



TOWN OF APEX PLANNING BOARD MEETING MINUTES

Meeting Date: November 14, 2022

The Planning Board held their regular meeting on November 14, 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, Vice-Chair Tina Sherman, Board Members, Tim Royal (ETJ Member), Keith Braswell, Steven Rhodes, Alyssa Byrd, Daniel Khodaparast, Jeff Hastings (Historical Society Member) and Ryan Akers (Wake County Member). Member Sarah Soh was absent.

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

ITEMS OF INFORMATION

Dianne Khin, Planning and Community Development Director introduced the new Planning Board members, Alyssa Byrd and Daniel Khodaparast. Director Khin announced it was Planner Sarah Van Every's last meeting and thanked her for her service. Recruitment for a new Senior Planner is underway.

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 October 10, 2022 regular meeting. Chair Skinner called for a motion. Member Sherman motioned to recommend approval. Member Royal seconded. Motion carried with a unanimous vote.

PUBLIC HEARING

Item #1

Shannon Cox, Long Range Planning Manager, presented a proposed amendment to the Thoroughfare and Collector Street Plan Map of the Transportation Plan to remove a future roundabout along a major collector street and an amendment to the Bicycle and Pedestrian System Plan map to realign a proposed greenway within the Legacy Station development. These amendments are within the approved Legacy Planned Unit Development (PUD). When the Legacy PUD was rezoned they included a future roundabout. As they moved forward with their site planning process it was determined that this roundabout is no longer needed. Along with that, the future greenway is proposed to shift slightly North. This is a minor change to the greenway alignment from the original. Planning staff has no concerns with the amendments and they are fully supported by Transportation, Emergency Services and Parks and Recreation staff.

Member Khodaparast asked where on the map the proposed school is located in the area. Planner Cox stated that the proposed school is outside of the area being developed.

Member Sherman asked why the roundabout was suggested in the first place. Planner Cox says they did an internal study of locations where roundabouts would be recommended and they are still supported on the Transportation Plan but this was not one of those that was identified as part of that process. It was

proposed with the rezoning because they anticipated they would have an intersection in this location and that there would be a greenway right there. This is no longer how the site is moving forward so for that reason staff has no problem with the request to remove it.

Chair Skinner opened the public hearing for anyone to speak in favor or opposition of the amendment. There were no emails or public comments.

Chair Skinner closed the public hearing.

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

Item #2

Amanda Bunce, Current Planning Manager, presented Rezoning Case #21CZ18-Olive Chapel Professional Park amendment - The applicant Patrick Kiernan, Jones & Clossen Engineering, PLLC, seeks to rezone ±8.7 acres from Office & Institutional-Conditional Zoning (O&I-CZ #16CZ11) to Office & Institutional-Conditional Zoning (O&I-CZ). The proposed rezoning is located at 0, 0, 0, 1480, 1460, & 1400 Chapel Ridge Road. The proposal is to add two uses to the current list of allowed uses. There are no changes to the existing zoning conditions on the property. The proposed uses to be added to the site are Pet services and Tailor shop. These uses were not allowed in the O&I zoning district back in 2016 when the parcel was originally zoned. These are fairly recent additions to the allowed uses in the O&I zoning district. The applicant is interested in having those uses as possibilities within his development.

Planner Bunce defined Pet Services as grooming, pet spa, pet training or other services with no outdoor area and no veterinary services. Overnight boarding is not included with this definition. Chair Skinner asked if pet crematories are part of this use. Planner Bunce said that a pet crematory would be accessory to the primary use.

Chair Skinner opened the public hearing.

Patrick Kiernan with Jones and Clossen, wanted to clarify that even though it was the same rezoning that had been proposed a year ago that some of the uses proposed then had been pulled from the current list of uses being added. The applicant held a second meeting prior to the rezoning submittal. At the request of some neighbors the applicant held a third meeting inviting neighbors beyond the 300-foot area given the history of previous rezonings. In regards to the pet crematory. It would not be anyone's intent for that type of service to take place in a professional business park. If it becomes a concern they would consider adding a condition of no pet crematories.

Rita Boykin, 1500 Clark Farm Road, stated that since the first rezoning in 2016 the Olive Chapel Professional Park owners have approached the Town of Apex three times to make changes to the original rezoning. The pattern of wanting to make changes to their original request is troubling and they need to adhere to the allowable uses and limitations decided on 7 years ago.

Staff stated that there was one additional email received for this rezoning and that it was shared with the Board.

Chair Skinner closed the public hearing.

There was discussion in regards to the pet crematorium use between the board members and applicant. Planning Director Khin pointed out that there is already a veterinarian at that location and that is

already an allowed use there so in essence it would be taking away a use that is already allowed at the location.

Member Akers asked Ms. Boykin if she has opposition to the two uses proposed to be added. Ms. Boykin stated that approval of the requested changes will just open up other possibilities down the road which will require the neighbors to come back to the board.

Member Braswell confirmed that 2019 was the date additional uses were added to the uses allowed in the O&I zoning district.

Member Akers said that a lot has happened in the last six years and trends have changed. The applicant went about this in the right way. Member Akers is in favor of this rezoning.

Member Sherman motioned to recommend approval of the rezoning. Member Royal seconded. Motion carried with a unanimous vote.

Item #3

Shelly Mayo, Planner II, presented Rezoning Case #22CZ18 Humie Olive Place-The applicant Construction Masters, LLC seeks to rezone ±2 acres from Medium Density Residential-Conditional Zoning (MD-CZ #16CZ27) to Medium Density Residential-Conditional Zoning (MD-CZ). The proposed rezoning is located at 2157 & 0 Blazing Trail; 7994, 7988, and 7982 Humie Olive Road. The applicant already has four lots under development for four (4) duplexes for a total of eight (8) units. There was a portion of a stream buffer in the corner of the site when it was originally designed and rezoned. Since this project started, that stream buffer has dried up so there is nothing onsite that requires protection from state law. The applicant is asking to increase the density from 4.9 units/acre to 6 units/acre for a total of 12 units. The applicant has added some environmental conditions as suggested by the EAB. The new building would have an active photovoltaic system for a total of 2 units. A pet waste station and native plantings would also be included with the rezoning. Staff recommends approval.

Member Khodaparast asks if it says there is a definition of an intermittent stream. Planner Mayo gave an overview of the process to determine the type of stream at the property. An environmental consultant is hired to make a buffer call. They use a standardized checklist that is provided by the Department of Environmental Quality and they score their observations on the checklist. From that, they determine the type of stream.

Member Sherman asked if we know how long the stream has been dried up. Planner Mayo said we do not know.

Member Sherman asked for clarification on the parcel and lots. Planner Mayo showed the current parcels and where they could add another or possibly two parcels.

Member Braswell asked about the suggestion of a fence from the Environmental Advisory Board (EAB) since it is not typically a requirement. Planner Mayo said the fence is not required, it was a suggestion by staff. A split rail fence is what they recommend so wildlife would be able to get over around or thru.

Member Sherman expressed concerns about putting a home on a place that previously had a stream, regardless of what type of stream it was.

Peter Cnossen, Jones and Cnossen Engineering, said the buffer calls are allowed to be challenged every five years or changed every five years. His firm was involved in the original rezoning in 2016. This is

really just a wet weather ditch, it does not have a primary feed of water. There is no additional infrastructure required to add these lots to the approved lots. If the developer comes in with a new development plan for additional units they will have to add a stormwater plan which was not previously required. Member Sherman asked to see where that would be placed if included. Mr. Clossen demonstrated where it would be placed on site if needed.

Member Sherman asked how we concluded that affordability was not warranted. Mr. Clossen said due to the size of the project, the Housing Program Manager did not see enough density on this project to require affordable housing units.

Chair Skinner opened the public hearing for anyone to speak in favor or opposition of the rezoning. There were no emails or public comments. Chair Skinner closed the public hearing.

Member Braswell motioned for approval. Member Byrd seconded. Members Braswell, Royal, Byrd, Rhodes, Akers and Chair Skinner voted in favor of the proposed rezoning. Member Sherman dissented due to concerns about long-term environmental impacts. Member Khodaparast dissented due to not having enough data to dismiss the stream concerns. The motion carried with a 6-2 vote.

Item #4

Sarah Van Every, Senior Planner

Public hearing and possible motion regarding Rezoning Case #22CZ13 2021 N Salem Street PUD - 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 was continued at the October 10, 2022 meeting to the November 14, 2022 meeting. There were five new zoning conditions added from the original submittal. This project is committing to one affordable housing unit.

There was discussion amongst the board and the planners in regards to the EAB suggested conditions related to signage along RCA and site lighting.

The applicant, Jason Barron from Morningstar Law Group discussed the new conditions offered for this rezoning. In addition, Mr. Barron discussed the historical home onsite. They will be complying with the Town's requirements when it is determined by Town Council what the best direction for the project will be.

Member Hastings expressed concern that if a shortcut is taken in this case that it will not be the last one we see. Capital Area Preservation has deemed this home worth saving.

Member Royal asked about the entrance/exit and traffic flow onto N Salem St. Ed Tang, WithersRavenel, said that the entrance/exit location is up to NCDOT approval. That location will be worked out at the time of Master Subdivision and CD plan approval. Mr. Tang said he was unaware of NCDOT doing any widening; as part of their rezoning they will be widening their frontage to meet the Town of Apex's Transportation Plan.

Chair Skinner opened the public hearing for anyone to speak in favor or opposition of the rezoning. There were no emails or public comments. Chair Skinner closed the public hearing.

Member Sherman motioned to approve. Member Akers seconded. Motion carried with a unanimous vote.

Chair Sherman called for a five-minute recess until 6:05.

Member Braswell motioned to recess. Member Sherman seconded.

Chair Skinner called the meeting to order.

NEW BUSINESS

Item #1

Amanda Bunce, Current Planning Manager

Possible motion regarding various amendments to the Unified Development Ordinance (UDO).

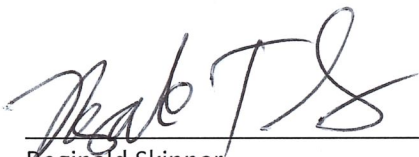
Requested by Planning Staff-

1. Amendment to change the name from Planning and Community Development to Planning Department and for the director from Director of Planning and Community Development to Planning Director.
2. Amendments to *8.2.6 Buffering* in order to clarify buffer planting requirements.

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

Member Royal motioned to adjourn. Member Braswell seconded. Motion to adjourn passed unanimously.

There being no further business, the meeting adjourned at 6:08 p.m. The foregoing minutes are approved this the 12th day of December, 2022.



Reginald Skinner
Chair



Jeri Pederson
Lead Planning Technician