



TOWN OF APEX PLANNING BOARD MEETING MINUTES

Meeting Date: July 12, 2021

The Planning Board held their regular meeting on July 12, 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, Vice Chair Reginald Skinner, Board Members, Mark Steele, Tina Sherman, Tim Royal (ETJ Member), Keith Braswell, Jeff Hastings (Historical Society Member), Ryan Akers (Wake County Member) and Elaine Boyle. Members absent were Chair Michael Marks and Tommy Pate. Vice Chair Skinner served as Chair for the meeting.

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

Member Steele gave the Invocation and Chair Skinner led the Pledge of Allegiance.

PUBLIC FORUM

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

CONSENT

Item #1 – Minutes from the June 14, 2021 regular meeting. Vice Chair Skinner called for a motion. Member Steele motioned to recommend approval. Member Royal seconded. Motion carried with a unanimous vote.

PUBLIC HEARING

Item #1

Shannon Cox, Long Range Planning Manager presented the following amendments to the Bicycle and Pedestrian System Plan map for the area south of Humie Olive Road and east of New Hill Olive Chapel Road:

- Realign a portion of proposed greenway; modify to proposed side path minimizing environmental impacts
- Add a new proposed side path and greenway to provide improved bicycle and pedestrian connectivity to Olive Farm Park and Humie Olive Road.

The proposed amendments were reviewed with Public Works & Transportation, Fire, Police and Parks, Recreation and Cultural Resources and staff recommends approval.

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

Item #2

Shelly Mayo, Planner II stated in Rezoning Case #21CZ16 Heelan PUD Amendment, the applicants, Jason Barron, Morningstar Law Group/Erica Leatham, M/I Homes of Raleigh, LLC, are seeking to rezone

approximately ±141.732 acres from Planned Unit Development-Conditional Zoning (PUD-CZ #19CZ21) to Planned Unit Development-Conditional Zoning (PUD-CZ) located 8824 and 8829 New Hope Farm Road; 3108 and 3120 Olive Farm Road and 0 Humie Olive Road. Planner Mayo oriented those present as to the location of the subject property, the existing uses, zoning and land use designations. A neighborhood meeting was held on April 29, 2021; the report on that meeting is included in the agenda packet. The only changes proposed are those in the PUD Text:

- Condition I from Section 7 is removed.
- Condition G allows garage to protrude to 5 feet forward of the front façade or the front porch.
- Condition M allows the front porches to be a minimum of 5 feet.
- New condition added that no buffer shall be required between existing town parkland and any land dedicated to meet the Parks, Recreation and Cultural Resources Advisory Commission recommendation.

Staff recommends approval.

The applicant, Nil Ghosh of Morningstar Law Firm representing M/I Homes stated there are 15 architectural conditions; they want to remove one and amend two others. They are also adding the buffer condition as a clean-up measure. The changes will allow M/I Homes to build a wide variety of product in terms of size, features and pricing. The intent is to not force the builder to build large homes but to have more of an aesthetic requirement. They shared some floor plans with staff that the current conditions would not allow to be built and after reviewing, staff felt comfortable with the revisions. This rezoning amendment will allow for greater flexibility in the Heelan PUD.

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

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

Item #3

Vice Chair Skinner called for a motion to recuse Member Akers from this item. Member Royal motioned to recuse Member Akers from the discussion and the vote. Member Steele seconded. Motion carried with a unanimous vote.

Shelly Mayo, Planner II stated in Rezoning Case #21CZ09 Alderwood PUD, the applicants, Jessie Hardesty, McAdams Company/Mark Altman, Taylor Morrison are seeking to amend the 2045 Land Use Map from Mixed Use: High Density Residential/Office Employment/Commercial Services to Mixed Use: Medium/High Density Residential/Office Employment/Commercial Services and rezone approximately ±14.86 acres from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ) located at 7912, 8000 and 8016 Jenks Road, and 1533 Wimberly Road. Planner Mayo oriented those present as to the location of the subject property, the existing uses, zoning and land use designations. A neighborhood meeting was held on March 24, 2021; the report on that meeting is included in the agenda packet. The applicant is proposing 78 townhome units which is 7.5 units per acre. A letter of impact from WCPSS was received stating all school levels will have sufficient capacity. Planner Mayo summarized the proposed non-residential uses, conditions and buffers. The Environmental Advisory Board had a pre-application meeting and proposed conditions which the applicant agreed to all of them. The proposed development is consistent with the Apex Transportation Plan. Planning staff recommends approval as proposed.

Russell Dalton, Transportation Engineer stated primary access will be a full movement access across from Hutch Lane; a short right turn lane on Jenks Road and a full movement access on Jenks Road. No improvements to the intersection at Wimberly and Jenks Roads.

The applicant, Jason Barron, Morningstar Law Group stated Shelly gave a very thorough presentation. Previously Council did not approve the commercial at the northeast corner and they changed the location based on that feedback. They have real estate consultants working on the non-residential portion of this site.

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

Michele Server of 2573 Rambling Creek Road stated they lost a large tree line [from the construction of The Preserve at White Oak Creek]; the HOA will not let them replant them. They will lose their privacy, they had major drainage issues and a retaining wall had to be built.

Planner Mayo stated a portion of The Preserve at White Oak Creek was purchased by Taylor Morrison after it was designed and engineered by a different company. She is surprised the HOA will not allow the tree line to be replanted and she will reach out to our zoning compliance team to see what we can do about this; there may be a misunderstanding on the HOA's part. Amanda Bunce, Current Planning Manager added the buffer is required to be replaced. The existing buffer does not provide adequate privacy but supplemental plantings can help with that. Director Khin stated the buffer is not there, some of the trees are not 18 inches, would not show up on a tree survey and a fence would provide some privacy now if this is something the applicant would like to do.

Vice Chair Skinner closed the public hearing.

Some comments from the Board:

- Concerned with the storm water impacts. (Off-site post development run-off, cannot exceed pre-development run-off).
- Glad to see the non-residential relocated out of the Colonial Pipeline area.

The applicant, Jason Barron offered a condition to install a fence by hand as well as supplemental plantings in the buffer area as long as they can count that area towards RCA.

Vice Chair Skinner called for the motion. Member Steele motioned to recommend approval to Town Council with the conditions proposed by the applicant with an additional condition offered by the applicant that the northern buffer of the residential pod (POD B) shall include supplemental evergreen plantings or a fence in order to meet the opacity requirements offered per the rezoning. The Planning Board noted that the applicant should work with neighbors and staff prior to the Town Council meeting as to what landscaping and/or fencing would be acceptable to the neighbors. Member Braswell seconded. Motion carried with a unanimous vote.

Member Akers rejoined the meeting.

NEW BUSINESS

Item #1

Amanda Bunce, Current Planning Manager presented the following amendment to the Unified Development Ordinance as proposed by Lara O'Brien, Tutu School Apex:

- Sec 4.2.2 Use Table in order to allow “Personal service” in the Central Business District in storefront locations when the square footage of the “Personal service” first floor use is less than 10%.

Staff feels it should be a limited amount of this use and recommends approval.

Lara O’Brien, the applicant stated they generally have 200 students enrolled, the age ranges of 1 ½ to 8 years old. When the parents or grandparents drop the kids off, they are always in the vicinity bringing a lot of activity to this location on a weekly basis; the instruction time is typically 45 minutes.

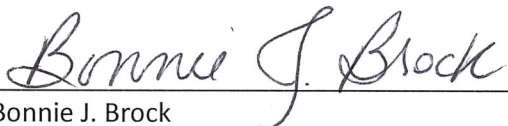
Vice Chair Skinner called for the motion. Member Sherman motioned to recommend approval to Town Council. Member Steele seconded. Motion carried with a unanimous vote.

Member Steele motioned to adjourn. Member Royal seconded. Motion carried with a unanimous vote.

There being no further business, the meeting adjourned at 5:55pm *This the 9th day of August, 2021.*



Michael Marks
Chair



Bonnie J. Brock
Development Specialist