



## **TOWN OF APEX PLANNING BOARD MEETING MINUTES**

Meeting Date: October 10, 2022

The Planning Board held their regular meeting on October 10, 2022 at 4:30 p.m. at the Apex Town Hall Campus, 73 Hunter Street, Apex North Carolina, 2<sup>nd</sup> Floor Council Chamber. Members present were Chair Reginald Skinner, Vice-Chair Tina Sherman, Board Members, Tommy Pate, 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**

Tina Sherman has been named the new Vice-Chair of Planning Board and we have two new Planning Board members who will be here at the November meeting, Alyssa Stepusin Byrd and Daniel Khodaparast.

### **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 September 12, 2022 regular meeting. Chair Skinner called for a motion. Member Braswell motioned to recommend approval. Member Royal seconded. Motion carried with a unanimous vote.

### **PUBLIC HEARING**

#### **Item #1**

Jenna Shouse, Senior Long Range Planner, presented a possible motion regarding two amendments to the Bicycle and Pedestrian System Plan Map of the Transportation Plan- 1. Change the bicycle and pedestrian facility along the west side of Richardson Rd between Humie Olive and US Hwy 1 from proposed street side greenway to proposed side path. 2. Change the proposed bicycle and pedestrian facility type east of Richardson Rd from a proposed public greenway to a proposed side path along a future street. Planning and Community Development Department staff as well as the Parks, Recreation and Cultural Resources Advisory Commission unanimously recommended approval.

Chair Skinner asked if the existing side path on the eastern side of Richardson Rd was moving to the west. Planner Shouse said the plan is to keep the existing and add the side path on the west.

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

## Item #2

Shelly Mayo, Planner II, presented Rezoning Case #22CZ09 Chapel Ridge Apartments PUD-The applicant High Street Development, Inc seeks to rezone approximately ±22.71 acres from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 1200, 1204, 1205, 1209, 1213, 1220, 1225 Chapel Ridge Rd. and 1512 Clark Farm Rd. The rezoning was previously presented at the July 11, 2022 Planning Board meeting. Since that time the developer has acquired the Bishop property located at 1213 Chapel Ridge Rd to fill in the gap of land from the previous submittal. There has been a change to the use of the Sherry property as well. These changes require the project to go through the full Planning Board and Town Council process again. There was a second neighborhood meeting held on August 22, 2022. Staff recommended approval of the rezoning.

The applicant, Matthew Carpenter, with Parker Poe reviewed the changes to the proposed rezoning. When the rezoning was proposed to the Planning Board on July 11, 2022 the Planning Board voted four to two to recommend approval to Town Council. Town Council decided to continue the rezoning to give the applicant more time to address the acquisition of the Bishop property, the reconfiguration of the Sherry property and to continue working with the neighbors to address their concerns. The result is a much more cohesive site and well thought out development.

Member Soh asked about the three-story height limit in area C in comparison to the other side of the of the development which is four stories with the exception of a small area which will be fives stories due to the slope of the land towards the Jordan Lutheran Church property. Member Soh asked if there was a change in the total number of units and Mr. Carpenter said the unit count would be staying at 370 units plus the home on the Sherry property. Member Soh asked about bicycle lanes. Planner Mayo said the intent of the side-path is to accommodate both bicycles and pedestrians.

Chair Skinner asked if there will be a charging bank for EV parking spaces or will they be dispersed throughout the site. The expected parking spots are expected to be in the 500-space range. Five percent of the expected parking count would give us 25 to 30 EV parking spaces spread across the three buildings.

Member Soh asked if there were any updates from Wake County Schools. Mr. Carpenter said there had not been updates from Wake County Public School as the unit count was not changing.

Member Royal asked if the 5-story section was a drop off and if they are trying to keep the max height the same. Mr. Carpenter said the goal is to keep similar elevations on all the buildings. The lower level apartments are a result of the grade on the north side towards Jordan Lutheran Church.

Planner Mayo added that there were no changes to the Transportation Plan amendment that was associated with this rezoning that came before the board with the July presentation.

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

Rita Boykin, 1500 Clark Farm Rd., spoke against this project. Using the PUD designation allows the developer to make changes to the standards previously designated by the Town of Apex. Approving this project will prevent future development that would have a better vision.

Mike Merker, 1201 Chapel Ridge Rd, Jordan Lutheran Church spoke in favor of the rezoning request. Pastor Merker has attended the neighborhood meetings. While not everyone at the meetings wanted the project, the developer was listening and adjusting the buffers and revising building heights to respond to specific requests by the surrounding property owners.

Chair Skinner closed the public hearing.

Member Sherman feels the Town made an error in leaving this zoning designation to be open for the next project. If it was a medium density project as provided by the 2045 Land Use Map she would vote in favor of the project.

Member Braswell reminds the audience that the 2045 Land Use Map is a fluid document to give the board flexibility.

Member Soh agrees with Member Sherman for the same reasons. Member Soh feels that even though the developer has made the requested changes by the neighbors the proposal seems out of context, scale and proportion to what is existing. It feels forced to move from Rural Residential zoning to High Density Residential.

Member Royal feels the project does not provide adequate buffers for the remaining residential, does not like the change from medium density to high density residential and feels a more inclusive approach to this area would be preferred. This would help avoid potential pockets where undeveloped single family areas may exist.

Member Braswell made a motion to approve. Member Rhodes seconded. Chair Skinner called for the vote. There were three dissenting votes from members Sherman, Soh and Royal. Member Akers was an abstaining vote due to conflict of interest. Director Khin asked if Member Akers was requesting to be recused as that needed to be discussed earlier in the meeting. Member Akers apologized for not reminding the Planning Board earlier. Director Khin said the vote would need to be reconsidered so that Member Akers could be recused from the vote. Member Braswell asks for a reconsideration of the vote. Member Sherman seconded. The motion to rescind the previous vote passed unanimously. Member Sherman made a motion to recuse Member Akers from the vote. Member Royal seconded. The motion to recuse Member Akers passed unanimously. Chair Skinner reminds the board that Member Akers can discuss the item but cannot vote.

There was no further discussion from the members.

Chair Skinner called for the motion. Member Braswell motioned to recommend approval to Town Council. Member Rhodes seconded. Chair Skinner and Members Braswell and Rhodes voted in favor of the motion. Members Sherman, Soh and Royal dissented. Member Akers was recused from the vote due to conflict of interest. The motion to approve Rezoning Case #22CZ07 failed to pass.

### Item #3

Lauren Staudenmaier, Planner II presented Rezoning Case #22CZ09 Utley Farms PUD-The applicant Thurm Bowen, KB Homes, Inc. Carolina Division seeks to rezone approximately ±56.59 acres from Wake County Residential-40W (R-40W) and Wake County Residential-80W (R-80W) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 3720 Old US 1 Highway and 0 New Hill Olive Chapel Road. The applicant is proposing 113 units, about 2 units/acre. There is a historic home and two out buildings on the property that the applicant worked with Capital Area Preservation to preserve. The applicant is offering some off-site road improvements. Staff recommended approval of the rezoning.

Member Sherman asked Traffic Engineering Manager Dalton to clarify the options of the road improvements. Manager Dalton explained that the language was included to account for options and to allow for variations in the timing of the build and ability to acquire the off-site right-of-way.

Member Akers asked if we know what the 100% AMI figure is. The expected home price for the affordable housing units would be around \$345,000 under the current guidelines.

Member Braswell asks if the homes are on slabs. Planner Staudenmaier said the homes would likely be on slabs.

The applicant representative, Jeff Roach of Peak Engineering spoke to the reasoning behind the language of the road improvement condition. Depending on whether the Gracewood subdivision to the west builds their road improvements before this neighborhood will determine their ability to work within the remaining right-of-way. Mr. Roach also included the options available for the preservation of the farmhouse and three outbuildings but stated the State Historic Preservation Office (SHPO) and Capital Area Preservation (CAP) will determine the ultimate location of the structures.

Member Akers asked Mr. Roach what was the ultimate street section for the Old Highway 1 frontage. Planner Van Every says it is a 110 foot right-of-way. It could either be a four-lane divided road or a five-lane road, two lanes in each direction with a center turn lane.

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

#### Item #4

Sarah Van Every, Senior Planner presented Rezoning Case #22CZ13-2021 N Salem Street PUD- The applicant, Brendie Vega, WithersRavenel seeks to rezone approximately ±6 acres from Residential Agricultural (RA) to Planned Unit Development-Conditional Zoning (PUD-CZ). The property is located at 2021 N Salem Street. The proposed rezoning includes a maximum of 40 dwelling units and is consistent with the land use map designation. There are several existing structures on the property some of which are historic. Based on a report from Capital Area Preservation (CAP) the house and two outbuildings should be preserved on site or relocated to an appropriate location. CAP states that 90% of the original historic fabric remains intact for the 1941 period cottage, a Tudor Revival style building that is unique in Apex. Despite vandalism the structure remains intact and can be relocated or reused. In addition, there is a frame guest house and a tobacco curing barn. Planner Van Every provided additional background information, including reports from potential house movers and CAP. The developer is offering one affordable housing unit. Planning staff recommends approval of the rezoning.

Chair Skinner asked for clarification of the turn lane. Planner Van Every said this is a center turn lane. Chair Skinner asked about a crest in the road. Mr. Dalton said that would be evaluated at the time of construction to make sure there is not a sight distance issue. This will match up an existing three lane section so it will be contiguous.

Applicant, Brendie Vega, WithersRavenel, summarized the correspondence with CAP and Wolf House Movers. There are concerns with extensive mold and mildew damage to the structure.

Member Soh asked if there were any updates to the list from the Environmental Advisory Board (EAB). Applicant Vega listed the additional requests that have been added by the EAB. They are prewiring the homes for solar; solar may not be optimal due to the number of trees on this site.

Member Akers asked if the portion of the site cornered off at the SW corner of the site is to save the oak tree. Ms. Vega said that it is the intent to save the 53" oak tree on that portion of the site.

Member Hastings asked if the applicant is trying to remove the condition of saving the house. Ms. Vega said the intent is to find out if we can save it. The applicants stated that CAP has informed them it can take up to three years to find someone to take the home. It will be difficult to have it preserved into a preservation agreement by the first plat due to the condition of the property and finding a buyer willing to put that much money into the home. After additional discussion by the board and the applicant, the applicant requests a continuance until the November 14, 2022 meeting

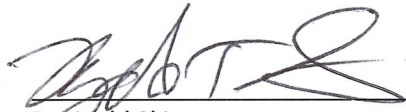
Member Royal motioned to continue this hearing to the November meeting. Vice-Chair Sherman seconded. Motion passed unanimously.

#### NEW BUSINESS

*There is no new business.*

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

There being no further business, the meeting adjourned at 6:29 p.m. The foregoing minutes are approved this the 14<sup>th</sup> day of November, 2022.

  
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Reginald Skinner  
Chair

  
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Jeri Pederson  
Lead Planning Technician