



TOWN OF APEX PLANNING BOARD MEETING MINUTES

Meeting Date: June 14, 2021

The Planning Board held their regular meeting on June 14, 2021 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 Reginald Skinner, Board Members, Mark Steele, Tina Sherman, Tommy Pate, Tim Royal (ETJ Member), Keith Braswell, Jeff Hastings (Historical Society Member), Ryan Akers (Wake County Member) and Elaine Boyle

Chair Marks called the meeting to order at 4:30 p.m.
Member Steele 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 10, 2021 regular meeting. Chair Marks called for a motion. Member Braswell motioned to recommend approval. Member Royal seconded. Motion carried with a unanimous vote.

PUBLIC HEARING

Vice Chair Skinner motioned to recuse Member Akers from the discussion and the vote for Public Hearing Item's #1 and #2. Member Pate seconded. Motion carried with a unanimous vote.

Shannon Cox, Long Range Planning Manager presented an amendment to the Thoroughfare and Collector Street Plan map for *Advance Apex: The 2045 Transportation Plan* to remove Future Local Connector between Green Level West Road and Hawthorne Woods Road. This request is being made by the applicant for the next public hearing item due to environmental impacts. The Board may want to vote on this item after Rezoning Case #21CZ04 is presented. This amendment was discussed with Public Works & Transportation, Police, Fire and the Town of Cary. Planning staff recommends approval.

Chair Marks opened and closed the public hearing; no one came forward to speak in favor or opposition of the amendment. Vote to be taken after the next presentation [Public Hearing Item #2].

Item #2

Shelly Mayo, Planner II stated in Rezoning Case #21CZ04 Williams Farm PUD, the applicants, Eliza C. Williams/Jessie Hardesty, McAdams Company are seeking to rezone approximately ±61.919 acres from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ) located at 4525 Green Level West Road. Planner Mayo oriented those present as to the location of the subject property, surrounding existing uses, zoning and land use designations. A neighborhood meeting was held on February 11, 2021; the report on that meeting is included in the agenda packet. A letter of impact was provided by WCPSS which states elementary and middle schools within the current assignment area for this rezoning are anticipated to have insufficient capacity for future students. Planner Mayo summarized the uses and conditions proposed by the applicant as well as perimeter buffers. An evaluation of the existing dam on the

adjacent property will be made; it is owned by the applicant. No invasive species will be used in the landscaping and buffers. Mayo also summarized the traffic improvements proposed and conditions proposed by the Environmental Advisory Board. Planning staff recommends approval.

The applicant, Bob Zumwalt, of Alliance Group stated they propose saving champion trees, have capped density at 3 units per acre, and they are preserving all of the environmental features. This property was a tobacco farm until 1995. This property is along the Green Level West Road growth corridor. This site is four minutes from 540, twelve minutes to the new Apple Campus and fifteen minutes from the RDU airport. They met with neighbors at the neighborhood meeting as well as out in the field. They staked where some of the homes might be located to give them a sense of what they might expect. Some key elements are preservation of champion trees, two acres of open space and preservation of the stone stacked wall. By clustering the homes, they are able to preserve environmental features, trees and provide more open space.

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

Some questions/comments from the Board were:

- Can someone elaborate on the pump station? This is a private pump station and without it, they would have to build elaborate retaining walls because of the elevation.
- The applicant has done a great job and went above average with the conditions.
- The applicant went above and beyond with meeting with the adjacent neighbors.
- There is always an issue with the school systems not being able to keep up with the demand.

Chair Marks called for the motion on the amendment to the Thoroughfare and Collector Street Plan map for *Advance Apex: The 2045 Transportation Plan* [Public Hearing Item #1]. Member Steele motioned to recommend approval to Town Council. Member Sherman seconded. Motion carried with a unanimous vote.

Chair Marks called for the motion on Rezoning Case #21CZ04 [Public Hearing Item #2]. Member Braswell motioned to recommend approval to Town Council. Vice Chair Skinner seconded. Motion carried with a unanimous vote.

Member Akers rejoined the meeting.

Item #3

Shelly Mayo, Planner II stated in Rezoning Case #21CZ03 Willows Hills PUD amendment, the applicants, Jason Barron, Morningstar Law Group/Toll Southeast LP Company, Inc., are seeking to rezone approximately ±70.77 acres from Planned Unit Development-Conditional Zoning (PUD-CZ #18CZ28) to Planned Unit Development-Conditional Zoning (PUD-CZ) located at 3417 Olive Chapel Rd.; 0 Willow Hills Dr.; 1400, 1406, 1411, 1412, 1418, 1419, 1425, 1426 Sierra Glen Cir.; and 0, 3400, 3406, 3407, 3413, 3414, 3420, 3426, 3432, 3438 Snowbed Ridge Drive. Planner Mayo oriented those present as to the location of the subject property, this is a PUD amendment and it was originally approved in 2019. The applicant doesn't want to change any dimensional standards or densities; they are trying to be respectful of the cemetery. When the applicant started to build the sidewalk, they discovered there are headstones in the right-of-way. Staff realized there was a condition in the PUD and they've come back with new language. In summary, the sidewalk will be shifted from the outside corner of the cemetery to the inside corner. Staff recommends approval.

The applicant, Nial Ghosh of Morningstar Law Group stated in order to comply with the original commitment, it would impact the graves; they would have to be moved and they do not want to do this. There will be a complete sidewalk network; the new sidewalk will have appropriate landscaping and a fence.

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

Item #4

Shannon Cox, Long Range Planning Manager presented the following amendments to the Thoroughfare and Collector Street map for Advance Apex: The 2045 Transportation Plan for the Cash Corporate Center in order to reduce overall property impacts and the reduce the number proposed pipeline crossings:

- Remove future Minor Collector between Classic Road and Pristine Water Drive.
- Remove future east/west Local Connection to the south between Burma Drive and Production Drive.

Staff feels these connections are no longer necessary. These were reviewed with Public Works & Transportation, Fire, Economic Development and Parks, Recreation and Cultural Resources. Staff supports these changes.

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

Item #5

Lauren Staudenmaier, Planner I stated in Rezoning Case #21CZ10 Kelly Woods, the applicants, Daniel & Denise Schardt and Barbara Jo W. Timberlake, Trustee of Barbra Jo W Timberlake Family Trust/AMH Development, LLC are seeking to rezone approximately ±19.424 acres located at 2300 and 2423 Kelly Road. Planner Staudenmaier oriented those present as to the location of the subject property, existing zoning and land use designations. The proposed zoning district is consistent with the 2045 Land Use Map. The applicant held a neighborhood meeting was held on March 30, 2021; the report on that meeting is included in the agenda packet. Planner Staudenmaier stated the proposed uses and summarized some of the conditions. A letter of impact from WCPSS was received which states that schools at elementary and high school grade levels within the current assignment area for the rezoning/development are anticipated to have insufficient capacity for future students.

Staff recommends approval of the proposed rezoning with the conditions offered by the applicant.

Emily Rothrock, Landscape Architect of ESP stated Lauren Staudenmaier has been good to work with on this project. They have been in contact with other neighbors and will be meeting with them this Thursday. The stream buffer separates the project and provides some open-space possibilities. They reached out to Betty Parker of WCPSS and will be working with them and opportunities coming down the pipe. Conditions 3-10 came from the Environmental Advisory Board. They are going above and beyond the requirements of the UDO and they will be contributing to the affordable housing fund.

The applicant, Steven Freeman of AMH Development stated they are excited about this project, they are the owner, developer and property managers. They also maintain the homes after they are built. [Slides shown with information about the company and other properties around the country]. They are for empty nesters, corporate employees, people wanting to downsize or be maintenance free as well as couples and families.

Chair Marks opened the public hearing for anyone to speak in favor or opposition of the rezoning. The following residents came forward to speak followed by their comments:

Cindy Donnelly 2508 Southwinds Run
Trey Alexander 2728 Southwinds Run
Owen Walker 2616 Southwinds Run

- Would like a fence between this property and Southwinds Run.
- Concerned with conditions of wells once this project is built, they already having problems.
- Would like the developer to bring water to their community.
- The proposal is detached from their community and not part of it.
- This company is based in California and do not have the same values as Apex.
- This will impact the residents of Southwinds Run.
- The Board's decision should be tabled until the residents meet with the developer later this week.

Chair Marks closed the public hearing.

Some questions and comments from the Board:

- Are the rental properties long or short-term? The average term is 3 years.
- What are the market ranges for the rentals? It is \$1,700 to \$2,200 comparable to the market.
- Are these single-family homes? Yes, they will be on their own lots.
- Where are other projects located? We have 2,800 homes locally, and over 50,000 nationwide.
- Is the property management and maintenance housed on-site? No, it is off-site.
- Are any of the homes Airbnb? No, it wouldn't be allowed by the lease.
- Are the renters responsible for upkeep of the properties? No, but they are encouraged to do so. The company typically maintains the properties.
- Would the Board be premature in voting before the residents meeting with the developer? There is a 30 day limit; Town Council cancelled their July 13th. As of now, this rezoning is scheduled for June 22 which is after the next neighborhood meeting.
- With the split of the property due to the stream, does it affect town services? Russell Dalton stated it would be no different than other neighborhoods that are not connected.
- Do the schools respond or lag regarding development? Amanda Bunce stated it is a complicated issue; we provide data to WCPSS as proposals are submitted, and meet with them annually. WCPSS works with a consultant, ITRE to obtain data and models to help them. WCPSS has an entire county to consider for funding, capacity, assignment and transportation.
- It appears from the Board's reactions, the schools will never catch up with development.
- Would the applicant address the concern about the wells? Yes, after their meeting with the neighbors later this week. It is a requirement by the town to have a water connection.
- With the construction of 540, it affected the wells along Kelly Road.
- Rental properties in Apex are high; it is very rare to have sub-leases anywhere.
- Recommend Town Council consider the leasing language.

Chair Marks called for the motion. Member Steele motioned to recommend approval to Town Council as presented with the additional condition offered by the applicant to contribute \$250 per lot to the affordable housing fund and a note to Council that they are concerned about whether sub leasing is prohibited, need for additional screening along Southwinds Run, and addressing neighbors request for a financial contribution to help them connect to water in the future if desired. Vice Chair Skinner seconded. Motion carried with the vote 8:1; Member Sherman voted nay due to the property is a rental site, there will be negative impacts on surrounding neighbors and this is not a good fit for the community.

NEW BUSINESS

Item #1

Amanda Bunce, Current Planning Manager presented amendments to the Unified Development Ordinance (UDO)

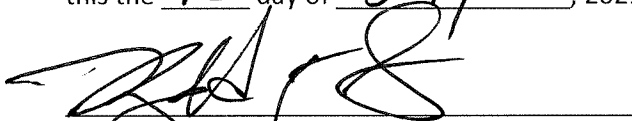
- Updates to bring the UDO into compliance with NCGS Ch. 160D:
- Change "Planning Department" to "Department of Planning and Community Development"
- Change "Planning Director" to "Director of Planning and Community Development"
- Add Sec. 2.2.19 *Quasi-judicial Public Hearing Procedures*.
- Remove two references to "non-structural development permit" which is no longer a permit type.
- Add missing references to Sec. 6.3 in the standards column of the Use Table.
- Change certain references to "Thoroughfare Plan" and all references to "Apex Transportation Plan" to "Advance Apex: The 2045 Transportation Plan".
- Make various style and formatting updates for consistency with the remainder of the Ordinance.

Planning staff recommends approval of the amendments as proposed.

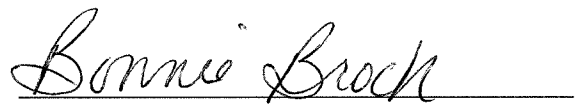
Chair Marks called for the motion. Member Sherman motioned to recommend approval to Town Council. Member Steele seconded. Motion carried with a unanimous vote.

Member Steele motioned to adjourn. Vice Chair Skinner seconded. Motion carried with a unanimous vote.

There being no further business, the meeting adjourned at 6:20 p.m. The foregoing minutes are approved this the 12 day of July, 2021.



Reginald Skinner
Vice Chair



Bonnie J. Brock
Development Specialist