



TOWN OF APEX PLANNING BOARD MEETING MINUTES

Meeting Date: February 12, 2024

The Planning Board held their regular meeting on February 12, 2024, at 4:30 p.m. at the Apex Town Hall Campus, 73 Hunter Street, Apex North Carolina, 2nd Floor Council Chamber. Members present were Vice-Chair Tina Sherman and 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. Member absent was Chair Reginald Skinner.

Vice-Chair Sherman called the meeting to order at 4:32 p.m.

Vice-Chair Sherman offered a moment of silence and led the Pledge of Allegiance.

ITEMS OF INFORMATION

Planning Director Khin informed the board that there are three upcoming public meetings for the Western Big Branch Area Plan. More information can be found at www.apexnc.org/wbbap.

PUBLIC FORUM

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

Lawrence Kevin, 1628 Salem Village Dr., spoke about the 2045 Transportation Plan amendment and rezoning vote from the January 8, 2024 meeting. He felt that there was a conflict of interest between Moss Withers, Lee and Associates, Grace Christian School, and Member Byrd.

CONSENT

Item #1 – Minutes from the January 8, 2024 regular meeting. Vice-Chair Sherman called for a motion. Member Braswell motioned to recommend approval. Member Soh seconded. Motion carried with a unanimous vote.

PUBLIC HEARING

Item #1

Liz Loftin, Senior Planner, presented Rezoning Case #23CZ17- The applicant, Russell Copersito, Salem Street Realty, LLC, seeks to rezone approximately ±0.27 acres from Medium Density Residential (MD) to Neighborhood Business-Conditional Zoning (B1-CZ). The proposed rezoning is located at 0 Herbert Street. Planner Loftin gave an overview of the project and surrounding properties. The purpose of this rezoning is to expand the commercial zoning to provide flexibility for redevelopment at the corner at E Williams and S Hughes St. The property is currently vacant.

Chris Peterson, the attorney for the applicant, spoke. Jeff Roach, Peak Engineering, LLC answered access questions and noted that they were restricting any type of major access to Hwy 55 (E Williams St.).

Member Soh asked if there was a buffer between the business and residential. Mr. Roach said there were no required buffers in the Small Town Character Overlay District so that is why they were committing to a 6 foot privacy fence.

Vice-Chair Sherman asked if the applicant would consider buffers if requested. Mr. Peterson said the neighbors had not requested buffers, but they want a mutually beneficial relationship for applicants and neighbors.

Member Byrd expressed concerns about the traffic and tight turns needed to make this site work.

Vice-Chair Sherman opened the public hearing for anyone to speak in favor of or opposition to the rezoning. No one came forward. Vice-Chair Sherman closed the public hearing.

Member Braswell motioned to approve Rezoning #23CZ17. Member Royal seconded. The motion passed unanimously.

Item #2

Liz Loftin, Senior Planner presented Rezoning Case #23CZ23 – The applicant, Russell Dalton, Traffic Engineering Manager, Town of Apex, seeks to rezone approximately ±2.41 acres from Medium Density Residential (MD) & Mixed Office-Residential-Retail-Conditional Zoning (MORR-CZ #09CZ12) to Downtown Business-Conditional Zoning (B2-CZ). The properties are located at 0 & 211 Templeton Street and 0 Saunders Street. The intent of the rezoning is to expand the area available for public parking in accordance with the Downtown Master Plan.

The applicant, Russell Dalton, Traffic Engineering Manager, Town of Apex gave additional information regarding the project.

Member Khodaparast asked if the plans for this rezoning will be sufficient for the parking needs of the area in 5 years. Vice-Chair Sherman asked what the engagement with the public has been. Manager Dalton provided the information regarding the public engagement and stated that discussions for a parking deck have been had and the location for that type of project could be in another location. He stated parking decks have a huge funding component that would need to be addressed. Town Council was presented with this information as well and made the decision not to move forward with the parking deck on this property. This proposed project will provide over 150 additional spaces on the surface lot.

Member Hastings asked about protections to the cemetery. Member Byrd asked about possible public/private partnerships for funding sources for future improvements.

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

Michelle McHenry, 1017 Woodbriar St., requested the board not to approve the rezoning of the former Williams Property. They would like it to remain Park, passive or Park, active. Apex would greatly benefit from a green space downtown.

Cynthia Mollenkopf, owner of the Cocoon Gallery, Downtown Apex, spoke on behalf of the Downtown business and building owners. The business owners want to make sure their voices are heard before plans are finalized. She provided the desired timelines and speed of construction. They would like the work to be completed by September, so their holiday season sales are not affected. Ms. Mollenkopf provided a list of their suggestions to improve outcomes for the retail and restaurants and better enable customers to park downtown during construction.

Vice-Chair Sherman closed the public hearing.

Member Soh thinks this project was needed yesterday. Member Byrd is also in favor of the rezoning and thinks the fence should be added right away and not in another phase of the project.

Member Akers asked Manager Dalton what the timeline was for the Salem Street portion of the Downtown Master Plan. Manager Dalton said that the project has not been funded yet and will follow the completion of the Saunders Street parking project. Member Akers also asked about the environmental concerns with the additional asphalt. Manager Dalton showed how stormwater would be handled.

Vice-Chair Sherman asked about timing of additional meetings scheduled with the public for this project.

Vice-Chair Sherman called for the motion. Member Akers made a motion to approve. After further discussion amongst the board, Member Akers withdrew his initial motion. Member Byrd motioned to approve Rezoning Case #23CZ23 with the condition that the Town install the proposed fencing in the first phase. Member Braswell seconded. Motion carried with a 7-1 vote. Member Khodaparast dissented.

NEW BUSINESS

Item #1

Allen Coleman, Town Clerk and Ashley Gentry, Deputy Town Clerk presented the following:

- A. Possible motion to recommend six individuals, at minimum, to fill six Planning Board positions for two-year terms; January 1, 2024 through December 31, 2025.

Member Soh motioned to reappoint all five members seeking reappointment: Vice-Chair Sherman, Members Royal, Khodaparast, Byrd, and Rhodes. Member Khodaparast seconded the motion. The motion was carried with a unanimous vote.

Motion to nominate one individual for the final opening. Several board members made nominations for the additional seat from a list of eligible applicants. Members took ballots and voted for their preferences. After the ballots were collected, the two individuals tied in the voting were Preston Mitchell and Noah Toppe. Mr. Coleman will bring the two nominations before the Mayor and Town Council.

- B. Possible motion to recommend a Chair of the Planning Board to serve through December 31, 2024.

Daniel Khodaparast nominated current Vice-Chair Tina Sherman as Chair. Member Braswell seconded the motion. Motion passed unanimously.

- C. Possible motion to recommend a Vice-Chair of the Planning Board to serve through December 31, 2024.

Member Soh nominated Member Royal for Vice-Chair. Member Braswell seconded the motion. Motion passed unanimously.

Item #2

Sajid Hassan, Traffic Safety Engineer presented the following amendments to the Unified Development Ordinance (UDO) as requested by the Transportation and & Infrastructure Development Staff:

- Amendments to Sec. 7.2.1.L *Traffic Calming*- The purpose of the amendments is to update the criteria and process used for warranting and approving traffic calming devices as well as the roles and responsibilities within the Town for collecting traffic data and administering the traffic calming program. Engineer Hassan gave an overview of the proposed traffic calming measures.

Vice-Chair Sherman brought up concerns that this change may overburden some HOAs that are not equipped to deal with the added requirements of these amendments.

Chris Johnson, Transportation and Infrastructure Development Director, explained it is the petitioner who makes the request and is currently required to go door to door to the neighborhood. This amendment would allow the HOA to help streamline the communication outreach process. This helps bring everybody in the neighborhood together so they can have discussions about the potential traffic calming. Ultimately, it is the petitioner that is responsible for going door to door for signatures. If the HOA can help that makes it easier and faster for the petitioner and the neighborhood.

Member Akers asked about how many traffic calming requests the town gets. Traffic Safety Engineer Hassan shared that it was about 2-3 per month. More requests come in during the school year than the summer.

Member Royal motioned to approve the UDO amendments related to traffic calming. Member Rhodes seconded. Motion passed unanimously.

Item #3

Amanda Bunce, Current Planning Manager presented the following amendments to the UDO:

Amendment #1 requested by Town Council and Planning Staff:

- Amendments to Sec. 8.7 *Signs* in order to state the purpose of the sign ordinance; identify signs exempt from the sign ordinance; regulate temporary signs consistently by the categories of “commercial speech” and “non-commercial speech” to comply with Supreme Court rulings; prohibit all temporary signs within Town rights-of-way except for exempt signs; and remove “window interactive digital display” as a permitted sign type. Also proposed are amendments to Secs. 4.5.5 *Home Occupation*; 4.6 *Temporary Uses and Structures*; 8.6.4 *Exterior Lighting, Design Requirements*; and 8.6.5 *Exterior Lighting, Exemptions* in order to update references to the sign standards. The proposed effective date is April 1, 2024.

Member Soh asked about camps. Planner Bunce explained if they are town sponsored camps then they could be located anywhere as they are government events. Private camps or fundraisers would need to locate their signs on private property.

Member Akers asked about new home communities that post open house signs near the road on the weekends. Planner Bunce reminded the board that those are prohibited signs and aren’t currently allowed.

Vice-Chair Sherman wanted to make sure that Peakfest and similar events were aware of the changes so they did not shoulder the expense of printing signs they could not use. Planner Bunce said they are reaching out to the Chamber of Commerce and other invested parties.

Amendment #2 requested by Planning Staff:

- Amendments to Sec 5.1.1 *Table of Intensity and Dimensional Standards, Residential Districts* in order to correct a typographical error for the section reference in the Additional Regulations column for the use Townhouses, detached.

Member Soh motioned to recommend approval of the amendments to the UDO. Member Rhodes seconded. The motion passed unanimously.

Member Soh motioned to adjourn. Member Royal seconded. Motion carried with a unanimous vote. There being no further business, the meeting adjourned at 7:24 p.m. The foregoing minutes are approved this the 11th day of March 2024.



Tina Sherman
Chair



Jeri Pederson
Lead Planning Technician