



TOWN OF APEX PLANNING BOARD MEETING MINUTES

Meeting Date: September 12, 2022

The Planning Board held their regular meeting on September 12, 2022 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 Reginald Skinner, Board Members, Tina Sherman, Tim Royal (ETJ Member), Keith Braswell, Jeff Hastings (Historical Society Member), Ryan Akers (Wake County Member) Steven Rhodes, and Sarah Soh.

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

ITEMS OF INFORMATION

Planning Director Khin requested members to sign up for the training UNC School of Government's Planning Board class. There are two sessions offered.

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 August 8, 2022 regular meeting. Chair Skinner called for a motion. Member Akers motioned to recommend approval. Member Rhodes seconded. Motion carried with a unanimous vote.

PUBLIC HEARING

Item #1

Jenna Shouse, Senior Long Range Planner, presented a proposed amendment to the Bicycle and Pedestrian System Plan Map of the Transportation Plan to add proposed bicycle lanes along Laura Duncan Road, north of Old Apex Road. This coincides with the Town of Cary's plans to add bicycle lanes along their section of Laura Duncan Road. Town staff plans to coordinate with the developers of the North Salem Station PUD to stripe these bike lanes as part of their project.

Member Akers asked if the addition of the bike lanes increases the right-of-way (ROW). Planner Shouse said the details have not been worked out yet but will try to carry through with the Town of Cary's section.

Chair Skinner opened the public hearing for anyone to speak in favor or opposition to the amendment. No one came forward and there were no emails. Chair Skinner closed the public hearing.

Chair Skinner called for a motion. Member Soh motioned to recommend approval of the amendment. Member Sherman seconded the motion. The motion carried with a unanimous vote.

Item #2

Sarah Van Every, Senior Planner presented Rezoning Case #21CZ17-Ten Ten Business Park. The applicant, J National Capital V, LLC is seeking to rezone approximately ±4.6 acres from Residential Agricultural (RA) to Light Industrial-Conditional Zoning (LI-CZ) for a portion of the property located at 2132 Ten Ten Road. Planner Van Every gave an overview of the location and surrounding zoning

conditions. The parcel is vacant and wooded. The 2045 Land Use Map (LUM) identifies the subject property as Industrial Employment. The rezoning to LI-CZ is consistent with this land use classification. The applicant conducted a neighborhood meeting on April 28, 2021. The report is included in the agenda. Given the time span since the applicant originally submitted they held another neighborhood meeting the week prior to this Planning Board meeting. Planner Van Every reviewed the proposed zoning conditions offered by the applicant. Planning staff recommends approval of the proposed rezoning.

The applicant, Gray Styers, Fox Rothschild shared that this is a split zoned parcel. There may have been a home on the Ten Ten Rd facing portion of the property when the Town initially rezoned in that area. It is a remnant and they are trying to bring the zoning classification into conformity with the surrounding area. The applicant plans to strengthen the tower that has been there since the early 1980s. Standards have improved and they would like to bring the tower up to current standards with a zero-fall zone. This will strengthen the tower in the event of a catastrophic weather event so it is a win for all parties. The odd remnant will be brought into conformity, the entire parcel will then be opened up for development, contributing to the Town of Apex tax base and the tower will be improved.

Member Braswell clarified that if the tower falls it will fall on itself then you don't have to take up all the land for the fall zone. The applicant confirmed that.

Member Sherman wanted clarification of what is the definition of a catastrophic event. The applicant stated that he was not an engineer, but understands that the towers are designed to support up to one inch of radial ice along the guidewires with 30 mph winds. The improvements would bring it up to current code for towers.

Member Soh asked how tall the existing tower is. Mr. Styers responded that it is 1,576 feet above ground according to the FCC and FAA. The tower height will not be changed.

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 Sherman motioned to recommend approval. Member Soh seconded. Motion carried with a unanimous vote.

After the vote, Mr. Jackson from J National Capital clarified that the tower should be able to withstand maximum winds of a 130 mph, not 30 mph, as stated earlier in the presentation.

Item #3

Sarah Van Every, Senior Planner informed the board that the public hearing and possible motion regarding Rezoning Case #22CZ13-2021 N. Salem Street PUD is on hold. The applicant, Brendie Vega, WithersRavenel, seeks to rezone ±6 acres from Residential Agricultural (RA) to Planned Unit Development-Conditional Zoning (PUD-CZ). The property is located at 2021 N Salem Street. This item will be re-noticed at a later date.

Item #4

Lauren Staudenmaier, Planner II presented Rezoning Case #22CZ16-1039 Irongate Dr. The applicant, Aaron Robertson, is seeking to rezone ±0.46 acres from Rural Residential (RR) to Medium Density Residential-Conditional Zoning (MD-CZ) for the property located at 1039 Irongate Dr. Planner

Staudenmaier gave an overview of the area and surrounding zoning conditions. The intent of rezoning condition is to fix a front setback issue and to keep the zoning consistent with the surrounding properties. The proposed rezoning is reasonable and in the public interest because it resolves the non-conformity associated with the current placement of the foundation on the parcel.

Aaron Robertson, owner at 1039 Irongate Dr. told the board that he hired a contractor to move the house from the Veridea Parkway area. His contractor filed for the permit and was rejected. The applicant, Aaron Robertson was not aware the permit was rejected. Mr. Robertson had a third party put in the foundation. The house was moved and three days later there was a "Stop Work Order" sign up on the house. Mr. Robertson is now taking it upon himself to get the permits in order to try to get his family into their home.

Sonja Ward, ECLS Surveying, has been helping the owner with the survey and the rezoning process. There is a small portion of the house that is in the required setback in the Rural Residential zoning district. Changing to a MD-CZ zoning district would allow the home to be placed on the newly built foundation. The biggest concern that arose from the neighborhood meeting was the drainage problem created by the unfinished house as it has just been set on the foundation. Due to the stop work order, the owner has been unable to continue work on it. Every time it rains it affects the neighborhood.

Member Akers asked why this could not be a Board of Adjustment as opposed to a rezoning. Planner Staudenmaier said it did not meet the hardship requirement for a variance.

Chair Skinner opened the public hearing.

Norma Stuart of 1038 Irongate Dr., Sharon Fuller Greene of 1037 Irongate Dr., Bettie Anderson of 1026 Irongate Dr. and Joseph Perkins of 3004 River Circle all spoke about the drainage and stormwater concerns that have been added with the addition of the house in its current mid-construction situation. Planning Director Khin and Member Sherman explained to the speakers that the Town is trying to work with Mr. Robertson within the current confines as this is a very unusual circumstance.

Mr. Perkins is also concerned with potential septic system problems on the building site. Planner Bunce explained the process for obtaining the septic and building permits. Wake County, after review by the Town of Apex, will have to approve the septic system before Mr. Robertson gets a building permit.

Town staff has made a commitment to the neighbors to contact the correct departments to check the stormwater and other relevant issues that are in the Town of Apex's control. Director Khin advised that issues on private property are out of the Town of Apex's control.

Member Soh asked the neighbors that aside from the stormwater issues does anyone have objections to how the house is placed on the lot. The affected neighbors agreed that the problem is not from where the house is sitting but the stormwater issues that it has created.

Chair Skinner closed the public hearing. Member Braswell made a motion to approve. Member Royal seconded. The motion passed unanimously.

NEW BUSINESS

Item #1

Amanda Bunce Current Planning Manager presented proposed amendments to the Unified Development Ordinance (UDO).

Requested by Planning Staff-

1. Amendment to Secs. 4.2.2 *Use Table*; 4.3.3 *Use Classifications, Utilities*; 4.4.3 *Supplemental Use Standards, Utilities*; 8.2.6.B.4 *Land Use Classes*; and 8.3.2 *Off-Street Parking Requirements* in order to create the use "Yard waste transfer station" and to establish the definition, supplemental standards, land use class, and parking standards for such use.
2. Amendments to Secs. 7.2.5 *Single-Family Residential Grading* and 8.1.2.B.2 *Site and Tree Survey Required* in order to change the date of LiDAR data from a specific date to the latest data acquired by the Town of Apex and to ensure the requirements for topographic information are consistent throughout the UDO.
3. Amendments to Sec. 8.7 *Signs* in order to modify the standards for internally illuminated signs and signs within Planned Development Districts and to create a sign type and standards for interior signs located in parking lots.

Member Sherman asked about signs that are out in the community currently and if there would be businesses that would fall out of compliance through no fault of their own. Planning Director Khin says they would be grandfathered by the fact that they weren't required to get a permit to begin with, it is when they come back and ask us to change an aspect of the site that they would need to comply with the standard.

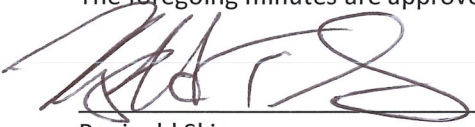
Planning Staff recommends approval of the proposed UDO amendments.

Chair Skinner called for a motion. Member Sherman made a motion to approve. Member Soh seconded. The motion passed unanimously.

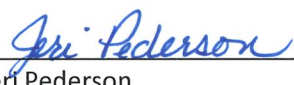
Member Sherman motioned to adjourn. Member Soh seconded. Motion to adjourn passed unanimously.

There being no further business, the meeting adjourned at 5:47 PM.

The foregoing minutes are approved this the 10 day of October, 2022.



Reginald Skinner
Chair



Jeri Pederson
Lead Planning Technician