



TOWN OF APEX PLANNING BOARD MEETING MINUTES

Meeting Date: November 12, 2019

The Planning Board held their regular meeting on November 12, 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, Tommy Pate and Tim Royal. Members absent were Mark Steele and Tina Sherman.

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. Jeff Roach, Peak Engineering & Design stated the UDO amendment Sec. 2.2.18.B.5 *Conduct of Public Hearing, Continuance of Public Hearing* to not allow applicant to ask for a continuance will create unknowns to developers. One continuance is reasonable. Residents, Board members and staff ask questions that come up that need attention and developers may not be able to address them at the meeting. Chair Bills closed the public forum; no one else came forward to speak.

CONSENT

Item #1 – Minutes from the September 9, 2019 regular meeting. Chair Bills called for a motion. Member Skinner motioned to recommend approval. Member Marks seconded. Motion carried with a unanimous vote.

Item #2 – Minutes from the October 14, 2019 regular meeting. Chair Bills called for a motion. Member Godfrey motioned to recommend approval. Member Royal seconded. Motion carried with a unanimous vote.

PUBLIC HEARING

Item #1

Liz Loftin, Senior Planner stated in Rezoning Case #19CZ18, the applicant, Maureen Hughes, is seeking to rezone approximately ±.19 acres from Office & Institutional (O&I) to Medium Density-Conditional Zoning (MD-CZ) located at 113 West Street. Planner Loftin oriented those present as to the location of the subject property, existing uses, zoning and 2045 Land Use designations. Planner Loftin stated the proposed uses and staff recommends approval because it is reasonable because it will allow the existing home to become a conforming use and the homeowner can make significant improvements.

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

Item #2

Amanda Bunce, Current Planning Manager stated in Rezoning Case #19CZ19, the applicants, Jennifer Crank & Michael Pfeifer, S&ME, Inc. /David Heidinger & New Hill Baptist Church and Cemetery Trustees are seeking to rezone approximately ±4.33 acres from Wake County Highway Commercial (HC) & Wake County Residential-40W (R-40W) to Mixed Office-Residential-Retail-Conditional Zoning (MORR-CZ) located at 3605 and 3700 Old US 1 Hwy. Planner Bunce oriented those present as to the location of the subject property, existing uses, zoning and 2045 Land Use designations. The properties have contaminated wells and require town water. A neighborhood meeting was held on August 20, 2019; the report on that meeting is included in the agenda packet. Planner Bunce summarized the proposed uses and conditions for the single-family and church properties. Planning staff recommends approval because it meets the land use plan, both properties can connect to Town water, maintain the existing uses and provide flexibility for future development.

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

Item #3

Sarah Rayfield, Senior Planner stated in Rezoning Case #19CZ02 Morris Acres PUD, the applicant, Kaplan Residential, seeks to rezone approximately ±17.4376 acres, for the properties located at 0, 7208, & 7208B Morris Acres Road from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ). Planner Rayfield stated there were significant changes to the previous rezoning and is the reason for this new presentation. A neighborhood meeting was held on October 29, 2019; a report on that meeting is included in the agenda packet. Rayfield oriented those present as to the location of the subject property, existing uses, zoning and land use designations. Rayfield summarized the proposed uses, conditions, density, building heights, setbacks and RCA as well as the buffers for the perimeter of the property. A TIA was performed with the initial submittal containing more units; therefore a new TIA is not warranted. No changes are proposed with the storm water controls with this new submittal. Planning staff recommends approval with the conditions offered by the applicant. The rezoning provides adequate transition from the existing multi-family and townhome uses to the south and existing single-family uses to the east.

The applicant, Jason Barron, Morningstar Law Firm came forward and summarized the previous request. The changes are going from 290 to 120 units; a rental development to a townhome project and affordable housing is no longer on the table. There was a significant storm water event during the last submittal bringing a problem to light for an existing adjacent subdivision. Kaplan is making a genuine effort to address the storm water issue in the adjacent subdivision. The buffers proposed are significantly in excess of what is required by the UDO.

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

Ryan Simmons – 2508 Flints Pond Circle

Gus Carey – 2306 Bristers Spring Way

- Consensus is they are good with the new proposal with some minor tweaks.
- Two culverts are undersized in their [Walden Creek] development.
- Ideas provided to correct the flooding issues in Walden Woods.
- See an opportunity to the north where a buffer would not be needed and the developer could reduce some of the buffers for this project.

Chair Bills closed the public hearing.

Vice Chair Marks asked Stan Fortier, Senior Engineer of the Water Resources Division about improvements for the storm water under the NCDOT road? Fortier stated they don't know if NCDOT will approve them and the improvements may not make it significantly better. If NCDOT does not approve, the developer will build a larger retention pond for a 100 year storm event. The standard is a 10-year storm town wide. They looked at a larger bridge with larger culverts which would be needed to decrease the water; it would take significant funds. Morris Acres has a high elevation and the water backs up behind it.

Comments from Board:

- Developer is going well above the UDO requirements regarding the buffers. Dianne Khin stated the 30 foot buffer could be reduced if it is made up elsewhere on the site.
- Developer worked well with the community with the new submittal.
- The town should work with NCDOT on the flooding issue in Walden Creek.
- They can't make a developer fix an existing problem in another community.

Chair Bills called for the motion. Member Royal made a motion to recommend approval to Town Council as proposed by the applicant. Member Godfrey seconded. Motion carried with a unanimous vote.

NEW BUSINESS

Item #1

Amanda Bunce, Current Planning Manager stated the following amendments to the Unified Development Ordinance:

Requested by Town Council:

1. Sec. 2.2.18.B.5 *Conduct of Public Hearing, Continuance of Public Hearing* in order to remove the provision allowing an applicant the right to request and be granted one continuance.

Comments from the Board:

- Applicant needs to be prepared; but things come up at meetings.
- Good to have communication.

Member Skinner made a motion to recommend denial to Town Council. Member Royal seconded. Motion carried with a unanimous vote. Reasons for denial:

1. There has to be ample time to respond to unforeseen issues that arise.
2. In the spirit of communication, developer needs ability to continue to work with others.
3. Planning Board needs ability to grant continuances as issues come up for the first time frequently. Recommend the continuance remain as is for all Boards conducting public hearings in the spirit of communication.
4. There is not a high percentage of this type of request; the liberty is not being taken advantage of.

Requested by Planning Staff:

2. Sec. 4.5.5.G *Home Occupation, No External Evidence* in order to update the standard to add websites or social media as places that the street address of a home occupation cannot be advertised.

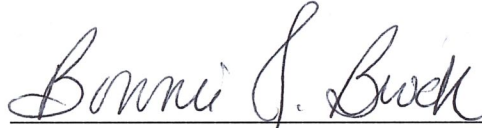
3. Sec. 4.6.1.C.9 *Temporary Uses and Structures, Uses Allowed, Other Temporary Uses* in order to update the wording of the standard to be consistent with the general standard recently adopted in Sec. 4.6.1.B *Temporary Uses and Structures, General Regulations*.
4. Sec. 9.1.2.B *Design Standards, General, Applicability* in order to clarify that the design standards do not apply to one- and two-family dwellings per State law.
5. Sec. 6.3.1.I *Small Town Character Overlay District, Adaptive Reuse of Historic Residential Structures* in order to increase the distance between a use and shared parking from 300' to 600' to be consistent with the distance approved for all other locations as found in Sec. 8.3.9 *Off-Street Parking Alternatives*.

Chair Bills called for the motion on item numbers 2-5. Member Marks motioned to recommend approval to Town Council. Member Pate seconded. Motion carried with a unanimous vote.

There being no further business, the meeting adjourned at 5:53 p.m. The foregoing minutes are approved this the 9 day of December, 2019.



Margo Bills
Chair



Bonnie J. Brock, CMC, NCCMC
Deputy Town Clerk