



TOWN OF APEX PLANNING BOARD MEETING MINUTES

Meeting Date: February 14, 2022

The Planning Board held their regular meeting virtually on February 14, 2022 at 4:30 p.m. at the Apex Town Hall Campus, 73 Hunter Street, Apex North Carolina, 2nd Floor Council Chamber. Members present at roll call were Chair Reginald Skinner, Board Members Tina Sherman, Tim Royal (ETJ Member), Keith Braswell, Jeff Hastings (Historical Society Member), Ryan Akers (Wake County Member), Elaine Boyle and Steven Rhodes. Members absent were Vice-Chair Mark Steele and Tommy Pate.

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

Member Keith Braswell gave the Invocation and Chair Skinner led the Pledge of Allegiance. Chair Skinner gave an overview of the conduct of the meeting. Chair Skinner spoke to any public attendees that were listening and told the attendees that written public comments were allowed to be submitted by email.

PUBLIC FORUM

Chair Skinner asked if any comments were submitted from the public for non-agenda items. Amanda Bunce, Current Planning Manager stated that none were received.

CONSENT

Item #1 – Minutes from the January 10, 2022 regular meeting. Chair Skinner called for a motion. Member Sherman motioned to recommend approval. Member Boyle seconded. Motion carried with a unanimous vote.

PUBLIC HEARING

Item #1

Sarah Van Every, Senior Planner presented Rezoning Case #21CZ14 Holland Road Mixed Use Assembly PUD. The applicant, Geno Ray, LG Investments, Inc., is seeking to rezone approximately ±28.68 acres, from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 2236 Old US 1 Hwy; 1001 & 1004, & 1005 Red Cardinal Lane; 3104 & 3116 Holland Road; 7528 Humie Olive Road. Planner Van Every gave an overview of 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 4/27/21: the report on that meeting is included in the agenda packet. The 2045 Land Use Map designates the properties as Medium Density residential, MD/HD as well as commercial services. The proposed rezoning to PUD-CZ is generally consistent those land use map designations. This proposal if approved, would expand the Medium Density residential use, remove the Medium Density/High Density use and reduce the Commercial Services area. The 2045 Land Use Map would automatically be updated per state statute.

The Wake County Public School System (WCPSS) letter of impact has been updated within the last week from what was sent out in the original packet. The update includes the statement that school expansion or construction within the next 5 years is anticipated to address concerns at the elementary and high school levels. Member Sherman asked to see a copy of the updated letter. Planner Bunce stated that she will email the Planning Board members a copy of the letter.

Planner Van Every highlighted several aspects of the Staff Report provided to the Planning Board. These included, Resource Conservation (RCA) areas, Environmental Advisory Board recommendations, Affordable Housing and Transportation.

Planning Staff recommends denial of the proposed Rezoning Case #21CZ14 Holland Road Mixed Use Assembly based on the reduction of several perimeter buffers and a lack of commitment to provide affordable housing within the development.

The applicant, Jason Barron from Morning Star Law Group along with Gino Ray from LG Investments, Jeff Roach from Peak Engineering and Nate Bouquin with Ramey Kemp provided additional information in regards to this rezoning.

- The use is consistent with the Town's land use plan. Currently designated as a neighborhood activity center.
- Rezoning provides desirable transitions from the activity center to the Bella Casa community. The transitions are internal to this site. They are not providing hard transitions to Bella Casa.
- Numerous modifications have been made to address neighbor concerns during rezoning. Shifted the commercial down from the original plan based on concerns of neighbors. Extended single-family development further into the site. Developer has agreed to develop the lots adjacent to Vasari Drive at greater than 12,000 square foot. Increased buffers provided to address specific request of neighbors. Townhomes along Vasari Drive have been removed in favor of detached dwellings.

To address the staff recommendations on this case they are increasing the buffers from 20 feet to 30 feet along Old Hwy 1 and Holland Rd. That goes beyond what was indicated in the original package. The applicant will make the change on the package before it goes to Town Council. In regards to the affordable housing component their client is prepared to make an offer to include two affordable units on-site; need to work out an enforceable zoning condition in light of there not being a policy, yet. Applicant believes they can help with the affordable housing.

Chair Skinner opened discussion and questions for the board.

Member Sherman feels like there is more work to be done here with buffers and affordable housing. Member Sherman still has concerns in regards to Wake County Public Schools capacity.

Member Braswell asks if the revised perimeter buffers on Holland Rd and Old US 1 to 30' takes care of staff concerns on this project. Planner Van Every says yes that would take care of their concerns. Buffers are based on use and we do not know what development will come along in the future.

Member Akers wanted to discuss the Traffic Impact Analysis. The closest neighbors have concerns with the traffic during school hours. Are trip generations out of this development heading north through adjacent development or will they stay on this development? Secondly, is anything being done to address the two left turns (Friendship Rd and Holland Rd) onto Old US HWY 1? Nate Bouquin from Ramey Kemp stated that people generally use the outlet from within the development as it is most convenient. The town has an ultimate plan to realign Holland Rd and Friendship Rd to make to one intersection but it involves property that is not part of this development. There are not approved plans from either NCDOT or Town of Apex for that project to move forward. The development is providing additional turn lanes on Holland Rd and Friendship Rd. Currently, the intersections of Friendship Rd and Holland Rd to Old US HWY 1 do not meet signal warrants.

Member Akers asked how the neighbors might be able to get speed tables installed. Traffic Engineering Manager Russell Dalton, said there is a well-defined process outlined in our UDO.

There was general discussion in regards to traffic in the area, signal warrants and how future traffic needs can be addressed with additional development in the area.

Chair Skinner opened the public hearing for public comments. Planner Van Every reported that there were several emails regarding the project. The emails were forwarded to the Planning Board members as they were received by staff and are included in the agenda packet. Chair Skinner closed the public hearing.

Questions/comments from the board:

Member Akers liked the gradation of the development, appreciates this developer creating a buffer from their own land between the new development and Bella Casa. Member Akers would love a condition for a signalization. Applicant Barron suggested that within a year of finishing to fund a warrant analysis and the construction of one signal. Director Khin says they need something in writing, even if it is a condition, to go before Town Council. Staff will not be able to change their recommendation today.

Member Sherman motioned to deny the project due to affordable housing concerns and traffic concerns. The motion died for lack of a second.

Member Akers motioned to approve with the three additional conditions offered by the applicant and Member Braswell seconded the motion. The three additional conditions were as follows:

1. There shall be a 30' Type E Buffer along Old Hwy 1. For residential development along Holland Road there shall be a 30' Type B Buffer. For nonresidential development along Holland Road, there shall be a 30' Type E Buffer.
2. A signal warrant analysis for the intersection of Holland Road and Old Hwy 1 shall be performed by the applicant prior to the platting of the 100th lot platted within the development and developer shall install a traffic signal if permitted by the NCDOT at that time. If a traffic signal is not permitted by NCDOT at that time then the developer shall have no future responsibility for a traffic signal.
3. Development of the property shall include two (2) homes at 100% of the Wake County AMI.

Chair Skinner called for a roll call vote. The motion to approve carried with a 5-2 vote. Member Sherman and Member Boyle dissent. Sherman dissented for three reasons: 1) Wake County Schools current lack of capacity 2) All of the conditions the applicant is adding tonight should have been addressed before coming to Planning Board 3) Concerns about affordable housing.

Member Boyle dissented for the following reason: Staff recommendations for denial because affordable housing conditions not included early enough for housing staff to review; not comfortable supporting without that review.

Item #2

Shelly Mayo, Planner II presented Rezoning Case #21CZ30 Williams Farm PUD amendment. The applicant Jessie Hardesty, McAdams Co., is seeking to rezone approximately ±1.304 acres from Wake Co. R-40W to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 4525 Green Level West Road.

Chair Skinner calls for a motion to recuse Member Akers due to a conflict of interest. Member Braswell motioned to recuse Member Akers. Member Sherman seconded that motion. Motion carried with a unanimous vote. Member Akers removed himself from the meeting for this item of business.

Planner Mayo gave an overview of the PUD Amendment to add a piece of property that is part of the ROW for Green Level West Rd to the rezoning approved for the Williams Farm PUD. Planner Mayo provided information regarding 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 conducted 11/23/21. No one attended. This additional land will have the same zoning conditions originally approved for the Williams Farm PUD. The curve in Green Level West Rd will be flattened out to improve traffic safety. Once constructed, NCDOT will abandon the original ROW which will then become part of the subdivision. There is no change in density or number of lots to be developed.

Applicant Jessie Hardesty said they are reducing the sharp curve and realigning the road. The applicant realized they needed this small piece of land to accomplish what was agreed to in the original PUD approval.

Chair Skinner asked if there was any discussion on the amendment. There were no questions or discussion by the Planning Board members.

Chair Skinner asked if there were any comments from the public. Planner Mayo said there were none.

Chair Skinner called for a motion. Member Sherman motioned for approval. Member Braswell seconded the motion. Vote by roll-call carried unanimously, 6-0.

Member Akers rejoined the meeting upon the completion of this presentation and vote.

NEW BUSINESS

Item #1

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

Amendment requested by the Planning Committee of Town Council:

1. Amendment to Secs. 4.2.2 *Use Table* and 4.4.2 *Supplemental Standards, Public and Civic Uses* in order to require a neighborhood meeting be held prior to the submittal of any Minor or Major Site Plan for the use "School, public or private".

Amendments requested by Planning Staff:

2. Amendments to Sec. 2.1.9 *Apex Environmental Advisory Board* in order to remove the reference to the Environmental Committee of the Apex Town Council as that committee was dissolved on December 11, 2021.
3. Amendments to Sec. 4.3.5 *Use Classifications, Commercial Uses* in order to revise the definition of Glass Sales to allow for wholesale glass sales in addition to retail sales.

4. Amendment to Sec. 8.2.8.B.1 *Screening Methods, Dumpsters* in order to allow wood as a material for the gates of dumpster enclosures associated with Wake County Landmark or other historic structures.
5. Amendments to Sec. 8.2.6.C.4 *General Buffering Requirements, No Development Within the Required Buffer* in order to require buffers along Fully- and Limited-Controlled Access Highways that contain a public utility easement to have a minimum 20-foot-wide planting area and to correct an incorrect section reference.

Planning staff recommends approval of the proposed UDO amendments.


Member Sherman asked staff to review potential other uses, beyond “School public or private”, from the UDO Use table that could be included in the future for the neighborhood meeting requirement.

Chair Skinner called for the motion. Member Sherman motioned to recommend approval. Member Braswell seconded. Vote by roll call passed unanimously, 7-0.


ADJOURNMENT

Member Sherman motioned to adjourn. Member Royal seconded. Motion carried with a unanimous vote by roll call.

There being no further business, the meeting adjourned 6:55 p.m. The foregoing minutes are approved this the 14th day of March, 2022.



Reginald Skinner
Chair



Jeri Pederson
Planning Technician