



TOWN OF APEX PLANNING BOARD MEETING MINUTES

Meeting Date: March 14, 2022

The Planning Board held their regular meeting on March 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 were, Chair Reginald Skinner, Vice-Chair Mark Steele, Board Members Tina Sherman, Keith Braswell, Jeff Hastings (Historical Society Member), Ryan Akers (Wake County Member), and Steven Rhodes. Members absent were Tommy Pate, Elaine Boyle, Tim Royal (ETJ Member).

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

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

There were no items of information for the March 14, 2022 meeting.

PUBLIC FORUM

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

CONSENT

Item #1 – Minutes from the February 14, 2022 regular meeting. Chair Skinner called for a motion. Member Braswell motioned to recommend approval. Member Akers seconded. Motion carried with a unanimous vote.

PUBLIC HEARING

Item #1

Liz Loftin, Senior Planner presented Rezoning Case #21CZ32 Chapel Ridge Towns PUD-The applicant Jeff Westmoreland, Toll Brothers Inc., is seeking to rezone approximately ± 21.60 acres from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 1412 Olive Chapel Road; 1400, 1401, 1408, 1409 Barnside Lane & Barnside Lane right-of-way. Planner Loftin 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.

This item was before the Planning Board in August of 2021 and Town Council in September 2021. The main difference in this project is it is now an age restricted project. The 2045 Land Use Map designates the properties as Medium Density Residential. The applicant is proposing a zoning condition that restricts the rezoning to an age restricted project. Per Fair Housing conditions at least 80% of the dwelling units shall be occupied by at least one-person age 55 or older. In addition, the applicant is also proposing an Affordable Housing zoning condition to construct two affordable units to be sold to a medium income household with income up to 100% of the Raleigh AMI. A restrictive covenant will be placed on the units for ten (10) years. The developer will also work with staff on the initial marketing and screening process for the affordable housing units. The applicant provided a trip generation letter that confirms that the new neighborhood still falls below the TIA requirement.

Planning Staff recommends approval of the of the proposed rezoning. The site provides increased perimeter buffers, higher planting standards and a crosswalk at Chapel Ridge Road to the site of the future transit stop along Olive Chapel Road. In addition, the project proposes the two affordable units.

There were no questions for staff.

The applicant, Jason Barron from Morning Star Law Group, along with Jeff Westmoreland from Toll Brothers Inc., Ed Tang and Brendie Vega of WithersRavenel were in attendance. Mr. Barron highlighted the differences from the previous application.

- The community has had concerns over traffic. They believe the transition to a senior community with fewer units will significantly reduce the overall trip generation.
- The change to a Senior Community also reduces school capacity concerns. This new proposal should have no significant impact on schools.
- Reduction of overall proposed density from 115 units to 100 units.
- Reduction the height from 3 stories to two stories. All units will have the owner's suite on the main floor so the footprints will be larger.
- The applicant has included two affordable housing units.

There were no questions for the applicant.

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

Rita Boykin, 1500 Clark Farm Road, stated that the neighbors have adjusted to the development but are not happy about it. Going forward it is looking like the original neighborhood will be six different neighborhoods. Today's proposal by Toll Brothers is better than the first proposal and it is one they can live with because it does adhere to the 2045 Land Use Map.

David Prestrud, 1313 Chapel Ridge Road, lives north of the proposed development and shares the pond with the proposed development. He stated that this was realistically the best they could hope for. This proposal is consistent with the long-range plan of Medium Density residential. The two-story proposal is much more agreeable than the three-story proposal originally offered. Toll Brothers has met with neighborhoods on numerous occasions over the course of the project and has tried to accommodate their wishes. He stated the Planning Board should vote to approve this project.

Paul Cain, 1401 Barnside Lane, stated that he owns one of the properties included in this proposal. They originally moved to Chapel Ridge to raise their children and horses. He likes the sidewalks and proximity to the neighboring businesses. Mr. Cain asked for support of the Chapel Ridge Towns.

Elizabeth Starritt, 1216 Twelve Oaks Lane, stated there is a real need for neighborhoods like the existing Chapel Ridge Neighborhood. She would like to see the unique character of an original neighborhood remain. This current neighborhood provides the desirable town and country living. This rezoning will add more traffic during school and rush hour and will add more traffic to a backed-up intersection at Kelly Road and Olive Chapel Road. She would like to see improvements at the intersection of Kelly Rd and Olive Chapel Rd taking place first. If these townhomes and apartments are approved it will create a sandwich feel because at the entrance you will have townhomes and then a few of the original homes and then apartments. This does not flow right and takes away the original character of the neighborhood. Instead of dividing up the neighborhood piece by piece she would only like to see townhomes or preferably single-family homes at the front of the neighborhood. This would still leave some of the original character of the Chapel Ridge neighborhood and not break it up.

Chair Skinner opened the floor for discussion and a possible motion.

Member Akers asked staff for the numbers for the recreation fees to be collected for this project. Staff stated that the Parks and Recreation fee-in-lieu amount is estimated to be about \$300,000. Member Akers also asked for clarification about the Olive Chapel Rd. frontage. Mr. Tang responded that the widening of the road would be for a bike lane, sidewalk and curb and gutter. They are dedicating for four lanes but only constructing three lanes.

Member Sherman stated she was pleased with the changes that have been made, the limited Wake County Public Schools impact, and the applicant working with the neighbors to resolve previous concerns. It matches the 2045 Land Use Map. She stated she is pleased to support this rezoning.

Member Steele stated that although it would be nice to have the Chapel Ridge neighborhood to be developed as one overall development, the Town of Apex cannot make that happen.

Member Steele made a motion to approval as presented today, Member Braswell seconded. Motion carried unanimously, 6-0.

Item #2

Amanda Bunce, Current Planning Manager presented possible amendments to the 2045 Land Use Map in the vicinity of the northeast quadrant of US Hwy 64 and NC Hwy 751. This amendment and the following item #3, Rezoning Case #22CZ02 will need to be discussed together. This is the first foray that the Town of Apex has had into Chatham County. A land use classification that matches our Land Use Map for the area to be rezoned needs to be set up in advance of the rezoning. Currently, Chatham County designates this area as an Employment Center. That Chatham County classification is comparable to our Industrial Employment land use classification. The Employment Center category in Chatham County targets areas for future job generation and includes industrial, office employment, supporting retail service and other uses. It also anticipates a road network to facilitate future developments. Staff has been working closely with Chatham County Planning and their Administration in coordination with this rezoning. Staff is recommending approval for the Land Use Map amendment for these properties.

Member Akers asked for clarification on the process of moving into Chatham County. This is the first application we have had before us.

Planner Bunce stated that this is the only rezoning we are looking at now. We contacted Chatham County early on as the developer needed water and sewer from us. Staff looked at the proposal and it was consistent with what Chatham County had on their land use plan. There was no change needed to support what was proposed. The Town of Apex is looking at non-residential development. Staff has not been supportive of extending residential development into Chatham County.

Item #3

Amanda Bunce, Current Planning Manager presented Rezoning Case #22CZ02 Project Real. The applicant Maggie Houston, Beacon Development is seeking to rezone approximately ± 132.11 acres from R1 (Chatham County) to Light Industrial Conditional Zoning (LI-CZ). The proposed rezoning is located at 104 NC Hwy 751, NC Hwy 751, 106 off NC Hwy 751, and Off NC Hwy 751. The applicant held their neighborhood meeting on December 22, 2021. Planning Manager Bunce 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. The applicant met with the Environmental Advisory Board (EAB) and has

added several of the recommendations to the rezoning. Typical architectural standards for commercial uses have been added.

Planner Bunce reviewed the three transportation conditions that were also proposed as part of the rezoning and shared the concerns of Transportation Planning and Public Works & Transportation staff regarding the wording of Transportation Condition #2.

Planning staff recommends denial of Rezoning Case #22CZ02 Project Real with the conditions offered by the applicant. If Transportation Condition #2 is offered, as requested by staff, then staff can recommend approval of the rezoning.

Walker Warren, Beacon Partners Development highlighted important aspects of Project Real which proposes a Master Planned Business Park anchored by a 150,000 + sq. ft. headquarters relocation for Durham Coca-Cola bottling. The subject property will result in over \$100,000,000 in near term capital investment. This will support the ever-increasing demand for Life Sciences, research and development, and last mile distribution. The project calls for enhanced design features and finishes. Proposing over 15 acres of right-of-way dedication to the town and NCDOT.

Hager Rand, President of Coca Cola Bottling wants to consolidate facilities. They have a dedication to environmental sustainability, they want to be a zero waste nothing to the landfill. This headquarters should have 200 jobs. Coca Cola Bottling is very excited to be in Chatham County.

Member Steele asked about the collector street design clarification and options. Russell Dalton, Senior Transportation Engineer provided additional information in the possibility for roadway design and also says with NCDOT still undecided on a final design they need to be careful to allow for changes.

Member Akers asked how Town of Apex services are to be provided to this site. The applicant stated that water would be extended from Deer Creek to the south and run it up 751 to the NE quadrant of the site. They are contemplating a regional pump station along the NE boundary of the property. They are funding this as part of this project but would provide service to users across Hwy 751. The capability would be there from the pump station on their property to expand services to the other quadrants. Member Akers is concerned about the environmental component with this plan and location next to Jordan Lake.

Member Sherman is concerned with all the moving parts and unknown design of the interchange, what the environmental impacts are. Planner Bunce shared that the EAB was aware of the proximity of the site to the Army Corps property. The conceptual minor street location street hugging the highway buffer interchange is the least impactful environmentally. The building locations will be farther away from the Army Corps property on the north side. Planner Bunce reminded the board members that the properties to the east of the site, off Hwy 64, will not have direct access to Hwy 64 in the future.

Long Range Planning Manager, Shannon Cox, explained information in regards to this future interchange. NCDOT has shared two alternative concepts they plan to move forward to the next phase of design. NCDOT has shared those with the Town of Apex. As they move forward in their process the Town of Apex would be invited to participate in their design. She shared the importance of having the minor collector street designed and constructed to the extent possible as part of this project rather than the fee-in-lieu being offered by the applicant.

Chair Skinner called for public comments. There was no one in attendance and Planner Bunce said there were no public hearing emails received for this rezoning.

Members Akers, Braswell, Sherman, Rhodes and Hastings all had further comments in regards to the collector street location and costs. Planner Cox points out that if our Transportation Plan had addressed this area previously, we would have had a collector in our long-range transportation plans and we would have required it as part of the site plan. Staff would like the road constructed beyond what they are currently offering. Staff also realizes the difficulty in predicting the NCDOT location and timeframe.

Item #2 Vote:

2045 Land Use Map amendment from Chatham County Residential District 1 (R-1) to Light Industrial-Conditional Zoning (LI-CZ). Member Steel motioned to approve, Member Sherman seconded. Motion carried unanimously 6-0.

Item #3 Vote:

Member Sherman motioned to approve Rezoning Case #22CZ02 with additional conditions related to 1) applying draft Jordan Lake nutrient removal regulations and 2) increased fee-in-lieu to be agreed upon by developer and staff prior to Town Council meeting. Member Steele seconded. Motion carried unanimously 6-0.

Item #4

Shannon Cox, Long Range Planning Manager presented a proposed amendment to the Thoroughfare and Collector Street Plan map of the Comprehensive Transportation Plan. The proposed amendment would show a future widening of North Salem Street between Davis Drive, just north of US Highway 64 and Laura Duncan Road from a two-lane to a three-lane thoroughfare. This amendment has been requested by our Transportation department mainly due to traffic volumes. This proposal adds a center turn lane for the entire length of the corridor with the exception of the portion under the CSX bridge. No reconstruction of the CSX bridge is planned. This amendment to the Comprehensive Transportation Plan is supported by the Planning Department, Fire Department, and Police Department.

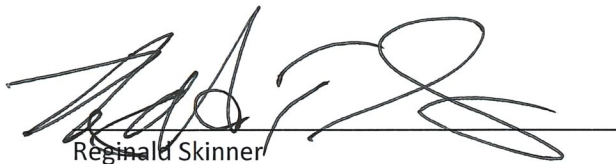
Chair Skinner opened the Public Hearing; no one came forward. There were no emails in regard to this proposed change. Chair Skinner closed the public hearing.

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

NEW BUSINESS

There was no new business.

Member Steele motioned to adjourn. Member Sherman seconded. Motion carried with a unanimous vote. There being no further business, the meeting adjourned at 6:28 p.m. The foregoing minutes are approved this the 11th day of April, 2022.


Reginald Skinner
Chair


Jeri Pederson
Planning Technician