC are seeking to rezone approximately ± 57.17 acres from Wake County R-40W to Planned Unit Development-Conditional Zoning (PUD-CZ) located at 2125, 2205, 2217, 2237, 2301 New Hill Olive Chapel Road; and 8836, 8848 Twin Ponds Lane. Planner Loftin oriented those present as to the location of the subject property, existing uses, zoning and land use designations in the area. A neighborhood meeting was held on November 15, 2018; the report on that meeting is included in the agenda packet. This was one of the areas changed with the 2045 Land Use Map. Planner Loftin summarized the uses and conditions proposed in the PD Plan as well as the buffers. There are additional conditions proposed by the applicant today; a copy of those conditions are provided in the handouts and highlighted in red text. The PUD will allow for development of single-family uses in a manner consistent with the properties to the south and west and future development of the properties to the north and east. The rezoning will provide a wider buffer and larger lots along New Hill Olive Chapel Road. Staff report and staff recommends approval with the conditions proposed by the applicant.

The applicant, Jeff Roach, Peak Engineering and Design stated he is representing seven property owners; some since the early 70's. Weekley Homes is the builder, they kept the density to meet both the 2030 and 2045 Land Use Plan. The right-of-way for Olive Chapel Road is proposed at 110 feet and they will meet the newly adopted Bike Apex Plan. There are 65 foot wide lots and the townhomes will be rear loaded. The RCA requirement is 25% and they will meet it with is location to the south of the property [slide shown]. Stub streets are shown on the plan for future connectivity.

Chair Bills opened the public hearing for anyone to speak in favor or opposition of the rezoning. The following residents came forward to speak:

Dave Hepburn	1976 Old Byre Way	Michelle Gardner	8848 Twin Ponds Lane
Joe Hoffman	8800 New Hope Farm Rd	Carey Adams	8833 Twin Ponds Lane
Owen Wynne	2217 New Hill Olive Chapel Road		

- Will sewer be available for their property? Jeff will discuss with Mr. Hepburn later.
- Concerned with water volume and water quality; own two lakes that take water from upstream.
- Would like a privacy fence to prohibit trespassers on the lakes and for safety reasons concerning children.
- Twin Ponds Road has washed out twice with the last two hurricanes.
- Own 20 acres and it is time to move on. There are number of residential subdivisions under various stages of development in this area and the new homes should look very good here.
- Entire family has lived in this area and we are currently looking to downsize in Apex.
- Researched David Weekley Homes and feel comfortable with what they propose to do.
- Did not receive any notification of the rezoning.
- Concerned with the drainage in this area.
- Support the installation of a fence for adjacent property owners for privacy and safety.
- Twin Ponds Lane needs upgrading and repairs very badly.

Chair Bills closed the public hearing.

Questions and concerns from the Board and responses from the applicant:

- Will retention ponds be built? They are installing storm water ponds and water quality controls.
- Explain the water control plans. One, two and 10-year storm controls will be installed.
- Was Mrs. Adams left off the application? No, the owner needs to contact the tax assessor's office to correct their mailing address.

Mr. Roach also stated the developer will not utilize Twin Ponds Lane for ingress/egress for this project. A property owner in the new subdivision can build a fence to protect their children. The developer prefers to have a buffer rather than a fence. The rezoning meets the UDO and Land Use Plan.

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

Item #2

Sarah Rayfield, Senior Planner stated in Rezoning Case #18CZ35, the applicants, ST Investments One, LLC/Anil K. Singh/Glenn Futrell/Kondapa Tammineni & Thanuja Puhakayala are seeking to amend the 2045 Land Use Map for a portion of the area to be rezoned from Low Density Residential and Office Employment/Low Density Residential to Office Employment and rezone approximately ±7.35 acres from Rural Residential (RR) and Low Density Residential-Conditional Zoning (LD-CZ # 18CZ09) to Office & Institutional District-Conditional Zoning (O&I-CZ) and Low Density Residential-Conditional Zoning (LD-CZ) located at 8201, 8217, and portions of 8209 and 8233 Green Level Church Road. Planner Rayfield oriented those present as to the location of the subject property, existing uses, zoning and land use

designations. Neighborhood meetings were held on November 27, 2018, January 7, 2019 and February 21, 2019; the reports on those meetings are included in the agenda packet. Planner Rayfield summarized the conditions proposed specific to this rezoning case. Staff recommends approval of the land use map amendment and rezoning.

The applicant, Isabel Maddox, Raleigh NC stated this is a split zoning request; the reason is due a property exchange and facilitating the construction of a portion of Roberts Road. The benefits of this rezoning is it meets the land use map, it is not appropriate for single-family homes fronting on the busy road. It is hard to control students and the improvements to the intersection will mitigate some of the issues. Anil Singh of 102 Bancroft Branch Road stated he met with Glenn Futrell to work out the road improvements and he is getting some land from him. Glenn Futrell 150 Towerview Court Cary stated the town approached him to consider working with Anil Singh and he received input from Russell Dalton, Transportation Engineer in making the intersection a 4-way; Green Level Road and Roberts Road will get pedestrian improvements in this area.

Chair Bills opened the public hearing for anyone to speak in favor or opposition of the rezoning. Nelson Cooper of 2537 Silver Dew Court stated he is concerned with the Eagles convenient store traffic going into this area. He wants to know who is going to pay for this. The TIA study indicated a 12% increase in traffic and the infrastructure needs to be improved.

Chair Bills closed the public hearing.

Comments from the Board:

- Concerned with pedestrian traffic and the proximity of the school. Rayfield stated the school students will not typically be coming out of the school site across from the proposed rezoning.
- This is no different than what we have at Apex High School at US 64.
- Green Level Church Road will be a major thoroughfare.
- Who will fund the U-turn? Russell Dalton, Transportation Engineer stated there will be a TIA with a site plan if it meets the threshold and it will encompass the 4-way intersection costs.

Chair Bills called for the motion. Member Godfrey 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 #3

Shelly Mayo, Planner II stated in Rezoning Case #19CZ01, the applicants, Heritage Leadership Academy/BCP Lufkin, LLC are seeking to rezone approximately ±8.31 acres from Light Industrial (LI) and Planned Commercial - Conditional Use (PC-CU-#98CU14) to Neighborhood Business-Conditional Zoning (B1-CZ) located at 3000 Lufkin Road. 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 December 20, 2018; the meeting report is included in the agenda packet. The church will remain the primary use here; they will lease space when they are not using it. Planner Mayo summarized the uses proposed as well as the architectural conditions. Staff recommends approval as proposed by the applicant.

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

Item #4

Amanda Bunce, Current Planning Manager stated in Rezoning Case #19CZ03 Broadstone Station PUD Amendment, the applicants, Timothy Fischer, DHIC, LLC/KRG Peakway @ 55, LLC are seeking to rezone approximately ±19.95 acres from Planned Unit Development-Conditional Zoning (PUD-CZ #10CZ10) to Planned Unit Development-Conditional Zoning (PUD-CZ) located at 0 Apex Peakway. Planner Bunce oriented those present as to the location of the subject property, existing uses, zoning and land use designations. A neighborhood meeting was held on January 30, 2019; the report on that meeting is included in the agenda packet. Planner Bunce stated the rezoning request is consistent with the current land use map. The applicant proposes three changes: add apartments and other residential uses on a portion of the subject property, amend one of the required buffers and reduce the minimum parking for age-restricted apartments. The allowed residential uses must meet the requirements of Section 42 of the Internal Revenue Code ("Code") or a substantially equivalent form of affordable rental housing. 100% of the dwelling units developed on the property must meet this requirement. Accordingly, rents shall be set at a price that on average is affordable to a household with an annual income that is no greater than 60% of the Area Median Income for the respectively-sized household in the Raleigh, NC MSA, as determined by the United States Department of Housing and Urban Development (HUD). This is *the* only property in Apex that qualifies for the affordable housing tax credit. Staff recommends approval with the conditions proposed by the applicant.

The applicant, Natalie Britt of DHIC gave a quick overview of who they are and their mission to provide affordable housing. They developed Beechridge Apartments in two phases here in Apex. The median income for a family of four is \$50,000; they expect this to be higher once they get the figures for 2019 this month.

Chair Bills opened the public hearing for anyone to speak in favor or opposition of the rezoning. Jeanne Hack of 1075 S. Hughes Street stated all she has ever wanted is assets for Apex. She does not want this development because of the traffic it will create to this already congested area. She knows we need more infrastructure to handle all this new development. This is not a good asset or plan for this town.

John Buck 105 Lyndenberry Drive stated he has seen much growth. He is in support of the affordable housing because his son who is handicapped could afford to live there. It is an opportunity for people like his son.

Chair Bills closed the public hearing.

Some questions/comments from the Board:

- Will there be sidewalks on S. Hughes St? Yes. A 10-foot side path will be installed on their frontage.
- Excited to see affordable housing coming to Apex. This is housing town employees could afford.
- What areas will be affected by traffic? Russell Dalton elaborated on the existing traffic patterns for this area most of which is happening as a result of NC 55 traffic; the Apex Peakway is underutilized here.
- Will public transportation be tied to this project? Yes staff is working on transit serving this area.

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.

NEW BUSINESS

Item #1

Shelly Mayo, Planner II presented the Old Mill Village Lot 5 Master Subdivision Plan. The applicant, North Carolina II, LP, proposes 11 townhomes located at 0 Old Mill Village Drive containing ±1.44 acres. Planner Mayo oriented those present as to the location of the subject property, existing conditions, uses and zoning designations. A neighborhood meeting was held on September 27, 2018. The parcel could have had up to 17 units per acre based on the current zoning conditions. Planner Mayo demonstrated where the buffers and RCA are to be located. The proposed subdivision plan meets the Transportation Plan and UDO and staff recommends approval.

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

Item #2

Amanda Bunce, Current Planning Manager presented Pinnacle Park Center Revised Non-Residential Master Subdivision Plan. The applicants, Classic Road Partners, LLC/Classic Road Partners, LLC; CW Squared, LLC; and Keystone-Pinnacle Park, LLC propose to amend a traffic condition for this non-residential subdivision plan previously approved on March 15, 2016. Planner Bunce oriented those present as to the location of the subject property, existing zoning designation and land use classification. A TIA was conducted for this subdivision plan and conditions pertaining to a limit of constructing square footage. The first development met the limit threshold. However, the anticipated square footage for the remainder of the subdivision is expected to be lower. Based on the updated traffic analysis, staff is recommending additional dual left turn storage and a lower amount of total building square footage. The applicant is requesting a fee in lieu rather than construction of the left turn lanes since the State has funded improvements in this same area with construction beginning in 2023. Staff recommends approval as proposed by the applicant.

Chair Bills called for the motion. Member Skinner 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 presented the following amendments to the Unified Development Ordinance (UDO):

Requested by the Planning Committee:

1. Secs. 4.2.2 Use Table; 4.3.5.A.2 Use Classifications, Commercial Uses, Adult Use, Bar or nightclub; and 4.4.5.A.2 Supplemental Standards, Commercial Uses, Adult Use, Bar or nightclub to amend the name of the use "Bar or nightclub" to "Bar, nightclub, wine bar, or taproom", modify the definition and supplemental standards to reflect that change, and to allow that use as a Special Use within the Neighborhood Business (B1) and Downtown Business (B2) zoning districts as well as the Small Town Character Overlay District (STC).
2. Secs. 4.2.2 Use Table; 4.3.6.B.8 Use Classifications, Industrial Uses, Production, Microbrewery; and 4.4.6.B.3 Supplemental Standards, Industrial Uses, Production, Microbrewery in order to amend the definition and supplemental standards for the use "Microbrewery" in order to remove the maximum percentage of sales from on-premise consumption, set a minimum production amount, clarify that food sales are permitted, and require that within the Downtown Business (B2) zoning

district the use include a tasting room or retail space. The amendments also add the use as permitted within the Sustainable Development (SD) zoning district.

Requested by Planning Staff:

3. Amendment to Sec. 12.2 Terms Defined in order to remove ambiguity from the definition of "Critical Root Zone".

Staff recommends approval.

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

Item #4

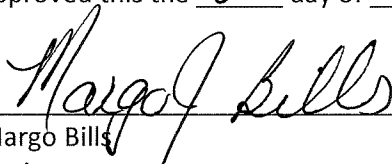
Amanda Bunce, Current Planning Manager presented the following amendments to the Unified Development Ordinance (UDO) for subdivisions:

1. The Town Council proposes amendments to various sections of the UDO in order to change the approval authority of Master Subdivision Plans from the Town Council to the Technical Review Committee: Subdivisions are an Administrative Approval. Combine the processes for Master and Minor Subdivision Plans; change all "Final Plat for Subdivision" references to "Master Subdivision Final Plat. Clarify that the Parks, Recreation, and Cultural Resources Advisory Commission reviews certain rezonings and multi-family Site Plans rather than all Site Plans; remove and amend outdated text related to condominium and townhome developments; update standards for performance bonds in Sec. 11.3; and make general formatting and typographical error corrections.

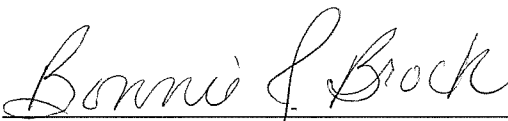
Staff recommends approval.

Discussion ensued regarding the current processes, citizens input regarding subdivision projects and the notification procedures. Chair Bills called for the motion. Member Skinner made a motion to recommend approval to Town Council. Member Godfrey seconded. Motion carried with the vote 6 to 1. Member Sherman would like more opportunities for citizen input.

There being no further business, the meeting adjourned at 7:12 p.m. The foregoing minutes are approved this the 8th day of April, 2019.



Margo Bills
Chair



Bonnie J. Brock, CMC, NCCMC
Deputy Town Clerk