



TOWN OF APEX PLANNING BOARD MEETING MINUTES

Meeting Date: June 8, 2020

The Planning Board held their regular meeting on June 8, 2020 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 Michael Marks, Vice Chair Beth Godfrey, Board Members Reginald Skinner, Mark Steele, Tim Royal (ETJ Member) and Keith Braswell. Members absent were Tina Sherman and Tommy Pate. Chair Marks called the meeting to order at 4:30 p.m.

Vice Chair Godfrey gave the Invocation and Chair Marks led the Pledge of Allegiance.

PUBLIC FORUM

Chair Marks opened the floor for citizens to speak on non-agenda items; no one came forward.

CONSENT

Item #1 – Minutes from the May 11, 2020 regular meeting. Chair Marks called for a motion. Member Steele motioned to recommend approval. Member Godfrey seconded. Motion carried with a unanimous vote.

PUBLIC HEARING

Item #1

Sarah Van Every, Senior Planner stated in Rezoning Case #19CZ22 Wolfe Property PUD, the applicants, Josh Swindell, Envision Homes, LLC, Tony Streeter & Timothy V. Karr, Billy Ray Wolfe, Sarah W. Ronk, Willie T. Jr and Donna G. Wolfe, William D. II and Gaile E. Bunce and John Terry Patton are seeking to rezone approximately ±43.52 acres from Wake County R-80W and Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ) located at 1405, 1409, 1209, & 1401 Wimberly Road and 1012 & 1000 Double Helix Road. Planner Van Every oriented those present as to the location of the subject property, provided the existing uses, zoning and 2045 Land Use Map designations. A neighborhood meeting was held on October 1, 2020; the report on that meeting is included in the agenda packet. The proposed rezoning designation is consistent with the 2045 Land Use Map. Planner Van Every stated the proposed uses, maximum densities, buffers and access easements. The PUD is providing 10.8 acres of RCA and will meet stormwater requirements. There are four additional conditions proposed by the applicant:

1. A Phase 1 environmental assessment will be completed on the property to be dedicated and provided to the Town prior to construction plan approval.
2. If the Town determines that it wants land dedication for a public safety station verses park land, it will occur by January 31, 2021 or prior to construction plan approval of Public Safety Station #6 whichever comes later. If the land dedication will be used for a park, the timing specified in the UDO will be followed.
3. If the Town determines it wants land dedication for a public safety station, road improvements for the collector street will be completed from Wimberly Road to just past the planned public safety station driveway no later than February 28, 2022 or prior to the C.O. whichever comes later. If the land is for park purposes, the timing specified in the UDO will be followed.

4. If the Town determines it wants land dedication for a public safety station, a temporary driveway permit signed by NCDOT will suffice for Construction Drawing execution and issuance of a grading permit; any changes from the temporary driveway permit to the final driveway permit will be the responsibility of the developer.

Staff recommends approval of the Wolfe Property PUD. The proposed rezoning is reasonable because it will allow for additional land for a future park and development of single-family uses that will be compatible with the surrounding properties and will maintain the character and appearance of the area.

The applicant, Josh Swindell of Envision Homes stated Jack Ross lives at the end of Double Helix and he and the Ross family have two proposed agreements one being the existing access to remain in place and their future access easement will be made available through this development and recorded on a plat. Envision Homes will also install a fence and provide temporary power should the Ross Family lose power during construction.

Some questions from the Board were:

- Will the affordable housing look different from the rest of the neighborhood? It is economy housing where the size of the lot will be smaller as will the homes and will affect the price point.
- Will there be paving over Colonial Pipeline? Andy Petty of Curry Engineering stated they have had conversations with Colonial Pipeline and they will get permission before installing the path.
- Is economy housing something the applicant proposed? Yes.
- Will there be a future fire station here? Dianne Khin, Planning and Community Development Director stated there is a possibility of land being set aside for this opportunity. The UDO does allow for this use. We will know long before this subdivision is built whether or not a public safety station or parkland will be here.

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

Amanda Bambrick, of Morningstar Law Group stated Josh has done a good job with this project, they worked with the town to determine the town's needs, they will save significant trees and she hopes the Board will approve this project.

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

Item #2

Sarah Van Every, Senior Planner stated in Rezoning Case #19CZ23-2524 & 2604 Kelly Road the applicants, Brian Griffith/Friendship Coworking, LLC and Anthony J. and Martha J. Miuccio Trustee, are seeking to rezone approximately ±2.1 acres from Rural Residential (RR) to Mixed Office-Residential-Retail-Conditional Zoning (MORR-CZ) located at 2524 & 2604 Kelly Road. Planner Van Every oriented those present as to the location of the subject property, provided the existing uses, zoning and 2045 Land Use Map designations. A neighborhood meeting was held on October 28, 2019; the report on that meeting is included in the agenda packet. The rezoning is generally consistent with the 2045 Land Use designation. Planner Van Every summarized the conditions offered by the applicant. Planning staff recommends denial based on condition 11C regarding public street access; a temporary private drive is not an enforceable condition.

The applicant, Brian Griffith/Griffin stated regarding the access at 2524 Kelly Road; they are willing to provide a bond.

Some questions from the Board:

- Why do you need condition 11C? It is owned by a trust and they are not willing to provide an easement. There is no timeline for development at this time.
- Why is a bond not an option? Russell Dalton, Transportation Engineer stated the town can't accept a bond for a private driveway easement. Condition 11C provides too much flexibility and it needs to be further down. The driveway needs to be adjacent to the property.

After some clarification from Russell Dalton, the applicant agreed to strike out Condition 11C.

Chair Marks opened and closed the public hearing. No one came forward to speak in favor or opposition of this item. Chair Marks called for the motion. Member Skinner motioned to recommend approval to Town Council with the removal of condition 11C as offered by the applicant. Member Steele seconded. Motion carried with a unanimous vote.

Item #3

Shelly Mayo, Planner II stated in Rezoning Case #20CZ02 New Hill Holleman Road, the applicant, Alonzo Wilson, ATM Development, LLC, is seeking to rezone approximately ±0.981 acres from Wake County R-30 and GB to Medium Density-Conditional Zoning (MD-CZ) located at 3036 New Hill Holleman Road.. Planner Mayo oriented those present as to the location of the subject property, provided the existing uses, zoning and 2045 Land Use Map designations. A neighborhood meeting was held on December 30, 2019; the report on that meeting is included in the agenda packet. The uses and conditions proposed by the applicant are consistent with the adjacent property known as Holleman Hills which was approved in 2018. Planner Mayo summarized the conditions and stated staff recommends approval with the conditions proposed by the applicant. The rezoning is reasonable and in the public interest because it will permit increased housing options in the New Hill area and permit higher densities necessary to support future non-residential uses in the adjacent Neighborhood Mixed Use Activity Center as shown on the 2045 Land Use Map.

The applicant, Alonzo Wilson of ATM Development stated Shelly Mayo has done an excellent job with the presentation; the lots will be consistent with the Holleman Hills subdivision and he asks the Board to approve the rezoning.

Chair Marks opened and closed the public hearing. No one came forward to speak in favor or opposition of this item. Chair Marks called for the motion. Member Godfrey motioned to recommend approval to Town Council. Member Braswell seconded. Motion carried with a unanimous vote.

Item #4

Lauren Staudenmaier, Planner I stated in Rezoning Case #20CZ03-1200 James Street, the applicants, Patrick Kiernan, Jones & Cnossen Engineering, PLLC/Cathleen and Kenneth Watson, are seeking to rezone approximately ±4.09 acres from Medium Density Residential (MD) to Tech/Flex- Conditional Zoning (TF-CZ) located at 1200 James Street. A neighborhood meeting was held on January 22, 2020; the report on that meeting is included in the agenda packet. Planner Staudenmaier stated the uses and conditions and an additional condition: The use "School, public or private" shall not exceed 9,000 square feet. The rezoning is reasonable because it will provide an opportunity for non-residential uses to serve the surrounding area while being incorporated into the Peak City Business Park. The rezoning will maintain the character and appearance of the area and provide uses similar to those approved for the adjacent non-residential subdivision. Planning staff recommends approval of the rezoning.

The applicant, Patrick Kiernan of Jones & Cnossen stated they worked with staff on the address of the property, they want to address the property off of Energy Drive instead of using the current address of 1200 James Street. This would be incorporated into the Peak City Business Park. The architectural standards will be similar to Peak City Business Park.

Chair Marks opened the public hearing for anyone to speak in favor or opposition of the rezoning. Planner Staudenmaier read an email from an adjacent property owner, Angie Gaertner. Her concerns were loss of neighborhood, decrease in her property value, increased traffic and she wants the access to be off Energy Drive and not James Street.

Chair Marks closed the public hearing. Chair Marks called for the motion. Member Steele motioned to recommend approval to Town Council with the additional condition offered by the applicant that the building is to be addressed off of Energy Drive. Member Braswell 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 (UDO):

1. Sec. 5.1.5 *Table of Intensity and Dimensional Standards, Small Town Character Overlay District* in order to increase the permitted building height to three (3) stories and 50 feet subject to specific standards including setbacks.
2. Sec. 6.1 *Watershed Protection Overlay Districts* and Sec. 7.2.1 *Design Standards, Streets* in order to change all references to "Stormwater and Utility Engineering Manager" to "Environmental Engineering Manager" in Sec. 6.1 and to "Water Resources Director" in Sec. 7.2.1.

Planning staff recommends approval of the amendments.

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

There being no further business, Vice Chair Godfrey motioned to adjourn the meeting at 5:55 p.m. Member Royal seconded. The motion carried with a unanimous vote.

The foregoing minutes are approved this the 13 day of July, 2020.



Michael Marks

Chair



Bonnie J. Brock

Development Specialist