



TOWN OF APEX PLANNING BOARD MEETING MINUTES

Meeting Date: January 9, 2023

The Planning Board held their regular meeting on January 9, 2023 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, Ryan Akers (Wake County Member), Steven Rhodes, Sarah Soh, Alyssa Byrd and Daniel Khodaparast. Member absent was Jeff Hastings (Historical Society Member).

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

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

ITEMS OF INFORMATION

Dianne Khin, Planning Director, we do not have new appointments for the Chair and Vice-Chair yet. Planning Board has made their recommendations but it has not yet gone to council so everyone will serve in their present capacity until Town Council makes a decision.

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

PUBLIC HEARING

Item #1

Lauren Staudenmaier, Planner II, presented Rezoning Case #22CZ23 Yellowbridge PUD Amendment-The applicant, Tucker Ennis, Lennar Carolinas LLC., seeks to rezone ±48.2331 acres from Planned Unit Development-Conditional Zoning (PUD-CZ #22CZ06) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 2813 & 2817 US 64 Highway West. Planner Staudenmaier provided an overview of the location, surrounding area and the proposed amendment to change an architectural condition related to garage width to align with the building elevations approved with the PUD.

The applicant, Matthew Carpenter, Parker Poe LLP, on behalf of Lennar Homes stated that this proposal amends the rezoning that was before the Planning Board in August and approved by Town Council in October. Towards the end of the previous case, new elevations were agreed to with the Abbingtton neighbors. The new elevations were inconsistent with the one architectural condition that states garages shall not exceed 30% of the total width of the home. This revision will change the condition 30% of the total width of the house to 50% of the total width of the house. This is the only condition that will change in the PUD with this rezoning case.

Member Sherman said Town Council approved this but asked what the original Planning Board vote was. Planning Director Khin shared that the vote in July from Planning Board was 4 to 3, recommending approval. Member Sherman asked if the neighbors understood the proposed change. Mr. Carpenter said this change was reviewed at the neighborhood meeting.

Member Rhodes asked if this change was a result of moving from a slab on grade to a crawl space design. Mr. Carpenter said this change allows us to build the houses and elevations we agreed to with the neighbors.

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

Mr. Joe Matthews had signed in, but did not speak before the Public Hearing was closed. He requested to speak on #22CZ23.

Member Sherman made a motion to reopen Rezoning Case #22CZ23. The board members voted unanimously to reopen the public hearing.

Joe Matthews-7231 Carpenter Fire Station Rd. owns the property to the east of Yellowbridge between Yellowbridge and Abbington. He intends to build custom homes on that 8 acres. He is concerned that three-story townhomes will be backing to his property instead of single-family homes that were originally proposed on that side of the Yellowbridge property. Mr. Matthews feels that having three story townhomes backing to his property will affect his property value.

Matthew Carpenter from Parker Poe said they have been in touch with Mr. Matthews and had asked for a sketch plan but had not received it. Lennar has been working with Mr. Matthew to coordinate access through Yellowbridge so he has access to a street to get out to US Hwy 64. Those conversations are still active. The approved PUD case already allows the site to be developed. This amendment is for the change to the architectural condition only.

Chair Skinner closed the public hearing.

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

Item #2

Dianne Khin, Planning Director

Public hearing and possible motion regarding Rezoning Case #22CZ24 Apex Gateway Ph 1 (Project Real Amendment)-The applicant, Maggie Houston, Beacon Development, seeks to rezone approximately ±132.11 acres from Light Industrial-Conditional Zoning (LI-CZ #22CZ02) to Light Industrial-Conditional Zoning (LI-CZ). The proposed rezoning is located at 104 NC Hwy 751, 106 Off NC Hwy 751, Off NC Hwy 751.

Planning Director Dianne Khin stated that the current zoning conditions require that all existing trees greater than 18" in diameter that are removed by site development be replaced by planting a 1.5"

caliper native tree. The commitment was made prior to a tree survey being completed on the property. The applicant underestimated the number of trees that would meet this condition. Due to the number of existing trees less than 18" in diameter that would need to be removed to have adequate room to meet the replanting requirements for the new trees, the applicant has proposed to amend the zoning condition to increase the size of the trees required to be replaced from 18" to 24". They are also proposing replacement of at least 140 trees that are 18" in diameter.

There was public comment in the form of an email from Mr. McKeever. He brought up four issues, three of which were storm water related. Robert Patterson from our Water Resources department replied to those concerns. The fourth concern was in regard to the recommendation that Planning Board had made previously that Jordan Lake Draft rules be implemented. That recommendation was forwarded to Town Council. The applicant did not choose to include that condition and Town Council did approve the original rezoning without that condition.

Member Sherman asked for elaboration on the number of trees they are talking about removing.

Walker Gorham, Development Manager, Beacon Partners stated that they made the initial commitment to the Environmental Advisory Board (EAB) in good faith. After they received the tree survey they got confirmation that the proposed disturbance area was approximately 84 acres of the 132 total acres of the site. The goal was to preserve 50 acres of undisturbed area on the west side, closest to Hwy 751. When they had their tree consultant review the tree survey and ultimately propose a replanting exhibit, they determined they would have to increase the area of disturbance by approximately 8 acres to address the replacement criteria. The reason to come back and change the condition is they did not think it was environmentally responsible to clear cut an additional 8 acres, disturbing the natural habitats, to then just import and plant smaller harvested trees.

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

Item #3

Shelly Mayo, Planner II

Public hearing and possible motion regarding Rezoning Case #22CZ25 Prince Dead End Rd. The applicant, John Mullis, Town of Apex Public Works Director seeks to rezone ±25.53 acres from Light Industrial (LI) to Light Industrial Conditional Zoning (LI-CZ). The property is located at 0 Prince Dead End Road.

Dianne Khin, Planning Director, requests that this public hearing be postponed. There was a missing address and staff will need to renotify everyone on the notification list. Staff will start the notification process for the February meetings. It will not be heard by Town Council at the January 24, 2023 meeting. New notices will be mailed and reposted on the town's website and on the bulletin board. **Item #3 delayed until February 13, 2023.**

NEW BUSINESS

Item #1

Dianne Khin, Planning Director

The purpose of this agenda item is for the Planning Board to discuss options and determine how to proceed at future meetings regarding the "Invocation" section of the agenda.

Chair Skinner motioned to strike the new business item. Member Braswell seconded. Motion carried with a unanimous vote.

Member Royal motioned to adjourn. Member Sherman seconded. Motion carried with a unanimous vote.

There being no further business, the meeting adjourned at 5:13 p.m. The foregoing minutes are approved this the 13th day of February, 2023.



Regina Skinner
Chair



Jeri Pederson
Lead Planning Technician