



TOWN OF APEX PLANNING BOARD MEETING MINUTES

Meeting Date: December 14, 2020

The Planning Board held their regular meeting on December 14, 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 Mark Steele, Tina Sherman, Tim Royal (ETJ Member), Keith Braswell, Jeff Hastings (Historical Society Member) and Ryan Akers (Wake County Member). Members absent were Tommy Pate and Reginald Skinner.

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

Member 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. Nicholai Brantchev, 2112 Echo Glen Lane and owner of Peak of the Vine stated the Town received complaints from neighbors about loud music from a special event he had. Due to Covid-19, they had to expand their seating to outside. They had special events outside the establishment where Santa came on a Saturday and they had outdoor music from 5-7 pm. He was told he had to stop because the music exceeded the decibel levels allowed. He was also told by the Town he did not obtain a proper permit and he shut down the music. He doesn't understand why all of a sudden he is prohibited from doing business in the Town.

CONSENT

Item #1 – Minutes from the October 12, 2020 regular meeting. Chair Marks called for a motion. Member Steele motioned to recommend approval. Member Royal seconded. Motion carried with a unanimous vote.

Item #2 – Minutes from the November 9, 2020 regular meeting. Chair Marks called for a motion. Member Steele motioned to recommend approval. Member Royal seconded. Motion carried with a unanimous vote.

PUBLIC HEARING

Item #1 – Shelly Mayo, Planner II presented the Hazard Mitigation Plan Update. Planner Mayo stated this is our annual action plan update. There are two important Federal Acts; State and local governments are only eligible for federal grant money if they develop and adopt FEMA-approved hazard mitigation plans and Hazard Mitigation Planning identifies risks and vulnerabilities associated with natural disasters and develop long-term strategies for protecting people and property. This update identifies goals and objectives. Slides shown with the various town departments and staff involved with this update. In the Action Plan, the White Oak Creek Greenway was completed. New items added to the plan were Public Safety Stations #6 & 7; the town is still looking for land for another Public Safety Station #7. There are a number of on-going items as well as those with a deadline:

1. Beaver Creek Greenway
2. Middle Creek Greenway
3. Apex West Greenway

4. Relocate Beaver Creek Sewer Line
5. Finish SW Apex Peakway loop connector
6. Finish SE Peakway loop connector
7. Update the UDO and Design and Development Manual
8. Build new fiber optic internet infrastructure and replace current radio systems

Chair Marks open and closed the public hearing. No one came forward to speak in favor or opposition. Vice Chair Godfrey motioned to recommend approval to Town Council. 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).

Requested by the Planning Committee:

1. Amendments to 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 for the approval of off-site RCA.

Some questions/comments from the Board:

- By limiting the RCA to the ETJ; we are ham-stringing remaining developable land. Would like to see it open up to the greater planning area. (We do not have jurisdiction outside the corporate limits and ETJ. We talked about this with the Planning Committee. The only option is to handle RCA dedication through a zoning condition for properties proposed for rezoning in our long-range planning area on our Land Use Plan).
- If land is found inside the ETJ, and it is in a floodplain, it is already protected.
- How do you further define scenic view? (Dianne Khin offered that historically, things like ponds are a good example such as Salem Pond Park. If someone proposed it, staff would look at it).

Requested by Planning Staff:

2. Amendment to Sec. 1.2.2 *Authority to Regulate Zoning, Subdivision and Building Practices in ETJ* in order to remove the requirement for signs, signposts, or other markers to be installed at the Town's ETJ boundaries.
3. Amendments to Sec. 2.1.9.A *Apex Environmental Advisory Board, Powers and Duties* in order to revise the types of rezoning applications that must be reviewed by the Board prior to submittal.
4. Amendments to Sec. 4.3.2.I *Use Classifications, Public and Civic Uses, Government Services* and Sec. 4.4.2.G *Supplemental Standards, Public and Civic Uses, Government Services* in order to add EMS station and transit station to the definition of the Government Services use and to add supplemental standards for this use in certain zoning districts.

Requested by Water Resources Staff and presented by Water Resources Director Mike Deaton:

5. Amendments to Secs. 6.1.15 *Watershed Protection Overlay Districts, Civil Penalties* and 11.4.4 *Enforcement, Remedies and Penalties, Civil Penalties* in order to move standards for the assessment of civil penalties for violations of Sec. 6.1 *Watershed Protection Overlay Districts* from Sec. 11.4.4 to Sec. 6.1.15.

Some questions from the Board were:

- How many violations do we get in a year? (We issue quite a few Notice of Violations but not many civil penalties; the notices get the attention and they [violators] come into compliance. We had one in particular that was tardy and it was time to enforce the ordinance as intended.

Amanda Bunce stated planning staff recommends approval.

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

SPECIAL PRESENTATION

Dianne Khin Director of Planning and Community Development presented a service award to Member Beth Godfrey for her nine (9) years of service on the Planning Board and as Vice Chair in 2020. Chair Marks added that Member Godfrey was always able to get the Town to interact, have public hearings and it was great to have her insight both professionally and personally. Member Godfrey added she enjoyed serving on the Board and being a participant in her community. Mayor Gilbert congratulated Member Godfrey on behalf of Town Council for her nine years of service on the Planning Board.

There being no further business, the meeting adjourned at 5:15 p.m. The foregoing minutes are approved this the 11th day of January, 2021.

Michael Marks Digitally signed by Michael Marks
Date: 2021.01.18 08:23:23 -05'00'

Michael Marks
Chair



Bonnie J. Brock
Development Specialist