



**TOWN OF APEX
PLANNING BOARD MEETING MINUTES**

Meeting Date: August 9, 2021

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

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; no one came forward.

CONSENT

Item #1 – Minutes from the July 12, 2021 regular meeting. Chair Marks called for a motion. Member Braswell motioned to recommend approval. Member Steele seconded. Motion carried with a unanimous vote.

PUBLIC HEARING

Item #1

Shannon Cox, Long Range Planning Manager presented the following amendments to the 2045 Land Use Map for the vicinity of the New Hill Holleman Road and Old US 1 Highway intersection:

- The northeast section of the tract is proposed to be changed to medium density residential and commercial services.
- Decrease the commercial services in the western areas with office employment and low density residential
- On the west side of the road change to low density residential which is consistent with the surrounding area

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 to Town Council. Member Akers seconded. Motion carried with a unanimous vote.

Item #2

Liz Loftin, Senior Planner stated in Rezoning Case #21CZ13 Evans Road PUD – The applicants, Jason Vickers, Beazer Homes/Jeff Roach, P.E., Peak Engineering & Design, PLLC are seeking to rezone approximately ±34.573 acres from Rural Residential (RR) to Planned Unit Development-Conditional Zoning

(PUD-CZ) located at 0, 2921, 2929, 3025, 3027, 3029, & 3033 Evans Road; 0, 7616, & 7628 Humie Olive Road, and 0, 2825, 2828, 2905, 2909, 2912, 2917, & 2925 Walden Road. Planner Loftin oriented those present as to the location of the subject property, existing land use and zoning designations. The PUD is consistent with the 2045 Land Use Map. A neighborhood meeting was held on April 21, 2021; the report on that meeting is included in the agenda packet. The uses proposed are single family, accessory apartment and townhouse. Planner Loftin summarized the conditions proposed by the applicant. The existing Walden Road right-of-way shall be abandoned with a new network of streets, sidewalks will be provided on both sides of all internal streets. A letter of impact was submitted by WCPSS stating that elementary, middle and high schools within the assignment area for this rezoning are anticipated to have insufficient capacity. Planning staff recommends approval as submitted. Three comments were received last week and have been provided to each Board member.

The applicant, Nial Ghosh of Morningstar Law Group representing Beazer homes stated they've done some outreach to the adjacent residents. The rezoning is consistent with the land use plan. Previously, a daycare was proposed for this area along Evans Road which was opposed by residents and denied by Town Council. This project will provide greater connectivity to the surrounding residents. They included all the recommendations from the Environmental Advisory Committee.

Chair Marks opened the public hearing for anyone to speak in favor or opposition of the rezoning. The following persons came forward:

Brian Fiekers - 2419 Vetrina Way
Mitzi Hole - 2811 Walden Road
Donnie Clark - 7608 Humie Olive Road
John Ehlmair - 2422 Vetrina Way

Some comments and concerns were:

- Impacts on schools and traffic are primary concerns.
- Deforestation and maintenance of natural areas.
- The town has not figured out how to install a pump station; it's too expensive.
- Would like to keep this area as our sanctuary and protect it from development.
- Density is overwhelming and cannot support the watershed.
- Would like to know the percentage of the impervious surface from these homes.
- Environmental impacts will be negative.
- Safety for schools in the area.
- Not opposed to growth if it's done the right way.
- Ask the Board to vote no on this rezoning.

Chair Marks closed the public hearing.

Some questions/concerns from the Board:

- Where is the sewer easement to be located? (On the northeast side of the Stallings property. Jeff Roach added there is an existing sewer line along the right-of-way on the north area of the Stallings property and they want to tie into sewer there.)
- If you are able to run sewer, would it be on the east side of the perineal stream? (It would be along the west side.)
- Has the main entrance changed from Humie Olive Road? (The main entrance will be from Evans Road. Seventy percent of the traffic will be from Evans Road).

- A sewer easement is going through a property that is not annexed. (The better option is to do gravity sewer; whereas a pump station is very expensive.)
- Will the sewer serve other properties? (Yes, it will serve other properties to the east should they choose to develop).
- Is the town opposed to installing a pump station? (Generally, the developer would prefer to not install a pump station).
- Do not want to vote based on school capacity; it's not the town's issue.
- The neighbors fall into two sets; those who are indigenous to Apex and the Bella Casa residents who are new to this area -NIMBY's (Not in My Back Yard).
- Evans Road will be improved with this development which it needs now.
- \$345,000 will be donated for parks.
- The Evans Family are supportive of this project; it will increase their property values.

Russell Dalton, Transportation Engineer stated the development falls below the traffic impact analysis threshold so they are not required to submit a TIA. They propose to have a full movement access on Olive Chapel Road and will help take traffic off of Chapel Ridge Road.

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

Item #3

Liz Loftin, Senior Planner stated in Rezoning Case #21CZ15 Chapel Ridge Towns PUD – The applicants, Toll Brothers, Inc. / Brendie Vega and Ed Tang, WithersRavenel are seeking to rezone approximately ± 21.60 acres from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ) located at 1400, 1401, 1408, & 1409 Barnside Lane; 1412 Olive Chapel Road. Planner Loftin oriented those present as to the location of the subject property, existing land use and zoning designations. A neighborhood meeting was held on March 29, 2021; the report on that meeting is included in the agenda packet. Planner Loftin stated where the uses and conditions could be found in the staff report. A letter of impact from WCPSS was received which stated that elementary and high schools within the current assignment area for this rezoning are anticipated to have insufficient capacity for future students. The applicant met with the Environmental Advisory Committee and the Parks & Recreation Advisory Commission.

The applicant, Jason Baron of Morningstar Law Firm stated this rezoning is appropriately located as well as the density. This is going to be a single-phased development, they have been working closely with the adjacent residents and Toll Brothers is going to follow through with their commitments.

Chair Marks opened the public hearing for anyone to speak in favor or opposition of the rezoning. The following persons came forward:

Chris Bria - 1516 Clark Farm Road speaking for Rita Boykin (who is ill)

Paul Cain - 1401 Barnside Lane

- This is substantially detrimental to other existing properties.
- Olive Chapel Park has been a disastrous piecemeal development.
- Toll Brothers has been lacking in their responses to the neighbors.
- Would like to see privacy fencing between this project and theirs.
- There have been a number of impacts on the Chapel Ridge community which include cut-through traffic, and a large apartment community to the north.
- Most of the residents of Chapel Ridge are looking for a more stable environment to live in.

Chair Marks closed the public hearing.

Some questions

- What is the plan for the pond? (They are working on an arrangement with the other owner of the pond property that is going really well).
- Has the sewer capacity study been completed? (Yes)
- This project will benefit from the surrounding existing uses.
- The Toll Brother projects throughout town have been of high quality.

Chair Marks called for the motion. Member Braswell motioned to recommend approval to Town Council. Chair Skinner 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 (UDO):

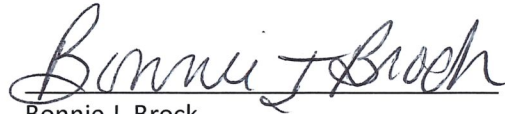
- Secs. 2.1.1 *Town Council*; 2.1.3.A *Board of Adjustment, Powers and Duties*; 2.1.7.A *Technical Review Committee, Powers and Duties*; 2.2.11.E *Public Notification, Timing of Notice*; 2.2.15 *Action by the Town Council*; 2.3.1 *Development Approvals, General Overview*; 2.3.5 *Special Use Permit*; 2.3.6 *Site Plan*; 2.3.7.E *Construction Plans for Master Subdivision Plans*; 14.1.1 *Dedication Generally*; *Fee in Lieu of Dedication Generally*; *Construction of Public Recreation Facilities with Fee-in-Lieu Monies Generally*; and 14.1.5 *Procedure for Determination of Choice Between Land Dedication, Payment of Fee-in-Lieu, Construction of Public Recreation Facilities with Fee-in-Lieu Monies, or Combination Thereof*; *Performance Guarantees* in order to revise the definition of a Major Site Plan and the standards for approval, change the decision authority for Major Site Plans from Town Council to the Technical Review Committee, change the decision authority for Special Use Permits from Town Council to the Board of Adjustment, and change all “Development Services Supervisor” references to “Development Services Manager”.
- Secs. 4.2.2 *Use Table*, 4.3 *Use Classifications*, 4.4 *Supplemental Standards* in order to reduce the number of uses requiring Special Use Permit approval by either removing the use from a zoning district, changing the use from a Special Use to a Permitted Use in a zoning district or by amending the description of the use or the supplemental standards for the use.
- Secs. 8.3.2 *Off-Street Parking Requirements*, 8.3.6.D *Parking Lot Design Standards, Surfacing and Maintenance* and 4.4.5.H *Supplemental Standards, Commercial Uses* in order to amend the minimum parking standards for “Repair and maintenance general” and “Automotive paint or body shop”, add a missing reference to “square feet” in a parking standard, allow the use “Land clearing and inert debris landfill” to utilize gravel parking except for accessible spaces, and to require vehicle storage areas associated with the use “Automotive paint or body shop” to be screened according to the standards in Sec. 4.1.2.D.

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

Member Braswell motioned to adjourn. Member Steele 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 13 day of SEPTEMBER, 2021.



Michael Marks
Chair



Bonnie J. Brock
Development Specialist