



TOWN OF APEX PLANNING BOARD MEETING MINUTES

Meeting Date: May 9, 2022

The Planning Board held their regular meeting on May 9, 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 Keith Braswell, Tina Sherman, Elaine Boyle, Jeff Hastings (Historical Society Member), Ryan Akers (Wake County Member), Tim Royal (ETJ Member) and Steven Rhodes.

Chair Skinner called the meeting to order at 4:30 p.m.
Chair Skinner gave the Invocation and led the Pledge of Allegiance.

Amanda Bunce introduced and gave a brief bio for Joshua Killian who was recently hired as a Planning Technician.

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 April 11, 2022 regular meeting. Chair Skinner called for a motion. Member Braswell motioned to recommend approval. Vice-Chair Steele seconded. Motion carried with a unanimous vote.

PUBLIC HEARING

Item #1

Lauren Staudenmaier, Planner II presented Rezoning Case #21CZ31 Sears Property PUD. The applicant, Matt Christensen, Beazer Homes, seeks to rezone approximately ±26.218 acres from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 0 & 2108 Old US 1 Highway. Planner Staudenmaier 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 November 19, 2021. The 2045 Land Use Map classifies the subject property as Medium Density Residential and Office Employment. The proposed rezoning is consistent with those land use designations.

The residential component proposes a maximum of 160 town house units with a maximum density of 6.1 units per acre. The non-residential component proposes a maximum of 11,000 sq. ft of commercial and office space. The developer has offered an affordable housing condition that includes five price restricted units.

A maximum of two access points shall be provided along the development frontage, a full movement access and a right in, right out access. If sufficient right-of-way is available developers shall construct an exclusive westbound right turn lane on Old US 1 per the NCDOT guidance.

Wake County Public School System indicates that elementary, middle and high school students can expect transportation to schools outside of the current assignment area. School expansion or construction within the next five years may address concerns at the Elementary and High School levels.

Planning staff recommends approval of this rezoning.

Jason Barron with Morningstar Law Group spoke on behalf of the applicant and added the following comments.

- This rezoning is consistent with Land Use Plan
- It meets the ordinance for buffer requirements. They are not requesting a decrease in buffer requirements.
- Five affordable housing units are offered at 100% AMI
- No garages on this product so it actually takes the overall cost of the units down. Beazer views these as entry level homes.
- The builder is trying to fill a void of entry level housing with a smaller footprint and with less square footage. There should not be as many school age children as you would with a 2000 sq. ft. product.

Member Sherman provided feedback to Mr. Barron on his presentation of the proposed rezoning.

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

Mr. Richard Colby, 1007 Winding Creek Road is speaking on behalf of landowners, Chris Montgomery, Mark Hopkins, Rajat Jain, Larry Goll and Tom Draper. They are completely opposed to the rezoning of this development. They all bought their properties because of the rural feel. Traffic is a major concern with this development, along with the other developments currently approved. The neighbors' homes are all close to the edge of the development and they want to maintain their privacy. Mr. Colby turned over the presentation to Mr. Mark Hopkins. Mr. Hopkins pointed out that the proposed 20-foot buffers are fairly minimal. They would like to expand the buffers where their residences are located on their properties to provide more privacy and screening. Mr. Hopkins brought up the three projects already approved in the area and the barriers to improve the traffic situation with additional signaling. The neighbors are hoping they would take a another look at the traffic study and consider the bigger picture.

Chair Skinner asked about the findings from the traffic study for this project. Traffic Engineering Manager, Russell Dalton responded by summarizing all of the upcoming traffic improvements in the area. The NCDOT did not anticipate either of the entrances meeting signal warrants and the transportation department of the Town of Apex concurred with that.

Member Sherman asks where this study fits in with some of the other developments that are coming along. Mr. Dalton explained that the study generally is not looking at long term improvements but rather within the build out horizon for the specific development so some of the improvements associated with other developments were not included in the study because they have a longer build out.

Matthew Christensen, Division President for Beazer Homes spoke in favor of the development. Mr. Christensen provided a handout which details the environment, social and government information relevant to their business. They have been named Energy-Star's partner of the year for sustained excellence by the EPA. Every home, for every homeowner regardless of price, including this neighborhood, will be built to this standard.

Mr. Richard Colby told the board that the sewer line had not been mentioned. He had been contacted by Beazer in regards to the sewer line but he wanted to state publicly that under no circumstances would the sewer line go through his property.

Nate Boquin, Traffic Engineer from Ramey Kemp & Associates, provided additional information in regards to the traffic study. As a rule they add in a 4% growth rate every year to their predictions. It is compounded through the build out of the project.

Member Akers asked about the Holland Road Assembly PUD and wanted clarification on what the Town Council's recommendation for off-site improvements was on that project. Russell Dalton shared that Town Council went with a fee in lieu for a traffic signal.

Chair Skinner closed the public hearing.

Member Braswell asked about the sewer hook-up. Planner Staudenmaier said that those are typically running along Old US 1 and that their location would be determined at site plan. Planner Bunce said that it is ultimately up to the developer to work with the Town to determine from where sewer has to be extended. The developer must work with property owners to acquire easements as needed and the applicant will have to work that out when they submit their subdivision plans. Vice-Chair Steele asked if the developer had no other options to tie into sewer, could this development be allowed. Mr. Barron says the engineer for the project has been studying other options as they understand Mr. Colby's position.

Member Akers asked if the developer will be building the expansion to four lanes across their frontage. Mr. Dalton explained that would be an over-sized option at this point.

Member Sherman asked about the 50' buffer request and whether there will be any definitive answer about the sewer location before this project goes before Town Council. Mr. Barron said increasing to a 50' buffer would significantly reduce the number of units that could be yielded by the development to a point where we would not be able to achieve the overall unit count necessary to support the development. They would not be able to justify the five units of affordable housing that are committing to as part of the site. With respect to increasing the plantings adjacent to the homes that is something they could work on. They will not have a definitive answer on the sewer by the date of the Town Council presentation. They have alternatives that don't require Mr. Colby's property. The developer is prepared to move forward. Supplementing the opacity of the buffers in the areas adjacent to the neighbors' homes to a Type A as opposed to a Type B is a condition the developer will agree to.

Member Sherman likes the projects over all affordability and commitment to providing five affordable units yet has concerns about school accessibility and traffic. While not a perfect balance she is in favor of this proposal.

Member Sherman motioned to approve with conditions as proposed by applicant with an additional condition offered by developer at the Planning Board meeting: "Where adjacent to existing residences, and where existing vegetation is not already in place, a 20' Type A buffer shall be provided. In all other areas, a 20' Type B buffer shall be provided." Vice-Chair Steele seconded. Motion carried with a unanimous vote.

Item #2

Sarah Van Every, Senior Planner presented Rezoning Case #22CZ01 Arden at Summit Pines PUD. The applicants, Collier Marsh, FC Apex, LLC/Kevin Woodley, Buvemo Investments, seek to rezone

approximately ±11.74 acres from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 8200 Jenks 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. The applicant conducted a neighborhood meeting November 17, 2021. The 2045 Land Use Map classifies the subject property as Office Employment/Commercial Services. The proposed rezoning includes a mix of age restricted residential uses and commercial uses consistent with the designated land use. The 2045 Land Use Map would automatically be amended to High Density Residential/Office Employment/Commercial Services per State law if the rezoning is approved.

The residential tract is proposed for a congregate living facility. There is an affordable housing condition proposed: A minimum of 6 residential multi-family/apartment units constructed within the development shall be designated as low-income. The proposed rezoning is reasonable and in the public interest because the rezoning will allow the project to be developed with age-restricted residential uses accompanied by non-residential development along the thoroughfare frontage. The proposed rezoning complements the land use at Westford across Jenks Rd and staff recommends approval.

Collier Marsh with Parker, Poe, Adams and Bernstein represented the applicant for this meeting. He offered the following additional comments.

- They are offering a distinct residential type that adds to a greater variety of residential options.
- A maximum of 160 units are proposed.
- Providing housing for middle income seniors. Lower end of the affordability spectrum but above some of the other income thresholds for other programs.
- They are building out the full four lane divided section of Jenks Rd. as part of their project.

Member Akers asked about the Hwy 64 interchange and the divided street section in front of the project. Mr. Dalton stated that the discussion about the south side of 64 at a previous meeting would not affect the North side so the proposal is acceptable with regard to this development. The area on Jenks Rd would be mirroring what is currently in place from the Westford side of Jenks Rd.

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

Chair Skinner called for the motion. Member Akers made the motion to approve. Member Sherman 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):

Requested by Planning Committee of Town Council:

1. Amendments to Secs. 2.2.7 *Neighborhood Meeting*; 2.2.11 *Public Notification, Timing of Notice*; 2.3.3.D *Conditional Zoning Districts, Required Neighborhood Meeting*; 2.3.4.E *Planned Development Districts, Procedures*; 2.3.16 *Sustainable Development Conditional Zoning District, Procedures*; 4.2.2 *Use Table*; and 4.4.2 *Public and Civic Uses, School, public or private* in order to:
 - a. Change the name of Sec. 2.2.7 to *Neighborhood Notice* in several sections;

- b. Require applicants of Minor Site Plans for various high-intensity land uses to hold a neighborhood meeting prior to the submittal of the application;
- c. Require applicants of Minor Site Plans for remaining non-high intensity land uses located on land that has not had a rezoning approval in the previous two years and that is located within 300' of a residential land use to send a letter explaining the project and providing their contact information to property owners and tenants within 300' of the subject property; and
- d. Move the current neighborhood meeting requirement for School, public or private from Sec. 4.4.2.H to Sec. 2.2.7.

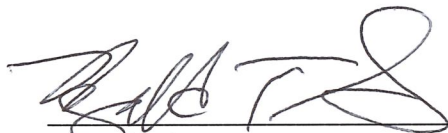
Requested by Planning Staff:

- 2. Amendments to Sec. 4.4.1.E *Supplemental Standards, Residential Use, Manufactured Home* in order to remove the requirement for a continuous masonry wall under the perimeter of the home and require an opaque or semi-opaque skirting material.
- 3. Amendments to Sec. 4.4.2.C *Supplemental Standards, Public and Civic Uses, Day Care* in order to amend the standards for day care facilities in the Light Industrial (LI) zoning district.
- 4. Amendments to Sec. 4.2.2 *Use Table*, 4.3.6.A.3 *Use Classifications, Industrial Service, Gas and fuel, wholesale*, and Sec. 4.4.6.A *Supplemental Standards, Industrial Uses* in order to modify the definition of the use Gas and fuel, wholesale and add a separation requirement from the uses Day care facility; School, public or private; Hospital; and Nursing or convalescent facility.
- 5. Amendments to Sec. 5.2.7 *Dimensional Standards for Detached Accessory Structures* in order to allow detached accessory structures or buildings to be no more than five (5) feet taller than the principal building or structure.
- 6. Amendments to Sec. 7.5.1.B *Required Improvements, Exemptions* in order to clarify which driveway-related improvements are not exempt from public road improvements.


Planning Staff is recommending approval for all of the proposed amendments.

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

Member Royal motioned to adjourn. Member Braswell seconded. Motion carried with a unanimous vote. There being no further the meeting adjourned at 6:20 p.m. The foregoing minutes are approved this the 13th day of June, 2022.



Reginald Skinner
Chair



Jeri Pederson
Planning Technician