



TOWN OF APEX PLANNING BOARD MEETING MINUTES

Meeting Date: November 9, 2020

The Planning Board held their regular meeting on November 9, 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) Keith Braswell, Jeff Hastings (Historical Society Member) and Ryan Akers (Wake County Member). Members absent were Tommy Pate and Tina Sherman.

Chair Marks called the meeting to order at 4:30 p.m. Chair Marks gave the Invocation and led the Pledge of Allegiance.

PUBLIC FORUM

Chair Marks opened the floor for citizens to speak on non-agenda items. Jeff Roach, 905 Newington Way had concerns regarding the proposed amendment for cross-access easements under New Business Item #1. There is a concern with two property owners that may not be able to come to an agreement.

PUBLIC HEARING

Item #1

Shelly Mayo, Planner II stated in Rezoning #20CZ09 Holleman Hills South the applicant/agent Alonzo Wilson/Jeff Roach of Peak Engineering and Design are seeking to rezone approximately ±10.16 acres from Wake County R-30 to Medium Density-Conditional Zoning (MD-CZ) located at 5131 and 5145 Church Road. Planner Mayo oriented those present as to the location of the subject property surrounding uses, existing zoning districts and land use classifications. The rezoning is consistent with the 2045 Land Use Map. A neighborhood meeting was held on October 19, 2020; the report on that meeting is included in the agenda packet.

The uses proposed are:

- Single-family
- Park, active
- Park, passive
- Greenway
- Utility, minor
- Accessory apartment
- Family care home
- Recreation facility, private

Three specific buffer conditions proposed are:

1. If this subdivision is developed as a part of the approved Holleman Hills Subdivision, no buffer shall be provided along the northern property line adjacent to Holleman Hills.
2. A 20-foot Type B Buffer will be provided along the eastern boundary at the 2 residential properties PIN 0619-99-3364 & 0619-99-6238. The remaining length of the eastern boundary of the project shall be a 10-foot Type B Buffer.
3. A 10-foot Type B Buffer will be provided along the southern boundary of the project adjacent to PIN 0619-79-6350 (Western Wake Regional Water Reclamation Facility).

The standard architectural conditions are proposed by the applicant. Planning staff recommends approval if the following condition is added:

- A 100-foot riparian buffer shall be provided for all perennial streams in accordance with the requirements of UDO Sec. 6.1 as of August 3, 2020.

Some questions from the Board were:

- Do perineal streams have a 100-foot buffer currently? (Yes)
- Were the 100-foot buffers discussed with the applicant? (Yes, and we made it clear we were going to phrase our staff report this way. They declined to add the condition and said they would wait for Planning Board and Town Council to see how things go. They were uncomfortable with reducing the amount of undevelopable land for the client.)

The applicant, Jeff Roach, Peak Engineering and Design stated Alonzo Wilson was supposed to be here tonight; he is the developer for this site and this [site] will be similar to the Holleman Hills subdivision to the north. This [proposed rezoning] meets the 2045 Land Use Map. The maximum density will be about 3 units per acre. With the Western Wake Water Reclamation Facility, more properties in this area will annex. They don't specify the buffers unless they are different than what the ordinance requires. The 100-foot stream buffer will encompass the sewer easement. They are not at the design stage just yet; they are at the rezoning stage and will follow what the current ordinance requires. If it were up to him, he would limit the uses and the density for every project. The additional conditions will raise red flags for future buyers and they will question why they aren't just following the ordinance. This project fits in here and will connect to Holleman Hills North. There have been twenty-three amendments to Section 6.1 of the UDO and with the additional condition staff is asking for, they will have to follow the ordinance in place at the time of site development, and go back to the UDO in effect as of August 3, 2020. The stream buffer will shift left to right due to the location of the secondary stream buffer.

Chair Marks opened and closed the public hearing; no one came forward to speak in favor or opposition of the rezoning.

Some questions and comments from the Board:

- Will there be mass grading? (Yes).
- This is in keeping with the adjacent Holleman Hills subdivision and the current ordinance.
- The applicant has the ability to go up to 6 units. (This site cannot achieve 6 units per acre).

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

Item #2

Jenna Shouse, Long Range Planner II

Planner Shouse presented amendments to the Bicycle and Pedestrian System Plan Map of the Apex Transportation Plan; the intent is to be consistent with Depot 499 rezoning.

1. Add a side path along the west side of South Salem Street from Apex Barbecue Road to the NC 540 interchange.
2. Add a pedestrian crossing of South Salem Street and the east side railroad tracks.
3. Add a greenway for a pedestrian connection from future James Street and Padstone Drive to South Salem Street.

Pods I and J of Depot 499 are proposed to be multi-family residential and Pod S is a proposed school. Staff feels the pedestrian crossing between the future school and Pod J will be have high pedestrian volumes. These proposed amendments were reviewed with Public Works and Transportation, Police, Fire, EMS as well as Parks, Recreation and Cultural and a representative of Depot 499. Planning staff recommends approval of the amendments.

Some questions from the Board were:

- Will the pedestrian crossing have any caution lights? (We are at the conceptual plan at this stage and there will be a feasibility study).
- Will the pedestrian crossing be at grade? (It will be grade separated).
- If the adjacent property owner were to develop, will they be required to construct the crossing up to the CSX railway? (Shannon Cox, Long Range Planning Manager stated it would be consistent with every other plan that comes in to do what is shown on our current adopted plan. We would ask for the right-of-way to provide space for future facilities. Anything on the frontage is typically required to be built. The property to the east of Depot 499 would not be required to build the crossing; they would have to provide for the space.

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

Item #3

Shannon Cox, Long Range Planning Manager stated the following amendments to the Thoroughfare and Collector Street Plan Map of the Apex Transportation Plan related to Advance Apex roadways and were reviewed with Public Works and Transportation, Police, Fire and EMS:

1. Extend future Local Connection to Ragan Road.
2. Realign future Local Connection from Lovage Drive.
3. Shift alignment of future Major Collector street between Apex Peakway and South Salem Street.
4. Revise alignment of future extension of James Street west of Apex Peakway.
5. Upgrade future extension of James Street to a Major Collector street.
6. Add a future local connection from Flint Valley Lane.
7. Realign future Local Connection from Jerimouth Drive to Evans Road.
8. Adjust alignment of future Major Collector street between Ten Ten Road and Production Drive.
9. Add a future Major Collector street over US 1 between Schieffelin Road and Lufkin Road.
10. Add future Local Connection between Smith Road and Merion Station Drive.
11. Realign future Major Collector street between Reunion Creek Parkway and Thriftwood Drive.
12. Shift future Minor Collector street between Sunset Lake Road and Thriftwood Drive.

Some questions/comments from the Board:

- What does the land use plan call for in the area of NC 540 and South Salem Street? (Medium-High density residential close to Salem Village).
- The outer part of the collector towards both highways [Old US 1 and NC 540] is it mixed use and commercial? (It is office and industrial).
- Are we limiting driveways on minor collectors? (You can have residential driveways on minor collectors, but they are difficult).
- We need this [future James Street to Veridea Parkway] to be a major collector because we couldn't get the fly-over.

Chair Marks opened and closed the public hearing for anyone to speak in favor or opposition of the amendments; no one came forward to speak.

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

Item #4

Shannon Cox, Long Range Planning Manager

Planner Cox stated the purpose of the amendments to the Thoroughfare and Collector Street Plan Map of the Apex Transportation Plan for New Hill Olive Chapel Road and North Salem Street is to consider the reversal of these amendments adopted by the Town Council on October 6, 2020. Planner Cox recapped discussions from the previous meeting. The proposed amendments are:

1. New Hill Olive Chapel Road between Old US 1 Highway and Olive Chapel Road; downgrading from a future four-lane with median to existing two-lane rural thoroughfare.

Staff did not make a recommendation the original amendment to upgrade the corridor; two Council members expressly requested Planning staff offer a recommendation. Planning staff rejects the reversal of the amendment. Some restraints are a cemetery, historic structures, a floodway and a crossing of Little Beaver Creek. Staff recognizes the need to maintain a rural corridor and minimize property impacts as this is the future route for NC 751 and the capacity that's needed. Staff recommends rejecting the proposed reversal and maintain the adopted plan.

Some questions/comments from the Board:

- Is staff recommending bike lanes on this road? The multi-use path would work better because of high speed traffic on this roadway. (The streetscape plan has flexibility; this is our starting point.) Russell Dalton offered that by state law, the cyclist can be out there; if you don't provide bike lanes, it is just high-speed traffic having to share the lanes.
 - It is so dangerous for cyclists; it would be preferable to have a bike lane as a multi-use path would have babies in strollers and other low-speed recreation.
 - Concerned with this going through a historic district. (It extends further south of Old US 1. There is another recommendation from the Southwest Study Area staff will be bringing to the Planning Board at a future date. It addresses bypassing the historic area and they are looking at this with CAP and Wake County).
2. North Salem Street between Apex Peakway and All Wheel Drive; downgrading from future four-lane median-divided thoroughfare to future three-lane thoroughfare.

Planner Cox stated staff is focusing on North Salem Street between All Wheel Drive and the Apex Peakway. The main concern about widening are potential impacts along this 110 foot corridor that could be minimized to 80 feet at the time of design.

Some questions/concerns from the Board:

- How many historic structures would be impacted? (Member Hastings stated nine. Planner Cox stated it is hard to determine impacts without actual survey data and design).
- There is a lot of development along Old US 1 and it needs to be widened. North Salem Street needs to be widened.
- Ten Ten Road is a perfect example of this type of traffic problem.

Planner Cox stated there were no concerns with Public Works and Transportation, Police Fire or EMS. Staff was asked to provide a recommendation: Given the high traffic volumes for this corridor, the strong public sentiment the Planning Board noted at the last meeting for addressing traffic and congestion, and the flexibility to minimize impacts to the extent feasible during design, Planning staff rejects the reversal of the previously approved amendment and maintaining the 4-lane median divided roadway.

Chair Marks opened and closed the public hearing for anyone to speak in favor or opposition of the amendments; no one came forward to speak.

Chair Marks summarized the Board's comments from the previous meeting on these amendments. Chair Marks called for the motion on amendment #1. Member Steele motioned to recommend denial of the reversal of the current plan for this area to Town Council and to keep this thoroughfare as currently planned [as a future four-lane median-divided thoroughfare]. Member Braswell seconded. Motion carried with a unanimous vote.

Chair Marks called for the motion on amendment #2. Member Godfrey motioned to recommend denial of the reversal of the current plan for this area and maintain a four-lane median-divided thoroughfare to Town Council. Member Skinner seconded. Discussion ensued regarding transitioning North Salem Street into the historic Downtown area, slowing down traffic, the impacts to the existing historic homes, and potential high costs of moving the historic structures. Motion carried with a vote 6 to 2. Members Royal and Akers voted nay.

NEW BUSINESS

Item #1

Dianne Khin, Planning and Community Development Director stated the purpose of these amendments is to be consistent with State law and the current practice. Adam Stephenson, Engineering Supervisor stated all of the language was provided by the State; they have a model ordinance for all non-coastal communities. The most important changes were automatic adoption of new maps; their current maps were adopted in 2006 and we've been waiting since 2015 to get the new maps adopted. The other important change is incorporating language for letters of map change; these are permits issued by FEMA that allow for encroachment into the floodways and non-encroachment areas. The Town joined the National Flood Insurance Program in 1992 and as of today we have had only three closed-paid losses with a total value of those losses at \$1,300.00; all three claims were outside of the FEMA floodplain.

Member Akers stated he has worked with Adam Stephenson on several CLOMR'S and LOMR'S for the Town and there is no finer Floodplain Administrator in the Triangle and he has worked with a great number of them.

Chair Marks called for the motion. Member Steele motioned to recommend approval as presented to Town Council. Member Akers seconded. Motion carried with a unanimous vote.

Item #2

Director Khin, Planning and Community Development Director stated the following amendments to the Unified Development Ordinance:

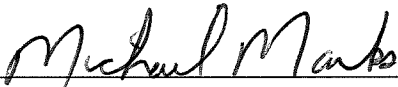
1. Sec. 8.1.2.E Designation of RCA on Plans and Plats in order to require that a metes and bounds description of any Resource Conservation Area be provided on Master Subdivision Final Plats. This is currently only an application requirement for Master Subdivision Final Plats, but is already a requirement in the UDO for Site Plan Final Plats.
2. Sec. 8.3.6 Parking Lot Design Standards in order to add a new subsection requiring that non-residential and/or multi-family sites proposed along a thoroughfare provide vehicular cross-access easements to adjacent non-residential and/or multi-family sites.

3. Secs. 7.2.3.G Corner Lots and 8.3.4.E Residential Driveway Standards in order to limit the number of driveways for single-family residential properties to one (1) except where a circular drive is contributing to the historic nature of a Historic Structure.
4. Sec. 2.3.4.F.3.c Major Employment Center (MEC-CZ) District, RCA and landscaping in order to correct a typographical error in a reference to another section of the UDO.

Staff recommends approval and will work with Jeff Roach in providing flexibility in the language before this goes to Council.

Chair Marks called for the motion. Member Godfrey motioned to recommend approval to Town Council with the understanding that amendment #2 regarding cross-access will be subject to discussion between staff and Jeff Roach. Member Steele seconded. Motion carried with a unanimous vote.

There being no further business, the meeting adjourned at 6:46 p.m. The foregoing minutes are approved this the 14 day of DECEMBER, 2020.



Michael Marks
Chair



Bonnie J. Brock
Development Specialist