



## TOWN OF APEX PLANNING BOARD MEETING MINUTES

Meeting Date: August 12, 2019

The Planning Board held their regular meeting on August 12, 2019 at 4:30 p.m. at the Apex Town Hall Campus, 73 Hunter Street, Apex North Carolina, 2<sup>nd</sup> 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 Steele 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 July 8, 2019 regular meeting. Chair Bills called for a motion. Member Marks motioned to recommend approval with a minor amendment. Member Steele seconded. Motion carried with a unanimous vote.

### PUBLIC HEARING

#### Item #1

Jenna Shouse, Long Range Planner presented an amendment to the Comprehensive Transportation Plan. The proposed amendment is to revise the Holly Springs Express Route between the Town of Holly Springs and the Town of Cary to show planned bus service along East Williams Street, Apex Peakway, James Street, South Hughes Street, East Moore Street, South Mason Street and North and South Salem Streets. The proposal avoids at grade RR crossings and will accommodate future bus stops.

Chair Bills opened and closed the public hearing. No one came forward to speak. Chair Bills called for the motion. Member Steele motioned to recommend approval to Town Council. Member Skinner seconded. Motion carried with a unanimous vote.

#### Item #2

Lauren Staudenmaier, Planner I stated in Rezoning Application #19CZ13, the applicant, Olive Chapel West Associates, LLC, seeks to rezone approximately 3.11 acres located at 2213 East Williams Street from Rural Residential to Neighborhood Business-Conditional Zoning. Planner Staudenmaier oriented those present as to the location of the subject property, surrounding existing uses, zoning and 2045 Land Use designations. A neighborhood meeting was held on May 30, 2019; the report on that meeting is included in the agenda packet. Staudenmaier summarized some of the uses and conditions proposed and noted one additional condition; a health/fitness center or spa shall be limited to 50% of the total building area with indoor activities. The rezoning is reasonable and in the public interest because it will provide an opportunity for non-residential uses to serve the surrounding residences within the area,

while providing flexibility for future development with the surrounding properties and staff recommends approval.

Jeff Roach, Peak Engineering & Design stated they worked with staff on the zoning conditions and hopes the Board will support the rezoning.

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 Godfrey motioned to recommend approval to Town Council with the additional condition. Member Steele seconded. Motion carried with a unanimous vote.

### Item #3

**Sarah Rayfield, Senior Planner**

Public hearing and possible motion regarding an amendment to the 2045 Land Use Map and Rezoning Application #19CZ02 Morris Acres PUD. The applicant, Kaplan Residential, seeks to amend the 2045 Land Use Map from Medium Density Residential to High Density Residential and to rezone approximately ±17.4376 acres, for the properties located at 0, 7208, & 7208B Morris Acres Road, from Rural Residential to Planned Unit Development-Conditional Zoning. Planner Rayfield oriented those present as to the location of the subject property, existing uses, zoning and 2045 Land Use Map designations. A neighborhood meeting was held on January 24, 2019; the report on that meeting is included in the agenda packet. The Morris PUD proposes 30.07% RCA, staff supports a land use map amendment with the conditions proposed by the applicant. Planner Rayfield identified the uses proposed, height of buildings, medium density transition areas, buffers, setbacks and summarized proposed conditions. She pointed out the architectural standards proposed in the PUD, storm-water measurements, a 10ft side path along Morris Acres Road and there will be workforce housing units. The PUD is consistent with the transportation plans and there will be wayfinding measures within the development. Rayfield explained workforce housing vs. affordable housing and the comparison of salaries. Staff recommends approval with the following changes/conditions to the PUD:

1. Removal of the request for a 0' setback from buffers and RCA.
2. Changing the proposed requirement for 10% of units to be preserved as workforce housing units at 80% of Wake County's Area Median Income (AMI) for 20 years to providing affordable dwelling units at 60% of Wake County's AMI for 20 years.

If the 2045 LUM is not amended, this property could be developed for single-family with only a 20 ft. perimeter buffer and the pasture would be developed instead of preserved as proposed.

The applicant, Jason Barron, Morningstar Law Firm stated this is a fairly complex zoning proposal. They knew they would need to have a transition area. At the neighborhood meeting, they learned of a flooding problem with the adjacent Walden Creek subdivision. Half of the lots are built in the floodplain; they cannot fix their problems, but they can take measures to not affect the existing flooding problems. Applicant Barron made 5 key points:

1. This is appropriate for density with the access to retail services and transportation opportunities
2. They propose meaningful open space preservation to make it an amenity to the future development.
3. They will provide significant stormwater measurements; can reduce the flooding at 2/10ths by piping into the 48 inch storm drain and it will be expensive.
4. Workforce housing commitment-which continues to be a challenge in this market
5. Appropriate transitions; they pushed the buildings as far away as possible from the single family residents of Walden Creek.

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

The following residents came forward to speak:

Andrew George 2314 Walden Creek Drive  
Peter Kaplan 2524 Walden Woods Drive

Gus Carey - (no address provided)  
Morgan Huet 1611 Squaw Walden Lane

Some comments and concerns were:

- This area is not appropriate for high density; 300 units will set precedent for other high density developments in the surrounding area.
- They have a petition from 500 residents against this development.
- They have existing traffic problems getting in and out of Walden Creek; it is the biggest concern.
- The land use map with high density was not what Council approved back in February.
- This [project] needs to have 100-year storm controls.
- In 2019 the Mayor stated we need to “ride the brakes on residential development”.
- This development will be toxic for the farmland.
- Will still have green space with single-family homes.
- The 500 signature petition includes the reasons the residents are against the rezoning.
- The development will have an impact on the high school.

Chair Bills closed the public hearing.

Discussion ensued between the Board members, applicant and staff. Some comments and questions were:

- The commitment to affordable house is falling short; 10% - 30% is typically dedicated. Barron stated it would be a deal breaker and they are doing better than any other developer that has come to this town.
- Is solar conduit and stormwater measures the reason you can't do 10%? Barron stated losing townhome uses and stormwater controls make it not feasible to do 10%. Dianne Khin stated we do not have an affordable housing policy. She met with the housing authority and they recommended 10/60 AMI.
- Barron stated this is an appropriate location for density based on existing conditions.
- Why propose 0 setbacks? Barron stated they are pressed tight on this site.
- There were three areas up for discussion on the 2045 Land Use Map that were not changed when it was adopted. Director Dianne Khin stated one was this area; the rezoning was submitted before adoption of the land use map. Council stated they would see what will come before them later with potential proposals.
- Has staff heard back regarding a traffic study? Barron stated it has been submitted as part of the review process, he did not hear traffic concerns from staff and no improvements were recommended in the TIA.
- Will there be cut-through traffic? No, folks will not go through less convenient routes through Walden Creek.
- Green Level High School had Apex High students; they will go back to Apex High in the fall.
- There is a flood issue and transportation challenges and we are not meeting the minimum of what other communities are doing.
- This is a poor attempt to move toward affordable housing.
- The developer is trying to accommodate and meet the community needs by addressing the flooding issue. They are not required to do this.

- Developer should come back with a plan that shows medium density. Residents do not care about saving open space, they care about traffic.
- Would like to see medium density; it is the best practice of affordable housing.

Developer, Kaplan stated intentions are to do right by the community, he heard concerns, and they did their very best with what they can do to get the right value but be a good, long term neighbor. It is hard to address the resident's ever-shifting concerns. At some point, someone is going to develop this property. Barron stated this is a complicated case and he is happy to take time to work on this.

The applicant asked for a continuance to next month's meeting. Chair Bills called for the motion. Member Marks motioned to continue this item to the September 9, 2019 meeting. Member Steele seconded. Motion carried with a unanimous vote. Chair Bills stated the public hearing on this matter is closed and will not be taking public comment at the next meeting.

#### Item #4

**Liz Loftin, Senior Planner**

Public hearing and possible motion regarding Rezoning Application #19CZ09 Linden Lot 22 PUD. The applicant, Dan Ryan Builders, seeks to rezone approximately 4.52 acres located at 2236 Olive Chapel Road from Rural Residential to Planned Unit Development-Conditional Zoning. Planner Loftin oriented those present as to the location of the subject property, existing uses, zoning and 2045 Land Use Map designations. A neighborhood meeting was held on April 24, 2019; the report on that meeting is included in the agenda packet. Planner Loftin stated the buffers and RCA proposed. The rezoning is consistent with Apex Transportation Plan, the applicant will dedicate additional ROW. The applicant agreed to an additional condition to install an off-site public sidewalk on Olive Chapel Road to be extended to the property boundary and a mid-block crossing and associated sidewalk improvements to be installed to connect to the existing public sidewalk on the south side of Olive Chapel Road subject to approval by the town and NCDOT. Planning staff recommends approval.

The applicant, Charlie Yokley summarized the PUD plan and stated the proposal meets the medium density designation on the land use map. These lots will match what is existing in the surrounding area.

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

Neil Gaietto of 4038 Winecott Drive stated there are over 1,100 houses under development in this area, traffic is backed up to US 64 and there are not enough businesses to support all the houses. If this continues, all of Olive Chapel Road will be completely built out.

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

#### Item #5

**Liz Loftin, Senior Planner**

Public hearing and possible motion regarding Rezoning Application #19STC14. The applicant, Drew Havens, Town Manager, Town of Apex, seeks to rezone approximately 1.69 acres for the property located at 320 & 322 North Mason Street from Neighborhood Business to Neighborhood Business &

Small Town Character Overlay District. Planner Loftin oriented those present as to the location of the subject property, existing uses, zoning and 2045 Land Use Map designations. A neighborhood meeting was held on June 13, 2019; the report on that meeting is included in the agenda packet and staff recommends approval.

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 motioned to recommend approval to Town Council. Member Steele seconded. Motion carried with a unanimous vote.

#### Item #6

Dianne Khin, Planning Director presented an amendment to a note on the 2045 Land Use Map. The note gives guidance for areas that might be appropriately rezoned to Mixed Office Residential Retail. We had a recent rezoning of an existing home that needed utilities and it became clear the note was not adequate for properties outside Apex's corporate limits. Director Khin gave examples where the current note falls short. The proposed note makes it clearer that retail uses may be restricted and residential density may be limited 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 Sherman motioned to recommend approval to Town Council. Member Marks 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:

Requested by the Economic Development Committee:

1. Secs. 6.1 *Watershed Protection Overlay Districts*; 7.5 *Required Improvements*; 8.1.2 *Resource Conservation Area*; and 13.19 *Traffic Impact Analysis Required* in order to provide more development flexibility for North Carolina Certified Sites. The proposed changes include reducing riparian buffers to be the greater of 50 feet or the State standards; requiring no more Resource Conservation Area than what is located within onsite perimeter and street buffers, riparian buffers, and preserved wetlands; providing a tree survey for only those areas within required buffers; delaying the submission of a Traffic Impact Analysis until Site Plan submittal; and delaying full design of water and sewer infrastructure until Site Plan submittal.

Requested by Planning Staff:

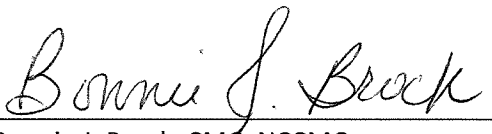
2. Sec. 8.6.4.K *Illuminated Tubing or Strings of Light* in order to allow illuminated tubing or strings of lights on Town owned trees.
3. Sec. 2.3.3.F *Conditional Zoning Districts, Legislative Considerations* in order to correct a typographical error

Planning staff recommends approval of the proposed amendments.

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

There being no further business, the meeting adjourned at 7:23 p.m. The foregoing minutes are approved this the 9 day of Sept, 2019.

  
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Margo Bills  
Chair

  
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Bonnie J. Brock, CMC, NCCMC  
Deputy Town Clerk