



## TOWN OF APEX PLANNING BOARD MEETING MINUTES

Meeting Date: November 8, 2021

The Planning Board held their regular meeting on November 8, 2021 at 4:30 p.m. at the Apex Town Hall Campus, 73 Hunter Street, Apex North Carolina, 2<sup>nd</sup> 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) and Ryan Akers (Wake County Member). Members absent were Elaine Boyle, Tommy Pate and Mark Steele.

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

Chair Marks 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 October 11, 2021 regular meeting. Chair Marks called for a motion. Member Braswell motioned to recommend approval. Member Skinner seconded. Motion carried with a unanimous vote.

### PUBLIC HEARING

#### Item #1

Jenna Shouse, Senior Long Range Planner, presented the following amendments to the Bicycle and Pedestrian System Plan Map of the Transportation Plan:

- The removal of the paved shoulder along Holt Rd.
- The addition of Proposed Side Path along a section of Holt Road to complete a bicycle and pedestrian connection from the North Beaver Creek Greenway to the White Oak Greenway.
- A change the on-road bicycle facility type along Holland Road and Friendship Road by removing paved shoulder and adding bicycle lanes to the map.

Some questions/comments from the board:

- Vice-Chair Skinner states he is an avid cyclist and does not see cyclists using a side path. There may be middle schoolers that would use the side path. Vice-Chair Skinner is happy to see any improvements to bike or pedestrian facilities
- Member Jeff Hastings questioned Friendship Road going from a proposed 4 lane to a 2 lane over the 540 bridge.

Planner Shouse responded to the concerns with some additional comments:

- The proposed side path is intended to serve the greenway cyclists and pedestrians.
- In regards to Holt Road, curb and gutter is mostly set along Holt Road.
- Town of Cary shows proposed bike lanes along Jenks Carpenter Rd in their Long Range plans.
- Currently along Friendship Rd. the maps are showing a paved shoulder which does not align with suburban conditions, it is a more appropriate option in the rural areas.

- Very little curb set along Holland Road and Friendship Road so there is a good opportunity to add bicycle lanes at these locations.

Chair Marks opened the public hearing for anyone to speak in favor or opposition of the amendments. No one came forward. Planner Shouse commented that there was an email from Janyne Kizer, 502 Thorngate Rd that was forwarded to the Planning Board on November 1, 2021.

Chair Marks closed the public hearing.

- Member Sherman would like to see more engagement in general of the bicycle community in these discussions.

Chairman Marks called for the motion. Member Skinner made the motion to approve. Member Sherman seconded. Motion carried with a unanimous vote.

## Item #2

Shannon Cox, Long Range Planning Manager presented amendments to the Thoroughfare and Collector Street Plan Map of the Transportation Plan to realign a future collector street connecting New Hill Holleman Road and the future extension of Richardson Road and to upgrade the planned street type from a Minor Collector to a Major Collector.

- Both a Minor and Major Collector feature a 60' ROW and pedestrian facilities on both sides of roadway. Both are two lane roads, but Major Collector streets cannot be accessed by driveways unless existing driveway is in place.
- Grade separation of New Hill Holleman Rd and Old US 1 Hwy is off the map now.
- Alignment change to create a full movement intersection with Church Rd.
- This proposed realignment reduces stream crossing from 3 crossing to 1 crossing and eliminates the crossing of the Town of Cary force main sewer line.
- A concept of the future collector street was shown. Concept plan includes expansion of the New Hill Community Center.
- Fire and Police are supportive of this plan to realign this road.

Chair Marks opened the public hearing for anyone to speak in favor or opposition of the amendment. Mr. Robert Kelly, Vice President of New Hill Community Center spoke on behalf of the Community Center. He had several concerns and provided handouts to the Planning Board.

- Crossing the Town of Cary force main was not desirable but several roads already cross it. He listed several roads that currently cross the sewer line.
- They already park on the sewer line for overflow parking.
- Children play on the area where the road is proposed. Area used for outdoor activities.
- Moving additional parking to the south side of the building is topographically challenging. No overflow parking available on the south side. Sidewalks and stairs would have to be constructed.
- 500 gallon grease trap needs to be removed on the south side.
- Additional disturbance onsite may cross threshold for having to add a stormwater retention pond on site.

Chair Marks closed the public hearing.

After discussion, the Board voted on upgrading the future collector street from a Minor to a Major Collector Street. Realignment of the street was withdrawn by staff for further research.

Chairman Marks called for the motion. Member Skinner made the motion to approve. Member Sherman seconded. Motion carried with a unanimous vote.

### Item #3

Lauren Staudenmaier, Planner II presented Rezoning Case #21CZ21 Beauregard Place at Weddington. The applicant AG Wimberly, LLC is seeking to rezone said property from Rural Residential (RR) to Low Density Residential-Conditional Zoning (LD-CZ) located at 0 Wimberly Road. Planner Staudenmaier described the location of the rezoning, existing land uses and zoning designations as well as uses and conditions proposed by the applicant.

A neighborhood meeting was held on 8/18/2021; the report on that meeting is included in the agenda packet. The rezoning is consistent with the 2045 Land Use Map and Planning Staff recommends approval of the rezoning as proposed.

The applicant, John Woodlief with Bass, Nixon & Kennedy stated the average lot size is just over 10K square feet. Due to wetlands only 50% of the site would be developed.

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

- Ashwin Palani, 182 Weddington Park Lane stated concerns with increase in traffic and with the proposed buffer on the east side.
- Applicant stated that the 15' buffer on the east side would be in addition to the existing buffer on the Weddington side.

Chair Marks closed the public hearing.

Questions/comments from the board.

- Member Sherman reiterated stress on the public school system but will vote in favor of proposal as it is only 5 homesites.
- There are concerns about erosion control at the site. John Woodlief, applicant said they are aware and will put measures in place.

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

### Item #4

Member Braswell requested to be recused from this item as he was the listing agent for the sellers of the property. Member Skinner motioned to recommend recusal. Member Sherman seconded. Member Braswell left the chambers.

Lauren Staudenmaier, Planner II presented Rezoning Case #21CZ22 Old Ivey Road Residential. The applicant, Ranjeet Agarwala, Estates at White Oak, LLC is seeking to rezone said properties from Rural Residential (RR) to Low Density Residential-Conditional Zoning (LD-CZ) located at 1516 Old Ivey Road & 7620 McQueens Drive. Planner Staudenmaier described the location of the rezoning, existing land uses and zoning designations as well as uses and conditions proposed by the applicant.

A neighborhood meeting was held on 8/26/2021; the report on that meeting is included in the agenda packet. The rezoning is consistent with the 2045 Land Use Map and Planning Staff recommends approval of the rezoning as proposed.

The applicant, Jeff Roach, reiterated that WCPSS has sufficient capacity for this development which is proposed to be capped at 3 units per acre. He stated that the lots will be larger than The Preserve at White Oak and that the setback reduction is requested to match that subdivision. He also shared that the property owner to the south was not interested in going in on this project.

Member Sherman asked that the setbacks not be decreased. Mr. Roach explained why they cannot keep the LD setbacks per the UDO and need to ask for a reduction.

Chair Marks opened the public hearing for anyone to speak in favor or opposition of the rezoning. No one came forward. Chair Marks closed the public hearing.

Discussion between Planning Board members in regards to

- setback reduction,
- number of lots generating Parks and Rec fees; and
- affordable housing funds.
- Member Skinner also pointed out that The Preserve at White Oak is selling very well and people are very happy with the lots and configuration there.

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

#### Item #5

Amanda Bunce, Current Planning Manager presented Rezoning Case #21CZ23 Scotts Ridge Office and Veterinary Hospital. The applicant, Jeff Roach, Peak Engineering and Design LLC, is seeking to rezone said properties from Residential Agricultural (RA) to Neighborhood Business-Conditional Zoning (B1-CZ) located at 6633 & 0 Apex Barbeque Road. Current Planning Manager Bunce described the location of the rezoning, existing land uses and zoning designations as well as uses and conditions proposed by the applicant.

A neighborhood meeting was held on 8/30/2021; the report on that meeting is included in the agenda packet. The rezoning is not consistent with the 2045 Land Use Map. However, if the rezoning is approved the 2045 Land Use Map will be automatically updated. Planning Staff recommends approval with conditions offered by the applicant.

Comments/Questions from the Board:

- Member Hastings asked if Capital Area Preservation was involved. Planning Manager Bunce stated that CAP did evaluate the house on site and there were changes made over time that caused the property to lose its historical character.
- Member Sherman requested what transportation issues will be addressed there. Staff stated that further evaluation will be done during Minor Site Plan when actual uses are specified. It will be revisited at that time, but access will be restricted to right in-right out access.

Mr. Roach made himself available for questions from the Planning Board.

- Mr. Roach stated that there are large oak trees on site. They will try to keep the trees in place.

- Member Royal asked about the fencing and buffers. Mr. Roach states perimeter buffers will be around the entire site. Any outdoor areas with pets are required to be fenced in.
- This will not be a pet daycare facility or boarding facility. That use would require additional rezoning to add this use.
- Member Sherman has concerns about the proximity from the vet hospital to the playground and asks for clarification of what the perimeter buffer will be. Mr. Roach explained there is a perimeter buffer from the school side and there will be an additional buffer from this site. Any areas attached to the building where pets will be outside will be fenced.
- Mr. Roach stated the project will have an additional ten feet of buffer plantings along the southern boundary. Will be an added condition before going to Town Council.

Chair Marks opened the public hearing for anyone to speak in favor or opposition of the rezoning. No one came forward. Chair Marks Closed Public Hearing.

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

#### Item #6

Amanda Bunce, Current Planning Manager stated that the applicant for Rezoning Case #21CZ24 KOBRA PUD Amendment had withdrawn the rezoning. The applicant, KOBRA, LLC had sought to rezone said property from Planned Unit Development-Conditional Zoning (PUD-CZ #20CZ04) to Planned Unit Development-Conditional Zoning located at 7501 Jenks Rd.

#### Item #7

Shelly Mayo, Planner II presented Rezoning Case #21CZ25 Villages of Apex PUD Amendment. The applicant, Enclave Holdings LLC, is seeking to rezone said property from Planned Unit Development-Conditional Zoning (PUD-CZ #17CZ11) to Planned Unit Development-Conditional Zoning (PUD-CZ) located at 0 Laura Duncan Rd. Planner Mayo described the location of the rezoning, existing land uses and zoning designations as well as uses and conditions proposed by the applicant.

A neighborhood meeting was held on 8/25/2021; the report on that meeting is included in the agenda packet. Staff stated that this is the last piece of undeveloped land in the Villages of Apex. There is no anticipated increase in density to what was originally approved. This is a reallocation of density to this site. This project helps to meet increased number and mixture of housing units within the Peakway per the Downtown Master Plan adopted in 2019. The Downtown Master Plan also recommended increasing the retail, office and restaurant opportunities within the Peakway.

Planning staff recommends approval.

Applicant, Curteis Calhoun, stated that they are trying to remain consistent with what had already been approved for this site. He is asking for an increase in height to increase the number of units to make it financially feasible and would help with parking. He stated that the development will be in walking distance to the Senior Center, grocery stores, and downtown.

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

A member in the audience asked how many units would be in the development. Planner Mayo said a count of 90 units was submitted to Wake County Public Schools. Mr. Calhoun said they anticipate 60 of the units to be 2 bedrooms with the remainder being a mix of studio and 1 bedroom units.

Mary Naehring, 576 Chessie Station stated that she is concerned about the stormwater pond. Planner Mayo stated this site would require a separate stormwater pond.

Chair Marks closed the Public Hearing

Member Akers asked about the architectural requirements. Planner Mayo stated that they are required to use similar materials, brick, textured stone, fiber cement and be compatible with similar massing. These architectural requirements already in existence for the site via Villages of Apex PUD so they were not added to the amendment. Staff will ensure Town Council has the existing architectural conditions included in the packet.

Comments/Questions from the Board:

- Member Royal is concerned that anything over four stories will look out of place in this area of Apex. The reasoning of going five stories to make the project economically feasible is not justifiable. Planner Mayo explained that the Board can go forward with all the other conditions and recommend the project remain at four stories.
- The applicant stated that limiting to four stories and requiring all commercial on the first floor is not economically feasible. If they can keep residential on the first floor they might be able to limit it to four stories.
- Planner Mayo stated she would work with the applicant to step back the fourth and fifth stories and create a condition to go before Town Council. Applicant agreed to working with Planner Mayo to create a setback design.
- Mr. Calhoun stated that this is a legacy project for Enclave Holdings and want to make the property look historical in nature, it is a gateway site and they want it to look and feel right as well.
- Member Sherman says she is uncomfortable with the unknowns of this project.
- Member Braswell is torn there are many aspects he likes about this project. It is a special site.
- Member Skinner loves the project and does not see any negatives, residential retail is walkable. Does not see the negatives.
- Chair Marks would like to make a strong recommendation to keep it at four stories or less.
- Member Akers has seen the setback option done well and would like to give Planning and the applicant the opportunity to design a possible setback solution.
- Member Hastings thinks the board should be more concerned with overall building height than number of stories. The portfolio for Enclave Holdings shows some fantastic properties.
- Member Royal asked what our current maximum building height is. Planner Mayo said it is four stories.
- Additional discussion amongst members and Planner Mayo in regards to parking, retail and residential options.

Member Royal motioned to recommend approval at the current four story limitation with frontages along Laura Duncan and Hunter St limited to non-residential land uses only. Member Sherman seconded that motion. Motion carried with a unanimous vote.

Member Skinner motioned to adjourn the meeting. Member Royal seconded. Motion carried with a unanimous vote.

There being no further business, the meeting adjourned at 7:30 p.m. The foregoing minutes are approved this the 13 day of DECEMBER, 2021.



Michael Marks  
Chair



Jeri Pederson  
Planning Technician