



## TOWN OF APEX PLANNING BOARD MEETING MINUTES

Meeting Date: January 8, 2024

The Planning Board held their regular meeting on January 8, 2024 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 Sarah Soh, Tim Royal (ETJ Member), Keith Braswell, Jeff Hastings (Historical Society Member), Ryan Akers (Wake County Member), Steven Rhodes, Alyssa Byrd, and Daniel Khodaparast.

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

### ITEMS OF INFORMATION

There were no items of information.

### PUBLIC FORUM

Chair Skinner opened the floor for citizens to speak on non-agenda items.

Dean Krupa-2001 Simca Court, requested the Board consider the trees that are heavily impacted by projects coming through the Town of Apex. He is working with a group called the Treekeepers who are trying to get educated and involved in the political process to maintain tree canopies.

Elizabeth Ray Stitt-3113 Friendship Road, spoke on the need to be inclusive of Wake County and Holly Springs traffic studies due to development happening in Holly Springs that she states are not included in the Traffic Impact studies for Town of Apex projects.

Dawn Cozzolino, 3632 Bosco Road, is asking for a restart of the entire study of the Western Big Branch Area Study that started in 2021. The problem with the study was that it was inclusive to people outside the community, so people not impacted by the projects were able to give opinions even though they are not directly affected. She feels only those directly affected by the project should be included in the study.

### CONSENT

Item #1 – Minutes from the December 11, 2023 regular meeting. Chair Skinner called for a motion. Member Byrd motioned to recommend approval. Member Soh seconded. Motion carried with a unanimous vote.

### PUBLIC HEARING

#### Item #1

Shannon Cox, Long Range Planning Manager, presented the 2045 Land Use Map (LUM) in the vicinity of the Little Beaver Creek Conservation Easement. The map changes are intended to reflect anticipated changes in the status of lands within and adjacent to the conservation easement. The first amendment is to change the acreage along the future Richardson Road corridor from Protected Open Space to Medium Density Residential (2.05 acres). This is consistent with the surrounding land use map

designation where the Richardson Road corridor would extend per our adopted Transportation Plan. The second amendment is to change 7.9 acres on the western side of the easement from Medium Density Residential to Protected Open Space.

Chair Skinner opened the Public Hearing.

Kurt Kuechler, 2721 Silver Stirrup, asked the board to look at whom these changes are benefiting. Is it the residents or the developers?

Fadi Rahal, 3000 Old US 1, stated he feels the board should be talking directly to the affected residents. He does not believe that is happening. He lives in Wake County but is affected by the decisions the board makes. He does not see the need for another road.

Elizabeth Ray Stitt, 3113 Friendship Rd. stated she feels that there have been multiple opportunities to shift the road and not impact the conservation easement. They have sent a letter of opposition to the state. They feel there are other opportunities to not impact the conservation easement.

Dawn Cozzolino, 3632 Bosco Road, said the conservation easement is in a 100-year flood plain according to FEMA and a secondary watershed that is important for people with wells.

Questions/comments from the board:

Member Khodaparast asked for the acreage of the two pieces that are identified as part of this change. Planning Director Khin provided the acreage being released was 2.05 acres and the area to be added is 7.95 acres. He then asked if are there any residences or structures impacted through the projected or current path that might be affected. Planner Cox said there could be impacts, however neither the Town nor the State have a programmed project for Richardson Rd. Most portions of Richardson Road have been built by developers. It is more than likely the remaining portions of the Richardson Rd roadway would be constructed by future development.

Member Sherman asked Planner Cox to elaborate on the Interagency Review Team. Planner Cox provided the process. Our connection to the review team is the Department of Environmental Quality Stewardship program and mitigation services. This is not an Apex led program. The Town of Apex requested a release from the conservation easement. Any changes to the conservation easement have to be approved by several different regulatory agencies. The Town had to show that they investigated alternative alignments for Richardson Road.

Member Royal asked if this request was the same request or different requests. Planner Cox shared the process for the request was being defined as we went along. The ultimate alignment will look very close to what is on the Transportation Plan. The CSX railroad crossing is a fixed point, the connection at Humie Olive Rd, the conservation easement location and the section of Old US 1 are limitations.

Member Akers asked how long the basic alignment of Richardson Rd. was on the plan. Planner Cox started in 2016 and it was on the map before she started working at the Town of Apex. There were minor shifts and those were some of the public hearings noted from 2020 and 2017.

Chair Skinner called for the motion. Member Byrd made the motion to approve the change to the Land Use Map. Member Rhodes seconded. Member Royal and Member Sherman opposed the change. Motion carried 7 to 2.

## Item #2

Shannon Cox, Long Range Planning Manager, presented amendments to the Thoroughfare and Collector Street Plan Map of the Transportation Plan. These are associated with the Rezoning Case #23CZ13 next on the agenda. To the extent possible, staff considered these amendments with anticipated future development in the area that includes the possible Hopson Gateway project and Grace Christian School. Plans have yet to be submitted for these projects. Planner Cox reviewed the four potential changes to the Thoroughfare and Collector Plan and three additional changes to the Bicycle and Pedestrian Facilities Map. Staff recommends approval of the changes.

Member Akers asked if the scenarios consider the Apex Peakway bridge being operational. Manager Cox said that the Apex Peakway bridge is a committed project, so it was considered in these scenarios. The bridge over US 1 at Tingen Rd/Veridea Parkway cannot accommodate additional widening.

Several board members asked clarifying questions about the roads and bike/ped accommodations in the area.

Chair Skinner opened the public hearing.

Charity Thompson, 204 Anterbury Drive, thanks the board for thinking about the cyclists. There is a priority now for traffic issues on Tingen. She would like to know when the road system would be ready to accommodate the rezoning that is requested in this area.

Chair Skinner closed the public hearing for the Transportation Plan amendments.

## Item #3

June Cowell, Senior Planner, presented Rezoning Case #23CZ13 Seymour Mixed Use PUD. The applicant Barnett Properties, LLC seeks to rezone approximately ±81.9 acres from Residential Agricultural (RA) and High Density Single-Family Residential (HDSF) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 0, 0, and 0 Tingen Road. Planner Cowles described the location of the rezoning, existing land uses and zoning designations as well as uses and conditions proposed by the applicant. Planner Cowles also highlighted the proposed Seymour PUD Plan transportation improvements included with this project. Sidewalks will be provided on both sides of the street within the PUD. The proposed PUD Plan does not include the widening of the Apex Peakway along the project frontage to the "ultimate section" as recommended by staff. If the applicant pays a fee in lieu instead of finishing that portion in front of the project, the Town of Apex would likely have to complete that project in the future when costs are significantly higher. Staff recommends denial of the rezoning for that reason.

Member Braswell asked Traffic Engineering Manager Dalton to verify that the new bridge over Old US 1 and the railroad tracks is a four-lane road bridge. Manager Dalton confirmed that it will be 4 lanes with an 8-ft side path on both sides.

Member Royal asked what the current density for the Salem Village neighborhood is. Planner Cowles stated that the density for Salem Village is 2.1 per acre. The maximum allowable in 2008 when it was rezoned was 4 units per acre.

Member Soh asked if we knew where the bus stops would be located. The applicant said those details would be specified during Master Subdivision Plan.

Additional questions were asked by several board members regarding road widening and traffic analysis studies for the area roads. Manager Dalton provided additional details about the studies, traffic signals and widening expected to happen as part of other approved developments.

The applicant, Matthew Carpenter, Parker Poe, along with the developer, Barnett Properties, Alan Maness and Jeff Roach with Peak Engineering spoke on behalf of the project. Mr. Carpenter provided additional information as to the layout of their proposed development and their effort to try to stay as close as possible to the existing Land Use Map (LUM).

Staff recommended the developer improve the length of the frontage of this proposed development to a four-lane divided section along Apex Peakway. The applicant is concerned that the environmental impact of crossing the streams and the time it will take to pursue the permits. Mr. Roach stated that they need to show that the connection of a four-lane road vs a two-lane road is needed. They have talked with two separate environmental consultants and neither could provide justification for the impact on the streams. The applicant believes they will not get approved for the environmental improvements to make this work. The Town of Apex has offered to help get these permits.

Chris Johnson, Director of Transportation & Infrastructure Development, spoke to provide additional information in regards to the road widening concerns on Apex Peakway from the Town of Apex perspective.

Chair Skinner motioned for a 10-minute recess; Member Sherman seconded. The motion passed unanimously.

Chair Skinner motioned to restart the meeting; Member Byrd seconded. The motion passed unanimously.

Chair Skinner opened the public hearing for anyone to speak in favor or opposition of Rezoning #23CZ13.

Lawerence Kevin, 1628 Salem Village Dr., spoke against the project. He was concerned about the transparency given to the residents impacted, the road improvements and the bridges over 540.

Daniel Senko, 1508 Ingraham Dr., spoke about the High Density designation within the Transit Orientated Development and had been trying to match up in the meeting notes that approved that change to the LUM. He felt that the Commercial Services area in the shown location was an island and seemed out of place with the development.

Joseph Mayer-Salman, 1971 Drumlin Dr., offered the board a handout with pictures showing how Drumlin Dr. is currently being used. There were never markings that it was a stub street with the potential to be cut through to future development. They want to request an indirect connection as the increased traffic would no longer make it the safe play space it is today.

James O'Hara, 68 James St., is a mayor's intern and an Apex Friendship High School Senior. He is feels that the Town is allowing excessive development and as a result is affecting quality of life with additional traffic, overcrowding of schools, destruction of trees and wildlife habitat.

Sean Lu, 1663 Padstone Dr., expressed his concerns about increased risk of speeding drivers along the Apex Peakway and the height elevation of the new bridge that is going to increase the speeding along that

section. The Salem Village neighborhood is currently divided by Apex Peakway which makes increased traffic a concern.

Liberty Hill, 2027 Stanwood Dr., is concerned about the effects of this development on the tree canopy and the wildlife that lives on this land. It is important to protect our trees due the future positive impacts they provide.

Stephen Latour, 1560 Tice Hurst Ln., stated he believes the plan does not reflect compatibility with the as-built sections of Salem Village. The streets as built in Salem Village are not appropriate for stub connections. He believes the minimum lot sizes should be increased in the areas next to Salem Village. Mr. Latour compared lots sizes in Haddon Hall to those that are proposed in Seymour PUD.

Cathy Wurst, 1636 Salem Village Dr., expressed concerns about unreconciled stormwater management issues. The current request for higher density rezoning would change this parcel from a natural area to highly developed, greatly increasing the stormwater runoff.

Frank Bianco, 1557 Tice Hurst Ln., shared a concern about the developer's proposal to use clover lawns proposed for this development.

Betina Damm, 1628 Salem Village Dr., spoke about the lack of school capacity for the proposed development.

Sam Nye, 1576 Salem Village Dr., wants to make sure that the Salem Village neighborhood is not one of the easy cut-throughs for folks trying to avoid traffic from the areas of the south of Apex. He proposed trying to offset the connections and possibly reduce the three connections from Salem Village to Seymour to just two connections.

Charity Thompson, 204 Anterbury Dr., stated the back of properties in her neighborhood will be adjacent to this new development and they already have drainage problems. There are concerns this new neighborhood will add to the drainage problems.

Chair Skinner closed the public hearing.

Member Sherman expressed concern about making the right decision regardless of the applicant's timeline. She wanted to see the outstanding issues addressed before considering recommending approval.

Member Akers asked if it would be possible not to connect all the stub streets from Salem Village. Planning Director Khin said that staff would not support a zoning condition to remove the UDO requirement of connection.

Member Braswell said there are many benefits to this project. There are millions of dollars in transportation commitments, three story height limitation, there are less units being proposed than could be allowed under the current maximums. Some sort of agreement needs to be made on the widening of the Apex Peakway as Member Akers suggested.

Chair Skinner expressed concerns about the 3-lane road section along Tingen Road. Mr. Akers expressed how narrower roads are safer for pedestrians and cyclists. He shared how the land uses proposed are a good transition from Veridea.

Member Akers asked if the applicant is willing to offer a zoning condition that says they would build the full section of Apex Peakway so they could they get a clean recommendation from staff.

Mr. Carpenter stated that they are willing to continue discussions with staff regarding that issue.

Director Johnson stated that staff is willing to work with the applicant to arrive at a condition that addresses concerns of the applicant and staff.

Member Royal told the applicant that any contractual deadlines developers have should not fall on the shoulders or burden the citizens of Apex. He is concerned about the outstanding issues.

Member Byrd wanted to acknowledge that Apex Peakway in this area has seemed like a neighborhood street because it was not a through street. In the next three years that is going to change due to the bridge being built. It will be functioning like the rest of the Apex Peakway after bridge construction.

Member Byrd motioned to approve (Item #2) the Thoroughfare and Collector Street Plan Map and the Bicycle Pedestrian System Plan Map of the Transportation Plan. Member Akers seconded. Motion passed 7-2. Members Sherman and Royal dissented.

Member Akers motioned to approve (Item #3) Rezoning Case #23CZ13 per the staff report with the recommendation that the applicant work with staff to resolve the Apex Peakway language. Member Braswell seconded. Members Soh, Khodaparast, Sherman, and Royal dissented. Motion carried 5-4 with additional language to be worked out with staff prior to going to council.

#### Item #4

Liz Loftin, Senior Planner, presented Rezoning Case #23CZ14 Salem Street Townhomes PUD-The applicant, Kevin Poythress, P&R Properties Group, LLC seeks to rezone approximately ±1.04 acres from Medium Density Residential (MD) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 0, 0 & 720 S. Salem Street. Planner Loftin described the location of the rezoning, existing land uses and zoning designations as well as uses and conditions proposed by the applicant. This proposed rezoning is consistent with the LUM. Planning Staff recommends approval of the rezoning as proposed.

The applicant, Scott Moore showed the street and parking considerations they with the current lot layout for the project. The elevations will be similar to the existing townhomes.

Member Khodaparast asked if these will be the same HOA as the existing townhomes. Mr. Moore said they are in discussion but that will require a vote of the owners from the existing townhome community next to this development.

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

Brenden Feters, 1614 Topaz Ln., stated that the applicant team has been so cooperative with the existing community. Unfortunately, when his community was built, they did not put enough parking in. Parking is a constant issue so the addition of more parking spaces with this project is welcome. This is a good success story.

Israel Dias, 1409 Luxor Dr., member of the HOA and wanted to acknowledge the excellent engagement from the applicant with the neighbors. His only concern was losing some of the older mature trees and

hopes they can keep some of those even with the additional parking. He would recommend approval of this project.

Chair Skinner closed the public hearing.

Member Khodaparast motioned to approve Rezoning Case #23CZ14. Member Sherman seconded. Motion passed unanimously.

Item #5

Amanda Bunce, Current Planning Manager, presented Rezoning Case #23CZ15 Apex Gateway Ph 2 Amendment- The applicant Gary Harrell, Beacon Development seeks to rezone approximately ±243.48 acres from Light Industrial-Conditional Zoning (LI-CZ #22CZ26) to Light Industrial-Conditional Zoning (LI-CZ) & Planned Commercial-Conditional Zoning (PC-CZ). The proposed rezoning is located at 314, 450, 482, 472, 546, 610, 696, 527, 0 & 0 NC Hwy 751; 0, 0, & 0 US 64 Hwy East; 0 & 44 New Hill Road. This is an amendment to add a couple of PC-CZ areas within the LI-CZ areas and address concerns staff had for the area between New Hill Rd & New Hill Olive Chapel Rd across from Deer Creek and Triangle Math and Science Academy. In addition, the applicant has requested additional height and size for signage along the project area exceeding the UDO allowances. Planning staff recommends approval of the rezoning.

The applicant, Gary Harrell, explained that community stakeholders and neighbors expressed desire to have more retail orientated development to the south of Hwy 64.

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

No one came forward.

Chair Skinner called for the motion. Member Byrd motioned to recommend approval of Rezoning 23CZ15 to Town Council. Member Rhodes seconded. The motion passed unanimously.

Item #6

Amanda Bunce, Current Planning Manager presented Rezoning Case #23CZ20 Sweetwater PUD Amendment - The applicant ExperienceOne Homes, LLC seeks to rezone approximately ±41.33 acres from Planned Unit Development-Conditional Zoning (PUD-CZ #22CZ03 & 23CZ12) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 1451 Richardson Rd; 1051 & 1075 Newland Ave; 2800, 2810, & 2820 Teachey Pl; 0 Core Banks St; & 0 Little Gem Ln. This amendment reduces the amount of office space required to 20,000 sq. ft. and proposes to increase the maximum height to 77 ft or six stories for potential hotel use. Planning Staff is supportive of both requests.

The applicant, Marvin Waldo, wanted to add that it has been his team's goal to listen to Apex and to try to give them in Sweetwater what they wanted in the mixed-use element portion of the project. They are looking at a nice hotel project with about 15,000 sq. ft of meeting space.

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.

Member Soh motioned to approve Rezoning #23CZ20. Member Sherman seconded. The motion passed unanimously.

NEW BUSINESS

There was no new business.

Member Soh motioned to adjourn. Member Sherman seconded. Motion carried with a unanimous vote. There being no further business, the meeting adjourned at 9:10 p.m. The foregoing minutes are approved on this the 12<sup>th</sup> day of February 2024.

~~Reginald Skinner  
Chair~~

Tina Sherman  
Vice Chair

  
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Jeri Pederson  
Lead Planning Technician