



TOWN OF APEX PLANNING BOARD MEETING MINUTES

Meeting Date: July 13, 2020

The Planning Board held their regular meeting on July 13, 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, Board Members Reginald Skinner, Mark Steele, Tina Sherman, Tim Royal (ETJ Member) and Keith Braswell. Members absent were Beth Godfrey and Tommy Pate.

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

Member Skinner 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 June 8, 2020 regular meeting. Chair Marks called for a motion. Member Steele motioned to recommend approval. Member Braswell seconded. Motion carried with a unanimous vote.

PUBLIC HEARING

Item #1

Sarah Van Every, Senior Planner stated in Rezoning Case #20CZ05 West Village PUD Amendment, the applicants [Josh Decker, McAdams Company/SM Raleigh, LLC] are seeking to rezone approximately ±35.36 acres from Planned Unit Development-Conditional Zoning (PUD-CZ #15CZ33) to Planned Unit Development-Conditional Zoning (PUD-CZ) located at 2412 Kelly Road. The rezoning is consistent with the 2045 Land Use Map. A neighborhood meeting was held on April 22, 2020; the report on that meeting is included in the agenda packet. The buffer associated with the westernmost property line has been increased above the minimum 10' required buffer in order to provide additional screening to the residential land located to the west of the project area. The westernmost buffer includes 30' of undisturbed buffer and 10' of Type A (40' total), a portion of the 40' buffer along the western side of PIN 0731331798 will be disturbed and replanted to meet Type A standards, creating a 40' Type A buffer. Allowing grading in this portion of the buffer will allow for reduced retaining wall height, as requested by the neighboring property owner. Staff recommends approval of the PUD amendment

The applicant, Josh Decker with John R McAdams stated he is there to answer any questions.

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

Item #2

Shannon Cox, Long Range Planning Manager stated she would like the Planning Board to make their motion on the amendments after hearing the next item (Rezoning Case #20CZ01). Light rail is no longer on the table; funding was never supported and Wake County is moving forward with commuter rail. A peer review was conducted across the nation; commuter stations located in dense areas should be every 2 miles and less dense areas should have about 5 miles between stations.

Amendments proposed in Scenario 1 is staff recommendation; Scenario 2 is proposed by the applicant of Rezoning Case #20CZ01 up next on the agenda. Staff is recommending removal of the rail and bus transit center along South Salem Street between NC 540 and Apex Barbecue Road. The Transit Committee has not commented on the proposed amendments.

Scenario 1 represents the planned roadway network, a revised alignment of a future bridge across South Salem Street and the removal of the future alignment of South Salem Street. This will result in adjustments to the network of major and minor collector streets. Scenario 2 represents the planned roadway network, removal of the future bridge crossing NC 540, the future realignment of South Salem Street and future roundabout at Apex Barbecue Road and South Salem Street. This will result in changes to the collector street network as proposed by the applicant for Rezoning Case #20CZ01.

If the Planning Board recommends removal of the grade separated crossings which staff does not support, we can support the applicant's proposal of the collector street network.

Planner Cox summarized proposed realignment changes, grade separations and changes to the collector street networks with Scenario's 1 and 2. The Police, Fire, Transportation departments are in support of Scenario 1 and staff recommends approval of the recommendations from Scenario 1. The grade separation has been in place since 2002.

Questions from the Board:

- Is the Apex Peakway planned as a bridge over South Salem Street? Yes.
- Is it still on the table? Yes, we are in final design for the project and is a matter of timing.
- Should we have heard the rezoning case first before this? Planner Cox recommends the Board take action on this item after the presentation by the applicant.

End of presentation.

Item #3

Amanda Bunce, Current Planning Manager stated in Rezoning Case #20CZ01 Depot 499, the applicants, [Stephen Dorn, Lennar/Narendra Meka; Varya, LLC; Poe Acres Family Farm, LLC; Carey B Hunter; Paul M Szymkiewicz & Wei Jin; Pamela Utley; Daryl & Jeanne Poe; William Douglas & Jean S Poe; Regency International Investments, LLC,] are seeking to amend the 2045 Land Use Map for approximately ±200.8 acres from Mixed Use: High Density Residential/Office Employment/Commercial Services; Medium/High Density Residential; Office Employment; Office Employment/ Commercial Services to a request for a ±5.41 acre portion of PIN 0731761944 from Office Employment to High Density Residential and rezone from Residential Agricultural (RA) & Neighborhood Business-Conditional Zoning (B1-CZ #09CZ01) to Planned Unit Development-Conditional Zoning (PUD-CZ) located at 0 Kelly Road; 1216, 1300, 1330, 1420, 1525, and 1604 S. Salem Street; 0 and 6401 Apex Barbecue Road. There is a proposal to amend ±5.41 acres on the 2045 Land Use Plan. A neighborhood meeting was held on Dec 19 and January 22, 2020; the reports on those meetings are included in the agenda packet. The proposal is consistent with the 2045 Land Use Map. Planner Bunce summarized the uses proposed and that an affordable housing condition by the developer to contribute \$100 per residential unit into a fund established by the town. If a fund is not in place by January 1, 2025, contributions will be put in an escrow account. During the review of this rezoning, staff

requested that the applicant offer a condition that a certain number of townhomes or apartments be reserved for affordable housing or the dedication of two acres to be set aside for affordable housing. If Council desires to accept a contribution, staff thinks it should be equivalent to the fair market value as opposed to the amount offered. Planner Bunce highlighted design controls within the pods such as product types, building height minimums and maximums as well as buffer requirements based on the building heights proposed. The architectural standards are comparable to what we typically see. Non-residential design standards to direct the development to include an urban style. The applicant proposes a \$10,000 donation to a local non-profit with a mission towards tree preservation/replacement, two bus stops and off-site improvements. If a school is proposed in the PUD, a new TIA will need to be conducted. There are a number of road improvement conditions proposed by the applicant and match staff's recommendations but there are exceptions; a difference in suggested turn lanes and turn lanes that needed to be longer. Parks & Recreation Advisory Commission recommends a fee-in-lieu instead of land dedication as there are no proposed greenways in this development.

Staff does recommend approval of the 2045 Land Use Map amendment on the 5.41 acres. However, staff cannot recommend approval of the rezoning without the following changes to the PUD:

1. Transportation Plan amendments. Staff does not support the proposed amendments to eliminate those grade separated crossings. If the Town Council approves the amendments to the Thoroughfare and Collector Street map to remove those two crossings or if the applicant agrees to amend the plan to include them, this reasoning for denial becomes moot.
2. Transportation Improvements. Transportation Engineering staff have suggested modified or additional road improvements that have not been included by the applicant regarding turn lanes on Apex Barbecue Road and Kelly Road as well as a traffic signal when warranted.
3. Affordable Housing. Planning staff suggests that a condition be offered that requires a certain number of units (townhome or apartment) to be reserved for affordable housing or that dedicates approximately two (2) acres to a non-profit affordable housing developer. If Council desires to accept a contribution to affordable housing, staff believes the donation amount per unit should be equivalent to the fair market value of two (2) acres.
4. Building Height: Planning staff suggests that the minimum building height in the Mixed-Use pods be 3 stories instead of the 2 story minimum proposed.

The applicant, Jamie Schwedler representing Lennar Homes stated they will provide a mixed use development, are trying to satisfy the goals of the town, integrate a variety of uses, transportation improvements and those that are in the public interest. Key aspects are walkability, trees and sustainability. They have been in communications with Wake County Public Schools (WCPSS) for a future school site here. Walkability is an important factor for this development, they propose a greenway connection at Scotts Mill and off-site pedestrian improvements for a fee-in-lieu credit. They propose two roundabouts to provide connectivity and slow down traffic. They will do a full 4 lane section of S. Salem Street along the frontage of this site. Off-site traffic improvements will be installed on Kelly and Apex Barbecue Roads, and South Salem at NC 540 such as turn lanes. Street trees will be installed, there will be solar conduit on all the single-family homes, and they will provide 20% RCA.

Affordable housing commitment is being met with townhomes and apartments; they are a lower price point. The \$150,000.00 contribution towards an affordable housing is modeled after a project in Durham NC. The zoning is reasonable and in the public interest in that it meets the 2045 Land Use Map, they are replacing 100% of the tree canopy, they are under contract with WCPSS for a school site here on PODS S & R. The transportation plan amendments are coinciding with amendments proposed by town staff, they are just in a different way and the cost of those improvements are over \$5.1 million.

Comments from the Board were:

- Excited about the school site but Scotts Ridge Elementary is capped. The reality is some of the kids who will live in this development will not be able to attend the school.
- Like the project; but not being able to get across South Salem Street and NC 540 are deal breakers and a detriment to the tenants for this development.
- Should go with staff's recommendations for the transportation plan. Three members made this comment.
- Excited about 650,000 sq. ft. of non-residential development.

Chair Marks opened the public hearing for anyone to speak in favor or opposition of the transportation plan amendments and rezoning case #20CZ01.

Amanda Bunce played a recording from Kathleen Freer of 211 Skinny Pine Court. She would like to see affordable medium density senior housing, disappointed with more high density development and does not want the 2045 Land Use Map amendment.

Karyn Davis of 1914 Woodall Crest Drive stated there is a small portion of Woodall Crest Drive where speed is a concern; she would like the speed limit to be 25 MPH and would like it incorporated into the transportation plan.

Betty Parker, Real Estate Services Senior Director of WCPSS stated they are 1,000 students over capacity in 5 schools or 134% crowded. A neighborhood without a school is a challenge, but a worse challenge is a neighborhood here without a chance to put a school because there are so few properties available. They need to close on this property by the end of September to stay on track. Their expected opening date is in 2025. The site is a tight fit, parking has to be sufficient and they need to have on-sight drop-off queuing. The grade separation for the Apex Peakway to cross South Salem Street makes this site unviable, and they support the applicant's request to remove it.

Jamie Schwedler stated the timing is different with the flyover and the school. They approached the owners about including their property in the PUD for a school use.

Rynal Stephenson of Ramey Kemp & Associates stated the multiple bridge crossings in Apex. The grade separation on South Salem Street will be higher above the street than any other. The higher density commercial is changing so there won't be as much traffic, the capacity of the roads will be reduced and there may not be a need for the extra laneage. If there is money to spend, it is better to widen existing streets than building brand new roads and bridges; it's more feasible.

Chair Marks closed the public hearing.

Questions/comments from the Board:

- Is this a full sized school? (Yes)
- Is there another area on the 200 acre site that can be used? It would be preferable to have both the school and the flyover. (Betty Parker stated from their perspective, the site for the school was not carved out; Lennar brought them in.)
- How many students can fit in the school proposed? (Most schools fill up and WCPSS are having issues keeping up).
- With 650,000 square feet in retail how will the streets support that much retail? Bob Zumwalt stated taking out the school, it will be 500,000 square feet and the biggest retail use will be the size of a Trader Joe's store; they are looking at small scale retail to go here).

- Can the grade separation be relocated? (Russell Dalton, Transportation Engineer stated it is better to have this close to 540 and the closer you get north of this area, the roadway connections will not work or will be much more difficult).
- Would like to see a traffic study including the school use.
- Would like more staff input and study for the school.
- Think the overpasses are needed.
- Would rather see senior living and affordable retail on this property.
- Would like a 25 MPH speed limit or crosswalks to get to the proposed development.
- Like this proposal with the school site; it has great connections for walkability. WCPSS can build what they need on this site that is within their budget and can open in 2025.
- The school site is a tight fit; the more walkability the less buses they will need.
- The fly-over will make the school unviable.

Chair Marks called for the motion on the Transportation Plan amendment moving the rail station. Member Steele motioned to recommend approval to Town Council. Member Skinner seconded. Motion carried with a unanimous vote.

Discussion ensued regarding the school site, Scenario's 1 and 2, the bridge crossing, timing and costs.

Chair Marks called for the motion on the remaining transportation plan amendments. Member Steele motioned to recommend approval of Scenario 1 as recommended by staff to Town Council. Member Skinner seconded. Motion carried with a unanimous Vote.

Chair Marks called for a motion on the 2045 Land Use Map amendment. Member Steele motioned to recommend denial to Town Council. Member Skinner seconded. Motion carried with a unanimous vote. Chair Marks called for the motion on Rezoning Case #20CZ01 Depot 499 PUD. Member Royal motioned to recommend denial to Town Council. Member Steele 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 Planning Committee:

1. *Sec. 2.3.4.F Planned Development Districts, Standards* in order to increase the RCA reduction that can be approved by Town Council and add additional performance standards for such reduction in the Planned Unit Development-Conditional Zoning, Traditional Neighborhood-Conditional Zoning, and Major Employment Center-Conditional Zoning districts.
2. *Sec. 8.1.2.A Resource Conservation Area, Establishment of RCA* in order to reduce the ratio of off-site RCA to on-site RCA and to amend the standards and process for the approval of off-site RCA.
3. *Sec. 8.1.2.C Resource Conservation Area, Size of the RCA* in order to decrease the amount of RCA required inside Apex Peakway and increase the amount of RCA required south and west of NC 540 with certain exemptions. Amendments to *Sec. 8.2.6 Buffering* in order to update section references based on changes in *Sec. 8.1.2.C*.

Requested by Planning Staff:

4. *Sec. 4.2.1 Use Table, General* in order to add subsection 4.2.1.I *Prohibited Uses in Residential Districts* in order to prohibit parking on residential property that is not accessory to the residential use.

5. Sec. 6.3.1.G.5 *Small Town Character Overlay District, Residential Building Standards* in order to exempt multi-family dwellings over four (4) units from the prohibition on slab on grade foundations.
6. Sec. 9.1.2.B *Design Standards, Applicability* in order to expand the applicability of the design standards for residential development to all zoning districts while retaining the exemption for one- and two-family dwellings.

Planning staff recommends approval of the amendments.

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

Member Skinner motioned to adjourn. 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 14th day of September, 2020.

Michael Marks Digitally signed by Michael Marks
Date: 2020.09.16 09:24:02 -04'00'

Michael Marks
Chair


Bonnie J. Brock
Development Specialist